UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 98th CONGRESS

FIRST SESSION

VOLUME 129—PART 6

MARCH 23, 1983 TO APRIL 12, 1983

(PAGES 6713 TO 8241)

GENERAL SERVICES ADMINISTRATION
LAW
LIBRARY
CENTRAL OFFICE

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1983

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

For sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 98th CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Wednesday, March 23, 1983*

The House met at 9 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, O God, that Your spirit of understanding will be with our troubled world and give calm to all who live with the threats of violence or discord. Give us the strength, O God, to be instruments of peace and stewards of the common good. May we not grow weary in well doing but armed with the power of Your Word, may we go forth to do Your will and follow Your way. Be with all who labor in this place and bless all efforts to do justice and seek after righteousness. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. WALKER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 267, nays 33, answered "present" 4, not voting 129, as follows:

[Roll No. 44]

YEAS—267

Addabbo	Andrews (NC)	Barnard
Akaka	Annunzio	Barnes
Alexander	Archer	Bartlett
Anderson	Aspin	Bateman
Bates	Gibbons	McCurdy
Bedell	Gilman	McDonald
Bennett	Gingrich	McEwen
Bereuter	Glickman	McGrath
Berman	Gonzalez	Mica
Bevill	Gore	Michel
Biaggi	Gradison	Miller (CA)
Billey	Green	Mineta
Boehlert	Gregg	Minish
Boner	Guarini	Moakley
Bonior	Gunderson	Mollohan
Borski	Hall (OH)	Montgomery
Bosco	Hall, Sam	Moody
Bouquard	Hamilton	Moore
Boxer	Hance	Moorhead
Breaux	Hansen (ID)	Morrison (CT)
Brooks	Harrison	Morrison (WA)
Broomfield	Hatcher	Murtha
Brown (CA)	Hawkins	Myers
Broyhill	Hightower	Natcher
Bryant	Hillis	Nelson
Burton (CA)	Hopkins	Nichols
Burton (IN)	Horton	Nielson
Carr	Hoyer	Nowak
Chandler	Hubbard	Oakar
Chappie	Hughes	Obey
Cheney	Hunter	Oxley
Clarke	Hutto	Packard
Clinger	Hyde	Panetta
Coelho	Ireland	Parris
Coleman (MO)	Jeffords	Pashayan
Coleman (TX)	Jenkins	Patterson
Collins	Johnson	Paul
Conte	Jones (OK)	Pease
Conyers	Jones (TN)	Penny
Cooper	Kasich	Pepper
Corcoran	Kastenmeier	Perkins
Courter	Kazen	Petri
Craig	Kennelly	Pickle
D'Amours	Kildee	Pursell
Daniel	Kogovsek	Quillen
Daschle	Kolter	Rahall
Davis	Kostmayer	Rangel
Dellums	Kramer	Ratchford
Derrick	LaFalce	Regula
DeWine	Lagomarsino	Richardson
Dixon	Lantos	Ridge
Dorgan	Latta	Ritter
Duncan	Leach	Robinson
Dwyer	Lehman (CA)	Rodino
Dymally	Lehman (FL)	Roe
Dyson	Leland	Rose
Eckart	Lent	Rostenkowski
Edwards (CA)	Levin	Roukema
Erdreich	Levitas	Roybal
Erlenborn	Livingston	Rudd
Fazio	Loeffler	Russo
Ferraro	Lowry (WA)	Schneider
Fiedler	Lujan	Schulze
Fish	Luken	Schumer
Flippo	Lundine	Sensenbrenner
Foglietta	MacKay	Sharp
Foley	Marlenee	Shaw
Ford (TN)	Marriott	Shelby
Fowler	Martin (NY)	Shumway
Frank	Martinez	Shuster
Franklin	Mazzoli	Sikorski
Frost	McCain	Siljander
Gaydos	McCloskey	Skeen
Gephardt	McCollum	Skelton
Smith (IA)	Synar	Wheat
Smith (NE)	Tallon	Whitehurst
Smith (NJ)	Tauke	Whitley
Smith, Robert	Tauzin	Whitten
Snowe	Thomas (CA)	Williams (MT)
Snyder	Thomas (GA)	Wilson
Spence	Torres	Wirth
Spratt	Torricelli	Wolf
Staggers	Traxler	Wolpe
Stangeland	Udall	Wortley
Stokes	Vento	Wright
Stratton	Volkmer	Wyden
Studds	Watkins	Wylie
Stump	Waxman	Young (FL)
Sundquist	Weiss	Young (MO)

NAYS—33

Bethune	Frenzel	Mitchell
Brown (CO)	Gejdenson	Murphy
Coats	Goodling	Roemer
Conable	Harkin	Sabo
Coughlin	Hartnett	Schroeder
Dannemeyer	Hiler	Smith, Denny
Daub	Jacobs	Stenholm
Dickinson	Lewis (CA)	Taylor
Dreier	Lungren	Walker
Emerson	Martin (IL)	Weber
Evans (IA)	Miller (OH)	Yates

ANSWERED "PRESENT"—4

Dicks	Olin
Oberstar	Ottinger

NOT VOTING—129

Ackerman	Fascell	Martin (NC)
Albosta	Feighan	Matsui
Andrews (TX)	Fields	Mavroules
Anthony	Florio	McCandless
Applegate	Ford (MI)	McDade
AuCoin	Forsythe	McHugh
Badham	Fuqua	McKernan
Beilenson	Garcia	McKinney
Billrakis	Gekas	McNulty
Boggs	Gramm	Mikulski
Boland	Gray	Molinari
Bonker	Hall (IN)	Mrazek
Boucher	Hall, Ralph	Neal
Britt	Hammerschmidt	O'Brien
Byron	Hansen (UT)	Ortiz
Campbell	Hefner	Owens
Carney	Heftel	Patman
Carper	Hertel	Porter
Chappell	Holt	Price
Clay	Howard	Pritchard
Coyne	Huckaby	Ray
Crane, Daniel	Jones (NC)	Reid
Crane, Philip	Kaptur	Rinaldo
Crockett	Kemp	Roberts
de la Garza	Kindness	Rogers
Dingell	Leath	Roth
Donnelly	Levine	Rowland
Dowdy	Lewis (FL)	Savage
Downey	Lipinski	Sawyer
Durbin	Long (LA)	Scheuer
Early	Long (MD)	Seiberling
Edgar	Lott	Shannon
Edwards (AL)	Lowery (CA)	Simon
Edwards (OK)	Mack	Sisisky
English	Madigan	Slattery
Evans (IL)	Markey	Smith (FL)

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Solarz	Vander Jagt	Williams (OH)
Solomon	Vandergriff	Winn
St Germain	Vucanovich	Wise
Stark	Walgren	Yatron
Swift	Washington	Young (AK)
Towns	Weaver	Zablocki
Valentine	Whittaker	Zschau

□ 0915

So the Journal was approved.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1718) entitled "An act making appropriations to provide emergency expenditures to meet neglected urgent needs, to protect and add to the national wealth, resulting in not make-work but productive jobs for women and men and to help provide for the indigent and homeless for the fiscal year 1983, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate numbered 1, 2, 9, 16, 21, 22, 27, 28, 64, 71, 76, 79, 88, 89, 90, 91, 92, 97, and 98 to the above-entitled bill.

The message also announced that the Senate recedes from its amendment numbered 82 and concurs with a further amendment.

The message also announced that the Vice President, pursuant to the provisions of sections 1928a–1928b of title 22, United States Code, as amended, appointed Mr. BIDEN (vice chairman) of the Senate delegation to the North Atlantic Assembly during the 98th Congress, vice Mr. PELL, resigned.

FIRST CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1984

The SPEAKER. Pursuant to House Resolution 144 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the concurrent resolution (H. Con. Res. 91) revising the congressional budget for the U.S. Government for the fiscal year 1983 and setting forth the congressional budget for the U.S. Government for the fiscal years 1984, 1985, and 1986.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the concurrent resolution (H. Con. Res. 91), with Mr. MINISH in the chair.

The Clerk read the title of the concurrent resolution.

The CHAIRMAN. When the Committee of the Whole House rose on Tuesday, March 22, the gentleman from Oklahoma (Mr. JONES) had 2 hours and 49 minutes of general debate remaining, and the gentleman from Ohio (Mr. LATTA) had 3 hours of general debate remaining; and the following debate remained on economic goals and policies: The gentleman from California (Mr. HAWKINS) had 1 hour, the gentleman from California (Mr. DIXON) had 1 hour, and the gentleman from Ohio (Mr. LATTA) had 2 hours.

The Chair recognizes the gentleman from California (Mr. HAWKINS).

Mr. HAWKINS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the next 2 hours of debate, which is mandated by the Full Employment and Balanced Growth Act of 1978, is set aside in order for us to focus on economic goals and policies before we get into the line items of expenditures and receipts of the budget resolution.

The statute requires us to institute programs which will move us to achieving 4-percent unemployment and 3-percent inflation by 1987. The law gives us the flexibility to choose the individual programs to achieve these goals, but it does not give us the right to change the goals themselves.

Totally disregarding law, however, the administration has substituted "forecasts" (guesses) for the goals, thus avoiding responsibility; and masking their own belief that 6½- or 7-percent unemployment is acceptable.

As a matter of fact, administration officials are unwilling to admit the existence of substantial unemployment. Despite repeated layoffs of experienced workers and mass demonstrations of jobseekers standing in freezing weather seeking what few jobs may be available; and in opposition to official statistics of over 15 million persons unemployed, working part time or having given up looking for jobs; and documentary evidence that over 5 million persons have been unemployed 15 weeks or longer—they still maintain the problem is only transitional, purely structural in nature and that the victims are either lazy or lacking in qualifications.

Now, they say, "recovery" is underway. Why act?

The "recovery" they claim is a technical definition of having moved from a zero growth rate for 2 years across the line to positive growth even though the amount may be negligible and inadequate.

HOW TO ACHIEVE THE GOALS OF FULL EMPLOYMENT AND PRICE STABILITY

Overlooked entirely is the accepted economic fact of life that the key to achieving full employment and price stability is sustained economic growth. This means a full use of our resources with rapid declines in unemployment and major gains in GNP.

The major cause of the roller coaster economic performance we have been experiencing is an unbalanced relationship between the three components of gross national product (GNP): private business investment, consumer spending, and public outlays.

Demand, which is created by private consumer spending plus public outlays, has fallen far short of the production capabilities which are created mainly by private business investment. Reaganomics has deliberately diminished demand by slashing budget programs, overly restricting the money supply, and deliberately creating the highest levels of unemployment since the Great Depression.

The President's 1984 budget fails completely to address our problems. The President actually boasts a freeze in domestic spending, which in real dollar terms, actually cuts current service levels. Hell would freeze over before the President's budget proposals would generate even the lackluster economic growth he himself predicts with such a low level of domestic public outlays. The 3 to 3.5 percent growth the President predicts is hardly sufficient to address the annual increases in the labor force and the productivity rate, much less to provide jobs for the 12 to 15 million unemployed.

The President came out swinging, criticizing the Jones budget alternative. What ——! His budget, rejected by even some of his staunchest supporters is not even under consideration any longer. It is a dead letter.

The Jones budget is a more responsible alternative in that it recognizes the crucial role that consumer and public spending has in reinvigorating national levels of economic activity. It is an alternative that would put us well on the road toward reducing unemployment so that we have the ability to reach our required unemployment reduction goals.

Deficits will remain high as long as unemployment is excessively high and plant utilization is near the 70-percent level. It is these conditions which keep interest rates high. Deficits are a byproduct of a sick economy. Full employment and maximum production is the best way to attack our deficits.

President Reagan's mammoth deficit albatross is a result of tradeoff policies of deliberately creating recession to bring down inflation.

The administration ignores the fact that every added point of unemployment adds around $30 billion to the deficit and cuts down on GNP. For example, if in 1982, we had enjoyed 4-percent unemployment instead of the Reagan-induced 9.5 percent joblessness, our economic output would have been over $412 billion higher and our deficit would have been reduced by $160 billion.

Unemployment is also costly to individuals and to an ethical society as a whole. Dr. Harvey Brenner of Johns Hopkins University and others have shown that increased unemployment leads to increased incidences of alcohol and drug abuse, domestic violence, psychological and physical illness. These human costs are virtually impossible to define in monetary terms. They literally tear away at the very fabric of our life. Those who support unemployment as a tool to fight inflation must also assume responsibility for the consequences of these acts.

Despite evidence that inflation at this time is not a serious threat with our extremely slack economy, the administration opposes a reduction in unemployment on the basis that this will reignite inflation. Their reasoning is fallacious and actually inhumane, if not morally degrading.

Focusing on unemployment as the basic cause of inflation and completely ignoring interest rates, monoplistic pricing practices, oil shocks, inadequate production and other variables suits only those who want to deliberately keep a large pool of unemployed to depress wages and exploit politically.

Wages and salaries over a long period of time have lagged behind productivity and prices. Weekly real earnings have declined from $189 in 1977 to $167.65 in December 1982, an 11.3 percent decline.

Price behavior must be a fundamental concern. Scapegoating workers earnings, their jobs, and public deficits are mere diversions from the true causes of inflation.

The strongest weapon we have against inflation is adequate and sustained economic growth and the use of structural programs to increase productivity and remove bottlenecks and skill shortages.

This requires a comprehensive and coordinated program which addresses monetary, fiscal, and structural policies to bring about our alternative to the failure of Reaganomics.

First let us look at monetary policy. As Dr. James Tobin, Nobel winner in economics has said:

> We need, above all, an expansionary monetary policy—one that will bring real interest rates down to reasonable levels, where they were during most of the post-World War II period.

Despite the administration's boasts of declines in interest rates, the real level of interest is still excessively high. These high levels discourage business investment, spending by consumers and cost the Federal Government $60 billion in 1982 alone.

An expansionary monetary policy would encourage capital investment and consumer purchases and would lead the way to sustainable recovery. Low stable rates of interest will stimulate investment and reduce inflation by cutting the costs of borrowing. Again, quoting Dr. Tobin.

> To say you're afraid that an expansionary monetary policy at this stage would touch off an acceleration of inflation is to say that you don't want a recovery, because recovery can't occur without a further relaxation of monetary policy. That kind of knee-jerk reaction to an easier-money policy dooms us to no recovery at all.

Fiscal policy must also be redirected. We must act now to stop the hemmorage caused by the mistaken 1981 Tax Act.

The goals for full employment can not be achieved through fiscal and monetary policies alone. They must be complemented by structural programs directed at reducing unemployment. A comprehensive active employment and training policy is needed so that the goals for the reduction of unemployment can be reached, and so that every American able, willing, and seeking work has the opportunity for a job at a fair rate of pay.

The Federal Government has the bedrock responsibility to insure a right to a job. The Full Employment and Balanced Growth Act codified this notion, and political responsiblity demands it.

Faced with the high rates of unemployment Reaganomics has dumped on us, we must coordinate targeted increases in Federal outlays aimed at stimulating the sectors of the economy which suffer from shortages and are in need of Federal support.

We must see to it that this first budget resolution has a significant jobs package which is directed to the hardest hit areas and which provides necessary services and construction which are useful to the individual, the local economy and the Nation as a whole. We have the mechanisms to get these programs on stream quickly and efficiently. What we have done thus far is only a drop in the bucket, a small drop in a very big bucket.

We must insure that those groups which have suffered disproportionate rates of unemployment and historic discrimination are not left out of economic recovery.

I ask my colleagues to fight the temptation to take the easy way out as the administration has done. The administration calls for more of the same medicine which has already inflicted our ailing economy. It shows lack of courage and lack of vision. Through the tools available to us in this budget resolution, we can offer the American people a workable alternative to do-nothing Reaganomics. We can use the great weapon of action, as opposed to the false sense of security generated by worthless dogma.

We must clearly state what our priorities are. We must state our goals, and then set forth the programs that will achieve them. The American people are waiting. We in the Congress have a duty to offer an alternative which will provide them with hope of a better tomorrow and the reality of a healthy economy.

□ 0945

Mrs. MARTIN of Illinois. Mr. Chairman, I yield myself such time as I may consume.

It is always a pleasure to join the chairman of the House Administration Committee. I would just like to tell him that many Members from both sides of the aisle agree with his strong feelings that to take away from the lower and middle classes their one advantage and to increase taxes upon them is a terrible idea. We agree with the gentleman that that would be a mistake, and we are glad the gentleman has joined us in that fight to hold for those peope who make under $50,000 the gains that are so necessary for this economy.

I would also say to the gentleman from California that we are now checking the agreement that he mentioned, not because we foresee necessarily difficulties, but because there did seem to be from this side a lack of knowledge about the agreement of which the gentleman spoke. I am sure that can be clarified.

Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Illinois (Mr. ERLENBORN), the ranking member of the Committee on Education and Labor.

Mr. ERLENBORN. Mr. Chairman, I am a firm believer that a healthy economy is the best creator of jobs.

It is for this reason that the budget resolution before us today particularly disturbs me. Enactment of a fiscal year 1984 budget as proposed in this resolution would not only fail to promote full employment in either the short or the long run, but would actually defer the attainment of this goal.

House Concurrent Resolution 91 assumes additional revenues of $30 billion in fiscal year 1984 and $265 billion over the next 5 years. Offsetting much of these revenue increases are increases of $181 billion in domestic spending. I question the willingness of this House to enact a $30 billion tax increase for fiscal year 1984. Without this tax increase, this budget would represent a significant increase in the projected deficit.

Such a deficit increase would result in two primary effects that hamper economic recovery. The first is psychological. Corporations and individuals are reluctant to invest in American business when they perceive that the Congress is not serious about controlling the Federal deficit. In order to encourage economic growth, the Congress must leave existing incentives for investment in place and must demonstrate a commitment to continue the

restraints on growth in domestic spending initiated in 1981.

The second primary effect of a large Federal deficit is financial. Large Federal borrowing requirements crowd private sector borrowers out of the capital markets. Interest rates are driven up and borrowing is often postponed in the hopes of lower rates in the future. If the painful experiences of the past 3 years have taught us anything, it is that high interest rates and the resulting slowdown in capital investment lead to a direct toll in jobs.

Mr. Chairman, even assuming enactment of the revenue increases called for in House Concurrent Resolution 91, the increases in domestic spending are not likely to help the unemployed. Recently I had the honor of heading the Republican Task Force on Employment Opportunities. The task force was charged with identifying effective strategies that the Congress could implement in addressing the unemployment problem. Our group focused on the problems of the structurally unemployed, including youth between the ages of 16 through 25, and dislocated workers. We succeeded in identifying several activities that the Congress can take to address the special needs of these groups and of other unemployed persons.

Mr. Chairman, I would point out that in contrast to the so-called jobs bill, the supplemental appropriation bill that we approved yesterday, which created in various estimates between 200,000 to maybe, indirectly, as much as a million jobs, the proposals of the Republican task force would create over 3 million job and training slots.

Our recommendations included the following:

First, tax credits should be given to unemployed persons to cover retraining or educational expenses incurred in becoming qualified for new employment. Today, those who are employed who want to upgrade their skills through training or education do have tax incentives; the unemployed do not if they want to learn a new skill. We think that this new tax incentive should be put in place.

Second, the Employment Retirement Income Security Act, or ERISA, should be amended to permit pension plans to invest in residential mortgages, while also at the same time continuing the protection for the pension recipients. Such a change in ERISA could result in over $5 billion in new funds being available for housing next year at no cost to the Treasury.

Third, the Internal Revenue Code should be amended to allow individuals a deduction of up to $15,000 per year for limited cash investments in small businesses. Small businesses create about 80 percent of the new jobs in our economy.

Fourth, funding for retraining dislocated workers should be increased. These funds are made available to State governments to provide job search assistance, job development and training, and job relocation assistance.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mrs. MARTIN of Illinois. Mr. Chairman, I yield 5 additional minutes to the gentleman.

Mr. ERLENBORN. Education and training opportunities are essential to assure that there are an adequate number of trained and skilled people to fill the jobs that are created as a natural result of our economic recovery. Our capacity to improve productivity must not be hampered by a work force which is not prepared to meet the challenges of a rapidly changing job market.

In addition to these four proposals, the task force also examined new jobs tax credits for new net employment, enterprise zone legislation to address the unemployment problems in our Nation's most depressed areas, and the use of a national public works bank, rather than a grant-in-aid approach to fund the public works activities that strengthen our Nation's infrastructure.

Mr. Chairman, I am disappointed that House Concurrent Resolution 91 does not reflect thinking along the lines of that of the Republican task force. Instead, the resolution represents a continuation of the old approaches that have been tried unsuccessfully in the past.

I consider House Concurrent Resolution 91 to be a highly political document. I also believe that it is not a completely honest document. I have too much respect for my colleagues on the other side of the aisle to believe that they would intentionally risk increasing unemployment and slowing down our economic recovery. This budget would substantially remove all existing incentives for investment and would clearly signal a return to the "spend as much as you can" days.

I do not believe that my colleagues intend to increase taxes by $265 billion over the next 5 years. I do believe, however, that my Democratic friends do intend to increase domestic spending by $181 billion, or more, over the same period. Such irresponsible spending is not going to help the millions of unemployed people across this country. The only thing that will restore these people to productive participation in our society is a sustained vigorous economic recovery. Let us not pass a budget resolution that could prevent recovery, impede economic growth, and prolong high unemployment.

Mr. Chairman, jobs are created in either one way or another, either jobs created with public funds or private jobs in the private sector. The cost of creating a job is estimated variously between $40,000 and $50,000 of capital investment. The high tax policies represented in this budget document would transfer the capital from the private sector to the public sector, and even then it is not proposed to invest those funds for the creation of jobs, but rather to use those funds for spending and not even to raise anywhere near sufficient funds for the spending proposed.

Mr. Chairman, the income transfer programs that have been so often the mainstay of the proposals of our Democratic colleagues do accomplish one purpose. They do tend to level the incomes of the highly productive and those who are not as highly productive. They tend to level the incomes of the productive and the nonproductive.

The one thing they do not do is to allow the formation of capital for the creation of jobs. It is depressing to have a document like this before us that will specifically discourage the formation of capital, the investment of capital for the creation of jobs, and rather, put people on programs that would make them dependent upon the public sector.

Mr. Chairman, I think these are the issues that face us as we begin to consider this budget resolution.

I think that this opportunity for philosophical debate as to the underpinnings of the various proposals from one side or the other is quite valuable.

I see a very distinctive difference between those who would have capital transferred to the public sector, and those of us who would leave more capital in the private sector to create more jobs and thus more wealth. That is the basis of the argument that separates us today.

Mr. HAWKINS. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. RANGEL).

□ 1000

Mr. RANGEL. Mr. Chairman, I rise in support of the resolution and the statement that has been made by the gentleman from California in support of it, but I could not help but be impressed by the statement of the gentleman from Illinois explaining the hard work that has been done by the so-called Republican task force.

While it is great to have a philosophical discussion as to the route that we should be taking in order to create jobs, I do not know whether that Republican task force idea has been endorsed by the administration, whether it is going to be opposed by the Republicans on the floor, or whether there is any alternative.

What I do know is this: That the President tonight, or sometime this afternoon, is prepared to tell the American people that we are threat-

ened by the Communists, the Soviets, and I suppose the Chinese.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. RANGEL. I yield to the gentleman from Illinois.

Mr. ERLENBORN. I thank the gentleman for yielding.

Mr. Chairman, let me advise the gentleman that the proposals of the Republican task force, at a cost of slightly over $5 billion, about half of which is already in the President's budget, and the creation of over 3 million jobs and training slots, has been endorsed by the Republican leadership, so this is the official policy of the Republicans in the House.

Mr. RANGEL. It may be the official policy, but if I may reclaim my time, there will not be an opportunity to vote on that policy today, will there?

Mr. ERLENBORN. I cannot answer the gentleman.

Mr. RANGEL. I cannot answer for your side of the aisle either. But the point is, if I may reclaim my time, it is great to have a philosophical discussion, but we are going to be asked to have a vote today. Obviously, if the Republican task force suggestions are not before us, some of us who have been depressed by the policies that this country has followed for the last 2 years are anxious to find some new changes.

We were talking about national security when the gentleman from California was saying that instead of talking about what the Soviets are going to do to us, I think we ought to see what we have done to ourselves. I think that is important when the President speaks to us today, that we try to find out just how much subsidized wheat, subsidized butter, subsidized technology, subsidized pipelines for energy that we are sending to these Communists that we are scared to death of.

What frightens me more than anything else is not the Communists, but in walking in towns and villages around this country to see so many people who fought for this country, to see their dreams shattered, with no hope at all that they will ever be able to restore dignity to themselves, their families, and their communities because there is no hope for jobs.

Two years ago, the American people were so hopeless that they decided that they were going to embark on an untested economic recovery policy that was supposed to balance the budget. It is true that balancing the budget is no longer a part of that policy, but obviously what we were supposed to do was to have substantial tax cuts, to reduce the corporate liability in terms of taxes, as the gentleman from Illinois pointed out, to shift it to the individual taxpayer so that now they carry 88 percent of the load, and we were to do this to get Government off of the backs of people because somehow, when the wealthy and the corporate structure found this money that had been snatched from it by the Government, they were supposed to invest this money in plant and equipment, they were supposed to provide new technology, and Americans were supposed to regain the pride that we used to have in not being the leader in terms of industrial exports, but at least we could have the dignity of saying that we were competitive with Japan and Germany.

So $750 billion over a 5-year period was supposed to be a way for us to send this money back to the people, who knew better what to do with money than a lot of poor people, because after all, during a time of inflation, the poor would use it for health care, for shelter, and for clothing. They would spend, and then, of course, have the fires of inflation raging. But the rich knew better. The rich would invest it.

But instead of that, the Reagan economic so-called recovery package was fighting itself because at the same time that it encouraged people to invest, they supported an ever-growing shrinkage of money with the Federal Reserve Board, meaning that interest rates were going up. So our rich, our intelligent people that were supposed to invest, what did they do? They invested, yes, in high-yield money certificates, competing with the interest rates that the Federal Government felt that they were compelled to pay to the borrowing market.

The CHAIRMAN. The time of the gentleman from New York (Mr. RANGEL) has expired.

Mr. RANGEL. May I have 5 additional minutes, Mr. Chairman?

Mr. HAWKINS. The time is limited. I will yield 2 additional minutes to the gentleman from New York.

Mrs. MARTIN of Illinois. Mr. Chairman, will the gentleman yield?

Mr. RANGEL. Not with just 2 minutes.

Mr. Chairman, in any event, I think it is safe to say that while the President said that we are going to recover, it is difficult to explain this to 11 million people and their families, that we have recovered. It is difficult to explain it to the millions of people who are not even seeking employment because of hopelessness. It is difficult to explain it to those people who are underemployed.

It just seems to me that now is the time to say that we have made mistakes, not just in terms of the pain and suffering but in terms of the billions of dollars that we are paying out, the cost we are paying for unemployment. I think we have a tax system that can be rearranged to do some of the things that the gentleman from Illinois is suggesting, to start giving incentives not for people just to put the money in their pockets, but to give incentives to create jobs, to provide the training and the education to get America competitive once again.

I am thoroughly convinced that if we take a look at the policies we have had, where every additional increase in unemployment has increased our deficit from $25 billion to $40 billion, now is the time not to think in terms of trickle-down theories where even the bottom is not damp, but start to think about putting Americans back to work, and I cannot think of a better way to improve our national security than to have people working, to have communities strong, and if there is going to be a threat against us, let not that threat come from within, but let us be fully prepared as an educated, hard-working, full-employment society to defend this Nation against anyone who is willing to take our dreams away from us. The problem, the greatest national security problem that we have in the Nation today is that our young people are not even given the opportunity to dream that they can enjoy some of the things that their families have recently acquired.

Mrs. MARTIN of Illinois. I would have been happy to join and to give the gentleman more time, but I will yield myself 2 minutes.

Mr. Chairman, I would concur with the gentleman that there were some problems in part of the budgets that we have passed, but I would remind the gentleman that the administration's package was not the package that contained the tax changes that he abhors. Now, whether or not I agreed with them, those changes—and you discuss in your speech how all the help went to the corporations and the very rich—were, if I may recall to the gentleman, part of an amendment by the chairman of the Committee on the Budget, who is not of our side and is not the President, and a distinguished member of your party from Michigan, since retired, who was not of our party and is not the President.

Now, they may have been very good economic policy, but if you do not like them and if you want to blame them on someone, I am afraid you are going to have to blame them on your own colleagues, not on us.

Mr. ERLENBORN. Mr. Chairman, will the gentlewoman yield?

Mrs. MARTIN of Illinois. I will be happy to yield to the gentleman from Illinois.

Mr. ERLENBORN. I thank the gentlewoman for yielding.

Mr. Chairman, I think that she has rightly put the record straight. I believe that all too often over the course of the last several years we have heard our Democratic colleagues complain about proposals that were enacted into law that came from their side of the aisle.

Let us remember that it is the Democratic Party that controlled the Committee on Ways and Means at that time, and proposals such as reducing the maximum individual tax rate from 70 percent to 50 percent that is so often criticized by our Democratic colleagues came from one of their own.

As the gentlewoman says, it may or may not be good tax policy in your opinion or ours, but at least let us make certain that the record is straight and that those things you were accusing us of having initiated, that we did not, are rightfully put at the doorstep and the blame or the credit given to those on your side of the aisle, who were the proponents.

The CHAIRMAN. The time of the gentlewoman from Illinois (Mrs. MARTIN) has expired.

Mrs. MARTIN of Illinois. I yield myself 2 additional minutes.

The CHAIRMAN. The gentlewoman is recognized for 2 minutes.

Mrs. MARTIN of Illinois. I would thank the gentleman from Illinois, and I would say one more thing: The tax policy supported by the current administration in their original tax bill talked about across-the-board tax cuts, that which the budget you are discussing would remove, that which finally brings real benefits to the middle and lower classes, that which finally helps the people that you want to represent and serve.

So I am glad that the gentleman will join us in making sure that people under $50,000 get the advantages that all of us should want for them.

Mr. RANGEL. Mr. Chairman, will the gentlewoman yield?

Mrs. MARTIN of Illinois. I would be happy to yield to the distinguished gentleman from New York.

Mr. RANGEL. I could not agree with with you more that we certainly should target the tax cut to make certain that those under $50,000 would enjoy the benefits. But let me make it abundantly clear that the next thing worse than the Republican proposal in terms of the tax package was the Democratic proposal.

Mrs. MARTIN of Illinois. Well, we agree with half of that statement.

Mr. RANGEL. And you know, as I know, that on both sides of the aisle, the only thing we were engaged in is some bargaining mechanism in order to get votes. Now that you have found out that the system did not work, whether it was the Democratic alternative or whether it was the package that was put together someplace in the basement of the White House, now is the opportunity to put a package together.

I am suggesting to you this: That what you are asking me to do, if I do not like everything in the Jones proposal, to vote against it. But I will be darned if I see any alternative that the Republican task force has brought before this House, and I have not seen any proposals that have been brought before the Committee on Ways and Means. The only thing that you have is enterprise zones, and that has not even been introduced.

The CHAIRMAN. The time of the gentlewoman from Illinois (Mrs. MARTIN) has expired.

Mrs. MARTIN of Illinois. Mr. Chairman, I will yield myself 1 additional minute. I had a little trouble getting my time back from the gentleman or him giving me any.

I would ask you to recall that, with many of your colleagues, we supported your right under the rule to give us a look at other budgets, a rule with which your leadership disagreed. This side of the aisle is always open to listen to any suggestions. You were precluded from that by your majority.

I am going to keep my time and finish this.

We say yes: "Vote 'no', because we can do better". You can do better and we can do better, but the first step to doing better is voting not to that package which would destroy the working people of America.

The CHAIRMAN. The time of the gentleman from New York (Mr. RANGEL) has expired.

Mr. HAWKINS. Mr. Chairman, I yield 30 additional seconds to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. First of all, I hope the Democrats never respond in terms of giving alternatives the way the Republicans historically have denied that to us, because I do not think it should be working that way.

But second, you do have a substitute motion, an opportunity really to bring something else before the House. No one has passed that around to see what you intend to do in the event that the Jones proposal fails. So I will be looking anxiously to see what I have to work with besides Republican task force offerings.

Mrs. MARTIN of Illinois. Mr. Chairman, I yield 15 minutes to the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. Mr. Chairman, I think that it is important to realize that what we are focusing on in the Humphrey-Hawkins debate is that which is most fundamental to our economy; namely, jobs. It seems to me that part of the discussion here should be what we do either to encourage job creation in our society or what we do to undercut job opportunities in our society.

It seems to me that one of the things that we do which makes certain that job opportunities do not exist is that we raise taxes. I do not need to go any further than the statements made very eloquently by the gentleman from Illinois who preceded me in which he talked about how lowering taxes creates the kind of capital that is needed for jobs.

But I think it is also important, then, to recognize what is happening in the budget that the Democrats have brought before you here.

The Democrats have brought before us a budget which does not cut taxes; it raises taxes. It raises taxes substantially. I agree with the statement of the chairman of the Committee on House Administration, the gentleman from California (Mr. HAWKINS) when he said that tax increases at this point in our economy would not be good for the economy. I think we must be fair to him. He made the point that he did not agree with the tax cuts that went to the wealthy, but I would submit that there is absolutely nothing in the Jones budget which eliminates those taxes. As a matter of fact, the Jones budget keeps every one of those taxes, and what it eliminates is the tax cuts that are coming down the pike on July 1, and indexing. That is where they get the $30 billion of additional taxes.

What does that mean? That means that the middle income working Americans in this country are going to have their taxes increased in order to pay for those tax cuts that went to the rich; 72 percent of the tax increase arising from a repeal of the third year, and 78 percent of the tax increase from repeal of indexing would be paid by those earning less than $50,000.

□ 1015

A repeal of the third year and a repeal of indexing would cost the median income family; namely, those making $24,300 in 1980—and that is a family of four—$1,061 in new taxes over the next 3 years and $3,549 in higher taxes through 1988.

That means that what the Democrats are doing is imposing a tax burden on working Americans while preserving the tax cuts that went to the rich. That is highly unfair, and I think it is exactly the opposite direction from where we should be moving if we really want to create jobs in our society. But we see that one of the problems is that what we have traditionally done around this body is that we have come down in favor of no growth policies instead of growth policies. When it comes to tax cuts, we do not like tax cuts because that reduces the revenues we have to spend.

But it goes much deeper than that. We had an example of it the other day on the House floor. Many Members of this House lined up on the floor and voted that wilderness was more important to them than jobs. We can check the record. It is now on the record. We find that 240 Members of Congress voted to say that preserving and expanding the wilderness areas in this country was more important than jobs. Now, I think that is an extremely

disturbing vote because it belies exactly what the gentleman from California said is the most important thing to us, and that is that kind of balanced growth policies which insure additional employment. When we are saying there is something more fundamental to us in the economy than jobs, it seems to me we are backing away from the whole idea of growth.

What we also do, which tends to undercut growth and tends to undercut jobs, is that we favor big government spending which causes high interest rates and causes high inflation. That is exactly what got us to the problems that we face in this present recession. We are now coming out of a recession as a result of the policies adopted by this Congress and by the Reagan administration. We did not get high interest rates as a result of this administration's policies. This administration's policies have brought interest rates down. The prime rate has been cut in half, and inflation has come down under this administration. It has come down as a result of its policies. The policies of the Carter administration are what got us into the recession.

As a matter of fact, this recession, by every economist's measure, started in July 1981. In July 1981 there were none of the Reagan policies in place, and so what we have had is an 18-month timespan in which we have been trying to work our way out of that recession.

I submit, and I think most economists would agree, that the economy works on 18-month cycles, and that is exactly what is happening; 18 months after those policies went into effect we are beginning to see the kind of growth we should have.

If we need further evidence, we can take a look at the record. Throughout the Carter administration years the growth rate in this country in terms of the GNP dropped. It started at 5.5 percent, and throughout the 4 years of the Carter administration it dropped down to the point, when Mr. Carter left office, where we were at a −0.4 percent of growth in GNP. His policies had us going down.

In this quarter, for the first time in a long time, in the first quarter of this year the GNP has started to grow again. It was up to 4 percent under the policies of this administration, and I think that is the direction in which we should be going.

We also tend to put policies into place which are distinctly antijob in nature. We have had the policy in this country for a long time that has been approved by this Congress over and over again that goes in precisely the opposite direction from jobs. We tend to believe that social welfare is more important than jobs in the policies that we adopt here, because really today's policy in this country is a welfare-oriented policy. We are creating a society of dependence. There are today families in this country where fourth and fifth generations have known nothing but living on the dole, and we have thus created a cycle of hopelessness. It is not far from being a new form of slavery, no less insidious than the slavery of the past. Slavery in the 18th and 19th centuries was politically imposed for economic reasons; slavery in the 20th century is economically imposed for political reasons. Those welfare families must support the politicians who fund the programs that are the source of their welfare livelihood.

Yet we are told that those welfare-oriented politicians are compassionate, that they really care about the poor and care about the helpless. I say that their intentions may be good, but the result of their efforts is heartless and cruel. What this Nation needs is a policy that offers an escape from 20th-century slavery. The escape route, the above ground railroad, if you will, is work. That is the way out of it.

Winston Churchill once said that government has two roles: One, to build a net through which no one can fall, and the other to build a ladder up which everyone can climb. We have been busy about the job of building nets in this society, but we have forgotten to build the ladder.

The ladder should consist of some specific policies. In my opinion, Government programs that limit access to jobs or specifically deny job opportunities should be modified or should be eliminated. In this vein, the Members should remember that I offered in the last session of Congress an amendment to the jobs bill that we had here, and the amendment was very simple. It simply said that there should be no effort by the Government to deny legitimate job opportunities. Not surprisingly, some liberals in this body thought that went too far, and even though it passed here, we ended up having it killed in the Senate, because it seems that there is something more important to the liberals than jobs, and it is their social policies that in effect hinder job creation.

But is it not disturbing—we might even call it disgusting—that more than a half a million Americans are denied jobs because of Federal Government regulation and restrictions? And when we include the actions of State and local governments, as many as 2 million Americans may be denied legitimate employment. If we are going to base our policy on work, we must begin by stopping Government from limiting job opportunities. Government, however, does not limit job opportunities without a good deal of backing from society.

Big business often favors the kind of restrictions on jobs that allows it to protect its own inefficiencies, and that is wrong. Big labor agrees with restricted job markets which happen to protect its own members. And then big labor backs the welfare philosophy to salve its conscience, knowing that the poor which it has reduced to hopelessness at least deserve some sort of a handout. I think we have got to look at some of those kinds of policies. Labor is not going to look at them.

The other day, before one of my subcommittees, we had a couple of leaders of the AFL-CIO in to testify. We had the revenue sharing bill before us and I had an amendment on the revenue sharing bill which said that we ought not to allow job opportunities to be denied because of the Davis-Bacon provisions of that bill.

Big labor was testifying against that provision. Why? Because essentially what their testimony came down to was that they thought it was more important to have a few people working at $9 an hour than a lot more people working at $7 an hour. I happen to think it is a lot more important to get more people on the job, and if we have an opportunity to create a lot of $7-an-hour jobs, we ought to be doing that rather than having a few $9-an-hour jobs.

In other words, it is time to get serious about restoring job opportunities, and the first order of business should be to take those steps which stop the Government from keeping jobs away from people. The implementation of the spirit of Humphrey-Hawkins demands that Government stop contributing to unemployment. That is a very, very good reason for not voting for the Democratic budget.

The Democratic budget favors welfare over work. It favors Government spending over personal spending. It favors deficits over demand in our economy. It will destroy jobs rather than create jobs, because it promotes more policies of big spending and high inflation and, therefore, high interest rates. Those are the things that have destroyed jobs in the past.

Mr. Chairman, it is time for a change. We can begin to get that kind of change in our society by rejecting this very, very bad budget.

Mr. HAWKINS. Mr. Chairman, I yield 7 minutes to the gentlewoman from Ohio (Ms. OAKAR).

Ms. OAKAR. Mr. Chairman, there is no more noble goal than the Humphrey-Hawkins philosophy of full employment for all Americans. Nothing is more demeaning than a person who does not have a job, who wants a job, and who cannot get a job because of various problems in the economy and because of discrimination.

People of all ages and all backgrounds and of both sexes are in great pain because of the lack of employment. One group that has been especially hard hit are the women in this country. More than 40 percent or 4.7

million women who are 16 years and older need a job or are unemployed, and for black women, of course, 50 percent of the black women who need a job cannot get a job. For Hispanic women the figures are very similar, and they have the additional problem of being faced with a language barrier in some cases.

Let us look at why women need a job. Women need a job for the same reasons that men need a job. They need it for their own survival. They need it very often to protect their families and provide income for their families—in some cases, additional income, and in other cases they are head of the household. Forty-five percent of all working women are single, 29 percent are married with husbands who earn less than $15,000 a year, and 2.7 million females are the head of their households. Sixteen percent of all the American families are indeed headed by women. One out of three women live in poverty, and 46 percent of all children under 6 have mothers in the labor force, and this is estimated to go up to 50 percent in the next 10 years.

What are some of the problems that women face in trying to seek employment? Well, one problem obviously is that they are concentrated when they are lucky enough to get a job, in traditionally female occupations that are traditionally the lowest paid. For every dollar that a man earns a woman earns merely 66 cents.

This is not to say that men do not need a job or should not get paid a just salary. I do not like pitting men against women in this area because I think it gives the wrong impression. Women are for men getting paid fully, but they want to get paid fully also, and that is the real issue. The lack of pay equity, equal pay for work of a comparable nature, has been a negative factor for women in the job forces.

Why is it that the secretaries, the nurses, the social workers, the teachers, and the clerks are the lowest paid people when the value of what they do is so important to our Nation?

And, of course, when RIF'ing takes place, the first ones to go are the last ones to get a job, and that happens to be minorities and women. And, of course, being elderly and female produces the vicious cycle, the catch-22 that our older American population, particularly older women, are in. If you are poor during the course of your youth and your middle years, you are going to really be poor when you are older. And we know that older Americans, the women who are older Americans, are the poorest people in this country. They are the ones who have the least amount of money to live on.

We also know that the Social Security Act—and we have not corrected that yet—is discriminatory toward women, and we have to do something about this despicable situation in the near future. The social security reform package addresses only a small portion of the inequity toward women.

Today we are realizing the femininization of poverty. Seventy percent of households headed by women live in poverty, and the poorest person, as I mentioned, is the elderly woman. She lives on about $230 a month if she is lucky, and one-third of the women who are the head of households receive, it is true, some form of public assistance. But despite the stereotype that was just presented—and I want to say that I think that is absolutely a misrepresentation, but it is a very common stereotype—62 percent of the women who are on some form of public assistance do work. And if it were not for the Reagan budget, we would still have a program that provided them the transition to get them into a job. But that was cut so now we do not allow women who have some form of public assistance to go out in the work force and have some transitional income.

But how does one gain full employment when one is ill prepared for the job market and in many cases subjected to the double discrimination of racism and sexism?

Another group of women who have tremendous difficulty in getting a job are the millions of middle aged and older women who are separated, divorced, or widowed, and who have dedicated themselves to homemaking. They have invaluable skills, but their skills are rarely marketable, and so few receive alimony or proper pensions or other sources of earned or inherited income, and they are faced with few choices.

□ 1030

They suffer not only from not having marketable skills but, in many cases, sexism and, for black women, racism, and they also suffer from something more subtle: Age discrimination.

Women over 45 have tremendous difficulty in getting a job, even if they do have marketable skills. And another group of women who are having tremendous problems in getting a job are those women who are part of a household where the man is unemployed. They are less likely to get a job, in addition.

And what about our young women? Of the black youth who happen to be female in this country 45.5 percent cannot find a job, and more than 25 percent of the white youth who happen to be female cannot get a job. The vast majority of women who are under 22 are in the lowest paying jobs, earning less than $80 week.

What can be done? We have to take a look at the budget priorities. Are battleships, tanks, and bombs really more important and more necessary than the most valuable tool that we have—the American people and, in this case, the American woman.

We cannot afford to have cuts in the training programs, cuts in the areas of the Civil Rights Act that provide educational equity for women. And this administration cut every nickel of that program. They cut every nickel, in terms of enforcement, relative to areas such as title IX, and they cut programs that relate to human resources that are so important.

PRIORITIES—PEOPLE VERSUS WEAPONS AND DEFENSE COST OVERRUNS

What can be done? Budget priorities support the philosophy of the Humphrey-Hawkins goal of full employment with action. What are actions that can achieve the goals of women:

Training: Education programs such as vocational training with emphasis on jobs of high demand and that are financially rewarding and emphasis on needs of nontraditional populations such as single female heads of households and displaced homemakers. Support education programs such as title I and title VII with emphasis on disadvantaged youth. This administration is proposing no money for the Women's Education Equity Act and the enforcement of title IV of the Civil Rights Act.

Continue and expand the educational equity program (WEEA) and title IV of the Civil Rights Act. Currently these programs are being phased out.

Enforce title IX which protects rights of women and girls in education.

Continue student financial assistance programs so that women have the opportunities for education and jobs.

An all-out job training program for women, old and young, black, Hispanic, white who are unemployed.

Support title V of Older Americans Act.

Support a comprehensive human resources program which will give women support services necessary: day care and other child care programs; nutrition and health services; comprehensive housing.

Ironically, these are programs which have been cut in this administration.

Enforce the law and give agencies such as Equal Employment Opportunity, women's bureau of Department of Labor, proper funding.

Increase affirmative action programs so that women are treated fairly in terms of job opportunities and have opportunities for upward mobility in the work force.

Pay women properly—equal pay for comparable worth is the key.

Women tend to be in service oriented jobs—nursing, teaching, social work, secretarial, clerical—the value of their work is not commensurate with their pay; we must pass a law in the

near future to insure the wage discrimination is eliminated. I and two other Members have had extensive hearings on this issue.

Provide protection for those who are newest in labor force—first to be laid off—minorities and women.

In any national jobs programs an emphasis must be placed on jobs for women—certainly service oriented jobs and jobs demanding other skills.

Finally and ultimately we must put into action the philosophy of Humphrey-Hawkins that Americans have a right to full employment.

The following is an excerpt from a very important report:

INEQUALITY OF SACRIFICE—THE IMPACT OF THE REAGAN BUDGET ON WOMEN BY THE COALITION ON WOMEN AND THE BUDGET

The fiscal year 1984 budget presented by the Reagan Administration to Congress calls for inequality of sacrifice by the women of America. If enacted, the budget cuts proposed by the President will have a devastatating impact on women and their families at every stage of their lives. The reason for the "gender gap"—differences in voting patterns of women and men—should no longer be a mystery to the Administration or to anyone else. Women understand that the cumulative effect of the budget cuts on women—women in families, girls and young women, women in the workforce, and older women—are unfair and place an unconscionable burden on them.

Last year an ad hoc Coalition on Women and the Budget, composed of nearly 40 women's, education, religious, labor and other organizations came together to analyze the fiscal year 1983 budget. We found a pattern in the budget proposals that alarmed us: women, especially the poorest women, were being asked to shoulder a disproportionate share of this country's economic burden. That budget analysis was circulated to Congress, to the media, and to individuals and organizations concerned about women. Congress turned back some of the most egregious cuts, and the Coalition hoped that the Administration had learned from the experience. Apparently, it had not.

The Administration's 1984 budget makes no improvements for women. Instead, the cumulative effect of the Administration's budgets of the last three years is one of continued pain. These effects can no longer charitably be seen as unintended consequences of budgetary actions.

The cuts in Title XX of the Social Security Act provide an illustration. The original purpose of the legislation was to assist low-income individuals and families to obtain the supportive social services they need. In fiscal year 1982, the program became the Social Services Block Grant, and was cut from $3.1 billion to $2.45 billion. In fiscal year 1983, the Administration requested an additional 17 percent cut, which was not adopted by Congress. This year, the Administration has requested $2.50 billion, but the apparent increase is an illusion. It is accomplished by creating a "super block" grant for Social Services and Community Services, which together have a budget of $2.89 billion. A critical program for women and their families is cut, and cut, and cut again—under the guise of a proposal for "level funding."

This year when the Coalition on Women and the Budget came together, we found that the fiscal year 1984 program cuts affect women significantly. When combined with the cuts of the past two fiscal years, the cumulative impact is devastating. The result will be diminished opportunity for women and a threat to the stability and health of their families.

In human terms, what are the effects of this budget on women at various states of their lives?

WOMEN AND FAMILIES

About 70 percent of the households headed by women live in poverty. Recent studies show women to be the fastest growing poverty group in our nation. If the current rate of growth of female-headed families continues, women and their children will compose virtually all of the nation's poor by the year 2000. This feminization of poverty would be accelerated by the Reagan cuts. Examples:

AFDC. Cuts in Aid to Families with Dependent Children would reduce benefit payments by $1.2 billion in fiscal year 1984 alone. As a result payments to recipients in the next year would be almost 10 percent less than the expected level of payments this fiscal year. In a program whose beneficiaries are 94 percent women and children, the devastating impact of these cuts is obvious.

Women, Infant, and Children Program. WIC has been an extraordinary successful program providing nutrition supplements to pregnant women and their infants. Because low birth weight can result not only in infant deaths, but in physical and mental disorders, cutting a program that costs $450 for a pregnant woman when caring for a sick infant in a neonatal unit can cost up to $40,000 makes no sense at all.

At a time of unemployment and family stress, there is no relief for some mothers who are trying to make ends meet. There are cuts in programs for the education of her children, in programs providing medical care, in nutrition, family planning, and employment training programs.

GIRLS AND YOUNG WOMEN

As a nation, we should be investing in our young people. Most of today's girls will spend 25 to 45 years in the workforce as adult women, and 40 percent of them will be heads of household. What does the budget have in store for them?

A youth sub-minimum wage. One million young women under the age of 22 head families, and the vast majority work in low-wage jobs. The President would reward their work with a gross wage of $90 per week.

Educational programs. Large cuts in educational programs that benefit girls and women are also slated. The Women's Educational Equity Act, Title IV of the Civil Rights Act of 1964, and Title IV of the Indian Education Act of 1972 are all marked for extinction. The Vocational Education Act and the Adult Education Act would be folded into a block grant, with a cut in appropriations of nearly two-thirds. And further cuts are proposed in student financial assistance.

WOMEN AND THE WORK FORCE

The number of women who work outside the home and are poor or near poor is large and growing. Three out of five working women earn less than $10,000 each year, and one in three earns less than $7,000. Female-headed households are 15 percent of all families, but 50 percent of all poor families. Minority women face a double burden of race and sex discrimination. While all women earn about 59¢ for every dollar earned by white men, Black women workers earn only 54¢, and Hispanic women earn only 49¢.

Changes in the focus of job training programs. With unemployment rates 21.5 percent for teenaged girls, 13.2 percent for female family heads, and 45.4 percent among young minority women in January, 1983, program targeting has been shifted to provide more funds for displaced workers and less for disadvantaged women. The Administration continues to fight the funding of stipends and support services like child care, which are essential to make job training work for girls and women.

Elimination of the Work Incentive Program. WIN was designed to offer job counseling, training, placement and support services for recipients of Aid to Families with Dependent Children. At a time of high unemployment, the low-skilled, low-wage worker—usually a woman—needs assistance in finding employment. Yet WIN is targeted for zero funding.

OLDER WOMEN

About 60 percent of Americans age 65 or older are women. On average, federal budget cuts hit them harder than men because women experience aging differently. Women have substantially lower incomes and higher poverty rates. Older minority women are particularly vulnerable. Black women, for example, are five times more likely to live in poverty than white men. How are older women affected?

Social Security cuts. Older women depend on Social Security as their primary, and often only, source of income. The postponement in the cost-of-living adjustment will leave them with fixed incomes for another six months, but rising bills for food, rent, utilities and medical care.

Medicare cuts. Administration proposals will force Medicare beneficiaries to pay higher deductibles, co-payments, and Medicare Part B premiums. The near poor elderly will pay a much higher proportion of their incomes for these out-of-pocket costs; older women are on average already spending one-third of their annual incomes for health care.

A CLOSER LOOK AT THE FEDERAL BUDGET PICTURE

Each year when the federal budget is published, much ado is made about where federal revenues come from and where they are spent. To understand what percentage of an individual tax dollar goes toward social service programs—especially those that benefit women—and to understand the impact that cuts to these programs have on women, it is necessary to examine some of the facts about where federal income comes from and where it goes.

The fiscal year 1984 federal budget states that out of each tax dollar:

Where it comes from

35 percent comes from income taxes.

29 percent comes from social insurance receipts.

22 percent comes from borrowing.

6 percent comes from corporation income taxes.

5 percent comes from excise taxes.

3 percent comes from other sources.

Where it goes

42 percent goes to direct benefit payments for individuals (includes money to military veterans pensions).

29 percent goes to national defense.

12 percent goes to interest on the national debt.

11 percent goes to grants to states and localities.

6 percent goes to other federal operations.

This breakdown is deceiving. It conceals the fact that a significant portion of the tax money paid to the federal government goes directly into trust funds that are collected from potential beneficiaries for specific programs. Trust fund receipts may be used to fund only the program for which they were collected, whether it is Social Security, Medicare, unemployment insurance or highway trust funds. Approximately two-thirds of the amount the government spends on "direct benefit payments for individuals" comes directly from Social Security, Medicare, Railroad Retirement, other retirement contributions and Unemployment Insurance. If these sums are subtracted from the budget, we get a better picture of where policy makers have discretion over the way federal dollars are spent.

This new budget picture shows that in matters the Congress and President can control directly, i.e., appropriated dollars, the percentage spent on direct benefits to individuals is reduced by over 50 percent. The defense expenditures increase from 29 percent to over 40 percent when viewed this way.

The President and Congress have clearly chosen to spend a relatively small percentage of the federal government's general revenues on social service programs, such as those that affect women. In relative terms a much larger percentage of discretionary funds has been channeled into defense and payment of the national debt as deficits continue to rise. The budget cuts in human service programs over the last several years have not in fact, diminished the deficit and made the economy more stable. What the cuts have brought about, however, is dramatic shifts in growth to military spending, paralleled by cuts in human services.

Women and children in need of education, food and housing are being told that the federal government's commitment to human services is already high enough. The spending referred to, however, is trust fund spending and increases in trust fund expenditures reflect demographic and economic conditions, not budget priorities set by the President and Congress. In fact, over the past several years non-trust fund spending for social services has been decreasing.

CONCLUSION

The message that emerges from an examination of the program details is clear. The fiscal 1984 budget is unfair to women. Mothers and their children, young girls, working women and those seeking employment, and women in their later years should not be expected to bear the burden of federal budget deficits.

The Congress of the United States can reverse the inequality of sacrifice placed on women by President Reagan's budget. What we seek is an alternative to the "supply side" model of economic recovery which increases the defense budget at the expense of women and families. We ask for a "nurture-side" solution, which nourishes all Americans as it decreases the deficit. We ask for an economic program which focuses resources on building the nation's entire infrastructure—not just its buildings, highways, and pipelines. We believe that the human infrastructure—the lives of our people and their families must be our first priority.

A workable budget must be developed for 1984 which does not ask so much of some and so little of others. Women are willing to sacrifice for their country, but the burden of that sacrifice must be equally shared.

Mrs. MARTIN of Illinois. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, this is one of the weirdest budget debates I have ever participated in. As one who has supported the Humphrey-Hawkins legislation, to be told by the coauthor that he does not have any time for me to make a few remarks under this portion is a little bit demeaning. But I suppose that is the way the cookie crumbles. I am a supporter of the Humphrey-Hawkins bill, the gentleman from California (Mr. HAWKINS) knows, and I remain a supporter, even if I have to beg my Republican colleagues for 4 minutes in which to make some remarks in support of the legislation. We still remain dear friends in the Black Caucus.

Now, let me just point out something. This is a very interesting subject, this Humphrey-Hawkins portion of the budget, a bill that has never been implemented. The last thing that happened on Humphrey-Hawkins was when President Carter issued an Executive order suspending his responsibility, to announce how he was going to make it work. The present occupant of the White House, in fairness to him, may not even know that it is the law. But the fact is, we would take an hour to give the annual Humphrey-Hawkins lecture during the budget debate in which we opine with what is wrong with Volcker, what is wrong with the Federal Reserve Board, why unemployment grows, how we could improve the deficit, and then we use up that hour—and guess what?—nothing has changed about the implementation of Humphrey-Hawkins for one budget year to the next. We still get the hour. My distinguished colleague, the gentleman from California, the ranking member of the Black Caucus, still gets an hour. He does not even have time to let his own members and supporters get up and argue in support of the bill. Then he says, "Well, we do not have time." Well, time for what? The Humphrey-Hawkins Act is not even in the Jones budget. And my colleagues on the right here do not even have a budget, they have nothing to offer. And so we still get an hour to talk about this. What for? I will yield to anybody who wants to explain to me, what are we doing this for? Is it required? Why do we not just fold it into some additional time? It makes no difference.

Now, interestingly enough, the only budget on which every member of the Black Caucus has his name attached and her name attached is the one that was introduced by the chairman of the Black Caucus, the gentleman from California (Mr. JULIAN DIXON), now presently on the floor. That is the only budget they have their name on, and my name is on, and that is the only budget that has not been mentioned in this debate, no talk about it whatsoever.

Well, may I ask what happened to the Congressional Black Caucus budget? Was it any good? Was it valid? Did we have a change of heart? Was there a better budget brought forward that caused us to reconsider? Please tell me, somebody, because I do not know what is going on in this debate.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from New York.

Mr. KEMP. I appreciate my colleague yielding. I did not hear all of his remarks, but I talked to the gentleman yesterday prior to the rule, and he expressed similar concerns that were shared by several Members on both sides of the aisle who had trouble with the idea of voting for a rule that totally precluded the opportunity to amend the budget, whether from the gentleman's standpoint or those of us on the minority.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. CONYERS) has expired.

Mrs. MARTIN of Illinois. Mr. Chairman, I yield 2 additional minutes to the gentleman from Michigan.

Mr. KEMP. Mr. Chairman, if the gentleman will continue to yield, I am on the Budget Committee. I want to tell my friends on the other side of the aisle that it was very frustrating during the markup because, with all due respect to the hopes and aspirations of the budget chairman, the gentleman from Oklahoma (Mr. JONES), it was clearly just pushed right through that committee without any regard for not only the gentleman's concerns but those of us who thought we had some good amendments.

I actually voted, I want to say to my friend, the gentleman from Michigan, for two amendments that came from the majority party, much to the consternation, I might add, to my own side of the party.

Mr. CONYERS. I thank the gentleman.

Mr. KEMP. We realized what was happening to us. I just wish more people had voted against the rule. We might have had an opportunity to do something.

Mr. CONYERS. May I point out that we have a situation now in which nearly all of the Members who supported the Black Caucus budget for year in and year out have just yesterday voted for a rule that precludes them from bringing up their own budget.

Now, if you can explain that to me, I will yield to someone else. I think that is an incredible posture, to leave millions of Americans who have looked

for the Black Caucus budget out in the cold. Dozens of organizations, including the civil rights organizations, church organizations, labor organizations, civil rights organizations, the antinuclear organizations, the freeze organizations—have all asked the same question: What happened to the Congressional Black Caucus budget?

I would like to debate it. I think it is still a good document. My name is attached to it, and I think it is still the right thing to do.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. CONYERS) has again expired.

Mrs. MARTIN of Illinois. Mr. Chairman, I yield 2 additional minutes to the gentleman from Michigan, and I will ask the gentleman if he will yield to me.

Mr. CONYERS. I yield to the gentlewoman from Illinois.

Mrs. MARTIN of Illinois. Mr. Chairman, first of all, one of the gentleman's colleagues who spoke earlier talked briefly about the tyranny of Republicans when they were in power. In my lifetime that has not occurred in this body.

We are trying to indicate—and it was a pleasure to grant the gentleman time—that is something we believe in.

Mr. CONYERS. I thank the gentlewoman.

Mrs. MARTIN of Illinois. That is why we are with the gentleman, supported a rule that would allow opening.

And I would like to add to the gentleman's question, and maybe the gentleman can tell me, why would Members who have supported the Black Caucus budget now be supporting a budget where the highest tax burden of the increase will fall on those who make under $10,000? I do not understand it either.

Mr. CONYERS. Well, it is not only that, the jobs program, that my chairman who is controlling the time made the basis of jobs creation in the Congressional Black Caucus budget, is only partially included in the Jones budget. The $49 billion in military reductions, which the gentleman from California (Mr. DELLUMS) on the Armed Services Committee supports, is in the Congressional Black Caucus budget; it is not in the Jones budget. So I cannot answer that. All I can say is that I am going to support the Congressional Black Caucus budget across the Nation, on the hustings and at ad hoc forums, because I sure cannot do it in the House of Representatives.

Ms. FIEDLER. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from California.

Ms. FIEDLER. Mr. Chairman, I think the gentleman has raised a very important issue and one that I think the public has a great deal of interest in. They often ask: Why does not a bill come up? Why is it that so many bills are introduced, and yet they never seem to come up?

And I think my colleague, the gentlewoman from Illinois, touched on it, but it is worth commenting on a little bit more in depth, and that is the fact that when power is in the hands of a few, everybody else's voices are stifled. And I think that the issue that the gentleman raised is not only just a service to the Black Caucus but, frankly, to the country as a whole.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. CONYERS) has again expired.

Mrs. MARTIN of Illinois. Mr. Chairman, I yield 1 additional minute to the gentleman from Michigan.

Mr. CONYERS. I yield further to the gentlewoman from California.

□ 1040

Ms. FIEDLER. The reason I say that is important is that regardless of your political perspective, the single most important thing that we have the ability to do each year is pass a budget which affects the lives of every single American.

Not to be able to hear the debate on the floor of all the Members of the House of Representatives, of the various perspectives and the reasons behind their points of view, really denies us as Members, and the American people, the opportunity to be persuaded that either another point of view is right or to be able to persuade and discuss the issues as a whole.

So I would like to thank the gentleman very much for bringing up the issue. I would hope in the future we do have an opportunity to hear other points of view and then be able to make decisions informed, and not those that are slammed down our throats.

Mr. CONYERS. I hope we will be able to continue the concept of a Congressional Black Caucus alternative budget in the future. It speaks to hopes and aspirations of millions of people. They are now completely disregarded.

Mr. HAWKINS. Mr. Chairman, I yield 7 minutes to the distinguished gentleman from Oklahoma (Mr. WATKINS).

Mr. WATKINS. Mr. Chairman, it was in the 1930's that John Steinbeck wrote a book called "The Grapes of Wrath." He wrote a book about the greatest movement of people ever recorded in the history of our country, the greatest outmigration of human beings from rural America into the massive urban centers to the military complexes in the urban areas of the country. That was the largest migration of human beings ever recorded in our history.

My family joined that movement four times in the early 1940's when I was a youngster. Four times my family went from rural Oklahoma and Arkansas and became a part of the Okie-Arkie movement in the search for a job. It was not because they wanted to move. No, they wanted to stay. They left in a search for a job to survive.

We picked up potatoes, we cut grapes, we scrubbed floors. As I recall, we did not know we lived in a ghetto in California because we had running water.

Fifty years later we again have a large movement of people, leaving our communities, leaving loved ones, leaving them behind in the search for a job.

There is no greater loss of dignity to a human being and humankind than the father to look in the eye of his child and say, "I have no job to support you or momma."

That is why it was most disturbing to me, a very emotional, disturbing feeling when our President said a few months ago, "If you want a job you could move with your feet," that if you wanted to vote, "you could move with your feet."

If any of you had ever had to move your family across country in the search for a job I do not think that statement could ever be made.

But today that movement still occurs. It is ironic, as I said to Chairman HAWKINS a few minutes ago that just last night in his district, they were advertising the fact that the General Motors plant was closing in California and that if they wanted a job they could move to Oklahoma City where a General Motors plant is rehiring.

I do not understand it. I live less than 100 miles from Oklahoma City in the heart of 15 to 17 percent unemployment. I do not know who they are going to hire. They have an abundance of applications.

In my district, we advertised for four little jobs in one of the counties in my district, a rural area, a poverty area, a chronic unemployed area, where 70 percent of the people have left in the last 50 years in the search for a job; 70 percent. We had over 400 applications for those four jobs. We had another little variety store, that opened up with 52 jobs available. Only six of those jobs were above minimum wage, but there were 1,700 applications for those 52 positions.

Let me assure you there are people out there who want to work. There are people out there who are making the decision of whether to pay for shelter or medicine or clothing or food.

I do not think it is a disgrace to have compassion for people who are hurting in this country, and in rural America the rural poverty of white and black far exceeds the urban inner cities of this country. Rural citizens are scattered. They are the forgotten people of the country. They are the

underdog of the underdog, if you please.

I stand up for them today because I think that any jobs program should reach them, allow them to have dignity and to be able to have a job in the rural, economically depressed areas of this country that, ladies and gentlemen, have not recovered since the last Great Depression.

In many of the areas I have talked about the fact underemployment is worse than the unemployment. In rural America we are faced with the situation today where two-thirds of the income of the American farmer last year, came from off the farm, not on the farm, because of the economic crisis there.

Just think. If we were able to have the parity necessary so that the people in rural America who lived on the farm could receive an adequate income, how many thousands of jobs that would release.

I stand in support of the jobs program for the people in rural America, people who have been left behind, who want to return home.

Now, I have heard people talk about the budget, and I have been concerned about the lack of alternatives. The only alternative budget I saw was sent up in February that has not been offered. That budget had a $189 billion deficit. That budget would raise more revenues than what the budget being offered by the Democrats. The Democrat budget would do a great deal more for jobs in rural depressed southeast Oklahoma.

On January 25 the President of the United States addressed this Nation. He said we have to have an economic recovery, and I agree. The private sector must lead. I came out of the private sector and I was a businessman for 12 years. I fully agree we have to have the private sector lead that economic recovery. We must hold down the interest rates to get the private sector to respond. But the President said the economic recovery has not started because there is a fear out in America. Let me ask the question, "Why is that fear out there?"

The day that the President was making that speech it was also revealed that 43 percent of the households across America either had a loved one that had lost a job or had had their incomes significantly reduced.

Let me ask my colleagues, if your loved ones had lost a job, if you had had your income significantly decreased, would you be investing to start an economic recovery? No.

Let me say as I look at economic recovery, we have to have that private sector leading, but we have to have jobs that will benefit and give hope and allow the people to move forward without fear. Many of the people in America do not have those skills and they have to be trained. They have to have the opportunity to rebuild their skills and their dignity.

I salute the people who are trying to build jobs for America—including the citizens in the depressed areas of rural America.

Mrs. MARTIN of Illinois. Mr. Chairman, I yield myself 2 minutes.

We were glad on this side to hear that the areas for which the gentleman shows such rightful compassion, that we share, have not recovered since the Great Depression in the 1930's. In other words, the programs tried and true that do not work have not worked.

The story of the Joads, which moved America, can still exist. I do not think the gentleman is regretting that people occasionally go other places for jobs. Otherwise his great State never would have been founded because that is, of course, how people originally came to Oklahoma.

But we are glad that the gentleman shares with us the belief there has to be a new and better order to better serve the people for whom he has compassion.

Mr. KEMP. Mr. Chairman, will the gentlewoman yield?

Mrs. MARTIN of Illinois. I yield to the gentleman from New York.

Mr. KEMP. I thank my colleague on the Budget Committee for yielding. I agree with her. I think she has made an important point, as did the gentleman from Oklahoma make important points about where the recovery must come.

□ 1050

I was concerned that the gentleman suggested he comes out of the business community. I wonder if he recognizes that 85 percent of all the small businesses in this country, upon whom we rely for new net jobs and have over the last 10 years, are unincorporated, A, and B, have a tremendous impact in the gentleman's budget, and a burden in that budget from the increase in the taxes on small business and entrepreneurs and men and women who work for a living? Where does the gentleman believe that the savings and the investment and the wages are going to come from if we put a surtax in 1983 on the American people of 10 percent and that is the effect of taking off the 10-percent rate reduction? Where does he think we are going to get the savings to invest in business to create jobs in his community or in any community if we take off indexing and wipe out the savings of this country by allowing people to be taxed at midnight? And where does the gentleman think that we are going to have the jobs for rural America?

The CHAIRMAN. The time fo the gentleman has expired.

Mr. KEMP. Mr. Chairman, would the gentlewoman yield 2 additional minutes?

Mrs. MARTIN of Illinois. I yield myself 2 additional minutes and yield to the gentleman from New York.

Mr. KEMP. I appreciate that.

I think the point is incredibly important, that you cannot create employees without first creating employers. And where does the gentleman think the employers and the entrepreneurs of America are going to come from if we add a tax burden of $30 to $35 billion in 1983, 1984, at the time of this fragile recovery? Will the gentlewoman yield to the distinguished Member of the private sector to tell us where the jobs are going to come from if we add taxes to the American people?

Mrs. MARTIN of Illinois. I yield.

Mr. WATKINS. I would be happy to answer that to my friend from New York. Yes, I was in private business, I owned my own business, I had as many as 100 people employed. Let me tell you this, I probably did not make as much money as a lot of my compadres in business because I was also looking very much to investing in the future of those communities and the future of those people. I do not think it is wrong to say that I am going to invest back into building jobs for people, which I did. Let me say, I am for the enterprise zone as you know 100 percent. I am trying to get my leadership in order to try every angle possible to try to rebuild our area of rural America and other areas with jobs. I am willing to involve the private sector out front. But let me say this, I think the proposal sent up by the President also had a tremendous increase in tax proposal in the standby tax that I think probably would end up raising more tax revenues than what is in this particular program itself.

Mr. KEMP. Would the gentlewoman yield just to clarify a mistake being made about the President's budget?

Mrs. MARTIN of Illinois. I yield to the gentleman from New York 1 minute.

Mr. KEMP. Look, there are many of us on this side of the aisle that think that that proposal made by the President needs changing. He recognizes that at the White House. All of us do. Any budget is a proposal, that is all it is, the beginning of the process.

The point we are trying to make on this side of the aisle is we will never get through the process if we ram through the majority party's budget and totally shut out the Black Caucus and shut out rural America and shut out the Northeast and shut out the Midwest and shut out people who have concerns about a budget that goes far beyond the President's revenue measures. The President had nothing in his budget that would have

increased taxes over the $30 billion in 1983.

The CHAIRMAN. The gentleman's time has expired.

Mr. KEMP. I ask an additional 2 minutes of the gentlewoman for this extremely important topic.

Mrs. MARTIN of Illinois. Mr. Chairman, the gentlewoman will give to herself an additional 3 minutes and yield to the gentleman from New York.

Mr. KEMP. My friend from Texas wants to make a statement. So I will finish my point and then sit down.

It is good to see the harmony on the majority side of the aisle.

Yesterday the distinguished majority leader said that the cement that holds the union together, as he was giving his remarks about this rule, was a compromise and I was going to get up, if he had given me time and say the cement holding the Democratic Party together is compromising the caucus, because there was no compromising the Budget Committee. This is not a budget from the Congress, not an American budget; this is the Democratic Party's budget and if you vote for it, you are not going to do anything that will get us to the point where we can create jobs in the private sector.

Mr. GRAMM. Will the gentlewoman yield?

Mrs. MARTIN of Illinois. I hope the gentleman will understand I have to yield first to the first request. And I would just say we understand why there may be some confusion in the gentleman from Oklahoma's mind on the budget. No one has had it until this morning. I yield to the gentleman from Texas.

Mr. GRAMM. I thank the gentlewoman.

To those who have not seen the committee budget proposal, I would like to make the following point: Our colleague from Oklahoma waxes eloquently about poverty.

The CHAIRMAN. The time has expired.

Mrs. MARTIN of Illinois. Mr. Chairman, I yield myself an additional 3 minutes and will of course then yield to the delegate from Washington, D.C.

Mr. GRAMM. Will the gentlewoman yield?

Mrs. MARTIN of Illinois. I yield to the gentleman.

Mr. GRAMM. I listened, Mr. Chairman, to the gentleman wax eloquently about need and poverty and about a lack of jobs, and I would like to remind the gentleman, if he has not had an opportunity yet to see the newly minted copy of the committee budget that he has an opportunity today to do something about poverty and unemployment problems. We have before us a budget that represents a retreat from our last 2 years of progress in gaining control of Federal spending. We have a budget that raises taxes, slashes defense, and in the 1983 revisions and in the 1984 budget raises the deficit to continue the spending spree here in Washington.

If the gentleman is concerned about unemployment, if the gentleman wants to see interest rates come down, as I know he does, then he has an opportunity today to vote against higher deficits, against higher taxes, and against the new runaway spending spree here in Washington. I do not yield yet.

My point is this: I find it greatly inconsistent that we can have people stand on this floor talking about unemployment and yet at the same time voting for a budget which raises taxes stifling the incentive to work, save, and invest and which raises the deficit and therefore raises Federal borrowing and interest rates. We have begun to make progress.

Mr. WATKINS. We are in worse shape in my area of the State now than we have ever been.

Mr. GRAMM. I have the time if the gentleman would allow us to follow regular parliamentary procedure.

Inflation rates are down by three-fourths in 18 months, interest rates have fallen by 50 percent, the economy is up 4 percent in real growth in the last quarter and leading economic indicators were up at a 33-year high last month.

But what does the Democratic budget seek to do? It seeks to reverse the very programs that have brought progress; it raises taxes, it raises income taxes, it raises the deficit. The committee budget slashes defense and raised taxes. Why? Not to deal with the deficit problem. It raises the deficit. It does it to start 10 new spending programs, to start a major new entitlement program and to put back all the cuts we have achieved, all the economies we have achieved in the last 2 years. I think that this budget is a step backward, and I think if the gentleman really wanted to do something about unemployment he would take the first step today in voting against this budget to give us an opportunity to work out a compromise, where all interests are compromised to the common goal of bringing the deficit down, bringing interest rates down, and putting the American people back to work. I thank the gentlewoman for yielding.

Mrs. MARTIN of Illinois. Yes. We regret not being able to give everyone over the time, as we have been trying to do. That is a problem the gentleman will have to settle on his side. But I yield to the gentleman from Washington, D.C., as I promised.

Mr. FAUNTROY. I thank the gentlewoman.

I have listened to the eloquent arguments of the other side particularly those raised just a moment ago by the gentleman from New York on the plight of the small business people of the country and how important they are to the revitalization of the Nation. I agree with it.

The CHAIRMAN. The time of the gentleman has expired.

Mrs. MARTIN of Illinois. I will yield myself 30 seconds and I would hope the gentleman from the District of Columbia could have more time from his own side.

The CHAIRMAN. The gentlewoman is recognized for 30 seconds.

Mrs. MARTIN of Illinois. I yield to the gentleman.

Mr. FAUNTROY. I think it is dishonest to suggest that the tax increases that we are suggesting are for the small businesses and working people of this country. The fact is the gentleman knows that 80 percent of the tax break that people got in the business sector went to the major corporations, 20 percent to the small businesses. But as the gentleman knows 35 percent of the individual taxes that were given went to the top 5 percent of the people of the country and that what we are proposing, that they need to have their taxes raised in order we might bring in $8 billion more in order that people making $50,000 or less may have the kind of tax break they deserve and need.

The CHAIRMAN. The time of the gentlewoman has expired.

Mrs. MARTIN of Illinois. Mr. Chairman, I yield myself an additional 4 minutes so we can clarify for the gentleman something we know he will wish to understand. And I will yield 4 minutes to the gentleman from New York.

□ 1100

Mr. KEMP. Mr. Chairman, I am sorry the gentleman chose the word "dishonest," because that introduces an element of discord into an otherwise, I think, very friendly debate, but I recognize that in a moment of passion we get our feelings hurt by comments that are made, so I want the gentleman to know that our feelings over here are not hurt by the use of that word. I think it was an unfortunate use of words, because most Americans know, and anybody who looks at the Tax Code knows, that 80 percent of the taxpayers of America are under about $50,000. At least 80 percent of the burden is under $50,000. So anything that lowers the tax rates for people $50,000 and below by definition help 78 to 80 percent of the American people.

Now the gentleman is correct in 1981 the tax cut lowered the top rate from 70 to 50. And that indeed affects not only the people up at the top, but it affects, hopefully, some of the capital and savings pool that might otherwise go to create jobs. So I will not get into

that argument too much, but I do recognize that the top tax rates were cut.

The whole point of the minority party's attempt to revise the budget is predicated upon the idea that the rich, so-called, or wealthy, so-called, have already gotten their tax cut. Now the gentleman's party is attempting to remove that part of the tax part that goes to people under $50,000. It cuts the marginal tax rates by 10 percent of everybody, but you cannot just cut taxes here or there, as was done in 1981. The whole minority party approach to the tax policy in 1981 was to cut all rates by 25 or 30 percent over 3 years.

It was the gentleman's party, the majority party, led by Mr. Brodhead, led by the gentleman from Oklahoma (Mr. JONES), led by the gentleman from Illinois (Mr. ROSTENKOWSKI), who advocated cutting the top rate from 70 to 50 in 1 year, cutting the corporate income tax by 30 percent in 3 years, changing the depreciation schedules for expensing, so that every business in America could write off their investment in 1 year, which I do not think is that bad an idea, but now that the minority party is attempting to cut the rest of the Tax Code by 10 percent so that people under wealthy brackets will get the first part of the real net tax cut to which they are entitled, the gentleman's party repeals it, not only does it repeal the 10-percent tax cut which then becomes a surtax on their income in 1983, because they are planning on it, they are also repealing indexing.

Indexing is the most important part of the whole tax reform of 1981, particularly for the people who the gentleman and the previous speaker said that they are concerned about. Because the brackets at the bottom of the Tax Code, I would say to my friend, and the reason that indexing is such an important part of the tax reform of 1981 that affects people to whom the gentleman is concerned is simply at the bottom of the brackets they are the narrowest. In other words, every little increase in income in nominal terms pushes people up into higher and higher brackets. But the brackets are narrowest at the bottom. So if you lift all the indexing, you are really attacking the bottom level of that ladder, the brackets. And you are not hurting the rich by getting after indexing. You may raise about $5 billion at midnight next year, but you are going to hurt the people that the gentleman has mentioned. It was not dishonest and it was not disingenuous of the minority party, it was simply saying that 80 percent of all businesses that are small in America today are unincorporated. They rely on personal income for their savings and their capital and their investment, and the gentleman's party is attacking them frontally and I think it is a mistake.

Mr. HAWKINS. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. WOLPE).

Mr. WOLPE. Mr. Chairman, I think it is important that we keep the record straight.

The gentleman from Texas a moment ago spent a good deal of time focusing upon the revenue portion of the budget that will be before the House today. I wish he had been as candid as the gentleman from New York (Mr. KEMP) in acknowledging for the first time on the Republican side of the aisle, that revenue increases are part of the administration's budget—over $200 billion in new revenues over a 5-year timeframe are called for in the President's own budget presentation.

It is important to understand this, so that in comparing the House Budget Committee resolution with that proposed by the administration, we will be comparing apples with apples. The fact of the matter is that both the administration's budget and the Democratic budget would acquire new revenues. The only real question is precisely how they should be obtained and that is for the Ways and Means Committee to decide.

Second, the issue of deficits. I certainly concur with the emphasis that was made by a number of the speakers on the other side of the aisle about the importance of the deficit. It would be helpful if those people who attribute the decline in inflation rates and the decline in interest rates to the budgetary policies of the current administration would also be willing to attribute the enormously high unemployment and the unprecedentally high deficits to those same budget policies. One simply cannot have it both ways.

The reality is that the deficits that are projected over the 4-year budgetary cycle of the current administration are greater than all of the budget deficits combined for the entire history of the Republic up to this point. That is the reality. And it is also the case that if you take a look at the 5-year budget cycle that is projected under the proposed budget that is before the House today, that there is over $100 billion greater deficit reduction than in the administration's budget.

That is the reality and we had better look at those outyear deficits, because our inability to bring down those deficits will block any sustained economic recovery.

Mrs. MARTIN of Illinois. Mr. Chairman, I yield 15 minutes to the gentleman from New York (Mr. KEMP).

Mr. KEMP. Mr. Chairman, I would say to my friends on the left side of the aisle, I feel a little disappointed that we started out with some acrimony. I originally came to the floor because I wanted to participate in this debate over the budget on the Humphrey-Hawkins legislation, as I try to almost every year. And I think it is an important piece of legislation.

I have come, over the years, to appreciate the leadership and the friendship of the gentleman from California. He is decent, honorable, patriotic, hard working, caring, and compassionate—I hope my saying so does not ruin his reputation—but I want him to know that, because I appreciate him more and more as I go on. I particularly appreciate the goals of Humphrey-Hawkins Full Employment Act. Now this comes as an annual shock when people hear me say it, but I have said it before.

I think the greatest contribution that the gentleman from California has made, and I think my friend from Georgia and others on our side of the aisle also share this, is that they and the gentleman from California (Mr. HAWKINS) have done more to demolish and attack the idea that unemployment is a cure for inflation than anyone I know of on either side of the aisle.

I have said, and I say it again today, that the idea is pernicious that you fight inflation with unemployment. I really do. I know that it may sound gratuitous, but I mean it from the bottom of my heart. I think it is an idea that is threatening the democracies of the West.

I also believe that inflation is no answer to unemployment.

The supposed tradeoff between unemployment and inflation is something that this body has to reject sooner or later. It has been a long time in this country since we have had noninflationary economic growth. Until recently, we have had both rising inflation and rising unemployment.

The gentleman's legislation and that cosponsored in the Senate by Mr. HUMPHREY was sincerely aimed at trying to mix fiscal and monetary policy in such a way that we could have rising production and employment with price stability.

□ 1110

One of the problems I have had, and I am going to ask the gentleman who is the author of the bill, since this is the only chance we ever get to have a colloquy like this, are not the instructions to the Federal Reserve Board in his legislation designed to simply get the Federal Reserve Board and its Chairman to give us information for the targeting of monetary policy?

I apologize, I do not have the legislation right here; but I ask the gentleman from California (Mr. HAWKINS), in the Humphrey-Hawkins bill which was passed, did we not ask for explicit relation of monetary policy to economic goals and objectives?

That is not exactly the language, I know. I thought that there were monetary targets in the legislation. Maybe the gentleman from California could edify us.

Mr. HAWKINS. Mr. Chairman, if the gentleman will yield, the original bill did attempt to require the Chairman of the Federal Reserve Board to report to the Joint Economic Committee on the money targets and the interest rate that would be compatible with achieving the objectives of the act.

During the process on the other side, the Senate amended that provision to simply require the Chairman of the Federal Reserve Board to report on these factors, rather than make them compatible, which he annually does; however, the Chairman of the Federal Reserve Board, and I will not saddle that Chairman on this administration, because unfortunately he was named by the previous administration, one of its mistakes I personally think, but that is certainly not the fault of this administration.

The Chairman of the Federal Reserve Board constantly abrogates his responsibility by telling the Congress what it should be doing on fiscal policy.

Mr. KEMP. I am glad to hear the gentleman say it, because that is a point that I have been trying to make to my own colleagues and tried to make in the budget debate, that the Federal Reserve Board Chairman comes to the Budget Committee and lectures us about fiscal policy and gets away with saying little about monetary policy.

So I want the gentleman to know that I voted for the majority party's language in the Budget Committee with regard to requiring the Federal Reserve Board to report to the U.S. Congress on the consistency of its policies with our economic forecast. I do not want to sound like I am just second-guessing the Federal Reserve, but I do want them to tell us what they are doing to give us a balanced monetary policy and the type of price stability that I think is envisioned in Humphrey-Hawkins.

Is there not in Humphrey-Hawkins a desire or a target of price stability or reasonable price stability as a goal of monetary policy? Is that not implicit or explicit in the Humphrey-Hawkins bill?

Mr. HAWKINS. Mr. Chairman, if the gentleman will yield, one of the objectives of the act is that the inflation rate would be reduced to 3 percent within a period of 5 years. That, in itself, relates to price stability. Unfortunately, we do not, in effect, place any greater responsibility, however, on the Federal Reserve Board to do whatever is necessary to make the act compatible with the achievement of its goals. I think that is one of the defects in the act, which I would hope that we can correct.

Mr. KEMP. I would like to work with the gentleman in correcting that part of the act. I think, if I can say so to my friend, the gentleman from California, that what has happened is that the Federal Reserve Board is complying with the part of the Humphrey-Hawkins bill that identifies its responsibility to give information to the Congress about the monetary aggregates, but we are not requiring them to go beyond just reporting the aggregates, which are only intermediate tools, and get to what ultimate target they are using, if any, to give us what all of us want and the American people are desperately in need of, a constant value of the currency over a long period of time; that is, price stability.

Again, my concern is that when Mr. Volcker comes before the Budget Committee, he simply comes up there and says the money supply is too high, taxes are too low, deficits are too big, and he does not give us any knowledge or any information as to what is going on behind that cloud of cigar smoke. Right now, I would say to my friend, the most powerful man in this economy is the Chairman of the Federal Reserve Board. Right now, monetary policy seems to depend on whether he gets up on one side of the bed one morning and the other side of the bed the next morning. No one in the Congress knows, the President does not know, the Treasury Department does not know, our trading partners do not know, the European monetary system does not know, Mexico does not know; there is not anybody on this Earth who really knows what the target of Federal Reserve policy is.

The gentleman in attempting to move away from mechanical monetarism has, I think, made an important contribution to the debate. And again I want to say, I voted for that part of the majority party's budget resolution dealing with monetary policy, even though I did not find the language ideal. I think it is important. I explain my vote in the back of the budget in my comments, my minority views.

Mr. HAWKINS. Mr. Chairman, if the gentleman will yield further, I appreciate the gentleman's comments and certainly will work with him toward the common objective that he has just mentioned in connection with monetary policy. I think it is long overdue. I think this cuts across party lines.

Mr. KEMP. I think it does, too.

Mr. HAWKINS. It is a contribution which can be made not only to the Full Employment Act, but certainly to the economy and its management.

Mr. KEMP. Let me get to full employment; but before I do, let me answer the argument that people think HAWKINS or KEMP want to run monetary policy. I do not think Congress should nor GUS HAWKINS ought to run it, or JACK KEMP, or any one person. I do not think any one man or woman should run the Federal Reserve. I think it should be guided by the rule of law, not the rule of men.

I thought lex rex was the principle of this country, but in the Federal Reserve it is rex lex, "The king is law." It should be "The law is king." That is a constitutional principle and to that end I think we ought to force the Federal Reserve Board to give us the information as to what they are doing to give us an honest, sound, and stable dollar, a dollar that will maintain its value over a long period of time, a dollar that is an honest link between the past, the present, and the future, that is a storehouse of value and a reliable medium of exchange.

Let me get to the issue of full employment. I believe full employment and price stability are compatible and attainable in a free, open, and prosperous economy. There is a concern that I have and I want to share that with my friend, the Delegate from the District of Columbia, WALTER FAUNTROY. While the gentleman is on the floor, my concern is that if you pile a tax of $30 billion, whether it comes from the income tax or whether it comes from gasoline taxes, it is ultimately going to come from the pockets of the American people who work for a living.

With all due respect to the Delegate, there is no way you can get $30 billion more in taxes out of this economy; it is too fragile a recovery to endanger with a tax of this magnitude.

We learned the other day that the economy in the first quarter grew at a 4-percent annualized GNP. That is just the barest beginnings of what we all hope is an economic recovery. Economic recovery is important to all of us and irrespective of who gets the credit, it is incredible that we might try to shut off the engine that can get people back to work.

So on that premise, which is common between us, let me just say, how can you think of taking $30 billion out of the pockets of the American people, when consumer spending in 1983 increased in the first quarter barely 0.1 percent?

Consumer spending—forgive me if for a moment I sound like a Keynesian, but the Democratic Party would certainly agree that people have to spend money. The demand for goods and services has been shut off not only by the Federal Reserve Board, as the distinguished gentleman from California pointed out, but you would also shut off spending when you tax it out of the pockets of the American people and I am afraid that at this point in the recovery taking $30 billion out of the economy would be devastating to our hope to get the demand for steel, the demand for autos, the demand for

housing, and the demand and the ability to consume or save, whatever the choice may be, back into the economy. So that is my concern.

Perhaps I repeatedly emphasize personal income taxes, but that is kind of a tender spot with me. I think the income tax rates in this country is too high.

Mr. FAUNTROY. Mr. Chairman, will the gentleman yield?

Mr. KEMP. I yield to the Delegate from the District of Columbia.

Mr. FAUNTROY. The gentleman does not wish to create the impression that by voting for the resolution today that we are voting to eliminate the third year of the tax cut, but we are voting to eliminate indexing?

Mr. KEMP. Well, I did say that and I will tell the gentleman why. The Democratic Caucus announced in the New York Times and the Washington Post and the Wall Street Journal that it intended by 70 or 80 percent to take off the third year and to take off indexing; so I was reading what the caucus did and if I implied that that was the gentleman's views, I apologize. Maybe the gentleman could reassure me that he will not raise taxes.

Mr. FAUNTROY. But the gentleman did imply that is what we are voting on.

□ 1120

Mr. KEMP. Let me take my time back for long enough to say this: The reason I said to the House that they were voting on taking out the third year or indexing is because, my friend, you cannot get $30 billion in revenues if you do not go after the third year and indexing.

The gentleman is not suggesting, is he, that you are going to put a $30 billion tax on the price of gasoline for the American driver? You are not going to put a $30 billion value-added tax or excise tax on the consumer? You are not going to put a $30 billion tax on Bethlehem Steel. They are not paying any tax, because they are out of business in my district.

Where is the gentleman going to get the $30 billion?

Mr. FAUNTROY. If the gentleman will yield further, as the gentleman knows, there are a number of options for raising revenues.

Mr. KEMP. Could the gentleman give us some?

Mr. FAUNTROY. Certainly we could bring in $2.6 billion by repealing the intangible drilling costs that were allowed those in the oil industry, the oil depletion allowance.

Mr. KEMP. That leaves $27 billion. Where is the gentleman going to get $27 billion?

Mr. FAUNTROY. We can discuss that when it becomes current in the debate on the Committee on Ways and Means, but do not give the impression to the American people that we are voting on the specifics. The American people——

Mr. KEMP. We have to.

Mrs. MARTIN of Illinois. Mr. Chairman, will the gentleman yield?

Mr. KEMP. No; I need my time.

Mrs. MARTIN of Illinois. I would tell you why some of us on this side of the aisle—and I will be giving the gentleman a few more minutes—the chairman of the committee that is bringing out this budget has said that is what they are going to do, and there are reconciliation instructions. So indeed that is exactly what you are voting on.

Mr. KEMP. Of course it is.

Mrs. MARTIN of Illinois. So let us not try to kid ourselves.

Mr. KEMP. I would say to my friend, when we tried to get information in the Committee on the Budget and asked the majority party what they were doing, for instance what a 3½-percent growth pattern for defense would do to the defense budget, they told us, "Well, we cannot tell you what it is going to do," but when it got into other parts of the budget, there were 10 and 11 and 12 pages' worth of discussion points as to what they envisioned.

I wonder why, I would say to my friend from the District of Columbia, that the majority party wants a stealth tax? It is, in effect, a tax by stealth. You are telling us that we have to vote $30 billion of taxes in a single year.

The CHAIRMAN. The time of the gentleman from New York (Mr. KEMP) has expired.

Mr. KEMP. May I have an additional 5 minutes?

Mrs. MARTIN of Illinois. I will be happy to yield 5 additional minutes to the gentleman from New York.

Mr. KEMP. I do not want to take too much more time. I think most people around here know that if you take $30 billion out of the pockets of the American people, you are not going to get it from intangible drilling expense. You can go after corporations, you can go after small business, you can go after consumers, you can go after oil companies. You just are not going to get $30 billion unless you go after the working men and women of America, because they are the ones who pay all the taxes.

So I think the House should know that it is effectively voting to repeal or send instructions to the Committee on Ways and Means to repeal the third year, which incidentally would be a 10-percent surtax on the income of the American people in 1983, plus repealing indexing, which I think would be an outrageous attack on the blue-collar workers of America and our hopes for economic recovery.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. KEMP. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Chairman, I think it might be well to point out, and I think I am correct on this, that the figures for the tax increase are precisely similar to the figures that you would come up with if you repeal the third year and eliminate indexing. So there is a precise pattern there that cannot be ignored.

Mr. KEMP. The gentleman is correct. I think most Members know what they are doing, so I will not belabor the point.

Mrs. MARTIN of Illinois. Will the gentleman yield to me for 10 seconds?

Mr. KEMP. Of course.

Mrs. MARTIN of Illinois. Any Member is a little confused. If they turn to page 284 of the budget document, they will see exactly where that tax burden falls, as the gentleman from New York says, on those who are working and those who have incomes under $50,000, and see the percentages. This is not a Republican booklet.

Mr. KEMP. I need at least 4 minutes to make another point.

Mr. DORGAN. Mr. Chairman, will the gentleman yield?

Mr. KEMP. I yield to the gentleman from North Dakota.

Mr. DORGAN. I thank the gentleman for yielding.

Mr. Chairman, I would like to say just two things.

First, I agree with you completely with respect to monetary policy. It does completely overwhelm fiscal policy. While day after day we stand on this floor talking about budgets and spending and taxing, it is overwhelmed by monetary policy.

But let me say one other thing. I agree with you on that. I think you do a real service to this Congress and the American people——

Mr. KEMP. I think Mr. HAWKINS has.

Mr. DORGAN (continuing). Mr. HAWKINS, yourself, and many others, leading the charge to try and get a bridle on the Federal Reserve Board.

But second, on the issue of taxing, money does not come from the tooth fairy around here. If you want to spend $1.8 trillion for defense, somebody has to pay the bill and you are right, it is going to have to be the American people.

Mr. KEMP. Let me answer that, because that was the next part of my speech. I tried to take a few minutes to talk about monetary policy and a few minutes to have a colloquy with my good friend from the District of Columbia. Now I would like to talk about those deficits. They are not benign. They are not benign. But the gentleman from California, I would say to my friend from North Dakota, has often made the point that a deficit reflects the sickness in the economy,

and to make the economy healthy, will do more to reduce the deficit than all the Band-Aids that you can put on this budget. Putting people back to work with strong economic growth in 1983 and 1984 will reduce deficits to manageable levels.

For instance, the economy contracted in 1979 and 1980, and we can debate who was causing it or who did not cause it. But we all know that we have been in a recession for a number of years in housing and autos and steel and secondary and tertiary industries throughout the Northeast and Midwest and in the inner cities. We also know what has happened to agriculture and our exports since the breakdown of monetary policy in the 1970's.

So whether we debate the ups and downs along the way in unemployment or employment, no one can dispute the fact that in housing and autos there has been a depression since 1979, and they are items which heavily influence unemployment. So from that standpoint, much of the unemployment in this country is the result of the high interest rates that have been followed for the past 3 to 3½ years. Again, I am not criticizing any one party or any one person; I am suggesting that unnecessarily high interest rates shut off what otherwise would have fueled housing starts and auto sales.

I am from Buffalo, so I am sensitive to this, because the unemployment in the auto, steel, and housing and construction and related industries is so high as to be as tragic as it is in many other parts of this country. It is tragic and it is unnecessary. That is my point. The gentleman who makes that point is Mr. HAWKINS, as well, from the other side of the aisle.

So if we can find some modicum of agreement, maybe we can find a way out of this dilemma. Here is what I am suggesting: that we pursue this newfound interest in monetary policy wherever it may lead. I think that is the essence of a liberal society; having the courage and the tenacity to take the truth wherever it leads, and if it leads to the truth that the monetarists are right, I will become a monetarist. If it leads to the truth that Keynes was right, I would become a Keynesian. If it leads to the truth, however, that somewhere down that dark alley behind a closed door that maybe, just maybe, we have to once again guarantee an honest, sound dollar, one that will maintain its value by having the Federal Reserve Board required to give us a stable price level over a long period of time, I think we also might want to have the courage to pursue that.

But one other aspect of this is important. Gentlemen and ladies, by putting this burden of tax on the economy at this fragile moment in the recovery, you are putting a higher cost on labor.

The CHAIRMAN. The time of the gentleman from New York (Mr. KEMP) has again expired.

Mrs. MARTIN of Illinois. Mr. Chairman, I yield 3 additional minutes to the gentleman from New York.

Mr. KEMP. I appreciate the generosity and the tenacity of my colleague from the Committee on the Budget. She is an inspiration to all of us.

Mr. Chairman, do you know what we have done in the last 2 years with taxes? We have raised the cost of labor to the point that if any small business man or woman or entrepreneur in this country wants to hire somebody, they have to factor into their equation the increase in the FUTA tax. We have doubled the FUTA tax in the 1982, the Federal unemployment tax. That went from 3 percent to 6 percent. We have drastically increased the payroll tax, and that is going to go up, and we have even taken the 1989 payroll tax and accelerated that. In fact, 93 percent of the 1981 tax acts have been offset by tax increases in fiscal year 1981–88, according to the Treasury.

We are putting another tax on the employment of people and raising the cost of labor by, I think, going after the 3d year.

Gentlemen and ladies, that is a mistake. You are putting a wedge between the after-tax income of the working man and woman and the cost of labor to such a point that every employer in America is going to be forced to look for machines and capital intensive ways of replacing the working people of this country.

I am not against recapitalizing American industry. We need to keep up with technology. We need to make autos and steel more efficiently and more effectively and use robotics and use technology, but what you are doing here is not lowering the cost of capital; you are raising the cost of labor in this country to a point where businesses are not going to be able to hire people, they are inefficiently going to have to put a machine in their place. You are raising the cost of labor. Every time you put the tax on working people, you widen the gap between their after-tax wages and their pretax income.

Inflation is not caused by too many workers working. It is not caused by business doing too much business. Inflation is caused by the Government. With a combination of inflation and taxes, the Government is driving a wedge between labor and management which does not have to be there.

Let me give you a simple example. It is not perfect, because there is no such thing as an "average" family. But this will give an idea of what is going on.

In 1970, the median income of American families was $9,750. In 1980, it was $19,950. But if you take away the effect of inflation, and take away a tripling of payroll tax rates, and take away the automatic increases in income tax rates caused by inflation—the real, take-home pay of that family actually dropped, by about $912 in 1980 dollars. That is a cut in real after-tax wages of about 5 percent.

But now look at it from the other side, from the point of view of the business. Add on the employer's share of the payroll tax. The cost of hiring that median wage-earner rose from $10,124 to $21,173. That does not include unemployment contributions, pension and health benefits and other nonwage costs. That is an increase of 8 percent beyond inflation.

The real cost of hiring the worker went up 8 percent after inflation, while the worker's take-home pay went down 5 percent after inflation. The businessman sees his labor costs skyrocketing, and he blames labor for inflation. The worker sees his after-tax pay going down, and he blames management for making excessive profits. But the wedge between was actually caused by the Government.

What would you do if you were representing the worker I mentioned, negotiating a 3-year contract, and you figured inflation would be 10 percent a year? Your members will need a 33-percent increase in take-home pay just to stay even with inflation. But you can not ask for 33 percent before taxes, because you know that there will be payroll tax increases and automatic increases in the income tax rates. It turns out that the family earning the median income of almost $20,000 in 1980 would need a 42-percent pay increase over 3 years to keep up with inflation after taxes.

But the businessman is going to scream. This 42-percent pay increase raises his labor costs 7-percent faster than inflation. It is a situation in which nobody wins. If the business passes on the costs in higher prices, it is the worker who loses, because the price of goods goes up. But if business can not pass on the cost, it means it can afford to hire 7-percent fewer workers.

This is how inflation increases tax rates, and how rising tax rates increase unemployment. You have got falling real wages, rising unemployment, a squeeze on profits and not enough investment to increase productivity.

Witness the fact that in Buffalo, N.Y., where Bethlehem Steel just shut down their major and primary steel-producing capacity, the after-tax wages of the working people was about 50 cents on the dollar. Every dollar of income that went to the worker gave them 50 cents of purchasing power, but it cost the employer a dollar. One of the gaps between the U.S. production of steel and autos and other ma-

chine tools and other countries, one of the most important things this Congress has to do is to rethink tax policy with an eye to getting our tax system restored to a point at which both labor and capital are closer together and not separated by a tax system and, of course, inflation, which exacerbates these conditions.

□ 1130

Let me just conclude by saying that I think this is a wonderful debate. I understand my friend, the gentleman from Michigan, who had his concerns, and I want him to know, even though he cannot offer his budget, that I hope he makes a lot of noise about it. We do have differences in tactics.

But I cannot imagine how anybody could vote for a budget in this body which puts another $30 billion in taxes on the American people at this point in the recovery of the American economy, because the one thing we have in common in this body with all people is that strong economic growth is essential to the future of our communities, of our country, and of the people we represent. So let us not endanger the chances of getting that recovery into a restoration of full employment and price stability.

The CHAIRMAN. The Chair will state that the gentleman from California (Mr. HAWKINS) has 7½ minutes remaining, and the gentlewoman from Illinois (Mrs. MARTIN) has 46½ minutes remaining.

Mr. HAWKINS. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Chairman, I think it is very important that, no matter how limited the time, some time be given to consideration of the fact that there is a Humphrey-Hawkins law on the books, the Full Employment Act of 1978. I do not think most American people who are law-abiding citizens understand that there is such a law, because that law has been ignored.

I think it is important because the law is very close to the sentiments of the average American who is concerned about unemployment as the No. 1 issue. Unemployment, according to all of the polls, continues to be the No. 1 concern of the people, ahead of inflation and ahead of defense.

Employment is, therefore, obviously, the No. 1 concern of the American people. As a recently elected Member of this House, I am very close to the fact that during the election of 1982, in the fall of 1982, a mandate was given to the newly elected Congressmen to come here and deal with the question of unemployment as the No. 1 consideration. It should be a priority among the freshman class, and it was made a priority. The Task Force on Employment had the greatest participation. After consideration of many past employment programs, that task force concluded that one of the priorities of this budget should be the creation of a million jobs over the next 12 months—a million jobs to cost about $15 billion. We studied the past, and we saw that past programs have shown that if we create public service jobs, jobs which do not require heavy investments of capital and overhead, we can create jobs for about $12,000 to $15,000 per job. So we can create those jobs, and that means that with $15 billion we could create a million jobs, which would reduce unemployment by one percent, and it would stimulate the creation of many other jobs.

Mr. Chairman, we think this proposal is very close to what should be done. The Humphrey-Hawkins provision is a reassertion of the fact that employment should be at the center of all our policies. We should give greater emphasis to an employment centered policy and be more concerned with this particular law in all of our budgetmaking.

Mrs. MARTIN of Illinois. Mr. Chairman, we want to make sure that we have the time straight on this side of the aisle. Are we correct in understanding that we have 46 minutes remaining?

The CHAIRMAN. The gentlewoman from Illinois (Mrs. MARTIN) has 46½ minutes remaining, and the gentleman from California (Mr. HAWKINS) has 8½ minutes remaining.

Mrs. MARTIN of Illinois. But is there not another hour available on this same subject to another group?

The CHAIRMAN. The gentleman from California (Mr. DIXON) has 1 hour.

Mrs. MARTIN of Illinois. Then, Mr. Chairman, we will save some of our time for that, and we reserve the balance of our time.

Mr. HAWKINS. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. MITCHELL).

Mr. MITCHELL. Mr. Chairman, this debate should have been on the broad policy issues embodied in the Humphrey-Hawkins bill. Unfortunately, it became involved in the budget.

I suppose I am next to the last speaker on this side, and I want to take this opportunity to thank my Republican friends for all of the many wonderful things they have done throughout the years in terms of helping us with our problems. I want to thank you for Gramm-Latta, which got through the Congress last year and which shot unemployment up to just an incredible rate. I want to thank you for your support in past years for the Congressional Black Caucus budget. You have referred to that several times, and apparently you have supported it unwaveringly, unstintingly, and unflaggingly. I would like to check the RECORD to see how many Republicans consistently voted for the Congressional Black Caucus budget to which you have alluded so many times this morning.

I want to thank you for your concern about black unemployment. Over the years since I have been here, it has been the Republicans who have always stood with us when we have talked about black unemployment and said, "yes, we will support your jobs programs."

I remember one year, when I had a summer youth job amendment, there was a separate vote demanded in the full House by the Republicans. I want to thank you for the concern that you have shown throughout the years about black unemployment, and I am truly and exceedingly grateful to you for your compassion and concern.

Last, I want to thank you for your concern about blacks in general. You have referred to that several times here, and I want to thank you, especially in the time of this administration, which shows such compassion and concern for blacks that it is upholding and affirming affirmative action and is implementing civil rights laws to the fullest and is not denying information to the U.S. Civil Rights Commission about what the status of blacks and women is in the various Federal agencies.

So, Mr. Chairman, let me say to the Republicans, I am exceedingly grateful to you for the kind of consistent effort you have shown. Thank you very much, I am deeply appreciative to you.

The CHAIRMAN. The time of the gentleman from Maryland, (Mr. MITCHELL) has expired.

Mrs. MARTIN of Illinois. Mr. Chairman, I yield 15 minutes to the gentleman from Georgia (Mr. GINGRICH).

Mr. GINGRICH. Mr. Chairman, I am delighted that I have had a chance to get up immediately after my good friend, the gentleman from Maryland, because I think in fact that he and the gentleman from Michigan (Mr. CONYERS) have both said things that are true, and I would like to make a suggestion which is maybe too radical, as it seems, coming from my side of the aisle.

I happen to think that Humphrey-Hawkins in spirit is exactly right. I happen to think that probably 90 percent of goals of the Black Caucus are right as goals. I also think that most of all of what the gentleman from Maryland just said at its heart is right.

There are reasons why every black Member of this Congress is a Democrat. One of the great lessons of liberalism in the last several years has been its unstinting fight against racism, whether in the United States or overseas, and it has been one of the great things it has done for all of us. Liberalism has done two other things. It has fought for compassion for the poor and the disadvantaged and it has

fought against violence whether at home or abroad. Those are the three great contributions of liberalism in our lifetime.

But I want to suggest a formula that may get me in some trouble and would get you in considerable trouble if we would agree to it. That is that at its heart in the end, both parties have failed. We all stood here on this floor in 1979 and 1980 and agreed that the Democratic President had failed, and we are standing here today on both sides conceding that we really have not solved the problem. In fact, we have made virtually the same speeches today.

Mr. CONYERS. Mr. Chairman, if the gentleman will yield, let me say it may get you in a lot of trouble, but it will not get me in trouble.

Mr. GINGRICH. I say to the gentleman, you can get in a lot more than you have today.

Mr. CONYERS. I might agree with the gentleman. As a matter of fact, it was out of that basis that the black Members of the Congress recognized the necessity to formulate a budget alternative of their own. I thank the gentleman for yielding on that point.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from New York.

Mr. KEMP. Mr. Chairman, I appreciate the gentleman's yielding. I know that he does not have much time.

I just want to say that the gentleman has made an important statement and a great contribution to this debate. The very doors that were opened by the law in the struggle for civil and human rights in the 1960's and 1970's are now being closed by the lack of economic opportunity and growth in the 1970's and 1980's.

□ 1140

It is incredibly important that we go beyond just the rhetoric of Republican versus Democrat to help bust open those doors, and restore opportunity. We must give some thought to how to get people back to work and not just point the finger at each other.

The gentleman from Georgia does deserve credit for focusing attention on the point, that both parties have failed to give us the goals of full employment of the Humphrey-Hawkins bill but we are trying. I remember in 1979, with the gentleman from Georgia, standing on the floor and listening to Members of the Black Caucus beat up on their own administration because they did not like the budget.

So do not just point the finger at one party. Let us have the courage to look at the truth, wherever it may lead, and the gentleman from Georgia is really searching for the truth and the answer to these perplexing problems of simultaneous inflation and unemployment.

Mr. MITCHELL. Mr. Chairn an, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Maryland.

Mr. MITCHELL. I have so much respect for my colleague, the gentleman from New York (Mr. KEMP)—generally his facts are unassailable—but I think it would be a serious mistake to suggest that the doors are closed solely because of economic reasons.

There is a new mood in this Congress and in the White House and in the Nation, a mood against affirmative action, a move to put the problems of blacks on the backburner, take them off of the stove. So there are more than just economic factors. You are dealing with a series of attitudes that have been induced over the last 2,3,4 years, which are just as detrimental as our economic policies.

Mr. GINGRICH. If I may reclaim my time, I want to pursue something and make a serious sugestion. I think that, as powerful as liberalism has been in compassion, in fighting racism, and in opposition to violence, it has also been remarkably ineffective in achieving the very values it preaches.

I think conservatism, in some broad way, frankly has degenerated into a failure to recognize that equal opportunity has to be equal, into a failure to recognize that violence is of itself an evil which we should avoid unless slavery is the only alternative, and in a failure to recognize that processes that will help in the long run will not feed people in the short run.

In that sense, I think that both the traditional conservatism of the last half century and the traditional liberalism of the last half century have failed.

I have been trying to develop, as a former history teacher, an idea which I call the conservative opportunity society, which I am frankly not sure what it means, and I do not think that anybody does, anymore than Franklin Roosevelt knew what the New Deal meant, but I think that we have to say that it is not just enough to spend the next decade talking about Humphrey-Hawkins. And in all candor, except for the most radical members of the Democratic Party, no one really thinks that we are going to get to socialism in this century; no one really thinks that we are going tax the middle class enough to support enough Government programs. And, therefore, I would just like to throw out a notion, if I may, and then I will be glad to yield.

That notion is that traditional conservatism cannot succeed and cannot govern alone, because you cannot in fact exclude minorities or have a lack of concern and compassion for minorities and govern in this country for long.

Traditional liberalism has not succeeded. This House has been run for 26 years by the same party. It is that party which created the loopholes for the rich and the large corporations, it is that party which has presided over the tax code that the gentleman attacks, it is that leadership which has gotten us into the mess that the gentleman decries, and, were Ronald Reagan to disappear in the morning and be replaced by Walter Mondale, I suspect that, while the gentleman would like some things more, the gentleman would, within a few months, have many things to complain about.

And so I would like to suggest a couple of quick things: First of all, that it is an enormous advantage to the very wealthy and to the machine politicians of this country to have the Black Caucus to have almost no ties and no communications mechanisms with the Republican Party, that it is an enormous advantage to be able to automatically count on you. After all, as long as we are going to pass the repeal of indexing—and I should think that is the Democratic leadership's long-term goal—that only affects working Americans, that only affects the poor black trying to climb out of the ghetto, that only affects the marginal worker, that does not affect the big rich.

As long as we are only going to have the same voice control the same calendar and the same committees and the same games, you are not going to be happy and we are not going to be happy.

Now, I think one step that ought to come out of this debate and out of the debacle of both parties, ought to be to try to have an explicit, open, joint Republican Black Caucus task force. You think there are problems. I think we ought to work with you. I am willing to pursue that. I think you might find a lot of people on our side of the aisle willing to pursue that, but the cycle we get in—and you can go back and read today's testimony—is that we score points off you, you score points off us, the large corporations escape, and the traditional leadership of this House dominates. Nothing is gained for your values, nothing is gained for our values, and we do not talk about the real problems.

What are the real problems? Simple. One is racism. It is real, it is in this country, it is a problem, it is a crisis, if in fact you happen to be black.

The second is the fact that if you are very poor, in my State the only model of success you have had this year is Herschel Walker. So what do you do? You go out and you practice basketball or baseball or football, and yet for 99 percent of all people who are poor, they ain't going to make it in the NFL. But they might make it as accountants if they could do math.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Michigan.

Mr. CONYERS. Now the gentleman is getting a little bit radical, and I would like to repeat some remarks that I had an opportunity to say in a discussion similar to this at a college in Newport News over the weekend. The same question came up in the context with black law students who at this discussion about the failure of the economy and the political process, someone said, "Well, why don't we go to the other side and get some of the people who are always in the Democratic Party on the other side of the aisle?" And someone else said, "Have you ever tried to do that, to put that into practice, and would you know what would happen?"

It is commonplace, now that we are on the subject, that the Republican Party rejects the black voter and his aspirations almost out of hand. The Democrats accept us for the 20-percent base that we provide in national politics and then put us in the back of the bus. I have been told indirectly by the leadership that I have got to support Jones but I cannot even discuss my own budget. Not to say that I would not vote for Jones if I could discuss mine, but I have been told that that is what I have got to do.

Now, the gentleman comes to the well with this daring suggestion of a task force between blacks and Republicans—at least the gentleman articulated it, it is the first time I have ever heard of it—and you do not even have a budget. We are talking about something I am not happy with against something not in existence. At least the Congressional Black Caucus filed the first budget resolution in the 98th Congress. We filed it a full day before Jones. And, of course, as the gentleman knows, Jones has just come off the press. How many other changes have been made in that document not even Jones knows. And here we are, debating against a budget I am unhappy with, distressed because the Black Caucus budget has been frozen out of debate arbitrarily, and the gentleman is telling me about joining with him, and the gentleman does not even have a budget.

Mr. GINGRICH. Well, let me suggest to the gentleman that, of all of the folks on this floor, I suspect that you and the gentleman from California (Mr. HAWKINS) and the gentleman from Maryland (Mr. MITCHELL) can best understand the concept that you start some things by starting them. Humphrey-Hawkins did not pass in a week. But let me say to the gentleman—and I do not mean this as a tactical ploy; I am saying this in public to the entire caucus—you are trapped and we are trapped. You did not get to vote on your budget this time because there is in fact a growing tyranny in this building, the same tyranny that showed up last Wednesday on the freeze and tried to cut off debate, the same tyranny that gave 90 minutes to the minority to write a Rules response as a minority report, the same tyranny that in fact is canonism without canon, and it is growing, and it does not represent any minority, whether it happens to be black or whether it happens to be a minority party.

Mr. CONYERS. If the gentleman will yield further, that may be a perspective. I rather suspect that something else may be occurring. I rather suspect that more people in America are beginning to look at and listen to the Congressional Black Caucus budget alternative and are giving it support. There was every indication that in the second year we got more support than in the first year. We received 86 votes last year. Things have gotten worse. We think that the premises on which we put that budget together were valid. I did not predict we would win this year; but I thought we would get more votes. And I think that begins to disturb the leadership in a very embarrassing way.

Now, I am not trying to embarrass the Democratic leadership. All I am saying is that I cannot go back to the organizations around America that I have been preaching this Black Caucus budget and say to them that "This year, fellows, the Speaker was scared, and so he said, 'Fellows, I cannot let you have any time.'"

Now, last year I argued that the Black Caucus budget gets demeaned because too few people pay attention to it when we get a rule. This year they said, "Let us not even bother with a rule. We will give you an hour to sandwich it in somewhere and talk about it as a discussion paper" and that is a disgrace.

Mr. GINGRICH. Let me reclaim my time and simply say that for as many years as I have been here we have talked about Humphrey-Hawkins, that until we can find a way to reach across and work informally among junior Members, as long as the gentleman's caucus is isolated, for that long it will be impossible for the gentleman to do more than articulate his values as opposed to reaching his values.

I do not think it is going to be easy. I think we would have a lot of arguments. I do not know that we would agree on a great deal, at first. But until the dialog begins, I think we are going to remain a country in which in fact the options available are frighteningly few and the likelihood of achieving the goals of the gentleman from California (Mr. HAWKINS), which I agree with—I think the goal of every American having a chance to have a job is vitally important, and I think both parties have failed.

□ 1150

Mr. WALKER. Will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding because I think it is also important to point out in the context of the discussion that has taken place that there was another budget frozen out of this process that Mr. DANNEMEYER of California was prepared to offer, a balanced budget.

There are 70 percent of the American people who think that that is what this body should be considering, a balanced budget. He had a budget that could be balanced by fiscal year 1986. We have not been given an opportunity to have the majority wishes of the American people discussed on this floor, so that the tyranny of the leadership of this body is in fact freezing out the majority wishes of the American people as well.

I thank the gentleman for yielding.

Mr. BETHUNE. Mr. Chairman, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Arkansas.

Mr. BETHUNE. I do not want to talk about budgets or tyranny or anything of that nature. I would just like to talk about the overture the gentleman has made here which is important.

Many of you over there would have no way of knowing that the gentleman and I and some others on this side have talked deeply and sincerely about the points that he has made here this morning.

I was raised a Democrat, rocked in the democratic cradle all my life. I woke up one day when I was in my thirties to have my first conscious political thoughts by realizing that Arkansas was being ruled by Orval Faubus. At that time I discovered there were some people gathering together to try to do something new. The idea was to gather together behind Winthrop Rockefeller, a Republican, moderate progressive, who wanted to change things. So we did.

I think the important thing that we discovered in Arkansas is that great changes——

The CHAIRMAN. The time of the gentleman from Georgia (Mr. GINGRICH) has expired.

Mrs. MARTIN of Illinois. I yield the gentleman 1 additional minute.

Mr. GINGRICH. I yield to the gentleman from Arkansas.

Mr. BETHUNE. I obviously do not have much time to finish up, but I had more to say.

I would just make this point. We are sincere. No one here has been a stronger advocate of the voting rights legislation. I got out there against the busing amendment.

We learned in Arkansas that great changes take place in the hearts and minds of men and women, not in the legislative Halls or Chambers. We also learned that there can be no economic success for white America unless there is economic success for black America. We have some different views about how to get there but I think there is something to what the gentleman says when he talks about his conservative opportunities society, bearing in mind that we have to do those things that we have been doing to have equal opportunity and to have civil rights.

But I think if we would reach for one another we could find new ways to solve problems and that is why I have stood here today to say this is a serious overture, this is not frivolous.

Mr. GINGRICH. Let me say in closing, many black politicians said the word "Republican" like a Klansman saying the word "black."

This is a serious offer to work together.

Mr. HAWKINS. Mr. Chairman, I yield myself such time as I may consume.

I simply would like to bring this section of the debate to a close because I think it has gone far beyond what this particular section was supposed to deal with. We were dealing with economic policy and not with the formation of a coalition here with blacks, with whites, Hispanics, or anyone else.

I think that is an ingenious and certainly an interesting thing to survey and I would hope that those who have made these initiatives would implement them and continue.

I think probably something would come out of it.

But today's discussion was on policy and to me that had nothing to do with any racial overtones. It certainly had to do I think with the status of all Americans.

I am quite sure that when Senator Humphrey and I initiated the Full Employment Act many years ago that we had in mind helping everyone. It was not that blacks would be helped, or whites would in some way be asked to sacrifice. But it was to obtain the opportunity for everyone, without any percentage of unemployment, to obtain a productive job in the economy so that everyone would be able to contribute to the maximum extent of their potential. That is what we had in mind. It would be just as much of a right, it seems to me, whether the unemployment was 2 percent or, as it is now, in the neighborhood of 10 percent.

Let me just simply clarify one or two points in connection with what I consider to be the manner in which I think Jones would be better than any phantom budget that seems to be floating around here, and that it is my opinion no one can logically say that Jones will not and does not in any way offer the opportunity for true tax reduction. If does not inherently mean that voting for Jones is a tax increase.

What we are simply discussing is who should bear the burden, whether or not those who can best do it as opposed to those who are already overburdened should carry the burden.

That is not spelled out in Jones; I concede that. But there is nothing about Jones, or voting for Jones, which means you are necessarily voting for a tax increase. I think that is incorrect and that is why I think that I personally believe Jones comes closer to the implementation of the Full Employment Act, because it would invigorate growth, it would allocate certainly more money to domestic expenditures that need to be done in the field of housing, in health, in job generation, and other things.

I think it would give us the growth that would allow, if those individuals who want an increase in defense, to get it; it would allow that growth that would add up to more revernues and a healthy economy so that we could, if we wanted to fix the defense budget higher than it is now contemplated, that it could be done. Of course, on the other hand, it may be that is not what we want to do.

Without growth and a healthier economy, we could not increase the defense budget without at the same time taking money away from the domestic side of the budget and therefore continuing a very sick economy.

Another point I would like to make is I believe sincerely that the business interests have more to gain in supporting Jones than they do in continuing the present rollercoaster economy.

To me it seems pretty obvious that business expansion depends on ultimate demand. Where you do not have customers you are not going to be able to produce as a business person. So you are not only interested in tax cuts, which you may get, incidentally, but some will not get that because business failures have already increased tremendously and those individuals obviously are not interested in tax cuts for they no longer are in business.

So that, to me, the best prospect for business expansion, is in building an ultimate demand, of having persons who will purchase the goods and services that business would depend on.

So it would seem to me that the growth which is contained in Jones leads us in that direction rather than the other way around, or to business failure because of deficient demand.

I just think it is a difference in philosophy and a difference in policy. It is a question of whether or not you believe that we should build from the bottom up or from the top down.

I believe, for the last 2 or 3 years of this and the previous administration we have been favoring those at the top.

We have been feeding the fat and starving the lean. We have been feeding the economic tree at the top rather than at its roots and consequently we have what I call a sick economy today and one that may continue at low growth and with a weak recovery.

We have had eight recessions since 1945, and before we get out of this one we are sowing the seeds of another recession. I think that is the greatest threat facing us, that if we go into another recession that it is likely to be even worse and longer in duration than the current one.

In the global situation today, in my opinion, we cannot afford another recession. This one has been severe. It has certainly not only disabled this country and our leadership in the world today but it has certainly disabled other countries as well.

□ 1200

And if before we get out of this recession we are laying the seeds for another one, I think that is a serious threat and I would say a vote for Jones is certainly a vote to try to avert global disaster and for that reason I think the Jones budget is much better.

● Mr. UDALL. Mr. Chairman, I am pleased to take part this year in this special portion of the budget debate. Five years ago, Congress passed the Humphrey-Hawkins full employment bill. As passed, it calls upon this body to set aside a portion of the budget debate for a discussion of economic goals, including the goal of full employment.

And few goals are as important as full employment. Hubert Humphrey knew that. So does the gentleman from California. He should be commended for bringing this matter again to the floor.

What made Hubert Humphrey great was that he understood people. He put national problems in human terms all understood. He once calculated that every 1-percent rise in unemployment is associated with about 38,000 deaths from: suicide; strokes; heart attacks; abuse of alcohol and drugs; and murders related to family breakup and mental illiness.

He understood that unemployment is more than a Government statistic, it is a human tragedy. And if he were alive today he would tell us that 10.4 percent unemployment is human tragedy on a grand scale.

But he also understood that unemployment is an economic loss. He once calculated that the failure to maintain full employment between the midfifties and the midseventies amounted to a $3 trillion loss in economic output. Today, with an unemployment rate of 10.4 percent, we are losing more than $300 billion a year in lost economic output.

My colleagues on the other side of the aisle will say that they, too, are for full employment. And I suppose they are. What we are debating today is not the goal of full employment, but the means of achieving that goal.

This is the third budget this administration has presented to Congress. During the past 2 years, we have faithfully followed the administration's economic game plan. Today, even in the canyons of Wall Street, one thing is perfectly clear. That radical, untested economic plan called supply-side economics lies in ruin, a monumental bust, rejected even by most of its authors.

We were told that not only was there a free lunch, we would get a tax credit for eating it.

Given a choice between tax relief and a massive defense budget, we decided to have everything on the menu. What we have today is fiscal indigestion on a massive scale.

By its own estimates, this so-called conservative administration will rack up more new public debt than all the Presidents combined from George Washington down through and including Richard Nixon and Gerald Ford.

Well, we cannot have everything on the menu. We have to make some hard choices. I believe the Budget Committee has made the right choices. I think it is right to put the emphasis on full employment and job creation. I think it is right to limit the size of the defense buildup. I think it is necessary to reclaim some of the revenues given away in the 1981 tax cut. And I think it is important that we do more about cutting the deficit.

The jobs and economic recovery portion of the committee's bill will provide more than $17 billion for important job creating measures and emergency relief, including extended unemployment benefits. The moneys spent for job creation will help to spur economic growth, increase tax revenues and at the same time serve important public policy goals in the areas of education, transportation, and conservation.

Some will argue that this budget does not go far enough in creating new jobs. But I think it is a fair budget. I think it is a good starting point. I think it deserves the support of this body.

Some, on the other hand, will argue that it goes too far. They would like to see less money for job creation, more money for defense, and they would like to see still more tax cuts. But these are the same people who 2 years ago told us that Government was the problem, not the solution to our problems. They told us that supply-side economics would cure all our problems—unemployment, big interest rates, inflation and deficit spending—everything except acne and lower back pain. Well, it did not work out that way.

It is time to chart a new course—one that will lead someday to full employment—and yes, even a balanced budget someday.

I urge those Members who are really concerned about full employment to support the recommendations of the Budget Committee.●

● Mr. WEISS. Mr. Chairman, I congratulate the Congressional Black Caucus for presenting their budget alternative to the House and express my strong support for their proposal. The Black Caucus budget reflects clearly the direction in which our party and our Nation must move if we are to reverse the devastating impact on our economy and our people of the administration-crafted budgets of the last 2 years.

I want to commend the Black Caucus for its leadership as well, in focusing on the extent to which political reality limits the speed with which that reversal can take place. The House at present does not seem ready to adopt the Black Caucus budget, whereas the proposal of the Budget Committee seems ready to command a majority. The Budget Committee proposal, while not as dramatic a reversal of administration policy as the Black Caucus budget, nevertheless represents a significant shift in the right direction and deserves our wholehearted support.

The Black Caucus has performed an important service in pointing out to us how much further we still have to go to recover from the damage of the last 2 years.●

The CHAIRMAN. All time has expired.

The gentleman from California (Mr. DIXON) is recognized for 1 hour.

Mr. DIXON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this morning we have discussed the budget and its significance for reaching the goal of full employment.

We find it wholly appropriate to take this opportunity to discuss the Congressional Black Caucus' constructive alternative budget for 1984—House Concurrent Resolution 87. This is the third year that the caucus has presented a constructive alternative.

We were compelled to take a leadership role in the budget process because of the harsh cutbacks and misplaced priorities which the Reagan administration has advocated.

Now 2 years down the road, the failure of the Reagan economic program is clear. More than 11 million Americans remain out of work, and 2 million more are too discouraged to continue searching for a job.

Yet the President's program has not been altered to respond to unemployment. He staunchly refuses to moderate his leadership or acknowledge the responsibility of our Government to help those affected by America's unemployment crisis.

The Congressional Black Caucus cannot ignore the plight of America's poor and unemployed: for they are more often than not our own people. We drafted a budget which we believe will fight unemployment, spur economic productivity, and lead us toward community renewal.

The CBC alternative budget calls for $860 billion in budget outlays in 1984:

Proposes a tax reform package that will help provide $691 billion in revenues, and

Offers a deficit of $169 billion, which is $20 billion below the President's projected deficit.

In the area of tax equity and reform, our package seeks to eliminate many of the inequities resulting from the misnamed Economic Recovery Tax Act.

The core of our tax reform is a modification of the third year tax cut to limit it to only the first $50,000 of income. This alone would increase revenues by $8 billion.

The CBC budget also anticipates reform of oil and gas taxes modifications in estate, luxury, and capital gains tax producing $5 billion, and another $5 billion through corporate tax reform.

Our budget places jobs as the No. 1 national priority.

The CBC budget allocates $8.9 billion for a comprehensive employment program, some 1 million jobs would result from this plan.

In the area of job training and employment services, our budget is $6 billion above the President's request.

In the area of defense, our budget shows the greatest difference from either the President's request or the Budget Committee's recommendation:

The CBC calls for $215 billion in budget authority for defense. This figure reflects the same level as provided by Congress in 1980, before the scramble to dump billions into the Pentagon in a false display of national security.

The dangerous rhetoric which the President displayed by attacking the defense levels in the democratic plan, demonstrate that the bidding war for national security has gone too far.

How can any reasonable American claim that the modest recommendations of the Budget Committee would endanger national security, when the Reagan plan calls for $1.8 trillion and the Democrats suggest $1.6 trillion.

The difference is but a matter of degrees at a time when America is hurting badly from its own domestic needs.

That our national security requires nothing short of a 10-percent increase is nothing short of a figment of the imagination.

What is real is the needs of Americans, for a Government that holds out

a warm hand, and not a closed fist of denial.

The CBC budget seeks to restore the integrity of our Government, and its commitment to equity and fairness.

Our budget restores $51 billion to essential domestic programs:

These are directed to priority needs in the area of housing, income security, community development, education, WIC nutrition assistance for mothers and newborns, health benefits for the unemployed, and a national development bank.

Those of us in the CBC have watched support for our plan grow during the past 3 years, and are proud of the contribution which we have made to the dialog over national priorities.

INTERNATIONAL AFFAIRS

The CBC budget provides $25.6 billion for the foreign affairs function, which is $1 billion below the President's request. Yet, this does not even begin to reveal the vast difference between these two recommendations.

The CBC reduces the President's grant military aid request by 60 percent, and trims $250 million from the administration request for economic support funds.

We believe that the President offers military solutions to problems in the world which are prompted by underdevelopment and economic distress. The CBC alternative seeks to restore needed balance in our foreign assistance programs, and to promote U.S. interests in the area of trade and export.

Some highlights of the CBC foreign affairs budget include:

Restoring the 24-percent cut in funds for UNICEF which President Reagan sought in 1984.

Inclusion of the full administration request for U.S. contributions to the World Bank and multilateral development institutions.

Accelerated economic and development assistance for Africa, the region most afflicted by underdevelopment, and most troubled by continuing worldwide economic stagnation.

Provision of the entire $4.4 billion for the Export-Import Bank, denying the $600 million reduction sought by the President in this essential program which maintains the ability of American businesses to compete with other nations in export sales.

We believe that this proposal is modest, and offers the best hope of returning to a more reasoned foreign policy based upon humanitarian assistance and self-help, instead of promoting military buildups by nations already overextended financially.

ENVIRONMENTAL ASPECTS OF CBC BUDGET

The CBC alternative deletes funding for the Clinch River breeder reactor, and redistributes 20 percent of the proposed increases in nuclear programs to alternative energy projects.

While Reagan seeks an 84 percent reduction in solar programs from their 1981 level, the CBC restores and increases these viable, environmentally sound alternatives. It also increases the Solar Energy and Conservation Bank which the President seeks to phase out.

We also deny the cuts sought by the administration in EPA, and provide $250 million for the Youth Conservation Corps, which the President did not request.

CBC RESTORES POSTAL SERVICE SUBSIDY

In its budget cutting crusade, the Reagan administration has seen fit to fund Postal Service subsidies $389 million below the 1983 appropriation. Such a reduction effectively eliminates postal subsidies to nonprofit organizations in 1984.

The caucus recognizes the contributions nonprofit organizations have made in buttressing the impact of Reagan administration reductions on the lives of millions of Americans.

To absorb administration cuts in this year alone, nonprofit organizations would have to increase their activities by 5 percent in arts and culture, 30 percent in education and research, and 60 percent in social welfare and community development.

The CBC budget alternative provides $1.1 billion for Postal Service subsidies in 1984, which will fund door-to-door, 6 day and rural mail delivery as well as subsidies to reduce the costs of mailing by charitable nonprofit groups and educational institutions.

The CBC is opposed to the reductions that have been detrimental to the fair and effective functioning of the postal system, and its budget restores funding levels to what would have prevailed if past cuts had not been made.

TAX REFORM

To those who would argue that the caucus is raising taxes, we respond that we are, instead, making the burden equitable.

In 1983, the Joint Committee on Taxation has estimated that while corporations will pay a mere 12 percent of income tax, while individuals, mostly working and middle class, will pay an incredible 88 percent of the income taxes collected by the Federal Government.

The caucus therefore calls for a minimum 15 percent to be imposed on corporate earnings.

I would like to take this opportunity to thank the members of the Congressional Black Caucus who have worked so diligently on this budget, and the staffs which provided the essential research and followthrough.

Mr. Speaker, the CBC alternative budget moves America toward the goal of full employment and balanced growth.

Now, there has been much discussion this morning about the CBC budget. The Washington Post indicated this morning that there were half a dozen Members who voted against the rule yesterday. The Washington Post is wrong. There were three Members who voted against the rule yesterday. The Congressional Black Caucus did not go to the Rules Committee and offer or ask for time or rather a vote on our budget but asked for an opportunity for a dialog on this floor. It is true that several members of the Caucus went to the Rules Committee. It is also true that 17 members of the Congressional Black Caucus are supporting the Jones budget, because when we look at the figures in our budget which we would obviously prefer, we recognize that there is no chance of its passage and we recognize that those figures are only $18 billion short of what the caucus has recommended.

In closing I too would like to thank my Republican colleagues. Not one Republican has ever voted for the Congressional Black Caucus budget, in either 1981 or 1982. So, we thank you for your concern, about our opportunity to have a vote on our budget. But it will continue to be the Congressional Black Caucus that makes that decision. And 17 members of the Caucus have decided to support the Jones budget and we thank you for your cooperation.

Mr. WOLPE. Mr. Chairman, will the gentleman yield?

Mr. DIXON. Mr. Chairman, I yield to the gentleman from Michigan.

Mr. WOLPE. I thank the gentleman for yielding.

I just wanted to take a moment to express my appreciation for the extraordinary contribution that Mr. DIXON, Mr. GRAY, and the entire Black Caucus have made, not only in this year's budget debate, but in the past 2 years as well. The gentleman has pointed out that many of the concerns and priorities of the Black Caucus are reflected in the budget resolution which has emerged from the House Budget Committee. At this time 2 years ago, when the administration bandwagon was rolling and many Members of this body were very frankly running for cover, it was the Black Caucus that focused the attention of this body, and of the Nation, on the contradictions that were inherent in the program that was before us. Not many people wanted to take those contradictions head on. It was clear from the beginning that with proposed tax reductions of $750 billion coming at the same time as proposed defense spending increases in the neighborhood of $480 billion, that we were very likely to end up with larger deficits rather than smaller deficits. That is of course precisely what has happened. We have the largest deficits in the entire history of our Nation.

It was the Black Congressional Caucus that really served as the conscience of our party during that debate, and I thank the caucus for that. And the caucus has once again helped to focus our attention on the question of priorities in the preparation of this year's House Budget Committee resolution. If you take a look at the caucus resolution that was prepared this year, and the ones offered previously, it is significant that the total deficits that were advanced in those budget resolutions were actually lower in every instance than the deficits projected in either the administration proposals or those of our own party. The issue that the Black Caucus has emphasized to this body, and to this Nation, is that the real question that we need to address is one of priorities. It is not a question of overall levels of expenditure. Indeed, the outlay figures over the next 5 years of the administration's budget are approximately the same as those advanced in the Democratic budget alternative.

□ 1210

The real issue is where that money gets spent, what our national priorities are.

I think perhaps one of the most important contributions to the debate on priorities has been the discussion that has taken place by the gentleman in the well, by the gentleman from California (Mr. DELLUMS), by the gentleman from Pennsylvania (Mr. GRAY), and others, with respect to the excesses of the defense budget. We are planning to spend, under the administration's proposal, $1.8 trillion over the next 5 years. If we were to try to spend that sum of money at the rate of $1 million a day, every day of the year, it would take us over 4,800 years to spend that sum, and we are trying to do that in 5 years, and there are people out there saying that is not sufficient.

Just the increase that the President is asking for in defense outlays this year, a $30 billion increase, is greater than the sum total of all of the appropriations for the Departments of Housing and Urban Development, Education, State, Justice, and Interior, all rolled into one. Just the increase in the defense budget.

Clearly, there is not a Member of this body who does not believe in a strong national defense, but equally clearly, that does not come, as the Black Caucus has constantly emphasized, simply by throwing dollars at the Pentagon.

So, again, I want to commend the gentleman in the well for taking the time to focus the attention of the caucus once again upon the priorities and concerns that we all should be attending to. I think the gentleman does a great service to this body and to the entire Nation.

Mr. DIXON. I would like to thank the gentleman from Michigan for his comments. Obviously his input as a member of the Budget Committee has brought that budget recommendation closer to the priorities of the Congressional Black Caucus.

Mr. Chairman, at this time, I yield 6 minutes to the gentleman from Pennsylvania (Mr. GRAY).

Mr. GRAY. Mr. Chairman, I would like to associate myself with the comments made by my distinguished colleague from California and chairman of the Congressional Black Caucus (Mr. DIXON).

Mr. Chairman, the President's budget for fiscal year 1984 was a slight change of tone but no change in the policies of the past two budgets which have created a severe depression in America. For millions of jobless and impoverished poor and minority citizens, the inspiring rhetoric of F. D. R. is a cruel reminder of what our Government has failed to do for the victims of Herbert Hoover policies.

The impact of Mr. Reagan's policies have had a particularly adverse impact upon the minority community. More than 1 of every 5 black adults is out of work, 1 of every 2 black youths had no job, 1 of every 3 black persons lives in poverty, black infant mortality has increased, black per capita income is 58 percent that of whites, and purchasing power of black family income is lower now than in 1980.

It is my belief that this administration's policies have been a significant factor in the continued erosion of the quality of life for millions of black Americans.

It is against this backdrop that the Congressional Black Caucus, for the third consecutive year, developed an alternative fiscal plan to that proposed by the administration. A plan designed to restore economic growth and job creation; a plan built with compassion and fairness as its underpinning, a plan which honestly evaluates the security needs of this Nation.

Mr. Chairman, while there are a number of areas in which the CBC proposal differs from the President's 1984 direction, I would just like to take a moment to share with my colleagues a few of the major differences between the Reagan proposal and the CBC proposal.

Overall the CBC proposal has a total of $641 billion in nondefense spending for fiscal year 1984 compared to $597.8 billion in the administration's request. The caucus proposal would represent a modest 8-percent nominal increase in nondefense spending compared to 1 percent under the administration.

In the area of deficits, the caucus proposal has a deficit in 1984 of only $168.5 billion or nearly $11 billion under the administration. And in the outyears, we propose a deficit of $131.5 billion for 1985, $93.2 billion for 1986, for a cummulative 3-year total of $393.2 billion or some $106.4 billion less than the President.

Despite the highest levels of unemployment since the Great Depression, the administration's 1984 proposals continue to reduce the programs that help 11.4 million Americans who are out of work.

We in the Congressional Black Caucus believe that this is an ill-conceived position and thus we make job creation the No. 1 priority.

As such we included $8.9 billion in fully funding H.R. 1036, the Community Renewal Employment Act, which creates over 900,000 jobs.

We include nearly $10 billion to fully fund the Job Training and Partnership Act programs, which would serve a program level of nearly 3 million participants, while the President only requested $4.3 billion for these programs.

The President proposed to eliminate the work incentive program, while the caucus proposes including $365 million to assist AFDC recipients to obtain unsubsidized jobs, ultimately moving the recipients from welfare dependency to economic self-sufficiency.

Mr. Chairman, there are many other differences in housing and in education.

But clearly, what we have tried to do is again state as we stated in 1981 and in 1982 that the priorities of this administration are ill conceived, they do not deal with the needs of black America, but also working America, urban America, and elderly America.

In closing, Mr. Chairman, the various members of the Congressional Black Caucus will give the details of their specific areas this morning. However, I would like to say to those who ask what happened to the Congressional Black Caucus. An overwhelming majority, 17 members, voted not to offer its alternative before the House. And thus, there was no tyranny. There was no conspiracy. We made that decision, not the leadership nor anyone else. And of course we have a democracy. Of the 21 members the majority ruled. And so 17 of us voted not to offer it because the Jones budget comes very close to what we have been seeking over the last 2 years, even though there are parts of it which we are not satisfied with.

Let me join my colleague and the distinguished gentleman from Maryland, as well as my colleague from California, who is the chairman of the caucus, by saying to those who I have heard today, with their melodious songs of concern for black Americans, where were your concerns when you proposed cutting jobs programs? Where were your concerns when you cut the nutrition program? Where

were your concerns when you passed a tax program which has been acknowledged will provide $55 billion in increased income for the top 1 percent of America and the poor get nothing?

Mr. DIXON. Mr. Chairman, I yield 4 minutes to the gentleman from the District of Columbia (Mr. FAUNTROY).

Mr. FAUNTROY. Mr. Chairman, I think it is clear from the remarks of both my colleagues, the gentleman from California (Mr. DIXON) and the gentleman from Pennsylvania (Mr. GRAY) that the constructive alternative budget offered by the Congressional Black Caucus is, again, one that deals with the basic problems confronting this Nation; problems that just happen to be reflected most acutely in the experience of our Nation's black citizens.

Most of the 12 million people who are unemployed in the country today are white; but because blacks are disproportionately represented among those who are last hired and first fired, unemployment reflects itself most acutely in the black experience, where the unemployment rate is rising to nearly three times that of the national average. Things are not just bad in the black communities of our Nation, they are miserable. More than 1 of every 5 black adults is out of work; 1 of every 2 black youths has no job; 1 of every 3 black Americans now lives in poverty. Only 1 of every 14 blacks earns enough to even consider buying a new house at today's prices. Indeed, black per capita income is 58 percent of that of white Americans, and the purchasing power of black family income is lower now than it was 13 years ago.

The Congressional Black Caucus alternative budget addresses this condition, not just for black Americans, but for all Americans. Most of the citizens of this great Nation who are on food stamps and medicaid are white. Most of the people who require aid to families with dependent children and guaranteed student loans, basic educational opportunity grants are white. It is just that blacks are disproportionately represented among those who have fallen through the gaping holes in the social safety net that have been cut by the radical right Reagan policies of the past 2 years.

The American people told us last November that they want to change that course. The more than 82,000 small businesses and small farmers who have gone bankrupt in the last 2 years are disgusted to learn now that 80 percent of the Reagan tax relief that went to businesses in this country went to the major corporations. The middle income taxpayers of America are furious to learn that to get any relief in individual income taxes, you have to make at least $100,000 a year and that 35 percent of the Reagan tax breaks went to the very rich of our Nation, the top 5 percent, Ronald Reagan's real constituency in this country. The American people are tired of cuts in the very Federal programs designed to cushion our people through the hard times that Reaganomics has thrust upon us. They do not want the $849 billion in deficit spending that Ronald Reagan would shackle us with by 1986; more deficit spending in 4 years than we had under seven Presidents in 35 years. The American people know, Mr. Chairman that that enormous deficit is the legacy of 2 years of tax giveaways to the rich and astronomical increases in military spending, and they want to change. The Russians are not storming the battlements of our defense, but economic misery has already invaded the homes and sanity of tens of millions of Americans, and threatens to crush through the door of tens of millions more.

The American people want us to change the course, Mr. Speaker, and the CBC budget is a blueprint for that change.

Let me, finally, say a word about those on the other side who are crying crocodile tears because they would have no opportunity to vote on the caucus budget this year. Some of us are smart enough to know that you do not want the opportunity to vote for our budget, but that you wanted the opportunity to knock out the 900,000 jobs that the Jones budget would create for America's desperately unemployed. You wanted the opportunity to strip the housing programs that sustain America's lower and moderate income families from the modest $18.2 billion level to the $1.8 billion level of the Reagan proposal. You wanted to vote for higher deficits and increased military spending. With the exception of the high defense mark in the Jones budget, the American people want and deserve better than you intend to give them in a budget resolution.

We support the Jones budget because we know and you know that it is by far the closest thing to the caucus budget to come to the floor with a chance of passage in the last 2 years. We support it because it addresses the basic problems confronting this Nation, problems that happen to be reflected most acutely in the black experience.

Mr. Chairman, one of the most significant components of the American Dream in this country is the opportunity to have a home which one can proudly call his or her own. That this home should be safe, decent, and sanitary has been the hallmark of the commitment of our national housing policies from the beginning when we created the first public housing under the New Deal's Public Works Administration and then through the Housing Act of 1937. Thirty-four years ago, it was firmly implanted into law with the enactment of the 1949 National Housing Act which declared as national policy "the goal of a decent home and suitable living environment for every American family."

Until recently, this goal was viewed as one of the immutable givens of our Nation. Every administration and every Congress recognized and accepted the role of the Federal Government in achieving the goal. Until 2 years ago, every administration and every Congress supported this goal with concrete programs. Tax deductions for mortgage interest and property taxes were established to help people afford their own homes. The FHA and VA mortgage guarantees were provided to lessen the risk of long-term lending for housing. GNMA, FNMA, and FHLMC were created to bring mortgage lenders and investors together so that funds could be pooled in support of developing both single-family and multifamily housing. Specially chartered corporations such as the National Housing Partnership were given mandates to build low-income housing.

Federal funds have been used to construct and operate public housing for the needy for nearly 50 years and we have, since then authorized, first, the section 236 and now the section 8 low-income housing assistance programs. We have created housing for the elderly through the section 202 programs; we have sought to modernize and improve old public housing units; and, we have provided operating assistance to troubled 236 projects. We have created the rural housing insurance fund and other rural housing assistance programs to provide housing for people who live in small towns and rural areas where housing has often been inadequate. We have enacted other programs such as those for Indian housing which seek to make housing available to all Americans. All of these things were done by both Republican and Democratic Presidents with the aid and support of Democratic and Republican Members of Congress.

The results have been dramatic. We have in this country one of the highest proportions of homeownership in the world. Most Americans now live in decent housing, whether rented or owned. And the percent of occupied housing units that are substandard has steadily declined, from close to 50 percent in 1940 to less than 10 percent by the 1970's.

Unfortunately, we have in the last 2 years retreated from this state. This administration's economic policies caused mortgage interest rates to rise so high that the average American with the average American income cannot afford to buy a median-priced American house. While mortgage rates have recently fallen, the fact is that the great majority of families still

cannot meet the monthly mortgage payments on a new home.

The situation is even worse for the poor who must depend on rental housing. The financial and social obstacles to the construction of new rental housing are so severe that little is now built without Federal assistance. Yet, this administration has proposed and partially obtained large cutbacks in Federal housing assistance. The fiscal year 1983 budget authorized the construction of a total of 14,000 new housing units, all for the elderly and handicapped, compared with 116,000 new units under fiscal year 1980 budget authority. With some existing rental housing being lost each year to old age, condominium conversion, and gentrification, rental housing has become even scarcer during the last 2 years. Vacancy rates are at record low levels in many of our urban areas, and the numbers of those homeless because of high rents and high unemployment rates is a disgrace.

Any humane, fair, and just budget needs to address the problem of housing, especially for low-income and middle-income people. Any decent budget must live up to the commitment made by the Congress to assure decent housing to all Americans.

Sadly, this administration's budget does not meet these standards. The Congressional Budget Office projects that the President's budget as a whole would make only partial reductions in the deficit, which would remain close to $160 billion in fiscal year 1988. Such deficits would place severe pressures on credit markets, would drive up interest rates again, and make it even harder for most people to afford a new home. Yet, this administration does nothing to fulfill our national commitment toward housing.

The administration's proposals for spending on housing programs are shameful. It has proposed a negative $2.3 billion BA level for section 8 housing assistance, with the only new housing authorized being 10,000 units of housing for the elderly and handicapped. Even new housing for the elderly is reduced from the 14,000 authorized in fiscal year 1983 and the 20,000 authorized in fiscal year 1980. While the cuts are camouflaged by the administration's proposed housing payments certificates, these would substantially reduce the level of assistance to lower-income people. The rents of the poorest lower-income housing tenants would also be raised by the administration's proposal to count the value of food stamps as income in determining tenant contributions for rent even as the tenant contributions is itself, raised from 25 to 30 percent.

The budget adopted by the House Budget Committee is a distinct improvement. It would reauthorize the section 8 low-income assisted housing program at $13.1 billion with $1.7 billion going to public housing modernization. It would assist 152,000 units, including 14,000 units for the elderly, 14,000 new public and Indian housing units, 35,000 of existing housing units, 20,000 moderate rehabilitation units, and 69,000 conversions. It would re-establish tenant rent contributions at 25 percent of income instead of Gramm/Latta's 30 percent. It would enact a new program to fund the construction or rehabilitation of rental projects with authorization of $1.3 billion, which would assist the construction of 60,000–100,000 new units. It would reauthorize the existing rural housing assistance program, adding a new rural low-income housing rehabilitation grant program. And it reauthorizes and provides funds for the congregate services program, a demonstration program to coordinate local government efforts to assure decent housing to public assistance recipients, low-income weatherization assistance, and other supports for housing.

This budget is a far cry from the generally acknowledged annual need of 500,000 units of assisted housing. It is far from the kind of program which would fully reaffirm our national commitment to safe, decent, and sanitary housing. It is, however, an effort to regain some of the lost ground, and more importantly, it is an effort to continue the housing programs which have met the needs of the American people including the poor.

This budget is not perfect, nor does it fully meet the housing needs of our people. The Congressional Black Caucus, which has prepared alternative budgets in the past 2 years, would have provided more money for housing had its members chosen to offer an alternative budget this year. However, I and the other members of the Caucus feel that the housing programs contained in the Budget Committee's proposal are a reasonable new beginning which deserves our support.

□ 1220

Mrs. MARTIN of Illinois. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. I thank the gentlewoman from Illiniois for yielding me this time.

Mr. Chairman, I would like to make a few remarks, if I may, from a Banking Committee member's perspective about this legislation. It is unfortunate that House Concurrent Resolution 91, the first budget resolution for fiscal year 1984, is labeled "A Democratic Plan for Recovery." The label does not even pay lipservice to bipartisanship in funding our Government's operations for fiscal year 1984. To be sure, in its opening section it says that it does promise any number of good things, including economic growth and lower deficits, emergency assistance for the poor, investment in human resources, fairness and equity, a strong national defense, and solvency of the social security system. I know of no Republican who would not subscribe to these worthwhile sentiments. It is in the means to achieve these objectives that we part company.

The second section of the concurrent resolution is entitled "The Results of Failed Policies." I am astonished at this characterization of the results of the administration's first 2 years in office, knowing that it inherited a legacy of inflation and recession; but to characterize the first 25 months of this administration as a failure is to ignore substantial improvements that have been made in the abatement of inflation, the lowering of interest rates, and most importantly, the beginnings of a recovery which is now widely recognized. Indeed, the entire Democratic budget proposal is predicated on a scenario of economic recovery which is even more optimistic than that which underlay the President's own budget proposal.

But let me direct my remarks to a number of specific issues raised by the resolution which have direct bearing on the work of the Banking Committee.

Assisted housing. The budget resolution calls for a substantial increase in funding for assisted housing above the level appropriated for fiscal year 1983. The resolution proposes a $13.1 billion level, which is $4.45 billion, or 51 percent above the $8.5 billion level of last year's appropriation. This, despite the fact that the Banking Committee has not acted on administration proposals to save money. It is my judgment that we should freeze funding of these programs at last year's levels and take advantage of the administration's efforts to develop a less costly housing assistance program.

Multifamily housing production. On top of the almost $4.5 billion increase in assisted housing, the budget resolution calls for another $1.3 billion for new multifamily housing production to assist between 60,000 and 100,000 units. This works out to a cost of between $13,000 and $22,000 per unit. This is a program designed more for syndicators than it is for the poor.

There is also money in here for the community development block grant program. This very popular program has been relatively immune from the recent budget cuts and, as a matter of fact, we increased it by $1 billion in the jobs bill which we just passed, H.R. 1718. The addition of another $1 billion to this program, a 25-percent increase, at a time when the Federal deficit is of such grave concern, cannot be accepted. I think there is a more practical approach.

Mortgage foreclosure relief. As if the budget resolution did not do enough

damage to fiscal year 1984, it also goes back and adds another $760 million for mortgage foreclosure relief. Now, this matter is before the Banking Committee and will be taken up after the Easter recess, but there has been no authorization for this program. The $760 million should be excluded from this bill before us today.

Rural housing. The proposed budget includes $100 million new for a proposed rehabilitation block grant program for rural areas that would be administered by the Farmers Home Administration. This may or may not be a good idea. We have no way of judging it. We have not had any hearings on it. It was not a part of the administration's request. It was not a part of H.R. 1.

The Export-Import Bank. The budget resolution recommends $4.6 billion for fiscal year 1984. The administration recommends approximately $2.7 billion. Now, we do not quarrel with the proposition that the United States must have a fully competitive export credit facility, at least so long as other countries maintain export credit subsidies; but it is too much.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mrs. MARTIN of Illinois. I yield 1 additional minute to the gentleman from Ohio.

Mr. WYLIE. The National Industrial Development Bank adds money at a time when we can ill afford to add additional money. This was at the heart of the Carter administration's urban strategy program. And we have not even had hearings on it.

I do not like the language on monetary policy. I am for maintaining the independence of the Federal Reserve System. I think this language is mischievous at best and should be left out of the resolution.

□ 1230

Lest we send a confused, ambiguous or misleading signal, I would advise that we not act in haste. I think House Concurrent Resolution 91 should be rejected and the Committee on the Budget members told to come back with an American plan for recovery.

Mr. DIXON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York (Mr. OTTINGER).

Mr. OTTINGER. Mr. Chairman, I rise in this effort to rededicate ourselves to see prompt implementation of the objectives of the Humphrey-Hawkins bill to provide full employment for America. I think anybody who looks at our economy seriously has to know that we are not going to have balanced budgets, we are not going to have a strong defense, and we are not going to be able to compete with Japan and Europe unless we provide a full employment economy for our people.

I rise also to express my support and admiration for the Black Caucus budget which year after year has been the only budget that achieves those Humphrey-Hawkins objectives.

It is the only budget which provides meaningful tax reform so that those who gain from our society pay their fair share of the burden. I do not know whether people know this generally, but this last year there were six corporations that made better than $100 million and not only paid no taxes, but got substantial moneys back from the Government. They were on welfare. The President is well on his way with the 1981 tax cut bill to relieve all corporations of their tax obligations.

The Black Caucus budget is the only budget that makes the investment that we need to have a strong economy, the investment in jobs to see to it that people have jobs and job training and, to the extent that we cannot do that in the private sector, to do it in the public sector; that makes the investment in housing and the rehabilitation of our cities, modernization of our industry, so that we can have a strong America.

Indeed, I think that if the Black Caucus budget had not been put together, we would not have seen as good a budget this year as we have to vote on from the committee, and we would not have had as good budgets as we have had in past years. The Black Caucus has really been leading the way, and I am very pleased to associate myself with its efforts.

Mr. DIXON. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. SAVAGE).

Mr. SAVAGE. Mr. Chairman, I joined my courageous colleague from Michigan, the Honorable JOHN CONYERS, on the day before yesterday, as the only two pleading before the Rules Committee to allow full and open debate and voting today on the Congressional Black Caucus' budget proposal, a legitimate and essential alternative in this crucial debate of our Government's budgetary priorities—but, to no avail.

Therefore, I voted against the rule that was adopted yesterday by this House, because that rule gagged the considerable body of voters out there who are strongly opposed to increasing outlays for bombs at the expense of outlays for bread. This House has gagged we Americans who truly believe that the first foreign policy line of defense for this Nation should be a domestic policy line above which our Government will not tolerate unemployment—a line above which we will not tolerate hunger or homelessness—a line above which we will not tolerate any American receiving less education than one seeks and can master—a line above which we will not tolerate deprivation or disrespect of our elderly—a line above which we will not tolerate preventable health problems sustained by poverty.

Here I stand, now gagged to a mere mumble of protest, because I prefer that we Americans resolve our differences without disrespect—resolve them through our traditional two-party system. So, I want you to appreciate how greatly my preference is now strained—and that this strain is only aggravated by this setting aside of congressional time for colored Members and a few friends, some masquerading, to just talk a little bit about our dreams of full employment, before facing the real choice to which our votes have been limited today, a choice which makes full employment impossible.

You know, this period of 1-hour, limited to just talk about our budget priorities, reminds me of the page or two that white Southern newspapers formerly set aside once a week for colored news, we have been disrespected.

Indeed, it is precisely this kind of disrespect, not mere disagreement, by the leadership of the political party of which blacks are the most loyal component that black Democrats recently voted against in Chicago's mayoral primary—and, still most white Democratic party leaders there are not supporting the Democratic nominee, our well-qualified colleague, Congressman HAROLD WASHINGTON—just as so many Democrats in last November's elections disrespected State Legislator Robert Clark, the Democratic nominee for Congress in Mississippi's Second District, who happened to be black; and Mayor Tom Bradley, the Democratic nominee for Governor of California, who just happened to be black.

It is just such disrespect as this that is justifying black Democratic voters turning out of frustration to a black candidate in the Democratic Presidential primaries, even if such a candidacy has no chance of ever winning our party's nomination.

Yes, I consider it disrespectful for the Democratic leaders of this House to even have suggested that its black Members refrain from seriously insisting upon a full and fair, open consideration of our well-prepared alternative to their and Reagan's upside-down budget priorities, in return for their accepting a slightly larger jobs component and a few other modifications from our budget which should have been in their budget to begin with. My dear black colleagues, do not we understand that acquiescence to such a deal, such "shine time" as this, is a disgrace which only feeds the disrespect we suffer?

I need not remind you that the Democratic budget proposal differs from President Reagan's preferences only in district rather than in direc-

tion. What America needs are new priorities, based on different principles.

Now, certainly, the Democratic budget represents improvement over its efforts of the past 2 years. It restores a significant $33 billion of previous cuts in domestic spending. However, it raises war preparations by $45 billion and leaves a whopping $174.5 billion deficit.

Only the budget developed by the Congressional Black Caucus does not substantially increase authority for war. Moreover, it provides much more for domestic needs and leaves a smaller deficit than does the Democratic proposal.

Even that comparative superiority is not adequate. It does not represent new priorities or different principles—But it certainly is different enough to warrant fair and full debate and voting by this body on the Congressional Black Caucus' alternative, even if only two or three of us were prepared to advocate it, because as the great American poet, James Russell Lowell, advised Americans who would compromise with slavery in the mid-last century: "Ye are slaves who dare not be in the right with two or three."

Mrs. MARTIN of Illinois. Mr. Chairman, I yield such time as he may consume to the Republican leader, the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. I thank the gentlewoman for yielding.

Mr. Chairman, I have made a conscious point of staying on the floor to listen to the entire discussion here during the Humphrey-Hawkins period for debate on the budget resolution. I would have preferred that there be much more active debate rather than mere statements on the part of either side.

I have to commend the gentleman from Illinois who preceded me in the well, for both of us voted the same way on the rule, essentially for the same principle, even though our substantive differences would have been there.

In all my 26 years in the House, as a member of the minority, I know what it is to be outnumbered and outvoted. I have never known what it is to be a member of the majority party in this body.

□ 1240

We have had to scrap for everything we have gotten on the floor of this House, but my view has always been to try to do my best to shape a piece of legislation, and when figuratively I could not have my whole pie, I tried to get a little piece of it, a half of it or a quarter of it.

I suppose our objection to the kind of rule we have is the same as the gentleman's—the frustration we feel in being limited to one up or down vote on the complete package. The gentleman from Maryland, (Mr. MITCHELL), a few moments ago—or perhaps it was some other Member—said that all we wanted to do on our side was vote against the Black Caucus proposition. That is not the case at all. I suspect that if we had an opportunity to open it up to some of your recommendations here, maybe there could be some that we could buy, and if there were some proposals of ours, maybe you could buy some of our proposals. I do not know.

My whole theory of legislating in this body is the art of compromise, arguing out the differences, and yes, putting specific issues to vote from time to time. That is the way I have proceeded on the floor of this House, and when I find myself shackled the way we are, I have to vent my frustration, too.

Mr. JONES of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman from Oklahoma.

Mr. JONES of Oklahoma. Mr. Chairman, will the gentleman please explain how this rule differs from the rule that I believe the gentleman and his party offered 2 years ago? That provided for an up or down vote on the two packages.

Mr. MICHEL. Mr. Chairman, there is a lot of difference on the whole procedure that led up to the point where we are at this juncture. As I recall in the last 2 years there was a much more thorough and aerated debate in the Budget Committee of all the options and alternatives than there ever was this year. There were those Members who made their point in committee, and then we fashioned a much better work product in the last 2 years than has been done this year.

Mr. JONES of Oklahoma. Mr. Chairman, will the gentleman yield further?

Mr. MICHEL. I yield to the gentleman from Oklahoma.

Mr. JONES of Oklahoma. Mr. Chairman, with all due respect to the distinguished minority leader, there have been no differences in the way the committee markup occurred. A chairman's mark or a committee mark has been the markup vehicle, and all sides had an opportunity to offer amendments, as was done this year.

Mr. MICHEL. Well, I would question that. All I know is that during the last 2 years there was a much more extensive debate and discussion during the course of those committee proceedings before we ever got to the point of consideration here on the floor of the House so that we could more clearly delineate the issues that would have to be finally resolved by this House. That procedure was not followed this year, and let me note what the Democratic Caucus said yesterday in their memo to all the Democratic Members:

Dear Democratic Colleague:

Enclosed is a copy of a resolution adopted this morning by the Committee on Steering and Policy. This resolution makes all votes during consideration of the budget resolution and the rule governing consideration of that resolution matters of party policy. It further states that every Member of our Caucus is expected to vote with our party on those votes. As your leadership in the House, we urge you to support our party on this critical matter.

And the resolution reads as follows:

Resolved, That all votes during House consideration of the first concurrent resolution on the budget for fiscal year 1984 and the rule governing consideration of such resolution are matters of Democratic Party Policy and Democratic Members are expected to vote as follows:

And then it says, those "in favor of the previous question * * * in favor of the rule * * * against the Republican substitute * * * in favor of final passage. * * *"

It is just that kind of a closed and shut case that rankles me and as I read the numbers in this House, you have got 103 more votes over on that side than we do. Now, if that is the way we are going to operate for the balance of the year, we might as well fold our tents and go home.

My position has always been that no matter what numbers we had on that side or this side, there had to be dialog between the two sides that would give us hopefully a better product in the end.

Mr. MITCHELL. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman from Maryland.

Mr. MITCHELL. Mr. Chairman, I appreciate the gentleman's yielding.

I just want to make two observations. I love to come over and visit on that side.

Mr. MICHEL. Well, the gentleman does that frequently, and we get along very, very well.

Mr. MITCHELL. Right. On more than one occasion there has been a little slip there at the desk: "the Republican vote is aye" or "the Republican vote is no." The minority was seeking a total, monolithic, vote on an issue. I do not see how that differs significantly from the statement coming from the Steering and Policy Committee.

The other question I wanted to raise was with reference to Gramm-Latta. It seems to me that during the course of the debate on that issue someone on your side indicated that the Republican vote must go for Gramm-Latta. Now, I do not see how the gentleman distinguishes between the two.

Mr. MICHEL. That was not the case. But I have followed numbers well enough to know that when you are in the minority like I have been, unless we can first have a block that is pretty well united on our side to be married up with whatever votes are available on your side, we are not going to win a thing.

I think the gentleman's frustration in no small measure is borne by the fact that there have been those on his side who felt from time to time they ought to come over and vote with us.

We do not pass resolutions like you did in our Republican conference. We don't have a monolithic party and we do not bind our Members as you folks do, nor do we read them out of our party if they want to part with the official party position. Members were free to do that the other morning in our conference after I talked to them.

Mr. MITCHELL. No, you do not do that, if the gentleman will yield.

Mr. MICHEL. Well, I tell you, it is pretty doggoned clear the way I read it.

Mr. MITCHELL. No. I say you do not do that. You do not do that, because of the magical mystique that evolves around the distinguished ranking minority leader and the consensus that exists within his party.

You do not even have to issue any memorandum. You just say, "boys and ladies, do it this way," and it is done.

Mr. MICHEL. I am sorry I misunderstood the gentleman earlier but let me also say flattery will get you nowhere.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I will yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I cannot explain how this secret document got into the hands of the minority leader. Can he tell me, does it mean that the Democrats who voted against the rule are in hot water, too?

Mr. MICHEL. Well, that is what it looks like. I say to the gentleman, you obviously voted wrong.

Mr. CONYERS. This is getting to be very sticky because as one——

Mr. MICHEL. Well, I tried to point that out earlier to several of your Members.

Mr. CONYERS. As one who argued for increased discipline on our side for years, I did not realize that finally, when they agreed to impose it, I would be the first one that would run smack into the rule. I am in trouble now, because I have always argued that if everybody who really believed in the Gramm-Latta budget would kindly join the other side of the aisle and vote for it as outstanding Republicans, we could eliminate the necessity for becoming more doctrinaire or strict in terms of how we vote.

Now, I am feeling full blast the discipline that I have always urged on our own party.

Mr. MICHEL. Mr. Chairman, the gentleman makes a good contribution to the debate.

Mr. DIXON. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, during the hour of the debate on the Congressional Black Caucus budget—and I do not know how much time is left—there are some premises that should be explored.

The first is that somehow or other you can only vote for the Black Caucus alternative budget or the Jones budget and you could only do one or the other. That is, of course, obviously incorrect. There is nothing that has prevented our members—and we got 89 votes last year—from voting for both. And that would have still been the case today.

So I do not appreciate Members putting this in the terms that you are for Jones or you are for the CBC budget. The fact of the matter is that there are some very significant differences underlying the premises on which the Jones budget and the CBC budget were formed.

There are two major ones. The first is the entire foreign-military policy assumptions that require us to go up to $2 trillion, in DOD spending over the next 5 years, according to the secret Pentagon blueprint that comes out of the White House. The CBC budget proposes to cut $49 billion more in military spending in fiscal year 1984 alone than the Jones budget would cut. Our proposal, in fact, would implement the nuclear freeze resolution in terms of arms reduction and budget savings.

The second is the fact that our jobs program is at least double that of the Jones program in fiscal year 1984, and over the next 3 years CBC calls for $24.5 billion in budget authority for additional job creation United States, only $4 billion in the Jones budget. We also have a military conversion program that would create jobs for those in defense industries that are closed through reductions in defense spending, and we have the Community Renewal Employment Act which is written and conceived by our chairman of the Employment Subcommittee, the gentleman from California, Mr. HAWKINS. I would add that the caucus proposes $20 billion more in domestic, nondefense spending, and has offered the only concrete tax reform package available. So for anybody to say that those are roughly the same things, is to misconstrue the issue.

Because there is some disagreement over whether the CBC alternative budget and the Jones budget are alike, I feel the responsibility to indicate the differences in the clearest way. Just in fiscal year 1984 alone, the CBC budget would have cut military spending by $49 billion in budget authority, $17 billion in outlays. The CBC budget for the next fiscal year would have added beyond the Jones budget $21 billion in budget authority, and $22 billion in outlays in nondefense domestic programs, including an additional $11 billion in budget authority and $10 billion in outlays for education, employment, and social services programs function 500; an additional $7 billion in budget authority and $9 billion in outlays in the income security area, function 600, including more for housing assistance, low-income energy aid, AFDC, and others; an additional $3 billion in budget authority, $3 billion in outlays for general purpose fiscal assistance—function 850—to be added to revenue sharing grants to localities. In addition, while the caucus budget proposed to raise some $27 billion in revenues through tax reform, nearly the general figure proposed by the Jones budget, the caucus budget is the only document that actually spells out the specifics of tax reform. We did not call for elimination of the third-year tax cut, but rather capping the tax cut at $50,000 income to better distribute the benefits to low- and moderate-income families. We also proposed a series of reforms to raise corporate taxes, to plug loopholes that benefit particular industries such as big oil, to restore gift and estate taxes, and eliminate tax shelters for speculative investment that add nothing to employment or productive capital.

I hope this puts to rest the question about the difference between the Black Caucus budget and the Jones budget. There is a considerable difference for next year, and even a greater difference in programmatic direction for the outyears, 1985 and 1986.

The reason we did not get a vote on our budget was not that the Speaker or the leadership are angry at the Black Caucus. It could be that they were worried that our budget was someday going to become the official vehicle of the Democratic Party, which I think is a legitimate concern of theirs. But they were worried about granting a rule to others who wanted one besides the Congressional Black Caucus.

Now, on this policy judgment, reasonable men and women can differ. I think that, first of all, the CBC's rule could have been granted without reference to anybody else's.

□ 1250

We are not here arguing that everybody in the Congress was entitled to a rule. I went to the Rules Committee to get a rule for our budget, not for anybody else's. And that is a decision that the Rules Committee should have been able to make.

Now, for all of the members of the Black Caucus who are trying to rationalize how close the CBC budget is to the Jones budget, I want to quote the gentleman from Missouri (Mr. GEPHARDT), who, in the Washington Post, said—read it—that "The Jones budget is not a liberal document." I am going to repeat that: "The Jones budget is not a liberal document."

He said the reason is, "I am not a liberal." He said, "The chairman of

the Budget Committee is not a liberal." I believe him. And that is why the Black Caucus wrote their own budget.

The reason that the Jones budget is not a liberal document is because the people who wrote it are not liberals, and they said so themselves. And that is why I would argue with the decision that has been made that we dispense with a vote on the Black Caucus budget. I think that is a serious mistake.

I will not impute any personal shortcomings to those who chose that route. We make decisions that are in disagreement with one another many times. The Black Caucus has never posed itself as some monolithic organization in which everbody agrees on every parliamentary process.

But to say that Jones budget and the Black Caucus budget are just about the same means you have not read either one of them. There is a world of difference. It does not mean that you are not going to vote for the Jones budget because you could not get the CBC budget out. We are on the floor with the Jones budget or nothing. There is not even a Republican alternative. There was Gramm-Latta for us to attack last time. The only budget that is on the floor, unless I have misread the rule, is the Jones budget. So it seems to me that under those circumstances we can all work together. We do not have much other choice.

Mr. DIXON. Mr. Chairman, I yield 4 minutes to the gentleman from Maryland (Mr. MITCHELL).

Mr. MITCHELL. Mr. Chairman, it was in 1977 that I last voted for a budget resolution in this House. 1977. Six long years ago. I consistently voted against all budget resolutions following that 1977 vote because, to my dismay and embarrassment, I found that our Democratic budgets were beginning to more and more imitate the budgets proffered by the other side. They were beginning to show a disdain, a contempt, a studied contumacy for those who were poor and the working poor. For as long as budgets coming from either side in this House demonstrated that kind of contempt for the poor and the working poor, I as one Member of the House could not vote for those budgets.

This year I will be able to vote for the Jones budget because, for the first time in 6 long years, there is some attention shown to the hurt and the pain and the suffering that has been imposed on far too many people in this Nation.

If I looked at housing, for example, in the Jones budget we have incorporated a feature of the Congressional Black Caucus budget. The President had proposed to reduce the program for elderly and handicapped housing from 17,000 units down to 10,000. The caucus proposed that it be at a level of 18,000. The Jones budget accepted that from the caucus, and so we protect housing for the elderly and the handicapped.

In the area of emergency housing assistance, our caucus budget proposed a figure that was comparable to the budget offered by the Banking, Finance and Urban Affairs Committee. Therefore, the CBC budget contained $3.5 billion for single-family housing, and the Jones budget approaches that. I, for one, am going to be proud for the first time to be able to vote for a budget coming from my side of the aisle. I do not buy the military spending. I think that is just insane. More and more experts on either side of the aisle, in the Pentagon, outside the Pentagon, in the White House, outside the White House, are saying, "You are going crazy trying to spend that much money." I think it is insane to try to spend that much money for the military. But I will vote for the Jones budget because I know that there are going to be more cuts made in that military budget, I know that there will be.

Let me just look at the small business. Under the Reagan administration, they have proposed to eliminate all direct loan money, every cent of it. Not 1 penny would be there for small businesses. For black businesses, the direct loan money is our lifeline. The lending institutions still do not lend to our businesses. They come up with all kinds of justifications and rationales and excuses for not lending to us. Therefore, in our budget we reincorporated direct loan money. The Jones budget does the same thing. That makes sense.

Ladies and gentlemen, we can argue all we want. The caucus, I think, in its wisdom did the right thing. It worked with the Budget Committee. Therefore, I support the Jones budget because it incorporates most of the major features of our CBC budget.

Mr. DIXON. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. STOKES).

Mr. STOKES. Mr. Chairman, the brightest and best hope to lead us out of the current economic quagmire, to create productive jobs in the true spirit of Hawkins-Humphrey, and to meet the moral test of Government by providing for the safety and welfare of all Americans with care and compassion, is the constructive alternative budget crafted by the Congressional Black Caucus (CBC).

Had the CBC had the opportunity to offer this constructive alternative, it would have been clear that the CBC alternative budget is superior to the President's budget and other budget alternatives which will be offered on the House floor today in virtually every way. First and foremost, the CBC constructive alternative creates jobs. It embodies the most ambitious program of putting people back to work and linking workers with emerging job opportunities through training and skill development. The CBC alternative includes full funding for the Community Renewal Employment Act in fiscal year 1984, creating nearly 1 million new jobs. It fully funds the Job Training and Partnership Act to train the structurally unemployed and disadvantaged youth who even in good times cannot find work.

Moreover, the CBC alternative would most effectively reverse the course of economic stagnation prompted by Reagan economic policies by lowering the deficit steadily to one-third of the level proposed by the President by fiscal year 1985. The CBC alternative reduces the deficit below the marks established in the Jones resolution. In accomplishing the lower deficits, the CBC proposal would drive down interest rates, and thereby stimulate economic growth in the private sector, investment in plants and equipment, and restore vitality to our devastated small businesses and industry.

Mr. Chairman, the CBC alternative would have accomplished these goals by terminating inequitable tax expenditures and questionable military spending. Our Nation is sinking under the weight of a bloated military ship. We can no longer afford to be a big spender on defense without questioning the efficacy and value of these expenditures for our national security. The CBC budget maintains essential dollars for defense preparedness and channels the excess into more productive; job-creating programs in housing and community development; in education and training; and in maintaining the health and welfare of all Americans. Mr. Chairman, we must remember that our Nation is only as strong as its people. The CBC budget makes the requisite investment in the American people without sacrificing any economic or national security goals.

Mr. Chairman, the Congressional Black Caucus, each year for the last 3 years, has had the courage and the wisdom to put forth an economic blueprint to lead this Nation to the path of economic recovery. The people of this Nation deserve no less than congressional approval of a budget that embodies the principles and policies set forth by the CBC.

□ 1300

Mr. DIXON. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. LOWRY).

Mr. LOWRY of Washington. I thank the gentleman for yielding.

I want to compliment the Chairman of the Black Caucus and the rest of the Black Caucus on the development of an excellent document and, also, as

other speakers have previously said, in the previous 2 years that I have had the opportunity to vote for Black Caucus document that I thought was excellent.

I specifically want to compliment the gentleman from Pennsylvania (Mr. GRAY), who I have the opportunity to serve with on the House Budget Committee. Much due to the work of the gentleman from Pennsylvania (Mr. GRAY) and because of the Black Caucus, I think we have the finest House Budget Committee budget before us, the Jones budget, we have had since I have had the privilege to work in Congress.

Specifically in the area of education where the Black Caucus has given us valuable leadership to achieve the level of education funding contained in the Jones budget. I am grateful for that. The education funding level now in the Jones budget returns real opportunity for advancement to all the children in our country regardless of ability to pay. That opportunity is the social fabric that holds our society together. The education level now in the Jones budget also provides for both the retraining programs needed by many of our unemployed and also for excellence in higher education. Nothing could be more important to our Nation.

I want to compliment and thank the leadership of the Black Caucus that has allowed us I think to present the best House Budget Committee budget we have had since I have been in the House.

Every economist that appeared before the Budget Committee warned of outyear deficits and the danger of increased interest rates. The Jones budget reduces the 5-year deficit $108 billion below the President's proposed budget. Please do not ignore that.

The Jones budget reduces the President's huge military increases $200 billion over the next 5 years. I frankly believe we can save additional dollars beyond that and have greater security than the alternative economic damage resulting from the huge diversion of our domestic resources into excessive military consumption called for in the President's budget request. In other words the 4 percent above inflation called for in the Jones budget could be trimmed further with no threat to our national security, but it is a great improvement over the 10 percent above inflation requested by the President. We argued hard for a 3-percent military increase when we caucused in the Budget Committee. I hope that others who also supported a 3-percent rather than a 4-percent military increase will agree with me that we made great progress and will join with me in supporting the Jones budget.

Mr. DIXON. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. OWENS).

Mr. OWENS. The Congressional Black Caucus alternative budget proposes an overall increase of $9.8 billion in educational assistance. In this area the caucus differs not only with the Reagan administration budget considerably, but it also differs with the Democratic leadership budget.

For example, in the area of elementary and secondary education the difference between our budget and the Reagan budget is 59 percent. The caucus is proposing 59 percent more. The difference with the Democratic budget is a difference of 47 percent. We are proposing a 47-percent greater increase.

In the area of higher education, the difference with the Reagan administration budget is, again, 59 percent where we are proposing more and, again, with the Democratic budget at 47 percent.

I think in the area of education the Democratic budget makes a mistake of using the Reagan administration budget as the frame of reference, as the starting point, and both are unfortunately off-target in not giving the kind of importance to education that education deserves.

We spend a great deal of time worrying about the physical infrastructure of America. I think we ought to concern ourselves much more with the crumbling educational infrastructure of America.

These issues do impact heavily on black students, of course.

The environment of scarcity that has been created by the Reagan administration and the environment of hostility toward education make it more difficult for poor black students to get scholarships as needed. It also creates a situation where, since the Reagan administration proposes to give more aid to black colleges, black colleges are played off against predominantly white institutions; however, more and more black students are actually going to school in the predominantly white institutions.

A number of evils result from this environment of scarcity.

We are also failing to understand the requirements of this age of high technology, this complex age of information where students become one of our greatest resources and the educated citizenry is one of our greatest resources. We are talking considerably about the Soviet military machine. I think we ought to take a look at the Soviet educational machine which is behind that military machine and behind the Soviet industrial production apparatus.

We are worried about the Japanese competition in the area of commerce and trade. I think we ought to take a close look at the Japanese educational system from the elementary and secondary level through the college level and the research institutes which are focusing considerably on high technology.

The educational infrastructure of America is suffering. I think that the Black Caucus budget shows that it has a vision far greater than that reflected by either of the other two budgets, and we should move forward and concern ourselves more with building the necessary kind of educational infrastructure, supporting any kind of educational activity or any kind of educational institution in America.

Mrs. MARTIN of Illinois. Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. RUDD).

Mr. RUDD. Mr. Chairman, I oppose this resolution, it is easy to understand why even members of the majority party are uncomfortable with this blatantly partisan document before us today, House Concurrent Resolution 91, better known as a Democratic plan for economic recovery.

This committee budget plan should not be taken lightly. It is more than a symbolic gesture of rebuke aimed at our President and his policies. It is more serious than that.

The proposal is a blueprint for the economic ruin of our Nation. It ignores the fundamental causes of the recent recession, our trillion-dollar national debt, and the size of the budget which has brought us that enormous debt.

This committee budget will lead to greater deficits this year, next year, and in all likelihood, the following years. It reinforces the democratic doctrine of punitive taxation, centralized government and spend-until-oblivion.

The net effect of this Democratic budget is to undue and destroy the best elements of our President's economic policies goals—lower taxes, less Government, and controlled Government spending—and return to the failed policies that Americans asked us to correct in the 1980 election.

We are just now recovering from a terrible recession that was preceded by 21½ percent interest rates and one of the most inflationary decades in the history of this Nation. Today, the prime interest rate stands at roughly half of the 1980 level, inflation is at the lowest rate in over a decade, and virtually every economic measure shows our Nation is rebounding. Production is up, housing starts are up, industrial plants are opening up again, the markets are up, business leaders are upbeat, and we very well could have a strong economic recovery beyond most of our expectations.

And it is a sad commentary that the leadership of this body has ignored these successes and has presented a document that would return us to the economic chaos we were faced with in 1980.

However, it is only when one examines the content and priorities of this committee budget that its cynical intent and distorted objectives become clear.

This bill raises taxes by some $315 billion over the next 5 years, with $35 billion of that hike slated for 1984, $48 billion in 1985, $58 billion in 1986, $74 billion in 1987 and $100 billion in 1988. This amounts to an extra $3,550 in taxes for an average income family over that 5-year period.

What these added taxes mean in terms of policy is the elimination of the third year of the President's tax cut for individuals and elimination of tax indexing. Almost three-quarters of the third-year, 10-percent tax cut and tax indexing implemented by the administration and Congress in 1981 goes to families below the $50,000-and-below income class. Yet the committee plan, promoted as a return to "fairness," proposes total repeal of these tax reductions.

The spending side of the Democratic budget plan has a familiar ring to it. In fact, all it does is return to the same pattern of the 1970's: Unrestrained domestic spending growth and complete abandonment of the President's defense modernization program. The committee plan adds 10 new Federal programs on the domestic side—ranging from make-work jobs to a National Development Bank to generous mortgage foreclosure subsidies—and a total of $181 billion on top of the President's domestic spending request.

The bill repeals $10 billion worth of previously enacted reforms in entitlement areas of the budget—food stamps, welfare, and medicaid, and adds $71 billion over the next 5 years on top of the administration's requests in these areas.

For 1983 and 1984 alone, this bill adds $58 billion on top of the President's budget—all of this in the face of $200 billion deficits for each of these years.

How does the leadership here in the House intend to pay for these new programs and added welfare costs? The answer is found in the defense budget according to the resolution.

The Democratic swipe on our defense modernization program is tantamount to unilateral disarmament on the part of the United States. No negotiations with the Soviets to bring about reductions of forces on both sides—just a pure and simple one-third cut in our strategic systems, our Navy's shipbuilding program, cancellation of the F-15, the F-14, two carrier air wings, 25 ships and so on.

The whole purpose of the bipartisan effort in the defense rebuilding of the past 2 years was not to make the United States a superior and threatening offensive power in the world. It was to achieve continued parity with the Soviets who have been engaged in the most massive military buildup every witnessed by mankind over the last quarter century. It was to make up for America's crumbling defense posture since the early 1970's. It was to replace old weapons systems with new ones and to achieve the level of military preparedness and security we have steadily lost during that timeframe.

The committee budget abandons that restoration effort, it threatens to institute permanent inferiority on our side as we approach a new decade, and it tells the Soviets that the most powerful free world nation has lost its will to sacrifice for a strong defense.

What this budget resolution does in cutting $206 billion in budget authority for defense in the next 5 years is implement a "freeze plus reductions" on our Nation alone. There would be little need for the Soviets to negotiate arms control with the impact of this budget on U.S. forces.

In the area of law enforcement, the committee budget increases by 23 percent the funds going into the Legal Services Corporation next year alone. This voids the administration's plan to fund this program through a social services block grant and increase participation by private legal efforts—where cases like these should be handled anyway.

The $300 million earmarked for the Legal Services Corporation in the committee budget cuts into other areas of law enforcement, resulting in a 7-percent cut below the Reagan budget for these areas. This means less for needed investigative resources and fingerprinting equipment for the FBI, no new equipment for the overseas office in the Drug Enforcement Administration and one less Federal prison than we need.

The Democrat committee budget proposal, as a whole, is a complete reversal of the economic strides we began less than 24 months ago to achieve long-term growth. The committee document represents more than a knee-jerk, quick-fix mentality in economic policy; it is the path toward economic ruin.

I strongly urge my colleagues on both sides of this aisle to look carefully at this bill, House Concurrent Resolution 91, and examine closely its contents. Ask youself whether this Nation can afford to return to the disastrous policies of the 1970's. Ask yourself if higher taxes, higher overall levels of domestic spending at the expense of long-needed defense reforms, are the answer to our problems. Obviously, this path would lead us to economic ruin as a nation.

I stand strongly opposed to this committee budget, and urge quick rejection of this document. There is no hurry to pass a first budget resolution, especially one that revives the failed policies of the past.

I urge the resolution be voted down.

Mr. DIXON. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. DYMALLY).

Mr. DYMALLY. Mr. Chairman, I want to address the question of science and technology in the President's budget and to point out its misdirection and inadequacy.

Mr. Chairman, the President's proposed budget for 1984 would raise spending for science and technology research by 18 percent over fiscal 1983 figures to $45.8 billion. Ninety-seven percent of the increase will go to the Department of Defense leaving less than $300 million of the $6.9 billion rise in research spending for civilian research. I am concerned that a good part of the money in the civilian research budget will go toward research in areas with potential defense applications.

At the same time that we see a rise in total spending for research we see a decrease in spending on programs designed specifically to transfer technology developed through Federal research dollars to industries so that the technology might result in new products and in more efficient and cost-effective means of production. This reduction is going on at a time when our industries face severe difficultly in their attempt to compete with foreign manufacturers and when a part of the reason for the competitive lag lies in the fact that industries in other countries are aided by their governments to make rapid and effective use of new technology.

The Federal budget for civilian scientific and technological research should not be turned over in large part to defense-related research. The civilian sector has great need for the application of science to the solution of purely civilian problems. Almost half the minority youth in this country are unemployed yet funding for behavorial research at the National Science Foundation, research which might help us understand both the root causes and workable solutions to this problem would stand at 1981 levels under the President's proposed budget.

Over half the potential talent pool of future scientists and technicians is made up of women, members of minority groups, and the handicapped; yet programs which aid their entry into science have received no increase in funding and in some cases have seen a decrease. Is it sensible given the constant need for good scientific and technical research to ignore the programs that would allow the Nation access to over half of its talent pool?

It is not sensible. I would urge my colleagues to strive for a fair balance between funding for defense research and funding for civilian research.

Mr. DIXON. Mr. Chairman, I have no more requests for time at the moment. I would reserve the balance of my time.

Mrs. MARTIN of Illinois. Mr. Chairman, we will have no further speakers on this side. I will finish for this side.

I yield myself such time as I may consume. We welcome hearing from the members of the Black Caucus on their ideas. We regret the fact that it was the judgment of your leadership that you did not have the right to give them a fuller presentation. As you know, we supported that effort to open the rule. Last year there were 60 amendments; yes, it was difficult, but on a job that is the defense and spending and the taxation of this Nation, this side has felt very strongly that there should be more openness. And if you are satisfied with that kind of treatment, there is very little we on this side of the aisle can do. We welcome the fact that you still spoke and that many of you still have the courage to go against the wishes of your leadership and vote for more open rule. But let me indicate to you some of the things that those of you who said you were supporting the Jones budgets are going to end up supporting.

Throughout today we have heard about those who are underemployed, those who are poor, those who are not the wealthy, the issue of fairness. Let me tell you what happens under the Jones budget. When you repeal the third year and you repeal indexing, there is a 24.3-percent tax increase for those earning less than $10,000. For those earning more than $200,000 there is a 3-percent increase.

For those who earn between $10,000 and $50,000 there is a 15-percent increase.

In other words, for the poorest of the poor under that budget they will bear the greatest burden under the taxation portion.

I do not think many Members of the majority are aware of that. It is our hope on this side of the aisle that in the debate later today that we will be talking not just about taxing, but about spending policies, about the real effects.

Occasionally this side was accused of voodoo economics. Well, I am telling you the magician with the Jones budget could pack Broadway, because the figures are awesome. They just do not work, but they are awesome.

And if they are put into effect, if indeed we would go through with this budget, the greatest harm would fall on those who could bear it the least.

Mr. CONYERS. Will the gentlewoman yield?

Mrs. MARTIN of Illinois. I yield first to the gentleman from Michigan.

Mr. CONYERS. I want to first of all thank the gentlewoman for the time that she has graciously afforded a number of the Members on this side of the aisle when time or circumstances precluded us from being able to speak during this debate. She was very generous and we all appreciate it very much.

The points that the gentlewoman just made are of concern to the members of the Black Caucus. I have been advised by the chairman that in our budget we do move in a different direction. But could the gentlewoman or anyone on her side of the aisle hypothesize if we would have received some Republican votes, had we been able to get a rule this year?

Mrs. MARTIN of Illinois. I would have to tell the gentleman one of the major differences is that we do not bind our members. And I would speak for no other member of my party on such a question.

The real thing is we will never know, will we, because you were not afforded a chance by the majority?

Mr. CONYERS. Could the gentlewoman give us a clue, a faint clue for hope for next year?

Mrs. MARTIN of Illinois. My hope for next year is shared precisely by you, that people such as you and I have a better chance to bring forward our ideas and have them accepted or rejected by this House, because that is all we ask, not the guarantee but the chance.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mrs. MARTIN of Illinois. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentlewoman for yielding to me.

Mr. Chairman, I just want to emphasize the point that she made. I think it is a very appropriate term to label the Jones budget as the new version of voodoo economics because what we heard argued here on the floor earlier was that $35 billion in new revenues could come about without tax increases. That was one of the statements that was made along the way.

You cannot do that. Also we heard it argued with regard to the defense budget that the way in which they were going to not have deficit spending and yet raise social spending, was to take it out of defense and in fact they do cut defense by $200 billion over 5 years. However, nobody mentioned the fact that they do not say how they are gong to make those cuts either. In other words thay raise all kinds of revenue without telling us how they are going to do it, they are going to cut the defense without telling us how they are going to do it and all adds up to a budget that is going to bring down deficits. If that is not a new version of voodoo economics I never heard one.

Mrs. MARTIN of Illinois. Merlin the magician could have take lessons.

The gentleman referred to something else referred to by the gentleman from New York. In the entire defense section of the budget there are only two instructions, one of which is an increase over the President's budget. And somehow we are supposed to believe that any cuts could be accomplished.

Now some of us, and again depending on who you are, would not even argue with some changes in defense. But we have that funny little thing: We woud like to know how you are going to accomplish your propose. No information as to that has been available.

I think we have had a shell game going on with this budget. The problem is, the people stuck with having to do the cleanup after we finish the debate, will be the poorest of this Nation who cannot afford it.

Since the gentlemen on the other side will be having their own time, I think what I will do is just return the balance of my time.

The CHAIRMAN. I thank the gentlewoman.

Mr. DIXON. Mr. Chairman, I yield myself such time as I may consume.

I would like to ask the gentlewoman from Illinois has she read the Congressional Black Caucus budget, H.R. 87? I yield to the gentlewoman.

Mrs. MARTIN of Illinois. No, I did not. What I said is I thought you should have the chance to have your day in court. I did not even get to see the Democratic budget—and I am on the Budget Committee—before I voted on it. I am afraid I did not get to see yours.

Mr. DIXON. The gentlewoman is aware it has been published and the document is here in this Chamber?

Mrs. MARTIN of Illinois. Yes, sir, but the gentleman could not consider it, neither could we because of the gentleman's majority leadership.

Mr. DIXON. I thank the gentlewoman.

□ 1320

Mr. DIXON. Mr. Chairman, let me close by saying that I certainly would like to thank the gentleman from Pennsylvania (Mr. GRAY), for whether the Congressional Black Caucus may differ over strategy, there is no doubt in my mind that each member of the caucus thinks that Congressman GRAY has done an outstanding job, along with other members of the Jones Budget Committee.

When we look at five basic areas that the Congressional Black Caucus is concerned with, the new comprehensive jobs program, there is $9 billion in the Jones proposal; $8.9 billion in the

Congressional Black Caucus proposal. In the community development UDAG grants, the caucus asked for $5 billion in its budget, the Jones proposal has $4.9 billion.

Mr. SAVAGE. Mr. Chairman, will the gentleman yield?

Mr. DIXON. I yield to the gentleman from Illinois.

Mr. SAVAGE. I thank the gentleman for yielding.

Mr. Chairman, I do not want to be picayune, but the gentleman mentioned that all members of the Congressional Black Caucus thought that the gentleman from Pennsylvania (Mr. GRAY) did a wonderful job. And I am a member of the Congressional Black Caucus, and if the gentleman includes in that "job" the acquiescence to this deal that left us with this shine time and credit the gentleman from Pennsylvania (Mr. GRAY) with that, I want the gentleman to know that I, as a member of the Congressional Black Caucus, wholeheartedly disagree with what the gentleman did. I condemn it.

Mr. DIXON. I would say to the gentleman I was referring to the work that the gentleman from Pennsylvania (Mr. GRAY) did on the Budget Committee as our representative on the Budget Committee.

What his individual vote and decision is, just as the gentleman's, I would not challenge and I am sure that the gentleman would not challenge his.

As it relates to WIC, women's, infants', and children's program, the Congressional Black Caucus alternative had $1.3 billion, and the Jones budget has $1.3 billion.

As it relates to unextended health benefits for the unemployed, the alternative CBC budget had $1.5 billion, the Jones budget has $2.7 billion.

As it relates to elementary and secondary education, certainly we are not satisfied with the Jones mark, we ask for $10.8 billion, and the Jones proposal has $8.4 billion.

All in all, Mr. Chairman, it seems to at least 17 members of the caucus that although this is not a perfect budget, it cannot be defended from a military expenditure point of view, it is a reasonable budget that protects many of the interests of the poor and needy of our society.

Mr. JONES of Oklahoma. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 45]

ANSWERED "PRESENT"—385

Ackerman	Eckart	Lantos
Addabbo	Edgar	Latta
Akaka	Edwards (AL)	Leach
Albosta	Edwards (CA)	Leath
Alexander	Emerson	Lehman (CA)
Anderson	English	Leland
Andrews (NC)	Erdreich	Lent
Andrews (TX)	Erlenborn	Levin
Annunzio	Evans (IA)	Levitas
Anthony	Evans (IL)	Lewis (CA)
Applegate	Fascell	Lewis (FL)
AuCoin	Fazio	Lipinski
Barnard	Feighan	Livingston
Barnes	Ferraro	Loeffler
Bartlett	Fiedler	Long (LA)
Bateman	Fields	Lott
Bates	Fish	Lowery (CA)
Bedell	Flippo	Lowry (WA)
Bellenson	Florio	Lujan
Bennett	Foglietta	Luken
Bereuter	Ford (MI)	Lundine
Berman	Fowler	Lungren
Bethune	Frank	Mack
Bevill	Franklin	Madigan
Biaggi	Frenzel	Marlenee
Billrakis	Frost	Marriott
Billey	Fuqua	Martin (IL)
Boehlert	Garcia	Martin (NC)
Boggs	Gaydos	Martin (NY)
Boland	Gejdenson	Matsui
Boner	Gekas	Mavroules
Bonker	Gephardt	McCain
Borski	Gibbons	McCandless
Boucher	Gilman	McCloskey
Bouquard	Glickman	McCollum
Boxer	Gonzalez	McCurdy
Breaux	Goodling	McDade
Britt	Gore	McEwen
Brooks	Gradison	McGrath
Broomfield	Gramm	McHugh
Brown (CA)	Gray	McKernan
Brown (CO)	Green	McNulty
Broyhill	Gregg	Mica
Bryant	Guarini	Mikulski
Burton (CA)	Gunderson	Miller (CA)
Burton (IN)	Hall (IN)	Miller (OH)
Byron	Hall (OH)	Mineta
Campbell	Hall, Ralph	Minish
Carney	Hall, Sam	Mitchell
Carper	Hamilton	Moakley
Carr	Hammerschmidt	Molinari
Chandler	Hance	Mollohan
Chappie	Hansen (ID)	Montgomery
Cheney	Harkin	Moody
Clarke	Harrison	Moore
Clinger	Hartnett	Moorhead
Coats	Hatcher	Morrison (CT)
Coelho	Hawkins	Morrison (WA)
Coleman (MO)	Hefner	Mrazek
Coleman (TX)	Hertel	Murphy
Collins	Hightower	Murtha
Conable	Hiler	Myers
Conte	Hillis	Natcher
Conyers	Holt	Nelson
Cooper	Hopkins	Nielson
Corcoran	Horton	Nowak
Coughlin	Howard	O'Brien
Courter	Hoyer	Oakar
Craig	Hubbard	Oberstar
Crane, Daniel	Huckaby	Obey
Crane, Philip	Hughes	Olin
Daniel	Hunter	Ortiz
Dannemeyer	Hutto	Owens
Daschle	Hyde	Oxley
Daub	Ireland	Packard
de la Garza	Jacobs	Panetta
Dellums	Jenkins	Parris
Derrick	Johnson	Pashayan
DeWine	Jones (OK)	Patman
Dickinson	Jones (TN)	Patterson
Dicks	Kasich	Paul
Dixon	Kastenmeier	Pease
Donnelly	Kazen	Penny
Dorgan	Kemp	Pepper
Dowdy	Kennelly	Perkins
Downey	Kildee	Petri
Dreier	Kindness	Pickle
Duncan	Kogovsek	Porter
Durbin	Kolter	Price
Dwyer	Kostmayer	Pritchard
Dymally	Kramer	Pursell
Dyson	LaFalce	Quillen
Early	Lagomarsino	Rahall
Rangel	Siljander	Towns
Ratchford	Simon	Traxler
Ray	Sisisky	Valentine
Regula	Skeen	Vandergriff
Reid	Skelton	Vento
Richardson	Slattery	Volkmer
Ridge	Smith (FL)	Vucanovich
Rinaldo	Smith (IA)	Walgren
Ritter	Smith (NE)	Walker
Roberts	Smith (NJ)	Watkins
Robinson	Smith, Denny	Waxman
Rodino	Smith, Robert	Weber
Roe	Snowe	Weiss
Roemer	Snyder	Wheat
Rose	Solarz	Whitehurst
Rostenkowski	Solomon	Whitley
Roth	Spence	Whittaker
Roukema	Spratt	Whitten
Rowland	St Germain	Wilson
Roybal	Staggers	Winn
Rudd	Stangeland	Wirth
Sabo	Stenholm	Wise
Savage	Stratton	Wolf
Sawyer	Studds	Wolpe
Schneider	Stump	Wortley
Schroeder	Sundquist	Wright
Schulze	Swift	Wyden
Schumer	Synar	Wylie
Seiberling	Tallon	Yates
Sensenbrenner	Tauke	Young (AK)
Shannon	Tauzin	Young (FL)
Sharp	Taylor	Young (MO)
Shaw	Thomas (CA)	Zablocki
Shelby	Thomas (GA)	Zschau
Shuster	Torres	
Sikorski	Torricelli	

□ 1340

The CHAIRMAN. Three hundred and eighty-five Members have answered to their names, a quorum is present, and the Committee will resume its business.

The Chair recognizes the gentleman from Oklahoma (Mr. JONES).

Mr. JONES of Oklahoma. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, before discussing the substance of this budget resolution, let me restate what has been obvious to everyone who has tried to write a budget proposal that could pass the House this year. The obvious fact is that because of the enormous size of the deficits we faced at the beginning of this budget year, the choices to reduce those deficits are so hard that virtually the choices to reduce those deficits are so hard that virtually every budget combination of spending and revenue tends to lose more votes than it wins.

Even one of the President's key advisers told a business audience this week that the President's budget could not pass Congress. Every budget looked at in detail has warts, and if you want to pick apart anybody's budget detail by detail, that is the easiest thing to do.

I remember last year the House had seven budget alternatives and several amendments before it. All were considered, and at the end of the debate, every budget was defeated. This year we do not have the luxury of time to go through that sort of exercise.

So the choice before us today is not to much whether we like or dislike this Democratic consensus budget proposal, but whether the House has the

courage to pass any budget at all that impose fiscal discipline on our Government. It does not do any Member of this body proud just to be the loyal opposition, just to obstruct, or just to criticize.

Frankly, I am disappointed that the minority has not seen fit to prepare or to offer a budget alternative. Indeed, they are not even offering the President's budget. The rule stated that a Republican substitute would be made in order and called for it to be printed in the RECORD at the close of business yesterday. As of 9 o'clock last night, and as of this moment, no Republican budget alternative has been presented.

So today the choice is between adopting some budget discipline or no budget at all. If this House chooses the latter course, it will be one of the most tragic signals we can send to the American people and to the financial markets. Without any budget this year, deficits will soar to over $200 billion, interest rates surely will rise before the year is out, and out hopes for a vigorous, sustained economic recovery will be dashed.

So if we have any sense of responsibility to give hope to the unemployed who yearn to go back to work, to reverse the worst slide in business bankruptcies since the Great Depression, we absolutely must pass a budget before this day is out.

This Budget Committee proposal is not the product of the chairman nor any other single individual. It is the consensus of Democrats who participated in the most extraordinary exercise of making hard choices in spending and revenues that has ever occurred in my memory in the House of Representatives. When it was made known earlier this year that no Republican votes could be counted on to pass a budget this year, it became necessary for every House Democrat to become intimately involved in this process and that everyone help write this budget.

So no one, including myself, agrees with every single detail in this budget, but nearly every one of the Democrats believes we must pass a budget which helps stop the hemorrhaging flow of Federal deficits.

This budget resolution makes a good start toward that goal. The Democratic consensus proposal contains $108 billion less in Federal deficits than in the President's own budget. Every economist and every business person who came to our committee said that the structural deficits have to come down somewhere between 1 and 2 percent of GNP in order to permit a monetary policy that brings down interest rates. Even Chairman Volcker used the same target.

This Democratic consensus budget steadily reduces those structural deficits, getting them down to 1.4 percent of GNP in this budget cycle, and that contrasts sharply to the administration's budget, which calls for those structural deficits to steadily increase, exceeding 2 percent by the end of this budget cycle.

So if you are concerned about budget deficits and the impact those deficits have on interest rates and inflation, you should support this budget resolution. Failure to pass any budget whatsoever, according to the Congressional Budget Office, will result in deficits of over $300 billion. That clearly will kill any hopes of sustained economic recovery and will send interest rates soaring again. Do not have that on your conscience.

Now, I am neither bitter nor surprised that the Republicans are not offering a budget alternative today. It is very easy to see why. Obviously, most Republicans would like to reduce the deficits down below the President's $189 billion deficit, and below the Democratic budget alternative deficit, but they cannot because they cannot reach agreement on how to do it.

There are only three ways to do it.

First, the rapid increase in military spending must be slowed down. Out of deference to the President, who is holding firm on his defense figures, the Republicans could not slow down military spending.

Second, revenues must be increased, and fairly soon, in order to pay for the military buildup. Again, out of deference to the President, Republicans could not consider any changes in the tax program.

That leaves only one other choice, and that is to take all of the spending cuts out of domestic programs, such as aid for the unemployed, health care for the elderly, education, and training for the disadvantaged and the jobless, and Republicans did not want to cut $40 billion or so there because they would be further tarred as being unfair.

□ 1350

So given all of these real world facts of life, the Republicans could not come up with an alternative to get the deficits down below the President's deficit of $189 billion, much less below the Democratic consensus budget.

That brings us back to the central question: Shall this House be just critics, carpers, and obstructionists? Or, shall we impose budget discipline and go on to the next step of conference with the Senate to get a final budget package?

Let me answer some of the criticisms that have been leveled at the Budget Committee's proposals. First of all, on military spending, let us point this out and be very clear on one point. Nobody's budget cuts military spending. The only issue is, how fast and how much will defense grow?

The Democratic consensus budget increases military spending $375 billion. The administration proposes to spend $1.8 trillion—that is not million, or billion, but $1.8 trillion—on military in the next 5 years. The Democratic consensus budget spends $1.6 trillion on military. That is a lot of money to spend in a 5-year timeframe in anybody's league.

The Democratic alternative calls for 4-percent real growth in military expenditures. While the administration's budget disregards the soldiers by freezing their pay for a year, the Democratic alternative recognizes the pay problems in the military and calls for a 4-percent pay raise for the servicemen.

In the nonpay areas of procurement, readiness, operations, and research and development, there will still be nearly a 7-percent real growth in military expenditures, and that is even accounting for inflation.

The Democrats have been castigated for only increasing defense 4 percent. I think that is an unfair charge. It should be pointed out that honest prodefense Republicans such as our colleague, the gentleman from Texas, Mr. GRAMM, and the Senator from Iowa, Mr. GRASSLEY, as well as others, have been publicly quoted as being in favor of a lesser defense growth than is called for in the Democratic alternative.

Mr. DOWNEY of New York. Mr. Chairman, will the gentleman yield on that point?

Mr. JONES of Oklahoma. I am happy to yield to the gentleman from New York.

Mr. DOWNEY of New York. Mr. Chairman, I think this is really a critical point to be emphasized about defense growth, because the figure of 4 percent is a bit misleading.

The gentleman is suggesting to us that it is not a 4-percent growth in the critical items of research and development and procurement, but more like a 7-percent real growth, and the reason for the higher number has to do with the way we estimate the pay raise, which, I might add to my colleagues, was not in the President's budget.

Could the gentleman just embellish that and tell us why this 7-percent real growth in procurement and in R&D is a greater investment than in other areas?

Mr. JONES of Oklahoma. Basically, if you have a 4-percent real growth, after adjusting for inflation, and a 4-percent pay increase, that means in the nonpay areas, you are actually going to have a greater real growth. In the procurement area, the R&D area, and the operations and readiness areas, as I pointed out, the real growth is close to 7 percent, using the same assumptions as are in the President's budget.

Now, there have been some calls made in just the last few minutes that sound like a replay of what was done last year. Recall last year the administration said the committee's alternative should be rejected because it cut defense too much. We lost on that issue, and their budget resolution prevailed. When the final appropriations bill came out, however, the cuts were the same as recommended in the Budget Committee's recommendation.

When we made that recommendation last year, the administration made a number of claims. It said it was going to have to cut out a whole military division, it was going to have to cut out ships, et cetera. Well none of those things happened, and I think we are seeing a replay of a year ago.

Mr. LOEFFLER. Mr. Chairman, will the gentleman yield?

Mr. JONES of Oklahoma. Let me finish with this first, and after I have finished, I will be happy to yield.

Mr. Chairman, again some calls being made on defense suggest that the committee's recommendation for real growth in military is less than 4 percent. Once again, we cannot meaningfully argue apples against oranges; we have to use the same set of assumptions.

If we use the administration's assumptions, the real growth in military expenditures under the Democratic consensus budget is 4 percent versus over 10 percent for the President's budget. If we use the CBO assumptions, then the real growth in the Democratic proposal is under 3 percent versus the administation's proposal of around 8½ percent. So whichever way we figure it, in absolute terms, it is the same. The proposal before the House today increases military expenditures $375 billion. It has a $1.6 trillion total expenditure on military over the next 5 years versus the administration's proposal of $1.8 trillion. It takes into account what the American commander of our NATO forces said is necessary in our military buildup, a 4-percent real growth, and that is greater than the proposals of a number of thoughtful conservative Republicans who call for less spending.

Mr. LOEFFLER. Mr. Chairman, will the gentleman yield?

Mr. JONES of Oklahoma. Let me finish my statement first, and then we can get into the colloquy.

Mr. Chairman, let me discuss the issue on the domestic spending side, because this has been a criticism of this budget. It is true that the Democratic alternative restores some programs: for example, vocational and adult education, training of displaced persons to give them productive skills, providing immunizations to prevent young children from having costly diseases, unemployment benefits for the long-term jobless, added research and development funds to make America competitive in the fields of high technology, new programs to promote math and science—which is something this House has passed by an overwhelming majority to promote that kind of education—funds to rebuild the crumbling infrastructure of this Nation which is necessary for the foundation of private enterprise to flourish and get its products to market, and new financing tools to make American farm and industrial products competitive in world markets.

These are some of the domestic programs that we have in this budget recommendation, and it does restore some of the spending. But if we look closely, almost all of those programs phase out with recovery. They are only there to bridge this very difficult gap of coming out of the worst recession this country has had since the Great Depression and moving into sustained economic growth.

I do not agree with every recommendation in this budget, and many others do not. The budget does not mandate in this vote that every one of those things happen, but it does accommodate them and set limits on all of those programs. The individual programs will be battled out on their merits, if and when we adopt an overall budget ceiling.

Finally, let me say a word about taxes. Nobody's budget is Simon pure on the issue of taxes. Even Dave Stockman, the OMB Director, admitted today on television this morning that the administration's budget raises taxes by $235 billion over the next 5 years.

Now, most of the administration's tax increases come in a way that will hit hardest on the middle and lower middle income Americans, because it is a 5-percent surtax on individual incomes and a $5 per barrel excise tax on both domestic and imported oil. That combination will hit right square in the middle of middle Americans' tattered pocketbooks.

The Democratic alternative also raises revenues, but rather than provide new tax increases, most of us would prefer to postpone further tax cuts until we get these huge deficits under control.

□ 1400

So on the subject of taxes, both the administration and this alternative recognize we have to raise revenues in order to get the deficits under control.

Let me close, my colleagues, by urging you to be responsible, to vote for a budget so that we can prevent fiscal anarchy from spreading throughout the Government. We must take this budget process one step at a time. Failure to take any step whatsoever to reduce those deficits would truly be irresponsible.

I urge the Members to vote for this budget resolution today.

Mr. LATTA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me say I listened with due care to the remarks of our chairman and, even though we disagree on the makeup of this budget, let me say that he did preside with utmost dispatch in recommending the resolution out of committee. He brought it in and took it out in 1 day, and that is pretty good. So I commend him for that.

I want to take issue with him, though, when he attempts to claim that this is our last chance for a budget, that we are going to have fiscal anarchy if we do not pass this budget. Well, I wonder how bad he thinks our memories are, because we have voted down budgets in this House time after time, and we always got a better product by voting them down. Today is one of those days when we ought to vote down a bad budget.

The gentleman raised the question of why we had not put together a substitute and presented it here today. And the answer is that we wanted to show the American people exactly how bad this budget is, and we did not want anything to confuse the issue. We want the American people to understand what a leftist Democratic budget this is. And, to quote from our good speaker as reported in the Washington Post, he said, "We are appealing to the center and to the left"—get that, "to the left"—"of the Democratic Party."

Certainly the percentages are bad, because they are appealing to about 10 percent of the center and 90 percent of the left in putting together this type of a budget.

I have never seen such a grab bag in my life put together as a budget.

Oh, the chairman says that they have added a little. Well, they have added to every single function of the budget, save two: National defense and administration of justice.

Now, why in the name of commonsense would they want to take money away from the administration of justice? But they have added to every single function, save those two. And he passes over it lightly. In so doing, they increase the outlays over the President's budget by $20,450,000,000.

Now, that should not be passed over lightly.

This is a Christmas list. And, as I understand the way they put it together, they sent out a poll and they wanted people to contribute. "How much do you want in this function? How much do you want here? How much do you want back there?"

In going through this budget it includes allowances for new space initiatives, such as the fifth shuttle orbiter which alone could exceed $2 billion—

$2 billion. And the administration did not even request it. But apparently they wanted to appeal to certain parts of the country, and they said, "Well, what do you want? We will just put it in. Whether or not we are ready for it, we want to spend this money, we want to pass a budget. We have not been able to pass a budget for the last 2 years, but this time we want to pass one, so we are going to appeal to everybody. Just tell us what you want, and we are going to get it in this little document and we are going to wrap it all up in a little red ribbon and pass it out to you in 1 single day," just like they did in the House Budget Committee.

I do not think the American people want to be treated that way. After all, it is their money and their future. This is not something wholly owned by this body, and certainly not by the left and the left of center in the Democratic Party.

What are they proposing by leaving defense out? They are even increasing foreign aid. Now, where did they get the information that the administration could use some additional money for foreign aid? As I read my mail back home, they say, "We have got plenty of problems at home, let us not spend any more overseas for foreign giveaways."

General science and technology, they increase in outlays—I am only going to speak about outlays; I am not going to take the time to get into budget authority which involves the out years—$200 million in fiscal year 1984.

Energy, a billion dollar add-on.

Natural resources and environment, a $2.4 billion add-on.

Agriculture, a $1.85 billion add-on.

Did they forget about the announcement that was made yesterday by the Secretary of Agriculture about how successful the new PIC program is going to be? Apparently they do not even watch television anymore.

Commerce and housing, an add-on of $1.55 billion.

Transportation, $1.250 billion.

Community and regional development, a $1.2 billion add-on.

Education, training, employment, and social services, a $7,045 million add-on.

Health, a $5.75 billion add-on.

Income security, an add-on of $6.15 billion.

Veterans benefits, $0.20 billion.

Administration of justice which I alluded to previously suffers the only reduction outside of defense.

General government, an add-on of $200 million.

General purpose fiscal assistance, an add-on of $0.85 billion.

And so it goes, until they get down to allowances, a $300 million add-on.

Undistributed offsetting receipts, a $1,055 million add-on.

Now, if you know they have left any request out of this budget, please hold up your hand, and I am sure they will get it in if they can get your vote. Forget about the taxpayers, forget about the next generation, forget about your grandchildren, put it in here now, get it started.

All the administration has been trying to do is get us out of the mess we have been in for the last 30 years.

Talk about the Gramm-Latta budget and the Latta budget the last time, we were reducing expenditures in those budgets. Where would we be if we had continued down the road we were headed then without passing those pieces of legislation? We would have been in a worse mess than we are in right now, and we are in a pretty good mess.

Let me say to you, my friends, that we are in this thing together, and no one, no one on the Democratic side, I am sure, expects to pass this kind of legislation through this Congress. It could not possibly get through the Senate. No way. No way. Even the Armed Services Committee, Democrats control it 2 to 1, recommended a 7.5-percent increase in defense. And there sits the honorable chairman of that committee. If I am wrong, I will yield to him now to say so. That is the recommendation of the House Armed Services Committee.

Let me say to you that I can recall a time when we had an airplane being built down in Texas that could not fly. Do you remember that? And I am telling you, the same individual who has been yelling about defense at that time was yelling to put more money into that airplane. And they did.

I know something about what is going on in defense. Let me say I happen to be one who does not think you should put one single dime more in defense or in any other program than is absolutely necessary. And certainly I am not a defense expert. I do not think we have got any experts on the Budget Committee in defense.

You can say that we need 4 percent in defense but that is now being disputed by CBO. We have a letter from CBO. I am not going to quote all of it. I am just going to read to you where, on March 18, CBO says the House Budget Committee recommendation contains about 2.8 percent real growth measured against a lower current law base, but about 2.3 percent measured against the higher 1983 base contained in the recommendation.

So we do not even know whether or not we are going to get the 4 percent that they are claiming. CBO says 2.3 percent.

Let me say something about defense. What did we do 2 years ago? What did we have to do? Well, let me recall a little history. During the Carter administration, one of the big problems we had in this country was with the Volunteer Army. We were considering right in this House cranking up the draft again to get adequate personnel into the service.

□ 1410

We were not attracting them. We were not keeping them and we had to do something about pay, and we did it.

Now, the Secretary of Defense says we do not have to worry about the draft for the next 5 years. We are keeping those good personnel. We have had a waiting list now for people to get into the service. Why? Because we have raised the pay.

Are you proposing now that we go back and cut the pay of those people? No. They are saying we are going to keep that pay. That is all right. But it is almost 50 percent of the defense budget.

We could do like they do in the Soviet Union. They only use 16 percent of their defense budget for pay. I recall a time when we drafted men into the service for $21 a month. We could do that. But we do not want to do that. Absolutely not. We want to adequately pay these people. We want to get them into the All-Volunteer service, which we are doing. It is successful. I do not think you want to turn your backs on that program.

When you talk about some of the equipment that we would have to cut out if we passed their budget, it is scary. It is scary. And tonight the President will be on TV showing some of the information to the American people that I have long advocated be shown the American people to see what the other side is doing. Certainly it is high time that be done.

Let me just speak a little bit about defense because we have some people here that are going to speak longer. They serve on the committee and know about that very important subject. But I think it is important to think about what actually would happen if we really went the way being proposed.

I am sure that my good friend from Oklahoma does feel down deep in his heart that you need more for defense than what is in this budget. All he wants to do is to go to conference and let the other side raise it so he can come back here and say, well, in conference they forced our hand and we got something in between.

Something in between what? What?

I think that we ought to do what is necessary and nothing more. Nothing more.

Let me just say a substantial portion of the administration defense request was for "locked-in costs in defense," pay, retirement benefits, basic operation and maintenance, and essential readiness initiatives. When these locked in costs are set aside, including the need to finance the resolution's 4-

percent pay increase and retirement COLA, the defense cut amounts to a one-third cut in the remainder of the President's budget devoted to modernization of weapons systems and replacement of obsolete equipment.

What would that mean to the Armed Forces? It could mean cancellation of the F-15, a reduction of 360 aircraft or 3 combat wings.

It could mean cancellation of the A-6E, the F-14, the Marine AV-8B.

Mr. WRIGHT. Would my distinguished friend yield on that point for a factual question with respect to probabilities of reductions in forces as a result of the budget resolution? Would my dear friend yield?

Mr. LATTA. I mentioned to my good friend earlier that I was not going to yield now. But if he misunderstood what I was saying I will read it one more time. I said "could" mean. I did not say it would mean. I said it could mean. I am giving the options. Could mean the cancellation.

I am going to read it again to the gentleman. It could mean the cancellation of the A-6E, the F-14, the Marine AV-8B, and the carrier LAMPS/ASW helicopters, or the eliminating of two carrier air wings. Take your pick. Or the entire Marine Corps attack aircraft modernization program.

I will yield to my friend if he can tell me what you are proposing to cut out; if you can answer that question I will yield to you.

Mr. WRIGHT. I will answer the question in this way: We propose, as we did last year, to make reductions in the rate of growth in military spending. I remember last year we had a House Democratic budget that the gentleman opposed because it would have proposed a $9 billion reduction in outlays from those proposed in the President's budget. The gentleman probably remembers that at that time, dire considerations were brought to the floor, and a letter of May 19 from the Secretary of Defense to our distinguished friend, ROBERT MICHEL, threatened that if we cut the President's request by $9 billion in outlays, that existing Army and Marine Corps ground forces might have to be reduced by up to two divisions, the naval forces reduced by or decommissioning up to 36 older ships.

Mr. LATTA. May I reclaim my time? I am reclaiming my time.

I want to emphasize you are saying "might." As I stopped here and pointed out to you, I am saying that these "could" happen. I am not saying they all would happen. The same thing applied last year.

Mr. WRIGHT. May I ask the gentleman then to comment on the further suggestion in the letter to the Secretary of Defense last year that if we were to reduce the President's request by $9 billion, he said, we would probably be required to withdraw our carrier task forces from the Indian Ocean and to withdraw one carrier battle group from the Mediterranean Sea. Is the gentleman aware that any of those things occurred? Did any of those things that were so direly threatened by the letter of the Secretary of Defense in May last year complaining about a reduction of $9 billion proposed by the Democratic budget, did any of those things occur?

The answer is none of them did, and the truth is that the budget, the budget appropriation for defense was $9.1 billion less in outlays than our budget.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from New York.

Mr. KEMP. Do I have the time, Mr. Chairman?

The CHAIRMAN. The gentleman in the well has the time and he yielded to you.

Mr. KEMP. The gentleman yielded to me?

The CHAIRMAN. The gentleman has the time.

Mr. KEMP. That is helpful to the debate, and let me say I appreciate my friend yielding. I am glad the majority leader is here and I am glad the distinguished Chairman JONES is here. Let everybody know that finally the debate has begun, and that is important, because we want to air these issues.

Since the gentleman from Texas has brought up a little history of votes let me bring up some votes that are on my mind. After listening to Chairman JONES discuss the Jones budget and discuss it in the context of what a modest little tax increase it will be on the American people it is important to look at tax increases and tax cuts in perspective.

Since the chairman, Mr. JONES, is here, and it is his budget, let me get his attention and hopefully we can have in the rest of the 6-hour debate a little more give and take, a little more of exchange of ideas, because I was unfortunately denied, as was the gentleman from Texas (Mr. LOEFFLER) a chance to ask our distinguished chairman a question.

Chairman JONES, you mentioned that the only way we can enhance the revenue base of our economy is to raise taxes. I want to ask you on the time of the gentleman from Ohio (Mr. LATTA), and I will not be long, why raise taxes on the working men and women of America. I just want to make the point, you were, along with many others Mr. JONES directly responsible, for helping Bill Steiger from Wisconsin introduce an amendment to cut the capital gains rate from 49 to 28 percent. It was the right thing to do, by the way, and I supported it.

You were also partly responsible for the 1978 act that cut the corporate income tax rate, I think 2 full points, and I favored that, and I am glad that I did.

In 1981, you were the author and the sponsor of another cut in the capital gains rate. You also supported, as I understand it, dropping the top rate from 70 to 50 in one step.

So far, ladies and gentlemen, we have had the distinguished chairman of this committee who is responsible for having cut the corporate income tax by 30 percent, the capital gains tax rate by 30 percent, the tax on savings and dividends by 30 percent, and the taxes on wealthy Americans by 30 percent across the board. Why raise taxes on workers and consumers?

This budget threatens directly the tiny little 10 percent marginal income tax rate reduction of the American people, 80 percent of the burden will fall on the backs of the working men and women of this country.

I think it is a mistake. I think it is disingenuous of the gentleman to go in the well and say that he, the author of this budget, is now trying to help the unemployed workers of America get back to work by reducing interest rates, through higher taxes.

How can it be justified?

Mr. JONES of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. LATTA. I will be happy to yield to my chairman.

□ 1420

Mr. JONES of Oklahoma. I thank the gentleman for yielding.

First of all to accurately state what I just said a few minutes ago which was on the subject of taxes. Both the administration's budget and the Democratic consensus budget call for revenue increases. The administration actually raises more taxes in the 1986 to 1988 timeframe than is called for in the Democratic budget.

Mr. KEMP. That is part of the administration's budget which is not supported by anyone that I know of.

Mr. JONES of Oklahoma. I recognize that. I am trying to make an accurate statement since I was not accurately quoted. I think the gentleman yielded to me. So the point is the administration's budget calls for a $235 billion tax increase. I said that my preference, in order to get these huge deficits under control, is that we postpone further tax cuts, rather than have that tax increase and when you recognize what the administration recommendations in their tax increases versus a postponement of further tax cuts are, it impacts more under the administration's plan on middle income workers than what we are proposing. But the point is on the 1978 tax bill, the gentleman is accurate, that I did author the 1978 tax bill. What he failed to mention is that it also cut taxes for individuals. The gentleman

also did not accurately state my position in 1981.

My 1981 position was that individual tax relief as well as tax incentives for businesses should have been passed, but we should do it in relation to the spending side of the budget and we should not just summarily give up all the revenue base without having any reflection on the spending side and have huge deficits because the huge deficits would lead to high unemployment, high recession and slow growth in the economy and that is exactly what happened.

Mr. KEMP. Would the gentleman yield?

Mr. LATTA. I yield briefly to the gentleman from New York.

Mr. KEMP. I thank the gentleman.

Mr. JONES of Oklahoma. I thought I had heard the gentleman's speech earlier.

Mr. KEMP. Those were good things we did back in 1978 and there were also some good aspects in the 1981 tax cut for which we do not need to be ashamed. But you said earlier that the administration's surtax in 1985, or 1986, because it would hit the marginal tax brackets of the middle-income and those people that you wished to see protected in the tax cut. I want to stand up here and say I agree with you. I also agreed with you in committee on some monetary reforms and some other things. So there is not total disagreement.

But, I wonder, trying to find out why now in the face of a slight recovery, 4-percent growth in GNP in the first quarter, with consumer spending coming up so slightly, interest rates coming down a little bit, with the American working man and woman finally having a little more of after tax income to spend or save whatever that decision might be, why is it in your budgets you want to pile a $30 to $35 billion tax increase which even your own advisers, economists, and experts that you brought before our committee, indeed, ladies and gentlemen, even the CBO, Alice Rivlin, did not suggest we raise taxes in a recession at this point in the recovery, why is it, Mr. Chairman, that you are going to put this burden on the economy at this fragile moment in the recovery?

Mr. LATTA. May I reclaim my time. I do not think the chairman can answer that.

Mr. GRAMM. Mr. Chairman, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from Texas.

Mr. GRAMM. I want to thank the gentleman and I want to return to a point where I think the record should be straightened out. The distinguished majority leader was talking about all this savings on defense in the 1982 budget, but in terms of outlay what is stored in the budget, we outspent the 1982 budget by over $1 billion. We spend more than was called for in the Gramm-Latta budget by over $1 billion. So this House did not cut back from that figure.

It may have cut back budget authority but it did not reduce outlay, it spent beyond that budget figure. I thank the gentleman for letting me clarify the record.

Mr. WRIGHT. I wonder if the distinguished gentleman would yield for a clarification of the clarification?

Mr. LATTA. I would be happy to yield for a clarification. Anything you want.

Mr. WRIGHT. In the first place, we were not talking about the 1982 budget, we were talking about the 1983 budget which was under consideration May 25, 1982, when the Secretary of Defense wrote and said that if we reduced outlays in the budget by $9 billion, existing Army and Marine Corps ground forces would have to be reduced by up to two divisions, naval forces reduced by decommissioning up to 36 older ships, and Air Force tactical fighter forces reduced by up to 5 wings. He said we would probably be required to withdraw our carrier task forces from the Indian Ocean and to withdraw one carrier battalion group from the Mediterranean Sea.

Mr. LATTA. If I may reclaim my time.

Mr. WRIGHT. He talked about making significant reductions.

Mr. LATTA. May I reclaim my time?

Mr. WRIGHT. Well, I am just pointing out that it is less than that amount.

The CHAIRMAN. The gentleman from Texas will suspend. The gentleman in the well has control of the time. The gentleman on this side will suspend.

Mr. LATTA. The only reason I want to reclaim my time is because there is no need for the gentleman to take the time to go over the same information twice. That is the same information I yielded you time before to read. You read it then. There is no use reading it twice. We only have a certain amount of time to debate it.

Mr. WRIGHT. I thought you might have forgotten. It never was responded to.

Mr. GRAMM. Mr. Chairman, would the gentleman yield?

Mr. LATTA. Mr. Chairman, I yield to the gentleman from Texas.

Mr. GRAMM. Mr. Chairman, if the gentleman will check the budget resolution upon which we debate today he will find that outlay for the final 1983 figure for defense is above the figure that we adopted for the 1983 budget as the 1982 outlay figure was above the figure we adopted for the 1982 budget.

So, the fact remains that we have outspent both 1982 and the 1983 budget on defense. We have not reduced outlay. We have increased it beyond the budget. I thank the gentleman for yielding.

Mr. LATTA. If I may reclaim my time.

Mr. JONES of Oklahoma. Will the gentleman yield?

Mr. LATTA. I want to reclaim my time. I have used too much already. We have other speakers who want to be heard.

Mr. JONES of Oklahoma. I was merely trying to answer Mr. KEMP's question.

Mr. LATTA. All right. Very briefly, Mr. Chairman; I do not see Mr. KEMP at the moment.

Mr. JONES of Oklahoma. I do not see him or hear him.

Mr. LATTA. Maybe the chairman can take the time to answer his question later.

Mr. JONES of Oklahoma. I would just say very seriously that the reason this proposal is made is twofold: First of all, the most important thing we can do to sustain economic recovery is to get interest rates down and to get them to continue to go down. That has to be accomplished in two ways, spending cuts and revenue increases; even the administration recognizes that.

The second point, overwhelming public opinion today by a 2-to-1 margin says they would willingly give up or postpone further tax cuts in order to get these deficits under control. That is why that is part of this Democratic consensus budget.

Mr. LATTA. I appreciate the gentleman's comments. Just let me say that this administration has done a pretty good job of getting those interest rates down. You know, I can recall when Mr. Carter took office, the prime was 6¼ percent. When he left office it was 21.5 percent. Do you want me to repeat that for the benefit of my friends on the right? When Carter took office the prime was 6¼ percent, when he left it was 21.5 percent. The other day it was down to 10.5 percent. Now that is pretty good, but that is not enough to satisfy everyone. It is not enough to satisfy me. But they are coming down. Inflation, when Carter took office from Gerald Ford was 4.8 percent; remember? When he left it was 12.6 percent. I need not tell you what it is today.

We have made some progress, you have to admit that. Sure unemployment has gone up, no question about it. I would like to see every single individual have a job who wants a job, but you cannot do it the old-fashioned, left-wing Democratic way. It did not work in the Great Depression. If you do not believe that, I can read you the statistics, my friend, of the unemployment figures during the Great Depression when F.D.R. tried every trick in the book, used the alphabet many, many times over, and never got the unemployment rate down from 14.9

percent, until when? Just before World War II.

□ 1430

Check the record. I will insert those statistics in the RECORD in case some of my colleagues have forgotten about unemployment during those years. They were 24 and 25 percent despite all the programs that did not work. But in this budget they want to have make-work policies again, they want to try the old programs that did not work.

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from Louisiana.

Mr. ROEMER. I thank the gentleman for yielding.

I wonder if the gentleman would concede that although the Federal programs in the Depression did not work, that the President of the United States then did do admirable service in that he raised the level of spirit and cooperation in America?

And would the gentleman further concede that the objections of this gentleman to the process today is that we do not either raise the level of debate or give the choice of options before the American people?

I wonder if the gentleman would concede those two things?

Mr. LATTA. Well, I would certainly concede them.

Mr. ROEMER. I thank the gentleman.

Mr. MARTIN of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from North Carolina.

Mr. MARTIN of North Carolina. I thank the gentleman for yielding.

I would like to make an observation with regard to the preceding debate pertaining to the levels of unemployment.

All during the last year we heard over and over again how unemployment in 1982 was the highest that it had been since the Great Depression. And of course if you look at those statistics over that entire span of time you see that indeed it is true, that unemployment was at the highest level since the Great Depression; but one of the things you will observe is that there is not anything unique about that.

Most recessions that we have had since the Great Depression have exhibited unemployment levels that were the highest since the Great Depression. That is the rule, not the exception. I will say that again: Most of the recessions that we have had since the Great Depression have shown unemployment rates that were the highest since the Great Depression.

Of eight recessions, five of them were the highest unemployment rates since the Great Depression. Of the other three, two of them almost made it, edged out only by the immediately preceding recession.

What that means, it seems to me, is that there is something involved here which is far worse than the periodic business cycle going up and down, because progressively those recession unemployment rates have been getting worse and worse and worse over the last three decades.

The same thing is true, I will point out, with regard to the good years, when unemployment statistics, plotted graphically, show a trough between the recessions. Because in those good years also, unemployment has been getting worse and worse and worse progressively.

I recall that back in the fifties, normal unemployment was 2 percent. In the midsixties and early seventies, normal unemployment was regarded as 4 percent. Today it is 6 percent. Six percent is the normal level. The last time we had a strong economy unemployment was in a trough at 6 percent, and it needs to be pointed out that that 6-percent level in a good year, just a few years ago, that 6-percent level of unemployment was higher than the recessions during the 1950's.

That dangerous trend of chronically rising base unemployment has become more significant than the recession.

So it seems to me that the impact of inflation driving more and more families to send more and more of their members into the work force is what has thrown unemployment statistics out of kilter. That is why we have to continue to address the inflation problem so that we can counter this trend that has been making both the recessions and the years of economic health get progressively worse and worse and worse.

Mr. LATTA. I thank the gentleman for his comments.

Let me, at this point, give my colleagues those unemployment statistics for that period of time when they were using all these programs that are now again being proposed.

In 1932, the unemployment rate was 23.6; 1933 it was 24.9; in 1934, it was 21.7; in 1935, it was 20.1; in 1936, 16.9; in 1937, they dropped down to 14.3; but back up in 1938 to 19 percent.

And so it goes. It shows that these programs do not work as far as putting people back to work permanently. Oh, they work temporarily, but once you withdraw the money the unemployment is still there.

Now two points and then I will yield the floor.

Another thing that I think is very important to point out about the Democratic budget is that by increasing taxes they get the budget deficit down slightly. But, they push $12 billion of spending from 1984 into 1983, $12 billion.

And last, let me point out something that concerns me. For the first time since I have been here there would be an attempt to politicize the Fed. I do not think we want to do that.

If my colleagues will turn to page 16 of this document, section 6,

To that end, it is the sense of the Congress that in the reports to Congress required by the Full Employment and Balanced Growth Act of 1978, the Board of Governors of the Federal Reserve System shall report to the Congress on the objectives of the Board of Governors and the Federal Open Market Committee with respect to the growth or diminution of the Gross National Product in current and constant dollars, inflation and unemployment for the current and three following calendar years.

Let me say in committee I submitted an amendment to strike out the word "objectives" which the Fed was objecting to and include the word "assumptions" which they said they were talking about. The majority refused to do that.

Now, hopefully, if this budget should ever get to conference, we will be able to take out that language in conference because we certainly do not want to politicize the Fed.

Mr. JONES of Oklahoma. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Ohio (Ms. OAKAR).

Ms. OAKAR. Mr. Chairman, I rise in support of the budget as proposed by the distinguished chairman and I would like to engage in a brief colloquy with the gentleman.

Mr. Chairman, as you know, the current recession has ravaged such key industries as auto and steel and brought home with brutal force the terrible reality of unemployment for millions of American workers and their families. Many of our largest and most industrialized States, including my great State of Ohio, have suffered from sustained high unemployment and increased benefit costs.

These States, as well as others, have no other recourse other than to borrow from the Federal Government to pay unemployment benefits for larger numbers of unemployed workers for longer periods of time.

Debtor States have been crushed under the weight of accumulating interest obligations as a result of the inability to liquidate outstanding loans to the Government.

This situation borders on catastrophe. At the end of February 1983, 27 States owed $12.5 billion to the Government. Half a billion dollars alone is the interest owed by a large number of these States. These States are being victimized by a catch-22 trap. While unemployment stays high, they will have to pay unemployment benefits, which will necessitate borrowing, which means additional interest obligations on top of the principal of the loans. Several of these States—including my own of Ohio—have taken steps

to put their fiscal houses in order, but some form of relief is needed to help them get a handle on payment-of-interest charges.

I want to point out that for the first time in the history of unemployment compensation, since the thirties, thanks to the Gramm-Latta budget, States are forced to pay a 10-percent interest charge, which they heretofore were never forced to pay.

Thus it is my concern that Congress in this session should act expeditiously on any proposal to extend the period of time within which States could pay deferred interest charges or indeed eliminate them altogether.

On this point, I would like to address a question to my colleague, the distinguished chairman of the House Budget Committee, Chairman JONES. Can he assure me that if Congress decides to act to relieve on a limited basis the burden of accrued interest against the States in the new fiscal year, could this decision be accommodated in the second budget resolution?

Mr. JONES of Oklahoma. Mr. Chairman, will the gentlewoman yield?

Ms. OAKAR. I yield to the gentleman from Oklahoma.

Mr. JONES of Oklahoma. The answer to the gentlewoman's question is "yes." In fact, it is clearly stated on page 157 of the committee report.

Ms. OAKAR. I thank the chairman for this very positive and encouraging answer.

Ms. FIEDLER. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. GRAMM).

□ 1440

Mr. GRAMM. Mr. Chairman, I would like to bring this debate back into focus by reminding my colleagues that this budget is binding on the actions of Congress only on the 1983 revisions and the 1984 budget. It is binding in reconciliation only for 1984.

What does this budget do? Our distinguished chairman, the gentleman from Oklahoma, says the American people are willing to raise taxes to reduce the deficit, and so they may be, but this budget does not raise taxes to reduce the deficit.

We hear that we can cut defense, that maybe we do not need as much defense as the President says. Maybe that is so, but do the American people want to cut defense to reduce the deficit or do they want to cut defense to increase social spending?

Mr. Chairman, the problem with this budget is that it is a return to the tax-and-spend policies of the 1970's. This budget raises income taxes by $27 billion.

This budget cuts defense by $9.3 billion. But does it apply the $9.3 billion to the deficit to bring down interest rates, as we hear the rhetoric from the gentleman from Oklahoma? Does it apply the $27.4 billion of revenues to bring down the deficit to reduce Federal borrowing? No, it raises the deficit by $5.1 billion. What you are doing here is raising taxes under the pretense of reducing the deficit. What you are doing is slashing defense below the Carter budget for fiscal year 1984 and on the CBO base line, which is what we agreed to debate on, below our 3-percent commitment to NATO. But do you apply the defense savings to lowering the deficit? No.

You raise social welfare expenditures, nondefense, by $42 billion.

The only way you get a reduction in the deficit is by tripling the initial tax increase over the next 5 years.

Mr. Chairman, this budget represents a retreat from the progress we have made. Our economy is recovering. The inflation rate is down by three-quarters because we made hard decisions in the last two budgets. Interest rates are down by 50 percent. But this budget goes back and raises taxes in the recession, cripples incentives and cuts defense. But does it lower the deficit? No. It spends more than it saves in defense cuts. It spends more than it raises in taxes and it raises the deficit by $5.1 billion dollars.

And what does it raise the deficit to do? To knock out the workfare requirement in AFDC. It raises taxes and cuts defense in order to put back the provision that will let people earn $14,200 a year and still draw welfare.

It eliminates the progress we have made in eliminating waste and fraud in the food stamp program and the progress we made in tightening eligibility.

This budget is a throwback to another era. It is a throwback to the budgets that produced the very problems that we are trying to solve.

I ask my colleagues to look not at what the budget does in nonbinding years through promises of tripling the initial tax increase, I ask them to look at what it does this year and next year.

It raises taxes. It slashes defense, and it raises the deficit so that we can go on spending here in Washington.

I do not believe that is what the American people want. The American people are willing to compromise. They are willing to sacrifice to make things better. But they are not willing to compromise and sacrifice to go back to the failed policies of the 1970's.

We must vote this budget down so that we can put together a bipartisan compromise.

This budget is so far to the left that it cannot compromise with the Senate and come out with a budget that Republicans can vote for; but in moving back to the center, it will lose its left-wing support. The passage of this budget would deny us a budget resolution for fiscal year 1984.

Our chairman, in the name of a Democratic budget, would doom us to having no budget in 1984, to threatening the Budget Act itself, to threatening the very process that has allowed us to achieve some fiscal responsibility.

This budget is not a responsible budget. It is a tax-and-spend budget and its binding elements raise the deficit, raise borrowing, raise interest rates, and threaten the economic recovery.

Mr. JONES of Oklahoma. Mr. Chairman, I would like to insert in the RECORD the Appropriations Committee analysis of the Gramm-Latta projections on deficits. It shows in the final analysis over a 3-year period that the gentleman from Texas missed the deficit count only $438 billion when his program was passed.

COMPARISON OF GRAMM–LATTA FISCAL YEAR 1982 FIRST BUDGET RESOLUTION ESTIMATES WITH LATEST ESTIMATES

[In billions of dollars]

	Fiscal year			3 year total
	1982	1983	1984	
Revenues:				
Gramm-Latta projections	658	713	775	2,146
Latest estimate	[1] 618	606	689	1,913
Difference (underestimated)	40	107	86	233
Deficit:				
Gramm-Latta projections	−38	−19	+1	−56
Latest estimate	[1] −111	−209	−174	−494
Difference (underestimated)	73	190	175	438

[1] Actual.

CONGRESSIONAL HISTORY OF SPENDING

[In millions of dollars]

Fiscal year	Budget receipts	Budget outlays	Deficit (−)/ surplus (+)
1976:			
1st resolution (May 14, 1975)	298,180	367,000	−68,820
2d resolution (Dec. 12, 1975)	300,800	374,900	−74,100
Actual	298,060	364,473	−66,413
1977:			
1st resolution (April 29, 1976)	362,500	413,300	−50,800
2d resolution (Sept. 9, 1976)	362,500	413,100	−50,600
3d resolution (Mar. 3, 1977)	347,700	417,450	−69,750
3d revised	356,600	409,200	−52,600
Actual	355,559	400,506	−44,948
1978:			
1st resolution (May 17, 1977)	396,300	460,950	−64,650
2d resolution (Sept. 15, 1977)	397,000	458,250	−61,250
Actual	399,561	448,368	−48,807
1979:			
1st resolution (May 15, 1978)	447,900	498,800	−50,900
2d resolution (Sept. 23, 1978)	448,700	487,500	−38,800
2d resolution revised (May 23, 1979)	461,000	494,450	−33,450
Actual	463,302	490,997	−27,694
1980:			
1st resolution (May 23, 1979)	509,000	532,000	−23,000
2d resolution (Nov. 7, 1979)	517,800	547,600	−29,800
2d resolution revised (June 11, 1980)	525,700	572,650	−46,950
Actual	517,112	576,675	−59,563
1981:			
1st resolution (June 11, 1980)	613,800	613,600	+200
2d resolution (Nov. 20, 1980)	605,000	632,400	−27,400
2d resolution revised (May 21, 1981)	600,300	661,350	−58,050
Actual	599,272	657,204	−57,932
1982:			
OMB estimate (1982–Jan. 15, 1981)	711,780	739,296	−27,516
March request (Mar. 10, 1981)	650,300	695,450	−45,150
1st budget resolution (May 21, 1981)	657,800	695,450	−37,650
July request (July 15, 1981)	662,400	704,850	−42,450
September request (Sept. 24, 1981)	666,200	709,300	−43,100
2d resolution (Dec. 9, 1981)	657,800	695,450	−37,650

CONGRESSIONAL HISTORY OF SPENDING—Continued

[In millions of dollars]

Fiscal year	Budget receipts	Budget outlays	Deficit (−)/ surplus (+)
1982 OMB estimate (Feb. 8, 1982)	626,753	725,331	−98,578
1982 OMB estimate (Apr. 9, 1982)	628,400	728,900	−100,500
2d resolution revised (June 24, 1982)	628,400	734,100	−105,700
1982 OMB estimate (July 30, 1982)	622,100	731,000	−108,900
Actual	617,766	728,375	−110,609
1983:			
OMB estimate (1982–Jan. 15, 1981)	809,209	817,254	−8,045
March request (Mar. 10, 1981)	709,150	731,950	−22,850
1st budget resolution (May 21, 1981)	713,200	732,250	−19,050
July request (July 15, 1981)	705,800	728,700	−22,900
September request (Sept. 24, 1981)	714,100	737,000	−22,900
2d resolution (Dec. 9, 1981)	713,200	732,250	−19,050
1983 OMB estimate (Feb. 8, 1982)	666,118	757,638	−91,520
1983 OMB estimate (Apr. 9, 1982)	665,100	767,000	−101,900
1st resolution (June 24, 1982)	665,900	769,818	−103,918
1983 OMB estimate (July 30, 1982)	646,500	761,500	−115,000
1983 OMB estimate (Jan. 31, 1983)	597,494	805,202	−207,708
1984:			
OMB estimate (1982–Jan. 15, 1981)	922,266	890,258	+32,008
March request (Mar. 10, 1981)	770,700	770,200	+500
1st budget resolution (May 21, 1981)	774,800	773,750	+1,050
July request (July 15, 1981)	759,000	758,500	+500
September request (Sept. 24, 1981)	771,000	771,000	
2d resolution (Dec. 9, 1981)	774,800	773,750	+1,050
1984 OMB estimate (Feb. 8, 1982)	723,017	805,935	−82,918
1984 OMB estimate (Apr. 9, 1982)	722,000	815,800	−93,800
1st resolution (June 24, 1982)	738,000	821,928	−83,928
1984 OMB estimate (July 30, 1982)	719,900	812,500	−92,600
1984 OMB estimate (Jan. 31, 1983)	659,702	848,483	−188,781
1985:			
1985 OMB estimate (Feb. 8, 1982)	796,583	868,466	−71,883
1985 OMB estimate (Apr. 9, 1982)	796,800	878,600	−81,800
1st resolution (June 24, 1982)	821,400	881,356	−59,956
1985 OMB estimate (July 30, 1982)	801,100	874,700	−73,600
1985 OMB estimate (Jan. 31, 1983)	724,318	918,515	−194,197
1986:			
1986 OMB estimate (Jan. 31, 1983)	841,879	989,571	−147,629

Note.—Budget priorities Feb. 14, 1983.

Mr. JONES of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. NELSON).

Mr. NELSON of Florida. Mr. Chairman, I have spoken in this House for 4 years to urge that our budget processes be conducted in a bipartisan fashion. Over and over I have been disappointed.

Three years ago we had our first attempt at bipartisanship. That was when Bob Giaimo, then chairman of the Budget Committee, along with the gentleman from Ohio (Mr. LATTA) defended the budget together on the floor. I thought that was a great moment of bipartisan cooperation.

I have also spoken in this House to congratulate the President and the Democratic and Republican leadership for their bipartisan support of the social security package. It was clearly in the interest of the Nation.

But this year, when my chairman, the gentleman from Oklahoma (Mr. JONES) made entreaties to the White House for a bipartisan budget package, his efforts were rebuffed.

So we come to the situation today: that it falls to the Democratic majority in this House to pass a legislative vehicle and send it to the Senate.

Now, there are items in this budget I do not prefer. I would prefer a higher rate of defense spending—a 7-percent rate that could be sustained over the 5-year cycle. Gen. David Jones, former head of the Joint Chiefs of Staff,° in his testimony to the Budget Committee, emphasized that steady growth in military spending was imperative for rational defense planning and stability in our military readiness.

There are also items in this budget, that I prefer over other alternatives. For instance, I prefer the smaller deficit in this budget—by $11 billion—compared to the President's budget. And I would prefer even smaller deficits than these choices, to insure that economic recovery will be sustained.

But clearly the issue today is getting on with the budget process. And, with the Republicans not offering an alternative budget, leaving it up to the Democrats to pass, the choice is clear. It is the wisest choice to pass the only legislative vehicle before us, and then resolve the differences with the Senate to achieve a responsible and acceptable budget.

Ms. FIEDLER. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Chairman, there are two points which I would like to make here at this time. The first is that there has been substantial criticism of the document which our colleagues on the other side of the aisle put out, the Committee on the Budget of the U.S. House of Representatives, in which they label it a Democratic plan for economic recovery.

The criticism has been from our side of the aisle that it is rather blatant to use the Government Printing Office and Government funds to print an essentially partisan party document that better could have been paid for, not by the taxpayers, but rather by the Democratic National Committee.

Well, I understand that argument made by my colleagues on this side of the aisle, but I do not quite agree with it. Rather, I would like to salute my colleagues on the other side of the aisle for what might be called Truth in Labeling, Truth in Packaging.

Indeed, I think this is one of the more honest, more accurate statements, that we have seen in legislation which has been brought before this House, because indeed, it is a partisan Democratic plan, the plan of the majority, the plan of the majority which the minority had very little opportunity to participate in and fashion. Indeed, this was rushed through the Budget Committee in one day and, in fact, that particular day, as most of us will recall, was the day in which it was done in the shadow of the nuclear freeze; so we really did not have much opportunity at all to come to grips and try to fashion a bipartisan budget in the Budget Committee because of the way it was rammed through.

I particularly am disappointed in this, because as our hearings unfolded in the Budget Committee, I quite openly and with some trepidation stated to my colleagues that I was willing to bite the bullet and consider some restraint in defense spending.

I said to my colleagues that although I suppose I am known as a hawk, I was willing to face up to the need for restraint and willing to work toward helping bring this about on a bipartisan basis.

□ 1450

I was astonished, Mr. Chairman, that we did not even have a defense task force. I spoke to the distinguished chairman about this. We have many different task forces in the Budget Committee to deal with the different issues before us, and an issue as important as defense, we did not even have a defense task force subcommittee.

I understand. The distinguished chairman told me his reasons when we were going to consider this issue by the full committee, and yet the time that we gave to this, I believe, was not adequate at all. I was quite disappointed that at least my entreaties to work on a bipartisan basis to bring about some restraint really were rebuffed. There was no response.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. SHUSTER) has expired.

Ms. FIEDLER. I yield 2 additional minutes to the gentleman from Pennsylvania.

Mr. SHUSTER. Instead of having some bipartisan effort to bring about restraint, instead we have a budget proposal before us today which does not restrain defense spending but, rather, proposes to savage defense spending. The budget authority by the majority's resolution would cut budget authority in defense $206 billion over the next 5 years, over $40 billion a year in defense cuts, and I need not run through what this would do to the defense budget. It has already been covered by the distinguished ranking member of our committee.

The fact is that rather than proposing restraint, which some of us were willing to deal with on a bipartisan basis, we have a savaging of the defense budget instead. I think that is very unfortunate, Mr. Chairman. I believe the American people have a right to know that indeed we were not given this bipartisan opportunity.

Mr. JONES of Oklahoma. Mr. Chairman, I yield 6 minutes to the gentle-

woman from New York (Ms. FERRARO), a member of the committee.

Ms. FERRARO. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I am delighted to have the opportunity to discuss the budget resolution which has been presented by the Budget Committee. I cannot help but recall how terribly frustrated I was last year when this body engaged in debate of seven resolutions, rejected them all, and finally ended up passing yet another Gramm-Latta budget. Frustrated because I had not had an opportunity to participate in the choices that were made. Frustrated because the ultimate product that was passed was so devastating to the women of this country, especially after the damage done by the first round of Reagan-Gramm-Latta budgets.

Of course, this is a new year. A new Congress. A new budget. The myth of the Reagan mandate to dismantle the Federal Government has been exposed, and the radical economic philosophy that swept through this Chamber 2 years ago has been scrapped in the face of double-digit unemployment and triple-digit deficits.

Evidence of the revived concern for Government's role in the economy comes from all quarters. Even this president, in his state of the Union address, said "We who are in government must take the lead in restoring the economy."

On a subject of great concern to me, I was heartened by the comments of my colleague from Maine, who said on the "Lawmakers" show on February 24:

I think we have an outdated view of women in today's society and that we have to reflect that change in legislation that comes before the Congress. Every time a bill comes up we have to look at it to see how it affects women.

My colleague from Maine is now deputy minority whip. I agree with her, and I think that this budget is the first major opportunity for Republicans and Democrats who care about women's issues to do something about it.

If I were to characterize the Reagan-Gramm-Latta budgets as antiwomen—and I do—I would have to characterize the committee budget as prowomen. In fact, if you compare the Reagan-Gramm-Latta budgets of the last 2 years and the 1984 Reagan budget with the resolution produced by the Budget Committee, you get a clear picture of how this administration has contributed to the "feminization of poverty."

My colleague from Ohio addressed the add-ons as if they were something we should be ashamed of—let us review them together to see who should be ashamed of their actions.

In each of the past 2 years, food stamps spending—and 85 percent of food stamps recipients are women and children—has been cut by more than $2 billion. The 1984 Reagan budget requests another $750 million cut. Our budget provides a $900 million increase. Between us and them: a difference of $1.6 billion in food stamps.

For the third straight year, the administration has proposed eliminating the legal services, in which 67 percent of the clients are women, many of them elderly. We propose a $50 million increase. Between us and them: a difference of $290 million for legal service.

In the last 2 years, budget authority for assisted housing has been reduced from $24 billion to $8.6 billion, and this year the administration wants to wipe it out. Two-thirds of the residents of assisted housing are women. The committee proposes $13.1 billion. That $13.1 billion—and the continuation of the assisted housing program—is the difference between us and them on housing.

Aid to families with dependent children, the $7 billion Federal welfare program, that is causing the $189 million deficit, 94 percent of which goes to women and children, was cut $1 billion in 1982. The administration asked for another $1.3 billion in cuts last year, but Congress refused. This year's Reagan plan seeks $730 million in new cuts, compared to our budget, which adds $100 million. Between us and them: $830 million in aid for families with dependent children.

In the last 2 years, the administration has proposed cuts of $11.7 billion in medicaid. Three-fifths of those eligible for medicaid are women. Congress has approved $4.1 billion in cuts. The administration would like us to cut another $1.9 billion over the next 3 years. The committee resolution, by contrast rejects the new cuts and adds $350 million to expand medicaid coverage for children. In fiscal year 1984, the difference between us and them is $850 million.

One program the administration likes to talk about as proof that it is not heartless is the WIC special feeding program for pregnant and nursing women and infants. It is a rather disingenuous claim, since in both its 1982 and 1983 budgets the administration tried to cut WIC funding.

This year, the administration finally got smart, perhaps in response to reports of rising infant mortality rates in many of our major cities, and left WIC alone. In fact, Dave Stockman thinks they deserve congratulations for freezing the program at current levels rather than cutting it. But that freeze will push 120,000 people out of the program. And at current levels, the program serves only about 2 million of more than 8.3 million women and children who are eligible for help. The Budget Committee adds $300 million for WIC to help meet the growing need. The difference between us and them is $300 million, and it is all for poor women and children.

In addition to the direct budget actions slashing programs for the poor, the administration also has worked to undermine the efforts of the nonprofit charity organizations on which it relies to pick up the burden. Two years ago, cuts in the postal subsidy for nonprofit organizations led to increases of more than 100 percent in their mailing rates. The 1984 Reagan budget takes another whack at the postal subsidies, proposing to cut them in half, from $760 million to $400 million. The cut would mean millions of dollars to the American Red Cross, the American Cancer Society, St. Jude's Children's Hospital, and thousands of other groups. The committee budget provides the full $879 million needed to avoid further increases in postal rates for the nonprofits. The difference between us and them: $479 million.

Last year, as I traveled around the country making speeches criticizing the Reagan budget and describing the budget as a women's issue, I was accused of being partisan. Then and now, the charge is simply an attempt to shift attention from the terrible human suffering these policies are causing.

Four years ago, when I was first elected, I did not imagine myself coming to Washington to fight for the women of this country. But now, I am committed to seeing that economic equity for women is more than just rhetoric from politicians worried about the gender gap at the polls.

If you share that commitment, here is the place to start proving it. Do not think you can vote against this budget and not pay a price with women voters. The budget is a women's issue, and you are either for women or you are against them.

Let me say just a few words about the rest of this budget. Taken as a whole, it reflects the two chief considerations which guided the committee in its deliberations. In the short run, the goal was to help those who have been hurt most by the recession. While economic recovery appears finally to be underway, the worst victims of the worst recession in half a century will not benefit from recovery for years. Even the administration's projections show unemployment at close to 10 percent for 2 years.

The committee budget, through a package of emergency humanitarian assistance and education and training programs, seeks to repair the social safety net and to provide a plan for economic growth that extends economic recovery to all Americans. If this package should be criticized, it

should be criticized for not doing enough.

Still, it makes important improvements over the Reagan budget. Unlike the Reagan plan, the committee honors the commitment Congress made 3 months ago to increase Federal mass transit assistance. When we decided, with the administration's support, that 1 penny of the 5 cent gas tax should go to mass transit, the idea was to supplement, rather than replace, the funds we were already spending.

The Reagan budget ignores that clear intention, and provides almost a billion less for transit than the Surface Transportation Assistance Act did. The Reagan budget also revives the twice-rejected plan to phase out transit operating aid. The committee provides the full level of capital and operating assistance under last year's bill, giving badly needed help to our Nation's transit systems.

The committee budget also accommodates $22 billion in phase II and phase III jobs programs. The goal is to provide a mix of emergency aid and education, employment and training, and civilian research and development that will help bring long-term economic growth and will ultimately provide jobs for millions of Americans.

One element of the package that I particularly support is the establishment of a National Development Bank, modeled after the Reconstruction Finance Corporation of the 1930's. Such a bank could serve as a source of equity capital to basic industries in need of modernization, or to new technologies, or to local governments for infrastructure improvements. The original RFC played a major role in leading us out of the depression. A new institution could play a similar role in the long-term rebuilding of America.

The second consideration we had in writing this budget, and the second aspect of our long-term economic growth plan, is the reduction of deficit. We have accomplished this goal. Our deficit is $7 billion lower than the Reagan deficit in 1984, and over the next 5 years our total deficit is more than $100 billion less than under the Reagan budget.

In hearings before the committee, economists of every stripe agreed that the essential ingredient in any economic recovery was a declining trend in the deficit. We have done that, without resorting to "now you see them now you don't" standby taxes.

The President charges that we have reduced the deficit making defense reductions that threaten our national security, and by raising taxes, thereby aiming a "dagger straight at the heart of America's rebuilding."

The 1981 tax cut, misnamed "the Economic Recovery Tax Act," reduced revenues by more than $1.1 trillion from 1982 to 1988, creating the worst deficit crisis in our history. Supply-side economics has been exposed as a sure path to fiscal ruin.

The contingency tax proposed in the President's budget is not the first tax increase he has sponsored. Last year, he enthusiastically helped push two major tax increases through Congress. So he is no stranger to raising taxes.

But now, at the same time he has proposed another tax hike of his own, he is attacking the Democratic budget, not for raising taxes, but simply for proposing deferral of a scheduled tax cut. The logic of the Democratic position is that it makes no sense to borrow money to give the people a tax cut now only to take it back through a tax increase 2 years from now.

As for defense cuts, the President's charge that the Democratic budget is weak, is absolutely silly. The committee budget spends $235 billion in 1984, just $9 billion less than Reagan's request. It spends $100 billion more than the country spent in 1980. And over the next 5 years, we would spend $1.6 trillion on defense, while the President would spend $1.8 trillion.

That is hardly an agenda for weakness, or cause for joy in the Kremlin, as the Washington Post said.

The committee budget is fair, it is balanced, and it is the best plan for meeting our Nation's needs that has yet emerged. As a whole, the budget is a commitment to our Nation's strength—both its economic strength and its military strength. As you consider it, do not get bogged down in the rhetoric about giving joy to the Kremlin or aiming daggers at economic recovery. Consider the budget on its merits. Especially those of you who represent districts which have been hardest hit by the recession and the budget cuts of the last 2 years, I urge you to vote your constituents needs, and support this budget as the best package they are likely to get.

Ms. FIEDLER. Mr. Chariman, I yield 5 minutes to the distinguished ranking minority member, the gentleman from New York (Mr. CONABLE).

Mr. CONABLE. Mr. Chairman, I do believe that economic recovery will do more for women than all the programs to put them in dependency that we can think of. I certainly hope to see women getting their full share of an expanding economy.

Mr. Chairman, I also have listened to a lot of perceptions about what has gone wrong in this process, and we all know that something is wrong. It would be, after the beginnings that we had in social security to try to achieve bipartisanship, most unfortunate if we were to find ourselves mired in a partisanship irretrievable in such a basic document of Government as the budget.

□ 1500

In fact, the perception on my side of the aisle is that the Democrats have put together a budget on their own without consultation, and it has proved to be the kind of budget in which it was clear that Republicans, standing for the things they have stood for over the past several years, could not participate. We have found ourselves in short reduced to confrontation rather cooperation, a most unfortunate development.

If we are unable to defeat a partisan budget put together without consultation, it can become the pattern for the future issues of this Congress, and let us not be surprised then if we in the minority have to revert to the old tactics of legislative ambush and harassment and delay that you so deplore and we do not enjoy. Cooperation is something to be desired in the National Legislature, and we should not confront if we can avoid it.

Now, I am here to talk particularly about taxes.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. CONABLE. I yield to the minority leader.

Mr. MICHEL. Mr. Chairman, I want to applaud the gentleman from New York (Mr. CONABLE) for the statement he made.

The gentleman well knows how hard and long we labored last year and the year before when as a matter of fact both parties in a sense rejected the President's budget and it was up to us to put one together. As I recall, it did not take weeks but months of bringing different groups together to fashion the budget that was passed last year in a truly bipartisan spirit.

We are willing to be constructive on this side, even though we are in the minority position we have been in all these years, and I think that has been good for the legislative process. But when you think you are so autocratic and have gotten so fat with such a big margin that you just do not need anyone on this side of the aisle, then, as the gentleman suggests, we will surely have to keep that in mind as we go down through the remainder of this session.

Mr. CONABLE. Mr. Chairman, the greatest tragedy, I say to my friend, the gentleman from Illinois (Mr. MICHEL) the distinguished minority leader, would be if this pattern succeeded and we found in all major legislation coming down the pike from now on a take-it-or-leave-it approach. That is not the way for a legislative body to function.

Now, let us talk about taxes. There is $27 billion of additional taxes in the Democratic budget. That is not specified, but indeed that is exactly the amount of money that would result from the elimination of the third year

of that rate cut proposed by the 1981 act and by the elimination of indexing which, between 1985 and 1988, would reduce the taxes that otherwise would be collected by roughly $90 billion. It is particularly the indexing that I would like to address because this is the most significant reform of taxation that I have voted for in the 18 years I have been in this body. To eliminate it because it would make our budgeting easier or because it would permit us to take through the back door that fiscal dividend which finances government growth would be a tragedy indeed.

I know that my colleagues will forgive me if I engage in a bit of personal history. When I came here in 1965, if we had had a unified budget, although I do not want the Members to hold me to the exact figures, it is my understanding that the total government revenues would have amounted to about $116 billion. Since that time I have participated in five major tax cuts, and I have been so successful as a tax cutter that I have now reduced the Government's tax revenues to $620 billion. Now, that sum includes, of course, some increase in social insurance taxation, and it includes some real economic growth.

The CHAIRMAN. The time of the gentleman from New York (Mr. CONABLE) has expired.

Ms. FIEDLER. Mr. Chairman, I yield 5 additional minutes to the gentleman from New York (Mr. CONABLE).

Mr. CONABLE. But, Mr. Chairman, if anyone believes the major contributor to such from the of tax revenues was anything but bracket creep, he does not know the history of the past 10 years. The impact of inflation on the graduated income tax has been a cornucopia of tax revenue. Government has become the primary beneficiary of inflation, taking a bigger cut from every workingman's paycheck as he marches through the brackets. It is a politician's dream—more money to spend without having to raise taxes.

What was the result, though? By the time this administration took office the Federal tax burden was the highest in history, despite a tax cut which occurred halfway through the Carter administration.

Mr. Chairman, let me say to my friends that this kind of economic drag cannot go on indefinitely without causing irreparable harm. We tried to turn it around first by substantial percentage cuts over a 3-year period, and then we tried to follow it with income tax indexation, applying the cost-of-living adjustment to the point at which the working people of America moved into the next higher bracket through inflation. In this way, after getting taxes down, we could be sure we were taxing real income for the first time, not illusory, inflated income.

It is terribly important for an honesty-in-taxation approach and terribly important for a system that involves justice for the American working man that we retain indexing. Everything I hear and everything I see leads me to believe that our friends on the Democratic side of the aisle have targeted this reform before it can take effect. They can be sure that once it takes effect the American people will never give it up.

Surely it is a politician's dream being able to finance program growth without having to raise taxes. Surely it is something the tax writers like because they can buy reform and they can occasionally pass out through the front door a small part of the money that comes in in such large amounts through the back door, claiming great credit therefor. Surely the budgeters like it because it makes their job a great deal easier.

The cynics look with fear at indexing and say that this body will never have the nerve to raise taxes if they have to justify what will be bought with the higher taxes. They say that it is easier, then, just to let bracket creep do the work for them. I am willing to vote for higher taxes if necessary, but I am not willing to steal with the burglar's tools of bracket creep.

Now, what would be the effect of eliminating the third year of the rate cut and indexing? Let us just look at what the DRI model through which the Democratic alternative has been run will show us. The level of real GNP is lower by 0.7 percent in 1984, by 1.7 percent in 1985, and by 1.6 percent in 1986. The unemployment rate is higher by 0.7 percent in 1986, the real disposable personal incomes are off by as much as 1.7 percent in 1985 and 0.9 percent in 1986, and real business capital spending is reduced by 1.9 percent in both 1985 and 1986. If this budget passes, these untoward results are to be expected.

We cannot go on raising taxes without suffering an economic impact of devastating proportions. It is time, Mr. Chairman, that this budget was put down and that we try to work together to come up with something that will not have effects that are so devastating to the American people, to the recovery, and to the future of a free economy.

Mr. JONES of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas (Mr. GLICKMAN).

Mr. GLICKMAN. Mr. Chairman, I intend to vote for this budget, but I would like to indicate that, contrary to what the gentleman from New York said, the minority party could have come up with a budget if it wanted to. It would have been the President's budget. I think the minority party was too embarrassed to come to this floor with a budget with a $200 billion deficit. They chose not to; they chose to put our party on the spot instead. In reality, they abdicated their President by not supporting his budget.

We Democrats came up with a budget which is clearly not perfect, but it is the only available alternative right now.

Frankly, I would like to see the moderates of both parties unite and come up with a budget that would have taken the revenue and defense figures which were something close to that of the Jones budget, and then held the line on domestic spending and frozen it at last year's level plus inflation.

□ 1510

And that, together, would have produced a budget deficit of maybe $15 billion less than we have now in the budget before us. But we did not really have that option. My worry is that in conference we will not cut taxes to the level that the Jones proposal has, and we will increase defense substantially, we will never be able to cut back the domestic spending as much as perhaps was anticipated, and we will come back to this floor with a conference report of a budget that has a deficit of some $15 billion or so more than we are talking about here. That is a very real worry. But my feeling about it is that we have to come forth with something, and this budget does give our conferees some negotiating room.

I would like to make a personal message and warning, however, to our leaders that many Members cannot support the domestic program increases that are implicit in this budget. And I do not consider myself one of the boll weevils. I consider myself one of the moderates in this place. And while I am willing to vote for this budget, I am not willing to go hog wild on additional domestic spending programs. And neither am I willing to go hog wild on defense spending program increases. I think the gentleman from Oklahoma has raised an appropriate responsible increase in defense spending.

So while this is a document which sets general guidelines, I hope that we do not get fooled or coerced into accepting all of the levels of the budget document in terms of our votes on future appropriations bills, or new authorization programs. I intend not to do that.

As I have just stated, I will be voting for the budget resolution that has been recommended to us by the Committee on the Budget. The committee, under the able leadership of my friend, JIM JONES, took on a formidable task of bringing together the widely varying points of view in our own party and trying to arrive at a reasonable budget package. Though I do not agree with their final product in its entirety, I am convinced that their package includes a number of

sound premises. They recognized the importance of reducing the Federal deficit, first and foremost. As I was told when a number of us were meeting with a group of Wall Street economists a few weeks ago, the recovery can continue if we take steps to turn around the trend so we are moving toward lower deficits. That is what the Budget Committee's package would do. Their deficit for fiscal 1984 is $4.7 billion lower than that proposed by the administration, but, more importantly, the out-year deficits under the plan embodied in the resolution continue to be smaller than those in the administration proposal.

This budget is an improvement on what the administration proposed, but it is not what we need to end up with for a fiscal blueprint for the country's economic recovery.

We need a budget that says we are not going to let special interest add on's stand in the way of the deficit reduction we all acknowledge is needed.

We need a budget that makes even more of a reduction in the deficit.

We need a budget that makes that reduction in a fair, equitable, and workable fashion.

Most importantly, we need a budget passed. Otherwise, our financial markets will be in chaos. They will rightly have to question our ability to decide on a plan—any plan—of deficit reduction.

I view this budget we are considering today as a negotiating posture that we should take to conference with the Senate once they sit down again and come up with their plan. As evidenced by the fact that the minority party here in the House is not offering an alternative of their own today, it seems clear that they have decided not to participate in a positive way in this body's budget development. I do not know whether that is out of intransigence or an inability to reach consensus. Whatever the cause, the negotiating will be left for conference.

In light of the makeup of the present Senate, I would expect that what they come up with will provide for less domestic spending, more defense spending, and less in the way of revenue increases. We can come out of a conference then with a whole range of deficit figures—higher or lower than what this resolution proposes. I, for one, here and now urge our conferees to make their first priority getting the deficit down. We should be willing to reduce domestic spending to the 1983 levels plus an inflation factor. There might be a need to compromise some on the additional revenue levels, and I expect our defense figures would not stand just as they are. Still, the administration's massive increases in the defense function will need to be trimmed to a reasonable level of increase.

Now let me go into the breakdown of the House budget a bit. I am in general agreement with our Budget Committee, as far as recommendation in the defense area. From all reports, the President is going to be telling the Nation tonight that we are in dreadful shape and that the Russians are coming to get us, if you will. I do not in any way disparage the President's concern about our defensive capabilities. Every one of us realizes the preeminent responsibility of this Government to assure the security of the United States, and none of us, least of all me, would seriously argue against funds that are needed to assure our national security. The House Budget Committee resolution does not represent a cut in defense spending. Instead, the committee resolution provides for an increase of $21.15 billion—that is a 10-percent increase—over outlays in this fiscal year. Total Pentagon outlays in fiscal 1984 would be $235.4 billion next year. Expenditures of that magnitude will certainly not lead to the deterioration of our security. In fact, I have serious doubts about the ability of our defense establishment to spend any more than that so quickly without much of it going to waste.

As far as domestic spending is concerned, I give the committee credit for starting out at the baseline of 1983 spending levels adjusted. I wish they had stopped right there. Cutting out the add ons that this budget calls for—and I would tell you that, in all honesty, if times were right I would want to see many of the programs which the committee would provide additional funds expanded. But this is not the right time. The recovery we have begun is fragile. I hope it will continue, but an upsurge in interest rates could very well stop it in its tracks. On the other hand, further drops in interest rates could spur it on. If we resist the add ons that are proposed, popular as they may be to many groups, and as much as we might like them, we could reduce the budget authority in this bill by over $20 billion and reduce outlays by nearly $9 billion. Such a further reduction in the deficit could be just what it takes to get interest rates down further.

Putting a freeze on the spending levels of last year with necessary adjustments to cover inflation does not necessarily mean that some of these other programs could not receive additional funding. The flexibility would remain to decide that economies could be made in other programs within a function to cover added costs of programs which are needed to spur the economic recovery we all want to see.

As for the revenue side, I am in agreement with the committee that we should apply the freeze concept to both the revenue and expenditure sides of the picture as a matter of equity. I am not at all convinced, however, that the $35 billion in revenues which the committee calls for can or should be achieved. Some of that has already been approved by the House in the social security reform package, and the committee has left further revenue increases to the determination of the Ways and Means Committee and the full House. One premise behind the additional $30 billion is that it could be achieved by the revenues that can be saved by repealing or deferring the third year of the tax cut. For a number of reasons, I am concerned that we will never reach that revenue figure. I personally have some problems with complete repeal of the tax cut both in terms of equity and in terms of the impact on the economy. Instead, some sort of cap might be in order. That could still mean considerable savings and reductions in the deficit. In sum, while I do not necessarily agree with the magnitude of the revenue changes called for in the committee budget, I agree completely with them that we need to look at the revenue side of the picture.

To wrap this up, I do not think the committee's resolution is ideal. It is not the budget I would have written myself. But I do not have that luxury. It should have held the line on domestic spending, regardless of the temptation to add. It should have relied some less on revenues. Still, it puts us in a good position to go to the Senate and work out a moderate, realistic budget. That would serve the country well. I hope we have the good sense to see that as this process moves forward.

Mr. JONES of Oklahoma. Mr. Chairman, I yield 7 minutes to the gentleman from New York (Mr. DOWNEY).

Mr. DOWNEY of New York. Mr. Chairman, we have decided to do a little budget change from the President, simply because the problems in our country are pretty serious and we want to address them. We are worried, as you are, economically, about the out year deficits, and we do something about them. We are worried about and concerned that the people who are unemployed today, the people who cannot have adequate housing today and who are not properly fed today need to be helped today, not in the distant Valhalla of economic recovery that the administration promises us. We are dealing with the cold world as it is, not how we would like it to be, but as it is, and that is what this budget addresses. It is a change of policy, yes. It is a balance between the need for fiscal reality and fiscal fantasy.

Anybody here 5 years ago, 3 years ago, 2 years ago, or even last year, who would have said that Ronald Reagan would be proposing the biggest deficits in our history would have laughed. Do you remember what he said in February 1981? Let me remind my col-

leagues on the other side. He said that big deficits caused inflation, big deficits caused unemployment, big deficits caused us not to grow economically. So we have taken a page from Ronald Reagan's book and we have attempted to reduce those deficits, but at the same time not leave a wake of human suffering that I am afraid my colleagues on the Republican side do not care about.

Let me talk, for a minute, about some of the myths that have grown up around here:

The minority says, increased spending goes only for domestic spending and we are not serious about deficits. We are simply reducing defense, raising money for domestic spending. Myth No. 1.

The fact is that we reduce over the next 5 years the deficit by $522 billion. That is what we reduce it by.

And let me give you some of the elements. The first element that we reduce is defense. Because of a 4-percent real increase, we save $165 billion for defense. We raise $315 billion from revenue. If you add that total together, you will find that $479 billion in the deficit of that $522 billion comes from revenue and comes from a lesser amount in defense.

Now, I know all of you have been sitting there rapt, with pencil and paper, and you will come to the conclusion that the further reduction—let me repeat it—the further reduction in nondefense discretionary spending, what you call social spending, is $44 billion, which means, for those with uncanny grasps of the obvious, that we not only reduce defense spending, which we do, and I think realistically so, we not only raise revenue, because we have to, unfortunately, but we reduce, reduce, reduce domestic spending from the 1983 baseline so that we can reduce the size of the deficit. That seems, somehow, to be lost in this discussion.

We are not promiscuously spending money to help people. Heaven forbid we should to that. We are reducing the real levels because we too are concerned with the real interest rates and the problems of inflation.

The second myth is that this somehow savages defense spending.

Many of you were not here years ago when in fact defense spending was savaged, when in fact we did not grow in real terms in defense. Did it hurt us? Some will say yes, some will say no. I happen to think that we have never spent the money properly. But there could be a good argument for the fact that it was not enough to sustain readiness and alert rates, and the like. That has changed. This 4-percent increase is not just a 4-percent increase, as the chairman pointed out ad nauseam. It is a drastically larger increase in the items the President wants increased.

R&D spending and procurement spending rise not by 4 percent but closer to 7 percent over 4 or 5 years. So we are spending more in real terms for defense than we have historically spent, and that will more than adequately address the weapons needs.

So we are spending more money for defense and we are spending less money for social programs. We are not spending as much as you would love to spend for defense because we do not need to, and we are spending more for domestic programs because there are people out there who are hurting whom we intend to help.

So there are policy differences, very fundamental ones. But this budget does not lose sight of the essential problem of deficits, at the same time dealing with people.

Mr. BETHUNE. Mr. Chairman, will the gentleman yield?

Mr. DOWNEY of New York. I yield to the gentleman from Arkansas.

Mr. BETHUNE. Mr. Chairman, the gentleman talked an awful long time about deficits, and I remember a lot of talk last year about a deficit reduction plan and much talk from Members on both sides of the aisle—I think including the gentleman from New York—about the fact that in last year's great tax increase we were getting $3 worth of spending cuts for every dollar's worth of tax increase. What happened to that deal? That got blown away in this budget somehow.

Mr. DOWNEY of New York. I do not know what happened to that. I was not a party to the deal, to begin with. I recognized then the need to raise revenue. I recognize it today. I also recognize, as this budget does, I say to my friend from Arkansas, the very desperate need to reduce expenditures of all sorts, defense, and domestic.

Mr. GRAMM. Mr. Chairman, will the gentleman yield?

Mr. DOWNEY of New York. I yield to the gentleman from Texas.

Mr. GRAMM. I am astounded by the gentleman's comments concerning reducing nondefense spending. If the gentleman will look at his budget compared to the baseline, in function 500 you are $7.5 billion above baseline spending; you are $21 billion in the 1984–86 period over it; on function 550 you are $7.5 billion over baseline; you are $20.9 billion over the 4-year period; you are $6.5 billion in function 600 over current services; and you are $18 billion over the 1984–86 level.

You have increased nondefense discretionary spending drastically.

Mr. DOWNEY of New York. I would respond very quickly to the gentleman by suggesting that if you take a look at the 5-year spending totals of both, that we spend less for nondefense, not more. The baseline spending for 1984–88 for nondefense items plus interest is $3,494 billion. The spending the committee recommends for these same categories is $3,450 billion; $44 billion less domestic spending.

Ms. FIEDLER. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. LOEFFLER).

Mr. LOEFFLER. I thank the gentlewoman for yielding.

Mr. Chairman, I think that this is the most ridiculous and capricious budget that has ever come before this body. Quite frankly, what we are doing is seeing a return to the last 20 years where this body is resorting to economic shortsightedness, political gluttony, legislative irresponsibilty, and reinventing the wheel of tax and tax and spend and spend.

□ 1520

I was absolutely astounded to hear the gentleman in the well just a moment ago say we are reducing domestic expenditures, if we pass the Democratic budget. That is absolutely ridiculous. You are increasing it by $181 billion over and above what the administration requested over a 5-year period.

How in the world can you say you are reducing domestic expenditures? You are not.

On the other hand, many have said that we need to have a tax increase. I believe that it is absolutely irresponsible to call for a tax increase just as we are beginning to experience economic recovery.

No nation has ever taxed itself into prosperity. In fact, right now as we are seeing consumer spending lead us out of a recession, the Democrats want to take away the third year of the tax cut, the final opportunity for middle and lower income taxpayers to break even and at last see a real reduction in their tax liabilities.

As the gentleman from New York, the distinguished ranking minority member on the Ways and Means Committee pointed out, in order for the Democratic tax plan, which calls for $265 billion increase in taxes over the next 5 years, not only would the third year of the tax cut be in jeopardy but the most valuable disciplinary tool that this body has, tax indexing, would probably have to be repealed.

There are other things as well that have been mentioned by the Democrats, particularly the chairman of the Ways and Means Committee, saying that we should repeal already enacted tax reforms such as the estate and gift tax reform; that we ought to repeal any further steps forward preventing an individual from passing on to his heirs and beneficiaries a legacy built up through years of hard work. And obviously, with a $265 billion additional tax increase, with the necessary amount of money to be raised as required by the Democratic budget, anything is open game.

Maybe you are looking at repeal of the mortgage deduction on homes. Who knows? I would not be surprised if they would go to that extent and beyond.

On the other hand, a flaw in their argument about tax increases and their purported deficit reduction over the next 5 years is that, in fact, we have seen the revenue enhancement package of 1982 passed. We have a gasoline tax that was passed in 1982. We are seeing at this time the passage of a social security tax bill.

Yet the Democratic majority is calling for a $27 billion tax increase in 1984, alone. Do you really think Congress is going to pass another $27 billion tax increase? Do you really believe that Congress is going to wipe out 42 percent of the tax relief that has been provided to the American people over the last 2 years?

The answer is "No."

Your numbers are as phony with respect to revenue increases as they are with respect to defense expenditures, as they are with respect to what they consider to be the deficits in the outyears.

Mr. GRAMM. Mr. Chairman, will the gentleman yield?

Mr. LOEFFLER. I yield to the gentleman from Texas.

Mr. GRAMM. I would like to return to the point made by the gentleman from New York which is totally and categorically false. The Congressional Budget Office baseline for total spending in fiscal year 1984 is $653.9 billion. The Budget Committee cut defense from baseline by $9.3 billion, but the recommended level of overall spending is $689.1 billion.

The same pattern is present in 1985 where they cut defense $26 billion and the baseline is $717 billion, but they spend $765. The same pattern is true elsewhere.

If you spend more than baseline and you cut defense, you have got to be spending drastically more on nondefense programs. So this budget does not cut nondefense programs; it increases them drastically.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. LOEFFLER. I yield to my distinguished colleague from Florida.

Mr. YOUNG of Florida. I thank the gentleman for yielding.

The gentleman from New York talked about a real growth of 4 percent in national defense spending. I would like to call to his attention that once again the Congressional Budget Office says, based on 1983 recommendations, the real growth is only 2.3 percent.

I think we ought to find out what is the truth, whether it is the gentleman's 4-percent figure or the Congressional Budget Office's 2.3 percent figure. That is very important.

Mr. JONES of Oklahoma. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. MURTHA) to engage in a colloquy.

Mr. MURTHA. Mr. Chairman, if I might have the attention of the distinguished chairman of the House Budget Committee for a question, it is my understanding that this resolution contains a great deal of flexibility aimed at allowing this Congress to enact new programs designed at assuring economic recovery. My specific concerns are in the areas of basic industry redevelopment, modernization, and reemployment. There has been much talk on the floor of this body recently about ways to create jobs and to reemploy workers who have recently been laid off from their jobs in our basic industries. Could the chairman elaborate somewhat on that aspect of this budget resolution.

Mr. JONES of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. MURTHA. I yield to the committee chairman.

Mr. JONES of Oklahoma. I thank my distinguished colleague for raising this issue. It is a very important part of this resolution. In section 5 of the committee report we have provided in addition to the emergency jobs legislation already passed by this body, for phase two and three jobs, emergency assistance and longer term growth programs. More specifically, we have included a recommendation of $8.6 billion for physical capital development, to rebuild our Nation's infrastructure and modernize our country's industrial resources.

Mr. MURTHA. I thank the distinguished chairman. If I might ask a further question, does the Budget Committee contemplate that these physical capital investments provided for will occur not only through public sector investments but more importantly through inducements provided to our heartland industries to recapitalize and modernize so that we may once again become competitive with foreign manufacturers. By our heartland industries I mean our basic manufacturing and transportation entities.

Mr. JONES of Oklahoma. In answer to the gentleman's question let me assure him that while the focus of the emergency jobs bill which the House has already passed clearly contemplated public works development, the flexibility provided in this resolution would again allow for some public infrastructure improvements but would also focus on rebuilding those basic industries which my colleague has identified. I would also note that this concept appears to have support on both sides of the aisle, as my colleagues have recently sent to the President a message urging him to support similar programs to the tune of over $5 billion.

Mr. MURTHA. Mr. Chairman, I thank the gentleman.

Mr. JONES of Oklahoma. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland (Mr. LONG).

Mr. LONG of Maryland. One additional question, if I may, Mr. Chairman. Would the incentives for private physical capital investment programs make possible not only direct appropriation programs but programs designed to provide tax incentives as well as provide for more complete and current utilization of tax incentives already provided by the code but which these industries have been unable to use due to their current depressed economic state.

Mr. JONES of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. LONG of Maryland. I yield to the chairman of the committee.

Mr. JONES of Oklahoma. While the gentleman knows that the specific programs to be enacted will, of course, be within the prerogatives of the individual committee chairmen, I can assure him that this resolution provides sufficient flexibility to allow for enactment of the kinds of programs he has outlined should the committee of jurisdiction choose to do so.

Mr. LONG of Maryland. Mr. Chairman, I would like to thank the distinguished chairman of the Budget Committee for his response. We have heard a great deal in this debate and I suspect we will hear more about how this resolution will cripple our national defense. I can think of nothing more important at this time in terms of preserving our national defense than the rebuilding and modernization of our basic industry might. It has been proven to us time and time again that a strong industrial sector is critical to our national security not only in times of war but in times of peace. I thank the chairman of the Budget Committee and indeed his whole committee is to be commended for focusing on this aspect of our Nation's defense capability in developing this resolution. I can assure him that I and many of my colleagues are anxious to begin working once this resolution is passed, to develop the kinds of programs called for in this resolution. Again, I thank the distinguished chairman of the Budget Committee and commend him for his work.

Mr. Chairman, I yield back the balance of my time.

Ms. FIEDLER. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Chairman, the complicated resolution before us, in oversimplified terms, raises domestic spending by $30 billion, cuts defense spending by $9 billion, giving us a $21 billion spending increase over the President's budget.

But by far the worst element of this budget that we now consider is that it raises taxes by $30 billion in the first fiscal year, 1984—$30 billion is more than our economy can stand—$30 billion is more than this House will vote.

In addition, the total tax increases through the next 5 years are something like $260 billion. That total, added to the more than $50 billion of social security increases, and the $26 billion revenue loss, when we repeal withholding, which most Members seem to want to do, takes us up to a $340 billion increase in taxes contemplated by this budget.

Three hundred and forty billion dollars is a world's record tax increase. Nobody in this body would dare to vote for a tax increase of that size.

The $94 billion spending increase, another 12-percent boost, has been described adequately. It is simply a program wish list of the subcommittee chairmen who have put their fondest desires into a list which has been accepted, almost toto, by Chairman JONES and his committee.

In fact, I think we might call this budget Chairman JONES' letter to Santa Claus. That is a pretty accurate description of the spending programs in the budget.

But I am more interested in taxes than spending. The tax increase is the worst feature of the whole bad package. The tax part of the budget would indicate that we are going to cut out the third year of the tax cut and the indexation program that this Congress voted several years ago.

The chairman said that people would be willing to give up their future tax cuts if they could have deficit reductions. The problem with this budget is there are no deficit reductions. The extra tax money is eaten up by spending increases.

The second problem with his statement is that the people have not had any tax cuts yet. With inflation-generated bracket creep and increased social security taxes, taxpayers are not even able to stay even.

Indexing is a special case. It is the prime protection of middle-income Americans against automatic, unvoted, hidden, and unfair tax increases. It is their last defense against clandestine tax increases which occur without the vote of the Congress, but with congressional approval.

Unfortunately for a lot of Members here, those people do understand what has happened to them. They also know who did it to them. They will be watching this vote because this is the vote which tells them whether you are for them, or whether you are for repeal of indexing.

If you oppose indexing and want to automatically increase taxes on your low- and middle-income constituents, then you should vote for the Jones budget.

If you believe those people ought to be protected against unfair, automatic increases, you will want to vote "no." I intend to vote "no."

□ 1530

Mr. JONES of Oklahoma. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. WOLPE), a member of the committee.

Mr. WOLPE. Mr. Chairman, I rise in strong support of the House Budget Committee resolution. I want to begin by paying tribute to the chairman of our committee, Chairman JONES for the extraordinary leadership that he has brought to bear in working this resolution through to the House floor.

I am one, very frankly who believes that the administration's economic program has not been successful. Yes, inflation is down, and yes, nominal interest rates are down. But that is only a very small part of today's economic reality. Today's economic reality also means that 11 million Americans are unemployed, the highest rate of business failures since 1932, the lowest farm income since the depression years. In my own State of Michigan, we are experiencing our 39th consecutive month of double-digit unemployment, with a current unemployment rate of 17 percent. We have a State budget deficit that is over $800 million. And, on top of all of this, now we are looking at the highest Federal deficits in history. Indeed, the 1984 Federal deficit projected under the administration's budget would be two and a half times larger than that of any previous administration in the entire history of this republic.

So, I for one, do not want more of the same. I do not want to see the large out-year deficits projected in the administration's budget that will block any hope for a sustained economic recovery. I do not want to see us continue to tolerate Pentagon waste and extravagance that weakens, rather than enhances, our national security. I do not want to see the Federal Government continue to borrow to pay for tax cuts that have been to the principal benefit of the very wealthiest in our society or for wasteful, unnecessary Federal expenditures. I do not want, as the President has proposed, to make further cuts in those programs that are most critical to those States and to those individuals who are the most economically vulnerable.

I, for one, do not want more of the same. I believe there is an urgent need for a reordering of national priorities and for a redirection of this Nation's resources. In my view, the budget that is before the House today accomplishes this reordering and this redirection.

It is important that the Members of this House understand that the cumulative spending levels in the Budget Committee resolution from fiscal year 1984 through fiscal year 1988 and the cumulative spending levels in the President's budget over the same period are virtually identical. When comparing this budget proposal to that of the President, it is clear that such a debate should not center on overall aggregate spending levels—as I say, they are virtually the same—but on how those tax dollars are spent. The President's budget advocates a $1.8 trillion defense budget over the next 5 years, yet proposes a 25-percent cut in mass transit assistance, an 80-percent cut in energy conservation, and a 100-percent cut in the Economic Development Administration.

The real issue is one of priorities. There are at least three critical reasons why the budget resolution before this House should enjoy bipartisan support, and I do hope that there will be Members on both sides of the aisle that will join in calling for the reordering of national priorities that is so desperately required. First of all, this budget resolution provides the urgently needed economic relief that millions of unemployed Americans require. It places some critically needed patches on that very tattered social safety net. It is important to note, however, that most of the cuts made in domestic programs the past 2 years will still remains in place. For example, the committee resolution restores in the means-tested entitlement programs, such as child nutrition and medicaid, only $1.55 billion in fiscal year 1984. That is only 28 percent of the $5.6 billion in cuts that were made over the past 2 years. Seventy-two percent of those cuts made in the means-tested entitlement programs would remain in place. After adjusting for inflation, the total fiscal year 1984 appropriations for all of the means-tested programs in the Federal Government, those programs that are designed and directed to assist those people who are of low income, would still fall 18 percent below fiscal year 1981 levels. Nonetheless, as small as these incremental restorations are, they are critical in addressing the immediate economic emergency in which millions of Americans find themselves.

Second, this budget provides for a long-range program.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JONES of Oklahoma. Mr. Chairman, I yield an additional 30 seconds to the gentleman from Michigan.

Mr. WOLPE. I thank the gentleman.

The second reason for supporting the Committee Budget resolution is that it puts in place a long-range program of economic revitalization: Job training for displaced workers and expanded investments in education, in research and development in the rebuilding of the physical infrastructue of our country—investments critical

for our long-term economic growth and stability.

Finally, this program provides for substantially lower Federal deficits over the next 5 years so we can begin to come to terms with the problem of interest rates and put in place the structural basis for a long-term sustained economic recovery.

Ms. FIEDLER. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. MACK) my distinguished colleague on the Budget Committee.

Mr. MACK. Mr. Chairman, a little over a year ago, I resigned my position as president of a bank and my appointment to the Federal Reserve Board, Miami Branch, to run for Congress. I did so because I was convinced that the spending and taxing programs over the years places us at the brink of economic collapse.

Like many of my freshman colleagues, I came here with the hope of participating in change. Much to my surprise I found myself, like the members of the Black Caucus, the conservative southern Democrats, and the House Republicans on the budget committee, sitting on the outside looking in.

During the past 7 weeks I participated in every Budget Committee hearing, and in 95 percent of those meetings I was there from the moment the hearing started to the time they ended trying to gain as much information as possible so I would be able to make constructive input into the budget process. Little did I know that I would not be able to make one statement that would have any impact on the budget which would set the course of our economy for the next year and years to come. Yes, this is personally frustrating—but that is not the point. The point is 512,000 southwest Floridians were denied their access to the process. The voices of the young and old alike received a deaf ear. So now is my only chance to appeal to you to vote against this budget proposal.

Let me tell you some of the things I learned:

The deficits of $175 to $208 billion regardless of which budget proposal you look at will consume 90 to 100 percent of net private savings in this country. The result—higher interest rates.

Witness after witness warned the Budget Committee of fiscal irresponsibility and the effects on the psychology of inflation and its ultimate conclusion—higher interest rates.

Some of the testimony to the committee indicated that there would be no problem for the financial markets to finance the debt even at levels of 90 to 100 percent consumption of net private savings. Mr. Volcker indicated real difficulties for the markets. Result—higher interest rates.

Federal Reserve policy. Quote from Paul Volcker: "We set monetary targets with the idea of accommodating the growth needs of the economy, consistent with the progress of inflation * * * we do not set targets to accommodate large budget deficits * * * the higher that deficit the more of a collision you have on the markets between the budget deficits and the private credit demands. The result—higher interest rates.

Tax policy: Testimony from five different sources conclude, do not increase taxes in the short run.

One. Emil Sunley, former Assistant Treasury Secretary for Tax Policy, Carter administration:

> Though tax increases are likely to be needed, they are not needed at this time. Given the softness of the economy, the required tax increases should not have their major impact in 1983, or even possibly at the beginning of 1984. The third year of the tax cut should not be delayed or repealed.

Two. Charles Schultze, former Chairman, Council of Economic Advisers, Carter administration:

> The effective date of any major tax increases should be deferred until 1985 * * * I do not believe that the scheduled 1983 income tax cuts should be delayed. That would unnecessarily set back the budding recovery this year.

Three. Congressional Budget Office—"The Outlook for Economic Recovery," February 1983:

> Repeal of the third year of the tax cut could prolong the current recession or dampen any recovery.

Four. U.S. Chamber of Commerce:

> Congress must redouble its efforts to reduce the growth in federal spending * * * a sustained, non-inflationary recovery is the only way to ensure increases in real income for all our citizens. Tax increases in the short and long term move us away from this primary goal, and would jeopardize our economic recovery.

Five. Public Citizen's Congress Watch:

> Congress should not repeal the third-year of the individual tax cut, nor should it repeal indexing * * * working and middle-class individuals get between 36 percent and 38 percent of their benefits in the third year. Repealing the third year therefore would hurt working and middle-class individuals much more than it would hurt the rich.

These are not statements I made but rather are the feelings and ideas expressed by those who testified before us.

In essence they said:

One. Don't repeal the third year of the tax cut.

Two. Cut spending—do not increase it—put more emphasis on your attempts to cut spending rather than increasing taxes.

Three. Everyone said to cut defense spending, but no one indicated cutting defense spending to the degree recommended.

Four. Almost everyone said you have to address entitlements; this proposal does nothing about entitlements.

What has been done in response?

The budget proposal before us today does the following:

In the short run this proposal increases taxes—against all advice—increases spending, cuts defense and still ends up with a higher deficit.

In the long run this proposal increases taxes $114 billion more than the President's proposal, it cuts $163 billion out of defense. But instead of using this money to reduce the deficit, almost two-thirds of it or $181 billion is simply shifted to increased domestic spending.

In conclusion this document is a blueprint for disaster. The effect on the Nation's financial markets will be devastating because it will show that all the talk that has been going on around here about the need to reduce spending and the deficit is exactly that—just talk.

The bottom line is that this budget proposal significantly raises taxes with a minimal impact on the deficit and that is a formula for killing our developing but fragile recovery.

Mr. JONES of Oklahoma. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. SCHUMER).

Mr. SCHUMER. Mr. Chairman, there is an eerie emptiness to this debate. Something is missing. What is missing is here in my hand. This is the missing character of our debate; it is the Reagan budget. I put this budget in bill form last night, it did not take me long, maybe an hour. But nobody, not a single one of you on that side of the aisle introduced this budget into the debate. Instead what you are doing is spending your time taking potshots at our budget.

□ 1540

Why? Because you cannot put one together. You cannot reduce the deficit and increase defense spending by $10 billion. And the American people know that. You do not have the votes to cut social programs any further. You have cut them too much already and many Members on your side agree with that.

Mr. Chairman, this is the missing character of today's debate. It is the Reagan budget and I daresay if someone on that side of the aisle had introduced this budget, we would all be running off this deserted ship like rats in a pack.

Ms. FIEDLER. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana (Mr. MOORE).

Mr. MOORE. Mr. Chairman, throughout the debate I keep hearing it said that the massive amount of taxes that this budget resolution calls to be raised, over and above the social security bill we have already passed, of some $265 billion over the next 5 years is nothing more than really getting

back to the Treasury those taxes that we cut too much in 1981.

Balderdash, bunk, and bullcorn.

Let me tell my colleagues why. Paul Craig Roberts, former Assistant Secretary of the Treasury for Economic Policy wrote in the Wall Street Journal on January 14, 1983, what has happended to that 1981 tax cut. Here it is: We cut taxes $960 billion over the period 1981–87 but $660 billion of that will be taken back by inflation or bracket creep and already built in social security tax increases leaving only $300 billion of the tax cut left.

In 1982 the Congress passed TEFRA taking back $229 billion, leaving only $71 billion left.

The gasoline tax bill passed late last year taking back $16 billion, leaving only $55 billion left. To Mr. Robert's calculations, I add that the social security tax bill that this House has passed and the Senate is working on this very day will take back $30 billion, leaving only $25 billion left of that massive tax cut in 1981.

If you pass this budget resolution, if you force the Ways and Means Committee to pass $265 billion in taxes over the next 5 years, obviously you have wiped out the remaining $25 billion and will wind up with the taxpayers in this country paying $240 billion more in taxes 5 years from now than they were paying before we ever passed that tax cut. This means that there is no more taking back of the money we passed in 1981, that has already been done.

What we are talking about now is vastly increasing further, over and above that tax cut, the tax burden of this country. You are talking about putting the American people in a worse position than they were before we cut those taxes in 1981.

Something else. As a percent of GNP the highest the taxes have ever been in this century was 20.9 percent in 1981 before we cut those taxes. Before that the highest was in 1969 at 20.5 percent and before that the record was back during World War II at 20.4 percent. By my calculations, using the administration's own figures and the words of the Secretary of the Treasury himself, by virtue of raising the taxes we have already raised in 1982 plus the social security bill this year, you will probably have about 4 or 5 years from now Federal taxes reaching 21 percent of GNP for an all-time record in this century. And if you pass this budget resolution, and if you pass the taxes called for in this budget resolution, you are talking about, as a percent of GNP, taxes hitting 22, maybe even 23 percent of GNP for a further all-time record.

Now, do not pay attention to the GNP figures in the budget resolution little booklet because they use very, very, very optimistic all-of-a-sudden growth figures in the economy to play down the spending and to mask those increases in taxes.

What I am telling my colleagues is, you have taken back all of the tax cuts already. If you pass this, you are going to have the people paying more taxes than ever in our history.

Mr. JONES of Oklahoma. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. PANETTA), a distinguished member of the committee and chairman of the Task Force on the Budget Process.

Mr. PANETTA. Mr. Chairman, I hope that all of us pay attention to the realities that face us in trying to develop a budget resolution.

The first reality has already been referred to here, and that is that largely the President's budget has been rejected. It is not here. It is not presented as an alternative. It was not presented as an alternative in committee.

And for that reason, we have no choice but to change the course, not stay the course. If indeed anybody here is for staying the course, and that seems to be the argument, then surely the President's budget should have been presented as the alternative.

But the reality is that whether it is on the Democratic side of the aisle or on the Republican side of the aisle, the interest is in changing the course.

We do not intend to repeat the mistakes of the last 2 years. No one questions that promises were made 2 years ago and that certain results were promised: that through massive cuts in people programs, through massive tax cuts, and through the largest peacetime defense spending that we have had in the history of the country, that we would see a balanced budget by 1984, and that we would see a strong economic recovery.

None of that has happened. We have the largest deficits in the history of the country. We have the highest unemployment since the Great Depression, and we have generally the worst recession since World War II. We do not want to repeat those mistakes. We do not want to repeat the unfairness of the priorities that were part of that budget in the last 2 years. And we do not want to repeat the process of borrowing and borrowing and spending and spending. I realize the argument is we are taxing and taxing and spending and spending, but what is happening today is we are borrowing and borrowing and spending and spending. And that is creating tremendous deficits which undermine the ability of our economy to really recover in the long term.

The third reality is the limitations of the budget. We have got to make some tough choices in this place. You cannot have it both ways. If you want to reduce the deficit you have to deal with defense spending, you have to deal with entitlements and you have to deal with revenues. And if you do not want to make a choice on any of those, then your choice is for higher deficits.

This budget tries to approach those issues on a fair basis.

And last, the reality of the budget is to set targets; the framework for the general debate that is going to take place in this institution in the months to come. We do not lock anything in. The purpose of the budget is not to lock everything in. It is to set the framework for the debate. And Members may agree or disagree with defense or with entitlements or with revenues, but that debate comes on the issues as they come to the floor in authorizing or appropriating bills.

Basically what we are trying to do in this House is to establish a framework so that we in fact can debate those issues over the months to come.

So I urge Members to take a hard look at this budget resolution, because it does recognize the realities that we have to face up to. It does provide a fair and compassionate act of priorities and it does implement a budget process that is in the best interest of the American people.

Ms. FIEDLER. Mr. Chairman, I yield 4 minutes to the gentleman from Arkansas (Mr. BETHUNE).

Mr. BETHUNE. Mr. Chairman, the gentleman just before me talked about the fact that we are borrowing more and more. And indeed we are. Most of the talk today has been about deficits and borrowing to finance the deficit and the problem that that causes.

There has been a lot of talk about this budget and the enormous tax increase that is in the budget, the return to the old spending policies that have plagued us for a long time.

What has not been mentioned is what this budget does in the area of Federal lending. Federal lending programs, believe it or not, are growing faster than the Federal spending programs.

Under President Carter and then again under President Reagan, we have been trying to make some sense out of the various Federal lending programs that are on the books and bring order to all of that and hold that down.

This budget goes back to the old ways and increases Federal lending programs and rejects the notion that we need to do something about that except through some of the most tame language that you could ever see in the report.

□ 1550

Now, I could talk on and on about that; but I want to alert Members that later on in the year you are going to see, because this budget includes some allowances for national industrial development banks, you are going to see something like the old Reconstruction

Finance Corporation, the old National Industrial Recovery Act, all those things which will substitute political and regional judgments for the efficient judgments that are made by the institutions that distribute credit in the marketplace and it is going to be a real problem.

This budget lays the foundation for that, more and more economic planning by Central Government; but that is one of the things we will have to look for as we get past this point.

The thing I want to notice today is that one of the great political exercises in modern politics is being played out here, and that is the old thing of voting one way and going home and explaining it in another way.

Well, I want to talk to those who are on the margin, those practitioners of the art of standing here in Congress and voting one way and going home and talking another way.

Well, this is the last day, March 23, that you can practice that game. This is it. This the final day. This is the last day, if you vote for this budget, that you can go home and say that you are not for higher taxes on the American people.

This is the last day that you can go home and say that you are not for more and more social spending.

It is the last day that you can go home and say that it was not you who taxed those middle- and low-income taxpayers and hardworking people out there.

This is the last day that you can go home and claim to be a conservative or even a moderate; because if you vote for this budget, from and after this day it is plain that you are a 100-percent full-blown, unadulterated practitioner of national liberal Democratic policies, which mean more and more Central Government and more and more economic planning.

So do not be ashamed of it; be proud if you voted for the budget and go on home and explain yourself in that way.

Let us not hear Members talking out of both sides of their mouths anymore.

I want to say this, because we have heard all sorts of convoluted explanations here on the floor, all sorts of technical reasons why Members are voting for this budget and why such a vote does not really mean what you might think it might mean.

Friends, it is not going to wash this year. We are going to make sure on this side of the aisle that it will not wash. So while we have not had time to build the kind of pressure and attention to this budget process that we should have had and while our friends in the Black Caucus have not had a chance to put up their option, while we have not really had a chance to get one together on our own, a lot of things have been missed in the process up to this day; but let it be understood that from and after this vote today that we are going to make sure that the people know what is in this budget and what you voted for.

Mr. JONES of Oklahoma. Mr. Chairman, I yield 4 minutes to the gentleman from Montana (Mr. WILLIAMS), a distinguished member of this committee.

Mr. DASCHLE. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS of Montana. I yield to my friend, the gentleman from South Dakota.

Mr. DASCHLE. Mr. Chairman, in both 1981 and 1982, this House passed, and the Congress as a whole enacted, Republican budget resolutions. This was done with the promises from the administration and its supporters in Congress that enactment of these plans would result in a balanced budget by 1984, a robust economic recovery, and the creation of jobs which would solve the unemployment rate, which at that time was an unacceptably high 8 percent. As an added bonus, and as an aid to economic recovery, this program was to drastically reduce interest rates, to allow for substantial business investment.

Today, we are considering another budget resolution. In our considerations, we should look back at the promises that were made concerning those two previous resolutions, and the reality they have produced.

First, balanced budget: In fiscal year 1981, under the last budget prepared by President Carter, the deficit was $57.9 billion. This was then criticized, and rightfully so, as unacceptable. The passage of the fiscal 1982 and 1983 resolutions were to result in a balanced budget by 1984. In point of fact, what they resulted in were deficits in 1982 of $110.6 billion, in 1983 of $207.7 billion, and a planned administration deficit in 1984 of $188.8 billion. In the so-called outyears of 1985 and 1986, the administration projected deficits are, respectively, $194.2 and $147.7 billion. Simple arithmetic, then, indicates that from fiscal 1982 through fiscal 1986, this administration will have produced budget deficits totaling $849 billion. As a point of reference, when the present administration took office, the Federal debt was slightly under $1 trillion. In the years between 1982 and 1986, then, this administration has produced an addition to the national debt which almost equals the total amassed in the 200 years of the country's operations preceding it.

Second, economic recovery: After struggling through a devastating recession which in some areas like agriculture, housing, autos, steel, and construction, was in fact more of a depression than a recession, the signs of economic rcovery are now becoming tentatively evident. However, the Commerce Department's own prediction for growth in the gross national product for fiscal 1984 is pegged at 4 percent. This is in contrast to other historical recoveries, which average a 7-percent increase in GNP. The clear message of this figure is that, unless something is changed, the recovery now underway is likely to be weak and short-lived, leading to another downturn in the economy. The reasons for the weakness of the recovery so far are not totally clear, but the one which stands out most is a general concern from the business community that the massive deficits proposed by the administration will dry up the amount of credit available for private investment, thus producing a tight money market and another escalation in the interest rates. Unless projected future deficits are significantly reduced, we will see a weak, temporary recovery, rather than the robust, long-term one we are all hoping for.

Third, unemployment: The latest figures indicate that unemployment is currently still at the 10.4-percent level. The administration's own economic spokesmen indicate that this percentage will not be significantly reduced through 1984. It is anybody's guess as to when this rate will be reduced to the apparently "unacceptable" level of near 8 percent that the previous administration was virulently attacked for. Even these figures, however, may not tell the full story. There is really no adequate way of measuring how many in the work force are either underemployed or have become so discouraged that they have entirely dropped out of the work force.

Fourth, interest rates: On the surface, at least, it appears that the administration program, as reflected in the last two budget resolutions which implemented it, has been successful in reducing interest rates. There are, however, some additional factors which must be taken into account when judging the success of the program. Interest rates and the effect they have on investment can only realistically be judged not by their apparent cost of money, but by their real cost of money. Traditionally, interest rates have reflected a cost of money from between 2- to 3-percentage points above the rate of inflation. If inflation is running at 12 percent, one might normally see the prime rate at 15 percent. But prime rate alone is not a good measure of interest rates. While the prime is of major concern to large corporations, morgage interest rates are those which most directly affect most citizens, and, in the agricultural sector, local bank rates on operating loans are the most important. In January of 1981, when the administration took office, the prime rate was 20 percent, and the average mortgage rate was 15.07 percent. Inflation at the time, measured by the GNP deflator,

was 10.9 percent. As of March 3 of this year, the GNP deflator was at 3.7 percent. The prime rate, however, was at 10.5 percent, nearly 7 points above inflation, instead of the expected 2 to 3 points. But even more distressing was the average mortgage rate, which was 12.98 percent, more than 9 full points above the inflation rate. Interest rates, true interest rates, have not come down under this administration. The mortgage rate, for example, when adjusted for inflation, was 4.17 percent when the administration came into office. Today, it is 9.28 percent, more than double what it was 2 years ago. So it appears that for all its surface victories, the administration has lost the battle against high interest rates as well.

Fifth, inflation: As I mentioned previously, the inflation rate has come down considerably over the past 2 years. But I would hesitate to claim this as a major victory. The inflation rate during the depression of the 1930's was almost nonexistent, and everyone with a grain of sense has long known how to get down inflation. You simply squeeze the money supply as tightly as you can, causing high interest rates, business bankruptcies, unemployment, and economic collapse. That will certainly cause inflation to come down. But nowhere do I recall the administration saying that the price for decreased inflation was to be record high unemployment, record rates of business failures—as of February of this year, 599 per week, compared to 277 per week when the administration took office—and an agricultural depression. The administration is fond of talking about cost-benefit analysis as a way of measuring the value of a program. I would like it to run a cost-benefit analysis of the price to the country for the presumed benefit of bringing down inflation. A planned depression always brings down inflation; but the cost of such a procedure is simply unacceptable.

The results of the past two budget resolutions are now glaringly evident. The administration has managed to reduce inflation only at the price of record budget deficits, record unemployment, record business failures, and the creation of an economic climate which threatens to stall the potential recovery dead in its tracks. In response to this record of failure, the House Budget Committee has produced a budget resolution which attempts to ameliorate, if not totally correct, the mistakes of the past 2 years. Like any budget resolution, it is not perfect. Frankly, I would have preferred if the resolution before us had addressed the problem of entitlement programs more directly. Obvisouly, something is going to have to be done to control costs in those sectors. And while I agree that an improving economy will play a major role in reducing these expenses, I still believe that some restructuring in some of these entitlements must occur.

Similarly, I am less than comfortable with provision made in the resolution for a phase 2 jobs bill, without having the specifics of the program in hand. Nevertheless as a general document, and as a guidepost for the future, this resolution does several important things, all of which need to be done to reduce the deficit, improve the business climate, and get us on the road to a healthy, sustained recovery.

First, the resolution produces reductions in the deficit, for fiscal 1984 through fiscal 1987. Using the President's own figures, the resolution saves $14 billion in 1984, and $80 billion through 1987. Using CBO figures, the resolution saves $7 billion in 1984, $28 billion in 1985, and over $100 billion in fiscal years 1984 through 1988.

Second, it maintains a reasoned, consistent approach to improving the status of our national defense. Without giving into the frenetic pace of the President's proposals, which call for pumping more money into the Pentagon than the generals can figure out how to spend, it still provides for an 8-percent increase in defense spending, and after accounting for inflation, this results in a real growth rate of 4 percent in defense for the next fiscal year. In long-range terms, the percentage of the budget spent on defense would increase form 26 percent in 1983 to 31 percent in 1988. Any talk of this being a cut in defense spending is demagoguery of the worst type. A resolution which provides measured, sensible real growth in the defense budget as this one does, instead of wild-eyed trips through the military wish-list store is a rational, responsible approach to national security, and one which will assure a long-term commitment to defense. This resolution provides, from 1984 through 1988, $1.6 trillion for defense expenditures. While this is not the $1.9 trillion requested by the administration it is certainly more than enough to assure the national defense.

Third, it provides an adequate level of spending in those areas which the Federal Government does in fact have a national obligation. In particular, this resolution provides an adequate level of funding for the following: foreclosure relief for farmers and homeowners; summer youth employment; summer feeding programs; repair and rehabilitation of the Nation's infrastructure through water projects, bridges, dams, highways, and libraries, among others; job training and employment; low-income energy assistance; EPA funding; education block grants; vocational and adult education; handicapped education; energy conservation grants; community service block grants; continued support of nonprofit mailing rates; legal service—well, the list could go on, but all of these things have one thing in common; they all make a recommitment of the Federal priority to give everyone in this country an opportunity to educate themselves, live a productive life, and do so in an environmentally safe atmosphere. And it does so, if I may repeat myself, with a 5 year saving of over $100 billion from the administration's proposals.

Fourth, this resolution attempts to restore some equity to the tax structure in this country, and provide a realistic revenue base for the country to operate on. I ask my colleagues not to be deceived by the cry that this is simply raising taxes for taxes sake. If you really believe that the administration's tax cuts have saved the people of this country anything, I ask you to take a look at your local government entities. States, counties and municipalities throughout the country have spent the last 2 years in a hectic search for more revenues, increasing property taxes, sales taxes, licensing fees, any and every device they can find to shore up the deteriorating conditions that have been caused by a lack of Federal funding. The taxpayer knows that whether he pays to the State, or to the county, or to the Federal Government, he is still paying. We may try to make ourselves look good by shrugging off our revenue raising responsibilities to the States, but the people know better. Let us just this once stop the partisan posturing, the playing to the press, the planning for the next election, and do the responsible thing. The administration and its supporters who are now picturing the $30 billion revenue increase as totally unacceptable did not even blink when they put through the $100 billion tax increase last year. But this is not their tax bill, replete with wonderful equity features like 10 percent withholding on interest and dividends, tip reporting, excise taxes on telephone calls, and all the rest. Those were, according to the administration, wonderful provisions, and they added up to over three times the amount of increases that this resolution calls for. While we are on this subject, please do not be misled by the speculation that passage of this resolution will mandate either the repeal of the third year of the tax cut, or the repeal of indexing. The resolution makes it very clear that it is in the province of the Ways and Means Committee to determine where this revenue comes from. I have in my office a great little list of tax loopholes that taken together would produce more than the $30 billion we are talking about here. It includes such things as limiting the deduction for nonmortgage, nonbusiness interest—$8.1 billion—eliminating the capital gain for nonproductive assets—$1.9 billion—reduction of the tax in-

vestment credit to 7 percent—$5.6 billion—repeal of the percentage depletion allowance for oil and gas—$0.9 billion—repeal deferral on U.S. owned overseas corporations—$0.4 billion—repeal expension of intangible drilling costs for oil and gas wells—$2.6 billion—limit business entertainment deductions—our old friend, the three martini lunch $0.5 billion. The list goes on, but you have the idea. The revenue increases called for in this resolution can be achieved without touching the third year of the tax cut or indexing, though I think probably some adjustment in both should be made. But do not be misled into thinking that a vote for this resolution is a vote for repeal of either the tax cut or indexing. That determination will be made by the Ways and Means Committee, and we will have a chance for a separate vote on any proposal they produce.

We have now given Reaganomics 2 full years to work. It has resulted in totally irresponsible levels of defense spending, record budget deficits, record unemployment, record business failures, record low farm income, and an erosion of the revenue base which has the administration, as an economy move, looking around for a buyer for a National Weather Service. It is time for all of us to recognize that this was a well-intentioned experiment, perhaps, but it is an experiment that has failed. It is our responsibility now to show some political courage and do the responsible thing. That is to vote for the budget resolution, and really start on the long road to a robust, prolonged recovery.

Mr. WILLIAMS of Montana. Mr. Chairman, I understand that the President of the United States has said that this budget is a comfort to the Kremlin. I assume he was referring to the defense part of this budget. He is using scare tactics.

The American people have paid a great deal in the last couple of decades because of scare tactics. I have lived through the bomber gap, the missile gap, the ABM gap and now I am peering anxiously out of the "window of vulnerability."

Do you remember the bomber gap of 1955? It projected that the Soviet Union would have 600 long-range bombers by 1959. We had 600. They had 150.

Do you remember the missile gap of 1960? That was we Democrats fault, by the way. It projected that the Soviets would have 1,000 missiles by 1961. They had 10. We had 1,000 within a few years.

Do you remember the ABM gap of 1960? It projected that the Soviet Union would have 10,000 ABM's by 1970. They had 64.

Now comes the "window of vulnerability," and we are asked to spend $600,000 a minute to gag down the throat of the Pentagon and the Pentagon is now at the gag point.

During the few hours scheduled for this debate, the Pentagon will consume $324 million, and we refer to that as savaging the military budget and giving comfort to the Kremlin. Nonsense.

No, the champagne corks are not popping on Red Square. Such a notion is beyond even the consideration of prudent and intelligent people; but those who know America best understand that the jubilation, if it is there at all in Red Square, comes from the unraveling of the American society. It is the 12 million unemployed Americans that put a smile on Yuriy Andropov's face.

It is $180 billion deficits that make them open the vodka bottles on Red Square.

It is business bankruptcies, last month at 599 a week, that make the Kremlin leaders smile.

Tax policies of the past 2 years that favored the rich at the expense of the poor play right into the Kremlin's hands.

This Democratic budget resets our national compass. It reorders America's priorities. It does not give comfort to the Kremlin, but rather it provides assurance that our domestic economy will be righted and equality and fairness will again be the goals of the American Government.

Ms. FIEDLER. Mr. Chairman, I yield 6 minutes to the gentleman from Minnesota (Mr. WEBER).

Mr. WEBER. Mr. Chairman, I rise to direct my remarks really to those Members from rural, agricultural, and small business related districts who may be undecided about their vote on the Democratic budget, because they may not be fully aware of what an insidious attack on agriculture and small business is included in the Democrat budget.

Indeed, it is not too much to say that a vote for the Democrat budget is a vote against farmers and a vote against small businessmen.

Many of my colleagues who have preceded me have pointed out that the Democrat tax increase necessitates, in all likelihood a repeal of tax indexing. They base that, of course, on comments from the chairman of the Ways and Means Committee, the gentleman from Illinois (Mr. ROSTENKOWSKI); but in the same document in which the chairman made those remarks, according to the Washington Post, he also "proposed repeal, among other provisions, of one under which the first $600,000 of an estate would become exempt from Federal tax by 1985. He would keep the estate tax cutoff at $275,000."

Mr. Chairman, in my district, when I first ran for Congress in 1980, I asked my constituent farmers what was their No. 1 concern. Was it prices? Was it exports? What was the No. 1 concern of farmers in my district? Was it interest rates? Was it inflation?

As important as all those issues were, the surveys that I took showed that outranking all of them in concern was concern about the estate tax.

In the tax bill we passed in 1981, we remedied that problem. We voted to reform the estate tax; but now through a backdoor mechanism, we see the potential for the undoing of that very basic reform that was enacted in 1981 to save the family farm and the small businessman.

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. WEBER. I am pleased to yield to my colleague, the gentleman from Kansas.

Mr. ROBERTS. Mr. Speaker, the gentleman makes a good point and I would like to be identified with the tone of his remarks.

The impact of this unspecified tax increase on the pocketbooks of average working Americans has been well documented here today. But what has not been documented is the possibility of a giant step backward in regard to estate tax reform for farmers, ranchers, and small business owners.

Several years ago, in 1976 Congress passed estate tax legislation that created chaos in our ability to pass family property to succeeding generations. The result was both economic dislocation and genuine human suffering. Surviving heirs often had no choice but to close their doors, shut down their farms, and liquidate business built by the sweat and ingenuity of their parents and grandparents.

In 1981 after a long struggle, we finally achieved genuine reform to estate tax law.

This legislation threatens to shatter that progress because repeal of the estate tax reform not only is implied, it has been advocated openly as a way of paying for the spending programs under this legislation.

Over the next 5 years, $6 billion of this tax increase would be paid by our Nation's farmers and small businessmen and women through increased estate taxes.

Now, in the big First District of Kansas—and in each of your districts as well—literally thousands of small business people and farm families have reworked their wills and estate plans to comply with the 1981 legislation. As we all know, it is both an expensive and painful process, but one that is necessary to insure the orderly transfer of productive assets to our children and grandchildren.

Passage of this legislation could force these families to scrap those plans under the threat that auction gavels will shatter family dreams to satisfy the tax collector.

For too many years, this Congress has been intent on mortgaging our children's future to finance pet spending programs.

Repeal of estate tax reform, however, goes beyond that to destroy the future for thousands of working American families.

Working Americans, small businessmen, farmers—the productive people of this Nation who pay the bills—are watching us today, and they fully understand the hypocracy of this legislation.

You can vote to adopt this resolution. Rural and small town. You can later call for the towel and the bowl to wash your hands of responsibility for its paternity. But, make no mistakes: Up and down this Nation's main streets and across this Nation's vast farm community the stain will be remembered. I urge you to join with me to defeat this resolution.

Mr. COLEMAN of Missouri. Mr. Chairman, will the gentleman yield?

Mr. WEBER. I yield to my colleague, the gentleman from Missouri.

Mr. COLEMAN of Missouri. Mr. Chairman, the point the gentleman is trying to make, the chairman of the Ways and Means Committee said that he will freeze all tax cuts or reductions in the future from this year forward.

What the gentleman is saying that under present law we are going to increase that exemption up to $600,000 on estates. The chairman of the Ways and Means Committee wants to freeze that exemption at $275,000.

We are talking about taxing the difference—on American farms and small businesses.

Ninety-five percent of the farm assets of this country are tied up in production and the reason we saw family farms being sold off to pay Uncle Sam and the estate tax was because they did not have the liquidity.

□ 1600

Apparently what this budget is doing is forcing the heirs of farmers to sell the family farm, move off the family farm, in order to pay the estate taxes. I would like to have my colleagues from the farm States address themselves to how they are going to be able to vote for this budget and advocate this increase in estate taxes at the same time.

Mr. ROBERTS. The gentleman makes an excellent point.

Mrs. SMITH of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS. I yield to my colleague, the gentlewoman from Nebraska.

Mrs. SMITH of Nebraska. I thank the gentleman for yielding.

Mr. Chairman, I want to aline myself with his remarks and his philosophy.

When Congress enacted the estate and gift tax reforms in 1981, we lifted a crushing burden off the backs of thousands of farmers and ranchers across this Nation. This burden threatens to weigh down our agricultural producers again if this resolution is adopted by the Congress with its $30 billion of tax increases for 1984.

Let me point out that the chairman of the Committee on Ways and Means, in his remarks in January, indicated he was for raising some of these funds by going back to the old estate and gift tax, by reimposing what is called the widow's tax, and let me emphasize that this would bring the greatest burden on women.

The farmers of this country, as well as everybody else, must be tremendously confused when we make one kind of tax law 1 year and people start to get ready for the change, and 2 years later we talk about doing it another way.

Let me point out again that women would be particularly affected by the elimination of the estate tax reduction. They are the hardest hit when it comes to inheritance, and we may see a return to the situation where many farms have to be sold to pay the taxes.

I urge my colleagues to vote no.

Mr. ROBERTS. The gentlewoman makes an excellent point.

Mr. EMERSON. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS. I yield to the gentleman from Missouri.

The CHAIRMAN pro tempore. The time of the gentleman has expired.

Ms. FIEDLER. Mr. Chairman, I yield an additional 30 seconds to the gentleman from Kansas.

Mr. EMERSON. I thank the gentleman for yielding.

Mr. Chairman, I am gravely concerned by the fact that the revenue side of this budget resolution is partially based on the assumption that we are going to prevent full implementation of the estate tax relief given our taxpayers by the Economic Recovery Tax Act of 1981.

Certainly, I am as concerned as any Member of this House about reducing the deficit—that is something we simply must do. However, I am equally concerned about the way in which we achieve that reduction. Here on the House floor, in the midst of debate over billions of dollars, it is very easy to look at a set of numbers and say: Look, here is $5 billion we can gain in revenues by simply freezing estate tax exemptions, rather than allowing scheduled reductions to take place.

There is no group standing outside the door screaming at us about estate taxes; there will probably be no immediate outcry if we very conveniently use this aspect of the 1981 tax cut to help balance the books; in short, it would probably be very easy to get by with.

But let me tell my colleagues something. When we talk about estate tax relief, or the lack thereof, we are not talking about numbers. We are talking about the basic structure of rural America. Former Secretaries of Agriculture, economists, experts from all sides have long cited the heavy burden of estate taxes as a key element in the demise of the family farm and small business—and each decade's census figures show that this demise is, indeed, taking place. In short, we are talking about nothing less than whether or not a son or daughter will be able to continue to farm their parent's land, or whether or not the corner drugstore will continue to be a neighborhood tradition, or whether it will disappear when the owner dies and the heirs cannot afford to pay the estate taxes.

I, for one, do not want to see that happen. While freezing the estate tax exemption may serve your purposes here today, it would undo what many consider to be one of the most significant and valuable elements of the tax relief we enacted 2 years ago.

Mr. DONNELLY. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from California (Mr. DELLUMS).

Mr. DELLUMS. Mr. Chairman, this is a fascinating debate. Earlier in the debate, one of my colleagues on this side of the aisle said this is a leftist budget, and I said, gee, I have to vote for it. Then one of my colleagues on this side of the aisle said, no, it is really not that leftist; it is a very modest budget, and I said maybe I ought to vote against it.

Then one of my colleagues said we have cut too much money in the military budget, only 4-percent real growth, and I am slightly confused; maybe I ought to vote present.

Then one of my colleagues on this side of the aisle said no. It is not really 4-percent real growth; when you add back everything, it gets to be 7 or 8 percent. I said, gee, maybe I ought to oppose it.

So it is very confusing. It depends on who is down here speaking as to where you want to come out in this thing, which is why, Mr. Chairman, I voted against the rule in the first place, because I really believe that we should not have gotten ourselves trapped into this situation where we only have one alternative that can be discussed from one side or the other.

I would have liked very much to see the Congressional Black Caucus offer its alternative budget. I think that it was a superior document in every respect, and it deserved to be discussed, to be debated, and to be voted upon.

I do not agree with many of the policies espoused by my distinguished colleagues on this side of the aisle, but where we do agree is on the integrity of the process itself, and we ought to have the opportunity to discuss and

evaluate all of the ideas from left to right. That is the only way you keep the body politic honest and healthy, when there are competing analyses and competing programs based upon that analysis.

When we are only going down one road, then where are the checks and where are the balances? So I voted against the rule because I would have liked very much to see us, each side, articulate its proposal. Then I could have stood here and said I support the alternative proposed by the Congressional Black Caucus for all the reasons that I think it is superior.

But, Mr. Chairman, that is history. That was yesterday, and that is over. So where are we now?

We have a proposal submitted to the Congress by the Budget Committee. On that proposal I would like to make a few comments, a few observations.

First, clearly it is a better proposal than the Budget Committee has presented to this Congress for the last couple years. I think everyone knows that. It is crafted clearly with some lean to the left, but I think it is a gross exercise in hyperbole to suggest in any fashion that this is a leftist budget. If it were, I would be down here raising hell about it, positively, with a slight lean to the left.

The third observation I would make is that we have increased the funding for a number of social programs, and I think that is good. I think that in this budget some people on that committee are tempted to go beyond the numbers to try to talk about ideas, to try to go beyond the mundane, pedestrian notions of budget deficits and plus and minus and really try to talk about the pain and the agony and the human misery of the poor and the disadvantaged and the unemployed in our country, in our States and in our various communities.

This budget attempts to turn the corner. It turns much too slowly and it does not turn with the kind of conviction that I think it ought to turn. With all due respect to my colleagues on this side of the aisle, I believe that they have turned away from what this Member perceives to be a disastrous set of policies euphemistically referred to as Reaganomics and Reaganism that has visited incredible human misery on millions of people in this country, certainly upon thousands of people in my own congressional district.

Mr. Chairman, one additional observation is that a number of people who work in agencies assisting the children, the aged, the unemployed, the poor, the handicapped support this budget because the programs that speak to those needs have been indeed increased. So when your friends support an idea, then that is something that should move you in that direction.

For all of those reasons, those observations, I support what this budget is about. I would like to have seen it go much further.

But now to the point of controversy in this budget. We have again been reduced to auctioneers. Real growth, the concept of real growth, has now revisited the floor of Congress as if in some way the principle of real growth in the military budget indeed has some intrinsic value. President Reagan is going to go on television tonight and suggest to the American people that he has been wounded because the budget does not have 10-percent real growth. The majority of the Committee on Armed Services said we understand the realities; we go for 7.5-percent real growth. Then other conservations in the House, not quite as conservative as a number of my colleagues on Armed Services, said we can live with 7-percent real growth. Then the leadership said we can live with 5-percent real growth. Then the real liberals in the House said we can go for 3-percent real growth. And the committee came out with a compromise of 4-percent real growth.

But I would suggest if we polled all of our colleagues, 90 percent of my colleagues probably do not even know what real growth is and they would not know the difference between a 4-percent real growth and 10-percent real growth in terms of foreign and military policy with respect to this country.

So the whole notion of real growth is just auctioneering; it is just numbers. But I am pleased at 4 percent for my perspective is better than 10 percent. But I want to come to the floor when the authorization process is going on so we can get beyond auctioneering and begin to talk about policy, the policy of limiting and ultimately removing the potential threat of nuclear war, to get away from an interventionist, militaristic foreign policy that has us involved in Central America and El Salvador and other places in the world that defy comprehension.

□ 1610

I would like to see us adopt a policy that says we do not need to have 600-some odd surface ships to fan the flames of war in the world, maybe we can begin to talk about world peace, nuclear disarmament, and even move away from the whole insane and archaic notion of war in the world so we do not need to express ourselves in such a macho fashion.

I think that we could cut $65 billion in budget authority, and this country would not be risking war. In fact, we would be limiting the risk of war. We could cut $30 billion right now in outlays, and the Soviet Union is not about to come across and attack the United States. And I do not think any reasonable, intelligent human being on this floor could make that argument straight faced. I do not think it would create danger. I think it would remove danger by moving away from such a heavy reliance on militarism as a way of propping up our role in the world.

Our national security is, in a large part, contingent upon a healthy economy and the healthy emotional and mental spirit of our people, not just some abstract notion of nuclear weapons.

Finally, Mr. Chairman, I went through a great deal of agony trying to decide to support this particular budget. But I am going to support it, one, because they have increased social programs and they have tried diligently to turn away from Reaganomics and Reaganism. I am going to support it not because I support 4-percent real growth. I think that is an empty, deluded notion, and I think in the authorization process we need to debate and talk about a real decrease, not a real growth in the military budget.

And, finally, this is not a partisan notion, but it is just my spirit: I would like for us to render a defeat, a defeat to the so-called great communicator that, in my estimation, has lost his way, if he ever had it in the first place, that moves toward helping the poor, helping the senior citizens, helping us address the human misery in this country. This budget does not take us all the way, but I thank my colleague and those members on the Budget Committee for moving us away from the absurdity and the insanity that has dominated our lives in the last couple of years.

Mr. BROOKS. Mr. Chairman, I rise in support of the resolution. The committee resolution represents a solid effort to balance the diverse interests of Members from every part of the country. The resolution attempts to mesh responsible fiscal policy with a recognition of the importance which monetary policy will play in achieving long-term economic growth.

I have heard criticisms of the level of defense spending in the resolution. However, in my judgment, the resolution provides for a strong national defense. In the last 3 years we have increased defense spending from $145.8 billion a year to $245.5 billion a year. This resolution provides for an additional increase of some $19 billion in fiscal year 1984. The resolution provides for cumulative funding of $1.6 trillion over the fiscal year 1984–88 period compared to the administration's $1.8 trillion, hardly a drastic underfunding of defense as some have charged.

I certainly do not agree with every element of the resolution. I believe that the revenue increases assumed in the resolution are probably considerably more than we can expect to ulti-

mately be approved by Congress. However, I do believe that the resolution provides for repairing some of the real damage caused by reductions in some of the programs which serve those suffering from the effects of the recession. And the resolution does provide for adequate funding for our energy, research, and education programs so vital to our future growth.

On balance, Mr. Chairman, I believe that this is a resolution which we should support as a first step toward the 1984 budget.

Ms. FIEDLER. Mr. Chairman, I yield 11 minutes to the gentleman from Alabama (Mr. DICKINSON), the distinguished ranking minority member of the Committee on Armed Services.

Mr. DICKINSON. Mr. Chairman, there is a question in some people's minds as to how important the exercise in which we find ourselves now really is, when it comes to limiting spending and what it means to the American people and what it means to the economy of this great country of ours and to the defense of this country.

I want to narrow my remarks. I think the tax aspect and the economic aspect have been touched upon. I, as the ranking minority member of the Armed Services Committee, intend to focus my remarks on what it means to the defense of this country, and I will be followed by some very distinguished and knowledgeable speakers on the same subject.

I am appalled at the meat ax approach of the Democratic Budget Committee in cutting the fiscal year 1984 budget request—and that is what it is, just a broad meat ax cut—nothing done with any surgical precision, just across the board a political paper.

This action, coupled with the taxing and spending policies contained within the Democratic plan—and that is what it is, the Democrat Party's plan—returns the economy and defense to the days of the Great Society. Our committee has had only a limited time to analyze the implications of such a massive and irresponsible reduction.

But let me give you some of our tentative conclusions: The Budget Committee claims their actions result in a 4-percent real growth, 4 percent. In fact, after the CBO reestimation—that is, the Congressional Budget Office—the proposed program results in only a 2.3-percent real growth in 1984, and a little over 3.2 percent in 1984 to 1988.

Mr. JONES of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the distinguished chairman of the committee.

Mr. JONES of Oklahoma. Will the gentleman tell us what the CBO reestimates the President's budget to be?

Mr. DICKINSON. It is my understanding that the reestimation is a 2.3-percent real growth in 1984 and 3.2 percent for 1984 to 1988. Those are the figures I was given.

Mr. JONES of Oklahoma. I did not know the CBO estimated the President's budget at the same level. I think the important point is that when the CBO uses a different set of assumptions than the Pentagon, they will downgrade the President's budget spending also, the same as they do the committee budget; but the point is, the differences are the same in dollar terms.

Mr. DICKINSON. I thank the chairman, and I would like to reclaim my time by saying that I would like to respond to one of the statements by the previous speaker. Nobody knows what real growth is. It is a complicated subject, but just for purposes of discussion here, and so that those hearing this can understand, what is real growth? Well, real growth is that figure of growth over and above anticipated inflation. Now, if inflation is 4 percent, then you have got to have an 8-percent figure to have a 4-percent real growth because inflation eats up that first 4 percent. So whatever inflation is, it is that figure over and above inflation. That is real growth. Those are the figures we are using.

I have here a chart prepared by the Office of Management and Budget. These are not my figures. These are the official figures of the administration, OMB. This shows, by the best analysis that I can come up with and that the Government has been able to come up with, what happens if this budget should be enacted into law.

This shows a comparison of three proposed expenditure levels. The bar on the left in blue is the Reagan budget, what they would propose to spend and, for the same period of time, what Carter had proposed to spend for defense and what the present budget, the Democratic Party budget, would propose to spend for the same period of time.

If you look, this is the Reagan proposed expenditure for defense. Mr. Carter gave less. This budget is even substantially under what President Carter had recommended, and he was certainly not considered a hawk—if you would consider the years 1984, 1985, and 1986, these are the years we are talking about.

I would like to see a substantial increase and a steady increase in the growth as proposed by the Reagan budget. I would like to see that over and above the Carter budget. But at least there was some increase by President Carter's proposed budget.

This budget, as proposed by the Democrats, is disastrous. What else would this budget do? If you use this line right here as the President's budget, you show that by the proposal offered by the gentleman from Oklahoma (Mr. JONES) and his committee, it would reduce defense by $10 billion, the spending for defense reduced by $10 billion, taxes would go up $27 billion, an increase in taxes, $27 billion. Domestic spending goes up $45 billion. And why are we going to do this? To help the deficit? No; it does not help the deficit. The deficit itself increases by $8 billion, by their plan. So what are they doing? They increase domestic spending $45 billion. How are they going to do that? They are going to raise taxes $27 billion. In the process, they are increasing our deficit $8 billion. We are wiping out all of the progress we made in the past few months, when we see the economy beginning to turn, when we see inflation down, when we see interest rates down, when we are beginning to see unemployment going down. All of these things will be wiped out and we go right back to business as usual, tax and tax, spend and spend, the same old Democrat formula we have been suffering under for 30 years, and at the cost of our national defense.

The entire Democratic plan—defense cut reallocated to massive increase in social spending—would have the social spending, the 1984–86 budget authority compared to the President's budget, up $114 billion, defense spending down $102 billion. The 1984 to 1986 outlays, compared to the President's budget, social spending up $68 billion, defense spending down $73 billion.

What are we doing in this case? We talk about what is good for this country and what is good for society and we are going to spend to help the poor. All the educational programs, all of the social programs, everything that we would like to do for the people stands for nothing if we cannot keep this country strong, safe, and secure.

□ 1620

That has got to come first.

Now, this evening at 8 o'clock the President is going to address the Nation. He is going to say in part the threat this country faces. I hope everybody within listening distance of my voice and those who are made aware of it will listen to what the President has to say.

I met with him yesterday in a group and at my request and at others' requests he is going to declassify some information that is available to us on the Armed Services Committee and to others in the Congress because, as I said to the President, he might be the greatest salesman in the world, but you cannot sell something if you cannot talk about it.

For me to sit down here and say "Hey, I know things are bad and I cannot tell you how bad they are, I cannot tell you what I know, but believe me, we are behind the curve when it comes to defense so we must

spend more," if that is all you have to go on, if you do not know what I am talking about and are not privy to the facts we have been briefed on, or you may have a security clearance but you just do not have the time to sit and hear the same things that we do in committee, if you do not know the facts you cannot make a good and valid judgment.

So we have been urging on the President, urging on this administration declassifying so much of what we already know as to what is in fact the threat. What, for instance, is the threat when it comes to intercontinental ballistic missiles, ICBM's? In fact, the fact is that the Soviet's SS-18 intercontinental ballistic missile and SS-19 is more accurate than our Minuteman III, our most sophisticated and our most modern weapon. Their accuracy is greater than ours. This has not generally been known.

So, Mr. Chairman, we would be terribly foolish, in my opinion, to go along with the proposal and send the message to our friends and allies abroad who are watching this, who are going to take this as an indication of our intent, and I am talking about our NATO allies, as to what we in fact are going to do.

Are we going to support NATO and are we going to continue to support our defense efforts, or are we going to throw it down and walk away from it?

We have a real need in this country. For us to, at the expense of our defense and the security of this country, increase spending, increase taxes, increase the deficit, and for what, just does not make sense.

I yield back the balance of my time.

Mr. JONES of Oklahoma. Mr. Chairman, I yield myself appropriate time just to keep the record accurate. I know the previous speaker would not want to leave an inaccurate impression.

The fact is the defense budget recommendations before the House today are not under the Carter budget. Using the Pentagon's own assumptions, this budget in the 1983 to 1986 timeframe authorizes $108 billion more than the last Carter budget did. This budget increases military expenditures by $375 billion. This budget spends during the 5-year budget cycle $1.6 trillion for defense versus the administration's $1.8 trillion.

Finally, Mr. Chairman, I want to put to rest again the issue involving CBO's defense analysis. The CBO is comparing our budget and the administration's budget on a different set of assumptions. Both the administration's budget and the Democratic consensus budget numbers change when analyzed on the CBO assumptions.

The fact is in dollar terms the defense increases remain static. We call for defense spending of $1.6 trillion. This defense spending, as a percent of the budget, goes from 26 to 31 percent.

So let us put to rest the smoke screen of comparing on the basis of different assumptions at this last minute of the debate.

Mr. Chairman, I yield such time as he may consume to the gentleman from Hawaii (Mr. HEFTEL).

Mr. HEFTEL of Hawaii. Mr. Chairman, as we move to approve a budget blueprint for 1984, I think it is important that the American people appreciate the significance of our effort. In the end, the document we approve in this House will not be the budget upon which our authorization and appropriations will be based this year. Rather, the House budget will be a tool for our conferees to bargain with when they sit down with their Senate counterparts in the coming weeks. Hopefully, a final budget plan will be crafted with a minimal amount of political rancor and controversy.

The details of our House budget plan are less important than the fact that our Republican colleagues chose not to offer an alternative for House consideration. And yet, the administration's original budget submission projects a budget deficit higher than the deficit which our Democratic proposal envisions.

The Democratic budget is not perfect, but it does demonstrate the wide latitude which we in the Congress have to study Federal programs, provide for more equitable distribution of social program funds, preserve a more than adequate defense budget, and make responsible tax changes. At the same time, we are sending a signal to the American people that reducing our budget deficit still remains a top priority of the Congress.

Mr. Chairman, in the final analysis, restoring our Nation's economic well-being will depend on the ability of the Congress to gain a better measure of control over the budget deficit. The yearly budget resolution is the most visible means we have to communicate to the American people our commitment to this goal. I hope that the actions of this House will provide the impetus for responsible budgeting and sound economic planning in the years to come.

Mr. JONES of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from North Dakota (Mr. DORGAN).

Mr. DORGAN. I thank the gentleman for yielding.

I had not intended to speak but I did want, following the rush of activity on the other side of the aisle by folks who represent farm States, to clear up a point.

There is nothing in this proposal that is before us today that would interrupt the schedule of exemptions under the estate tax law that applies now to farmers or to small businesses.

I repeat once again that there is nothing in this budget proposal that changes the estate tax treatment for farmers and small business people.

We have seen a lot of straw men burned on this floor but the one that has burned the brightest and the tallest is this nonsense that somehow this budget changes the estate tax laws for farmers and small business people.

While I am clearing up that point, let me also say that it is curious watching this debate all day that there are a lot of folks that do not like taxes but do like spending if it is for defense. Who do you think pays for a government? The tooth fairy?

If you do want to spend $1.8 trillion on defense, then it seems to me you ought to have the courage to raise the taxes to pay for it. That is what this budget debate is all about. I do not think this is a great budget but I am going to vote for it. It is a compromise budget.

But I will say this, this budget is a whole lot better than the budget the President of the United States sent down to this Congress. That budget was so bad that nobody even bothered to offer it on the floor of this House despite the fact that the rule allowed it to be offered.

So I do intend to vote for this budget. I think it is a responsible budget.

The charge card that has been given this Government by that side of the aisle in prevailing with their economic views has created record deficits and this has got to stop. If we want to spend money then we have to be honest with the American people and ask the American taxpayers to own up for it. Otherwise let us trim some of these increases back to a more moderate level; one that works, one that creates economic jobs, one that creates growth and profits and that can keep the country strong.

That is not the kind of economic program we have seen in the last couple of years.

Ms. FIEDLER. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. LOEFFLER).

Mr. LOEFFLER. I thank the gentlewoman for yielding.

I would just like to respond to the past speaker. There has been a recommendation submitted by the Democratic side of the aisle. The chairman of the Ways and Means Committee has suggested that we repeal anything that was not yet triggered into effect that was passed during the tax bill consideration in 1981.

Included as such an item for repeal would be the elimination of the remainder of the reform on the estate and gift tax which is scheduled to continue until full reform is achieved in 1986. In essence, we have had one-

third of the reform take place. Two-thirds of it would be wiped out.

So, contrary to what the previous speaker has just said, the chairman of the Ways and Means Committee in his freeze proposal on taxes has in fact offered this as a possible item by which revenue would be raised.

In addition, the chairman of the Ways and Means Committee would also include the repeal of indexation which is to begin in 1985.

So let it be known something has been laid on the table. It is not something that I dug up. Heaven forbid, I would never bring it up. But repeal of further reform of estate and gift taxation has been offered as an option. There is no question about it. The chairman of the Ways and Means Committee has said that one of the avenues that he would pursue if he had his way would be to repeal the remainder of the estate and gift tax reform that we passed in 1981.

I thank the gentlewoman for yielding and yield back the balance of my time.

Mr. JONES of Oklahoma. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. OLIN).

Mr. OLIN. Mr. Chairman, I had not really intended to speak here today. I am not in the best of voice. I am just about to lose it. I had a little minor surgery done on my eye the other day and it is all right, but I look like I have been in a battle in somebody's back alley. But, nevertheless, I would like to spend a few minutes and tell you how I feel about this budget.

I was one of the ones who was very critical of the budget as presented. I felt it did not go nearly far enough in terms of planning a reduction in the deficit, in the outer years particularly, which would really attract the attention of the bankers and the money interests in this country so that we could be fairly well assured that they would have confidence in the future and that they would keep the interest rate coming down.

This budget is better than the President's budget but it does not go nearly far enough, in my view.

I think one of the things this country needs the most is to get our interest rates both short and long term down to reasonable levels. We should not be more than a couple of points over the inflation rate. We ought to be around 6 or 7 percent right today.

There is not anything that will do this country more good, that will create more jobs, that would create better things for everybody than accomplishing that.

□ 1630

I did not think the budget went nearly far enough. I still do not. I was also very disappointed that we did not have a chance to have an open rule of some kind, even a modified open rule. I felt some of these issues needed to be discussed, debated with the opportunity to make modification, and vote on them. I voted against the rule last night. I felt that I should have. I was very seriously considering voting against the budget in total. On mature consideration, on the other hand, it became very evident to me that the objectives I am seeking cannot be achieved probably with no budget. It is not likely that if we recycle this process again we are going to get anything else. So, I am saying here and now that I am going to support the budget. I would urge colleagues who have been in the same position I have been in to do likewise.

Ms. FIEDLER. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. BLILEY).

Mr. BLILEY. Mr. Chairman, I rise in opposition. When the Budget Committee reported the first resolution last Thursday, many Members wondered what could be worse. We got our answer yesterday when we saw what the Rules Committee came up with. Not only did that rule stifle free and open debate, it was also shot full of parliamentary holes.

It has been obvious for some time that the leadership does not care to get any votes from this side of the aisle. I am sure that wish will be granted. But I still expect the leadership to run a better railroad than this. After all, they have had enough practice.

Just look at the budget timetable: On March 17, the committee reported a resolution—not a committee budget, but a Democrat budget—it even bears that boilerplate. In one legislative day, the budget went to the Rules Committee, though a formal document had still not been printed. And yesterday, the Rules Committee as much as told several Congressmen to go away and leave them alone, then reported a rule a parliamentarian would be ashamed to read. That same day, a point of order was sustained against this rule, because, in the leadership's haste to railroad this budget through the House, they somehow forgot to first clear the tracks.

Mr. Chairman, I question whether a party which cannot run a railroad properly is qualified to run a country.

Democrats in this body have laid waste to the budget process with even greater abandon than they accused Republicans of 2 years ago. While the Democrat leadership may not be claiming that two wrongs make a right, they are at least saying that this wrong will make us even.

And while getting even is great fun, I am sure, Congress needs to look at who we are taking it out on. By allowing the committee to come up with an extremely liberal budget, the leadership has insured that the House can give away a lot in conference and still come up with a compromise that achieves every social spending objective in the liberal grab bag, while emasculating our defenses below Carter era spending at the same time.

In this process, are we not really penalizing the American people? Every time Democrats try to roll Republicans, taxes go up. Every time Democrats try to railroad a resolution through the House, national defense is weakened.

This budget, while claiming to fairly compensate our military personnel, does nothing of the sort. This budget would virtually insure that none of our troops would ever return from conflict, because they would be using equipment from the 1950's. There has been a lot of talk lately on that side of the aisle that President Reagan is turning back the clock to the "Red scare" of the 1950's. But if you really want to see who is taking us back to the 1950's, look at Budget Function 50 in House Concurrent Resolution 91.

The leadership's budget will get back at elected Republicans by overtaxing their constituents and overspending their money. This budget will re-ignite inflation and erode American purchasing power. Via this budget, the leadership will implement the nuclear freeze they so poorly managed on the floor last week. Indeed, this budget is tantamount to unilateral disarmament. I do not think it is the political fortunes of House Republicans that will suffer as the leadership raids the pocketbooks of every family in America.

Mr. Chairman, I wonder if the leadership is not cutting off its nose to spite its face with this budget. Because, as much as the leadership is trying to prevent the Reagan economic recovery, it will not just be conservative Members and their constituents who suffer—it will be everybody.

Ms. FIEDLER. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. ZSCHAU).

Mr. ZSCHAU. Mr. Chairman, I rise in strong opposition to the House budget resolution. I do so as a representative of the Silicon Valley area of northern California which has been responsible for so much of our high technology in the United States over the past 20 years.

The technological leadership of the United States is perhaps our most valuable national resource. It has been responsible for the creation of many new jobs, dramatic improvements in productivity, and as a result of its ability to increase the competitiveness of our products versus those of our trading partners, it is accounted for exceptional growth in exports.

Because of the important positive role that high technology has played

in our economy, it has attracted many supporters in Congress. Today it is popular to talk of maintaining our technological leadership. Who can be against jobs, productivity improvements, and exports? Some of the most vocal supporters for the concept of high technology have come from the other side. The newspapers have named them "The Atari Democrats" because of the flourish with which they wave the high technology banner.

Those of us who have been intimately involved in research and development and have gone through the sometimes agonizing experience of starting high technology companies from scratch understand what is required to keep America the world's technological leader. Innovation can not be forced. It can only be fostered. It is fostered by creating an environment with ample freedom and incentives for innovators and entrepreneurs. It depends upon a healthy economic climate, free of inflation and high interest rates.

Today we will have the opportunity to vote on whether or not we want to promote high technology in this decade. Today we will be able to see who really wants to create a better economic environment conducive to risk taking and investment. And today we will be able to determine those who have been talking about high technology purely for political purposes, but are not willing to support it.

One can argue that Government funding of basic research is important to technological development. It is. But what our high technology industries need most is a strong growing economy.

This Democratic budget plan will not help our economic strength. It is not designed to. If we are to create the kind of environment in which high technology thrives, we need to reduce deficit spending significantly in order to remove the upward pressure on interest rates and inflation. Also, we must reduce the tax burden on our society so that more funds are available for savings and investment. We can only do so if we reduce the growth of Government spending rather than increase it.

In conclusion, I urge my colleagues who want to play a role in maintaining the technological leadership of the United States to vote down this budget proposal. Let us send it back to the committee with instructions to come forward with a responsible American budget plan. We need a budget which will foster economic growth rather than thwart it. We need a budget which will help preserve and extend our technological leadership.

Ms. FIEDLER. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Maryland (Mrs. HOLT).

Mrs. HOLT. Mr. Chairman, I never cease to be amazed at some of the antics I see around here. We have before us a poor and miserable thing that the Budget Committee majority describes as a plan for economic recovery. Well, every component of the budget goes the wrong way—at the same time. The gentleman from Kansas says it is not perfect. Well that is the understatement of the year.

A parade of constituencies apparently walked in to ask for more, and the committee majority just added the pump priming requests to the spending plan for the remainder of this year and 1984. The net effect would be to increase domestic spending by $45 billion.

And where would the money come from? The committee majority has a plan for that, too: Increase taxes by $27.5 billion, cut defense, and it would increase the deficit over 2 years by $7 billion. The gentleman from New York explained where that would come from.

I hope those ladies and gentlemen of the press will help us tell the American people that the committee majority has simply used the budget process to make a political statement consisting of promises to the various constituencies that would benefit from the spending. It has gagged every proponent of any other view.

Frankly, I want the whole country to know about this budget proposal. I want every taxpayer to have a clear vision of where the folks who prepared this budget want to take us.

It is a proposal to take us back to the needless free-spending ways of the 1970's, which crippled the American economy and gave us three consecutive recession years in 1980, 1981, and 1982.

Meanwhile, the new policies implemented in the past 2 years are bringing us economic growth and the prospect of sustainable stable economic expansion in the months and years ahead.

The economy has started growing after 3 recession years. Inflation has been wrung out of the economy, a 10-percent cut in personal income tax rates is due July 1, and we have provided incentives for saving and investment to generate economic expansion. We have every reason to be optimistic about the future, if we do not return to the failed policies of the 1970's.

Mr. JONES of Oklahoma. Mr. Chairman, I yield 30 seconds to the gentlewoman from Ohio (Ms. OAKAR).

Ms. OAKAR. I thank the chairman.

I just wanted the Members to know, because I know a lot of Federal employees have visited Members, that the Reagan budget is the extension of the antiworker and antiretiree policy.

In the Reagan budget there is no raise for Federal employees. Our budget keeps the 4-percent raise.

The Reagan budget guts their health insurance program to a voucher system. We retain the health insurance program.

The Reagan budget guts their retirement program, it raises the age of retirement. We retain the current retirement program for all current Federal employees, which is so much fairer to our Federal employees. I sincerely hope that this House will support the House budget.

Ms. FIELDER. I yield 4 minutes to the gentleman from Alabama (Mr. EDWARDS).

Mr. EDWARDS of Alabama. Mr. Chairman, this is not the kind of debate I really enjoy, frankly. I think we kick each other around too much, we get too partisan in these kind of things.

I am going to try not to say anything ugly about anybody here for 4 minutes and just talk about how we got to where we are.

I am going to limit my remarks to the subject of defense if I may. When the Vietnam war was over, it was true this country was really not all that interested in building a military any more, people wanted to come home, not get in anybody else's wars. So, we went through a period, the decade of the seventies where we literally had negative real growth in our defense budgets, where we simply were not keeping up year after year after year with the needs of modernizing the defense of this country.

All during this time, it is no secret the Soviet Union was in a modernization program, building like crazy and they are continuing to do it. Mr. Chairman, even President Carter in the late seventies realized we had to stop the direction we were going in. And he started rebuilding the defenses of the country. President Reagan has come along following President Carter and he in fact has continued that effort to build the defenses of the country.

Now we are all bogged down here on whether we are talking about 2.3 percent, 2.8 percent, 4 percent, the Pentagon just now put out a paper that says 2.6-percent real growth, in the Jones proposal. I do not know which is the right percentage that this bill actually will bring about. I do know—and I will start with 4 percent, since that is the highest that has been kicked around here—I do know 4 percent is too low. I do know that if we are going to recoup those losses of the decade of the seventies we have got to do better than that. I am one who does believe that if we could establish a clearly defined constant rate of growth over a period of time, that that is far superior to peaks and valleys in the growth rate. I believe that that level of 4 percent, however, is too low to accomplish the purpose.

Mr. JONES of Oklahoma. Would the gentleman yield?

Mr. EDWARDS of Alabama. I have very little time. Would you yield me a minute?

Mr. JONES of Oklahoma. Mr. Chairman, I yield 30 seconds for the purpose of answering. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the gentleman.

Mr. JONES of Oklahoma. The budget that is before the House now contemplates a steady growth as the gentleman suggests in the nonpay areas, procurement, R&D, and so forth, of about 6 percent over this budget cycle. It also includes a 4-percent pay increase for the military people.

Mr. EDWARDS of Alabama. I appreciate the gentleman's comment there but we cannot look at it in that way. We have got to look at the total budget. And we have got to look at the fact we have got a pay freeze already put on by the President. We have to look at the fact that the President has already cut fuel costs, that the President has already cut currency fluctuations, that the President has already come to the Congress with a budget in outlays some $8 billion below what has been programed previously and these are the areas where we could normally go after cuts in our committee. So, we are left in this posture, in the Defense Appropriations Committee, of having to go after either cutting out massive troop strengths, either cutting out major systems or we are going to not be able to come to the conclusion that this resolution calls for.

And I think that we have got to understand this. This resolution calls for a $10 billion cut in outlays in the defense budget; it calls for a $17 billion cut in budget authority from the President's defense budget, and you cannot cut $10 billion in outlays and at the same time stay within the $17 billion budget authority cut. You are talking more like $20 to $30 billion in budget authority cuts if you carry through on what has been proposed here. So, I think we have simply got to find a way to get the levels up on defense and I would hope in that context then we could send this resolution back to the committee, that the committee could come up with a higher level of defense spending and I think in that context it would be a much better bill and I would hope that the Members of this House would vote no.

Mr. JONES of Oklahoma. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. LAFALCE) for the purpose of entering into a colloquy.

Mr. LAFALCE. I thank the gentleman for yielding. I would like to compliment the distinguished chairman of our Budget Committee and the entire membership for their insight and their leadership in providing within this budget resolution for authority and outlays for the enactment of legislation to create a National Industrial Development Bank.

As chairman of the Subcommittee on Economic Stabilization which has jurisdiction over this issue, I would like to assure the House of my intention to move as expeditiously as possible in scheduling comprehensive hearings to consider this matter as part of our effort to develop a coherent industrial strategy for the Nation.

As suggested by the Budget Committee, we will also be considering in connection with such a bank the establishment of an Economic Cooperation Council which was recommended by the Democratic Caucus last year.

But I do want to make sure the Members of the House understand that the Economic Stabilization Subcommittee, although we will be moving forward in this area, might not be able to finalize legislation in the Banking Committee by the required May 15 deadline under the act for bringing such legislation to the floor this year. Therefore, it is most probable we will have to seek a budget waiver to bring this legislation to the floor for consideration during the coming year.

Mr. BONIOR of Michigan. Will the gentleman yield?

Mr. LAFALCE. I will yield to the gentleman from Michigan.

Mr. BONIOR of Michigan. I thank the gentleman.

Mr. Chairman, on that point, while I cannot speak for the full Committee on Rules, I would like to assure my colleague whom I have the highest regard for with respect to his abilities on the Banking Committee that we will certainly give every consideration to the waiver if requested for what I think is one of the more important domestic components of this budget.

Mr. LUNDINE. Mr. Chairman, will the gentleman yield to me?

Mr. LAFALCE. I yield to the gentleman.

Mr. LUNDINE. I thank the gentleman. I would like to associate myself with the remarks of both my colleagues from New York and from Michigan and also compliment the distinguished chairman of the Budget Committee, Mr. JONES, as well as Mr. WIRTH and Mr. GEPHARDT for the leadership they provided on this issue.

□ 1640

As a member of the Economic Stabilization Subcommittee, I intended to work diligently toward the development of a legislative package under the leadership of the gentleman from New York (Mr. LAFALCE) that can move this country toward the development of an industrial strategy for long-term economic growth.

I would like to cite the chairman of the committee, the gentleman from New Jersey (Mr. MINISH) as somebody who has also taken great leadership and offered a concrete proposal for a development bank.

I am convinced that only through the development of such a strategy will our country be able to put Americans back to work and to keep them there. We have to deal with the serious international challenges facing us in the area of trade and I believe that this course of action will lead us toward that objective.

Mr. Chairman, I rise in support of House Concurrent Resolution 91, the first concurrent budget resolution for fiscal year 1984. I wish to commend the House leadership and the chairman of the Budget Committee for the prompt and efficient manner in which the resolution has been developed and brought to the House for consideration.

I believe this budget resolution offers an adequate balance between the immediate need to stimulate economic growth and employment and the long term necessity of reducing Federal budget deficits. It accommodates the emergency assistance provisions already approved by the Congress, as well as additional employment, training and community assistance measures to help promote recovery. At the same time, it will reduce the fiscal year 1984 budget deficit by $7 billion below that proposed by President Reagan and will cut total deficits by $108 billion over the 5-year budget cycle from fiscal year 1984 to fiscal year 1988.

The resolution also offers a fair compromise between the urgent need to enhance the Government's efforts to aid the poor and unemployed and the continued necessity of investing in our Nation's defense. The resolution offers targeted increases in programs providing health, nutrition and housing assistance to the poor, while continuing to provide for a 4-percent inflation-adjusted annual increase in defense expenditures. This budget commits the Nation to nearly $1.6 trillion in additional defense outlays between 1984 and 1988.

The strength of this resolution lies in a restructuring of our spending priorities to provide a growth budget. It is designed not only to encourage long-term economic improvement, but also enhanced investment in our capital and human resources.

Of particular importance is the renewed emphasis placed on education and on employment and training. The resolution recommends $8 billion in new funding for Federal employment and training programs, including special assistance to help retrain displaced workers. It rejects the President's call for new cuts in spending for

education and recommends additional funding of key programs for math and science education, vocational education and student loan assistance.

Equally important, the budget renews the Nation's commitment to research and development, increasing Federal investment in these areas by more than 30 percent between 1984 and 1986. Our Nation's expenditures in support of basic research and development have declined in step with our competitive position abroad. This budget recognizes that adequate investment in science and research is essential to economic growth and for maintaining a strong competitive position in an increasingly sophisticated world economy.

While investing in new research and job training the budget also seeks to stimulate future industrial growth by providing the initial funds for a national industrial development bank. The bank would direct needed assistance to private companies and industries whose health is essential to the Nation's economy, and would help finance new and innovative small business. Our industrial sector would be further assisted by increased funding for programs that promote the sale of U.S. products abroad.

This budget also recognizes the urgent need to strengthen our agricultural economy. It recommends increased funding for farm operating assistance, provides additional funds to promote agricultural sales abroad and enhances current agricultural research and soil conservation efforts.

With a coordinated effort to stimulate recovery in both our industrial and agricultural sectors, this budget plan promises more balanced and sustainable economic growth. This will greatly enhance our ability to reduce projected budget deficits and contain future inflation.

Mr. Chairman, this budget resolution also seeks to remedy another serious weakness of our recent budgets by adding funds specifically targeted to finance capital improvement programs. In recent years we have compiled sizable budget deficits principally to finance current consumption. We have left little in either new or improved public capital facilities to justify the enormous debt we will leave for future generations.

The Nation's vast structure of roads, bridges, water systems, and other facilities are deteriorating and actually impeding economic expansion. The budget resolution provides funds for a new infrastructure improvement program, together with additional funds for current community development, public works, and transportation programs. These are urgent needs that must be met simultaneously with efforts to increase industrial growth.

In conclusion, I believe this budget is the best we have proposed in many years. It attempts to allocate Federal spending reductions equitably throughout the entire budget and begins to make the necessary adjustments to increase our Nation's investment in long-term recovery and growth.

I support this budget and urge its adoption.

Mr. JONES of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. LAFALCE. I yield to the gentleman from Oklahoma.

Mr. JONES of Oklahoma. I want to compliment all of the gentlemen who have spoken and particularly appreciate the contributions that the gentleman has made to this. I think all of us recognize that if we are going to grow and compete in an international market in the 21st century there has to be less confrontation and more cooperation among and between business, labor, and government. And this Economic Cooperation Council will make a great step forward in that and I look forward to working with the gentleman in that effort.

Mr. LAFALCE. I thank the gentleman.

Mr. JONES of Oklahoma. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. FROST).

Mr. FROST. Mr. Chairman, I rise in support of the budget resolution as approved by the Budget Committee, and I want to thank my colleagues for their participation in formulating this package.

But during the past few days, I have been both alarmed and amused at some of the rhetoric coming from the President concerning this package.

Why is it acceptable for the administration to propose over $100 billion in tax increases last year, yet when we propose moderate revenue increases this year to help bring down the administration's massive deficits, our budget package is called "truly dangerous" and a "declaration of war" against our economy?

Why is it acceptable for the administration to propose almost $150 billion in new contingency taxes to go into effect a couple of years from now, yet when we propose modest revenue increases to restore long-term economic stability, we are accused of wielding a "partisan dagger" and taking a step into "an economic quagmire?"

Dangers, daggers, and quagmires—it all sounds like some new video game. But this is no game.

Witness after witness who appeared before the Budget Committee told us that the real danger we face is continuing high deficits for the rest of this decade.

They told us that the real dagger aimed at our recovery is the crowding out of private borrowing that the administration's massive deficits will cause for years to come.

They told us that the worst possible quagmire for us to find ourselves in would be for us to continue on our present course of stagnation and budgetary imbalance.

This budget package that is before us today is a fair plan, an equitable plan that can help lead us out of that quagmire. I urge the House to approve it.

Mr. LOEFFLER. Mr. Chairman, I yield such time as he may consume to the gentleman from Wyoming (Mr. CHENEY).

Mr. CHENEY. Mr. Chairman, I rise on behalf of the Republican policy committee in opposition to the Democratic alternative.

Mr. Chairman, there are lessons for all of us to learn from the past. One of the hardest lessons for many in public life to learn, as we climb higher and higher on the ladder of success, rank, and power, is the value to ourselves, and to the country we serve, of stepping back and admitting error. When we find ourselves about to make the same massive mistakes over and over again it is time for that admission. That is especially important right now. If the Democratic majority has its way here today we will find ourselves leading this country on a forced march toward economic disaster once again. Those Democratic leaders would lead us past all the familiar road signs warning of runaway Government spending. Signs warning us of overtaxation. Signs warning of the kinds of governmental shackles on the American economy that pushed us into the recession that hurt so many Americans over the past 2 years.

We stand today on the road to economic recovery. Every economic indicator shows that with time, patience, courage, and resolve America is about to win a hard-fought economic battle. Now, faced with victory for the American people, the House Democratic leadership is moving to snatch economic defeat from those jaws of victory. For the sake of imagined 1984 election gains, the House Democratic leaders would have us turn tail and run. They would have us turn away from taxing and spending policies that are working. They would have us turn back to the taxing and spending policies of the past that sucked us into this economic quagmire in the first place. House Democratic leaders, in dictating the contents of this first concurrent budget resolution to Democratic Members, focused solely on the 1984 elections. Instead of considering what is best for the country as a whole, what is good for all Americans or even what is best for all their Democratic Members, those Democratic leaders ordered House Democrats to march in lockstep to the mountaintop once more—and then to

jump right off, regardless of those Members' own beliefs.

Where is the Black Caucus budget resolution this year? There is not one before us. And we do not have one to debate because the House Democratic leadership is afraid of that debate. There is no conservative Democratic budget resolution because those Democratic House leaders will not face that debate, or the judgment of the American people. There is no conservative House Republican budget resolution because those Democratic leaders are hiding from that debate. Throughout the last Congress we in the minority were lectured incessantly by those same House Democratic leaders that it was our responsibility to draft our own budget proposals. They told us not to accept without question the offerings of the White House. So we followed their advice. And wrote our budget into law over the startled objections of those House Democratic leaders, who found themselves being overridden on vote after vote by responsible Democrats and Republicans.

Those House Democratic leaders might be well served by recalling the words of that great American political philospher and observer, Joe Louis. Louis said of Billy Conn, a fast-dancing opponent: "He can run, but he can't hide."

Throughout the fall campaign last year we heard those Democratic leaders singing from a new songbook. Like 3-year-olds who had learned a new word, we all heard them sing, day and night, their fall campaign theme: "Fairness."

I have heard of May-December romances. But this is the first May-December political philosophy change I have ever seen. Autumn is over, and now that spring is here, we see what the House Democratic leadership's concept of "fairness" really is. That is why there is no budget resolution from the Black Caucus. Or from conservative Democrats. Or from House Republicans.

Mr. Chairman, the House Republican Policy Committee, of which I am Chairman, has considered House Concurrent Resolution 91, and adopted an official policy statement, which follows. But before I pause to read it, I urge our Democratic colleagues to consider the lessons of the past—including this message from Gilbert and Sullivan's "H.M.S. Pinafore":

. . . I was sent
By a pocket borough into Parliament.
I always voted at my party's call,
And I never thought of thinking for myself at all.

STATEMENT NO. 4, MARCH 22, 1983

The House Republican Policy Committee opposes adoption of H. Con. Res. 91, the Democrats' proposed First Concurrent Budget Resolution. This resolution, dictated by the House Democratic leadership, attempts to bankroll a 1984 Democratic election victory at the expense of America's economic recovery and from the savings won for American taxpayers by President Reagan and the 97th Congress. In drafting their "go for broke" budget and election strategy, the Democratic leaders have scuttled all attempts to work together with House Republicans on compromise proposals. Instead the Democrats drafted this spending spree and openly labeled it as Speaker O'Neill's program for the Democratic Party in the 1984 election.

The Democratic proposal calls for spending $181 billion more for non-defense programs over the next five years above President Reagan's budget proposals. The Democratic plan calls for taking $199 billion over the next five years out of the pockets of American working families making less than $50,000 per year. The budget proposals of the House Democratic leadership would cut defense spending dangerously, even below the inadequate defense spending plans laid out by President Carter in his last year in office.

The Democratic leadership's budget resolution bears no relationship with economic realities in America today, or to the situation America faces in the world. It bears no similarity to the Democratic promises of the 1982 elections held just four months ago. After claiming to lead a "fiscally responsible" party, in its first action of this Congress the House Democratic leadership has sought to stop America's economic recovery in it tracks for partisan gain. The House Democratic leadership continues to worship at the shrine of deficit spending. In so doing, the House Democratic leaders have declared personal war against America's taxpayers by trying to obliterate the last year of the tax cut President Reagan and House Republicans promised and delivered to the American people. In addition, the House Democratic leadership's First Concurrent Budget Resolution compounds that attack on American taxpayers by proposing to repeal tax indexation, sealing permanently in cement the uncontrollable spending binges of the past that have led America to the recent economic crisis we finally are putting behind us.

The House Republican Policy Committee urges rejection of the closed rule under which H. Con. Res. 91 comes to the floor which precludes consideration of alternative budgets offered by such groups as the Black Caucus, conservative Democrats and conservative Republicans.

The House Republican Policy Committee also urges rejection of H. Con. Res. 91, by the full House and urges all House Republicans to vote against its adoption on the floor.

Mr. LOEFFLER. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. LAGOMARSINO).

Mr. LAGOMARSINO. Mr. Chairman, I rise in strong opposition to this resolution.

Mr. Chairman, there is only one word to describe this resolution, and that word is "sabotage." This resolution would sabotage the economic recovery now underway, and saddle the taxpayer with onerous new burdens in order to underwrite plans for explosive new growth in Government programs.

There is no other way to interpret what the House Democratic leadership has done in putting together this resolution. It is a blueprint for disaster. On the very day when the latest Consumer Price Index figures show a negative rate of inflation—during the very week when signs of a first-quarter growth of 4 percent in the GNP appear—the Democratic leadership proposes a $27 billion tax increase, a $45 billion increase in domestic spending, and an $8 billion increase in the deficit while decreasing national security by $10 billion. And that is just for this year and next. Over the 5-year life of the resolution, taxes would be raised by $315 billion, effectively wiping out almost half the tax cuts enacted by this body over the last 2 years.

It was only last year, Mr. Chairman, that the American public was treated to the sight of Democrats in this body pointing frantically at the economic indicators and saying: "Your end of the boat is sinking!" Now, having stayed the course and reached a safe harbor, we are treated to the specter of the Democrat leadership drilling holes in the boat. Deliberately trying to sink the recovery.

According to a March 21 communication from the Treasury, adoption of this resolution will reduce growth in the real GNP by as much as 4 percentage points by the end of 1985, causing the loss of millions of jobs in the process. The massive tax increases called for in this resolution could only be achieved by scuttling the third-year tax cut due this July and by repealing the tax indexing we enacted 2 years ago. Repeal of these tax cuts, just as the economy is struggling back from recession, would be senseless and counterproductive, and would, as the Congressional Budget Office recently reported, prolong recovery and the suffering of the unemployed.

What is more, the tax increases proposed in this resolution would fall most heavily on low- and middle-income taxpayers. The budget proposed in this resolution would result in a 25-percent tax increase for those earning less than $10,000; a 15-percent tax increase for those earning between $10,000 and $50,000; and only a 3-percent tax increase for those earning over $200,000. Repeal of the pending tax cut and indexing will cost the typical median income family of four $1,061 in higher taxes over the next 3 years and $3,549 in higher taxes through 1988. These projections are confirmed by the Library of Congress. Where is the fairness in this proposal? Where is the equity? It is an irrational and mean-spirited move, a cynical attempt to sabotage economic recovery at the expense of those who can least afford it.

And what is the purpose of all this? It becomes clear when you look at the outlay side of the resolution: It is to finance a 4-year, $181 billion domestic spending spree. But that is not the

only pig in this poke. The reverse side of this equation is what it does to national security: A 5-year, $206 billion cut in budget authority for defense. In fact, the result of this budget resolution would be lower defense funding than under President Carter's last budget. And that was after Afghanistan and Iran.

In short, Mr. Chairman this resolution is not only a blueprint for economic disaster, it also risks compromising our national security.

Higher taxes on the working people of this country will not solve our unemployment or our budget problems, Mr. Chairman, nor will lowering our defense shield. We have already paid for this recovery—for the years of free spending and high inflation and interest rates it entails. I urge my colleagues to reject this unfair, unrealistic, and unacceptable budget proposal.

Mr. LOEFFLER. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, because of the leadership of this House and our colleagues, I have the privilege of serving on the Select Committee on Intelligence and the Appropriations Subcommittee on National Defense.

From that standpoint I can tell those who are concerned about the dollars we spend for our own defense that the United States is no threat to the freedom of the world. The United States is not now and never has been a threat to the freedom of any other nation.

We have no plans to control other nations like the Soviet Union does in Hungary, Poland, Czechoslovakia, and so many others. We have no plans to use our military to establish satellites like the Soviet Union has in Cuba or Vietnam. We do not plan to invade any other nations with our military like the Soviets have done in Afghanistan.

What we want to do, Mr. Chairman, is to make sure that those things do not happen to us. We want to make sure that we have the ability to protect the United States and the American people and our national interests, whatever they might be.

Mr. Chairman, I have just been reviewing today some newspaper clippings from October 1957 when the Soviet Union put the first satellite into orbit, Sputnik. The cries of alarm, the cries of concern, the accusations "Who is responsible for allowing the Soviet Union to get ahead?" Everybody was willing to blame, but no one was willing to say what had really happened. And that was the fact that the Congress had not provided for America to keep up with the Soviet Union in this field of technology. We had to hurry to catch up.

Now I would say it is far more cost efficient to stay up than it is to try to catch up.

Mr. Chairman, when Pearl Harbor was attacked in 1941, I was quite a young boy. And I remember being frightened and worrying about the future. And the kids that I went to school with were too, but we also knew that because we were Americans, we were going to prevail. We knew that because we were Americans we would win out somehow because someone, somewhere was looking out for us, was looking out for the United States of America and would have something to guarantee our victory when the going got really tough.

And as I grew older I continued to have that feeling of confidence, never really being sure who that someone was.

Now I have had a chance to serve the people of my district in Congress, working in the field of national defense and national security. And all of a sudden, Mr. Chairman, I have become very much aware that the someone that those young children of today are looking to for their future security, that someone is us.

Our armed services, the people in uniform, who have done such a great job in keeping America free and strong cannot pull something out of a magic hat if we in Congress have not authorized it and if we do not appropriate for it.

It is up to us, Mr. Chairman. It is up to us and our colleagues to assure those young Americans of today who really believe that because they are Americans they are going to be OK, that someone will have something in the event that we need it, that if the Russians get too strong, or too bold, or too aggressive, we will have someone somewhere who will have taken care of us and provided what we needed.

What we are asking today is a vote against a budget that, as pointed out by my colleagues from Alabama Mr. EDWARDS and Mr. DICKINSON, is inadequate in providing for our national defense.

Mr. JONES of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. Mr. Chairman, I would like to thank the chairman of the Budget Committee, the gentleman from Oklahoma (Mr. JONES) for giving me this time. It is certainly fair in that I am rising in opposition to the budget resolution, and I appreciate the gentleman giving me this opportunity.

No matter what has been said here today, the bottom line is that the budget we will be voting on in the next couple of hours will raise taxes by $28 billion in 1984, it will increase domestic spending by $40 billion and it reduces the true growth in military spending to around 2.3 percent, the estimate by the CBO which has recently come out.

The chairman says a 4-percent increase in military spending, the CBO says 2.3 percent in military spending.

Some of us who are critical of this budget, you have said to us, "Why don't you do something about it?"

Well, we did try, Mr. Chairman. We came up with a Democratic alternative budget. It was worked up by the gentleman from Louisiana (Mr. ROEMER) and others including myself, and in this budget we went to the Rules Committee and we said, "Will you give us the opportunity to submit this Democratic alternative?"

We were turned down, as well as the Black Caucus, as well as two other Members who had amendments to this budget we are talking about today.

Now what does our Democratic alternative do? It is really between the Reagan budget and the Budget Committee budget. It is right in the middle almost.

In true growth in military spending it is 7 percent, where the President's is 10 percent. It freezes a number of the social programs, domestic programs, except health and education. It raises taxes for 1984 to around $10 billion.

And I disagree with my Republican friends in some areas—you cannot raise military spending and continue to decrease taxes, so I would think we should at least consider instead of the 10-percent income tax decrease in July we go to 5-percent, and also delay the indexing process. We must get more money into the Treasury to bring down our deficits and hopefully keep down interest rates.

So I hope that we will vote "no" on this budget resolution.

Mr. LOEFFLER. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado (Mr. KRAMER).

Mr. KRAMER. Mr. Chairman, in today's debate over the fiscal year 1984 budget, we must not forget this budget's implications for our defense policy. Over the next 5 years, this budget will cut the administration's defense program by $206 billion, in budget authority, including $16 billion in fiscal year 1984. This represents a reduction of two-thirds in the administration's proposed defense increase for fiscal year 1984 and a reduction of 12 percent in total budget authority over the fiscal year 1984–88 period. But that 12 percent lands in the guts of our planned buildup: new investment. The budget's fiscal year 1984 spending is actually less than that originally planned by President Carter's last defense budget. That budget was written before the start of the modernization program of the present administration.

Under this proposed budget, the services will be forced to absorb about

a one-third cut in their planned investment funding over the next 5 years. Here's what would happen:

The Air Force would very likely have to cancel the F-15, the best fighter in the world today. The Air Force also would lose some 360 aircraft, or about three wings of combat aircraft, now planned under the Reagan defense plan if this budget is approved.

The Navy would have to eliminate two entire carrier air wings and the entire Marine Corps modernization program, as well as having to cancel the F-14, without which our carrier forces are sitting ducks for backfire and cruise missile attacks.

The Army's badly needed armor modernization program would be stretched out, again driving up costs and delaying capabilities that we need now. It would also lose 3 to 4 divisions from the current plan's proposed levels.

A one-third cut in strategic force modernization would very likely mean the cancellation of the MX.

Meanwhile, the Soviets continue their relentless drive for strategic superiority. Across the board, the Soviets are producing and fielding one weapon system after another, year after year.

In every recognized category of strategic fighting power-warhead accuracy, missile production, active production lines for all strategic systems, strategic ICBM's in reserve, and military space efforts—the Soviets are driving ahead with determination. They mounted the most frightening strategic warfighting exercises in recent memory last June—a 7-hour exercise in which they simulated a nuclear first strike on American and European targets, combined with antisatellite interception simulations and live ABM firings at their own ballistic missiles. They continue to deploy military space systems of increasing sophistication. They appear to be capable of tracking our naval forces which are the guts of our ability to project power overseas—with specialized radar satellites powered by nuclear reactors. They even appear to be able to use their strategic missiles against such American naval targets.

The Soviets have violated the oldest, most enduring arms-control convention on the books—the 1925 Geneva Convention against using chemical weapons. They have violated the 1972 Biological weapons Convention. They have unquestionably violated the SALT I agreements as they were approved by the U.S. Congress. According to the American Secretary of Defense at the time SALT I was signed, they have violated the terms of SALT I that seek to restrict the testing of new missiles. In recent weeks, reportedly, a very high-level interagency group has concluded that the Soviets have in fact conclusively violated the SALT II agreement in the area of new missile tests.

It is against this backdrop of a mounting and foreboding Soviet threat that this proposed budget must be evaluated. For it simply will not do the job that has to be done.

Let us not kid ourselves. Those of us who were here 3 years ago remember vividly the Desert One disaster during the attempt to rescue our hostages in Iran in April 1980. We remember the long nightmare of American powerlessness and humiliation. But after Desert One when we took a closer look at what might have caused that disaster, we found all the symptoms of cumulative underfunding. We found carrier crews in the Indian Ocean that had been pushed to their limits with the longest sustained deployments mounted by the Navy since World War II. We found shortages of spare parts, insufficient flying hours, and dangerous shortages of ammunition. Thousands of the most experienced people in the Navy, as well as in the other services, were leaving, due to pay cuts and a general feeling that they were not appreciated.

The Reagan administration has had the guts to face up to the systematic underfunding of our defense forces since the end of the Vietnam war. It realized that the Soviet threat could no longer be wished away, or evaded with simple slogans about peace. It committed itself to a long and painful rebuilding of our defense posture against the backdrop of two converging trends: First, a growing and very dangerous Soviet threat, and second, the obsolescence and underfunding of the entire American defense force.

This budget is a repudiation of a strong national defense; it is a noble delusion. We must not forget how the British and American Governments sought to deny reality in the 1930's, until the world came crashing down around their ears in Poland and the Hawaiian Islands.

Democracies have always been vulnerable to the siren song of defense on the cheap, even when barbarians like Hitler and totalitarians like Mussolini were at their gates. The British and the United States paid—and paid many times over—for their unpreparedness before World War II. How much of that was due to the failure of their governments and their legislative bodies to fund the true costs of national preparedness? How many times will this failure of will happen again? How many people around the world will pay for it the next time around?

I urge the defeat of this budget. If we do not have the will to protect our freedom, we will surely lose it.

□ 1650

Mr. JONES of Oklahoma. Mr. Chairman, I yield such time as he may consume to the gentleman from Iowa (Mr. BEDELL).

Mr. BEDELL. Mr. Chairman, I rise in support of the Democratic budget.

Mr. Chairman, I rise in support of House Concurrent Resolution 91, the first budget resolution for fiscal year 1984 as reported by the Budget Committee. While I certainly do not support every aspect of this budget, I believe that under the circumstances, it will go a long way in reducing the incredible deficits we are experiencing and do so in a responsible and fair manner.

It is imperative that we act to reverse some of the budget excesses of the past 2 years. This budget seeks to do so by rejecting the administration's unrealistic plan for a 10 percent real growth rate in military spending and instead provides for 4-percent growth. This rate will still assure a defense buildup greater than the Carter administration's planned increases. It is essential, that in coming to grips with the deficit crisis, we provide detailed budget scrutiny to every spending function, including the Pentagon.

Regarding the deficits, this budget will produce a lower deficit for fiscal year 1984 than will the administration's budget. Our economy simply cannot afford these tremendous deficits if the expected recovery materializes. They will crowd out private sector credit needs, causing additional upward pressure on interest rates, and therefore, thwart the prospects for sustained recovery. House Concurrent Resolution 91 provides for a steady reduction in this fiscal gap so that we can give the recovery a chance to blossom.

Finally, I would like to echo the sentiments to my good friend from North Dakota (Mr. DORGAN). This budget does not mandate a repeal of the estate and gift tax relief granted to our family farmers and small business people 2 years ago.

Mr. Chairman, I urge passage of this budget resolution.

Mr. JONES of Oklahoma. Mr. Chairman, I yield such time as he may consume to the gentleman from Arkansas (Mr. ALEXANDER).

Mr. ALEXANDER. Mr. Chairman, we know by now that the President has asked for network time tonight to vilify the consensus budget drafted by the House Budget Committee. It is said that he will present top-secret photographs, and classified documents, and all manner of statistics in support of his rather bizarre argument that this budget gives aid and comfort to the Soviet Union.

Clearly, the President has a single-minded obsession with military spending and he is both twisting arms and twisting facts, when the American people insist upon truth and persuasion.

The voters who sent us here with a mandate last November know full well that this budget provides a substantial real increase in military spending. The difference between the Democratic resolution and the President's budget is that over a 5-year period we propose to spend $1.6 trillion, when the President would spend $1.8 trillion. And we propose to spend that money not capriciously but according to a schedule and a plan. The purpose of this budget is to give aid and comfort to the American people, and they, of course, are well aware of that. If they had wanted to stay the course with another reckless Reagan recession budget, they would have voted differently in November.

This Budget Committee resolution is an effective proposal built upon goodwill and good economics. It has bipartisan aspects, and this is not the time for the President to go on singing "My Way" when the script, and the American people, have called for a unified chorus and a different song.

The American people want a strong economy without the kind of double-digit unemployment that we have seen in these 21 months of the Reagan recession. They want jobs, and they want an end to the cruel and misfired social experiments of the last 2 years. That is what their votes said in November.

The American people want a strong defense built upon the solid rock of careful preparation. They do not want a hothouse growth in spending, fueled by military adventurism and scare stories, nor do they want the pointless economic shocks that go with such throwaway tactics. The American people want preparedness, not jingoism. And that's what their votes said in November.

The American people want the social contract between the Government and its citizens honored. They want honest, effective, and compassionate programs, and, instead of patronizing rhetoric about nonexistent safety nets, they want the laws that have been passed by Congress for the health and welfare of the American people to be faithfully executed. This, too, is what their votes said in November. The American people know that the Democratic budget makes a serious effort to hold domestic spending down to the level of the necessary, and they know that that Federal spending under this resolution would by fiscal 1986 actually fall to lower levels than it would under Mr. Reagan's budget proposals.

The American people want to see the present outlandish and disastrous deficits brought under control, along with interest rates that, under Reagan, have remained artificially high and impeded recovery. The Budget Committee proposal would result in immediate gains in revenues by halting the ill-considered phase three of the great Reagan tax giveaway, but, even so, the total tax burden would reach the same level as that envisioned by the Reagan plan—about 20.5 percent of the gross national product by fiscal 1988. And it proposes to bridge the gap between the administration's Pollyanna wishful thinking and reality. And this, above all, is what the American people voted for in November—a dash of reality for a change.

The American people are not fools; they read the newspapers, and they watch news on television, and, therefore, they know that the President's budget proposals were never taken seriously, not even by many members of his own party in Congress. And they know what it means that the President's budget proposal is not being introduced here tonight as a serious alternative to the Budget Committee resolution. The President, in fact, has no serious alternative to this resolution, and all this talk from the opposition is nothing more than dilatory tactics designed to hold back the inevitable and the necessary.

Although for a season or two they may have been intrigued by the novelty of Mr. Reagan's approach, the American people are a serious and a sensible people, and they have had enough of amateurish fumbling. They know that, in the years since World War II, deficits have averaged only $12.6 billion under Democratic Presidents as against $21.9 billion under Republicans. And they know that prime interest rates over that some 37-year period have averaged more than 30 percent lower under Democratic Presidents than under Republican ones.

The same story goes on and on: since World War II, unemployment rates under Democrats have been from 155 percent on the low side to 213 percent on the high side lower than those under Republicans. And since World War II, the Nation's economy has grown at a 30-percent faster rate under Democratic Presidents than under Republican Chief Executives. Finally, of the eight certifiable recessions we have endured in this 37-year period, six—and the worst ones, at that—have been under Presidents of Mr. Reagan's party.

I do not blame the Republicans of this Congress from backing off from the President's budget proposals. Now, I would ask them to face facts and not obstruct passage of a budget that should command their loyalty as, I am confident, it expresses the will and the past experience of the American people.

Mr. JONES of Oklahoma. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. COLEMAN).

Mr. COLEMAN of Texas. Mr. Chairman, I rise today in support of House Concurrent Resolution 91.

The Democratic resolution merits the support of the entire House of Representatives. Why? There is no other alternative budget to vote on. The minority side was offered every opportunity through the committee process and floor proceedings to either initiate their own budget or introduce and support the administration's budget proposals—they have not accepted that responsibility. They prefer to play hide-and-seek behind the rhetoric of the White House. They want only to attack the Democratic proposal.

The choice before us today is clear. We can choose fiscal chaos and not pass a budget resolution, or support this budget. The Democratic resolution at least reduces the cyclical and structural deficits that have been largely ignored by this administration. The administration's budget request which we are not permitted to vote on because the Republicans will not offer it, would add an unprecedented $849 billion to the U.S. debt—almost twice the amount of debt accumulated between 1947 and 1981. The Democratic budget, on the other hand, would reduce the deficit by approximately $108 billion over the next 5 years. The Democratic budget achieves those savings by recommending a manageable growth in defense spending, holding the line on discretionary spending while funding those programs that insure our Nation's future, and finally, delaying tax cuts to substantially curb the deficits in the next 2 years while reducing the tax burden in subsequent years. Not only is this an investment in our Nation's future, but it is a confirmation of our commitment to the elderly and retired. The budget streamlines all of the retirement programs so that no particular group is treated inequitably; all of the retirement benefits and cost-of-living adjustments are placed on a consistent time schedule.

The Democratic budget recognizes our current economic problems without attempting tc maintain a rigid economic program that is not flexible enough to meet our changing economic conditions. A critical feature of this budget is the coordination of fiscal and monetary policy over a 5-year period. These two interrelated policies are currently at loggerheads and the difference must be reconciled or any economic recovery will be undercut by a restrictive monetary policy.

This budget realistically addresses the current unemployment levels by providing emergency assistance to those suffering from the effects of unemployment. I would like to point out the economic impact of high unemployment rates. When this administra-

tion took office, unemployment was 7.4 percent. Today, it is 3 percentage points higher, at 10.4 percent. Each percentage point adds about $27 billion to the deficit; that is an increase of $81 billion to our unmanageable growing deficit problem. Clearly, the effects of unemployment must be realized and rectified. The Democrats acknowledge this problem and outline long-term recovery and growth by increasing employment and training programs to develop human resources, reversing the antieducation trend, and increasing research and development which is the key to stimulating domestic productivity and insuring America's role as the leader in technological innovation.

This responsible and equitable Democratic economic policy is the only choice before us. Let us proceed quickly in getting down the road that will avoid the chaos and posturing that has threatened to destroy the budget process and the economic well being of the United States.

Ms. FIEDLER. Mr. Chairman, I yield such time as he may consume to the gentleman from Utah (Mr. MARRIOTT).

Mr. MARRIOTT. Mr. Chairman, I rise in support of the American taxpayer. Therefore, I must rise in opposition to the bill under debate, House Concurrent Resolution 91, the budget measure for fiscal year 1984. This is an irresponsible measure, one which will hurt the taxpayer and the economy alike. I could not be more opposed to this boondoggle.

We must ask ourselves several questions when looking at the proposal under debate today.

First, does this budget help the hard-working American taxpayer? No, it will not. On the contrary, it raises taxes by $315 billion over the next 5 years, canceling out 42 percent of the 1981-82 tax cuts. It is an unfair measure as 74 percent of the third year tax rate cut and tax indexing—now scheduled to go into effect, but due to be canceled by this measure—would be to families below the $50,000 income class. How can we vote for a measure which will repeal this relief for the taxpayer?

Further, passage of this measure would eliminate our national tax reduction objectives, objectives that the American people mandated over the past 3 years.

And we all know that greater taxes leads to greater spending levels and consequently to greater national deficits. How can we vote for this?

By taxing and taxing the worker, we are taking money out of his pocket, money that would go into a monthly mortgage payment. By taxing and taxing the worker, we are taking money out of his pocket, money that could have gone into savings. By taxing and taxing we will cripple the now-recovering economy and depriving our country of the needed capital investments for long term, sustained economic growth.

By taxing and taxing, we are hurting the small businessman, the farmer—the backbone of our Nation. By taxing and taxing we are encouraging further foreclosures on businesses, farms and homes. And instead of reducing a national deficit, the revenues received from the tax, tax, tax measure will simply be channeled into increased entitlements. In other words, to spend, spend, spend.

Mr. Chairman, if this measure before us today is enacted, an extra $3,550 in taxes would be levied on the average income family for just 1984-88. Can we honestly vote for this type of a budget?

Another question we must ask ourselves: Does this budget maintain America's national security? Certainly not.

House Concurrent Resolution 91 provides for a radical defense spending cut: $203 billion reduction over 1984-88. In fact, it places defense spending below the Carter 5-year plan levels by $31 billion. Such a reduction in defense outlays is harmful to our national security. It reduces our readiness and cancels several major weapons systems. It removes the United States further away from our stated national objectives of preventing war and protecting the United States and her allies.

Let us look at another question we must face: Does this budget assist our economy as it recovers from the recession? No. Inflation is now down, interest rates are down, housing starts are up, the GNP is up, industrial production is increasing—we are on the road to recovery. And, the majority of economic experts testifying before the House Budget Committee agreed that massive tax increases during the tail end of a recession is bad policy. It will delay the economic recovery. They warned the majority on the Budget Committee not to raise taxes. We will decrease job opportunities at a time when unemployment is so high. It will increase domestic spending, fueling inflation and the national deficit. Can we vote for this kind of bad policy?

Mr. Chairman, will this budget bring down our soaring national deficit? No. This measure increases our deficit $8 billion in just 1984 alone. This measure reduces defense spending, increases tax revenues, but these moneys are not used to reduce the deficit—they are used to provide further growth in many of the runaway entitlement programs, fueling the deficit even more.

Does this budget follow the people's mandate to cut Federal spending and trim the bureaucracy? No. Instead, it includes at least 10 new Federal programs at a price tag of $52 billion. It provides a total budget authority of $936.6 billion in fiscal year 1984, $27.9 billion above the President's budget recommendation. It provides for a growth rate of 7.4 percent for entitlement programs as well as increased salaries for those who administer them. It totally rejects any freeze on discretionary spending.

Mr. Chairman, these are five no answers. And, in my book, five noes do not make a right.

By repealing indexing, wiping out the third leg of the tax cut targeted to low- and middle-income Americans, by giving more and more taxpayers' dollars to uncontrolled Federal spending and by adding to the burgeoning Federal deficit, this budget proposal will:

Hurt the taxpayers;

Hurt the savers;

Hurt the small business men and women;

Hurt those providing jobs for the unemployed;

Hurt the truly needy who do not benefit from big-spending policies;

Hurt our economy by providing low growth and high inflation;

Hurt much-needed bureaucratic and regulatory reforms;

Hurt proposed welfare reform proposals, keeping fraudulant recipients on the rolls;

Hurt our national defense capabilities; and

Hurt our allies.

Mr. Chairman, these are 10 reasons why it is necessary to vote down this budget proposal. It violates the very mandate the American people have sent us. It violates the faith the American people have entrusted with us. It violates the rhetoric both sides of the aisle have voiced against huge deficits.

This measure does not deserve our support. It must be voted down, and it must be voted down—big.

Ms. FIEDLER. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. BADHAM).

Mr. BADHAM. The House Budget Committee proposal includes significant reductions in the President's defense program which would have a very adverse impact on our national security. It constitutes a return to defense "business as usual," sending the wrong message to our friends and foes alike.

The House Budget Committee claims to provide for 4-percent real growth in defense spending. President Carter ran on a platform calling for 5-percent real growth, and that was judged by the electorate in 1980 to be too low.

In fact, real growth in the House Budget committee proposal is well below 4 percent. The committee took a full point off the CBO inflation adjuster, and they included pay increases that are not normally included in real growth estimates.

President Reagan has proposed 10-percent real growth in defense spending in fiscal year 1984, and an average from fiscal year 1984-88 of 5.7 percent. To get down to the House Budget Committee's proposal's levels, the following reductions would have to be made in the years ahead:

	1984	1985	1986	1987	1988	1984-88 total
Outlays (billions)	−$9	−$26	−$37	−$44	−$47	−$163
Budget authority	−16	−33	−47	−49	−54	−206

A. IMPACT ON NATIONAL SECURITY

The House Budget Committee proposal protects funding for military and civilian pay, retirement, basic operations and maintenance, and key readiness initiatives. Thus, their proposed cuts fall primarily on the modernization and replacement of our forces. Procurement will be cut by an average of 33 percent a year over the next 5 years, or approximately $45 billion a year. To be more specific, the House Budget Committee proposal would require the following reductions:

One-third cut in Air Force tactical air funding—likely cancellation of the F-15, and reductions in combat wings.

One-third cut in Navy general purpose forces—likely cancellations include A-6E, F-14, AV-8B, LAMPS III.

One-third cut in Army vehicles—major reductions in M-1, Bradley fighting vehicle, and total combat divisions.

One-third cut in the naval shipbuilding program—would require cancellation of approximately 25 ships.

One-third cut in strategic modernization funding—likely cancellation of the land-based missile modernization.

The severity of these reductions will cause stretchouts in many programs, with all the accompanying inefficiences and unit cost increases. Possible cost growth problems will be aggravated by the House Budget Committee's conscious decision to underestimate inflation's impact on weapons costs. Despite their action, demands for efficient Pentagon management are certain to persist.

B. THE IMPACT IN PERSPECTIVE

From 1972-82, the Soviet outspent the United States in defense investment—RDT&E, procurement and military construction—by an estimated $440 billion. The following chart shows the results of this investment:

Production rates in 1974-82

	Soviet to United States
Major surface warships	1.2-1
Tactical combat aircraft	2.0-1
Attack submarines	2.3-1
Tanks	2.7-1
Other combat vehicles	7.6-1
Artillery and rocket launchers	38.1-1
Intercontinental ballistic missiles	5.9-1
Ballistic missile submarines	16.5-1

The House Budget Committee proposal will preclude our effort to reverse this trend and establish a military balance more favorable to the United States.

C. ECONOMIC IMPACT

A $1 billion cut in the defense budget results in the loss of 25,000—according to CBO—to 35,000—according to DOD—jobs. Thus in fiscal year 1984 alone, the House Budget Committee proposal will cost an estimated 225,000 to 315,000 jobs in the defense industry.

For every dollar cut from the defense budget, only $0.50 is cut from the deficit. This is the result of the loss of revenue created by defense spending, particularly spending for procurement which results in industrial production.

In combination, the House Budget Committee proposals for defense will reduce the deficit by $4.5 to $5 billion, while eliminating an estimated 225,000 to 315,000 jobs in the private sector.

The House Budget Committee proposal does not allow for a 4-percent increase in real growth in budget authority, but rather only 2.6 percent.

The House Budget Committee proposal understates its own assumptions on military and civilian pay and average real growth by $60 billion over the 5-year period.

The House Budget Committee proposal treats their proposed military and civilian pay raise as real growth; it is inflation.

The House Budget Committee proposed outlay reduction is based on a first year spending rate of 58 percent which assumes substantial cuts in operating accounts.

To achieve the House Budget Committee proposed $9.9 billion outlay reductions would require a much greater budget authority reduction than it proposes; approximately $30 billion vise $16.7 billion.

The House Budget Committee proposal is based on a CBO reestimate of the President's budget and therefore the reduction is greater than reported.

Reductions of this magnitude will put the Defense budget $27.6 billion below what Carter had proposed for same years.

Reductions of this magnitude will require significant reductions in operations, readiness and war reserve stocks.

Backlog of repair of aircraft, ships, and tracked combat vehicles will increase, significantly eroding progress of this administration.

Reductions in flying hours, steaming hours, and training days will be required.

Consideration must be given to making significant reductions to existing forces: perhaps 2 land divisions; perhaps 2 carrier battle groups, 2 carriers, 12 escorts, 18 support ships, 2 air wings; decommissioning as many as 48 additional surface ships; 2 naval air wings; and four Air Force active/reserve wings.

Overseas troop strengths in Western Europe and Korea may need to be curtailed.

Modernization of many of our systems, rapidly becoming obsolete, may be slowed to a virtual standstill.

To demonstrate the slow spending nature of weapons systems one only has to realize that only $4.9 billion could be saved if the entire Peacekeeper missile program, B-1 bomber program and Trident submarine program were to be canceled.

Such reductions would be a serious blow to our national security.

Significant drawdowns of existing peacetime and wartime ammunition stocks could occur.

Reductions in military construction could significantly impact an already depressed segment of the economy.

Programs may be significantly stretched costing the taxpayer more to acquire less.

Several billion dollars in planned savings through acquisition initiatives may have to be forfeited.

Approximately 33 defense installations may require closing or restructuring.

Approximately $700 million to $1 billion of fiscal year 1983 budget authority may be required to be rescinded.

Such reductions are not proposed due to lessening of international tensions or a lessening of the threat but for further fiscal constraint.

The proposed reductions are arbitrary at best.

The President's budget is based on what is needed to meet the threat.

Mr. JONES of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Delaware (Mr. CARPER).

Mr. CARPER. Mr. Chairman, I do not believe that the resolution before us today represents a perfect spending blueprint, and no one is pretending that it is one. Quite frankly, I would not support it if it were the last step in the budgetary process. It is not, however, the last step. Rather, it is the first of many steps as we begin working in the House and Senate, with the administration, to develop a responsible spending plan for our Nation. I plan to vote for this resolution because it is the best plan we have seen thus far and because I believe that we have an obligation to move expeditiously in order to give our budgetary process an opportunity to work.

Two spending plans have now been presented to us. Perhaps the most telling comment about the President's fiscal year 1984 budget proposal is that no Member of Congress, Republican or Democrat, has yet introduced it as a piece of legislation. Nor has it been suggested as an alternative to be considered this week. As a result, we

are only debating the pros and cons of the committee's budget resolution.

One important aspect of any resolution is revenues. My friends on both sides of the aisle dislike raising taxes. I share that dislike, as do many of our constituents.

However, the President's budget, also includes future tax increases. They do not take effect this year or next, but rather would become effective when certain unavoidable contingencies occur. Who among us doubts that as deficits balloon in the years ahead, those circumstances will indeed trigger tax increases.

Objections have also been raised to the size of the defense increase for next year. I would like to point out that it is the size of the increase that is at issue. No one has proposed cutting the budget of the defense department. No one has proposed unilateral disarmament. A great many patriotic Americans, including many Delawareans are merely calling for some moderation in the growth of the Pentagon's budget.

This budget resolution before us recognizes both the need for a stronger defense and the need to reduce the deficit. A 4-percent real increase in the defense budget may not be ideal, but 10 percent is too high when we look a few years down the road to possible budget deficits of over $300 billion.

Let me also briefly address the issue of funding for social and domestic programs. The committee budget resolution does not roll back all of the steps taken by the last Congress to reduce abuse and excesses in certain nondefense programs. For example, approximately 70 percent of the cuts in the means tested entitlement programs remain.

My support today does not mean that I agreed with every aspect of our resolution. I do not. I would personally prefer to see more of the new revenue, along with savings in defense and other areas, used to reduce the anticipated budget deficits even further, instead of earmarking quite so much money for social and domestic programs.

But, we also must remember that our friends in the other body will come to the conference on this budget resolution with their own version of the budget for next year. I think that our resolution represents a reasonable position for the House to assume as we begin a process of give and take with the other body.

Finally, it is important, as the President engages us in his war of words over the next several weeks that we not lose sight of the need to soon set aside partisan bickering and begin an earnest, bipartisan effort to put this country's fiscal house in order. Earlier this month, we joined together to pull our social security system back from the brink of bankruptcy. In the months ahead, we must rekindle that same bipartisan spirit to fashion a delicate balance between spending restraint and revenue increases that, together, will enable us to begin reducing our projected budget deficits and, along with them, the record high real interest rates that threaten our Nation's economic recovery.

□ 1700

Mr. JONES of Oklahoma. Mr. Chairman, I would like to commend the gentleman from Delaware (Mr. CARPER), a new Member of this body. By his statement, he exhibits that he understands this budget process better than most of the veteran Members who have spoken on this issue so far today. I commend the gentleman.

Mr. LATTA. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Chairman, is my understanding correct that the gentleman from Oklahoma (Mr. JONES) yields me an additional minute?.

Mr. JONES of Oklahoma. That is correct, Mr. Chairman.

Mr. STRATTON. Mr. Chairman, on almost 99⁹⁄₁₀ percent of this budget I find myself in agreement, but I cannot support the committee's recommendation on defense. Given the parliamentary situation, therefore I have to vote against the Democratic budget.

My decision to vote against the budget is motivated by a profound belief that a 2.3-percent real growth in defense for fiscal year 1984 is not only a grave mistake for the security of our Nation, but also a very serious political mistake for the Democratic Party.

It is bad for national defense because only one-fourth of what our military leaders believe to be essential to keep our deterrent credible in 1984 is what is included, and this at a time when even the chief of the Soviet General Staff, Marshall Ogarkov, is mouthing threats against us.

The budget committee chairman has pointed out that through 1988 they have budgeted $1.6 trillion for defense, which is only $200 billion less than the administration has projected. But what deters is not what we say we are going to spend 5 years from now; it is what we are actually proposing to spend now, this year.

Moreover, I do not think this is a very smart posture for our party to be in either. We are beginning to look today like the antidefense party. The last time we ran that kind of a candidate, in 1972, we went down to disastrous defeat.

"Those who refuse to learn from the mistakes of history are condemned," Santayana said, "to repeat them." Television, with "The Winds of War" and "The Wilderness Years of Winston Churchill," has recently reminded us of one of history's greatest mistakes, the refusal of the European democracies to recognize the military threat of Nazi Germany in the 1930's. That is hardly the course I want my party to follow, and I do not believe it represents the view of the majority of the American people either.

Mr. JONES of Oklahoma. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. FORD).

Mr. FORD of Michigan. Mr. Chairman, I rise in support of the first budget resolution which is before us at this time. The measure is a well-constructed combination of incentives for economic and employment growth. The measure also provides aid to the jobless and those hurt the most by Reaganomics.

At the same time, the budget adequately protects the national defense. The proposal we are considering here today provides a 4-percent real increase in military spending, as contrasted to the more than 10-percent real increase sought by the Reagan administration. The residents of the 15th District in Michigan have sent me their message by phone and letter. They have consistently stated that the Reagan military spending programs are too large and full of fat.

They have asked that I work and vote for a budget that addresses the severe problems of unemployment by allowing for futher extended Federal supplemental benefits in fiscal year 1984; a health care initiative for the unemployed who, together with their families, have been losing their health insurance coverage; home and farm mortgage foreclosure relief; and food and nutrition program restorations. I can recommend this budget because it will allow America to get on with the job of rebuilding the economic infrastructure, retraining dislocated workers, creating jobs, and providing proper education.

If America is to be a first-class citizen in the family of nations, it must upgrade the quality of education nationwide and reopen the doors of educational opportunity. The qualitative improvements in the American work force that are needed if we are to compete in the international economy of the future must be the product of our educational system. Failure to invest in the human capital of our Nation through education will result in squandering talents that could serve us all.

This administration has failed to recognize the importance of a Federal role in support of education. It has lost sight of the national interest and proposed drastic reductions in Federal support for education justified only by tired rhetoric about the responsibilities of State and local government and the traditional role of the family in paying for higher education. Fortunately, much of the administration's

assault on a vital Federal role in education has been turned back. However, the administration did succeed in part. For example, in terms of constant dollars, expenditures for student aid programs have been cut by 23 percent between fiscal year 1980 and fiscal year 1983.

The budget we have before us today reported from committee represents for education a reaffirmation of a significant Federal role in support of education. It stops the slide backward in Federal support and puts us back on the road to reasonable growth in the Federal commitment to education. This budget is far from a perfect statement of the level of support education needs from the Federal Government. It does not restore all of the losses of the past 3 years and it does not approach meeting the real needs of education. However, it is a long step in the right direction rather than the wrong direction.

I am particularly pleased by several of the assumptions that are contained in this budget with respect to education. The budget assumes a fiscal year 1984 level for compensatory education of $3.83 billion, which is $816 million more than the administration's request and $622 million above the fiscal year 1983 amount. The chapter 1, or title I, program is the cornerstone of the Federal commitment to equal educational opportunity at the elementary and secondary school level.

The committee recommends $4.20 billion in budget authority and $3.65 billion in outlays for the student financial assistance programs. This is an increase of $650 million above the fiscal year 1983 level. These programs are the flagship of the Federal policy of equal educational opportunity in postsecondary education. In addition to recommending an increased level of support, the committee's recommendations are based on the assumption that there will be no major changes in the programs this year. This is a very wise judgment. Other than an adequate level of funds, what these programs need most is a period of stability.

The budget also assumes full funding for the new mathematics and science education bill, H.R. 1310, which was recently adopted by the House. This bill will enable us to address the long neglected task of improving the quality of instruction in mathematics, science and languages. This legislation will provide Federal funds to State and local educational agencies and institutions of higher education to enable them to improve the skills and knowledge of teachers in mathematics and science through better preservice training for new teachers, inservice training and summer institutes for current teachers and the development of more effective teaching materials and methods.

Mr. Chairman, for 2 years now the administration has been playing recklessly with the pay and benefits of Federal employees.

It has openly sought to make Federal employment less attractive without any regard for the future.

Today I want to commend the Budget Committee for rejecting most of the administration's budget proposals for this year regarding Federal employees.

The Budget Committee has agreed with the Post Office and Civil Service Committee that enough damage has been heaped on the Federal work force and that to continue the assault would imperil vital work in years to come.

I want to express my deep appreciation to the Budget Committee for its thoughtful consideration of recommendations submitted by the Post Office and Civil Service Committee.

For the record, I would like to take a few minutes to review what the administration has proposed in a continuing attack on Federal workers and what has been wisely rejected by the Budget Committee in the resolution before us today.

I. CIVIL SERVICE RETIREMENT COLA

The administration proposed to save approximately $2 billion over the next 3 years by eliminating the COLA due in May 1984—a 13-month delay until the next COLA due in June 1985.

There is no justifiable basis for treating Federal retirees more harshly than beneficiaries of other Federal entitlement programs. The administration proposes only a 6-month delay in COLA for social security recipients and other beneficiaries. A 13-month COLA delay for Federal retirees clearly is inequitable.

I would prefer, out of a sense of equity, that there be no delay at all. But given the enormous size of the present deficit and the economic turmoil that has resulted from Reaganomics, the 6-month delay proposed in today's resolution is a quantum improvement over what the administration proposed.

II. PAY FREEZE

The administration proposed to save $3.3 billion in fiscal year 1984 by eliminating the October 1983 pay increase, estimated at 6.5 percent by the administration and 5.5 percent by CBO.

Federal employees' pay increases have been capped the past 5 years. As of October 1982, they were 14.47 percent behind the private sector and, under the pay comparability provisions of existing law, may be as much as 22 percent behind by next October. Last year's 4-percent increase generally was eaten up by the medicare tax and increased health insurance premiums, resulting in a reduction in take-home pay for many employees. At a minimum, Federal employees should receive the 4-percent increase assumed in last year's budget resolution.

I would prefer an increase more in line with the dictates of comparability. I am troubled that what we perceive today as economic expediency may cost us dearly in the future. But under the present circumstances, the 4-percent increase in today's resolution is better than the total freeze proposed by the administration.

III. CIVIL SERVICE RETIREMENT PROVISIONS

The administration has proposed drastic reform of the civil service retirement system including:

Increasing employee contributions from 7 percent to 9 percent in 1984 and from 9 percent to 11 percent in 1985;

Reducing annuities by 5 percent for each year the employee is under age 65 at the time of retirement;

Calculating annuities on the basis of highest average salary over 5 years rather than 3 years; and

Modifying the formula for computing annuities.

The civil service retirement system has been under relentless attack since 1976 when Congress repealed the 1 percent add on to each COLA. This constant chipping away of benefits has resulted in a total reduction in benefits of $6.7 billion.

It would have been a serious error to consider such enormous changes at a time when attention has been focused on bringing newly hired Federal workers under the social security system. Rejecting this proposal was a wise and thoughtful move on the part of the Budget Committee.

IV. FEDERAL EMPLOYEE HEALTH BENEFITS

The administration proposes a major restructuring of the Federal employees' health benefits program. Under the proposal, each employee would receive a fixed dollar amount toward the purchase of health insurance. The amount would be based on the average Government contribution for employee health insurance in 1983, indexed in future years to reflect price increases. However, the proposed index would not reflect the substantial annual increases in health care costs.

We have witnessed a steady erosion of Federal employee health benefits under the present administration. Premiums have increased an average of 55 percent and the overall level of benefits has substantially decreased.

While some changes in the FEHB program are warranted, it is clear that the sole objective of this administration with respect to the FEHB program is simply to reduce outlays—not improve the program.

I would like to call the attention of my colleagues on both sides of the aisle to a report released just yesterday by the Congressional Budget Office.

It explodes the popular misconception that while-collar Federal employees enjoy higher fringe benefits than their counterparts in the private sector.

Fringe benefits for Federal while-collar employees are now behind those of white-collar employees in the private sector, the CBO study said.

According to CBO, in March 1980, the Federal Government's package of major fringe benefits—pensions, life insurance, leave and health care benefits—cost only 2 percent of payroll more than the private sector package.

But because of recent benefit reductions—primarily in the area of health care where premiums have been increased—the total benefit package has been cut to a point where it now trails the private sector.

This study by the nonpartisan and highly regarded budget office explodes the myth being promoted by OPM Director Donald Devine and others in the Reagan administration that Federal employee benefits are more generous than those in the private sector.

The Reagan administration clearly is guilty of distorting facts and figures in an all-out effort to mislead the public into believing Federal fringe benefits are out of line. It is attempting to conceal its true intent—to make careers in the civil service unattractive by balancing the budget on the backs of Federal workers.

Briefly, I would like to turn to the postal issues in the budget resolution.

Over the past 2 years, cuts in the appropriations which subsidize the postage rates paid by "preferred" mailers have resulted in significant rate increases for organizations such as charities, schools, churches, veterans groups, rural newspapers, libraries, and classroom book publishers. The administration's fiscal year 1984 proposal for this "revenue foregone" appropriation ($400 million) would result in additional rate increases ranging up to 103 percent. The $400 million figure is $600.1 million less than full funding under the Postal Reorganization Act of 1970 (PRA), $389 million less than was appropriated for fiscal year 1983, and $360 million less than the fiscal year 1984 authorization set by the Omnibus Budget Reconciliation Act of 1981. Under the PRA, these mailers should currently be at step 11 of a 16-year "phasing" schedule designed to gradually raise their rates to the full level by 1987. Instead, due to appropriation cuts so far, they are now at step 14. A $400 million appropriation would take them beyond step 16 as of October 1, 1983.

The administration proposal would devastate preferred rate mailers.

The Budget Committee's level of $879 million for revenue foregone for fiscal year 1984 displays sound judgment.

I would much prefer a set of economic and fiscal conditions that would allow the Federal Government to act more responsibly with regard to present and future concerns that vitally affect the public interest.

Unhappily, thanks in large measure to an economic experiment that has failed tragically, these conditions do not exist.

Under the present circumstances, I am grateful to the Budget Committee for its cooperation and insight.

Mr. JONES of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas (Mr. SLATTERY).

Mr. SLATTERY. Mr. Chairman, I would first like to commend my colleagues from the State of Oklahoma for what I think has been an outstanding job of trying to shape a budget that can be supported by 218 Members in this body. I think he is performing an almost miraculous feat.

Beyond that, I would like to take just a few minutes to shape our decision a little bit and refocus the debate, if I could.

There has been much talk and discussion about military spending, social spending, raising taxes, and on and on. I have been listening to this debate since this morning, and unless I have missed something, I think we ought to focus on what we are actually deciding here today.

The fact of the matter is, we are not raising 1 dime in taxes, nor are we requiring the Congress of the United States to raise a dime in taxes, and we are not requiring the Congress to spend a dime by passage of this resolution.

What we are doing is satisfying the statutory requirement of section 303 of the Budget Act, which requires both bodies of Congress to adopt a budget resolution before the appropriation and revenue-raising process begins. This is merely the first step in the budget process.

I can assure Members of this body that I have no intention of voting for many of the spending proposals mentioned here today. Nor will I vote for many of the tax increase measures discussed.

From my perspective, it appears that all this extraneous debate and discussion about whether we are going to cut spending or raise taxes is virtually irrelevant. I am one of those people who represents a conservative part of this country. I represent northeast Kansas, and I am committed to a drastic reduction in our Nation's projected deficits.

I strongly believe that the projected $200 to $300 billion deficits are a threat to our Nation's economic stability.

The Federal Government will have to borrow 70 to 80 percent of net private savings to finance the deficit. This will put enormous upward pressure on interest rates. Rising interest rates will choke off our economic recovery.

I also believe it is important for us to have a bipartisan approach to resolving this problem, and I hope that we have the courage in the future to pay for our spending, whether it be for military or social programs.

Mr. Chairman, I plan to support the resolution, and I think, again, that it is important for us to focus on exactly what we are doing.

Mr. JONES of Oklahoma. Mr. Chairman, I want to commend the gentleman from Kansas (Mr. SLATTERY). He has contributed so much to responsible budget policy in his first few weeks as a Member of this body, and he has done an outstanding job. I know he is going to make even greater contributions to sound fiscal policy in the future.

Mr. LATTA. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. GRAMM).

Mr. GRAMM. I thank the gentleman for yielding.

Mr. Chairman, I would suggest to the gentleman from Kansas that he read the budget. This budget mandates through binding reconciliation that the Committee on Ways and Means report a tax package totaling $27.4 billion over the level that the President has provided. It also provides, through a commitment in reconciliation and a pledge from the chairman that if the Committee on Ways and Means does not come forward with that tax package, that the chairman will go to the Committee on Rules and ask for a rule to bring the revenue increase to the floor.

So we are not talking here about meaningless resolutions. If we were, this whole debate would be a waste of our time and a waste of the Nation's time. In an old adage that we used here 2 years ago, we are shooting with real bullets and we are mandating a tax increase that can be met only by repealing the third year of the tax cut and indexing.

Mr. LATTA. Mr. Chairman, I yield 4 minutes to the gentleman from Louisiana (Mr. ROEMER).

Mr. ROEMER. I thank the gentleman for yielding this time to me.

Mr. Chairman, if every Member of the House spoke for 1 minute on the budget, it would take 7 hours and 15 minutes. We are limited to 6 hours debate. That means that every Member has an average of 49 seconds. It is hard to talk about the future of America in 49 seconds. Let me try in the 3 minutes and 50 seconds that I have.

A good rule as we debated it this week might have been that every Member of the House be required to read the budget. Now, I know that is a novel idea, but in listening to some of the Alice in Wonderland talk today, no

real tax increases, no real military spending cuts, no real increases in domestic spending, I just wonder if we have read the budget.

If we do, we will find some interesting things.

First, the House Committee on the Budget has done, in some respects, a good job. The House Committee on the Budget calls us to review military retirement plans in this country, a step long overdue.

The House Committee on the Budget calls for a reduction in the deficit, and they are right. High interest rates are strangling America, and they take a good step.

The House Committee on the Budget calls for a freeze of many of the smaller programs in the budget that over time have been accumulating.

The House Committee on the Budget calls us to realize that defense spending needs to be lowered to a steady, sustainable rate of growth.

And finally, the House Committee on the Budget acknowledges that taxes have to be increased if deficits are to be substantially reduced.

□ 1710

That is the good news. The bad news is that it sends the worst of possible signals to the rest of the world and this country.

If we pass this budget, we say that a drastic increase in the tax burden at a time of economic fragility is no problem. If we pass this budget, we say that we are willing to commit to a dubious compromise of national defense at a time of world peril. If we pass this budget, we say that a sharp increase in domestic spending across the board, when spending discipline and investment selectivity are imperative, is OK. If we pass this budget, we say that a marginal reduction in the projected deficit, when the threat of rising real interest rates are a threat to America, solves our problem.

Now, frankly, the President's budget is no better. The proof of the pudding is that we have already voted on the President's budget. The Republicans voted on it. The Democrats did not have a chance. The Republicans voted no. They are not even going to offer the President's budget. Why? His deficits are too high. Why? His tax policy is unrealistic. Why? The outyear trends are wrong. Why? The national defense commitment is exaggerated and unmanageable.

Ronald Reagan is going to do for national defense, I am afraid, what Lyndon Johnson did for the social welfare programs of America. If he gives a blank check to the generals, this country could be headed in the wrong direction.

Finally, I did not like the rule on this budget, I did not like the debate on this budget because none of us in the center, none of us concerned about helping people who need help, about slowly lowering defense spending, about reducing the deficit and killing high interest rates had a chance to give our plan. I resent that. It is no one person's fault; it is our fault together.

I am asking this House to stand together and reject the House Budget Committee budget, not that it is all bad. It is not. But it is not good enough. Not that it is all wrong, because it is not good enough. Not that it is all wrong, because it is not. But it is not where we need to be heading.

Finally, I would tell the Members that some Members of the House are afraid to put it on the line. They are afraid to step out alone and say, "I have read it and I like it," or, "I have read it, and it is not good enough."

If we cannot put it on the line on a budget, if we cannot put it on the line for the economic future of our country, what are we saving our green stamps for?

Let us beat this budget. We can do better together.

Mr. LATTA. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Chairman, everyone today has talked about deficits. I would like to make one point. You do not reduce the deficits of the Federal Government of the United States by increasing spending by $150 billion in the next 3 years in nondefense discretionary areas.

When I ran for this body in 1978, we were spending at the Federal Government level 21½ percent of our gross national product. I ran on a platform that we should reduce that to 18 percent to 19 percent and balance the budget with the needed revenues. In the last 2 years we have succeeded in bringing revenues down to 19 percent of GNP. We have failed grossly on the expenditure side because expenditures are now over 24 percent of GNP as recommended by the House Budget Committee resolution.

In spite of all of the talk that we have had, and all of the charts that we have seen and all of the decrying of deficits in this body, you do not reduce deficits by increasing spending, and that is what we are about to vote on. It cannot be done. The truth of the matter is, as the gentleman from Louisiana has started, we could have had the opportunity to debate a more realistic budget, one of which I have heard many of my colleagues from our side of the aisle stand here and say they are for, we could have had that opportunity, had we been granted a rule, "we" being those of us who have had the courage and have taken the time to study the budget, to look at the implications, to look at where we are going in the next 3 years. If we had been given the opportunity to debate, as the Black Caucus and Chairman DELLUMS spoke so eloquently about just a few moments ago, those of us with a little different idea who are willing to come forward and say, "This is what we are for," if we had been given that opportunity. We were not given that opportunity. Vote "no" and we will get that opportunity.

Mr. LATTA. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama (Mr. NICHOLS).

Mr. NICHOLS. Mr. Chairman, I must rise in opposition to the resolution which I had hoped that I might be able to support. First, however, I would want to commend Chairman JIM JONES who has worked long and hard in trying to put together a budget which would answer the concerns of the majority of the Members of this Congress. I am persuaded that the resolution we have before us is in some respects an improvement on the budget submitted by the President earlier this year in that it does indeed reflect a budget deficit of some $9 billion less than that offered by the administration for the 1984 year.

My objections, however, lie in two general areas which I am unable to reconcile. The first of these is the reduction in defense from that recommended in the President's budget. Now I am not one who holds the view that the defense budget should be immune to any and all reductions. There are savings which must be made—there are weapon systems which must be reexamined and our Committee on Armed Services is in the process of reviewing these issues. But our committee is very much aware of the absolute necessity in the real world in which we live to modernize our defense so as to adequately defend this country. I would add that every Tuesday morning our committee receives a classified briefing which includes satellite pictures which clearly point up the growing superiority of the Soviet Union—a briefing of which I wish every Member of Congress might be made aware. Many of us in the House have experienced the horrors of war, Mr. Speaker; I pray that my children and grandchildren will not have to experience either conventional or nuclear confrontation, but the only way I know how to insure that this occurs is to achieve peace through strength. This budget, in my judgment, fails to provide the funds necessary to assure this strength and I cannot in good conscience support it.

There is another area that equally concerns me and this relates to the projected increase in revenues which I must assume are to come about through dropping the last year of the 3-year tax cut passed by the last Congress.

As one who voted for that 3-year tax cut which promised, through supply-

side economics, a cure to the Nation's economic ills, I have been sorely disappointed that the projected upswing of the economy has failed to materialize.

Our 10 percent unemployment figure bears witness to the fact that supplyside economics has not worked. We went too far and I am supportive of dropping the third year of that tax cut which, if applied to the projected budget deficit, would decrease that deficit by $7 billion in fiscal 1983 and some $30 billion in fiscal 1984.

In examining the budget, however, Mr. Chairman, I find that a large portion of this projected revenue increase has been programed to be spent in substantial increases in a host of social programs. For these reasons, Mr. Speaker, in endeavoring to represent the best interests of the people of my congressional district who overwhelmingly support a strong defense system and who are extremely concerned over budget deficits which we recognize have an adverse effect on the economy, I must reluctantly vote against this budget resolution.

Mr. LATTA. Mr. Chairman, I yield 4½ minutes to the gentleman from Missouri (Mr. COLEMAN).

Mr. COLEMAN of Missouri. Mr. Chairman, I rise in opposition to House Concurrent Resolution 91, the proposal before us on the first concurrent budget resolution. I want to discuss that portion of the resolution pertaining to the food stamp program. According to the Congressional Budget Office, the food stamp program will cost $12.2 billion in 1984. That means that the program will be fully funded—all people who fall within the food stamp eligibility criteria can receive full benefits and the program will cost $12.2 billion.

And yet, what do we have before us—a proposal from the majority that incorporates a $900 million increase in food stamp funding in 1984. They want to expand the program and make even more than the 22 million people who are now receiving benefits eligible for food stamps.

By leaving this $12.2 billion program alone, with no expansions, we have an opportunity to reduce the deficit by almost $1 billion. But the majority ignores that opportunity and proposes to spend this money for people who are not in need according to current food stamp standards of eligibility. The majority suggests the way to accomplish this is by expanding program eligibility and rescinding some of the savings achieved last year in the reconciliation process.

The majority proposes that $13.145 billion be spent on food stamps in 1984. That figure is the cap—the total amount authorized for the food stamp program for 1984. Some of you will remember that when agreement was reached on the food stamp cap—that figure included a 5 percent cushion, to allow sufficient funding so that the program could respond to the needs of poor people. For 1984, a total of $587 million was included in the cap as a cushion or a margin so that food stamps would be available for those truly in need. That 5 percent cushion is not needed. The program can be fully funded without it. But now the majority proposes to take that cushion away and they suggest some ways to use the cushion and additional money. One of their suggestions is to liberalize the assets test. The limit on assets for food stamp participants is $1,500 (and $3,000 in households of two or more people, one of whom is elderly). This is a generous assets limitation. Remember, those figures do not account for several items that may be owned by food stamp participants. For example, the value of the following items are not counted in determining food stamp eligibility:

First, the home and property regardless of acreage;

Second, household goods, such as furniture and appliances;

Third, cash value of life insurance policies, pension funds, and IRA's;

Fourth, all cars used for producing income, and cars worth less than $4,500; and

Fifth, irrevocable trust funds.

This is just a partial list of property that is not counted in determining food stamp eligibility. On top of that, most families may have an additional $1,500 in assets—it could be cash in the bank—and still be eligible for food stamps.

The majority suggests that this limit be raised. They suggest that people who may have all the resources mentioned before as well as resources over $1,500 will now be eligible for food stamps. What happened to a food program for the needy? Do we want to expand this program to include people who have substantial funds at their disposal? According to USDA figures, 95 percent of food stamp participants have countable assets of less than $500. I do not know to what limit the majority proposes to raise the asset limit. If they raised the limit to $1,750, an additional 91,000 people would receive food stamps. Are people with assets over $1,500 in need? Whom do the majority want to receive food stamps? If all of the $900 million were used to liberalize the asset test, it is conceivable the $1,500 limit could be raised to $6,500.

Another suggestion made by the majority to increase the cost of the food stamp program is to modify the shelter deduction. I assume when they say "modify," they mean to increase. Currently, the shelter deduction for the food stamp program, in combination with a dependent care deduction, is set at $115 per month. This incorporates a provision that allows food stamp participants to deduct housing and utility costs that exceed 50 percent of the net income from their income. Food stamp benefits would then be calculated on the lower figure, resulting in higher food stamp benefits. Current law provides that on October 1, 1983, the shelter deduction will be increased from $115 to $121.

I do not know what the majority plans in regard to the shelter deduction. My guess is that they will increase it over and above the scheduled increase—once again expanding the program and providing benefits to people who do not now meet food stamp eligibility criteria.

And finally, the majority suggest that Congress repeal the 1-percent reduction in the thrifty food plan adjustment. Last year, in order to achieve savings required in the reconciliation process, Congress authorized an increase in food stamp benefits on October 1, 1982, and incorporated a 1-percent reduction in that increase. For example, the maximum amount of food stamps a family of four would have received on October 1, 1982, was $256 per month; this was reduced to $253 per month. This still represented a $20-per-month increase.

The majority suggests that we rescind that action and go back to business as usual in the food stamp program.

I support the food stamp program. During the 97th Congress, I worked with the majority to reform this program and to make sure that only people in need receive benefits. I do not support all of the food stamp proposals in the President's budget. However, I do know that we should not undo the reforms we have made in the last 2 years and begin expanding this program again.

One of our major accomplishments last year was to require States to reduce their rates of error in the food stamp program. While I would have preferred stricter penalties, I do believe we got the attention of the States by this action. The problem then was that over $1 billion of food stamp money was misspent each year. As yet, that figure has not been reduced. One billion dollars goes to people who are either not eligible for food stamps or receive too many food stamps. It is not the time to expand the program. I would rather see the program abuses corrected and some of this money spent on people truly in need.

One last point: The majority had been saying that there should not be any changes in the food stamp program because the program has changed too much in the past years. They wanted a period of stability for the program.

Now that we have a chance to see the majority's budget resolution it appears what they really meant was: no

changes to reform the program but changes to expand the program are all right. They cannot have it both ways—if they want to stabilize the food stamp program, they should not offer proposals for change. Certainly they should not change in this direction.

I urge Members to defeat the first concurrent budget resolution.

□ 1720

Mr. JONES of Oklahoma. Mr. Chairman, I yield such time as he may consume to the gentleman from Montana (Mr. WILLIAMS).

Mr. WILLIAMS of Montana. Mr. Chairman, I spoke earlier today on this budget but I want to here include additional remarks.

The Reagan administration would have you believe that the only reason this Nation's economy is not in better health is that it inherited an uncontrollable burden. There is no doubt that Federal spending has acquired a certain built-in momentum, but it is worth noting that most of the Federal deficit projected for fiscal year 1984 arises from decisions made under the Republican-sponsored Gramm-Latta budget.

This administration's policies, as summarized in the Gramm-Latta budget, predicted deficits of only $45 billion in 1982. The actual deficit for 1982 was $110 billion, nearly three times higher; recent CBO estimates of the President's 1983 budget show a deficit of over $179 billion. This is certainly a far cry from the administration's claim of a balanced budget by 1984 and clearly is a result of current policy, not past mistakes.

In January 1981 this administration bemoaned the fact that only 80 percent of our manufacturing capacity was utilized. By January 1983 the economic policies of this administration dropped our manufacturing capacity to 67.8 percent.

The average number of business failures per week more than doubled from 277 in January 1981 to 599 per week in February 1983.

More and more Americans are not receiving the assistance they need in education, health, and employment. Unless we take action now to stem this tide of deterioration and decline, we will soon be faced with the task of funding the rebuilding of these programs instead of their overhaul. The costs may be more than we can afford.

In the last 2 years, the local governments sustained a major reduction in Federal funding. These cuts forced many local governments to reduce employment, cut back on service hours and services such as day-care assistance and postpone badly needed investment in infrastructure repairs. Many have had to raise property or sales taxes, a policy viewed unfavorably by citizens who receive, in return, a cutback rather than an increase in services.

The budgets of the past 2 years have been completely counter to President Reagan's promise to strengthen the American family. The women in these families have been hurt disproportionately. Women have become the fastest-growing poverty group in our Nation. Unfortunately, poverty now wears a woman's face.

Farmers' Home borrowers are in trouble. USDA estimates that nearly 120,000 farmers are financially vulnerable due to their high level of indebtedness. The rate of liquidation of borrowers of the farm credit system is up over 50 percent.

In fiscal 1982, over 8,000 Farmers Home Administration borrowers went out of business. The Farmers Home Administration has acquired over 1,800 farm properties that it has been unable to sell or transfer. This may soon require the creation of a new division in USDA of farmer/bureaucrats to manage this unwelcome Federal acquisition.

Following the enactment of the first and second Reagan economic plans, the bottom fell out of the economy, and the current deep recession was underway.

Although President Reagan points to recent declines in interest rates and inflation as evidence that his economic program is working and that recovery is at hand, most economists disagree with this assessment. In reality, declines in inflation and interest rates are evidence of the severity of the current recession, not of the wisdom of the Reagan program.

We need the stimulus of our House budget resolution to carry us through what the economists who testified before our committee called, a "double-dip recession." These same economists agreed that if we did not have the 3d year of the tax cut, or indexing of the tax code on the books, they certainly would not recommend them now.

This budget will end the "Confederacy of Inequality" that has brought with it the thoughts of "trickle-down" economics. This budget marks an end to the "horse-and-sparrow" economics of this administration.

Mr. JONES of Oklahoma. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. PANETTA).

Mr. PANETTA. I thank the gentleman for yielding.

In regard to the comments that have just been made about the food stamp program, I really regret the gentleman's comments because in the Agriculture Committee when it came to adding the $900 million, which basically took it up to the cap level, the gentleman supported that and certainly did not offer an amendment to reduce that. That is exactly the number that is built into this resolution, the number that was approved by the Agriculture Committee and the gentleman supported that number in the committee.

In addition to that, the gentleman has raised all kinds of spooky implications about what would be involved in terms of the pieces in that number, and the gentleman knows that the subcommittee is going to look at the issue very closely. What we are trying to do is to provide the room to be able to provide assistance if in fact that case is made. That is all we are doing.

Mr. COLEMAN of Missouri. Mr. Chairman, will the gentleman yield some time to me?

Mr. JONES of Oklahoma, I would like to give the gentleman some time, but we are oversubscribed now. I regret it.

Mr. LATTA. Mr. Chairman, I yield 30 seconds to the gentleman from Missouri (Mr. COLEMAN).

Mr. COLEMAN of Missouri. As the gentleman well knows, there is more involved in the agricultural budget function than the food stamp program, although it is an expanding portion of it. All I am doing is citing here an opportunity to save $900 million because we have fully funded the program. Here is a chance to really reduce the deficit.

Mr. LATTA. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. HILER).

Mr. HILER. Mr. Chairman, last evening there was a bit of a verbal battle that took place on this floor. The gentleman from Texas was preparing to insist on a point of order and essentially it was because he felt it was necessary for this body to be able to have a copy of this document before we went to the floor and started to discuss it, so that we could look at this document and see what little gems might be in there.

We know the big ones, the tax increases on working Americans by the repeal of the 10 percent cut in July and the repeal of indexing.

But one thing that I do not think most of us were aware of is that in this first concurrent budget resolution it calls for a 4-percent congressional pay increase. That amounts to approximately $2,750. It just seems to me that it is absolutely the height of hypocrisy that while we are raising taxes on working Americans that we at the same time are giving ourselves a $2,750 bonus of the hard work we have put into the passage of this budget.

Mr. GRAMM. Mr. Chairman, will the gentleman yield?

Mr. HILER. I yield to the gentleman from Texas.

Mr. GRAMM. Let me ask the gentleman if he refers to the budget figure resulting from the 4-percent pay increase for civilian Government em-

ployees, $23 million for the legislative branch including congressional pay, $1.227 billion for other non-DOD agencies, a total of $1.25 billion, which is the $1.25 billion that is in the allowance function within this budget?

Mr. HILER. The gentleman is correct.

Mr. GRAMM. And the gentleman has, as I understand it, verified with the Congressional Budget Office that House Concurrent Resolution 91 covers funding for a 4-percent congressional pay increase?

Mr. HILER. That is exactly the case. The numbers have been substantiated by CBO. It does occur in function 920, and it is part of the 4-percent increase that is being given in the civilian nondefense areas of Government.

And at the same time that we have just passed the social security package in the House where we froze benefits for people over the age of 65.

Mr. GRAMM. If the gentleman would yield again, what he is saying is that this budget provides funding for a pay increase. Obviously the Congress would have to vote for the pay increase but the budget provides funding which assumes a pay increase of over $2,750 per Member of Congress, and that is in the budget in function 920?

Mr. HILER. The gentleman is correct. I think it is the case that the Congress would have to vote not to take the pay and that we would have to place a cap on it.

Of course, we did lift the cap to the tune of about $9,000 last year.

Mr. GRAMM. One final point, if the gentleman would yield further. It has been verified that House Concurrent Resolution 91 provides funding for a congressional pay increase in the budget?

Mr. HILER. The gentleman is correct, confirmed by CBO analysts.

Mr. JONES of Oklahoma. Mr. Chairman, I yield myself such time as I may consume.

I have found that when all other misstatements of fact are unable to work and change people's opinion, someone always resorts to a classic red herring like the congressional pay raise. Nowhere in this budget resolution is there a call for a congressional pay increase.

I will give the gentleman from Indiana the benefit of the doubt. I will assume he does not fully understand the budget process and the fact that you round off numbers in this process. That is all that is being done in function 920. It is a mere rounding off of numbers and he knows as well as everyone in this Chamber that there is no call for a congressional pay increase in this budget.

I would even ask the gentleman from California (Mr. FAZIO), who is chairman of the Subcommittee on Appropriations that deals with this matter, and also serves on the Budget Committee, if he would care to comment.

Mr. FAZIO. Will the gentleman yield?

Mr. JONES of Oklahoma. I yield to the gentleman.

Mr. FAZIO. I thank the gentleman for yielding. Of course, it is very clear that no money is spent on pay raises for Members of Congress or any other employee of the Federal Government unless there is an appropriation. I think we all understand that.

So nobody is voting today on a pay raise for anybody.

But as it relates specifically to the legislative branch, the figure that would be involved is so small as to be rounded off to the nearest $50 million. In the budget document under function 920 allowances, we simply reflect the rounding off of a figure which is essentially the amount needed to pay nondefense civilian employees.

I certainly would agree with the chairman when he characterizes the argument made as a reflection of the bankrupt nature of the arguments that have been foisted upon us today by the opposition minority.

Mr. Chairman, Members on the other side of the aisle have disingenuously suggested that the Democratic budget resolution assumes a pay raise for Members of Congress. They further suggest that the Congressional Budget Office sustains that contention. Neither of these suggestions is true.

The facts are that the Office of Management and Budget called the CBO to inquire if the pay raise assumptions in the resolution included the legislative branch. The CBO responded that the legislative branch was included. Even if the legislative branch is included, that in no way mandates a pay raise for Members of Congress. As most Members are aware, Mr. Speaker, the totals in the budget resolution are rounded. The pay raise for the entire legislative branch, including Members of Congress, could be subsumed in rounding. It is unfortunate that some Members feel the need to misrepresent the Democratic budget because they had no proposal of their own.

I assure my colleagues that, as chairman of the Appropriations Subcommittee on the Legislative Branch, any pay recommendation for congressional employees will receive the most careful scrutiny in my subcommittee. I hope Members will not be misled by this distortion of the facts.

Mr. LATTA. Mr. Chairman, I yield 30 seconds to the gentleman from Indiana (Mr. HILER).

Mr. HILER. I think if the majority had not wanted to have the congressional pay raise authorization included in this budget resolution—of course we know it has been said on that side this budget resolution does not raise taxes. Of course it does not give a congressional pay raise. But it is implied in the budget resolution.

Nowhere in the report does it specifically exclude legislative personnel, either Members of Congress or their staffs or other employees of the legislative branch.

So, in fact, function 920 does implicitly allow for a $2,750 pay increase for Members of Congress.

Mr. LATTA. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky (Mr. ROGERS).

□ 1730

Mr. ROGERS. Mr. Chairman, I rise in strong opposition to this turkey and ask it be sent back to the Budget Committee so that a document can be produced to us that will make sense not only for us but most importantly for the American people. In fact, we are now seeing, as the President has said, America on the mend, on the mend from high taxes, extreme Government regulation, extremely high interest rates, and high inflation rates.

On the mend because we brought before this Congress and passed a budget that began to get hold of excessive spending policies of this Government.

And now with this budget we go back to the spendthrift policies of the past which caused America her difficulties.

I am against this so-called budget plan for three reasons: First, it increases social spending by $118 billion over the President's request for nondefense spending for the next 5 years; it spurs entitlement growth; it repeals the $10 billion in previously enacted food stamp, welfare, and medicaid reform and rejects the $71 billion in new entitlement reforms proposed by the President for the 5-year period.

It adds $81 billion in entitlement spending over the next 5 years, bringing entitlement spending to $1.4 trillion during that 5-year period. It increases spending.

Second, it puts the tax back on the working people of this country.

This budget would cancel 42 percent of the 1981–82 tax cut legislation that we passed. It raises $315 billion off America's working people over the next 5 years; two out of three dollars that it raises in taxes will be paid by the taxpayers who earn less than $50,000.

It will cost the average family in this country $3,550 in extra taxes over the next 5-year period.

Third, this budget cuts America's defenses to a level below even that proposed by former President Carter.

For these reasons, I urge my colleagues to reject this Democratic turkey and ask our Budget Committee to bring us a reasonable proposal.

Mr. LATTA. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. WORTLEY).

Mr. WORTLEY. Mr. Chairman, let us look at what happened in the last few months—people all over the Nation are talking about recovery—they can feel it. They can almost taste it. The word is optimism.

We in the Congress should not lose sight of this new spirit that has risen out there beyond the Potomac River—I hope that this will trickle into these Halls so that we can fashion a budget that will build on this new optimism and not throw it all away by changing all the rules we set down last year.

I do not believe that the Republicans have cornered the market on all the good ideas. Nor do I adhere to the philosophy that inherently all the initiatives from the Democrats lead to higher taxes or more spending. Both sides have to pull together to work out a compromise.

Although I cannot accept or support the Democrats' budget resolution, I do find some encouraging signs, which in the long run could lead more toward compromise than conflict. At the same time, I find significant parts of their proposal to be a return to the discredited and bankrupt policies of the past.

The Democrats' proposal does address some important national needs. I am impressed with the emphasis on education, especially in the areas of math and science, compensatory education, vocational education, guaranteed student loans, and civilian research and development. I may not agree with the exact funding levels they propose, but the emphasis is properly directed.

Likewise, I am heartened to see the Democrats display such deep concern for reducing the deficit. It has been obvious to me for many years that unless deficit spending is controlled, leading ultimately to a balanced budget, the Nation is headed for economic disaster.

Unfortunately, the Democrats recognize the problem but are not prepared to make the difficult but necessary choices to alleviate it. Instead, they revert back to the old formula of increasing taxes to finance increases in spending. In fiscal years 1983 and 1984, the only binding parts of their budget resolution raises taxes by more than $27 billion and spending by more than $6 billion over current policy.

If for no other reason than the Democrats' budget repeals the third year of the tax cut, the plan should be summarily rejected. The third year of the tax cut was designed primarily to benefit those in the middle and lower income groups. Yet the Democrats would deny this long awaited and much needed relief.

The Democrats' plan cuts $105 billion in budget authority and $163 billion in outlays over the next 5 years out of the defense function at a time when our national security is imperiled. The 4 percent real growth rate called for in the Democrats' budget is 3½ percent below what was recommended by the House Armed Services Committee. The only realistic component in their budget is the 4 percent pay raise for military personnel. The morale of our Armed Forces is essential to our readiness. The Democrats' proposal is far too risky to be implemented.

Some of the spending proposals in the Democrats' plan merit immediate dissent. Four come immediately to mind.

The recommendation for over $9 billion in fiscal years 1983 and 1984 to recreate the discredited public service jobs program serves no purpose. This program was wasteful before and it will be wasteful again. The creation of jobs must come from the private sector to have any lasting or significant value.

The homeowner and farm mortgage assistance programs the Democrats espouse offer little real relief to the unemployed and could even exacerbate existing problems. Yet the programs were to be fully implemented, the cost would more likely be in the $6 to $8 billion range.

If that is not enough, the Democrats advocate $20.5 billion for unplanned and unspecified public works between now and 1988. Mr. Chairman, I submit to you that such a request is pure pork barrel.

In the major entitlement programs such as medicaid and military and civilian retirement, the Democrats acknowledge that there are serious financing problems. Report language clearly states the existence of the problems, yet the President's recommendations are rejected out of hand. Sadly, the Democrats fail to offer any alternatives.

I strongly believe that the third year of the tax cut must remain intact, this was promised to the people in 1981, passed and implemented. Individuals have been planning on this for projecting their tax obligation on a 3-year basis. Now the Democrats' proposal turns around and says "Sorry." I do not blame the public when they say that you cannot trust the Government to stick to a policy.

On balance, I must reject the Democrats' plan. They have still to construct a realistic and workable alternative budget.

Mr. Chairman, Edmund Burke once said, "Government is a contrivance of human wisdom to provide for human wants. Men have a right that these wants should be provided for by this wisdom." It is really a shame that this admonition will remain unheeded in the House of Representatives.

Mr. LATTA. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, I rise in opposition to House Concurrent Resolution 91.

The world was not made in a day, they say. They say it was made in 6, with the help of a little divine intervention. There are times in this Chamber when I pray for a little divine intervention. If it does not happen, then I hope for some guidance for us in this Chamber. When those channels are jammed, then I look for our ability to reason and exercise judgment. And that is when I start praying for divine intervention all over again.

The budget resolution we have before us is what I call the budget of the jealous sister. The administration proposes higher defense spending, so the Jones budget proposes lower defense spending. The administration proposes lower taxes, so the Jones budget proposes higher taxes. The administration proposes restraint in discretionary spending, so the Jones budget proposes nonrestraint.

The administration proposes hauling in some of the uncontrollable entitlement programs, so the Jones Budget proposes chopping them loose.

There is one problem with this gamesmanship. It ignores the crisis—the crisis of our private sector, of massive industrial slowdown, of massive layoffs and plant closings, of low growth, and low productivity improvement; it forgets what we need most is to figure out how Uncle Sam can help turn around the economy and improve the chances of lasting recovery. Every 1-percent reduction in unemployment saves $30 billion in Federal outlays—a 5-percent drop would take us practically out of the red. A 3-percent drop would take us out of our crisis.

How does House Concurrent Resolution 91 address the need to promote recovery? A small deficit reduction by means of large tax increases. Reduction in unemployment through more Federal spending on temporary public service jobs. Curtailment of excessive spending for the military accompanied by larger increases in other spending.

Most distressing of all is the abandonment of any attempt to control runaway entitlement spending.

Medicare is headed for bankruptcy in this decade, and yet House Concurrent Resolution 91 makes no constructive counterproposals on medicare or on health care costs in general. Entitlements have risen from 6 percent to 10 percent of our gross national product in the last decade—and are still rising rapidly. House Concurrent Resolution 91 proposes no new cost containments, and, in fact, proposes to undo many of the measures already in effect. This resolution drives the budget by pushing the gas pedal to the

floor, to see how fast we can make our 1957 Chevy go.

Any budget we pass this year must address a potential $200 million deficit and interest rates for private borrowers that still average 13 or 14 percent or more. Does House Concurrent Resolution 91 promise a significant reduction in the deficit? A slight reduction over the administration's budget proposal, if we raise $30 billion in new taxes this year alone—and the chairman of the Ways and Means Committee has served notice he can provide about $8 billion. Does House Concurrent Resolution 91 promise a decline in the interest rates? Even without the proposed $28 billion in increased spending in the budget, interest rates have hit a standstill and are beginning to rise again. Will House Concurrent Resolution 91 put our Nation back to work?

You tell me how this resolution will open up the steel mills in the Midwest; you tell me how this bill will open up the mines; you tell how this resolution will take the 18-percent unemployed in my town of Athol, Mass., off the unemployment rolls and you have got yourself a vote.

One fact in particular strikes me about House Congressional Resolution 91. Defense aside, it proposes a total of only $1.4 billion in reconciliation instructions. Out of the entire $814 billion recommended budget outlay for fiscal year 1984, the budget can only find $1.4 billion worth of outlay savings to recommend. Our Federal budget is so tightly constructed, so immune from criticism, that there is no more than 0.17 percent (point 17 percent) that can be reduced through reconciliation. Last year, the budget resolution recommended $6.6 billion, or nearly five times, the savings recommended this year. I think that statistic is as telling as any other as to how much, or should I say how little, effort has been devoted to saving money in this budget resolution.

It was just a year ago today when the Senator on the other side of the aisle from North Carolina offered his budget freeze proposal. How far we have come since then. This year we have got large spending increases proposed on both sides of the aisle, be they increases in military spending, or increases in discretionary spending. And yet our economy is just beginning to pick up. How can we afford these increases?

We have got to get these budgets off the drag strip. We have got to get these two quarrelsome sisters from trying to outdo each other. We need to put together a budget that will decrease the deficit, provide the incentives to put our industries back to work, and provide those defense and domestic spending increases that are necessary and that we can afford.

But there is one thing to remember—as we learned in the 1970's, we cannot spend our way back to prosperity. We can try to meet the serious needs of the unemployed and the disadvantaged—there is no one who fights for those programs more than I, every year, on the Appropriations Committee and on the floor of this House.

But unless we provide a budget that seriously addresses the deficit, and directly promotes our economic recovery, we risk bankrupting our Government, bankrupting our country, and corrupting the purposes of this budgetary process for frankly political purposes.

□ 1740

Mr. LATTA. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois (Mr. MADIGAN).

Mr. McGRATH. Mr. Chairman, will the gentleman yield?

Mr. MADIGAN. I yield to the gentleman from New York.

Mr. McGRATH. Mr. Chairman, I rise in opposition to House Concurrent Resolution 91. I regret that this year we have been presented with a budget, essentially drafted by the Democratic caucus, on a "take it or leave it" basis.

If you were to ask me whether I thought the budget presented by the administration contained unnecessary restraints on domestic spending, I would answer "yes." If you were to ask me if I thought the President's budget contained too much money for defense, I would also answer "yes." But we are presented today with a budget which fails to strike a realistic balance between the ligitimate needs of our national defense and domestic social programs. What we have is a budget which is reminiscent of the 1970's, in which we spend enough money to keep everyone happy and finance that spending through higher taxes.

The Budget Committee resolution calls for a cumulative, 5-year tax increase of $265 billion, excluding the $50 billion in additional taxes which will result from the Social Security Act amendments. On whose shoulders will this tax increase fall? Not the well-to-do, who our Democratic colleagues felt benefited too much from the 25 percent tax rate reduction enacted in 1981. Rather, it will fall on the low- and middle-income individuals who stand to gain the most from the next installment of the tax cut and the future indexing of tax rates. If the third year of the tax rate cut were repealed, those making less than $10,000 a year would experience a tax increase of almost 14 percent, while those earning more than $200,000 would have their taxes increased less than 3 percent. Further, almost 78 percent of the benefits of indexing will fall to those with incomes of less than $50,000.

One could almost gather from the revenue provisions of the Budget Committee resolution that the majority hopes a recovery will not occur. We are clearly at the beginning of an economic recovery, and most economists would agree that consumer spending is a key to the early stages of a recovery. If the committee believes that one can encourage increased consumer spending by taxing a higher percentage of individual income, it is living in a dream world.

Two years ago, we embarked on a program to reduce the rate of growth of domestic spending programs from the 13.8 percent annual rate which existed through the 1970's. I think nearly everyone will agree that in times of recession, spending for social programs must necessarily increase. But I question seriously whether a 5-year, 44-percent increase in nonsocial security entitlement programs is fiscally responsible. Add to this a "nonfreeze" in discretionary programs and the institution of a plethora of new spending initiatives, and you wind up with a domestic spending increase of $181 billion over the next 5 years above the President's request. How is this increase to be financed? Through higher taxes, of course. It is interesting to note that the $30 billion increase in domestic spending proposed by the committee is roughly equivalent to the revenue increases it has recommended.

Finally, I want to note the failure of the committee to adequately come to grips with the credit budget, which is largely off-budget, but nonetheless has a profound impact on productivity, interest rates and economic growth. The need to finance high budget deficits and Federal credit activities and at the same time the private sector needs credit to fuel economic recovery has created competition for scarce resources. To think that we can continue to add literally hundreds of billions of dollars each year to Federal debt financing obligations and still insure that adequate financing capital can be obtained by the private sector is senseless.

Mr. Chairman, I agree with some of what I see in the committee's budget. It has taken a reasonably sensible approach to higher education assistance, mass transit, and assistance to older Americans. Unfortunately, the majority on the Budget Committee has apparently not learned anything from the crisis which befell the social security system, namely that virtually uncontrolled spending ultimately causes more problems than it solves. In exchange for some short term political capital, the Democratic majority is asking American's to pay and pay and pay some more.

Mr. MADIGAN. Mr. Chairman, I take this opportunity to comment only

very briefly upon the provisions in the Jones budget resolution as it relates to those programs that are under the legislative jurisdiction of the Committee on Energy and Commerce.

I assume that our colleagues on both sides of the aisle would like to know that the Jones budget proposal is $16.7 billion in budget authority over that recommended by the second budget resolution for fiscal year 1983, adopted in the Congress last year. And that outlays in the Jones budget resolution for those things in our area of responsibility are increased by $18.2 billion over the figure agreed to in the second budget resolution last year.

I am not going to go into everything that is included in causing that almost $19 billion jackup in outlays. But I do want to point out that for the Consumer Product Safety Commission, an agency that I am sure is very popular in parts of Oklahoma, that the Jones budget resolution proposes a 23-percent increase in funding for that agency and a similar percentage increase of nearly 23 percent in outlays or expenditure authority for the Food and Drug Administration, another agency that I am sure is also very popular in various parts of Oklahoma.

Mr. Chairman, I do not want to dwell on those things. I do want to touch on something that the distinguished gentleman from Massachusetts (Mr. CONTE) was talking about just a moment ago.

And that is the tremendous explosion that has occurred in health care costs in the United States, which has been a concern of responsible Members of both political parties.

For the past 2 years we have been doing a lot of work in a bipartisan fashion, trying to come to grips with those health-care costs and just now are at the point where we have health-care providers believing that the Congress is serious about this problem.

All of the constructive work of the past 2 years is set aside by the Jones budget resolution. Rolling back and completely ignoring the fact that everybody says medicare is going to be broke either next year or the year after that. There is no argument about whether or not it is going to be broke, the only argument is about when it is going to be broke, whether it will be 1 year or 2.

All of that is ignored by the Jones budget resolution. The possibility of elderly citizens being without health care in 1 year or maybe 2 years is completely ignored by this document.

I would say to my distinguished colleagues that there are constructive things that can be done about this. We can talk about indexing, medicare premiums based upon people's ability to pay and deal with part of that financial problem. We can talk about a prospective reimbursement system for surgical fees for doctors, similar to that which has already passed this Congress earlier in the year for hospitals.

There are constructive things that can be done about the financing problem for health care delivery in the United States that would take some political courage, something that is totally lacking in the document that we have before us today and should be rejected for that reason.

Mr. LATTA. Mr. Chairman, I yield 2 minutes and 30 seconds to the gentleman from Texas (Mr. BARTLETT).

Mr. BARTLETT. Mr. Chairman, much has been said about the unfairness of this budget and its macrosize and its Christmas tree approach. The unfairness of the budget is the adding to the tax load, and spending load, and inflation load and the interest rate load of working men and women of this country.

In my limited time I hope to focus on two areas of astronomical increase in this budget and the refusal of this budget and this budget proposal to focus on the real obligation of this Congress to begin to help Americans who are out there working, and trying to save, and trying to live in this country and provide for their own futures.

The first area is in the area of education in the Education and Labor Committee, because in fact the greatest deterrent to education in this country has been the size of the Federal Government's expenditures. This budget adds to those expenditures and thus adds to the problem. And in this budget, just in the area of the Education and Labor Committee alone, the Budget Committee has offered a 35-percent increase in total spending in 1 year, going back to apparently fiscal year 1979 levels, adjusting for inflation upwards as if nothing happened in 1980 and nothing happened in 1981 and 1982.

This budget for fiscal year 1984 contains a total of $39.15 billion in spending for education and labor alone which is an increase of $11 billion in 1 year.

And yet this budget leaves out the two most dramatic and most helpful items in education that the Congress could consider. One is in the area of student financial aid and I would call on my colleagues on the other side of the aisle to read the budget and to realize that in voting for this budget they are voting down a major increase in college-work-study programs, which would increase in the President's proposal from $540 million to $850 million. And they are voting down the opportunity to increase the size of per grant of each grant from $1,800 per student to $3,000 per student.

And those are just two examples.

In the area of housing the recovery has begun, the recovery of housing starts are up 66 percent in this quarter over the same period last quarter in State after State. This budget would shut off that recovery and would shut off that recovery in housing in area after area.

I would urge my colleagues on the other side of the aisle to read the budget and to vote against this budget, and thus vote to continue the recovery in housing, and in the economies of American men and women.

Mr. JONES of Oklahoma. Mr. Chairman, I yield 1 minute to the gentleman from New Mexico (Mr. Richardson).

Mr. RICHARDSON. Mr. Chairman, during the past 2 years, this administration has set the budgetary priorities of the Federal Government. Ronald Reagan and his supporters have slashed domestic spending, thereby hurting lower and middle income Americans, Hispanics, the elderly, native Americans, small businessmen, blacks, workers, and family farmers.

Each of these groups has been willing to sacrifice to beat inflation and balance the Federal budget. They only ask that the cuts be fairly apportioned and that each segment of American society share a little of the pain from budget cuts.

During the past 2 years Federal spending has been reduced. But the cuts have not been shared equally. In fact, they have not been shared at all. The Reagan administration has made its cuts almost exclusively in the area of domestic spending. Instead of cutting the fat out of these programs, they have axed the muscle, and flesh, and fiber, cutting all the way to the bone. Rural health care and rural housing—slashed. Conservation and renewable energy, including solar programs—slashed. Funds for the regulation of the health and safety of our environment—slashed. Job training programs—slashed. Small business loans—slashed. Child nutrition programs—slashed. Programs for the Bureau of Indian Affairs—slashed.

At the same time the Reagan administration was cutting these domestic spending programs, it did not lay a glove on the defense budget. In fact, the only other cutting it did was to cut taxes for large corporations and wealthy individuals. Nobody wants to tax companies or individuals in a punitive or confiscatory manner. We only ask that they pay their fair share—just like our citizens who have borne the brunt of the budget cuts ask that other interests share in this budget balancing process by absorbing their fair share of the spending reductions.

During the past 2 years we have witnessed unprecedented misery as a result of the Reagan budget priorities. The Democratic budget before us is, therefore, a breath of fresh air. It returns our budget priorities to a middle ground by bringing some balance and commonsense to our spending ceilings.

The Democratic budget is a budget of fairness and compassion. Many of the domestic spending programs which have been squeezed dry have been given an injection of badly needed funds. The portions of the budget that have been given Carte Blanche spending authority during the past year have been asked to tighten their belt a notch. The defense budget is asked, not to take a cut, but only to accept a slightly slower rate of real growth. Beneficiaries of the 1981 Reagan tax bill are asked, not to pay new and higher taxes, but only to expect that the massive tax breaks granted 2 years ago are probably going to be scaled back somewhat.

Mr. Chairman, I firmly believe that the American people want to beat inflation and restore fiscal integrity to the budgetary process. During the past year, they have suffered and suffered dearly for that cause, even though the end result of the administration's policies has been to more than triple the annual deficit they inherited. This budget resolution represents a fresh start based on renewed principles of fairness and compassion. It also makes a dent in the Reagan budget deficits by reducing the President's deficit mark by more than $14 billion.

The President says the choice is clear we can go back to the old way or we can move forward. I could not agree with him more. We can go back to the old Reagan way of cut, cut, cut, bleed, bleed, bleed, or we can move forward by restoring money for important domestic programs, reducing the budget deficit, sharing the fiscal burdens, and start putting people back to work.

The choice, Mr. Chairman, is indeed very clear, and I strongly urge my colleagues to vote in favor of the committee's budget resolution.

Mr. LATTA. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. McCANDLESS).

Mr. McCANDLESS. Mr. Chairman, today we are being asked to vote on the fiscal year 1984 budget resolution. So far, so good. The only problem is the budget itself. As we emerge from the recession, the Nation demands economic growth this year and next. The budget before us should also guarantee future growth. However, that is not what we are being offered. What we have before us is a giant leap backward. The proponents of this budget would have us don the tattered coats of yesteryear—the garments of high inflation, high unemployment, and slow growth.

This House has labored for the past 2 years to get the ship of state back on course. Hard decisions on how and where to control spending have been made by members of both parties. Why, then, when economic recovery is in sight should we suddenly veer off course?

The budget before us is unacceptable. It asks the American people to reach further into their pockets, and to pay more taxes. If this budget is passed, the middle class will really take it on the chin, since the revenues will probably come, in part, from a repeal of tax indexing and by canceling the July tax cut.

Without the tax cut, and with indexing abandoned, a family of four with an annual income of $25,000 would pay approximately $200 more in taxes in 1984, $400 more in 1985, $600 more in 1986, and $800 more in 1987—or a whopping $2,000 more in taxes by 1988.

This budget asks the American people to pay more, but to share in less. It gives then no hope or expectation for national growth—which is the real key to job opportunities.

This request is as unreasonable now as it has been in the past. It will lead us back into the same economic misery from which this Nation is finally emerging.

This budget makes no sense.

I urge my colleagues to defeat this proposal.

□ 1750

Mr. LATTA. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. BARNARD).

Mr. BARNARD. Mr. Chairman, as the time came to debate the 1984 budget, I had earnestly hoped—like many conservatives—that we could have a budget reflecting a responsible, midcourse correction.

But unfortunately—regrettably—we did not get such a budget.

President Reagan's budget proposal went to one extreme—increasing military spending by 10 percent and cutting domestic spending to the bone.

But the House Budget Committee went to the other extreme. The document that emerged from the committee calls for billions more in domestic spending, a 4-percent increase in defense spending, and about $30 billion more in taxes.

Already, the chairman of the House Ways and Means Committee admits that he does not know how we can raise $30 billion in new taxes next year. He does not know where that new money will come from.

An official of one of the Federal agencies in my State told me he was startled to see how much money had been added back to his budget. He intimated that the agency could have done its job with less, that it was, indeed, prepared to work with a spartan increase.

The most regrettable aspect about the current budget debate is this: Between the two extremes does lie a reasonable alternative, a Democratic attention, if you please, which the House was not permitted to consider.

Conservative Democrats worked hard to construct a moderate, middle ground proposal. Moderate increases in defense, but moderate increases in domestic programs, as well.

We had heard for years that the Democratic Party held a big umbrella, big enough to shelter all kinds of people and embrace all varieties of thought. But apparently, the umbrella was not big enough to allow for any dissent on the budget whatsoever. The conservative voice was squelched, silenced, intimidated. Its alternatives were not even allowed to be brought to the floor for honest and thoughtful consideration by the Members.

The conservative viewpoint got no time, no patience, and no consideration.

Mr. Chairman, the Budget Committee proposal is not a reasonable, moderate budget. It is a return to the tired, old solutions of spending and taxes. It sends a signal to the American people that Congress has no intention of seeking a balanced budget. It says: "We know you are hurting from the recession, but we are still going to raise your taxes." It says: "Forget about the taxpayer, forget about the next generation."

This is not the signal my constituents are waiting and wanting to hear.

The American people place a high value on defense, but on education, too. We recognize the need for food and health programs to help care for those who are helpless, and we understand the importance of research in energy and science.

But neither the President nor the House balanced these concerns in their budget proposals.

I must reject both extremes. I believe we should hold the line on domestic spending, we should adopt more modest increases in defense, and we should avoid huge new tax increases.

This is not my voice alone, but that of my conservative colleagues, as well, and the voice of most of my constituents.

Because the American people want and deserve a responsible alternative.

Mr. LATTA. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Chairman, I rise in opposition to the partisan budget resolution that is before us. This resolution should go back to the committee to produce a bipartisan budget.

The fundamental problem with this budget and also with the President's budget is that neither makes a credible dent in the outyear deficits.

Our colleague, the gentleman from Florida (Mr. MACK) pointed out that deficits of both budgets would absorb the bulk of the country's net savings.

Both budgets would mean higher interest rates, capital starvation, and slowing of the recovery that is underway.

We need a bipartisan budget that balances our need for military security with a strong economy that would result from lower deficits.

Security means more than just increasing defense expenditures 10 percent. It means a strong economy. It means research. It means modernization of productive capacity. It means well-educated people. It means enhancement of our trade initiative, a dynamic that will attract the allegiance of needed allies.

By the same token, a 4-percent increase is unrealistically low if we are to maintain a credible deterrent capacity, a capacity based on high quality volunteers, fewer but better weapons systems, and modernization of outdated weapons.

The Congress has a constitutional responsibility to adopt a budget that reflects the priorities of the majority of the American people. Article I, section 1, of the Constitution clearly ennunciates this principle. It says "all legislative power herein granted shall be vested in the Congress of the United States."

I urge defeat of this partisan budget. This body has demonstrated its ability to act in a bipartisan fashion: The Surface Transportation Act, social security reform, and the jobs bill are but a few examples.

We should do the same with the budget, a buget that balances defense, social needs, capital needs, and that has the enforcement teeth to make our policies stick.

Mr. LATTA. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. FIELDS).

Mr. FIELDS. Mr. Chairman, Abraham Lincoln once said:

> You can fool some of the people all of the time, all of the people some of the time, but you can't fool all of the people all the time.

While this statement is as true today as it was in 1856, the authors of this resolution want to prove Lincoln wrong by trying to fool the American people into believing we need huge new Federal taxes and huge increases in social spending.

What this resolution proposes is to turn back the clock to those bygone days of the Carter administration and to those misguided economic policies which had wrecked havoc on our economy for nearly 30 years.

While 1980 may seem like ancient history, the fact is that the American people rejected these policies and Jimmy Carter by one of the largest pluralities in our Nation's history.

On that historic day, the American people went to the polls and said they were tired of 21-percent interest rates; they were tired of 14-percent inflation; and they were tired to working to pay an ever-increasing tax burden to feed the gluttonist, insatiable appetite of the Federal Government.

Yet, here we are today, not 3 years later, debating a budget resolution with priorities exactly like those contained during the Carter years. For contained within this resolution is $315 billion in new Federal taxes and $181 billion in new social spending.

Mr. Chairman, for the last 2 years, the American people have been subjected to an unending barrage from your side of the aisle criticizing the economic policies of the Reagan administration. You promised the American people a new economic direction. Today, your strategy has been revealed for all of us to see. It is nothing more than a new, bitter dose of the old, tired, and failed rejected policies of the past.

Mr. Chairman, the economic policies of this administration are working. While unemployment is still too high, all economic indicators clearly state that economic recovery has arrived and that the American people can expect to enjoy the benefits of sustained economic growth.

As the economy improves, I do not beleive this is the time to be raising taxes by an astronomical $315 billion dollars. Yet, this budget resolution proposes to do just that by canceling the 10-percent across-the-board tax reduction in July, by repealing indexing, and by enacting a host of new Federal taxes.

Mr. Chairman, it would be inappropriate and unjust for this body to renege on these July tax reductions. This legislative body has a history of making promises it never keeps. We must keep this one.

It is also my firm belief that the Federal Government has, for too long, reaped the benefits of unlegislated, unvoted, and unsigned tax increases because of inflation-created bracket creep. Indexing is long overdue and must become a permanent part of our Tax Code.

Mr. Chairman, the "Democratic Plan for Economic Recovery" is a political document, replete with shoddy workmanship and partisan rhetoric. It has no fiscally redeeming characteristics and certainly cannot be considered a viable economic budget proposal.

As our economy recovers, reflecting the success of structural changes in Government spending patterns, the Democrats are offering a $181 billion domestic spending program which reverses the positive changes implemented over the past 2 years. In my judgment, the American people are unwilling to accept this misguided economic proposal calling for excessive and unnecessary Government spending.

Mr. Chairman, one of the most disturbing aspects of this political document is that it effectively implements a nuclear freeze by cutting $206 billion from the President's strategic rebuilding and modernization program. While I believe there is room to reduce defense spending, these barebone cuts will provide for a mere 3.2 percent growth rate in defense for the next 4 years.

I personally do not feel comfortable with this kind of defense program in light of continued unprecedented increases in Soviet military might. It distresses me that House Democrats would impair our national security by proposing such drastic reductions in vitally needed modernization programs.

The radical cancellation of major weapons systems procurement means a cancellation of the F-14, the A6E, the F-15, 25 new ships, and many other important strategic systems. Further, this cut in our strategic forces would likely mean the end of the MX missile, effectively abandoning the land-based leg of our strategic triad.

I cannot in good faith fathom cuts of this magnitude in our defense budget. The primary purpose of Government is to provide security for its citizens. This irresponsible proposal fails to keep this promise.

Mr. Chairman, in the movie, "Network," actor Peter Finch tells the American people they should go to their windows and yell that they are "mad as hell and aren't going to take it anymore."

Two years ago, the American people did just that in a crescendo of unified voices demanding that the Congress enact the President's economic recovery program. I say to those Americans listening today that now is the time to again raise your voices against these huge new Federal taxes, huge new levels of social spending, and huge cuts in our Nation's defense capabilities.

I urge each of you to contact your elected officials and demand that the ideas contained in this resolution be rejected.

Mr. Chairman, for the good of this Nation, I urge the rejection of House Concurrent Resolution 91 and urge support for the alternative budget proposal to be offered by our colleague, Congressman LATTA.

Mr. LATTA. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. FISH).

Mr. FISH. Mr. Chairman, my remarks address function 750.

Mr. Chairman, although I support the continued funding of the Legal Services Corporation, I cannot support the Budget Committee's action in decreasing law enforcement funding as a funding mechanism for Legal Services. This will have the inevitable result of taking money from other programs requested by the administration which have strong support in Congress and

are necessary. The Budget Committee's action endangers a whole host of law enforcement initiatives. It would, for example, eliminate any money for the Office of Justice Assistance, a desperately needed program to assist local law enforcement.

If the decrease in funding proposed by the Budget Committee is applied to the FBI, it will result in no new fingerprinting program, no new automation information systems, and no FBI involvement in foreign counterintelligence.

If applied to the INS it would mean no national record center, no critically needed automation system, no upgraded communication, and no new Otay Mesa, Calif., land port-of-entry facility.

If applied to Federal prisons, it would mean one less new Federal prison, no new medical staff, decreased halfway house use, less food and clothing, and no further renovation of Leavenworth—perpetuating growing overcrowded prison situation.

If applied to litigative resources, it would mean no new U.S. attorney positions for civil litigation, insufficent funds to meet the requirements of the Right to Financial Privacy Act, insufficient grand jury reporting, and insufficient factual and expert witnesses for trials.

Mr. Chairman, the overall effect of the Budget Committee recommendation is to deny vital resources to the criminal justice system, especially now when crime is a problem of national concern and requires our attention.

Mr. LATTA. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. LUNGREN).

Mr. LUNGREN. Mr. Chairman, following upon what the ranking member of the Judiciary Committee has said, it is clear because of the fact that the Democrats on the Budget Committee have included the Legal Services Corporation into function 750 that inevitably the cuts have to come out of the other activities that are contained within 750; that is the FBI, that is the DEA.

In addition, if you look at some of the cuts that are recommended in the area of transportation, it is obvious that some cuts may be done in terms of the Coast Guard. Some have suggested $65 million.

Taken together, one wonders why we can have all these other extraordinary increases in domestic spending while we have cuts in defense and yet we do not even maintain the CBO base-line figures for law enforcement across the board.

□ 1800

The gentleman that preceded me talked about the implications for actual service in law enforcement that must be taken into account if we are going to have this budget go into effect.

It really is strange, it seems to me, Mr. Chairman, when we have time and again had Members from the other side of the aisle criticize this administration for not putting forth enough money in the area of law enforcement, and then, when given the opportunity to project their own grand plan of budgeting, they increase virtually every other area of domestic spending but actually cut Federal spending for law enforcement. This is FBI. This is DEA. This is even the prison system. There is the suggestion that if you go through with this budget, we would have to cut out the construction of one of the three new prisons that the administration has recommended over the next few years; this at the same time that in the U.S. Senate, the leaders on the Democratic side, have come up with a very good bill on sentencing reform which will have the implication of increasing the number of people in our Federal prisons. They are doing it on that side of the Capitol; yet on this side of the Capitol their colleagues on the Democratic side are making sure they cannot even pay for it.

Mr. JONES of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. HUCKABY).

Mr. HUCKABY. Mr. Chairman, I would like to commend the gentleman from Oklahoma for his perseverance in what I consider probably the toughest job in the House of Representatives, and that is the chairman of the Committee on the Budget, and rightfully it should be the toughest job, because that is our major job here, allocating the country's resources, our tax dollars, and how we are going to spend them.

I think it is a shame that we are here today, on only 1 day out of 365 of the year, and going to make only an up and down decision, a take-it-or-leave-it decision on the budget. The process is wrong. I think that we should defeat this budget, come back after the Easter recess. Let us start with the CBO baseline and go function by function, with the proviso that if you increase spending you automatically increase income taxes.

Let this Congress work a budget that would reflect the majority's views.

Mr. MACK. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. SHAW).

Mr. SHAW. I thank the gentleman for yielding this time to me.

Mr. Chairman, I would like to expand for one moment on the remarks by the gentleman from New York (Mr. FISH) and the gentleman from California (Mr. LUNGREN) as to exactly what this budget is doing on our effort to combat crime.

I, along with several other Members, both Democrats and Republicans, just returned from the White House within the last 2 hours. At that time, Mr. Meese described to us the greatest assault against drugs planned by this country in the history of this country. They are expanding the South Florida Task Force, using it as a model, and expanding it across the entire country. It is going to include a coordinated effort that is going to be headed by the Vice President of the United States, as delegated by the President of the United States, to coordinate a giant effort against the smuggling of drugs into this country.

This Democratic budget is slashing the FBI, the DEA, and other crime fighting agencies by 7 percent. We have worked so hard on both sides of the aisle to get these increases for this assault against crime, and they are taking this money and giving it to the Legal Services Corporation.

I have been told that the Legal Services Corporation only asked for $253 million, and they are being given $300 million. What kind of force feeding is this? What kind of nonsense is this when we have a crime wave and a problem in this country that we are attacking with a bipartisan solution, that the Democratic budget would come in with actual cuts of this magnitude for such an important problem. It does not make sense. The solution has been worked out with Democrats and Republicans involved in the process. Now we are faced with a budget that we only received less than 24 hours before we began consideration on this most important matter, and we are asked to make such cuts. This is nonsense. We must defeat this budget.

Mr. MACK. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. KASICH).

Mr. KASICH. Mr. Chairman, it seems incomprehensible to me that at a time when the index of leading economic indicators is up 3.6 percent—the largest increase in over three decades, that with income tax refunds in the mail and on the way home to our constituents as spendable income, with the tax cuts scheduled for July first about to give the consumers of this country additional spendable income, that we could even consider a document such as the one before us now.

What is needed is continued budgetary restraint—restraint that will help bring interest rates down, restraint that will fuel the economic recovery that is now just beginning and ultimately put our fellow Americans back to work.

But there is no restraint in this budget. Instead, this proposal would raise taxes by $30 billion in 1984, $185 billion over the next 5 years, cancel the third year of the tax cut program, eliminate the indexing of taxes, something that will be particularly hard on those in the middle and lower income

brackets, cut defense spending to an unacceptably low figure and repeal all the money-saving reforms we have made in our entitlement programs. And what do we do with the money we save? We do not use it to reduce the deficit, we just increase spending. Absolutely incredible.

I certainly hope that when the Members who support the House Budget Committee document on the floor today go home to their constituents, they tell them that they voted for higher taxes, voted to in effect repeal the third year of the tax cut program and tax indexing, and voted to destroy the budding economic recovery that is now just beginning.

Mr. MACK. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Mr. Chairman, if we had the capacity and courage to submit this issue to a referendum of the American people, where each person in the United States of America would have the right to vote yes or no, either in a town meeting, a gigantic town meeting, or on the ballot on a yes or no vote, I would predict that this issue would fall by millions of ballots cast by our fellow citizens.

Why? Because the key element in the proposal before us today is the takeaway provision. That which the 97th Congress and the President of the United States giveth to the American people by way of a tax cut is taken away by the 98th Congress if this budget resolution is adopted.

Just as the previous speakers have said, being on the verge of economic recovery, it is absolute foolishness on our part to stifle that recovery by adding a tax burden, taking away the spending power of our people at the juncture of the new budget resolution. If, indeed, we are to succeed as a nation, we must understand what I learned as a Congressman-elect, in sitting down with Alice Rivlin at a luncheon with the Congressional Budget Office people, when pointedly some of us asked. "Which way should we go? Should we forgo the tax cut in 1983 in order to try to reduce the deficit, or should we keep up with the program of allowing a tax cut to take place and thus stimulate the economy?"

Unanimously it was agreed, even by the opponents of so-called Reaganomics, that we ought not to forgo the tax cut of 1983.

Mr. MACK. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in opposition to this resolution. I would like to point out that I think that the resolution has very little meaning, even after it is passed. In the past we have passed many resolutions like this and we tend to change them rather quickly.

For instance, even today we are raising the current year's budget by $64 billion. So the resolution itself has so little meaning. In many ways, I think we are participating in nothing more than a charade as we go through this process.

But we have had some talk about how much deficit we have in this budget, but I think the real bottom line is how much the national debt is going up with each one of these budget resolutions.

In last year's resolution, we raised the national debt by $147 billion, and here in this budget we are raising the national debt limit in the current year another $99 billion. That means the current year increase in the national debt will be $246 billion.

By the way, this is the only part of the whole budget resolution that has the effect of law. The rest of it all can be changed and will be changed, but as we raise the national debt limit, this becomes the law of the land.

□ 1810

We missed last year's projection in increase in the national debt by 67 percent. That was the degree of error that we had. This next year's budget deficit that we project is $218 billion, and if we miss it again, by 67 percent that deficit will be $364 billion. That will come to a total between 1983 and 1984 we will increase the national debt to the tune of $610 billion. The national debt will then be well over $1.5 trillion.

Now, this means that the problem that we face is much more serious than anybody would lead us to believe by the conversations that I have heard so far today on the House floor.

We have heard some comments made about monetary policy, but you cannot blame everything on monetary policy and you cannot expect the Federal Reserve to solve our problems if we deliver to them a deficit of $610 billion.

Our problems we face as a nation are overwhelming. We are sitting on a debt time bomb. And the seat of the problem is here in the Congress. Budgets of this magnitude and the uncontrollable deposits that come from them must be stopped if we want to avoid an economic holocaust in this country.

Today the administration reported prices are no longer going up and that inflation has now been licked. Yet we know that for the past several months the money supply has been growing at an annual rate of 20 percent. Interest rates are lower but still outrageously high. Both conservatives and liberals blame the Fed for not lowering the rates further—implying really for even more money creation. It is only a matter of time until inflation explodes once again.

We cannot blame only the Federal Reserve's policy. It is the system of government that we have accepted that is at fault. We cannot solve our problems until we see that and realize its relationship to the nature of money. Until we have a redeemable gold dollar we can only expect more of the same.

The real issue is that big government is financed through a fiat paper money system. In order to finance the conservatives desires for militarism and overseas adventurism and the liberals desire for expanded welfare spending the Federal Reserve must respond. When we reject welfarism and militarism we once again can adopt an honest money standard that would assure economic growth, low interest rates, peace and prosperity for all.

Mr. MACK. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. DEWINE).

Mr. DEWINE. Mr. Chairman, I rise in opposition to this budget. This budget hits the same people who always get hit hardest by the Government, namely, the working American.

When are we going to make a promise to these Americans and keep it? We promised a tax cut and we promised to streamline Government spending. That is the direction in which we have been moving over the past 2 years. Many of us, in fact, were sent here with that very mandate. But this budget takes us right back to square one. It eliminates the third year of the tax cut and it eliminates tax indexing.

I might say, Mr. Chairman, there has been a lot of hedging from that side of the aisle all during the debate today about whether or not their budget will do away with tax indexing and the third year of the tax cut. But I think if you can look at this budget, there is absolutely no question about it. Every American should know that if this budget is passed we are going to eliminate tax indexing and we are going to eliminate the third year of the tax cut and we are going to put it right back on the back of the middle class American. No matter how much the other side of the aisle protests there is absolutely no doubt about that.

All told, this budget eliminates 42 percent of the net tax reductions Congress authorized over the past 2 years and restores 97 percent of the cuts in Government spending. Was Congress just kidding when it enacted those measures several years ago? We should hold the line on Government spending and give our hard working constituents the tax relief that this very Congress said we were going to give them 2 years ago.

Mr. LATTA. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. PARRIS).

Mr. PARRIS. Mr. Chairman, the budget we have before us represents a return to the failed policies of the past, policies that have been rejected again and again by the American people.

After a decade of allowing our support for the Nation's defense to decline in real terms, decline while the Soviet Union increased its defense spending by 40 percent, in 1980 we began to rebuild. We began to strengthen our national security, to upgrade our military. We began to make America more safe, more secure.

Now the leadership of this House is asking us to abandon that course. They want us to return to a position of military inferiority.

The budget we are considering today will mean an average annual reduction in military spending of more than $45 billion over the next 5 years. I say that is penny wise and pound-foolish. What level of defense spending is adequate for national security is certainly debatable, but a reduction of that amount is clearly excessive and dangerous to our security.

While I find it abhorrent that the leadership of this House is willing to jeopardize our national security in its partisan attempt to restore the budget priorities of Jimmy Carter, I am equally revolted by the leadership's willingness to jeopardize the personal financial security of millions of working Americans.

Yet, what else can you conclude after examining a budget with tax increases of $35 billion next year alone, and $319 billion over the next 5 years. There is only one way such a tremendous increase in taxes can be achieved and they know it: The third year of the tax cut and indexing will be repealed under the Democrat budget.

Repealing the third year of the tax cut means that the average American family will see their taxes increasing higher and higher. The average working American's income tax will increase almost $350 in the next 5 years. Eliminating the protection of income tax indexing against inflation will surely put every American family on a roller coaster ride to higher tax brackets. Every American family realizes that they are earning more and more in income and it is buying less and less as time goes by.

Cut our national defense. Raise taxes again and again. Spend money the people do not have for things the people do not need or want. We have heard that song before. It is the same tune that brought this Nation to the brink of disaster.

If you vote for this budget, my friends, make no mistake about it: It will surely take us there again.

Mr. LATTA. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. PORTER).

Mr. PORTER. Mr. Chairman, while this budget cuts back on the rate of increase in defense spending, the savings achieved is immediately funneled into increases in social programs instead of being used to reduce the deficit that is so great a drag on our economy. This alone is sufficient for me to vote "no".

But, in addition, with incredible shortsightedness, this budget calls for significant tax increases right in the midst of an incipient economic recovery. Never has a tax cut—the one due July 1—been better timed. But this budget would repeal it and dampen consumer spending right when it is needed most. What nonsense, Mr. Chairman.

This budget should be rejected out of hand.

Mr. JONES of Oklahoma. Mr. Chairman, I yield 1 minute to the gentleman from Kansas (Mr. SLATTERY).

Mr. SLATTERY. I thank the gentleman for yielding.

Mr. Chairman, I appreciate the opportunity to speak to this matter once again. The point I wanted to reemphasize, after listening to more of the debate, is the simple point that, in the future, it will take a majority vote in this body to raise a dime in taxes, it will also take a majority vote in this body to spend a dime in the future.

This resolution mandates this Congress to spend nothing or tax nothing. And I would just point out that, in the CONGRESSIONAL RECORD of April 30, 1981, the gentleman from Texas (Mr. GRAMM) asked a rhetorical question,

Are we mandating through reconciliation any kind of tax cut?

And his response to his own question was, "No."

I think that underlines the point that I am making. A lot of the political discussion that we have heard here today is just that. The fact of the matter is, we do not mandate a dime in spending, nor do we mandate a dime of new taxes to be raised.

Mr. JONES of Oklahoma. Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky (Mr. PERKINS), the distinguished chairman of the Committee on Education and Labor.

Mr. PERKINS. Mr. Chairman, I rise in support of the resolution. I believe this resolution offers a more realistic perspective on the Nation's priorities.

I am particularly encouraged by the proposals for education, training, and child nutrition. For 2 years, the present administration, through its budget resolutions, has pursued a policy of huge increases for defense, major tax cuts, and a tightly controlled money supply, while turning its back on those areas critical to domestic strength.

This resolution recognizes that the vitality of our people and our economy depends on our having a solid foundation in education, training, and nutrition.

In the area of elementary and secondary education, the resolution restores some of the funding cuts made over the past 2 years in key programs. Elementary and secondary education funding declined 14 percent between fiscal years 1980 and 1982, with some small restorations made for a few programs in fiscal year 1983.

These cutbacks have harmed poor children and increased unemployment through teacher layoffs. For example, cuts in the chapter 1 program for disadvantaged children have meant that up to 234,000 fewer students are being served and 5,600 teachers are unemployed. Right now approximately 9 million children are eligible to participate in chapter 1, but only 5.4 million can be served.

The resolution would allow for a $660 million increase in the chapter 1 program, which evaluations show to be one of our most successful Federal programs.

The resolution also acknowledges the importance of vocational education in reducing unemployment and pulling us out of the recession. A limited survey of 14 States shows 367,564 students have been turned away from vocational training and 3,168 teachers have been laid off in the past 2 years due to funding cuts from all sources. The assumption in the resolution to increase vocational and adult education by $114 million is a sound one.

The budget also contains $200 million in restoration funds for the child nutrition programs. In fiscal year 1982, the child nutrition programs were cut $1.5 billion. The effects of these cutbacks have been severe:

Over 2,700 schools and over three million children have dropped out of the school lunch program. Approximately 13 percent of the children are from low-income families.

Some 650 schools and 500,000 children have dropped out of the school breakfast program; 97 percent of the school breakfast funds support needy children.

About 500,000 fewer children received summer lunches as a result of the 40 percent cut in the summer food program. This program serves low-income areas exclusively.

Funding for the child care food program was cut 30 percent; 80 percent of these program funds support meals for low-income children.

In spite of the damaging effects of the 1982 cutbacks, the President is proposing an additional $350 million in child nutrition cutbacks for fiscal year 1984. In addition, he is proposing to freeze the WIC program at its 1983 level of $1.060 billion. This freeze would mean that 115,000 low-income

and malnourished women, infants, and children would have to be dropped from the present WIC caseloads.

The emergency jobs conference report that we are considering today contains an additional $100 million for the WIC program in fiscal year 1983. And the budget resolution under debate now rejects the President's call for further cutbacks in child nutrition and a "freeze" on the WIC program. Instead, child nutrition receives an additional $200 million and the WIC program an additional $300 million for fiscal year 1984.

In higher education, the budget resolution also restores some of the funding cuts made during the last 2 years. Pell grants increase from $2.4 billion to $3.0 billion. Other grants and loans are also increased.

The new Job Training Partnership Act increases from $3.7 billion to $5.0 billion. And I am very pleased that a new $4 billion is also provided for a new emergency jobs program.

Increases are also included for the elderly employment program and for Head Start.

Mr. Chairman, this budget resolution does not undo all the harm done in the last 2 years, but it is a start. And we must make that start if we are to meet the needs of our people today and lay the foundations for a better country tomorrow.

The following table shows the increases assumed in the first budget resolution for fiscal year 1984 for selected programs under the jurisdiction of the Committee on Education and Labor:

	Increase over fiscal year 1983 appropriation
Title I/chapter 1	662.7
Education block grant/special programs	71.5
Science and math	295.0
Bilingual education	1.9
Impact aid	24.8
Education for the handicapped	115.7
Vocational education	113.2
Adult education	[1]
Indian education	43.4
Pell grants	590.0
Supplemental opportunity grants	14.6
Work-study	10.0
Direct loans	8.8
State incentive grants	16.8
GSL	[2] −751.5
National Institute of Education	0.0
Libraries	0.0
Arts and humanities	19.3
Employment and training assistance	1,269.7
Forward funding of the above	3,911.0
Emergency jobs program	4,050.0
Community service employment for older Americans	14.1
WIN	14.2
American Conservation Corps	44.1
Labor services	44.1
Black lung benefits	[2] −5.0
Rehabilitation	115.2
Head Start	78.0
Aging	35.2
Community services block grant	37.5
Action	6.7
Low-income energy assistance	275.0
Special milk	[2] −8.1
Child nutrition	452.0
WIC	307.4

[1] The resolution assumes an increase of $113.2 million for vocational and adult education.

[2] The resolution assumes the CBO current policy estimate for these entitlement programs.

Mr. JONES of Oklahoma. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. PANETTA).

Mr. PANETTA. Mr. Chairman, I would also like to take this opportunity to alert the Members to the enforcement procedures contained in the committee resolution. First, reconciliation is used to achieve certain spending cuts assumed in the resolution. Seven committees are given reconciliation instructions: Armed Services for the 6-month COLA delay in military retirement, Education and Labor for the COLA delay in FECA, Foreign Affairs for the Foreign Service COLA delay, Post Office and Civil Service on the COLA delay for civil service retirement, and the 4-percent pay raise, Small Business on SBA disaster loans, and the Veterans Committee for the COLA delay on compensation benefits. Finally the Ways and Means Committee is reconciled on the revenue increases assumed in the resolution.

The resolution sets a June 6 deadline for submission of committee legislation dealing with spending cuts to the House Budget Committee, but allows committees to report directly to the House if they have completed their work before June 1. The Ways and Means Committee is asked to report their recommendations by June 1.

Second, the resolution includes a delayed enrollment provision. If a committee bill breaches its 302(a) allocations with any piece of legislation, that legislation will not be enrolled until after the second budget resolution is in place.

Third, the resolution provides for a number of options on the second budget resolution. First, if we do nothing then on October 1 the first budget resolution will automatically become the second resolution. We also have the option in the Budget Committee of reporting a resolution that simply updates the first budget resolution for changes in economic assumptions and for technical changes. Finally we can do a normal second budget resolution if circumstances call for one.

Finally the resolution provides that any bill within the 302(a) allocations of the committee that reported it will not be subject to a point of order for breaching the spending ceilings set in the automatic or updated version of the second budget resolution.

I would like to emphasize that in formulating these procedures the Budget Committee worked hard to accommodate the concerns of the other House Committees. I personally met with staff representatives of the other committees and distributed the enforcement language the Budget Committee was considering in its preliminary deliberations on the fiscal year 1984 budget. In response to these meetings I received excellent comments from committee chairmen on problems with the procedures and suggestions for changes or alternative methods of enforcing the budget resolution. These comments were taken into account before enforcement language contained in the final version of the budget resolution was developed.

The procedures set forth in this resolution will not please everyone. I believe, however, they are well thought out, workable and reflect the concerns of the House committees who, after all, will have to live under any resolution we pass in the Congress. Frankly we have a long way to go in this area. The last 2 years have been an enormous strain on the budget process. We have lived under budget resolutions and enforcement procedures that were not supported by the majority of Democrats in the House. This caused enormous resentment. Passing a budget on the majority side should clear up some of the problems. This will not be a cure-all, however. What is needed now is a complete debate on all budget process issues. The primary forum for this debate will be the Rules Committees Task Force on the Budget Process, chaired by Mr. BEILENSON. This task force has already held extensive hearings on the budget process, and will be going back to work after we pass a first budget resolution to work on some concrete proposals for amending the Budget Act.

I think we all recognize that a greater degree of communication and consultation is essential to a workable budget process. As chairman of the Budget Committee's Budget Process Task Force I will be working with Chairman JONES to make sure other committees of the House are aware of our enforcement procedures and that their concerns are taken into account as we implement these procedures during the rest of this year.

Mr. MACK. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. KEMP).

Mr. KEMP. Mr. Chairman, tell me why you are turning your back on this resolution on the analysis of the economy by our staff and by the distinguished economist of the CBO, Alice Rivlin.

The CBO advises that repealing or reducing the 1983 tax cut would have the disadvantage of increasing tax rev-

enues in the near term when the economic recovery is too fragile.

Why are we taking the wrong advice here? There were no CBO economists, no business economists, there was not anyone who came before our committee and told us that we could help the American economy recover from the recession by raising taxes. Why are you doing it, Mr. Chairman?

Mr. JONES of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. KEMP. I yield to the gentleman from Oklahoma.

Mr. JONES of Oklahoma. I do not intend to turn my back on anyone, certainly not anyone as dear as Dr. Alice Rivlin.

What we recommend in this budget is a revenue target. It could be achieved by ways such as Senator DOMENICI has suggested, on imported oil fees.

Mr. KEMP. $30 billion on imported oil, Mr. Chairman? Is that what you have got in mind for the American taxpayer?

Mr. JONES of Oklahoma. It could be raised by taking the President's tax increase and moving it forward.

Mr. KEMP. That is a 30- to 40-percent increase per gallon in the gas tax.

Mr. JONES of Oklahoma. There are a number of ways to raise it.

Mr. KEMP. Mr. Chairman, it is important that the Members know what they are voting for. Now, if you vote for a $30 billion tax increase in 1983 and a $40 billion tax increase, Mr. PANETTA, in 1984, and a $50 billion increase in 1985, I want to know, and I think the Members ought to know, from whence it is going to come. It is going to come either on imported oil, which will be translated into higher gasoline, higher home heating oil.

Ladies and gentlemen, those of you who live in the Northeast, if there is anybody left in the Chamber, every single home, almost, in the Northeast is heated with oil. Are you telling us you are going to put a $30 billion tax on imported oil and tell us it is not going to be tacked on to prices of people who drive cars and people who heat their homes with oil will have to pay?

Mr. JONES of Oklahoma. If the gentleman will yield, I assume, from the gentleman's comments, that he would not support the President's recommendation for tax increases, including the excise tax on oil.

Mr. KEMP. Not only does the gentleman in the well not support any tax increase now or in the near future such as the third year tax or indexing or future surtaxes. I did not support the tax increase in 1982, because the American people are overtaxed, not undertaxed. I will tell you, Mr. JONES, you have wiped out any tax cuts to the American people by your budget. The increase in taxes in 1982, coupled with the gas tax, coupled with the acceleration of the payroll tax, coupled with bracket creep, coupled with social security tax, totally wipes out the $1.5 trillion tax cut of 1981 between 1981 and 1988.

It is all over. If you can find any economist left, right or center, who believes, when consumer spending is just barely rising, and with this economy as fragile as it is, with economic growth only rising 4 percent in the first quarter of 1983, that we should put this tax burden on the economy, I would like to know who supports it. Walter Heller does not. Otto Eckstein does not think we should remove the third year, the New York Times does not think we should remove the third year. They think we should accelerate it. They may do it for different reasons, but basically they believe that the consumer, the working men, and women of America, that this economy cannot afford a tax increase of this magnitude, and you, Mr. JONES, are doing something to the people of New York and the people of this country that I am not going to stand here and let go unnoticed.

Why are you doing it, JIMMY?

Mr. JONES of Oklahoma. If the gentleman will yield, I will admire his consistency in opposing both his President and his recommendations for tax increases, as well as any recommendations for deferring further tax cuts.

I would point out, though, that the Joint Tax Committee has noted at this particular time in tax expenditures there is something like $328 billion in tax expenditures in 1984. A lot of people think that some of those are unnecessary and perhaps some of those could be looked at again to raise revenues that would not result in a general tax increase.

Mr. KEMP. $30 billion, JIMMY—Mr. Chairman, excuse me for being so familiar. We are on the same committee.

Mr. JONES of Oklahoma. We are objective. We are on the same wavelength.

Mr. KEMP. Here is what the CBO told us in the report. Do you remember the CBO analysis? They said that higher income taxes and higher payroll taxes will discourage work.

□ 1820

Not only does it discourage work, it discourages the workers, and not only does it discourage work and workers, it discourages hiring people. You cannot hire people when the payroll taxes are raised and when the income taxes are raised because it puts a tremendous wedge between the income paid to a worker and what he or she takes home. It raises the cost of labor.

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. KEMP. I will be glad to yield to the second most active member of the Budget Committee trying to raise taxes on the American working people, the gentleman from California.

Mr. PANETTA. I thank the gentleman for yielding.

The CHAIRMAN. The time of the gentleman from New York (Mr. KEMP) has expired.

Mr. LATTA. Mr. Chairman, I yield 1 additional minute to the gentleman from New York (Mr. KEMP).

Mr. KEMP. And I will now yield to the gentleman from California because I mentioned his name.

Mr. PANETTA. The question I would ask the gentleman, if he does not want to cut defense spending, he does not want to cut discretionary spending and he does not want to raise revenues, how would he reduce the enormous deficit we have?

Mr. KEMP. Here it is, Mr. Chairman. You are going to get the unvarnished truth as to reducing deficits. I do not know if you will believe it, and the gentleman from Oklahoma said there are only two ways to get the deficit down, either raise taxes or cut spending, and he wants to do both in his own fashion.

But there is a third. There is a third way. Get those interest rates down, get this economy back on its feet, and get people back to work. Get the factories back into production and back to high levels of utilization. As the economy grows the factories will not only be paying taxes, but so will the people, and it will help get this deficit down.

With economic recovery the deficit will be removed or more manageable as people go back to work.

Do not erode the opportunity to get this country back to work by voting for this budget which attacks the economy and the working people of America.

The tax increases proposed by the House Budget Committee over and above the new social security tax increases would result in massive tax increases on the American people.

In fact, when combined with last year's tax increases, bracket creep, and previously scheduled social security taxes, the Democrats new tax increases would wipe out completely the tax cuts enacted in 1981 and result in a net tax increase on the economy of nearly $200 billion between 1981 and 1988.

The tax cut enacted in 1981 just barely offsets the rising tax burden on the economy under present law. Between fiscal 1981 and 1988, the Economic Recovery Tax Act reduces taxes by an estimated $1.138 trillion, a substantial amount. But a substantial tax cut is needed to offset the equally substantial tax increases facing American taxpayers between 1981 and 1988.

Last summer's tax bill raises taxes by $281 billion.

The gasoline tax bill raises taxes by $21 billion.

Inflation-induced bracket creep raises taxes by $489 billion.

Previously scheduled social security taxes raise taxes by $214 billion, and the proposed bipartisan social security rescue plan will raise an additional $56 billion.

The total tax increases amount to $1,061 billion, leaving the taxpayers with a net tax cut of only $77 billion between 1981 and 1988.

If taxes are raised by an additional $265 billion—as the Democrats are proposing in their budget—the total tax increase between 1981 and 1988 will be $1.326 trillion, resulting in a net tax increase of $188 billion.

Mr. Chairman, the repeal of indexing would be unfair to lower income earners; 78 percent of the benefits go to those earning less than $50,000 a year. Assuming an inflation rate of 4.5 percent, the repeal of indexing would result in a 9.4-percent increase in tax liability for people with less than $10,000 in adjusted gross income. Those earning between $20,000 and $30,000 would experience a 3.2-percent increase in tax liability and those with $200,000 only a 0.5-percent increase.

As the New York Times editorialized, the reason for this is that the lower tax brackets are the narrowest in percentage terms, so inflation causes income to rise through the brackets faster at the bottom. In addition, personal exemptions and the zero bracket are large relative to total income in the lower brackets.

Since about 85 percent of small businesses pay only personal income tax, indexing and the third year tax rate reduction are important to small business. The lower marginal tax rates also help to hold down wage pressures, and this helps prevent American products from being priced out of both domestic and foreign markets.

Mr. Chairman, as Paul Craig Roberts argued, during 1981 the argument was that the budget deficits would cause inflation. When the inflation rate collapsed despite deficit projections that grew like Topsy, the argument became that deficits cause high interest rates. Over the course of the year from August 1981 to August 1982 while the Office of Management and Budget pressed this argument on everyone who would listen, estimates of the deficit doubled and tripled, but interest rates fell substantially.

The official deficit projection for 1983 rose from $62.9 billion in September 1981 to $115 billion in July 1982, with unofficial projections placing the deficit at $140 billion. Despite the mushrooming deficit, from August 6, 1981, to August 6, 1982—prior to the big financial market rally that began on August 17, 1982—interest rates on Treasury bills fell 33 percent. The prime rate declined 27 percent, the Federal funds rate fell 43 percent, and the rate on 90-day commercial paper was down 35 percent. The interest rate on 3-year Treasury notes fell from 15.8 to 13.5 percent, and interest rates on 10-year Treasuries declined a full percentage point.

If deficits or the fear of them push up interest rates, how do we explain this fall in rates, much less the behavior of the financial markets since August 17, 1982? On September 1, 1982, the CBO revised its 1983 deficit projection upward from $118 billion to $150 billion, and Solomon Bros., forecast a 1983 deficit of $178 billion. Since that time larger projections have appeared. Yet the rally continued in the financial markets.

There is no evidence either that raising taxes reduces the deficits. President Reagan was told that the Tax Equity and Fiscal Responsibility Act of 1982 would narrow the 1983-87 budget deficits by $229 billion. Instead, by December OMB's deficit projections had doubled.

You cannot reassure the financial markets by raising taxes. My advice to you is to take advantage of the situation and fundamentally improve the tax system. If you do not want to do that, we should shift our attention to monetary policy and make sure that the Federal Reserve does not abort the recovery.

Mr. JONES of Oklahoma. Mr. Chairman, I did not understand all of that because he talks faster than I could understand it. But I appreciate his fervor.

I would only point out that since he has quoted the Congressional Budget Office and the Director of CBO, that they do indeed, and she does indeed say that the comments the gentleman from New York just made are part of the Keynesian theory of economics. I think he is a Keynesian in that respect.

But they go on to point out, as is reported from the Congressional Budget Office where it says:

According to traditional macroeconomic analysis a tax increase or spending cut could temporarily reduce economic growth. However, there is now a strong possibility that the enactment of budget policies that significantly reduce future deficits would have favorable effects on interest rates, even in the near term.

In the present situation where market participants anticipate large Federal deficits there might be favorable effects on long-term interest rates shortly after enactment of budget policies that reduce future deficits. If so, timely enactment of policies to reduce future deficits could encourage a more rapid economic recovery in the near term, particularly if accompanied by accommodating monetary policy. Such a change in the policy mix could lower interest rates and permit that recovery to conform more closely to past recoveries.

Again I would say to the gentleman from New York he has been consistent on his tax policy. I just believe that the first thing we have to do to get interest rates under control is to get those deficits under control.

Mr. KEMP. Will the gentleman yield for a question?

Mr. PEASE. Mr. Chairman, will the gentleman yield?

Mr. JONES of Oklahoma. I yield first to the gentleman from Ohio.

Mr. PEASE. I would just like to make a comment.

Our friend from New York is indeed consistent. He was making the same speeches 2 years ago when the deficit was $58 billion. Now it is over $200 billion and he has not changed his tune.

Mr. Chairman, I am concerned particularly with the approximately $30 billion in new revenue called for in the budget committee resolution. If we approve this resolution, we will have taken the first step toward raising taxes in fiscal year 1984.

Whether we raise $8 billion as mentioned by Chairman ROSTENKOWSKI or the $30 billion in the budget resolution, we must give new thought to the erosion of progressivity in our Tax Code. I feel strongly that any and all tax increases must bow to the principles of equity and efficiency. It is essential that the Members of this House consider closing tax loopholes before raising individual taxes. Closing tax loopholes is one way that Congress can make our government more fair and can broaden our shrinking revenue base.

It is worth remembering that 41 percent of all taxpayers make $15,000 a year or less. Yet, these people got less than 9 percent of the 1981 individual tax cuts. Although taxpayers making $15,000 or less were pushed aside when it came to handing out tax cuts, they have been asked to foot the bill for the revenue lost through the individual and corporate tax cuts by paying higher excise taxes.

Tax cuts that go preponderantly to the wealthy and a burgeoning number of tax loopholes that go only to those rich enough to take advantage of them are leading people to the conclusion that only the poor and the stupid pay their fair share of taxes.

Time magazine this week carried a lead article on the erosion of our voluntary system of taxation. The article cites IRS estimates that we will lose $100 billion this year from taxpayers who under report their income, shelter their income or just plain fail to report at all. This $100 billion in revenue loss to the Treasury has grown from $29 billion just a decade ago.

If we have to raise revenue this year, I urge my colleagues to reject the President's so-called standby tax or an energy tax. We must avoid the temptation to increase the tax burden on those millions of lower income Americans who frankly cannot take any more. Horizontal equity—which dictates that taxpayers with similar

income levels should pay the same taxes regardless of the sources of their income—is becoming an illusion in our Tax Code. Thirty thousand dollars a year in invested income produces far greater after-tax income than $30,000 earned in hourly wages.

On partial solution to the problem was suggested by Chairman ROSTENKOWSKI a short while ago when he proposed freezing any further tax cuts scheduled to go into effect after the end of 1983. Included in the freeze are changes in estate and gift taxes, the windfall profit tax, certain charitable deductions for nonitemizers, ESOP's, and the new 15-percent net interest exclusion while continuing the current excise tax rates on tobacco and telephone use. Although this proposal does not correct the most longstanding inequities in our code, it does limit further damage to the tax base. It also postpones consideration of all major new tax reduction proposals.

Another partial solution with a strong element of fairness is to cap the next installment of the income tax reduction at $700. This proposal would generate $6 billion in fiscal year 1984. Coupled with tax loophole closings, it would be possible to generate a substantial amount of revenue without further damaging the progressivity of our tax system.

Last year during the budget debate, I proposed an amendment to the resolution listing possible loophole closings to be considered in reducing the deficit. Although several of my colleagues termed the review of the tax loopholes "foolhardy" saying it could not be done, Senator DOLE went ahead and achieved what many in the House considered impossible. Included in the Tax Equity and Fiscal Responsibility Act of 1982 were 14 of the proposed areas for consideration in my amendment to the budget resolution.

I feel compelled to point out that substantial revenue can be generated by closing tax loopholes. The so-called ordinary hard-working American is demanding equity. If this Congress is not prepared to reestablish the principle of equity in our Tax Code, our voluntary tax system is in trouble.

Mr. KEMP. I can understand why the gentleman wants to revise and extend.

Will the gentleman yield to me to respond?

Mr. JONES of Oklahoma. I would first yield to the gentleman from Oregon (Mr. AUCOIN).

Mr. AUCOIN. If the gentleman will withhold for just a minute, I appreciate the chairman yielding. If the gentleman from New York will be patient, I simply want to say I support the resolution. It is infinitely better than the gentleman from New York's idea.

I rise today in support of the resolution reported by the House Budget Committee.

I did a great deal of soul searching last night, as I am sure most of you did. I have a great deal of difficulty accepting what I consider unnecessary some of the expenditures assumed in this budget, and having voted against the deficits of Gerald Ford and Jimmy Carter, because I considered those deficits too high, it would have seemed easy to reject a deficit of $174 billion as simply being out of the ball park.

But then I began looking for the better alternative. What had the President proposed? A 1984 deficit of $188 billion resulting from the twisted priorities of this administration which demanded that we cut funding for unemployment compensation and health care benefits in order to fund a $1.8 trillion military arms race.

Even my friends across the aisle have been so mortified by the President's effort that they have refused to come up with a budget of their own.

So it comes down to this: Do nothing and allow the baseline deficits to grow from $203 billion in fiscal year 1984 to $303 billion in fiscal year 1988, or take action to support the only proposal which cuts $108 billion more in red ink spending than the President, helps control the Pentagon's arms race, and restores humanitarian priorities to our budget.

I want to say here, however, that while I agree with the deficit cuts in this resolution, I do differ with some of the new spending categories that this resolution makes room for. But this resolution does not appropriate funds for these or any categories; it merely budgets them. We will soon have the opportunity to cast our votes on the authorizations and appropriations for these specific programs, and I will vote then to limit spending in new categories.

So today there is only this question: To vote for or against an overall budget plan which slashes $108 billion off the President's deficits and restores the priorities which acknowledge the importance of people—individuals—in our society. This is a budget which recognizes that we must be economically strong if we ever hope to maintain our national security.

This is why I intend to vote for the House Budget Committee resolution, not because it is perfect in every aspect, but because it begins to move us in the right direction toward deficit reductions and restored priorities.

There comes a time. Mr. Speaker, when those of us in a democratic society must look beyond our own self-interest and act in the common good. We face such a choice today.

But where is the one person who can forge a consensus, who can resolve the problem—the one individual who represents all of the people? He is sitting on the sidelines taking potshots at a good faith effort by the House Budget Committee to come to grips with the reality of our fiscal dilemma. His own budget proposal has been rejected even by members of his own party, yet he calls this proposal a "declaration of war."

Well, frankly, Mr. President, the war is over. The casualties are the millions of Americans who have been thrown out of work because of economic policies which have produced record unemployment and budget deficits greater than those of the last five Presidents combined. These casualties have been hard-working men and women in the Hillsboros, the Beavertons, and the Forest Groves across this country who have really asked but two simple things from their Government and its economic policy: Make it fair, and make it work. An economic policy which cuts unemployment assistance and medicare payments to fund a $1 trillion military arms race is not fair. And a budget policy which projects ever-increasing deficits is sure not working.

And what is most curious about the President's criticisms is that they are leveled at those features of this resolution which I find best addresses our fiscal problems and meets the concerns voiced by my constitutents.

This is the only budget proposal which offers a sane and balanced approach to military spending—allowing for a 4-percent real increase in spending. This will provide budget savings of $164 billion over the next 4 years. Despite these savings, and the claims of the White House that this will bring "joy to the Kremlin," defense spending will still increase by $217 billion through 1986. This is the type of balanced approach which the American people have been asking for, and I commend the committee for their resolve in this area.

The President has also criticized this proposal because he claims interest rates would soar and the economy would go into a tailspin if it were adopted. Although I have a great deal of difficulty accepting the deficit projections recommended in the committee's resolution, I have even greater difficulty accepting the President's deficits. The President recommends $42.3 billion more in deficit spending than recommended by the committee. My vote will be for a responsible budget with lower deficits.

Lastly, the committee's budget restores much of our revenue base which was corroded by the ghastly Kemp-Roth proposal. In nearly every town hall meeting which I have held in my district, when asked whether they would be willing to forego the last year of the 10-percent tax cut in return for lower deficits, my constituents have chosen to give up their $10 to $20 tax break in return for a steadily declining deficit. Here too I commend the committee.

On balance, the committee's proposal is the only constructive alternative for putting us back on the road to fiscal responsibility rather than economic chaos. If I had my choice, I would eliminate the public service expenditures in return for an even lower deficit. In fact, using the Budget Committee's own worksheets, I came up with a budget deficit figure under $100 billion for fiscal year 1984.

I do not have the choice of offering an amendment to delete that funding now, but I respectfully reserve the right to vote against this legislation on authorization and appropriation bills when they reach the floor.

We have the choice here today of voting for constructive, balanced, action to meet our fiscal crisis, or we can sit on the sidelines complaining loudly about what we are against but offering little in terms of what we are for.

We can take action now to avert fiscal anarchy, or we can run about mouthing bumper-sticker slogans and trying to find someone to blame for the mess we find ourselves in.

And finally, we can give the American people what they have been so desperately searching for: responsible, balanced, and compassionate leadership committed to solving, rather than inflaming, our problems.

I cast my vote with the latter, and urge you to support the Jones resolution.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. JONES of Oklahoma. Once more, with feeling.

Mr. KEMP. After I have waited for 14 unanimous consent requests.

Mr. JONES of Oklahoma. I yield such time as he may consume to the gentleman from Colorado (Mr. WIRTH).

Mr. WIRTH. With the patience of the gentleman in the well, Mr. Chairman, I think you have put together a superb budget resolution and I rise in support of the resolution.

The budget before us today is a positive blueprint for our Nation's future. It offers reason for hope to the hopeless, provides medical care for those in need, and promises training for those whose jobs have disappeared forever because of rapid changes in our country. This budget commits our country to excellence in education for all our people, from the disadvantaged young to the most talented scientists and researchers. It recognizes that without an adequate network of public facilities, we cannot expect to return our economy to sustained health. It renews our commitment to energy independence and to cleaning up the environmental hazards we have become all to aware of recently.

Mr. Chairman, this budget is a comprehensive roadmap of the direction in which we want to lead the country. It represents the culmination of 2 years of work by a broad spectrum of House Democrats, and I would like to briefly remind my colleagues of some of that history.

In early 1981, House Democrats held an issues conference in an effort to begin redefining the mission of our party. From those very good candid discussions grew an ongoing effort through the leadership of Democratic Caucus Chairman Gillis Long. Seven issues task forces spent a great deal of time studying cross-cutting national issues: the future of the economy, national security, crime, the environment, housing, small business, and women's economic issues. The Committee on Party Effectiveness, representing Members from all philosophies and regions, worked long and hard to forge consensus on these and other issues. After 20 months of effort involving more than 100 Members, the reports of these seven issues task forces were published in a document called "Rebuilding the Road to Opportunity."

Since then, this report has served as the basis for more detailed work in fashioning alternative policies which affirm what Democrats stand for and what we believe our Nation must do to take advantage of the tremendous opportunities of the 1980's. Their major recommendations have been endorsed by the full Democratic Caucus and supported by the leadership as major policy goals. At a second very productive issues conference in early February of this year, more than 100 Members candidly discussed the very serious economic conditions we now face and the policies which can both help solve our current woes and set the groundwork for sustained economic growth with opportunity for all Americans.

In subsequent weeks, nearly every Democratic House Member helped shape this budget, through an unprecedented democratic process. Each of us looked at the staggering deficits on the horizon and made tough decisions about how to reduce them without imposing new hardship on the needy or on hard-pressed average families. The thinking of each Member is reflected in this budget.

Mr. Chairman, with the Speaker's leadership, we House Democrats have this year produced a budget which reflects the changes we agree must be made in the disastrous course the administration has followed and which reflects a long-term vision for our country.

This budget recognizes how quickly our economy has changed and become subject to intense international competition. To achieve sustained growth, this budget recognizes that we need both revitalized basic industries and the human and capital resources to stay ahead in fast-growing technology and information industries. For that reason, it includes increases of $1.5 billion over the administration's request for research and development in fields ranging from medicine and pollution control to upgrading our deteriorating university research base.

This budget commits us to giving all our citizens the opportunity to realize the benefits of an economic reality relying more than ever before on brainpower. It provides an increase of $13.55 billion for education, training, employment, and social services. Our people are our most precious national resource, and in this fast-changing economy, it is increasingly clear the future will be won by those who are skilled and educated. All our students need opportunity, and that begins with educational excellence. And for those whose jobs have disappeared forever because of changes in our economy, this budget provides adequate funding to retrain them. Rather than discarding the jobless as though they are surplus goods, we offer the tools these people need to again become proud and productive citizens.

There are many other examples in this budget which underline our fundamental commitment to investing in things which will spur sustained economic growth with opportunity for all our citizens. Our failure to make these investments will be far more costly in both human and monetary terms than their cost today. We have not adequately invested in our people, in our deteriorating network of public facilities, in our research base, in energy independence, or in basic social services for the past several years. We are now paying the price—in lagging productivity, large trade deficits, and totally unacceptable rates of unemployment, illiteracy, and crime. The investments in our future represented in this budget are the result of 2 years work by many House Democrats. Passage of this budget will be the first step in turning around these dangerous trends.

In addition to the very positive initiatives represented in this budget, Mr. Speaker, It also contains a realistic, balanced approach to reducing massive deficits, maintaining a strong but not wasteful defense, and enacting real tax reform.

All of us are pleased at the recent evidence of the beginnings of economic recovery—this deep and painful recession has gone on far too long. But the overriding issue before us today is the need for our economic policies to encourage and not to thwart this recovery. The plain fact is that the budget deficits the administration is projecting are going to eat us alive. Projections agreed to by both the Office of Management and Budget and the Congressional Budget Office are that the deficits resulting from this

administration's policies will hit more than $300 billion by 1988—an absolutely staggering figure. More than 80 percent of the net savings of the country will be absorbed by this deficit, even with an economic recovery. Deficits of this magnitude will trigger another round of sky-high interest rates. Recovery will be choked off if families cannot borrow for cars and homes and businesses cannot borrow for expansion or even maintenance of existing services. This budget sets forth a clear path toward reducing this tide of red ink, starting this year, and leading to a deficit more than $100 billion lower than that we face under current policy by fiscal year 1986. These deficit reductions are a central and critical part of this budget.

Mr. Chairman, I found the President's recent comments about "delighting the Kremlin" both offensive and deceptive. We have proposed a 4 percent real increase for the Defense Department in fiscal 1984 with outlays of $235.4 billion. Our decision to slow the administration's requested 10.4 percent rate of increase stems from three factors.

First, we simply cannot afford to buy everything on the Pentagon's wish list, or both economic recovery and our national security will be endangered. Second, many experts doubt whether it is even possible for the Defense Department to absorb an increase of this magnitude in 1 year. And third, we favor a strong defense, with increases for the things we need: adequately paid troops, weapons that work, spare parts, and readiness.

But we do not believe in indiscriminately buying every weapons system the Pentagon can dream up, especially because some of them are unproven, destabilizing, or will be outmoded before they are built. Our Defense budget represents a clear statement for a strong national security, but against massive waste.

On the revenue side, we are being accused of proposing massive income tax increases. That simply is not true. There are many ways the Ways and Means Committee can choose to reach this target, such as capping the third year of the tax cut to make it more equitable, and eliminating a number of loopholes. Clearly, the lion's share of the benefits from this tax cut have gone to the most privileged members in our society. We are asking for fairness so that average families do not continue to pay more than some of our wealthiest corporations. We also simply must stop the raid on our National Treasury resulting from the administration's tax policies.

Mr. Chairman, the budget before us is the best evidence in 2 years of what Democrats stand for. It does not please any of us completely; that is the nature of consensus documents. But it represents a positive first step toward reversing the damage of the past 2 years and the beginning of our effort to restore sustained growth to our economy. If we fail to pass this budget, we may well be plunged into months of contentious debate which would be very dangerous for our country. I urge my colleagues on both sides of the aisle to support this budget.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. JONES of Oklahoma. I will be happy to yield to the gentleman.

Mr. KEMP. I am going to resist the temptation to talk about the gentleman from Colorado and his Tory democratic views, or the gentleman from Oregon and the lumber industry that is barely recovering and go back to what the chairman said.

I think he said, and get that statement back out, Mr. Chairman, and tell me was it not the beginning part of that from the CBO analysis that any increase temporarily would reduce economic growth? Was that the part?

Mr. JONES of Oklahoma. That is traditional Keynesian theory.

Mr. KEMP. Does anyone in this body right now want to even temporarily reduce the economy's ability to come out of this recession? Do you want to take this chance with our economy, Mr. JONES, Mr. AUCOIN? Are you going to go back and tell your lumber workers that you want to take that chance? Do you want to do anything to reduce the recovery? You go ahead and vote for the Democratic budget and take that chance. I am not going to take it.

Mr. JONES of Oklahoma. Mr. Chairman, I yield back the balance of my time.

Mr. LATTA. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. DREIER).

Mr. DREIER of California. Mr. Chairman, I rise in strong opposition to the Budget Committee proposal before us now.

This budget is so flawed that it would take an additional 10 hours of debate just to describe its major weak points. First, this creation fails to provide adequate funding for our Nation's defense. The 4-percent increase in defense spending flies in the face of public opinion and will not even come close to allowing us to provide for our most basic of national defense needs. Second, this budget was concocted in unfair and almost devious manner. Those of us on this side of the aisle who would offer a reasonable alternative, who would provide for adequate national defense, who would provide for the welfare of our Nation's truly needy, who would clamp down on excessive Government spending and outrageous interest rates—were denied the opportunity to even offer a substitute budget. And yet, somehow, this budget is referred to as a compromise—some compromise.

Finally, the committee proposal will reach deep into the wallets of the average American worker for over $300 billion to once again finance domestic spending programs which have achieved precious little in the past, and which only promise to return us to the free spending policies which got us into this mess in the first place. This budget will raise the taxes of working men and women by repealing the third year of the tax cut, and will allow our Government to continue to raise greater and greater revenues through increases in the rate of inflation by repealing indexing.

Is this budget fair? No. Is this budget pragmatic? No. Will this budget help keep our Nation on the road to recovery? No. Let us throw out this partisan mess and start over.

Mr. LATTA. Mr. Chairman, I yield 5 minutes to the gentleman from Mississippi (Mr. LOTT).

Mr. LOTT. Mr. Chairman, I found the debate that has just been going on here very interesting. I was pleased to hear the gentleman say that deficits do matter, and I think it points what I am worrying about more than anything else in this budget resolution. What is it going to do to the economy?

If deficits do matter, why, then, is your deficit, as a matter of fact, larger than the one that the President had in his proposals? I would like for the gentleman to look at these charts, and I will give you the details here right quick.

These were the same charts used by the distinguished majority leader just the other day.

If you use the same assumptions, if you use the same assumptions you will see in fiscal year 1983 your deficit goes up above President Reagan's. If you use the same assumptions—we do not want to argue over the assumptions, we will just go with the ones the President used, and I think they were probably too optimistic—that would take the deficit up much further.

If you go to fiscal year 1984 and allow in the deficit for the taxes—are you listening—for the taxes you are not going to get, and Chairman ROSTENKOWSKI already said you are not going to get the tax increases you are talking about, then the deficit as a matter of fact is up the next year, fiscal year 1984.

If you go with the same assumptions over the 5-year period your deficit, as a matter of fact, is larger.

The deficits do matter and if you use the same assumptions you have a higher deficit in your budget than the President had in his budget.

Mr. JONES of Oklahoma. Will the gentleman yield?

Mr. LOTT. I yield to the gentleman from Oklahoma.

Mr. JONES of Oklahoma. My first question is: Do you have the majority leader's permission to mess up his charts?

Mr. LOTT. We were able to reprint his charts.

You know the thing that amazes me is how in the world do you cut defense, raise taxes, and still get, as a matter of fact, higher deficits.

One thing that confuses me here in this debate is I hear on one hand this budget really does not matter, somebody was saying that awhile ago. If it does not, then we have weakened the whole process, and I think maybe we have.

In the referral that went to the Rules Committee, as a matter of fact, we have weakened reconciliation, we have weakened the budget process with no deferred enrollment. I have worked with the chairman of the Budget Committee to try to preserve this and to make sure this thing has teeth in it, and I fear that it does not.

If it does matter, if this budget really does matter, and I maintain to you that it does, then we have real problems with what we are doing with the economy of this country by raising taxes on the blue-collar workers, the middle- and-low income people in this country.

We are cutting defense beyond what is reasonable. I know you are saying to people on your side of the aisle not to worry about it, we will wind up with a higher figure. But you are down at 2.3 real growth.

I mean what are we really going to wind up with in defense, not to mention what you do to the deficit.

Mr. JONES of Oklahoma. Will the gentleman yield?

Mr. LOTT. I yield to the gentleman if he has a comment.

Mr. JONES of Oklahoma. Again, I share the gentleman's respect for the budget process. I can assure the gentleman we are taking this one step at a time and we intend to make the budget process work. Whatever Congress finally adopts, I intend to implement and enforce that.

On defense we are going to be spending $1.6 trillion under this recommendation. That is a lot of money in anybody's ball park.

Mr. LOTT. How do you answer the charge that you are, as a matter of fact, raising taxes here with the proposals you have in this budget and, in fact, that it is going to hit the middle income workers of America and that these deficits are going to contribute to the likelihood of increased inflation again?

We are dealing with the economy of this country in the next 3 years.

I yield to the gentleman.

□ 1830

Mr. JONES of Oklahoma. If the gentleman will yield further, I stated in my opening statement that the President recommends tax increases, everybody who has looked at the deficit problem——

Mr. LOTT. We are not debating that now. We are debating the budget we have before this House, that is what the vote is fixing to occur on. Let me just say to my colleagues, in conclusion: Ladies and gentlemen, this is the most partisan, political platform statement that I have ever seen. It is not a budget. It is partisan, it is politics, but it is going to have an impact on how we vote around here the rest of this year on authorizations and in appropriations. We are laying out the agenda for this year right here. And if you think we are going to get the hook economically and politically by just saying this does not count, you are mistaken. I assert to you that this instead of being called a budget for economic recovery, is a stealth budget. We have seen it speed through this Chamber, it is a budget that you can see right through, but yet you really do not want to even talk about it.

Mr. GRAMM. Will the gentleman yield?

Mr. LOTT. I yield to the gentleman.

Mr. GRAMM. You may have messed up the majority leader's charts but his budget would mess up our economy.

Mr. JONES of Oklahoma. Mr. Chairman, I yield 4 minutes to the gentleman from Massachusetts (Mr. DONNELLY) a distinguished member of the committee.

Mr. DONNELLY. Let me just say in response to the gentleman from Mississippi and individuals from the other side of the aisle and their comments about the partisanship of this budget, it seems if I follow their logic that if the Democrats win a budget resolution, it is a partisan budget resolution, but if my good friends on the other side win a budget resolution it is a bipartisan resolution. I do not really follow that logic. Maybe it makes some sense to somebody but the logic certainly escapes me.

There are three major components of a budget resolution in my experience on the Budget Committee: Those components are defense, a revenue base, and domestic spending. We are recommending a steady 4-percent growth in defense over the next 5 years. In real dollars that is $1.6 trillion. Now it does not seem to me that $1.6 trillion is a stingy amount to spend on the defense of this Nation. I think it is adequate, it is a fair figure.

Second area on the revenue base, in the political hysteria that took place in 1981, this Congress adopted a tax policy that reduced revenue through the year 1988 by $1.1 trillion. We make a modest attempt here this evening to restore that revenue base, so that by the year 1988 we can reduce the debt service and reduce the structural deficit to a situation where we can adopt long-term economic recovery. The third point is domestic spending.

Clearly we are increasing this Government's commitment to dealing with its structural economic problems and to individuals as they face problems in this Nation. I think it is very important that we make a statement today that this Congress is not going to turn its back on the millions of people that are unemployed in this Nation; that this Congress in the long term wants to deal with the industrial base problems in this Nation, that this Congress, albeit without any cooperation from that side of the aisle or from this administration, continues to stand on the belief that Government has a responsibility to help those individuals who realistically and honestly cannot help themselves. Let me say in conclusion, if you adopt this budget resolution what you do very simply is this; you adopt long-term lower deficits for the people of this Nation; you adopt a defense policy that is realistic a defense policy that will deal adequately with the needs of this Nation and finally we adopt a position that we will deal with the human needs of this Nation.

When we adopted the Gramm-Latta budgets over the course of the last 2 years, you forced us, forced us to take these steps that are necessary in terms of increased domestic spending. We have to spend more money because of the sightless cuts, in many cases the heartless cuts that took place over the course of the last 2 years.

I would hope that as we come to a conclusion of this debate and as we go through this budget process, not only adopting the first budget resolution but in adopting the authorization and appropriation bills that will be necessary to implement the structure we are setting up, that this institution will be willing to bite the bullet, that this institution will be able to deal realistically without the rhetoric that is taking place in the course of this afternoon, without the rhetoric that is taking place at 6 o'clock as the evening news hits America.

Mr. LUNGREN, Mr. Chairman, will the gentleman yield?

Mr. DONNELLY. I yield to the gentleman.

Mr. LUNGREN. The gentleman told us about what we are going to be forced to do. Will the gentleman tell us is he going to ask us to ask the American people to accept the repeal of tax indexing?

Mr. DONNELLY. I am glad the gentleman asked that question, because nowhere in this budget, nowhere in this budget are we advocating repeal of indexing or repeal of the third year tax cut. That is one of the great fallacies of the argument of the other side.

Mr. LATTA. Mr. Chairman, May I have the attention of the committee

chairman? How many speakers does the gentleman have left?

Mr. JONES of Oklahoma. Mr. Chairman, all of those who have requested to speak are not here except the majority leader. So the majority leader would close out our debate.

Mr. LATTA. We have one more speaker. We will yield to you if you have any other speakers other than your last speaker.

Mr. JONES of Oklahoma. In addition to the minority leader, you have one more speaker?

Mr. LATTA. No; the minority leader.

Mr. JONES of Oklahoma. Bring him on.

Mr. LATTA. You have one more speaker?

Mr. JONES of Oklahoma. We would have one more speaker, so we yield to you.

Mr. LATTA. Mr. Chairman, I yield 7 minutes to the gentleman from Illinois (Mr. MICHEL), the distinguished minority leader.

Mr. MICHEL. Mr. Chairman, I guess I have a feeling pretty much expressed earlier by the gentleman from Alabama (Mr. EDWARDS) and the gentleman from New York (Mr. CONABLE) in having reservations about the quality of the discussion that has taken place today. I do not know that we necessarily would call it a debate. It has been truly a 1-day talkathon. That does not do justice to the budget process, such limited time for 435 Members to express themselves; but more importantly to have something more to do with the process. It really does not do justice to the budget process when under such limited time constraints, with 435 Members on a matter as significant as determining the overall budget for the coming year and all the consequences of the action that we take here today, and more importantly to not even have an opportunity to do anything other than cast one vote up or down with no chance for perfecting amendments.

Now, even in our minority role on this side of the aisle I have always tried to do my best to perfect that which I thought needed perfecting but we have for all practical purposes I guess been ignored in that process.

This alleged budget really ought to be entitled, the "Revenge on Ronald Reagan Act of 1983."

It is the offspring of a very unholy union between political spite and political opportunism. I do not think the House of Representatives is a stage where we enact drama of revenge. It is supposed to be the forum of all the people. As has been said several times here today, the majority leadership refers to this document as the Democratic budget. In fact it is neither Democratic nor a budget. It did not go though the democratic process, it went through an autocratic process and it is not a budget as that word is understood here in the Congress. Budgets are the result of compromise as I have come to know them. The only compromise connected with this propaganda is a compromise of the principle of defense of minority rights. The majority leadership has confused its majority status with the monarchial status. This document is a piece of blatant political propaganda, devised for political purposes, presented for political purposes and defended for political purposes.

□ 1840

And I guess it is a sad day in the history of the House when such a partisan document clearly labeled as such comes forth from one of our most prestigious committees of this House.

There are three reasons why the Congressman from Peoria cannot vote for this budget. I cannot impose tax increases averaging $60 billion a year over 5 years on the people I represent. They do not have it to give. We have no right to ask it and the Government cannot make any good use of it. These taxes are tantamount to tyranny. They represent a petty theft of the pocketbooks of low- and moderate-income taxpayers. They prey upon the most vulnerable and unprotected people in our country, those who work hard, pay taxes, and produce.

The Congressman from Peoria cannot contribute to the total dismantling of the fiscal policies of fiscal restraint that we put in place during the last 2 years. This budget guarantees a return, in my judgment, to double digit inflation. And this Member cannot vote for a wholesale dismantling of our defense strategy, planned and executed for purely political reasons, without any thought given to why or how.

And if I may give you three good reasons why this House ought to defeat this resolution, it makes a mockery, as I said, of the budget process. It is unenforceable. It encourages the legislative committees to snub their nose at the budget and go about their business as if there were no active fiscal policy in effect.

The budget is not, as the majority contends, conferencable. You cannot go to conference and compromise on something that is nothing more than a statement of political principle and a framework for the Democratic national convention platform in 1984. We are not going to be a party to this sham. We will not be a party to the exploitation of this institution by giving recognition of credibility to this document as a product of the legislative process.

And you may very well have the votes to pass this thing today, but there is going to be another day and you had better be giving some thought to that eventual conference report, if there is one. Will you have the voters then? I wonder.

There is a mix in this House and there will be those, I guess if I were to summarize what the issues could have been if given the opportunity to debate them fully here on our side, we would have been opposed to taxes per se, as would a group over here. We would have been opposed to practically all or most of those increases in domestic spending, as would a significant group here.

Where would the real differences be? Whether they are way over here on the far right, which is your left, or over on my left, which is our right. It would be in the defense area. And that item could have been discussed, could have been debated at length, we could have had some give and take and it seems to me that is what we ought to have been talking about and then there would have been the kind of mix during consideration of the first budget resolution and then with positive hope that after a conference, yes, there would be no doubt about sufficient numbers of votes to pass a conference report.

So I have to say again I have real reservations about the way we on the minority have been had in this instance. The one gentleman can say, "Well, it is politics when they do it, but it is bipartisan when we do it." Sure, it has had to be that way all during my tenure in the Congress, 26 years as a Member of the minority. But always feeling yes we had something to contribute in a constructive way to making this House work the way it ought to work in an open and debatable fashion where everybody is given an opportunity to say his piece and work his will on a piece of legislation.

So I regret that we are forced into that kind of box where we find ourselves today. But I submit those of you will join us in voting against it, defeating it, and then starting over from scratch, we can still resurrect something to be proud of if we are given that opportunity.

Mr. JONES of Oklahoma. Mr. Chairman, I yield such time as he may consume to the distinguished majority leader, the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Chairman, in a very few minutes we will be voting upon a budget which is probably the most significant vote that we are likely to cast, at least in the early part of this session of Congress.

The budget plan that is brought to you is a result of participatory input by more than 200 individual Members. It comes as near as we have been able to achieve it to a consensus of thought on the Democratic side of the political aisle.

It is not a perfect budget. I have never seen one which I regarded as a perfect budget plan in the years that

we have had the budget process, but I think it is better than none at all.

It surely is if you happen to believe in the budget process as a means of restraint and as a means of self-discipline.

Before we had the budget process, Congress was in the nature of man who might have hired 14 carpenters and simply said to each, "Build me a room and I will have a house." No set of plans, no architectural drawings, no overall dimensions, no thought given to which room would be larger or smaller.

Now at least with the budget process we have the opportunity to have an architectural plan. We have a chance to have a road map. And this is what it amounts to.

No, it is not perfect, but it is remarkable and I believe it is tellingly revealing of the bankruptcy or abdication of responsibility on the part of our great minority party that given an opportunity to perfect whatever substitute they might wish to offer, they have deliberately chosen to offer nothing, absolutely nothing.

Now if they really believe that the budget offered by the President was superior to, preferable to, in any way better than the one that is the result of the deliberations of the Budget Committee, it seems logical to me that they might have offered that.

But is it not remarkable that not one single Member of the Republican Party in this House has chosen to offer the President's budget? Not only have they not chosen to offer the President's budget, they have not chosen to offer anything. Is that not an abdication of responsibility?

And so we have a choice then between this budget and no budget at all.

Well, let us examine why this budget is better than that which was submitted by the executive branch. For one thing, this is the first President since the budget process began who has deliberately attempted to intervene in the congressional budget process. It was initially to have been a congressional exercise in response to the recommendations of the President. And this President seeks now to intervene in a negative way, not is a positive way. He offers and supports no substitute, no alternative whatever. He simply says, "Disrupt, tear it down, send it back, reject it." And what does he have to offer in its place? Nothing, unless you consider the President's budget that was sent to us last month.

Very well, let us compare this budget which the House Budget Committee brings to us today in the four major particulars with the budget that was submitted by the President. And I think in every instance you will see valid reason for supporting this budget on the floor today and at least keeping the process alive by sending it to the Senate and asking that body to exert its responsibility so that in conference we may hammer out upon the anvils of mutual compromise some document that will reflect the consensus of both Houses and both parties in this Congress, if that is possible to achieve.

Let us examine and compare the two in the question of deficits, in the question of taxation, in the question of domestic spending and in the question of military spending. And I think in every instance you will discover that the budget which is reported to you by the House Budget Committee does that which the American people have indicated not only in the election last November, but in poll after public opinion poll, that they would like to have done.

□ 1850

First, the American people have indicated that they would like a lower deficit. I think in the interest of fiscal sanity, in order that we do not crowd out the available savings that are possible for the investment in the future growth of the country, we have to have a lower deficit.

Well, with what may we compare this? Compare it with perfection? Of course, it comes up wanting.

Were we to achieve perfection by some unknown means and have a zero deficit. of course, this is second best; but it is better than the deficit offered by the President by $14 billion in 1984, and that is no small sum. It is a lower budget deficit which we offer by $108 billion below the President's over the 5-year budget cycle and that certainly is no small sum.

So on the basis of a deficit, if you compare the budget offered by the committee with the budget submitted by the President, I think you will have to agree that the American people would prefer the congressional budget that we have before us today by $14 billion below his in the year to come and by some $108 billion below in the 5 years of the budget cycle.

Now, to the question of taxation, how does this budget differ from that which was submitted by Mr. Reagan?

We have heard repeatedly asserted in this debate that this budget would raise taxes on the average American. Far from it.

Indeed, it was the President himself who overtly recommended a tax increase as a standby weapon in case we did not balance the budget in the next 2 years.

Is there any individual in this room who thinks it conceivable that under the rest of his budget plan we would balance the budget in the next 2 years? Well, of course not.

So any standby budget plan that we predicated upon a standby tax increase would certainly have to anticipate that this tax increase would go into effect. It is the President who asks for an increase in taxes.

The budget figure contemplated in the budget submitted today may be achieved without raising a penny in taxes simply by calling a halt here and now to any further tax cuts until we get the budget deficit back into a nearer state of balance, and is that not preferable?

I think the American people in opinion poll after opinion poll have indicated that given the choice, they would prefer to forego the third year of the tax cut.

The question is, Do we have the courage to achieve that for them?

Now, no, not all of the revenues derived on the repeal of the third year of the tax cut would be attributed to the deficit. Approximately half of them would be.

We would expect $30 billion to inure from that act, or whatever other act the Congress in its wisdom chose to substitute, and half of that, $14 billion, to go to the reduction of the deficit.

So what about the rest of the money? What about the other two facets that we face in this budget?

Domestic spending. Is this indeed a return to the old days of tax and tax and spend and spend, as has been so often contended?

Well, let us just examine those rifts in the social fabric and those ruptures in the safety net which we would repair by this budget.

Let us examine the difference between this budget and that which was submitted by the President. The President would utterly do away with work incentives, that whole raft of programs designed to make it possible for Americans to get off the unemployment compensation roles and back on to productive payrolls to help themselves. He would zero it out. His budget would do away with it, reduce the $271 million which we expended last year on work incentives to zero.

He would zero out the Legal Services Corporation, the only available source of legal help for the poorest of the poor who otherwise are bereft and must throw themselves upon the mercy of the charity that exists in the courts and systems of America.

He would virtually zero out all of the energy conservation grants.

The President's budget would do away with the low-income weatherization program which assists people of modest means to weatherize and insulate their homes in order that they might be more energy secure.

It would do away with the Economic Development Administration in its entirety.

Those are the things that we would restore. Of course, it differs from the budget offered by the President. I think the American people would ap-

plaud us for not permitting the utter and total destruction of those programs already so viciously ravaged by budget cuts in the last 2 years.

Let us examine some of the other stringent, severe reductions, which the President's budget recommends in other very worthwhile domestic programs.

The employment and training programs which we financed last year at a level of $4,300 million would under the President's recommendations be reduced to $3,500 million, for a reduction of somewhere between 18 and 20 percent in employment training programs, at a very time when the greatest need is to make of those 12 million people who cannot find work employable in the American work force.

He would reduce energy development programs drastically.

He would cut the strategic petroleum reserve acquisitions at a very time when it seems to me we ought to be availing ourselves of the cheap oil and filling up our strategic petroleum reserve to render us less vulnerable to the whims of a foreign cartel. He would cut it by 72 percent below last year's level.

He would reduce solar energy research and development by 57 percent below last year's level.

That is what we have to compare with.

Do you think the American people would want us to indulge in those further ravages of those worthwhile programs, which mean much to the future of America?

He would reduce low income energy assistance by 34 percent; public transportation operating assistance by 69 percent; vocational and adult education by 39 percent. These are the things that we restore.

I think we have no apology to make to the American Nation, because those are the things that build the social and economic fabric so that from a strong economic base we may be militarily strong and may present an inspiration, if not an envy, to the world.

So finally, let us examine the last question. What about military strength?

Yes, it is true that over this 5-year period, we believe it prudently can be achieved to reduce the proposed $1,800,000,000,000 to $1,600,000,000,000 for the 5-year military buildup.

Let it be perfectly understood that while reducing the budget deficit, while restoring some of the social programs, we have not reduced military strength and do not propose a reduction in military strength. We propose only a reduction in the rate of growth—the runaway rate of growth—which the President seems unable to restrain and which he inflicts upon us with threats and warnings that unless we give him every penny that he asks, we may be creating joy in the Kremlin.

Now, I think that kind of a comment is unworthy of any man who occupies the Presidency of the United States.

□ 1900

The budget which comes from the Budget Committee would guarantee a 4-percent real rate of growth, after the accounting for inflation, in the military budget. Once we account for the 4 percent which we would allow by way of keeping even with inflation, for all those brave men and women who provide defense for our country, we see the remainder of that military budget guaranteed under this budgetary plan approximately a 6.8-percent rate of real growth.

Last year, Congress in its wisdom overrode a Presidential veto. That veto had been predicated upon the belief that the President could castigate this legislative branch as big spenders when, in balance, we had appropriated less than he had requested but simply had rearranged it.

They direly warned us last year, in letters by Secretary Weinberger and statements by the President, that drastic, dangerous things would happen to our country if we did not allow every penny of military buildup for which the President had asked us.

In a letter written on the 19th of May last year to the Honorable ROBERT MICHEL and distributed to the membership, Secretary of Defense Weinberger predicted that if we were to follow the recommendation of the House Budget Committee and reduce outlays for the year by $9 billion below the amounts the President had asked, the following things would happen. He said:

> We would have to consider inactivating our remaining B-52D aircraft, as well as major portion of our air defense interceptor forces. Existing Army and Marine Corps ground forces might have to be reduced by up to two divisions, Naval forces reduced by decommissioning up to 36 older ships, and Air Force tactical fighter forces reduced by up to five wings.
>
> We would probably be required—wrote Secretary Weinberger—to withdraw our carrier task forces from the Indian Ocean and to withdraw one carrier battle group from the Mediterranean Sea.

Well, my colleagues, Congress ultimately followed almost identically the pattern that had been recommended in the House Budget Committee document. Rather than reducing outlays by $9 billion, when the appropriations process was completed last year, outlays had been reduced by $9,100,000,000. Rather than reducing budget authority by $20,400,000,000, as recommended in the budget, the appropriations process reduced it by $19,300,000,000.

Almost an identical set of actions. And yet, my colleagues, not one single one of those dire consequences which had been threatened to be visited upon our defense forces occurred.

So I think it is logical for us to follow the common wisdom of the American people. They know that even defense—even defense—must make prudent reductions. It, too, must be subject to the inspection of economy, and they believe and I believe with them that we can have a strong, steady, adequate deterrent strength with the 4-percent annual growth rate after inflation and the 6.8-percent annual growth rate in procurement and development of new weapons systems that are provided in this budget.

So for all of those reasons, when you compare this budget, with its flaws and its mortal imperfections, with that total void of a budget that is offered by the Republican minority, you have to conclude that it is better than nothing at all.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. No, I will not yield at all. I did not ask the gentleman to yield to me earlier.

Mr. KEMP. You have unlimited time, Mr. Leader. Would you not yield for a question?

Mr. WRIGHT. No, I am just about to yield the floor.

Mr. KEMP. Not even for questions?

Mr. WRIGHT. I choose not to yield to my distinguished friend at this moment. I know that my friend, JACK KEMP, is a distinguished Member of this House, an active and energetic advocate of the Kemp-Roth tax cut, in which he believes. I know that he has been consistent in that feeling, and I acknowledge and applaud him for his consistency. But I do believe we have heard from him today.

I do not say that disparagingly. I am an admirer of the gentleman from New York. I simply disagree with him and I do not want him to interrupt the last thing I have to say to you, which is: This is your chance to vote for the budget process, to set it in motion, to support what your Budget Committee has recommended to you. This is your chance to choose something against nothing, and to choose the congressional wisdom, which is based upon the people's wisdom, against that which would be demanded of us by the executive branch of Government.

Mr. LATTA. Mr. Chairman, I had not intended to say anything, but I cannot leave it go unsaid that we do have another opportunity if we vote this down. We have done it before. We can do it again. I do not think it is fair for the majority leader to leave the impression that this is the only opportunity to "save" the budget process.

● Mrs. SCHNEIDER. Mr. Chairman, I rise today in support of House Concurrent Resolution 91, the first concurrent resolution on the budget for fiscal year 1984. However, I would like to

stress some very important points about this document and the circumstances surrounding it.

First, Mr. Chairman, I am distressed that this is the only proposal on the table, and that the Rules Committee could not see fit to give the Members of this body the opportunity to work its will on various portions of the budget or to give it a bipartisan character.

I identify with the gentleman from Michigan, who is speaking so eloquently on behalf of the Congressional Black Caucus. Last year, I was proud to help draft a bipartisan alternative to the fiscal year 1983 budget known as the Aspin-Pritchard substitute. That proposal was, in my view, the first breath of fresh air to hit this body in a long time. Several of us, from both sides of the aisle, sat down and fashioned a budget which moderated defense increases, emphasized the fundamental changes in our industrial economy, achieved a revenue package midway between the two partisan proposals, and resulted in the lowest possible deficit to boot.

That effort failed, thanks largely to the partisan opposition of both parties' leadership. But Members still talk about it as a wonder of cooperation and vision. Is the reason we have a closed rule because politics as usual is threatened by cooperation?

The American people are fed up with mudslinging blame throwing by both parties, and they want us to stop shouting and start working.

Unfortunately, though, there will not be a budget offered which puts aside partisan bickering and takes a cold, sober, look at this country's problems. The majority has decided not to permit a Black Caucus alternative, nor an Aspin-Pritchard type proposal. We will not even be able to see a substitute by the conservative Democrats, and while I could not support it, I wonder why the democratic process was stopped at the door to this Chamber.

I do believe that the Budget Committee proposal before us is a better choice than the administration's request. But let us put this exercise in perspective: In defense, for example, we are talking about a $1.6 trillion buildup by the Democrats as opposed to $1.8 trillion by the administration. As to the deficit: $174.5 billion as opposed to $179 billion or so. The fact is, that in reality neither proposal does anything to really restore confidence to the American people nor to reassure financial markets and other sources of economic recovery and jobs.

The real differences between these proposals are largely rhetorical with a few major exceptions: The committee proposal shifts some funds from defense to human concerns and makes up the difference with revenue increases. In the long run, taxes are slightly higher under the committee proposal, but not much. Deficits are lower—but not much. Defense increases are moderated—but not much.

The main question is whether we are going to make these adjustments in priorities now or later. In my view, we cannot and should not wait until later to do something we ought to do now. Yet the committee budget cannot be improved unless it can be amended on the floor or sent back to committee.

The changes we need are those addressed by the Aspin-Pritchard substitute of last year. Since several of its cosponsors are members of the Budget Committee, I would hope that they will continue to work in that direction.

First, I think it is important for this body to understand the popularity of the July tax cut. Everyone is willing to sacrifice if need be, but not if there are better ways of raising the revenue. Thirty billion is an enormous amount of revenue, and the committee should provide greater input from the Ways and Means Committee for the perusal of Members in deciding whether $30 billion is achievable in ways other than repeal.

Second, and this is what we particulary tried to achieve, the committee must cast aside special interest politics and ask itself exactly what the Government should be funding and supporting. In my own opinion, the Government belongs in those areas in which average people need help and cannot provide for themselves: Health, nutrition, defense, jobs, and education, to name a few. But I also think that Government does not belong in those areas which ought to stand or fall by themselves, fair and square. I refer, of course, to agriculture price supports, water projects, energy boondoggles, and so forth.

Sure, the bill on the floor is a better document than the administration request, but the question as to whether to send it back for another try was a close one. It was a tough decision for me, but I am confident that it was the right one. Therefore, I once again urge my colleagues to join me in supporting this budget.

But let us remember, Mr. Chairman, that I, and I am sure that I am not the only one in this House, did not come to Congress to throw old solutions at problems and to play politics as usual. I came here to work in concert to solve this country's serious problems, and I think both sides here today should hesitate before casting more stones.●

● Mr. BIAGGI. Mr. Chairman, to paraphrase the words of an old song, "What a Difference a Year Makes." Today we have before us a budget resolution which provides the balance between our national security needs and our national human needs. We have before us a document which in many ways is a symbol that the policies of the past 2 years have caused enough people in this Nation to suffer and, therefore, it is time for an alternative. The budget resolution before us acknowledges that the sword of economy, as wielded by this administration, has been cruelly misguided, and it is time to pull it back. The budget resolution before us brings compassion back into the budget process after a 2-year absence.

The budget resolution before us is a progressive document providing real increases in social and human programs, yet it produces a lower deficit than that proposed under the President's budget. Specifically, House Concurrent Resolution 91 provides over a 3-year period a deficit $42 billion less than that offered by the President's budget, while at the same time providing increases in Federal spending.

House Concurrent Resolution 91 accomplishes this small economic miracle by simply adjusting spending priorities, in such areas as tax cuts and military spending. On the latter it is important to avoid being misled by opponents of this budget. House Concurrent Resolution 91 does not cut defense spending, it simply limits the rate of increase to a realistic enough level to insure our national security, but also to accommodate providing desperately needed funding increases in other programs—also vital to our national security—those involving people.

Over the past 3 years, we have averaged 11 percent increases in the rate of defense spending. House Concurrent Resolution 91 proposes to limit increases to around 4 percent. What this means in real dollar terms is that over the next 5 years we will spend $1.6 trillion on defense rather than the $1.8 trillion proposed by the President.

Perhaps another way to view this development is that House Concurrent Resolution 91 says that real economic recovery must include an improvement in the basic human condition of those who have suffered the most from the recession which preceeded and is running concurrent with the embryonic recovery.

House Concurrent Resolution 91 would also accomplish the balance by revising our tax policies of past years. The resolution makes some basic assumptions about the 1981 tax cut, most particularly the fact that certain changes must be made in the original law either through adjustments in the third year of the tax cut, or through revisions in the indexing provisions of the law. Specifically, the resolution does call for revenue increases totaling $35.2 billion in fiscal year 1984, $48.1 billion in fiscal year 1985 and $58 billion in fiscal year 1986. These are figures which compare to existing revenue projections if the current tax law were not changed. It is expected that

some of these revenues would be accomplished through provisions in H.R. 1900 the Social Security Reform Act, but this resolution does presume the need for some tax increases; specific decisions would be made by the Ways and Means Committee.

Congress passed the 25-percent tax cut proposal in 1981. I voted for it because there was a definite appeal in the proposition that taxes were finally being reduced. Proponents also indicated that it would stimulate the economy. Unfortunately, the facts after 2 years of its implementation belie the original hopes. All the tax cuts have produced is increased deficits and more money for the wealthy in this Nation, who are not in turn plowing it back to stimulate the economy. In fact, a recent study by the Urban Institute concluded that the 46 million families with incomes below $15,000 would receive no significant gain in their real after tax incomes as a result of these tax cuts.

It is through more realistic spending policies for defense and less naive tax policies that House Concurrent Resolution 91 is able to provide the necessary increases in spending to permit the human condition of this Nation to improve.

Nowhere is the philosophy of this resolution better reflected than in its provisions providing emergency assistance to put people back to work and to care for those who have fallen into the depths of poverty because of this prolonged recession.

This resolution assumes almost $9 billion in new budget authority and outlays aimed at creating jobs and stimulating real economic recovery by reducing our record unemployment rate. A total of $4.95 billion is assumed to implement the provisions of the emergency jobs bill, H.R. 1718, which will gain final passage sometime this week. Under this legislation some 300,000 jobs are expected to be created in all parts of the Nation, but especially in areas where unemployment is the highest.

This resolution also presumes the passage by Congress of the Community Renewal Employment Act which I am proud to be an original cosponsor of. A total of $4.05 billion would be provided to implement this legislation which would have its jobs targeted to alleviating this Nation's infrastructure crisis. This would help remove the long-attached stigma that public service jobs are make work jobs. People employed by the Community Renewal Employment Act would be dispatched immediately to help rebuild our bridges, highways, sewer systems, just to name a few of the public facilities in our Nation which need to be fixed.

House Concurrent Resolution 91 also assumes another $11 billion in authority and $6 billion in outlays for other employment and training programs. More than half of this would come from increased funding for the Job Partnership and Training Act approved by Congress last year. This includes the presumption of $500 million for a special program to aid dislocated workers. The resolution also presumes increases in funding for summer youth employment programs and the work incentive program. Finally I am expecially pleased that House Concurrent Resolution 91 assumes $296 million in budget authority and $285 million in outlays for the community service employment for Older Americans—title V of the Older Americans Act. This would represent an increase of some $4 million in this program and would allow additional low income older persons aged 55 and over to be placed in meaningful part-time employment in the community.

As one reviews this budget by categories, it is a distinct pleasure to see increases assumed, for the first time in several years, in programs which have actually grown more important to people in need. Yet, for the past several years, many of these programs have seen decreases or frozen funding levels while the numbers of people in need of assistance and services have increased. House Concurrent Resolution 91 recognizes this and proposes to provide the only real remedy, increased funding.

Under the category of social services, House Concurrent Resolution 91 assumes almost $1 billion more in budget outlays than the administration's budget. This is a very significant number reflecting not so much by the enlightened nature of the Jones budget, but the bankruptcy of the administration budget in this important area.

More specifically, this budget resolution assumes a funding level of $2.8 billion in budget authority and outlays a full $300 million more than current service levels for the social service block grant. This is a profoundly important development. The SSBG replaced the title XX program in more than name. The transfer of this program was accompanied by massive reductions in funding, which served to undermine the commitment that the title XX program had once made to meeting the social service needs of people. Last year during a hearing I conducted of the Subcommittee on Human Services, House Select Committee on Aging, I received testimony from the Assistant Secretary for Health and Human Services, Ms. Dorcas Hardy, who indicated that when making determinations on how to fund services with reduced funds States might have to choose between "life-sustaining and quality of life" services. Yet, in a survey I conducted about 1 year ago, the reductions in services being made by States to accommodate reduced funding for the SSBG were being made in services such as home delivered meals for the elderly and protective services. The very fact that we were forced to make these kinds of judgments simply to accomplish an economic philosophy must be viewed as a major failure of our current economic policies. If the funding levels suggested under this resolution for the SSBG program are ultimately approved, we stand a good chance of reversing the regression of the past several years in providing social services for the needy.

I support with great enthusiasm, this budget's assumptions regarding funding for such vital programs as Head Start, community service block grant and vocational rehabilitation. Of particular importance are the significant increases provided in funding authorities for child welfare programs.

I am especially pleased that the Budget Committee restored funding to programs within the 500 function—education training, employment, and social services. It is a recognition of the fact that the policies of this administration have most adversely affected those who need the benefit by these programs. These are the people who need assistance, these are the people who would pull themselves up by their bootstraps if they had a leg to stand on to begin with.

By slashing education and training programs by some $25 billion over the past 2 years, we have taken away what little hope these people had for becoming self-sufficient and productive members of this society. The budget resolution before us is not a sham, which has been suggested, nor is it irresponsible. It is a step toward reversing the regressive policies of the past which have exacerbated the situation we find ourselves in today.

Specifically, I wish to point out that this budget reinforces our commitment to public education and the training role it plays. The resolution increases funding to education from last year's level of $15.1 billion to $16.4 billion. This restores cuts to the title I education program, education for the handicapped and vocational education, programs which have borne a disproportionate share of budget slashing and have put 5,600 teachers out of work and dropped services to 200,000 children. These figures would expand services under title I-type programs to approximately 1 million more children, which is only half of the eligible population.

I am also pleased to note that this bill includes full funding—$300 million—for H.R. 1310, the emergency science and math bill passed by the House in late February and now before the Senate. Clearly, the need exists and we have responded with this bill, which I am proud to have been a cosponsor of.

11-059 O-87-4 (Pt. 6)

In addition, this budget recognizes the role of higher education programs and restore many of the cuts adopted in the past 2 years. As one of the original authors of the Middle Income Assistance Act in 1978 which insured that no student would be denied some form of financial assistance with which to pay for their education. I have been actively fighting the cuts of the previous 2 years. The impact in my own State of New York has been dramatic, both in the public as well as the private sectors. In the City University of New York, which has 174,000 students, 80 percent of whom rely on Federal financial aid for all, if not part of their tuition expenses, the cost of not passing this resolution would be especially great. If the President's budget were adopted in place of this bill, 6,000 students would lose Pell grants dollars, 8,000 students would lose supplemental grant dollars and 8,000 students would lose guaranteed loan dollars. In addition, CUNY would lose nearly $2 million in TRIO funds, $1.3 million in vocational and adult education grants, and wipe out cooperative education at a cost of $2.2 million. In its place, the administration requires more self-help, but as Chancellor Joseph Murphy recently stated in testimony before our Education and Labor Committee, these students are "self-helped to death." We can ask no more and this budget recognizes that.

Specifically for higher education, the committee budget assumes a $4.2 billion budget authority and $3.65 billion in outlays. This addresses funding for Pell grants, college work study, State student incentive grants, national direct student loans, and supplemental grants. It maintains these programs at current funding levels and specifically funds guaranteed loans at $2.35 billion.

While this bill is silent on the issue of further means testing this program. I will actively oppose any attempts to further restrict eligibility for students as proposed by the President in his fiscal year 1984 request. In a recent report released by the New York State loan agency, it was revealed that Federal cutbacks over the past 2 years have had a disproprotionate impact upon New York students, and lenders:

Dollar volume declined and number of loans declined by 13 percent in 1982–83 from 479,000 to 419,000;

Borrowing declined in all sectors: SUNY 21 percent, CUNY 14 percent, out of State 20 percent, and independents by 11 percent, and

Borrowers also declined in all sectors, and those with incomes above $30,000 were especially hard hit by dropping 38 percent in 2 years and families with incomes below $10,000 increased dramatically as a result of cuts in other needs based Federal programs such as Pell grants.

In sum, this budget resolution restores education to its appropriate place in our society and insures that it no longer remains a province of the rich at the expense of the middle and lower class family.

As an original member of the House Select Committee on Aging I was genuinely appalled at the administration's budget proposals for both the medicare and medicaid programs. In both instances it represented the continuation of a philosophy that very poor, old, and frail people should pay more for services under these programs while actually getting less in the way of services. Under medicare, the administration's fiscal year 1984 budget would have slashed spending by more than $1.9 billion by asking recipients to pay more in costs for the first 60 days of a hospital stay while relieving them of fiscal responsibility for hospital stays of longer duration. It was a backdoor attempt to impose a catastrophic health insurance plan on medicare recipients without the benefit of any congressional review. This would come on the heels of increases in out-of-pocket expenditures under medicare, which have jumped to approximately $256 per person. This is the amount that the person must pay before medicare provides 1 cent in reimbursements.

As far as medicaid was concerned, the administration had proposed to slash spending by more than $300 million and expected to make up the difference by instituting a new copayment fee schedule plan on medicaid recipients who are among our Nation's poorest citizens.

House Concurrent Resolution 91 wisely rejects all of these ill-founded and cruel propositions. It assumes rejection of all medicare and medicaid cuts and in fact assumes an additional $350 million for the enactment of a child health assurance program to provide expanded medicaid services to low-income children and pregnant women.

While in the health category, let me also express my full support for other key assumptions made in this resolution for such programs as a health insurance for the unemployed. This represents nothing more than simple human compassion. For thousands, if not millions of people in this Nation, the indignity of unemployment is compounded by the anxiety and apprehension of having health insurance benefits become terminated. This resolution assumes some $2.70 billion in new funding authority for such a program. Increases in other programs such as biomedical research done by the National Institutes of Health and health block grants are also provided in this resolution.

As one who is deeply concerned about the impact of the recently enacted Social Security Reform Act on new Federal and postal workers, I am grateful that this resolution has rejected administration budget proposals which would have imposed genuine hardship on existing and retired civil servants. House Concurrent Resolution 91 rejects the idea of a pay freeze for Federal workers and substitutes an assumption for a 4-percent increase. It also rejects all of the administration's proposals to cut civil service retirement benefits as well as increase from 7 to 11 percent employee contributions to the retirement fund.

One hopes that these important improvements will be maintained throughout the rest of the budget process, especially in the reconciliation bill scheduled for consideration later in the year.

I am in support of this resolution's decision to assume an increase of $1.95 billion in fiscal year 1984 budget authority and outlays for unemployment compensation. All of us regret the fact that unemployment continues to affect the lives of so many men, women, and youth in this Nation. It is evident that the 98th Congress is committed to enacting sensible legislation aimed at putting people back to work. Yet, realities are that you cannot reduce an 11-percent unemployment rate overnight, and at the same time you cannot arbitrarily cut off unemployment compensation for people. Therefore, I applaud this provision of House Concurrent Resolution 91.

I support the budget resolution's assumed rejection of a $750 million cut in the food stamp program as proposed in the administration budget. The prolonged recession has caused a dramatic increase in the number of needy and hungry people in this Nation. This is not the time to cut food stamps and, wisely, this resolution does not propose to.

Similarly, House Concurrent Resolution 91 rejects in their entirety the dangerous cuts proposed by the administration in vital child nutrition programs. Not only does the resolution reject the proposed $300 million cut of the administration, it assumes an increase of $200 million above current service levels. In a related matter I am also pleased to note that the pending resolution also assumes an increase of $300 million in budget authority and outlays for the so-called WIC program.

While in the category of income assistance, let me make a brief reference to three other critically important programs which have been affected in recent years by budget cuts. The first is the AFDC program, the second is the SSI program and, finally, the low income energy assistance program. Under House Concurrent Resolution 91, a total of $850 million in increases are assumed in these programs above current services levels. This will ac-

complish expanded services and a special one-time increase of $20 a month for individuals and $30 a month for couples on SSI, effective on July 1, 1983.

House Concurrent Resolution 91 also assumes to reverse the policy of making deep cuts in Federal housing programs. In particular, the resolution assumes sufficient funding to assist some 152,000 housing units in fiscal year 1984. It would also provide start-up funds for a new multifamily housing stimulus program and an increase of some $200 million in public housing operating subsidies. Finally the resolution assumes an increase of some 4,000 units of section 202 housing reserved for the elderly and handicapped.

House Concurrent Resolution 91 also provides an importantly needed 8-percent increase in medical care for veterans and a 56-percent increase for hospital construction within the VA system in fiscal year 1984. With the average World War II veteran now reaching the age of 60, it is imperative that the VA engage in some foresight in planning for this development.

I am also pleased to note that not only does House Concurrent Resolution 91 reject the administration's efforts to abolish the Legal Services Corporation, it would also assume a $55 million increase for this important program.

Let me briefly touch on two other programs of particular interest to me which are treated well under this budget resolution.

The first is mass transportation, the very life blood of my home city of New York, as well as Yonkers. This resolution assumes the full $4.75 billion in budget authority for fiscal year 1984 for mass transportation as provided in the Surface Transportation Act of 1982 passed last December. This is in distinct contrast to the unyielding efforts of the administration to eliminate operating funds for mass transit under UMTA. The funding levels provided in this legislation are absolutely essential to preserving our mass transit systems.

Finally, let me express my full support for this resolution's assumption of more than $8 billion in budget authority and outlays for the category of community and regional development. More than one-half of these funds would go to the highly successful community development block grant. The resolution would also maintain funding at fiscal year 1983 levels for the urban development block grant program, which has been so successful over the years in our major cities. Finally, this resolution also presumes a funding level of some $400 million for the Economic Development Administration.

I support the resolution before us today because it represents the reversal of the worst aspects of our economic policies of the past 2 years. We are again taking into consideration the human needs in this Nation, which we have overlooked in almost blind support of an economic philosophy which has been of dubious value. There is no doubt that this recession has had a profound effect on the lives of millions of our citizens. What more graphic proof do we need than long unemployment lines, soup kitchens, homeless men and women roaming our streets? It is time to return to the basics of what makes this Nation great—concern and compassion for our people. House Concurrent Resolution 91 is the first budget document in 2 years which reflects this and I urge its adoption today.●

● Mr. SHUMWAY. Mr. Chairman, I rise in strong opposition to House Concurrent Resolution 91, the first concurrent budget resolution for fiscal year 1984.

Although there have been partisan differences over budget priorities in the past, this marks the first time in my memory that our Democratic colleagues have presented the House with what is, by their own admission, a blatantly political document. Although I suppose I can understand that interest of the Democratic Party in scoring political points, the congressional budget process, which already has enough problems, is not the place to do so.

Mr. Chairman, it is increasingly obvious that the economy is recovering. Recent economic indicators suggest that the scope and duration of economic recovery may be greater than even the most optimistic were forecasting a few short months ago. The Index of Leading Economic Indicators rose 3.6 percent in January, the largest 1-month increase since 1950. Housing starts have exploded. Industrial production and factory orders are up sharply. First quarter GNP growth is expected to be at least 4 percent. Inflation has been brought under control, and unemployment—the most difficult economic problem now confronting our Nation—shows signs of improvement as businesses throughout the Nation add or recall workers.

In the face of all this good news, in the face of strong evidence that the President's economic program is working, the Democrats have chosen to engage in partisan gamesmanship, rather than to help develop a budget which will encourage the recovery now underway. I will not dignify the proposal before us—a proposal, by the way, essentially written in the Democratic Caucus rather than in the Budget Committee—with a line-by-line, program-by-program analysis. Suffice it to say that the Democratic budget, as might have been expected, provides for unacceptable tax increases, massive social spending increases, and excessive defense cuts. The rate of growth in Federal spending would once more accelerate if this budget were adopted; the burden of deficit reduction would fall entirely on the revenue side. The ultimate effect of the Democratic budget? An aborted recovery and a weakening of our ability to preserve our national security.

Mr. Chairman, I am sorry that the Democrats have chosen the course they are on. It not only reflects a lack of understanding of economic reality, it does real damage to the congressional budget process itself. Although I have no doubt that House Concurrent Resolution 91 will pass the House—too many arms have been twisted to allow the resolution to be rejected and rewritten—it will obviously not be acceptable to the other body. It will fortunately, therefore, have no ultimate meaning. What is unfortunate, however, is that we in Congress and the American people have been forced to participate in a political charade while we should have been taking constructive action.

I urge that the budget resolution before us be rejected.●

● Mr. NEAL. Mr. Chairman, I am recovering from back surgery and am under doctor's orders to remain at home. Had I been present on the House floor today, I would have voted for final passage for House Concurrent Resolution 91, the first concurrent resolution on the budget for fiscal year 1984, as reported from the House Budget Committee.●

● Mr. HANCE. Mr. Chairman, we are all concerned about the state of the economy and its fragile start on the road to recovery. Inflation is down, housing starts are up, and interest rates have shown some signs of receding. This country and the American people have been through hard times in the last couple of years and we owe it to them to assist in the recovery program. Raising taxes is not the way to help out people, especially the middle class which bears the brunt of the tax burden.

This bill calls for $30 billion in new revenues in fiscal year 1984 and more than $315 billion over the next 5 years. I am all for balancing the budget, but must we do it by imposing more and more taxes on our people?

I am especially concerned that agreeing to raise the revenues called for in this bill will necessitate repeal of the third year tax cut. I am unalterably opposed to repealing or deferring the third year tax cut which will provide a much-needed breather to the middle-class taxpayer. This body fought hard for that tax cut 2 years ago; let us not forget our actions then on behalf of the American people.●

● Mr. WOLF. Mr. Chairman, I rise in opposition to House Concurrent Resolution 91, the first concurrent resolution on the budget for fiscal year 1984

as reported by the House Budget Committee.

There is a vital ingredient missing from this year's budget process. Bipartisan effort. Our successes in this House in the past in adopting programs and policies which have been fair and responsible have come about by working together in a bipartisan spirit for the good of every American citizen. This budget resolution reflects no bipartisanship, no cooperative effort. Instead we are witnessing a steamroller in action pushing this budget blueprint through and denying those in opposition a real voice in the budget process.

What concerns me even more greatly about this budget resolution is the apparent contempt it shows for the American taxpayers who will be called upon to pay for it—the lower and middle income citizens of this Nation.

This measure would raise revenues by wiping out the third year of the individual tax cut to take effect this July and repealing the tax indexing provisions adopted in the 1981 Economic Recovery Tax Act. It is the third year of the tax cut in which the middle and lower income Americans receive the bulk of the cut—close to 38 percent of the entire rate reduction over the 3 years comes this year. In my district, this translates into an additional $371 per year in taxes for a worker with an average annual salary of $25,000.

Tax indexing is a protection against inflation for working and taxpaying Americans and it forces the Congress to go on record in support of legislated tax increases instead of relying on inflation to raise revenues. It is important to note, too, that if indexing were repealed, low-income taxpayers would experience by far the highest percent increases in their taxes. Indexing is a responsible reform which must not be repealed. At this point in the RECORD, Mr. Chairman, I would like to insert a recent article from the Washington Post, "Why Tax Indexing Is a Vital Reform."

[From the Washington Post, Feb. 22, 1983]

WHY TAX INDEXING IS A VITAL REFORM

(By Robert J. Samuelson)

Here's today's quiz.

Question: Would the federal budget have been balanced in 1986—assuming a sustained recovery—if Congress hadn't passed the Reagan Administration's 1981 tax cut?

Answer. Probably not.

Question: How much would taxes have to increase to balance the budget?

Answer. Without dramatic budget cuts, about 25 percent over the 1970s level.

Reflect on this for a moment and you will begin to appreciate the explosiveness of budgetary politics. You also may begin to understand why tax indexing is such a vital reform and why—less than two years after adopting it—many members of Congress want to repeal it.

Indexing is a form of discipline. It simply keeps the tax burden from rising automatically with inflation. Politics is, or ought to be, about choice. As the quiz indicates, all today's choices are unsavory. Current taxes don't cover current spending commitments. The collision threatens spending cuts, tax increases and massive deficits.

All that can be said for indexing is that it promotes honesty. It does not create deficits. It does not lower taxes. It simply forces Congress and the White House to choose openly. Do they want to cut spending, raise taxes or tolerate deficits? It is this discipline that Congress deplores.

The misunderstandings about tax indexing begin with its comparison with wage indexing, which automatically increases workers' pay with the rate of inflation. In fact, it is just the opposite. Inflation automatically increases people's tax burdens by pushing them into higher tax brackets, even though their "real" income—income adjusted for inflation—hasn't risen proportionately.

The 1981 law crudely halts this. First, it cut tax rates about 23 percent over three years beginning in late 1981. Then, beginning in 1985, the tax system is to be formally "indexed." Tax brackets and personal exemptions are to be increased automatically to compensate for inflation. Taxpayers won't mechanically be thrown into higher brackets.

What these changes exposed was the giant gap between the prevailing tax burden and the path of future spending. In this sense, indexing helped create the political problem of high deficits, because the previous law allowed projections with the automatic, built-in tax increases.

Just how big is the gap? The following table provides a crude measure. The first two columns give tax revenues as forecast by the Reagan administration in dollars and as a share of estimated gross national product.

	Reagan taxes		Pre-1981 taxes	
	Billions	Percent of GNP	Billions	Percent of GNP
1983	$597.5	18.7	$661.0	20.7
1984	659.7	18.9	736.7	21.1
1985	724.3	19.0	825.1	21.7
1986	841.9	20.3	926.9	22.4

To understand these numbers, keep a few others in mind.

First: During the 1970s, the tax burden averaged 18.9 percent of GNP. Thus, even the Reagan administration's taxes (bolstered by last year's tax increase) rise above that level. Under the pre-1981 tax law, the tax burden in 1986—at about 22 percent of GNP—would be nearly one-fifth higher than in the 1970s. By contrast, the tax burden rose only about 7 percent between the 1950s (when it was 17.8 percent of GNP) and the 1970s.

Second: There would still be a sizable deficit. Pragmatic projections of 1986 spending put the total at about $1 trillion. The White House and Congress may disagree on the mix between defense and social programs, but the differences probably offset each other and leave the total unaffected. The administration's projection for 1986—assuming no further nondefense cuts—is about $1.065 trillion.

Third: To balance a $1 trillion budget in 1986 would require further tax revenues about those produced by pre-1981 tax law. These would equal about 2 percent of GNP. Because large unemployment is forecast for 1986—about 8 percent—economists disagree about whether the budget ought to be precisely balanced. But if it were, the tax burden would be about 25 percent higher than the 1970s' level.

These figures only emphasize the awesome pressures for spending cuts and tax increases. If President Reagan is disliked on Capitol Hill, the cause is not so much personality (as it was for President Carter) as the suicidal nature of today's political choices. Reagan is blamed, even though no president could have avoided them.

What makes the repeal of indexing so attractive is that it obscures and confuses one of the choices: raising taxes. Increases would again occur automatically and invisibly. Congress assumes that it cannot be accused of doing what it cannot be seen to be doing. This seems dishonest because it is.

Taxes aren't painless. Not only do they sap private purchasing power, but they also threaten to impede economic growth. Rising levels of federal spending and taxing underline the need to justify all spending and to adopt the least burdensome form of taxes. Indexing has helped create the conditions for increased scrutiny of all spending—defense as well as social—and for last year's selective tax increases.

The absence of indexing in the 1970s allowed Congress to engage in successive tax "cuts" that simply held the average level of personal taxation steady. But each tax bill offered on opportunity for Congress to redistribute the tax burden by creating special provisions, favoring groups according to their political significance.

These changes increased the complexity, the economic inefficiency and the sense of unfairness now endemic to the tax system. Many of the liberals and conservatives who complain so loudly about these defects and clamor for simpler taxes also favor the repeal of indexing. In fact, the retention of indexing presents an opportunity to compel simpler, more efficient taxes by reducing the host of special provisions.

The enthusiasm for ending indexing belies the demands for simplicity and efficiency. It is a measure of congressional inconsistency and short-sightedness—or hypocrisy.

Mr. Chairman, this budget resolution is not a fair and responsible measure for American taxpayers and I urge my colleagues to reject it.●

● Mr. GREEN. Mr. Chairman, the vote on the proposed first budget resolution deeply troubles me.

Plainly the proposed budget that the Democratic leadership has produced is a work of fiction. It is premised on a $30 billion tax increase for fiscal year 1984. Everyone in this House knows that the Democrats on the Ways and Means Committee have made it clear that they will not vote for a tax increase that begins to approach even half of $30 billion.

Unfortunately, President Reagan, contrary to the advice that I and other Republican Members of the House have given him, has chosen to make this vote a test vote on defense spending. His decision to reschedule to tonight his speech on defense spending—originally scheduled for later this month—plainly shows that. And, for all its other frailties, this resolution is right on defense—and the President is wrong. We can hold defense spending to the level proposed in the resolution.

The MX missile, the B-1, and the two additional nuclear powered aircraft carriers, among others, add little to our defense posture.

For that reason, I shall vote for the resolution.●

● Mr. HUGHES. Mr. Chairman, I intend to support the budget proposal before us today, although like many of my colleagues, on both sides of the aisle, I can find items to which I take exception.

The military spending levels in this budget, for example, are not sufficient. I do not support the massive increases in military spending called for by the administration because shortcomings in defense—like shortcomings in other vital areas of national interest—cannot be solved simply by throwing more and more money at them.

At the same time, we do need some solid increases in a number of key defense areas, and the resolution before us, frankly does not go far enough in making those increases.

Similarly, in the area of domestic spending, there is some merit to the President's contention that growth of domestic spending must be slowed to a greater extent than provided for in this budget.

With respect to revenues, I applaud the sponsors' efforts to develop a stable revenue base. I am not convinced, however, that the only way to develop that base is to alter the individual tax cuts due in 1983. There are many other areas of loopholes, special interest goodies, and undue benefits for the wealthiest of our citizens and industries that are more deserving of our attention.

I am concerned that many of the tax breaks we enacted in 1981 are not sufficiently targeted to encourage greater productivity, investment and savings—the things our economy really needs.

But perhaps the best thing that can be said about the budget before us today is that—for the first time in several years—we see a budget that at least makes an effort to be responsible. It does attempt to do what many have paid only lip service to—and that is to reduce the deficit.

My colleagues, deficit spending is out of control in this country. We are looking at a $2,000,000,000,000 national debt by 1986—double what it was just a few years back in 1981.

We have just come through an agonizing debate on social security. How many realize that we will pay more for just interest on the national debt in 1984, than we will for all social security old-age benefits in that same year?

This budget attempts to address that issue by reducing the deficit.

The last point worthy of note is that this budget is the only budget before us today. None other has been offered.

And besides that, we know that this budget must go to the Senate where some compromises will be inevitable.

On balance, while far from perfect, this budget has put emphasis on restoring an adequate revenue base, scaling back some of the uncalled for and unprecedented increases in defense, and that is a step in the right direction.

Time is running out for this budget process. No other alternative has been offered. We know this is not the last word on the subject, so I urge my colleagues to vote to preserve the budget process and to move this budget forward for further consideration by the Congress.●

● Mr. BROWN of California. Mr. Chairman, each year the House, in conjunction with the other body and the President, has the responsibility to formulate the budget for the next fiscal year. It is a serious responsibility, not to be taken lightly, for it establishes the priorities and commitments of the Federal Government. Rarely does it reflect one person's vision, but instead is a compilation of ideas and concepts. So it is today.

The primary theme of this budget is the reaffirmation of the role of Government to provide short, intermediate, and long-term stimuli to our economy. On a short-term basis, this budget calls for several emergency relief programs to assist victims of the current economic crisis, including funds for foreclosure relief for farmers and homeowners, health insurance for unemployed workers, low-income energy assistance, and a further extension of Federal supplemental unemployment benefits. It is these people who are suffering the most at present—hard working, solid Americans who through no fault of their own are having economically difficult times. I believe that we must cushion their pain and distress, or the previous contributions they have made will have been for naught.

At a time when more people are unemployed than at anytime since the Great Depression, when the number of people below the poverty line has begun to increase again, when malnutrition, particularly among children, is on the rise, the U.S. Government has cut assistance programs such as food stamps, child nutrition, and aid to families with dependent children. It is time to reverse this trend and reinstate funding. This budget makes such a modest recommendation.

But it is not enough to merely assist those in immediate need. Many economists are now cautiously optimistic about the future, with the general consensus being that the GNP may grow by a modest 4 percent this year, after having declined by over 1 percent in 1982. We should take this opportunity which is presented to work with the private sector, labor, and our educational institutions to provide for the new growth in jobs. This budget calls for $2.4 billion in additional funding for job training and employment; $500 million would be provided for training displaced workers, twice that recommended in the President's budget.

This type of coordination must include a wide variety of community participants. The emergency jobs bill, assuming its final enactment, reaffirms local government involvement in this decisionmaking process. Because of our faith in local governments, $1.2 billion has been set aside for the community development block grants (CDBG) program, and a variety of urban and rural development and assistance grant and loan programs.

Our educational institutions must also be included in any sustained economic recovery. They provide our entrepreneurs, our labor force, or educators, and our political leaders. Without a long-term commitment on their part, we will have no prosperous economic future. Student financial assistance, guaranteed student loans (GSL), and other postsecondary education would be strengthened under this budget. The education block grants would be allocated $606 million, $127 million more than the President's request, and $78 million more than the fiscal year 1983 level. Quality education is not for a selected few; our public school system must remain among the best in the world.

As a senior member on the Science and Technology Committee and the Agriculture Committee, I have been distressed that military research and development (R&D) programs have increased a staggering 80 percent since 1981, and under the Reagan budget would comprise 70 percent of the entire Federal R&D budget. Civilian R&D, the very programs which may provide keys to improved productivity and new technologies, has been reduced. The information age technology got its biggest boost from the NASA program, but we have yet to comprehend the applications and potentials of this still developing technology. Research and development is presently being conducted in such areas as biotechnology to produce new agricultural food sources to feed an overpopulated world; bioengineering to produce commercial synthetic insulin for diabetics; and on the plant guayule which might be a new source of rubber. R&D, rather than being superfluous, is essential to our long-term economic stability and growth.

There cannot be a quick solution to our problems. Quick solutions in the past have merely resulted in more problems. Without a long-term, comprehensive approach we will find that we cannot be internationally competitive, and instead of growing, we will become more and more protectionist, and more and more submerged in economic difficulties.

Before I finish, I would like to say a few words regarding the defense appropriations. We will be hearing a lot of rhetoric today about national security and what the Soviet Union is or is not doing. This budget calls for a real growth rate of 4 percent after inflation. If one removes the 4-percent pay raise for military personnel, which would merely keep up with inflation, all other defense related programs rise by 6.8 percent. This type of steady increase is far more reasonable and allows the military to absorb it more efficiently, avoiding waste and abuse. Some will argue that this is not enough; we must build and build now. But even with this budget, the rate of growth since fiscal year 1980 will amount to over 80 percent, far above the 3 percent per year we promised our NATO allies.

Our national defense must remain strong and secure, but it should not defend an impoverished nation. This is not an either/or situation; we do not have defense or economic well-being. Instead, we must balance our priorities, and create innovative approaches to our dilemmas. It is not an easy task, but I believe that this budget takes a small step in that direction. I will support this budget, not because it is perfect, but because it seeks to balance the difficult choices we must make. I urge my colleagues to do likewise.●

● Mr. WEBER. Mr. Chairman, this House will soon vote on the first budget resolution which will set Federal spending targets for the fiscal 1984 year. Part of the proposed budget from the Democratic Caucus calls for elimination of indexing. I believe it should be made clear to all the Members of this body that any attempt to incorporate this provision into the budget amounts to voting for increased taxes on the American people.

Taxes for an average family will rise by an estimated $3,550. That is quite a substantial figure, especially during this time of families tightening their belts on consumption.

Mr. Chairman, I ask that my colleagues read the following article I have inserted from the Minneapolis Star and Tribune on Federal tax indexing. It explains the benefits of indexing and reflects on the experience my State of Minnesota has had.

It is clear, a vote for indexing is a vote for increased taxation.

WILL EXPEDIENCY KILL FEDERAL INDEXING?

Burgeoning federal deficits are causing Congress to take a hard second look at federal income-tax indexing, scheduled to start in 1985. Arguments for repealing indexing bring an unwelcome sense of deja vu: They are the same weak, sometimes silly, reasons advanced by opponents of Minnesota's indexed tax. The state system appears to have weathered the storm. But federal indexing may not survive, to the detriment of the federal tax system and taxpayers.

Indexing protects taxpayers from excessive, inflation-driven increases in their rates: As inflation drives prices and wages higher, it pushes people into higher tax brackets, where they pay a greater proportion of their income in federal taxes—even though they are no better off. Inflation also penalizes people who use the standard deduction. Unless federal and state legislatures adjust that deduction each year (they don't), inflation erodes its value and artificially increases a taxpayer's tax bill.

Federal indexing would especially benefit low-income taxpayers. Because federal taxes are more steeply progressive at lower levels, persons earning modest incomes suffer most from an unindexed tax.

Rep. James Jones, D-Okla., chairman of the House Budget Committee, argues that indexing should be repealed because it "makes inflation easier to live with." For individual taxpayers, Jones is right—in the same sense that lack of a death penalty makes traffic violations easier to live with. Indexing removes only the excessive inflation-imposed tax penalty. Indexed taxes still rise with inflation, but not faster than inflation.

The real beneficiaries of unindexed taxes are lawmakers. Such taxes automatically increase government revenues, which Congress can offset by a "tax cut." Indexing robs government of automatic, unlegislated tax increases. It requires elected officials to vote for higher taxes if they seek more revenue than existing tax rates provide.

Some argue that indexing, if applied to both taxes and benefits, pushes government costs higher while retarding growth of government revenues. That shouldn't happen. Proper indexing causes revenues and costs to rise at about the same rate. If they don't, something other than indexing is at fault.

Critics point to Minnesota's financial troubles as an example of the harm indexing does. That's a bum rap. The recession, overoptimistic revenue forecasts and heavy reliance on recession-sensitive taxes knocked the hole in the state budget. Indexing brought on the difficulty sooner and made it more severe, but did not cause it.

If Congress repeals indexing, it won't be for highsounding reasons. The federal government will need a tax increase in 1985, and indexing offers an expedient solution. But expediency at what price? The question for Congress is whether it will sacrifice long-term fairness to taxpayers to solve a short-term budget problem.●

● Mr. GONZALEZ. Mr. Chairman, as chairman of the Subcommittee on Housing and Community Development, I am happy to see that the budget resolution reported by the committee very closely adheres to the recommendations offered by my subcommittee. These are amounts that will not be generous, by any means—but the program allowed by the resolution will at least keep housing programs at their present levels. The resolution will end the bloodletting that has taken place in housing and community development programs. The cuts have gone far enough. It is time for the Federal budget to reflect real needs, not the ideology of those who deny the reality of needs, in order to justify their complete efforts to kill housing and community development programs outright.

The truth is that there are millions of Americans who are in need of decent and affordable housing. The administration claims that there are plenty of houses—just that there is an affordability problem. The fact is that a vacant house in Cleveland is not much use to a citizen who lives in San Antonio. And the truth is that the so-called voucher program espoused by the administration is so small and so inadequately provided for that it would not enable anybody to improve their lot. All the administration recommends, instead of a real housing program, is a sham behind which to march their efforts to destroy all housing programs.

We saw in the emergency jobs bill how the administration proposed to substitute phony loans for a real expansion of the community development block grant program. That was a typical ploy, and I am not at all surprised to see it attempted in the housing recommendations they have sent us. But the problems we are seeking to resolve are real, and they require real money.

I am happy to see that the Budget Committee has accepted my recommendation of a $1 billion expansion of the community development block grant program. This will not only insure that a vast number of badly needed projects can be accelerated; it reaffirms our pledge to work with communities across the country in a real way—not with the fiscal tricks and sleight of hand that OMB uses to substitute for genuine assistance.

Likewise, the committee recommendation maintains current levels of funding for urban development action grants, one of the most successful tools that we have, to stimulate new investment and job development in cities and towns across the country. I commend the committee for rejecting the administration's proposed cuts. I would at this point say that when Secretary Pierce tried to explain how the administration was not cutting UDAG, he could not deny the truth of it—he could not call a cut anything but a cut, try as he might. The committee, in its recommendations, sees through the administration's smoke and mirrors, and insures that we will be able to maintain a level effort in the UDAG program.

Time does not permit me to go through all the housing and community development recommendations. I do, however, want to reiterate that although the pending resolution calls for slightly less than I would have wished, it nevertheless very closely follows the recommendations of my subcommittee. More importantly, it is a clear repudiation of the slash and gut budgets that the administration has sent up—budgets that not even the Senate budget committee has accepted. The current offering from OMB, I see, is not even credible enough that

the minority will offer it today. They complain of unfairness—but how soon they forget that none of their budget proposals has been remotely close to honest, and how soon they forget that the current administration budget is not one that even they would embrace. How soon they forget that their first budget resolution was not even printed, never even available to its supposed author—and today they complain about a procedure that has given them a full and ample opportunity. I do not wonder that the committee repudiates the administration approach. The committee sought to act with reason and responsibility. Insofar as the housing and community development issues are concerned, it has been reasonable and responsible, and I commend the committee for its action.●

● Mr. FRENZEL. Mr. Chairman, in the past 2 years this House has passed budgets which resulted from the cooperative labors of many people from both parties, both branches who toiled together in the budger process. But today we have before us a budget which is not the product of cooperative bipartisan labors and thought, but instead is the product of only one segment of one party in only one branch of the Government.

This Democratic plan for economic recovery is based on numbers and assumptions developed first at CBO then multipled by supplementals to the past year's second budget resolution. The baseline on which this budget is built is an inflated one. It is the program wish list of subcommittee chairmen. It is the Jones-O'Neill letter to Santa asking for a return to the New Deal and the Great Society.

The irrational taxing and spending proposals of this budget fly in the face of sustained recovery. Our beginning economic upturn ought to be nursed by policies to promote continued economic improvement. This budget will suffocate it under a blanket of irresponsible spending and taxing.

Out of 268 House Democrats, 186 returned an HBC questionnaire designed to obtain the party views on budgetary options. This budget document represents an amalgamation of those views. They were simply added up and stuffed into the budget. There was no evalution, no discrimination. There was only adding, and adding, and adding.

The House Budget Committee majority could not stand up to the chairmen of the other committees, who, under budget restraints for 2 years have waited patiently for the spending epidemic to break out again. The budget process might work, but only if we are serious about it. It definitely will not work if the majority cannot muster the courage to make it work. This budget is proof positive that the process has failed.

The majority has restored all the hard won and necessary spending reductions of the last 2 years. This budget would increase above the administration's request: Education, training, employment, and social services by $7.45 billion; health programs by $5.35 billion; natural resources and environmental programs by $2.65 billion; agriculture by $2.5 billion; income security, $2.3 billion; $1 billion for transportation; and $650 million for general purpose fiscal assistance.

All these programs have merit. Merit can be found in any program. Restoring spending is far easier than cutting spending. But when our economic future hinges on our ability to get deficits down, without heavy reliance on increasing taxes, it is painfully obvious that we must reduce spending. This House's inability to make the hard economic choices and to cut spending, is both pitiful and dangerous.

This resolution does not make the necessary changes in entitlements. The soon-to-be bankrupt medicare program was virtually ignored. The cost to the country—not to mention the psychological cost to program beneficiaries—of congressional procrastination in dealing with the financial problems of medicare will be great. Medicare is like rust. It will only get worse if ignored.

Witness after witness testified before the House Budget Committee that taxes should not be raised during a period of recovery. This budget disregards those witnesses. It lays an astounding $265 billion burden of new taxes on the American taxpayers over the next 5 years. Moreover, the $265 billion burden is in addition to the already passed $50.5 billion in new social security taxes, and the forthcoming $26.5 billion in revenues from withholding which most Members are willing to give up.

Financing increased domestic spending and lower deficits by raising taxes is not the answer. At no time in modern history has our country tried to encourage a recovery by laying on substantial additional taxes.

The Ways and Means chairman, in a letter to the Budget chairman, wrote that it might be possible to raise $8 billion in new revenues for fiscal year 1984. While even an additional $8 billion is too much for me, the Budget Committee majority has recommended $30 billion in new taxes for fiscal year 1984. How the Ways and Means Committee is expected to raise that astounding amount has not yet been explained. No wonder. No Member will vote for that amount of taxes.

While the budget does not provide directions on how revenues are to be raised, the third year of the tax cut and indexing of the tax rates are the clear targets. Repeal of either would be disastrous. Such a misguided policy could abort the recovery and cause severe and undue financial strain to Americans of every tax bracket.

Compounding the total irresponsibility of this budget are the reconciliation instructions. According to a draft copy of the report language received yesterday, only $9.8 billion in budget authority savings are required between fiscal year 1984 and fiscal year 1986. Of the $2.2 billion required for fiscal year 1984, $1.2 billion is a fake. It comes from assumed savings from a 4 percent military and civilian pay raise in lieu of the baseline projected 5.5-percent raise.

Reconciliation in this budget is a joke. Reconciliation is a good idea. I wonder why the Jones budget ignores it.

Deferred enrollment has in the past been one of the most effective measures for budgetary enforcement. Unfortunately, deferred enrollment is another casualty of this profligate resolution. Instead of meeting the limits of the subdivided 302(b) allocations, appropriations will only have to be within the bounds of the broader, unsubdivided 302(a) allocations. The resultant reduction in budgetary control over individual programs within any 302(a) allocation seems designed to spend as much as possible. It reopens the pork barrel.

Once again the credit budget is not controlled by reconciliation. In fact, it is given little more than a ceremonial nod. Economists have told us, and everyone knows, that the credit budget is growing at a faster rate than the expense budget. The credit budget is one of the major forces pushing interest rates up. Nevertheless, this budget fails to make credit budget targets binding. Members of the majority are consistent in maintaining their openhanded habits of old.

Taxpayers might laugh, if they were not already crying, when they see the $14.4 billion in supplementals which are added to the fiscal year 1983 second budget resolution beyond those requested by the President. The funds have been provided without meaningful debate or review. Backdoor budgeting by any other name smells about the same.

The first budget resolution is simply not the appropriate place to address monetary policy or the issue of Federal Reserve reporting on economic objectives and assumptions. The sense of the Congress language regarding monetary policy contained herein should be removed. It is designed by guilty spenders to divert attention from their own irresponsible spending. The issue should be referred to the proper committee for consideration.

This resolution shows a deficit which is nearly $15 billion less than that in the President's request. But, sustaining a recovery requires reduced

Federal spending, a bare minimum of tax increases, or better none at all, and defense spending only at a level necessary to maintain our national security. This budget fails miserably on the first two counts.

The resolution is not a plan for economic recovery, but for economic disaster. Spending restorations are huge, tax increases will be devastating, the assumptions and baseline are faulty, and the enforcement is corrupted.

It will help neither the U.S. economy nor the world economy. It will not offer permanent help to the poor, the homeless, women, children, or the hungry. The best way we can help them is by encouraging recovery.

In the name of U.S. recovery, and on behalf of every American taxpayer, this budget should be resoundingly defeated.●

● Mr. RICHARDSON. Mr. Chairman, like so many of my colleagues, I was saddened by the President's attack on the Democrats' first concurrent budget resolution.

The President has been telling the Democrats to "put up or shut up." Well, Mr. Chairman, the Democrats have put up. They have put a budget for the coming fiscal year that a lower budget deficit than the one proposed by the White House. And now that the President can no longer berate our party as the party of big spenders, he has adopted a new tactic: fear.

The President has whitewashed—or should I say red-washed—this budget proposal, calling it "truly dangerous" and a "joy to the Kremlin" that would aim a "dagger" at our Nation's defense efforts.

This inflammatory rhetoric that preys on the specter of the Democrats tearing down our defense to make room for a convoy from the Kremlin is truly appalling. I think we should strip away this emotional veneer and get straight to the facts.

The Democratic budget provides $263.9 billion in budget authority and $235.4 billion in budget outlays for defense in fiscal year 1984. That is only 6 percent less in budget authority and 4 percent less in budget outlays than the President requested.

The President claims the Democrats are turning our backs on our national security. But the Democrats call for a real increase in defense spending that is 4 percent above the rate of inflation—an increase that comes on top of 2 years of dramatic budgetary increases in this area. Furthermore, the defense outlays are part of a commitment to a continued military buildup over the next 5 years in which the Democrats plan to spend $1.6 trillion. That, Mr. Chairman, is hardly a paltry sum.

The administration claims it cannot cut more from its defense budget. Try telling that to the General Accounting Office or Senator BARRY GOLDWATER, a senior member of the Armed Service Committee. Both have advocated that the Defense Department use competitive bidding in its procurement activities. Senator GOLDWATER estimates that this one change in the way the Pentagon operates could save the taxpayer $10 billion.

The administration claims that its decision to invest its billions in military hardware while freezing military pay is prudent. Yet, the pay freeze will drive thousands of skilled military personnel from our armed services into the private sector, where no pay freeze is in effect. I realize this administration wants to turn everything from our public lands to our weather satellites over to the private sector. But I thought even they would want to keep our military personnel in the Government.

How much sense does it make to purchase tens of billions of dollars in complex weaponry if you cannot attract and retain personnel properly trained to operate the equipment effectively? According to the New York Times, it costs the Government about $500,000 to train an Air Force pilot, and $1 million to train an F-15 pilot. The Air Force estimates that the cost of training, paying and providing fuel for an F-15 pilot after 8 years, is $8 million. How much sense does it make to spend $8 million dollars and watch it walk out the door because an Air Force pilot can double his salary with the airlines. The answer to these questions, Mr. Chairman, is very simple. It makes no sense at all.

The Democratic budget resolution is not a proposal that threatens our national defense. It is a sound and prudent document that will trim some of the fat of the Pentagon and shift some of our resources from hardware to military pay. These changes will insure that our defense is strong, not bloated. And any attempt by the President to portray these small cuts and changes as playing into the hands of the Kremlin is shameless demagoguery and I deplore it.●

● Mr. RODINO. Mr. Chairman, I rise in support of the first concurrent resolution on the budget for fiscal year 1984, House Concurrent Resolution 91.

While I do not agree with every provision in the resolution, I believe that the total package of spending and revenue targets it presents constitutes a responsible and balanced set of goals that Congress can act on in producing a realistic and viable budget that will also meet our urgent human needs.

It offers the means for corrective tax policy and restrained growth in defense spending, and it has recognized the very real needs of America's disadvantaged—our poor, our elderly, our children, and our minorities. Funds are restored for food stamps, AFDC, child nutrition, low-income housing and low-income weatherization, and to fund a meaningful jobs and training program. It increases funds for education, training, employment, and social services. It also includes funding for several emergency programs to aid victims of the current economic crisis, including funds for foreclosure relief for homeowners and farmers, health insurance for unemployed workers, and a further extension of Federal supplemental unemployment benefits.

I believe it is important to emphasize that this Democratic alternative to the Reagan administration's budget proposal is a consensus document. For the first time all Democratic members had the opportunity to submit recommendations and to indicate their priorities. In the last Congress, I voted for the alternative budget developed by the Congressional Black Caucus. The caucus has again prepared an alternative budget, which has a lower deficit than that projected in the committee resolution, which is also lower than the Reagan administration deficit. I was pleased to note, however, that a majority of the members of the Congressional Black Caucus has decided to support the committee budget resolution.

In 1978 we enacted the Humphrey-Hawkins Full Employment and Balanced Growth Act, of which I was an original sponsor. That measure declared a national policy of promoting full employment, increased real income, balanced growth, a balanced Federal budget, growth in productivity, and improved balance of trade and price stability. It stated a policy of priorities for job creation: Regular private sector jobs, private sector jobs with Federal assistance, conventional public sector jobs, and a last-resort Government employment reservoir. This effort to achieve full employment was to be accompanied by better coordination and integration of Federal economic and fiscal policies that would bring about the economic climate necessary for full employment.

Had the Congress and the President, working together, persevered in seeking measures to carry out the goals established by the Humphrey-Hawkins Act we would not be struggling today to bring our Nation out of a deep recession that has caused hardship and misery for so many Americans.

Mr. Chairman, I urge my colleagues to support this constructive and balanced budget. It represents a positive step toward restoring the social and economic well-being of our society.●

● Mr. ROYBAL. Mr. Chairman, during the debate last year on the fiscal year 1983 budget resolution, I made a statement asserting that in our zeal to out-pennypinch the Republicans, many of us had lost sight of the great principles on which our party was built. I am pleased to be able to

stand before you today and state that we seem to be regaining our sight.

This budget resolution is not perfect—in fact, there are a number of elements in it that I would not ordinarily support. Many of us, I think, would favor greater reductions in military spending, and a greater commitment to the domestic programs that have been battered by the administration for the past 2 years. However, as a realistic assessment of the conditions and attitudes which prevail in America today, this budget is a solid, responsible document worthy of our full support.

Finally, we are working for a return to some balance in our fiscal policies. This budget calls for consistently lower deficits than does the President's, and it does not rely on the slashing of worthwhile programs to achieve the reductions. Nor does it fail to address the ways in which increases will be funded.

Implicit in this resolution is recognition of the folly of some of the tax measures we have let slip through Congress in recent years. We all know that the first tax cut package degenerated into nothing more than a bidding war to see who could give away more tax breaks—us or them. It is about time we started to correct some of those previous provisions. I am pleased that this budget resolution is paving the way for some basic tax reforms. Let us stop depending on the lower and middle income classes to bear the brunt of our economic program.

It is also about time we started to deal, in the budget, with the current economic conditions in this country. This resolution includes funds to accommodate the jobs bill we just passed, funds to provide additional unemployment benefits, and funds to meet the basic needs of the millions of Americans who are out of work.

This budget also attempts to deal realistically with the special needs we must meet to assure complete economic recovery and future growth. It provides increased funds for employment and training, education, and research and development—all areas that are vital to the health and preparedness of this Nation, and all areas that have been neglected in recent years.

I commend the actions of the Budget Committee. They have presented us with a responsible and workable plan for economic recovery. I urge all of you to join with me in support of House Concurrent Resolution 91.●

● Mr. HEFNER. Mr. Chairman, I rise today to urge support for the passage of the first budget resolution as reported by the Budget Committee of this House.

As a member of the Budget Committee, I have heard many hours of discussion from individuals and groups of all political persuasions regarding virtually each aspect of this resolution. I do not believe we have left many stones unturned.

Such careful examination is both prudent and necessary if we are to fulfill our obligation as a deliberative body. This year, perhaps more than at any time since I have been a Member of Congress, every effort was made to include all variety of opinion in the considerations. The result is the resolution we are debating today; a consensus document, damned by many, praised by some, but by anyone's definition a compromise of moral ideal, economic sense, and political realism.

Some budget choices that I personally would make are assumed in this resolution. Ceilings established would accommodate increased funding for elementary and secondary school children, for higher education efforts, and vocational training. Funds are made available for medical care for the poor and particularly for those unemployed who have lost health care insurance. Restorations have been made for senior citizen programs, and this resolution includes acceptance of the congressional effort to save the social security system.

There other aspects of this plan which are not precisely to my liking. The level of growth anticipated in the defense budget concerns me, and I am worried that such major reductions as called for here could jeopardize our conventional forces efforts or our readiness capability. The revenue increases envisioned are disturbing, especially when the deficit figure remains so high. We fall short in the area of entitlement reform.

But this budget is a first step. It is a vehicle to take us to conference with the Senate, and a vehicle with which to work to make improvements.

The nay-sayers would have us defeat this resolution, but I feel strongly that positive votes in favor of one choice show better results than do negative votes against everything. My colleagues on the minority side have offered no alternative to this budget. The President sent forward his budget package last January, but no member of his party would offer it for congressional action; not here, not even in the Budget Committee. What is more, no member of the minority party has offered even a modified version of a Republican budget, choosing simply to play the role of spoilers.

It is important to this Congress and to the American people that we accept a budget resolution now, and that we then allow the appropriating committees to proceed. No one is served by delay and the resulting fiscal disarray. But we are well served by establishing a framework in this budget resolution within which we can make specific choices and set spending limits and revenue floors. Those who feel we are spending too much or too little will have plenty of opportunity to express themselves as program bills are brought forward for consideration. They will not if we tie ourselves in knots of ineffectiveness.

I urge my colleagues, particularly those from conservative districts such as mine, to consider the impact of congressional inaction on our ability to govern and our efforts to restore economic health to the country. Let us pass this resolution and move forward with the required implementing legislation.●

● Mr. SISISKY. Mr. Chairman, I intend to support the first concurrent budget resolution as it was reported by the House Budget Committee. This resolution sets spending and revenue targets to be used as a guideline as the Congress designs a final budget agreement later in the year. However, if the budget process proceeds this year as it has in recent years, then the targets set in this resolution may very well become the final budget. The gravity of what we do today then is not to be understated.

From my own experience as a businessman, I know that any budgeting process presents very difficult choices between competing and often irreconcilable goals. The congressional budget process has proved to be no exception to this general rule. In my mind, the three goals the Congress needs to meet are these: Helping our people to find jobs and to survive this recession; protecting our national security; and reducing our Federal budget deficit. I believe that this budget goes a long way toward achieving these goals and I am supporting it for that reason. I do have serious concerns about aspects of it, but I trust that these concerns will be addressed in the final budget proposal.

There are very many good things about this budget resolution. It recognizes that this recession we are in has taken a steady and tragic toll of millions of Americans and their families. In recognizing that, this budget shifts needed funds into job-creating measures. It includes funds necessary for the jobs bill recently passed by the Congress and for additional jobs programs now under design.

Vital social services which have been strained to meet today's increasing needs will also be bolstered under this budget. For the people of the Fourth District of Virginia, where unemployment and poverty are at unacceptably high levels, these and other aspects of this budget will bring some very needed relief to people who have no place else to turn.

The funding proposed for housing and community development is also very wise. There is no better investment or no more appropriate way to stimulate our economy than through legislation of this kind. Rural areas in my district will benefit from the new

emergency FmHA foreclosure relief program recommended in the budget. Certainly, the targeted outlays for student financial assistance and guaranteed student loans will boost the number of moderate-and low-income students who can get the education and training they need to compete in today's changing economy.

One of the aspects of this budget about which I am most concerned is the 4-percent increase in defense spending. While I am not in favor of the 10-percent increase requested by the President, I also do not believe that the 4-percent increase is sufficient for our country to do what needs to be done to strengthen and maintain a modern defense.

As a member of he Armed Services Committee, I will be working there to insure that adequate amounts of money are directed to protect our national security. I promise vigilance in that work so that money goes where it is most needed. I will also be looking for ways to curtail wasteful managerial practices so that our money is spent efficiently.

I was heartened by the inclusion of a 4-percent pay increase for military and Federal civilian employees. I fully support this increase rather than the pay freeze proposed by the President. These trained and hard-working men and women form the very backbone of national government and our national security. Without them, our ideals and our very existence would be imperiled.

I believe very strongly that we must reduce the Federal deficit as much as possible within the constraints of our people's needs and our Nation's defense needs. I am pleased that the deficits in this budget are significantly lower than those proposed in the President's budget. For this, my Democratic colleagues deserve much commendation.

I am proud that there is a recognition that high deficits do harm our economy in hidden but very serious ways. My personal belief is that more deficit reductions are needed. I hope that as final revenue and spending decisions are worked out in the various committees, the goal of reducing the Federal budget deficit will be uppermost in our minds.

I commend the members of the Budget Committee and their chairman for working so diligently to reconcile the many competing interests inherent in this process. I believe that this budget is a very good effort and one to which I lend my support.●

● Mrs. HALL of Indiana. Mr. Chairman, I rise on behalf of the tens of thousands of workers in my home district that find themselves out of work and in the grips of frustration and uncertainty. They have invested years of hard work, saved money for the future, but are now being devasted by the administration's economic policies that cater to the wealthy.

The budget sent to us by the White House would bring even more misery to the overwhelming majority of Americans if we do not act courageously. It calls for approximately an 82 percent cut in outlays for economic development assistance even though the economy is in its weakest condition since the Depression of half a century ago. The administration proposal would reduce all Federal training and employment programs in real terms by 65 percent at a time when people need the sensitive support of their Government.

The Hawkins job bill provides new employment opportunities for approximately 900,000 people in high unemployment communities in ways that will benefit not only those that receive a paycheck, but everyone in the communities across this country. The need is clear. The only question that remains is whether Congress will do what is now necessary.

The long range and short-term effects of passing H.R. 1036 will aid the economy and bolster the confidence of the people in their Government.

All this can be secured at the cost of only about one-third of what the President's own budget adviser estimates as waste in the defense budget.

These principles and the sensitivity to people are recognized and reflected in the Jones budget. The Jones budget, which is supported by the Democratic leadership, as well as myself, represents a long-term investment in the American people through education and training. It provides $4.95 billion to be spent in fiscal year 1984. In addition, $2 billion has been added to the fiscal year 1983 Jones mark for immediate job creation including $550 million for summer youth jobs—an increase that almost doubles that proposed by the administration; $200 million for weatherization, which more than doubles the amount proposed by the administration; $100 million for the summer lunch program; and $1.5 billion for general revenue sharing, a significant increase over the amount proposed in the Reagan budget.

Workers in my home district have been forced out of jobs they have held for many years—and sometimes decades. Many cannot pay their mortgages and fear losing their homes. Some do not have food enough to feed themselves and their families. They need jobs now. The Democratic budget reflects an understanding of their situation and will give them a return on their years of investment through their taxes.

My constituents cannot continue to go in need of so many basics for their lives while we sit here and engage in lengthy debate over countless numbers of budget alternatives. It is for these reasons that I stand firmly with the Democratic leadership to pass a good budget, a budget into which I have had input: the Jones Democratic budget.

Thank you.●

● Mr. WAXMAN. Mr. Chairman, I rise in support of the budget resolution reported by the Budget Committee.

By doing so, I do not want to suggest that each section and number is to my liking or even that the bill does all that it might do for health care in this country.

Whatever else may be said, it is clear that this bill is not the wish list or the fondest hopes of many of us who have concerns about public health and the medicare and medicaid programs.

But the bill is a responsible effort to maintain the Nation's health care programs. It begins to restore the damage that the administration and the last Congress have inflicted upon those programs. And when considered against the backdrop of misguided cuts and random reductions that the administration has offered to us again this year, the Jones bill is a promising first step in an effort to recover and renew our commitments to health.

Let me outline a few of the major proposals that are assumed for the health function of this budget.

Most obviously, the committee has rejected the President's proposals to shift the costs of medicare to the elderly and disabled. The administration would have increased deductibles, increased copayments, delayed eligibility, and reduced reimbursements—all of which would have meant that medicare recipients would have been forced to pay more and more for less and less coverage and care.

The committee has turned down these cost shifts, and has instead chosen to look to the House's prospective payment plan. That proposal, which was included in the social security bill, has the long-term advantage of saving money for both the Government and beneficiaries, while preserving coverage for the aged and disabled.

The committee has also rejected the President's proposals to reduce further Federal payments to States for medicaid. At a time when States are hard pressed to meet their current obligations, and when the growth in medicaid has slowed dramatically, continued reduced matching would mean that many of the poor and the disabled would find themselves without any access to health care. Further, the committee has wisely rejected the administration's resubmission of the proposal to require copayments—a suggestion that was not supported in either the Senate or the House last year.

I must point out that I do not believe that simply rejecting further cuts is doing enough in medicaid. The last

Congress reduced medicaid by over $4 billion. These cuts, in combination with a failing economy, have enlarged the numbers of the poor and the near-poor that have no insurance and no means to pay for health care.

We must provide for care for those people in greatest need. The Commerce Committee proposed that the budget resolution include medicaid funds for improved coverage for low-income children and pregnant women. While this budget provides funds for only modest changes, I am pleased that it does allow us to take some beginning steps to improve maternal and child health care under medicaid.

I would also draw the Members attention to the fact that the committee's bill makes room for health benefits for unemployed workers and their families. I believe such action has widespread support in both Houses. At a time when the Congressional Budget Office has estimated that over 10 million Americans have lost their insurance because they have lost their jobs, it is essential that the Congress respond quickly and with significant support. It is possible that the unemployed may someday get back jobs they have lost or homes that have been foreclosed, but health that is lost cannot be restored.

In many other health areas, this budget is a good one. It allows $200 million more than the President's budget did for the important activities of NIH. Again, we could use much more. But the committee has acted to provide strong support for our biomedical research efforts. It recognizes the new emphasis given to some of our health services program in the jobs bill.

Finally, let me applaud the committee's efforts to restore the capacity of regulatory agencies such as the Food and Drug Administration and the Consumer Product Safety Commission and the Environmental Protection Agency. As we have seen clearly over the last few months, these agencies are vitally important to the protection of public health and safety. This budget recognizes that the last Congress unwisely limited the abilities of those agencies to function effectively. The restoration of these budgets should begin immediately.

In closing, let me add my personal congratulations to the committee and to the gentleman from Oklahoma, Mr. JONES. The creation of fair budgets during an era or recession, unemployment, high deficits, and diminished revenues is a difficult and delicate task. I would like to commend them for their reasoned response and their balanced result.●

● Mrs. COLLINS. Mr. Chairman, for the past 3 years, the Congressional Black Caucus (CBC) has eagerly accepted its responsibility to challenge the President's blatantly inequitable budget proposals by introducing alternative, constructive budgets. Since 1981. the CBC's budget has consistently addressed the need to stimulate the creation of jobs, reduce outrageous military spending, and restore funding to threatened social programs.

This year, Black Caucus members have overwhelmingly agreed that a shift in our strategy could best serve our objective of putting America back on sure footing by reducing the Federal deficit and spurring economic recovery. Recognizing that the Jones budget is strikingly similar to and has the same goals as the alternative budget we would have offered, we did not seek a rule making our substitute budget in order. We saw no reason to create unnecessary factions or struggles. To do so could have resulted in a victory for those who gain when progressive legislators are divided.

Let us now compare the Democratic plan and the CBC alternative plan. Both allocate almost exact amounts or at least follow similiar trends in implementing their major programs.

The Jones and CBC budgets place an emphasis on increasing the quality of elementary, secondary, and vocational educational programs through increased funding. In addition, both include increases in handicapped education to compensate for the real decline in services over the past 3 years. Each budget also provides for increased funding for various student financial assistance programs, a stark contrast to President Reagan's proposed reductions in this area. While both the CBC and the Jones budgets allocate well over $15 billion for education in general, the President's proposal continues to reflect an ongoing lack of concern for all but the wealthy.

Both the CBC and the Jones budgets seek to extend health benefits for the unemployed by financing appropriate programs with funds ranging from $1.5 to $2.7 billion respectively. Unfortunately, the President does not view adequate health care for the thousands upon thousands of jobless a priority, and has not provided 1 cent in his budget for such action.

Housing appropriations can be used to exemplify the disparity between the CBC and Jones budgets as opposed to the Reagan budget. Simply stated, the CBC budget would provide a little over $25 billion for Federal housing programs and the Jones' budget would provide $18 billion for Federal housing programs while the Reagan proposal offers an astonishing $1.8 billion for all Federal housing programs. Those housing programs include housing for the elderly, low-income assisted housing, single-family construction, community development block grants, and urban development action grants.

Both the CBC and the Jones budgets seek to make meaningful tax reforms. The Black Caucus is recommending that the 10-percent tax cut scheduled for July 1983 is limited to the first $50,000 of gross revenue and phased out thereafter. Additionally, the caucus seeks to repeal the indexing of the tax code scheduled to take effect in 1985. The Jones proposal also seeks to repeal, or at least delay, indexing. Both also seek to curb scheduled tax cuts for individuals with incomes above $50,000. While the caucus allocates $48 billion less for defense in their plan than the Democratic plan, both work to halt the unbridled growth in defense spending, estimated to total in excess of $1.7 trillion over the next 5 years.

Mr. Chairman, the critical problems of 11 million unemployed, hundreds of thousands of business failures, and inequitable treatment of the low and middle class citizens demand a bold and imaginative plan to promote economic growth, fairness, and equity. For too long we have allowed the President to continue his supply side economics. Consequently, pressing national needs in the areas of health, education, and job creation have all but been neglected. Accordingly, I throw my full support behind the Democratic budget plan. The working and poor man's financial vitality depends on our passing this much needed measure.●

● Mr. PRICE. Mr. Chairman, the budget resolution recommended by the Budget Committee would reduce the budget for national defense by $16.4 billion in budget authority and by $9.5 billion in outlays as compared to the President's request. Because the Budget Committee has recommended that both military and civilian personnel of the Department of Defense receive a 4-percent pay raise in October, but has not added funds to the defense budget to pay the $2.5 billion cost of this pay raise, the actual reductions that would have to be made in the defense budget request would total $18.9 billion in budget authority and $12 billion in outlays.

The budget recommendation before us would provide 3 percent real growth in new authority. This can be compared to the 10-plus percent real growth requested in the budget and 7 percent real growth approved by the Congress last year for defense.

There are many who agree that the defense budget must be restrained at a time when deficits are projected to reach $200 billion. The Armed Services Committee recommended that the President's proposed defense budget should be reduced to 7½ percent real growth because of the extraordinary economic circumstances—not because the additional money was not needed for defense.

But the Budget Committee's recommendation, if approved, could result in a real decline in our defense posture.

Under the procedures established in the House for tracking adherence of spending legislation to the budget resolution, both the budget authority and the outlays associated with a bill are considered in determining consistency with the budget resolution. The recommendation of the Budget Committee would require reductions in outlays of $12 billion. How could this be achieved?

The military personnel and operation and maintenance accounts are "fast spending" accounts. Each billion dollar reduction in military personnel will reduce outlays by $970 million in the first year. This is a 97 percent spend out. A reduction of $1 billion in operation and maintenance would reduce outlays by $800 million, or an 80 percent spend out. But if the reduction is made in research and development, the spend-out rate is only 58 percent. In procurement, the spend-out rate is 13 percent and in military construction it is 17 percent.

Thus, if the Budget Committee's recommendations are to be achieved—that is a reduction of $18.9 billion in budget authority and a reduction of $12 billion in outlays—very large reductions in the operations and maintenance and personnel accounts will be necessary.

For example, if all real growth were removed from the appropriation request for military personnel and operations and maintenance accounts, the total reduction would total $7.9 billion in budget authority and $6.7 billion in outlays. The remaining reduction of $5.3 billion in outlays would have to be achieved in slow spend-out accounts where reductions of up to $8 billion in budget authority are necessary to save only $1 billion in outlays.

I hope the message is clear. The Budget Committee's recommendation, if not substantially modified in conference, will force either a real reduction in troop strengths and the operations and maintenance funds that support the readiness of U.S. military forces, or such large reductions in the procurement and construction accounts that the overall budget total could actually be less than that approved by the Congress last year.

Mr. Chairman, we have to ask if the real effect of the recommended level for the national defense function will maintain an adequate defense posture for the United States.●

● Mr. WEISS. Mr. Chairman, I am in strong support of the budget resolution reported by the Budget Committee.

The people of this country have suffered terribly in the past 2 years as the Reagan administration rammed budgets through Congress based on untried economic theories and a heartless social vision. The result of those budgets has been the highest level of unemployment in our Nation since the Great Depression—deep cuts in programs for the elderly and needy, tax breaks for the wealthy, irrational increases in defense spending, and a tripling of the Federal deficit. This resolution represents an important first step toward reversing the damage of the past 2 years. The climb back will be slow and we have a lot of lost ground to recapture. But, at least, this budget will stop the bleeding.

This budget resolution would begin to reverse the three policy disasters of the Reagan administration which have led us into our present difficulties. First, this resolution calls for a scaling back of the massive tax reductions enacted in 1981 which have drained the Federal Government of revenue for essential programs, and created huge deficits which helped drive up interest rates. Second, this budget would slow the unprecedented growth in peacetime defense spending which has distorted economic priorities and fueled the arms race without increasing the security of our country. Third, this budget would resurrect our Government's commitment to providing a job for every American, helping the elderly and the needy, and making the American economy competitive again in world markets.

No action of the Reagan administration was more ill-advised and none has had more disastrous consequences than the great tax cut of 1981. This budget resolution mandates revenue increases of $35.2 billion in fiscal year 1984, $48.1 billion in fiscal 1985, and $58 billion in fiscal year 1986. Even after these increases, net tax cuts would still remain, totaling $58.2 billion in fiscal year 1984, $72.8 billion in fiscal year 1985, and $96.3 billion in fiscal year 1986.

The Budget Committee's resolution would scale back the massive defense buildup proposed by President Reagan, but still provides for substantial growth in the defense budget. Under the terms of the resolution, defense spending would rise by 4 percent in fiscal year 1984, measured in real, inflation-adjusted dollars. This increase would be considerably below the 10 percent real increase requested by the President. Over the 5-year period from fiscal year 1984 to fiscal year 1988, real defense spending would rise at an average rate of 4 percent per year under the committee's targets, compared to an average real increase of 7 percent per year proposed by the President. The resolution sets defense spending targets for fiscal year 1984 at $263.9 billion in budget authority and $235.4 billion in outlays, representing decreases of $16.4 billion—6 percent—in budget authority and $9.3 billion—4 percent—in outlays below the President's request. Over the 5-year period from fiscal year 1984 to fiscal year 1988, the resolution would reduce the administration's defense budget by a total of $205.3 billion in budget authority and $164.3 billion in outlays. These measures would restore at least some sanity to our defense budget.

Finally, the budget would begin to address the desperate domestic needs which have been so callously ignored by the Reagan administration. This resolution assumes passage in fiscal year 1983 of the $4.95 billion emergency jobs bill already enacted by the House, and passage in fiscal year 1984 of an additional $4.05 billion temporary jobs bill. The resolution assumes $11 billion in budget authority and $6 billion in outlays for other employment and training programs. This total is $5.6 billion more in budget authority than the administration's request and $1.38 billion more in outlays.

In health, the resolution sets fiscal year 1984 spending targets at $96.25 billion in budget authority, a 5-percent increase over the administration's request. The resolution rejects the $1.9 billion in medicare cuts and $300 million in medicaid cuts proposed by the administration.

In virtually every category of domestic need, the resolution rejects the proposed cuts of the administration and, in fact, reverses some of the cuts made in previous years. The resolution assumes a fiscal year 1984 level of $7.9 billion in budget authority for elementary, secondary and vocational education programs. This is $1.95 billion more than the administration's request and $1 billion more than the fiscal year 1983 level. The resolution also provides $7.2 billion in budget authority for student financial assistance, guaranteed student loans, and other higher education programs in fiscal year 1984. This is $650 million more than the fiscal year 1983 level.

In nutrition programs, the resolution rejects proposed cuts by the administration and recommends increases above fiscal year 1983 levels. Food stamps would be increased $900 million—7 percent—and child nutrition $200 million. Aid to families with dependent children would receive a $100 million—1 percent—increase, and supplemental security income for the handicapped would receive a $500 million increase.

Low-income energy assistance would be increased by $250 million under the resolution. In addition, low-income housing assistance, which has been virtually eliminated by the Reagan administration, would be restored to a semblance of its previous levels. The resolution assumes funding for low-income housing of $13.1 billion in budget authority for fiscal year 1984, which would be sufficient to assist 152,000 units. In addition, the resolution assumes a $1 billion increase in the community development block grant program, and holds funding for

the urban development action grant program and the Economic Development Administration at fiscal year 1983 levels, far above the administration's recommendations. The resolution also assumes enactment of a National Industrial Development Bank to assist the modernization of American industry. The resolution allows $2 billion for loan guarantees in fiscal year 1984 and $6 billion in fiscal year 1985 and fiscal year 1986.

In sum, this budget calls for a restoration of approximately 30 percent of the cuts inflicted upon the American people during the first 2 years of the Reagan administration.

Taken together, these proposals represent a clear rejection of the policies of the Reagan administration and place the American people on notice that there is an alternative to what they have experienced in the past 2 years. The battle to undo the damage inflicted on the American people has only just begun. But this budget resolution is a good beginning.●

The CHAIRMAN. Does the gentleman yield back the balance of his time?

Mr. LATTA. Mr. Chairman, I yield back my time, but I am not going to get stuck again by using all of our time like we did this time and then have unlimited time on the other side. I am just giving you warning right now.

Mr. JONES of Oklahoma. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Pursuant to clause 8 of rule XXIII, the concurrent resolution is considered as having been read and open to amendment at any point.

Pursuant to House Resolution 144, no amendments are in order except one amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD of March 22, 1983, by, and if offered by, Representative LATTA, and said substitute shall not be subject to amendment but shall be debatable for not to exceed 1 hour, equally divided and controlled by Representative LATTA and the chairman of the Committee on the Budget, but said substitute shall only be in order if an estimate of said substitute by the Congressional Budget Office is available to Members by 9:30 a.m. on Wednesday, March 23, 1983.

It shall also be in order to consider the amendment or amendments provided in section 305(a)(6) of the Congressional Budget Act necessary to achieve mathematical consistency.

The text of House Concurrent Resolution 91 reads as follows:

H. Con. Res. 91

Resolved by the House of Representatives (the Senate concurring), That the Congress hereby determines and declares that the concurrent resolution on the budget for fiscal year 1983 is revised, the first concurrent resolution on the budget for fiscal year 1984 is established, and the appropriate budgetary levels for fiscal years 1985 and 1986 are set forth.

(a) The following budgetary levels are appropriate for the fiscal years beginning on October 1, 1982, October 1, 1983, October 1, 1984, and October 1, 1985:

(1) The recommended levels of Federal revenues are as follows:

Fiscal year 1983: $606,200,000,000.
Fiscal year 1984: $689,100,000,000.
Fiscal year 1985: $765,900,000,000.
Fiscal year 1986: $831,500,000,000.

and the amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 1983: —$100,000,000.
Fiscal year 1984: $35,200,000,000.
Fiscal year 1985: $48,100,000,000.
Fiscal year 1986: $58,000,000,000.

(2) The appropriate levels of total new budget authority are as follows:

Fiscal year 1983: $886,200,000,000.
Fiscal year 1984: $936,550,000,000.
Fiscal year 1985: $998,650,000,000.
Fiscal year 1986: $1,058,400,000,000.

(3) The appropriate levels of total budget outlays are as follows:

Fiscal year 1983: $814,700,000,000.
Fiscal year 1984: $863,550,000,000.
Fiscal year 1985: $912,600,000,000.
Fiscal year 1986: $967,550,000,000.

(4) The amounts of the deficits in the budget which are appropriate in the light of economic conditions and all other relevant factors are as follows:

Fiscal year 1983: $208,500,000,000.
Fiscal year 1984: $174,450,000,000.
Fiscal year 1985: $146,700,000,000.
Fiscal year 1986: $136,050,000,000.

(5) The appropriate levels of the public debt are as follows:

Fiscal year 1983: $1,389,200,000,000.
Fiscal year 1984: $1,607,450,000,000.
Fiscal year 1985: $1,804,000,000,000.
Fiscal year 1986: $1,993,750,000,000.

and the amounts by which the temporary statutory limits on such debt should be accordingly increased are as follows:

Fiscal year 1983: $99,000,000,000.
Fiscal year 1984: $218,250,000,000.
Fiscal year 1985: $196,550,000,000.
Fiscal year 1986: $189,750,000,000.

(6) The appropriate levels of total Federal credit activity for the fiscal years beginning on October 1, 1982, October 1, 1983, October 1, 1984, and October 1, 1985, are as follows:

Fiscal year 1983:
(A) New direct loan obligations, $52,550,000,000.
(B) New primary loan guarantee commitments, $94,550,000,000.
(C) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1984:
(A) New direct loan obligations, $49,400,000,000.
(B) New primary loan guarantee commitments, $96,850,000,000.
(C) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1985:
(A) New direct loan obligations, $47,450,000,000.
(B) New primary loan guarantee commitments, $103,950,000,000.
(C) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1986:
(A) New direct loan obligations, $48,000,000,000.
(B) New primary loan guarantee commitments, $107,650,000,000.
(C) New secondary loan guarantee commitments, $68,250,000,000.

(b) The Congress hereby determines and declares the appropriate levels of budget authority and budget outlays, and the appropriate levels of new direct loan obligations, new primary loan guarantee commitments, and new secondary loan guarantee commitments for fiscal years 1983 through 1986 for each major functional category are:

(1) National Defense (050):

Fiscal year 1983:
(A) New budget authority, $245,500,000,000.
(B) Outlays, $214,250,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:
(A) New budget authority $263,850,000,000.
(B) Outlays, $235,400,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:
(A) New budget authority, $290,350,000,000.
(B) Outlays, $256,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:
(A) New budget authority, $317,500,000,000.
(B) Outlays, $284,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

(2) International Affairs (150):

Fiscal year 1983:
(A) New budget authority, $24,850,000,000.
(B) Outlays, $11,500,000,000.
(C) New direct loan obligations, $10,650,000,000.
(D) New primary loan guarantee commitments, $9,250,000,000.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:
(A) New budget authority, $18,850,000,000.
(B) Outlays, $13,200,000,000.
(C) New direct loan obligations, $12,100,000,000.
(D) New primary loan guarantee commitments, $10,250,000,000.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:
(A) New budget authority, $17,100,000,000.
(B) Outlays, $13,200,000,000.
(C) New direct loan obligations, $12,400,000,000.
(D) New primary loan guarantee commitments, $10,250,000,000.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:
(A) New budget authority, $16,550,000,000.
(B) Outlays, $13,000,000,000.
(C) New direct loan obligations, $12,950,000,000.
(D) New primary loan guarantee commitments, $10,250,000.
(E) New secondary loan guarantee commitments, $0.

(3) General Science, Space, and Technology (250):
Fiscal year 1983:
(A) New budget authority, $7,900,000,000.
(B) Outlays, $7,700,000,000.
(C) New direct loan obligations, $200,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $8,850,000,000.
(B) Outlays, $8,350,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $8,800,000,000.
(B) Outlays, $8,750,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $8,150,000,000.
(B) Outlays, $8,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(4) Energy (270):
Fiscal year 1983:
(A) New budget authority, $4,050,000,000.
(B) Outlays, $4,700,000,000.
(C) New direct loan obligations, $11,600,000,000.
(D) New primary loan guarantee commitments, $150,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $4,400,000,000.
(B) Outlays, $4,300,000,000.
(C) New direct loan obligations, $12,050,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $4,200,000,000.
(B) Outlays, $3,400,000,000.
(C) New direct loan obligations, $12,550,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $3,750,000,000.
(B) Outlays, $3,350,000,000.
(C) New direct loan obligations, $12,600,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(5) Natural Resources and Environment (300):
Fiscal year 1983:
(A) New budget authority, $11,550,000,000.
(B) Outlays, $12,500,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $12,100,000,000.
(B) Outlays, $12,500,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $11,850,000,000.
(B) Outlays, $12,550,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $11,700,000,000.
(B) Outlays, $12,000,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(6) Agriculture (350):
Fiscal year 1983:
(A) New budget authority, $22,300,000,000.
(B) Outlays, $22,100,000,000.
(C) New direct loan obligations, $17,250,000,000.
(D) New primary loan guarantee commitments, $5,550,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $14,850,000,000.
(B) Outlays, $14,650,000,000.
(C) New direct loan obligations, $14,650,000,000.
(D) New primary loan guarantee commitments, $4,300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $15,100,000,000.
(B) Outlays, $13,350,000,000.
(C) New direct loan obligations, $12,300,000,000.
(D) New primary loan guarantee commitments, $4,350,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $14,100,000,000.
(B) Outlays, $14,050,000,000.
(C) New direct loan obligations, $12,400,000,000.
(D) New primary loan guarantee commitments, $4,350,000,000.
(E) New secondary loan guarantee commitments, $0.
(7) Commerce and Housing Credit (370):
Fiscal year 1983:
(A) New budget authority, $5,800,000,000.
(B) Outlays, $2,700,000,000.
(C) New direct loan obligations, $7,400,000,000.
(D) New primary loan guarantee commitments, $48,700,000,000.
(E) New secondary loan guarantee commitments, $68,250,000,000.
Fiscal year 1984:
(A) New budget authority, $6,100,000,000.
(B) Outlays, $2,300,000,000.
(C) New direct loan obligations, $6,000,000,000.
(D) New primary loan guarantee commitments, $48,700,000,000.
(E) New secondary loan guarantee commitments, $68,250,000,000.
Fiscal year 1985:
(A) New budget authority, $6,250,000,000.
(B) Outlays, $400,000,000.
(C) New direct loan obligations, $5,750,000,000.
(D) New primary loan guarantee commitments, $48,700,000,000.
(E) New secondary loan guarantee commitments, $68,250,000,000.
Fiscal year 1986:
(A) New budget authority, $6,450,000,000.
(B) Outlays, −$350,000,000.
(C) New direct loan obligations, $5,800,000,000.
(D) New primary loan guarantee commitments, $48,700,000,000.
(E) New secondary loan guarantee commitments, $68,250,000,000.
(8) Transportation (400):
Fiscal year 1983:
(A) New budget authority, $26,650,000,000.
(B) Outlays, $21,950,000,000.
(C) New direct loan obligations, $200,000,000.
(D) New primary loan guarantee commitments, $1,050,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $28,300,000,000.
(B) Outlays, $26,150,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $550,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $29,500,000,000.
(B) Outlays, $27,100,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $30,400,000,000.
(B) Outlays, $28,400,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
(9) Community and Regional Development (450):
Fiscal year 1983:
(A) New budget authority, $6,750,000,000.
(B) Outlays, $7,650,000,000.
(C) New direct loan obligations, $2,250,000,000.
(D) New primary loan guarantee commitments, $500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $8,250,000,000.
(B) Outlays, $8,550,000,000.
(C) New direct loan obligations, $1,650,000,000.
(D) New primary loan guarantee commitments, $2,450,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $12,500,000,000.
(B) Outlays, $10,650,000,000.
(C) New direct loan obligations, $1,800,000,000.
(D) New primary loan guarantee commitments, $6,450,000,000.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:
(A) New budget authority, $12,450,000,000.
(B) Outlays, $11,150,000,000.
(C) New direct loan obligations, $1,750,000,000.
(D) New primary loan guarantee commitments, $6,450,000,000.
(E) New secondary loan guarantee commitments, $0.
(10) Education, Training, Employment and Social Services (500):
Fiscal year 1983:
(A) New budget authority, $32,800,000,000.
(B) Outlays, $32,000,000,000.
(C) New direct loan obligations, $600,000,000.
(D) New primary loan guarantee commitments, $6,500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $39,150,000,000.
(B) Outlays, $32,700,000,000.
(C) New direct loan obligations, $650,000,000.
(D) New primary loan guarantee commitments, $6,650,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $33,050,000,000.
(B) Outlays, $31,150,000,000.
(C) New direct loan obligations, $750,000,000.
(D) New primary loan guarantee commitments, $6,650,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $33,700,000,000.
(B) Outlays, $32,800,000,000.
(C) New direct loan obligations, $800,000,000.
(D) New primary loan guarantee commitments, $6,650,000,000.
(E) New secondary loan guarantee commitments, $0.
(11) Health (550):
Fiscal year 1983:
(A) New budget authority, $70,150,000,000.
(B) Outlays, $83,350,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $250,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $96,250,000,000.
(B) Outlays, $96,000,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $250,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $104,500,000,000.
(B) Outlays, $106,550,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $250,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $117,300,000,000.
(B) Outlays, $115,350,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
(12) Income Security (600):
Fiscal year 1983:
(A) New budget authority, $309,400,000,000.
(B) Outlays, $278,100,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New primary loan guarantee commitments, $14,650,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $310,600,000,000.
(B) Outlays, $284,700,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New primary loan guarantee commitments, $14,700,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $332,700,000,000.
(B) Outlays, $296,800,000,000.
(C) New direct loan obligations, $750,000,000.
(D) New primary loan guarantee commitments, $16,500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $354,050,000,000.
(B) Outlays, $313,200,000,000.
(C) New direct loan obligations, $500,000,000.
(D) New primary loan guarantee commitments, $18,150,000,000.
(E) New secondary loan guarantee commitments, $0.
(13) Veterans Benefits and Services (700):
Fiscal year 1983:
(A) New budget authority, $24,850,000,000.
(B) Outlays, $24,550,000,000.
(C) New direct loan obligations, $950,000,000.
(D) New primary loan guarantee commitments, $8,000,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $26,000,000,000.
(B) Outlays, $25,550,000,000.
(C) New direct loan obligations, $800,000,000.
(D) New primary loan guarantee commitments, $9,000,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $26,400,000,000.
(B) Outlays, $26,000,000,000.
(C) New direct loan obligations, $650,000,000.
(D) New primary loan guarantee commitments, $10,500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $27,000,000,000.
(B) Outlays, $26,500,000,000.
(C) New direct loan obligations, $700,000,000.
(D) New primary loan guarantee commitments, $12,500,000,000.
(E) New secondary loan guarantee commitments, $0.
(14) Administration of Justice (750):
Fiscal year 1983:
(A) New budget authority, $5,100,000,000.
(B) Outlays, $5,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $5,600,000,000.
(B) Outlays, $5,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $5,550,000,000.
(B) Outlays, $5,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $5,450,000,000.
(B) Outlays, $5,450,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(15) General Government (800):
Fiscal year 1983:
(A) New budget authority, $5,550,000,000.
(B) Outlays, $5,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $5,800,000,000.
(B) Outlays, $6,050,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $6,200,000,000.
(B) Outlays, $6,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $6,300,000,000.
(B) Outlays, $6,250,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(16) General Purpose Fiscal Assistance (850):
Fiscal year 1983:
(A) New budget authority, $7,550,000,000.
(B) Outlays, $8,700,000,000.
(C) New direct loan obligations, $250,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $7,600,000,000.
(B) Outlays, $7,600,000,000.
(C) New direct loan obligations, $250,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $7,450,000,000.
(B) Outlays, $7,500,000,000.
(C) New direct loan obligations, $300,000,000.

(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $7,600,000,000.
(B) Outlays, $7,600,000,000.
(C) New direct loan obligations, $300,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(17) Interest (900):
Fiscal year 1983:
(A) New budget authority, $87,800,000,000.
(B) Outlays, $87,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $96,150,000,000.
(B) Outlays, $96,150,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $103,400,000,000.
(B) Outlays, $103,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $105,650,000,000.
(B) Outlays, $105,650,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(18) Allowances (920):
Fiscal year 1983:
(A) New budget authority, $5,700,000,000.
(B) Outlays, $2,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $1,200,000,000.
(B) Outlays, $1,250,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $2,500,000,000.
(B) Outlays, $2,650,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $3,850,000,000.
(B) Outlays, $4,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(19) Undistributed Offsetting Receipts (950):
Fiscal year 1983:
(A) New budget authority, −$18,050,000,000.
(B) Outlays, −$18,050,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, −$17,350,000,000.
(B) Outlays, −$17,350,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, −$18,750,000,000.
(B) Outlays, −$18,750,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, −$23,550,000,000.
(B) Outlays, −$23,550,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

RECONCILIATION

SEC. 2. (a) The House Committee on Armed Services shall report changes in law within the jurisdiction of that committee to change spending in amounts sufficient to decrease budget authority by $591,000,000 and outlays by $580,000,000 in fiscal year 1984; further the Congress finds that to attain the policy of this resolution in future fiscal years requires decreases of $646,000,000 in budget authority and $645,000,000 in outlays in fiscal year 1985; and requires decreases of $914,000,000 in budget authority and $913,000,000 in outlays in fiscal year 1986.

(b) The House Committee on Education and Labor shall report changes in law within the jurisdiction of that committee to change spending in amounts sufficient to decrease budget authority by $4,000,000 and outlays by $4,000,000 in fiscal year 1984; further the Congress finds that to attain the policy of this resolution in future fiscal years requires decreases of $4,000,000 in budget authority and $4,000,000 in outlays in fiscal year 1985; and requires decreases of $4,000,000 in budget authority and $4,000,000 in outlays in fiscal year 1986.

(c) The House Committee on Foreign Affairs shall report changes in law within the jurisdiction of that committee to change spending in amounts sufficient to decrease budget authority by $0 and outlays by $3,000,000 in fiscal year 1984; further the Congress finds that to attain the policy of this resolution in future fiscal years requires decreases of $0 in budget authority and $4,000,000 in outlays in fiscal year 1985; and requires decreases of $0 in budget authority and $8,000,000 in outlays in fiscal year 1986.

(d) The House Committee on Post Office and Civil Service shall report changes in law within the jurisdiction of that committee to change spending in amounts sufficient to decrease budget authority by $1,054,000,000 and outlays by $1,347,000,000 in fiscal year 1984; further the Congress finds that to attain the policy of this resolution in future fiscal years requires decreases of $1,633,000,000 in budget authority and $2,068,000,000 in outlays in fiscal year 1985; and requires decreases of $2,518,000,000 in budget authority and $3,334,000,000 in outlays in fiscal year 1986.

(e) The House Committee on Small Business shall report changes in law within the jurisdiction of that committee to change spending in amounts sufficient to decrease budget authority by $139,000,000 and outlays by $287,000,000 in fiscal year 1984; further the Congress finds that to attain the policy of this resolution in future fiscal years requires decreases of $555,000,000 in budget authority and $466,000,000 in outlays in fiscal year 1985; and requires decreases of $544,000,000 in budget authority and $443,000,000 in outlays in fiscal year 1986.

(f) The House Committee on Veterans' Affairs shall report changes in law within the jurisdiction of that committee to change spending in amounts sufficient to decrease budget authority by $216,000,000 and outlays by $214,000,000 in fiscal year 1984; further the Congress finds that to attain the policy of this resolution in future fiscal years requires decreases of $235,000,000 in budget authority and $234,000,000 in outlays in fiscal year 1985; and requires decreases of $241,000,000 in budget authority and $238,000,000 in outlays in fiscal year 1986.

(g) The House Committee on Ways and Means shall report changes in laws within the jurisdiction of that committee sufficient to increase revenues by $30,000,000,000 for fiscal year 1984; further the Congress finds that to attain the policy goals of this resolution in future years revenues should be increased by $40,000,000,000 for fiscal year 1985, and $50,000,000,000 for fiscal year 1986.

SEC. 3. (a) Not later than June 6, 1983, the committees named in section 2(a)–(f) shall submit their recommendations to the House Committee on the Budget, except for those committees exempt under subsection (b) of this section. After receiving those recommendations, the Committee on the Budget shall report to the House a reconciliation bill incorporating all such recommendations without any substantive revision.

(b) Subsection (a) shall not apply to any committee named in section 2(a)–(f) which reports to the House by June 1, 1983, legislation pursuant to the committee's reconciliation instructions.

(c) The Committee on Ways and Means shall report its recommendations to the House not later than June 1, 1983. If the changes in laws reported to the House by the Committee on Ways and Means pursuant to section 2(g) contain changes involving the imposition of new or expanded taxes to directly finance programs within the jurisdiction of any other committee of the House (including, but not limited to, inland waterways or deep draft ports) or the imposition of any new or expanded user fees within the jurisdiction of any other committee of the House, an appropriate referral pursuant to rule X of the Rules of the House should be considered.

MISCELLANEOUS PROVISIONS

SEC. 4. No bill or resolution providing new discretionary budget authority for fiscal year 1984, or new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act for fiscal year 1984, which exceeds the appropriate allocation of such new discretionary budget authority or

new spending authority made pursuant to section 302(a) of such Act shall be enrolled until after the Congress has completed action on the second concurrent resolution on the budget required to be reported under section 310 of such Act or until October 1, 1983, whichever occurs first.

SEC. 5. (a) If Congress has not completed action by October 1, 1983, on the concurrent resolution on the budget required to be reported under section 310(a) of the Budget Act for the 1984 fiscal year, then this concurrent resolution shall be deemed to be the concurrent resolution required to be reported under section 310(a) of such Act, for the purposes of section 311 of such Act: *Provided, however,* That if Congress has not completed action by such date on the concurrent resolution required to be reported under section 310(a) of such Act for the 1984 fiscal year the Committee on the Budget may report to the House a House or concurrent resolution which only revises, for purposes of section 311 of such Act, the levels of total budget outlays, budget authority, and revenues for technical and economic assumptions.

(b) The report on such resolution to the House, in the case of a House resolution, or the conference report, in the case of a concurrent resolution, shall contain a statement allocating total new budget authority and total outlays to each committee of the House, and said statement shall be deemed to be the statement under section 302(a) of the Congressional Budget Act.

(c) Section 311(a) of the Congressional Budget Act, as made applicable by subsection (a) of this section, shall not apply to bills, resolutions, or amendments within the jurisdiction of a committee, or any conference report on any such bill or resolution, if—

(1) the enactment of such bill or resolution as reported;

(2) the adoption and enactment of such amendment; or

(3) the enactment of such bill or resolution in the form recommended in such conference report;

would not cause the appropriate allocation for such committee of new discretionary budget authority or new spending authority as described in section 401(c)(2)(C) of the Congressional Budget Act made pursuant to section 302(a) of such Act for fiscal year 1984 to be exceeded.

(d) The provisions of this section shall cease to apply when Congress completes action on a subsequent concurrent resolution on the budget for fiscal year 1984 pursuant to section 304 or 310 of the Congressional Budget Act.

SEC. 6. It is the sense of the Congress that monetary policy and the economic assumptions in the budget resolution shall be consistent with each other. To that end, it is the sense of the Congress that in the reports to Congress required by the Full Employment and Balanced Growth Act of 1978, the Board of Governors of the Federal Reserve System shall report to the Congress on the objectives of the Board of Governors and the Federal Open Market Committee with respect to the growth or diminution of gross national product in current and constant dollars, inflation, and unemployment for the current and three following calendar years. In addition, the Board shall in the same report explain the differences, if any, between these objectives and the economic assumptions of the most recent President's budget submission, the most recent projections of the Congressional Budget Office, and the economic assumptions of the most recent congressional budget resolution. It is further the sense of the Congress that, if necessary, the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate shall report legislation amending the Federal Reserve Act to require such reporting.

SEC. 7. It is the sense of the Congress that, in light of budget restraint, limited resources, and the need to foster economic growth, the House Committee on Armed Services should initiate a thorough review of military retirement programs which constitute a major sector of the defense budget and should recommend changes which would result in reduced spending under these programs.

The CHAIRMAN. If there are no amendments, the Chair recognizes the gentleman from Oklahoma (Mr. JONES) for a motion.

Mr. JONES of Oklahoma. Mr. Chairman, I move that the Committee do now rise and report the concurrent resolution back to the House, with the recommendation that the concurrent resolution be agreed to.

The motion was agreed to.

□ 1910

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MINISH, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the concurrent resolution (H. Con. Res. 91) revising the congressional budget for the U.S. Government for the fiscal year 1983 and setting forth the congressional budget for the U.S. Government for the fiscal years 1984, 1985, and 1986, had directed him to report the concurrent resolution back to the House, with the recommendation that the concurrent resolution be agreed to.

The SPEAKER. Pursuant to section 305(a)(6) of the Congressional Budget Act of 1974, the previous question is considered as ordered.

The question is on the concurrent resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. LATTA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 229, nays 196, answered "present" 1, not voting 7, as follows:

[Roll No. 46]

YEAS—229

Ackerman	Applegate	Boggs
Addabbo	Aspin	Boland
Akaka	AuCoin	Boner
Albosta	Barnes	Bonior
Alexander	Bates	Bonker
Anderson	Bedell	Borski
Andrews (NC)	Beilenson	Bosco
Andrews (TX)	Berman	Boucher
Annunzio	Bevill	Bouquard
Anthony	Biaggi	Boxer
Britt	Hertel	Patterson
Brown (CA)	Hightower	Pease
Bryant	Howard	Penny
Burton (CA)	Hoyer	Pepper
Carper	Hubbard	Perkins
Carr	Hughes	Pickle
Clarke	Jacobs	Price
Clay	Jeffords	Rahall
Coelho	Jenkins	Rangel
Coleman (TX)	Jones (NC)	Ratchford
Collins	Jones (OK)	Reid
Conyers	Jones (TN)	Richardson
Cooper	Kaptur	Rinaldo
Coyne	Kastenmeier	Rodino
Crockett	Kennelly	Roe
D'Amours	Kildee	Rose
Daschle	Kogovsek	Rostenkowski
de la Garza	Kolter	Roybal
Dellums	Kostmayer	Sabo
Derrick	LaFalce	Savage
Dicks	Lantos	Scheuer
Dingell	Lehman (CA)	Schneider
Dixon	Lehman (FL)	Schroeder
Donnelly	Leland	Schumer
Dorgan	Levin	Seiberling
Dowdy	Levine	Shannon
Downey	Lipinski	Sharp
Durbin	Long (LA)	Sikorski
Dwyer	Long (MD)	Simon
Dymally	Lowry (WA)	Sisisky
Early	Luken	Slattery
Eckart	Lundine	Smith (FL)
Edgar	MacKay	Solarz
Edwards (CA)	Markey	Spratt
Evans (IL)	Martinez	St Germain
Fascell	Matsui	Staggers
Fazio	Mavroules	Stark
Feighan	Mazzoli	Stokes
Ferraro	McCloskey	Studds
Flippo	McCurdy	Swift
Florio	McHugh	Synar
Foglietta	McNulty	Tallon
Foley	Mica	Torres
Ford (MI)	Mikulski	Torricelli
Ford (TN)	Miller (CA)	Towns
Fowler	Mineta	Traxler
Frank	Minish	Udall
Frost	Mitchell	Vento
Fuqua	Moakley	Volkmer
Garcia	Mollohan	Walgren
Gejdenson	Moody	Watkins
Gephardt	Morrison (CT)	Waxman
Gibbons	Mrazek	Weaver
Glickman	Murphy	Weiss
Gonzalez	Murtha	Wheat
Gore	Natcher	Whitten
Gray	Nelson	Williams (MT)
Green	Nowak	Wirth
Guarini	Oakar	Wise
Hall (IN)	Oberstar	Wolpe
Hall (OH)	Obey	Wright
Hamilton	Olin	Wyden
Harkin	Ortiz	Yates
Harrison	Ottinger	Young (MO)
Hawkins	Owens	Zablocki
Hefner	Panetta	
Heftel	Patman	

NAYS—196

Archer	Conable	Forsythe
Badham	Conte	Franklin
Barnard	Corcoran	Frenzel
Bartlett	Coughlin	Gekas
Bateman	Courter	Gilman
Bennett	Craig	Gingrich
Bereuter	Crane, Daniel	Goodling
Bethune	Crane, Philip	Gradison
Bilirakis	Daniel	Gramm
Billey	Dannemeyer	Gregg
Boehlert	Daub	Gunderson
Breaux	Davis	Hall, Ralph
Broomfield	DeWine	Hall, Sam
Brown (CO)	Dickinson	Hammerschmidt
Broyhill	Dreier	Hance
Burton (IN)	Duncan	Hansen (ID)
Byron	Dyson	Hansen (UT)
Campbell	Edwards (AL)	Hartnett
Carney	Emerson	Hatcher
Chandler	English	Hiler
Chappell	Erdreich	Hillis
Chappie	Erlenborn	Holt
Cheney	Evans (IA)	Hopkins
Clinger	Fiedler	Horton
Coats	Fields	Huckaby
Coleman (MO)	Fish	Hunter

Hutto	Miller (OH)	Siljander
Hyde	Molinari	Skeen
Ireland	Montgomery	Skelton
Johnson	Moore	Smith (IA)
Kasich	Moorhead	Smith (NE)
Kazen	Morrison (WA)	Smith (NJ)
Kemp	Myers	Smith, Denny
Kindness	Nichols	Smith, Robert
Kramer	Nielson	Snowe
Lagomarsino	O'Brien	Snyder
Latta	Oxley	Solomon
Leach	Packard	Spence
Leath	Parris	Stangeland
Lent	Pashayan	Stenholm
Levitas	Paul	Stratton
Lewis (CA)	Petri	Stump
Lewis (FL)	Porter	Sundquist
Livingston	Pritchard	Tauke
Loeffler	Pursell	Tauzin
Lott	Quillen	Taylor
Lowery (CA)	Ray	Thomas (CA)
Lujan	Regula	Thomas (GA)
Lungren	Ridge	Valentine
Mack	Ritter	Vander Jagt
Madigan	Roberts	Vandergriff
Marlenee	Robinson	Vucanovich
Marriott	Roemer	Walker
Martin (IL)	Rogers	Weber
Martin (NC)	Roth	Whitehurst
Martin (NY)	Roukema	Whitley
McCain	Rowland	Whittaker
McCandless	Rudd	Winn
McCollum	Russo	Wolf
McDade	Sawyer	Wortley
McDonald	Schulze	Wylie
McEwen	Sensenbrenner	Young (AK)
McGrath	Shaw	Young (FL)
McKernan	Shelby	Zschau
McKinney	Shumway	
Michel	Shuster	

ANSWERED "PRESENT"—1

Wilson

NOT VOTING—7

Brooks	Neal	Yatron
Edwards (OK)	Washington	
Gaydos	Williams (OH)	

□ 1920

The Clerk announced the following pairs:

On this vote:

Mr. Brooks for, with Mr. Wilson against.

Mr. Neal for, with Mr. Edwards of Oklahoma against.

Mr. Washington for, with Mr. Williams of Ohio against.

Mr. WILSON. Mr. Speaker, I have a live pair with the gentleman from Texas (Mr. BROOKS). If he were present he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

Mr. WILSON changed his vote from "nay" to "present."

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. JONES of Oklahoma. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material, on the resolution just agreed to

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

NORTH ATLANTIC ASSEMBLY STANDING COMMITTEE MEETING IN PARIS, FRANCE

(Mr. BROOKS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. BROOKS. Mr. Speaker, this afternoon I shall depart Washington to attend a 3-day Standing Committee meeting of the North Atlantic Assembly in Paris, France, and, therefore, shall be on official leave of absence on Thursday and Friday, March 24 and 25.

As past President of the Assembly, which is composed of 172 legislators from the 16 NATO-member countries, I now serve as a Vice President and for this meeting I am acting as the U.S. Delegate to the Standing Committee, the executive board which provides overall policy direction and administrative control for Assembly activities.

As the parliamentary arm of NATO, the North Atlantic Assembly is dedicated to maintaining peace in this world. Members meet to attempt to develop understandings to enable them to recommend policies and programs to strengthen Western defenses while addressing at the same time the economic crises they are all experiencing.

Mr. Speaker, I appreciate your having appointed me as an official member to the U.S. House of Representatives Delegation to the North Atlantic Assembly. It is a challenge and an honor to serve.●

APPOINTMENT OF CONFEREES ON H.R. 1900, SOCIAL SECURITY ACT AMENDMENTS OF 1983

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that if and when the clerk receives a message from the Senate indicating that that body has passed the bill (H.R. 1900) to assure the solvency of the social security trust funds, to reform the medicare reimbursement of hospitals, to extend the Federal supplemental compensation program, and for other purposes, with an amendment or amendments, insisted upon its amendment or amendments and requested a conference with the House, that the House be deemed to have disagreed to the Senate amendment or amendments and agreed to the conference requested by the Senate, and that the Speaker be deemed to have appointed conferees without intervening motion.

The SPEAKER. Is there objection to the request of the gentleman from Illinois? The Chair hears none, and appoints the following conferees: Messrs. ROSTENKOWSKI, PICKLE, JACOBS, FORD of Tennessee, SHANNON, CONABLE, DUNCAN, and ARCHER.

MAKING IN ORDER ON THURSDAY, MARCH 24, 1983, OR ANY DAY THEREAFTER, CONSIDERATION OF CONFERENCE REPORT ON H.R. 1900, SOCIAL SECURITY ACT AMENDMENTS OF 1983

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that it be in order to call up the conference report to accompany the bill (H.R. 1900) to assure the solvency of the social security trust funds, to reform the medicare reimbursement of hospitals, to extend the Federal supplemental compensation program, and for other purposes, on Thursday, March 24, 1983, or any day thereafter, and that all points of order against the conference report or its consideration are hereby waived, and that the conference report be considered as having been read when called up.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will announce that there is no further formal business for the remainder of this evening.

The Chair would also announce that when the House adjourns we will come in at the normal time, 11 a.m. on Thursday morning. The first item that we will bring up will be the emergency jobs bill, and following that we will bring up the conference report on social security.

Has the majority leader any other legislation that may be brought up tomorrow?

Mr. WRIGHT. Mr. Speaker, we have only those two items. I know of no other, just the two conference committee reports.

□ 1930

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1405

Mr. STOKES. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 1405.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

FLORIDA FRONTIER RIVERS CONSERVATION DISTRICT BILL

(Mr. BENNETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks, and to include extraneous material.)

Mr. BENNETT. Mr. Speaker, I have recently introduced H.R. 2228 to establish the Florida Frontier Rivers

Conservation District to protect and enhance the invaluable natural resources of the St. Marys and Nassau Rivers in northeastern Florida. There have been many attempts to establish a national park in the Nassau Valley. However, for a variety of reasons, it seems apparent that the necessary support and funding for such a park will not be forthcoming.

Viewing a map of the northeast Florida region, it is apparent that the major portions of this ecosystem, considered to be one of the most pristine on the east coast, form a large horseshoe with the base of the horseshoe anchored at the Atlantic entrances to the St. Marys River on the north, and the Nassau River on the south. Fort Clinch State Park anchors the north leg of the horseshoe on the St. Marys River, a river which is largely undeveloped and contains several areas of historic note. Traveling south from Colerain, which is inland on the St. Marys River, one would find the headwaters of the Nassau River. The Nassau River then flows to the sea through miles of undisturbed, unpolluted marshes, and riverine estuaries. The southern anchor of this horseshoe-shaped region is Big Talbot Island, which the State of Florida is attempting to acquire and preserve as a recreational sanctury. Because the passage of every week makes this area more and more desirable to a variety of developers and similar interests, a new and innovative approach is needed.

We have the capacity to save these unique rivers while allowing for planned growth and development. Proper resource management will be necessary, and therefore, I have introduced H.R. 2228 to establish a Florida Frontier Rivers Conservation District. The legislation will create a partnership of Federal, State, local, and private interests to plan and guide growth and development and to plan for the protection and enhancement of the environmental, historic preservation, and recreational resources within this area. It puts the primary emphasis on local and State direction with financial and planning assistance from the Federal Government.

I would like to acknowledge the leadership of the gentleman from New Jersey, JIM FLORIO, for his introduction and the passage in 1978 of a provision in the National Parks and Recreation Act establishing the Pine Barrens National Reserve. The successful implementation of his legislation in New Jersey has been the model for the legislation which I have introduced.

My bill describes the land and water areas which the district can include and directs the development of a comprehensive management plan. The goal of the plan would be to preserve and foster the resources of the district described above in ways that would insure that they reach their full potential, and are protected from unplanned, uncoordinated, unrestrained commercial development, without relying totally on Federal or State land acquisition.

Developing these objectives and formulating the comprehensive management plan would be the responsibility of a district management steering committee. This committee would be composed of representatives from Federal, State, and local governments, and private citizens representing environmental, historical, recreational, and economic concerns which have a major interest in preserving and enhancing the areas outlined above. The major components of the comprehensive management plan are outlined in my legislation. In addition, the legislation would authorize $1.5 million in funding for the preparation of the comprehensive management plan for the district and authorize $22,648,750 for land acquisition, funding analogous to that in the New Jersey legislation.

While all of these groups will not completely agree on the best future for the area, I believe that my legislation provides for a balanced committee representing the variety of interests in the area. The bill would bring these people together to plan for the future of the Nassau Valley area before it is too late.

This country is spending billions of dollars on cleaning up and restoring the health of our natural resources across the Nation. Mr. Speaker, my bill would provide a relatively small amount of money to prevent the destruction of the Nassau and St. Marys River Valleys. In addition, I hope that this legislation will provide an incentive and guide to other areas of the country where development is rapidly encroaching on invaluable natural resources.

I have worked with local leaders representing a variety of groups with an interest in this legislation and am happy to report that the bill has been endorsed by elected officials, environmentalists, historians, representatives from the timber and forestry industries, and other representatives from appropriate local governments. In addition, I have worked with Gov. Bob Graham, whose advice was of great help to me during the drafting of this legislation. He has also endorsed this legislation.

I believe that the majority of people, particularly in northeast Florida, and also across the country, share in the desire to protect our natural resources and agree that this can best be achieved by allowing certain guided development within a well-considered management-plan approach. As I stated earlier, I believe that this bill will provide an effective mechanism for a multilevel partnership to insure the best possible future for the Florida Frontier Rivers area and the generations of children it will serve.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 20. Concurrent resolution making corrections in the enrollment of H.R. 1718.

ANATOLY SHCHARANSKY

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. OTTINGER) is recognized for 60 minutes.

Mr. OTTINGER. Mr. Speaker, I want to thank my colleagues for joining me today in this special order to send the Soviet Government an important message. Anatoly Shcharansky must be released from prison and allowed to emigrate. On Tuesday, March 15, the gentleman from New York (Mr. GILMAN), the gentleman from Massachusetts (Mr. FRANK), and I had intended to come to the floor to hold a special order commemorating the sixth anniversary of Mr. Shcharansky's arrest. Unfortunately a scheduling problem prevented us from holding the special order at that time, although many of our colleagues did submit statements which were inserted in the CONGRESSIONAL RECORD.

I think it is significant that despite the fact that last week's special order was not held, nearly 40 Members of Congress submitted statements protesting Soviet mistreatment of Anatoly Shcharansky. I wish to thank my colleagues for expressing their concern, and I will include in today's RECORD a list of the Members who made statements at that time.

I also wish to thank over 200 of my colleagues who have cosponsored House Resolution 67, which I introduced in February, calling on the Soviets to release Anatoly Shcharansky from prison and permit him to emigrate; and urging the Reagan administration to raise the issue of his mistreatment in the strongest terms at every suitable opportunity with Soviet officials. Joining me as original cosponsors of this resolution are the gentlewoman from Rhode Island (Mrs. SCHNEIDER), the gentleman from Iowa (Mr. LEACH), the gentleman from Illinois (Mr. YATES), the gentleman from Massachusetts (Mr. CONTE), and the gentleman from New York (Mr. MRAZEK).

Anatoly Shcharansky has been at the heart of the Soviet Jewry movement since 1973 when he was declined permission to emigrate. He has been a symbol of the countless Soviet Jews

who wish only to live in accordance with their traditions. They have been locked into the U.S.S.R., and forced to endure a barrage of official Soviet anti-Semitism which terminates their Jewish education programs, bans their books, confiscates their religious articles, and excoriates them in the press.

Indeed, the rate of Soviet Jewish emigration is at its lowest point in a decade. In 1982, only 2,692 Jews emigrated from the Soviet Union, compared with 9,447 the year before, and representing a 95-percent decline from 1979 when 51,329 Jews emigrated. In the first 2 months of this year, only 206 Jews left the Soviet Union. Only 125 Soviet Jews emigrated in February, less than left on an average day during the peak year of 1979.

Anatoly Shcharansky has been among the hardest hit by this anti-Semitic assault. His 6-year prison ordeal has subjected him to the most brutal conditions, including isolation, severe cold, and inadequate health care. This mistreatment has forced him to be hospitalized several times. In 1981 he spent a month in the hospital after serving 185 days in a labor camp "punishment cell." The last time he was permitted visitors, in January 1982, his mother and brother were horrified at his physical condition. Despite his perilous state of health, Shcharansky went on a hunger strike in September 1982 to protest the strict prison regimen. It was not until January 1983 that we received independent confirmation that his hunger strike was over.

Soviet treatment of Shcharansky and all Jews who wish to emigrate flagrantly violates international obligations set forth in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Helsinki Final Act. Our Government must do everything in its power to pressure Moscow to comply with its international obligations. That is why I introduced House Resolution 67, and participate in the many congressional efforts to keep Soviet Jewry at the forefront of U.S. policy concerns.

I have learned firsthand that these efforts do indeed help Soviet Jews. In 1980 I met a former Soviet refusenik who had been liberated and came to Washington, D.C. He told me that he detected a subtle improvment in his treatment at about the same time congressional pressure increased in his behalf.

It is clear that the greatest hope people like Anatoly Shcharansky have is a persistent drumbeat of outrage against Soviet human rights abuses. I urge the House Foreign Affairs Committee to act expeditiously on House Resolution 67; I urge the Reagan administration to more vigorously pursue the issue of Soviet Jewry as a major component of our foreign policy. Finally, I want to again thank my colleagues for joining me on the floor of the House in this important message to the Soviet Union.

I am including in today's RECORD the text of House Resolution 67 and a list of cosponsors, as well as the names of the Members who submitted statements as part of our originally scheduled special order last week:

H. RES. 67

Resolution expressing the sense of the House of Representatives that the Soviet Government should immediately release Anatoly Shcharansky and allow him to emigrate

Whereas Anatoly Shcharansky, an eminent Soviet computer scientist, has been a leader of the Moscow Jewish community since 1973 when he first applied for and was denied permission to emigrate to Israel; and

Whereas the Government of the Soviet Union has engaged in a systematic campaign of harassment and intimidation against Anatoly Shcharansky, culminating in his arrest in March 1977 on trumped-up charges of treason; and

Whereas in July 1978, after sixteen months of being detained incommunicado, Anatoly Shcharansky was tried and sentenced to thirteen years of imprisonment; and

Whereas since his conviction Anatoly Shcharansky has been subject to extremely harsh prison treatment, including isolation, severe cold, and indequate food, sleep, and health care, resulting in a deterioration of his health; and

Whereas on September 26, 1982, Anatoly Shcharansky began a hunger strike to protest the severe prison conditions which have further harmed his health; and

Whereas Anatoly Shcharansky symbolizes the plight of many other Soviet Jews whose level of emigration is at its lowest point in a decade and who are increasingly harassed by Soviet authorities; and

Whereas by its treatment of Anatoly Shcharansky and others, the Soviet Union is violating its international obligations, including its obligations under the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Helsinki Final Act of the Conference on Security and Cooperation in Europe: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the Government of the Union of Soviet Socialist Republics should immediately release Anatoly Shcharansky from prison and allow him to emigrate; and

(2) the President and the Secretary of State should, at every suitable opportunity and in the strongest terms, express to the Government of the Union of Soviet Socialist Republics the opposition of the United States to the imprisonment of Anatoly Shcharansky.

SEC. 2. The Clerk of the House of Representatives shall transmit a copy of this resolution to the President with the request that the President transmit such copy to the Ambassador of the Soviet Union to the United States.

COSPONSORS OF HOUSE RESOLUTION 67

Richard Ottinger, Jim Leach, Silvio Conte, Sidney Yates, Robert Mrazek, and Claudine Schneider.

Gary Ackerman, Joseph Addabbo, Glenn Anderson, Michael Andrews, Frank Annunzio, Bill Archer, Les AuCoin, Michael Barnes, Steve Bartlett, Jim Bates, Berkley Bedell, Anthony Beilenson, Howard Berman, Mario Biaggi, Michael Bilirakis, Thomas Bliley, Edward Boland, David Bonior, Don Bonker, and Robert Borski.

Barbara Boxer, William Broomfield, Phillip Burton, William Carney, Thomas Carper, Bob Carr, Cardiss Collins, Lawrence Coughlin, Tom Corcoran, Baltasar Corrada, James Courter, William Coyne, Daniel Crane, George Crockett, Norman D'Amours, Thomas Daschle, Hal Daub, Ronald Dellums, Julian Dixon, and Brian Donnelly.

Thomas Downey, Richard Durbin, Bernard Dwyer, Mervyn Dymally, Roy Dyson, Dennis Eckart, Bob Edgar, Don Edwards, Ben Erdreich, Lane Evans, Dante Fascell, Walter Fauntroy, Vic Fazio, Edward Feighan, Geraldine Ferraro, Bobbi Fiedler, Jack Fields, Hamilton Fish, James Florio, Thomas Foglietta, Harold Ford, William Ford, Edwin Forsythe, Wyche Fowler, and Barney Frank.

Bill Frenzel, Martin Frost, Robert Garcia, Sam Gejdenson, George Gekas, Sam Gibbons, Benjamin Gilman, Dan Glickman, Albert Gore, Willis Gradison, William Gray, Bill Green, Frank Guarini, Tony Hall, Tom Harkin, Marjorie Holt, Frank Horton, James Howard, Steny Hoyer, William Hughes, and Henry Hyde.

Andy Ireland, Nancy Johnson, James Jones, Marcy Kaptur, John Kasich, Jack Kemp, Barbara Kennelly, Dale Kildee, Ray Kogovsek, Peter Kostmayer, Ken Kramer, John LaFalce, Robert Lagomarsino, Tom Lantos, Richard Lehman, William Lehman, Mickey Leland, Norman Lent, Sander Levin, Mel Levine, and Tom Lewis.

Bob Livingston, Clarence Long, Bill Lowery, Mike Lowry, Dan Lungren, Bill McCollum, Raymond McGrath, Matthew McHugh, John McKernan, James McNulty, Connie Mack, Buddy MacKay, Edward Markey, Lynn Martin, Robert Matsui, Nicholas Mavroules, Dan Mica, Barbara Mikulski, Clarence Miller, Norman Mineta, Joseph Minish, Parren Mitchell, and Joe Moakley.

Guy Molinari, Alan Mollohan, Bruce Morrison, Austin Murphy, Howard Nielson, Mary Rose Oakar, James Oberstar, David Obey, George O'Brien, James Olin, Major Owens, Stan Parris, Jerry Patterson, Claude Pepper, John Porter, Joel Pritchard, Charles Rangel, William Ratchford, Harry Reid, Bill Richardson, and Don Ritter.

Robert Roe, Marge Roukema, Martin Olav Sabo, James Scheuer, Patricia Schroeder, Richard Schulze, Charles Schumer, John Seiberling, James Shannon, Gerry Sikorski, Mark Siljander, Paul Simon, Norman Sisisky, Christopher Smith, Lawrence Smith, Stephen Solarz, Gerald Solomon, Fortney Stark, Louis Stokes, Samuel Stratton, and Gerry Studds.

Don Sundquist, Fofo Sunia, Mike Synar, Thomas Tauke, Robert Torricelli, Edolphus Towns, Morris Udall, Tom Vandergriff, Bruce Vento, Barbara Vucanovich, Doug Walgren, Henry Waxman, James Weaver, Ted Weiss, Alan Wheat, Bob Whittaker, Pat Williams, Larry Winn, Timothy Wirth, Robert Wise, Howard Wolpe, Antonio Won Pat, George Wortley, Ron Wyden, Gus Yatron, and Ed Zschau.

The Members whose statements appear in the CONGRESSIONAL RECORD of March 15, 1983, are:

Mr. PEPPER, Mr. ZABLOCKI, Mr. ANNUNZIO, Mr. HUGHES, Mr. LEACH of Iowa, Mr. FRENZEL, Mr. BOLAND, Mrs. SCHROEDER, Mr. ROE,

Mr. FORD of Michigan, Mr. FISH, Mr. LENT, Mr. SCHUMER, Mr. UDALL, Mr. PORTER, Mr. MINETA, and Mr. STARK.

Mr. GUARINI, Mr. BORSKI, Mr. SIKORSKI, Mr. FORD of Tennessee, Mr. LELAND, Mr. EVANS of Illinois, Mr. TORRICELLI, Mr. BERMAN, Mr. AUCOIN, Mr. O'BRIEN, Mr. RINALDO, Ms. FERRARO, Mr. SMITH of Florida, Mr. KOSTMAYER, Mr. DOWNEY, Mr. WAXMAN, Mr. MACK, and Mr. LEVINE.

□ 1940

Mr. GILMAN. Mr. Speaker, will the gentleman yield.

Mr. OTTINGER. I yield to my good friend and colleague, the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I rise today to join my colleague, the gentleman from New York (Mr. OTTINGER) as a sponsor of today's special order on the sixth anniversary of Anatoly Shcharansky's arrest, and it is indeed a day of infamy.

On March 15, 1977, Anatoly Shcharansky was arrested on charges of treason, and in a kangaroo court proceeding was sentenced to 13 years of imprisonment. Anatoly's only crime was his desire to be reunited with his devoted wife, Avital, in Israel. As a member of the Helsinki group monitoring Soviet noncompliance with the Helsinki accords, Anatoly was a leader in the human rights movement. Accused falsely of being an agent for the United States, he now languishes in prison, under the harshest conditions imaginable, but his spirit has not been broken.

Anatoly has not seen his devoted wife, Avital, since the day after their marriage. The Soviet authorities granted Avital a vizov, and promised that Anatoly would soon follow. Years have passed, and that promise, like so many others, has not been fulfilled. As a prisoner, Anatoly Shcharansky was supposed to have had the right to receive visitors, and to correspondence as well. But the last time he saw his mother, Ida Milgrom, was in January 1982, well over a year ago and he was denied his mail, he was denied visitors and all communication with the world beyond his prison walls. During last fall, on Yom Kippur, the day of atonement, Anatoly went on a hunger strike, to demonstrate to the Soviet Government and to the entire world that his rights, even as a prisoner, were being violated. Anatoly, because of his determination, was finally subjected to force feedings, and to watching other prisoners eat. He finally ended his hunger strike in mid-January, and has now begun to receive some mail.

Today, marks 6 years of that harsh kind of treatment that Anatoly Shcharansky has been enduring. His sentence has another 7 years to go, unless by our continued pressure the Soviet Union will release this noble young man. Avital has painstakingly maintained a vigil for him, and in a letter I received recently from her, she asks, "Please do continue and redouble your efforts as he needs our help more now than ever before." In those few pleading words, Avital has summed up not only Anatoly's situation, but that of all Soviet Jews wishing to emigrate.

Soviet oppression has increased alarmingly. Discrimination in the Soviet Union against Jews has reached new heights. There are reports that rather than allow a waiting period for a vizov, or exit application, that individuals are being refused emigration right on the spot at the Ovir office. A new anti-Semitic wave is sweeping across the Soviet Union, with allegations that Zionists were in conspiracy with the Nazis during World War II appearing in the Soviet press. This kind of blatant anti-Semitism is something that we in the United States abhor, and it is reflected in our negotiations with the Soviets.

Another dismal indicator of the oppression being experienced by Soviet Jews is the unbelievable decline in emigration. In all of 1982, only 2,692 Soviet Jews were allowed to leave, compared to the 1979 figures of 51,320. For 1983, emigration is half that of 1982, with only 81 emigrating in January, and 123 leaving in February. I urge my colleagues to increase our efforts in confronting the Soviet Union with these new, frightening figures.

Mr. Speaker, I will soon be introducing a resolution expressing congressional support for "Solidarity Sunday," scheduled this year for May 22, and I invite my colleagues to join in that effort. That day recognizes American solidarity with all Soviet Jews wishing to emigrate. Today, however, we commemorate the human symbol of the Soviet Jewry movement, Anatoly Shcharansky, and we urge the Soviet Union, through our sponsorship of House Resolution 67, to release him and allow him to emigrate.

I strongly urge my colleagues who have not yet done so, to cosponsor this measure as a vehicle for their concern. As the learned Rabbi Hillel once said, "If I am not for myself, who will be for me? But if I am only for myself, what am I? And if not now, when?" If we do not act now, our brethren in the Soviet Union will continue to suffer both spiritual and physical degradation. Elie Wiesel appropriately referred to them as "The Jews of Silence." Over a decade has passed since then, and they are silent no longer. And so must we be—silent no longer.

Mr. KEMP. Mr. Speaker, will the gentleman yield?

Mr. OTTINGER. I am pleased to yield to the gentleman from New York.

Mr. KEMP. I thank the gentleman.

I just wanted to join real quickly in sponsoring this very, very important special order. I thank the gentleman from New York (Mr. OTTINGER) and my distinguished colleague from New York (Mr. GILMAN) and appreciate so much what they are doing to bring the attention of the U.S. Congress to this very important issue.

I want to remind my colleagues that at this very week there is something going on that I would like to alert us all to. Last Friday, the gentleman from Michigan (Mr. SILJANDER), the gentleman from New Jersey (Mr. SMITH), and myself, and Senator BOREN of Oklahoma, a bipartisan group of Republicans and Democrats on both sides of Capitol Hill announced the beginning of a week called the Mordecai Outcry Week.

The International Christian Embassy in Jerusalem has announced that this is a major project of the Christian community throughout the world. As we all know of Mordecai's cry for release of the Jews who had been persecuted by the King of Persia in the Old Testament and he appealed to Esther to go to the King, to speak out on behalf of those who were oppressed.

And today as we in the Congress, modern day Mordecais, so to speak, are joining our voices in crying out to the world to please come to the rescue of Anatoly Shcharansky, one of the giant dissidents, and Prisoners of Conscience of the Soviet Union, I want to thank my friend from New York (Mr. OTTINGER), and the gentleman from New York (Mr. GILMAN) and again identify myself in a statement of solidarity that Jew and Christian and Democrat and Republican and folks all over the world are lending their voices to this very worthwhile effort. As was pointed out by the gentleman from New York, Anatoly Shcharansky is in a KGB prison camp, the Christopal prison camp in the Soviet Union. I have met his wife Avital. She has been on Capitol Hill many times. And it is absolutely imperative that the Soviet Union hear our voices, hear our cries, and hear cries of people in this country and throughout the world who cry out to let our people go, in this case Shcharansky. But there is Nudel, and Begun and Shlectak, and many, many Jews and Christians behind the Soviet Union that need us to speak for them.

I just want to thank the gentleman and tell him that I am with him and I know my friends and colleagues around the floor at this time are, too.

Mr OTTINGER. Mr. Speaker, I would like to say how very much I appreciate the very significant support of the gentleman.

Mr. ERDREICH. Mr. Speaker, will the gentleman yield?

Mr. OTTINGER. I yield to the gentleman from Alabama.

Mr. ERDREICH. Mr. Speaker, I rise to join my colleagues in commemorating the sixth anniversary this month of the arrest of Anatoly Shcharansky in the Soviet Union. We in the free

world cannot tolerate this denial of basic human rights which has increased dramatically in the Soviet Union.

Mr. Shcharansky has become a symbol for all who suffered and are suffering under the Soviet's deplorable retribution of those who wish to emigrate. He has sacrificed his health, been subjected to the hardest conditions in Christopol Prison, and virtually been cut off from any contact with the outside world for very long periods of time. He was a founding member of the Moscow Helsinki Monitoring Group which was created to assess the compliance by the Soviet Union of the 1975 Helsinki agreement. It was because of this activity that he was arrested on false charges and eventually sentenced to 13 years of imprisonment.

Unfortunately, Anatoly Shcharansky is only one of many who have had to brave unbearable conditions for the fight for freedom. The statistics tell the rapidly deteriorating plights of these refusniks. In 1979, approximately 59,000 Jews were permitted to leave the Soviet Union. In 1982, only 2,688 were permitted to leave, a decline of 95 percent.

It is imperative for those of us in the free world to bring pressure on the Soviet Union so that Mr. Shcharansky's plights and all those repressed like him will not be in vain.

As a member of the 98th congressional class for Soviet Jewry and as a sponsor of other Jewish refusniks in the Soviet Union, I pledge to continue my efforts toward this cause until Anatoly Shcharansky and all those who wish to emigrate are allowed to exercise their human rights which we in this country hold so dear.

Mr. OTTINGER. Mr. Speaker, I very much welcome the gentleman's very eloquent support.

Mr. LEVIN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. OTTINGER. I am glad to yield to the gentleman from Michigan.

Mr. LEVIN of Michigan. Mr. Speaker, the Hall is now quieted after a major vote. No matter though could be more major than the matter that has been raised by Mr. OTTINGER and that others here have commented on.

Because, Mr. Speaker, as we are speaking here now, Anatoly Shcharansky is starting the 7th year of a 13-year prison sentence. He has endured forced labor, solitary confinement, and punishment cells more severe than even Soviet law allows. He has been placed on diets where he was fed only one meal every other day. His prayer book has been confiscated. Yet he has endured.

As we speak, millions of Soviet Jews wait for permission to emigrate from the Soviet Union.

□ 1950

From the moment they apply for emigration visas, they lose their jobs and place themselves and their families at the mercy of the Soviet Government.

For them, it is an act of desperation, hope, and faith. That faith endures despite the fact that Soviet Jewish immigration has come to a virtual standstill.

So we are here to say tonight to Anatoly Shcharansky and to the millions of Soviet Jews who wish to emigrate from Russia, we have not forgotten you, and we will not let the Soviet Government forget you. At every opportunity, we will plead the case of Anatoly Shcharansky and the millions of Soviet Jews punished for their religious beliefs.

The policies of the Soviet Government which do not allow Anatoly Shcharansky and others the freedom to speak in his and their native country move us here tonight, Mr. Speaker, to speak for them.

Mr. OTTINGER. Mr. Speaker, I would like to thank the gentleman for his very eloquent and moving statement in this important cause.

I yield to the gentleman from Michigan (Mr. SILJANDER).

Mr. SILJANDER. Mr. Speaker, I thank the gentleman for yielding.

I was also, as was Congressman KEMP, at the news conference for the Mordecai Outcry Week. We heard the outcries of two Soviet Jews who were fortunate enough to make it out of their country, to emigrate out. They outlined unbelievable tales of persecution, of simply trying to initiate their religious freedom and their religious beliefs.

One of them in particular was in jail or under surveillance or beaten or harassed for 13 years in a row.

Another Soviet Jewish individual mentioned that for teaching Hebrew and teaching Old Testament Bible, he was also imprisoned on numerous and repeated occasions.

I think it is quite clear that the Soviet policy for Mr. Shcharansky and others is one of repression, one of quelching human rights.

Mr. Speaker, I would urge that all Americans unite behind this, Christian and Jew, Republican and Democrat, House and Senate Members, that we all unite together in a common bond standing behind those who want to teach, who want to seek simple basic freedom of their religion.

I thank the gentleman for yielding.

Mr. OTTINGER. Mr. Speaker, I thank the gentleman for his very fine statement.

I also thank the gentleman from New York (Mr. GILMAN) very warmly for his excellent statement and for joining me in sponsoring this special order. The gentleman has worked hard and in many ways for the cause of Soviet Jewry, the cause for freedom around the world. He does an outstanding job in this very important human rights respect. I am very glad to have his association and to note, as my colleague from New York (Mr. KEMP) did, the support for this resolution, some 200 strong, does come from Republican and Democrat, conservative and liberal, black and white, from every section of the country. It is echoed by similar efforts around the world.

It is about time the Soviet Union heard us and acted, for they are fast losing support and people are recognizing around the world that their society is not anything like a free society, that it is a brutal society by indeed the way they are brutalizing the Jewish people within their borders.

● Mr. HOYER. Mr. Speaker, today we in this House are commemorating the sixth anniversary of the arrest of Anatoly Shcharansky, a Soviet citizen who simply made public his desire to emigrate from his country. Mr. Shcharansky is completing the 5th year of a 13-year sentence on a conviction of espionage for the United States, a charge that has all the appearance of being trumped up to quiet the voice of this proud and determined activist for the human rights and Jewish emigration movements. Mr. Shcharansky was arrested in March 1977 and was sentenced to 3 years in prison, followed by 10 years in labor camps.

His experience in the labor camps only serve to perpetuate the incredible stories of injustice we have heard for the past 50 years about the Soviet prison system. During his camp internment, Mr. Shcharansky was repeatedly put into a punishment cell and, finally, in 1981, was sentenced to 3 more years in prison for "failing to work at rehabilitation and continuing to consider himself innocent."

Finally, on Yom Kippur, September 27, 1982, Anatoly Shcharansky went on a hunger strike to protest the continual interception of his mail and the denial of visitation privileges with his family. The anxious concern of millions throughout the world mounted with each day as Mr. Shcharansky's health steadily deteriorated. Finally, in a letter dated February 7, 1983 from Mr. Shcharansky to his mother, Ida Milgrom, he confirmed that he had resumed eating on January 14. He wrote that he was gaining weight and that headaches and dizziness were abating, but that he was suffering from heart pains.

For those of us familiar with the desperate plight of Soviet Jews, Mr. Shcharansky's story is all too common. The arrest and imprisonment of individuals like Mr. Shcharansky who seek no more than to exercise a basic human right, that of choosing the place in which he might

live his life, have come to exemplify the repression and persecution to which literally millions of individuals have been subjected unremittingly in the Soviet Union. It is this shared fate among Soviet Jews seeking emigration which demands more than commiseration. We must continuously denounce the forced surrender of basic human rights to the arbitrary will of a repressive government. We must intensify our efforts to demand that the Soviet Government account for its behavior. Just as human rights transcend national boundaries, so must our demands for the observance of those rights.●

● Mr. GORE. Mr. Speaker, I welcome this opportunity to join my colleagues today in this special order for Anatoly Shcharansky.

The plight of Soviet Jews has worsened dramatically over the last decade, and it is our solemn responsibility to rise up against such cruel and unjust treatment. The number of Jews emigrating from the Soviet Union declined 95 percent in the years between 1979 and 1982. Only 81 people were granted permission to leave during January 1983, as compared with over 3,722 in the same month in 1979.

Soviet Jews have been forced to remain in a country that has no respect for their right to pursue their religious beliefs, and little regard for the preservation of the Jewish cultural heritage and traditional education. Furthermore, the Government has launched a campaign of cruelty and harassment against a great number of Soviet Jews who have filed for visas, many attempting to join their families who have already secured asylum in Israel.

Shcharansky has been forced to endure years of imprisonment and subjected to inhuman conditions which have worn hard upon him mentally and physically. He has been isolated from outside contact, refused medical care and adequate food, and is even denied a plausible excuse for his imprisonment. Shcharansky continues to weaken physically and his illness worsens as he is kept each additional day in these deplorable surroundings.

So, it is fitting that we come together today to decry this injustice. We appeal to the Soviet Union to immediately release Anatoly Shcharansky from prison and grant his request—a request which was first submitted 11 years ago. We appeal to the Soviet Union to allow Anatoly Shcharansky to leave the Soviet Union so that he may join his wife in Israel.●

● Mr. SCHEUER. Mr. Speaker, I rise to protest the shameful human rights violations against Jews living in the Soviet Union, and to call for the immediate release of Anatoly Shcharansky—a victim of Soviet harassment, persecution, torture, and imprisonment for the last 10 years.

The Soviet political system has made Anatoly Shcharansky an international symbol of the denial of basic human rights. Individuals such as Mr. Shcharansky become martyrs by the mere act of applying for an exist visa. As a result, these individuals are forced into the roles of activists, dissidents and, ultimately, "criminals." They are denied their citizenship, removed from their place of residence and stripped of their occupation and dignity.

I would like to briefly review the tragic history of Mr. Shcharansky.

Submitting his first application for emigration to Israel in 1973 at the age of 25, Anatoly Shcharansky immediately lost his job as a computer scientist. He was detained repeatedly by KGB personnel in a campaign of continual harassment, spending a total of 100 days in prison on various charges, including 15 days for simply asking an official why he could not obtain an exit visa.

Anatoly Shcharansky was married on July 4, 1974. Just 1 day later, his wife, Avital was forced to choose either immediate emigration or renewed harassment of and intimidation against her husband. Avital Shcharansky embarked for Israel with the understanding that her husband would be allowed to join her in 6 months; however, every subsequent request by Anatoly Shcharansky for permission to emigrate was denied.

In 1975, the Soviet Union signed the Helsinki accords on human rights. Concerned not only with the plight of Soviet Jews but also with the rights of all Soviet citizens, Anatoly Shcharansky joined the Moscow chapter of the Helsinki Watch Committee, a group dedicated to monitoring Soviet compliance with the Helsinki Final Act.

In 1977, he was arrested by the KGB and charged with treason and "anti-Soviet agitation and propaganda." The KGB claimed he was a spy for the United States and was closely associated with the Central Intelligence Agency. Placed on trial, Anatoly Shcharansky was found guilty and sentenced by a Moscow court to a 3-year prison term, followed by 10 years of hard labor in a corrective colony.

Since that time, he has spent 6 years in the notorious Chistopol Prison where he has been subjected to such unspeakable treatment that his health has has been broken. For the last 6 years he has been isloated in solitary confinement, his mail has been confiscated and requests for family visitation have been denied.

Resorting to the only aspect of his life that he could control, Anatolyl Shcharansky began a hunger strike that lasted 4 months and brought him close to death. Even though Anatoly Shcharansky ended his hunger strike in January, he remains in poor health and has received no indication that the authorities are even considering an early release. Thus he serves as an example to all who might dare to challenge Soviet violations of human rights.

Mr. Speaker, Anatoly Shcharansky's cruel treatment is made even more tragic by the fact that it is not unique to his case. Hundreds of thousands of Jews in the Soviet Union today face the same religious persecution and mental and spiritual, if not physical, torture: They are not allowed to live as Jews; they are not allowed to leave.

Indeed, the rate of Soviet Jewish emigration is at its lowest point in a decade. In 1982, only 2,692 Jews emigrated from the Soviet Union, a dramatic drop of 95 percent from 1979 when 51,320 Jews were permitted to leave. The outlook for 1983 is even more disturbing: Only 206 emigrations were permitted during January and February.

As Members of Congress, we must continue to take every avaiable opportunity to pressure the Soviets into changing their reprehensible conduct.

We must continue to protect the human rights violation by Soviet authorities against Anatoly Shcharansky and all Jews living in the Soviet Union.

Finally, we must continue to make it clear to the Soviets that we will not remain silent if they continue to violate the basic human rights that they have by binding treaty agreed to uphold.●

● Mr. KOSTMAYER. Mr. Speaker, today, I join my colleagues in recognition of the sixth anniversary of the arrest of Anatoly Shcharansky.

Shcharansky is a 34-year-old mathematician who was charged with espionage by the Soviet Government. After a 4-month hunger strike, he is in poor health, suffering from inadequate health care and outright neglect.

His imprisonment on fictitious charges is reprehensible enough in its own right. But it also symbolizes what is at the core of Soviet treatment of its Jewish citizens—and that is, Mr. Speaker, plain and simple discrimination. Everything about Anatoly Shcharansky's imprisonment leads one to the conclusion that the Soviet Government enforces blatant anti-Semitism as government policy.

Despite what the Washington Post of January 15, 1983 described as "harassment from officials," Shchransky has continued to stand for what he believes in and has not succumbed to the pressures placed upon him. His wife has traveled throughout the world, meeting President Reagan, British Prime Minister Margaret Thatcher, and French President Francois Mitterand in hope of alleviating the plight of her husband. In fact, Mr. Speaker, I met with her when she visited con-

cerned Members of Congress some time ago.

I deplore the actions taken by the Soviet Government toward Mr. Shcharansky. His release would serve as a signal that the treatment of Jews in the Soviet Union can improve. His freedom would bring us closer to peace in these perilous times. I call on my colleagues to join me in commemorating this courageous man and I hope our action today will, in some small way, result in bringing the release of Mr. Shcharansky closer.●

● Mr. MICA. Mr. Speaker, I join my colleagues in expressing our deep distress and concern for the welfare of Anatoly Shcharansky. While it is difficult to believe that this is the sixth anniversary of incarceration for Anatoly Shcharansky, it is imperative that we now, more than ever before, double our efforts to dramatize the plight of the Soviet Jews. While we pray that this will be the last time that we gather to commemorate his arrest, we hope that this time next year we will be celebrating his freedom.

We must demonstrate to the world our concern over the Soviet Union's lack of human rights policy and their disregard for the 1975 Helsinki accords. The case of Anatoly Shcharansky has been widely publicized and is known in all its details. The sentence Mr. Shcharansky has been serving is not only cruel, but unjust. With each day that Anatoly Shcharansky remains in prison, his health deteriorates. Yet his indomitable and courageous spirit will be a testimonial to our battle for an end to religious persecution in the Soviet Union.

Many others have suffered, and will continue to suffer as Anatoly Shcharansky has. However, Mr. Shcharansky has become the inspiration for them to continue to fight for religious freedom and emigration.

Let Anatoly Shcharansky be the inspiration for our insistence that the Soviet Union end its harassment and imprisonment of those who seek to worship according to their religious beliefs. On behalf of the people of the 14th Congressional District and myself, I urge the support of all the Members in our commitment to Anatoly Shcharansky; that his long struggle will not have been in vain.●

● Mr. BIAGGI. Mr. Speaker, I wish to join my colleagues today in focusing special attention on the tragic plight of Soviet Prisoner of Conscience, Anatoly Shcharansky.

Six years ago (as of March 15) Shcharansky was arrested by Soviet authorities on the trumped up charges of treason and anti-Soviet agitation and propaganda. He was sentenced to 3 years in prison and 10 years in a strict regime labor camp. In November 1981, his sentence was increased because Shcharansky continued to claim his innocence to any wrongdoing.

We are here today because Anatoly Shcharansky is innocent, because his horrendous treatment at the hands of the Soviet Government is not to be tolerated, because his case spotlights the Soviet Union's continued repressive policies directed toward its 3 million Jewish citizens.

Those of us who have closely followed Anatoly Shcharansky's case over these many long years know that he was not arrested for treason, or anything even remotely resembling such a crime. He was arrested for applying to emigrate to Israel with his wife, Avital.

In fact, the Shcharanskys had been married only 1 day when the Soviets let his wife leave for Israel with the promise that Anatoly would soon be allowed to follow. Soon after their forced separation, Anatoly Shcharansky was arrested and imprisoned. Avital has received only four letters from her husband in the last 6 years.

To make matters worse, Shcharansky has not been allowed to have a single visitor since January 1982. His mother has traveled over 500 miles to visit him on four different occasions, and each time she has been denied the chance to see her son.

In addition, Shcharansky has spent much of his imprisonment in solitary confinement, and he has been denied proper food, sleep and health care. Last September, he began a hunger strike to protest the terrible hardships he has been forced to endure. His health deteriorated to a very dangerous level until he ended his hunger strike earlier this year, not for his own sake, but for the sake of his family.

Although reports out of the Soviet Union indicate Shcharansky is no longer in a life-threatening situation, he remains in a very weakened state. Although it is hoped that Shcharansky will soon be released and allowed to join his wife in Israel, it must be noted that he has already been robbed by the Soviet Government of some of the best years of his life—Anatoly Shcharansky is only 35 years old—all because he simply seeks to live in a country that would allow him free religious and cultural expression.

Clearly, Shcharansky's case is sad proof of the Soviet Union's blatant disregard for even the most basic of human rights. But, there is much more evidence to consider, as well. For example, Soviet Jewish emigration has declined by more than 95 percent since 1979. Figures released by the Greater New York Conference on Soviet Jewry and the National Conference on Soviet Jewry show the number of Jews allowed to leave the Soviet Union dropped to an unacceptable level of 2,688 in 1982, as compared to the record high of 51,320 Soviet Jews permitted to emigrate in 1979.

The 1982 figure is even more distressing when we consider that over 400,000 Soviet Jews have begun the emigration process, and some 20,000 have been denied permission to emigrate on more than one occasion.

The deteriorating human rights situation in the Soviet Union also includes a vicious anti-Semitic campaign in the Soviet press, the persecution of thousands of Jews who have applied to emigrate, and the denial of Jewish cultural and religious activities.

Earlier this month, the third world conference on Soviet Jewry was held in Israel. I am greatly encouraged by the much needed international attention the conference focused on the Soviet Jewry issue. I was especially pleased with the pledge President Reagan made, in a statement read at the conference by U.S. Ambassador Jeane J. Kirkpatrick, to keep the Soviet Jewry issue in the forefront of U.S. foreign policy and human rights concerns.

Simply put, Soviet emigration must be a primary focal point of any future communications between the United States and the Soviet Union, whether it be during trade negotiations, nuclear arms control talks, or even when arranging for athletic competition between the two countries.

Mr. Speaker, Anatoly Shcharansky has become a symbol of courage and strength to Soviet Jews and freedom fighters everywhere. Today, we are here to remind the world that his cause is our cause—freedom and basic human rights for all people.●

● Mr. DWYER of New Jersey. Mr. Speaker, it is a sad occasion upon which we rise today to note the sixth anniversary of the arrest of Anatoly Shcharansky.

This body has followed the plight of this brave man for many years and impressed upon the Soviet Union time and time again the dire need for more humane treatment of Mr. Shcharansky.

We know only too well the tragic history of his unjust imprisonment in the Chistopol prison, much of that time spent in solitary confinement, his life in grave danger.

Equally compelling is the dedication to his cause shown by his family—his wife, Avital, his mother, Ida Milgrom, and brother, Leonid.

The efforts of the Congress and the many groups and individuals in this country who are working so diligently in behalf of this prisoner of conscience, provide much hope and encouragement to Anatoly Shcharansky and his family.

He has become a symbol of the Jewish emigration movement; his plight underscores the truly dismal, disheartening rate of Jewish emigration from the Soviet Union at this time.

Anatoly Shcharansky's courage, in the face of the most inhumane treat-

ment imaginable, must inspire us to remain steadfast in our efforts to pressure the Soviets to open those doors.

Anatoly Shcharansky is a most eloquent, compelling spokesman for the human rights of all people. We can only hope that someday, soon, his call for justice will be answered.●

● Mrs. SCHROEDER. Mr. Speaker, I would like to take this opportunity to commemorate the sixth anniversary of the arrest of Anatoly Shcharansky, a courageous refusenik who has been at the heart of the Soviet Jewry movement for a decade. I also urge my colleagues to cosponsor House Resolution 67, expressing the sense of the House that the Soviet Government immediately release Shcharansky and allow him to emigrate.

Anatoly Shcharansky was first declined permission to emigrate in 1973. In 1977 he was arrested on phony charges of treason and sentenced to 13 years imprisonment where he has been subjected to the most brutal conditions.

Shcharansky wishes only to live in Israel with his wife Avital, in accordance with the Jewish traditions and values that he holds so dear. His greatest hope is the continued expression of international outrage at his treatment. House Resolution 67 and the special order will send an important message to the Soviets.

The number of people allowed to leave the Soviet Union has decreased. This fact is widely known, yet its significance is not clear. In 1979 the emigration process became significantly more complex. There has been an increase in the number of new obstacles in the path of would-be emigrants. Nothing has changed for the better concerning emigration to Israel from the Soviet Union. The time periods of refusal and the amount of time for screening applications has increased measurably. However, the ratio of refusals relative to the number of permissions remains basically stabilized.

Many of us in Congress have been very concerned about the dwindling numbers of people who have been permitted to emigrate from the Soviet Union in recent years. In January I joined with the Colorado delegation in protesting Shcharansky's unjust confinement and continued suffering. We urged the Soviet Union to recognize the human rights of Shcharansky and other Jewish citizens.

House Resolution 67 currently has over 175 cosponsors. If you have not already done so, I urge you to add your name to this important measure in order to demonstrate to the Soviet Union the depth of congressional concern for Anatoly Shcharansky.●

● Mrs. VUCANOVICH. Mr. Speaker, as a cosponsor of this measure, I rise in support of House Resolution 67 which calls upon the Soviet Union to release Anatoly Shcharansky and allow him to emigrate to Israel.

As a new member of the Coalition for Soviet Jewry, I am dedicated to securing freedom for those persons who wish to emigrate from the Soviet Union to the country of their choice. Since Andropov came to power, the number of Soviet Jews allowed to emigrate has declined dramatically, and we must work to try to increase that figure.

Anatoly Shcharansky has been a key figure in the Soviet Jewry movement since he first applied for an exit visa in 1973. Since that time, Shcharansky has been imprisoned for 13 years and subjected to the most brutal and inhumane treatment by the Soviet authorities. By passing House Resolution 67, the Congress will be sending a powerful message to the Soviet Union and the world that the United States will not tolerate such human rights abuses.

We, the Congress, must continue to address the problems of emigration for Soviet Jews and all people who want only to live a life of freedom. If Shcharansky, a renowned world figure, is allowed to emigrate, the door will be opened for all Soviet Jews to have the opportunity to live in a free society.

I, therefore, urge my colleagues to support this resolution, and I call for its immediate passage by this body.●

● Mr. YATES. Mr. Speaker, the stories of often brutal physical and psychological harassment of Soviet Jews wishing to emigrate are all too familiar to us. None is more compelling, however, than the plight of Anatoly Shcharansky. March 15 marked the sixth anniversary of Shcharansky's arrest by Soviet authorities.

Since filing his application to emigrate to Israel in 1973, Anatoly has been the target of systematic and cruel abuse by officials of the Soviet Government. He has been separated from his wife, Avital, who now lives in Israel.

Shcharansky was indicted for treason under article 64 of the criminal code of the R.S.F.S.R. His arrest, trial, and conviction represented an affront to the signatory nations of the Helsinki Final Act and to all justice loving people. Anatoly's continued detention without the benefit of counsel of choice is only a small example of this gross injustice, and the case has become an international embarrassment for the Russians.

In January 1983, Anatoly's mother, Ida Milgrom, and his brother Leonid, received written authorization to visit him for the first time. When they arrived at Christopol prison, some 500 miles from their home in Moscow, the commandant refused to let them see him. On September 27, 1982, Anatoly began a hunger strike to protest the official banning of family visits and correspondence, and his prolonged incarceration in solitary confinement. Ida and Leonid were very concerned about Anatoly's health. All they learned from the prison commandant was that Anatoly was being force fed every 3 days. After the refusal, Ida reportedly lived outside Christopol prison in a hut. She was told by the commandant, "You are entitled by law to have a visit, but I need instructions. You wouldn't want to see him anyway—because he does not look like you or me." We understand that Shcharansky ended the hunger strike in January. Anatoly apparently resumed eating after exchanging letters with his mother.

Shcharansky's ordeal epitomizes the struggle for liberty that still exists in the Soviet Union. Anatoly is a truly heroic figure and serves as an inspiration and as a reminder to us all of how priceless freedom, justice, and liberty are.

I am hopeful that our comments today commemorating the anniversary of Anatoly Shcharansky's arrest will lead the Soviet Government to honor Avital's wish for the swift release of her husband. Also, House Resolution 67, which I have sponsored, expresses the sense of the House by calling upon the Soviet authorities to release Shcharansky immediately and to allow his immigration. I hope you will review the record and will join me in sponsoring this resolution.●

● Mr. ORTIZ. Mr. Speaker, I join my colleagues in this special order to express support for the struggle by Anatoly Shcharansky against the arbitrary and inhuman policies of the Soviet Government. As a result of protesting emigration restrictions and serving on the Helsinki Watch Committee, Anatoly Shcharansky has been imprisoned for a term that is unjust by any acceptable standards. Having separated him from family and friends in an attempt to silence his criticism, Soviet authorities seem to believe imprisonment of Shcharansky will eliminate the problem.

I wish I could believe that the case of Mr. Shcharansky is an isolated incident. While his hunger strike has been most dramatic, he is actually only one of thousands of Jews who have been denied the opportunity to emigrate. Anatoly Shcharansky has become the symbol of all oppressed people in the Soviet Union, a symbol of the inherent weaknesses in the Soviet system, and a symbol of the triumph of the individual over the state.

To democracies, he is a sober reminder of Soviet hypocrisy. Despite all the Kremlin's sophisticated propaganda that seeks to convince others of a Soviet yearning for world peace and universal freedom, Soviet actions against its own populace demonstrates the brand of freedom that will be "en-

joyed" under their blueprint for "world peace."

Anatoly Shcharansky is also a jarring reminder of the historical disregard by the Soviet Government for human rights. If they ever wish to be accepted as a legitimate system of government, Soviet officials must commit themselves to recognizing the value of the individual. The release of Mr. Shcharansky would be a symbolic step in this direction. The permanent liberalization of emigration restrictions for Jews and other oppressed groups would be a strong acknowledgment of this principle.

We in Congress must continue to press the Soviet Union for the release of Anatoly Shcharansky, and for compliance on the issue of human rights. I strongly desire a continuing dialog with the Soviet Government, one that is mutually beneficial. Unless the Soviet Union ends this senseless persecution, better relations between our two countries may be an unattainable goal.●

● Mrs. COLLINS. Mr. Speaker, I would like to thank my colleagues for providing me with this opportunity to commemorate the Soviet Jewry movement. Those individuals in the Soviet Union fighting to gain fundamental human rights deserve our strident support.

It has come to my attention that the number of Jewish citizens permitted to leave the country has dropped from 51,000 in 1979 to fewer than 3,000 in 1982. This constitutes a startling 95-percent reduction in the percentage of Jews allowed to emigrate.

Additionally, reports of increased anti-Semitic activities have been a cause of grave concern. Soviet officials have increased their assault on Jewish heritage by banning Hebrew education programs, confiscating books and religious articles, and giving prominence to anti-semitic cartoons and statements in the media. Cartoons depicting Semites with stereotypical features often portray Jews as crooks and liars whose financial goals pervert communism's ideals. The Jewish people have long provided Soviet official with a handy scapegoat.

This conduct flagrantly violates a variety of international obligations including the Universal Declaration of Human Rights. The U.S. Government and people must persistantly express their outrage against Soviet human rights violations. I have recently cosponsored a resolution expressing the sense of the House that the Soviet Government should immediately release Anatoly Shcharansky from prison. This Nation, as leader of the free world, must continue to champion the cause of human rights. We must not falter in this endeavor.●

● Mr. BEILENSON. Mr. Speaker, in conjunction with the opening of the Third International Conference on Soviet Jewry in Jerusalem, I would like to take this opportunity to speak briefly about the continuing plight of Anatoly Shcharansky, the internationally respected Soviet Jewish human rights advocate.

Mr. Shcharansky first applied for a visa to immigrate to Israel in 1973 and was refused on the grounds that he had access to "classified" material. Since that time he has been repeatedly denied permission to emigrate and subjected to continual harassment by the KGB.

On July 4, 1974, Mr. Shcharansky and Natalya Stiglitz were married, and the next day she was forced to leave for Israel without her husband because the Visa Office informed her that she would never again be granted exit permission.

In May 1976, Shcharansky helped to found the Committee for the Implementation of the Helsinki Agreement in Moscow, in an attempt to apply Soviet law to benefit Soviet Jews. He was meticulous in his efforts not to abuse or alter Soviet law. However, in 1977, Shcharansky was imprisoned and convicted on charges of spying for the Central Intelligence Agency, a charge which former President Jimmy Carter has vehemently denied.

Since his imprisonment, Shcharansky's health has deteriorated as a result of the harsh treatment to which he has been subjected. He has only recently ended a prolonged hunger strike which he undertook to protest his continued confinement and the Soviet Government's refusal to permit visits from his family.

I strongly believe that by releasing Anatoly Shcharansky and allowing him to join his wife in Israel, the Soviet Union would not only indicate to the world its willingness to comply with the Helsinki accords, but would also send a dramatic signal that its new leadership is willing to help improve relations between our two nations. I look forward to the day when pleas such as this will no longer be necessary, and Soviet Jews can at last be reunited with their families in Israel.●

● Mrs. BURTON of California. Mr. Speaker, March 15, 1983, marked the sixth anniversary of the arrest and imprisonment of Anatoly Shcharansky. On March 15, 1977, he was arrested and charged with espionage and treason. In July 1978 he was convicted and sentenced to 13 years in prison, the victim of trumped-up charges designed to silence and punish him for his commitment to defending the basic human rights of Soviet Jews and others whose fundamental rights are violated by the Soviet authorities.

This anniversary is a sad reminder of the Soviet Union's continued denial of the most basic rights and liberties to its Jewish citizens. The condition of all Soviet Jews continues to deteriorate. Jewish emigration has been virtually cut off and the Soviet authorities have stepped up their harassment and intimidation of human rights activists.

We cannot let the world forget the plight of Anatoly Shcharansky and other Soviet Jews. We must continue to do everything in our power to end the Soviet mistreatment of its Jewish population. It is our obligation to speak out against these violations of basic justice.●

● Mr. MORRISON of Connecticut. Mr. Speaker, I rise in favor of the special order commemorating the sixth anniversary of the arrest of Anatoly Shcharansky. It is courageous individuals like Mr. Shcharansky who will not let the Soviet Jewry movement die, despite harassment and imprisonment by the Soviet Government. Mr. Shcharansky has not waivered from his commitment to the basic human rights for Jews in the Soviet Union from the time of his arrest on false charges in 1977 to his current hunger strike. His brutal treatment in the Soviet prisons, his ill health, and his personal tragedies have not made him forget the freedoms in which he believes and in which we support him, especially the freedom to practice religion without fear.

I also rise in support of House Resolution 67, which will call upon the Soviet Union to grant the immediate release and emigration of Mr. Shcharansky to Israel, where he can join his wife after 6 years of separation.

Through this special order and through House Resolution 67, we can send a clear message to the Soviet Government of our support for the Soviet Jewry movement and of our opposition to the Soviets disregard for the basic human rights of Jews within their borders. It is critical that the Soviets know that their efforts to restrict the rights and culture of Jewish people in the Soviet Union and to prevent them from emigrating will continue to be greeted with condemnation by supporters of human rights in the United States and around the world.●

● Mr. HALL of Ohio. Mr. Speaker, on March 15, 1977, Anatoly Shcharansky was imprisoned by the Soviet Union on the charge of treason. Six years later, he is still suffering in a Soviet prison with inadequate food, long periods of solitary confinement, hard labor, and lack of communication with his family and the outside world.

His only real crime was his desire to emigrate to Israel and his attempt to live in accordance with his faith.

The treatment of Shcharansky in the hands of the Soviet Government is a flagrant violation of the Universal Declaration of Human Rights, the International Covenant of Civil and Political Rights, and the Helsinki final

act. We can no longer look the other way.

I am cosponsor of House Resolution 67, a resolution urging the Soviet Government to immediately release Shcharansky from prison and allow him to emigrate, and requesting the President and the Secretary of State to raise this issue in the strongest terms with Soviet officials.

We must join Shcharansky in his pursuit to free his countrymen from persecution. For persecution exists not only within the walls of the Chistopol prison which contain him, but in the daily lives of all Soviet Jews. They have been denied freedom of worship, the right of religious education, and the freedom to emigrate.

As Americans, we take these freedoms for granted. Let the injustices committed against Shcharansky and the Jews of the Soviet Union remind us that denial of basic human rights is commonplace in other lands.

The suffering of Anatoly Shcharansky continues each day in his prison cell. However, it is more than the physical abuse of one man. It is the suffering of a people and the denial of their dream to worship freely and to return to their homeland. Let Shcharansky's courage and unbroken spirit serve as an inspiration to us in our effort to free him.●

● Mrs. JOHNSON. Mr. Speaker, in 1975 the Soviets signed the Helsinki accords, which committed them to recognizing certain basic human rights, particularly concerning emigration and reunification of families. A scant 2 years later, however, the Soviet Government imprisoned Anatoly Shcharansky on charges of treason and sentenced him to 13 years of imprisonment—cruel and inhuman imprisonment—simply for monitoring Soviet compliance with a treaty they themselves had signed, that they themselves had an acknowledged commitment to by their own law.

Today is the sixth anniversary of Anatoly Shcharansky's arrest. His situation is more desperate than ever, as his 6-month hunger strike has left him in a weakened condition. Yet despite Shcharansky's right to visitation, no member of his family has been allowed to see him. Again we see another example of the Soviet Union's disregard for both its own laws and international opinion.

It has been 8 years and two followup sessions since the signing of the Helsinki accords. The Soviet Government has attempted to silence all those within their own state who have attempted to monitor compliance—in Moscow, Ukraine, Lithuania, Armenia, and Georgia. For their sake, for our sake, we must remember the struggle of Anatoly Shcharansky, we must maintain our commitment to human rights, and we must see that the other signatory states maintain theirs.●

● Mr. LEWIS of Florida. Mr. Speaker, last week marked the sixth anniversary of the arrest of Anatoly Shcharansky, a Soviet Jew.

On March 17, 1977, Anatoly Shcharansky was arrested and charged with treason.

On July 14, 1978, he was convicted and sentenced to 3 years in prison and 10 years in a special labor camp on trumped up charges of treason and "anti-Soviet agitation and propaganda".

His only real crime was his fervent desire to leave Russia and immigrate to Israel and live freely.

Anatoly Shcharansky has become a symbol of the plight of the Soviet Jews.

Last September, he began a hunger strike to protest the Soviet authorities' confiscation of his mail and their refusal to allow him to receive visits from his family despite such allowances under the Soviet penal system.

As an outspoken defender of the basic human rights of Soviet Jews, he has been persecuted, locked up in solitary confinement and denied basic rights as a Soviet citizen.

As citizens of the United States, the champion of human rights, we cannot let the world ignore or forget the plight of Anatoly Shcharansky and other Soviet Jews.

We must continue to speak out against the Soviet Union's persecution of its Jewish citizens.●

● Mr. GREEN. Mr. Speaker, I rise to commemorate the sixth anniversary of Anatoly Shcharansky's arrest. Last year, I was proud to join my former colleague from New York, Mr. Bingham, in sponsoring a special order marking the fifth anniversary of the beginning of Shcharansky's ordeal, and I comment the sponsors of this latest expression of congressional outrage over the Soviets' treatment of Anatoly Shcharansky.

A year ago, Anatoly Shcharansky's situation was very grave. Having been condemned to spending extensive periods in a punishment cell at the labor camp where he was incarcerated, Shcharansky collapsed from malnutrition and had to be hospitalized for over a month, His mother was unable to see him, and feared for his survival. Today, Shcharansky's situation is, if anything, worse. He began a hunger strike in late 1982 because the Soviet authorities were not delivering his mail or allowing his family to visit him. Shcharansky's mother, Ida Milgrom, received word from him at the end of February that the had stopped his hunger strike but was physically very weak. Throughout his ordeal, Shcharansky's tormenters have turned a deaf ear to his requests for fair treatment and an exit visa to rejoin his wife in Israel, and only with difficulty could his family learn of his condition.

Shcharansky has been made to suffer for 6 long years merely for his desire to emigrate. The severity of Shcharansky's punishment for so slight a crime is a vivid reminder of the repressive nature of the Soviet system, and of the crushing oppression with which the Soviet Union responds to dissent.

Shcharansky is one of the best-known Soviet Jewish prisoners of conscience, but by no means is his an isolated or unusual case. Shcharansky's tragedy is one of thousands and his situation symbolizes the human rights infringements faced by Jews in the Soviet Union. Not just on anniversary dates such as today, but at all times we must continue to focus world attention on the injustices and abuses which the Soviets practice on citizens who dare to dissent or practice their religion freely. We must underscore again and again our national offense at the Soviets' inhumane treatment of brave men and women such as Anatoly Shcharansky, Ida Nudel, Viktor Brailovsky, Semyon Gluzman, and others. We must call over and over again for the immediate release of prisoners of conscience such as Shcharansky, and for immediate exit visas for all Jews who chose to make their home outside the Soviet Union, and for an immediate stop to the harassment and intimidation to which Jews who wish to practice their faith are subjected in the U.S.S.R. Today is a suitable occasion for the Member of the House to rededicate themselves to this cause. I hope that next year we will be able to commemorate Shcharansky's release and reunification with his wife in Israel.●

● Mr. MARKEY. Mr. Speaker, as a participant in the congressional-call-to-conscience vigil for Soviet Jewry and as a member of the Helsinki Commission, I would like to use this opportunity to protest the inhumane treatment and persecution many Soviet citizens are suffering at the hands of the Soviet Government. The Soviet Union needs to be made aware of the fact that my colleagues and the American public are deeply concerned about, and will not ignore, the flagrant human rights violations being inflicted by the Soviet Government on its own citizens.

Anatoly Shcharansky is an imprisoned Soviet dissident who has been denied his basic human rights by the Soviet Government. He has been a dominant international figure in the struggle to enforce and monitor Soviet compliance with the Helsinki accords. In 1978, he was the victim of trumped-up charges and sentenced to 13 years in prison. Since then, his Soviet captors have exposed him to severe cold, refused him adequate food and sleep, and have isolated him from all human contact, including his family. To pro-

test this unconscionable maltreatment by Soviet authorities, Mr. Shcharansky embarked upon a hunger strike, which we have been informed ended in January after 4 months. As a result of these inhumane conditions, his health has deteriorated significantly. Though he is 37 years of age, Mr. Shcharansky's physical appearance and state of health are that of a man over 70.

Anatoly Shcharansky is a symbol for the thousands of Soviet Jews whose basic human rights have been taken away in their quest for freedom. As citizens of the United States who are guaranteed our rights by our Constitution, we must applaud the spiritual strength of Mr. Shcharansky and his will to survive under such horrid conditions. He is a truly heroic figure and serves as a constant reminder to us just how priceless justice and freedom are. It is our responsibility to see that Anatoly Shcharansky is freed.

I share the concerns of the people from the 7th District of Massachusetts who eagerly await the day of Shcharansky's release. I hope the Soviet Government will respond to our plea and demonstrate their interest in improving relations with the United States by allowing Anatoly Shcharansky and other Soviet Jews to emigrate.●

● Mr. GOODLING. Mr. Speaker, I am proud to join my colleagues today in honoring Anatoly Shcharansky. We cannot fully comprehend the horrible suffering and harassment he has faced because of his deep-felt religious conviction. Yet we are completely aware of what an impact his life has made on so many.

Mr. Shcharansky is considered to be a symbol for all Soviet Jews. In actuality, his plight has become a symbol of freedom and justice for all people. His hope was not to become such a symbol but only to live in Israel with his wife. Yet, as a victim of Soviet injustice, he has become a hero. We must bring attention to his suffering and the suffering of other Soviet Jews in order for those within the free world to recognize the less fortunate. So, it is with indignation and distress at the Soviet treatment of Mr. Shcharansky that I urge the Soviets to put into effect the human rights provision of the Helsinki agreement which they are obliged to uphold.

Certainly he is a reminder to all of us how fortunate we are to have many freedoms such as religion. Anatoly Shcharansky stands as a beacon, shining out of the darkness of the Soviet Union illuminating those freedoms we take for granted.●

● Mr. HARKIN. Mr. Speaker, today is a day of rememberance for Anatoly Shcharansky, a Jewish prisoner of conscience. In 1973, Shcharansky's main crime was his desire to emigrate to Israel, yet permission was refused and he became one of tens of thousands of Soviet Jews to be denied that basic human right. Then, 6 years ago today, on March 15, 1977, Shcharansky was arrested for "treason" and "anti-Soviet agitation and propaganda."

Shcharansky's imprisonment has been one of harsh emotional and physical treatment, and his health has drastically deteriorated. On September 27, 1982, he began a hunger strike, which continued for 109 days, to protest rights again denied him, that of receiving contact with his family through mail and prison visits. Soviet officials refused to relay information regarding his condition and, consequently, the hardship suffered by Shcharansky's wife and mother severely escalated.

Yet through these long years of extreme harassment, persecution, and separation from his family, Shcharansky has continued his fight for justice, and his commitment for helping others.

This brave man has been continuously subject to treatment deemed barbaric to us in the free world, and we must let our outrage be heard. The Soviet Union's policy toward its Jewish citizens is appalling. It is in direct violation of international policies on basic human rights of which the Soviet Union is a signatory.

The plight of the Soviet Jew is dismal and oppressive. We must raise our voices in support of these courageous people so that they may be allowed their right to not only emigrate to Israel, but also to live in freedom as Jews. We must raise our voices loudly so that they may be heard today in Jerusalem. For today also marks the commencement of the Third International Conference on Soviet Jewry. Let us join with them in condemnation of Soviet acts of tyranny and let them hear our commitment to freedom.●

● Mr. BLILEY. Mr. Speaker, I rise today to join my colleagues in commemorating the sixth anniversary of the unjust arrest of Anatoly Shcharansky.

Mr. Shcharansky has been persecuted and subjected to invidious and outrageous treatment solely because he wishes to leave the Soviet Union and live in Israel. This alone deserves notice and reaction by the United States and the Congress, but it is as a symbol of the Soviet treatment of its Jewish citizens that we are honoring Mr. Shcharansky today.

I must say that while I am saddened to be here today I am not at all surprised that the need for this special order has arisen. The Soviet Union signed the Helsinki Final Act after years of negotiation. We in America hoped and prayed that this signing was the start of a new day in international relations regarding free movement and dissemination of information. Now it is apparent that the Russians were only engaged in a charade aimed at securing our recognition of their preeminence in Eastern Europe in exchange for their meaningless signature.

Since the 1975 signing Russia has placed a chokehold on the emigration of people of all religions and nationalities from her borders and those of its puppets. The nascent peace movement in Moscow which consisted of seven people concerned with Russian militarism was quickly crushed. Five of the members have been arrested and held for varying lengths of time. In light of these and many other similar acts, I have come to the conclusion that the Soviets never intended to live up to their agreement in Helsinki. Their patently ridiculous use of "state security considerations" and "crimes against the state" as reasons for turning down visa applications and their total disregard for normal administrative procedures are their first line of defense against liberalization. All during those negotiations the Soviets were making sure that there would be adequate loopholes in the agreement for them to drive a tank through, and they deliberately pulled the wool over the eyes of earnest and well-intentioned people in the West who are always hoping that the Russian communists are really just nice people who are insecure and need a little encouragement. Once again we see that these hopes are always in vain. I am sure that if Anatoly Shcharansky could address us here today he would have some very insightful things to say on the nature of Communism and the Soviet Empire.

The evidence that there is today an officially designed, sanctioned, and instituted pogrom in the Soviet Union is indisputable. The continued brutality and inhumane treatment administered to Anatoly Shcharansky finally drove him to a hunger strike intended to result in his final release: through emigration or through death. This most courageous and drastic action was foiled by the Soviets when they force-fed Mr. Shcharansky and let him know that they would release him to neither Israel nor to God. Rather than linger in a near delirious state for months or years, Mr. Shcharansky was forced to give in to his earthly authorities.

Mr. Speaker, I can only say that I believe that there is a God in Heaven who created us all and who watches over us to see how we live up to his standards in our sojourn on this Earth. Mr. Anatoly Shcharansky has displayed the patience of Job and the perserverance of Moses in his attempt to live freely where and as he would. From across the yawning chasm between Western humanity and Russian Marxism, I praise Anatoly Shcharansky for the nobility of his spirit and for showing us all that there are

indeed beliefs and principles on a higher plane than we normally deal with on a day-to-day basis in this body.

I call upon the Soviet authorities to recognize their intransigence as harmful to their own aims and to release Mr. Anatoly Shcharansky and his compatriots in the Soviet Union so that they may live in a world where they are valued and wanted rather than despised and incarcerated.●

● Mr. MOAKLEY. Mr. Speaker, I am pleased to join with my colleagues today in commemorating the sixth anniversary of the unjust arrest of Anatoly Shcharansky by Soviet officials, an arrest that was made only because of his strong determination and desire to emigrate from the Soviet Union to his land of Israel. This man, perhaps more than anyone else, represents the inward strength and perseverance of Soviet Jews and their quest for religious freedom. Despite the major obstacle of the Soviet Government, he continues to believe and work for a way to begin a new life of peace in Israel. Shcharansky, since his arrest in 1977 and separation from his wife Avital, has been subjected to constant and unwarranted mistreatment and denial of rights by the Soviet Government. In spite of his deteriorating physical condition, he has not been given the necessary medical attention and treatment. He was denied any visitors, including his mother and brother, shortly after his imprisonment. He was even prohibited from receiving any mail, an action so devastating that he embarked on an extremely dangerous, life threatening hunger strike in protest.

There can be no logical reason for the Soviet Government to continue to imprison this man. He has done no wrong whatsoever other than to follow his and other Soviet Jews' dreams to come to the land of their people in Israel. He possesses no "state secrets" as the Soviets claim. There can be no sound reason why this man should not be freed and allowed to pursue his dream. I rise in strong support of House Resolution 67 which expresses the sense of the House of Representatives that the Soviet Government should immediately release Mr. Shcharansky and allow him to emigrate. In these times of difficult relations with the Soviet Union, I can think of no better way to begin a process of improved communications with that nation than to allow those such as Shcharansky who are suppressed, to either leave that country or to receive the freedom to pursue their religious beliefs without harassment or punishment.●

● Mr. FEIGHAN. Mr. Speaker, throughout history, Americans have drawn inspiration from persons who have lost their freedom as the price of following their political conscience.

From our early colonists to the pioneers of the American labor movement, to Martin Luther King, Jr., we have received enrichment from men and women who have accepted imprisonment because of their beliefs.

Anatoly Shcharansky is dying in prison. He has been on a hunger strike since September 27, kept alive only by force feeding. As Americans, we cannot look at Shcharansky as just a victim of Soviet oppression. By his suffering in a Soviet prison, he sends a powerful message to Americans, reminiscent of Patrick Henry's cry: "Give me liberty or give me death," and echoing Martin Luther King, Jr.'s "Letters From a Birmingham Jail."

Shcharansky stands as a symbol of freedom and a willingness to live or die for the God-given right to be free. Shcharansky does not belong only to the Jews of the world. Shcharansky does not belong only to the brave men and women of the Soviet Union. Shcharansky belongs to the world—to those of us privileged to serve our Nation at this time in history.

We have an obligation to bear witness with Anatoly Shcharansky and to join the struggle to free him—our solemn duty and our conscience will permit nothing less.●

● Mr. LEVINE of California. Mr. Speaker, I rise in support of House Resolution 67, which expresses the sense of Congress that Anatoly Shcharansky be immediately released from prison and allowed to emigrate to Israel.

It has been over 6 years since the arrest of Anatoly Shcharansky, and over 5 since his imprisonment. He was separated from his wife the day after their wedding. He has been subjected to dehumanizing treatment and the hardest form of punishment in prison. He has come to the brink of death during a hunger strike he conducted to protest the repeated confiscation of his mail and denial of visitors. He has suffered horribly.

Yet through persecution, arrest, trial, imprisonment, and endless suffering Anatoly Shcharansky has been ever-courageous. He has become a symbol not just for the thousands of Jews but for other dissidents as well, both within the Soviet Union and anywhere else in the world.

Where all the rights of individuals are abused and denied and men and women nevertheless struggle valiantly against their oppressors, Anatoly Shcharansky serves as a beacon of hope and courage. Through every unspeakable hardship Anatoly Shcharansky has continued to struggle for both the right to live freely as a Jew in the Soviet Union, and for the right to emigrate to Israel.

With this resolution we call upon the Soviet Union to look toward the light of humanity and compassion and cease its inhuman treatment of all those individuals who want nothing more than to live in freedom, according to the dictates of their own hearts. We call upon the Soviet Union to live up to its obligations under the Universal Declaration of Human Rights, the International Convenant of Civil and Political Rights, and the Helsinki Final Act of the Conference on Security and Cooperation in Europe. We call upon the Soviet Union to release Anatoly Shcharansky, allow him to emigrate to Israel, and bring his suffering to an end.●

GENERAL LEAVE

Mr. DONNELLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on the subject of the special order today by the gentleman from New York (Mr. OTTINGER).

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

CONGRESS MUST SQUARELY FACE THE REALITY OF ABORTION

The SPEAKER pro tempore. (Mr. PATMAN). Under a previous order of the House, the gentleman from New Jersey (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of New Jersey. Mr. Speaker, I rise this evening to bring to the attention of my colleagues in this house a shocking Associated Press story in today's papers that revealed that six babies aborted in Madison, Wis., survived the surgical procedure designed to destroy them.

The story notes that the live births were the result of abortions in the second trimester of pregnancy. An estimated 160,000 second trimester abortions are performed annually in the United States—a sickening, frightening statistic of human violence, suffering, and carnage.

The AP account points out that the Center for Disease Control in Atlanta estimates that in the midseventies—even before widespread use of the prostaglandin method of abortion that resulted in the six Wisconsin survivors—at least 400 to 500 children per year survived the abortion procedure.

Second- and third-trimester abortions ususally employ the prostaglandin method or saline method of abortion. Prostaglandin and urea are injected into the baby's amniotic sac. Urea an osmotic dehydrating agent usually kills the child while the prostaglandin a hormone induces labor. The saline method of abortion requires the doctor to inject a high concentrated salt solution into the amniotic sac—the child breathes and swal-

lows the salt and dies within 2 to 3 hours. The mother then goes into labor and delivers a dead, chemically burned baby.

Mr. Speaker, today's AP story dramatically focuses our attention on the need for meaningful reforms of the 1973 Supreme Court abortion decisions. These landmark court verdicts have legislated abortion on demand for all 9 months of pregnancy, thus permitting the termination of over 1.5 million unborn children per year.

I commend the AP article to you for your reading and include the article in the RECORD.

LIVE BIRTHS IN ABORTIONS STIR WISCONSIN

MADISON, WIS.—The live births of six babies as the mothers were having abortions at Madison hospitals in the past 10 months have shocked residents, become a rallying point for abortion foes and prompted one hospital to drastically curtail the procedure.

All six babies died within 27 hours of birth, four at Madison General Hospital and two at the University of Wisconsin Hospital. The reasons they were born alive remains unclear, as does the question of how often such live births occur after abortions.

All six pregnancies were in the second trimester—the second three months of development in the womb—a point when few infants have survived delivery brought on by natural causes.

After two births from abortions in as many days at UW Hospital last May, Dr. Ben Peckham, chief of obstetrics and gynecology, said such an occurrence was "very uncommon" and that he had seen only two such births "in thousands of cases" over the past decade.

"It's not a one-in-a-million fluke, but a risk of the procedure," counters Timothy Warner, a spokesman for Madison General, where four babies were born alive during 20 second-trimester abortions since May.

Other experts say live births are rare after abortions, but disagree on how often they occur in the United States each year.

Dr. Christopher Tietze, a consultant with the Population Council, a New York-based research group, said that according to a 1976 study, about 200 live births follow abortions in the United States each year. He said the figure is still valid, and is not declining.

However, Dr. David Grimes, chief of abortion surveillance for the Centers for Disease Control in Atlanta, cited a CDC study that found 400 to 500 live births following abortions annually in the mid-1970s.

Since then, Grimes said, the number of such births has "diminished considerably" as more women seek abortions earlier in pregnancy. He declined to estimate the number of such births now occurring.

The Alan Guttmacher Institute in New York, the former research arm of Planned Parenthood Inc., said that in 1980—the last year for which complete figures are available—1.6 million abortions were done nationwide, about 10 percent of them in the second trimester. A total of 12,860 abortions were done after the 21st week of pregnancy, the institute said.

Since the last live abortion birth here in late February, Madison General has barred all abortions after 18 weeks' gestation unless the pregnancy threatens the woman's health, Warner said. The hospital never did first trimester abortions.

Warner said a combination of urea and the hormone prostaglandin was used to induce labor and kill the fetus in the abortions at Madison General. That combination is less likely to harm the woman than the saline solution previously used, he said, and could be responsible for more live births.

Grimes, however, said urea and prostaglandin are widely and successfully used in second trimester abortions nationwide.

Mr. Speaker, I'd like to provide some amplification on today's AP news story by reading a brief portion of an article that recently appeared in the Chicago Tribune. The story was entitled "Abortion Paradox: A Live Baby" and was written by Jeff Lyon—

It was a warm spring night in Madison, Wisconsin. Rain was playing cat and mouse with the city. In one of the rooms at the University of Wisconsin Medical Center a pregnant 16-year-old girl reclined on one of the steel frame beds.

She had come for an abortion . . . the child inside her had already "quickened," a term used to describe what should be a moment of joy—the first kick of life—but which to a frightened, unmarried 16-year-old only heaped on more anxiety.

The medical staff diagnosed her as 21 weeks pregnant. This is quite far along . . . Doctors could have confirmed their diagnosis with ultra-sound, a test that yields a "picture" of the fetus, from which its age can be determined, but it wasn't deemed necessary. In fact, they were wrong. The girl's pregnancy was much more advanced, as everyone was soon to learn.

About an hour after midnight, responding to the injection of urea and prostaglandin received hours before, the mother's contracting uterus expelled the fetus. It came out larger than anyone had expected. But it had another more notable characteristic that threw the staff into sudden turmoil.

It was alive. It was no longer a fetus but a breathing baby girl.

The child, judged to be 26 weeks old, was rushed to the neonatal intensive care unit at Madison General Hospital.

That was on May 4th. The next afternoon, defying all statistical odds, another abortion at the University of Wisconsin Medical Center went awry, resulting in a live birth. A 17-year-old mother delivered a 22-week-old female infant that also was transferred to Madison General . . .

Then, on May 22, a third child aged 23 weeks, was born alive during an abortion procedure, this time at Madison General . . . None of these babies lived beyond 27 hours. But their passage through this world, however brief, showered new publicity on what has become one of medicine's most haunting ethical quandaries: the live birth abortion.

Mr. Speaker, let me conclude by saying that I believe that it is time this Congress had the intellectual honesty to squarely face the reality of abortion—the time has come to stop hiding behind the endless facade of euphemisms.

Abraham Lincoln once said: "To sin by silence when they should protest makes cowards of men."

Mr. Speaker, we must not stand idly by while fundamental human rights are denied to the littlest humans.

Every 20 seconds, another unborn child is killed by abortion.

We must not be silent. We must not be silent.

□ 2000

EL SALVADOR: LONG, DARK TUNNEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 30 minutes.

● Mr. GONZALEZ. Mr. Speaker, the administration is proposing to send $363 million in aid to El Salvador this year. That is enough to raise the cash income of every man, woman, and child in El Salvador, by 25 percent. But the aid, mostly, will be in the form of military training and equipment, just like all the other aid that we have sent to that country since 1948.

Our aid can be clumsy. At one time, in 1963, there were more American Air Force advisers in El Salvador than there were Salvadorans in the local air force.

All the aid that we have sent to El Salvador has not improved conditions there. It remains a small, mean country.

El Salvador is no bigger than Massachusetts. Its population is less than 5 million. Up until 1979, four-fifths of all the land in the country was owned by one-tenth of the population. At last count, the typical Salvadoran had a cash income of less than $250 a year. Hence, the Reagan administration's aid request would, if sent in the form of a check to every man, woman, and child in the country, boost the typical Salvadoran's income by a full 25 percent. It might make more sense to send them checks than to send the Government guns.

The Government of El Salvador is no paragon of virtue. There is not a court in the country that is worthy of the name; law is administered by a combination of corruption and intimidation. Secretary of State Shultz, himself, confessed to a Senate subcommittee this week that he would not "sit here and defend what has happened under the judicial system of El Salvador * * * I do not think it is defensible. If they do not clean up this act, the (American) support is going to dry up." Startling stuff, and clear evidence, from the Secretary of State himself, that corruption and brutality is a way of life in El Salvador.

The people of El Salvador are caught between the thugs of the Government and the thugs of rebellion, and most, by all accounts, just wish that both sides would go away and stop killing innocent people. An American reporter in a village this week saw an armed squad of men in civilian clothes. The man said that they were a local defense force, loyal to the Government. Who were they, really, the

reporter asked a village storekeeper. The answer: "I do not know anything. It is dangerous."

It certainly is dangerous to know anything. Three years ago this week, the most outspoken critic of the Government, Archbishop Oscar Romero, was murdered in the midst of saying mass. Four American religious workers were murdered in cold blood. No one has ever been brought to trial for any of these crimes. Despite the fact that tens of thousands of murders have taken place in El Salvador, and despite the common knowledge that many of these killings are done by Government agents, not one such agent has ever been arrested or penalized in any way.

Government by thuggery is nothing new in El Salvador. The country has been ruled by a succession of juntas for 50 years. In 1972, when it appeared that a reformist-minded Jose Duarte might actually be elected, the elections were stolen, and another junta went into power, instead. Duarte is still by far the most popular man in El Salvador, as the last election showed—but he is still excluded from any power in the Government by the same oligarchy that has dominated the country for all these years.

The genesis of rebellion in El Salvador was, in fact, the result of people finally being fed up with corruption, with a Government of thieves and thugs, and with the endemic economic injustice that led to a poverty more grinding each year.

The Salvadoran oligarchs have not changed. They believe, in fact, that the United States will support them, no matter what. They believe that no matter how bad their record has been, no matter how they resist reform, Uncle Sam will spend whatever it takes to keep them in power, as long as they can hoist the fear that Marxists are about to take over. But, in truth, the only way to keep the Marxists out of power is going to be to force the Salvadoran oligarchs to reform. The people of that country are not going to be loyal to a government that sponsors wholesale murder, that depends on fear and intimidation, and that has no intention of easing the burdens that generations of exploitation have created. Nobody, anywhere, is going to remain loyal to a government that offers them nothing but corruption and intimidation. Sooner or later, rebellion breaks out.

In El Salvador, the roots of rebellion are easy to see. There was no rebellion in 1972, when the reformists came so close to winning power, only to have it snatched away in the most blatant of fraud. It was only after that great steal, when it became clear the Salvadoran oligarchs would never accept peaceful change, that rebellion gained a toehold. It was a situation tailor made for Marxists, who came in and said they had a better deal.

American policy, in its persistent unwillingness to insist on honest government in El Salvador, in its unending support of rotten leadership, repeats the same mistake it made in Nicaragua. It was not the Sandinistas who won; it was the dictator Somoza, who finally toppled of his own rot.

If we think that more aid will turn the tide in El Salvador, we are looking down a long, dark tunnel. The only thing that will save the day there will be a government that is worthy of the name, a government that the people of that poor country might have some reason to support and believe in. Did we not learn anything in Vietnam?●

INCREASING AMERICA'S IMF QUOTA: ROBIN HOOD IN REVERSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, by requesting that the Congress approve a dramatic increase in the U.S. contribution to the International Monetary Fund (IMF), this administration has taken but one more of its many steps aimed at helping the rich and the powerful at the expense of average Americans. Like many of the President's other economic policies, I find this proposal incredible and indefensible—especially as he opposes many domestic programs that call for financial help to America's own poor.

Making loans to politically and financially troubled, developing countries has been big business for America's large banks for some years now. Indeed, the average annual rate of growth of lending by U.S. banks to these areas rose 60.7 percent from 1978 to 1981. American banks had outstanding loans of approximately $100 billion to less developed countries (LDC's) in 1982; $43.7 billion of that was held by this Nation's 10 largest banks alone; more than 76 percent of that sum was held by just 5 banks.

And these loans are hardly spread around. Mexico, Brazil, and Venezuela combined owe these 10 banks $37.6 billion. The total of $43.7 billion is reached when you add just three more countries—Argentina, Yugoslavia, and Chile. These six countries owe Citibank alone more than $9.8 billion.

In recent months it has become increasingly apparent that some of these nations do not have the financial resources necessary to either repay—or even service—the loans. For this reason, the Reagan administration has requested that the Congress approve an increase in the U.S. contribution to the International Monetary Fund. The rationale is that the financially strapped countries will borrow the money from the IMF and use it to repay the banks. Those who support this action believe that it is the only way to avert a complete collapse of the world financial system.

I do not share that view, for it is quite obvious to me that this is nothing more than a disguised ploy to save the banks. The President wants to prevent not the collapse of the world's financial system but any reduction in the size of dividend checks received by bank shareholders. Quite frankly, I wonder why the administration wants to go to the trouble of giving the money to the IMF to give to the countries to give to the banks. It seems to me that it would be far simpler to cut out all the middlemen and just take the money from the U.S. Treasury and hand it over to the large banks.

If there was any reason to believe that these banks are the innocent victims of their own generosity I might be able to understand the administration's position. But they are not. This is not a case of Florence Nightingale catching typhus. In fact, there is widespread agreement among many experts that these large American banks should not have made many of these loans in the first place.

But when the banks first began doing this on a large scale, all they saw were the profits. So they ignored prudent banking practices and just started lending the money at high rates of interest. Indeed, they kept doing it at such a pace that now these loans represent up to 200 percent of their equity. And though they got themselves into this mess, they now want the Government of the United States—the American taxpayer—to get them out of it.

Mr. Speaker, I find it awfully difficult to justify such a course of action. About 12 million, or 10.4 percent, of the American people are unemployed. Many people are unable to feed their children or pay their bills. A number of these citizens recently testified on this subject before the Subcommittee on Consumer Affairs and Coinage. The subcommittee heard from a number of witnesses who had gone bankrupt and lost both their homes and savings because their creditors—the banks—would not help them refinance their debts.

And now the banks, who would not help Americans, want these same taxpayers to help them. Well, I am afraid that I cannot see it. I think the banks and their shareholders, and not the American taxpayers, should be the ones to bear the losses that could result from defaults on these loans.

It is quite clear to me that the loyalties of the President should lie with the real victims of this recession—the unemployed and the homeless. Unfortunately, the administration seems more concerned about the bankers. I surely hope that the Congress will do everything in its power to help those

Americans who really need its help before it even considers coming to the rescue of imprudent bankers and debt-ridden developing countries.●

TRADE RECIPROCITY IN TELECOMMUNICATIONS AND INFORMATION SERVICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. ENGLISH) is recognized for 5 minutes.

● Mr. ENGLISH. Mr. Speaker, today I am introducing a measure designed to clarify and enhance the authority of the Federal Communications Commission to analyze questions of reciprocity in permitting entry by foreign telecommunications services and carriers in the U.S. domestic telecommunications market.

Currently, the United States has the most mature and sophisticated telecommunications market in the world. Entry into the U.S. market by foreign enterprises will be actively pursued by those emerging information industries. At the same time, however, most foreign governments restrict the entry of American telecommunications and data processing into their markets. This is, in my opinion, unreasonable.

This legislation is intended to restore the principle of fairness. Imposing reciprocity would involve permitting foreign enterprises entry into the domestic U.S. market upon terms which will provide fair and equitable treatment when compared to that provided to American enterprises in the home country of the foreign enterprise.

It has been argued that the Federal Communications Commission currently has the authority under law to consider questions of reciprocity in determining whether to permit a foreign carrier to enter the U.S. market or to establish facilities. However, that authority is not clear.

In an attempt to clarify the reciprocity authority of the FCC, I introduced identical legislation, H.R. 4177, in the 97th Congress. In testimony presented in 1981 before the Subcommittee on Government Information, Justice, and Agriculture, which I chair, Mark Fowler, Chairman of the Federal Communications Commission, agreed that the authority was indeed unclear and endorsed, in principle, the provisions of the legislation. In his testimony, Chairman Fowler stated:

> Although the Commission has interpreted the Communications Act to authorize Commission scrutiny of foreign carrier reciprocal practices, this authority has not been tested in the courts. Hence, we would welcome the addition of statutory authority to impose reciprocal entry conditions on foreign carriers and information suppliers.
>
> Thus, we endorse the thrust of H.R. 4177 . . . a bill that would empower the Commission to impose entry restrictions on foreign entities seeking access to American markets.

This legislation is drafted to address one problem area—trade in telecommunications and information services. However, telecommunications and information services is not the only industry adversely affected by the activities of foreign firms and the restrictive trade policies of other nations. In many segments of our economy, foreign firms are competing against U.S industry for the American consumer's dollar. I would guess that every Member of this House could point to an industry affected by foreign competition, whether it is automobiles, steel, agricultural products, or whatever.

Reciprocity is not a new idea. Under existing trade law, reciprocity can be imposed for some products. However, those provisions do not provide the authority necessary to impose reciprocity for services. Although this particular measure, by amending the Communications Act, only affects telecommunications services, I hope this measure can serve as a focal point to debate the pressing trade issues facing this Nation and, perhaps, serve as a model for other future reciprocity provisions to address the similar problems affecting other U.S. industries.

I believe it is time for the Congress to set in motion the machinery to impose reciprocity. Therefore, I urge prompt passage of this needed legislation.

The text of the bill follows:

H.R. 2297

A bill to amend the Communications Act of 1934 to authorize the Federal Communications Commission to regulate the entry of foreign telecommunications carriers into domestic United States telecommunications markets upon terms which are reciprocal with terms under which United States telecommunications carriers are permitted entry into the foreign markets involved

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Communications Act of 1934 (47 U.S.C. 152) is amended by adding at the end thereof the following new subsection:

"(c)(1) The Commission shall have authority to conduct inquiries, and establish policies, rules, regulations, and requirements, applicable to permitting the entry of foreign telecommunications services and foreign telecommunications carriers into domestic United States telecommunications markets upon terms and conditions which are reciprocal with the terms and conditions under which United States telecommunications services and United States telecommunications carriers are permitted entry into—

"(A) the foreign nation in which the operations of such foreign telecommunications service or such foreign telecommunications carrier are based; or

"(B) the foreign nation under the laws of which such foreign telecommunications service or such foreign telecommunications carrier is established.

No other provision of this Act shall be construed to limit or otherwise restrict the authority of the Commission established in this paragraph.

"(2) In carrying out its authority under paragraph (1), the Commission shall have the authority to inquire into any charge, practice, classification, requirement, or provision of a service, facility, or product by any carrier in order to determine if such charge, practice, classification, requirement, or provision of a service, facility, or product is just and reasonable, promotes the public convenience and necessity, and ensures the equitable treatment and competitive position of United States enterprises in international markets.

"(3) The Commission shall adopt such rules, regulations, policies, requirements, and procedures, and may impose such restrictions upon a foreign telecommunications carrier or a foreign telecommunications service, as it determines to be necessary or appropriate to carry out the provisions of this subsection and to carry out its determinations under this subsection.

"(4)(A) In conducting any inquiry under paragraph (1), the Commission shall request and consider the views of the Secretary of State and the United States Trade Representative.

"(B) The President may, not later than forty-five days after any final determination of the Commission regarding the imposition of reciprocal restrictions upon a foreign telecommunications carrier or a foreign telecommunications service, veto such final determination if the President determines that such final determination will injure the foreign policy interests of the United States.

"(C) If the President decides to take any action under this paragraph, he shall publish notice of his determination, including the reasons for the determination, in the Federal Register. Unless he determines that expeditious action is required, the President shall provide an opportunity for the presentation of views concerning the taking of such action.

"(5) For purposes of this subsection:

"(A) The term 'foreign telecommunications carrier' means any common carrier which is—

"(i) an alien or the representative of an alien;

"(ii) a foreign government or representative of a foreign government;

"(iii) a corporation, partnership, joint venture, or other legal entity organized or established under the laws of a foreign nation; or

"(iv) a corporation more than 20 percent of the capital stock of which is owned of record or voted by or on behalf of, an alien or the representative of an alien, a foreign government or representative of a foreign government, or a corporation, partnership, joint venture, or other legal entity organized or established under the laws of a foreign nation.

"(B) The term 'foreign telecommunications service' means any telecommunications service or related service, more than 20 percent of the revenues or profit of which accrues (or would accrue if disbursements were made) to—

"(i) an alien or the representative of an alien;

"(ii) a foreign government or representative of a foreign government;

"(iii) a corporation, partnership, joint venture, or other legal entity organized or established under the laws of a foreign nation; or

"(iv) a corporation more than 20 per centum of the capital stock of which is owned of record or voted by or on behalf of, an alien or the representative of an alien, a

foreign government or representative of a foreign government, or a corporation, partnership, joint venture, or other legal entity organized or established under the laws of a foreign nation.

"(C) The term 'telecommunications' means any transmission, emission, or reception of signs, signals, writings, images, and sound or intelligence of any nature by wire, radio, optical, or other electromagnetic systems. Such term includes radio communication or communication by radio, as defined in section 3(b).".●

IF WE ARE HELPING THEIR ECONOMIES THROUGH THE IMF, THEY SHOULD NOT BE CLOBBERING OURS WITH TRADE RESTRICTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. GLICKMAN) is recognized for 5 minutes.

● Mr. GLICKMAN. Mr. Speaker, today I am introducing legislation to require our U.S. Director of the International Monetary Fund to cast our vote against any use of any resources of the Fund by members of the IMF which fail to take steps to eliminate all import restrictions and unfair export subsidies which serve to effectively restrict exports from the United States. We are being asked by the administration to increase our commitment of resources to the IMF to the tune of over $8 billion. At the same time, a number of the countries which are taking advantage of IMF resources are imposing restrictions on the importation of our products. In effect, then, we are helping their economies out of a jam at the same time they are imposing restrictions on imports from the United States that are adding to our economic ills. That is ludicrous. These countries should not be biting the hand that feeds them.

I can tell you with certainty that this is not a theoretical problem. It is a reality. Brazil, for example, which is a member of the IMF and which is currently benefiting from Fund assistance, at the same time has imposed very stringent, virtually prohibitive restrictions on the import of U.S. general aviation aircraft. I just cannot understand why we, as a Nation which has taken a strong stand in favor of free and open trade, should be a patsy by providing a large portion of the funds necessary to bail out the same governments that are imposing unfair trade restrictions.

My legislation is very similar to a bill introduced by Senator RIEGLE of Michigan. As the Congress moves on to consider the whole question of increased U.S. commitments to the IMF, I would hope that this factor would be seriously examined and fully addressed.●

MICHAEL R. PANELLI—A FINE ATTORNEY AND CITIZEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. PANETTA) is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, I want to bring to the attention of my colleagues the retirement of one of the finest citizens of the 16th District of California, Michael R. Panelli.

After a career spanning some 33 years, Mike Panelli is retiring to spend time on his writing, golfing, and other interests. His career has been an outstanding one and an example to many a beginning attorney, including myself. His success in the courtroom has been exceeded only by his generosity to those in need of legal services. His greatest attribute is that he understands people. Knowledge of the law, courtroom tactics, procedural awareness—all are important aspects that Mike has—but the quality that brings it altogether is an understanding of people.

In addition, Mike has been an active member of the community. He served for many years on the draft board of Monterey County, on various community committees, and the local little league. He is also a member of the Moose Lodge, in addition to the American, California, and Monterey County Bar Associations.

During his long career, Mike Panelli has earned, and received, a great deal of respect from his peers in the legal community, from those he has helped directly, and from all those who know of his dedication and concern. I know my colleagues join me in wishing him a good retirement and hoping that his work on behalf of his community will continue in full force.●

MALT BEVERAGE INTERBRAND COMPETITION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BROOKS) is recognized for 5 minutes.

● Mr. BROOKS. Mr. Speaker, today I am introducing the Malt Beverage Interbrand Competition Act. This bill states that nothing in the Federal antitrust laws shall make unlawful the practice of brewers and wholesalers entering into agreements giving wholesalers the exclusive right to sell a particular brand of malt beverage within a particular territory, provided that those beverages are in substantial and effective competition with other malt beverage products within that defined geographic area.

The bill is consistent with the Supreme Court's holdings in cases involving the use by manufacturers of exclusive territorial agreements for distribution. The bill applies only to customer and territorial restrictions. It should be construed to legalize the enforcement of provisions by means of price-fixing agreements, horizontal restraints of trade, or group boycotts, if such activities would otherwise be unlawful. The bill also specifies that its enactment "shall not invalidate or affect any provision of the laws of any State." States would retain their authority to control the distribution and sale of beer and other malt products in whatever ways they deem appropriate.

Mr. Speaker, legislation allowing territorial agreements between malt beverage manufacturers and distributors would be a means of preserving an existing beer distribution structure that has served America's consumers well. Under an exclusive distribution arrangement, one distributor services all accounts within a particular sales territory: Small mom and pop outlets with low volume, as well as more lucrative retail operations with higher volumes of sales such as grocery and drug chains.

This structure, and the livelihoods of thousands of business people who run medium and small-size distributorships, would be threatened by the encroachment of larger distributors of malt beverage products into smaller distributors' regions. Without the protection of exclusive territorial agreements such as would be permitted under this legislation, an encroaching distributor could easily skim off the most profitable and easily serviced retail outlets, leaving little of value to be handled by home-town distributors. Lower overall quality of service and less effective distribution of beer and other malt beverage products would be the result.

Mr. Speaker, the Malt Beverage Interbrand Competition Act gained the support of a large number of cosponsors during the 97th Congress. I hope that this legislation will receive careful and prompt consideration during the 98th Congress.●

SOCIAL SECURITY REFORM LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. COYNE) is recognized for 5 minutes.

Mr. COYNE. Mr. Speaker, today I am introducing legislation designed to ease the financial burden often faced by the families of social security recipients when the beneficiary dies. This legislation would amend title II of the Social Security Act to provide for a more equitable distribution of the lump-sum death benefit and would also provide for a monthly insurance benefit to be paid to the survivors on a prorated basis for the month in which

a recipient dies. These are two areas which were not addressed by the Social Security Reform Commission and the subsequent legislation.

Since the beginning of the social security program, a lump sum benefit has been paid to eligible beneficiaries upon the death of a worker. Prior to September 1981, several categories of survivors were eligible to receive this benefit. However, the 1981 Reconciliation bill revised the law to allow only a surviving spouse or dependent children to receive the lump sum benefit. My legislation would expand the eligibility list to include nondependent children and parents of the deceased worker. I believe this adjustment is necessary to reduce the number of instances in which the burden of funeral expenses falls on family members who are not entitled to receive the lump sum benefit. In the event that there are no survivors, the lump sum would be paid to the estate of the recipient. The lump sum benefit would remain at $255.

The second part of my legislation attempts to rectify another inequity in the social security system. Under current law, a benefit is not paid for the month in which the beneficiary dies, regardless of when in the month the death occurs.

The inequities in the present system are clearly illustrated by two of the many cases that have been dealt with by my district staff. Myrtle C's husband died on July 30, only 1 day before the end of the month. Unaware that she was not entitled to the July check, his widow cashed the check to pay for expenses which she and her late husband had incurred during the month. This elderly widow is now required to fully reimburse the Social Security Administration for the amount of the July check.

In another case, a disabled husband died on the 20th of the month, leaving a wife and four children. The social security disability benefit of $660 had to be returned to the Social Security Administration, even though the beneficiary lived for two-thirds of the month.

Under the legislation which I am introducing today, wives and dependent children would be allowed benefits for those days of the month that a recipient was alive, thus alleviating the burden on survivors faced with an unexpected loss of income. The Social Security Administration estimates that this provision would cost approximately $310 million in fiscal year 1983.

I urge my colleagues to join me in this effort to eliminate these current inequities in the social security system by supporting this important legislation.

LEGISLATION TO PROVIDE MORE ADEQUATE FUNDING FOR LOW-INCOME ENERGY ASSISTANCE PROGRAM

The SPEAKER pro tempore. Under the previous order of the House, the gentleman from Indiana (Mr. SHARP) is recognized for 5 minutes.

● Mr. SHARP. Mr. Speaker, today I introduce legislation to provide more adequate funding for the low-income energy assistance program.

The program was created by the Congress in 1981 to assist those consumers who were most severely impacted by spiraling energy prices in the wake of the Arab oil embargo. At that time, Congress recognized that among the elderly, the poor, and the unemployed were Americans who were being forced to devote unbearable percentages of their limited incomes to meet basic energy costs.

Congress acted conscientiously when it established this program 2 years ago. Today, the reasons for maintaining this program at realistic levels are even more compelling. Energy prices have continued to increase at alarming rates since 1981. The average electricity bill has increased by over 65 percent, the average natural gas bill by nearly 110 percent, and the average heating oil bill by 140 percent. Although heating oil prices have stabilized during the past year and in some areas have begun to decrease slightly, prices for natural gas and electricity continue to rise. In some localities the price of natural gas has increased by over 60 percent in the last year alone.

At recent hearings, and during the past Congress, we have heard from several groups representing business, consumer, and utility interests, indicating that from $3 billion to $7 billion may be necessary to achieve adequate coverage of those in need of and eligible for assistance. For example, a study by the Conservation Foundation and the Committee for Economic Development (CED), estimating the level of need at up to $7 billion, said:

> Part of this increase can be attributed to the general inflation rate, but half or more represents the amount by which the poor are worse off in real terms because of higher energy prices.

The administration's own data indicate that only about 40 percent of all eligible recipients are being served at present funding levels.

There is additional congressional concern about the problems faced by the Nation's new poor—the unemployed. Since the administration's data was prepared, unemployment has risen from 7.6 percent to a level above 10 percent. That, sadly, is 3 million potential new recipients.

How has the administration responded to the increased needs for the program?

For fiscal year 1983 the administration sought only $1.3 billion for this program, a one-third cut from the fiscal year 1982 level. Congress found that unacceptable. During the closing hours of the 97th Congress, we provided $1.975 billion for 1983. Further, in a separate action the Congress ordered the Department of Energy to release $200 million from the oil overcharge trust fund to supplement existing funding of low-income energy assistance, weatherization assistance, or other conservation programs. As a consequence, funds available for low-income energy assistance and related programs amounted to $2.175 billion for fiscal year 1983.

Once again, the administration has proposed $1.3 billion as the appropriate funding level for fiscal year 1984. This would result in a 40-percent cut in the face of increased need.

Our historically high budget deficit demands legislative prudence, but not the abandonment of our Nation's poor and low income elderly families at the very time of greatest need.

Guided by that principle, the three provisions of the bill I am introducing are quite simple.

Section 1 provides $2.5 billion in funding authorization for each of the fiscal year 1984. This would provide a 33-percent increase over the authorization level of the previous 2 fiscal years and a 27-percent increase over the level actually provided by the Congress for fiscal year 1983. This is far less than the increases in unemployment and energy costs during the same period and significantly below most estimates of need.

The low-income energy assistance program also provides funding for weatherization, as well as direct fuel payments. The higher funding level provided in my proposal will allow for the increased ability to weatherize the homes of the poor and elderly and potentially minimize the need for increased fuel assistance in the future. This weatherization portion will also provide additional jobs.

Section 2 would provide a new, lower limitation on the amount of funds which may be carried over by a State for use in the next fiscal year. Some Members have been concerned about the large amount of funds which many States have carried over, although the carryovers appear to have been a result of late and uncertain funding from the Federal level. This provision will reduce from 25 percent to 15 percent the amount that can be carried over. It allows in the State, however, sufficient flexibility to insure that adequate funding is available in the first quarter of the new fiscal year should Congress or the administration delay the release of funds.

Section 3 would insure that adequate information will be made available to the Congress on a State-by-State basis to measure the effective-

ness and efficiency of this program. The lack of adequate information has been a concern of many Members and has led to much uneasiness over whether or not the funding level was appropriate and serving the purpose for which it was intended. Further, this provision would help Congress conduct more thorough oversight and limit the potential for fraud and abuse.

Our most disadvantaged citizens face a double whammy. Through no fault of their own, consumers have seen prices escalate by staggering proportions at the very time when their ability to pay is diminished. In light of the increasing need for assistance, I urge my colleagues to join me in support of this legislation.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GAYDOS (at the request of Mr. WRIGHT), after 4 p.m. today through the balance of the week, on account of a death in the family.

Mr. YATRON (at the request of Mr. WRIGHT), for today and Thursday, March 24, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. COATS) to revise and extend their remarks and include extraneous material:)

Mr. SMITH of New Jersey, for 10 minutes, today.

Mr. GREEN, for 60 minutes, April 6.

Mr. PARRIS, for 15 minutes, March 24.

(The following Members (at the request of Mr. DONNELLY) to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ, for 30 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. ENGLISH, for 5 minutes, today.

Mr. GLICKMAN, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. BROOKS, for 5 minutes, today.

Mr. COYNE, for 5 minutes, today.

Mr. SHARP, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Ms. OAKAR, to revise and extend her remarks and include extraneous material during Humphrey-Hawkins debate in the Committee of the Whole.

(The following Members (at the request of Mr. COATS) and to include extraneous matter:)

Mr. LENT.

Mr. BROOMFIELD in four instances.

Mr. RINALDO.

Mr. FORSYTHE.

Mr. JEFFORDS.

Mr. PAUL in four instances.

Mr. MCGRATH.

Mr. MCKINNEY in two instances.

Mr. MARTIN of North Carolina.

Mr. BLILEY.

Mr. MOORHEAD.

Mr. LEWIS of California.

Mr. YOUNG of Alaska.

Mr. TAUKE.

Mr. LAGOMARSINO in six instances.

Mr. SHUMWAY.

Mr. NIELSON of Utah.

Mr. ERLENBORN.

Mr. PORTER.

Mr. FIELDS.

Mr. STUMP.

Mr. WOLF.

Mr. WALKER.

Mr. LEWIS of Florida.

Mr. GILMAN.

Mr. CORCORAN.

Mr. MARLENEE in two instances.

(The following Members (at the request of Mr. DONNELLY) and to include extraneous matter:)

Mr. BARNES.

Mrs. SCHROEDER in two instances.

Mr. LANTOS in two instances.

Mr. MOODY in two instances.

Mr. UDALL.

Mrs. HALL of Indiana.

Mr. FASCELL in three instances.

Mr. HALL of Ohio in two instances.

Mr. RAHALL.

Mr. HOYER in three instances.

Mrs. COLLINS.

Mr. BEILENSON.

Mr. BURTON of California.

Mr. TORRICELLI.

Mr. OTTINGER.

Mr. MORRISON of Connecticut.

Mr. RODINO.

Mr. FLORIO in two instances.

Mr. DYMALLY.

Ms. KAPTUR.

Mr. YATES.

Mr. ORTIZ.

Mr. VENTO.

Mr. DWYER of New Jersey.

Mr. ROE.

Mr. STARK.

Mr. WILLIAMS of Montana.

Mr. LAFALCE.

Mr. PEPPER.

Mr. GORE.

Mr. WAXMAN.

Mr. SHELBY.

Mr. SIMON in two instances.

Mr. KOLTER.

Mr. DINGELL.

Mr. PEASE.

Mr. SAM B. HALL, JR.

Mr. BOUCHER.

Mr. SCHEUER.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 366. An act to settle certain claims of the Mashantucket Pequot Indians.

ADJOURNMENT

Mr. COYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 5 minutes p.m.), the House adjourned until tomorrow, Thursday, March 24, 1983, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

717. A communication from the President of the United States, transmitting proposed supplemental appropriations for fiscal year 1983 for the Department of Defense and amended appropriation language (H. Doc. No. 98-35); to the Committee on Appropriations and ordered to be printed.

718. A letter from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROOKS:

H.R. 2262. A bill to clarify the circumstances under which territorial provisions in licenses to distribute and sell trademarked malt beverage products are lawful under the antitrust laws; to the Committee on the Judiciary.

By Mr. COATS:

H.R. 2263. A bill to amend the Internal Revenue Code of 1954 to provide for the establishment of, and the deduction of contributions to, education savings accounts; to the Committee on Ways and Means.

By Mr. DASCHLE (for himself, Mr. HARKIN, and Mr. PENNY):

H.R. 2264. A bill to amend the Agricultural Act of 1949 to repeal the authority of the Secretary of Agriculture to make certain deductions from the proceeds of milk marketed commercially by producers; to the Committee on Agriculture.

By Mr. DOWNEY of New York (for himself and Mr. FRENZEL):

H.R. 2265. A bill to reduce temporarily the duty on caffeine; to the Committee on Ways and Means.

By Mr. ERLENBORN:

H.R. 2266. A bill to amend the Education Consolidation and Improvement Act of 1981, to improve the effectiveness of migrant education programs, to provide for use of the most recent available decennial census information, and for other purposes; to the Committee on Education and Labor.

By Mr. FOGLIETTA:

H.R. 2267. A bill to authorize funding for economic development and to provide assistance to unemployed and dislocated workers; jointly, to the Committees on Banking, Fi-

nance and Urban Affairs, Ways and Means, Public Works and Transportation, and Energy and Commerce.

By Mr. FORSYTHE (by request):

H.R. 2268. A bill to extend until October 1, 1993, the authorization for appropriations to the migratory bird conservation fund, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. FRENZEL (for himself and Mr. DORGAN):

H.R. 2269. A bill to provide special rules for the application of sections 4942 and 4943 of the Internal Revenue Code of 1954 to any private foundation the principal asset of which is a bank holding company; to the Committee on Ways and Means.

By Mr. GARCIA:

H.R. 2270. A bill to provide for uniform tariff treatment of pet toys; to the Committee on Ways and Means.

By Mr. GLICKMAN (for himself, Mr. DASCHLE, and Mr. BROWN of Colorado):

H.R. 2271. A bill to amend the Bretton Woods Agreements Act to encourage reduction of trade barriers; to the Committee on Banking, Finance and Urban Affairs.

By Mr. GUARINI:

H.R. 2272. A bill to provide that public works projects of the Army Corps of Engineers in areas of high unemployment shall utilize not less than 40 percent local workers; to the Committee on Public Works and Transportation.

By Mr. SAM B. HALL, JR.:

H.R. 2273. A bill to amend section 209 of title 18, United States Code, by adding a new subsection (f); to the Committee on the Judiciary.

By Mr. HEFTEL of Hawaii:

H.R. 2274. A bill to amend title XVIII of the Social Security Act to provide that services furnished by a clinical psychologist shall be reimbursable under medicare when furnished by a health maintenance organization to a member of that organization; jointly to the Committee on Ways and Means and Energy and Commerce.

By Mr. JEFFORDS:

H.R. 2275. A bill to designate certain national forest system lands in the State of Vermont for inclusion in the National Wilderness Preservation System and for other purposes; to the Committee on Interior and Insular Affairs.

By Mrs. KENNELLY:

H.R. 2276. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to increase the amount of death benefits payable to public safety officers; to the Committee on the Judiciary.

By Mr. LATTA:

H.R. 2277. A bill to amend section 203 of the Federal Property and Administrative Services Act of 1949 to require, prior to disposal, that notice and first right of refusal be given to certain previous holders of surplus real property suitable for agricultural uses; to the Committee on Government Operations.

By Mr. LEACH of Iowa:

H.R. 2278. A bill to amend the Export Administration Act of 1979 to make the recommendations of the Secretary of State on license applications for exports of crime control instruments binding on the Secretary of Commerce; to the Committee on Foreign Affairs.

By Mr. LUJAN:

H.R. 2279. A bill to establish a national policy to provide for the timely notice, conduct, approval, and record of Federal land surveys, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 2280. A bill to provide early retirement benefits for atomic energy security guards and Energy Research and Development Administration couriers; to the Committee on Post Office and Civil Service.

By Mr. McCOLLUM:

H.R. 2281. A bill to unify the export administration functions of the U.S. Government within the Office of Strategic Trade, to improve the efficiency and strategic effectiveness of export regulation while minimizing interference with the ability to engage in commerce, and for other purposes; to the Committee on Foreign Affairs.

By Mr. McKINNEY (for himself, Mr. PAUL, Mr. WHITEHURST, Mr. CARNEY, Mr. PRITCHARD, Mr. FRANK, Mr. DANNEMEYER, Mr. DELLUMS, Mr. MCEWEN, Mr. STOKES, Mr. FRENZEL, Mr. BEILENSON, Mr. GREEN, Mr. BONIOR of Michigan, Mr. ROEMER, Mr. RAHALL, Mrs. SNOWE, Mr. FORSYTHE, Mr. JEFFORDS, Mr. D'AMOURS, Mr. LAFALCE, Mr. SIMON, Mr. OBERSTAR, Mr. MILLER of California, Mr. BEVILL, Mr. GRADISON, Mr. TAUKE, Mr. VENTO, Mrs. MARTIN of Illinois, Mr. WEISS, Mr. O'BRIEN, Mr. GUARINI, Mr. BROWN of California, Mr. EDGAR, Mr. HUGHES, Mrs. COLLINS, Mr. MITCHELL, Mr. RINALDO, Mr. CONYERS, Mr. LANTOS, Mr. GEJDENSON, Mr. MORRISON of Connecticut, Mr. MARLENEE, Mr. MCGRATH, Mr. FORD of Tennessee, Mr. FAZIO, Mr. FISH, and Mr. LEHMAN of Florida):

H.R. 2282. A bill to amend the Controlled Substances Act to provide for the therapeutic use of marihuana, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MOORHEAD (for himself, Mr. RALPH M. HALL, Mr. BROYHILL, Mr. CORCORAN, Mr. DANNEMEYER, Mr. OXLEY, Mr. BLILEY, Mr. LOEFFLER, Mr. GRAMM, and Mr. NIELSON of Utah):

H.R. 2283. A bill to reform the Federal regulation of energy use and allocation, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

By Ms. OAKAR:

H.R. 2284. A bill to promote the domestic recruiting of teachers for teaching positions in overseas dependents' schools of the Department of Defense, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. PATMAN:

H.R. 2285. A bill to provide that certain amounts of the revenues received by the United States under leases on the Outer Continential Shelf shall be used to acquire petroleum products for the strategic petroleum reserve; jointly, to the Committees on Interior and Insular Affairs, Energy and Commerce, and Rules.

By Mr. PAUL:

H.R. 2286. A bill to provide that U.S. citizenship shall be an eligibility requirement for any benefits wholly funded or administered by the Federal Government, and to terminate any Federal assistance toward any program of benefits in which such assistance is used to provide benefits to noncitizens; to the Committee on Government Operations.

By Mr. PRICE (for himself and Mr. DICKINSON) (by request):

H.R. 2287. A bill to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, and for other purposes; to the Committee on Armed Services.

By Mr. REGULA:

H.R. 2288. A bill to establish as an executive department of the Government of the United States a Department of Trade, and for other purposes; to the Committee on Government Operations.

By Mr. STARK:

H.R. 2289. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit the disposal of surplus property to States and local governments for correctional facility use; to the Committee on Government Operations.

By Mr. TORRICELLI:

H.R. 2290. A bill to require the Secretary of State, in exercising the authorities provided by the Foreign Missions Act, to consider the impact on local communities of acquisitions by foreign missions of property and other benefits within those communities and to consult with appropriate local governments in assessing such impact; to the Committee on Foreign Affairs.

By Mr. WRIGHT:

H.R. 2291. A bill to amend the Internal Revenue Code of 1954 to allow an additional year to amend governing instruments to meet requirements for gift of split interest to charity; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska:

H.R. 2292. A bill to provide comprehensive national policy dealing with national needs and objectives in the Arctic; to the Committee on Science and Technology.

By Mr. BROOKS (for himself and Mr. HORTON):

H.R. 2293. A bill to amend the Ofice of Federal Procurement Policy Act, and for other purposes; to the Committee on Government Operations.

By Mr. COYNE:

H.R. 2294. A bill to amend title II of the Social Security Act to provide for the equitable distribution of the lump-sum death benefit and to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies and that such benefit shall be payable for such month only to the extent proportionate to the number of days in such month preceding the date of the recipient's death; jointly, to the Committees on Ways and Means, and Energy and Commerce.

By Mr. DYSON:

H.R. 2295. A bill to amend title 10, United States Code, to eliminate the social security offset from annuities under the survivor benefit plan to the extent that any social security annuity of the survivor benefit plan annuitant is reduced because of a public retirement benefit received by the annuitant based on the annuitant's own employment; to the Committee on Armed Services.

H.R. 2296. A bill to provide the same annuity benefits to the surviving spouses of military retirees who died before September 21, 1972, but after their discharge or release from active duty, as are provided to the surviving spouses of former members who died before such date while serving on active duty after becoming eligible to retire; to the Committee on Armed Services.

By Mr. ENGLISH:

H.R. 2297. A bill to amend the Communications Act of 1934 to authorize the Federal Communications Commission to regulate the entry of foreign telecommunications

carriers into domestic U.S. telecommunications markets upon terms which are reciprocal with terms under which U.S. telecommunications carriers are permitted entry into the foreign markets involved; to the Committee on Energy and Commerce.

By Mr. FASCELL (for himself, Mr. BROOMFIELD, Mr. GILMAN, Mr. RINALDO, Mr. IRELAND, Mr. MICA, Mr. SMITH of Florida, Mr. BROYHILL, Mr. CORCORAN, and Mr. CORRADA):

H.R. 2298. A bill to amend the Board for International Broadcasting Act of 1973 to provide for radio broadcasting to Cuba; to the Committee on Foreign Affairs.

By Mr. SAM B. HALL, JR. (for himself, Mr. RALPH M. HALL, Mr. HANCE, Mr. WILSON, Mr. HIGHTOWER, Mr. BARTLETT, Mr. LEATH of Texas, Mr. FIELDS, Mr. ANDREWS of Texas, Mr. LOEFFLER, Mr. LELAND, Mr. GONZALEZ, Mr. STENHOLM, Mr. WRIGHT, Mr. VANDERGRIFF, Mr. BRYANT, Mr. PICKLE, Mr. BROOKS, Mr. ORTIZ, Mr. COLEMAN of Texas, and Mr. KAZEN):

H.R. 2299. A bill to provide for the enforcement of an arrangement between the United States and the Commission of the European Communities concerning imports of steel pipe and tube products; to the Committee on Ways and Means.

By Mrs. SCHROEDER:

H.R. 2300. A bill to provide that a former spouse of a Federal employee who is married to such employee for 10 years or more shall be entitled to a portion of such employee's annuity and to a portion of the annuity of any surviving spouse of such employee, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HAMMERSCHMIDT:

H.R. 2301. A bill to repeal the increase in the heavy truck use taxes and the retail taxes on heavy trucks and trailers, to restore the taxes on the manufacturers of trucks, trailers, tires, tubes, lubricating oil, and for other purposes; to the Committee on Ways and Means.

By Mr. HOYER:

H.R. 2302. A bill to amend the Defense Department Overseas Teachers Pay and Personnel Practices Act; to the Committee on Post Office and Civil Service.

By Mr. LANTOS:

H.R. 2303. A bill entitled: "The National Art Bank Act of 1983"; to the Committee on Education and Labor.

By Mr. McCOLLUM (for himself and Mr. SHAW):

H.R. 2304. A bill to amend the Immigration and Nationality Act respecting powers and procedures in immigration emergencies, and for other purposes; to the Committee on the Judiciary.

By Mr. OBERSTAR:

H.R. 2305. A bill to amend the Federal Water Pollution Control Act to extend certain compliance dates; to the Committee on Public Works and Transportation.

By Mr. SHARP:

H.R. 2306. A bill to increase funding for low-income home energy assistance, to limit use of low-income home energy assistance funds made available in prior years, and to make data collecting and reporting requirements under the Low-Income Home Energy Assistance Act of 1981 more consistent with the purposes of such act; to the Committee on Energy and Commerce.

By Mr. SIMON (for himself, Mr. PERKINS, Mr. BURTON of California, Mr. CLAY, Mr. CORRADA, Mr. KILDEE, Mr. WILLIAMS of Montana, Mr. KOGOVSEK, Mr. WASHINGTON, Mr. UDALL, Mr. OBERSTAR, Mr. FAZIO, Mr. DORGAN, Mr. DASCHLE, Mr. MCNULTY, Mr. RICHARDSON, and Mr. COLEMAN of Missouri):

H.R. 2307. A bill to amend the Tribally Controlled Community College Assistance Act of 1978, and for other purposes; to the Committee on Education and Labor.

Mr. BENNETT (for himself, Mr. MARRIOTT, Mr. PATMAN, Mr. O'BRIEN, Mr. LAGOMARSINO, Mr. HATCHER, Mr. RICHARDSON, Mr. GREEN, Mr. PRITCHARD, Mr. HORTON, Mr. FASCELL, Mr. LEHMAN of Florida, Mr. FORD of Tennessee, Mr. YOUNG of Florida, Mr. LEWIS OF FLORIDA, Ms. OAKAR, Mr. SUNIA, Mr. WOLF, Mr. FAUNTROY, Mr. ROE, Mr. RAHALL, Mr. LANTOS, Mr. FORSYTHE, Mr. ACKERMAN, Mr. DWYER of New Jersey, Mr. BARNES, Mr. RATCHFORD, and Mr. STOKES):

H.J. Res. 215. Joint resolution to designate the week of April 3, 1983, through April 9, 1983, as "National Drug Abuse Education Week"; to the Committee on Post Office and Civil Service.

By Mr. DURBIN:

H.J. Res. 216. Joint resolution to authorize a study of surveys to prevent flooding along the Fork Branch Creek; jointly, to the Committees on Public Works and Transportation and Agriculture.

By Mr. SKEEN:

H.J. Res. 217. Joint resolution designating the week beginning June 12, 1983, as "National Free Enterprise Week"; to the Committee on Post Office and Civil Service.

By Mr. GRAY (for himself, Mr. LOWRY of Washington, Mr. PORTER, Mr. JEFFORDS, and Mr. CONABLE, Mr. ANTHONY, and Mr. MCKERNAN):

H. Con. Res. 93. Concurrent resolution expressing the sense of Congress respecting the administration of title X of the Public Health Service Act; to the Committee on Energy and Commerce.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

43. By the SPEAKER: Memorial of the Legislature of the State of Idaho, relative to adopting Taiwan as a sister state; to the Committee on Foreign Affairs.

44. Also, memorial of the Senate of the Commonwealth of Massachusetts, relative to peace through strength; jointly, to the Committees on Armed Services and Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CHAPPELL:

H.R. 2308. A bill for the relief of Seyed Morteza Mahboubishariatpanahi, Sakineh H. Shirazibeheshi, and Atousa Mahboubishariatpanahi; to the Committee on the Judiciary.

By Mr. EDWARDS of California:

H.R. 2309. A bill for the relief of Mrs. Ruth Mitchell; to the Committee on the Judiciary.

By Mr. HORTON:

H.R. 2310. A bill for the relief of Mordechai Dror; to the Committee on the Judiciary.

By Mr. LANTOS:

H.R. 2311. A bill for the relief of Samuel C. Willett; to the Committee on the Judiciary.

By Mr. NELSON of Florida:

H.R. 2312. A bill for the relief of Space Systems Laboratories, Inc. of Melbourne, Fla.; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1: Mr. WILLIAMS of Montana.

H.R. 10: Mr. LEATH of Texas, Mr. SUNIA, and Mrs. JOHNSON.

H.R. 158: Mr. RUSSO.

H.R. 171: Mr. DE LA GARZA.

H.R. 408: Mr. SIMON and Mr. WEAVER.

H.R. 618: Mr. TRAXLER, Mr. LIVINGSTON, and Mr. VOLKMER.

H.R. 625: Mr. MURPHY, Mr. STOKES, Mr. MCNULTY, Mr. KOGOVSEK, Mrs. SCHNEIDER, Mr. KASICH, Mr. HATCHER, Mr. ECKART, Mr. FORSYTHE, Mr. SENSENBRENNER, Mr. BROWN of Colorado, Mr. MOLLOHAN, Mr. STAGGERS, Mr. APPLEGATE, Mr. DENNY SMITH, Mr. ROEMER, Mr. EDGAR, Mr. DREIER of California, Mr. DAUB, Mr. OXLEY, Mr. MCCANDLESS, Mr. OWENS, Mr. GILMAN, Mr. WILLIAMS of Montana, Mr. GUARINI, Mr. ROWLAND, Mr. TAUKE, Mr. KILDEE, Mr. SIMON, Mr. MARKEY, Mr. ANDERSON, Mr. WASHINGTON, Mr. CHAPPIE, Mrs. BOXER, Mr. STUMP, Mr. MCCAIN, Mr. FISH, Mr. MARTIN of North Carolina, Mr. DANNEMEYER, Mr. BADHAM, and Mr. ZSCHAU.

H.R. 706: Mr. BETHUNE and Mr. RIDGE.

H.R. 827: Mr. GRAY, Mr. LEACH of Iowa, Mr. WASHINGTON, Mr. RAHALL, Mr. OWENS, Mr. HERTEL of Michigan, and Mr. EDGAR.

H.R. 924: Mr. HEFTEL of Hawaii, Mr. BEILENSON, Mr. DAUB, Mr. HUGHES, Mr. OTTINGER, Mr. PORTER, Mr. ROGERS, Mrs. SCHNEIDER, and Mr. VENTO.

H.R. 1013: Mr. BEREUTER.

H.R. 1020: Mr. DYMALLY, Mr. DIXON, Mr. GRAY, Mr. CONYERS, Mr. MOAKLEY, Mr. CLAY, Mr. FAUNTROY, Mr. WEISS, Mr. FRANK, Mr. LEHMAN of Florida, Mr. SCHUMER, Ms. KAPTUR, Mr. GEJDENSON, Mr. ACKERMAN, Mr. RICHARDSON, Mr. YATES, Mr. EDWARDS of California, Mr. KILDEE, Mr. STOKES, Mr. FEIGHAN, Mr. EDGAR, Mr. WILLIAMS of Montana, Mr. DWYER of New Jersey, Mr. VENTO, Mr. FOWLER, Ms. MIKULSKI, Mr. WALGREN, Mr. MORRISON of Connecticut, Mr. OWENS, Mr. ADDABBO, Mr. BERMAN, Mr. FAZIO, Mr. MITCHELL, Mr. RATCHFORD, Mr. WASHINGTON, Mr. WEAVER, Mr. ORTIZ, Mr. BONIOR of Michigan, Mrs. COLLINS, Mr. BATES, and Mr. ECKART.

H.R. 1035: Mr. PARRIS.

H.R. 1083: Mr. BERMAN, Mrs. BOXER, Mrs. COLLINS, Mr. EVANS of Illinois, Mr. FEIGHAN, Mr. HOYER, Mr. LEVINE of California, Mr. OWENS, Mr. WEISS, and Mr. WYDEN.

H.R. 1092: Mr. WILLIAMS of Ohio.

H.R. 1097: Mrs. BOXER and Mr. LEVIN of Michigan.

H.R. 1141: Mr. STUMP and Mrs. SCHROEDER.

H.R. 1199: Ms. OAKAR, Ms. FERRARO, and Mr. TOWNS.

H.R. 1234: Mr. SKELTON, Mr. STAGGERS, Mr. SIKORSKI, and Mr. VENTO.

H.R. 1249: Mr. TORRICELLI, Mr. MCHUGH, Mr. GRAY, and Mr. WEAVER.

H.R. 1272: Mrs. MARTIN of Illinois and Mr. FRENZEL.

H.R. 1286: Mr. OBERSTAR.

H.R. 1398: Mr. PACKARD.

H.R. 1409: Mr. PATMAN.

H.R. 1418: Mr. ROE, Mr. BEVILL, Mr. MCCOLLUM, Mr. SABO, Mr. GUARINI, Mr. RICHARDSON, Mr. EDGAR, Mr. WILLIAMS of Montana, Mr. CHAPPIE, Mr. JEFFORDS, Mr. RAHALL, Mr. YOUNG of Florida, Mr. ALBOSTA, Mr. PEASE, Mr. MORRISON of Connecticut, Mr. MORRISON of Washington, Mr. CONTE, Mr. KRAMER, Mr. CHANDLER, Mr. WISE, Mr. BROOMFIELD, Mr. BROWN of California, Mr. ANTHONY, Mr. FOGLIETTA, Mr. DERRICK, and Mr. NEAL.

H.R. 1443: Mr. KOGOVSEK.

H.R. 1527: Mrs. BOXER, Mr. CHANDLER, Mr. FAZIO, Mr. FEIGHAN, Ms. FERRARO, Mr. FRENZEL, Mr. GILMAN, Mrs. HALL of Indiana, Mrs. JOHNSON, Mr. LONG of Louisiana, Mr. MATSUI, Mr. OTTINGER, Mr. OWENS, Mr. RITTER, Mrs. SCHNEIDER, Mr. STARK, Mr. SUNIA, Mr. WASHINGTON, and Mr. WOLPE.

H.R. 1531: Mr. ACKERMAN, Mr. BONIOR of Michigan, Mr. D'AMOURS, Mr. ORTIZ, Mr. SEIBERLING, Mr. WASHINGTON, Mr. WHEAT, and Mr. WOLPE.

H.R. 1533: Mr. MARLENEE.

H.R. 1604: Mr. LEVITAS, Mr. DE LUGO, Mr. CLARKE, Mr. APPLEGATE, Mr. MARTIN of North Carolina, and Mr. BROYHILL.

H.R. 1607: Mr. JACOBS, Mr. VANDER JAGT, Mr. ANTHONY, and Mr. FRENZEL.

H.R. 1609: Mr. VANDER JAGT.

H.R. 1615: Mr. FAUNTROY, Mr. FORD of Tennessee, Mr. KINDNESS, Mr. FRANK, Mr. ACKERMAN, Mr. RINALDO, Mr. SEIBERLING, Mr. NEAL, Mr. OWENS, Mr. JEFFORDS, Mr. GUARINI, Mrs. JOHNSON, Mr. MRAZEK, Mr. WILSON, and Mr. WEAVER.

H.R. 1617: Mr. CARNEY, Mr. CORCORAN, Mr. FRENZEL, Mr. LUNDINE, Mr. MCHUGH, Ms. MIKULSKI, Mr. PEASE, Mr. QUILLEN, and Mr. VANDERGRIFF.

H.R. 1648: Mr. ADDABBO, Mr. DE LUGO, Mr. FORD of Michigan, Mrs. COLLINS, Mr. SABO, Mr. FOGLIETTA, and Mr. HOWARD.

H.R. 1653: Mr. STOKES, Mr. SUNIA, Ms. KAPTUR, Mr. PEASE, Mr. CORRADA, Mr. RATCHFORD, Mrs. HALL of Indiana, and Mr. FEIGHAN.

H.R. 1676: Mr. BARNES, Mr. BONIOR of Michigan, Mr. BROWN of California, Mr. CORCORAN, Mr. CORRADA, Mr. DONNELLY, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. EDGAR, Mr. FAUNTROY, Mr. FISH, Mr. FORSYTHE, Mr. GUARINI, Mr. HERTEL of Michigan, Mr. HOWARD, Mr. HOYER, Mr. HUGHES, Mr. HUTTO, Mr. KOSTMAYER, Mr. LEVIN of Michigan, Mr. LEWIS of California, Mr. MCNULTY, Mr. MARKEY, Mr. MAVROULES, Mr. MOAKLEY, Mr. MOLLOHAN, Mr. OWENS, Mr. REGULA, Mr. ROE, Mrs. SCHNEIDER, Mr. STOKES, Mr. SUNDQUIST, Mr. SUNIA, Mr. WEISS, and Mr. WHITTAKER.

H.R. 1693: Ms. KAPTUR.

H.R. 1694: Mr. WORTLEY, Mr. OWENS, and Mr. FORSYTHE.

H.R. 1730: Mr. STRATTON.

H.R. 1741: Mrs. COLLINS.

H.R. 1743: Mr. FRANK, Mr. MINETA, Mr. VENTO, Ms. MIKULSKI, Mr. FORD of Tennessee, Mr. MORRISON of Connecticut, Mr. LELAND, Mr. BONIOR of Michigan, Mr. SUNIA, Mr. PEASE, Mr. FAZIO, Mr. WASHINGTON, Mr. SEIBERLING, Mr. FORD of Michigan, Mr. DWYER of New Jersey, and Mr. WILLIAMS of Montana.

H.R. 1817: Mr. RAHALL, Mr. MAZZOLI, Mr. FRANK, Mr. TOWNS, Mr. EDWARDS of California, Mr. STOKES, Mr. WASHINGTON, Mr. VENTO, Mrs. BOXER, Mr. SUNIA, and Mr. CROCKETT.

H.R. 1883: Mrs. SNOWE, Mr. KOSTMAYER, Mr. TAUKE, Mr. PORTER, Mr. LEHMAN of Florida, Mr. WEBER, Mrs. BOGGS, Mr. EVANS of Illinois, Mr. KOGOVSEK, Mr BEDELL, Mr. SUNIA, Mr. BONIOR of Michigan, Mr. SCHUMER, Mr. ROSE, Mr. ACKERMAN, Mr. LUNDINE, Mr. LEVINE of California, Mr. REID, Mr. GRAY, Mr. VANDERGRIFF, Mr. LANTOS, Mr. ORTIZ, Ms. KAPTUR, and Mr. LELAND.

H.R. 2027: Mr. TAUKE, Mr. ORTIZ, Mr. WILLIAMS of Montana, and Mr. VOLKMER.

H.R. 2053: Mr. FRENZEL and Mrs. SCHNEIDER.

H.R. 2188: Mr. FORD of Tennessee.

H.J. Res. 1: Mr. ACKERMAN.

H.J. Res. 29: Mr. BROWN of Colorado, Mr. KRAMER, and Mr. LAFALCE.

H.J. Res. 97: Mr. APPLEGATE.

H.J. Res. 100: Mr. WYLIE, Mr. HUTTO, Mr. FIELDS, Mr. MOORHEAD, Mr. EMERSON, Mr. HANSEN of Idaho, Mr. NICHOLS, Mr. LONG of Louisiana, Mr. MOORE, Mr. BEVILL, Mr. BLILEY, Mr. DANIEL, Mr. JONES of Tennessee, Mr. STRATTON, Mr. WHITEHURST, Mr. YATRON, Mr. LUJAN, Mrs. BOUQUARD, Mr. GREGG, Mr. CORCORAN, Mr. HANSEN of Utah, Mr. PARRIS, Mr. KOLTER, Mr. GOODLING, Mr. NIELSON of Utah, Mr. MILLER of Ohio, Mr. BADHAM, Mr. BURTON of Indiana, Mr. CONTE, Mr. DANNEMEYER, Mr. DANIEL B. CRANE, and Mr. BILIRAKIS.

H.J. Res. 101: Mr. RITTER, Mr. HOWARD, Mr. HEFNER, Ms. MIKULSKI, Mr. MARTIN of New York, Mr. JACOBS, Mr. FROST, Mr. ROE, Mr. FORSYTHE, and Mr. WORTLEY.

H.J. Res. 153: Mr. MATSUI, Mrs. COLLINS, Mr. DYMALLY, and Mr. SIKORSKI.

H.J. Res. 179: Mr. SMITH of Iowa, Mr. STUMP, Mrs. HALL of Indiana, Mr. SHELBY, Mr. WEISS, Mr. DURBIN, Mr. SNYDER, Mr. DENNY SMITH, Mr. WASHINGTON, Mr. BARNES, Mr. FORD of Tennessee, Mr. IRELAND, Mr. LEWIS of California, Mr. WYDEN, Mr. LAFALCE, Mr. MAVROULES, Mr. PEPPER, Mr. SKELTON, Mr. UDALL, Mr. CORRADA, Mrs. BYRON, Mr. EARLY, Mr. VANDERGRIFF, Mr. FOLEY, Mr. GREEN, Mr. SMITH of Florida, Mr. ROBINSON, Mr. HOYER, Mr. HUGHES, Mr. WINN, Mr. SIKORSKI, Mr. MOLINARI, Mr. EDWARDS of California, Ms. OAKAR, Mr. GUARINI, Mr. FAZIO, Mr. COATS, Mr. OWENS, Mr. THOMAS of California, Mr. BONIOR of Michigan, Mr. VANDER JAGT, Mr. WALGREN, Mr. SUNIA, Mr. DONNELLY, Mr. RICHARDSON, Mr. ROE, Mr. DWYER of New Jersey, Mr. O'BRIEN, Mr. ADDABBO, Mr. BLILEY, Mrs. BOUQUARD, Mr. CHAPPIE, Mr. CORCORAN, Mr. ALBOSTA, Mr. LAGOMARSINO, Mr. DINGELL, Mr. DYMALLY, Mr. EVANS of Illinois, Mr. FAUNTROY, Mr. GRAMM, Mr. HEFNER, Mr. FISH, Mr. FOGLIETTA, Mr. HORTON, Mr. KILDEE, Mr. LEACH of Iowa, Mr. HOWARD, Mr. LUNGREN, Mr. MATSUI, Ms. MIKULSKI, Mr. MOAKLEY, Mr. NEAL, Mr. OBERSTAR, Mrs. KENNELLY, Mr. BEDELL, Mr. PERKINS, Mr. MILLER of Ohio, Mr. ROBERTS, Mr. RODINO, Mr. SKEEN, Mr. BROWN of California, Mr. ORTIZ, Mr. MARRIOTT, Mr. LELAND, Mr. HILER, Mr. GIBBONS, and Mr. FRENZEL.

H.J. Res. 186: Mr. BONIOR of Michigan, Mr. HAMILTON, Mr. STOKES, Mr. SUNDQUIST, Mr. VENTO, Mr. LOEFFLER, Mr. EDGAR, Mr. LELAND, Mr. LEWIS of California, Mr. MCKERNAN, Mr. DAUB, Mr. HUGHES, Mr. BONER of Tennessee, Mr. HOWARD, Mr. JONES of North Carolina, Mr. FORSYTHE, Mr. FRENZEL, Mr. CHAPPIE, Mr. O'BRIEN, Mr. WAXMAN, Mr. BEILENSON, Mr. SPRATT, Mr. HEFTEL of Hawaii, Mr. HEFNER, Mr. BURTON of California, Mr. MONTGOMERY, Mr. LEACH of Iowa, Ms. MIKULSKI, Mr. BROYHILL, and Mr. SLATTERY.

H. Con. Res. 45: Mr. CARR, Mr. FISH, and Mr. LUNDINE.

H. Con. Res. 89: Mr. EVANS of Illinois, and Mr. PENNY.

H. Res. 17: Mr. ANDERSON, Mr. BEILENSON, Mrs. BOXER, Mr. GEKAS, Mr. HEFTEL of Hawaii, Mr. KASICH, Mr. LEHMAN of California, Mr. LONG of Louisiana, Mr. LOWRY of Washington, Mr. MOAKLEY, Mr. MRAZEK, Mr. OBERSTAR, Mr. PATTERSON, Mr. PEPPER, Mr. STANGELAND, Mr. TORRES, Mr. VANDER JAGT, Mr. VENTO, Mr. WHITEHURST, and Mr. WILLIAMS of Montana.

H. Res. 67: Mr. STARK, Mr. MACKAY, Mr. WHEAT, Mr. SISISKY, Mr. ARCHER, Mr. FORD of Tennessee, Mr. GRAY, Mr. WISE, Mr. DYSON, and Mr. LEHMAN of California.

H. Res. 119: Mrs. COLLINS and Mr. CROCKETT.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1405: Mr. STOKES.

PETITIONS, ETC.

Under clause 1 of rule XXII,

55. The SPEAKER presented a petition of the Board of Aldermen, Somerville, Mass., relative to air quality standards and acid rain; which was referred to the Committee on Energy and Commerce.

SENATE—*Wednesday, March 23, 1983*

(Legislative day of Monday, March 21, 1983)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Jehovah God of the Covenants old and new, as we enter the season of Passover and Easter, may we be mindful of the significant events in history which they celebrate. We praise Thee for the liberation of Israel after long years of bondage. We thank Thee for the incalculable contribution in the family, music, science, finance, the arts and business which Thy people, the Jews, have made to history.

We praise Thee for the gift of Thy Son, Saviour and Lord of History—for His peerless life, His selfless death as the Lamb of God which taketh away the sins of the world. We thank Thee for His victory over death and the grave in resurrection and for the promise of His re-entry into history to reign as king of kings and lord of lords. In His name we pray. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

SENATE SCHEDULE

Mr. BAKER. Mr. President, I am reassured that I am recognized. I am so tired and worn out from the late evening last night I was not sure I had the same features.

Mr. President, we have a long day ahead of us. There are a number of amendments yet to be disposed of on the social security bill. I commend the managers on both sides of the aisle for the good progress they have made so far.

The Senate, however, was in session last night until almost midnight. We have been out of session for only about 10 hours, so people are tired, Members are tired, and for that reason, together obviously with the national interest, I urge that we move this bill as soon as possible, and I mean by that finish it.

So I join in the admonition of the minority leader last night that we set about the business of finding time limitations and shorten this so that we can get on with the matter at hand.

I think it is essential that we finish this bill by early afternoon and be prepared to go to conference. It is still barely possible that we could finish the conference report on this bill tonight, but that is a receding possibility. It is more likely, I suppose, that the conference report will be taken up with the House on tomorrow and recess sometime during the day on Thursday.

In any event, Mr. President, it is urgently important that Members who have amendments come to the floor and offer them as soon as possible. That is the cheeriest note I can contrive after the short night, Mr. President.

Mr. President, there will be an amendment pending when we return to the consideration of this matter, and it will be the Baucus amendment No. 119, which is not printed.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. President, let me make one further request. I ask unanimous consent that after the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business of 1 minute in which Senators may speak.

The PRESIDING OFFICER (Mr. DANFORTH). Without objection, it is so ordered.

Mr. BAKER. Mr. President, I yield control of my time to the distinguished minority leader.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

Mr. BYRD. Mr. President, those cheery notes coming from the other side of the aisle have a familiar and nostalgic ring.

Mr. BAKER. I have commented, if the Senator will yield, that good or bad, much of what I have learned has been learned at the knee of the distinguished minority leader when he was the majority leader. There is an old saying that one's sins come home to roost.

Mr. BYRD. Mr. President, I yield my time to Mr. BOREN.

1983 VIGIL FOR SOVIET JEWRY

Mr. BOREN. Mr. President, today we begin an important effort here in the Senate to further the cause of human rights. I am proud to be Senate Chairman of the 1983 Call to Conscience Vigil for Soviet Jewry. Eighteen other Senators have already agreed to join me in this effort to call attention to the plight of thousands of people who are imprisoned in the Soviet Union or who have been denied permission to emigrate from that country. I trust that in the coming weeks, the rest of my colleagues will recognize the serious nature of this problem, and join us in this organized attempt to let the people of the United States, the Soviet Union, and the world know that the U.S. Congress will not tolerate the present situation.

Many of us have long been active on behalf of those who are being persecuted by the Soviet Government, and those refuseniks who, for one reason or another, simply are being prevented from leaving the Soviet Union. I applaud all of my colleagues who are involved in this type of effort. At the same time, I believe that we should take a lesson from the House of Representatives, where concerned Members have just begun the eighth annual Call to Conscience Vigil. Our colleagues on the House side have learned the value of a coordinated and persistent voice in bringing to bear some heavy pressure regarding the actions of the Soviet Government toward their own citizens. Of course, in situations like this, it is difficult to draw a precise relationship between cause and effect. However, the track record been good. Many of those individuals and families who have been assisted by House Members have indeed been allowed to leave the Soviet Union. We here in the Senate also are aware of those on whose behalf we have spoken out who have since emigrated from the Soviet Union. It is not presumptuous for us to think that the Soviet Government does pay attention to the words and actions of the Congress of the United States. If we are silent, our silence announces to the Soviets that the matter of anti-Semitism within the Soviet Union, and the huge percentage of emigration applications which are denied by the Soviet Government, are unimportant to the United States. By contrast, our protestations of these types of behavior can only aid those who are suffering within the Soviet Union. The aim of the vigil here in the Senate is that not a week will go by without at least one Member of the Chamber voicing his or

her strong opposition to the treatment of individuals in the Soviet Union.

The evidence concerning Jewish emigration from the Soviet Union is clear. In 1979, emigration reached an all-time high; 51,000 Jews were allowed to leave the Soviet Union for the country of their choice. In stark contrast to that figure, only 2,670 Jews emigrated from the Soviet Union in 1982. That constitutes a 95-percent drop in the number of exit visas issued by the Soviet Government. Let me assure you, Mr. President, that the number of applications for such visas has not decreased. During the first several months of Mr. Andropov's tenure, we have seen emigration cut back even further. This trend is alarming, and it is one which we cannot accept.

At the same time, government repression of Jewish activities within the Soviet Union has increased both quantitatively and qualitatively. The pressures which the Soviet Government is putting on its people not only prevent them from moving permanently to the place of their choice, but also from traveling within the country as they wish, from raising and educating their children as they wish, from worshiping as they would like, and from maintaining many of their cultural traditions. Jewish cultural and scientific seminars have been broken up, academic degrees have been stripped from Soviet Jews, university educations have been denied to children of refuseniks, and, as we all know, prominent advocates of Jewish cultural rights and emigration have been arrested and imprisoned. If I had not been in the Soviet Union myself, it would be difficult for me to imagine this type of life. But like many of my colleagues, I have had the opportunity to travel to the Soviet Union; I know that this is the only life that most Soviet Jews have ever known. And it is getting worse every day for both Soviet Jews and Christians alike.

The Congress of the United States must take a strong and visible stand against these policies. By action and word, we must make it clear to the Soviet Government that it is not acceptable to the citizens or the Congress of the United States that the Government of the Soviet Union imprisons many Jewish citizens without just cause; nor is it acceptable that thousands of other Soviet Jews are denied permission to leave that country.

Mr. President, this is a particularly important time in relations between the United States and the Soviet Union. I believe that it is critical that in the midst of our discussion on arms control and many other issues of tremendous importance, we not forget our responsibility to the refuseniks. We have a great many things in common with these people, yet they lack so many of the basic freedoms which we take for granted.

Americans and all people who value human dignity and basic human rights must take every opportunity to speak out on behalf of all those in the Soviet Union who are being denied the basic rights which all people deserve. I urge my colleagues to join those of us who are a part of the Senate Call to Conscience Vigil for Soviet Jewry.

Mr. President, today I would like to express my particular concern for Faina and Naum Kogen. The Kogens are like thousands of other Jews in the Soviet Union: Despite their earnest desire to leave that country and live elsewhere, they are unable to do so because the Soviet officials will not grant them exit visas. Yet, in another way, the Kogens are quite different from other Jews in the Soviet Union. Since coming to the Senate, I have worked on behalf of the Kogens. I have written to Soviet and American officials regarding the plight of the Kogens; I have been in contact with friends and family of the Kogens who live outside the Soviet Union and who are deeply concerned about this situation; and, I have received letters from the Kogens and I have personally had an opportunity to visit with them when I was in the Soviet Union.

Mr. President, I feel that Faina and Naum Kogen are my friends. Yet these friends are being detained against their fervent wishes in a land where they have virtually no freedom. Last year Naum Kogen had a heart attack; Faina suffers from chronic bronchitis and stenocordia. It is often impossible for them to obtain the appropriate medical care. And the things in life which mean the most to them—freedom to practice their religious and cultural traditions, and the opportunity to be with family and friends, are denied them. The Kogens' son lives here in the United States and would welcome the chance to care for his parents.

I appeal to those in the Soviet Union who have the authority to issue to the Kogens the necessary papers to allow them to leave that country. Indeed, I call upon these officials to recognize the rights due to the Kogens and to all human beings everywhere by allowing these people the right to choose where they want to live.

Mr. President, many other people share the problems which the Kogens are experiencing. I trust that the Senate of the United States will recognize that this is also our problem. As long as the basic rights of any people in any country are being so flagrantly and persistently denied, we, too, are suffering. We must not remain silent while other people are being victimized by the Government of the Soviet Union.

Mr. President, I yield the balance of the time remaining to the Senator from Kentucky.

Mr. HUDDLESTON. I thank the distinguished Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. HUDDLESTON. Mr. President, may I inquire of how much time is remaining?

The PRESIDING OFFICER. The Senator has 10 minutes remaining.

Mr. HUDDLESTON. I thank the Chair.

SELECTIVE DECLASSIFICATION OF INTELLIGENCE MATERIAL

Mr. HUDDLESTON. Mr. President, I rise to discuss a matter of deep concern to me and, I hope, to my colleagues. Tonight the President plans a nationwide television address which, according to press reports, will include selected intelligence photographs that are being declassified for the purpose of supporting the President's case.

I came on this floor 2 weeks ago today to express my dismay at the growing politicization of our Nation's foreign intelligence and national defense operations. At that time I reviewed the repeated instances of selective release of classified information designed to promote administration policies, going back to the previous administration. And I cited the concerns of senior intelligence professionals about the manner in which intelligence has been used by policymakers.

Now we appear to be on the verge of another, even more dramatic, case of selective disclosure of national security information to promote one side of the debate. When the public sees the President's address, they will have no way of knowing whether the information he releases and the classified photographs he displays represent a balanced and objective view of the problem or a partial view designed to win popular support.

Let me remind my colleagues, the news media, and all citizens who see the President's address that this practice puts the President's opponents in Congress at a tremendous disadvantage. Individual Members of Congress and congressional committees do not have the lawful authority to declassify and release national security information. Only in the most exceptional cases does the Senate or House, under the rules establishing the Intelligence Committees, have authority to make such information public.

As a result, those who believe different evidence would support a policy other than the President's cannot use that classified information to support their point of view.

I would also like to call attention to two recent articles in the press that discuss this issue. On March 16, David

S. Broder wrote a column in the Washington Post that talked about the President's recent directive aimed at reducing leaks. He correctly pointed out that every administration deplore's leaks—unless the purpose of the leak is to advance the President's policy line.

An article in the Washington Post of March 20 by author Fred Kaplan discussed some of the shortcomings in the use of reconnaissance photographs in classified briefings on the Soviet-United States military balance. Among other points, he suggests that such briefing do not include comparable classified photographs of U.S. weapons systems and thus do not put Soviet forces into a net assessment perspective.

I suspect that the President's address tonight will follow this pattern, with the emphasis on Soviet military capabilities instead of an objective net assessment of both sides.

It is very unfortunate that the President has adopted this course. We all recall when President Kennedy went before the American people with U-2 photographs of Soviet missiles in Cuba. We believed him—and the world believed him—because at that time classified intelligence was not released to the public except in the most exceptional situations involving bipartisan national security concerns.

Today the circumstances are entirely different. The selective release of classified information by authorized leaks or in public statements to promote particular policies has become commonplace. It undermines the credibility of our foreign intelligence and national defense agencies and of the institution of the Presidency itself.

I had hoped we could reverse this trend, but we cannot do so without the support and commitment of our national leaders.

Mr. President, I ask unanimous consent that certain attachments, including the articles by David S. Broder and Fred Kaplan be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 16, 1983]

ONLY SOME LEAKS BUG PRESIDENTS

(By David S. Broder)

Nothing better illustrates the surrealistic, cracked-mirror character of government secrecy edicts than a pair of actions by President Reagan last week.

The president signed an executive order on Friday requiring all federal employees with security clearances—a number reaching into the hundreds of thousands—to submit to lie-detector tests in any investigation of leaked information, or suffer "adverse consequences" for refusing. On the very same day, he stonewalled a press conference question about leaks from his own senior staff that undermined the position of Envionmental Protection Agency head Anne M. Burford in the days before her resignation. "I don't know of anything of that kind," Reagan said.

As an example of high comedy, you could hardly improve on that script.

Every reporter in town knows that Reagan did not have to walk more than 50 feet from the Oval Office to find people in his employ who were leaking like crazy that Burford would have to go. "I know that you were all citing these unnamed White Houses sources that thought she would resign," he told reporters. "I still would like to find them out and identify them."

But he has not. Instead, he has issued the most sweeping secrecy edict in the history of the civil service. The seemingly misplaced emphasis reveals what no government—at least as long as I have worked in Washington—has ever wanted to acknowledge: what bugs a president is not leaks, but leaks from people who may disagree with him.

Time after time, in administration after administration, colleagues and I have sat in the office of some senior official who, promised anonymity, has divulged the substance of, or even read from, highly classified documents. The purpose, in almost every case, was to advance the president's policy line—in Vietnam, in some international negotiation, in some domestic political fight.

No, its not the leaks that infuriate them. It's the leaks they don't control: the logs of private meetings with interested parties in regulatory matters, or evaluations of weapons systems that cast doubt on a multi-billion-dollar boondoggle. Those leaks, they say, are dangerous.

So be aware, dear reader, of what is really going to happen if Reagan is allowed to tie a lie-detector threat to the tail of every career official of any standing. It will not stop the leaks. The president or his people will no more play by the rules of the executive order than the Reagan aides obeyed his supposedly serious order to stand by the embattled Burford. What the executive order will do is shut down your access to information that may contradict or cause you to question the policy judgments of the president and his aides.

It will increase substantially the risks for anyone—bureaucrat or journalist—who wants you to hear the other side of the policy argument from the one the president is peddling. And, while it lasts, it will increase the odds that the policy adopted will be worse than it would have been had the rules of debate—or leaking—been applied evenhandedly to friends and foes of the president's policy.

[From the Washington Post, Mar. 20, 1983]

PENTAGON SUPERWEAPON: THE HAIR-RAISING BRIEFER

PAINTING THE RUSSIAN BEAR 10 FEET TALL

(By Fred Kaplan)

Deep inside the Pentagon, far behind those scenes occupied by the secretary of defense and his entourage of deputy and assistant secretaries, lie several separate, almost entirely unknown subcultures. In some of these specialized communities are the anonymous analysts who puzzle over their endless calculations; in other, the nuclear gurus who dream up doctrines and warfighting strategies; in still others, the professional briefers.

This last group is hardly the least important. Its inhabitants are commissioned to sell the wares of the powers that be. The dazzle or dreariness of their presentations can mean the difference between a weapon sold or rejected, a new idea advanced or squelched, a portrait of the Soviet threat embraced as truth or dismissed as flight of fantasy.

Standing out among these briefers, in a class all his own, is a soft-spoken, wiry, increasingly frail 54-year-old photo-intelligence analyst named John T. Hughes.

Few have heard of John Hughes, but in the coming months we're all likely to hear a great deal. For if a group of hawks on Capitol Hill get their way, Hughes will be unveiled as the secret superweapon that could produce political victory on the side of those trying to sell Ronald Reagan's and Caspar Weinberger's $274 billion defense budget to Congress and the American public. It may be an impossible mission, but if any one man can accomplish it, John Hughes may be the man.

Possibly without knowing it, you've heard of Hughes already. In October 1962, as the special assistant to the director of the Defense Intelligence Agency (DIA), Hughes examined a collection of overhead U-2 photographs and concluded that the Soviets were placing nuclear missiles in Cuba.

In February 1963, 3½ months after the Cuban missile crisis was resolved, Hughes went on nationwide television for 90 minutes, at the request of then Defense Secretary Robert McNamara, and with his pointer aimed at dozens of photos flashed before a large screen, demonstrated that the Russians had indeed removed those missiles from Cuba.

Nineteen years later, in March 1982, as deputy director of the DIA, a post he has held for the last 12 years, he appeared at a State Department press briefing and—at the request of then Secretary of State Alexander Haig, who was hellbent on proving Soviet and Cuban infiltration in El Salvador—showed a set of overhead photographs revealing Soviet and Cuban influence in neighboring Nicaragua. As evidence, he pointed out a couple dozen (1950s-vintage) Soviet tanks, a few Soviet antiaircraft guns and helicopters, "Soviet-style obstacle course," a "Soviet-style physical training area" and new military garrisons "built along Cuban design."

But the product of John Hughes that the hawks on the Hill want to share with the rest of us is a briefing called "Soviet Military Trends and Capabilities." It's an updated version of a briefing that Hughes has been delivering around town, including to Congress' Armed Services Committees, every year for nearly a decade.

This briefing is classified at a level above Top Secret. It lasts three to four hours, with only a short break for breath. It consists of literally hundreds of overhead satellite and spyplane photographs of every military installation and weapons in the U.S.S.R., painting a frightening picture of Soviet military might, of a nation that appears to be brimming over with practically nothing but arms.

Several Republicans are urging President Reagan to declassify portions of the briefing and show it to the public. One look at those pictures, they say, and the resistance to the Reagan-Weinberger defense budget will crumble at once.

Says Sen. Ted Stevens (R-Alaska), chairman of the Appropriations Defense Subcommittee, "I don't think any normal person could listen to that briefing and not come out with his hair standing straight up on his head."

Practically everyone who has heard Hughes' delivery agrees that he is a brilliant briefer. "Air of confidence," "precision," "extremely skillful," "low-key," "straightforward," "the DIA's star salesman," "one of the best in the business . . . a model for

all briefers" are just some of the rave notices given by more than a dozen past and present Pentagon officials, intelligence officers and legislators of varying ideological stripes.

Hughes has been in the intelligence business for 30 years and has picked up five distinguished service awards along the way. His early background as a geographer—he composed the large-scale maps of the world that the government freely distributed to universities after World War II—prompted the Army to assign then-Lt. Hughes to its Pentagon photo-intelligence shop in 1953. And it was there that Hughes became, in his words, "hooked on photo-intelligence."

"When you look at that data," he explains, still with a gleam of wonder in his eyes, "you know that you're the first one looking at that image. When you're rolling that spool, you see something no one has ever seen before, and you know that you have to present that data very effectively because it could be critically important to the security of your country."

It's that "sense of discovery"—and the knowledge that the virgin territory that he is uncovering is secret and important—that has sustained his fascination over the years.

In 1957, he dropped his service rank and became a civilian analyst in Army Intelligence, then joined the interservice DIA when it was established in 1961. From the mid-1950s on, the technology of the times and John Hughes' predilection for discovery meshed perfectly. The U-2 spyplane and then the Discovery satellite and its follow-on models were snapping thousands of photos; Hughes had plenty of spools to keep him engrossed.

And over the years, his briefings based on those spools have had a great, if largely untold, influence.

A former State Department official who still works in government recalls seeing the briefing in the mid-1970s, when it was commonly believed that as the age of detente bloomed and mellowed, the Soviets would cut back on their weapons programs. Each year the Pentagon would release statements claiming a continuing Soviet buildup, prompting nothing but cynical skepticism from State.

But then they saw the Hughes briefing. "It had a big effect on people then," the former official says, "in disabusing them of the idea that the Soviets are realigning the detente . . . The briefing was part of an intense program from within the Pentagon . . . to debunk detente—and it was successful."

Robert Komer, Harold Brown's undersecretary of defense for policy in the Jimmy Carter years, saw the annual Hughes briefing with Brown and with several visiting NATO defense ministers. He recalls: "It was impressive to them. Yes, it was impressive to Harold Brown, it was impressive to me, because this was actual, hard, physical evidence." Whenever Brown or his assistants wanted an intelligence briefing, Komer remembers, "we would tend to ask for Hughes simply because he conducted himself more professionally than others."

The annual Hughes briefing, say those who have seen it, is very dramatic. He stands behind a podium, an assistant flashing one photograph after the next, as Hughes, pointer in hand, runs down all the clues that indicate a monumental buildup. His style is the drama of understatement—straightforward, no obvious hyperbole, just the facts (*some* facts anyway), the overwhelming array, the panoramic display, the gruesome picture of a monstrous military powerhouse.

Says one DIA official, "It's the highly explicit character of photographs which gives his briefing the cutting edge. It simply leaps out at you . . . You look at it and say, 'Well, there it is. I can do everything but put my hands on it, so it's obviously true.' "

But now that the shock that the Soviets are indeed building weapons has worn off, once the evidence is sifted from this new perspective and some questions are posed and some distinctions made, how does the substance of the Hughes briefing hold up? What does it suggest?

Many who have seen it note its impressiveness, but claim it doesn't really mean much. One quite hawkish former Armed Services Committee staffer who saw it several times says, "He shows you, for instance, an Oscar-class submarine, and it has X-number of cruise missiles in it, and he tells you how long it is and how wide it is, and the members of the committee say, 'Jesus Christ! Wow!' But so what? What does that mean?"

He continues: "If you ask him what it means, he doesn't answer. He deflects the question. He will categorically not do the interpretation . . . To me, it was a sideshow, it was theatrics."

William W. Kaufmann, a former special assistant to four secretaries of defense in every administration from Kennedy to Carter, says of the Hughes briefing, which he saw in the late-1970s, "It's like counting all the germs in the United States and saying we're all about to be dead."

In short, in the lingo of intelligence analysis, it is not a "net assessment." It doesn't compare the United States versus the Soviet Union, or NATO versus the Warsaw Pact; it just looks at everything the Soviets are doing in the absence of context. Several analysts observe that a similar photographic array of everything the U.S. military is doing would, in the words of one, "look pretty damn scary, too."

Even the pictures of all those weapons sometimes carry misleading impressions. "One might say," says one former high-ranking DIA officer, "that the facts which John has selected are the facts which are alarming."

Richard Stubbing, former deputy chief of the Office of Management and Budget's national security division, remembers that two years ago, the Hughes briefing "said that the [new Soviet] T-80 [tank] was going to be the sine qua non of tanks." Since then photos of the T-80 have appeared, and "we now know that the tank isn't much different from the T-72, which is not the world's greatest."

Similarly, the Soviet's new Ivan Rogov amphibious boat was played up in Hughes' briefing for a few years as a sign of the Soviets' growing ability to "project power" and intervene in the Third World. "But the thing is only half the size of [U.S. amphibious boats], and they only have one of them," says Stubbing. "What in the world will the Ivan Rogov do if it . . . runs into any kind of opposition? The entire Soviet surface Navy, after the first hour of combat, is a joke."

Other analysts note that Hughes makes much of the thousands of surface-to-air missiles (SAMs) all over the U.S.S.R. Yet, says one former high-ranking CIA officer, "He'd point out lots of SAMs, but whether they were highly susceptible to jamming or spoofing tended not to be part of the presentation."

Then there is a still more fundamental question, posed by a onetime boss of Hughes', Lt. Gen. Samuel Wilson, former DIA director and, before that, the U.S. military attache in Moscow.

"I am concerned," says Wilson, "that many of the people who listen to the 'hard facts' and survey the arithmetic don't get far enough into" analyzing "the sources of Soviet conduct." Wilson believes that much of the U.S.S.R. military buildup is a product of the Soviets' preoccupation with China and West Germany, their memory of having been invaded three times this century—especially their "nightmarish" obsession with their losses during World War II, which Wilson has described as "a chin to . . . crotch" which each Soviet citizen scratches every morning "until it hurts," and with which he goes off to work in pain every day.

"Let's say you know a fellow who had an unhappy childhood and . . . has been deeply scarred by his past," Wilson says. "He is gripped with paranoia, he's a gun nut, his house is full of weapons. And you are trying to . . . live peacefully with him. If you look only at his guns . . . and figure anytime you go around him you, too, had better be armed to the teeth, lest he gets a drop on you, then I don't think you're addressing the situation fully; you may even be complicating it."

This is not to say that the fellow isn't dangerous, says Wilson, "but—to stretch the metaphor back to the Soviets—he's so xenophobic and so suspicious that anything you say or do is likely to be misinterpreted and cause him to get even possibly further trigger-happy . . . . Simply counting the guns of a fellow who is paranoid and living in a house full of guns is not the whole story."

In short, the Hughes briefing—and that style of analysis generally—says nothing about the meaning of the Soviet buildup or about what the United States should do in the face of it. Nor, for that matter, does Hughes claim to be exploring this dimension. He claims only to be showing a lot of photographs. He doesn't even explicity state any conclusion, but, in the words of one official who has seen the briefing several times, "leaves it to the imagination of the listener."

The conclusion that one is supposed to walk away with, however, is not too difficult to miss. Those on Capitol Hill who are trying to use the briefing as a political tool in the selling of the Reagan-Weinberger defense budget are interpreting it as many in the DIA—which commonly supports the various needs of the secretary of defense—obviously have meant it to be interpreted.

Says former DIA Director Gen. Wilson: "If the Hughes briefing were to serve as a magic wand that simply causes everybody to say, this is horrible, we've got to approve whatever [the administration] wants,' and left it at that, I would regard it as grossly incomplete."

John Hughes is clearly a master at his trade; he's an artist, a pioneer. But the senators and congressmen who want him unleashed on the American public are playing political games. What Hughes has to say hardly speaks at all to the questions of how much we should spend on defense or of what kinds of weapons we should buy.

Mr. HUDDLESTON. Mr. President, I yield back the balance of whatever time I have remaining.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period for the transaction of routine morning business.

MARYLAND DAY 1983

Mr. MATHIAS. Mr. President, last December the 97th Congress adopted a resolution which designated 1983 as the Air and Space Bicentennial, an international observance marking 200 years of manned flight. Every student knows that the first manned flight in history took place at La Muette, France, November 21, 1783, when Montgolfier released man forever from his terrestrial shackles. But few Americans realize that just 7 months later our young Nation put one of its own citizens aloft for the first time in the New World. This is one of the earliest examples of a successful transfer of technology, for in just two short centuries men have reached to the very edge of the universe.

If few realize that our first manned flight followed almost immediately upon Montgolfier's, fewer still are aware that manned flight was actually made by a 13-year-old boy named Edward Warren in the city of Baltimore.

As we observe the 349th Anniversary of the founding of Maryland, I would like to record some of the details of America's first manned flight, and the man who made it possible, Peter Carnes, lawyer, scientist, balloonist, and innkeeper, of Bladensburg, Md.

Mr. William A. Aleshire of Bowie, Md., has written a history of Peter Carnes and the first American balloon flight, which I commend to all those who not only dream wondrous dreams, but who have the knowledge, skills, and capacities to realize them.

Mr. President, I ask unanimous consent to have printed in the RECORD portions of Mr. Aleshire's history of Peter Carnes and Edward Warren's first American balloon flight.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HISTORY OF PETER CARNES

(By William A. Aleshire)

Born in 1749 in Middlesex County, New Jersey, Peter Carnes later established himself as a tobacco planter in Charles County, Maryland. No doubt, he traveled on numerous occasions to the bustling tobacco port of Bladensburg. It was here that he met and became a friend of innkeeper Jacob Wirt, the proprietor of the Indian Queen Tavern. Two years later after Wirt's death in 1774, Peter Carnes married Henrietta Wirt, the widow of Jacob Wirt. Carnes thereby assumed the operation of the Indian Queen Tavern in Bladensburg. He proved to be an exceptionally versatile individual. While the land records of the later 1770's show his occupation as innkeeper, Carnes was shown to be an attorney-at-law in the 1780's. It has been said that Carnes inspired his step-son William Wirt to practice law. It was this William Wirt who served as the Prosecutor in the Aaron Burr Treason Trial in 1807 and as Attorney General of the United States from 1817 to 1829.

Carnes interest and experiments in balloonery commenced as soon as the news of the first balloon flight in France reached the shores of the newly independent United States.

In his balloon flight on June 17, 1784, a Baltimore resident described Carnes Bladensburg exhibition in these terms:

"I felt happy that the ventrous Philosopher (Peter Carnes) had so far succeeded in his attempt. I am pleased in reflecting how much our countrymen have done to improve the various branches of science, and no doubt (are) as much distinguished for works of genius in times of peace, as our patriot army have been for their success and suffering during the war.

He (Peter Carnes) purposes being in Baltimore on Thursday where I hope, for the Honor of American Science, he will meet with so liberal subscription, as may encourage him in his bold pursuit of fame, not doubting, in that case, but he will soar aloft, as he has promised, and leave the gazing multitude below.'"

The actual balloon that Carnes had constructed measured 35 feet in diameter and was estimated to have been 30 feet high. It was made of silk of various colours, with cylindrical stove of iron suspended at the bottom fitted for the reception of two persons.

On June 24, 1784 another great occasion finally took place in Baltimore and Peter Carnes, his balloon and a thirteen year old boy named Edward Warren made history:

Baltimore, June 25, 1784:

"Yesterday the ingenious Peter Carnes, Esq., made his curious Aero-static Experiments, within the limits of this Town, in the Presence of a numerous and respectable Congress of People, whom the Fame of his superb Balloon had drawn together from the East, West, North and South, who, generally appeared highly delighted with the awful Grandeur of so novel a Scene, as a large Globe making repeated Voyages into the airy Regions, which Mr. Carnes' Machine actually performed, in a Manner that reflected Honour on his character as a Man of Genius, and could not fail to inspire solemn and exalted Ideas in every reflecting Mind—Ambition, on the Occasion, so fired the youthful Heart of a Lad (only 13 Year Old!) that he bravely embarked as a Volunteer on the last Trip into the Air, and behaved with the steady Fortitude of an old Voyager. The 'gazing Multitude below' wafted to him in their loud Applause, the Receipt of which, as he was 'soaring aloft' he politely acknowledged by a significant Wave of his Hat. When he returned to our terrene Element, he met with a Reward, from some of the Spectators, which had a solid, instead of an airy, Foundation, and of a Species which is ever acceptable to the Residents of this lower World."

Even though Carnes had not gone aloft in the balloon himself, the Baltimore exhibition represented the high point of his ballooning career.

The last recorded Carnes flight was held in Philadelphia on July 17, 1784. It was here that "hickorywood" was indicated as the source of fuel for his furnace which weighed 150 pounds. The ascent was held by the prison walls located at the town prison in order to lessen the wind resistance. Having ascended about 12 feet, Carnes, the sole passenger, the basket struck the wall thereby damaging the basket, knocking him out of the basket to the ground. The balloon thus lightened, shot up with great speed and in a few seconds was consumed by fire from its furnace. Apparently Carnes was not injured in this mishap.

Carnes left Maryland and was admitted to the rolls of Attorney in Charleston, South Carolina on March 8, 1785. While at the Bar in Charleston, Carnes described himself to Chief Justice Rutledge in this way: "I began first, as a house carpenter—not answering my purpose. I next tried my hands as a millwright, and then as a manufacturer of balloons. Neither of these prospering, I became a Methodist exhorter. Here again, I failed, which drove me to the Bar. As a lawyer, I have succeeded wonderfully. . . .

Peter Carnes moved to Augusta, Georgia and became a prominent lawyer and citizen of the town amassing land tracts totalling 2,300 acres, attesting to his financial success. Carnes second wife was Elizabeth Wirt. In George Washington's visit to Augusta, Georgia on May 18, 1791 it was Carnes and four other citizens who signed the welcoming address. George Walton, one of these signers, was the signer of the Declaration of Independence. Carnes died in Augusta in July, 1794. His will mentioned two living descendents, Patrick Carnes and John Peter Carnes, Elizabeth his executrix. The Augusta Chronicle on August 2, 1794, on the departure of Peter Carnes, stated "speak not his name, but that here the great Carnes lies, he needs no epitaph, who never dies. Cease envy to disturb an honest fame and dare not trample on the dead."

SOVIET EMIGRATION POLICIES

Mr. HECHT. Mr. President. It is a great privilege for me as U.S. Senator to cosponsor a resolution—Senate Concurrent Resolution 11—to free Soviet Jews who wish to leave that country.

During the last decade, more than 250,000 Jews have emigrated from the Soviet Union. I am deeply saddened to note that it has now fallen to its lowest level since the movement began.

In 1979 the Soviet Union allowed 51,320 Jews to leave the country, but by 1982 that figure had dropped to 2,688 and is only averaging 100 a month this year. So since 1979, the road to freedom remains open to only 2 percent of the Soviet Jews wishing to leave.

Nothing could be closer to my heart than to work with my colleagues to reverse this trend. My late mother who, as a small child from Russia, fled with her mother, father, and brothers to a great country that opened its heart and took them in.

Emigrants from all over the world that fled for reason of religious persecution were welcomed to the United States with the same privileges and advantages as people who were native born.

Humbly, I stand before the Almighty, dedicating myself to preserving this wonderful country. To paraphrase Abraham Lincoln, this great Nation under God will live forever. We

are the hope and inspiration of the free world.

Only in America can people have the opportunity to dream the impossible dream and see it come to reality.

With tears in my eyes and a heavy heart, I only regret that my mother did not live to see her son as a U.S. Senator and witness the American dream.

JOHN SAFER, RENAISSANCE MAN

Mr. LEAHY. Mr. President, I commend to my colleagues a news story, written by Barbara Gamarekian, published in the New York Times, Monday, January 31, 1983.

I have had the opportunity to meet John Safer and to see some of his work. He is truly a "Renaissance Man," and I am pleased he is receiving this recognition.

I ask unanimous consent to have the article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 31, 1983]

A BANKER BY DAY TENDS HIS SCULPTURE AT NIGHT

(By Barbara Gamarekian)

WASHINGTON, Jan. 30—John Safer, a Washington real estate developer, lawyer, financier and chairman of the board of the District of Columbia National Bank, is listed in Who's Who in America as a sculptor.

"I do like to call myself a sculptor, but I will leave it to posterity to determine whether I should be called an artist," he said the other day, sitting in the airy penthouse apartment that provides a handsome backdrop for his constructions.

"Making money is a nice way to live a more comfortable life," he added. "But I do believe that if there is anything I am doing that has any worth that will last, it is my sculpture."

Mr. Safer's work can be seen in a dozen museums including the Philadelphia Museum, the San Francisco Museum and the National Museum of Venezuela.

WHERE IT ALL BEGAN

Recently he designed a trophy for the Air and Space Museum's bicentennial celebration of manned flight. "I tried to convey the concept of balloon flight and the opening of space," he said. "I figure that's where it all began."

Mr. Safer, who was born in Washington in 1922, has real estate holdings here that include several office buildings as well as partnerships in suburban shopping malls. He was founder of the capital's short-lived Washington Gallery of Modern Art and has served on a number of charitable boards and foundations. Now an accomplished photographer and designer and builder of electronic equipment he says he never dreamed that he harbored artistic talent.

It began one night in 1959 as he sat in a Washington cocktail lounge idly holding a swizzle stick over the flame of a candle. He discovered that he could manipulate and join the sticks into abstract sculptures. So he began to work with plastic at home, using the oven. His early works were twist pieces of clear acrylic.

A CRAZY GENIUS

Mr. Safer is a graduate of Harvard Law School, and a 15-foot bronze by him called "Judgment" is displayed on its campus. Gerald Nordland, director of the Milwaukee Art Museum, has described "Quest," a polished stainless steel sculpture by Mr. Safer on display at the museum, as "an outstanding piece of 20th century sculpture."

Former Senator Eugene McCarthy, a former neighbor, says of Mr. Safer, "John's got a crazy genius, both financial and artistic." Mr. Safer, who had been active in the Adlai E. Stevenson and Lyndon B. Johnson Presidential campaigns, was one of those who encouraged Mr. McCarthy to run for the Presidency in 1968.

Mr. Safer's days are spent at his desk at the bank; his evenings are reserved for the polishing and grinding of his sculpture.

Although tempted at times to work full time at his art, he has not done so. "I really get a lot of pleasure out of doing both," he said. "I take pride in the fact that two outstanding men in different fields of the arts, Charles Ives, the musician, and Wallace Stevens, the poet, were also successful businessmen."

RURAL DEVELOPMENT

Mr. LEAHY. Mr. President, the rural development programs of the Federal Government have served the nearly 60 million who now live in our small towns and cities long and well.

Discussions about this subject tend to distinguish between programs for the farmer and those for improving the economic and social well-being of rural Americans.

However, a healthy, growing rural sector depends on both. The February issue of Rural Electrification presents an informative article about this administration's attitude toward rural development and its effect on farmers.

The author of the article, Bill Murray, a man known to all of us as one of the foremost authorities on rural development matters, points out that farmers have become very dependent on off-farm income. Despite the success that Federal rural programs have had in generating economic activity and jobs, this administration persists in trying to eliminate them. I will continue to oppose these efforts.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NERCA'S PROPHETIC RURAL DEVELOPMENT RESOLUTION

(By William E. Murray)

It is ironic that while the Administration and Congress are debating what kind of legislation is needed to put people back to work, and various proposals to help farmers survive the agricultural depression, programs already on the books could do as much or more to deal with rural unemployment and underemployment than the new proposals.

Yet the Administration wants to discontinue job-creating programs such as U.S. Department of Agriculture's business and industrial development financing, and drastically cut programs that would provide infrastructure, the need for which is now receiving national attention.

Certainly enterprise zone legislation will not be as effective as existing authorities could be in rural areas. Moreover, Farmers Home Administration's business and industry program channels capital to local businesses through local banks at very little cost to the government. The Administration and Congress could reactivate this program quickly and authorize whatever loan level is required to put hundreds of thousands of people back to work, including a lot of urban unemployed since business enterprises in communities up to 50,000 population are eligible.

But the prospects for reactivating existing authorities to meet the serious economic problems of rural communities are not very encouraging. The signs point to just the opposite happening—continued de-emphasis and reduction of these rural development programs. One of these signs is the viewpoint of the person who is in charge of these programs, Charles W. Shuman, the administrator of the FmHA, which is the agency that has been delegated primary rural development authority.

In a recent issue of the business publication Barron's, Shuman said, ". . . I'd like to end the program for business and industry, greatly reduce housing, water and waste, and increase lending in the farm area."

Shuman's view that FmHA should restrict its assistance mainly to farm loans would indicate that he does not recognize that farming and rural development are interdependent to a great extent. USDA's own two-year study of agriculture makes that apparent. A year and a half ago, former USDA Secretary Bob Bergland testified before a House agriculture subcommittee that most farmers would benefit more from rural development than from price supports.

USDA data shows that during 1981, two-thirds of the nation's farmers earned more income off the farm than on. For 1980, they earned only $19 billion from farming compared to $36 billion from off-farm sources.

These statistics underscore the importance of nonfarm jobs to the survival of most farmers. Creation of rural jobs is the principal purpose of FmHA's authority to finance businesses and industries.

FmHA's preliminary budget projections for the next five years recommend zero funds for business and industry loans, very modest authority for community facility loans and sizable reductions for housing.

The handwriting is on the wall, as they say. With the principal rural development agency, FmHA, severely reducing its assistance to rural communities and seeking to do away with its major economic development authority, new approaches to rural development will have to be devised which should include more active roles for state and local governments and for local organizations such as rural electrics and banks.

As for financing rural enterprises and community facilities, here, too, new methods will be required. One patterned after the highly successful farm credit system might be appropriate. There is increasing interest on Capitol Hill for this kind of financing institution.

Pertinent to all this is the position of the NRECA membership expressed in a resolution adopted unanimously at its Annual Meeting last year. It stated: "We urge NRECA members to expand their community services to the fullest extent possible. In

addition to reenforcing their image as nonprofit, consumer-oriented, service-minded organizationa, this volunteerism is needed to help replace assistance formerly made available by Federal programs."

Looking back on that policy adopted by the rural electrics a year ago, it now appears to have been prophetic.

BISHOP ANDERSON NAMED AUXILIARY BISHOP OF DETROIT

Mr. LEAHY. Mr. President, my good friend, Moses B. Anderson, was recently named Auxiliary Bishop of Detroit. It was my pleasure to be at the welcome-home Mass at Saint Michael's College for Bishop Anderson. I found it especially meaningful, as he and I were at Saint Michael's for years, and I had the privilege of serving daily Mass for him over a period of years.

I ask unanimous consent to have printed in the RECORD an article from the Vermont Catholic Tribune and the Burlington Free Press regarding Bishop Anderson.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Vermont Catholic Tribune]

NEWLY ORDAINED BISHOP REPORTS FOR CELEBRATION AT ALMA MATER

(By Cori Fugere)

COLCHESTER.—The newly ordained auxiliary bishop of the Archdiocese of Detroit urged more than 500 persons at his alma mater, St. Michael's College, to live out their faith in a way that will have a "tremendous influence within the world."

Bishop Moses B. Anderson, a member of the Society of St. Edmund, was the main celebrant and homilist at a Feb. 11 Mass of Thanksgiving on the occasion of his episcopal ordination in the Chapel of St. Michael the Archangel. Burlington Bishop John A. Marshall presided and retired Burlington Bishop Robert F. Joyce and Providence (R.I) Bishop Louis E. Gelineau, a native of Burlington, were in attendance.

During his homily, Bishop Anderson addressed education, noting that "the task of training in many ways is the sacred ministry which all of us must be engaged in—shepherding our people." He spoke of the "diversity" within a college community formed by the various persons who belong to it and the various courses that are offered. Such diversity "puts us in a position where we as shepherds can create a more just and human society," he added.

"We must become sacred ministers proclaiming the authentic diversity the Father, Son and Holy Spirit created among us," he said.

During the Mass Bishop Marshall presented to Bishop Anderson a crosier made in Africa as a gift from the diocese. "We [the people of the diocese] think of you as one of our own," Bishop Marshall told Bishop Anderson, "because that is the way we see the Society of St. Edmund."

St. Michael's President Edward L. Henry presented Bishop Anderson, a member of the college's board of trustees, with a check from the college for an undisclosed amount.

After expressing his thanks for the gifts, the seventh black bishop in the United States asked the congregation to pray for him that in his new assignment he will have the strength to do the work of the office "God entrusted to me, to serve and minister and not to be waited on."

The principal concelebrants of the Mass were: Father Edward A. Leary, SSE, superior general of the Society of St. Edmund; Father John R. LaBrake, SSE, superior of the Edmundite community at St. Michael's; Father Raymond J. Doherty, a classmate of Bishop Anderson and on the staff of Rice Memorial High School in South Burlington; and Father Michael P. Cronogue. SSE, director of campus ministry at St. Michael's.

Also in attendance at the Mass, was Sen. Patrick Leahy (D-Vt.) who served Mass almost daily for the then-Father Anderson, before Leahy graduated from St. Michael's in 1961.

Bishop Anderson now also serves as the titular bishop of Vatarba in Africa.

[From the Burlington Free Press Feb. 12, 1983]

MODERN APOSTLE SEES HIS FUTURE EVOLVE FROM THE ROOTS OF HERITAGE, RELIGION

(By Maggie Maurice)

In the two weeks since he was ordained auxiliary Bishop of Detroit, the Most Rev. Moses Bosco Anderson has been going back to the places he served along the way—his home in Selma, Ala., the Edmundites in Mobile, Xavier University in New Orleans—and saying goodbye to his parish in Anniston, Ala. This week he's been at St. Michael's College.

A modern-day apostle, he takes life at a gallop.

Imposing in his bishop's robe and scull cap, he seems much bigger than he is, a fact he acknowledges with good humor and does nothing to discourage.

"I have a special affinity with the black community," he said. "In Detroit there are between 36,000 and 40,000. Within the territory I will have 350,000 Catholics."

An auxiliary bishop is actually an assistant of a territory. Anderson was given the West Region of Detroit. He will also be assistant for the whole territory of the Most Rev. Edmund C. Szoka, Archbishop of Detroit.

He will be responsible for 63 churches, 250 priests, three colleges and a university, a hospital, a boys home, girls home and several schools.

He will live in a regular house in St. Mary's of Redford parish, an integrated community, he says, nothing pretentious. His office will be in the chancery in downtown Detroit.

"My schedule for the last 2 weeks has been hectic," he said. "But next week, I'm moving in."

When he received the news that he would become bishop, he was serving All Saints Church in Anniston.

But the story is not about a priest going from, as he says, "the sticks in Alabama" to a great metropolitan district, it's about all the other things he's done. His wide experience in religion associated with people in academic institutions equips him to be a modern bishop.

"I've always run at a gallop," he said in an interview in Founders Hall at St. Michael's. "People think of the South as slow," he added, smiling at his own joke. "I believe man's mind is a better computer than IBM's. The mind is a tremendous thing."

The man with the computer mind also has a very human warmth. Throughout his life he has tried to widen his dimensions and today he can almost see how one step has led to another. "God wanted me to do this. I can see as I look back. You can always see when you look back," he said. "None of this can be done on human energy alone. Human preparation comes first, then you place yourself at the disposal of God, who uses you just as an artist works with a block of granite."

He was born Sept. 9, 1928 in Selma, Ala., the oldest of five children. Both his parents worked and he often had to look after his young sister and brothers. He didn't go to school regularly until the seventh grade.

In high school he went to work for a white family in Selma where he was exposed to books and culture—and promised 50 cents for good marks on his report card (he got them). Growing up in black and white communities at the time of rigid segregation would change the course of his life.

Baptised a Baptist, he attended a Presbyterian elementary school. When he was in Knox High School, he and a friend, James Robinson, joined a boys club run by the Society of St. Edmund. Both of them became converts. "We used to have bull sessions," he said. "The more I found out about the history of the Roman Catholic Church, the more it supported my own faith. My conversion was not giving up all I had known as a Protestant. It was taking on more.

He was received in the church on May 25, 1949 and two months later he was at Xavier University in New Orleans studying to be a priest.

"My vocation was nurtured for two years in a Catholic environment, nuns and priests dedicated to working among black people," he said, looking back. "This gave me an opportunity to develop my own awareness of what it means to be a young black man and survive."

He became used to being the only black person in a certain situation. When he came to Vermont, he was the only black in Putney. "There were only four of us in college; Father Robinson and I were the only blacks in seminary. Today there are only three black priests in the (Edmundite) order."

He graduated magna cum laude from St. Michael's in 1954, entered seminary for theological studies and was ordained May 30, 1958. He served a year of pastoral internship at Our Lady of Consolation, Charlotte, N.C., returned to St. Michael's as theology lecturer. In 1961 he became the first black pastor to get involved in the black movement, in the area of Elizabeth City, N.C., then in the civil rights marches in North Carolina.

He returned to St. Michael's in 1964 where he was theology professor and vice president for student affairs. He was involved in the New York-Vermont Youth Project in 1968 when Philip H. Hoff was governor and John Lindsay was mayor of New York.

As an ordinary priest he visited parishes around Vermont to say Mass on Sundays. He worked on human rights in northern New York.

Did he ever worry about spreading himself too thin?

"God does not call on you to do something you can't do," he said Thursday.

In 1971 he was assigned to Xavier University in New Orleans, where he stayed 10 years. "I got to know auxiliary Bishop Harold Perry, the dean of black Catholic bishops. I admired his quiet courage," he said.

During that time he studied theology at Notre Dame Seminary, and was awarded the Danforth Underwood scholarship in 1974

for six weeks of study at the University of Legon in Ghana.

After a career as educator, pastor and college administrator, he ended up in the small parish of All Saints in Anniston because "that's where I wanted to be. I figured I paid all the dues within the white community. I wanted to do something in the south," he said.

He did. He built a school library, started a pre-school, and served as auxiliary chaplain at Fort McClellan.

On a December day last year he was working at the school in his blue denim coverals when he received a phone call. "The Holy Father, Pope John Paul II has named you as auxiliary bishop of Detroit."

"I felt like I had been hit by a hive of hornets," he told a Detroit newspaper.

In Vermont this week, he recalled that day as he walked across the snow-covered campus. "I couldn't believe it," he said. "I had dreamed that it had happened three nights before. Then I woke up and said to myself, 'it's only a dream.' " He smiled as he added, "It took me three weeks to get used to wearing this," pointing to his robes. "Now it seems natural."

And it looks natural, the fine purple lining on the cape, the cross with the amethyst stone which was given to him by the Edmundites at St. Michael's, the large amethyst ring which he wears on his right hand.

What kind of person is within? A man who collected dashikis in Africa, who understands each symbol, a man who loves art and music, who quotes Pascal, St. Paul and Gunnar Myrdal. His friends are close ones. Alex Haley, the author of "Roots," Gwendolyn Brooks, poet laureate of Illinois, Dr. C. Eric Lincoln, chairman of religion at Duke University; Sen. Patrick Leahy, a former student, artist John T. Scott of New Orleans who is collaborating with him on a book.

"I am not a bishop who happens to be black. I am a black bishop, a composite of Eastern culture, Afro-American culture, Western culture, that's what makes up Moses Anderson," he said. "I say Catholic prayers, practice yoga, transcendental meditation, read Japanese theologies and dialogues with physicists."

He also is an organic gardener, a cordon bleu chef, a baseball fan. He plays the guitar, listens to Stevie Wonder and likes Chuck Mangione.

"I used the words of a Stevie Wonder song at Talladega College Sunday at the kick-off for Black History Week, 'Love's in need of love today,' " he said. "I like his metaphysical music, his 'Superstition' album."

His philosophy: "If you know who you are, no matter what anybody does to you, you have the power to take your life in hand. You maintain a sanctity within yourself which no one can enter."

The new bishop will be busy for the first few months conducting confirmations and getting to know people. He's interested in evangelization among the city's black Community, getting black Catholics to tie into their cultural past.

He once said, "All my days in the Edmundite society have been bridging opportunities. Because we have so few black priests, it's an opportunity to relate the black and white person to each other. People see me as a symbol of what blacks can accomplish. This is good. People must be encouraged to make use of the gifts God has given them."

Friday morning during the Pontifical Mass, he sang a part of the liturgy. His voice lifted with the words, "Let us proclaim the mystery of faith."

No one who was there will forget that moment.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

SOCIAL SECURITY ACT AMENDMENTS OF 1983

The PRESIDING OFFICER. The clerk will report the unfinished business.

The assistant legislative clerk read as follows:

A bill (H.R. 1900) to assure the solvency of the social security trust funds, to reform the medicare reimbursement of hospitals, to extend the Federal supplemental compensation program, and for other purposes.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. The question is on the Baucus amendment.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, Senator BAUCUS, I understand, is on his way to the floor and has not yet reached the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, will the Senator yield to me?

Mr. SPECTER. Yes.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there may be an additional period for the transaction of routine morning business of 10 minutes, in which Senators may speak for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I thank the distinguished majority leader for the allocation of time.

(The remarks of Mr. SPECTER relating to the introduction of legislation are printed under Statements on Introduced Bills later in today's RECORD.)

Mr. SPECTER. Mr. President, I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

NEW YORK TIMES AND WASHINGTON POST GIVE NUCLEAR FREEZE THE BACK OF THEIR HAND

Mr. PROXMIRE. Mr. President, can we square the nuclear freeze with reducing the first strike threat? Can we reconcile it with protecting nuclear deterrents? The theory that the nuclear freeze would not help prevent nuclear war has won a surprising degree of support from some of the wisest of the advocates of nuclear restraint. And the theory is wrong. The freeze is right.

Last Sunday both the Washington Post and the New York Times in lead editorials took roundhouse swipes at the nuclear freeze. The Post called it bad public policy. The Times seemed to feel the nuclear freeze advocates are intellectual minor leaguers engaged in a sterile debate. Both the Times and the Post emphasize that for the way out we must not freeze our nuclear deterrent but make it less vulnerable and use the arms control negotiations to stop weapons that pose a threat to the other side's deterrent.

The New York Times argues that the way to prevent a nuclear war is to move to the so-called one-warhead midgetman that they say is neither vulnerable to nor capable of surprise attack. Having labeled the freeze movement as intellectual midgetmen, they trot out a true heavyweight, Henry Kissinger, as their midgetman champion.

The Post contends that while "the letter of the movement honors mutual negotiated cuts, its spirit is patently unilateralist: No more nukes." As they see it—no more nukes means no more negotiations.

What both these prestigious papers overlook is that the freeze would freeze—that is stop future—I repeat future—testing and deployment. And both the United States and the U.S.S.R. have adequate mobile—invulnerable nuclear weapons in being to provide devastating deterrents, particularly if the powers negotiate a mutual, verifiable freeze with on-the-spot inspection where and when necessary. Difficult? Of course, but without a freeze the competition goes on, the deployment goes on, and the prospect for effective enforcement diminish.

Mr. President, I ask unanimous consent that both editorials be printed in the RECORD at this point.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 20, 1983]

THE FREEZE DEBATE

As a vehicle of generalized protest, the nuclear freeze proposal has had one immediate effect; it has helped induce Ronald Reagan to start adjusting some of his arms control positions. He has toned down his statements on nuclear war and begun to explore com-

promise in the Euromissile talks. The freeze proposal has also become an agent of nuclear education for Congress. But in our view the proposal itself still amounts to bad public policy. This has to be said despite the improvements made in the freeze resolution in the House debate, which resumes in two weeks.

It is good that the larger strategic goal now inscribed in the resolution is "essential equvalience in overall nuclear capabilities"—a vague formula but one acceptable to many if not most conservatives. The resolution no longer assumes, simplistically, that Mr. Reagan can abandon his START priority of reductions in strategic forces and bring into being "an immediate, mutual and verifiable freeze": it acknowledges that it remains to be decided "when and how" to achieve this goal.

A larger difficulty is revealed, however, by the "special attention" the resolution now accords to "destabilizing weapons," those that give either side a first-strike capability. This language goes to a major and central defect of a freeze—that it would block new programs designed to take Soviet and American nuclear forces off a hair trigger, to create more "stability." The term "arms race" can be very loaded: weapons that are less vulnerable and therefore less prone to being fired first in a crisis can settle the superpowers down. If the freeze people are serious about the perils of "destabilizing weapons," they must do more than add to their resolution a paragraph inconsistent with its basic proposition.

The Stratton amendment, barely defeated on the House floor, illuminated a second crippling defect of the freeze—its equivocation concerning what new weapons would be permissible during the time it took (one year? several?) to negotiate this freeze. The Reagan "modernization" proposals make this question urgent. To the extent that they have addressed it, freeze advocates tend to say that each new system should be judged on its merits. But it is not easy to find new systems in which they see merit. The letter of the movement honors mutual negotiated cuts. But its spirit is patently unilateralist: no more nukes. A freeze, or a close approach to one, would undercut not only Mr. Reagan's negotiating program but also the freeze's own.

The freeze resolution welcomes "concurrent and complementary arms control proposals." Sounds fine. Imagine, however, the likelist first Reagan arms control deal, one removing some Soviet Euromissiles but deploying some American ones. Under a literal freeze, there could be no deal. Here is one more reason to put aside the freeze. Arms controllers can do better.

[From the New York Times, Mar. 20, 1983]

A BIG BOOST FOR MIDGETMAN

Even as President Reagan and Congress engage in sterile debate about a nuclear arms "freeze," you can hear the intellectual ice breaking in the minds of more serious strategic thinkers.

Henry Kissinger is the latest convert to the school of experts who think that technology has radically changed the arms control riddle. They therefore advocate a radical change in nuclear strategy and diplomacy—away from missiles that each carry several warheads to weapons that carry only one. The shorthand term is Midgetman, to replace the existing Minuteman and the contemplated MX. Mr. Kissinger calls it the only sane response to a "conceptual crisis."

Writing in Time, the former Secretary of State begs us to break the habits of thought that produced both the SALT agreements and President Reagan's START proposals. The old assumptions, he warns, are leading to an intellectual dead end.

He concedes that the central fallacy of the old approach took root during the Nixon Administration. It lay in trying to control the nuclear arms race by limiting the number of each side's launching vehicles—missiles, submarines and bombers—while permitting each launcher to carry any number of individually aimed warheads.

The result threatens to make even Soviet-American "equality" unstable. For the greater the ratio of warheads to launchers, the greater the potential advantage to the side that strikes first. And perversely, the greater any further reduction in the numbers of launchers, the greater the advantage.

Picture each superpower "limited" (by SALT) to 5,000 warheads aboard 1,000 launchers. For a surprise attack, you could aim five warheads at every enemy launcher, surely enough to catch most of them before they can be fired.

Then imagine a tense military crisis, with each side worried that the other may shoot first to seize this advantage. Each would be tempted to shoot even sooner. The time for negotiation disappears. Confidence in the certainty of retaliation—deterrence—fails.

Now imagine Soviet agreement to Mr. Reagan's (START) proposals for deep cuts in weaponry, leaving each side with 2,500 warheads aboard 400 launchers. Paradoxically, the "reduction" would only increase instability. The side that fires first could now aim at least six warheads at each enemy launcher.

To live with such warhead-to-launcher imbalance is to live in peril. And with the riddle so defined, the answer is obvious: reduce the ratio, ideally to one warhead per launcher. It is the answer to which Mr. Kissinger now lends his prestige.

One-warhead Midgetmen, dispersed and mobile, would be neither vulnerable to nor capable of surprise attack. With roughly equal numbers of warheads on each side, they're a very poor bet to disarm an enemy in a single blow; they simply can't be depended on to strike hundreds of movable targets with enough force to wipe out a whole retaliatory system. Mr. Kissinger thinks 500 such land missiles for each side might do. Absent agreement, he would unilaterally build one American Midgetman to match every Soviet warhead.

How to get from here to there is a separate question. Mr. Kissinger would delay the MX and cancel it altogether if the Soviets, too, are persuaded to shift to one-warhead weapons. And if they thus reduce their preponderance in land-based missiles, he would in return scale down America's preponderance in submarine-based missiles.

The essential first step, however, is recognizing the riddle. The Russians have been ever slower than Americans to face up to it. But the chief of their general staff, Marshal Ogarkov, conceded last week that the "survivability" of his land-based missiles was beginning to worry him.

As Mr. Kissinger says, it should be the main worry. Merely making missiles more destructive can no longer alter the balance of power. But new technologies are creating new vulnerabilities that do affect the balance of terror. Controlling those technologies is the only way out.

FEDERAL COMMON LAW OF NUISANCE

Mr. PROXMIRE. Mr. President, within the next few weeks the Senate Environment and Public Works Committee will hold hearings on the Federal common law of nuisance doctrine and its application to the Clean Water Act. Inclusion of common law language in a reauthorized Clean Water Act would overrule the U.S. Supreme Court decision in Milwaukee against Illinois, and might cost the city of Milwaukee up to $1 billion and subject it to water pollution standards higher than those imposed on any other U.S. city. Even worse, every other U.S. city which discharges treated sewage into interstate waters could be subjected to standards far beyond the scope of the Clean Water Act.

In 1970, before there was a modern Clean Water Act, the State of Illinios sued the city of Milwaukee for polluting Lake Michigan with sewage. In the absence of a statutory remedy, the Illinois Attorney-General invoked a novel legal theory—Federal common law of nuisance. Under this new theory, the city of Milwaukee had to comply with an extremely burdensome court order drafted by the U.S. district court judge who presided over the trial. The judge fashioned his own standards for the city's cleanup schedule, which proved to be far stricter than those which would eventually be implemented for other cities under the Clean Water Act. But the standards were not just stricter, they were far costlier as well.

Therefore, the city, seeking equal treatment with all others, sued to replace their original court order with Clean Water Act requirements.

They were vindicated in 1981 when the Supreme Court in Milwaukee against Illinois said that Congress in enacting the Clean Water Act intended the act to be the sole form of Federal regulation for water pollution.

One effect of the district court judge's order was particularly draconian. Not only had he required Milwaukee to build sewage collection and treatment facilities much larger and more complex than Wisconsin and U.S. EPA required, but these extra standards were not reimbursable with Federal funds. Milwaukee would have to bear this extra expense itself.

If Federal common law is reinstated, other plaintiffs might be able to sue Milwaukee to require additional cleanup over and beyond the terms of its current EPA permit. And, other cities might be placed in the same position. Instead of being able to rely on their EPA permits to immunize them from further requirements, mayors would constantly worry that a freak common law suit would subject their cities to unpredictable liability imposed case by case at the whim of Federal district judges.

Mr. President, Wisconsin is an environmentally minded State. We are one of the leaders in compliance with Clean Water Act requirements and our State government opposes weakening of Clean Water Act standards. To comply with strict State laws, Milwaukee's current permit requires the city to spend $1.6 billion to modernize and expand its sewage collection and treatment facilities and imposes a tight time schedule. In fact, Milwaukee will spend over $125 million on the cleanup project in 1983. And, Milwaukee taxpayers will pay at least $4,000 in sewer taxes for a $50,000 home to pay for water pollution control—assuming Federal and State aid remains constant.

If Congress decreases the level of sewer grants the burden on Milwaukee homeowners is just that much worse. But, imagine what the impact would be if the original common law court order were reimposed.

Adding Federal common law to the Clean Water Act scheme is an example of legislative overkill. If the Clean Water Act was not intended to preempt the field of Federal water pollution regulation, I ask my colleagues on the Environment and Public Works Committee to spell out where the act is deficient so that Milwaukee, and every other city, can plan ahead and know what standards apply to its situation.

Uncertainty about additional common law requirements may make cities unwilling to take on existing Clean Water Act burdens. Water pollution abatement programs are costly and long-term efforts. The threat of additional common law requirements will undermine that effort and even weaken the overall pollution control. I will oppose inclusion of any language in the Clean Water Act which could subject Milwaukee and other cities to this extra cost and liability.

ELIE WIESEL—KEEPING ALIVE THE MEMORY

Mr. PROXMIRE. Mr. President, Elie Wiesel is an extremely fortunate individual. He is the author of 22 books, a distinguished professor at Boston University, and a survivor of four Nazi concentration camps. His adult life has been spent trying to keep alive the memory of the 6 million Jews who were killed during World War II.

In a recent question and answer session, he spoke to 300 children of survivors like himself. The topics ranged from how the children could comfort their parents to how they could tell their own children about the Holocaust. He warned his audience that the world has learned nothing from the Holocaust and it continues to be "indifferent to suffering, especially Jewish suffering." Even worse than the ignorance about the Holocaust, he said, is the trivialization of the event in the media.

One of the dominating themes of Mr. Wiesel's talk was the need to preserve the memories of this tragic event. He urged his listeners to tell their children the stories they have heard in order to keep alive their Jewish heritage. He also emphasized that it will be up to their generation to carry the message.

Mr. President, the United States can significantly help not only to preserve the memory of this tragic event, but also to prevent any future repetition by ratifying the Genocide Treaty. The purpose of this treaty is to make genocide an international crime, whether committed during war or peace. Although genocide has occurred throughout history, it was the savage persecution of the Jews during World War II that gave impetus to this convention. The United States supported this treaty with great enthusiasm. Our solid backing helped to encourage the General Assembly of the United Nations to adopt this treaty by a vote of 55 to 0. Since then over 85 nations have become members to the convention by ratifying this treaty. It is disturbing that the United States is still not one of these members, but it is not too late for us to act on this matter.

Mr. President, can the United States, a leading advocate of human rights, ignore the great importance of the Genocide Convention? By ratifying this treaty, we will be endorsing the most basic human right—the right of people to exist. We will also be demonstrating our desire to prevent future instances of genocide. Therefore, I strongly urge my colleagues to join this international effort by ratifying the Genocide Convention.

DEATH OF ASHTON PHELPS

Mr. LONG. Mr. President, it is with deep sorrow that I inform the Senate of the death of a dear friend and an outstanding American, Mr. Ashton Phelps. Mr. Phelps died in New Orleans at the age of 69.

At the time of his death, Mr. Phelps was chairman of the board of directors of the Times-Picayune Publishing Co., publishers of the New Orleans Times-Picayune/States-Item, which is Louisiana's largest newspaper.

He earlier had served as president and publisher of the Times-Picayune Publishing Co.

Mr. President, most of us can fulfill our ambitions by excelling in our chosen profession. But Mr. Phelps was one of those unique individuals who left his mark on two honorable professions.

Mr. Phelps turned to publishing only after having successfully practiced law for 30 years with the New Orleans firm of Phelps, Dunbar, Marks, Claverie, & Sims.

He was the third generation of his family to take an active role in affairs of the newspaper. His grandfather had been president of the newspaper company, and his father, Esmond Phelps, had been a director of the company for 30 years. Mr. Phelps' son, Ashton Phelps, Jr., presently serves as president and publisher of the newspaper company.

He also will be remembered as a good husband and father, and as a leader in his community and church, as well as one who served his country in time of war.

During World War II, Mr. Phelps served as an officer in the Naval Reserve, specializing in intelligence duties in Europe. He left the service in 1945 as a lieutenant.

Mr. Phelps received his bachelor's and law degrees at Tulane University where he was elected to Phi Beta Kappa, Omicron Delta Kappa, the Law Review, and the Order of the Coif.

Mr. President, despite his heavy professional responsibilities. Mr. Phelps devoted much time to civic activities. As a lawyer, he donated his services for 4 years to the Legal Aid Bureau.

Mr. Phelps served his city as a member of the Board of Liquidation, City Debt; the New Orleans Public Library Board; and the Sewerage and Water Board. He served his alma mater as vice chairman of the Tulane University Board of Administrators.

Mr. Phelps had served on the boards of the Public Affairs Research Council; the Council for a Better Louisiana; the Young Men's Christian Association; the American Red Cross; New Orleans chapter; the Chamber of Commerce; and International House.

He was active in his church, serving as an elder of the St. Charles Avenue Presbyterian Church.

Mr. President, there is a great honor that can be bestowed upon a New Orleanean that is unique to that city; and that is to be named Rex, King of Carnival. Mr. Phelps was accorded that honor in 1970.

With Mr. Phelps' passing, his community has lost a great leader, and those who knew him have lost a great friend. He will be missed, but he will be remembered fondly and with gratitude for his many good works.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

SOCIAL SECURITY ACT AMENDMENTS OF 1983

The Senate continued with the consideration of the bill.

Mr. DOLE. Mr. President, the distinguished majority leader indicated ear-

lier that we still have a number of amendments. It is my hope to move very quickly on the amendments. Members have been on notice that the pending amendment was laid down last evening. I am told Senator BAUCUS has two amendments and Senator LEVIN has an amendment. I think Senator LONG wanted to get into one of his amendments, or maybe all of his amendments. Senator BOREN may have an amendment.

ADDITIONAL COSPONSOR OF AMENDMENT NO. 512

Mr. LONG. Mr. President, I ask unanimous consent that the Senator from West Virginia (Mr. RANDOLPH) be added as a cosponsor to my amendment No. 512 relating to social security coverage for Federal employees.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, as the Senator from Kansas has indicated, I am hopeful we can move very quickly on this measure. I hope that Senators who have amendments will come to the floor and maybe we can, on an amendment-by-amendment basis, if there is any indication or inclination, have a time agreement. Otherwise, maybe we can move very quickly without time agreements. It is the hope of the Senator from Kansas that Senators will not spend a great deal of time on their amendments. We understand their amendments.

UP AMENDMENT NO. 120

Mr. DOLE. Mr. President, I see the Senator from New York (Mr. MOYNIHAN) is on the floor. I wonder if we might take up his amendment while we await the Senator from Montana.

Mr. MOYNIHAN. I thank the distinguished chairman.

Mr. President, I send an unprinted amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. It will take unanimous consent to set aside the Baucus amendment.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will state the Moynihan amendment.

The assistant legislative clerk read as follows:

The Senator from New York (Mr. MOYNIHAN) proposes an unprinted amendment numbered 120.

Mr. MOYNIHAN. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill add the following new section:

SOCIAL SECURITY CARDS

SEC. . (a) Section 205(c)(2) of the Social Security Act is amended by adding at the end thereof the following new subparagraph:

"(D) The Secretary shall issue a social security card to each individual at the time of the issuance of a social security account number to such individual. The social security card shall be made of banknote paper, and (to the maximum extent practicable) shall be a card which cannot be counterfeited.".

(b) The amendment made by this section shall apply with respect to all new and replacement social security cards issued more than 193 days after the date of the enactment of this Act.

(c) Within 90 days after the date of the enactment of this Act the Secretary of Health and Human Services shall report to the Congress on his plans for implementing the amendment made by this section.

Mr. MOYNIHAN. Mr. President, this is an amendment identical in language to that which the Senate passed 2 years ago which was, unfortunately, rejected in the conference. It simply provides that, 193 days after the enactment of this legislation, which is to say half a year, the Social Security Administration begin to issue social security cards on banknote paper which, to the maximum extent practicable, cannot be counterfeited. The costs involved are modest but the cost of the failure to do this, according to the General Accounting Office, is enormous. They have estimated that fraud, involving fraudulent identification papers issued by the Federal Government, most particularly the social security card, costs upward of $3 billion a year.

The card we use today, if I may say, is still the same pasteboard card of 50 years ago. Just recently, I asked for a card I had lost to be replaced. It is no more than a simple bit of cellophane paper, readily counterfeited; indeed, available on street corners in most ports of entry of the United States of America. Banknote paper would cost very little more and last much longer. It would not be counterfeitproof. At great cost and effort, you can counterfeit them as you counterfeit hundred-dollar bills, but in the main, it is not a successful venture and does not very much occur.

This is a modest amendment, Mr. President, a matter long overdue. The Social Security Administration has indicated its intent to do it but has never done it.

Mr. DOLE. Mr. President, this Senator has no objection to the amendment. In fact, I believe it is a good amendment and should have been adopted before. I am prepared to accept the amendment. I know it has been cleared with the Senator from Louisiana.

Mr. LONG. I have no objection, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP No. 120) was agreed to.

AMENDMENT NO. 535

(Purpose: To provide a credit against the Old-Age, Survivors, and Disability Insurance Tax to small business employers for 1984)

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Montana (Mr. BAUCUS).

The amendment is as follows:

On page 68 of the matter proposed to be inserted, beginning with line 19, strike out all through page 71, line 9, and insert in lieu thereof the following:

SEC. . ACCELERATION OF INCREASES IN FICA TAXES; 1984 TAX CREDITS.

(a) ACCELERATION OF INCREASES IN FICA TAXES.—

(1) TAX ON EMPLOYEES.—Subsection (a) of section 3101 of the Internal Revenue Code of 1954 (relating to rate of tax on employees for old-age, survivors, and disability insurance) is amended by striking out paragraphs (1) through (7) and inserting in lieu thereof the following:

"In cases of wages received during:	The rate shall be:
1984, 1985, 1986, or 1987	5.7 percent
1988 or 1989	6.06 percent
1990 or thereafter	6.2 percent.".

(2) EMPLOYER TAX.—Subsection (a) of section 3111 of such Code is amended by striking out paragraphs (1) through (7) and inserting in lieu thereof the following:

"In cases of wages received during:	The rate shall be:
1984, 1985, 1986, or 1987	5.7 percent
1988 or 1989	6.06 percent
1990 or thereafter	6.2 percent.".

"(b) TIME CREDIT ALLOWED.—The credit under subsection (a) shall be taken into account in determining the amount of the tax deducted under section 3102(a).

"(c) WAGES.—For purposes of this subsection, the term 'wages' has the meaning given to such term by section 3121(a).

"(d) APPLICATION TO AGREEMENTS UNDER SECTION 218 OF THE SOCIAL SECURITY ACT.—For purposes of determining amounts equivalent to the tax imposed by section 3101(a) with respect to remuneration which—

"(1) is covered by a agreement under section 218 of the Social Security Act, and

"(2) is paid during 1984,

the credit allowed by subsection (a) shall be taken into account. A similar rule shall also apply in the case of an agreement under section 3121(1).

"(e) CREDIT AGAINST RAILROAD RETIREMENT EMPLOYEE AND EMPLOYEE REPRESENTATIVE TAXES.—

"(1) IN GENERAL.—There shall be allowed as a credit against the taxes imposed by sections 3201(a) and 3211(a) on compensation paid during 1984 and subject to such taxes an amount equal to 9/10 of 1 percent of such compensation.

"(2) TIME CREDIT ALLOWED.—The credit under paragraph (1) shall be taken into account in determining the amount of the tax deducted under section 3202(a) (or the amount of the tax under section 3211(a)).

"(3) COMPENSATION.—For purposes of this subsection, the term 'compensation' has the meaning given to such term by section 3231(e).

"(f) SMALL BUSINESS CREDIT AGAINST FICA TAXES.—

"(1) IN GENERAL.—In the case of a qualified small business, there shall be allowed as a credit against the tax imposed by section 3111(a) with respect to wages paid during 1984 with respect to employment an amount equal to 0.3 percent of such wages.

"(2) LIMITATION.—The aggregate amount of the credit allowable to any qualified small business under paragraph (1) shall not exceed $500.

"(3) QUALIFIED SMALL BUSINESS.—

"(A) IN GENERAL.—The term 'qualified small business' means an employer who employs no more than 50 employees in employment at any time during 1984.

"(B) AGGREGATION OF EMPLOYEES.—In determining the number of employees of an employer for purposes of subparagraph (A), all employees of—

"(i) any trade or business (whether or not incorporated) which is under common control with such employer (within the meaning of section 52(b)), or

"(ii) any member of any controlled groups of corporation of which such employer is a member.

during any period of 1984, shall be treated as being employed by such employer during such period. The Secretary shall prescribe regulations which provide attribution rules that take into account, in addition to the persons and entities described in the proceding sentence, employers who employ employees through partnerships, joint ventures, and corporations.

"(C) CONTROLLED GROUPS OF CORPORATIONS.—For purposes of this paragraph, the term 'controlled group of corporations' has the meaning given to such term by section 1563(a), except that—

"(i) 'more than 50 percent' shall be substituted for 'at least 80 percent' each place it appears in section 1563(a)(1), and

"(ii) the determination shall be made without regard to subsections (a)(4) and (e)(3)(C) of section 1563.

"(4) TIME CREDIT ALLOWED.—The credit allowable under paragraph (1) shall be taken into account in determining the amount of any deposit or payment of the tax imposed by section 3111(a) which the employer is required to make to the Secretary with respect to any period.

"(5) DEFINITIONS.—For purposes of this subsection—

"(A) WAGES.—The term 'wages' has the meaning given to such term by subsections (a) and (t) of section 3121.

"(B) EMPLOYMENT.—The term 'employment' has the meaning given to such term by section 3121(b).

"(6) RETURNS.—Any return of the tax imposed by section 3111(a) made with respect to wages paid in 1984 shall include a statement which identifies the maximum number of employees employed by the employer at any time during the period to which such return relates.

"(g) COORDINATION WITH SECTION 6413(c).—For . . .

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant Secretary of the Senate called the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, when the Baucus amendments are disposed of, the Senator from Kansas will offer a series of technical amendments. We believe that they have been at least explored by staff on both sides. They are important. It is important that they be adopted. When we conclude work on the Baucus amendments, the Senator from Kansas will then offer the technical amendments.

Mr. President, I believe the Senator from Montana is prepared to proceed.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I have an amendment prepared which I am going to offer, but I will wait just a few minutes while the amendment is being modified in accordance with an agreement that we have just reached with the chairman of the committee.

Let me just say a few words about the amendment while it is being modified. The modification should not take more than a few minutes.

The general thrust of the amendment is to provide a credit to small businesses for the increase in social security payroll taxes in 1984 that employers will have to pay under the committee's bill.

As you will recall, Mr. President, the national commission recommended, and the House and the Senate Finance Committee have agreed, that the payroll tax increase scheduled to go into effect in 1985 will be accelerated to 1984. In addition, employees will get a full credit against their income taxes for that increase in 1984. The amendment that I am offering will provide a similar credit to small businesses.

The Senator from Colorado (Mr. ARMSTRONG) yesterday offered an amendment to repeal the proposed acceleration of payroll tax increases in this decade. This body did not agree with that amendment. This Senator, in fact, voted against that amendment because such an amendment would, in my judgment, jeopardize the national commission's package, which I think in the main most of us want to support.

AMENDMENT NO. 535, AS MODIFIED

Mr. BAUCUS. Mr. President, at this time I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment is so modified.

The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Montana (Mr. BAUCUS) proposes an amendment numbered 535, as modified.

Mr. BAUCUS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The modification is as follows:

MODIFICATION TO BAUCUS AMENDMENT NO. 535

On page 4 line 17 substitute the following line:

(1) Shall not exceed $300.

Mr. BAUCUS. Mr. President, I do not know if the version of the amendment at the desk contains the modification or not. I will read the modification if it is so appropriate:

On page 4, line 17, substitute the following line: (1) shall not exceed $300."

The PRESIDING OFFICER. Will the Senator send the modification to the desk?

Mr. BAUCUS. I do so, Mr. President.

Mr. President, what is the pending business?

The PRESIDING OFFICER. The question is on the amendment.

Mr. BAUCUS. Mr. President, I will not take much time because we have reached agreement on this amendment with the chairman of the committee.

Let me say at this point that the amendment I originally planned to offer would have provided for a $500 cap on the tax credit. That is, no employer would be entitled to receive more than $500 in credits during the year.

The amendment also provides that the credit would go to only those firms with 50 or fewer employees.

In discussing the amendment with the chairman of the committee, we were somewhat concerned about the cost of this amendment. The estimates are approximately $900 million with a $500 cap. Like the credit being given to workers in 1984, this money comes from general revenues, not from the Social Security trust funds. Employers will simply take this credit into account when they make their regular FICA payments.

It seems to me, Mr. President, that because this amendment is designed for small business it is reasonable to lower the cap to $300.

This is a small business amendment. It is especially targeted to provide full relief for our very smallest businesses—those with 10 or fewer employees. We all know the importance of small business in our country. We also know that increased payroll taxes tend to adversely affect small business more compared to big business. Even though all businesses as employers will have to pay the increase in payroll taxes, big business is more easily able to accommodate those increases be-

cause bigger businesses generally can more easily pass on those costs in terms of the products they sell. In contrast, the nature of small business is such that it generally is in less of a position to pass on increased costs.

Mr. President, small business is our most productive and, at the same time, most hard-pressed economic sector. They need this relief. Although this proposal represents a modest draw on the Treasury, we believe that this amendment will encourage and assist small businesses as they begin to expand production and employment during what we hope will be a period of economic recovery in 1984. This amendment is all the more important since we look to our small business community as a key force in creating new jobs. According to recent studies, small business accounts for more than half of all new jobs in America. It would be counterproductive for us to impose higher regressive payroll taxes on the same employers we are depending on to hire our unemployed.

If any sector of our economy deserves special consideration within the context of the social security debate, it is the small business community. These employers ought to be given at least the same relief that we have extended to their employees.

The value of this credit to our small business community is immense. In fact, the National Federation of Independent Business has called this amendment "The most important small business vote of the 98th Congress to date."

I favor the National Commission's package. I think most of us do. I do not want to offer an amendment or support an amendment which, in my judgment, will break open the package. This amendment does not do so. It does not break open the package. The revenue loss, not to the trust funds but to the general fund, will be significantly lower than $900 million. We do not have the estimates. It will certainly be much lower than $900 million.

Mr. BOSCHWITZ. Mr. President, will the Senator yield for a moment?

Mr. BAUCUS. I am delighted to yield.

Mr. BOSCHWITZ. Will the Senator add me as a cosponsor?

Mr. BAUCUS. I would be very happy to.

Mr. President, I ask unanimous consent that the Senator from Minnesota (Mr. BOSCHWITZ) be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, this amendment has broad support from many Members and from many small business groups. In addition to Senator QUAYLE and Senator BOSCHWITZ, cosponsors of this amendment include Senators NUNN, SASSER, GORTON, PRYOR, HUDDLESTON, and ABDNOR.

I want to compliment particularly the Senator from Indiana (Mr. QUAYLE) who has worked with this Senator in drafting this amendment. He has made many very helpful suggestions. We have included those in this effort, and I think this body should be aware of his help.

I also want to pay particular tribute to the chairman of the committee, the Senator from Kansas, who has worked with us and suggested this compromise, which I will agree with, which is to lower the cap from $500 to $300 per employer.

Mr. President, I ask unanimous consent that the following four letters from supporting small business organizations be included in the RECORD, as if read.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF WHOLESALER-DISTRIBUTORS,
Washington, D.C., March 22, 1983.

Hon. MAX BAUCUS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BAUCUS: This is to express the strong support of the National Association of Wholesaler-Distributors' 121 member national associations and their 45,000 member companies for your proposed amendment to include a one-year employer tax credit for 1984 to offset the substantial increase in FICA payroll taxes mandated by the social security bill now on the Senate floor.

Increased payroll taxes are not only a disincentive to job creation, they are a significant drain on the cash flow of closely-held wholesaler-distributors at a time of economic recovery.

Moreover, the social security compromise includes a one-year tax credit for employees and self-employed for 1984 to alleviate their increased tax burden.

Parity dictates employers should also be given the same consideration.

Sincerely,

JOHN H. FITCH, Jr.,
Vice President,
Government Relations.

NATIONAL AUDIO-VISUAL ASSOCIATION, INC.,
Fairfax, Va., March 22, 1983.

Hon. MAX S. BAUCUS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BAUCUS: On behalf of the 800 members of NAVA, the International Communications Industries Association, I am conveying to you our support for your amendment to S. 1, the Social Security Refinancing bill, which will give small employers a credit for the 1984 increase in FICA.

The sharp increases in Social Security payments by both employees and employers have been burdens which have fallen most heavily on small firms. In our case, the combination of the severe economic downturn, high interest rates, the steep rise in FICA taxes, and the rise in the cost of doing business have resulted in losses for many firms. Companies which would have been contributing to the Federal government through taxes are unable to pay due to losses. Capital that could have been invested has been drained away.

We share your concern for strengthening the Social Security System. We are well aware of the need to ensure that the burdens are carried in an equitable way along the path to restored stability in the system.

With most of our member firms having well under 50 employees, we strongly support your amendment which will ensure that the burden of the 1984 increase will be lightened for small businesses in a very modest but effective way. We are pleased to join with the National Federation of Independent Business and other associations in supporting your amendment.

We wish you every success in getting this amendment passed.

Sincerely,

KENTON PATTIE,
Senior Staff Vice President.

SMALL BUSINESS UNITED,
Waltham, Mass., March 22, 1983.

Hon. MAX BAUCUS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BAUCUS: Small Business United, a coalition of sixteen regional, state and metropolitan trade associations representing over 50,000 small businesses nationwide, supports your amendment to the Social Security reform package, providing a tax credit for payroll taxes paid by any business with fewer than 50 employees.

We believe your amendment puts the nation's small businesses on equal footing with their employees, and as such it is a fair amendment. Payroll taxes are a tax on jobs and can only work to inhibit productive small firms from hiring the nation's unemployed. We would have preferred the amendment be applicable to small concerns with 500 or fewer employees (the Small Business Administration's size standard for small firms), but we believe the amendment as currently drafted still represents a significant improvement in the reform package.

Thank you for offering it.

Sincerely,

G. THOMAS CATOR,
Washington Counsel to SBU.

NATIONAL SMALL BUSINESS ASSOCIATION,
Washington, D.C., March 23, 1983.

Hon. MAX BAUCUS,
Hart Senate Office Building,
Washington, D.C.

DEAR SENATOR BAUCUS: The National Small Business Association strongly supports your efforts to provide a one-time tax credit for small business employers who are being subjected to a speed up in Social Security payroll tax payments.

Your amendment, which limits the credit to a maximum of $500 per employer with 50 or fewer employees, will certainly assist these smaller firms who are already paying inordinately high payroll taxes.

We thank you for your efforts on behalf of the small business community.

Sincerely,

JEROME R. GULAN
Vice President,
Government Affairs.

Mr. QUAYLE. Mr. President, the amendment I offer today with Senator BAUCUS would provide small business with some tax relief in 1984, a year in which we hope that these businesses will be able to provide our people with

expanded job opportunities as we enter a period of economic recovery. While the amendment involves a short-term, 1-year cost, it represents an investment that will be greatly appreciated by small firms now trying to expand their production capacities.

Mr. President, the current social security system places a very heavy burden on small business. A vast number of businesses pay more in social security tax than they pay in income tax. The cost of social security taxes to small employers is one factor which makes it difficult for them to consider expanding their levels of employment; the employer payroll contribution per employee is a high cost to small profit, small work force businesses.

I think we should not forget that small businesses in America are just emerging from their most difficult year since the 1930's. Bankruptcy rates reached their highest levels since those difficult times 50 years ago. New hires are at anemic levels, and profit margins are very low. Now is clearly not the time to increase the tax burden on our small businesses. Small business is historically the sector where most new jobs are created, and we should not do anything to discourage the growth and expansion which will take people off the unemployment rolls.

Mr. President, the purpose of this amendment is to assist small business out of its recent and current state of decline. The cost of adding capacity and new employment for small business is made worse by the operation of our social security system which requires employers to pay significant amounts of tax for every employee they hire. Small business, which can be expected to generate a very large proportion of new jobs in the current recovery, is particularly sensitive to increases in the social security payroll tax rate. Every employee added is a more expensive investment for the employer.

We hope and trust that fiscal year 1984 will be a year of expansion and prosperity for all Americans. For this to happen, small business must be able to expand and provide new job opportunities. New positions must be made available for young people and for mature workers who have lost jobs in older industries. A tax credit of $300 is a small investment, that would counteract the proposed tax increase; it is a 1-year (fiscal year 1984), one-shot expense—but would go into effect at the right time—when business is expanding and creating new jobs.

Our amendment would provide employers with 50 or fewer employees a tax credit in the amount of $300 for the year 1984. This would offset the 0.3 percent OASDI tax increase scheduled to go into effect for employers next year.

We have decided to target this benefit to employers with 50 or fewer employees because of economic and equity considerations. We do not believe it is economically useful to extend this credit to firms with a greater number of employees. The potential job creating or preserving impact of this measure will be, as I mentioned earlier, among smaller businesses. Many large firms may not even bother to claim the credit in the first place. Additionally, we do not believe the positive impact of the savings will be felt by firms with more than 50 employees. Such firms would probably not alter their hiring plans, nor see their profit marging eroded in any significant degree, because of the schedule increase.

All told, over 95 percent of all employers in the country would qualify for this credit. This represents over 4 million of the 4.2 million firms in the United States. Only very large companies, which do not need the relief, will be ineligible for this 1-year credit.

Mr. President, the cost of this amendment will be approximately $600 million from the General Treasury. This represents a very small cost, in view of the other major changes we are now considering for our social security system. The effect of this amendment will be to relieve, for 1 year only, a burden on a part of the business community which really needs tax relief. Furthermore, it provides this relief at a crucial time in the economic recovery when the potential job-creating impact should be uppermost in our minds.

Let me just add one point to clarify our intent in offering this amendment. As we have repeated several times, we are advancing this idea as a small measure to ease the burden of the increase in the employer contribution next year on this Nation's small businesses. We all know that the economic and regulatory burden on small business because of Federal statutes can often make the difference between success and failure.

Our amendment allows qualified businesses to take a $300 credit against their tax liabilities, and defines qualified small businesses as those with fewer than 50 employees. It is not our intent to generate a new set of reporting requirements or forms for certifying eligibility for this credit. For a credit this size, especially for very small businesses which often have no more than one or two employees, such an addition to the paperwork and reporting requirement would be contradictory to the intended purpose of the amendment. So let me just insist that we intend that a simple self-certification mechanism be used to establish eligibility for this credit, and that no new reporting requirements be imposed as a result of this amendment.

Mr. President, I urge all of my colleagues to support this amendment as a small yet much needed measure of relief to the small businesses which are leading us in the emerging economic recovery.

Mr. BAUCUS. Mr. President, I have no other points to make at this time, since we have reached an agreement. Therefore, I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, I appreciate the distinguished Senator from Montana modifying the amendment to lower the cap to $300. I would point out that this was not part of the recommendation of the National Commission. We felt employers could already deduct their payroll tax contributions against income tax. Employees do not have this benefit, so there was not much reason to give a double benefit to employers. However, I think we have now been able to reduce the cost, and I am certainly prepared to take the amendment. As I have indicated privately to the Senator from Montana, I will do what I can to keep the amendment in conference.

I think it does provide some equity. The Senator has limited it to 50 employees or less. It is directed toward small business. I know that a lot of small business groups, including NFIB and others, have a strong interest in this amendment.

I hope the Senator will let us accept it without a rollcall vote, because I will not be impressed by that. The rollcall will be 99 to 0—I will stipulate that.

Mr. BAUCUS. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. BAUCUS. I appreciate the confidence of the Senator. Obviously, a rollcall vote would help persuade the House conferees of the seriousness of this amendment. The basis of my concern is that it would represent to the other body the opinion of this body.

If the chairman will fight hard for this amendment in conference, I will not ask for a rollcall vote.

Mr. DOLE. We did some checking in advance and found there was a lot of support for this. So I can safely say that had it not been modified, in my view, it would have 60 or 65 votes; and with the modification, I think it has substantially every vote.

Mr. MOYNIHAN. Mr. President, will the Senator yield?

Mr. BAUCUS. I think the Senator from Kansas has the floor.

Mr. MOYNIHAN. I just want to say that a 99-to-0 vote is trivial compared to the good will and energetic advocacy of the Senator from Kansas. So I

congratulate the Senator from Montana on his prudence.

Mr. BAUCUS. I thank the Senator.

Mr. SASSER. Mr. President, I rise today as a cosponsor to the Baucus/Quayle amendment which provides small business relief from the 1984 payroll tax increase contained in this bill.

This amendment is rather modest in its scope but provides the type of relief that is urgently needed in the small business community. The increase of social security costs to employers contained in this package will prove most burdensome to our Nation's small firms. This amendment decreases the economic shock of this increase without jeopardizing the basic funding structure set forth in the social security package.

We need to take this type of action Mr. President because of the role small businesses play in our economy. This is our most productive segment of our economy, it is the major source of innovation in our country and unfortunately it is the hardest hit segment of the economy during this recession.

In Tennessee, 58,922 firms out of a total of 77,328 firms have fewer than 10 employees. The amazing fact about these small establishments is the impact they have had on employment in Tennessee. Between 1979 and 1981 overall employment in the State decreased by 0.2 percent. However, those firms with fewer than five employees saw a 16.8-percent increase in employment for this same period.

In addition, firms with less than 100 employees constitute 80 percent of the manufacturing companies, 99 percent of the construction firms, 61 percent of the wholesale operations, 98 percent of the service companies and 99 percent of the finance, insurance, and real estate business in Tennessee. These small firms contributed about 45 percent of the State's total payroll last year while producing roughly half of Tennessee's $59 billion in goods and services.

The sad truth of the situation Mr. President is that these firms, which mean so much not only to the economy of Tennessee, but also to our Nation's economic well-being, are not receiving their fair share of tax breaks. The Internal Revenue Code is full of items that benefit our large businesses, but there is little in the Tax Code that serves as an incentive to or comes to the assistance of small business.

The amendent we offer today seeks to rectify that situation at least in regard to this social security bill. The small business men and women of this country are willing to support the social security compromise so long as it is an equitable solution. The Baucus/Quayle amendment takes a large step in that direction, and I strongly urge my colleagues to support this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP No. 535), as modified, was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, before the Senator from Montana offers the next amendment, I wonder if we might take up a couple of noncontroversial amendments. It will take about 1 minute.

The PRESIDING OFFICER. The question recurs on the Quayle amendment

Mr. DOLE. I ask unanimous consent that that amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that my name be added as a cosponsor of the Baucus amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 121

(Purpose: To provide that payments to PRO's shall be treated the same as payments for benefits for purposes of transfers from the trust fund)

Mr. DURENBERGER. Mr. President, I send an unprinted amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Minnesota (Mr. DURENBERGER) proposes an unprinted amendment numbered 121.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 154, line 12, strike out "budget approved" and insert "rate per review established".

On page 154, line 10, strike out "but" and insert "and (i)".

On page 154, line 12, after "Secretary" insert ", (ii) shall be transferred from the Trust Fund, without regard to amounts appropriated in advance in appropriation Acts, in the same manner as transfers are made for payment for services provided directly to beneficiaries, and (iii) shall be not less than an amount which reflects the rates per review established in fiscal year 1982 for both direct and administrative costs, adjusted for inflation.

On page 141, line 10, before the comma insert "(excluding payments made under section 1866 (a)(1)(F))".

On page 141, line 17, before the semicolon insert "(excluding payments made under section 1866 (a)(1)(F))".

On page 142, line 6, before the comma insert "(excluding payments made under section 1866 (a) (1) (F))".

On page 142, line 13, before the period insert "(excluding payments made under section 1866 (a)(1)(F))".

Mr. DURENBERGER. Mr. President, the amendment I offer goes beyond setting out our intent to establish utilization and quality control peer review. Our intent was made clear when the Congress adopted the peer review provision contained in TEFRA last year. This amendment goes as far as possible to insure that the TEFRA provision is implemented.

With this amendment, it is possible to fund peer review organization activities without the uncertainty associated with the appropriation process. The costs of peer review, both direct and administrative, are deemed to be costs incurred in providing inpatient services under part A. While not included in the prospective rates, the Secretary, on behalf of the hospital, would be required to pay for these costs out of the hospital insurance trust fund. In addition, as a minimum, hospital insurance trust funds would be paid to PRO's at no less than the rates per review established in fiscal year 1982 for both direct and administrative costs adjusted for inflation.

Mr. DOLE. Mr. President, as I understand it, the amendment has not been cleared with the distinguished Senator from Louisiana. I know of no objection to the amendment, but I do want to clear it with the Senator from Louisiana.

Mr. MOYNIHAN. Mr. President, I suggest that the Senator be kind enough to have the amendment laid aside, and I am sure we can clear it up within the next 45 minutes. The Senator from New York is in full agreement.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that this amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 122

(Purpose: To require that all new State waivers must comply with the unbundling provisions)

Mr. DURENBERGER. Mr. President, I send an unprinted amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Minnesota (Mr. DURENBERGER) proposes an unprinted amendment numbered 122.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 120, line 7, strike out "and".

On page 120, line 14, strike out the period and insert "; and".

On page 120, between lines 14 and 15, insert the following:

"(E) the Secretary determines that the system requires hospitals to meet the requirements of sections 1862(a)(14) and 1886a(1)(G).".

On page 121, line 15, insert "and (E)" after "(D)".

On page 123, line 2, strike out "and (D)" and insert "(D), and (E)".

Mr. DURENBERGER. Mr. President, this amendment closes a loophole in the situtation where States are granted a waiver to establish their own hospital cost control systems. That loophole makes it possible for hospitals under a State system to shift costs by unbundling their services. For example, laboratory tests for hospital inpatients can be billed by an outside lab and paid as part B services, thereby allowing a hospital to circumvent the cost controls imposed by a State system.

Except for a provision already incorporated in the bill by the Finance Committee, this same loophole would have been available under the prospective payment system. It is necessary to take the same action with respect to State systems established under the waiver authority contained in this bill. As long as we allow the States to establish cost control systems we must see to it that those systems do not allow hospitals to game the system.

Mr. President, with the understanding we had on the previous amendment, I ask unanimous consent that this amendment be temporarily laid aside.

Mr. DOLE. Mr. President, before that order, the Senator from Kansas has no objection to the amendment. They are both good amendments, but they have not yet been cleared with the distinguished Senator from Louisiana. We will do that; and if he says they are satisfactory, is it appropriate to proceed without the Senator from Minnesota being present?

Mr. DURENBERGER. Under those circumstances, it would be appropriate for the Senator from Kansas to proceed with these amendments.

The PRESIDING OFFICER. Without objection, the amendment is laid aside.

UP AMENDMENT NO. 123

(Purpose: To make technical corrections)

Mr. DOLE. Mr. President, I send an unprinted amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Kansas (Mr. DOLE) proposes an unprinted amendment numbered 123.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 4, line 24, strike out "or members of the Uniformed Services" and insert "(other than for members of the Uniformed Services)".

On page 7, line 15, strike out "or members of the Uniformed Services" and insert "(other than for members of the Uniformed Services)".

On page 12, line 20, strike out "(i)" and insert "(C)".

On page 12, line 23, strike out "(ii)" and insert "(D)".

On page 13, line 4, strike out "(iii)" and insert "(E)".

On page 13, line 16, strike out "taxable" and insert "calendar".

On page 14, lines 1 and 2, strike out "clauses (i) and (ii)" and insert "subparagraphs (C) and (D)".

On page 14, line 9 strike out "clauses (i) and (ii)" and insert "subparagraphs (C) and (D)".

On page 17, line 11, before the period insert "and by striking out '1974' and inserting in lieu thereof '1982' ".

On page 17, line 17, strike out "201" and insert "111".

On page 17, line 19, before the period insert "the first place it appears".

On page 18, line 14, strike out "was not" and insert "first becomes".

On page 18, line 15, strike out "for" and insert "after".

On page 18, line 19, strike out "or" and insert "including".

On page 18, line 19, after "(D)" insert "but excluding a payment under the Railroad Retirement Act of 1974 or 1937".

On page 19, line 3, after "becomes" insert "concurrently".

On page 19, line 3, after "benefits" insert "and such periodic payment".

On page 19, lines 4 through 6, strike out "at such times as the Secretary determines there has been a significant change in the amount of such periodic payment" and insert "under subsection (f)(9)(C)".

On page 19, line 7, strike out "(ii)" and insert "(i)".

On page 19, strike out lines 22 through 24, and insert "for which the individual is eligible (or deemed to be eligible) for the initial month for which he becomes concurrently eligible for such old-age or disability insurance benefits and such periodic payment. For purposes of the preceding sentence,".

On page 20, lines 16 and 17, strike out ", or who die (before becoming eligible for such benefits)".

On page 20, strike out "or die" each place it appears on lines 19, 21, 23, and 25.

On page 21, strike out lines 15 through 22.

On page 21, line 23, strike out "(iv)" and insert "(iii)".

On page 22, strike out lines 21 through 24, and insert "individual who has 30 years or more of coverage (as defined in paragraph (1)(C)(ii)). In the case of an individual who has more than 24 years of coverage but less than 30 years of coverage (as so defined), the percent specified in subparagraph (B)(ii) shall, if larger, be".

On page 23, strike out lines 1 and 2.

On page 23, line 3, strike out "(ii)" and insert "(i)".

On page 23, line 4, after "years" insert "of coverage".

On page 23, line 5, strike out "(iii)" and insert "(ii)".

On page 23, line 7, strike out "(iv)" and insert "(iii)".

On page 23, line 9, strike out "(v)" and insert "(iv)".

On page 23, line 11, strike out "(vi)" and insert "(v)".

On page 23, line 15, strike out "was not" and insert "first becomes".

On page 23, line 16, strike out "for" the second place it appears and insert "after".

On page 23, line 20, strike out "or" and insert "including".

On page 23, line 21, after "(D)" insert "but excluding a payment under the Railroad Retirement Act of 1974 or 1937".

On page 23, line 24, strike out "for purposes of" and insert "during".

On page 23, line 25, after "benefits" insert "and effective with the initial month for which the individual becomes concurrently eligible for such benefit and such periodic payment,".

On page 24, line 11, strike out "entitled" each place it appears and insert "eligible".

On page 24, line 12, after "his" insert "concurrent".

On page 24, line 13, before the period insert "and such periodic payment".

On page 24, line 19, before "bears" insert "(but only counting any such months occurring after 1956)".

On page 24, strike out lines 22 through 24, and insert "recomputed under subsection (f)(9)(C).".

On page 27, line 3, strike out "In" and insert "Notwithstanding paragraph (4), in".

On page 27, line 8, insert after "payment" the following: "effective with the month of such change".

On page 27, line 9, strike out "202 (e)(2)(B)(i) and 202(f)(3)(B)(i)" and insert "202(e)(2) and 202(f)(3)".

On page 27, line 21, after "60" insert "(or after attaining age 50 if she was entitled before such marriage occurred to benefits based on disability under this subsection)".

On page 28, line 5, after "60" insert "(or after attaining age 50 if he was entitled before such marriage occurred to benefits based on disability under this subsection)".

On page 28, line 25, after "individual" insert "who died before attaining age 62 and".

On page 29, line 1, strike out "would" and insert "could".

On page 29, line 3, after "individual" insert "(including any increases in such primary insurance amount under subsection (i))".

On page 29, lines 6 and 7, strike out "became eligible for such benefits" and insert "meets the requirements of subparagraph (B) of paragraph (1) of such subsection".

On page 29, line 9, after "died" insert "but in no case earlier than the actual year of death".

On page 29, line 11, strike out "(ii)(II)" and insert "(iii)".

On page 29, strike out lines 12 through 21 and insert the following:

"(B) Notwithstanding subparagraph (A), the primary insurance amount of such deceased individual, for purposes of determining the benefit amount under section 202 (e) or (f),".

On page 30, strike out lines 1 through 4, and insert the following:

(b) Section 215(i)(2)(A) of such Act is amended in clause (ii)(II), by inserting after "title" the following: "(including the primary insurance amount of a deceased individual which is computed pursuant to subsection (a)(8)(A) solely for purposes of determining the amount of the benefit under subsection 202 (e) or (f))".

(c)(1) Section 202(e) of such Act is amended in paragraph (1)(D) and in the matter following subparagraph (F)(ii), by inserting "(as determined after application of section 215(a)(8))" after "primary insurance amount".

(2) Section 202(f) of such Act is amended in paragraph (1)(D) in the matter following subparagraph (F)(ii), by inserting "(as determined after application of section 215(a)(8))" after "primary insurance amount".

(3)(A) Section 202(e)(2)(A) of such Act is amended by striking out "(as determined" and inserting in lieu thereof "(as determined after application of section 215(a)(8) where applicable and".

(B) Section 202(f)(3)(A) of such Act is amended by striking out "(as determined" and inserting in lieu thereof "(as determined after application of section 215(a)(8) where applicable and".

(d) The amendments made by this section shall apply with respect to monthly insurance benefits for months after December 1984 for individuals who first meet all criteria for entitlement (other than making application) to benefits under section 202 (e) or (f) of the Social Security Act after December 1984.

On page 33, between lines 3 and 4, insert the following:

(7) Section 202(m)(2)(B) of such Act (as applicable after the enactment of section 2 of Public Law 97-123) is amended by striking out "subsection (q)(6)(A)(ii)" and inserting in lieu thereof "subsection (q)(6)(B)".

On page 40, line 23, strike out "2014" and insert "2011".

On page 41, strike out lines 17 through 23 and insert "duction factor applicable shall be the same as under paragraph (1) for the first 36 months included in either the reduction period (as defined in paragraph (6)) or the adjusted reduction period (as defined in paragraph (7)), and shall be five-twelfths of one percent for all additional months included in such period; and".

Beginning on page 41, line 24, strike out through page 42, line 6, and insert the following:

"(B) for widow's insurance benefits and widower's insurance benefits—

"(i) the amount of the reduction at early retirement age (as defined in section 216(a)) shall be 28.5 percent of the full benefit; and

"(ii) the amount of the reduction for each month in the reduction period (as defined in paragraph (6)) or the adjusted reduction period (as defined in paragraph (7)) shall be established by linear interpolation between 28.5 percent at the month of attainment of early retirement age, and 0 percent at the month of attainment of retirment age.".

On page 43, strike out lines 19 through 22 and insert the following:

(b) Section 215(a)(7)(B)(ii)(V) of such Act (as added by section 112(a) of this Act) is amended to read:

"(V) with respect to individuals who become so eligible or die in 1988 or thereafter, the applicable percentage determined under paragraph (8) for purposes of clause (ii) of paragraph (1)(A).".

On page 43, line 25, strike out "113" and insert "112".

On page 44, lines 2 through 4, strike out ", and the 'applicable percentage' for purposes of the first sentence of paragraph (7)(B),".

On page 44, in the heading to the chart, strike out "and the first sentence of paragraph (7)(B)".

On page 45, line 21, strike out "the age of" and insert "age."

On page 47, between lines 21 and 22, insert the following:

(m) The second sentence of section 223(d)(4) of such Act is amended by inserting immediately after "subparagraph (D) thereof" where it first appears the following: "(or would be applicable to such individuals but for the amendments made by the Social Security Amendments of 1983)".

On page 47, strike out lines 22 through 24.

On page 48, strike out lines 14 through 17, and insert the following:

(b) The amendments made by this section shall apply only with respect to individuals who initially become eligible for old-age or disability insurance benefits, or who die before becoming eligible for such benefits, after December 1983.

On page 51, strike out "such" on line 9 and all that follows through line 16, and insert in lieu thereof the following: "benefits payable on the basis of the wages and self-employment income on which such benefits are based (excluding amounts withheld from such benefits under section 1441 of the Internal Revenue Code of 1954) equals the total amount of taxes payable under sections 3101 and 1401 of the Internal Revenue Code of 1954 (or the corresponding provisions of prior law) with respect to such wages and self-employment income (as determined by the Secretary on the basis of".

On page 51, strike out lines 22 through 24, and insert in lieu thereof the following: "Secretary shall take into account all benefits payable on the basis of such wages and self-employment income before such determination is made (wherever and to whomever payable).".

On page 53, lines 17 and 18, strike out "Aliens Not Permanent Residents" and insert "Certain Aliens".

On page 54, line 8, strike out "(5)" and insert in lieu thereof "(6)".

On page 55, line 22, strike out "$250" and insert "the amount to which a primary insurance amount of $250 is increased".

On page 56, line 20, strike out the end parentheses.

On page 56, line 23, insert an end parentheses before the period.

On page 57, line 11, insert "(other than payments of interest on, and repayments of loans from, such Trust Funds, and reducing the amount of any transfer to the Railroad Retirement Account by the amount of any transfer to such account from any such Trust Fund)" after "calendar year".

On page 58, line 25, strike out "and 931" and insert "931, and 933".

On page 66, line 14, strike out "first" and insert "forty-fifth".

On page 75, beginning with line 2, strike out through line 24 and insert the following: "before January 1, 1983, and so reported, (L) 1.25 per centum of the wages (as so defined) paid after December 31, 1982, and before January 1, 1984, and so reported, (M) 1 per centum of the wages (as so defined) paid after December 31, 1983, and before January 1, 1988, and so reported, (N) 1.06 per centum of the wages (as so defined) paid after December 31, 1987, and before January 1, 1990, and so reported, (O) 1.20 per centum of the wages (as so defined) paid after December 31, 1989, and before January 1, 2000, and so reported, and (P) 1.30 per centum of the wages (as so defined) paid after December 31, 1999, and so reported,".

(b) Section 201(b)(2) of such Act is amended by striking out clauses (K) through (M) and inserting in lieu thereof the following: "(K) 1.2375 per centum of the amount of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1981, and before January 1, 1983, (L) 0.9375 per centum of the amount of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1982, and before January 1, 1984, (M) 1 per centum of the amount of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1983, and before January 1, 1988, (N) 1.06 per centum of the amount of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1987, and before January 1, 1990, (O) 1.20 per centum of the self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1989, and before January 1, 2000, and (P)".

On page 77, line 7, insert a hyphen between "Old" and "Age".

On page 78, line 1, insert a hyphen between "Old" and "Age".

On page 78, line 9, insert a hyphen between "Old" and "Age".

On page 78, line 15, strike out the close parentheses the second place it appears.

On page 78, line 19, insert a close parentheses before the period.

On page 79, line 4, strike out "equal to one twenty-fourth of" and insert "not less than an amount equal to (I)".

On page 79, line 6, strike out "period" and insert "month".

On page 79, line 8, before the first period insert ", divided by (II) the number of months elapsing after the preceding month and before January 1990".

On page 79, line 8, insert "The Managing Trustee may, during this period, transfer larger amounts than prescribed by the preceding sentence." after the period the first place it appears and before the end quotation marks.

On page 81, line 10, insert a hyphen between "Old" and "Age".

On page 82, line 9, insert a hyphen between "Old" and "Age".

On page 82, line 17, insert a hyphen between "Old" and "Age".

On page 83, line 8, strike out "equal to 1/24 of" and insert "not less than an amount equal to (I)".

On page 83, line 10, strike out "period" and insert "month".

On page 83, line 12, before the first period insert ", divided by (II) the number of months elasping after the preceding month and before January 1990".

On page 83, line 12, insert "The Managing Trustee may, during this period, transfer larger amounts than prescribed by the preceding sentence." after the period the first place it appears and before the end quotation marks.

On page 83, lines 15 and 16, insert a hyphen between "Old" and "Age".

On page 83, line 23, insert a hyphen between "Old" and "Age".

On page 84, line 8, insert a hyphen between "Old" and "Age".

On page 85, line 8, after "shall" insert "periodically".

On page 86, strike out lines 1 and 2.

On page 91, line 23, strike out all beginning with "indebtedness" through line 24 and insert in lieu thereof "an indebtedness or obligation of the United States for purposes of sections 1305(2) and 3101 of title 31, United".

On page 93, line 23, strike out all beginning with "indebtedness" through line 24 and insert in lieu thereof "an indebtedness or obligation of the United States for pur-

poses of sections 1305(2) and 3101 of title 31, United".

On page 95, line 24, strike out all beginning with "indebtedness" through line 25 and insert in lieu thereof "an indebtedness or obligation of the United States for purposes of sections 1305(2) and 3101 of title 31, United".

On page 99, line 12, strike out "member of the public" and insert "person".

Beginning on page 99, line 21, strike out through page 100, line 2, and insert the following:

SEC. 148. (a) Section 218(e)(1)(A) of the Social Security Act is amended—

(1) by striking out "sections 3101 and 3111 of the Internal Revenue Code of 1954" and inserting in lieu thereof "such sections";

(2) by striking out "within the thirty-day period immediately following the last day of each calendar month" and inserting in lieu thereof "within the time prescribed under regulations promulgated by the Secretary of the Treasury for payment of the taxes imposed under sections 3101 and 3111 of the Internal Revenue Code of 1954"; and

(3) by striking out "in such month".

On page 100, line 4, insert "wages paid on" after "due on".

On page 104, line 14, strike out "deferred".

On page 104, line 16, strike out "or".

On page 105, line 6, after "under" insert "or to".

On page 107, line 21, after "under" insert "or to".

On page 110, line 21, after "under" insert "or to".

On page 111, between lines 10 and 11, insert the following:

(4) Section 203(f)(5)(C) of the Social Security Act is amended by adding at the end thereof the following new sentence: "The term 'wages' does not include—

"(i) the amount of any payment made to, or on behalf of, an employee or any of his dependents (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment) on account of retirement, or

"(ii) any payment or series of payments by an employer to an employee or any of his dependents upon or after the termination of the employee's employment relationship because of retirement after attaining an age specified in a plan referred to in section 209(m)(2) or in a pension plan of the employer.".

On page 115, line 17, after "(A)" insert "of section 211".

On page 116, line 4, after "amended by" insert "redesignating the subsection (c) added by Public Law 97-377 as subsection (d) and by".

On page 116, line 6, strike out "(d)" and insert "(e)".

On page 116, line 11, after "(b)" insert "of this Act and section 211(a)(1)(A) of Public Law 93-66".

On page 116, line 16, after "(b)" insert "of this Act and section 211(a)(1)(A) of Public Law 93-66".

On page 117, line 24, strike out "reorting" and insert "reporting".

On page 118, line 5, strike out "1985" and insert "1983".

Beginning on page 119, line 18, strike out through page 120, line 2, and insert:

"(6) In the case of any hospital which becomes subject to the taxes under section 3111 of the Internal Revenue Code of 1954, with respect to any or all of its employees, for part or all of a cost reporting period, and was not subject to such taxes with respect to any or all of its employees for all or part of the 12-month cost reporting period referred to in subsection (b)(3)(A)(i), the Secretary shall provide for an adjustment by increasing the base year amount referred to in subsection (b)(3)(A)(i) for such hospital by an amount equal to the amount of such taxes which would have been paid or accrued by such hospital for such base year if such hospital had been subject to such taxes for all of such base year with respect to all its employees, minus the amount of any such taxes actually paid or accrued for such base year".

On page 122, line 20, after "test" insert ", at the option of the Secretary,".

On page 122, line 21, strike out "hospitals" and insert "State systems".

On page 126, line 17, after "(A)" insert "but determined without the application of subsection (a)".

On page 130, line, 8, before the comma insert ", and the most recent case-mix data available".

On page 131, line 7, strike out "established by the Secretary".

On page 132, line 14, strike out "or" and insert "and".

On page 133, line 1, strike out "or" and insert "and".

On page 134, lines 8 and 9, strike out "by the applicable percentage increase under subsection (b)(3)(B) for that particular fiscal year" and insert "for fiscal year 1985 by the applicable percentage increase under subsection (b)(3)(B), and adjusted for subsequent fiscal years in accordance with the final determination of the Secretary under subsection (e)(4), and adjusted to reflect the most recent case-mix data available".

On page 135, lines 18 and 19, strike out "(and, if applicable, in a census division)".

On page 137, line 21, strike out "changes" and insert "charges".

On page 138, line 6, after "payments" insert "projected or estimated to be".

On page 138, lines 7 through 9, strike out "and the DRG rates shall be reduced to compensate for any payments under this subparagraph in excess of such 6 percent".

On page 140, strike out lines 7 through 9.

On page 142, line 14, strike out "Secretary" and insert "Director of the Congressional Office of Technology Assessment".

On page 142, line 20, strike out "increase" and insert "change".

On page 142, line 22, strike out "1985" and insert "1986".

On page 143, line 7, strike out "1985" and insert "1986".

On page 143, strike out "increase" each place it appears on lines 8, 14, and 16 and insert "change".

On page 143, line 21, after "published" insert "for public comment".

On page 143, line 24, strike out "1985" and insert "1986".

On page 144, line 1, after "year" insert "after such consideration of public comment on the proposal as is feasible in the time available".

On page 148, line 3, strike out "efficiency" and insert "efficacy".

On page 148, line 17, after "research" insert "and experimentation, including clinical research,".

On page 148, line 23, before the period insert the following: "in accordance with the provisions of section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), except that disclosure of such information may be made to the Secretary and to the Director as may be necessary to carry out the functions of the Commission".

On page 150, between lines 16 and 17, insert the following:

"(L) The Commission shall be subject to periodic audit by the General Accounting Office.".

On page 150, line 17, strike out "(L)" and insert "(M)".

On page 151, line 18, strike out "(d)" and insert "(e)".

On page 153, line 25, strike out "accuracy" and insert "validity".

On page 153, line 25, and page 154, line 1, strike out "on such hospital's bills" and insert "provided by such hospital".

On page 154, strike out lines 13 through 19.

On page 154, line 21, strike out "(H)" and insert "(G)".

On page 154, line 23, strike out "section 1886(d)" and insert "this title".

On page 158, line 3, strike out "(H)" and insert "(G)".

On page 158, line 5, after "practice" insert ", since prior to October 1, 1982,".

On page 159, lines 15 and 16, strike out "legislative recommendations".

On page 159, strike out line 19, and insert "DRG type classification of the discharges of those inpatients, and legislative recommendations thereon.".

On page 160, line 24, strike out "also reports" and insert "shall also report".

On page 161, line 2, insert "report" after "also".

On page 161, lines 7 and 8, strike out "whether hospitals located outside of the fifty States and the District of Columbia should be included" and insert "a method for including hospitals located outside of the fifty States and the District of Columbia".

On page 162, strike out lines 1 and 2 and insert "point for the contract year that begins in 1983, by an additional one-half of one percentage point for the contract year that begins in 1984, and by an additional one-fourth of one percentage point for the contract year that begins in 1985.

On page 162, line 23, strike out "continue" and insert "conduct".

On page 164, line 6, strike out "The DRG prospective payment" and insert "Payment on the basis of the prospective".

On page 164, line 13, strike out "DRG".

On page 179, line 3, strike out "they".

On page 179, line 4, before the period insert "for the calendar year following the year for which the deferral is requested".

On page 179, line 12, strike out "granted" and insert "requested and subsequently granted".

On page 179, line 24, strike out "base year" and insert "year for which the deferral is sought".

On page 180, line 10, strike out "deferred".

On page 181, lines 6 and 7, strike out "described in subparagraph (A)" and insert "which meets the requirements of subparagraphs (A) and (B) of paragraph (2) and".

Beginning on page 181, line 22, strike out through page 182, line 2, and insert the following:

SEC. 413. (a) Section 3302(d)(4)(B) of the Internal Revenue Code of 1954 is amended to read as follows:

"(B)(i) for purposes of subparagraph (B) of subsection (c)(2), the total of the wages (as determined without any limitation on amount) attributable to such State subject to contributions under this chapter with respect to such calendar year, and

"(ii) for purposes of subparagraph (C) of subsection (c)(2), the total of the remuneration subject to contributions under the

State unemployment compensation law with respect to such calendar year.".

On page 182, line 3, strike out "sections 3302(c)(2)(B)(i) and 3302(c)(4)" and insert "section 3302(c)(2)(B)(i)".

On page 182, line 4, strike out "are each" and insert "is".

On page 182, line 6, insert "U.S." after "estimated".

On page 182, betweeen lines 8 and 9, insert the following:

(c) Section 3302(c)(2)(B) of such Code is amended by inserting after "(if any)" the following: ", multiplied by the ratio of the State's average annual wage in covered employment to the wage base under this chapter,".

Mr. DOLE. Mr. President, this is purely a technical amendment and clears up a lot of drafting errors. This has been cleared on both sides of the aisle.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP No. 123) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PRESSLER). Without objection, it is so ordered.

UP AMENDMENT NO. 121

UP AMENDMENT NO. 122

Mr. DOLE. Mr. President, pending are two amendments offered by the distinguished Senator from Minnesota (Mr. DURENBERGER). They were temporarily laid aside while we cleared the amendment with the distinguished ranking minority member, Senator LONG.

I am now authorized to announce that these amendments have been cleared and we are prepared to proceed to the adoption of the amendments.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc of the Senator from Minnesota.

The amendments (UP No. 121 and UP No. 122) were agreed to en bloc.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendments were agreed to en bloc and also move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 534
(Formerly UP Amendment No. 111)

Mr. DOLE. What is the pending business?

The PRESIDING OFFICER. The amendment of the Senator from Indiana (Mr. QUAYLE) is the pending business.

Mr. DOLE. Mr. President, I know the Senator from Montana is about ready to offer an amendment, so I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, the Senator from Kansas has been looking over a list of amendments. I hope that it is the complete list. We have disposed of five amendments this morning, so we are making some progress.

Senator BAUCUS will be returning in a moment to take up his second amendment. I also have on the list at least one amendment by Senator LEVIN, an amendment by Senator LONG to exclude tax-exempt income in the determination of taxable benefits; an amendment by the distinguished Presiding Officer, Senator PRESSLER, liberalizing the earnings limitation for the blind. We have been trying to determine some way to accommodate the Senator on the amendment, but we have not been able to do that as yet.

There are two or three amendments on the coverage of Federal employees which, in the view of the manager of the bill, should be treated or discussed all at about the same time.

There will be an amendment by the Senator from Colorado (Mr. ARMSTRONG) covering nonprofits and the Senator from Hawaii, Senator MATSUNAGA, may have an amendment dealing with certain people who retire in the next 10 years who are now included in the aliens provisions.

There may be an amendment offered by the Senator from Kansas with reference to health care coverage. But so far as the Senator from Kansas knows, there are no other amendments. If we do not go to conference this afternoon and complete the conference sometime between now and tomorrow morning, then I assume it will be most of tomorrow in conference. I know many Members would like to have the conference report up by some time early tomorrow afternoon.

So we are prepared, where we can, to try to accommodate Senators. We can negotiate their amendments. If not, we certainly would like to have them offered and brought to a vote.

I yield to the Senator from New York.

Mr. MOYNIHAN. Mr. President, for those who may be listening to us in their offices, might I on behalf of our side of the aisle say, without in any way reaching for the melodramatic, we have been 2 years working to bring a resolution to a problem that started, you might say, with us shouting at the top of our collective voices. There was great fear, great anxiety, a sense of impending crisis, and, worse, a near paralysis of will that accompanied the dimension of the crisis as it was represented to us.

Somehow seemingly the 2 years of labor we have put into this matter have proved therapeutic as well as instructive and even somewhat sedative.

We are in the last hours of this enterprise, and the sense of urgency about it seems all but to have effervesced. That could create a real crisis where, perhaps, others had been created, if I may make that play on words.

May I offer my gentle encouragement to the chairman's more firm request that Members come to the floor with their amendments so that we might conclude this matter in good time?

Mr. BYRD. Mr. President, I wish to say to the managers that Senator BOREN is on his way to the floor.

One of the problems we have is we have committee meetings and we should have objected to committees sitting today. But Members are torn between their responsibilities to go to committees and their responsibility to be here, and I have seen this happen before.

Mr. BOREN is on his way, and we will soon have a Senator who will have an amendment.

I was asked if I should put in a quorum. I said it was not necessary, we will just let the Senate roll along. But it may not be a bad idea if I suggested the absence of a quorum.

Mr. BAKER. We could yield back all the time.

Mr. BYRD. Those words have a familiar ring to them.

I suggest the absence of a quorum unless the majority leader has something else in mind.

Mr. BAKER. No, I support that request.

The PRESIDING OFFICER. The clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. It would take unanimous consent to set aside the Quayle amendment.

Mr. DOLE. Mr. President, I ask unanimous consent that the Quayle amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 124

Mr. BOREN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma (Mr. BOREN) proposes an unprinted amendment No. 124.

On page 116, in line 7 strike "$25,000" and insert in its place "$20,000."

On page 116, in line 8 strike "$32,000" and insert in its place "$36,000."

Mr. BOREN. Mr. President, this is a very simple and straightforward amendment. It really is an issue of philosophy more than anything else because it is revenue neutral. In other words, the provision does not change at all the amount of money that is being raised in terms of benefits and additional revenues for the social security system. It simply eliminates the marriage penalty imposed by the thresholds for the taxation of social security benefits.

H.R. 1900 sets the threshold for taxation of social security benefits at $25,000 for individuals and at $32,000 for couples. In other words, we will begin to tax one-half of the social security benefit after an individual has income of $25,000 or more and after a couple has income of $32,000 or more. This approach imposes a very significant penalty upon married couples.

It is clear that if you had two single individuals living in the same household, they would be able to jointly have $50,000 of income before any of their social security benefits would become taxable. But in the case of a married couple, they would only be allowed, under the present package, to have $32,000 of income. So we are dealing with a very significant marriage penalty.

To alleviate this problem, the amendment which I have offered proposes to set these thresholds at $20,000 for individuals and $36,000 for joint filers, for married couples. This change, as I have said, will generate the same amount of revenue as would the thresholds in H.R. 1900, and the amendment is thus revenue neutral. But, more importantly, however, eliminating the marriage penalty will remove the disincentive for marriage among recipients of taxable social security benefits.

Mr. President, I realize that this amendment is not totally without some controversy. It would mean lowering the threshold for individuals if we are going to keep it revenue neutral, and I believe that is the only responsible way to do it so that we do not upset revenue figures of this package. We have set the figure at $20,000 for individuals. With the changes that have been adopted by the committee to avoid the notch problem, it is possible that there would be some very slight amount of taxation at levels slightly below the $20,000 under the sliding scale which has been adopted.

I simply think that we should not have another area of law where we again write in a marriage penalty. We worked for many years now to try to remove the marriage penalty as much as possible from the income tax law. In fact, this suggestion came to me in a series of public meetings which I held in my own State shortly after the first of the year. They were the best attended meetings that I have ever held. I held them in all geographical areas of the State. Many hundreds of people attended each meeting, representing a cross-section of those communities. And at every single meeting that I held, when I asked the audience for suggestions that they themselves might offer, suggestions from the citizens in terms of trying to improve this package, in every single meeting someone raised the issue of the marriage penalty.

They said, "We do not think it is fair for a married couple to only have $32,000 of income exempt and for two single people to have $50,000."

In every one of these meetings I took an informal poll of the audience in regard to this suggestion and in every case there was a unanimous support for changing the figures so that we could do away with the marriage penalty.

There are other advantages that couples have in sharing a single household that individuals do not have, so we have not made it exact. The $20,000 figure and the $36,000 figure were selected to approach, at least approach, neutrality as far as any potential marriage penalty is concerned. It is not exact. Those figures were selected because we wanted, as much as possible, to avoid going below the $20,000 figure as a threshold for the taxation of benefits, and also those figures were chosen so that we could be sure that we wrote this amendment in a form that would make it revenue neutral; it would not impose an additional revenue burden on the taxes which have already been worked out.

I think that pretty well explains it, Mr. President. There is certainly room for a difference of opinion on this point. But philosophically, I simply think it is important that we not go into another area of law and begin by having the marriage penalty as a part of it. I think this is a matter appropriately that the Senate should at least consider and make its own judgment upon.

I believe I have adequately explained the provision. There should not be any necessity, at least on my part, for a prolonged debate on this matter.

Mr. DOLE. Mr. President, I thank the distinguished Senator from Oklahoma. He did discuss this in the committee and he did indicate that this question had been asked in a number of meetings. He raised a very serious philosophical question. I think the problem that we had at the committee level, and also when we discussed this problem at the National Commission level, was that the amendment would create wide differences between the benefit taxation threshold for singles and couples in order to reduce the marriage penalty effect while still raising the same amount of revenue for the trust funds.

The Senator is correct, this revenue is neutral. This does not do anything to upset the rather delicate balance we have in the trust funds. However, we are advised that the effect for singles is to begin taxing at income levels of around $16,000, significantly lower than the $20,000 threshold recommended by the National Commission.

We are also advised that because of the differences in demographics between the group affected by the benefit taxation and the group affected by the general income tax marriage penalty that there will be more single-filing widows or widowers under this provision.

While I certainly think, as the Senator has indicated, it should be considered by the Senate, we struggled with the thresholds for a long time. The present threshold, as the Senator outlined, is $25,000 for singles and $32,000 for couples. Under his proposal, it would be $20,000 for singles and $36,000 for couples.

While this Senator can understand the reason to try to correct the marriage penalty, which we focused on in the 1981 tax bill—we did not do it all but we did go part way—I would hope that the amendment would not be accepted, though I understand the problem, because it would create this rather wide variance between singles and couples and would, as I have indicated, probably permit or authorize the tax benefits for singles at income levels around $16,000.

For those reasons, I hope the amendment will not be accepted.

Did the Senator want a rollcall?

Mr. BOREN. Mr. President, I would like to have a rollcall vote on this amendment.

I appreciate the comments of the distinguished chairman of the committee. I do understand the argument he makes. The truth of the matter is that neither way is the right way. We cannot be exactly perfect. I do hope that if for any reason this amendment is not accepted, we will come back to this point at a later time and try to work on it. I do think this is an impor-

tant enough philosophical question in terms of the taxation benefits that we should vote on it.

I would point out that any taxation on income below $20,000 would be very minimal because it is simply a phase into the $20,000 figure to avoid the problem.

Mr. President, I think the issue has been pretty well clarified.

I do ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oklahoma. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from South Dakota (Mr. ABDNOR) and the Senator from Alabama (Mr. DENTON) are necessarily absent.

I further announce that, if present and voting, the Senator from Alabama (Mr. DENTON) would vote "nay".

Mr. CRANSTON. I announce that the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

The PRESIDING OFFICER (Mr. KASTEN). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 34, nays 62, as follows:

[Rollcall Vote No. 46 Leg.]

YEAS—34

Andrews	Goldwater	Nunn
Armstrong	Hawkins	Pryor
Bentsen	Heflin	Randolph
Bingaman	Helms	Roth
Boren	Humphrey	Sarbanes
Burdick	Kassebaum	Stennis
Byrd	Kasten	Symms
Chiles	Long	Thurmond
DeConcini	Mattingly	Tsongas
Eagleton	McClure	Zorinsky
East	Melcher	
Exon	Nickles	

NAYS—62

Baker	Grassley	Murkowski
Baucus	Hart	Packwood
Biden	Hatch	Pell
Boschwitz	Hatfield	Percy
Bradley	Hecht	Pressler
Bumpers	Heinz	Proxmire
Chafee	Huddleston	Quayle
Cochran	Inouye	Riegle
Cohen	Jackson	Rudman
Cranston	Jepsen	Sasser
D'Amato	Johnston	Simpson
Danforth	Lautenberg	Specter
Dixon	Laxalt	Stafford
Dodd	Leahy	Stevens
Dole	Levin	Tower
Domenici	Lugar	Trible
Durenberger	Mathias	Wallop
Ford	Matsunaga	Warner
Garn	Metzenbaum	Weicker
Glenn	Mitchell	Wilson
Gorton	Moynihan	

NOT VOTING—4

Abdnor	Hollings
Denton	Kennedy

So Mr. BOREN's amendment (UP No. 124) was rejected.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

UP AMENDMENT NO. 125

(Purpose: To prevent double payment of social security taxes on compensation paid to medical school faculty members)

Mr. GORTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to laying aside the Quayle amendment?

Without objection, the Quayle amendment is laid aside.

The amendment of the Senator from Washington will be stated.

The assistant legislative clerk read as follows:

The Senator from Washington (Mr. GORTON), for himself and Mr. JACKSON, Mr. Stevens, Mr. MURKOWSKI, Mr. SYMMS, and Mr. MCCLURE, proposes an unprinted amendment numbered 125.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

"SEC. . PROFESSORS OF CLINICAL MEDICINE.—Section 3121(s) (relating to concurrent employment by two or more employers) is amended to read as follows:

" '(s) CONCURRENT EMPLOYMENT BY TWO OR MORE EMPLOYERS.—

" '(1) IN GENERAL.—For purposes of sections 3102, 3111, and 3121 (a)(1), if two or more related corporations concurrently employ the same individual and compensate such individual through a common paymaster which is one of such corporations, each such corporation shall be considered to have paid as remuneration to such individual only the amounts actually disbursed by it to such individual and shall not be considered to have paid as remuneration to such individual amounts actually disbursed to such individual by another of such corporations.

" '(2) UNIVERSITIES AND EXEMPT ORGANIZATIONS.—For purposes of this subsection—

" '(A) the following entities shall be deemed to be related corporations:

" '(i) a state university which employs health care professionals as faculty members at a medical school, and

" '(ii) a faculty practice plan qualified as an exempt organization under section 501(c)(3) which employs faculty members of such medical school: *Provided, however,* That 30 percent or more of the employees of such plan are concurrently employed by such medical school; and

" '(B) remuneration which—

" '(i) is disbursed by such faculty practice plan to an individual employed by both such entities, and

" '(ii) when added to remuneration actually disbursed (prior to the application of this paragraph) by such university, exceeds the contribution and benefit base (as determined under section 230 of the Social Security Act),

shall be deemed to have been actually disbursed by such university as a common paymaster and not to have been actually disbursed by such faculty practice plan.' "

Mr. GORTON. Mr. President, on March 18, last Friday, this body adopted an amendment numbered 85, offered by myself and the Senators from Alaska, Washington, and Idaho, relating to the common paymaster doctrine and the joint employees of State medical schools and faculty practice plans.

That amendment was technically deficient in one or two minor respects and did not cover the situation of the University of Colorado, which I had represented it was designed to cover at that time.

I ask unanimous consent that the amendment I have just proposed be substituted for amendment No. 85.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

UP AMENDMENT NO. 126

(Purpose: To provide coverage for newly hired Federal workers when a supplemental pension program is in place)

Mr. LONG. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Louisiana (Mr. LONG) proposes an unprinted amendment numbered 126.

Mr. LONG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Without objection, the Quayle amendment is laid aside, and the Senator from Louisiana is recognized.

The amendment is as follows:

On page 9, strike out lines 13 through 15 and insert the following:

(c) The amendments made by this section shall be effective with respect to remuneration paid after December 31, 1983, if, prior to such date, there has been enacted into law, a supplemental pension program for Federal workers hired after such date which the Congress may determine to be appropriate to coordinate coverage under the Federal Civil Service Retirement System with the coverage of such Federal workers under title II of the Social Security Act. If no such program has been enacted by such date, the amendments made by this section shall not become effective until (and with respect to remuneration paid after) the last day of the first month ending at least 20 days after the date of enactment of legislation described in the preceding sentence, and all references to "December 31, 1983" in section 210(a)(5) of the Social Security Act and section

3121(b)(5) of the Internal Revenue Code of 1954 shall be deemed to be references to the last day of such later month. Notwithstanding the preceding provisions of this subsection, the amendments made by this section shall be effective with respect to remuneration paid after December 31, 1983 in the case of service described in clauses (i), (ii), or (iii) of section 210(a)(5) of the Social Security Act as amended by this section and the preceding sentences of this subsection shall not apply to such service.

Mr. LONG. Mr. President, the amendment I have at the desk is the same amendment, with a modification, in which I have been joined by more than 20 cosponsors, and I invite other cosponsors to add their names to this amendment.

Mr. CRANSTON. Mr. President, will the Senator add my name, please?

Mr. LONG. Mr. President, I ask unanimous consent that the name of the Senator from California (Mr. CRANSTON) be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, if other Senators would like their names added, I will do so.

The reason why I have not included the names of the cosponsors of my original amendment at this point is that I have modified the amendment to make clear that Members of Congress, in voting for this amendment, are not seeking any advantage for themselves.

As first drafted, the amendment would simply have postponed the section that would have put new Federal employees under social security until such time as Congress can see what the supplemental civil service program will be. In order that there can be no misunderstanding about our intentions, I have modified the amendment so that any postponement in social security coverage would not apply to Members of Congress, to the President of the United States, to the Vice President of the United States, or to the National Commission on Social Security.

That being the case, Mr. President, Senators who vote for the amendment can understand that they are not voting anything for themselves, or any advantage so far as Members of Congress are concerned. They are voting to do justice to the Federal employees as the good Lord gives us the light to see it.

Mr. President, I am proposing an amendment to the social security financing bill which will assure Federal employees that the stated purposes of that bill are carried out. The Finance Committee bill states in its title that it is a bill to implement the consensus recommendations of the National Commission on Social Security Reform. In recommending that Federal employees be covered under social security, the Commission said that "an independent supplemental retirement plan should be developed for the Federal new hires, which would be part of the civil service retirement system."

My amendment makes the coverage of new employees dependent upon accomplishing both parts of the Commission's recommendations.

Dr. Alan Greenspan, the Chairman of the Social Security Commission, explained what the Commission intended when he testified before the Finance Committee. Senator BRADLEY asked whether the Commission intended that Congress should devise a civil service retirement system that would supplement the social security benefits of new employees when they retire, so that their benefits would attain total levels equivalent of the civil service benefits present employees receive. Dr. Greenspan's response was:

> That's implied in much of our recommendations, although we do not specifically stipulate in any considerable detail what the Congress should do; but I think a large number of us could have very explicit assumptions which pretty much go in that direction.

Mr. Robert Ball, former Social Security Commissioner and member of the National Commission, stated in a letter his intention on this matter:

> The combination of social security coverage and newly designed benefit provisions within the civil service retirement system for new employees should be set up in such a way that, overall, the combination will provide as good protection as the present civil service system does alone. There is no intention to diminish the protection of these new employees as compared to the presently employed.

Mr. Robert Myers, the Executive Director of the Commission, told the committee that such a plan could be easily developed.

The pending amendment simply assures Federal employees that what we now say should be done, and what we now say can be done, will be done. It says that the coverage of new Federal employees under social security will become law. But it will take place only when we live up to our part of the bargain—when we put in place for those new Federal employees a supplemental retirement system which will make them also participants in a modified version of the civil service retirement program.

HOW CURRENT EMPLOYEES ARE AFFECTED

Those who oppose this amendment have argued that current Federal employees are not affected by the committee bill. They say that the bill before us covers only new Federal employees and should not be of concern to those already in the system.

There is much confusion on this matter, but the heart of the matter is simple. There is a clear community of interest between current and future Federal employees. The fate of the civil service retirement program for future employees is intimately tied to the fate of that system for current employees. Federal employees are well aware of that.

If there were any doubt that current Federal employees have grounds for concern, that doubt has been removed by the testimony of the administration. If the printed record of hearings were available to Senators, I doubt that any Member of this body could read the administration's testimony without concluding that Federal employees rightly feel that the security of the existing program is threatened.

Mr. Donald Devine, the Director of the agency responsible for the civil service system, appeared before the committee on February 23. He used the occasion to spell out the administration's plans in detail.

This is not the legislative context to debate the substance of what administration proposes, but their testimony leaves no room for doubt that Federal employees have grounds for concern. Mr. Devine spelled out plans for benefit reductions of such a magnitude that they would cut the costs of the civil service program by 37 percent. Moreover, the administration further plans to require an increase of over 50 percent in what Federal employees pay to support that reduced program. Changes of that order are clearly a matter for Federal employee concern.

The administration proposals relate to both present and future Federal employees.

Why is it that Federal employees are not satisfied with depending on the expressed good will of Congress? The answer is that once this bill is enacted we may not be in a very good position to make good on our intentions.

In a letter from the chairman of the subcommittee that deals with the civil service program, Senator STEVENS acknowledges the validity of their concern by stating:

> The Civil Service Retirement Trust Fund could eventually experience serious financing problems if new Federal employees no longer participate in the Civil Service Retirement System.

The Senator from Alaska goes on to assure that he does not intend to cut their benefits.

No one doubts Senator STEVENS' sincerity, but Congress cannot ordinarily enact laws without the consent of the President. The President has already announced his position on how he would cut back the civil service retirement program for both present and future Federal employees.

If new Federal employees are covered under social security before a supplemental plan has been enacted, the President will have considerably more say about what that legislation does to existing employees. This is precisely the situation that worries Federal employees.

This situation is not of the Federal employees' making. It is not their fault that Congress feels constrained to act on social security before it is ready with its plan for civil service. It is not the Federal employees who wield the threat of a veto—it is the President. My amendment maintains their ability—and the ability of the Congress—to work out this matter in an atmosphere of legislative neutrality.

This amendment does not change the basic thrust of the bill. It endorses the concept of covering new Federal employees under social security. It provides that such coverage can be effective as early as the bill now proposes—January 1 of next year. It does not undermine but rather reaffirms the commitment of the Congress to this important change in public policy. But it recognizes that this policy change is part of a bargain. One side of the bargain is social security coverage; the other side is a new supplemental retirement plan. This amendment links the two sides.

My amendment as originally drafted simply provided that the committee provisions relating to coverage of Federal employees would take place at such time as the promised supplemental plan is enacted. I have modified the amendment to provide that the coverage of Members of Congress will not be contingent upon further legislation but will go into effect on January 1, 1984, even if the supplemental plan has not yet been enacted. This change would also apply to the committee provisions which cover the President, Vice President, and Commissioner of Social Security on that date.

Mr. President, I ask unanimous consent that the names of the following Senators be added as cosponsors: the Senator from Maryland (Mr. SARBANES), the Senator from Ohio (Mr. GLENN), the Senator from Michigan (Mr. RIEGLE), the Senator from Montana (Mr. BAUCUS), the Senator from Tennessee (Mr. SASSER), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Virginia (Mr. WARNER), the Senator from Arkansas (Mr. PRYOR), the Senator from Maryland (Mr. MATHIAS), and the Senator from Kentucky (Mr. HUDDLESTON).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GOLDWATER. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. LONG. I yield.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that I be listed as a cosponsor of this amendment.

Mr. LONG. I am happy to ask that the Senator be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, I further ask unanimous consent that the Senator from Arizona (Mr. DECONCINI), the Senator from Oklahoma (Mr. BOREN), the Senator from Illinois (Mr. DIXON), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from New Mexico (Mr. BINGAMAN), and the Senator from Hawaii (Mr. MATSUNAGA) be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATSUNAGA. Mr. President, if the Senator will yield, I wish to commend the Senator from Louisiana for offering this amendment.

I think there was great confusion as was expressed in the committee when this matter was first taken up relative to how much the new Federal employees would be paying into this system and how much into the civil service retirement system.

I think the initial amendment which the Senator had intended to offer would have met that objective. The supplemental plan for new civil service employees needed to be formulated before they came under the coverage of the civil service system was a sound one.

I think the modification which the Senator has made even improved the amendment, and I congratulate the Senator.

Mr. LONG. I thank the Senator.

Mr. President, let me make it clear that I favor bringing the civil service employees under social security coverage. I do not and will not favor or support an amendment that would prevent them from coming under that coverage. I know that some do not wish to come under social security, but I do not share that view. I do think that it is unfair to ask these employees to buy a pig in a poke. I think it is unfair to ask them to agree to an arrangement whereby they would lose this financial support that flows into their present retirement program, meaning that the program could wither and die without additional funding, and also the new employees would be separated from the old employees so that their strength would be diluted and they would be less potent in defending their position—and then to proceed then to provide them with some reduced program.

Most of us have told the employees that we are not in favor of reducing what they have, but that is not what the administration testified for. It testified for cutting that program and making them pay more for reduced benefits.

Just to be sure this does not work out that way, it seems to me we should try to maintain legislative neutrality.

Mr. MATSUNAGA. Mr. President, if the Senator will yield further, it is my understanding that the Senator's amendment will not in any way adversely affect present civil service employees or present retirees under the civil service retirement system.

Mr. LONG. No, it would not.

I thank the Senator.

Mr. MATSUNAGA. I thank the Senator.

Mr. CRANSTON. Mr. President, will the Senator yield to me to make a brief statement in behalf of the amendment?

Mr. LONG. I yield the floor at this point.

Mr. CRANSTON. Mr. President, I rise in support of the amendment offered by Senator LONG—I am delighted to join as an original cosponsor of the new version; I was a sponsor of the old version—to delay bringing new Federal employees into the social security system until such time as Congress has provided a modified Federal retirement system which coordinates benefits with the social security system and protects the integrity of the Federal retirement system.

Because I believe that existing and future Federal employees should receive reasonable assurances that their retirement will be adequately guarded, I have withheld my support from the social security reform package until those of us concerned about Federal employees have had an opportunity to seek to defend their interests.

I think it is unfair to present employees of the Federal Government to ask them to risk their civil service retirement system and unfair to future employees to ask them to give up their retirement system without an opportunity to participate in the design of a new system to supplement social security.

That is what is involved here—simply fairness.

And that is why I am very pleased to cosponsor the pending amendment. It is a serious, realistic effort to provide Federal employees a fair opportunity to share in the design of a revamped retirement system.

The amendment retains the compromise worked out in the Commission on Social Security Reform. It does not violate the terms of that very important accord. Rather, it responds to the Commission's recommendation that Federal employees be afforded the protection of a supplemental civil service retirement system and the assurances to the Finance Committee by both the Commission Chairman, Alan Greenspan, and its Executive Director, Robert Ball, that such a supplemental plan could be easily designed.

I say "fine, let us get on with that job;" but it is totally unfair to ask present and future Federal workers to buy a pig in a poke.

What is more, the pending amendment leaves intact the decision that new Federal employees will indeed be covered by social security. No one is trying to reverse that decision by this amendment.

What is provided by the amendment is a reasonable amount of time, under

conditions which are fair to Federal employees and postal workers, for Congress to act to put in place a coordinated supplemental retirement program before coverage under social security begins.

Federal workers' retirement benefits are part of the incentive offered to encourage talented people to pursue careers with the Federal Government.

Many aspects of the Federal retirement program are not duplicated in social security. The two are not equivalents and were never intended to be. Rather, civil service retirement is the counterpart to the pension program of a private enterprise.

Placing Federal employees under social security would have the effect of drastically reducing the total benefits they now earn under the terms of their retirement system.

Why does social security coverage of new Federal employees affect existing Federal employees? Let us explore that question—for there is far more at stake here than just what kind of supplemental package, if any, will be designed and enacted.

First, as the numbers of Federal employees investing in civil service retirement declines, it becomes more and more easy to reduce the benefit structure and increase the worker contribution.

Second, this administration has demonstrated its tremendous hostility to Federal employees in a variety of ways—layoffs, RIF's, pay freezes, health insurance reductions, expropriated medicare contributions—and now has zeroed in directly on civil service retirement.

The President has made controversial recommendations for very harsh cutbacks in Federal retirement. Into the middle of this controversy has stepped the recommendation of the Social Security Commission to bring new Federal employees under social security. The Commission could not be expected to solve the problem of coordination of Federal benefits with social security benefits; that is a job for Congress.

And there is an enormous risk that this anti-Federal worker President, this anti-Federal worker administration, will try to ram through these kinds of major cuts in the Federal civil service retirement system in which so many millions of Americans have a vested, earned interest—ram them through without full and fair consideration—as the price for administration support of any kind of supplemental package.

Given these circumstances, it is perfectly understandable why Federal and postal employees have resisted the recommendation of the Commission and strongly support the pending amendment.

This is a situation in which good faith is called for.

The Senate has an opportunity by approving the Long amendment to demonstrate to employees of the Federal Government that it wishes to deal fairly with Federal workers and give them a fair chance to negotiate on supplemental and existing benefits without both arms being tied behind their backs.

Finally, Mr. President, the support of Federal workers' unions for this amendment constitutes a tacit recognition—although certainly not an endorsement—that the Senate will approve bringing new Federal workers into the social security system, as recommended by the Social Security Commission.

Theirs is a realistic and most constructive concession. It gives us an opportunity to move forward fairly, by adopting the Long amendment and then approving the social security reform package in a manner that avoids a totally coercive decision.

I urge the Senate to adopt our colleague's sensible and fair amendment. It will greatly enhance the opportunity for a successful outcome on the matter of revising the Federal retirement systems.

I thank the Senator, Senator LONG, for his leadership in this matter.

Mr. STEVENS. Mr. President, will the Senator yield for just one question?

Mr. CRANSTON. Yes.

Mr. STEVENS. Does the Senator know of any Government employees union that has endorsed the statement he just made that they would support inclusion under social security? If the Senator has led the Senate to believe that Senator LONG's amendment is carrying out the recommendation of the Social Security Commission and that Government employee groups have welcomed coverage under the social security system, assuming the Long amendment passes, I would ask the Senator directly, does he know of any Government employees organization that has endorsed coverage under social security for Government employees?

Mr. CRANSTON. No, and I did not say that. I said they have even given tacit support to this amendment as a better approach than what is presently proposed for them.

Mr. LONG. Mr. President, will the Senator yield?

Mr. CRANSTON. Certainly.

Mr. LONG. Let us just make a good faith proposition. If those who sponsor this bill will bring their supplemental plan in here, I will withdraw the amendment—just bring the plan in here as to what the new Federal employees are going to get, and add it to the bill right here.

Mr. STEVENS. I would be happy to bring the bill I introduced last year, and we will have it in 5 minutes. It was opposed by every employee organization because they were assured the Long amendment was going to pass, and they will not be included.

Let us just say Government employees will not be included in social security. That is the effect of your amendment. But you are leading the Senate to believe that somehow if we pass the amendment Government employees are going to be happy to be included under social security.

I have been involved in this thing—and I have respect for the Senator with regard to the Finance Committee's operations—more so, with the exception of the Senator from North Dakota, who left the Civil Service Subcommittee just 2 years ago. I have been dealing with this thing more than anybody in the Senate.

I want you to know, my good friend, if your amendment passes, Government employees will never come under social security, and we ought to just pass that amendment instead of yours because we are leading the Senate to believe we are going to accept the Social Security Commission's recommendations.

Mr. LONG. Mr. President, basically what the Senator from Alaska is saying is that he needs to separate the Federal employees from their existing program so as to have the leverage over them to make the kind of 50 percent increase in contributions or 35 percent benefit cuts the administration is recommending.

If he will bring in a program that would be as favorable to the employees as the one they have now, so far as this Senator is concerned, we should add it to this bill. But that is not what the Senator is talking about. He is talking about offering an amendment to say something different from that. If someone will come up with an amendment that will assure the Federal employees are going to have as good a supplemental program as they have right now, as far as this Senator is concerned, I will not insist on my amendment.

Mr. STEVENS. Mr. President, if the Senator will yield again, I would be happy to offer my bill as an amendment to this bill. I would be happy to have it become law. It is a better system than we have now because today, whether we realize it or not, the Civil Service Retirement System's unfunded liability is over $500 billion. We formed a Presidential commission, and we are dealing with social security that will have an immediate liability of $179 billion.

The trouble is the Senate and Congress are not ready to tinker with the civil service retirement system as part of the social security reform. I have opposed that from the very beginning. But what the Senator is doing is assuring that we will never deal with it because until the employee organization

groups—and I have great respect for them—are willing to accept the fact that they are going to be covered under social security—new employees will be—there will be no new system, and I think the employees have won the fight already, I say to the Senator from Louisiana, by virtue of the fact that the proposal that came out of the Commission did not include existing Government employees.

The original proposal was all Government employees would come under social security, including those now employed by the Federal Government. The proposal is that new Federal employees be covered in the system. My amendment, which I will discuss later, I will say to the Senator, would go further than the Senator's amendment does. But the Senator should not—and I do not disagree with the statement the Senator from Louisiana made, but the Senator from California led the Senate to believe that if the Long amendment is adopted we will be carrying out the Social Security Commission's recommendations, and that is not true. It cannot happen and we will not have a new system until we do decide that question of should new Federal employees be included in social security.

I oppose it, I will tell the Senate. I do not think they should. But until we decide whether they should or not we will not have a new system.

Mr. SARBANES. Will the Senator from Louisiana yield?

Mr. LONG. First let me say this, Mr. President. Let me just read the amendment.

The amendments made by this section shall be effective with respect to remuneration paid after December 31, 1983, if, prior to such date, there has been enacted into law a supplemental pension program for Federal workers hired after such date which the Congress may determine to be appropriate to coordinate coverage under the Federal Civil Service Retirement System with the coverage of such Federal workers under title II of the Social Security Act.

So by the very terms of the amendment, if you amend the bill to include a plan that does set up a supplemental civil service program, then the amendment would not be operative.

I yield to the Senator from Maryland.

Mr. SARBANES. I wish to commend the Senator from Louisiana for offering this amendment, and I am pleased to join him as a cosponsor. What the amendment seeks to assure is that if the employees are brought into the social security system, the supplemental retirement system to be provided will be a fair one; it seeks to accomplish this by linking those two actions together. Without this amendment the employees will have no notion what the supplemental retirement system will be for the new people.

How can we be certain that the new supplemental retirement system will not be completely transformed from the current system—benefits sharply cut, contributions significantly increased. That is the proposal the administration, has submitted to the Congress with respect to the current retirement programs. It is not therefore as though there is not some reason to be concerned about this matter.

The amendment of the Senator from Louisiana makes extremely good commonsense. Anyone would ask for the same fair treatment—ask to know what it is that is being done to them before it happens. There is nothing unreasonable about that. In fact, just to the contrary: It is extremely reasonable.

The Long amendment simply says that their inclusion under the social security system will occur—is it 20 days after the enactment?

Mr. LONG. It will occur in the month after the enactment of a supplemental civil service program. Or, for that matter, if Congress between now and the first of the year will adopt the supplemental program—and I do not object to that—social security coverage will go into effect on the day the committee had in mind to begin with.

But why would you want to put the Federal employees in a position where you are legislating to destroy their existing program? And that is going to take place. Then they are in a position where they are going to be left without the protection that they had before and they will be in a position of trying to seek a supplemental plan where the administration might oppose it. For all we know, the President would veto it and say, "Well, until you cut those benefits by a third and raise the taxes by 50 percent, I am not going to sign anything." We all know how tough the President can be. And I am not criticizing him for that. I respect him for it.

But these employees will have much less opportunity to defend their position and defend their members, one, when you separate the new ones from the old ones so that their numbers diminish, and two, when you cut off the money coming into the fund from the new hires who would be contributing to help support the program and put their money into the social security program instead.

Mr. SARBANES. It is constantly asserted that, since the committee's proposal is only going to apply to new hires, it will not have an effect on existing employees. I think there are two ways that it can have an effect on existing employees. One way it can affect them is if the supplemental retirement system developed for new employees represents a sharp cutback in benefits and then the continued support for the retirement system is going to be diminished with respect to the existing employees.

The other thing is, if you set up a separate supplemental retirement system for new employees which contrasts sharply with what existing employees have, it will not be long down the road before there will be pressure to conform the existing system to what the new system is if the new system represents a savings to the Government in terms of what it is contributing toward the retirement of its employees.

Having a good retirement system for Federal employees is an important part of having a quality Federal service. But if the administration comes in, and there is every indication that this administration wants to do so, with a greatly reduced and diminished retirement system and puts that into place for new employees, in a few years there will be pressure to conform the retirement system of the existing employees to that lower benefit retirement system. You mark my words. I make that as a prediction.

Now what the Senator's amendment at least would insure is that before any of this goes forward the supplemental plan has to be in front of everybody, it has to be passed so everyone knows what it is and can provide for contingencies. People can have a sense that they are being dealt with fairly and justly, instead of being put in the position where they are, in effect, going to have a pig in a poke imposed upon them. Who knows what this supplemental retirement system is going to look like? No one knows what it is going to look like. We should not move down this path without establishing that up front.

The Senator's amendment simply requires that it be established up front and that everyone know exactly what is happening. It gives us the opportunity to deal with a whole range of potential problems and contingencies.

Mr. LONG. Mr. President, I say to the Senator from Maryland that if I wanted the Senator to sell his home and I asked him to sign a contract to sell his home, he would like to know what he is going to get for it. No lawyer would advise a client to sign a contract unless it says what the person gets or what he is losing. And the Federal employees, certainly in good faith, regardless of whether they are part of social security coverage or not, have a right to ask that we show them what they would get in return for what they are giving up. To me, that is only just simple justice.

Mr. CHAFEE. Mr. President, I would like to make a couple of points here. The Senator from Maryland has spoken with eloquence, as usual. This point has been brought up several times, and that is the threat that the lack of new funds coming into the civil

service retirement system might have on the pensions of those present employees of the civil service. In other words, despite what might have been said around here, we want to make it very, very clear that we are only talking new hires, people who come into the Federal service starting January 1, 1984. But the concern has been raised by the Senator from Maryland and others that that will stop the flow of funds going into the civil service retirement.

Well, let us get something straight right here. It is great to talk about the civil service retirement fund as though somehow there is a pool of money that the civil service retirees have set up and that is where their pensions are coming from. The truth of the matter is that the pensions of civil service retirees are coming from $4 billion contributed by the civil service employees, $4 billion by matching funds of the Federal Government matching their employees, and $14 billion from the General Treasury of the United States.

That fund is bankrupt and we might as well acknowledge it. That fund is dependent upon the votes of this Congress from the general appropriations to provide for the retirement benefits of present retirees from the civil service.

There is no question but what the U.S. Congress will continue those appropriations, just like we have the appropriations every year for the military retirees. Does anybody suggest that somebody in this Congress is going to vote to cut the benefits of those retirees who are receiving pensions? Of course not.

Mr. SARBANES. Will the Senator yield?

Mr. CHAFEE. So that is good oratory and it flies well, but the trouble is the facts are not there to support it.

Mr. SARBANES. Will the Senator yield on that point?

Mr. CHAFEE. I will be glad to yield.

Mr. SARBANES. The Senator has, in effect, misstated my contention. I am not asserting that the current system is completely self-financed. But as the Senator himself indicated there are significant employee contributions into the system that help to provide some of the money needed to pay the benefits. If you diminish that flow and you are going to maintain the benefit levels, then you are going to have to find the additional money from somewhere else or else the pressure to diminish the benefits will increase.

The Senator asserts no one proposes to cut the benefits. The administration has submitted a proposal to the Congress that represents sharp cuts with respect to the existing retirement system.

I am not saying there will be no money coming in from the newly hired, but if you set up a system that is more restricted and limited, and no one knows what that system is going to be, then the flow of revenues will be diminished.

If you are going to maintain the benefits, the need for a general fund payment will be increased. If you do not want to increase those general fund payments, the pressure to cut the benefits will be increased.

That is what the problem is. The fact remains that it would still have an impact as we look down the road.

Mr. CHAFEE. I have presented the analogy, and we do not need to dwell on it all afternoon, of the military retirees. There is no fund for the military retirees. The military retirees from the military service are paid by appropriations made by the U.S. Congress. Those appropriations are made every year and so they will be for civil service retirees.

Mr. WARNER. Will the Senator yield on that point? I would like to take issue on it.

Mr. CHAFEE. I will let the Senator take issue in a moment.

Mr. WARNER. On that point, if the Senator will yield, I would like to clarify the point on using the analogy of military retirees. The military retirees as a group is, by and large, treated the same way, and is thus an ever constant number. However, under this proposal for other Federal employees, there would be a steadily diminishing number of Federal employees in the currently structured civil service retirement system. The new Federal employees will be under a different system if this proposal passes. Consequently, the Congress of the United States has an additional responsibility to insure the solvency of the civil service retirement program.

Mr. CHAFEE. I am not sure I get the point.

Mr. WARNER. I will clarify it later.

Mr. CHAFEE. If I might continue, we have all met with Federal groups. They have come in and they have been eloquent. But I do not think anybody needs to kid themselves. They do not want to come into the social security system. They do not want the new hirees in it. If this proposal, the package that we have here, does not include future hires of the civil service, I seriously question—and there are a good number of others who question—whether they will ever be included.

I know the Senator from Louisiana has a program that as soon as the supplemental package is passed then they will come in. That supplemental package will be fought tooth and nail every inch of the way. I think this is the floor of the amendment of the Senator from Louisiana. The floor, as I see it; it will never happen. The civil service new hires starting in 1984 will never come in under social security if we do not include them now. This is what we might call a last clear chance.

Mr. SARBANES. Will the Senator yield on that point?

Mr. CHAFEE. Yes.

Mr. SARBANES. The Senator does not know whether it will be fought tooth and nail because the Senator does not know what the program will look like. Can the Senator tell me now if the Long amendment is not accepted, what the retirement package for a new hire will be?

Mr. CHAFEE. We know perfectly well that the specifics of that program are not here.

Mr. SARBANES. They sure are not.

Mr. CHAFEE. The Senator has a great vehicle to ride. I know the State he comes from. Judging from the people who have flocked into my office, I was wondering who was tending the store. Every single one of us have undergone the same thing. The Federal employees just do not want future hires to come under this system.

Mr. SARBANES. Will the Senator yield?

Mr. CHAFEE. As I say, this is our last chance to accomplish this. If we do not, then I think we can clearly say it just plain will not happen. I think the prospects of this total package becoming unraveled become very imminent.

Mr. SARBANES. I simply say to the Senator if it is not fair it ought not to happen. The amendment of the Senator from Louisiana would assure that everyone would know exactly what was being done and be able, therefore, to make the judgment as to whether indeed it was fair. The Senator from Rhode Island has just admitted that he cannot tell us what the package is going to be because the package is not here.

The Senator from Louisiana is saying, "Let us have the package, so we know exactly what is being done before you move ahead."

Mr. CHAFEE. The Senator from Maryland knows perfectly that once this horse is out of the barn we will not see that social security cover for those new hires. We are not affecting anybody who is in the present Federal service. If we do not pass the package, then people do not have to come to work for the Federal Government. Who is representing the people of the United States of America? Those of us in this body and in the other body. If we do not pass a package that is satisfactory enough to attract to the banner of service in the U.S. Government, we will not get people. So there is an incentive on us to pass an adequate supplemental program.

Who are we affecting? We are not affecting a single person who now works for the Federal Government. If, by January 1, 1984, we do not have on the books a satisfactory supplemental program to go with the social security

coverage, then nobody has to come and work for the Federal Government. That will get our attention if nothing else does.

Mr. HEINZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. HEINZ. Mr. President, I rise in opposition to the amendment of the Senator from Louisiana. I do so with great respect for my friend and colleague and the ranking minority member of the Finance Committee. But notwithstanding that fact, I must tell my colleagues, having been a member of the National Commission and involved in the Finance Committee deliberations on this matter, that in this Senator's judgment we would be making three mistakes if we adopted the Long amendment.

The first mistake would be that we would not fulfill the agreement among the Speaker, the President, the majority leader of the Senate, and the members of the National Commission, to make this a balanced package and we would run the grave, indeed in my judgment the almost certain, risk of destroying the fragile consensus that took us over a year to put together.

Mr. President, I submit that if we lose this fragile consensus, it would be like trying to put Humpty Dumpty back together again to get any agreement again.

Among those who agreed to the package, which explicitly included social security coverage for new Federal hires, were a number of people with very good credentials looking out for the working people, including Mr. Lane Kirkland, the president of the AFL-CIO.

He supports this package. He is a friend of the working man. I doubt seriously that he would support a package that he felt was detrimental in any way, shape, or form to a very significant membership group of his organization.

Mr. President, the second reason I believe the amendment before us is dangerous is that it will have the effect of insuring substantively that we never bring new Federal employees under social security. There is broad public support for covering new Federal employees. Look at any public opinion poll and it will say, universal coverage makes sense. It is good enough for 115 million working people, it ought to be good enough for everybody else, including Members of Congress, they tell me. I agree with that.

If the Long amendment is adopted we shall never succeed in bringing the new Federal hires under social security. And Mr. President, I must say, I believe that would be a mistake. As chairman of the Senate Aging Committee with responsibility for assuring adequate retirement incomes, I am convinced that providing social security coverage for new Federal hires will improve retirement incomes for most of them.

Let me explain why. Of all the people who go now into Federal service as civil servants, the fact is that only 26 percent—about one of out of every four—get a retirement benefit out of the civil service retirement system. Sixty-two percent of the people who enter get absolutely nothing in the way of a benefit out of the civil service retirement system. They do not get a disability benefit, they do not get a retirement benefit if they die; their survivors do not get a benefit. So two-thirds of the people who are covered under this system today end up with zero, zip, nothing. When we make an effort to cover existing employees under social security, what we are doing is giving a good deal more security to nearly three-quarters of all the new Federal hires of the future. That is why it is a good idea. I have not heard anybody today explain why coverage is a good idea.

The third reason why the Long amendment, in my judgment, is a bad idea is that the revised retirement system we are proposing—social security and a supplemental program for the new Federal hires—along with the solvency package for social security is going to make it easier, not harder, for the Federal Government, to meet its commitments to the Civil Service Retirement System for present Federal employees and to make a meaningful commitment in the way of a supplemental pension plan to the new Federal employees. It will be easier because the Federal Government is going to be financially better off.

We are going to be financially better off in a number of ways. The most obvious way we are going to be better off is by passing the social security solvency package. As we know, it saves $165 billion between now and the end of 1989. As I argued yesterday on a different amendment, it will build up a surplus of $2.5 trillion by the year 2015 if our projections are not totally wrong.

Mr. MOYNIHAN. Will the Senator yield?

Mr. HEINZ. Not yet. I shall yield in a minute.

It will put the entire social security system in a solvent position for the next 75 years. That all represents, to my way of thinking, Mr. President, a tremendous relief to all the other areas of government. If the social security system were to run out of money, we would either have to borrow it or we have to raise taxes someplace else or take it out of the general fund.

So what we are doing is strengthening the general Treasury by passing the social security solvency bill. I suspect most of my colleagues realize that.

The other thing that we are doing in creating a different retirement system is we are going to have a fairer retirement system for those new Federal employees, the vast majority of them, and we are going to have a more equal retirement system.

So there is no misunderstanding on this point, I am a strong supporter of the Federal employees and the postal workers and the other people who are covered by the civil service retirement system. It is my view that they have been picked on time and again, that they have been used as scapegoats by irresponsible people. We have a really draconian proposal sent by the administration this year which would both change the rules in the middle of the game on their retirement system and require them to make a 9 to 11 percent contribution rate ultimately for their retirement.

I do not support that, Mr. President. I think that is just out of the question and I hope my colleagues do not support it, either. I make those comments because I want everyone to understand what I am about to say about what we plan for new employees and how I view our commitment to existing civil servants and their retirement system.

I think we all have to realize that, under the existing system, the 26 percent who do retire, a lot of them, retire after 30 years of service at age 55. Under social security, people retire right now at between 62 and 65. That difference is a very large difference, a very expensive difference. It is the reason that the social security system costs about 14 percent of payroll totally and the civil service retirement system costs about 37 percent of payroll. In other words, it costs better than 2½ times the social security system.

In addition to that, about three quarters of all Federal retirees work a sufficient number of quarters to qualify for full social security benefits in addition to their civil service retirement.

I think that they have earned it; they are entitled to it. I do not choose to take it away from them. But I think we ought to recognize that those people have not paid into social security anything like the amount somebody in the private sector covered by social security pays in up to the time that they receive retirement benefits. The result is that the current system is a very costly system to the Federal Government—to the taxpayers.

That does not mean we should gut it. I oppose gutting it. It does mean that we have an opportunity for the new Federal hires to design a system that is more economical to the Government and makes more sense for most Federal employees. In making that new system free from the rather

excessive per-employee costs of the existing system, we will save the Federal Government a considerable amount of additional money on top of what the social security package generates.

You add the two together, Mr. President, and what you have is a Federal Government that is in a better position to do something that I think most Senators in this body want to do: No. 1, meet our commitments to our existing civil servants under the civil service retirement system. I intend to see to it, speaking for myself, that we meet those commitments and we do not go around changing the rules in some draconian fashion in the middle of the game. But, second, we will be better able to afford the supplemental pension package that we all are so concerned about, that Senator LONG is concerned about. We will be better able to afford it and, therefore, we are going to have a better package if we defeat the Long amendment. And we are going to insure that the three out of four Federal employees of the future that do not retire in that system, will have something more tangible than they have today.

Now, one of our colleagues, Mr. President, made the point that no one could predict what the retirement package to be designed is going to look like. I would be the first to say that I cannot predict exactly what it is going to look like. But I can tell you this: It would be very shortsighted, indeed, for us to design a package that was not fully competitive with the kinds of packages provided to those who have good jobs in the private sector.

The fact is, Mr. President, that we are going to have a supplemental pension program for the new Federal employees which will be a competitive package. It will be a good package. The demands of the employment marketplace will insure that we have one.

In conclusion, the sooner we pass the social security package, the sooner we begin to focus on how to set up a more rational, a fairer and more economical system of covering our new Federal employees, and the better that supplemental package is going to be. We will not get the Congress and the Federal employees to focus on a supplemental plan until the coverage issue is settled. So I join with my colleagues who are so minded in hoping that the Senate will reject the Long amendment.

Mr. SARBANES addressed the Chair.

Mr. HEINZ. I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, while the Senator from Pennsylvania is still on the floor——

Mr. HEINZ. I will not be able to stay.

Mr. SARBANES. I just want to say that I think the position of Lane Kirkland was misstated on the floor, and I am going to read into the RECORD the first part of his supplementary statement. The Senator from Pennsylvania asserted Kirkland's support on this issue, the very issue that is now before us. I quote a part of his supplementary statement on mandatory coverage of public employees:

> I cannot support the Commission's recommendation for mandatory social security coverage of newly hired federal and postal employees. The many complex issues involved make it difficult to protect federal and postal employee rights under the best of circumstances. This is even more difficult at the present time since the proposal is being put forward in the context of a search for additional sources of revenue and Congress is not likely to decide the issue solely on its own merits.
>
> I could not support coverage unless all of the following conditions were met:
>
> 1. No reduction in the level of pension benefits now available to government workers.
>
> 2. No additional financial burden on government employees without a commensurate adjustment in benefits.
>
> 3. Preservation of the identity for government workers' retirement plans.
>
> 4. No diminution in the opportunity for these employees to improve their retirement systems.
>
> The Commission cannot know in advance whether the pension rights of present and future employees will be adequately protected if Congress enacts mandatory coverage. Federal and postal employees should have the right to know and evaluate in advance the details of any proposal before they are asked to take this step.
>
> Discussions are going forward to try to develop a solution to this problem which will strengthen and reinforce both the Social Security System and the Civil Service Retirement System. Those discussions ought not to be hampered by untimely and imprecise recommendations of this Commission. The Commission should not recommend nor should the Congress act when the coverage details are unknown. Otherwise, there can be no assurance that they meet criteria essential for assuring equity to those affected.

It seems to me the Long amendment is seeking to assure equity for those affected by being certain that the coverage details will be known, not unknown. That is the essential thrust of the amendment. It is a fairness and equity amendment, and I hope the Members of the Senate will support the amendment.

Mr. WARNER. Will the Senator yield for a question?

Mr. SARBANES. I yield to the Senator from Virginia.

Mr. WARNER. I join the distinguished Senator from Louisiana in his amendment, and I commend my colleague from Maryland for a very succinct series of observations on behalf of a very valuable class of employees for the United States, our Federal employees.

I have been researching the report of the Commission and, indeed, have been conversing with persons who were active in the preparation of that report. It seems to me the report envisioned that the Congress would act, hopefully, in a timely way to provide for a new supplemental retirement system should Federal employees be required to enter social security as well as continue in civil service. Timing is of the essence, and that is the essence of the Long amendment.

I am sure the Senator likewise studied the Commission report, and my suggestion to my colleague from Maryland, and it seems to me the suggestion of the distinguished Senator from Louisiana, along with the rest who are helping him, is that the Long amendment is comporting with the objectives of the Commission.

The Commission, of course, presumed that Congress would act in the time remaining before next January, but those of us who have been in the Senate awhile, my colleague from Maryland somewhat longer than I, recognize that this might not be an eventuality that will come to pass. Therefore, what we are doing is acting within the framework of the legislative history of the intention of the Commission to protect the Federal employees.

Would my colleague care to comment?

Mr. SARBANES. Mr. President, I really do not want to get into an attempt to define the intention of the Commission. What we are seeking to do here with the Long amendment is practice fairness. I quoted at length from the Kirkland statement simply because the Senator from Pennsylvania had represented, in opposing the Long amendment, that Lane Kirkland had taken a position that would be contrary. Obviously, that is not the case. It seems to me, whatever the intention of the Commission, that what we are seeking to do here is an eminently reasonable and commonsense proposal.

Mr. WARNER. I concur with the Senator from Maryland. I can find nothing in the Commission's record that indicates that at any time they wanted the Federal employees to pay approximately 6.75 percent of their salary into the social security system and at the same time 7 percent into the civil service retirement program. It is that double penalty that, in effect, we are trying to avoid with the amendment of the distinguished Senator from Louisiana.

Mr. President, perhaps the distinguished Senator from New York, who was very active in the Commission's preparation of this recommendation, will respond.

Does he think that at any time the Commission envisioned that an employee should pay both of these fees?

Mr. MOYNIHAN. No. The Commission envisioned that the Federal employees would come into a dual system such as is common in private employ-

ment, which is social security as the first tier of a retirement system, plus a supplementary system.

Mr. WARNER. I understand that. But, in effect, that supplementary system will not happen until Congress acts. What guarantee can be given that Congress will act in a timely fashion?

Mr. MOYNIHAN. No guarantee, any more than a guarantee that Congress next year will appropriate money to pay for the retirement benefits of Federal employees. We cannot guarantee it. We do it.

Mr. WARNER. But it seems to me that the Long amendment is insurance against the absence of action by Congress, and in that sense it is a perfectly reasonable amendment. I hope our colleagues will support it.

Perhaps the distinguished member of the Finance Committee would——

Mr. MOYNIHAN. I am a member of the Finance Committee. Does the Senator mean the chairman?

Mr. WARNER. I meant the chairman. Would he be kind enough to respond to my inquiry? Does he think that at any time the Commission envisioned that the Federal employees should pay the dual fees of the social security system and the civil service retirement, totaling almost 14 percent?

Mr. DOLE. No. As I recall the Commission's discussion, we expect that the supplemental program will be worked out and be in place.

Mr. WARNER. I infer that from the minutes, but we cannot guarantee that the supplemental program will be enacted in time. In a sense, the Senator from Louisiana and I and others are insuring against this double-payment situation.

Mr. DOLE. My view is that nothing will ever happen, because if we do not have a supplemental program that is satisfactory, we will not have the Federal employees under social security.

I know the frustration. I have met with a number of representatives of the employees' unions to see if there was some way to address the real concerns they have, and they do have real concerns. They represent Federal employees in every State of the Union. I have just visited with a number of leaders of the Federal unions to see if there is a middle ground providing some way to protect them.

We believe that the amendment that will be offered by the distinguished Senator from Alaska will address some of those concerns. I am not certain whether the Senator from Alaska has had a chance to discuss it with the Senator from Virginia. It is a tough call.

It is my view that we should get on with this matter and finish it. We have only four or five amendments after this one.

Mr. WARNER. I share the chairman's view that we should finish. We are in a debate, historically, that is vital to the continuation of a strong Federal employee service to this country; and in fairness to that large group of citizens, both those in retirement and those in active service, we should take whatever time is necessary to address this issue.

Mr. President, I am pleased to be a cosponsor of Senator LONG's amendment. This amendment prevents an inequity from occurring to the pecple who will be hired to serve the public.

Unless this amendment is adopted, new Federal employees will be obligated to pay 6.75 percent of their salary into the social security system and 7 percent to the civil service retirement program—nearly a 14 percent total.

I am aware of no other employer, public or private, that demands such a high payment.

In fairness, Congress should first make provision for a supplemental retirement to cover new Federal employees. This is in keeping with retirement packages for employees in the private sector.

Without this amendment, do you think equity can ever be established for new employees without at least a supplemental retirement plan which is routinely offered in the private sector?

I do not think it is the objective of the National Commission on Social Security Reform to punish new Federal employees by forcing 14 percent of their salaries to be deducted. I do not think it is the objective of the Commission to damage in any way the fiscal integrity of the civil service retirement program.

I do think it is the objective of this amendment to address both concerns.

We all want to promote efficient and effective Government service. We want to continue to attract and retain good, qualified people to serve the taxpayers.

Yet, there is a plethora of recommendations by both the executive and legislative branches of the U.S. Government which, taken together, can have far-reaching and perhaps unintended effect on the civil service system.

Before we attempt to enact varied recommendations on the Federal personnel system dealing with different issues—from procedures for reductions in force, to pay, to COLA's, to retirement benefits—for example, let us examine the impact of these proposals to the civil service system as a whole.

Several colleagues and I introduced legislation to direct a centennial review of the civil service. A commission, appointed jointly by the President and the Congress, would be charged with making recommendations to the Congress which would address problems with civil service, while insuring the provision of a strong, viable Federal work force.

I hope that, in the near future, Congress will establish this commission, so we can resolve the issues which are keeping Government employees in constant turmoil and uncertainty.

In the meantime, however, we are faced with the problem of new Federal employees paying 14 percent of their salaries to both civil service retirement and social security beginning in January 1984.

This amendment says that new Federal employees will contribute to the social security system no sooner than the Congress enacts a supplemental retirement program for these public servants.

I believe this amendment is a reasonable and fair way to resolve an inequity, and I urge its adoption.

Mr. MOYNIHAN. Mr. President, there are only three or four Members of the Senate on the floor and not many persons paying attention, so I will indulge a few moments of reflection on what is involved here.

What is involved, in my view, is a very painfully evolved conflict between two of the great traditions that we associate with the New Deal. On the one hand is the tradition of trade union organization and labor organization and the recognition thereof by employers, and the other tradition of social insurance which, independent of organizations, provides Government guarantees against the kinds of events that the human condition is exposed and susceptible to.

Mr. President, without asking too much of an indulgence from the Senate, I say that there is a personal poignancy I feel in this matter. I have been much involved with trade union matters over a lifetime. I am one of the few Members of this body who last year had a 100-percent COPE voting record. It is ironic and pleasing to see how many people with 20-percent COPE voting records are rising to the defense of organized labor.

With particular regard, I have been involved with the provision of union recognition for the Federal employee union which organized, in the case of postal workers, in the late 19th century and had to wait until almost the late 20th century to become recognized.

In 1961, I was made staff director of the Task Force on Employee-Management Relations in the Federal Service, a task force appointed by President John F. Kennedy. I was at the time assistant to the Secretary of Labor. I later became Secretary of Labor.

I know of no one else in this body who has ever served in the Department of Labor.

On November 30, 1961, we issued our report which resulted in Executive Order 10988 signed by President Ken-

nedy on January 17, 1962, which gave union recognition, checkoff dues, and recognition of exclusive bargaining rights to Federal employees.

Mr. President, I was staff director of that task force and in the largest measure I wrote that Executive order.

That was the beginning of union recognition for Federal employees. It came a generation after the Federal Government mandated it for employees in private service.

So I think I need not assert further my commitment to and concern for these persons. I am not only committed to them, I think I can say I did something for them. I helped transform their condition from that of an unrecognized group of persons to those who have a formal negotiated bargaining contractual relationship with their employers, without which a trade union is only a protest movement.

Yet social security is as much a concern of mine as it would be of anyone in this Chamber. And perhaps more than that, in the Federal Government I have been involved with efforts to extend the social security program.

I think a piece of legislation that I was instrumental in having proposed by the President ended up as supplementary security income, SSI.

I do not know that there are many others in this body who have such a relationship with an actual extension of the system.

But here we are in conflict, and I have a sense how this conflict is going to come out.

But I would like just for my own memoirs to conclude that as the classic condition that Lowi of Cornell University called interest group liberalism which he has declared is a system of government that cannot function and will ultimately collapse in a condition of stasis.

We are not going to include Federal employees in this bill today in the Senate and if this is the way the bill ends up they will never be included in social security. I put that down as part of my record. Perhaps it is not a perfect forecast, but they will not be included in my time. It will not happen, and they know it will not happen.

The consequences of this are, among other things, that two-thirds of the persons who enter Federal employment will never gain any social security protection nor will they have in retirement any Federal civil service retirement system benefits.

More than a third, 37 percent, will never be covered at all, even by disability or death benefits, survivor benefits, because they leave the Federal employment before 5 years of service, during which time they might acquire almost half the time in the quarters, as we say, that would be required to give them social security benefits and during which time very quickly they get disability benefits, and very quickly they get survivors benefits.

Social security is in its early period for a person in his beginning years of coverage a more generous system than the civil service retirement, which is not generally known but is a fact.

If this bill passes and if this amendment passes and becomes part of the final legislation, we will be almost 0.3 percent of payroll short on our long-term requirement to reach actuarial balance and, as the Senator from Pennsylvania has observed, we will have an ongoing fiscal crisis of the sort we seem to be entering where we cannot balance the budget and cannot balance the retirement system. This is a quality of interest group liberalism as Lowi has described. It involves an incapacity to govern out of a theory of governance that seemed to work. There comes a time when you try to harmonize the interests of all groups with the only interest that ends up not being served being the general public interest which, while a somewhat abstract proposition, nonetheless does exist. It can be perceived. There is not a person in this Chamber today who does not know what the public interest is here, but what they will mostly respond to is the special interest, a legitimate special interest. All special interests, or almost all, have legitimacy that can be associated with them.

It is simply that their interests are not harmonized with a more general public interest, absent which as a dominant theme of Government, Government become impossible. This lovely bunch of gentlemen who came in on the opposite side, committed to balancing the budget and doing all those things, cutting taxes, find themselves doing just the opposite as did their predecessors. There is not a prospect for a balanced budget in a decade. Our retirement systems are hopelessly underfunded. Our capacity to do what we know should be done is weakened by a pernicious thought that if you respond to the interests of every legitimate group that comes along the sum total of those responses equals a response to the public interest. It is demonstrated that this is not so.

I would not be carrying on such save there are only five Members of the Senate in the Chamber, and we are waiting for something to happen. Anytime anyone wishes me to sit down I shall be happy to do so.

But I wish it recorded that this is an example of our inability to govern. If word ever gets out that the most stable democracy in the world, the oldest organized constitutional government on Earth really cannot govern, we will lose all that matters most to us, more from that reputation than from anything we might say to the effect that we are all equitable, we do try to look after everyone, we seek the common good or a denominator that accommodates most interests. That will not work. If you cannot govern your system of governance loses its reputation and when that happens you soon lose that system of governance. Have no mistake. It is a point conservatives have made to liberals and liberals have not understood, partly because the conservatives have not made it with perhaps a sense of recognizing the legitimacy of liberal interests.

This is interest group liberalism producing stasis and the prospect eventually of a political civilization collapsing.

For what it is worth, it is an increasing situation, something of consequence that it will be seen as worth noting, such as the decline in confidence that goes with the paralysis that we see.

Title I of this act says with respect to the current employees of the Federal Government "[N]othing in this act shall reduce the accrued entitlements to future benefits under the Federal retirement system of current and retired Federal employees and their families."

Nothing could more state the will of Congress, the intent of Congress and nothing could more describe the decline of the prestige of this institution and the competence of our Government than that this statement of law will not be regarded as having any significance whatever.

We have heard in this Chamber the proper distress expressed by Members that the word of the majority leader and the minority leader, once a binding commitment, is no longer seen by people or by Members as sufficient.

Well, statutes are no longer seen to represent good faith commitments that will be kept. The whole structure of government that depends utterly on confidence in the behavior of others collapses so readily. The history of the world is the history of confidence in governments collapsing.

The rarest thing in the history of the world is the onset of stability, which happened in our country two centuries ago. The easiest thing is the onset of its opposite, and we contribute to that today. We do not know that we are doing it.

May Madison and Hamilton forgive us and may we thank our stars they are not here to watch us conduct ourselves in the manner that we have followed today.

Mr. STEVENS. Mr. President, this is an extremely difficult and complex issue, and I would again say to my good friend from Louisiana that I have great respect for his service in the Senate and for his intentions here. But there is a basic incompatibility in what the Senator's amendment seeks to do, in my judgment, and the best in-

terests of the people who do work and will work for the Federal Government. That incompatibility comes from the fact that through a period of years there has been a substantial change in the relationship between actual pay while working for the civil service, for the Federal Government in a civilian capacity, and retirement benefits.

One has to really study the total ramifications of the system, I think, to understand my objections to the Senator's amendment. Let me point out for the Senate just, for instance, in the period since 1970 there has been a consumer price index change of 164 percent, there has been a change in Federal civilian pay of 118 percent, there has been a change in private sector pay of 139 percent, in Postal Service pay there has been a change of 163 percent, in the military 172 percent, and we see that the Federal civil servant has been really left behind in terms of pay adjustments. Congress, in compensating for that, has built a civil service retirement system that is very generous.

I happen to believe in that system. I do not believe that the Social Security Reform Commission should have brought to us a recommendation that Federal employees be covered into social security in order to solve the solvency problem of social security, but they have.

The Long amendment will break down the offered solution for social security not because of any desire of the Senator from Louisiana to accomplish that, but because of the fact that those who are in the business of representing Government employees do not want social security coverage to ever take place.

As I say, I do not really either. I think we should have been given the opportunity to reform the civil service system as those people who have worked on the social security system have, with reforms for that system, and to blend them together, in my opinion, was a mistake. The social security system is the new system. The older system, the civil service retirement system, is basically a good system that could have been salvaged. I think it still could be salvaged if the political clout throughout the country still existed to do that.

But the thing my friends in the Government employee unions and the representatives of Government service do not realize is the record shows every time an issue has come before the Congress since 1976 that has affected the civil service, civil servants have lost.

Now they want to put off the solution to the civil sevice retirement problem. But the people who are putting it off assume that they will not be covered under social security. They will be. That is basically the dichotomy that exists here, which is whether or not civil servants will go under social security. I am sure the Senator from Louisiana would be the first one to say, "Of course, they are going to get there, that is the recommendation of the Social Security Commission that is before us." One of the basic tenets is that all new Federal employees should be under social security. So I assume he thinks it will happen. I assure you and I assure the Senator from Louisiana that is not the intention of those people for whom he is articulating this point.

The National Association of Postal Supervisors' letter says this—and this is dated March 18—and I will read it:

At the time this newsletter went to press the Senate was debating the social security package. The Senate, unlike the House, does not limit amendments to any bill. Senator RUSSELL LONG (Dem. of La.), ranking minority member of the Senate Finance Committee, intends to offer an amendment that would make the coverage provision become effective either January 1, 1984, or 30 days after a supplemental retirement program for new employees has been approved, which ever is later.

Federal and postal employee organizations have been lobbying long and hard for the Long amendment and, at this point, the vote is just too close to call. If the amendment is approved we still have a shot at defeating the social security coverage issue because we may be able to persuade the Congress next year, an election year, that social security coverage for Federal and postal employees is not a good idea.

It goes on. I think we should put the whole story in. I do not want to be accused of quoting something out of context. I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NAPS LEGISLATIVE CONFERENCE A REAL SUCCESS

The largest legislative conference in NAPS history got underway at 7:30 a.m. on Wednesday, March 9. Participants received a "shot in the arm" and some expert advice from Senator Jim Sasser and Representatives Michael Barnes, Steny Hoyer, Bill Clay and Mary Rose Oakar.

Following the breakfast meeting the over 1,200 NAPS delegates headed off to Capitol Hill to present their views on mandatory social security coverage of new federal and postal employees, budget proposals from the Reagan Administration that would destroy the present Civil Service Retirement system, proposals to change the Federal Employee Health Benefits program, and attempts to abolish the Private Express Statutes.

When the dust had cleared, NAPS delegates can take pride in a job well done despite a vote in the House of Representatives on the social security question.

COURTEOUS RECEPTION

The majority of NAPS delegates were received courteously, pleasantly and sympathetically when they met with their Senators or Representatives. Some members of Congress were unable to be there personally so delegates met with a senior staff member. Unfortunately, as in all things, some Representatives and Senators did not keep confirmed appointments which we realize is a disappointment to those first-time lobbyists.

Although it was not planned this way, the NAPS conference coincided with the vote in the House of Representatives on H.R. 1900—the social security package. H.R. 1900 mandates social security coverage for all new federal and postal employees effective January 1, 1984 and also includes a change in the formula for computing Social Security benefits which eliminates the so-called "windfall" benefit.

PACKAGE DEAL

NAPS members have had experience with legislative packages in the past, i.e., the budget reconciliation package of 1981 and the tax package in 1982 which included the Medicare tax. In the case of Social Security, Members of the House never had an opportunity to vote separately on the issue of Social Security coverage for federal and postal employees.

Coverage was recommended by the National Commission on Social Security Reform in a compromise package agreed to by the President, the Speaker of the House, and the Majority Leader of the Senate. The legislation was immediately put on a fast track that moved through the legislative process without amendment.

NO AMENDMENT

Under House rules, the Rules Committee allowed for a vote on only two amendments—neither of which dealt with the federal/postal employee issue. Consequently, Members of Congress were left with two choices. (1) Vote for the bill and assure that July Social Security checks could go out on time and for the full amount or, (2) Vote against the bill and be vulnerable to the charge that he or she voted against the millions of older Americans who depend on social security.

Given those options, it is not surprising that the bill passed and was supported even by many of our friends in the House.

SENATE ACTION

At the time this newsletter went to press, the Senate was debating the social security package. The Senate, unlike the House, does not limit amendments to any bill. Senator Russell Long, D.-La, ranking minority member of the Senate Finance Committee, intends to offer an amendment that would make the coverage provision become effective either January 1, 1984, or thirty days after a supplemental retirement program for new employees has been approved, whichever is later.

Federal and postal employee organizations have been lobbying hard for the Long amendment and at this point, the vote is just too close to call. If the amendment is approved, we still have a shot at defeating the social security coverage issue because we may be able to persuade the Congress next year, an election year, that social security coverage for new federal and postal employees is not a good idea.

SUCCESSFUL EFFORT

Success must be measured in terms of what was accomplished by the whole campaign, not just with what happened on the day of the legislative conference. When President Reagan's budget became public, a bad situation went to worse. The proposals set forth by the Administration on retirement and health benefits would destroy what current federal and postal employees receive.

Under those proposals, destruction of the present Civil Service Retirement System

and the Federal Employee Health Benefits program was a certainty. However, NAPS, along with other active and retired federal and postal employee organizations, graphically illustrated to Members of Congress that they do have an important constituency in the federal/postal community.

ALL OUT CAMPAIGN

The NAPS legislative conference was but one part of a campaign waged by unions and other organizations through FAIR. An all-out public relations campaign was lauched which included radio and magazine advertising, press conferences, tele-conferences and the series of legislative conferences conducted by individual organizations.

Last December, FAIR decided that successive waves of lobbyists from different organizations would have a greater impact on the Congress than one mass rally. A conservative estimate of the number of active and retired federal and postal employees who visited Capitol Hill is over 12,000. And, judging from some rumblings coming from Capitol Hill, quite successful.

OUR VOICES HAVE BEEN HEARD

There is no question that our letters, our advertising and our lobbying have been noticed by the Congress. On a number of occasions, the effort mounted by our group was mentioned by Members of Congress and witnesses who were trying to refute our facts.

In January, Congressional staff members were telling us we were dead in the water on the social security fight and we might as well roll over and play dead. Instead of following this suggestion, we pointed out that without the specifics of a supplemental plan, we still feared for our SCR financing and for the benefit levels for both new and current employees.

If you don't think our effort was successful, then how do you explain the Long amendment in the Senate? As our campaign continued, we began to get promises from individual Members of Congress that the legislation would not destroy CSRS because there would definitely be a supplemental plan in CSRS in the future.

THE WRITTEN PROMISE

Suddenly, people on Capitol Hill were talking about federal and postal employees and what was happening to them—and, for the first time in several years, not in a negative way. After the Reagan budget became public and the Director of OPM testified on their recommendations for a supplemental plan, the leadership of the House issued a "Dear Colleague" letter intended to allay our fears about social security coverage for new hires.

The letter was signed by the Speaker of the House, the Chairman of the Ways and Means Committee and the Chairman of the Post Office and Civil Service Committee. Basically, it stated that retirement benefits for those new hires would be comparable to current retiree benefits, that they opposed the Administration's budget cuts in retirement, opposed the Administration's proposals to treat COLA's for CSRS retirees differently than social security COLA's, and that they would oppose any proposal that "would threaten or adversely affect the financial integrity of the present civil service retirement fund."

FUTURE OUTLOOK

What the future holds is anybody's guess, but things look much better now than they did in January. Most of our delegates found that Members or their staffs were well-informed about our views and positions. They expressed either support or at least sympathy for our aims. This is a far cry to several years ago when any mention of federal retirement met with blank stares or opposition.

There appears to be more support for preservation of our retirement benefit levels and for adequate financing of our retirement system. And, if extension of Social Security coverage is enacted into law, it will be done in such a way that retirement revenues will come into the Civil Service Retirement Fund and thus help to maintain the cash flow needed to pay future benefits to present employees.

THE KEY TO SUCCESS

Would this change in attitude have been possible without the personal efforts of individual federal and postal employees? Probably not. You are the key and have always been the needed ingredient to any successful effort. We may have lost a battle, but we are certainly not losing the war.

But, again, this social security battle should teach us one thing—let's not wait until the axe is inches from our necks. Let's make sure the Congress remembers who we are and what we stand for. Only you can prevent further cutbacks in your retirement and other benefits. The man in the White House may not be on our side, but we are at least beginning to see some subtle changes from the people who make the ultimate legislative decisions—the Congress.

Mr. STEVENS. The point is the people lobbying for the Long amendment do not assume, as the Senator from Louisiana does, that Government employees ought to be covered under social security.

The difficulty is that those of us who have the responsibility in this area in Congress know that a bill will not pass to reform the civil service retirement system until those people who do conduct lobbying activities of this type are willing to accept the basic first point and that is that Government employees are going to be covered under social security. As long as that question is still in issue there will not be a reform of the existing civil service retirement system.

Our subcommittee, 3 years ago, that deals with civil service and the Postal Service undertook a study of the problem, and after a series of meetings with representatives of employee groups, we did present to Congress a bill that recommended a new system for civil service.

The system was predicated on the assumption that the Social Security Commission's recommendations would be adopted and new Federal employees would be covered under social security. Parenthetically, let me say that was a victory for Government employees because the first statement coming from the Commission indicated that all Government employees would be included in social security. The proposal before Congress now is that only new civil service employees will be included under social security.

The proposal we made for a new system of retirement benefits for civil servants would produce a system that is better than the existing system. It would assume a first tier of social security, a second tier of a pension system to which the employee did not contribute, and a third tier of an individual retirement account to which the Government would contribute if the employee contributed a minimal amount. The pension system would be managed in the private sector.

The impact of this bill was that when it was reviewed by the employee groups they were commendatory. They told us they thought it was a good job, but they disagreed with the basic assumption and told us civil servants will never be included in social security and, therefore, they said our plan was faulty because the basic assumption is that that is going to happen.

The Senator asked for someone to come forward with a plan. I have it. It is S. 2905 in the last Congress. It has not been introduced in this Congress because of the opposition from the very groups that are supporting the amendment that the Senator from Louisiana has offered. Their opposition is based on the fact, as I said, that social security coverage for Government employees will never occur.

Now, therein is the dilemma for our subcommittee and the House Full Committee on Civil Service problems. And I have discussed this at length with our colleagues in the House and they agree. If the amendment of the Senator from Louisiana passes, Government employees will not be included in social security, even though that is not his intent, and I want to make certain that I repeat that because I understand his statement and I understand the distinguished Senator from Louisiana is trying to offer a proposal which will give the Government employees a fair chance of getting a better system.

But until the basic decision is made as to whether or not they are to be included in social security, we cannot commence—even commence—consideration of a plan for the future.

Mr. LONG. Will the Senator yield at that point?

Mr. STEVENS. Yes.

Mr. LONG. Mr. President, let me say to the Senator that I believe he takes me at my word. I do not believe I have ever deceived the Senator. As far as I know, I have not.

Mr. STEVENS. The Senator never has, or any Member of the Senate, to my knowledge.

Mr. LONG. I believe the Senator would accept my assurance, as a fellow Senator and a friend, that, as far as this Senator is concerned, I fully intend to support a supplemental plan worked out to meet this problem, and I favor covering under social security the Federal employees.

Representatives of the Federal employees unions are outside in the Senate reception room, as you might expect. I visited with them during the last half hour, and they assured me that they realize that they have a responsibility to help work out the supplemental plan and go along with social security, and they will welcome the opportunity to do so.

I am not saying that they advocate social security coverage for new Federal employees.

Mr. STEVENS. Neither did I. I did not advocate it, either, I say to the Senator from Louisiana.

But will they accept a date certain when social security coverage will take place? If they will, we do not have any problem, because once we make the decision, if Congress makes the decision that Government employees are going to be included in social security at some time, we can then build on that decision, although I oppose it, mind you, because, again, I say that the civil service system preceded the social security system.

We allow the State employees to opt out of social security and have only a pension system. My State has done that. We allow others to opt out of social security. The Congress exercised the option for Government employees and opted out of social security in the past.

We have a retirement system and it could work. But if the decision is going to be made that every Senator I believe wants to see made, we have to have a time when everybody knows it will be made. I would accept the Senator's amendment and I accept his comments in good faith, and his commitment to me is as good as gold.

But the problem is, we will have opposition. Some of my very good friends are out there. I have worked with them for 15 years. They tell me, "This is live or die for us, STEVENS. You are either with us or against us on this one." I am talking about the Long amendment now.

The problem is I agree with them that they should not be in social security, but I disagree with the Senator when he says you can just put this off and we will work something out. Because my good friends out there in the lobby will prevent it from happening. And though the Senator assumes it is going to happen, it will not happen, in my judgment, because there will be an election year in 1984. We will have Presidential candidates and commitments will be made in that campaign and it will not happen.

But, meanwhile, we have the problem trying to cure a terminally ill system because of the problems that have occurred here.

Mr. LONG. Mr. President, if the Senator will yield, I say to the Senator, in good faith, that he perhaps does not know the genesis of this amendment.

By way of background, may I say that the Senator from Louisiana did not start calling Finance Committee Democrats to meet in caucus until the Republican Members were meeting in caucuses for a long time, and that goes back even to previous Congresses.

Mr. STEVENS. On this issue?

Mr. LONG. I am speaking generally about caucusing. But the Democrats on the Finance Committee had not caucused to discuss the social security bill until after the Republicans had a chance to meet and talk and decided what they thought they ought to do; that is, the majority had made their decisions. As a matter of fact, Mr. MOYNIHAN came to me and suggested that we ought to meet. He suggested Mr. DOLE thought we ought to meet because the Republicans had met. They thought we ought to meet and talk matters over so we could get our thinking together, as the Republicans had already done.

We went ahead and met. Mr. MOYNIHAN, at some point, had to go place a telephone call and he was not there at the moment we discussed this matter, but the rest of us who were there in the room talked the subject over. To us, it was apparent that the majority of the Federal employees, to the best of our knowledge, did not want to come under social security. We felt that we were not in a position to vote for what they wanted us to vote for; that is, just not to put them under social security at all. We did feel that, in good faith, they should not be asked to give up the benefits they presently have under a Sword of Damocles hanging over their head so that, if they did not go along with what was proposed, off with their heads, you might say.

We felt, in fairness, it would be appropriate to say that this social security coverage would go into effect when the Federal employees could see what the new program was going to be.

Now, I say to the Senator, and I am sincere about this: I intend to support whatever the Congress can work out, assuming, of course, it is a fair program. I intend to support the supplemental civil service program. The Federal employees that I mentioned may not be for the security coverage, but they realize that they are going to have to go along with this, because there are a considerable number among the cosponsors on this amendment with me who are not against social security coverage, but merely say by way of fairness that Federal employees are entitled to be heard and not be under the sword of Damocles that the present program fades out in the event that nothing happens.

Mr. STEVENS. Mr. President, we have been telling these same people, and our subcommittee has been working with them every month of every year for the last 2 or 3 years, and warning them that this day was coming. In the last Congress, we had a series of meetings for these people and said, "The day is coming. Here is a plan." But they said, "No, we will not support it because the basic assumption is you make the assumption"—talking to me—"that the Government employees could be covered under social security, and that will never happen."

That has been the decision—it will never happen.

With the adoption of the Long amendment, we will be along 4 or 5 years from now still worrying about what we are going to do about saving the civil service system. It is now $500 billion underfunded. The Senator from Rhode Island says $14 billion, but it is $17 billion being paid from the Treasury into the civil service retirement system. The Senator from Louisiana and I fought paying any money from the Treasury into the social security system, and that is why this Commission was formed. We, in other words, have a situation where we have a terminally ill patient and you want a transfusion to someone who just broke his leg.

The social security system is not insolvent. It never was insolvent. It was in trouble. The civil service retirement fund is insolvent and is in trouble and the solution has to be reached, and in a very short period of time, with the support of the employees.

But the employees are supporting the Long amendment because they do not want social security coverage. I am going to offer the amendment and let the Senate decide: Do we want social security coverage or do we not? I think the Senator from Louisiana told me he would oppose the amendment, is that right?

Mr. LONG. I would expect to oppose it; yes. If the Senator offers an amendment to say that Federal employees would not be covered by social security, I will vote against it and I will ask other Senators to vote against it. I feel that the new Federal employees should be covered by social security. That, may I say, is the view of the majority of Democrats who sponsor this amendment. We feel they should be covered. We intend to vote for coverage.

May I say to my able friend from Alaska, the Senator from Louisiana appreciates his position. When I first came here, my first assignment was to the Post Office and Civil Service Committee. I was made chairman of the pay raise subcommittee, it turned out, and I had to struggle around with the employee unions at that time because, as you might anticipate, they were very hopeful of getting some very large pay raises. While I was willing to

go along with a pay raise, I felt a responsibility to try to protect the Public Treasury, just as does the Senator from Alaska.

I know the problems the Senator is speaking to. But I have to say in fairness, we are not asking the social security beneficiaries to buy a pig in a poke. They see what benefits they are going to get and what sacrifice they are going to have to make in order to have their program continued and funded. I think in fairness the same thing ought to be done for the Federal employees. We ought to let them see what they are going to get.

What do they get when we enact legislation that prejudices for the future the continuation of the existing program?

Mr. STEVENS. All I can tell the Senator is that in my discussion with members of the Social Security Commission, with Members of the leadership in the other body, I am convinced that what they are going to get if they upset this current solution for the social security problem is a lot of antagonism from the public as a whole. It is going to come right back down on those of us who are trying to reform the civil service retirement system and provide employees of the Federal Government with at least as good a plan, and I believe the plan we had last year is a better plan.

Do you know less than 30 percent of the people who contribute to the civil service retirement system ever get any benefits out of it? Of those, I think less than a quarter are women. That means that most women who come into Government pay into the civil service retirement system and when they leave they only get back their contributions.

If these same women were working for a private sector, the employer would contribute and the employee would contribute and when they left the benefits of the plan would go with them. But that is not the system here.

We have a plan which would benefit those who work for the Government longer than the vesting period but not long enough to retire. We had a plan that gave a stimulus to private investment, a plan that gave management over the pension fund to the employees, and we could show them.

The actuaries agreed, our plan would deliver a better system.

But, again, the assumption was the first tier was social security. That first tier of social security is opposed by every employee group that I know of. As I said, it has been a parting of the ways for this Senator and many of those groups because they are unwilling to accept the advice I have given them, that it is going to happen.

I am going to offer an amendment to the Senator's amendment to say, "No, let us take them out entirely," because I want the Senate to vote on that and make a record for these people to see how much support there is in the Senate for taking Federal employees out of social security, period. I think there are just two or three of us who believe that way.

I still believe we could have made even a better system than this one if the Social Security Commission had kept its hands off the Federal retirement system. All they have done is taken a transfusion from that patient, as I said, who is terminally ill. We could have cured the illness of the system. We cannot anymore, once they are covered in social security.

We must reform the system. We must come up with a pension plan that assumes the existence of social security, something we would not have had to have done otherwise.

I find myself in the strange position of disagreeing with the Senator's basic assumption. I do not see why the Senator should put those of us who have the duty to come up with a plan into this position. It will not be the Finance Committee but it will be the Civil Service Committees that will come up with some sort of plan. We must work with the people who oppose us because we are willing to go along with your assumption.

UP AMENDMENT NO. 127

(Purpose: To eliminate coverage of Federal employees for the purposes of title II of the Social Security Act)

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

I will say to the Members, it is very simple so we will not have to waive it being read.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alaska (Mr. STEVENS), for himself and Mr. MATHIAS, proposes unprinted amendment numbered 127 to unprinted amendment numbered 126.

At the end thereof add the following:

On page 4, beginning with line 3, strike out all through page 9, line 19.

Mr. STEVENS. My amendment excludes Federal employees entirely from the social security system. That is what they seek in the Long amendment. That is what I would seek, if we were starting afresh, not to include Government employees in social security. I am hopeful that when people vote on this amendment they will recognize that some of us believe we can reform the civil service system without having social security be the first phase of that system. It was not necessary to have to have the Government employees pay into social security.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, I understand we probably have had enough debate on this amendment and we can probably vote on the amendment very quickly. I will just say a word and then we will start voting.

Mr. LONG. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second. There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Which amendment did the Senator request the yeas and nays on?

Mr. LONG. On the Stevens amendment, and the underlying amendment as well.

The PRESIDING OFFICER. Is there objection to ordering the yeas and nays on the underlying amendment? Without objection, it is so ordered.

Mr. LONG. I ask for the yeas and nays on the underlying amendment.

Mr. STEVENS. If this amendment fails, Mr. President, I do have a second amendment.

The PRESIDING OFFICER. Is there a sufficient second on the underlying amendment? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, we hope to conclude action on this bill by 3 p.m. We will have to move rather quickly. In addition to the series of amendments with reference to the Long amendment, the Senator from Montana has another amendment that I hope will not take long. The Senator from South Dakota and the Senator from Hawaii have worked out an amendment with reference to certain aliens that I understand can be accepted. Senator LEVIN has an amendment and Senator LONG has an amendment on determining the threshold for taxing benefits. Perhaps there is another amendment by the Senator from Colorado.

We do not have many amendments left but about four of those will require rollcalls. I hope there are no other amendments being drafted while we are debating this amendment. That is one problem when you have staff not doing anything. They are drafting amendments during debate.

Mr. President, I would hope we could start voting on these amendments.

Mr. President, I certainly support the Senator from Alaska. The Senator from Kansas has tried to figure out some way to accommodate the real concerns of the Federal employees. They have some just concerns, but I am yet to be convinced that this is not just a game to prevent them from ever coming under social security.

I think we have to continue to make clear that the National Commission recommended coverage only for new hires. We probably made a mistake. We should have brought in employees

with 3 to 5 years of Federal service. Then we could have given that up and they would have had a victory and we would not be here debating the new hires. We just did not think of that at the time.

Now we are only discussing new hires.

It seems to me that if we are really interested in trying to get this social security package passed, we are going to have to address the Long amendment. I would say right now the Senator from Louisiana probably has the votes. But we ought to go ahead and find out. We should finish that amendment, finish the other amendments, and go to conference. I would suggest, however, that if we come out of conference without Federal employees being covered, there probably would not be a social security package which the President would sign.

We have been told by Harry C. Ballantyne, Chief Actuary of the Social Security Administration, about the actuarial cost estimates made on Senator LONG's proposed amendment:

Because of the uncertainty of the development of a supplemental pension program for new Federal employees, we are unable to attach any estimates of short-range or long-range savings to Senator Long's proposal. Therefore, if the proposed amendment were enacted, with no other changes in the Senate Finance Committee bill, the long-range actuarial balance would change from a surplus of 0.08 percent of taxable payroll to a deficit of 0.20 percent under 1983 alternative II-B assumptions. Similarly, the projected short-range savings in 1983-89 would be reduced by $9.3 billion.

That is a fact we must consider, Mr. President.

I also wanted to refer to a letter that I received from a distinguished member of the Commission, a former Commissioner of the social security system from 1962 to 1973, Robert M. Ball. I thought it was an excellent letter on why he believes Federal employees should be covered. I should like to read portions of that letter and have the balance of it printed in the RECORD.

First of all, he says:

I fully support the coverage of Federal civilian employees newly hired after January 1, 1984, as recommended by the National Commission on Social Security Reform and the establishment for such newly hired employees of a benefit plan within the Civil Service Retirement system that would build on social security coverage, just as is the case with the pension plans of private employers. I would like to tell you why I take this position.

I spent most of my working career, 30 years, as a Federal employee, and although during the last 11 years of that period I was a Presidential appointee, I have always thought of myself as a career civil servant. I believe that the business of the United States is the most important and challenging business in the world, and we must be able to attract to it the best minds and skills of this and later generations. The need for a government of skilled administrators, researchers, policy analysts—the need for creative minds—transcends one's personal views about the proper direction for government. Whether one wishes to move the government in conservative or liberal directions, there is a need for high competence in carrying out the tremendous responsibilities of the United States government.

He indicates that he would do nothing that would undermine the system. Then, after a lot of thought, as he indicates, he goes on to explain why he believes that we should have coverage of newly hired—those are the two key words—newly hired Federal workers. There is no one currently in the Federal service now who is going to be affected at all by this provision.

I must say if they do not like the Federal system or the possibility of a supplemental program, they do not have to come into the Federal service. They have that option. We are not trying to force anything on anyone in the Federal service now. There was no intent to do that in anything the Commission recommended or in anything the Senate Finance Committee brought to the Senate floor.

Just to summarize Mr. Ball's letter and the reasons he favors coverage:

One, in the long run, Federal employees will lose if they are perceived by the public to have been exempted for selfish reasons from our basic, compulsory social insurance system that covers practically everyone else in the country. Social security has the national purpose of providing protection to make up for income loss because of retirement in old age, total disability, or the death of a wage earner in the family. It is a compact between the generations in which all share the burdens and the benefits. It is anomalous, to say the least, that Federal civilian employees are the ones who do not take part in this national effort. For many years now, coverage has been extended to all employment for which it is practical, including military service.

I think that in itself answers that question. It also addresses the question raised by Senator STEVENS about the perception of all the people out there in my State and every other State who believe that Federal employees should be brought into the system.

Two, the combination of social security coverage and newly designed benefit provisions within the civil service retirement system for new employees should be set up in such a way that, overall, the combination will provide as good protection as the present civil service system does alone. There is no intention to diminish the protection of these new employees as compared to the presently employed.

Three, for many new employees, this arrangement of social security plus a completely independent supplementary plan, as in private industry, would be better than the present civil service plan alone. Social security with its weighted benefit formula is generally more favorable to low-paid employees than the civil service system, and frequently social security is better for those who move in and out of Federal employment, since the possibility of missing eligibility for social security is protected against. Very importantly, full survivorship and disability protection is more quickly achieved under social security. The amounts paid for these risks are not related to length of service as in the civil service system, but are fully effective quickly, as in an insurance plan.

These are very important considerations, Mr. President.

And four, it is true that with extension of coverage to Federal civilian employment, Federal employees will lose an unfair advantage which they now have over those covered by social security throughout their working lives, but it is desirable that this should be the case. At present, about 73 percent of Federal annuitants who are age 62 or more are also eligible for social security, but they have been granted social security protection under more favorable benefit-to-contribution ratios than are possible for most people.

That is another factor that should be considered.

Mr. President, I ask unanimous consent that the balance of this excellent letter be printed in the RECORD, because I think it makes a strong case for covering Federal employees—newly hired Federal employees—to take effect on January 1, 1984.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ROBERT M. BALL,
Washington, D.C., February 17, 1983.

Hon. ROBERT DOLE,
Chairman, Committee on Finance,
Washington, D.C.

DEAR MR. CHAIRMAN: I fully support the coverage of Federal civilian employees newly hired after January 1, 1984, as recommended by the National Commission on Social Security Reform and the establishment for such newly hired employees of a benefit plan within the Civil Service Retirement system that would build on social security coverage, just as is the case with the pension plans of private employers. I would like to tell you why I take this position.

I spent most of my working career, 30 years, as a Federal employee, and although during the last 11 years of that period I was a Presidential appointee, I have always thought of myself as a career civil servant. I believe that the business of the United States is the most important and challenging business in the world, and we must be able to attract to it the best minds and skills of this and later generations. The need for a government of skilled administrators, researchers, policy analysts—the need for creative minds—transcends one's personal views about the proper direction for government. Whether one wishes to move the government in conservative or liberal directions, there is a need for high competence in carrying out the tremendous responsibilities of the United States government.

It follows, therefore, that I would do nothing knowingly to reduce the attractiveness of government service. On the contrary, I am appalled at the limits that have been placed on compensation so that Federal pay is becoming less and less competitive with private industry. We are only hurting our Nation when we make it more difficult to attract and hold the best people to work for us all as government employees.

A good retirement system and other fringe benefits have traditionally been a part of Federal government personnel

policy. To some extent these benefits have made up for frequently lower wage and salary levels. I believe it is of great importance to continue the policy of fully adequate retirement and fringe benefits for Federal employees—those presently employed and those hired in the future—as part of the objective of making our Government work well. It is good that the Federal government has been a leader in personnel policy in this area.

I have given the reasons why I favor the coverage of newly hired Federal employees below:

1. In the long run, Federal employees will lose if they are perceived by the public to have been exempted for selfish reasons from our basic, compulsory social insurance system that covers practically everyone else in the country. Social security has the national purpose of providing protection to make up for income loss because of retirement in old age, total disability, or the death of a wage earner in the family. It is a compact between the generations in which all share the burdens and the benefits. It is anomalous, to say the least, that Federal civilian employees are the ones who do not take part in this national effort. For many years now, coverage has been extended to all employment for which it is practical, including military service. I have been on many radio and TV call-in shows in recent years and made many talks on social security to general audiences. I always get the question "How come Federal employees don't have to pay in when I do?

2. The combination of social security coverage and newly designed benefit provisions within the civil service retirement system for new employees should be set up in such a way that, overall, the combination will provide as good protection as the present civil service system does alone. There is no intention to diminish the protection of these new employees as compared to the presently employed.

3. For many new employees, this arrangement of social security plus a completely independent supplementary plan, as in private industry, would be better than the present civil service plan alone. Social security with its weighted benefit formula is generally more favorable to how-paid employees than the civil service system, and frequently social security is better for those who move in and out of Federal employment, since the possibility of missing eligibility for social security is protected against. Very importantly, full survivorship and disability protection is more quickly achieved under social security. The amounts paid for these risks are not related to length of service as in the civil service system, but are fully effective quickly, as in an insurance plan.

4. It is true that with extension of coverage to Federal civilian employment, Federal employees will lose an unfair advantage which they now have over those covered by social security throughout their working lives, but it is desirable that this should be the case. At present, about 73 percent of Federal annuitants who are age 62 or more are also eligible for social security, but they have been granted social security protection under more favorable benefit-to-contribution ratios than are possible for most people. The Federal annuitant picks up social security coverage without having paid into the system over his entire working lifetime, but instead gets the social security benefit based on a partial earnings record in employment outside the Federal government. His or her earnings record under social security therefore has a lot of zero years in it and the average wage on which the benefit is based tends to be low. This gives the Federal annuitant the advantage of the weighted social security benefit formula (the factors in the benefit formula are 90 percent, 32 percent and 15 percent) which was intended to benefit low-paid people. This is not the fault of the Federal employee—there is nothing he can do about it under present law—but the result is such that everyone else in the country is paying somewhat more for social security because Federal employees receive this advantage. Thus the extension of social security to Federal employees reduces the long-range overall cost of the system by about 0.3 percent of payroll. It is just not true that new Federal employees would be asked to "bail out" the social security to their own disadvantage. On the contrary, extension of coverage would correct an inequity now disadvantageous to those under social security.

5. The notion has been widely circulated that covering new Federal employees under social security would deprive present Federal annuitants and those presently employed by the Federal government of a future source of income needed to pay their retirement benefits. This is not the case. At the present time, the protection furnished by the civil service retirement system—depending on how it is figured—is worth about 38–40 percent of payroll. Employees are paying only 7 percent of their earnings toward this protection. The agency for which they work contributes another 7 percent, and the rest of the benefits will be paid for from general revenues. Thus under present law, the benefits of present workers will be paid for mostly from general revenues, not the contributions of the newly hired.

Moreover, the contributions that the newly hired employees would make toward a specially designed benefit plan within the civil service system would mingle with all other contributions to that system, as is the case today with other special benefit plans in the civil service retirement system, such as those for Members of Congress, congressional employees, air traffic controllers, etc. It is true that the contributions to the civil service retirement system to be made by new Federal employees would be lower than the contributions paid by those already at work because, of course, the supplementary plan on top of social security will be cheaper than the present plan, which is intended to be sufficient in itself. However, these lower contributions will be balanced by the fact that the benefit provisions for the newly hired will have lower long-term costs, and create less liability for the civil service retirement system. You cannot help the civil service retirement system's long-range financing by bringing in new people who pay 7 percent of earnings toward a liability of between 38 percent and 40 percent of earnings.

The civil service retirement system as a whole will not be injured by the proposal to cover the newly hired under social security plus a specially designed benefit plan for this group within the civil service retirement system.

There is apparently widespread misunderstanding among Federal employees about these facts, some even believing that the civil service retirement system is adequately financed by a combination of the 7 percent contributions that they pay and matching contributions from their agency. It is important that these misunderstandings be corrected.

It is not surprising to me that Federal employees are greatly concerned about any proposals affecting their pay, working conditions, retirement and other fringe benefits. Their total compensation is being threatened in a variety of ways, but, in my considered judgment, the proposal to extend social security to newly hired employees is of an entirely different character. The adoption of this proposal will help, not hurt, the presently retired, the presently employed, and the newly hired, and will strengthen, not weaken, the attractiveness of Federal employment, while improving the attitude of the rest of the country toward the Federal employee.

Sincerely,

ROBERT M. BALL.

Mr. DOLE. Mr. President, I strongly support the amendment of the Senator from Alaska. I hope we can vote.

UP AMENDMENT NO. 127 AS MODIFIED

Mr. STEVENS. Mr. President, I am not sure the Senator from Kansas realizes the amendment I have at the desk to the Long amendment is to take Federal employees completely out of social security. I have been advised by the Parliamentarian that there is a technical error. I ask unanimous consent that my amendment be modified to cover that point.

The PRESIDING OFFICER. The Senator has the right to modify his amendment. The clerk will state the modification.

The assistant legislative clerk read as follows:

In lieu of the language proposed to be inserted insert:

"The amendments made by section 101 shall be null and void."

Mr. STEVENS. The effect of that, I want to be sure we all understand, is that the social security recommendations that members of the civil service pay into the social security system will be nullified.

Mr. DOLE. I support the Senator's offering that amendment to make the record. I do not agree with the amendment.

Mr. STEVENS. I understand.

Mr. LONG. Mr. President, I am informed that the yeas and nays have not been ordered on the Stevens amendment. Is that correct?

The PRESIDING OFFICER (Mr. MURKOWSKI). The Senator from Louisiana is correct.

Mr. LONG. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. LONG. Mr. President, I knew the Stevens amendment was subject to a point of order. I did not make the point of order because I felt that if he has the votes, the Senator from Alaska will prevail whether we make the point of order or do not make the point of order.

With reference to the actuary's memorandum, the actuary's memoran-

dum is based on a false assumption. It is based on the assumption that Congress will never act to put a supplemental civil service program into effect. But if such a program is enacted, then on a consolidated budget basis, Mr. President, there is no real difference whether the new Federal employees pay their money into the Federal retirement program or whether they pay their money into the social security program—in any event, the Federal Government gets the money. But one can contend that it would create an actuarial problem for the social security program in the event that the assumption that the new employees will pay into the social security fund never takes place.

I want to make it clear, Mr. President, and now that the Stevens amendment is to be voted on, I welcome the opportunity to make it clear by my vote, and I assume most will make it clear by their vote, that we are not attempting to keep Federal employees out of social security. I think they should be in social security, just as we ourselves come under social security—and I modified the amendment so as to put myself under social security, and every other Senator when he votes for this amendment is voting to put himself under social security. So we are not trying to keep anybody out. We are putting ourselves under social security. We propose that Federal employees be under that program, too.

The only difference is that we propose that Federal employees have an oportunity to see what they are going to get in return for what they are giving. It is that simple.

I hope the Stevens amendment will not be agreed to, but I welcome the opportunity to vote against it because the Senator, I think, may want to vote against it himself. It gives us an opportunity to demostrate whether we are for or against putting Federal employees under social security.

Mr. STEVENS. Mr. President, I am glad the Senator from Louisiana made that statement, because I want to assure the Senate that had we been left alone with the Federal civil service retirement, we would have had the same freedom to deal with that system as the social security system has had to deal with its system and we could have improved it. We could have made it responsive to the needs and wishes of our society. However, the social security question having come first and this proposal having been made by the Commission in order to solve the problems of the social security system, they have, as I said before, made the civil service system a terminally ill patient. I think we can still revive that system. It should be revived. I welcome the approval of this amendment.

What it will do, I admit, is send the social security system reforms back to the Commission for some solution to that portion of their insolvency problem that is related to the payments that would come from new Federal employees.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, of the Senator from Alaska. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "nay."

The PRESIDING OFFICER (Mr. RUDMAN). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 12, nays 86, as follows:

[Rollcall Vote No. 47 Leg.]

YEAS—12

Andrews	Mathias	Specter
Burdick	McClure	Stevens
East	Murkowski	Symms
Heflin	Sarbanes	Zorinsky

NAYS—86

Abdnor	Garn	Metzenbaum
Armstrong	Glenn	Mitchell
Baker	Goldwater	Moynihan
Baucus	Gorton	Nickles
Bentsen	Grassley	Nunn
Biden	Hart	Packwood
Bingaman	Hatch	Pell
Boren	Hatfield	Percy
Boschwitz	Hawkins	Pressler
Bradley	Hecht	Proxmire
Bumpers	Heinz	Pryor
Byrd	Helms	Quayle
Chafee	Huddleston	Randolph
Chiles	Humphrey	Riegle
Cochran	Inouye	Roth
Cohen	Jackson	Rudman
Cranston	Jepsen	Sasser
D'Amato	Johnston	Simpson
Danforth	Kassebaum	Stafford
DeConcini	Kasten	Stennis
Denton	Lautenberg	Thurmond
Dixon	Laxalt	Tower
Dodd	Leahy	Trible
Dole	Levin	Tsongas
Domenici	Long	Wallop
Durenberger	Lugar	Warner
Eagleton	Matsunaga	Weicker
Exon	Mattingly	Wilson
Ford	Melcher	

NOT VOTING—2

Hollings	Kennedy

So Mr. STEVENS' amendment (UP No. 127), as modified, was rejected.

UP AMENDMENT NO. 128

(Purpose: To require the establishment of a Social Security supplemental retirement program for new Federal employees by October 1, 1985, and to provide retirement credit for service performed by new employees during the period between December 31, 1983, and October 1, 1985)

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes an unprinted amendment numbered 128.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the language to be proposed insert the following:

"(c)(1) The amendments made by this section shall be effective with respect to remuneration paid after December 31, 1983;

"(2) For the purposes of this section the term 'new employee' means any individual whose service is employment under section 210(a)(5) of the Social Security Act (as effective with respect to remuneration paid after December 31, 1983) and section 3121(b)(5) of the Internal Revenue Code of 1954 (as effective with respect to remuneration paid after December 31, 1983).

"(3) Not later than October 1, 1985, there shall be established by law a retirement program that provides retirement benefits which supplement benefits payable under title II of the Social Security Act for new employees.

"(4) Notwithstanding any other provision of law—

"(A) new employees shall not pay into the Civil Service Retirement and Disability Fund, and deductions shall not be withheld from the basic pay of any such employee for the purpose of paying into such fund;

"(B) if a retirement program is established pursuant to paragraph (3) by October 1, 1985—

"(1) each new employee shall, for the purposes of such program, be given credit for service performed under employment by the United States Government during the period beginning January 1, 1984, and ending September 30, 1985, or, if earlier, on the day before the effective date of such retirement program; and

"(2) no payment of a contribution for such retirement program shall be required of such employee with respect to such service; and

"(c) if no retirement program is established pursuant to paragraph (3) by October 1, 1985—

"(1) each new employee shall, for the purposes of subchapter III of chapter 83 of title 5, United States Code, be given credit for service performed in the employment of the United States Government during the period beginning January 1, 1984, and ending September 30, 1985;

"(2) no payment of a contribution for the purposes of such subchapter shall be required of such employee with respect to such service; and

"(3) clause (1) shall not apply with respect to service performed by such employee under employment by the United States Government after September 30, 1985.

Mr. STEVENS. Mr. President, this amendment, now that the Senate has gone on record that it does not endorse the intent of the Long amendment, is to deal with the problem of new civil service employees. The effect of this amendment would be that new civil service employees would be covered into the new pension system that

we will enact and the amendment commits us to enact that by October 1, 1985. They would not have to contribute between now and 1985, or until the plan becomes effective, to the new system.

We have cleared this with the Social Security Commission representative and with the Office of Management and Budget. It has very little, if any, budget impact because the main plan that is under consideration to replace the civil service retirement system is in fact a noncontributory pension system which uses social security as its first base, its first tier and the noncontributory pension system as the second portion of the plan.

The effect of this would be, again, that new Federal employees would be paying into social security as is contemplated by the Social Security Commission report.

I have discussed this at length and my friend from Louisiana understands it.

The problem that we have is dealing with the long amendment. The Long amendment is backed by people who do not want to see civil servants pay into social security. That is not the intent of the Senator from Louisiana but that is the intent of the people who seek its passage.

My amendment requires that a new supplemental pension for civil servants be enacted into law, as I said, by October 1, 1985. All Federal employees hired after December 31 of this year would not contribute to the civil service retirement system. Instead, they would be in the social security system and would be given credit in the new Federal pension system from the date of their hire without regard to when the system becomes effective.

In effect, it is a free ride for new employees in the new Federal retirement system.

If Senators vote for the Long amendment they are going to put social security coverage for civil servants in the political year of 1984 when it is going to become an issue in the Presidential campaign and it is not going to happen. It is not going to happen in a Congress that is divided politically and where partisan politics has a great sway in an election year.

Those of us who are on the Civil Service Subcommittee here and on the Civil Service Committee in the House of Representatives know we have a very difficult problem. It is worse, as I have said before, than the social security problem. The unfunded liability of the civil service retirement system is more than twice as much as the projected liability of the social security system, and we are working hard, after a Presidential commission and all the work that has gone into it, to reform the social security system which has a lesser problem.

Since my amendment to exclude Federal employees from social security failed, my new amendment assumes that the new employees would be covered as of the beginning of the year pursuant to the Commission report. But those new employees would not have to pay both social security and civil service retirement contributions. To do so would be quite burdensome.

So, Mr. President, I am hopeful that the Members of the Senate will now provide protection for Federal employees since that last vote indicated the Senate wishes to lower civil service employees under social security. This amendment assures retirement payment above social security for the new employees will not have to be made until October 1, 1985, or the date in which Congress enacts the new pension system which I hope is substantially in advance of that time.

Mr. WARNER. Mr. President, will the Senator yield for a question?

Mr. STEVENS. I yield.

Mr. WARNER. Under the previous amendment which was defeated, it was quite clear that Members of Congress would be taken out from under social security had the amendment passed. Will the Senator address that issue in this amendment?

Mr. STEVENS. I am glad the Senator mentioned that because it was not clear. It was not until after I offered the amendment that staff advised me that that section included Congress.

I had no intention under that last amendment to do so. This amendment does not affect Members of Congress at all. This amendment affects new Federal civil servants only.

Mr. WARNER. Mr. President, if the Senator will yield further, there was nothing personal intended in the question. As a matter of fact, I was one of those who came to the Senator after the vote started, and pointed it out.

Of course, our distinguished friend, the Senator from Louisiana, has amended the amendment, of which I am a cosponsor, which does not affect Members of Congress.

Mr. STEVENS. As long as the Members are here, we ought to discuss this because the bill that came from the House includes Members of Congress as employees within the social security system.

Currently those of us who have outside income beyond our Senate salary pay social security as self-employed persons, and we pay more.

The House bill and the Senate Finance Committee bill save money for those people who have outside income. It punishes those who do not have outside income, new Members of Congress, those who do not take honoraria, who will have their social security contributions increased.

So we are going to get to that subject before the day is over, but I want to assure the Senator from Virginia there is no intention in the amendment to deal with that question.

The Senator from Louisiana's amendment preserves the intention of the Senate Finance Committee and the House Ways and Means Committee that Members of Congress will be included as employees which, as I said, will save money for most Members of Congress who have outside income. That is the vast majority of the Members of Congress.

Those who do not have outside income, it will increase their contributions because they will then pay as employees into the social security system and they will be the only Federal employees who are currently on the rolls of Federal employment who will be so treated.

I do think that ought to be addressed at a later time. This, however, deals only with new employees who contribute to the civil service retirement system.

I do believe, and I hope Members will agree, that having decided that the Social Security Commission's recommendations that civil service employees must pay into the social security fund was correct, they now should not mislead postal and civil service employees to believe that by putting this off to allow the issue to go over into a political election year, that Congress will, in fact, change that recommendation of the Social Security Commission. I believe passage of my amendment does more for Federal employees since it assures them that there will be a supplemental pension and that they will receive free credit in that system until it is established.

Mr. GLENN. Mr. President, I am pleased to cosponsor the amendment offered by Senator LONG to provide that social security coverage of new Federal and postal employees will take place in January 1984, as mandated by the Finance Committee's social security bill, as long as Congress has enacted a supplemental civil service retirement program for these workers by that time. I urge early congressional hearings on this important issue so that we are able to meet that deadline. If we do not, social security coverage would be triggered upon enactment of legislation implementing a supplemental civil service retirement plan.

The National Commission on Social Security Reform's plan assumed the adoption of a supplemental retirement program for new civil servants. The social security bill reported from the Finance Committee assumes such a plan. The purpose of this amendment is to add assurance to these assumptions that both parts of the plan will be carried out. It is not fair to include new Federal employees under social security without providing in advance how pension benefits will be protected. The amendment would add a measure

of fairness to the Commission's plan and finance bill.

Presently, Federal employees contribute 7 percent of their salary for retirement. Workers under social security contribute 5.4 percent of their earnings covered by the payroll tax. Both contribute 1.3 percent of salary to medicare. With the social security tax rising next year, without enactment of a supplemental program, new Federal employees will be contributing 14 percent of their salaries to civil service, social security, and medicare.

I have always been supportive of legislation to strengthen the independent retirement system of civil servants. I view current retirement benefits as deferred compensation which attract qualified people into Government service—where the salary might not compete with the profit of private industry. The civil service retirement system has a long history of serving this purpose. Federal employees were not included under the original Social Security Act because they had this program of retirement protection.

As a member of the Senate Governmental Affairs Committee, I am well aware that President Reagan's past two budgets have reduced civil service benefits in both the retirement and health programs. The administration's 1984 budget includes a number of new proposals harmful to both current workers and retirees. There is fear on the part of some that enactment of these budget-cutting proposals will be demanded as a price for White House support of a supplemental retirement program for new civil servants.

Despite the fact that the President endorsed the Commission's proposal mandating social security coverage for new Federal and postal workers 3 months ago, we have yet to see any administration proposal for establishing a supplemental retirement program. There are no White House or other proposals before the Congress to establish a plan. We do not have any idea of what such a plan would look like.

The amendment offered by the distinguished ranking Democratic member of the Finance Committee will help insure that Congress will continue providing financing for the present civil service retirement program, and will enact a responsible plan for new workers entering Government service.

● Mr. PRYOR. Mr. President, today I rise in full support of the amendment which my distinguished colleague from Louisiana, the ranking minority member of the Finance Committee, has offered which would delay mandatory coverage of newly hired Federal employees until after a supplementary retirement system is set in place for civil service workers. It is my firm belief that this change would vastly improve a very controversial provision of the social security financing package without substantially altering the National Commission on Social Security Reform's recommendations.

Mr. President, I have called this an improvement in the Federal worker provision because I firmly believe it will ease the very real concerns that many members of the Federal work force and retired civil servants have.

Under current law, assuming passage of this legislation, new Federal hires and former civil service retirement system participants with a break in service of more than 1 year would be forced to pay 13.5 percent of their income—7 percent to go to the civil service retirement system and 6.5 percent to the social security system. The same contribution would be exacted from the Federal Government.

We all know the strains that have been placed on workers and employers as the result of recent increases in payroll taxes—they have served as a disincentive for hiring and have placed a greater burden on the work force—both at times when they can least be afforded. To require that the new Federal worker almost double the current contribution for retirement will place a painful, inequitable and unnecessary financial burden on all new Federal workers.

In many cases, the benefits associated with a job may be the key factor in drawing well-qualified applicants for openings. This provision, as currently constructed, will discourage quality individuals from coming into the Federal work force due to the uncertainty of their work-related benefits.

I also question the fairness of asking current civil service workers to go on the "blind faith" that the Congress will formulate a fair method for guaranteeing the retirement security of our public servants—a process which we know will take a considerable amount of time. We have no knowledge of the increased administrative costs which may result from the integration and modification of the 38 current Federal retirement programs so that they will complement the social security system. I think this is far too important and far reaching a change to legislate with so many loose ends hanging.

Mr. President, the report of the National Commission states that the inclusion of new Federal workers in social security will result in $9.4 billion in new revenues to the system through the end of this decade. It is true that half of these revenues will come from new Federal workers. But the other half will be taken from the Federal Treasury. No consideration has been given to the fact that the Federal Government will be under obligation to pay its contribution should these new workers decide to participate in the supplemental program which must be developed. We have no knowledge of the budgetary implications of this provision.

During my membership on the Governmental Affairs Committee the Comptroller General of the United States concluded to the committee in a report entitled "The Need for Overall Policy and Coordinated Management of Federal Retirement Systems," that the extension of social security coverage to Federal workers will require a substantial increase in the cash requirements of the Federal Government. It is important that we closely examine what these cash requirements will be.

In closing, Mr. President, I think it is important to note that in recent years the Federal worker and civil service retiree have been asked to accept considerable reductions in work-related benefits such as health insurance and retirement income. To once again ask them to entrust their present and future security on the basis of the promises of an unpredictable Congress and a hostile administration is patently unfair. The least we can do is delay coverage of new Federal employees until a supplemental retirement system is in place.

If the Congress is able to address the many concerns which this proposal has raised as quickly as some of my colleagues have claimed, then there will be no need to delay coverage. If we are not able to enact the necessary changes, there is no justification for mandatory coverage while so much uncertainty is still rampant. I urge adoption of the Long amendment.●

● Mr. HOLLINGS. Mr. President, I am pleased to be a cosponser of the Long amendment. This proposal will simply delay enactment of social security coverage of new Federal employees until Congress has had the time to thoroughly review and implement supplementary legislation. It will not exempt Members of Congress and the President from coverage.

While we all recognize the urgency to enact social security reforms, we should not allow that urgency to stampede us into enacting poor policy. And that is exactly the case if we accept the National Commission provision to bring new Federal employees into the social security system. We will, in essence, be gutting the civil service retirement system under the guise of saving social security. That to me is a very bad deal.

Mr. President, the proposal to bring new Federal employees into social security was simply not thought out. For if it had been, it would never have been made at this time. The proposal's costs, in both financial and human terms, simply outweigh its benefits.

First of all, there is little doubt that this is a poor financial bargain for both the taxpayer and the social security system. At the least, some or all of

the $500 billion unfunded liability of the civil service retirement trust fund will have to be funded by the Federal Treasury. Exactly how much or how little is open to dispute. But the fact is that the taxpayers of this country—already carrying a large share of civil service retirement costs—could be accepting an additional $500 billion in debt over the next 40 years if we enact this merger. And at the worst, we may not only be accepting these new costs, but may actually be exacerbating social security's problems over the long run by bringing millions of new beneficiaries into this troubled system.

Second, bringing new Government workers into social security at this time would be one more signal to the Federal employee that he is really a second class worker. The civil servant is already lagging behind his private sector counterpart by 13.9 percent in wages and he is possibly facing a total wage freeze this year. Health and other benefits have been cut back over the last 2 years and this spring the administration has proposed yet another radical set of changes in his basic retirement benefits. And now to top all of that off, the Government worker is seeing the civil service pension system, which has existed since 1920, basically dismantled in the name of saving social security. Certainly, that is the wrong signal at the wrong time because we have never needed a competent American Government more than today. And the only way to insure that competence is to have an effective, efficient, and skilled civil service—not a demoralized work force under constant attack.

And third, this proposal is backed more by anecdotes than by facts. By that I mean that there seems to be a notion that the retired civil servent is somehow reaping unearned and astronomical benefits at the expense of social security—the old whipping boy called the double-dipper. But the facts show that what may have once been the case, is not necessarily so today. The civil servent needs to pay into social security for at least 40 quarters—10 years—in order to qualify for benefits. The minimum benefit, which did provide a windfall to certain retired civil servants, was eliminated in 1981. The public pension offset, which we enacted in 1977, is scheduled to take effect this year. And, finally, other provisions of this bill will reduce any windfall a retired civil servant might reap by revising the so-called tilt in the social security benefit formula.

Mr. President, I am a realist and understand that this bill is going to be enacted despite my reservations. It simply has too many heavyweight supporters, from the President to the Speaker of the House. And it should be enacted because we simply can not let social security go under. But we should not rush pellmell into a mistake regarding the civil service pension system. And our amendment will give us time to avoid that mistake.

Our amendment simply codifies what is assumed in the bill—that a supplementary system will be enacted to protect the rights of Federal employees and the taxpayers. Instead of putting the cart before the horse by bringing civil servants into social security before we have enacted legislation to implement this change, we put the cart back where it belongs. This amendment will delay coverage of new Government workers until Congress has passed the necessary supplemental legislation. This will not only protect the civil servant but also the taxpayer from a possible fiscal folly. Once we are able to study this proposal—away from the crisis atmosphere that surrounds this bill—we will be able to carefully assess all of the potential costs and benefits. And if my analysis proves correct, I am confident that the fiscally shortsighted aspects of the potential merger will become very clear to all Members of the Senate.

In conclusion, Mr. President, there is no doubt that the civil service retirement system has been in need of reform. I have supported and sponsored a number of the changes we have enacted in the last few years and I will carefully review any reasonable proposals made in the future. But what the committee is suggesting today is not reform. Instead, it is what I like to call blind faith legislation. That is, we are asked to enact a huge change—one that could cost the taxpayer, the social security recipient, and the Federal employee billions of dollars in the future—on the faith that all of these potential problems will be worked out after the law is passed. Well, I for one have seen the folly of that route in the past and do not want to see it repeated here. Our amendment will prevent that from occurring today and it will prevent Congress from being steamrolled into enacting a shortsighted piece of legislation.●

● Mr. SASSER. Mr. President, I rise today to sponsor and express my strong support for the Long amendment to the social security bill.

This amendment, ably described by the distinguished Senator from Louisiana, provides that new Federal employees will not be covered under social security unless and until legislation is enacted that would provide new Federal employees the full protection of a supplemental civil service retirement system.

This is an eminently fair amendment, Mr. President.

It recognizes the obligation of the Federal Government to both the social security system and the civil service retirement system.

It recognizes the fact that we must have a solvent social security system that will meet the need of the 36 million Americans who depend on social security for basic retirement, survivor, and disability benefits.

It also recognizes the fact that we have a solemn obligation to maintain the integrity of the civil service retirement system for the more than 1.7 million Federal retirees and survivors currently receiving benefits, and the more than 2.9 million Federal workers that are eligible for civil service retirement benefits.

This amendment enables the Congress to meet its obligation to social security beneficiary and civil servant alike.

Now, Mr. President, we have been on a fast track on social security legislation.

We have moved on this legislation with breathtaking speed. The National Commission on Social Security made its final recommendations to the Congress on January 20, 1983. The House Ways and Means Committee reported this legislation on March 4, 1983, and it was passed by the House on March 9, 1983.

And here in the Senate we are on this legislation less than 2 months after its introduction.

I do not quarrel with the speed with which we are considering this legislation. We must have a social security bill in place so that social security checks can continue to be mailed in July of 1983 to social security recipients.

But it is a fact of legislative life that whenever this Congress moves a major bill on a fast track, there are bound to be flaws in that legislation.

That certainly is the case with H.R. 1900, as amended.

Unfortunately, the House of Representatives did not choose to have a fair and open debate about the issue of the coverage of Federal employees under social security.

A number of Congressmen implored the House Rules Committee for a rule that would permit an amendment dealing with the issue of coverage of new Federal employees under social security.

That proposed rule was denied, and the House of Representatives was not able to debate this issue in its consideration of the Social Security Act Amendments of 1983.

Fortunately, Mr. President, we are able to rectify this event and consider a suitable amendment to deal with this issue.

And in that regard, I commend Senator LONG for bringing this amendment before the Senate Finance Committee and before the full Senate today.

Mr. President, I support this amendment for several reasons.

First, there is a matter of basic equity. Federal civil servants are rightly concerned that coverage of new Federal employees may eventually undermine the fiscal integrity of the current civil service retirement system.

Without new Federal employees making a full contribution to the civil service retirement system, it is estimated that the fiscal loss to the Federal retirement system will amount to some $640 billion by the year 2022.

In essence, passage of the current legislation without the Long amendment could result in back-door destruction of the civil service retirement system.

That is not fair, Mr. President.

I believe that one of the major attractions to Federal service is the civil service retirement system. We have had a civil service retirement system for some 63 years. And the civil service retirement system has prompted many, many fine people to come into Federal service.

And I can say that from personal experience, Mr. President, because my father was a dedicated civil servant.

We must not break faith with the Federal employee and undermine the civil service retirement system.

A second reason for my support of the Long amendment, Mr. President, is the fact that I believe we do not have the full facts of the fiscal impact of the coverage of new Federal employees on social security financing.

For example, when the Social Security Commission first broached the recommendation for the coverage of new Federal employees under social security, they suggested that it would add some $21 billion to the social security funds between 1984 and 1988. Later, in testimony before the Congress, Chairman Alan Greenspan revised that estimate downward to some $12.5 billion, and independent analysis of this problem notes that the funds transferred into the social security system would only be some $5.3 billion during that period.

If that is the case, Mr. President, the fiscal benefits of covering new Federal employees under the social security system has been oversold. Indeed, if the savings have been so overstated, we could have adopted other alternatives—such as paying for the administrative costs of the social security system out of general revenue for infusing additional revenues into the social security system.

We have not had a full debate over the real savings of including new Federal employees into the social security system, and that is another reason for not going forward with the proposal to cover new Federal employees under social security.

Finally, Mr. President, I support the adoption of the Long amendment because as it stands now, in January 1984, new Federal employees will be subject to a retirement contribution of nearly 14 percent, because they will be covered by both social security and a civil service retirement system.

That is a fiscal burden which is far too great for Federal workers. It will most definitely make it more and more difficult to attract qualified workers into the Federal service. As a result all Federal services will suffer as the Congress further deliberates changes to the civil service retirement system.

Mr. President, we are on a fast track with social security legislation. But in this process we are proceeding to make major changes in the civil service retirement system which have not been the subject of extensive deliberations by the U.S. Congress.

Once again we are giving short shrift to the Federal employee. And lest we forget, the Federal employee serves us all. They are the ones that mail the social security checks every month. They are the ones that maintain our national parks and forests. They are the ones that investigate and control communicable diseases. Indeed, Federal employees provide essential services that touch practically every facet of our lives, each and every day.

The Long amendment simply assures that we provide the Federal civil servant with a fair deal and eventually develop an integrated retirement system that does not bankrupt the civil servant and that retains the basic integrity of the civil service retirement system.●

Mr. DECONCINI. Mr. President, during the past 2 years this administration has conducted a sustained campaign against Federal employees. In 1981, the Reagan administration successfully eliminated the twice-yearly COLA. In 1982, the Reagan administration tried to cap COLA's for Federal retirees, but with mixed results. I opposed both of these moves, and I continue to be opposed to any efforts to undermine the integrity of the civil service retirement system. It is incumbent upon this Congress to protect the promised benefits to those who are now retirees or are presently contributing to the civil service retirement system.

I reluctantly support those provisions of S. 1 which place newly hired Federal employees under social security. And I only do so because of the national imperative of preserving the social security system. However, Congress has an obligation to provide new Federal hires with a supplementary retirement plan before placing them under the social security system.

Mr. President, I was frankly disappointed that the Social Security Commission itself did not recommend a specific supplemental plan for new hires, and that the Finance Committee did not insist on such a plan before bringing this bill to the floor. However, I am proud to cosponsor Senator LONG's amendment to correct this oversight. The amendment requires that new hires not be placed under social security until a supplemental retirement system for new hires is in place.

Federal employees are hard-working and dedicated public servants. And, if we pass this bill without Senator LONG's amendment, the toll on Federal employee morale will be enormous. Besides, not to do so would be unfair.

I urge my colleagues to join me in supporting Senator LONG's amendment.

Mr. PELL. Mr. President, I am very pleased to join my distinguished colleague Senator LONG as cosponsor of his amendment to defer social security coverage for newly hired Federal employees until legislation is enacted by Congress to provide for a supplemental civil service program for the affected newly hired Federal workers.

In my opinion, the amendment offered by Senator LONG is reasonable and absolutely essential for the protection of both current and newly hired Federal employees. In this regard, it is important to emphasize that the National Commission on Social Security, while mandating coverage for newly hired Federal workers, specifically recommended that these same employees be afforded the protection of a supplemental civil service retirement system. Regrettably, no such coordinated coverage and protection for new Federal employees exists or has been proposed to Congress for consideration.

Equally important, the amendment proposed by Senator LONG will not alter the essential task of responding to the critical social security financing issues addressed by the National Commission on Social Security.

Mr. President, when the President's Commission on Social Security recommended social security coverage for newly hired employees, I had serious reservations about this proposal, particularly when considered in connection with the other major proposals by the Reagan administration for changes in Federal workers retirement system. In my opinion, the sum total of all these proposals including the retirement age and contributions to the system would place an extraordinary burden on Federal employees.

Taken as a whole, these proposals including the coverage of newly hired Federal employees, would clearly threaten the future of the civil service retirement system. That would be a tragic loss not only to Government workers, but also to the public which depends upon qualified Federal workers for essential services.

Mr. President, in view of the administration's proposal to dramatically revise the entire civil service retirement system, and the uncertainty of

any meaningful supplemental retirement coverage for new Federal employees, I am pleased to join Senator LONG as cosponsor, and urge my colleagues to vote for this amendment.

Mr. LONG. Mr. President, have the yeas and nays been ordered on the amendment?

The PRESIDING OFFICER. They have not.

Mr. LONG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. LONG. Mr. President, this amendment does not reach the problem that prompted me to offer my amendment and my cosponsors to support it.

Of these three possibilities we have facing us, the committee bill, the Stevens substitute, or the Long amendment, only the Long amendment would link social security coverage to the enactment of a supplemental civil service program. The Stevens substitute makes coverage under social security mandatory whether or not a supplemental civil service program has been enacted, and that is the problem with it.

Mandating social security coverage for new Federal employees means that the Congress will have to modify the civil service retirement program for those employees in order to avoid their paying 14 percent into two programs with similar protection. Present Federal employees are apprehensive that the need to enact a supplemental civil service program will provide the administration with an opportunity to press for its proposals to make substantial changes in civil service retirement for present employees. That would not be to the advantage of those employees. In other words, the purpose of the Long amendment is to seek to have the supplemental program legislated in a situation of legislative neutrality, where there will not be a Sword of Damocles hanging over the employees, where they will not be badly prejudiced when they undertake to press for a program which they think is to their best advantage.

The Stevens amendment would address that problem because social security coverage would be mandated even if Congress should fail to act on the supplemental civil service program. I believe, Mr. President, we have demonstrated by our vote that the majority of the Senate does feel new Federal employees should be under social security. Those who did not feel that way had the opportunity to vote that way and so voted. Those who did feel that way had the opportunity to vote for it. Now we have an opportunity to see how many Senators feel that there should be social security coverage, who think it ought to be in a situation of legislative neutrality where Federal employees can see what they will get in return for what they are giving—or should it be in a situation where they are prejudiced, because they are going to be prejudiced under the Stevens amendment, and they should not be prejudiced.

I hope the Stevens amendment will not be agreed to.

Mr. DOLE. Mr. President, the Senator from Louisiana is correct in saying that we just demonstrated by a vote of 86 to 12 that Federal employees should not be exempt. I hope that message will not be lost on the House conferees when they go to conference on this bill.

I think we might just as well lay it all out on the table. In the House they took a lot of heat on whether or not to do anything about Federal employees, and they decided to stick with the Social Security Commission.

Let us face it, they are not too anxious to do that and have the U.S. Senate say, "Well, that was all right for the House, but we are in the United States Senate so we can just cut the ground out from under them." I want the conferees on the House side to know there was a vote of 86 to 12 not to exempt Federal employees, and I think we have laid that groundwork. It was bipartisan. It was what, 7 to 1, so it is a strong indication of where the sentiment in the Senate is. I want my House colleagues to know there is no backing off in the general sense by the U.S. Senate.

I happen to believe that the Stevens amendment is a good idea—I wish I had thought of it myself—but it is a good idea, and it does protect the concerns of Federal employees. Federal employees do have some legitimate concerns and they deserve to be protected. They are hard-working people.

I told some of the Federal employee leaders that I do not want Republicans all to stand up and vote against the Federal employees so that all the Democrats can vote for the Federal employees. But if that is the price of getting a social security package, then I guess we have to do the best we can. We have as much interest in Federal employees as anyone else, and I hope we have demonstrated that or will demonstrate that.

I believe the Stevens amendment as a compromise is a good one. It deals with the key criticisms leveled by the opponents of the National Commission's recommendation to cover newly hired Federal employees. It would deal with the possible double-taxation problem beginning in January 1984, and it would deal with a potential loss of revenue to the civil service retirement system.

I am aware that if the committee bill were enacted as is, and there were no further congressional action, Federal employees hired on or after January 1, 1984, would be required to pay both the current 7 percent contribution to the civil service retirement fund, and the social security tax which will be 7 percent under our bill.

I strongly believe that a supplemental plan can be developed before the coverage is extended on January 1, 1984, and I will cooperate in any way that I can to achieve that end.

However, this provision would assure future Federal employees that they will not have to pay both the social security tax and the civil service retirement contribution in the event the creation of a supplemental system is delayed, even if the delay is until October 1, 1985, more than 2½ years from now.

The Senator from Kansas cannot believe we cannot put together a package in 2½ years, and I know the problem now. There is an election in 1984, as the Senator from Alaska pointed out earlier. But I believe that in 2½ years, as slowly as Congress moves at times, we can address this problem. I know it is a very sensitive problem. I know there are a lot of people on each side who do not know which way to go, but I think a plan can be completed in 2½ years.

The Stevens amendment also addresses a concern of many of the critics who say the civil service retirement system will go broke when the new Federal employees are siphoned off to the social security system. Under this amendment, if a supplemental retirement system is in place by October 1, 1985, newly hired Federal employees would receive retroactive credit to the new system. Likewise, the new supplemental system would receive the revenues foregone by having had new Federal hires temporarily excluded.

On the other hand, if, by October 1, 1985, the new supplemental system has not been enacted, such retroactive credit and contributions would be made to the regular civil service retirement system.

Finally, to those who are concerned that this amendment could jeopardize the civil service retirement fund, I have been informed that the civil service retirement fund could continue to pay benefits for 20 years without any contributions from new employees. I am not suggesting that the system should go without new income, only that if there is some temporary period during which new Federal hires are not contributing to the civil service retirement system, it will not go broke as alleged by some.

I would say to those who do not like the Stevens amendment, the Senator from Kansas would prefer to go with what we have in the Senate bill and what we have in the House bill, but that is not the choice we have. The Senator from Kansas believes that the Senator from Louisiana may have a

majority. If he has a majority, then we have a problem. It may be a problem we can address in conference, it may be the end of the social security package, but we do not know that yet.

So I would suggest to those who say, "Well, this goes too far; we shouldn't do this much for Federal employees; they ought to be treated like everyone else in the system," I believe the Stevens approach is a moderate approach to try to solve the problem.

It is going to be fair to new hires coming into the system, it is going to be fair to those on the Commission, fair to the Congress, and others who have tried to put together this package. I hope we might adopt the Stevens amendment.

Mr. STEVENS. Mr. President, I want to emphasize what the Senator from Kansas just said. We have had lengthy discussions with Members of the House concerning the problems dealing with the civil service retirement system. We have a tentative agreement that, instead of looking for a Presidential Commission to deal with a future replacement for the current system, we will seek to hire a consultant or consultants jointly between the House and Senate committees, that we will have the system and its problems studied and it will be studied on the basis that social security will be the first portion of a civil servant's security for life after he or she leaves the Federal employment.

The difficulty with that is that we have no timeframe to work on, no real compulsion for the Congress to act, or no reason for the Government employee organizations to support that effort if the Long amendment passes. Because all they need to do is oppose the creation of a new system for retirement of civil servants and they will never be included under social security, notwithstanding that last vote of the Senate.

I am at a loss for words to explain how those of us who have the responsibility to deal with the subject can deal with it if the Long amendment passes. All you have to do is look at the statements that are being made by leaders of those employee organizations to understand that they will not support any new system so long as they are assured that they will not be included under social security until that new system is enacted.

Mr. President, I urge Members of the Senate to support this amendment. It will mean that we will work on a system and have it in place and, in the meantime, all new employees who come into the Federal civil service system will get credit in the new system without paying into it and they will not have to pay for two retirement systems.

● Mrs. KASSEBAUM. Mr. President, I am pleased to offer my support for the amendment offered by Senator STEVENS. This amendment addresses what I believe to be a serious problem with the bill as written. The bill provides for social security coverage of Federal employees hired after December 31, 1983, as recommended by the National Commission on Social Security Reform. The Commission and sponsors of S. 1 have assumed that a supplemental pension program will be established to assist in meeting the retirement needs of new Federal hires. The bill itself does not, however, establish such a supplemental program—as this effort was deemed to be outside the scope of the social security financing issue.

Considerable concern has been expressed about problems which could occur should a supplemental pension program not be enacted prior to January 1, 1984. It has been assumed that new Federal employees would then be in the position of paying both social security and civil service retirement payroll taxes. Such a taxload, which would approach 14 percent of salary for nearly all new employees, would clearly impose an unfair and unnecessary burden on new Federal employees. An alternative where new hires would pay only social security payroll taxes would relieve the financial burden, but leaves open questions as to the adequacy of retirement coverage during the period in which a supplemental plan is being developed.

I support universal coverage under social security, as I believe there are a number of benefits to be derived from including all workers in a single, portable retirement system. Universal coverage avoids situations where individuals who work in both public and private jobs during their careers are under- or over-compensated upon retirement relative to other workers. Individuals who work only a few years in Federal positions receive little, if any, civil service retirement benefits, while their public employment years are counted as zero-earnings years for purposes of social security. Consequently, their social security benefits are lower than those provided workers with the same overall career earnings who spent their working lifetimes in the private sector. On the other hand, Federal workers who also work for short periods in private employment frequently receive social security benefit levels which are disproportionately high. This is due to the fact that the social security benefit formula is weighted to favor low-income workers.

In my conversations with Federal workers about universal coverage, I have indicated my support for the concept but have also noted two factors I feel are crucial to any legislation in this area. First, I have emphasized my strong endorsement of the approach taken in this measure, whereby social security coverage is extended only to new employees—not to the Federal work force as a whole. I believe that attempting to include current workers would have created complex administrative problems and could potentially have jeopardized the value of contributions already made to the Federal retirement system. Second, I have stated my commitment to the development of a good supplemental pension program for new employees. Social security is not, nor was it ever intended to be, the sole source of an adequate retirement income. When the program was created, it was intended to serve as a supplement to private pensions and individual savings. Consequently, the Federal Government as an employer has the responsibility to provide supplemental pension benefits comparable to those made available by private employers.

Obviously, it is my hope—and I am sure the hope of all of us here—that Congress can develop a supplemental plan prior to December 31. I intend to support expeditious action on such a plan in whatever way I can. Should we be unable to accomplish this goal, however, the amendment now before us does offer assurance that new Federal employees will be adequately protected. The amendment offers credits to employees hired after December 31 toward whatever supplemetal program is enacted, retroactive to their date of hiring. Consequently, if we do not, for example, enact a supplemental plan until say July 1984, individuals hired in January would receive 6 months' worth of credit in the new system.

I wish it were possible to guarantee that by some date certain a supplemental plan would be in place. Because there is no mechanism for making such an assurance, this amendment represents our best effort at providing for new Federal employees without necessitating a delay in the implementation of universal coverage.

I realize that many would prefer that social security coverage not be extended to the Federal work force until a plan was in place. In concept, I agree that this is a good approach; but, in practical effect, I fear it would mean the eventual abandonment of universal coverage itself. The amendment before us offers the advantage of upholding the intent of efforts to delay implementation—to assure supplemental pension protection of new Federal hires—without jeopardizing implementation of universal coverage.

Looking to the future, I hope that Congress and Federal employees can work together in a positive manner to shape a sound, supplemental system. Universal coverage will be a reality, and we need to turn our efforts toward assuring that it operates smoothly.●

The PRESIDING OFFICER. The question is on agreeing to the amend-

ment. The yeas and nays have been ordered.

Mr. LEVIN. Will the Senator yield for a question?

Mr. STEVENS. Yes.

Mr. LEVIN. Is the opposite point true, then, that the 12 Senators who voted for your amendment should then vote for the Long amendment?

Mr. STEVENS. It is a good point. The impact of the last amendment was to demonstrate that the Senate opposes the basic assumption of the Long amendment.

Mr. LEVIN. But the 12 Senators who supported the Stevens amendment and are opposed to employees coming under social security should all then vote for the Long amendment?

Mr. DOLE. If the others vote the other way, we will take that.

Mr. STEVENS. I thank the Senator for his rhetoric. I intend to support my own amendment.

Mr. LEVIN. I beg the Senator's pardon?

Mr. STEVENS. I supported the last one and I support this one. I do not think they are inconsistent.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska (Mr. STEVENS). The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MOYNIHAN (when his name was called). Mr. President, on this vote I have a live pair with the Senator from Massachusetts (Mr. KENNEDY). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withhold my vote.

Mr. STEVENS. I announce that the Senator from Florida (Mrs. HAWKINS), is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Arizona (Mr. DECONCINI), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Massachusetts (Mr. KENNEDY), are necessarily absent.

The PRESIDING OFFICER (Mr. CHAFEE). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 45, nays 50, as follows:

[Rollcall Vote No. 48 Leg.]

YEAS—45

Abdnor	Hecht	Nickles
Baker	Heinz	Packwood
Bradley	Helms	Percy
Chafee	Humphrey	Quayle
Chiles	Jepsen	Roth
Cohen	Kassebaum	Rudman
Danforth	Kasten	Simpson
Denton	Lautenberg	Stafford
Dole	Laxalt	Stevens
Durenberger	Lugar	Symms
Garn	Mathias	Thurmond
Gorton	Mattingly	Tower
Grassley	McClure	Wallop
Hatch	Metzenbaum	Weicker
Hatfield	Murkowski	Wilson

NAYS—50

Andrews	Eagleton	Mitchell
Armstrong	East	Nunn
Baucus	Exon	Pell
Bentsen	Ford	Pressler
Biden	Glenn	Proxmire
Bingaman	Goldwater	Pryor
Boren	Hart	Randolph
Boschwitz	Heflin	Riegle
Bumpers	Huddleston	Sarbanes
Burdick	Inouye	Sasser
Byrd	Jackson	Specter
Cochran	Johnston	Stennis
Cranston	Leahy	Trible
D'Amato	Levin	Tsongas
Dixon	Long	Warner
Dodd	Matsunaga	Zorinsky
Domenici	Melcher	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Moynihan, against

NOT VOTING—4

DeConcini	Hollings
Hawkins	Kennedy

So Mr. STEVENS' amendment (UP No. 128) was rejected.

Mr. LONG. Mr. President, I move to reconsider the vote.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The majority leader is recognized.

Mr. BAKER. Mr. President, I think, in conferring with the distinguished Senator from Louisiana, that he is agreeable to having a voice vote on this matter and I think we are. There is no point in taking the time of the Senate, I believe.

Have the yeas and nays been ordered on the Long amendment?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. BAKER. Mr. President, I ask unanimous consent the yeas and nays be vacated.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Mr. President, I withdraw that request.

Mr. President, I renew my request.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

The question is on agreeing to the amendment of the Senator from Louisiana.

The amendment (UP No. 126) was agreed to.

Mr. LONG. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

(Later, the following occurred:)

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. BYRD. I thank the Chair.

Mr. President, the Senate earlier today agreed by voice vote to a Long amendment to include new Federal employees under social security only after the Congress enacts a supplemental civil service program for those employees.

Mr. President, I voted against the two amendments that were offered by Mr. STEVENS intending to vote for the Long amendment. That vote was by voice vote.

I want the RECORD to show that, had it been by rollcall vote, I would have voted for the Long amendment.

I ask unanimous consent that this statement appear immediately after the voice vote in the bill, and I ask unanimous consent that any other Senators who wish to make similar statements be permitted to put in the RECORD such similar statements at that place also.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. BYRD. I thank the Chair. Mr. President, I want to express the hope that the conferees on the part of the Senate stand firm in support of that amendment in conference.

I want this statement to appear also immediately following the voice vote.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

SEVERAL SENATORS addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I should like to have my name recorded following the minority leader as one of those Senators who would have voted for the Long amendment. As a cosponsor of the Long amendment I would have voted aye on a rollcall vote. I am pleased that the Senate approved this amendment because it provides "fairness" to the new public employees. I urge the Senator from Kansas to include this provision in the final conference report.

Mr. BYRD. I say for the information of others who may not have heard my request, I asked—and the Senate agreed to my request—that any other Senators may put similar statements in the RECORD at that point.

Mr. PRYOR. Mr. President, I should like to associate myself with the remarks of the minority leader and also add my hopes that our conferees when they meet with the House of Representatives on this issue will adhere to our wishes relative to the Long amendment. I, too, am a cosponsor, supported and would have voted for the Long amendment had it been a rollcall vote.

I certainly appreciate the remarks of the distinguished minority leader on this point.

Mr. LAUTENBERG. Mr. President, one of the most controversial and difficult issues faced by the Senate in its consideration of the social security amendments has been the question of including Federal employees under the social security system, and the related question of a supplementary retirement system for them. This kind of dual coverage is what exists, in most cases, in the private sector. It has been a debate of extreme importance to Federal employees, who are particularly concerned about the future solvency of the civil service retirement system.

In approaching this question, two major considerations were uppermost in my mind. First was the need to address the fiscal crisis facing the social security system—one which must be addressed if benefit checks are to go out this July and if future beneficiaries are going to be assured of their social security benefits in later years. My second concern was an absolute commitment to protect the solvency of the current Federal employee retirement system and provide for a fair and affordable retirement package for new Federal employees.

Mr. President, I supported the Stevens amendment which retained the Social Security Commission's recommendation to include Federal employees under social security, but also mandated supplementary coverage under either the existing or a new civil service retirement system for Federal workers. I felt this compromise offered an equitable resolution to the dilemma we faced: Saving the social security package, but not at the expense of Federal employees. This amendment failed. With the defeat of this amendment, Mr. President, I want to state my support for Senator LONG's amendment which will delay mandatory coverage for new Federal employees under social security until Congress enacts a supplementary retirement system for them.

Mr. BOREN. Will the Senator from Arkansas yield?

Mr. PRYOR. I will be glad to yield to my friend from Oklahoma.

Mr. BOREN. Mr. President, I also want to associate myself with the remarks of the Senator from West Virginia and the Senator from Arkansas.

As a cosponsor of the Long amendment, I also voted against the two preceding Stevens amendments because of my support for the Long amendment. I join in voicing the hope that the conferees will reflect the Senate viewpoint of strong support for the Long amendment, keeping faith with those in the civil service system who have been assured that we will put in place an appropriate supplemental system, having this action taken before we began the payment into social security by new civil service employees.

I strongly endorse the statements that have just been made by the minority leader and by the Senator from Arkansas.

Mr. SASSER. Will the Senator from Arkansas yield?

Mr. PRYOR. I will be glad to yield to my friend from Tennessee.

Mr. SASSER. Mr. President, I want to associate myself with the remarks made by the distinguished Senator from West Virginia. I was a cosponsor of the Long amendment. I strongly supported that amendment. I am hopeful, Mr. President, and optimistic that our conferees will stand firm in support of the Long amendment in the course of the conference that will ensue following the passage of this bill.

Mr. RIEGLE. Mr. President, the Senate earlier today agreed by voice vote to a Long amendment to include new Federal employees under social security only after the Congress enacts a supplemental civil service program for those employees.

Mr. President, I voted against the two amendments that were offered by Mr. STEVENS intending to vote for the Long amendment. That vote was by voice vote.

I want the RECORD to show that had it been by rollcall vote, I would have voted for the Long amendment.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, first I should like to associate myself with the remarks of the minority leader. I hope that the conferees will support the Long amendment with as much vigor as if it had been adopted by a rollcall vote.

Mr. RANDOLPH. Mr. President, as a cosponsor of the amendment of the able Senator from Louisiana (Mr. LONG), I would like to state for the RECORD that if given the opportunity I would have voted for the proposal. I urge my colleagues on the committee to support the amendment in the conference with the House.

Mr. FORD. Mr. President, I join my colleague from West Virginia in supporting the amendment of the Senator from Louisiana. If a rollcall were ordered, I would have voted "aye."

Mr. HUDDLESTON. Mr. President, the Senate earlier today agreed by voice vote to a Long amendment to include new Federal employees under social security only after the Congress enacts a supplemental civil service program for those employees.

Mr. President, I voted against the two amendments that were offered by Mr. STEVENS intending to vote for the Long amendment. That vote was by voice vote.

I want the RECORD to show that had it been by rollcall vote, I would have voted for the Long amendment.

Mr. DOMENICI. Mr. President, I intended to vote in favor of the amendment by my colleague from Louisiana to assure that a supplementary pension system be in place before new Federal employees are covered by social security. Had there been a rollcall recorded vote, I would have voted in favor of the amendment.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, if I may have the attention of the Senate, we have about a half a dozen amendments left, and I am going to encourage my colleagues who have those amendments to use the minimum amount to time. We need to get to conference hopefully by 5 o'clock this afternoon. If we cannot make it by 5 o'clock, we will probably just postpone the conference until tomorrow.

Mr. BAKER. Mr. President, will the Senator yield to me?

Mr. DOLE. Yes, I yield.

Mr. STENNIS. Mr. President, we need order. We need quiet, Mr. President, please.

The PRESIDING OFFICER. May we have order in the Senate, please.

Mr. BAKER. Will the Senator yield to me?

Mr. DOLE. Yes, I yield.

Mr. BAKER. Mr. President, the manager of the bill is absolutely correct——

The PRESIDING OFFICER. I wonder if the majority leader will withhold?

Mr. BAKER. Yes, I withhold.

The PRESIDING OFFICER. May we have order, please.

Senators will please desist discussions so that we might hear the majority leader. Staff will take their places on the seats in the rear of the Chamber.

The majority leader is recognized.

Mr. BAKER. I thank the Chair.

Mr. President, the manager of the bill is absolutely right. It is 3:30 in the afternoon. The day is rapidly slipping away from us. If we have any possibility at all of recessing tomorrow, as I hope we do, we have to get this bill out and be prepared to go to conference yet tonight, if the House is willing to do that. There are not many amendments left. In all candor, the major battles have now been fought.

I urge Senators either not to call up their amendments or to do so promptly and to consider those cases where a voice vote will suffice.

Mr. President, I thank the Senator for yielding.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, let me say to my colleagues that I think we all would like to finish, but some of us are conferees. We do not want to stay here until midnight to accommodate Senators who have statements that can be put in the RECORD so that when we go off to the conference others go home to bed.

If Senators would like to have the conferees meet this evening, they should let us try to expedite the process. We are well aware of the amendments. We are prepared to accept a couple of them and try to defeat the others.

On that basis, I think the Senator from Montana is ready to offer an amendment.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I am about to offer an amendment that deals with the withholding provisions applying to State and local governments.

AMENDMENT NO. 527

(Purpose: To eliminate the changes made with respect to the payment schedule for State and local governments)

Mr. BAUCUS. Mr. President, I call up printed amendment No. 527.

The PRESIDING OFFICER (Mr. STAFFORD). The amendment will be stated.

The bill clerk read as follows:

The Senator from Montana (Mr. BAUCUS) proposes an amendment numbered 527:

On page 99 of the matter proposed to be inserted, beginning with line 19, strike out all through page 100, line 5.

Redesignate sections 149 through 152 of the matter proposed to be inserted as sections 148 through 151, respectively.

Mr. BAUCUS. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER (Mr. STAFFORD). Is there a sufficient second? There is a sufficient second.

The years and nays were ordered.

Mr. BAUCUS. Mr. President, this amendment is really quite simple. It is to repeal a mistake that the committee made when we considered this bill—that is, section 148.

Under present law, States are required to collect social security taxes withheld by local subdivisions on a monthly basis. That is, States must collect within 30 days after the end of the month, the withholding deposits of local governments attributable to the employees they have working for them. That is the present law.

The committee decided, late one night, with no discussion, no hearings, and no examination whatsoever, to accelerate that withholding so that there would be 13 withholding periods for the coming fiscal year. This is the result if we adopt section 148 which requires that the deposit requirements of the States and all local governments be the same as they would be if they were private employers.

That means that IRS regulations with respect to withholding of payroll taxes for private employers would be applied suddenly to State and local governments. This means these large and small government jurisdictions will face not a monthly withholding requirement but instead will have to deposit up to as many as eight times a month.

I understand that the committee would like to find some additional revenue. I think that is probably the reason why it was adopted by a close vote in the committee. But the point is, as I said, that this came up in the middle of the night. I do not think it makes sense, and it should not be in this bill.

The National Commission did not consider this. The House did not consider it. The Ways and Means Committee did not consider it. No committee in Congress in the last several years has considered it.

I think all of us—at least, most of us—want to maintain the National Commission package. We do not want to break the package. We do not want to adopt amendments which will have the effect of breaking the package apart. We know the importance of social security. We know the importance of the system, and we are doing what we can, with all due respect and with credit to all involved, particularly the Commission members and Members of the House and the Senate, to maintain that package.

We have rejected amendments in the Senate which probably would break up the package, and in this body we have adopted amendments which do not break up the package. This is not an amendment which breaks the package, and, by definition, it could not be, because it was not part of the Commission's package. The Commission did not discuss it. They did not pay any attention to it; neither has anyone else, except for the committee late at night, after just a few moments' discussion.

Mr. President, I think there is a good reason why the Commission did not consider this. There is a good reason why no other body considered it. That reason is that this provision, if it is kept in the law—section 148—will create absolute chaos for States and local governments.

First of all, we do not know what the responsibility of the States is. The States, if the section stays in the law, will be held accountable and liable for the late payments of school boards, counties, cities—all the municipal jurisdictions involved here. They cannot afford that liability.

More important, it is unclear whether IRS regulations would apply directly to States here or whether States, themselves, could enact regulations applying to local jurisidictions. It would be absolute chaos. That is why States and local governments do not want section 148 to stay in the bill. And that is the reason why we should strike that section.

Mr. President, there is also a good reason why the Commission did not consider this package. There is a little history behind this provision. Before 1978, States and local governments withheld payroll taxes and submitted those withholdings to the Government on a quarterly basis, four times a year. That was the law. Then, in 1978, the Treasury had a bright idea—and we all know that the Treasury is looking for whatever ways it can find to obtain additional revenue. The Treasury, on its own, because it could do so under the law in 1978, tried to implement the provisions that are in section 148.

At that time, in 1978, we in Congress were deluged with legitimate complaints by our local government people, State and local governments. They legitimately and properly pointed out the problems this provision would provide for people. So, at that time, Congress agreed. After comprehensive hearings, Congress then, by law, said, "OK, we will change the law. We will speed up the collection, but we will only go to a monthly basis." That is the present law.

So my point is that the only time Congress has considered this in any way at all, the only time there were hearings, the only time the country had the opportunity to know what was involved here, Congress very definitely decided against the provisions of section 148 that are presently contained in the committee bill. That is, Congress decided that States and local governments should withhold on a monthly basis, and that is the law. That is why the National Commission did not touch it. That is why the House did not touch it. That is why no one else here has decided to change present law, except for the committee, after a few moments of discussion, late at night, when the committee considered this bill. Probably the reason why that committee adopted the provision was that it picked up some additional revenue over a decade—$2.2 billion.

In my judgment, we should keep the package secure, and by keeping the package secure, let us not enact amendments that break the package. Similarly, let us not enact amendments which are not needed and which will cause unnecessary chaos.

Mr. President, this amendment obviously is supported by the States and by various municipal organizations—the National Governors Association, the National Conference of State Legislatures, the National League of Cities, and many others. I will not list all the other organizations that support this amendment.

Let me conclude this point by saying that this amendment is the only major departure that the committee has taken from the National Commission package. There are some minor variations, but this is the only major departure.

I think, Mr. President, that we should correct that oversight, correct that mistake, correct that misguided action that the committee took that night. Let us stay with the package. Even though we do get some additional revenue for the trust funds with this provision, it is going to cause absolute chaos and be absolutely impossible to administer, and we do not need it.

With that, Mr. President, I hope that Senate agrees and votes with me in striking this provision, because I think it will help us avoid a lot of problems that otherwise we are going to face down the road.

I yield the floor.

● Mr. BIDEN. Mr. President, I am happy to be a cosponsor of the amendment offered by Senator BAUCUS that would remove the proposal to accelerate State and local government deposits of social security taxes withheld from employees' paychecks from the social security bill.

Under current law, social security taxes withheld for State and local employees must be deposited within 30 days after the end of the month in which the applicable wages were paid. This gives States time to collect withheld taxes from the various local governments within their jurisdiction. Because States guarantee payment of these taxes, this time period is crucial.

The Senate Finance Committee, however, has included in its bill a provision that would put State and local governments on an accelerated deposit schedule identical to that which governs private business. This proposal is not included in the Social Security Commission's recommendations and is not a part of the House version of this legislation.

Many towns in my State, Mr. President, while very small, would be required to deposit these taxes every 3 days under this proposal. These are towns, in many cases with part-time governments, which may only meet once or twice per month, at which time all bills are paid. These are not towns with expensive and fancy computer systems that make it easy to complete these transactions on time, they are run by dedicated people who would simply not be able to keep up with the administrative burden this proposal would impose.

Delaware is hardly unique in this situation, Mr. President. The same applies to small towns and counties throughout America.

And then there is the burden we would place upon the States through this provision. States must guarantee payment of these taxes—but would clearly have great difficulty in collecting withheld taxes from many of the towns and counties within their jurisdiction. In addition, it is clear that it will be very difficult for States to turn the money they collect back around to the Federal Government within the time this provision would allot. The National Conference of State Social Security Administrators estimates that the interest and penalties on States arising from elimination of the current 30-day period would amount to $400,000 annually.

It is important, Mr. President, that we find a solution to the social security problem that imposes no undue hardship on anyone from whom we demand sacrifice. I believe the proposal to accelerate State and local deposits of social security taxes violates this principle. I hope the Senate will reject the Armstrong substitute and approve the Baucus amendment.●

UP AMENDMENT NO. 129

(Purpose: To permit units of local government to make payments of social security taxes directly to the Secretary of the Treasury)

Mr. ARMSTRONG. Mr. President, I send an amendment to the desk as a substitute for the Baucus amendment.

The PRESIDING OFFICER. The amendment will be stated.

Mr. GOLDWATER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ARMSTRONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be stated.

The bill clerk read as follows:

The Senator from Colorado (Mr. ARMSTRONG) proposes an unprinted amendment numbered 129.

Mr. ARMSTRONG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the language proposed to be stricken, insert the following:

SEC. 148. (a)(1) Subsections (e), (h), (j), (q), (r), (s), and (t) of section 218 of the Social Security Act are repealed.

(2)(A) Section 205(c)(1)(D)(i) of such Act is amended by striking out "(or on reports filed by a State under section 218(e) or regulations thereunder)".

(B) Section 205(c)(5)(F) of such Act is amended by striking out clauses (ii) and (iii).

(C) Section 218(f)(1) of such Act is amended by striking out "Except as provided in subsection (e)(2), any agreement" and inserting in lieu thereof "Any agreement".

(b) Section 3121(b)(7) of the Internal Revenue Code of 1954 (relating to exclusions from employment) is amended by striking out "shall not apply in the case of" in the matter preceding subparagraph (A) and inserting in lieu thereof "shall not apply in the case of service included under an agreement under section 218 of the Social Security Act, or in the case of".

(c)(1) Chapter 21 of such Code (the Federal Insurance Contributions Act) is amended by redesignating section 3126 as section 3127, and by inserting after section 3125 the following new section :

"SEC. 3126. RETURNS IN THE CASE OF STATE AND LOCAL GOVERNMENTAL EMPLOYEES.

"In the case of the taxes imposed by this chapter with respect to services performed in the employ of a State or any political subdivision thereof, or in the employ of any instrumentality of a State or political subdivision thereof which is wholly owned thereby, the return and payment of the taxes may be made by the Governor of such State or such agents as he may designate. The person making such return may, for convenience of administration, make payments of the tax imposed by section 3111 with respect to such service without regard to the contribution and benefit base limitation in section 3121(a)(1).".

(2) The table of sections for subchapter C of chapter 21 of such Code is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 3126. Returns in the case of State and local governmental employees.

"Sec. 3127. Short title.".

(d)(1) Section 6205(a) of such Code (relating to adujustment of tax) is amended by adding at the end thereof the following:

"(5) STATE AS EMPLOYER.—For purposes of this subsection, in the case of remuneration received during any calendar year from a State or political subdivision thereof or any instrumentality which is wholly owned thereby, the Governor of the State and each agent designated by him who makes a return pursuant to section 3126 shall be deemed a separate employer.".

(2) Section 6413(a) of such Code (relating to adjustment of tax) is amended by adding at the end thereof the following:

"(5) STATE AS EMPLOYER.—For purposes of this subsection, in the case of remuneration received during any calendar year from a State or political subdivision thereof or any instrumentality which is wholly owned thereby, the Governor of the State and each agent designated by him who makes a return pursuant to section 3126 shall be deemed a separate employer.".

(3) Section 6413(c)(2)(B) of such Code (relating to applicability in case of certain governmental employees) is amended to read as follows:

"(B) STATE EMPLOYEES.—For purposes of this subsection, in the case of remuneration received during any calendar year from a State or political subdivision thereof or any instrumentality which is wholly owned thereby, the Governor of the State and each agent designated by him who makes a return pursuant to section 3126 shall be deemed a separate employer.".

(e) The amendments made by this section shall apply with respect to service performed after December 31, 1983.

Mr. ARMSTRONG. Mr. President, I shall undertake to explain the amendment.

At the present time, when those local jurisdictions which are covered by social security submit their social security taxes, they do so through

their respective States. There is an element of injustice in requiring a more rapid deposit of the withholding proceeds when they have to run it through the States. It literally puts the States in the position of having to collect it faster than seems fair.

So the straightforward way to handle it would be as suggested by this substitute amendment, and that is to simply let the local jurisdictions report their social security taxes directly to the IRS just as they presently do the taxes which they withhold for Federal income tax. In other words, that is going to put the local jurisdictions, the municipalities, and so on, on exactly the same footing as any private employer.

We should bear in mind that some of these jurisdictions are fairly small. A few of them may even be as small as the small businesses that are covered by the Social Security Act, and so it is important to recognize that earlier amendments which we have added to this bill do liberalize the treatment of small business enterprises and assuming the adoption of the substitute, which is now before us, the local jurisdictions would benefit from the same kind of liberalized treatment. In other words, we are not trying to impose a severe duty upon these local jurisdictions with respect to their deposit requirements. Indeed, all we are seeking to do in the original amendment as the Finance Committee amended it and the substitute which I have sent to the desk is simply to say that municipalities, States, anyone that is covered should be on the same footing.

If we should for some reason fail to adopt the substitute and in turn adopt the Baucus amendment, we would restore the present situation which is to give more favored treatment to units of local government than we give to private employers.

This does not seem fundamentally just to me that the State and local jurisdictions, particularly since they tend to have greater financial resources and greater resources of administration and data processing and so on, are given a better break than we give to small business concerns. It just does not make sense to me that the local gas station has to report its social security withholdings and pay those into the Treasury faster than does, say, a municipality or State government. So that is the issue involved.

To sum up, the substitute amendment would provide that the IRS, not the Social Security Administration, would collect FICA taxes from the State and local government units. The rules for the frequency of FICA deposits would be the same as those which apply to private employers, and those rules already apply to the deposit of withheld income taxes by State and local governments.

And as I pointed out a moment ago, they have been liberalized by an earlier amendment which we have adopted.

Finally, each local government could be treated as a separate employer for the purposes of deposit of FICA taxes at the option of the Governor of the State.

With that word of explanation, I urge adoption of the substitute amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. BAUCUS. Mr. President, I understand the good faith of the Senator from Colorado. He is saying that the States would not collect withheld taxes but rather each local government subdivision, each local government entity would deal directly with the Federal Government.

Frankly, Mr. President, that is not even a baby step toward solving the problem. It does not meet the objections that I have. It would not meet the objections of the school districts, of the counties, of the cities, of the towns, of all the municipality subdivisions that are most directly affected by this amendment.

The main problem here is really that this is something that has to be worked out. Perhaps it could be phased in. We need a hearing. We need some full discussion, not to debate it forever, but at least some discussion where mayors and officials from entities and subdivisions as small as school districts can come to us, talk to us, to both bodies on both sides of the Capitol, so we can work out something that makes sense to them.

We cannot do this here. We did not discuss it. We just enacted it, and there we are.

Beyond that there is another point that has not been mentioned: For the next fiscal year these governments have to pay an additional payment. There will be 13 monthly payments instead of 12. Considering the desperate financial straits, that most States and most local government entities are in these days with the recession, and so forth, I do not think this is a proper time to add this additional financial burden to them.

So what I am saying, Mr. President, is as much as I would like to adopt and agree with the Senator from Colorado, I cannot. If his substitute is adopted, my earlier amendment, according to the Parliamentarian, falls. All we will have done then is say keep the present provisions, section 148, except that States do not collect; everything else is the same.

As I say, that does not really go to the heart of the problem. That just touches the first little bit of the problem but does not go to the heart of the problem. So we have not really done anything. We are kind of wasting our time here. It is for those reasons that I must not agree to the amendment of the Senator from Colorado.

Mr. President, I therefore strongly urge that we do not adopt that provision. It does not go to the problem and I think that we should not agree to it.

On that score, Mr. President, I ask for the yeas and nays on the substitute amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BAUCUS. I thank the Senator from Colorado as well as the chairman of the committee for helping to get the yeas and nays.

Mr. ARMSTRONG. Mr. President, unless there is something further, I think the issue is clear. The Senator from Montana has made some good points. It seems to me the most persuasive issue is we should not treat States and local jurisdictions differently than we treat private employers.

That does not dispute some of the points that he has made. It is just a question of how you feel about it.

I feel everyone should be treated the same. So I am ready to vote if the Senator from Montana is.

Mr. BAUCUS. Mr. President, I am except to say, yes, there is an equity argument here. Private employers have to pay as frequently as eight times monthly and they pay according to certain rules. Why should not State and local governments? That is the equity argument that has a lot of appeal.

The problem is we are going much too quickly. We do not know what we are doing here. It is going to cause absolute chaos for all these little entities. What is the school district going to do? It does not know what is going on here. The school district and every other government entity is used to dealing with the State because under present law they submit to the States and they deal with the States. States, too, have 30 days within which to collect on the withheld payroll taxes that each of those local subdivisions provide.

Now, if we adopt the substitute amendment of the Senator from Colorado, States and particularly local subdivisions are not going to know what in the world is going on here. They will have to deal directly with the IRS and deal with all the redtape and all the mess of problems the employers have to deal with. I just suggest we possibly should ease into this, have a transition period.

The only way I know of doing that is to have a hearing on the subject. Let us address it and iron out the kinks and the problems that obviously are going to arise because we know what happened in 1978 when a similar change was suddenly proposed.

We in the Congress looked at it, and said, "Yes, let us move it from quarterly to monthly withholding, but let us not go any further. Monthly collections by the States is what makes sense."

As I said, that is also probably why the National Commission did not address this question because when Congress addressed it earlier it knew what the situation was.

Frankly, Mr. President, I am just here to try to talk a little commonsense. I do not particularly carry water for local governments or for States, for that matter. Sure, we would like to add some more money to the trust fund. But let us be reasonable. Let us not be draconian, let us not be tyrannical, let us not be dictatorial. Let us try to keep that partnership with the local governments that we need to have in this country if we are going to work together and solve problems.

Fundamentally we should work with people, work with local governments, and then we will resolve that equity argument which the Senator from Colorado mentioned.

Therefore, I think we ought not to agree to the substitute. I urge my colleagues to agree to the underlying main amendment, hold the hearings, and let us get on with it so that we will solve the problem reasonably.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado. The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Maryland (Mr. MATHIAS) is necessarily absent.

Mr. CRANSTON. I announce that the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

The PRESIDING OFFICER (Mr. SPECTER). Is there any other Senator in the Chamber who wishes to vote?

The result was announced—yeas 49, nays 48, as follows:

[Rollcall vote No. 49 Leg.]

YEAS—49

Armstrong	Hatfield	Nunn
Baker	Hawkins	Packwood
Boschwitz	Hecht	Proxmire
Chafee	Heinz	Quayle
Chiles	Helms	Rudman
Cochran	Humphrey	Simpson
Cohen	Inouye	Stafford
Danforth	Jackson	Stevens
Dole	Jepsen	Thurmond
Domenici	Johnston	Tower
Durenberger	Kassebaum	Trible
East	Kasten	Wallop
Garn	Laxalt	Warner
Goldwater	Lugar	Weicker
Gorton	Mattingly	Wilson
Grassley	Murkowski	
Hatch	Nickles	

NAYS—48

Abdnor	Bentsen	Boren
Andrews	Biden	Bradley
Baucus	Bingaman	Bumpers
Burdick	Heflin	Percy
Byrd	Huddleston	Pressler
Cranston	Lautenberg	Pryor
D'Amato	Leahy	Randolph
DeConcini	Levin	Riegle
Denton	Long	Roth
Dixon	Matsunaga	Sarbanes
Dodd	McClure	Sasser
Eagleton	Melcher	Specter
Exon	Metzenbaum	Stennis
Ford	Mitchell	Symms
Glenn	Moynihan	Tsongas
Hart	Pell	Zorinsky

NOT VOTING—3

Hollings	Kennedy	Mathias

So Mr. ARMSTRONG's amendment (UP No. 129) was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. DOLE. Mr. President, I understand the distinguished Senator from Hawaii (Mr. MATSUNAGA) has an amendment which has been agreed to by other Senators who have an interest, Senator MITCHELL, Senator LUGAR, and others, and that the distinguished Senator from North Carolina (Mr. HELMS) has an amendment which has been cleared.

I yield to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina.

UP AMENDMENT NO. 130

(Purpose: Providing for a study of individual retirement security account)

Mr. HELMS. Mr. President, I send an unprinted amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an unprinted amendment numbered 130.

Mr. HELMS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title I, insert the following new section:

STUDY OF INDIVIDUAL RETIREMENT SECURITY ACCOUNTS

SEC. . (a) The Secretary of the Treasury or his delegate shall conduct a study of the feasibility of implementing Individual Retirement Security Accounts (hereinafter in this section referred to as "IRSAs") or any similar alternative type of account.

(b) For purposes of this section, an IRSA shall be an account which includes, but is not limited to, the following features:

(1) Any individual who is required to pay tax under section 3101 of the Internal Revenue Code of 1954 may elect to make contributions to the account.

(2) An individual could make unlimited contributions to an IRSA and would receive an income tax credit equal to 20 percent of the amount of the contribution for any taxable year but not in excess of 20 percent of the amount of the taxes paid under section 3101 of such Code by such individual for such taxable year.

(3) To the extent that an individual elected to take advantage of the tax credit for a contribution to an IRSA, the Old-Age and Survivors Insurance benefits of such individual under the Social Security Act would be reduced proportionately in a manner such that if an individual was allowed the maximum credit for 20 years, such individuals benefits would be reduced to zero.

(4) After the IRSA system has been implemented, an increasing portion of the taxes imposed by sections 3101 and 3111 of such Code with respect to any individual would be transferred to such individuals IRSA account with a corresponding reduction in such individual's Old-Age and Survivors Insurance benefits. Eventually all such taxes would be so transferred with an appropriate phaseout of the credit. The Secretary of the Treasury or his delegate shall study 1 or more schedules for the increases in taxes transferred and phase-out of the credit.

(5) An individual could withdraw funds from an IRSA after age 62 without such amounts being taxed. If an individual withdraws funds from an IRSA prior to age 62, such amounts would be appropriately taxed unless used to purchase term life, health, or disability insurance.

(c) The Secretary of the Treasury or his delegate shall also study the feasibility of making IRSAs mandatory, with mandatory employee contributions accompanied by the phase-out of the taxes imposed by sections 3101 and 3111 of the Internal Revenue Code of 1954.

(d) The Secretary of the Treasury shall submit to the Congress a report on the results of the study conducted under this section before July 1, 1984.

Mr. HELMS. Mr. President, the able Senator from Kansas and the Senator from North Carolina discussed this amendment last evening when it was offered. I believe this has now been cleared on both sides.

Mr. DOLE. Mr. President, a discussion of the amendment offered by the distinguished Senator from North Carolina (Mr. HELMS) was held last evening. This amendment was drafted to conform to the Senator's request, and it has been cleared on both sides. We will accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP No. 130) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HELMS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I understand the distinguished Senator from

Hawaii (Mr. MATSUNAGA) has an amendment which we can accept.

SENATE CONCURRENT RESOLUTION 20 MAKING TECHNICAL CORRECTIONS IN THE ENROLLMENT OF H.R. 1718

Mr. BAKER. Mr. President, I have a matter that needs to be attended to now in connection with the jobs conference report which was sent to the House last evening. This has been cleared by the minority leader and by all responsible persons on this side, those who have a jurisdictional interest.

Mr. President, I send a concurrent resolution to the desk dealing with the typographical error in the conference report on the jobs bill and ask for its immediate consideration.

The PRESIDING OFFICER. The concurrent resolution will be stated.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 20) making corrections in the enrollment of H.R. 1718.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

Mr. BAKER. Mr. President, this concurrent resolution makes a typographical correction and adds two paragraphs inadvertently dropped from the Senate amendment to the targeting provision of the jobs bill which the Senate passed last night. These corrections have been cleared with the minority and I know of no objection to adoption of this concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (S. Con. Res. 20) was agreed to, as follows:

S. CON. RES. 20

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (H.R. 1718) entitled "An Act making appropriations to provide productive employment for hundreds of thousands of jobless Americans, to hasten or initiate Federal projects and construction of lasting value to the Nation and its citizens, and to provide humanitarian assistance to the indigent for fiscal year 1983, and for other purposes", the Clerk of the House of Representatives is hereby authorized and directed, in the enrollment of the said bill, to make the following corrections, namely, after the word "unemployment" in paragraph (a)(b) in section 101, insert a comma; and at the end of section 101, insert the following:

"(e) Notwithstanding any other provision of law, the head of each Federal agency to which appropriations are made under this title, with respect to project grants or project contracts in this section, shall expedite final approval of projects in areas of high unemployment, labor surplus areas, or in political units or in pockets of poverty that are currently or should meet the criteria to be eligible under the Urban Development Action Grant program administered by the Department of Housing and Urban Development in order to allocate sums as required by this section. Nothing required by this section shall impede the rapid expenditure of funds under this section.

(f) Notwithstanding any other provisions of law, any agency rulemaking proceeding conducted in order to implement the provisions of this title shall be conducted expeditiously, and in no case shall an agency hearing on the record be required.".

Mr. BAKER. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. DOLE. I move to lay that motion that on the table.

The motion to lay on the table was agreed to.

SOCIAL SECURITY ACT AMENDMENTS OF 1983

The Senate continued with consideration of the bill.

UP AMENDMENT NO. 131

(Purpose: To provide that the provision limiting the payment of social security benefits to nonresident aliens shall not apply to individuals who initially become eligible for social security benefits within 10 years after the date of enactment of the social security amendments of 1983 on the basis of the wages and self-employment income of an individual who has 80 or more quarters of coverage prior to such date)

Mr. DOLE. Mr. President, I understand that the Senator from Hawaii is now prepared to offer his amendment, which has been agreed to. The Senator from Maine is on the floor. I know he has a direct interest in the amendment and the Senator from Iowa (Mr. GRASSLEY) is interested.

Mr. MATSUNAGA. Mr. President, I have an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Hawaii (Mr. MATSUNAGA) proposes an unprinted amendment numbered 131.

Mr. MATSUNAGA. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 53, line 2, strike out "or".

On page 53, line 7, strike out the period each place it appears and the end quotation marks and insert in lieu thereof a comma and "or".

On page 53, between lines 7 and 8, insert the following new matter:

"(C) to any individual who—

"(i) initially becomes eligible for benefits under section 202 or 223 before the date which is 10 years after the date of the enactment of the Social Security Amendments of 1983 on the basis of the wages and self-employment income of any individual with respect to whom not less than 80 of the quarters elapsing before such date are quarters of coverage (as defined in section 213(a)(2)); and

"(ii) in the case of an individual described in clause (i) who becomes so entitled on the basis of the wages and self-employment income of another individual, resides in the United States at any time before such other individual accrues 80 quarters of coverage.".

Mr. MATSUNAGA. Mr. President, the provision in section 124 of the committee bill to limit social security benefit payments to aliens outside the United States raises for me a grave concern on a matter of equity. Except where required by an international obligation of the United States, section 124 would bar virtually all aliens abroad from receiving full benefits, if their initial eligibility becomes effective after December 31, 1984. Included would be alien workers, many of whom had legally worked and resided in the United States for their working lifetime and paid social security taxes on their earnings in all those years. This provision is manifestly unfair to those aliens who have spent a major part of their lives working in the United States and contributing to our society and economy.

We have a situation in my State of Hawaii wherein section 124 of the committee bill could adversely affect a considerable number of alien residents who would be much better off if they returned to live in their homeland in their retirement years. Between 1907 and 1946, more than 126,000 laborers migrated from the Philippines to Hawaii. Many have already returned to their homeland. Many have died; nearly all of the survivors are retired elderly. The youngest of them have reached age 55 years. Most of these immigrants have spent their working years in Hawaii without the support of family ties.

Many of these lonely, aging Filipinos look forward to returning to their homeland. Their extended families in the Philippines welcome back their aged members and provide them with love and care that are so essential to their mental, physical, and emotional well-being in their later years. The retiree is able to be reunited with not only his extended family, but his church and associations in the Philippines, where there is not the language and cultural barriers that exist for immigrant Filipinos in Hawaii.

In 1975, Father Jaime S. Neri, a Catholic priest, almost single-handedly, boldly undertook to address the needs of such Filipino retirees. With the support of his parishioners and the Hawaii State government, Father Neri was able to arrange for the return to the Philippines of a group of 41 men, ranging in age from 65 to 85, most of them lonely bachelors or widowers. This successful repatriation program is known as Balik-Bahay, meaning homecoming in the Filipino language.

An important aspect of the Balik-Bahay program is that it not only pro-

vides for a better quality of life for the retiree, it also effects considerable savings in American taxpayers' dollars.

As Father Neri has repeatedly stated to the Social Security Administration in his effort to federalize his Balik-Bahay program, repatriation of many of the retired beneficiaries at Government expense would result in savings to the American taxpayer. Most of the men seeking repatriation are receiving supplemental security income (SSI) benefits while they remain in Hawaii. In 2 years, from 1975 to 1977, the Balik-Bahay program saved the State and Federal Government a total of $74,000. This saving came from the cessation of SSI, food stamp, medicare, and medicaid payments and housing subsidies for these individuals. In 1979, it was estimated that more than $10,000 a month of public taxpayer costs are saved by the departure of the 41 men that were already sent home to the Philippines.

For example, a 74-year-old bachelor was sent home in January 1979. It was costing the Hawaii Department of Social Services $1,084 a month to maintain him in a nursing home. Now, back with relatives in the Philippines, and with his U.S. social security check (earned legally through long years of labor) of $236 a month, he lives comfortably. His monthly social security check translates into about 1,650 pesos and is more money than the local physician makes.

This humanitarian and tax-saving program to help migrants who desire to return home to rejoin their families would be jeopardized by the proposal to limit social security benefit payments to aliens outside the United States. The migrants, who labored for many years contributing fully to the social security system, would no longer be able to receive their full social security benefits if they reach eligibility after December 31, 1985, and returned to their homeland. They would be forced to choose between giving up hope of returning to their homeland on the one hand, and returning with little or no retirement income, on the other. The likelihood is that they would give up hope of returning to their homeland and draw welfare payments to supplement their meager social security benefits.

The National Commission made no recommendations concerning aliens even though it considered imposing a residence test on the payment of benefits outside the United States to auxiliaries and survivors. And the Finance Committee proposal would not result in appreciable savings in the early years since it would only apply prospectively. Thus, the proposal does not, in any event, contribute to the immediate task at hand. There is no need to rush into what maybe ill-considered action, which would lead to a small, or even negative savings for the social security trust fund, when there is ample time to deal properly with this issue in the months and years ahead.

My amendment would delay the implementation of limiting the payment of hard-earned social security benefits to any alien outside the United States until 10 years after the enactment of this proposal, if upon the enactment of the committee provision the alien had contribution to the system for 20 or more years.

Aliens coming to work in the United States after the enactment of the committee proposal will not entertain the expectation of receiving from the social security system more than what they will contribute into it, with interest. However, we should not change the rules of the game and penalize those aliens who are now in the system and have contributed to it in full expectation of the scheduled benefits upon reaching retirement age. Although I believe that no one already contributing to the service should be denied its benefits upon qualification, it is in the spirit of compromise. That I am offering my amendment, specifically for those aliens who have already spent at least 20 years in covered employment in the United States and will qualify for retirement benefits within 10 years after the enactment of the committee proposal.

The floor manager, the distinguished chairman of the Finance Committee is signaling me to wind it up, so let me say, that is the essence of my amendment. It is meant to save the State and the Federal Government money, just as it was intended by the original section 124, while providing a comfortable retirement for deserving aliens who have contributed toward elevating the quality of living in the Aloha State.

I might in closing, point out for the RECORD, as was suggested by the Senator from Maine, that those who become spouses or dependents after the enactment of this act will not qualify as dependents of principal alien beneficiaries who reside outside of the United States.

Mr. President, I urge the adoption of my amendment. Before yielding the floor, I ask unanimous consent that Senator INOUYE be added as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maine is recognized.

Mr. MITCHELL. Mr. President, this amends a provision of the pending bill which was included by the committee at the initiative of Senator GRASSLEY and myself and was intended to deal with a serious pattern of abuse that has been apparent for some time and brought into focus by the recent report of the General Accounting Office.

Senator MATSUNAGA's amendment provides for a transition period of 10 years under very tightly defined circumstances and is intended to accommodate those persons whom he described and others in similar circumstances. I have discussed this with Senator MATSUNAGA and, earlier today, with Senator GRASSLEY. I believe that, while it does provide some exceptions to the provisions of the legislation, the exceptions are sufficiently narrow and warranted under the circumstances. Therefore, I have no objection to the amendment.

Mr. DOLE. Mr. President, do I understand correctly that the Senator from Maine has no objection to the amendment?

Mr. MITCHELL. That is correct.

Mr. DOLE. Mr. President, I wonder whether the Senator from Maine has had conversation with the Senator from Iowa (Mr. GRASSLEY) and with Senator LUGAR.

Mr. MITCHELL. Earlier today, Mr. President, Senator MATSUNAGA, Senator GRASSLEY, and I met to discuss this. Senator GRASSLEY has said the matters now set forth in the amendment would be agreeable to him. I am not aware of whether Senator LUGAR participated in those discussions or agrees with them.

Mr. DOLE. The Senator from Iowa (Mr. GRASSLEY) is now entering the Chamber. I understand that he and Senator LUGAR have no objections to the amendment of Senator MATSUNAGA as modified. Is that correct?

Mr. GRASSLEY. That is correct, Mr. President.

Mr. DOLE. Mr. President, the Senator from Kansas has no objection to the Matsunaga amendment as modified. I move its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP 131) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MATSUNAGA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I want to say to the Senator from Hawaii that I was not trying to get him to wind it up. I felt that he was way ahead and I did not want him to lose.

UP AMENDMENT 132

(Purpose: To amend title II of the Social Security Act to provide for an eight-month transitional benefit for a widow or widower whose spouse died while such widow or widower was between the ages of 50 and 60)

Mr. LEVIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Michigan (Mr. LEVIN), for himself and Mr. DECONCINI, Mr. CHILES, Mrs. KASSEBAUM, Mrs. HAWKINS, Mr. FORD, Mr. BURDICK, and Mr. RANDOLPH, proposes an unprinted amendment numbered 132.

Mr. LEVIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

TRANSITIONAL BENEFITS FOR CERTAIN WIDOWS AND WIDOWERS

SEC. . (a) Section 202(e) of the Social Security Act is amended by adding at the end thereof the following new paragraph:

"(9)(A) Any individual who for any month—

"(i) would be entitled to a monthly benefit under this subsection for such month but for the fact that such individual has not attained age 60;

"(ii) had attained age 50 prior to the time of the death of the deceased individual (on the basis of whose wages and self-employment income the widow or surviving divorced wife would be so entitled to a widow's benefit under this subsection); and

"(iii) is not otherwise entitled to a widow's benefit under this subsection,

shall be entitled to a widow's benefit under this subsection (subject to the same conditions as an individual entitled to a widow's benefit under this subsection by reason of attaining age 60) for each such month during the period described in subparagraph (B) during which she meets the requirements of this subparagraph.

"(B) The period shall begin on the first day of the first month beginning after the death of the deceased individual (on the basis of whose wages and self-employment income the widow or surviving divorced wife is entitled to a widow's benefit by reason of this paragraph) and ending with the earlier of—

"(i) the last day of the eighth month beginning after the death of such deceased individual, or

"(ii) the first day of the first month for which such widow or surviving divorced wife is entitled to a widow's benefit under this subsection other than by reason of this paragraph.".

(b) Section 202(f) of such Act is amended by adding at the end thereof the following new paragraph:

"(9)(A) Any individual who for any month—

"(i) would be entitled to a monthly benefit under this subsection for such month but for the fact that such individual has not attained age 60;

"(ii) had attained age 50 prior to the time of the death of the deceased individual (on the basis of whose wages and self-employment income the widower would be so entitled to a widower's benefit under this subsection); and

"(iii) is not otherwise entitled to a widower's benefit under this subsection,

shall be entitled to a widower's benefit under this subsection (subject to the same conditions as an individual entitled to a widower's benefit under this subsection by reason of attaining age 60) for each such month during the period described in subparagraph (B) during which he meets the requirements of this subparagraph.

"(B) The period shall begin on the first day of the first month beginning after the death of the deceased individual (on the basis of whose wages and self-employment income the widower is entitled to a widower's benefit by reason of this paragraph) and ending with the earlier of—

"(i) the last day of the eighth month beginning after the death of such deceased individual, or

"(ii) the first day of the first month for which such widower is entitled to a widower's benefit under this subsection other than by reason of this paragraph.".

(c) The amendments made by subsections (a) and (b) shall be effective with respect to monthly benefits under Title II of the Social Security Act for months beginning after December 31, 1983.

Mr. LEVIN. Mr. President, I send this amendment to the desk on behalf of myself, Senators KASSEBAUM, CHILES, HAWKINS, DECONCINI, FORD, BURDICK, and RANDOLPH.

Mr. President, the amendment that we are offering would give a widow who is under age 60 and is, therefore, not eligible for social security as the survivor of her husband and a widow who is not working a chance to survive financially for a few months while looking for work after the death of her husband. In many cases, widows have spent most of their adult lives raising a family and need time to try to adjust their skills to the demands of the workplace. Also, it is an unfortunate fact of life that women entering or reentering the work force after 20 or 30 years can have a very difficult time finding a job.

Our amendment, therefore, provides for a transition benefit to surviving spouses caught in what has been called the widow's gap. I previously introduced legislation to deal with this situation on October 15, 1981.

Under present law, a widowed homemaker under the age of 60 does not qualify for any financial assistance from social security unless she is disabled or has a child in her care who is disabled or under 16 years of age. This causes a severe hardship for the many women who are widowed under the age of 60 and without a job.

My amendment would provide this transition benefit to widows of workers covered by social security, if the surviving spouse is at least 50 years old at the time of the wage earner's death and is not otherwise immediately eligible for social security benefits for the month in which the death occurred. Thus, the transition benefit is for an 8-month period. The benefit would be for the same percentage of the wage earner's primary insurance amount as under current law, for widows age 60, or the spouse's own primary insurance amount based on her own past work experience, whichever is higher. These benefits would also be subject to the social security earnings limitation.

Mr. President, coverage has not been made available to this group in the past under the rationale that these individuals can be expected to work and support themselves. But the fact is, Mr. President, according to a February 1979 report from the Department of Health, Education, and Welfare entitled "Social Security and Changing Roles of Men and Women":

Lifelong homemakers (or women who have been out of the labor force for many years) who are widowed in late middle age may find it difficult or impossible to get a job. Even widows with job skills or younger widows may have difficulty finding a job immediately or may need a period of job training. For these reasons, widows under age 60 may need some kind of immediate income, at least for a short time, to help them adjust to the loss of their spouse's income.

Mr. President, that is exactly what this amendment does. For a short time, it provides that adjustment, that transition benefit to permit widows in their middle age, who have raised a family and who have run the house, a chance to look for work and not be left destitute during that process.

At this point, some may be thinking that this is a good idea, but can the package afford it. Certainly this is a concern of the chairman of the committee. I know of his prodigious effort to balance the need for safeguarding the fiscal integrity of the social security system, with the need for equity and compassion.

But I know from looking at the committee's report and a report from the office of the actuary of the social security system that there is room for my amendment within a financially sound social security system, both in terms of the short and long term.

As for the short-term financing situation, the Office of the Actuary estimates that for calendar year 1984 my amendment would cost about $75 million. The Office of the Actuary calculates that the net increase in funds in the OASDI trust fund as the result of S. 1 would be $4.5 billion in calendar year 1984, the first year our amendment would be in effect. This amendment would not, therefore, jeopardize the solvency of the OASDI fund because the Office of the Actuary estimates that with the passage of S. 1 there will be $29.1 billion in the OASDI at the end of 1984.

As for the long-term financing question, the Office of Actuary calculates our amendment would cost 0.01 percent of taxable payroll. The committee's report indicates that the effect of passage of S. 1 would be to leave the OASI trust fund with a surplus of 0.07 percent, and the combined OASDI trust fund with a surplus of 0.09 percent. Therefore, the passage of my amendment with costs of 0.01 percent of taxable payroll would not in any

way jeopardize the long-term solvency of the system.

One final word, Mr. President. Throughout my statement, I have referred to widows. Our amendment would apply to similarly situated men as well, although 90 to 95 percent of the individuals who would benefit from this provision would be women. It is estimated that between 30,000 and 35,000 individuals would benefit from this provision each year.

This amendment thus balances the same values of fiscal integrity and compassion which the committee's bill sought to balance, and I hope that all of our colleagues can support this modest amendment, again at a cost of $75 million, finally doing something to correct the very, very real and tragic problem of displaced homemakers who have given their lives to raising their children and to maintaining their homes and to then find themselves in their fifties suddenly widowed without work and looking for work. This amendment would close, in a modest way, that "widow's gap" at a very, very modest cost to the social security fund.

Mr. DOLE. Mr. President, I always look with favor on amendments offered by the distinguished Senator from Michigan because he is very sensitive and very concerned about the needs of people. His amendment would provide 8 months of social security benefits for a widow or widower whose spouse died while the widow or widower was between the age of 50 and 60 and benefits would be paid at the rate for the widow or widower at age 60, that is, 71.5 percent.

I think the cost between now and 1989 would be about $1 billion, the long-range cost at about 0.01 percent of taxable payroll.

As the Senator pointed out, the amendment would address a problem confronting lifelong homemakers who have been out of the labor force for many years and suddenly find themselves widowed in late middle age. This amendment would allow older widows to adjust to the loss of their spouse's income and give them a period of time to prepare to enter the work force.

We had some outstanding women on the National Commission and we believe we made some progress in the Commission in addressing the inequities facing women under social security. We did provide for benefits for divorced or disabled widows or widowers who remarry. We changed the indexing for deferred survivor benefits. We added the independent eligibility for divorced spouses. We increased benefits for disabled widows and widowers. We also changed the child care credit, through the amendment of the distinguished Senator from Colorado, which we adopted as part of a long-range package. It is not that we were not conscious or concerned or sensitive to discrimination in some areas of social security. The current package does contain several recommendations.

Our committee recognizes that more remains to be done on these issues and hopes to hold hearings later this year on a more comprehensive approach than the solutions to individual problems offered in this package.

However, on this particular amendment, how do you hold the line at age 50? Why not 40 or 45 or any other age where someone is widowed and where they may be unable to find work?

If you were to take out any age limit on this proposal, then the cost goes to the ceiling. It is another great program, and I commend the Senator from Michigan for calling it to our attention, but I urge my colleagues to defeat this amendment.

Martha Keys, the former Congresswoman from my State, the State of Kansas, who was a member of the Commission, along with Mary Fuller, an outstanding member of the Commission from the State of California, and the Senator from Colorado, had a whole series of additional women's issues they wanted to get into but could not, because of the constraints in the Commission report.

Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Conversations in the rear of the Chamber will please cease.

Mr. DOLE. The Senator from New York, the Senator from Kansas, and others on the Commission made a number of efforts in this area. We had a whole list of things we wanted to address, and finally we had to draw the line.

I hope the Senator from Michigan will let us proceed with hearings which we will be holding this year in our committee. We know that there are other areas that need to be addressed.

On this particular amendment, however, I wonder how would we hold the line on protecting a spouse from the loss of a worker's income only when he has died? Loss of income can also occur with divorce, separation, disability. Current disability benefits require a 5-month waiting period. A spouse, in particular, with no work history, can suffer loss of income in each of those situations. If we pick out only one, we have difficulty in discriminating against some other group.

I hope the Senator will let us consider the amendment in hearings, because we do plan a more comprehensive approach.

Mr. MOYNIHAN. Mr. President, the chairman has stated it accurately. I fully join in his suggestion that what the Senator from Michigan proposes is compassionate and intelligent. The question is how to fund it.

We have undertaken a broad consideration of those aspects of the social security system which are not equitable to women, which discriminate against them, or where the system simply should be improved because of those circumstances.

Most important, I think, is the question of shared earnings. But the more of these issues involved, the more important our hearings will become. Shared earnings are probably a priority.

I hope we can put this matter over until that early date when we take up the large discussion that is necessary. We cannot do it on this package. A billion dollars in the next 7 years is a billion dollars, and we dare not.

Mr. LEVIN. Mr. President, I thank my friends from Kansas and New York.

This is indeed an important issue. It is something which has been festering a long time. As I indicated, I introduced a bill on this subject a number of years ago. It is an inequity which has to be faced. It can be faced now, in this bill. I think there is an understanding that we can solve this problem now.

If we add up enough years, I guess we can get to a billion dollars. But the fact is, as we understand from the actuary, the cost of this is $75 million in calendar year 1984 and $100 million for each year from 1985 through 1987. I do not know how many additional years beyond that the chairman went to get to the figure he identified.

He made a reference to one of the members of the Commission, Mary Fuller, and I want to read from her supplementary statement to this report. She said:

> The effect on women of the Social Security program is a subject of major importance, and much analytical work has been done to identify and evaluate alternative approaches to correct the unintended inequities. In fact, the 1979 Advisory Council on Social Security spent more time on this issue than on any other single issue. Unfortunately, our commission could not address this issue due to the urgent priority of restoring the solvency of the system. But we do not intend this choice to detract from the importance of restoring the equitable treatment of women in today's world. The provisions of the bi-partisan package, while advantageous to certain groups of women, do not begin to address the fundamental, though unintended, inequities, that act to the disadvantage of all people except members of intact one-earner couples.

We have talked with her, and, by the way, her reference to this issue relates to inequities to women, not just the particular amendment I am offering.

We also talked to Martha Keys, an outstanding person, with great background in these issues. She told us that this is an excellent amendment, that the area we address is an area of extreme urgency.

We in the Senate all know about the widows' gap. We have let this go on. We know there are women by the tens of thousands in their fifties who are

left with children now grown and are suddenly widowed and are not eligible for the social security benefit. They have not worked, they are thrown onto the job market, and they cannot get a job. We all know that.

This amendment is a modest transition amendment to say, "Here, for 8 months you will have this transition benefit so that you can survive."

I say to the chairman of the committee that this is a very modest amendment in amount, in purpose, and in intent, and it is the kind of amendment we all can support.

We have taken action to help small business. We have taken action which costs $200 million. The trust fund is going to have to lay that out in 1984 to help small business. I think we can take action which will cost $75 million to help widows.

Mr. President, in closing let me just take a moment to thank Congresswoman MARY ROSE OAKAR, chairperson of the House Task Force on Social Security, and her staff for the assistance they provided in the formulation of this important legislation.

Mr. DOLE. Mr. President, I do not want to quarrel with my friend from Michigan. He may proceed on it however he wishes.

We are concerned. We think we have demonstrated that our concern is real. This may be a gap as pointed out by the Senator from New York. It may not be classed as an inequity. We had a very difficult time saying no to many of these worthwhile provisions.

We had a little surplus earlier on today, but that has been wiped out, according to the actuaries, by adoption of the Long amendment. At one time, we had a little cushion, and this amendment might have been able to fit into that little cushion.

Mr. LEVIN. I would be happy to make the suggestion to the chairman that if the Long amendment survives intact in conference and if my amendment were adopted, I would be happy to see the conferees adopt this amendment—if the Long amendment were kept intact in conference.

Mr. DOLE. They might be able to figure out something along that line. If the Senator would raise the age to 55 and reduce the time to 6 months, we might take it to the Rotunda or beyond.

Mr. LEVIN. Including the other part of the suggestion, about the Long amendment?

Mr. DOLE. I do not know anything about the Long amendment. [Laughter.]

Mr. LEVIN. Mr. President, I suggest the absence of a quorum, so that we can confer for a moment.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I send a modified amendment to the desk on behalf of the same cosponsors.

The PRESIDING OFFICER. The amendment will be so modified.

The modified amendment is as follows:

At the appropriate place in the bill, insert the following new section:

TRANSITIONAL BENEFITS FOR CERTAIN WIDOWS AND WIDOWERS

SEC. . (a) Section 202(e) of the Social Security Act is amended by adding at the end thereof the following new paragraph:

"(9)(A) Any individual who for any month—

"(i) would be entitled to a monthly benefit under this subsection for such month but for the fact that such individual has not attained age 60;

"(ii) had attained age 55 prior to the time of the death of the deceased individual (on the basis of whose wages and self-employment income the widow or surviving divorced wife would be so entitled to a widow's benefit under this subsection); and

"(iii) is not otherwise entitled to a widow's benefit under this subsection,

shall be entitled to a widow's benefit under this subsection (subject to the same conditions as an individual entitled to a widow's benefit under this subsection by reason of attaining age (60) for each such month during the period described in subparagraph (B) during which she meets the requirements of this subparagraph.

"(B) The period shall begin on the first day of the first month beginning after the death of the deceased individual (on the basis of whose wages and self-employment income the widow or surviving divorced wife is entitled to a widow's benefit by reason of this paragraph) and ending with the earlier of—

"(i) the last day of the eighth month beginning after the death of such deceased individual, or

"(ii) the first day of the first month for which such widow or surviving divorced wife is entitled to a widow's benefit under this subsection other than by reason of this paragraph.".

(b) Section 202(f) of such Act is amended by adding at the end thereof the following new paragraph:

"(9)(A) Any individual who for any month—

"(i) would be entitled to a monthly benefit under this subsection for such month but for the fact that such individual has not attained age 60;

"(ii) had attained age 55 prior to the time of the death of the deceased individual (on the basis of whose wages and self-employment income the widower would be so entitled to a widower's benefit under this subsection); and

"(iii) is not otherwise entitled to a widower's benefit under this subsection,

shall be entitled to a widower's benefit under this subsection (subject to the same conditions as an individual entitled to a widower's benefit under this subsection by reason of attaining age 60) for each such month during the period described in subparagraph (B) during which he meets the requirements of this subparagraph.

"(B) The period shall begin on the first day of the first month beginning after the death of the deceased individual (on the basis of whose wages and self-employment income the widower is entitled to a widower's benefit by reason of this paragraph) and ending with the earlier of—

"(i) the last day of the sixth month beginning after the death of such deceased individual, or

"(ii) the first day of the first month for which such widower is entitled to a widower's benefit under this subsection other than by reason of this paragraph.".

"(c) The amendments made by subsections (a) and (b) shall be effective with respect to monthly benefits under title II of the Social Security Act for months beginning after December 31, 1983.

Mr. LEVIN. Mr. President, the modified amendment, which I sent to the desk, reflects the suggestion of my friend from Kansas that we start this benefit that I described as a widows' transition benefit at age 55 instead of 50 as in my original amendment and that it be for 6 months instead of the 8 months as in the original amendment.

I, as always, am so grateful for the help of my friends from Kansas and Louisiana.

I think the suggestion is a constructive one which gets on the books at least on this bill a provision which we have been struggling for so long to achieve. We have not recosted it, but I presume it would be something less than $75 million, perhaps in the area of $50 million in the first year, that divided by perhaps half because we are starting at age 55 instead of 50. So I presume it would be in the area of $25 million to $30 million.

I hope that my friend from Kansas and my friend from Louisiana will try to hold to this position in conference regardless of the disposition of the Long amendment in conference.

Mr. DOLE. Mr. President, if the Senator will yield to me, let me assure the Senator I did not mean to connect the two. I am sure the Senator from Michigan did not. But I think with the modification mentioned before, the Senator from Kansas is willing to accept the amendment.

Again I will say that the amendment has a great deal of merit, but there are a number of others that probably fit in that same category. I am not certain what the reaction of the House of Representatives will be. I am certainly willing to test it.

Mr. LEVIN. I thank my friend from Louisiana and my friend from Kansas for their constructive suggestion and help and thank the Chair and yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, of the Senator from Michigan.

The amendment (UP No. 132), as modified, was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMMS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SIMMS. Mr. President, have the yeas and nays been ordered on final passage?

The PRESIDING OFFICER. They have not.

Mr. SIMMS. I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

UP AMENDMENT NO. 133

(Purpose: To disregard tax-exempt interest in the computation of adjusted gross income for purposes of the taxation of Social Security benefits)

Mr. LONG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Louisiana (Mr. LONG) proposes an unprinted amendment numbered 133.

Mr. LONG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 115, beginning with line 21, strike out all through page 116, line 3, and insert in lieu thereof the following:

"(2) ADJUSTED GROSS INCOME.—For purposes of this subsection, the adjusted gross income of the taxpayer for the taxable year shall be determined without regard to this section and sections 221, 911, and 931.

Mr. LONG. Mr. President, this amendment deals with a provision that was not in the Commission recommendation. It deals with a provision that was not in the House bill. And in my judgment it is certainly a provision that was not adequately considered even in the Senate Finance Committee. This provision would require that in taxing 50 percent of social security benefits, that the base for determining whether people pay the tax include whatever income they may have from State and municipal bonds.

Mr. President, there is no doubt in my mind that the proposed inclusion of State and local bond interest in the tax base for calculating the tax on social security benefits is unconstitutional. We have debated that matter before in the Senate and I believe most Senators begin to understand the issue.

It seems that every year the people who want to tax State and local bond interest seem to find some new way of trying to do it. The problem is, no matter how the proposal is dressed up, taxing State and local bond interest still raises serious constitutional problems.

The proposal would not affect the taxation of higher income people. Let me explain that for a moment, Mr. President, because a lot of folks do not understand this.

This proposal in the committee bill does not apply to people who are making a lot of income. It only applies to little people in the middle-income bracket. For example, if a person had, let us say, $50,000 of adjusted gross income and $100,000 of tax-exempt bond income, he would pay the tax on half his social security benefits anyway and it would make no difference how much he had in tax-exempt income. Whether he had $1 or $100,000 of tax-exempt income, once he has the $50,000 or for that matter once he has $40,000 of adjusted gross income, from that point forward he is paying all the tax that is to be paid on 50 percent of his social security income anyway.

So this is only a tax provision to strike at middle-income aged people. It is not one to strike at very wealthy aged people.

I do not think the committee really understood the matter when the committee voted to put this on the statute books. This adds complexity to the formula for taxing social security benefits and it would raise very little additional taxes.

Now to support that statement, Mr. President, you do not need to go beyond the committee report. The committee report contains its estimate on how much money the bill raises with all these provisions. This is what I regard as a clearly unconstitutional provision which unfairly affects old people—and then you look in the chart in the committee report to see how much money the bill is going to raise by taxing the State and local government and what do you see? An asterisk. How much do they raise? An asterisk. You know what that means. An asterisk means that over the period less than $5 million will be raised. An asterisk. What it really means is zero in this case, because it is not going to raise anything.

The cost of administering it and the cost of the complexity, the cost of adding additional lines on the income tax returns of these dear old people—and it will probably have to go on everyone's income tax return—completely offsets whatever might be raised with the provision.

In short, Mr. President, the provision in the committee bill creates problems of constitutionality and complexity in order to close an imagined loophole that does not really exist at all.

Let us just understand this, Mr. President: People do not benefit as far as investments are concerned by buying State and municipal bonds if they are in low tax brackets. The reason is that they lose anywhere from 20 to 40 percent of the income that they would get by buying instead a Federal bond, for example, or a AAA corporate bond. They would lose anywhere from 20 to 40 percent of their income by buying a State or municipal bond and, therefore, as Bill Simon, a former Secretary of Treasury, used to tell us, it has been taxed already. You might say it has been taxed for the benefit of the State and local government because the fact that bonds of State and local governments are not subject to taxation by the Federal Government causes those bonds to sell at a favored price which means that they pay a much lower interest rate.

Mr. President, we should make no mistake about it. This provision does amount to taxing the interest on those State and local bonds.

Suppose an individual has social security benefits of $10,000, pension income of $20,000, and a tax-exempt income of $10,000. Under the House bill and Social Security Commission recommendation you count one-half of social security benefits as income, $5,000; count the pension income of $20,000; for a total countable income of $25,000. Thus in this situation social security benefits would not be taxed under the House bill.

But under the terms of the Finance Committee bill you count one-half of social security benefits as income, so that is $5,000; then count pension income of $20,000; and then count tax-exempt income of $10,000 for a total countable income of $35,000, and one-half of the social security benefits would be fully taxed. Thus the inclusion of tax-exempt income would have the effect of raising taxable income $5,000 in this example.

Furthermore, this proposal is not targeted at high-income individuals. In fact, it would only increase taxes on persons with relatively low levels of taxable income aside from their exempt bond interest. Any single person with adjusted gross income of over $25,000, and any married couple with adjusted gross income of over $32,000, will already be over the taxable threshold and thus will not be affected if their exempt bond income goes into the base. Only persons with adjusted gross income, other than exempt bond income, of less than $25,000 for single individuals, or $32,000 for a married couple, will suffer this taxation of their exempt bond income.

(Mr. SYMMS assumed the Chair.)

Mr. LONG. Why did the Finance Committee adopt such a proposal? It was not in the Social Security Commission's recommendations, and the revenue cost over the next 7 years is too small to be estimated.

Why would you want to discriminate against these dear old people? Anybody else who buys those tax-exempt bonds will not be taxed on the interest. Why would you want to do that to grandma? Why tax her? Why?

It is difficult to understand. The committee assumed that the proposal was needed to close a loophole under which a person could convert his taxable income into tax-exempt income in order to avoid paying tax on some of his social security benefits. In fact, the potential tax savings from such a conversion is very small and would be more than offset by the lower yield on the exempt bonds.

Furthermore, once a taxpayer had brought his countable income down below the $25,000 or $32,000 threshold, his marginal tax rate would be so low that the tax-exempt bonds would be a bad investment. That is, the tax savings would be much smaller than the amount the taxpayer would be giving up by investing in bonds with a lower yield. That is why the revenue estimaters say that the revenue gain under this provision is too small even to estimate.

Mr. D'AMATO. Mr. President, will the Senator yield for a question?

Mr. LONG. Yes, I yield.

Mr. D'AMATO. Am I understanding the Senator correctly to say that if you are on social security and have an adjusted gross income of $40,000 a year for husband and wife with $10,000 a year of that income coming from tax-exempt muncipal bonds, that that $10,000 would be calculated in the formula and thereby your social security benefits over and above the cutoff would be taxable; is that correct?

Mr. LONG. That is right. Half of it would be taxable.

Mr. D'AMATO. Now supposing, for example, you are 55 years of age and you have an income of $100,000 from tax-exempt municipal bonds, you pay no taxes on that, is that correct?

Mr. LONG. That is correct.

Mr. D'AMATO. So we are saying in essence that if you have $100,000 in municipal bond income and you are not qualified for social security, you have not reached retirement age, you pay no tax. But if you have $10,000 and you are on social security that can be the difference that raises your adjusted gross income to $35,000 maximum, husband and wife, and that will put you into a taxable status; is that correct?

Mr. LONG. That is absolutely correct.

Mr. D'AMATO. Is it further correct that the Social Security Commission recommended this?

Mr. LONG. No; the Commission did not recommend that.

Mr. D'AMATO. Well, they showed good judgment.

Mr. LONG. The House did not recommend this, either.

Mr. D'AMATO. Is there any revenue loss or gain that has been determined?

Mr. LONG. It will gain what revenue estimators call an asterisk, which means somewhere between zero and $5 million in revenue over a 7-year period. This excludes the cost of administration.

Mr. D'AMATO. If you had municipal bonds and were drawing social security and had an income, of $10,000 from the municipal bonds, and if it were going to place you in a taxable position on your social security, and you were getting a 6 or 7, or 8 percent yield, would you not be wise then to convert them into a higher taxable yield, by selling those municipals because you would not have the tax advantage any more in holding them, and would you not have people converting from municipals into other bonds, and other people purchasing other bonds instead of municipals as a result of this?

Mr. LONG. Why, of course. In other words, the point is that in a great number of cases if people do happen to have a State or municipal bond they would just have to replace them with other investments.

Mr. D'AMATO. In the Senator's opinion, drawing on all his years on the Finance Committee, what would that do to the municipal bond market? Would that raise or lower the cost of those bonds when, for example, the Village of Island Park, in which I live, consisting of 5,300 people, goes into the municipal bond market to borrow, would it not cost that village more interest to borrow? Would not people expect a greater yield as a result?

Mr. LONG. Middle income taxpayers drawing social security would go to a tax consultant to try to plan what to do with their municipal bonds.

They go to a tax consultant and he says, "let me see, unless you have $35,000 of income, the first thing you should do is to sell your municipal bonds." This Senator knows that will hurt the market for State and municipal bonds and force State and local governments to pay a higher price to borrow money.

Mr. D'AMATO. I might make note of the fact that I have asked the treasurer in the county in which I live, Nassau County, Long Island, what the effect of this would be. After checking with various bond counsel he said they indicated that with time this provision could result, without gain to the treasury, in an increase of as much as 200 basis points in borrowing costs.

When we are talking about borrowing of billions of dollars by State, county, city, village, town governments, we are talking about increasing the cost to local governments that need these revenues. They will then have to raise real property taxes on working middle class families who, for the most part, support those governments.

But the thing I find to be incredible is that there is no revenue gain here. People will be forced in many cases to dispose of these bonds, depressing the municipal bond market, resulting in their being less accepted. Consequently, there will be a higher cost to local governments passed on to the working middle class people, as well as those on social security.

Mr. LONG. I agree with the Senator.

Now, Mr. President, if Senators consider anything wrong about the tax-exempt status of State and municipal bonds, if they consider this to be a tax loophole, why would they want to go after these retired middle income aged people but not the rich people? Why not go after persons who invested millions in tax-exempt bonds? Why not go after them, because with large amounts of tax-exempt bonds, why could they not say, "From this point forward you must pay a tax on income on your tax-exempt bonds?"

Why not just go after it that way and see if you cannot overrule the Pollock case decided in 1895 that you could not tax those bonds, and try to get the Supreme Court to reverse itself? Why not go after the rich people? Why go after only the middle income people?

Mr. D'AMATO. I concur with the Senator. It seems to me if we are going to talk about closing tax loopholes the place should not be on the social security bill.

I have heard since I have been here about how we want to close these loopholes. Why do we not develop a tax system that says people at a certain income have to pay a minimum tax, including the income that may come from tax-exempt bonds and municipal bonds? It would seem to me that would be a more appropriate way. It would deal with the real abuses that people worry about, so that people who have incomes in the hundreds of thousands of dollars, in the millions of dollars, who pay no taxes will be affected. But it is certainly not solving the problem to place a tax on middle-class working people, who worked all their lives and now have a small income and subject them to a tax with no revenue gain, especially when the local governments are going to wind up levying throughout this country millions of dollars more in real property taxes because the value of their bonds will be published.

I strongly support the Long amendment. It makes eminent good sense.

Once again we find ourselves faced with the situation where those people

who propose these kinds of amendments really do not deal with the totality of the question. If they want to argue everyone should pay a fair share, let us look at the entire code. Let us see to it that everybody, regardless of how much they may own in the way of municipal and industrial revenue bonds, no matter how much they may contribute to charities, will pay a certain minimum when they are above a certain income.

It is unfair to have someone who is making $1 million a year and who, as a result of purchasing revenue bonds, municipal bonds, and tax exemptions and as a result of charitable contributions and various writeoffs, pays no taxes.

I think the Senator from Louisiana agrees with me. We do not want to avoid the closing of a loophole, but let us do it the right way and not in the way that penalizes middle class people.

Mr. LONG. Mr. President, another thing that is wrong about the amendment is that if someone wants to start a tax reform movement, to go after the so-called tax expenditures in the Internal Revenue Code and tax them, there are a number of them. The Congress passed Mr. DOLE's tax bill last year, and we had various types of income included in the alternative minimum tax base. But we expressly voted here in the Senate not to include the interest from State and municipal bonds in this income base because we concluded that they were sacrificing income by forgoing the payment of tax on them. We did include a number of preference items in the alternative minimum income tax base, so that they could be subject to a minimum tax.

Now, if one wanted to subject one-half of social security income to tax, then let us expand the income tax base in a nondiscriminatory fashion and say, "Here are the items that are in the alternative minimum income tax base adopted by the Tax Equity and Fiscal Responsibility Act of 1982. We could say, "Now, all right, if these old people have a minimum income tax base then we are going to tax 50 percent of their social security benefits."

Well, if you wanted to do that, at least you would be trying to tax social security income based on an economic income concept. However, these people are omitted. Why would they be left out?

They want to tax dear old grandma because she holds a bond issued by the city government of her own hometown. Why would they want to go tax grandma in a situation like that? If she is a rich grandma, they are not going to tax her social security. They are only going to tax her if she is one of the middle income people. What do they have against the State and local governments?

Mr. D'AMATO. Look at the basic advantages of it again. If you have only $10,000 tax-exempt income from municipal bonds and it pushes you over the threshold for social security purposes and then half of your benefits are taxed, that is one thing. But what about the person who has $100,000 in tax-exempt income from municipal bonds and is eligible for social security? So now that person is adding social security and does not pay one penny more on that.

So to use this in connection with the formula for an adjusted gross income, which will put you over the threshold and now make your social security income taxable, only hurts one group-middle class families; working families. Not the wealthy. It does not close the loophole for the wealthy. It does not make them subject to one penny more than what they would have paid in any event.

Let us pass a tax across the board and say if you make a million dollars a year you cannot exclude and take writeoffs with all of the shelters, including municipal revenue bonds; that you have to pay a minimum.

That is the way to do it, but not here in the social security bill; not here when you are not going to raise any money, when we are going to disturb the municipal market. Because even though the gain to the Government is $5 million, maybe, over 7 years, it will result in municipal revenue bonds becoming less attractive. They will go up 100 basis points and then 200 basis points, and that will result nationwide in hundreds of millions of dollars a year more in costs. To whom? Towns, villages, counties, and cities that cannot afford it. What do they do? They have to raise real property taxes. And who pays the burden of real property taxes? The small homeowner, the businessman. For what? So they can say, "Oh, we are closing the loophole."

We are not closing the loophole. We know how to close loopholes if we really want to go after them. This is not closing the loophole. It is counterproductive.

So I rise to support this amendment. I urge my colleagues to think very carefully about this amendment. It is an important amendment. There will be those among their constituents who will see there is no justice in the bill when they are pushed up over this level and have to pay additional moneys and, there will be an erosion of the municipal theory.

By the way, it probably is unconstitutional.

I thank the Senator.

Mr. LONG. I thank the Senator.

Mr. President, another problem with this proposal is that it would add to the complexity of our Tax Code. Most of the complications in our tax laws affect only a few sophisticated businesses who want the complexity because it reduces their taxes. However, this proposal would make more complex a provision affecting many of the social security beneficiaries who did not buy these tax-exempt State and municipal bonds for that purpose.

The mechanism for taxing social security benefits is already sufficiently complex without considering tax-exempt income. It would add additional lines to the tax return—maybe three additional lines to the tax return—in order to report and then compute this income to see how much additional tax is owed.

Do we really need the additional lines on the tax return, the additional recordkeeping burden, and the additional steps in the formula that this municipal bond provision would add?

Let me also point out that the Internal Revenue Service has never asked for or received any information from States or municipalities on who receives tax-exempt income. I wonder whether we would need to impose reporting requirements on our State governments and reporting requirements on the cities and the counties in order to help the Internal Revenue Service police this provision.

That would certainly be a significant burden on States and localities, but it might be necessary in order for the provision to be applied in an effective way.

Mr. President, as I stated earlier, taxing State and local bond interest is unconstitutional. The leading case in this area is Pollock against Farmers' Loan and Trust Co. There were actually two Pollock decisions: The first invalidated portions of the 1984 income tax law, including the attempted taxation of State and local bond interest, and a second opinion, issued after rehearing, held that the entire tax law was unconstitutional.

The opinions written in the two Pollock decisions make it clear that Federal taxation of State and local bonds is unconstitutional. Under the cases, the constitutional defect as to taxation of State and local bonds is that such a tax directly impairs the borrowing power of the States. The Supreme Court held that the Federal Government cannot, under our Constitution, impair this State and local borrowing power. The Pollock opinions make it clear that this is a separate and distinct rationale that would by itself defeat attempts to tax State and local bond interest. Although the second Pollock decision invalidated the remaining portions of the 1894 law on the grounds that the tax was a direct tax required to be apportioned among the States, it did not withdraw the separate rationale applicable to State and local bond interest. In fact, Justice Brown's opinion in the second Pollock decision emphasizes that the question

of bond taxation is not a question of apportionment, but is rather a question of total lack of Federal taxing power.

When the 16th amendment was taken up in Congress, the question of taxation of State and local bonds was not discussed and, as later events show, it was not contemplated that the amendment would permit taxation of State and local bond interest. When Charles Evans Hughes, then Governor of New York, raised the question during the ratification process of whether the 16th amendment would permit taxation of State and local bond interest, he was assured by Senators Borah and Brown, who played a major part of this process, that no such interpretation was possible. These comments may be found in the CONGRESSIONAL RECORD for February 10, 1910. The RECORD for March 1, 1910, contains similar reassurances in the form of a letter from Senator Elihu Root to a New York State senator. Congressional debate on a proposal made during World War I to tax State and local bond interest also shows the congressional view that such a tax would be unconstitutional notwithstanding the 16th amendment, as does the fact that, in 1923, Congress considered adopting a constitutional amendment to permit taxation of State and local bond interest. The 1923 proposed amendment passed the House but did not pass the Senate.

The Supreme Court has held on several occasions that the 16th amendment did not extend the Federal taxing power to new subjects. In these decisions, the Court held that the amendment merely removed the necessity for an apportionment of the Federal income tax among the States. These decisions confirm the view that the 16th amendment did not create a new Federal taxing power over State and local bond interest.

The precise question of taxing State and local bond interest has not been considered by the Supreme Court since the adoption of the 16th amendment. However, the Supreme Court has on several occasions, after the ratification of the 16th amendment, expressed the view that the Federal Government cannot tax State and local bond interest, citing the Pollock case as authority.

As a matter of fact, Mr. President, on later occasions, when Charles Evans Hughes, the Governor of New York to whom I referred, became the Chief Justice of the U.S. Supreme Court, in cases dealing with this subject he made a point to state, by way of dictum, that the Federal Government had no authority to tax interest on State and local bonds. Justice Hughes was an individual who had a complete understanding of the entire legislative history of this matter. As the Governor of New York, he had been assured by the legislative process that the 16th amendment had no purpose to allow taxation of State and local bonds, and could not be so construed.

Keep in mind, Mr. President, that the ratification process is part of the legislative process in passing a constitutional amendment.

As I stated, on several occasions after the ratification of the 16th amendment—involving cases on other subjects—the Court has distinguished the special case of bond interest from questions such as the taxability of Government contractors and employees by pointing out the immunity of the States' borrowing power from Federal taxation.

In view of the Pollock decision, its many reaffirmations since the ratification of the 16th amendment, and the legislative history of the amendment, and of other related measures, it is clear that the provisions of the Finance Committee bill that would tax State and local bond interest will directly contradict a well-established constitutional prohibition of taxing a State government. Congress should respect constitutional limitations on the Federal taxing power and should not impose a tax such as this without new and express constitutional authorization. This is especially so when the possibly unconstitutional provision is apparently unnecessary and otherwise imposes troublesome burdens of complexity on our senior citizens.

Mr. President, I would like to add as cosponsors of this amendment the Senator from New York (Mr. D'AMATO), the Senator from Florida (Mrs. HAWKINS), the Senator from South Carolina (Mr. THURMOND), and the Senator from Mississippi (Mr. STENNIS).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I commend the Senator from Louisiana and the Senator from New York who are doing the best they can with a very, very bad case. I think they have been eloquent in what any objective observer would say has been on the side of inequity.

Mr. President, there has been long discussion about taxation of municipal bonds. I think we can dismiss that. This is not taxation of municipal bonds at all. It has nothing to do with the taxation of municipal bonds. What we are saying is that municipal bonds can count as a basis on which social security becomes taxable.

The decision is made that social security will be taxable at certain brackets. That is not what we are debating here this afternoon. That decision has been made.

Half of your social security income at certain levels will be taxable.

The question of whether tax-exempt bonds should never be figured in a base, should never be involved in any taxation, of course, does not apply here. As a matter of fact, if we look at the Federal estate tax law we will find that so-called tax-exempt-bond value is computed when one computes the valuation of an estate for tax purposes. There is a tax applied on so-called tax-exempt bonds, the value of them, in computing the Federal estate tax.

Mr. President, what we are discussing this afternoon is not revenue. It is not a question of whether it is an asterisk or a double asterisk, whether it is $7 billion over 6 years or not. What we are discussing this afternoon, Mr. President, is equity. Is it fair to two people with the same amount of income, one to suffer a tax on his or her social security and the other not, solely because of the definition of the type of income that is.

Mr. President, let us take the case of somebody with a $22,000 pension, a pension from the company that he or she worked for. That person, with $4,000 or $8,000 from social security, with $4,000 computed here, would have a tax. Clearly, that individual would suffer a tax.

We have decided that. But what is being proposed here on the floor is that somebody with $100,000 of tax-free income, when he or she receives his or her pension of $8,000, that be free from any tax.

Is that fair, Mr. President? Is that what we want to do in the Senate of the United States? I do not think so.

The question here is equity. Are we going to permit someone who is wealthy enough or who has the ability to shift around—many people who are going to become taxable under the proposal that is part if this bill do not have the ability to shift their income around. If you have a pension from a company, that is a pension. You cannot make it nontaxable, as opposed to the person whose income comes from stocks and bonds who can shift around and put part of it into tax exempts and part of it not into tax exempts. If we are going to make the social security taxable in certain brackets, let us be fair to everybody in the country. Let us not have some groups that are able to avoid that tax through shifting around.

It is not some little old lady, now. It is nice to cloak these in that guise of mama or grandma. But that is not the situation. We are dealing with wealthy people who have the means, who have the assets to shift them around so that they can avoid the tax on their social security. Is that fair? I do not think so.

Mr. MELCHER. Will the Senator yield for a question?

Mr. CHAFEE. If I may just complete my remarks, then I shall yield the floor. The Senator may have the floor when I finish.

It seems to me, Mr. President—let us set aside the arguments about revenue, the arguments about taxing tax-exempt bonds. That is not before the House this afternoon. We are solely discussing equity. Equity is clearly on the side of the measure that was adopted in the Finance Committee and is a part of this legislation.

Mr. MELCHER. Will the Senator yield for a question?

Mr. CHAFEE. Yes.

Mr. MELCHER. Is it not the general case, almost the universal case, that these tax-exempt bonds carry a lower rate of interest return?

Mr. CHAFEE. That is the theory of it. That is the theory, that one shifts into tax exempts and his income is reduced. It is not always so.

I have here a clipping from the Washington Post of last Friday: Try new investment formula, 10.13 percent; tax-exempt money market and municipal bond fund. Just $2,000 to open an account, total liquidity—in other words, short term. Unlimited checking.

These are tax exempts. It says if you are in the 50-percent bracket, tax-exempt income is worth twice the yield; even in the 24-percent bracket, 10.13 tax-free is worth a taxable yield of 13.33.

While the theory is a lower yield, it does not always work out that way.

Mr. MELCHER. Will the Senator yield for a further question?

Mr. CHAFEE. Yes.

Mr. MELCHER. Is it not the general practice that, for instance, school bonds are tax exempt, city bonds are tax exempt, in order to permit a school district or the city to be able to sell bonds in a little different market, with a little different attraction, in order to save the taxpayers of the school district or the city some tax money?

Mr. CHAFEE. Yes, that is the rationale for tax-exempt bonds.

Mr. MELCHER. I thank the Senator.

Mr. LONG. Mr. President, did I hear the Senator refer to an advertisement to buy tax-exempt bonds at 13.33 percent?

Mr. CHAFEE. No, Mr. President, I did not say 13.33. I said 10.13.

There is an ad that someone gave me. But that is not what I read from.

Mr. LONG. I thought I heard the Senator say something about 13.33.

Mr. CHAFEE. No, I believe the RECORD will show I said 10.13. But someone put on my desk 13.75 tax-free municipal bonds, interest income exempt from Federal income tax, and so forth.

Mr. LONG. My thought would be that if the Senator is going to advise someone to buy tax-exempt bonds at 13.33 percent, he had better advise them that there is a very severe question of whether they are ever going to get their principal back. They might collect an interest payment or two, but if they are going to buy a tax-exempt bond at that rate, it is sort of like shooting craps at Las Vegas. You might never get your money back.

Most bonds that are touted as being solid bonds, that would be recommended by most people in the investment field, would draw a lot less interest than that.

Mr. DOLE. Will the Senator from Rhode Island yield?

Mr. CHAFEE. I am glad to yield.

Mr. DOLE. Mr. President, I do not know how long we want to spend on this amendment. It is not one of the major provisions in this bill. We have been on it 45 minutes. There are still other amendments pending and we are asked to go to conference tonight, hopefully by 8 o'clock tonight. Is there anyway we can have a time agreement on this amendment with an up-or-down vote, say, by 6 o'clock?

Mr. CHAFEE. Mr. President, I do not need anything like that. I would take 10 minutes equally divided. Five minutes apiece. It is up to the other side.

Mr. LONG. Mr. President, I do not think we need any agreement. As far as I am concerned, I am ready to call the roll now. There may be someone else who might not agree with me.

Mr. DOLE. I do not think anybody has had a chance to talk about this on the other side. We might hear the Senator from Rhode Island.

Mr. CHAFEE. I did briefly talk, Mr. President. I would like to address my remarks, if I may, to the Senator from New York, who envisioned this as one of the most cataclysmic steps being taken by the Senate in many a year. He sees an effect with all kinds of disastrous ramifications on the municipal bond market as it affects the local community.

As he knows, the Senator from Louisiana made it very clear that the revenue implications here are only an asterisk's worth. When you are only down to an asterisk, you are not talking about much.

Mr. D'AMATO. Will the Senator yield for a question on that point?

Mr. CHAFEE. If I may just finish.

So, if it is only an asterisk's worth, which is a new term—I have to get used to that; I have trouble even pronouncing it—the effect of the ramifications on his hometown or his bond market, his community, is that it will be absolutely uninfluenced.

My point is that that is not the concern. What we are trying to do here under this amendment is have equity, to have fairness. That is what we are striving for in this very modest part of the bill that we are discussing right now.

I shall be glad to yield for a question.

Mr. D'AMATO. Mr. President, if indeed we are talking about $5 million over 7 years, why would we want to set in motion a chain of events that, indeed, would make municipal revenue bonds less attractive and would cost far more to local government than would be gained? If we are talking about the appearance of equity, I would agree with my distinguished colleague friend from Rhode Island. But this part of the bill does not do a thing in terms of dealing with those people who have millions in income and who pay no taxes.

It simply misses the mark. It is an asterisk that does not raise revenue, but it is an asterisk that creates the appearance of equity. It really is a sham.

Mr. CHAFEE. Mr. President, I just say in winding up that what it seems to me the opponents of this are trying to do is create an incentive to purchase tax-exempt bonds, an incentive that does not exist today, that the inequity we are talking about could arise. I do not think we want that, Mr. President. I think we want to achieve the greatest possible degree of equity. If somebody whose income is locked into certain forms, as I mentioned—to a pension, or a working person, a person over 65 who has to continue to work—that person does not have the ability to have part of his income tax free. A person who is earning $25,000 by continuing to work over the age of 65 draws social security. That social security will be totally taxable.

So what we are doing under the amendment that is being proposed here this afternoon is really penalizing the working person or the person who is not rich enough, who does not have enough flexibility in his or her income to shift it around to take advantage of an incentive which would be provided in the amendment that is being sponsored by the proponents this afternoon. I am prepared to vote, Mr. President.

Mr. LONG. Mr. President, the Senator argues that his amendment would not tax the State and local bonds, and that is not his purpose. Mr. President, let us just compare this situation to the zero bracket amount and the so-called personal exemption. For a family of four, there would be no tax except on income that exceeds $7,400. From that point forward a tax could be owed.

Now, if we were to say that interest from State and local bonds would count against their $7,400 personal exemption and zero bracket amount, and the family had $7,400 of such interest, they otherwise would have paid no tax. However, by making the income

from the State and municipal bonds push up everything else from the bottom, you would have taxed an additional $7,400 by saying that an equal amount of income from State and municipal bonds would be counted against the zero bracket amount.

That has the effect of taxing the State and municipal bonds. Keep in mind that when the court in the Pollock case said that it was unconstitutional to levy an income tax on the income from State and municipal bonds, they said it was unconstitutional because it placed a burden on the power of the State to finance itself by borrowing money. I do not care whether you are taxing the interest under this amendment or whether you are taxing it through the zero bracket amount. However you get at it, you are placing a burden on the income of those tax-exempt bonds. It does not make any difference whether you tax them directly or indirectly. The burden is still there, and that is what the Senator seeks to do with his amendment. There is no doubt about it; he is seeking to do exactly what the Pollock case said you could not do.

Mr. President, that stems from the old case of McCulloch against Maryland where Chief Justice Marshall held that the power to tax is the power to destroy, and that if you let the Federal Government tax the States, it can destroy the State governments. It would be just like permitting the State to tax the Federal Government. That would permit those who created the Government to destroy it.

The States have no right to destroy this Federal Government. That has been decided many years ago and even on battlefields. The States have no power to destroy the Federal Government, and the Federal Government has no power to destroy the State governments. That is the principle the Senator from Rhode Island seeks to violate with his provision. Congress, Mr. President, has not seen fit to go along with that. We had this same issue before us on the TEFRA bill, and the Senate voted by a clear margin to strike out the proposal that would put the minimum tax on State and municipal bonds. It recognized the same principle which has been upheld by great Justices down through the years, including Justice Charles Evans Hughes, that we do not have the power to do that. And the Congress, Mr. President, has in the main denied the Internal Revenue Service the right to take the States to court to try to prove that they could tax these bonds under the Constitution. Congress has expressly put in the law up to this point that the income from these State and municipal bonds is not taxable, and that it is not our purpose to tax them. The Congress has also kept the faith that the sponsors of the constitutional amendment permitting the income tax made when they passed that amendment and assured the State legislatures that it did not tax these bonds, that it was not their intention to do that, and that they did not do that. We should not be doing it either, Mr. President.

Now, look at the complexity. We are talking about something that is not going to raise any money at all, no money. Why do this? Under the committee bill, the IRS has to put a line, maybe two or three lines on your tax return. I would like to illustrate. Everybody fills out the same tax return, so here is the line: If you are over 65 years old and you have some social security income, then put in here the amount of income you are getting from State and municipal bonds. Add your adjusted gross income. Now report half of your social security income. Now substract $25,000 from that and divide two by two and add that to your taxable income down here. How many lines can you get by with on your income tax return when you start trying to do all this?

Why do you want to get into all that complexity if you are not going to make any money for the Government? If you are going to make some money for the Government, perhaps you might take the view that the end justifies the means.

Let us talk about equity. I have stood here year in and year out and heard people talk about tax expenditures. I heard about this until I was sick of it.

Let us just look at some of the items of tax preference:

Accelerated depreciation on real property. If you want to do something about equity and say these old people cannot get away with any tax break, then why not put this in here? Accelerated depreciation on real property. Why let them get a break on that? Tax these old folks.

Next item: accelerated depreciation on leased personal property. Why not go after these old people if they have some of that? Next item: Amortization on certain pollution control facilities. Tax grandpa if he has some of that. Here is the next one: Mining exploration and development costs. Tax grandma if she has some of that. Then circulation and research and experimental expenditures. OK, put that in there and if Uncle Jim has some of that, go after Uncle Jim. Next, reserves for losses on bad debts of financial institutions. All right, go after those people. If old Aunt Susie has some of that, OK, go after her because she is involved in one of these institutions that has a bad debt.

Next, depletion. By all means, if grandma has some income from an oil well, go after her. Do not leave grandma out.

Then we proceed to incentive stock options. If they have some of that, go get them. Intangible drilling costs, go get them. Accelerated cost recovery, go get them.

I would like to ask, why not go get them? In other words, if you are going to go after somebody who is losing a lot of income because they bought a State bond from the State where they live or because they bought a paving bond in a city or the county where they live, if you are going to go after those bond purchasers, why leave out these other people?

I have heard people stand here and defame these rich oil people. Why leave them out? Why go after somebody who bought a bond in his hometown to help by a fire truck?

It defies imagination, Mr. President. If one wants to do justice and equity, why single these people out for special taxes when you are not going to do it to the rest of them? To be just and to be fair, perhaps you should include all the tax preferences. In fact, they should go in ahead of everything else, because when Congress legislated and looked at this, it thought that if you want to have tax reform, these are the areas you ought to go after first.

So, Mr. President, I hope that the Congress does not get into this mare's nest. It serves no purpose. All it is going to do is wake up some Governors and wake up some mayors, most of whom are not yet aware of what is happening here. You wake up Governors, wake up mayors, wake up county commissioners who will say: "My goodness, what in the devil are those people doing in Washington? Go talk to those people."

Mr. D'AMATO. I wonder if the Senator would yield?

Mr. LONG. I yield to the Senator.

Mr. D'AMATO. In the past Congress, we allowed fire districts that did not have the ability to sell municipal bonds to come in. Was that not just this past Congress that we did that, that volunteer fire districts, for the first time, could sell bonds? It had a municipal purpose.

What is the difference between the status of those who now have municipal treatment, tax-exempt treatment, and their prior status, under which they could not sell tax-exempt bonds? It is as much as 5 points. And who saved the 5 points?

As a result of our action, people who bought those municipal bonds received 5 percent less because they were municipal, and therefore they were tax free. That meant the municipality, the local taxpayers, paid 5 percent less. It meant that it cost the homeowners, the working people, the taxpayers in the villages and towns and in the fire districts, that much less.

When we talk about the difference between a tax-exempt bond and one that is not tax-exempt, we are talking

about driving up the cost of local government billions of dollars.

INTRODUCTION

Mr. DOLE. Mr. President, I rise to express my support for the committee bill, which incorporates a very helpful amendment regarding tax-exempt bonds, offered in committee by Senator CHAFEE. The amendment offered by Senator LONG would strike that very important provision added in committee. The committee rule does not tax tax-exempt income, but only looks at tax-exempt income in determining whether half of social security benefits will be subject to taxation.

PROVIDING BROKERS A NEW MARKET

Mr. President, the distinguished senior Senator from Louisiana has spoken quite eloquently in favor of his amendment to disregard tax-exempt income for this purpose. And when Senator LONG talks, people listen. That does not concern me, since the Senator always enlightens us when he speaks on matters of tax policy. What concerns me is that when E. F. Hutton talks, people also listen. And E. F. Hutton, Merrill Lynch, Bache-Prudential, and Sears, Roebuck, for that matter, will have quite an attractive new market to exploit if the Long amendment is adopted. It will be quite simple really. They can advertise:

You don't have to pay the new tax on half of your social security benefits if you don't want to. The tax is not really mandatory, it's voluntary. All you have to do is shift a portion of your investments into tax-exempt bonds. We'll show you how easy it can be.

Mr. President, that will not be misleading advertising, because the pending amendment will make it possible for some taxpayers to "zero-out" the tax on social security benefits imposed by S. 1. So if your broker tells you "it is not a new tax," he will be right, because he can help you escape it completely.

When some taxpayers are smart and quick enough to take advantage of the opportunity to avoid the tax effect of the bill we have spent so much time and effort putting together, they may or may not say, "thank you, Paine Webber." But they certainly should say, "thank you U.S. Congress," since we will have made it all possible, if we approve the pending amendment. Let me illustrate with some examples.

HOW TO AVOID TAXATION OF BENEFITS

Let us assume an individual taxpayer over age 65, with $8,000 of social security benefits and $30,000 of taxable interest income from medium term, 10-percent corporate bonds. Under current law, he is in the 34-percent tax bracket, and has no incentive to invest in equivalent tax-exempt bonds, yielding only 7 percent, since his tax savings are slightly outweighed by the reduced interest yield—his exact net loss would be $226.

By the way, that interest rate spread is totally realistic for medium-term bonds, such as 10-year bonds. Indeed, the interest rate spread between taxable and nontaxable bonds could be even narrower for long-term bonds. The Joint Committee on Taxation discussed this issue in the general explanation of last year's tax bill, and I would ask unanimous consent to include that discussion in the RECORD following my statement.

For the hypothetical taxpayer we are discussing, the law we are debating this week, and the amendment we are debating today will have a real impact. Because this taxpayer is over the $25,000 threshold, he must include half of his benefits in income. As a result, S. 1 will increase his tax liability by $1,328. But if the pending amendment is adopted, he can avoid including any of his social security benefits in income, by shifting one-third of his investments from top-rated, taxable, 10-percent corporate bonds, into top-rated, tax-exempt, municipal bonds yielding 7 percent. If he does that, his cash interest income will be $27,000, clearly over the threshold. But his adjusted gross income will be only $20,000, clearly under the threshold. Thus, his benefits will escape taxation completely.

Moreover, his income tax liability on his interest income will drop, by an amount just about equal to his reduced yield from shifting to tax-exempt bonds. In fact, he will be short about $226, before taking into account the fact that he has excluded all of his social security benefits from taxation. That is where the real benefit is, Mr. President. At a cost of $226, he will have saved $1,328 in taxes on half of his benefits. That, Mr. President, alters the investment picture considerably.

A NEW INCENTIVE TO INVEST IN TAX-EXEMPT BONDS

Today, he would lose $226 by making this investment in municipal bonds. With the adoption of the Long amendment and S. 1, he will gain $1,102 by making the investment. That $1,328 difference, Mr. President, is the tax on half of his social security benefits we are supposedly in the process of enacting. But for our hypothetical taxpayer, that tax is only a voluntary tax, not a mandatory tax. People will certainly listen when E. F. Hutton tells them about this investment opportunity. How can you beat it?

We may not be able to beat it, but we can prevent it, by voting against the pending amendment.

S. 1 MUST BE FAIR TO ALL TAXPAYERS

Mr. President, I believe there is a compelling case for rejecting the Long amendment. If the tax revision we are in the process of enacting is to be fair, it must be a mandatory tax for all similarly situated taxpayers. It cannot be mandatory for those with illiquid investments, or taxable pension or trust income, and a voluntary tax for those with the ability and inclination to convert a small portion of their current taxable income into tax-exempt income, solely to stay below the threshold and escape the taxation of benefits.

I would like to make several added points to clarify what we are doing, and not doing, if we reject the Long amendment in favor of the committee bill.

S. 1 DOES NOT TAX TAX-EXEMPT BONDS

First, we are in no way taxing tax-exempt income. We are only taxing half of social security benefits regardless of how much tax-exempt income the taxpayer may have. A taxpayer with $1 million of tax-exempt interest income and an $8,000 social security benefit will pay only on one-half of his benefits, no more and no less.

We are not, in any way, encroaching upon the tax-exempt status of State and municipal bond interest, simply by making reference to that interest for purposes of this act.

As we know, State and municipal bonds are not sacrosanct, or totally immune from Federal taxation, only the interest on the bonds is exempt from income taxation. Let me give an example of another area in the tax law where the bonds get no special treatment. The fair market value of municipal bonds is includible in a taxpayer's estate for Federal estate tax purposes and this is well established. In my view, the mere reference in S. 1 to tax-exempt income, only for purposes of determining whether another source of income should be taxed, is plainly not an encroachment on any legitimate historical, or constitutional concern bond issuers may have.

S. 1 REFLECTS A COMPROMISE RULE ON TAX-EXEMPTS

Finally, I should point out that we are not depriving the bond issuers, bond markets, or investment houses of a new source of customers for tax-exempt bonds. Many of the advocates of the Long amendment will concede that the committee bill does not take away any incentive that exists under current law. They will admit that the purpose of the committee rule is simply to be neutral, that is, to avoid creating an incentive to purchase tax-exempt bonds that does not exist today.

But the fact is, I must admit that the committee rule is imperfect, and actually results in the creation of a slight incentive to purchase tax-exempt bonds not present under current law.

The reason for this is that the committee rule, for reasons of administrative convenience, only takes into account the stated yield of tax-exempt obligations, and not their taxable equivalent yield.

For our hypothetical taxpayer in the 30-percent tax bracket, $7,000 of tax-

exempt interest is equivalent to $10,000 of taxable interest, after taxes. To preserve absolute neutrality with respect to current law, we would need to take into account the taxable equivalent yield of $10,000, rather than $7,000, in calculating whether half of that taxpayer's social security benefits will be taxable. Because the committee rule looks only at the stated yield of $7,000, and not the taxable equivalent yield of $10,000, there will still be a new incentive for some social security recipients to invest in tax-exempt bonds. In the example I gave previously, this incentive is the difference between a investor losing $226 each year from an investment in the tax-exempt bonds under current law, and the same investor gaining $328 by the investment, after passage of S. 1, with the committee's rule on tax-exempt bonds.

Mr. President, in short, there is no justification for the pending amendment which would only contribute to the ability of some taxpayers to completely escape the tax consequences of this act. I urge that the amendment not be adopted.

Mr. LONG. Mr. President, I would like to vote right now.

Mr. DOLE. Maybe somebody on the other side would like to talk.

Mr. HEINZ. Mr. President, if the Senator will yield, I want to make two observations.

First, it seems totally self-evident to this Senator that if we do not retain the Chafee amendment, we are going to give people an absolutely irresistible incentive to shift all their investments into tax-exempt bonds and absolutely escape any taxation of that half of the social security benefit we have now decided to tax. That seems self-evident to me.

I have listened to a good deal of discussion about how unfair the Chafee amendment is. I just do not understand how anyone can say that letting everybody escape taxation is fair. It seems to me that it would be an enormous windfall.

The second point I should like to make is that if we do not adopt the amendment of the Senator from Louisiana, the fact is, if anybody at this point is interested in facts—it has been a long bill, and I hope people are still interested in facts—that the Chafee amendment as it is in this bill will still provide a substantial tax incentive for social security recipients to invest in tax-exempt bonds.

There is going to be an incentive. Why is that? It is because the committee bill contains the compromise rule adopted for reasons of administrative convenience—namely, that the rule includes only the stated yield, the tax-exempt investments, and not the tax equivalent yield.

That is to say, for the typical taxpayer in the 30-percent bracket, the 7-percent interest tax free they get on a municipal bond is the equivalent of 10 percent on a nontaxable bond. In other words, in the case of a $100,000 denomination investment, they are getting $7,000 of tax-exempt interest or $10,000 equivalent in taxable interest. That is because the committee rule includes only the $7,000. Therefore, there is a substantial tax incentive.

Under Senator CHAFEE's amendment in this bill, the taxpayer with $30,000 of taxable interest income and $8,000 of social security benefits will have $31,207 after enactment of S. 1. By shifting one-third of this investment from 10-percent taxable bonds to equivalent tax-exempt bonds yielding 7 percent, the taxpayer's income would be $31,535. So the result would be an incentive to shift the tax-exempt worth $328 each year.

Mr. HEINZ. Mr. President, in contrast, under current law, the same taxpayer suffers a $226 loss by making the same investment shift into tax exempts.

Mr. President, the hour grows late. I shall not belabor the Senate any longer with facts. I trust that they speak for themselves.

Mr. MOYNIHAN. Mr. President, I will not delay the debate. I ask unanimous consent to have printed in the RECORD a memorandum of law which argues the constitutionality of the Chafee amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE CONSTITUTIONALITY OF INCLUDING TAX EXEMPT INCOME IN THE SOCIAL SECURITY BASE

This memorandum deals with the constitutionality of certain provisions of Section 131 of the Social Security Amendments of 1983 which seek to include interest on tax exempt obligations in the base for determining the amount of an individual's social security benefits that will be taxed. It concludes that Congress has the constitutional authority to modify or remove the exemption from federal income tax of interest on state and local obligations currently contained in Section 103(a) of the Code. This conclusion is supported by the clear language of the 16th Amendment, by the fact that such a tax would be nondiscriminatory levy on taxpayers other than state and local governments, by the fact that the individual income tax is a tax upon a taxpaying person rather than upon a particular source of income and by a long line of Supreme Court opinions, culminating in *Alabama* v. *King and Boozer.*[1] A fortiori, Congress has the authority to include tax exempt income in the social security base solely for purposes of determining the amount of a taxpayer's other taxable income that is subject to tax.

BACKGROUND

The exemption for Federal income tax purposes of interest on State and local obligations has a legal, political and economic history which so far has resulted in legislative continuance of an exemption first enacted in 1913. Constitutional doubts as to Congress ability to impose an income tax on the interest of state and local bonds were originally strong, resulting in the 1913 legislation; but these doubts have effectively disappeared in the intervening years.

In *Pollock* v. *Farmers Loan and Trust Company*[2] the Supreme Court held in 1895 that such a tax was unconstitutional because the imposition of a tax on bonds constituted an encroachment on one of the sovereign powers of the state in violation of the principle set forth in *McCulloch* v. *Maryland.*[3] Under this principle, it was held that to preserve the framework of the Federal system, both the Federal and State and local governments must have a reciprocal immunity from taxation.

Adoption of the XVIth Amendment in 1913, which empowered the Federal Government to levy taxes on income "from whatever source derived," would seem to have neutralized the effect of *Pollock*, were it not for a series of exchanges between New York State officials and Members of Congress which became part of the often cited history of the Amendment. In response to fears expressed by Governor Charles Evans Hughes of New York and others, Senators Elihu Root (NY) and William Borah (Idaho) stated that the scope of the XVIth Amendment was not intended to destroy the reciprocal immunity principle.[4]

Nonetheless, the fear that income derived from bonds issued by the State or municipal governments might be subject to Federal taxation influenced the passage of the first statutory immunity provision also in 1913; now IRC Section 103(a), it provides that "gross income does not include interest on (1) the obligations of a State . . . or any political subdivision. . . ." The efforts of states and local governments to maintain this exemption and its concomitant economic advantages have since been unflagging, resisting continued efforts to modify or remove the exemption by various Administrations and Members of Congress.[5]

By 1939, the Supreme Court's approach to inter-governmental tax immunities had shifted to raise a significant doubt as to the continued validity of are fundamental premise of *Pollock*, that is, that an income tax is a tax on the source of the income. In effect, this premise was rejected. In *Helvering* v. *Gerhardt*, the Supreme court in 1938 held that the salary paid to an employee of a state agency was subject to Federal income tax.[6] A year later, in *Graves* v. *N.Y. ex rel. O'Keefe*, the Court stated that the principle enunciated in *Pollock* that "a tax on income is legally or economically a tax on its source, is no longer tenable." In reaching this decision, the Court held that the immunity of the source does not carry over to the income.[7] These landmark decisions had been preceded by other Supreme Court cases which held to the same effect.[8]

---

[1] 311 U.S. 1 (1941).

[2] 157 U.S. 429 (1895).

[3] 4 Wheaton 316 (1819).

[4] 45 Cong. Rec. 1698 (1910); and 45 Cong. Rec. 2539 (1910).

[5] Such efforts include legislative proposals submitted by President Roosevelt in 1938, by President Truman in 1951 and proposed provisions in the Tax Reform Act of 1969.

[6] *Helvering* v. *Gerhardt*, 304 U.S. 404, 420 (1927).

[7] (Blank.)

[8] See *N.Y. ex rel. Cohn* v. *Graves*, 300 U.S. 308 (937); *United States Glue Co.* v. *Creek*, 247 U.S. 321 (1918) and *Peck and Co.* v. *Lowe*, 247 U.S. 165 (1918).

At the same time, the Court's once broad view of inter-governmental immunities was greatly narrowed. In the *Gerhardt* case, the Court stated that the implied immunity of local government from taxation should be narrowly restricted when invoked by a private citizen since "it tends to operate for his benefit at the expense of the taxing government and without corresponding benefit to the government in whose name the immunity is claimed." [9]

Even under the *Gerhardt* analysis, it might be argued that a Federal income tax on the interest of a State or local obligation constitutes a real burden on the borrowing power of local government. This argument is believed to be without merit, given the Court's holding and rationale in *Alabama* v. *King and Boozer.*[10] Here, the Court held valid a state sales tax that was levied upon the sales of materials to a contractor who had purchased such materials while under contract to the Federal government. The Court ruled that the extra burden of a nondiscriminatory state tax upon the cost of construction work for the Federal government was but a "normal incident" of "doing business within the same territory of two independent taxing sovereignties. . . ." Further, the "asserted right of the one to be free of taxation by the other does not spell out immunity from paying the added costs attributable to the taxation of those . . . who have been granted no tax immunity." [11]

This rationale would clearly seem to apply to those provisions of Section 131 of the Social Security Amendments which would include tax-exempt interest on state and local bonds in the base for determining the amount of taxable individual social security benefits, since the burden imposed is nondiscriminatory, is placed on private citizens and is "but a normal incident" of the Federal system. Arguments to the contrary, which sometimes appear even today, are based on the original holding in Pollock and fail to consider later interpretations and modifications made by the Supreme Court with respect to that decision.

Mr. DOLE. Mr. President, I remind those who may be listening that the vote in the committee was 12 in favor of the Chafee amendment, 4 against, and 1 voting "present."

We are not in any way encroaching upon the status of State and municipal bond interest.

The Senator from Kansas has no strong feeling about this matter, but what concerns me is this: Are we going to create an incentive? It seems to me that we are. If people can find a way to avoid tax on social security payments, I assume it will be perfectly legitimate to do that. I hope we will vote on the amendment, and whatever happens will happen.

Mr. LONG. Mr. President, two Senators have made reference to the fact that there might be an incentive to buy tax-exempt bonds. Keep in mind that when one buys one of these State or municipal bonds, he is losing about 30 percent of his interest income. He could have made an investment in something equally safe and even more marketable and received 30 percent more interest income. So it is like a 30-percent tax for the benefit of the State government when someone buys one of these State or city bonds.

When one provides a tax on half of the social security benefits, and assumes that these people we are talking about are in a 32-percent tax bracket, you would tax 50 cents of each dollar of social security benefits at a 32-percent rate. That would be like taxing the original dollar of social security benefits at 16 percent.

That provides no incentive for someone to buy a State or municipal bond. To the contrary, it provides an incentive to get rid of them. So if these middle-income people have a State or municipal bond, the incentive here is to get rid of it.

I ask for the yeas and nays, Mr. President.

THE PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

THE PRESIDING OFFICER. The question is on agreeing to the amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Arizona (Mr. GOLDWATER) and the Senator from Maryland (Mr. MATHIAS) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

The PRESIDING OFFICER (Mr. COCHRAN). Are there any other Senators wishing to be recorded on this vote?

The result was announced—yeas 44, nays 52, as follows:

[Rollcall Vote No. 50 Leg.]

YEAS—44

Armstrong	Ford	Pressler
Baucus	Glenn	Proxmire
Bentsen	Hawkins	Pryor
Bingaman	Heflin	Randolph
Boschwitz	Helms	Riegle
Bumpers	Huddleston	Sarbanes
Burdick	Inouye	Sasser
Byrd	Johnston	Specter
Cochran	Kasten	Stennis
Cranston	Leahy	Stevens
D'Amato	Long	Symms
DeConcini	Matsunaga	Thurmond
Dixon	Melcher	Trible
Dodd	Moynihan	Zorinsky
East	Murkowski	

NAYS—52

Abdnor	Denton	Hatch
Andrews	Dole	Hatfield
Baker	Domenici	Hecht
Biden	Durenberger	Heinz
Boren	Eagleton	Humphrey
Bradley	Exon	Jackson
Chafee	Garn	Jepsen
Chiles	Gorton	Kassebaum
Cohen	Grassley	Lautenberg
Danforth	Hart	Laxalt
Levin	Packwood	Tower
Lugar	Pell	Tsongas
Mattingly	Percy	Wallop
McClure	Quayle	Warner
Metzenbaum	Roth	Weicker
Mitchell	Rudman	Wilson
Nickles	Simpson	
Nunn	Stafford	

NOT VOTING—4

Goldwater	Kennedy
Hollings	Mathias

So Mr. LONG's amendment (UP No. 133) was rejected.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. QUAYLE. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. QUAYLE. What is the pending business before the Senate?

The PRESIDING OFFICER. The pending question is the Quayle unprinted amendment numbered 111.

Mr. QUAYLE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will please be in order.

Mr. QUAYLE. Mr. President, I yield to the Senator from Kansas.

Mr. DOLE. Mr. President, before we consider the pending amendment, I wonder if I might yield to the distinguished Senator from Montana for 3 minutes. I ask the Senator if that is enough time?

Mr. MELCHER. That is enough time.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. Mr. President, let me at the outset state my respect and my commendation to the President's Social Security Commission and to the Senate and House committees for their diligence in producing this package to protect the solvency of the social security system.

No set of provisions on this matter is entirely satisfactory and further there are no guarantees that these provisions are entirely adequate.

There will be many risks and uncertainties as to the projected revenue gains or losses from the social security trust funds.

A major risk does involve the tax increase drain from the economy, at least during fiscal years 1984 and 1985, as we hope for economic recovery. Tax increases during a recession are not the ordinary remedy recommended by economic doctors.

The tax increases for social security payments from employees is provided in the bill with an offsetting tax credit. I hope it works as planned by the managers of the bill.

[9] *Helvering* v. *Gerhardt* at 420; see also *Graves* v. *N.Y. ex rel O'Keefe,* 306 U.S. 480 (1939).

[10] 311 U.S. 1 (1941).

[11] *Id* at .

If the employees' tax increase is completely offset, that is not the case for millions of taxpayers. In particular, the increase in social security taxes for the self-employed and employers is a risk to the economy with this added tax burden which may further aggravate their losses and contribute to either their ability to retain employees, or to hire back those employees previously let go or who have perviously been put on a reduced time basis. This includes agricultural producers who are both self-employed taxpayers and employers who pay the required tax on their employees.

The same added tax burden affects the business that might be starting up or contemplating expansion.

Providing jobs is the cornerstone in rebuilding the economy. These added taxes will not help.

Because the next 2 years are critical for economic recovery, I refer to these added social taxes for the fiscal years of 1984 and 1985:

For the self-employed, the added tax nets out to approximately $0.5 billion for fiscal 1984, and about $2 billion for fiscal 1985.

For employers, the increase is $2.5 billion for fiscal 1984, and $3 billion for fiscal 1985.

If the economy were healthy, there would be an impact that would adversely affect the economy.

With a sick economy struggling to recover, there could be sufficient impact to retard or further deepen the recession.

This risk must be weighed as to its harmful effect. This bill would be sounder without these provisions and I object to them.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. BAKER. Mr. President, will the Senator from Indiana yield to me?

Mr. QUAYLE. I yield to the majority leader.

TIME LIMITATION AGREEMENT ON REMAINING AMENDMENTS

Mr. BAKER. Mr. President, if I could have the attention of the Senate for a moment and that of the minority leader who is in earshot, I think we need to face up to how much more work we have to do and to examine the possibility of getting a time agreement on remaining amendments and perhaps a limitation on remaining amendments and even a time for final passage.

Mr. President, I may have stated an overly ambitious objective, but I have a unanimous-consent request drawn that I would like to state now.

Mr. President, I ask unanimous consent that only the following amendments will be in order to the social security bill from this point forward:

Two Quayle amendments, one dealing with unemployment vouchers and the other dealing with unemployment training; two Pressler amendments dealing with tax breaks for the blind; an Armstrong amendment dealing with prospective coverage of nonprofit organizations; and a Dole-Heinz-Specter-Durenberger amendment dealing with health care.

I further ask unanimous consent, Mr. President, that no other amendments be in order and that there be a time limitation of 20 minutes, equally divided, on the aforementioned amendments and that the control of the time be in the usual form.

Mr. President, I further ask unanimous consent that one second-degree amendment qualify, and that would be a Riegle second-degree amendment to be offered to the Dole-Heinz amendment, if the Dole-Heinz amendment is offered, and that there be 10 minutes, equally divided, on that second-degree amendment.

I further ask unanimous consent that a vote occur on the committee substitute, as amended, at no later than 7:30 p.m. this evening.

Finally, I ask unanimous consent that paragraph 4 of rule XII be waived.

The PRESIDING OFFICER. Is there objection?

Mr. HEINZ. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Pennsylvania reserves the right to object.

Mr. HEINZ. Mr. President, I would ask the Senator from Tennessee if he would yield to discuss the unanimous-consent request. I do understand the Senator from Kansas has an amendment, of which I would be listed as a cosponsor. However, I think Senator SPECTER may have an amendment on the same subject and I may want to preserve my right to offer an amendment on the same subject. So we could have three amendments on the same subject. I would have to, unless the Senator changes the unanimous-consent request, interpose an objection.

Mr. BAKER. Mr. President, could I inquire of the Senator how short he would be willing to agree that we might entertain debate on any such amendment?

Mr. HEINZ. Twenty minutes, equally divided, would be ample.

Mr. BAKER, Mr. President, I add to the request a second Heinz amendment dealing with health care and an amendment by the junior Senator from Pennsylvania dealing with health care, each with 20 minutes, equally divided.

Mr. LONG. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The Senator from Louisiana reserves the right to object.

Mr. LONG. Mr. President, I should think that on some of these items we could agree to a time limit. There are others that we just are not familiar with. I gain the impression that at least one of these amendments involves a large amount of money and is not a simple matter.

Under the circumstances, Mr. President, not being familiar with what I am being asked to agree to, I would have to object. But I say to the majority leader that my impression is that if he starts out his request right off the top with a number of matters, we could agree to a time limit very easily. When we know more about what else he has in mind, we might be able to go along with that. But, at the moment, I simply could not agree to a 20-minute time limitation on something that I believe might be a very significant amendment involving a very large amount of money.

Mr. BAKER. Mr. President, I understand the concern expressed by the Senator from Louisiana and I, indeed, share the view with him that it would be a large amount of money and a difficult matter to deal with. I hope that something might be worked out so that we could get a time limitation on a Dole-Heinz-Specter amendment, or some combination thereof.

Perhaps I should revise my unanimous-consent request to provide a time limitation on the first five amendments to be dealt with—that is, the two Quayle amendments, the two Pressler amendments, and the Armstrong amendment—of 10 minutes, equally divided, with no amendments to the amendments being in order, and then we will reserve the balance of the request to negotiate a little further.

Mr. LONG. Mr. President, I do not know whether the sponsors of the health care amendment, for example, want to go along with it, but the thought occurs to this Senator that we could set aside a certain amount of time for the amendment and a time certain to vote, and if we get to that certain time and we have not voted on the amendment, it would just have to go by the board. That would be all right with the Senator from Louisiana. Unless we have some kind of arrangement to protect people—we do not know what is in the amendment—we would simply not be in a position to give consent at this point.

Mr. BAKER. Mr. President, I do understand that.

Mr. FORD. Mr. President, reserving the right to object, I would like to ask the majority leader, can there be no other amendments and then we could move on from there?

Mr. BAKER. I tried that but it did not work. I not only admire and agree with the Senator from Kentucky, but——

Mr. FORD. I like the admiration part.

Mr. LEVIN. Will the Senator yield?

Mr. BAKER. Yes.

Mr. LEVIN. Will the Senator add my other amendment which would require

no more than 10 minutes? I believe Senator DOLE has the language.

Mr. BAKER. A new request. I ask unanimous consent that on two amendments to be offered by Mr. QUAYLE, one dealing with unemployment vouchers and the other dealing with unemployment training, there be a time limitation of 20 minutes equally divided, with no amendments to be in order; further, that on two Pressler amendments there be a time limitation of 20 minutes equally divided, with no amendments in the second degree being in order, and finally on the Armstrong prospective coverage of nonprofit organizations amendment there be 20 minutes equally divided, with no amendments to be in order.

The PRESIDING OFFICER. Is there objection?

Mr. LONG. Will the Senator state that request again?

Mr. BAKER. Yes. It is for a time limitation for two Quayle amendments, two Pressler amendments, one Armstrong amendment, and the Levin amendment with 10 minutes equally divided. I have not reiterated the request that no other amendments be in order, only that no amendments to these amendments be in order, and I have not included the time for final passage. I would like to do that as soon as I can.

Mr. LONG. So the Senator is asking for a time agreement on four amendments?

Mr. BAKER. No. There will be six amendments.

Mr. LONG. Two Quayle amendments and—is it one or two Pressler amendments?

Mr. DOLE. I think it is only one.

Mr. LONG. And an Armstrong amendment and a Levin amendment.

Mr. BAKER. Yes.

Mr. President, I put that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, even though those are short time limitations, let me urge Senators to proceed as fast as possible. This probably does not appeal to anybody else but me, but I have already told the Speaker that we are going to hand him a bill at 4:30, at 5:30, and at 6:30. I am afraid to call him back again. We need to get this thing done because the House indeed does want to appoint conferees tonight and go to conference. It is important to do that if we want to get out of here tomorrow. We dare not go over. I urge Senators to handle these matters as quickly as they can.

Mr. President, I yield the floor.

AMENDMENT NO. 534

AMENDMENT NO. 111

Mr. QUAYLE. Mr. President, this amendment is cosponsored by the Senator from New Mexico (Mr. DOMENICI). Both the chairman and the ranking member are fully acquainted with this amendment. I do not intend to reiterate the merits unless there is going to be an objection to the amendment. If there will be discussion, I will rebut the statements that will be made by either the chairman or the ranking minority manager.

In regard to the time, I will reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. Mr. President, this is the amendment of last night with the modification that the Senator from Kansas thought was acceptable. At that time, the distinguished Senator from Louisiana was not on the floor and we withheld any action on the amendment until the Senator from Louisiana had a chance to look at it.

I think it has been tightened up somewhat to address questions which had been raised. It seems to me it has been sufficiently modified and that it should be acceptable.

The PRESIDING OFFICER. Who yields time?

Mr. LONG. Mr. President, I have doubts about the matter, but if the distinguished manager of the bill is inclined to go along with it, I will not oppose the amendment.

Mr. DOLE. Mr. President, I would say very honestly to the Senator from Louisiana, I do have some doubts about it. It has been modified to at least address some of those doubts. I am not certain what the attitute of the House conferees is going to be, but I think it is worth consideration.

If we can do it on that basis, I would be willing to accept the amendment.

Mr. QUAYLE. I am glad for the acceptance. I just want to tell the distinguished manager that we have worked very hard with the Department of Labor and others who objected to the original amendment. It has been modified. I hope that in conversations with the House of Representatives the chairman will be successful. I will leave that entirely up to the chairman. I have no problems with that. I just do not want him to say he will accept it and then forget about it.

Mr. DOLE. I will not do that.

Mr. QUAYLE. We have worked very hard to try to poll those people interested in this issue, and I believe we have a fairly unanimous consensus on this amendment, accommodating all during the time that we have worked on it.

If the chairman is willing to accept it, I am willing to yield back the remainder of my time.

Mr. DOLE. Mr. President, I want to be certain we do not get ourselves into a new program. I am sure the House conferees will scrutinize it very, very carefully, and I would suggest that we take the amendment and see what happens.

Mr. QUAYLE. This is not a really new program. The next amendment will be a new program and is a little more complicated.

With that understanding, Mr. President, I am willing to yield back the remainder of my time.

Mr. DOLE. I yield back the remainder of our time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (amendment No. 534) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. QUAYLE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 134

(Purpose: To provide for reemployment vouchers)

Mr. QUAYLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Indiana (Mr. QUAYLE) proposes an unprinted amendment numbered 134.

Mr. QUAYLE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 234, after line 23, insert the following new sections:

REEMPLOYMENT VOUCHERS

SEC. 404. The Federal Supplemental Compensation Act of 1982 is amended by adding at the end thereof the following new section:

"REEMPLOYMENT VOUCHERS

"SEC. 607. (a)(1) Any recipient may, not later than one month after the recipient is eligible to receive Federal supplemental compensation, elect to receive a voucher in accordance with the provisions of this section. Each recipient may receive counseling with respect to the reemployment voucher authorized by this section from the appropriate United States employment service office.

"(2) The amount of the voucher under this section shall be equal to 75 per centum of the maximum potential benefit of the recipient (less any Federal supplemental compensation that the recipient has received prior to his election to receive a reemployment voucher under this section).

"(3) The appropriate State agency shall issue a voucher authorized by this section to any recipient making an election under paragraph (1) of this subsection.

"(b) The State agency shall, subject to subsection (c), pay to each employer making a certification under subsection (d) the amount of the voucher issued under this section to each employee of that employer in accordance with the payment schedule contained in subsection (e).

"(c) No payment on account of a voucher issued under this section may be paid to any employer who was an employer of the recip-

ient during the recipient's base period as defined under the unemployment compensation law of the State.

"(d) No payment on account of a voucher may be paid to any employer of any employee having a voucher issued under this section unless the employer certifies to the State agency—

"(1) that the employment of the employee issued a voucher under this section—

"(A) will not result in the displacement of currently employed workers (including partial displacement such as the reduction in the hours of nonovertime work or wages or employment benefits); or

"(B) will not result in hiring such an employee to fill a job opening created by the action of the employer in laying off or terminating the employment of any regular employee;

"(2) the date on which the employment of such employee began; and

"(3) that the employee has been employed by the employer for an average of thirty hours a week for the period for which the payment is made.

"(e)(1) The State agency shall pay to the employer of each employee who is a recipient having a voucher issued under this section—

"(A) 25 per centum of the face value of the voucher within one month after the hiring of the recipient by the employer;

"(B) 25 per centum of such face value three months after the date of the payment described under paragraph (A);

"(C) 25 per centum of such face value three months after the second payment described in paragraph (B); and

"(D) the remaining 25 per centum of such face value three months after the third payment described in paragraph (a).

"(2) Payments to employers under this subsection shall be made in a form (as prescribed by the Secretary of the Treasury) which will be accepted by the Treasury in payment of any amounts payable by the employer under Subtitle C of the Internal Revuenue Code but such payments shall not be valid for any other purposes.

"(f)(1) Any recipient who—

"(A) is unable to use the voucher issued by the State agency under this section, or

"(B) after the voucher has been issued is laid off without cause,

may return the unused voucher to the State agency in order to qualify for payments under this subsection.

"(2) Any recipient described in paragraph (1) shall be eligible to receive the remainder of his Federal Supplemental compensation reduced by—

"(A) the amount of payments made to the employer under subsection (e) of this section; or

"(B) the amount which the recipient would have received had he been receiving Federal supplemental compensation for the period.

"(g) No employer shall be entitled payments under a voucher with respect to the employment of any individual who—

"(i) bears any of the relationships described in paragraphs (1) through (8) of section 152(a) to the taxpayer or, if the taxpayer is a corporation, to an individual who owns, directly or indirectly, more than 50 percent in value of the outstanding stock of the corporation (determined with the application of section 267(c)),

"(ii) if the taxpayer is an estate or trust, is a grantor, beneficiary, or fiduciary of the estate or trust, or is an individual who bears any of the relationships described in paragraphs (1) through (8) of section 152(a) to a grantor, beneficiary, or fiduciary of the estate or trust, or

"(iii) is a dependent (described in section 152(a)(9)) of the taxpayer, or, if the taxpayer is a corporation, of an individual described in clause (i), or, if the taxpayer is an estate or trust, of a grantor, beneficiary, or fiduciary of the estate or trust.

"(h) The Secretary shall carry out a program of public information to encourage business concerns to participate in the voucher program authorized by this section.

"(i) For purposes of this section:

"(1) The term 'Federal supplemental compensation' means only compensation paid to individuals under this Act for weeks beginning after March 31, 1983.

"(2) The term 'maximum potential benefit' means an amount equal to the lesser of—

"(A) 65 per centum of the total amount of regular compensation (including allowances for dependents) payable to an individual with respect to the benefit year (as determined under State law) on the basis of which the individual must recently received regular compensation; or

"(B) the applicable limit specified in section 602 (e) (2) (A) (ii), multiplies by the average weekly benefit amount of the individual (as determined for the purpose of section 202 (b) (1) (C) of the Federal-State Extended Unemployment Compensation Act of 1970) for his benefit year.

"(3) The term 'recipient' means any individual eligible to receive Federal supplemental compensation.

"(4) The term 'State agency' means the agency receiving grants under title III of the Social Security Act.".

AMENDMENTS TO INTERNAL REVENUE CODE

SEC. 405(a). Sec. 280C of the Internal Revenue Code is amended by adding after subsection (c) the following new subsection:

"(d) RULE FOR REEMPLOYMENT VOUCHER.—No deductions shall be allowed for that portion of the wages or salaries paid or incurred for the taxable year which is equal to the amount of payments under a voucher issues under section 607 of the Federal Supplemental Compensation Act of 1982"

(b) Sec. 44B of the Internal Revenue Code is amended by adding at the end thereof the following new subsection

"(d) DENIAL OF TARGETED JOBS CREDIT.—No credit shall be allowed under this section with respect to any wages paid or incurred by the employer with respect to any eligible individual for any period for which payments are made under a voucher issued under sec. 607 of the Federal Supplemental Compensation Act of 1982"

Mr. QUAYLE. Mr. President, this amendment deals with a reemployment voucher to allow the recipients of Federal supplemental compensation the option of receiving a reemployment voucher.

The way this program would work is if the recipient decided to receive this voucher instead of the unemployment compensation, he would be able to receive a voucher worth 75 percent of those extended benefits. The recipients of these vouchers would then be able to use these with potential employers, who would receive the value of the voucher in quarterly installments once an individual is hired. Payments under the voucher can be used by the employer to satisfy any obligations to the Treasury under the employment withholding, FICA or FUTA.

The voucher idea and the voucher system have been around a long time. Nobody really knows how this program is going to work. I cannot tell exactly how it is going to work. The only thing I can tell my colleagues is that this extension lasts through September 30 of this year. I say let us give it a chance. It is going to go, and I direct it to the attention of the Senators who have a high degree of long-term unemployment, because it is going to go only to the recipients of FSC compensation. Those people will have the voluntary option to turn this into a voucher. It will, in fact, give a person who has been searching for a job for 26 weeks or as long as 39 weeks an additional attraction for an employer to hire him.

There is no doubt that this program, in fact, will be of assistance to the employee as well as the employer. The voucher is, for all practical purposes, as good as a cash or wage subsidy but it certainly does leave a clear audit trail to prevent abuse. The benefits that the employers gain would begin within 1 month of the date the individual is hired and will be payable to the employer in quarterly installments. Unlike the tax credit this body is quite familiar with, it does not require the employer to make special claims on his tax form.

There has been a lot of discussion on vouchers or tax credits, that there is the possibility of substitution. This amendment prohibits substitution. It can be used by nonprofit organizations, State and local governments, as well as private businesses. It is a new approach to promoting jobs for the long-term unemployed.

The administration, whom we have worked with on this amendment, is generally supportive of it. As I said, it is a new idea. We do not have any exact criteria for how many people are going to use the voucher system, how many people are going to be hired. What I am saying is let us give it a chance; let us try it.

Let us try to use a little bit of creativity when we are dealing with the long-term unemployed. It is optional. If, in fact, they want to use their unemployment compensation in the form of a voucher to get hired, so be it. The better off they are going to be, the better off the employer is going to be, the better off the country is going to be.

It is a different twist. It is a new idea. but I do not think it ought to be rejected just because it is a new idea. I do not think it ought to be rejected just because we do not have a lot of data to share. This expires on September 30 of this year. If, in fact, it is ac-

cepted by the Senate and then in the conference committee, we shall have more information come September 30.

We shall be having hearings, I know, in our committee, having hearings in the Finance Committee about what we are going to do about the long-term unemployed. The administration has some ideas, I have some ideas, other Senators have some different ideas. This is just one idea to deal with a very narrow issue, Federal supplemental compensation, to allow an option to the beneficiary to turn that unemployment compensation into a voucher.

As I said, Mr. President, we have worked with Treasury, been in communication with the Department of Labor and OMB, and they are supportive of this amendment. We had to modify the original amendment a considerable amount in order to garner that support. We have put a lot of time into this. We hope that Members will give this a chance.

I realize that any time you bring up a new idea on how we are going to deal with something, all of a sudden, there are a lot of questions. If there are questions, we shall try to answer them. We shall answer them the best we can.

I hope the final conclusion of the Senate will be the adoption of this amendment to allow the possibility of a reemployment voucher on the Federal supplemental compensation.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, to begin with, this is an amendment I know the Senator from Indiana has done a great deal of work on in committee. We have had some hearings in our committee.

The amendment establishes an employment voucher program to be used by recipients of Federal supplemental compensation benefits. The proposal is a modification of the administration's tax credit plan and also a modification of the Senator's earlier cash voucher proposal.

The voucher would be optional with the FSC recipient and would be equal to 75 percent of the individual's FSC entitlement. The employer of the FSC recipient would then apply the voucher to his Federal employment tax obligations—social security payroll tax, the Federal unemployment tax, or wage withholding. The vouchers would be processed by the IRS and could not be redeemed for cash. The program would be in place for 10 months—approximately 4 months beyond the anticipated expiration date of the FSC program.

As I understand it, the amendment includes protections against the displacement of current workers and requires substantially full-time employment—at least 30 hours per week.

Mr. President, I do have a few reservations about this proposal. For one thing, I am concerned that the availability of the voucher may cause some businesses to put off hiring individuals until the voucher is available. Firms may also simply fill existing vacancies with these voucher holders and no new jobs will be created.

So there are some drawbacks. However, the program is a temporary one and could be viewed as a demonstration project. I also understand that the proposal has the basic support of the interested departments—Labor, OMB, and Treasury.

Therefore, it begins an experimental program, one the administration has testified on. The Senator from Kansas is willing to support the amendment.

I understand the Senator from Louisiana feels constrained to oppose the amendment. I yield to the Senator from Louisiana.

Mr. LONG. Mr. President, it seems to me that this is adding a great deal of cost to the program. I for one am not able to support the amendment. I would be compelled to vote against it.

The PRESIDING OFFICER. Is all time yielded back? The question is on agreeing to the amendment.

(Putting the question).

The PRESIDING OFFICER. The Chair is in doubt.

Mr. QUAYLE. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BOREN (after having voted in the affirmative). On this vote I have a pair with the Senator from Montana (Mr. MELCHER). If he were present and voting, he would vote "nay." I have voted "aye." I therefore withdraw my vote.

Mr. STEVENS. I announce that the Senator from Arizona (Mr. GOLDWATER) and the Senator from Maryland (Mr. MATHIAS) are necessarily absent.

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Montana (Mr. MELCHER), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

The PRESIDING OFFICER (Mrs. HAWKINS). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 53, nays 40, as follows:

[Rollcall Vote No. 51 Leg.]

YEAS—53

Abdnor	Hatch	Pressler
Andrews	Hatfield	Quayle
Armstrong	Hawkins	Roth
Baker	Hecht	Rudman
Boschwitz	Heinz	Simpson
Chafee	Helms	Specter
Cochran	Humphrey	Stafford
Cohen	Jepsen	Stevens
D'Amato	Kassebaum	Symms
Danforth	Kasten	Thurmond
Denton	Laxalt	Tower
Dole	Lugar	Trible
Domenici	Mattingly	Wallop
Durenberger	McClure	Warner
East	Murkowski	Weicker
Garn	Nickles	Wilson
Gorton	Packwood	Zorinsky
Grassley	Percy	

NAYS—40

Baucus	Ford	Metzenbaum
Bentsen	Glenn	Mitchell
Biden	Hart	Moynihan
Bingaman	Heflin	Nunn
Bradley	Huddleston	Pell
Bumpers	Inouye	Proxmire
Burdick	Jackson	Pryor
Byrd	Johnston	Randolph
Chiles	Kennedy	Riegle
DeConcini	Lautenberg	Sarbanes
Dixon	Leahy	Sasser
Dodd	Levin	Tsongas
Eagleton	Long	
Exon	Matsunaga	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Boren for.

NOT VOTING—6

Cranston	Hollings	Melcher
Goldwater	Mathias	Stennis

So Mr. QUAYLE's amendment (UP No. 134) was agreed to.

Mr. QUAYLE. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 135

(Purpose: To provide that the phaseout of the earnings test with respect to individuals over age 65 shall also apply to blind disabled individuals)

Mr. PRESSLER. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from South Dakota (Mr. PRESSLER), for himself, Senator RANDOLPH and Senator DIXON proposes an unprinted amendment numbered 135.

Mr. PRESSLER. Madam President, I ask unanimous consent that reding of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

TREATMENT OF EARNINGS OF DISABLED BLIND INDIVIDUALS

SEC. . The second sentence of section 223 (d) (4) of the Social Security Act is amended by inserting a comma and "as amended by the Social Security Amendments of 1983" before the period at the end thereof.

Mr. MOYNIHAN. Madam President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. PRESSLER. Madam President, this amendment provides that the earnings test will be phased out for blind disability recipients just as for retirees. This bill already provides that, between 1990 and 1994, we will phase out the earnings test for retirees. I would ask that we include blind disability recipients in that phaseout, as a matter of fairness. I would hope that my colleagues will support me in this effort.

The argument in favor of this amendment is much the same as the argument in favor of my amendment regarding the earnings offset. We have given blind disability beneficiaries the same earnings test as retirees, so we should give them the same treatment as far as the phaseout of the earnings test. This action is a good idea because it acts as a work incentive. I would also like to point out that if blind persons do find work as a result of the incentive provided by this amendment, they will be contributing money to the social security trust fund through their payroll taxes. These contributions will, of course, help to offset any additional costs to the trust fund caused by phasing out the earnings test.

My colleagues Senators RANDOLPH and JEPSEN are cosponsors of this amendment.

Mr. RANDOLPH. Madam President, will my colleague yield?

Mr. PRESSLER. I yield to my distinguished colleague who has done so much work for the blind in West Virginia.

Mr. RANDOLPH. Madam President, sometimes at the close of the day when perhaps the sense of quiet rather than turbulence comes across this historic Chamber there is one or more amendments that come to the attention of those of us who are present that deserves our careful study and strong support: This is one of those worthwhile amendments.

The blind are a great resource in the United States of America. We know of contributions made by the blinded veterans during the conflicts in which they have served in our Armed Forces to preserve and defend our security against ofttime foreign and fierce foes.

The blind can work in the marketplace. They are entrepreneurs in the products they sell.

At the present time in one program as a result of the Randolph-Shepard Act there are approximately 4,000 blind individuals, men and women, who are entrepreneurs. These citizens operate vending facilities established in Federal buildings throughout the United States, in State facilities, in county facilities, and in local facilities. The average annual income of these vendors is $15,000 per year. These operators return to the Federal Government in taxes each year about eight times the amount of money it costs the Federal Government to run the program. Because of the success of the blind in gainful employment they have by their experience in handling the public with skill given to American industry the impetus to establish opportunities for the blind in businesses throughout the United States of America.

The blind certainly have proved themselves as individuals, both men and women, who can give to the American purchasing public that service which in a sense in anticipated here by further aid to the blind in reference to the accountability of funds which they have earned and which in a sense the tax may be lessened upon them.

I commend my colleague from South Dakota who introduced this amendment, and I ask him the following question.

Does this amendment have the support of the National Federation for the Blind?

Mr. PRESSLER. Yes; the National Federation for the Blind does support it.

Mr. RANDOLPH. The National Federal for the Blind does support it?

Mr. PRESSLER. Yes, indeed.

Mr. RANDOLPH. I understood the Senator had such an endorsement.

I hope our colleagues will give to this segment of America, a productive segment, the opportunity to feel that they can prepare themselves, they can earn, they can sell, they can be an active part of the American system.

I thank my colleague.

Mr. PRESSLER. I thank the Senator from West Virginia who authored the original legislation regarding disability benefits for the blind and who is known nationally for his work with the blind.

Mr. EXON. Madam President, it seems to this Senator that the amendment offered by the Senator from South Dakota and so eloquently described by the Senator from West Virginia is a good one.

I just wish to ask, has this been cleared with the managers on both sides? If so, could we expedite the procedure?

Mr. DOLE. Madam President, I am going to discuss the amendment very briefly. I am prepared to accept the amendment but I wish to explain some of the negatives even in this case. It will just take a minute.

Mr. EXON. I thank the Senator.

Mr. JEPSEN. Madam President, I rise in support of the amendment offered by the Senator from South Dakota, Mr. PRESSLER, Instituting a phaseout of the earnings limit for the blind is an idea which makes sense.

Over the years, Congress has attempted to build work incentives into various Federal programs. Clearly, it is in the best interests of the blind to be working rather than sitting at home collecting disability payments. Many would like to do this but are constrained because of the social security disability program. This occurs in much the same way as retirees are constrained from working under the current retirement test.

In the long run, approval of the Pressler amendment will improve the quality of life for thousands of blind people and, I believe, help to strengthen the social security system. After all, a working person contributing to the social security system has to be better than a nonworking person collecting disability.

The Pressler amendment will not require anyone to work. It simply creates a strong incentive for those who can work, and who want to work, to do so. I urge my colleagues to support the Pressler amendment.

Mr. DOLE. Madam President, the Social Security Act contains a strict definition of disability. It is based on not only the severity of the disabling condition, but also the individual's ability to work.

"Disability" is defined as the inability to engage in any substantial gainful activity by reason of a medically determinable physical or mental impairment that has lasted, or is expected to last, at least 12 months or is expected to result in death.

Determining whether an individual is disabled within the meaning of the law is done on a sequential basis—with work activity, severity of impairment, and vocational factors assessed in that order.

The Pressler amendments would—I think we should make this distinction—for blind beneficiaries only alter the very first, and perhaps most important, criteria used for determining disability—the "substantial gainful activity" test.

If an individual is earning more than the SGA level—$300 monthly in general, $550 monthly for the blind—he is evidently able to engage in substantial work. In such cases, he will be found not disabled and thus not eligible for DI benefits, without consideration of any other medical or vocational factors.

Already the blind are preferentially treated with a higher SGA level, which happens to be tied to the earnings limitation under the retirement test.

According to the Social Security Administration, in 1995 when the retirement test is eliminated under the committee bill, the SGA limit for the blind would be completely eliminated.

The result would be that beginning in 1995 anyone who is blind would, regardless of income, education and skill, be eligible for benefits. At the ex-

treme, a well-paid doctor or attorney would be eligible for DI benefits. Few of us would find that to be appropriate.

Madam President, the Senator from Kansas first wants to compliment the distinguished senior Senator from West Virginia, for almost a lifetime of dedication in this area.

The Senator from Kansas has learned a lot from the distinguished Senator from West Virginia. I have tried to be helpful in areas that pertain to the blind and handicapped, and certainly he has been the pioneer in this body for the last 30 to 40 years.

I have discussed this amendment in great detail with the Senator from South Dakota. The Senator from Kansas is willing to accept the amendment.

I did want the RECORD to show it is a departure from the treatment of other disabilities. It could discriminate against other seriously disabled persons. However, it would be hard to defeat the amendment if an effort were made, so I am willing to accept the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. RANDOLPH. Does the Senator yield to me for a comment before he speaks? Am I a cosponsor of the Senator's amendment?

Mr. PRESSLER. Yes, the Senator is.

Mr. RANDOLPH. I would like to say to the able manager (Mr. DOLE) I think he has done an almost magnificent job, regardless of my opposition to certain amendments which he has fostered during the consideration of this bill.

It is not in any cursory fashion that I express appreciation for the handicapped and the disabled throughout this country for his efforts in well-reasoned measures in Congress and also in other ways to assist the handicapped and the disabled.

I realize, I say to the Senator from Kansas, that in a sense this is a departure in which the underlying sentiment is compassion, understanding and, perhaps, for the moment let us think of the needs of the blind as we bring such legislation to fruition.

Mr. DOLE. Mr. President, if the Senator will yield, I certainly appreciate his comments. Again I appreciate the spirit of the amendment. I want the RECORD to reflect that it is a departure from the substantial gainful activity test. But I am prepared to accept the amendment.

The PRESIDING OFFICER. I move adoption of the amendment.

The PRESIDING OFFICER (Mr. JEPSEN). Is all time yielded back? The question is on agreeing to the amendment of the Senator from South Dakota.

The amendment (UP No. 135) was agreed to.

Mr. PRESSLER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 136

(Purpose: To provide that a blind individual otherwise eligible for benefits under section 223 of the Social Security Act not be regarded as able to engage in gainful activity solely because of the earnings of such individual, and that the benefits payable to such individual be reduced in accordance with the procedures prescribed by section 203 of such Act)

Mr. PRESSLER. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota (Mr. PRESSLER) proposes an unprinted amendment numbered 136.

Mr. PRESSLER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

TREATMENT OF EARNINGS OF DISABLED BLIND INDIVIDUALS

SEC. . (a) The second sentence in section 223(d)(4) is amended to read as follows: "No individual who is blind shall be regarded as having demonstrated an ability to engage in substantial gainful activity solely on the basis of the earnings of such individual; the benefits payable to such individual shall be reduced in accordance with the provisions of section 203.".

(b) The amendment made by this section shall apply with respect to benefits payable under section 223 of the Social Security Act after the date of enactment of this Act to individuals applying for benefits under such section after the date of enactment of this Act.

Mr. PRESSLER. Mr. President, I am submitting this amendment, which will provide for the fair treatment of blind recipients of social security disability income. The action which I am proposing has already been passed by the Senate, but important parts of this legislation were deleted in conference.

Currently, blind recipients of social security disability income can earn up to $550 per month. When these people reach this mark, however, they lose all benefits. For the 30,000 blind persons in this country who earn over $550, the current regulations cause them to be penalized for working. Mr. President, I do not believe that this is what Congress meant to do. We should be encouraging disability recipients to work, not discouraging them. However, the current law certainly operates as a work disincentive for this group of disability recipients.

My amendment would treat blind disability recipients in the same way that we treat social security retirees' income. That is, for every $2 earned over and above $550, beneficiaries lose $1 in benefits. By passing this amendment, we will send a message to the 120,000 current blind disability recipients that we are serious about providing work incentives. This is an important and necessary step, and I would hope that those who have supported it before will do so again.

My colleagues, Senators MATSUNAGA, JEPSEN, THURMOND, and RANDOLPH, have agreed to cosponsor this amendment.

Mr. DOLE. Mr. President, the Senator from Kansas wanted to make certain that the Senate understood before they acted on the previous amendment, which was accepted, and on this amendment, that it is a departure from the treatment of other disabilities. It is a liberalization of the eligibility requirements for blind social security disability insurance beneficiaries. In particular, it would phase out the substantial gainful activity criteria for blind beneficiaries.

This amendment would cost about $100 million a year, a total of about $0.5 billion between now and 1989. It would have a long-range cost. I do not know whether you can equate dollars with physical disability, particularly severe physical disability, such as blindness. However, I would restate for the RECORD that this would further liberalize the treatment of the blind. This amendment would allow the blind to earn more than the SGA level of $550 monthly, with each $1 in excess of that amount reducing benefits by 50 cents, instead of having excess earnings cause ineligibility. They would be treated like retirement benefits, subject to the earnings test.

I think it is a judgment the Senate has to make. Again, it is one of these areas where if we fail to look at the total picture and try to separate the blind from other severely disabled persons, it would be difficult to oppose the amendment. The Senator is prepared—does the Senator want a voice vote on this.

Mr. PRESSLER. I would like to briefly respond if I may.

I thank the chairman of the Finance Committee and the staff for their comments. Let me say I believe the the chairman's costs are assuming that every blind person who is eligible will earn the maximum benefit. This is not the case. CBO has not been able to give an estimate of the cost of this amendment, because they are unable to calculate, with certainty, the number of those working blind with excess earnings who would come onto the disability rolls under this amendment. At the very most, this action would allow 30,000 people to qualify

for some reduced level of benefits. I would point out, however, that there are currently 120,000 blind persons drawing full disability benefits. With the change that I am proposing, these recipients will be given the incentive to work without fear that they will lose all their disability benefits. The reduction in benefits that will result from this incentive measure should help to offset the cost of any new beneficiaries added to the rolls.

I think that is a point that should be considered here.

Second, it is true that blind disability recipients are treated differently than other disability recipients, but they still receive unfair treatment. The current system only goes halfway in giving them the same earnings test as retirees, and that is the real problem.

Retirees can earn up to $550 per month, and for every $2 that they earn over that amount, they lose $1 in benefits. However, when blind people earn $550 or more, they lose all benefits. I am only arguing for fairness. This body has already voted to give blind disability recipients a different earnings limit than other disability beneficiaries. What we should now do is correct an inequity that already exists within that system, which is that the blind have the same earnings limit as retirees, but not the same earnings offset. If we are going to give the blind one of these, we should give them the other.

Mr. DOLE. Mr. President, as I have indicated to the Senator previously, again this is a departure from present policies. It is a liberalization, and I cannot in good conscience support the amendment. I think that is the view shared by the ranking minority member, the distinguished Senator from Louisiana.

Mr. PRESSLER. Mr President, on this I would ask for the yeas and nays.

Mr. DOLE. Mr. President, it is my understanding that the Senator from South Dakota would be willing to have a voice vote.

Mr. PRESSLER. I would like to ask for the yeas and nays.

Mr. DOLE. Let me explain it again. The Senator from Kansas would be perfectly willing if the Senator prevails on a voice vote, but I am not certain I could guarantee that if we had a record vote.

Mr. RANDOLPH. Mr. President, who has the floor?

Mr. DOLE. The Senator from Kansas has the floor. I yield to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I would suggest to my colleague who offered the amendment for himself and others, and responding to what I think is the judgment of the two leaders of this legislation, that it would be the best part of judgment of those who sponsor the amendment to have a voice vote.

Mr. PRESSLER. I will be happy with a voice vote.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from South Dakota (Mr. PRESSLER).

The amendment (UP No. 136) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. RANDOLPH. Mr. President, I move to lay that motion on the table.

Mr. LONG. Mr. President, I want to make it clear that I voted against the amendment. I personally cannot agree with it, but I was willing to let the matter be decided on a voice vote, and I am not complaining about the matter.

Mr. DOLE. Mr. President, the next amendment in order is the amendment of the Senator from Colorado, Senator ARMSTRONG. This is the last amendment with a time agreement and we still have amendments from Senator HEINZ and Senator SPECTER and final passage. We also have an amendment by Senator LEVIN, which will be a record vote.

UP AMENDMENT NO. 137

(Purpose: To cover only new hires of nonprofit organizations which are now not covered by social security)

Mr. ARMSTRONG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado (Mr. ARMSTRONG) proposes an unprinted amendment numbered 137.

Mr. ARMSTRONG. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 66, strike lines 22-24 and insert in lieu thereof the following:

"SEC. 102. (a) Section 210(a)(8)(B) of the Social Security Act is amended by inserting the following phrase after "of such Code,":

"by an individual who has been continuously in the employ of such organization since December 31, 1983 (and, for this purpose, an individual who returns to the performance of such service shall nevertheless be considered upon such return as having been continuously in the employ of such organization, regardless of whether the period of such separation began before, on, or after December 31, 1983, if the period of such separation does not exceed 365 days),".

On page 67, strike lines 1-3 and insert in lieu thereof the following:

"(b)(1) Section 3121(b)(8)(B) of the Internal Revenue Code is amended by inserting the following phrase after "under section 501(a),":

"by an individual who has been continuously in the employ of such organization since December 31, 1983 (and, for this purpose, an individual who returns to the performance of such service shall nevertheless be considered upon such return as having been continuously in the employ of such organization, regardless of whether the period of such separation began before, on, or after December 31, 1983, if the period of such separation does not exceed 365 days)".

Mr. ARMSTRONG. Mr. President, I am going to take only a couple of minutes to explain this amendment, but I hope my colleagues will not take the brevity of my argument in any way as an indication of the crucial significance of the issue which I seek to raise.

As my colleagues know, the current law provides social security coverage to nonprofit organizations on an optional basis unless the organization affected withdraws. About 90 percent of all nonprofit organizations have chosen to be covered under social security.

The bill that comes before us today contains the recommendation of the National Commission on Social Security Reform that nonprofit organizations should be covered under social security beginning January 1, 1984. This proposal affects about 200,000 nonprofit organizations, with about 675,000 employees. It will substantially increase their cost and lead to the reduction in social services.

Mr. President, I believe that the principle involved here, that is of affording mandatory social security coverage to nonprofit organizations, is a reasonable one. I do not, however, believe it is reasonable to do it in an abrupt and drastic fashion; that is to simply say without warning that 9 months from today all of these organizations, without any opportunity to adjust their own pension planning, without any opportunity to find new sources of funds, without any opportunity to do anything except just suddenly comply, is not fair, in my opinion.

The effect of it is going to be that some of these organizations will not have the funds to comply and, therefore, will simply have to fulfill this new requirement by reducing the services that they provide. Very often when we think of nonprofit organizations we tend to think of large foundations, the giant foundations which are wealthy and which have tremendous resources that have great endowments. Some of these may be affected.

But the ones I am concerned about are not these but the small ones, like the little shelter house in Denver, Colo., that helps battered women and that has a staff of five and, in all likelihood, will have to lay off one of those five persons in order to pay the additional costs that are imposed

under the bill that comes to us from the committee.

There are many other similar examples that have been brought to my attention. The Alcoholism Council of Antelope Valley, in California opted out of social security 4 years ago in order to expand the services they provide. The council, I am told, will have to lay off several employees and with such a small staff already they may have to shut down the operation.

As one thinks about the justice of requiring these nonprofit organizations to suddenly reduce their operations without warning, it is well to keep in mind the economic environment in which they are already operating, and that is one of the declining resources. The rescession has affected all of these, just as it has affected all of the private sector.

So, at a time when resources are tight, when needs are growing, to say that we are going to force them on a date certain, an early date certain just 9 months from now, to take such a step seems to me to be unfair. If that is unfair, and if the principle of covering nonprofit organizations is a reasonable one, what is a good way out? In my opinion, a good way out is to apply this same phase-in process to nonprofits that was suggested by the committee for Federal employees.

We have adopted an amendment which drops the Federal employees out of the bill altogether and whether or not that will be sustained in conference I have no way to know. But the recommendation of the National Commission on Social Security Reform and the recommendation of the Senate Finance Committee was to cover Federal employees on the basis of new hires; that is, as they come on, cover them, phase them in.

The rationale for this is very simple. It was to give the Federal Government a chance to make its adjustments for its pension planning and not to impose an undue burden by requiring that everybody be covered by social security on a short timetable.

So that is all this amendment does. It says that nonprofit organizations should have the same consideration that we seek to afford to Federal employees if, in fact, Federal employees are to be covered at all.

Mr. President, with that word of explanation, I urge my colleagues to vote for the amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, I will just take a minute. This amendment was offered in the committee. The vote was 4 to 11. Not that that means to dictate how Senators vote on the Senate floor.

But the 1983-89 revenue loss in this proposal is about $5.2 billion out of the $12.5 billion we hope to raise with this provision. It was rejected by the committee. I think it is important to note that already 85 percent of all nonprofit employees have opted to be covered by social security. The provision would just bring in the remaining 15 percent.

Under present law, work performed for a nonprofit tax-exempt organization--specified in section 501(c)(3) of the IRC—is excluded from social security coverage unless the organizaton files a certificate with the IRS waiving its exemption from social security taxes. Nonprofit organizations may terminate coverage upon giving 2 years advance notice, providing coverage has been in effect for 8 years or more. Once coverage has been terminated, the organization cannot again cover its employees. About 4.3 million employees of nonprofit organizations—80 to 90 percent—are covered.

National Commission recommendation: Extend social security coverage on a mandatory basis to all employees of nonprofit organizations, effective January 1, 1984. This is contained in S. 1.

OASDI savings

Calendar year:	*Billions*
1984	$1.3
1985	1.5
1986	1.8
1987	2.1
1988	2.6
1989	3.1
1983-89	12.5

Armstrong amendment: Cover employees of nonprofit organizations—which are not currently covered—who are hired on or after January 1, 1984. (Similar to treatment of Federal employees.) Also, prohibit any nonprofit organization from terminating coverage after the date of enactment of the provision.

OASDI savings

Calendar years:	*Billions*
1984	$0.3
1985	0.6
1986	1.0
1987	1.3
1988	1.8
1989	2.3
1983-89	7.3

The 1983-89 revenue loss from this proposal is $5.2 billion, out of the $12.5 billion we hoped to raise with this provision.

This proposal was considered and rejected in committee by a vote of 4 to 11.

I think it is important to note that already 85 percent of all nonprofit employees have opted to be covered by social security. The provision would just bring in the remaining 15 percent and treat them the same as the rest of private sector employees who are already covered.

I am not persuaded by the argument that we should treat nonprofits the same way we do Federal employees. Social Security coverage has been expanded repeatedly over the years to a variety of private sector employees. Each time, coverage was extended to the new group on a mandatory, current employee basis.

In addition, private sector pension plans should be better able to adjust to coverage—they are often newer plans, and more flexible than the huge Federal Service Retirement System, for example.

I might add that many of the people employed in nonprofit organizations want to be covered by social security, but the choice was taken away by the organization itself, without the consent of employees.

In testimony we received in the Finance Committee, we were reminded that many of the nonprofits that are not now covered or that are opting out of social security are hospitals, for example, whose employees would prefer to be a part of the social security system. People who are not under social security do not have portable pension rights; frequently they do not have disability protection.

While we cannot pretend that beginning to pay the social security tax will be easy for employees and employers, I am convinced that the benefits workers will receive will make their coverage worthwhile.

We cannot ignore the needs and the purposes of the social security system either. As the American Nurses Association testified, working people in the low- to middle-income range are willing to shoulder their fair share of the responsibility for the solvency of the system. In their words, "the system provides enormous social benefits for which all members of society should bear a responsibility."

In my view, I do not quarrel with the Senator from Colorado. He has performed outstanding service. But I do not know where we would get the $5.2 billion if the amendment is adopted. So I hope we reject the amendment.

Mr. MOYNIHAN. Mr. President, may I again echo the statement of the distinguished chairman. We fully appreciate the concerns of the Senator from Colorado. We do not have the $5 billion. This has been a repeated proposition.

We have very little keel room as we take this system through the next 7 years. We plead with our colleagues to stay with the Finance Committee proposal. You will be glad you did. In addition to which the employees who will be covered by social security will be glad they are.

Social security is a good program and it is only persons who are devoted to causes that are proper ones who find themselves left out of it, and they

ought to be in it. They are entitled to that. The very fact that they are working as they do suggests that the Government ought to see that they have the protection of our social insurance program.

Mr. ARMSTRONG. Mr. President, there is no sense arguing this at length. The issue is clear. If I might be permitted to have the last word, I would point out to my colleague from New York that his characterization of those who are not covered may not be entirely accurate in every case. There may well be some of these organizations which have private-pension arrangements, just as the Federal Government has a separate pension arrangement, and for the same reason that we chose not to precipitously cover Federal employees but to phase them in on the basis of covering new persons as they enter Federal employment, my amendment suggests that we do the same in the nonprofit sector.

There may also be some of the kind that he described earlier. I acknowledge that that is the case. By and large, I think the principle of covering the nonprofit sector under social security is a good one. I support it. It is just a question of whether we ought to do it all on 1 day or phase it in.

Mr. MOYNIHAN. May I offer a personal apology for overstating the case?

Mr. ARMSTRONG. Not at all. The statement just would not apply universally.

The PRESIDING OFFICER. Is all time yielded back?

Mr. GOLDWATER. Mr. President, I ask unanimous consent that this be a 10-minute vote. We are just going to spend the whole night voting.

Mr. BYRD. I do not want to object to the request of the distinguished Senator, but I do not believe we can at this time limit the vote to 10 minutes.

The PRESIDING OFFICER. If all time has been yielded back, the question is on agreeing to the amendment of the Senator from Colorado. The yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. Stevens. I announce that the Senator from Maryland (Mr. MATHIAS) is necessarily absent.

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from Ohio (Mr. GLENN), the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 26, nays 69, as follows:

[Rollcall Vote No. 52 Leg.]

YEAS—26

Armstrong	Boschwitz	D'Amato
Boren	Byrd	DeConcini
Dodd	Jepsen	Symms
East	Long	Thurmond
Garn	Lugar	Trible
Goldwater	McClure	Warner
Hatch	Nickles	Wilson
Hawkins	Proxmire	Zorinsky
Humphrey	Quayle	

NAYS—69

Abdnor	Gorton	Mitchell
Andrews	Grassley	Moynihan
Baker	Hart	Murkowski
Baucus	Hatfield	Nunn
Bentsen	Hecht	Packwood
Biden	Heflin	Pell
Bingaman	Heinz	Percy
Bradley	Helms	Pressler
Bumpers	Huddleston	Pryor
Burdick	Inouye	Randolph
Chafee	Jackson	Riegle
Chiles	Johnston	Roth
Cochran	Kassebaum	Rudman
Cohen	Kasten	Sarbanes
Danforth	Kennedy	Sasser
Denton	Lautenberg	Simpson
Dixon	Laxalt	Specter
Dole	Leahy	Stafford
Domenici	Levin	Stevens
Durenberger	Matsunaga	Tower
Eagleton	Mattingly	Tsongas
Exon	Melcher	Wallop
Ford	Metzenbaum	Weicker

NOT VOTING—5

Cranston	Hollings	Stennis
Glenn	Mathias	

So Mr. ARMSTRONG's amendment (UP No. 137) was rejected.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

up amendment no. 138

(Purpose: To pledge the full faith and credit of the United States Government in support of the obligation to pay accrued benefits under the civil service retirement system)

Mr. LEVIN. Mr. President, I send an amendment to the desk and ask for its immediate considerations.

The PRESIDING OFFICER. The immediate will be stated.

The assistant legislative clerk read as follows:

The Senator from Michigan (Mr. LEVIN) proposes an unprinted amendment numbered 138.

Mr. LEVIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 66, at the end of line 19, add the following: "The full faith and credit of the United States Government is pledged hereby in support of the payment of said accrued entitlements.".

Mr. LEVIN. Mr. President, section 101(d) of the bill before us provides:

Nothing in this Act shall reduce the accrued entitlements to future benefits under the Federal Retirement System of current and retired Federal employees and their families.

This amendment adds the following statement, that "The full faith and credit of the United States Government is pledged hereby in support of the payment of said accrued entitlements."

Mr. President, this statement of intent will hopefully reassure Federal employees of our intent to fully protect their accrued benefits. It is similar to language which was offered by the distinguished Senator from New York (Mr. MOYNIHAN) in committee. It is slightly different, somewhat from that language but its intent is the same. It is a reassurance the Federal employees, current Federal employees and retirees of our intent to protect fully their accrued benefits.

I understand it is agreeable to the floor manager of the bill, my friend from Kansas, and to the Senator from Louisiana.

Mr. DOLE. Mr. President, this amendment would simply buttress the language included in S. 1 offered by Senator MOYNIHAN to reassure civil service retirees and employees that this bill not in any way alter the civil service retirement system. It is clearly not our intention to dismantle the civil service retirement system or otherwise erode the value of the protection provided by the system to present participants. I support the amendment, although it may not be as important an issue now that the Long amendment has passed. But I am certainly willing to accept the amendment. I know of no objection on the other side. In fact, as I have indicated, Senator MOYNIHAN initially included the same language in S. 1.

Mr. BRADLEY. Mr. President, I ask unanimous consent that I be added as a cosponsor to the Levin amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is all time yielded back?

Mr. LEVIN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from Michigan.

The amendment (UP No. 138) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 139

(Purpose: To provide health care coverage for the unemployed)

Mr. DOLE. Mr. President, I send an unprinted amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Kansas (Mr. DOLE) proposes an unprinted amendment numbered 139.

Mr. DOLE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title III add the following new section:

HEALTH SERVICES FOR THE UNEMPLOYED

SEC. 308. (a) Title XX of the Social Security Act is amended by adding at the end thereof the following new section:

"HEALTH SERVICES FOR UNEMPLOYED WORKERS

"SEC. 2008. (a)(1) Notwithstanding section 2005 (a)(4) and any other provision of this title, any State may establish a program under this section for providing health care coverage for unemployed workers, subject to the provisions of this section.

"(2) The State may choose those groups of individuals (and their immediate families) who shall be covered under the program, the duration of such coverage, and the duration of the program, as the State determines to be appropriate, except that—

"(A) no coverage may be provided to any individual (or his immediate family) unless such individual (i) is receiving regular, extended, or Federal supplemental compensation (or, at the option of the State, railroad unemployment compensation), or (ii) is unemployed and has exhausted his rights to such compensation (by reason of payment of all such compensation for which he is eligible, other than for cause) within the prior six months, or (iii) was eligible for such compensation within the prior 30 days but lost such eligiblity on account of employment;

"(B) no coverage may be provided for the first 6 weeks during which an individual is eligible for compensation (referred to in subparagraph (A)) in a benefit year (as determined under the State unemployment compensation law);

"(C) no coverage may be provided to any individual unless such individual was enrolled in a group health plan of the employer by whom he was employed at the time he last became eligible for compensation described in subparagraph (A) (and in making a determination with respect to prior enrollment, the State may use the broadest possible determination of proof);

"(D) no coverage may be provided with respect to any services provided prior to June 1, 1983, or with respect to services provided for an individual prior to the time such individual is determined to be eligible under such program; and

"(E) no coverage may be provided for any individual who is otherwise eligible for medical assistance under the State plan under title XIX.

"(b)(1) Services under the program established under this section shall include only inpatient and emergency outpatient hospital services and physician services, including those provided in health clinics but not including those provided in nursing care facilities, and prenatal and postpartum care. No drugs or biologicals shall be included within the covered services described in the proceding sentence unless provided as part of inpatient hospital services.

"(2) The State shall determine the amount, duration, and scope of the covered services described in paragraph (1) which shall be included under the program, but in no event shall the amount, duration, or scope of such services under the program under this section exceed the amount, duration, or scope of such services included under the State plan for medical assistance for individuals described in section 1902(a)(10)(A).

"(3) Services may be provided through varying arrangements made with providers by the State, but no such arrangement may provide services which are more generous than those provided under the State plan for medical assistance for individuals described in section 1902(a)(10)(A).

"(c)(1) The State may provide for a weekly premium charge for individuals participating in the program under this section, but no such premium charge may exceed an amount equal to 8 percent of the amount of compensation (referred to in subsection (a)(2)(A)) for which such individual is eligible for such week. Such premium charges may vary for individual coverage and family coverage and by provider arrangement.

"(2) The State may provide that deductibles and coinsurance amounts be imposed under the program, but the estimated average monthly amount of such deductibles and coinsurance amounts for users of services may not exceed an amount equal to 10 percent of the average monthly benefit amount in such State for compensation (referred to in subsection (a)(2)(A)). No such deductible or coinsurance may be imposed with respect to prenatal or postpartum care, and no such deductible or coinsurance may be imposed until after public hearings which provide adequate notice and opportunity for public participation have been held by the State with respect to such imposition. Such deductibles and coinsurance may vary with respect to different groupings of eligible individuals, different types of services, different provider arrangements, and varying coverage periods.

"(3) Any amounts imposed by the State for premiums, deductibles, or coinsurance which are imposed by the State must be used by the State to pay the State share of the cost of the program under this section, or to provide additional services or periods of coverage to individuals eligible for coverage under such program.

"(d) Payment by the State for services provided to individuals eligible for the program under this section shall be made through the same adminstrative mechanisms through which payments are generally made under the State plan for medical assistance under title XIX; however, the State may provide for contracts with cost effective financing and delivery systems among carriers or providers, and may selectively contract with a specific group or provide for capitation reimbursement, but no such contract may provide for services which are more generous than those provided under the State plan for medical assistance for individuals described in section 1902(a)(10)(A). Any limitations under the State plan for medical assistance on the amount that a provider of services may charge the recipient of such services shall also apply to the program under this section, except that premiums, deductibles, and coinsurance may be charged in accordance with subsection (c).

"(e)(1) Determinations of qualification for coverage under the program under this section shall be made by the State agency administering the State's unemployment compensation law under section 3304 of the Internal Revenue Code of 1954, and the program shall be administered by the State agency administering the State plan for medical assistance under title XIX of this Act.

"(2) Upon becoming eligible for compensation (referred to in subsection (a)(2)(A)), an individual shall be informed of the eligibility criteria for coverage under the program established under this section and the benefits provided, and shall have four weeks in which to voluntarily enroll in such program. Such individual shall also be informed of the possibility that such individual may be eligible to enroll in a health plan of his spouse or parent. If the individual declines the opportunity to enroll, or later voluntarily terminates his enrollment, he may not again enroll in such program unless he subsequently becomes eligible for compensation (referred to in subsection (a)(2)(A)) for a new benefit year (as determined under the State unemployment compensation law). In the case of any State which chooses to require the payment of a premium, the State may deduct the amount of the premium from the amount of such compensation paid to an individual enrolled in such program.

"(f)(1) Notwithstanding sections 2002 and 2003, payments to States having programs established under this section shall be made in accordance with the provisions of this subsection. Payments under this subsection are in addition to any amounts to which a State is entitled under section 2002, and payments made under section 2002 may not be used for purposes of this section. An amount, not to exceed the State's allotment determined under paragraph (2), equal to the Federal percentage (as determined under paragraph (6)) of the amount expended by such State for its program established under this section (excluding administrative costs) shall be paid to the State in the same manner as payments are made under section 1903(d).

"(2) The Secretary shall allot $750,000,000 to carry out this section for each of the 12-month periods beginning on June 1, 1983, and June 1, 1984 among the States as follows:

"(A) One-half of such amount shall be allotted among the States on the basis of the relative number of insured unemployed individuals who reside in each State as compared to the total number of insured unemployed individuals in all the States.

"(B) One-half of such amount shall be allotted among the States on the basis of the relative number of individuals who have been unemployed for 26 weeks or more and who reside in each State as compared to the total number of such individuals in all the States.

"(3) Allotments shall be made on the basis of the most recent 12-month period, preceding the month in which the Secretary makes such allotments, for which adequate data is available.

"(4) Funds shall be allotted at the beginning of each 12-month period referred to in paragraph (2), but payment shall be made as described in paragraph (1). Amounts allotted for the 12-month period beginning June 1, 1984, may be paid to States for expenses incurred in providing services under the program for individuals who are enrolled in the program on May 31, 1985, until their eligibility for such program terminates, or November 30, 1985, whichever is earlier.

"(5) Any funds allotted to a State which did not establish a program under this section shall be reallotted to those States having a program, at the end of the 12-month period beginning June 1, 1984. Such

funds may be expended in the same manner as described in paragraph (4).

"(6) For purposes of this section, the Federal percentage is—

"(A) 95 percent with respect to services provided in any State during a week for which the State's rate of insured unemployment (as determined for purposes of section 203 of the Federal-State Extended Unemployment Compensation Act of 1970) for the period consisting of such week and the preceding 12 weeks is equal to or exceeds 5.0 percent; and

"(B) 80 percent for any other week, except that if a State qualifies for the 95 percent Federal percentage under subparagraph (A) for any week, such 95 percent Federal percentage shall remain in effect with respect to such State for the duration of such State's 4-month initial period of qualification (in the case of a State which qualifies for the 95 percent Federal percentage for a week ending on or before September 30, 1983), and for the duration of such State's 6-month period of qualification (as determined under subsection (g)(1)) (in the case of a State which qualifies for such percentage for a week ending after such date).

"(7) The Secretary shall make payments to States for administrative costs incurred in carrying out the program established under this section, in a total amount not to exceed $150,000,000 for each of the 12-month periods beginning on June 1, 1983, and June 1, 1984, as he determines appropriate. Seventy million dollars of such reimbursement for each fiscal year shall be made to the State agencies administering the State program under this section, and $80,000,000 of such reimbursement for each fiscal year shall be made to the Department of Labor for payment to the State agencies administering the State's unemployment compensation law. Payments to any agency administering the State program under this section shall be made in an amount equal to the Federal percentage, in effect under paragraph (6), of the amounts expended by such agency in carrying out the program. Payments under this paragraph may be made with respect to program costs insured after November 30, 1985.

"(g)(1) With respect to services provided to individuals who are enrolled during the period beginning on June 1, 1983, and ending on September 30, 1983, any State may qualify for payments under this section if it has a program which meets the requirements of this section. With respect to services provided on or after October 1, 1983, only a State having a rate of insured unemployment (as determined for purposes of section 203 of the Federal-State Extended Unemployment Compensation Act of 1970) for a period consisting of any week ending after September 30, 1983, and the 12 preceding weeks, of 4 percent or more, may enroll new individuals in the program under this section. If a State qualifies to enroll new individuals under the preceding sentence, such qualification shall continue for a period of not less than 6 months beginning with the first week in which such State so qualifies, and any State may subsequently requalify upon reaching the required rate of insured unemployment after the end of such 6-month period, but not such period may extend beyond November 30, 1985.

"(2) During the period in which a State may not enroll new individuals in its program by reason of paragraph (1), payment under this section may be made with respect to individuals previously enrolled in such program until their eligibility expires, or, if sooner, November 30, 1985.

"(h) Any State establishing a program under this section shall submit a report to the Secretary on March 1, 1984, on the program's implementation and impact. A final report shall be submitted in January 1986 by any State which carries out its program for any period after September 30, 1983, upon expiration of its program.

"(i) The State shall provide that the payment for any services received by an individual under the program shall be reduced by the amount of any other payment which is or could be made with respect to such services under any other health plan or public program, or from a third party, and shall require each individual enrolled in the program to assign all rights to such payments as he may have to the State as a condition of enrolling in the program.".

(b) Section 3304(a) of the Internal Revenue Code of 1954 is amended by redesignating paragraph (17) as paragraph (18) and inserting after paragraph (16) the following:

"(17) if the State establishes a program under section 2008 of the Social Security Act, the State agency administering the State unemployment compensation law shall carry out the functions required of it under such section; and".

(c)(1) Subsection (i) of section 162 of the Internal Revenue Code of 1954 (relating to group health plans) is amended by redesignating paragraph (2) as paragraph (3) and by inserting after paragraph (1) the following new paragraph:

"(2) Denial of 50 percent of deduction in cases where employer does not provide open enrollment if the spouse or parent or the employee becomes unemployed.—

"(A) IN GENERAL.—In any case in which a group health plan does not meet the requirements of subparagraph (B) for any portion of the taxable year, no deduction shall be allowed under this section for 50 percent of the amount of the expenses paid or incurred for such taxable year by an employer for such group health plan.

"(B) REQUIREMENTS WHICH PLAN MUST MEET.—A group health plan shall be treated as meeting the requirements of this subparagraph if, in the case of an individual covered (or eligible to be covered) under such plan who has a qualified spouse or parent, such plan allows such individual during the qualified open period—

"(i) to change coverage from self-only to family, except that in the case of a plan offering different levels of benefits, such plan meets the requirements of this clause even if the change in coverage does not include the ability for an employee to elect a higher level of benefits, or

"(ii) to commence coverage for himself and his family.

"(C) TERMS AND CONDITIONS SAME AS FOR OTHER OPEN ENROLLMENTS.—The terms and conditions of the coverage required under subparagraph (B) during any qualified open period shall be at least as favorable to the employee as the terms and conditions offered by the group health plan under any other opportunities offered to employees to commence or change coverage under such plan.

"(D) QUALIFIED SPOUSE OR PARENT.—For purposes of this paragraph, the term 'qualified spouse or parent' means the spouse or parent of an individual who—

"(i) becomes unemployed (other than for cause), and

"(ii) as a result of such unemployment, loses eligibility under a group health plan of the employer of such spouse or parent.

"(E) QUALIFIED OPEN PERIOD.—For purposes of this paragraph, the term 'qualified open period' means the 30-day period beginning on the day on which the appropriate State agency notifies the qualified spouse or parent of an individual covered under a group health plan that such spouse or parent has become eligible for receipt of unemployment compensation under any Federal or State law by reason of the unemployment described in subparagraph (D)(i).".

(2)(A) Except as provided in subparagraph (B), the amendments made by this paragraph shall take effect on the 60th day after the date of the enactment of this Act.

(B) In the case of a group health plan which was subject to a collective-bargaining agreement in effect on the date of the enactment of this Act, the amendments made by this Act shall take effect on the later of—

(i) the date under subparagraph (A), or

(ii) the date on which such agreement expires (determined without regard to any extensions agreed to after the date of the enactment of this Act).

(d)(1) Paragraph (4) of section 3304(a) of the Internal Revenue Code of 1954 (relating to requirements for approval of State unemployment compensation laws) is amended by striking out "and" at the end of subparagraph (A), by adding "and" at the end of subparagraph (B), and by adding after subparagraph (B) the following new subparagraph:

"(C) nothing in this paragraph shall be construed to prohibit deducting an amount from unemployment compensation otherwise payable to an individual and using the amount so deducted to pay for health care if the individual elected to have such deduction made and such deduction was made under a program established under section 2008 of the Social Security Act;".

(2) Paragraph (5) of section 303(a) of the Social Security Act is amended by striking out "; and" at the end thereof and inserting in lieu thereof ": *Provided further*, That nothing in this paragraph shall be construed to prohibit deducting an amount from unemployment compensation otherwise payable to an individual and using the amount so deducted to pay for health care if the individual elected to have such deduction made and such deduction was made under a program established under section 2008 of the Social Security Act; and".

Mr. DOLE. Mr. President, what I want to discuss just for a very few moments is the amendment I have just introduced. Then I would hope to withdraw the amendment.

Earlier this evening when the distinguished Senate majority leader (Mr. BAKER) was proposing a unanimous-consent request, we came to an area where there was some agreement and it involved a very important program that I had hoped to address in this bill. It is health benefits for the unemployed.

The Senator from Kansas, the Senator from Minnesota (Mr. DURENBERGER), the Senators from Pennsylvania—Senator HEINZ, a member of our committee, and Senator SPECTER, who has had an interest in this matter for some time—Senator RIEGLE, and many other Senators have been trying to come up with some package that we could properly present and for which

we could have rather widespread support.

I have met with White House officials; I have met with HHS officials. We have spent a lot of time at the staff level trying to come up with some package that we thought we could sustain on the Senate floor this evening.

I want to make it clear that I intend to do something about health benefits for the unemployed, but I am convinced that without administration support, this would not be the right vehicle.

In addition, I have made some inquiries on the House side, and they have indicated that they prefer we not attach such an amendment to this legislation. But I do intend to propose legislation in this area as soon as possible—in fact, tomorrow.

I hope that Senators who have an interest in either the legislation on which we have been working together or some separate legislation, if they do not already have their own legislation, might join as cosponsors.

The loss of health benefits by those who have lost their jobs is a serious issue and one that should be addressed by our committee.

As I have indicated, we considered offering this proposal as an amendment to S. 1, but I honestly believe that the proposal warrants hearings, so that those who are interested can comment and make suggestions as to how we might improve this proposal. Our proposal is not the only way to proceed. It is just one option, but one that we believe makes some sense.

The point is that we have a problem, which I hope will be short-lived, but it is one that must be dealt with. We cannot postpone it. Someone might say that we should postpone it to June, July, or August. We will still have the problem, and in the meantime, hundreds of thousands of people are without health coverage. It is a matter of great urgency, and we should face it at the earliest possible time.

GENERAL CONCEPT OF PROPOSAL TO COVER THE UNEMPLOYED

Under the proposal, title XX of the Social Security Act would be amended to provide certain unemployed workers and their immediate families with inpatient and outpatient hospital services, physician services, except for nursing home care, and prenatal and post-partum care. Coverage under the State administered program would be voluntary on the part of unemployed workers and their dependents. States could require payment of an enrollment premium for such coverage.

States would be entitled to Federal matching payments for the costs of benefits for enrolled unemployed workers and their dependents up to a maximum payment amount for each State determined by a special allocation formula. The allocation formula takes into account State insured unemployment rates in comparison with the national unemployment rate and other factors.

The program would begin on June 1, 1983, with all States entitled to Federal matching payments to finance the program through September 1983. Beginning on October 1, 1983, only States with insured unemployment rates—determined on the basis of a 3-month moving average—at or above 4 percent could elect to continue to receive Federal matching funds. The program would end on May 31, 1985, with any fund allocation balances remaining available for 6 months to finance program benefits for those still on the rolls.

PUBLIC SECTOR PROVISION

Program eligibility: Unemployed workers, and their immediate family members, who are entitled to receive benefits under a State unemployment compensation system and who were enrolled in an employer or other group health benefit plan when they lost their jobs, would be eligible to enroll in the program. Entitlement to unemployment compensation means entitlement to receipt of regular State unemployment benefits, Federal supplemental program benefits or benefits provided under the extended benefits program.

This provision would allow States to provide coverage to anyone who had received Federal supplemental benefits in the past and those who would again receive these benefits as a result of the FSC extension contained in S. 1. So those who have, as of the date of enactment, exhausted regular unemployment compensation benefits and extended benefits, but had received FSC benefits, would be eligible. This could cover people who had received benefits as far back as December 1979.

For those who elect to enroll, coverage under the program would begin no sooner that 6 weeks following the week in which the unemployed worker is first entitled to unemployment compensation benefits and has applied to enroll in the unemployed health benefits program. States could at their option, establish a longer waiting period before coverage first begins.

Coverage under the program would end no later than 6 months following the date on which the eligible worker is no longer entitled to compensation benefits or for a lesser period at the option of the State, or 1 month after reemployment, whichever occurs first.

Eligible workers would have to satisfy the State agency administering the program that they, and, if appropriate, their dependents, were enrolled in an employer or other group health benefits plan at the time they lost their jobs. It is expected that States will rely upon the broadest possible evidence of such previous enrollment, and may, upon their election, satisfy such requirement by obtaining a declaration from the worker of such previous enrollment.

Benefits: Program benefits would be limited to inpatient hospital services; emergency outpatient hospital services; physician services, including those provided in health clinics and hospital outpatient departments, but excluding those provided in connection with nursing home care; and prenatal and post partum care, which may be provided by a hospital, physician, clinic, or nurse midwife.

No coverage is available for prescription drugs or biologicals, except those provided on an inpatient hospital basis.

States may determine the amount, duration and scope of covered services. However, in no case may the benefits offered under this program exceed those offered under the State's medicaid program for the categorically needy.

States would be allowed to provide for cost-effective financing and delivery structures, and to contract with specific providers for the provision of covered services to the enrolled population. State's electing this option would be limited to contracting with providers eligible to serve the States medicaid population.

Payment could only be made for services provided on or after the date the State begins participation in the program and only on behalf of eligible enrolled individuals.

Premiums: The plan permits the State to establish a premium for health care coverage equal to an amount no greater than 8 percent of the individual's weekly UC benefit. Separate premium schedules could be established for self-only and family coverage.

Patient cost sharing: The proposal would permit a State to impose cost sharing—that is deductible and coinsurance—requirements after public hearings for which adequate notice and opportunity for public participation have been provided. Cost-sharing requirements could not, on the average, exceed 10 percent of the State's average monthly UC benefit. Further, no cost sharing could be required for prenatal or post-partum care.

The proposal would permit deductibles and coinsurance to be applied on a differential basis with respect to the target population, services provided, provider arrangements and the coverage period.

The proposal would require that all premium and cost-sharing revenues must be used to offset the State share of program benefit costs, to provide covered services to eligible individuals, or to reduce the cost sharing requirements placed on eligible individuals.

Reimbursement: The proposal would require States to utilize the same reimbursement mechanisms currently utilized under their medicaid programs. They could, within that limit, choose to use a variety of arrangements, including capitation, as long as no arrangement is more generous than those provided to their medicaid categorically eligible. Providers would be required to accept the program's payment as payment in full for covered services except for any required cost-sharing amounts.

Administration: State unemployment offices would be responsible for determining program eligibility.

Upon initial application for unemployment compensation benefits, or after enactment for those already on the unemployment compensation rolls, a worker would be informed of his potential eligibility for health benefits under the open enrollment opportunity provided his working spouse or parent and under the State-administered program. He would then be allowed a 4-week period in which to elect or decline coverage under the State program. Once covered, an individual could opt out of the program at any time. However, once out he could not reenter until he again became eligible for a new benefit year as defined under the State unemployment compensation program.

The State unemployment compensation office would inform the individual concerning the date of eligibility, and the actuarial value of the benefits provided. Premium payments, at the option of the State, would be deducted from the individual's unemployment compensation check. Alternatively, the State would be permitted to establish some other collection mechanism. The administration of the health benefits provisions under this program would be the responsibility of the State agency established or designated to administer the State's medicaid program.

Federal/State funding: Under the program, $750 million in Federal matching funds would be authorized for the 12-month period beginning June 1, 1983, and $750 million for the 12-month period beginning June 1, 1984.

All States would be entitled to Federal matching payments to finance the program through September 1983. Beginning on October 1, 1983, only those States with insured unemployment rates, based on an average of the preceding 3 months, equal to or exceeding 4 percent could elect to participate. Any State making an election after September 30, 1983, would be guaranteed participation in the program for at least 6 months, not to go beyond May 31, 1985, regardless of any change in its insured unemployment rate.

A State participating in the program would be entitled to Federal matching payments for the costs of services provided to unemployed workers and their families up to a cap amount determined by the allocation formula. Funds would be allocated at the beginning of each program year although the States would not be provided the money in a lump sum at that time. Funds would be expended in administratively the same manner as they are under the State's medicaid program. At the end of the second year, individual State fund allocation balances remaining would be available for 6 months to expend on already enrolled beneficiaries whose coverage periods have not expired.

The Federal matching rate would be 80 percent for States with insured unemployment rates below 5 percent, and 95 percent for States with IUR's equal to or greater than 5 percent, during the initial 4-month and any 6-month participation period beginning after September 30, 1983. The matching rate would remain stable for a participation period unless the rate was 80 percent and the State's IUR rose to 5 percent or greater, based on a 3-month moving average. In that case the Federal matching rate would be increased from 80 to 95 percent for the remainder of the period.

Any State which experiences a break in program participation because their IUR falls below 4 percent based on a 3-month moving average, would be required to stop enrolling eligible individuals. Federal matching at the rate in effect at the time of the break in participation will continue to be provided for services to enrollees until their State determined individual coverage period expires, but in no case beyond November 30, 1985.

Under the program, $150 million would be authorized for the 12-month period beginning June 1, 1983 and $150 million for the 12-month period beginning June 1, 1984 to cover the costs of program administration. Up to $70 million would be allocated each year to each State by the Department of Health and Human Services to cover the costs incurred by the State's medicaid agency in administering this program. $80 million in each year would be allocated by the Department of Labor to the State unemployment programs for their administrative costs. All States participating in the program would be required to report to the Department of Health and Human Services (HHS) by March 1, 1984 on the program's implementation and impact on the target population. A final report due in January of 1986 would be required of all States that participate in the program after September 30, 1983.

Benefit dollars allocation formula: The Secretary of HHS is directed to allot amounts appropriated under the act for services for any year among the States as follows:

First, one-half on the basis of the number of insured unemployed in each State to the total number of insured unemployed in all States;

Second, one-half on the basis of the number of persons unemployed for 26 weeks or more in each State to the total number of such persons in all States.

Allotments are to be determined on the basis of the most recent 12-month period, preceding the month of the determination, for which adequate data are available.

PRIVATE SECTOR PROVISION

Special open enrollment provision: Under the proposal, employer-sponsored—and other qualified group—health benefit plans would be subject to a loss of 50 percent of the deduction for employer-provided health care costs if they fail to provide an open enrollment opportunity for persons to change from self-only to family coverage or to commence coverage for himself and his family. By providing these opportunities to certain workers, we are hoping to avoid the situation where a worker or a worker's family loses, or will lose, group coverage because the second worker in the family is laid off or involuntarily separated from his job—other than for cause. The provision would permit such open enrollment for a 1-month period following the date of notification to the employer of the second worker's eligibility for receipt of unemployment compensation. Since the determining event, namely, job loss, is unrelated to the health status of either the dependent or the laid-off worker, virtually no adverse selection should develop for the employer of the dependent person.

Coordination of benefits: Any benefits for which an individual or family is eligible under the new health benefit program for the unemployed would be reduced to the extent that support or payments for items and services are, or could be, made under any other group health insurance plan, public program providing benefits to such individual or family member, or by any third party. An assignment of rights, to any support or payments for medical care from any third party must be made at the time coverage is elected.

Mr. President, I understand that other Senators want to make comments. I emphasize that I know that some Members may desire to pursue this matter, notwithstanding the comments of the Senator from Kansas. I again indicate that we are serious about the proposal. It is a need that should be met. There will be hearings at the earliest possible time. I am certain that what I have outlined in a brief fashion could be improved.

I do not believe we should give the American public the idea that we do not view health benefits for the unemployed as a very serious issue—to con-

sider a solution to this problem in such a hasty fashion does not do justice to the complexities of this issue. That is why I hope we might get some agreement tonight that we would have hearings.

Let there be no mistake about my interest in working out a solution, but I think all the parties involved should have an opportunity to comment. That is the purpose of public hearings.

Adoption of this amendment this evening means the House has had no opportunity to review any aspect of this new program, and are likely to object to its consideration at this time. We should have an opportunity to work something out that is amenable to both sides—a late-night, last-minute conference is not the place to do that.

I have a commitment from the administration to work with us closely in drafting a proposal. I think we should give them this opportunity.

I did discuss this matter with some who will be House conferees, and I hope we will not include this provision in this bill, because the House is still in the process of trying to put together a package. They have not had sufficient hearings.

As I indicated earlier, I have been unable to receive a commitment from the administration on this proposal, but I do have a commitment from the administration that they will try to work with us on developing a comprehensive proposal.

And we will await that assistance and if it is not forthcoming we will proceed with hearings, and I am certain we will have the opportunity then to hear administration witnesses and others.

Mr. President, having made that statement, and I know others may wish to comment, I am happy to yield the floor.

Mr. HEINZ. Mr. President, will the Senator yield without losing his right to the floor.

Mr. DOLE. I yield.

Mr. HEINZ. Mr. President, I might say I am intimately familiar with the amendment the Senator from Kansas has sent to the desk. It represents the work of about 2 or 3 months of concerted effort on the part of my colleague from Pennsylvania, Senator SPECTER, my colleague from Minnesota, Senator DURENBERGER, and myself, together with the Senator from Kansas, Senator DOLE.

It is in many respects quite similar to the bill introduced by Senator SPECTER and myself a week or so ago. It is somewhat similar in concept, slightly less expensive in terms of cost.

It is my understanding that, and if the Senator from Kansas will yield, his amendment would cost roughly $900 million a year. Is that correct?

Mr. DOLE. The Senator is correct.

Mr. HEINZ. I happen to think we need a program such as this. I am pleased the Senator from Kansas has indicated his interest and a commitment to moving ahead in this area.

I think the amendment he has sent to the desk, although he intends to retrieve it shortly, is responsible in every respect. It will meet the pressing medical needs of the jobless and their families who cannot obtain affordable health insurance coverage. The Senator from Kansas made the point that perhaps this is not Cadillac coverage in terms of the benefit package, but let me assure him it will provide a very meaningful package of health benefits for people who right now have no benefits at all.

In my home State of Pennsylvania we have 716,000 Pennsylvanians who are unemployed and in most cases, they have no access to affordable health insurance. Pennsylvania is reeling from layoffs in steel, mining, textiles and related industries. My State is fast approaching an insured unemployment rate of 8 percent.

It is also my understanding that States particularly hard hit in terms of unemployment would get a little bit more of a break under this proposal. Such States only will have to come up with 5 percent matching funds to participate in this program. This program is maybe 95 percent of the health cost, as I understand it, 100 percent of the administrative cost. Is the Senator from Pennsylvania correct in that regard?

Mr. DOLE. Yes.

Mr. HEINZ. I have listened carefully to the Senator from Kansas and hope to have his attention shortly because I am concerned about the extent to which we——

Mr. DURENBERGER. Mr. President, does the Senator care to yield until the Senator from Kansas returns?

Mr. HEINZ. I will yield without losing my right to the floor.

Mr. DURENBERGER. I will get the attention of the Senator from Kansas.

Mr. HEINZ. I wish to say this before I yield.

Mr. DURENBERGER. All right.

Mr. HEINZ. I hope irrespective of what the Senator from Kansas does here tonight, that the administration, which has not been very forthcoming in their support for what I believe is an essential legislative initiative, will realize there are a group of Republican Senators in this Chamber who are very committed to doing something in this area. We would rather do something with them than without them. We do not want to get the hopes of unemployed people up to see them dashed by Presidential veto.

If that is the road that we are forced to go down, then each will choose our own paths. I know where I will be compelled to go, which is toward making sure that my constituents are not left out in the cold freezing without a home, and without access to health care services.

I do hope the administration will listen carefully and look carefully at tonight's debate; because unless we do something soon, we are going to cause an irreparable amount of harm.

I am happy to yield to the Senator from Minnesota.

Mr. DURENBERGER. I thank my colleague.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. DURENBERGER. Mr. President, let me begin by expressing my appreciation to the two Senators from Pennsylvania for their broad efforts in the area of the problems that face the unemployed in this country and to thank our colleague, the chairman of the Finance Committee, for his efforts and for introducing this amendment.

Let me just start with the comments the Senator from Pennsylvania made about being forthcoming.

Look around the Chamber. Not only are the galleries empty but the Chamber is also. I imagine that when Senators and Congressmen return to their States, with the hundreds of thousands of unemployed persons, the speeches about the plight of the unemployed flow readily from their lips. That is why it is unfortunate that there are only a few Senators here to discuss this very, very important issue.

It is also unfortunate that no one has endeavored to address the subject before now. Unemployment has been with us for a long time, and the lack of health care coverage for persons who are unemployed and their families has been with us for a long time.

I presume that one of the reasons health care coverage is a more difficult problem for people today than it has been in the past is that health care costs have risen so high. The senior Senator from Pennsylvania, because of his long commitment to health care policy issues, recognizes that finally Congress is addressing the role that individuals play, the role that the insurance companies play, the role that doctors, hospitals, and the Government through its medicare and medicaid programs have to play in doing something about the high cost of health care.

I happen to think that despite the fact that only 2 or 3 months have been spent on the specifics of this bill, it is an excellent piece of legislation. Were it not for the fact that we are amending this particular piece of legislation and the problems that were referred to by the Senator from Kansas, I would strongly recommend it as a very good program that will provide health care for unemployed Americans and their families.

The reason it is a particularly good amendment and the reason that I intend, as a chairman of the Senate

Finance Committee's Health Subcommittee, to start hearings on this subject, whether the administration is forthcoming or not, and why I intend, as I am sure the Senator from Pennsylvania does, to press the chairman of this committee to report out a bill within the next several months is very simply that this amendment proposes to build health care for unemployed off of the very same principles that have guided employers in establishing health plans for their employees.

Seventy-five percent of the work force secures health insurance coverage through their place of employment.

The work setting has proven to be an excellent access point for families all over this country for obtaining health insurance. It is the employers of this country who have developed innovative approaches to health care, to insurance protection, to multiple choice of health plans, to wellness classes, to rewards for preventive health care, to coverage for ambulatory surgery, preadmission testing, and utilization review. All of this grew not out of the medicare system or the medicaid system but because of the involvement of employers in improving the quality of health care for their employees.

Employer-based health insurance has its advantages. But it has disadvantages too, the major one being that when an employee loses his or her job, he or she also loses health insurance coverage. The CBO estimates that nearly 11 million Americans now lack health insurance coverage because the family breadwinners have lost their jobs.

For many, the loss of adequate health insurance is the most unnerving consequence of unemployment. It's one thing to postpone the purchase of clothes, appliances, or an automobile. But if a child needs surgery, there's no postponing that. And without health insurance, the costs associated with a major illness can be staggering.

The program that is being offered tonight and that will hopefully be back in the Chamber within a matter of months, is designed to ease the health insurance gap caused by unemployment.

It is not intended to be a final solution, and it is not intended to be national health insurance. It is a stopgap measure designed for a particularly acute problem. It is a very good blend of public and private initiatives, and it achieves what I think is a balanced solution to the problem.

On the private side, the proposal establishes a new condition under which an employee may change coverage in his health plan. If an employee's spouse loses a job—and with it health insurance coverage—then the employee will be allowed to change to family coverage, provided the employer offers it. Most employees now have the option of switching to family coverage when they get married or have a child. Now they will have the same option if their spouse loses his or her job.

On the public side, the Federal Government will make $750 million available to the States in each of the next 2 years through Title 20 of the Social Security Act. Dollars will be allocated to the States based on a formula which measures long-term unemployment. Thus, the States which carry the heaviest burden of long-term unemployment will get the most money.

States will be required to use existing programs in spending the money. Thus, no new administrative structures are created. Eligibility will be determined through the unemployment compensation system, and health benefits will be managed and paid for through the State's fiscal function established under medicaid.

States will also have the option of generating additional revenue for the program by requiring a premium payment and imposing modest cost sharing. In no case may a premium payment exceed 8 percent of an individual's unemployment compensation check. And coinsurance and deductible amounts are limited to 10 percent of a State's average unemployment check.

As you can see, the program is based on the employer model of health insurance. Eligible individuals have the option of signing up for coverage, just as they do in the private sector. If they do sign up, they may have to make a premium payment, which would be deducted from their unemployment check. And they could be responsible for modest coinsurance and deductible payments, much as individuals are in the private sector. Finally, States are encouraged to develop competitive alternatives to traditional indemnity protection, so that the unemployed could have a choice of health plans similar to what many active workers now enjoy.

The simplicity of this program is its strength. It requires no new massive administrative bodies. It is countercyclical in that it provides more money to those States with the most unemployment. And it is limited in scope. It is designed only for the unemployed, and it is scheduled for a phaseout in 2 years—after our country has pulled itself out of this recession.

As the chairman has indicated, we are not putting these people into any kind of a medicaid program or welfare program. We are simply suggesting that States use their fiscal intermediary responsibility that they already have in the medicaid program to do the buying of health care coverage for persons who are unemployed.

Mr. RIEGLE. Mr. President, will the Senator yield briefly at that point for a question?

Mr. DURENBERGER. I will yield for a question.

Mr. RIEGLE. I share the Senator's concern, as he knows, on this issue, and I feel as deeply about it as he does, as others who have spoken.

I am wondering why it is—I know the Senator is the chairman of his subcommittee—with so much, as you pointed out in your own remarks, being done on it we cannot go forward with it tonight? We have a vehicle; we have an urgent need in the country. Those of us who have worked on it understand the issue fully; it is well understood. Employees have been led to believe that some help is going to come their way on this health requirement of this kind; why is it we cannot go forward at this point right now?

Mr. DURENBERGER. If I may, I will speak only for myself with regard to that particular issue. As I have said, I believe the amendment that has been presented on this bill is a very good amendment. It is based on a blend of public and private initiatives, and it utilizes the concept of a premium and other cost-sharing requirements. But that is only part of how we would like to address this problem.

We have not fully addressed the employer-based opportunities to extend continuity of coverage in health insurance programs. This is an area we just did not have time to fully explore.

So, in effect, what we have done with this amendment is to show how the unemployment compensation system may be used to meet this need. But there is another half of it, which is what the employer can do to provide—at even less expense—continuity of coverage during people's periods of unemployment. It is probably this kind of combination that would make the most sense for the country, and this is one of the reasons I am comfortable with the chairman's suggestion that rather than try to grapple with all these possibilities now, we explain it here tonight, we talk about it, and then, we go to hearings and markup. The end result will be a much improved bill.

Mr. RIEGLE. Mr. President, will the Senator yield further for one other question?

Mr. DURENBERGER. I will.

Mr. RIEGLE. I am sure the Senator is aware that the Congressional Budget Office estimates there are over 10 million Americans tonight, both unemployed workers and their dependents, who have lost this health care protection, and they are out there right now as we are meeting and discussing this issue, and they really need help now. I mean they have pressing medical problems.

Everybody on this floor at one time or another in their own personal or family experience has been through medical emergencies where we have

needed help right then and, in fact, there are people on this floor who would not be alive were that help not given at that time, and I happen to be one, and it is true of many others here.

I do not know what we say to those families who are in that circumstance right now, in desperate financial straits, needing this health care, wanting our capability to act, I do not see how we cannot act now.

What we are talking about is a long time elapsing, and it will be weeks, perhaps months, before we get back to it. I am really troubled about that.

We really have a well thought-out proposals here. I presented some, the Senator from Minnesota has given leadership on this, and the chairman of the Finance Committee has, and the Senators from Pennsylvania. But I just do not know how we justify the fact that there are people out there right this minute who desperately need this kind of response from us and, in a sense, we are sidestepping the issue and letting the clock run I think for an unconscionably long period of time. I guess I do not understand why that is necessary, given all the work that has been done here.

Mr. DURENBERGER. I would respond by saying that I share that concern. The States represented on the floor right now certainly represent the regions that are heavily populated with basic industries that are failing. In the short term it is very difficult for us to promise a great deal of relief via the employment route.

But so far as this Senator is concerned, my concern is twofold: One, it may be a well-thought-out plan, but it has been thought out by a few people like me and Senator HEINZ and a few others, and I do not know that we are necessarily the best thinkers in this country.

On the other hand, I would say that when we do go to the American people with a plan, I want to be able to indicate to them that the plan is a commitment, a national commitment, to build a program providing for health care for the unemployed. I think we ought to be totally confident that this is the best kind of a program we put together.

We should have a plan we are totally confident with. We should not come back next fall and start tinkering with it, or next year and start playing with it.

It is for that reason I feel we should take a little time and work to improve this plan.

Those who have been unemployed for 1 year, for 2 years, or even longer need our assistance now. Last week the Senate passed the jobs bill. Now we have the opportunity to lend another helping hand to the unemployed by giving them the peace of mind that comes with health coverage. I urge my colleagues to work with us in further refining and forging a proposal.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ARMSTRONG. Mr. President, I would be glad to defer to the Senator from Pennsylvania.

Mr. SPECTER. I thank the distinguished Senator from Colorado for yielding to me.

The presentation by the distinguished Senator from Kansas was most eloquent in his outline of the need for health coverage for the unemployed and in his outline of a program to meet that need.

My colleague from Pennsylvania, Senator HEINZ, my colleague from Minnesota, Senator DURENBERGER, Senator DOLE and I have been discussing this matter for the past several days, and it is apparent from the text of Senator DOLE's speech that it could have gone either through an advocacy approach, an amendment to this bill, or simply a limited move forward and, as he has indicated, a withdrawal.

But my sense of the situation is that the unemployed who are without health benefits have been asked to wait too long already. The statistics have already been outlined, and Senator HEINZ has stated the statistic in Pennsylvania is several hundred thousand.

Senator HEINZ and I have collaborated for the past several months on a health program, and its importance was emphasized to us when we were in Midland, Pa., about a month ago. We had a high school auditorium full of people who emphasized that health insurance was their No. 1 concern, even above the rising cost of fuel and the unemployment problem generally.

In that context, we have been pressing Senator DOLE to try to come forward with an amendment which would be attached to this bill at this time.

One of the difficulties is to attract the attention of the administration, and I think we have to some extent attracted their attention at this time. But my thought is we ought to proceed to move on this amendment now.

I ask the distinguished Senator from Kansas if we do not press an amendment and press it to a vote, how soon can we have the meeting which the White House officials have stated they would be willing to undertake? I also ask whether such a meeting can be accomplished this week?

Mr. DOLE. The Senator from Kansas is willing to meet this week. If we can dispose of this bill tonight and go to conference tomorrow we can meet as early as Friday, and the Senator from Kansas and, I think, the Senator from Minnesota, who is chairman of the subcommittee, are certainly willing to commence hearings soon after we return. The Senator from Kansas may be tied up on withholding, but I am serious about the commitment, I can tell the Senator from Pennsylvania.

I have tried to make my case. Again I cannot quarrel with those in the White House who have overall responsibility because they just have not had time to focus on it.

They do not suggest that ours is a bad idea. They just have not had a chance to make a judgment.

So what I hope we would do is to make it clear this evening, as we have—I think the record is very clear—that we are going to move ahead with or without a stamp of approval.

Mr. SPECTER. Will the Senator from Kansas yield for a question?

Mr. DOLE. Yes.

Mr. SPECTER. What timetable would the Senator from Kansas be willing to commit to move ahead with or without a stamp of approval from the administration?

Mr. DOLE. In visiting with White House officials today, they indicated they would be prepared to come forward and help us—that is not to say they will agree with everything we do—to put together a package in the immediate future. I assume we are talking about some time right after we come back.

Mr. SPECTER. Would it be possible to have such a meeting with the White House officials yet this week on Friday, as was originally stated, and have a commitment for hearings for the week when we return, which would be Tuesday, April 5, sometime during that week?

Mr. DURENBERGER. Mr. President, keeping in mind that the week we come back I have 3 days of hearings in the Governmental Affairs Committee, if it would not be too much trouble to the Senator from Pennsylvania to use the second week after we come back, I cannot recall what we are having that week, but we will try to postpone those, and I would be happy to do it in that second week.

Mr. SPECTER. If the Senator from Minnesota would commit to that kind of timetable and if we could meet on Friday with the administration officials.

Mr. DOLE. Mr. President, the Senator from Kansas will be in town Friday and certainly will be willing to arrange a meeting with the appropriate officials. I understand Secretary Heckler has made a number of calls today. I was not able to return the calls, but I think she has indicated an interest in us not moving ahead tonight, but at least some commitment that she would be helpful.

Mr. DURENBERGER. The Secretary made that commitment to me and she may have to the Senator from Pennsylvania, also. I am available on Friday.

Mr. RIEGLE. Will the Senator from Kansas yield?

Mr. DOLE. Yes.

Mr. RIEGLE. Would the Members on this side of the aisle who happen to have an interest in this matter have an opportunity to participate in that meeting? I do not presume we would not, but I would like to make sure that we have a chance to participate.

Mr. DOLE. Mr. President, I was only responding to the question of the Senator from Pennsylvania. Obviously, as far as this Senator is concerned it would include everybody who has an interest. There may come a time when we will have to visit privately with the administration, as you will understand.

But I have no pride of authorship. I think there is a need that must be served. So the Senator from Kansas believes this is the best way to proceed. We believe we have a good idea. The Senator from Michigan has good ideas and other Senators have good ideas. But it may take some refinement. Obviously, it will take some hearings, bringing in the private sector, the public sector, the administration officials, and others.

The answer is yes.

Mr. BRADLEY. Mr. President, during committee consideration of this bill, I offered an amendment that was adopted that amends the title of this bill dealing with unemployment insurance benefits. It amends the Federal-State Extended Unemployment Compensation Act of 1970, and I introduced it because of my concern over recent happenings to individuals across the country; the amendment will correct an inequity that exists in the program.

All across the country, Mr. President, individuals are being denied their extended unemployment benefits for up to 1 month because they were hospitalized or were serving on jury duty. This is because they were not engaged in an active search for work, as defined in the law.

The amendment that I am offering today amends the provision of the extended benefits program that requires an active search for work to allow an individual who is hospitalized with an emergency or life-threatening condition or a person who has been legally called to serve jury duty, to continue to collect his or her unemployment benefits and not be terminated for 1 month. Although we should encourage unemployed individuals to seek work wherever they can find it, we should not penalize those who are clearly unable to search for work. This legislation would go a long way toward correcting this inequity.

My amendment will allow States to provide coverage under the extended benefits program to the extent that it is provided by the States in the regular State program. It is a modification of legislation introduced in the House of Representatives by Representative CONTE of Massachusetts and in the Senate by Senator TSONGAS, and I urge the conferees on this bill to include this amendment in the conference agreement.

Mr. President, I rise in support of Senators HEINZ and DOLE's proposal that provides health insurance for the unemployed. Because of sharply rising unemployment in the United States, growing numbers of workers and their families have lost their employment-based group health benefits and their employers' contributions toward the costs of such important protection. Although the loss of employer provided group health insurance is not a new phenomenon, the absolute number of workers who have lost their jobs and the duration of such unemployment is unprecedented in modern times and makes the matter of particular national concern.

In February of 1983, the national unemployment rate was 10.4 percent. Though slightly lower than last year's figures, which reflected the largest number of unemployed workers since 1940, the number of unemployed persons remains at an astronomically high 11,490,000. Compounding this problem, is the increase in the duration of unemployment. In 1981, the average jobless man or woman remained unemployed for 12 weeks, in 1982 this figure increased to 18 weeks, and this year that figure has risen to 19 weeks. Since those who are unemployed for a short period of time generally do not lose health benefits, this increased duration of unemployment is of vital concern to me. A study in 1975 indicated that 50-60 percent of unemployed workers lost their health insurance for 22 weeks mainly due to the duration of unemployment.

Exacerbating this problem is the lack of continued employer contributions toward the cost of health premiums. Although by 1980, 29 States required group health plans to allow an employee to continue insurance after leaving a job, none mandated that employers continue any contribution to the cost. As a result, workers are forced to finance continuation or conversion of their group policy on their own. However, the costs of doing so invariably cost more than someone who is out of work can afford. In addition, usually existing public health care programs are unavailable to the unemployed, since they are targeted toward other specific population groups. For example, medicare is limited to the aged and seriously disabled. State medicaid programs have eligibility requirements which preclude most unemployed workers and families from obtaining benefits, and the Veterans' Administration can assist only selected numbers of those who lose employment-based health benefits.

The burden of providing the much needed health care services has fallen mainly on our public hospitals and community clinics. Last week in the jobs bill we added some needed funds for those who are providing care for the unemployed but that was hardly enough to plug the hole in the dike. The projected slow economic recovery gives no hope for our Nation's unemployed. We must give them the continued health care provided in this proposal.

I am pleased that this amendment gives special attention to health needs of pregnant women and children—the most vulnerable in our society. By providing for pre- and post-natal care, we can assure some protection at this most crucial juncture of life. Although I would have preferred that no level of matching funds be required of the States, the formula used is sensitive to those States with the greatest fiscal burden and human need.

I am pleased to cosponsor the Dole/Heinz amendment to provide a means of health insurance to the unemployed and their dependents. While this proposal is more modest than what I would have liked, it is important to get assistance out to the millions of unemployed now. Those without care tonight cannot wait any longer for help. I am sorry we will not be voting on this amendment tonight, I appreciate the commitment of the chairman of the Finance Committee that we will act on this matter shortly.

Mr. PRYOR. Mr. President, will the Senator yield so I may ask the Chair a question?

Mr. DOLE. Yes.

Mr. PRYOR. How long have we been on this amendment, Mr. President?

The PRESIDING OFFICER. Thirty-seven minutes.

Mr. PRYOR. Mr. President, just speaking for this Senator, I thought we were all going to try to pass this bill tonight. I enjoy hearing all of my colleagues and I think they are very eloquent. I would only suggest, if we are going to have hearings on this issue, and a lot of us are interested in that, that we do it some morning at 9 a.m. rather than 9 p.m. That is just a modest suggestion. I would just like to urge, if we are going to vote on this, let us vote on it. If we are not, let us withdraw it. Is that a proper suggestion?

Mr. CHILES. Mr. President, I join with that. I think we have been here long enough. Maybe we should just vote on this. Why not stay a little longer and vote?

Mr. DECONCINI. Mr. President, it really troubles me—I do not know about the rest of you—but we are only a few months into the 98th session of Congress. We have an employment part of this bill that is necessary and all of a sudden it has been thrust upon

us if we do not pass this whole blasted thing this week that the Nation is going to come to a halt. I do not know about everyone else, but I have a few things I would like to do and I suspect others here would not mind spending a little time with their families or maybe doing some work someplace else.

I think we are looking foolish hanging around here until 11 o'clock at night, night after night, trying to pass a bill that does not have to pass this week.

Mr. LONG. Mr. President, I hope that Senators will be more tolerant and give us the benefit of a little more of their patience. I believe we are going to go to third reading on this bill shortly. I am convinced the committee chairman is doing the very best he can to bring this matter to a decision. I hope that Senators could just indulge us just a few more minutes. I believe we can resolve these things and be on third reading.

I urge everybody to please be brief, even if they are for amendments. I know that is not very considerate for me to say that because I have already had my say on my amendments.

Mr. DOLE. Mr. President, we frittered away about 36 hours on withholding. This is at least as relevant. There are people out of work, people that do not have health care coverage.

When the Senator from Kansas offered the amendment, I said I was not going to press it, but I wanted to discuss it, as other Senators do with amendments. Most demand rollcalls. I have not done that. I am going to withdraw the amendment.

The PRESIDING OFFICER. The Senator has a right to withdraw the amendment. The amendment is withdrawn.

Mr. SPECTER. Mr. President, we have consumed 37 minutes, perhaps now up to 42 minutes, not at the most convenient hour, but there have been many of us who have been waiting for several days to have this amendment heard. I understand that I have a right to offer an amendment if I choose to do so. But, with the assurances that have been made here this evening about a specific timetable, a meeting with the administration on Friday, the commitment to hearings by the subcommittee during the week of April 11, and the commitment by the Senator from Kansas that he will move ahead at an early date with or without administration approval, that is satisfactory to the Senator from Pennsylvania.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, I hope we can finish now. I do not know what other amendments are scheduled, but I think we are close to the end. I urge any Senator who has an amendment to come quickly to the floor and offer it.

Mr. BUMPERS. Third reading.

Mr. DOLE. Mr. President, I do not want to upset anybody over here, because those of us who have to go to conference have some things to do, also,

I understand the Senator from New York, Senator D'AMATO, sent word that he might have an amendment. Has that been taken care of?

Mr. LONG. It is my understanding that the Senator from New York does wish to make a brief statement, but he is not going to insist on offering his amendment.

Mr. CHILES. Mr. President, we should make sure. If the Senator from New York sent word that he would have something, I think we ought to wait a while for him.

Mr. DOLE. The Senator has the same rights as any other Senator.

Mr. LONG. Might we just take a moment to have someone check with the Senator from New York?

Mr. BRADLEY. Mr. President, we have worked hard to resolve a very difficult problem—how to find the money to save one of our most basic institutions—the social security system. None of the choices are painless, none are particularly pleasant. I have made clear from the beginning that we must develop a solution in which everyone is asked to share a part of the burden. And I believe that the bill before us is a reasonable attempt to do just that. Everyone is asked to sacrifice a bit. While I do not support each and every change included in the package, I believe that it is probably the best compromise possible—one that is fair to recipients as well as workers paying taxes.

Social security is a vital part of the fabric of our society. It is the best expression of community that we have—with workers willing to pay in because they expect there will be others supporting them when they reach retirement. Over the past 1½ years I have held social security conferences throughout New Jersey for senior citizens—both to lay out the facts about the present crisis and to get reaction to possible suggested proposals and to involve them in arriving at a solution. The participants in these forums have generally agreed that all citizens—social security recipients and taxpayers—must share the burden of keeping the system solvent in years to come.

And Mr. President, I believe that the reform legislation generally meets the criteria established by participants in these forums for a fair solution. If everyone had refused to make any sacrifice the check would not go out this July. But because everyone has seen the need to pitch in we will resolve this problem and keep this important life support system going. We will have saved social security.

Mr. President, this legislation is based largely on the recommendations made by the National Commission on Social Security Reform. Both the Senate and the House versions of the reform legislation closely follow the Commission's recommendations. The four major provisions included in the bill are as follows:

First, delaying cost of living adjustments. Beginning this year, the COLA for social security benefits will be delayed by 6 months. Under the current law, COLA's are paid in July; from now on, COLA's will be paid in January.

Second, taxing social security benefits. The bill includes the provision that social security will be subject to income tax based on thresholds of $25,000 for single taxpayers and $32,000 for married taxpayers. To determine whether the taxpayer's income exceeds these thresholds, one-half of social security benefits would be added to adjusted gross income. For taxpayers over the threshold, one-half of social security benefits would be subject to income tax.

Third, coverage of nonprofit employees and newly hired Federal employees. The bill extends social security coverage as of January 1, 1983, to all persons who work for nonprofit organizations and to all current members of Congress, the President, Vice President, and the Social Security Commissioner. In addition, all new Federal and congressisonal employees hired after 1983 will be covered by social security as soon as supplementary civil service retirement plan has been developed for them. To alleviate the fears of Federal workers that the current civil service retirement system will go bankrupt, the bill includes a provision which I cosponsored that:

> Nothing in this act shall reduce the accrued entitlements to future benefits under the Federal retirement system of current and retired Federal employees and their families. The full faith and credit of the U.S. Government is pledged hereby in support of the payment of said accrued entitlements.

Fourth, increased payroll taxes. The bill includes a provision to move the scheduled 1985 tax increase to 1984, with a tax credit to offset the increase. In addition, the 1985-87 tax rate would remain as scheduled under present law, part of the 1990 rate would be moved to 1988, and the rate for 1990 and after would remain unchanged.

Mr. President, the bill includes two other major provisions to resolve social security's long-term deficit problem.

The first provision relates to increasing the retirement age. The bill gradually raises the social security retirement age to 66 by the year 2012, beginning with those who attain age 62 in 2000. Early-retirement benefits would

continue to be available at age 62 for workers and spouses and at age 60 for widows and widowers, but the benefit reduction for early retirement would be larger. The minimum age for eligibility for medicare benefits would continue to be tied to the age at which unreduced retirement benefits are first available.

The second provision reduces by 5 percent the initial social security benefit level for workers that first become eligible for social security benefits in the year 2000.

Mr. President, as I stated earlier, I do have some strong concerns about some parts of this proposal.

One of my deepest reservations about the reform package relates to taxing social security benefits. The provisions in the bill amount to changing the rules after the fact. People who have already retired made financial decisions during their working lives based on the premise that social security benefits would not be taxed. Now we are changing the rules after the fact—for people who have already retired.

If we must to tax benefits, I believe that the fairest way would be by excluding from taxation people who have already retired or who are about to retire—for example, people who are 55 years of age and older. But given social security's severe fiscal problems, such a proposal was never given serious consideration by the Congress. I offered an even more modest amendment in committee that would only tax social security benefits after the person has received back in benefits all that he or she paid into the system, plus interest. This seems to me to be the minimal acceptable proposal for taxing benefits; unfortunately, the amendment was also not accepted.

Mr. President, another area of concern to me relates to increasing the retirement age. It seems to me that if we must raise the social security retirement age we need to develop a safety net for older workers who, for health reasons, simply cannot keep working.

I offered an amendment on the Senate floor that would have established a new social security program to aid older workers with major health problems. Under the proposal, beginning in the year 2000, a limited number of workers between the ages of 62 and 66 would have received a new "disability-retirement" benefit if they were unable to work in their current occupation because of poor health.

I believe that it is imperative that we take this step in conjunction with any increase in the social security retirement age. If the retirement age is increased, as now seems inevitable, it will mean a hardship for many older workers who cannot stay in their jobs because of poor health and also can not qualify for regular disability insurance benefits. These workers should not be shortchanged in any way, but that will happen in a lot of cases unless steps are taken to protect these workers.

My amendment would have allowed workers to qualify for these benefits if they could demonstrate inability to perform the major occupation they had held in the recent past. Beneficiaries for this program would have been paid the benefits they are entitled to under the current social security law. In effect, these workers would be "held harmless" to the proposed increase in the retirement age and reduction in early retirement benefits.

Mr. President, a majority of the members of the Social Security Commission, including Senators DOLE and HEINZ, recommended that the retirement age be raised. In addition, these same recommended a liberalization of the disability program for those aged 62 and above.

I quote from the Commission Report:

> Disability benefits are now available under somewhat less stringent definitions for those aged 60 to 64. However because some workers, particularly those in physically demanding employment, may not benefit from improvements in mortality and be able to work longer, we assume that the disability benefits program will be improved prior to the implementation of this recommendation to take into account the special problems of those between age 62 and the normal retirement age who are unable to extend their working careers for health reasons.

Mr. President, the Senate bill only raised the retirement age—it did not make improvments to the disability program. Unfortunately, my amendment, which merely followed through on the recommendations made by a majority of the members of the Social Security Commission, was not adopted by the Senate. Instead the Senate has requested that a study be conducted to determine how to best deal with the problem. I am hopeful that a measure similar to mine will be adopted by the Congress prior to the implementation of the increase in the retirement age, and I will continue to press for its passage.

Mr. President, there is one other provision included in this bill that I strongly oppose. The Senate Finance Committee included a provision that would allow the Secretary of Health and Human Services to scale back or even eliminate social security COLA's if the trust funds are running low.

I oppose this idea for two reasons. The first and most important reason is that the proposal is unfair to social security recipients; benefits may be cut over time if we are faced with another economic period similar to the past 5 years—high inflation coupled with slow growth.

The second reason why I oppose the provision is that it ties the hands of future Congresses in dealing with potential funding problems. During committee consideration of the social security reform legislation, I offered an amendment which was not adopted that would have allowed the Social Security Administration to borrow from general revenues if the trust funds run out of money. My amendment also required the Congress to develop a plan for repayment of the borrowed funds, leaving the decision as to how to repay the funds up to future Congresses. I believe that my approach is fairer than the one adopted by the Senate. A person's benefits should not be arbitrarily cut back without serious congressional debate.

Mr. President, the House did not include a provision for cutting COLA's in future years if the trust funds run low. And the Commission did not recommend cutting future COLA's. I hope that the conferees realize the serious mistake that has been made, and I hope they strike this provision from the final bill.

The financing of the social security system is extremely sensitive to the health of the economy. Recently, high unemployment reduced the number of people paying taxes into the trust fund while high inflation caused social security benefits to rise. That combination of high unemployment and inflation has caused a serious, immediate cash-flow problem that needed immediate attention. It is my belief that the legislature changes included in the reform package should be sufficient to solve this cash-flow problem, so long as the economic picture continues to gradually improve.

But some people are afraid that we have not made sufficient changes to keep the system afloat. They believe that the social security system is fundamentally flawed and that the proposals included in this reform package only delay for a few short years the final day of reckoning. I simply do not agree with this assessment. Social security is a sound and durable system that has worked well for the past 45 years, and with these adjustments, should continue to work well for the next 45 years.

Mr. President, it is my belief and my hope that this social security reform package will eliminate the current uncertainty about the future of social security and assure continuation of one of the most significant achievements of the 20th century. As long as we all work together, social security will continue to provide benefits to our children's children. The Congress, through its work on social security, is showing that it can grapple with a very serious issues in a fair and sound way, which should give us confidence as we face the challenges of the 1980's and 1990's.

Mr. GORTON. Mr. President, I wish to voice my strong support for the bill now before the Senate with one significant reservation. H.R. 1900 will implement the recommendations of the National Commission on Social Security Reform. The Commission was charged with restoring the short- and long-term solvency of the social security system. Its recommendations do so without altering the system's basic financing and benefit provisions, and in a manner which is responsive to the needs of all aspects of American society. Moreover, the reforms in this bill added to the Commission's recommendations add to its responsiveness and long-term soundness.

The importance of social security to its beneficiaries—present and future—cannot be overstated. Monthly social security checks are the primary—if not the only—dependable source of income for millions of Americans. The system assures active workers and their families of financial protection in case of their disability, retirement, or death. Obviously, public support for a viable and fair social security system is overwhelming.

The Commission actually was charged with two problems. First was the financing issue; second, the need to restore the public's confidence in the system. Using reasonable economic and demographic assumptions, the Commission put together a package which meets both goals: fiscal and political. The bill before us, which embodies this package, with the exception of the Long amendment, together with amendments proposed by Congressman PICKLE, Senator DOLE, and Senator ARMSTRONG, strikes a good balance between the financial needs of social security beneficiaries and the need to limit the burden placed on workers and employers who finance the system through payroll taxes. The passage of this bill will renew the confidence of all Americans in social security.

Mr. President, it is also appropriate to comment on the process which has led to the consideration of this bill. Passage of the 1983 social security amendments will demonstrate that our democratic political system works and works well. Everyone who cared to participate has been heard, and the result is a bill which responds to the concerns and the needs of all citizens. Significant differences of opinion have been resolved. Guidance from the President and the leaders of Congress was essential to this result, as was the participation of the nonelected members of the Commission who represented important constituencies. Equally valuable to the process was the dedication of experts and ordinary citizens alike who made their views known to the Commission and to their elected representatives in Congress.

The distinguished chairman of the Committee on Finance, Mr. DOLE, deserves the special recognition of the Senate. The Senator from Kansas contributed mightily to the compromise package before us today. In my view, his work, in collaboration with the other members of the Finance Committee, most particularly Senator ARMSTRONG and Senator MOYNIHAN, has resulted in a bill which improves upon the work of the Commission, on which he served, and on the measure already passed by the House. I commend the Senator from Kansas for his work and leadership.

Mr. President, in terms of the future solvency of the social security system and the equity of the proposed changes, the package before us was totally sound and deserving of support before the adoption of the Long amendment. That amendment, which destroys the concensus which created this package, effectively strips from the bill the mandatory coverage of future Federal Government employees. That, in turn, means that the solvency of the system is not assured and thus that recipients of benefits may have those benefits threatened before the end of the 1980's. Moreover, the Long amendment undercuts the vital principle of universal coverage.

The Long amendment seriously calls in question the long-range soundness of the bill. Because of my belief that the conference committee will drop or correct the Long amendment, I remain firmly in support of the bill.

What remains for Congress to address, however, are features of the social security system which may well remain unsound and flawed. These problems relate to the fundamental design of the system and its relationship to the Nation's economy.

Let me briefly discuss these shortcomings. The automatic growth factors built into the social security system trouble me. Benefits of current recipients grow without congressional action. But these escalators also will cause the initial benefits of future recipients to increase in real terms well above levels paid today, and well above those that can be supported by today's contributions, even with the modest reductions included in the bill before us. These automatic, uncontrolled increases led, in large part, to the solvency problem addressed by this bill.

My reservations about the automatic benefit increases of the social security system run deeper than simple dismay over the short-run solvency problem they caused. These escalators—in social security and many other Federal programs—pose a threat to the solvency of the Federal Government. The enormous budget deficits we face today are ample proof of that fact. The ability to alter spending programs is a fundamental attribute of free government. The features of the social security system which lead to these unlegislated increases encroach on this necessary function. Reform of these escalators must be addressed in the future.

I am also unconvinced that we have dealt adequately with the increasing long-run system costs which stem from the advancing average age of our population. This bill does include a 1-year increase in the retirement age which will take full effect in 30 years. As this change is part of the compromise which enables us to have such a fine package before us, I do not want to press debate on this issue now. Perhaps we should, however, reexamine the merits of having a fixed age of "normal" retirement which does not respond to the inevitable trend of our population toward longer lifespans.

The present system also fails to recognize the changes which have occurred in the roles women play in society. The benefit structure is based on the assumption that families are composed of a single wage earner and a dependent spouse. This assumption is naive by today's norms, and is becoming increasingly outdated. I would be receptive to reforms in the system which were developed from careful study of women's increased participation in the labor force and the growing frequency with which they live independently or are heads of households. I call on women's groups and other affected parties to come forward with proposals which are designed with an eye sensitive to both costs and benefits.

The final structural problem of the social security system I want to discuss was acknowledged but not addressed by the Commission. The Commission's recommendations affect the operations of only two of the system's four trust funds. Nonpolitical experts point out that the long-term deficits facing parts A and B of medicare—the social security system's other two programs—are at least as large as the funding shortage in the combined retirement and disability programs which are addressed by this bill. Title III of this bill phases in a revamped hospital reimbursement system. The theoretical incentives of this system bode well for the future, but are untested. And the system is designed to be "budget neutral" in the near term. Although individual hospitals will experience changing medicare revenues, aggegate Federal spending will not change markedly. This is only a first step toward better health care policies at the Federal, State, and local levels. Such improvements are necessary to slow the growth of health care spending, as well as to preserve the solvency of the medicare trust funds.

In summary, Mr. President, I would like to reiterate my support for this bill. We have addressed the immediate

problems before us in a responsible manner. The public should be assured that we are taking action which will yield a solvent and more affordable social security system. But we will not have served our Nation well if we are content to stop with the reforms contained in this bill. The issues which I have identified must be given careful attention.

Mr. DECONCINI. Mr. President, I intend to cast my vote today in favor of final passage of S. 1, the Social Security Act Amendments of 1983. This is a difficult vote for me to cast because I continue to have reservations about some elements of the bill. On balance, however, I believe that the legislation should be passed and that it will significantly add to the final stability of the social security system.

Most Americans regard the social security system as the single most important Government program. Originally conceived as a retirement supplement, it has for millions become either the sole or at least the primary source of retirement income. Because social security is so fundamentally important, I am absolutely committed to insuring its financial integrity. And that is precisely what S. 1 does.

As in any piece of major legislation, the many provisions represent compromises between differing points of view and a balancing between different interests. On the whole, this legislation succeeds in the dual goals of effectiveness and fairness. With the enactment of S. 1, the future solvency of the social security system will be assured for the foreseeable future.

During the last Congress, the administration proposed solving social security's financial problems by reducing benefits. Indeed, it succeeded in persuading Congress—over my opposition and that of a number of colleagues—to eliminate the minimum benefit. A few months later, Congress reversed itself and decided to find an equitable solution. A National Commission was established to study the problem and propose a legislative solution.

The members of that Commission met for many months, listening to all points of view, and ultimately crafted a compromise proposal which is transmitted to Congress. That document became the starting point for Senate Finance Committee hearings which resulted in the legislation before us today.

It is in order, Mr. President, to congratulate not only the members of that Commission but my colleagues on the Senate Finance Committee, especially its chairman, Senator DOLE, and its ranking member, Senator LONG. Whether we agree on every point or not, I doubt if anyone can legitimately accuse S. 1 of fundamental unfairness.

I have been an avid opponent of cuts in social security benefits for the simple reason that too many retired Americans need that income to survive. My opposition to cuts has continued during the Senate deliberations on S. 1. My preference is to balance the books by other means, primarily through various revenue-raising devices and interfund borrowing.

In sum, Mr. President, this legislation is both fair and reasonable. I believe that the present legislation keeps benefits intact and, more importantly, it retains the principle of readjusting benefits to keep pace with inflation. Had I been its sole architect there are things I would have done differently. But, on balance, it should be supported.

(By request of Mr. LONG, the following statement was ordered to be printed in the RECORD:)

● Mr. HOLLINGS. Mr. President, it was only in 1977 that Congress last enacted a social security reform bill. A bill, we should all remember, that was to put the system on a firm financial footing for at least the next 50 years. Unfortunately, that reform lasted only 5, not 50, years. And, more unfortunately, there are parallels to that earlier, failed effort in this present legislation.

First of all, this bill relies too heavily on tax increases. In 1977 we enacted the largest tax increase in our history, only to be here a few years later to add on more. Fully two-thirds of the total fiscal impact of this legislation is due to tax increases.

Mr. President, the problems of social security are not due to people paying too few taxes. Indeed, the average American now pays more in social security taxes than he does in Federal income taxes. The maximum social security tax quadrupled in the 1970's, and it will triple again in the 1980's.

Surely, this trend cannot continue. And more assuredly, it cannot continue without serious economic and social consequences. The tax increases in this bill will mean fewer jobs during the next few years—perhaps as many as 100,000 to 200,000 jobs according to economists that I have spoken to. In addition, it burdens our current and future workers—our children and grandchildren—with the bulk of the financial cost of this compromise. These taxes will be with them for life while changes such as the cost-of-living delay will only be temporary. And it is this imbalance that has led such groups as the American Association of Retired People and the National Alliance of Senior Citizens To Oppose the Higher Payroll Taxes.

Furthermore, Mr. President, this legislation disrupts many of the fundamental principles that are the foundation of our social security program. For example, it begins a means test on benefits and it taxes benefits for the first time. It also infuses general revenues into the system and thereby erodes the distinction between social security and welfare. And, finally, it increases the retirement age for our elderly. Those people who need to or want to retire at our established retirement age will no longer be able to do so without a penalty.

While all of this is bad enough, it is intolerable in view of the fact that a fair and efficient alternative exists. For the past 2 years now I have advocated a temporary freeze in cost-of-living adjustments as part of a total Government-wide freeze on expenditures. Such a proposal would restore social security solvency and I am sure, from conversations that I have had with retirees, that most people would be willing to give up a bit of their COLA if it insured that the system would survive. Also, such a proposal would not make drastic cuts in basic benefits or the retirement age—it only slows up the increase in benefits. And, finally, it restores some equity between retirees and the workers who now support the system but who do not get automatic COLA's on their wages every year.

Mr. President, it is heartening to see bipartisan agreement on the social security problem. But it does us no good to agree on a set of poor policies. In 1977 we tried to get out of a similar fiscal dilemma by relying on tax increases and failed. For the past 2 years both parties have avoided addressing the root causes of social security's financing problems and we are now only delaying the day of reckoning. Indeed, this compromise appears to be bits and pieces of the worst of all suggestions—massive tax increases that penalize the young, benefit taxes that penalize the retiree, retirement age increases that penalize the blue collar worker, and general revenue funding that penalizes the dignity derived from an insurance program, not welfare.

We certainly can do better than that. We do not need more partisan politics, but we also should not be rubberstamps to poor policy. We owe more to current retirees, current workers, and future generations than another round of stopgap, shortrun remedies. For all these reasons, Mr. President, I oppose this legislation.●

Mr. HELMS. Mr. President, I am obliged to vote against H.R. 1900 the Social Security Act Amendments of 1983, because I am convinced that the bill will not solve the social security crisis. It is a bandaid, pure and simple, and while it might patch up the present system and pay the bills for a few more years, it does not address the long-term problem.

I commend my good friend, the distinguished Senator from Kansas (Mr. DOLE), for his diligent work on this bill. He has done his best to work out the problems in difficult circumstances. I also commend the Senator from Colorado for his interest in real

reform. But this bill simply does not go far enough.

I predict that within a short time, the social security system will face another funding crisis that will make the present one seem mild by comparison. Already, there is a commission studying ways to avert a medicare funding crisis. In all likelihood, the panel will recommend still higher taxes, benefit cuts, or both.

However, Mr. President, I am pleased that 11 of the 20 provisions in the comprehensive reform bill I introduced a month ago are in this bill. These 11 provisions address a number of substantial problems. Unfortunately, they do not address the long-term social security funding problems. This bill does little to provide Americans the retirement security they so badly need.

Let us examine for a moment how this bill addresses the looming social security crisis. First, it raises payroll taxes signficantly. We have just completed work on the so-called jobs bill, which provides almost $5 billion for porkbarrel, make-work projects. If Congress is so concerned about jobs, why is it raising the payroll tax when the Congressional Budget Office has told us the 1977 payroll tax increase cost 500,000 working men and women their jobs?

The American people cannot stand another round of tax increases. If anything, we should be talking about cutting taxes.

The bill also reduces social security benefits by raising the retirement age, postponing cost of living adjustments, and so forth. The U.S. Government has a commitment to millions of social security beneficiaries—a commitment that ought not be broken. But here is Congress, breaking that trust. Any government that cannot keep its commitments cannot maintain its credibility.

This bill does not solve underlying problems. It is merely another bailout, and I predict it will be just another disaster, just like 1977. The bill does not provide for any long term means of establishing private, fully funded retirement plans to ensure the security of elderly Americans. It does not eliminate the dependence people have on government programs.

Mr. President, my colleagues are aware of what I have tried to do to help solve the social security problem. I offered a comprehensive plan to save social security—S. 541—that would have allowed workers to establish for themselves in the private sector an Individual Retirement Security Account—IRSA. These IRSA accounts would have accumulated billions of dollars for individuals to draw on when they retire, stimulating the economy by lowering interest rates and creating jobs.

Mr. President, obviously Congress is not yet ready for such a reform. I am pleased that this bill requires the Treasury Secretary to conduct a study of the feasibility of my proposal, and to report back to the Senate Finance Committee by July 1, 1984. Perhaps then the value of my proposal will become clearer. Thousands of citizens across America have endorsed my proposals.

Mr. President, I believe in incremental success. I intend to continue to advocate my reform proposal. Progress has been made, and I believe the American people now understand my proposal. Judging from the mail I have received on the subject, they not only understand it, but they want it.

One day, Mr. President, Congress will no longer be content to "paper over" the social security problem. It will be obliged to adopt a private retirement system along the lines of my proposal to replace the bankrupt Government-run system we have today. If we begin to take prudent steps now, however, the transition will be smooth and gradual and not a penny of benefits will be jeopardized.

Mr. HATCH. Mr. President, I cannot support H.R. 1900 which is alleged to restore the financial soundness of the old age and survivors' insurance—OASI—program.

The recommendation of the National Commission on Social Security Reform provided a good point from which to begin. The changes made in the House of Representatives gradually raising the retirement age were in the right direction. They reflect current demographic reality but standing alone do not overcome the quick-fix solution contained in the bill being touted as a bipartisan solution to a serious problem.

Mr. President, in my view the fundamental structural deficiences of social security were not addressed. Instead we further increased the regressive payroll tax; introduced a back door means test in the method by which benefits are taxed; increased the use of general revenues to fund social security and created a break in parity in employer-employee FICA tax contribution.

Mr. President, my colleague Senator ARMSTRONG, a member of the National Commission and chairman of the Subcommittee on Social Security of the Committee on Finance, has indicated that high taxes account for 75 percent of the proposed deficit reduction in the system between now and 1990. That is $126 billion out of the $169 billion total. In the long run, tax increases constitute 91 percent of the Commission's total recommendation.

Further, during the 1970's, maximum payroll tax rates quadrupled. Without the Commission's recommendations, they are scheduled to triple again during the 1980's. During the period from 1970 to 1981, pretax wages increased 122 percent. The consumer priced index went up 136 percent. Social security benefits rose 205 percent. Such trends make it almost impossible to justify further payroll levies on wage earners, many of whom already pay more in social security taxes than Federal income taxes.

It is obvious that higher payroll taxes will have a serious effect on unemployment. As employers also pay social security taxes equal to what their employees pay, the tax rate increase will raise the cost of employing each worker. These higher labor costs will make the employment of labor relatively more expensive than the employment of capital in the production process. Since labor is now more expensive, employers will tend to reduce the amount of labor they use and increase the amount of capital used. This substitution of capital for labor, due to higher labor costs caused by the increase in social security taxes, will contribute toward increasing unemployment.

Mr. President, the bill provides for the taxation of benefits and thereby penalizes those who save, and rewards those who do not. It penalizes a disabled individual by taxing his benefits if his spouse takes a job to help pay for his special needs, thus raising the family income above the tax threshold. For some individuals now at the earnings limitation level, the combination of taxes and loss of benefits resulting from additional earnings could actually exceed 100 percent of those earnings. This is a strong disincentive for those who otherwise want to continue working to supplement their income.

This provision radically alters the fundamental nature of the system by imposing a means test. Even worse, this particular form of means test vastly overemphasizes the social adequacy features of social security and reduces the individual equity element which is so essential to the credibility and popularity of the system.

Mr. President, the bill further changes the nature of our social security system by its use of general revenues. This is an abrupt deviation from the discipline of a self-contained system, recognized as being essential in the original design of the program. It is also a fiscally irresponsible change, given the projected deficits in the Federal budget for the foreseeable future.

The injection of general revenues, without any significant structural reform to restrain the growth in benefit outlays, creates serious questions regarding the ability of workers to sustain the system in the future.

Finally, Mr. President, this bill destroys the parity of treatment between employers and employees. In order to

ease or partially cushion the impact of higher payroll taxes, the bill provides employers with a credit against payroll tax and eliminates the parity of cost.

Traditionally, the employer and the employee have shared the cost burden of the system. The tax on earnings covered by the system was to be computed on the same basis and the same rate for employer and employee alike.

If we are serious about providing a cushion to the employee we would not accelerate the payroll tax increases that were enacted in 1977.

Mr. President, in summary, the bill fails to address squarely the problems which remain in place in the social security system. The bill merely focuses on symptoms while allowing the basic problems to continue to grow unchecked.

By relying upon general revenues and new payroll taxes, we have squandered a historic opportunity to bring about the structural changes which would provide greater assurance of stability in the system for the future.

That stability can come about only by altering the basis structure of the program, by designing a system which relates benefits more directly to taxes paid by an individual.

SOCIAL SECURITY: A NATIONAL COMMITMENT

● Mr. JEPSEN. Mr. President, I support the social security reform package put together by the Senate Finance Committee. I believe it is a sound package which will go a long way toward restoring our Nation's confidence in this very important program.

It has been a long and sometimes rocky road we have followed to this point, Mr. President. As you will recall, it was only a few short months ago that many in Congress were still trying to convince the American people that there was not a problem. But through the dedication and determination of those people who faithfully served on the National Commission on Social Security Reform, we were able to come up with the basis for this proposal.

As the legislation has worked its way through the legislative process, I think changes have been made which make this a much stronger package. While there are still a number of changes which I do not personally believe are necessary, I, like so many others, am willing to support those changes in the interest of securing the long-term solvency of the social security system.

I would like to take a few minutes, Mr. President, to speak briefly about some of the changes which I believe are of utmost importance.

EARNINGS LIMIT REPEAL

During the Senate Finance Committee's deliberations, Senator ARMSTRONG offered an amendment to phase out the social security earnings limitation. I cannot tell my colleagues how extremely important this change is to the future of social security. As my good friend from Colorado knows, I have been working to get the earnings limit repealed since shortly after I was elected to the U.S. Senate. While I would prefer to see the ceiling lifted sooner than the bill specifies, I am pleased that the committe was at least willing to take this important step.

In conjunction with the earnings limit repeal is another important change, and that is the increase in the delayed retirement credit. This, combined with the earnings limit repeal, will be a strong incentive for people who want to continue working to remain in the work force. Although these two provisions have not received the media attention they deserve, I belive that history will show that these changes will prove very significant to the long-term solvency of the social security system.

I commend the Senator from Colorado for his efforts on this issue, and I look forward to working with him in the future on other issues of mutual interest.

DROPOUT YEARS FOR CHILD CARE

Another provision, also recommended by the Senator from Colorado, deals with the increase in the dropout years for child care. I was most pleased to see the committee's acceptance of this proposal, and I commend Senator ARMSTRONG for having the foresight to offer this amendment in committee.

For years, Mr. President, women have suffered significant losses of benefits because of time out of the paid work force during childrearing years. While this increase does not correct all of the inequities in the system, it is a start. I would hope that the committee will continue to consider further changes to remove some of the penalties married couples face with regard to the social security system. I understand that the Committee has agreed to give serious consideration to Senator CRANSTON'S earnings sharing proposal, and I think that is an important step. I look forward to studying the committee's recommendations in this area.

WIDOW(ER)S AND DIVORCED SPOUSES BENEFITS

Another important change recommended by the committee deals with improved benefits for disabled widows or widowers and divorced spouses, as well as the ability of divorced spouses to receive benefits despite the retirement decision of the former spouse. Again, both of these changes are extremely important in eliminating some of the provisions in the social security law which discriminate against women.

While it is true that the social security law is "blind" with respect to sex, it is also true that because of the historical makeup of this country's work force, there are certain provisions which impact more heavily on women than on men. More specifically, these are the provisions which deal with widow's benefits and spouses' benefits. I believe these changes are extremely important and will go a long way toward making social security a more equitable and fair system.

FAIL-SAFE/STABILIZER PROVISIONS

Before concluding, Mr. President, I want to point out two additional changes which are recommended by the committee which will perhaps do the most to restore confidence in the social security system: the fail-safe mechanism and the stabilizer provisions.

As my colleagues know, the fail-safe mechanism is intended to prevent the type of situation that forced us into the current reform proposal—changing economic conditions. I cannot tell my colleagues how many times I have been asked by people why this reform package is necessary. After all, they state, we were told by President Carter that the system was solvent for the next 75 years.

Well, unfortunately, the social security system is extremely sensitive to a changing economy. Prior to the Carter administration, the thought of prices increasing faster than wages was simply unheard of. The sad fact is, it can and did happen.

The fail-safe mechanism will not prevent prices from rising faster than wages, but it will help the social security system adjust if this continues to occur. Specifically, the Secretary of Health and Human Services will have the authority to reduce cost-of-living adjustments if trust fund reserves fall to dangerously low levels. In addition, the stabilizer provision will also change the way the cost-of-living adjustment is computed if the trust fund reserves fall too low.

Of equal importance, however, is the "catch-up" provision which will allow larger cost-of-living adjustments if the trust fund reserves exceed a certain level. This, Mr. President, will insure that social security beneficiaries will be able to benefit from a strong economy.

Clearly there were some other things which could have been done to further protect trust fund reserves from a changing economy, but as with many of the other changes, these are important first steps. If we did nothing else, we have tried to exercise some restraint on the cost-of-living adjustments, and I think this was extremely important.

I close, Mr. President, by commending all those people who served on the National Commission on Social Security Reform. Theirs was not an easy task. I dare say that at times it appeared impossible. But in the end, what some people said could not be done, has been done—a social security

reform package with bipartisan support has been brought to the floor of the Senate and it will be approved. If nothing else, I hope we have sent a signal to the American people that says that when the chips are down, we can join hands and try to resolve a national problem in an honest and responsible manner.●

● Mr. BOSCHWITZ. Mr. President, almost 2 years ago, I began studying the social security program and suggesting ways to insure its fiscal soundness and integrity. It became increasingly clear to me, through my work on the Budget Committee, that serious thought and effort needed to be given to controlling the rate of growth of the so-called entitlement programs—particularly the nonmeans tested ones—social security, medicare, civil service, railroad retirement, veterans pension, and so forth. Social security is nearly half—43 percent—of all the entitlements combined. Total entitlements that cost $28 billion in 1961 zoomed to $350 billion in 1982—a 1,150-percent growth. I do not criticize the existence of these programs at all. They fulfill vital needs.

Although it has traditionally been considered close to political suicide to even suggest slowing the growth rate of entitlement programs, I have believed for a long time that if we do not do something, social security will not be around for the children and grandchildren of those people receiving social security today.

How did we get where we are? How did we get to the point where 63 percent of our workers, in a spring 1982 Gallup poll, believe that they will get no benefits when they retire? There are several problems unique to the social security system that have caused us to be facing a short-term and long-term crunch. But, while we have many economic problems, the thread of inflation is interwoven in all of them—the social security problems are no exception.

What specific factors have led to social security's funding problems?

First, when the system was in its early years there were many more people paying in per beneficiary drawing benefits. In 1945 there were 42 workers paying in for every 1 beneficiary, currently the ratio is 3 to 1 and, when the baby-boom generation starts retiring in about 2012, it will bring the ratio down to only 2 to 1 by the year 2030.

Second, people are living longer today, and consequently drawing benefits for a longer period of time than they did when the social security program was inaugurated. According to the Commission's report, men live on the average 15 years past retirement, and women 19 years; a lifespan increase of 20 percent over 40 years.

Compounding this problem is the fact that more Americans are opting for retirement before age 65—90 percent of Americans who retire, do so before age 65. Therefore, beneficiaries are drawing benefits sooner, and they are living longer, extending on both ends the period during which they receive benefits.

Third, the average social security recipient now gets back $5.60 for every $1 they put into the system. Social security is a pay-as-you-go system and was never intended to be a retirement system where social security taxes would build up in a pension fund for an individual or group to meet their eventual benefits, as it is in private pension funds. Nevertheless, a 5 to 1 payback ratio cannot be maintained while the ratio of workers to retirees declines to 2 to 1.

And last, but certainly not least, the effects of inflation have been devastating to the OASDI trust fund. In 1975, we began to fully index benefits for inflation commensurate with increases in the Consumer Price Index (CPI). Certainly the goal of protecting beneficiaries from the effects of inflation is laudable, but we could not have chosen a time in the history of our Nation when the cost-of-living adjustments (COLA's) indexed to the CPI would have been more costly to the social security system.

Since 1975 COLA's for all beneficiaries have cost the system more than $200 billion. We have experienced double digit inflation since COLA's were implemented; and the CPI, and consequently the OASDI benefit increases, have outstripped the increases in average wages. The bottom line is that social security benefits have gone up faster than the wages which pay the benefits.

No one would argue that social security recipients are getting rich. My point is simply that when the amount being paid out of the system is increasing at a faster rate than the amount coming in, we are jeopardizing the stability and solvency of the social security system.

About a year ago, I prepared a "laundry list" of ideas, consisting of 19 ways to slow the rate of growth of the social security system. I sent out 50,000 copies of my newsletter entitled, "Saving Social Security." Thousands of Minnesotans responded. Most—not all—agreed with most of my ideas. In fact, I received positive responses from all over the country because the Minneapolis Tribune, the Washington Post and many other newspapers published my ideas. I tallied the results of this poll. More recently I held town meetings throughout Minnesota to conduct further surveys on the Commission's proposals as well as some of my own. I ask unanimous consent that the results of my poll and surveys conducted at the town meetings be printed at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BOSCHWITZ. The results of my informal surveys taken at the town meetings suggest that both retired and nonretired people understand and approve of some reasonable modifications in the social security system designed to make the system solvent. The survey was taken of about 800 people attending the town meetings in Willmar, Worthington, Rochester, Duluth, and Roseville. I also made the presentation to a group representing the St. Paul Chamber of Commerce and the Metro Senior Federation in Minneapolis.

I presented 12 different proposals at the meetings—five of the Commission's proposals and seven of my own. Of the 12 possible solutions, only 2 were supported by less than half of those responding. I believe this demonstrates that if people are given a chance to review some of the changes in social security without the usual politicking and demagoguery that accompanies them, they will make thoughtful, reasoned judgments. The dialog was heated at times, to be sure, but generally pretty constructive.

The thoughtful, pragmatic approach taken by the National Commission on Social Security Reform, the House of Representatives, and the Senate demonstrate that others have gotten the same reaction from the folks back home.

I am pleased to see that many of the changes suggested in my 19-point "laundry list" have been included in the social security reform package. The 19 possible changes I suggested were:

First, limit social security benefits paid to foreigners not living in the United States.

Second, increase immediately the number of quarters needed to qualify for full social security benefits.

Third, only allow 1 quarter's credit for 1 quarter's work. A quarter is currently measured as a 3-month period during which a worker earns more than $370. Suppose a worker earns $1,480 (4 times $370) in that quarter. Under present rules a worker gets credit for 4 quarters, even if he does not work at all the rest of the year. I proposed changing this rule, 1 quarter's work should only get 1 quarter's credit.

Fourth, require all new government employees (Federal, State and local) to pay into social security. This is a proposal that deserves serious consideration and presents an opportunity for Congress to examine the retirement system for Federal employees.

Fifth, eliminate children's benefits for early retirees. If a worker takes early retirement at 62 and has children under 18, the worker receives

benefits and the children receive separate benefits as well. I proposed not allowing the children to get benefits until the retiree is 65, unless he or she retired early for health reasons.

Sixth, increase the self-employed person's taxes withheld for social security by 2 percent.

Seventh, give incentives to people to keep working beyond age 65 by increasing benefits each year the person works beyond 65. Specifically, my proposal would give an extra 5 percent (105 percent of the regular social security benefit) if a person retires at 66; at 67 an extra 11 percent (5 percent plus 6 percent); at 68 an extra 18 percent (5+6+7 percent); at 69 an extra 26 percent (5+6+7+8 percent); and if the worker retires at 70, an extra 35 percent (5+6+7+8+9 percent).

Eighth, raise the offset age to 75. Currently people over 72 who keep working receive benefits no matter how much they earn. People under 72 lose $1 of social security benefits for each $2 of income they earn over $6,600. My proposal would have extended this to anyone under 75.

Ninth, tax social security payments if the social security recipient has income exceeding $20,000 besides social security ($25,000 for couples).

Tenth, raise the 65-year-old retirement age to 65 plus 3 months (and the 62 year early retirement age to 62 years plus 3 months).

Eleventh, raise the retirement age to 65 years plus 6 months.

Twelfth, lower the cost-of-living adjustment (COLA) to 3 percent less than the inflation rate for 3 years, except for the lowest 25 percent of social security recipients who would continue to receive the full COLA.

Thirteenth, delay the COLA 3 months to October 1, to coincide with the beginning of the Government's fiscal year.

Fourteenth, index "bendpoints" by one-half of the wage index for 4 years.

Fifteenth, eliminate survivor benefits for minor children if the remaining parent has income exceeding $25,000.

Sixteenth, lengthen the benefit computation period by 3 years. Benefits are determined by applying a formula to a worker's average monthly earnings over a certain period of time. In most cases the averaging period is the number of years after 1950 up until the year the person reaches 62 less the 5 lowest years. I proposed dropping only the 2 lowest years rather than the 5 lowest.

Seventeenth, eliminate parent's benefit when the youngest child is age 6. The child would continue to receive survivor's benefits until he or she is 18, but I proposed eliminating the surviving parent's benefits when the youngest child reaches age 6—not 16. I felt this proposal acknowledged the major increase in the number of women working in outside jobs.

Eighteenth, expand workers' compensation offset. About 165,000 people now receiving social security disability benefits also receive payments from other Federal programs: veterans compensation, civil service, military disability retirement benefits and black lung benefits. All these benefits are calculated without regard to what other benefits the person is receiving. After February 1981, people eligible for social security disability payments have a "cap" on their total combined benefits equal to 80 percent of their average predisability earnings. I proposed extending this provision to all recipients of social security disability benefits.

Nineteenth, increase the number of required quarters in covered employment to be disability-insured to 30 out of 40 quarters. To receive disability benefits, a person must have worked at least 1 quarter for each year of age above 21 and have worked a total of at least 20 of the last 40 quarters. My proposal would require a person to have worked at least 30 of the last 40 quarters in covered employment.

Eight of the nineteen proposals on my "laundry list" were incorporated into the reform package on one form or another. The package as it came out of the Senate Finance Committee agreed to:

Limit social security benefits paid to foreigners (1);

Require new Federal Government workers to pay into social security (4);

Raise the tax rate for the self-employed to 100 percent of the combined employer-employee rate—which I think is actually too much of an increase. That represents a 25-percent increase of the rate the self-employed pay now and I was proposing a more modest increase (6);

Increase the delayed retirement credit for continuing to work beyond age 65 (7);

Tax social security benefits if the beneficiary's income (including social security) exceeds $25,000 or a married couple's income exceeds $32,000 (9);

Raise the retirement age to 66 gradually after the year 2000 (10 and 11);

Lower the COLA or even eliminate it when the OASDI trust fund reserve ratio falls below 20 percent (12);

Delay the COLA for 6 months (13).

I claim no pride of authorship of any of these proposals. As I began my studies of the financial problems of the social security system more than 2 year ago, I soon realized there were many sane, sensible ideas available that would protect the solvency of the system, without cutting benefits to current recipients of social security benefits.

This social security package is one of the most constructive pieces of legislation that I have participated in since coming to the Senate. I commend the members of the Commission, the members of the House Ways and Means Committee, all the Members of the House of Representatives, the members of the Senate Finance Committee, and all those who had a hand in shaping this package. In particular, Senators DOLE, ARMSTRONG, HEINZ, and MOYNIHAN deserve our admiration and gratitude for pulling this package together.

Democrats and Republicans alike worked to make this a good package. Because I was one of the earliest—perhaps the first—to propose meaningful changes in the social security system, I have particular satisfaction with the package.

I think we have a better assurance now that social security will be intact for the children and grandchildren of those now collecting benefits.

RUDY'S SOCIAL SECURITY SURVEY

Of the 19 possible changes discussed, which ones do you agree with?

Item number corresponds with number in text	Agree	Percent	Disagree	No opinion	No answer
1. Limit benefits ot foreigners..	4,165	98.0	67	35	25
2. Raise to 120 quarters.....	3,497	81.5	485	174	136
3. Earn one credit for quarter..	3,737	87.0	214	212	129
4. Cover new Government workers.....	3,679	85.0	371	171	71
5. No children's benefits in early retirement.....	3,881	90.0	231	139	41
6. Increase self-employment tax.....	2,526	59.0	1,345	308	113
7. Increase work incentives.....	3,529	82.0	479	195	89
8. Raise offset age.....	2,544	60.0	1,137	430	181
9. Tax social security.....	2,117	49.0	1,904	151	120
10. Raise age to 65 plus 3 mo.....	2,231	52.0	1,412	329	320
11. Raise age to 65 plus 6 mo.....	1,843	43.0	1,723	474	252
12. COLA 3 percent except lowest 25 percent of recipients.....	3,041	71.0	845	243	163
13. 3 month COLA delay.....	3,213	75.0	634	316	129
14. One-half index for bendpoints.....	2,406	56.0	524	1,058	304
15. Eliminate children's benefit if parents' income $25,000.....	3,622	84.0	473	136	61
16. Increase benefit computation by 3 yr.....	2,473	58.0	989	624	206
17. Eliminate parents' benefit if child below age 6.....	2,592	60.0	957	589	154
18. Cap disability benefits.....	3,519	82.0	394	286	93
19. Increase quarters needed for disability.....	2,878	67.0	740	537	135

Note.—Please send this form to: Office of Senator Rudy Boschwitz, U.S. Senate, Washington, D.C. 20510.

EXHIBIT 1

[In percent]

	Total			Retired			Nonretired		
	Yes	No	No opinion	Yes	No	No opinion	Yes	No	No opinion
Lower the COLA (except for the lowest 25 percent of recipients)	66	27	9	59	34	6	74	19	7
a. CPI less 3 percent for 4 yr	39	36	24	39	36	25	39	38	23
b. Average out CPI less $8 (for 4 yr)	60	25	15	57	26	17	63	26	11
c. CPI Less 2 percent for 5 yr	29	46	25	30	46	24	29	47	23
d. CPI less 1 percent for 20 yr	51	29	20	53	38	19	48	33	19
Change bendpoint indexing: Social security benefits are based on percentages of a worker's average monthly earnings: 90 percent of first $230; 32 percent from $230 to $1,388; 15 percent over $1,388; $230 and $1,388 are bendpoints; increase these by ½ of the wage index instead of the full index	56	20	24	53	18	29	58	22	20
Change percentage where there is another Government pension	63	24	13	54	27	19	71	21	8
Survivor benefits: Eliminate benefits for minor children if 1 parent dies and the other has income exceeding $25,000	79	17	4	75	20	4	81	14	4
Increase required number of quarters:									
Currently a person must work 40 quarters (10 yr) to qualify for benefits. Making exceptions for women who raise children, raise to 60 quarters	66	23	11	67	18	14	64	28	8
a. Keep at 40 (quarters)	66	22	12	74	12	14	55	34	11
b. Raise to 70	41	34	24	46	22	31	34	48	18
c. Raise to 80	45	34	21	53	20	27	38	48	15
d. Raise to 90	8	56	36	14	34	52	4	71	24
e. Raise to 100	32	40	28	25	30	44	35	47	18

RESULTS OF SOCIAL SECURITY HEARINGS IN MINNESOTA PRESENTED BY SENATOR RUDY BOSCHWITZ—FEBRUARY 1983

[In percent]

	Total			Retired			Nonretired		
	Yes	No	No opinion	Yes	No	No opinion	Yes	No	No opinion
Part I: Commission Proposals:									
Advance the scheduled tax increases (1985 increase to 1984; 1990 increase to 1988)	39	51	9	49	39	13	28	67	5
Increase self-employed tax (now at 75 percent)	36	54	10	38	50	12	31	61	8
Tax 50 percent of social security for higher income recipients: Tax 50 percent of social security benefits for persons with income above $20,000 (single) or $25,000 (married)	63	36	13	69	29	1	51	48	1
Delay COLA (cost-of-living adjustment): The automatic COLA scheduled for July 1983 would be delayed until January 1984 (6 mo)	55	42	3	59	37	4	50	48	2
Federal Government employees: Compulsory coverage (new civilian employees) after Jan. 1, 1984	70	23	7	72	20	8	66	27	7
Part II: Boschwitz proposals:									
Raise the retirement age	59	35	6	53	37	10	63	35	2
a. 1 mo a yr until age 66	48	39	13	52	32	16	42	48	10
b. 1 mo a yr until age 67	42	43	15	43	38	19	38	50	12
c. 1 mo to 66 and then index	58	30	12	58	28	14	58	32	10

●

Mr. CRANSTON. Mr. President, the bill before us today represents the combined work of many. The chairman of the Senate Finance Committee, the Senator from Kansas (Mr. DOLE), and the Senator from New York (Mr. MOYNIHAN) both served upon the National Commission on Social Security Reform and played an enormously important role in guiding this legislation through the Finance Committee and the Senate. Developing a compromise proposal in an area of many so deeply felt views is an awesome task and the mere fact that the Commission was able to reach a compromise is commendable in and of itself. The Finance Committee's work adhered closely to the basic framework of the Commission's proposal.

Mr. President, I also pay tribute to the distinguished Senator from Louisiana (Mr. LONG), the ranking minority member of the Finance Committee. Senator LONG has contributed significantly to the refining of this proposal and I was pleased to cosponsor his amendment dealing with equitable implementation of the provisions in the legislation relating to coverage of Government workers. As always, the experience and wisdom of the Senator from Louisiana adds immeasurably to the legislation that emerges from the Senate Finance Committee.

Mr. President, I want to also recognize the enormous contribution and leadership which has come from the distinguished chairman of the House Rules Committee, Representative CLAUDE PEPPER. Representative PEPPER has long been the outstanding champion of the needs of older Americans and his support for this proposal has influenced the views of many Members of the Congress.

Mr. President, I intend to vote for H.R. 1900, as amended in the Senate. This is a decision I have not come to lightly. I have had, and I continue to have, grave reservations about certain aspects of this legislation. Certain provisions, if presented to the Senate alone, would not have my support. However, it is a reality of the legislative process that compromises must be reached in order that important goals can be achieved.

At stake here is the confidence of the American people in our ability to assure the continuation of the social security system. Social security affects the lives of every single American, whatever his or her age or walk of life. For older Americans, it is often the lifeline for basic survival. For young workers, it provides the security of knowing that they will be protected in the event of disability and in retirement. Every American has an enormous interest in the continuation and stability of the social security program, and each has an obligation to share in the process of restoring this important program to a stable and secure fiscal status.

The legislation before us seeks to spread the burden of stabilizing the social security program between the various segments of the population. While not necessarily agreeing with the exact balance reached. I recognize that this proposal does achieve to a significant degree that important and fundamental purpose.

Mr. President, it is also important to point out what this legislation does not do. It does not alter the fundamental structure of social security or propose its replacement with some other system, as some have recommended. The Commission and the Congress in passing this bill are reaffirming the basic soundness, fairness, and necessity of continuing the social security system. That message needs to be communicated throughout the country.

RAISING THE AGE OF RETIREMENT

Mr. President, I do not intend to take the time of the Senate to discuss each and every provision of the legislation. However, there is one provision that has caused considerable concern—the raising of the age of retirement to 66 after the turn of the century—which I wish to discuss.

Mr. President, on January 26, I introduced legislation, S. 2, the proposed Employment Opportunities for Older Americans Act, which contains a

number of provisions to encourage older workers to stay in the work force, particularly in part-time positions. Public opinion polls over the past few years have demonstrated that older workers in overwhelming numbers would generally like to remain in the work force. Demographic data also clearly indicate that in the next century we will be entering a labor scarce era when the contributions of older workers will be greatly needed. I believe that we ought to take every step possible to encourage employers to provide work opportunities for older workers and to encourage older workers to delay retirement. Two issues addressed in S. 2—the increase in the delayed retirement adjustment factor and modification of the earnings limitation test—are included in the legislation before us today and are aimed at encouraging continued work effort by older workers.

My bill focuses on creating incentives and eliminating or reducing disincentives for delayed retirement; it did not, as does the present bill, reduce signficantly social security benefits for those who choose or must retire before age 66. I would prefer to follow the approach of S. 2—creating incentives, rather than penalties.

I also think that it is unrealistic and inequitable to raise the age of retirement without taking the necessary steps to assure that the employment opportunities will be available for these older workers and that adequate protections are provided to those individuals who will be unable to continue in the work force.

The amendment offered by the Senator from New Jersey (Mr. BRADLEY), to establish a new disability program for those over age 62 in ill health and unable to continue in their prior occupational fields, but not disabled enough to meet the current SSDI totally disabled criterion, would deal with a portion of this problem.

Unfortunately, the Senate did not adopt this amendment. It is clear, however, that some type of protection along the lines proposed by the Senator from New Jersey for workers who fall into this category must be developed before the increase in the retirement age is implemented, and the amendment of the Senator from Pennsylvania to require a study of this matter should be helpful in moving toward the development and enactment in a timely fashion of provisions relating to early retirements forced by ill health.

There are other individuals, particularly older women and minority individuals, who are likely to lack employment opportunities as older workers. We need to take new steps to make sure that all segments of our population will have equal access and ability to continue working if the benefits are to be reduced for retirement before age 66. If we fail to do this, we will—very unfairly—be simply reducing benefits for those who have no alternatives to supplement their income.

Fortunately, the effective date of the increase in the age for full benefits is almost two decades away—longer under the House bill—and there will be ample opportunities to reassess the impact of these provisions and our progress in rectifying these problems in employment opportunities before a new retirement age actually takes effect.

However, I believe that it is in the interests of both our Nation and older workers themselves to begin a process of reevaluating our policies regarding retirement and older workers. Each year, thousands of older workers are forced against their wills out of the work force by mandatory retirement policies, age discrimination, and the existence of fiscal disincentives in public and private pension programs. I think it is time for our Nation to begin to foster a new perspective on retirement that would be premised upon a shift from the concept of an abrupt, total withdrawal from the labor force to one of gradual withdrawal where older workers are afforded the opportunity, if they choose, to reduce their work pace, shift to less demanding work roles, or participate in more flexible work schedules. My legislation, S. 2, is designed to encourage this shift and I intend to devote substantial effort to achieving its goals. In the near future, I plan to reintroduce S. 2 in two separate bills so that the provisions which relate to matters within the jurisdiction of the Labor and Human Resources Committee will be separated from those within the jurisdiction of the Finance Committee. If the two aspects of S. 2 in the legislation before us today are enacted, those provisions will be deleted. I very much hope that both committees will conduct hearings on these separate bills.

COVERAGE OF FEDERAL EMPLOYEES

Mr. President, I also have had strong reservations regarding the manner in which the committee bill dealt with Federal employees. The Commission recommended that new Federal employees be brought into the social security system, but also recommended the development of a supplemental civil service retirement program—like that available to private employees covered by social security—for Federal workers. The Finance Committee bill, however, dealt only with bringing new workers into social security; it provided no assurances that a new supplemental system would be developed or that the interests of present Federal workers in the existing civil service retirement system would be protected.

I was therefore pleased to be an original cosponsor of the amendment offered by the distinguished Senator from Louisiana (Mr. LONG) to delay bringing new Federal employees into the social security system until such time as Congress has provided a modified Federal retirement system which coordinates benefits with the social security system and protects the integrity of the Federal retirement system. I was delighted that this amendment was adopted.

CONCLUSION

Mr. President, as I stated at the outset, I will support the social security reform legislation. I have strong reservations about certain aspects of the package but, on balance, the enormous importance of demonstrating to the American people that the social security system will continue overrides the specific shortcomings in the package.

Mr. PERCY. Mr. President, I support the Social Security Amendments of 1983 because they will restore financial solvency to the social security system and will, in future years, provide the reforms necessary to insure the stability of the system for tomorrow's retirees.

I want to commend all of those who have played a major role in fashioning this bipartisan, compromise package: Senator DOLE, the distinguished chairman of the Committee on Finance; Senator HEINZ, chairman of the Aging Committee, on which I have been honored to serve for many years; Senators MOYNIHAN and ARMSTRONG and the other members of the Finance Committee.

Putting together this package required making very difficult choices. I am not aware of one Senator that supports each and every provision of the bill. There are parts of it that I do not support. Many of my Illinois constituents have serious concerns about various provisions of the bill. I conducted a special survey of elderly Illinoisans—their concerns are quite evident. But even they as a group do not agree on which measures should be adopted. Given this disagreement on all parts of the bill and the urgency of dealing with the social security financing problem, H.R. 1900 is a fair and reasonable compromise which should be supported.

The Social Security Amendments of 1983 are a major accomplishment for two reasons. First, it will allay the fears of millions of elderly Americans who have been living for 2 years with a social security system teetering on the brink of bankruptcy. H.R. 1900 will insure the timely payment of all social security benefits from 1983 to 1989, the 7-year period for which the National Commission on Social Security Reform has identified a $165 billion deficit.

Second, the Social Security Amendments of 1983 address the long-range deficit expected to occur under the existing system when the baby boom

generation begins to retire in the next century. Confronting this problem is even more significant because it has served to undermine the confidence and popularity the social security system has so long enjoyed. Recent polls have shown that three out of four people under age 45 believe the social security system will collapse before they reach retirement age. H.R. 1900 will eliminate the long-term deficit within a reasonable range of economic projections through several modifications in the system. Along with the automatic stabilizers included in the bill, these reforms will avert funding crises like the one we now face.

H.R. 1900 essentially embodies the recommendations of the National Commission on Social Security Reform. It is a solution that requires sacrifice on the part of all parties who have a stake in social security—current and future beneficiaries and taxpayers alike.

Contained in the bill are measures which restore the solvency of the system for the foreseeable future with no benefit reductions in current social security benefit levels and no increases in payroll tax rates above those already scheduled in the law. The bill reaffirms the soundness of the basic structure of social security by making balanced and minimal adjustments to provide immediate relief from the short-term financing problems and to restore the long-term solvency of the program.

First, the bill would expand coverage. Newly hired Federal employees, the President, Vice President, Members of Congress, the Social Security Commission, and employees of nonprofit organizations would be covered by social security. State and local governments would no longer be granted the privilege of opting out of the system. To deal with the problem that will exist as long as coverage is not universal, windfalls will be eliminated for people who earn disproportionately large benefits because of long periods in noncovered employment. To moderate the impact of this provision, the bill would phase in the windfall provision and provide additional guarantees for persons with long periods of covered employment.

Second, the annual cost-of-living adjustment (COLA) of social security benefits and supplemental security income payments would be delayed by 6 months, from July to January. To protect the needy elderly during the transition to the new payment schedule, the maximum payment under the SSI program would be increased $20 per month—$30 for couples. This would allow the income of all SSI recipients to rise by $20 per month beginning in July even though his or her COLA is delayed.

Third, for beneficiaries with high incomes, half of social security benefits would be included in taxable income. The "notch" resulting under the Commission's recommendation to tax one-half of benefits for persons with adjusted gross income of $20,000 or more was eliminated by specifying that half of social security benefits be added to the individual's adjusted gross income and his income from tax-exempt obligations to determine whether any of his benefits will be subject to taxation. Counting adjusted gross income, tax-exempt interest and half of social security benefits in this manner result in thresholds of $25,000 for an individual and $32,000 for a couple. The lesser of one-half of social security benefits or one-half of income above the thresholds would be subject to income taxes.

Fourth, part of the payroll tax increases now scheduled by law would be accelerated, as recommended by the National Commission. The 1985 increase in the tax rate would take place in 1984, and part of the 1990 hike would take place in 1988. A direct credit against FICA tax would exactly offset the increase in the employee's tax in 1984 so that the acceleration in the rate increase originally set for 1985 will increase trust funds receipts without increasing an employee's tax liability.

Fifth, for the self-employed, the tax rate on self-employed income would be increased so as to equalize his or her contribution to the social security trust funds with the combined contribution paid by workers and their employers. To offset partially the increased tax burden, the bill would provide a tax credit against self-employment taxes equal to 2.9 percent of income in 1984, 2.5 percent in 1985, 2.2 percent in 1986, 2.1 percent for 1987 through 1989, and 2.3 percent in 1990 and thereafter.

Sixth, the bill would raise the age at which full retirement benefits are payable from 65 to 66, by 1 month a year, between 2000 and 2012. Early retirement benefits would continue to be payable at 62.

Seventh, H.R. 1900 would gradually reduce the level of present law benefits payable to people who retire after the turn of the century by about 5 percent. In conjunction with the rest of the bill's provisions, these two changes would eliminate the long-term deficit projected by the National Commission on Social Security Reform.

Eighth, for the elderly who continue to work and who do not now receive an actuarially fair increase in benefits when they delay retirement, the delayed retirement credit would be increased from 3 to 8 percent a year.

Ninth, to further eliminate the disincentive for older persons who wish to continue working, the bill would gradually phase out the retirement earnings test for people 65 and older. I have long supported this change and applaud its inclusion in the Senate bill.

Tenth, the bill also includes several provisions designed to address a number of inequities that have mostly affected women. Benefits are improved for widows and widowers and for disabled widows and widowers.

Last, the social security amendments contain fail-safe and stabilizer provisions to insure that the social security system never again finds itself at the brink of bankruptcy. First, to stabilize the system, the bill includes the recommendation of the National Commission to trigger a new method of indexing benefits if reserves are critically low, beginning in 1988. H.R. 1900 also includes a provision that requires the Secretary of Health and Human Services to determine whether the full amount of the annual cost-of-living adjustment (COLA) can be paid without reserves falling below 20 percent of outgo. If reserves would fall below that amount, the Secretary is required to announce by the preceding July 1 the amount of the COLA that could be provided without further depleting reserves. Should Congress then fail to respond by providing the additional financing necessary to keep the reserves from falling, the lower COLA would then go into effect in January. The bill directs the Secretary to adjust the COLA first for persons with monthly benefits above $250 to protect the elderly poor who receive social security benefits.

To further bolster the trust funds in the event of adverse economic conditions, the bill includes interfund borrowing among the three social security trust funds. Also, when trust funds are unable to pay at least 1½ months of benefits, the Secretary of the Treasury would be required to transfer to the old age and survivors and disability insurance trust funds on the first day of the month the full amount of payroll tax revenues expected to be collected during the month. This "normalizing" of tax transfers would provide income to the trust funds at the start of the month when benefit expenditures are heavily concentrated. Interest would be charged on the excess sums so transferred. Together these provisions will, for the first time, provide the safety valve necessary to insure the continued solvency of the social security system during the eighties and beyond.

Mr. President, as I said before, this package strikes a balance which spreads the cost of a sound social security system among all of us. That is why I opposed a number of amendments offered on the floor of the Senate to make major changes in the bill.

I opposed two amendments which would have made reductions in the

COLA. One would have eliminated the COLA for 1983 rather than delay it 6 months. The other would have had the effect of cutting next year's COLA.

I also voted against an amendment to raise the retirement age to 68, rather than 66 in the committee bill and to raise the early retirement age to 65. The committee bill preserves the age 62 early retirement option. I opposed this amendment for two reasons. First, the bill contains long-range reforms that will meet the deficit expected in the next century, according to the best economic assumptions we have. Second, splitting the long-run solution between raising the retirement age and reducing replacement rates spreads the added costs of financing the projected growth in beneficiary population equitably among those who will be beneficiaries in the 21st century. This in my view is a better approach than raising the early retirement option to age 65 because it would place the heaviest burden on those who are forced into early retirement by disability or job loss.

All three of these amendments would have essentially cut benefits beyond the reforms contained in this bill and beyond those needed to meet the estimated deficits in the short- and the long-term. They went beyond the commitment I have to my constituents to support measures necessary to put the system back on firm financial footing.

This brings me to my support of the Heinz amendment which would have removed from the Federal unified budget the old age and survivors insurance trust fund (OASI) and the disability insurance (DI) trust fund. I agree with Senator HEINZ that this measure is necessary to fully restore confidence in the social security system, to guarantee its independence now and in the future and to assure that the changes made here today are made for one and one reason only—to restore fiscal solvency to the system so that benefits can continue to be paid. There should be no fear that Congress will "balance the budget on the backs of the elderly." This fear is heightened every year during the annual debate on the budget resolution when, because the social security trust funds are included in the unified budget, we give the impression that the flow of benefits is dependent upon the health of the entire Federal budget. This is simply not true. The social security system is an independent one which pays benefits with the contributions it receives from workers. Congress should not consider changes in the social security system beyond those necessary to insure that it can meet its own commitments. I regret that the amendment was not adopted by the full Senate.

Last, Mr. President, I voted against an amendment to delete coverage of new Federal workers, which was defeated by a vote of 86 to 12. I opposed the amendment because it would have eliminated a key part of the social security compromise package, creating a short-term deficit of $9.3 billion and a long-range deficit of 0.2 percent of payroll in the long run, rather than the modest surplus now in the bill. I could not support the amendment because it would have unraveled the package.

I was, however, concerned about new Federal workers coming into the system without a supplemental pension plan which was recommended by the National Commission on Social Security Reform. For that reason, I supported an amendment to establish a timetable for developing a supplemental pension plan by October 1, 1985. This amendment was defeated by a majority of the Senate, and coverage of new workers was subsequently delayed until a supplemental pension plan can be developed.

On balance, Mr. President, the Social Security Amendments of 1983 are equitable and accomplish the very crucial task of preserving the social security system. I support this bipartisan compromise and urge my colleagues to join me in voting for it. It is a vote for maintaining the flow of benefits to today's retirees and a vote for restoring confidence in the future of the system for generations to come.

● Mrs. KASSEBAUM. Mr. President, the major elements of the social security financing package are widely known and have been thoroughly discussed and analyzed. This comes as little surprise, as these provisions will affect millions of Americans; and all of us find things to like and dislike about the package. I would like at this time to turn to several features of the measure which I like very much. They are not well known due to their more limited impact, but they can be enormously important to many people—particularly women.

These provisions take a number of positive steps toward improving the system in ways which are helpful largely to women. I commend the National Commission on Social Security Reform and the Finance Committee for having acknowledged the need in this area. Although these are small steps, I think it is useful to draw to the attention of the Senate the need for improvement and to the role of this legislation in meeting a part of it.

Discussion of the treatment of women under social security quickly becomes complex because the Social Security Act, for the most part, is gender-neutral on its face. In fact, the few remaining gender-based distinctions in the law are eliminated in the House version of H.R. 1900. These distinctions are highly technical and many have already been effectively negated as a result of court actions.

The problems that many women experience occur because the assumptions upon which the act is based no longer hold true in an increasing number of cases. Social security is built on the assumption that a married couple is composed of a breadwinning husband and a homemaker wife. It further assumes that marriages last a lifetime and that a wife will outlive her husband by only a few years at most. These logical assumptions for the late thirties—when fewer than 20 percent of married women worked outside the home, when 1 in 7 marriages ended in divorce, and when life expectancies between men and women varied little. Today, the experiences of more and more women fail to fit the pattern which existed in the thirties.

What we now see is a diversity of patterns, each raising separate issues with respect to social security. The most useful framework for examining the changes made by this legislation is to look at its treatment of women as workers, as divorced spouses, and as widows.

WORKING WOMEN

Female participation in the paid work force has increased dramatically and is continuing to do so. From the standpoint of social security coverage, this trend is helpful in that women are increasingly able to establish independent entitlement to benefits. However, the work patterns of women vary from that of men as many workingwomen drop out of the labor force for some period of time to raise young children. These nonworking years are counted as zero-earnings years for the purpose of determining the average earnings upon which social security benefit amounts are based. Currently, up to 5 years of lowest career earnings are dropped before this calculation is made—thereby reducing the impact which low or zero-earnings have in bringing down average earnings levels.

The legislation reported by the Senate Finance Committee allows up to two additional "dropout" years for persons who leave the work force to care for a child under the age of 3 in the home. A worker must have no earnings during the year in order to take advantage of this new provision. This change will have the effect of increasing the social security benefits of women who interrupt their working careers for the purpose of child rearing, recognizing the growing prevalence of this pattern.

DIVORCED SPOUSES

The incidence of divorce has increased substantially since social security was first enacted, with the marriages of 1 in 3 women age 26 to 40 expected to end in divorce. Dissolution of a marriage has particularly severe consequences for those women who have

spent most of their adult lives working in the home. Without recent training or outside work force experience, these women experience serious difficulty in finding jobs. In addition, they have little time in which to build independent eligibility for benefits. The Social Security Act does recognize this situation through provisions which allow a divorced spouse to receive benefits based upon the earnings record of a former spouse if the marriage lasted 10 years or longer.

Thus, the current law is helpful, but not without its flaws. Because benefits made available to the divorced spouse are based on the earnings record of the former spouse, the dependent spouse—generally the woman—cannot receive any benefits until the working spouse receives benefits. Take the situation of a divorced couple, both aged 65. The former wife spent most of her adult life as a homemaker and, at age 65, is no longer able to find employment. If she has any independent entitlement to social security benefits at all, it is extremely small. Should her former husband choose to continue working until age 68 or 70, she would be unable to receive any benefits based on his record until that time. Alternatively, he may retire at age 65 and subsequently decide to return to work at age 67. If his earnings are high enough, he would not be receiving benefits; and benefits to his former wife would be terminated as well.

Although such situations are rare, they do impose substantial hardship and uncertainty upon older divorced women. This legislation addresses this problem by permitting spouses who have been divorced for at least 2 years to draw benefits at age 62 if the former spouse is eligible for benefits—even if the benefits are not being collected at that time.

WIDOWS

Approximately 75 percent of older men are married and living with their wives, while 52 percent of older women are widows. Currently, 59 percent of individuals 65 and older are women. At the oldest ages, women outnumber men 2 to 1.

Many of these widows have been dependent upon their husbands' incomes and long years of widowhood have often exhausted supplemental resources. On the average, total death benefits left by husbands to widows amount to $12,000 from all sources. It is not surprising therefore to realize that older women living alone are among the poorest groups in our society.

Although changes in the Social Security Act alone cannot be expected to deal with all these serious problems, the legislation under consideration does offer assistance to certain groups of widows and widowers. First, the bill provides for changes in the method of indexing a deceased worker's earnings for purposes of determining a survivor benefit. Under the measure, these earnings would be indexed to reflect economywide wage increases up to the year the worker would have reached age 60 or 2 years before the survivor becomes eligible for benefits—whichever is earlier. This change would provide particular assistance to survivors of workers who die long before their survivors are eligible for benefits. In these situations, surviving spouses now receive a benefit based on outdated wage levels. Under the bill, benefits would be calculated on a basis that more closely reflects current wage levels.

A second group which would benefit from this bill is disabled widows and widowers. In general, surviving spouses are first eligible to receive benefits at age 60 at an actuarially reduced level of 71.5 percent of the deceased workers' full benefit amount. However, disabled survivors may receive benefits between the ages of 50 to 59. Benefit amounts are also actuarially reduced, so that an individual who begins receiving benefits at age 50 receives a benefit amount equal to 50 percent of the full benefit. This benefit level is quite low—averaging about $242 per month—particularly considering that the recipient's disability prevents him or her from working. This measure provides that benefits to disabled widows and widowers between the ages of 50 to 59 will equal 71.5 percent of the workers' benefit amounts—the same level provided survivors who begin receiving benefits at age 60.

Third, earlier today the Senate approved an amendment offered by the Senator from Michigan, Mr. LEVIN, which would provide transitional assistance to widows between the ages of 55 and 59. I was pleased to have joined in cosponsoring this amendment, which offers support at a critical time in the lives of many women confronting widowhood. Currently, a widow under age 60 does not qualify for social security benefits unless she is disabled or is caring for a child who is either disabled or under the age of 16. Consequently, there are a number of women who, having spent most of their adult years as homemakers, are ill-prepared for the paid labor force immediately upon the deaths of their husbands. The amendment would provide these women with 6 months of transitional benefits to permit them sufficient time to obtain training or to seek employment. These benefits would be subject to the social security outside earnings limitation, so that they would not be provided to individuals who do receive income after being widowed.

One final feature I want to mention is one which treats benefit eligibility upon remarriage in a consistent manner for all types of beneficiaries. Currently, surviving spouses may remarry after age 60—the time at which they first become eligible for benefits—and continue receiving benefits. However, benefits for disabled surviving spouses and disabled divorced survivors are teminated if the individual remarries prior to age 60, even though they may first become eligible for benefits from age 50 to 59. Benefits are teminated for suviving divorced spouses upon remarriage at any age.

This measure eliminates these distinctions, providing that remarriage after the date of first eligibility for benefits will not result in the termination of benefits.

Obviously, the revisions made by the legislation fall short of meeting the broader concerns expressed regarding the treatment of women under social security. For example, many married women who have worked and paid social security payroll taxes for several years have expressed deep concern that they receive no more in benefits than they would have received had they never contributed to the system. The earnings sharing approach, allowing married couples to combine and divide their earnings records for purposes of establishing social security eligibility, is one which has received considerable attention as a more far-ranging reform of the system. During earlier consideration of this measure, the Senate adopted an amendment requiring the Secretary of Health and Human Services to prepare an implementation report on earnings sharing. This is an area which will continue to receive attention. I am pleased that my colleague from Kansas, Mr. DOLE, has indicated the intentions of the Senate Finance Committee to hold hearings this year on the issue of women and retirement income.

Again, I applaud the efforts of those who have worked hard on behalf of positive improvements in the system.●

Mr. ROBERT C. BYRD. Mr. President, I cast my vote in support of this legislation after much reflection and despite the fact that I have grave reservations about many of its individual provisions.

This is a compromise bill, arrived at after many days of arduous and occasionally acrimonious debate, deliberation, and negotiation. Like every compromise, it contains its share of bitter pills to swallow.

I, for one, am especially troubled that this legislation will raise the retirement age to 66 in the next century. Raising the retirement age will mean real hardship for many older Americans who simply cannot continue to work until age 66, but who are not so totally disabled that they can qualify for disability benefits under the very stringent disability definition in current law. This provision will particularly hurt blue collar workers, those who earn their living by working with

their hands. Many of these people will be forced to retire early at age 62, and will suffer even deeper reductions in their benefits as a penalty. It is my fervent hope that Congress will reconsider this change in future years, and substitute a better alternative for meeting the long-term deficit facing the social security system.

Nor is this the only provision in this bill which I could not support, were it not part of a larger, bipartisan compromise. I do not like asking older Americans to delay their cost-of-living increase, or to pay taxes on their social security benefits. I do not like asking self-employed Americans to contribute a greater share to social security or asking working Americans and their employers to pay social security tax increases on an accelerated schedule. I wish that none of these provisions were part of this legislation.

Despite these serious concerns, I believe that this is a fair and reasonable package, one which meets the test of evenhandedness and balance in the sacrifice it asks of all our citizens to make the social security system whole again. Under this bill, all those who have a stake in social security's future—the 116 million Americans whose taxes support the system, the 36 million beneficiaries who depend upon social security for their livelihood, and those Federal workers and Members of Congress not now a part of the system—would share in the burden of restoring the system to solvency.

I wish that it were not necessary to ask that these sacrifices be made, but what is at stake here is nothing less than the very future of our most important and enduring social program, a system which touches the lives of virtually every American. Today, that system faces a financing crisis of unprecedented magnitude, as well as a crisis in confidence on the part of the American people, whose faith in the system has been deeply shaken by the recurrent crisis surrounding social security in recent years.

We must act decisively to end this crisis of confidence. We owe a debt of gratitude to all of those who worked so hard to bring this compromise bill before us, to the National Commission on Social Security Reform, to all the Members of the House and Senate who have worked to improve and pass this legislation, and to the many outside individuals and organizations that have contributed to its development.

In passing this legislation, we take the necessary steps to restore social security to both short- and long-term solvency. In voting for this bill, we send a clear message to the American people that this Congress has the political will to keep its promises to those Americans who have faithfully paid into social security in the expectation that it would be there for them when they retire.

In sum, I do not like this bill and I wish that the problem would just go away. But when faced with the alternative—bankruptcy of the social security system—I have no other choice.

Mr. RIEGLE. Mr. President, I want to take this opportunity to comment on this critical legislation we have been considering over the last few days designed to assure the financial integrity of the social security system. The social security system has been one of the most important initiatives undertaken by the Federal Government during this century. By providing a guarantee of basic retirement income for senior Americans, no longer will older workers have to fear retirement. While social security does not provide, nor was it ever intended to provide, a full retirement pension, it does nevertheless supply a basic income, protected against inflation, for retired workers and their families. This is not welfare or Government charity. Social security benefits are based on contributions made by workers and their employers throughout their working career. Congress has a solemn obligation to assure that social security remains on a sound financial footing, and that is the reason we are acting on the legislation before us today.

Mr. President, I strongly believe that the recommendations of the National Commission of Social Security Reform and the bill before us today are a remarkable achievement in compromise. The burdens resulting from the proposals contained in this legislation fall upon all sectors of society where all have been asked to sacrifice. Nevertheless, I have strong reservations regarding several of the proposals included in this package. We voted on many amendments, several of which were designed to lessen the inequitable hardships created by particular provisions. The Long amendment which I strongly supported, was adopted and that was an important improvement.

Mr. President, on balance, I believe this is the best possible compromise that can be achieved at this time with the Reagan administration in control of the executive branch of Government. It is profoundly in the national interest that we deal now with the financial problems facing social security growing out of years of major recession and high inflation. It is essential that the social security system be kept solvent and strong and absolutely guaranteed into the future for our workers, retirees, and their families. We must take social security out of the line of attack of the Reagan administration. This package, while imperfect, is the best compromise we are able to achieve at this time. Perhaps we can make other positive modifications and changes in the future when the political balance of power again shifts in our country. For now, we have succeeded in the struggle to prevent the major cuts in benefits originally sought by the Reagan administration. That is a major accomplishment.

I did not cosponsor this legislation due to my reservations about several aspects of the package. Mr vote for final passage does not withdraw those reservations. Further beneficial changes will have to come from future fights which I anticipate and intend to help lead.

Mr. NICKLES. Mr. President, it is with a great deal of respect and sincerity that I commend my colleagues for their deliberations and hours of work represented in the legislation that the Senate has been considering the past 2 weeks. The members of the Finance Committee have labored very hard to bring to the full Senate a bill which the majority could accept.

However, after serious study of the provisions in the measure before us and participation in the debate on the bill, I regret to say that I cannot, in good conscience, support the legislation as the right solution for returning solvency to the social security system. In short, the package relies too heavily on tax increases, particularly in the short-range period between 1983 and 1989, with badly needed structural changes becoming effective much too far into the future.

In looking at the provisions of S. 1, legislative changes have been proposed which are promised to bring $168 billion into the social security trust fund over the next 7 years. The breakdown of how much of the shortfall is raised through new or accelerated tax increases and how much is a result of true structural reform of the system is as follows:

	Billion
New taxes	128
Structural reform	40

In my opinion, this 3-to-1 ratio is unacceptable as reform. It is unacceptable for three reasons. First, and most obviously, it does not represent a balanced approach to the short-range problem. When I first began contributing to the social security system, taxes were 3 percent on $4,800, today it is 6.7 percent on $35,000 and by 1990 it will be 7.65 percent on $57,000. Special groups, such as employees, the self-employed, the business community, nonprofit organizations, and new Government employees are targeted with particularly onerous tax increases. That is an enormous tax increase for individuals and employees alike to make.

Second, the $128 billion tax increase in this measure cannot be viewed as separate from the tax increases which are already scheduled to take place between now and 1990. Even without the

changes proposed under this bill, social security taxes are expected to increase from $206 billion in 1983 to over $400 billion in 1990. Americans will being paying double the social security taxes they now pay in only 7 years. Surely this rapid escalation of taxes should be adequate current revenue to provide economic protection to our elderly without adding another $128 billion in tax increases, as proposed by this measure. When all of these tax increases are compared to the meager 40 billion dollars' worth of structural changes in this bill, the objections that I and many Americans will have to this legislation become much more clearly focused.

Third, and finally, this ratio of tax increases verses structural reforms should be objectionable to all because of what history has taught us about the taxing approach in dealing with short-falls in social security. Only 6 years ago, Congress confronted an ailing social security system and selected tax increases as the least painful and most effective prescription. It was hailed as the final cure-all for generations to come. Unfortunately, we now see that this remedy only added to the already oppressive tax burden of our country and didn't keep social security solvent for even the duration of a decade. Surely, anyone can make a mistake once, but it would be sheer folly to hold out this same no-answer to Americans with the promise that it will bring solvency to social security when it so obviously failed in our past. In my opinion, there is too much danger that we will be back again perhaps in another 6 years or less, to raise taxes even higher—all because Congress neglected to address the underlying causes for such repeated shortfalls.

In addition to the tax increases, my final objection to the bill before us is that it establishes a dangerous precedent of resorting to the use of general revenues in an effort to shore up social security. The creation of one-time or permanent tax credits in an effort to offset the increases in FICA taxes aimed at workers and select groups is another dead-end approach in trying to solve the problems of the social security system. Basically, we are robbing Peter to pay Paul—only Peter already owes about $1 trillion to the Federal Treasury which is compounding at the rate of $200 billion per year. We have no extra resources from which to bail social security out of its present woes. In fact, social security was never intended to become a borrower, but a self-financing insurance for our elderly and disabled. We break new and treacherous ground and do a great disservice to those who are dependent upon the program when we start trying to help social security out by dipping into nonexistent general revenues.

I do regret that changes were not adopted to keep the system both solvent and affordable for persons dependent on social security and for future generations.

Mr. DOMENICI. Mr. President, social security touches the lives of millions of Americans every day. Some 36 million people, including 172,000 in New Mexico, are now drawing benefits and another 116 million are paying into the system. Citizens of all ages have a stake in the program. Judging from the thousands of letters and phone calls I have received from New Mexicans, they are alarmed about its fate. Because we cannot risk having social security for the first time in over 40 years not pay out checks promptly, I rise in support of the Social Security Amendments of 1983.

EXTENT OF TAXATION

This bill is the result of a bipartisan compromise involving both the National Commission on Social Security Reform, the Congress, and the President. As such, it contains elements which many of us, myself included, would not support if they were not part of the whole compromise. I have had two reservations about the legislation now before us. First, I am concerned that too many additional taxes will delay economic recovery either by adding to inflation or to unemployment levels. This economic recovery has to be our No. 1 priority because it will benefit everyone, both workers and those retirees drawing social security checks. Because of the heavy reliance on taxes to solve the short-term problem, we must avoid any effort to increase them futher. I am, therefore, pleased that the Senate proposal to solve the long-term problem offers only a 1-year increase in the retirement age plus a slight reduction in the replacement rate formula—both to be phased in gradually in the next century.

I hope that we can persuade the House that this is a better combination. From the perspective of my own State, raising the retirement age by only 1 year is preferable to the House's increase to age 67 since the life expectancy of some of my constitutents is below the national average. It is, however, imperative that we take action now to reduce the long-term deficit. Otherwise, we will never restore the confidence that younger workers must have in the program.

INCLUSION OF FEDERAL WORKERS

While the process of considering this legislation has allayed the fears of many Americans, it seems to have produced a new anxiety in another segment of our population. I am referring to the Federal civilian and postal workers. The confusion, anxiety, and resentment among their ranks cause my second concern about the bill.

I am pleased that the Senate was able to address my concern and provide that new Federal workers must be covered by a supplementary pension plan before they are brought under social security.

Despite my reservations about specific parts of this legislation, I have decided that, on balance, it must be supported. I am including for the RECORD a synopsis of the provisions and their budget impact. It must be supported to insure that the social security system does not run dry this summer. The bill restores social security to some measure of stability by providing about $165 billion in new resources between 1983 and 1989. It closes the long-term funding gap in the retirement program. It introduces major reform in the medicare hospital insurance fund by offering incentives for these institutions to be cost-conscious. I do not need to remind my colleagues about the severe financial problems we face in the near future in medicare.

Finally, the legislation contains additional unemployment benefits for the long-term jobless which are crucial to the many individuals who have exhausted their current benefits. Without swift passage of this legislation, hundreds of thousands of workers across the Nation will be left without any unemployment benefits. In my own State of New Mexico, 5,000 individuals will be affected immediately. In summary, the welfare of most Americans is affected by this bill and therefore, I must vote for it.

Mr. President, I ask unanimous consent that the synopsis be printed in the RECORD.

There being no objection, the synopsis was ordered to be printed in the RECORD, as follows:

SOCIAL SECURITY ACT AMENDMENTS OF 1983: SUMMARY OF PROVISIONS

The Senate Finance Committee-reported bill would correct the financial problems of the social security retirement trust fund, provide for a prospective reimbursement system in medicare, extend long-term benefits for the unemployed, and provide relief for states which must borrow to pay regular state unemployment benefits.

SOCIAL SECURITY (OASDI) PROVISIONS

Coverage of newly-hired federal employees.—Extend social security coverage to all new federal civilian employees, all current members of Congress and the President, and all employees of non-profit agencies (new federal employees would be brought under social security after a supplementary pension plan is established; non-profit employees would be covered effective January 1984). Prohibit state and local governments from terminating coverage for their employees.

Eliminate "windfall" benefits.—Reduce social security benefits for recipients who become eligible for pensions based on non-social security employment, subject to certain limitations.

Six month COLA delay.—Delay the cost-of-living adjustment by six months from July 1983 to January 1984 in the retirement and disability insurance programs and the supplemental security income (SSI) pro-

gram. Increase the SSI benefit by $20 for individuals and $30 for couples to compensate for the COLA delay.

Emergency COLA provisions.—Scale back COLA increases when the trust funds are expected to dip below a 20 percent reserve ratio, continue to decline, and interfund borrowing is exhausted. Provide for COLAs equal to lower of wages or prices if the trust fund reserves dip below a 20 percent level in 1988 and beyond, with a "catch-up" when the reserves exceed 32 percent.

Increase delayed retirement credit.—Gradually increase, between 1990 and 1995, the delayed retirement credit from 3 percent to 8 percent per year.

Increase social security retirement age.—Gradually raise the social security retirement age to 66 by the year 2012, beginning with those who attain age 62 in 2000. Early retirement benefits would continue to be available at age 62 for workers and spouses, but the benefit reduction factors would be larger.

Long-range benefit change.—Reduce initial benefit levels by about 5 percent after the year 2000 by decreasing the percentage factors in the benefit formula.

Eliminate retirement earnings test.—Gradually phase out, between 1990 and 1994, the retirement earnings test for people 65 and older.

Child-care dropout years.—Allow two years to be dropped out of the formula for computing social security benefits for persons who leave the workforce to care for children under age 3 at home.

Tax social security benefits.—Subject social security benefits to income tax based on thresholds of $25,000 for single taxpayers and $32,000 for married taxpayers. To determine these thresholds, one-half of social security benefits and all tax-free income would be added to adjusted gross income. For taxpayers over the threshold, the lesser of one-half of social security benefits or one-half of the excess combined income over the threshold amount would be subject to income tax. Transfer the revenues to the trust fund.

Increase FICA taxes.—Revise the OASDI tax schedule so that the 1985 rate would be moved to 1984, the 1985-87 rate would remain as scheduled, part of the 1990 rate would be moved to 1988, and the rate for 1990 and beyond would remain unchanged. For 1984, a refundable tax credit would be provided for employees equal to the increase in the employee taxes. The credit would be allowed against 1984 employee FICA taxes rather than against income tax.

Self-employed tax increase.—Increase the social security and medicare tax rate for the self-employed to equal the rate paid by employers and employees. Provide a tax credit equal to about 15 percent of the combined social security tax rate.

Military transfer credit.—Require the Treasury to pay social security in fiscal year 1983 for free social security credits extended in the past to members of the armed services. Require the Treasury to credit the social security trust funds with uncashed benefit checks.

Reallocate OASDI tax rate.—Reallocate the OASDI tax so that both the OASI and DI trust funds will have about the same reserve ratios.

Extend interfund borrowing.—Authorize, through 1987, interfund borrowing between the OASI, DI, and HI trust funds, with protections provided for each fund.

Women's equity provisions.—Provide for several changes in the way women are treated under social security. These would affect divorced and surviving spouses, and disabled widows.

Alien benefits.—Eliminate benefits to alien workers who live abroad, except for certain aliens who would receive back their contributions plus interest. Also, prohibit social security benefits to aliens who have worked illegally in this country.

Miscellaneous provisions.—Eliminate benefits to felons; modify trust fund investment procedures; add two public members to the Board of Trustees; normalize tax transfers; expand the social security wage base to include certain deferred compensation; and provide that local governments shall directly deposit social security taxes to the U.S. Treasury rather than to the State government.

MEDICARE (HI AND SMI) PROVISIONS

Prospective payment.—Establish a prospective payment system for hospitals which would set a specific payment for each of 467 diagnoses.

Delay in Part B Premium.—Delay the increase in the Part B (medical insurance) premium from July 1, 1983, to January 1, 1984, to make it consistent with the delay in the social security cost-of-living adjustment.

Increase the tax on the self-employed.—Increase the hospital insurance tax paid by the self-employed to the combined employer-employee rate of 2.6 percent of covered wages.

Cover employees of non-profit institutions.—Consistent with the extension of coverage in OASDI, require medicare coverage of employees of non-profit institutions.

Military wage credits.—Reimburse the hospital insurance trust fund for liabilities incurred as a result of providing credit toward medicare coverage based on pre-1957 military service.

UNEMPLOYMENT COMPENSATION PROVISIONS

Long-term benefits.—Extend and restructure the program of benefits for the long-term unemployed (FSC) which expires at the end of March 1983. Basic FSC benefits of up to 14 weeks would be available between April 1 and September 30, 1983, depending on a state's insured unemployment rate (New Mexico would receive 10 weeks of benefits, compared to 14 weeks under the current program). Additional FSC benefits of up to 8 weeks would be available to workers who have already exhausted all benefits (New Mexico would receive 4 weeks of benefits, compared to none under current law). Unemployed workers receiving benefits when the program ends on September 30, 1983, could continue to receive one-half of the remaining benefits.

Interest on loans.—Provide relief to states which owe interest on loans from the federal government made to pay regular state unemployment benefits. Make the interest provision permanent, but allow states to defer interest payments and pay a discounted interest rate if the state takes steps to ensure the solvency of the state's unemployment program.

Mr. GLENN. Mr. President, as a result of the work of the National Commission on Social Security Reform and the prompt consideration of the Commission's proposals by the House of Representatives and the Senate Finance Committee, we are today acting on H.R. 1900, the Social Security Act Amendments of 1983. All Americans have an interest in this legislation, for social security—in one way or another—affects us all.

The Commission faced a difficult challenge. The President proposed its creation only months after the end of a bitter and prolonged fight regarding the administration's early proposals to cut social security benefits by $88 billion over 5 years. That May 1981 plan would have immediately and permanently made deep cuts in social security retirement and disability benefits. It was met with widespread outrage and protest from the public and the Congress. Several months later, after the President withdrew his social security plan and indicated his intention to separate social security from the politics of reducing the Federal budget, he established the National Commission on Social Security Reform.

The National Commission on Social Security Reform recognized that the retirement trust fund—the largest of the social security program—faces two separate financing problems. The first, between now and 1990, is largely the product of severe economic troubles. It began with an outburst of inflation when the OPEC cartel began flexing its muscle and the historic trend of wage growth exceeding price increases reversed itself. It has been exacerbated by historically high real interest rates coupled with little economic growth and an unemployment rate rivaling the days of the Great Depression.

The Commission said that the retirement trust fund would begin building substantial reserves in the 1990's and would be unlikely to experience cash flow difficulties again until sometime after the year 2010, a little more than a quarter of a century away. This is the time when the demographics of our society are expected to substantially change as the "baby boom" generation retires.

I regret that we have lost so much time in deliberating the solvency needs of the social security system. The refinancing plan currently before the Senate bears little resemblance to the plan originally proposed by President Reagan in the spring of 1981. This complicated legislation has been brought before the Congress with limited time for consideration, for the need for action is real and urgent. Borrowing authority among social security's three trust funds has expired, and the savings called for by the National Commission on Social Security Reform cannot be fully realized without relatively quick enactment of legislation to implement its plan.

The second compelling factor guiding our consideration of this legislation today is the issue of fairness. Fairness must be the fundamental principle of any legislation that alters our Nation's social security system. That characteristic is essential in preserving

the integrity upon which the social security program has been built.

The National Commission on Social Security Reform worked very hard to produce a balanced and fair package. Commission members deserve considerable recognition for their efforts. The bill presently before the Senate reflects the Commission's recommendations. About two-thirds of the bill's solvency provisions were reported unanimously from the Commission; the remainder in large part was supported by a majority of its members.

Like others, I want to see the enactment of a balanced plan of social security changes which will restore public confidence in the system without unfairly burdening either retirees dependent on their benefits or our Nation's business and labor force already hard hit by an economic downturn and high unemployment. Any changes in the social security system must be made with a view toward maintaining this public trust between our people and our Government.

The Commission's refinancing plan contains proposals which I could not support individually. Its enactment will mean larger tax increases for the self-employed than for others. Our farmers and small businessmen are essential to our economic well-being. The Congress has modified the Commission's proposal to include an income tax credit for these workers, but it will only partially offset the amount of the tax increase. We have amended the bill to provide some assistance to small businesses and expect to be passing legislation to provide relief to our Nation's farmers. However, as our economy begins to approach recovery the impact of the increased taxation concerns me. We may have to reexamine this taxation down the road.

In the future, the plan will place new Federal employees under social security. We have a commitment to provide present and future Federal retirees with benefits they have earned and they deserve. The Congress must continue insuring financing for the present civil service retirement program and enact a responsible plan for new workers entering government service.

The bill will delay this year's cost-of-living adjustment for beneficiaries by 6 months. Subsequent COLA's may be reduced, absent congressional action, if the economy fails to recover and trust fund reserves fall. Additionally, the plan will provide for the partial taxation of benefits for a small percentage of social security recipients.

We can only have guarded faith in our ability to foresee America's future 75 years from now. Using the 75-year actuarial projections of the Social Security Administration, the bill before the Senate would meet social security's long-term financing needs in the 21st century. Two-thirds of the bill's actuarial savings would come from proposals that the Commission recommended unanimously, largely to meet the immediate financing needs of the program.

The other combination of proposals—while supported by many Commission members, but not part of the bipartisan refinancing package—were endorsed by the Finance Committee specifically to meet the projected long-term problem. Under the first provision, after the year 2000, social security benefits would be slightly lower, 5.3 percent, in relation to preretirement earnings than under current law. This change in the replacement rate would still allow for real increases in future benefits. Improvements in our standard of living are carried through to retirement years by wage-indexing in the benefit formula.

The second provision would phase in a 1-year increase in the social security retirement age for full benefits by 1 month yearly, after the year 2000. While early retirement benefits would continue to be available at age 62 for workers and spouses and at age 60 for widows and widowers, the actuarial reduction would be larger than under current law. The age for medicare eligibility would also rise with the retirement age for full benefits.

The retirement age proposal assumes workers will have the health and ability to work and that employment will be available for those who seek it. While we generally speak of age 65 as being the normal retirement age for social security, more than half of today's workers are retiring before that age. Analysis by the Social Security Administration and the Department of Labor has shown that a large majority of those people leaving the work force before age 65 are doing so for health reasons or because they cannot find a job.

For many workers presently seeking early retirement benefits it is not a "voluntary" choice. Ill health, longer periods of unemployment, obsolescent skills, and age discrimination push them into retirement. This is why the public was outraged by President Reagan's 1981 proposal to slash early retirement benefits by 40 percent for Americans approaching age 62. The early retirement penalties of the bill being considered by the Senate do not approach those endorsed previously by the administration, but the Congress will not be acting responsibly if it raises the retirement age in isolation.

Certain older workers will simply be unable to continue working, particularly those in physically demanding jobs or those with problems. We must provide a safety net for this segment of the labor force. These workers are often the most dependent on social security retirement protection and their benefits are generally lower than those of other workers. Senator BRADLEY offered an amendment earlier, which I cosponsored, to establish such a safety net.

For older workers in better health and in less physically demanding types of work, reducing benefits for early retirement may not produce the intended consequences of workers remaining in the labor force longer. The bill does provide some incentives for continuing employment, including the elimination of the earnings test and additional credits for delayed retirement. However, unless existing disincentives are remedied, a change in the retirement age may simply add a source of stress to older individuals who might want to continue working but are plagued by lengthy unemployment, age discrimination, outdated job skills, and relatively poorer health.

As ranking Democratic member of the Special Committee on Aging, I will be working to see that employment problems unique to the older worker are addressed. The goal of increasing employment among this segment of our society will grow in importance as the composition of our population changes. Beyond the issue of social security solvency, as the percentage of older Americans increases relative to younger workers, we will need the valuable human resources that older workers can provide even more so than we do today.

The bill does include some important equity provisions designed to benefit women. It recognizes the value of a homemaker to our society by allowing individuals who leave the labor force to care for a child under the age of 3 to drop up to 2 years of earnings in computing their wage history. Additionally, as recommended by the National Commission, benefit protection would be improved for surviving, divorced, and disabled spouses.

In the near future, we must further reform social security so that the benefit structure is more reflective of marriage as an equal partnership. The legislation requires the Department of Health and Human Services to prepare a report by the end of the year on specific ways to implement an earnings sharing concept for the social security program. We need to take action soon, for poverty among the aged has become a women's issue. Older women represent the fastest growing poverty group in America. We must start now to change our retirement system so that younger women will not face the same economic hardship so many elderly women today and in the past have had to endure.

I am hopeful that the legislation presently before the Senate will adequately meet the social security system's financing needs through the year 1990, without imposing undue hardship on any one group. In some

part, this will depend on our ability to revitalize our economy. In the first year of the Reagan Presidency, the Congressional Budget Office estimated that the social security system could meet its short-term cash-flow problems by interfund borrowing authority among the three trust funds. The CBO estimate was based upon economic assumptions more pessimistic than those upon which the administration's own tax-cutting and defense-spending plans were premised. As we reexamine the financing needs of the social security system, perhaps it is only appropriate to review these costly programs as well.

The National Commission on Social Security Reform unanimously agreed that the Congress, in considering financing options, should not alter the fundamental structure of the social security system or undermine its fundamental principles. The Commission determined that one of the best ways to uphold this commitment was to spread the financing sacrifice around so that the burden of keeping the system solvent would not be unduly borne by one group. Just as social security embodies a compact between generations, the bill requires that these generations share in the cost of keeping the system working.

Despite concerns regarding the Commission's refinancing package, I will support it. I am aware that some believe the agreement places too much of the financing burden on business and workers, and that elderly citizens have not been asked to sacrifice enough. To this argument, I can only say that our Nation has a compact with our aged to maintain their social security benefits. Social security is the primary source of retirement income for a majority of recipients, and for many it is the sole source of support to keep pace with the cost of food, shelter and medical care. The average social security beneficiary now receives approximately $5,000 annually, barely above the poverty level. I do not believe that we can ask people like this to sacrifice beyond what this reform plan requires of them.

Mr. THURMOND. Mr. President, I rise today in support of the Social Security Amendments of 1983, legislation that is vital to the financial solvency of the social security system and all who depend on it for retirement security.

The members of the Bipartisan National Commission on Social Security Reform, appointed by President Reagan in December 1981, deserve commendation for the job they have done in bringing to Congress the package of recommendations which forms the core of this bill. I also wish to pay tribute to the distinguished chairman of the Senate Finance Committee, BOB DOLE, to the brilliant and articulate chairman of the Social Security Subcommittee, BILL ARMSTRONG, to the distinguished ranking members of the Finance Committee and the Social Security Subcommittee, Senators LONG and MOYNIHAN, respectively. I also commend the other distinguished members of the Finance Committee of both parties who have diligently pursued the common objective of restoring financial health to the social security system, both in the immediate future and in decades to come.

Because the individual features of this bill have been described in detail in the Finance Committee report and in the opening statement of the manager of the bill, Senator DOLE, I shall not reiterate them here. Instead, I wish to briefly comment on the background, necessity for, and objectives of this virtually important legislation.

Mr. President, this bill is not perfect, in my opinion. Indeed, it probably does not satisfy any single Senator or Member of Congress. It is a fragile package whose whole is strengthened by its somewhat imperfect parts which require some reasonable sacrifice by retiree, wage earner, and wage payer alike. My fervent hope is that this legislation adequately addresses, as it is represented to do, both the short and long term financial needs of the social security old age, survivor and dependents insurance (OASDI) program, for that is our legislative task and responsibility in this endeavor.

Mr. President, in the first instance, this bill must effectively address the concerns of the millions of older Americans who presently look to social security for part or all of their retirement income. Some 36 million retired Americans, survivors of insured persons, and insured dependents count on social security for part or all of their income. These older Americans, widows and widowers, and dependents are fearful that the imminent bankruptcy of the trust fund will cause an interruption of their checks unless corrective action is promptly taken. For those presently receiving social security, this bill provides the necessary assurance that their benefits will continue and, beyond this, that there will be no reduction in the current level of benefits.

Mr. President, I believe this bill is eminently fair and responsible to present recipients of social security. The only sacrifices asked of this group, many of whom depend on social security for their very survival, are, first, a 6-month delay in the next scheduled cost-of-living adjustment (COLA) from July 1, 1983 to January 1, 1984, with benefits to be increased for inflation annually thereafter at the beginning of each calendar year. Second, the bill incorporates a "fail-safe" mechanism beginning the latter part of this decade to insure that benefits are not increased disproportionately to increases in wages and the expected growth in trust fund receipts through increased FICA taxes. This latter provision is designed to prevent another solvency crisis in the OASDI trust fund in the event of either an unexpected resurgence in inflation or a future recession. Third, the bill will make subject to the Federal income tax up to one-half of social security benefits for the more affluent social security recipients, with those revenues earmarked for the social security trust fund.

In addition to reassuring those now dependent on social security, this bill should calm the fears of those still in the labor force who are within a few years of retirement. Many persons who are in their fifties or early sixties have been worried about possible bankruptcy of the OASDI system, which they have supported through FICA taxes throughout their working lives. They also fear that there will be either an abrupt reduction in retirement benefits or an abrupt increase in retirement age. The Bipartisan Social Security Commission, as well as the Congress, have been understanding of these concerns in crafting a bill that will not impose sudden changes on those who do not have sufficient time to alter their retirement income planning prior to their expected eligibility for social security retirement benefits. Those for whom retirement is just around the corner can take comfort in knowing that this bill maintains their expected level of benefits and will allow them to retire at the age for which they have planned.

Finally, Mr. President, this legislation should calm the skepticism among younger participants in the work force and provide reassurance to them that the social security system will remain financially solvent into the next century when they can expect to receive a return in benefits for their years of wage tax contributions. I have received numerous communications from younger workers asking why they should pay higher and higher taxes to support a retirement system which may not be sufficiently solvent to even return their investment to them upon retirement, much less guarantee them the lifetime supplemental source of retirement income which their forced participation in the social security system entitles them and their families.

Mr. President, I certainly understand these concerns among young, and even middle-aged, employees and employers alike. That is why it is so vitally important that this legislation restore the social security system to actuarial soundness for the longer term, as well as meet the more immediate needs. The best actuarial estimates that can be obtained at this time project that this legislation will accomplish these goals. While I have res-

ervations about the heightened FICA tax burden imposed under this bill, it is clear that some acceleration of already scheduled tax increases is both a political and a financial necessity to achieve enactment of this package and restore solvency to the trust fund.

As we move forward with this essential legislation, Mr. President, it is important that Congress recognize and emphasize the purpose and limits of the social security program. Social security was intended to be, at best, only a supplemental retirement income source. Congress must resist the temptation to add new benefits or expand existing benefits beyond levels which can be afforded by those who support the system through employment taxes.

Similarly, it would be unwise and irresponsible for Congress to make social security into another welfare program, as some wish to do, by destroying its nature as an earned entitlement. As we know, social security benefits are paid to those who have earned them through tax contributions, rather than being allocated based solely on need. Several of the provisions of this bill edge toward a needs-based welfare program, a tendency which I feel is ill-advised. Again, however, this legislation must be taken together as a package, and on balance, I have concluded that the package is necessary and worthy of support.

Mr. President, I would like to especially take note of two provisions of this bill which I believe are meritorious and needed. First, the bill will phase-out, by 1994, the so-called earnings test, which limits the amount which social security retirees under age 70 can earn from continued employment without suffering a reduction in their social security checks. Consistent with my view of social security as an earned benefit, and also with my belief that our Government policies should not discourage from working those who, regardless of age, are willing and able to do so, I believe elimination of the earnings test is long overdue. As one who has for a number of years either sponsored or cosponsored legislation to do away with this limitation on earned income for older Americans receiving social security, I only regret that the phaseout does not occur sooner.

Mr. President, I also strongly approve of the provision in this bill which limits social security benefits for aliens to the amount of their FICA tax contributions plus interest. This concept is similar to that of a bill I have cosponsored with Senator LUGAR. It has been strengthened by adoption of the Nickles amendment, which I also cosponsored. The social security system is simply not rich enough to provide overly generous benefits to those who have entered this country illegally, or who only worked here for a period of time before returning to their home abroad.

I am also pleased that the State took care of several potential problem areas relating to those who receive deferred compensation through adoption of the Bentsen amendment, which I cosponsored.

In conclusion, Mr. President, I wish to reiterate my support for this legislation, which is the product of much hard work and compromise. The social security program simply must be restored to a sound financial condition, which makes prompt passage of this bill absolutely necessary. That goal of financial solvency must be accomplished in a way that is fair and reasonable to both those who are supporting the social security system through taxes and those who are receiving social security benefits that have been earned. I believe this legislation satisfies these fundamental criteria of fairness and reasonableness, and I hope it will be enacted.

Mr. PELL. Mr. President, I rise to speak concerning final passage of H.R. 1900, the social security reform bill. I voted in favor of this measure, but I would like my colleagues and the people of my State to know the reservations that I had concerning the bill, and the reasons which overcame my reservations and convinced me to vote for this bill.

There is no doubt, Mr. President, that the social security trust funds will be in deep trouble in a short time unless the present law is changed. There is no one that disputes the enormity of the deficit that faces social security in this decade under present law: Expenditures will exceed revenues in this decade by $150 to $200 billion. And there is no one that disputes that social security law must be changed now, this year, in order to prevent that deficit from taking place in a system that is designed to be self-sufficient.

The National Commission on Social Security Reform worked long and hard to arrive at a package of changes for the social security system. Many of the changes proposed by the Commission or adopted by the Senate Finance Committee, however, detract rather than add to the fundamental fairness that should be the hallmark of this bill.

There are three elements of this bill that deeply disturb me. One element is the 6-month delay in the cost-of-living adjustment. A delay of 6 months in this annual adjustment for inflation may seem minor, but for the 65 percent of social security recipients who rely on their benefits as their primary source of income, it works as a cut in income. The 4-percent increase in inflation we have seen in the past year means a 4-percent cut in benefits for the retired, unless their benefits are adjusted. Asking many recipients to wait for another 6 months for their cost-of-living adjustment is asking them to continue surviving with less and less money for food, for heat, and for rent.

Another element of this bill that I find disturbing is the inclusion of new Federal workers. The future of the civil service retirement system is a crucial factor in the fairness of this bill toward Federal employees, yet the future of civil service retirement has been left entirely unclear. This uncertainty, coupled with the administration's proposals for major changes in civil service retirement, place an extraordinary burden on Federal employees. Taken as a whole, these proposals clearly threaten the future of the civil service retirement system. That would be a tragic loss, not only to Government workers, but also to the public which depends on qualified Federal workers for essential services.

The third element which concerns me is the combination of reduced benefits and a higher retirement age that would take place after the year 2000. At the same time that we would reduce benefits for our younger workers, we propose to raise payroll taxes for them. Such a triple blow to today's workers seems unduly harsh.

Despite these reservations, Mr. President, I have voted in favor of passage of this bill. I have done so because of my larger concern that the social security system, the basic bridge between Government and retirees, cannot wait for another compromise bill which could be months or years in the making. The expected failure of the National Commission on Social Security Reform, and the last-minute saving of its mission by the hard negotiations and compromises by Commission members, demonstrate the fragility and difficulty of compromise on so sensitive a problem. I believe that the compromise package worked out by the National Commission and reflected in the House bill and in the Senate bill before us offers the best possibility for saving social security benefits that we have.

I am not in favor of delaying the COLA. I am not in favor of including Federal workers within social security without agreement on a supplemental civil service retirement system, and I am not in favor of raising the retirement age while lowering benefits and raising taxes. I am in favor of a solution to the social security crisis which can be agreed on by Democrats and Republicans, liberals and conservatives, and I think that the bill before us offers us the best, and the only, solution in sight. As much as there are elements with which I very much disagree, there are other elements strongly opposed by Senators with different points of view. A bill which no one is

happy with, yet most Senators can accept, is a rare and valuable means to resolve a complex and emotional problem. I have therefore voted in favor of the social security bill, and I will work in the future with my constituents and my colleagues to soften and change the elements which need improvement.

DRG REGIONS

● Mr. BIDEN. Mr. President, inflation in the health care industry has continued to rise at double digit levels even though the Consumer Price Index rose only 3.9 percent in 1982. This has had especially grave implications for the Federal budget as medicare spending has risen an average of 19.2 percent over each of the last 4 years.

Clearly, Mr. President, something must be done to curb health care inflation. In this spirit, the Department of Health and Human Services has proposed a system in which hospitals would be reimbursed by medicare according to a series of diagnostic related groups (DRG's); 467 classifications of diagnoses would be established, and hospitals would receive a flat rate for whatever particular ailment has brought a patient to the hospital. Reimbursement levels for the various diagnoses would be set on a regional basis, depending upon health care cost patterns and hospital utilization rates within that region. The House has already approved one version of this proposal providing for nine regions, and the Senate Finance Committee has approved a version providing for four regions.

There is, however, a problem, Mr. President. While I believe the DRG system should be given a chance to prove itself, I am afraid the regions provided for in the House bill, and to a greater extent those provided for in the Senate bill, would have unintended effects on urban hospitals in various States, especially in the Middle Atlantic area.

For example, Mr. President, take the cases of Delaware and the District of Columbia. Under the House bill, Delaware and Washington D.C. have been placed in the South Atlantic region, together with States such as Georgia and South Carolina. The Senate version goes even further, adding States such as Mississippi, Louisiana, and Oklahoma to the region including Delaware and Washington D.C.

Clearly, Mr. President, the State of Delaware and the District of Columbia have little in common with these States. Just as clearly, Mr. President, these two jurisdictions have much more in common with States in the Northeastern region.

I am not planning to offer an amendment to address this problem, Mr. President. I do hope, however, that the conferees who will meet to iron out differences in the House and Senate versions of this legislation will give this problem special consideration. If I may offer a suggestion, Mr. president, I hope the conferees will consider crafting language in the conference report so as to allow the Secretary of Health and Human Services to take into account regional differences and give him or her the authority to make such adjustments in the regional structure as may be necessary to insure equitable treatment of all States under the DRG legislation.●

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TSONGAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TSONGAS. Could I inquire why we are waiting?

Mr. BAKER. Before we go to third reading, I have a commitment that all Senators have had an ample opportunity to present amendments. There is one additional Member on this side who may have an amendment, but I am not sure of that. It is the traditional role of the leadership on both sides of the aisle to protect their Members.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I certainly do not wish to prolong the session. I was going to rise to offer an amendment because I feel very strongly that what we did in accepting the provision which includes income from municipal bonds when calculating taxes to be paid on the portion of social security above the threshold ignores the damage that provision will do.

The results will be devastating to the finances of already hard-pressed local municipalities.

There are some people who will put that aside because they want to create the perception of equity, the perception of fairness. So while I will not offer my amendment, I want you to know, Mr. President, I feel quite strongly, and would like to take just 3 minutes to touch on the facts.

The Finance Committee says that that revenue provision does not actually place a tax on bond interest income. But it does, in essence, use the income from previously tax-exempt municipal bonds in the calculation of this tax. It will raise $5 million over 7 years. That is what it is going to raise. And it is going to play havoc with the financial markets for State and local bonds.

Local governments are going to have to raise money to pay higher interest rates, and those taxes are going to be raised by increases in sales and real property taxes.

Of course, the magnitude of the negative impact of this provision on the municipal bond market will be a serious one. The questions of this decision to use tax-exempt interest to calculate tax increases will raise in the minds of bond-market buyers is something that is very important.

I have spoken to three municipal finance officers within the past 20 minutes.

Bob Odell, city treasurer of the city of Los Angeles, indicated to me that it will cost Los Angeles a minimum of 25 basis points. That minimum means that it will cost the city of Los Angeles $1 million every year.

We should be proud of ourselves because we have raised $5 million over 7 years, less than $1 million per year.

Let me go further. David Shuman, commissioner of finances of one county, Westchester County, N.Y., said that this would increase the cost of borrowing for taxpayers, citizens of one county, Westchester, by $300,000 annually. But, after all, we have created the perception of equity, the perception of fairness. The act that it only enhances revenues by raising less than $1 million a year, but will cost the taxpayers, the villages, the towns, the States, and the counties anywhere from $240 million up; we put that aside.

Finally, I spoke with the president-elect of the Municipal Finance Association, Mr. Karl White, who is also the director of finances for the city of San Antonio. Let me tell you what he said.

He said that this is going to cost the city of San Antonio a minimum next year of $5 million. But we can be proud because we can say to the people that we have created an asterisk? Maybe $5 million over 7 years, less administrative costs.

Nationally, the Finance Committee says less than $1 million a year, but local governments will pay at least $240 million a year.

I will not send that amendment to the desk. If we go home, if we can leave this as it is, fine, but I do not want it to be said that, "D'AMATO prolonged this." He prolonged it by 3 minutes. Now, you go home and tell the cities, the counties, the villages, the towns, and the States that we cost them hundreds of millions of dollars more by not striking this provision.

Let me read to you a letter I just received from the Municipal Finance Officers Association. It says:

> The Municipal Finance Officers Association estimates the effect of including interest on formerly totally tax-exempt municipal bonds will produce annual increased costs to States and governments totaling $700 million.

I told you the bottom estimate was $240 million. But let us keep this provision in because it causes a percep-

tion, it is the asterisk in this bill which produces a perception of fairness.

We should be proud of ourselves.

Thank you, Mr. President.

● Mr. CHAFEE. Mr. President, this is not a complicated issue. If you can cut through all the mathematical calculations and threats of constitutional crises, you come down to an issue of simple fairness.

Congress is about to require that individuals earning income in excess of $25,000—$32,000 for couples—pay income tax on a portion of their social security. That is already in this bill.

Also in this bill is a requirement that all income be taken into consideration when calculating the $25,000 threshold—not just taxable income such as wages and pensions, but tax-exempt interest income from investments in municipal and State government bonds.

The purpose of this provision is to preserve fairness and equity in the law. It will help prevent individuals from avoiding tax on their social security benefits simply because they have the flexibility to shift their assets into tax-exempt securities.

If we do not preserve the bill the way it is, it will be possible for people earning hundreds of thousands of dollars in tax-free income to also avoid the new tax on one-half of social security benefits, while most other retirees receiving pensions will have to pay the tax.

If we had adopted the Long amendment a few hours ago, we would be creating a brandnew incentive for people to invest in tax-exempts. I do not think we want to go down this road, especially when we realize it leads to inequity and unfairness among social security recipients.

The social security bill before us does not in any way affect the tax status of municipal bonds. That is a phony argument. It does, however, affect the taxation of social security benefits which we all want to be implemented as fairly as possible.

Also, this bill will not affect the municipal bond market. It is strange to hear the critics claim, on one hand, that this provision in the bill raises no revenue for the Treasury, so why bother. And on the other hand, that we are going to dramatically upset the municipal bond market costing State and local governments hundreds of millions of dollars in higher borrowing costs. Which is it? One cannot have it both ways.

The truth is, there will be no effect on the bond market because this is in no way, shape, or form a tax on tax-exempt bonds.

The truth is, this provision in the bill is there for simple fairness. It requires that all income be considered when determining the $25,000 threshold at which point a portion of social security benefits becomes taxable.

The Senate has made a wise decision in retaining this provision.●

The PRESIDING OFFICER. Are there any further amendments?

Mr. DOLE. Mr. President, I move we adopt the committee amendment in the nature of a substitute, as amended.

The PRESIDING OFFICER. If there are no further amendments, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Maryland (Mr. MATHIAS), is necessarily absent.

I further announce that if present and voting, the Senator from Maryland (Mr. MATHIAS), would vote "yes".

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON) and the Senator from South Carolina (Mr. HOLLINGS), are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 88, nays 9, as follows:

[Rollcall Vote No. 53 Leg.]

YEAS—88

Abdnor	Glenn	Murkowski
Andrews	Goldwater	Nunn
Armstrong	Gorton	Packwood
Baker	Grassley	Pell
Baucus	Hart	Percy
Bentsen	Hatfield	Pressler
Biden	Hawkins	Proxmire
Bingaman	Hecht	Pryor
Boren	Heinz	Quayle
Boschwitz	Huddleston	Randolph
Bradley	Humphrey	Riegle
Bumpers	Inouye	Roth
Burdick	Jackson	Rudman
Byrd	Jepsen	Sarbanes
Chafee	Kassebaum	Sasser
Chiles	Kasten	Simpson
Cochran	Kennedy	Specter
Cohen	Lautenberg	Stafford
D'Amato	Laxalt	Stennis
Danforth	Leahy	Stevens
DeConcini	Levin	Thurmond
Denton	Long	Tower
Dixon	Lugar	Trible
Dodd	Matsunaga	Tsongas
Dole	Mattingly	Wallop
Domenici	McClure	Warner
Durenberger	Melcher	Weicker
Eagleton	Metzenbaum	Wilson
Exon	Mitchell	
Ford	Moynihan	

NAYS—9

East	Heflin	Nickles
Garn	Helms	Symms
Hatch	Johnston	Zorinsky

NOT VOTING—3

Cranston	Hollings	Mathias

So the bill (H.R. 1900) as amended was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. RIEGLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House of Representatives on the disagreeing votes thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer (Mr. JEPSEN) appointed Mr. DOLE, Mr. DANFORTH, Mr. CHAFEE, Mr. HEINZ, Mr. LONG, Mr. BENTSEN, and Mr. MOYNIHAN conferees on the part of the Senate.

Mr. DOLE. Mr. President, the Senator from New York has argued quite eloquently in favor of the amendment offered by Senator LONG, and defeated earlier today, that would have excluded tax-exempt income from the preliminary determination of the taxability of benefits. The Senator suggests that rejecting the Long amendment will result in higher costs for bond issuers. As my statement earlier today indicated, this could be true, only if one assumes that the starting point for such a calculation of increased costs is not the reality of current law, but a hypothetical law, where the Long amendment, and the bill we are debating tonight were in effect.

In fact, in relation to current law, S. 1 will actually reduce costs for bond issues, because it will create a small incentive to invest in tax-exempt bonds that does not exist today. The Senator from New York would prefer the creation of a larger incentive, but there is no basis to the suggestion that the enactment of S. 1 will actually worsen the position of bond issues.

I thank my colleagues on both sides of the aisle. I thank the distinguished Senator from Louisiana (Mr. LONG) for his assistance in moving this legislation through the Finance Committee and on the floor. I also want to thank the distinguished Senators from New York (Mr. MOYNIHAN), from Pennsylvania (Mr. HEINZ), and from Colorado (Mr. ARMSTRONG). These Members served on the National Commission, whose work provided the key to successful enactment of legislation to deal with the urgent financing problems of social security. Without the assistance of these Members, and of the others who served on the National Commis-

sion, we would not have passed this bill.

There is no doubt about it, this is a major legislative achievement. It took a concerted effort on the part of many hard-working, dedicated people to read the agreement that formed the basis of S. 1 and H.R. 1900. The leadership of President Reagan and Speaker O'Neill, as well as our distinguished majority leader, Senator BAKER, was of course crucial to our success. But I believe I may be forgiven if I specially mention Senators MOYNIHAN, HEINZ, and ARMSTRONG, because they served both on the National Commission and the Finance Committee as well as here on the floor. Each of them had a major impact on this agreement, and they were there from the beginning. Whatever disagreements we may have had, I congratulate them for their hard work and dedication.

Mr. President, I also want to extend special thanks to my staff and the staff of Members on both sides of the aisle, the joint committee staff, the staff of the Social Security Administration, and many many individuals in other agencies who helped us to put this package together.

Most of all, I thank the majority leader and the minority leader for helping us and keeping us moving and, finally, for the successful passage of this landmark legislation.

We will go to conference tomorrow morning at 8:30. It is our hope that we will complete the conference by midafternoon. I should think that with the overwhelming vote of 88 to 9 in favor of the legislation, we might be able to move rather quickly on the conference report.

Mr. BAKER. Mr. President, first, let me say to every Senator that I am grateful for their cooperation and understanding in the difficult matter of moving this complex piece of legislation through the Senate in a relatively brief time.

We have spent part of 6 days on this measure, more than 41 hours of debate. We conducted 23 rollcall votes all together. We considered 72 amendments; 49 of them were agreed to, 14 were rejected, 1 was tabled, and 4 were withdrawn. That is a considerable legislative undertaking.

I wish especially to congratulate the distinguished managers of the bill: The chairman of the Finance Committee, Senator DOLE, without whose expert guidance and legislative skill this package could not have passed; Senator LONG, the ranking minority member, who is so adept and skilled at the legislative procedure that his contribution is always felt and always valuable in the business of facilitating the expression of the will of the entire Senate.

Mr. President, I also pay tribute at this time to the members of the Social Security Commission, the so-called Greenspan Commission. While they were not involved directly in the deliberations on the floor, except to the extent that some Members of the Senate were members of that Commission, their presence was felt every moment during this debate. Their courageous act in initiating recommendations for fundamental changes in the social security system, for the first time in decades, led the way and perhaps made it possible for the House and the Senate to act on these politically explosive matters.

So I especially pay tribute to the members of the Commission for a job well done, and particularly to those Members of the Senate—such as Senator MOYNIHAN, Senator DOLE, Senator ARMSTRONG, Senator HEINZ, and others—who participated so effectively in the deliberations of the Commission.

Mr. BYRD. Mr. President, will the Senator yield?

Mr BAKER. I yield.

Mr. BYRD. Mr. President, I join the distinguished majority leader in expressing commendation to Mr. DOLE and to Mr. LONG, who have shown great dedication and who have worked hard in the deliberation of this bill.

I do not like the bill. I wish the problem would just go away. I did not want to vote for the bill. But when confronted with the alternative, the destruction of the social security system, bankruptcy of the social security system, I was left no choice. Undoubtedly, I speak for all Senators on both sides of the aisle.

I also want to express my compliments and my thanks to those on the Commission.

At this point, I want to thank publicly the majority leader for allowing me to select two members of that Commission from my side of the aisle. He did not have to do that, but he was characteristically fair in the matter. I am proud of the two members I selected—Mr. MOYNIHAN, the ranking minority member of the Social Security Subcommittee of the Committee on Finance, and Lane Kirkland.

I also compliment the Republican Members chosen by Mr. BAKER. They performed a difficult task and spent many hours in the effort.

As I say, this is a piece of legislation that I wish we had not had to vote on, but we had no choice.

So I compliment and thank all who participated. I think this has been a fine demonstration of bipartisanship on an extremely complex and difficult matter.

Mr. BAKER. I thank the minority leader. May I say that without his assistance in facilitating the business of the Senate, even though on occasion he disagreed with the action that was presented to the Senate on particular matters, and had it not been for his cooperation and steadfast determination to see the Senate function as an effective legislative body, we could not have brought this matter to a conclusion. I wish to publicly acknowledge his enormous contribution and the valuable contribution he has made to the business of the Senate in this matter and in many other ways.

Mr. BYRD. Mr. President, I thank the majority leader.

TRIBUTES TO PARTICIPANTS IN THE JOBS BILL

Mr. BAKER. Mr. President, may I take just a moment to pick up a stitch that I did not pick up earlier. I should have made similar remarks at the time we passed the jobs bill. I did not do so, and I am sorry for that; but it was late in the evening, and Senators were anxious to leave.

Let me at this moment pay a special tribute to the chairman of the Appropriations Committee, Senator HATFIELD, and the ranking minority member, Senator STENNIS, for their unfailing, unflagging efforts to move that equally difficult piece of legislation.

On that bill, I am told by the Journal clerk, we deliberated almost as long, more than 35 hours, and had 50 amendments and 19 rollcall votes.

Mr. President, for the Senate to have done these two important bills in a fairly brief span of time is an accomplishment that deserves high praise; and I stand here to extend my praise to every Member of the Senate for the work they have done. It is indeed a job well done.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. BYRD. Mr. President, I simply say for the record that I wish to associate my remarks with the remarks the majority leader has made. I, too, congratulate Mr. HATFIELD and Mr. STENNIS, the committee members, and the members of the conference.

I will say, however, that I did not have as much difficulty voting for that bill as I did with the social security bill.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, if no other Senator seeks to be recognized on this subject, I am going to ask the Senate to proceed to a period for the transaction of routine morning business. I make that request with the proviso that the time so provided will not extend past 10 p.m., in which Senators may speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY

Mr. BAKER. Mr. President, the principal business of the Senate to-

morrow will be to await the conference reports on which the Senate may act on the jobs bill and social security. It is my best estimate that we will receive those reports tomorrow sometime in the course of the afternoon, at least one of them. Perhaps there will be no need to deal further with the jobs bill. I hope not.

But in any event, I see no need for the Senate to convene early. We have had a tough week with long hours.

ORDER FOR RECESS UNTIL 12 NOON TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 12 noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE RECOGNITION OF CERTAIN SENATORS TOMORROW

Mr. BAKER. Mr. President, on tomorrow I have requests here for certain Senators to speak. I ask unanimous consent that after the recognition of the two leaders under the standing order, the following Senators be recognized on special orders of not to exceed 15 minutes each and in this order: Senators DOMENICI, THURMOND, and HATCH.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF MORNING BUSINESS TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that after the execution of the special orders there be a period for the transaction of routine morning business of not longer than 1 hour in length in which Senators may speak for not more than 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I have a number of items in my file that appear to be eligible for action by unanimous consent. I will state the request now for the consideration of the minority leader and of course for other Senators.

ORDER AUTHORIZING THE SECRETARY OF THE SENATE TO RECEIVE MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Mr. BAKER. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to receive messages from the House of Representatives during the recess over until Thursday, March 24.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT REFERRAL—S. 848 AND S. 916

Mr. BAKER. Mr. President, this also appears to be approved on both sides.

I ask unanimous consent that S. 848, a bill introduced by Senator CRANSTON on March 17, 1983, and S. 916, a bill introduced by Senator HATFIELD today dealing with the Federal Timber Contractor Relief Act be jointly referred to the Committees on Agriculture, Nutrition, and Forestry; and Energy and Natural Resources.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEFENSE PRODUCTION ACT OF 1950 EXTENSION

Mr. BAKER. Mr. President, I am prepared to proceed to the consideration of H.R. 2112, if that item is cleared by the minority leader for action at this time.

Mr. BYRD. Mr. President, that item is cleared.

Mr. BAKER. Very well.

Mr. President, I ask that the Chair lay before the Senate H.R. 2112, a bill to extend by 6 months the Defense Production Act of 1950.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 2112), to extend by 6 months the expiration date of the Defense Production Act of 1950.

There being no objection, the Senate proceeded to consider the bill.

Mr. TRIBLE. Mr. President, H.R. 2112 extends the Defense Production Act of 1950 for 6 months from its expiration on March 31, 1983, to September 30, 1983. I feel very strongly that the authorities of this act should be extended for a more lengthy period of time in order to insure that ongoing defense contracting and preparedness programs will not be jeopardized. I have, therefore, introduced legislation to extend this act until September 30, 1988. The administration testified at hearings on this legislation in strong support for a 5-year extension of the Defense Production Act.

I do understand, however, that the other body has, for some period of time, been considering amendments to title III of this act and for that reason I am hopeful that we can agree to a compromise on the length of the Defense Production Act extension that I believe meets everyone's needs on this matter. The amendment I will soon be offering would extend titles I and VII of the act, which contain contracting authorities vital to national security, titles which neither the House nor the Senate seek to amend, for a period of 5 years. Title III of the act, however, which is the subject of interest in both bodies with regard to future amendments, would be extended for a period of 6 months to allow time for legislative changes and recommendations to be developed. I look forward to working with all interested parties, including the Department of Defense, the Department of Commerce, the Federal Emergency Management Agency, and others in developing appropriate amendments to title III of the act.

There is a pressing need to avoid a costly and unnecessary expiration of the contracting provisions of the Defense Production Act. Such an occurrence, even for only a few days, would throw our defense contracting system into disarray and confusion. For this reason I hope the Senate will accept my amendment and that we can have this legislation on the President's desk in short order.

UP AMENDMENT NO. 140

(Purpose: To extend title III for six months and lengthen the extension for other programs)

Mr. BAKER. Mr. President, on behalf of the distinguished junior Senator from Virginia (Mr. TRIBLE) I send an amendment to the desk and ask that it be stated by the clerk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER), for Mr. TRIBLE and Mr. PROXMIRE, proposes an unprinted amendment numbered 140.

Mr. BAKER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

H.R. 2112

Strike out all after the enacting clause and insert in lieu thereof the following:

That (a) the first sentence of section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended—

(1) by striking out "March 31, 1983" and inserting in lieu thereof "September 30, 1988"; and

(2) by striking out ", title III,".

(b) Section 717(a) of such Act is amended by adding at the end thereof the following: "Title III of this Act and all authority conferred thereunder shall terminate at the close of September 30, 1983.".

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee.

The amendment (UP No. 140) was agreed to.

The PRESIDING OFFICER. If there be no further amendment to be proposed the question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (H.R. 2112) was passed.

The title was amended so as to read "An Act to extend the expiration date

of the Defense Production Act of 1950."

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I have next two resolutions dealing with authority for the Senate legal counsel to represent certain parties.

DIRECTING THE SENATE LEGAL COUNSEL TO REPRESENT SENATOR METZENBAUM IN KARCHIN VERSUS METZENBAUM

Mr. BAKER. Mr. President, first I send a resolution to the desk for myself and the distinguished minority leader and ask that it be stated and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 97) to direct the Senate Legal Counsel to represent Senator HOWARD M. METZENBAUM in *Karchin* v. *Senator Howard Metzenbaum*, Case No. 83-CV-I-413.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. BAKER. Mr. President, Senator HOWARD M. METZENBAUM has been named as a defendant in a civil action in the Lyndhurst Municipal Court, Cuyahoga County, Ohio. The plaintiff is an employee of the Defense Logistics Agency of the Department of Defense who wrote to Senator METZENBAUM to complain that he had been discriminated against in an application for employment at a local Army recruiting command office. Senator METZENBAUM'S office referred the letter to the Legislative Liaison for the Secretary of the Army and requested a report on the issues involved.

The lawsuit arises from the fact that the plaintiff had also included in his letter to Senator METZENBAUM an allegation of what the plaintiff perceived to be waste in the Department of Defense. To support his contention, the plaintiff had attached two vouchers authorizing the payments involved. Neither the plaintiff's letter to the Senator nor any of the attachments to it were marked by the plaintiff to be confidential and the referral of the letter to the Legislative Liaison of the Office of the Secretary of the Army was pursuant to ordinary Senate practice.

After Senator METZENBAUM'S office referred the plaintiff's letter to the Legislative Liaison for the Secretary of the Army, the Defense Logistics Agency suspended the plaintiff for 3 days for disclosing official agency documents without authorization. The Agency imposed this suspension despite the objections of Senator METZENBAUM'S office that Mr. Karchin was acting within his statutory rights in forwarding information about alleged waste to his Senator. The plaintiff is seeking damages from Senator METZENBAUM with respect to this matter. The following resolution will direct the Senate Legal Counsel to represent the Senator in this action.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 97) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 97

Whereas, in the case of *Milton Karchin* v. *Sen. Howard Metzenbaum*, Case No. 83-CV-I-413, pending in the Lyndhurst Municipal Court of the State of Ohio, the plaintiff has asserted a claim against Senator Howard M. Metzenbaum;

Whereas, pursuant to section 703(a) and 704(a) of the Ethics in Government Act of 1978 (2 U.S.C. 288b(a) and 288c(a) (Supp. V 1981)), the Senate may direct its counsel to defend the Members of the Senate in civil actions relating to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent Senator Howard M. Metzenbaum in the case of *Milton Karchin* v. *Sen. Howard Metzenbaum*.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DIRECTING THE SENATE LEGAL COUNSEL TO REPRESENT SENATOR THURMOND IN PEARCE VERSUS THURMOND

Mr. BAKER. Mr. President, next a similar resolution dealing with the authority of the Senate Legal Counsel. I ask unanimous consent that this resolution be considered at this time.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 98) to direct the Senate Legal Counsel to represent Senator THURMOND in *William W. Pearce* v. *The Honorable Strom Thurmond, et al.*, Civil Action No. 83-747.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. BAKER. Mr. President, a civil lawsuit has been filed in the U.S. District Court against Senator THURMOND, a Federal district judge, Honeywell, Inc., and several others alleging a conspiracy to procure the Federal indictment and otherwise violate constitutional rights of the plaintiff, William Pearce. The plaintiff was recently indicted in the Northern District of Virginia for defrauding Honeywell. Senator THURMOND has assured us that the allegation against the Senator in the complaint is baseless. Also, more than 7 weeks ago Senator THURMOND reported related allegations to the Department of Justice and asked the Attorney General for a complete investigation. Under these circumstances, it is appropriate for the Senate Legal Counsel to represent Senator THURMOND in this civil litigation. The following resolution will authorize and direct the Senate Legal Counsel to undertake that representation.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 98) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 98

Whereas, the case of *William W. Pearce*, v. *The Honorable Strom Thurmond, et al.*, Civil Action No. 83-747, is pending in the United States District Court for the District of Columbia, and the Honorable Strom Thurmond is named as a party defendant;

Whereas, pursuant to section 703(a) and 704(a) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a) (Supp. V 1981), the Senate may direct its counsel to defend the Members of the Senate in civil actions relating to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent Senator Thurmond in the case of *William W. Pearce* v. *The Honorable Strom Thurmond, et al.*

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE CALENDAR

Mr. BAKER. Mr. President, might I inquire of the minority leader if he would be in a position to consider a list of items on today's calendar of business which appear to be cleared for action by unanimous consent. They are Calendar Order Nos. 59, 60, 61, 62, 63, and 64.

Mr. BYRD. Mr. President, there is no objection on this side of the aisle.

Mr. BAKER. Mr. President, I thank the minority leader.

NATIONAL SAFETY IN THE WORKPLACE WEEK

The joint resolution (S.J. Res. 11) to authorize and request the President to designate the week of June 26, 1983, as "National Safety in the Workplace

Week", was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 11

Whereas the National Safety Council statistics indicate that workplace accidents accounted for thirteen thousand employee deaths and two million two hundred thousand employee injuries during 1981;

Whereas the cost of occupational accidents amounted to over $30,000,000,000 during 1981;

Whereas the American Society of Safety Engineers has promoted occupational safety in all industries for over seventy years; and

Whereas the American Society of Safety Engineers has grown since its birth in 1912 into the largest private sector organization in the country, with a current membership of eighteen thousand safety professionals from virtually every major corporation in the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the week of June 26, 1983, through July 2, 1983, as "National Safety in the Workplace Week", commemorating the seventy-first anniversary of the American Society of Safety Engineers and the efforts of the organizaiton to promote safety for the American worker, and calling upon all Government agencies and the people of the United States to observe the week with appropriate programs, ceremonies, and activities.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ARMY RESERVE DAY

The joint resolution (S.J. Res. 31) to authorize and request the President to designate April 23, 1983, as "Army Reserve Day," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 31

Whereas April 23, 1983, will mark the seventy-fifth anniversary of the establishment of the United States Army Reserve;

Whereas the United States Army Reserve has made many valuable contributions to the defense of the United States during the seventy-five years since it was established;

Whereas the members and former members of the United States Army Reserve have displayed courage and personal sacrifice in serving in the United States Army Reserve during those seventy-five years; and

Whereas the Nation relies on the readiness of the nine hundred and thirty-eight thousand, six hundred members currently serving in the United States Army Reserve to defend the United States if the need arises: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating April 23, 1983, as "Army Reserve Day", and calling upon all Federal, State, and local government agencies and people of the United States to observe the day with appropriate programs, ceremonies, and activities.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL NURSING HOME RESIDENTS DAY

The joint resolution (S.J. Res. 36) designating April 29, 1983, as National Nursing Home Residents Day, was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 36

Whereas over one million older Americans reside in nursing homes and one in five older Americans likely will reside in a nursing home at some time;

Whereas nursing home residents have contributed to the growth, development, and progress of this Nation and, as elders, offer a wealth of knowledge and experience;

Whereas Congress recognizes the importance of the continued participation of these institutionalized senior citizens in the life of our Nation;

Whereas in an effort to foster reintegration of these citizens into their communities Congress encourages community recognition of and involvement in the lives of nursing home residents;

Whereas the Congress recognizes the importance of safeguarding the rights of nursing home residents; and

Whereas it is appropriate for the American people to join in support of nursing home residents to demonstrate their concern and respect for these citizens: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 29, 1983, is designated as "National Nursing Home Residents Day", a time of renewed recognition, concern, and respect for the Nation's nursing home residents. The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this day with appropriate ceremonies and activities.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BALTIC FREEDOM DAY

The joint resolution (S.J. Res. 43) to declare Baltic Freedom Day, was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 43

Whereas the people of the Baltic Republics of Lithuania, Latvia, and Estonia have cherished the principles of religious and political freedom and independence; and

Whereas the Baltic Republics have existed as independent, sovereign nations, belonging to and fully recognized by the League of Nations; and

Whereas the people of the Baltic Republics have individual and separate cultures, national traditions, languages, distinctively foreign to those of Russia; and

Whereas the Union of Soviet Socialist Republics (U.S.S.R.) in 1940 did illegally seize and occupy the Baltic Republics and by force incorporate them against their national will and contrary to their desire for independence and sovereignty into the U.S.S.R.; and

Whereas the U.S.S.R. since 1940 has systematically removed native Baltic peoples from their homelands by deporting them to Siberia and caused great masses of Russians to relocate in the Republics, thus threatening the Baltic cultures with extinction; and

Whereas the U.S.S.R. has imposed upon the captive people of the Baltic Republics an oppressive political system which has destroyed every vestige of democracy, civil liberties, and religious freedom; and

Whereas the people of Lithuania, Latvia, and Estonia find themselves today subjugated by the U.S.S.R., locked into a union they deplore, denied basic human rights and persecuted for daring to protest; and

Whereas the United States stands as a champion of liberty, dedicated to the principles of national self-determination, human rights, and religious freedom, and opposed to oppression and imperialism; and

Whereas the United States, as a member of the United Nations has repeatedly voted with a majority of that international body to uphold the right of other countries of the world, including those in Africa and Asia, to determine their fates and be free of foreign domination; and

Whereas the U.S.S.R. has steadfastly refused to return to the people of the Baltic States the right to exist as independent republics separate and apart from the U.S.S.R. or permit a return of personal, political, and religious freedoms: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress of the United States recognizes the continuing desire and the right of the people of Lithuania, Latvia, and Estonia for freedom and independent from the domination of the U.S.S.R. and deplores the refusal of the U.S.S.R. to recognize the sovereignty of the Baltic Republics and to yield to their rightful demands for independence from foreign domination and oppression and that the fourteenth day of June 1983, the anniversary of the mass deportation of Baltic peoples from their homelands in 1941, be designated "Baltic Freedom Day" as a symbol of the solidarity of the American people with the aspirations of the enslaved Baltic people and that the President of the United States be authorized and requested to issue a proclamation for the annual observance of Baltic Freedom Day with appropriate ceremonies and activities.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MISSING CHILDREN DAY

The joint resolution (S.J. Res. 58) to authorize and request the President to designate May 25, 1983, as "Missing Children Day"; was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 58

Whereas on May 25, 1979, six-year-old Ethan Patz disappeared from his home in New York City and is still missing;

Whereas over one million eight hundred thousand children disappear from home annually;

Whereas children who are missing from home are not living in a family environment are frequently the victims of sexual and physical exploitation;

Whereas an estimated 60 per centum of missing children are sexually abused while away from home;

Whereas the search for missing children is frequently a low priority investigation in many law enforcement agencies;

Whereas efforts between Federal and local law enforcement agencies in child abduction cases are usually uncoordinated, haphazard, and ineffective; and

Whereas the problem of the missing child has been plagued by misinformation and there is a need to increase public understanding and awareness of this problem: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to issue a proclamation designating May 25, 1983, as "Missing Children Day", and calling upon all Government agencies and the people of the United States to observe the day with appropriate ceremonies, programs, and activities.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FOUNDATION FOR THE ADVANCEMENT OF MILITARY MEDICINE

The Senate proceeded to consider the bill (S. 653) to amend chapter 104, title 10, United States Code, to establish the Foundation for the Advancement of Military Medicine, and for other purposes, which had been reported from the Committee on Armed Services with an amendment to strike out all after the enacting clause, and insert the following:

S. 653

That this Act may be cited as the "Foundation for the Advancement of Military Medicine Act of 1983".

SEC. 2. (a) Chapter 7 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 178. Foundation for the Advancement of Military Medicine

"(a) There is authorized to be established a nonprofit corporation to be known as the Foundation for the Advancement of Military Medicine (hereinafter in this section referred to as the 'Foundation') which shall not for any purpose be an agency or instrumentality of the United States Government. The Foundation shall be subject to the provisions of this section and, to the extent not inconsistent with this section, the Corporations and Associations Articles of the State of Maryland.

"(b) It shall be the purpose of the Foundation (1) to carry out medical research and education projects under cooperative arrangements with the Uniformed Services University of the Health Sciences, (2) to serve as a focus for the interchange between military and civilian medical personnel, and (3) to encourage the participation of the medical, dental, nursing, veterinary, and other biomedical sciences in the work of the Foundation for the mutual benefit of military and civilian medicine.

"(c)(1) The Foundation shall have a Council of Directors (hereinafter in this section referred to as the 'Council') composed of—

"(A) the Chairmen and ranking minority members of the Committees on Armed Services of the Senate and the House of Representatives, who shall be ex an officio members,

"(B) the Dean of the Uniformed Services University of the Health Sciences, who shall be an ex officio member, and

"(C) four members appointed by the ex officio members of the Council designated in clauses (A) and (B).

"(2) The term of office of each member of the Council appointed under clause (C) of paragraph (1) shall be four years, except that—

"(A) any person appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and

"(B) the terms of office of members first taking office shall expire, as designated by the ex officio members of the Council at the time of the appointment, two at the end of two years and two at the end of four years

"(3) The Council shall elect a chairman from among its members.

"(d)(1) The Foundation shall have an Executive Director who shall be appointed by the Council and shall at the pleasure of the Council. The Executive Director shall be responsible for the day-to-day operations of the Foundation and shall have such specific duties and responsibilities as the Council shall prescribe.

"(2) The rate of compensation of the Executive Director shall be fixed by the Council.

"(e) The initial members of the Council shall serve as incorporators and take whatever actions as are necessary to establish under the Corporations and Associations Articles of the State of Maryland the corporation authorized by subsection (a).

"(f) Any vacancy in the Council shall not affect its powers, but shall be filled in the same manner in which the original designation or appointment was made.

"(g) In order to carry out the purposes of this section, the Foundation is authorized to—

"(1) enter into contracts with the Uniformed Services University of the Health Sciences for the purpose of carrying out cooperative enterprises in medical research, medical consultation, and medical education, including contracts for provision of such personnel and services as may be necessary to carry out such cooperative enterprises;

"(2) enter into contracts with public and private organizations for the writing, editing, printing, and publishing of books and other material:

"(3) take such action as may be necessary to obtain patents and licenses for devices and procedures developed by the Foundation and its employees;

"(4) accept, hold, administer, invest, and spend any gift, devise, or bequest of real or personal property made to the Foundation;

"(5) enter into contracts with individuals, public or private organizations, professional societies, and government agencies for the purpose of carrying out the functions of the Foundation;

"(6) enter into such other contracts, leases, cooperative agreements, and other transactions as the Executive Director considers appropriate to conduct the activities of the Foundation; and

"(7) charge such fees for professional services furnished by the Foundation as the Executive Director determines reasonable and appropriate.

"(h)(1) A person who is a full-time or part-time employee of the Foundation may not be an employee (full-time or part-time) of the Federal Government.

"(2) No part of the compensation paid to an employee of the Foundation may be paid from Federal funds.

"(i) The Council shall transmit to the President annually, and at such other times as the Council considers desirable, a report on the operations, activities, and accomplishments of the Foundation.".

(b) The table of sections at the beginning of chapter 7 of such title is amended by adding at the end thereof the following new item:

"178. Foundation for the Advancement of Military Medicine.".

SEC. 3. Section 2113 of title 10, United States Code, is amended by adding at the end thereof the following new subsection:

"(j)(1) The Board also is authorized—

"(A) to enter into contracts with the Foundation for the Advancement of Military Medicine established under section 178 of this title, or with any other nonprofit entity, for the purpose of carrying out cooperative enterprises in medical research, medical consultation, and medical education;

"(B) subject to paragraph (2), to make available to the Foundation for the Advancement of Military Medicine, on such terms and conditions as the Board determines appropriate, such space, facilities, equipment, and support services within the University as the Board considers necessary to accomplish cooperative enterprises undertaken by such foundation and the University;

"(C) subject to paragraph (2), to enter into contracts with the Foundation for the Advancement of Military Medicine under which the Board may furnish the services of such professional, technical, or clerical personnel as may be necessary to fulfill cooper-

ative enterprises undertaken by such foundation and the University;

"(D) to accept, hold, administer, invest, and spend any gift, devise, or bequest of personal property made to the University, including any gift, devise, or bequest for the support of an academic chair, teaching, research, or demonstration project;

"(E) subject to paragraph (2), to enter into agreements with the Foundation for the Advancement of Military Medicine, or with any other nonprofit entity, under which scientists or other personnel of the Foundation or other entity may be utilized by the University for the purpose of enhancing the activities of the University in education, research, and technological applications of knowledge; and

"(F) to accept the voluntary services of guest scholars and other persons.

"(2) The authority of the Board under clauses (B), (C), and (E) of paragraph (1) may be exercised only if—

"(A) before the Board enters into any arrangement under which any space, facility, equipment, or support service is made available under clause (B) of such paragraph, before the Board enters into any contract under clause (C) of such paragraph, or before the Board enters into any agreement under clause (E) of such paragraph, it notifies the Committees on Armed Services of the Senate and the House of Representatives in writing of the proposed arrangement, contract, or agreement, as the case may be, the terms and conditions thereof, and, in the case of a proposed agreement under clause (E) of paragraph (1), any appointments proposed to be made under the authority of paragraph (4) in connection with the agreement, and

"(B) a period of fifteen days has elapsed following the date on which the notice is received by such committees.

"(3) The Board may not enter into any contract with the Foundation for the Advancement of Military Medicine, or with any other entity, if the contract would obligate the University to make outlays in advance of the enactment of budget authority for such outlays.

"(4) Scientists or other medical personnel utilized by the University under an agreement described in clause (E) of paragraph (1) may be appointed to any position within the University and may be permitted to perform such duties within the University as the Board may approve.

"(5) A person who provides voluntary services under the authority of clause (F) of paragraph (1) shall be considered to be an employee of the Federal Government for the purposes of chapter 81 of title 5, relating to compensation for work-related injuries, and to be an employee of the Federal Government for the purposes of chapter 171 of title 28, relating to tort claims. Such a person who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee for any other purpose by reason of the provision of such services.".

THE FOUNDATION FOR THE ADVANCEMENT OF MILITARY MEDICINE ACT OF 1983

Mr. TOWER. Mr. President, I am pleased to present for the Senate's consideration S. 653, the Foundation for the Advancement of Military Medicine Act of 1983. At the initiative of Senator JACKSON and myself, the Armed Services Committee has unanimously recommended that this bill be approved by the full Senate.

S. 653 would establish a private, nonprofit, charitable foundation known as the Foundation for the Advancement of Military Medicine. Its purpose would be to fund education and research on military medicine and to support the work done by the Uniformed Services University of the Health Sciences.

The Uniformed Services University was created by Congress in 1972 to train medical officers for the Army, Navy, Air Force, and Public Health Service. Recently, several individuals have expressed interest in making contributions to the University in order to enhance this important training mission. Under present law, however, there is only limited authority for the university to accept such private donations, and there is no convenient vehicle through which the contributions can be made. This legislation addresses this problem, both by enlarging the authority of the Board of Regents of the University and by creating a charitable foundation to further the school's purposes.

The Foundation will be able to seek gifts on behalf of both itself and the University. In this way, it will fund its participation in cooperative medical research and education projects with the Uniformed Services University. S. 653 also authorizes the Board of Regents of the University to interact with the Foundation and, in certain circumstances, with other nonprofit entities. The result is the advancement of military medicine without the expenditure of additional Federal funds.

Mr. President, the bill under consideration today offers Congress the opportunity to strengthen the important institution it established in 1972. I would like to commend the ranking minority member of the Armed Services Committee, Senator JACKSON, for undertaking this important initiative. I urge the Senate to approve it today.

Mr. President, the committee has prepared a report on S. 653, and I ask unanimous consent that it be printed in full in the RECORD at the conclusion of my remarks.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

ESTABLISHMENT OF THE FOUNDATION FOR THE ADVANCEMENT OF MILITARY MEDICINE

Mr. Tower, from the Committee on Armed Services, submitted the following report; to accompany S. 653.

The Committee on Armed Services, to which was referred the bill (S. 653) to amend title 10, United States Code, to establish the Foundation for the Advancement of Military Medicine, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill (as amended) do pass.

COMMITTEE AMENDMENT IN THE FORM OF A SUBSTITUTE

The Committee amended the bill by striking all after the enacting clause and substituting a new bill reflecting changes recommended by the Committee.

PURPOSE

S. 653 would establish the Foundation for the Advancement of Military Medicine and give the Board of Regents of the Uniformed Services University of the Health Sciences the authority to interact with this Foundation and, in certain circumstances, with other nonprofit entities.

BACKGROUND AND SUMMARY OF COMMITTEE RECOMMENDATION

The Uniformed Services University of the Health Sciences was established by Congress in 1972 to train medical officers for the uniformed services and to provide programs in continuing medical education for military members of the health professions. Its students are active duty commissioned officers in the Army, Navy, Air Force or Public Health Service. As students they pay no tuition. However, graduates must fulfill an active duty service obligation of at least seven years following internship and residency. The University's primary objective is to provide comprehensive, high quality education for students motivated to medical careers in the uniformed services.

It has always been the intent of Congress that the programs at the Uniformed Services University should be highly innovative and at the forefront of medical teaching, research and care. But like other academic institutions, the activities of the University are constrained by the availability of resources. Therefore, to contribute to this goal of excellence, the Committee recommends establishment of the Foundation for the Advancement of Military Medicine.

The Foundation will be an educational and research organization patterned after the American Registry of Pathology that was established by Congress in 1976 to support the Armed Forces Institute of Pathology. The Foundation will be a nonprofit, charitable corporation which will receive gifts, grants and legacies on behalf of both itself and the Uniformed Services University. It will seek funds on the same terms and from the same sources as all other private foundations, including support from individuals, universities, business, foundations and through contracts and grants.

The Foundation will participate in cooperative medical research and education projects with the Uniformed Services University. The Committee intends that medical research projects carried out by the Foundation could include applied and clinical research, including, where necessary as an adjunct to such research, direct patient care. By channeling private resources to the Uniformed Services University, the Foundation will help the University and military medicine maintain advanced scientific teaching and research. In addition, the Foundation will support the growing international role of the University in its cooperative research in other countries and in its programs with medical schools training military officers both here and abroad.

Overseeing the activities of the Foundation will be a Council of Directors composed of the Chairmen and Ranking Minority Members of the House and Senate Armed Services Committees, who will be ex officio members; the Dean of the Uniformed Services University, who will also be an ex offi-

cio member; and four other members who will be appointed by the ex officio members to serve four-year terms. The composition of this Council of Directors ensures that the Congress will remain involved in the purposes, direction and supervision of the Foundation.

S. 653 also authorizes the Board of Regents of the Uniformed Services University to interact with the Foundation for the Advancement of Military Medicine and, in certain circumstances, with other nonprofit entities. The bill allows the Board of Regents to contract with the Foundation and other nonprofit entities for cooperative enterprises in medical research, consultation and education; to make available to the Foundation space, facilities, equipment and support within the University to accomplish mutual cooperative enterprises; to accept gifts or legacies to further the efforts of the University; to enter into agreements with the Foundation or other nonprofit entities for the services of scientists or other personnel to enhance the activities of the University; and to use guest scholars and the services of volunteers.

The bill as reported also includes a provision ensuring that the Congress is kept informed of the extent to which the Board of Regents of the Uniformed Services University makes space, personnel, equipment or other support available to the Foundation and the extent to which the Board enters into agreements with the Foundation or any other nonprofit entity so that personnel outside the University can participate in University activities.

At least annually, and more often if desirable, the Council of Directors of the Foundation will submit a report of its operations, activities and accomplishments to the President of the United States.

The Committee believes that the Foundation for the Advancement of Military Medicine will make an important contribution to the unique role of the Uniformed Services University. The Foundation will allow interested members of the public, without government expenditures, to become involved in medical advances for the uniformed services through donations and legacies which will support important and innovative research, teaching and services in military medicine. The Foundation will also make a useful contribution toward enhancing cooperation and communication between the military and civilian medical communities.

SECTION-BY-SECTION ANALYSIS OF S. 653

The purpose of this bill, which contains three sections, is (a) to establish the Foundation for the Advancement of Military Medicine ("the Foundation") and (b) to authorize the Board of Regents of the Uniformed Services University of the Health Sciences ("the Board") to interact with the Foundation and, in certain circumstances, with other nonprofit entities.

Section 1 of the bill provides for a short title, the Foundation for the Advancement of Military Medicine Act of 1983. Section 2 amends chapter 7 of title 10, United States Code, which deals with Boards, Councils and Committees in the Defense Department, by adding a new section 178. Section 3 amends chapter 104 of title 10, which deals with the Uniformed Services University of the Health Sciences, by adding a new subsection to section 2113.

Section 2 of the bill adds a new section (section 178) to the end of chapter 7 of title 10, United States Code. Section 178 has nine subsections, (a) through (i).

Subsection (a) of section 178 authorizes the establishment of a nonprofit corporation to be known as the Foundation for the Advancement of Military Medicine. The corporation shall not for any purpose be an agency or instrumentality of the United States Government. The Foundation will be subject to the provisions of section 178 of title 10, United States Code, and, to the extent not inconsistent with this section, the Corporations and Association Articles of the State of Maryland.

Subsection (b) of section 178 sets forth the purposes of the Foundation, which include: (1) carrying out medical research and education projects under cooperative arrangements with the Uniformed Services University of the Health Sciences, (2) serving as a focus for the interchange between military and civilian medical personnel; and (3) encouraging the participation of the medical, dental, nursing, veterinary, and other biomedical sciences in the work of the Foundation for the mutual benefit of military and civilian medicine. The Committee intends that medical research projects carried out by the Foundation could include applied and clinical research, including, where necessary as an adjunct to such research, direct patient care.

Subsection (c) deals with a Council of Directors for the Foundation.

Paragraph (1) of subsection 178(c) requires that the Foundation have a Council of Directors ("The Council") composed of the following nine members: (A) the Chairmen and Ranking Minority Members of the Committees on Armed Services of the House of Representatives and the Senate as ex officio members of the Council, (B) the Dean of the Uniformed Services University of the Health Sciences, also as an ex officio member of the Council, and (C) four other members appointed by these five ex officio members of the Council.

Paragraph (2) of subsection 178(c) requires that the term of office of the four members of the Council appointed by the ex officio members of the Council shall be four years, with the following two exceptions: (A) any person appointed to the Council to fill a vacancy occurring before the expiration of the term for which has predecessor was appointed shall only be appointed for the remainder of such term, and (B) the terms of office of the first non-ex officio members of the Council shall expire, as designated by the ex officio members of the Council at the time of the appointment, two at the end of two years and two at the end of four years. This provision precludes the simultaneous expiration of the terms of all four non-ex officio members of the Council.

Paragraph (3) of subsection 178(c) requires the Council to elect a chairman from among its nine members.

Subsection (d) of section 178 requires the Foundation to have an Executive Director appointed by the Council who serves at the pleasure of the Council. The Executive Director will be responsible for the day-to-day operations of the Foundation and will have the specific duties and responsibilites prescribed by the Council. The salary of the Executive Director shall be set by the Council.

Subsection (e) of section 178 requires the initial members of the Council to serve as incorporators of the Foundation and to take whatever actions are necessary to establish the Foundation under the Corporations and Associations Articles of the State of Maryland.

Subsection (f) of section 178 provides that any vacancy that occurs in the membership of the Council shall not effect its powers. Such a vacancy shall be filled in the same manner in which the original appointment or designation was made.

Subsection (g) of section 178 contains seven paragraphs authorizing the Foundation to carry out different functions:

Paragraph (1) of subsection 178(g) authorizes the Foundation to enter into contracts with the Uniformed Services University of the Health Sciences to carry out cooperative enterprises in medical research, medical consultation, and medical education, including contracts for provision of any personnel and services necessary to carry out such cooperative enterprises.

Paragraph (2) of subsection 178(g) authorizes the Foundation to enter into contracts with public and private organizations for the writing, editing, printing, and publishing of books and other material.

Paragraph (3) of subsection 178(g) authorizes the Foundation to take any action necessary to obtain patents and licenses for devices and procedures developed by the Foundation and its employees.

Paragraph (4) of subsection 178(g) authorizes the Foundation to accept, hold, administer, invest, and spend any gift, devise, or bequest of real or personal property made to the Foundation.

Paragraph (5) of subsection 178(g) authorizes the Foundation to enter into contracts with individuals, public or private organizations, professional societies, and government agencies for the purpose of carrying out the functions of the Foundation.

Paragraph (6) of subsection 178(g) authorizes the Foundation to enter into such other contracts, leases, cooperative agreements, and other transactions as the Executive Director considers appropriate to conduct the activities of the Foundation.

Paragraph (7) of subsection 178(g) authorizes the Foundation to charge such fees for professional services furnished by the Foundation as the Executive Director determines reasonable and appropriate.

Subsection (h) of section 178 prohibits full-time or part-time employees of the Federal Government from serving as full-time or part-time employees of the Foundation. It also bars compensation of Foundation employees from Federal funds.

Subsection (i) section 178(g) requires the council to transmit at least annually a report on the operation, activities, and achievements of the Foundation to the President of the United States.

Section 3 of the bill amends section 2113 of chapter 104 of title 10, United States Code, dealing with the Board of Regents of the Uniformed Services University of the Health Sciences ("the Board"), by adding a new subsection (j) at the end of the section.

Paragraph (1) of the new subsection 2113(j) authorizes the Board to interact with the Foundation and, in certain circumstances, with other nonprofit entities. In certain cases, the authority of the Board is limited by the requirement to notify the Congress contained in paragraph (2) of the new subsection (j), discussed below.

Under paragraph (1) the Board is authorized (A) to enter into contracts with the Foundation for the Advancement of Military Medicine established under section 178 of this title, or with any other nonprofit entity, for the purpose of carrying out cooperative enterprises in medical research, medical consultation, and medical education; (B) to make available to the Foundation for the Advancement of Military Medicine, on such terms and conditions as the Board deter-

mines appropriate, such space, facilities, equipment, and support services within the University as the Board considers necessary to accomplish cooperative enterprises undertaken by the Foundation and University; (C) to enter into contracts with the Foundation under which the Board may furnish the services of any professional, technical, or clerical personnel necessary to fulfill cooperative enterprises undertaken by the Foundation and the University; (D) to accept, hold, administer, invest, and spend any gift, devise, or bequest of personal property made to the University, including any gift, devise, or bequest for the support of an academic chair, teaching, research, or demonstration project; (E) to enter into agreements with the Foundation for the Advancement of Military Medicine, or with any other nonprofit entity, under which scientists or other personnel of the Foundation or other entity may be utilized by the University for the purpose of enhancing the activities of the University in education, research, and technological applications of knowledge; and (F) to accept the voluntary services of guest scholars and other persons.

Paragraph (2) of the new subsection 2113(j) requires a report to the Congress and a subsequent waiting period before the Board can enter into certain agreements authorized by paragraph (1). The purpose of this reporting requirement is to ensure that the Congress is kept informed of the extent to which the Board of Regents of the Uniformed Services University makes space, personnel, equipment or other support available to the Foundation and the extent to which the Board enters into agreements with the Foundation or any other nonprofit entity for personnel outside the University to participate in University activities.

Under this paragraph the Board must notify the Committees on Armed Services of the Senate and House of Representatives in writing before the Board enters into any agreements or contracts under which the Board agrees to provide any space, facility, equipment, support service, or personnel to the Foundation. A similar notification is required before the Board reaches an agreement with the Foundation, or any other nonprofit entity, concerning the use of scientists or other personnel of the Foundation or the nonprofit entity by the Uniformed Services University of Health Sciences. This notification must include a description of the proposed arrangement, contract, or agreement, as the case may be, and, in the case of a proposed agreement concerning scientists or other personnel of the Foundation or a nonprofit entity, any appointments proposed to be made under the authority included in paragraph 4 of the new subsection (j)(4), discussed below. After the required notice is given, the Board must wait 15 days from the date on which the notice was received by the committees before entering into the particular agreement or contract which necessitated the notice.

Paragraph (3) of the new subsection 2113(j) prohibits the Board from entering into any contract with the Foundation for the Advancement of Military Medicine, or with any other entity, if the contract would obligate the University to make outlays in advance of the enactment of budget authority for such outlays.

Paragraph (4) of the new subsection 2113(j) allows scientists or other medical personnel utilized by the University under an agreement authorized by paragraph (1) to be appointed to any position within the University and to perform such duties within the University as the Board may approve.

Paragraph (5) of the new 2113(j) provides certain limited protections to persons who provide voluntary services to the Uniformed Services University under the authority granted in paragraph (1). This section provides that such persons shall be considered to be employees of the Federal Government for the purposes of chapter 81 of title 5, relating to compensation for work-related injuries, and for the purposes of chapter 171 of title 28, relating to tort claims. This paragraph also makes it clear, however, that such persons who are not otherwise employed by the Federal Government shall not be considered Federal employees for any other purposes by reason of the provision of such voluntary services.

GENERAL COUNSEL OF THE
DEPARTMENT OF DEFENSE,
Washington, D.C., March 14, 1983.

Hon. JOHN TOWER,
Chairman, Committee on Armed Services,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Reference is made to your request for the views of the Department of Defense with respect to S. 653, 98th Congress, a bill "To establish the Foundation for the Advancement of Military Medicine, and for other purposes."

PURPOSE OF THE LEGISLATION

The bill would establish a nonprofit, charitable, educational, and research foundation supporting the purposes of the Uniformed Services University. The bill provides for the public's involvement in aiding the University through the Foundation, and for an additional mechanism for cooperation between civilian and military medicine. The Foundation would receive private support, and this support would bring resources to the University. Thus, without additional governmental expenditures, the University's teaching, research, and services would be furthered.

The Foundation would, as proposed, be a separate corporate entity, to receive gifts, grants, legacies, and other funds. Other corporations and entities, such as the American Cancer Society, state and local governments, foundations and universities. as well as individuals, could sponsor activities at the Foundation to support and advance military medicine.

The legislation uses as its model the successful American Registry of Pathology which supports the Defense Department's Armed Forces Institute of Pathology. The Registry is a nonprofit corporation with similar purposes and functions.

COST AND BUDGET DATA

Enactment of S. 653 will not result in any increased budgetary requirements to the Department of Defense.

For the reasons indicated above, the Department of Defense strongly supports the establishment of the Foundation and recommends early enactment of S. 653.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to this report.

Sincerely,

WILLIAM H. TAFT IV.

UNIFORMED SERVICES UNIVERSITY
OF THE HEALTH SCIENCES,
Bethesda, Md., March 10, 1983.

Hon. JOHN TOWER,
Chairman, Committee on Armed Services,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I am pleased to respond to your request regarding my position on the bill "To Establish the Foundation for the Advancement of Military Medicine, and for other purposes."

The University welcomes the legislation and looks to it as an important source of support for University programs and for the future of military medicine.

The Foundation would provide a path for civilian and military cooperation in University projects, teaching, research, and services. It will allow the University to receive gifts that honor distinguished citizens and that aid our functions. Like other foundations that support public medical schools, such as the University of California San Francisco Foundation and the foundation supporting the Armed Forces Institute of Pathology, the American Registry of Pathology, the Foundation will provide a mechanism to support the goals and programs of the Unversity without additional governmental expenditures.

The Foundation, like its counterparts, will receive grants, gifts, and legacies, and will enhance the University's contributions to the advancement of military medicine.

The Board of Regents of the University, at their meeting on January 17, 1983, expressed their enthusiasm for the Foundation and wish me to communicate this to you.

Sincerely,

JAY P. SANFORD, M.D.,
President and Dean.

CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., March 22, 1983.

Hon. JOHN TOWER
Chairman, Committee on Armed Services,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed S. 653, a bill to establish the Foundation for the Advancement of Military Medicine, as ordered reported by the Senate Committee on Armed Services on March 22, 1983.

Based on this review, it is expected that no additional cost to the government would be incurred as a result of enactment of this legislation.

Enactment of this bill would not affect the budgets of state and local governments.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

ALICE M. RIVLIN,
Director.

COMMITTEE ACTION

On March 22, 1983, the Committee on Armed Services voted unanimously to report S. 653 as amended.

REGULATORY IMPACT

Paragraph 11(b) of rule XXVI of the Standing Rules of the Senate requires that a report on the regulatory impact of a bill be included in the report on such bill. The committee finds that in the case of S. 653 there is no regulatory impact.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law proposed to be made by the bill are shown as follows: Existing law to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman.

TITLE 10, UNITED STATES CODE

Subtitle A—General Military Law

* * * * *

PART I—ORGANIZATION AND GENERAL MILITARY POWERS

* * * * *

CHAPTER 7.—BOARDS, COUNCILS, AND COMMITTEES

Sec.
171. Armed Forces Policy Council.
172. Ammunition storage board.
173. Advisory personnel.
174. Advisory personnel: research and development.
175. Reserve Forces Policy Board.
176. Foundation for the Advancement of Military Medicine.

* * * * *

§ 178. Foundation for the Advancement of Military Medicine

(a) There is authorized to be established a nonprofit corporation to be known as the Foundation for the Advancement of Military Medicine (hereinafter in this section referred to as the 'Foundation') which shall not for any purpose be an agency or instrumentality of the United States Government. The Foundation shall be subject to the provisions of this section and, to the extent not inconsistent with this section, the Corporations and Associations Articles of the State of Maryland.

(b) It shall be the purpose of the Foundation (1) to carry out medical research and education projects under cooperative arrangements with the Uniformed Services University of the Health Sciences, (2) to serve as a focus for the interchange between military and civilian medical personnel, and (3) to encourage the participation of the medical, dental, nursing, veterinary, and other biomedical sciences in the work of the Foundation for the mutual benefit of military and civilian medicine.

(c) (1) The Foundation shall have a Council of Directors (hereinafter in this section referred to as the 'Council') composed of—

(A) the Chairmen and ranking minority members, of the Committees on Armed Services of the Senate and the House of Representatives, who shall be ex officio members,

(B) the Dean of the Uniformed Services University of the Health Sciences, who shall be an ex officio member, and

(C) four members appointed by the ex officio members of the Council designated in clause (A) and (B).

(2) The term of office of each member of the Council appointed under clause (C) of paragraph (1) shall be four years, except that—

(A) any person appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and

(B) the terms of office of members first taking office shall expire, as designated by the ex officio members of the Council at the time of the appointment, two at the end of two years and two at the end of four years.

(3) The Council shall elect a chairman from among its members.

(d) (1) The Foundation shall have an Executive Director pleasure of the Council. The Executive Director shall be responsible for the day-to-day operations of the Foundation and shall have such specific duties and responsibilities as the Council shall prescribe.

(2) The rate of compensation of the Executive Director shall be fixed by the Council.

(e) The initial members of the Council shall serve as incorporators and take whatever actions as are necessary to establish under the Corporations and Associations Articles of the State of Maryland the corporation authorized by subsection (a).

(f) Any vacancy in the Council shall not affect its powers, but shall be filled in the same manner in which the original designation or appointment was made.

(g) In order to carry out the purposes of this section, the Foundation is authorized to—

(1) enter into contracts with the Uniformed Services University of the Health Sciences for the purpose of carrying out cooperative enterprises in medical research, medical consultation, and medical education, including contracts for provision of such personnel and services as may be necessary to carry out such cooperative enterprises;

(2) enter into contracts with public and private organizations for the writing, editing, printing, and publishing of books and other material;

(3) take such action as may be necessary to obtain patents and licenses for devices and procedures developed by the Foundation and its employees;

(4) accept, hold, administer, invest, and spend any gift, devise, or bequest of real or personal property made to the Foundation;

(5) enter into contracts with individuals, public or private organizations, professional societies, and government agencies for the purpose of carrying out the functions of the Foundation;

(6) enter into such other contracts, leases, cooperative agreements, and other transactions as the Executive Director considers appropriate to conduct the activities of the Foundation; and

(7) charge such fees for professional services furnished by the Foundation as the Executive Director determines reasonable and appropriate.

(h)(1) A person who is a full-time or part-time employee of the Foundation may not be an employee (full-time or part-time) of the Federal Government.

(2) No part of the compensation paid to an employee of the Foundation may be paid from Federal funds.

(i) The Council shall transmit to the President annually, and at such other times as the Council considers desirable, a report on the operations, activities, and accomplishments of the Foundation.

* * * * *

PART III—TRAINING

* * * * *

CHAPTER 104.—UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

* * * * *

§ 2113. Board of Regents

(a) * * *

(j)(1) The Board also is authorized—

(A) to enter into contracts with the Foundation for the Advancement of Military Medicine established under section 178 of this title, or with any other nonprofit entity, for the purpose of carrying out cooperative enterprises in medical research, medical consultation, and medical education;

(B) subject to paragraph (2), to make available to the Foundation for the Advancement of Military Medicine, on such terms and conditions as the Board determines appropriate, such space, facilities, equipment, and support services within the University as the Board considers necessary to accomplish cooperative enterprises undertaken by such foundation and the University;

(C) subject to paragraph (2), to enter into contracts with the Foundation for the Advancement of Military Medicine under which the Board may furnish the services of such professional, technical, or clerical personnel as may be necessary to fulfill cooperative enterprises undertaken by such foundation and the University;

(D) to accept, hold, administer, invest, and spend any gift, devise, or bequest of personal property made to the University, including any gift, devise, or bequest for the support of an academic chair, teaching, research, or demonstration project;

(E) subject to paragraph (2), to enter into agreements with the Foundation for the Advancement of Military Medicine, or with any other nonprofit entity, under which scientists or other personnel of the Foundation or other entity may be utilized by the University for the purpose of enhancing the activities of the University in education, research, and technological applications of knowledge; and

(F) to accept the voluntary services of guest scholars and other persons.

(2) The authority of the Board under clauses (B), (C), and (E) of paragraph (1) may be exercised only if—

(A) before the Board enters into any arrangement under which any space, facility, equipment, or support service is made available under clause (B) of such paragraph, before the Board enters into any contract under clause (C) of such paragraph, or before the Board enters into any agreement under clause (E) of such paragraph, it notifies the Committees on Armed Services of the Senate and the House of Representatives in writing of the proposed arrangement, contract, or agreement, as the case may be, the terms and conditions thereof, and, in the case of a proposed agreement under clause (E) of paragraph (1), any appointments proposed to be made under the authority of paragraph (4) in connection with the agreement, and

(B) a period of fifteen days has elapsed following the date on which the notice is received by such committees.

(3) The Board may not enter into any contract with the Foundation for the Advancement of Military Medicine, or with any other entity, if the contract would obligate the University to make outlays in advance of the enactment of budget authority for such outlays.

(4) Scientists or other medical personnel utilized by the University under an agreement described in clause (F) of paragraph (1) may be appointed to any position within the University and may be permitted to perform such duties within the University as the Board may approve.

(5) A person who provides voluntary services under the authority of clause (F) of paragraph (1) shall be considered to be an employee of the Federal Government for the purposes of chapter 81 of title 5, relat-

ing to compensation for work-related injuries, and to be an employee of the Federal Government for the purposes of chapter 171 of title 28, relating to tort claims. Such a person who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee for any other purpose by reason of the provision of such services.

THE FOUNDATION FOR THE ADVANCEMENT OF MILITARY MEDICINE

Mr. JACKSON. Mr. President, I am pleased to have this opportunity to speak in support of S. 653, which Senator TOWER joined with me in proposing to establish the Foundation for the Advancement of Military Medicine. I thank Senator JEPSEN for his cooperation and support at the subcommittee level and for his cosponsorship of the bill. In addition, I wish to thank Senators THURMOND, EXON, LEVIN, and KENNEDY for joining as cosponsors.

The Foundation will be an educational one—a nonprofit entity which will receive gifts, grants, and legacies in order to provide funds for academic chairs, teaching, research, and demonstration projects under the auspices of the Uniformed Services University of the Health Sciences.

The Foundation will cooperate in research with the Uniformed Services University by bringing resources to the University and helping the University and military medicine maintain advanced scientific teaching, research, and medical services.

The bill also directly involves the Congress, through our participation as directors of the Foundation and in the purposes, direction, and supervision of the Foundation. This is like our involvement at the Smithsonian Institution. Through the Foundation we will be involved in medical advances for the uniformed services. The Foundation lets us, with the support of the public, but without governmental expenditures, honor distinguished citizens, both military and civilian, with living memorials such as chairs in medical science and support of important and innovative research and medical services.

The University was established by Congress in 1972 to provide the country with a dedicated corps of uniformed services physicians, trained in the traditions of caring and healing, but trained as well in those special aspects needed to support the health of our military. With their special obligation to the country for this training, these physicians will provide a significant part of the military's medical officers. I expect they will be leaders in our country's medical care.

Like the rest of Government, the University is constrained by the availability of resources. It has always been Congress intent that the programs at the University will be the best, the most innovative, and at the forefront of teaching, research, and care. This Foundation will provide one method of supporting these goals through the public's recognition of their importance.

The Foundation will be extremely important to both civilian and military medicine. Often medical projects that have so much importance to the military provide great benefit to everyone. The University is currently involved in an exciting project to reverse or halt the effects of spinal cord injuries. If the research is successful, not only will it allow us to care for men and women injured in combat but also to care for our sons and daughters who are injured in athletic events and automobile accidents. Here the path for cooperation between military and civilian worlds is clear. We can easily see a shared interest in research and an important role for the Foundation in facilitating and expanding cooperation of such programs.

In addition, the Foundation will support the growing international role of the University in its cooperative research in other countries and in its programs with medical schools training military medical officers both here and abroad.

The bill is essentially a simple one. It establishes the Foundation for the Advancement of Military Medicine and it gives the Board of Regents of the Uniformed Services University the authority to interact with the Foundation and with other non-profit entities.

The bill is noncontroversial. It enhances a unique and important national medical resource. It is patterned after the successful American Registry of Pathology which was authored by Senator KENNEDY and established by Congress in 1976 to support the Armed Forces Institute of Pathology.

Mr. William H. Taft IV, general counsel of the Department of Defense, has written to Senator TOWER that S. 653 will not result in any increased budgetary requirements to the Department of Defense and that the Department strongly supports the establishment of the Foundation and recommends early enactment. Dr. Jay P. Sanford, president and dean of the Uniformed Services University of the Health Sciences, has also indicated his enthusiasm for the Foundation. The Office of Management and Budget advises that there is no objection to the legislation, and the Congressional Budget Office substantiates that there is no Government cost.

I understand Senator TOWER has entered a copy of the committee report on the bill for printing in the CONGRESSIONAL RECORD and that the report will be filed and printed subsequent to passage of the bill.

I hope my colleagues will join me in supporting this legislation which will provide an important source of support for military medicine.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read:

A bill to amend title 10, United States Code, to establish a Foundation for the Advancement of Military Medicine, and for other purposes.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE CALENDAR

Mr. BAKER. Mr. President, turning now to the Executive Calendar for the day, I find that there are several nominations that are cleared for action.

Is the minority leader prepared to consider some of those items at this time?

Mr. BYRD. Mr. President, the following nominations, I am glad to report, have been cleared on this side of the aisle: all on page 2, all on page 3, beginning with and following the Department of Justice, all on page 4, and all on page 5.

Mr. BAKER. I thank the minority leader.

Mr. President, his clearances are more expensive than mine in this case.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now go into executive session for the purpose of considering those nominations on page 2, with the exception of Calendar No. 43; those nominations on page 3, with the exception of Calendar Order No. 46; all of nominations on page 4, and all of the nominations on page 5.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the nominations just identified may be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. Without objection, the nominations are considered and confirmed en bloc.

The nominations considered and confirmed en bloc follow:

FEDERAL HOME LOAN BANK BOARD

Edwin J. Gray, of California, to be a Member of the Federal Home Loan Bank Board for the remainder of the term expiring June 30, 1983.

Edwin J. Gray, of California, to be a Member of the Federal Home Loan Bank

Board for the term of four years expiring June 30, 1987. (Reappointment)

DEPARTMENT OF JUSTICE

John P. Volz, of Louisiana, to be U.S. Attorney for the Eastern District of Louisiana for the term of 4 years. (Reappointment)

DEPARTMENT OF TRANSPORTATION

Conrad Fredin, of Minnesota, to be a member of the Advisory Board of the Saint Lawrence Seaway Development Corporation.

CONSUMER PRODUCT SAFETY COMMISSION

Terrence M. Scanlon, of the District of Columbia, to be a Commissioner of the Consumer Product Safety Commission for a term expiring October 26, 1989.

ARMY

The following-named U.S. Army Reserve officer for appointment to the grade of brigadier general as a Reserve commissioned officer of the Army under the provision of title 10, United States Code, sections 593(a) and 3384:

To be brigadier general

Col. Willard L. Wallace, [redacted].

MARINE CORPS

The following-named brigadier generals of the Marine Corps Reserve for promotion to the permanent grade of major general, pursuant to title 10, United States Code, sections 5902 and 5912, subject to qualifications therefor as provided by law:

William C. Groeniger III.

John J. Salesses.

The following-named colonel of the Marine Corps Reserve for promotion to the grade of brigadier general, pursuant to title 10, United States Code, sections 5902 and 5912, subject to qualifications therefor as provided by law:

Richard P. Trotter.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE AIR FORCE, COAST GUARD, PUBLIC HEALTH SERVICE

Air Force nominations beginning Craig R. Abbott, and ending Chris G. Zurales, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 15, 1983.

Coast Guard nominations beginning David W. Kennedy, Jr., and ending Richard B. Disharoon, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 25, 1983.

Coast Guard nominations beginning Joseph E. Blanchard, and ending Florian F. Rundio, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 25, 1983.

Coast Guard nominations beginning Clifford G. Spelman, Jr., and ending David E. Buerle, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 16, 1983.

Coast Guard nominations beginning William I. Norton, and ending Ralph A. Hoekstra, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 16, 1983.

Coast Guard nominations beginning Randolph O. Dodge, and ending Darrell W. Williams, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 9, 1983.

Coast Guard nominations beginning Andres L. Bolinaga, Jr., and ending Melesio Gonzales, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 9, 1983.

Coast Guard nominations beginning Daniel B. Abel, and ending Joseph O. Zuccaro, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 9, 1983.

Public Health Service nominations beginning John V. Bennett, and ending John C. Pytlik, which nominations were received by the Senate on February 9, 1983, and appeared in the CONGRESSIONAL RECORD of February 14, 1983.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nominations were confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIVE HAWAIIAN EDUCATIONAL ASSESSMENT PROJECT REPORT PUBLISHED

Mr. MATSUNAGA. Mr. President, I am pleased to call to the attention of my colleagues the final report of the Native Hawaiian educational assessment project (NHEAP), which was presented to the Secretary of Education on Monday, March 21, 1983.

Persons of Native Hawaiian ancestry have suffered disproportionately from educational and social inequity for some time. Descendants of the original inhabitants of Hawaii find themselves at the bottom of indicators of success in modern America, and they have often been referred to as "strangers in their own land." In 1974, when establishing the Native American Programs Act, a law designed to promote the social and economic self-sufficiency of Native Americans, Congress defined Native Hawaiians as "Native Americans" along with American Indians and Alaskan Natives.

Subsequently, Hawaiians were included, as Native Americans, in special assistance programs under title III of the Comprehensive Employment and Training Act (CETA) and section 8(a) of the Small Business Act. In 1979, my senior colleague from Hawaii, Mr. INOUYE, and I introduced the Native Hawaiian Education Act, a bill designed to extend to Native Hawaiians benefits comparable to those enjoyed by other Native Americans under the Indian Education Act. As a result of our efforts, an Advisory Council on Hawaiian Education was created and was mandated to conduct a comprehensive study of the educational needs of Native Hawaiians. However, funding appropriated for the Council was cut in 1981 by the Budget Reconciliation Act of that year.

Believing that the congressionally authorized study was essential if the educational needs of Native Hawaiians are to be met, the Kamehameha Schools/Bernice Pauahi Bishop Estate of Hawaii offered to underwrite the cost of conducting the study at no public expense. Members of the Advisory Council established by Congress were invited to serve as a steering committee for the study. They included a number of distinguished educators such as Dr. Urie Bronfenbrenner, professor of human development and family studies at Cornell University; Dr. Thomas Cook, professor of psychology at Northwestern University; Dr. Hamilton McCubbin, chairman and professor, department of family social science at the University of Minnesota; Dr. Pauline King, professor of history at the University of Hawaii; Mr. Frank Ryan, Acting Director, Organizational Performance Services, Office of Management, U.S. Department of Education; Mr. Robert Sweet, executive director of the National Council for Educational Research; Mr. Benjamin Young, dean of students at the University of Hawaii School of Medicine; and Ms. Harriette Hold, a University of Hawaii law student and former researcher for the Hawaii State Legislature. The chairman of the steering committee was Hon. Myron B. Thompson, a trustee of the Bishop estate and former director of the Hawaii State Department of Social Services and Housing. Staffing for the study was also provided by the Kamehameha Schools/Bernice Pauahi Bishop Estate.

Mr. President, NHEAP had two goals: First, it was to identify the unique educational needs of Native Hawaiian children, and, second, it was to identify effective Native American and local programs that could meet such needs.

Relying primarily on existing data, the study established that: First, overall, Hawaiian students do score below parity with national norms on standardized achievement tests; second, Hawaiians are disproportionately represented in many negative social and physical statistics, indicative of special educational needs; third, Hawaiian students do have educational needs which are related to their unique cultural situation; fourth, existing Native American educational programs did not provide a ready match for Native Hawaiian needs within the scope of the study; and fifth, educational research and development projects in Hawaii and on the mainland have identified principles of effective schooling which can be applied to the

unique needs of Native Hawaiian students.

Five recommendations were made by the steering committee of the Native Hawaiian educational assessment project to meet the special needs of Native Hawaiian children and other Pacific Islanders.

First, it is recommended that the needs for basic skills of Native Hawaiian students be addressed by focusing existing and contemplated congressional initiatives on specific needs—for example, math and science programs targeted to the Hawaiian student population. By focusing specifically on Native Hawaiian students, existing programs could help improve the performance of poor achievers and potential dropouts and, at the same time, maximize the performance of high achievers.

Second, the steering committee recommended continued research to identify and implement programs of proven effectiveness. To carry out this activity, the establishment of a Pacific Basin Educational Laboratory is recommended. The laboratory, funded by public and private sources, could address the specific educational needs of Native Hawaiians and Pacific Islanders through research, demonstration programs, evaluation, and dissemination of information.

Third, the steering committee recommended the establishment of an endowed chair position at the University of Hawaii. The proposed Native Hawaiian scholar could do much to develop and advance culturally related research on Native Hawaiian children and Pacific Islanders.

Fourth, the steering committee recommended the creation of a fund for graduate level scholarships for Native Hawaiian students. While some programs of financial assistance exist for Native Hawaiians who wish to move beyond high school, these do not benefit the majority. There is scant help for those who wish to pursue careers in education, law and business. The creation of a fund for graduate level scholarships for Hawaiian students, matched by the Kamehameha Schools/Bernice Pauahi Bishop Estate, would increase the pool of Hawaiians who are trained in the professions.

Finally, the steering committee recommended the creation of multiagency programs designed to address the needs of the families of Hawaiian children during the early childhood years. As the report makes clear, the modern Hawaiian family is subjected to many stresses that are disproportionately severe. A joint effort led by the Federal and State governments and involving the private sector is needed here.

Mr. President, many of the problems which plague Native Hawaiians today stem from the overthrow of the Hawaiian Government by a small band of foreigners in 1893. For 90 years, Hawaiians have remained at the bottom of the social and economic ladder, and it has often been said that they are outcasts or strangers in their own land. Increasingly, however, they see education as a means of meeting their unique needs. In 1975, Alu Like, Inc., a nonprofit corporation funded by the Federal Office of Native American Programs, conducted a needs assessment survey in the Hawaiian community. The surveyors found that Native Hawaiian parents desire above all for their children to finish high school and obtain at least some higher education. It is a tragedy that the Federal Government has waited 90 years to respond to these needs; however, as the NHEAP report makes clear, Native Hawaiians do not have to continue to be one of our national tragedies. They could become a major American success story. I hope that Congress will address the recommendations of the Native Hawaiian Educational Assessment project at an early date.

I urge my colleagues to read the excellent report of the Native Hawaiian Educational Assessment project.

THE TAX STRUCTURE BIAS AGAINST INVESTMENT

Mr. HATCH. Mr. President, I would like to bring to the attention of the Senate a letter which I received last month from a friend and member of the Utah State Senate, Charles W. Bullen. "Chic" Bullen is as concerned as I am about the current tax structure in the United States, and the bias which this tax structure places against investment. Senator Bullen is also a small businessman, and as such, has a good perspective on the incentives and disincentives affecting the small business community.

I am a supporter of the Small Business Administration and I feel that the service it renders is absolutely necessary; however, I feel that the Congress should be aware of some of the frustrations America's small businessmen are experiencing. As this great body of lawmakers continues the ongoing debate as to why the United States has not been as productive in recent years as we have been in the past, and why the growth rate of the economy has been sluggish, I suggest that we give consideration to the valuable advice that is provided to us from those like Senator "Chic" Bullen who work with these problems on a daily basis.

Mr. President, I ask unanimous consent that the text of the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UTAH STATE SENATE,
February 8, 1983.

Hon. Orrin G. Hatch,
U.S. Senator, Federal Building #3438, Salt Lake City, Utah

DEAR SENATOR HATCH: Orrin, on two occasions I have discussed the condition of small business in our county in general and the Small Business Administration in particular with your assistant, Bill Loos. He thought there was enough merit in the conversations to warrant writing this letter.

For over half of my life I have been the principal owner and operator of a small business. Almost 34 years ago I established a farm equipment dealership with very limited investment capital. During these years I have had a competitor in the market area we serve come and go for every year I have been in business.

With our present tax structure I have never been able to accumulate enough investment capital to take care of the business that is available to me. To quote my wife, she says, "I know you have never made any money because every time you get ahead a little, you buy some new parts bins or a new machine or a new truck or increase your inventory." When I buy new parts bins, I have to hire a new parts man. A new machine in the shop requires a new machinist to operate it. A new truck requires hiring a new truck driver. Increasing inventory necessitates hiring a new salesman.

Our sales volume was greater last year than the year before and I have two more employees today than I had a year ago. My background, experience and education all qualify me for the things that I am doing. I have paid my taxes in accordance with our state and federal laws and though my business is successful, I feel constricted by the existing tax laws.

Under our tax structure prior to 1982, corporations with incomes in excess of $100,000 were taxed at a rate of 46%. Utah adds a corporate franchise tax which is a flat 4%. This means that a small business corporation on an income of over $100,000 is required to pay 50¢ on the dollar in state and federal taxes. Then if a dividend is declared and a major stockholder was in the highest individual income tax bracket of 70%, 70% of the 50¢ dollar would be reduced by 35¢ which leaves 15¢ of the original dollar. This 15¢ dollar was further reduced by the Utah State Individual Income Tax which is 7¾%, leaving approximately 13.9¢ of the original dollar of income. Our current law is the same except that the maximum tax on an individual basis reduces the federal income tax taken from 85% to 75% which minus the state's 7¾% leaves the tax payer a 23¢ dollar.

In addition to this, if a small corporation does not declare a dividend and fails to show a need for additonal operating capital, the Federal government imposes a 27½% excess profit tax.

Every so often representatives of the Small Business Administration call to the attention of someone who is desirous of being in business that I have been successful in the farm equipment and sprinkler irrigation business. In many cases there persons think that all that is necessary to show a profit is to be in business. A person is loaned money that in and other tax payers have paid to our government and they set up a business across the street in direct competition to me. It does not seem to matter that in many cases these people lack the education, background, experience and know-how necessary to make a business suc-

cessful. In most cases these businesses fail and somehow it is never the proprietor's fault, but someone else's. As a result we tax payers lose millions of dollars we have provided to fund the operations of small businesses.

Because many recipients of S.B.A. loans are not qualified to be in business, they think the quickest and simplest way to make sales is to cut prices with a total disregard to the costs of doing business. This in many cases results not only in the new business established with help from S.B.A. going broke, but it also hurts the sales and profits of existing competitive establishments and results in them going broke too. In many cases the consumer who purchased goods finds that they did not save money but have purchased something that ultimately becomes very costly because parts and services are not available.

As I previously stated, I have never been able to accumulate enough operating capital to support the business available to me because of our tax laws. My solution to this problem would be for us to change our tax laws as follows:

To differentiate between profits reinvested in a business and profits withdrawn by the owners from the business. For example, if a person withdraws from a business $10,000 for a trip around the world, this income would be taxable. On the other hand, if the same $10,000 were used to purchase a truck and employ a truck driver, these monies would not be taxable until withdrawn from the business.

My suggestion is that the Small Business Administration be abolished. Tax monies used to support this government bureaucracy could be reinvested by the small businesses. This would increase productivity, increase growth, and create employment.

With kindest personal regards I remain sincerely yours,

CHARLES W. BULLEN.

CONCLUSIVE SUPPORT FOR PRESIDENT REAGAN'S RECENT ACCUSATION THAT THE SOVIETS ARE VIOLATING SALT II BY FLIGHT-TESTING TWO NEW ICBM'S

Mr. McCLURE. Mr. President, I strongly support President Reagan's recent accusation that the Soviet Union is in clearcut violation of the 1979 SALT II Treaty by flight-testing two new ICBM's, one more than is allowed by SALT II. The National Security Council is currently studying this issue, and it will inevitably have to support the President's public position, partly because the information already publicly available on this problem is overwhelmingly compelling. But in addition, the Reagan platform boldy pledged to end the Carter administration's "cover-up of Soviet SALT I and SALT II violations," and so for the Reagan administration to do anything with this latest Soviet SALT II violation other than to declare it publicly would risk major retreat from its platform and rhetoric and bitter political controversy. For the Reagan administration to be softer than the Carter administration on Soviet SALT violations would be unthinkable. If this were to happen, there could be strong pressure to have a Senate debate and vote on the status of SALT II.

Mr. President, I would first like to present some comments on the legal status of the SALT II Treaty. Then I will analyze the relevant texts of SALT II's article IV paragraph 9, limiting the testing of new ICBM's. Then I will give the Reagan administration's interpretation of article IV paragraph 9, and the Reagan administration's public revelations on the number and description of new Soviet ICBM's now undergoing flight-testing. I will analyze some unclassified data on the second new Soviet ICBM which shows conclusively that the second new Soviet ICBM clearly meets SALT II's article IV definition of a new type ICBM. Finally, I will provide the Carter administration's interpretation of article IV paragraph 9, and show how it is parallel to and consistent with the Reagan administration's interpretation.

President Reagan's own recent accusation that the Soviets are in violation of SALT II is thus conclusively supported with strong, unclassified evidence and consistent, reasonable interpretations of the relevant SALT II provision by two administrations. To argue that there is a loophole in SALT II's article IV paragraph 9 allowing free Soviet flight-testing of multiple new ICBM's while the United States is prohibited by its own interpretation of article IV paragraph 9 from testing even its sole new ICBM—the MX—is ridiculous. Indeed, the proponents of the prohibition of U.S. MX ICBM testing in order to comply with SALT II, led by Senator HART, must agree that their own interpretation of SALT II's article IV paragraph 9 is consistent with the Carter and Reagan administrations', and must now also be applied to the Soviets as well. Nevertheless, the Carter administration's former chief SALT II negotiator has tried to apply a new interpretation of this SALT II provision which was never mentioned to Congress during the Carter administration's testimony on SALT II in 1979. Indeed, Carter administration statements explicitly denied that the Soviets could circumvent the article IV paragraph 9, prohibition on flight-testing more than one new ICBM.

THE U.S. CONSTITUTIONAL AND INTERNATIONAL LEGAL STATUS OF SALT II

I have been in the forefront of the opposition to former President Carter's SALT II Treaty, because it is fatally flawed, unequal, and destabilizing to world peace. I agree with President Reagan's 1980 statement that the SALT II Treaty is inconsistent with the law of the land on U.S. arms control objectives—the Jackson amendment of 1972 to SALT I—which requires United States-Soviet equality. But SALT II allows the Soviets a monopoly of heavy and very heavy ICBM's, excludes the intercontinental Backfire bomber, and allows huge Soviet advantages in warheads, counterforce capabilities, megatonnage, and stockpiled missiles. Moreover, I agree with President Reagan's 1980 statement that it was illegal for the United States to comply with the unratified SALT II Treaty. The Constitution and the Arms Control and Disarmament Act of 1961 both prohibit U.S. compliance with an arms control treaty until the Senate has given its advice and consent for the President to ratify the treaty.

Former President Carter proclaimed the 1980 Presidential election to be a national referendum on his SALT II Treaty. Carter and his treaty lost. But President Reagan has recommitted the United States to the Carter policy of doing nothing to "undercut" the unratified SALT II Treaty so long as the Soviets showed "equal restraint." In effect, this Carter-Reagan policy constitutes de facto Presidential ratification of the SALT II Treaty without the advice and consent of the Senate. State Department testimony and recently declassified Defense Department directives define the "no undercut" policy as requiring full U.S. compliance with the precise provisions of the unratified SALT II Treaty, while the Soviets are showing no restraint at all.

Therefore, for 2 years I have been in favor of either President Reagan requesting that SALT II Treaty be withdrawn from the Senate, or alternatively, a Senate motion to send the treaty back to the President with instructions to renegotiate strategic equality with the Russians. Prolonged U.S. compliance with an unratified SALT II Treaty is both unconstitutional and illegal, as well as dangerous to U.S. national security. Navy Secretary Lehman publicly stated this as early as February 1981. We are violating our own Constitution and laws to comply precisely with an unratified SALT II Treaty, while the Soviets have all the benefits of U.S. compliance and the obligation only to do nothing to defeat the object and purpose of SALT II.

In summary, I am extremely concerned about the constitutional, legal, political, and national security problems with prolonged U.S. unilateral compliance with a SALT II Treaty which has not received the advice and consent of the Senate for ratification. I led a successful effort in September to October 1977 to prevent extended or prolonged U.S. compliance with the expired SALT I Interim Offensive Agreement from hindering U.S. strategic modernization programs. This effort was in accordance with the 1961 Arms Control and Disarmament Act. A similar effort to prevent an unratified

SALT II Treaty from hindering U.S. strategic modernization programs could be mounted at any time. A Senate debate and vote on the status of SALT II could have major implications for the Reagan administration's arms control policies, strategic modernization programs, and defense budget.

There are, however, international legal obligations irrespective of the U.S. constitutional and legal problems. During the period in which the United States constitutionally mandated treatymaking powers of the President and the Senate are being worked out, however prolonged, the United States does incur certain international legal obligations involving SALT II compliance.

Without debating the wisdom of SALT II and without accepting the propriety of the U.S. position that we will do nothing that would "undercut" the SALT II Treaty, it is recognized that the United States is complying strictly with SALT II. We at least have a right and an obligation to determine whether the Soviets are meeting the stated U.S. criteria for that policy; that is, that the Soviets show "equal restraint" and do nothing to "defeat the object and purpose" or to "undercut" SALT II. Whether or not the Soviets should be held to compliance with the precise provisions of SALT II, like the United States, is disputable. But under any interpretation of Soviet obligations under SALT II, a Soviet violation of a fundamental provision of SALT II constraining new type ICBM's would both "undercut" and "defeat the object and purpose" of SALT II, and cannot be regarded as equal restraint.

The SALT II Treaty, though unratified by the United States or the U.S.S.R., nevertheless has certain standing in international law which requires compliance with it. Under the 1969 Vienna Convention codifying traditional international law, which is itself also unratified by the United States and the U.S.S.R., parties to a treaty incur an obligation under traditional international law by signing the treaty. During the period between treaty signature and exchange of instruments of ratification, however long, both parties are obligated by traditional international law to do nothing which would "defeat the object and purpose" of the treaty. The parties are subject to this obligation pending ratification, or until one or the other party formally declares its intention not to ratify the treaty.

A Presidential request to withdraw the SALT II Treaty from the Senate's Executive Calendar would constitute a formal U.S. declaration of intention not to ratify. Absent such a request, or a Senatorial resolution sending the treaty back to the President, the United States has certain compliance obligations under SALT II. Absent Soviet declaration not to ratify, so does the U.S.S.R.

Hence since June 18, 1979, when the SALT II Treaty was signed by both sides, the Soviets have had an obligation to do nothing which would "defeat the object and purpose" of the SALT II Treaty. Whether this means they are bound by the precise provisions of SALT Ii may be disputed, but the United States has declared that the United States will not "undercut" SALT II so long as the Soviets show "equal restraint." This entails an obligation to do nothing irreversible which would defeat the object and purpose of SALT II. If the Soviets were to violate the most significant constraint of SALT II, article IV paragraph 9, in an irreversible way, clearly they would both "undercut" and "defeat the object and purpose" of SALT II. The United States, for its part, has declared that its nonundercut compliance policy means precise compliance with all of SALT II's provisions.

SALT II'S ARTICLE IV PARAGRAPH 9

Article IV paragraph 9 of SALT II states simply:

> Each Party undertakes not to *flight-test* or deploy new types of ICBMs, that is, types of ICBMs not flight-tested as of May 1, 1979, *except that each Party may flight-test and deploy one new type of light ICBM.* (Emphasis added.)

Note that the one new type rule applies to flight-testing as well as to deployment.

The one new type ICBM allowed to be flight-tested and deployed has to be different from earlier ICBM's in any one or more of the following parameters: number of stages, the length, the largest diameter, the launch-weight, or the throw-weight, of the missile; the type of propellant (liquid or solid).

Note that only one parameter has to be different.

How can we establish that an ICBM should be defined as a new type? In regard to length, diameter launch-weight, and throw-weight, the difference between the old and the new ICBM has to be greater than 5 percent if the missile is to be defined as new type.

However, the new type ICBM must in fact be more than 10 percent larger than the old type, because of the compounding of 5 percent increases apparently allowed. Thus on the first test of a new type ICBM, it would have to be more than 5 percent larger than the old type in order to qualify as a new type. By the 25th launch, its parameters had to be frozen. However, missiles of the one allowed new type tested after the 25th launch could be an additional 5 percent larger. Thus a new type ICBM must be more than 10 percent larger than an old ICBM, after 25 launches. This actual 10-percent increase required to define a new type was stated another way in the second common understanding:

> The values demonstrated in each of the above parameters during *the last 12* of the 25 launches . . . shall not vary by more than 10 percent from any other of the corresponding values demonstrated during those 12 launches. (Emphasis added.)

This is the so-called 10-percent tunnel requiring a new type to actually be 10 percent larger than the old types.

Further, the launch-weight and throw-weight could be an unlimited amount more than 10 percent less than the corresponding old type ICBM, as long as the new type ICBM had fewer warheads, penetration aids, and propellant than the old type. But if the corresponding old type missile had only one warhead, then this unlimited throw-weight decrease allowed in the one new type could not be exploited, because the new missile would also have to carry at least one warhead. There would be nothing to gain by reducing range and penetrability.

In sum, article IV paragraph 9 allows flight-testing of only one new type ICBM, which must be either more than 10 percent larger than a corresponding old type in any single parameter, or else an unlimited amount smaller and carry fewer warheads. In effect, if the corresponding old type had only one warhead, then the new type could not be smaller. For example, if a new Soviet ICBM was over 200 percent greater in the single parameter of throw-weight, then it would clearly meet the definition of a new type ICBM.

THE REAGAN ADMINISTRATION INTERPRETATION OF ARTICLE IV PARAGRAPH 9

The Reagan administration is on the record as stating that the SALT II Treaty allows only one new type ICBM to be tested and deployed. In December 1982, a spokesman for the Reagan administration State Department, Allan Romberg, states:

> If they [i.e., the Soviets] begin to *test another* new type of ICBM, this would conflict with the terms of SALT II. (Emphasis added.)

Thus in December 1982, the Reagan administration's position was clear. Even the first flight-testing of a second new type ICBM, beyond the new Soviet PL–4 medium-heavy, MX-sized ICBM, would be a violation of SALT II. The PL–4 is a new type medium-heavy ICBM reportedly first flight-tested on October 26, 1982. It carries 10 warheads and its telemetry is reportedly 95 to 98 percent encrypted. If the Soviets were to test a second new type ICBM, then this would be a clearcut violation of the SALT II Treaty.

REAGAN ADMINISTRATION CONFIRMS TESTING OF TWO NEW TYPE SOVIET ICBM'S

The Reagan administration is clearly on the record with the fact that the Soviets are now testing two new type ICBM's, when SALT II only allows one new type ICBM.

The March 1983 Soviet Military Power, Department of Defense, contains six references to two new type Soviet ICBM's being tested:

Page I: "The U.S.S.R. has begun *test flights* of *two* new land-based Intercontinental Ballistic Missiles . . ."

Page 7: "At least *two* new solid propellant ICBMs are under development; *flight testing* began in 1982 and 1983."

Page 18: "New Programs since 1981. First tests of *a new solid-propellant ICBM similar in size and payload to the U.S. MX;* the first test of a *new small solid-propellant ICBM,* which could be deployed on mobile transporters."

Page 21: "*Two* new solid-propellant ICBMs are currently being developed. One of these is about the size of the U.S. MX ICBM intended for silo deployment; the other is a smaller missile, which will probably be designed for deployment on mobile launchers similar to those used with the SS-20."

Page 79: "*Two* new ICBMs are now being test flown."

Page 102: "Flight testing of *two* new solid-propellant ICBMs has begun." (Emphasis added.)

The above six statements conclusively indicate that the Soviets are now testing a second new type ICBM, one that is distinguishable from the first new type both by its smaller size and its mobility. It is also distinguishable from old Soviet ICBM's by the fact that it is new. An analysis of the classified intelligence information underlying the above six statements is unnecessary to establish the fact of Soviet violation of SALT II.

An analysis of some unclassified comparisons of the PL-5, the SS-16, and the SS-13 may be useful, however. The PL-5, is a follow-on to either the SS-16 or the SS-13.

Does what is publicly known about the PL-5, the second new type Soviet ICBM whose first flight testing began on February 8, 1983, fit the definition of a new type of ICBM under SALT II article IV, paragraph 9? Most of the intelligence data surrounding the PL-5 remains classified, and the telemetry signals from this missile are reportedly 100 percent encrypted, probably making the intelligence itself rather limited. This level of encryption is itself a clearcut violation of SALT II. But it is publicly reported that the PL-5 is a follow-on to the SS-16, which is banned by SALT II. Moreover, according to then-Defense Secretary Schlesinger in the fiscal year 1976 defense posture statement—released in January 1975—the SS-16 has twice the throw-weight of the earlier SS-13. The PL-5 is either a follow-on to the SS-13 or the SS-16. The Soviets do not design follow-on missiles to be inferior to the missile they succeed. The PL-5's throw-weight is reported to be greater than the SS-16's. If it is argued that the PL-5 is a follow-on to the much earlier SS-13, it thus has at least twice as much throw-weight. Hence, no matter if the PL-5 has four warheads, as originally reported, or one, as on the SS-13, its throw-weight is on the order of 200 percent greater than that of the SS-13; 200 percent is well above the 10-percent increase in throw-weight, which is all that is required to qualify a new missile as a new type ICBM. As article IV, paragraph 9, states a new type ICBM only has to differ by more than 10 percent in only any one or more parameters, including throw-weight. Hence the comparison data already on the record establishes the PL-5 as a second new type ICBM, because it has over 200 percent the throw-weight of the SS-13. If the PL-5 is a follow-on to the SS-16, which is banned by SALT II, then it becomes a different kind of violation.

Some analysts, both inside and outside the administration, are now arguing that there is a loophole in SALT II's article IV, paragraph 9, which could allow the Soviets to legally test more than one new type ICBM. They are arguing that the Soviets are entitled to 12 free flight tests. Paul Warnke, former Chief SALT II negotiator in the Carter administration, argued this new interpretation last month at the United Nations. But, there is no known negotiating history on record that the Soviets are allowed under article IV, paragraph 9, 12 free tests of a second new type ICBM, or 1 free test flight each for 12 new type ICBM's. This loophole could be interpreted as allowing an infinite number of new type ICBM's and tests. Even if this loophole were conceded to exist, the problem of whether the PL-5 violated SALT II would not be solved. It would merely be postponed. Indeed, all of the Carter administration's analyses of the SALT II Treaty as presented to Congress not only did not mention the above two possible loopholes currently being discussed by some analysts, but in fact argued to the contrary, that SALT II's article IV, paragraph 9 would prevent the Soviets from being able to test more than one new type ICBM. Carter administration SALT II testimony consistently denied any such loophole. Indeed, Carter administration statements explicitly denied that the Soviets could circumvent the prohibition on flight-testing more than one new type ICBM.

THE CARTER ADMINISTRATION'S INTERPRETATION OF ARTICLE IV, PARAGRAPH 9 IS CONSISTENT WITH THE REAGAN ADMINISTRATION'S

The Carter administration, like the Reagan State Department statement from December 1982 noted above, took a clear and firm interpretation of article IV, paragraph 9. There was nothing in the Carter administration's testimony on SALT II to even suggest a loophole in this provision which might allow the Soviets 12 free flight tests of a second new type ICBM, or 1 free flight test each for 12 new type ICBM's. In fact, the Carter administration argued consistently against the possibility of just such a potential loophole. The Carter administration also argued that SALT II could not be circumvented in its testing provisions, thus also denying any loophole. Finally, the Carter administration promised to challenge Soviet violation or circumvention of article IV, paragraph 9 in the Standing Consultative Commission if the Soviets tested more than one new type ICBM.

Secretary Vance's letter of submittal of the SALT II Treaty, June 21, 1979—page 7, The SALT II Agreement, U.S. Department of State—shows that the Carter administration consistently interpreted the SALT II Treaty as allowing the testing and deployment of only one new ICBM.

Secretary Vance's letter of submittal of SALT II, June 21, 1979:

The (SALT II) Treaty also limits qualitative improvements in ICBMs. Article IV permits each party to *flight test* and deploy only *one* new type of ICBM, which must be 'light' as defined by the Treaty.

Certain key parameters of each existing ICBM type may not be varied by more than five percent, plus or minus, from previously tested missiles of that type . . ." (Emphasis added.)

The State Department SALT II glossary, of June 18, 1979, stated on p. 62 the following definition:

New Type of ICBM. The U.S. and the USSR have agreed, for the period of SALT II, to limit each side to only *one* new type of ICBM. Specific technical criteria have been established to distinguish between new types of ICBMs and existing types of ICBMs. These criteria include such physical parameters as missile length, maximum diameter, *throw-weight,* launch weight, and fuel type . . ." (Emphasis added.)

In the June 1979, State Department selected documents No. 12A, the SALT II Agreement, the Carter administration stated:

The Treaty also limits qualitative improvements in ICBMs. Article IV permits each party to *flight-test* and deploy only *one* new type of ICBM, which must be 'light' as defined by the Treaty. (Emphasis added.)

On page 16, State Department analysis of SALT II Treaty, June 18, 1979, the Carter administration stated:

In paragraph 9, each party undertakes not to *flight-test* or deploy new types of ICBMs, with the exception of *one* new type of ICBM for each party . . . The Soviet Union will also be limited to only *one* new type of light ICBM. They must choose, for example, between 1) replacing the multiple RS SS-17 (4RVs) and SS-19 (6 RVs) with a 10 RV light ICBM and 2) replacing their SS-11 with a single-warhead light ICBM that differs substantially from the SS-11. *They cannot do both.* (Emphasis added.)

The State Department analysis went on to say on page 16 that:

. . . This inhibits a party from actually *testing* more than *one* new type of ICBM under the guise of a test program for a single new type. (Emphasis added)

This last statement clearly establishes the fact that the Carter administration did not interpret SALT II's article IV, paragraph 9 as allowing the Soviets 12 free flight tests of a second new type missile, or 1 free flight test each of 12 new type missiles.

The Carter administration went on to say that any Soviet attempt to test more than one new type ICBM "could be a subject for discussion in the Standing Consultative Commission." (The SALT II Agreement, State Department Document 12B, June 18, 1979, page 25.)

Additional Carter administration policy statements on SALT II allowing testing of only one new ICBM are equally clear and consistent.

In the booklet "SALT II.—In Perspective," background report, Office of Media Liaison, White House Press Office, May 1979, on pages 8 and 9, the Carter administration stated:

Each side will be permitted to deploy only *one* new type ICBM for the duration of the Treaty.

(Note. This means the United States has the right to proceed with the MX missile, while permitting the Soviet Union only *one* new type of ICBM.)

The Soviet Union may choose to use its exemption to deploy a single warhead missile, or it may deploy a new MIRVed missile to replace the SS-17 and SS-19 . . . This also means that future modifications of existing ICBMs must be merely minor variations of current models. (Emphasis added)

State Department current policy No. 73, "Limiting the Strategic Arms Race," by Secretary of State Vance, July 24, 1979, stated on page 2:

Each side will be limited to *one* entirely new strategic land-based missile. (Emphasis added.)

State Department current policy No. 72, "SALT II: Secretary Vance's Testimony," July 9–10, 1979, stated on page 2:

Based on their (i.e., the Soviets) past practices, they could be expected to acquire several entirely new types of strategic land-based missiles by 1985; the treaty holds them to *one*. (Emphasis added.)

The "SALT II Basic Guide," Department of State, May 1979, stated on page 6:

Each side will be permitted *to test* and deploy only *one* new type of ICBM for the duration of the Treaty. This exception gives the United States the right to proceed with the MX missile. In permitting the Soviets only *one* new type of ICBM, this provision will inhibit the Soviets in their past practice of deploying three or four completely new types of ICBMs, with substantially different and improved characteristics, with each new generation of ICBMs. (Emphasis added.)

The key Carter administration statement is quite explicit in denying any loophole.

Department of State current policy No. 65, April 1979, "The Facts of SALT II," stated on page 1:

That limitation to only *one* new type of ICBM is itself *a most significant qualitative control.* To insure that it has real meaning, the modernization of existing ICBMs will be limited so that *neither side can circumvent the limitation to one new ICBM.* There will also be other qualitative limitations which are designed to slow the strategic competition. (Emphasis added.)

Thus, according to the Carter administration, article IV, paragraph 9, was one of the most important provisions of SALT II, and it could not be circumvented. There was no loophole during the first 12 flight tests.

"SALT II: The Reasons Why," Department of State, May 1979, stated on page 2:

For the period of the Treaty, for example, each nation will be permitted only *one* new type of intercontinental ballistic missile (ICBM). (Emphasis added.)

U.S. Department of State special report No. 46 (revised) May 1979, "The Strategic Arms Limitation Talks," also stated on page 2:

For the period of the Treaty, for example, each nation will be permitted only *one* new type of Intercontinental Ballistic Missile (ICBM). (Emphasis added.)

U.S. Department of State special report No. 46 (revised) May 1979, "The Strategic Arms Limitation Talks," stated on page 6:

SALT II provided for a *ban* on *flight-testing* or deployment of new types of ICBMs, with an exception of *one* new type of light ICBM for each side. (Emphasis added.)

Finally, in *SALT II: Two Views,* the U.S. Department of State, current policy No. 62, April 1979, stated on page 3:

The Treaty limits each side to *developing,* and deploying *one* completely new ICBM before 1985. This provision will inhibit the *qualitative* expansion of the arms race. (Emphasis added.)

On page 9 of the same document the Carter State Department argued that SALT II would:

Limit each side to *one* new ICBM type, with a maximum of 10 re-entry vehicles. (Emphasis added.)

In sum, the Carter and Reagan administrations' consistently interpreted SALT II's, article IV, paragraph 9, as allowing the flight-testing of only one new type of ICBM on each side. The public record and the unclassified facts are clear. The Reagan administration is forced to conclude publicly that the Soviets are in violation of the SALT II Treaty by flight-testing two instead of only one new ICBM.

As President Reagan himself publicly stated on February 23, 1983: "This last one comes the closest to indicating that it is a violation." Indeed, the PL-5 is a conclusive Soviet SALT II violation, as is the reported high encryption level of the telemetry of the PL-5.

Mr. President, I ask unanimous consent that a letter addressed to the President of the United States, which I delivered to the White House today, together with attachments, be included in the RECORD as a part of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ENERGY
AND NATURAL RESOURCES,
Washington, D.C., March 23, 1983.

President RONALD REAGAN,
The White House
Washington, D.C.

DEAR MR. PRESIDENT: As you know, I have been in the forefront of the opposition to the 1979 SALT II Treaty, which is unequal and therefore inconsistent with U.S. law. In accordance with another law, I also led a successful Senate effort in September 1977 to prevent President Carter's extended or prolonged compliance with the expired SALT I Interim Offensive Agreement from hindering U.S. strategic modernization programs. There remain significant Constitutional, legal, national security, and political problems with prolonged U.S. unilateral compliance with a SALT II Treaty, which has not received the advice and consent of the Senate for Presidential ratification.

Since June 18, 1979, when SALT II was signed, both the U.S. and the U.S.S.R. have been obligated under traditional international law to do nothing which would "defeat the object and purpose" of the SALT II Treaty still unratified on both sides. U.S. policy under both President Carter and yourself is that the U.S. would do nothing to "undercut" SALT II, as long as the Soviets show "equal restraint." The U.S. is complying precisely with all the provisions of the unratified SALT II Treaty, according to the Secretary of State's testimony and to recently declassified Defense Department directives. Without debating the wisdom of SALT II and without accepting the properiety of the U.S. position that we will do nothing that would "undercut" the SALT II Treaty, it is recognized that the U.S. is complying with SALT II. We at least have a right and an obligation to determine whether the Soviets are meeting the stated U.S. criteria for that policy, i.e., that the Soviets show "equal restraint" and do nothing to "defeat the object and purpose" or to "undercut" SALT II. Whether or not the Soviets should be held to compliance with the precise provisions of SALT II, like the U.S. is disputable. But under any interpretation of Soviet obligations under SALT II, a Soviet violation of a fundamental provision of SALT II constraining new type ICBMs would both "undercut" and "defeat the object and purpose" of SALT II, and can not be regarded as restraint.

Mr. President, I respectfully ask you some important questions about Soviet compliance with their legal obligations under SALT II not to defeat its "object and purpose', because I strongly believe that the American people need to be told the straight truth about behavior.

1. Article IV Paragraph 9 limits the Soviets to flight-testing only one new type ICBM. Do you believe that the Soviets are defeating the "object and purpose" of SALT II by flight testing two new ICBMs? (see attached articles)

2. Do you believe that the Soviet SS-18 ICBM rapid reload/refire capability circumvents or violates all the launcher ceilings of SALT II, as implied on pp. 17, 19, and 21 of

the March 1983 Defense Department book Soviet Military Power?

3. Do you believe that the Soviets have SS-16 ICBMs in an operational status at the Plesetsk Test Range, and that any SS-16 operational capability constitutes SS-16 Deployment? Does this violate the SALT II bans on SS-16 Deployment? Do you agree with Assistant Defense Secretary Perle and former ACDA Director Rostow that there is compelling evidence of the SS-16's deployment? Do you agree with the recent ACDA study confirming SS-16 deployment?

4. Do you believe that the Soviet deployment of AS-3 Kangaroo ALCMs with a range of "650 kilometers" (noted on page 61 of the September 1981 edition of the Defense Department's Soviet Military Power) on TU-95 Bear bombers should cause all TU-95 Bear aircraft to count in SALT II's 1320 ceiling on MIRVed missiles and bombers equipped with ALCMs having range greater than 600 kilometers? Are the Soviets currently under this ceiling? Is Soviet failure to declare TU-95's equipped with AS-3's in their SALT II Data Exchange a Soviet falsification of an integral part of SALT II? Are Anti-Submarine Warfare and ALCM carrying TU-95 Bear bomber variants still in production, and are the Soviets testing a new. long-range ALCM on the Bear? Would testing this ALCM on Bears also cause all Bears to count in the 1320?

5. Do you believe that the Soviets have tested and deployed ALCMs with range greater than 600 kilometers on the Backfire bomber? Does this testing and equipping Backfires with long range ALCMs violate the Brezhnev Backfire Statement, another integral part of SALT II, and provide additional reason for counting the already intercontinental Backfire in both the 1320 and 2250 ceilings? Do you believe the Soviets are producing Backfires at a rate greater than 30 per year, also in violation of the Backfire Statement as Undersecretary of Defense DeLauer has testified to Congress?

6. Do you believe that the high Soviet level of telemetry encryption on the following missiles—SS-NX-20 SLBM, SS-NX-19 SLCM, SS-18 Mod X ICBM, SS-20 IRBM, the PL-4 ICBM, the PL-5 ICBM—violates the Article XV prohibition on deliberate interference with US verification?

7. Do you believe the massive Soviet strategic camouflage, concealment, and deception program also constitutes deliberate interference with US verification?

8. Do you believe that the Soviets should deactivate over 250 strategic delivery vehicles in order not to "undercut" SALT II and show "equal restraint"? How many US strategic delievery vehicles counted in SALT II are being deactivated unilaterally, and has the US asked the Soviets to deactivate an equal number to show "equal restraint?"

9. Are the Soviets violating the 1972 Agreement on Basic Principles of US-Soviet Relations, which is mentioned in the Preamble to SALT II as a fundamental element of SALT II?

10. Do you believe that former Soviet KGB Chief Yuri Andropov directed the KGB and the Bulgarian intelligence service to attempt to assassinate Pope John Paul II in June 1981? What are the implications of the evidence of the KGB connection to this plot for further arms control negotiations with the Soviets, and US-Soviet relations in general?

11. Do you believe that the Soviets have violated the Threshold Test Ban Treaty?

12. Do you agree with former Secretary of State Kissingner and former Defense Secretary Laird that the Soviets have violated both SALT I Agreements?

13. Do you believe that the recent deployment of TU-95 F (or TU-142) Bear Anti-Submarine Warfare bombers with confirmed operational bomb bays to Cuba can be defined as Soviet "offensive weapons" in Cuba? Do these Bear bombers with functional bomb bays constitute yet another violation of the Kennedy-Khrushchev Agreement, this time clear cut and conclusive? If these ASW Bears do not have Functionally Related Observable Differences distinguishing them from Bears which do count in SALT II, yet are confirmed to be offensive weapons in violation of the Kennedy-Khruschev agreement, should ASW Bears also count in SALT II?

Your prompt answers to these questions could have a significant bearing on several issues currently being debated in Congress; the nuclear weapons freeze resolution, the need for increased aid to El Salvador, overall US policy toward Cuba and Central America, the defense budget, US strategic modernization programs, and US arms control proposals. I hope you will be able answer them as promplty as possible, in order to contribute your best judgements to the Congressional debate.

Sincerely,

JAMES A. MCCLURE,
U.S. Senator.

[From the Washington Post, Mar. 16, 1983]

SOVIET CHEATING

(By Rowland Evans and Robert Novak)

Convinced that the latest Soviet missile test was an out-and-out violation of the SALT II treaty, middle-level administration officials agreed behind closed doors that President Reagan should break precedent and take the violation directly and publicly to the Kremlin. If Secretary of State George Shultz and Defense Secretary Caspar Weinberger go along, this tough decision would be posed for Reagan: whether to junk cumbersome verification procedures that always have thwarted the United States in the past and, instead, challenge the Soviet Union publicly to prove that it did not in fact violate SALT II. If he accepts that recommendation, Reagan would in effect only be completing the thought he uttered Feb. 23, when he told reporters that the Feb. 8 Soviet missile test "comes the closest to indicating that it is a violation."

Ever since the first SALT treaty, in 1972, any suspected violation has simply been handed over to a U.S.-Soviet commission for investigation. "That consigns the issue to months and months of futile palaver," one high administration official told us. The Feb. 8 test of a "new" intercontinental missile, he said, is "too serious for routine handling."

Gathered at the extraordinary March 8 session where officials just under the top level from the National Security Council, State Department, Pentagon, Central Intelligence Agency and Arms Control and Disarmament Agency (ACDA). The meeting was co-chaired by Adm. Jonathan Howe, head of the State Department's Political-Military Bureau, and Assistant Secretary of Defense Richard Perle.

Howe first suggested that—despite strong evidence presented by the CIA that the Soviet test was an outright violation of SALT II—the United States should take its case to the U.S.-Soviet commission as usual. Disagreement came from Dr. Manfred Eimer, confirmed by the Senate only the day before as chief of ACDA's Verification and Intelligence Bureau. He argued that the strength of the evidence and the peril to the nuclear balance of continuing Soviet testing required an immediate response. Indeed, Eimer argued that the Feb. 8 test, together with an earlier Soviet test firing last October, raised the strong possibility of "multiple" violations. But while it might be hard to prove the "multiple" charge, he said, there was irrefutable evidence of at least a single violation.

The exact violation in last month's test is still a closely held secret, but it concerns the SALT II ban on more than a single "new" intercontinental missile, the Soviets appear to have tested two "new" missiles—the first in October, the second last month.

If true, that points to runaway Soviet gains in the profoundly important intercontinental missile competition while the United States scrupulously adheres to the unratified SALT II ban. The middle-level officials who want the president to take the Feb. 8 test to the Soviets frontally—and, if necessary, publicly—concluded that the United States cannot continue taking such awesome risks. It is now up to Ronald Reagan to reach a similar conclusion.

MESSAGES FROM THE HOUSE

At 2:10 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, in which it requests concurrence of the Senate:

H.R. 2112. An act to extend by 6 months the expiration date of the Defense Production Act of 1950.

ENROLLED BILL SIGNED

At 7:43 p.m., a message from the House of Representatives, delivered by Mr. Berry, announced that the Speaker has signed the following enrolled bill:

S. 366. A bill to settle certain claims of the Mashantucket Pequot Indians.

The enrolled bill was subsequently signed by the President pro tempore (Mr. THURMOND).

Under the authority of the order of the Senate of today, March 23, 1983, the Secretary of the Senate, on March 23, 1983, during the recess of the Senate received a message from the House of Representatives announcing that the House disagrees to the amendment of the Senate to the bill (H.R. 1900) to assure the solvency of the social security trust funds, to reform the medicare reimbursement of hospitals, to extend the Federal supplemental compensation program, and for other purposes; agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. ROSTENKOWSKI, Mr. PICKLE, Mr. JACOBS, Mr. FORD of Tennessee, Mr. SHANNON, Mr. CONABLE, Mr. DUNCAN, and Mr. ARCHER as managers of the conference on the part of the House.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-620. A communication from the from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-621. A communication from the Chairman of the Board of Directors of the Tennessee Valley Authority, transmitting, pursuant to law, the annual report on activities of the Authority under the Government in the Sunshine Act for calendar year 1982; to the Committee on Governmental Affairs.

EC-622. A communication from the Administrator of the Panama Canal Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1982; to the Committee on the Judiciary.

EC-623. A communication from the Deputy Administrator of the Veterans' Administration, transmitting, pursuant to law, the annual report of the Veterans' Administration on administration of the Freedom of Information Act for calendar year 1982; to the Committee on the Judiciary.

EC-624. A communication from the Attorney General of the United States, transmitting, pursuant to law, a report on the President's presentation of Young American Medals for Bravery and Young American Medals for Service for calendar years 1980 and 1981; to the Committee on the Judiciary.

EC-625. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on the activities of the Department under the Freedom of Information Act for calendar year 1982; to the Committee on the Judiciary.

EC-626. A communication from the Secretary of Commerce, transmitting a draft of proposed legislation to amend the patent laws of the United States; to the Committee on the Judiciary.

EC-627. A communication from the Secretary of Education, transmitting a draft of proposed legislation to improve the operations of the bilingual education program by focusing the program on building the capacity of local education agencies to carry out programs of bilingual education, by broadening the range of instructional approaches eligible for assistance, by targeting the assistance on the children of limited English proficiency most in need of such programs, and by providing financial assistance to State educational agencies for reviewing, evaluating, and monitoring programs of bilingual education; to the Committee on Labor and Human Resources.

EC-628. A communication from the Chairman of the Equal Employment Opportunity Commission, transmitting, pursuant to law, the report on the activities of the Commission's Office of Interagency Coordination for the period July 1, 1981–June 30, 1982; to the Committee on Labor and Human Resources.

EC-629. A communication from the Chairman of the Commission on Security and Cooperation in Europe, transmitting, pursuant to law, the report of the Commission entitled "Implementation of the Final Act of the Conference on Security and Cooperation in Europe: Seven Years After Helsinki"; to the Committee on Foreign Relations.

EC-630. A communication from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, a report on converting the shelf stocking function at the Commissary Store, Naval Air Station, Miramar, California to performance by contract; to the Committee on Armed Services.

EC-631. A communication from the Assistant Secretary of the Navy (Shipbuilding and Logistics). transmitting, pursuant to law, a report on the conversion of the laundry services function at the Naval regional Medical Center, Jacksonville, Florida, to performance by contract; to the Committee on Armed Services.

EC-632. A communication from the Assistant Secretary of State for Congressional Relations, transmitting, pursuant to law, a Secretarial Determination relating to the transfer of foreign assistance funds under the Fishermen's Protective Act; to the Committee on Commerce, Science, and Transportation.

EC-633. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report on the Anthracite Mine Water Control and Mine Sealing and Filling Program for calendar year 1982; to the Committee on Energy and Natural Resources.

EC-634. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report on certain activities carried out by the Geological Survey in areas outside the national domain during calendar year 1982; to the Committee on Energy and Natural Resources.

EC-635. A communication from the General Counsel of the Department of Energy, transmitting, pursuant to law, notices of meetings pertaining to the International Energy Program; to the Committee on Energy and Natural Resources.

EC-636. A communication from the Director of the Minerals Management Service, Department of the Interior, transmitting, pursuant to law, requests by Conoco Inc. and Shell Oil Company for refunds of excess royalty payments; to the Committee on Energy and Natural Resources.

EC-637. A communication from the Secretary of the Interior transmitting, pursuant to law, a report entitled "Report to the Congress, Teton Claims Program, Public Law 94-400"; to the Committee on Energy and Natural Resources.

EC-638. A communication from the Secretary of Energy transmitting a draft of proposed legislation to amend the nuclear licensing and regulatory process; to the Committee on Environment and Public Works.

EC-639. A communication from the Secretary of Transportation transmitting, pursuant to law, a revised cost estimate for completion of the Interstate Highway System; to the Committee on Environment and Public Works.

EC-640. A communication from the Chairman of the Council of the District of Columbia transmitting, pursuant to law, a copy of DC ACT 5-13; to the Committee on Governmental Affairs.

EC-641. A communication from the Executive Director of the Neighborhood Reinvestment Corporation transmitting, pursuant to law, the Government in the Sunshine report for the corporation; to the Committee on Governmental Affairs.

EC-642. A communication from the Assistant Secretary of the Interior for Indian Affairs transmitting, pursuant to law, a report on a proposal for the use and distribution of certain Indian judgment funds; to the Select Committee on Indian Affairs.

EC-643. A communication from the National President of the Girl Scouts of the U.S.A. transmitting, pursuant to law, the annual report of the Girl Scouts of the U.S.A., 1982; to the Committee on the Judiciary.

EC-644. A communication from the Postmaster General of the United States transmitting, pursuant to law, the Postal Service's 1982 Freedom of Information report; to the Committee on the Judiciary.

EC-645. A communication from the Chairman of the Federal Communications Commission transmitting, pursuant to law, the Commission's 1982 Freedom of Information annual report; to the Committee on the Judiciary.

EC-646. A communication from a member of the National Foundation on the Arts and the Humanities transmitting, pursuant to law, the Federal Council's 1982 annual report on the Arts and Artifacts Indemnity Program; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PERCY, from the Committee on Foreign Relations, without amendment, and with a preamble:

S. Res. 75. Resolution to ask for international negotiations on natural gas.

By Mr. COHEN, from the Committee on Governmental Affairs, with amendments:

S. 338. A bill to revise the procedures for soliciting and evaluating bids and proposals for Government contracts and awarding such contracts, and for other purposes (referred to the Committee on Armed Services pursuant to the order of February 2, 1983).

By Mr. HATCH, from the Committee on Labor and Human Resources, without amendment:

S. 89. A bill to amend the Saccharin Study and Labeling Act (Rept. 98-32).

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 855. A bill to extend the expiration date of the Defense Production Act (Rept. No. 98-33).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PERCY, from the Commitee on Foreign Relations:

Hershey Gold, of California, to be a member of the U.S. Advisory Commission on Public Diplomacy for a term expiring July 1, 1984;

Carlos Salman, of Florida, to be a member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1985;

Allen Clayton Davis, of Tennessee, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Uganda.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Allen Clayton Davis.
Post: Ambassador to the Republic of Uganda.

CONTRIBUTIONS, AMOUNT

1. Self: none.
2. Spouse: none.
3. Children and spouses names: John Clayton Davis (Minors) Anne Marie Davis, Philip Lee Davis—none.
4. Parents names: Mildred Lee Davis (deceased)—none.
5. Grandparents names: All deceased—none.
6. Brothers and spouses names: none.
7. Sisters and spouses names: Loyd and Macye Davis Lester, Grace Davis Graves—none.

(The above nominations were reported from the Committee on Foreign Relations with the recommendation that they be confirmed, subject to the nominees' commitment to respond and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SIMPSON (by request):

S. 887. A bill to amend title 38, United States Code, to authorize the expansion of the Board of Veterans' Appeals and the designation of certain individuals to act as members of the Board, and for other purposes; to the Committee on Veterans Affairs.

By Mr. DURENBERGER (for himself, Mr. PACKWOOD, Mr. HATFIELD, Mr. HART, Mrs. KASSEBAUM, Mr. BAUCUS, Mr. BURDICK, Mr. INOUYE, Mr. BOSCHWITZ, Mr. KENNEDY, Mr. COHEN, Mr. WALLOP, Mr. HEINZ, Mr. RIEGLE, Mr. MITCHELL, Mr. MELCHER, Mr. TSONGAS, Mr. DIXON, Mr. LEAHY, Mr. MATSUNAGA, Mr. MATHIAS, Mr. PRESSLER, Mr. COCHRAN, and Mr. GLENN):

S. 888. A bill entitled "The Economic Equity Act"; to the Committee on Finance.

By Mr. SPECTER:

S. 889. A bill to authorize appropriations for the purposes of carrying out the National Violent Crime Program of the Department of Justice for fiscal year 1984, and for other purposes; to the Committee on the Judiciary.

By Mr. PRESSLER (for himself and Mr. ABDNOR):

S. 890. A bill to establish objective criteria and procedures for closing and consolidating weather stations; to the Committee on Commerce, Science, and Transportation.

By Mr. BUMPERS (for himself, Mr. CHAFEE, and Mr. PELL):

S. 891. A bill to develop additional procedures for Federal land sales; to the Committee on Energy and Natural Resources.

By Mr. SIMPSON (by request):

S. 892. A bill to authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, as amended, and for other purposes; to the Committee on Environment and Public Works.

S. 893. A bill to amend the Atomic Energy Act of 1954, as amended, to improve the nuclear powerplant siting and licensing process, and for other purposes; to the Committee on Environment and Public Works.

S. 894. A bill to improve the nuclear licensing and regulatory process, to amend the Atomic Energy Act of 1954, and for other purposes; to the Committee on Environment and Public Works.

By Mr. HECHT (by request):

S. 895. A bill to authorize appropriations for studies under the National Flood Insurance Act of 1968 for the fiscal years 1984 and 1985, to extend the authorization for flood insurance, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. D'AMATO:

S. 896. A bill entitled the "Securities and Exchange Commission Technical Amendments Act of 1983"; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. STAFFORD (for himself and Mr. LEAHY):

S. 897. A bill to designate certain National Forest System lands in the State of Vermont for inclusion in the National Wilderness Preservation System and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MOYNIHAN (for himself, Mr. CRANSTON, Mr. WILSON, and Mr. D'AMATO):

S. 898. A bill to amend the Public Health Service Act to enable the Secretary of Health and Human Services to expedite the initiation of research to be conducted or supported by the National Institutes of Health into the prevention, diagnosis, and treatment of diseases or disorders which constitute a public health emergency; to the Committee on Labor and Human Resources.

By Mr. D'AMATO:

S. 899. A bill for the relief of the Federation Employment and Guidance Service, New York, N.Y.; to the Committee on the Judiciary.

S. 900. A bill to amend the Securities Exchange Act of 1934 to authorize appropriations for the Securities and Exchange Commission for fiscal years 1984 through 1986; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DOLE:

S. 901. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968; to the Committee on the Judiciary.

By Mr. ROTH (for himself, Mr. RUDMAN, Mr. BENTSEN, Mr. NUNN, and Mr. CHILES):

S. 902. A bill to amend title 31, United States Code, and section 1961(1) of title 18, United States Code, to improve enforcement, and for other purposes; to the Committee on the Judiciary.

By Mr. MELCHER:

S. 903. A bill for the relief of Estefania Tolentino; to the Committee on the Judiciary.

By Mr. BAUCUS:

S. 904. A bill to provide for contribution of damages attributable to an agreement by two or more persons to fix, maintain, or stabilize prices under section 4, 4A, or 4C of the Clayton Act; to the Committee on the Judiciary.

By Mr. EAGLETON (for himself, Mr. MATHIAS, Mrs. KASSEBAUM, Mr. SARBANES, Mr. CRANSTON, Mr. SASSER, Mr. LEVIN, Mr. NUNN, Mr. COHEN, Mr. DANFORTH, Mr. MOYNIHAN, Mr. JACKSON, Mr. DURENBERGER, Mr. GLENN, and Mr. HATFIELD):

S. 905. A bill entitled the "National Archives and Records Administration Act of 1983"; to the Committee on Gvernmental Affairs.

By Mr. DANFORTH:

S. 906. A bill to extend the duty reduction on certain unwrought lead for a period of 5 years; to the Committee on Finance.

S. 907. A bill to amend the tariff schedules of the United States to clarify for duty purposes the distinction between dress gloves and work gloves; to the Committee on Finance.

By Mr. DURENBERGER:

S. 908. A bill to provide fiscal assistance to State and local governments during periods of economic recession; to the Committee on Governmental Affairs.

By Mr. DURENBERGER (for himself and Mr. BOSCHWITZ):

S. 909. A bill to provide special rules for the application of sections 4942 and 4943 of the Internal Revenue Code of 1954 to any private foundation the principal asset of which is a bank holding company; to the Committee on Finance.

By Mr. D'AMATO (for himself, Mr. SARBANES, Mr. GARN, Mr. PROXMIRE, Mrs. HAWKINS, Mr. RIEGLE, and Mr. MATTINGLY):

S. 910. A bill to amend the Securities Exchange Act of 1934 to increase the sanctions against trading in securities while in possession of material nonpublic information; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CHILES:

S. 911. A bill to establish a Commission to make recommendations for changes in the role of nonparty multicandidate political action committees in the financing of campaigns of candidates for Federal office; to the Committee on Governmental Affairs.

By Mr. STAFFORD (for himself and Mr. THURMOND) (by request):

S. 912. A bill to modify the authority for the Richard B. Russell Dam and Lake project, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. KASSEBAUM:

S. 913. A bill for the relief of Mildred C. Eide of Leavenworth, Kans.; to the Committee on the Judiciary.

By Mr. McCLURE (for himself, Mr. ANDREWS, Mr. BAUCUS, Mr. BURDICK, Mr. COCHRAN, Mr. COHEN, Mr. DANFORTH, Mr. DECONCINI, Mr. DENTON, Mr. DOMENICI, Mr. DURENBERGER, Mr. EAST, Mr. GOLDWATER, Mr. GRASSLEY, Mr. HATCH, Mr. HATFIELD, Mr. HEFLIN, Mr. HELMS, Mr. HUDDLESTON, Mr. JEPSEN, Mr. JOHNSTON, Mr. MATTINGLY, Mr. MELCHER, Mr. PRESSLER, Mr. PROXMIRE, Mr. RUDMAN, Mr. SASSER, Mr. SIMPSON, Mr. TOWER, Mr. WALLOP, Mr. ZORINSKY, Mr. RANDOLPH, Mr. NICKLES, Mr. THURMOND, Mr. STEVENS, Mr. SYMMS, Mr. ARMSTRONG, Mr. HUMPHREY, and Mr. GARN):

S. 914. A bill to protect firearms owners' constitutional rights, civil liberties, and rights to privacy; to the Committee on the Judiciary.

By Mr. GORTON (for himself, Mr. RUDMAN, Mr. DANFORTH, Mr. STAFFORD, Mr. EAGLETON, and Mr. BINGAMAN):

S. 915. A bill entitled the "Taxpayer Antitrust Enforcement Act of 1983"; to the Committee on the Judiciary.

By Mr. HATFIELD (for himself, Mr. McCLURE, Mr. JACKSON, Mr. PACKWOOD, Mr. GORTON, Mr. STEVENS, Mr. MURKOWSKI, Mr. SYMMS, Mr. MELCHER, Mr. BAUCUS, Mr. BURDICK, Mr.

GARN, Mr. HATCH, Mr. GOLDWATER, Mr. WALLOP, Mr. DECONCINI, Mr. LAXALT, Mr. ABDNOR, Mr. FORD, Mr. SASSER, and Mr. MATSUNAGA):

S. 916. A bill to provide for the orderly termination, extension, or modification of certain contracts for the sale of Federal timber, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Energy and Natural Resources, jointly, by unanimous consent.

By Mr. GARN (for himself, Mr. TOWER, Mr. LUGAR, and Mr. RIEGLE):

S.J. Res. 70. Joint resolution to designate the week beginning April 17, 1983, as "National Building Safety Week"; to the Committee on the Judiciary.

By Mr. PELL (for himself and Mr. MATHIAS):

S.J. Res. 71. Joint resolution proposing an amendment to the Constitution of the United States relative to the commencement of the terms of office of the President, Vice President, and Members of Congress; to the Committee on the Judiciary.

By Mr. EAGLETON (for himself and Mr. PROXMIRE):

S.J. Res. 72. Joint resolution proposing an amendment to the Constitution of the United States with respect to the eligibility of naturalized U.S. citizens to become President or Vice President; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. KASSEBAUM:

S. Res. 96. Resolution to refer S. 913 entitled "A bill for the relief of Mildred C. Eide of Leavenworth, Kansas" to the chief judge of the U.S. Claims Court for a report thereon; to the Committee on the Judiciary.

By Mr. BAKER (for himself and Mr. BYRD):

S. Res. 97. Resolution to direct the Senate Legal Counsel to represent Senator Howard M. Metzenbaum in *Karchin* v. *Sen. Howard Metzenbaum*, Case No. 83-CV-I-413; considered and agreed to.

S. Res. 98. Resolution to direct the Senate Legal Counsel to represent Senator Thurmond in *William W. Pearce* v. *The Honorable Strom Thurmond, et al.*, Civil Action No. 83-747; considered and agreed to.

By Mr. BAKER (for Mr. HATFIELD):

S. Con. Res. 20. Concurrent resolution making corrections in the enrollment of H.R. 1718; considered and agreed to.

By Mr. COHEN (for himself, Mr. PACKWOOD, Mr. HOLLINGS, and Mr. BRADLEY):

S. Con. Res. 21. Concurrent resolution expressing the sense of the Congress respecting the administration of title X of the Public Health Service Act; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURENBERGER (for himself, Mr. PACKWOOD, Mr. HATFIELD, Mr. HART, Mrs. KASSEBAUM, Mr. BAUCUS, Mr. BURDICK, Mr. INOUYE, Mr. BOSCHWITZ, Mr. KENNEDY, Mr. COHEN, Mr. WALLOP, Mr. HEINZ, Mr. RIEGLE, Mr. MITCHELL, Mr. MELCHER, Mr. TSONGAS, Mr. DIXON, Mr. LEAHY, Mr. MATSUNAGA, Mr. MATHIAS, Mr. PRESSLER, Mr. COCHRAN, and Mr. GLENN):

S. 888. A bill entitled the "Economic Equity Act"; to the Committee on Finance.

ECONOMIC EQUITY ACT

Mr. DURENBERGER. Mr. President, this morning I am reintroducing, on my own behalf and on behalf of Senators PACKWOOD, HATFIELD, HART, KASSEBAUM, BAUCUS, BURDICK, INOUYE, BOSCHWITZ, KENNEDY, COHEN, WALLOP, HEINZ, RIEGLE, MITCHELL, MELCHER, TSONGAS, DIXON, LEAHY, MATSUNAGA, MATHIAS, PRESSLER, COCHRAN, and GLENN, the Economic Equity Act, a bill to provide equal economic opportunities for women.

Two years ago I had the privilege of leading a similar bipartisan coalition in introducing the original Economic Equity Act. The bill drew editorial endorsement from dozens of newspapers across the Nation, and virtually all of the organizations advocating equal economic rights for women. Four parts of the bill—equal access to agricultural credit, child and dependent care reform, repeal of the widow's estate tax, and military/foreign service pension reform—became law. Most important, however, is the fact that the Economic Equity Act focused public attention on the concept of "economic equity," a phrase that has now been echoed from the pages of individual commentators to the President's state of the Union address.

Our society has been slow in giving women a fair opportunity to share the benefits of the society they have worked to create. It took more than a century for women in many parts of the country to gain the basic right to enter contracts and own property.

It took 143 years for women to win the right to vote.

Even in 1980, more than two centuries after the Declaration of Independence, women are still restrained by a system of laws and regulations that deny them equal access to economic opportunities.

Statistics tell some of the story. Women earn only 59 percent of what men earn—and that percentage has actually decreased over the past 15 years. Of the 441 occupations listed by the U.S. Census Bureau, women are concentrated primarily in the 20 lowest paid job classifications. One out of every three families which depends on a woman for its sole source of support lives in poverty. In fact, although women comprise only 42 percent of the labor force, they comprise 66 percent of those living in poverty.

This is the kind of disparity that should shock the conscience of any nation founded on the principle of equal opportunity. But the real tragedy is that Federal laws and regulations are a primary, if not the primary barrier to economic opportunity for millions of women. While we pride ourselves on being a nation of laws rather than men, we are still, to a large extent, a nation of laws made by men. Only one woman has ever served on the Supreme Court. As we entered the 1980's, only 22 had ever served on the Federal bench in its 200-year history.

There have been 1,722 Senators since the beginning of the Republic; only 12 have been women. The result has been a pattern of Federal policies that seem neutral on their face, but when applied to real world situations create deep disparities between the opportunities available to men and those available to women. Statistics tell only part of the story. The real impact of this legal discrimination is measured in the way it affects the lives of average people. As persuasive as broad statistics may be, the real impact of these provisions on the personal lives of women makes the most telling case for the legislation we introduce this morning.

Because she enters the work force at an earlier age, the average woman must work several years longer than the average man to gain vested right to pension benefits.

Present law permits a working husband to unilaterally terminate his wife's survivorship benefits. The wife has no appeal, and she is not entitled to notice.

Discrimination in Federal regulations is so pervasive that the interim report of the Justice Department task force on sex discrimination required 346 pages just to summarize its findings.

We talk of marriage as an equal partnership. But in our tax and retirement policies, a working husband's income is considered his income, and the noneconomic contribution of a woman who works in the home counts for little or nothing. Laws authorizing individual retirement accounts continue to allow the working husband to claim the benefit of that account while denying the same right to the so-called nonworking wife.

Despite a decade of divorce law reform many wives still have no claim whatsoever to pension survivorship benefits they accrued throughout 10, 15, or 20 years of marriage. Those benefits stay with the husband and often end up flowing to a second wife. Courts are powerless to apportion those benefits even where all parties request that it be done.

As incredible at it may seem, military inheritance laws continue to give a preference to brothers over sisters, fathers over mothers, sons over daughters. Although substantial progress has been made in this respect, statutes governing promotion opportunities

continue to differentiate between men and women. And most women enlistees continue to be focused in the lowest grades and lowest skilled MOS.

Despite extreme publicity surrounding child support and alimony awards, the economic benefits granted women in divorce proceedings go uncollected in a staggering 50 percent of the cases.

Finally, society has done very little to grant displaced homemakers the kind of assistance given other disadvantaged segments of the population. Nor has it recognized the economic benefits that would flow from fostering the kind of day-care system that would allow millions of women who desire to work to enter the mainstream of the American economy.

Just about every woman in this country will face one or more of these barriers at some time in her life. For most, they form a succession of roadblocks that progressively steal the quality of economic opportunity that most of us take for granted. Consider the life history of an all too typical American woman:

Enters the labor force at 18: Discovers she must work 7 years to qualify for the same pension rights that most men acquire after 4 to 5 years of work.

Marries and bears children: Her ability to pursue a career—if she wants to do so—is restricted by the cost and availability of day care. By remaining in the home, she forfeits her right to qualify for individual retirement benefits.

She divorces at age 40: Husband unilaterally terminates her survivorship benefits. She faces no more than a 50-percent chance of collecting maintenance or child support granted in the divorce decree. She enters the labor force with few skills and little job experience. She cannot qualify for programs such as the targeted job tax credit that are designed to assist disadvantaged groups overcome barriers to labor force entry. As an unmarried household head, she is entitled to a standard deduction of $2,300—compared to the $3,400 that applies to married couples and surviving spouses.

These are only a few examples, but they are a representative sample of the economic obstacles that confront American women throughout their lives. It is a situation that cannot endure in a nation of conscience, and a situation we intend to change.

The bill I introduce this morning—the Economic Equity Act of 1983—is the most comprehensive economic rights package ever introduced in the U.S. Senate. It will not resolve every source of economic discrimination that exists in this country, but it will insure that Government plays a constructive role in removing roadblocks to economic opportunity, rather than a destructive role in creating or maintaining those roadblocks.

The 75-page bill alters Federal law in five critical areas—tax and retirement policies, child and dependent care, accessibility of insurance, enforcement of maintenance and child support orders, and the Federal regulatory process. Its provisions—which I will detail more fully in a moment—were developed by myself, Senator PACKWOOD amd Senator HATFIELD over a 12-month period. In that development process we are indebted to dozens of women's groups from Minnesota, Oregon, and throughout the Nation, who gave their time freely to develop innovative solutions to the economic problems that have plagued our society throughout our lifetimes. I want to offer special gratitude to the groups that endorsed the bill prior to its introduction.

These groups include American Association of University of Women, Women's Equity Action League, Women in Communications, Federally Employed Women, Wider Opportunities for Women, National Women's Party, Women's Legal Defense Fund, National Women's Political Caucus, Women's Division of the United Methodist Church, Older Women's League, League of Women Voters, National Federation of Business and Professional Women, the National Council of Negroe Women, Pension Rights Center, National Organization for Women, National Council of Catholic Women, National Black Child Development Institute, National Education Association, Displace Homemaker's Network, Inc. American Nurses Association, B'nai B'rith Women, Leadership Conference on Civil Rights, Women U.S.A., National Federation of Republican Women.

The Economic Equity Act is intended to embody the best available thinking on how to address the economic inequalities confronting American women. There are areas, like social security, which the bill does not address. But in bypassing these areas for the moment, we are not deprecating their importance. We are only suggesting that workable solutions to these problems have not yet been refined to the point where we can begin legislative action. We hope to use the Economic Equity Act to stimulate discussion in these areas and develop new approaches that can be embodied in the bill in future months.

The Economic Equity Act is a challenge both to the Congress and to the conscience of the American people. We are truly at a turning point in American history, a point where the Nation is finally taking the bitterly difficult actions necessary to restore the strength of an economy that has been the standard of the world for a century-and-a-half. But America's new beginning must be a beginning for all Americans. Every person in this Nation suffers a personal loss when the economic contribution of half our population is restrained by archaic laws and regulations. The time has truly come for us to begin anew, and to insure that in America's second 200 years, we will indeed be one Nation, with equal opportunity for all.

Mr. President, I ask unanimous consent that the bill and a summary be printed in the RECORD.

There being no objection, the bill and summary were ordered to be printed in the RECORD, as follows:

S. 888

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE AND TABLE OF CONTENTS

SECTION 1. This Act may be cited as the "Economic Equity Act of 1983".

TABLE OF CONTENTS

Sec. 1. Short title and table of contents.

TITLE I—TAX AND RETIREMENT MATTERS

Sec. 101. Compensation of spouse may be taken into account in determining income tax deduction for retirement savings.
Sec. 102. Alimony treated as compensation in determining income tax deduction for retirement savings.
Sec. 103. Joint and survivor annuity requirements for retirement plans.
Sec. 104. Prohibition against assignment of benefits under retirement plans not to apply in divorce, etc., proceedings.
Sec. 105. Exemption from ERISA preemption for judgments, decrees, and orders pursuant to State domestic relations law.
Sec. 106. Lowering of age limitation for minimum participation standards for retirement plans.
Sec. 107. Counting years of service after age 21 for resting under retirement plans.
Sec. 108. Continuation of benefit accruals under retirement plans while the employee is on approved maternity or paternity leave.
Sec. 109. Reforms relating to spousal benefits under civil service retirement.
Sec. 110. Displaced homemakers established as a targeted group for purposes of computing the income tax credit for employment of certain new employees.
Sec. 111. Zero bracket amount for heads of households in determinng income tax increased to amount for joint returns, etc.

TITLE II—DEPENDENT CARE PROGRAM

Sec. 201. Increase in the tax credit for expenses for household and dependent care services necessary for gainful employment.
Sec. 202. Certain organizations providing dependent care included within the definition of tax-exempt organizations.
Sec. 203. Tax credit for household and dependent care services necessary for gainful employment made refundable.
Sec. 204. Child care information and referral services.

TITLE III—NONDISCRIMINATION IN INSURANCE
Sec. 301. Short title of title.
Sec. 302. Findings and policy.
Sec. 303. Definitions.
Sec. 304. Unlawful discriminatory actions.
Sec. 305. State or local enforcement prior to judicial enforcement under this title.
Sec. 306. Civil action by or on behalf of aggrieved person.
Sec. 307. Civil action by the Attorney General involving issues of general public importance.
Sec. 308. Jurisdiction.
Sec. 309. Judicial relief.
Sec. 310. Inapplicability.
Sec. 311. Effective date of title.
TITLE IV—REGULATORY REFORM AND GENDER NEUTRALITY
Sec. 401. Revision of regulations, etc., and legislative recommendations.
Sec. 402. Rule of statutory construction relating to gender.
TITLE V—CHILD SUPPORT ENFORCEMENT
PART A—PROGRAM IMPROVEMENTS
Sec. 501. Purpose of the program.
Sec. 502. Collection of past-due support from Federal tax refunds.
Sec. 503. Child support clearinghouse.
Sec. 504. Strengthening of State child support enforcement procedures.
Sec. 505. Exceptions to discharge in bankruptcy.
PART B—FEDERAL EMPLOYEE PROVISIONS
Sec. 511. Allotment of Federal pay for child and spousal support.
TITLE I—TAX AND RETIREMENT MATTERS
COMPENSATION OF SPOUSE MAY BE TAKEN INTO ACCOUNT IN DETERMINING DEDUCTION FOR RETIREMENT SAVINGS

SEC. 101 (a) Paragraph (2) of section 219(f) of the Internal Revenue Code of 1954 (relating to retirement savings' is amended to read as follows:

"(2) MARRIED INDIVIDUALS.—

"(A) MAXIMUM DEDUCTION.—The maximum deduction under subsection (b) shall be computed separately for each individual, and this section shall be applied without regard to any community property laws.

"(B) INDIVIDUALS WHO RECEIVE LESS COMPENSATION THAN THEIR SPOUSES.—If any individual has less compensation includible in gross income for the taxable year than the compensation includible in the gross income of the spouse of such individual for such year, the maximum deduction under subsection (b)(1) shall be determined as if such individual had compensation includible in gross income equal to the compensation includible in the gross income of the spouse of such individual."

(b) Subsection (c) of section 219 of such Code (relating to special rules for certain married individuals) is hereby repealed.

(c) The amendments made by this section shall apply to taxable years beginning after December 31, 1983.

ALIMONY TREATED AS COMPENSATION IN DETERMINING DEDUCTION FOR RETIREMENT SAVINGS

SEC. 102. (a) Paragraph (1) of section 219(f) of the Internal Revenue Code of 1954 (defining compensation) is amended by inserting before the period at the end thereof "and amounts includible in gross income under section 71".

(b) Paragraph (4) of section 219(b) of such Code (relating to certain divorced individuals) is hereby repealed.

(c) The amendments made by this section shall apply to taxable years beginning after December 31, 1983.

JOINT AND SURVIVOR ANNUITY REQUIREMENTS FOR RETIREMENT PLANS

SEC. 103. (a)(1)(A) Section 205 of the Employee Retirement Income Security Act of 1974 (relating to joint and survivor annuity requirement) (29 U.S.C. 1055) is amended by striking out subsections (b) and (c) and inserting in lieu thereof the following new subsection:

"(b)(1) A plan which provides that the normal form of benefit is an annuity shall not be treated as satisfying the requirements of this section unless the plan provides, with respect to any participant described in paragraph (2), a survivor annuity for the participant's surviving spouse (if such spouse is living on the survivor annuity starting date)—

"(A) which begins on the survivor annuity starting date and continues for the life of such spouse, and

"(B) the payments under which are not less than the payments which would have been made under the survivor annuity to which such spouse would have been entitled if the participant had terminated employment on his date of death, had survived and retired on the survivor annuity starting date, and had died on the day following such date.

"(2) A participant referred to in paragraph (1) is described in this paragraph if the participant—

"(A) dies before an annuity starting date under the plan with respect to the participant, and

"(B) is credited under the plan with at least 10 years of service for purposes of determining under section 203 nonforfeitable rights to accrued benefits.".

(B) Section 205(g) of such Act (29 U.S.C. 1055(g)) is amended by adding at the end thereof the following new paragraph:

"(4) The term 'survivor annuity starting date' means, in connection with a participant who dies before an annuity starting date under the plan with respect to the participant—

"(A) the date which would be the participant's annuity starting date if the participant had retired, prior to death, on the date on which the participant would have attained the earliest retirement age under the plan,

"(B) the date of death of the participant (if later than the date specified in subparagraph (A)), or

"(C) any other date, subsequent to the dates specified in subparagraphs (A) and (B), selected by the participant's surviving spouse in accordance with plan procedures, except that such date may not be later than the date on which the participant would have attained normal retirement age under the plan had the participant lived to such date.".

(C) Section 205(d) of such Act (29 U.S.C. 1055(d)) is amended—

(i) by striking out "(whether or not an election has been made under subsection (c))", and

(ii) by adding at the end thereof the following new sentence: "In the case of an individual who was the spouse of the participant on the annuity starting date and who survives the participant, a plan shall not be treated as satisfying the requirements of this section unless the plan treats such individual as if such individual were the spouse of the participant on the date of death of the participant (whether or not divorced after the annuity starting date).".

(2) Subsection (e) of section 205 of such Act (29 U.S.C. 1055(e)) is amended to read as follows:

"(e) A plan shall not be treated as satisfying the requirements of this section unless, under the plan—

"(1) each participant has a reasonable period (as prescribed by the Secretary of the Treasury by regulations) before the annuity starting date during which the participant may elect in writing (after such participant has received a written explanation of terms and conditions of the joint and survivor annuity and the effect of an election under this subsection) not to take such joint and survivor annuity, and

"(2) such an election will not be effective unless the spouse of the participant (as of the time such election is made) consents in writing to such an election and such consent is witnessed by a plan representative or a notary public.".

(3) Subsection (f) of section 205 of such Act (29 U.S.C. 1055(f)) is repealed.

(4) Section 205(h) of such Act (29 U.S.C 1055 (h)) is amended by striking out "under an election made under subsection (c)",

(5) Section 205(i) of such Act (29 U.S.C. 1055(i)) is amended to read as follows:

"(i)(1) Except as provided in paragraph (2), this section shall apply only if—

"(A) the annuity starting date did not occur before the effective date of this section, and

"(B) the participant was an active participant in the plan on or after such effective date.

"(2) A plan shall not be treated as satisfying the requirements of this section unless the plan provides that any participant who is not a participant described in paragraph (1)(B) may elect to receive benefits in the form of a joint and survivor annuity if such election takes place before the annuity starting date.".

(b)(1)(A) Paragraph (11) of section 401(a) of the Internal Revenue Code of 1954 (relating to qualified pension, profit-sharing, and stock-bonus plans) is amended by striking out subparagraphs (B) and (C) and inserting in lieu thereof the following new subparagraph:

"(B)(i) A plan which provides that the normal form of benefit is an annuity shall not be treated as satisfying the requirements of this paragraph unless the plan provides, with respect to any participant described in clause (ii), a survivor annuity for the participant's surviving spouse (if such spouse is living on the survivor annuity starting date)—

"(I) which begins on the survivor annuity starting date and continues for the life of such spouse, and

"(II) the payments under which are not less than the payments which would have been made under the survivor annuity to which such spouse would have been entitled if the participant had terminated employment on his date of death, had survived and retired on the survivor annuity starting date, and had died on the day following such date.

"(ii) A participant referred to in clause (i) is described in this clause if the participant—

"(I) dies before an annuity starting date under the plan with respect to the participant, and

"(II) is credited under the plan with at least 10 years of service for purposes of de-

termining under section 411 nonforfeitable rights to accrued benefits."

(B) Subparagraph (G) of section 401(a)(11) such Code is amended—

(i) in clause (ii), by striking out "and";

(ii) in clause (iii), by striking out "participant." and inserting in lieu thereof "participant, and"; and

(iii) by adding at the end thereof the following new clause:

"(iv) the term 'survivor annuity starting date' means, in connection with a participant who dies before an annuity starting date under the plan with respect to the participant—

"(I) the date which would be the participant's annuity starting date if the participant had retired, prior to death, on the date on which the participant would have attained the earliest retirement age under the plan,

"(II) the date of death of the participant (if later than the date specified in subclause (I)), or

"(III) any other date, subsequent to the dates specified in subclauses (I) and (II), selected by the participant's surviving spouse in accordance with plan procedures, except that such date may not be later than the date on which the participant would have attained normal retirement age under the plan had the participant lived to such date.".

(C) Subparagraph (D) of section 401(a)(11) of such Code is amended—

"(i) by striking out "(whether or not an election described in subparagraph (C) has been made under subparagraph (C))"; and

"(ii) by adding at the end the following new sentence: "In the case of an individual who was the spouse of the participant on the annuity starting date and who survives the participant, a plan shall not be treated as satisfying the requirements of this paragraph unless the plan treats such individual as if such individual were the spouse of the participant on the date of death of the participant (whether or not divorced after the annuity starting date).".

(2) Subparagraph (E) of section 401(a)(11) of such Code is amended to read as follows:

"(E) A plan shall not be treated as satisfying the requirements of this paragraph unless, under the plan—

"(i) each participant has a reasonable period (as prescribed by the Secretary by regulations) before the annuity starting date during which the participant may elect in writing (after such participant has received a written explanation of the terms and conditions of the joint and survivor annuity and the effect of an election under this subsection) not to take such joint and survivor annuity, and

"(ii) such an election will not be effective unless the spouse of the participant (as of the time such election is made) consents in writing to such an election and such consent is witnessed by a plan representative or a notary public.".

(3) Subparagraph (F) of section 401(a)(11) of such Code is repealed.

(4) Subparagraph (H) of section 401(a)(11) of such Code is amended to read as follows:

"(H)(i) Except as provided in clause (ii), this paragraph shall apply only if—

"(I) the annuity starting date did not occur before the effective date of this section, and

"(II) the participant was an active participant in the plan on or after such effective date.

"(ii) A plan shall not be treated as satisfying the requirements of this paragraph unless the plan provides that any participant who is not a participant described in clause (i)(II) may elect to receive benefits in the form of a joint and survivor annuity if such election takes place before the annuity starting date.".

(c)(1) Except as provided in paragraph (2), the amendments made by this section shall apply with respect to plan years beginning more than one year after the date of the enactment of this Act.

(2) The amendments made by subsections (a)(5) and (b)(4) shall take effect on the date of the enactment of this Act.

PROHIBITION AGAINST ASSIGNMENT OF BENEFITS UNDER RETIREMENT PLANS NOT TO APPLY IN DIVORCE, ETC., PROCEEDINGS

SEC. 104. (a) Subsection (d) of section 206 of the Employee Retirement Income Security Act of 1974 (relating to form and payment of benefits) (29 U.S.C. 1056(d)) is amended by adding at the end thereof of the following new paragraph:

"(3) Paragraph (1) shall not apply in the case of a judgment, decree, or order (including an approval of a property settlement agreement) realting to child support, alimony payments, or marital property rights, pursuant to a State domestic relations law (whether of the common law or community property type), which—

"(A) creates or recognizes the existence of an individual's right to receive all or a portion of the benefits to which a participant or a participant's designated beneficiary would otherwise be entitled under a pension plan,

"(B) clearly identifies such participant, the amount or percentage of such benefits to be paid to such individual, the number of payments to which such judgment, decree, or order applies, and the name and mailing address of such individual, and

"(C) does not require such plan to alter the effective date, timing, form, duration, or amount of any benefit payments under the plan or to honor any election which is not provided for under the plan or which is made by a person other than a participant or beneficiary."

(b) Paragraph (13) of section 401(a) of the Internal Revenue Code of 1954 (relating to qualified pension, profit-sharing, and stock bonus plans) is amended by adding at the end thereof the following new sentence: "The preceding provisions of this paragraph shall not apply in the case of any judgment, decree, or order pursuant to a State domestic relations law (whether of the common law or community property type) if such judgment, decree, or order is described in section 206(d)(3) of the Employee Retirement Income Security Act of 1974."

"(c) The amendments made by this section shall take effect on the date of the enactment of this Act.

EXEMPTION FROM ERISA PREEMPTION FOR JUDGMENTS, DECREES, AND ORDERS PURSUANT TO STATE DOMESTIC RELATIONS LAW

"SEC. 105. (a) Section 514(b) of the Employee Retirement Income Security Act of 1974 (relating to exemptions from preemption) (29 U.S.C. 1144(b)) is amended by adding at the end thereof the following new paragraph:

"(7) Subsection (a) shall not apply with respect to any judgment, decree, or order pursuant to a State domestic relations law (whether of the common law or community property type) if such judgment, decree, or order is described in section 206(d)(3).".

(b) The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

LOWERING OF AGE LIMITATION FOR MINIMUM PARTICIPATION STANDARDS FOR RETIREMENT PLANS

"SEC. 106. (a) Subparagraphs (A)(i) and (B)(ii) of section 202(a)(1) of the Employee Retirement Income Security Act of 1974 (relating to minimum participation standards) (29 U.S.C. 1052(a)(1)(A)(i) and (B)(ii)) are each amended by striking out "25" and inserting in lieu thereof "21".

"(b) Subparagraphs (A)(i) and (B)(ii) of section 410(a)(l) of the Internal Revenue Code of 1954 (relating to minimum participation standards) are each amended by striking out "25" and inserting in lieu thereof "21".

(c) The amendments made by this section shall apply to plan years beginning more than ninety days after the date of the enactment of this Act.

COUNTING YEARS OF SERVICE AFTER AGE 21 FOR VESTING UNDER RETIREMENT PLANS

SEC. 107. (a) Section 203(b)(1)(A) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(b)(1)(A)) is amended by striking out "22" and inserting in lieu thereof "21".

(b) Section 411(a)(4)(A) of the Internal Revenue Code of 1954 (relating to minimum vesting standards) is amended by striking out "22" and inserting in liew thereof "21".

(c) The amendments made by this section shall apply to plan years beginning more than 90 days after the date of the enactment of this Act.

CONTINUATION OF BENEFIT ACCRUALS UNDER RETIREMENT PLANS WHILE THE EMPLOYEE IS ON APPROVED MATERNITY OR PATERNITY LEAVE

SEC. 108. (a)(1) Subsection (b) of section 202 of the Employee Retirement Income Security Act of 1974 (relating to minimum participation standards) (29 U.S.C. 1052(b)) is amended by adding at the end thereof the following new paragraph:

"(5)(A) For purposes of this section, for each week of an approved maternity or paternity leave of an employee, the employee shall be deemed to have performed 20 hours of service for the employer.

"(B) For purposes of subparagraph (A), the term 'approved maternity or paternity leave' means any period (not to exceed 52 weeks) during which the employee is absent from work if—

"(i) such absence is by reason of pregnancy or the birth of a child of the employee or for purposes of caring for a child of the employee, and

"(ii) such absence is approved by the employer.

"(C) Subparagraph (A) shall not apply unless the employee continues to perform service for the employer after the end of the approved maternity or paternity leave or offers to do so but is not reemployed by the employer.".

(2) Subsection (b) of section 203 of such Act (relating to minimum vesting standards) (29 U.S.C. 1053(b)) is amended—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following new paragraph:

"(4)(A) For purposes of this section, for each week of an approved maternity or paternity leave of an employee, the employee shall be deemed to have performed 20 hours of service for the employer.

"(B) For purposes of subparagraph (A), the term 'approved maternity or paternity leave' means any period (not to exceed 52

weeks) during which the employee is absent from work if—

"(i) such absence is by reason of pregnancy or the birth of a child of the employee or for purposes of caring for a child of the employee, and

"(ii) such absence is approved by the employer.

"(C) Subparagraph (A) shall not apply unless the employee continues to perform service for the employer after the end of the approved maternity or paternity leave or offers to do so but is not reemployed by the employer.".

(3) Section 204 of such Act (relating to benefit accrual requirements) (29 U.S.C. 1054)) is amended—

(A) by redesignating subsection (h) as subsection (i); and

(B) by inserting after subsection (g) the following new subsection:

"(h)(1) For purposes of this section, for each week of an approved maternity or paternity leave of an employee, the employee shall be deemed to have performed 20 hours of service for the employer.

"(2) For purposes of paragraph (1), the term 'approved maternity or paternity leave' means any period (not to exceed 52 weeks) during which the employee is absent from work if—

"(A) such absence is by reason of pregnancy or the birth of a child of the employee or for purposes of caring for a child of the employee, and

"(B) such absence is approved by the employer.

"(3) Paragraph (1) shall not apply unless the employee continues to perform service for the employer after the end of the approved maternity or paternity leave or offers to do so but is not reemployed by the employer.".

(b)(1) Subsection (a) of section 410 of the Internal Revenue Code of 1954 (relating to minimum participation standards) is amended by adding at the end thereof the following new paragraph:

"(6) APPROVED MATERNITY OR PATERNITY LEAVE.—

"(A) IN GENERAL.—For purposes of this section, for each week of an approved maternity or paternity leave of an employee, the employee shall be deemed to have performed 20 hours of service for the employer.

"(B) APPROVED MATERNITY OR PATERNITY LEAVE DEFINED.—For purposes of subparagraph (A), the term 'approved maternity or paternity leave' means any period (not to exceed 52 weeks) during which the employee is absent from work if—

"(i) such absence is by reason of pregnancy or the birth of a child of the employee or for purposes of caring for a child of the employee, and

"(ii) such absence is approved by the employer.

"(C) SERVICE REQUIREMENT AFTER THE LEAVE.—Subparagraph (A) shall not apply unless the employee continues to perform service for the employer after the end of the approved maternity or paternity leave or offers to do so but is not reemployed by the employer."

(2) Subsection (d) of section 411 of such Code (relating to minimum vesting standards) is amended by adding at the end thereof the following new paragraph:

"(7) APPROVED MATERNITY OR PATERNITY LEAVE.—

"(A) IN GENERAL.—For purposes of this section, for each week of an approved maternity or paternity leave of an employee, the employee shall be deemed to have performed 20 hours of service for the employer.

"(B) APPROVED MATERNITY OR PATERNITY LEAVE DEFINED.—For purposes of subparagraph (A), the term 'approved maternity or paternity leave' means any period (not to exceed 52 weeks) during which the employee is absent from work if—

"(i) such absence is by reason of pregnancy or the birth of a child of the employee or for purposes of caring for a child of the employee, and

"(ii) such absence is approved by the employer.

"(C) SERVICE REQUIREMENT AFTER THE LEAVE.—Subparagraph (A) shall not apply unless the employee continues to perform service for the employer after the end of the approved maternity or paternity leave or offers to do so but is not reemployed by the employer."

(c) The amendment made by this section shall apply to plan years beginning more than one year after the date of the enactment of this Act.

REFORMS RELATING TO SPOUSAL BENEFITS UNDER CIVIL SERVICE RETIREMENT

SEC. 109. (a) DEFINITIONS.—(1) Section 8331 of title 5, United States Code, relating to definitions for purposes of civil service retirement, is amended by adding at the end thereof the following new paragraphs:

"(23) 'court' means any court of any State or of the District of Columbia;

"(24) 'court order' means any court decree of divorce or annulment, or any court order or court approved property settlement agreement incident to any court decree of divorce or annulment which orders that a portion of the annuity of an employee or Member, or survivor benefit based on the service of such employee or Member, be paid to that spouse by such employee or Member, the Director of the Office of Personnel Management, or the Government;

"(25) 'former spouse' means a former wife or husband of an individual who was married to such individual for not less than 10 years during periods of service by that individual which are creditable under section 8332 of this title;

"(26) 'pro rata share', in the case of any former spouse of any individual, means a percentage which is equal to the percentage that (A) the number of years during which the former spouse was married to the individual during the creditable service of that individual is of (B) the total number of years of such creditable service; and

"(27) 'spousal agreement' means any agreement between an individual and that individual's spouse or former spouse which is in writing and acknowledged before a notary public.".

(2) Such section 8331 of title 5, United States Code, is further amended—

(A) by striking out "and" at the end of paragraph (21), and

(B) by striking out the period at the end of paragraph (22) and inserting in lieu thereof a semicolon.

(b) ANNUITIES AND SURVIVOR ANNUITIES FOR FORMER SPOUSES.—(1) Subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, is amended by inserting after section 8341 the following new section:

"§ 8341A. Former spouse annuities

"(a)(1) Unless otherwise expressly provided by any spousal agreement or court order under section 8345(j) of this title, a former spouse of an employee or Member retired under this subchapter is entitled to an annuity—

"(A) if married to the employee or Member throughout that employee's or Member's period of creditable service, equal to 50 percent of the annuity (determined without regard to the reduction under paragraph (5) of this subsection) to which such employee or Member is entitled, or

"(B) if not married to the employee or Member throughout the period of creditable service, equal to that former spouse's pro rata share of 50 percent of such annuity.

"(2) A former spouse shall not be qualified for an annuity under this subsection if before the commencement of that annuity the former spouse remarries before becoming 60 years of age.

"(3) The annuity of a former spouse under this subsection commences on the later of the day the employee or Member upon whose service the annuity is based becomes entitled to an annuity under this subchapter or the first day of the month in which the divorce or annulment involved becomes final. The annuity of such former spouse and the right thereto terminate on—

"(A) the last day of the month before the former spouse dies or remarries before 60 years of age; or

"(B) the date the annuity of the employee or Member terminates (except in the case of an annuity subject to paragraph (5)(B)).

"(4) No spousal agreement or court order under section 8345(j) of this title involving any employee or Member may provide for an annuity or any combination of annuities under this subsection which exceeds the annuity of the employee or Member, nor may any such court order relating to an annuity under this subsection be given effect if it is issued more than 12 months after the date the divorce or annulment involved becomes final.

"(5)(A) The annuity payable to any employee or Member shall be reduced by the amount of an annuity under this subsection paid to any former spouse based upon the service of that employee or Member. Such reduction shall be disregarded in calculating the survivors annuity for any spouse, former spouse, or other survivor under this subchapter, and in calculating any reduction in the annuity of the employee or Member to provide survivors benefits under subsection (b) or section 8341(b)(1) of this title.

"(B) If any disability annuitant whose annuity is reduced under subparagraph (A) becomes reinstated or reappointed in the civil service, the pay of that annuitant shall be reduced by the same amount as the annuity would have been reduced if it had continued. Amounts equal to the reductions under this subparagraph shall be deposited in the Treasury of the United States to the credit of the Fund.

"(6) Notwithstanding paragraph (3), in the case of any former spouse of a disability annuitant—

"(A) the annuity of that former spouse shall commence on the date the employee or Member would qualify on the basis of the employee's or Member's creditable service for an annuity under this subchapter (other than a disability annuity) or the date the disability annuity begins, whichever is later, and

"(B) the amount of the annuity of the former spouse shall be calculated on the basis of the annuity for which the employee or Member would otherwise so qualify.

"(b)(1) Subject to any election under section 8339(j) of this title and unless otherwise expressly provided by any spousal agreement or court order under section 8345(j) of this title, if a former employee or

Member who is entitled to receive an annuity is survived by a former spouse, the former spouse shall be entitled to a survivor annuity—

"(A) if married to the employee or Member throughout the creditable service of the employee or Member, equal to 55 percent of the full amount of the employee's or Member's annuity, as computed under section 8339 of this title, or

"(B) if not married to the employee or Member throughout such creditable service, equal to that former spouse's pro rata share of 55 percent of the full amount of such annuity.

"(2) A former spouse shall not be qualified for an annuity under this subsection if before the commencement of that annuity the former spouse remarries before becoming 60 years of age.

"(3) An annuity payable from the Fund to a surviving former spouse under this subsection shall commence on the day after the annuitant dies and shall terminate on the last day of the month before the former spouse's death or remarriage before attaining age 60. If such a survivor annuity is terminated because of remarriage, it shall be restored at the same rate commencing on the date such remarriage is terminated if any lump sum paid upon termination of the annuity is returned to the Fund.

"(4)(A) The maximum survivor annuity or combination of survivor annuities under this section (and section 8341(b)) with respect to any employee or Member may not exceed 55 percent of the full amount of the employee's or Member's annuity, as calculated under section 8339 of this title.

"(B) Once a survivor annuity has been provided for under this subsection for any former spouse, a survivor annuity may thereafter be provided for under this subsection (or section 8341(b)) with respect to an employee or Member only for that portion (if any) of the maximum available which is not committed for survivor benefits for any former spouse whose prospective right to such annuity has not terminated by reason of death or remarriage.

"(C) After the death of an employee or Member, a court order under section 8345(j) of this title may not adjust the amount of the annuity of any former spouse under this subsection.

"(5)(A) For each full month after a former spouse of an employee or Member dies or remarries before attaining age 60, the annuity of the employee or Member, if reduced to provide a survivor annuity for that former spouse, shall be recomputed and paid as if the annuity had not been so reduced, unless an election is in effect under subparagraph (B).

"(B) Subject to paragraph (4)(B), the employee or Member may elect in writing within one year after receipt of notice of the death or remarriage of the former spouse to continue the reduction in order to provide a higher survivor annuity under section 8341(b) of this title for any spouse of the employee or Member.

"(c)(1) In the case of any employee or Member providing a survivor annuity benefit under subsection (b) for a former spouse—

"(A) such employee or Member may elect, or

"(B) a spousal agreement of court order under section 8345(j) of this title may provide for,

an additional survivor annuity under this subsection for any other former spouse or spouse surviving the employee or Member, if the employee or Member satisfactorily passes a physical examination as prescribed by the Office of Personnel Management.

"(2) Neither the total amount of survivor annuity or annuities under this subsection with respect to any employee or Member, nor the survivor annuity or annuities for any one surviving spouse or former spouse of such employee or Member under this section and section 8341 of this title, shall exceed 55 percent of the full amount of the employee's or Member's annuity, as computed under section 8339 of this title.

"(3)(A) In accordance with regulations which the Office shall prescribe, the employee or Member involved may provide for any annuity under this subsection—

"(i) by a reduction in the annuity or an allotment from the pay of the employee or Member,

"(ii) by a lump sum payment or installment payments to the Fund, or

"(iii) by any combination thereof.

"(B) The present value of the total amount to accrue to the Fund under subparagraph (A) to provide any annuity under this subsection shall be actuarially equivalent in value to such annuity, as calculated upon such tables of mortality as may from time to time be prescribed for this purpose by the Office.

"(C) If a former spouse predeceases the employee or Member or remarries before attaining age 60 (or, in the case of a spouse, the spouse does not qualify as a former spouse upon dissolution of the marriage)—

"(i) if an annuity reduction or salary allotment under subparagraph (A) is in effect for that spouse or former spouse, the annuity shall be recomputed and paid as if it had not been reduced or the salary allotment terminated, as the case may be, and

"(ii) any amount accruing to the Fund under subparagraph (A) shall be refunded, but only to the extent that such amount may have exceeded the actuarial cost of providing benefits under this subsection for the period such benefits were provided, as determined under regulations prescribed by the Office.

"(D) Under regulations prescribed by the Office, an annuity shall be recomputed (or salary allotment terminated or adjusted), and a refund provided (if appropriate), in a manner comparable to that provided under subparagraph (C), in order to reflect a termination or reduction of future benefits under this subsection for a spouse in the event a former spouse of the employee or Member dies or remarries before attaining age 60 and an increased annuity is provided for that spouse in accordance with this subchapter.

"(4) An annuity payable under this subsection to a spouse or former spouse shall commence on the day after the employee or Member dies and shall terminate on the last day of the month before the former spouse's death or remarriage before attaining age 60.

"(5) Section 8340 of this title shall not apply to any annuity under this subsection, unless authorized under regulations prescribed by the Office.

"(d)(1) Section 8345(f) of this title shall not apply—

"(A) to any annuity payable under subsection (a) or (b) to any former spouse if the amount of that annuity varies by reason of a spousal agreement or court order under section 8345(j), or an election under section 8339(j), from the amount which would be calculated under subsection (a)(1) or (b)(1), as the case may be, in the absence of such spousal agreement, court order, or election; and

"(B) to any annuity payable under subsection (c).

"(2) A former spouse is not entitled to an annuity under this subchapter based upon the service of an employee or Member unless the former spouse elects to receive it instead of any other annuity to which the former spouse may be entitled under this subchapter or any retirement system for Government employees on the basis of a marriage to someone other than the employee or Member.".

(2) Section 8332 of title 5, United States Code, relating to creditable service, is amended by adding at the end thereof the following new subsection:

"(n)(1) Service of an employee or Member shall be considered creditable service for purposes of applying provisions of this subchapter relating to former spouses if such service would be creditable—

"(A) under subsection (k) (1) or (2) but for the fact an election was not made under subsection (k)(1) or a special contribution was not made under subsection (k)(2), and

"(B) under section 8334(d) but for the fact that a refund of contributions has not been repaid unless the former spouse received under this subchapter a portion of the lump sum (or a spousal agreement or court order provided otherwise).

"(A) A former spouse shall not be considered as married to an employee or Member for periods assumed to be creditable service under section 8341(d)(2) of this title.".

(3)(A) Section 8341(b) of title 5, United States Code, relating to survivor spouse annuities, is amended by adding at the end thereof the following new paragraph:

"(4) Notwithstanding the preceding paragraphs in this subsection and subsection (d), the amount of the annuity calculated under this subsection for a surviving spouse in any case in which there is also a surviving former spouse who qualifies for an annuity under section 8341A(b) with respect to the same employee or Member may not exceed 55 percent of the portion (if any) of the base for survivor benefits which remains available under section 8341A(b)(4)(B).".

(B) Section 8341(d) of title 5, United States Code, relating to survivor spouse annuities in the case of death in service, is amended by adding at the end thereof the following new sentence: "Any surviving former spouse shall be entitled to an annuity under section 8341A(b) as if the employee or Member died after being entitled to an annuity under this subchapter.".

(4)(A) Section 8342(a) of title 5, United States Code, relating to lump-sum benefits, is amended by striking out "is entitled" and inserting in lieu thereof "(and any former spouse of such employee or Member, in accordance with subsection (j)) are entitled".

(B) Section 8342 of title 5, United States Code, is amended by adding at the end thereof the following:

"(j) Unless otherwise expressly provided by any spousal agreement or court order under section 8345(j) of this title, the amount of an employee's or Member's lump-sum credit payable to a former spouse shall be—

"(1) if the former spouse was married to the employee or Member throughout the period of creditable service, 50 percent of the lump-sum credit to which such employee or Member would be entitled in the absence of this subsection, or

"(2) if such former spouse was not married to the employee or Member throughout the

period of his creditable service, an amount equal to such former spouse's pro rata share of 50 percent of such lump-sum credit.

The lump-sum credit of the employee or Member shall be reduced by the amount of the lump-sum credit payable to the former spouse.".

(5) Section 8344 of title 5, United States Code, relating to annuities and pay on reemployment, is amended by re-designating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

"(e) The Office shall prescribe regulations to provide for the application of this section in any case in which an annuitant has a former spouse entitled to an annuity under section 8341A of this title.".

(6) The table of sections for chapter 83 of title 5, United States Code, is amended by inserting after the item relating to section 8341 the following new item:

"8341A. Former spouse annuities.".

(c) JOINT EMPLOYEE-SPOUSE ELECTIONS.—(1) Section 8339(j) of title 5, United States Code, relating to election of survivor annuities, is amended to read as follows:

"(j)(1)(A) Except to the extent provided otherwise under a written election under subparagraph (B) or (C), if at the time of retirement an employee or Member is married (or has a former spouse who has not remarried before attaining age 60), the employee or Member shall receive a reduced annuity and provide a survivor annuity under section 8341(b) for the employee's or Member's spouse or a survivor annuity under section 8341A(b) for the former spouse, or a combination of such annuities, as the case may be.

"(B) At the time of retirement, a married employee or Member and the employee's or Member's spouse may jointly elect to waive a survivor annuity for that spouse under section 8341(b) (or under section 8341A(b) if the spouse later qualifies as a former spouse under section 8331(25)), or to reduce such a survivor annuity by designating a portion of the annuity of the employee or Member as the base for the survivor benefit. Any such election shall be in writing and shall be acknowledged before a notary public. In the event the marriage is dissolved following an election for such a reduced annuity and the spouse qualifies as a former spouse, the base used in calculating any annuity of the former spouse under section 8341A(b) may not exceed the portion of the employee's or Member's annuity designated under this subparagraph.

"(C) If an employee or Member has a former spouse, the employee of Member and such former spouse may jointly elect by spousal agreement under section 8345(j) to waive a survivor annuity under section 8341A(b) for that former spouse if the election is made (i) before the end of the 12-month period after the divorce or annulment involving that former spouse becomes final or (ii) at the time of retirement, whichever comes first.

"(D) The Office of Personnel Management may prescribe regulations under which an employee or Member may make an election under subparagraph (B) or (C) without the employee's or Member's spouse or former spouse if the employee or Member establishes to the satisfaction of the Office that the employee or Member does not know, and has taken all reasonable steps to determine, the whereabouts of the spouse or former spouse.

"(2) The annuity of an employee or Member providing a survivor benefit under section 8341(b) (or section 8341A(b)), excluding any portion of the annuity not designated or committed as a base for any survivor annuity, shall be reduced by 2½ percent of the first $3,600 plus 10 percent of any amount over $3,600. The reduction under this paragraph shall be calculated before any reduction under section 8341A(a)(5).

"(3) An annuity which is reduced under this subsection or any similar prior provision of law to provide a survivor benefit for a spouse shall, if the marriage of the employee or Member is dissolved, be recomputed and paid for each month during which the employee or Member is not married (or is remarried if there is no election in effect under the following sentence) as if the annuity had not been reduced, subject to any reduction required to provide a survivor benefit under section 8341A (b) or (c). Upon remarriage the retired employee or Member may irrevocably elect, by means of a signed writing received by the Office within one year after such marriage, to receive such marriage a reduction in annuity for the purpose of allowing an annuity for the new spouse of the annuitant in the event such spouse survives the annuitant. Such reduction shall be equal to the reduction in effect immediately before the dissolution of the previous marriage (unless such reduction is adjusted under section 8341A(b)(5)), and shall be effective the first day of the first month beginning one year after the date of remarriage.

"(4) The Office shall, on an annual basis—

"(A) inform each employee and Member of the rights of election under this subsection; and

(B) to the maximum extent practicable, inform spouses or former spouses of employees and Members of their rights under this subchapter.".

(2) Section 8339(k)(1) of title 5, United States Code, relating to annuities for individuals having insurable interests, is amended by inserting after "an unmarried employee or Member" the following: "who does not have a former spouse for whose benefit a reduction is made in the employee's or Member's annuity and".

(3) Section 8341(b)(1) of title 5, United States Code, is amended by striking out "unless the employee or Member has notified the Office" and all that follows and inserting in lieu thereof the following: "unless an election has been made under section 8339(j)(1) or, in the case of remarriage, an election has not been made under section 8339(j)(3).".

(4) Section 8344(a) of title 5, United States Code, relating to annuities and pay on reemployment, is amended by striking out "unless, at the time of claiming the increase payable under subparagraph (A), the annuitant notifies the Office of Personnel Management in writing that he does not desire the survivor annuity to be increased" and inserting in lieu thereof "unless the annuitant and the annuitant's spouse jointly elect to the contrary at the time in a written election acknowledged before a notary public".

(d) SPOUSAL AGREEMENTS AND COURT ORDERS.—Section 8345(j) of title 5, United States Code, relating to court orders concerning the dissolution of marriage, is amended to read as follows:

"(j)(1)(A) In the case of any employee or Member who has a former spouse who is covered by a court order or who is a party to a spousal agreement—

"(i) any right of the former spouse to any annuity under section 8341A(a) in connection with any retirement or disability annuity of the employee or Member, and the amount of any such annuity;

"(ii) any right of the former spouse to a survivor annuity under section 8341A (b) or (c), and the amount of any such annuity; and

(iii) any right of the former spouse to any payment of a lump-sum credit under section 8342;

shall be determined in accordance with that spousal agreement or court order, if and to the extent expressly provided for in the terms of that spousal agreement or court order.

"(B) This paragraph shall not apply in the case of any spousal agreement or court order which, as determined by the Office of Personnel Management, is inconsistent with the requirements of this subchapter.

"(2) Except with respect to obligations between employees or Members and former spouses, payments under this subchapter which would otherwise be made to an employee or Member based upon the employee's or Member's service shall be paid (in whole or in part) by the Office to another individual to the extent expressly provided for in the terms of any order or any court decree of legal separation, or the terms of any court order or court-approved property settlement agreement incident to any court decree of legal separation.

"(3) Paragraphs (1) and (2) shall apply only to payments made under this subchapter for periods beginning after the date of receipt by the Office of written notice of such decree, order, or agreement, and such additional information and such documentation as the Office may require.

"(4) Any payment under this subsection to an individual bars recovery by any other individual.

"(5) The 10-year requirement of section 8331 (25), or any other provision of this subchapter, shall not be construed to affect the rights any spouse or individual formerly married to an employee or Member may have, under any law or rule of law of any State or the District of Columbia, with respect to an annuity of an employee or Member under this subchapter.".

(e) SURVIVOR BENEFITS IN THE CASE OF DIVORCES PRIOR TO EFFECTIVE DATE.—(1) Any current or former employee or Member in the Civil Service Retirement and Disability System who on the effective date of this section, has a former spouse shall receive a reduced annuity and provide a survivor annuity for such former spouse under section 8341A(b) of title 5, United States Code, if—

(A) the employee or Member so elects by means of a spousal agreement, or

(B) a court order so provides.

(2)(A) If the employee or Member has not retired under such system on or before the effective date of this section, an election under paragraph (1)(A) may be made, or a court order under paragraph (1)(B) may be issued, at any time before retirement.

(B) If the employee or Member has retired under such system on or before the effective date of this section, an election under paragraph (1)(A) may be made, or a court order under paragraph (1)(B) may be issued, within such period after the effective date as the Office of Personnel Management may prescribe.

(C) In any case in which an employee or Member is married and has been married for more than one year, an election under paragraph (1)(A) may only be made with the written concurrence of the spouse of the employee or Member.

(D) For purposes of applying subchapter III of chapter 83 of title 5, United States Code, any such election or court order shall be treated the same as if it were a spousal agreement or court order under section 8345(j) of title 5, United States Code.

(3)(A) An election under paragraph (1)(A) may provide for a survivor benefit based on all or any portion of that part of the annuity of the employee or Member which is not designated or committed as a base for survivor benefits for a spouse or any other former spouse of the employee or Member. The employer or Member and the employee's or Member's spouse may make an election under section 8339(j)(1)(B) of title 5, United States Code, prior to the time of retirement for the purpose of allowing survivor benefits to be provided under this subsection.

(B) A court order under paragraph (1)(B) may provide for an annuity for a former spouse which does not exceed that former spouse's pro rata share of 55 per centum of the full amount of the annuity of employee or Member.

(4) The amount of the reduction in the employee's or Member's annuity shall be determined in accordance with section 8339(b)(2) of title 5, United States Code. Such reduction shall be effective as of—

(A) the commencing date of the employee's or Member's annuity, in the case of an election under paragraph (2)(A), or

(B) the effective date of this section, in the case of an election under paragraph (2)(B).

(5) In the case of an employee or Member who died before the effective date of this section after becoming entitled to an annuity and who—

(A) at the time the employee or Member became entitled to an annuity was married and did not elect not to provide for a survivor annuity for any surviving spouse under section 8339(j)(1) of title 5, United States Code;

(B) subsequently was divorced from the spouse to whom the employee or Member was married at the time of retirement;

(C) died and was not married at the time of death (or, if then married, was not married to an individual entitled to an annuity under section 8341(b) of title 5, United States Code),

the individual to whom the employee or Member was married at the time the employee or Member retired shall be entitled to an annuity under section 8341 of title 5, United States Code, as if married to the Member at the time of death if the individual is qualified as a former spouse.

(6) For purposes of this subsection, the terms "former spouse", "employee", "Member", "court order", and "spousal agreement" have the same meanings as when used in subchapter III of chapter 83 of title 5, United States Code.

(f) EFFECTIVE DATE.—(1) The provisions of this section shall take effect beginning on the one hundred and twentieth day after the date of the enactment of this Act.

(2) The preceding subsections of this section regarding the rights of former spouses to any annuity under section 8341A(a) of title 5, United States Code, shall apply in the case of any individual who after the effective date of this section becomes a former spouse of a current or former employee or member in the Civil Service Retirement and Disability System.

(3) Except to the extent provided in subsection (e), the provisions of this section regarding the rights of former spouses to receive survivor annuities under subchapter III of chapter 83 of such title 5 shall apply in the case of any individual who after the effective date of this section becomes a former spouse of a current or former employee or Member in the Civil Service Retirement and Disability System.

DISPLACED HOMEMAKERS ESTABLISHED AS A TARGETED GROUP FOR PURPOSES OF COMPUTING THE TAX CREDIT FOR EMPLOYMENT OF CERTAIN NEW EMPLOYEES

SEC. 110. (a) Paragraph (1) of section 51(d) of the Internal Revenue Code of 1954 (relating to members of targeted groups) is amended by adding at the end thereof the following new subparagraph:

"(K) a displaced homemaker."

(b) Section 51(d) of such Code (relating to members of targeted groups) is amended by redesignating paragraphs (13), (14), (15), and (16) as paragraphs (14), (15), (16), and (17), respectively, and by adding after paragraph (12) the following new paragraph:

"(13) DISPLACED HOMEMAKER.—The term 'displaced homemaker' means an individual who—

"(A) has not worked in the labor force for a substantial number of years but has, during those years, worked in the home providing unpaid services for family members,

"(B)(i) has been dependent on public assistance or on the income of another family member but is no longer supported by that income, or (ii) is receiving public assistance on account of dependent children in the home, and

"(C) is a member of an economically disadvantaged family and is experiencing difficulty in obtaining or upgrading employment."

(c)(1) Paragraph (1) of section 51(d) of such Code is amended—

(A) by striking out "or" at the end of subparagraph (I), and

(B) by striking out the period at the end of subparagraph (J) and inserting in lieu thereof ", or".

(2) Subparagraph (A)(ii) of paragraph 12 of such section 51(d) is amended by striking out "paragraph (14)" and inserting in lieu thereof "paragraph (15)".

(d) The amendments made by subsections (a), (b), and (c) shall apply to amounts paid or incurred after the date of enactment of this Act to individuals who have begun to work for the employer after such date.

ZERO BRACKET AMOUNT FOR HEADS OF HOUSEHOLDS INCREASED TO AMOUNT FOR JOINT RETURNS, ETC.

SEC. 111. (a) Paragraph (3) of subsection (b) of section 1 of the Internal Revenue Code of 1954 (relating to imposition of tax on income of heads of households after 1983) is amended to read as follows:

"(3) FOR TAXABLE YEARS BEGINNING AFTER 1983.—

If taxable income is:	The tax is:
Over $3,400	No tax.
Over $3,400 but not over $5,500.	11% of the excess over $3,400.
Over $5,500 but not over $7,600.	$231, plus 12% of the excess over $5,500.
Over $7,600 but not over $9,800.	$483, plus 14% of the excess over $7,600.
Over $9,800 but not over $12,900.	$791, plus 17% of the excess over $9,800.
Over $12,900 but not over $16,100.	$1,318, plus 18% of the excess over $12,900.
Over $16,100 but not over $19,300.	$1,894, plus 20% of the excess over $16,100.
Over $19,300 but not over $24,600.	$2,534, plus 24% of the excess over $19,300.
Over $24,600 but not over $29,900.	$3,806, plus 28% of the excess over $24,600.
Over $29,900 but not over $35,200.	$5,290, plus 32% of the excess over $29,900.
Over $35,200 but not over $45,800.	$6,986, plus 35% of the excess over $35,200.
Over $45,800 but not over $61,700.	$10,696, plus 42% of the excess over $45,800.
Over $61,700 but not over $82,900.	$17,374, plus 45% of the excess over $61,700.
Over $82,900 but not over $109,400.	$26,914, plus 48% of the excess over $82,900.
Over $109,400	$39,634, plus 50% of the excess over $109,400.".

(b)(1) Subsection (e) of section 104 of the Economic Recovery Tax Act of 1981 is amended to read as follows:

"(e) EFFECTIVE DATES.—

"(1) SUBSECTION (a).—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1984.

"(2) SUBSECTIONS (b), (c), AND (d).—The amendments made by subsections (b), (c), and (d) shall apply to taxable years beginning after December 31, 1983."

(2)(A) Clause (i) of section 6012(a)(1)(A) of the Internal Revenue Code of 1954 (relating to persons required to make returns of income) is amended by inserting "is not a head of a household (as defined in section 2(b))," after "section 2(a)),".

(B) Clause (ii) of such section is amended by inserting "or who is a head of a household (as so defined)" after "who is a surviving spouse (as so defined)".

(c) The amendments made by this section shall apply to taxable years beginning after December 31, 1983.

TITLE II—DEPENDENT CARE PROGRAM

INCREASE IN THE TAX CREDIT FOR EXPENSES FOR HOUSEHOLD AND DEPENDENT CARE SERVICES NECESSARY FOR GAINFUL EMPLOYMENT

SEC. 201. (a) Paragraph (2) of subsection (a) of section 44A of the Internal Revenue code of 1954 (relating to expenses for household and dependent care services necessary for gainful employment) is amended to read as follows:

"(2) APPLICABLE PERCENTAGE DEFINED.—For purposes of paragraph (1), the term 'applicable percentage' means 50 percent reduced (but not below 20 percent) by 1 percentage point for each full $1,000 by which the taxpayer's adjusted gross income for the taxable year exceeds $10,000."

(b) The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1983.

CERTAIN ORGANIZATIONS PROVIDING DEPENDENT CARE INCLUDED WITHIN THE DEFINITION OF TAX-EXEMPT ORGANIZATIONS

SEC. 202. (a) Section 501 of the Internal Revenue Code of 1954 (relating to exemption from tax on corporations, certain trusts, etc.) is amended by redesignating subsection (k) as subsection (l) and inserting after subsection (j) the following new subsection:

"(k) TREATMENT OF CERTAIN ORGANIZATIONS PROVIDING DEPENDENT CARE.—For purposes of subsection (c)(3) of this section and sections 170(c)(2), 2055(a)(2), and 2522(a)(2), the term 'educational purposes' includes the providing of nonresidential dependent care of individuals if—

"(1) substantially all of the dependent care provided by the organization is for purposes of enabling individuals to be gainfully employed, and

"(2) the services provided by the organization are available to the general public."

(b)(1) Subsection (k) of section 170 of such Code is amended by redesignating paragraphs (1) through (7) as paragraphs (2) through (8), respectively, and by inserting before paragraph (2) (as so redesignated) the following new paragraph:

"(1) For treatment of certain organizations providing dependent care, see section 501(k)."

(2) Subsection (f) of section 2055 of such Code is amended by redesignating paragraphs (2) through (10) as paragraphs (3) through (11), respectively, and by inserting after paragraph (1) the following new paragraph:

"(2) For treatment of certain organizations providing dependent care, see section 501(k)."

(3) Subsection (d) of section 2522 of such Code is amended to read as follows:

"(d) CROSS REFERENCES.—

"(1) For treatment of certain organizations providing dependent care, see section 501(k).

"(2) For exemption of certain gifts to or for the benefit of the United States and for rules of construction with respect to certain gifts, see section 2055(f)."

(c) The amendments made by subsections (a) and (b) shall apply to taxable years beginning after December 31, 1983.

TAX CREDIT FOR HOUSEHOLD AND DEPENDENT CARE SERVICES NECESSARY FOR GAINFUL EMPLOYMENT MADE REFUNDABLE

SEC. 203. (a) Subsection (b) of section 6401 of the Internal Revenue Code of 1954 (relating to excess credits treated as overpayments) is amended—

(1) by striking out "and 43 (relating to earned income credit)" and inserting in lieu thereof "43 (relating to earned income credit), and 44A (relating to expenses for household and dependent care services necessary for gainful employment)", and

(2) by striking out "39 and 43" and inserting in lieu thereof "39, 43, and 44A".

(b)(1) Subsection (a) of section 44A of such Code (relating to expenses for household and dependent care services necessary for gainful employment) is amended by striking out "the tax imposed by this chapter" and inserting in lieu thereof "the tax imposed by this subtitle".

(2) Subsection (b) of such section 44A is hereby repealed.

(3) Subsection (a) of section 53 of such Code (relating to limitation based on amount of tax) is amended—

(A) by striking out paragraphs (6) and (7),

(B) by adding "and" at the end of paragraph (4), and

(C) by striking out the comma at the end of paragraph (5) and inserting in lieu thereof a period.

(4) Sections 44C(b)(5), 44D(b)(5), 44E(e)(1), 44F(g)(1), 44G(b)(1)(B), 44H(d)(2), and 55(f)(2) of such Code are each amended by striking out "and 43" and inserting in lieu thereof "43, and 44A".

(5) Subsection (b) of section 6096 of such Code is amended by striking out "44A,".

(c) The amendments made by subsections (a) and (b) shall apply to taxable years beginning after December 31, 1983.

CHILD CARE INFORMATION AND REFERRAL SERVICES

SEC. 204. (a)(1) The Congress finds that—

(A) approximately 22 million children aged 13 years and under live in families in which all adults present in the home work, and 8.5 million of such children are under age 6;

(B) there are 4.3 million children aged 13 years and under, including 1.3 million under age 6, who live in one-parent families where that parent works;

(C) in our society as employment options and hours change, child care services must increase and diversify to meet changing needs and preferences;

(D) a major problem in locating appropriate services is the lack of centralized information banks which leads to inefficient use of available child care services;

(E) the Federal government has an appropriate role in facilitating the efficient use of available resources; and

(F) there is a lack of data at the local level documenting the need for child care services in the community.

(2) It is the purpose of this section to—

(A) make efficient use of available child care resources by creating centralized systems for matching families' needs for child care services with appropriate child care providers;

(B) document at the local level supply and demand of child care providers and users;

(C) facilitate an educated choice for parents of appropriate child care according to needs and preferences; and

(D) stimulate, and increase the number of, child care providers by making available information on local needs and preferences for child care services.

(b) The Secretary of Health and Human Services, through the Commissioner of the Administration of Children, Youth, and Families, shall establish a grant program to assist public or private non-profit organizations in the establishment or operation of community-based child care information and referral centers in accordance with this section.

(c)(1) Any public or private non-profit organization which desires to receive a grant from the Secretary under this section shall submit an application to the Secretary in such form and at such times as the Secretary may require. Such application shall—

(A) describe the manner in which the center will be established or operated;

(B) contain an estimate of the cost for the establishment and operation of the center; and

(C) include such other information as the Secretary determines to be necessary to assist him in carrying out his functions under this section.

(2) The Secretary in evaluating applications under this subsection shall consider the demonstrated or potential ability of such applicant to provide services under this section.

(d)(1) Funds provided under this section may be made available to an applicant under subsection (c) only if such applicant provides adequate assurances that—

(A) such funds will be used solely for the establishment or operation, or both, of a child care information and referral center;

(B) any center funded under this section shall provide information to interested persons only with respect to providers of child care services that meet applicable State and local licensing and registration requirements; and

(C) in each year of participation in the grant program under this section, any center receiving funding shall obtain the following percentages of its projected budget through non-Federal sources of funding:

(i) at least 25 percent in the first and second years;

(ii) at least 50 percent in the third year; and

(iii) at least 65 percent in the fourth and fifth years.

(2) After the fifth year of funding under this section, a center shall be ineligible for further funding under this section.

(e) Any grant made by the Secretary under this section shall not exceed $75,000 for any fiscal year.

(f)(1) Not later than ninety days after the end of each fiscal year, each center funded under this section shall prepare and submit to the Secreatary a full and complete report on the activities of such center during such year containing such information as the Secretary may by regulations require.

(2) Not later than one hundred and sixty days after the end of each fiscal year, the Secretary shall prepare and submit to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate a full and complete report on the activities under this section during such year.

(g) There is authorized to be appropriated $8,000,000 in each fiscal year to carry out this section. Amounts appropriated under this section shall remain available until expended.

(h) This section shall take effect October 1, 1983.

TITLE III— NONDISCRIMINATION IN INSURANCE

SHORT TITLE OF TITLE

SEC. 301. This title may be cited as the "Nondiscrimination in Insurance Act of 1983".

FINDINGS AND POLICY

SEC. 302. (a) The Congress finds that discrimination based on race, color, religion, sex, or national origin, by any insurer which is engaged in commerce or whose activities affect commerce, in connection with any application for, or the terms, conditions, rates, benefits, or requirements of insurance policies and contracts (including annuity or pension contracts) (1) burdens the commerce of the Nation, (2) impairs the economic welfare of large numbers of consumers who rely on the protection of such policies and contracts, (3) constitutes an unfair trade practice which adversely affects commerce, and (4) makes it difficult for employers to comply with Federal laws prohibiting such discrimination against their employees.

(b) The Congress therefore declares that it is the policy of the United States that no insurer shall, on the basis of the race, color, religion, sex, or national origin of any individual or group of persons, (1) refuse to

make insurance available to any applicant for insurance, (2) with respect to insurance contracts to which this title applies, treat any such applicant or insured differently than any other applicant or insured with respect to the terms, conditions, rates, benefits, or requirements of any such insurance contract, or (3) commit any other discriminatory action prohibited by this title. It is further the policy of the Congress that this title shall not affect the responsibility and authority of States to regulate the business of insurance, or any regulation or order of any State agency concerning or applicable to the business of insurance, if such regulation or order is consistent with and does not prevent compliance with this title.

DEFINITIONS

SEC. 303. For purposes of this title, the term—

(1) "commerce" means trade, traffic, commerce, transportation, transmission, or communication between a place in a State and any place outside thereof; or within the District of Columbia or a territory or possession of the United States; or between points in the same State but through a point outside thereof.

(2) "discriminatory action" means action by an insurer which is unlawful under this title and contrary to the policy stated in section 302 of this title.

(3) "insurance" means any arrangement (whether by contract, policy, binder, reinsurance, or otherwise) whereby an insurer (including any governmental agency) will provide benefits (whether by reimbursement, periodic or lump-sum payments, or otherwise) in case specified events occur in connection with death, disability, medical conditions, attainment of specified age, retirement from employment, economic loss, theft, or other events customarily dealt with in insurance policies and contracts (including annuity or pension contracts) relating to life, accident and casualty, theft, retirement, liability, health, disability, or economic loss.

(4) "Insured" means any person who is insured under, or is or may be an applicant for insurance under, a contract of insurance issued or to be issued by the insurer.

(5) "insurer" means any person (A) who provides insurance to others or otherwise engages in the business of insurance and (B) whose activities (i) affect commerce, (ii) utilize facilities of the United States Postal Service, (iii) utilize any facilities used in commerce by any person, or (iv) result in a discriminatory action carried on under color of any law, statute, ordinance, or regulation, or required, permitted, or sanctioned, or supported with funds provided, by the United States, and State or political subdivision, or any agency or officer thereof; and includes such person's agent.

(6) "activities affect commerce" means any activity which directly or indirectly relates to, impinges upon, or involves any activity in commerce, and includes any governmental activity.

(7) "person" includes one or more individuals, governments, and agencies of the United States or of any State or political subdivision thereof, labor unions, partnerships, associations, corporations, legal representatives, mutual companies, joint ventures, joint stock companies, societies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries,

(8) "sex" means the gender of the insured and includes pregnancy, childbirth, or related medical conditions of a female insured, except that nothing in this title shall be deemed to amend section 701(k) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(k)), and

(9) "State" includes a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

UNLAWFUL DISCRIMINATORY ACTIONS

SEC. 304. (a) It shall be unlawful discriminatory action for any insurer, because of the race, color, religion, sex, or national origin of any person or any persons, to do any of the following with respect to any person who after the effective date of this title applies or may apply for a contract of insurance or is an insured under a contract of insurance made after the effective date of this title—

(1) to refuse to make, or to refuse to negotiate, or otherwise make unavailable or deny, or delay receiving and processing an application for, a contract of insurance of the type ordinarily made by such insurer; or

(2) to treat such applicant or insured differently than the insurer treats or would treat any other applicant or insured with respect to the terms, conditions, rates, benefits, or requirements of such insurance contract.

(b) It shall be an unlawful discriminatory action for any insurer—

(1) to utilize any statistical table (whether of mortality, life expectancy, morbidity, disability, disability termination, or losses) or any other statistical compilation as a basis for any action which is contrary to this section;

(2) to discriminate in any manner against any person because such person has opposed any practice made unlawful by this title or because such person has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, hearing, or litigation under this title; or

(3) to make, print, or publish, or cause to be made, printed, or published, any notice, statement, or advertisement, relating to insurance coverage that such insurer provides or will provide, indicating any preference, limitation, specification, or discrimination based on the race, color, religion, sex, or national origin of any person or group of persons, or an intention to make any such preference, limitation, specification, or discrimination.

(c) With respect to all contracts of insurance existing on the date this title becomes effective—

(1) it shall be an unlawful discriminatory action for any insurer after the effective date of this title—

(A) to charge or collect premium payments or contributions which become due after the effective date of this title; or

(B) to determine the amount of or to pay to any insured or other beneficiary under an insurance, annuity, or pension contract any periodic or lump-sum payment after the effective date of this title;

if such charge, collection, determination, or payment, is based, directly or indirectly, either on race, color, religion, sex, or national origin of any person or group of persons, or on any statistical table whose use would, if applied to contracts made after the effective date of this title, violate any provision of this section; and

(2) the insurer may modify the premium and contribution rates and may increase but not decrease the periodic and lump-sum payments under such existing contracts insofar as they are due after the effective date of this title, if clearly necessary to comply with the nondiscrimination requirements of this title (and if the State agency having jurisdiction to regulate the business of insurance concurs that the modification requested by the insurer is clearly necessary to comply with such requirements and authorizes such modification), but such insurer need not refund any portion of the premiums and contributions which were payable to the insurer prior to the effective date of this title nor pay any additional amounts for the benefits which were payable by the insurer prior to the effective date of this title.

(d) Nothing in this title shall be deemed to prevent an insurer who regularly provides insurance coverage solely to persons of a single religious affiliation from continuing to provide insurance solely to persons of that religious affiliation.

STATE OR LOCAL ENFORCEMENT PRIOR TO JUDICIAL ENFORCEMENT UNDER THIS TITLE

SEC. 305. (a) If an alleged discriminatory action occurs in a State, or political subdivision thereof, which has a State or local law prohibiting such discriminatory action and establishing or authorizing a State or local authority to grant or seek relief from such discriminatory action or to institute criminal proceedings with respect to such action upon receiving written notice of such action within one hundred and eighty days after the alleged discriminatory action occurs, the provisions of this section shall apply.

(b) It is the purpose of this title to accord to State and local authorities the primary oportunity to enforce the State or local laws prohibiting such discriminatory action before an aggrieved person may invoke the judicial remedy provided under section 306 of this title. Therefore, no suit shall be filed under section 306 of this title before the the expiration of sixty days after the State or local authority has received the notice specified in subsection (a) of this section, unless any proceeding begun by the State or local authority after such notice has been earlier terminated (except that such sixty-day periods shall be one hundred and twenty days during the first year after the effective date of such State or local law). The notice of the alleged discriminatory action to commence such State or local proceedings shall be filed within the time prescribed by such State or local law, provided such prescribed time is not less than one hundred and eighty days after the alleged discriminatory action occurred. If any State or local authority imposes any requirement for the commencement of such proceedings other than a requirement that a written and signed statement of the facts upon which the charge of the alleged discriminatory action is based be filed within one hundred and eighty days after the alleged discriminatory action occurred, the proceeding shall be deemed to have been commenced for the purposes of this section at the time such statement is filed with the appropriate State or local authority. Depositing such statement in the United States mail by certified or registered mail addressed to the State or local agency shall be equivalent to such filing. Where the alleged discriminatory action is continuing in character, the one hundred and eighty days shall be computed from the last day on which such continuing discriminatory action occurred.

CIVIL ACTION BY OR ON BEHALF OF AGGRIEVED PERSONS

SEC. 306. If the State or political subdivision thereof in which the alleged discriminatory action occurred does not have a State or local law which complies with sub-

section 305(a) of this title, or if the State or local authority has failed within sixty days after receiving the notice prescribed in section 305 of this title to either (i) institute and diligently prosecute a proceeding pursuant to such section, or (ii) enter into a conciliation agreement to which the aggrieved person is a party, a civil action against the insurer may be brought by or on behalf of such person. Such civil action may be instituted in any State court having jurisdiction under State law or in a United States district court having jurisdiction under section 308 of this title. No suit under this section may be filed after the expiration of one hundred and eighty days following the alleged discriminatory action, except that in a case where the aggrieved person has instituted proceedings with a State or local authority pursuant to section 305 of this title and such authority either has notified the aggrieved person that the proceedings under the State or local law have been terminated, or has failed to comply with causes (i) or (ii) of this section within sixty days after receiving the notice prescribed in section 305 of this title, the suit under this section may be filed not later than ninety days thereafter, or one hundred and eighty days after the occurrence of the alleged discriminatory action, whichever is later. where the alleged discriminatory action is continuing in character, the one hundred and eighty days shall be computed from the last day on which such discriminatory action occurred. Upon the complainant's application and in such circumstances as the court may deem just, the court may appoint an attorney for such complainant and may authorize the commencement of the action without the payment of fees, costs, or security. Upon request of the State or local authority or any party to the suit, the court may stay further proceedings for not more than sixty days pending the termination of State or local proceedings described in section 305 of this title.

CIVIL ACTION BY THE ATTORNEY GENERAL INVOLVING ISSUES OF GENERAL PUBLIC IMPORTANCE

SEC. 307. Whenever the Attorney General has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights granted by this title, or that any group of persons has been denied any of the rights granted by this title, and such denial raises an issue of general public importance, the Attorney General may bring a civil action in any United States district court having jurisdiction under section 308 of this title, by filing with it a complaint setting forth the facts and requesting such relief, including an application for a permanent or temporary injunction, restraining order, or other order against the person or persons responsible for such pattern or practice or denial of rights, as the Attorney General considers necessary to insure the full enjoyment of the rights granted by this title.

JURISDICTION

SEC. 308. Any civil action under this title instituted in a United States district court shall be brought, without regard to the amount in controversy, in the United States district court of any judicial district in the State in which (1) the alleged discriminatory action occurred, (2) the insurer's principal office is located, (3) the insurer maintains and administers records relevant to the alleged discriminatory action, (4) the insurer resides or is located, (5) the insurer is incorporated or has a designated agent for service of process, or (6) the insurer transacts business. The case shall be heard at the earliest practicable time and expedited in every way. If no judge is promptly available to hear and decide the case, the chief judge or acting chief judge of the district shall so certify to the chief judge of the circuit who shall promptly designate a district or circuit judge of the circuit to hear and determine the case.

JUDICIAL RELIEF

SEC. 309. (a) If the court determines that the insurer, whether public or private, has committed a discriminatory action, the court may—

(1) enjoin the respondent from committing any discriminatory action in the future;

(2) order the respondent to amend the insurance contract to conform with the requirements of this title;

(3) require the respondent to reimburse the aggrieved person for all actual damages sustained by such person, either in an individual capacity or as a member of a class, including reimbursement for excess rates paid or inadequate benefits received as a result of the discriminatory action;

(4) require the respondent to pay punitive damages, in addition to the actual damages under paragraph (3) of this subsection, of not more than $25,000 for each individual plaintiff and not more than $800,000 in the case of a class action;

(5) allow the person aggrieved such reasonable attorney fees as part of the costs assessed against the respondent, as the court in its discretion deems proper;

(6) order such other equitable relief, including temporary or preliminary relief pending final disposition of the case, as the court may deem appropriate; and

(7) utilize the sanction of contempt to enforce its orders under this section.

(b) In determining the amount of punitive damages under subsection (a)(4) of this section, the court shall consider, among other relevant factors, the amount of actual damages awarded, the frequency and persistence of the respondent's failure to comply with requirements of this title, the respondent's resources, the number of persons affected, the extent to which the respondent was enriched through its discriminatory action, and the extent to which the respondent's failure to comply was intentional.

INAPPLICABILITY

SEC. 310. Nothing in this title shall be deemed to—

(1) modify any provision of the Social Security Act;

(2) modify any provision of any law or Executive order prohibiting discrimination in employment on the basis of an individual's race, color, religion, sex, or national origin; or of any rule, regulation, order, or agreement under such law or Executive order; or

(3) exempt or relieve any person from any liability, duty, penalty, or punishment under any present or future law of any State or political subdivision thereof, other than any such law which purports to require or permit the doing of any act which would be a discriminatory action under this title.

EFFECTIVE DATE OF TITLE

SEC. 311. This title shall become effective on the ninetieth day after the date of the enactment of this Act.

TITLE IV—REGULATORY REFORM AND SEX NEUTRALITY REVISION OF REGULATIONS, ETC., AND LEGISLATIVE RECOMMENDATIONS

SEC. 401. (a) The head of each agency (within the meaning of section 552(e) of title 5, United States Code) shall—

(1) conduct an ongoing review of the rules, regulations, guidelines, programs, and policies of the agency to identify all such rules, regulations, guidelines, programs, and policies which result in different treatment based on sex, and

(2) submit annually a report to the Congress on such review, including a detailed description of the progress of the agency in complying with the requirements of subsection (b).

(b) The head of each agency (as defined in subsection (a)) shall develop and implement proposals to make, to the extent practicable, all rules, regulations, guidelines, programs, and policies of the agency neutral as to sex.

(c) The head of each agency (as defined in subsection (a)) shall develop and transmit to the Congress proposals to alter any laws implemented, administered, or enforced by the agency to ensure, to the extent practicable, that their implementation, administration, or enforcement does not result in discrimination on the basis of sex.

RULE OF STATUTORY CONSTRUCTION RELATING TO GENDER

SEC. 402. (a) Section 1 of title 1, United States Code, is amended—

(1) in the heading, by striking out "gender," and inserting in lieu thereof "tense,"; and

(2) by striking out the following:

"words importing the masculine gender include the feminine as well;".

(b)(1) Chapter 1 of title 1, United States Code, is further amended by inserting after section 1 the following new section:

"§ 1a. Words denoting gender

"Unless otherwise specifically provided in an Act of Congress with respect to such Act or any provision thereof, all words of such Act or provision importing one gender include and apply to the other gender as well.".

(2) The table of sections for chapter 1 of title 1, United States Code, is amended by striking out the item relating to section 1 and inserting in lieu thereof the following new items:

"1. Words denoting number, tense, and so forth.

"1a. Words denoting gender.".

TITLE V—CHILD SUPPORT ENFORCEMENT

PART A—PROGRAM IMPROVEMENTS

PURPOSE OF THE PROGRAM

SEC. 501. (a) Section 451 of the Social Security Act is amended by striking out "For the purpose of enforcing" and inserting in lieu thereof the following:

"(a) The purpose of the program authorized by this part is to assure compliance with obligations to pay child support to each child in the United States living with one parent.

"(b) In order to achieve the purpose set forth in subsection (a), by enforcing".

(b) The section heading of section 451 of such Act is amended to read as follows:

"PURPOSE OF PROGRAM; APPROPRIATIONS".

COLLECTION OF PAST-DUE SUPPORT FROM FEDERAL TAX REFUNDS

SEC. 502. (a) Section 464(a) of the Social Security Act is amended—

(1) by inserting "or which such State has agreed to collect under section 454(6)," after "402(a)(26),"; and

(2) by inserting before the period at the end thereof the following: "in the case of past-due support assigned to such State pursuant to section 402(a)(26), or, in the case of past-due support which such State has agreed to collect under section 454(6), shall pay such amount to the State agency for distribution, after deduction of any fees imposed by the State to cover the costs of collection, to the child or parent to whom such support is owed".

(b) Section 6402(c) of the Internal Revenue Code of 1954 is amended by inserting "or which has agreed to collect such support under section 454(6) of such Act" after "the State to which such support has been assigned".

(c) The amendments made by this section shall become effective 90 days after the date of the enactment of this Act.

CHILD SUPPORT CLEARINGHOUSE

SEC. 503. (a) Section 454(10) of the Social Security Act is amended to read as follows:

"(10) provide that the State will maintain a child support clearinghouse or comparable procedure—

"(A) through which all payments for the support and maintenance of a child, and payments for the support and maintenance of a child and the parent with whom the child is living, which are owed by absent parents residing or employed in such State, pursuant to any support order which is issued, modified, or enforced after December 31, 1983, will be recorded;

"(B) into which any such support payments shall be paid, recorded, and forwarded—

"(i) in the case of children residing in such State, to such children or (where applicable) for distribution under paragraph (5), or

"(ii) in the case of children residing in another State, to the child support clearinghouse in such other State,

with appropriate arrangements with other States to avoid duplication of collections where an individual resides in one State and is employed in another State;

"(C) which will maintain a full record of collections and disbursements made; and

"(D) which will include a system for reporting such support obligations owed, collected, and disbursed, and for notifying the appropriate courts and the agency established under paragraph (3) when payments are not made in a timely manner or the correct amount of such payments are not made, for the purpose of taking enforcement actions;".

(b) The amendment made by this section shall become effective on January 1, 1985.

STRENGTHENING OF STATE CHILD SUPPORT ENFORCEMENT PROCEDURES

SEC. 504. (a) Section 454 of the Social Security Act is amended—

(1) by striking out "and" at the end of paragraph (18);

(2) by striking out the period at the end of paragraph (19) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraphs:

"(20) provide that the State shall seek medical support for children for whom it is seeking financial support when such medical support from an absent parent would be available at a reasonable cost through employment related health care or health insurance;

"(21) provide for mandatory withholding and payment of past-due support (as defined in section 464(c)) from wages when such support has been past-due for two months, as determined through the child support clearinghouse established pursuant to paragraph (10);

"(22) provide a procedure for imposing liens against property and estates for amounts of past-due support (as defined in section 464(c)) owed by an absent parent residing in such State;

"(23) in the case of a State which imposes an income tax, provide that past-due support (as defined in section 464(c)) owed by an absent parent residing or employed in such State shall be withheld and collected from any refund of tax payments which would otherwise be payable to such absent parent;

"(24) provide that quasijudicial or administrative procedures be available to aid in the establishment, modification, and collection of support obligations and in the establishment of paternity; and

"(25) provide for at least three of the following:

"(A) voluntary wage assignment for payment of support obligations,

"(B) the use of highly accurate scientific testing (as determined by the Secretary) to determine paternity,

"(C) the imposition of security, a bond, or another type of guarantee to secure support obligations of absent parents who have a pattern of past-due support,

"(D) a procedure whereby a proceeding to establish paternity may be carried out without the participation of the alleged father if such alleged father refuses to cooperate in establishing paternity, or

"(E) use of an objective standard to guide in the establishment and modification of support obligations by measuring the amount of support needed and the ability of an absent parent to pay such support, such that comparable amounts of support are awarded in similar situations.".

(b) Of the eight requirements consisting of paragraphs (20) through (24), and any three of the subparagraphs (A) through (E) of paragraph (25), of section 454 of the Social Security Act—

(1) five of such requirements must be met by each State prior to January 1, 1985; and

(2) an additional three of such requirements must be met by each State prior to January 1, 1986,

in order for such State's plan to be in compliance with section 454 of such Act.

EXCEPTIONS TO DISCHARGE IN BANKRUPTCY

SEC. 505. Section 523(a)(5) of title 11, United States Code, is amended by striking out "in connection with a separation agreement, divorce decree, or property settlement agreement,".

PART B—FEDERAL EMPLOYEE PROVISIONS

ALLOTMENT OF FEDERAL PAY FOR CHILD AND SPOUSAL SUPPORT

SEC. 511. (a)(1) Subchapter III of chapter 55 of title 5, United States Code, is amended by inserting after section 5525 the following new section:

"§ 5525a. Allotments of pay for child and spousal support

"(a) In any case in which child support payments or child and spousal support payments are owed by an employee under a support order meeting the criteria specified in section 303(b)(1)(A) of the Consumer Credit Protection Act, allotments from the pay of the employee shall be made if the court issuing the order provides notice of such order in accordance with the applicable regulations prescribed under subsection (d).

"(b) The amount of an allotment under this section shall be the amount necessary to comply with the court order, except that the amount of the allotment, together with any other amounts withheld for support from the pay of the employee, shall not exceed the limits prescribed in section 303(b) of the Consumer Credit Protection Act.

"(c) An allotment under this section shall be adjusted or discontinued upon notice from the court.

"(d) The regulations prescribed under section 5527 of this title to carry out the preceding provisions of this section—

"(1) shall designate to whom any notice under this section is to be given;

"(2) shall prescribe the form and content of any such notice; and

"(3) shall set forth any other rules necessary to implement this section.

"(e) For purposes of this section, the terms 'child support payments', 'child and spousal support payments', and 'support' are used as those terms are used in section 465 of the Social Security Act.".

(2) The analysis for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5525 the following new item:

"5525a. Allotments of pay for child and spousal support.".

(b) The amendments made by subsection (a) shall apply with respect to court orders first issued after the date of the enactment of this Act.

WOMEN'S ECONOMIC EQUITY ACT

TITLE I—TAX AND RETIREMENT MATTERS

Displaced homemakers

Background

Displaced homemakers are persons who have spent years in the home caring for family members, and subsequently lost their source of support through separation, divorce, death or disability of the spouse. There are an estimated 3.3 million displaced homemakers nationwide.

The displaced homemaker finds the adjustment process to their new lives overwhelming. Few have marketable skills, and if they have worked, it was usually in the early years of their marriages. They need financial stability, training and jobs in order to make the adjustment.

The transition from homemaker to wage earner is difficult to make, but imperative to the survival of most women who find themselves suddenly divorced, separated or widowed. Employers have been unwilling to credit displaced homemakers with previous work experience or transfer volunteer skills into employment qualifications.

Displaced homemakers who can find jobs frequently settle for low-skilled, low paying jobs which require little or no training and provide little or no opportunities for advancement.

Proposal

To amend the Internal Revenue Code to add displaced homemakers to the list of eligible hirees under the targeted jobs tax credit program. That program is designed to address precisely the type of workforce entry problems experienced by displaced homemakers. It permits employers to take a special tax credit when they hire an individ-

ual from a targeted group of hard-to-employ persons. Economically disadvantaged youths, SSI recipients, vocational rehabilitation referrals, and economically disadvantaged Vietnam-era veterans are presently eligible. And by any criteria, displaced homemakers are a proper addition to this group.

This tax credit mechanism provides an incentive for employers to seek out individuals from these qualifying groups for employment. Frequently, this incentive results in the employment of trainable persons who lack the credentials and/or job experience to land the job without the tax incentive.

This incentive for private industry encourages employment of hard to place individuals in the private sector, where they are offered opportunities for training and upward mobility.

Adding displaced homemakers to the list of eligible hirees provides an incentive for employers to give extra consideration to this targeted group.

Individual retirement accounts

Background

Over the past ten years we have progressively moved toward greater reliance on individual rather than institutional retirement plans. Tax deferral on income set aside for retirement is the vehicle that brought about this shift, and the IRA is now a staple in the retirement planning of millions of Americans.

But eligibility to participate in IRA's is pegged to earnings, a fact that works to the severe disadvantage of women who choose to remain in the home and raise a family, and therefore have low or intermittent earning histories. This segment of the populace (as well as those women who work but simply find themselves tracked in lower paying jobs) are cut out of the mainstream of the individual retirement movement. And there is no doubt that under current law, the benefits of IRA participation have been skewed heavily toward working males, and away from women who work either in the home or in lower paying jobs.

The Economic Equity Act addresses this problem in two ways:

1. Under present law alimony and spouse support does not qualify as income for the purpose of IRA eligibility determination. This short-sighted policy ignores the fact that alimony is the sole or primary income source for millions of women who lack sufficient earnings histories to qualify for Social Security, and have no accrued pension or no pension survivorship rights. There is no rational policy for distinguishing between these spousal support payments and other forms of direct or indirect income. The Economic Equity Act recognizes that reality by providing that alimony and support payments be treated as compensation income for the purpose of determining IRA eligibility.

2. The Act also addresses the pervasive problem of the spouse with lower intermittent earnings history by permitting each spouse to establish an individual retirement account with eligibility limits pegged to the income of the higher earning spouse. This simple mechanism would remove the unintended but very real differential impact of present IRA legislation on women. In addition, it would quickly and completely negate the impact of the 59¢–$1.00 average earning differential on individual retirement plans.

Private pension reform

Background

Older women are the fastest growing poverty group in America. And our present retirement income system does little to alleviate that situation.

Under private pension systems, women are penalized if they leave the labor force to rear children, and/or if they divorce. It is little wonder that 81 percent of women over 65 not living with relatives live below the poverty line.

The 1974 Employees Retirement Income Security Act (ERISA) was passed to insure that workers who participate in pension programs receive the benefits for which they are eligible. While that law contains significant improvements for pension recipients by providing minimum standards for participation, vesting, funding, and administration of pension plans, ERISA fails to address the differing needs of women.

Because employed women tend to be young, work part-time or part year, are concentrated in sales and service jobs, and interrupt their service for family obligations, most working women receive no pension coverage. The majority of employed women are not covered because they are concentrated in occupations that offer no pension plans at all. In fact, only 21 percent of women workers are covered by pension plans, compared to 49 percent of men. And just 13 percent of all working women actually receive their pension benefits.

The Economic Equity Act attempts to remedy some of these problems.

Proposal

1. *Women as Workers.* Women in the 20–24 age bracket have the highest labor force participation rate among women—68.3 percent by 1985. Yet existing pension law fails to take into account the fact that women enter the labor force at an earlier age than men. This section of the bill would more closely equate the impact on the male and female segments of the labor force by lowering the age of participation in pension plans from 25 to 21. This would have a dramatic impact on women.

Any employer who wishes to get the tax benefits which go with having a company pension plan must meet the requirements of the Employee Retirement Income Security Act of 1974, as amended, and the relevant portions of the Internal Revenue Code. Existing law requires employers with qualified plans to allow an employee to participate in the pension plan on the latter of two dates: the day the employee reaches age 25 or the day the employee completes one year of service. An employee who begins work at age 18, for example, must work a minimum of seven years with the same employer before acquiring the right of pension participation. Conversely, one who enters the labor force at 24 must work only one year for the same right.

2. *Women as Mothers.* Many women take extended "breaks-in-service" from a particular job in order to tend to family responsibilities. Even if they return to the same job, they lose pension credits which they had accumulated before leaving. This portion of the bill would modify break-in-service rules to give 20 hours per week credit for up to one year of employer-approved maternity or paternity leave, provided the worker return to her/his job.

3. *Women as Wives and Widows.* Because of inequities that employed women face in the pension system or in careers as homemakers, most women are largely dependent on their spouse's pension to ensure adequate retirement income. But survivors' annuities pay only if a set of conditions are met, taking into account marital status, retirement age, and age of death. Because all of the specific conditions must be met, only 5 to 10 percent of surviving spouses actually receive the benefits, according to the National Women's Political Caucus.

ERISA requires private pension plans to offer optional joint and survivor annuities. There is no requirement, however, that the spouse be consulted or even informed of the wage-earner's decision to terminate the survivor benefit. Because benefits under the joint plan are lower in order to compensate for the survivor annuity, many workers opt for the single life annuity and thus fail to provide for the spouse.

The Economic Equity Act requires that the joint and survivor option will be automatic unless both spouses agree in writing not to elect the joint and survivor option.

The Equity Act also requires that a survivor's benefit be paid to the participant's spouse—if the participant is vested and dies before retirement. This annuity shall not be less than the amount the survivor would have received if the vested participant had died after retirement. Currently, if a participant dies before he retires, the survivor benefit can be withdrawn. Many women suffer tremendously because of this loophole.

A similar provision relates to survivor benefits in a non-accidental death. The law presently states that if a participant in a pension plan dies from a non-accidental death within two years of his joint and survivor election, those survivor benefits can be denied. The purpose is to prevent individuals from electing survivorship benefits after discovering the presence of a terminal illness.

But while this rule may have caught a few such cases, its principle impact has been to prevent women from receiving the survivorship benefits they have earned through legitimate election. After all, it is not unusual for individuals stricken with terminal diseases, like cancer, to perish less than 24 months from the date on which the disease was diagnosed. With heart disease, the problem is even more pronounced. Most heart attacks are sudden, and unexpected. Heart attacks have a disproportionate impact on men, and the right to disregard has had an enormous impact on women. A legitimate joint and survivor election, occuring less than two years before the fatal attack, can be disregarded. The Economic Equity Act proceeds on the belief that this provision has done far more harm than good, and that if the possibility of survivorship election after discovery of a terminal illness is a problem significant enough to address, it should be addressed with a scalpel rather than a hatchet approach. The Act eliminates ERISA language which is inconsistent with the universal protection of survivorship.

4. *Women as Former Spouses.* This provision under private pensions recognizes marriage as an economic partnership, and establishes pensions as a legitimate property right. A similar protection was granted to spouses and former spouses under the 1965 amendment to the Social Security Act.

Public pension reform

Background

The plight of the so-called displaced homemaker is becoming well-recognized in a society where nearly one of every two marriages ends in a divorce. These divorced or widowed women who have devoted many years to maintaining the home and family often suffer serious consequences when they attempt to gain outside employment,

or receive their rightful pension or retirement benefits.

Contrary to the popular myth of the merry divorcee, only a few are wealthy. Alimony is received by just 4 percent of divorced women. Furthermore, statistics indicate that while 89 percent of single-parent families are headed by mothers, three-quarters of these women received no child support from fathers. For even this minority of women, alimony and child support are no substitute for a vested pension interest. Both cease with the death of the employed or retired spouse.

Congress began to address this issue by amending the Social Security Act in 1977, providing pension benefits to divorced wives married 10 years or more. However, even these basic protections are not afforded a significant number of women married to Civil Service or military employees or employees enrolled in many private pension plans. For military and civil service employees, their spouses do not automatically receive Social Security. Thus, they discover once they are divorced, the wives lose all claim to retirement pay and survivor's benefits, as well as any right to health insurance benefits.

A recent victim of this policy as it pertains to the U.S. government's Foreign Service was Jane Dubs, who served beside Adolph Dubs for 30 years until their divorce in 1976. When Mr. Dubs was killed while serving as Ambassador to Afghanistan in 1979, she was refused any part of his survivor's benefits. Instead, the money went to the second Mrs. Dubs, his wife of only three years. This, despite the fact that the first Mrs. Dubs, like most Foreign Service homemakers was a vital resource, enriching the overseas communities with thousands of hours of donated service as a foreign emissary's wife.

Cultural, legal and linguistic barriers, as well as the constant international mobility of her husband's job prevent the Foreign Service wife from seeking employment outside the home. Yet divorced Foreign Service wives, after long years of unpaid government service abroad, have no employment record, no modern skills, no social security, no shared annuity, no survivor benefits, and often exhorbitantly expensive medical insurance.

Fortunately, this situation was remedied with the passage of an amendment to the Foreign Service Act in September 1980 and comprehensive reform of the pension provisions covering military and foreign service employees was adopted in 1982. The Economic Equity Act would complete those reforms by extending them to civil service retirees as well.

Proposal

Included in the Economic Equity package is legislation similar to that in the Foreign Service Act, which will help address the inequities faced by divorced and widowed spouses of Civil Service employees.

The provision would:

Entitle women who were married to civil service employees for at least 10 years the right to a pro rata share of the benefits earned during marriage. This provision is subject to court review and modification, depending on the divorce settlement. However, the legislation demands that courts must view pensions as a valid property right. Many have not done so in the past. As a result, many of these women find that the retiree walks away from the divorce with a full retirement plan and health insurance, while the spouse walks away with nothing. Furthermore, even in cases where the courts have awarded partial retirement benefits, no court has considered the survivior's benefit as property to which the former spouse is entitled.

Mandate survivor's benefits unless the spouse and former spouse choose to waive their receipts. Currently, an employee may opt out of survivor's benefits already agreed to, without notification of the spouse or former spouse. This legislation would require that employee and spouse or former spouse (if any) agree in writing to forego the survivor's benefit plan.

It is ironic that these outdated laws have been hardest on the woman who devotes herself entirely to the role of mother and homemaker. It is unconscionable that they should be "rewarded" in this manner. Certainly, it is time we viewed marriage as an economic partnership.

Heads of households

Background

Heads of households are unmarried persons who provide a home for a child or elderly parent and a majority of support for that dependent. They are usually divorced or widowed women caring for minor children. Heads of households thus have the burden of maintaining a home and caring for dependents without the advantage of two wage earning adults.

Prior to 1975, heads of households could use the standard deduction (now zero bracket amount) used by married couples.

Beginning with the Tax Reduction Act of 1975, however, heads of households have been given a smaller zero bracket amount than married couples. Under current law, heads of households are entitled to a $2,300 zero bracket amount. Married couples filing jointly are entitled to a $3,400 ZBA.

Proposal

To amend the Internal Revenue Code to provide that the zero bracket amount for heads of households be equal to that of married couples filing jointly: $3,400.

We should not place tax penalties on heads of households. They have ever greater financial pressures than married couples. Eighty-four percent of heads of households are women; 22.2 percent are non-white. Practically no heads of households units have two earners, yet more than 50 percent of married couples have two earners.

We discriminate against heads of households in the Tax Code. We allow a smaller zero bracket amount for a group of taxpayers who have the same kinds of expenses, with typically lower incomes, than m rried couples. In 1978, the average income for a head of household was $10,308; for married couples it was $20,544. Married couples have incomes that average almost twice that of heads of households, yet heads of households have the same financial obligations of supporting a dependent and maintaining a home. This provision of our legislation would end the gross discrimination in the Tax Code against heads of households.

TITLE II—DEPENDENT CARE

Access to affordable child and dependent care is unquestionably the single most important factor in ensuring that women have the same ability as men to make judgments on entering the non-home job market.

The Federal government has traditionally recognized dependent care as a necessary business expense, and accorded it special tax treatment to reflect that reality. But the dependent care credit is more than simply a compensation for business expenses; it is a credit rather than a deduction because it fulfills the dual purpose of promoting a societal policy to ensure that the children of working mothers receive adequate care, nutrition, and supervision. Child care is not simply a "women's issue." It addresses a common responsibility shared by both working parents, as well as the welfare of the child itself.

The importance of access to affordable dependent care has risen dramtically with the increased participation of women in the non-home workforce. Consider the following trends:

Over the past twenty years, the number of women in the non-home workforce has increased from 23 million (35 percent, 1960) to 43 million (51 percent, 1980). By 1990 that figure will rise to more than 60 million women.

The trend toward lower birth rates has been more than counterbalanced by the trend toward increased participation in the labor force by mothers. The result has been a steadily increasing number of children in need of dependent care. In 1979, there were 30.1 million families with children under the age of 18 and 59.8 million children. The labor force participation rate for mothers and single fathers was 55 percent as compared to 42 percent in 1970, and the number of children with working parents increased by 18 percent for children under 18 years but by a striking 28 percent for children under the age of 6 years. Half of all children in the nation now live in families with working parents.

A shift in society's demographics has produced virtually an explosion in the number of single-parent families. Today there are 8.5 million single-parent families, a 75 percent increase since 1970, and 10 out of 11 of these families are headed by a mother. There are 11.5 million children in these single-parent families.

The fact that the amount paid for dependent care by working families shows no relation to income until family income exceeds $50,000 is eloquent testimony to the fact that dependent care is not a matter of choice for most families. Most families that are unable to afford the cost of child care do not have the option of solving their child care problem by quiting work and staying home. Yet by BLS estimates, 25 percent of the nation's working families cannot afford access to market or paid care without some form of assistance. What's the alternative? Consider this quote from a witness during the Senate child care hearings in 1978:

"I work a PM shift and my husband works a day shift. I drop the children off at 2:30 p.m. and he picks them up at 5:30 p.m. I am half asleep when he leaves before 7:00 in the morning and he is asleep when I return home a little past midnight. This is a terrible way to live, but we cannot afford to spend $400 per month for child care."

For families below the poverty line, lack of access to affordable child care is a significant deterrent to work-force reentry (or, conversely, an incentive to remain on public assistance). In a recent survey of poverty level families, 56 percent expressed the opinion that "it did not pay to work if they have to pay someone to take care of their children."

Congress took a major step toward meeting this need in the 97th Congress when it adopted a significant portion of the Economic Equity Act dependent care provisions. These provisions replaced the previous flat rate credit with a sliding scale that focused the maximum benefit of the credit on those least able to pay. Under the provision of the Equity Act adopted in the last Congress, the

credit was raised to 30 percent of child care expenditures for taxpayers with incomes of $10,000 or less, with the credit reduced by 1 percentage point for each $2,000 of income between $10,000 and $28,000. The limits on eligible expenditures were increased to $2,400 for one dependent and $4,800 for two or more dependents (from the previous $2,000/$4,000). Expenditures for services provided outside the home in facilities which care for more than 6 individuals are only eligible for the credit if the facilities comply with all applicable state and local laws and regulations. In addition, the bill provides that care provided by an employer may not be taxed as income to the employee if it meets certain specified conditions.

Two additional provisions were passed in the Senate, but did not survive the House-Senate Conference. One of those provisions made the credit refundable for those whose tax liability was insufficient to utilize the credit's incentives. The second was a provision to encourage employer provided dependent care by granting a special tax credit to employers providing such facilities.

Title II of the new Economic Equity Act supplements these accomplishments with five specific proposals:

1. *Treat a greater percentage of child care expenditures as necessary business expenses.* Title II raises the allowable credit percentage to a scale beginning at 50 percent for those earning $10,000 or less, and ratcheting downward to 20 percent for those earning $40,000. This portion of the new proposal represents the difference between what was proposed in last year's Equity Act and what became law in 1981. It is, in effect, a restatement of the Act's original position.

2. *Refundability.* The bill makes the dependent care credit refundable for those whose income is so low that they lack sufficient tax liability to make use of the credit. Many of the people in this category are those for whom the credit really does mean the difference between remaining on welfare and entering the workforce. But without refundability, the credit will have no impact on their lives, and the lives of those most in need of assistance. The Senate approved this provision in 1981, but it was dropped from the bill in the House-Senate Conference.

3. *Non-profit status of dependent care centers.* A quirk in current tax code definitions makes it difficult for child care facilities to qualify for 501(c)(3) status. The problem is that under present law, an organization can qualify for this status only if it is operated exclusively for educational or charitable purposes. There is question as to whether after school or infant dependent care centers fall within the ambit of the term "educational." The bill would redefine "educational purposes" to include nonresidential dependent care facilities that fulfill certain specified criteria.

4. *Information and referral services.* The bill establishes a "seed money" assistance program to establish child care information and referral services. New employment patterns—more work on split shifts, more employees on flextime—are creating a demand for non-traditional dependent care provisions. Locating compatible facilities for families with unusual needs can be a difficult job. Information and referral clearing-houses will help families locate the most appropriate child care services for their children. The clearing-houses will also enable providers to operate at or near full capacity, ensuring most efficient use of available resources. In addition, the clearing-houses will provide needed documentation on child care supply and demand at the local level. They can also provide a wide variety of additional services, such as technical assistance to providers, and cooperative programs with employers interested in establishing employer assisted dependent care programs.

TITLE III—NONDISCRIMINATION IN INSURANCE

Despite progress in combatting sex discrimination in American society over the past decade, significant gaps remain. Perhaps none is so large and pervasive as that discrimination which occurs in the insurance marketplace.

This provision recognizes a national policy which has been appropriately reaffirmed over the past 20 years: That discrimination on the basis of race, color, religion, sex or national origin is unfair and unlawful. That policy is stated explicitly in the Economic Equity Act. That is as it should be, for it is fundamentally unfair to stereotype individuals on these bases. Different and unequal treatment of like individuals cannot be tolerated in the employment sector. Neither can it be tolerated in the insurance marketplace.

Continuation of discriminatory policies in insurance is discouraging in the abstract. But its practical ramifications, are even more distressing. For in an era in which over 40 percent of the workforce is women—and some 60 percent of those women work out of economic need—denial of access to insurance at fair rates has severe economic consequences.

For example, today there are reported to be 7.7 million single-parent families headed by women. These families are wholly dependent on females for financial support. Yet, the availability and scope of insurance available to them are minimized and the rates often maximized because of their sex. This policy can effectively prohibit women from achieving the basic insulation from financial loss that is the primary objective of insurance.

This is only one example of the effects of sex-based classification in insurance. Here are several others as they occur in various types of insurance:

In disability, many types of insurance benefits available to men are not available to women. While coverage has improved over the past few years, in some states, disability coverage is not available to women on any terms, at any price. In other states where it *is* available, its cost is significantly greater.

In health, waiting periods are usually much longer for women, and benefit periods shorter. Accordingly to a report on sex discrimination in insurance prepared by the Women's Equity Action League, it is not uncommon to find that, despite higher premiums paid by women, the benefits they receive are much lower. Pregnancy coverage, despite its centrality to women's insurance needs, is often unavailable.

In life insurance, coverage for women is often limited in scope and availability. Certain options, commonly available to men, have been restricted to women.

The same justification for differential rates can be made for discrimination against blacks because white persons as a group have a longer life expectancy than black persons as a group. However, such discrimination is now, and should be, totally rejected.

It must be understood that there is no objection to basing a life insurance policy on longevity. However, if sex is the only criterion used to determine longevity, it is clearly unfair and relatively unreliable. Instead of merging sex with all the other criteria effecting life expectancy, the tendency has been to concentrate exclusively on it. The industry has virtually ignored other, more accurate classification criteria, such as smoking habits, family health history, physical condition, recreational and occupational activities.

Recent investigations have demonstrated that some employer sponsored life insurance plans charge women more for pension coverage on the assumption they will live longer, but charge them as much as men for life insurance. They thus ignored sex differences when they would have helped women. According to a study completed by Dr. Charles Laycock, a University of Chicago law professor, some companies make a smaller allowance for sex differences in life insurance, where the difference helps women, than in annuities, where the difference helps men.

Two years ago the Supreme Court, in the so-called Manhart decision, ruled it unlawful to treat "individuals as simply components of a racial, religious, sexual or national class." While this ruling applies only to employer operated insurance plans, the proposed bill expands the prohibition to private and individual plans, as well.

The insurance industry has claimed that some 19 states have already adopted a model regulation of the National Association of Insurance Commissioners which supposedly accomplishes the same objective as this legislation. Thus, the need for Federal legislation is eliminated, according to the industry.

However, this model regulation does not touch on the aspects of disparate rates and benefits—merely availability and scope. And even this incomplete regulation was watered down further by several of the 19 states which eventually adopted it.

It is important to stress there that the Non-discrimination in Insurance Act will in no way remove authority from the states to regulate the insurance industry. No federal mechanism for administration or enforcement is established, and not one bureaucrat would spring into being as a result of this bill.

Classification by sex is clearly not a business necessity. It was adopted by the industry only 30 years ago as a convenient, though incomplete, method of classifying risks. While it may require minor cost adjustments in some policies and practices, such an argument cannot be used as a defense for discrimination.

Again, researchers have helped dispel a myth commonly touted by the insurance industry; that if sex differences are ignored, one sex will subsidize the other, the subsidizing sex will quit buying insurance, throwing off the necessary balance in insurance pools. If that were true, according to Professor Laycock, we would have encountered the same problems with respect to all the other groups for which the insurance industry does not compute separate actuarial tables.

We have discussed previously the differential in longevity statistics between blacks and whites. But whites have not stopped buying life insurance. Rich people live longer than poor people, but rich people have not quit buying life insurance. The difference in life expectancy between highly and poorly educated women is greater than the difference between the sexes, but educated women have not quit buying life insurance. The difference in life expectancy between married and single men is greater than the difference between the sexes, but

married men have not quit buying life insurance.

These and other examples demonstrate that differences in group averages of this magnitude do not cause members of the lower risk group to go uninsured, and no unmanageable problems result. Where unisex automobile insurance is used, as it has been in three states, it was worked; no unmanageable problems result, and rate changes between the sexes have been insignificant.

TITLE IV—REGULATORY REFORM

Title IV requires the head of each Federal Administrative and executive agency to conduct a review of agency regulations, to rewrite those which make sex based distinctions so that they are sex neutral, and to refrain from promulgating future regulations which contain gender based distinctions unless the subject matter specifically applies only to one sex, or the words used do not result in sex based discrimination. This section would codify a Presidential directive of August 26, 1977, requiring all executive department and agencies to identify "regulations, guidelines, programs, and policies which result in unequal treatment based on sex and to develop proposals to change any laws, regulations, and policies which discriminate on the basis of sex." The Justice Department Task Force on Sex Discrimination has made a comprehensive review of the federal code, and isolated several hundred regulations containing meaningful gender based distinctions.

Although some agencies have made significant progress in eliminating these distinctions, compliance with the directive have been uneven. The simple fact that six years after the directive well over 100 of these distinctions remain in the federal code as well as the policies and regulations of federal agencies provides a compelling argument for elevating the directive to the status of statute law. It is also essential to recognize that unless the ban on discriminatory regulations is made permanent, there is no guarantee that development of sex biased regulations will not continue in the future.

The Economic Equity Act (EEA) addresses these problems by giving the Presidential directive the force of law. It provides a permanent mandate to agencies, and requires administrators to use the regulatory process to reform discriminatory regulations within their purview. It will significantly strengthen the hand of the Justice Department in carrying out its oversight function. In its practical impact, this section may well prove to be the most significant in the Economic Equity Act.

Title IV also alters the present gender construction rule in the U.S. Code to remove the existing reference to "masculine gender" and "feminine gender."

NEW TEXT OF THIS SECTION

SEC. 601(a). The head of each Federal Executive Department and administrative agency shall conduct a review of the regulations, guidelines, programs and policies of that department or agency to identify all such regulations, guidelines, programs and policies which result in unequal treatment based on sex. The head of each executive department and administrative agency shall develop and implement proposals to make all such regulations, guidelines, programs and policies sex neutral, and shall develop proposals to alter any laws implemented, administered or enforced by the agency to insure that their impact does not discriminate on the basis of sex.

CHILD SUPPORT ENFORCEMENT—TITLE V OF THE ECONOMIC EQUITY ACT

Child support enforcement is a critical economic issue to women who head single parent families. When absent fathers shun their financial responsibility toward their children, the mother pays. If mothers go on welfare, the taxpayer assumes the fathers' child support obligations.

There were 8.5 million single parent families in the U.S. in 1980, 21 percent of all families, an increase of over 100 percent from 1970. Statistical trends indicate that the number of single parent families will continue to increase. Women head 90 percent of these families.

Divorce has contributed to the rise in single parent families. Since 1974, all but two states have adopted some form of no-fault divorce and the divorce rate has doubled. Every year there are almost half as many divorces as marriages—about 1.2 million divorces involving the same number of children. The Census Bureau predicts that only half of all children born this year will spend their entire childhood living with both natural parents.

Divorce can alter a woman's economic status overnight. Divorce sharply decreases the family income for the mother in a two-earner family. Divorce is especially catastrophic for the "traditional" homemaker who is all of a sudden thrust into a labor market for which she is not prepared. Since the mother becomes the custodial parent after divorce, in most cases, her lower earning capacity, coupled with the expenses of raising a child, means she will suffer a steep decline in income.

Statistics on the poverty status of female single parent families illustrate the economic consequences of divorce:

Half of all children in poverty live in female-headed families (51.6 percent or some 5.8 million children).

Mean income of female headed families was only 42.2 percent of two-parent families' income ($10,560 versus $24,927).

In 1979, almost half of female-headed families (47 percent) received Aid to Families with Dependent Children (AFDC).

In 1979, two thirds of the children in female-headed families depended on AFDC.

Most AFDC recipients (87 percent) are eligible because parents of the children were divorced, separated, or not married.

Women raising children alone are having a hard time providing their children with basic necessities such as food, clothing, shelter, and adequate health care. For these women, regular child support payments are crucial to their children's economic stability. It is a bread and butter issue.

Court ordered child support payments, however, are usually not paid. In 1978, the Census Bureau found 41 percent of custodial mothers receive no child support awards, although they are potentially eligible. They and their children depend entirely on their own earnings, support from friends or relatives, or public assistance. Their mean income in 1978: $4,841. Of the 59 percent of custodial mothers with child support awards, 28 percent received nothing. Their mean income in 1978: $6,200. Of the 59 percent of custodial mothers with child support awards, and 23 percent received partial payments and only 49 percent received the full amount. These women got an average of $1,800 annually. Their mean income in 1978: $8,944.

The amount of support typically ordered does not cover even half of the cost of actually raising the children. It is estimated in a given year, only 3 percent of eligible female-headed families receive enough child support and alimony to put them over the poverty level. One third of all AFDC families with an absent parent should be receiving child support, but only one in seven of those families does.

The many studies on the subject all point to the same conclusion: fathers don't pay their child support. Of the $6.9 billion due from fathers in 1978, only $4.5 billion was ever paid. Between a quarter and a third of fathers never make a single court ordered payment. Not one study has found a state or a county in which more than half the fathers fully comply with court orders. Many fathers pay irregularly and are often in arrears. In several studies, the arrearage is for half or three-fourths the amount owed, and in one study it reached 89 percent.

According to a 1973 Michigan study, patterns of payment have no relation to the father's income: about 60 percent of fathers earning below $5,000 paid nothing, but about 52 percent of fathers earning over $10,000 also paid nothing. The economic circumstances of single fathers are usually better than while they were married. A California study of 3,000 divorced couples found that a year after divorce, the wife's income dropped by 73 percent while the husband's rose by 42 percent.

In 1975, Congress established the Child Support Enforcement program, Title IV-D of the Social Security Act. It requires each state to have an approved program of child support enforcement, including measures to establish paternity, locate missing fathers, establish or modify child support orders and collect court-ordered support payments. The program is intended to serve both AFDC and non-AFDC families with the latter being charged fees for services provided.

The Child Support Enforcement program is a good beginning, but more needs to be done to help women who are seeking child support for their children. Under the Title IV-D program, states were able to collect on only 10 percent of the AFDC caseload of 5.5 million and only 30.6 percent of the non-AFDC caseload of 1.5 million. Although the program collected $1.8 billion ($1 billion for non-AFDC families and $800 million for AFDC families) in 1982, not one state or county had even 50% of compliance with court orders.

The program still must do more to help women who need their child support awards to stay off welfare. It must also be more of a mechanism to help non-AFDC mothers whose children are equally entitled to their court ordered support payments.

The program has been set up primarily as a means of recovering some of the AFDC funds paid to single-parent families. Thus, when a woman with low or no earnings and no or irregular child support is finally reduced to applying for AFDC, she is required to "assign" her child support to the state. The state, in turn, then begins to pursue the court ordered child support. If the support collected is less than the AFDC paid to the mother, the federal and state governments keep the funds as partial compensation for welfare paid to children whose fathers should have been supporting them. Only when the amount of support collected exceeds the amount of the family's welfare grant does the family leave the welfare roles and begin to rely on child support. If the child support lapses, the family returns to AFDC and the cycle begins again. It is clear, however, in pursuing AFDC cases, state pro-

grams focus on benefitting government, not the family.

The availability of assistance is scarce for the woman who refuses to apply for AFDC, earnings are too much for her family to qualify for AFDC (cutoff levels are below fulltime minimum wages in many states), or is a middle-class single mother. She suffers a litany of child support problems: non-payment beginning a very short time after the support award; repeated trips back to court accompanied by increased lawyer expenses; loss of pay or leave time at work; anxiety about not knowing whether child support will be available to help meet household bills; having to borrow from friends and relatives.

In many cases, this scenario is compounded by the fact that the father has moved to another state or to an unknown address—a situation that adds to the expenses.

As a single mother pointed out in the February, 1982 Working Women article on child support:

"My divorce was so traumatic that at first I couldn't bring myself to go back to court about child support even though my former husband stopped paying me after the first month. When I finally forced myself to file a petition for the money . . . that my ex owed me, he was $8,000 in arrears. I was then making $15,000 a year and he was earning over $30,000. But he kept finding excuses not to pay me the $300 a month ordered by the judge for (my son's) support I had to borrow from my relatives. It was humiliating. I've been to court so many times that I've lost count. . . . My rent bill is coming due—$400—but I don't want to go to court again."

Theoretically, Title IV-D calls on states to provide services to non-AFDC cases as well as to AFDC cases. In practice, it is a different story:

Most states do not actively seek or service non-AFDC cases. In one state, out of 170 child support personnel, only 8 work on non-AFDC cases. In another, there is a very low means test and if a mother's income is too high, she is put on a waiting list for two or more years.

Although there are many reasons for lack of interest in non-AFDC cases, one disincentive is built into the federal assistance structure: states can actually "make money" by collecting on AFDC cases, while they must spend 30 cents of every dollar used to collect non-AFDC support. Therefore, many states do not advertise their non-AFDC program and subject those who find out about it to long waits or ineffectual service.

Interstate cooperation is spotty. There is little effective incentive for a state to go after an absent parent to get support for a family living in another state. Yet, absent parents frequently cross state lines, perhaps several times, in order to avoid payments.

State child support and enforcement laws are uneven and inconsistent. Particularly for families not on welfare, there often appears to be little motivation or means for courts or administrative offices to see that the laws or support orders are enforced. Often the laws and procedures available in AFDC cases—such as computerized access to wage records, automatic wage—withholding when there has been an arrearage, income tax offsets—are not provided for non-AFDC enforcement.

Courts are crowded and often ill-equipped to deal with the flood of child support cases. Mothers must repeatedly seek enforcement. In virtually every state, cases in family courts can drag on for weeks and months.

WHAT CHANGES ARE PROPOSED IN THE ECONOMIC EQUITY ACT ON CHILD SUPPORT ENFORCEMENT?

1. Purpose.—The Act would provide a clear statement of purpose for the Title IV-D program where none now exists. It would make clear that Congress intends for this program "to assure compliance with obligations to pay child support to each child in the U.S. living with only one parent." The intent of the "purpose" clause is to explicitly affirm that the program is to secure child support for the non-AFDC cases as well as for AFDC cases.

2. Income Tax Offsets.—Under present law, states can notify IRS of absent parents who owe past-due child support to children receiving AFDC. These amounts are then withheld from the absent parents' federal income tax refunds and used to reimburse federal and state governments for AFDC paid to the children. The Act would provide that states could use the same procedure on behalf of children not receiving AFDC and the proceeds would be paid to the custodial parent.

3. Improved State Administration of both AFDC and non-AFDC cases.—The Act would require that states, as a condition of an approved IV-D plan:

Seek medical support for children for whom it is seeking financial support when available at a reasonable cost through employer-sponsored health insurance;

Provide for mandatory wage assignments (withholding) in the case of delinquent child support;

Impose liens against property and estates when child support payments are delinquent;

(In the case of states which impose income taxes) provide for offset against tax refunds to collect past-due support;

Establish quasijudicial or administrative procedures to establish and enforce support orders (to provide an efficient, accessible and effective means of resolving support disputes without overburdening the court system);

Establish a child support clearinghouse which would monitor the timeliness and accuracy of payments of support ordered, modified or enforced in the state after its establishment. The clearinghouse would trigger appropriate enforcement mechanisms when payments are late.

States would also be required to implement at least three of the following:

Voluntary wage assignment, so that individuals who wish to have child support automatically withheld from their paychecks can be sure that their employers will do so;

A standard used by the courts and administrative processes to measure the ability of absent parents to make support payments and guidelines to insure the similarity of support orders in similar cases;

A procedure to enter a default when alleged father refuses to participate in paternity procedures, so that paternity can be established by the court and support awarded;

The use of highly accurate scientific tests to determine the likelihood of paternity; and

The authorization for the court to require a security, bond, or other guarantee to secure the child support obligation.

Financing.—The Child Support Clearinghouse in each state would be financed from the existing 90 percent federal funding provided by IV-D for planning and implementing computerized child support enforcement systems.

The other changes are not expected to impose substantially higher costs on states and may, in fact, achieve savings or be cost-neutral by enabling states to enforce support more effectively and efficiently.

B. Federal mandatory wage assignment

1. Create a new procedure for mandatory assignment of wages and pensions for all federal civilian employees.

2. Direct the Department of Defense and the Office of Personnel Management to work with the 53 States and Territories to develop a standard procedure, format and set of forms to be used by States in notifying federal civilian and military employers of child support obligations for which a wage assignment has been ordered.

3. Apply wage assignment automatically when child support is ordered, modified, or enforced by the states.

Comments: This approach builds on the wage assignment procedure enacted in 1982 of military wages.

It is appropriate that the federal government provide a positive example to states and localities which are considering adoption of similar techniques to be applied to their own employees.

The Federal government is the largest employer in the nation. Mandatory assignment of earnings of federal employees would make a substantial contribution to child support collections.

By applying wage assignment automatically when child support is ordered, the child is assured of receiving the support they are entitled to on time. Also, by making the assignment automatic, it removes child support payments from any emotional confrontational situations that may occur after divorce.

Mr. MATHIAS. Mr. President, I am very pleased to cosponsor two pieces of legislation vital to the economic well-being of American women: S. 501, the Sex Discrimination in the United States Code Reform Act, and S. 888, the Women's Economic Equity Act (WEEA). These two bills, if enacted, will bring this Nation a little closer to the realization of full economic equality for women and men.

S. 501 would remove approximately 100 instances of discriminatory gender-distinctive language from the United States Code. While some of the bill's provisions would have limited impact on the lives of women, others would bring about important substantive reforms in several Federal retirement plans and in the promotion systems of certain components of the military.

WEEA is a package of reforms aimed at the direct and indirect economic effects of discrimination on women. WEEA would ban discriminatory insurance practices; it would alter pension, tax, and retirement plans to accommodate the special needs of women and homemakers; and, it would strengthen enforcement of child support and increase the availability of child care services—two areas seriously in need of reform if women are to participate effectively in the work force and gain full economic independence.

The sponsors of S. 888 and S. 501 understand that the women of this Nation urgently need financial security. At a time when more and more women are entering the work force out of economic necessity, and as the "feminization of poverty" continues to pervade our society, it is clear that women must achieve economic equity in order to support their families and plan for their retirement. WEEA and the substantive provisions of S. 501 will help women attain the economic security and independence they need to survive.

However, Mr. President, neither initiative is meant to be an alternative to or a substitute for the Equal Rights Amendment. I know that I speak for many of my colleagues when I declare that we will not be satisfied until the ERA becomes part of the U.S. Constitution. Although we are committed to the passage of every piece of legislation, large or small, that promotes equity among men and women, we will not endorse the piecemeal approach as a satisfactory means for achieving equal rights. We will rest at nothing short of a constitutional guarantee of equality for all Americans. We will not consider ourselves successful in our endeavor or faithful to our promise to the women of this Nation until the Equal Rights Amendment has been ratified and put into effect.

Mr. PACKWOOD. Mr. President, I am pleased to reintroduce along with Senators DURENBERGER, HATFIELD and HART. The Economic Equity Act of 1983.

Two years ago, the Economic Equity Act was introduced by a bipartisan coalition of 26 Senators. Parallel legislation in the House drew more than 100 cosponsors, and the Equity Act proved to be the bellwether legislation on equal economic rights for men and women in the 97th Congress.

The bill drew editorial endorsement from dozens of newspapers across the Nation and from virtually all of the organizations advocating equal economic rights for women. Four parts of that bill became law; namely, equal access to agricultural credit, child and dependent care reform, repeal of the "widow's" estate tax and military and foreign service pension reform. Significantly, S. 888 focused public attention on the concept of "economic equity," a phrase that now echoes from the pages of individual commentators to the state of the Union address of the President of the United States.

The Economic Equity Act of 1983 reembraces measures that did not become law during the 97th Congress, and addresses several new issues of importance to the women of our Nation.

The Economic Equity Act proposes solutions to some of the foremost inequities in our system today. Although the issues selected are not inclusive of all necessary changes, the women of the United States deserve immediate correction of, at least, these.

Let me highlight several:

First, women in the work force do not receive equal treatment under current pension laws. The Economic Equity Act seeks to reform both private and public pension laws by establishing pensions as a legitimate property right, by requiring written consent of the spouse before the retiree can waive survivors benefits, and by modifying break-in-service rules to give 20 hours per week credit for up to 1 year of employer-approved maternity or paternity leave, provided that the worker returns to his or her job.

Those women who choose to remain at home, with no outside income, have no mechanism under current law to provide for their own retirement. This bill proposes to recognize alimony and child support payments as earned income, so that these women may establish an individual retirement account in their own right.

Second, over the past generation, insurance companies have increasingly relied on gender to impose higher rates or lower benefits to women. The Economic Equity Act will prohibit discrimination in insurance on the basis of sex.

Third, workingwomen with young children need financial help to offset the enormous costs of day care relative to their salaries. This bill increases the dependent care tax credit to 50 percent, and makes the dependent care credit refundable for those whose income is so low that they lack sufficient tax liability to benefit from the existing credit.

Fourth, displaced homemakers, who have lost their source of support through separation, divorce, death or disability of their spouses, need financial stability and marketable skills. The Equity Act will add displaced homemakers to the list of eligible hirees under the targeted jobs tax credit to employers.

Fifth, 90 percent of all single parent families in the United States are headed by women. Women heads of households have the burden of maintaining a home and caring for dependents without the advantage of two wage earning adults. The Economic Equity Act proposes to amend the Internal Revenue Code so that the zero bracket amount for heads of households is equal to that of married couples filing jointly.

Sixth, child support enforcement is also a critical economic issue to women who head single parent families. Between one-quarter and one-third of divorced or estranged fathers never made a single court-ordered child support payment. The Economic Equity Act will encourage broader and stricter child support laws: specifically, securing child support for non-AFDC cases as well as for AFDC cases.

The Economic Equity Act recognizes that there has been a revolution in the status of women in the United States. Out of the nearly 50 million women active in the labor force, many will not go home—permanently—again.

Mr. President, my cosponsors and I seek to insure that the Economic Equity Act of 1983 is the bellwether legislation on equal rights in the 98th Congress. We join with our supporters in asking that Congress make these proposals a reality for the women of our Nation.

Mr. HATFIELD. Mr. President, today I join Senator DURENBERGER, my colleague from Minnesota, and Senator PACKWOOD from Oregon, in introducing the Economic Equity Act of 1983. Bringing together numerous legislative proposals within a single bill underscores the economic plight of women in a way that will help assure it gains the attention and focus it deserves.

Clearly, in economically difficult times, it is often the woman—as homemaker or employee, widow or divorcee—who suffers most. Even now, in the most developed country in the world: American women, 53 percent of the population, still are not the equals of men before the law.

Women earn only 59 percent of what men earn. Of the 441 occupations listed by the U.S. Census Bureau, women are concentrated primarily in the 20 lowest paid job classifications. And when you look at the median full-time earnings of workers over 16, you will find that men earn an average of $17,043 per year, while women earn only $10,232.

The economic plight of today's American woman is even greater than it was a few decades ago. In the last 50 years, the number of families headed by women had tripled. Almost 1 family in 3 is headed by a woman, compared to about 1 in 18 headed by a man.

One out of three of these families which depend on women for their sole source of support, live below the poverty line. This figure compares to 11 out of 19 husband-wife families, and 1 out of 9 maintained solely by men. Today, woman are 42 percent of the labor force, yet they comprise over 66 percent of the people living in poverty.

Older women, the fastest growing poverty group in America, suffer under inequitable social security and pension laws; 81 percent of women over 65, not residing with relatives, live below the poverty line.

Despite their tremendous contribution to home and family, homemakers have no legal or economic status, and little or no protection upon retirement or disability. In many States, and in the Federal Government, laws on support, poverty, pensions, divorce, and/or inheritance discriminate against the homemaker.

The Economic Equity Act of 1983 proposes reforms in pension and tax policy, insurance, Government regulations, dependent care, and child care enforcement which will help eliminate unequal treatment in the economic arena. This is legislation which does not impose greater Government control, nor increase significantly the cost to taxpayers, but rather remedies economic disadvantage to women in our society.

It is indeed discouraging that the economic plight of women is 1983 is even more serious than it was a few decades ago. It is time we end this needless suffering under the weight of inequitable laws. A failure to remedy this fact would constitute a tragic and disgraceful abandonment of a major sector of our society. It is my deepest hope that the administration and Congress will grasp the urgent need to respond meaningfully to their plight.

Mr. TSONGAS. Mr. President, I am proud to join today with 25 of my colleagues in reintroducing the Economic Equity Act. The legislation would end economic discrimination against women in this country. The bill was first introduced in the Senate 2 years ago. It is high time that this eminently reasonable and highly worthwhile bill was enacted into law.

Women still face economic barriers in a host of Federal laws and regulations and in many common practices among employers and government agencies. The Economic Equity Act would combat this discrimination in several areas that I would like to stress.

First, it would remove obstacles to employment. It would provide, for example, tax credits to employers who hire displaced homemakers. The tax incentive would put inexperienced but trainable women to work and thereby ease their entry into the work force.

Second, the bill would equalize the status of women in marriage. Now women are penalized if they obtain a divorce, leave a job to have children or simply live longer than their husbands. This legislation would redress those problems. It would rectify the inequities in pensions, insurance policies, and individual retirement accounts.

Third, the Economic Equity Act would strengthen child care benefits so more women, especially single parents, can work if they so choose. Far too many women must live at the poverty level because the high cost of daycare prevents them from holding down a job. This bill would alter Federal income tax law to treat a greater percentage of child care expenditures as a necessary business expense. It would also make the day care credit refundable for those whose income is so low that they lack a large enough tax liability to use the credit.

Last, widowed of divorced Foreign Service homemakers would receive fairer treatment under this legislation. Women who had been married to Foreign Service employees for at least 10 years would have the right to share in the benefits that accrued during the marriage.

Mr. President, the Economic Equity Act is a significant reform that the Senate should support because it is good social policy and fair. I urge my colleagues to endorse this legislation.

Mr. KENNEDY. Mr. President, I am pleased to join this bipartisan effort to enact a new declaration of economic independence for women in the 1980's.

For too long the majority of Americans who are women have been forced to accept second-class status and second-rate economic opportunities in our society. These inequities exist for women whether they are young or old, single, married or divorced, and whether they are employed in the workforce or work at home.

The Economic Equity Act is a comprehensive effort to insure that women are treated fairly and justly by our legal system. It is a major advance in our efforts to eliminate discrimination against women in every aspect of economic life.

Women who work continue to be disproportionately represented in low-paying, dead end jobs which offer little job security and little opportunity for mobility or advancement.

Women who choose to spend their working lives at home raising and caring for a family often find their labor unrewarded because the law does not provide the measure of protection they deserve.

The high cost of child care places an intolerable strain on many families and often prevents women from entering the work force.

The insurance system discriminates against women by denying them fair rates for basic protection from financial loss.

The private pension system makes it too difficult for working women to qualify for pension benefits, and in many instances, unfairly denies nonworking spouses the benefits which their husbands have earned.

The bill we are introducing today addresses each of these problems. It represents a truly comprehensive effort to provide millions of women with an equitable measure of economic security, regardless of age, marital, or employment status. And it affirms our belief that, as we carry on the struggle to make the equal rights amendment a part of the Constitution, we must also make a comprehensive effort to amend the statute books to establish the full economic rights of women.

Mr. HART. Mr. President, I am proud to join my colleagues in the reintroduction of the Economic Equity Act. Economic equity is a paramount issue not only for women but for the men and children whose lives are strongly linked to theirs.

Without economic equity, there can be no justice. Government policies have been vital to the progress we have made toward equality for women and the Economic Equity Act is the next step in that progression. It is necessary in updating outmoded provisions of the law as they pertain to women.

It is not possible for one legislative measure to correct all the inequities and forms of discrimination women encounter. But, the bill recognizes women do not receive fair treatment under our current pension laws, and seeks to remedy that.

The Economic Equity Act proposes changes so women heads of households are treated more equitably under our tax laws.

Three million displaced homemakers without income, or marketable skills find hope through this bill as it provides a tax credit to encourage employment of these individuals.

While in recent years, we have moved toward a greater reliance on individual retirement plans, there has been no adjustment for those women who choose to remain at home with no outside income and have no way to provide for their own retirement. One way the Economic Equity Act addresses this problem is by allowing women to establish their own individual retirement accounts.

As a nation we must admit that throughout the 1980's and into the 1990's, growing numbers of children will need child care—care by an adult other than their parents for some part of each day. Each year, more and more mothers, especially those with young children, join the labor force. The need for infant care is climbing steadily, and older children need care after school.

Child care demand is increasing, but it is also diversifying. New employment patterns create a demand for nontraditional child care provisions. Locating compatible child care facilities for families with unusual need—such as night shifts—can be a difficult task.

The Equity Act provides for a Federal grant program to fund new or existing child care information and referral clearinghouses. These clearinghouses will work with families and providers to make the most efficient use of available resources by matching supply with demand.

However, the clearinghouses can also generate information and serve as a data base for documentation on child care supply and demand at a local level.

I have only mentioned some of the major provisions of this measure. There are others like the child sup-

port enforcement section which is extremely timely and important.

Mr. President, I commend Senator DURENBERGER and the other original sponsors of this bill. They have worked tirelessly in designing this legislation and they should be proud of the final product.

I pledge to work with them on striving for enactment of the Economic Equity Act. That goal must be attained.

By Mr. SPECTER:

S. 889. A bill to authorize appropriations for the purpose of carrying out the National Violent Crime Program of the Department of Justice for fiscal year 1984, and for other purposes; to the Committee on the Judiciary.

DEPARTMENT OF JUSTICE NATIONAL VIOLENT CRIME PROGRAM AUTHORIZATION ACT, FISCAL YEAR 1984

Mr. SPECTER. Mr. President, I rise today to offer a bill for the authorization of substantial funding to fight violent crime in the United States. This bill, and an accompanying 44-page statement, represents the work of my staff and me over the past 2 years and is based upon hearings in the Judiciary Committee, experience as District Attorney of Philadelphia, and the work in 1973 of the National Commission on Criminal Justice Standards and Goals, of which I was a member.

The essence of this proposal is to devote substantial Federal funding to the attack on violent crime. It would direct 1 percent of the Federal budget for "domestic defense" with a goal of cutting violent crime in this country by 50 percent.

We appropriate additional billions for necessary foreign defense. But statistics show that last year murders in the United States claimed 23,000 victims, compared to zero for all of our foreign enemies.

The time has come for a concerted attack on violent crime in the United States. My judgment is that the people of this country are prepared to pay for an attack on violent crime if it is well-conceived and well-executed.

The State of California has become well known for being parsimonious, as the originators of proposition 13 to cut governmental expenditure. But the State of California in a recent referendum approved substantial sums of money in recognition of the need for funding more work on the problem of violent crime.

The proposal which is advanced here today would attack the problem of violent crime on all levels: to emphasize the necessity for tough sentencing by trial judges, to provide correctional facilities where there can be realistic rehabilitation efforts for adult offenders on their first and second offenses so that we do not turn out functional illiterates without skills, who, not surprisingly, return to a life of crime, and, where we have career criminals, in effect, to throw away the key once we have multiple offenses by the same individual and the prior convictions have been established.

This same program would also be directed against the crime cycle of the juvenile offender, where a juvenile is a delinquent at 6 or 7, a truant at 8, into vandalism at 10, robbery at 15, and armed robbery and murder at 17.

The objective of this program, and I think its importance, would be to cut violent crime by 50 percent, primarily by directing greater attention to the career criminals. According to best estimates, there are approximately 200,000 career criminals in this country at the present time. If we could surely separate them from society, I think we could actually reduce violent crime by 50 percent.

NATIONAL PROGRAM TO CUT VIOLENT CRIME

The United States now suffers four times more violent crime, per capita, than in 1945 and 20 to 100 times more than other industrial democracies. Random violence afflicts 1 in 10 American households every year, serious crime, 1 in every 3. The total loss to our society reaches $100 billion a year.

Domestic criminals have succeeded where foreign armies failed: They have terrorized not only millions of victims, but all Americans, denying our constitutional rights and our inalienable birthright to the pursuit of happiness. According to repeated polls of public opinion, Americans worry more about crime than anything except economic distress. Not even the Soviet threat is viewed as more serious.

Most violent felonies are premeditated crimes for profit, committed, without passion or provocation, against strangers by repeat offenders whose chosen livelihood is to prey on the vulnerable. Although an arrest is made in only 1 felony in 5, most of these career criminals eventually are arrested repeatedly, even if for only a tiny fraction of the scores or hundreds of their crimes.

Once taken into our criminal justice system, however, career criminals often evade justice as effectively as they did arrest in other instances. Dismissals, delays, plea bargains, judge-shopping, unrealistic bail, lenient sentencing, early parole, crowded prisons, insufficient job training, enforced idleness and many other problems combine to nullify law, blunt deterrence and undermine public safety. Usually, career criminals are back to the street soon, if not immediately. Even career robbers sent to prison serve, on the average, less than 4 years. Many serve only a few months.

In short, as the President has said, the problem is a breakdown in the system. The solution is simply to reorient it: treat serious defendants seriously. Since career criminals, though comprising less than 10 percent of all persons arrested commit more than 70 percent of all offenses, they warrant our greatest efforts. From investigation to release, violent career criminals should be singled out for highly concentrated attention and rapid, realistic disposition by all concerned. That is not improper selective prosecution, just commonsense, if uncommon practice.

Violent crime for profit truly can be cut in half in 5 years as proposed in 1973 by the National Commission on Criminal Justice Standards and Goals. What is required is a crash effort to focus far greater resources far more narrowly on correcting the specific deficiencies in the system that prevent it from incapacitating the truly dangerous. Ten years ago, the reduction would have taken only 5 years; now it may take 10.

The program involves spending 1 percent of the Federal budget on strengthening domestic defense against violent crime by increasing Federal manpower and improving State criminal justice systems which would still handle over 90 percent of the violent crime caseload. The Federal budget allocation for criminal justice would rise from $5 to $13 billion out of 800. The $13 billion comprises a small fraction of the projected Pentagon budget of $300 billion for the same years. Indeed, an increase of $8 billion compares with the addition in 1982 alone of $50 billion for defense.

Cutting serious crime in half would cut the annual cost of crime in half, saving $50 billion. Adding a few billion per year would not only save $50 billion per year, but would also make the other 99 percent of the Federal budget buy billions more value. In short, the program, while it requires modest investment up front, would more than pay for itself within a few years. Moreover, it can be phased in gradually as revenues automatically rise as the economy recovers.

The issue is not whether our country can find and afford the funds but whether we now know enough about preventing violent career crime to pinpoint the new expenditures like laser beams rather than, as in the past, disperse them like a light bulb and whether doing so would, in fact, produce so large a reduction. The answer, in a word, is "yes". The attached chart shows in a page how this goal can be accomplished.

Really, the country cannot afford not to undertake this program.

The full cost of crime is incalculable. Property damage just from reported robberies and burglaries amounts to $5 billion annually. Unreported losses may well equal that figure. Losses from all crime reach tens of billions of dollars.

Applying the legal concept of pain and suffering and psychological distress, which are measurable and compensable damages under U.S. law, crime victims probably sustain an additional loss of $100 billion.

The full psychological impact, however, cannot be quantified because it is suffered not by actual victims, but by potential victims—all of us:

What dollar amount can be attributed to the fright Americans experience when they hear an unexpected noise at 3 a.m. wondering if a burglar is in the house?

What dollar amount can be attributed to the fear women experience as they walk home at night and a sudden movement toward them suggests a rape or assault or worse?

What losses are sustained when business opportunities are ignored because of the risk of crime?

What dollar amount can be attributed to cancellations and reschedulings to avoid events which conclude after dark?

Conservatively, the economically measurable cost of crime in this country approximates $100 billion and the total cost, including the psychological effect on the entire population, reaches $500 billion.

Adding to the anguish above the estimated dollar loss, crime is an intentional act unlike damages resulting from accidents or natural disasters beyond man's control. Compounding the agony, much crime is preventable—if only the murderer had not been paroled, the robber had not been placed on probation, the burglar had not been acquitted because the policeman erroneously filled out a search warrant, or the rapist had not been on bail for 6 months, without being tried.

Government at all levels—Federal, State, and local—now spends $25 billion on crime control covering police, prosecutors, defenders, courts, prision, and parole.

This program proposes an increased expenditure of $8 billion per year, constituting 1 percent of the Federal budget with the realistic prospect of reducing violent crime by 50 percent.

Mr. President, I ask unanimous consent that a document entitled: "National Program to Cut Violent Crime," consisting of some 44 pages, be printed at this point in the RECORD.

There being no objection, the executive summary was ordered to be printed in the RECORD, as follows:

EXECUTIVE SUMMARY: NATIONAL PROGRAM TO CUT VIOLENT CRIME

The United States now suffers four times more violent crime than in 1945 and 20 to 100 times more than other industrial democracies. Random violence afflicts 1 in 10 American households every year, serious crime, 1 in every 3. The total loss to our society reaches $100 billion a year.

Domestic criminals have succeeded where foreign armies failed: They have terrorized not only the millions victimized, but all Americans, denying our Constitutional rights and our inalienable birthright to the pursuit of happiness. According to repeated polls of public opinion, Americans worry more about crime than anything other than economic distress. Not even the Soviet threat is viewed as more serious.

Most violent felonies are premeditated crimes for profit, committed, without passion or provocation, against strangers by repeat offenders whose chosen livelihood is to prey on persons who appear vulnerable. Although an arrest is made in only 1 felony in 5, most of these "career criminals" are ultimately arrested repeatedly, even if for only a tiny fraction of the scores or hundreds of crimes they commit. Once taken into our criminal justice system, however, they often evade justice as effectively as they did arrest in other cases. Dismissals, delays, plea bargains, judge-shopping, unrealistic bail, lenient sentencing, early parole, crowded prisons, lack of job training, idleness and many other problems all help nullify laws, blunt deterrence and undermine public safety. Usually, the career criminals are back on the street soon, if no immediately. Even career robbers who are sent to prison serve, on the average, less than four years. Many serve only a few months.

In short, as the President has said, the problem is a "breakdown" in the system. The solution is simply to reorient it; treat serious defendants seriously. Since career criminals, though comprising less than 10 percent of all arrested commit more than 70 percent of all offenses, they warrant our greatest efforts. From investigation to release, violent career criminals should be singled out for highly concentrated attention and rapid, realistic disposition by all concerned. That is not improper "selective prosecution," just common sense, if uncommon practice.

Violent crime for profit truly can be cut in half in five years as proposed in 1973 by the National Commission on Criminal Justice Standards and Goals. What is required is a crash effort to focus far greater resources far more narrowly or correcting the specific deficiencies in the system that prevent it from incapacitating the truly dangerous.

The program proposes spending 1 percent of the federal budget on strengthening "domestic defense" against violent crime by increasing federal manpower and improving state criminal justice systems which would still handle 90 percent of the violent crime caseload. The budget allocation for criminal justice would rise from $5 to $13 billion (out of 800). The $13 billion comprises a small fraction of the projected Pentagon budget of $300 billion for the same years. Indeed, an increase of $8 billion over a period of years compares with the addition in 1982 alone of $50 billion for defense.

Cutting serious crime in half would cut the annual cost of crime in half, saving $50 billion. Adding a few billion per year would not only save $50 billion per year, but would also make the other 99 percent of the federal budget buy billions more value. In short, the program, which requires modest investment "up front," would more than pay for itself within a few years.

The most serious difficulty is not whether our country can find and afford the funds, but whether we now know enough about preventing violent career crime to pinpoint the new expenditures like laser beams rather than, as in the past, disperse them like a light bulb and whether doing so would, in fact, produce so large a reduction. The answer, in a word, is "Yes". The attached chart shows in a page how this goal can be accomplished.

Really, the country cannot afford not to undertake this program.

The full cost of crime is incalculable. Property damage just from reported robberies and burglaries amounts to $5 billion annually. The unreported losses may well equal that figure.

Applying the legal concept of pain and suffering and psychological distress, which are measurable and compensable damages under U.S. law, crime victims probably sustain an additional $100 billion.

The full psychological impact, however, cannot be quantified; because it is suffered not by actual victims, but by potential victims—all of us:

What dollar amount can be attributed to the fright Americans experience when they hear an unexpected noise at 3:00 a.m. wondering if a burglar is in the house?

What dollar amount can be attributed to the fear women experience as they walk home at night and a sudden movement toward them suggests a rape or assault or worse?

What losses are sustained when business opportunities are ignored because of the risk of crime?

What dollar amount can be attributed to cancellations and reschedulings to avoid events which conclude after dark?

Conservatively, the economically measurable cost of crime in this country approximates $100 billion [1] and the total cost, including the psychological effect on the entire population, reaches $500 billion.

Adding to the anguish above the estimated dollar loss, crime is an intentional act unlike damages resulting from accidents or natural disasters beyond man's control. Compounding the agony, much crime is preventable—if only the murderer had not been paroled, the robber had not been placed on probation, the burglar had not been acquitted because the policeman erroneously filled out a search warrant, or the rapist had not been on bail for 6 months, without being tried!

Government at all levels—Federal, state and local—now spends $25 billion on crime control covering police, prosecutors, defenders, courts, prison and parole.

This program proposes an increased expenditure of $8 billion per year, constituting 1 percent of the Federal budget with the realistic prospect of reducing violent crime by 50 percent.

---

[1] The figure $100 billion is based on calculations by Dr. Mark Cannon, administrative aide to the Chief Justice of the United States. Based on figures supplied by the National Institute of Justice, this total has been caused by Dr. Cannon in various speeches and articles.

SUMMARY OF ANNUAL INCREASES BY FUNCTION

[In millions of dollars]

Use	Result	Increase
National attack on violent crime	Reduce violent crime by 50 percent in 5 years	8,000
Federal:		
Fugitive programs	Triple arrest rate	200
Federal robbery prosecutions	Triple arrests	300
Drug enforcement	Triple the number of major arrests, seizures and forfeitures	500
Training and support services to States	Expand training and speed up support	250
Research and development	For example, weapons detectors and computerization	250
Construction of Federal prisons	Accommodate increased Federal population	200
Temporary detention facilities for State inmate "overflow" and permanent prisons for State habitual offenders sentenced to life.	End State overcrowding	300
Total Federal		2,000
State:		
Special detective squads	Double arrest rate to 40 percent	500
Case screening and diversion	Cut minor and nonviolent trials in half	100
Career criminal units	End plea bargains	100
Diagnosis, classification, and correctional programing	Cut adult crime cycle. Isolate hardened offenders	300
Prison construction	End overcrowding that causes short sentences	1,000
Job and literacy training	Make convicts employable	300
Juvenile delinquent intervention	Cut off escalating crime cycle	700
Housing for runaways	Keep them out of prisons	300
Victim/Witness assistance	Compensation	500
Crime prevention—schools	Cut violence and drugs in half	500
Crime prevention—neighborhoods	Cut burglaries in half	500
Crime prevention—commercial	Cut robberies in half	500
Drug treatment	End addiction	500
Calendar control	End delays	200
Total State		6,000

DETAILS OF ANNUAL INCREASES BY FUNCTION

[In millions of dollars]

Use	Agency	Result	Increase
National attack on violent crime—"SAVE"—Safety Against Violent Events		Reduce violent crime by 50 percent in 5 years	8,000
Federal:			
Fugitive programs	USMS:80; FBI:60; DEA:40; others, 20 quadruple resources	Increase arrests from 40 percent to 90 percent of 80,000 warrants per year for Federal and State violent and drug offenders.	200
New Federal prosecutions for violent crimes, such as bank and commercial robbery.	FBI 250 (4,000 slots) and U.S. attorneys 50 (500 prosecutors)	Increase Federal arrests from 3 to 13,000 per year, for robberies, especially armed career robbers.	300
Drug enforcement	200 to double DEA (1,900) investigators 100 for accountants, (1,000 CPA Corps) 100 for FBI, 50 for Customs, 50 for additional 500 Assistant U.S. attorneys (25 percent increase).	Triple the number of major arrests, seizures and forfeitures. Focus action on financing as much as on commodities to take profit away. Immobilize major organizations.	500
Training, lab, identification, and other support services and technical assistance to States by Federal agencies.	FBI, Treasury, DEA, NIC, DOJ, NIJ, double resources	Expand training and speed up support to respond to all State requests in timely fashion.	250
Research and Development. Design means to end plea-bargaining and cut trial delays in half.	BJS, NIJ, FBI and others, double resources	Urgent violent crime projects, including weapons detectors and computerization of fingerprints, modi operandi, weapons, prior records, stolen property, co-conspirators, and case management and court calendars.	250
Construction of correctional facilities for Federal inmates and operating costs.	BOP starts four new prisons and four new camps each year	Build new prisons for increased Federal population to prevent crowding and decreased security.	200
Temporary detention facilities for State inmate "overflow" and permanent habitual offenders sentenced to life.	BOP starts eight camps and two prisons per year	Build new prison camps and maximum security penitentiaries to end all state overcrowding.	300
Total Federal			2,000
State:			
Improve investigations with special detective squads	Local police departments—100 cities per year	Double violent crime arrest rate to 40 percent	500
Improve case screening and diversion	Local prosecution, courts, and probation agencies in 100 metropolitan jurisdictions per year.	Cut minor and nonviolent trials in half and increase violent crime trials so plea bargains can be reduced, then eliminated.	100
Improve violent crime prosecutions by forming career criminal units	Police, prosecution, court administration 100 cities per year	End plea bargains	100
Improve convict diagnosis, classification, and correctional programing	State prison systems; all States	Cut adult crime cycle, isolate hardened offenders	300
Prison and other construction	State prison systems; all States with overcrowding—about 40	End short sentences and other problems resulting from overcrowding	1,000
Job training/prison industry/functional literacy training	All State prison systems	End pressure of economic need as a cause of recidivism for unhardened convicts.	300
Juvenile delinquent intervention	State and local authorities	Cut off escalating crime cycle	700
Runaways and missing children	State authorities	Create homes so these youth are not mingled with juvenile offenders or placed in prison-like facilities.	300
Victim/witness	State authorities	Aid and compensation, where none other is available, for medical costs and lost wages.	500
Crime prevention—Schools	School police and counselors	Cut violence and drug sales by or to students in half	500
Crime prevention—Neighborhoods	Volunteer observers	Cut burglaries in half	500
Crime prevention—Commercial	Security devices	Cut robberies in half	500
Drug treatment	Local courts	End addiction whenever possible	500
Calendar control applying Research and Development results to specific localities.	Local courts	End delays and judge shopping	200
Total State			6,000

A Realistic Program To Reduce Violent Crime by 50 Percent

I. INTRODUCTION

Nearly ten years ago, after a decade of increasing crime and violence, the National Commission on Criminal Justice Standards and Goals recommended steps for reducing violent crime in America by 50 percent. Unfortunately, many of its key recommendations, such as abolition of plea-bargaining, were never implemented. Now, after another decade of escalating street crime, Americans are still waiting for the "crime control" and "safe streets" promised by Congress in a 1968 statute. In fact, the streets have gotten even more dangerous and crime more out of control.

Instead of being decreased 50 percent, as the Commission urged in 1973, violent crime increased 100 percent. Just since 1978, the violent crime rate has increased 30 percent. America's serious crime rate has risen 200 percent since 1960 and 400 percent since World War II. Year in and year out, increases in the crime rate exceeded increases in inflation. And, crime costs citizens even more than inflation and hurts them even worse.

Not only has crime continually increased for decades, but it is vastly worse in America than in any comparable country. The United States suffers much more crime per person than other industrial democracies—20 times more than England and 100 times more than Japan.

Our crime wave has grown so powerful that now it is destroying whole neighborhoods, bankrupting businesses, shrinking tax revenues, subverting schools and terrorizing senior citizens. The only bigger problem in America today is unemployment. Unemployment has numerous causes as many people realize, but few realize that crime is one of them. In fact, crime is cited by businesses as the most common cause for closings—not taxes, not government regulation, not foreign competition, but crime.

Nor is violent crime a disaster limited, like a tornado, to some narrow swath. Once the scourge mainly of inner city slums, it now reaches everywhere—cities, suburbs, towns and rural areas; its devastating impact hurts people at all economic levels; it condemns all Americans to living in fear. One in every three American households suffers from crime each year. No epidemic disease or natural disaster has ever ravaged so many Americans. Nor, in the past decade, has war. More Americans are killed each year by criminals than by enemy soldiers. As one witness wryly noted in a hearing before a Judiciary Subcommittee, the "score is: Americans killed by Russians—0; Americans killed by criminals—23,000 every year."

The psychological harm from our crime epidemic is immeasurable; the economic harm is not. More economic loss results from crime than from all natural disasters and disease epidemics put together. Each year, crime costs Americans an astonishing 125 billion dollars. Property stolen just in burglaries accounts for $4 billion. The total price of crime, however, is paid not just by the hapless victims, but by all of us—in the form of higher prices, higher insurance rates and higher taxes.

Our national tolerance for the intolerable dismays America's allies and convinces critics that we are a stupid, suicidal, "sick" society. Tolerating crime breeds disrespect for law. Allowing so many to become actual victims and everyone else to become potential victims threatens to sabotage the social compact. When the law abiding see the lawless getting away with it, and sometimes getting rich, too, what happens to their own willingness to serve in the military, support their community, assist their schools, and pay their taxes? Crime threatens not only the safety of individuals, but the security of society. Yet, we still have not resolved to reduce it!

Eliminating crime must await utopia, but reducing violent crime cannot wait any longer. Strangely, we rarely even talk anymore about "reducing" crime. We talk, sometimes, about "crime control". That merely means stopping further increases! That concedes defeat! We talk, often, about the "causes of crime", as a mystery which, once understood, would magically end our national nightmare of random, anonymous criminal violence—the muggings and murders, the rapes and robberies, the break-ins and burglaries.

We are, I suspect, resigned to this much crime because we have come to believe that we have no alternative. This conclusion has been corroborated each year by relentlessly rising crime rates.

Some social commentators argue that we cannot begin reducing crime until we finish eliminating proverty. Others urge minor adjustments in the criminal process as if it were an end in itself. They imply that further refinements in what is already by far the most complex, costly and cumbersome justice system in the world will somehow reduce crime. Still others minimize the role of the judicial process, arguing that decreasing the number of offenses requires increasing the number of policemen. Almost no one anymore believes that hardened criminals can be rehabilitated at will by correctional programs. For humanitarian reasons, prison reform is still championed by concerned persons. But, few believe that reducing prison overcrowding will reduce recidivism.

Our criminal justice system exists primarily to secure safety for citizens—in our streets, schools and homes. It must be fair, but also effective. Judged by its results, our system is failing. As President Reagan said, our criminal justice system has suffered a "breakdown". Actually, the breakdown is in the state courts, which have been overwhelmed by the volume of cases. State enforcement efforts need federal help.

Combatting violent crime has traditionally been, and I believe should remain, primarily a local responsibility. Primarily, but not exclusively. Indeed, the Constitution of the United States makes clear that crime control is also a federal responsibility. It obligates our national government to secure "the general welfare", and the Executive "to see that the laws are faithfully executed." In taking their oaths of office, federal officials swear to defend the Constitution and the country from "all enemies, foreign and domestic." And violent criminals are our most harmful domestic enemies.

More protection from crime means more resources. Our Chief Justice asserts that "domestic defense" is no less urgent than national defense. I believe the Justice Department needs sufficient resources as much as the Pentagon. Yet, we spent more than 35 percent of our federal budget on national defense, and less than one-half of 1 percent on domestic defense. Recently, we have—I think properly—increased the defense budget sharply, even after accounting for inflation, to compensate for years of neglect. But, we have neglected to raise our Justice budget enough to offset inflation. Few Americans realize that since 1975, while the number of soldiers increased, the number of FBI agents decreased.

Other ironies abound in this comparison.

For years, we heard of the "missile gap", but not of the "sentencing gap". Legislatures make robbery a crime punishable by 10 to 20 years imprisonment, but many courts regularly give first time robbers probation or short jail sentences; even repeaters, on the average, serve less than four years.

We worry, properly, about foreign adversaries having "a definite margin of superiority" in strategic arms. What about the "inferiority" of the law abiding citizen to the career criminal? The criminal goes about freely; the citizen changes his lifestyle. Or the "inferiority" of the manpower and equipment—planes, boats radios—of the drug enforcers, compared to the drug traffickers.

We are concerned, correctly, that imbalance in military forces has opened a "window of vulnerability." With three million burglaries a year in our country, one for every 14 American households, another "window of vulnerability" we need to be concerned about is every window in our homes.

We believe instinctively in deterrence against the Soviets. We take it on faith that potential adveraries are deterred by the threat of retaliation. Yet, we lack faith that criminals too can be deterred. Instead, some scholars demand massive empirical proof of this obvious fact. Some then declare the evidence unreliable and the results inconclusive. Always, however, they recommend further research. More studies are not needed, more action is.

In the past 15 years, we have created five national commissions to make recommendations on combatting crime and violence, and spent more than $7 billion on federal financial assistance. The money, by and large, was not wisely spent. The recommendations, were, by and large, ignored. Now we are doing it once again.

The report of the most recent commission, the Attorney General's Violent Crime Task Force, was presented well over a year ago—on August 17, 1981. It contained 64 principal recommendations and scores of subsidiary ones on actions the federal government should take. Most would entail increased expenditures; nearly all of these have been silently shunned. While indiscriminate spending would produce as little progress as in the past, these recommendations are practical, proven and cost-effective. Their vigorous implementation is needed desperately. The required actions are affordable. In fact, what we cannot afford is inaction.

The total cost of implementing these and other necessary steps would be $8 billion a year. If our country can afford to increase defense spending by more than $50 billion this year alone, we can certainly afford ⅛ of that increase to reduce violent crime.

I spend fifteen years in law enforcement, served two terms as District Attorney of Philadelphia and was a member of the National Commission on Criminal Justice Standards and Goals. From my personal experience, I am convinced that a practical program for this price can, in fact, cut violent crime in this country in half in five years.

The basic outlines of the program can be found in the reports of the National Commission on Criminal Justice Standards and Goals: eliminate plea bargaining, concentrate on career criminals, make punishment swift, sure and sufficient, assure speedy trials and appeals, teach short-term prisoners marketable job skills, incarcerate unrehabilitatable repeat violent felons for lengthy periods. On specifics, some of the necessary actions were set forth in the Violent Crime Task Force Report—reform bail laws for dangerous offenders, eliminate early release on parole, and, most importantly, increase federal law enforcement, prosecutive, and correctional personnel and facilities, and provide the states with the financial assistance they need to curtail crime.

The rest of the actions needed are set forth in my Program for Violent Crime.

In truth, we have as much know-how for crime curtailment as for national defense or space exploration. We can find the funds. We lack only the will.

II. THE PROGRAM

It is a program, not just a set of goals and guidelines. In essence, it targets specific "program activities" in the federal budget for increases that will reduce crime.

1. Fugitives

There were more than 40,000 violent crime fugitives whom the federal government was responsible for locating and apprehending as of 1981. In all, there were 180,000 fugitives being sought, a very large portion of the non-violent offenders being drug traffickers. The vast majority have fled from local authorities. They are a federal responsibility because they are thought

to have fled across state lines. Federal warrants have been issued for their arrest. Federal agents must find them.

The Marshals Service is the principal federal agency responsible for finding them. It is a most difficult investigative task since by definition fugitives are specifically trying to avoid being found and therefore avoid former homes, work places and friends. They often have many months "head start" on the Marshals who seldom receive productive investigative leads when they receive the warrants. Despite these difficulties, because of other essential duties and insufficient manpower, the Marshals Service is able to devote only 400 employees to criminal fugitive warrants in the entire country. Nor are all of them Deputy Marshals. Some are clerks and other support personnel.

As a result, only a small fraction of these violent and drug fugitive cases can be actively investigated on an on-going basis. In most cases, the warrant is merely kept on file should the person be arrested again. Paradoxically, if they are later arrested for a serious crime, execution of the warrant will be both too late—since the further offense will already have been committed—and unnecessary—since the new offense itself will probably lead to incarceration.

The Marshals' fugitive manpower should be at least doubled over the next two and a half years and redoubled by the end of five years. The cost of increasing the warrant manpower from 400 to 1600 would be about $80 million per year.

The result would be to prevent tens of thousands of violent felonies. The program would result in far faster apprehensions as well as apprehensions of many fugitives who otherwise would never be found at all. Most of these offenders are recidivists who fled precisely because they feared long jail sentences. Many are true "career criminals"—offenders who commit scores or even hundreds of offenses each year. Some average a felony a day. Apprehending just one such violent fugitive a year earlier, would thus prevent more than 300 serious crimes, save 300 people from being victims, avoid many thousands or tens of thousands of dollars in losses. Each such arrest would measurably reduce violent crime.

At present, the Marshals receive twice as many warrants as they can serve each year and now have a backlog of about 40,000 warrants. They receive 63,000 warrants of the total of about 77,000 issued each year. They serve about 40 percent. The warrant program consumes about $18 million per year. Raising the investment to $80 million would double and redouble the manpower and increase the clearance rate from 40 percent to 90 percent, eliminate the backlog, allow the Marshals to stay current and enable them to catch more major fugitives.

Proportional increases in the fugitive personnel of: the FBI; (2) DEA; and (3) all the other agencies would also be required, costing $120 million a year. These increases are important too, for often the agency that originally investigated the fugitive from federal court will be best equipped to find him. Thus, when a federal drug defendant jumps bail before trial, the Drug Enforcement Administration, which is the responsible agency, is best prepared to succeed. (The Marshals are responsible after trial, regardless of offense.) The same reasoning applies to the FBI for bank robbers, terrorists and organized crime goons and other agencies for other offenders.

The FBI currently devotes about 300 positions and $14 million to fugitive work and has primary responsibility for about 2500 federal violent crime warrants. The clearance rate is 40 percent. Therefore, $60 million would be added to its fugitive program, allowing a doubling of manpower in 2½ years and a redoubling in 5 years. DEA would receive $40 million. The balance of $20 million would be divided among ATF, Customs, IRS, Secret Service, et al.

2. The FBI bank robbery program

Another manpower increase which would surely be cost-effective against violent offenders would be in the FBI Personal Crimes Program. The major offense in this program is bank robbery. While every bank robbery is a federal felony and nearly all bank robberies were once investigated entirely by the FBI, today the majority of these cases are turned over to local police and prosecutors shortly after an initial FBI response team rushes to the scene of the robbery. Many of these transfers are justified. For example, where a sole, unarmed robber is caught in the bank or trying to escape, the nationwide capabilities and expertise of the FBI are hardly needed. However, insufficient manpower in the FBI requires transfer of many cases in which apprehension by FBI would be more likely and faster.

Moreover, federal prosecutions are far faster and federal sentences far longer than in most urban state courts. Federal robbery trials are nearly always held within two months of indictment, whereas in many state courts such cases remain untried 6-9-12 months after indictment. State robbery sentences (all types) actually served averaged less than four years, even for offenders with prior convictions. Federal sentences imposed on bank robbers average more than 12 years. Therefore, federal handling vastly reduces the chances for the bank robber to escape arrest or to continue to commit violent felonies before trial or upon early release from prison. Nor do bank robberies constitute an unmanageable burden since there are about 9000 per year in the entire country. They represent a small, stable and clearly defined sub-category of all robberies, comprising well under 2 percent. At present, the FBI handles less than 4,000, making arrests in about 2,000 cases.

The FBI manpower allocated to the Personal Crimes (bank robbery) Program has been greatly reduced in recent years and now stands at about 1000 and $45 million. Meanwhile, bank robberies rose 70 percent since 1977. Thus, FBI now handles a smaller percentage of the cases that need FBI handling. In order to handle all the bank robberies that can be better handled at the federal level, the FBI's allocation to this program should be doubled and redoubled over the next five years. The cost would be about $200 million per year. The FBI could then handle 6-7000 cases.

3. The commercial robbery program

Under the Hobbs Act, any robbery that "interferes with" or "in any degree affects interstate commerce" is a federal felony. The policy of the Justice Department, however, has been not to prosecute such robberies, except in rare cases involving "wide-ranging schemes" or "organized crime" groups. The statute itself contains no such restrictions. Nor does it require that a firearm was used, that the perpetrators abused the instrumentalities of interstate commerce such as the mails or that they travelled in interstate commerce in connection with the robbery. In fact, court opinions on the coverage of the Hobbs Act have made plain that the Act applies even to "local" robberies where the effect on interstate commerce is "indirect" and "minimal". Indirect effects have been found whenever the taking depleted the inventory or assets of a business which buys goods in interstate commerce. There is little doubt therefore, that the Hobbs Act applies to virtually every robbery of a store, business office, factory, restaurant, hotel or other place of public accommodation.

Despite this broad statute that potentially could result in many thousands of federal robbery prosecutions (in addition to those for bank robbery), in fact fewer than 50 cases a year are brought for these "commercial robberies" in the entire country. The lack of resources and the declination policy have virtually nullified this Congressional enactment.

The justification has been that commercial robberies are adequately handled in the state system. Yet, it is indisputable that in many cities, the backlogs in state court combined with plea-bargaining result in short "misdemeanor" sentences, if not probation, for these serious felonies. Robbery, after all, is one of the five violent felonies historically regarded as so serious as to warrant application of the "felony murder rule" whereby a killing in the course of such a felony is automatically first degree murder, even where the felon(s) originally had no plan or intent to kill.

Although recent Congresses have considered bills to make it a federal offense to rob a pharmacy, no efforts have been made to compel, encourage or enable the Attorney General to enforce the Hobbs Act and use it in such cases. Two strong arguments in favor of the pharmacy bill were that very often the perpetrators are narcotics addicts and carry firearms. Thus, pharmacy robberies tend to be rather aggravated and dangerous and to involve serious offenders with narcotics habits and long criminal records. Pharmacy robberies thus share some of the characteristics of bank robberies that helped make the latter appropriate for federal action. Many robberies of business offices, hotels and restaurants also share these characteristics.

Federal resources currently allocated to these "commercial robberies" are negligible. To be capable of handling all commercial robberies that are highly complicated or conspiratorial, plainly interstate, or in which guns are discharged, the FBI would have to be expanded by about 1,000 persons over a five year period. The cost would be about $50 million. Estimates are that 10,000 robberies per year fit one or more of these three criteria. With 1,000 persons, the FBI could handle at least half these cases.

Corresponding increases in prosecutors would be necessary. For $50 million, 500 prosecutors could be added to the existing corps of nearly 2,000 and could handle the additional bank robbery and commercial robbery cases.

4. DEA and the drug enforcement program

Interstate drug trafficking, unlike bank robbery or commerical robbery, is primarily, if not exclusively, a federal enforcement responsibility. Yet, DEA has only about 1500 investigative agents to cover all the cities that serve as distribution points in the trafficking networks. There are at least twenty cities that are major hubs and dozens more than are minor hubs. In addition, DEA has regulatory, training, overseas and intelligence responsibilities that are critical and divert personnel. Thus, only about 1500

agents of a total of 1900 actually investigate in U.S. cities. Therefore, there are fewer than 100 agents on the average to cover each major hub city. In the other hubs, DEA offices typically have fewer than a dozen agents. That is not enough manpower to staff even one wiretap! Clearly, two to four times as many agents are needed.

DEA's annual budget is about $227 million. To double its manpower would cost $200 million a year. Since a high percentage of robberies and violent crimes are committed by narcotics addicts and since addicts commit offenses six times more frequently when taking drugs than in periods of abstinence, reducing the availability of narcotics will help reduce violent crime. According to testimony before the Senate Judiciary Subcomittee on Juvenile Justice by Dr. John Ball and other experts, these addict/criminals each commit multiple crimes nearly everyday of the year. They are thus the very worst of the career criminals who as a group comprise less than 10 percent of all persons arrested but are responsible for more than 70 percent of all violent offenses committed.

In addition, DEA should hire, train and integrate with its investigators, financial analysts with CPA credentials. A corps of 500 such accountants should be gradually built up over a five year period. They must be supported by "accounting assistants" on a one-for-one basis, as well as, secretaries and clerks. The total cost would be about $100 million per year. It should soon result in additional forfeitures of many times that amount. Until the vast profits are taken out of drug trafficking, there will always be ample replacements for those imprisoned. Adequate deterrence against drug traffickers requires that the government capture the profits too.

Corresponding increases in FBI and prosecution manpower devoted to drug enforcement would be required. To pay for the 2,000 FBI personnel would cost $100 million per year. Another $50 million would be needed for 500 additional prosecutors. The U.S. Customs Service would get $50 million for 1,000 additional personnel to improve enforement at the borders and the country's air and sea ports.

With these additional resources, we could triple the 9,000 drug arrests and the major seizures and forfeitures per year.

5. The emergency corrections program

The federal manpower increases called for above will, of course, produce more federal prison inmates. Adding investigators will produce predictable increases in arrests, prosecutions and convictions in each of four categories: fugitives, bank robbers, commercial robbers and drug traffickers. Once convicted, nearly all of these felons will be sentenced to prison, most of them for substantial terms. Indeed, the bulk of the present federal prison population consists of bank robbers and drug traffickers. Consequently, substantial increases will be needed in federal prison capacity to accommodate these additional convicts. The state prison systems certainly cannot help, for most of them are severely overcrowded already.

a. *Start new Federal prisons.*—The solutions are, first, to build new permanent federal facilities, for federal inmates, starting four medium or maximum security institutions (capacity 500) per year for the next five years and four prison camps. The cost to build and operate them will be about $200-230 million per year.

The camps could be opened in about one year of the start and the prisons in about four years of the start of site acquisition. In the meanwhile, increases in the medium to maximum security population could and would be absorbed by existing institutions.

b. *Open temporary prison camps for State convicts.*—Second, in the meanwhile, extensive use should be made, on a temporary basis, of military barracks on abandoned military bases or unused portions of bases, for state inmates. Existing buildings can be renovated within 6-18 months at modest cost. Since there is no need for the military to charge rent for the buildings and grounds, most of the cost will be for renovation, upkeep and staff. For 200 million dollars per year, the U.S. Bureau of Prisons, within 1-2 years, could open 8 minimum security prison camps per year that could house some 4 thousand inmates for up to three years. These facilities would be used primarily to relieve state overcrowding pending completion of permanent state prison buildings. They could also handle any federal "overflow" of minimum security inmates.

This temporary program is essential since it takes nearly five years to build a prison—from the initial decision to the entry of inmates. Thus, the states cannot eliminate their overcrowding fast enough to meet court orders (usually federal) to release inmates, even those who have not served their sentences or are unready for release, in order for the remaining inmates to "fit" in the prison buildings under constitutionally permitted circumstances. More than half the states presently face such a situation. So that the federal government is assured that necessary state prison space will be made available as soon as possible, it could pre-condition a state's eligibility for the federal emergency program for state inmates on the state's beginning construction of prisons for the same number of inmates the federal government is being asked to house temporarily.

Although such temporary "barracks style" facilities would be unsuitable for robbers and for some of the drug traffickers, the Federal Prison System's three next largest population subgroups are immigration violators, theft defendants and fraud convicts, most of whom could safely be placed there. Among state prison populations, about one-third are "property offenders", most of whom probably are suitable for such facilities.

Changing prosecution policies and increasing manpower for offenses like "commercial robbery" will itself relieve state prison overcrowding, as will using temporary federal prison camps to house state "property" inmates. Nevertheless, more than 95 percent of violent criminals are now in the state systems and these changes will not alter the division by about more than 10 percent. Therefore, the long range needs of public safety cannot be met in any other way than by expanding the capacity of the jails in nearly every major city and the prisons in nearly every populous state. This step, strongly advocated by the Attorney General's Task Force, will require large and continuing expenditures. Billions of dollars must be spent over a five- to ten-year period to build more state prisons. There is no way to avoid it and still reduce violent and major crime.

Housing State prisoners in Federal penitentiaries

However, an additional way the Federal Government could help relieve overcrowding in state prisons would be to house state inmates sentenced to life imprisonment under the habitual criminal statutes in force in some 45 states. These inmates are unusually costly to house both because of the high level of security required and the length of their incarceration. Often they are confined in the most severely overcrowded facility in the state.

At present, the habitual criminal statutes are rarely used to impose life sentences even for convicts with four, six or eight prior felony convictions. One of the main deterrents is the overcrowding. Another may be the cost. With current knowledge about the realities of recidivism and rehabilitation for this limited group of repeat offenders, the logical policy is incapacitation by imprisonment for life or an equivalent term. While for less hardened offenders, greatly increased efforts at rehabilitation are justified, for this group they are not.

Therefore, to encourage state authorities, in appropriate cases in accordance with existing state law, to impose life sentences on career criminals it is proposed that the Federal Government offer to house such inmates on behalf of the states. Each year, two maximum security federal prisons would be started for this purpose, costing $70 million per year to build and operate. Their capacity when completed would be 4-5,000, enough to accommodate all the anticipated cases. Current estimates are that there are only 300 to 1,000 inmates now serving life sentences under habitual criminal statutes.

Since the prisons started in the first year of the program would not open until the fourth year, there would be a delay in accepting any of these state inmates. While the federal prison system has enough flexibility to absorb medium security inmates, whether federal or state, life sentence violent criminals would require the highest security level and the few federal facilities suitable for these offenders are presently filled to their safe capacity.

The total cost of the camps and prisons for state inmates would be $270-300 million per year, including construction and operating costs.

c. *Federal financial assistance for State prison construction.*—Like construction of the Interstate Highway System, this endeavor can appropriately be a joint one. The proper federal role is to meet emergency needs by opening temporary prison camps and to help meet long term needs by securing financing, e.g., by guaranteeing loans. In the mid-term, the federal government should at least contribute toward construction costs in proportion to the inmates it could have, but did not prosecute in federal court. In other words, there should be a presumption that in enacting the various statutes that created concurrent federal jurisdiction for drug trafficking and certain violent crimes, even though plenary state jurisdiction was already in existence, Congress intended substantial federal participation in one form or other. Generally, that means federal prosecution leading to incarceration in federal prisons. Where, however, state prosecution is initiated, the federal role should be to help pay for the prisons to house the persons so convicted.

Surely, an equitable and empirically sound formula could be worked out. By rough estimate, perhaps one-third of all robbers (and *all* bank and store robbers) involve federal responsibility. Drug traffickers require a more arbitrary determination. Technically, all sellers are a federal problem for all sales are a federal offense. Besides, even the lowest level dealer is nearly always connected to an interstate network. Often

he is a "soldier" in an established organization. Yet a "street seller" who sells in quantities of one bag of heroin or a "user's" amount of a dangerous drug seems too small an operator to be considered truly a federal responsibility. For simplicity, perhaps all possession cases, except those rare cases involving very large quantities, should be deemed state cases and all sale cases, except of "single user" quantities, federal cases.

In any event, the federal government would pay for a proportional part of the cost of all new prisons constructed by various states in the next five years. The federal share of the cost can be calculated with data available to the National Institute of Corrections. It would be about $5 billion, depending on how fast the states started new prisons. Since most states failed to build any new prisons in recent decades, the financial incentive of "matching federal grants" is apparently needed. It can be expected to work because the states now recognize the urgency. In order to control and limit such federal grants and fix the total annual appropriation for budgetary purposes, Congress could put a cap of $1 billion per year on the prison fund. Generally, it might be operated much like the highway construction trust fund, making grants available to qualifying states on a first come, first served basis. This procedure might further increase the incentive for states to begin a serious building program promptly. Indeed, the Congress could stipulate that the funds could only be used in the year appropriated, if still stronger incentives are needed to get the states started on a crash building program.

6. Research and development and support

The balance of $500 million of the $2 billion appropriated for federal activity would go to federal agencies to double the resources presently available for research and development and for training and support of state and local criminal justice agencies. The objectives would include developing means to end plea bargaining and trial delays. Computer technology would be adapted both to investigative and calendar control tasks. Training would be greatly expanded and identification and lab support speeded up.

7. Financial assistance

Some $6 billion per year would be given to state and local authorities for new and augmentation programs for police, courts and corrections specifically for career criminals and violent offenders. The goal would be to assure swifter apprehension, sufficient evidence for conviction of the major charge, greatly expedited trial and sentencing, and corrections programs designed to rehabilitate first or second offenders convicted of violent felonies—with the emphasis on training in marketable job skills and basic English reading and writing, and incapacitate third offenders with lengthy sentences of between 15 years and life. Thus, the program, described below, to improve rehabilitation programs complements the approach of S. 1688, The Armed Career Criminal Act, which was passed by the Senate on September 30, 1982 by vote of 92 to 1. The Act requires a mandatory minimum sentence of 15 years to up to life for a third conviction of robbery or burglary when a gun is used in the new offense. The approach for these hardened violent offenders is "to throw away the key."

a. *Special police squads.*—The theory is that at every stage from the commission of the offense through service of sentence, violent offenders and career criminals would be singled out for special attention, handling and treatment. The first goal would be to: double the apprehension rate (15 percent to 30 percent for professional burglars); (19 percent to 40 percent for professional robbers, etc.) This would mean creating or expanding special police squads of highly trained investigators who would respond immediately and in force to the scene of every violent felony and conduct full-scale investigations there, including intensive interviews of all witnesses, and who would follow-up on all leads, vigorously and continuously. It would require greater use of undercover operations like "stings" and "decoys", greater use of forensic laboratory services, more extensive efforts to trace firearms and stolen property and many other steps. The results would be:

1. More career criminals would get caught;
2. they would be arrested sooner;
3. the evidence would be stronger; and
4. a higher percentage would be convicted of the main crime and sentenced to appropriate terms.

The ultimate consequences would be a sharp increase in deterrence which should substantially lower the rate of violent felonies for profit. Those not deterred would be incapacitated with strong cases, fast trials and long sentences. This would further lower the violent crime rate.

In many cities, the Police Department would have to create special detective squads for rape, robbery, burglary, narcotics trafficking, etc. Most cities already have a Homicide Squad. Its operations and techniques could provide a very useful general model for the new squads.

The federal role would be to stimulate the creation of these squads, paying full costs for one year. If further federal funding were thought essential, starting in the second year, states could be required to assume costs in 25 percent annual increments. Thus, in its first "transitional" year the squad would be paid for 75 percent with federal funds. Federal support would decrease to 50 percent in the second year and to 25 percent in the third year. In the fourth year, local authorities would pay the full cost. Under the first approach, 100 cities per year could be given $5 million for one year. Thus, 500 cities could be helped. Under the second approach, 100 cities could be helped in the first year and an additional 50 cities in each succeeding year for a total of 300 cities.

In specific terms, formation of such squads in a typical city would mean hiring and training (or retraining), on the average, about 100 detectives. In cities which already have such units, the goal would be to double their size. The cost per city would average about $5 million per year, including costs of training, salaries, support personnel, space (where needed) and other such costs.

The total cost to thus assist police departments in cities would be $500 million per year.

b. *Career criminal units.*—In similar fashion, money should be spent to create or double the size of the Career Criminal Units or specialized prosecution units for rape, robbery, burglary and drug trafficking in the U.S. Attorney and district attorney's offices in the 500 largest counties in the U.S. These units assign a prosecutor to stay with each case from start to finish for thorough preparation and aggressive handling without plea-bargaining. The results are significantly higher conviction rates and far longer sentences for career criminals and violent felons. Such programs, which were started in district attorneys offices in 25 major cities (counties) between 1975–80, proved to have high impact and, at an average of only $1 million per city, to be highly cost-effective. The program would cost $100 million per year. It would provide $1 million for one year only to 100 cities per year for a total of 500 jurisdictions.

c. *Case screening and diversion.*—The most crucial reform needed in U.S. criminal justice is the elimination of plea-bargainig in violent crime cases. More than any other cause, plea-bargaining results in dangerous repeat offenders being released on probation or after serving brief jail sentences. Although in most states, robbery, a major felony, is punishable by 10–20 years imprisonment in the state penitentiary, many defendants convicted of robbery receive only misdemeanor sentences and serve less than two years, often less than one year, in the county jail. In fact, the average time served for robbery in the United States is less than three years. Even defendants with prior felony convictions serve, on the average, less than four years.

Such inadequate sentences result from plea-bargains made under duress by prosecutors because the state courts in most urban areas simply cannot try enough cases. Indeed, in many cities, up to 80 percent of the cases, including violent felonies, are disposed of not by trial but by guilty plea based on concessions by the government on sentencing. Court congestion and trial delays in combination with ever increasing caseloads that reflect ever increasing crime create the pressure for plea-bargaining. Overcrowded jails and prisons only increase the pressure felt by judges to accept plea and sentence agreements that do not reflect the seriousness of the crime or the criminal.

To try more major cases requires trying fewer minor cases. Diversion of minor and non-violent cases involving defendants who can be rehabilitated is an essential step. It has been tried and proven highly effective in many populous jurisdictions, including Philadelphia where, as District Attorney, I instituted a diversion program called Accelerated Rehabilitative Disposition. Cases were carefully screened for inclusion in the A.R.D. program which disposed of several hundred cases a week despite using only one judget for one day. Defendants were placed on probation without conviction. The National Commission of Criminal Justice Standards and Goals recognized this program and recommended such diversion programs as appropriate and essential to immediately reducing and ultimately eliminating plea-bargaining, which the Commission also recommended.

Similar diversion programs have been successfully utilized in federal courts, particularly for drug offenders who were essentially addicts as opposed to traffickers. Although such programs are essential to relieving court congestion, they are not as widely used as they should be. Federal "seed money" is needed to help persuade additional jurisdictions to institute diversion programs. Once authorities see the benefits demonstrated in their own courts, they can be expected to continue and expand the programs and to assume the costs.

Better screening of cases entering both misdemeanor and felony courts is also needed. With there overwhelming caseloads, courts cannot afford to waste scarce resources—judges, prosecutors, defenders—on cases that cannot realistically be expected to lead to conviction. All possible judicial time must be carefully husbanded to and applied to disposing of major and violent

cases. Intake programs have proven effective in many different kinds of jurisdictions. They should be implemented in all jurisdictions that face crowded court dockets. Again, federal seed money is needed to stimulate the start of such programs in new places.

For $100 million per year, 100 cities each year can institute these programs.

d. *Diagnostic and classification improvements for prisoners.*—Just as better case screening will improve the results of court efforts, better screening of convicts will improve the odds of reducing recidivism. It is true that many convicted persons are adversely influenced by their fellow inmates and that, for them, prisons become schools for crime. But this problem can be diminished although not eliminated by better classification procedures so younger and less serious offenders are not intermingled with career criminals and other hardened or older offenders. In addition, better diagnosis of the specific nature of any drug or alcohol addiction and deficiencies in basic literacy and job skills can greatly improve the chances of rehabilitation if coupled with resources to provide more training, education, counseling, detoxification and prison industry. Specific programs should be formulated individually, for each inmate to encourage him to attain basic English literacy, which most violent crime convicts lack, and to acquire marketable job skills in order to have a realistic chance of obtaining and keeping employment.

Resources for rehabilitation will always be less than the need. Therefore, none can be wasted on inmates who are unlikely to profit from them or misdirected to inmates who need some other kind of training than what is provided to them. The reality is that virtually all first offenders and most second offenders convicted of violent crimes will be released within a few years. Improving public safety requires reducing the recidivism of these groups as much as it requires lengthy incarceration of career criminals with three or more felony convictions.

The U.S. Bureau of Prisons and several state prison systems have sufficiently perfected techniques for diagnostic and classification services and for individualized correctional programming to warrant the replication of these programs in all state prison systems and county jails that do not already have them. The emphasis, of course, should be on the state prisons and on violent offenders.

For $300 million per year, all state systems could begin or expand such programs. By the end of a five year period, enough evidence of lower recidivism rates should have been accumulated to convince the recipients to continue these programs with state and local funding. Meanwhile, the public, not to mention the inmates, would derive important benefits in reduced crime rates.

The importance of these steps cannot be overestimated. Recent studies show that a small percentage of offenders commit the majority of all violent offenses. Accordingly, a small reduction in the recidivism rate for these offenders when released from prison following a first or second conviction should produce a large reduction in the crime rates.

e. *Training in job skills and basic literacy.*—The evidence is overwhelming that most offenders convicted of violent crimes are functionally illiterate and practically unemployable. Mandatory programs should be instituted in all state prisons to teach 6th grade literacy and basic industrial and commercial skills to all inmates, except the very few who lack the ability or will to achieve even these modest goals.

Many state systems and the federal prison system have developed various techniques, including prison industries, for these purposes. Unfortunately, many state institutions do not have adequate programs and some have none at all.

For $300 million a year, all state institutions could, over a five year period, begin or expand such training. On the average, each state would receive $6 million per year.

The realities of local and state politics, all the more so in these times of economic distress, simply preclude getting such funding from most state legislatures. Again, the hope is that once started, the value to public safety of such programs will ultimately be sufficiently recognized to warrant their continuation with state funds.

f. *Juvenile delinquent intervention.*—About one-third of all violent crime is committed by young offenders. Nearly all these offenders have a long history of escalating criminality, typically starting at about age 9 or 10 with truancy and shoplifting, then burglary of vacant premises at 12, burglary of residences at 14, followed by robbery at 16 and armed robbery at 18. To control and reduce violent crime in this country, we must prevent adults sent to prison from simply being replaced by such "graduating" juveniles. Recent studies by Professor Marvin Wolfgang and others reveal that only 6 percent of the juveniles who commit any offense commit about 70 percent of all the crime committed by their age group. Moreover, procedures have been developed by the Rand Corporation for identifying this group, so the efforts to cut off this escalating crime cycle can be concentrated on the small percentage of juvenile offenders who are on this path toward major violence.

It is proposed to grant to state and local authorities $700 million per year to vastly increase counselling and other efforts to intervene vigorously and early enough to divert the juvenile from a life of felonious violence. Such intervention should focus on juveniles in the 10-13 age group to have optimal chances of success. The funds would enable 100 cities to each spend $7 million year year to create or expand such intervention capabilities to prevent development of future career robbers. If local authorities are required to assume the costs in 25 percent annual increments, starting in the second year, an additional 200 jurisdictions could participate over a five year period.

Two closely related programs are also recommended: (1) crime prevention in schools—$500 million per year; and (2) runaways and missing children—$300 million per year.

g. *Crime prevention in schools.*—The school program would focus on elementary and junior high school students and apply counselling and other services to potential juvenile delinquents upon the earliest signs of trouble. According to studies and testimony before the Subcommittee on Juvenile Justice, teachers often identify future criminals even earlier than Juvenile Court authorities. For those youth who do get taken to court, the schools must become part of any correctional program for the individual that may be ordered by the court and implemented primarily by probation personnel.

Resources for such efforts are vastly inadequate. Politically, they are difficult to secure from state and local legislative bodies. Any additional resources that might become available to schools would ordinarily go to the instructional program. The purpose of federal funding would be to replicate proven successes from comparable school systems in all systems with the need. The $500 million per year would pay for the institution of such programs in several hundred school systems.

The programs would stress not so much services to individual youth, but improving the discipline in the school by preventing classroom and hallway violence, drug trafficking and vandalism. Thus, in addition to special counselling, the programs could include additional security personnel and devices.

h. *Runaways and missing children.*—The program for runaways would provide funds to maintain, expand or build suitable facilities for homeless youth so they are not intermingled with juvenile offenders or placed in prison-like facilities. One of the great successes of the federal Office of Juvenile Justice and Delinquency Prevention was the de-institutionalization of runaways and other youth who had committed no crime.

On the average, each state would receive $6 million per year for a total national investment of $300 million.

The money would also help pay for computerized and other information services so important to the families of missing children. Often these children have been the subject of "parental kidnapping". The spouse with whom they had been living have no knowledge of the child's whereabouts or welfare.

i. *Adult crime prevention.*—Programs at $500 million per year each are also proposed for Neighborhood and Commercial Crime Prevention. Numerous well-proven models exist and would be replicated in hundreds of new cities and thousands of new neighborhoods. An example of the former is the neighborhood watch programs in which volunteer residents patrol their area with radio and other equipment provided by the government. They report suspicious persons and events to police who exclusively handle all investigative or enforcement actions. An example of the latter is the installation in stores of cameras and other security devices to help deter crime as well as assist in the identification and apprehension of criminals. For instance, money marked with a strong dye might be furnished to store tellers and clerks to be given to any robbers.

The funding level would allow 500 cities per year to participate in these two programs. Funding would be for a single year. Thus, over five years, 2,500 cities and towns would benefit.

j. *Drug treatment.*—One of the best possible crime prevention measures would be improved efforts to detoxify drug addicts and habitual abusers of controlled substances. Studies show that a high percentage of crime, including violent crime, is committed by addicts. One study showed that of 243 randomly selected addicts, 238 committed crimes. Moreover, they committed an astonishing 500,000 crimes over an 11 year period. They averaged 2,000 major and minor offenses for every year on the street and committed one or more crimes on nearly 350 days of the year. Another study showed that a group of robbers serving state prison sentences were mostly addicts and committed six drug sales for every robbery.

The proposal is to add $500 million per year to the treatment efforts of state and local authorities, concentrating on addicts who are violent offenders. The money would be for starting or expanding treatment programs and would benefit several hundred

jurisdictions over a five year period. If spent in $1 million amounts, on the average, it could help 500 cities and towns per year. Better results might be obtained by giving larger amounts to 1 or 200 cities and continuing the grants for several years.

k. *Victim witness assistance.*—

Studies and experience show that monetary and other assistance is often needed by victims and witnesses whose willing cooperation is crucial to securing convictions of violent offenders and career criminals. Medical bills and wages lost on days in court are the greatest financial problems. Information to keep witnesses abreast of developments as their cases proceed through the court system is also important to assuring the availability and attitude of cooperation of witnesses.

For the $500 million per year that is proposed, programs copying well-established models could be started in up to 500 communities a year.

While compensation to victims for injuries is somewhat controversial, our society should not tolerate the anomaly that if accidentally injured on the job, a worker is compensated while if intentionally beaten and robbed going home, he is not. It is just unacceptable for the victim to have to pay his own medical bills. Thus, the program proposes that if compensation is not available from state, local or private sources, as a last resort the federal government should pay medical bills of the victims of violent crime.

1. Court calendar control

Nothing is more important in improving criminal justice than assuring speedy trial. All states should, as a prerequisite of federal justice assistance, require that all criminal trials be concluded in six months or less. The standard for violent offenses should be three months with the average being six weeks.

Reducing delays also requires implementing reforms in the administration of criminal case dockets. Computers can play an important role in large jurisdictions. In many situations, adoption of the individual Judge Calendars used so successfully in federal courts would greatly speed trial dispositions. Reforms of discovery rules can also play an important role.

To end plea bargaining, more cases must be disposed of by trial and trials must be conducted more efficiently. Causes of delay are numerous and vary greatly from jurisdiction to jurisdiction. In some, delays in obtaining trial transcripts can delay disposition of post-trial motions and imposition of sentence for many, many months. In others, different problems plague the system.

The National Center for State Courts and other similar institutions have developed and refined analytical techniques to pinpoint the problems and solutions in a particular jurisdiction.

The proposed $200 million per year would support analysis in hundreds of jurisdictions by these institutions that can dispatch teams to work closely with responsible local officials. It would also support application of computer technology to management of the criminal caseload in these jurisdictions. Improvement in case management is essential to improving public safety.

* * * * *

ADDITIONAL CONSIDERATIONS

Dispersal of State assistance funds

No new federal bureaucracy would be created. Little discretion is entrusted to federal Executive Branch officials and employees because Congress will have decided, as it does for national defense, how much will be spent for what, in each functional area.

This proposal is no LEAA program. There would be no layers of government through which funds would filter to the user. Instead, the money would go directly from the Justice Department to the state or local agency that will spend it. Nor would there be complicated application forms or extended processing time. If a jurisdiction will use money from a specific budget line item for the purpose stipulated, it will get the money.

Where more jurisdictions apply than the funds can accommodate, a "first come, first served" approach would be utilized. As to the size of a grant to a particular agency, for example, a metropolitan court administrator's office, a few simple formulas based on population and/or violent crime rate could be readily devised.

To avoid creating an excessive dependency on federal financing, matching state funds could be required. To give the program maximum immediate impact, however, the first year's grant would not require a match.

Pacing the program

The increase of $8 billion could not all be absorbed in the first year of this program, but most of it could. The increases for federal programs mostly concern on-going operations of agencies like FBI which would hire, train and integrate new personnel. Doing this efficiently and without major disruption would require starting slowly and then increasing the rate. The annual expenditures will be relatively low in the first year and grow sharply in succeeding years, as the money is nearly all used for salaries of new personnel. Thus, the total of $1 billion for federal personnel would not be reached until the fourth or fifth year.

By contrast, the funds for most state programs such as prison construction can and should be allocated in full right from the start. They can be committed under contract very quickly. Even money earmarked for local police departments could be spent quickly since creating a new squad of 50 or 100 detectives is best accomplished in a short time frame. Moreover, adding 100 new employees in departments with thousands represents a small enough percentage increase that no significant disruption is expected.

Most of the funds for state programs should be appropriated as "no year money", meaning that it may be obligated and expended in years subsequent to the year appropriated. Money for all federal programs should be appropriated in due course. Even the funds for federal prison construction can be normal appropriations since for these facilities, unlike state facilities, Congress has both the obligation and the capability to manage the money on an annual basis.

If, as might be expected in the first year, the states do not obligate all funds available for construction, these funds would accumulate. Therefore, in the third year, for example, the fund might contain twice the annual appropriation. However, since the large construction bills would come due in that period, the larger amounts would be needed then. Thus, the full amount for state assistance should be appropriated in the first year of the program.

Adjusting the funding

If the construction fund ever grew larger, even than anticipated needs, in later years of the program the annual appropriation could be decreased. The program is flexible.

Reducing and ending the program

The increased appropriations for federal enforcement operations would probably be continued in large part even beyond the period of the program, but the money for new state construction and new units and operations is intended as a one-time boost to state justice systems in a period of emergency. It could be largely discontinued after about five years, if the 50% decrease is achieved before the end of 10 years. In any event, it would end after 10 years.

It could be predicted that at least half of the $1 billion for federal investigative operations would become part of the permanent budget base. Cut-backs would be appropriate for example in the fugitive programs once the backlogs of unserved warrants are eliminated.

The $500 million for construction of new federal prisons could be also largely discontinued after a few years. Even the $500 million for training and research could be greatly reduced if not totally eliminated.

Therefore, the $8 billion program would not become a permanent part of the federal budget. Less than $1 billion would remain. That a large assistance program can be terminated without significant political cost was proven by the abolition of LEAA.

Mr. SPECTER. Mr. President, I further ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 889

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Department of Justice National Violent Crime Program Authorization Act, Fiscal Year 1984."

SEC. 2. On the basis of evidence, information, documents and testimony collected by the committees and subcommittees of the Congress and the reports and recommendations of various national commissions, including the National Commission on Criminal Justice Standards and Goals (1973) and the Attorney General's Violent Crime Task Force (1981), the Congress hereby makes and adopts the following findings:

(1) Violent crime and drug trafficking have become a severe national problem affecting the personal safety and general welfare of citizens of the United States and an intolerable burden upon Interstate Commerce.

(2) The economic costs of crime are estimated to exceed $100 billion per year.

(3) The Federal Government presently allocates approximately $3.5 billion of its annual budget to crime control and criminal justice. This allocation represents less than one-half of 1% of the federal budget.

(4) It is estimated that spending by state and local law enforcement and criminal justice agencies of the various states is approximately $25 billion a year. Due to limited revenues, rising costs, and other factors, the States and localities are severely limited in their capability to provide greater resources for law enforcement and criminal justice.

(5) Every year, serious crime afflicts one in every three American households. One in every ten households is affected by criminal violence.

(6) The violent crime rate in America has reached unprecedented and intolerable levels. The violent crime rate has risen 400%

since 1945; the United States suffers from a crime rate which is many times that of any other industrial democracy.

(7) The resources available at all levels of government are seriously inadequate to secure public safety. Consequently, only a small fraction of crimes result in trial and conviction, in contrast to plea bargain, and only a small fraction of convictions for violent offenses result in sentences to prison.

(8) Career criminals constitute less than 10% of all persons arrested but commit more than 70% of the offenses. Despite the priority accorded to them, career criminals are often not handled effectively due to inadequate resources.

(9) Likewise, crime and delinquency prevention programs have not been given sufficient resources, resulting in much serious crime that could have been prevented. Particular attention is needed for juvenile offenders to break the escalating crime cycle, for drug addicted offenders and for providing literacy and training in marketable job skills to prisoners nearing the end of their sentences.

(10) Drug trafficking, which is estimated to have grown to a $80 billion a year business, contributes to and causes a high proportion of the violent activity and has not been curtailed despite recent increases in the level of effort, particularly by federal enforcement agencies.

(11) The prison systems in more than 40 states are so over-crowed as to be subject to court orders to release inmates prematurely and to deter judges from imposing sentences in individual cases that fit the crime and the criminal. The prison population has risen sharply in recent years. However, in many states few if any prisons have been built in recent decades.

(12) Major efforts are needed to improve the treatment of victims and witnesses in criminal cases and to compensate them for physical and economic injury and loss.

(13) In order to insure speedy justice, numerous court reforms are needed, including improved case screening and diversion programs, use of computers and other techniques to control judicial calenders.

(14) To improve the arrest rate, conviction rate and sentences for career criminals, special units are needed in police departments, prosecutors offices and other agencies.

In light of the foregoing, a comprehensive national program must be commenced. Such a program should devote 1 percent of the federal budget or approximately $10 billion for a period of up to 10 years with the goal of cutting violent crime for profit in half.

SEC. 3. In order to begin such a program in fiscal year 1984 and to begin it in a gradual, orderly manner, there is authorized to be appropriated for the fiscal year ending September 30, 1984, to carry out the National Violent Crime Program:

(a) For the detection, investigation, apprehension, prosecution, and incarceration of individuals involved in violent crime activity and drug trafficking, not otherwise provided for, $1 billion, of which $250 million for construction of new facilities and construction, remodeling, and equipping buildings and facilities at existing detention and correctional institutions shall remain available until expended, and notwithstanding any other provision of law, there is authorized payment in advance for expenses arising out of contractual and reimbursable agreements with state and local enforcement agencies engaged in cooperative violent crime and drug trafficking enforcement activities, as follows:

	Millions
Fugitive programs	100
New Federal prosecutions for violent crimes, such as bank and commerical robbery	150
Drug enforcement	250
Training, lab, identification, and other support services and technical assistance to States by Federal agencies	125
Research and development, e.g., design means to end plea-bargaining and cut trial delays in half	125
Construction of correctional facilities for Federal inmates and operating costs	100
Temporary detention facilities for State inmate "overflow" and permanent prisons for confinement of all State habitual offenders sentenced to life	150

(b) For Justice assistance and to carry-out the functions of the Office of Justice Assistance, $3 billion, all of which shall remain available until expended, provided that such funds may only be used to carry-out the National Violent Crime Program, pursuant to regulations issued by the Head of the Office of Justice Assistance and policies and priorities established by the Attorney General in consultation with the Congress and appropriate Congressional committees, as follows:

	Millions
Improve investigations with special detective squads	250
Improve case screening and diversion	50
Improve violent crime prosecutions by forming career criminal units	50
Improve convict diagnosis, classification, and correctional programing	150
Prison construction	500
Job training/prison industry/functional literacy training	150
Juvenile delinquent intervention	350
Runaways and missing children	150
Victim/witness assistance and compensation	250
Crime prevention—schools	250
Crime prevention—neighborhoods	250
Crime prevention—commercial	250
Drug treatment	250
Calendar control, applying research and development results to specific localities	100

By Mr. PRESSLER (for himself and Mr. ABDNOR):

S. 890. A bill to establish objective criteria and procedures for closing and consolidating weather stations; to the Committee on Commerce, Science, and Transportation.

WEATHER SERVICE OFFICES PROTECTION ACT

● Mr. PRESSLER. Mr. President, I am introducing legislation today that would allow Congress the authority to reject specific proposals to close or consolidate our Nation's weather service offices. These offices are vitally important to America. They provide us with accurate and up-to-date weather information that is absolutely necessary for the safety and well-being of all our citizens.

Specifically, this legislation would:

First, require adequate notice of intent to close a weather service office to the people served by that weather office before any closings or consolidation of office.

Second, require public hearings in the communities affected by such closings.

Third, require considerations of such factors as community weather service, how the employees of the National Weather Service, (NWS) are affected, economic savings to the NWS, and other factors that the NWS determines are necessary.

Fourth, require that Congress be given the opportunity to reject any specific closings that may be recommended.

Mr. President, I am very concerned about some of the recent activities relating to our Nation's weather service. I have been following this issue closely for a number of years. Last February, I introduced similar legislation concerning our Nation's land and weather satellite systems. I have become increasingly skeptical of the movement to either commercialize or eliminate a large portion of our National Weather Service. This information is not only necessary for the continued safety and convenience of the American people, but is also of vital economic importance to our Nation's farmers, small business men, and wage earners. Pilots, seamen, travelers, and the general public need and deserve this essential information. The American taxpayer has already paid for this service. It would be unfair for us to now take it from them, or charge them for it a second time.

I understand that there are no definite decisions to close or consolidate Weather Service offices at this time. If no future decisions to close the weather offices are made, or if they are made while maintaining current levels of service to the public at a cost savings to the Government, this legislation will be unnecessary. But then, no decision to commercialize our land and weather satellite systems was made until long after I introduced my legislation dealing with that matter.

All I am proposing to do today, Mr. President, is to establish necessary congressional safeguards so we can deal with these important issues in a well-planned manner, raising our consideration early on. I believe we in Congress must take the responsibility to insure that this important service continues.

I applaud the administration's innovative attempts to explore the possibilities of reducing our deficit. But I am concerned that many of the weather system transfers and eliminations may, indeed, increase the deficit. Again, I emphasize my understanding that, at least in the case of the Weather Service offices, no definite plans to close offices or eliminate service are made. I am simply looking to the future, raising the issues, and preparing for the worst—which I am hopeful will not come.

Many Americans have become increasingly concerned about the future of our weather information network. They have good cause. I believe that the employees of the National Weather Service and the millions of Americans who rely on this information deserve to know that Congress is carefully following this issue and that an isolated decision will not adversely affect their lifestyle without careful review and debate. The American people deserve to have a strong voice in this issue. Through guaranteed public hearings, and through their elected Representatives, I am confident that their voice will be heard. I am equally confident that, with the safeguards and procedures established in this legislation, the ensuing decisions will be for the greatest benefit of all Americans.

Mr. President, I urge my colleagues to support this important legislation. Its passage will insure the safety of our citizens and the viability of our National Weather Service.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 890

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce (hereinafter in this Act referred to as the "Secretary") in making a determination as to the necessity for the closing or consolidation of any weather service office(s), shall provide adequate notice of his intention to close or consolidate such weather service office(s) at least ninety days prior to the proposed date of such closing or consolidation to persons served by such weather service office(s) to ensure that such persons will have an opportunity to present their views.

SEC. 2. (a) The Secretary, in making a determination whether or not to close or consolidate a weather service office(s) shall consider—

(1) the effect of such closing or consolidation on the community service by such weather service office(s), determined through public hearing conducted in the communities affected by such closing or consolidation and any other criteria that the Secretary deems necessary;

(2) the effect of such closing or consolidation on employees of the National Weather Service employed at such office;

(3) the economic savings to the National Weather Service resulting from such closing or consolidation; and

(4) other such factors as the National Weather Service determines are necessary.

SEC. 3. Any determination of the Secretary to close or consolidate a weather service office shall be in writing (hereinafter in this Act referred to as the "determination") and shall include the findings of the Secretary with respect to the considerations required to be made under section 2. Such determination and finding shall be made available to persons served by such weather service office.

SEC. 4. The Secretary, after making determination, shall submit such determination to the Congress in accordance with this section. Such determination shall be delivered to each House of the Congress on the same date and to each House of the Congress while it is in session.

(1) Any such determination shall become effective in accordance with its terms unless—

(A) before the end of the period of 35 calendar days of continuous session after the date such determination is submitted to the Congress, a concurrent resolution disapproving such determination is introduced in either House; and

(B) before the end of the period of 90 calendar days of continuous session after the date such determination is submitted to the Congress, the Congress adopts a concurrent resolution disapproving such determination.

(2) If such concurrent resolution, as described in subsection (1) of this section, is introduced in either House and adopted by Congress, the weather service office(s) in question will continue to operate in a manner that will provide the same levels of service and information to the public as were made available prior to consideration of closing or consolidating such weather service office(s).●

By Mr. BUMPERS (for himself and Mr. CHAFEE):

S. 891. A bill to develop additional procedures for Federal land sales; to the Committee on Energy and Natural Resources.

FEDERAL LAND RETENTION ACT OF 1983

Mr. BUMPERS. Mr. President, today I am introducing legislation with Senator CHAFEE which is designed to restrict the sale of our important federal lands, particularly those with high recreational values, and to encourage discount transfers of suitable Federal lands to State, local, and nonprofit agencies for use as parks and for other public purposes.

Many Members of the Senate have expressed serious concerns about the administration's propoals to sell federally owned lands. Last year, the President's budget request projected revenues of $17 billion over 5 years from the sale of our National Forest lands, public domain lands, and other Government real estate. As much as 5 percent of our Nation's Federal land base—or nearly 35 million acres—was targeted for sale in order to meet this revenue target. More recently, the Department of Agriculture announced tentative plans to sell some 6 million acres of National Forest lands—an area approximately the size of Vermont. These announcements have elicited reactions ranging from skepticism to outrage. Public response to the land sales proposals has been immediate and overwhelmingly negative.

In conjunction with the accelerated sales proposed by the "Asset Management" program, the administration has also taken steps to reduce, if not eliminate, discounted conveyances of lands suitable for parks to non-Federal Government agencies and nonprofit organizations. The Recreation and Public Purposes Act of 1926 and subsequent amendments allowed many State and local governments to acquire lands that otherwise could not have been developed as parks, or protected in their natural condition. But despite the success of this program, the administration has chosen not to use its discretionary authority to make discount conveyances. On April 6, 1982, the Property Review Board announced that, with few exceptions, Federal lands were to be sold only at fair market value. The effect of this directive is that developers, rather than communities in need of parklands, will acquire valuable Federal lands that are identified as surplus.

Mr. President, I strongly oppose both components of the administration's "Asset Management" program—the accelerated sales scheme and the elimination of discount conveyances for recreational purposes.

The national forests, public domain lands, and other federally owned lands represent the best of this country's natural heritage. Congress acted wisely in deciding, after years of debate, that the lands should remain in Federal ownership so that the public would benefit from the diverse resources associated with these lands. Multiple use and sustained yield concepts were developed to govern the management of the Federal lands to insure their continued productivity, wide accessibility, and protection from permanent degradation.

But this administration does not believe that these lands should be managed for the benefit of the public. It has instead initiated a program designed to transfer a substantial part of the Federal land estate into private hands for the explicit purpose of reaping a single, relatively insignificant, monetary windfall. I find the program to be shortsighted, ill-conceived, patently inconsistent with existing law, and based on a series of untenable and unsupportable assumptions about the evils of Federal land management and the virtues of private development of our Nation's lands. The legislation Senator CHAFEE and I are introducting today is intended to insure that the intent of Congress, as embodied in numerous existing statutes, is carried out.

In the 1976 Federal Land Policy and Management Act, Congress established a general policy of retention of the public lands managed by the Bureau of Land Management. Such a policy has long been in effect for the National Forests. But realizing that sound management of the Federal land estate would require that some tracts should be sold or exchanged, the Congress gave the Secretaries of Interior and Agriculture limited authority to sell lands under their control. Existing law is clear with respect to conditions under which Federal

lands may be offered for sale. A tract of public land may be sold only when the inventory and land use planning procedures contained in FLPMA determine that (1) the tract is difficult and uneconomical to manage; (2) the tract was acquired for a specific purpose and is no longer needed for that purpose; or (3) disposal of the tract would serve an important public objective, such as community expansion. Small tracts of National Forests lands may be sold only when they are needed for community expansion and minor boundary adjustments, as determined by the planning procedures specified by the Forest and Rangeland Renewable Resources Planning Act. Excess lands managed by agencies other than Interior and Agriculture may be offered for sale or made available at a discount to governmental or nonprofit organizations. For all Federal lands, a decision to offer any tract of land for sale is to be made only as a result of careful inventory, planning, and a finding that the property would be more constructively used by a non-Federal entity.

The administration's land disposal initiatives have clearly violated Congressional intent. Executive Order 12348 directed the Property Review Board to "establish for each executive agency annually the target amount of its real property holding to be identified as excess." Instead of identifying unneeded Federal lands through the land use planning process, the administration has directed agency personnel to assemble lists of lands suitable for sale in order to meet acreage quotas. Under "Asset Management," selecting and disposing of tracts is not a consequence of the planning processes as existing law would direct. It is instead a program with no statutory authority, the objective of which is to place lands in private ownership and raise revenues.

The Forest Service, which has only very limited authority to sell its lands, initiated its sales program by announcing last year that some 140 million acres of the 191 million acres in the National Forest System would be "reviewed" for their suitability for disposal. The Forest Service has now identified 6 million acres for more intensive study for possible disposal. The agency has carried out an aggressive program of selecting lands for sale at a real cost to the taxpayer and to other agency programs, in the absence of any authority to conduct such a program.

Discounted sales to public and nonprofit agencies have been curtailed, virtually guaranteeing that only private interest will be able to acquire recreational lands excessed by the Federal Government. And finally, the administration has sought to overturn one of the most farsighted policies established by the Congress by proposing to credit revenues raised by Federal land sales to the General Treasury, rather than to the land and water conservation fund where they will be used to finance Federal and State recreation projects.

Mr. President, the legislation I am introducing essentially reaffirms and strengthens existing law governing the sale of Federal lands.

The major portion of my bill has twice been approved by the Congress—first in the fiscal year 1983 continuing resolution, and again in the fiscal year 1983 Interior and Related Agencies Appropriations bill. The Senator from Idaho, Mr. McCLURE, who chairs the Energy and Natural Resources Committee, joined me in sponsoring language dealing with land sales in both appropriations bills. It simply requires that four actions must be taken by the administering agency before any tract of Federal land may be sold:

First, the agency must conduct an inventory which assesses the tract's public benefit values;

Second, the agency must determine that the tract is no longer needed by the Federal Government;

Third, the agency must provide opportunities for the public to comment on the proposed sales; and

Fourth, the agency must notify the appropriate congressional committees, and the Governor and congressional delegation of the affected State 30 days in advance of any sale.

The second part of this legislation is intended to provide insurance that sensitive lands near National Parks, National Wildlife Refuges, and other significant natural and recreational areas will not be sold without close scrutiny. The bill requires that lands contained within the boundaries of or adjacent to nationally significant areas, such as National parks, or State or local parks, or areas suitable for parks, may be sold at fair market value only after Congress has approved the sale. Procedures established by section 203 of FLPMA for congressional approval of large tracts of public domain land would be followed for congressional approval of sales of land near these special areas. In order to encourage the agencies to use their existing authority to make discount conveyances, however, lands near these nationally and locally significant areas may be conveyed at no cost or for up to 25 percent of fair market value without prior approval of Congress. Of course, the sale of any Federal land tract is subject to the inventory, public review, notification, and other requirements set forth in the first part of the bill.

Mr. President, I want my colleagues to understand that the requirements of this legislation would apply to lands managed by agencies other than the Forest Service and the Department of the Interior. These lands, which include Army Corps of Engineers and other Defense Department properties, would be offered for sale by the General Services Administration. Although many of the land tracts sold each year by the GSA are simply surplus property associated with buildings or other improvements, many others are small parcels of land which, though insignificant to the GSA, are tremendously important to nearby communities. Fort DeRussy in Hawaii and the Agricultural Research Center in Beltsville, Md., are good examples. Several situations have arisen in recent months in which the GSA has attempted to sell surplused lands over the strong objections of local officials, concerned citizens, and Members of Congress. The intent of this legislation is not to interfere with the sale of surplus buildings or other real property. But the requirements of the bill for land sales are not excessive, and should be equally applied to all lands owned by the Federal Government. I would welcome suggestions from my colleagues as to appropriate exemptions from the bill's requirements for small parcels associated with buildings or other structures.

Mr. President, I also want my colleagues to understand that this legislation does not create any onerous procedural requirements. It does not require any agency to develop costly new regulations. It will not prevent any agency from selling isolated tracts or other parcels of land that should be disposed of in the interest of improved land management.

In essence, the legislation requires little more than the Congress believed would be done when the procedures for sales of Federal lands were established. No new legislation should be necessary to deal with Federal land disposals. But as it has done with other environmental and natural resources programs, this administration has abused its discretionary authorities with regard to land disposals and discount conveyances. It has ignored the intent, if not the letter, of existing law. By doing so, it has created a situation in which the Congress must act again to protect the Federal lands and insure that policies outlined in FLPMA and other statutes are implemented. A recent article which appeared in the Harvard Law Review supports my belief that additional legislation is needed. It concludes that:

> Ultimate implementation of legislative intent in the disposition of the public lands may require a more direct role for Congress itself in disposal decisions . . . whenever decisions are made by administrators who do not share the values expressed by FLPMA, there is a danger that Congress' intention will not be fulfilled.

This legislation will clarify for the Department of the Interior, the Department of Agriculture, the GSA, and the Property Review Board, the conditions that must be met before valuable

Federal lands are auctioned off to the highest private bidder. The legislation will not require the agencies to make discount land conveyances for recreational purposes, but it will create some incentive for them to do so, and it will impose an additional hurdle for them if they choose instead to sell prime recreational lands to private developers.

Mr. President, I urge my colleagues to join Senator CHAFEE and me in cosponsoring this legislation, and I hope that it will be given prompt attention by the Energy and Natural Resources Committee.

I ask unanimous consent that a copy of the bill and an article from the Harvard Law Review entitled "Sales of Public Land: A Problem in Legislative and Judicial Control of Administrative Action" be printed in the RECORD. I also ask unanimous consent that an article from the National Journal which includes a list of properties identified for future sale be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 891

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That this Act may be cited as the "Federal Land Retention Act of 1983."

FINDINGS

SEC. 2. The Congress finds that—

(1) Federal lands provide numerous and diverse public benefits;

(2) a general policy of Federal retention of these lands has been established by the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701) and other statutes;

(3) the Federal Government should cooperate with State and local governments, as well as with private, nonprofit agencies, to promote and protect public recreational areas, wildlife habitats, and other natural areas, and should make certain Federal lands available at less than fair market value;

(4) a decision to dispose of any tract of Federal land should be made only after thorough inventory and land use planning processes have been completed and the public has been given sufficient opportunities to comment on the proposed sale; and

(5) land exchange is a preferred method of consolidating Federal land holdings, completing authorized land acquisitions, and resolving other land management problems, and Executive agencies should fully evaluate the value of lands for future exchange during the inventory and planning processes.

DEFINITIONS

SEC. 3. For purposes of this Act—

(a) The term "Executive agency" has the same meaning as in section 105 of title 5, United States Code.

(b) The term "Federal land" means any land and interest in land owned by the United States.

EXEMPTIONS

SEC. 4. Nothing in this Act shall—

(1) restrict or otherwise apply to land exchanges; or

(2) apply to the sale of any tract of Federal land authorized by the Act of June 14, 1926 (44 Stat. 741, chapter 758; 43 U.S.C. 869), or Public Law 97-465; or

(3) apply to the sale of any tract of Federal land authorized by the Alaska National Interest Lands Conservation Act (Public Law 96-487).

GENERAL REQUIREMENTS FOR FEDERAL LAND SALES

SEC. 5. (a) Nothing in this Act shall create any new authority or expand any existing authority under which an Executive agency may sell, exchange, or transfer Federal land.

(h) No tract of Federal land may be offered for sale until such time as the Executive agency responsible for administering the tract, or the Executive agency responsible for administering the sale of the tract, has—

(1) completed an inventory of the tract which includes a determination of—

(A) the public recreational potential and scenic value of the tract;

(B) the potential for exchange of the tract; and

(C) whether the tract should be used to preserve the integrity of associated State, local, or other recreational and natural areas;

(2) determined that the tract is no longer needed by such Executive agency and that disposal of the tract is in the public interest;

(3) provided reasonable opportunities for public comment and review regarding the proposed sale of the tract; and

(4) notified the Governor and the Congressional delegation of the State or States in which the tract proposed for sale is located and the appropriate committees of the House of Representatives and the Senate of the proposed sale at least thirty calendar days in advance of announcing the availability of the Federal land for sale.

(c) Inventories conducted to fulfill the requirements of subsection (b)(1) of this section for Federal lands administered by the Department of the Interior shall be conducted in accordance with the land use planning procedures required by section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712). Inventories conducted to fulfill the requirements of subsection (b)(1) of this section for Federal lands administered by the Department of Agriculture shall be conducted in accordance with the land use planning procedures required by section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

RESTRICTIONS ON THE SALE OF FEDERAL LANDS NEAR RECREATON OR OTHER SIGNIFICANT AREAS

SEC. 6. (a) Federal lands—

(1) included within, or adjacent to, components of the National Park System, National Wildlife Refuge System, National Wilderness Preservation System, National System of Trails, National Wild and Scenic Rivers System, or Coastal Barrier Resource System;

(2) included within, or adjacent to, National Monuments, National Recreation Areas, State and local parks or recreation areas; or

(3) identified through a Federal, State, or local land use planning process according to State law or the State Comprehensive Outdoor Recreation Plan (SCORP) or an amendment to a plan, as potentially suitable for park, recreation, historical preservation, wildlife enhancement, wetlands, or open space use;

may be sold at fair market value only in accordance with section 5 of this Act and only after approval of Congress in the manner described in section 203(c) of the Federal Land Policy and Management Act (43 U.S.C. 1713(c)). Any acreage limit contained in such section shall not apply to land under this section.

(b) Federal lands identified in subsection (a) may be conveyed for no cost or for up to 25 per centum of fair market value without Congressional approval to State, local, county, or regional governments, or to nonprofit corporations or associations, for recreational or other suitable public purposes as authorized by the Recreation and Public Purposes Act of 1926 (43 U.S.C. 869 et seq.) so long as such conveyances are consistent with the purpose of the Act.

SALES OF PUBLIC LAND: A PROBLEM IN LEGISLATIVE AND JUDICIAL CONTROL OF ADMINISTRATIVE ACTION

The Reagan Administration has recently announced a massive program of sales of federally owned land. The program appears to be inconsistent with the policies expressed in federal statutes governing disposal of public lands, and also presents difficulties in enforcing those policies through public oversight and judicial review of administrative action. These difficulties are peculiar to an administrative process that allocates a limited public resource among competing public objectives.

This Note discusses these problems and suggests possible solutions. Part I describes the extent of the federal lands and the major statutes governing their disposal. Part II examines the current Administration's land-sales program and the program's potential conflicts with the policies contained in the governing statutes. Part III discusses the problems that obstruct meaningful judicial review of the disposal process, and Part IV proposes a method of making the process more amenable to judicial and public oversight. Finally, Part V suggests that enforcement of congressional policy ultimately may require a more direct role for Congress in land-disposal decisions.

I. THE FEDERAL LANDS AND GOVERNING STATUTES

The federal government owns approximately 738 million acres of land in the United States, or about one-third of the nation's land area. Of this total, 299 million acres are in reserves, which, with limited exceptions, cannot be transferred out of federal ownership without action by Congress. Of the 439 million acres that are potentially subject to disposal by administrative agencies, 398 million acres are administered by the Department of the Interior's Bureau of Land Management (BLM). The remaining forty-one million acres are administered by a variety of federal agencies whose primary function is not related to land management.

Two major statutes regulate the disposal of federal land. Disposal of non-BLM land is governed by the Federal Property and Administrative Services Act of 1949 (FPASA). Written before the recent era of increased environmental awareness and concern, the Act primarily addresses the economical and efficient disposal of surplus property, rather than the environmental or land use consequences of such disposal.

Under FPASA, the Administrator of General Services supervises and directs the disposal of unwanted government property. Property that is no longer needed by the agency administering it is made available first to other federal agencies. If no other

agency needs the property, the government sells or leases the property by competitive bidding. Revenues from such disposals are deposited in the Land and Water Conservation Fund for use in the planning, acquisition, and development of federal and state recreation areas. Under a 1970 amendment, the Administrator and the Secretary of the Interior may, instead of disposing of a parcel by competitive bidding, agree to sell or lease it at a discounted price to a state or local government for use as a park or recreation area. Discount conveyances under this authority have been an important source of land for state and local parks.

Disposal of BLM land is governed by the Federal Land Policy and Management Act of 1976 (FLPMA). The passage of FLPMA represented a major departure from previous statutory public lands policy. For most of American history, the primary policy regarding the public domain was one of disposal. Through public sales, homestead grants, grants to states, railroads, and veterans, and other methods of disposal, more than one billion acres of land have passed from federal to state and private ownership. The administration of the public domain was also historically characterized by a lack of legislative and judicial control. Because of the emphasis on disposal, Congress was not greatly concerned with the long-term management of the public lands. It granted broad discretionary powers to the executive branch and provided little in the way of standards or goals to guide the exercise of those powers. The federal courts generally deferred to the Secretary of the Interior either by refusing to review public lands management decisions or by applying a very narrow standard of review.

By the middle of the twentieth century, attitudes toward the public lands had changed, and administrative action had largely reversed the policy of mass disposal. But the disposal statutes were still on the books, and there remained no statutory mandate for the management of the public domain in the public interest. Increased demands on the public lands and increased environmental concern following the Second World War highlighted the need for reform of public land law.

FLPMA replaced the statutory policy of disposal with a presumption in favor of retaining the public lands and managing them as sources of economic and noneconomic resources, and mandated the development of comprehensive local land use plans to guide such management. The first sentence of FLPMA declares a policy that "the public lands be retained in Federal ownership, unless as a result of the land use planning procedure provided for in this Act, it is determined that disposal of a particular parcel will serve the national interest." FLPMA presents three alternative criteria for sale of a tract of BLM land. Sale is permitted only if, as a result of systematic land use planning, it is determined that the tract is "difficult and uneconomic to manage," that the tract "was acquired for a specific purpose and . . . is no longer required for that or any other Federal purpose," or that—"disposal of such tract will serve important public objectives, including but not limited to, expansion of communities and economic development, which cannot be achieved prudently or feasibly on land other than public land and which outweigh other public objectives and values, including, but not limited to, recreation and scenic values, which would be served by maintaining such tract in Federal ownership."

FLPMA also expressed an intention to assert increased legislative and judicial control over the management of the public domain. That Act establishes a policy that withdrawals, disposals, and land use plans be governed by congressionally established standards and that public lands decisions be subject to judicial review.

II. THE REAGAN ADMINISTRATION'S LAND-SALES PROGRAM

The Reagan Administration has recently announced a program of accelerated sales of federal land. Underlying the program are a declared philosophy that private ownership of land is more productive than public ownership and a policy that federal lands should be sold to raise revenues to offset the national debt. The program contemplates sales of up to thirty-five million acres of land over the next five years.

The program is administered by the Property Review Board, which was created by presidential order and is appointed by the President. The executive order establishing the Board directs it to advise the Administrator of General Services regarding the establishment of standards and procedures for encouraging executive agencies to declare real property excess to their needs. The Board is also instructed to set annual target amounts for disposal of property by each agency. Agencies must review their holdings and report to the Board any property that might be suitable for disposal, and the Administrator is required to report to the Board any property that has not been reported by the holding agency but that he believes to be suitable for disposal. Before making any discount conveyances of surplus property to state and local governments, the Administrator must consult with the Board "and consider such guidance as [the Board] may provide."

The Property Review Board has released an initial list of 307 parcels totaling 60,000 acres for sale under FPASA, and the Department of the Interior has presented to the Board a statistical summary of an initial 4.5 million acres of BLM land preliminarily identified for sale. The Board has announced that, with "limited exceptions," all properties are to be sold at market value; "as a rule," discount conveyances to state and local governments for parks and recreation are to be eliminated.

This program appears to be inconsistent with policies expressed in FLPMA and in FPASA. FLPMA established a presumption that BLM lands are to remain in federal ownership unless and until the local land-use-planning process reveals that particular parcels are suitable for sale according to the criteria of the Act. Those criteria call for an examination of the possible uses of a parcel of land to determine which use would produce the maximum public benefit. The parcel should be sold if that use requires nonfederal ownership of the land and if the objectives served by that use cannot prudently and feasibly be served without the use of public land. Thus, the only factors that should enter into the decision to sell are the potential uses of the land and the objectives that would be served by those uses.

The current land-sales program introduces additional factors; goals of increasing federal revenues and of transferring land from federal to private ownership. FLPMA, however, explicity rejects political and economic philosophies that oppose federal ownership of land, and the sale of land for revenue purposes is not among the policies declared by FLPMA or the goals that FLPMA establishes for the land-use-planning process. That process is designed to ensure wise use and management of the public lands, not to maximize federal revenues. Moreover, if increasing the amount of land in private ownership or producing revenue through sales were considered valid objectives of the planning process, FLPMA's presumption of retention in federal ownership would be rendered meaningless.

A program of accelerated sales under FPASA and the discontinuance of discount transfers of surplus land to states and localities is also apparently inconsistent with the Land and Water Conservation Fund Act and with FPASA itself. By dedicating funds from FPASA sales to the Land and Water Conservation Fund for the purpose of future land acquisition, Congress made clear that it did not intend that a goal of reducing the national debt or reducing the amount of land in public ownership should be a factor in decisions concerning the disposition of public land. Further, through its authorization of discount transfers for parks and recreation, "Congress has indicated . . . that the Administrator is to give particular attention to the conservation and recreation values and to the needs and requests of state and local governments." By announcing that it will categorically refuse to exercise its authority to make discount transfers, the Administration has declared its intention to ignore those values and needs.

III. THE PROBLEM OF JUDICIAL REVIEW

The aggregate of all decisions concerning the management and disposal of the public lands affects the national supply of the tangible and intangible resources that Congress intended to protect with the passage of FLPMA. Congress' intention to limit the discretion of the Secretary of the Interior and to make his actions responsive to congressional policy is clearly stated in FLPMA. If the Act is not to be rendered meaningless, the courts must ensure that the aggregate of management and disposal descisions conforms to statutory mandates, including the mandate for reversing the historic policy of mass disposal. But the current structure of the land-use-planning process under FLPMA and the nature of public lands decisions hinders performance of this review function.

A. The effects of a fragmented planning process

1. Lack of an appropriate forum.—Individual disposal decisions might be challenged on the grounds that the disposing agency did not give full consideration to the factors that Congress intended it to consider or that the agency considered factors that Congress did not intend it to consider. When an administration formally or informally expresses a policy of disposing of federal lands to raise revenues or to pursue a political or economic philosphy favoring private ownership of land, any decision to sell BLM land could be challenged on the ground that an impermissible factor has entered in to the decision.

Given the broad terms of the legislative mandate, however, as long as administrators display formal deference to the statutory factors, it may not be possible to determine whether a decision to sell a particular parcel of land is inconsistent with the policy of FLPMA. The Act calls on the Secretary of the Interior to consider both the objectives that would be served by sale and those that would be served by retention. In any individual decision, one set of objectives must yield

to the other, but the objectives that are not served by one decision may be served by another. A balance cannot be achieved within any one decision, but can be achieved in the aggregate of all decisions. Therefore, only examination of that aggregate can reveal whether an agency is systematically ignoring or slighting one set of objectives, in violation of FLPMA.

Unfortunately, the current land-use-planning process under FLPMA is fragmented and therefore does not provide an opportunity for such an examination. Although the Act requires comprehensive local land use plans, it does not mandate a national plan. A national policy decision to transfer large amounts of land to private ownership will not take the form of a single administrative action by the Secretary of the Interior but will be reflected in numerous land use plans formulated by local BLM offices. The local plans may be implemented as they are approved. Hence the overall pattern will not be apparent until a large number of local decisions, with potentially irreversible consequences, have been made and implemented.

Although the formal decisionmaking process takes place in the local planning areas, the national administration has both formal and informal means of controlling that process. The BLM planning regulations implementing FLPMA provide that policy guidance for the planning process is to come from the national administration. The national director of the BLM also has the authority to overrule local approval of a land use plan or to assume personal responsibility for approving or disapproving a plan. Beyond such formal control, the national administration regulates the planning process through its power to appoint, replace, and transfer local BLM personnel. Thus, the planning process gives the national administration a means of controlling individual land use decisions without issuing formal rules or administrative orders that would be subject to public airing and judicial review; the full dimensions and effects of the administration's policy will not become apparent until the policy has already been implemented.

2. Potential problems with direct judicial review of policy.—One approach to invoking judicial oversight of a broad agency policy is to seek a declaratory judgment of the invalidity of that policy and a general injunction against its implementation. The greatest potential barrier to such a challenge is the requirement that agency action be ripe for judicial review. It could be argued that policy statements and directives concerning land disposal are unripe because they do not constitute "final agency action"; final action would consist of decisions to sell individual parcels of land. Further, such statements and directives could be held unripe because they do not themselves cause harm to any party.

In recent years, however, federal courts have taken a flexible and pragmatic approach to the ripeness question, an approach that could permit judicial review of the current land sales program. The ripeness doctrine requires a court, before granting review of administrative action, "to evaluate both the fitness of the issues for judicial decision and the hardship to the parties of withholding court consideration." The fitness requirement is designed to avoid premature adjudication of abstract disagreements over policies when judicial review "is likely to stand on a much surer footing in the context of a specific application" of those policies. The "purely legal" issue of consistency between an articulated agency policy and a statutory mandate has been held to meet the fitness requirement when "[a]ppraisal of the statutory requirements will not be enhanced by a factual record," and judicial review of such policies has been granted even before their implementation through specific actions. In the case of land disposal, in which the illegality of a declared policy may be much clearer than the invalidity of that policy's application in a particular instance, judicial review finds its surest footing in the context of overall policy. The hardship engendered by withholding judicial review of overall land-disposal policy would be the denial of any effective means for challenging an unlawful policy. Plaintiffs would be forced to challenge hundreds or thousands of individual disposal decisions and, for reasons discussed above, such challenges would likely be ineffective.

Even if a general judicial challenge to a land-disposal policy were to succeed, however, there would remain the problem of shaping effective relief. The policy could be declared unlawful; any formal directive containing that policy could be vacated; or implementation of the policy could be enjoined. Any of these remedies could be helpful in guiding administrators who are attempting in good faith to comply with the law. But policing compliance with a broad judicial mandate presents the same problems as does policing compliance with a broad statutory mandate; individual decisions, viewed in isolation, cannot be adjudged consistent or inconsist with the mandate.

B. The nature of land-disposal decisions and the inappropriateness of rulemaking

The land-use-planning process is a means of allocating a limited public resource among competing public objectives. The extent to which each of those objectives is served depends on the cumulative effect of all land dispositions. Therefore, effective judicial review and meaningful public participation require a mechanism by which the aggregate of all disposition decisions can be formulated and presented to the courts and the public before actual implementation of any of the decisions.

In other areas of administrative law, the promulgation of rules to govern individual decisions provides such a mechanism. In the context of public lands disposition, however, decision by rule is inappropriate. Underlying a system of decisionmaking based on rules is the principle of consistency: similar cases should produce similar outcomes. For reasons of fairness and due process, the principle is important in decisions that distribute benefits to, or impose penalties on, individuals. For reasons of predictability, the principle is important in enforcement actions that seek to bring about adherence to regulatory standards.

These considerations are not pertinent to decisions concerning the disposition of public lands. The decision whether a parcel of land should be sold or retained in public ownership does not regulate individual behavior, adjudicate rights, award benefits, or impose penalties. In attempting to strike a balance between the competing objectives that place demands on the public lands, there is no reason that similar parcels of land should be similarly treated. Indeed, the opposite will generally be true. For example, that one piece of land has been sold for commercial development may weigh in favor of retaining another, similar piece of land in federal ownership for recreational purposes, in order that both interests may be served. The danger to be avoided is not inconsistency, but consistent neglect of any of the relevant objectives.

IV. ENHANCING JUDICIAL AND PUBLIC OVERSIGHT

A. Requiring the presentation of a national plan

Given the importance of the cumulative effects of land-disposal decisions and the relative unimportance of consistency, the logical mechanism for controlling individual land-disposal decisions is not a rule, but a plan—a designation, before sales begin, of which lands will be sold and which lands will be retained in federal ownership. In a process of allocation, a plan serves the same function that a rule serves in a process of regulation or distribution. In regulation or distribution, a rule can ensure that no individual is slighted; in allocation, a plan can ensure that no public objective is slighted. Each device provides a mechanism by which agency policy can be exposed and subjected to public input and judicial scrutiny.

If the Secretary of the Interior were required to delineate his proposed land sales before any sales could take place, an overall disposal policy, in concrete form, would be available for public inspection and judicial review. Such a delineation would help to expose any systematic neglect of statutory norms and would provide a basis for the evaluation of the cumulative effects of the proposed sales. The Secretary could be required to publish findings and reasons to show that his plan gives adequate consideration to each of the policies and values endorsed by FLPMA.

The formulation of such a plan would offer the added advantage of controlling the continuing erosion of the public domain. Because disposal of public lands is largely a one-way process, incremental actions by successive administrations lead to a progressive shrinking of the amount of publicly owned land even in the absence of a deliberate decision to reduce the size of federal holdings. A plan designating the lands to be sold and those to be retained would tend to put a stamp of finality on the decisions regarding the latter. Although the plan might be amended in the future, a requirement that any additional sales be authorized by an amendment to the plan would call attention to the long-term implications of such sales and cause the sales to be considered in the context of the overall extent of federal holdings and the resources protected by federal ownership.

The formulation of a national plan for land disposals would not displace the local land-use-planning process established under FLPMA; the primary input to the national plan would be the local plans. But the conflation of the local plans into a single national plan would provide the means for a reviewing court and the public to examine, before the local plans are implemented through actual sales, the extent to which the aggregate of those plans serves various competing objectives. A national plan would also help to indicate where modification of one local plan may be desirable in light of disposal actions proposed in other local plans.

A precedent and a prototype for this type of national land-allocation planning can be found in the procedure employed by the Forest Service to determine which National Forest lands it would recommend to Congress for designation as wilderness under

the Wilderness Act of 1964. The Forest Service concluded that case-by-case consideration of individual parcels would not be a satisfactory means of ensuring that the cumulative effect of all individual dispositions would adequately serve the competing objectives of wilderness and nonwilderness uses. Instead, the Service undertook a national Roadless Area Review and Evaluation (RARE) to formulate its wilderness recommendations. The preliminary results of RARE were released in the form of a Draft Environmental Statement, which presented a series of alternatives designating varying amounts of land as wilderness. After receiving public comment on the draft statement, the Forest Service issued a Final Environmental Statement, which presented a preferred alternative and constituted the Forest Service's wilderness recommendations to Congress. Judicial review of that statement has provided an opportunity to challenge the adequacy of the Forest Service's consideration of the impacts of its recommendations while temporarily enjoining the Forest Service from taking actions inconsistent with wilderness designation of any of the lands concerned.

B. Judicial imposition of the requirement

A requirement that the Secretary of the Interior delineate the extent of proposed land sales before those sales begin could be imposed by Congress or by the courts. The federal courts have regularly required agencies to structure their discretion in a manner that enables a reviewing court to determine whether the agency is complying with its congressional mandate. In areas in which isolated agency actions do not provide a satisfactory basis for review, courts have required agencies to formulate rules or plans governing a multitude of actions and to show that such rules or plans satisfy substantive statutory standards. This type of requirement would be appropriate in the area of land disposition, an area in which, as discussed above, determining the consistency of agency actions with legislative mandates requires an examination of the aggregate of those actions.

In spite of these precedents, if an administration chose to make its land-disposal decisions on a purely local basis, a court might be unwilling to impose a requirement of a national sales plan when FLPMA itself requires only local plans. Currently, however, the Administration itself has made clear that it is undertaking a concerted national program of sales. Under these circumstances, a reviewing court could reasonably require the Administration to present that program to the court so that it could be examined for consistency with statutory mandates before it is implemented.

Such a requirement would find support in the words of FLPMA itself. FLPMA requires the Secretary of the Interior to "promulgate rules and regulations to carry out the purposes of [the] Act" according to the procedures of the Administrative Procedure Act. The phrase "rules and regulations" could reasonably be interpreted to include plans. Like rules, plans are official agency statements that govern future discretionary decisionmaking, and a plan, in the context of public lands disposition, serves the function that a rule serves in other administrative contexts. Further, FLPMA mandates that the Secretary establish procedures for the public and for state and local governments to comment on and participate in the preparation of plans and programs for the public lands. Meaningful public participation requires that the public be informed of the Secretary's intentions so that it can evaluate and comment on the cumulative effects of the proposed actions.

V. A GREATER CONGRESSIONAL ROLE

The formulation of a national plan for disposals of public land would crystallize administrative policy and facilitate judicial and public oversight of disposal decisions. But ultimate implementation of legislative intent in the disposition of the public lands may require a more direct role for Congress itself in disposal decisions. Public lands disposal questions are questions of value. The amount of land to be transferred to private ownership depends on the relative weights assigned to economic development, to preservation of noneconomic values, and to conservation of resources for future generations. In FLPMA, Congress expressed an intent that the objectives served by retaining the public lands in federal ownership be accorded a value higher than that assigned in the past. Whenever decisions are made by administrators who do not share the values expressed by FLPMA, there is a danger that Congress' intention will not be fulfilled.

The power to dispose of public land rests with Congress; the Secretary of the Interior has such authority only by delegation. Congress could assert more affirmative control over land-disposal policy by retaining the ultimate authority to sell public land. Of course, it would be neither practical nor desirable for Congress to concern itself with the details of each individual disposal decision. But the administrative formulation of a plan for land disposals, suggested in the previous Part as a means of structuring agency discretion, could also serve as a means of facilitating direct congressional control. Congress could replace the disposal authority of the Secretary of the Interior with a mandate that the Secretary submit a recommended plan for land disposals. Implementation of the plan would require its enactment by Congress. By retaining authority in this manner. Congress would effectuate the policy it expressed in FLPMA of asserting legislative control over public lands disposition.

Alternatively, if Congress is unwilling to assume direct responsibility for land-disposal decisions, it could assert control by placing a limit on the total acreage of land that the Secretary is permitted to sell. A similar acreage limit already exists with respect to transfers of land to state and local governments under the Recreation and Public Purposes Act. Such a land-sales "budget" would have the advantage of placing a concrete, enforceable limit on the Secretary's power without embroiling Congress in controversies over individual parcels of land.

VI. CONCLUSION

The land-sales program of the current Administration presents a challenge to the enforcement of policies expressed by Congress in statutes governing the disposition of federal lands. Because the effectuation of congressional intent depends upon the aggregate effect of a large number of individual land-disposal decisions, judicial review of isolated decisions does not provide a satisfactory means of policing agency action. Further, because consistency between individual decisions is neither necessary nor desirable, the use of general rules to govern such decisions is not appropriate. A requirement that the Secretary of the Interior formulate a plan delineating all proposed sales before sales begin would facilitate judicial and public review of land-disposal policy. Ultimately, however, effectuation of congressional policy may require a more direct role for Congress in the decisionmaking process.

[From the National Journal, Sept. 9, 1982]

WHAT IF THE GOVERNMENT HELD A LAND SALE AND HARDLY ANYBODY SHOWED UP?

(By Gordon T. Lee)

At the point where Seattle's Lake Washington Ship Canal empties into Puget Sound is an oblong-shaped eight-acre parcel of property owned by the Army Corps of Engineers. In June, the Reagan Administration identified this sliver as one of 307 parcels of "unneeded federal property" that may eventually be sold to the public.

These properties make up the preliminary inventory in the administration's much-debated "asset management program," in which billions of dollars worth of "excess" or "surplus" federal real estate is to be sold during the next five years to offset ballooning federal budget deficits.

But if many of the parcels are of Seattle's variety, the administration may not raise the $17 billion from property sales that it expects. Aptly termed "tideland" by the corps, the parcel, one of two in the area, is completely under water and unattached to dry land.

"This one piece is worthless," said Seattle federal relations coordinator Kevin McCarty. "Maybe it could be used as an aquafarm."

Supporters call the sales project, which will begin on Oct. 1, the ideal federal program. It reduces federal holdings without putting legions of federal employees out of work. It doesn't raise taxes or slash budgets. It merely raises money for the Treasury's coffers.

The government has yet to sell any of its 744 million acres or its 405,000 buildings, but the Administration's efforts to "privatize" some of these holdings have already drawn flak. Critics spanning the ideological spectrum from conservative columnist George F. Will to the Wilderness Society have a range of complaints: that the program has been designed in haste to mask glaring budget deficits; that property will be dumped onto an already glutted real estate market; that revenues from sales will fall far short of Administration expectations; that the government will encounter legal hurdles; that few buyers will show interest in discarded federal parcels.

"The Reagan Administration is promoting the outright piracy of lands that belong to the American people," said Wilderness Society policy analyst Gordon Roberts. "They're selling fast and selling cheap."

"The Reagan Administration is having a fire sale—one that will burn Americans for generations to come," echoed a recent Los Angeles Times editorial. "The only probability that arises from the entire scenario . . . is that the actions of the Administration will bilk the nation of its natural wealth."

Will, whose criticism of the Administration's main proponent of privatization, Interior Secretary James G. Watt, grew more strident as the program unfolded, warns that the Administration's fervor to transmit public land to the marketplace may backfire.

"The Administration is nothing if not reverent about the law of supply and demand, but seems careless about increasing supply in a period of slack demand," he wrote recently. In another column, he said, "Some assets, such as wilderness areas, cannot survive if unprotected from the morals of the marketplace."

Administration plans call for sales totaling $17.25 billion over the next five years. At first, the government intends to sell unused federal property close to urban areas, isolated vacant lots owned by the government, abandoned military facilities and other non-sensitive holdings. The initial roster of properties for sale, which includes the underwater Seattle parcel, covers 60,000 acres from every state except Alaska. (See list, pp. 1627-29.)

During the first year, only surplus General Services Administration (GSA) holdings will be offered for sale. Administration officials expect that some of the properties on the initial sales list, such as a 17-acre stretch of Honolulu's Waikiki Beach, 51 acres in the fashionable resort area of Myrtle Beach, S.C., a vacant five-story office building near New York's Wall Street and an abandoned Coast Guard lighthouse off California's Big Sur, will be big breadwinners. They estimate that the Hawaii property alone, part of the 72-acre Fort DeRussey military complex, is worth $13 million an acre, or $221 million.

The Administration has pinned its hopes on selling $1.25 billion worth of surplus GSA holdings during fiscal 1983, nine times the 1981 level of $140 million. During fiscal 1984-87, the Administration expects annual revenues of $4 billion from sales of GSA properties and public lands held by the Interior and Agriculture Departments.

These increased sales are coordinated by a high-level Property Review Board, which President Reagan created last February. Chaired by Edwin L. Harper, assistant to the President for policy development, the board includes presidential aides Edwin Meese III and James A. Baker III and national security adviser William P. Clark. They have culled through lists of surplus properties, identified those most likely for disposal and helped other agencies streamline their sales procedures. The June list of salable property was the first of what the board expects to be a string of lucrative offerings coordinated from the White House.

SELLING TREASURES?

Administration officials have stressed that the pace of sales will be measured and that no massive sell-offs of national riches will take place. The board has specifically exempted national parks, national wildlife refuges, Indian trust lands and other sites, such as wilderness areas and wild and scenic rivers, from sales consideration.

"[All] public lands which contain environmental and/or economic assets of national significance will remain in federal ownership and be managed to provide the greatest public benefits," Watt told the Senate Energy and Natural Resources Committee in June.

"We certainly don't want to give the impression that we're selling off treasured parkland or wilderness areas," said Harper in an interview. "That's simply not going to happen."

To underscore this point, Watt said in June that the government plans to sell, at most, 5 percent of its holdings. But this translates into 37.5 acres, an area the size of Maine, Vermont, New Hampshire and Massachusetts combined. Moreover, Agriculture Secretary John R. Block announced that the Forest Service will study whether as much as 18 million acres of its 191-million-acre holdings should be offered for sale.

Since the first list of parcels was announced and the program was featured in newspapers and magazine cover stories, the phones at the Interior Department and the Property Review Board have been "ringing like crazy," said Bruce Selfon, the board's acting executive director. Selfon says this demonstrates that the public is enthusiastic about the program and that the real estate market can absorb the federal property.

A host of federal land laws gives the President and federal agency heads authority to sell or convey property. The GSA, for instance, has broad discretion under the 1949 Federal Real Property and Administrative Services Act to sell surplus real estate. Public lands managed by the Interior Department's Bureau of Land Management (BLM) must meet criteria outlined in the 1976 Federal Land Policy and Management Act before they can be sold. Such lands must be difficult or costly to manage or no longer needed to fulfill federal purposes, or their disposal must serve important public objectives.

Environmentalists note that as a result of the 1976 act, congressional policy has emphasized retention rather than disposal of public lands. The act prevents widespread sales by requiring Congress to approve public land sales of parcels larger than 2,500 acres.

In addition to offering land and property for sale, the GSA has been revising its rules on conveyance of surplus federal property to state and local governments.

The Property Review Board will now have to approve these "public benefit conveyances." It has already decided to limit sales to properties sought for prison facilities, those requested before March 1982 and those whose conveyance represents the "highest and best use."

Property identified for sale will generally be unavailable for exchange unless it is not purchased within two years, Selfon told the Senate Energy Committee in June.

Because of these changes in the criteria for surplus land disposal, the Administration is confident that far more tracts will find their way to the marketplace than in the past. But finding buyers at the right price may prove problematic.

Although the Administration says the property will be sold at fair market value, critics contend that few buyers will show interest in the majority of available land and most will look for rock-bottom bargains. The Administration, they point out, hasn't even assessed most of the property it wants to sell.

"Who's going to buy?" asked Lonnie Williamson, secretary of the Wilderness Institute in Washington, "There are not two dozen livestock operations in the whole country that can buy the land they graze on now."

Critics of the sale plan say that many who use public lands may not want to buy them. Ranchers, says Nevada State Sen. Dean A Rhoades, a founder of the so-called sagebrush rebellion, are more interested in secure grazing rights than in owning range land on which they would have to pay taxes. Energy companies, he adds, are interested in long-term, flexibile mineral leases, not in owning vast stretches of taxable land.

Critics also contend that current economic conditions guarantee that prices will be depressed for any real estate that does move. As evidence of the poor conditions of the market, they point to recent disappointing sales of federal coal reserves and offshore oil and gas leases.

Last April, the sale of coal leases in the Powder River Basin of Montana and Wyoming brought such disappointing bids that they may be challenged in court for violating a law requiring that the public get fair market value for coal. Shell Oil Co., Amax Inc. and eight other companies paid an average of 3.5 cents per ton of coal, only a fraction of the historic cost. Critics say that even without this additional coal, the market is so glutted that at current production levels, outstanding contracts can supply the country's coal needs for 200 years.

And at a sale of offshore oil and gas leases last month, oil companies bid on only 40 of the 554 leases available. The 40 high bids totaled $12.3 million, the lowest yield per acre in the history of federal offshore leasing.

"We're holding nothing more than a national yard sale," said former Rep. Cliff Young, R-Nev., president of the National Wildlife Association. With real estate industries in such bellwether states as California and Florida nose-diving, he said, the government's move into the market is bound to fall flat.

A recent study of the Congressional Budget Office (CBO) supports this prediction. Rather than raising revenues of $9.25 billion during its first three years, the CBO concludes, the Administration's land sale program will yield only $4.5 billion. The CBO's forecasts for revenues in subsequent years are half those of the Administration.

CBO analysts note that for the first eight months of fiscal 1982, the average sale price per parcel of GSA inventory was $700,000. At this level, the CBO estimates, the Administration could sell a maximum of $350 million worth of surplus property during fiscal 1983, far short of its $1.25 billion target.

Historically, according to CBO figures, the GSA has taken 18 months to sell surplus parcels. In expecting large sales volumes during the first year of the program, the Administration expects to quintuple its traditional average take in two-thirds the time.

"If you look at the numbers and the average sale price per parcel, it doesn't look like they'll approach their goal," said a CBO analyst.

STRETCHING MATTERS

Administration officials admit that their goals are ambitious, but they say they are attainable.

"The goals are set so that we'll be stretching ourselves to meet them," said Harper. "Four billion per year will be a tough goal to meet."

"A typical big land sale in the private sector these days is $25 million," said an Administration offical. "The volume of land we want to sell is much more impressive. We need to do ths kind of large property sale every other day all year round to meet our $4 billion goal."

While acknowledging that this sales target is a quantum leap from present levels, the Administration has made few provisions for the expanded workload. At the GSA, for instance, 123 people handle what agency officials expect will be $135 million in disposals during the current fiscal year. For fiscal 1983, when the Administration hopes for a nine-fold increase in sales volume, GSA's budget calls for only 116 new positions, not even a doubling of the staff.

Administration officials say they will use private real estate agents to handle the expanded volume. Members of the National Association of Realtors have already helped out by identifying isolated tracts of federal property in their locales. But a welter of legal technicalities must be negotiated before private realtors can be let loose on

federal property sales, Administration officials concede.

Legal barriers also impede using sales revenues to reduce budget deficits. Currently, most proceeds from sales of federal real property go to the Land and Water Conservation Fund to help federal and state agencies acquire land for parks, wildlife refuges and similar sites. Proceeds from sales of public domain land in 17 western states are shared by general tax coffers, states, counties and the Reclamation Fund, which finances irrigation projects.

The Administration plans to submit legislation allowing it to direct all of these proceeds to the Treasury to reduce future deficits. But some observers predict that the move will encounter rough going.

"I can't see the House putting its stamp of approval on wholesale sales of timber lands and earmarking those funds for offsetting the national debt," said Young.

Although the Administration has not explained how it plans to market surplus property, critics are already concerned that it will simply sell to the highest bidder. The last thing westerners want to see is federal ownership exchanged for another type of "absentee" landlord, perhaps foreign.

The sagebrush rebellion was conceived in the West, where the federal government owns vast tracts of land, as a means to turn ownership over to the states. Many sagebrush rebels, who at first supported the Administration's sales project, have soured on the prospect of private owners.

Wyoming Gov. Ed Herschler, a long-time supporter of the rebellion and of expanded states' rights, told the Senate Energy Committee in May. "The all-inclusive nature of this proposal should cause the rational man to step back, take a deep breath and count both his money and his fingers."

Administration officials concede that they must be careful in drawing up guidelines for expanded sales. But it is up to Congress to determine who may buy property Harper says.

The administration has been guided into its privatization effort by several market-oriented economists, including Steven H. Hanke, former senior economist for the Council of Economic Advisers and now professor of applied economics at the Johns Hopkins University. Hanke argues that mismanagement and inefficiency characterize publicly owned resources.

"Private property is always more productive than public property," he told the Public Lands Council a year ago. "It is . . . false, contrary to the belief of most sagebrush [rebellion] supporters, that a transfer of public lands from federal to state ownership would improve productivity. The only way to improve the productivity and efficiency of public lands is to privatize them."

If anything, Hanke says, the Administration's program does not go far enough. Only with widespread selling of federal property holdings will land use decisions be depoliticized, will taxpayers cease shouldering the burden of underused land and will the benefits of pride in ownership emerge.

Although it has not been fully embraced by the Administration, Hanke's philosophical direction has won converts. Curtis M. Miller, agriculture consultant to the California Senate's Agriculture and Water Resources Committee, agrees that because public administrators have no personal stake in the resources they manage, they are divorced from the consequences of their actions.

"It is not that bureaucrats are bad people; they simply face bad incentives," he said. "Because government agencies are not subjected to the cost-benefit calculations that any private company that wishes to remain in business is, they engage in some of the most wasteful and destructive practices imaginable."

The Administration seems intent on steering a path between those who want to sell everything and those who favor retention. Most parties agree that the federal government should sell some property, but as the program unfolds, conservatives and liberals have questioned whether it has been designed for short-term profit rather than long-range benefit.

As Colorado Gov. Richard D. Lamm put it before the Senate Energy Committee in May, "If the public lands are shifted to private ownership under these or other proposals, this nation and the generations of Americans yet to follow will suffer a loss many times greater than the one-time fiscal harvest could ever hope to provide."

AN INVITATION TO A NATIONAL GARAGE SALE

[Preliminary inventory by the President's Property Review Board; buildings in square feet]

Property (Agency)	Acres	Buildings
ALABAMA		
Walter F. George Lake, Barbour, Henry and Russell Counties (Corps)	139	0
Redstone Arsenal (portion), Huntsville (Army)	60	0
John Hollis Rankhead Lock and Dam, Tuscaloosa County (Corps)	106	0
ALASKA		
(Awaiting additional information)		
ARKANSAS		
Lake Greeson, Murfreesboro (Corps)	110	0
Lake Ouachita, Garland Co. (Corps)	10	0
DeGray Lake, Arkadelphia (Corps)	619	0
Fort Chaffee (portion), Sebastian County (Army)	725	0
Tract No. 3749, Jasper (Agriculture)	1	0
ARIZONA		
Springerville Lots, Springerville (Agriculture)	1	0
Snowflake Administration Sites, Snowflake (Agriculture)	1	2,200
Air Force Plant No. 44, Pima Co. (Air Force)	30	647,000
Walton-Mohawk Irrigation and Drainage District, Yuma Co. (Interior)	7,531	0
CALIFORNIA		
Central Valley Project (CVP), Colusa Co. (Interior)	112	0
CVP-Sacramento River Division, Colusa Co. (Interior)	65	0
CVP-Friant Division, Fresno Co. (Interior)	9	0
CVP-San Luis Unit, Fresno Co. (Interior)	4	0
CVP-Friant-Kern Canal, Tulare Co. (Interior)	14	0
Greeley Pasture, Dunlap (Agriculture)	160	0
White Deer Administration Site, Dunlap (Agriculture)	80	0
Trinidad Head Light Station, Trinidad (Coast Guard)	29	2,195
Naval Air Facility, Holtville (Navy)	110	0
Naval Air Facility, Seeley (Navy)	17	0
San Gabriel Canyon, Azusa (Agriculture)	10	0
Los Angeles Air Force Annex No. 1, Los Angeles (Air Force)	1	33,600
Veterans' Administration Hospital Site (portion) (Agriculture)	1	0
Sierra Madre Station, Sierra Madre (Agriculture)	1	2,000
Point Arena Air Force Station, Point Arena (Air Force)	37	34,752
Point Sur Light Station, Big Sur (Coast Guard)	33	6,708
Lincoln Communication Annex (NFYL), Placer Co. (Air Force)	125	0
Blythe RCAG/H, Blythe (Transportation)	10	0
U.S. Date and Citrus Research Station, Indio (Agriculture)	35	22,583
Mather Air Force Base (portion), Sacramento Co. (Air Force)	45	0
McClellan Middle Marker (PRKS), Sacramento Co. (Air Force)	1	400
Upland Ranger Station, Upland (Agriculture)	1	0
Almaden Air Force Station (portion), Almaden (Air Force)	48	112,532
Santa Rosa Federal Center, Sonoma Co. (GSA)	15	26,749
Red Bluff RTR, Red Bluff (Transportation)	5	0
Cow Mountain Administration Site, Springville (Agriculture)	17	0
Beale Air Force Base (portion), Yuba Co. (Air Force)	2,713	14,370
COLORADO		
Forest Service Dwelling, Springfield (Agriculture)	1	1,160
Crested Butte Administration Site, Crested Butte (Agriculture)	1	2,272
Forest Service Dwelling, LaVeta (Agriculture)	1	1,085

AN INVITATION TO A NATIONAL GARAGE SALE—Continued

[Preliminary inventory by the President's Property Review Board; buildings in square feet]

Property (Agency)	Acres	Buildings
Grand Junction Horse Pasture, Grand Junction (Agriculture)	3	0
Coon Creek Administration Site, Mesa (Agriculture)	160	0
CONNECTICUT		
West Thompson Lake, North Grosvenordale (Corps)	234	0
DELAWARE		
Naval Reserve Center (portion), Wilmington (Navy)	16	7,626
DISTRICT OF COLUMBIA		
Square 571 (portion), 1st & E Streets NW (GSA)	2	0
FLORIDA		
IFSR, Miami (Transportation)	80	4,376
Naval Air Station (portion), Jacksonville (Navy)	365	0
Jacksonville Site, Jacksonville (GSA)	1	0
Avon Park Air Force Range (portion), Polk Co. (Air Force)	100	0
GEORGIA		
Allatoona Lake, Bartow Co. (Corps)	4	0
Air Force Plant No. 6, Marietta (Air Force)	710	6,300,000
Dobbins Air Force Base (portion), Cobb Co. (Air Force)	98	9,402
Clarks Hill Lake (portion), Elbert, Lincoln, Lincolnton (Corps)	129	0
Richard B. Russell Lake (portion), Elbert Co. (Corps)	35	0
Robins Air Force Base (portion), Warner Robins (Air Force)	29	22,512
GUAM		
Naval Station (portion), Agana (Navy)	845	240
NAVCAMS WESTPAC, Barrigada Parcel 2N (portion), Barrigada (Navy)	70	0
Anderson POL Annex No. 2 (portion), Dededo (Navy)	33	0
NAVCAMS WESTPAC, South Finegayan (portion), Dededo (Navy)	455	1,797
HAWAII		
Keehi Lagoon Building 240, Honolulu (GSA)	2	81,000
Naval Magazine Lualualei, Honolulu (Navy)	689	0
Public Works Center Pearl Harbor, Honolulu (Navy)	2	0
National Bureau of Standards, Kekeha (Commerce)	5	360
Fort DeRussy (portion), Honolulu (Army)	17	0
IDAHO		
Burley Administration Site, Burley (Interior)	2	4,844
Kenneth Warr Site, Oakley (Agriculture)	1	0
Nampa Site, Canyon Co. (Interior)	3	0
Luke Lowell Tracts, Canyon Co. (Interior)	150	0
Spencer Pasture, Idaho Falls (Agriculture)	160	0
Dworshak Dam and Reservoir, Clearwater Co. (Corps)	324	0
Colorado Springs Administration Site, Rexburg (Agriculture)	40	0
Cottonwood RAH, Idaho Co. (Interior)	1	3,340
Elk Road Warehouse, Salmon (Agriculture)	12	0
Canyon Creek Administration Site, Madison Co. (Agriculture)	101	0
Heyburn Substation, Heyburn (Interior)	1	0
Basin Stock Corral, Oakley (Agriculture)	1	0
Mann Creek Projects, Washington Co. (Interior)	264	0
ILLINOIS		
Carbondale Mining Tech Center, Carterville (Energy)	25	0
Rend Lake, Ina (Corps)	11	0
Mississippi River 9-Foot Channel, Jo Daviess Co. (Corps)	3	0
Joliet Army Ammunition Plant (portion), Joliet (Army)	1,300	0
Veterans Administration Medical Center (portion), Marion (VA)	25	0
INDIANA		
Huntington Lake, Market and New Market (Corps)	27	0
Indiana Army Ammunition Plant (portion), Charlestown (Army)	1,300	0
Bryant Creek Access Site, Florence (Army)	13	0
Naval Weapons Support Center (portion), Crane (Navy)	34	174,506
Grissom Air Force Base (portion), Pipecreek (Air Force)	140	0
U.S. Penitentiary (portion), Terre Haute (Justice)	11	0
IOWA		
Sioux City Substation, Hinton (Energy)	40	0
KANSAS		
Tuttle Creek Lake, Marshall Co. (Corps)	151	0
Forest Service Dwelling, Elkhart (Agriculture)	1	1,368
KENTUCKY		
Captain A. Meldahl Lock and Dam, Bracken Co. (Corps)	45	0
Fish Trap Lake (portion), Shelbiana (Corps)	11,952	0
Greenup Locks and Dam, Greenup (Corps)	25	0
Lake Cumberland, Cumberland (Corps)	600	0
Martins Fork Lake Harlan (Corps)	370	0
Barkley Project, Caldwell, Livingston, Lyon, Trigg Counties (portion in Stewart and Montgomery Counties, Tennessee) (Corps)	617	0
LOUISIANA		
Federal Depot, Harahan (GSA)	27	403,960

AN INVITATION TO A NATIONAL GARAGE SALE—Continued

[Preliminary inventory by the President's Property Review Board; buildings in square feet]

Property (Agency)	Acres	Buildings
MAINE		
Bucks Harbor Air Force Station, Bucks Harbor (Air Force)	48	80,296
MARYLAND		
Fort Meade (portion), Odenton (Army)	20	0
Aberdeen Proving Ground (portion), Aberdeen (Army)	127	0
Agricultural Research Center (portion), Beltsville (Agriculture)	260	0
Veterans' Administration Medical Center (portion), Perry Point (VA)	125	0
C and D Canal (portion), Chesapeake Bay (Corps)	28	0
MASSACHUSETTS		
Westover Air Force Base (portion), Hampden Co. (Air Force)	75	0
Federal Building and Courthouse, Springfield (GSA)	1	80,813
Nike Battery B–73 (portion), Wayland (Army)	15	0
Hingham Depot (portion), Hingham (GSA)	4	0
U.S. Army Reserve Center (portion), Hingham (Army)	756	218,662
Tully Lake (portion), Athol (Corps)	47	0
West Hill Dam (portion), Uxbridge (Corps)	62	0
MICHIGAN		
National Guard, Camp Lucas, Chippewa Co. (Army)	9	61,800
Tawas Trailer Site, East Tawas (Coast Guard)	9	0
U.S. Army Reserve Center (portion), Southfield (Army)	7	0
MINNESOTA		
Twin Cities Army Ammunition Plant (portion), New Brighton (Army)	35	0
Vacant Land, Aurora (Agriculture)	2	0
MISSISSIPPI		
Arkabutla Lake, Arkabutla (Corps)	9	0
Enid Lake, Panola and Yalobusha Counties (Corps) Sardis Lake, Panola Co. (Corps)	204	0
Sardis Lake, Panola Co. (Corps)	25	0
MISSOURI		
Pattonsburg Lake, Pattonsburg (Corps)	139	0
Harry S Truman Dam and Reservoir (portion), Henry Co. (Corps)	406	0
Elsberry Plant Material Center, Elsberry (Agriculture)	108	0
MONTANA		
East Beach Unit, Beaverhead Co. (Interior)	292	0
Federal Office Building Parking Lot, Helena (GSA)	1	0
Helena Radio Tower Site, Helena (Energy)	1	0
Libby Dam Project, Lincoln Co. (Corps)	96	0
DeSmet School, Missoula (Agriculture)	1	600
Elliston Ranger Station, Elliston (Agriculture)	8	1,700
MHD Test Facility, Butte (Energy)	53	65,330
USDA Facility (portion), Glasgow (Agriculture)	1	0
NEBRASKA		
Crawford Work Center, Crawford (Agriculture)	3	0
Cornhusker Army Ammunition Plant (portion), Grand Island (Army)	1,440	0
Nebraska-Kansas Project Office, Trenton (Interior)	12	0
McCook Field Office, McCook (Interior)	2	0
NEVADA		
Las Vegas "H" Site, Clark Co. (Transportation)	1	400
Battle Mountain Housing Area (portion), Battle Mountain (Interior)	1	1,430
NEW HAMPSHIRE		
Gorham Ranger Dwelling, Gorham (Agriculture)	1	1,800
NEW JERSEY		
National Guard Site, Mahwah, Oakland (Army)	32	34,800
Nike Battery NY–80 (portion), Morristown (Army)	30	0
Fort Monmouth (Charles Woods Area) (portion), Red Bank (Army)	35	3,700
NEW MEXICO		
Burns Hospital Site, Santa Fe (GSA)	5	11,855
NEW YORK		
Air Force Plant No. 59, Johnson City (Air Force)	30	647,000
Tunison Laboratory, Cortland Co. (Interior)	28	0
East Meadow RMLR, East Meadows (Transportation)	5	0
New York Assay Office, New York City (Treasury)	1	88,817
Brookhaven Holding Pen, Rocky Point (Agriculture)	10	420
Veterans Administration Medical Center (portion), Northport (VA)	81	0
NORTH CAROLINA		
Biltmore Shop, Asheville (Agriculture)	2	17,212
National Guard Vehicle Storage, Elizabeth City (Army)	2	6,788
Research Triangle Park (portion), Durham (HHS)	51	0
NORTH DAKOTA		
Heart Butte Unit, Grant Co. (Interior)	20	0
OHIO		
Captain A. Meidahl Lock and Dam (portion), Chilo (Corps)	49	0
North Appalachian Watershed Research, Coshocton (Agriculture)	18	0
Big Darby Lake (portion), Darbydale (Corps)	834	1,600
Alum Creek Lake (portion), Gelena (Corps)	45	0
Racine Locks and Dam (portion), Meigs Co. and Long Bottom (Corps)	63	0
DMS-Dorothy Lane, Dayton (GSA)	38	230,715
Depot Shelby (portion), Shelby (GSA)	29	808,000
OKLAHOMA		
Hugo Lake (portion), Choctaw Co. (Corps)	20	0
Eufaula Lake (portion), Haskell Co. (Corps)	20	0
Altus Air Force Base (portion), Jackson Co. (Air Force)	60	0
Kaw Lake (portion), Kaw Co. (Corps)	209	0
Skiatook Lake (portion), Osage Co. (Corps)	108	0
Sardis (Clayton) Lake (portion), Pushmataha Co. (Corps)	376	0
Coulteau Lock and Dam (portion), Wagoner Co. (Corps)	31	0
OREGON		
Bald Mountain Lookout, Baker Co. (Agriculture)	5	516
Bridgeview Administration Site, Cave Junction (Agriculture)	3	0
Lakeview Warehouse, Lakeview (Agriculture)	1	5,270
Lakeview Site (Interioir)	2	4,500
Cottage Grove Lake (portion), Lane Co. (Corps)	38	0
Dorena Lake (portion), Lane Co. (Corps)	21	0
Lookout Point Lake (portion), Lowell (Corps)	65	0
Lookout Point (Dexter Dam), Lowell (Corps)	41	0
Detroit Lake (portion), Linn (Corps)	33	0
John Day Lock and Dam (Lake Umatilla), Morrow Co. (Corps)	1	0
PENNSYLVANIA		
Naval Air Development Center (portion), Warminister (Navy)	40	0
Conemaugh River Lake, Conemaugh and Kiskiminetas (Corps)	18	0
Woodcock Creek Lake (portion), Woodcock (Corps)	2	0
Lake Henry (portion), Wilkes-Barre (Transportation)	113	0
FDS Laboratory Site, Philadelphia (HHS)	1	0
Naval Regional Medical Center (portion), Philadelphia (Navy)	9	37,320
Cowanesque Lake, Tioga Co. (Corps)	32	0
Tioga-Hammond Lakes (portion), Tioga Co. (Corps)	542	0
Lock and Dam No. 3, North Charleroi (Corps)	1	0
Loyalhanna Lake, Latrobe (portion)	3	0
PUERTO RICO		
U.S. Army Reserve Center (Ramey), Aguadilla (Army)	3	18,255
Boringuen Housing (portion), Aguadilla (Army)	2	14,165
U.S. Army Reserve Center (Puerto Nuevo), San Juan (Army)	43	0
RHODE ISLAND		
North Kingstown ANGS (portion), North Kingstown (Air Force)	9	6,165
SOUTH CAROLINA		
U.S. Army Reserve Center (portion), Anderson (Army)	1	2,614
Myrtle Beach Air Force Base (portion), Myrtle Beach (Air Force)	51	0
Clarks Hill Lake (portion), McCormick (Corps)	298	0
Fort Jackson (portion), Columbia (Army)	302	19,602
Post Office Site, Parcels A and B, Columbia (GSA)	6	0
SOUTH DAKOTA		
Belle Fourche Project (portion), Butte Co. (Interior)	34	0
TENNESSEE		
Federal Building site (portion), Oak Ridge (GSA)	12	0
Oak Ridge Operations Office (portion), Oak Ridge (Energy)	2,443	200
Cheatham Lake Project, Cheatham Co. (Corps)	11	0
J. Percy Priest Project, Davidson, Wilson and Murfreesboro Counties (Corps)	238	0
Volunteer Army Ammo Plant (portion), Chattanooga (Army)	1,527	31,788
Cornell Hull Reservoir, Smith, Jackson and Clay Counties (Corps)	1,468	0
Old Hichory Lake Project, Summer and Wilson Counties (Corps)	16	0
Veterans Administration Medical Center (portion), Murfreesboro (VA)	58	0
TEXAS		
Camp Swift (portion), Bastrop Co. (Army)	71	0
Red River Army Depot (portion), Texarkana (Army)	186	0
Belton Lake, Belton (Corps)	401	0
Stillhouse Hollow Lake, Belton (Corps)	122	0
Somerville Lake, Somerville (Corps)	316	0
Hords Creek Lake, Coleman (Corps)	29	0
Lavon Lake, Wylie (Corps)	160	0
Lewisville Lake, Lewisville (Corps)	182	0
Bardwell Lake, Ennis (Corps)	10	0
Barker Dam, Harris Co. (Corps)	1	0
Whitney Lake, Laguna Park (Corps)	442	1,800
Navarro Mills Lake, Dawson (Corps)	101	0
T Bluff, Town Bluff (Corps)	258	0
Pat Mayse Lake, Lamar Co (Corps)	2	0
Waco Lake, Waco (Corps)	116	0
Federal Center (portion). Fort Worth (GSA)	12	369,145
Bonbrook Lake, Bonbrook (Corps)	139	0
Grapevine Lake, Grapevine (Corps)	65	0
O. C. Fisher Lake, San Angelo (Corps)	214	0
Granger Lake, Granger (Corps)	13	0
Air Force PLant No. 4, Fort Worth (Air Force)	556	6,500,000
UTAH		
New Harmony Corral, New Harmony (Agriculture)	1	0
Loa ADFR Building Site, Loa (Agriculture)	1	0
Central Administration Site, Central (Agriculture)	5	0
Air Force Plant No. 78, Box Elder (Air Force	1,515	550,000
Provo River Project-Deer Creek (portion), Heber (Interior)	1	1
VERMONT		
Union Village Dam (portion), Union Village (Corps)	259	0
VIRGINIA		
Fort A. P. Hill (portion), Bowling Green (Army)	95	0
Fort Lee (portion), Prince George Co. (Army)	12	0
Radford Army Ammunition Plant (portion), Radford (Army)	23	0
Byrd Field National Guard Facility (portion), Richmond (Army)	60	0
John H. Kerr Reservoir (portion), Boydton (Corps)	40	0
Shipboard Electronics System Evaluation Facility (Sandbridge) (portion), Virginia Beach (Navy)	2	601
WASHINGTON		
Wellsian Way Railroad Spur, Richland (Energy)	13	0
John Day Lock and Dam (portion), Benton and Klickitat Counties (Corps)	630	0
Lake Washington Ship Canal (portion), Seattle (Corps)	13	0
Bonneville Lock and Dam (portion), Skamania Co. (Corps)	63	0
Index Guard Station, Monroe (Agriculture)	40	0
Ice Harbor Lock and Dam, Franklin and Walla Walla Counties (Corps)	59	0
McNary Lock and Dam, Walla Walla and Benton Counties (Corps)	1,520	0
Little Goose Lock and Dam, Whitman Co. (Corps)	369	0
Lower Granite Lock and Dam, Whitman and Asotin Counties (Corps)	504	0
Lower Monumental Lock and Dam, Whitman and Walla Walla Counties (Corps)	341	0
Building No. 5, Yakima Co. (Interior)	2	0
Building No. 11, Sunnyside, Yakima Co. (interior)	3	800
Entomology Research Station, Yakima (Agriculture)	5	800
WEST VIRGINIA		
Raaciner Locks and Dam Project, Millwood (Corps)	29	0
Racine Locks and Dam, Letart (Corps)	56	0
CRESAP, Marshall Co. (Energy)	28	28,693
Belleville Locks and Dam, Belleville (Corps)	33	0
WISCONSIN		
Federal Building, 342 N. Water St., Milwaukee (GSA)	1	121,450
Badger Army Ammunition Plant (portion), Baraboo (Army)	60	0
WYOMING		
Medicine Bow Administration Site, Medicine Bow (Agriculture)	1	1,500
Keyhold Unit, Crook Co (Interior)	280	0
Cokeville Pasture, Cokeville (Agriculture)	2	0
Green River Administration Site, Green River (Agriculture)	4	4,000
Lyman Project Office, Uinta Co (Interior)	8	0

● Mr. CHAFEE. Mr. President, today my good friend and colleague from Arkansas (Mr. BUMPERS) and I are introducing the Federal Land Retention Act of 1983. This bill has two major components. First, it sets out general requirements the Federal Government must follow before it sells its lands and, second, it requires congressional approval or discount conveyance for lands that are within or adjacent to national, State, local parks, recreational, or natural areas.

Many of my colleagues are aware of the administration's plans to sell so-called surplus lands to help balance the budget and retire the national debt. The Bureau of Land Management is reviewing some 2.5 million acres for sale; the Forest Service 6 million and the General Services Administration 52 thousand acres. The Gov-

ernment hopes to earn about $1 billion from land sales in fiscal year 1984.

At a time when I believe we should be acquiring more lands to satisfy the public's growing demand for greater outdoor recreational resources, I have reservations about these proposed massive land sales. Surely any revenue raised will only make a dent in the Nation's $1.2 trillion national debt and as a consequence of the sales the Federal Government will have lost ownership in valuable resources.

I am sure there are instances which warrant the sale of remote wastelands or unused building or commercial property but there are other instances where the sale of Federal lands just does not make sense. Specifically I am talking about the Federal Government selling land that will have an adverse impact on parks and recreation areas.

An illustration of the ill effects of this policy is a situation which developed in my own home State of Rhode Island. Over the past few years, the State of Rhode Island has developed a truly unique park system in Narragansett Bay. The majority of the land in this system was acquired by the State for little or no cost. The park system consists of a series of islands and waterfront properties which provide visitors with unique access to the bay for the pure enjoyment of the pristine scenery as well as for recreational purposes such as swimming, fishing, and boating.

Recently, General Services Administration declared several pieces of property located in or adjacent to the existing park system as surplus. The State has planned for many years to incorporate these lands into the park system. GSA, however, due to its new policy pursuant to Executive Order 12348, would not permit the State to apply to receive these lands for little or no cost. Instead, the State was required to pay fair market value. In one case GSA determined that the highest and best use for the land—located right in the middle of an existing park—was for residential development. In a second case it determined that the highest and best use for another property—adjacent to the park—was for commercial development. This means that the State would be required to pay residential or commercial fair market value for property it intends to use for park and recreational purposes. And, if it cannot afford to buy the land at all it will be auctioned off to the developer who bids the most. I have seen these areas and can say unequivocably that development of the Federal lands would be devastating to the park's resources.

I have discussed this matter on numerous occasions with the Administrator of the General Services Administration, Mr. Gerald Carmen. He has agreed to postpone any decision relating to the sale of these lands until a serious examination of the effects of the policy has been undertaken. Although the Administrator is reviewing this matter diligently, I remain concerned, as does Senator BUMPERS, about the effect the administration's overall land sales policy could have on our National, State, and local park and recreation systems.

Our bill would prevent the kind of situation we have seen in Rhode Island from ever happening. Let me briefly outline the bill's major provisions.

The legislation sets our general requirements for the sale of any Federal lands. Before lands can be sold, the appropriate Federal agency must determine the recreational and scenic value of the tract, whether it should be used to protect the integrity of an associated State, local, or other recreational or natural areas, and whether such a sale is in the public interest. The public has the opportunity to comment and the Governor and congressional delegation of the affected State would be notified 30 days before the land would be available for sale. In the case of lands administered by the Bureau of Land Management, inventories of tracts that are proposed for sale would be conducted in accordance with the planning procedures required by section 202 of the Federal Land Policy and Management Act (FLPMA). Section 6 of the Forest and Rangeland Renewable Resources Planning Act would govern sales in the case of lands administered by the Forest Service.

I would like to point out that the Forest Service only has limited authority to sell very small amounts of lands as permitted by the National Forest Townsite Act, the Bankhead-Jones Farm Tenant Act, and the Federal Property and Administrative Service, Act. In no way does this legislation provide that authority or any other new authority to any Federal agency to dispose of lands. Rather, the bill's intent is to retain lands in or near recreational parks and other natural areas.

If a Federal agency desires to sell—at fair market value—lands which are within or adjacent to national parks, wilderness areas, refuges, or recreation areas; State or local parks and recreation areas; or areas identified through a State comprehensive outdoor recreation plan, the sale must first be approved by Congress.

However, congressional approval is not needed if the Federal agency sells the land to a State or local government or nonprofit organization for recreation or for other uses consistent with the purposes of this legislation. If the agency chooses to go this route, it could not charge more than 25 percent of the fair market value of the land. That implies, of course, that the land could be conveyed at no cost as has often been the case in the past.

Finally, I would like to point out that Alaska lands and land exchanges are exempted from the bill.

Mr. President, this is a modest proposal. It does not restrict land sales. It only reiterates existing land management policy and insures that the Federal Government examine any impact sales may have on park and recreation resources before making the sale. Lands can be easily conveyed, at discount, without approval of Congress.

My colleagues know that our Nation has committed vast resources—financial and otherwise—to protecting and conserving its precious natural areas. Selling off lands within or adjacent to these areas for development is pennywise and pound-foolish. It could compromise the natural integrity of these areas as well as the enormous national effort we have made to preserve our natural heritage. America's parks, wilderness areas and refuges are the envy of the world—let us keep them that way.●

By Mr. SIMPSON (by request):

S. 893. A bill to amend the Atomic Energy Act of 1954, as amended, to improve the nuclear powerplant siting and licensing process, and for other purposes; to the Committee on Environment and Public Works.

NUCLEAR POWER PLANT LICENSING REFORM ACT OF 1983

● Mr. SIMPSON. Mr. President, on February 21, 1983, the Nuclear Regulatory Commission transmitted to the Congress proposed legislation which is meant to provide an accurate, efficient, and more effective licensing process for the design, siting, construction, and operation of nuclear powerplants. Today I am introducing that legislation by request of the Commission. In addition to the proposed legislation, entitled "The Nuclear Power Plant Licensing Reform Act of 1983," I am also submitting for the RECORD the letter of transmittal that accompanied this legislation and a section-by-section analysis of the bill, and ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 893

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Nuclear Power Plant Licensing Reform Act of 1983".

TABLE OF CONTENTS

Sec. 2. Findings and Purposes.

TITLE I—SITING AND LICENSING

Sec. 101. Construction Permits and Operating Licenses.

Sec. 102. Hearings and Judicial Review.

Sec. 103. Early Site Review.

Sec. 104. Approval of Designs.

TITLE II—MISCELLANEOUS PROVISIONS
Sec. 201. Thermal Neutron Power Generation Facility.
Sec. 202. Standardized Design.
Sec. 203. Implementation.
TITLE III—CONFORMING AMENDMENTS
Sec. 301. Antitrust Provisions.
Sec. 302. General Provisions.
Sec. 303. License Applications.
Sec. 304. Revocation.
Sec. 305. Table of Contents.
TITLE IV—EFFECTIVE DATE
Sec. 401. Effective Date.

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress, recognizing that a clear and coordinated energy policy consistent with public health and safety must include an effective and efficient licensing process for siting, construction, and operation of nuclear power plants which meet applicable criteria, finds and declares that:

(1) interstate commerce is substantially affected by the siting, construction, and operation of nuclear power plants;

(2) opportunity for public participation in siting and licensing of nuclear power plants should be assured;

(3) it is efficient and in the public interest for the Nuclear Regulatory Commission, for purposes required by the National Environmental Policy Act of 1969 or other provisions of Federal law applicable to its licensing, to rely upon determinations respecting the need for, and alternative sources of, new electric generating facilities made by competent Federal, State or regional authorities;

(4) the licensing and construction of nuclear power plants would be facilitated and the public health and safety enhanced by the use of pre-approved nuclear power plant designs, particularly standardized designs;

(5) there is a need to encourage the development and use of standardized nuclear power plant designs because such designs can benefit public health and safety by concentrating the resources of designers, engineers, and vendors on particular approaches, by stimulating standardized programs of construction practice and quality assurance, by improving the training of personnel and by fostering more effective maintenance and improved operations, and because the use of such designs can permit a more effective and efficient licensing and inspection process;

(6) the licensing process would be facilitated by procedures for the selection and approval of a site for a nuclear power plant to be accomplished in advance of a commitment to construct a particular facility of a specific design at that site;

(7) the licensing process would be facilitated if licensing decisions are made at the earliest feasible phase of the process and, if an opportunity for hearing has been provided, licensing issues are not subject to further adjudication in the absence of a substantial evidentiary showing called for by this Act and the regulations of the Commission;

(8) all phases of the licensing process should be handled in a timely manner under procedures which, consistent with this Act and the regulations of the Commission, assure that adjudicatory procedures are only invoked where a relevant dispute can only be resolved with sufficient accuracy through such procedures;

(9) consistent with the adequate protection of the public health and safety, the common defense and security, and with the appropriate consideration of the environment, the regulatory process should provide greater stability in licensing standards and criteria for approved designs of nuclear power plants;

(10) consistent with the Commission's paramount responsibility to protect the public health and safety, and recognizing that elimination of all risk is an unattainable goal for any energy source, it is appropriate and in the public interest for the Commission to consider the economic consequences of its regulatory practices including, but not limited to, the cost of safety requirements; and

(11) the purpose of the hearings provided for in section 189 of the Atomic Energy Act of 1954 is to resolve issues of fact in dispute between the parties to the proceeding.

(b) The purposes of this Act are:

(1) to facilitate the use of pre-approved sites and designs for nuclear power plants and to facilitate the development and use of standardized designs;

(2) to provide for the issuance of a combined license to construct and to operate a nuclear power plant under conditions which assure the continued protection of the public health and safety, which will be in accord with the common defense and security, and which assure appropriate consideration of the environment;

(3) to improve the stability of licensing standards and criteria for nuclear power plants and thus the finality of prior Commission licensing approvals; and

(4) to assure that adjudicatory procedures are invoked only where a relevant dispute only can be resolved with sufficient accuracy through such procedures.

TITLE I—SITING AND LICENSING

CONSTRUCTION PERMITS AND OPERATING LICENSES

SEC. 101. Section 185 of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"SEC. 185. CONSTRUCTION PERMITS AND OPERATING LICENSES.—

"a. All applicants for licenses to construct or modify production or utilization facilities shall be initially granted a construction permit after the Commission has provided an opportunity for public hearing pursuant to section 189 of this Act and if the application is otherwise acceptable to the Commission. Upon the completion of the construction or modification of the facility, upon the filing of any additional information needed to bring the original application up to date, after providing an opportunity for public hearing pursuant to section 189 of this Act, and upon finding that the facility authorized has been constructed and will operate in conformity with the application as amended and in conformity with the provisions of this Act and of the regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of an operating license would not be in accordance with the provisions of this Act, the Commission shall thereupon issue an operating license for the applicant. For all other purposes of this Act, a construction permit is a 'license'.

"b. Notwithstanding any other provision of this section, the Commission shall issue to the applicant a combined construction permit and operating license for a thermal neutron power generation facility after providing an opportunity for public hearing pursuant to section 189 of this Act, if the application contains sufficient information to support the issuance of both a construction permit and an operating license in accordance with the regulations of the Commission and to enable the Commission to make the determinations relating to the common defense and security and the public health and safety required by this Act. After issuance of a combined construction permit and operating license for a thermal neutron power generation facility, the Commission shall assure that construction is completed in conformity with the combined construction permit and operating license, consistent with the regulations of the Commission. Prior to the commencement of operation, the Commission shall publish notice of intended operation as required by section 189a.(1)(C), and shall find that the facility has been constructed and will operate in conformity with the combined construction permit and operating license, the provisions of this Act, and the regulations of the Commission. Prior to the commencement of operation, the Commission shall also conduct a supplemental review of any issues that were not considered in prior review of the facility.

"c. In making a determination on the issuance of any permit or license under this section, the Commission shall rely upon a certification of need for the facility and of the alternative sources of generating capacity upon a verification by the certifying authority: (i) that the certification is made by a Federal, regional or state organization that is authorized by law to do so; (ii) that in arriving at its determination, the certifying authority has used procedures substantially equivalent to those used by the Commission and described in its regulations and has provided an opportunity for public participation; (iii) that the certifying organization has considered alternative energy sources as appropriate; and (iv) that there is an opportunity for judicial review by a state of the state organization's compliance with the procedures described in this subsection. The validity of a certification and verification shall be conclusive for the purpose of any applicable provision of Federal law related to the issuance of a license or permit under this Act, shall not be the subject of a Commission proceeding and shall not be subject to Federal judicial review, provided that nothing in this subsection shall affect any other law which provides for Federal judicial review of a Federal certifying agency's action that is separate from review of the Commission's actions.

"d. The Commission shall not modify any final determination on an issue that has been considered and decided in any proceeding for the issuance of a permit or license for that facility, facility site or approval of design for that facility under Section 194, unless the proponent of the request for such action makes a substantial evidentiary showing as defined in subsection 11bb. of this Act and in accordance with procedures established by the Commission that such action is required to comply with this Act, other provisions of Federal law, or the Commission's regulations.

"e. Nothing in this section shall affect State authority over the regulation of radiological hazards.

SEC. 102. Section 189 of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"SEC. 189. HEARINGS AND JUDICIAL REVIEW.—

"a. (1) In any proceeding under this Act, for the granting suspending, revoking, renewing or amending of any license or construction permit, site permit, facility design approval, combined construction permit and operating license, or application to transfer

control, and in any proceeding for the issuance or modification of regulations dealing with the activities of licensees, and in any proceeding for the payment of compensation, an award, or royalties under sections 153, 157, 186c., or 188, the Commission shall grant a hearing upon the request of any person whose interest may be affected by the proceeding, and shall admit any such person as a party to such proceeding.

"(A) The Commission shall publish notice in the Federal Register within thirty days after the docketing of any application: (1) under section 103 or 104b. for a construction permit or operating license for a facility, or for a license to manufacture a facility; under section 193 for a site permit or a renewal thereof; under section 194 for a facility design approval or a renewal thereof, and under section 185 for a combined construction permit and operating license; (2) under section 104c. for a construction permit or operating license; and (3) for an amendment to any of the foregoing, except as otherwise provided in subsection 189a.(2).

"(B) Within thirty days after the docketing of any application under section 194 for the approval of a facility design, or for an amendment or renewal of an approved design, the Commission shall give public notice by publishing notice twice in major newspapers having national circulation. At least sixty days prior to the granting of any application under section 194 the Commission shall also give such public notice which advises that the Commission is considering granting the application.

"(C) The Commission shall also publish in the Federal Register at least one year prior to commencement of operation of any facility for which a combined construction permit and operating license has been issued, a notice that commencement of operation is expected to take place and that the Commission will grant a hearing in accordance with subparagraph (D) below upon the request of any person whose interest may be affected by such operation. The Commission shall grant a hearing upon such request, and shall admit any such person as a party to the proceeding.

"(D) Any hearing required by this section for a production or utilization facility shall be limited to issues that were not and could not have been considered and decided in a prior proceeding before the Commission for that facility, facility site, or approval of a design for that facility under section 194, unless the proponent of the hearing request makes a substantial evidentiary showing as defined in subsection 11bb. of this Act and in accordance with procedures established by the Commission that significant new information relevant to the issue has been discovered since the prior proceeding and that as a result thereof it is likely that the facility will not comply with this Act, other provisions of Federal law, or the Commission's regulations.

"(2)(A) The Commission may issue and make immediately effective any amendment to an operating license, a combined construction permit and operating license, a construction permit, a design approval or a site permit upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person. Such amendment may be issued and made immediately effective in advance of the holding and completion of any required hearing. In determining under this section whether such amendment involves no significant hazards consideration, the Commission shall consult with the State in which the facility involved is located. In all other respects such amendment shall meet the requirements of this Act.

"(B) The Commission shall periodically (but not less frequently than once every thirty days) publish notice of any amendments issued, or proposed to be issued, as provided in subparagraph (A). Each such notice shall include all amendments issued, or proposed to be issued, since the date of publication of the last such periodic notice. Such notice shall, with respect to each amendment or proposed amendment (i) identify the facility involved; and (ii) provide a brief description of such amendment. Nothing in this subsection shall be construed to delay the effective date of any amendment.

"(C) The Commission shall, during the ninety-day period following the effective date of this paragraph, promulgate regulations establishing (i) standards for determining whether any amendment to an operating license involves no significant hazards consideration; (ii) criteria for providing or, in emergency situations, dispensing with prior notice and reasonable opportunity for public comment on any such determination, which criteria shall take into account the exigency of the need for the amendment involved; and (iii) procedures for consultation on any such determination with the State in which the facility involved is located.

"b. The Commission may conduct hybrid hearings consistent with subsections c. and d. of this section.

"c. In any Commission hybrid hearing pursuant to this section on an application for a license to construct or to operate a production or utilization facility, for the issuance of a site permit, for the approval of a facility design, or for the issuance of a combined construction permit and operating license, or for an amendment to or the renewal of any such license or approval filed after the date of enactment of this subsection, the Commission shall first provide the parties to the proceeding an opportunity to submit for the record written data, views, or arguments as the Commission may specify. At the request of any party, the Commission shall provide an opportunity for oral argument with respect to any matter identified in the written submissions which it determines to be in controversy among the parties. The oral argument shall be preceded by such discovery procedures as the rules of the Commission shall provide. The Commission shall require each moving party to submit in written form, at the time of oral argument all the evidence upon which that party proposes to rely that is known at such time to that party.

"d. (1) At the conclusion of any oral argument under subsection c. of this section, the Commission shall designate any disputed question of fact, together with any remaining questions of law, for resolution in an adjudicatory hearing only if it is determined that—

"(A) there is a genuine and substantial dispute of fact which can only be resolved with sufficient accuracy by the introduction of reliable and specifically identified evidence in an adjudicatory hearing; and

"(B) the decision of the Commission is likely to depend in whole or in part on the resolution of such dispute.

"(2) In making a determination under this subsection, the Commission shall designate in writing the specific facts that are in genuine and substantial dispute, the reason why the decision of the agency is likely to depend on the resolution of such facts, and the reason why an adjudicatory hearing is necessary to resolve the dispute.

"e. Any final order entered in any proceeding of the kind specified in this section shall be subject to judicial review in the manner prescribed in the Act of December 29, 1950, as amended (ch. 1189, 64 Stat. 1129), and to the provisions of section 10 of the Administrative Procedure Act, as amended.

EARLY SITE REVIEW

SEC. 103. The Atomic Energy Act of 1954, as amended, is amended by adding a new section 193 to read as follows:

"SEC. 193. EARLY SITE REVIEW.—

"a. The Commission is authorized to issue a site permit for approval of a site or sites for one or more production or utilization facilities for a period of ten years upon the application of any person or entity notwithstanding the fact that no application for a construction permit or a combined construction permit and operating license for such facility or facilities has been filed. The Commission may issue a site permit with respect to limited aspects of the suitability of the site for its intended purpose, under relevant regulations of the Commission. For all purposes of this Act, a site permit is a 'license'.

"b. Notwithstanding section 161w. of this Act or the Independent Offices Appropriation Act of 1952, no application filing or issuance fees shall be required for an application for a site permit, an amendment, or a renewal of a site permit under this section. The Commission is authorized to allocate the costs that would otherwise have been defrayed by fees required of applicants under this section among applicants for permits or licenses which propose to use the approved site in a manner that will assure full cost recovery by the Commission. If no application for construction of a production or utilization facility is filed within the initial ten year approval period, any outstanding fee shall become immediately due and payable by the applicant for the site permit.

"c. After considering all information submitted in the application and after providing an opportunity for hearing pusuant to section 189 of this Act, the Commission shall issue a site permit if it determines that such approval will not be inimical to the common defense and security or to the health and safety of the public.

"d. (1) A site permit issued by the Commission under this section may be referenced in an application for a construction permit or a combined construction permit and operating license which meets the conditions of the site permit and is filed within the period during which the site permit remains valid.

"(2) No less than twelve or more than thirty-six months prior to the expiration of the ten year period, the holder of the site permit may apply for a renewal of the site permit. The Commission shall renew the site permit for an additional period of time of not less than five nor more than ten years from the date of renewal unless it finds that the site will not comply with this Act or the Commission's regulations. If no application for a production or utilization facility is filed within the period of renewal, any outstanding fee for the renewal application or issuance shall become due and payable by the applicant for the site permit.

"e. Approval of a site under this section shall not preclude its use as a site for an alternate or modified type of energy facility

or for any other purpose. Other uses not considered in the approval may, however, affect the validity of the site permit or the conditions of its use for production or utilization facility siting as the Commission may determine.

"f. Following the issuance of a site permit under this section, and in any subsequent Commission proceeding involving a site for which a site permit has been granted under this section, the Commission shall not modify any final determination on an issue that has been considered and decided in the site permit proceeding unless the proponent of the request for such action makes a substantial evidentiary showing as defined in subsection 11bb. of this Act and in accordance with procedures established by the Commission that such action is required to comply with this Act, other provisions of Federal law, or the Commission's regulations.

APPROVAL OF DESIGNS

SEC. 104. The Atomic Energy Act of 1954, as amended, is amended by adding a new section 194 to read as follows:

"SEC. 194. APPROVAL OF DESIGNS.—

"a. The Commission is authorized and directed to establish procedures permitting the approval of standardized facility designs for thermal neutron power generation facilities for a period of ten years, notwithstanding the fact that no application for a construction permit or combined construction permit and operating license for such facility has been filed. The Commission may also consider, in accordance with its regulations, requests under this section for the approval of the design for any major subsystem which represents a discrete element of a thermal neutron power generation facility. For all purposes of this Act, a design approval is a 'license'.

"b. Notwithstanding section 161w. of this Act or the Independent Offices Appropriation Act of 1952, no application filing or issuance fees shall be required for an application for a design approval, an amendment, or a renewal of an approval of a facility design under this section. The Commission is authorized to allocate the costs that would otherwise have been defrayed by fees required of applicants under this section among applicants for permits or licenses which propose to use the approved standardized plant design in a manner that will assure full cost recovery by the Commission. If no application for construction of a facility is filed within the initial ten year approval period, any outstanding fee shall become immediately due and payable by the applicant for the design approval.

"c. After considering all information submitted in the application, and after providing an opportunity for hearing pursuant to section 189 of this Act, the Commission shall issue an approval if it determines that such approval will not be inimical to the common defense and security or to the health and safety of the public.

"d. (1) Any approval issued by the Commission under this section may be referenced in an application for a construction permit, an operating license or a combined construction permit and operating license which meets the conditions of the approval and is filed within the period during which the approval remains valid.

"(2) No less than twelve or more than thirty-six months prior to the expiration of the ten year period, the holder of the approval may apply for a renewal of the approval. The Commission shall renew the approval for an additional period of time of not less than five nor more than ten years from the date of renewal unless it finds that the design will not comply with this Act or the Commission's regulations. If no application for construction of a facility is filed within the renewal period, any outstanding fee for the renewal or issuance shall become due and payable by the applicant for the design approval.

"e. Following the issuance of a design approval under this section, and in any subsequent Commission proceeding involving a facility design for which a design approval has been granted under this section, the Commission shall not modify any final determination on an issue that has been considered and decided in the design approval proceeding unless the proponent of the request for such action makes a substantial evidentiary showing in accordance with procedures established by the Commission that such action is required to comply with this Act, other provisions of Federal law, or the Commission's regulations.

"f. (1) The Commission shall approve an amendment to a design approval issued under this section upon application by the holder of the design approval if, after providing an opportunity for hearing pursuant to section 189 of this Act, the Commission determines that the amendment will comply with this Act and the Commission's regulations.

"(2) Any amendment approved by the Commission under paragraph (1) shall apply to any application for a construction permit or combined construction permit and operating license referencing the design approval for which the amendment has been granted that is filed after the effective date of such amendment.

"(3) Any amendment approved by the Commission under paragraph (1) shall not apply to an application for a construction permit or combined construction permit and operating license referencing the design approval for which the amendment has been granted that is filed before the effective date of each amendment unless (A) the applicant requests that such amendment apply to the application, or (B) the requirements of subsection (e) are satisfied with respect to the amendment.

"g. Any application for a construction permit, an operating license or a combined construction permit and operating license or any amendment to such licenses referencing a design approval issued under this section may include a request for a variance from one or more elements of the design approval. Such requests for a variance shall be granted if the Commission determines that the variance will comply with this Act and the Commission's regulations. Any variance issued under this section shall be limited to the permit or license for which such variance has been requested.

TITLE II—MISCELLANEOUS PROVISIONS

DEFINITIONS

SEC. 201. Section 11 of the Atomic Energy Act of 1954, as amended, is amended by relettering existing subsections bb. and cc. as subsections dd. and ee. respectively and by adding new subsections bb. and cc. as follows:

"bb. A substantial evidentiary showing is a showing of evidence by the proponent that is sufficient to justify the conclusion that the action proposed by the proponent is required to comply with this Act, other provisions of Federal law or the Commission's regulations. In determining the sufficiency of such a showing, the Commission shall consider only the evidence of the proponent and all reasonable inferences therefrom.

"cc. 'Thermal nuclear power generation facility' means a utilization facility which is designed to produce electrical energy and in which core power is designed to be produced predominately by thermal neutron fission."

SEC. 202. For the purposes of this Act the term 'standardized design' means a design which the Commission determines is sufficiently detailed and complete to support licensing of a commercial production or utilization facility or approval of a major portion of such a facility when referenced in an application for a construction permit or an operating license or a combined construction permit and operating license or a design approval and which is usable for a multiple number of units and/or at a multiple number of sites without reopening or repeating the review.

SEC. 203. a. The Commission shall, within 180 days following the effective date of this section, propose regulations establishing procedures and criteria for implementing the provisions of sections 185 d., 193 f. and 194 e. of this Act for the control of the application of new requirements to any thermal neutron power generation facility licensed for construction or operation under this Act.

b. After the regulations referred to in subsection a. of this section becomes effective, no license, permit or approval granted under this Act for a thermal neutron power generation facility shall be modified except pursuant to such regulations.

c. Prior to the issuance of a full site permit under section 193 of the Atomic Energy Act of 1954, as amended, the Commission shall prepare an environmental impact statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969. Pursuant to such Act, the impact statement shall consider to the extent practical all environmental impacts associated with construction and operation of the facility or facilities proposed to be constructed on the site for which the site permit is sought: *Provided, however,* That such impact statement need not contain an assessment of the need for power to be generated by the proposed facility or facilities, or of alternative generating sources.

"d. The issuance of a design approval under section 194 of the Atomic Energy Act of 1954, as amended, shall not require any review pursuant to the National Environmental Policy Act of 1969.

TITLE III—CONFORMING AMENDMENTS

ANTITRUST PROVISIONS

SEC. 301. Subsection 105c. of the Atomic Energy Act of 1954, as amended, is amended in the first sentence of paragraph (2) by inserting "and/" after the word "construct".

GENERAL PROVISIONS

SEC. 302. Section 161o. of the Atomic Energy Act of 1954, as amended, is amended by inserting the words "or approvals authorized by sections 193 and 194" after the number "104".

LICENSE APPLICATIONS

SEC. 303. Subsection 182b. of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"b. The Advisory Committee on Reactor Safeguards shall review each application under section 103 or section 104b. for a construction permit and/or an operating license for a facility; any application under section 104c. for a construction permit and/or oper-

ating license for a testing facility; any application under section 104 a. or c. specifically referred to it by the Commission; any application for a site permit under section 193; any proposed approval for a facility design under section 194; any proposed authorization to commence operation under section 185b.; and any application for an amendment to a construction permit or to an operating license under section 103 or 104 a., b., or c. or an amendment or renewal of a site permit under section 193 or an amendment or renewal of an approval for a facility design under section 194 specifically referred to it by the Commission, and shall submit a report thereon which shall be made a part of the record of the application and available to the public except to the extent that security classification prevents disclosure.

REVOCATION

SEC. 304. Section 186 a. of the Atomic Energy Act of 1954, as amended, is amended by inserting the words "sections 182, 185, 193 and 194" after the words "required under".

TABLE OF CONTENTS

SEC. 305. The table of contents for the Atomic Energy Act of 1954, as amended, is amended by changing the title of Section 185 to read "Construction Permits and Operating Licenses" and by adding the following after Section 192:

"Sec. 193. Early Site Review.

"Sec. 194. Approval of Designs.

TITLE IV—EFFECTIVE DATE

SEC. 401. All sections of this Act shall take effect as of the date of enactment, and shall apply to all proceedings pending as of the date of enactment or commenced on or after the date of enactment, in accordance with the terms of this Act.

U.S. NUCLEAR REGULATORY COMMISSION,
Washington, D.C., February 21, 1983.

Hon. GEORGE H. BUSH,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a Nuclear Regulatory Commission legislative proposal in the form of a draft bill to amend the Atomic Energy Act of 1954. The draft bill is entitled the "Nuclear Power Plant Licensing Reform Act of 1983." Its goals are to provide an accurate, efficient, and more effective licensing process for the design, siting, construction, and operation of nuclear power plants and other nuclear facilities consistent with public health and safety. A draft bill is in Enclosure 1. A section-by-section analysis is in Enclosure 2. A comparative text is in Enclosure 3.

The current NRC licensing process has not changed substantially since it was originally enacted 29 years ago in the Atomic Energy Act. That licensing process was a prudent course to follow when the nuclear power industry was in its early conceptual and development years. In the early years there were many first-time nuclear plant applicants, designers and constructors, and many novel design concepts. Accordingly, the process was structured to allow licensing decisions to be made while design work was still in progress and to focus on case-specific reviews of individual plant-site considerations. With the maturation of the industry, it is now possible to describe and evaluate standardized plant designs on a generic basis, essentially complete designs prior to plant construction, and proposed plant sites without plant design details. At the same time, since the early 1950's and 1960's the NRC's safety reviews have become increasingly time consuming and complex, and NRC review obligations have been expanded to cover a wide range of non-safety issues under the National Environmental Policy Act of 1969. Accordingly, the Commission decided that the licensing process must be reformed to reflect these and other developments concerning the licensing review of nuclear facilities.

In November 1981, the Nuclear Regulatory Commission established a Regulatory Reform Task Force to review the NRC's licensing process. Chairman Palladino set forth objectives for the Task Force: to create a more effective efficient vehicle for raising and resolving legitimate public safety and environmental issues regarding the applications under review, to develop means for more effective future use of NRC resources in the licensing of new plants, to avoid regulatory uncertainty and placing unjustifiable economic burdens on utilities that may wish to build a nuclear plant (and their ratepayers), to accomplish the above without impairing public health and safety.

The Task Force was requested to make its recommendations to the Commission in four forms: (1) legislative proposals, (2) regulation changes, (3) policy papers, and (4) administrative remedies.

A Senior Advisory Group consisting of the General Counsel, the Director of the Office of Policy Evaluation, the Chairman of the Atomic Safety and Licensing Appeal Board, the Exective Director for Operations, and the Chairman of the Regulatory Reform Task Force, was formed to assist the Chairman of the Commission in the review of the Task Force proposals. In addition, in March 1982, the Ad Hoc Committee for Review of Nuclear Reactor Licensing Reform Proposals was formed. This committee was made up of representatives from industry, public interest groups, and state governments. It provided the Commission with two reports on the legislative proposals developed by the Task Force. A comprehensive legislative proposal was placed in the Federal Register for public comment in June 1982. After a review of the public comments and the reports of the Ad Hoc Committee, the Commission developed the final draft bill.

The proposed legislation, if adopted, would amend existing sections 185 and 189 of the Atomic Energy Act, and add new sections 193 and 194. The most important changes to Section 185, Construction Permits and Operating Licenses, would permit the issuance of what would be called a combined construction permit and operating license (CP/OL) and thereby facilitate NRC review of essentially complete designs prior to construction, and authorize the Commission to rely on certifications of need for a facility and on findings regarding alternative sources of generating capacity that are made by competent Federal, regional, or state organizations.

Section 189, Hearing and Judicial Review, has been amended to delete the requirement for a mandatory construction permit hearing even when no hearing has been requested. It has also been amended to include site permits, design approvals, and combined CP/OLs as types of proceedings for which the Commission shall grant a hearing upon the request of any person whose interest may be affected by the proceeding. This section would also authorize the Commission to adopt hybrid-type hearing procedures on a case-by-case basis instead of the formal adjudicatory hearings which have been used in the past. Finally, a provision has been added to limit hearings on applications to matters that were not or could not have been considered and decided in prior proceedings involving that facility, including site permit, design approval, and combined CP/OL proceedings.

Section 193, Early Site Review, and section 194, Approval of Designs, are new sections which authorize the Commission to issue a site permit or a facility design approval even though no application for a construction permit or a combined CP/OL has been filed. These sections have been proposed to facilitate early identification and resolution of site and design issues after giving an opportunity for public participation. These sections would also allow subsequent facility applications to reference a site permit or design approval and have those final determination be made binding unless there is a substantial reason not to do so.

The provisions of the draft bill do provide a vehicle by which the Commission can improve the quality, effectiveness, and efficiency of the licensing process without impairing public health and safety or detracting from the public's ability to participate in that process on disputed issues. Accordingly, the Commission believes that the provisions in this draft will accomplish our above-stated objectives. Therefore, we urge your approval of this proposed legislation.

Sincerely,

NUNZIO J. PALLADINO.

SECTION-BY-SECTION ANALYSIS

SECTION 2. FINDINGS AND PURPOSES

This section supplements sections 1, 2 and 3 of the Atomic Energy Act which set forth the declaration, findings, and purpose of the Act. This section highlights the major provisions of this bill which are being enacted for the general purpose of improving the quality, effectiveness, and efficiency of the licensing process for siting, construction and operation of nuclear facilities.

SECTION 101. CONSTRUCTION PERMITS AND OPERATING LICENSES

This amends section 185 of the Atomic Energy Act, a section which establishes the procedures to be followed by the Commission in authorizing construction permits and operating licenses for nuclear facilities.

Subsection a. of section 185 as it would be amended authorizes the Commission to grant a construction permit for a production or utilization facility and, upon the completion of construction to grant an operating license. This subsection restates existing authority with one exception. This legislation would delete the requirement for specification of the earliest and latest completion dates for construction permits. The existing provision has produced unnecessary paperwork and expenditure of resources without assuring that construction is diligently pursued. Moreover, the provision in current section 185 for earliest and latest completion dates made sense when it was included in the Act in 1954 because the Federal Government would be owning the fuel and would need to allocate special nuclear material between the civilian nuclear power and defense programs. It was important for AEC to predict completion dates (and hence operation commencement dates) with accuracy so that civilian requirements for special nuclear material could be predicted accurately and planned for properly. The Federal Government no longer allocates fuel and has a much lesser need to predict completion

dates accurately. Thus, the provision is no longer needed to serve the purpose for which it was adopted.

Although the requirement for the specification of the earliest and latest construction completion dates is deleted, the Commission will still issue a construction permit or a combined construction permit/operating license for a fixed period not to exceed forty years pursuant to sections 103(c) and 183 of this Act. The legislation would also provide specifically for an opportunity for a public hearing. This is consistent with section 189 as it is proposed to be amended by section 102 of the bill to delete the current requirement that hearings be held on construction permits for certain large facilities even in the absence of a hearing request.

In addition, consistent with present regulatory practice, an application to modify a production or utilization facility will require a construction permit only if the modification is defined as a material alteration of that facility pursuant to 10 CFR § 50.91.

Subsection b. of section 185 as it would be amended permits issuance of what would be called a combined construction permit and operating license (CP/OL) for a thermal neutron power generation facility. This definition would include all currently licensed U.S. commercial nuclear power reactors (including all currently licensed U.S. gas-cooled reactors), but exclude facilities such as breeder reactors and fuel reprocessing plants. A combine CP/OL could be issued for thermal neutron power generation facilities only if the application contains sufficient information to support the issuance of both the construction permit and operating license. In short, the application must include an essentially complete design. After issuance of the CP/OL and prior to commencement of operation (fuel loading), the Commission must find that the facility has been constructed and will operate in conformity with the CP/OL, the requirements of the Commission implementing this Act, and the National Environmental Policy Act of 1969 (NEPA). An opportunity for public hearing will be provided prior to the issuance of the CP/OL and prior to the commencement of operation as prescribed in section 189 of this Act. In addition, prior to commencement of operation the Commission will conduct a supplemental review of any safety and environmental issues that are required to be considered and were not considered in any prior review of that facility, facility site, or design approval for that facility. The preoperational review would be documented and result in the issuance of an operation authorization that would be considered a license for purposes of post-operational inspection and enforcement, for purposes of fixing the period of the operating license pursuant to sections 103(c) and 183 of this Act, and for purposes of judicial review under section 189e.

Subsection c. of section 185 as it would be amended authorized the Commission to rely upon a certification of need for the facility and the results of the consideration regarding alternative sources of generating capacity that are made by competent Federal, state or regional governmental entities upon an appropriate verification by the certifying organization. This subsection has been added to eliminate a duplicate review by the Commission of these environmental findings which are needed to support licensing decisions under applicable provisions of Federal law, and which have been made by other appropriate governmental organizations. If a proper certification is made, it shall be conclusive for determining compliance with applicable Federal law, and the findings shall not be reviewable in a Commission proceeding or in Federal Court involving its review of a Commission decision. The bill would not affect judicial review of a Federal agency's certification pursuant to laws other than the Atomic Energy Act; however, no additional rights to judicial review of Federal agency certifications are intended to be created.

Determinations regarding alternative energy sources made by governmental organizations cannot preempt the Commission's regulatory authority over radiological hazards. Accordingly, a state could not substitute its judgment for that of the Commission regarding the radiological hazards of a nuclear facility in determining a perference for energy options. The Commission will develop and provide to the states its assessment of the radiological hazards of the nuclear alternative which could then be used by the states in their respective considerations of energy alternatives.

Subsection d. has been added to ensure that the Commission shall not commence a proceeding to modify a final determination made in any prior proceeding involving a particular facility, facility site, or design approval for that facility, unless there is a substantial reason to do so. For purposes of this subsection, a final Commission determination, for which no hearing was requested or needed, would be accorded the same weight and effect as a prior final Commission determination made after a hearing. The person or entity requesting the modification must make a substantial evidentiary showing, as defined in section 201 of the Act, in accordance with procedures to be established by the Commission that the modification is required to comply with Commission requirements relating to this Act or other pertinent Federal laws. The bill defines a substantial evidentiary showing, for purposes of this section, subsections 193f. and 194e., to be a showing of evidence by the proponent of the modification that is sufficient to justify the conclusion that the proposed modification of the previous NRC final determination is required to comply with the Atomic Energy Act of 1954, other provisions of Federal law or the Commission's regulations. The bill also specifies that, in reaching its conclusion on the sufficiency of the proponent's evidentiary showing, the Commission will consider only the evidence presented by the proponent of the proposed modification as well as any reasonable inferences that can be drawn from that evidence. However, any party can present, and the Commission can consider, argument concerning the sufficiency of that evidence. For purposes of this subsection, a proponent would include the NRC staff. This requirement for a threshold evidentiary showing imposes the burden on the proponent of a proposed modification to a final Commission determination to present at the outset sufficient facts, reasoning and supporting technical analysis to demonstrate that there is a substantial basis for believing that the proposed modification is needed to comply with the Atomic Energy Act, other Federal law or the Commission's regulations. In determining the sufficiency of an evidentiary showing under this section, the Commission is not expected to conduct a detailed review of the merits of each element of the proponent's case, such as would normally occur after the submission of evidence from parties favoring and opposing a proposed modification in a Commission licensing proceeding. However, the Commission, in assessing the sufficiency of the proponent's threshold evidentiary showing, may take official notice of any fact of which a court of the United States may take judicial notice and may apply its technical judgment based upon technical or scientific facts within the knowledge of the Commission as an expert body. For purposes of this subsection, and subsections 189a.(1)(D), 193f. and 194e. the term "Commission's regulations" is intended to refer to those regulations of the Commission in effect at the time the modification is proposed. This subsection is intended to limit NRC initiated changes after a final Commission decision. It is not, however, intended to limit the ability of the NRC staff to question whether such changes should be made or to restrict staff effort in examining proposed changes.

Under current law, after a proceeding to modify a license is commenced by issuance of an order under 10 CFR 2.204, the proponent of the modification has the burden of going forward to make a prima facie case. The evidentiary burden imposed by this subsection and counterpart subsections 193f. and 194e. is similar, but would apply at an earlier phase before a formal order commencing a proceeding can be issued. The requirement in these subsections would not affect the Commission's or the NRC staff's authority to seek and obtain information from licensees about public health and safety problems. Indeed, it is quite possible that licensee-supplied information would be the basis for satisfaction of the evidentiary burden requirement. Subsection 185e would provide that nothing in section 185 affects state authority over radiation hazards. Thus, this Act would not create any new state authority over radiation hazards.

SECTION 102. HEARINGS AND JUDICIAL REVIEW

This section amends section 189 of the Atomic Energy Act of 1954. Section 189 affords members of the public the opportunity to request and participate in hearings on proposed licensing actions relating to specific nuclear facilities and activities.

The amendments to section 189 eliminate the present requirement for a mandatory hearing, even if no hearing is requested by a member of the public, for the issuance of a construction permit for commercial production and utilization facilities or testing facilities. The Commission would still be required to afford an opportunity for hearing and would hold a hearing at the request of any person whose interest may be affected. This change reflects the judgment as provided in section 2(a)(11) of the bill that adjudicatory hearings should not be held where there are no material issues of fact placed in dispute. This section also would permit the Commission at its discretion to use hybrid-type hearing procedures, as specified in subsections c. and d., instead of the formal adjudicatory procedures which have been used in the past.

Subsections 189a.(1)(A)–(C) would require that prior notice of various kinds be given and opportunity for public hearing afforded at key points in the licensing process for site approvals, design approvals, construction permits, operating licenses, combined CP/OLs and preoperational reviews for plants which have been previously issued a combined CP/OL. These provisions do not apply to materials and export licenses. They are covered by existing law.

Subsection 189a.(1)(B) requires that special notice by publication in major newspapers having national circulation be given on

the receipt and prior to the granting of an application for the approval of a facility design under section 194. Members of the public throughout the nation may wish to participate in public proceedings on design approval requests and this is a special mechanism for providing them with appropriate notice. Design approvals may be applied to any appropriate facility site location throughout the country and, hence, broad public notice should be provided for the design approval request.

Subsection 189a(1)(C) requires the Commission to offer a hearing prior to operation of a facility for which a combined CP/OL has been granted. The types of issues that can be raised are specified in subsection 189(1)(D).

Subsection 189a.(1)(D) would limit hearings to matters that were not and could not have been considered and decided in prior proceedings involving that facility, facility site, or approval of a design for that facility under section 194. This subsection would preclude adjudication of a matter that had been previously litigated unless there has been a substantial evidentiary showing that the issue should be reconsidered based on significant new information which came to light after the prior proceeding. This subsection would also preclude adjudication of a matter that had not been previously litigated, but could have. However, such an issue would be acceptable if the proponent makes a substantial evidentiary showing that significant new information has been developed since the prior proceeding and therefore the facility is likely not to meet requirements. An issue which could not have been raised in a previous proceeding would be an appropriate issue for consideration in a subsequent adjudicatory hearing if it otherwise meets the requirements of this section. For the purposes of subparagraph (D), the bill defines a substantial evidentiary showing as one sufficient to justify the conclusion that the facility will no longer comply with the Atomic Energy Act, other Federal law or the Commission's regulations (see discussion, p. 6).

The provisions restricting modifications to specified final NRC decisions in revised sections 185d., 193f., and 194e. differ from the related provisions restricting relitigation of issues in revised section 189a(1)(D). The first three are primarily intended to control the NRC's requiring modifications. The last is aimed at requiring intervenors to meet a reasonableness criterion. Both provide similar relief from the restriction if the proponent makes a defined substantial evidentiary showing in accordance with Commission procedures. However, sections 185d., 193f., and 194e. provide generally for a substantial evidentiary showing of non-compliance with regulatory requirements, while section 189a.(1)(D) provides more narrowly for a substantial evidentiary showing of non-compliance with requirements based on new information. Moreover, the first three sections listed only restrict Commission modification of matters that have been both considered and finally decided in the prior proceeding. The section 189 provision restricts relitigating matters that either were or could have been considered and finally decided in the prior proceeding. The former provisions allow more leeway than the section 189 provisions because the former are intended for use in the formal licensing review and enforcement process. They are directed primarily at NRC staff proposed changes, although requests for enforcement action by members of the public under 10 CFR 2.206 of NRC's regulations would also be covered. Section 189a.(1)(D), on the other hand, applies only in the hearing process for agency adjudications. Here a more stringent limitation was considered appropriate in view of the fact that the hearing process is a more time consuming and expensive method of resolving disputes than the informal NRC staff review.

Subsection 189a.(2) is identical to the so-called "Sholly Amendment" language enacted by the Congress in Public Law 97-415 on January 4, 1983, except that the concept would be extended to include amendments to construction permits, CP/OLs, design approvals, and site permits.

Subsection 189b. substantially modifies the existing statute by giving the Commission discretion to use hybrid-type hearing procedures. Historically the hearing phase of the proceedings to license production and utilization facilities has been entirely on-the-record adjudicatory proceedings (i.e., formal, trial-type hearings) with no flexibility to substitute informal procedures. Studies of regulatory reform in administrative proceedings have suggested in recent years the use of hybrid-type hearings as a technique to introduce permissible informality while preserving formal adjudicatory procedures for the resolution of relevant facts which are in dispute. In addition, on January 7, 1983, Congress enacted the "Nuclear Waste Policy Act of 1982," which includes a provision for hybrid hearing procedures for any hearings required on an application for reactor spent fuel storage expansion. Furthermore, the Commission has had some limited experience with hybrid hearing procedures in certain rulemaking proceedings. Thus, although hybrid hearing procedures have not been used in the licensing of nuclear power reactors and other production and utilization facilities, the format is not a novel one. Indeed its feature of using informal proceedings to identify any issues which must be adjudicated is not unlike the objectives of the prehearing procedures provided for in the Commission's Rules of Practice.

Generally, the purpose of the hybrid procedures established in subsections 189c. and d. and described below is to define with precision the issues, if any, that are in controversy and which must be resolved through formal adjudication. Discovery remains an essential part of this process, and discovery opportunities provided for in the Commission's regulations would be available to all parties.

Subsection 189c. would permit the Commission to use hybrid procedures in any hearing on an application for the granting, renewing or amending of a construction permit, operating license, combined construction permit and operating license, site permit, or approval of a design under section 194, after providing the parties to the proceeding with an opportunity to present their views. The Commission shall at the request of any party provide an opportunity for oral argument with respect to any matter which the Commission determines to be in controversy among the parties. The oral argument is to be preceded by such discovery procedures as the rules of the Commission shall provide, and each party, including the NRC staff, shall be required to submit to the Commission, in written form, at the time of the oral argument, a summary of the facts, data and arguments upon which such party proposes to rely that are at that time known to the party.

Subsection 189d. provides the procedures for determining the issues, if any, which must be adjudicated in formal proceedings. The subsection requires the Commission to designate any disputed question of fact for resolution in an adjudicatory hearing only if it determines that: there is a genuine and substantial dispute of fact which can only be resolved with sufficient accuracy by the introduction of reliable and specifically identified evidence in an adjudicatory hearing; and the decision of the Commission is likely to depend in whole or in part on the resolution of such dispute. The procedures in subsection 189d. for determining issues that must be adjudicated in formal proceedings are similar to the Commission's procedures for summary disposition in that the Commission must consider and weight the evidence submitted by all parties on the issue to determine whether there exists a genuine dispute of material fact. However, subsection 189d. adds three requirements not found in the Commission's summary disposition procedures (10 CFR section 2.749). First, subsection 189d. requires an affirmative Commission determination as a precondition to holding a formal hearing on an issue. Under the Commission's present procedures, a formal hearing is provided unless a party requests summary disposition and the Commission finds that the requirements for summary disposition have been met. Second, subsection 189d. requires a finding by the Commission that the preponderance of the evidence submitted indicates that the genuine dispute of material fact is also substantial—that is, that the issue is likely to be significant to the outcome of the proceeding. No such finding is required by the commission's summary disposition procedures. Third, subsection 189d. requires a finding by the commission that the preponderance of the evidence submitted indicates that a formal adjudicatory hearing is needed to resolve the issue. Again, no such finding is required by the Commission's summary disposition procedures. After applying the criteria in subsection 189d., the Commission must designate in writing why the ultimate decision is likely to depend on the resolution of the specific dispute and why an adjudicatory hearing is necessary to resolve the dispute. In making its decision, the Commission may take official notice of any fact of which a court of the United States may take judicial notice or of any technical or scientific fact within the knowledge of the Commission as an expert body.

Subsection 189e. maintains with only a conforming change the current provision for the judicial review of final orders of the Commission in any proceeding of the kind specified in Section 189.

SECTION 103. EARLY SITE APPROVAL

This is a new section 193 to the Atomic Energy Act which authorizes the NRC to approve one or more sites for the location of production or utilization facilities prior to the filing of any application to construct and/or operate a facility on that site. The purpose of this provision is to permit the resolution of site-specific questions at an early stage in the licensing process. Public participation on this crucial aspect of the overall facility planning and construction process would also occur at an early point in time where such participation can be most effective. This provision is an integral part of the effort to promote the early, effective and efficent resolution of issues in the licensing process.

Subsection a. of section 193 provides that an application for early site approval may be filed by any person or entity and that

the Commission is authorized to issue a site permit for a period of ten years even though no application for a construction permit or a combined CP/OL has been filed. It would also authorize limited aspects of the site (e.g. seismicity) to be considered and resolved prior to the filing of any application for a construction permit or combined CP/OL. This subsection permits an early and specific focus on the suitability of a site for production or utilization facility construction without requiring the development of a facility design. A site permit issued under this section would be a final Commission order subject to judicial review.

Subsection b. of section 193 provides that notwithstanding section 161w. of this Act or the Independent Offices Appropriation Act of 1952, no application filing or issuance fees shall be required for an application for approval or for an amendment or renewal of a site permit. The Commission is authorized to allocate the costs ordinarily defrayed by fees collected among future applicants for permits or licenses which propose to use the site permit. This provision is added as an incentive to applicants to seek approval for site permits. However, if fees cannot be defrayed because a site is not used during the initial ten year approval, the holder of the site permit must pay the full amount notwithstanding the granting of a renewal.

Subsection c. of section 193 authorizes the Commission to approve an application and issue a site permit with appropriate conditions if, after considering all the information in the application and providing an opportunity for a public hearing, the Commission determines that such approval will not be inimical to the common defense and security or to the health and safety of the public. An opportunity for a prior public hearing on the application will be afforded under Section 189 of the Act. It is currently envisioned that for full site permits the application would set forth an envelope of parameters such as: (1) the number, type or types and thermal power level of the facilities with respect to which the application for site approval is made; (2) the site description and location, including site boundaries and exclusion area; (3) description of nearby industrial, military, and transportation facilities, including usage and routes; (4) the proposed maximum levels of radiological and thermal effluents that each such facility will produce; (5) the type or types of cooling systems, intake and outflow, that may be employed by each facility; (6) the physical characteristics of the site, including seismic, meteorological, hydrologic, and geologic characteristics as well as population density and use characteristics of the surrounding area; and (7) such other information as the Commission may by rule or order require. By describing the site in such a way, the Commission could determine the site suitability for one or several generic designs that may be developed pursuant to section 194, the provision for standardized facility designs. However, nothing in this section would preclude the Commission from promulgating regulations which set forth standards and criteria for site approval consistent with section 161(i) of this Act and section 553 of title 5 of the United States Code.

Subsection d.(1) of section 193 provides that a site permit can be referenced in an application for a facility to be constructed on the site if the application has been filed within the period during which the site permit remains valid. The effect of this provision is that matters resolved in a site permit review or licensing action will not be modified or reexamined as part of the review of a construction permit or a combined CP/OL application which references the site permit, unless a substantial evidentiary showing is made pursuant to subsection f. After a site permit has been referenced, a request for renewal would be unnecessary to continue the effectiveness of the site permit for the application referencing the approved site.

Subsection d.(2) of section 193 authorizes the Commission to renew a site permit for not less than five or more than ten years from the date of renewal. Renewal would be based only upon the application of a permit holder. The minimum period of five years is set to assure that the resources used to review a renewal request are directed toward meaningful results. For example, allowing repeated renewals for only six months or a year could cumulatively tax the resources of the agency and industry alike. Moreover, it is contemplated that information necessary to form a sound basis for the decision to renew for periods of five to ten years will be readily available and within the state-of-the-art. Renewals would be based on regulations in effect at the time the renewal is requested providing a means to update the earlier approval. Subsequent renewals of the site permit will not be entertained, although the permit holder may submit a new application for the same site.

Subsection d. (2) of section 193 also sets out the criteria the Commission shall apply in deciding whether to renew a site permit. The Commission shall renew the site permit if it finds that the site will comply with this Act or NRC regulations in effect at the time of site permit renewal. Any licensing fees resulting from the granting of a renewal may be defrayed and allocated among future applicants using the renewed site permit. Defrayed renewal fees must be collected at the end of the renewal period.

Subsection e. of section 193 assures that a site approved under this section may be used for an alternative type of energy facility or any other purpose. However, the validity of the site permit for production or utilization facility siting may be affected by use of the site for a purpose not considered in its approval. The Commission intends to promulgate regulations which would require proper notice be given to the Commission regarding a nonconforming use.

Subsection f. of section 193 specifies that the Commission shall not commence a proceeding to modify any previous final determination involving a site permit unless a substantial evidentiary showing is made in accordance with procedures established by the Commission that the proposed modification is necessary to comply with the Commission requirements and other applicable provisions of Federal law. This provision is intended to have the same effect as the counterpart provisions in subsection 185d. and the discussion in the section-by-section analysis of that subsection is applicable here as well.

This provision would not preclude a holder of a site permit from seeking an amendment to that permit. The Commission shall approve an amendment to a site permit issued under this section if, after providing an opportunity for hearing pursuant to section 189 of this Act, the Commission determines that the amendment will comply with this Act and the Commission's regulation. Any amendment approved would apply to any construction permit or combined CP/OL utilizing the site permit after the amendment becomes effective.

SECTION 104. APPROVAL OF DESIGNS

This is a new section 194 to the Atomic Energy Act of 1954, which provides for approval of thermal neutron power generation facility designs. As with early site approvals, this section is intended to facilitate early resolution of issues with full opportunity for participation by interested persons. Although the Commission currently has procedures for approving designs, this section gives explicit statutory support to the concept and establishes requirements for Commission approval of facility designs. This section will encourage the development and use of standardized designs, will enhance safety, and will contribute to a better utilization of NRC resources.

The facility design should be described in such a way as to provide an envelope of parameters for sites selected pursuant to section 193 to assure that the plant could be constructed on a site of given general characteristics. Typically, a facility design should be described in such a manner that it could be used at more than one site with a minimum of adaptations because of specific site characteristics. The Commission contemplates and encourages development and use of substantially complete standardized designs as an effective means of increasing agency efficiency and augmenting the public health and safety.

The application requirements for approval of a facility design will be set out in the Commission's rules. If, after Commission review of the information in the application, and after providing the opportunity for a public hearing under Section 189 of the Act, the Commission determines that the design is suitable for construction and operation, it will issue an approval and the design may be banked for future use. An approval issued under this section will be considered a final Commission order subject to judicial review. When a pre-approved design is combined with a pre-approved site, it is contemplated that there may be a hearing with respect to the relevant construction permit or CP/OL if there are outstanding issues, i.e., issues raised by the matching of the site with the design. However, issues which were or could have been decided would not trigger new opportunities for hearing at the time the site and design are matched unless a substantial evidentiary showing is made that reconsideration of site or design issues is necessary to ensure compliance with this Act, other provisions of Federal law, or the Commission's regulations.

Subsection a. of section 194 authorizes the Commission to approve facility designs or the design of any major subsystem for a period of ten years even though no application for a construction permit or combined construction permit and operating license has been filed by an applicant. This provision permits design applications and approvals to be made before initiation of construction of thermal neutron power generation facilities.

Subsection b. of section 194 provides that notwithstanding section 161w. of this Act or the Independent Offices Appropriation Act of 1952, no application filing or issuance fees shall be required for an application for approval or for an amendment or renewal of an approval of a standardized facility. The Commission is authorized to allocate the costs ordinarily defrayed by fees collected among future applicants for permits or licenses which propose to use the approved design. This provision is added as an incen-

tive to vendors and architect-engineer firms to develop and seek approval for standardized designs. However, if fees cannot be defrayed because a design is not used during the initial ten year approval, the applicant must pay the full amount notwithstanding the granting of a renewal.

Subsection c. of section 194 authorizes the Commission to approve an application and issue a design approval with appropriate conditions if, after considering all the information in the application and providing an opportunity for a public hearing, the commission determines that such approval will not be inimical to the common defense and security or to the health and safety of the public. The opportunity for hearing and the hearing, if held, would be in accordance with section 189 of the Act.

Subsection d.(1) of section 194 provides that a design approval can be referenced for a facility if an application has been filed within the period during which the design approval remains valid. The effect of this provision is that all matters resolved in a design approval review or licensing action, including amendments to that approval, can be transferred without a need to re-review those matters in all applications for a construction permit, combined CP/OL, or operating license which reference that design approval, unless a substantial evidentiary showing is made pursuant to subsection e. A request for renewal would not be necessary to continue the effectiveness of the design approval in these referenced applications.

Subsection d.(2) of section 194 authorizes the Commission to renew a design approval for not less than five or more than ten years from the date of renewal. Renewal would be based upon the application of a permit holder. The minimum period of five years is set to assure that the resources used to review renewal requests are directed toward meaningful results. For example, allowing renewals for only six months or a year could cumulatively tax the resources of the agency and industry alike. Moreover, it is contemplated that information necessary to form a sound basis for the decision to renew for periods of five to ten years will be readily available and well within the state-of-the-art. It also sets out the criteria the Commission shall apply in deciding whether to renew a design approval. Renewal shall be granted unless it can be demonstrated that the design will not comply with the Atomic Energy Act or the Commission's applicable regulations in existence at the time that renewal is requested. This provision allows for updating designs at the time a request for renewal of an approval is made. Subsequent renewals of the design approval will not be entertained, although the design approval holder may submit a new application for the same design. Any licensing fees resulting from the granting of a renewal may be defrayed and allocated among future applicants using the renewed design approval. Defrayed fees must be collected at the end of the renewal period.

Subsection e. of section 194 specifies that the Commission shall not commence a proceeding to modify a final determination made in a design approval proceeding unless a substantial evidentiary showing has been made in accordance with procedures to be established by the Commission. This subsection is intended to have the same effect as the counterpart provision in subsections 185d. and 193f., and the section-by-section analysis of these subsections is applicable here as well.

Subsection f. of section 194 sets forth the criteria by which the Commission will approve an amendment to a design approval and how that amendment shall be applied to facilities which reference the design. These provisions ensure that approved amendments will apply to applications for a construction permit or a combined CP/OL referencing the design approval that are filed after the effective date of the amendment. the amendment, however, will not apply to those applications referencing the design which are filed before the effective date of the amendment unless (1) the applicant requests that the amendment be applicable, or (2) the reopening standards of subsection 194e. are satisfied.

Subsection g. of section 194 provides that any facility permit or license which references a design approval may be granted a variance from the design approval if the Commission determines that the variance will comply with this Act and the Commission's regulations.

A variance granted by the Commission under this subsection will apply only to the facility for which the variance has been requested. Thus, the variance does not apply to other facilities referencing the standardized design approval and does not constitute an amendment to the design approval. The purpose of this provision is to allow a facility-specific deviation from the referenced standardized design if the Commission finds that the deviation from the design will comply with the Atomic Energy Act and the Commission's regulations. Design issues raised by a request for a variance may be considered in a hearing on the application for a license, permit, or an amendment which includes the variance in accordance with subparagraph (D) of section 189a. (1) of the Atomic Energy Act.

TITLE II—MISCELLANEOUS PROVISIONS

The provisions contained in section 201 of the bill would add new subsections bb. and cc. to Section 11 of the Act. Section 11bb., as amended, would define a "substantial evidentiary showing" as used in subsections 185d., 189a.(1)(D), 193f., and 194e. of the Act. Section 11cc., as amended, would define "thermal nuclear generation facility" as used in sections 185 and 194 of the Act.

The provisions contained in section 203a. of the bill requires the Commission to propose regulations to implement the provisions of sections 185d., 193f. and 194e. applicable to thermal neutron power generation facilities within 180 days following the effective date of this section.

The provisions of section 203b. of the bill would prohibit the modification of any thermal neutron power generation facility except pursuant to the regulations promulgated under subsection a., once these regulations are promulgated.

Subsection c. of section 203 of the bill assures that an appropriate environmental review will be conducted and an impact statement prepared for any full site approval under section 193 of the Act. However, since need for power and alternative energy source issues probably cannot be assessed in the absence of a specific application for a facility, environmental reviews of these issues would not need to be done at the site approval stage. In addition, an environmental impact statement may not be appropriate and would not be required if the site is reviewed for a limited aspect. Such environmental considerations not assessed in the prior site reviews would be assessed in subsequent reviews of the facility to be located at the site. It is the intent of the Commission, however, to complete the full NEPA environmental review at the earliest possible stage in the approval of a site and a facility.

Subsection d. of section 203 of the bill would establish that no environmental review is required for the issuance of a design approval under section 194 of the Act. Any environmental review of a design would be conducted in connection with the application for a site permit, or an application for a construction permit or a combined CP/OL.

TITLE III—CONFORMING AMENDMENTS

These provisions would be necessary to conform other sections of the Atomic Energy Act of 1954 with the provisions contained in this bill. Section 182b. of the Act would also be changed to provide for Advisory Committee on Reactor Safeguards review prior to commencement of operation in the case of a combined construction permit and operating license.

TITLE IV—EFFECTIVE DATE

This provision ensures that all sections of the Atomic Energy Act, including those sections amended by this bill, shall take effect as of the date of enactment and shall apply to all pending and new proceedings. The last phrase requires each proceeding to meet the terms of the Act in order to come under this Act. For example, for an application for a design approval already under review by the Commission to be treated under section 194, such an application will have to meet the requirements of both subsections 194a and 194c.●

By Mr. SIMPSON (by request):

S. 894. A bill to improve the nuclear licensing and regulatory process, to amend the Atomic Energy Act of 1954, and for other purposes; to the Committee on Environment and Public Works.

NUCLEAR LICENSING AND REGULATORY REFORM ACT OF 1983

● Mr. SIMPSON. Mr. President, on March 18, 1983, the Department of Energy transmitted to the Congress proposed legislation intended to improve the nuclear licensing and regulatory process. Today, I am introducing that legislation by request of the administration. In addition to the proposed legislation, entitled the "Nuclear Licensing and Regulatory Reform Act of 1983," I am also submitting for the RECORD the letter of transmittal that accompanied this legislation, and a section-by-section analysis of the bill, and ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 894

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Nuclear Licensing and Regulatory Reform Act of 1983".

TABLE OF CONTENTS

Sec. 2. Findings and Purposes.

TITLE I—LICENSING AND REGULATORY PROCESS

Sec. 101. Backfitting Requirements.
Sec. 102. Construction Permits, Operating Licenses, and Construction and Operating Licenses.

Sec. 103. Hearings.
Sec. 104. Early Site Approval.
Sec. 105. Approval of Designs.
Sec. 106. Amendments and Deviations at Request of Holder.
Sec. 107. License Application Review.
Sec. 108. Additional Transitional Provisions.
Sec. 109. Safety Goal Reports.

TITLE II—CONFORMING AMENDMENTS

Sec. 201. Advisory Committee on Reactor Safeguards.
Sec. 202. Antitrust Provisions.
Sec. 203. General Provisions.
Sec. 204. Revocation.
Sec. 205. Modification of License.
Sec. 206. Atomic Safety and Licensing Board.
Sec. 207. Other Conforming Amendments.

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress, recognizing that an effective and efficient licensing and regulatory process for siting, construction, and operation of nuclear powerplants meeting safety and evnironmental criteria is in the national interest, finds and declares that—

(1) interstate commerce is substantially affected by the siting, construction, and operation of nuclear powerplants;

(2) meaningful public participation in siting and licensing of nuclear powerplants should be assured;

(3) determinations respecting the need for the power to be generated by new nuclear powerplants should be made by State or local authorities, where possible, and not by the Federal Government;

(4) siting and construction of nuclear powerplants would be facilitated and the public health and safety enhanced by the use of preapproved nuclear power reactor designs which reduce the need for individual reactor licensing reviews;

(5) siting of nuclear powerplants would be facilitated by early review and approval of the suitability of sites;

(6) siting, construction, and operation of nuclear powerplants would be facilitated by use of a single-step licensing process; and

(7) the Nuclear Regulatory Commission should continue to exercise its independent statutory responsibilities to protect the public health and safety and the common defense and security, taking into account that absolute safety is an unattainable goal for any energy source, that the cost of additional safety requirements should be given consideration, and that adequate protection of the health and safety of the public, in accordance with high standards established by the Commission, is the paramount consideration.

(b) The purposes of this Act are—

(1) to improve the effectiveness and efficiency of the nuclear powerplant licensing and regulatory process, consistent with the paramount responsibility of the Nuclear Regulatory Commission to protect the health and safety of the public;

(2) to protect the public interest and ensure meaningful public participation in the nuclear licensing and regulatory process;

(3) to recognize the interests of the States and local authorities in the nuclear licensing and regulatory process;

(4) to facilitate the use of pre-approved sites and designs for nuclear powerplants; and

(5) to provide for a single-step licensing process for nuclear powerplants under conditions which assure the continued protection of the public health and safety, which will be in accord with the common defense and security, and which assure appropriate consideration of the environment.

TITLE I—LICENSING AND REGULATORY PROCESS

BACKFITTING REQUIREMENTS

SEC. 101. The Atomic Energy Act of 1954 is amended by adding after section 29 a new section 29a to read as follows:

SEC. 29a. BACKFITTING REQUIREMENTS.—

"a. The Commission shall adopt regulations establishing procedures for centralized review by the Commission of all Commission staff proposals for backfitting requirements.

"b. (1) The Commission shall adopt regulations setting forth criteria to be used in review and approval of proposed backfitting requirements under subsection a. of this section. The regulations shall require evaluation of the safety or security concerns which give rise to the proposal, the improvements in safety that would result from adoption of the proposal, estimates of costs to potentially affected licensees in implementing the proposal, and other matters the Commission determines to be necessary.

"(2) The Commission shall not approve a proposed backfitting requirement under subsection a. of this section unless, based on the criteria in paragraph (1) of this subsection, the Commission determines that the proposed backfitting requirement will substantially enhance the public health and safety or the common defense and security as a result of improved overall safety of facility operation and that this improvement in overall safety is justified when considered over the remaining life of the facility. Approval of a proposed backfitting requirement by the Commission under subsection a. of this section is not delegable.

"(3) Any action taken by the Commission under paragraph (2) of this subsection shall not be subject to section 181 of 189 of this Act or section 10 of the Administrative Procedure Act, and shall not be subject to judicial review in any manner.

"c. As used in this section, "backfitting requirement" means an addition, deletion, or modification to those aspects of the engineering, construction, or operation of a production or utilization facility upon which a permit, license, or approval was issued.

"d. A proposed backfitting requirement approved under subsection a. of this section or proposed by any other person execpt the holder of a permit, license, or design approval is not effective until it is issued by the Commission as an amendment to a permit, license, or design approval, or as a rule, regulation, order or amendment thereof. The Commission shall not issue a backfitting requirement under this subsection until it determines that the backfitting requirement meets the test set out in paragraph b. (2) of this section.

"e. This section shall not apply to the application by the Commission of a backfitting requirement to facilities, sites approved under section 193 of this Act, or designs approved under section 194 of this Act, if the Commission determines that absent immediate action to impose the requirement, the public health and safety or the common defense and security will not be adequately protected.".

"f. The commission may apply the requirements of this section to analyses and testing requirements proposed by the Commission staff.".

SEC. 102. Section 185 of the Atomic Energy Act of 1954 (42 U.S.C. § 2235) and its catchline are amended to read as follows:

"SEC. 185. CONSTRUCTION PERMITS, OPERATING LICENSES, AND CONSTRUCTION AND OPERATING LICENSES.—

"a. An applicant for a license to construct or modify a production or utilization facility shall, if the application is otherwise acceptable to the Commission, be initially granted a construction permit. Upon the filing of additional information by the applicant needed to bring the original applicaiton up to date, the Commission shall issue an operating license to the applicant upon finding that the facility authorized has been constructed and will operate in conformity with the application as amended, the provisions of this act, and the rules and regulations of the Commission. For all other purposes of this Act, a construction permit is a 'license'.

"b. (1) The Commission may issue a construction and operating license to an applicant for a commercial production or utilization facility, if the application is sufficient to enable the Commission to determine that the facility will be constructed and will operate in conformity with the application, the provisions of this Act, and the rules and regulations of the Commission. For all other purposes of this Act, a construction and operating license is a 'license'.

"(2)(A) Before commencing operation, the holder of a construction and operating license shall certify to the Commission that the facility has been constructed and will operate in conformity with the construction and operating license, the provisions of this Act, and the rules and regulations of the Commission. Upon the receipt of this certification, the Commission shall publish in the Federal Register a notice of receipt. The notice shall provide a thirty day period during which any person may comment on the certification.

"(B) Within forty-five days after publication of the notice of receipt in the Federal Register under subparagraph (A), the Commission staff shall review the certification and any comments received during the public comment period and report to the Commission concerning whether the certification is correct and whether operation should be allowed, prohibited, or limited.

"(C) Within thirty days after the submittal to the Commission of the staff report under subparagraph (B), the Commission may issue and publish in the Federal Register an order prohibiting or limiting operation if it determines that the licensee certification is incorrect. Unless the Commission issues and publishes such an order within the thirty day period, the licensee may commence operation, fourteen days after the expiration of this period. A legal action challenging the validity of Commission action or inaction under this section must be brought, if at all, during this fourteen day period.

"(D) Any action by the staff under section 185 b. (2)(B) of this Act or by the Commission under section 185 b. (2)(C) of this Act is not subject to sections 181 or 189 of this Act. Commission action or inaction under section 185 b. (2)(C) of this Act is subject to judicial review in the manner prescribed in the Act of December 29, 1950 (ch. 1189, 64 Stat. 1129) and is subject to section 10 of the Administrative Procedure Act.

"c. The Commission shall provide for onsite inspection of construction to ensure conformity with the provisions of this Act, the application as amended, the construction permit or construction and operating license, and the rules and regulations of the Commission.

"d. The State in which a facility is to be located, a political subdivision of the State having direct authority over electric generating facilities within its jurisdiction, or another authorized public entity shall certify to the Commission the need for the power to be provided by the facility if the State, political subdivision, or public entity is required by law to make a determination concerning that need. This certification shall be binding upon the Commission, which shall incorporate the certification in its environmental impact statement pertaining to the facility. The certification is valid for purposes of the National Environmental Policy Act of 1969 only if it is valid under the law which requires the State, political subdivision, or public entity to make the determination of need. If no State, political subdivision, or other public entity is required to make this certification, the Commission shall certify the need for the power to be provided by the facility. The certification under this subsection is not subject to judicial review in a Federal court unless it is performed by the Commission or another Federal agency.

"e. The Commission may allow an applicant for a construction permit or construction and operating license for a production or utilization facility to prepare the proposed facility site for construction and perform those limited construction activities that the Commission determines to be permissible, upon determining:

"(1) that all findings required to be made by the Commission under the National Environmental Policy Act of 1969 before issuing a construction permit or a construction and operating license have been made;

"(2) that the certification under subsection d. of this section has been made;

"(3) that there is reasonable assurance on the basis of the available information and review to date that the proposed site is a suitable location for a facility of the general size and type proposed from the standpoint of the protection of the health and safety of the public; and

"(4) that there are no significant unresolved public health and safety issues with respect to the limited construction activities.

These activities shall be conducted at the risk of the applicant and shall be subject to termination or modification by the Commission at any time. Safety-related construction activities undertaken under this subsection shall not proceed for more than one year from their commencement unless the Commission, upon good cause shown, extends this period.

"f. This section does not affect the authority of any State or local governmental unit to issue any permit or license for the siting, construction or operation of a production or utilization facility.

"g. This section does not affect the requirement that the antitrust review under this Act be completed before the issuance of a construction permit or a construction and operating license, including where necessary a hearing on antitrust issues under sections 105c. and 189 of this Act.".

HEARINGS

SEC. 103. Section 189 of the Atomic Energy Act of 1954 (42 U.S.C. § 2239) is amended as follows:

(a) Section 189 a. (1) is amended to read as follows:

"a. (1) Except as provided in section 126 of this Act, this section applies to the following proceedings:

"(A) to grant, suspend, amend, revoke, or renew a license, construction permit, construction and operating license, site permit, or application to transfer control;

"(B) to establish the compensation, award, and royalties under sections 153, 157, 186c., or 188 of this Act;

"(C) to authorize preparation of a facility site or performance of limited construction activities under section 185 e. of this Act; or

"(D) to grant, suspend, amend, revoke, or renew an approval of a facility design or major subsystem thereof.".

(b) Section 189 a. (2) is redesignated section 189 a. (6), and is amended by inserting "or construction and operating license" after "operating license" wherever it occurs.

(c) New sections 189 a. (2), (3), (4) and (5) are added after section 189 a. (1), to read as follows:

"(2) Except as provided in paragraph (4) of this subsection, no less than thirty days after publication of a notice by the Commission in the Federal Register, the hearing officer shall provide any person an opportunity to submit for the record written data, views, or arguments in a proceeding under this section. Upon petition of a person whose interest may be affected by this proceeding, the hearing officer shall grant an opportunity for oral presentation on any issue as to which the petitioner sets forth, with reasonable specificity, his contentions and the bases for those contentions. The hearing officer shall admit that person as a party to the proceeding. The oral presentation shall be preceded by discovery procedures that the rules of the Commission may provide. Each party shall submit in written form, before oral presentation, within the time prescribed by the hearing officer, all the facts and arguments upon which that party proposes to rely.

"(3)(A) Following the conclusion of oral presentation, each party shall submit to the hearing officer, in written form, proposed findings setting forth the issues which it believes require a formal hearing and the reasons why it believes a formal hearing is required as to these issues. The hearing officer shall then consider all proposed findings, written submissions, and oral presentations and shall designate, as to those issues which have been included in a party's proposed findings, which issues require a formal hearing, conducted under sections 554, 556, 557 and 558 of title 5, United States Code, and which issues do not require a formal hearing.

"(B) The Commission shall review the designations made by the hearing officer, the proposed findings, the written submissions, and oral presentations. The Commission shall then decide, as to those issues which have been designated by the hearing officer, which issues require a formal hearing, conducted under sections 554, 556, 557 and 558 of title 5, United States Code, and which issues do not require a formal hearing.

"(C) The hearing officer shall designate an issue for formal hearing, and the Commission shall decide that a formal hearing is required as to the issue, if—

"(i) the issue consists of a genuine and substantial dispute of fact which can be resolved with sufficient accuracy only by introduction of evidence at a formal hearing; and

"(ii) the decision of the hearing officer or the Commission is likely to depend in whole or in part on the resolution of this dispute.

A hearing officer designation or Commission decision that a formal hearing is or is not required shall be in writing and shall state the reasons upon which it is based. The Commission decision is not subject to judicial review under section 189 b. of this Act until the proceeding which is the subject of the hearing has been concluded and a final order has been entered.

"(D) If an issue has not been included in a party's proposed findings, the question of whether a formal hearing is required as to that issue is not subject to judicial review unless there are extraordinary circumstances that excuse the failure to include the issue in a party's proposed findings.

"(E) For purposes of this section, "hearing officer" means an Atomic Safety Licensing Board, administrative law judge, or other person appointed by the Commission to conduct an oral presentation or formal hearing. This paragraph shall not modify any other provision of law.

"(4)(A) With respect to any proceeding for which the Commission issued a notice of hearing before the effective date of this Act, the Commission may apply the procedures set forth in this section, the procedures in effect for that hearing prior to the effective date of this Act, or other appropriate procedures authorized by law. A Commission decision under this paragraph is not delegable.

"(B) A hearing in a proceeding under chapter 18 of this Act shall be conducted in accordance with sections 554, 556, 557 and 558 of title 5, United States Code.

"(5) In an oral presentation or formal hearing under this section, the Commission shall implement, by rule, regulation, or order, the following limitations on admission of information:

"(A) on issues that have not been raised and resolved in other proceedings under this Act, no information shall be admitted unless it is significant, relevant, material, and concerns the protection of the public health and safety or the common defense and security from overall plant operation;

"(B) subject to paragraphs (C) and (D), no other information shall be admitted, on issues that have been raised and resolved in other proceedings under this Act, until significant new information has been introduced and admitted which raises a prima facie showing that action is needed to substantially enhance the public health and safety or the common defense and security as a result of improved overall safety of facility operation and that this improvement in overall safety is justified when considered over the remaining life of the facility.

"(C) on an application to grant, suspend, amend, or revoke a construction permit, operating license or construction and operating license for a facility for which a design approval has been obtained, information concerning design issues raised and resolved in the design approval proceeding shall not be admitted unless agreed to by the applicant. Where the applicant does not agree to admit the information, it must be reviewed in a design approval proceeding under section 194.

"(D) on an application to renew a site permit or design approval, or an application by the holder of the permit, license or design approval to amend a permit, license or design approval, no other information shall be admitted, on issues that were raised and resolved in the permit, license or design approval proceeding, until significant new information has been introduced and admitted which raises a prima facie showing that the facility, site or design will not comply with this Act or the Commission's rules and regulations for protection of the public

health and safety or the common defense and security.".

EARLY SITE APPROVAL

SEC. 104. The Atomic Energy Act of 1954 is amended by adding after section 192 a new section 193 to read as follows:

"SEC. 193. EARLY SITE APPROVAL.—

"a. The Commission may issue a site permit for approval of a site for one or more production or utilization facilities upon the application of any person or entity, notwithstanding the fact that an application for a construction permit or a combined construction permit and operating license for the facility or facilities has not been filed. For all other purposes of this Act, a site permit is a 'license'.

"b. An application for a site permit shall be in writing and shall contain the information requiredd by the Commission to determine the suitability of the site for its intended purpose, including:

"(1) the number, type, and thermal power level of the facilities that could be located on the site;

"(2) the boundaries of the site;

"(3) the proposed general location of each facility on the site;

"(4) the proposed maximum levels of radiological and thermal effluents that each facility would produce;

"(5) the type of cooling systems (intake or outflow) that may be employed by each facility;

"(6) the seismic, meteorological, hydrologic and geologic characteristics of the proposed site and the population density of the area surrounding the site; and

"(7) other information that the Commission may by rule or regulation require.

"c. (1) If, after considering all information submitted by an applicant under subsection b. of this section, the Commission determines that the proposed site is suitable for the construction and operation of the facility or facilities described in the application consistent with public health and safety it shall issue a site permit subject to conditions that it considers appropriate.

"(2) In making a determination under section 193 c. (1) of this Act, the Commission shall, with respect to each of the matters specified in section 193 b. of this Act, state in writing its findings regarding the suitability of the site for the facility or facilities described in the application.

"(3) A final Commission determination on an application filed under this section is a final order of the Commission for purposes of section 189 b. of this Act.

"d. (1) A site permit shall be conclusive with respect to a facility for which an application for a construction permit or a construction and operating license is filed within a period of ten years from the date of issuance of the site permit.

"(2)(A) Not less than twelve nor more than eighteen months before the expiration of the ten-year period, a site permit holder may apply for a renewal of the site permit. Upon review by the Commission, the Commission may renew a site permit for additional ten-year periods from the date of renewal.

"(B) Upon application for renewal of a site permit, the Commission shall renew the site permit unless it finds that significant new information on the site has become available which makes it likely that the site will not comply with this Act or the Commission's rules and regulations for protection of the public health and safety or the common defense and security.

"e. An applicant for a construction permit or a construction and operating license for a production or utilization facility to be located on a site approved under section 193 a. of this Act, upon 30 days prior written notice to the Commission and to the State in which the site is located and upon publication twice in those major newspapers serving the affected area as may be reasonably calculated to notify concerned or affected persons of the scope of the intended preparation, unless otherwise ordered by the Commission or the State, may prepare the approved site for construction and perform those limited construction activities that the Commission determines are permissible. These activities shall be conducted at the risk of the applicant and are subject to modification or termination by the Commission at any time. Safety-related construction activities shall not proceed for more than one year from their commencement unless the Commission, upon good cause shown, extends the period. Nothing in this subsection affects the authority of the State or local governmental unit to issue a permit or license for the preparation of the site or the construction activities authorized by this subsection.

"f. For purposes of the National Environmental Policy Act of 1969, an environmental impact statement prepared in connection with the issuance of a site permit need not contain an assessment of the need for power from the facility or facilities proposed to be constructed on the site for which the site permit is sought.

"g. Approval of a site under this section does not preclude its approval or use as a site for an alternate or modified type of energy facility or for any other purpose.

"h. The Commission may issue a site permit with respect to limited aspects of the suitability of the site for its intended purpose, under rules and regulations the Commission considers appropriate.

"i. For purposes of the National Environmental Policy Act of 1969, Commission issuance of a site permit is a 'major Federal action', and the issuance of the permit is considered to significantly affect the quality of the human environment if construction and operation of a facility with the characteristics described in the permit, on the site for which the permit is issued, would have significant effects on the quality of the human environment.".

APPROVAL OF DESIGNS

SEC. 105. The Atomic Energy Act of 1954 is amended by adding after section 193, as added by this Act, a new section 194 to read as follows:

SEC. 194. APPROVAL OF DESIGNS.—

"a. The Commission may approve a design for a commercial production or utilization facility upon application by any person, notwithstanding the fact that an application for a construction permit or construction and operating license for the facility has not been filed.

"b. The Commission also may approve designs for any major subsystem of a commercial production or utilization facility that represents a discrete element of the facility, as defined by the Commission.

"c. Notwithstanding section 161 w. of this Act or the Independent Offices Appropriation Act of 1952, an application filing or issuance fee shall not be required for an application for approval or for an amendment or renewal of an approval of a design of a facility or major subsystem under this section. The Commission may allocate the costs that would otherwise have been defrayed by fees required of applicants under this section among applicants for permits or licenses who propose to use the approved design.

"d. (1) An approval issued by the Commission under this section is conclusive with respect to an application for a construction permit or a construction and operating license which meets any conditions of the approval and which is filed within a period of ten years from the date of issuance of the approval.

"(2)(A) Not less than twelve nor more than eighteen months prior to the expiration of the ten-year period provided under paragraph (1), the person to whom the approval was issued may apply for a renewal of the approval. Upon review by the Commission, the Commission may renew the approval for additional ten-year periods from the date of renewal.

"(B) Upon application for renewal of a approval issued under subsections a. or b. of this section, the Commission shall renew the approval unless it finds that significant new information relevant to the design has become available which makes it likely that the design will not comply with this Act or the Commission's rules and regulations for protection of the public health and safety or the common defense and security.

"e. In accordance with section 553 of title 5, United States Code, the Commission may promulgate rules that set forth standards and criteria for production or utilization facility designs and may approve designs for minor subsystems of commercial production or utilization standardized facilities, as defined by the Commission, and designs for production or utilization facilities used for other than commercial purposes.

"f. A final Commission determination on an application filed under sections 194 a., b., or e. of this Act is a final order of the Commission for purposes of section 189 b. of this Act.".

AMENDMENTS AND DEVIATIONS AT REQUEST OF HOLDER

SEC. 106. The Atomic Energy Act of 1954 is amended by adding after section 194, as added by this Act, a new section 195 to read as follows:

"SEC. 195. AMENDMENTS AND DEVIATIONS AT REQUEST OF HOLDER.—

"a. The Commission shall not approve an amendment to a license, construction permit, construction and operating license, design approval, or site permit proposed by the holder of the permit, license, or approval, unless it determines that the amendment will comply with this Act and the Commission's rules and regulations for protection of the public health and safety or the common defense and security.

"b. (1) The holder of a permit, license or approval may deviate from any aspect of the permit, license or approval without prior Commission approval unless the deviation involves a change in the technical specifications incorporated in the permit, license or approval or an unreviewed safety question. A deviation shall not otherwise alter the permit, license or approval. The holder of the permit, license or approval to which the deviation applies shall maintain such records of the deviation and the basis for the determination that it does not involve a change in the technical specifications or an unreviewed safety question that the Commission may by rule or regulation require. These records shall be available for inspection by the Commission. A deviation which involves a change in the technical

specifications or an unreviewed safety question shall be proposed to the Commission as an amendment under subsection a. of this section.

"(2) A deviation involves an unreviewed safety question if:

"(a) The probability of occurrence or the consequences of an accident or malfunction of equipment important to safety previously evaluated in the proceeding on the permit, license or approval may be increased; or

"(b) A possibility for an accident or malfunction of a different type than any evaluated previously in the proceeding on the permit, license or approval may be created; or

"(c) The margin of safety as defined in the basis for any technical specification is reduced.".

LICENSE APPLICATION REVIEW

SEC. 107. Subsection 182 b. of the Atomic Energy Act of 1954 (42 U.S.C. § 2232 b.) is amended to read as follows:

"b. The Advisory Committee on Reactor Safeguards may review an application to grant, amend, or renew a license, construction permit, construction and operating license, or site permit. The Committee shall review each application for design approval, each proposed amendment or renewal of a design approval, and any application under section 103, 104, or 193 of this Act that the Commission refers to the Committee. The Committee shall submit a report to the Commission on each application, design approval or proposed amendment or renewal of a rule that it reviews. The Committee decision to review or fail to review an application or proposed amendment or renewal of a design approval and the Commission decision to refer or not refer an application to the Committee, is not subject to judicial review. Except to the extent that security classification prevents disclosure, any report required by this subsection shall be made part of the record of the application or rulemaking proceeding and available to the public.".

ADDITIONAL TRANSITIONAL PROVISIONS

SEC. 108. The Atomic Energy Act of 1954 is amended by adding after section 195, as added by this Act, a new section 196 to read as follows:

"SEC. 196. ADDITIONAL TRANSITIONAL PROVISIONS.—

"a. The procedures provided in Appendices M, N, O and Q of Title 10 of the Code of Federal Regulations, Part 50; Subpart F of Part 2 of the same title; and the Commission's Topical Report Program, shall continue in effect until modified, terminated superseded, set aside or revoked in accordance with law by the Commission.

"b. An applicant for a construction and operating license may incorporate by reference in the application a Staff Site Report issued under Appendix Q of Title 10 of the Code of Federal Regulations, Part 50 or an approval of a final design issued under Appendices N or O of the same Part. The report or approval shall be given the same effect that the Commission provides when the report or approval is incorporated by reference in an application for a construction permit or operating license.

"c. An application for a construction permit may be converted by the applicant into an application for a construction and operating license, subject to section 185 b. of this Act. An applicant granted a construction permit may apply for a construction and operating license, subject to section 185 b. of this Act.".

SAFETY GOAL REPORT

SEC. 109. The Atomic Energy Act of 1954 is amended by adding after section 196, as added by this Act, a new section 197 to read as follows:

"SEC. 197. SAFETY GOAL REPORT—

"The Commission shall adopt and implement a safety goal, and supporting methodologies, through the issuance of those rules and regulations that the Commission considers appropriate. Within one year from the effective date of this section, the Commission shall report to the Congress on the progress it has made toward adoption and implementation of this safety goal.".

TITLE II—CONFORMING AMENDMENTS

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

SEC. 201. The second sentence of section 29 of the Atomic Energy Act of 1954 (42 U.S.C. § 2039) is amended to read as follows: "The Committee, as provided in section 182b., shall review safety studies, facility license applications, site permit applications, and design approval applications and shall make reports thereon, shall advise the Commission with regard to the hazards of proposed or existing reactor facilities and the adequacy of proposed reactor safety standards, and shall perform such other duties as the Commission may request.".

ANTITRUST PROVISIONS

SEC. 202. The first sentence of section 105c.(2) of the Atomic Energy Act of 1954 (42 U.S.C. § 2135c.(2)) is amended by striking "a license to construct or operate" and inserting in its place "an early site permit and an application for a license to construct, operate, or construct and operate".

GENERAL PROVISIONS

SEC. 203. Section 161o. of the Atomic Energy Act of 1954 (42 U.S.C. § 2201o.) is amended by inserting "authorized by section 193 or conducted" after "activities" the second time it occurs.

REVOCATION

SEC. 204. Section 186a. of the Atomic Energy Act of 1954 (42 U.S.C. § 2236a.) is amended by inserting "or site permit or design approval" after "license" wherever it appears; and by inserting "or sections 193 or 194" after "section 182".

MODIFICATION OF LICENSE

SEC. 205. Section 187 of the Atomic Energy Act of 1954 (42 U.S.C. § 2237) is amended by inserting "and site permits and design approvals" after "licenses".

ATOMIC SAFETY AND LICENSING BOARD

SEC. 206. Section 191a. of the Atomic Energy Act of 1954 (42 U.S.C. § 2241a.) is amended by deleting "or" after "license"; inserting a comma in its place; and by inserting ", or site permit or design approval" after "authorization".

OTHER CONFORMING AMENDMENTS

SEC. 207. The table of contents of the Atomic Energy Act of 1954 is amended by—

(a) adding after the item relating to section 29 the following:

"Sec. 29a. Backfitting Requirements."

(b) striking the item relating to section 185 and inserting in its place the following:

"Sec. 185. Construction Permits, Operating Licenses, and Construction and Operating Licenses."

and

(c) adding after the item relating to section 192 the following:

"Sec. 193. Early Site Approval.

"Sec. 194. Approval of Designs.

"Sec. 195. Amendments and Deviations at Request of Holder.

"Sec. 196. Additional Transitional Provisions.

"Sec. 197. Safety Goal Report.".

THE SECRETARY OF ENERGY,
Washington, D.C., March 18, 1983.

Hon. GEORGE BUSH,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: On October 8, 1981, President Reagan directed the Department of Energy to give priority attention to recommending improvements in the nuclear licensing and regulatory process. Pursuant to the President's directive, the Department of Energy has prepared and hereby submits for consideration by the Congress proposed legislation entitled, "Nuclear Licensing and Regulatory Reform Act of 1983," a measure designed to improve the nuclear licensing and regulatory process.

The existing nuclear licensing and regulatory process was established by the Atomic Energy Act of 1954. Although the process has been modified from time to time, it has not kept pace in an orderly fashion with the development of nuclear power as an important energy source in the United States. As a result, the current regulatory process no longer serves the best interests of the public, the regulator, or private industry. Established as a framework for licensing nuclear plants when the technology was developmental, the current two-step licensing process appears ill-suited for regulating a major commercial energy source. From the public's perspective, it results in unnecessarily high costs of electricity and a participation in the licensing process that is not as effective as it could be. From the point of view of the regulator, the present process diverts effort away from the regulator's primary task of protecting the public health and safety. From the industry's perspective, the present process does not offer predictable criteria and schedules for siting, designing, constructing, and operating nuclear plants. In short, the process does not appear to meet the needs of the 1980's.

The proposed legislation seeks to improve the nuclear licensing and regulatory process by: (1) improving the effectiveness of public participation in the licensing process; (2) increasing predictability in the regulatory requirements affecting nuclear plants currently in operation and those under construction; (3) providing for the issuance of a construction and operating license (one-step licensing) if the application contains enough information to support the issuance of both; (4) assuring applicants that the plants they propose, once approved, can be constructed and operated as planned within a regime that affords justifiable stability and certainty; and (5) establishing State responsibilities in the area of need for power in order to avoid duplication of effort and to maximize the use of State expertise. Various provisions of the proposed legislation address one or more of these general objectives which, taken together, should produce a more effective licensing and regulatory process while contributing to greater protection of health and safety. A detailed section-by-section analysis of the proposed legislation is enclosed.

Enactment of this legislative proposal would cause no apparent increase in budgetary requirements for the Department of Energy.

The Office of Management and Budget advises that enactment of this legislative proposal would be in accord with the program of the President.

Sincerely,

DONALD PAUL HODEL.

[Section-By-Section Analysis]

NUCLEAR LICENSING AND REGULATORY REFORM ACT OF 1983

SECTION 101. BACKFITTING REQUIREMENTS

This section would require the NRC to establish procedures for centralized review by the Commission of all backfitting requirements proposed by the NRC staff. The method of implementing this centralized review would be left to NRC discretion. A "backfitting requirement" would be defined as an addition, deletion, or modification to those aspects of the engineering, construction, or operation of a production or utilization facility upon which a permit, license or approval was issued. The Commission would adopt regulatory criteria to be used in reviewing and approving backfitting requirements which would include consideration of safety, security and cost factors.

A proposed backfitting requirement would only be approved by the Commission within this internal review process if the Commission determined that the proposed backfitting requirement would substantially enhance the public health and safety or the common defense and security as a result of improved overall safety of facility operation and that this improvement in overall safety was justified when considered over the remaining life of the facility. This test would allow the NRC to evaluate a generic backfitting requirement in terms of its effect on the overall level of safety at the class of affected facilities rather than at each individual plant. In addition, the test is intended to require the evaluation of a backfit proposal sa it affects *overall* plant safety rather than just the safety aspects of one portion of the plant and to place the burden on the Commission to establish that the requirements of the standard have been met.

The Commission approval responsibility would be nondelegable in order to assure that the Commission itself approves of the backfitting requirements proposed by the staff. Since the Commission itself has the responsibility initially for determining the safety of overall plant operation when it grants a construction permit or an operating license, a modification in overall plant safety, even though such modification is approved through the centralized staff review process, should also require Commission review.

Backfitting proposals which are denied through the centralized review process before getting to the Commission review step would not need to be reviewed by the Commission. Disposition of these proposals would be left to NRC's discretion. Because the Commission approval under the centralized review process is only an internal approval of a backfit proposal, and is not a final agency action, this section provides in subparagraph (b)(2) that judicial review is not appropriate at this time.

It is important to note that this internal Commission approval does not make a backfit effective. A proposed backfitting requirement approved in the internal review process or proposed by any other person would not be effective until issued by the Commission in the form of an amendment to a permit, license, approval, or as a rule, regulation, order, or amendment thereof. Such an action by the Commission would be a final agency action and would be subject to judicial review. Except as provided in section 106, the Commission would apply the same standard it used earlier in the internal review process. Amendments proposed by the holder of a permit, license, or design approval under section 106 would have to meet the standard set out in that section. Although the scope of the internal review process is specifically described to cover backfit proposals issued as described above, nothing in the legislation would prevent the Commission from including items such as regulatory guides and branch technical positions within the scope of the centralized review process.

Issuance by the Commission of an amendment or a rule, regulation, or order makes the backfit applicable to the affected facilities, sites or designs. This issuance authority could be delegated by the Commission, in the same manner, for example, as it presently delegates some of its decisionmaking authority to Licensing Boards or Commission staff officials.

A proposed backfit would not be required to follow the procedures set out in this section if it were required to remedy an emergency safety problem.

SECTION 102. CONSTRUCTION PERMITS, OPERATING LICENSES, AND CONSTRUCTION AND OPERATING LICENSES

This section would authorize the NRC to grant, individually, a construction permit and an operating license for a production or utilization facility and to grant, as a combination license, a construction and operating license for a commercial production or utilization facility. An application for a construction and operating license would be required to contain a level of detail sufficient to allow the NRC to make the determinations, concerning public health and safety and the common defense and security, required by the Atomic Energy Act and NRC rules and regulations. This section would not mandate the specific level of detail required in an application. That would be left to the NRC. For issues which are not usually decided at the pre-construction stage, such as emergency planning, the NRC would require that the application satisfy certain general criteria sufficient for the NRC to make the needed findings. Specific details concerning these issues could be filled in and agreed to with the NRC during the construction process.

An expedited procedure for commencement of operation would be provided for facilities which have a construction and operating license. A holder of a construction and operation license would certify that the plant has been constructed, and will operate, safely. It is intended that this licensee be allowed to certify construction when the plant has been substantially completed. The NRC would specify the requirements for this cerfication, including the level and type of detail required. Upon receipt of the certification, the NRC would publish a notice of receipt in the Federal Register. A thirty day public comment period would then be provided. The NRC staff would reveiw the certification under its inspection and enforcement responsibilities and comments received from the public and report to the Commission, within forty-five days of publication of the notice of receipt in the Federal Register, concerning whether the certification is correct and whether operation should be allowed, prohibited, or limited.

The Commission then would have thirty days in which it could prohibit or limit operation if it determined that the licensee certification was incorrect. This decision to prohibit or limit operation would be in the Commission's discretion, based upon their review of the staff report and their own judgment. If operation were not prohibited or limited by the Commission, the licensee could commence operation fourteen days after the thirty-day NRC review period is over. Legal challenges to the NRC action or inaction could only be brought within this fourteen-day pre-operation period. Neither the Administrative Procedure Act nor the hearing procedures pursuant to section 189 would apply to the certification review process. Because all of the issues should have been raised and resolved earlier in the process, the intent of this section is to avoid any unnecessary delay. No public hearing is provided for and none is intended for the certification review process. This process would ensure that, once a COL is obtained, a licensee would be able to commence operation unless the Commission itself issued an order prohibiting or limiting operation.

Before issuance of a construction permit or construction and operating license, a State or local agency or other public entity would be required to certify to the NRC the need for the power to be generated by the facility if it is required by any other law to make this need for power determination. This certification would be binding on the NRC for purposes of the National Environmental Policy Act of 1969 (NEPA). An agency, such as TVA, that is authorized to certify need for power for its own facilities, would be required to submit its certification to NRC under the provision. While several different entities may now make some type of need projections, NRC will be bound only by the determination required by law to be performed. This certification would be valid for purposes of NEPA if it were valid under the law authorizing the agency to make the certification. Unless the agency were Federal, the certification would only be subject to review in a State court. If no state or local agency or public entity were required to make the certification as to a specific plant, the NRC would make the determination itself.

The NRC would be required to conduct on-site inspection of facility construction. An applicant for a construction permit or construction and operating license could perform those limited construction activities permitted by the NRC. While both safety-related and non-safety related activities could be permitted, safety-related activities may not continue for more than one year unless this period is extended by the NRC.

This section would not grant additional authority to states or other authorized public entities, but simply recognizes existing authority to make need for power determinations. Indeed, this section would not affect in any manner existing regulatory authority to states and local governmental units.

SECTION 103. HEARINGS

This section sets forth which proceedings would be subject to a hearing and would provide procedures for conducting such hearings. It would establish a "hybrid" style hearing process for use in most proceedings. First, no less than thirty days after publication of a notice in the Federal Register, persons would be allowed to introduce written submissions into the record of the proceeding. Any person whose interest might be affected could then petition the hearing officer for oral presentation. The hearing offi-

cer could be an Atomic Safety Licensing Board, an administrative law judge, or other person or persons appointed by the NRC to conduct the proceeding. The NRC, in its own discretion, would choose the appropriate type of hearing officer. This section is not intended to modify present NRC authority as to appointment of hearing officers.

The hearing officer would grant oral presentation on any issue as to which the petitioner states his contentions, and their bases, with reasonable specificity. The oral presentation would be preceded by discovery and by written submittal, from all parties, of the facts and arguments to be relied upon in the oral argument.

After oral presentation has been completed, the hearing officer would allow each party a certain amount of time to submit to the hearing officer, in written form, proposed findings setting forth the issues which it believes would require a formal hearing for resolution and the reasons why it believes a formal hearing is required as to these issues. The term "formal hearing" is meant to denote a hearing conducted under 5 U.S.C. §§ 554, 556, 557, and 558. The hearing officer would then designate, as to those issues which had been included in the parties' proposed findings, which issues required a formal hearing for resolution and which issues did not. The hearing officer would not be prohibited from designating for formal hearing an issue not included in the parties' proposed designations if he decided that a formal hearing were required as to that issue.

The NRC would review these designations, the written submissions, and oral presentation, and affirm or reverse the hearing officer's designations as to each issue. The Commission would not be prohibited from mandating a formal hearing for an issue not designated by the hearing officer if it decided that a hearing were required as to the issue. Judicial review of these NRC decisions would not be available until the entire proceeding has been concluded and a final order has been entered. No judicial review would be allowed concerning whether a formal hearing is required as to an issue unless the issue had been included in a party's proposed findings or extraordinary circumstances excused the failure to include the issue.

Hearings for which notices of hearing were issued before enactment of this Act would be subject to those procedures that the NRC decided were appropriate. This could include adjudicatory, hybrid, or any other legally authorized procedure.

Enforcement hearings would be conducted entirely in a trial-type, formal hearing mode rather than the combined oral argument-formal hearing mode described above.

This section would not change the language contained in the NRC Fiscal Years 1982 and 1983 Authorization Act that authorized the Commission to issue and make immediately effective any amendment to an operating license when the Commision determined that such amendment involved no significant hazards consideration. This section would include a construction and operating license, in addition to an operating license, as being subject to this authority.

This section would provide limitations on information which may be admitted in hearings on various applications. It would affect only information introduced by a party, leaving the present sua sponte authority of the Commission and its hearing officers unchanged. On issues raised and resolved by NRC in other licensing proceedings, no other information could be admitted until significant, new information has been introduced and admittted which raises a prima facie showing that action is needed to substantially enhance the public health and safety or the common defense and security and that the improvement in overall safety is justified when considered over the remaining life of the facilty.

The term prima facie means that the proponent of such information has the burden of going forward and must make an affirmative showing by tendering evidence which is sufficient, absent a rebuttal, to meet the test outlined above. Accordingly, the information would be ruled inadmissible if the proponent were unable to go forward or, having gone forward, made an insufficient showing. This standard is more restrictive than the standard presently used by the NRC to limit introduction of new information on issues previously raised and resolved.

Information concerning issues which have not been raised and resolved in other NRC licensing proceedings could not be admitted unless it is significant, relevant, material and concerns the overall effect of the plant on the public health and safety or common defense and security.

Information concerning design issues which have been raised and resolved in a design approval proceeding could not be admitted in a facility license proceeding. These issues would have to be raised and resolved in proceedings to amend the design approval. The issue of the relationship between the design approval and a site permit would not have been raised and resolved in the design approval proceeding, so this issue would not be subject to the above restriction.

This section will not affect the licensing procedures for the licensing of expanded spent nuclear fuel storage capacity pursuant to section 134 of P.L. 97-425.

SECTION 104. EARLY SITE APPROVAL

This section would authorize the NRC to approve sites or selected aspects of the sites for commercial production or utilization facilities prior to the filing of any applications to construct or operate facilities on the sites. Site permits would be valid and effective for ten years and renewable for additional ten-year periods. A site permit would be subject to backfitting as laid out in section 101 of this Act. A "hybrid" style hearing, under section 103 of this Act, would be provided on request before issuance of the permit.

A pre-approved site could be incorporated into an application for a construction permit or construction and operating license. Review of issues that had been raised and resolved in the site permit proceeding would then be strictly limited. Reexamination of such issues in hearings would be restricted as set forth in section 103 of the Act. Reexamination of these issues by the NRC staff in its application review would be limited by the restrictions on imposition of backfits under section 101 of this Act.

The need for power determination would be made at the construction permit or construction and operating license stage, in the manner prescribed in section 102 of this Act, and incorporated into the NEPA process by means of a supplement to the existing Environmental Impact Statement. An applicant for a construction permit or construction and operating license who had obtained a site permit could perform limited construction activities before issuance of the permit or license.

SECTION 105. APPROVAL OF DESIGNS

This section would permit the NRC to approve facility or major facility subsystem designs for commercial production or utilization facilities independent of applications for construction permits or construction and operating licenses. It is envisioned that as nuclear powerplant technology matures and operational experience increases, the industry may wish to avail itself of the opportunity to obtain pre-approval of major subsystems and ultimately pre-approval of full facility designs. This section would make that opportunity available.

Such a pre-approved design could then be incorporated into an application for a construction permit or construction and operating license. Review of issues that had been raised and resolved in the design approval proceeding would then be strictly limited. Reexamination of such issues in hearings would be restricted as set forth in section 103 of this Act. Reexamination of these issues by the NRC staff in its application review would be limited by the restrictions on imposition of backfits under section 101 of this Act.

The NRC would define the level of detail required in an application for a design approval. Design approvals would be valid and effective for ten years from date of issuance and could be renewed for additional ten-year periods. A design approval would be subject to backfitting as laid out in section 101 of this Act. A "hybrid" style hearing under section 103 of this Act would be provided on request before issuance of the design approval rule.

SECTION 106. AMENDMENT AND DEVIATIONS AT REQUEST OF HOLDER

This section would set forth the standard to be applied by the Commission in determining whether or not to approve an amendment proposed by the hold of a permit, license, or approval. This section would authorize the Commission to approve an amendment proposed by the holder as long as the amendment would comply with the Atomic Energy Act and the Commission's own rules and regulations for the protection of the public health and safety or the common defense and security. This different test for amendment approval, in contrast to the approval standard required for an amendment proposed by the staff or any other person, is necessary to provide a reasonable degree of flexibility to the holder to make changes in its construction or operational activities. It should not be necessary for the Commission to meet a burden of showing safety improvements in situations where the holder of the license is the party seeking the amendment.

This section would also authorize the holder of a permit, license or approval to deviate from any aspect of the permit, license or approval without prior Commission approval unless the deviation involved a change in the technical specifications of the permit, license or approval or an unreviewed safety question. A record-keeping requirement would be established, as required by the Commission, so that the Commission could review the records to assure compliance with this section. A deviation that required a change in the technical specifications or an unreviewed safety question would be proposed to the Commission as an amendment and would have to meet the test set forth in subsection a. of this section.

The definition of an unreviewed safety is included in this section.

SECTION 107. LICENSE APPLICATION REVIEW

This section would give the Advisory Committee on Reactor Safeguards general discretionary authority to decide which applications merit its review. Review of design approvals and applications referred to the ACRS by the NRC would be mandatory.

SECTION 108. ADDITIONAL TRANSITIONAL PROVISIONS

This section would permit the present NRC procedures concerning early site review and design approval to remain in effect, subject to futher NRC action, and extends the procedures to cover applicants for construction and operating licenses. This is done in order to ensure that these procedures stand on secure legal authority. The NRC's authority to modify, revoke or otherwise affect these regulatory programs is not affected.

The section would allow holders of, and applicants for, construction permits to apply for construction and operating licenses. This provision would apply even if the permit was granted before the effective date of this Act. Introduction and consideration of information at a hearing on an application for a construction and operating license for a facility which has been granted a construction permit would be limited in the same ways as are provided for all other licensing hearings in section 103.

SECTION 109. SAFETY GOAL REPORT

This section would require the NRC to adopt and implement a safety goal and supporting methodologies and report to the Congress within one year from the effective date of this Act on the progress it has made toward adoption and implementation of the safety goal.

Title II—Conforming Amendments

This section would amend several provisions of the Atomic Energy Act to conform with the provisions of this Act.●

By Mr. D'AMATO:

S. 896. A bill entitled the "Securities and Exchange Commission Technical Amendments Act of 1983"; to the Committee on Banking, Housing, and Urban Affairs.

SECURITIES AND EXCHANGE COMMISSION TECHNICAL AMENDMENTS

● Mr. D'AMATO. Mr. President, I am introducing, as recommended by the Securities and Exchange Commission, a bill which would make three minor statutory changes affecting the SEC's operations.

The SEC had requested that these amendments be considered prior to adjournment of the 97th Congress. Due to the amount of pressing business at the end of the session we were unable to consider it.

I would like to describe briefly the three changes which the current bill would make.

Section 1 of the bill would amend the Securities Exchange Act of 1934 to enable the Commission to accept reimbursement for actual expenses incurred by its members and employees in connection with meetings involving the SEC's functions and activities. The bill would require adoption by the SEC of regulations to prevent actual or apparent conflicts of interest where reimbursement from non-Federal entities is involved.

Section 2 would amend the Securities Exchange Act of 1934 to eliminate the "SECO" program, which subjects a limited number of registered broker-dealers to direct regulation by the SEC, rather than the more common system in which direct regulation is provided by securities self-regulatory organizations, subject to continuing oversight by the SEC. In support of this proposal, the SEC asserts that eliminating the separate regulatory system for SECO brokers will lead to greater efficiency in its use of resources and, at the same time, to greater uniformity in the regulation of broker-dealers.

Section 3 of the bill would provide that the SECO amendments contained in section 3 are to be effective 6 months after the date of enactment.

Section 4 of the bill would amend section 209 of title 18 of the United States Code to permit professional accounting and attorney fellows of the SEC to be reimbursed for actual relocation expenses by their former private employees. The Commission has found that restrictions on payment of relocation expenses, which results from the present applicability of subsection (e) of section 109 only to executive agencies, has inhibited its efforts to attract the most able persons as applicants for the two fellows programs.

Mr. President, I ask unanimous consent that the text of the bill, together with a section-by-section analysis and a justification prepared by the SEC, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 896

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 4 of the Securities Exchange Act of 1934 (15 U.S.C. 78d) is amended by adding at the end thereof the following new subsections:

"(c) in accordance with regulations which the Commission shall prescribe to prevent conflicts of interest, the Commission may accept payment and reimbursement, in cash or in kind, from non-Federal agencies, organizations, and individuals for travel, subsistence, and other necessary expenses incurred by Commission members and employees in attending meetings and conferences concerning the functions or activities of the Commission. Any payment or reimbursement accepted will be credited to the appropriated funds of the Commission. The amount of travel, subsistence, and other necessary expenses for members and employees paid or reimbursed under this subsection may exceed per diem amounts established in official travel regulations, but the Commission may include in its regulations under this subsection a limitation on such amounts.

"(d) Notwithstanding any other provision of law, former employers of participants in the Commission's professional fellows programs may pay such participants their actual expenses for relocation to Washington, D.C., to facilitate their participation in such programs, and program participants may accept such payments."

SEC. 2. Section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o) is amended as follows:

(1) Paragraph (8) of the subsection (b) thereof is amended to read as follows:

"(h) it shall be unlawful for any broker or dealer required to register pursuant to this title to effect any transaction in, or induce or attempt to induce the purchase or sale of, any security (other than an exempted security or commercial paper, bankers' acceptances or commercial bills), unless such broker or dealer is a member of a securities association registered pursuant to Section 15A of this title or effects transactions in securities solely on a national securities exchange of which it is a member."

(2) Paragraph (9) of subsection (b) thereof is amended to read as follows:

"(9) The Commission by rule or order, as it deems consistent with the public interest and the protection of investors, may conditionally or unconditionally exempt from paragraph (8) of this subsection any broker or dealer or class of brokers or dealers specified in such rule or order."

SEC. 3. The provisions in section 2 shall become effective six months after the date of enactment.

SECTION-BY-SECTION ANALYSIS

The first paragraph of Section 1 would amend the Securities Exchange Act of 1934 ("Act") to give the Commission the authority to accept, on behalf of the agency, payment and reimbursement for travel and subsistence expenses actually incurred by Commission members or employees in connection with their attendance and participation at conferences and meetings concerned with the functions or activities of the Commission. This amendment is intended to permit the Commission to accept such reimbursement under circumstances consistent with the Federal conflict of interest laws and which are in accord with the Commission's own regulations prohibiting actual or apparent conflicts.

The amendment provides that payments and reimbursements accepted by the Commission will be credited to the agency's appropriated funds, and to that extent, augment the agency's authorization. Further, payments and reimbursements will be paid directly to the agency. Members and employees will travel on official orders from the Commission and will be reimbursed by the Commission in accordance with federal travel regulations.

Because per diem amounts are generally not sufficient to pay the usual accommodation expenses at these meetings and conferences, the Commission believes it is appropriate that existing per diem regulations not apply when travel and subsistence expenses are reimbursed to the Commission.

The Commission is required to adopt or maintain regulations which will prevent real or apparent conflicts of interest in situations where reimbursement for travel and subsistence expenses by Commission members and employees is accepted from non-federal entities.

The second paragraph of Section 1 would amend the Act to allow participants in the professional accounting and attorney fellows programs of the Securities and Exchange Commission to accept the payment

of actual relocation expenses from their former private employers.

As interpreted by the Department of Justice, Section 209 of Title 18 of the United States Code now prohibits the acceptance of such relocation expenses. Section 209(e) was adopted to permit the acceptance of relocation expenses by participants in the President's Executive Exchange and White House Fellows program. However, Section 209(e) is inapplicable to the Commission's programs because it restricts the applicability of Section 209(e) to executive agencies which are established by statute of Executive Order and which offer appointments not to exceed three hundred sixty-five days.

The proposed new subsection (d) of the Act, in effect, would create an exception to the restriction in Section 209 and would be applicable only to participants in the fellows programs of the Securities and Exchange Commission. It is intended to permit participants in those programs to accept from their former private employers actual relocation expenses to facilitate their moves to Washington, D.C.

The phrase "actual relocation expenses" is intended to encompass moving expenses, transportation of the participant and his or her family to Washington, D.C. and the net out-of-pocket costs of selling and purchasing a house incident to a move to Washington, D.C. Unlike Section 209(e) of Title 18, it is not intended to permit the former private employer to make any other payments for the benefit of a participant while he or she is a government employee, nor does it provide for arrangements prior to entering government service for payments or benefits after the completion of government service. It does not limit negotiation near the completion of the participant's period of Commission employment for the payment of moving expenses coincident to post-Commission employment.

Section 2 amends the Act to require all broker dealers who register with the Commission pursuant to that Act and who effect transactions in securities (with a few exceptions) otherwise than on a national securities exchange of which they are members, to join a registered securities association. specifically, paragraph (8) would make it unlawful for a broker dealer required to register pursuant to the Act to effect any transaction in, or induce or attempt to induce the purchase or sale of any security (except for an exempted security commercial paper, bankers' acceptance, or commercial bill) unless such broker dealer is a member of a securities association registered pursuant to Section 15A[1] of the Act or effects transactions in securities solely on a national securities exchange of which it is a member. The amendment would delete the provision that authorizes the Commission to establish fees and charges necessary to defray the cost of the additional regulatory duties required to be performed with respect to non-members.

Paragraph (9) would allow the Commission to exempt from the requirement of joining a registered securities association any broker dealer or class of brokers or dealers. The Commission anticipates the adoption of a rule pursuant to this authority that will exempt any exchange member that does not have annual gross income exceeding $1000 derived from securities transactions effected other than on a national securities exchange of which it is a member, not including securities transactions effected for its own account through another registered broker-dealer. That exemption would parallel the provisions of existing Commission Rule 15b10-7. This paragraph would delete the current provision that authorizes that Commission to prescribe rules and regulations specifically for non-members.

Section 3 woulld specify a delay of six months after enactment for Section 2 to become effective.●

[1] Section 15A of the Exchange Act permits the registration of any national securities association that meets the standard under that section.

By Mr. STAFFORD (for himself and Mr. LEAHY):

S. 897. A bill to dsesignate certain National Forest System lands in the State of Vermont for inclusion in the National Wilderness Preservation System and for other purposes; to the Committee on Energy and Natural Resources.

VERMONT WILDERNESS BILL

Mr. STAFFORD. Mr. President, I am introducing today, along with my colleague from Vermont (Mr. LEAHY), legislation designed to resolve some outstanding questions in the RARE II study of the Green Mountain National Forest in Vermont.

This bill is an effort to determine the best use of 65,000 acres of land in the Green Mountain National Forest. An identical bill is being introduced in the House of Representatives by our colleague from Vermont (Mr. JEFFORDS).

It is our joint intention to present this legislation to Vermonters and to seek their comments on the best use of land in the Green Mountain National Forest.

The bill would designate 64,800 acres of land in four areas of the Green Mountain National Forest for protection under the 1964 Wilderness Act. The areas and the size of each are as follows:

Breadloaf Wilderness Area, 22,230 acres.

Big Branch Wilderness Area, 33,830 acres; divided into a north unit of 21,600 acres and a south unit of 12,230 acres.

Lye Brook Wilderness Addition, 2,660 acres.

Woodford Wilderness Area, 6,120 acres.

These four areas comprise just 1 percent of Vermont's total land area. Within the purchased boundaries of the Green Mountain National Forest, they account for slightly more than 10 percent of the 629,000 acres of the forest, and about 22 percent of the 290,000 acres owned by the U.S. Forest Service.

Only federally owned land would be designated as wilderness area. No privately owned land would be affected by this bill.

The issue of wilderness designation in the Green Mountain National Forest has been discussed before the advent of the RARE I and RARE II programs of the 1970's.

Since publication of the RARE II report, the wilderness discussion has turned into a debate in my State. This bill is based on the RARE II evaluation of the Green Mountain National Forest.

It covers all the RARE II areas studied by the U.S. Forest Service, along with additional acreage. The idea is to incorporate some of Vermont's best natural areas to enhance the environmental integrity of the proposed wilderness area.

A major purpose of this bill is to encourage Vermonters to help decide whether these areas deserve the protection of a wilderness designation.

There remains significant controversy over proposals for wilderness designations for the RARE II study areas of Wilder Mountain, Devil's Den and Griffith Lake—all included in the Big Branch Wilderness Area proposal.

To those Vermonters who disagree on whether the land should have wilderness protection or should be open to more varied use, including snowmobiling, the Vermont delegation has agreed to schedule hearings in our State later this year to listen to all suggestions.

Political and economic pressure continues to mount to develop and to exploit federally owned land in our Nation, and that includes Vermont.

The oil and gas leasing policies of the U.S. Forest Service poses a potential threat to the Green Mountain National Forest.

In addition, the U.S. Forest Service recently announced its intention to study the possible sale to private interests of 19,700 acres of land in the Green Mountain National Forest.

These threats to important and valuable natural resources in Vermont spur introduction of this bill.

It is my view that this additional land in the Green Mountain National Forest deserves the protection of the 1964 Wilderness Act, but I am willing to listen to the voices of other Vermonters before a final decision is made.

This bill will begin that process.

Mr. President, I ask unanimous consent that a description of the wilderness areas and the text of the bill be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

VERMONT WILDERNESS BILL—DESCRIPTION OF THE PROPOSED WILDERNESS AREAS IN THE GREEN MOUNTAIN NATIONAL FOREST

The four areas that the Vermont Wilderness bill proposes for wilderness designation in the Green Mountain National Forest cover 64,840 acres. These areas contain only land already owned by the Federal government:

1. Breadloaf Wilderness—22,230 acres, including the RARE II Breadloaf area plus

critical land adjoining the Granville Gulf State Reservation;

2. Big Branch Wilderness—33,830 acres divided into North and South Units of 21,600 acres and 12,230 acres respectively, incorporating and expanding somewhat the RARE II areas of Wilder Mountain, Devil's Den, and Griffith Lake;

3. Lye Brook Wilderness Addition—2,660 acres, identical with the RARE II area; and

4. Woodford Wilderness—6,120 acres, presently identical with the RARE II Woodford area but subject to review of a utility right-of-way along its south boundary.

The total acreage of the four areas amounts to one percent of Vermont's land area. Within the purchase boundary of the Green Mountain National Forest, the four areas account for ten percent of that 629,000-acre expanse, and about 22 percent of the 290,300 acres currently belonging to the National Forest.

BREADLOAF WILDERNESS

The proposed Breadloaf Wilderness follows the rugged Main Range of the Green Mountains between Middlebury Gap on the south and Lincoln Gap on the north. The area extends northeastward to adjoin the Granville Gulf Reservation, a quasi-wilderness area owned by the State of Vermont. Eleven miles long and two to four miles wide, Breadloaf covers 22,230 acres unbroken by roads, power-lines, or similar intrusions.

Breadloaf reaches its highest elevation at the 3,835-foot summit of Breadloaf Mountain (also the highest point in the four wilderness proposals). North of Breadloaf, the area encompasses the four summits—Mounts Wilson, Roosevelt, Cleveland, and Grant—of Vermont's Presidential Range, all of which rise 3,500 feet or higher. Most of the Breadloaf area lies above 2,500 feet, the elevation recognized under Vermont law as being ecologically fragile and generally unsuitable for intensive uses. Corresponding to elevation, a boreal coniferous forest occupies the steep upper slopes while a mixed northern hardwoods forest covers the lower slopes.

Skylight Pond, one of Vermont's highest ponds, lies near the crest of the ridge at 3,350 feet. An ethereal reflection of skylight enhances its pristine appearance, providing an outstanding wilderness experience for hikers. The pond marks the headwaters of the main stem of the White River.

The cloud-combing capability of Breadloaf's high forested ridge collects large volumes of clean water for the White River watershed on the east side and the Otter Creek watershed on the west side. The extensive wild country offers the habitat and solitude required by the black bear, Vermont's largest game species.

More than seventeen miles of the Long Trail traverse the area, generally along the crest of the ridge. (The midpoint of the Trail's 262-mile length occurs on Breadloaf Mountain.) Panoramic views are available at various lookouts, including that from Silent Cliff overlooking Middlebury Gap. Four of the Long Trail's shelters stand within the area.

BIG BRANCH WILDERNESS

The proposed Big Branch Wilderness consists of a 21,600-acre North Unit and a 12,230-acre South Unit separated by a seasonal road, F.S. 10 (the Landgrove-Mt. Tabor road). Its total area of 33,830 acres makes Big Branch the largest of the wild areas proposed for wilderness designation in the Green Mountain National Forest. Big Branch also possesses the greatest variety of terrain and natural characteristics, including several significant ponds, streams, and beaver flowages interspersed among forested highlands and mountain ridges; nineteen miles of Long Trail cross the area.

Big Branch extends about fourteen miles north to south and a maximum of ten miles east to west, although generally it is less than five miles in width. Elevations range from 675 feet in the Otter Creek valley on the west side to the 3,394-foot summit of Styles Peak. Much of that relief occurs in the dramatic 2,000-foot escarpment that rises abruptly above the valley to form the Main Range of the Green Mountains. The Big Branch area follows that ridge and its associated highlands northward from Mad Tom Notch nearly to Vermont Route 140; the North Unit projects eastward over the 2,000-foot highlands to Greendale Campground near Weston. Other notable summits include the partly bald Baker Peak and coniferous-crowned Green Mountain, both of which offer panoramic views of the surrounding wild area.

Defining the north end of the Big Branch area, White Rocks Mountain possesses several outstanding characteristics. Its "white" cliff face towers above an extensive talus slope, forming a prominent landmark visible for many miles. The cliff was the last known nesting site in Vermont of the Peregrine falcon, and is now being used for hacking introduced birds in an attempt to re-establish the species. The talus slope collects snow within its interior where permanent ice beds have formed; the cooling effect of that ice creates a distinct microclimate at the foot of the slope.

The Big Branch area encompasses almost the entire watershed of its namesake stream; wilderness designation would create the first permanently protected watershed in Vermont, an invaluable resource for scientific research. The Big Branch cascades to the Otter Creek valley through a spectacular gorge, its stream bed filled with gigantic boulders.

Among the several water bodies in the Big Branch area, the three-lobed, 95-acre Wallingford Pond ranks as the largest undeveloped pond in Vermont; it formed the core of a wilderness proposal made by conservationists in the early 1970s. Prof. H. W. Vogelmann describes the "unspoiled nature" of Wallingford Pond in his 1964 report, Natural Areas in Vermont; in the 1969 sequel, Vermont Natural Areas, Vogelmann cites the "remote wilderness quality" of nearby Fifield Pond. Farther south, Griffith Lake lies at 2,600 feet to rank among the highest lakes of its sixteen-acre size in Vermont. Little Rock Pond is somewhat lower and smaller but, with its rocky island, is probably the most popular destination on the entire Long Trail.

Much less frequented but not far from the Long Trail is Lost Pond Bog, a quaking bog located in the 2,700-foot saddle between Buckball and South Buckball Peaks. In his 1969 report, Vogelmann describes the distinctive vegetation of the bog mat and bog forest that ring the jewel-like pond.

Beaver Meadows in Big Branch's North Unit form one of the most extensive complexes of beaver ponds and wetlands in the proposed wilderness areas. Some two miles of the upper reaches of Meadow Brook are the scene of continuous beaver activity, shifting from one pond site to another with the available food supply.

The primary inventory of Vermont Natural Areas prepared in 1972-73 includes fourteen specific features within the Big Branch area, some of which have been mentioned above:

1. White Rocks Mountain.
2. Wallingford Pond.
3. Fifield Pond.
4. Little Rock Pond.
5. Beaver Meadows.
6. Devil's Den Cave.
7. Moses Pond.
8. Big Branch Ravine.
9. Lost Pond Bog.
10. Little Mud Pond.
11. Big Mud Pond.
12. Long Hole.
13. Griffith Lake.
14. Mad Tom Notch.

LYE BROOK WILDERNESS ADDITION

With 2,660 acres, Lye Brook Addition is the smallest of the four areas proposed for wilderness designation. However, it adjoins the south side of the existing Lye Brook Wilderness and would serve to expand that 14,000-acre area to protect more of the high forested plateau and the salient feature of Branch Pond.

The larger west block of the Lye Brook Addition is about two miles from north to south and about one and one-half miles in width. The area reaches the Kelly Stand Road on the south and the steep upper ravine on Bacon Hollow on the northwest. Branch Pond Brook traverses this block, draining its namesake pond that dominates the smaller east block of the area.

An irregular shoreline with boggy margins characterizes pristine Branch Pond, also included in the primary inventory of Vermont Natural Areas. In recent years, the 39-acre pond has hosted one of only a dozen pairs of looms that successfully nested in Vermont. Another rare bird found in the Lye Brook Addition is the Black-backed three-toed woodpecker; this proposed wilderness area is that species' southernmost recorded nesting site in the eastern United States.

WOODFORD WILDERNESS

The proposed Woodford Wilderness covers 6,120 acres of the watery Woodford plateau drained by the West Branch of the Deerfield River. However, the area's present south boundary follows an unused utility right-of-way that cuts diagonally across the plateau in a straight line unrelated to topography or ecosystem. A more appropriate boundary would follow the south edge of the plateau, adding perhaps 3,000 acres to the area.

The northern boundary of the Woodford area roughly parallels Vermont Route 9 about one-half mile south of that highway. The area extends about four miles from east to west and about three miles from north to south.

Extensive wetlands characterize the Woodford area, reflecting the limited relief of some 300 to 600 feet. Although generally lacking the hills typical of such elevation in Vermont, most of the area lies above 2,000 feet and much is above 2,500 feet.

Beavers find this area probably ideal habitat, construction innumerable ponds and flows along the many streams. These features in turn provide excellent habitat for many other kinds of wildlife, creating natural openings in the forest cover and a great deal of "edge" sought by many species. Otters, difficult to spot in most of Vermont, frequent the proposed wilderness.

Yaw Pond, located in the proposed area, is a large beaver meadow with the meandering Yaw Pond Brook running through it. The absence of dead trees indicates that the

pond has existed many years longer than most beaver ponds in Vermont, the site being occupied repeatedly as the food supply regenerates.

The West Branch of the Deerfield River flows southeasterly along the south boundary of the area, apparently being crossed and recrossed by the utility corridor mentioned above. Along most of its length in Vermont and Massachusetts, the West Branch has been dammed for hydroelectric generation; here the river survives in its wild and scenic state.

S. 897

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

FINDINGS AND POLICY

SECTION 1. (a) The Congress finds that—

(1) in the vicinity of major population centers and in the more populous eastern half of the United States there is an urgent need to identify, designate, and preserve areas of wilderness by including suitable lands within the National Wilderness Preservation System;

(2) in recognition of this urgent need, certain suitable lands in the National Forest System in Vermont were designated by the Congress as wilderness in 1975;

(3) there exist in the National Forest System in the vicinty of major population centers and in Vermont additional areas of undeveloped land which meet the definition of wilderness in section 2(c) of the Wilderness Act (78 Stat. 890);

(4) these and other lands in Vermont which are suitable for designation as wilderness are increasingly threatened by the pressures of a growing and concentrated population, expanding settlement, spreading mechanization, and development and uses inconsistent with the protection, maintenance, and enhancement of their wilderness character; and

(5) the Wilderness Act established that an area is qualified and suitable for designation as wilderness which (i), though man's works may have been present in the past, has been or may be so restored by natural influences as to generally appear to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable, and (ii) which may, upon designation as wilderness, contain certain preexisting nonconforming uses, improvements, structures, or installations; and the Congress has reaffirmed these established policies in the subsequent designation of additional areas, exercising its sole authority to determine the suitability of such areas for designation as wilderness.

(b) The purpose of this Act is to designate certain National Forest System lands in the State of Vermont as components of the National Wilderness Preservation System, in order to preserve such areas as an enduring resource of wilderness which shall be managed to perpetuate and, where necessary, restore the wilderness character of the land, protect watersheds and wildlife habitat, preserve scenic and historic resources, and promote scientific research, primitive recreation, solitude, physical and mental challenge, and inspiration for the benefit of all the American people, to a greater extent than is possible in the absence of wilderness designation.

DESIGNATION OF WILDERNESS AREAS

SEC. 2. In furtherance of the purposes of the Wilderness Act, the following lands in the State of Vermont are designated as components of the National Wilderness Preservation System:

(1) certain lands in the Green Mountain National Forest, Vermont, which comprise approximately twenty-two thousand two hundred acres, as generally depicted on a map entitled "Breadloaf Wilderness—Proposed", dated March 1983, and which shall be known as the Breadloaf Wilderness:

(2) certain lands in the Green Mountain National Forest, Vermont, which comprise approximately thirty-three thousand eight hundred acres, as generally depicted on a map entitled "Big Branch Wilderness—Proposed", dated March 1983, and which shall be known as the Big Branch Wilderness;

(3) certain lands in the Green Mountain National Forest, Vermont, which comprise approximately two thousand seven hundred acres, as generally depicted on a map entitled "Lye Brook Additions—Proposed", dated March 1983, and which are hereby incorporated in and shall be deemed to be a part of the Lye Brook Wilderness as designated by Public Law 93-622; and

(4) certain lands in the Green Mountain National Forest, Vermont, which comprise approximately six thousand one hundred acres, as generally depicted on a map entitled "Woodford Wilderness—Proposed", dated March 1983, and which shall be known as the Woodford Wilderness.

MAPS AND DESCRIPTIONS

SEC. 3. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file the maps referred to in this Act and legal descriptions of each wilderness area designated by this Act with the Committee on Energy and Natural Resources, United States Senate, and the Committee on Interior and Insular Affairs, House of Representatives, and each such map and legal description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal descriptions and maps may be made. Each such map and legal description shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

ADMINISTRATION OF WILDERNESS

SEC. 4. (a) Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that, with respect to any area designated in this Act, any reference in such provisons to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

(b) Notwithstanding any provisions of law and subject to valid existing rights, federally owned lands within areas designated as wilderness by this Act or hereafter acquired within the boundaries of such areas are hereby withdrawn from all forms of appropriation under the mineral leasing laws, including all laws pertaining to geothermal leasing, and all amendments thereto.

(c) As provided in section 4(d)(8) of the Wilderness Act, nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Vermont with respect to wildlife and fish in the National Forest in the State of Vermont.

(d) Notwithstanding any other provision of the Wilderness Act or any other provision of law, the Appalachian Trail and related structures, the Long Trail and related structures, and the associated trails of the Appalachian Trail and the Long Trail may be maintained with the use of hand held power tools by the United States and organizations having cooperative agreements with Federal Trail Management Agencies.

(e) Notwithstanding section 4(d)(4) of the Wilderness Act, there shall be no establishment of reservoirs, water conservation works, and power projects within the Big Branch Wilderness as designated in this Act by section 2(2).

Mr. LEAHY. Mr. President, the Green Mountain National Forest is a very special place to Vermonters.

The forest accounts for only about 4 percent of the State. But these wild woods are crossed with hardwood valleys and topped by fir-clad peaks. Living in these valleys and on these mountainsides are lynx, bobcats, black bears, deer, eagles, peregrine falcons, fishers, and pine martens.

In sum, all those things that millions of Americans are learning to live without, we enjoy daily.

In the spring, we take our sons and daughters trout fishing. In the summer, we pick berries, picnic, and hike the Long Trail—the trail to the wilderness. In the fall, we hunt the white-tailed deer. In the winter we ski and snowmobile its trails.

The beauty of these forests and the joy of recreation in them are values shared by every Vermonter.

Thus, I am proud to join with the senior Senator from Vermont, Mr. STAFFORD, and my colleague in the House, Mr. JEFFORDS, in introducing legislation to designate certain national forest system lands in Vermont for inclusion in the National Wilderness Preservation System.

As a member of the Agriculture Committee, I held hearings in Vermont on this matter in 1979. This hearing made two points very clear. First, all Vermonters share a strong commitment to the values of these forests. Second, there are disagreements among Vermonters on how these values are best preserved.

During that hearing, many of the witnesses indicated their willingness to reach a mutually satisfactory solution to these disagreements. Unfortunately, that process did not succeed. Now, we are in a situation where there are unprecedented threats to our public lands. Vermonters have been concerned that the Reagan administration is considering the possible sale of national forest lands. There have been proposals to permit oil and gas drilling in these lands.

Thus, Vermonters now face a choice. Will we make the decisions about how the Vermont national forests will be used or will land policies made by unelected bureaucrats in Washington determine whether the values shared by Vermonters are honored.

That is why I have cosponsored this legislation at this time. It is our opportunity to decide for ourselves how

these lands will be used. It is time for us to listen to all the arguments and make decisions that are in the best interests of our State and its people.

This year, Vermont wilderness legislation will be enacted. Therefore, I urge all Vermont groups to work together to reach a solution acceptable to all parties.

This is our responsibility and our opportunity.

By Mr. MOYNIHAN (for himself, Mr. CRANSTON, Mr. WILSON, and Mr. D'AMATO):

S. 898. A bill to amend the Public Health Service Act to enable the Secretary of Health and Human Services to expedite the initiation of research to be conducted or supported by the National Institutes of Health into the prevention, diagnosis, and treatment of diseases or disorders which constitute a public health emergency; to the Committee on Labor and Human Resources.

PUBLIC HEALTH EMERGENCY RESEARCH ACT

● Mr. MOYNIHAN. Mr. President, today I am introducing the Public Health Emergency Research Act. This bill creates a public health emergency research fund at the National Institutes of Health. With this fund, the Secretary of Health and Human Services will be able to make a rapid response to public health emergencies with basic biomedical research.

The Centers for Disease Control are clearly responsible for the day-by-day work that must be done by the Federal Government for public health. The CDC is alacritous in indentifying outbreaks of disease, in doing epidemiological work and performing preliminary biomedical research. The CDC's work has been extraordinary in this regard; their work is the standard by which public health efforts around the world are measured.

Nonetheless, the National Institutes of Health remain the agency where long-term solutions to grave public health problems will likely be found. Primarily responsible for the research done by the Public Health Service, the NIH has worked on and continues to research the crises of Legionnaires' disease and acquired immune deficiency syndrome.

Contemporary public health emergencies are frequently complex in nature. They require quick, intensive response. In the normal course of research at NIH, peer review, advisory councils and competitive bidding make grant funding a very slow process. Clearly, this is appropriate when the agency must sift through thousands of applications and attempt to decide which will most probably result in unbiased, excellent research over many years. This process hamstrings the agency, however, when it is faced with a rapidly progressing public health emergency. Even "expedited grants" require 10 months to fund.

I do not criticize this process; indeed, Congress must continue to fully support the NIH grants procedure. But when public health emergencies arise, the NIH has neither the money nor the flexibility to allocate funds rapidly. We must provide such flexibility to the NIH. The bill I introduce today will create a fund, equal to 1 percent of the fiscal year 1984 budget for NIH, that will remain available for use by the Secretary, upon consultation with the Director of the NIH, the Commissioner of the Food and Drug Administration or the Director of the CDC, to fund research relating to an ongoing public health emergency. The Secretary will be allowed to waive the usual requirements for making awards. In subsequent years, money will be set aside so as to maintain the fund at a level equal to 1 percent of the current fiscal year's budget for NIH.

That we must solve public health emergencies with complex, expensive and time-consuming research of the kind NIH is responsible for is a relatively new phenomenon. This is dramatically apparent when the work of Dr. John Snow is examined. Snow, a distinguished British anesthesiologist, was concerned with the epidemic of cholera in England in the mid-19th century. He conducted a systematic investigation into various outbreaks of the disease trying to determine the cause of cholera and the common factors among its victims.

His most brilliant moment came in 1849 when he investigated an outbreak nearby the Broad Street water pump in London. Within a 250-yard radius of the pump, there had been 500 fatal attacks of cholera within 10 days. Although inspection of the water from the pump showed little contamination, Snow could discover no other common link among all the victims. He soon found, however, that the contamination in the water changed from day to day, leading him to believe that contamination might have been the cause of the recent, severe outbreak. In addition, there had been no reported cases of cholera in this section of London except among people who had drunk water from the pump.

After presenting all the facts to the Board of Guardians of the local parish, and explaining his conclusions, Dr. Snow solved the problem of cholera in this area with one swift, simple, eloquent suggestion: Remove the handle from the pump.

Snow's solution was cheap, quick, and, most importantly, effective. Unfortunately, public health emergencies can no longer be solved so simply. With the bill I am introducing, we cannot make these emergencies any more simple nor any less threatening. But we can provide the administrative ability and allocation of funds to adequately fight the problems with the incredible research the NIH is capable of.

I ask unanimous consent that the bill be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 898

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Public Health Emergency Research Act".

SEC. 2. Title IV of the Public Health Service Act is amended by adding at the end the following new section:

"RESEARCH AND PUBLIC HEALTH EMERGENCIES

"SEC. 480. (a) If the Secretary determines, after consultation with the Director of the National Institutes of Health, the Commissioner of the Food and Drug Administration, or the Director of the Centers for Disease Control, that a disease or disorder constitutes a public health emergency, the Secretary, acting through the Director of the National Institutes of Health, may, in accordance with subsection (b), conduct at or support through the National Institutes of Health research into the prevention, diagnosis, and treatment of such disease or disorder.

"(b) Research conducted or supported under subsection (a) shall be conducted or supported with funds provided under subsection (c). Research supported under subsection (a) may be supported through contracts entered into without regard to sections 405, 407, 419A, 423, 433, 443, 452, 475, section 3324 of title 31, United States Code, and section 3709 of the Revised Statutes (41 U.S.C. 5).

"(c)(1) There is established in the Treasury a fund for research under subsection (a). From appropriations made for the fiscal year ending September 30, 1984, for the National Institutes of Health and its national research institutes and agencies there shall be transferred to the fund one percent of such appropriations. In the fiscal year ending September 30, 1985, and in each subsequent fiscal year there shall be transferred to the fund from such appropriations for such fiscal year an amount which when added to the amount in the fund at the beginning of such fiscal year equals one percent of the amount appropriated for the National Institutes of Health and its national research institutes for the preceding fiscal year.

"(2) Not later than ninety days after the expiration of a fiscal year the Secretary shall report to the Committee on Energy and Commerce of the House of Representatives, the Committee on Labor and Human Resources of the Senate, and the Appropriations Committees of both Houses of Congress on expenditures in such fiscal year from the fund established under paragraph (1).".●

By Mr. D'AMATO:

S. 900. A bill to amend the Securities Exchange Act of 1934 to authorize appropriations for the Securities and Exchange Commission for fiscal years 1984 through 1986; to the Committee on Banking, Housing, and Urban Affairs.

SECURITIES AND EXCHANGE COMMISSION REAUTHORIZATION

● Mr. D'AMATO. Mr. President, today I am introducing a bill which would reauthorize the Securities and Exchange Commission for fiscal years 1984 through 1986. The bill authorizes $99,086,000 for the fiscal year ending September 30, 1984; $107,618,000 for the fiscal year ending September 30, 1985; and $117,693,000 for the fiscal year ending September 30, 1986.

Hearings on the Commission's reauthorization are scheduled for Friday, March 25, 1983, at 9:30 a.m., in room SD-538. John S. R. Shad, Chairman of the Securities and Exchange Commission will be testifying.

The purpose of the hearing is to examine the authorization levels requested by the SEC.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 900

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 35 of the Securities Exchange Act of 1934 (15 U.S.C. 78kk) is amended—

(1) in the first sentence thereof, by striking out "and" immediately after "1982,";

(2) by inserting immediately before the period at the end of the first sentence thereof the following: ", $99,086,000 for the fiscal year ending September 30, 1984, $107,618,000 for the fiscal year ending September 30, 1985, and $117,693,000 for the fiscal year ending September 30, 1986"; and

(3) in the last sentence thereof, by striking out "fiscal year 1983" and inserting in lieu thereof "fiscal year 1986".●

By Mr. DOLE:

S. 901. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968; to the Committee on the Judiciary.

JUSTICE PROGRAMS AND INFRASTRUCTURE ASSISTANCE ACT OF 1983

● Mr. DOLE. Mr. President, today I am pleased to introduce the Justice Programs and Infrastructure Assistance Act of 1983, a comprehensive initiative to renew a strong Federal commitment to justice assistance to State and local crime fighting efforts. This measure combines major elements of legislation which I have introduced in the last two Congresses, to aid in the renovation of our Nation's dangerously overcrowded and substandard prisons and jails, with provisions drawn from the justice assistance title of the consensus anticrime package passed during the closing days of the 97th Congress. The bill I send to the desk represents an effort to provide effective, broad-based assistance for State and local law enforcement and correctional activities.

FEDERAL JUSTICE ASSISTANCE

In 1967, the President's Commission on Law Enforcement and the Administration of Justice labeled crime a national, as well as State and local phenomenon, and urged the creation of a Federal agency to support State and local law enforcement efforts. Congress responded to the Commission call by enacting the Omnibus Crime Control and Safe Streets Act of 1968, creating the Law Enforcement Assistance Administration and a major Federal block grant program for local law enforcement and justice assistance. Categorical grants were also established for training, technical assistance, research, statistics, and demonstration projects aimed at crime control.

LEAA promised to be the decisive weapon to win the war on crime—yet crime continued unabated. Unrealistic expectations about crime control assured that where measures of program success required lower crime rates, programs were virtually guaranteed to fail. Deeply rooted social, cultural, economic, and other societal problems affecting crime unfortunately do not always permit even a strengthened criminal justice system to reduce crime rates. During its tenure LEAA directed some $7 billion in justice assistance to States and localities, yet crime rates continued to rise.

While LEAA did not win the war on crime, I believe it did significantly strengthen local law enforcement capabilities and operations and improved criminal justice administration. LEAA became a strong catalyst bridging the gap that existed between law enforcement research and the development of working programs, even though its assistance only represented 3 or 4 percent of the Nation's total crime fighting expenditures. Many successful law enforcement programs spearheading today's anticrime efforts were developed, tested, and proven under LEAA leadership. Career criminal prosecutions, "sting" operations, and prosecutor and court management programs developed with LEAA grant funds and technical assistance represent several of the many significant and effective projects fostered under LEAA.

As the goal of overall crime reduction continued to elude LEAA, Congress began a revision of the LEAA grant and administrative structure. A search continued for programs that would produce measurable successes and efforts were shifted to other important goals such as strengthening and coordinating the various elements of the law enforcement and criminal justice system. Funds were directed toward alternatives to incarceration and modernizing local corrections facilities; new court and prosecutor management information and training programs were funded, and juvenile justice programs were given a separate organizational identity with the Office of Juvenile Justice and Delinquency Prevention.

The 1979 Justice Systems Improvement Act brought LEAA and the new research and statistical agencies NIJ and BJS under the superagency umbrella of the Office of Justice Assistance Research and Statistics. Congress also began to reform justice assistance with revised grant procedures which encouraged innovations but established a strong commitment to programs of proven success. Unfortunately, the new grant and administrative structure designed by the 1979 act failed in large measure to find sufficient budget or leadership support to allow it to fulfill its charter. As a result, justice assistance now stands at a crossroads with no charted course to address the increasing challenges of crime in the 1980's.

An impressive cross-section of the Nation's top political and law enforcement leadership have testified at length before Senate Judiciary Subcommittees on the need for a strong, continuing and redirected Federal commitment to justice assistance. The Federal Government must renew its resolve to aid the States in attacking the Nation's most serious law enforcement problems—such as violent repeat offenders—and the crisis of our Nation's dangerously overcrowded and deteriorating prisons and jails. This bill is aimed at addressing these and other critical crime problems threatening our Nation's safety and welfare.

JUSTICE ASSISTANCE STRUCTURE

Two new and two existing agencies are included in the new justice assistance structure created by this bill, all under the general authority of the Attorney General. They include the new Office of Criminal Justice Facilities, the new Office of Justice Assistance—which replaces LEAA—and the existing National Institute of Justice and Bureau of Justice Statistics. Each agency will be headed by a Director appointed by the President with the advice and consent of the Senate. Administrative support staff formerly provided by the Office of Justice Assistance, Research and Statistics will be retained in each agency—OJARS is eliminated.

Policy direction and coordination will flow through a new Justice Assistance Board, which will replace the advisory boards created under the 1979 Justice Systems Improvement Act. Voting members of the Board, appointed by the President, will recommend funding priorities and grant selection criteria for the four justice assistance agencies as well as review and evaluate their program activities. This structure will help insulate each agency from political pressures while at the same time provide a single point of coordination and policy guidance for each agency's programs. The Board will provide a direct voice for the diverse interests of the criminal

justice community. Members will be required to have broad knowledge and experience in the justice environment, particularly in the programs and services provided by the new justice assistance agencies.

OFFICE OF JUSTICE ASSISTANCE

The Office of Justice Assistance will administer formula block grants to the States and discretionary grants to States, local units of government, and private nonprofit organizations. Block grants are targeted to support proven anticrime programs such as those focused on career criminals, white-collar and organized crime, and creation of national and neighborhood anticrime groups. States are required to make a hard cash match for most block grants, and recipients must assume the costs of assisted programs within 4 years; this will help insure that States will develop a strong vested interest in the continuation of assisted projects.

The present cumbersome criminal justice council requirements and the complex grant application and administration provisions have been streamlined and simplified. For example, 80 percent of OJA grant funds will be allocated to the States by population after each State receives a minimum share. States must distribute a share of grant funds to local government based on the proportion of total State criminal justice expenditures represented by local expenditures.

In addition to block grants, discretionary grants are provided for criminal justice education and training programs, technical assistance, demonstration programs, and projects of a national or multistate scale.

EMERGENCY FEDERAL LAW ENFORCEMENT ASSISTANCE

Title II of the bill provides specific statutory authority and a funding authorization for emergency Federal law enforcement assistance. It authorizes the Attorney General to approve and coordinate emergency assistance to a State or locality experiencing a crime problem so serious or unique that it cannot be managed with local resources. The Atlanta child murders and the New Mexico prison riots represent the type of extraordinary situations warranting such emergency Federal aid. The assistance generally contemplated amounts to a sharing of Federal resources such as intelligence information, equipment, or personnel. The bill does not provide for an expansion of Federal enforcement powers and does not permit the exercise of any Federal control over local operations or officials. The availability of specific statutory authority to mobilize Federal resources for a local law enforcement emergency will serve to minimize the delay, confusion, and inefficiency inherent in relying on general authority contained in the various Federal law enforcement agency enabling statutes.

STATISTICS AND RESEARCH

The Bureau of Justice Statistics is included within the reorganized justice assistance structure. Its mission of gathering and providing criminal justice statistical and analytical resources remains unchanged and it will continue to support the improvement of State, local, and Federal criminal statistical systems. The National Institute of Justice is also retained in the justice assistance structure. It will continue to peruse its technical assistance, survey, evaluation, and research efforts aimed at strengthening the criminal justice system by identifying and promoting successful criminal justice projects.

PRISON AND JAIL INFRASTRUCTURE ASSISTANCE—FACILITIES

A new Office of Criminal Justice Facilities is created to direct significant new Federal financial assistance which will aid the States in their efforts to reduce epidemic overcrowding and improve substandard conditions in their prisons and jails. The genesis of this initiative is contained in the Criminal Justice Construction Reform Act which I introduced in the last Congress as S. 186 and previously introduced late in the 96th Congress as S. 3209.

The dangerously inadequate condition of our Nation's prisons and jails clearly warrants this Federal initiative. No Federal support for local public works projects has any greater implications for promoting public safety than the renovation of our prisons and jails to bring them into compliance with basic constitutional standards. Thirty-nine States have lost or are defending major lawsuits challenging their right to keep major prisons or their entire correctional systems open. Conservative estimates place the cost of bringing the Nation's prisons and jails into compliance with minimum legal standards in the billions. State prison populations, now standing at over 400,000 inmates, have incredibly doubled in the past 10 years and the rapidly decaying condition of our prisons has created an emergency which simply cannot be adequately managed with local resources alone. The necessity of significant Federal assistance to the States to mitigate this law enforcement crisis was highlighted as a top priority recommendation in the Attorney General's task force on violent crime report.

The Office of Criminal Justice Facilities is created to respond to this crisis. It is authorized to provide a broad spectrum of assistance to the States including grants or bond interest subsidies to enhance State efforts to remedy unlawful confinement conditions and relieve overcrowding in their prisons and jails. To qualify for assistance, a State will submit a plan establishing critical needs and priorities for renovation or replacement of correctional institutions. Importantly, States must also demonstrate that they have undertaken, or plan to implement, significant construction and nonconstruction action plans to remedy substandard and overcrowded prison and jail conditions.

Other types of assistance administered by OCJF will enhance prison industry operations, provide for donation of surplus Federal properties for use as corrections facilities, and create a major clearinghouse resource for criminal justice facilities design.

PRISON INDUSTRIES

The beneficial effects of productive, well-managed prison industry operations on prison stability have been well documented. In order to encourage the States to improve their prison industry operations the Director of the new OCJF will be authorized to certify one qualifying prison industry program per State as eligible for a waiver of Federal restrictions on the transportation and sale of prison industry goods. Most States have expressed strong interest in qualifying for such exemptions, which have only been granted on an extremely limited basis in the past and are no longer available.

CLEARINGHOUSE

To help States develop a state-of-the-art program as well as bricks-and-mortar strategies to mitigate overcrowding and substandard prison environments, the OCJF will operate a criminal justice facilities clearinghouse. The clearinghouse will dramatically expand Federal technical assistance to the States to help them upgrade and more efficiently manage their correctional facilities.

DONATION OF FEDERAL PROPERTY

Several States have recently had Federal properties transferred on a nondonation basis for prison use; however, present law does not permit outright donations of such property. The bill authorizes the OCJF to recommend the donation of appropriate surplus Federal properties to the States for use as correctional facilities.

NATIONAL INSTITUTE OF CORRECTIONS

The impact of renovation and construction assistance on prison program, staffing, and other operational demands are significant. For every dollar spent on construction, over $10 will be required for staffing and operations over a typical prison facility life-cycle of 30 years. Program, staffing, and management practices are a vital element in determining whether conditions in a prison facility comply with legal standards. The bill addresses these important needs by authorizing increased funds for the National Institute of Corrections to enhance and expand their training and technical assistance programs for State and local corrections officials. NIC has de-

veloped many nonconstruction action plans to help State and local officials deal more effectively with prison and jail overcrowding. Construction assistance under the act should be linked with a good-faith effort by State and local governments to pursue strategies aimed at reducing overcrowding through the use of such action plans as well as new construction initiatives.

CONCLUSION

I urge my colleagues to join me in sponsoring this legislation. I believe that it represents a comprehensive vehicle for addressing the critical needs that must be met in any meaningful Federal justice assistance effort. I expect to work closely with Senators THURMOND, SPECTER, BIDEN, and other Judiciary members who have been crafting Federal justice assistance initiatives, and I believe that together we can fashion legislation acceptable to all Members of the Senate who are committed to a strong Federal supporting role in the battle on crime.●

By Mr. ROTH (for himself, Mr. RUDMAN, Mr. BENTSEN, Mr. NUNN, and Mr. CHILES):

S. 902. A bill to amend title 31, United States Code, and section 1961(1) of title 18, United States Code, to improve enforcement, and for other purposes; to the Committee on the Judiciary.

INTERNATIONAL NARCOTICS TRAFFICKING

● Mr. ROTH. Mr. President, I am pleased to introduce today, on behalf of myself and Senators RUDMAN, BENTSEN, NUNN, and CHILES, a bill to amend certain provisions of the Currency and Foreign Transactions Reporting Act and the Racketeer Influenced and Corrupt Organizations Act in order to improve their applicability to international narcotics trafficking.

Organized crime in the United States conceals as much as $40 billion a year in offshore countries whose banking and commercial secrecy laws prevent scrutiny. Ill-gotten gains, particularly from drug traffickers, are laundered routinely through these offshore heavens. Conversion of drug profits into usable funds is now a highly sophisticated and professional operation. As a matter of fact, it is these offshore bank secrecy laws that are the glue holding criminal operations together. A whole new service industry has sprung up to support these illegal, unreported money flows. Satellite communications, advanced computers, CPA's, high-priced lawyers, light aircraft, fast boats, weapons, payoffs to officials, and intimidation all play an integral role in the growing success of funds laundering. Frequently, the base of operations for these illicit cash flows is nested in a tropical paradise with a solicitous and obliging government.

A 2-year probe by the Permanent Subcommittee on Investigations revealed the staggering dimensions of the offshore banking problems and how the hands of law enforcement are incapable of dealing with it. The work of the subcommittee culminated in a comprehensive staff study entitled "Crime and Secrecy: The Use of Offshore Banks and Companies." It is definitive in bringing to light the magnitude of the problem. I commend to the Senate its content and urge that consideration be given to adopting its recommendations.

Following the introduction of the staff study we held 2 days of intensive hearings in which virtually all the witnesses pleaded with us to strengthen the Currency and Foreign Transaction Reporting Act, nominally referred to as the Bank Secrecy Act. The bill I introduce today contains the bare essentials needed to get a hold on the problem. In a selective way it unties the bonds of law enforcement so that violators can be arrested in this country with the evidence intact.

One of the astounding discoveries is that the United States is one of the most lax countries as far as currency control goes. For example, French law requires a license for the export of any cash outside its borders; England places a flat prohibition on the export of British pounds above a certain amount; while Colombia demands that all foreign currency transactions must be conducted through its Central Bank. For violations of these laws all countries impose severe civil and criminal sanctions, together with seizure and confiscation of money and monetary instruments.

Also, in foreign countries customs officials have summary authority to inspect persons and packages when crossing borders without having or stating a cause. We must bring our own laws to a level of maturity consonant with those countries that have been dealing with the problem for a long time.

Another frightening revelation was to learn that average citizens are using offshore laundering schemes to shield money from taxes. These so-called tax protestors pose a serious problem simply because the offshore laundering scheme becomes available to the population at large. The average taxpayer pools his funds with other tax protestors in an offshore trust arrangement. No one enjoys paying taxes. And this is a bold invitation to a great number of taxpayers, even those falling into the 20 percent tax bracket, to evade taxes. The use of such cleansing schemes to the population at large would cripple law enforcement through sheer numbers.

At this point I would like to discuss the ramifications of the bill in detail within a context of narcotics profits laundering; however, the essence of the bill would apply in a context of tax protestors or any aspect of organized crime profit cash flows.

Developing an understanding of cash flow connected with drug trafficking is important for two reasons.

First, actual curtailment of the movement of vast amounts of cash to the drug producing countries will disrupt the mechanics of illicit narcotics transactions.

Second, knowledge of the location and movement of the cash flow is a tremendous aid in the investigation of the major drug figures.

One of the most effective tools available to assist in monitoring and curtailing the vast flow of the illegal drug profits out of the country is the Bank Secrecy Act (31 U.S.C. 1051). The Bank Secrecy Act, formally entitled the Currency and Foreign Transactions Reporting Act, was intended to provide law enforcement agencies with recordkeeping and reporting tools to investigate the financial resources connected with illegal activities, including drug trafficking.

Yet various loopholes which have been found in the act greatly dilute its usefulness in achieving this intended purpose. It is imperative to close these loopholes which hinder the ability of law enforcement authorities to stop the illegal movement of currency out of the United States.

During PSI's hearings, the Treasury Department and the Justice Department stressed the urgent need to close these loopholes.

Unless these loopholes are closed, the hands of the law enforcement authorities are virtually tied, as the major drug traffickers move billions of dollars out of the country without fear of detection or penalty.

In order to answer the needs which these law enforcement agencies have identified, it is necessary to amend the Currency and Foreign Transactions Reporting Act to correct deficiencies in its current enforcement and to enhance criminal penalties under the act.

One of the most devastating loopholes in the act concerns the absence of an attempts provision in connection with failing to file a report when taking over $5,000 out of the United States. Currently, since there is no attempts provision, many courts have held that the person must actually leave the country with the unreported money, before they violate the law.

For all intents and purposes, the crime is not completed until the person is out of the jurisdiction of the United States. Clearly, this ties the hands of customs agents, as they must helplessly watch as drug traffickers leave with the unreported money.

Our amendments to title 31 would make it illegal to attempt to violate the reporting requirement, thereby allowing for apprehension prior to de-

parture from the United States. This would greatly improve our detection and interdiction of the illegal flow of money out of the United States.

The proposed amendments would also raise the dollar amount at which a report must be filed, from $5,000 to $10,000. Due to the inflation of the dollar, and the high costs of traveling abroad, it is necessary to limit the requirements of the act to those transactions where large amounts of cash are involved.

The intent of the act is to facilitate the investigation of illegal cash flow, not to hinder legitimate international business or travel.

A practical problem arises over the appropriateness of searching individuals, containers and vehicles upon entering and departing the United States. A reasonable cause standard has always been applied in connection with warrantless border searches, and section 1(e) of the amendment does not change existing law; it merely clarifies it with respect to the authority of customs agents regarding searches upon departure from the United States.

Section 1(f) allows Treasury officials to pay a reward to informants for information which leads to a recovery of a fine, civil penalty or forfeiture under the act, whenever the amount of recovery or penalty exceeds $50,000. The amount is limited to 25 percent of the net amount of the recovery fine, penalty or forfeiture, or $250,000, whichever is less.

This provision is a critical tool in combating drug trafficking. It is important to remember that we are dealing with a multibillion-dollar industry. Law enforcement authorities need some tool to combat the great financial attraction that remains in the drug trafficking industry.

The majority of the vital investigations into major drug rings stem from informant tips—these tips are crucial to further investigations.

Additionally, the amount paid to the informant will be minimal in comparison to the amount gained in fines, civil penalties and forfeitures. Without the tip there may not have been any investigation and recovery—at all.

Furthermore, the bill appropriately increases the penalties and fines for failing to file the necessary currency reports. The proposed penalties and fines are much more realistic in comparison with the huge profits realized by trafficking in illicit narcotics. The bill will also clarify the area of civil forfeiture by requiring the establishment of a knowing failure to file before the forfeiture provisions of the act will apply.

The bill also recognizes that currency transaction violations are inherently part of all major drug racketeering schemes. These activities adversely affect international trade, domestic health and safety, and Federal, State, and local law enforcement. As such it is appropriate that such activity should also be subjected to the enhanced penalties of the Racketeer Influenced and Corrupt Organizations Act (RICO) (18 U.S.C. 1961). Our bill will also amend RICO to bring criminal violations of the Bank Secrecy Act within the categories of criminal acts which are defined as "racketeering activities."

Finally, the ultimate tool in the detection of illicit, international cash flows is use of electronic surveillance. Organized crime with an international dimension seems to be particularly secure from detection, penetration, and exposure. In the past, successful operations have required tremendous commitments of multiple Government agencies in terms of manpower and money. Investigations take years to complete and always run the risk of compromise because of the time and the number of persons required to be effective. To guard against possible compromise of investigations and to provide an enforcement tool that matches the sophistication and organization of professional money launderers, the bill adds major violations of the Bank Secrecy Act as one of the enumerated statutes under the Federal wiretapping law.

This legislation is desperately needed to carry out the purpose of the Currency and Financial Transactions Reporting Act—that of assisting law enforcement officials in obtaining better information and intelligence to effectively curtail illegal drug trafficking and profiteering.

Mr. President, I ask that a discussion of the bill, a section-by-section analysis, and a copy of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DISCUSSION

Three fundamental purposes are served by the instant legislation. (1) It puts more teeth into the Act by increasing the severity of the penalties. (2) Investigators and enforcement authorities are given the needed tools to match the level of sophistication and organization of criminal money laundering. (3) Finally, the bill clarifies some uncertainties and misinterpretations of the 1970 Act.

SECTION 1

Increased penalties

Penalty provision found in section 1(a) and 1(b) of the bill are increased substantially. It puts teeth into the act and sends a clear message to would-be users of off-shore banks to launder funds, that the federal government intends to reckon with the problem, using every means at its disposal.

Attempt offense

Under section 1(c)(1) of the bill, an "attempt" to transport unreported funds outside the United States is made a violation of the Act. This is a necessary addition to the law because of the dilemma that enforcement authorities face before an arrest and recovery can be made. To constitute an offense under the current law the individual or the funds must have actually left the country. International boundaries serve as a refuge for violators of the Act. Arrest and recovery of evidence tend to become mired in diplomatic channels. Extradition, letters rogatory and simple information exchange require the diversion of investigative, enforcement and legal resources. Moreover, the chances of conviction are diminished through undue delay and complication.

By making an "attempt" a violation of the Act, enforcement authorities can arrest and seize while the suspect is still within the United States. It would not be necessary to cross international boundaries to complete an attempt offense. By way of illustration, consider the scenario in which a suspect has several pieces of luggage, neatly filled with a million American dollars. He charters a private plane or boat to take him to an offshore banking haven in the Caribbean. Even though no report has been filed, authorities are required to wait until the plane or boat lands in another country for the offense to be complete. Under the "attempt" provision authorities could arrest and seize just before the individual left the United States to satisfy the elements of the attempt offense. No longer will violators be able to thumb their noses at American enforcement authorities from a tropical isle refuge.

Reporting levels

Under section 1(c)(2) of the bill American bankers will get some welcome relief by a reduction in paperwork associated with the Act. Threshold reporting levels are raised from $5,000 to $10,000. In other words, persons who transport money outside the United States do not have to file any report for an amount less than $10,000. Experience has shown that it is not uncommon for tourists, vacationers and businessmen to take several thousand dollars with them on an extended stay outside the United States. A $10,000 reporting threshold is more realistic and should eliminate a respectable amount of paperwork.

Clarification of original statute

From an interpretive standpoint, uncertainties about the Act, gathered from experience, must be cleared up. Section 1(d) of the bill clarifies the degree of intent necessary as an element of the offense. Innocent violations are not cognizable offenses, only a "knowing" violation is enough to convict. Negligence, an innocent mistake or ignorance will not rise to the level of criminality. Warrantless stop and search authority for Customs officials is more precisely defined under section 1(e). The term of the art used to define this standard is "reasonable cause."

Rewards for informants

Major cases against launderers are made through the uses of informants. Organized crime, particularly in the area of drug dealing profits, are secure against conventional means of law enforcement. Penetration of the underworld is both dangerous and costly. However, the success rate of convictions goes up dramatically when informants are used. To encourage the use of informants, a substantial incentive must be provided, if the quality of the information leads to a large recovery or conviction. Section 1(f) of the bill is patterned after other criminal statutes that reward informants for good information.

SECTION II

Through the adoption of section 2 of the bill violation of the act will by law come within the purview of the Racketeer Influenced and Corrupt Organization Act (RICO). It effectively limits the use of the profits from a criminal enterprise for legitimate businesses. Moreover, it removes barriers to effective investigation of the uses to which the illegal money is put.

SECTION III

Investigators need the tools to match the level of sophistication of the international money launderers. They have satellite communications, computers, light aircraft, couriers, weapons, CPA's, financiers and high priced lawyers at their disposal. A whole new service industry has sprung up to assist the laundry traffic, having its base of operations nested in a tropical paradise with an obliging and solicitous government.

Electronic surveillance is the ultimate investigatory tool. And when the staggering amounts of money laundered each year are tallied, new records are set—$50 billion is a conservative estimate. The figures are so frightening that we speak of them in terms of a percentage of gross national product. The time has come to untie the hands of law enforcement. In that connection the instant bill is not merely desirable but necessary.

SECTION-BY-SECTION ANALYSIS

Section 1(a) amends section 5321(a)(1) of Title 31 of the United States Code by increasing the civil penalty for a violation of the Act from $1,000 to $10,000.

Section 1(b) amends section 5322(a) of Title 31, by increasing the criminal penalty from a $1,000 and a maximum prison term of one year to a $50,000 fine and maximum imprisonment for five years.

Section 1(c) revises the threshold reporting level for foreign currency transactions from $5,000 to $10,000 by amending section 5316(a)(1). In addition, section 1(c) of the bill makes it an offense to "attempt" to transport currency or monetary instruments outside the United States without filing the required reports.

Section 1(d) clarifies the degree of intent which must be proven to trigger the civil forfeiture provision of the Act. Section 5317(b) of Title 31 is amended to apply to a "knowing" failure to file a required report.

Section 1(e) is intended to clarify the existing warrantless search authority of Customs officials found in section 5317 of Title 31. Authority for such searches of individuals, containers and vehicles, upon entering and departing the United States shall be based upon "reasonable cause."

Section 1(f) provides a financial incentive for informants to furnish information leading to a major conviction and recovery. By adding a new section 5323 to subchapter II of chapter 53 of Title 31, Treasury officials will be able to pay a reward to informants for information leading to a recovery of a fine, civil penalty of forfeiture under the Act, when the amount of the recovery or penalty exceeds $50,000. Such rewards, as determined by the Secretary, cannot exceed the lesser of 25 percent of the net amount of the fine, penalty or forfeiture, or $250,000.

Section 2 brings criminal violations of the Act within the definition of racketeering activities under 18 USC § 1961(1), and thus puts a criminal violation of the Act within the purview of the Racketeer Influenced and Corrupt Organization Act (RICO).

Section 3 amends section 2516(1) of Title 18 by adding criminal violations of the Currency and Foreign Transactions Reporting Act as one of the enumerated statutes under the federal wiretap law.

S. 902

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 5321(a)(1) of title 31, United States Code, is amended by striking out "a civil penalty of not more than $1,000" and inserting in lieu thereof "a civil penalty of not more than $10,000".

(b) Section 5322(a) of title 31, United States Code, is amended by striking out "$1,000, imprisoned for not more than one year, or both" and inserting in lieu thereof "$50,000, or imprisoned for not more than five years, or both".

(c) Section 5316(a) of title 31, United States Code, is amended—

(1) by inserting ", attempts to transport," after "transports" in paragraph (1); and

(2) by striking out "of more than $5,000" and inserting in lieu thereof "of more than $10,000" in paragraph (1).

(d) Section 5317(b) of title 31, United States Code, is amended in the first sentence by inserting before the period at the end thereof the following: ", except that in the case of a failure to file a required report, this subsection shall apply only if the person required to file the report knowingly fails to file the report".

(e) Section 5317 of title 31, United States Code, is amended by adding at the end thereof the following:

"(c) A customs officer may stop and search, without a search warrant, a vehicle, vessel, aircraft, or other conveyance, envelope or other container, or person entering or departing from the United States, on which or whom the officer has reasonable cause to believe there is being transported a monetory instrument for which a report is required under section 5316.".

(f)(1) Subchapter II of chapter 53 of title 31, United States Code, is amended by adding the following new section at the end thereof:

"§ 5323. Rewards for informants

"(a) The Secretary may pay a reward to an individual who provides original information which leads to a recovery of a criminal fine, civil penalty, or forfeiture, which exceeds $50,000, for a violation of this chapter.

"(b) The Secretary shall determine the amount of a reward under this section. The Secretary may not award more than 25 per centum of the net amount of the fine, penalty, or forfeiture collected or $250,000, whichever is less.

"(c) An officer or employee of the United States, a State or a local government who provides information described in subsection (a) in the performance of official duties is not eligible for a reward under this section.

"(d) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.".

(2) The table of contents of such subchapter is amended by adding the following new item after the item relating to section 5322:

"5323. Rewards for information.".

SEC. 2. Section 1961(1) of title 18, United States Code, is amended—

(1) by striking out "or" after "(relating to embezzlement from union funds),"; and

(2) by inserting before the semicolon at the end thereof the following: ", or (E) any act which is indictable under".

SEC. 3. Section 2516(1) of title 18, United States Code, is amended—

(1) by striking out "or" at the end of clause (f);

(2) by redesignating clause (g) as clause (h); and

(3) by adding after clause (f) the following:

"(g) any offense punishable under section 5322 of title 31, United States Code, (relating to reports on monetary instrument transactions); or".●

● Mr. CHILES. Mr. President, I am pleased to join with my collegues today in introducing legislation to address the problem of international cash laundering and to curtail the increasing use of foreign tax havens. The bill amends the Bank Secrecy Act (formally known as the Currency and Foreign Transactions Reporting Act), the RICO Act (Racketeering Influenced and Corrupt Organizations Act), and our Federal wiretapping provisions. It is one more element of our multipronged strategy to fight drug trafficking which has wrought havoc in the State of Florida in the last decade.

The legislation intorduced today has six goals:

Increases the criminal penalty for violation of the Bank Secrecy Act from $1,000 to $50,000 and the civil penalty from $1,000 to $10,000. The current law's $1,000 penalty is nothing to the trafficker who deals in millions.

Provides an incentive for relaying vital information by awarding informants in major laundering cases a small portion of the moneys recovered.

Brings criminal violations of the Bank Secrecy Act within the definition of racketeering activities to trigger the tough provisions of the RICO Act.

Raises the threshold of reporting requirements from $5,000 to $10,000 and thus reduces bankers' paperwork and allows investigators to focus on large transactions only.

Includes Bank Secrecy Act violations in the Federal wiretapping statute.

Clarifies the existing warrantless search authority of Customs officials in searches of individuals, containers and vehicles upon entering and departing the United States based upon reasonable cause.

This proposal is the culmination of over 2 years work by the Permanent Subcommittee on Investigations, chaired by Senator ROTH. Under his able leadership, the hearings exposed the extent of illegal currency transactions, their use in criminal activities and the many current problems faced by law enforcement officers in this area. The most recent hearing of the subcommittee afforded us the opportunity to hear about a Colombian operation which allegedly laundered $242.2 million of drug funds through a Miami bank in just 8 months. The monthly handling charges of the bank alone in

this case rose to $300,000 before it was all over. This case was but one of the many uncovered in "Operation Greenback" which is the name of a multi-agency Federal investigation into the laundering of drug profits in Florida.

In addition to this proposal, another result of the subcommittee hearings was a growing awareness of the necessity for the Departments of State and Justice to promptly pursue mutual assistance treaties with countries whose off-shore banks provide safe financial harbors for the criminal element. It is important that the Attorney General move expeditiously to conduct negotiations to conclude agreements to secure the cooperation of the law enforcement authorities of foreign countries in order to effectively deprive domestic criminals of the use of foreign havens for the proceeds of their crimes.

It is imperative that our law enforcement officials be able to move against the assets of drug dealers and organized crime figures. No business, legal or illegal, can operate without capital. Wiping out the bank accounts of the drug merchants would be one of the most constructive actions we can take to put the drug smuggling rings out of commission.

Mr. President, I believe that this bill is an important component in our strategy against drug traffickers and I am pleased to be here today to urge its swift passage and enactment.●

By Mr. BAUCUS:

S. 904. A bill to provide for contribution of damages attributable to an agreement by two or more persons to fix, maintain, or stabilize prices under section 4, 4A, or 4C of the Clayton Act; to the Committee on the Judiciary.

CONTRIBUTION AND CLAIM REDUCTION BILL

Mr. BAUCUS. Mr. President, today I am introducing a bill to incorporate the principles of claim reduction and contribution into antitrust price-fixing litigation. The provisions of this bill would make antitrust laws more equitable without diminishing the deterrence so basic to effective antitrust enforcement.

For years, I have strongly supported contribution and claim reduction legislation. In the last session of Congress, I was one of the original cosponsors of S. 995, the Antitrust Equal Enforcement Act, which contained the same substantive provisions as the bill I am introducing today. When S. 995 was initially brought before the Senate Judiciary Committee, I advocated its speedy passage because I believed its statutory reforms constituted sound public policy. However, the committee's changes in the effective date and scope of coverage forced me to oppose adoption of S. 995 by the full Senate.

As originally introduced, S. 995 was to have become effective on the date of its enactment, a provision generally included in most legislative proposals. During committee consideration of the bill, an amendment passed that would have allowed the courts to use their discretion to apply the bill's claim reduction principles retroactively to pending cases. Because of the possibility that such retroactive application could have adversely affected the rights of plaintiffs and settling defendants who had justifiably acted based on existing law, I could not support passage of the bill as reported by the committee.

During the lameduck session of Congress, the Senate debated the merits of S. 995 in its retroactive form. After two unsuccessful cloture votes, the bill was withdrawn from consideration.

Early in this session of Congress, Senator HATCH, joined by Senators THURMOND, LAXALT and DECONCINI, introduced S. 380, which is identical to the version of S. 995 reported by the Judiciary Committee last year. It contains the same retroactivity provisions that were included in the earlier bill and therefore has the same potential for causing inequitable results in pending antitrust cases. Although I continue to be an avid advocate of the basic contribution and claim reduction principles in the bill, I am unable to support enactment of S. 380.

As I stated earlier, the bill I am introducing today is substantively the same as S. 995 before it was amended in committee. However, I have made two changes in the original bill in an attempt to address certain concerns expressed in last year's debate.

First, I have included a general section making the claim reduction and contribution provisions of the bill effective from the date of the bill's introduciton. This change was made in order to maximize the number of parties able to benefit from the application of these legal principles to antitrust cases.

I also have included a provision allowing the application of claim reduction to a limited class of pending cases. In my proposal, claim reduction would be available in cases initiated prior to the bill's effective date in which there has been no verdict, judgment, or settlement—in other words, in those cases in which the parties have not acted in reliance on existing law.

I believe a contribution and claim reduction bill without the retroactivity of S. 380 has a good chance of being enacted this year. I hope the bill I am introducing today will provide the means for achieving a consensus among my congressional colleagues and among the various business groups who support the incorporation of these principles into antitrust litigation.

By Mr. EAGLETON (for himself, Mr. MATHIAS, Mrs. KASSEBAUM, Mr. SARBANES, Mr. CRANSTON, Mr. SASSER, Mr. LEVIN, Mr. NUNN, Mr. COHEN, Mr. DANFORTH, Mr. MOYNIHAN, Mr. JACKSON, Mr. DURENBERGER, Mr. GLENN, and Mr. HATFIELD):

S. 905. A bill entitled the "National Archives and Records Administration Act of 1983"; to the Committee on Governmental Affairs.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION ACT OF 1983

● Mr. EAGLETON. Mr. President, I am today introducing legislation which would separate the National Archives and Records Service (NARS) from the General Services Administration (GSA) and establish the National Archives and Records Administration (NARA) as an independent agency in the executive branch. In order to enhance the independent operation of NARA, the bill also proposes to: One, provide for the appointment of the Archivist by the president, with Senate confirmation, and two, return statutory authority for the Nation's archival and records management programs to the Archivist of the United States.

This legislation is very similar to S. 1421, which Senator MATHIAS and I introduced in June 1981. Today, Senator MATHIAS and I are joined by a bipartisan group of 13 Senators who joined in cosponsoring S. 1421 during the last Congress. In my view, this bipartisan group of cosponsors reflects the growing understanding within the Senate that the plight of the Archives is serious and that independence for NARS is a crucial ingredient for strengthening the Archives in the future. I believe that this understanding and increasing support for independence from a range of affected groups gives us the real opportunity for legislative action in this Congress.

As I noted when Senator MATHIAS and I introduced S. 1421 2 years ago, the problem we address is not new. NARS was created as an independent agency in 1934. Fifteen years later, however, it was incorporated into the newly created General Services Administration as part of the general effort at the time, inspired by the first Hoover Commission, to increase Government efficiency by reducing the number of separate independent agencies.

Historians and archivists have attacked the wisdom of placing NARS within GSA almost from the day the transfer was effected. As long ago as 1963, Senator MATHIAS expressed strong reservations about "the concept that GSA should become the guardian of history as well as the custodian of washrooms, storerooms, and workrooms." Mounting evidence suggests that my colleague hit the nail on the head, and that the historians and archivists were right from the start. In my view, the present situation of NARS, as a part of GSA, demands con-

gressional attention and a major organizational change.

"In the National Archives: America's Ministry of Documents 1934-68," Donald R. McCoy attributes the original change in NARS' status to a wave of beliefs prevalent during the postwar period: One, governmental efficiency was hampered by the excessive number of separate Federal agencies; two, the scattered housekeeping functions of the Federal Government should be combined into one agency; and three, the management of Federal records needed to be improved. As a result, McCoy adds:

> The National Archives was inextricably caught in the swiftly moving currents of the time. Congress wanted to act as soon as possible in response to the Hoover Commission's recommendations, and the Truman administration was equally interested in gaining reorganization powers. Since the idea of a general services agency was among the most acceptable of the commission's reorganization proposals, congressional and administration leaders quickly compromised their few differences on it.

In response, Congress incorporated the National Archives into the new General Services Administration by passing the Federal Property and Administrative Services Act. This legislation also placed several other previously independent Agencies under GSA, including the Bureau of Federal Supply, the Federal Works Agency, the Office of Contract Settlement, and the War Assets Administration.

However sound the concept or compelling the politics, the arrangement has been troubled for at least two decades. A brief history of the relationship of NARS and GSA presents a picture of perennial, nagging problems related to the low-priority status of NARS within GSA, and the lack of independence.

For example, when Bernard Boutin was appointed by President Kennedy to head GSA, he quickly mounted a management program of setting goals and objectives for his agency's operations. Unfortunately, many of the management concepts implemented by Boutin did not comport with the functions of NARS. Most of the Archives' cultural activities simply did not lend themselves to measurable goals. Principles of profit and loss are difficult to apply to the work of archivists and records managers, who deal with people and materials of intangible value. As a result, NARS' budget has suffered over the years, even while GSA's demands of the agency have increased substantially.

In 1965, the third Archivist of the United States, Wayne C. Grover, announced his retirement after 17 years of service. Because of his distress with the demands and restrictions imposed on NARS by GSA, Grover used the occasion of his retirement to speak out in favor of the independent establishment of NARS. Despite his efforts, the Johnson administration failed to move on his recommendation.

Picking up the fallen mantle left by Grover, three archival and historical organizations formed the Joint Committee on the Status of the National Archives in 1967. A year later, the committee issued a report recommending that, one, NARS' cultural and educational programs must be better funded to meet the overall mission of the agency, and two, NARS should be restored to independent status and administered by an archivist appointed by the President. Both the New York Times and the Washington Post supported the committee's recommendation for an independent archives.

Because of the controversy generated by the report, the Bureau of the Budget and GSA elected to compromise. In lieu of establishing NARS as an independent organization, additional funding was given to support archival services. NARS' budget rose from $18 million to almost $2 million between fiscal year 1968 and 1969. The number of employees also grew from 1,808 to 2,316.

Although this compromise represented a major victory for NARS, it was a matter of getting too little, too late. In 1979, the General Accounting Office reported findings similar to those of the 1967 joint committee concerning the inadequate funding of archival activities.

In January 1980, former Archivist James B. Rhoads assailed the continuing failure of OMB, GSA, and NARS to provide adequate funds for basic archival functions. Given the critical nature of preserving the Nation's documentary heritage, Rhoads cautioned that $2 million "is simply not enough to make any significant headway against the 150-year backlog of neglect * * *." Despite the seriousness of NARS' lack of funding, Rhoads attacked the current organizational placement of NARS as the agency's most egregious problem:

> I firmly believe * * * that as long as NARS is part of GSA, the OMB examiners assigned to GSA are going to be preoccupied by and oriented toward the big dollar issues involving Federal procurement, building construction and management, and Government-wide ADP and computer management. NARS' importance as a national cultural agency is ignored and buried by OMB simply because it is a part of GSA, an agency with a basically different kind of mission * * *. If for some reason independence cannot be secured, surely somewhere in the great Federal bureaucracy there must be an agency where the National Archives and Records Service could be received with the support and understanding that it so desperately needs * * *.

Against this backdrop of chronic difficulties, crises have flared periodically when the dangers inherent in the untenable nature of the relationship between NARS and GSA have become painfully evident.

The most celebrated and disturbing incidents occurred during the Nixon administration. For example, in 1973, the White House legal staff, together with GSA lawyers, issued a questionable deed of gift for the Vice Presidential papers of former President Nixon. NARS was unware of this matter. When the Washington Post undertook an investigation of the deed—which gave a tax deduction to Nixon of $482,018 for less than 1,300 cubic feet of materials—direct intervention from the White House counsel became necessary in order to make the full story known. NARS officials later admitted to direct pressure from GSA to stall the investigation.

All the dangers of a politicized Archives, without the necessary independence, became evident when President Nixon resigned. Shortly after Nixon's resignation, he entered into agreement with GSA Administrator Arthur Sampson in which the Ford administration acknowledged Mr. Nixon to be the owner of the tapes and papers of his administration and gave him great license concerning the disposition and control of 42 million pages of documents and 880 tape recordings created during his White House years. Under the agreement, Mr. Nixon could have ordered the destruction of these vital historical materials.

Although NARS drafted the original document regarding Nixon's proposed donation of materials, the final agreement was drawn up exclusively by White House staff. It contained many provisions which departed radically from the terms which recent Presidents had used in donating their papers. Nevertheless, Sampson signed the agreement without consulting NARS on either its content or propriety.

Two months later, U.S. District Court Judge Charles R. Richey enjoined GSA from disposing of and disclosing any of the Presidential materials. This decision precipitated unusual action by GSA. First, the agency usurped the materials in question from NARS' Office of Presidential Papers, which had had custody up to this time. Sampson later attempted to circumvent the National Archives by setting up his own "Office of Presidential Materials" and by creating a position accountable to him entitled "Special Archivist of the United States." Both efforts eventually—and fortunately—failed. Congress subsequently intervened by passing the Presidential Recordings and Materials Preservation Act of 1974, taking custody of the Nixon tapes and papers and setting forth procedures to govern access to them while protecting Nixon's privacy rights.

Of course, the experiences of the Nixon years were extreme cases, un-

likely to recur. But trouble can arise regularly from depriving the Archivist of independence, and placing issues that require expert archival judgments in the hands of political appointees. For example, in January 1980, General Services Administrator Rowland Freeman expressed his interest in dispersing historical materials at a volume far in excess of normal requirements. Against the strong advice of many experts, Freeman ordered that the dispersion of records be based on, among other factors, the extent to which they had been used. Use is not recognized by most archivists and historians as a valid criterion. Historic materials of considerable import have been known to sit unused for decades—for example, the records of the Freedman's Bureau dating back to the Civil War era have only recently been used, yet they have enormous intrinsic value. In response to Freeman's decision, Senator Morgan expressed his strong objections in a letter to the Administrator:

I believe that records of the National Government should be stored in Washington. Scholars come to this area not only from the various states but also from all over the world. It is a disservice to the scholarly community to scatter records all over the country. These records are not simply masses of paper * * * they are the history of our country.

Other distinguished individuals also spoke out against the decentralization of records. Pulitzer Prize winner John W. Tolland described the effort as "the beginning of the end of the National Archives." Former Archivist of the United States James B. Rhoads voiced his fear that Freeman might "undo the work of three generations of professional archivists." Fortunately, John Hope Franklin, president of the American Historian Association, appealed to the White House for help—and won. Immediately following the suspension of Freeman's order, Marvin Stone proclaimed, in a recent Newsweek editorial entitled, "The Scholars Win One":

Good sense has scored a rare victory against the bureaucracy, in a confrontation over the American heritage . . . But the only way to avoid more fights will be to free [NARS] legally from interference with decisions on the use and life and death of documents—or divorce it altogether from the GSA.

Defenders of the status quo will undoubtedly argue that the issue of moving NARS out of the shadow of GSA should be carefully studied. In fact, this is one issue that has been studied and studied and studied.

In 1965, Harvard Prof. Richard Neustadt studied the organizational placement of the Archives and recommended independence for NARS.

In 1967, the Joint Committee of the Society of American Archivists, the American Historical Association, and the Organization of American Historians concluded that much more needed to be done to protect the integrity of archival programs and to support the cultural and educational functions of NARS. That report strongly called for an independent NARS.

In 1977, the blue ribbon National Study Commission on Records and Documents of Federal Officials, better known as the Public Documents Commission, noted in its final report that the events surrounding the Nixon case "demonstrated how vulnerable the National Archives is to political pressure," and recommended that "NARS should be independent of GSA and insulated from partisan, political influence."

In 1978, the Archives and records task force of the Carter administration reorganization project examined the relationship of NARS and GSA in-depth. After more than a year of intensive study, the task force concluded in its final report that "there are basic problems with the location of NARS in GSA" and that "GSA/NARS relationship is impeding NARS' efforts to carry out its Governmentwide responsibilities." The task force requested that "consideration be given by OMB to recommending to the President that NARS become an independent agency."

This review of the history should make it clear that the legislation we introduce today is not intended to be a criticism of the Reagan administration or the current Administrator of General Services, Gerald Carmen. We seek to deal with a longstanding, institutional problem which has worried historians and archivists and hampered the work of NARS during Democratic and Republican administrations alike. Within GSA, NARS will always be, in the words of one scholar, "a stepchild in a conglomerate business-oriented agency that has never understood [its] professional role or [its] program requirements." (Walter Robertson, Jr., "NARS: The Politics of Placement," the American Archivist.)

In my judgment, however, the chronic problems at NARS have reached crisis proportions in the past 2 years becuase of the damage inflicted on NARS by deep and indiscriminate budget cuts. No pricetag can be placed on preserving our historical records, but the archivist's work assumes importance only over a long period of time. The relatively small budget of the Archives has proven to be an enticing target for today's short-sighted budget-cutters.

For example, the NARS budget for fiscal year 1981 was roughly $88 million. The continuing resolution covering funding for fiscal year 1982 slashed the NARS budget to $75 million—nearly a 15-percent reduction in 1 year. According to the General Accounting Office, the cut translated into a 23-percent reduction in funds for NARS' basic operations—because of the high fixed costs of maintenance, security, and operations of the Archives' facilities.

A year ago, Congressman ENGLISH documented the damage done to NARS in a superb set of hearings. According to GAO and the Organization of American Historians, staff reductions necessitated by budget cuts had resulted in ever-lengthening delays in making important classified materials available. Accessioning of new records came to a screeching halt. Public release of the FBI's records of the J. Edgar Hoover years; the Justice Department's World War II files; the Pentagon and State Department central files of the Korean war—all promised for 1982—were delayed indefinitely. The ability of NARS to provide 24-hour-a-day environmental controls critical to archival preservation in the Presidential libraries was jeopardized. Staff reductions contributed to a general decline in service to individual users of the Archives. Scholars were forced to wait 2 hours to look at records kept by the diplomatic, judicial, and fiscal branches. Telephone and mail requests for records were no longer if the material took longer than 30 minutes to find.

Representative ENGLISH's hearings helped Congress recognize the acute needs of NARS and Congress improved the situation somewhat by a small supplemental appropriation for fiscal year 1982 and a decision to NARS at a more respectable level for fiscal year 1983. Some of the specific problems identified by the English hearings have been addressed, but the general impact of the budget cuts remains. Samuel Gammon, testifying for the American Historical Association, put it this way last year.

Government mandated reductions-in-force (RIFs) have forced many talented archivists to leave NARS and, with morale sinking, many others have resigned. As a result, the process of accessioning records has slowed, care of the records has deteriorated, and, perhaps most important, knowledge of the Archives' collections has been reduced, limiting the value of those collections. For scholars and for the general public who rely upon the Archives as a primary repository for understanding the past, this is a crisis of enormous proportions.

The GAO, not given to hyperbole or undue alarm, offered this assessment:

Budget reductions * * * will severely restrict NARS' ability to fulfill its mission * * *.

Such severe budget cuts can only serve to promote the deterioration and ultimate loss of valuable historic records.

In considering the case for independence, it is revealing that the NARS budget was on a tight leash long before the Reagan budget cuts. From 1976 to 1981, before these hurtful cuts, the overall staff of the Archives actually decreased by 1 percent. The rate

of growth in the Archives' budget has been far less than that of the Smithsonian, the Library of Congress, or our other cultural institutions. I firmly believe, as former Archivist Rhoads has attested, that the pattern of inadequate funding stems directly from NARS' organizational placement with GSA. NARS needs to be made independent, to be its own advocate, to compete for a fair share of the tight resources of the Federal budget.

The budget cuts do not convey a full sense of the problems at NARS. In 1982, Mr. Carmen initiated a sweeping reorganization of GSA, designed to strengthen GSA's regional operations. The reorganization may have merit for other GSA functions, but its potential impact on NARS warrants serious concern. Maintaining the integrity of the full life cycle of records has always been fundamental to the mission of NARS. This concept includes records management responsibilities in the broad sense, not just preserving, and ultimately making available to the public, documents of lasting importance. The reorganization seems to give GSA responsibility for records management activities of the various agencies. Taking that responsibility away from NARS could diminish the chances that documents of lasting value will be recognized and protected. Mr. Carmen seems intent on demonstrating what Admiral Freeman's decentralization effort already proved: that reorganizations which may be appropriate for the rest of GSA do not work for NARS, since NARS has never fit well into GSA.

The administration has also demonstrated its disrespect for the needs of historians and archivists by repeated efforts to destroy the National Historical Publications and Records Commission (NHPRC). Although the program has traditionally been funded at a very modest level—$4 million in fiscal year 1981—NHPRC has made an enormous contribution to the preservation and publication of the historical materials relating to America's past. Through its publications program, NHPRC has begun to lay before the American people documentary editions, free from partisan interpretation, concerning the Founding Fathers and the creation of the Government: such as the Papers of Thomas Jefferson, the First Federal Congress, and the early years of the Supreme Court. Their editions have gone beyond government as well, to cover military affairs, social concerns, labor and the arts and sciences.

Through its grants program, NHPRC has advised and assisted State and local historical societies, archives, libraries and associations to insure the discovery and preservation of valuable historical documents. NHPRC has been very successful in using Federal money as "seed money," effectively leveraging money from other levels of government and private dollars in a unique collaboration. In 1963, Justice John Harlan observed that the work of the Commission "touches the concerns of all who hold positions of responsibility in public life, indeed, of every thoughtful citizen though enjoyed in purely private endeavors."

Yet this administration, in a classic case of being pennywise and dollar foolish, has opposed the reauthorization of the NHPRC, forcing Congress to keep NHPRC alive by earmarking part of the NARS appropriation for NHPRC. The administration has also placed NHPRC on its "hit list" of agencies to be eliminated. In the past 2 years, I have fought to preserve NHPRC and to fund it adequately, and I will continue to do so, but I believe that independence for NARS is also the only adequate protection for NHPRC.

I understand that Mr. Carmen has appointed a task force to study whether the relationship between GSA and NARS needs improvement, and if so, what changes should be made. While I will be very interested in the conclusions of the task force, I believe that overwhelming evidence already exists for ending the "odd couple" relationship between GSA and NARS. While Congress should not act precipitously to reorganize executive agencies, we should not leave serious problems unaddressed year after year, decade after decade.

Nineteen hundred and eighty-four marks the 50th anniversary of the National Archives; restoring the independence of NARS would be a particularly appropriate celebration. Nineteen hundred and eighty-four is also a year immortalized by George Orwell's frightening vision of what the future would bring. Orwell's totalitarian society was characterized by its flagrant distortion of history; in the absence of free speech and thought, history could be rewritten periodically to serve the interests of the government and manipulate the people.

Our respect for history is one reason that our country bears no resemblance to Orwell's vision. Respect for history goes hand in hand with our commitment to a free press and our freedom of speech and thought. We can demonstrate again our recognition of the importance of history by moving to insure the strength and independence of the National Archives.

Mr. President, I ask unanimous consent that my bill be printed in full in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 905

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Archives and Records Administration Act of 1983".

AMENDMENTS TO TITLE 44, UNITED STATES CODE

SEC. 2. (a) Sections 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, and 2114 of title 44, United States Code, are redesignated as sections 2102, 2103, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, and 2119, respectively.

(b) Title 44, United States Code, is amended by inserting before section 2102 (as redesignated by subsection (a)) the following new section:

"§ 2101. Purpose

"The purpose of this chapter is to establish an independent National Archives and Records Administration due to the unique importance of the tasks of creating, identifying, and preserving the records of the Nation which have permanent value and making such records available to the public, to Federal agencies, and to the Congress for historical and other research purposes.".

(c) Section 2102 of title 44, United States Code (as redesignated by subsection (a)), is amended—

(1) by striking out "sections 2103-2113 of";

(2) by striking out the period at the end thereof and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new paragraphs:

"'executive agency' means any executive department of independent establishment in the executive branch of the Government, including any wholly-owned Government corporation;

"'Federal agency' means any executive department, military department, Government corporation, Government-controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), any independent regulatory agency, or any establishment in the legislative or judicial branch of the Government (except the Senate, the House of Representatives, and the Architect of the Capitol, and any activities under his direction);

"'Archivist' means the Archivist of the United States appointed under section 2104; and

"'Administration' means the National Archives and Records Administration established under section 2103.".

(d) Section 2103 of such title is amended to read as follows:

"§ 2103. Establishment

"There is established an independent establishment in the executive branch of the Government to be known as the National Archives and Records Administration. The Administration shall be administered under the supervision and direction of the Archivist.".

(e) Title 44, United States Code, is further amended by inserting before section 2108 (as redesignated by subsection (a)) the following new sections:

"§ 2104. Officers

"(a) The Archivist of the United States shall be appointed by the President by and with the advice and consent of the Senate. The Archivist shall be appointed for a term of ten years, but may continue to serve until his successor is appointed and confirmed. The Archivist shall be appointed without regard to political affiliations and solely on the basis of the professional qualifications required to perform the duties and responsibilities of the office of Archivist.

"(b) The Archivist shall be compensated at the rate provided for level III of the Ex-

ecutive Schedule under section 5314 of title 5.

"(c) There shall be in the Administration a Deputy Archivist of the United States, who shall be appointed by and who shall serve at the pleasure of the Archivist. The Deputy Archivist shall be established as a career reserved position in the Senior Executive Service within the meaning of section 3132(a)(8) of title 5. The Deputy Archivist shall perform such functions as the Archivist shall designate. During any absence or disability of the Archivist, the Deputy Archivist shall act as Archivist. In the event of a vacancy in the office of the Archivist, the Deputy Archivist shall act as Archivist until an Archivist is appointed under subsection (a).

"§ 2105. Administrative provisions

"(a) The Archivist shall prescribe such policies, standards, criteria, procedures, rules, and regulations as he finds necessary or appropriate to carry out his functions. The head of each Federal agency shall issue such orders and directives as may be necessary to conform the activities of the agency with the policies, standards, criteria, procedures, rules, and regulations prescribed by the Archivist.

"(b) Except as otherwise expressly provided by law, the Archivist may delegate any of his functions to such officers and employees of the Administration as he may designate, and may authorize such successive redelegations of such functions as he may deem to be necessary or appropriate. A delegation of functions by the Archivist shall not relieve the Archivist of responsibility for the administration of such functions.

"(c) The Archivist may organize the Administration as he finds necessary or appropriate.

"(d) The Archivist is authorized to establish, maintain, alter, or discontinue such regional, local, or other field offices as he finds necessary or appropriate to perform the functions of the Archivist or the Administration.

"(e) The Archivist shall cause a seal of office to be made for the Administration of such design as he shall approve. Judicial notice shall be taken of such seal.

"(f) Each Federal agency is authorized to furnish to the Archivist, upon his request, any information or other data which the Archivist finds necessary to carry out his duties.

"(g) The Archivist may establish advisory committees to advise him with respect to any function of the Archivist or the Administration. Members of any such committee shall serve without compensation but shall be entitled to transportation expenses and per diem in lieu of subsistence in accordance with section 5703 of title 5.

"(h) The Archivist shall advise and consult with interested Federal agencies with a view to obtaining their advice and assistance in carrying out the purposes of this chapter.

"(i) If authorized by the Archivist, officers and employees of the National Archives and Records Administration having investigatory functions are empowered, while engaged in the performance of their duties in conducting investigations, to administer oaths.

"§ 2106. Personnel and services

"(a) The Archivist is authorized to select, appoint, employ, and fix the compensation of such officers and employees, pursuant to part III of title 5, as are necessary to perform the functions of the Archivist and the administration.

"(b) The Archivist is authorized to obtain the services of experts and consultants under section 3109 of title 5.

"(c) Notwithstanding the provisions of section 973 of title 10 or any other provision of law, the Archivist, in carrying out the functions of the Archivist or the Administration, is authorized to utilize in the Administration the services of officials, officers, and other personnel in other executive agencies, including personnel of the armed services, with the consent of the head of the agency concerned.

"(d) The Archivist is authorized to accept and utilize voluntary and uncompensated services.

"§ 2107. Reports to Congress

"The Archivist shall submit to the Congress, in January of each year and at such other times as he finds appropriate, a report concerning the administration of functions of the Archivist and the Administration. The report shall include such recommendations for legislation as he may find appropriate as the result of the administration of such functions and a citation of any law which has become obsolete by reason of the enactment or administration of the provisions of this title.".

(f)(1) The table of sections for chapter 21 of title 44, United States Code, is amended to read as follows:

"CHAPTER 21—NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

"Sec.
"2101. Purpose.
"2102. Definitions.
"2103. Establishment.
"2104. Officers.
"2105. Administrative provisions.
"2106. Personnel and services.
"2107. Reports to Congress.
"2108. Acceptance of records for historical preservation.
"2109. Responsibility for custody, use, and withdrawal of records.
"2110. Preservation, arrangement, duplication, exhibition of records.
"2111. Servicing records.
"2112. Material accepted for deposit.
"2113. Presidential archival depository.
"2114. Depository for agreements between States.
"2115. Preservation of motion-picture films, still pictures, and sound recordings.
"2116. Reports; correction of violations.
"2117. Legal status of reproductions; official seal, fees for copies and reproductions.
"2118. Limitation on liability.
"2119. Records of Congress.".

(2) The item relating to chapter 21 in the table of chapters for title 44, United States Code, is amended to read as follows:

"21. National Archives and Records Administration ..... 2102.".

(g)(1) Section 2103(4) of such title is amended by striking out "section 2107" and inserting in lieu thereof "section 2112".

(2) Section 2108 of such title is amended by striking out "section 2107" each place it appears and inserting in lieu thereof "section 2112".

(h) Chapters 7, 15, 17, 21 (as amended by this section), 22, 23, 25, 29, 31, and 33 of title 44, United States Code, are amended by striking out "Administrator of General Services" and "General Services Administration" wherever they appear and inserting in lieu thereof "Archivist of the United States" and "National Archives and Records Administration", respectively.

(i)(1) Section 101 of the Presidential Recordings and Materials Preservation Act is amended—

(A) by striking out "section 2107" each place it appears and inserting in lieu thereof "section 2112";

(B) by striking out "section 2101" and inserting in lieu thereof "section 2102";

(C) by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist of the United States"; and

(D) by striking out "Administrator" each place it appears and inserting in lieu thereof "Archivist".

(2) Section 102 of such Act is amended—

(A) by striking out "section 2107" and inserting in lieu thereof "section 2112", and

(B) by striking out "Administrator" each place it appears and inserting in lieu thereof "Archivist".

(3) Section 103 of such Act is amended by striking out "Administrator" and inserting in lieu thereof "Archivist".

(4) Section 103 of such Act is amended by striking out "Administrator" each place it appears and inserting in lieu thereof "Archivist".

(j) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following:

"( ) Archivist of the United States.".

(k) The item relating to chapter 29 in the table of contents for title 44, United States Code, is amended to read as follows:

"29. Records Management by Archivist of the United States..... 2901."

(l) Sections 141-144 of title 4, Chapter 5, United States Code, are amended by striking out "Administrator of General Services," and "General Services Administration" wherever they appear and inserting in lieu thereof "Archivist of the United States," "Archivist," and "National Archives and Records Administration" respectively.

(m) Section 199a, title 25, United States Code, is amended by striking out "Administrator of General Services" wherever it appears and inserting in lieu thereof "Archivist of the United States."

(n) Sections 106a, 106b, and 112 of title 1, United States Code, are amended by striking out "Administrator of General Services" wherever it appears and inserting in lieu thereof "Archivist of the United States."

(o) Sections 6 and 11-13 of title 3, United States Code, are amended by striking out "Administrator of General Services," and "General Services Administration" wherever they appear and inserting in lieu thereof "Archivist of the United States," and "National Archives and Records Administration" respectively.

(p) Paragraphs (b)(6) and (l)(1) of the Privacy Act of 1974 are amended by striking out "Administrator of General Services" wherever it appears and inserting in lieu thereof "Archivist of the United States."

(q) Section 2301 of title 44, United States Code, is amended by striking out the second sentence of the section.

(r) Section 2501 of title 44, United States Code, is amended by striking out the last sentence of the section.

(s) Section 2540(a) of title 44, United States Code, is amended by striking out "the Administrator" from the final sentence of the section and substituting in lieu thereof "the President and the Congress."

DEFINITIONS

SEC. 3. For purposes of sections 3 through 8—

(1) the term "Archivist" means the Archivist of the United States appointed under section 2104 of title 44, United States Code, as added by section 2 of this Act; and

(2) the term "Administration" means the National Archives and Records Administration established under section 2103 of such title (as amended by section 2 of this Act).

TRANSFER OF FUNCTIONS

SEC. 4. (a) All authorities and functions of the Administrator of General Services specified in chapters 7, 15, 17, 21, 22, 23, 25, 29, 31, and 33 of title 44, United States Code, are transferred to the Archivist of the United States appointed under section 2104 of title 44, United States Code.

(b) The National Archives and Records Service of the General Services Administration is transferred to the National Archives and Records Administration.

(c) The office of Office Information Systems of the Office of Information Resources Automated Data and Management of the General Services Administration is transferred to the National Archives and Records Administration.

(d) In the exercise of the functions transferred under this Act, the Archivist shall have the same authority as had the Administrator of General Services with respect to chapters 7, 15, 17, 21, 22, 23, 25, 29, 31, and 33 of title 44, United States Code, and the actions of the Archivist shall have the same force and effect as when exercised by such Administrator.

(e) Prior to the appointment and confirmation of an individual to serve as Archivist of the United States under section 2104 of title 44, United States Code, the individual holding the office of Archivist of the United States on the day before the effective date of this Act may serve as Archivist under such section, and while so serving shall be compensated at the rate provided under subsection (b) of such section.

TRANSFER OF PERSONNEL

SEC. 5. (a) Except as otherwise provided in this Act, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to or to be made available in connection with the functions and agencies transferred by this Act, subject to section 202 of the Budget and Accounting Procedures Act of 1950, are transferred to the Archivist for appropriate allocation. A percentage of the funds and associated positions in the General Management and Administration appropriation for the General Services Administration, proportionate to the percentage of National Archives and Records Service employees in the General Services Administration, is transferred to the Archivist for appropriate allocation. Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.

(b) The transfer pursuant to this title of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employees to be separated or reduced in grade or compensation for one year after such transfer or after the effective date of this Act, whichever is later.

SAVINGS PROVISIONS

SEC. 6. (a) All orders, determinations, rules, regulations, grants, contracts, agreements, permits, licenses, privileges, and other actions which have been issued, granted, made, undertaken, or entered into in the performance of any function transferred under this Act shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by any authorized official, a court of competent jurisdiction, or by operation of law.

(b)(1) The transfer of functions under this Act shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending on the effective date of this Act before the General Services Administration; but such proceedings and applications, to the extent that they relate to functions transferred under this Act, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by the Archivist, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(2) The Archivist is authorized to promulgate regulations providing for the orderly transfer of proceedings continued under paragraph (1) from the General Services Administration to the Administration.

(c) Except as provided in subsection (e)—

(1) the provisions of this Act shall not affect actions commenced prior to the effective date of this Act, and

(2) in all such actions, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this Act had not been enacted.

(d) No action or other proceeding lawfully commenced by or against any officer of the United States acting in his official capacity shall abate by reason of any transfer under this Act. No cause of action by or against the General Services Administration or by or against any officer thereof in the official capacity of such officer shall abate by reason of any transfer of functions under this Act.

(e) If, before the date on which this Act takes effect, the General Services Administration or any officer thereof in the official capacity of such officer, is a party to an action, and under this Act any function in connection with such action is transferred to the Archivist or any other official of the Administration, then such action shall be continued with the Archivist or other appropriate official of the Administration substituted or added as a party.

(f) Orders and actions of the Archivist in the exercise of functions transferred under this Act shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the individual holding the office of Archivist of the United States on the day before the effective date of this Act or the Administrator of General Services in the exercise of such functions immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this Act shall apply to the exercise of such function by the Archivist.

REFERENCE

SEC. 7. With respect to any functions transferred by this Act and exercised after the effective date of this Act, reference in any other Federal law to the office of the Archivist of the United States as in existence on the day before the effective date of this Act or the National Archives and Records Service of the General Services Administration or any office or officer thereof shall be deemed to refer to the Archivist or the Administration.

EFFECTIVE DATE

SEC. 8. The provisions of this Act shall take effect one hundred twenty days after enactment.●

By Mr. DANFORTH:

S. 906. A bill to extend the duty reduction on certain unwrought lead for a period of 5 years; to the Committee on Finance.

UNWROUGHT LEAD TARIFF

● Mr. DANFORTH. Mr. President, this bill extends the temporary reduction of the tariff on imports of unwrought lead other than bullion, tariff item 911.50, for a period of 5 years commencing July 1, 1983. The duty on unwrought lead was temporarily reduced during the period January 1, 1980, through June 30, 1983, from 3.5 percent to 3 percent on the value of lead content but not less than 1.0625 cents per pound of lead content. The duty reduction was accompanied by provisions barring, except under certain specified provisions of the trade statutes, the modification of the duty by the President or the imposition of additional duties.

The extension of the duty reduction is supported by both the domestic producers and major domestic consumers of primary lead as a measure which will aid all parties by contributing to the stability of price and supply in the primary lead market. The producers are represented by the Lead-Zinc Producers Committee, which includes all U.S. primary lead producers. The consumers are represented by an ad hoc committee whose members account for a majority of lead consumed in the United States.●

By Mr. DANFORTH:

S. 907. A bill to amend the tariff schedules of the United States to clarify for duty purposes the distinction between dress gloves and work gloves; to the Committee on Finance.

GLOVE TARIFF CATEGORIES

● Mr. DANFORTH. Mr. President, legislation is necessary to close a loophole in the tariff distinction between work gloves and dress gloves which results in the loss of substantial revenue to the Government and costs the U.S. work glove industry sales and jobs. The bill would provide a new headnote definition and a minor change in the definition of certain glove categories in order to make clear that all imported work gloves will enter in the proper

work glove tariff categories rather than in dress glove categories with lower tariffs.

In the glove industry, the identifying feature of a dress glove has long been the presence between the four fingers of a strip of material—called a fourchette—extending along the side of each finger from finger tip to finger tip. Sometimes there may also be an additional strip along the outside of the little finger called a sidewall. Work gloves traditionally have had neither fourchettes nor sidewalls. The current tariff schedule, therefore, generally places gloves in either of two categories, those with fourchettes or sidewalls, dress gloves, and those without fourchettes or sidewalls, work gloves.

Some foreign work glove manufacturers, however, are adding, at negligible cost, a single token fourchette on the inside of the little finger of each work glove in order to have it classified as a dress glove dutiable at 14.5 percent rather than at the proper work glove duty of 24.5 percent. The proposed legislation requires that imported gloves have complete fourchettes, between each of the four fingers, in order to be properly classified as dress gloves.●

By Mr. DURENBERGER:

S. 908. A bill to provide fiscal assistance to State and local governments during periods of economic recession; to the Committee on Governmental Affairs.

STATE AND LOCAL RECESSION ASSISTANCE ACT OF 1983

● Mr. DURENBERGER. Mr. President, today I am introducing the State and Local Recession Assistance Act of 1983, a bill to provide governments hard hit by an economic downturn the resources to cope with the budgetary disruptions caused by recessions and to meet the special human needs they create. It is a countercyclical—antirecession—aid bill.

There are two basic reasons the Federal Government might create an automatic countercyclical program. First, Congress may attempt to use such assistance as a macroeconomic fiscal instrument in an effort to counter the recession. In this sense, the "counter" in countercyclical is to be taken literally. This rationale is based on the premise that State and local budget behavior is procyclical—a belief that recessions cause State and local spending to fall and their tax burden to increase. This is exactly the opposite of the fiscal behavior traditional Keynesians and even supply siders, to some extent, advocate during recessionary periods. Under both theories, governments should reduce taxes during recessions, and in the Keynesian theory, governments should concomitantly increase spending in an effort to pull the economy out of recession, or at least to prevent it slumping even more.

There are, unfortunately, several problems with applying the theory as economic fine tuning. There continues to be a debate, for one thing, on whether or not the fiscal behavior of State and local governments is inevitably procyclical in overall effect. We know, for example, that the automatic spending and taxing response of State and local governments is actually countercyclical: Entitlements increase automatically with economic decline and tax revenues fall. In response, however, State and local governments may take discretionary actions to increase tax rates and bases or to restrict entitlements or both. The net effect of the automatic and discretionary spending and taxing behavior may on balance make State and local fiscal behavior procyclical, or it may not. There is no way to know a priori.

Therefore, it makes little sense for Congress to put into place an automatically triggered countercyclical program on the premise that State and local behavior is inevitably procyclical during periods of recession. This is a determination that Congress must make on a case-by-case basis. And once that determination is made, if it is, Congress must then determine whether it is feasible to counter that procyclical behavior with Federal assistance. It may be the case that the costs of attempting to offset such spending and taxing behavior by Federal assistance are greater than any macroeconomic benefits that result. Therefore, Mr. President, even the most ardent advocate of the Keynesian prescription of increased Federal spending may find this approach inappropriate. Indeed, there is good evidence that this was the case during the 1976–77 recession when Congress reacted by passing title II of the Public Works Employment Act of 1976—known as the antirecession assistance or countercyclical program.

In its evaluation of this program, the General Accounting Office concluded that the triggering mechanism that turned the program on and off automatically was badly flawed. And in evaluating alternative triggers, GAO concluded that each was equally, if not more flawed. If the purpose of countercyclical assistance is to be that of economic fine tuning, it is essential that the trigger turn it on and off at precisely the right time or it runs the risk of having little effect—and thereby wasting scarce Federal funds—or of having exactly the wrong effect—and thereby fueling inflation well into an economic recovery. GAO's findings indicate that precision triggers may be beyond our conceptual and technical capability. This must lead one to doubt our ability to direct State and local fiscal behavior from Washington in the hope of using it as a fiscal tool of the Federal Government to counter downswings in the business cycle.

Equally important in the GAO evaluation of the 1976 countercyclical program was the finding that the program "was not a particularly effective tool for stimulation of the economy during a (economic) downturn." I have no illusions, Mr. President, that by passing legislation such as I offer today Congress can hope to counter the business cycle. That is not my intention in introducing this legislation.

The second reason Congress might want to provide countercyclical assistance to State and local governments is not to counter the business cycle itself but rather to counter the effects of the cycle. The purpose of any antirecession program aimed at the effects of recessions should be very narrow, seeking to meet the special human needs that result from economic hard times and to ameliorate the recession-induced disruption of State and local budgets that lead to further human hardship. Such a bill cannot hope, for example, to create a significant number of new meaningful jobs. Such aid could, when delivered efficiently, help State and local governments meet emergency needs they otherwise would not be able to meet. And when a recession becomes so severe as to inflict unacceptable hardship on a relatively small segment of society—usually the most vulnerable segment—such aid, judiciously administered, can help to redistribute some of that hardship more broadly across society. These, Mr. President, are the objectives I seek in introducing this legislation.

This legislation takes as its model a countercyclical program that emerged in the House during the 1980 reauthorization of general revenue sharing. It was devised with the 1976 public works antirecession program in mind and corrected some of its worst problems. But even so, the House bill still fell far short of providing a reliable fiscal tool for combating inflation. While the House program was a considerable advance over past efforts to address recession-related human needs and budgetary disruption at the State and local level, it remains far from perfect even to this more limited end. The bill I introduce today further corrects some of the problems that are inherent in constructing such a program—mainly by improving the targeting of the program to coincide more closely with the cyclical needs and disruptions created by recessions. But I realize it falls short of the ideal.

This legislation would distribute $2 billion to State and local governments in the form of a no-strings lump-sum grant. It would be triggered when the national economy has experienced two consecutive quarterly declines in both real gross national product and real wages and salaries; that is, as correct-

ed for inflation. To be eligible for assistance, States and local governments must have experienced a two-quarter decline in seasonally adjusted wages and salaries from a base period. Down to the county area level, aid would be allocated among eligible State and local governments in proportion to their respective shares of the national decline in real wages and salaries. Below county areas, reliable data are not available to permit allocation on this basis. For local governments within county areas, the county area allocation is distributed based upon the local government's relative service delivery responsibilities as measured by each government's relative share of total local taxes, user's fees, and charges and intergovernmental transfers collected within the county area.

My intuition tells me that even this refined formula is probably not the best one to achieve the objectives I seek. It equates recession-induced need with the broadest measure of recession: the decline in economic activity as measured by a decline in real wages and salaries. This adequately addresses the revenue effects of a recession on State and local budgets. What it does not address are the expenditure effects. The human hardship brought about directly by a recession produce increased pressure on expenditures at the State and local level. And such expenditure needs are related to a variety of factors more specific than a decline in economic activity. Indeed, it is likely that such expenditure needs will lag this broader economic indicator somewhat and continue well beyond an upturn in the indicator. As we hold hearings on how to improve the formula to achieve a more precise targeting to achieve the goals I have laid out. What I offer today is a blueprint.

I ask unanimous consent that a copy of the State and Local Recession Assistance Act of 1983 be printed in the RECORD at this point. Thank you, Mr. President.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 908

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This title may be cited as the "State and Local Recession Assistance Act of 1983."

SEC. 2. FINANCIAL ASSISTANCE AUTHORIZED.

(a) PAYMENTS TO STATE AND LOCAL GOVERNMENTS.—The Secretary of the Treasury (hereinafter referred to in this title as the "Secretary") shall, in accordance with the provisions of this title, make payments to State governments, units of local government, and territorial governments for each eligible calendar quarter to help counter the effects of an economic recession.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) DURATION OF AUTHORIZATION.—Subject to paragraph (2), there are authorized to be appropriated with respect to each eligible calendar quarter, for the purposes of payments under this title during the fiscal years specified in paragraph (2), an amount not to exceed the amount determined for such quarter under paragraph (3). Any amount so appropriated for any such calendar quarter shall remain for making payments with respect to such quarter until expended.

(2) LIMITATION ON TOTAL AMOUNT.—The total amount which may be appropriated pursuant to this subsection shall not exceed—

(A) $2,000,000,000 for the fiscal year ending September 30, 1983;

(B) $2,000,000,000 for the fiscal year ending September 30, 1984; and

(C) $2,000,000,000 for the fiscal year ending September 30, 1985.

(3) QUARTERLY APPROPRIATION LIMITS.—The amount which may be appropriated pursuant to this subsection with respect to any eligible calendar quarter shall not exceed the lesser of—

(A) the product of the economic decline factor for such quarter multiplied by $20,000, or

(B) $500,000.

(c) DIVISION BETWEEN TERRITORIAL, STATE AND LOCAL GOVERNMENTS.—One percent of the amount appropriated under subsection (b) for any calendar quarter shall be allocated to territorial governments under section 12. From the remainder of the amount so appropriated, one-half of such remainder shall be allocated to State governments under section 3 and one-half of such remainder shall be allocated to units of local government under section 4.

(d) DEFINITIONS.—For purposes of this section—

(1) Eligible Calendar Quarters. An eligible calendar quarter is—

(A) any calendar quarter which is 1 of 2 consecutive calendar quarters—

(i) during each of which the aggregate real wages and salaries are less than the aggregate real wages and salaries of the calendar quarter immediately preceding the first of such 2 quarters; and

(ii) which are immediately preceded by, concurrent with, or partially preceded by and partially concurrent with, 2 consecutive calendar quarters during each of which the real gross national product is less than the real gross national product of the calendar quarter immediately preceding the first of such 2 quarters; and

(B) any calendar quarter following a calendar quarter which meets the requirements of subparagraph (A) which is—

(i) not a calendar quarter during which the aggregate real wages and salaries equals or exceeds the base period amount; and

(ii) not a calendar quarter following a quarter described in clause (i) of this subparagraph.

(2) AGGREGATE REAL WAGES AND SALARIES.—Aggregate real wages and salaries during any period are the total amount of wages and salaries received during such period, as determined by the Secretary of Commerce for the purpose of computing the gross national product, deflated by the personal consumption expenditure implicit price deflator developed by the Department of Commerce.

(3) REAL GROSS NATIONAL PRODUCT.—The real gross national product is a measure of the value of the volume of national production in constant dollars, as determined by the Department of Commerce.

(4) ECONOMIC DECLINE FACTOR.—The economic decline factor for any eligible quarter is determined by—

(A) subtracting the aggregate real wages and salaries for such quarter from the base period amount;

(B) dividing the amount determined under subparagraph (A) by the base period amount; and

(C) multiplying the resulting fraction by 1,000, and rounding the product to the nearest whole number.

(5) BASE PERIOD AMOUNT.—The base period amount is the sum of the aggregate real wages and salaries during the national base period divided by two.

(6) NATIONAL BASE PERIOD.—The national base period is the 2 consecutive calendar quarters immediately preceding the first of the calendar quarters which meets the requirements of paragraph (1)(A). Only one national base period shall be established with respect to each series of consecutive eligible calendar quarters.

(7) The Secretary shall determine population on the same basis that the Secretary of Commerce determines resident population for general statistical purposes. The Secretary shall request the Secretary of Commerce to adjust the population information provided to the Secretary as soon as practicable to include a reasonable estimate of the number of resident individuals not counted in the 1980 census or revisions of the census. The Secretary shall use the estimates in determining allocations for the entitlement period beginning after the Secretary receives the estimates. The Secretary shall adjust population information to reflect adjustments made under section 118 of the Act of October 1, 1980 (Public Law 96-368, 94 Stat. 1357).

SEC. 3. STATE GOVERNMENT ALLOCATION.

(a) ALLOCATION OF FUNDS.—For each calendar quarter for which funds are available under this title, the Secretary shall allocate to each eligible State government an amount which shall bear the same ratio to the amount available for allocation under this section for that quarter (in accordance with section 2(c)) as the economic decline factor for such State bears to the sum of the economic decline factors for all eligible State governments.

(b) DEFINITIONS.—For purposes of this section—

(1) ELIGIBLE STATE GOVERNMENT.—

(A) IN GENERAL.—A State government is an eligible State government under this section for a calendar quarter if—

(i) such quarter is an eligible State quarter; and

(ii) the base period amount for such State exceeds the aggregate real wages and salaries of such State for that calendar quarter.

(B) ELIGIBLE STATE QUARTER.—A calendar quarter is an eligible State quarter with respect to a State if—

(i) such quarter is an eligible calendar quarter as defined in section 2(d)(1); and

(ii) such quarter—

(I) is 1 of 2 consecutive calendar quarters (as defined in section 2(d)(1)) or during any such eligible calendar quarter, during each of which the aggregate real wages and salaries of such State are less than the aggregate real wages and salaries of such State during the calendar quarter immediately preceding the first of such 2 quarters; or

(II) is a quarter following a quarter which meets the requirements of subclause (I) of this clause.

(2) ECONOMIC DECLINE FACTOR.—The economic decline factor for a State for a calendar quarter is a number equal to the number of dollars by which the base period

amount for such State exceeds the aggregate real wages and salaries of such State for that quarter.

(3) BASE PERIOD AMOUNT.—The base period amount of a State is the sum of the aggregate real wages and salaries of such State during its base period divided by two.

(4) STATE BASE PERIOD.—The base period for any State is the 2 calendar quarters immediately preceding the first of the 2 consecutive calendar quarters described in paragraph (1)(B)(ii). Only one base period shall be established for any State with respect to each series of consecutive eligible calendar quarters (as defined in section 2(d)(1)).

(5) AGGREGATE REAL WAGES AND SALARIES OF A STATE.—The aggregate real wages and salaries of a State is the total real wages and salaries taken into account with respect to such State under section 2(d)(2) for each calendar quarter.

SEC. 4. ALLOCATION TO UNITS OF LOCAL GOVERNMENT.

(a) DETERMINATION OF ALLOCABLE AMOUNTS.—

(1) COUNTY AREA ALLOCABLE AMOUNTS.—For each calendar quarter for which funds are available under this Act, the Secretary shall determine for each eligible county area an allocable amount which bears the same ratio to the amount available for allocation under this section for that quarter (in accordance with section 2 (c)), as the economic decline factor for such county area for such quarter bears to the sum of such products for all eligible county areas for such quarter.

(2) UNITS OF LOCA GOVERNMENT ALLOCABLE AMOUNT.—The allocable amount for a unit of local government within a county area for any quarter shall be an amount which, when divided by the amount available for allocation for such quarter in such county area, equals the revenue percentage of the unit of local government.

(b) ALLOCATION BASED ON ALLOCABLE AMOUNTS.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the Secretary shall allocate to each unit of local government, Indian tribe, and Alaskan native village an amount determined under subsection (a) with respect to such unit, tribe, or village.

(2) LIMITATION: MINIMUM ALLOCATION.—Notwithstanding paragraph (1), no allocation shall be made to any unit of local government, Indian tribe or Alaskan native village if the allocable amount determined with respect to such unit, tribe, or village for such quarter is less then $1,000.

(3) DISTRIBUTION OF UNALLOCABLE AMOUNTS.—The Secretary shall reallocate any amounts which, as a consequence of paragraph (2), remain unallocated (to units of local government, Indian tribes, and Alaskan native villages in any county area) to the units of local government unaffected by paragraph (2) an amount which bear the same ratio to the sum of such amounts as the unit of local government's allocation under subsection (a) bears to the sum of allocations under such subsection that are unaffected by paragraph (2).

(c) DEFINITIONS.—For purposes of this section.

(1) ELIGIBLE COUNTY AREA.—A county area is an eligible county area for a calendar quarter if the economic decline for such county exceeds zero.

(2) ECONOMIC DECLINE FACTOR.—The economic decline factor for a county area for a calendar quarter is a number equal to the number of dollars by which the base period amount for such county area exceeds the aggregate real wages and salaries of such county for that quarter.

(3) BASE PERIOD AMOUNT.—The base period amount of a county area is the sum of the aggregate real wages and salaries of such county area during its base period divided by two.

(4) COUNTY AREA BASE PERIOD.—The base period for any county area is (A) the 2 calendar quarters constituting the State base period (as defined in section 3(b)(4)) of the State within which such county area is located, if such State base period precedes the national base period (as defined in section 2(D)(6)), or (B) the 2 calendar quarters constituting such national base period, if no State base period is concurrent with or follows such national base period.

(5) AGGREGATE REAL WAGES AND SALARIES OF A COUNTY AREA.—The aggregate real wages and salaries of a county is the total real wages and salaries taken into account with respect to such county area under section 2(d)(2) for each calandar quarter.

(6) REVENUE PERCENTAGE OF A LOCAL GOVERNMENT.—With respect to any local government, the percentage determined by dividing—

(A) the aggregate amount of local taxes, user fees and charges and intergovernmental tranfers (other than transfers to such government under this Act) collected by such local government during the most recently completed fiscal year of the State, by

(B) the aggregate amount of such taxes, fees, charges and intergovernmental transfers collected by all units of general local government located within the county area during such fiscal year.

(7) INTERGOVERNMENTAL TRANFERS.—The intergovernmental transfers of revenue to any government are the amounts of revenue received by that government from other governments as a share in financing (or as reimbursement for) the performance of governmental functions, as determined by the Bureau of the Census for general statistical purposes.

SEC. 5. STATEMENT OF ASSURANCES.

Each state and unit of local government may receive payments under this Act only if it has filed with the Secretary, at such time and in such manner as the Secretary prescribes by rule, a statement of assurances. Such rules shall be prescribed by the Secretary no later than 90 days after the date of enactment of this Act. The Secretary may not require any State or unit of local government to file more than one such statement during each fiscal year. Each such statement shall contain—

(1) an assurance that the State or unit of local government will—

(A) use fiscal, accounting, and auditing procedures which conform to guidelines established therefor by the Secretary (after consultation with the Comptroller General of the United States); and

(B) provide to the Secretary (and to the Comptroller General of the United States), on a reasonable notice, access to, and the right to examine, such books, documents, papers, or records as the Secretary may reasonably require for purposes of reviewing compliance with this title;

(2) an assurance that reasonable reports will be furnished to the Secretary in such form and containing such information as the Secretary may reasonably require to carry out the purposes of this title;

(3) an assurance that the requirements of section 6 will be complied with; and

(4) an assurance that the State or unit of local government will spend amounts received under this title only in accordance with the laws and procedures applicable to the expenditure of its own revenues.

SEC. 6. NONDISCRIMINATION PROVISIONS.

(a) No person shall, on the grounds of race, color, national origin, or sex, be—

(1) excluded from participation in,

(2) denied the benefits of, or

(3) subjected to discrimination under,

any program or activity funded in whole or in part with funds made available under this chapter. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 or with respect to an otherwise qualified handicapped individual as provided in section 504 of the Rehabilitation Act of 1973 shall also apply to any such program or activity.

(b) Whenever the Secretary determines that a State or unit of general local government that has received a payment under this chapter has failed to comply with subsection (a) or an applicable regulation, he shall notify the chief executive officer of the State and shall request him to secure compliance. If within a reasonable period of time, not to exceed 60 days, the chief executive officer fails or refuses to secure compliance, the Secretary is authorized to—

(1) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted;

(2) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, or section 504 of the Rehabilitation Act of 1973, as may be applicable; or

(3) take such other action as may be provided by law.

(c) When a matter is referred to the Attorney General pursuant to subsection (b), or whenever he has reason to believe that the State or unit of general local government is engaged in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

SEC. 7. GOVERNMENTAL DEFINITIONS AND RELATED RULES.

(a) STATE.—The term "state" means any of the several States.

(b) UNITS OF LOCAL GOVERNMENT.—The term "units of local government" means—

(1) a county, township, city, or political subdivision of a county, township, or city, that is a unit of general local government as determined by the Secretary of Commerce for general statistical purposes; and

(2) the recognized governing body of an Indian tribe or Alaskan native village that carries out substantial governmental duties and powers.

(c) CERTAIN AREAS TREATED AS COUNTIES.—In any State in which any unit of local government (other than a county government) constitutes the next level of government below the State government level, then, except as provided in the next sentence, the geographic area of such unit of government shall be treated as a county area (and such unit of government shall be treated as a county government) with respect to that portion of the State's geographic area. In any State in which any county area is not governed by a county government but contains two or more units of local government, such units shall not be treated as county governments and the geographic areas of such units shall not be treated as county areas.

(d) TOWNSHIPS.—The term "township" includes equivalent subdivisions of government having different designations (such as "towns"), and shall be determined on the basis of the same principles as are used by the Bureau of the Census for general statistical purposes.

(e) UNITS OF LOCAL GOVERNMENT LOCATED IN LARGER ENTITY.—A unit of local government shall be treated as located in a larger entity if part or all of its geographic area is located in the larger entity.

(f) ONLY PART OF UNIT LOCATED IN LARGER ENTITY.—If only part of a unit of local government is located in a larger entity, such part shall be treated for allocation purposes as a separate unit of local government, and all computations shall, except as otherwise provided in regulations, be made on the basis of the ratio which the estimated population of such part bears to the population of the entirety of such unit.

(g) BOUNDARY CHANGES, GOVERNMENTAL REORGANIZATION, ETC.—If, by reason of boundary line changes, by reason of State statutory or constitutional changes, by reason of annexations or other governmental reorganizations, or by reason of other circumstances, the application of any provision of this section to units of local government does not carry out the purposes of this title, the application of such provision shall be made, under regulations prescribed by the Secretary in a manner which is consistent with such purposes.

(h) TREATMENT OF THE DISTRICT OF COLUMBIA.—For purposes of this title the District of Columbia shall be treated as a state and as a county area which has one unit of local government (itself) within its geographic area.

SEC. 8. PAYMENTS.

(a) IN GENERAL.—From the amounts allocated to State governments, units of local government, and Indian tribe and Alaskan native villages under section 3 and 4, the Secretary shall—

(1) not later than 30 days after the receipt from the Secretary of Commerce of State-level data regarding the calendar quarter following on eligible calendar quarter described in section 2(d)(1), pay to each State government which has filed a statement of assurances under section 5 an amount equal to the amount allocated to such State government under section 3 for such eligible calendar quarter; and

(2) not later than 30 days after the receipt from the Secretary of Commerce of county-area data regarding an eligible calendar quarter described in section 2(d)(1), pay to each unit of local government and Indian tribe and Alaskan native village which has filed a statement of assurances under section 5 an amount equal to the amount allocated to such unit, tribe, or village under section 4 for such eligible calendar quarter.

(b) ADJUSTMENTS.—Payments under this title may be made with necessary adjustments on account of overpayments or underpayments under this title.

(c) CERTIFICATION OF DATA.—The Secretary of Commerce shall, as soon as may be practicable after the conclusion of each calendar quarter, provide to the Secretary the data required for purposes of sections 2(d)(2), 3(b)(6), and 4(c)(5).

SEC. 9. WITHHOLDING.

Whenever the Secretary, after affording reasonable notice and an opportunity for a hearing to any State government or unit of local government, finds that there has been a failure to comply substantially with any assurance set forth in the statement of assurances of that State government or unit of local government filed under section 5, the Secretary shall notify that State government or unit of local government that further payments will not be made under this title until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, no further payments shall be made under this title.

SEC. 10. REPORTS.

(a) At the end of each fiscal year, each State government and each unit of general local government receiving a payment under this Act shall submit a report to the Secretary. The report shall be submitted in the form and at a time prescribed by the Secretary and shall be available to the public for inspection. The report shall state—

(1) the amounts and purposes for which the payment has been appropriated, expended, or obligated during the fiscal year;

(2) the relationship of the payment to the relevant functional items in the budget of the government; and

(3) the differences between the actual and proposed use of the payment.

(b) The Secretary shall provide a copy of a report submitted under section (a) by a unit of general local government to the chief executive officer of the State in which the government is located. The Secretary shall provide the report in the way and form prescribed by the Secretary.

(c) The Secretary shall prescribe regulations for applying this section to State governments and units of general local government that do not adopt budgets.

SEC. 11. ADMINISTRATION.

(a) RULES.—The Secretary is authorized to prescribe, after consultation with the Secretary of Commerce, such rules as may be necessary for the purpose of carrying out his functions under this title. Such rules shall be prescribed by the Secretary not later than 90 days after enactment of this title.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for the administration of this title.

SEC. 12. ALLOCATION FOR PUERTO RICO, GUAM, AMERICAN SAMOA, AND THE VIRGIN ISLANDS.

(a) ALLOCATIONS.—

(1) IN GENERAL.—For each calendar quarter for which funds are available under this title, the Secretary shall allocate to each territorial government an amount equal to the product of the amount available for allocation under this section multiplied by the applicable territorial percentage.

(2) APPLICABLE TERRITORIAL PERCENTAGE.—For the purposes of this subsection, the applicable territorial percentage of a territory is equal to the quotient resulting from the division of the territorial population of such territory by the sum of the territorial population for all territories.

(3) DEFINITIONS.—For purposes of this section—

(A) The term "territorial governments" means the government of a territory.

(B) The term "territory" means Puerto rico, Guam, American Samoa, and the Virgin Islands.

(C) The term "territorial population" means the most recent population for each territory as determined by the Bureau of Census.

(b) PAYMENTS TO LOCAL GOVERNMENTS.—The governments of the territories shall make payments to local governments within their jurisdiction from sums received under this section as they deem appropriate.

(c) APPLICATION OF GENERAL PROVISIONS.—The provisions of sections 5, 6, and 9 shall apply to the funds authorized under this section.●

By Mr. D'AMATO (for himself, Mr. SARBANES, Mr. GARN, Mr. PROXMIRE, Mrs. HAWKINS, Mr. RIEGLE, and Mr. MATTINGLY):

S. 910. A bill to amend the Securities Exchange Act of 1934, to increase the sanctions against trading in securities while in possession of material nonpublic information; to the Committee on Banking, Housing, and Urban Affairs.

INSIDER TRADING SANCTIONS ACT OF 1983

● Mr. D'AMATO. Mr. President, today I am introducing, with Senators SARBANES, GARN, PROXMIRE, HAWKINS, RIEGLE, and MATTINGLY, the Insider Trading Sanctions Act of 1983, which would increase the penalties imposed upon those who undermine the integrity of our securities markets by illegally using their access to nonpublic information for their own financial gain.

Our country has long prided itself on the fair and equitable functioning of our capital markets, in which all investors stand on the same footing and face an equal opportunity to realize profits from market fluctuations. Investors enter the market with some basic expectations: First, that they are subject to the same rules that apply to all other participants and second, that by utilizing their own skill, experience, and diligence, they will be better able to minimize risks and maximize profits.

Investor confidence, which promotes capital formation and stability in securities transactions, is threatened by the abuses of insider trades. Insiders, who may be corporate officers, employees, accountants, or financial printers, are privy to nonpublic information that may cause a material change in the price of a stock once that information reaches the public. An insider therefore has an opportunity to earn a substantial profit or minimize a potential loss by trading in the stock before the information is disseminated to the public. Market trading by an insider in possession of material nonpublic information violates a basic principle of our markets, namely that all investors have equal access to relevant information. Other investors are unable to compete in the market because they lack equal access to information, the result being a loss of confidence in our markets.

The lure of enormous profits through the use of inside information fails to be outweighed by any prospect of severe criminal or civil penalties. At present, the only enforcement tools available to the Securities and Exchange Commission are the issuance of an injunction requiring a defendant to comply with the law in the future,

and the disgorgement of illegal profits. Rather than serving as a deterrent to insider trading, these sanctions merely return the defendant to the position he occupied before he engaged in the illegal act. Since no hardship or penalty can be imposed, the tremendous profit potential of insider trading far outweighs the risks.

The legislation which I introduce today corrects this imbalance by allowing the SEC to impose a civil penalty to be determined by the court; this penalty would not exceed three times the profit gained or loss avoided as a result of the insider trading. This presents an effective disincentive to those who would otherwise be tempted to engage in a highly lucrative illegal trade.

In addition, the legislation would increase the criminal penalty which the SEC can impose for most willful violations of the Securities Exchange Act of 1934 from $10,000 to $100,000. This restores the level of deterrence contemplated by the Commission before almost 50 years of inflation eroded the penalty's effect.

This bill has a single purpose: the elimination of one of the greatest harms to the integrity of our securities' markets. The Insider Trading Sanctions Act of 1983 goes a long way in addressing this serious crime. Events of the recent past have demonstrated not only the need to strengthen the insider trading laws but also to clarify their scope to insure that the trading of options while in possession of material nonpublic information is a prohibited activity. This bill is a starting point. It is intended to begin the legislative process. I am hopeful that we will have the support of the industry groups and look forward to their input during the development of the legislation.

I ask unanimous consent that a section-by-section analysis and the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ANALYSIS OF THE BILL BY SECTION

Section 1. The Act may be cited as "The Insider Trading Sanctions Act of 1982." Although Section 3 of the Act provides a larger criminal fine for most violations of the Securities Exchange Act of 1934, the Act principally provides a significant new remedy for insider trading.

Section 2. The Act amends Section 21 of the Securities Exchange Act of 1934.

Paragraph (d) of Section 21 now allows the Securities and Exchange Commission to bring actions to enjoin violations of the Federal securities laws. The Act creates an additional remedy for insider trading in secondary trading markets by providing that whenever it appears that certain transactions were illegal because they were effected by someone in possession of material nonpublic information, the Commission, in addition to seeking other remedies such as an injunction or disgorgement, may seek an order in a district court action requiring the violator, or anyone who aided and abetted the violation, to pay as a civil penalty an amount of money up to three times the profit gained or loss avoided as a result of the unlawful transaction. Such amount of money shall be payable into the Treasury of the United States.

If the person upon whom such penalty is imposed shall fail to pay such penalty within the time prescribed in the court's order, the Act expressly authorizes the Commission to refer the matter to the Attorney General, who may recover such penalty by action in the appropriate United States District Court. As with other civil orders entered as a result of an action brought by the Securities and Exchange Commission, the Commission may in its discretion seek to enforce an order under this section by appropriate proceedings.

The provisions of Section 27 relating to venue, service of process, and other matters in "actions to enforce a liability or duty created by this title" apply to actions under this paragraph.

This new remedy is available to the Securities and Exchange Commission regardless of whether or not the Commission has pursued other remedies available to it. The choice of which remedies to pursue remains in the discretion of the Commission.

The Act empowers the Commission to adopt rules or regulations that exempt any class of persons or transactions from the operation of the civil penalty provision.

Section 3. The Act increases from $10,000 to $100,000 the maximum criminal fine that may be imposed on persons, other than exchanges, who willfully violate the Securities Exchange Act of 1934 (other than section 30A) or willfully and knowingly make certain false statements. Section 3 neither changes the type of misconduct that may be punished nor creates any new defenses. This section of the Act is not limited to violations arising out of insider trading.

Section 4. The Act is to become effective immediately upon its enactment.

S. 910

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as "The Insider Trading Sanctions Act of 1983."

SEC. 2. Section 21 of the Securities Exchange Act of 1934 is amended by numbering existing paragraph (d) as paragraph "(d)(1)", and adding at the end of existing paragraph (d) the following paragraph:

"(2) Whenever it shall appear to the Commission that any person has violated any provision of this title or the rules or regulations thereunder by purchasing or selling a security while in possession of material nonpublic information in a transaction (i) on or through the facilities of a national securities exchange or from or through a broker or dealer, and (ii) which is not part of a public offering by an issuer of securities other than standardized options, the Commission may bring an action in a United States District Court to seek, and the court shall have jurisdiction to impose, a civil penalty to be paid by such person, or any person aiding and abetting the violation of such person. The amount of such penalty shall be determined by the court in light of the facts and circumstances, but shall not exceed three times the profit gained or loss avoided as a result of such unlawful purchase or sale, and shall be payable into the Treasury of the United States. If a person upon whom such a penalty is imposed shall fail to pay such penalty within the time prescribed in the court's order, the Commission may refer the matter to the Attorney General who may recover such penalty by action in the appropriate United States District Court. The actions authorized by this paragraph may be brought in addition to any other actions that the Commission or the Attorney General are entitled to bring. For purposes of section 27 of this title, actions under this paragraph shall be actions to enforce a liability or a duty created by this title. The Commission, by rule or regulation, may exempt from the provisions of this paragraph any class of persons or transactions.

SEC. 3. Section 32 of the Securities Exchange Act of 1934 is amended by striking "$10,000" from paragraph (a) and inserting in lieu thereof "$100,000".

SEC. 4. The amendments made by this Act shall become effective immediately upon enactment of this Act.●

● Mr. SARBANES. Mr. President, I am pleased to join today in introducing legislation to amend the Securities Exchange Act of 1934 to impose stronger sanctions on persons who violate the Exchange Act by purchasing or selling security while in possession of material nonpublic information.

I believe that insider trading in publicly traded securities undermines the expectations of fairness and honesty that underlie public confidence in our Nation's securities markets.

Despite enforcement efforts by the Securities and Exchange Commission, insider trading continues because it presents the opportunity to reap huge profits with little risk.

The Insider Trading Sanctions Act of 1983 will help to remedy that situation. It empowers the Commission to bring an action for an order requiring the inside trader, or any person aiding and abetting the trader's violation, to pay into the Treasury of the United States an amount of money up to three times the profit gained or loss avoided through the illicit transactions. The Commission would be empowered to seek a penalty directly; it would not be required to obtain an injunction first.

The need to raise the level of risk facing potential violators of the Exchange Act also exists in other areas because inflation has diminished the deterrent effect of the criminal fines provided in the Exchange Act. To meet this need, the Insider Trading Act of 1983 would amend the Exchange Act by increasing from $10,000 to $100,000 the fine for most criminal violations of the Exchange Act. This change, not limited to insider trading, would serve to restore and enhance the level of deterrence contemplated when the Exchange Act was enacted.

The United States has, and the Commission oversees, the best securities markets the world had ever known.

Insider trading threatens these markets. By abusing the trust and confidence reposed in them by shareholders, employers or clients, inside traders

may reap huge profits in essentially risk-free transactions. Insiders often learn of profit or loss forecasts, imminent tender offers, mineral strikes, oil discoveries, lucrative contracts, and product failures before such information is available to the investing public.

By using such material information, insiders can earn substantial profits by engaging in securities transactions before that information becomes generally known in the marketplace.

By enacting the Insider Trading Sanctions Act of 1983, Congress will help insure that insider trading does not diminish public confidence in the fairness and integrity of our securities markets.

Currently, the principal Commission weapons against insider trading are an injunction requiring a defendant to comply with the law in the future, and ancillary equitable relief in the form of disgorgement of illegal profits.

Unfortunately, injunctions and disgorgement do not sufficiently deter insider trading. Injunctions do not penalize the defendant for the illegal conduct for which the injunction was imposed and disgorgement merely requires a defendant to return stolen goods but does not penalize the defendant for his illegal conduct. Thus, the prospect of compelled disgorgement alone is not sufficient to dissuade people from violating the law.

The primary purpose of the Insider Trading Act of 1983 is to deter insider trading.

In the past, Congress has recognized the deterrent value of civil money penalties by giving the power to seek or assess penalties to other Federal agencies including the Commodities Futures Trading Commission. We should do so again.

I believe that the Congress should waste no time in considering the Insider Trading Sanctions Act of 1983. This—or similar legislation—will indicate to the investing public, and to potential inside traders in particular, that the Congress intends to preserve the expectations of fairness and honesty that form the foundation of our Nation's securities markets.●

By Mr. CHILES:

S. 911. A bill to establish a commission to make recommendations for chances in the role of nonparty multicandidate political action committees in the financing of campaigns of candidates for Federal office; to the Committee on Governmental Affairs.

COMMISSION TO REFORM FEDERAL CAMPAIGN FINANCE ACT OF 1983

● Mr. CHILES. Mr. President, I am today introducing legislation which addresses one of the more significant and potentially dangerous problems facing the American political process. I am raising a subject that some Members of the House and Senate may prefer to ignore as it is an issue that strikes close to home; that affects each and every Member of the Congress.

I am talking about politics and money.

I am talking about the new politics of the 1980's in which money has become the be-all and end-all of the political process.

I am talking about the pervasive influence of money in political campaigns and the methods by which that money is obtained.

Over the last decade drastic changes have occured in the financing of congressional elections. These are changes for the worse. As a consequence of congressional action, court decisions and the nature of today's media-style campaigns, a candidate for Federal office does not take his case to the people but rather takes it to the PAC's. You do not start out with a list of potential volunteers but with a list of the PAC's that might invest in your campaign. In fact, one magazine advised its readers to think of a PAC donation as just another investment. It explained how to calculate the "equity share" and "cost-vote ratio" on investing in each candidate.

The reasons we are in this sorry state of affairs are several and they are complex. But the fact that we have become the "best Congress money can buy" is cause for alarm. It is also cause for this Congress to act.

The foundation of our unique and successful democratic process is the confidence of American citizens that the institutions of government, and most importantly the Congress, represent them. That confidence is being sorely shaken. Too many of our citizens have come to the belief that the Congress is captive of the special interests. A major reason for that belief is the growing awareness on the part of the American public that political campaigns are being financed not by individual contributions but by political action committees. And the American public knows that these PAC contributions have strings attached; strings that are pulled on crucial congressional votes. A recent Wall Street Journal article pointed to the "pernicious influence of PAC's on Congress." The influence is indeed pernicious and the impact on the institution of Congress may prove disastrous. We are sitting on a scandal waiting to be discovered.

It would be the height of political naivete to think that money can somehow be erased from the electoral process. And it would be a misreading of history not to recognize that influence-buying has long occurred in the Halls of Congress. The difference now is the overwhelming importance of money and the system which has evolved to feed that insatiable need for campaign funds.

The expensive technology and techniques of today's campaigns serve both to multiply the political impact of money and underscore the political consequences of not enough money. The bottom line in politics is winning the election and more and more it is PAC money that provides the key to winning.

For as campaigns became more expensive, PAC's have swelled in numbers and influence. With the passage of the Federal Election Campaign Act Amendments of 1974 and the subsequent Supreme Court decision upholding parts of the statute while striking other basic provisions, the political action committee has been given legal standing in the political process. The question that arises is whether the Congress and the Court have in effect simply facilitated and legitimized political influence-buying.

In the public mind the perception is surely taking hold that the Congress responds to the special rather than the public interest. When close to $200 million is spent by PAC's during one election cycle, the American citizen is not naive enough to think all this money is being spent merely for good government. Rather the public assumes that political favors are being bought with that money.

This perception clearly undermines public confidence in the Congress and in the lawmaking function itself. Equally dangerous it constitutes a serious roadblock to individual participation in the political process. The concept of political equality is central to the American democratic system. It has been a long and difficult path for this Nation to fulfill the promise of "one man, one vote." The increasing domination of the political action committee is working to negate that promise.

I, as one working politician, do not buy the argument you hear that PAC's are somehow stimulating individual participation. I think they stifle participation. For many, the fact of PAC's with their large contributions means that one person cannot make a meaningful contribution. For others, the PAC is a barrier between the individual and his or her representative in Congress. A person is told, "Don't give to your Congressman or Senator. Don't make your own choice of whom to support. Give to the PAC and we'll decide."

The notion often put forth that a PAC is simply the united voice of a number of small givers is utter nonsense. The majority of PAC's represent the interests of organizations such as corporations, labor unions and trade associations which are themselves forbidden by law to contribute or spend directly in Federal campaigns. The leadership of those organizations decides who receives contri-

butions and the whole process is far removed from participatory democracy.

Mr. President, I sense that across the country and in this city the alarm bells are ringing on the question of campaign financing and the PAC's. We are seeing with each congressional election cycle the tide of money diminish. In 1982 the number of PAC's registered with the Federal Election Commission continued to increase. By the year's end there were 3,371 PAC's, an increase of 16.2 percent over 1981. Since 1976, the yearly increases in the number of PAC's have averaged 20 percent. We are forced to take note that the PAC's are fast becoming the backbone of congressional campaign financing. And we are forced to acknowledge that this flood of money is affecting the legislative process.

It is time and it is patently the responsibility of Congress to face up to the money issue. The Constitution gives Congress the power to regulate Federal elections and to make laws necessary to regulate the conduct of such elections. In exercising that power the Congress has a clear interest in insuring the purity and integrity of Federal elections; preventing corruption and the appearance of corruption in such races.

In approaching the problem of restraining the PAC—money onslaught, I think there are several considerations to keep in mind.

As with any initiative, progress is possible only when the time is ripe. And I sense that with respect to reforming campaign finance, the time is becoming propitious. The Congress is getting concerned. Many Senators and Congressmen are disturbed by the endless pursuit of money they must endure in order to win elections. And they are very worried by the quid pro quo implied in most PAC contributions when specific votes or detailed questionnaires are the prerequisites for support. There is a feeling that the situation is rapidly getting out of hand.

Increasingly, the media is focusing attention on the PAC phenomenon. From the cover story in Time to series in the Baltimore Sun and the New Yorker; from columns in the New York Times and the Washington Post to editorials in Business Week and Christian Science Monitor, the influence of money in politics is being examined and the warning call is being sounded.

And the American public, long suspicious of the impact of money on the working of Congress, is seeing its worst fears realized. The balance between public and special interest is tipping in the wrong direction. Those who have not become cynical or apathetic are pressing the Congress to put its electoral house in order.

This mix of congressional worry, media attention and public concern could prove the needed opportunity to get a serious reform effort underway.

However, a second consideration that must be quickly raised in conjunction with any optimism, is the difficulty of the task involved. Efforts to reform campaign financing face the formidable obstacles of constitutional restraints, partisan maneuvering, and the instincts of every Member of Congress for political survival.

In the Buckley against Valeo decision, the Supreme Court hampered the ability of Congress to restrict campaign spending. The Court reasoned that the expenditure of money is equivalent to speech and thus forced a significant first amendment factor into the middle of any legislative effort to regulate political action committees. While I personally share Judge J. Skelly Wright's view that the Court has mistakenly concluded that "money is speech" the Buckley decision must be addressed in the legislative process.

Other difficulties are apparent from any review of congressional hearings and debate on this subject. Paramount are the concerns of which party gains or loses from reform and whether incumbents or challengers receive some new advantage. Those concerns are inescapable and will certainly color and perhaps hinder any reform effort. Thus, while the time for action may be ripe the judicial, institutional and political impediments are considerable.

A final consideration is the lack of any consensus as to what exactly we should do. While many Members of Congress may agree on the need to do something, there appears to be little agreement on what that something should be. The recent Senate Rules Committee hearings revealed a good deal of concern but perhaps as many different proposals as witnesses. Several bills have already been introduced and I am sure there are more in the offing. Certainly, there is much talk about public financing but also a great variety of opinion on this concept. All of which prompted a recent headline in the New York Times, "Will Congress Pass the Buck on Campaign Financing?"

I do not believe we can afford to pass the buck. It is not an issue that is going away. If we fail to start a process toward reform, the Congress will pay a price in public confidence and in its ability to work independently to solve the problems of this Nation. That is a price too high to pay.

The legislation I am proposing today does not represent my own personal agenda in terms of solving the PAC problem. Frankly, I think that only individuals should be permitted to contribute to Federal elections. I go by the rather basic idea that only individuals can vote and so only individuals should be able to contribute. That is my preference and I have tried to pass legislation to that end. In 1976 I offered such an amendment to the Federal Election Campaign Act amendments. The Senate chose not to table my amendment but it failed to secure passage by a relatively close vote.

I am not proposing that concept today. Rather I am proposing legislation that seeks to take advantage of the mood for reform while recognizing the complexity of the issues involved and the need to build a consensus of opinion.

The legislation I am introducing would put in motion a two-step program for reforming campaign finance. Initially, this bill will put the Congress on record as supporting a limit on the role of political action committees in financing Federal elections. In passing this bill the Congress will assert its judgment that the uncontrolled growth in campaign contributions by political action committees: Represents a threat to the integrity and purity of the electoral process, undermines the concept of equal political participation which is the foundation of American democracy and, exercises a coercive influence on the legislative process.

Second, my proposal would establish by statute a Commission to reform Federal campaign finance. This Commission will provide the mechanism to achieve the desired reforms. It is a short term, bipartisan instrument that will have the mission of fully examining the campaign financing of Federal elections and developing recommendations for achieving the goals set by the Congress.

The Commission shall explore the major questions involved in the campaign finance debate. It will determine what appropriate limitations can be placed on political action committee contributions. The Commission will also consider the related issues that occur, including public financing, independent expenditures, means to encourage individual contributions, limiting an individual's contribution to his own campaign and strengthening the role of political parties.

In making its recommendations to Congress, the Commission will also weigh the important considerations of whether the proposed reforms will serve to give advantage to incumbents, either political party, business or labor-related political action committees or candidates with considerable personal wealth.

I believe the Commission approach offers a workable and realistic means to address the gnawing question of campaign finance reform. Our recent experience with the Social Security Commission underscores the usefulness of this approach, as does our experience with the Federal Procurement Commission and the Federal Paperwork Commission, both of which

laid the groundwork for major improvements in statute.

As any of us who serve in the Congress know, the public will often disagree with the decisions we make. Our constituents are not hesitant to let us know when they think we are wrong about an issue and that is a very healthy thing for our democracy. However, it is not at all healthy if the American electorate believes that the Congress is reaching decisions for reasons other than our best judgment of what is good for this country. It is vitally important that the U.S. Congress have the confidence of the American people. Without it our lawmaking responsibility loses its legitimacy.

The influence of money and political action committees is undermining that confidence. The 98th Congress must be the Congress that restores our credibility by acting on campaign reform legislation. Elizabeth Drew, an astute observer of the American political process, points out what is at stake:

The public knows that something is wrong. As the public cynicism gets deeper, the political system gets worse. Until the problem of money is dealt with, the system will not get better. We have allowed the basic idea of our democratic process—representative government—to slip away. The only question is whether we are serious about trying to retrieve it.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 911

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Commission to Reform Federal Campaign Finance Act of 1983".

FINDINGS

SEC. 2. The Congress finds and declares that:

(1) Campaigns for Federal election are financed by contributions from nonparty multicandidate political action committees, individuals, party and candidate committees, candidates for Federal office, and the public.

(2) The reform of procedures regulating campaign contributions by any of the sources of such contributions described in paragraph (1) affects the relative importance of such contributions by the other sources described in such paragraph.

(3) The unprecedented growth in the amount of contributions to Federal election campaigns by nonparty multicandidate political action committees, and in the ratio which such contributions bear to total contributions to such campaigns—

(A) represents a threat to the integrity and purity of the electoral process;

(B) undermines the concept of equal political participation which is the foundation of American democracy;

(C) erodes the ability of elected officials to represent the general public interest rather than special interests; and

(D) exercises a coercive influence on the legislative process.

(4) In order to fulfill its responsibility to insure the purity and integrity of Federal elections, and to prevent corruption or the appearance of corruption in Federal elections, the Congress must act to significantly reduce the role of nonparty multicandidate political action committees in the financing of Federal election campaigns.

(5) Previous efforts to reform the Federal Election Campaign Act of 1971 with respect to nonparty multicandidate political action committees have been unsuccessful, and therefore there is a need for the Congress to establish a commission to—

(1) fully examine the financing of Federal election campaigns;

(2) make recommendations for appropriate legislation to limit the role of nonparty multicandidate political action committees in the financing of Federal election campaigns; and

(3) work with the Congress for passage of legislation to reform the role of such committees in the financing of such campaigns.

ESTABLISHMENT OF COMMISSION

SEC. 3. (a) There is established the Commission to Refor. Federal Campaign Finance (hereinafter r- erred to as the "Commission"). The Commission shall provide the Congress with advice and assistance in developing legislation to reform the financing of Federal election campaigns and the role of nonparty multicandidate political action committees in the financing of such campaigns.

(b) The Commission shall be composed of fifteen members, as follows:

(1) Five Members of the Senate, no more than three of whom shall be members of the same political party, who shall be appointed by the Majority Leader of the Senate in consultation with the Minority Leader of the Senate.

(2) Five Members of the House of Representatives, no more than three of whom shall be members of the same political party, who shall be appointed by the Speaker of the House of Representatives in consultation with the Minority Leader of the House of Representatives.

(3) Two former members of Congress, who are not members of the same political party, appointed by the President.

(4) Three distinguished private citizens experienced in public affairs and campaign finance appointed by the President, of whom not more than two shall be of the same political party.

(c) The Commission shall select a Chairperson and Vice Chairperson from among its members.

(d) Eight members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(e) The Commission shall meet at the call of the Chairperson.

(f) Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(g) Each member of the Commission who is not a member of Congress shall be compensated at a rate equal to the daily rate prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day, including traveltime, that such member is engaged in the actual performance of the duties as a member of the Commission. Members of the Commission who are Members of Congress shall serve without any additional compensation. All members of the Commission shall be reimbursed for travel, subsistence, and other necessary expenses incurred by such members in the performance of their duties.

DUTIES OF THE COMMISSION

SEC. 4. (a) The Commission shall—

(1) consider comprehensively the sources and means for financing Federal election campaigns;

(2) determine the relative importance of such sources and means in electing Federal officials; and

(3) project future trends with respect to the financing of Federal election campaigns if no changes are made in the laws governing the financing of such campaigns.

(b) The Commission shall study the matters referred to in subsection (a) and recommend to Congress changes in the laws which regulate the financing of Federal election campaigns in order to—

(1) limit to the maximum extent permitted by the Constitution the role of nonparty multicandidate political action committees in financing Federal election campaigns;

(2) encourage individual participation in the financing of Federal election campaigns;

(3) establish an appropriate mix of incentives and limitations for the use of sources and means of financing Federal election campaigns; and

(4) increase public confidence in the election process.

(c) In developing the recommendations required by subsection (b), the Commission shall consider—

(1) whether contributions from nonparty multicandidates political action committees should be abolished completely as a source of financing Federal election campaigns, and if the Commission determines that such contributions should not be abolished, what limitations should be placed on contributions by such committees;

(2) whether campaigns for Federal elections should depend totally or to a very significant degree upon the contributions of individuals;

(3) whether the election of Members of Congress should be publicly financed, and if so, how and in what manner such financing should be made;

(4) whether the contributions of an individual to the Federal election campaign of that individual should be limited, and if so, how the limitation should be accomplished;

(5) how to encourage more individuals to contribute to candidates in Federal elections;

(6) how to control the increase of independent expenditures in Federal elections;

(7) how to limit and counteract negative political advertising which clearly corrupts and distorts the integrity of Federal elections; and

(8) how to strengthen the role of political parties in financing Federal election campaigns.

(d) The Commission shall consider whether if enacted, the recommendations for changes in law made pursuant to subsection (b) would, in comparison with the laws governing the financing of Federal election campaigns in effect on the date of enactment of this Act—

(1) further protect incumbents;

(2) be to the advantage of candidates with considerable personal wealth;

(3) be to the advantage of either labor or business oriented political action committees; and

(4) be to the advantage of any political party.

(e) By January 2, 1985, the Commission shall submit a report to the Majority Leader of the Senate and the Speaker of the House of Representatives. The report shall contain a description of the matters considered by the Commission pursuant to this section, a statement of the findings and recommendations made by the Commission pursuant to this section, and proposed legislation to carry out the recommendations made by the Commission pursuant to this section. The proposed legislation required by this subsection shall be approved by a vote of at least ten of the fifteen members of the Commission.

PREPARATION FOR THE COMMISSION

SEC. 5. Within sixty days after the date of enactment of this Act, the Director of the Congressional Research Service, the Comptroller General of the United States, and the Chairman of the Federal Election Commission shall prepare and transmit briefing papers to the Commission. Such briefing papers shall catalog and synthesize any recent reports, analyses, and recommendations prepared by the Congressional Research Service, the General Accounting Office, or the Federal Election Commission, as the case may be, with respect to the financing of Federal election campaigns, and shall contain such other information as the Director of the Congressional Research Service, the Comptroller General of the United States, or the Chairman of the Federal Election Commission, as the case may be, considers pertinent to the work of the Commission.

COMMISSION STAFF

SEC. 6. (a) The Chairperson and Vice Chairperson of the Commission shall appoint an executive director and a chief counsel for the Commission. The employment of such executive director and chief counsel shall be subject to confirmation by the Commission.

(b) The Commission may appoint and terminate the executive director and chief counsel selected under subsection (a) and such other personnel as it considers appropriate to assist in the performance of its duties under this Act, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may pay such executive director, chief counsel, and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(c) Service of an individual as a member of the Commission or employment of an individual by the Commission on a part-time or full-time basis and with or without compensation shall not be considered as service or employment bringing such individual within the provisions of any Federal law relating to conflicts of interest or otherwise imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with claims, proceedings, or matters involving the United States. Service as a member of the Commission or as an employee of the Commission, shall not be considered service in an appointive or elective position in the Government for purposes of section 8344 of title 5, United States Code, or comparable provisions of Federal law.

(d) Subject to such rules as may be prescribed by the Commission, the Chairman of the Commission may procure temporary and intermittent services under section 3109 of title 5, United States Code, at rates for individuals not to exceed the daily rate payable for GS-18 of the General Schedule under section 5332 of such title.

POWERS OF THE COMMISSION

SEC. 7. (a) The Commission or any member authorized by the Commission may, for the purpose of carrying out this Act, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission or before such member.

(b) To carry out this Act, the Commission may enter into such contracts and other arrangements to such extent or in such amounts as are provided in appropriation Acts, and without regard to the provisions of section 3709 of the Revised Statutes (41 U.S.C. 5). Contracts and other arrangements may be entered into under this subsection with or without consideration or bond.

(c) To assist the Commission in carrying out this Act, and upon request of the Chairperson of the Commission, the Comptroller General of the United States, the Director of the Congressional Research Service, or the Chairman of the Federal Election Commission is authorized to make any of the facilities and services of the General Accounting Office, the Congressional Research Service, or the Federal Election Commission, as the case may be, available to the Commission or to detail any of the personnel of the General Accounting Office, the Congressional Research Service, or the Federal Election Commission, as the case may be, to the Commission on a reimbursable basis.

(d) The provisions of the Federal Advisory Committee Act shall not apply to the Commission.

SUNSHINE PROVISION

SEC. 8. The Commission shall establish procedures to ensure its proceedings are open to the public to the maximum extent practicable.

TERMINATION OF THE COMMISSION

SEC. 9. Ninety days after the Commission submits the report required by section 4(e) to the Majority Leader of the Senate and Speaker of the House of Representatives, the Commission shall terminate.

AUTHORIZATION OF APPROPRIATIONS

SEC. 10. There are authorized to be appropriated to the Commission such sums as may be necessary to carry out this Act.●

By Mr. STAFFORD (for himself and Mr. THURMOND) (by request):

S. 912. A bill to modify the authority for the Richard B. Russell Dam and Lake project, and for other purposes; to the Committee on Environment and Public Works.

MODIFICATION OF AUTHORITY FOR THE RICHARD B. RUSSELL DAM AND LAKE PROJECT

Mr. STAFFORD. Mr. President, during the 97th Congress, I was pleased to join in sponsoring, with the very distinguished President pro tempore of the U.S. Senate (Mr. THURMOND), legislation that had been proposed by the administration. That bill, S. 3100, was not received from the White House until a few days before the sine die adjournment of the 97th Congress. Thus, there was insufficient time to give the bill the attention it deserved.

The purpose of that legislation was to compensate the town of Abbeville, S.C., for power losses that will occur once a Corps of Engineers project, Richard Russell Lake, is filled. It is my understanding that the corps will begin to fill Russell Lake later this year. By the latter part of 1984, Russell Lake will have risen to an elevation at which it will affect the powerplant owned by the city of Abbeville. That will occur because the existence of Russell Lake will lessen the Abbeville powerplant's head, the height the water can fall to produce power.

This bill is intended to compensate Abbeville for this loss, which I understand has been estimated at $20,000 a year.

I am pleased to join with the distinguished Senator from South Carolina (Mr. THURMOND) in again sponsoring this bill. Mr. President, I ask unanimous consent that a copy of the bill be printed at this point in the RECORD, together with a copy of the transmittal letter.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 912

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, the Richard B. Russell Dam and Lake project, authorized by the Flood Control Act of 1966 (80 Stat. 1420), is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to provide such power to the City of Abbeville, South Carolina, as the Secretary determines to be necessary to mitigate the reduction in hydroelectric power produced at the city-owned hydroelectric plant at Lake Secession caused by the construction and operation of the project. Such power shall be provided to the city for a period not to exceed the remaining service life of the city-owned hydroelectric plant as part of the operational requirements and costs of the project under such terms and conditions as the secretary, in consultation with the Secretary of Energy, determines to be appropriate. The Secretary of Energy is authorized to provide assistance in the delivery of such power.

DEPARTMENT OF THE ARMY,
Washington, D.C.

Hon. GEORGE BUSH,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of legislation "To modify the authority of the Richard B. Russell Dam and Lake Project, and for other purposes."

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this proposal for the consideration of the Congress. It is recommended that the proposal be enacted by the Congress.

PURPOSE OF THE LEGISLATION

The purpose of the proposed legislation is to authorize the Secretary of the Army,

acting through the Chief of Engineers, to provide such power to the City of Abbeville, South Carolina, as the Secretary of the Army determines to be necessary to mitigate the reduction in hydroelectric power produced at a City-owned paint caused by the construction and operation of the Richard B. Russell Dam and Lake Project (the Project). The power would be provided to the City without charge for a period not to exceed the remaining service life of the City's plant as part of the operational requirements and costs of the Project under such terms and conditions as the Secretary of the Army, in consultation with the Secretary of Energy, determines to be appropriate.

The City of Abbeville owns and operates a hydroelectric power plant at Lake Secession upstream from the Project on the Rocky River, a tributary of the Savannah River. Impoundments from the Project will generally raise the level of the Rocky River, adversely affecting the operation and maintenance of the City-owned plant. In addition, the rise in water levels will make it impossible to generate as much power at the Lake Secession plant as would have been the case without the Project.

Existing legislation (Section 111 of the Rivers and Harbors Act of 1958, as amended) provides discretionary authority, at Federal expense, of facilities owned by a government agency and utilized in the performance of a continuing governmental function when such facilities would otherwise be adversely affected or threatened by construction of any Federal water resources development project. Pursuant to this authority, the Chief of Engineers intends to undertake certain construction efforts to remedy the impediment to the operation and maintenance of the City's plant. However, Section 111 only envisions construction of remedial works; it does not authorize providing power to mitigate for power losses attributable to the Federal project.

The situation at Abbeville has been closely studied and it has been determined that the cost of remedial construction for power losses is prohibitively high. Estimates of the cost of any construction efforts to correct the power generation problem and allow energy generation as before are in the range of $3 million to $20 million. Further, the construction options considered involve state of the art technology and offer no guarantee of success.

The legislation recommended is equitable in that it strives to place the City on the same footing as prior to construction and operation of the Project by providing power from an existing source in a cost effective manner.

COST AND BUDGET DATA

Enactment of the proposed legislation is not expected to have any significant impact on the budgetary requirements of the Department of the Army. The costs associated with this proposal, including the cost of the power delivered and any incidental increases in the operating expenses associated with the actual delivery of the power, will be treated as a part of the joint costs of the project to be allocated among all project purposes. These costs, currently estimated to be approximately $20,000 per year over the remaining service life of the city's plant, are far below the estimated costs of any remedial construction effort to mitigate for power losses.

ENVIRONMENTAL AND CIVIL RIGHTS IMPACTS

Enactment of the proposed legislation will not have any significant environmental or civil rights impacts.

Sincerely,

WILLIAM R. GIANELLI,
Assistant Secretary of the Army
(Civil Works.)

Mr. THURMOND. Mr. President, I am pleased to join with my distinguished colleague from the State of Vermont in reintroducing legislation today at the request of the Reagan administration.

This bill would modify the Richard B. Russell Dam and Lake project so as to authorize the Secretary of the Army to provide such hydroelectric power to the city of Abbeville, S.C., as is necessary to offset any reduction in the amount of power generated at the municipality-owned facility at Lake Secession caused by the construction and operation of the project.

Mr. President, the city of Abbeville has long operated its own hydroelectric power-generating facility at Lake Secession. This facility provides low-cost electric power to the people of the city of Abbeville and surrounding communities.

The city of Abbeville and its citizens were enticed to support the Richard B. Russell Dam and Lake project in part upon the promise of the U.S. Army Corps of Engineers that they would be provided power from the project at a cost comparable to that generated by their own facility to compensate for any loss of generating capacity at that facility resulting from the construction and operation of the project. Once the project had gotten well underway, however, the Corps of Engineers determined that they lacked the statutory authority to make good on this promise under the legislation authorizing the construction and operation of the project.

Mr. President, suffice it to say that this revelation had a devastating impact on the confidence of the city and its people in the Corps of Engineers, and caused grave misgivings about the benefits of the project.

Mr. President, I do not intend by my remarks to intimate that the Corps of Engineers acted in bad faith in misrepresenting their authority in this matter. I do believe, however, that the time has now come for this situation to be corrected, since the impoundment of the waters at the project should begin reducing the generating capacity of the Lake Secession facility before the end of the year.

Mr. President, the legislation being introduced today does no more than give the Secretary of the Army the authority to live up to the commitment made some time ago by the Corps of Engineers. It is intended to modify the legislation authorizing the Richard B. Russell Dam and Lake project only so far as is necessary to authorize the Secretary to provide the city of Abbeville a kilowatt-hour of power for every kilowatt-hour by which the construction and operation of the project reduces the generating capacity of the Lake Secession facility. In this way, all parties involved will find themselves in exactly the same position as they had originally contemplated.

Mr. President, I hope this noncontroversial legislation introduced at the request of the Reagan administration can be quickly enacted.

By Mrs. KASSEBAUM:

S. 913. A bill for the relief of Mildred C. Eide, of Leavenworth, Kans.; to the Committee on the Judiciary.

RELIEF OF MILDRED C. EIDE

● Mrs. KASSEBAUM. Mr. President, today, I am introducing a private bill on behalf of Mildred C. Eide, of Leavenworth, Kans.

Mrs. Eide, a civilian Government employee for more than 18 years, was curator of the post museum at Fort Leavenworth, Kans. On October 14, 1976, Mrs. Eide, then 64 years of age, was attacked by an inmate of the U.S. Disciplinary Barracks serving on a work detail to the museum. The attacker threatened Mrs. Eide with a linoleum cutter, struck several blows to her face, hurled her repeatedly to the floor, and attempted to sexually assault her. As a result of this vicious attack, Mrs. Eide suffered severe physical and psychological injury, including the loss of her left eye and a cardiac-related incident which resulted in the implantation of a pacemaker.

It was Mrs. Eide's intention to continue as curator of the museum until mandatory retirement at age 70. However, due to this violent episode, she was permanently disabled and unable ever to resume her work. A U.S. district judge awarded Mrs. Eide $1.1 million in actual and punitive damages. As all of the responsible parties except the attacker himself claimed Government immunity, the judgment is uncollectible. Because she was a Government employee, Mrs. Eide's total compensation was less than the amount she would have received under normal employment and retirement. Due to the unusual circumstances, I think that Mrs. Eide should be recompensed by the Government. Although a monetary award will never compensate for the lasting physical and emotional suffering, it might, in some way, make up for Mrs. Eide's lost years of productive and fulfilling work.

Mr. President, I hope that prompt action will be taken on this bill.●

By Mr. McCLURE (for himself, Mr. ANDREWS, Mr. ARMSTRONG, Mr. BAUCUS, Mr. BURDICK, Mr. COCHRAN, Mr. COHEN, Mr. DANFORTH, Mr. DECONCINI, Mr. DENTON, Mr. DOMENICI, Mr. DURENBERGER, Mr. EAST, Mr.

GARN, Mr. GOLDWATER, Mr. GRASSLEY, Mr. HATCH, Mr. HATFIELD, Mr. HEFLIN, Mr. HELMS, Mr. HUDDLESTON, Mr. HUMPHREY, Mr. JEPSEN, Mr. JOHNSTON, Mr. MATTINGLY, Mr. MELCHER, Mr. PRESSLER, Mr. PROXMIRE, Mr. RUDMAN, Mr. SASSER, Mr. SIMPSON, Mr. SYMMS, Mr. TOWER, Mr. WALLOP, Mr. NICKLES, Mr. THURMOND, Mr. STEVENS, Mr. RANDOLPH, and Mr. ZORINSKY):

S. 914. A bill to protect firearms owners' constitutional rights, civil liberties, and rights to privacy; to the Committee on the Judiciary.

FIREARM OWNERS PROTECTION ACT OF 1983

Mr. McCLURE. Mr. President, it is our duty to provide for the legal protection of the citizens of this Nation. We cannot do this, even with the best intentions, with laws that are vague and misleadingly written. We all know what kind of roads are paved with good intentions. We have seen this, again and again, with the Gun Control Act of 1968. No one can question the purpose of this law. No one wants to see innocent people robbed or murdered by thugs with guns. Yet the noble goal of safety from violent crime has not been achieved by this law. It has not reduced crime. Indeed, it has increased crime—not the crime we fear as we walk alone at night on dark streets. It has increased crime by turning honest people into Federal felons for making what amounts to bookkeeping errors.

We have seen, through hearing after hearing, that this law invites the kind of enforcing abuse that we cannot permit in this country. We must draft laws that secure safety for our citizens, but when a well meant law does the very opposite, when it practically guarantees that the constitutional rights of ordinary, law abiding people will be violated, we must change that law. We were promised, again and again, by the agency charged with enforcement of GCA 1968, that abuses would be halted. We saw, again and again, that abuses were not halted. Again and again, victims contact my office seeking help, or they suffer without redress. We must change that law. It is a bad law. Its intentions are good, but it is a bad law. I offer now, the Firearm Owners Protection Act, legislation that will correct some of the inherent weaknesses in present Federal firearms law. It will refocus enforcement efforts away from nitpicking paperwork mistakes, to the aspects of Federal law that are most closely related to violent crime.

When enacted into law, the Firearm Owners Protection Act will do the following:

Define "engaging in the business" to clarify when dealers, gunsmiths, makers of ammunition and importers must have a license.

Permit out-of-State purchase of firearms if the sale and possession are legal both in the State of purchase, and in the purchaser's State of residence.

Mandate an element of scienter for prosecution and conviction of Federal firearms law violations.

Clarify procedures for dealer sales of firearms from his private collection.

Permit inspection of dealer's records for reasonable cause.

Require mandatory penalties for the use of a firemarm during a Federal crime.

Limit siezure of firearms only to those specifically involved in a criminal transaction.

Provide for the return of seized firearms, and grant attorney's fees in spiteful or frivolous suits.

Allow the Secretary to grant relief from disability, and provide for judicial review of certain cases.

Remove requirement for affidavit for purchase of less than 50 pounds of black powder for sporting purposes.

Allow the interstate transportation of unloaded, inaccessible firearms.

We bear a grave responsibility. We owe the people of this country good laws. We must correct the mistakes of the past, and provide safety through laws that are drafted with a practical eye to their eventual use.

There is no remedy for a bad law, other than changing that law. Every reform in my amendment is based on an abusive interpretation of GCA 1968. In spite of repeated rebukes by Members of Congress, the same vicious pattern continues. Gun owners and dealers are enticed to break the law, their records are ransacked without reasonable cause, their property is seized without due process, and they must face seemingly endless litigation to regain possession of their property after they have been proved innocent in court. Lives and businesses are ruined. The shameful pattern goes on and on.

We must compel the enforcing agency to stop harassing honest people, and to direct their efforts at the violent criminals who give all gun owners a bad name. This can only be done by changing present Federal firearms law. I believe the Firearm Owners Protection Act is the remedy.

I am pleased to be joined by 39 cosponsors, and I ask that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD.

S. 914

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That—The Congress finds that the rights of citizens to keep and bear arms under the second amendment to the United States Constitution; their rights to security against illegal and unreasonable searches and seizures under the fourth amendment; their protections against uncompensated taking of property, double jeopardy, and assurance of due process of law under the fifth amendment; and their rights against unconstitutonal exercise of authority under the ninth and tenth amendments; require additional legislation to correct existing firearms statutes and enforcement policies.

The Congress further finds that additional legislation is required to reaffirm its intent, as expressed in section 101 of the Gun Control Act, that "it is not the purpose of this title to place any undue or unnecessary Federal restrictions or burdens on law-abiding citizens with respect to the acquisition, possession, or use of firearms appropriate to the purpose of hunting, trapshooting, target shooting, personal protection, or any other lawful activity, and that this title is not intended, . . ." or "to discourage or eliminate the private ownership or use of firearms by law-abiding citizens for lawful purposes.".

TITLE 1—AMENDMENTS TO TITLE 18, UNITED STATES CODE (18 U.S.C. 921-928)

AMENDMENTS TO SECTION 921

SEC. 101. (a) Subsection (a)(10) is amended by deleting the words "manufacture of" and inserting in lieu thereof the words "business of manufacturing".

(b) Subsection (a)(11)(A) is amended by deleting the words "or ammunition".

(c) Subsection (a)(12) is amended by deleting the words "or ammunition".

(d) Subsection (a)(13) is amended by deleting the words "or ammunition".

(e) A new subsection (a)(14) is inserted after subsection (a)(13), to read as follows; and the following subsections are renumbered accordingly:

"(14) The term 'engaged in the business' means:

"(A) As applied to a manufacturer of firearms, a person who devotes time, attention, and labor to manufacturing firearms as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of the firearms manufactured.

"(B) As applied to a manufacturer of ammunition, a person who devotes time, attention, and labor to manufacturing ammunition as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of the ammunition manufactured.

"(C) As applied to a dealer in firearms, as defined in section 921(a)(11) (A) and (C), a person who devotes time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of firearms. The term shall not include a person who makes occasional sales, exchanges, or purchases of firearms or who sells all or part of his personal collection of firearms.

"(D) As applied to a dealer in firearms, as defined in section 921(a)(11)(B), a person who devotes time, attention, and labor engaging in such activity as a regular course of trade or business with the principal objective of livelihood and profit. The term shall not include a person who makes occasional repairs of firearms or who occasionally fits special barrels, stocks, or trigger mechanisms to firearms.

"(E) As applied to an importer of firearms, a person who devotes time, attention, and labor to importing firearms as a regular course of trade or business with the princi-

pal objective of livelihood and profit through the sale or distribution of the firearms imported.

"(F) As applied to an importer of ammunition, a person who devotes time, attention, and labor to importing ammunition as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of the ammunition imported.".

(f) Subsection (a)(20) is amended to read as follows: "The term 'crime punishable by imprisonment for a term exceeding one year' shall not include (A) and Federal or State offenses pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices, or (B) any State offense classified by the laws of the State as a misdemeanor and punishable by a term of imprisonment of two years or less: *Provided, however,* That what constitutes a conviction shall be determined in accordance with the law of the jurisdiction in which the proceedings were held: *Provided further,* That any convictions which have been expunged, or set aside or for which a person has been pardoned or has had his or her civil rights restored shall not be considered a conviction under the provisions of this Act, unless such pardon, expungement, or restoration of civil rights expressly provided that the person may not ship, transport, possess, or receive firearms.".

AMENDMENTS TO SECTION 922

SEC. 102. (a) Subsection (a)(1) is amended to read as follows: "for any person (A) except a licensed importer, licensed manufacturer, or licensed dealer to engage in the business of importing, manufacturing, or dealing in firearms, or in the course of such business to ship, transport, or receive any firearm in interstate or foreign commerce; and (B) except a licensed importer or licensed manufacturer to engage in the business of importing or manufacturing ammunition, or in the course of such business, to ship, transport, or receive any ammunition in interstate or foreign commerce".

(b) Subsection (a)(2) is amended—

(1) by deleting the words "or ammunition"; and

(2) by deleting the words "and subsection (b)(3)".

(3) by deleting the words "or licensed dealer for the sole purpose of repair or customizing," and inserting in lieu thereof the words, "licensed dealer, or licensed collector.".

(c) Subsection (a)(3) is amended to read as follows:

"(3) for any person to transport into or receive in the state where he resides any firearm purchased or otherwise acquired by such person outside that State, when such person knows or has reasonable cause to believe that the purchase or acquisition of such firearm would be in violation of any published ordinance or law of the State or locality where he resides or was in violation of any published ordinance or law of the State or locality where the purchase or acquisition occurred: *Provided,* That any transferee (other than a licensed manufacturer, importer, or dealer) shall meet in person with the transferor to accomplish the transfer unless prior thereto such person had met with the transferor in person to negotiate the sale or the transfer is otherwise permitted by the provisions of this chapter. This paragraph shall not preclude the subsequent transportation or shipment of a firearm by a nonlicensee in interstate or foreign commerce where the provisions of this paragraph are fully met.".

(d) Subsection (a)(5) is amended to read as follows:

"(5) for any person to transfer, sell, trade, give, transport, or deliver any firearm to any person who does not reside in the same State as the transferor when the transferor knows or has reasonable cause to believe that the acquisition of such firearm by such person would be in violation of any published ordinance or law of the state or locality where the transferee resides or would be in violation of any published ordinance or law of the State or locality where such transfer occurs: Provided, That any licensed manufacturer, importer, or dealer shall be presumed, in the absence of evidence to the contrary, to have had actual knowledge of the published ordinances of such other State or locality, and that the transferor shall meet in person with any transferee (other than a licensed manufacturer, impoter, or dealer) to accomplish the transfer unless prior thereto such person had met in person to negotiate the transfer, or the sale, transfer, or delivery is otherwise permitted by this chapter, or is in accordance with other provisions of this Act. This paragraph shall not preclude the subsequent transportation or shipment of a firearm by a nonlicensee in interstate commerce where the provisions of this paragraph are fully met, and shall not apply to the loan or rental of a firearm to any person for temporary use for lawful purposes; and".

(e) Subsection (b) is amended—

(1) by deleting paragraph (3) and redesignating paragraphs (4) and (5) as (3) and (4) respectively and deleting in new paragraph (3) the word "and" following ";" and after new paragraph "(4)", insert "; and";

(2) by deleting in paragraphs (2) and newly designated (4) the words "or ammunition" wherever they appear.

(3) by (i) deleting the words "Paragraphs (1), (2), (3), and (4)" and inserting in lieu thereof the words "Paragraphs (1), (2), and (3),"; and (ii) deleting the words "Paragraph (4)" and inserting in lieu thereof the words "Paragraph (3)".

(f) Subsection (d) is amended—

(1) by deleting the words "licensed importer, licensed manufacturer, licensed dealer, or licensed collector" the first time they appear and inserting in lieu thereof the words "any person";

(2) by deleting in paragraph (3) the word "or" following the semicolon;

(3) by replacing the period in paragraph (4) with a semicolon; and

(4) by inserting after the paragraph (4) the following:

"(5) who, being an alien, is illegally or unlawfully in the United States;

"(6) who has been discharged from the Armed Forces under dishonorable conditions; or

"(7) who, having been a citizen of the United States, has renounced his citizenship.".

(g) Subsection (g) is amended—

(1) by deleting the words "is under indictment for, or who" in paragraph (1);

(2) by deleting in paragraph (3) the word "or" following the semicolon;

(3) by inserting after paragraph (4) the following:

"(5) who, being an alien, is illegally or unlawfully in the United States;

"(6) who has been discharged from the Armed Forces under dishonorable conditions; or

"(7) who, having been a citizen of the United States, has renounced his citizenship;"; and

(4) by deleting the words "to ship or transport any firearm or ammunition in interstate or foreign commerce" and inserting in lieu thereof the words "to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.".

(h) Subsection (h) is amended—

(1) by inserting after the word "any" and before the word "person" the words "individual who to his knowledge and while being employed by any";

(2) by deleting the words "is under indictment for, or who" in paragraph (1);

(3) by deleting in paragraph (3) the word "or" following the semicolon;

(4) by inserting after paragraph (4) the following:

"(5) who, being an alien, is illegally or unlawfully in the United States;

"(6) who has been discharged from the Armed Forces under dishonorable conditions; or

"(7) who having been a citizen of the United States, has renounced his citizenship;"; and

(5) by deleting the words "to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce" and inserting in lieu thereof the words "in the course of such employment to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.".

(i) A new subsection (i) is inserted after subsection (h) to read as follows; and the following subsections are renumbered accordingly:

"(i) It shall be unlawful for any person who is under indictment for a crime punishable by imprisonment for a term exceeding one year to ship or transport in interstate or foreign commerce any firearm or ammunition or receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.".

AMENDMENTS TO SECTION 923

SEC. 103. (a)(1) Subsection (a) is amended: (i) by deleting the words "No person shall engage in business as a firearms or ammunition importer, manufacturer, or dealer until he has filed an application with, and received a license to do so from the Secretary." and inserting in lieu thereof the words "No person shall engage in the business of importing, manufacturing, or dealing in firearms, or importing or manufacturing ammunition, until he has filed an application with and received a license to do so from the Secretary."; and (ii) by deleting the words "and contain such information", and inserting in lieu thereof the words "and contain only that information necessary to determine eligibility for licensing.".

(2) Subsection (a)(3)(B) is amended by deleting the words "or ammunition for firearms other than destructive devices,".

(b) Subsection (b) is amended by deleting the words "and contain such information", and deleting the words "The fee for such license shall shall by regulation prescribe.".

(c) Subsection (c) is amended by adding the words: *"Provided, however,* That nothing in this chapter shall be construed to

prohibit a licensed manufacturer, importer, or dealer from maintaining and disposing of a personal collection of firearms, subject only to such restrictions as apply in this chapter to dispositions by a person other than a licensed manufacturer, importer, or dealer: *Provided further,* That if any firearm is so disposed of by a licensee within one year of its transfer from his business inventory into his personal collection or if such disposition is made for the purpose of willfully evading the restrictions placed upon licensees by this chapter, then such firearm shall be deemed part of his business inventory.".

(d) Subsection (e) is amended by inserting before the word "violated" the word "willfully".

(e) Subsection (f) is amended—

(1) by inserting the words "de novo" before the word "judicial" in paragraph (3);

(2) by adding the words "whether or not such evidence was considered at the hearing held under paragraph (2)." after the words "to the proceeding" in paragraph (3); and

(3) by inserting at the end thereof the following new paragraph:

"(4) If criminal proceedings are instituted against a licensee alleging violations of this chapter or regulations promulated thereunder, and the license is acquitted of such charges, or such proceedings are terminated, other than upon motion of the Government prior to trial upon such charges, the Secretary shall be absolutely barred from denying or revoking any license granted under the provisions of this chapter where such denial or revocation is based in whole or in part on the facts which form the basis of such criminal charges. No proceedings for the revocation of a license shall be instituted by the Secretary more than one year after the filing of the indictment or information.".

"(f) Subsection (9) is amended to read as follows:

"(g)(1) Each licensed importer, licensed manufacturer, and licensed dealer, shall maintain such records of importation, production, shipment, receipt, sale, or other disposition, of firearms at his place of business for such period, and in such form, as the Secretary may by regulations prescribe. The Secretary, when he has reasonable cause to believe a violation of this law has occurred, and that evidence thereof may be found on such premises may, upon demonstrating such cause before a Federal magistrate, and securing from him a warrant authorizing entry, enter during business hours the premises (including places of storage) of any firearms importer, manufacturer, or dealer, or any importer or manufacturer of ammunition, for the purposes of inspecting or examining (1) any records or documents required to be kept by such importer, manufacturer, or dealer, under the provisions of this chapter or regulations issued under this chapter, and (2) any firearms or ammunition kept or stored by such importer, manufacturer, or dealer, at such premises. Moreover, the Secretary may inspect the inventory and records of a licensee without such cause, (A) for a reasonable inquiry during the course of a criminal investigation of a person or persons other than the licensee; or (B) no more than once in any twelve consecutive months and upon a reasonable notice, but the Secretary shall bring no criminal charges against the licensee based upon such inspection or any recordkeeping errors found, other than for sales to a prohibited person; or (C) when such inspections or inquiries may be required for determining the disposition of one or more particular firearms in the course of a bona fide criminal investigation. Such procedure shall not be construed as authorizing the Secretary to seize any records or other documents other than those records or documents constituting material evidence of a violation of law. If the Secretary seizes such records or documents, copies shall be provided the licensee within a reasonable time. The Secretary may make available to any Federal, State, or local law enforcement agency any information which he may obtain by reason of the provisions of this chapter with respect to the identification of persons prohibited from purchasing or receiving firearms or ammunition who have purchased or received firearms or ammunition, together with a description of such firearms or ammunition and he may provide information to the extent such information may be contained in the records required to be maintained by the provisions of this chapter, when so requested by any Federal, State, or local law enforcement agency.

"(2) Each licensed collector shall maintain in a bound volume the nature of which the Secretary may by regulations prescribe, records of the receipt, sale, or other disposition, of firearms. Such records shall include the name and address of any person to whom the collector sells or otherwise disposes of a firearm.".

(g) Subsection (j) is deleted.

AMENDMENTS TO SECTION 924

SEC. 104. (a) Subsection (a) is amended by inserting after the word "Whoever" the word "willfully".

(b) Subsection (c) is amended to read as follows:

"(c) Whoever (1) uses any firearm or destructive device against the person of another, to commit a felony for which he may be prosecuted in a court of the United States, or (2) carries a firearm or destructive device unlawfully during the commission of any felony for which he may be prosecuted in a court of the United States, shall in addition to the punishment provided for the commission of such a felony, be sentenced to a term of imprisonment of not less than one year nor more than ten years. In the case of a second or subsequent conviction under this subsection, such person shall be sentenced to a term of imprisonment of not less than five years nor more than twenty-five years. Notwithstanding any other provision of law, in the case of any conviction under subsection (c)(1), the court shall not suspend the sentence of such person or give him a probationary sentence, nor shall such person be paroled or furloughed before completing such minimum sentence, nor shall any term of imprisonment imposed under this subsection (c) run concurrently with any term of imprisonment imposed for the commission of such other felony: Provided, That no person shall be sentenced under this subsection if he established to the satisfaction of the court that the use of the firearm or destructive device was to protect his person or the person of another from an honestly perceived immediate danger, or was honestly perceived in defense of his person, or the person of another or the property of either from conduct constituting a felony, or was honestly effecting the arrest of a person in immediate flight from said felony.".

(c) Subsection (d) is amended to read as follows:

"(d)(1) Any firearm or ammunition involved in or used in any willful violation of the provisions of this chapter or any rule or regulation promulgated thereunder, or any violation of any other criminal law of the United States, shall be subject to seizure and forfeiture, and all provisions of the Internal Revenue Code of 1954 relating to the seizure, forfeiture, and disposition of firearms, as defined in section 5845(a) of that Code, shall, so far as applicable, extend to seizures and forfeitures under the provisions of this chapter: *Provided,* That upon acquittal of the owner or possessor, or dismissal of the charges against him other than upon motion of the Government prior to trial, the seized firearms or ammunition shall be returned forthwith to the owner or possessor or to a person delegated by the owner or possessor unless the return of the firearms or ammunition would place the owner or possessor or his delegate in violation of law. Any action or proceeding for the forfeiture of firearms or ammunition shall be commenced within one hundred and twenty days of such seizure.

"(2)(A) In any action or proceeding for the return of firearms or ammunition seized under the provisions of this chapter, the court shall allow the prevailing party, other than the United States, a reasonable attorney's fee, and the United States shall be liable therefor.

"(B) In any other action or proceeding under the provisions of this chapter, the court, when it finds that such action was without foundation, or was initiated vexatiously, frivolously, or in bad faith, shall allow the prevailing party, other than the United States, a reasonable attorney's fee, and the United States shall be liable therefor.

"(C) Only those firearms or quantities of ammunition particularly named and individually identified as involved in or used in any violation of the provisions of this chapter or any rule or regulation issued thereunder, or any other criminal law of the United States, shall be subject to seizure, forfeiture, and disposition.".

AMENDMENTS TO SECTION 925

SEC. 105. (a) Subsection (c) is amended—

(1) by deleting the words "has been convicted of a crime punishable by imprisonment for a term exceeding one year (other than a crime involving the use of a firearm or other weapon or a violation of this chapter or of the National Firearms Act)" and inserting in lieu thereof the words "is prohibited from possessing, shipping, transporting, or receiving firearms or ammunition";

(2) by inserting the word "transportation" after the word "shipment";

(3) by deleting the words "and incurred by reason of such conviction,";

(4) by adding after the words "the public interest." the words "Any person whose application for relief from disabilities is denied by the Secretary may file a petition with the United States district court for the district in which he resides for a judicial review of such denial. In a proceeding conducted under this subsection, the scope of judicial review shall be governed by section 706 of title 5, United States Code. The court may in its discretion admit additional evidence where failure to do so would result in a miscarriage of justice.".

(b) Subsection (d) is amended—

(1) by deleting the words "may authorize" and inserting in lieu thereof the words "shall authorize";

(2) by deleting the words "the person importing or bringing in the firearm or ammunition establishes to the satisfaction of the Secretary that"; and

(3) by deleting in paragraph (3) the words "generally recognized as particularly"; and

(4) by deleting the words "may permit" and inserting in lieu thereof the words "shall permit".

AMENDMENTS TO SECTION 926

SEC. 106. Section 926 is amended by—

(a) redesignating existing section 926 as subsection (a);

(b) inserting the word "only" after the word "prescribe";

(c) deleting the words "as he deems reasonable" and inserting in lieu thereof the words "as are";

(d) deleting the words "The Secretary shall give reasonable public notice, and afford interested parties opportunity for hearing, prior to prescribing such rules and regulations" and inserting in lieu thereof the words: "Provided, That no such rule or regulation promulgated after the effective date of this Act may require that records required to be maintained under this chapter or any portion of the contents of such records, be recorded at or transferred to a facility owned, managed, or controlled by the United States or any State or any political subdivision thereof, nor that any system or registration of firearms, firearms owners, or firearms transactions or dispositions be established".

(e) inserting a new subsection (b) as follows:

"(b) The Secretary shall give not less than ninety days public notice, and shall afford interested parties opportunity for hearing, prior to prescribing such rules and regulations.".

(f) by inserting a new subsection (c) as follows:

"(c) The Secretary shall not prescribe regulations that require purchasers of black powder under the exemption provided in section 845(a)(5) of title 18, United States Code, to complete affidavits or forms attesting to that exemption.".

AMENDMENTS TO SECTION 927

SEC. 107. Section 927 is amended by adding the words: ": *Provided, however,* That any provision of any legislation enacted, or of any rule or regulation promulgated, by any State or a political subdivision which prohibits or has the effect of prohibiting the transportation of a firearm or ammunition in interstate commerce through such State, when such firearm is unloaded and not readily accessible, shall be null and void".

SEC. 108. The amendments (including any repeals) made by this Act shall become effective one hundred and eighty days after the date of the enactment of this Act.

TITLE II—AMENDMENTS TO TITLE VII OF THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 (18 U.S.C. APP. 1201-1203)

SEC. 201. Title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (sections 1201, 1202, and 1203 of the appendix to title 18, United States Code) is hereby repealed.

Mr. HEFLIN. Mr. President, I come before the Senate today to discuss a matter of great concern. Since its inception, the interpretation of the second amendment has always been a source of great difficulty to legislators and citizens alike. In response to a great outcry for gun control in the tumultuous sixties, the Gun Control Act of 1968 was adopted in an attempt to put some necessary and some unnecessary restrictions on the rights implied in the right to bear arms.

While gun control is something necessary in a nation with an ever-expanding crime rate, it is equally important to make sure that these controls are put in the right direction. The Gun Control Act of 1968 is flawed in this area in that most of its enforced gun laws are directed toward infractions of the law that really lack concrete criminal intent. Bad bookkeeping procedures in gun sales should not have the same kind of attention paid to them as the misuse of firearms in a violent crime.

The Firearm Owners Protection Act sponsored by the distinguished Senator from Idaho, Senator, MCCLURE, is in my estimation an excellent attempt at achieving the real intent of all gun control law: To stop true criminals from transporting, buying, selling, and using firearms. This act leads direct enforcement away from noncriminal infractions to those blatant offenses which display willful criminal intent. Additionally, in response to our Nation's increasing crime rate, this act will strengthen existing law by making mandatory prison sentences without parole or furlough for anyone using or carrying a firearm in the willful commission of a violent crime. This legislation, if enacted, could result in creating a major disincentive toward using illegal firearms.

Finally, this act will provide additional protection to law-abiding citizens who own or sell firearms. Under previous legislation the Bureau of Alcohol, Tobacco, and Firearms (BATF) would confiscate all firearms belonging to an individual accused of a violation. Now only those firearms directly involved in a violation can be seized. In general, this bill would effectively allow the BATF to do the job it was meant to do and not infringe on the constitutional rights of law-abiding citizens.

It is for these reasons that I lend my full support to Senator MCCLURE's efforts, and as a result am cosponsoring his Firearm Owner's Protection Act and ask for its immediate consideration and speedy passage.

Thank you, Mr. President.

Mr. PRESSLER. Mr. President, I am pleased to join as a cosponsor of the Federal Firearms Law Reform Act. This legislation has long had my support. It would make necessary amendments to the Gun Control Act of 1968. Amendments are needed to protect responsible citizens. Efforts of the Bureau of Alcohol, Tobacco, and Firearms' must be directed away from legitimate gun owners and toward the criminal.

We are all most concerned about the increase in violent crime. The people of this country have long been calling for tougher action on crime, and they are certainly correct in doing so. Congress must take responsible action to crack down on crime. For this reason, last year I cosponored the Violent Crime and Drug Act. I am supporting similar measures again this session. It is obvious that we must continue to work for the vigorous prosecution of those who commit crimes while using firearms, and everyone may be assured that I will work hard for the passage of such legislation. However, gun control is not necessarily crime control. This fact has been clearly illustrated by the effect that the Gun Control Act has had on violent crime since its passage in 1968. Those who intend to commit violent crimes continue to obtain guns. This will take place regardless of our efforts to increase gun licensing and recordkeeping.

The improper enforcement tactics of the BATF must be brought to an end. The Federal Firearms Law Reform Act will correct past errors by requiring proof of "willfulness" for all convictions under the Gun Control Act. Responsible citizens have the second amendment right to keep and bear arms. This right must be protected.

As has been stated often before this body, guns do not commit crimes, people do. Mr. President, I am pleased to again join in cosponsoring a measure which has had my continued support since I first came to Congress. I urge my colleagues to speedily approve this key legislation.

Mr. HATCH. Mr. President, at the outset of my remarks I would like to call the attention of my colleagues to several comments of great historical import regarding the subject of this bill:

To preserve liberty, it is essential that the whole body of the people always possess arms, and be taught alike, especially when young, how to use them. (Richard Henry Lee, Virginia delegate to the Continental Congress, initiator of the Declaration of Independence, and member of the first Senate, which passed the Bill of Rights.)

The great object is that every man be armed . . . Everyone is able may have a gun. (Patrick Henry, in the Virginia Convention on the ratification of the Constitution.)

The advantage of being armed . . . the Americans possess over the people of all other nations . . . Notwithstanding the military establishments in the several Kingdoms of Europe, which are carried as far as the public resources will bear, the governments are afraid to trust the people with arms. (James Madison, author of the Bill of Rights, in his Federalist Paper No. 26.)

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed. (Second amendment to the Constitution.)

In my studies as an attorney and as a U.S. Senator, I have constantly been amazed by the indifference or even hostility shown the second amendment by courts, legislatures, and commentators. James Madison would be startled to hear that his recognition of a right to keep and bear arms, which

passed the House by a voice vote without objection and hardly a debate, has since been construed in but a single, and most ambiguous, Supreme Court decision, whereas his proposals for freedom of religion, which he made reluctantly out of fear that they would be rejected or narrowed beyond use, and those for freedom of assembly, which passed only after a lengthy and bitter debate, are the subject of scores of detailed and favorable decisions. Thomas Jefferson, who kept a veritable armory of pistols, rifles, and shotguns at Monticello, and advised his nephew to forsake other sports in favor of hunting, would be astounded to hear supposed civil libertarians claim firearm ownership should be restricted. Samuel Adams, a handgun owner who pressed for an amendment stating that the "Constitution shall never be construed . . . to prevent the people of the United States who are peaceable citizens from keeping their own arms," would be shocked to hear that his native State today imposes a year's sentence, without probation or parole, for carrying a firearm without a police permit.

This is not to imply that courts have totally ignored the impact of the second amendment in the Bill of Rights. No fewer than 21 decisions by the courts of our States have recognized an individual right to keep and bear arms, and a majority of these have not only recognized the right but invalidated laws or regulations which abridged it. Yet in all too many instances, courts or commentators have sought, for reasons only tangentially related to constitutional history, to construe this right out of existence. They argue that the second amendment's words "right of the people" mean "a right of the state"—apparently overlooking the impact of those same words when used in the first and fourth amendments. The "right of the people" to assemble or to be free from unreasonable searches and seizures is not contested as an individual guarantee. Still they ignore consistency and claim that the right to "bear arms" relates only to military uses. This not only violates a consistent constitutional reading of "right of the people" but also ignores that the second amendment protects a right to "keep" arms. These commentators contend instead that the amendment's preamble regarding the necessity of a "well regulated militia . . . to a free State" means that the right to keep and bear arms applies only to a National Guard. Such a reading fails to note that the Framers used the term "Militia" to relate to every citizen capable of bearing arms, and that Congress has established the present National Guard under its power to raise armies, expressly stating that it was not doing so under its power to organize and arm the Militia. I have long regarded the right of Americans to keep and bear arms as among the most vital rights recognized in the Bill of Rights.

When the first Congress convened for the purpose of drafting a Bill of Rights, it delegated the task to James Madison. Madison did not write upon a blank tablet. Instead, he obtained a pamphlet listing the State proposals for a bill of rights and sought to produce a briefer version incorporating all the vital proposals of these. His purpose was to incorporate proposals such as that of Pennsylvania, Sam Adams, or the New Hampshire delegates. Madison proposed among other rights that—

> The right of the people to keep and bear arms shall not be infringed; a well armed and well regulated militia being the best security of a free country; but no person religiously scrupulous of bearing arms shall be compelled to render military service in person.

In the House, this was initially modified so that the militia clause came before the proposal recognizing the right. The proposals for the Bill of Rights were then trimmed in the interests of brevity. The conscientious objector clause was removed following objections by Elbridge Gerry, who complained that future Congresses might abuse the exemption to excuse everyone from military service.

The proposal finally passed the House in its present form: "A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed." In this form it was submitted to the Senate which passed it the following day. The Senate in the process indicated its intent that the right be an individual one, for private purposes, by rejecting an amendment which would have limited the keeping and bearing of arms to bearing "for the common defense."

The earliest American constitutional commentators concurred in giving this broad reading to the amendment. When St. George Tucker, later chief justice of the Virginia Supreme Court, in 1803 published an edition of Blackstone annotated to American law, he followed Blackstone's citation of the right of the subject "of having arms suitable to their condition and degree, and such as are allowed by law" with a citation to the second amendment, "And this without any qualification as to their condition or degree, as is the case in the British Government." William Rawle's "View of the Constitution," published in Philadelphia in 1825 noted that under the second amendment:

> The prohibition is general. No clause in the Constitution could by a rule of construction be conceived to give to Congress a power to disarm the people. Such a flagitious attempt could only be made under some general pretense by a State legislature. But if in blind pursuit of inordinate power, either should attempt it, this amendment may be appealed to as a restraint on both."

The Jefferson Papers in the Library of Congress show that both Tucker and Rawle were friends of, and corresponded with, Thomas Jefferson. Their views are those of contemporaries of Jefferson, Madison, and others, and are entitled to special weight. Joseph Story in his "Commentaries on the Constitution," considered the right to keep and bear arms as "the Palladium of the liberties of the republic," which enabled the citizenry at large to prevent tyranny and oppression.

Subsequent legislation in the 2d Congress likewise support the interpretation of the second amendment that creates an individual right. In the Militia Act of 1792, the 2d Congress defined "Militia of the United States" to include almost every free adult male in the United States. These persons were obligated by law to possess a firearm and minimum supply of ammunition and military equipment. This statute, incidentally, remained in effect into the early years of the present century as a legal requirement of gun ownership for most of the population of the United States, There can be little doubt from this that when the Congress and the people spoke of a "militia," they had reference to the traditional concept of the entire populace capable of bearing arms, and not to any formal group such as what is today called the National Guard. The purpose was to create an armed citizenry, which the political theorists at the time considered essential to ward off tyranny. From this militia, appropriate measures might create a "well regulated militia" of individuals trained in their duties and responsibilities as citizens and owners of firearms.

The rights of individuals under the second amendment have become the focus of considerable concern recently. Accordingly, the Subcommittee on the Constitution has conducted pubic hearings into the constitutional and civil right ramification of enforcement of Federal firearms laws in past Congresses. The results were, to say the least, both impressive and shocking,

The hearings were called to examine whether individual second amendment rights were being abridged without proof of criminal intention on the part of individuals investigated by the Federal enforcement agency. The subcommittee made several inquiries about potential violations of this constitutional right. Those inquiries touched upon several areas of constitutional concern.

In short, it was apparent that existing Federal firearms laws could be and often were employed to harass honest firearm owners, while the very real criminal problems were left largely un-

touched. In light of this evidence, it is hardly surprising that a majority of this committee, and indeed a majority of our House, cosponsored S. 1030 in the 97th Congress. Our oath to uphold the second amendment and our duty to the citizens of this Nation, demands no less.

S. 1030 was the subject of further hearings in the full Judiciary Committee during the 97th Congress. These hearings reinforced the findings that current Federal firearms laws needed restructuring to avoid encumbering the rights of responsible gun owners and to strengthen enforcement tools against those who abuse their rights to keep and bear arms. Accordingly, the Judiciary Committee approved an amended version of S. 1030 by a vote of 13 to 3. Although the 97th Congress came to a close before this bill could be brought before the full Senate, I commend my colleague, Senator McCLURE, of Idaho, for once again taking the necessary initiative for reform of Federal firearms statutes.

The changes in this bill are simply good law enforcement. There is no reason to prosecute, on Federal felony charges, a citizen who has not willfully violated the law. There is no reason to withhold confiscated firearms after their owner has been cleared of all charges. There is no reason why a citizen whose firearms have been illegally seized, and who secures their return, should not be entitled to reimbursement for legal expenses. If we are serious in our object of preventing unconstitutional and abusive acts, we must not permit legal standards which allow such acts. Crime cannot be dealt with by arrests of law-abiding gun owners or by unreasonable search and seizure directed at legitimate gun collectors. It is dealt with by imposing strict and sure penalties upon those who choose to misuse firearms for criminal ends, and this bill does exactly that. I am pleased to be a cosponsor of a measure drafted in the spirit of the second amendment to the Constitution.

By Mr. GORTON (for himself, Mr. RUDMAN, Mr. DANFORTH, Mr. STAFFORD, Mr. EAGLETON, and Mr. BINGAMAN):

S. 915. A bill entitled the Taxpayer Antitrust Enforcement Act of 1983; to the Committee on the Judiciary.

TAXPAYER ANTITRUST ENFORCEMENT ACT OF 1983

Mr. GORTON. Mr. President, today all of the Members of this distinguished body who have formerly held the position of attorney general of their respective States, join together to introduce a bill of vital importance to the taxpayers of this country. It is a bill which would provide the attorneys general of the States, as well as the Attorney General of the United States, the tools by which effectively to combat price fixing and bid rigging in the field of Government procurement. I do not believe that there is a Member of the Senate who could be said to be in favor of such practices and yet the subject of a bill such as this never fails to stir controversy.

Mr. President, the bill we introduce today is more urgent now than it has ever been in the last 6 years. Not only are the States hard hit by the mere fact of the recession, but in our continuing effort to reduce the size of the Federal Government, the Federal Government has been steadily increasing the level of responsibility of the States in certain areas while at the same time lowering the level of assistance to the States. It is little wonder that the States would like to see their ability to sue price fixers and bid riggers restored to its level before the Supreme Court's decision in the case of Illinois Brick. In previous years, efforts to overturn Illinois Brick, have had the support of such organizations as the National Conference of State Legislatures, the National Governors' Association, the National Association of Counties, the National League of Cities, and the National Association of Attorneys General. Although I fully expect the support of these organizations again this year, I must say, Mr. President, that some among those groups may not be pleased with the bill that we introduce today simply because it may be too limited in scope for them.

In an effort to answer all legitimate criticism of previous proposals on this subject, this bill has been drawn as narrowly as possible. In cases of price fixing and bid rigging at the State or local level, the bill limits the number of potential plaintiffs to 52, the attorneys general of the several States, the District of Columbia, and Puerto Rico. It deals only with price fixing and bid rigging and does not deal with violations of sections other than section 1 of the act. Moreover, it contains a provision to guarantee that the defendant will not be subjected to multiple liability by allowing the defendant to plead as a partial or complete defense that the plaintiff has passed on to others who are themselves entitled to recover, some or all of plaintiff's damages. Finally, the bill ends the confusion regarding the application of the Court's reasoning in Illinois Brick to cases brought by an attorney general in his or her parens patriae capacity.

Mr. President, the gaping holes left in the enforcement of the Clayton Act by the Illinois Brick decision are holes in a law which is national in scope. The remedy, therefore, should be national in scope. Those who assert that the problems which arise because of Illinois Brick can be solved by assignment clauses and State override provisions intrigue me. If they do not object to remedying the problem in a piecemeal fashion, why do they object to remedying the problem where it should be remedied, in Congress? The Supreme Court in the Illinois Brick case invited Congress to give the Court direction if it disagreed with the outcome of that case. I believe that a majority of the Congress does not believe that States and local governments should be left without redress when they are the victims of price fixing and bid rigging. We should be willing, therefore, to give the Supreme Court the direction it sought, albeit in a form more limited than many of us would like.

Mr. President, I hope that none of my colleagues are misled by the various characterizations of this bill which they will hear from its opponents. This is a taxpayer bill; to insure that the scarce resources of the United States and the States are spent as the citizens want them to be spent and not as a subsidy for price fixers and bid riggers.

Mr. President, the distinguished chairman of the Judiciary Committee, Senator THURMOND, agreed to allow hearings on an Illinois Brick bill by the end of June this year. I must apologize to my good friend for the delay in the introduction of this measure. I want to assure him that the delay was prompted only by our desire to introduce a bill which answered all legitimate criticism we have heard of previous Illinois Brick bills. I think we have done that, and I hope that because of that, the controversy which has always surrounded this subject should finally be dissipated. Let me assure the distinguished Senator from South Carolina, that in the event the delay in the introduction of this bill causes the Senator problems in meeting that June target, I will be more than happy to discuss an alternative timetable with him, although I hope that will not be necessary.

Mr. President, I ask unanimous consent that a copy of the bill be reprinted in the appropriate place in the RECORD, along with a letter concerning the bill.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 915

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) Section 4C(a) of the Clayton Act (15 U.S.C. 15c(a)) is amended by adding new subsections (2) and (3) as follows:

"(2) Whenever any State or political subdivision thereof is injured in its business or property by reason of anything forbidden by section 1 of this title the Attorney General of the State may sue on behalf of the State or any political subdivision thereof in any district court of the United States having jurisdiction of the defendant, to secure monetary relief as provided in this section for injury sustained by such State or political subdivision.

"(3) Actions brought pursuant to Section 4A of this Act or subsection (a)(1) or (a)(2) of this section may be maintained regardless of whether such natural person, State, political subdivision or the United States has purchased indirectly from the defendant.".

(b) Section 4C(a)(2) of the Clayton Act (15 U.S.C. 15c(a)(2)) is redesignated as section 4C(a)(4) of the Clayton Act (15 U.S.C. 15c(a)(4)) and is amended by inserting in the first sentence after "paragraph (1)" the following: "or paragraph (2)".

SEC. 2. Section 4 of the Clayton Act (15 U.S.C. 15) is amended by adding at the end thereof a new section 4(I) to read as follows:

"In any action under sections 4, 4A or 4C of the Clayton Act, the defendant shall be entitled to prove as a partial or complete defense to a damage action, in order to avoid duplicative liability, that, some or all of what otherwise would constitute plaintiff's damages has been passed on to others, who are themselves entitled to maintain an action or on whose behalf the Attorney General of the United States or of any State is entitled to maintain an action under sections 4A or 4C of this Act.

"Such defense shall be set forth as an affirmative defense in any responsive pleading of the defendant. The defendant shall set forth in such pleading, with as much particularity as is reasonable, the identity of those to whom the defendant asserts the plaintiff has passed on some or all of plaintiff's damages. For the purposes of Rule 19 of the Federal Rules of Civil Procedure, the Attorney General entitled to represent such person(s) pursuant to section 4A or 4C of this Act shall be deemed an indispensable party.".

SEPTEMBER 16, 1982.

DEAR SENATOR: We urge you to support the Gorton/Danforth/Rudman amendment to S. 995 (the contribution bill), The Antitrust Equal Enforcement Act. This amendment would, in part, overturn the Supreme Court's decision in *Illinois Brick* v. *Illinois*, which prohibited indirect purchasers from recovering damages under the antitrust laws for price fixing. Under this amendment, state Attorneys General and the U.S. Attorney General would have the right to prosecute antitrust violators on behalf of states, counties, and cities, as well as citizens who have purchased goods or services through middlemen (suppliers, retailers, brokers).

Since June 1977, we have urged the Congress to reverse the Supreme Court decision in *Illinois Brick Company* v. *Illinois*, which held that only those who deal directly with an antitrust violator can recover damages for price fixing. While the Senate Judiciary Committee favorably reported this legislation on May 8, 1979, the full Senate did not vote on it.

Now we are asking again for your support when the Senate considers the Gorton/Rudman/Danforth amendment. States and localities make approximately 95 percent of their purchases through middlemen. The amendment would allow states to combat antitrust violations that force taxpayers and government agencies to pay higher prices for goods and services, and would enable state and local governments to retrieve tax dollars illegally taken by price fixers and bid riggers. The Gorton amendment is a responsible and limited approach to the problems arising out of Illinois Brick.

The Gorton/Rudman/Danforth amendment does not add any prohibitions; it merely readjusts the antitrust laws, which are the heart and foundation of our free enterprise system. For example, if manufacturers of road building materials fix prices, the increased costs will often be passed on to governments through the general contractors. Without this amendment, state and local governments are unable to recover millions of taxpayers' dollars lost through such antitrust violations. Strong antitrust enforcement will help keep prices down and help protect taxpayers' dollars at a time when all government budgets are severely stretched.

We urge you to vote for the Gorton/Rudman/Danforth Amendment.

Sincerely yours,

EARL MACKEY,
Executive Director,
National Conference of State Legislatures.
STEPHEN FARBER,
Executive Director,
National Governors' Association.
BERNARD HILLENBRAND,
Executive Director,
National Association of Counties.
ALAN BEALS,
Executive Director,
National League of Cities.
C. RAYMOND MARVIN,
Executive Director,
National Association of Attorneys General.

● Mr. DANFORTH. Mr. President, I join with my colleague from Washington, Senator GORTON, and with the other former State attorneys general now serving in the U.S. Senate, in sponsoring this legislation. The bill we are introducing today takes a prudent and carefully limited approach to removing a limitation on Government enforcement of the antitrust laws imposed by the U.S. Supreme Court's 1977 decision in Illinois Brick Company againt Illinois.

The Illinois Brick decision held that indirect purchasers of goods and services do not have the right to sue price fixers under Federal antitrust law. In practical terms, this decision means that those who are the most likely to incur the increased cost resulting from price fixing have no means of redress. It also means that States, counties, and cities could pay millions of dollars in illegally high prices for building materials, finished products or outside services and have no way of recovering the overcharges. In these days of tight fiscal pressure at all levels of government, it seems senseless to preclude the recovery of taxpayer revenues from wrongdoers.

Mr. President, I would like to highlight the fact that this bill differs considerably from Illinois Brick bills in previous Congresses which would have authorized suits by individual plaintiffs or class action suits. Those bills were criticized for allegedly creating the potential for unmanageable judicial problems. This legislation avoids those alleged problems by limiting standing to the U.S. Attorney General and to the State attorneys general. As the responsible State officers, the State attorneys general would be able to bring suit on behalf of their States and political subdivisions, or as parens patriae on behalf of their citizens. The bill is prospective only in effect, and to avoid multiple liability concerns, would allow defendants to prove as a partial or complete defense that the plaintiff passed on the costs of price fixing to subsequent purchasers.

Mr. President, I am pleased to join in the sponsorship of this legislation, and I urge its quick consideration so that this unjustifiable loophole might finally be closed.●

● Mr. RUDMAN. Mr. President, today we are introducing the Taxpayer Antitrust Enforcement Act of 1983. It is offered to reverse an unjust rule of law which is costing taxpayers and consumers untold millions of dollars each year. Under present law, price fixers are shielded from effective antitrust enforcement because indirect purchasers, usually the consuming public, are unable to recover for their damages, damages passed on to them by wholesalers or retailers. The bill is identical in purpose to legislation that was introduced last year.

As with the legislation introduced last year, only State attorneys general and the U.S. Attorney General would be able to sue on behalf of indirect purchasers. The limitation has a very significant purpose; it is intended to permit recovery on behalf of taxpayers and indirect consumers, but only in cases which have merit. One of the major arguments of those who have resisted change is that permitting indirect suits would open the litigation floodgates to tenuous, irresponsible suits by enterprising lawyers seeking potentially large rewards. This bill overcomes the problem by limiting potential plaintiffs to a small group of attorneys responsible to the public at large and with no monetary interest in the outcome.

I think it is also important to note that the legislation last year was supported by those who must answer to the voters of this country. It was supported by the National Conference of State Legislatures, the National Governors' Association, the National Association of Counties, the National League of Cities, and the National Association of Attorneys General.

The present case law seems patently wrong. I believe that section 4 of the Clayton Act was intended to apply to all purchasers, direct and indirect. However, through what I consider a judicial "quirk," indirect purchasers have been left out in the cold. I hope a recent example of the law's application will convince my colleagues as well.

On March 18, six copper tube companies and six executives were indicted by a Federal grand jury on charges of conspiring to raise and fix the price of copper water tubing sold in the United States between 1975 and June 1981. According to the report that I have

seen, the companies sold more than $360 million of the tubing in 1980 alone. Obviously, States and consumers generally purchase copper tubing from middlemen, so they are indirect purchasers. Also, I think we can assume that any price-fixing costs were passed on to indirect purchasers since no direct purchasers have filed suit against the companies. Therefore, the ultimate consumers are the injured parties, and, if the companies are indeed guilty of fixing prices, under present law they would be unable to recover for their injuries. Simply put, they will have paid high, illegal prices with no recourse.

Beyond the loss to taxpayers, the price-fixing companies can go largely unpunished under present law. The law provides only for penalties of $1 million for corporations and $100,000 for individuals found to have violated the law. In my example, with sales over $360 million a year, I suggest that these penalties would constitute only a fraction of the illegal profits. It seems that under present law companies can win while losing: they may be able to retain substantially all of their ill-gotten gains. This situation must be changed. This bill is necessary and long overdue. I urge my colleagues to support it.●

By Mr. HATFIELD (for himself, Mr. McCLURE, Mr. JACKSON, Mr. PACKWOOD, Mr. GORTON, Mr. STEVENS, Mr. MURKOWSKI, Mr. SYMMS, Mr. MELCHER, Mr. BAUCUS, Mr. BURDICK, Mr. GARN, Mr. HATCH, Mr. GOLDWATER, Mr. WALLOP, Mr. DECONCINI, Mr. LAXALT, Mr. ABDNOR, Mr. FORD, Mr. SASSER, and Mr. MATSUNAGA):

S. 916. A bill to provide for the orderly termination, extension, or modification of certain contracts for the sale of Federal timber, and for other purposes; jointly, by unanimous consent, to the Committee on Agriculture, Nutrition, and Forestry and to the Committee on Energy and Natural Resources.

FEDERAL TIMBER CONTRACT RELIEF ACT OF 1983

● Mr. HATFIELD. Mr. President, today I am reintroducing legislation to assist the beleagured forest products industry, an industry which is essential in meeting this Nation's housing needs. The lumber and wood products industry is the backbone of the Oregon economy and other timber-producing States in the West. I have introduced this legislation because I believe that many small, independent companies are in serious trouble and because the Federal Government is heavily involved in the situation already.

Until a few months ago, the largest employer in Oregon was the forest products industry. But the Nation's deep recession has been this industry's depression, largely due to logging at the lowest level since the 1930's. Oregon's overall unemployment rate has been among the highest in the Nation, exceeding 10 percent over the last 24 months, and many timber-dependent communities have been devastated by mill closures or curtailments of more than half of Oregon's sawmill's and plywood plants. In December, the unemployment rate for the lumber industry in Oregon was 17.7 percent and almost 13,000 of the normal work force of 28,000 sawmill workers were either off the job or working short shifts.

The most obvious reason for the current slump is the slowdown in homebuilding nationally. This logic would normally imply that a national economic recovery with increasing housing starts would spur lumber and plywood production in Oregon and the Northwest. After all, the forest products industry has usually been subject to boom-or-bust cycles to which companies have adjusted. I am convinced, however, that the current lumber depression is not a part of the usual cycle and that, without corrective action, the forest products industry could undergo undesirable structural changes with a negative impact upon communities which rely on this industry for their economic livelihood.

During the seventies, homebuilding demand was high and timber shortages were projected. Many companies invested substantial sums of money in mill improvements to allow greater utilization of timber. This increased the necessity to have a stable supply of timber under contract, and companies bid the highest prices possible for Government timber based upon their projections of lumber and plywood prices when the logs would be milled, usually at least 2 years in the future. Federal timber contracts have had little in the way of financial requirements on the part of the purchaser and, during the seventies this system worked; in fact, it worked particularly well for the Federal Treasury. In 1979, national forest timber receipts to the Treasury totaled $594.5 million. In 1980, receipts totaled $481.5 million and in 1981, receipts totaled $485.7 million. In 1982 a dramatic reduction of receipts was recorded, coming in at $237.8 million.

During this decade we had Federal housing policies which fostered homebuilding. The entire picture has now changed. With the shift in the Federal economic program and through a combination of tight money, high interest rates, and deregulation of financial institutions, capital has been channeled away from housing. Housing starts have plummeted from the more than 2 million annually which characterized the seventies to a little more than 1 million.

This situation has put the companies who bid competitively for Government timber in a terrible bind. The prices of the lumber and plywood they produce are much lower than the price of Government timber they have under contract. In Oregon and Washington, for example, there is about 20 billion board feet of Government timber under contract. As much as 90 percent of the volume under contract bid as of January 1, 1982, cannot be economically harvested, resulting in a potential default situation of drastic proportions. Some of the very large companies, which also operate pulp and paper plants and have extensive timberland holdings would no doubt survive, but most of the small- and medium-sized companies would be forced to close down and default on their contracts. Massive defaults would create chaos for the companies, the Federal agencies which administer the contracts, the counties which share in the timber sale receipts, and those who work on the mills and in our forests.

This problem threatens the industry which is the predominant source of economic activity and is the largest single employer in the Pacific Northwest. Prior to its collapse, the lumber and wood products industry provided over one-fourth of all regional manufacturing jobs. In Oregon, about one-third of all manufacturing jobs have been in the lumber and wood products industry. When the jobs indirectly dependent upon the industry are taken into account, the likelihood of half of Oregon's population is at stake in the health of this industry.

Nearly 40 percent of the Nation's lumber production and over half of its plywood production has come from the Pacific Northwest. The demise of this industry would have enormous impacts upon the Nation's balance of payments.

In late 1981, I began to search for a solution which would reach the objectives of maintaining employment and county revenues. At the same time, the Bureau of Land Management was considering options to deal with the problem. With virtually all of the Bureau's timber sale program in western Oregon, where the contract problem was most acute, I proposed that the BLM roll back prices on current contracts if the sales fell within a limited extension period. This would have provided an incentive to log timber under contract and would have kept revenues flowing to the counties and keep mills operating.

The proposal set off a storm of controversy within various segments of the forest products industry. While the proposal was not meant to be a comprehensive solution, it was seen in some quarters as an effort to help one region to the disadvantage of another.

Since this initial proposal, I have worked with Senator McCLURE of Idaho and others to fashion a legislative proposal which, I believe, is comprehensive in nature and is fair to all elements of the industry.

The resulting legislation has three major components:

First, timber purchasers could terminate up to 40 percent of their timber purchased prior to January 1, 1982.

Second, the remaining timber contracts would qualify for a contract term adjustment of 5 years.

Third, ineffective purchaser road credits would be made effective. This provision deals with a problem facing timber purchasers in the intermountain region, who are currently not fully reimbursed for roadbuilding costs. In addition, these purchasers road credits could be transferred to other national forests.

The legislation would also limit Northwest timber sales for fiscal year 1984. This amendment was included to allay fears of those from other regions who felt that terminated volumes of timber from the West would flood the market and upset the competitive relationship among the regions.

This proposal was approved by a majority of the Senate Committee on Energy and Natural Resources last year. Due to other national legislative priorities, the bill did not see action on the Senate floor.

During the 97th Congress there was much concern and legislation introduced to provide jobs for Americans. The unemployment rate in my State and the rest of the Nation is much too high and it is possible that many job-related bills will be considered and passed during this session of Congress. While this legislative initiative that I am introducing today is not a jobs creating bill, it is a jobs savings bill. As I have outlined earlier, if something is not done with this tremendous amount of public timber that cannot be harvested, many mills will close and more persons will be forced into unemployment lines. This simply should not be allowed to happen when this Congress is vitally concerned about creating jobs and keeping those that are already in place.

Mr. President, since the first of the year there has been a small upturn in the price of finished lumber, due in part to a small increase in housing starts and the desire by mill owners to increase inventories. However this increase could be short lived unless interest rates stay level or decline further and most likely is a reflection of expectations of increased demand more than real demand for finished lumber products. However, the amount of timber under contract that cannot be harvested is about the same as it was in 1982. The threat of defaults is still present and in fact a number of contracts have already gone into default in region 6, and more are on the verge of default.

That is why I am reintroducing this legislation today. The problem still exists and will worsen as the termination date of the Federal timber contracts draws closer.

I am pleased to note that many of my colleagues representing Western States as well as other regions in this Nation are joining me today in cosponsoring this vital piece of legislation. I am hopeful that this bill moves quickly through both the Energy and Natural Resources Committee and the Committee on Agriculture, Nutrition, and Forestry.

Mr. President, I ask unanimous consent that a brief explanation and the text of the legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BRIEF EXPLANATION OF TIMBER CONTRACT RELIEF LEGISLATION

The bill allows the following:

The secretaries of Agriculture and Interior are authorized to terminate up to 40% of a timber purchaser's contract volume bid as of January 1, 1982.

In lieu of the above option, a timber purchaser may terminate contracts totaling 15 million board feet, or terminate one contract.

Persons who terminate contracts are required to pay the appropriate agency $3 per thousand board feet, not to exceed $20,000, to pay for administrative costs of reselling the timber.

Contracts not otherwise termined can be extended for up to five years. Operators who exercise this option must either remove 25% of the timber under contract by the end of the third operating year or pay 25% of the value of the timber under extension by the beginning of the fourth operating season. This section is normally referred to as "contract term adjustment" rather than extension, simply because extensions, in past cases, have required some type of yearly payment. The bill requires only the payments or timber removal outlined above.

The Forest Service is limited in selling timber from Forest Service Region Six (Oregon and Washington) to 4.1 billion board feet for fiscal year 1984 and is required to resell terminated timber in an orderly fashion so as to not disrupt regional markets or artificially depress lumber prices. The current sales program for Region Six for FY 1983 is about 5 billion board feet.

Purchaser road credits to become "effective" and transferable to other national forests. These road credits can be used to offset the price of the stumpage.

Prohibits in any way circumvention of environmental requirements now in place in the National Forest Management Act, or any lands that have been recommended for wilderness designation by the RARE II planning process.

A special timber salvage program that will be conducted by the Forest Service to remove dead, dying and diseased timber.

S. 916

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that in order to avert widespread bankrupticies, sustain the flow of income from Federal forest lands to the Federal Treasury and to units of local government, and assist in restoration of employment, it is in the national interest to provide for the modification of certain contracts for the purchase of timber from Federal lands.

SEC. 2. (a)(1) Subject to the provisions of section 4, the Secretary of Agriculture for National Forest lands and the Secretary of the Interior for public lands under their respective jurisdictions are authorized and directed to terminate, at the request of the purchaser, up to 40 per centum of the estimated timber volume specified in any purchaser's timber sales contracts bid prior to January 1, 1982, less any volumes cut, removed and paid for.

(2) In lieu of the 40 per centum limitation in paragraph (1), the appropriate Secretary shall terminate at the request of the purchaser, contracts bid prior to January 1, 1982 having a cumulative volume of 15 million board feet, or terminate one contract bid prior to January 1, 1982, in its entirety.

(3) In addition to the contracts in paragraph (1), one contract per purchaser which was bid prior to January 1, 1982, but bid after the date of all other contracts to be terminated, shall be terminated by the appropriate secretary at the request of the purchaser. The estimated timber volume terminated under this paragraph shall not exceed 10 million board feet per contract.

(4) Contracts terminated by the appropriate Secretary pursuant to this Act shall require the purchaser to pay the Secretary holding the contract a sum equal to $3 per 1,000 board feet or equivalent measure for the costs which will be incurred by such Secretary in terminating such contracts and for reoffering the timber terminated for resale, not to exceed $20,000 per contract terminated.

(5) The timber sale appraisal allowance for the values of roads completed in connection with the sale of timber from public lands may, after set-off against amounts owed to the Secretary of the Interior, at the purchaser's election—

(A) be transferred to other contracts with the Secretary of the Interior held by the purchaser;

(B) be retained by the Secretary of the Interior for future application by the purchaser to other contracts for the sale of timber from public lands; or

(C) be assigned to another party with all rights attributable.

(b)(1) The Secretary of Agriculture for National Forest lands and the Secretary of the Interior for public lands are further authorized and directed to adjust, at the written request of the purchaser, the termination dates of any contracts for the purchase of timber, not otherwise terminated in subsection (a), that were bid prior to January 1, 1982, without penalty or payment that might otherwise be required for such adjustments, for a period not exceeding five years from the termination date in effect on the date of enactment of this Act.

(2) Any contract with the termination date adjusted for a period of four or more years under paragraph (1) shall require—

(A) removal of 25 per centum of the estimated timber volume by the conclusion of the third operating season of the additional period provided by the adjusted termination date; or

(B) payment by the purchaser of 25 per centum of the contract price, including all

payments to date under the contract, by the start of the fourth operating season of the additional period provided by the adjusted termination date.

SEC. 3. A purchaser granted termination of a contract pursuant to this Act shall not, if otherwise eligible, be prevented on account of the termination from bidding on any resale of timber included in a terminated contract.

SEC. 4. (a) Contracts to be terminated pursuant to this Act under which no harvest has taken place shall be terminated in full.

(b) Contracts terminated by the appropriate Secretary pursuant to this Act under which harvest has begun, shall be terminated conditionally with the termination becoming final after the purchaser has completed all contractual obligations for the units on which harvest has begun. All remaining unharvested units must be terminated.

(c) The appropriate Secretary may not terminate a contract if he determines, in his discretion, that the remaining unharvested units or a logical unit as determined by the Secretary are not representative of all units that were to be harvested on the contract areas in terms of species and logging methods.

SEC. 5. Timber from terminated contracts shall be offered for resale in an orderly fashion as part of the normal timber sales program, and in a manner which does not disrupt regional markets or artificially depress domestic timber prices. Timber from terminated contracts shall be given preference for resale in the 1983 timber sales program. The Forest Service timber sales offerings for Forest Service Region 6 shall not exceed 4.1 billion board feet for fiscal year 1984.

SEC. 6. The last sentence of section 4 of the Act entitled "An Act to enable the Secretary of Agriculture to construct and maintain an adequate system of roads and trails for the national forests, and for other purposes," approved October 13, 1964 (78 Stat. 1089; 16 U.S.C. 535) is amended by striking out the last sentence and inserting in lieu thereof "The Secretary is directed under such rules and regulations as he shall prescribe to permit the transfer of unused purchaser credit for road construction earned on any contract not completed by October 1, 1982 and for all future contracts from one timber sale to another timber sale to the same or different purchaser, except that such credit may not be used or transferred for use in a forest on one side of the 100th meridian to a forest on the other side of the 100th meridian. The Secretary is directed, under such rules and regulations as he shall prescribe, to treat as transferable earned purchaser credit, credit earned on timber sale contracts in effect on October 1, 1982, which before October 1, 1982, did not qualify as transferable earned purchaser credit, in an amount equal to the percentage of the total volume under such contract which is harvested after October 1, 1982. Where a purchaser exercises an available option to have the Forest Service construct a road, any payment to the Forest Service or credit received by the purchaser under such option shall be subject to the same provisions for transfer as earned road credits calculated on the engineer's estimated cost of construction in lieu of the agency's estimated cost of purchaser construction."

SEC. 7. The Secretary of the Interior and the Secretary of Agriculture shall publish procedures for the implementation of the Act in the Federal Register within 30 days after the date of the enactment of this Act.

SEC. 8. Nothing in this Act shall be construed to—

(a) supersede the provisions of section 6(g) of the National Forest Management Act relating to the identification of the suitability of lands for resource management; or

(b) be applicable to lands within the National Forest System which have been recommended for designation as wilderness or identified as further planning in Executive Communication 1504, Ninety-sixth Congress (House Document Numbered 96-119), unless designated otherwise by an Act of Congress.

SEC. 9. The authority granted in sections 2, 3, and 4 pursuant to this Act shall expire one year after the date of enactment of this Act.

SEC. 10. (a) This section may be cited as the "Emergency National Forest Productivity Act of 1983."

(b) The Secretary of Agriculture shall establish a special program to remove dead, dying, diseased, downed, and insect or disease-threatened timber on national forest system lands. The purpose of this program shall be to make these lands more productive, through reforestation and other forms of enhancement, including road construction; to accomplish additional thinning and other forms of timber stand improvement; to reduce the hazards of wildfire; to reduce the damage from forest insects and disease; to accomplish more extensive utilization of low grade materials; to provide employment in and around communities that are dependent on timber production; and to provide increased public availability to firewood and other forest products.

(c) The Secretary, in carrying out the purpose of this section, may enter into contracts or other types of agreements, or may conduct the work, within the Department of Agriculture, if contractors are not available.

(d) In designing and implementing the program authorized under this section, the Secretary—shall take steps to ensure that the program contributes to the productivity and environmental protection of the national forest system; including, minimum impact roads.

(e) There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this section: *Provided, further,* That the Secretary is authorized to carry out provisions of this Section using regular National Forest System and Construction accounts after approval by the Appropriation Committees through the established reprogramming procedures.●

● Mr. PACKWOOD. Mr. President, I am pleased to join Senator HATFIELD in introducing this bill to provide timber contract relief. This legislation is vital for the Pacific Northwest. It will provide significant aid to dozens of communities, workers, and businesses whose livelihood has been put in jeopardy by the wood products recession.

As a Senator from a State with one of the highest unemployment rates in the country, I am well aware of the dismal condition of its principal industry.

The timber industry has experienced its longest and deepest decline since the Great Depression. In Oregon, with a statewide unemployment rate of 13 percent, communities dependent on logging and sawmills have been hardest hit.

Current statistics relating to sawmills in Oregon provide a clear picture of what is happening. Thirty percent of the sawmill work force is either unemployed or working curtailed shifts.

And of the sawmills themselves, 30 percent are either closed or have cut back their operations.

These statistics, Mr. President, deal only with Oregon sawmills. Recent reports on other forest product operations, such as plywood and pulp mills, paint a similar picture. For example, the American Plywood Association reported, on March 19, 1983, that 21 of Oregon's 72 plywood plants are closed and 11 are on curtailed schedules.

The primary cause of the downturn in the forest and wood products industry has been high interest rates. Mortgage interest rates from 13 to 17 percent in recent months have priced a majority of homebuyers out of the new home market. If people cannot buy, builders cannot build. If builders cannot build, lumber and plywood cannot be sold. According to the National Association of Home Builders, residential construction, the largest market for softwood lumber and plywood, has dropped from more than 2 million housing starts in 1978 to approximately 1.4 million projected for 1983. Clearly, the long-term solution to the timber recession is a higher level of housing starts through lower interest rates. I am pleased to see that interest rates are decreasing and that housing starts are on an upward trend.

To continue this upward trend, Mr. President, I think it is time to enact an equitable timber relief bill. Without this bill, there will be a large number of timber sale defaults. There is no doubt that many firms will be unable to pay the damages resulting from defaulted sales, and they will go under. Their operations will close down; their workers will lose their jobs. Small timber operators in the Pacific Northwest, who are dependent upon Federal timber, would be the hardest hit.

According to an article in the Sunday Oregonian of March 20, 1983, the U.S. Forest Service has identified 202 contracts totaling 121 million board feet of timber that will not be harvested by a March 31 deadline and will be declared in default.

The bill we are introducing today, Mr. President, attempts to prevent this timber contract disaster. This bill will enable Federal timber contract holders an opportunity to return up to 40 percent of their contracts held as of January 1, 1982, to the Federal Government. Termination dates of other contracts would be extended up to 5 years with incentives for early removal of the timber. Another provision of this bill would provide purchaser road credits to be effective and transferable to other national forests. This would allow timber companies which are re-

quired to build roads into timber sales to be fully reimbursed for their costs of road building.

No doubt some will say this bill is an industry bailout. Nothing could be further from the truth. First, the Federal Government's timber revenue is dropping off dramatically as millions of board feet of timber under contract go uncut. Second, the defaulted timber sales which will occur without this bill mean high administrative costs for Federal agencies because defaulted sales must be resold, damages must be assessed, and collection efforts made. Finally, there is little doubt that many firms simply will be bankrupted by damages, so the Federal Government will never receive the original price of the timber sale. The bill we are introducing today will reduce or eliminate these costs to the Government.●

By Mr. PELL (for himself and Mr. MATHIAS):

S.J. Res. 71. Joint resolution proposing an amendment to the Constitution of the United States relative to the commencement of the terms of office of the President, Vice President, and Members of Congress; to the Committee on the Judiciary.

COMMENCEMENT OF TERMS OF OFFICE

● Mr. PELL. Mr. President, today with Senator MATHIAS I am introducing a joint resolution proposing a constitutional amendment to provide that the terms of Members of Congress and the President begin promptly after our national elections. Our proposed amendment provides that Senators and Representatives shall take office on November 15 following their election and that the new President shall be inaugurated on November 20 in Presidential election years.

This change in our Constitution is one that is long overdue and necessary to improve both the effectiveness and responsiveness of our Government. In terms of shortening the time between the election of a new President and his formal installation in office, I believe the arguments for November 20 as Inauguration Day are compelling. The American people, once they have spoken at the polls, want to see their new President in office and pursuing his program and mandate as soon as possible. Moreover, in both foreign and domestic affairs, the interminable 2½-month delay before inauguration has become a period of near paralysis of Government. As we learned painfully during the close of the Iranian hostage crisis in 1980–81, foreign governments defer dealing with a lameduck Presidential administration. In domestic affairs, decisions important to our economy and national well-being may either be put off in deference to the incoming administration or hastily expedited to accomplish goals contrary to those of the incoming President.

An earlier inauguration would also permit the incoming President to submit his own budget for the following fiscal year instead of submitting revisions of a budget "written for the historians" by the departing President.

Finally, there is not real need, with modern communications and transportation, for a prolonged transition period. When a candidate has spent as much as 2 years, as Ronald Reagan and Jimmy Carter did, formulating his positions and policies and espousing them on the campaign trail, he really does not need 2½ months after his election to prepare himself to take office and select a cabinet.

Similarily, there is no valid reason today for a lengthy delay between the election of a Member of Congress and his assumption of office. In all but a few cases, the results of Senate and House elections are known decisively within a few hours of the closing of the polls. The number of disputed elections is small, and the time period of recounts and certification of results could well be telescoped without jeopardizing the integrity of the congressional election process.

The dismal lameduck session of the 97th Congress is a vivid reminder that we pay a price for the leisurely implementation of the voters' election day mandate. The lameduck session last December was almost a textbook example of the need to eliminate these postelection debacles; I know my colleagues who were here will not soon forget the all night sessions, the filibusters, and the endless parliamentary maneuvers thwarting the will of the majority of the Member of this body. Lameduck sessions have never provided a climate for serious consideration of national policy; they are a contest between those who see advantages in immediate action and those who see advantage in awaiting the arrival of newly elected Members more favorable to their cause.

Tinkering with the Constitution is generally unwise, but the time has come to adopt an amendment insuring the prompt installation of newly elected officials. Until 1936, Inauguration Day was March 4, and the newly elected Congress frequently was not sworn in until the later part of the year following the election. We made a change 50 years ago in the Constitution to conform to the communications and transportation realities of that era, a change which improved the responsiveness of our Government but still allowed for lameduck Presidents and unproductive postelection sessions of Congress.

Today, with voting machines, computerized data processing, instantaneous electronic communications and jet travel, we neither need nor should permit a leisurely implementation of the voters' election day mandate. Our constitutional arrangements for newly elected officials should reflect the realities of the last quarter of the 20th century, not the age when President Thomas Jefferson could say, speaking of the U.S. Minister in Spain, "I haven't heard from him in 2 years. If I don't hear from him next year, I will write him a letter."

Today, waiting even until January 20 is unnecessary and dangerous, and we should adopt the joint resolution Senator MATHIAS and I are proposing to provide for the prompt installation of newly elected officials.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed at the conclusion of my remarks.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 71

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein), that the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification.

"The terms of the office of the President and Vice President shall end at noon on the twentieth day of November, and the terms of Senators and Representatives at noon on the fifteenth day of November of the years preceding the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.".●

● Mr. MATHIAS. Mr. President, I am pleased to join with my distinguished colleague Senator PELL in proposing a constitutional amendment that would virtually eliminate the possibility of either a lameduck Congress or a lameduck Presidency.

This proposal is a simple change that would bring the Constitution in line with the realities of the late 20th century. The 8- to 10-week delay that currently exists between the election and the swearing in of the President, Vice President, and Members of Congress is a tradition that has outlived its usefulness.

For the first century and a half of our national history, a 4-month hiatus was allowed between election and inauguration. Such a delay made sense during the horse-and-buggy days of our Republic. In the early 1930's, our predecessors realized that technological innovations made the long wait unreasonable. They proposed, and the States ratified, an amendment which shortened the waiting period to its current length.

In today's era of instant communication and high-speed travel, any delay beyond 2 to 3 weeks is hard to justify. Commonsense calls on us to eliminate

this cumbersome constitutional anachronism.

The last lameduck congressional session should have taught us a lesson. These sessions rarely accomplish much. Filibusters, parliamentary maneuvers and other delaying tactics abound as minority coalitions wait out the limited session in hopes of more favorable coalitions in the new Congress. The executive branch is also hampered by a lameduck stewardship. We all recall the final days of the hostage crisis in Iran, when seemingly neither the President nor the President-elect could act with the full power of the Presidency.

Furthermore, this proposal would make the Constitution more responsive to the American people it serves. The reform translates into a speedier implementation of the people's will. Currently, lameduck legislators who are no longer beholden to their constituents can act on important national issues while newly elected Members of Congress who have received a popular mandate wait in the wings.

Another constitutional reform in the making would harmonize well with this proposal. Recently, I joined with Senator PRYOR and many of my colleagues to sponsor Senate Joint Resolution 17, which would abolish the electoral college and provide for direct election of the President. The elimination of the charade of convening the electoral college would get rid of another justification for delaying inauguration.

These proposals come at an opportune time. As we approach the bicentennial of our Constitution, we will, I hope, gain a greater appreciation of how our fundamental document has survived two centuries. At the same time, our attention will be focused on those provisions of the Constitution which no longer serve us well. This is the year for Congress to recognize that the purposes behind the lameduck hiatus and the electoral college have long since faded into antiquity. This is the time to rid the Constitution of useless anachronisms while also insuring a more democractic and responsive electoral process. We should be grateful to the senior Senator from Rhode Island and the junior Senator from Arkansas for their initiative, and call on my colleagues to support these simple steps to bring our Constitution up to date.●

By Mr. EAGLETON (for himself and Mr. PROXMIRE):

S.J. Res. 72. A joint resolution proposing an amendment to the Constitution of the United States with respect to the eligibility of naturalized U.S. citizens to become President or Vice President; to the Committee on the Judiciary.

CONSTITUTIONAL AMENDMENT

● Mr. EAGLETON. Mr. President, I am introducing today a resolution which would amend the Constitution to enable naturalized U.S. citizens to be eligible to become President or Vice President of the United States.

The Constitution presently provides, in article II, section 1, clause 5, that "no person except a natural born Citizen, * * * shall be eligible to the Office of the President." While the original text of the Constitution was silent on the question of whether the Vice President must be a citizen born in the United States, the 12th amendment specifically resolved the issue in its final sentence: "But no person constitutionally ineligible to the Office of President shall be eligible to that of Vice President of the United States."

The constitutional amendment which I offer today would permit naturalized U.S. citizens, who had been citizens of the United States for 11 years, to be eligible to hold the offices of President or Vice President, assuming they satisfied the other constitutional requirements for the office.

The origins of the present constitutional provision are interesting. One student of the issue has concluded:

> The deliberations of the Constitutional Convention of 1787 furnish no clues to the underlying purpose . . . No explanation of the origin or purpose of the presidential qualification clause appears anywhere in the recorded deliberations of the Convention.
>
> Charles Gordon, "Who Can Be President of the United States: The Unresolved Enigma", Maryland Law Review, vol. XXVIII Winter 1968, pp. 3-4.

The best guess of scholars is that the language was placed in the Constitution by a drafting committee in response to a letter sent by John Jay to George Washington, and probably to other delegates, on July 25, 1787, which stated:

> Permit me to hint, whether it would be wise and seasonable to provide a strong check to the admission of foreigners into the administration of our national government and to declare expressly that the Commander in Chief of the American army shall not be given to, nor devolve on, any but a natural born citizen.

According to Mr. Gordon and several noted historians, Jay's letter may have been "motivated by distrust of Baron Von Steuben, who had served valiantly in the Revolutionary Forces, but whose subsequent loyalty was suspected by Jay." They also offer another theory—that Jay's letter—and the constitutional provision which seems to have resulted—may have responded to rumors that the Convention was actually preparing to recommend a monarchy to be ruled by a foreign monarch.

This brief history confirms my intuitive belief that the constitutional provision which absolutely bars U.S. citizens from becoming President or Vice President, simply because they were born in a foreign country, is an anachronism. It was an understandable part of the Constitution in a new nation trying to establish a republic, a nation which had fresh and vivid memories of fighting for its independence against a foreign foe. But whatever fears prompted it, they have no place in the United States nearly 200 years later.

Today, as we approach the 200th anniversary of the Constitution, we should be concerned instead about the unfairness of a provision which denies to some of our citizens the opportunity to aspire to the Nation's highest offices. We should be concerned about a provision which says, in essence, that we are not self-confident enough as a nation to leave the choice of President and Vice President to our citizens, without imposing arbitrary bars on those who are eligible. We should also be embarrassed by the continued existence of such a provision given the historic contributions made in all fields of endeavor by foreign-born citizens since the time the Republic was founded.

Concern about the inequity of this constitutional provision has surfaced periodically in the past. According to the Library of Congress, an amendment like the one I propose today was first offered by Congressman Keogh on November 18, 1947. From 1971 to 1974, the accomplishments and prominence of Henry Kissinger prompted several Members of the House and Senate to offer resolutions to amend the Constitution to permit naturalized citizens to be President. The Members of Congress who cosponsored those resolutions in the early 1970's were not endorsing Secretary Kissinger for President; some of them were vehemently opposed to many of the policies pursued by President Nixon and Secretary Kissinger. But his prominence and accomplishments caused Members to question the basic fairness and wisdom of the constitutional provision.

What triggered my thinking in this direction was my admiration for the intellect and skills of Felix Rohatyn, the New York investment banker widely credited with engineering the financial rescue of New York City, who was born in Austria. Other people on the current scene who might strike voters as qualified by experience to be President or Vice President, but who are barred by the Constitution because of their foreign birth, include Dr. Kissinger, born in Germany; noted Harvard economist John Kenneth Galbraith, born in Canada; outgoing president of the United Auto Workers, Douglas Fraser, born in Scotland; former Treasury Secretary Michael Blumenthal, born in Germany; and our colleague Senator RUDY BOSCHWITZ, born in Germany.

But even if no name came readily to mind, there is still no justification for barring an entire class of citizens from the chance of becoming President or Vice President, without regard for their accomplishments or qualifications, simply because of where they were born. No similar arbitrary prohibition applies to service in Congress or the Cabinet or the Supreme Court.

My proposed amendment would make all U.S. citizens eligible to be President or Vice President once they had been U.S. citizens for 11 years. The Constitution currently requires Members of the House to be U.S. citizens for 7 years, and Members of the Senate to be citizens for 9 years.

I am pleased that Senator PROXMIRE has joined me in cosponsoring this resolution. He was far ahead of me in his thinking on this matter, having joined with former Senator Fong of Hawaii and six other Senators to offer a similar resolution in 1971. Later that year, Clark Clifford, one of the most distinguished Americans of our time, was testifying before Senator Fong on another matter, and Senator Fong questioned him about the proposed constitutional amendment. Mr. Clifford's response is worth repeating:

I have never understood why it was in our Constitution in the first place. It seems curious to me and its seems undemocratic, but our forefathers obviously had some concept in mind, after their differences for so long with George III . . . But it seems to me that as the history of our country progresses, it becomes increasingly difficult to understand it. The United States is regarded as the melting pot of the world and we have received a great deal of our strength from other peoples who came to us seeking democracy and seeking relief from persecution in their own country. Why we should have maintained this clause all of these years, I do not know. I am opposed to it. I would like to see it removed.

I share those sentiments entirely, and I hope that this resolution will prove to be an idea whose time has come.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in full in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 72

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"A person who is a naturalized citizen of the United States and who is otherwise eligible to hold the office of the President or Vice President shall be eligible to hold such offices after being a United States citizen for eleven years."●

ADDITIONAL COSPONSORS

S. 137

At the request of Mr. ROTH, the names of the Senator from Arizona (Mr. DECONCINI) and the Senator from North Dakota (Mr. ANDREWS) were added as cosponsors of S. 137, a bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued.

S. 249

At the request of Mr. PACKWOOD, the names of the Senator from North Dakota (Mr. ANDREWS), the Senator from Virginia (Mr. TRIBLE), the Senator from Arkansas (Mr. PRYOR), and the Senator from North Dakota (Mr. BURDICK) were added as cosponsors of S. 249, a bill entitled the "Employee Educational Assistance Extension Act."

S. 269

At the request of Mr. MCCLURE, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 269, a bill to provide for the disposal of silver from the national defense stockpile through the issuance of silver coins.

S. 371

At the request of Mr. SASSER, the name of the Senator from Illinois (Mr. DIXON) was added as a cosponsor of S. 371, a bill to amend the Internal Revenue Code of 1954 to provide for a credit against tax with respect to the employment of certain unemployed individuals.

S. 374

At the request of Mr. SPECTER, the name of the Senator from Kentucky (Mr. HUDDLESTON) was added as a cosponsor of S. 374, a bill to amend title 38, United States Code, to provide a presumption of service connection for the occurrence of certain diseases in veterans who were exposed to phenoxy herbicides while serving in the armed services in Southeast Asia during the Vietnam era.

S. 450

At the request of Mr. PRYOR, the names of the Senator from Minnesota (Mr. DURENBERGER), the Senator from North Dakota (Mr. ANDREWS), and the Senator from Arkansas (Mr. BUMPERS) were added as cosponsors of S. 450, a bill to amend title 39, United States Code, to strengthen the investigatory and enforcement powers of the Postal Service by authorizing certain inspection authority and by providing for civil penalties for violations of orders under section 3005 of such title (pertaining to schemes for obtaining money by false representation or lotteries), and for other purposes.

S. 554

At the request of Mr. PELL, the name of the Senator from Pennsylvania (Mr. HEINZ) was added as a cosponsor of S. 554, a bill to authorize the Secretary of Education to provide financial assistance to States for the training and retraining of older Americans.

S. 591

At the request of Mr. INOUYE, the names of the Senator from Hawaii (Mr. MATSUNAGA) and the Senator from Arizona (Mr. GOLDWATER) were added as cosponsors of S. 591, a bill to amend the Internal Revenue Code of 1954 to provide a mechanism for taxpayers to designate $1 of any overpayment of income tax, and to contribute other amounts, for use by the United States Olympic Committee.

S. 593

At the request of Mr. INOUYE, the name of the Senator from Wyoming (Mr. WALLOP) was added as a cosponsor of S. 593, a bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to permit distribution of certain State inspected meat and poultry products, and for other purposes.

S. 669

At the request of Mr. HATFIELD, the name of the Senator from Idaho (Mr. SYMMS) was added as a cosponsor of S. 669, a bill to authorize the construction of a project for navigation at the Bonneville lock and dam, Oregon and Washington.

S. 671

At the request of Mr. MCCLURE, the names of the Senator from Utah (Mr. GARN) and the Senator from Vermont (Mr. STAFFORD) were added as cosponsors of S. 671, a bill to authorize a national program to encourage dam safety.

S. 693

At the request of Mr. HUMPHREY, the names of the Senator from South Carolina (Mr. THURMOND), the Senator from North Carolina (Mr. HELMS), the Senator from Colorado (Mr. ARMSTRONG), and the Senator from Michigan (Mr. RIEGLE) were added as cosponsors of S. 693, a bill to amend title 23, United States Code, to remove the limitation on the use of materials produced by convict labor in construction of the Federal-aid highway system.

S. 858

At the request of Mr. THURMOND, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Pennsylvania (Mr. HEINZ), the Senator from Oklahoma (Mr. BOREN), the Senator from Illinois (Mr. PERCY), and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 858, a bill to recognize the organization known as the National Association of State Directors of Veterans Affairs, Incorporated.

S. 859

At the request of Mr. THURMOND, the names of the Senator from Iowa (Mr. GRASSLEY), and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 859, a bill to amend title 38, United States Code, to require the

continued payment of disability compensation at an unreduced rate pending review and appeal of a determination to reduce or discontinue such compensation by reason of a change in service-connected or employability status or in physical condition in the case of any veteran whose disability has been rated as total for a period of at least 10 years ending on the date such determination was made, who files a statement of disagreement with such determination, and who requests such continued payment, and for other purposes.

S. 863

At the request of Mr. BOSCHWITZ, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 863, a bill entitled "The Enterprise Zone Employment and Development Act of 1983."

S. 872

At the request of Mr. LUGAR, the names of the Senator from Texas (Mr. TOWER), the Senator from Kansas (Mr. DOLE), and the Senator from Arizona (Mr. GOLDWATER) were withdrawn as cosponsors of S. 872, a bill to establish an ocean and coastal resources management fund from which coastal States shall receive grants, and for other purposes.

S. 873

At the request of Mr. LUGAR, the names of the Senator from Texas (Mr. TOWER), the Senator from Kansas (Mr. DOLE), and the Senator from Arizona (Mr. GOLDWATER) were added as cosponsors of S. 873, a bill to help insure the Nation's independent factual knowledge of the Soviet Union and Eastern European countries, to help maintain the national capability for advanced research and training on which that knowledge depends, and to provide partial financial support for national programs to serve both purposes.

S. 874

At the request of Mr. KENNEDY, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 874, a bill to provide for a program for the improvement of instruction in mathematics and science, and for other purposes.

S. 891

At the request of Mr. CHAFEE, the name of the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 891, a bill to develop additional procedures for Federal land sales.

SENATE JOINT RESOLUTION 4

At the request of Mr. GARN, the names of the Senator from Nevada (Mr. LAXALT), the Senator from Wisconsin (Mr. KASTEN), the Senator from New Hampshire (Mr. HUMPHREY), the Senator from Florida (Mrs. HAWKINS), the Senator from Kentucky (Mr. HUDDLESTON), and the Senator from Idaho (Mr. SYMMS) were added as cosponsors of Senate Joint Resolution 4, a joint resolution proposing an amendment to the Constitution of the United States for the protection of unborn children and other persons.

SENATE JOINT RESOLUTION 11

At the request of Mr. ROTH, the name of the Senator from Texas (Mr. BENTSEN) was added as a cosponsor of Senate Joint Resolution 11, a joint resolution entitled "National Safety in the Workplace Week."

SENATE JOINT RESOLUTION 31

At the request of Mr. THURMOND, the names of the Senator from Virginia (Mr. WARNER), the Senator from Mississippi (Mr. COCHRAN), and the Senator from Illinois (Mr. DIXON) were added as cosponsors of Senate Joint Resolution 31, a joint resolution to authorize and request the President to designate April 23, 1983, as "Army Reserve Day."

SENATE JOINT RESOLUTION 36

At the request of Mr. PRYOR, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of Senate Joint Resolution 36, a joint resolution designating April 29, 1983 as "National Nursing Home Residents Day."

SENATE JOINT RESOLUTION 58

At the request of Mrs. HAWKINS, the name of the Senator from South Carolina (Mr. THURMOND) and the Senator from Indiana (Mr. QUAYLE) were added as cosponsors of Senate Joint Resolution 58, a joint resolution to authorize and request the President to designate May 25, 1983, as "Missing Children Day."

SENATE JOINT RESOLUTION 62

At the request of Mr. MATHIAS, the name of the Senator from Arizona (Mr. GOLDWATER) was added as a cosponsor of Senate Joint Resolution 62, a joint resolution to provide for the designation of the week beginning on May 15, 1983, as "National Parkinson's Disease Week."

SENATE JOINT RESOLUTION 43

At the request of Mr. PRESSLER, the name of the Senator from New York (Mr. D'AMATO) was withdrawn as a cosponsor of Senate Joint Resolution 43, a resolution expressing the sense of the Senate that the President of the United States invite the Soviet Union to negotiate a verifiable ban on antisatellite weapons as a first step toward prohibiting all space-based and space-directed weapons.

AMENDMENT NO. 512

At the request of Mr. LONG, the name of the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of amendment No. 512 intended to be proposed to S. 1, a bill to implement the consensus recommendations of the National Commission on Social Security Reform.

AMENDMENT NO. 535

At the request of Mr. BAUCUS, the names of the Senator from Minnesota (Mr. DURENBERGER), and the Senator from Minnesota (Mr. BOSCHWITZ) were added as cosponsors of amendment No. 535 proposed to H.R. 1900, a bill to assure the solvency of the social security trust funds, to reform the medicare reimbursements of hospitals, to extend the Federal supplemental compensation program, and for other purposes.

UP AMENDMENT NO. 126

At the request of Mr. LONG, the names of the Senator from Maryland (Mr. MATHIAS) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of UP amendment No. 126 proposed to H.R. 1900, a bill to assure the solvency of the social security trust funds, to reform the medicare reimbursement of hospitals, to extend the Federal supplemental compensation program, and for other purposes.

SENATE CONCURRENT RESOLUTION 20—CORRECTING THE ENROLLMENT OF H.R. 1718

Mr. BAKER (for Mr. HATFIELD) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 20

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (H.R. 1718) entitled "An Act making appropriations to provide productive employment for hundreds of thousands of jobless Americans, to hasten or initiate Federal projects and construction of lasting value to the Nation and its citizens, and to provide humanitarian assistance to the indigent for fiscal year 1983, and for other purposes", the Clerk of the House of Representatives is hereby authorized and directed, in the enrollment of the said bill, to make the following corrections, namely, after the word "unemployment" in paragraph (a)(1) in section 101, insert a comma; and at the end of section 101, insert the following:

"(e) Notwithstanding any other provision of law, the head of each Federal agency to which appropriations are made under this title, with respect to project grants or project contracts in this section, shall expedite final approval of projects in areas of high unemployment, labor surplus areas, or in political units or in pockets of poverty that are currently or should meet the criteria to be eligible under the Urban Development Action Grant program administered by the Department of Housing and Urban Development in order to allocate sums as required by this section. Nothing required by this section shall impede the rapid expenditure of funds under this section.

"(f) Notwithstanding any other provision of law, any agency rulemaking proceeding couducted in order to implement the provisions of this title shall be conducted expeditiously, and in no case shall an agency hearing on the record be required.".

SENATE CONCURRENT RESOLUTION 21—RELATING TO ADMINISTRATION OF TITLE X OF THE PUBLIC HEALTH SERVICE ACT

Mr. COHEN (for himself, Mr. PACKWOOD, Mr. HOLLINGS, and Mr. BRADLEY) submitted the following concurrent resolution; which was referred to the Committee on Labor and Human Resources:

S. CON. RES. 21

Whereas there is a long tradition of bipartisan support in the Congress for the provision of voluntary family planning services as a means to enhance the health of women and children and to prevent unintended pregnancy, childbearing, and abortion;

Whereas the nationwide system of family planning clinics is supported primarily under title X of the Public Health Service Act;

Whereas in 1980, the national family planning program provided family planning information and medical services, as well as other basic preventive health care services, to 4,600,000 women, including teenagers;

Whereas the national family planning program has helped improve the health of women and children and has contributed to the steady decline in maternal and infant mortality;

Whereas in 1981, the national family planning program was directly responsible for averting an estimated 814,000 unintended pregnancies, including 423,000 pregnancies among teenagers, and thereby avoiding 281,600 unintended births, 431,700 abortions, and 100,700 miscarriages;

Whereas the national family planning program has been highly cost-effective, saving $2 in short-term public health and welfare costs for every $1 spent;

Whereas for the past 12 years, the effective professional administration of the title X program as a basic preventive health program, and the administration of such program with other major Federal health programs in the Health Resources and Services Administration of the Department of Health and Human Services, have been integral to the accomplishments of the title X program;

Whereas repeated Government audits have confirmed that the title X program has consistently been administered in accordance with congressional intent; and

Whereas the January 7, 1983, reorganization by the Secretary of Health and Human Services of the administration of the title X program isolates the program from related major Federal health care service delivery programs and jeopardizes the effectiveness of the title X program: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the family planning program under title X of the Public Health Service Act should be administered by the Health Resources and Services Administration of the Department of Health and Human Services.

Mr. COHEN. Mr. President, today I am submitting a concurrent resolution expressing the sense of the Congress that the family planning program under title X of the Public Health Service Act should be administered by the Health Resources and Services Administration of the Department of Health and Human Services. This concurrent resolution seeks to reverse the recent reorganization of this critical preventive health program and restore the adminstration of the program to the hands of Public Health Service professionals. I want to thank Senators HOLLINGS, BRADLEY, and PACKWOOD for joining me in this effort.

For nearly two decades, the Federal Government has been committed to family planning programs out of concern for the fundamental health of all people and the pressing growth of the world's population. Although intense debate among Members of Congress over the issue of abortion continues, we are united in our desire to prevent the need for abortion. The title X family planning program provides us with the means to achieve that end, as well as to reduce unintended childbearing and the often wrenching consequences imposed on the individuals involved and their families. For these reasons, family planning has enjoyed a long tradition of solid, bipartisan support.

Because of the steady commitment to family planning, we have made a great deal of progress. In 1980, the national family planning program, supported primarily under title X of the Public Health Service Act, provided 4.6 million individuals access to safe and effective family planning services, along with basic preventive health care. These services, provided at over 5,000 clinics around the country, have helped women and men plan for the children they want and avoid recourse to abortions. Most of the women served had low or marginal income, 26 percent were black and 1.5 million were teenagers.

According to a study by the Alan Guttmacher Institute, an estimated 814,000 unintended pregnancies, including 423,000 among teenagers, were averted in 1981 as a result of the family planning services provided. These pregnancies would likely have resulted in 281,000 unintended births, 431,700 abortions and 100,700 miscarriages.

In addition to the primary benefits individuals and families receive from family planning care, there are also benefits to society. According to a federally funded study, each Government dollar invested in family planning this year saves $2 in the next year alone in health and welfare costs associated with unintended childbearing.

The family planning program is one of our basic preventive health programs. It is widely recognized that family planning contributes to maternal and child health by assisting couples time and space births. A 1976 study of infant mortality in Maryland showed the greatest decline in nonwhite infant mortality in those counties that had made the most progress in offering family planning services.

The link between family planning and improved maternal and child health has been recognized at both the State and national level. The 1980 Select Panel for the Promotion of Child Health designated family planning as one of three essential services:

For which there is such a clear consensus regarding their effectiveness and importance to good health, that it should no longer be considered acceptable that an individual is denied access to them for any reason.

The effective professional administration of the family planning program during its first 12 years of existence is responsible, at least in part, for the program's many accomplishments and success in promoting the public health and welfare. Until January of this year, career public health professionals in the Bureau of Health Care Delivery and Assistance, and its predecessors, in the Health Resources and Services Administration managed the family planning program alongside other major health service programs.

On January 7, former Secretary of the Department of Health and Human Services, Richard Schweiker, approved a reorganization within the Department which has removed the family planning program from the jurisdiction of career public health professionals and placed it directly under the Deputy Assistance Secretary for Population Affairs, a political appointee.

The family planning program has a long record of effective management by public health professionals. Government audits have repeatedly shown the program to be administered in accordance with congressional intent. My colleagues and I, in introducing this resolution, are seeking to insure that title X will be administered, as it has in the past, as an important preventive health care program and that it will not fall victim to the rise and fall of political tides.

It is our hope that the new Secretary of Health and Human Services will act expeditiously on this resolution, which has also been introduced in the House. I urge my colleagues to join me in supporting this measure.

Mr. BRADLEY. Mr. President, I am pleased today to join with Senator COHEN in submitting a concurrent resolution expressing the sense of the Congress that the national family planning program under title X of the Public Health Service Act should be administered as the health issue it properly is by the experienced career professionals in the Health Resources and Services Administration of the Department of Health and Human Services.

Throughout the 12-year existence of the national family planning program, it has received strong bipartisan support in the Congress because of its extreme importance as a primary preven-

tive health care services program. This program has demonstrated its worth many times over, preventing unintended pregnancies among low-income women and teenagers, unintended births and abortions in record numbers for exceedingly small financial costs. As the resolution itself points out, the title X program was directly responsible for averting an estimated 814,000 unintended pregnancies in 1981 alone, thus avoiding 281,600 unintended births, 413,700 abortions, and 100,700 miscarriages.

The success of this program is due in great part to the effective professional administration it has had in the past, an administration which has focused solely on assisting individuals plan and build families at appropriate times in their lives. This program, which often is the first entry point for low-income women and teenagers into the Nation's health care system, has consistently been run purely as a medical services program devoted to providing the highest quality comprehensive family planning and reproductive health care services possible.

Unfortunately, the title X program was recently transferred out of the hands of those who have capably administered it throughout its history and placed under the guidance of a political appointee who not only lacks a commitment to family planning services, but who lacks experience in the delivery of health-care services such as family planning. That is not acceptable. Further, it is not acceptable that this basic health care service program be buffeted by political winds. For 12 years the program has enjoyed strong support by Republicans and Democrats alike, conservative and liberal. It is imperative that the program continue to be run professionally and without political interference.

Thus, I urge my colleagues in the Senate to join with Senator COHEN and me and those in the House of Representatives who are supporting this concurrent resolution.

Mr. HOLLINGS. Mr. President, there is perhaps nothing more basic and less political than the concept that our citizens deserve the highest quality and most comprehensive preventive health care services. But it is also a basic, nondebatable principle that in these times our citizens' access to federally supported preventive health care services is limited by what the Government can afford to provide. Thus, Mr. President, to maximize the services provided by constricted budgets and to insure that services provided that service provision is cost effective, it is imperative that the preventive health care services programs this Government funds be administered by highly qualified and experienced professionals.

One of our most successful, efficiently administered and cost-effective preventive health care programs is the national family planning program under title X of the Public Health Service Act. It is in great part due to the competence of the skilled professionals who have administered this program for the past 12 years in the Health Services Administration of the Department of Health and Human Services that millions of low-income women and teenagers have avoided the tragedy of intended pregnancies and unintended births, and most particularly the tragedy of abortion. Instead, these women and teenagers have received the best comprehensive medical care and other family planning and reproductive health care services possible in an extremely cost-effective setting. In fact, for every $1 Government spends on this program, $2 is saved in short-term public health and welfare costs.

Therefore, Mr. President, I am deeply concerned that this program continue to be run in a professional manner by experienced administrators who can continue its record of cost-effective provision of family planning medical, educational, and counseling services. To politicize this program would be to harm its integrity and prevent it from carrying out its congressionally mandated tasks. Unfortunately, a political appointee without any experience in administering such a large and important preventive health care program has recently been placed in charge of the day-to-day operations of the family planning program. And that transfer of responsibility for the title X program from professionals to novices threatens the operation of the program and the welfare of the low-income women and teenagers so dependent upon it.

The title X family planning program, Mr. President, has from its inception received strong bipartisan support from the Congress. The bipartisan support exists because the family planning program has proven itself to be effective, to be cost efficient, and, as repeated audits have shown, to be above reproach in its administration of congressionally appropriated funds. Most importantly, Republicans and Democrats have both supported the title X program because it averts the destructive effects generated by unintended pregnancies and abortions and enhances the ability of individuals to have happy and healthy children and families.

It is in that tradition of bipartisan support that I join Senators COHEN, BRADLEY, and PACKWOOD in introducing this concurrent resolution which expresses the sense of the Congress that the national family planning program must continue to be run by career professionals and must not be permitted to become politicized. Political interference with this most important preventive health care program cannot be tolerated. It is unfortunate, Mr. President, that political interference has already occurred, interference which forced my own State of South Carolina to go to court in one case recently. I urge my colleagues to join with us and those of the House of Representatives who are supporting this concurrent resolution to demonstrate Congress desire that the administration of the family planning program revert to the realm of professionals in the Health Resources and Services Administration from its location under the purview of inexperienced politicians.

Mr. PACKWOOD. Mr. President, I am pleased to join Senators COHEN, HOLLINGS, and BRADLEY as cosponsor of a concurrent resolution expressing the sense of Congress that the family planning program under title X of the Public Health Services Act should be administered by the Health Resources and Services Administration of the Department of Health and Human Services. This concurrent resolution seeks to reverse the reorganization plan implemented by the Department in January of this year, restoring the jurisdiction of the family planning program to Public Health Service professionals. The effective administration of this preventative health program is crucial in averting unintended childbearing among poor, minority, and teenage women in this Nation.

Title X of the Public Health Service Act was enacted in 1970 to enable all Americans, particularly those who have difficulty in obtaining services for financial or other reasons, to receive voluntary family planning information and medical services, as well as other preventative health care. In 1980, 4.6 million women, including 1.5 million teenagers, received these services, making the program the Nation's major vehicle for the prevention of abortion and unintended childbearing, particularly among teenagers. In 1981, the national family planning program was directly responsible for averting an estimated 814,000 unintended pregnancies, including 423,000 pregnancies among teenagers.

Regardless of the proven success of the title X family planning program and its obvious benefit to women who cannot afford private services, the implemented reorganization plan seeks to jeopardize its effectiveness by isolating the program from related major Federal health care service delivery programs and by removing it from the jurisdiction of career public health professionals. Presently, the family planning program is under the direct control of the Deputy Assistant Secretary for Population Affairs, Marjory Mecklenburg, a political appointee who has advocated highly controversial family planning policies, including abolishment of service delivery im-

provements, consolidation of grant awards, and total separation of abortion services from other family planning services. Further, Ms. Mecklenburg is considered the chief architect of the parental notification regulation recently enjoined by a Federal court.

For 12 years, the title X family planning program has been effectively administered as a basic preventative health program within the Health Resources and Services Administration. The administration of this program with other major Federal health programs has been integral to its accomplishments.

The purpose of this resolution is to recognize and uphold the accomplishments of the family planning program by restoring it to its original jurisdiction within the Department of Health and Human Services. I urge my colleagues to support this measure.

SENATE RESOLUTION 96—REFERRING THE BILL S. 913 TO THE COURT OF CLAIMS

Mrs. KASSEBAUM submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 96

Resolved, That S. 913 entitled "A bill for the relief of Mildred C. Eide of Leavenworth, Kansas" now pending in the Senate, together with all the accompanying papers, is referred to the chief judge of the United States Claims court. The chief judge shall proceed according to the provisions of sections 1492 and 2509 of title 28, United States Code, and report back to the Senate, at the earliest practicable date, giving such findings of fact and conclusions that are sufficient to inform the Congress of the nature and character of the demand as a legal or equitable claim against the United States or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimant.

AMENDMENTS SUBMITTED FOR PRINTING

FOREIGN ASSISTANCE AUTHORIZATION

AMENDMENT NO. 537

(Ordered to be printed and referred to the Committee on Foreign Relations.)

Mr. PELL submitted an amendment intended to be proposed by him to the bill (S. 637) to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to authorize security and development assistance programs for fiscal years 1984 and 1985, and for other purposes.

DEFENSE PROCUREMENT AUTHORIZATION

AMENDMENT NO. 538

(Ordered to be printed and referred to the Committee on Armed Services.)

Mr. CRANSTON (for himself and Mr. QUAYLE) submitted the amendment intended to be proposed by them to the bill (S. 675) to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, and for other purposes.

AMENDMENT NO. 538 TO S. 675

Mr. CRANSTON. Mr. President, on behalf of my distinguished colleague from Indiana (Mr. QUAYLE) and myself, I am today submitting for printing and appropriate referral, an amendment to S. 675, the proposed Department of Defense Authorization Act, 1984. The purpose of this amendment is to clarify the continuing responsibility of the Department of Defense to provide funding for the payment and administration of benefits to certain surviving spouses and children of deceased military personnel.

Last year, the Senate adopted an amendment that Senator QUAYLE and I proposed to the second continuing resolution, and our amendment was signed into law on December 21, 1982, as section 156 of the fiscal year 1983 continuing resolution, Public Law 97-377. Our amendment derived from the provisions of a measure I introduced, S. 2585, the proposed Military Widows and Surviving Children Benefits Restoration Act, and was substantively identical to section 601 of S. 2936, the proposed Uniformed Services Pay Act of 1982, as reported by the Armed Services Committee, which resulted from an amendment Senator QUAYLE offered in committee on September 14, 1982.

Section 156 of Public Law 97-377 restores those social security survivors' benefits that would, but for the enactment of the Omnibus Budget Reconciliation Act of 1981 on August 13, 1981, have been paid to the surviving spouses and children of certain deceased military personnel. It provides for restoration of these benefits to survivors of those who died on active duty prior to August 13, 1981, or who died later as a result of a service-connected disability incurred or aggravated before August 13, 1981. These benefits are to be paid for months following the month of enactment—that is, beginning with January 1983. The legislation specifically provides that for fiscal year 1983 the Department of Defense is responsible for funding the benefit payment and administrative expenses from the retired pay, defense account.

Section 156 further provides, in order to facilitate administration of the benefit payments, that the President shall designate the agency that will administer—as opposed to fund—these benefits. Mr. President, we have recently learned that the administration intends to designate the Veterans' Administration as this agency.

Mr. President, it appears that some concern could develop with respect to which agency will be responsible for providing the actual funding for these benefits beyond fiscal year 1983. Although, as I have noted, the law specifies DOD funding in fiscal year 1983, it does not specify how such benefits are to be funded beyond the current fiscal year.

We do not believe that there is substantial ambiguity as to the continuing responsibility of the Department of Defense to provide the funding since the legislative history is quite clear in that respect. Moreover, in this regard, we wrote to OMB Director David Stockman on February 7, 1983, setting forth our position. I ask unanimous consent that a copy of our letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMMITTEE ON VETERANS' AFFAIRS,
Washington, D.C., February 7, 1983.

Hon. DAVID A. STOCKMAN,
Director, Office of Management and Budget, Executive Office Building, Washington, D.C.

DEAR DAVE: We are writing in connection with the provisions of the Continuing Resolution (Public Law 97-377) establishing a system of benefits for certain surviving spouses and children of deceased military personnel as a replacement for certain Social Security benefits which were terminated by the enactment of sections 2204 and 2210 of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35) on August 13, 1981. As you may recall, these new benefit provisions were enacted as a result of an amendment we and others offered during the Senate's consideration of the Continuing Resolution. The provision enacted was an almost verbatim version of section 601 of S. 2936, the proposed "Uniformed Services Pay Act of 1982", as reported by the Committee on Armed Services on September 21, 1982.

Section 156(f) of Public Law 97-377 provides that the new benefits are to be paid for months beginning after the month in which the law is enacted, thereby creating an entitlement to benefits beginning in January 1983. However, we understand that no decisions have yet been reached as to how to implement the provisions or as to which agency will be designated by the President to be responsible for the actual payment and adminstration of benefits. In light of the need to move forward promptly to restore the lost assistance, we urge you to take steps immediately to resolve the issues relating to implementation of these provisions.

In addition, we are concerned by reports that some confusion has developed with respect to which agency will be responsible for providing the actual funding for these benefits beyond fiscal year 1983. The legislation specifically provides that for fiscal year 1983 the Department of Defense is responsible for funding the benefits from the "Retired Pay, Defense" account. Since the law does not specify how such benefits are to be

funded beyond this fiscal year, some have questioned whether the administering agency might be "stuck" with future funding responsibility. Such a risk could understandably create some reluctance on the part of other agencies to assume responsibility for benefit administration.

In this connection, we hope you will agree that there should be no ambiguity on this score. All of the legislative history surrounding enactment of this provision makes clear that continued funding is the responsibility of the Defense Department. The Armed Services Committee's Report on S. 2936 (S. Rept. No. 97-565) states at page 25:

"The provisions recommended by the committee requires the Department of Defense to fund the restoration of these two benefits."

Our floor statements at the time we presented this amendment to the Senate on December 16, 1982 (CONGRESSIONAL RECORD, 31430-35, daily ed.), echo this congressional intent that the Defense Department would be the continuing source for the funding of these benefits. Likewise, President Reagan's October 29, 1982, letter to the Chairman of the House Veterans' Affairs Committee, G.V. Montgomery, notes: "The program would be funded by the Department of Defense. . . ." Additionally, we have been advised by the Defense Department that the President's fiscal year 1984 Budget requests funds to be appropriated to the Department of Defense for this program.

Thus, there should be no confusion in the Executive Branch as to the continuing responsibility of the Department of Defense for funding these benefits. In order to allay any misconceptions regarding this matter, however, we urge that in implementing this provision the President specifically direct that any interagency agreement developed expressly state the Department of Defense's continuing responsibility. This should help put to rest any misapprehensions that the administering agency could become responsible for providing the funding.

Finally, in order to clarify this situation further, we are preparing a technical amendment to the provisions in section 156 of Public Law 97-377 in order to make permanent reference to the Department of Defense's continuing funding responsibility. Your support of this amendment would be much appreciated.

We appreciate your attention to this matter and look forward to hearing from you at your earliest convenience.

Sincerely,

ALAN CRANSTON,

Mr. CRANSTON. Mr. President, although we have not yet received a response to this letter, in a March 7, 1983, letter to the chairman of the Senate Veterans' Affairs Committee (Mr. SIMPSON), Mr. Stockman stated:

I would like to assure you that the Administration unequivocally intends that the funding of benefit payments and the administrative expenses for this program remain in the budget of the Department of Defense. Funds for this purpose are being requested in the fiscal year 1984 Defense budget, and outyear estimates for DOD include funds for this purpose.

We appreciate the very clear statement by Mr. Stockman, but we believe any possible ambiguity regarding this matter should be resolved legislatively and permanently. The enactment of the amendment we are submitting today will allay any possible misconceptions that could arise in the future.

Mr. President, I ask unanimous consent that the text of our amendment be printed in the RECORD at this point.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

On page 16, after line 5, insert the following new section:

CLARIFICATION OF CONTINUING RESPONSIBILITY FOR FUNDING OF CERTAIN SURVIVORS' BENEFITS

SEC. 803. Section 156(g)(1) of Public Law 97-377 is amended—

(1) by striking out "fiscal year 1983" and inserting in lieu thereof "each fiscal year";

(2) by striking out "from the 'Retired Pay, Defense' account of the Department of Defense"; and

(3) by inserting between the first and second sentences the following: "During fiscal year 1983, transfers under this subsection shall be made from the 'Retired Pay, Defense' account of the Department of Defense. During subsequent fiscal years, such transfers shall be made from such account or from funds otherwise available to the Secretary for the purpose of the payment of such benefits and expenses.".

NOTICES OF HEARINGS

SUBCOMMITTEE ON LABOR

Mr. NICKLES. Mr. President, the Subcommittee on Labor announces that the hearing scheduled for April 7, 1983, regarding the current health and future prospects of defined benefit pension plans, has been canceled.

Mr. President, the Subcommittee on Labor will hold 2 days of hearings on June 14 and 16, 1983, at 9:30 a.m., in room SD430 of the Dirksen Senate Office Building, on the Labor-Management Reporting and Disclosure Act, commonly known as the Landrum-Griffin Act. Those persons wishing to testify should submit written requests to Hon. DON NICKLES, chairman, Subcommittee on Labor, Washington, D.C. 20510. Requests to testify must be submitted no later than May 13. For further information, please contact Rick Lawson at 202-224-5546.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Committee on Energy and Natural Resources to continue consideration of S. 615, S. 60, S. 239, S. 291, S. 293, S. 370, and S. 689, pending natural gas legislation. The hearing will be held on Wednesday, April 6, beginning at 9:30 a.m. in room SD-106 of the Dirksen Senate Office Building. Testimony will be received from administration witnesses.

For further information regarding this hearing, please contact Mr. David Doane at 224-7144 or Mr. Howard Useem at 224-5205.

SUBCOMMITTEE ON NUTRITION

Mr. DOLE. Mr. President, I wish to announce that the Senate Agriculture Subcommittee on Nutrition will hold an oversight hearing on the nutritional status of low-income Americans in the 1980's on Wednesday, April 6. The subcommittee has invited the administration and public health experts to testify at the hearing.

The hearing will begin at 10 a.m., and will be held in room 328-A Russell Building.

Anyone wishing further information should contact the Agriculture Committee staff at 224-2035.

ADDITIONAL STATEMENTS

CONFERENCE REPORT ON H.R. 1718

● Mr. RIEGLE. I congratulate the chairman and the other members of the conference committee for bringing this conference to such a speedy conclusion. In reading the report of the conferees, I notice that you have directed the Secretary of HUD to waive certain regulatory provisions regarding the maintenance of effort of public services. I understand that this is to enable some cities to use some of these additional funds to forestall reductions in city work forces required to balance municipal budgets. Is my understanding correct?

Mr. HATFIELD. Yes, my distinguished colleague from Michigan is correct.

Mr. RIEGLE. As I read it, this report language is not intended to provide local governments with the license to use these additional funds for any purpose except those already eligible under the Housing and Community Development Act of 1974, as amended. Further, I assume that the conferees expect these funds to be used in conformance with all the other applicable statutory requirements of the act, including primary objective of the act, providing benefits to low- and moderate-income persons. Am I correct in these assumptions?

Mr. HATFIELD. The gentleman from Michigan is quite correct. The committee was trying to address a very specific problem brought to its attention by one of our very able members. However, we are not intending to convert these community development block grant funds into general revenue sharing funds. On the contrary, we would expect the HUD Secretary to require communities to apply for waivers of the regulatory language referred to in the report on an individual basis, and to continue to require communities to conform with the basic requirements of the Housing and Community Development Act. This is particularly true in regard to the target-

ing of expenditures, the emphasis on benefit to low- and moderate-income persons, and the provision of public services as specified in section 105(a)(8) of that statute.

Mr. RIEGLE. I thank the chairman for his remarks on this matter.●

PERSECUTION OF THE BAHA'IS IN IRAN

● Mr. DOLE. Mr. President, I rise today to call the Senate's attention to a dismal spectacle that is again unfolding in Iran. We left that sad nation with a sense of considerable relief that our hostages had finally left for freedom. And yet, there are those who must still live in Iran and bear witness to the continuing inhumanities of the Ayatollah Khomeini regime.

These people include the few and often persecuted members of the Baha'i religion. It seems that throughout their short history, the Baha'is have often been scapegoats. In the West, we have sad and recent evidence of an entire people being used as a scapegoat for the power mad, the fanatic, and the incompetent. It is a sad commentary on the authorities in Tehran that now the Baha'is are the targets of persecution again, a persecution that threatens the very lives of a number of these innocent people.

Mr. President, the Senator from Kansas has every faith that in time, Iran will again assume its rightful place among the civilized and contributing nations of the area and indeed of the world. The rich heritage of the fabled land of Persia cannot be simply stamped out entirely by the fanatics who are now in charge of that country. In time, that will pass, and I predict that once again Iran will be counted a great nation, rich in culture and with much to teach us all.

But that is of little comfort, Mr. President, to the innocent and the defenseless who are now filling in the ayatollan's prisons. I speak for the Baha'i because their suffering has been called to my particular attention. But let us not forget those many others, equally innocent and equally defenseless, who also are imprisoned there.

Mr. President, the Senator from Kansas was gratified to note that Assistant Secretary of State Elliott Abrams, in testimony before the Human Rights Subcommittee of the House Foreign Affairs Committee, specifically expressed his "profound dismay and alarm" with Iran's treatment of the Baha'is. Mr. Abrams also called attention to the 22 Baha'is who had been sentenced to death by the ayatollah's courts. I understand that three of those condemned persons have already been hanged. I join him in hoping that further executions will not take place and that the authorities in Iran, consonant with the traditions of their great nation and religion, will exercise compassion toward those held in their power.●

THE FREEZE AND THE "BUILD DOWN"

● Mr. KENNEDY. Mr. President, yesterday, Senator HATFIELD and I wrote to our colleagues, as the sponsors of the Senate joint resolution calling for a bilateral nuclear weapons freeze with the Soviet Union and major reductions in the nuclear arsenals of both sides, to express our opposition to consideration of the "build down" proposal; as an alternative to the freeze.

In fact, the alternative currently being circulated amounts to a "build up" as well as a "build down" proposal. It would permit the nuclear arms race to proceed, including the deployment of MX missiles and other destabilizing new weapons by the Soviet Union and the United States, while the reductions that it calls for are taking place. In this respect, our objections are similar to those we have raised against the START proposals, which call for reductions but also permit a major new nuclear buildup.

We favor reductions in nuclear weapons. But we believe that the best way to achieve meaningful reductions is in the context of a nuclear weapons freeze that truly stops the arms race while the reductions proceed. Both the United States and the Soviet Union stand at the threshold of deployment of first strike nuclear weapons. The fundamental goal of the grassroots freeze movement is to halt this dangerous process now, and to prevent a new round of nuclear escalation. The "build up" that is permitted under the "build down" proposal does not meet that test—it will only leave us in greater peril.

I wish to share with the Senate two thoughtful memoranda that elaborate on these concerns. In the first, Jerome Grossman and John Isaacs, of the Council for a Livable World, state that the "build down" proposal "has severe deficiencies that make it unacceptable as an alternative to the nuclear freeze and reductions now pending in the House and Senate." Second, Frank von Hippel and Jeremy Stone, of the Federation of American Scientists, write that "a freeze approach, which permitted maintenance but foreswore modernization, would be a more comprehensive halt to the arms race than an approach which simply bought reductions at the price of new weapons."

I ask that these two important statements be printed at this point in the RECORD, and I hope our colleagues will carefully consider them in determining their views on the freeze.

The statements referred to follow:

COUNCIL FOR A LIVABLE WORLD,
Boston, Mass., March 21, 1983.

AN ANALYSIS OF THE COHEN NUCLEAR WEAPONS BUILD-DOWN PROPOSAL

Senator William Cohen (R-Me.), along with Senator Sam Nunn (D-Ga.) and others, has proposed a new arms control negotiating concept described as a "mutual guaranteed build-down" of nuclear forces. Under his proposal, every time the United States or the Soviet Union deploys one new warhead, it would have to get rid of two older warheads. As the two sides build up, they would also build down.

Representative Elliott Levitas (D-Ga.) has introduced a substitute resolution to the Zablocki freeze resolution in the House which endorses the build-down proposal; a vote on the Levitas substitute could come shortly after the Easter recess.

While this proposal has its attractions, and if implemented could lead to reductions in numbers of warheads, it also has severe deficiencies that make it unacceptable as an alternative to the nuclear freeze and reductions now pending in the House and Senate.

But as the proposal now stands, several major flaws in the "build-down approach stand out:

1. One of the major criticisms of the Cohen proposal is that it gives the appearance of arms control to the deployment of new, unnecessary and dangerous weapons systems. Every new deployment of nuclear weapons systems should be carefully considered in light of vastly overstocked nuclear arsenals in both the United States and the Soviet Union. If the price of reductions is the construction of unnecessary and dangerous weapons systems, that price may not be worth paying. In fact, it is misleading to call this approach a "build-down," when it is actually a "build-up".

The nuclear weapons freeze proposal, in contrast, is designed to stop both qualitative and quantitative improvements in both countries' arsenals. The freeze resolutions specifically incorporate a call for major and stabilizing reductions in the arsenals of both sides. Once a freeze is negotiated and new weapons programs stopped, the two superpowers could proceed to reductions—with particular attention on weapons that threaten to undermine the existing, relatively stable nuclear balance.

2. The Cohen proposal permits the deployment of MX and other destabilizing weapons. It makes the inaccurate assumption that new weapons are more stabilizing than old ones. He states in his February 3, 1983 statement introducing the idea: "Essentially, a side would be required to eliminate two older, less stabilizing warheads for each new warhead added to its force."

However, new weapons that are planned by the Reagan Administration are at least as—if not more—"destabilizing" than the weapons they would replace. This distinction is crucial as Cohen would allow each side complete freedom in determining weapons tradeoffs and force composition.

For example, replacing Poseidon submarine missiles with Trident I missiles might be considered more stabilizing, as the greater range of the missile gives the submarines more operating area in the oceans and makes them less vulnerable to attack. However, replacing the Trident I missile with the Trident II missile may undermine stability by providing the United States a sea-based retaliatory force with increased accuracy and payload to attack Soviet missile

silos—and perhaps not providing increased range and patrol area for the submarines.

Similarly, replacing the Pershing I missile with the longer range, much more accurate Pershing II missile would result in a far more unstable and dangerous situation. The newer missiles would be as vulnerable to attack as the Pershing I's but would be capable of hitting Soviet "hard targets" within 6 to 8 minutes.

3. Another fundamental flaw with the Cohen proposal is the assumption that fewer weapons are always more stabilizing. In fact, there are a variety of calculations to indicate that fewer launchers may not necessarily be better than more.

For every new MX with 10 warheads, 20 older warheads would have to be dismantled—perhaps 20 older Minuteman II missiles. To build 20 new MX missiles, we would have to eliminate 400 older warheads.

However, 400 Minuteman II missiles each with one not so accurate warhead provide a more stabilizing second strike deterrent than 20 MX missiles, each carrying potentially first-strike warheads.

The Cohen approach is inconsistent with the concept of a mutual and verifiable nuclear freeze. The freeze movement has developed a widespread and powerful constituency for serious nuclear arms control. It is the freeze movement which was instrumental in forcing a very reluctant President to the bargaining table.

While additional arms control proposals should be welcome, it is the freeze idea that has the widespread support in the country and which should be supported.

In fact, there are a variety of other worthy arms control proposals that are consistent with a nuclear freeze. Certainly reduction in numbers of nuclear warheads is consistent with and should grow out of a freeze in the arms race. Certainly efforts to promote a nuclear test ban are consistent with, and in fact a part of, a freeze.

But work on other proposals should not undermine the freeze proposal that is the one arms control concept with the most potential to bring the arms race under control and has the necessary public support to see it implemented.

But the build-down concept is in conflict with the freeze and should be opposed. It is a misleading approach that, under the guise of a "build-down," permits the race for dangerous new nuclear weapons to go forward.

JEROME GROSSMAN,
President,
Council for a Livable World.
JOHN ISAACS,
Legislative Director,
Council for a Livable World.

FEDERATION OF AMERICAN SCIENTISTS,
Washington, D.C., March 22, 1983.

Senator EDWARD M. KENNEDY,
Senator MARK O. HATFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY AND SENATOR HATFIELD: We write to draw your attention to a number of considerations with regard to the so-called "guaranteed nuclear build-down."

As strategic analysts, we know quite well that this proposal to eliminate two already deployed warheads for each "newly deployed" warhead is not yet a defined proposal. Its implications and effects depend entirely upon a number of premises and assumptions evidently not yet articulated, much less agreed even among its backers. In this connection, we are, quite frankly, astonished to see so many Senate co-sponsors for a resolution whose results on either U.S. or Soviet forces cannot be known, at this stage, by anyone!

For example, if SALT counting rules for warheads are to be utilized, as seems to be indicated and is repeatedly mentioned, a large pool of non-existent (or wholly unnecessary) warheads would be available as fodder for false reductions. For example, the Poseidon missiles currently being phased out (counting for 14 warheads each) could easily justify, at two for one, the remaining Trident I missiles (8 warheads each) that are already planned as a substitute. Similarly, a number of Soviet SS-18s which actually have less than one warhead would still count for ten. In any case, the 308 heavy missiles alone would permit 1540 new single warheaded Soviet missiles to be deployed, more than the entire present Soviet ICBM force.

There is also serious question whether this method of substitution will be applied to bomber arms control, where very large numbers of warheads are planned.

We do intend to study this proposal, in all of its variants, quite closely, as we try to study all other proposals. But alarmed at the speed with which many seem to be embracing a proposal with so many uncertain implications, we write this word of caution at this time.

Whatever form this build-down principle takes, it certainly is not—and we hope it is not intended to be—a substitute for the freeze approach. In treating all warheads equally, it encourages larger warheads. In permitting modernization, it permits not only stabilizing modernization but de-stabilizing modernization—such as hard-target kill capability (of Soviet ICBMs and SLBMs as well as ours) and short-time-to-target missiles (e.g. Pershing II). It gives each side such freedom to mix as to make it unpredictable what the other side can be expected to do.

Its "guaranteed" reductions are not, in fact, guaranteed in the sense that a freeze followed by reductions would guarantee reductions. On the contrary, it guarantees reductions only to the extent that one considers modernization guaranteed. It seems to involve, for some, withdrawing from SALT II limits and sublimits as suggested by Senator Charles Percy. And it raises the possibility of new inequalities in warhead totals, arising from the possibility that one side might modernize more than the other.

There is not, of course, any reason why the Senate could not endorse two quite different approaches both of which it wished the President to put before the Soviet Union with a view to negotiating whatever one could. We cannot, after all, prejudge or dictate which approach, if any, might be negotiable.

But we consider it evident that, all things being equal, a freeze approach, which permitted maintenance but foreswore modernization, would be a more comprehensive halt to the arms race than an approach which simply bought reductions at the price of new weapons. And, obviously, the freeze could, would, and should be linked to subsequent reductions that truly guaranteed to shrink the frozen balance in a stabilizing fashion.

In this regard, your Kennedy-Hatfield proposal is the more fundamental answer to the dilemma that afflicts the world. Accordingly, we hope that you will not cease and desist in your efforts in the face of this new, and unexplored, approach.

Sincerely,

FRANK VON HIPPEL,
Chairman.
JEREMY J. STONE,
Director.●

KUAC—TOPS IN THE NATION

● Mr. MURKOWSKI. Mr. President, the Corporation for Public Broadcasting provides funding for hundreds of public radio and television stations for alternative high quality programing and production not always otherwise available. In Alaska, public broadcasting fulfills a unique role: In some parts of our vast State, it is often the only source of news and performance programing.

Therefore, I am extremely proud and pleased that an Alaskan station, KUAC-TV of the University of Alaska at Fairbanks, was recently rated the top public television station in the Nation. A Nielsen study conducted last fall surveyed all the public television stations in America. The study revealed that KUAC had the highest per capita viewership of all public stations during the prime-time evening hours.

I want to commend the Corporation for Public Broadcasting, the University of Alaska at Fairbanks, and KUAC general manager, Kathryn Jensen for their continued service to the people of Alaska.

Mr. President, I ask that the following article from the Fairbanks Daily News-Miner be printed in the RECORD.

The article follows:

[From Daily News-Miner, Mar. 2, 1983]

KUAC EARNS NO. 1 STATUS

No. 1 in the nation—that's what KUAC-TV, Channel 9 is, according to a Nielsen survey.

Nielsen, the big television survey and rating firm, last fall took a look at all public broadcasting stations. The survey found that during prime-time evening hours, KUAC had the highest per-capita viewership of all public stations.

That means that a greater percentage of Fairbanksans were tuned to their local public station than any other city in the country.

The formal public announcement was made at Tuesday's Chamber of Commerce luncheon. It came three weeks late, partly because General Manager Kathryn "Kit" Jensen wanted to use the announcement to lead into the 10-day, annual fund-raising Festival 1983 effort, which starts Friday.

Not only do Fairbanksans watch KUAC, they help fund it. Last year the television and KUAC-FM radio set a Festival 1982 goal of $90,000 in local contributions. Pledges totaled $120,000, and $110,000 was actually raised. This year's goal is $100,000.

KUAC television and radio are owned and operated by the University of Alaska-Fairbanks. The stations receive federal and state funds, private funding and conduct annual community fund-raising.

Businesses can't buy advertising on KUAC, but they can get recognition on the air and in the monthly program guide. Jensen announced two new programs Tues-

day. One is a matching employee gift program, to encourage employers to match their employees' contributions to Festival. A second is corporate sponsorship, minimum $500, to help pay for particular programs.

Underwriting is still new to KUAC, Jensen said. The first group to underwrite a program was not a business, but an organization. The Interior Alaska Veterinarians' Association helped pay for the "All Creatures Great and Small" series.

Companies can sponsor all or part of a series, or even a single program, for a minimum $70 for radio and $190 for television.

Some companies choose to help underwrite costs for local productions. Arco Alaska, for example, is helping fund "Forest of Eyes," for national broadcast.

Some other local production efforts by KUAC will be broadcast during Festival '83, including programs focusing on Nome, Barrow and Dutch Harbor.

Local fund-raising accounts for 6 percent of KUAC's budget, but Jensen has set a goal to raise that to 10 percent.●

BINARY CHEMICAL WEAPONS

● Mr. PRYOR. Mr. President, I wish to announce today that after the Easter recess I shall be joining my colleagues—Senator HATFIELD, Senator HART, and Senator COCHRAN—in introducing legislation to delete all funding for binary chemical munitions and equipment. These funds are requested in the fiscal year 1984 defense budget.

I am also joining my colleagues in sending a Dear Colleague letter to this effect. Mr. President, the exact figure for the procurement of binary chemical munitions and equipment is $157.2 million. Of this amount, about $40 million—or 25 percent—represents funds that were requested and denied in the fiscal year 1983 budget request.

For years now, I have argued against the production of chemical weapons, and I continue that argument today. When this legislation is introduced, I shall have more to say on the subject. It is wrong for this country to get back into the business of nerve gas—a production we gave up some 14 years ago—and I hope that the good sense of Congress will prevail, and that this request for additional funds will be denied.

Last month, Vice President BUSH made a trip to Europe and addressed the Committee on Disarmament concerning chemical weapons. Then the United States presented to the 40-nation Committee on Disarmament our detailed views on the content of a complete and verifiable chemical weapons convention.

Mr. President, this new beginning in Geneva could initiate bilateral negotiations with the U.S.S.R. World opinion is on our side. It would be in our best interests to move ahead and reach an agreement to ban these weapons. We must do all that we can to create the right environment for this agreement, and the decision of Congress to cut these funds would be a proper move in that direction.●

INTERNATIONAL DEBT: THE NEED FOR A COHERENT POLICY APPROACH

● Mr. HUMPHREY. Mr. President, recently, the Ad Hoc Committee on International Debt and U.S. Financial Policies—a distinguished group of economists including Karl Brunner, Michele Fratianni, Morris Goldman, Jerry L. Jordan, Allan H. Meltzer and Anna J. Schwartz—published a paper entitled "The International Debt Problem, Insolvency and Illiquidity: A Policy Proposal." In it, the authors stress what I find to be a most salient and often-overlooked theme; namely, that the current reactive, crisis-oriented approach to defusing the debt bomb is wholly inadequate from the standpoint of the long run. The paper advocates the explicit formulation of a long-term strategy to guard against "the risk of drifting into a policy of accelerated inflation and bailouts with burdensome long-term consequences."

Mr. President, I do not think that it is by now a secret to any of my colleagues that I am opposed to turning over more American dollars to the International Monetary Fund only to fuel further the flames of the debt crisis. It is for this reason that I welcome the benefit of the committee's comments on the IMF and commend them to the attention of my colleagues. I particularly urge that attention be given to the following observation of the IMF:

The institutional interests of its bureaucracy contribute to the likelihood of massive expansion of lending facilities with a disposition for bailout under one guise or another.

Mr. President, I submit that this is precisely the type of action we want to avoid at a time when the world is already overburdened with $700 billion in outstanding debt, and at a time when our own economy has finally begun to pull out of its prolonged slump. In the absence of a coherent policy approach to bringing the debt crisis under control, as is recommended by this paper, I do not believe we should be asked to rubberstamp another cash giveaway to the IMF.

The paper follows:

THE INTERNATIONAL DEBT PROBLEM, INSOLVENCY AND ILLIQUIDITY: A POLICY PROPOSAL

I. THE PROBLEM

The total volume of international debt of developing nations rose from about $340 billion in 1978 to about $640 billion in 1982. This increase of almost 90 percent over four years, even after adjustment for world inflation, has outpaced the debtor nations' real growth. Interest payments measured in current dollars exploded from about $20 billion to approximately $66 billion over the same period. A marked increase in the average rate of interest payable on outstanding loans, reflected in a more than 300 percent rise of interest payments compared to the 90 percent increase in debt, aggravated the debtor nations' real debt burden. Over the same four years the proportion of international reserves to imports of developing nations fell from 27 percent to 17 percent.

A change in the debtor nations' structure of outstanding debt worsened their position. One-third of the $300 billion addition to developing nations' indebtedness was short term. The proportion of short-term debt in total international indebtedness of developing nations rose from about 18 percent in 1978 to approximately 28 percent in 1982. Commercial banks dominated international lending during the past four years. "Official sources" supplied less than one-third of total international loans.

The surge of international indebtedness exceeded any relevant real economic prospects and could be validated only by an acceleration of worldwide inflation, or at least, by an acceleration of inflationary policies in the United States. When major industrial nations shifted around 1980 to an anti-inflationary policy there were severe adjustment problems in all economies, and particularly for debtors, domestic and international, who had extended their debt position on the assumption that inflationary policies would continue.

The change from an inflationary to a disinflationary regime was not the only change affecting debtor nations. The variations in the real price of oil observed over the past four years first disappointed expectations of oil-importing and subsequently of oil-exporting nations. That change did not dominate their economic fate, however. The variety of experiences among developing nations points to the decisive role of domestic economic policies. Fiscal and monetary policies in some countries raised inflation above the worldwide average, and induced a flight of capital or stimulated hoarding of foreign currency. Economic policies frequently obstructed exports and encouraged imports. Policies to control food prices discouraged agricultural expansion so foreign exchange has been used to import food.

The complex network of international credit began to crack with the suspension of payments on Poland's debt. The fissures widened last year and the events in Argentina, Brazil and other nations, foremost in Mexico, threatened a chain reaction of insolvencies in debtor and creditor nations and a spreading liquidity crisis. Many feared that the world economy would be pushed into a disastrous depression.

II. THE SEARCH FOR A POLICY

A sense of emergency has gripped policymaking in Washington and Europe. Complex negotiations are under way to prevent defaults: to ward off the insolvency of creditors, and to exorcise the threat of financial collapse. Central banks have provided new credits and regulators have assured banks that they would disregard the low quality of de facto defaulted claims. Commercial banks have been urged and even prodded to extend additional credit to finance overdue interest payments. Perhaps most indicative of the current mood are the moves to enlarge the borrowing facilities of the IMF and related international institutions. The magnitude of the planned expansion of the IMF's facilities has been repeatedly raised over the past twelve months, particularly by the US government.

There is little evidence and almost no assurance that the series of piecemeal improvisations will provide a solution to the international debt problem. A policy dominated or publicly justified by panicky fears of a "debt bomb" or a deflationary collapse

will most likely produce serious new problems in the future. The improvisations may obscure de facto defaults on actually prevailing moratoria, preventing deflation, but risking a drift into a new round of worldwide inflation or the wasteful use of potentially productive resources in various forms of a bailout.

The rush to improvise some urgent actions should not blur policymakers' vision. A long-run strategy is required to guide the tactical choices to be made in the more immediate future. The following criteria constitute a viable long-run strategy to overcome the current problem and provide a framework for the future.

No deflation: There is no reason to let the world or the creditor nations slide into a deflation and deep depression. A financial collapse or a major collapse in the financial industry should be, and can be, avoided.

No inflation: Similarly, there is no justification for recourse to inflationary policies to alleviate the debtor nations' real debt burden or to "provide additional liquidity" to debtors and creditor banks. Inflationary policies "solve" the debt problem by shifting the losses associated with the current state of international debt to the ultimate creditors, i.e., the holders of money and other nominal liabilities issued by banks and governments. This "solution" would reenforce the tendencies toward permanent inflation and impose high social costs.

No bailouts: There should be neither bailouts of debtor nations nor of creditor banks. The losses experienced or expected by the banks should be borne by their management and shareholders. Each case of potential default should be judged separately to determine the relative permanence of the underlying conditions. Additional loans cannot solve the permanent underlying problem of countries that have borrowed to maintain consumption above their prospective income; additional loans can assist countries faced with transitory adjustment difficulties. Poland and Brazil exemplify the two alternative cases. The probability that citizens of creditor nations will pay a tribute to the debtor nation under the guise of additional loans is comparatively small when loans are made to adjust to a transitory problem. The failure of the creditor nations to cope with de facto permanent default encourages the taxing of citizens in the creditor nations and imposing on them a corresponding loss of wealth. The loss could be contained if the permanence of the problem would be recognized now and acknowledged by policymakers, regulators, and banks.

The provision of additional loans without discrimination between permanent and transitory problems of debtors fosters incentives among debtor nations to continue policies that contribute to the current problem. Under the circumstances they find it useful to raise their demand for loans, to reject requests for domestic adjustments, or renege on implementing the policies that are agreed to when loans are extended.

The long-run consequences of negative incentives produced by piecemeal improvisations seriously affect the productive use of our resources. A persistent stream of bailout funding directs portions of our savings away from the most productive use. The savings absorbed in bailouts most probably will be used by debtor nations to maintain consumption in excess of their expected income or to protect a large politicial apparatus that makes little contribution to real economic growth.

The requirement that short-run measures be formulated in the context of an explicit longer-run strategic conception helps to assure that policy will not decay into imaginatively camouflaged bailouts. The longer-run strategy imposes obligations on both creditor and debtor nations. The creditor nations must seek a stable pattern of financial policymaking to prevent major swings between inflationary and disinflationary phases of policymaking. Creditor nations must oppose protectionism. The expansion of world trade forms a necessary condition for the resolution of the longer-run debt problem.

Debtor nations also bear an important responsibility. Variations in the financial fate observable among many nations in the "Third World" direct our attention to the role of domestic policies. This overhaul is an important condition for the economic viability of the debt. Without the needed changes in the course of domestic policies the probability of de facto default remains high.

III. ASPECTS BEARING ON DEBTOR NATIONS

The accumlated volume of international debt contains liabilities of both government and private institutions usually contracted in terms of a foreign currency. This latter condition exposes the debt to risks beyond those associated with the fate of a private business.

The financial failure of a private firm does not destroy the real resources it owns. These resources will remain intact and can still be operated to produce output in the future. The financial failure simply means that the balance sheet must be reevaluated and union contracts possibly renegotiated. Procedures exist to adjust valuations and to distribute the loss. Nothing in the procedures prevents the continued operation of productive resources. On the contrary, the adjustments described create an opportunity for a new management to put productive resources to work and to scrap unproductive processes. Financial failure of a private firm need not involve a social loss. It always involves a redistribution of wealth however.

Our current problem has an additioal dimension that arises from the fact that foreign debt must be serviced in foreign currency. This exposes both private debt and government debt denominated in foreign currency to the risks of government policy. With all debt denominated in domestic currency the government can always prevent explicit default by taxation or inflation. International indebtedness closes this route. Servicing of foreign debt requires conversion of domestic money into foreign money at exchange rates that reflect the government's policies. Policies that obstruct activities with comparative advantage, that guide the allocation of investable resources to raise consumption at the cost of investment for political convenience, and lastly, that support highly inflationary monetary actions, all contribute to raise the cost of conversions into foreign currency. Whatever other conditions may have contributed, or may contribute in the future, the domestic policies pursued by the debtor nations are generally sufficient to create or avoid a *permanent* problem of de facto default on a nation's international debt.

The best opportunities for productive investments in private firms can be turned into highly risky prospects by a government's general economic of financial policies. The pattern of policies pursued by governments determines the usefulness of continued lending. There is clearly no justification to lend additional funds without a clear understanding that a debtor nation's policy if pernicious, will be substantially changed. Without such a commitment the underlying pattern will persist. Under such conditions it is advisable to recognize the actual default. The default acknowledges that the creditor nations have suffered a loss and that further lending will not prevent a future default. The creditors must be made to recognize that they have suffered a permanent loss that cannot be recouped by further transfers of wealth camouflaged as loans.

IV. ASPECTS BEARING ON CREDITOR NATIONS

The improvisations emerging under the pressures of concerned policymakers and banks confronted with potential insolvency offer no assurance that they will not drift into an international Ponzi scheme. The absence of any lien on government assets, in contrast to what is customary in private borrower-lender relations, makes the problem of an insolvent government debtor very difficult indeed. The dependence of private debt servicing on government policy amplifies the problem. It becomes tempting under the circumstances to develop bailout policies benefiting both creditors and debtors at the expense of the ordinary citizen.

Once more, an explicit default without bailout is the better course whenever debtor nations show little prospect of accepting conditions that are consistent with the long-term economic viability of their international debt. This admission of default means recognition and acceptance of a loss in wealth by creditors. This loss, even in the case of a temporary insolvency, need not destroy the real resources used in the financing industry. Banks, like other firms that are temporarily insolvent, can operate after appropriate adjustments and pursue a prospective stream of earnings. The human and non-human resources would still be available to generate future earnings that would absorb the current losses over time. The losses would thus be borne by those groups responsible for them.

There is of course the possibility that recognition of such losses may invite liquidity problems. A run on banks, as in the early 1930's, may emerge. In contrast to the 1930's, the liquidity problem would appear as a consequence of insolvencies.

Governments have a responsibility to prevent such runs. The appropriate central bank's response to bank runs has been clearly defined since Bagehot's Lombard Street, published more than one hundred years ago. The central bank needs to act promptly as a lender of last resort, offering whatever advances of base money may be required to finance the conversion of deposits into currency. The execution of this function presents no basic problem and can be carried out in various ways without recourse to accelerated monetary expansion and inflation.

Some confusion apparently prevails in the public arena about the distinction between a bailout and the execution of a lender-of-last resort function. Lending base money as a "last resort function" does not, and should not, mean that the loss of wealth is transferred to the central bank or the taxpayers. Nor should the central bank hesitate in extending loans because of inadequate collateral. Such hesitation would be entirely inappropriate as the banks involved would still, over time, have to bear their own losses.

V. THE COMPONENTS OF A POLICY

The characterization of the problem and the associated issues leads us to make seven recommendations.

1. Explicit formulation of a long-term strategy

The government has not formulated a long-term plan to guide its short-run actions. We run the risk of drifting into a policy of accelerated inflation and bailouts with burdensome long-term consequences. To stop this drift, governments must discriminate between countries that are unlikely to repay in the future and countries that can be expected to earn enough foreign exchange to repay principal and interest if payments are rescheduled. Countries that are unlikely to repay should be declared in default.

2. Rescheduling the maturity structure of outstanding debt

Insistence on repayment of maturing debt lowers any chance of a longer-run solution. Maintaining the flow of interest payments should be the immediate concern to protect the economic value of the loans. The magnitude of the problem and the long-term requirements of the solution suggest that rescheduling should be arranged at regular intervals. This approach offers an opportunity to monitor and assess the execution of commitments to adjust domestic policies that debtor countries accept as a condition of rescheduling.

3. Gradual adjustment of new loan extensions

This aspect is similar to a shift from an inflationary to a disinflationary policy. A sudden halt in international loan extension is likely to aggravate the problem. It contributes to uncertainly and confusion. But further loan extensions by governments and the financial industry without attention to a long-run strategy will worsen future problems. Loan extensions need to be tied to the debtor nations' commitment to alter their domestic policies. In the absence of such a commitment, interest payments may depend on further loan extensions even after the improvements expected with recovery from the current recession. This is not a viable solution, The veil of financial operations covering the de facto moratorium would rip open at some point in the future. Bailouts without reform merely postpone the day of reckoning. The ultimate reckoning would involve even larger losses of wealth for the western nations as a result of the implicit tribute or capital levy they paid to debtor nations.

4. The role of the IMF

Monitoring and assessment of domestic policies of both debtor and creditor nations form a crucial element in our program. The IMF seems the only institution equipped to perform this duty. However, this task requires a reexamination of the IMF's usual "austerity programs" that encourage countries to reduce imports. Concurrent reductions of imports by several debtor nations shifts the burden of adjustment onto other countries. Financial policies and the creation of incentives to produce and export should be the major targets of the IMF.

We admit at this point to some unease and reservations about a permanent increase in the IMF quota. The institutional interests of its bureaucracy contribute to the likelihood of massive expansion of lending facilities with a disposition for bailout under one guise or another. The only justification for loans is to assist countries to solve a temporary problem. Temporary problems do not require a permanent increase in the IMF quota.

5. Illiquidity

No liquidity crisis has thus far emerged and no such crisis need be tolerated. The prevention of such a crisis with the consequent threat of deflation does not require inflationary actions by the central banks. The central banks, as lenders of last resort, should make a commitment in advance to provide the required amounts in central bank money to all banks suffering mass conversion of deposits into currency. This operation can proceed without accelerating monetary growth and without abandoning a policy of gradually moving to a stable price level.

6. Insolvency

The potential spread of insolvency in the financial industry presents a state of affairs very different from the 1930's. Insolvency then resulted from the mismanagement of the liquidity crisis by the Federal Reserve. In contrast, a liquidity crisis would probably result now from defaults by borrowers.

Insolvency involves a loss of wealth. The loss must be suffered by some group. Our stand against its "socialization" i.e., a bailout, means that owners of banks (i.e., their shareholders), management, and some groups of creditors (owning non-liquid claims) must bear the loss. This does not require a formal bankruptcy and a closure of the banks involved in all cases. Banks that possess capital in the form of human resources, organization and connections may be able to operate profitably. They should be enabled to continue as operating units if they can be expected to cover their losses from prospective earnings and reestablish their solvency within a stipulated number of years.

7. Long-term consequences

A proper long-run policy will induce a sharpened risk evaluation of the competing banks by borrowers and depositors. It will reward management with a better sense of the risks associated with various loans and penalize incompetent or reckless management. Divergent movements in share values, in the cost of capital for various banks, and in their respective liability costs will express these evaluations. The currency ratio maintained by the public will probably be somewhat larger for some time as a result. The average spread between asset yields and interest rates offered on liabilities will also increase. These adjustments to a long-term plan will reduce the risk of a reoccurrence. A bailout, with losses borne by the taxpayers, will teach the lenders and borrowers that there is little risk to them in international lending and low costs of following imprudent policies.●

WIVES IN FARM ECONOMY PETITION CONGRESS

● Mr. PRYOR. Mr. President, there is in Arkansas a group of women who are the wives and daughters of farmers, some of them second and third generation, who in their concern have become actively involved in assistance to their families, communities and Nation by educating themselves on the issues and problems of the American farmer.

They have addressed through my office, an open letter to the U.S. Congress. I would like to share with you their concerns and suggestions on this very important issue by introducing this letter for printing in the CONGRESSIONAL RECORD.

The letter referred to follows:

(An Open Letter to the U.S. Congress)

AN AMERICAN HERITAGE IS BEING SOLD ON THE AUCTION BLOCK DAILY

The American farm family of today and our agricultural heritage is threatened with extinction because of the economic hardships of the past three years. Daily, across America, farm families stand helpless and watch their homes, farms and equipment auctioned off.

Because the farmer of America is suffering, many other industries, homes, businesses, and individual wage earners are facing bankruptcy and foreclosures. It can best be summed up by saying, As goes the American farmer, so goes America. The economic suffering inflicted upon the American farmer either has or will ultimately affect all of America.

Action to help the farmer is urgently needed to avert a total collapse of the agricultural community, of America and Arkansas. The time has come for Party differences and political debate to end and the development of a sound and realistic, bi-partisan agriculture program begin.

It is our belief that the following actions will assist greatly the American farmer:

1. Establish within the State Department an Undersecretary for Agricultural Affairs to analyze the impact of foreign policy upon agriculture to protect the interests of American farmers and assist in the sales of agricultural products overseas at the diplomatic level.

2. Create a council of agriculture export advisors to work with the Departments of Commerce, Agriculture, and State to more adequately coordinate America's agriculture policy and to promote sales of agricultural products overseas.

3. Examine the long processing procedures of the FmHA so as to more expeditiously meet loan demands.

4. Make available economic disaster loans for the duration of the present economic crisis.

5. Make available low interest loans to less developed countries to help reduce the grain surplus in America. The feeding of the poor and hungry around the world is a moral issue and should not be a diplomatic and political tool.

Only by all Americans working together and praying together for a common goal can a suffering America once again become a prosperous, healthy America. The heritage of America—American agriculture.●

PROPOSED ARMS SALES

● Mr. PERCY. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulated that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

In keeping with the committee's intention to see that such information is available to the full Senate, I ask to have printed in the RECORD at this point the notifications which have been received. The classified annexes referred to in several of the covering letters are available to Senators in the office of the Foreign Relations Committee, room SD 427.

The notifications follow:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., March 22, 1983.
In reply refer to: I-00070/83ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 83-24 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Navy's proposed Letter of Offer to Israel for defense articles and services estimated to cost $16 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

PHILIP C. GAST,
Director.

TRANSMITTAL NO. 83-24

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Israel.
(ii) Total estimated value:

	Million
Major defense equipment [1]	$14
Other	2
Total	16

[1] As defined in section 47(6) of the Arms Export Control Act.

(iii) Description of articles or services offered: Two hundred AIM-9L Sidewinder air-to-air missiles.
(iv) Military Department: Navy (AOB).
(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.
(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: See Annex under separate cover.
(vii) Section 28 report: Included in report for quarter ending 31 December 1982.
(viii) Date report delivered to Congress: March 22, 1983.

POLICY JUSTIFICATION

ISRAEL—AIM-9L SIDEWINDER MISSILES

The Government of Israel has requested the purchase of 200 AIM-9L Sidewinder air-to-air missiles at an estimated cost of $16 million.

This proposed sale is consistent with the long-standing U.S. policy of assisting Israel to ensure that it has the means of defending itself within secure borders should it become necessary.

The Government of Israel has previously purchased 600 AIM-9L missiles for use on its tactical fighter aircraft. There will be no absorption problems associated with this acquisition.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be either the Raytheon Company of Lowell, Massachusetts, or the General Dynamics Corporation of Pomona, California.

Implementation of this sale will not require the assignment of any additional U.S. Government or contractor personnel to Israel.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., March 22, 1983.
In reply refer to: I-00819/83ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 83-22 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Army's proposed Letter of Offer to Norway for defense articles and services estimated to cost $61 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

PHILIP C. GAST,
Director.

TRANSMITTAL NO. 83-22

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Norway.
(ii) Total estimated value:

	Million
Major defense equipment [1]	$4
Other	57
Total	61

[1] As defined in section 47(6) of the Arms Export Control Act.

(iii) Description of articles or services offered: Thirty I-Hawk guided missiles with support equipment, special tools, technical assistance for two years, and the overhaul of 18 high power illuminator units, 54 launchers, 24 loaders, and associated support equipment.
(iv) Military Department: Army (VFD).
(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.
(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: See Annex under separate cover.
(vii) Section 28 report: Case not included in section 28 report.
(viii) Date report delivered to Congress: March 22, 1983.

POLICY JUSTIFICATION

NORWAY—I-HAWK MISSILES AND OVERHAUL OF I-HAWK EQUIPMENT

The Government of Norway has requested the purchase of 30 I-Hawk guided missiles with support equipment, special tools, technical assistance for two years, and the overhaul of 18 high power illuminator radar units, 54 launchers, 24 loaders, and associated support equipment at an estimated cost of $61 million. The items to be overhauled will be leased to Norway for 5 years.

This sale will contribute to the foreign policy and national security objectives of the United States by improving the military capabilities of Norway in fulfillment of its NATO obligations; furthering NATO rationalization, standardization, and interoperability; and enhancing the defense of the Western Alliance.

The Government of Norway has a need for a low-to-medium level air defense capability for their major F-16 airfields. The 30 missiles to be sold will support the requirement. The additional equipment mentioned above, once overhauled, will be leased to the Government of Norway. This lease has been previously certified to Congress.

The prime contractor will be the Raytheon Corporation of Andover, Massachusetts.

Implementation of this sale will require the assignment of two additional U.S. Government personnel to Norway for two years.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., March 22, 1983.
In reply refer to: I-00422/83ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 83-16 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Army's proposed Letter of Offer to Greece for defense articles and services estimated to cost $66 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

You will also find attached a certification as required by Section 620C(d) of the Foreign Assistance Act fo 1961, as amended, that this action is consistent with Section 620C(b) of that statute.

Sincerely,

PHILIP C. GAST,
Director.

TRANSMITTAL NO. 83-16

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Greece.
(ii) Total estimated value:

	Millions
Major defense equipment [1]	$45
Other	21
Total	66

[1] As defined in section 47(6) of the Arms Export Control Act.

(iii) Description of articles or services offered: Eight AH-1S COBRA/TOW helicopters with installed aircraft armament subsystems and avionics, concurrent spare parts, maintenance float items, ground support equipment, special tools and test equipment, documentation, and services.
(iv) Military Department: Army (WPP).
(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.
(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: See annex under separate cover.
(vii) Section 28 report: Case not included in section 28 report.
(viii) Date report delivered to Congress: March 22, 1983.

POLICY JUSTIFICATION

GREECE—AH-1S COBRA/TOW HELICOPTER

The Government of Greece has requested the purchase of eight AH-1S Cobra/tow helicopters with installed aircraft armament subsystems and avionics, concurrent spare parts, maintenance float items, ground sup-

port equipment, special tools and test equipment, documentation, and services at an estimated cost of $66 million.

This sale will contribute to the foreign policy and national security objectives of the United States by improving the military capabilities of Greece in fulfillment of its NATO obligations; furthering NATO rationalization, standardization, and interoperability; and enhancing the defense of the Western Alliance.

Greece requires these helicopters to upgrade its anti-tank defensive capability and to improve its capability to meet the Warsaw Pact threat. Greece will have no difficulty in absorbing this aircraft. These defense articles will be provided in accordance with, and subject to the limitations on use and transfer provided for under the Arms Export Control Act, as embodied in the terms of sale. This sale will not adversely affect either the military balance in the region or U.S. efforts to encourage a negotiated settlement of the Cyprus question.

The prime contractor will be Bell Helicopter Textron of Ft. Worth, Texas.

Implementation of this sale will require the assignment of a quality assurance team of seven U.S. Government personnel to Greece for 14 days and four contractor logistics and technical representatives to Greece for 12 months.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

U.S. DEPARTMENT OF STATE, UNDER SECRETARY OF STATE FOR SECURITY ASSISTANCE, SCIENCE AND TECHNOLOGY,

Washington, D.C.

Pursuant to section 620C(d) of the Foreign Assistance Act of 1961, as amended (the Act), and the authority vested in me by Department of State Delegation of Authority No. 145, I hereby certify that the provision to Greece of eight AH-1S COBRA/TOW helicopters with installed aircraft armament subsystems and avionics, concurrent spare parts, maintenance float items, ground support equipment, special tools and test equipment, documentation, and services at an estimated cost of $66 million is consistent with the principles contained in section 620C(b) of the Act.

This certification will be made part of the certification to the Congress under section 36(b) of the Arms Export Control Act regarding the proposed sale of the above-named articles and is based on the justification accompanying said certification, and of which such justification constitutes a full explanation.

WILLIAM SCHNEIDER, JR.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., March 22, 1983.

In reply refer to: I-00344/83ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 83-23, concerning the Department of the Air Force's proposed Letter of Offer to Saudi Arabia for defense articles and services estimated to cost $149 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

PHILIP C. GAST,
Director.

TRANSMITTAL NO. 83-23

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Saudi Arabia

(ii) Total estimated value:

	Million
Major defense equipment [1]	$144
Other	5
Total	149

[1] As defined in section 47(6) of the Arms Export Control Act.

(iii) Description of articles or services offered: Seven hundred sixty-two Mark 12, Mode 4 commercial equivalent "Identification Friend or Foe" systems with installation, spare parts for three years, support equipment, related logistics support, contractor maintenance, training, and a platform survey to determine system requirements.

(iv) Military Department: Air Force (DEA).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles of defense services proposed to be sold: None.

(vii) Section 28 report: Case not included in section 28 report.

(viii) Date report delivered to Congress: March 22, 1983.

POLICY JUSTIFICATION

SAUDI ARABIA—MARK 12, MODE 4 "IDENTIFICATION FRIEND OR FOE" SYSTEM

The Government of Saudi Arabia has requested the purchase of 762 Mark 12, Mode 4 commercial equivalent "Identification Friend or Foe" (IFF) systems with installation, spare parts for three years, support equipment, related logistics support, contractor maintenance, training, and a platform survey to determine system requirements at an estimated cost of $149 million.

This sale will contribute significantly to U.S. foreign policy and national security objectives by helping to increase the security of a friendly country of vital interest to the United States. By enhancing Saudi Arabia's ability to discriminate between friendly and hostile aircraft, the sale also will reduce the possibility of an inadvertent major power confrontation in the region.

This sale will provide the Saudi Arabian military with an upgraded identification capability and improve the overall air defense system within the country. The IFF system will be integrated into air, sea, and ground defense systems to provide identification of friendly aircraft within the Saudi Arabian airspace. The purchase includes 364 systems for the Royal Saudi Air Force, 329 for the Saudi Arabian Land Forces, and 69 for the Royal Saudi Naval Forces.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be the Teledyne Corporation of Los Angeles, California.

Implementation of this sale may require the assignment of additional U.S. Government or contractor personnel to Saudi Arabia at the time of delivery and installation of the IFF systems.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., March 22, 1983.

In reply refer to: I-00415/83ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are fowarding herewith Transmittal No. 83-26, concerning the Department of the Navy's proposed Letter of Offer to Saudi Arabia for defense articles and services estimated to cost $116 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

PHILIP C. GAST,
Director.

TRANSMITTAL NO. 83-26

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Propective purchaser: Saudi Arabia

(ii) Total estimated value:

	Million
Major defense equipment [1]	0
Other	$116
Total	116

[1] As defined in section 47(6) of the Arms Export Control Act

(iii) Description of articles or services offered: This case provides for an amendment adding $116 million to an existing agreement valued at $80 million for a total of $196 million worth of supply support consisting of ship related spares and repair parts; return, repair, and reshipment of reparable items; and supply support assistance for the systems and equipment purchased by the Royal Saudi Naval Forces.

(iv) Military Department: Navy (RAH, amendment No. 3).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid:

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: None.

(vii) Section 28 report: Cast not included in section 28 report.

(viii) Date report delivered to Congress: March 22, 1983.

POLICY JUSTIFICATION

SAUDI ARABIA—SUPPLY SUPPORT

The Government of Saudi Arabia has requested an amendment adding $116 million to an existing agreement valued at $80 million for a total of $196 million worth of supply support consisting of ship related spares and repair parts; return, repair, and reshipment of reparable items; and supply support assistance for the systems and equipment purchased by the Royal Saudi Naval Forces (RSNF).

This sale is consistent with the stated U.S. policy of assisting friendly nations to provide for their own defense by allowing the transfer of reasonable amounts of defense articles and services. It will demonstrate the continued willingnesss of the United States to support Saudi Arabian efforts to improve the security of the country through modernization of its naval forces. In a regional context, enhancement of the defensive capabilities of Saudi Arabia will also contribute to overall Middle East security and stability.

The United States is assisting Saudi Arabia in enlarging and improving its naval

force through the Saudi Naval Expansion Program (SNEP). This program began in 1972 and is scheduled to be completed in the mid 1980's. The SNEP includes the purchase of 29 ships and craft plus the supporting shore facilities, equipment, logistical support, and training. This sale will provide for the follow-on supply support essential to effective operations of the RSNF.

This sale of supply support will not introduce a new military capability into the region nor will it affect the basic military balance in the region.

There will be not prime contractor since procurement of these items will be from the many contractors providing similar items to the U.S. forces.

Implementation of this sale will not require the assignment of any additional U.S. Government or contractor personnel to Saudi Arabia.

There will be no adverse impact on U.S. defense readiness as a result of this sale.●

JAMES MacGREGOR BURNS ON FRANKLIN DELANO ROOSEVELT

● Mr. KENNEDY. Mr. President, earlier this month, at a dinner in Washington celebrating the 50th anniversary of the beginning of the New Deal, one of that period's most distinguished historians, James MacGregor Burns, spoke eloquently of President Roosevelt and his achievements.

If, as has been said, the New Deal is still a big deal in America, it is because that period reflects the enduring principles on which this country was founded, and the extraordinarily effective application of these basic principles to the critical needs of the time.

Professor Burns' remarks at the dinner demonstrate the passionate commitment of President Roosevelt to our democracy and to a government that promotes the well-being of all the people, not just the few who have wealth and privilege.

As Mr. Burns makes clear, we face a similar test now, as we strive to meet the challenges of the present. This country and its basic institutions survived the desperate years of the 1930's in large measure because of the leadership of President Roosevelt and the men and women in Congress and the Government who made the New Deal work. If we are to meet the dangerous and complex challenges of the present, we must summon the same qualities of leadership, innovation, and compassion that have always been the hallmark of economic justice and social progress in America.

Professor Burns' remarks develop these themes with wisdom and insight, and I ask that they may be printed in the RECORD.

The remarks follow:

REMARKS BY JAMES MacGREGOR BURNS, F.D.R. DINNER, WASHINGTON, D.C., MARCH 7, 1983

When Joe Rauh invited me to take part in this dinner, I was deep in study of the early years of the 20th century, and as a student of leadership I was luxuriating in the great personages—the magnificent political, intellectual and journalistic leaders of that period: Wilson, Teddy Roosevelt, Eugene Debs, La Follette, Mather Jones, Bryan, Brandeis, Jane Addams, Holmes, Lincoln Steffens, Upton Sinclair, and a host of others. One of the distinguishing characteristics of this group was that most of the politicians were thinkers—men and women of thought—and so many of the thinkers were political activists.

Well, Joe was summoning me to modern-day Washington! But all was well—this would be a celebration of another shining period of American political and intellectual leadership—the New Deal era. And I think this is a point that should be emphasized—that during the past year we have been celebrating the birth of one man, a celebration to which Arthur Schlesinger has given devoted and imaginative leadership, but this evening we celebrate a large group of men and women who wrote the New Deal into American history.

In this company there is no need for me to dwell on that superb set of leaders, beginning with Eleanor Roosevelt—in a class by herself—and encompassing not only a White House corps and a cabinet but literally hundreds of persons, not all of them in Washington. And I think we know who gets the credit for choosing these persons in the first place—how unprepossessing some of these persons might have seemed for their job to anyone other than FDR. The curmudgeonly Harold Ickes—it's hard to imagine him sweet-talking FDR into a job. The very womanly Frances Perkins—could she handle labor barons like John L. Lewis? The unkempt Harry Hopkins who looked every inch not a stateman—would you entrust billions to a man like him? That alleged Wall Street adventurer Joe Kennedy—would you put the SEC in his hands? Certainly one of FDR's superb gifts was his ability to see the potential in these persons—and then help them realize it.

FDR had more impact than on simply the leadership of his time—he profoundly influenced the next generation of leadership. The Trumans and Stevensons and Humphreys and Kennedys and Johnsons were still marching to his drumbeat. And if it is true that liberal leadership has fallen off in recent years, I think we can point to one powerfully extenuating circumstance—that three of our finest leaders were literally shot down on the political battlefields of this nation.

I have a feeling that John F. Kennedy, 66 years old tonight, would have been here tonight. I am almost positive that Martin Luther King, 54 years old, would have been with us tonight. I am positive that Robert Francis Kennedy, 58 years old, would have been here tonight.

Of course, sometimes a leader is measured even better by his foes than by his friends and associates. I hate to repeat that hoary old war cry that "we love him for the enemies he has made" but we did love FDR for the enemies he made. And what a rich collection of adversaries, political and sometimes personal—not only Herbert Hoover and Huey Long and Father Coughlin and (later) John L. Lewis and James Michael Curley—note the rich variety here—but just in the world of journalism—Bertie McCormick and Joe Patterson and the juiciest villain of them all; William Randolph Hearst. It takes genius to line up such an array of adversaries! Political adventurism in this country may not be on the decline but what has happened to the villainy we used to love to hate?

But we are not here tonight only to celebrate Roosevelt and the New Deal. We are here I believe also to cerebrate the New Deal—to ask what we can learn from the Roosevelt experience to help guide us through the daunting tasks of liberalism today. And if I were to pick the one great lesson of the New Deal, aside from the courage and commitment of the Roosevelt Administration, I would look especially hard at FDR's second term. The popular histories of the New Deal tend to dwell on the bracing years of his first administration and the glory days of his third term, the war years, and to jump over the difficult years of his second term, which began in 1937.

But it was in that term, I feel, that Roosevelt showed his greatest commitment to liberalism even as he was most frustrated in achieving his liberal program. In those years, you will recall, he battled not only with his Republican and business foes but with the Supreme Court, with the conservative leadership in the Democratic party, with the barons of Southern reaction and racism in the Congress, and with the more obdurate elements of the federal civil service. Those were the years of the attempt to pack the Supreme Court, to purge the Democratic party, to liberalize Congress, to vitalize the bureaucracy. Because FDR largely failed in all these efforts, and because Americans have little patience with failure, Roosevelt's second term has had a bad press, has had a guilty verdict before the alleged "bar of history." I must confess that in my own writings I have been rather critical of FDR's effort at institutional reform, though more for the way he went about it than what he was trying to do.

But in the longer hindsight, I have come to be more impressed—enormously impressed—with the courage and commitment that Roosevelt displayed in this reform effort. I don't think FDR liked to stand up in front of Senator George of Georgia and tell an audience of Georgians that that redoubtable old senator should be retired. I don't think he liked the prospect of a frontal attack on that venerable institution the Supreme Court, and its foxy leader, Charles Evans Hughes. FDR did not enjoy personal confrontations. The fact that he undertook what turned out to be a quixotic effort was in my view not only a measure of Roosevelt's commitment; it was also a measure of his desperation, and more important now, it was a warning to us today that any liberal Democratic candidate for the presidency who really wants to put his program through, who really means his liberalism, will meet in some form the institutional slowdown, the structural deadlock, inherent in our curious system of government, probably the most complex, convoluted, and baffling system of any democracy today.

Virtually all our politicians today try to work within that system rather than mastering or reforming it. Theirs is the politics of compromise and consensus, of a statecraft through a little advance here and a little retreat there, the politics of accommodation, transaction, brokerage. Such a system has much to commend it, except that it can rarely plan comprehensively to deal with the transcending problems of our society—to plan ahead to deal with the great tides of immigration and migration in this country, of urban malaise, environmental decay, private economic power, and of course economic decline and disarray.

FDR used to talk about the "one-third ill-housed, ill-nourished, ill-clad"—who can forget? Fifty years later this fraction may

be one-fifth, thanks to the New Deal and its successors, but this still means tens of millions of people. But I am more concerned tonight about another fraction—the one-half of the American citizens who are nonvoters—non-participants in the greatest democracy on earth. The presidential campaign of 1984 has already started. You know what lies ahead. Does it not strike you as extraordinary that after 18 or 20 months of the most intensive media coverage, of barrages of television specials and acres of newspaper articles, after the pre-primary period and the primary campaigns and post-primary period and the pre-convention period and the conventions and the post-convention period and the pre-election period and the election period, that after all these endless months and all the hoopla—fifty per cent of the people do not bother to go to the polls, that fifty per cent of the people evidently feel that this is a video game that they have been following and not a political contest the outcome of which will touch their hearts and souls and stomachs, their very lives?

History may not teach many lessons, but one it does teach, I think, is that people like this, who may seem apathetic and uncaring and uninvolved and unthreatening, people like these who seem quiet and even placid, will not endlessly remain patient, but rather in the long run, even in the middle run, will turn against a system that cannot satisfy their fundamental needs, material and psychological. I want to say on behalf of these people, among whom I live in one of the most economically devastated areas in the country, I do not think they will tolerate many more episodes of dashed expectations. I warn that these people, with the goals of Roosevelt and Truman and Kennedy and Johnson still firmly fixed in their minds, will not allow another set of politicians today to attain office on the basis of the most fervent promises and then leave the people's hopes shredded on the floor of the House or Senate or leached out in the labyrinthine channels of congressional committees and bureaucratic counting-houses, or brokered out in the back rooms of the White House. We have in short one more chance to make our system work—or to face an angry and disillusioned people ready to consider some other system rather than strengthening the one we have.

FDR was above all a Jeffersonian—not as defined by American conservatives but as defined by Jefferson's unflinching faith in popular rule. Institutions are made for men, not men for institutions—that idea was at the heart of Jefferson's beliefs, as it was for Franklin Roosevelt—as it must be for us as we enter a critical election period, as we face the third century of our national existence.●

FEDERAL ROLE IN FIREFIGHTING: THE FISCAL YEAR 1984 BUDGET

● Mr. BIDEN. Mr. President, I chaired a session of Budget Committee field hearings in my home State of Delaware earlier this month in an attempt to find our how the 1984 budget will affect my State and States like it.

Many Delawareans testified before the committee on their areas of expertise, but few had as much national experience as James Monihan and Louis Amabili, who both spoke on the proposed budget for the U.S. Fire Administration, its National Fire Academy, and the Center for Fire Research.

Delaware is fortunate in having two of its citizens serve as leaders of national firefighting organizations. Mr. Monihan, a volunteer fireman in Sussex County, chairs the National Volunteer Fire Council, and Mr. Amabili, the director of the Delaware State Fire School, heads the Joint Council of National Fire Service Organizations. Both of them give of their time on behalf of firefighters all across the country, and neither of them are strangers to the budget process.

Their dedication and their experience—both in committee hearings and in the line of duty—made their testimony particularly valuable. I call my colleagues' attention to Mr. Monihan's remarks, made in Delaware, and Mr. Amabili's testimony, presented before, the Commerce, Science, and Transportation Subcommittee of the Senate Commerce Committee. I ask that both statements be printed in the RECORD at this time.

The statements follow:

STATEMENT BY E. JAMES MONIHAN

Good evening I am James Monihan, chairman of the National Volunteer Fire Council and on behalf of the Nation's one and one half million volunteer firefighters, I want to take this opportunity to express our sincere appreciation to the Members of the United States for their outstanding cooperation and support in 1982, culminating in the preservation of the United States Fire Administration.

Once again, I am here to urge your suppoort for funding the Fire Administration and the National Fire Agency and also to discuss with you the proposed elimination of the Center for Fire Research at the National Bureau of Standards.

As I said earlier, the Administration did survive some nine months of uncertainty and while its budget and personnel complement are drastically reduced, we look forward to the continuation of significant programs. The joint Council of National Fire Service Organizations, supported the move of the physical facilities of the Administration to the Campus of the National Emergency Training Center where it is now co-located with the Fire Academy. Our purpose behind this was to conserve those funds available so that they could be used for much needed programs and to improve the communication and coordination between these two vital agencies of the Government's fire program.

The joint council and its government affairs committee have worked very closely with the officials of FEMA and specifically the USFA working group in the development of a program plan which the joint council is on record as endorsing. This cooperation, by the way, is very helpful and we commend and thank the staff of the Administration and of FEMA.

This plan includes the restructuring of the Administration into four offices; namely, Fire Policy and Coordination; Firefighter Health and Safety; Fire Prevention and Arson Control; and Fire Data and Analysis. The plan developed, with the advice of the joint council, includes a number of priorities and programs for each office within the Fire Administration.

I. OFFICE OF FIRE POLICY AND COORDINATION

Priorities for this office include overseeing the management and administrative activities of the Fire Policy and Coordination Fire Administration and conducting programs which impact on fire and rescue service management practices.

Initiative for FY 1983 include:

Improvement of NFIRS: The aim of this project is to determine, from the user's perspective, how to improve the national fire incident reporting system (NFIRS) and how to make data collected through the system more accessible and useable at the local level.

Review of Fire Administration Historical Accomplishments: A review will be made of Fire Administration accomplishments in terms of carrying out mandates of the National Fire Prevention and Control Act of 1974 as amended. Purpose of this review is to ensure programs undertaken by the Fire Administration in the future followthrough in meeting mandates of the public law without duplicating work already done. In addition, this review will serve as the basis for recommendations for updating language in the public law.

Public/Private Sector Partnerships: The Fire Administration will examine and document existing public sector/private industry partnerships to address fire prevention-related problems which can serve as models for similar activities in the future.

Regional Fire Libraries: The Fire Administration will update, and expand where feasible, fire-related information materials available through FEMA's regional offices.

Long-Range Plan: A new 5-year plan for the Fire Administration will be developed.

II. OFFICE OF FIREFIGHTER HEALTH AND SAFETY

Priorities for firefighter health and safety include assisting in the development of improved protective clothing and equipment, establishing preventive programs, and improving diagnostic and immediate care procedures for fire victims.

Ongoing programs for FY 1983 are:

Apprenticeship Training: Managed by the International Association of Firefighters, in cooperation with the International Association of Fire Chiefs, this program is a continuation of support for development and tracking of basic fire training and related work in cooperation with municipal governments.

Project Fires: Through grants to the International Association of Firefighters and to 14 cities across the United States, this project is a continuation of research, development and testing of an improved turn-out suit for structural fire fighting. During FY 1983, a model suit is being field tested by firefighters on the job. Design deficiencies identified by users in these tests will be corrected and incorporated into the prototype for a second series of field tests. Data from other final field tests will be analyzed and published.

Low Profile Breathing Apparatus: The Fire Administration will continue to work with the U.S. Bureau of Mines and U.S. Divers corporation in the research and development of a long-duration (2 hour), positive-pressure, mixed-gas system. Efforts are being directed at improving design and making the units more accessible to the fire service by reducing costs. It is projected that certification of the prototype by the National Institute for Occupational Safety and Health (NIOSH) can be accomplished during fiscal year 1983.

New initiatives for fiscal year 1983 include:

Fire Injury Diagnostic Procedures: This project will begin with a voluntary data collection effort from emergency room medical personnel on the current diagnostic protocols relating to fire injuries. From this data, the Fire Administration hopes to develop for emergency medical personnel standard protocols for the proper diagnosis of fire-related injuries.

Fire Fighting Tools and Equipment Research and Development: This initiative is aimed at identifying innovative tools and equipment applicable to fire fighting, modifying or improving on designs were appropriate and transferring that technology to departments across the country.

Fire Service Officer Guide and Manual: As a resource to fire departments creating the position of fire safety officer, the Fire Administration will codify work by a variety of organizations covering applicable standards, references sources and suggested pratices.

III. OFFICE OF FIRE PREVENTION AND ARSON CONTROL

Priorities for this area include developing a pro-active program for fire safety codes and improving arson information management.

Ongoing programs are:

Arson Information Management Systems (AIMS): Aims is an ongoing information system providing for the exchange of economic, social and criminal justice information among law enforcement agencies, investors, bankers, and State and local anti-arson groups. During this fiscal year, USFA plans to detemine whether state-of-the-art data management and information processing technology are being used by AIMS. An evaluation component will be integrated into the system to analyze the system's effectiveness. A specific city will be selected for study and development of a model program.

Juvenile Firesetter Treatment Program: A number of fire departments have been conducting research to determine the effectiveness of training firefighters as volunteer counselors to reduce juvenile arson and firesetting. To date, data has been gathered on age groups up to 7 and from 7-15. Focus for fiscal year 1983 is on the 15-18 age group. (50 percent of all arson arrests are of juveniles 18 and under.)

An evaluation system will document and validate the program's effectiveness in reducing juvenile firesetting incidents.

Federal Arson Task Force: The Federal Arson Task Force consists of representatives from various Federal agencies with responsibilities or interests relating to arson. Chaired by FEMA, the task force serves as a forum for these agencies to exchange information on current and proposed programs.

In addition to regular bi-monthly meeting of the task force, the Fire Administration will host during the year short resident seminars at the National Emergency Training Center (NETC). Outside guest speakers and experts in the field will be invited to contribute to this exchange, providing a wider range of information and greater visibility to the effort.

New initiatives include:

Codes: Much work still remains to be done in the area of code unification and standardization. The Fire Administration will work with organizations that develop fire standards and encourage more private sector involvement in code development and implementation. The aim of this project is to build on previous work related to code administration and enforcement done by the Fire Administration and to provide local officials with the knowledge and skills necessary to develop a strong, pro-active code process at the local level.

Residential Sprinkler Program: This is a multi-year, phased project which builds on technical work already accomplished in cooperation with fire-related organizations and the private sector under Fire Administration sponsorship. Initiatives in this area will be aimed at encouraging an awareness on the part of the public and business and industry of the benefits of and technical improvements available in residential sprinklers and by promoting their adoption and use.

Smoke Detector Survey: Information will be gathered to provide current statistics on smoke detectors in the U.S. including how many are in use, average costs, maintenance costs and problems, and their effectiveness and efficiency. In addition, an assessment of the effectiveness of existing local/State legislation mandating use of smoke detectors will be made.

Teleconferencing: During 1983, the Fire Administration will explore opportunities for using teleconferencing as a means for transmitting and exchanging information on arson.

Arson Resource Center: Through the learning resource center at NETC, arson information will be compiled and disseminated on request. Data gathered by the Fire Administration to date will be supplemented by current information from other sources to provide a centralized national resource on the arson problem.

Arson Computer Project: This project will introduce and encourage the application of microcomputers to the arson problem. Potential program directions include encouraging attendance at the Academy's new microcomputer course and tracking innovative programs started at the local level as a result of this training. In addition, information will be gathered to evaluate the effectiveness of computers as a resource for addressing the arson problem.

Rural Arson Project: This 3-phase study will identify the rural arson problem in the U.S.; suggest strategies to mitigate the problem; and measure the success of those strategies.

IV. OFFICE OF FIRE DATA AND ANALYSIS

Priorities for this office are to ensure effective fire data collection on a national basis; to develop a data bank of timely, accurate and retrievable information; and to continue analysis of major and/or unusual fires.

Ongoing projects are designed to meet these objectives:

NFIRS Grants: To ensure the collection of accurate fire data throughout the United States, second- and third-year NFIRS grants to States/localities already committed to participation will continue. Overall, the NFIRS program will focus on upgrading the quality of current data and making it more readily available at the local level.

Technical Improvement and Support: Working with FEMA's office of information resources management, the Fire Administration is continuing to collect, process and feed back to users data on the U.S. fire problem. Initiatives in this area will be aimed at developing more useable formats for data feedback, developing an improved version of the NFIRS data collection form and streamlining the data collection process.

In addition, the Fire Administration will continue providing technical support and training to users through the national fire information council (NFICO). Annual and regional workshops will provide users a forum to exchange information and to review innovations in data management and analysis.

Analysis of Major and Unusual Fires: This project will continue in partnership with the National Fire Protection Association (NFPA). Case studies developed from these analyses will be used in an advanced fire strategies course to be offered by the National Fire Academy.

New projects include:

Kerosene Heating Survey: A national survey will be conducted to determine the magnitude of the fire problem related to use of portable kerosene heaters in the United States.

Special Studies and Reports: The Fire Administration will continue to commission the conduct and publication of special studies and reports on current issues facing the fire and rescue service as well as the annual assessment of the magnitude of the U.S. fire problem.

Firefighter Death Survey: A special study will be conducted to gather more accurate statistics on how firefighter deaths can be prevented and/or reduced.

I am pleased to report that the splendid record of the National Fire Academy and its outstanding personnel continues as it has in the past years. I will not labor the committee with the statistics of the Academy because they are available to you through your own sources but suffice to say, the staff of the National Fire Academy ring absolutely every cent of worth out of the budgetary funds that are appropriated to that institution. In so doing they continue to produce an extremely high caliber of training and education not only to the fire service, but law enforcement agencies and others concerned with mitigation of unwanted fire and hazardous incidents.

I would call to your attention once again, as I have in the past years, the expansion of the Fire Academy's "train the trainer program" which has been encouraged and urged by both the National Volunteer Fire Council, other organizations of the fire service and the joint council as a whole. By utilizing this delivery method of training instructors in the various States who will in turn return to their home areas and provide the training under the auspices of the Academy, many times more firefighters can be reached with training in any given year than would be possible if only the campus facilities were used at Emmitsburg.

We are aware of the budgetary constraints of today's economy on the Government and in defference to the spirit of the administration and the Congress, the fire service respects the proposed 1984 fiscal year freeze.

While the programs of the Administration and Academy are both worthwhile and cost effective, they still lack the personnel and financial resources necessary to have the impact on the Nation's fire problem which the Congress envisioned in the National Fire Prevention and Control Act. With this in mind, we do wish to go on record pointing out some programs which we feel should be considered if not this year, in the very near future to enhance the fire program which would involve approximately 25 additional full time equivalent positions and 3.85 million dollars in additional funding for the United States Fire Administration and the National Fire Academy.

As I said earlier, we do respect the proposed freeze and therefore support fully the budgets for these two agencies as submitted by the Federal Emergency Management Agency.

The Fire Prevention and Control Act, as originally conceived, brought to bear a three prong attack on the fire problem of the United States; a Federal fire focus, a training arm and a research arm and unfortunately at this time, we find a proposal to eliminate that research arm in the person of the Center for Fire Research of the National Bureau of Standards funded through the Department of Commerce.

We of the volunteer fire service, along with the total fire service community, feel that this would be a grave mistake inasmuch as significant work has been and is continuing to be carried on in the center which now is beginning to yield fruit.

The Center coordinates and brings to bear all Government research efforts in the field of fire prevention and control in a central point and this speaks well toward efficiency and the avoiding of duplication and wasted effort as well as tax money.

The research conducted reaches all areas of American life, from the citizen in his home with residential sprinklers and heating appliances, to smoke control and compartmentizing of buildings, fire safety evaluation systems for hospitals, multi-family housing, boarding homes, prisons and recreational housing.

I hasten to point out that the funding for the center for fire research should continue to be provided independent of that of any other fire programs, including the Administration or Academy and should in no way diminish the funding of these other two agencies.

In this brief presentation, I have attempted to recap the programs of the United States Fire Administration, National Fire Academy and Center for Fire Reasearch, though the time available does not begin to permit me to do justice to the organizations nor the outstanding people who make up their staffs.

This time last year I was testifying in many instances as a direct adversary of the administration and its leaders, a situation which this year does not exist through the effort and splendid cooperation of the officials of the Federal Management Agency, the Administration, the Academy and the Center for Fire Research, however, one relationship does remain and that is the unacceptably high level of death and destruction in the world's most advanced and industrialized nation from unwanted fire. I would not be so crass as to suggest that by approving this budget, the unacceptable level of death and destruction would be eliminated, but it can be addressed and a beginning made.

In closing, I feel it sufficive to say that the outstanding accomplishments and records of these agencies far more than justify the budgetary requests and on behalf of the National Volunteer Fire Council, as a firefighter and a very concerned citizen, I urge endorsement of the funding requested for the United States Fire Administration and the National Fire Academy and the restoration to level funding of the Center for Fire Research of the National Bureau of Standards.

I thank you for the opportunity to present this testimony.

STATEMENT OF LOUIS J. AMABILI

Mr. Chairman: My name is Louis J. Amabili. I am Director of the Delaware State Fire School, Immediate Past President of the International Society of Fire Service Instructors, Vice Chairman of the Board of Visitors to the National Fire Academy, a former member of the Presidents National Commission on Fire Prevention and Control and currently serving as the chairman of the Joint Council of National Fire Service Organizations.

As chairman of the Joint Council it is indeed a pleasure to submit testimony in support of the reauthorization of the United States Fire Administration and National Fire Academy within the Federal Emergency Management Agency. This testimony is presented on behalf of the eleven member organizations of the Joint Council as listed herein:

Fire Marshals Association of North America.

International Association of Arson Investigators.

International Association of Fire Chiefs.

International Association of Fire Fighters.

International Fire Service Training Association.

International Municipal Signal Association.

International Society of Fire Service Instructors.

Metro Chiefs of the International Association of Fire Chiefs.

International Association of Black Professional Fire Fighters.

National Fire Protection Association.

National Volunteer Fire Council.

Prior appearances before authorization committees were not as harmonious as this hearing is expected to be. You are to be commended Mr. Chairman for inviting the Joint Council representatives and FEMA officials to sit at the same table during this important hearing. We believe this exemplifies the spirit of cooperation that has been developed between FEMA and the fire service during the past twelve months.

As each day passes FEMA officials learn more about the nation's fire problem and the need to provide cost effective fire related programs to keep life and property loss from escalating. FEMA Director Louis O. Guiffrida is to be commended for his increasingly personal attention to the fire program and the improved recognition and visibility of the fire programs within the Federal Emergency Management Agency. Recognition must also be given to Fred J. Villella, Associate Director for Training and Education, for his efforts in establishing an amicable and effective communication network between the fire service leaders and the FEMA officials.

I will not present to you as part of this testimony the facts and figures about life loss, property loss and the magnitude of the injury problem caused by fire. These statistics have been presented at previous hearings and are available to you. These statistics represent the past. Instead, this testimony will reflect the present and the future.

The United States Fire Administration recently restructured within the Federal Emergency Management is divided into four offices: Fire Policy and Coordination; Firefighter Health and Safety; Fire Prevention and Arson Control; and Fire Data and Analysis. The Government Affairs Committee (GAC) of the Joint Council worked very closely with the USFA Working Group to establish priorities for each of these program areas and help guide the allocation of resources towards the primary mission of improving fire safety in the United States. Although the role of GAC was advisory in nature, the Working Group and FEMA officials were genuinely interested, cooperative and responsive to the many sugestions offered.

While the major thrust of the Joint Council's efforts during the current fiscal year were devoted towards helping to re-establishing the program priorities for the United States Fire Administration, the working relationship with the National Fire Academy continued. The co-location of the Fire Administration at the National Fire Academy campus in Emmitsburg should further enhance the working relationship between the fire service and FEMA, USFA and NFA.

Statistics for the National Fire Academy will not be presented as part of this testimony. They, too, are available to your committee if desired. However, note should be made that the successful delivery of quality courses both on campus and in the field is causing a major admissions problem resulting in a large majority of applications received being rejected because of classes filling up nearly a year in advance.

While the fire programs (USFA and NFA) are both effective and cost effective, they still lack the personnel and financial resources necessary to meet the needs of the fire service and to make the desired impact on the nation's fire problem. With this in mind the Joint Council had planned to appear before this committee to request 25 additional full time equivalent positions and 3.85 million dollars in additional funding for the USFA and NFA as follows:

	Amount
A. National Fire Academy:	
(1) Field program division, 200 additional field programs and 8 FTE's	$600,000
(2) Resident program division, conduct 1, 2 week program in each of 50 States and 8 FTE's	900,000
(3) Conduct 6 national teleconferences on fire	300,000
Subtotal	1,800,000
B. United States Fire Administration:	
(1) Firefighter health and safety division USFA:	
Toxic environment detection device for firefighters	250,000
Firefighter health and safety program development and delivery through NFA	300,000
Research and development and data collection activity in the area of ropes, escape devices, escape breathing apparatus, descent devices	300,000
5 FTE's	250,000
(2) Fire prevention and arson control implementation of fire safety and protection program including high rise, smoke detectors and residential sprinklers and 1 FTE	500,000
(3) Emergency Medical Services Program	300,000
Provide administrative and technical support for the development and implementation of basic and advanced life support systems in fire departments	.....
Provide an EMS resource center for fire department administrators and EMS system managers	.....
Provide EMS management courses through the NFA	.....

3 FTE's	150,000
Subtotal	2,050,000
Total	3,850,000

However, in keeping with the spirit of the President and the Congress, the Fire Service respects the proposed fiscal year 1984 freeze and pledges its support in curbing inflation and keeping the federal budget in line. Therefore, we support the entire FEMA budget submission and specifically request the reauthorization of the Fire Prevention and Control Act to the previously authorized level of 22 million dollars.

The Joint Council is also aware of the important work being conducted by the Center for Fire Research at the National Bureau of Standards and supports the position that the Center for Fire Research of the National Bureau of Standards be authorized and level funded within the Department of Commerce for fiscal year 1984 so long as the funding in no way reduces the recommended funding of any other federally funded fire program.

On behalf of the Joint Council I thank you for the opportunity to present testimony.●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS

● Mr. STEVENS. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD this notice of Senate employees who propose to participate in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization

The Select Committee on Ethics has received a request for a determination under rule 35 which would permit Mr. Glen Mauldin, of the staff of Senator HECHT, and Mr. Philip Ufholz of the staff of Senator ROTH, to participate in a program sponsored by Soochow University, Taipei, Taiwan, from March 25 to April 2, 1983.

The committee has determined that participation by Messrs. Mauldin and Ufholz in the program in Taipei, at the expense of Soochow University, to discuss United States-Taiwan relations, is in the interest of the Senate and the United States.

The Select Committee on Ethics has received a request for a determination under rule 35 which would permit Mr. Ronald Kirk, of the staff of Senator BENTSEN, to participate in a program in Taipei, Taiwan, sponsored by Tamkang University, from March 25 to April 2, 1983.

The committee has determined that participation by Mr. Kirk in the program in Taipei, at the expense of Tamkang University, to participate in an educational and cultural tour of the Republic of China, is in the interest of the Senate and the United States.

The Select Committee has received requests for a determination under rule 35 which would permit Mr. Gus Edwards, of the staff of Senator TRIBLE, Mr. Charles Smith, of the staff of Senator DIXON, and Ms. Joy Manson, of the staff of Senator WARNER, to participate in a program sponsored by Soochow University, in Taipei, Taiwan, from March 25 to April 3, 1983.

The committee has determined that participation by Messrs. Smith and Edwards and Ms. Manson, at the expense of Soochow University, to participate in meetings and discussions with students and faculty on United States-Taiwan relations, is in the interest of the Senate and the United States.●

JOHN DAVIS LODGE, U.S. AMBASSADOR TO SWITZERLAND

● Mr. DODD. Mr. President, the confirmation of John Davis Lodge of Connecticut as our Ambassador to Switzerland caps a brilliant record of public service and gives us an outstanding envoy on an important diplomatic post.

The selection of noncareer ambassadors always revives the question of professional versus noncareer diplomats. With Ambassador Lodge this question is largely irrelevant. His great experience and a lifetime's record of distinguished service for our country eminently qualifies him for the position. He was a Member of Congress for two terms, Governor of my State of Connecticut, Ambassador to Spain and Argentina, and most recently he served on our delegation to the United Nations.

His publications, achievements, and distinctions are too numerous to mention. He comes from a family that gave two great Senators to Connecticut and the Nation among many other outstanding citizens. It is a matter of personal pride for me that he has been a close friend of my family. I know him and respect him since my childhood.

As a friend and a fellow public servant from Connecticut, I congratulate him on his confirmation and wish him the very best in his new position.●

COMMODITY DISTRIBUTION AMENDMENT TO THE JOBS BILL

● Mr. MOYNIHAN. Mr. President, I commend the inclusion of an amendment to H.R. 1718 that was offered by my distinguished colleague from Oregon (Mr. HATFIELD). I am pleased to have been a cosponsor of this amendment, which provides funds for the distribution and processing of milk products and other surplus commodities now being stored by the Federal Government.

Such was the intent of S. 17, introduced at the beginning of this session by the Senator from Kansas (Mr. DOLE) and which I cosponsored. Unfortunately, when this bill came out of the Agriculture Committee, funds for distribution were, for all intents and purposes, extinguished and discretion to carry out the program left wholly to the Secretary of the Department of Agriculture. The amendment now restores $50 million for this purpose and requires the Secretary to carry out the provisions of the act.

As I said when the original measure was introduced, this legislation will go far to allow the Federal Government to fund distribution of nearly $4 billion worth of surplus food to needy citizens around the country. This bill will not only help the Government provide for the poor and elderly hungry, it will also help taxpayers save on the costs of storing enormous quantities of surplus food, especially milk products, now owned by the Government. There should not be hungry people in America when there are billions of dollars worth of food filling up warehouses.

In the past 2 years there have been severe cutbacks in the food stamp program and other assistance programs for the poor. Greater distribution of commodities will partly alleviate the greater hunger these cutbacks have caused among the Nation's impoverished.●

PROGRAM

Mr. BAKER. Mr. President, on tomorrow the Senate will convene at 12 noon. After the recognition of the two leaders under the standing order, three Senators will be recognized on special order of not to exceed 15 minutes each.

After the execution of those orders, there will be a period for the transaction of routine morning business of not longer than 1 hour in length in which Senators may speak for not more than 10 minutes each.

It is anticipated, Mr. President, that the Senate will be in a position to act on the social security conference report sometime during the day tomorrow. If necessary, the Senate will be asked to turn to further consideration of the jobs bill conference report.

Mr. President, that is the entire business to be conducted by the Senate prior to our adjournment over until after the Easter recess. I anticipate that we will receive the adjournment resolution from the House of Representatives sometime tomorrow and, of course, that will be called up at a suitable time for action by the Senate, which means because of the good work and diligent efforts of every Senator we are going to be able to gain

1 day on the recess schedule for Easter.

I personally wish to express my gratitude to the Senate for that accommodation.

Mr. President, I have nothing further.

RECESS UNTIL TOMORROW

Mr. BAKER. Mr. President, I see no other Senator seeking recognition. Therefore, I move, in accordance with the order previously entered, that the Senate now stand in recess until the hour of 12 noon tomorrow.

The motion was agreed to; and the Senate at 9:42 p.m. recessed until Thursday, March 24, 1983, at 12 noon.

CONFIRMATIONS

Executive nominations confirmed by the Senate, March 23, 1983:

FEDERAL HOME LOAN BANK BOARD

Edwin J. Gray, of California, to be a Member of the Federal Home Loan Bank Board for the remainder of the term expiring June 30, 1983.

Edwin J. Gray, of California, to be a Member of the Federal Home Loan Bank Board for the term of 4 years expiring June 30, 1987.

DEPARTMENT OF TRANSPORTATION

Conrad Fredin, of Minnesota, to be a Member of the Advisory Board of the Saint Lawrence Seaway Development Corp.

CONSUMER PRODUCT SAFETY COMMISSION

Terrence M. Scanlon, of the District of Columbia, to be a Commissioner of the Consumer Product Safety Commission for a term expiring October 26, 1989.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

DEPARTMENT OF JUSTICE

John P. Volz, of Louisiana, to be U.S. attorney for the eastern district of Louisiana for the term of 4 years.

IN THE ARMY

The following-named U.S. Army Reserve officer for appointment to the grade of brigadier general as a Reserve commissioned officer of the Army under the provisions of title 10, United States Code, sections 593(a) and 3384:

To be brigadier general

Col. Willard L. Wallace, [redacted]

IN THE MARINE CORPS

The following-named brigadier generals of the Marine Corps Reserve for promotion to the permanent grade of major general, pursuant to title 10, United States Code, section 5902 and 5912, subject to qualifications therefor as provided by law:

William C. Groeniger III
John J. Salesses

The following-named colonel of the Marine Corps Reserve for promotion to the grade of brigadier general, pursuant to title 10, United States Code, section 5902 and 5912, subject to qualifications therefor as provided by law:

Richard P. Trotter

IN THE AIR FORCE

Air Force nominations beginning Craig R. Abbot, and ending Chris G. Zurales, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on March 15, 1983.

IN THE COAST GUARD

Coast Guard nominations beginning David W. Kennedy, Jr., and ending Richard B. Disharoon, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 25, 1983.

Coast Guard nominations beginning Joseph E. Blanchard, and ending Florian F. Rundio, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 25, 1983.

Coast Guard nominations beginning Clifford G. Spelman, Jr., and ending David E. Buerle, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 16, 1983.

Coast Guard nominations beginning William I. Norton, and ending Ralph A. Hoekstra, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 16, 1983.

Coast Guard nominations beginning Randolph O. Dodge, and ending Darrell W. Williams, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on March 9, 1983.

Coast Guard nominations beginning Andres L. Bolinaga, Jr., and ending Melesio Gonzales, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on March 9, 1983.

Coast Guard nominations beginning Daniel B. Abel, and ending Joseph O. Zuccaro, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on March 9, 1983.

PUBLIC HEALTH SERVICE

Public Health Service nominations beginning John V. Bennett, and ending John C. Pytlik, which nominations were received by the senate and appeared in the CONGRESSIONAL RECORD on February 14, 1983.

EXTENSIONS OF REMARKS

U.S. FOREIGN POLICY IS TOO COSTLY

HON. RON PAUL
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. PAUL. Mr. Speaker, during the upcoming debate on the 1984 budget, there will undoubtedly be cries over cuts in welfare programs and increases in defense spending. Unfortunately, we in Congress have a tendency to examine only the bottom line figures, never the policies behind those numbers.

I would like to submit the following article by Ronald Steel, a senior associate at the Carnegie Endowment for International Peace, that challenges the U.S. foreign policy of indiscriminate globalism. It is this interventionist foreign policy that results in huge annual expenditures for defense and foreign aid.

The article follows:

[From Vanity Fair, March 1983]

MINDING OUR BUSINESS—AMERICA'S NEW SELF-INTEREST

(By Ronald Steel)

We all grew up to be internationalists. Conservative or liberal, Republican or Democrat, we were taught to believe in free trade, strong alliances, and global American "responsibilities." Historians and politicians alike told us that the terrible wars of this century would never have happened if the United States had not stuck its head in the sand and let dictators run wild. Those who argued that we ought to take care of ourselves first were dubbed isolationists, and over the decades isolationism has become a dirty world. But it shimmers invitingly just beneath the surface, seeming to offer an escape from the disappointments and costs of internationalism.

A continent unto ourselves, we have always had an ambivalent attitude toward the world. Americans, it has been said, become internationalists when they think they can reform the world and isolationists when they discover they cannot. There is a good deal of truth to that observation, yet what lately passed for internationalism was an almost indiscriminate kind of globalism—one that, as in the Vietnam War, lost touch with the nation's real interests. That kind of global intervention was so self-defeating it inevitably triggered an intense reaction.

Today we are beginning to back away from an internationalist rhetoric that has become tarnished, and also from a good many internationalist policies. To call this isolationism would be inaccurate. We are not closing doors on the world. Rather, we are defining American interests much more selectively and our involvements much more narrowly. The old homilies about American responsibilities to a disorderly world are fading away and are being replaced by a concern with rights, demands, and interests. This is not, of course, isolationism at all, but something that could best be called self-interest.

The change is not so dramatic as it seems. The United States has always been a unilateralist country; that is, one that acted, or thought it did, in its own best interests. Even our postwar internationalism was unilateralist. We switched from selective involvement to one-world internationalism after the Second World War not so much because we were idealistic, but because it suited our purposes to do so. The internationalist policies we launched after 1945 were ideally designed for a country that had vanquished all its foes and ran the world's economy.

Free trade allowed us to break down the tariff barriers of less efficient countries. Foreign aid was a method for building up overseas markets and, in the process, by means of "buy American" clauses, for subsidizing American farms and industries. Alliances made it possible for us to prop up friendly governments and gain foreign bases. That was what we wanted to do, and it seemed to serve our interests. Internationalism was the label we put on it.

But this kind of internationalism was certainly self-interested. It was not viewed as self-interest at the time because it clothed itself in the rhetoric of idealism. We would fulfill our international "responsibilities" by keeping American troops in Europe and by fighting wars in Asia. We would "lend a helping hand" to our friends by giving them money, food, and weapons.

Our foreign-policy managers taught us to behave like a great power, one that placed foreign policy above domestic concerns, described overseas involvements as commitments, and regarded domestic needs as distractions from serious matters. Two generations of Americans have grown up thinking—or at least being told—that it is our job to balance the world's books, defend its weak governments, and ward off various forces of evil.

That was the price of fulfilling our "global role." The only trouble is that over the years the cost of this role, like everything else, has gone up, while the benefits have diminished. Free trade is draining away jobs in dying industry, our allies are expensive and disobedient, the global "containment" of Communism traps us in the quagmire of third-world politics. What once seemed easy because we were so much more powerful than anyone, and cheap because we were so rich, has now become difficult and costly. Increasingly, Americans are beginning to ask whether the effort is worth the cost. In new attitudes toward trade, immigration, alliances, nuclear pledges, and global commitments, we can see the outlines of a narrower approach to American security. The consensus on American interests that has sustained an internationalist foreign policy ever since the days of Franklin Roosevelt and Harry Truman is beginning to come apart.

The elite that makes a career out of foreign policy says we are becoming isolationist, but we are not. The United States is not isolationist and never really has been. We were always interventionist toward Asia and Latin America, and though we kept out of Europe's political affairs in the 1920s and 1930s, we were deeply involved economically. We are not withdrawing from the world, but we are pulling back from the overblown rhetoric and the indiscriminate interventionism of the past forty years. We are retreating, if you will, from globalism.

Let's look at some evidence.

FREE TRADE

At the end of World War II, when we were producing half the world's industrial goods, we needed access to foreign markets. So we became apostles of free trade. We set up the dollar as the world's currency, lent or gave it away freely to those who would play by our rules, and preached the evil of the tariff barriers and closed trading systems endemic to planned economies and underdeveloped nations. Our industries, grown fat without competition, also grew self-indulgent. They used their profits to become conglomerates instead of modernizing their plants. They looked down their noses at foreign competitors. And eventually they lost their markets, both here and overseas. Now some of them, having failed to stay competitive, want the government—and our tax dollars—to protect them from foreign rivals through tariff barriers, import quotas, and loans.

The rock of the postwar economic order is crumbling. Other countries now can do some of what we do, and they can do it better and more cheaply. The system that once favored all our industries now favors only some of them. Firms that have lost their competitive edge now want protection. Congress is listening, and has put temporary or permanent import quotas on steel, autos, color television sets, textiles, sugar, and shoes. Politicians, always sensitive to the pressure of special-interest groups, are discovering votes in protectionism. Free traders consider this anathema, but aging industries and the people who work for them are demanding it. The free market may make economic sense and still result in political and human disaster. Protection from the cost-efficient anarchy of the marketplace is becoming a popular demand that politicians can no longer ignore.

THE THIRD WORLD

Twenty years ago, when John F. Kennedy sent American "advisers" to help "pacify" South Vietnam, nobody paid much attention. But when the Reagan administration considered sending U.S. troops into El Salvador, a public outcry forced the administration into a hasty retreat. In a Roper poll taken last year, only 20 percent favored sending American forces even "if this is the only way to prevent the government of El Salvador from being overthrown by leftist guerrillas."

Nor was there much more support for intervention elsewhere. A poll taken at the height of the Solidarity euphoria showed only 31 percent willing to send U.S. troops if the Russians invaded Poland, 28 percent if Israel were overrun by an Arab country, and 24 percent if Saudi Arabia were attacked by a neighbor.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

The simple truth—which no administration has yet been willing to accept—is that the American public does not give a serious damn about most of the third world. Not since the Vietnam War has the public bought the government's rhetoric that Communist peasants were going to swim across the ocean and invade the United States. We have learned to be more cynical about third world politicians and our own geopolitical strategists. We have seen dictators come and go, some the tools of bankers in Brussels and New York, others of commissars in Moscow and Havana. But we know that the political loyalty of those countries has a life span about equal to that of a butterfly. Egypt was once in Russia's pocket, now it's in ours. A few years from now Egypt may be theirs again—and the Russians will have to come up with the nearly one billion dollars a year we have been shelling out ever since 1977 to build up Egypt's economy. We used to have Ethiopia, and Moscow had Somalia. Then we switched partners. We may switch again. Does it matter? John F. Kennedy told us we had to "pay any price, bear any burden" to bring the blessings of democracy to everybody everywhere. He was full of zeal and thought he could redesign the world. So did we. We are wiser now, after Vietnam and other disasters. He probably would be too.

EUROPEAN DEFENSE

American troops have been in Europe so long that some GIs currently stationed there are filling the combat boots first worn by their grandfathers. They were sent there after World War II because the defeated Europeans were downtrodden and the Russians were growling ominously. The cost of defending Europe, which was a formidable $81 billion in 1981, or half of our total defense budget that year, will hit $130 billion this year.

Is this expense really necessary? Our allies now have armies of their own—the Germans half a million men and the French even more, plus nuclear weapons. And they are now rich. Six Western European countries have higher per capita incomes than we do. In 1981 we spent $782 per capita on defense. By contrast, Germany spent only $372, France $437, Britain $433, and Japan—our other major protectorate—$89. On the average our European allies devote about half as much of their gross national product to defense as we do.

They think that's plenty. Maybe it is. Even those Europeans who applaud the Reagan buildup have no intention of following suit; they have other uses for their money. They want high-speed "bullet" trains to link their cities, modern subways and glittering opera houses, free medical care for everybody, and welfare cushions for the poor. Why shouldn't they? They complain that they can't possibly afford their own defense because it costs too much. Their parliaments would be afraid to touch social programs to pay for weapons. European voters wouldn't allow it.

So be it. But we have budget problems too, and people who don't want to lose their food stamps and pensions. There is a problem of equity here, and a problem of politics. Reagan has persuaded Congress to endorse the biggest defense buildup in our history. And to help pay for it he has slashed virtually every domestic program that does not have a powerful interest group to protect it. Having squeezed the poor, he has now turned to such cherished middle-class programs as Medicare and Social Security. He is unlikely to succeed in cutting them. This means he either has to pile up greater deficits, which threaten to break the American economy, or forgo his bonanza to the Pentagon.

As Congress looks for cuts, American troops abroad are a tempting target. There are 355,000 American servicemen stationed in Europe, and 150,000 more scattered around the globe. Last year eighty-seven congressmen voted for a resolution proposed by Patricia Schroeder of Colorado calling for a 50 percent cut, over the next four years, of the half million American troops stationed abroad. Support ranged across the political spectrum, from arch-conservatives who want to save the world from Communism to big-city liberals who take their skiing vacations in the French Alps. Some people in Congress would go even further. A maverick Republican libertarian from Texas named Ron Paul wants to bring all the troops back home and close down our overseas military bases. He denies that it is America's job to defend anybody but Americans. This used to be a far-left view. It is now becoming respectable on the right and even in the center.

Europe is where most of the troops are, and it is Europe that complains the most about any cuts. The European governments don't want the Americans to leave. Although they don't much like the GIs, the alternative seems even worse. They would have to defend themselves against the Russians. That would be expensive. It would also mean dealing with the messy problem of German reunification. The Europeans prefer things as they are. They writhe in pain every time a congressman talks about troop cut-backs, the first step in their view toward the "decoupling" of Europe and America—to use the sexual imagery so favored by military strategists.

That's why European governments resist any cut in American troop strength. Not because the current 355,000 figure is sacred, but because any reduction would suggest that American ardor is declining. It's all psychology. The Europeans, in their self-induced and neurotic dependency on the United States, want to be shown every day not only that we love them, but how much. And we, equally neurotically, feel obliged to show them.

Both the Europeans and our foreign-policy professionals warn us of the dangers of cutting back our troop presence—the Europeans for obvious economic reasons and because they still don't trust one another; our foreign-policy elite because it has grown fond of giving orders to the Europeans. NATO has always been attractive to us because it allowed us to call the tune for Europe. Since the Europeans were militarily dependent, they accommodated us economically. All during the Vietnam period, when we blithely printed paper dollars to pay for the war, European governments bought them at face value, thus saving us from an even more ruinous inflation than we actually had. They also followed our political lead.

But not anymore. As the recent pipeline fiasco demonstrated, these governments have their own interests to pursue. Where those interests run parallel to ours, they will accommodate us. Otherwise not. This is understandable. But it is also a very different bargain from the one we used to have with Europe. Our protection used to buy us a client; now we have partners who are sometimes economic adversaries. The alliance is falling apart because the Europeans want equality while we expect obedience. But the more we force them to pay their own way, the more disobedient they will be. There is no way out of this dilemma that is compatible with NATO as we know it.

THE ANTINUCLEAR MOVEMENT

This force is growing on both sides of the Atlantic, but for different reasons. Europeans, alarmed by the Reagan administration's rhetoric about "protracted" nuclear war, suspect that their chances for survival might be better if the Americans took their nuclear weapons and went home. The only trouble is that the Europeans would then have to defend themselves against the Russians, and they don't much like that prospect either. So they flutter, some seeking safety in a utopian notion of disarmament, others in a theory of deterrence in which even they no longer fully believe.

Just as the antinuclear movement is undermining current NATO strategy in Europe, so it is in the United States as well. Last fall Catholic bishops tapped a wellspring of public anxiety when they denounced the use of all nuclear weapons—and in particular the threat to use them first—because "the danger of escalation is so great that it is an unacceptable moral risk to initiate nuclear war in any form." Even NATO is trying to back away from a first-use strategy by putting more emphasis on conventional weapons—a policy that General Bernard Rogers, NATO's American commander, refers to as no early first use.

The bishops have courageously faced the moral problem, but our own government has not been willing to deal with the political one. Logic and American interests would dictate no first use at all. But our troop presence in Europe means that we will be immediately drawn into any European war. If we are losing, will we not use battlefield nuclear weapons? And if we do, can we be sure that America itself will remain unscathed?

That has long been the dilemma of NATO, but a tolerable one so long as we had nuclear superiority. Parity with Moscow makes the situation more dangerous and prevention of a nuclear war in Europe an even more urgent cause. But for that, Europe has to beef up its defenses. Europeans understandably do not want to do that. The more they increase their own conventional forces, the less need there is for 355,000 American troops on the Continent. But without the troops, how can Europeans be guaranteed American protection—least of all nuclear protection?

Our problem is different. Our dire economic condition dictates that we get the Europeans to pay for their own defense. Our interests call for reducing the danger of a nuclear war in Europe that could draw us in. The dilemma is unavoidable. We can remain Europe's protector only at great economic cost—and considerable nuclear risk. But if we reduce our involvement in European defense, the Europeans will build up their own forces and eventually work out their own diplomacy. We cannot have it both ways. But economics may dictate an answer, for we may not be able to afford the role of Europe's generous protector much longer.

GLOBAL DEFENSE

In 1980 our defense bill was $142 billion; in 1981, $176 billion; in 1982, $214 billion; and in 1983 it is due to hit $231 billion. Why does defense eat up so much of our resources? Because of the foreign policy we have. That policy is one of global "containment" of Communism through a network of commitments and alliances. Ronald Reagan did not invent that policy. He is merely car-

rying it out, as has every President, Republican or Democrat, for nearly four decades. He differs from Jimmy Carter only in trying to do it first-class instead of on the cheap. That is why Reagan has nearly doubled the defense budget over four years. In doing so he has, in a way, provided a public service. He has made us aware of the real cost of our cold war commitments.

These are commitments we took on when we were rich, but which now cost a good deal more than we bargained for—especially as Reagan interprets them. That is why Congress is chipping and pruning, asking whether the military really needs such expensive toys as the B-1 bomber, the MX missile, and the M-1 tank. But Congress still resists looking at the underlying obligations that these weapons are designed to serve. It doesn't want to give up the commitments, but it doesn't want to pay for them either. We are like the man who, having decided that he needs a big yacht to sail around Newport harbor, worries about the cost of hired hands. As J. P. Morgan is said to have remarked, "Any man who has to ask about the annual upkeep of a yacht can't afford one." Today, unlike ten or twenty years ago, we have to ask how much the yacht costs. We can afford some guns and some butter, but not for everyone on the block. And the more we spend on guns, the less we have left for butter. Our allies in Europe and Japan have opted for the butter, sure that we would provide the guns, both for ourselves and for them. That's one of the reasons they have been able to become such formidable competitors in the marketplace.

To question the terms of this arrangement is not to revert to isolationism—unless shedding the globalist ambitions of nearly four decades can be considered isolationist. But we Americans are, for the first time in the postwar period, beginning to look closely at our commitments, to ask what they cost us, what we must give up for them, and what we get out of them. The question today is whether our nation can any longer afford its foreign policy.

The old internationalism is in retreat. Replacing it is a stricter notion of self-interest, one that recognizes the difference between what we can do and what we would like to do. It is not isolationist, for it counsels measure, not indifference. You could call it realism. And it is where we are heading—once our political leaders catch up.●

BLACK CAUCUS BUDGET CLOSED DOWN

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mrs. SCHROEDER. Mr. Speaker, the Congressional Black Caucus will not be able to offer their alternative budget proposal because we passed a closed rule, which I opposed, to limit consideration to the Democratic and the Republican proposals. I voted for the Black Caucus last budget proposal. They have again written an outstanding alternative budget; because of the closed rule, it will not be considered.

This is not responsible legislating. How can we refuse to consider a budget proposal that would create 900,000 new jobs, reform the inequities in Mr. Reagan's 1981 tax giveaways, restore funding to critical social programs and still reduce the deficit substantially below that proposed by the administration? How can we refuse to consider a budget proposal that examines defense spending not in terms of real growth but in terms of U.S. foreign and military objectives?

Between July 1981, the start of the Reagan recession, and November 1982, the national unemployment rate increased 49 percent, while in Colorado it jumped 75 percent. How can I tell my constituents that their Congress refuses to consider the Black Caucus budget proposal which seriously addresses the problems they are facing?●

MEETING HUMAN NEEDS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for March 23, 1983, into the CONGRESSIONAL RECORD:

MEETING HUMAN NEEDS

It should come as no surprise that human needs have sprung to the top of the congressional agenda. Reports are rolling into Washington of people passing their days in unemployment offices, living in doorways, waiting outside soup kitchens, and suffering through illness without medical attention. Legislators from every part of the country have been hearing the horror stories of unemployment. People have used up their jobless benefits, run through their personal savings, and given up looking for work. They are desperate. Some 12 million people are jobless. The number of homeless could be as high as two million. Private nutrition centers indicate that the ranks of the hungry are swelling, and one report is that as many as 44 million people could be at risk of hunger. Some 25 million people have lost their health care insurance during the past months. There are too many people in need for us to think that private groups alone will meet the need.

Part of the jobs program now being shaped in Congress will be humanitarian aid. Funds are included for emergency shelters and nutrition centers. The President's position has been that the homeless and the hungry could be served by existing government programs and by private charity, but recently he has been moving toward more direct government help. So has Congress.

Besides the temporary program of public service jobs, the opening of Federal buildings to the homeless, and the distribution of surplus food at nutrition centers, other emergency steps are under consideration. For example, job-creating public works are being accelerated, and new public works could be authorized. Also, jobless benefits are being extended and increased for those workers who are still idle and who have no other source of income. Under review is a temporary program to pay the health care insurance premiums of workers who have lost their coverage due to the recession. Such a program would be hard to formulate because it would present both high costs and tough questions of fairness, but the unemployed have a very great need for health care due to the anxiety and disruption caused by prolonged joblessness.

No one contends that these steps will solve the problems of unemployment, homelessness, hunger, and sickness. They are short-term, and they address only the urgent, immediate needs that people have. While we debate how to get long-term, vigorous growth in the economy (which everyone acknowledges is the best remedy for our economic woes), we should remember that the effort in Congress is to get help to a specific group of people who are in dire straits. If recovery is going to be long and slow, or if it falters as it has in the recent past, then Congress should see to it that adjustments do not fall too hard on the least fortunate. Obviously, budgetary caution cannot be thrown to the wind, but the worst waste of all is the waste of human life and potential.

The most serious recession in half a century was preceded by sharp cuts in the budget for social programs and public aid. A stronger budget would have done much to soften the blow so many workers and families are feeling today. Yet requests from the President for further cuts continue; he also wants to turn back much of the responsibility for helping the state and local governments and to private charities. The evidence is growing, though, that the state and private groups have not been able to maintain current services, much less expand services to meet new needs. What is worse, many workers in human services say that the worst is still to come even though the economy may have begun to recover.

Our responsibility for the unemployed and the poor always provokes vigorous discussion. Most of us recognize that minimal economic well-being is necessary for democracy to work. No community can expect to be self-governing unless the members of that community enjoy a minimal level of material well-being. People are unable to play an active role if they have to worry incessantly about a job, a place to live, food to eat, or health. Most of us also favor assistance to the unemployed and the poor on economic grounds. We are also aware that short-term cuts in programs of employment, housing, nutrition, health care sometimes end up costing society far more as crime rates increase and public health deteriorates. For example, a recent study shows that for every dollar spent in the federal supplemental program of health care for women, infants, and children, three dollars would be saved in future health care costs. We are aware, too, of the case for help to the needy on moral or humanitarian grounds. The question is simply whether we want the citizens of our country to be ill-fed, ill-housed, and ill-clothed.

Whatever our feelings, we know that needs are not being fully met. These needs arise at a time when there are heavy tax burdens on all of us, and the federal deficit is enormous. We should not expect Washington to solve all the problems any more than we would want churches, businesses, and the well-off to shoulder the entire burden. So, none of us should underestimate the severity of the problems, and all of us should do our share.

It is clear to me that Congress has become more sensitive to the problems of joblessness, homelessness, hunger, and sickness. Some states and localities, corporations, churches, and charities are seeing that adequate portions of their budgets go to alleviate these problems. People across the nation

are generously relieving distress in their communities and lending a hand wherever they can.

There are many competing claims on our time and resources, but few demands outweigh our duty to see that our neighbors can work, clothe and shelter themselves, eat, and stay healthy.●

AMENDMENTS TO THE FOREIGN MISSIONS ACT OF 1982: CONSIDERATION OF THE IMPACT OF FOREIGN MISSIONS ON LOCAL COMMUNITIES

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. TORRICELLI. Mr. Speaker, I take pleasure today in introducing legislation to amend the Foreign Missions Act of 1982. The Foreign Missions Act recognizes the importance of facilitating the secure and efficient operation in the United States of foreign missions, and public international organizations and the official missions to such organizations. It provides that the treatment accorded to a foreign mission in the United States shall be determined by the Secretary of State.

Toward this end the Secretary may assist agencies of Federal, State, or local governments with regard to ascertaining and according the benefits, privileges, and immunities to which a foreign mission may be entitled. The act further allows the Department of State to get involved in the acquistion of property in the United States by foreign missions and missions to public international organizations.

This process gives State the right to tell such a mission that before buying property in the United States they must secure the approval of the Department of State. Two questions must thus be answered before the purchase of property may proceed, first a threshold question of whether State's approval is to be required and second whether, after adjudging that approval is required, it will be granted.

It is intrinsic to this process that the views of the locality where the property proposed to be purchased by a foreign mission is situated be given some input into State's decisionmaking process. In my own district controversy has developed over the purchase of such property. For this reason I am offering today amendments to the Foreign Missions Act. The amendments will provide for the consideration of the impact on local communities of acquisitions by foreign missions of property and other benefits within those communities and to consult with appropriate local governments in assessing such impact.

These amendments would enable local governments to give the Secretary of State a kind of "diplomatic impact statement" concerning the potentials of a particular location of a diplomatic unit within the local government or the probable result of conferring a particular benefit on a foreign mission.

The local governments would, of course, have no direct say in the Secretary's decisions on the situsing of foreign missions. But these amendments would go a long way to alert the Department of State of real and potential problems involved in the operation of a foreign mission and perhaps prevent other communities from becoming enmeshed with the trouble now surrounding a proposed foreign mission in my own district.●

ACTION IS NEEDED NOW TO SAVE OUR WETLANDS

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. FORSYTHE. Mr. Speaker, the need to conserve wetlands has never been more critical than it is today. The value of wetlands for critical wintering, breeding, and resting habitat for migratory waterfowl is well known. Wetlands provide habitat for other game and nongame species. In addition, there are a number of benefits which accrue to the general public from wetlands including flood control, ground water recharge, pollution and sediment control, conservation of surface waters, reduction of water erosion, cycling of nutrients into the environment, and provision of nursery areas for fish and aquatic life.

The Congress has long recognized the need for acquisition of wetlands habitat. The enactment of the Migratory Bird Conservation Act in 1929 and the Migratory Bird Hunting and Conservation Stamp Act of 1934 established the foundation for our present wetland acquisition program. Other programs have also contributed. The enactment of the wetlands loan fund in 1961, as amended, has generated to date some $145 million in loan money for acquiring wetlands. Contributions from the land and water conservation fund have supplemented wetland acquisition efforts but only to the extent that the resource acquired is endangered species habitat or for congressionally authorized refuges.

However, it is obvious that we are falling short in preserving a rapidly diminishing natural resource. A recent Fish and Wildlife Service study concerning the status and trends of wetlands in the United States found that there were 108 million acres of wetlands in the 1950's. In the 1970's, the total acreage of wetlands had fallen to 99 million acres or a net loss of over 9 million acres.

The Wetlands Loan Act is due to expire on September 30, 1983. The chairman of the Subcommittee on Fisheries and Wildlife Conservation and the Environment, Mr. BREAUX, and I will soon introduce legislation which will provide a simple extension of this program in order that the unappropriated balance of the $200 million Wetlands Loan Act authorization, which now stands at more than $50 million, would remain available. However, it is clear that, even though it will provide a basis for discussion, this action will not meet our long-term acquisition goals.

Today, by request of the administration, I have also introduced a bill, Protect Our Wetlands and Duck Resources Act of 1983 (POWDR).

Title I of this bill would protect wetlands larger than 5 acres using a mechanism similar to that contained in the barrier islands legislation passed last year. The bill would prohibit any Federal expenditures or financial assistance for any purpose within the boundary of those wetland areas. Agricultural price support programs and Federal water resources projects would be exempted in addition to exceptions similar to those contained in the Coastal Barrier Resources Act.

Title II would provide authority to match, on a 3-to-1 basis, the amount of a State's annual duck stamp—or other similar stamp—revenues that are dedicated to wetlands conservation.

Title III would amend the Wetlands Loan Act to extend availability of funds under it for 10 years.

Title IV would establish increased revenues for the migratory bird conservation fund by providing the Secretary of the Interior with authority to require a permit for entrance into certain designated national wildlife refuge units and to increase the price of the duck stamp from $7.50 to $15.

Mr. Speaker, I am extremely pleased that Secretary Watt recognizes the importance of providing additional funding for acquisition of wetlands habitat and innovative methods to discourage further destruction. However, by introducing this bill on behalf of the administration, I am not inferring that I am ready to support all of its provisions. For example, I have serious reservations regarding the effects of the title I limit on Federal expenditures and the methods to be used and the schedule for designating wetlands. Water resources projects such as those carried out by the Corps of Engineers and the Soil Conservation Service are exempted even though they often result in valuable wetland loss. The protections proposed by the bill do not extend to the small potholes of the upper Midwest which provide a large portion of the Nation's waterfowl breeding habitat. In addition, most of

the burden for wetlands acquisition will remain, at increased levels, on the shoulders of the hunters, even though the benefits are spread throughout society and other acquisition funds are presently available but are not included in the administration's fiscal year 1984 budget request.

Finally, there are additional mechanisms not included in the POWDR bill which we should explore, some of which would enlist the private sector's assistance in preserving valuable wetlands. There are a number of potential tax incentives which would encourage a landowner or his estate to give or sell qualified property or conservation easements. Conversely, there are presently at least three sections of the Internal Revenue Code which provide incentives to drain wetlands. These should be carefully examined to determine if their deletion from the code would be beneficial.

I look forward to working with the administration and my colleagues in Congress toward developing a reasonable, workable, aggressive wetlands protection program which will augment, not replace, existing programs.●

PERSONAL EXPLANATION

HON. ROBERT E. WISE, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. WISE. Mr. Speaker, this morning I did not respond to rollcall No. 44, the strictly procedural vote, approving the Journal.

At the request of the White House, I attended a military briefing with former Defense Secretaries Alexander Haig, Harold Brown, and former CIA Director Richard Helms on the MX missile system. I was unable to return to the Capitol in time to register my vote.

Had I been present I would have voted "aye."

This is the first vote I have missed, Mr. Speaker. I appreciate this opportunity to put my position on record.

Thank you.●

SINGLES NEED HELP TOO

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. OTTINGER. Mr. Speaker, recently an unemployed constituent of mine, Ms. Eva Newberry of Mount Vernon, wrote an open letter to the President and all Government officials which was published in the Daily Argus. Ms. Newberry describes the plight of many unemployed individuals and I wanted to bring her thoughtful letter to the attention of my colleagues in Congress.

The letter follows:

[From the Daily Argus]

SINGLES NEED HELP TOO

To the president of the United States, congressmen, senators, councilmen, representatives, and all government officials who make the so-called "guidelines" of this country, state, county and city.

I am an unemployed citizen and I have worked most of my life, until three weeks ago when I was laid off from my job. This is the second layoff in my entire work experience. I have worked and paid my taxes.

In the past few weeks I have gone looking for employment only to find that I either don't have experience or lack training for the job. I have gone to several state-funded organizations to seek training to find work. According to the state of New York, I, a taxpayer, do not meet the "guideline" because of money I made six months ago, which was used for my survival. They get all kinds of help and assistance funded by the state and federal government.

But, what happens to the single people, like myself when we need assistance. Doors are shut in our faces. Everything is for the low-income; well, how low does my income have to be? I am without a job.

What happens to the singles who cannot afford medical care, dental care, etc., unless they are employed by a company that gives those benefits to the employee. I pay my taxes to support low-income programs but I can't receive any help when I need it. I have to find or borrow the money to pay for any kind of job training that I need.

I seem to be caught between the rich and the poor with no way out. When do the taxpayers in the middle get their turn for assistance? I am an irate taxpayer and citizen who thinks the "system" stinks. I also think and know that singles need assistance too. (SNAT)

EVA NEWBERRY
Mount Vernon.●

A SENSIBLE FORMULA FOR EL SALVADOR

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. BARNES. Mr. Speaker, the Washington Post this morning endorsed the Kassebaum-Dodd-Inouye proposal as being "a sensible formula for El Salvador." I agree, and intend to propose a similar formula when the Subcommittee on Western Hemisphere Affairs, which I have the honor to chair, considers its recommendations on the foreign aid bill after the Easter recess.

This proposal would do three things: One, cap the military aid funds for El Salvador at $50 million and the number of advisers at 55; two, declare it unequivocally to be the policy of the United States to seek a political resolution of the conflict; and three, declare the willingness of the United States to use its good offices to assist regional efforts to ease tensions.

This is a constructive and responsible proposal that can be embraced by all of us who seek neither a cutoff of aid nor a military victory. As the Post says, the proposal would be "to keep the Salvadoran Army and economy going and at the same time to strengthen the hand of Salvadorans—such as, for example, Archbishop Arturo Rivera y Damas—who believe a political solution is the best way out."

The Post is right on the mark, it seems to me, in recognizing "the reality * * * that the guerrillas have established themselves as a force to be taken into account. The administration is right—and the Kassebaum group agrees—that they should not be offered at the table power they have not earned at the polls. But a seat at the table is something else."

I include the Post editorial at this point, along with other editorials which show that our major newspapers continue to support a political solution to the conflict in El Salvador.

[From the Washington Post, Mar. 23, 1983]

THE KASSEBAUM FORMULA

Sen. Nancy Kassebaum of Kansas, has a sensible formula for El Salvador. She and two Democrats, Daniel Inouye of Hawaii and Christopher Dodd of Connecticut, would give the administration part of the extra aid it seeks and consider giving more if the administration could show that Salvadoran government leaders were making a good-faith effort to negotiate with their opponents on the left. Her idea would be to keep the Salvadoran army and economy going and at the same time to strengthen the hand of Salvadorans—such as, for example, Archbishop Arturo Rivera y Damas—who believe a political solution is the best way out.

The Kassebaum formula, if it became policy, would mark a major departure. For a Latin revolutionary movement to be acknowledged by the United States as a legitimate claimant to power unquestionably would represent a blow to the sitting government. The reality is, however, that the guerrillas have established themselves as a force to be taken into account. The administration is right—and the Kassebaum group agrees—that they should not be offered at the table power they have not earned at the polls. But a seat at the table is something else.

Are the guerrillas prepared to accept the lesser share of power they might reasonably expect to gain through the political process, rather than the full power they may aspire to win by the gun? Would they or their civilian fronts go to the table not so much to bargain out a political process as to erode the Salvadoran and American will to stay the course? There is reason to be skeptical about the relative weight of the left's guerrilla and civilian factions and about its contrary tendencies to total victory and to political compromise. That is, the usual uncertainties attendant to the opening of a negotiation are plainly visible. The Salvadoran left no doubt sees uncertainties of its own.

Negotiations presume a middle ground of adequate size and firmness to support substantial factions from both sides. Is there one left in El Salvador? We are encouraged by the judgment of the newly elevated archbishop, who has boldly sought to capitalize

on the momentum generated by Pope John Paul II's recent visit. The archbishop thinks the guerrillas have no important popular support. But he is prepared to make real the government's paper guarantees of amnesty and safety for them. His effort to promote "dialogue" may offer a bridge between the divergent and mutually exclusive kinds of talks now being offered by the government and the guerrillas.

[From the Washington Post, Mar. 13, 1983]

THE SALVADOR BARGAIN

President Reagan's speech on El Salvador formally opens what could yet become a useful policy collaboration with Congress. To get something near the $110 million in aid he is asking, Mr. Reagan has reaffirmed that he will not send American soldiers or "Americanize the war with a lot of U.S. combat advisers." But he still needs to be persuaded to go further than he has in supporting political talks aimed at ending the war.

The argument for more aid is persuasive. As long as the United States stays committed to influencing the outcome in Salvador, it must pay a certain price. Few members of Congress seem prepared simply to accept the results of a free fall. The argument is over the amount of aid and, more than that, the terms. How good does the Salvadoran government's performance on rights and reforms have to be? How can the aid lever best be manipulated to achieve the desired results? An aroused Congress can strengthen the hand of a president who is ready, as Mr. Reagan now indicates he may be, to bring more pressure to bear.

Obviously, however, the chief condition Mr. Reagan's critics wish him to attach is that the Salvadoran government vigorously pursue talks. The president fell short of that standard in his speech on Thursday. He observed that the United States already supports negotiations among states of the region to stop the flow of arms, respect borders and remove foreign military advisers. But such negotiations, unquestionably desirable, will almost certainly take too long to start—let alone to achieve results—to provide the relief that the shaky American enterprise in El Salvador requires.

No, what the Congress and the critics want, and should want, is movement toward talks between the competing Salvadoran forces. Mr. Reagan rightly opposes talks that would merely "divide up power behind the people's back." He did speak on Thursday for "negotiations within nations aimed at expanding participation in democratic institutions, at getting all parties to participate in free, nonviolent elections." This is fine in theory, but what does he mean in practice?

Mr. Reagan speaks as though a democratic train were already running in El Salvador and the guerrillas should lay down their guns and climb aboard. But there is not so much a train as a train schedule, not much more, despite the elections (to a "constituent assembly") of last year and the onset of reforms. Power is in the hands of armed groups, some uniformed, some disciplined, some respectful of civilians and some not. The powers that be cannot protect even the people who submit to their authority and beg for their protection. To imagine that the potentially reachable part of the opposition will come out of the mountains and out of exile and join a process run by the armed forces is absurd.

The challenge, in brief, is to devise procedures and guarantees that will encourage opposition groups so minded to join the search for a common democratic political solution. The support available within El Salvador for this approach is, we think, far broader than Mr. Reagan appears to have been told. But only the skeleton of such an idea is evident in the administration's pronouncements so far. It needs to be fleshed out, with the assistance of the United States' Latin Friends, who will support no other approach. By promoting talks in El Salvador, it should be noted, Mr. Reagan improves chances of widening support for the excellent and necessary collateral idea that talks should also be organized in Nicaragua, between the Sandinista regime and its democratic rivals.

Congress, meanwhile, needs to understand that it is only by offering El Salvador continuing aid that the United States can fairly expect to earn a hearing for the political option. If the aid plug is pulled, that option goes down the drain. The two, aid and talks, comprise the bargain that must now be struck.

[From the New York Times, Mar. 9, 1983]

EL SALVADOR'S 9-to-5 WAR

Not lies but Huck Finn's word, "stretchers," best describes the Reagan Administration's tales about the imminent collapse of "our" side in El Salvador's civil war. There was the one about the possibility that the Salvadoran Army would run out of bullets in 30 days. Or the State Department's forecast that Nicaragua's 40,000-strong army might invade El Salvador, presumably without being noticed as it crossed Honduras.

The official analysis goes on in that apocalyptic, simplistic way. Why are the guerrillas doing better? Because they get Soviet Arms. What factors can turn the tide of battle? More American aid and advisers (or "trainers," according to the revised standard version).

Congress, distracted and uncertain of the truth even if it disbelieves these tales, may again give President Reagan what he wants—and now he's asking $110 million for military assistance. No one wants to be blamed for "losing" El Salvador, and when a case is joined in such black-and-red terms, waverers tilt to the President. But let the Administration beware: all its claims will be hostage to the real world of El Salvador.

The claim of an ammunition shortage has already been detonated. Whatever else the Salvadoran Army may lack, it's not bullets. Nor do its officers confirm any seismic shift in the military balance. Though the insurgents took a provincial town for three days, this war is still a stalemate.

If the guerrillas have seized the initiative, a very different explanation for their success is offered from the scene. The Times's Drew Middleton reports that Soviet and Cuban military aid is not a key factor in the insurgent campaign. He finds no such easy parallel with Vietnam. What raises Vietnam memories is the inadequate motivation and leadership of "our" troops. While the guerrillas fight around the clock, it's a 9-to-5 war for Salvadoran officers. And most of the casualties have been civilians.

Americans have been on this slope before and know too well what lies at the bottom: desperate appeals for greater United States involvement. For that there is no significant support in Congress or among the American people, much as all wish to keep El Salvador from yet a new kind of tyranny. Wise policy would fit available resources to an attainable goal.

Whatever weapons may be needed, they cannot replace motivation and a plausible political strategy. For that the Administration now suggests another election, in December. But who will run it, and who will assure the safety of an opposition whose leaders have been slaughtered? That can't simply be left to the government of the day, not without justifying another leftist boycott and strengthening the extreme right.

There is a better way, urged again by Pope John Paul II. He calls for a "dialogue" between Government and opposition—a word that is acceptable to insurgents, and apparently also to some Reagan aides. "Dialogue" can, of course, mean anything. What it should mean is serious talks, then an internationally monitored campaign. Power sharing of some kind could yet resolve what violence cannot.

[From the Baltimore Sun, Mar. 6, 1983]

THE POPE'S CRY FOR DIALOG

National security policy, at this juncture, is a constant struggle between the Churchill syndrome and the Vietnam syndrome—between lessons learned in the Thirties and in the Sixties. The issue is painfully joined in the current debate over what the United States should do in Central America.

Although President Eisenhower may have first talked of "dominoes" to describe Southeast Asia 30 years ago, it was a concept that reflected his experience as a general fighting Hitler's Germany. The fear of again appeasing aggression led to this country's tragic entanglement in Vietnam, a far-off land of only marginal strategic importance. It also led to the discrediting of the "domino theory" and to resistance to foreign adventures.

El Salvador is a subject of much anguished debate because it is reminiscent of Vietnam yet so close to the United States that the dominoes theoretically lead right to the Rio Grande. What an eerie feeling to read of the first American casualty in El Salvador, of U.S. advisers moving closer to a combat role, of administration pleas for more weapons to refurbish a demoralized Salvadoran army, of plans to hold election early because the last elections failed to stop the civil war. The parallels are close enough to embolden those shaped by the Vietnam experience to demand an end to the whole business.

Unfortunately, it is not that easy. Within the past fortnight those who think in Churchillian terms have invoked the specter of hostile governments taking power from Panama to Mexico. The administration plainly is trying to make the case—and it is a strong case—that U.S. security is more directly at risk in Central America than it ever was in the jungles of Indochina.

Instead of invoking the lessons of the Thirties or the Sixties, perhaps we would be wise to anticipate the lessons of the Eighties in shaping U.S. policy in Latin America. Perhaps we would be wise to seek alternatives to appeasement or entanglement.

Pope John Paul II may be giving us a way. At the outset of his current trip to Central America, he called for "sincere dialogue without alien interference," meaning without American or Soviet or Cuban or regional interference. The Reagan administration ought to seize upon the pope's call for "dialogue" as a formula for reconciliation between opposing groups. It has less of a political ring than the "negotiations" that the Salvadoran government spurns with leftists

and the Nicaraguan government spurns with rightists.

If we would promote dialogue in El Salvador, it would mesh our policy with Mexico's, ease congressional objections to continuing aid and put the Sandinistas under pressure. This would not end our difficulties in Latin America any more than the pope's visit will end strains in the Latin church. But it might help shape a policy that applies to our own hemisphere in our own decade.

[From the Christian Science Monitor, Mar. 3, 1983]

ARMS AND EL SALVADOR

Escalation of United States military involvement in El Salvador would be controversial, to say the least, under any conditions. To minimize divisiveness, the administration would need to obtain the fullest congressional and public support in advance of any such move.

Thus it was well for officials to issue quick denials that the administration is intending any immediate increase in the limit of 55 US military "trainers" for El Salvador—or, even more important, any change in their noncombat role. (The denials were called for after one senior official had told reporters such matters were under review.)

And it will be well for President Reagan to send no more military aid than Congress is willing to authorize. To take the extra $60 million he wants from his own contingency funds, as has been suggested, could look like an end run.

Congress, for its part, has the responsibility to give every consideration to the President's case. His aides are making stark arguments about the Salvadorean regime running out of ammunition within a month if Washington does not come through.

The administration's new stress on linking El Salvador to the East-West conflict has come of something as a surprise. During his trip to Central and South America President Reagan had appeared responsive to the local economic, social, and political problems that require attention whatever the communist exploitation of them. Secretary of State Shultz, too, seemed to be taking a broader and more temperate approach than Secretary Haig, whose original hot spotlight on little El Salvador had been surprising in its time.

Now Washington is talking bullets again. And doing it just when Pope John Paul II's trip is putting the focus on peace and concern for the poor in Central America. On the eve of his journey the Pope appointed a new archbishop of San Salvador, a man known for condemning violence on both sides of the conflict and favoring dialogue between them. The guerrillas, however hypocritically, proclaimed a cease-fire.

Has the administration genuine new reason for alarm about the interests of the US and the people of El Salvador? If so, is more military aid the best way to address it? Should such aid be given before the regime substantially improves its human rights record or promised only if it does so?

For all the US arms and advice so far, the regime has not developed the tactics to keep the guerrillas from gaining at least a stalemate. This ineffectiveness seems particularly ironic in the light of observers' impressions that most Salvadoreans do not support the guerrillas even though they may share their nominal ideals of freedom and justice. By contrast, for example, most Nicaraguans did support the fighters against the Somoza dictatorship.

Here are some of the points for Congress to consider. Meanwhile, we can only repeat what we have said before, that the efforts of all sides need to be bent toward long overdue negotiations in place of tragic warfare.●

BUILDING OUR STRATEGIC PETROLEUM RESERVE IS VITAL TO OUR NATIONAL SECURITY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. LANTOS. Mr. Speaker, during the course of the last decade following the Arab oil embargo of 1973 our Nation underwent two severe oil crises for which we were ill-prepared. Congress decided that it will never again permit our economy and indeed our national security to be endangered by petroleum shortages. It therefore mandated the establishment of a strategic petroleum reserve. The goal of this reserve is to have on hand 750 million barrels of crude oil—a level which is imperative for our national security.

It is now clear that by the end of the current fiscal year, September 30, 1983, we will reach less than half of this target. Congress has mandated that the administration build the reserve at a daily rate of between 220,000 and 300,000 barrels. Yet, the administration's 1984 budget calls for a daily fill rate of only 145,000 barrels—a foolish economy if there ever was one.

Today's lower petroleum prices will not last forever. This is an historic moment to break the back of OPEC. This is an historic moment to build our strategic petroleum reserve to a prudent level so that we shall never again be at the mercy of Libya or Iran or Saudi Arabia for the economic and security lifeblood of our Nation.

I am calling on the administration that at a time when it is asking for defense spending totaling $1.8 trillion over the next 5 years it should not drag its feet on a matter of vital importance to our Nation's military and economic security: the buildup of our strategic petroleum reserve.●

IS ANTITRUST PROCONSUMER?

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. PAUL. Mr. Speaker, I would like to bring to my colleagues' attention an excellent article that recently appeared in the Washington Times. The article, written by D. T. Armentano, professor of economics at the University of Hartford, brings to our attention the need to seriously study the detrimental consequences our antitrust laws have on businesses and consumers. This short essay exemplifies yet another area of Government intervention that only serves to harm Americans, not help them.

The article follows:

[From the Washington Times, Feb. 18, 1983]

IS ANTITRUST PROCONSUMER?

(By D. T. Armentano)

The current flap over industrial and banking mergers again raises the specter of increasing business monopoly power in the economy. Critics claim the current trend in corporate acquisitions endangers the public interest and that vigorous enforcement of the antitrust laws is required to halt corporate consolidations.

The critics are especially annoyed with antitrust chief William Baxter, who, they argue, essentially has adopted a laissez-faire attitude toward antitrust enforcement, even though he was the major catalyst in the historic divestiture of the American Telephone & Telegraph Co.

What is existing antitrust policy and does it make economic sense? Is vigorous enforcement of the antitrust laws necessary to preserve competition? Would we all be better off without any antitrust policy?

The antitrust laws are fundamentally misguided and ought to be promptly abolished. Unfortunately, this is emphatically not the position of the Reagan administration despite some early signals to the contrary, when the Justice Department and Federal Trade Commission abandoned landmark antitrust cases against International Business Machines Corp. and the leading ready-to-eat cereal companies.

IBM was not a monopoly when the Justice Department brought its suit in 1969, and it certainly is not a monopoly today. Likewise, the leading cereal companies never "shared a monopoly" as the FTC asserted. Both of these antitrust cases were premised on the misguided notion that high market concentration and successful product differentiation hurt the consumer. Yet the defendants in both cases had earned their market shares through innovation and efficient production and aimed to keep those shares through vigorous competition.

Smaller competitors occasionally found such a rigorous competition process difficult, but the antitrust laws were not meant to protect competitors (or potential competitors) from the rigors of open competition. Almost 20 years of litigation was wasted on these cases.

And these cases are not the exception to the rule. The public perception may be that antitrust laws protect consumers from the abuses commonly associated with monopoly, but the historic facts are entirely at odds with that impression. Antitrust history is rife with legal actions against efficient business organizations that were expanding outputs and lowering prices. Like IBM, the landmark anti-monopoly cases against corporations such as Standard Oil, of New Jersey, American Tobacco, U.S. Steel, Alcoa, United Shoe Machinery and Dupont persecuted efficiency in the name of preserving competition.

That antitrust law can reduce efficiency and productivity is made blatantly obvious by the thousands of private antitrust cases brought each year under these laws. In cases where one corporation sues another,

the issue is never injury to the "public interest" but, instead, the claim that business competition is "predatory" or "unfair" and that the injured plaintiff is entitled to relief.

It is considered literally a cost of doing business when successful corporations are sued by less-than-successful competitors under the antitrust laws. Yet it should be obvious that it is consumers who are ultimately injured by such legal blackmail and that here, as elsewhere, antitrust laws have nothing whatever to do with protecting anyone from monopoly.

While FTC and Justice Department officials admit that some of this criticism of antitrust is valid, there is still the belief that antitrust enforcement can be rationally applied against business mergers and "collusion." William Baxter has stated repeatedly that horizontal agreements will be prosecuted vigorously, and businessmen involved will go to jail. In addition, the Justice Department issued recently complicated guidelines on permissible horizontal mergers, which have been used to stop mergers between medium-sized beer companies.

There is no reason to believe that such policies are economically intelligent. Business cooperation (collusion) may lower costs and save on scarce resources. Such guidelines set arbitrary numerical limits on concentration and market share. This may prevent smaller firms from merging and competing with larger, more established companies, which will reduce competition and preserve the positions of the larger companies. Certainly the government ought not to encourage collusion, but it is not certain that flat prohibitions on merger or concentration ever make economic sense.

All of this is not to say that there is no abusive business monopoly in the economy; far from it. It is only to say that our formal antitrust monopoly policies have been a fraud, and misdirect public attention away from the real problem of monopoly power in America.

While the antitrust laws have been blasting away at efficient and competitive firms, government-approved restrictions on entry and competition have created positions of monopoly power for favored business organizations throughout the economy. Government licensing, franchises, certificates of public convenience, tariffs, quotas, price controls, subsidies and many other legal impediments to competition injure consumers and reduce industrial productivity. Yet, ironically, such "monopoly power" is beyond the reach of the antitrust laws.

The recently concluded antitrust case against AT&T is an excellent illustration of the confusion over the source of monopoly. AT&T holds monopoly power in precisely those areas where entry and competition are restricted by state public utility authorities and the Federal Communications Commission. In addition, a 1956 consent decree legally freezes AT&T out of certain markets. Regulation, not vertical integration, is the problem in the telecommunications industry, and deregulation, not divestiture, is the appropriate public policy remedy.

Divestitute of the local telephone companies will leave the real source of monopoly power unaffected, and will create the mistaken impression that Bell's corporate size somehow restricts competition.

Further, as has already been widely admitted, the breakup of AT&T will tend to raise the cost of local telephoning, and these increased costs will be passed along, under regulation, to residential users.

The most rational antitrust reform would be thorough business deregulation and the immediate repeal of the antitrust laws.●

A TRIBUTE TO GREECE ON THE ANNIVERSARY OF ITS WAR FOR INDEPENDENCE

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1983

● Mr. LENT. Mr. Speaker, I would like to take this opportunity to call to the attention of my colleagues the 162d anniversary of the Greek people's war for independence from the Ottoman Empire.

On March 25, 1821, the brave and proud Greek people, aided by their European friends and newly found allies from across the sea in a young nation known as the United States, began their successful struggle for freedom and independence. It took 6 years, but finally, in October 1827, the Greek people achieved their independence from the Ottomans.

The free world owes much to Greece. The philosophy of freedom that we so cherish—democracy—was a product of the ancient Greeks. This form of self-government, the freest known to man, was one of the concepts of the famed philosophers of Athens. Their ideas and philosophical concepts are still forces in our intellectual and political life today.

At the time of the Greeks' war for independence, our young democracy stood at the side of the Greeks. We offered them our support and recognized their cause. Thomas Jefferson, our third President, James Monroe, then President, and John Quincy Adams, who would become President, each proclaimed his support of the Greek fight for independence. Monroe, who was President at the time, and Adams, announced that America stood ready to recognize a free and independent Greece.

Mr. Speaker, I call on my colleagues to join me in this tribute to an historic day 162 years ago which helped advance man's struggle for liberty and freedom.●

THE ENERGY CONSUMERS' REGULATORY REFORM ACT OF 1983

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. MOORHEAD. Mr. Speaker, today I am pleased to introduce the Energy Consumers' Regulatory Reform Act of 1983. This essential regulatory reform initiative has been initially cosponsored by my colleagues Messrs. RALPH M. HALL, JAMES T. BROYHILL, TOM CORCORAN, WILLIAM E. DANNEMEYER, MICHAEL G. OXLEY, THOMAS J. BLILEY, TOM LOEFFLER, PHIL GRAMM, and HOWARD C. NIELSON. This bill would reform seven separate energy regulatory statutes which burden consumers, small and large businesses, and utilities alike. The following is a synopsis of the bill's provisions:

SECTION 1—SHORT TITLE

SECTION 2—FINDINGS AND PURPOSE

SECTION 3—REPEAL OF BUILDING ENERGY PERFORMANCE STANDARDS (TITLE III OF ECPA)

The Building Energy Performance Standards regulatory authority would be repealed. Authority for DOE to provide technical assistance to the building industry would continue under the "Buildings and Community Systems" portion of the DOE Authorization bill.

SECTION 4—REPEAL OF RESIDENTIAL AND APARTMENT CONSERVATION SERVICE (TITLE II OF NECPA, TITLE V OF THE ENERGY SECURITY ACT)

Federal statutes which mandate that electric and gas utilities offer energy audits to residents and commercial building operators under burdensome regulatory standards would be eliminated. Existing utility energy audit programs could continue under State and local law.

SECTION 5—REPEAL OF CONSUMER APPLIANCE EFFICIENCY STANDARDS (TITLE III OF ECPA)

DOE authority to regulate the energy efficiency of consumer appliances would be repealed. The requirement that consumer appliances display energy efficient labels would be continued.

SECTION 6—REPEAL OF DOE INTERVENTION AUTHORITY AND NATIONAL RETAIL ELECTRIC RATE STANDARDS (PURPA)

Sections of the Public Utility Regulatory Policies Act of 1978 which authorize DOE to intervene in State utility proceedings and which mandate consideration of national retail electric rate standards would be repealed. DOE intervention in State utility proceedings intrudes on matters exclusively the concern of State and local governments, and most State utility commissions have completed their consideration of national retail electric rate standards. Section 210 of PURPA regarding small producers and cogeneration would be retained.

SECTION 7—REPEAL OF INDUSTRIAL ENERGY CONSERVATION REPORTING REGULATIONS (TITLE III OF EPCA)

The industrial energy conservation reporting requirements, which burden businesses with needless and duplicative paperwork, would be repealed. The industrial sector has been the top achiever in energy conservation compared to all other sectors since the 1973 Arab oil embargo. The Federal Government has no business imposing additional regulatory burdens on industry unrelated to public health or safety. Voluntary industry reporting of energy conservation gains would continue.

SECTION 8—REPEAL OF EMERGENCY ENERGY CONSERVATION ACT

DOE stand-by authority to preempt State and local energy emergency consumption targets would be repealed. Presidential authority to allocate energy supplies in an emergency would not be affected by repeal of this regulatory authority.

This bill has not only enlisted cosponsors from both sides of the aisle, but it is supported by a diverse coalition of associations that include the Chamber of Commerce, AGA, Electricity Consumers' Resource Council, Plumbing and Heating Contractors, and the National Oil Jobbers. As this broad support suggests, this bill is truly a regulatory reform package for the people—the ratepayers, the small businessmen, the retailers, the beleaguered home builders and realtors, the insulation and plumbing contractors, and the energy conservation and renewable energy entrepreneurs. All of these groups have been adversely affected by the needless and burdensome regulatory statutes reformed by my bill.

The statutes—several of which may be found listed ignominiously among Vice President Bush's regulatory task force's "Terrible Twenty" regulations—have required small energy consumers to subsidize duplicative energy conservation programs; they have placed a regulatory straitjacket on State and local energy officials, they have hampered the valuable work of energy conservation entrepreneurs, they have involved the Federal Government in the regulation of public utility rates—traditionally a local responsibility that can be handled more effectively and less expensively by the State and local governments themselves.

Furthermore, many of the statutes reformed by my bill have attempted to involve the Federal Government in areas where the free market is already solving the problem—energy efficiency of appliances in such an area.

The scarce Federal dollars available for energy projects should not be wasted on such useless bureaucratic redtape and burdensome and costly regulations.

Mr. Speaker, I ask my colleagues to join with me in supporting the Energy Consumers' Regulatory Reform Act of 1983, and I ask unanimous consent that a copy of my bill be inserted in the RECORD following my statement.●

GREEK INDEPENDENCE DAY

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1983

● Mr. HORTON. Mr. Speaker, I wish to join my colleagues in commemorating the 162d anniversary of the Greek War of Independence from the Ottoman Empire. On March 25, 2 days hence, people in every town, village and city in Greece will celebrate the beginning of a new epoch in Greek history. This new beginning, the culmination of a long and heroic struggle, stands as a tribute to the ability of a nation to forgo the differences which would divide it, and unite behind its culture and heritage in order to meet the challenges brought about by foreign domination.

Greece has played an important role in the history and quality of western civilization. Today, we pride ourselves in our technological prowess. It was in Greece, during the 7th century B.C. that Thales, the greatest of the seven sages, began what later developed into science. Three centuries later, Aristotle, the father of formal logic, presented the world with the law of noncontradiction which in turn lay the cornerstone for the binary languages utilized by computers today.

Perhaps more importantly, it was from the Greeks that we learned of the value of democracy and the dangers of tyranny. We as statesmen and legislators, can glean much from the ancient conflicts between the military state of Sparta and the democratic society of Athens.

Today, Greece once again plays an important role in the conflict between two conflicting modes of government. Greece, by remaining free from the domination of the Eastern bloc nations, affords the West control of one of the most strategically important locations in the world—the mouth of the Mediteranean Sea.

The commemoration of the independence of Greece, however, is even more appropriate when we view what has been Greece's greatest legacy to the West—the indominatable spirit of freedom. Greece has struggled throughout its long and distinguished history to survive as an individual nation state; to preserve its heritage and its unique way of life. Today, when we commemorate Greece's independence, we demonstrate our gratitude for the immeasurable contribution which this nation has made to the entire world.●

RESOLUTION ON FAMILY PLANNING PROGRAM

HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. GRAY. Mr. Speaker, today I am introducing a resolution expressing the sense of Congress that the family planning program under title X of the Public Health Service Act should be administered by the Health Resources and Services Administration of the Department of Health and Human Services.

This resolution seeks to restore the administration of a critical preventive health program to Public Health Service professionals, reversing a recent reorganization decision. It is a particular pleasure to be joined in the sponsorship of this resolution by my distinguished colleagues, Mr. LOWRY of Washington, Mr. PORTER of Illinois, Mr. JEFFORDS of Vermont, Mr. CONABLE of New York, Mr. MCKERNAN of Maine.

I know you are aware, Mr. Speaker, of the long bipartisan tradition of support for family planning in Congress going back to the 1960's. Members of this body may hold divergent views on the issue of abortion, but we are united in our desire to prevent the need for abortion. The title X family planning program provides us with the means to achieve that end as well as to reduce unintended childbearing with the heavy human toll that it often exacts from the individuals and families involved.

In 1980, the national family planning program, support primarily under title X of the Public Health Service Act, provided voluntary family planning services—along with basic preventive health care, such as cancer and blood pressure screening—to 4.6 million women. Most of these women had low or marginal incomes, 26 percent were black and 1.5 million were teenagers. The title X program, in fact, is the backbone of the Nation's effort to reduce unintended teenage pregnancy.

The family planning program has long been considered one of our basic preventive health programs. It is well-known that family planning contributes to maternal and child health by helping couples to time and space births. On the national level, prestigious bodies including the 1970 White House Conference on Children and the 1980 Select Panel for the Promotion of Child Health have stressed the link between family planning and improved maternal and child health. The select panel, for instance, designated family planning as one of three essential services "for which there is such a clear consensus regarding their effectiveness and importance to good health, and that it should no longer be considered acceptable that an individual is denied access to them for any reason."

Accomplishments such as those I have outlined are attributable, at least in part, to the effective professional administration of the family planning program over the 12 years of its existence. Until January 1983, career public health professionals in the Bureau of Health Care Delivery and Assistance—and its predecessors—in the Health Resources and Service Administration managed the program. It was run alongside other major health service programs such as maternal and child health, primary care and migrant health centers. However, on January 7, just before announcing his resignation, former Secretary of Health and Human Services, Richard S. Schweiker, approved a reorganization

that is now in effect and places the program directly under the Deputy Assistant Secretary for Population Affairs, a political appointee who has advocated new and highly controversial family planning policies including the parental notification regulation.

Mr. Speaker, the family planning program has been effectively managed in the past. Repeated Government audits have shown it to be run in accordance with congressional intent. In my opinion, there was no need to alter its administration. My colleagues and I who are sponsoring this resolution are simply seeking to insure that title X will be directed like other important health programs and not be buffeted by the political winds.

We hope that the new Secretary of Health and Human Services, whom we know to be supportive of family planning, will take note of this resolution. I commend the resolution to the attention of the Members of the House and urge you to join me and my colleagues in sponsoring this measure.

Following is the text of the resolution:

Whereas there is a long tradition of bipartisan support in the Congress for the provision of voluntary family planning services as a means to enhance the health of women and children and to prevent unintended pregnancy, childbearing, and abortion;

Whereas the nationwide system of family planning clinics is supported primarily under title X of the Public Health Service Act;

Whereas in 1980, the national family planning program provided family planning information and medical services, as well as other basic preventive health care services, to 4,600,000 women, including teenagers;

Whereas the national family planning program has helped improve the health of women and children and has contributed to the steady decline in maternal and infant mortality;

Whereas in 1981, the national family planning program was directly responsible for averting an estimated 814,000 unintended pregnancies, including 423,000 pregnancies among teenagers, and thereby avoiding 281,600 unintended births, 431,700 abortions, and 100,700 miscarriages;

Whereas the national family planning program has been highly cost-effective, saving $2 in short-term public health and welfare costs for every $1 spent;

Whereas for the past 12 years, the effective professional administration of the title X program as a basic preventive health program and the administration of such program with other major Federal health programs in the Health Resources and Services Administration of the Department of Health and Human Services, have been integral to the accomplishments of the title X program.

Whereas repeated Government audits have confirmed that the title X program has consistently been administered in accordance with congressional intent; and

Whereas the January 7, 1983, reorganization by the Secretary of Health and Human Services of the administration of the title X program isolates the program from related major Federal health care service delivery programs and jeopardizes the effectiveness of the title X program: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the family planning program under title X of the Public Health Service Act should be administered by the Health Resources and Services Administration of the Department of Health and Human Services.●

COMMEMORATING GREEK INDEPENDENCE DAY

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1983

● Mr. FASCELL. Mr. Speaker, March 25 marks the 162d anniversary of the beginning, in 1821, of a long and bloody struggle by the Greek people for their independence and freedom from the Ottoman Empire.

The Greeks fought bravely against enormous odds, whether one considers the battles in the Epirus region, in central Greece, at Missolonghi, in the Peloponnesus, on the islands of the Aegean, or at sea. After the successful intervention of a combined British-French-Russian fleet at the Battle of Navarino in the fall of 1827, the Greeks were finally victorious.

Expatriate Greeks and many foreigners supported the Greek cause. Notable among them were several Americans. The Founding Fathers had already drawn heavily on ancient Greek political ideals. For example, James Madison cited the classical Greek experience in "The Federalist Papers." During the struggle, Thomas Jefferson, James Monroe, and John Quincy Adams made statements in favor of the Greeks. Jefferson and Adamantios Korais, the philosopher of Greece's revolution, were friends in Paris, and Jefferson spoke for many Americans when he wrote to Korais:

Possessing ourselves the combined blessings of liberty and order, we wish the same to other countries, and to none more than yours, which, the first of civilized nations, presented examples of what man should be.

These shared ideals—the ancient Greek democratic experience as an inspiration for the American struggle for independence, and the American and French Revolutions as examples for 19th century Greeks—persist to this day. They are cherished by Greeks and Americans alike, including the many Americans of Greek descent. They form the basis for our long-standing, close alliance and for the deep, abiding ties between our two peoples.

It is fitting therefore that we join in saluting the Greek people on this day.●

BILL TO PROTECT GREEN MOUNTAIN NATIONAL FOREST AREAS

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. JEFFORDS. Mr. Speaker, today I am introducing legislation designed to resolve the ongoing controversy about wilderness designation of RARE II lands in Vermont. This bill is designed to facilitate discussion on the best use of about 65,000 acres of the Green Mountain National Forest. An identical bill is being introduced in the Senate by Senators STAFFORD and LEAHY.

Our intention in introducing a bill that encompasses all of the RARE II lands is to get comments from Vermonters on all possible options for resolving this controversy. We encourage all Vermonters to let us know their views on these proposals by writing and calling the congressional delegation and by appearing at the public hearing we will hold on this issue in the next few months.

The bill would designate 64,800 acres of land in four areas of the Green Mountain National Forest for protection under the Wilderness Act of 1964. The areas and the size of each are as follows:

Breadloaf Wilderness Area, 22,230 acres.

Big Branch Wilderness Area, 33,830 acres; divided into a north unit of 21,600 acres and a south unit of 12,230.

Lye Brook Wilderness addition, 2,660 acres.

Woodford Wilderness Area, 6,120 acres.

These lands constitute 1 percent of Vermont's total land area. They account for slightly more than 2 percent of the 629,000 acres within the purchase boundaries of the Green Mountain National Forest, and about 22 percent of the 290,000 acres owned by the Forest Service. The State and Federal governments own a combined total of 530,000 acres in our State.

Our bill covers only land owned by the Federal Govenment and will not raise conflicts with privately owned tracts.

Wilderness has long been a controversial matter in my State, just as it has been in many others. However, we must all recognize that the RARE II controversy must be resolved at some point. This bill is intended to be a device by which we can reach a Vermont solution to this issue. We intend to resolve this controversy by the end of this year.

In addition, there has been increased interest over the last 2 years in providing some additional protection for some areas of the forest. The Forest

Service has announced that some areas of the GMNF will be leased for oil and gas exploration. The Department of Agriculture has proposed changes in the National Forest Management Act that would alter the weight given to various uses of the forest in favor of additional timber production. Most recently, last week we learned that the Forest Service is studying the possibility of selling 19,700 acres of Federal land to private interests and State and local governments.

Wilderness, as defined by the Wilderness Act of 1964, is to be designated only on large tracts of undeveloped land. Motors, logging, mining, and other development is prohibited. However, hunting, fishing, trapping, hiking, skiing, camping, and other traditional forest uses are allowed. As introduced, our bill retains these general wilderness provisions, but we also allow the maintenance of trails and Green Mountain Club shelters in these areas.

I want to reiterate that the bill we are introducing today is intended to facilitate discussion about this contentious issue. We are willing to discuss any and all points of controversy and we want to encourage the diverse groups with a stake in this decision to compromise with one another. We look forward to a constructive dialog with all interested Vermonters.

The text of the bill is printed below:

H.R. 2275

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FINDINGS AND POLICY

SECTION 1. (a) The Congress finds that—

(1) in the vicinity of major population centers and in the more populous eastern half of the United States there is an urgent need to identify, designate, and preserve areas of wilderness by including suitable lands within the National Wilderness Preservation System;

(2) in recognition of this urgent need, certain suitable lands in the National Forest System in Vermont were designated by the Congress as wilderness in 1975;

(3) there exist in the National Forest System in the vicinity of major population centers and in Vermont additional areas of undeveloped land which meet the definition of wilderness in section 2(c) of the Wilderness Act (78 Stat. 890);

(4) these and other lands in Vermont which are suitable for designation as wilderness are increasingly threatened by the pressures of a growing and concentrated population, expanding settlement, spreading mechanization, and development and uses inconsistent with the protection, maintenance, and enhancement of their wilderness character; and

(5) the Wilderness Act established that an area is qualified and suitable for designation as wilderness which (i), though man's works may have been present in the past, has been or may be so restored by natural influences as to generally appear to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable, and (ii) which may, upon designation as wilderness, contain certain preexisting nonconforming uses, improvements, structures, or installations; and the Congress has reaffirmed these established policies in the subsequent designation of additional areas, exercising its sole authority to determine the suitability of such areas for designation as wilderness.

(b) The purposes of this Act is to designate certain National Forest System lands in the State of Vermont as components of the National Wilderness Preservation System, in order to preserve such areas as an enduring resource of wilderness which shall be managed to perpetuate and, where necessary, restore the wilderness character of the land, protect watersheds and wildlife habitat, preserve scenic and historic resources, and promote scientific research, primitive recreation, solitude, physical and mental challenge, and inspiration for the benefit of all the American people, to a greater extent than is possible in the absence of wilderness designation.

DESIGNATION OF WILDERNESS AREAS

SEC. 2. In furtherance of the purposes of the Wilderness Act, the following lands in the State of Vermont are designated as components of the National Wilderness Preservation System:

(1) certain lands in the Green Mountain National Forest, Vermont, which comprise approximately twenty-two thousand two hundred acres, as generally depicted on a map entitled "Breadloaf Wilderness—Proposed", dated March 1983, and which shall be known as the Breadloaf Wilderness;

(2) certain lands in the Green Mountain National Forest, Vermont, which comprise approximately thirty-three thousand eight hundred acres, as generally depicted on a map entitled "Big Branch Wilderness—Proposed", dated March 1983, and which shall be known as the Big Branch Wilderness;

(3) certain lands in the Green Mountain National Forest, Vermont, which comprise approximately two thousand seven hundred acres, as generally depicted on a map entitled "Lye Brook Additions—Proposed", dated March 1983, and which are hereby incorporated in and shall be deemed to be a part of the Lye Brook Wilderness as designated by Public Law 93-622; and

(4) certain lands in the Green Mountain National Forest, Vermont, which comprise approximately six thousand one hundred acres, as generally depicted on a map entitled "Woodford Wilderness—Proposed", dated March 1983, and which shall be known as the Woodford Wilderness.

MAPS AND DESCRIPTIONS

SEC. 3. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file the maps referred to in this Act and legal descriptions of each wilderness area designated by this Act with the Committee on Energy and Natural Resources, United States Senate, and the Committee on Interior and Insular Affairs, House of Representatives, and each such map and legal description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal descriptions and maps may be made. Each such map and legal description shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

ADMINISTRATION OF WILDERNESS

SEC. 4. (a) Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that, with respect to any area designated in this Act, any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

(b) Notwithstanding any provisions of law and subject to valid existing rights, federally owned lands within areas designated as wilderness by this Act or hereafter acquired within the boundaries of such areas are hereby withdrawn from all forms of appropriation under the mineral leasing laws, including all laws pertaining to geothermal leasing, and all amendments thereto.

(c) As provided in section 4(d)(8) of the Wilderness Act, nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Vermont with respect to wildlife and fish in the national forest in the State of Vermont.

(d) Notwithstanding any other provision of the Wilderness Act or any other provision of law, the Appalachian Trail and related structures, the Long Trail and related structures, and the associated trails of the Appalachian Trail and the Long Trail may be maintained with the use of hand held power tools by the United States and organizations having cooperative agreements with Federal Trail Management Agencies.

(e) Notwithstanding section 4(d)(4) of the Wilderness Act, there shall be no establishment of reservoirs, water conservation works, and power projects within the Big Branch Wilderness as designated in this Act by section 2(2).●

THE GOVERNMENT HAS BECOME TOO GREEDY

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. PAUL. Mr. Speaker, the following editorial addresses the fundamental problem of the Federal Government today: It has become too greedy.

The United States was founded on the economic principles of private property and the free market; the American legal code supported these economic principles. Under American law, the United States developed into the world's greatest industrial power, with the highest standard of living and a large middle class.

In the past 50 years, however, we have witnessed a perversion of the law. According to the French economist Frederic Bastiat, the legitimate purpose of the law is "to protect persons, liberties, and properties, to maintain the right of each, and to cause justice to reign over us all." Bastiat stated that the law was perverted when it was used by one group as the legal means to confiscate the private property of another group.

The disturbing trend in American legislation has been toward this so-called redistributive justice. Some small elite, supposedly wise and benevolent, decides that one group in socie-

ty has too much, while another has too little. When the law is used to redistribute wealth, it has become nothing more than theft by degree.

I commend this excellent editorial for my colleagues' consideration.

The editorial follows:

[From the Washington Times, Mar. 14, 1983]

GREED REDEFINED

(By Joseph Sobran)

Suppose you could cheat every man, woman and child in the United States out of a dime. Suppose none of them would find out, or even miss that dime in any way. Would you be tempted?

A Maryland politician has been arrested and charged with foodstamp fraud. Supposing the accusation to be true, we may note that he and his confederates made a total of $70,000 through their scheme—a fraction of a penny per U.S. taxpayer. I must say I didn't miss my contribution.

The proper attitude to take toward this crime is the old what-if-everyone-did-it attitude. Of course. And to judge by the frequency with which politicians have been indicted over the past 10 years, quite a few people really are doing it.

But, setting aside easy cynicism about politicians, it is only fair to admit that politics offers unusual temptations to a common human weakness.

Namely, greed. Nowadays the sin of greed seems to be associated almost entirely with the private sector, as in "greedy oil companies." Politicians are accused of greed only when they dip into the till for personal gain in a rather flagrant way, as the Maryland politician is alleged to have done; but otherwise the public sector is generally identified only with loftier motives, like compassion. It only takes from some in order to help the less fortunate.

An odd thing has happened to the word "greed." It long was recognized as one of the cardinal sins, along with pride, lust, envy and the rest. As such it was a personal disposition, not a subject of legislation.

To be greedy or covetous was to be inordinately attached to worldly things, especially to the extent of being ruthless about how you went about getting them. It meant, preeminently, desiring to possess that which was properly your neighbor's.

The odd development is that greed has ceased to mean wanting someone else's property, and has come to mean wanting to keep your own. To be rich nowadays is to be presumed, in some people's eyes, guilty of greed. No matter how honestly you came by your wealth, your wealth itself convicts you.

The socialist disposition that tyrannizes our age is quick to identify greed with private property. It is seldom even pointed out that this is very nearly the opposite of the traditional understanding, which saw greed as the transgression of private property. As is so often the case, a semantic revolution has occurred unobserved.

The old understanding of greed tended to stabilize society. The new understanding tends to unsettle it. The state becomes the arbiter of who has too much, of whose needs override the property rights of whom. And armed with this new authority, the modern state takes from some for the alleged benefit of others.

The new socialist government of Spain, for instance, recently "nationalized" the nation's largest company. There was no outcry to speak of, for the simple reason that the modern state is exempt from the charge of greed. There are no principled limits to what states can take, provided, of course they profess progressive and compassionate motives for taking it.

The Soviet regime is often accused of human rights violations, but not even Ronald Reagan has yet thought to include the abolition of property rights among its sins. It is one of the keys to understanding what is going on in the world in the late 20th century to grasp that there is very little criticism of socialism from the perspective of elementary morality. What would be theft for an individual becomes social justice when done by a government.

James Madison did not hesitate to affirm that "The protection of different and unequal faculties of acquiring property" is "the first object of government." Like all the Founding Fathers, he saw greed as the anthesis of private property, and feared the rapacity that would be released if private property rights were inadequately guarded.

Yet today the socialist presumptions are so strong that it sounds almost like a propagandistic paradox to point out that the Soviet Union is a ruthlessly greedy state in which, thanks to the absence of property rights and voluntary exchange, production is punished and poverty is the rule. Our current modest recovery should not blind us to the fact that in real terms, today's Dow Jones average is far below the level it reached back when Washington was less * * * Greedy.●

PERSONAL EXPLANATION

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. McGRATH. Mr. Speaker, late in the session of March 21 I was necessarily absent because of illness. Had I been present I would have cast the following votes on H.R. 1149, the Oregon wilderness bill: rollcall No. 37, the Walker amendment, "no" and rollcall No. 38, final passage, "yea."●

TRIBUTE TO RICHARD Y. LIM OUTSTANDING CITIZEN

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. DYMALLY. Mr. Speaker, I wish to give public recognition to a man who has given much of himself to make the 31st District of California a better place in which to live. Richard Y. Lim stands as a model of good citizenship for all of us. His example is the more remarkable because the United States is Richard Lim's adopted home. He is a native of Seoul, Korea, and fought honorably for the freedom of Korea during the tragic war that has divided that country to this day. For his heroism, Mr. Lim received the Korean equivalent of the Medal of Honor.

When Mr. Lim came to southern California in 1961, there were few Koreans in the Los Angeles area. Through his own initiative, Mr. Lim overcame all linguistic obstacles and completed college level courses in business administration and operation of machinery. His dream was to open a tailor shop, a dream he made a reality in 1967 when he opened High Society Custom Tailors in Los Angeles. Although the first years were difficult, they were also years in which word of the quality of his workmanship spread far and wide throughout all of California. Now, among many others, his clients include actor Steve Allen, athlete Mark Spitz, conductor Zubin Mehta, and Mayor Tom Bradley.

To rise so quickly to the peak of his profession is a tribute to Mr. Lim's skills as a tailor and to his business acumen. But to southern California, Mr. Lim is much more than a good businessman and a fabulous tailor. He is one of our most respected and civic-minded citizens, always willing to give generously of his time to better our community. In a State which derives much of its charm, attractiveness, and strength from its ethnic diversity, Mr. Lim has been in large part responsible for drawing Korean-Americans together into a cohesive community. He has shown leadership as director of the Korean Association of Southern California, as assistant secretary general of the Korean Community Center Building Fund, and as director of the Korean Chamber of Commerce.

Richard Lim has great concern for the welfare of our young people. Acting on that concern, he has devoted long hours to raise funds for the McCobb Homes for Boys Foundation, a group that provides for the well-being of orphans. The mayor of Los Angeles, recognizing both Mr. Lim's abilities and his eagerness to work for the good of the community, appointed him commissioner of Small Business Enterprise for the city of Los Angeles.

Our finest citizens are those who care enough about themselves to develop their abilities to the fullest and who care enough about others to give freely of those abilities for the good of the community. Richard Lim exemplifies the best in American citizenship. His example is worthy of emulation by all of us. I am honored today to acknowledge his contributions, and to hold them forth as ideals for all those who would aspire to serve their community and their country.●

MONTROSE ELEMENTARY SCHOOL CENTENNIAL

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. BLILEY. Mr. Speaker, it is a distinct privilege to bring to the atten-

tion of my colleagues in the House the 100th anniversary of the founding of the Montrose Elementary School. Montrose Elementary is a fine example of what community participation and private initiative can achieve in the preservation of quality education. When Montrose first opened its doors, it offered an education to children from first through sixth grades. These children were taught in two rooms with only two teachers. The much expanded facility now boasts a student population of 350. I would like to outline a little of the history of growth at this fine school. The first Montrose School was built in 1882. The school was built on its present site in Henrico County in 1925. The first Parent Teacher Association was organized in 1929. The PTA remains quite active and has been a tremendous source of help in the growth of the school. The first full-time principal was appointed in 1946. At that time, the faculty consisted of six members. Montrose Elementary School has many firsts to its credit and continues to be a great asset to its community. I appreciate the opportunity to recognize its contributions and to congratulate them on their centennial.●

UDALL VOTING RECORD

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. UDALL. Mr. Speaker, it has become my practice from time to time to list my votes in the House of Representatives here in the CONGRESSIONAL RECORD. I strongly believe that the people of Arizona have a right to know where I stand on the issues decided by the House, and I have found that printing my record here is the best way to provide that information.

This is not an all-inclusive list. I have omitted noncontroversial votes such as quorum calls, motions to resolve into the Committee of the Whole House, and motions to approve the Journal of the previous day.

The descriptions are necessarily somewhat short, and I am sure that some of my constituents will have additional questions about the issues described here. So I invite them to write me for specifics, or to visit my district office at 300 North Main in Tucson or 1419 North 3d Street, Suite 103, in Phoenix.

The list is arranged as follows:

KEY

1. Official rollcall number;
2. Number of the bill or resolution;
3. Title of the bill or resolution;
4. A description of issue being voted on;
5. The date of the action;
6. My vote, in the form Y=yes, N=no, and NV=not voting.
7. The vote of the entire Arizona delegation, in the form (Yes-No-Not voting);
8. An indication whether the motion or amendment was passed or rejected; and
9. The total vote.

VOTES

304. H.R. 4374. Shipping Act. Motion to suspend the rules and pass the bill to clarify the provision of antitrust immunity for activities by conferences of international ocean liner companies. Motion agreed to 350-33: Y(4-0-0), September 15.

305. H.R. 6444. Patent Term Extension. Motion to suspend the rules and pass the bill to extend the patent term of specified items that are subject to federal regulatory review. Motion rejected 250-132: N(3-1-0), September 15.

306. H.R. 6813. Boat Safety Act. Motion to suspend the rules and pass the bill to allow monies from the National Recreational Boating Safety and Facilities Improvement Fund to be appropriated without scoring it against, or subtracting from, the Transportation Department's budget authority for budget purposes. Motion rejected 250-137: Y(1-3-0), September 15.

307. H.R. 6580. Sailing School Vessel Regulation. Motion to suspend the rules and pass the bill to require the Coast Guard to develop marine safety regulations specially designed for sailing school vessels, operated by non-profit education institutions. Motion rejected 236-154: Y(3-1-0), September 15.

308. H.R. 6355. Technical Corrections in Health Laws. Motion to suspend the rules and pass the bill to make technical corrections in amendments made by the 1981 reconciliation bill (PL 97-35) to the Public Health Service Act, Consumer Product Safety Act, Poison Prevention Packaging Act and certain other laws, to authorize appropriations for the training of nurse anesthetists in fiscal 1983-84 and to transfer the National Institute for Occupational Safety and Health from the Centers for Disease Control to the National Institutes of Health. Motion rejected 227-165: Y(1-3-0), September 15.

309. S. 923. Pretrial Services Act of 1982. Adoption of the conference report on the bill to expand 10 demonstration programs that provide pretrial services to federal judges to help them make bail decisions. Adopted 367-20: NV(2-1-1), September 15.

310. H.R. 6956. Department of Housing and Urban Development and Appropriations, Fiscal 1983. Motion that the House resolve itself into the Committee of the Whole for consideration of the bill to provide fiscal 1983 appropriations for the Department of Housing and Urban Development and independent agencies. Motion agreed to 346-5: NV(2-0-2), September 15.

311. H.R. 6956. Department of Housing and Urban Development Appropriations, Fiscal 1983. Amendment to increase Environmental Protection Agency research and development funding by $25 million in fiscal 1983. Rejected 131-263: Y(1-3-0), September 15.

312. H.R. 6956. Department of Housing and Urban Development Appropriations, Fiscal 1983. Amendment to delete $140 million for development of the National Aeronautics and Space Administration Centaur high energy upper stage space transportation system. Rejected 77-316: N(0-4-0), September 15.

313. H.R. 6956. Department of Housing and Urban Development Appropriations, Fiscal 1983. Amendment to bar the use of Environmental Protection Agency funds to implement a mandatory inspection and maintenance program for vehicle emissions. Adopted 200-184: Y(3-1-0), September 15.

314. H.R. 6956. Department of Housing and Urban Development Appropriations, Fiscal 1983. Passage of the bill to appropriate $47,000,239,000 in fiscal 1983 for the Department of Housing and Urban Development and 17 independent agencies. Passed 343-38: NV(3-0-1), September 15.

316. H.J. Res. 562. Urgent Supplemental, Fiscal 1982/Jobs Program. Adoption of the rule (H. Res. 582) providing for House floor consideration of the bill to authorize and appropriate $1 billion for public-service jobs. Adopted 221-176: Y(1-3-0), September 16.

317. H.J. Res. 562. Urgent Supplemental, Fiscal 1982/Jobs Program. Motion that the House resolve itself into the Committee of the Whole for consideration of the bill to authorize and appropriate $1 billion for public-service jobs. Motion agreed to 295-82: Y(2-2-0), September 16.

318. H.J. Res. 562. Urgent Supplemental, Fiscal 1982/Jobs Program. Amendment to substitute for the bill's $1 billion authorization and appropriation for public-service jobs a $1.5 billion jobs program to be funded by transfer of budget authority from the Synthetic Fuels Corp. Rejected 152-243: N(1-3-0), September 16.

319. H.J. Res. 562. Urgent Supplemental, Fiscal 1982/Jobs Program. Passage of the joint resolution to authorize and appropriate fiscal 1982 funds for public service jobs. Funding was set at 5 percent of the estimated cost of unemployment compensation for fiscal 1982, a formula that would call for appropriating $1.035 billion. Passed 223-169: Y(1-3-0), September 16.

320. H.R. 5543. Ocean and Coastal Resources Management and Development Fund. Adoption of the rule (H. Res. 555) providing for House floor consideration of the bill to create a new fund to share with the states up to $300 million annually in federal revenues from offshore oil, gas and mineral leasing. Adopted 342-8: Y(4-0-0), September 16.

321. H.R. 7019. Transportation Appropriations, Fiscal 1983. Amendment to reduce certain transportation programs by a total of $320 million in fiscal 1983. Rejected 154-221: N(3-1-0), September 21.

322. H.R. 7019. Transportation Appropriations, Fiscal 1983. Amendment to reduce every appropriation in the legislation by 33.8 percent. Rejected 38-349: N(0-4-0), September 21.

323. H.R. 7019. Transportation Appropriations, Fiscal 1983. Passage of the bill to appropriate $11,199,399,919 in new budget authority for fiscal 1983 for the Transportation Department and related agencies. Passed 268-119: Y(1-2-1), September 21.

324. H.R. 7072. Agriculture Appropriations, Fiscal 1983. Amendment to extend the food stamp appropriation to Sept. 30, 1983, instead of July 15, 1983, as provided in the bill. (The effect would have been to fund food stamps for two and one-half additional months without changing the amount of money provided by the bill.) Rejected 125-246: NV(2-0-2), September 21.

325. H.R. 7072. Agriculture Appropriations, Fiscal 1983. Passage of the bill to appropriate $23,066,954,000 in new budget authority for fiscal 1983 for the Agriculture Department and related agencies. Passed 264-105: Y(1-2-1), September 21.

327. H.R. 3581. Foreign Corporation Taxation. Motion to suspend the rules and pass the bill to allow shareholders of the Consolidated Foods Corp. to exempt from tax

certain dividend income received by a foreign firm partly owned by the company. Motion rejected 113-274: Y(1-3-0), September 22.

328. H.R. 5573. Computer Equipment Contribution Act. Motion to suspend the rules and pass the bill to allow computer companies to deduct up to twice their cost of computer equipment manufactured in 1983 and donated to primary and secondary schools. Motion agreed to 323-62: N(0-4-0), September 22.

329. H.R. 6867. Miscellaneous Tariff Amendments. Motion to suspend the rules and pass the bill to make miscellaneous tariff and trade changes, including the repeal of an embargo on the importation of mink and other furs from the People's Republic of China. Motion agreed to 267-125: Y(4-0-0), September 22.

330. H.R. 6317. Uniformed Services Pay Act. Motion to suspend the rules and pass the bill to authorize a pay raise in fiscal 1983 for uniformed members of the armed services and to restrict the hiring of private contractors to perform Department of Defense services. Motion rejected 214-186: Y(2-2-0), September 22.

331. H.R. 7048. College Student Aid. Motion to suspend the rules and pass the bill to require that the rules governing distribution of Pell grant awards to college students in the 1982-83 school year be used, with certain modifications, for the 1983-84 school year, and for the 1984-85 school year as well if the Education Department did not approve its own regulations by May 15, 1983; and to restore student aid grants to certain veterans. Motion agreed to 381-19: Y(3-1-0), September 22.

332. S.J. Res. 250. Emergency Railroad Strike Legislation. Substitute to prohibit further railroad strikes for 140 days and direct the Brotherhood of Locomotive Engineers to resume contract negotiations with railroad management. Rejected 37-361: N(0-4-0), September 22.

333. S.J. Res. 250. Emergency Railroad Strike Legislation. Passage of the joint resolution to end the railroad strike by the Brotherhood of Locomotive Engineers and impose the contract settlement recommended by the presidential Emergency Board barring strikes through June 30, 1984. Passed 383-17: Y(4-0-0), September 22.

334. H.J. Res. 599. Continuing Appropriations, Fiscal 1983. Adoption of the rule (H. Res. 596) providing for House floor consideration of the joint resolution to provide temporary funding for government agencies whose regular fiscal 1983 appropriations have not been enacted by Oct. 1. Adopted 280-120: Y(3-1-0), September 22.

335. H.J. Res. 599. Continuing Appropriations, Fiscal 1983. Motion to recommit the joint resolution to the Appropriations Committee with instructions to change the expiration date from Feb. 28, 1983, to sine de adjournment of the 97th Congress. Motion rejected 188-215: N(3-1-0), September 22.

336. H.J. Res. 599. Continuing Appropriations, Fiscal 1983. Passage of the joint resolution to provide temporary funding through Dec. 15. for government agencies whose regular fiscal 1983 appropriations have not been enacted by Oct. 1. Passed 242-161: Y(3-1-0), September 22.

337. H.R. 6173. Health Planning Block Grant. Adoption of the rule (H. Res. 594) providing for House floor consideration of the bill to create a health planning block grant program and to authorize funds for fiscal 1983 and 1984 for the program. Adopted 380-7: NV(3-0-1), September 22.

338. H.R. 6173. Health Planning Block Grant. Motion that the House resolve itself into the Committee of the Whole for consideration of the bill to create a health planning block grant program and to authorize funds for fiscal 1983 and 1984 for the program. Motion agreed to 346-11: NV(2-0-2), September 22.

340. H.R. 5447. Futures Trading Act of 1982. Adoption of the rule (H. Res. 556) providing for House floor consideration of the bill to authorize funds for the Commodity Futures Trading Commission through Sept. 30, 1986, to affirm a jurisdictional agreement between the commission and the Securities and Exchange Commission, and to make other changes in commodities law. Adopted 387-0: Y(3-0-1), September 23.

341. H.R. 6156. Securities and Exchange Commission Jurisdiction. Adoption of the rule (H. Res. 565) providing for House floor consideration of the bill to revise federal securities laws to affirm a jurisdictional agreement between the Securities and Exchange Commission and the Commodity Futures Trading Commission. Adoption 387-0: Y(3-0-1), September 23.

342. H.R. 5447. Futures Trading Act of 1982. Amendment to provide for fees on futures and options transactions, and to authorize the Commodity Futures Trading Commission to reduce or suspend the fees in certain circumstances. Rejected 170-216: Y(3-0-1), September 23.

343. H.R. 5447. Futures Trading Act of 1982. Passage of the bill to authorize funds as needed for the Commodity Futures Trading Commission through Sept. 30, 1986, to affirm a jurisdictional agreement between the commission and the Securities and Exchange Commission, and to make other changes in commodities law. Passed 319-59: NV(0-2-2), September 23.

344. H.R. 5540. Defense Industrial Base Revitalization Act. Motion that the House resolve itself into the Committee of the Whole for consideration of the bill to authorize a total of $6.75 billion in economic and educational aid to improve defense-related industries. Motion agreed to 298-51: Y(1-2-1), September 23.

345. H.R. 5540. Defense Industrial Base Revitalization Act. Amendment to strike the provision extending the wage requirements of the Davis-Bacon Act to programs established by the bill. Rejected 162-189: N(2-1-1), September 23.

346. H.R. 5540. Defense Industrial Base Revitalization Act. Amendment to prohibit loans or loan guarantees under the bill if the Treasury Department determined that they would lead to higher interest rates or harm the thrift industry. Adopted 173-154: N(2-1-1), September 23.

347. H. Res. 581. House of Representatives Historian. Adoption of the resolution to establish an office of Historian for the House of Representatives. Rejected 132-180: NV(0-1-0), September 24.

348. H.R. 6173. Health Planning Grants. Passage of the bill to repeal the federal health planning program and to authorize $65.6 million in fiscal 1983-84 for grants to state health planning and certificate-of-need programs. Passed 302-14: NV(1-0-3), September 24.

349. H.R. 4863. Recovery of Damages by Foreign Seamen. Motion to suspend the rules and pass the bill to limit maritime suits by foreign seamen while engaged in certain activities related to energy resources exploration, development or production in the coastal waters adjacent to a foreign nation. Motion rejected 224-182: Y(4-0-0), September 28.

350. H.R. 3252. Coastal Barrier Resources Act. Motion to suspend the rules and pass the bill to ban federal aid that would encourage development on specified undeveloped coastal barrier islands. Motion agreed to 399-4: Y(4-0-0), September 28.

351. H.R. 5949. Cable Copyright Bill. Motion to suspend the rules and pass the bill to clarify the rights of cable television operators to retransmit copyrighted material broadcast by non-cable stations. Motion agreed to 347-53: N(1-2-1), September 28.

352. H. Con. Res. 409. Massacre of Palestinians in Lebanon. Motion to suspend the rules and adopt the concurrent resolution deploring recent events in Lebanon, including the massacre of several hundred Palestinian civilians in refugee camps and the assassination of President-elect Bashir Gemayel. Motion agreed to 401-1: Y(3-0-1), September 28.

353. H.R. 5162. National Park System Protection and Resources Management Act. Motion to suspend the rules and pass the bill to require a biennial State of the Parks Report and establish a comprehensive planning system to protect National Park System units from internal and external threats. Motion agreed to 319-84: Y(1-3-0), September 29.

354. H.R. 6838. Soviet Economic Sanctions. Motion to recommit the bill to the Foreign Affairs Committee with instructions to insert an amendment repealing economic sanctions against the Soviet Union 90 days after enactment of the bill, provided that during that period the president certified to certain construction projects. The original bill would have immediately repealed economic sanctions against the Soviet Union. Motion agreed to 206-203: N(3-1-0), September 29.

355. H.R. 6838. Soviet Economic Sanctions. Passage of the bill to repeal economic sanctions against the Soviet Union 90 days after enactment of the bill, provided that the president certified to Congress that the Soviet Union was not using forced labor on certain construction projects. Passed 209-197: Y(1-3-0), September 29.

356. H.R. 5543. Ocean and Coastal Resources Management and Development Fund. Passage of the bill to set aside up to $300 million in federal revenues from offshore oil and gas leasing to fund state coastal resource management programs. Passed 260-134: Y(1-3-0), September 29.

357. H.R. 6457. Health Research Extention. Motion that the House resolve itself into the Committee of the Whole for consideration of the bill to authorize $6.6 billion for fiscal years 1983-85 for the National Cancer and Heart-Lung-Blood Institutes and for research on certain other diseases; to explicitly authorize the existing National Institutes of Health, and to create a National Institute of Arthritis and Musculoskeletal Diseases. Motion agreed to 365-12: Y(4-0-0), September 30.

358. H.R. 6457. Health Research Extension. Amendment to the Broyhill, R-N.C., substitute, to prohibit the use of National Institutes of Health funds for research for experimentation on human fetuses while they are alive unless the research directly benefited the affected fetus. Adopted 260-140: N(3-1-0), September 30.

359. H.R. 6457. Health Research Extension. Substitute to authorize $5 billion in fiscal 1983-85 for the National Cancer and Heart-Lung-Blood Institutes and for research on certain other diseases, and to create a National Institute of Arthritis and

Musculoskeletal Diseases. Rejected 130-275: N(2-2-0), September 30.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, March 24, 1983, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 25

9:30 a.m.
Banking, Housing, and Urban Affairs
Securities Subcommittee
To hold hearings on proposed legislation authorizing funds for the Securities and Exchange Commission.
SD-538

10:00 a.m.
Select on Intelligence
Budget Authorization Subcommittee
Closed business meeting, to mark up proposed legislation authorizing funds for fiscal year 1984 for the intelligence community.
S-407, Capitol

10:30 a.m.
Judiciary
Separation of Powers Subcommittee
To resume hearings to explore certain Federal court procedures relating to the exclusionary rule, habeas corpus, and related matters.
SD-226

2:00 p.m.
Judiciary
Security and Terrorism Subcommittee
To hold oversight hearings to review the U.S. Attorney General's guidelines on domestic security investigations (Levi Guidelines).
SD-226

MARCH 31

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain transportation and related programs.
SD-138

APRIL 4

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Department of Health and Human Services.
SD-116

2:30 p.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the National Oceanic and Atmospheric Administration of the Department of Commerce, Marine Mammal Commission, and the Small Business Administration.
S-146, Capitol

APRIL 5

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies
To hold hearings on proposed budget estimates for fiscal year 1984 for the Health Resources and Services Administration, and the Office of the Assistant Secretary for Health, both of the Department of Health and Human Services.
SD-116

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Food and Nutrition Service, and the Human Nutrition Information Service, Department of Agriculture.
SD-138
Governmental Affairs
Intergovernmental Relations Subcommittee
To hold oversight hearings on general revenue sharing.
Room to be announced
Small Business
To hold hearings on umbrella contracting and its impact on small business.
SR-428A

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Minerals Management Service, and the Institute of Museum Services.
SD-138
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for energy and water development programs.
SD-192

APRIL 6

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Social Security Administration, and refugee programs, Department of Health and Human Services.
SD-116

9:30 a.m.
Energy and Natural Resources
To resume hearings on S. 615, providing for a free market to establish long-term incentives to produce and market ample natural gas supplies at a reasonable cost, and related measures, including S. 60, S. 239, S. 291, S. 293, S. 370, and S. 689.
SD-106
Governmental Affairs
Intergovernmental Relations Subcommittee
To continue oversight hearings on general revenue sharing.
Room to be announced
Rules and Administration
To hold hearings on proposed authorizations for fiscal year 1984 for the Federal Election Commission.
SR-301

10:00 a.m.
Agriculture, Nutrition, and Forestry
Nutrition Subcommittee
To hold oversight hearings on the nutritional status of low-income Americans in the 1980's.
SR-328A
Budget
Business meeting, to resume markup of the first concurrent resolution on the fiscal year 1984 Congressional Budget.
SD-608
Environment and Public Works
Environmental Pollution Subcommittee
To hold hearings on S. 431, authorizing funds for fiscal years 1983 through 1987 for clean water programs, and S. 432, extending the 1984 compliance date for certain requirements of the Clean Water Act.
SD-406
Judiciary
To hold hearings on S. 333 and S. 445, bills to revise certain provisions of the Bankruptcy Reform Act of 1978 relating to creditor and debtor interests.
SD-226
*Judiciary
Separation of Powers Subcommittee
To resume hearings to explore certain Federal court procedures relating to the exclusionary rule, habeas corpus, and related matters.
SD-562
Veterans' Affairs
To hold oversight hearings to review adverse health effects from exposure to radiation, and other related matters.
SR-418

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for energy and water development programs.
SD-192
Judiciary
To hold hearings on pending nominations.
SD-226
Labor and Human Resources
Family and Human Services Subcommittee
To hold hearings on proposed legislation authorizing funds for child abuse prevention and treatment programs, fo-

cusing on the withholding of care from handicapped infants in hospitals.
SD-430

APRIL 7

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for the Health Care Financing Administration, Department of Health and Human Services.
SD-116

9:00 a.m.
Special on Aging
To hold hearings to discuss recent decisions affecting social security mentally disabled recipients.
SD-106

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Farmers Home Administration, Federal Crop Insurance Corporation, Office of Rural Development Policy, and the Rural Electrification Administration, Department of Agriculture.
SD-138

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Federal Bureau of Investigation, Drug Enforcement Administration, drug task forces, Immigration and Naturalization Service, and the Federal prison system, all of the Department of Justice.
S-146, Capitol

Governmental Affairs
Intergovernmental Relations Subcommittee
To continue oversight hearings on general revenue sharing.
Room to be announced

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Environmental Protection Agency.
SD-124

Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 287, to establish the Harry S. Truman National Historic Site in Missouri, S. 345, to establish the AfricaTown National Historical Park and District in Alabama, S. 542, to revise certain provisions of Public Law 90-401, relating to the purchase and conveyance of certain land by the Federal Government, S. 565, to provide for the establishment of the Cape Hatteras National Recreational Seashore in North Carolina, S. 680, to designate the Baltimore-Washington Parkway in Maryland as the "Gladys Noon Spellman Parkway," and H.R. 1213, to revise certain provisions of law relating to units of the national park lands and other public lands.
SD-366

Environment and Public Works
Environmental Pollution Subcommittee
To continue hearings on S. 431, authorizing funds for fiscal years 1983 through 1987 for clean water programs, and S. 432, extending the 1984 compliance date for certain requirements of the Clean Water Act.
SD-406

Judiciary
Immigration and Refugee Policy Subcommittee
Business meeting, to mark up S. 529, to revise and reform the Nation's immigration laws.
SD-226

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on S. 655, authorizing funds for fiscal years 1984, 1985, and 1986 for the national sea grant program.
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Forest Service of the Department of Agriculture.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for energy and water development programs.
SD-192

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Office of Personnel Management, Merit Systems Protection Board, Office of Special Council, Federal Labor Relations Authority, U.S. Tax Court, Advisory Commission on Intergovernmental Relations, and the Administrative Conference of the United States.
SD-124

2:30 p.m.
Judiciary
Business meeting, to consider pending calendar business.
SD-226

APRIL 8

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Office of Human Development Services, Department of Health and Human Services.
SD-116

9:00 a.m.
Special on Aging
To continue hearings to discuss recent decisions affecting social security mentally disabled recipients.
SR-385

10:00 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the U.S. Customs Service, U.S. Secret Service, Bureau of Alcohol, Tobacco and Firearms, and the Federal Law Enforcement Training Center, all of the Department of the Treasury.
SD-138

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on S. 530, to provide Federal assistance to upgrade instruction in mathematics, science, computer technology and foreign languages in the nation's elementary, secondary, and postsecondary institutions, and to provide assistance for employment-based vocational training programs, and related proposals.
SD-430

APRIL 11

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the National Institutes of Health, Department of Health and Human Services.
SD-116

9:30 a.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 457, to require the protection, management, and control of wild, free-roaming horses and burros on public lands.
SD-366

10:00 a.m.
Environment and Public Works
To resume hearings on infrastructure issues relating to job opportunities in public works, and related proposals, including S. 23, S. 532, and S. 724.
SD-406

Judiciary
Constitution Subcommittee
To hold hearings on proposed legislation authorizing funds for the Commission on Civil Rights.
SD-226

Labor and Human Resources
Family and Human Services Subcommittee
To resume hearings on proposed legislation authorizing funds for child abuse prevention and treatment programs, focusing on causes and prevention of child abuse.
SD-430

APRIL 12

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for the National Institutes of Health, Department of Health and Human Services.
SD-116

9:00 a.m.
Commerce, Science, and Transportation
To hold hearings on S. 372, to promote interstate commerce by prohibiting discrimination in the writing and selling of insurance contracts.
SR-253

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Food and Drug Administration, Department of Health and Human Services, the Farm Credit Administration, and the Commodity Futures Trading Commission.
SD-138

Labor and Human Resources
To hold hearings on a radiation/epidemiology study.
SD-430

Rules and Administration
To resume oversight hearings on the operation and possible modification of the current campaign finance laws governing Presidential and Congressional campaigns.
SR-301

Veterans' Affairs
Business meeting, to mark up S. 11, S. 567, S. 578, S. 629, S. 664, bills to improve and extend certain veterans' health-care programs, S. 8, S. 9, S. 667, to improve educational assistance programs for veterans, and to repeal the termination date of the GI bill, and S. 636, to provide for judicial review of certain administrative decisions of the Veterans' Administration, and to provide for reasonable fees to attorneys serving as legal counsel for veterans.
SR-418

Select on Indian Affairs
To hold oversight hearings on the disbursement of funds by the Bureau of Indian Affairs to do a study of the irrigable acres on the Blackfeet Reservation in Montana.
SD-628

10:00 a.m.
Environment and Public Works
To continue hearings on infrastructure issues relating to job opportunities in public works, and related proposals, including, S. 23, S. 532, and S. 724.
SD-406

Judiciary
Business meeting, to consider pending calendar business.
SD-226

Select on Intelligence
Closed business meeting, to mark up proposed legislation authorizing funds for fiscal year 1984 for the intelligence community.
S-407, Capitol

10:30 a.m.
*Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Federal Aviation Administration, Department of Transportation.
SD-192

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Bureau of Indian Affairs of the Department of the Interior.
SD-192

Small Business
To meet with the National Advisory Council to discuss certain legislative issues related to small business practices.
SR-428A

APRIL 13

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Office of Inspector General, Office for Civil Rights, policy research programs, and departmental management (salaries and expenses).
SD-116

9:00 a.m.
Special on Aging
To hold hearings on health insurance matters affecting the elderly.
SD-562

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the judiciary, Commission on Security and Cooperation in Europe, and the Commission on Civil Rights.
S-146, Capitol

Finance
To hold hearings on S. 544, to promote economic revitalization and facilitate expansion of economic opportunities in the Caribbean Basin Region.
SD-215

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Judiciary
Separation of Powers Subcommittee
To resume hearings to explore certain Federal court procedures relating to the exclusionary rule, habeas corpus, and related matters.
SD-226

Labor and Human Resources
To hold hearings on the nomination of Edward A. Knapp, of New Mexico, to be Director of the National Science Foundation.
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for the Bureau of Indian Affairs of the Department of the Interior.
SD-192

Judiciary
To hold hearings on pending nominations.
SD-226

APRIL 14

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Centers for Disease Control, Department of Health and Human Services.
SD-116

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings on S. 53, proposed Justice Assistance Act.
SD-226

Rules and Administration
To hold hearings on S. Res. 66, to establish regulations needed to implement television and radio coverage of proceedings of the Senate.
SR-301

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the National Science Foundation.
SD-124

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Urban Mass Transportation Administration, Department of Transportation.
SD-192

Environment and Public Works
Environmental Pollution Subcommittee
To resume hearings on S. 431, authorizing funds for fiscal years 1983 through 1987 for clean water programs, and S. 432, extending the 1984 compliance date for certain requirements of the Clean Water Act.
SD-406

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
Business meeting, to mark up S. 530, to provide Federal assistance to upgrade instruction in mathematics, science, computer technology and foreign languages in the Nation's elementary, secondary, and postsecondary institutions, and to provide assistance for employment-based vocational training programs, S. 655, to authorize funds for fiscal years 1984, 1985, and 1986 for the national sea grant program, S. 112, to make technical amendments to improve implementation of the Education Consolidation and Improvement Act of 1981, and S. 564, to establish the U.S. Academy of Peace.
SD-430

Labor and Human Resources
Family and Human Services Subcommittee
To resume hearings on proposed legislation authorizing funds for child abuse prevention and treatment and adoption reform programs.
SD-628

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the National Endowment for the Humanities, and the Office of Federal Inspector, Alaska Natural Gas Transportation System.
SD-192

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the General Services Administration, and to discuss the substance of S. 102, to allow State and local governments to continue to acquire surplus Federal lands for park and recreational, use.
SD-124

APRIL 15

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Alcohol, Drug Abuse, and Mental Health Administration, Department of Health and Human Services.
SD-116

9:30 a.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 49, to redesignate public land in Alaska to allow hunting.
SD-366

APRIL 18

9:00 a.m.
*Judiciary
Constitution Subcommittee
To hold hearings on S. 774, to revise certain provisions of the Freedom of Information Act by providing protectable interest in national security information, law enforcement investigations, business confidentiality, and personal property.
SD-226

10:00 a.m.
Environment and Public Works
To resume hearings on infrastructure issues relating to job opportunities in public works, and related proposals, including S. 23, S. 532, and S. 724.
SD-406

10:30 a.m.
Labor and Human Resources
To hold hearings to review science education programs.
SD-430

APRIL 19

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the U.S. Fish and Wildlife Service, Department of the Interior.
SD-124

9:30 a.m.
Labor and Human Resources
To hold hearings on railroad retirement program.
SD-430

10:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
SD-226

APRIL 20

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Judiciary, U.S. International Trade Commission, and the Federal Maritime Administration.
S-146, Capitol
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Executive Office of the President, National Security Council, and the Property Review Board.
SD-124
Judiciary
Security and Terrorism Subcommittee
To hold hearings to examine matters relative to the attempted assassination of the Pope.
SD-226
Labor and Human Resources
To hold hearings on unemployment cycles.
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for fossil energy research and development programs of the Department of Energy.
SD-192
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Departments of Commerce, Justice, State, the Judiciary, and related agencies.
S-146, Capitol
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Department of the Treasury.
SD-124
Judiciary
To hold hearings on pending nominations.
SD-226

APRIL 21

9:30 a.m.
Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR-253
Energy and Natural Resources
Energy Research and Development Subcommittee
To resume hearings on the President's budget request for fiscal year 1984 for the Department of Energy's research and development programs, receiving testimony from public witnesses on energy research, conservation and renewable energy, nuclear energy, and nuclear waste activities.
SD-366

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the National Aeronautics and Space Administration.
SD-124
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Department of State, and certain international organizations.
S-146, Capitol
Judiciary
Immigration and Refugee Policy Subcommittee
To hold hearings to review U.S. immigration quotas.
SD-226
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold oversight hearings on the implementation of bilingual education programs administered by the Department of Education.
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Indian Health Service and the Office of Indian Education.
SD-192
Judiciary
Constitution Subcommittee
To resume hearings on S. 774, to revise certain provisions of the Freedom of Information Act by providing protectable interest in national security information, law enforcement investigations, business confidentiality, and personal property.
SD-226

APRIL 22

10:00 a.m.
Judiciary
To resume hearings on organized crime in the United States.
SD-226

APRIL 25

9:30 a.m.
Labor and Human Resources
To hold hearings on S. 771, authorizing funds for fiscal years 1983, 1984, 1985, and 1986 for health promotion and disease prevention programs of the Department of Health and Human Services.
SD-430

2:00 p.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for transportation-related programs.
SD-192

APRIL 26

9:30 a.m.
Labor and Human Resources
To hold hearings on S. 772, to establish an Interagency Committee on Smoking and Health to coordinate Federal and private activities to educate the public about the health hazards of smoking.
SD-430

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for transportation-related programs.
SD-124

Judiciary
Business meeting, to consider pending calendar business.
SD-226

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Department of the Interior.
SD-138

APRIL 27

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for transportation-related programs.
SD-192
Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to investigate the use of offshore banks, trusts, and companies to facilitate criminal activity in the United States.
SD-342
Labor and Human Resources
To hold hearings on disease prevention.
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the land and water conservation fund.
SD-192
Judiciary
To hold hearings on pending nominations.
SD-226

APRIL 28

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

9:30 a.m.
Judiciary
Criminal Law Subcommittee
To hold hearings on S. 485, proposed Lawyers Duty of Disclosure Act.
SD-226

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Federal Emergency Management Agency, and the Neighborhood Reinvestment Corporation.
SD-124
Government Affairs
Permanent Subcommittee on Investigations
To continue hearings to investigate the use of offshore banks, trusts, and companies to facilitate criminal activity in the United States.
SD-342
Judiciary
Constitution Subcommittee
To hold joint hearings with the Committee on Labor and Human Resources on S. 425, to provide equal access and opportunity to public school students who wish to meet voluntarily for religious purposes.
SD-430
Labor and Human Resources
To hold joint hearings with the Committee on the Judiciary's Subcommittee on Constitution on S. 425, to provide equal access and opportunity to public school students who wish to meet voluntarily for religious purposes.
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the strategic petroleum reserve, and the naval petroleum reserves, Department of Energy.
SD-138

APRIL 29

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

10:00 a.m.
Judiciary
Constitution Subcommittee
To continue joint hearings with the Committee on Labor and Human Resources on S. 425, to provide equal access and opportunity to public school students who wish to meet voluntarily for religious purposes.
SD-430
Labor and Human Resources
To continue joint hearings with the Committee on the Judiciary's Subcommittee on Constitution on S. 425, to provide equal access and opportunity to public school students who wish to meet voluntarily for religious purposes.
SD-430

MAY 2

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

MAY 3

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Department of Labor, Health and Human Services, Education, and related agencies.
SD-116

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for territorial affairs.
SD-138

9:30 a.m.
Labor and Human Resources
To hold hearings on proposed legislation authorizing funds for the Legal Services Corporation.
SD-430

10:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
SD-226

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for territorial affairs.
SD-138

MAY 4

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

MAY 5

9:30 a.m.
Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on copyright audiovisual rental.
SD-226

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Office of Revenue Sharing (New York City loan program), Federal Home

Loan Bank Board, and the National Credit Union Administration.
SD-124

MAY 9

10:00 a.m.
Judiciary
Immigration and Refugee Policy Subcommittee
To hold hearings on proposed authorizations for refugee programs.
SD-226

MAY 10

9:30 a.m.
Labor and Human Resources
To hold hearings on home health care services.
SD-430

10:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
SD-226

MAY 11

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Labor and Human Resources
To continue hearings on home health care services.
SD-430

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

MAY 12

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings on certain tragedies involving children.
SD-562

Judiciary
Patents, Copyrights, and Trademarks Subcommittee
To hold hearings on computerization of criminal history.
SD-226

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Department of Housing and Urban Development.
SD-124

MAY 13

9:30 a.m.
Labor and Human Resources
To hold hearings to examine fire safety issues.
SD-430

MAY 17

10:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
SD-226

MAY 18

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on activities of the Equal Employment Opportunity Commission.
SD-430

10:00 a.m.
Veterans' Affairs
To hold oversight hearings to review adverse health effects from exposure to agent orange, and other related matters.
SR-325

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

Veterans' Affairs
To continue oversight hearings to review adverse health effects from exposure to agent orange, and other related matters.
SR-325

MAY 19

9:30 a.m.
Judiciary
Patents, Copyrights, and Trademarks Subcommittee
To hold hearings on computer chips protection.
SD-226

Labor and Human Resources
To hold hearings on health care cost.
SD-430

MAY 23

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs under the subcommittee's jurisdiction.
SD-124

MAY 24

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs under the subcommittee's jurisdiction.
SD-124

Judiciary
Business meeting, to consider pending calendar business.
SD-226

MAY 25

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings on the problem of parental kidnaping.
SD-226

Labor and Human Resources
To continue hearings on health care cost.
SD-430

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

JUNE 8

9:30 a.m.
Labor and Human Resources
To hold hearings on food safety.
SD-430

10:00 a.m.
Veterans' Affairs
To hold hearings on proposed legislation providing for certain veterans' compensation.
SR-418

JUNE 9

9:30 a.m.
Labor and Human Resources
To hold hearings on food safety.
SD-430

JUNE 10

9:30 a.m.
Labor and Human Resources
To continue hearings on food safety.
SD-430

JUNE 14

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings on proposed legislation revising certain provisions of the Labor-Management Reporting and Disclosure Act (Landrum-Griffin Act).
SD-430

JUNE 15

9:30 a.m.
Judiciary
Patents, Copyrights and Trademarks Subcommittee
To resume oversight hearings on activities of the Patent and Trademark Office, Department of Commerce.
SD-226

10:00 a.m.
Veterans' Affairs
To hold oversight hearings to review certain health care and other services provided Vietnam veterans.
SR-418

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

JUNE 16

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings on deinstitutionalization of certain status offenders.
SD-226

Labor and Human Resources
Labor Subcommittee
To resume hearings on proposed legislation revising certain provisions of the Labor-Management Reporting and Disclosure Act (Landrum-Griffin Act).
SD-430

JUNE 20

10:00 a.m.
Judiciary
Immigration and Refugee Policy Subcommittee
To resume hearings on proposed authorizations for refugee programs.
SD-226

JUNE 22

9:30 a.m.
Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on patent term restoration.
SD-226

10:00 a.m.
Veterans' Affairs
To hold oversight hearings on certain health care services for veterans.
SR-418

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

JUNE 27

10:00 a.m.
Judiciary
Immigration and Refugee Policy Subcommittee
To resume hearings on proposed authorizations for refugee programs.
SD-226

JUNE 29

9:30 a.m.
Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on Federal Government patent policy.
SD-226

10:00 a.m.
Veterans' Affairs
Business meeting, to consider proposed legislation providing for certain veterans' compensation.
SR-418

JUNE 30

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings on juvenile offenders of serious and violent crimes.
SD-226

CANCELLATIONS

MARCH 24

8:00 a.m.
Armed Services
Strategic and Theater Nuclear Forces Subcommittee
To continue closed hearings on S. 675, authorizing funds for fiscal year 1984 for military programs of the Department of Defense, focusing on air breathing deterrents.
S-407, Capitol

9:30 a.m.
Armed Services
Strategic and Theater Nuclear Forces Subcommittee
To continue hearings on S. 675, authorizing funds for fiscal year 1984 for military programs of the Department of Defense, focusing on air breathing deterrents.
SR-232A

APRIL 5

10:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
SD-226

APRIL 6

10:00 a.m.
Judiciary
Constitution Subcommittee
To hold hearings on constitutional convention procedure.
SD-562

APRIL 7

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To resume hearings on the current health and future prospects of defined benefit pension plans under the Employee Retirement Income Security Act (ERISA).
SR-485

2:30 p.m.
Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold oversight hearings on activities of the Patent and Trademark Office, Department of Commerce.
SD-226

APRIL 14

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume oversight hearings on the implementation of vocational education programs administered by the Department of Education.
SD-430

SENATE—*Thursday, March 24, 1983*

(Legislative day of Monday, March 21, 1983)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Eternal God, our Heavenly Father, we pray for weary men and women, emotionally drained—experiencing physical fatigue after a very strenuous session. They need rest, relaxation and recreation—and their spouses and children need them. We thank Thee Father for the efficient, thoughtful, cool direction given by the leadership and we pray for them a special dispensation of Thy peace. Help the Senate to finish its work today so the Senators may get to their homes.

Grant that during this recess the Senators will take time to be refreshed in body, mind, and spirit. May it be a time when family relationships are renewed and strengthened. In their sense of accountability to their constituency, help them to remember as well their responsibility for their own health and the welfare of their loved ones. And, Heavenly Father, we include in this prayer all the men and women who give such devoted, untiring service on the Hill. We pray this in the name of Him who invited, "Come unto me all ye who labor and are heavy laden and I will give you rest * * *" Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. Mr. President, I thank the Chair.

SENATE ACCOMPLISHMENTS

Mr. BAKER. Mr. President, after all the Senate has been through during the past several weeks, some of my colleagues might be surprised to hear me today singing the praises of our proceedings of late, but that is exactly what is on my mind.

To a large degree, the Senate has accomplished what it had to accomplish during the past month. True, there were times that I questioned whether we would accomplish anything at all, and true there were a couple of surprises along the way, but the end results make up for them all. The Senate considered significant and far-reaching pieces of legislation during this period; that there were differences of opinion and controversies that were worked out is all too fitting the behavior and character of this institution.

Our action last night on the social security bill, like those actions in the House last week, were historic. We have, once again, defied the skeptics who said that such a package could not survive. In doing so, we have redefined bipartisanship, and we have reaffirmed the confidence and security of millions of Americans.

Our action last week on the jobs bill was additionally impressive. At this very moment, actions are taking place to decrease the deleterious unemployment that is plaguing our country, and once again the efforts of both Chambers of Congress and both parties proved essential.

I thank President Reagan for his support and conviction throughout these deliberations; obviously, without his leadership, none of this would have been possible. I also wish to thank Speaker O'NEILL, House Minority Leader MICHEL, and of course, Senate Minority Leader BYRD for their efforts. I know that they join with me in the sense of accomplishment.

DR. BARNEY CLARK

Mr. BAKER. Mr. President, on behalf of the entire Senate, I wish to send my deepest sympathies to the family of Dr. Barney Clark. Dr. Clark passed away last night after living for over 100 days on an artificial heart.

Barney Clark was a hero during a time with few heros, He was a medical and personal inspiration to the entire world, and his experience will foster the developments of medical research. When Dr. Clark appeared on television earlier this month, his face wore not only the pains of a struggle for life, but also the pleasure of a renewed existence. His wife, by his side, affirmed the faith in the medical team that extended Dr. Clark's life and expressed her gratitude to the thousands of supporters and well-wishers across the country.

Today, Mr. President, everyone that knew or believed in Barney Clark can feel that his journey was worthwhile; his courage, remarkable; and his impact, unequaled.

PRESIDENT REAGAN'S SPEECH ON THE STATE OF OUR NATIONAL SECURITY

Mr. BAKER. Mr. President, last night President Reagan delivered a forceful and wide-ranging report to the American people on the state of our national security. I applaud the President on his remarks and I ask unanimous consent that the text of his address be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 24, 1983]

PRESIDENT'S SPEECH ON MILITARY SPENDING AND A NEW DEFENSE

Thank you for sharing your time with me tonight. The subject I want to discuss with you, peace and national security, is both timely and important—timely because I have reached a decision which offers a new hope for our children in the 21st century—a decision I will tell you about in a few minutes—and important because there is a very big decision that you must make for yourselves. This subject involves the most basic duty that any President and any people share—the duty to protect and strengthen the peace.

At the beginning of this year, I submitted to the Congress a defense budget which reflects my best judgment, and the best understanding of the experts and specialists who advise me, about what we and our allies must do to protect our people in the years ahead.

That budget is much more than a long list of numbers, for behind all the numbers lies America's ability to prevent the greatest of human tragedies and preserve our free way of life in a sometimes dangerous world. It is part of a careful, long-term plan to make America strong again after too many years of neglect and mistakes. Our efforts to rebuild America's defenses and strengthen the peace began two years ago when we requested a major increase in the defense program. Since then the amount of those increases we first proposed has been reduced by half through improvements in management and procurement and other savings. The budget request that is now before the Congress has been trimmed to the limits of safety. Further deep cuts cannot be made without seriously endangering the security of the nation. The choice is up to the men and women you have elected to the Congress—and that means the choice is up to you.

NOT ABOUT ARITHMETIC

Tonight I want to explain to you what this defense debate is all about, and why I am convinced that the budget now before the Congress is necessary, responsible and deserving of your support. And I want to offer hope for the future.

But first let me say what the defense debate is not about. It is not about spending arithmetic. I know that in the last few weeks you've been bombarded with numbers

and percentages. Some say we need only a 5 percent increase in defense spending. The so-called alternate budget backed by liberals in the House of Representatives would lower the figure to 2 to 3 percent, cutting our defense spending by $163 billion over the next five years. The trouble with all these numbers is that they tell us little about the kind of defense program America needs or the benefits in security and freedom that our defense effort buys for us.

What seems to have been lost in all this debate is the simple truth of how a defense budget is arrived at. It isn't done by deciding to spend a certain number of dollars. Those loud voices that are occasionally heard charging that the Government is trying to solve a security problem by throwing money at it are nothing more than noise based on ignorance.

We start by considering what must be done to maintain peace and review all the possible threats against our security. Then a strategy for strengthening peace and defending against those threats must be agreed upon. And finally our defense establishment must be evaluated to see what is necessary to protect against any or all of the potential threats. The cost of achieving these ends is totaled up and the result is the budget for national defense.

WHAT TO ELIMINATE

There is no logical way you can say let's spend X billion dollars less. You can only say, which part of our defense measures do we believe we can do without and still have security against all contingencies? Anyone in the Congess who advocates a percentage or specific dollar cut in defense spending should be made to say what part of our defenses he would eliminate, and he should be candid enough to acknowledge that his cuts mean cutting our commitments to allies or inviting greater risk or both.

The defense policy of the United States is based on a simple premise: The United States does not start fights. We will never be an aggressor. We maintain our strength in order to deter and defend against aggression—to preserve freedom and peace.

Since the dawn of the atomic age, we have sought to reduce the risk of war by maintaining a strong deterrent and by seeking genuine arms control. Deterrence means simply this: Making sure any adversary who thinks about attacking the United States or our allies or our vital interests concludes that the risks to him outweigh any potential gains. Once he understands that, he won't attack. We maintain the peace through our strength; weakness only invites aggression.

CURRENT ROLE OF DETERRENCE

This strategy of deterrence has not changed. It still works. But what it takes to maintain deterrence has changed. It took one kind of military force to deter an attack when we had far more nuclear weapons than any other power; it takes another kind now that the Soviets, for example, have enough accurate and powerful nuclear weapons to destroy virtually all of our missiles on the ground. Now this is not to say the Soviet Union is planning to make war on us. Nor do I believe a war is inevitable—quite the contrary. But what must be recognized is that our security is based on being prepared to meet all threats.

There was a time when we depended on coastal forts and artillery batteries because, with the weaponry of that day, any attack would have had to come by sea. This is a different world and our defenses must be based on recognition and awareness of the weaponry possessed by other nations in the nuclear age.

We can't afford to believe we will never be threatened. There have been two world wars in my lifetime. We didn't start them and, indeed, did everything we could to avoid being drawn into them. But we were ill-prepared for both—had we been better prepared, peace might have been preserved.

For 20 years, the Soviet Union has been accumulating enormous military might. They didn't stop when their forces exceeded all requirements of a legitimate defensive capability. And they haven't stopped now.

THE SOVIET GAINS

During the past decade and a half, the Soviets have built up a massive arsenal of new strategic nuclear weapons—weapons that can strike directly at the United States.

As an example, the United States introduced its last new intercontinental ballistic missile, the Minuteman III, in 1969, and we are now dismantling our even older Titan missiles. But what has the Soviet Union done in these intervening years? Well, since 1969, the Soviet Union has built five new classes of ICBM's, and upgraded these eight times. As a result, their missiles are much more powerful and accurate than they were several years ago and they continue to develop more, while ours are increasingly obsolete.

The same thing has happened in other areas. Over the same period, the Soviet Union built four new classes of submarine-launched ballistic missiles and over 60 new missile submarines. We built two new types of submarine missiles and actually withdrew 10 submarines from strategic missions. The Soviet Union built over 200 new Backfire bombers, and their brand new Blackjack bomber is now under development. We haven't built a new long-range bomber since our B-52's were deployed about a quarter of a century ago, and we've already retired several hundred of those because of old age. Indeed, despite what many people think, our strategic forces only cost about 15 percent of the defense budget.

MEDIUM-RANGE NUCLEAR ARMS

Another example of what's happened: In 1978, the Soviets had 600 intermediate-range nuclear missiles based on land and were beginning to add the SS-20—a new, highly accurate mobile missile, with three warheads. We had none. Since then the Soviets have strengthened their lead. By the end of 1979, when Soviet leader Brezhnev declared "a balance now exists," the Soviets had over 800 warheads. We still had none. A year ago this month, Mr. Brezhnev pledged a moratorium, or freeze, on SS-20 deployment. But by last August, their 800 warheads had become more than 1,200. We still had none. Some freeze. At this time Soviet Defense Minister Ustinov announced "approximate parity of forces continues to exist." But the Soviets are still adding an average of three new warheads a week, and now have 1,300. These warheads can reach their targets in a matter of a few minutes. We still have none. So far, it seems that the Soviet definition of parity is a box score of 1,300 to nothing, in their favor.

So, together with our NATO allies, we decided in 1979 to deploy new weapons, beginning this year, as a deterrent to their SS-20's and as an incentive to the Soviet Union to meet us in serious arms control negotiations. We will begin that deployment late this year. At the same time, however, we are willing to cancel our program if the Soviets will dismantle theirs. That is what we have called a zero-zero plan. The Soviets are now at the negotiating table—and I think it's fair to say that without our planned deployments, they wouldn't be there.

CONVENTIONAL FORCES

Now let's consider conventional forces. Since 1974, the United States has produced 3,050 tactical combat aircraft. By contrast, the Soviet Union has produced twice as many. When we look at attack submarines, the United States has produced 27, while the Soviet Union has produced 61. For armored vehicles including tanks, we have produced 11,200. The Soviet Union has produced 54,000, a nearly 5-to-1 ratio in their favor. Finally, with artillery, we have produced 950 artillery and rocket launchers while the Soviets have produced more than 13,000, a staggering 14-to-1 ratio.

There was a time when we were able to offset superior Soviet numbers with higher quality. But today they are building weapons as sophisticated and modern as our own.

As the Soviets have increased their military power, they have been emboldened to extend that power. They are spreading their military influence in ways that can directly challenge our vital interests and those of our allies. The following aerial photographs, most of them secret until now, illustrate this point in a crucial area very close to home—Central America and the Caribbean Basin. They are not dramatic photographs but I think they help give you a better understanding of what I'm talking about.

LARGEST IN THE WORLD

This Soviet intelligence collection facility less than 100 miles from our coast is the largest of its kind in the world. The acres and acres of antenna fields and intelligence monitors are targeted on key U.S. military installations and sensitive activities. The installation, in Lourdes, Cuba, is manned by 1,500 Soviet technicians, and the satellite ground station allows instant communications with Moscow. This 28-square mile facility has grown by more than 60 percent in size and capability during the past decade.

In western Cuba, we see this military airfield and its complement of modern Soviet-built MIG-23 aircraft. The Soviet Union uses this Cuban airfield for its own long-range reconnaissance missions, and earlier this month two modern Soviet antisubmarine warfare aircraft began operating from it. During the past two years, the level of Soviet arms exports to Cuba can only be compared to the levels reached during the Cuban missile crisis 20 years ago.

This third photo, which is the only one in this series that has been previously made public, shows Soviet military hardware that has made its way to Central America. This airfield with its MI-8 helicopters, antiaircraft guns and protected fighter sites is one of a number of military facilities in Nicaragua which has received Soviet equipment funneled through Cuba and reflects the massive military build-up going on in that country.

GRENADA'S LARGE AIRFIELD

On the small island of Grenada, at the southern end of the Caribbean chain, the Cubans, with Soviet financing and backing, are in the process of building an airfield with a 10,000-foot runway. Grenada doesn't even have an air force. Who is it intended for? The Caribbean is a very important passageway for our international commerce and military lines of communication. More than half of all American oil imports now pass through the Caribbean. The rapid

build-up of Grenada's military potential is unrelated to any conceivable threat to this island country of under 110,000 people, and totally at odds with the pattern of other eastern Caribbean States, most of which are unarmed. The Soviet-Cuban militarization of Grenada, in short, can only be seen as power projection into the region, and it is in this important economic and strategic area that we are trying to help the governments of El Salvador, Costa Rica, Honduras and others in their struggles for democracy against guerrillas supported through Cuba and Nicaragua.

These pictures only tell a small part of the story. I wish I could show you more without compromising our most sensitive intelligence sources and methods. But the Soviet Union is also supporting Cuban military forces in Angola and Ethiopia. They have bases in Ethiopia and South Yemen near the Persian Gulf oilfields. They have taken over the port we built at Cam Ranh Bay in Vietnam, and now, for the first time in history, the Soviet Navy is a force to be reckoned with in the South Pacific.

QUESTION OF SOVIET INTENTIONS

Some people may still ask: Would the Soviets ever use their formidable military power? Well, again, can we afford to believe they won't? There is Afghanistan, and in Poland, the Soviets denied the will of the people and, in so doing, demonstrated to the world how their military power could also be used to intimidate.

The final fact is that the Soviet Union is acquiring what can only be considered an offensive military force. They have continued to build far more intercontinental ballistic missiles than they could possibly need simply to deter an attack. Their conventional forces are trained and equipped not so much to defend against an attack as they are to permit sudden, surprise offensives of their own.

Our NATO allies have assumed a great defense burden, including the military draft in most countries. We are working with them and our other friends around the world to do more. Our defensive strategy means we need military forces that can move very quickly—forces that are trained and ready to respond to any emergency.

Every item in our defense program—our ships, our tanks, our planes, our funds for training and spare parts—is intended for one all-important purpose—to keep the peace. Unfortunately, a decade of neglecting our military forces had called into question our ability to do that.

SITUATION IN JANUARY 1981

When I took office in January 1981, I was appalled by what I found: American planes that could not fly and American ships that could not sail for lack of spare parts and trained personnel and insufficient fuel and ammunition for essential training. The inevitable result of all this was poor morale in our armed forces, difficulty in recruiting the brightest young Americans to wear the uniform and difficulty in convincing our most experienced military personnel to stay on.

There was a real question, then, about how well we could meet a crisis. And it was obvious that we had to begin a major modernization program to insure we could deter aggression and preserve the peace in the years ahead.

We had to move immediately to improve the basic readiness and staying power of our conventional forces, so they could meet—and therefore help deter—a crisis. We had to make up for lost years of investment by moving forward with a long-term plan to prepare our forces to counter the military capabilities our adversaries were developing for the future.

I know that all of you want peace and so do I. I know too that many of you seriously believe that a nuclear freeze would further the cause of peace. But a freeze now would make us less, not more, secure and would raise, not reduce, the risks of war. It would be largely unverifiable and would seriously undercut our negotiations on arms reduction. It would reward the Soviets for their massive military buildup while preventing us from modernizing our aging and increasingly vulnerable forces. With their present margin of superiority, why should they agree to arms reductions knowing that we were prohibited from catching up?

A CHANGE IN DIRECTION

Believe me, it wasn't pleasant for someone who had come to Washington determined to reduce Government spending, but we had to move forward with the task of repairing our defenses or we would lose our ability to deter conflict now and in the future. We had to demonstrate to any adversary that aggression could not succeed and that the only real solution was substantial, equitable and effectively verifiable arms reduction—the kind we're working for right now in Geneva.

Thanks to your strong support, and bipartisan support from the Congress, we began to turn things round. Already we are seeing some very encouraging results. Quality recruitment and retention are up, dramatically—more high school graduates are choosing military careers and more experienced career personnel are choosing to stay. Our men and women in uniform at last are getting the tools and training they need to do their jobs.

Ask around today, especially among our young people, and I think you'll find a whole new attitude toward serving their country. This reflects more than just better pay, equipment and leadership. You the American people have sent a signal to these young people that it is once again an honor to wear the uniform. That's not something you measure in a budget, but it is a very real part of our nation's strength.

It will take us longer to build the kind of equipment we need to keep peace in the future, but we've made a good start.

BOMBERS AND SUBMARINES

We have not built a new long-range bomber for 21 years. Now we're building the B-1. We had not launched one new strategic submarine for 17 years. Now, we're building one Trident submarine a year. Our land-based missiles are increasingly threatened by the many huge, new Soviet ICBM's. We are determining how to solve that problem. At the same time we are working in the Start and I.N.F. negotiations, with the goal of achieving deep reductions in the strategic and intermediate nuclear arsenals of both sides.

We have also begun the long-needed modernization of our conventional forces. The Army is getting its first new tank in 20 years. The Air Force is modernizing. We are rebuilding our Navy, which shrank from about 1,000 in the late 1960's to 453 ships during the 1970's. Our nation needs a superior Navy to support our military forces and vital interests overseas. We are now on the road to achieving a 600-ship Navy and increasing the amphibious capabilities of our marines, who are now serving the cause of peace in Lebanon. And we are building a real capability to assist our friends in the vitally important Indian Ocean and Persian Gulf region.

This adds up to a major effort, and it is not cheap. It comes at a time when there are many other pressures on our budget and when the American people have already had to make major sacrifices during the recession. But we must not be misled by those who would make defense once again the scapegoat of the Federal budget.

CHANGE IN SPENDING PATTERN

The fact is that in the past few decades we have seen a dramatic shift in how we spend the taxpayer's dollar. Back in 1955, payments to individuals took up only about 20 percent of the Federal budget. For nearly three decades, these payments steadily increased and this year will account for 49 percent of the budget. By contrast, in 1955, defense took up more than half of the Federal budget. By 1980, this spending had fallen to a low of 23 percent. Even with the increase I am requesting this year, defense will still amount to only 28 percent of the budget.

The calls for cutting back the defense budget come in nice simple arithmetic. They're the same kind of talk that led the democracies to neglect their defenses in the 1930's and invited the tragedy of World War II. We must not let that grim chapter of history repeat itself through apathy or neglect.

Yes, we pay a great deal for the weapons and equipment we give our military forces. And, yes, there has been some waste in the past. But we are now paying the delayed cost of our neglect in the 1970's. We would only be fooling ourselves, and endangering the future, if we let the bills pile up for the 1980's as well. Sooner or later these bills always come due, and the later they come due, the more they cost in treasure and in safety.

APPEALS TO CONGRESS

This is why I am speaking to you tonight—to urge you to tell your Senators and Congressmen that you know we must continue to restore our military strength.

If we stop in midstream, we will not only jeopardize the progress we have made to date—we will mortgage our ability to deter war and achieve genuine arms reductions. And we will send a signal of decline, of lessened will, to friends and adversaries alike.

One of the tragic ironies of history—and we've seen it happen more than once in this century—is the way that tyrannical systems, whose military strength is based on oppressing their people, grow strong while, through wishful thinking, free societies allow themselves to be lulled into a false sense of security.

Free people must voluntarily, through open debate and democratic means, meet the challenge that totalitarians pose by compulsion.

It is up to us, in our time, to choose, and choose wisely, between the hard but necessary task of preserving peace and freedom and the temptation to ignore our duty and blindly hope for the best while the enemies of freedom grow stronger day by day.

The solution is well within our grasp. But to reach it, there is simply no alternative but to continue this year, in this budget, to provide the resources we need to preserve the peace and guarantee our freedom.

HOPE FOR THE FUTURE

Thus far tonight I have shared with you my thoughts on the problems of national security we must face together. My predeces-

sors in the Oval Office have appeared before you on other occasions to describe the threat posed by Soviet power and have proposed steps to address that threat. But since the advent of nuclear weapons, those steps have been directed toward deterrence of aggression through the promise of retaliation—the notion that no rational nation would launch an attack that would inevitably result in unacceptable losses to themselves. This approach to stability through offensive threat has worked. We and our allies have succeeded in preventing nuclear war for three decades. In recent months, however, my advisers, including in particular the Joint Chiefs of Staff, have underscored the bleakness of the future before us.

Over the course of these discussions, I have become more and more deeply convinced that the human spirit must be capable of rising above dealing with other nations and human beings by threatening their existence. Feeling this way, I believe we must thoroughly examine every opportunity for reducing tensions and for introducing greater stability into the strategic calculus on both sides. One of the most important contributions we can make is, of course, to lower the level of all arms, and particularly nuclear arms. We are engaged right now in several negotiations with the Soviet Union to bring about a mutual reduction of weapons. I will report to you a week from tomorrow my thoughts on that score. But let me just say I am totally committed to this course.

SPECTER OF RETALIATION

If the Soviet Union will join with us in our effort to achieve major arms reduction we will have succeeded in stabilizing the nuclear balance. Nevertheless it will still be necessary to rely on the specter of retaliation—on mutual threat, and that is a sad commentary on the human condition.

Would it not be better to save lives than to avenge them? Are we not capable of demonstrating our peaceful intentions by applying all our abilities and our ingenuity to achieving a truly lasting stability? I think we are—indeed, we must!

After careful consultation with my advisers, including the Joint Chiefs of Staff, I believe there is a way. Let me share with you a vision of the future which offers hope. It is that we embark on a program to counter the awesome Soviet missile threat with measures that are defensive. Let us turn to the very strengths in technology that spawned our great industrial base and that have given us the quality of life we enjoy today.

Up until now we have increasingly based our strategy of deterrence upon the threat of retaliation. But what if free people could live secure in the knowledge that their security did not rest upon the threat of instant U.S. retaliation to deter a Soviet attack; that we could intercept and destroy strategic ballistic missiles before they reached our own soil or that of our allies?

A LONG EFFORT

I know this is a formidable technical task, one that may not be accomplished before the end of this century. Yet, current technology has attained a level of sophistication where it is reasonable for us to begin this effort. It will take years, probably decades, of effort on many fronts. There will be failures and setbacks just as there will be successes and breakthroughs. And as we proceed we must remain constant in preserving the nuclear deterrent and maintaining a solid capability for flexible response. But is it not worth every investment necessary to free the world from the threat of nuclear war? We know it is!

In the meantime, we will continue to pursue real reductions in nuclear arms, negotiating from a position of strength that can be insured only by modernizing our strategic forces. At the same time, we must take steps to reduce the risk of a conventional military conflict escalating to nuclear war by improving our nonnuclear capabilities. America does possess—now—the technologies to attain very significant improvements in the effectiveness of our conventional, nonnuclear forces. Proceeding boldly with these new technologies, we can significantly reduce any incentive that the Soviet Union may have to threaten attack against the United States or its allies.

AN IDENTITY OF INTERESTS

As we pursue our goal of defensive technologies, we recognize that our allies rely upon our stategic offensive power to deter attacks against them. Their vital interests and ours are inextricably linked—their safety and ours are one. And no change in technology can or will alter that reality. We must and shall continue to honor our commitments.

I clearly recognize that defensive systems have limitations and raise certain problems and ambiguities. If paired with offensive systems, they can be viewed as fostering an aggressive policy and no one wants that.

But with these considerations firmly in mind, I call upon the scientific community who gave us nuclear weapons to turn their great talents to the cause of mankind and world peace: to give us the means of rendering these nuclear weapons impotent and obsolete.

Tonight, consistent with our obligations under the ABM Treaty and recognizing the need for close consultation with our allies, I am taking an important first step. I am directing a comprehensive and intensive effort to define a long-term research and development program to begin to achieve our ultimate goal of eliminating the threat posed by strategic nuclear missiles. This could pave the way for arms control measures to eliminate the weapons themselves. We seek neither military superiority nor political advantage. Our only purpose—one all people share—is to search for ways to reduce the danger of nuclear war.

My fellow Americans, tonight we are launching an effort which holds the purpose of changing the course of human history. There will be risks, and results take time. But with your support, I believe we can do it.

SENATE SCHEDULE

Mr. BAKER. Mr. President, this morning there are three special orders in favor of Senators DOMENICI, THURMOND, and HATCH, to be followed by 1 hour for a period for the transaction of routine morning business in which Senators are permitted to speak for not more than 10 minutes each.

Mr. President, I anticipate that the principal business, perhaps the only business, of the Senate today will be to await the action of the House of Representatives on a conference report on the social security bill if and when that measure is passed.

After the special orders are executed, after the time for the transaction of routine morning business and perhaps other matters, including the possibility of another of the valued speeches of the minority leader on the history of the Senate, it would be the intention of the leadership to ask the Senate to recess subject to the call of the Chair while we await further developments from the conferees and the House of Representatives.

Mr. President, could I inquire of the minority leader if he does intend to make one of his speeches today on the history of the Senate?

Mr. BYRD. Mr. President, I am prepared to do so and to yield the floor at any time any Senator wishes to make a statement or introduce legislation or any time the majority leader wishes to transact any business. I appreciate his question and his efforts to support this endeavor of mine.

Mr. BAKER. I thank the Senator.

Mr. President, I am glad he is continuing that historic series of presentations on the history of the Senate. Once again I look forward to the time when we can publish at least the first volume of those remarks so that they will be available generally in one place instead of throughout the CONGRESSIONAL RECORD.

ORDER FOR RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BAKER. Mr. President, let me put this request now. I ask unanimous consent that, as to the minority leader, the 10 minute limitation of time not apply during the time for the transaction of routine morning business. I further ask unanimous consent, Mr. President, that, if the distinguished minority leader has not finished his presentation at the end of the time provided for the transaction of routine morning business, the time be extended for an appropriate amount of time. I further ask unanimous consent that during the extension of time, if any, that no business be transacted by the Senate except the presentation of the remarks by the minority leader and at the conclusion of those remarks the Chair place the Senate in recess subject to the call of the Chair.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. I thank the distinguished majority leader.

Mr. BAKER. I thank the minority leader.

That leaves us, then, to recapitulate, three special orders which would consume 45 minutes, an hour for the transaction of routine morning business, in which Senators may speak for 10 minutes each, and the possibility that that time will be extended as need be to provide for the presentation of the history of the Senate address by the minority leader. If other

Senators have additional requirements for time, I will be glad to entertain such request, but, as of this moment, at the conclusion of the speech by the minority leader the Senate will be automatically recessed subject to the call of the Chair while we wait further developments from the social security conference and the action by the House.

Mr. President, I yield back the remainder of my time.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader is recognized.

DEMOCRATIC RESPONSE TO PRESIDENT REAGAN'S ADDRESS ON NATIONAL DEFENSE

Mr. BYRD. Mr. President, the distinguished Senator from Hawaii, Mr. DANIEL INOUYE, has delivered the official Democratic response to President Reagan's address to the Nation on our Defense budget. For the information of all my colleagues on both sides of the aisle, I ask unanimous consent that this important statement be placed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SENATOR DANIEL K. INOUYE: DEMOCRATIC RESPONSE TO PRESIDENT REAGAN'S DEFENSE ADDRESS

My fellow Americans, my name is Dan Inouye and I am a United States Senator from Hawaii. In the Senate, I serve on the Commerce, Intelligence, and Appropriations Committees. In fact, I am speaking to you this evening from the Appropriations Committee room in the United States Capitol Building. In this room, the Appropriations Committee makes decisions on defense spending—on spending for education or health—on spending for all programs of the federal government.

My fellow Democrats in the Congress have asked me to speak to you this evening—to present our response to the President's speech on defense spending, which he gave last night.

We are deeply troubled. Last night, the President attempted to instill fear in the hearts of the American people, to raise the specter of a Soviet armed nuclear attack, and to divert our attention from the dismal failure of his economic policies.

The President spoke of Soviet advances in the development and deployment of missiles armed with nuclear warheads. He left the impression that the United States had stood still while the Soviets accelerated and vastly expanded their nuclear arsenal. Indeed, he left the impression that the United States is at the mercy of the Soviet Union.

Most respectfully, Mr. President, you know that is not true. Our scientists, our engineers, our generals, are not dunces. You could have—but chose not to mention the superiority of the submarine-based missiles we have developed to counter the Soviets. You could have—but chose not to mention our superior, indeed our singular—development of cruise missiles which can penetrate all known Soviet defenses.

If your urgency to defend your defense budget, with its huge increases, against the more moderate proposals which have received bipartisan support in the Congress, we believe that you have failed to present an honest picture—here it is—Soviet land-based intercontinental missiles outnumber those of the United States. But the warheads on these missiles are more than offset by our warhead advantage in sea-based submarine missiles, and our bombers and cruise missiles. This graph—on your right—shows the total of warheads the Soviets have (7,339) and the total we have (9,268).

The President knows these figures, just as he knew a week ago, a year ago—even two years ago—that Cuba has MIG 21 and MIG 23 aircraft. The question is, why did the President choose this time to declassify aerial photographs of these planes in Cuba? Why did he suggest American inferiority? I believe he did so because he is afraid that his excessive defense budget will be trimmed by the Congress and because he wants to take our attention off the economic disasters brought on by his policies.

As a member of the Intelligence Committee, I deplore the selective declassification of information for political effect. It may be that the President, to bolster his views, has compromised sources of highly sensitive intelligence information.

Our national strength does not depend solely on the number of missiles we have. Of greater significance, is the character and qualifications of our people. We must also weigh in the balance the strength of our economy. If we accept a defense budget which puts a crushing burden on our economy, which drives us closer to the precipice of economic collapse—if we accept a defense budget which dramatically increases to deficit and, in turn, prolongs unemployment, high interest rates, and low productivity—are we a stronger nation? I think not. A gathering majority of the Senate and the House of Representatives feels the same and is preparing to reduce the extraordinary defense expenditures proposed by the President.

President Reagan says he wants a stronger America. So do we Democrats. We differ on how to achieve the goal. In the last three years, defense expenditures have soared. But private investment in factories and machinery has fallen and so has the number of Americans at work. America is getting weaker on the Reagan program.

We are concerned with our national defense. We think it must be strengthened. But, we also believe that our strength is enhanced by programs which strengthen the education and the health of our people. We are concerned that 70 million Americans have difficulty reading and writing well enough to apply for a job.

We were deeply shocked by a recent Department of Education report that indicated that 56 percent of adult Hispanic Americans were functionally illiterate, that 47 percent of adult Black Americans were functionally illiterate, and 17 percent of "White Americans" are functionally illiterate. How can these Americans truly enjoy the fruits of our democracy, if they have difficulty in filling out a job application form?

The President closed his speech last night with a "Star Wars scenario." He spoke of laser technology and other exotic techniques which would be used to destroy incoming missiles. We Democrats would like to suggest that if the United States is to develop, deploy, and man these "Buck Rogers" devices and equipment, we will need an army that is highly trained and knowledgeable in mathematics, sciences, electronics, and computer technology. But what is the picture today? Before the Reagan recession, when unemployment was not too bad, 20 percent of those who volunteered and were accepted into our volunteer army were functionally illiterate. Now, it is true that because of the recession, many high school graduates are seeking employment in our army and the number of functional illiterates has been reduced. But the technology proposed by the President as the answer to our defense requirements would require that more college graduates volunteer to serve in our Armed Forces. Do you know of any college graduates who have volunteered to serve in the army? Prior to the recession, more than 30 percent of U.S. Navy warships were not ready for combat because there were insufficient trained personnel to make them seaworthy and combat-ready. Don't you believe it is tragic that we have to rely on recession and high unemployment to attract better qualified personnel into our armed services?

Last night, President Reagan spoke of our children in the 21st century—we are concerned about them as well, but we are also concerned about the children of today. Since he has been in office, the President has cut child nutrition programs by 33 percent—he has cut programs which educate our people by 30 percent. I would submit that this does not make our nation strong.

Mr. President, let us not look for peace in yet another generation of destructive weapons. Let us begin now, with this generation of Americans, to destroy weapons. In the long sweep of history, the fundamental lesson is that civilizations do not rise or fall on strength of arms alone.

Democrats have a desire for peace. We recognize that our national defense must be strengthened. We ask only that the needs of our people be equally attended to.

We ask that our leaders bring us together, not huddling together in fear, but in hope for the future. We ask that our leaders attend to the needs of the least fortunate among us. Our strength is that we are "one nation under God, united." Each of us on the foundations of his own joys and suffering builds for all—that is our strength.

Mr. BYRD. Mr. President, I yield back my time.

RECOGNITION OF SENATOR DOMENICI

The PRESIDING OFFICER (Mrs. KASSEBAUM). Under the previous order, the Senator from New Mexico (Mr. DOMENICI) is recognized for not to exceed 15 minutes.

Mr. DOMENICI. I thank the Chair.

Madam President, I am joined on the floor by Senator GRASSLEY. I am hoping that the distinguished Senator from Arizona (Mr. DECONCINI) will soon join us.

EQUAL ACCESS TO JUSTICE ACT

Mr. DOMENICI. Madam President, in the 96th Congress the Senate passed the Equal Access to Justice Act by a margin of 94 to 3. This law provides that when an individual or small businessman litigates against the Fed-

eral Government on either the administrative or judicial level and prevails, if the Government cannot substantially justify its purpose in pursuing the litigation then the citizen is entitled to recoup his legal expenses and costs.

What we are introducing today is basically a reauthorization of the original Senate-passed version of the Equal Access to Justice Act.

To further refresh the memory of my colleagues, the purpose of this law was twofold. First, in this era of pervasive Federal regulation it was meant to rekindle the individual American spirit of fight capricious and arbitrary regulation. Before the enactment of this law, the average citizen was in a dilemma. If he fought to vindicate his rights, the expense of litigation was many times the cost of the actual fine imposed. Hence, it was logical to knuckle under to Government overregulation. Now if he fights and wins it will be at no cost. This has imbued Americans with a sense that, in the old language of the cities, now "you can fight city hall."

The second purpose was to put the agencies on notice that in bringing the resources of the Government to bear on an individual or small businessman they had better be sure that their case is meritorious. If it is not, then the cost of the litigation will come from that agencies budget. Even in the promulgation of regulations, agencies must now be circumspect rather than previous attitude of "Let's see how far we can go in expanding our regulatory jurisdiction." This approach is working. I have seen internal memos from at least three agencies, including IRS, cautioning the employees to be overly cautious in litigation because Equal Access to Justice is now law. That in itself is justification for the reenactment of this bill.

During the course of the debate prior to enactment of Public Law 96-481, critics charged that the eventual cost to the Government could exceed $500 million annually. My response was that if in fact the Government was irresponsible and the courts awarded $500 million in damages, then that would be the cost in realining the tension between the bureaucracy and the citizens of this country. however, for the record I stated that I doubted whether the actual costs would exceed $10 million. After the first year the costs appear to total approximately $1 million.

I do not mean to say that that will continue because, obviously, litigation is lengthy and ultimate decisions require a long time. But basically, the prophets of gloom with reference to cost were wrong.

At this point, Madam President, I ask unanimous consent that three articles which indicate how Equal Access to Justice has worked be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

FIGHTING A U.S. AGENCY WITH ITS OWN MONEY

(By Mary Thornton)

Last summer a small Washington, D.C., printing and typesetting firm submitted the low bid to the Government Printing Office for a contract to publish the Federal Personnel Manual. But instead of getting the contract, the company, Photo Data Inc., received a terse letter from the GPO stating that the bid was considered "nonresponsible."

Scott Watkins, president of the company, decided to fight in court, and the GPO eventually agreed to award the contract to the firm. But Watkins did not stop there. Using a law that went into effect last Oct. 1, he has convinced a federal judge that the GPO should pay nearly $6,000 in legal costs that the firm incurred during the dispute.

Although a number of similar cases are before the courts, Photo Data is believed to be the first plaintiff to be awarded fees under the Equal Access to Justice Act. It requires federal agencies to pick up the legal fees and costs when they lose a case and can't prove that they had a good reason to bring (or contest) it.

Except for the largest corporations and the wealthiest individuals in America, almost anyone who wins a lawsuit against the government is eligible to collect.

The court has the authority to order the government agency to pay up to $75 per hour in attorney fees, costs for expert witnesses and other incidental expenses.

The law is designed to discourage the government from bringing frivolous or unwarranted cases that individuals or small businesses may not be capable financially of fighting.

In the case of Photo Data, GPO decided to try to settle the case after the company filed suit. The GPO then reexamined Photo Data's presentation, declared the company responsible and accepted its low bid.

Two weeks after receiving the contract, the company filed under the act to collect more than $10,700 in attorney fees and expenses.

U.S. District Judge John Garrett Penn, in an opinion last month, cut back the allowed amount to just under $6,000, saying that the attorneys had charged more than $75 per hour and that they had not justified the number of hours worked. He called the GPO behavior "precisely the type of government action that small businesses do not ordinarily have the resources to contest, and the act is therefore intended to prevent."

Photo Data doesn't have the money yet, however, because the GPO is deciding whether to appeal.

Watkins sees the award as a victory for all small businesses. "In the past, rather than fight it, you'd just let the government do what it wanted to do," he said. "Now the law tells the small contractor, 'If you're right and you know you're right, you can afford to fight them.'"

[From the Washington Post]

TO SOME VICTORS GO THE LEGAL FEES

(By Ruth Marcus)

Pentagon whistle blower A. Ernest Fitzgerald recovered $200,000 in legal fees after he won his lawsuit against the government to get his old job back.

A Colorado company accused of unfair labor practices was awarded more than $14,000 to cover its legal bills after the government lost the case.

Even the Ku Klux Klan may win some money from the government to pay for the cost of a suit it brought.

They all took advantage of the Equal Access to Justice Act, a nine-month-old federal law that allows small businesses, nonprofit groups and individuals who win legal disputes with the government to recover up to $75 an hour in lawyer's fees and other court costs if the government's position was not "substantially justified."

The law was designed to discourage agencies from bringing frivolous or unwarranted cases and enable people to fight out their battles with the government rather than give up when faced with the prospect of skyhigh legal bills.

Since it took effect last Oct. 1, the law has spawned at least 40 federal court decisions and an equal number of rulings by agencies' administrative law judges, with even more requests for fees still to be decided.

But the amount of money private parties have won since then is far below the $125 million the Justice Department and other opponents had warned the law would cost in its first year alone.

So far, courts have awarded about $680,000 and agencies another $32,000 in legal fees and costs, although the exact amount of several additional awards remains to be determined and the government has appealed many of the assessments against it.

There's "no question" that the act isn't being used as much—or costing as much—as expected, said Stephen L. Babcock of the Administrative Conference of the United States, which monitors the law. "In fact, the awards this year will never even get to $1 million."

Why have successful litigants made so little use of the law, and tended to lose when they did ask for fees, recovering costs in just 16 of about 80 cases decided so far?

"People suspected the government was acting improperly in a lot more cases than they actually were," Babcock speculated.

In addition, he suggested, "it's also possible that because the act exists government agencies are taking a harder look at the cases they bring"—the chilling effect forecast by those who opposed the law, since agencies that lose cases must pay the costs out of their own tight budgets, unlike most other fee awards, which come out of a general fund appropriated by Congress.

"I've gotten lots of calls from agencies expressing great concern about the possibility of bankrupting themselves," Babcock said.

So far that doesn't seem likely to happen, although agency lawyers said the law was still too new to gauge its eventual effect.

"It is very difficult to consider litigation these days without considering the impact of the Equal Access to Justice Act on our budgets," said Justice Department attorney Susan Herdina, who is monitoring such cases for the department's civil division, which represents many government agencies when they are sued.

Even when the government doesn't have to pay for fees, Herdina and other government lawyers note, merely having to spend time fighting fee requests puts a strain on agency resources.

Stuart Weisberg of the National Labor Relations Board, which has accounted for half of the cases that were decided at the agency level, said that "there's been no change of policy at all in the general counsel's office to date, but one can only specu-

late what would happen in the future if, indeed, a significant number of these cases are lost."

Some fee requests "have really been staggering," Weisberg said. "I personally have some trouble with the concept that a company that can afford to pay $125,000 or $150,000 in legal fees essentially to keep out a union would square with my definition of a small business."

The law covers companies with net worths of under $5 million and individuals whose net worth is less than $1 million, along with nonprofit groups and agricultural cooperatives regardless of their wealth.

The biggest victor so far was the Greater Los Angeles Council on Deafness, which won $436,000 to cover its successful suit against several agencies. The group charged that the government had discriminated against the handicapped by failing to require a Los Angeles public television station to provide sign language interpreters for deaf viewers.

The award, which is currently on appeal, was made under both the Equal Access to Justice Act and another federal law allowing legal fees to be recovered in handicapped discrimination cases. The court paid the lawyers $175 an hour for their time, far above the $75 cap set by the new law.

Other cases have involved everything from a horse repossession under the Interior Department's Adopt-a-Horse program to tax quarrels with the Internal Revenue Service.

In the Ku Klux Klan case, currently pending before a Louisiana federal court, the Klan sued to recover its legal fees after successfully challenging a school board regulation, supported by federal agencies, that banned any group that advocates discrimination from using school facilities.

The fee request reached the Supreme Court, which sent the case back to the lower court to reconsider in light of the new law.

If not for the act, whistle blower Fitzgerald would not have been able to recover any of the costs of his decade-long battle for reinstatement. Before the law was passed, Fitzgerald's lawyers had lost their fee requests; after it was in place they settled with the Air Force for $200,000.

A fee is "only going to be collectible where it should be collected," said Fitzgerald's lawyer, John Bodner. "If the statute works properly, I think the government will correct its own actions so that it will not suffer the liability."

But Juan A. del Real, general counsel of the Health and Human Services Department, a defendant in the Klan and handicapped discrimination cases, worried that the cost of the law "may well turn out to be a substantial sum, depending on how many of these claims for attorneys' fees get made. As time goes on, there seems to be a progression in the numbers that are being filed."

[From the Wall Street Journal, Monday, May 24, 1982]

NEW LAW MAY MAKE IT EASIER TO FIGHT FEDERAL GOVERNMENT

(By Robert E. Taylor)

Small businesses that battle successfully to reverse wrongheaded decisions of federal bureaucrats are beginning to obtain fresh financial help—from the government itself.

The aid is provided by the Equal Access to Justice Act, which took effect Oct. 1. The law requires Uncle Sam to pay the legal costs of small businesses, nonprofit groups and most individuals who can show they were unjustly treated by the federal government on matters ranging from federal contracting to paying taxes.

So far, the awards total only a trickle, less than $50,000 solely due to the new law. But some federal officials fear this trickle might swell to a $120 million-a-year flood. The Reagan administration, hoping to staunch the flow in advance, plans to ask Congress to restrict who can recover, and limit how much they can get.

The law's supporters oppose any changes. They note that in the past, small companies often have been reluctant to take on Uncle Sam because of litigation costs. "The government is at a great advantage because of the number of attorneys and other resources it has," says George Ramonas, a Senate staff member who helped draft the legislation. The law, he says, "enables the little guy to fight the government."

One who did successfully is Scott Watkins, president of Photo Data Inc., a small, Washington, D.C., printing company. He also is one of the first to be awarded legal costs from the government.

Last summer, Photo Data was the lowest bidder on a two-year contract with the Government Printing Office. But a GPO contracting officer ruled that Photo Data wasn't a responsible company and gave the contract to the next-lowest bidder. Mr. Watkins took his protest to court. He argued that federal law requires the GPO to refer the question of Photo Data's competence to the Small Business Administration, which it hadn't done.

Without admitting any mistakes, the GPO quickly backed down. A month later Photo Data got the contract at its original bid of about $750,000.

Federal Judge John Garrett Penn, noting that the GPO never attempted to justify its action, said: "This is precisely the type of government action that small businesses don't ordinarily have the resources to contest, and the (Equal Access) Act is therefore intended to prevent." Judge Penn ordered GPO to pay Photo Data $5,710 of the $10,831 in legal costs it claimed.

Such awards aren't available to just anyone. Congress limited eligibility to persons whose net worth doesn't exceed $1 million and businesses with no more than $5 million net worth and 500 employes. Charitable and religious tax-exempt organizations qualify if they have 500 or fewer employes.

Also, the law grants legal fees only to parties that overcome the government position in court, administrative proceedings or in a settlement. Even then, the government agency isn't required to pay if it can show that its original decision was substantially justified."

Some Reagan administration officials say the cost of the act probably will exceed $400 million before it must be renewed in three years. Private attorney Jere Glover, formerly a Small Business Administration official, dismisses such estimates as "an absolute joke." He and Sen. Pete Domenici, the New Mexico Republican who sponsored the law, predict costs of less than $40 million annually as bureaucrats become more careful. If the bill comes anywhere near the $400 million estimate, Mr. Glover says, "the heads of the agencies ought to be fired" for turning out so many indefensible decisions.

But administration officials who must pay the bill worry that, as one puts it, attorney-fee recovery provisions are becoming "attorneys' subsidy statutes" that don't mainly help clients.

The administration plans to propose that Congress cut off payments in contingency-fee cases where the attorney only gets paid what he can recover from the government. It also would prohibit payments to nonprofit or government-funded groups whose primary purpose is to provide legal services. And it would limit fees that exceed the benefit of winning the case.

One goal, an administration official says, is to freeze out legal groups that "hunt up clients" to challenge the government.

It isn't yet clear what agencies will trigger the most costs under the Equal Access Act. The U.S. Chamber of Commerce contends the Equal Employment Opportunity Commission will be a leader.

Even most winners of court awards are finding their battles aren't over. One problem is bureaucratic—an interagency dispute over where the money should come from. Another is legal—court appeals can delay payment indefinitely, or nullify it. Largely due to the appeals, the only party that actually has been paid under the Equal Access Act is the Florida Farm Workers Council, which recovered costs of almost $13,000 from the Labor Department.

Photo Data's Mr. Watkins grumbles as the Justice Department considers an appeal of his case. If he doesn't get paid, he says, "they can throw the act out of the window."

Mr. DOMENICI. Madam President, the basic question answered by this legislation is: "Who Regulates the Regulators?" The standard answer is: "Why the Congress." In fact the bureaucracy has consistently thwarted the will of Congress by drafting the regulations that go far beyond congressional intent. In our system of checks and balances it is the duty of the courts to decide whether or not the executive branch has exceeded the authority delegated by the legislative branch.

However, the courts have developed a presumption of expertise on the part of regulation writers, and that if there is warrant in the record, then a regulation is deemed valid.

As Justice Cardozo stated:

> The practice has peculiar weight when it involves a contemporary construction of a statute by the men charged with the responsibility of setting its machinery in motion, of making the parts work efficiently and smoothly while they are yet untried and new (288 U.S. at 315).

The formulation of this presumption has paralleled the development of administrative law in the country. There have been three stages of development. The first focus was on the constitutional underpinnings of the administrative process, with a good deal of emphasis on separation and delegation of powers. The next focus was on the judicial review and the relationship between the agencies and the judicial branch of Government.

The last major stage was the formalization of procedures for adjudication and rulemaking. This process was necessary to establish the system of administrative law—a system by which modern government may reasonably exercise discretionary power and the need for speedy, inexpensive, and procedurally simple adjudication. The

courts, recognizing the need for such a system, help nurture it by deferring to the judgments of those, as Cardozo said, who are responsible for setting the machinery in motion and working efficiently and smoothly.

We have now, however, entered an age of pervasive Federal regulation. It is time for a new stage of development. We must insure that the regulators are regulated.

Equal access to justice requires that when in litigation the agency bears the burden of proving that its regulations are within the Congressional mandate rather than the individual proving they are not.

In this way we readjust the relationship between the Government and its citizens without hindering the duties of the agencies.

I thank my colleagues for joining with me in making this act a permanent law of the land. In closing, I hope as the Albuquerque Journal the newspaper in my hometown stated in an editorial about this legislation:

It could be labeled in time, as the "Little Magna Carta" for its calculated effect of protecting Americans from arbitrary and oppressive government.

Madam President, I ask unanimous consent to have the text of the bill which will reauthorize the equal access to justice printed in the RECORD. I send it to the desk for proper referral. I am joined by the distinguished Senator from Arizona (Mr. DECONCINI) and the distinguished Senator from Iowa (Mr. GRASSLEY).

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 919

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 504 of title 5, United States Code, is amended—

(1) by striking clause (i) from subsection (b)(1)(B) and inserting in lieu thereof the following: "(i) any individual whose net worth exceeding $1,000,000 at the time of the adversary adjudication was initiated, and any owner of an unincorporated business, or any partnership, corporation, association, or organization whose net worth exceeded $5,000,000 at the time the adversary adjudication was initiated; except that a cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)) may be a party regardless of the net worth of such cooperative association, and ";

(2) by striking subsection (d)(1) and inserting in lieu thereof, "Fees and other expenses awarded under this subsection shall be paid by any agency over which the party prevails from any funds made available to the agency, by appropriation or otherwise, except that no sums may be appropriated to any such agency specifically for the purpose of paying fees and other expenses under this section. The court shall specify the agency or agencies that shall be responsible for payments of the awards."; and

(3) by striking out paragraph (2) of subsection (d).

SEC. 2. Section 2412 of title 28, United States Code, is amended—

(1) by striking from subsections (a) and (b) "or any agency and any official of the United States" each place it appears and inserting in lieu thereof "or any agency or any official of the United States";

(2) by striking out all of subparagraph (B) of subsection (b)(2) after the word "filed," in clause (i) and inserting in lieu thereof the following: "or (ii) any owner of an incorporated business or any partnership, corporation, association, or organization whose net worth did not exceed $5,000,000 at the time the civil action was filed, but 'party' does not include any owner of an unincorporated business, or a partnership, corporation, association and organization having more than five hundred employees at the time the civil action was filed; except that a cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)) may be a party regardless of the net worth of such cooperative association; and";

(3) by striking out all of subparagraph (A) of subsection (d)(4) and inserting the following

"(4)(A) Fees and other expenses awarded under this subsection shall be paid by any agency over which the party prevails from any funds made available to the agency, by appropriation or otherwise, except that no sums may be appropriated to any such agency specifically for the purpose of paying fees and other expenses under this section. The court shall specify the agency or agencies that shall be responsible for payment of the awards."; and

(4) by striking out section (c)(4)(B).

SEC. 3. Section 203(c) of the Equal Access to Justice Act (Public Law 96-481) is repealed.

SEC. 4. Section 204(c) of the Equal Access to Justice Act is repealed.

SEC. 5. Section 207 of the Equal Access to Justice Act, is repealed.

SEC. 6. Effective March 1, 1983, section 7430 of the Internal Revenue Code of 1954, as added by subsection (a) of section 292 of the Tax Equity and Fiscal Responsibility Act of 1982, is repealed.

Mr. DOMENICI. I yield to Senator GRASSLEY.

Mr. GRASSLEY. Madam President, I thank the Senator from New Mexico. I am happy to participate in the introduction of this bill to reauthorize the Equal Access to Justice Act.

This concept first appeared as legislation in the 95th Congress when Senator PETE DOMENICI introduced a bill similar to the act before us today. The bill was finally enacted into law in 1980 with an effective date of October 1981.

The bill was designed with two purposes in mind. The initial aim was to force Government agencies to be responsible for their conduct. Adopting the rule that a Government entity must be held accountable for attorneys' fees where it could not show that its actions were substantially justified would provide incentive for agencies to thoroughly examine actions contemplated against private citizens. Rather than holding the losing agency automatically liable for attorneys' fees, and therefore perhaps discouraging valid agency actions, allowing the agency to prove it acted with justification seemed the appropriate course to follow.

In addition, the act was designed to provide those of modest means with access to the judicial process, hence the title—Equal Access to Justice Act. In order to allow small businesses and private individuals, those who were being injured most through arbitrary Government action and regulation, to pursue litigation against the Government, the sections relating to limitation of income and corporation size were included in the bill. These sections allowed the little guy to fight city hall and to actually come out ahead if he prevailed in litigation instead of facing bankruptcy due to the high cost of litigation.

We have now experienced the act for a year. Its effectiveness was demonstrated through hearings held last December before the Subcommittee on Agency Administration which I chaired. On the whole the testimony presented at that hearing indicated that the act is being implemented as intended therefore generally obtaining the desired results.

However, there are some sections of the law which are in need of clarification and we will be exploring those further in hearings scheduled before the Subcommittee on Administrative Practice and Procedure.

At this point I would like to indicate that I was in the past, evidenced by my position on H.R. 5612 in the 96th Congress, am presently, and will continue to be a strong supporter of this act. I am pleased to join Senators DOMENICI and DECONCINI in introducing its reauthorization. I appreciate their activity on behalf of the act and look forward to working with them as we shepherd this bill through the Congress this session. The regulatory noose has been around this country's neck for too long. Extension of this act will allow us to breathe a little easier.

Regulation costs each American family of four $2,290 annually. Serious changes have to take place now if we want the burden to ease.

Mr. DOMENICI. I thank my good friend from Iowa.

Madam President, I close my discussion on this bill by thanking the distinguished Senator from Arizona (Mr. DECONCINI) for his diligent work on this legislation. Senator GRASSLEY has properly indicated how it proceeded. Obviously, I could not have accomplished the goal without the help of the distinguished Senator from Arizona.

I am most appreciative of what Senator GRASSLEY has done because basically, the hearings that were held clearly indicate that we cannot let the basic provisions of this law expire. We have to have time to follow its course

through Congress. We always have difficulty in the House. I thank him for giving us that hearing and thus clearly demonstrating that what we are doing here today is moving in the right direction and that with the changes he contemplates and is concerned about, we ought to move ahead to make this permanent law. I thank the distinguished Senator for that.

BUREAU OF LAND MANAGEMENT GRAZING ADVISORY BOARDS

Mr. DOMENICI. Madam President, today I introduce a bill which would remove the expiration date of the Bureau of Land Management Grazing Advisory Boards and establish them on a permanent basis in the Federal Land Policy and Management Act of 1976.

These boards are currently authorized through December 31, 1985. There is no doubt in my mind as to the importance of these advisory boards in maintaining input into our system from one of the major users of the public lands of this Nation.

During the late 1970's, I watched the implementation of FLIPMA, as well as the implementation of certain court decisions. Sometimes we forget that in the West, this time period was known as the Sagebrush Rebellion. That rebellion was not limited to those who grazed the public land. It included State and local elected officials, business leaders, and many others. However, I feel that the rebellion could have been further aggravated without advisory boards such as the ones authorized by FLIPMA.

That is why I hope my colleagues will join me in this legislation, which does nothing more than give permanent status to these grazing boards.

I think it is important to our Nation that we have these boards to promote a better understanding between our Federal agencies and one of the major users of the public lands. As we move closer toward the 21st century the problems and issues regarding public lands will continue. This extension will insure that we will have in place a mechanism to meet those issues in a rational manner.

Madam President, I ask unanimous consent to have the bill printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 920

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 403 (f) of the Federal Land Policy Management Act of 1976 (43 U.S.C 1753) is repealed.

Mr. DOMENICI. Madam President, if I have any remaining time, I yield that time back at this point.

RECOGNITION OF SENATOR THURMOND

The PRESIDING OFFICER. Under the previous order, the Senator from South Carolina (Mr. THURMOND) is recognized for not to exceed 15 minutes.

Mr. THURMOND. I thank the Chair.

VOLUNTARY SCHOOL PRAYER

Mr. THURMOND. Madam President, I am reintroducing today, by request, the administration's proposed constitutional amendment relating to voluntary school prayer. This amendment was originally introduced last year as Senate Joint Resolution 199 and was the subject of 3 days of hearings by the Senate Judiciary Committee. I would anticipate that further action will be taken on this amendment by the committee in the near future.

As with an increasing number of constitutional proposals, the school prayer amendment represents a response to a controversial Supreme Court decision that many believe to have substantially altered the traditional understanding of the Constitution. In my view, the proposed amendment is necessary to restore the meaning of the first amendment that had existed throughout most of the Nation's history, only to be abruptly upset by the Court in 1962 and 1963 rulings.

Until these rulings, the religion clauses of the first amendment had been understood primarily to prohibit the Congress from establishing any state church, or from favoring any particular church or denomination as a matter of general public policy. It was designed, further, to insure that the distinction between the sphere of the church and that of the state not be altogether obscured in the American sociopolitical system. As Justice Story has observed in his "Commentaries on the Constitution."

> The real object of the First Amendment was . . . to prevent any national ecclesiastical establishment which would give to an hierarchy the exclusive patronage of the national government.

Similarly, Professor Edward Corwin, the great constitutional scholar, has written,

> The historical record shows beyond peradventure that the core idea of an "establishment of religion" comprises the idea of preference; and that any act of public authority favorable to religion in general cannot, without manifest falsification of history, be brought under the ban of that phrase.

During most of the Nation's history, this understanding of the first amendment controlled the development of public policy. While the Constitution took scrupulous pains to avoid the establishment of a theological republic, and even greater pains to insure freedom of worship for all citizens, it did not undertake to create an absolute and wholly unbridgeable division between the secular state and all things of a spiritual character. Indeed, there was a profound awareness of the religious roots of our Nation and a desire to insure that the religious impulse remain a part of the Nation's constitutional and political fabric.

What has emerged, however, in recent years has been a constitutional doctrine that has no serious basis in the historical development of the organic law of the country. In two significant Supreme Court decisions, *Engel* v. *Vitale,* 370 U.S. 421 (1962) and *Abington School District* v. *Schempp,* 374 U.S. 203 (1963), the Court gave expression to the idea that the establishment clause of the first amendment constructed an absolute "wall of separation" between church and state. The theory of these cases was that the constitutional direction to Congress to "make no law respecting an establishment of religion" not only prohibited preference being given to denominational religious doctrine but utterly banned religious expression from the public life of the Nation. The original intent that Congress be neutral as between religious views—as well as that it avoid obscuring the distinction between church and state—was transformed into a notion of neutrality between religion and irreligion.

Specifically, in Engel, the High Court ruled unconstitutional a requirement of the State of New York that each schoolday begin with a brief prayer. The New York prayer read:

> Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers, and our country.

In Abington, a year later, the Court ruled unconstitutional a requirement of the State of Pennsylvania that each schoolday begin with a brief reading of Bible verse, including the Lord's Prayer. In both of these decisions, the State requirements were deemed to be in violation of the establishment clause of the first amendment.

It is interesting to note that the Court, in these cases, chose to use the first amendment as a limitation upon State legislative enactments despite the fact that the amendment is explicit in referring only to "Congress". It is not my intent to argue the merits of the 14th amendment incorporation theory of the Bill of Rights except to note that the intent of the first amendment was originally to limit Congress, not the States. As former Justice Potter Stewart remarked in dissent in Abington,

> • • • it is not without irony that a constitutional provision evidently designed to leave the States free to go their own way should now have become a restriction upon their autonomy.

Since the decisions in Engel against Abington, despite the opposition of overwhelming numbers of American citizens of all religious views, the "wall of separation" interpretation of the establishment clause has led to a total prohibition upon legal prayer in the public schools, no matter how voluntary, no matter how interdenominational, and no matter how much accommodation is made for students of minority religions and those who reject any religious values altogether.

Given the integral part that compulsory public schooling plays in the development of the values of our citizenry, I have become convinced—and I believe that the great majority of people in this country share my view—that these Supreme Court decisions have created a situation in which the state has become antagonistic toward religious values. The average child is placed in the public school classroom for 8 hours a day in which he is developed intellectually, physically, and emotionally, but in which even a moment of structured personal reflection and introspection is treated as unconstitutional. This child is taught political theory, he is taught sex education, he is taught hygiene, he is taught baseball and football, he is taught music and art, he is taught virtually everything that goes into the building of individual character, but he is absolutely forbidden from a brief moment of prayer at the outset of his school day.

Of course, the primary responsibility for the teaching of religious values, rests with the family. In my view, the primary responsibility for most of any child's education rests with the family. That does not mean, however, that a brief period of silence or prayer in the schoolroom is wrong. Such a period is nothing more than an effort to insure that what time the child does spend in the classroom offers a reasonable opportunity for him to develop and mature in a well-rounded and balanced manner. Those who feel that religious values are frivolous or destructive ought to be free to withdraw their children from such prayer, in the same manner that they are free to withdraw their children from sex education courses. They should not be free, however, to deny to all children a personal experience that was important in the development of the character of millions of schoolchildren from the outset of our Nation.

We rewrite history, as well as the Constitution, when we ignore or make light of the fundamental and enduring contribution made by religion to American society. Ours is a secular nation, but it is not one in which secularism has yet been raised to a religious status itself.

Madam President, the amendment that I am introducing today reads,

Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions. No person shall be required by the United States or by any State to participate in prayer.

Although I am introducing this amendment by request, and expect to be looking at modifications of language as it is processed by the Judiciary Committee, I believe that this is a reasonably sound amendment.

The amendment would insure that the establishment clause of the first amendment no longer poses a presumed barrier to exercise of voluntary prayer in the public school classroom. It would, however, not create any corollary right in any person to require that prayer be allowed in the public school classroom. The amendment would simply leave these decisions to the discretion of the State or local school district. There would be no obligation on their part to allow prayer, but merely an ability to do so if that is their choice.

The amendment would also insure that no one is required to participate in structured group prayer against their desires. As the second sentence of the amendment makes clear, reasonable accommodation would have to be made for any individual who, for whatever reason, chose not to engage in such prayer.

Madam President, it is my understanding that Senator HATCH, chairman of the Subcommittee on the Constitution, has indicated his commitment to proceed with 1 or 2 days of hearings this spring on the proposed amendment. This would supplement the 3 days of hearings that were held on this matter during the 97th Congress. Following these hearings, it is my intention to expedite the passage of the immediate resolution through the full Judiciary Committee. During this process, we will be taking a careful look at the provisions of the administration's amendment with an eye toward making it the most concise and the most reasonable amendment that we can develop.

In particular, there are two matters that I expect to be the focus of my own attention: (a) insuring that the amendment I clear that reasonable accommodation will be made to those schoolchildren who choose not to participate in group or individual prayer; and (b) addressing the issue of how the content of any group prayer will be established. While I believe very strongly that the idea of a school prayer amendment is one that is absolutely critical to the reestablishment of a sound value structure in this country, I am extremely sensitive to the need to do this in a way that is fully consistent with the values of our Constitution. Because I believe that the great majority of American people want to achieve this kind of balance, I am confident that a school prayer amendment can work. I do not share the distruct of many opponents of this amendment toward local school boards and decentralized decisionmaking.

I strongly urge my colleagues to join me on this extremely important measure, and welcome their thoughts on how we can improve its specific provisions.

Madam President, I ask unanimous consent that the amendment, which is very brief, be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

S.J. RES. 73

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress:

"ARTICLE ——

"Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions. No person shall be required by the United States or by any State to participate in prayer.".

Mr. HATCH. Madam President, I should like to compliment the distinguished Senator from South Carolina for his leadership in the area of constitutional law and constitutional amendments in past Congresses and in the present Congress, and for his leadership in putting forth the amendment he has presented here today.

RECOGNITION OF SENATOR HATCH

The PRESIDING OFFICER. Under the previous order, the Senator from Utah (Mr. HATCH) is recognized for not to exceed 15 minutes.

THE RADIOGENIC CANCER COMPENSATION ACT

Mr. HATCH. Madam President, the Radiogenic Cancer Compensation Act, which I am introducing today, has been 4 years in the making. It has evolved from legislation introduced in the 96th and 97th Congresses, and from a succession of committee drafts developed in the Judiciary and Labor and Human Resources Committees. This new legislation deals with specific subjects that have been the topics of multiple hearings over two Congresses. The underlying issues of radiation and health have been the subjects of many more hearings conducted within the last decade by an array of House and Senate committees and subcommittees. Thus, this new legislation represents hundreds of hours of effort, and

a refinement that has taken years to accomplish.

The effort of which the Radiogenic Cancer Compensation Act is the latest product was begun in 1979 when the House Committee on Interstate an Foreign Commerce and the Senate Judiciary and Labor and Human Resources Committees held joint hearings in Salt Lake City on the health effects of the atmospheric nuclear testing program that was operated at the Nevada test site between 1951 and 1962. The hearings were conducted because evidence had accumulated suggesting that the people who lived immediately downwind of these nuclear bomb tests were experiencing an exceptional incidence of certain cancers. These first hearings concentrated on whether people had been harmed by the atomic blasts, and whether the Government was negligent in the paltry efforts that were made to protect downwind citizens from radiation exposure. Later hearings dwelt on whether existing legal remedies were sufficient to provide justice to fallout victims.

Four years later, these issues are not much in question. Even the Department of Defense now admits that people developed cancer from the nuclear fallout. The hearing record amply chronicles the gross inadequacy of Federal efforts to monitor, warn, and protect those Americans who lived directly in the path of the fallout. Expert testimony had been heard outlining the extraordinary difficulty a true fallout victim would encounter in an effort to prove in court through a preponderance of the evidence that his exposure to radioactive fallout 20 to 30 years ago is the proximate cause of the cancer he now has.

My colleagues should realize that most of the fallout victims were children at the time of the tests. They were children who were left outside in the playgrounds while radioactive clouds billowed over their schools. They were children who romped in the fallout dust, pretending it was snow. Some of these children developed radiogenic cancer while still children, and others have developed radiogenic cancer as adults. Some have already died.

These people now want justice and the families of those victims who have already died want justice. The point is that the necessity of legislation to provide a proper remedy for the fallout victims should no longer be an issue.

The questions that are now paramount concern the legislation itself: whether it is a fair and wise means of providing a proper legal remedy. I strongly believe that it is. The Radiogenic Cancer Compensation Act uses what the scientific community and administration representatives consider to be the best available methodology for determining the merits of radiogenic cancer liability cases. This radioepidemiological method was the subject of a Joint Judiciary and Labor and Human Resources Committee hearing last March. The consensus of witnesses from the scientific community and the Departments of Energy, Defense, and Health and Human Services was that the radioepidemiological method is the best available. The legislation is designed so that each case will be considered individually, and a definite but not excessive benefit of the doubt will be given to each plaintiff. The liability of the Government will be proportionate to the harm that is scientifically estimated to have occurred. The remedy is designed to be fair whatever the facts of the cases turn out to be. The Radiogenic Cancer Compensation Act entails two major innovations that are absolutely necessary if the courts are to provide proper relief for fallout victims. The first is the requirement that the radioepidemiological tables and formulas currently being developed by the Department of Health and Human Services be used as a standard for judging the merits of the cases. The second is a provision that allows damages to be paid to plaintiffs whose probabliity of harm from the fallout is less than 50 percent.

For any individual, the link between a given radiation dose and the development of a cancer can be drawn only statistically. This is because no doctor can distinguish a radiogenic cancer from a cancer derived from other causes. The finding upon which the statistical links are based come from population studies that have been carried out all over the world. These data are massive. National and international scientific organizations have spent years and countless meetings in analyzing and compiling the necessary statistics, but these organizations have never compiled them in a form that would be useful to the courts.

An effort to compile these necessary statistics into a form that will be functional for plaintiffs, defendants and the courts is currently being undertaken by the Department of Health and Human Services. In a year's time, we should have a compendium that includes the best scientific estimated of the likelihood that various cancers have been caused by various doses of radiations for men and women of all ages. Although these estimates cannot be exact, they should be sufficiently precise for the purposes of distinguishing between more and less credible radiation/cancer liability cases.

If, in terms of these radioepidemiological tables, a plaintiff meets the usual standard of proof for a tort case, that is if he demonstrates that he has more than a 50 percent probability of having a fallout-generated cancer, then the Government will accept responsibility for his cancer and he will receive actual damages up to a maximum of $500,000. However, because so many people get cancer from causes other than radiation, most of the people who have developed cancer from the Nevada fallout will be unable to meet the 50-percent standard.

Thus, we face a dilemma. To compensate most of the fallout victims we must set a standard that will insure that compensation is paid to more people than were actually harmed. There is no perfect solution to this problem, but this legislation strikes a balance by coupling the lowering of the usual standard of proof with a prorating of limits to individual awards so that more people get awards but the awards are proportionately smaller. Plaintiffs with probabilities of causation between 10 percent and 50 percent will receive actual damages up to the product of their probability times $500,000. Therefore, people with a 10-percent probability of causation, who have a 1-in-10 chance of having a fallout-generated cancer, are eligible for up to $50,000, and people with a 25-percent probability, who have a 1-in-4 chance, are eligible for up to $125,000.

A Defense Department scientist has suggested that this standard will lead to compensation for several times the number of people who have developed cancer from the nuclear testing. But there are three things to remember. First, at least as far as the deadly cancers are concerned, several times the people harmed is not likely to number more than a few hundred. Second, the Government will not accept full responsibility for an individual's cancer when the individual has a probability that is less than 50 percent, because the Government is not likely to have caused his cancer. However, the Government will accept some responsibility because a substantial portion of cancer victims with probabilities that are between 10 and 50 percent do have fallout generated cancers. Finally, the civilian remedy covers only people who allege their cancer was caused by radiation from 1951–62 Nevada testing programs and from uranium mining prior to 1962.

In addition to the Nevada testing fallout victims, this legislation provides for two other groups of radiation victims. Under certain circumstances, uranium miners are given a right of action that is identical to the fallout victims' remedy. The bill covers all persons who mined uranium in Colorado, New Mexico, Arizona, and Utah from 1947 through 1961. These uranium miners are included for a variety of reasons. First of all, they were subject to the same sort of callousness that characterizes the plight of the fallout victims. The miners' complaint is a product of the same era. For technical, legal reasons, most of the miners with radiogenic cancer, most of whom

are American Indians, have a claim on neither the mining companies nor State workers compensation programs.

But the simple fact is that the miners were sent into inadequately ventilated mines with virtually no instruction regarding the dangers of ionizing radiation. These miners sometimes ate their lunches in these mines, and often failed to bathe when they returned in the evening. They had no idea of the danger. Consequently, many miners inhaled Radon Daughters that eventually yielded substantial doses of ionizing radiation. As a result, these miners have a substantially elevated cancer rate. The uranium that they mined was used to fuel our Federal nuclear program, and it is only fitting that these miners also be given a proper legal remedy.

The atomic veterans are a third group of Americans that suffered harm from our early nuclear bomb testing program. The atomic veterans are servicemen who staged and monitored the Pacific nuclear tests or who marched under the mushroom clouds at the Nevada test site to practice maneuvers on a nuclear battlefield. Unlike the civilian fallout victims and the uranium miners, the atomic veterans have recourse to the Veterans' Administration, which is responsible for providing care and compensation for all injuries that result from duty in the armed services. The legislation entails no dilution or circumvention of this special responsibility of the Veterans' Administration. However, the veterans feel justifiably frustrated at the obscure and convoluted methods that the VA employs to determine whether a veteran's cancer has been caused by his service-connected exposure to ionizing radiation. Therefore, the VA will be required to use the radioepidemiological tables being developed by HHS as a standard for judging the merits of atomic veterans' cases. This method should make these procedures both simpler and fairer.

We are now well into the nuclear age, and it is high time we addressed fairly the legitimate grievances of those Americans who bore a special burden during the early development of our nuclear weapons programs. We must provide a proper remedy for justice's sake, but also so that the American people can rest assured that their Government meets its responsibilities. If the potentials of nuclear technologies are to be used to the best advantage of the Nation, the public must believe that the Government is honest in acknowledging the dangers involved and prompt in redressing those damages that are unforeseen or unavoidable. I acknowledge that the issue of radiogenic cancer liability is difficult. But difficulty must not dissuade us from our clear duty. The scientific community has given us a means to devise a reasonable and fair remedy, and we should make use of this means by supporting the passage of this legislation that I am introducing today.

Madam President, I ask unanimous consent to have printed in the RECORD a summary of Radiogenic Cancer Compensation Act.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF RADIOGENIC CANCER COMPENSATION ACT

1. PURPOSE

This legislation provides a necessary legal remedy for two classes of civilians, and refines a remedy that is already available to veterans. In each of these three cases, the question at issue is whether a person's cancer was caused by this prior exposure to ionizing radiaion. For each of the three, this legislation attempts to place the determination of liability on a sound scientific basis.

A special legal remedy will be made available to:

(a) *Fallout victims:* Persons who believe their cancer was caused by their exposure to radioactive fallout from the 1951 to 1962 atmospheric nuclear tests that were conducted at the Nevada Test Site.

(b) *Uranium miners:* Persons who believe their cancer was caused by their exposure to radiation from uranium mining between 1947 and 1961, when the U.S. Government purchased and controlled all uranium from American uranium mines.

In addition, this legislation requires the Veterans Administration to use a scientifically based standard being developed by Health and Human Services in the former's determintion of whether an (c) atomic veteran shall be granted "service connected disability" benefits when the veteran claims that his cancer was caused by radiation exposure that he received while in the armed services.

2. RADIOEPIDEMIOLOGICAL TABLES AND FORMULAS

The Radiogenic Cancer Compensation Act bases the award of compensation to cancer victims upon the likelihood that determined radiation doses caused their cancers as determined by the facts of each case and the radioepidemiological tables and formulas that are being developed by the Department of Health and Human Services.

The Orphan Drug Act (P.L. 97-414) requires the Department of Health and Human Services to develop tables and formulas from which can be derived a probability that a person with a radiogenic cancer developed that cancer from a prior dose of ionizing radiation. These tables and formulas should represent a compilation of the best scientific assessments of the probabilities that various cancers have been caused by various doses of ionizing radiation. Presently, only a probabilistic connection can be drawn between a person's cancer and his prior dose of radiation, since a radiation caused cancer is clinically indistinguished from a cancer that developed from other causes. This probabilistic connection must be based on the science of radioepidemiology.

3. STANDING TO SUE

Action may be taken by or on behalf of any resident of the United States during the 1951-1962 Nevada atmospheric nuclear tests, or any uranium miner who worked in a uranium mine in Colorado, New Mexico, Arizona or Utah between 1947 and 1961 . . . if this person has or had a radiogenic cancer.

(a) Civilian workers at the Nevada Test Site will not be denied a standing to sue merely because they are employees whose exposure was work related.

(b) A person must have a radiogenic cancer to have a standing to sue. A radiogenic cancer will be defined as a cancer that the Secretary of HHS has deemed to be causally linked to radiation. Radiation has not been shown to be a causal factor in the development of all cancers.

4. ATOMIC VETERANS AND SERVICE-CONNECTED DISABILITY

The Veterans Administration will use the formulas being developed by HHS as a standard for determining whether a veteran's post service cancer is a service connected disability on the basis of his exposure while a serviceman to ionizing radiation. These formulas will allow the best scientific estimate of the probability that the veteran's cancer was caused by his service connected dose of radiation. When this probability is 10 percent or greater, the Veterans Administration will grant the veteran "service connected disability" benefits.

There will be no interference with the Peres Doctrine, except that under certain circumstances, outlined below, evidence of a service connected dose will be admissible in what is predominantly a case involving damages done to a civilian. The Veterans Administration will maintain full control of all determinations of fact regarding service connected injuries and all determinations of service connected disability. The Peres Doctrine states that a veteran will have recourse only to the VA for injuries that occurred to him while he was in the armed services.

5. COMBINATION OF DOSES

Under this legislation the federal government assumes responsibility for cancer damages caused by radiation from the Nevada fallout and pre-1962 uranium mining. In addition, the federal government has been responsible for cancer damages caused by radiation to which servicemen have been exposed. However, one person could have received radiation exposure from both the Nevada fallout and uranium mining, or he could have received exposure both as a civilian and as a serviceman. The scientific community holds that the cancer risk associated with ionizing radiation is cumulative; that is if a cancer victim received 10 rem while a soldier, and another 10 rem while a civilian from the Nevada fallout, any assessment of his risk should be based 20 rem and not 10. Combining doses is easy for uranium miners who might also be fallout victims since the courts will handle the claims of both uranium miners and fallout victims. The legislation requires these doses from uranium mining and the Nevada fallout to be combined for the purposes of determining federal liability for damages.

The major problem arises with the veterans because the Veterans Administration has exclusive jurisdiction over any claim that alleges service connected damages. Sighting the above example, under existing law the Veterans Administration can consider the 10 rems that the person received while in the military, and the civilian courts can consider the 10 rems the person received while a civilian, but neither the VA nor the courts can consider the whole 20 rem dose.

This legislation allows the veteran to apply both to the VA and to the courts if he

is willing to keep separate the doses he received as a serviceman from the doses he received as a civilian. In this case, the VA will not consider the civilian dose, and the courts will not consider the service connected dose.

If the veteran wishes his civilian and service connected doses to be combined, he must apply to either the VA or the courts, his selection depending on whether his civilian dose or his service connected dose is the greater. If the veteran's civilian dose is larger, the courts can take into account his smaller service connected dose in judging whether to grant him damages and in determining the size of the damages. If the veteran's service connected dose is larger than his civilian dose, the Veterans Administration can take into account his smaller civilian dose in judging whether the veteran shall be granted service connected disability benefits.

The ultimate decision regarding whether the civilian dose from pre-1962 uranium mining and/or the Nevada fallout is greater or smaller than the service connected dose will be made by the VA and the courts. If they disagree, the courts' opinion will prevail.

The Veterans Administration alone will make the official determination of a veteran's service connected dose of ionizing radiation. Upon request, the VA will supply this determination to the veteran or to the courts. When adding a smaller service connected dose to the civilian dose, or when determining which is greater, the courts must use the VA's estimate of the service connected dose. However, the VA will have the option of using its own estimate or a court determined estimate of the civilian dose from uranium mining or the Nevada fallout when this dose is used to help determine whether a veteran gets service connected disability benefits for cancer caused by radiation.

6. AWARD OF DAMAGES (CIVILIAN CASES)

The award of damages is keyed to the probability that the plaintiff developed his cancer from radiation he received from (1) the 1951–1962 Nevada atomic bomb tests, (2) pre-1962 uranium mining, and under special circumstances, (3) radiation exposures received while in the armed services. There will be two classes of awards: the first for persons whose "probabilities of causation" are greater than 50 percent, and the second for persons whose "probabilities of causation" are between 10 and 50 percent.

(a) A person with a "probability of causation" in excess of 50 percent has met the usual standard of proof in torts cases. He has established that it is "more likely than not" that his cancer resulted from the fallout. Accordingly, the court will rule that the government did cause his cancer and will award him actual damages up to a maximum of $500,000.

(b) A person with a "probability of causation" between 10 percent and 50 percent has not met the usual standard of proof, but has demonstrated that he is a member of a class that has a substantial number of radiation generated cancers. In this class, the maximum award will be calculated for each individual by multiplying his "probability of causation" by $500 thousand. For example, a person with a 20 percent "PC" will be eligible for actual damages up to a maximum of $100,000, since $100,000 is 20 percent of $500 thousand. The smallest award ceiling will be $50,000 for those persons who have a "PC" of 10 percent which is the cut off point for the award of damages.

7. ESTIMATE OF PLAINTIFF'S DOSE (CIVILIAN CASES)

The dose that will be used to calculate the plaintiff's "probability of causation" will be the "best estimate" of his dose. This dose must be demonstrated through a preponderance of the evidence. If the plaintiff does not do this, the court can determine in light of the evidence what is the "best estimate" of his dose. Scientific evidence of dose is to be judged solely on its scientific merits. The court shall take into account internal and external doses, and any evidence of somatic symptoms of radiation exposure such as radiation sickness or loss of hair.

8. UPDATING THE RADIOEPIDEMIOLOGICAL TABLES

The tables will be updated every four years or sooner if the Secretary of HHS deems it necessary. If within ten years an updating of the tables gives a plaintiff a higher "probability of causation" the court can adjust his award upward in keeping with the limits determined by his new "PC". Similarly, if within ten years an updating of the tables pushes a veteran's service connected "PC" to 10 percent or higher, the veteran will become eligible for service connected disability benefits.

9. ACCESS TO FEDERAL DATA (CIVILIAN CASES)

Plaintiffs are given special rights of access to federal data and reports, and the Department of Energy is charged with developing a descriptive bibliography of these relevant materials. Classified materials can be used "in camera" on behalf of the plaintiff without revealing this material to the public.

10. LIMITATION OF ATTORNEY'S FEES (CIVILIAN CASES)

An attorney cannot charge more than 10 percent of the award for the first $100,000 and no more that 5 percent for any amount the plaintiff receives over $100,000.

11. INSURANCE COMPANIES

No award made under this legislation will have any bearing on the liability of an insurance company to meet its obligations to a subscriber. Insurance companies will be liable for such things as medical bills even if the subscriber wins an award under this legislation. Some insurance contracts have clauses requiring the insurer be repaid if the subscriber receives compensation from another source. The damages paid under this legislation are not to be used to compensate insurance companies which paid claims years ago, and which adjusted their rates to meet those claims.

12. LIMITATION ON THE COLLECTION OF DAMAGES ON BEHALF OF A DECEASED PERSON (CIVILIAN CASES)

Damages can be collected on behalf of a deceased person or his estate only if this person suffered damages from the cancer in question. If this cancer did not contribute to his death and was asymptomatic and undetected during his lifetime, no damages will be awarded.

13. STATUTE OF LIMITATIONS (CIVILIAN CASES)

The statute of limitations shall be 2 years from the time the remedy becomes available, or 2 years from the time a person's cancer is diagnosed.

Mr. HATCH. Madam President, I also ask unanimous consent to have printed in the RECORD a series of questions and answers as well as a full printing of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

QUESTIONS AND ANSWERS

1. What are the injuries that are caused by exposure to ionizing radiation?

Two classes of injury are associated with ionizing radiation: (a) organ injury and (b) single cell injury. Organ injury is caused by high level ionizing radiation that kills immediately a sufficient number of an organ's cells to impair its function. Symptoms of organ injury follow quickly after exposure to ionizing radiation, and it is usually obvious from these symptoms that radiation is the culprit.

The second class of injury, single cell injury, can take years to manifest itself. The most striking result of single cell injury is cancer. Scientists theorize that single cell injury is caused by a single charged particle hitting a cell in just the right way so that a process is initiated that may ultimately result in the development of cancer. That only a "single hit" is required is the reason that *any* level of radiation may cause a radiogenic cancer, including normal background radiation. Thus, *no* threshold of radiation dose exists below which there is absolute safety from cancer. A given charged particle's scoring just the right hit to initiate a cancer followed by the proper conditions for the development of that cancer are rare and substantially random events. However, the probability of these events occurring increases as the radiation dose increases, since more shots are being fired at the cells—so to speak. The process is stochastic, i.e. it is a random process that can be measured only statistically. No set level of radiation dose can be determined in advance to cause a cancer. The link is probabilistic. Using statistics, epidemiologists can estimate the number of radiogenic cancers that will occur in a population as a result of its exposure to a given level of radiation, but these scientists cannot predict who the cancer victims will be or determine at any time after the exposure which cancer victims developed their cancer as a result of this exposure. The epidemiologists can determine which persons are *most likely* to have radiation induced cancer, that is the scientists can narrow down the field of potential victims. Unfortunately, the field can rarely be so narrowed that the usual standard of proof for torts cases can be met.

2. What is the major problem with existing tort law regarding radiation/cancer liability cases?

Almost every person *with* cancer caused by low level ionizing radiation cannot meet the "preponderance of the evidence" or "more likely than not" standard of proof for torts cases.

(a) Physicians cannot determine through direct examination or testing of a cancer patient whether radiation caused the cancer.

(b) Only statistically can a person's cancer be linked to radiation. However, for the probability to be 51 percent that a person developed his cancer from radiation, 51 percent of persons like himself with similar cancers and radiation doses must be determined to have developed their cancers from the radiation; and this event is highly unlikely when the doses of radiation are low. Cancer is too common a disease. Although lower levels of radiation may contribute to the incidence of certain cancers, this radiation will virtually never account for as many as 51 percent of the cancers within any population.

(c) Still, 10 percent or 20 percent or 30 percent of the cancers within a class of cancer victims can represent a substantial harm. But, even if this harm were huge, even if 49 percent of each type of cancer for each class of victims in New York City were fallout generated, no one should be able to win damages under current tort law. A probability of causation of 49 percent does not meet the "more likely that not" standard.

3. What are the pressures for change?

The scientific community maintains that lower levels of ionizing radiation from our various nuclear programs have caused cancer in only a small fraction of the people exposed. But, the inability of these relatively few persons to win compensation is an injustice. The weight of this injustice has grown over the years as the public has become increasingly skeptical over claims that nuclear programs are "completely safe" and that compensation for low level radiation injury is never warranted.

Clearly, there is an increasing impetus for change. We live in a nuclear age. If the nation is to receive the optimal benefit of nuclear technologies, the public must rest assured both that proper safety precautions are taken and that the people who are harmed receive justice.

Change in the legal remedy for putative radiation victims can come either through legislative revision of the law or judicial reinterpretation of existing law. The longer legislative revision is delayed, the more likely "judicial legislation" becomes, since the courts must regularly consider radiation/cancer liability cases. Currently, fourteen hundred nuclear fallout/cancer liability cases are or will be pending in Federal court in Utah. Any judicial expansion of tort law is likely to be more general and expansive than a legislative revision, since the courts do not have the means to develop a scientifically based method for determining the merits of radiation/cancer liability cases. The courts could devise some "mere possibility" standard or effectively reverse the burden of proof, or require a "no fault" remedy. All of these alternatives might have dire and unfair consequences for nuclear energy and defense programs. Clearly, the Congress, should develop a proper remedy.

4. How does the Radiogenic Cancer Compensation Act remedy the inadequacy of current tort law regarding radiation/cancer liability?

This legislation requires a radioepidemiological approach for determining the merits of radiation/cancer liability claims. It mandates the proper use of the only evidence, aside from animal studies, that links people's cancer with low level radiation doses. This method is considered the best available by both the scientific community and administration representatives from the departments of Health and Human Services, Defense, and Energy (see March 12, 1982 Labor and Human Resources Committee hearing on issue).

The award of damages is based on a person's "probability of causation", that is on the likelihood that he developed his cancer from the radiation dose in question. The persons who meet the usual 51 percent probability tort standard win normal tort damages, except that there is an upper limit of $500 thousand. However, for reasons already stated, this remedy will not cover most of the people who have been harmed. Thus, there is also a remedy for persons with between 10 percent and 50 percent probabilities.

The immediate problem with compensating persons with "probabilities of causation" that are less than 50 percent is that one is sure to be compensating at least several times the number of persons estimated to have been harmed. At this point, there is no other way to be reasonably sure that the actual radiation victims are compensated. Still, this would seem to represent an unfair burden for a defendant if he were required to pay full tort damages to persons with between 10 percent and 50 percent "probabilities of causation". Therefore, the Radiogenic Cancer Compensation Act prorates the maximum damages that can be awarded a person with a "probability of causation" that is between 10 percent and 50 percent. If the plaintiff's court determined "PC" falls within this range, he will receive damages up to a maximum that is determined by multiplying his "probability of causation" times $500 thousand.

5. What is radioepidemiology?

Radioepidemiology is the scientific study of the prevalence and incidence of radiation generated diseases within populations.

6. How is radioepidemiology used to determine whether people have developed cancer as a result of radiation exposure?

Radioepidemiologists compare populations that have been exposed to a given level of radiation with similar populations that have not been exposed to determine whether the incidence of cancer is higher in the former than in the latter. The additional cancers that the exposed populations develop above the number of cancers the unexposed populations develop are termed "excess cancers", and are deemed to have been caused by the radiation exposure. An unexposed population of 100,000 people has a normal yearly incidence for cancer X of 9 people; while an exposed population of 100,000 has a yearly incidence for cancer X of 10 people. In this situation, the exposed population is deemed to have "excess cancer", and if all the relevant variables have been carefully controlled, scientists will conclude that the radiation exposure received by the exposed population of 100,000 did cause cancer.

7. Why do the courts now have trouble with radioepidemiological evidence?

Radioepidemiology deals with populations, and is highly credible in assessing whether a population has been harmed by radiation. However, radioepidemiology cannot definitively determine which individuals developed their cancer from radiation exposure and which individuals developed their cancer from other sources. In the example cited above, only one person who develped cancer X in the exposed population in a given year has the "excess cancer"; yet there were 10 people who developed cancer X. Which of the ten is the person with the radiation caused cancer? Science cannot tell us.

Science can only tell us how likely it is that any one of these cancer vicitms has the radiation caused cancer. Thus, the evidence is probabilistic. The courts are far more comfortable with "clincial evidence", i.e. with expert testimony based upon physical examination of the patient. Unfortunately, in this situation, physical examination of the patient is of little consequence except to establish the fact that the plaintiff does indeed have cancer.

8. What is a "probability of causation"?

The idea of "probability of causation" is a variant of the concept of "attributable risk" which has been a standard concept of epidemiology for at least ten years. The idea is simply to use population data to determine the likelihood that an individual with cancer has an "excess cancer", that is a radiation caused cancer. A cancer victim's "probability of causation" is the probability that he developed his cancer as a result of his prior exposure to a given level of ionizing radiation. The size of this "probability of causation" will vary in accordance with a number of factors such as the age, and sex of the person, his cancer, the size of his radiation dose, and the length of time between his exposure and the onset of his disease.

But, the idea of "probability of causation" can be described simply: 10 people in our hypothetical exposed population develop cancer X in a year, and 1 of these 10 developed his cancer X from a given dose of radiation. What is the probability that any one of these 10 persons has the "excess cancer"? 10 percent. Thus, all 10 persons with cancer X have, in this admittedly oversimplified scheme, a "probability of causation" of 10 percent.

9. What is the advantage of basing the award of damages upon a person's "probability of causation"?

In this imperfect world in which we cannot determine which individuals have been harmed by radiation, "probabilities of causation" can indicate who is more likely to have been harmed. If the awards are prorated relative to the "probability of causation", we will be able to get the largest awards to those people who are most likely to have been harmed.

10. Why are the radioepidemiological tables and formulas being developed by the Department of Health and Human Services important?

These tables and formulas will free the courts from dependence upon haphazardly selected epidemiological "experts". Judges are not scientists, and it is unlikely that they would become competent in radioepidemiology via the conflicting testimony in what is essentially an adversary procedure or a tort case. Ultimately, scientifically based assessments will have to be made in each case, but the range of scientific questions can and should be limited. HHS's radioepidemiological tables should represent a consensus among the best scientists in the field.

The tables will create a standard specifically tailored for liability cases. The needs of the courts in judging liability cases are different from the needs of the Nuclear Regulatory Commission in setting safety standards. Liability cases require the best possible estimates of risk; whereas, estimates that err on the side of safety are often considered suitable for the development of safety standards. Since policy makers and regulatory agencies have been preoccupied with safety standards and little thought has been given to liability cases, definitive works such as BEIR III (Biological Effects of Ionizing Radiation) have included some assumptions that would be considered questionable if one were strictly interested in making the most scientifically justifiable estimates. Existing legislation (Orphan Drug Act) requires the use of the best available science to determine the best estimates of the probabilities of causation.

The tables should give the public a realistic impression of just how carcinogenic radiation is, and just who is most likely to be at risk when exposed to radiation. The tables will indicate which cancers are more and which cancers are less likely to develop from radiation exposure. For a person who has a cancer and who has been exposed to ioniz-

ing radiation, the tables will provide a good indication of how good that person's case is.

11. If a cancer victim who had received a 5 rem dose of ionizing radiation is found to have a "probability of causation" of 10 percent, does that mean that everyone who has received the same 5 rem dose has a 10 percent chance of developing the same cancer?

No. A "probability of causation" is the likelihood that a cancer victim developed his cancer from a given amount of radiation; it is not the likelihood that a given dose will cause cancer in a given individual. For example, 5 rem may cause cancer in 1 of 100,000 people and 9 of the same cancer may occur "naturally" in the same population. If all 100,000 people are exposed to 5 rem, one might expect 10 cases of this cancer with each of the cancer victims having a 10 percent "probability of causation" . . . that is there is 1 chance in 10 that any one of the 10 cancer victims has the cancer caused by the 5 rem, or put differently, there is 1 chance in 10 that any one of the 10 cancer victims is the 1 person in 100,000 to get the cancer from the 5 rem of ionizing radiation!! The "probability of causation" figure in entirely different and always much higher than an "absolute risk" figure.

12. If 500 people win damages under this legislation, does this imply that the federal government caused cancer in 500 people?

No. Damages will be paid to persons who demonstrate at least a 10 percent "probability of causation" as a result of their exposure to the Nevada fallout, uranium mining or both. One would expect only one radiation cancer among ten persons with 10 percent "PC"s. and one radiation cancer between two persons with 50 percent "PC"s. Since damages are being paid to every plaintiff who has a "PC" between 10 percent and 100 percent, one would expect that at least several times the number of people actually harmed will be compensated. The legislation is designed to accomplish just this end.

13. In some instances making awards to people with at least a 10 percent "probability of causation" will result in a situation in which a person receives damages who has received a radiation dose that is allowable under current Environmental Protection Standards. Would this result lead inexorably to a tightening of these safety standards to a point where the nation's civilian and military nuclear programs would not be able to function?

No. First of all, it is unclear what is meant by "compensation that is associated with doses that are allowable under current safety standards". These standards allow an occupational exposure of 3 rem a quarter of 12 rem a year. A person who works in a nuclear industry for 20 years is thus allowed a cumulative dose of 240 rem! This is hardly a low level dose. Even a 5 rem a year limit, which is the current de facto limit for the nuclear industry, 20 years of such exposure would yield a cumulative dose of 100 rem. Can this legislation be faulted because it allows compensation for cancer victims who have received less than 240 or 100 rems? It should be realized that a great many cancer victims who have been exposed to 240 or 100 rems would have above a 50 percent "probability of causation", that is the likelihood that their radiation exposure caused their cancers would be in excess of 50 percent.

What about compensation for doses that are in excess of the yearly dose limits? For occupational exposure, the formal EPA limit is 12 rems; whereas a consensus has centered on a 5 rem a year occupational limit. Certainly, it would be a rare event for 5 rem or even 12 rem to cause a cancer. But, rare events do occur, especially when the people who have been occupationally exposed to ionizing radiation number in the millions. Compensating even several times the few people who have developed cancer from these very low doses should still not amount to many people, considering the large numbers of persons who have been exposed occupationally.

Compensation for these relatively few cancer victims could pose no problem to the safety standard regarding radiation exposure unless it is presumed that these standards should be so strict that no risk is possible. These would indeed be impossible standards. The point is that the purpose of radiation dose standards is to make working with nuclear materials relatively safe, not absolutely safe which is an impossible goal. The private and public agencies that work with these standards acknowledge that harm is done to people even when the standards are met. But, currently, the nuclear industry is considered to be about as safe as the retail trade, and understandably, this is considered safe enough.

On the other hand, it should be realized that this extraordinary safety results primarily because most nuclear workers receive far less radiation than is officially allowed. In 1975 there were over a million nuclear workers. Two thirds of them received no measurable occupational dose. The mean dose for the one third who were actually exposed was .35 rem which is no where near the 12 rem allowed. Only .15 percent of this workforce received more than 5 rem.

The January 23, 1981 edition of the Federal Register contains the following passage from the Environmental Protection Agency:

"Based on the observations, risks due to occupational exposure to radiation do not appear to be unreasonably high for the average worker. They are comparable to risks of accidental death in the least hazardous occupations. However, a worker exposed to the current maximum allowed dose year after year would sustain a substantial risk."

The following passage come from a paper by the Swedish scientist, Bo Lindell, who delivered it at the 1981 meeting of the National Council on Radiation Protection and Measurement. The passage deals with the dose limit recommendations of the International Council on Radiation Protection and epitomizes the recent change in the thinking regarding dose limits:

"The previous dose limits were seen as the upper boundaries of safe levels (the threshold thinking dominated) and were recommended as target points 'for purposes of planning and design'. It was perfectly acceptable to work up to the dose limits and there was no encouragement further to reduce doses which were already below the dose limits.

The present dose limits are rather the low boundaries of totally unacceptable levels. To be below the dose limits is not a sufficient condition for acceptability. The main recommendation is to keep all doses as low as reasonably achievable. For most workers this leads to a much safer situation than the introduction of lower dose limits without any incitement not to stay at the dose limit."

Increasingly, what is known as the ALARA principle (As Low as Reasonably Achievable) has become an axiom for specialists in radiation exposure managment. These specialists acknowledge that any level of radiation dose poses some danger, and therefore, that any dose can be justified only when there is a counterbalancing social need for the product or service in question. As the dose approaches the allowable limit, this need must be compelling.

ALARA is an implicit corollary of the current safety standards. The significance of this relationship rests in the fact that the standards are as generous as they are only because the regulators presume that relatively few nuclear workers will receive doses that approximate the limits. If substantially more workers fell into this group, the standards would likely be tightened.

There are relatively few key jobs in the civilian nuclear power industry, in the nuclear weapons program and in medicine that entail doses in excess of 5 rem a year. Apparently, it is the holders of these jobs (a subset of the 0.15 percent of the workers with a greater than 5 rem annual dose) who most concern those persons who would worry about this legislation's impact on nuclear safety standards. But, these workers are exposed to more than 5 rem a year because their work is important, and not because their doses are as safe as sitting at a desk job. That this legislation acknowledges the risks associated with these exposures should have little impact on regulators who already acknowledge these risks. The greatest threat to the jobs of these workers comes from a proposed EPA regulation that would limit lifetime occupational exposure to 100 rem. The Radiogenic Cancer Compensation Act would have little bearing on this proposed standard.

The EPA has estimated that occupational exposure to radiation in 1975 will "not lead to more than 15-36 premature cancer deaths". Realizing that the number of nuclear workers has increased over the years, if we take the lower number of 15 and multiply it by the 37 years of nuclear age, we get 555 "excess" cancer deaths—not many considering the several million people who have worked in nuclear programs. Since the method of this legislation is designed to cover several times the predicted number harmed, if this legislation were applied to the entire nuclear establishment from 1945 to the present, and if as a result, several thousand cancer victims were compensated, this would only be in keeping with the projected harm that the nuclear regulators already acknowledge. In an April 16th, 1982 letter to Santor Hatch, the Defense Nuclear Agency estimated that if the method of the Radiogenic Cancer Compensation Act were extended to cover all civilian and defense nuclear programs since 1945, several thousand people would be covered. Clearly, this legislation will not make the sky fall in on the radiation exposure standards.

Finally, it would be false and misleading to assume that this legislation would compensate people for 10 rem or 20 rem or any dose of ionizing radiation.

Just as steeplejacks do not receive workers compensation for working in high places, downwind citizens would not receive compensation for receiving fallout. Steeplejacks receive compensation when they fall, and under this legislation people will receive compensation when they can demonstrate that there is a substantial and quantified likelihood that their cancer was caused by the Nevada fallout. Most of the downwind citizens have not and will not develop cancer from the fallout. Most of the people who receive 10, 20 or even 100 rem doses will not develop cancer from these doses, just as most steeplejacks do not fall off buildings. But, when you fall, you fall. For a person to

meet the criteria for compensation set forth in the Radiogenic Cancer Compensation Act, there must be a confluence of rare events: the person must have received a much higher than average dose from the fallout; in most cases, he must have been young when he received this dose; and in most cases, he must have a relatively rare cancer. If the scientists can discern those relatively few people who are most likely to have fallout generated cancer, these victims should be compensated.

14. What kind of precedent might this legislation establish for other cases involving liability for radiation exposure and for cases involving environmental toxins other than ionizing radiation?

The radioepidemiological method can be applied to all cases in which it is alleged that ionizing radiation has caused cancer and in which doses can be estimated. The notion of prorated damages is also applicable to other radiation/cancer liability cases, althought it should be noted that this legislation does not require any prorating of an atomic veteran's service connected disability benefits. In fact, the Radiogenic Cancer Compensation Act has been designed specifically to attend to specific damages caused by the federal government early in the atomic era, i.e. damages to the downwind citizens, uranium miners and atomic veterans. This legislation is not intended for greater application. . . . However, if its methods were broadly applied, the results would likely be beneficial to both our nuclear programs and to radiogenic cancer victims. Most scientists believe that relatively few people have been harmed. To compensate several times this number would not be too expensive and might be a good deal all around. All of our nuclear programs are currently operating under a cloud of public mistrust, in large measure because the public realizes that harm is done by ionizing radiation, but has no means of putting this harm in perspective. The harm has rarely been acknowledged in the tangible form of compensation for victims. A proper method of judging radiation/cancer liability cases would educate the public, through the results, regarding the scope of the risk and harm, and regarding the types of cancer and the types of cancer victims that are associated with exposure to ionizing radiation. A proper compensation scheme would alleviate some of the urgency over safety standards. There is a crying need for a proper precedent. The Radiogenic Cancer Compensation Act contains what is currently the only feasible means for judging the merits of radition/cancer liability cases. A precedent is literally something that "precedes", and surely, it is important that a bill the Radiogenic Cancer Compensation Act "precedes" a general solution to the dilemma of radiogenic cancer liability.

For the foreseeable future, the method of the Radiogenic Cancer Compensation Act cannot be applied to cases involving toxins other than ionizing radiation and cigarettes, nor can it even be applied to cases involving damages from radiation other than cancer. For benzene, asbestos, DDT, PCB, Agent Orange and all the rest, people cannot be compensated for more or less than a 50 percent "probability of causation" of harm, because these probabilities cannot be determined regarding these other toxins. No one can be compensated for a 20 percent probability of harm from Agent Orange, since no one can determine who has this 20 percent probability! This legislation's method requires extensive data on the health effects of various doses without which one cannot determine who has what probability of harm. Reasonably credible dose estimates are also necessary, and the risks associated with doses should be cumulative. For the most part, the other toxins do not qualify for a "probability of causation" method because the science regarding them is insufficiently advanced. The science regarding the cancer effects of radiation is far better developed for two reasons: (a) Exposure to manmade radiation has been a widely experienced phenomenon; (b) The cancer effects of ionizing radiation have been extensively studied due to the global preoccupation with nuclear hazards since 1945. The Federal government alone has spent over $2 billion to study the health effects of ionizing radiation. But, a lack of money and attention are not the only problems regarding the other toxins, the effects of some of them are harder to discern, and some of them have been visited upon only a relatively few persons.

S. 921

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Radiogenic Cancer Compensation Act of 1983".

DEFINITIONS

SEC. 2. For purpose of this Act the term—

(1) "individual" means any person who resided within the United States or its territories during any one of the open air atomic bomb tests that were conducted at the Nevada Test Site between January 1, 1951, and July 31, 1962, or any person who worked in a uranium mine in Colorado, New Mexico, Arizona, or Utah between January 1, 1947 and December 31, 1961, who is not either currently a member of the Armed Forces or a person within the definition of section 101 (2) of title 38, United States Code, who was in active military, naval, or air service during the time such person worked in a uranium mine in Colorado, New Mexico, Arizona, or Utah between January 1, 1947 and December 31, 1961 or at the time of any test determined to make such person otherwise eligible for an award of damages pursuant to the provisions of this Act;

(2) "radiation related cancer" means any form or type of malignant neoplasm in humans which the Secretary, pursuant to section 7 of the Orphan Drug Act (Public Law 97-414), determines has been scientifically demonstrated to be positively correlated with the exposure of a human population to any level of ionizing radiation, including lung cancer demonstrated to be positively correlated with the exposure of uranium miners to uranium;

(3) "probability of causation" means the likelihood, determined in accordance with the science of radioepidemiology and expressed as a percentage, that an individual with a radiation related cancer, whose organ or organs wherein such cancer developed received a dose of ionizing radiation prior to the onset of such cancer, developed such cancer as a result of such dose;

(4) "dose" means the amount of ionizing radiation received by a person's organ or organs wherein a radiation related cancer developed;

(5) "individual dose" means the best estimate of the dose from fallout, including rainout, from the open air atomic bomb tests that were conducted at the Nevada Test Site from January 1, 1951, to July 31, 1962, and from uranium mining as received by individuals who worked in a uranium mine in Colorado, New Mexico, Arizona, or Utah between January 1, 1945 and December 31, 1961, received via any route by an individual's organ or organs wherein a radiation related cancer developed;

(6) "individual's probability of causation" means the percentage that is determined using that formula from the compilation of formulas developed pursuant to section 7 of the Orphan Drug Act (Public Law 97-414) that is applicable to the individual according to the relevant facts that he has established, and using as the value for the dose the individual does that he has established that he received;

(7) "Secretary", unless otherwise specified, means the Secretary of Health and Human Services;

(8) "uranium miner" means a person who worked in a uranium mine in Colorado, New Mexico, Arizona, or Utah between January 1, 1947, and December 31, 1961;

(9) "veteran" shall have the same meaning as such term is given in section 101 (2) of title 38 of the United States Code;

(10) "active military, naval, or air service" shall have the same meaning as such term is given in section 101 (24) of title 38 of the United States Code;

(11) "current member of the Armed Forces" means a person in active military, naval or air service as defined in title 38 of the United States Code;

(12) "former member of the Armed Forces" means a veteran as such term is defined herein; and

(13) "service-connected" shall have the same meaning as such term is given in section 101 (16) of title 38 of the United States Code.

STANDING

SEC. 3. A civil action may be instituted in an appropriate United States district court against the United States pursuant to the provisions of this Act by or on behalf of—

(1) any individual, as defined in this Act, who has or has had a radiation related cancer that was diagnosed after January 1, 1952, or any individual who was a uranium miner who has or has had such cancer that was diagnosed after January 1, 1948; or

(2) the estate of a deceased individual who had a radiation related cancer that was diagnosed after January 1, 1952, or any individual who was a uranium miner had such cancer that was diagnosed after January 1, 1948.

ACTIONS BY THE SECRETARY

SEC. 4. In addition to the actions required by the Secretary pursuant to section 7 of the Orphan Drug Act (Public Law 97-414), at the time such Secretary publishes the radioepidemiological tables, formulas, and methods required to be devised and published pursuant to such Act, he shall also publish a list of radiation related cancers.

ACTIONS BY THE VETERANS ADMINISTRATION

SEC. 5. (a) In carrying out the provisions of this Act, the Administrator of Veterans Affairs shall use the radioepidemiological tables, formulas, and methods developed by the Secretary pursuant to this Act and section 7 of the Orphan Drug Act (Public Law 97-414) to determine pursuant to section 6(c) whether cancer which has developed in any veteran after the discharge or release of such veteran from active military, naval or air service is due to exposure to ionizing radiation while such veteran was in active military, naval or air service. For the purposes of laws administered by the Veterans'

Administration, any disability resulting from such cancer shall be deemed to be service-connected if such veteran's probability of causation is 10 per centum or greater.

(b) As the tables, formulas, and methods developed by the Secretary are updated pursuant to the Orphan Drug Act, the Administrator shall use such updated tables, formulas, and methods for purposes of subsection (a). Notwithstanding section 4004 (b) of title 38, United States Code, for a period of ten years after the date of enactment of this Act if, by the updating of such tables, formulas or methods, a veteran's probability of causation is revised upward after the Veterans' Administration has completed such case, the Veterans' Administration has completed such case, the Veterans' Administration shall, upon a petition by or on behalf of such veteran, reopen such case and use such updated tables, formulas, and methods in redetermining such veteran's service-connected disability.

PROCEDURES

SEC. 6. (a)(1) Subject to the provisions of this section any person who has, or has had a radiation related cancer who is an individual as defined in this Act, and who is also either a current or former member of the Armed Forces, shall, as an individual, have standing to bring an action pursuant to the provisions of this Act for radiation such individual received while not a member of the Armed Forces, and, subject to the provisions of this Act, shall also have recourse for compensation through the Veterans' Administration for radiation received while such person was a member of the Armed Forces.

(2) The provisions of this section allowing a former member of the Armed Forces to maintain two actions apply only if such veteran does not use a combined dose, as provided in this section, in either action.

(b) When a current or former member of the Armed Forces files a claim for benefits under the laws administered by the Veterans' Administration or files a claim for damages in an appropriate court of the United States, the Veterans' Administration shall have the authority to determine the dose that such person received while performing in active military, naval, or air service.

(c)(1) For all former members of the Armed Forces with radiation related cancer who file a claim for benefits under the laws administered by the Veterans' Administration, the Veterans' Administration shall determine the dose of radiation such person obtained by including both the dose of radiation received by such person while such person was in the Armed Forces and the dose he received as a civilian from the open air atomic bomb tests that were conducted at the Nevada Test Site between January 1, 1951, and July 31, 1962, and from working in a uranium mine in Colorado, New Mexico, Arizona, or Utah between January, 1, 1947, and December 31, 1961.

(2) In determining the claim referred to in paragraph (1), if the Veterans' Administration determines that the dose such person received as a civilian is greater than the dose such person received while in the service, the Veterans' Administration shall consider only the dose received by such person while he was in the service.

(3) In determining the claim referred to in paragraph (1), if the Veterans' Administration determines that the dose received by such person while he was in the service is larger than the dose he received as a civilian then the Veterans' Administration shall take into account the dose such person received in the service combined with the dose such person received as a civilian.

(4) Any current or former member of the Armed Forces who is aggrieved by the final determination of the Veterans' Administration regarding whether the dose received by such person while a civilian was larger or smaller than the dose such person received while a member of the Armed Forces may request an appropriate court of competent jurisdiction to make a determination. Such court shall use only the determination of the Veterans' Administration regarding what dose such person received as a member of the Armed Forces. If the court determines that the dose such person received as a civilian is smaller than the dose such person received while in the Armed Forces the Veterans' Administration shall abide by the court's finding only in determining which dose is larger. The Veterans' Administration shall, for purposes of determining the combined dose, treat the dose such person received as a civilian as the smaller dose. Notwithstanding any such determination by the court, the Veterans' Administration shall make and shall be authorized to use its determination of the size of the dose such person received as a civilian in determining the claim referred to in paragraph (1).

(d) (1) Any former member of the Armed Forces who during part of the time of the open air atomic bomb tests, or during part of the time he was a uranium miner was a member of the Armed Forces, and during another part of such time was a civilian shall have recourse for compensation through the Veterans' Administration pursuant to this section. In addition, such individual shall have standing to bring an action in an appropriate civilian court of competent jurisdiction.

(2) In any case before the court pursuant to this subsection, the court shall consider the total dose such person received combining the dose such person received as a civilian uranium miner and with the dose such person received, as a civilian, from the open air atomic bomb tests conducted at the Nevada Test Site between January 1, 1951 and July 31, 1962, as well as, subject to the provisions of this subsection, the dose such person received as a member of the Armed Forces, as determined by the Veterans' Administration.

(3) Upon a request made to the Administrator of the Veterans' Administration pursuant to section 3302 of title 38 of the United States Code, such Administrator shall provide to the court, or to any person described in this subsection who is a party to a civil action pursuant to this Act, their determination of the dose such person received while such person was in active military, naval or air service. Such determination shall be made and issued pursuant to subsection (b) of this section. The court shall have no jurisdiction to make any determination regarding the dose a current or former member of the Armed Forces received while such person was in the Armed Forces, and shall use the determination made and provided by the Veterans' Administration.

(4) If, after receiving the determination made by the Veterans' Administration regarding the dose such person received while such person was in active military, naval or air service, the court determines that the dose received by such person as a civilian is larger than the dose received while such person was in active military, naval or air service, then the court shall combine both doses received by such person for purposes of awarding damages.

(5) If the court determines that the dose received by such person while such person was in active military, naval or air service is larger than the dose such person received as a civilian, then the court shall not combine the doses for purposes of awarding compensation for damages but shall only use the dose such person received while such person was a civilian in determining damages.

DISCOVERY OF INFORMATION RELATIVE TO DOSE

SEC. 7. (a) Except as provided in subsection (b), information, data, and records which have been developed by or are under the control of any Federal agency shall be discoverable by any party to such action pursuant to the Federal Rules of Civil Procedure if such information, data, and records are significantly relevant an action initiated under this section to determine an individual dose.

(b) Before making any information, data, or records available to a party pursuant to a discovery request made under this Act, the Secretary of the agency which developed or controls the information shall delete any information that is—

(1) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy, and

(2) in fact, properly classified pursuant to such Executive order.

(c)(1) Except as provided in this subsection, upon a motion by a party to an action before the court, under this section, the court may undertake an in camera inspection of such information, data, and records exempt from discovery under this section. If the court, in its discretion determines that the request for information includes exempted and deleted information which is indispensable to a determination of such individual's dose, the court may examine the contents of exempt agency records in camera to determine whether—

(A) such information, data, and records or any part thereof are discoverable due to the agency's failure to demonstrate that the information is exempt under this section, or

(B) information, although in fact exempt under this section, demonstrates a reasonable likelihood that the dose received by the party leads to a determination of a probability of causation compensable under this Act.

(2) If the court determines by an in camera inspection of the information exempted under this section that such information demonstrates a reasonable likelihood that such individual's dose leads to a determination of probability of causation compensable under this Act, the court may determine that dose.

(3) Notwithstanding any other provision of this Act, nothing in this section shall be construed as allowing any court to make an in camera inspection of information, data or records in any action brought to determine the dose a person received while such person was in the Armed Forces.

(d) Within six months after the date of enactment of this Act, the Secretary of Energy shall prepare and publish a descriptive bibliography of the materials described in subsection (a).

AWARD OF DAMAGE

SEC. 8. (a)(1) Any individual who has brought an action, pursuant to this Act and section 7 of the Orphan Drug Act (Public Law 97-414), and who has established that he has an individual probability of causation in excess of 50 per centum shall receive

an award of damages from the United States in an amount which the court, in its discretion, deems appropriate to compensate for actual damages sustained by such individual, except that such award shall not be in excess of $500,000. Any individual who has established that he has an individual probability of causation between 10 per centum and 50 per centum shall receive an award of damages from the United States in an amount which the court deems appropriate to compensate for actual damages sustained by such individual, except that such award shall not be in excess of the product of his individual probability of causation times $500,000.

(2) In determining an individual's probability of causation the total of the radiation received from the open air atomic bomb tests and from uranium mining shall be combined and considered.

(3) Notwithstanding paragraph (1) if a claim is being brought on behalf of a deceased individual or his estate the damages to be awarded pursuant to paragraphs (1) and (2) shall not be awarded unless it is demonstrated that such individual suffered damages that are symptomatic of the cancer and were detected during such person's lifetime.

(b) (1) Except as provided in this subsection, the acceptance by the claimant of such award, compromise, or settlement shall be final and conclusive on the claimant, and shall constitute a complete release of any claim against the United States and against any employee of the Government whose act or omission gave rise to the claim, by reason of the same subject matter, however, for a period of ten years after the date of enactment of this Act if, by an updating of the Health and Human Services tables or formulas developed pursuant to section 7 of the Orphan Drug Act (Public Law 97-414), an individual probability of causation is revised upward after such case is completed, the United States shall, as the court deems appropriate, pay such individual or the estate of such individual an additional award to which such claimant would be entitled to under such updated tables except that such total award shall not exceed the amounts provided for in subsection (a).

(2) This section shall not be construed as prohibiting a person who, pursuant to this Act, may maintain an action for an award of damages based upon radiation such person received as a civilian, as well as a separate action based upon radiation such person received while in the Armed Forces, from maintaining and recovering in both actions.

(c)(1) In accordance with section 5 of this Act, in the case of any veteran who has established that his individual probability of causation of cancer is 10 per centum or greater, any disability resulting from such cancer shall be deemed to be service-connected for purposes of any law administered by the Veterans' Administration.

(2) The Administrator of the Veterans' Administration shall use the updated tables, formulas, and methods as provided in section 5.

STANDARD OF PROOF

SEC. 9. (a) For purposes of this Act, an individual must demonstrate his individual dose by a preponderance of the evidence.

(b) If in the judgment of the court an individual fails to meet the standard of proof established by subsection (a), the court may determine the individual dose based upon the evidence presented.

(c) In determining an individual dose, the court shall consider the probable dose from external exposure and also internal exposure from radioactive isotopes that have been inhaled or ingested. The court shall consider measured levels of fallout in that these measurements are valid and credible and reconstructions of dose based upon these measurements and estimates of fallout levels inferred from data developed after the individual's exposure in that those reconstructions are valid and credible. In addition, the court shall consider evidence of somatic symptoms of radiation exposure on the part of the individual following his alleged exposure to ionizing radiation, symptoms such as radiation sickness, loss of hair, or skin lesions. The credibility of scientific data and findings shall be assessed strictly on a scientific basis.

EXCLUSIVE REMEDY

SEC. 10. (a) Except as provided in this section the provisions of this Act shall be the remedy available to any individual who alleges to have cancer caused by nuclear fallout from open air nuclear bomb tests that were conducted at the Nevada Test Site between January 1, 1951, and July 31, 1962, notwithstanding any remedy provided for in section 1346, and chapter 171 of title 28, United States Code, (commonly known as the Federal Tort Claims Act). With the exception of the Federal Tort Claims Act, the right to bring a civil action pursuant to this Act, and to recover in such action, however, is in addition to and not in lieu of, any other benefit provided by any other Federal law or program providing assistance to persons with disabilities or illnesses. The filing of an action under this Act does not affect the rights of any person under any such Federal law or program, except as provided in this section.

(b)(1) Except as provided in paragraph (2), the provisions of this Act shall be the remedy available to any person who alleges to have cancer as a result of working in a uranium mine in Colorado, New Mexico, Arizona or Utah between January 1, 1947, and December 31, 1961, notwithstanding any remedy provided for in section 1346, and chapter 171 of title 28, United States Code (commonly known as the Federal Tort Claims Act). The filing of an action under this Act does not affect the rights of any person under any other Federal law or program except as provided herein.

(2) The remedy provided for in this Act shall not be available to any uranium miner described in this section who has received a workman's compensation award for cancer determined to have developed as a result of such uranium mining.

(c) The provisions of this section are not intended to preclude a current or former member of the Armed Forces from pursuing remedies available through the Veterans' Administration if such remedy is not otherwise precluded by section 6 or any other provision of law.

STATUTE OF LIMITATIONS

SEC. 11. Notwithstanding section 2401 of title 28, United States Code, any action commenced pursuant to this Act shall be barred unless such individual has commenced such action within two years after the date of enactment of this Act, or within two years after the date on which such individual is diagnosed as having radiation related cancer, whichever is later.

ATTORNEY FEES

SEC. 12. (a) No Attorney shall charge, demand, receive, or collect for services rendered pursuant to an action for damages brought in a civil court pursuant to this Act, fees in excess of 10 per centum of the first $100,000 of any judgment rendered under this Act, and 5 per centum of any excess.

(b) Any attorney who charges, demands, receives, or collects, for services rendered in connection with such claim, any amount in excess of that allowed under this section shall be required to make restitution of any such excess and may be fined not more than $5,000, or imprisoned not more than one year, or both.

INSURANCE COMPANIES

SEC. 13. An award of damages made in accordance with this Act shall not be considered as any form of compensation or reimbursement for a loss for purposes of making any individual receiving such an award liable, on the basis of such receipt, to repay such insurance company; or shall an award or claim affect any future or pending insurance claim.

CONFORMING AMENDMENTS

SEC. 14. Section 1346 of title 28, United States Code, is amended by inserting at the end thereof the following:

"(g) The district courts shall have exclusive, original jurisdiction of any civil action brought pursuant to the Radiogenic Cancer Compensation Act of 1983.".

EFFECTIVE DATE

SEC. 15. The provisions of this Act shall become effective upon the date of enactment.

Mr. HATCH. I thank the Chair.

Madam President, I ask unanimous consent that I may be permitted to proceed for such time as I may require for the purpose of making another statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

EFFECTIVENESS OF U.S. DEFENSE SPENDING

Mr. HATCH. Madam President, one of the most significant issues facing this body today is the question of the effectiveness of U.S. defense spending. An endless stream of reports regarding cost overruns, mismanagement, conflicts of interest and poor performance of weapons systems has raised serious questions about our Nation's defense posture. More than ever before in our history, there is a pressing need that Congress and the American public be assured that our limited defense dollars are being spent wisely and effectively.

The public's front line of defense against wasteful and corrupt practices by defense contractors is the Defense Contract Audit Agency (DCAA), the Pentagon's audit arm. Onsite DCAA auditors report to the Secretary of Defense on all of our major weapons contracts. They should have no ax to grind. They should be oblivious to political considerations. They must be honest, professional and competent. Their only goal should be to insure that the country is getting what it is supposed to get under each defense contract. The sanctity of this auditing system is vitally important to an effective defense posture. So any tampering

with the system should be a cause for considerable concern—by the Office of the Secretary of Defense, Congress, and the American public.

Such concern has been raised by the recent treatment of George Spanton, a veteran auditor for DCAA at the site of the Pratt & Whitney Aircraft plant in Palm Beach, Fla. Mr. Spanton raised the hackles of defense industry and of his DCAA superiors last year when he wrote a report criticizing Pratt & Whitney for paying what he considered excessive labor rates under defense contracts. I am not in a position to comment on whether or not Mr. Spanton was correct in this projections, because that matter now is under study by the General Accounting Office and the House Government Operations Committee. But I do know that the treatment accorded Mr. Spanton by his DCAA superiors leaves much to be desired.

Unhappy with Mr. Spanton's report and the publicity it received from the news media, the DCAA has proposed the transfer of Mr. Spanton from Palm Beach to either Boston, Philadelphia, or the agency's headquarters here in Washington, D.C. It would appear to be a punitive transfer. Mr. Spanton has 60 days to accept the transfer or punitive action will be taken, possibly including dismissal. This is incredible to me in view of Mr. Spanton's announcement to his superiors that he plans to retire in Florida at the end of this year. The DCAA's proposal smacks of intimidation. Its message is clear to other DCAA auditors who might tangle with defense contractors in the future: Do not make waves or you will be sorry.

This message is reinforced by DCAA's acquiesence to a demand by Pratt & Whitney that it release documents only to Mr. Spanton's superiors and not to Spanton himself. That is simply not acceptable. Individual onsite auditors know more about these matters than their superiors do. They must not be circumvented if the system is to work properly.

I am happy to state that the Merit Systems Protection Board has come out tentatively in favor of Mr. Spanton. That is a step in the right direction. But I wish to see my good friend Mr. Weinberger, the Secretary of Defense, go a bit farther to make sure that the all-important DCAA audit system is working as fully and freely as it is supposed to.

Madam President, no other Member of this body is more supportive of a strong national defense than I am. So it is in the interest of a strong defense posture that I ask the Secretary of Defense to fully investigate and report back to me on the DCAA's handling of the Spanton matter and the implications it raises about the integrity of the Pentagon's audit system. I urge the Secretary to give this matter urgent priority, Madam President. Nothing less than the continued confidence of American taxpayers lies in the balance.

I thank the Chair and yield the floor.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order there will now be a period for the transaction of routine morning business for not to exceed 1 hour with statements therein limited to 10 minutes each.

TO COMPENSATE VICTIMS OF HAZARDOUS CHEMICALS

Mr. STAFFORD. Madam President, for 5 years the Congress has been struggling to formulate a means of compensating the victims of hazardous waste and other poisonous chemicals. Today, I am introducing a bill which will renew those efforts.

The bill is built in large part on the work which has gone before it. Most of its provisions were contained in S. 1480, which was introduced in the 96th Congress by Senators MUSKIE and CULVER, as well as Senators CHAFEE, RANDOLPH, and myself. S. 1480 was approved, with amendments, by the committee but its victims compensation proposals were eliminated before the bill was brought to the floor.

S. 1480 had, in its turn, been built upon the work that went into S. 2900 of the 95th Congress. It passed the Senate but died when the Congress adjourned.

We all know that legislative struggles often span not one but several Congresses. Usually, the more complex and important the task, the longer the time it takes to complete. Having already spanned three Congresses, I hope that the time has now come for a victim compensation program to become law.

The toll which hazardous wastes and toxic chemicals are taking in this Nation is growing steadily.

Sometimes only one or two persons are involved and their deaths will pass with no mention in the press. At other times, there are thousands who are threatened and their personal agonies are brought into the American homes in the living color of evening news.

But whether the victims are at Times Beach or a small chemical plant in California, the list of those who are victims of a modern chemical society grows relentlessly.

The bill which I am introducing would attempt to help these innocent victims. As I have said, most of its principles are built upon S. 1480 of the 96th Congress, which was approved by the Senate Committee on Environment and Public Works. That bill went on to become what is now commonly called the Superfund law, but without the victim compensation provisions. Those had to be dropped as the price of enacting the Superfund.

It is the provisions which were left by the roadside 2 years ago that I propose to now reincorporate into the Superfund law.

They represented good public policy 2 years ago and when measured against events since then, look even better.

Had this bill been law, there would have been no hesitation in removing the families at Times Beach from the dioxin danger zone.

Nor would the residents of Triana, Ala.—where the body levels of DDT are the highest in the world—have been without medical care.

Nor would the fishermen along the James and Hudson Rivers—to name but two of the many bodies of water closed because of poisonous chemicals—have lost their livelihood.

These are but three examples of the victims left in the wake of a modern technological and chemical society. There are many others, including the Vietnam veterans exposed to agent orange, the shipyard workers felled by asbestosis, and the many citizens of the Southwest once surrounded by the fallout from the testing of nuclear weapons.

I have heard those opposed to a system of victim compensation assert that it is an attempt to create a zero risk society.

My reply is that risk will remain, but its costs will be shifted to those who created it, not remain with the men, women, and children whose only connection to a waste is that they were poisoned by it.

The risks created by hazardous wastes and chemicals properly belong to those who create them. This bill is an attempt to assure that risk is properly placed and that victims are adequately compensated. This bill has four major provisions. They are as follows:

First, Federal cause of action. The bill creates a right of action under Federal law for persons injured by hazardous substances and wastes.

Second, a "no fault" compensation system. The bill expands the Superfund so that it can be used to compensate victims for their economic losses.

Third, liberalized statute of limitations. In some States, the statute of limitations begins running on the date a person is exposed to a toxic substance, not the date the injury occurs. The bill establishes a 6-year statute of limitations which begins running at the time of discovery rather than exposure.

Fourth, expansion and extension of the fund. The bill establishes the termination date for the tax as 1990 rather than the current date of 1985.

The bill also doubles the size of the fund to $3.2 billion rather than the current limit of $1.6 billion.

The bill also contains some proposed changes relating to the admission into evidence of animal tests, epidemiological studies and other information relating to the toxicity of chemicals. The bill would also shift the burden of going forward in a courtroom trial.

There is yet another significant change which I may propose after the Easter recess. That would be to create an independent agency to administer the Superfund law.

Frankly, I have mixed feelings as to whether the Superfund's administration should be lodged with an independent agency. On the one hand, it would minimize the possibility that the program could be tainted with politics. It might also assure that some of the law's provisions—such as those requiring the Department of Health and Human Services to establish or designate a toxic agency—would be implemented.

On the other hand, there is much to be said for having the administration of the Superfund law integrated with other pollution statutes at the Environmental Protection Agency.

There are good arguments on both sides. Which approach is correct is unclear. What is certain is that this alternative should be carefully examined because many of the law's provisions have been poorly implemented, if at all.

Madam President, I am sure there will be no lack of good ideas and suggestions regarding the direction the Congress should take in this field. For myself, I begin this process believing that the trail we blazed first with S. 2900 and followed with S. 1480 is the right one. But whatever direction we move, I hope that at long last we will come to an end this Congress.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 917

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Victim Compensation and Pollution Liability Act."

FINDINGS

SEC. 2. The Congress hereby finds that—

(1) the population of the United States is involuntarily exposed to an array of hazardous wastes and other toxic substances;

(2) many of these wastes and substances are known to cause serious illness, disease and injury including, but not limited to, cancer, birth defects, genetic mutation, behavioral abnormalities, physiological malfunctions (including malfunctions in reproduction), physical deformations, and death;

(3) an increasing number of humans are being exposed directly and indirectly to levels of such wastes and substances sufficient to cause such serious diseases, illnesses and injuries;

(4) the entire population of the United States is regularly exposed to and carries body burdens of such pollutants and poisons in small quantities;

(5) many persons who suffer disease, illness, or injury resulting from exposure are uncompensated;

(6) most persons whose risk of disease, illness or injury is increased due to exposure are uncompensated;

(7) injuries inflicted on the environment due to such pollutants and contaminants are not redressed;

(8) that those responsible for causing such illnesses, diseases, and injuries to the people and environment of the United States are often not held legally liable or otherwise responsible; and

(9) a significant reason for the lack of liability and compensation is that the current legal system contains identifiable barriers to recovery as well as remedies which are inadequate.

PURPOSES

SEC. 3. The purposes of this Act are to—

(a) Provide adequate compensation for illnesses, diseases and injuries (including injuries to natural resources) and increased risks thereof caused by releases of hazardous wastes and substances as these terms are defined herein and by the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (P.L. 96-510);

(b) Assure that the costs of such illnesses, diseases, and injuries (including injuries to natural resources) are borne by those who create or contribute to the risk; and,

(c) By so doing, encourage a higher standard of care, thereby minimizing the risk to the public and the environment posed by hazardous wastes and substances.

DEFINITIONS

(a) Section 101 of the Comprehensive Environmental Response, Compensation and Liability Act is amended as follows:

(1) In paragraph (6), by inserting "economic loss or personal" immediately before "injury";

(2) In paragraph (9), inserting "or pollutant or contaminant" following "hazardous substance";

(3) Striking paragraph (10) and renumbering subsequent subsections accordingly;

(4) In paragraph (14), striking in subparagraph (C) "but not"; and

(b) Section 104(a)(2) is amended by substituting "Act" for "section".

LIABILITY

SEC. 5. (a) Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 is amended by—

(1) inserting in subsection (a)(4) a new subparagraph (D) as follows:

"(D) all damages for economic loss or loss due to personal injury or loss of natural resources resulting from such a discharge, release, or disposal, including—

"(i) any injury to, destruction of, or loss of any real or personal property, including relocation costs;

"(ii) any loss of use of real or personal property;

"(iii) any injury to, destruction of, or loss of natural resources, including the reasonable costs of assessing such injury, destruction, or loss;

"(iv) any loss of use of any natural resources, without regard to the ownership or managment of such resources;

"(v) any loss of income or profits or impairment of earning capacity resulting from personal injury or from injury to or destruction of real or personal property or natural resources, without regard to the ownership of such property or resources;

"(vi) all out-of-pocket medical expenses, including rehabilitation costs or burial expenses, due to personal injury; and

"(vii) any direct or indirect loss of tax, royalty, rental, or net profits share revenue by the Federal Government or any State or political subdivision thereof, for a period of not to exceed one year."

(2) striking subsection (c) (1) and (2) and inserting in lieu thereof new paragraphs as follows and by redesignating subsection (c)(3) accordingly:

"(c)(1) LIABILITY FOR MEDICAL EXPENSES.—A person liable for the discharge, release, or disposal of any hazardous substance under this section shall be liable for medical expenses as defined in subsection (a)(4)(D) of this section where such expenses were incurred in the treatment of injury or disease which such discharge, release or disposal caused or to which it significantly contributed.

"(2) relevancy exclusions.—In connection with any claim for medical expenses under paragraph (1) of this subsection, the court may admit as relevant to the issue of causation evidence tending to establish that the hazardous substance in question causes or contributes to injury to disease of the sort claimed to have been suffered by the claimant, including, but without limitation, evidence indicating (A) an increase of incidence of such injury or disease in the exposed population above that which is otherwise probable, (B) results of pertinent epidemiological studies (without regard to the size of the sample), (C) results of pertinent animal studies, (D) results of pertinent tissue culture studies, (E) results of pertinent microorganism culture studies, and (F) results of laboratory or toxicologic studies.

"(3)(A) PRESUMPTION OF CAUSE.—In connection with any claim for medical expenses brought pursuant to subparagraph (1) of this subsection, where the claimant introduces evidence sufficient to enable the trier of fact to find (i) that the claimant was exposed to a hazardous substance found in a discharge, release, or disposal which the defendant caused or to which he contributed, (ii) such exposure was in a quantity or for a duration with respect to which there is a reasonable likelihood that it is sufficient to cause or significantly contribute to injury or disease of the class or type of which the claimant complains, and (iii) that there exists a reasonable likelihood that exposure to such substance causes or significantly contributes to injury or disease of the class or type which the claimant claims to have suffered, then it shall be presumed that defendant caused or significantly contributed to that infury or disease.

"(B) The presumption defined in subparagraph (A) of this paragraph affects only the burden of going forward with the presentation of the case. Nothing in this paragraph shall affect the burden of proof which shall remain with the claimant in accordance with rule 301 of the Federal Rules of Evidence."

(3) Striking subsection (i) and inserting in lieu thereof the following new subsection:

"(i) No person (including the United States, the Fund, or any State) may recover under the authority of this section, nor may any money in the Fund be used under section 111 of this Act for the payment of any

claim, for damages specified under subsection (a)(4)(D) (i), (ii), (iii), (iv), (vii), or (v) (other than for loss resulting from personal injury) of this section, nor may any money in the Fund be used under section 107(a)(4)(D) (v) or (vi) of this Act, where such damages and the release of a hazardous substance from which such damages resulted have occurred wholly before the enactment of this Act.

"(2) No person (including the United States, the Fund, or any State) may recover under the authority of this section, nor may any money in the Fund under section III of this Act for the payment of any claim, for damages specified under subsection (a)(4)(D)(vi) of this section, or under subsection (a)(4)(D)(v) of this section (for loss of income or profits or impairment of earning capacity resulting from personal injury), where the exposure of the claimant to a release of a hazardous substance has occurred wholly prior to January 1, 1977, and the claimant has discovered or has knowledge of his injury or disease prior to such date.

"(3) No person (including the United States, the Fund, or any State) may recover under the authority of this section, for damages specified under subsection (a)(4)(D)(vi) of this section, or under subsection (a)(4)(D)(v) of this section (for loss of income or profits or impairment of earning capacity resulting from personal injury), where the exposure of the claimant to a release of a hazardous substance has occurred wholly prior to January 1, 1977, but the claimant has not discovered or had knowledge of his injury or disease prior to such date.

"(4) For the purposes of this subsection, the costs of temporary of permanent relocation of residences and provision of alternative water supplies shall be deemed costs of removal and not damages specificied in subsection (a)(4)(D) of this section.

"(5) Nothing in this Act shall diminish in any way the obligations or liability of any person under any other provision of State or Federal law, including common law, for damages, injury, or loss resulting from a release of any hazardous substance or for removal or the costs of removal of such hazardous substance."

"(4) Striking subsection (j) and inserting in lieu thereof the following new subsection:

"(j) The liabilities and responsibilities of this Act may be enforced or otherwise applied both at law and equity."

"(5) Inserting a new subsection (1) as follows:

"(1) Payment of any claims, whether by the Fund or by a party liable under this section, shall be limited to those filed within six years of the time of discovery by a claimant of exposure, the resulting damage, and the causal relationship between the two."

COMPENSATION

SEC. 6. (a) Section 111 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 is amended as follows:

(1) in subsection (a)(1), following "of" inserting "damages under section 104(a)(4)(D) and";

(2)(A) in subsection (c), striking "and" at the end of paragraph (5);

(B) substituting "; and " for the period at the end of paragraph (6); and,

(C) adding new paragraphs as follows:

"(7) the reasonable costs of expert witnesses employed by claimants in actions to recover damages under section 107 of this Act, to the extent authorized by the court, and the costs of neutral expert panels which may be established in such actions by the court, sua sponte or on the motion of any party;

"(8) payment of any claim for any capital loss or loss of income by an agricultural producer or processor due to destruction or loss of value of any livestock products, any poultry or eggs, any agricultural commodities (including grain, feed, or produce), or any orchard or cropland, forestland, rangeland, or pastureland taken out of production, where such destruction or loss of value results from condemnation or restriction on use determined by a public health agency to be necessary because of contamination resulting from a release of a hazardous substance, or where such destruction or injury results directly from a release of a hazardous substance, and such release occurs or has occurred after January 1, 1974; and

"(9) payment of any claim for any capital loss or loss of income by a harvester or processor of fish or seafood due to destruction or loss of value of any fishery stock, any harvested fish or seafood, or any fish or seafood product, where such destruction or loss of value results from condemnation or restriction on use determined by a public health agency to be necessary because of contamination resulting from a release of a hazardous substance, or where such destruction or injury results directly from a release of a hazardous substance, and such release occurs or has occurred after January 1, 1978."

MISCELLANEOUS

SEC. 7. Section 115 of the Comprehensive Environmental Response Compensation, and Liability Act is amended by adding the following new sentence: "None of the authorities of sections 102, 103, 104, 105, 106, 107, 108, 111, or 112 of this Act may be delegated to any officer of a Federal agency with respect to a facility or release for which said Agency is or may be responsible."

CONFORMING AMENDMENTS

SEC. 8. (a)(1) Section 221(b)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act is amended by striking subparagraphs (D) and (E) and substituting the following:

"(D) 1984, $88,000,000
"(E) 1985, $88,000,000
"(F) 1986, $88,000,000
"(G) 1987, $88,000,000
"(H) 1988, $88,000,000
"(I) 1989, $88,000,000, and
"(J) 1990, $88,000,000 plus an amount equal to so much of the aggregate amount authorized to be appropriated under subparagraphs (D) through (J) as has not been appropriated before October 1, 1989.".

(2) Section 223(b) of such Act is amended by striking "next 5 fiscal years" and substituting "next ten fiscal years after the date of the enactment of this Act".

(3) Section 303 of such Act is amended to read, "Unless reauthorized by the Congress, the authority to collect taxes conferred by this Act shall 'terminate on September 30, 1990."

(b) Section 4611(d) of the Internal Revenue Code of 1954 is amended by—

(1) striking "1985" and substituting "1990";

(2) striking "1983" and substituting "1988"; and,

(3) striking "1984" and substituting "1989";

(4) striking "$900,000,000" and substituting "1,800,000,000"; and,

(5) striking "500,000,000" and substituting "1,000,000,000".

PRIVATE PENSION REFORM ACT OF 1983

Mr. HATFIELD. Madam President, today I am joined by Senator EDWARD KENNEDY in introducing legislation which will make much-needed reforms in private pensions. The language of this legislation has also been incorporated in the Economic Equity Act (S. 888), which was recently introduced by myself and Senators DAVE DURENBERGER and BOB PACKWOOD.

It is no secret to the older woman that she is now a member of the fastest-growing poverty group in America. In fact, some 81 percent of women over 65 not residing with relatives live below the poverty line. Inequities in pension laws are part of the reason for that dismal statistic.

Under private pension systems, women are penalized if they leave the labor force to rear children and/or if they divorce. Because employed women tend to be young, work part-time or part-year, are concentrated in sales and service jobs, and interrupt their service for family obligations, most working women receive no pension coverage. In fact, only 21 percent of women workers are covered by pension plans, compared to 49 percent of men. And just 13 percent of all working women actually receive their pension benefits.

The 1974 Employees Retirement Income Security Act (ERISA) was passed to insure that workers who participate in pension programs receive the benefits for which they are eligible. While the law contains significant improvements for pension recipients by providing minimum standards for participation, vesting, funding, and administration of pension plans, it fails to address the differing needs of women.

Women in the 20 to 24 age bracket have the highest labor force participation rate among women—68.3 percent in 1978, projected to increase to 76.8 percent by 1985. Yet, existing pension law fails to take into account the fact that women enter the labor force at an earlier age than men. The existing law requires employees with qualified plans to allow an employee to participate in the pension plan on the latter of two dates: the day the employee reaches age 25 or the day the employee completes 1 year of service. An employee who begins work at age 18, for example, must work a minimum of 7 years with the same employer before acquiring the right of pension participation. Conversely, one who enters the labor force at 24 must work only 1 year for the same right.

The legislation being introduced today would lower the minimum age of participation in pension plans from 25 to 21. This would have a dramatic impact on women's ability to insure adequate pension coverage.

Because of inequities that employed women face in the pension system or in careers as homemakers, most women are largely dependent on their spouse's pension to insure adequate retirement income. But survivor's annuities pay only if a set of conditions are met, taking into account marital status, retirement age, and age of death. Because these conditions must be met, only 5 to 10 percent of surviving spouses actually receive the benefits, according to the National Women's Political Caucus.

Current law requires private pension plans to offer optional joint and survivor annuities. There is no requirement, however, that the spouse be consulted or even informed of the wage earner's decision to terminate the survivor benefit. Because benefits under the joint plan are lower in order to compensate for the survivor annuity, many workers opt for the single annuity and thus fail to provide for the spouse.

Under the proposed pension reform legislation, the joint and survivor option will be automatic unless both spouses agree in writing not to elect the joint and survivor option.

Another provision of the bill requires that a survivor's benefit shall be paid to the participant's spouse, if the participant is vested and dies before retirement. This annuity shall not be less than the amount the survivor would have received if the vested participant had died after retirement. Currently, if a participant dies before he retires, the survivor benefit can be withdrawn by the insurance company. Many women suffer tremendously because of this law.

A similar provision concerns survivor benefits in a nonaccidental death. The law presently states that if a participant in a pension plan dies from a nonaccidental death within 2 years of his joint and survivor election, those survivor benefits can be denied. The proposed legislation eliminates this 2-year waiting period rule and guarantees that survivors receive their benefits.

Many women take extended "breaks in service" from a particular job in order to tend to family responsibilities. Even if they return to the same job they lose pension credits which they had accumulated before leaving. Today, over 50 percent of mothers work outside the homes, as compared to 8 percent in 1940. As the percentage of mothers in the labor force rises, the issue of pension rights becomes paramount. This portion of the bill would modify breaks-in-service rules to give 20 hours per week credit for up to 1 year of employer-approved maternity or paternity leave, provided the worker returns to his/her job.

A final provision recognizes marriage as an economic partnership and establishes pensions as a legitimate property right. A similar protection was granted to spouses and former spouses under the 1965 amendment to the Social Security Act.

The President's Commission on Pension Policy report noted that the existence of one pension benefit often was the difference between poverty and nonpoverty in the elderly. Of the elderly poor, 72 percent are unmarried women; that is, single, widowed, separated, or divorced. It is time we end this needless suffering under the weight of inequitable pension laws. I hope that the administration and Congress will grasp the urgent need for pension reforms and take positive action on this legislation.

PRIVATE PENSION REFORM ACT OF 1983

Mr. KENNEDY. Madam President, I am pleased to join with Senator HATFIELD in introducing the Private Pension Reform Act of 1983. The provisions of this bill are embodied in the Economic Equity Act, a comprehensive package of legislation which marks a critical beginning to our efforts to eliminate economic discrimination for all women. Congresswoman GERALDINE FERRARO has introduced identical pension legislation in the House of Representatives.

In 1974, Congress enacted the Employment Retirement Income Security Act (ERISA), the first law providing comprehensive protection for workers who participate in private pension programs. While ERISA significantly improved the operation in that system, the law did not adequately address the special needs of women.

As recently as 1980, no more than 10 percent of women age 65 or over were receiving private pensions, while 27 percent of men in this age group were receiving benefits. The median payment received by women was less than half of that received by men.

These disparities reflect the differing employment patterns of men and women. Often, women begin work at a younger age than men; they work part time or part year; they are concentrated in sales and service jobs; and they interrupt their careers for family obligations. As a result, they frequently do not qualify for pension benefits.

For this reason, too many women must depend on their spouse's pension to insure adequate retirement income. Yet current rules on the right of a survivor or nonworking spouse to receive benefits are so strict that all too often, women are denied pension income.

The Private Pension Reform Act addresses each of these problems:

Under ERISA, employers do not have to provide pension coverage for their employees until they reach age 25. Since the highest labor force participation rate by women occurs between the ages of 20 to 24, this policy may leave women workers without pension protection for a major portion of their careers. Our bill lowers the minimum age requirement from 25 to 21, so that women—and all workers—may participate in pension plans and accrue benefits continuously from age 21.

Family responsibilities often interrupt women's working careers. Yet under current law they may lose all their accumulated pension credits, even if they subsequently return to the same job. In order to correct this inequity, the bill amends ERISA to provide full pension credits for up to 1 year of maternity leave.

Although ERISA requires employers to offer joint and survivor annuities, there is no requirement that a spouse be consulted or even informed of a wage earner's decision to reject the survivor benefit. Earned pension benefits may also be forfeited if the wage earner dies before retirement or within 2 years of electing to provide a survivor benefit for his spouse. These harsh rules have caused needless suffering for thousands of women who have no other source of income. To correct this manifest injustice, our pension bill makes survivor protection automatic for married couples, unless both spouses consent in writing to waive the option. These amendments will guarantee that a husband's pension cannot be unfairly denied to his wife and family.

ERISA also prohibits the assignment of workers' pension benefits. Our bill provides a limited exception to this rule, so that State courts in divorce proceedings may consider pension credits earned during a marriage.

The pension reforms we introduce today are sensible and fair. But more than that, it is essential that these reforms be enacted into law. The passage of ERISA in 1974 was an historic milestone in bringing fairness to our pension laws. But it is now clear that ERISA itself must be reformed to insure that women share fully in its protection. Let us work together to guarantee basic pension protection for all Americans, women as well as men.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 918

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Private Pension Reform Act of 1983".

SEC. 2. JOINT AND SURVIVOR ANNUITY REQUIREMENTS.

(a) AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) SURVIVOR ANNUITY REQUIREMENTS WITHOUT ELECTION.—

(A) IN GENERAL.—Section 205 of the Employee Retirement Income Security Act of 1974 (relating to joint and survivor annuity

requirement) (29 U.S.C. 1055) is amended by striking out subsections (b) and (c) and inserting in lieu thereof the following new subsection:

"(b)(1) A plan which provides that the normal form of benefit is an annuity shall not be treated as satisfying the requirements of this section unless the plan provides, with respect to any participant described in paragraph (2), a survivor annuity for the participant's surviving spouse (if such spouse is living on the survivor annuity starting date)—

"(A) which begins on the survivor annuity starting date and continues for the life of such spouse, and

"(B) the payments under which are not less than the payments which would have been made under the survivor annuity to which such spouse would have been entitled if the participant had terminated employment on his date of death, had survived and retired on the survivor annuity starting date, and had died on the day following such date.

"(2) A participant referred to in paragraph (1) is described in this paragraph if the participant—

"(A) dies before an annuity starting date under the plan with respect to the participant, and

"(B) is credited under the plan with at least 10 years of service for purposes of determining under section 203 nonforfeitable rights to accrued benefits.".

"(B) SURVIVOR ANNUITY STARTING DATE.—SECTION 205(g) of such Act (29 U.S.C. 1055(g)) is amended by adding at the end thereof the following new paragraph:

"(4) The term 'survivor annuity starting date' means, in connection with a participant who dies before an annuity starting date under the plan with respect to the participant—

"(A) the date which would be the participant's annuity starting date if the participant had retired, prior to death, on the date on which the participant would have attained the earliest retirement age under the plan,

"(B) the date of death of the participant (if later than the date specified in subparagraph (A)), or

"(C) any other date, subsequent to the dates specified in subparagraphs (A) and (B), selected by the participant's surviving spouse in accordance with plan procedures, except that such date may not be later than the date on which the participant would have attained normal retirement age under the plan had the participant lived to such date.".

(C) CONFORMING AMENDMENT.—Section 205(d) of such Act (29 U.S.C. 1055(d)) is amended by striking out "(whether or not an election has been made under subsection (c))".

(D) DIVORCES AFTER ANNUITY STARTING DATE.—Section 205(d) of such Act is further amended by adding at the end thereof the following new sentence: "In the case of an individual who was the spouse of the participant on the annuity starting date and who survives the participant, a plan shall not be treated as satisfying the requirements of this section unless the plan treats such individual as if such individual were the spouse of the participant on the date of death of the participant (whether or not divorced after the annuity starting date).".

(2) REQUIREMENTS FOR ELECTION NOT TO TAKE JOINT AND SURVIVOR ANNUITY.—Subsection (e) of section 205 of such Act (29 U.S.C. 1055(e)) is amended to read as follows:

"(e) A plan shall not be treated as satisfying the requirements of this section unless, under the plan—

"(1) each participant has a reasonable period (as prescribed by the Secretary of the Treasury by regulations) before the annuity starting date during which the participant may elect in writing (after such participant has received a written explanation of the terms and conditions of the joint and survivor annuity and the effect of an election under this subsection) not to take such joint and survivor annuity, and

"(2) such an election will not be effective unless the spouse of the participant (as of the time such election is made) consents in writing to such an election and such consent is witnessed by a plan representative or a notary public.".

(3) REPEAL OF ALLOWANCE FOR DELAYED EFFECTIVE DATE FOR ELECTION.—Subsection (f) of section 205 of such Act (29 U.S.C. 1055(f)) is repealed.

(4) CONFORMING AMENDMENT.—Section 205(h) of such Act (29 U.S.C. 1055(h)) is amended by striking out "under an election made under subsection (c)".

(5) SURVIVOR'S BENEFIT ELECTION FOR CERTAIN PARTICIPANTS.—Section 205(i) of such Act (29 U.S.C. 1055(i)) is amended to read as follows:

"(i)(1) Except as provided in paragraph (2), this section shall apply only if—

"(A) the annuity starting date did not occur before the effective date of this section, and

"(B) the participant was an active participant in the plan on or after such effective date.

"(2) A plan shall not be treated as satisfying the requirements of this section unless the plan provides that any participant who is not a participant described in paragraph (1)(B) may elect to receive benefits in the form of a joint and survivor annuity if such election takes place before the annuity starting date.".

(b) AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1954.—

(1) SURVIVOR ANNUITY REQUIREMENTS WITHOUT ELECTION.—

(A) IN GENERAL.—Paragraph (11) of section 401(a) of the Internal Revenue Code of 1954 (relating to qualified pension, profit-sharing, and stock-bonus plans) is amended by striking out subparagraphs (B) and (C) and inserting in lieu thereof the following new subparagraph:

"(B)(i) A plan which provides that the normal form of benefit is an annuity shall not be treated as satisfying the requirements of this paragraph unless the plan provides, with respect to any participant described in clause (ii), a survivor annuity for the participant's surviving spouse (if such spouse is living on the survivor annuity starting date)—

"(I) which begins on the survivor annuity starting date and continues for the life of such spouse, and

"(II) the payments under which are not less than the payments which would have been made under the survivor annuity to which such spouse would have been entitled if the participant had terminated employment on his date of death, had survived and retired on the survivor annuity starting date, and had died on the day following such date.

"(ii) A participant referred to in clause (i) is described in this clause if the participant—

"(I) dies before an annuity starting date under the plan with respect to the participant, and

"(II) is credited under the plan with at least 10 years of service for purposes of determining under section 411 nonforfeitable rights to accrued benefits.".

(B) SURVIVOR ANNUITY STARTING DATE.—Subparagraph (G) of section 401(a)(11) of such Code is amended—

(i) in clause (ii), by striking out "and";

(ii) in clause (iii), by striking out "participant." and inserting in lieu thereof "participant, and"; and

(iii) by adding at the end thereof the following new clause:

"(iv) the term 'survivor annuity starting date' means, in connection with a participant who dies before an annuity starting date under the plan with respect to the participant—

"(I) the date which would be the participant's annuity starting date if the participant had retired, prior to death, on the date on which the participant would have attained the earliest retirement age under the plan,

"(II) the date of death of the participant (if later than the date specified in subclause (I)), or

"(III) any other date, subsequent to the dates specified in subclauses (I) and (II), selected by the participant's surviving spouse in accordance with plan procedures, except that such date may not be later than the date on which the participant would have attained normal retirement age under the plan had the participant lived to such date.".

(C) CONFORMING AMENDMENT.—Subparagraph (D) of section 401(a)(11) of such Code is amended by striking out "whether or not an election described in subparagraph (C) has been made under subparagraph (C))".

(D) DIVORCES AFTER ANNUITY STARTING DATE.—Subparagraph (D) of section 401(a)(11) of such Code is further amended by adding at the end the following new sentence: "In the case of an individual who was the spouse of the participant on the annuity starting date and who survives the participant, a plan shall not be treated as satisfying the requirements of this paragraph unless the plan treats such individual as if such individual were the spouse of the participant on the date of death of the participant (whether or not divorced after the annuity starting date).".

(2) REQUIREMENTS FOR ELECTION NOT TO TAKE JOINT AND SURVIVOR ANNUITY.—Subparagraph (E) of section 401(a)(11) of such Code is amended to read as follows:

"(E) A plan shall not be treated as satisfying the requirements of this paragraph unless, under the plan—

"(i) each participant has a reasonable period (as prescribed by the Secretary by regulations) before the annuity starting date during which the participant may elect in writing (after such participant has received a written explanation of the terms and conditions of the joint and survivor annuity and the effect of an election under this subsection) not to take such joint and survivor annuity, and

"(ii) such an election will not be effective unless the spouse of the participant (as of the time such election is made) consents in writing to such an election and such consent is witnessed by a plan representative or a notary public.".

(3) REPEAL OF ALLOWANCE FOR DELAYED EFFECTIVE DATE FOR ELECTION.—Subparagraph (F) of section 401(a)(11) of such Code is repealed.

(4) SURVIVOR'S BENEFIT ELECTION FOR CERTAIN PARTICIPANTS.—Subparagraph (H) of

section 401(a)(11) of such Code is amended to read as follows:

"(H)(i) Except as provided in clause (ii), this paragraph shall apply only if—

"(I) the annuity starting date did not occur before the effective date of this section, and

"(II) the participant was an active participant in the plan on or after such effective date.

"(ii) A plan shall not be treated as satisfying the requirements of this paragraph unless the plan provides that any participant who is not a participant described in clause (i)(II) may elect to receive beneifts in the form of a joint and survivor annuity if such election takes place before the annuity starting date.".

(c) EFFECTIVE DATES.—

(1) Except as provided in paragraph (2), the amendments made by this section shall apply with respect to plan years beginning more than one year after the date of the enactment of this Act.

(2) The amendments made by subsections (a)(5) and (b)(4) shall take effect on the date of the enactment of this Act.

SEC. 3. PROHIBITION AGAINST ASSIGNMENT OF BENEFITS NOT TO APPLY IN DIVORCE, ETC., PROCEEDINGS.

(a) AMENDMENT OF THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Subsection (d) of section 206 of the Employee Retirement Income Security Act of 1974 (relating to form and payment of benefits) (29 U.S.C. 1056(d)) is amended by adding at the end thereof the following new paragraph:

"(3) Paragraph (1) shall not apply in the case of a judgment, decree, or order (including an approval of a property settlement agreement) relating to child support, alimony payments, or marital property rights, pursuant to a State domestic relations law (whether of the common law or community property type), which—

"(A) creates or recognizes the existence of an individual's right to receive all or a portion of the benefits to which a participant or a participant's designated beneficiary would otherwise be entitled under a pension plan,

"(B) clearly identifies such participant, the amount or percentage of such benefits to be paid to such individual, the number of payments to which such judgment, decree, or order applies, and the name and mailing address of such individual, and

"(C) does not require such plan to alter the effective date, timing, form, duration, or amount of any benefit payments under the plan or to honor any election which is not provided for under the plan or which is made by a person other than a participant or beneficiary."

(b) AMENDMENT OF THE INTERNAL REVENUE CODE OF 1954.—Paragraph (13) of section 401(a) of the Internal Revenue Code of 1954 (relating to qualified pension, profit-sharing, and stock bonus plans) is amended by adding at the end thereof the following new sentence: "The preceding provisions of this paragraph shall not apply in the case of any judgment, decree, or order pursuant to a State domestic relations law (whether of the common law or community property type) if such judgment, decree, or order is described in section 206(d)(3) of the Employee Retirement Income Security Act of 1974."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 4. EXEMPTION FROM ERISA PREEMPTION FOR JUDGMENTS, DECREES, AND ORDERS PURSUANT TO STATE DOMESTIC RELATIONS LAW.

(a) GENERAL RULE.—Section 514(b) of the Employee Retirement Income Security Act of 1974 (relating to exemptions from preemption) (29 U.S.C. 1144(b)) is amended by adding at the end thereof the following new paragraph:

"(7) Subsection (a) shall not apply with respect to any judgment, decree, or order pursuant to a State domestic relations law (whether of the common law or community property type) if such judgment, decree, or order is described in section 206(d)(3).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 5. LOWERING OF AGE LIMITATION FOR MINIMUM PARTICIPATION STANDARDS.

(a) AMENDMENT OF EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Subparagraphs (A)(i) and (B)(ii) of section 202(a)(1) of the Employee Retirement Income Security Act of 1974 (relating to minimum participation standards) (29 U.S.C. 1052(a)(1)(A)(i) and (B)(ii)) are each amended by striking out "25" and inserting in lieu thereof "21".

(b) AMENDMENT OF INTERNAL REVENUE CODE OF 1954.—Subparagraphs (A)(i) and (B)(ii) of section 410(a)(1) of the Internal Revenue Code of 1954 (relating to minimum participation standards) are each amended by striking out "25" and inserting in lieu thereof "21".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning more than ninety days after the date of the enactment of this Act.

SEC. 6. COUNTING YEARS OF SERVICE AFTER AGE 21 FOR VESTING.

(a) AMENDMENT OF EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 203(b)(1)(A) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(b)(1)(A)) is amended by striking out "22" and inserting in lieu thereof "21".

(b) AMENDMENT OF INTERNAL REVENUE CODE OF 1954.—Section 411(a)(4)(A) of the Internal Revenue Code of 1954 (relating to minimum vesting standards) is amended by striking out "22" and inserting in lieu thereof "21".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning more than 90 days after the date of the enactment of this Act.

SEC. 7. CONTINUATION OF BENEFIT ACCRUALS WHILE THE EMPLOYEE IS ON APPROVED MATERNITY OR PATERNITY LEAVE.

(a) Amendment of Employee Retirement Income Security Act of 1974.—

(1) MINIMUM PARTICIPATION STANDARDS.—Subsection (b) of section 202 of the Employee Retirement Income Security Act of 1974 (relating to minimum participation standards) (29 U.S.C. 1052(b)) is amended by adding at the end thereof the following new paragraph:

"(5)(A) For purposes of this section, for each week of an approved maternity or paternity leave of an employee, the employee shall be deemed to have performed 20 hours of service for the employer.

"(B) For purposes of subparagraph (A), the term 'approved maternity or paternity leave' means any period (not to exceed 52 weeks) during which the employee is absent from work if—

"(i) such absence is by reason of pregnancy or the birth of a child of the employee or for purposes of caring for a child of the employee, and

"(ii) such absence is approved by the employer.

"(C) Subparagraph (A) shall not apply unless the employee continues to perform service for the employer after the end of the appoved maternity or paternity leave or offers to do so but is not reemployed by the employer.".

(2) MINIMUM VESTING STANDARDS.—Subsection (b) of section 203 of such Act (relating to minimum vesting standards) (29 U.S.C. 1053(b)) is amended—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following new paragraph:

"(4)(A) For purposes of this section, for each week of an approved maternity or paternity leave of an employee, the employee shall be deemed to have performed 20 hours of service for the employer.

"(B) For purposes of subparagraph (A), the term 'approved maternity or paternity leave' means any period (not to exceed 52 weeks) during which the employee is absent from work if—

"(i) such absence is by reason of pregnancy or the birth of a child of the employee or for purposes of caring for a child of the employee, and

"(ii) such absence is approved by the employer.

"(C) Subparagraph (A) shall not apply unless the employee continues to perform service for the employer after the end of the approved maternity or paternity leave or offers to do so but is not reemployed by the employer.".

(3) BENEFIT ACCRUAL REQUIREMENTS.—Section 204 of such Act (relating to benefit accrual requirements) (29 U.S.C. 1054) is amended—

(A) by redesignating subsection (h) as subsection (i); and

(B) by inserting after subsection (g) the following new subsection:

"(h)(1) For purposes of this section, for each week of an approved maternity or paternity leave of an employee, the employee shall be deemed to have performed 20 hours of service for the employer.

"(2) For purposes of paragraph (1), the term 'approved maternity or paternity leave' means any period (not to exceed 52 weeks) during which the employee is absent from work if—

"(A) such absence is by reason of pregnancy or the birth of a child of the employee or for purposes of caring for a child of the employee, and

"(B) such absence is approved by the employer.

"(3) Paragraph (1) shall not apply unless the employee continues to perform service for the employer after the end of the approved maternity or paternity leave or offers to do so but is not reemployed by the employer.".

(b) AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1954.—

(1) MINIMUM PARTICIPATION STANDARDS.—Subsection (a) of section 410 of the Internal Revenue Code of 1954 (relating to minimum participation standards) is amended by adding at the end thereof the following new paragraph:

"(6) APPROVED MATERNITY OR PATERNITY LEAVE.—

"(A) IN GENERAL.—For purposes of this section, for each week of an approved maternity or paternity leave of an employee, the employee shall be deemed to have performed 20 hours of service for the employer.

"(B) APPROVED MATERNITY OR PATERNITY LEAVE DEFINED.—For purposes of subparagraph (A), the term 'approved maternity or paternity leave' means any period (not to exceed 52 weeks) during which the employee is absent from work if—

"(i) such absence is by reason of pregnancy or the birth of a child of the employee or for purposes of caring for a child of the employee, and

"(ii) such absence is approved by the employer.

"(C) SERVICE REQUIREMENT AFTER THE LEAVE.—Subparagraph (A) shall not apply unless the employee continues to perform service for the employer after the end of the approved maternity or paternity leave or offers to do so but is not reemployed by the employer."

(2) MINIMUM VESTING STANDARDS.—Subsection (d) of section 411 of such Code (relating to minimum vesting standards) is amended by adding at the end thereof the following new paragraph:

"(7) APPROVED MATERNITY OR PATERNITY LEAVE.—

"(A) IN GENERAL.—For purposes of this section, for each week of an approved maternity or paternity leave of an employee, the employee shall be deemed to have performed 20 hours of service for the employer.

"(B) APPROVED MATERNITY OR PATERNITY LEAVE DEFINED.—For purposes of subparagraph (A), the term 'approved maternity or paternity leave means any period (not to exceed 52 weeks) during which the employee is absent from work if—

"(i) such absence is by reason of pregnancy or the birth of a child of the employee or for purposes of caring for a child of the employee, and

"(ii) such absence is approved by the employer.

"(C) SERVICE REQUIREMENT AFTER THE LEAVE.—Subparagraph (A) shall not apply unless the employee continues to perform service for the employer after the end of the approved maternity or paternity leave or offers to do so but is not reemployed by the employer."

"(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning more than one year after the date of the enactment of this Act.

PRESIDENT REAGAN'S PROPOSAL FOR PEACE THROUGH DEVELOPING BIGGER AND BETTER NUCLEAR DEFENSE

Mr. PROXMIRE. Madam President, President Reagan in his speech last night proposed research and development on a defensive system to guard against missile attack. At first glance, this is an appealing proposal, but actually it could be a very dangerous development. Ironically, defensive measures, if completely effective, are the most destablizing factor in the nuclear age. If a country can guarantee against missile attack with a space-based laser, for example, that means it can dictate to its enemy—it can fire first and cut off any retaliation.

Second, the President will be forcing us into an arms race in space. Here is how it could go. First, we deploy a space-based laser ABM. Incidentally, that would be in violation of the ABM treaty. Then the Soviets must do the same to keep up. But in addition they must be able to neutralize ours. So they put up a space mine—a satellite that is in the same orbit as the laser. The mine can be programed to go off and destroy the laser. Then we put a mine next to their mine to destroy their capability to knock out our laser ABM. Then both sides, of course, start developing offensive and defensive systems for their mines and their ABM's. Then we develop space battlestations combining these features. And the nuclear arms race careens on to catastrophe.

WHY THE NUCLEAR FREEZE PROVIDES THE BEST APPROACH TO PEACE

Mr. PROXMIRE. Madam President, the nuclear freeze has one major advantage over a program that would attempt to achieve "peace through strength" that would rely for peace on new and improved defensive nuclear armaments. The freeze has the same advantage over attempts to combine arms control designed to reduce offensive, threatening nuclear arms while encouraging defensive, deterrent nuclear weapons. That advantage for the freeze lies in the simplicity of its principles. The freeze would not try to stop some selected nuclear weapons and let the nuclear arms technology work to produce others. It would not present arms controllers with a constant, confusing blizzard of choices between defensive weapons and offensive weapons, or mostly defensive or mostly offensive. The line of distinction between offensive and defensive nuclear weapons blurs and confuses. Some can even argue that the best defense is a strong offense. President Reagan argued for such an emphasis in our military policy last night. He called for a supremely successful defensive program capable of shooting down the other side's missiles but he admitted such a program could be viewed as paving the way for a first strike which the other side could not answer because our antiballistic missiles could intercept their counterattack and demolish it.

No matter how we twist or turn, any continuation of the nuclear arms race leads to this kind of nightmarish future. The freeze on the other hand would provide a clear, simple basis for an agreement that would avoid the confusion and the terrible danger of any kind of race to perfect ever more complex nuclear weapons of any kind. It would freeze. It would stop. It would end production, deployment, or testing of any, that is any, any kind of nuclear weapons defensive or offensive. All of us—the military experts, the Russian and American leaders, the public—all of us can understand the simple principle.

And it has two massive advantages. Certainly enforcement of the principle will be easier than a selective arms control agreement that permitted some kind of nuclear weapons but banned others. Enforcement, verification—to make the ban work is always difficult between sovereign countries, especially when one of those sovereign countries—the U.S.S.R.—is a closed society, a very closed society indeed, and the other—the United States—is very much of an open society. If we have to monitor the U.S.S.R. to determine whether a new deployment of nuclear weapons which they represent as defensive is truly defensive and does not constitute an offensive threat we have trouble that could go on and on. If we try to define the precise defensive weapons permitted in advance, we may find the defensive weapons can be converted later to devestating offensive uses, perhaps that conversion can be simple and easy. But enforcing such a distinction could be very difficult. Now let's consider the prize. A freeze is a freeze. It means no, I repeat, no nuclear weapons, none could be produced or deployed. Monitoring and inspecting that kind of agreement would be far simpler. But there is a second even more urgent reason why the freeze represents a far better basis for preventing nuclear war. Grim as the possibility of nuclear war between the United States and the U.S.S.R. may be, many regard the prospect as relatively remote. Our countries have never been at war with each other. A nuclear war between the two superpowers could destroy both. We know that. They know that. So it may not happen. With nuclear arms proliferation the prospect of a nuclear war starting with other countries is far more likely. And here is where the freeze has special advantages.

While a freeze would be aimed at stopping the nuclear arms technology progress by both superpowers, it would cut off the prospect of new nuclear war breakthroughs by the U.S.S.R. or the United States that other countries could pick up. But an attempt to shift the emphasis of the nuclear arms race to defensive nuclear weapons would continue research in nuclear weaponry which would ultimately become available to the increasing number of countries that are developing the capability to fight a nuclear war. The shift to defensive nuclear war strategy feeds that proliferation. The freeze stops it. Yes, indeed, a nuclear weapons freeze carries great dangers and risks, but it also provides the best chance of stopping either a superpower war or a further proliferation of nuclear weapons that would make nuclear war most likely.

TOTALITARIAN IDEOLOGY AND INDIVIDUAL RIGHTS

Mr. PROXMIRE. Madam President, I am sure that there is no question among my colleagues that totalitarian regimes such as the Soviet Union have dismal human rights records. These governments have little regard for the individual or for human rights. They try to justify disregarding the individual by claiming to be in pursuit of some "higher good." Happily, it has been the doctrine of the United States to defend the rights of all people, and thus, to be the ideological adversary of these regimes. We believe that individuals are endowed with certain inalienable rights. No objective, no matter how desirable, justifies taking these rights away from anyone. This contrast cannot be more clearly illustrated than by the courageous story of Walter Polovchak.

Michael and Anna Polovchak and their three children, Natalie, Walter, and Michael, arrived in Chicago in January 1980. They were from the small Ukrainian town of Sambir, and were here to be reunited with the father's two sisters.

Soon after their arrival, Michael Polovchak began to discuss returning to the Soviet Union. Anna, his wife, went along with the decision. However, Natalie, the eldest child, strongly opposed returning to the Soviet Union. Said Natalie, "From the first day here, I made up my mind that I would never go back to the Soviet Union."

In July of 1980, Natalie moved into the apartment of her cousin in America, and young Walter insisted on going along. Within a week, Walter Polovchak was granted political asylum. Natalie, who had her own passport, was unchallenged in her decision to remain in the United States.

Since Walter's decision to stay in America nearly 3 years ago, many complicated legal battles have arisen regarding his legal right to stay here. To listen to Walter, however, makes it clear that he must be allowed to stay. On July 28, 1982, Walter told a congressional panel that he did not want to return to the Soviet Union, and that if he was forced to, he would probably spend the rest of his life in prison. He continued in a later interview:

> I have more freedom here. I can believe in God, go to church, and all that. In the Soviet Union, when you go to church, you get in trouble.

Walter went on to talk of the myriad freedoms he found in the United States which he had never had under the totalitarian Soviets. He made it clear that seeking asylum in the United States was entirely his own decision, and that he has no desire to return to the Soviet Union.

Walter has been under both systems of government, and has found the United States to be more humane. He was willing to give up his family, friends, and everything else in pursuit of the basic freedoms he was denied under the Soviet form of government. The denial of these freedoms by totalitarian governments constitutes one of the worst types of human abuse—the suppression of the human spirit. Walter's story brings to mind the millions who are suppressed in this way. The fact that Walter gave up all that he knew, all that he was familiar with, for a chance at a life with these basic freedoms, illustrates the need for the United States to speak out on behalf of all oppressed people. Let us not force all those who are denied their freedom to give up everything, as did Walter, to be free. We must do all that we can to insure that such oppression ends. One very basic thing we can do to show that we are unequivocally committed to the defense of human rights is to ratify the Genocide Convention. This would give full weight to our condemnation of oppression. Ratification will guarantee that we no longer have a basic weakness in our position as human rights leader. No longer will countries doubt the strength of our commitment to human rights. Madam President, I believe we truly live in a country committed to the defense of human rights. Let us show the strength of our commitment through ratification of the Genocide Convention. I urge my colleagues to join me in seeking ratification of this essential treaty.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WILSON). The clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, there is a messenger at the door and I yield so that the Chair may admit him.

MESSAGES FROM THE HOUSE

At 1:18 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following joint resolutions, each without amendment:

S.J. Res. 32. Joint resolution to provide for the designation of May 1983 as "National Arthritis Month"; and

S.J. Res. 64. Joint resolution to commemorate the two hundredth anniversary of the signing of the Treaty of Amity and Commerce Between Sweden and the United States.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 20. Concurrent resolution making corrections in the enrollment of H.R. 1718.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 91. Concurrent resolution revising the congressional budget for the United States Government for the fiscal year 1983 and setting forth the congressional budget for the United States Government for the fiscal years 1984, 1985, and 1986; and

H. Con. Res. 94. Concurrent resolution providing for an adjournment of the House from March 24 to April 5, 1983, and an adjournment of the Senate from March 24 or March 25 to April 5, 1983.

Mr. BAKER. Mr. President, the message just received is the adjournment resolution. I might give the Senate a status report.

As I understand the situation, the House and Senate conferees on the social security bill are still in session. It is now estimated that they will complete their work and have that report to the House of Representatives, which must act first, at approximately 4 p.m. That means that it will be sometime after that, I would guess 5 p.m. or perhaps 6 p.m. before the Senate can act on the social security conference report.

As soon as the other business of the Senate is attended to, as I announced earlier, it is the intention of the leadership to stand in recess subject to the call of the Chair, since there is no other business to be transacted except that and other routine matters that might be agreed to by unanimous consent.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HOUSE CONCURRENT RESOLUTION 94—ADJOURNMENT OF THE TWO HOUSES OF CONGRESS

Mr. BAKER. Mr. President, through staff, I have conferred with the minority leader who has indicated that he has no need to be on the floor at the time the Senate proceeds to the consideration of the adjournment resolution just received from the House of Representatives.

In that view, Mr. President, I ask that the Chair lay before the Senate the adjournment resolution.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

H. Con. Res. 94, a concurrent resolution providing for an adjournment of the two houses of Congress.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

The concurrent resolution (H. Con. Res. 94) was considered and agreed to.

The concurrent resolution reads as follows:

H. CON. RES. 94

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, March 24, 1983, it stands adjourned until 12 o'clock meridan on Tuesday, April 5, 1983, and that when the Senate adjourns on Thursday, March 24, 1983, or Friday, March 25, 1983, pursuant to a motion made by the Majority Leader in accordance with this resolution, it stand adjourned until 12 o'clock meridian on Tuesday, April 5, 1983.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. HELMS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TEXTILE ATTITUDES FROM JAMES CHAPMAN

Mr. THURMOND. Mr. President, in my review of the March issue of Textile Executive magazine, I was pleased to note a feature article concerning Mr. James Chapman, chairman and chief executive officer of Inman Mills, in Inman, S.C.

Next month, Mr. Chapman will succeed Mr. William Klopman, chief executive officer of Burlington Industries, as president of the American Textile Manufacturers Institute. The position of president of ATMI is very demanding of both time and energy. In this trying economic period when most textile executives find their days consumed with managing their operation, as well as trying to compete with massive foreign imports, Mr. Chapman has unselfishly volunteered his services in an effort to improve conditions for the entire domestic textile industry.

The past year, in his capacity as first vice president of ATMI, Mr. Chapman displayed a unique ability to work smoothly with elected representatives in Congress, Cabinet officials, and other Federal agency personnel. He is an articulate spokesman for the textile industry who has developed innovative ideas deserving of consideration. I am confident that he will carry out his duties as president of ATMI in an outstanding manner.

Mr. President, Jim Chapman is a fine American, and a dedicated and capable executive who deserves to be commended. I ask unanimous consent that the article that appeared in Textile Executive magazine be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ATMI SPECIAL INTERVIEW: TEXTILE ATTITUDES FROM JAMES CHAPMAN

(By Ed Lowe)

Most of you will be happy to hear that the upcoming president of the American Textile Manufacturers Institute is a thinker as well as a communicator. Others have been, as well. But this year may be different. Certain economics professors pushing microchip technology and certain foreign countries who export to America may well wish, fervently, that James Chapman had never ascended to a position where he can take action.

Take note, left-wingers and import-flooders: Jim Chapman has even had practice at helping to run the country's largest textile association, thanks to the generosity of the chairman of the country's largest textile firm. As ATMI president, Bill Klopman delegated much responsibility to Chapman in this past year, and Chapman may be the best qualified-at-the-start ATMI president ever to grace a speaker's podium.

The tall, friendly and urbane Chapman, second-generation chairman of Inman Mills, Inc. in Inman, S.C., is blunt when need calls for it, and eloquent when time permits.

He impresses a visitor as the sort of man one would not relish being on the down side of a debate with, and the 1983-84 ATMI year will doubtless hold many debates for its new president.

Jim Chapman spoke to TE from his "working" office at Inman, next door to a scrupulously neat adjacent "formal" office. At the time of the interview, Chapman was merely ATMI's first vice president, but he gave the impression that his actions as president are well-planned.

Asked the inevitable question about ATMI projects under his leadership, Chapman surprised a reporter by answering that no big changes are in the works. "Don't forget, ATMI had offices in Charlotte, Atlanta, and New York, and before that even at Clemson, South Carolina. We also had public relations people in Atlanta, Columbia and Charlotte. We started consolidating offices five or six years ago. We operate ATMI with a much smaller staff than we did several years ago. I think we've got a good staff. It's lean; it gets things done. That's what we ask them to do. So, it's not time for a big change because we just made a big change."

Changes related to the textile industry's image, Chapman says, are made "almost on an ad hoc basis," although there will be no lessening of the P.R. function under Chapman's leadership. "We've got a full complement of experts working under Jim Morrisey. But there are all kinds of things that keep coming up with which we have to deal," Chapman says. "I remember a number of years ago, Lewis Morris, then immediate past chairman of Cone Mills, came into the ATMI board meeting and said 'Gentlemen, there's a new word. It's not a new word, actually, but it's going to be new to all of us. It's *byssinosis.*' He said 'You're not only going to know how to pronounce it, you're going to know how to spell it. You're going to know exactly what it means.' Thus, we created the Safety & Health Committee. I was a member of that first committee, and Morris was its first chairman. I think the then-president of ATMI thought it was a good idea, since Lewis knew the name of the new word," Chapman recalls with a laugh.

While discussing ATMI, Chapman took a moment to debunk the long-standing rumor that newly-chosen ATMI second vice presidents are chosen solely from the chairmanship of committees. "I happen to have been on the executive committee when they picked me," Chapmen says, "but I hadn't been a committee chairman in some years. However, it's not often that we get a second vice president who has not at some time served as a committee chairman. After all, that's where leadership has been demonstrated. I happen to know the new second vice president (who hadn't been named at press time), and he's been committee chairman several times, but he doesn't happen to be one now," Chapman said.

Bill Klopman, Chapman says, "has used his expertise as a manager of the largest textile complex in the world to great advantage in ATMI. He believes that ATMI, or anything, is too big for one man, so he's been great about calling Martin or myself and thrashing out the issues."

Klopman has been an excellent ATMI leader, Chapman believes. "The first Monday after he was elected president on Saturday, he and Martin and I were in the ATMI office with (executive vice president) Ray Shockley. He asked Ray to bring in each senior staff person, to discuss with them just what they felt their area of responsibility was in ATMI. It was great," Chapman remembers.

"He's also done some unsung things, like using some great Burlington people, with resources that an Inman, for instance, doesn't have. He has had studies done at his own expense. Take the linkage study. It's where you take the fiber, textile, apparel and retail industries and link them, and when a link is weak, you protect it. Korea, for instance, is a great user of linkage," Chapman said.

As a child, Chapman had rheumatic fever, and later was not accepted into the armed forces in World War II. Having to stay at home while his two brothers "jump into the service" was an emotional wrench for the young Chapman, who "decided to make cloth for the war effort," returning to the family textile firm from a potential medical career. Chapman graduated from Davidson College with a degree in chemistry, and took pre-med courses. "I think I would have made a fair to average doctor," he says with a laugh, "but my mother would have preferred one of us to become a Presbyterian preacher."

As a young textile employee, Chapman took part in an experiment in South Carolina textiles whereby returning servicemen with non-textile degrees could be trained in textiles. "It must have worked, because they hired a lot of people who hadn't been to textile school," Chapman recalled.

Chapman took a pay cut to start working for his father at Inman, "but I felt like my long-term chances might be enhanced a little bit, though," he says with a smile. The 26-year-old plant superintendent began his textile career in manufacturing in 1946, and made the jump to the office next to his father's in 1954. "I had kind of an inroad, being the oldest son, and it's what I wanted to do," Chapman says.

Six Chapman family members operate Inman Mills, including four brothers and a cousin. Brother Marshall Chapman is Inman president and chief operating officer,

while Jim Chapman holds the chairmanship. Talking about the imminent ATMI annual meeting where he will become president, Chapman says jokingly that "I bring my own cheering section with me."

Inman Mills is the largest employer in Inman, large enough for mail to be delivered just to "Inman Mills, Inman, S.C.," Chapman says. Its creation by Chapman's grandfather's uncle and brother was most casual. When a "starving young lawyer" who was Chapman's grandfather looked around and noticed "Doctor Liggon had built a mill, and Montgomery had built a mill, and it seemed to be the thing to do. They seemed to be making a little bit off it," Chapman relates. The first mill was put in the center of 600 prime cotton-growing acres.

The Inman community treats the Chapman family "very nicely," Chapman says. "We try to keep in close touch with the community." He says when he has banking business at the local branch, "lots of people come over and ask me how the mill's doing. They are interested, and we do have the largest payroll. They're very encouraging and very sympathetic when we are not able to run full time. They used to tell me they could tell by the expression on my face about how business was: I've tried to disguise that since then," he laughs.

Every industry in this country, Jim Chapman will tell you, needs a better image, not just textiles. "Look at all the money they spend on automobile advertising and what kind of image do they have?"

The national press, Chapman is sure, is inflicted with a malaise he terms the "Norman Rae syndrome." Lots of people get it, Chapman says. "I took my daughter to see the movie (Norma Rae) while she was here working in our test lab, and she watched all that lint and she laughed and said out loud, 'I've never seen a mill like that.' The audience laughed, too."

The nation's liberal press, though, he adds, isn't just after textiles, "but they're after all of us. I've been happily married for 37 years, and that's not news. If I'd had about three wives, that'd be put on the front page."

Print cloth problems with Chinese imports, Chapman said in February, have eased somewhat. "It's slacked off right now because of the countervailing duty thing. With that in the air, they (China) know that if they put in a big order for print cloth, they are going to be liable for any duty that's assessed. We got a 4-0 decision in our favor by the International Trade Commission that harm has been done. We're very pleased with that, although it takes a while for things to work their way through government," ATMI's president-elect said. "But, the print cloth market still stinks, though," Inman Mills' chief executive said.

American apparel retailers, the thorn on the rose for domestic textile companies, must stop using imported fabrics and garments, Chapman believes. "What they're doing is creating jobs for people who aren't their customers, and costing jobs for people who are their customers," he says firmly. "And I think, net-net-net, they're shortsighted." An importer in this country, Chapman relates, "takes something that would cost him $3 in the United States and he sells it for $6. He can get it for $1.50 in Taiwan, and he still sells it for $6. And he and the importers are the ones making the money off of imports."

This country has "some real problems," he adds, "and we've got to make up our minds what we're going to do. I'm not speaking just of the textile industry. Can this country afford to have a weak steel industry, a weak automobile industry, a weak textile and apparel industry, a weak computer industry? As Bob Coleman (past ATMI president) once said, we can't all make Boeing 747s. Think of a real military crisis. At the beginning of World War Two, when Henry Ford told President Roosevelt he'd have a Liberator bomber coming off the assembly line once an hour, that was unheard-of. That was our great, strong auto industry able to do that.

"It was like (Japanese) Admiral Tojo said after they bombed Pearl Harbor and all the Japanese were jumping up and down dancing with glee, 'We have awakened the slumbering giant.' And we were still a giant then in all those areas. Without America's great industrial base, America couldn't have won World War Two. You can't win it with knives and sticks," Chapman said.

Jim Chapman still thinks of the American economy as "number one." The reasoning, he says, is simple. "Take the talk about the Arab dollars, that if you don't keep high interest rates, this money will move some where else. Where is it going to move? There is no other economy in the world other than this one, which can absorb that money."

Though not as big a market as Western Europe, "we're homogeneous, and the Japanese know that. They know that they can sell the same coat in Los Angeles that they can to Macy's in New York. So, everybody wants a piece of our market."

A pressing concern of Chapman's, he told TE, is the relationship between the yen and the dollar. "I think it's one of the biggest barriers to international trade. The yen is undervalued. If properly valued, it would probably be under 200 to the dollar. This valuation is causing us to lose business in Hong Kong even under the present (trade) situation. If the yen were properly valued, a Toyota automobile would cost $6,500 in this country, instead of $5,000. Their cloth going into Hong Kong would then cost 20 per cent more, and we would be competitive with them."

The United States has conferred several times over recalcitrant currency valuations, Chapman recalls, "but it always drifts back." Chapman is fairly sure the valuation is purposely low. "The classic example," says Chapman, who recently returned from a Tokyo trip, "is that I had planned to listen to some educational tapes while flying. I planned to stop at a discount store in New York and pick up a Walkman Two, made by Sony. I could get it in New York for $69.00, but my plane left before I could get to the store. So I bought it in the downtown Tokyo Sony outlet store, for $84.00."

What Japan is doing, Chapman vehemently says "is the typical classical Japanese operation. We can't put our telephones in Japan, and they're coming in here and underbidding everybody and replacing some of our American made equipment."

High-tech-pushing economics professors who espouse computers over textiles tend to cause Chapman's normal vocabulary to stall. "Professors like that are overeducated and stupid, with a closed mind. An educator is supposed to have an open mind . . . let me read you part of this news story . . . 'The Japanese government has arbitrarily fired a rifle shot attack that threatens to destroy American producers in the skyrocketing field of microelectronics . . . the study said the Japanese are undercutting the U.S. industry, priced to expand their market share . . . U.S. companies are being drained of funds they need to develop new and more sophisticated chips.' Does that sound like the way to go?"

Jim Chapman says he foresees a "real Renaissance in the American textile machinery industry." It's been long in coming, he admits, but it's here.

"The American machinery industry was enjoying good business in the 1940's, and didn't put much money into research. The Swiss, for example, during World War II, were doing a lot of that while the rest of us were trying to kill each other." Chapman said.

"Then, some of these machinery companies started to be gobbled up by the congolomerates. The classic example was, of course, Rockwell, which was going to use its space-age technology to show us how to make weaving machines. But, they weren't willing to stick with the textile industry with the ups and downs of their customers. So, finally, they just turned out to be a big supply house."

Chapman is "very encouraged" by recent American machinery events, "particularly since some of my friends bought Draper. I think they've got some good ideas. We're going to see the Draper loom back and competing. Hollingsworth and Platt should be strong. We have other areas, like dyeing, finishing, warping and slashing, where we've been strong."

If there is reincarnation, Jim Chapman wants to return as "a textile executive who is either a professional hired by a completely public company, or else I want to own 100 percent of the stock. I don't want anything in between." Either way, sir, and all of our reincarnated textile selves will welcome you back.

CENTENNIAL OF THE COLLEGE OF NURSING OF THE MEDICAL UNIVERSITY OF SOUTH CAROLINA

Mr. HOLLINGS. Mr. President, I take deep pride in rising today to recognize the College of Nursing of the Medical University of South Carolina on the observance of its 100th anniversary. Formal celebration of the centennial will take place in Charleston on April 8 and 9.

The College of Nursing has, over the years, lived through several name changes and locations. But, as was the case when it was founded, it continues to emphasize patient-centered care and the tradition of excellence in practice lives in its graduates.

The College of Nursing of the Medical University of South Carolina had its origin in 1883, making it one of the oldest programs of its kind in the South. Recognizing the need for professional nurse training, the City Council of Charleston approved a request by the City Hospital for $2,000 and the State contributed $5,000 to establish a Training School for Nurses. Its mission was to offer those interested an opportunity to acquire a profession and to improve the care of the sick. The training school continued until the City Hospital was destroyed

by an earthquake in 1886. The school was reestablished as the Charleston Training School in 1895 and its curriculum was changed to provide a 2-year program of instruction in anatomy, physiology, obstetrics, surgery, and medical nursing.

The next important step in the evolution of the College of Nursing took place in 1916. At that time, the board of commissioners of the Roper Hospital proposed the incorporation of the training school with the Medical College. This was accomplished in 1919 and the school's name became the School of Nursing of the Medical College of the State of South Carolina. World War I and World War II caused a shortage of nurses and challenged the strength of the already overworked hospital staffs around the country. Meeting this challenge and responding to the increased demand for nursing personnel was Roper Hospital. During World War I, 18 local graduates went to serve with the American Red Cross Nursing Service and as many as 83 alumnae served our country in the Armed Forces during World War II.

September 1966, the school began the process of establishing a 4-year collegiate program offering the bachelor of science in nursing degree. Three years later when the Medical College was redesignated as "The Medical University of South Carolina," the school became one of the six colleges composing the university and received its accreditation by the National League of Nursing in 1971.

The decade of the seventies was one of growth for the College of Nursing. In 1973, the college initiated a program which led to a certificate in nurse-midwifery which continues to meet the increasing demand for maternal health services in South Carolina. In 1978, the college began a satellite nursing program for registered nurses on the campus of Winthrop College in Rock Hill, S.C. And, in 1979 the College of Nursing accepted graduate students in its program leading to the master of science in nursing degree for the first time.

Continuing their successful nursing education programs, the college has enjoyed still further growth, expanding with another satellite program on the campus of Francis Marion College in Florence, S.C., just last year. An evenings and weekends program for registered nurses is also offered at the College of Nursing in Charleston providing advanced educational opportunities to registered nurses at modest cost, with minimum commuting distances, and minimum interference with their present careers.

The rapid advances in medicine and the changing nature of health care has greatly accelerated the demand for registered nurses. The intensity of care has increased with more RN's needed to carry out such activities as monitoring vital functions, ventilation therapy with infusion pumps, and the application of many new technologies. Modern advances in treatment of patients such as bone transplants, radical surgical interventions, burn therapy, neurosurgery, and cardiac surgery require RN-intensive care on a 24-hour basis. Expansion and increases in these kinds of settings have particularly increased the need for nurses with advanced preparation to serve as nursing service administrators, teachers of nursing, nurse practitioners, and clinical specialists. I take great pride in the fact that the College of Nursing has continued to advance and meet these changing needs of the nursing profession.

Let me close by saying that there is no question in my mind that the Nation's professional nurses are the backbone of our health care system. These unselfish and caring individuals are in daily contact with patients; comforting them in pain and supporting families in times of stress. Whether they work in hospitals, nursing homes, community health centers, public health clinics, physicians' offices, schools, industry, or public administration, we in South Carolina are most proud of the record of achievement of the College of Nursing of the Medical University of South Carolina in training these outstanding professionals. We congratulate the college on its centennial and wish for it continued success and service to the citizens of South Carolina and the Nation.

ALICE MANUFACTURING'S ELLISON McKISSICK

Mr. THURMOND. Mr. President, I recently received the March issue of Textile Executive magazine. The cover story in this particular publication profiled Mr. Ellison S. McKissick, chairman and chief executive officer of the Alice Manufacturing Co. in Easley, S.C.

Ellison McKissick was an excellent choice for this feature because he is a hardworking and capable executive, as well as a fine patriot.

Mr. McKissick and his family have operated Alice Manufacturing Co. for the past 59 years. The major product manufactured by his firm is printcloth. Unfortunately, for the past few years, Mr. McKissick, as well as other domestic printcloth producers, have been forced to compete with massive imports of cheaply produced and often subsidized imports from mainland China. These printcloth imports have effectively destroyed the price structure of our domestic market for this product, increasing economic hardship for American textile employees.

In the face of these difficult circumstances, Mr. McKissick is determined to keep his firm viable and profitable, while continuing to employ 2,000 workers.

Mr. President, Ellison McKissick deserves to be commended for his accomplishments and success as a textile executive. Toward that end, I ask unanimous consent that the article which appeared in Textile Executive magazine be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ALICE MANUFACTURING'S ELLISON McKISSICK—EXECUTIVE INTERVIEW

(By Ed Lowe)

("The Cat only grinned when it saw Alice. It looked good-natured, she thought: still it had very long claws and a great many teeth, so she felt that it ought to be treated with respect. 'Cheshire-Puss,' she began, rather timidly, as she did not know at all whether it would like the name: however, it only grinned a little wider. 'Come, it's pleased so far,' thought Alice, and she went on. 'Would you tell me, please, which way I ought to go from here?' 'That depends a good deal on where you want to get to,' said the Cat. 'I don't much care where—' said Alice. 'Then it doesn't matter which way you go,' said the Cat. '—so long as I get somewhere,' Alice added as an explanation. 'Oh, you're sure to do that,' said the Cat. 'If you only walk far enough.' "—Alice in Wonderland.)

Ellison S. McKissick's family has certainly walked far enough to get somewhere in the textile industry: they've owned Alice Manufacturing Company for 59 years. They have been in the print cloth business for 59 years. They have supported education, community service, medical care and quality jobs in Pickens County, South Carolina for 59 years.

Since 1923, when McKissick's father and grandfather purchased Alice Manufacturing from the Shanklin family, Alice has been in a kind of Wonderland, with no forced layoffs during any recession or Depression, and with some profits annually. Ellison S. McKissick, Jr., however, did not just inherit Alice: he has expanded it, burnished it, improved it, so that today it bears his own mark, a fitting legacy for passing along, some day, to some other McKissick.

But that day is far afield. Alice Manufacturing's president is an energetic, thoughtful, incisive, progressive and humorous man who seems to consider his control of five mills and 2,000 employees lovingly and gratefully, despite his lineal rights to them.

TE spoke with Ellison McKissick prior to the American Textile Manufacturers Institute annual meeting, to get his thoughts on the state of textiles as well as the state of Alice. Like many top textile leaders, McKissick has a healthy stockpile of opinions. His years of textile leadership, coupled with his membership in ATMI's International Trade Committee, provide him with keen insight into the thought processes of American textile executives in times that are still troubled from within and without.

Following are McKissick's comments on the state of the world, the nation, the industry and Alice. The italic quotations taken from *Alice in Wonderland* do not necessarily represent his own views, but serve mainly as introductory matter.

"Suddenly she came upon a little three-legged table, all made of solid glass: there was nothing on it but a tiny golden key."

Asked if domestic textiles' future lay mainly over seas, McKissick answered "No, I don't think the market here is saturated yet, although I do see some expansion overseas. The per capita consumption of textiles in the United States is at a level of about 50 pounds, and in Europe, I think it is around 40 pounds. They're having an opportunity over there to increase their per capita consumption by about 25 per cent. I think this is the key for certain firms to export goods to Europe. I think the American industry can be very competitive in the European market." In this country, McKissick believes there still can be long runs, "provided you still have a demand for that much product. That's the way you get your unit costs down to its lowest level. As long as there's demand, you want to operate at the most efficient level you can." As far as the long-standing rumor about European markets not wanting large lots, McKissick laughs. "The experience our company has had with exporting goods to Europe is that they are accepting goods in container lot shipments, which is ideal. They are taking those lots and shipping them in fifty-'leven directions."

"There were doors all round the hall, but they were all locked and when Alice had been all the way down one side and up the other trying every door, she walked sadly down the middle, wondering how she was ever to get out again."

McKissick is vehement on the subject of America continuing to hold a vital manufacturing base. "The United States has got to maintain a strong manufacturing base. One out of every eight employees in America is an industrial employee. What will they do without industrial work? I like the phrase Bob Coleman (Riegel Textiles chairman) used, that it's great having a strong computer industry, but who in the hell are we going to sell them to if we don't have a manufacturing base? I mean, after you sell Wendy's and Hardee's, what are you going to do?"

"Alice went timidly up to the door, and knocked. 'There's no sort of use in knocking,' said the Footman, 'and that for two reasons. First, because I'm on the same side of the door as you are: secondly, because they're making such a noise inside, no one could possibly hear you.' 'Please, then,' said Alice, 'how am I to get in?' 'Are you to get in at all?' said the Footman. 'That's the first question, you know.'"

In order to get inside the door on competition, McKissick says, American textile firms must go on modernizing. "You've seen a tremendous amount of modernization in textile mills in this country in the last 10 years, and I think you're going to see that pace accelerated during the next 10 years. It's going to take a tremendous amount of capital, but it's going to be necessary not only from the standpoint of overseas people, but in our own domestic market. Unfortunately, we will see some companies that don't make this commitment which won't survive. But that's been true for 50 years."

"'Have some wine,' the March Hare said in an encouraging tone. Alice looked all round the table, but there was nothing on it but tea. 'I don't see any wine,' she remarked. 'There isn't any,' said the March Hare. 'Then it wasn't very civil of you to offer it,' said Alice angrily."

"Take a Communist country like China," McKissick suggests. "In this country, we have done a fantastic job of keeping textile costs down, to be competitive with free countries. "With a state-controlled country, they can send gravel over to the United States and the rock quarries just can't compete with them, if they're just wanting to get U.S. dollars. Print cloth (which Alice makes) situation is a little better now with the unilateral action the U.S. government has taken against China. If we could just get reasonable controls from China and let them grow as our market grows, it would be just fine. That has been the position of the ATMI all along." McKissick says. Alice manufacturing's chief executive adds that China's recent "retaliation" in cotton, man-made fiber and soybean curbs from American exporters to China "actually wasn't any retaliation at all. In fact, on cotton, they (China) had a bumper crop this past year. In fact, they sold a million bales to Japan at under the world market price. On polyester fiber, they cut off American suppliers six or eight months ago because they're building their own polyester plants . . . You know, it's mighty easy for us to cut off something we're not getting anyhow. I mean, I can tell China that I'm not going to buy any more chopsticks from them, but I don't buy any chopsticks from them in the first place," McKissick laughs.

"Alice sighed wearily. 'I think you might do something better with the time,' she said, 'than wasting it in asking riddles that have no answers.'"

"We've spent a tremendous amount of money into getting in compliance with OSHA regulations," McKissick muses. "Now, all our plants are in compliance as a far as dust levels. I think sometimes OSHA went to extremes on those regulations. One of our fellows here said that he'd rather be a little hard of hearing than hungry. The air is, in fact, cleaner inside the plant than outside in Pickens County. If OSHA had regulations governing outside air, everyone in Columbia, South Carolina would have to wear a dust mask walking down the street."

"'Curiouser and curiouser,' cried Alice (she was so much surprised, that for the moment she quite forgot how to speak good English)."

Japan is definitely a surprising threat to the U.S. economy, McKissick feels, "In my opinion, what they've been doing is investing in other countries like Korea and China, to get goods from those countries and either fabricate them there or ship them straight into the United States. They also don't seem to be too interested in getting our goods shipped to Japan. They are absolutely still an enemy. They can do us more harm than China can. You know Japan has been dumping goods into this country. I think it's a one-way street as far as they're concerned. I doubt very seriously whether we can get fair trade with Japan. They have such a restrictive maze of barriers. They want all the marbles and they don't want you to have any. The United States has been to generous in giving our markets away to them. What they do in Japan would be illegal here, with the trading companies owning the banks and shipping and automotive companies. It's just difficult to compete with those things." They're doing now what they couldn't do during World War II.

"'If everybody minded their own business,' the Duchess said, in a hoarse growl, 'the world would go round a deal faster than it does.'"

Prospects are looking up for American textile machinery makers, McKissick says, who are minding their own business like never before. "There are signs that there is a recovery in American textile machinery. One of the greatest things to happen lately is when Hollingsworth bought back Platt from the British. They are developing a friction spinning device that is going to revolutionize the spinning and yarn manufacturing industry in this country. We're also hoping that the new Draper Company will be successful with their air jet loom conversion, and later with an air jet they build from the ground up. We'd like to see American machinery makers grow and prosper. Although many of the overseas machinery makers are becoming more American in their actions. Some of the larger companies like Sulzer are buildings plants in the United States, and they say they feel that the greatest potential for their machinery is here. I think if the dollar weakens a bit more against other currencies, you're going to see a real opportunity for American machinery people to export, despite the subsidizing the foreign firms get from their governments."

"They all crowded around it, panting and asking 'But who has won?' This question the Dodo could not answer without a great deal of thought . . . At last the Dodo said 'Everybody has won, and all must have prizes.'"

"I think the ATMI has done a fantastic job, for the industry, both internationally and domestically. I'm just thrilled to death with the work they've done. I think if they just do more of what they're doing now, it would be great. I believe Bill Klopman (ATMI president) has been great not only for ATMI, but I admire his entire philosophy of manufacturing. Despite what some say, I think Bill is a great communicator. He gets right to the point, with government officials, and there's no fence-straddling," McKissick said, adding he looks forward to greater things in 1983 from ATMI.

"'I don't think they play at all fairly,' Alice began, in a rather complaining tone. 'And they all quarrel so dreadfully one can't hear oneself speak—and they don't seem to have any rules in particular—at least, if there are, nobody attends to them.'"

"I think at times there are people in the press who have a negative view of the textile industry. They relate to the industry back to the Norma Rae days, It's most difficult for them to take an objective look. A lot of these people haven't had the chance to really go through a modern textile plant, and I think they should. I think the more they know about it, the more intelligently they can write about it," McKissick said in answer to a question about media treatment of textiles. "It's hard to convince the media on some points. Like on the China trade thing, they say the consumers were going to save so much money . . . in the dumping of Chinese print cloth, they were selling for about three cents a yard under the American market. We had to keep cutting our prices to the point where the mills couldn't make it for what they were selling if for. And China couldn't make it for that price, either. It would have made a difference in an average ladies' dress of nine cents. Now, for that nine cents, it is worth putting Americans out of work and letting them draw welfare and food stamps and stop paying county, state and federal taxes?"

"'Thinking again?' the Duchess asked, with another dig of her sharp little chin. 'I've got a right to think,' said Alice sharply, for she was beginning to feel a little worried."

"I think," McKissick told TE, "that some of the biggest importers into this country are the garment manfacturers themselves. The whole 809 thing (ATMI's short-lived Proposition 809) was to try at least to get American fabrics into some of these gar-

ments. One of the most encouraging things I've heard of lately has to do with the Arrow Shirt Company. They found it was going to be more economical, with their new automated plants, to start making their dress shirts in the United States. To my thinking, they are one of the very first companies to do this, and I'm sure other shirt companies are going to take a very close look at this. If you get shirts back, then undershorts and pajamas and everything else, that's when you get capital-intense in the garment industry."

"'I could tell you my adventures—beginning from this morning,' said Alice a little timidly, 'but it's no use going back to yesterday, because I was a different person then.'"

"I couldn't imagine being in a public company," McKissick says in talking about his philosophy. "They'd fire me first thing if we went public. Besides, we make plenty of mistakes, but it's a lot easier when nobody else knows about them," Ellison McKissick is all-American in his outlook, and doesn't pause to give the interviewer any doubts: "I think two of the greatest examples of free enterprise in the world are in the United States, and they're the textile industry and farmers. This is real free enterprise, when you look at the largest textile company in the country that controls just a small percentage of the total market, and a well-run small company can be competitive with the biggest companies in the business."

McKissick says he "may be foolish, but I'm just optimistic about America and the direction the country's going in. I think we're on the right track."

We cannot speak for the rest of us, Mr. McKissick, but you surely seem to be on the right track.

PIZZA HUT TAKES THE INITIATIVE

Mrs. KASSEBAUM. Mr. President, I want to take note of an event next week that demonstrates the confidence and entrepreneurial spirit that still exists among America business men and women.

On Monday, Pizza Hut, which is headquartered in Wichita, and in which I have some parochial pride, I must admit, will launch a major business expansion that is expected to create 20,000 new jobs.

Pizza Hut has invested $60 million in new equipment that will speed up its service and make it fully competitive with other fast food restaurants.

I am proud to see a Kansas corporation take this kind of initiative in expanding its own business and creating jobs without asking for additional Federal money. If more businesses followed this example, we would see a quick end of our economic recession.

I ask that a statement by Arthur G. Gunther, president and chief executive officer of Pizza Hut, Inc., be printed in the RECORD at this point:

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

WICHITA, KANS., March 24.—Pizza Hut, the nation's largest pizza restaurant chain, announced today that it is hiring more than 20,000 new employees to handle its expanded lunch business.

The company said the 20,000 new workers will be needed because sales are expected to increase dramatically when Pizza Hut introduces its new lunch pizza, Personal Pan Pizza, March 28. In test markets, Personal Pan Pizza increased lunch business dramatically.

"Our business growth will enable us to extend employment opportunities to people throughout the country," said Arthur G. Gunther, President and Chief Executive Officer of Pizza Hut, Inc., a unit of PepsiCo's Food Service Division. The Pizza Hut system currently employs 68,000 in its 3,839 U.S. restaurants. "We intend to maintain our excellent service standards as we increase our lunch business," Gunther added.

The 25-year-old company, headquartered in Wichita, expects each restaurant to hire an average of four to seven new employees to handle the expected increase in lunch business.

"Some markets have already introduced Personal Pan Pizza and the results are terrific."

Test market data show that people want pizza for lunch—if they can get it quickly. "On the average, people who eat out spend 30 minutes for lunch," Gunther explained. "This means they need their food fast. After two and a half years of research and testing, we're confident we can serve pizza quickly, without compromising quality or taste. Personal Pan Pizza is the right size and value and is served within five minutes after the order is placed."

The Pizza Hut system has invested more than $60 million for conveyorized ovens, dough handling and hold hot equipment for its restaurants.

JUDGE JOSEPH M. HOCKLANDER

Mr. HEFLIN. Mr. President, on Friday, March 18, 1983, Alabama lost a truly outstanding citizen when retired Mobile County Ciruit Judge Joseph M. Hocklander passed away. I lost one of my closest friends. Judge Hocklander had retired on December 1, 1981, shortly after he learned he had been stricken by lung cancer.

Joseph Monroe Hocklander was one of Alabama's most honored and respected jurists. During his 20 years as a judge, he won the admiration and respect of the attorneys, court personnel, and other judges with whom he worked.

There was no question that Judge Hocklander was a great legal scholar. He had a fine and keen analytical mind. He possessed a perceptive insight that was almost unbelieveable. His memory was superb, and his integrity beyond reproach. All these qualities, combined, made Joseph Hocklander an outstanding trial judge.

Judge Hocklander launched his public service career as city attorney for various municipalities in north Mobile County, Chickasaw, Satsuma and Mount Vernon. In 1958, he was elected to represent Mobile County in the Alabama House of Representatives, where he served with distinction.

In 1961, he was appointed to his position as circuit judge. In 1970, his colleagues on the bench chose Judge Hocklander to serve as presiding judge.

Shortly after being named to the bench, Hocklander won a well deserved reputation as a "nononsense judge." In a time of burgeoning and expanding caseloads, he was always careful to keep his backlog of criminal cases to a minimum. In fact, in 1973, he achieved a goal practically unheard of in the present day when he completely cleared his docket of all pending cases.

As presiding judge, Hocklander was charged with closely monitoring and supervising Alabama's second largest circuit, averaging over 1,500 civil and criminal cases annually. As a presiding judge he had no peer. Despite this time-consuming commitment, he still found time to serve as a member of the court of the judiciary, the State's judicial review body, and to hold numerous offices in professional organizations.

During my service as chief justice of the Alabama Supreme Court, I had the privilege of closely observing Joe Hocklander. I found him to be, without a doubt, a most effective administrator and one of the best judges I had ever observed.

Judge Hocklander was an early advocate of the unified court system, in Alabama, and his support and counsel proved instrumental in the final passage of Alabama's judicial article. During the hectic transition to the new judicial system my staff and I frequently called for his advice in solving many of the complex problems which developed as we refined Alabama's court system into a streamlined and successful one.

Two small honors given Judge Hocklander illustrate the esteem in which he was held by those who worked with him. First, in March 1982, when the Mobile County Bar Association opened its first permanent headquarters, it designated a "Judge Joseph M. Hocklander Room," and placed his portrait there. Also, on the day after his death, the formation of the Joseph M. Hocklander Legal Memorial Fund was announced.

Judge Hocklander will be sorely missed by all who knew him. Alabama has lost a great citizen. The law has lost a great servant. I have lost a close friend.

Mr. President, I ask unanimous consent that two newspaper articles concerning Judge Hocklander be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From Mobile Press Register, Mar. 19, 1983]

CIRCUIT JUDGE HOCKLANDER DIES FRIDAY

(By Anne Reeks)

Retired Mobile County Circuit Judge Joseph Monroe Hocklander, a leader among jurists during his 20 years on the bench,

died Friday afternoon at Mobile Infirmary after a long battle with lung cancer.

Hocklander was just five days from his 57th birthday and battled the disease since September 1981.

Circuit Judge Robert E. Hodnette, who succeeded Hocklander as presiding judge here, said, "He was a personal friend and associate on the bench for many years and he was a credit to the bench. He was a leader in reforming the judiciary of the state."

Hodnette noted that Hocklander was "highly respected among the bench and the bar" and he termed his passing "a great loss."

Circuit Judge Ferrill D. McRae, who had served on the bench with him since 1965, called Hocklander the "best judge Mobile County has ever had. I've lost my best friend, also."

McRae said he had visited Hocklander Friday afternoon an hour or so before his death.

Arrangements were incomplete Friday night and will be announced by Radney Funeral Home.

Hocklander is survived by his wife, Lucille Sullivan Hocklander; a son, Joseph M. Hocklander Jr.; and two daughters, Ashley Hocklander Johnston and Leann Hocklander.

Presiding judge of circuit court for the last 10 of his 20 years on the bench, Hocklander stepped down Dec. 1, 1981, in the middle of his fourth term, citing health reasons.

He remained active, however, retaining an office in the courthouse and trying cases occasionally.

Though he remained on the 13th Judicial Circuit throughout his judicial career, Hocklander was a contender for several higher appointments, including the Alabama Supreme Court post that went to Oscar W. Adams, Jr. in October 1980 and the Mobile federal judgeship President Reagan named Emmet R. Cox to in 1981.

Cox was sworn in a day after Hocklander was named.

A member of the Court of the Judiciary, the state's judicial review body, Hocklander held numerous offices in professional organizations, including a post on the executive committee of the National Conference of Trial Judges, in which he served on its Fair Trial and Free Press Committee.

He began his career as city attorney for various north Mobile municipalities—Chickasaw, Satsuma and Mount Vernon—and served a stint in the Alabama House of Representatives.

Hocklander was born in Tuscaloosa but his family moved to Mobile when he was 2, and he attended public schools, graduating from Murphy High School and serving in World War II as a corporal in the 82nd Airborne Division. He went to the University of Alabama, where he obtained the juris doctor degree.

Hocklander was viewed as a model jurist—always patient and circumspect but quick to cut through lawyers' rhetoric when it threatened to bog down the proceedings.

When Mobile County Circuit Judge Robert L. Byrd was being sworn in to serve out the remainder of Hocklander's term in December 1981, Justice Richard L. Holmes of the Alabama Court of Civil Appeals said, "The man he is succeeding, Joe Hocklander, is the finest circuit judge in this state, bar none."

On the day he announced his impending retirement, Hocklander said no one event stood out when he reviewed his career. Rather, he said, the experience was "a whole series of highlights."

"Every time I participated in a trial that brought a just result, I considered it a highlight," Hocklander said. He derived the "greatest feeling of accomplishment," he said, from cases in which the so-called "little guy" came before him confused and overwhelmed by the system and left his courtroom "feeling justice had been done."

In an interview in January 1982, a month after his retirement, Hocklander said he rated himself as a "good judge," but: "I wish I'd done a little better job, looking back over the years. I worked hard at it. I may have stayed five years too long. . . .

"They say, 'It's not how old you are, it's how much pressure you're taken that wears you out.' Oh yes, there's pressure every day here.

"You have the little guy who has his one day in court—probably the only time he'll ever be in court. And you try and give him the idea that he's getting a fair shake."

When the Mobile County Bar Association opened its first permanent headquarters in the historic LeVert Office in March 1982, it designated a "Judge Joseph M. Hocklander Room," placing a portrait of the retired judge there.

Hocklander, accepting the distinction, said, "All of us like to be remembered."

[From the Mobile Register, Mar. 22, 1983]

HOCKLANDER PROVIDED "OUR DAY IN COURT"

When retired Mobile Circuit Judge Joseph Monroe Hocklander died Friday afternoon after an 18-month battle with lung cancer, the judicial system of this entire country lost one of its most outstanding members. With the greatest of dignity and unbelieveable courage.

Although he won most of his admiration and respect from other judges, attoneys and court personnel with whom he worked for the past 20 years as judge, Hocklander's greatest legacy is one of dedication to the people served by the court. He did not take lightly our constitutional guarantees of a "day in court."

He once said in an interview: "You have the little guy who has his one day in court—probably the only time he'll ever be in court. And you try and give him the idea that he's getting a fair shake." And Hocklander confirmed that he derived the "greatest feeling of accomplishment" during his remarkable career from cases in which the so-called "little guy" came before him confused and overwhelmed by the system and left his courtroom "feeling justice had been done."

Tragically, justice was not done in the case of this outstanding individual.

He was stricken by terminal illness at an age when he should have been able to look forward to a lessening of the pressures which had been upon him as he fought to imporve the court system to make the courts ever more accessible to the average citizen.

Since the time in September, 1981, when the fatal illness was diagnosed, Hocklander was engaged in a personal fight which he uncomplainingly conducted without bitterness. He did not want sympathy; his example in itself produced universal admiration and respect.

His close friend and peer, Circuit Judge Ferrill D. McRae, called Hocklander the "best judge Mobile County has ever had."

And when Mobile Circuit Judge Robert L. Byrd was being sworn in to serve out the remainder of Hocklander's term in December 1981, Justice Richard L. Holmes of the Alabama Court of Civil Appeals said, "The man he is succeeding, Joe Hocklander, is the finest circuit judge in this state, bar none."

A fitting epitaph for a remarkable man.

[From the Mobile Press Register, Mar. 20, 1983]

JUDGE HOCKLANDER TO BE BURIED MONDAY MORNING

Services will be held Monday morning for retired Mobile County Circuit Court Judge Joseph M. Hocklander who died Friday afternoon after a lengthy bout with cancer.

Mobile County Circuit Court Judge Robert E. Hodnette, who successed Hocklander as presiding judge of the court here, announced Saturday, that all activity in Mobile County courts will be halted from 9:30 a.m. until noon Monday.

Hodnette said he has ordered all circuit court activity stopped as a tribute to Hocklander and to allow court personnel to attend the services for the highly respected jurist.

Also Saturday, it was announced that a Joseph M. Hocklander Legal Memorial Fund has been established. Contributions to the fund can be made to the Mobile County Circuit Court.

The Hocklander family will receive friends at Radney Funeral Home beginning at 5 p.m. Sunday. Services for the longtime jurist will be held at 10:30 a.m. Monday from St. Paul's Episcopal Church. Burial will follow at Spring HIll Cemetery.

Hocklander 56, retired from the Mobile County Circuit Court Dec. 1, 1981, just a few months after learning he had lung cancer. Hocklander was credited during his 20 years as a judge with initiating and developing numerous reforms in the state's judicial system.

His stamp is firmly planted on the Mobile Circuit. Quickly after his appointment to the bench in 1961, Hocklander won a reputation as a "no-nonsense" judge who carefully watched his caseload.

In 1973, he recorded a remarkable feat when he cleared his docket of all pending cases. Myrtle Trott, who spent 58 years in charge of the court's criminal division said, "That's the first time in my memory such a feat has been accomplished."

In addition to being extremely active in the legal community of Mobile, Hocklander had far-reaching involvement in civic and business affairs. He served as a member of the board of directors of several companies and as chairman of the board of Doctors Hospital.

Hocklander maintained an active interest in politics here and his guidance and counsel was often sought by elected officials and those hoping to gain election to public office.

REPRESENTATIVE ED ZSCHAU ADDRESSES THE FEDERAL ROLE IN THE HIGH TECHNOLOGY REVOLUTION

Mr. WILSON. Mr. President, I wish to bring the attention of my colleagues to remarks which I think particularly appropriate on a concern which many of them have recently with respect to America developing the full potential of our high technology.

Mr. President, some two months ago, I had my first opportunity to sit in the House Chamber during the joint session of Congress, assembled to hear President Reagan deliver his 1983 address on the state of the Union. The President first reviewed the problems that our country will face in the remaining years of the 20th century and proposed bold solutions for them. He then shifted his perspective on the future—from our concerns to our hopes.

The President invoked the spirit that carried forward our industrial revolution and made the United States, as he put it, "the industrial giant of the 20th century." He went on to say that a renewal of that spirit today is evident in the birth of our second industrial revolution, the high technology revolution. As a representative in Congress of the State from which this revolution is being lead, I was particularly gratified to hear the President express his commitment to it.

Also sitting at his first joint session of Congress was the Representative of the 12th Congressional District of my home State of California, ED ZSCHAU. Congressman ZSCHAU comes to Congress after spending the past 16 years as president and chief executive officer of a high technology company, System Industries. Having founded a company in the midst of Silicon Valley before the age of the pocket calculator and, indeed, before many people had ever heard of a thing called a computer, and having built his company into the largest independent producer of computer disk storage systems, Congressman ZSCHAU is, in my mind, the most able Member of Congress to assess the high-tech revolution and the need for innovative Federal programs designed to further it. Indeed, his Republican colleagues in the House, at the very start of the 98th Congress, chose him to chair a high technology task force within the House Republican Conference.

In order to bring to this body Congressman ZSCHAU's particularly well informed insights into this complex field, I ask unanimous consent to have printed in the RECORD an article he wrote for the San Jose Mercury News, which appeared this past January 30.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the San Jose Mercury News, Jan. 30, 1983]

THE REAGAN CONVERSION TO HIGH-TECH APOSTLE—ZSCHAU: VOWS OF LEADERSHIP EASIER SAID THAN CARRIED OUT

(By Edwin Zschau)

President Reagan in his State of the Union message last Tuesday presented a realistic assessment of our current economic status and indicated his desire to work with Congress to find practical programs, that would enable the United States to regain its economic strength.

Our economy is on the mend, but recovery can continue only if federal deficits are reduced substantially so interest rates can fall. The president's new willingness to consider decreases in the growth of defense spending, structural changes in the entitlement programs and tax increases, if necessary, indicates that he now sees deficit spending as a principal cause of our economic problems. Although there will be much debate over how to reduce the deficits, there is no longer any disagreement that they must be reduced.

Perhaps the most unexpected part of the speech was the president's glowing reference to high technology and its potential for the future. "This administration is committed to keeping America the technological leader of the world now and into the 21st century," the president announced. These were welcome words to those of us who have long felt that America's technological leadership is perhaps our most valuable national resource.

Over the past several years, a variety of studies have documented the importance of technological innovation on our economic growth, productivity, job opportunities, and trade competitiveness. A study by the Massachusetts Institute of Technology estimated that 80 percent of the growth in GNP of the United States between 1909 and 1949 was due to technical change. Further, a recent Brookings Institute study determined that more than one-half of the productivity increase in the United States between 1948 and 1969 were the direct result of technological innovation. In recent years, while the overall export performance of the United States has been mediocre, exports of research and development-intensive products have shown excellent growth. From 1960 to 1979, these industries increased their export surplus from $5.9 billion to $29.3 billion. During the same period the trade balance of industries without technological bases declined from near zero to a negative $16.5 billion. It's clear that our technological leadership in the past has enabled the United States to create many new jobs to employ our growing work force.

The President's commitment to spur technology may have come in the nick of time. Despite its importance to our economy, U.S. technological leadership has eroded in recent years. It hasn't been squandered like some other resources through overuse and waste. It's been frittered away through neglect.

Over the past 20 years, research-and-development expenditures as a percent of the gross national product have declined in the United States. During the same period our two most aggressive trading partners—Japan and West Germany—were increasing these expenditures.

So it's no surprise that our leadership in technical contributions has fallen as well. In the 1950s the United States was credited with 80 percent of the major inventions made during that period. During the 1970s, our share of major inventions dropped to 60 percent. In addition, from 1974 to 1979, the U.S. patents granted to U.S. citizens rather than to foreign inventors dropped from 88 percent to 62 percent.

Although the president's recent discovery of the importance of high technology was important and most welcome, he may not fully appreciate the implications of his commitment to keep America the world's technological leader. Changes in our rate of technological innovation will come slowly. Innovation can't be forced, it can only be fostered. It is fostered by creating an environment that emphasizes freedom of scientific and industrial activities and that offers incentives to the innovators, entrepreneurs and investors who have the talent and resources to advance technology. It is fostered by a strong base of fundamental technology and by a population that is well educated in science and its application.

Maintaining our place in technological leadership is easier said than done. Basic federal policies would include:

Increasing federal funding of basic research carried out in universities. Such research provides the foundation on which high-technology enterprises and new products will be based.

Changing our antitrust laws to permit the establishment of multicorporation research, joint ventures which will enable U.S. companies to pool their resources and thereby compete more effectively against the consortia that have already been established in foreign countries.

Adopting a technology-oriented tax policy including lower capital gains taxes, the extension and improvement of research-and-development tax credits, and improved tax treatment of stock options to encourage risk-taking by entrepreneurs. innovators, and investors.

Ensuring an adequate supply of trained technical people. The future demand for engineers and technicians is predicted to far outstrip the supply. The shortage can only be solved with more money. We need tax incentives for private contributions to college and universities to fund teaching in addition to research. We need federal grants, perhaps on a matching basis, for increasing engineering department capacities.

Establishing an aggressive trade policy aimed at achieving free but fair trade and tax incentives that encourage exports and foreign operations.

But above all, we need a healthy economic climate, free of inflation and high interest rates. This means that the substantial projected budget deficits for the next several years must be reduced significantly in order to remove the upward pressure on interest rates and inflation.

For the past two decades the Santa Clara Valley has been a living example of what high technology can do to create jobs and opportunities. Now our secret is out. The potential of high technology has been discovered by our nation's leaders. More importantly, the challenge of maintaining our technological leadership has been identified. As a nation, we must act to meet that challenge. It requires far more than anyone appreciates, but if we're successful, we will have preserved our most valuable national resource and created the foundation for long-term economic growth. However, as we proceed we must make sure that our enthusiasm for the new and exciting does not cause us to forget the needs and opportunities of our basic industries or to inadvertently destroy the environment of freedom and incentives so critical to innovation.

RESEARCH AND DEVELOPMENT

Mr. WARNER. Mr. President, last night President Reagan, in a nationally televised address, announced a comprehensive and intensive effort to define a long-term research and development program to begin to achieve our ultimate goal of eliminating the

threat posed by strategic nuclear missiles.

This program, which will challenge the scientific community in America, would capitalize on our technological capacity to develop a means by which we could intercept and destroy strategic ballistic missiles before they reach our own soil or that of our allies.

Mr. President, the Senate has been taking over the past 3 years an increased interest in this area.

I note the chair in the Senate today is occupied by the distinguished Senator from Wyoming (Mr. WALLOP), and on a number of occasions Mr. WALLOP has worked with me and other members of the Armed Services Committee of the Senate both in committee and in the Chamber because of his interest in this area.

The comments of the President coincided yesterday with a hearing that I chaired as chairman of the Subcommittee on Strategic and Theater Nuclear Forces of the Armed Services Committee on strategic defense as a part of the review of the Department of Defense authorization bill. Mr. John Gardner, Director of Defensive Systems, Office of the Under Secretary of Defense—Research and Engineering—furnished an overview of the initiatives currently programed for enhancing America's strategic defense capabilities. His testimony was complemented by that of Maj. Gen. Grayson Tate, program manager for the ballistic missile defense program; Maj. Gen. Donald Lamberson, director of directed energy program coordination; and Maj. Gen. Bruce Brown, Vice Commander-in-Chief of the North American Aerospace Defense Command.

Obviously, much of the testimony on this subject is classified and therefore not available to the general public.

I think it is very important and timely that we put in the RECORD today as much material as we can, declassified and otherwise, obtained on this important subject.

Mr. President, later today I will submit a more complete statement for the RECORD.

THE RECOMMENDATION TO ELIMINATE THE VETERANS' ADMINISTRATION

Mr. EXON. Mr. President, this morning's Washington Post newspaper contained an article which disturbed me greatly. It was entitled, "Cost Task Force Urging Elimination of VA." At this time, I ask unanimous consent that the entire article be printed immediately following the completion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. EXON. Mr. President, I believe that we must immediately oppose any such proposal to eliminate the Veterans' Administration. I realize that this recommendation is in an early stage and is in the form of a draft report to the President by his private sector survey on cost control. It is not yet official Reagan administration policy. However, this is not the first time we have heard of such a proposal. I might also add that this private sector cost control group has made other recommendations to the President which eventually have become official administration policy. This idea needs to be killed before it gathers any momentum at all.

Under this draft recommendation, the VA would be abolished and its functions distributed to the Defense Department, the Social Security Administration, the Department of Housing and Urban Development, the Education Department, and the private sector.

Mr. President, the VA was established in 1930 for a very sound reason—to insure that our veterans programs receive the attention they deserve and to provide our veterans with a focal point in dealing with their Government.

Our veterans programs are not simply just another social program. This Nation has a debt and moral obligation to those who have served and their families. Hundreds of thousands of our citizens have died in defense of the United States. That number and more have been disabled as a result of their service. We simply cannot and should not turn our backs on those who have sacrificed to keep us free. To even seriously consider a step such as dismantling the VA, in my view, shows a lack of judgment and understanding about the functions of Government.

I want to put the Reagan administration on notice that this Senator will oppose any such move. I believe that my judgment is shared by an overwhelming majority of my colleagues in both House of Congress on both sides to the aisle. Further work on developing this proposal should cease immediately.

The President's private sector survey on cost control should either begin working on something useful or consider disbanding.

[EXHIBIT 1]

[From the Washington Post, Mar. 24, 1983]

COST TASK FORCE URGING ELIMINATION OF VA

(By Pete Earley)

A task force of the President's Private Sector Survey on Cost Control has recommended that "serious consideration" be given to eliminating the Veterans Administration and transferring its functions to other agencies, according to a six-page "working draft report" obtained this week by a subcommittee of the House Veterans' Affairs Committee.

The report, addressed to J. Peter Grace, head of the advisory panel and chairman of W. R. Grace & Co., said the government, "particularly in the absence of future wars," could divide all of the VA's programs except its hospitals among the Departments of Defense, Education, Housing and Urban Development and the Social Security Administration.

The nation's two largest veterans' groups immediately criticized the report, which was made public by Rep. Douglas Applegate (D-Ohio), chairman of the subcommittee on veterans' compensation, pension and insurance.

Meanwhile, Murray Sanders, a spokesman for the advisory panel, played down the significance of the report, calling it "an early draft paper." Anyone drawing conclusions from it might be making "assumptions that are not valid," Sanders said, "because it may well be heavily adjusted on route" to the executive committee of the panel.

VA Administrator Harry N. Walters also tried to quiet the fears of veterans' groups by saying "A draft report from a voluntary group is no basis for speculating that serious consideration would be given to eliminating the VA."

President Reagan created the Grace committee last June as part of a pledge to bring businesslike management to the federal government. It includes 150 executives from some of the nation's largest corporations and financial institutions. The committee, in turn, supervises the activities of more than a thousand private businessmen in "task forces" assigned to look into the activities of specific agencies.

Democratic members of Congress said the draft report on the Veterans Administration proved that the private-sector committee has overstepped its role as a management efficiency advisor and is delving into policy matters.

The VA report was written by William C. Douce of Phillips Petroleum Co., Hans W. Wanders of Wachovia Bank and Trust Co. and William L. Wearly of Ingersol-Rand Co.

The report's authors suggested that the Defense Department take over the VA's compensation program, that the Social Security Administration take over its pension and burial programs, that HUD take over its loan guarantees and that the Education Department take over all VA education programs. Responsibility for the VA's insurance programs, budgeted at $6.7 billion in fiscal 1983, should be turned over to private firms, they said.

The report said, "In line with the general theme of the president and the commission, we started conceptually with the premise that the VA could be disbanded."

But the authors said they had not tried to determine if such a breadup was feasible or advisable.

The VA's extensive hospital network is being examined by a separate task force. Its report has not been made public, but a copy was obtained by Rep. Robert W. Edgar (D-Penn.), who chairs a Veterans' subcommittee on VA hospitals.

A spokesman for Edgar said that report recommends consolidating the VA's 172 hospitals, where possible, with Defense Department hospitals. When that is not possible, they could be turned over to communities.

"The decision was made in 1930, when Herbert Hoover was in the White House, that veterans' programs should be pulled together so . . . veterans could receive one-stop service," said Robert Lyngh of the American Legion. "I can't see offhand why anyone would want to transfer the VA programs to already bloated agencies such as DOD and Social Security."

Among the task force's other recommendations were a reduction in the VA's field staff and using private debt collectors to recoup bad debts.

The Grace committee will hold six public meetings, beginning April 15, to consider reports from its various task forces before making a final recommendation to Reagan, Saunders said. He said leaks of draft reports were undermining the process.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The distinguished minority leader is recognized.

Mr. BYRD. I thank the Chair.

ORDER OF BUSINESS

Mr. BYRD. Mr. President, I have made 55 previous speeches on the subject of "The United States Senate," going back to March 21, 1980, and will now continue, this being part 2 of "The Senate During the Civil War."

THE UNITED STATES SENATE

THE SENATE DURING THE CIVIL WAR, 1859-1865 (Part II)

Mr. BYRD. Mr. President, in continuing my remarks on the Civil War Senate, I would like to focus attention on one of the most remarkable and productive congressional sessions in history—the first session of the 37th Congress. Meeting in the brief period between July 5 and August 6, 1861, members of that session passed sixty-seven public laws, all related to the military emergency, under the most trying circumstances. The atmosphere in which that Congress met was hardly conducive to reasoned debate and thougtful legislation, yet members certainly rose to the occasion. Through the open windows, senators could hear the commands of officers and the footsteps of marching soldiers as a hundred thousand troops streamed into the beleaguered city. The glint of sunlight on a hundred score gun barrels and a profusion of colorful uniforms certainly must have served as a great distraction.[1]

After the fall of Fort Sumter in mid-April of 1861, President Lincoln decided to delay calling Congress into session. He believed that Congress would only complicate and frustrate the unilateral actions he considered necessary to meet the immediate crisis. In swift succession, he called for 75,000 volunteers, expanded the regular army, declared a blockade of southern ports, and suspended the writ of *habeas corpus* in certain locations.

Lincoln knew that he could summon congressional leaders individually for advice, and he did so without hesitation. Furthermore, the president delayed his call to Congress as he could not be sure that Washington would be a safe meeting place for its members. Only the Potomac River separated the Union Capitol from the Confederacy. Lincoln feared that Confederate forces might sweep through the isolated capital city much as the British had nearly a half century earlier.[2]

Lincoln's selection of the 85th anniversary of American independence as the initial date for the new congressional session was hardly a coincidence. As well as a day of great patriotic significance to members of Congress, the Fourth of July has traditionally been a festive time in Washington and 1861 proved to be no exception. Although rebel forces surrounded the city and their spies and sympathizers freely circulated within, Washingtonians made the most of their holiday. The day began with a grand parade of 20,000 militiamen, mostly New York state volunteers. As their units swept down a steaming Pennsylvania Avenue, members of Congress took pride in the assembled military force and the fact that most of the marching men were volunteers in the grand tradition of Lexington and Concord. Yet that pride had to be tempered with the stark realization that these troops were under obligation to the government for only three months. Within a few weeks, enlistments would expire. Further, beneath the panoply of colorful uniforms and blaring bands was the reality of a military force that was ill-trained, poorly equipped, and badly led by officers who owed their posts to political influence.

Even more depressing to the men who assembled in the Senate and House chambers on that festive holiday was the nation's sorry financial situation. The Treasury was nearly empty. At the beginning of the previous congressional session, there had not even been sufficient funds to pay members of Congress. Revenues were inadequate for a peacetime economy and the necessities of war threatened the country's financial system with collapse.[3]

The Senate met only briefly on the Fourth of July. Its ranks depleted by southern defection, the body's 40 remaining members welcomed two senators from the new state of Kansas, as well as one from California and, sadly, a replacement for Stephen Douglas of Illinois. Scarcely a month earlier, the 48-year-old Democratic leader had died of "acute rhematism," depriving the Senate's Democrats of an outstanding leader. The following day was set for the reading of the president's emergency message to Congress.

Before discussing the issues that awaited the Senate of the 37th Congress, I shall mention the Senate's composition and principal leaders. As I have previously noted, Republicans controlled the chamber by a margin of more than two to one. Most of the Democratic party's rising leaders in the Senate on the eve of the Civil War had been men of the South. The departure of Mississippi's Jefferson Davis, and of Virginia's Howell Cobb and Robert M. T. Hunter had deprived the party of its younger and more promising talent. With Douglas gone and Kentucky's John Breckinridge so strongly allied to the southern cause as to make his expulsion a virtual certainty, the Democrats simply drifted, hoping that the recent 1860 elections would prove to be but "a temporary derangement from the normal and natural Democratic national majority." Unfortunately for the Senate's Democrats, that "temporary derangement" lasted longer than they feared. Not until 1879 would that party resume control of the Senate, and then only briefly.[4]

The impact of Republican control was reflected in the way that committee assignments were made. Since 1840s, the majority had arranged the division of committee seats, allowing the minority to name its members to the available vacancies. In 1861, the new Republican majority withdrew that courtesy and took the liberty of arbitrarily designating Democratic members for vacant seats. Furthermore, Democrats were permitted only two seats on seven-member committees and but a single seat on the five and three-member panels.[5]

I suppose they should not have expected more than one seat on a three-member panel.

Within the Senate's Republican majority, control rested overwhelmingly with its New England members. Overnight, the Senate had been transformed into a truly sectional body. New Englanders chaired half of the Senate's twenty-two standing and joint committees. This gave New Englanders control of the principal war-related committees, including Military Affairs, Naval Affairs, Finance, and Foreign Relations. Even the crucial Judiciary Committee fell under the domination of Connecticut-born Lyman Trumbull of Illinois.[6]

As was customary in the days before the election of specifically designated floor leaders, the Senate of the 37th Congress drew its leadership from chairmen of these and other major committees. Foremost among those leaders was Charles Sumner of Massachusetts, the newly designated chairman of the Foreign Relations Committee. I have spoken often of Sumner in

Footnotes at end of article.

this series. He was a fascinating figure whom one observer has labeled "polished, arrogant, oracular, vain, and totally devoid of a sense of humor." [7]

That last phrase sounds like an often-read description in the press of Senator ROBERT C. BYRD of West Virginia; "no sense of humor," "dour." They simply have not seen me unwind my fiddle.

After ten years in the minority, Sumner relished his new status as chairman of the Foreign Relations Committee with its guarantee of immediate access to the president and oversight of activities within the Departments of State and War. Initially, as chairman, Sumner tried to moderate his earlier stridency on the subject of abolition of slavery and sought to get along with his committee's more conservative members. Sumner, in 1861, seemed to be observing Senator Jacob Collamer's admonition regarding responsibilities of majority parties, that "whenever a party is the dominant party, and in the possession of power, it may require a very different measure of duty from each individual that composes that party from what it would when they were in the minority." [8]

What a profound observation. That would be equally true today.

Sumner conducted committee meetings with dignity and went so far as to order removal of the committee's liquor cabinet and ever-present box of malodorous black cigars.

I would say that Sumner and I would have disagreed on the removal of the black cigars.

Early in the Lincoln administration, the president found himself drawn to Sumner for counsel on foreign policy matters in preference to his own secretary of state, William Henry Seward. By the end of 1861, Sumner had, in effect, established his own little State Department on Capitol Hill.[9]

Sumner's Massachusetts colleague, Henry Wilson, moved into the chairmanship of the vital Committee on Military Affairs in 1861. Known as the "Natick Cobbler," a throwback to his pre-Senate vocation, Wilson lacked Sumner's polish and formal education, but he quickly earned a reputation as a tireless and constructive legislator. Born to an improverished New Hampshire farm family, Wilson was given the name Jeremiah Jones Colbath, after a rich bachelor neighbor in the vain hope of an inheritance if Mr. Jones died without heirs. At age ten, Jeremiah was bound out to a nearby farmer who agreed to feed and educate him in return for the lad's labor until his twenty-first year. During his indenture, Jeremiah read avidly, "inwardly digesting" nearly one thousand volumes including the best in American history and biography. When he turned twenty-one, he received his liberty along with six sheep and a yoke of oxen. Wishing to dissociate himself from his difficult early years, the young man celebrated his majority by changing his name to Henry Wilson. After serving as senator, he became vice president under President Grant and, as I have mentioned earlier, he died in the Vice President's Room outside this chamber in November 1875.[10]

During the 1861 session, Wilson made major contributions to the development of American military forces. General-in-Chief of the Army Winfield Scott declared that, in that brief session of Congress, Wilson had done more constructive work "than all the chairmen of the military committees had done for the last twenty years." Wilson grew impatient with his colleagues who questioned his judgment on military matters. At one point, his frustration with their slow pace in the face of military necessity erupted as he complained that if he introduced the Lord's Prayer, senators would attempt to amend it.[11]

Elsewhere in New England, the state of Maine provided the chairman of the Finance Committee. Senator William Pitt Fessenden has been described by historian Allan Bogue as follows: "His level gaze, high-bridged nose, and firm lips and chin identified a man who would be intimidated by none; although known as a genial friend and a speaker who on occasion enlivened the chamber with humorous sallies, he was also capable of devastating sarcasm and a remorseless recall and logic that left colleagues rash enough to question either his motives or his acts, licking their wounds in frustrated fury." Widely considered the Republican party's principal floor leader, Fessenden revered the Senate's precedents and deplored the efforts of Sumner and others to circumvent them through appeals to action based on the more abstract authorities of "Truth, Justice, and Liberty." [12] Fessenden was an able debater, speaking in a quiet manner with a magnificent command of simple English. A friend once told him that his only weakness in debate was that he illustrated his points too exhaustively. Fessenden responded, "That fault I acquired in addressing juries where I always tried to adapt my argument to the understanding of the dullest man of the twelve." [13]

Fessenden patiently and constructively shaped legislation to increase tariffs, institute personal income taxes, and expand federal borrowing to meet the war's insatiable demands for revenue. He also oversaw the appropriations process in those days before creation of a separate appropriations committee. During the July 1861 session, Fessenden reflected the pervasive war-induced tension and frustration within the Senate by observing, "When a man feels as if he could cut everybody's throat and that everybody could cut his, he is in pretty bad condition. The truth is," continued the Maine senator, "that no man can be found who is equal to this crisis in any branch of the government." [14]

Another New England chairman of consequence was Vermont's Jacob Collamer. At age seventy, he was the Senate's oldest member in 1861, and he served as principal spokesman for the body's Republican conservatives. As chairman of the Committee on Post Offices and Post Roads and, incidentally, the Senate Democratic leader's office today is a former office of the Committee on Post Offices and Post Roads. It has been painted over, but if you look over the door it can still be discerned—Collamer had great patronage resources, but his Senate influence came largely through his exhaustive attention to countless legislative details, his abundant good judgment, and his calm determination in the face of crisis. Considered the best lawyer in the Senate, he supported his arguments with detailed legal citations and carefully reasoned analyses. Lacking oratorical power, the gentle Collamer was listened to in the Senate, as one colleague noted, "with profound attention as one who never offered counsel that was not needed." [15]

Vermont's other senator was Solomon Foot, who served as president pro tempore in the vice president's absence from early 1861 until April 1864. Distinguished by this white hair, massive head, and pleasant smile, Foot was regarded as the "most senatorial of senators." He presided with fairness that endeared him to all factions within the Senate.[16]

Turning from New England to the midwest, I shall mention four other key senators who guided major Senate committees during the war years. Even among this group, the New England influence abided, as three of them were raised in the region. From Ohio came two of the Senate's most notable Civil War era members—John Sherman and Benjamin Franklin Wade.

John Sherman was only thirty-eight when he began his thirty-two-year Senate career in the July 1861 session. As I have already noted Sherman had risen to prominence in the House where border-state animosity had blocked his nearly successful bid for the speakership in 1859. There he had become an expert in public finance, serving two years as chairman of the Committee on Ways and Means. Tall and scholarly, Sherman impressed other senators with the "quiet elegance of his manners." He hoped, on arriving in the Senate, that he would have the leisure to study and analyze legislation. Although that wish went unfulfilled, Sherman became a leader within the Senate Finance Committee, second only to Chairman Fessenden,

and he contributed greatly to shaping wartime financial legislation.[17]

Ben Wade, along with Solomon Foot and Charles Sumner, had the distinction of having the longest continuous service among the Senate's Republicans in 1861. Considered the leader of his party's radical faction—I wonder who that would be today—Wade had been characterized as "a man of uncommon downrightness." There was, one observer recalled, "even a sort of fascination about his profanity." A newspaper correspondent once described him as customarily thundering into the Senate chamber as "grim as a bear in ill health." [18] A staunch foe of slavery since his arrival in the Senate a decade earlier, Wade along with Senators Sumner and Michigan's Zachariah Chandler held fast against compromise with southern Democrats throughout the 1850s.

The depth of Wade's feeling became apparent in 1858 when Senators James Green of Missouri and Simon Cameron of Pennsylvania traded insults on the Senate floor. When Green threatened to settle the matter by force, Cameron sought the counsel of Wade and Chandler. The latter two decided the time had come to put an end to such threats of violence. Together they prepared a secret written compact in which they agreed to "resent any repetition of this conduct by challenge to fight, and then to carry the quarrel into the coffin." [19] Fortunately, Wade and Chandler never had an occasion to carry out the terms of that deadly pact. By 1861, from his platform as chairman of the Senate Committee on Territories and the Joint Committee on the Conduct of the War, Wade had become one of the most belligerent men in the Congress, demanding swift and decisive military action from the president and his generals.

Wade's ally, Zach Chandler of Michigan, served as chairman of the Commerce Committee with its powerful jurisdiction over river and harbor appropriations. Lincoln's biographer Stephen Oates describes Chandler as a "restless, rawboned New Englander who'd migrated west to make money and history (who was) smooth-shaven and wore an eternally grim expression"—it sound like Robert C. Byrd again—with his mouth turned down at the corners." [20] A millionaire merchant, Chandler had been one of the original founders of the Republican party and was considered more influential in its councils than he was on the Senate floor. A natural leader, Chandler possessed supreme self-confidence and was absolutely fearless. Frequently violent and intemperate in debate, Chandler worked against compromise as war neared and calmly welcomed its onset observing that, "Without a little blood-letting, this Union will not be worth a rush." [21] I shall have more to say of Chandler and Wade shortly.

Lyman Trumbull of Illinois chaired the Judiciary Committee at a time of profound testing for the Constitution. Noted for this stern and unbending legalism, and his respect for the prerogatives of the legislative and executive branches, Trumbull stoutly opposed Lincoln's extraordinary arrogation of power prior to the July 1861 session.

He declared, "I am disposed to give the necessary power to the administration to suppress this rebellion, but I am not disposed to say that the administration has unlimited power and can do what it pleases after Congress meets."[22] Trumbull's deceptively mild and frail appearance belied his strong political conscience and his resourcefulness in committee and on the Senate floor. A former Democrat—which may have shown some weakness—Trumbull exercised moderation on every significant issue except secession. When confronted with the South's attempt to destroy the Union, the Illinois senator was uncompromising in his demand that Lincoln move swiftly to bring the rebellious states to their knees.[23]

When the Senate convened on July 5, 1861, Trumbull was pleased with the tone and scope of Lincoln's emergency message. Speaking as one aware that he would be judged by the public opinion of the world as well as of the nation, the president displayed calm and moderation in his appeal to Congress. Appealing to reason, rather than passion, he coolly recounted the calamitous events since the time of his election and his response to them. Then, Lincoln put forth the central issue—the future of constitutional government and "the fate of these United States." Said the president:

> It presents the whole family of man the question, whether a constitutional republic, or democracy—a Government of the people by the same people—can or cannot maintain its territorial integrity against its own domestic foes. It presents the question, whether discontented individuals, too few in numbers to control administration, according to organic law, in any case, can always, upon the pretenses made in this case, or on any other pretenses, or arbitrarily, without any pretense, break up their Government, and thus practically put an end to free government upon the earth. It forces us to ask: "Is there, in all republics, this inherent and fatal weakness?" "Must a Government, of necessity, be too *strong* for the liberties of its own people, or too *weak* to maintain its own existence?"
>
> So viewing the issue, no choice was left but to call out the war power of the Government; and so to resist force employed for its destruction, by force for its preservation.[24]

Then Mr. Lincoln asked Congress for the only two elements necessary rapidly to prosecute the war—money and men. When reprinted in newspapers across the nation, his message renewed the Union's wartime fervor as had no event since the fall of Fort Sumter. Members of the Senate moved quickly to grant the chief executive's request, immediately introducing legislation providing for 400,000 men and $400 million. Over the course of the thirty-day session, both chambers cleared measures to reorganize the army, enlarge the navy, and develop massive new sources of revenue. In the latter category, Congress enacted the nation's first personal income tax, a measure that applied a three percent tax against all annual incomes greater than $800. Tariffs were added to imports that had previously been duty free and new taxes were applied to the sale of distilled spirits, beer, ale, wine, and tobacco.[25]

It is indeed a moving experience to read through the collected statutes of that short session. Plainly evident within the seventy-two printed pages that contain the session's legislative product is the struggle of a Congress seeking to meet the emergency needs of a nation totally unprepared for war. The earlier statutes in these pages address the needs of organization and preparation. Funds are appropriated to pay militia and volunteers, to buy books on tactics for novice soldiers and their equally ill-prepared officers. There are measures funding the purchase of horses and surgical supplies. Provision is made to allow female nurses to replace soldiers "when it is expedient to do so" at a compensation of forty cents per day. Throughout that statute book, one finds appropriations for regimental bands. There are even funds to compensate the band stationed at Fort Sumter for the loss of its instruments as a result of the hasty withdrawal from that garrison.[26]

Following the first major engagement of the war, the tone of the statutes becomes more desperate with provisions for allowances to widows and children coming three days after the Battle of Bull Run. We also find procedures for courts-martial and penalties for disobedience of presidential orders. There are even funds for special security lighting arrangements for the Capitol and White House.

Midway through this flurry of legislative activity, on July 21, 1861, Union forces suffered a disastrous defeat in the Virginia countryside not far from Washington. As I have just suggested, the outcome of that engagement at Bull Run quickened Congress' pace and altered its view of the measures required for a successful outcome. One observer concluded that "for the first time people began to realize that we were to have war with bloody fighting and much suffering, with limitless destruction of property, with costly sacrifice of life. The young men who had enlisted for a summer excursion suddenly found that they were engaged in a bloody war in which comrades and

friends had been slain by their side, and in which they saw nothing before them but privation, peril, loss of health, and possibly loss of live."[27]

The Battle of Bull Run was not supposed to have ended so disastrously. Word of the impending battle reached the capital on Saturday, July 20. The Senate was in session that day and many members fought to obtain passes across the Potomac for access to the Virginia countryside. Demand for picnic lunches exceeded the ability of local chefs to prepare them. Churchgoers decided that they could risk missing one Sunday's attendance to be present at what they presumed would be the war's first and last engagement. By late Saturday, it was impossible to find a carriage for hire, even at scalpers' prices.

Historian Margaret Leech, in her enjoyable book *Reveille in Washington*, beautifully describes the start of that fateful Sunday:

In the tranquil loveliness of the summer morning, the army of the sight-seers crossed the silver Potomac, and drove through the wooded hills, the deserted farms and the ripening cornfields of the Virginia countryside. The gentlemen were dressed in thin summer clothing. They carried spyglasses, rifles and revolvers. In their comfortable carriages, they had stowed rich lunches, bottles of wine and flasks of Monongahela and bourbon. There were a few adventurous ladies among them. Negroes looked from the doors of their cabins, as they jolted over the road plowed up by artillery and army wagons. The muffled pounding of artillery began to be heard in the distance, growing heavier and louder as the carriages rolled toward Fairfax.[28]

Among those festive travelers were Senators Ben Wade and Zach Chandler. Armed with Maynard rifles and Navy revolvers, the two members hired a carriage and, in the company of the Senate Sergeant-at-arms, George Brown, rode off to view the battle.

Although outnumbered by Union troops, Confederate forces had the advantage of early warning thanks to their effective spy network close to the highest councils of government. Additionally, they were able to fight from a stationary position, while Union forces had to advance over unfamiliar terrain against force of unknown size. During the march, northern troops became badly disorganized and their officers, generally inferior to those leading southern forces, were unable to bring them back to order. The result, as I have indicated, was devastating defeat for the North.

Historian Allan Nevins has painted a vivid picture of the rampage that occurred between the battlefield at Manassas and the safety of Alexandria. He wrote:

The fields were dotted with fugitives, mounted officers outstripping privates afoot. Down the Centreville highway poured a river of wagons, ambulances, soldiers belaboring mules, and dirty, disheveled troops. Every vehicle was jammed with men, who threw out even ammunition to make room. The ground was covered with provisions, overcoats, knapsacks, blankets, muskets, canteens, and cartridge boxes. Drivers whipped their teams; reeling soldiers clung to stirrups and wagon gates; and at every interruption of traffic masses of troops yelled frantically with rage: "The cavalry is on us! Get along, get along!" Over the crossroads rose columns of dust, for here, too, masses of troops were fleeing as from some unknown terror. As the flight roared northward, its noise like that of a great river, more amd more men fell out from exhaustion. At Centreville some fresh reserve regiments formed line on a good defensive slope, and the fleeing forces might well have considered themselves safe. But when a neighboring battery opened fire, the thud and flash precipitated a fresh panic.[29]

Senators Wade and Chandler encountered this fleeing multitude. Furious at such display of cowardice, Senator Wade determined to stop the retreat at all costs. Quickly, he drew his carriage across the escape route at a point where alternate passage was impossible. There the sixty-year-old senator staged his bold stand against the raging onslaught of panic-stricken federal forces. For a few grim minutes, he held off the multitude. Finally, reinforcements arrived to relieve him of his hopeless mission. Then, the senators angrily turned their carriage back to Washington and headed directly for the White House.[30]

As the dust of retreat settled along the highways from Virginia, senators reflected on the new seriousness of the war situation. In action taken before Bull Run, the Senate had approved a resolution offered by Tennessee's Andrew Johnson declaring that the principal objective of military action was simply to restore the Union without tampering with state institutions. Among these "institutions" was slavery, which the Constitution protected within the existing states. When the Senate met on the day following the battle, the mood had changed dramatically. Members realized that the war would not soon be over and many believed an expansion of objectives was necessary. As one observer put it, "if national government did not interfere with slavery, slavry would seriously interfere with the national government."[31]

(At this point Mr. WALLOP assumed the chair.)

Mr. BYRD. Mr. President, the Senate's frustration became apparent as members took up a pending measure providing for confiscation of "property used for insurrectionary purposes." Judiciary Committee chairman Lyman Trumbull immediately proposed an amendment to include "persons" as well as property in cases where those persons happened to be slaves used to aid insurrection or to otherwise help the South's cause. At Bull Run the Confederates had used slaves by the thousands to build earthworks, to drive teams, to do the cooking, and to undertake many other forms of camp drudgery.[32]

Military Affairs Committee chairman Henry Wilson, who had been among those senators to witness Sunday's disaster spoke eloquently in support of the amended measure. He said:

The idea that men who are in arms destroying their country shall be permitted to use others for that purpose, and that we shall stand by and issue orders to our commanders, that we should disgrace our cause and our country, by returning such men to their traitorous masters, ought not longer to be entertained. The time has come for that to cease; and, by the blessing of God, as far as I am concerned, I mean it shall cease. If there is anybody in this Chamber that chooses to take the other path, let him do it; let him know what our purpose is. Our purpose is to save this Government and save this country, and to put down treason; and if traitors use bondsmen to destroy this country, my doctrine is that the Government shall at once convert those bondsmen into men that cannot be used to destroy our country.[33]

In opposition, border-state and midwestern Democrats complained that the confiscation act was a thinly-disguised emancipation act, but its supporters successfully responded that the measure's only purpose was to weaken Confederate military forces to end the war rapidly. From that point on, the war was to be prosecuted with severe military means and those in rebellion could expect no protection under the Constitution. Of greatest significance, however, the confiscation act, as passed, provided the first means since the beginning of our republic by which a slave could obtain his freedom. It was a small but auspicious beginning on a long and tortuous road out of bondage.[34]

A demonstration of increased senatorial resolve to move ahead swiftly with the war occurred in this chamber shortly after the Bull Run fiasco. It involved a confrontation between Kentucky Senator Breckinridge and Oregon Senator Edward Dickinson Baker. For weeks Breckinridge had continued his vituperative attacks on the North and the Lincoln administration, charging that their response to southern secession would forever doom the operation of constitutional government. Finally, the Republicans had had enough of the Kentucky Democrat's harassment. Into this highly charged climate stepped Baker of Oregon.

Edward Dickinson Baker had come to the Senate from Oregon less than a year earlier. Born in England, he had moved to the United States in 1815. By the mid-1830s he had become a successful lawyer in Springfield, Illinois, earning a reputation on a par with such other Illinois lawyers as Lincoln, Stephen Douglas, and Lyman Trumbull. He defeated Lincoln for a term in the House in the mid-1840s, but agreed

to step aside two years later so that Linclon could take the following term. As a mark of his respect, Lincoln named his second son after Baker.[35]

Baker served with distinction in the Mexican War and in 1852 moved to California, where he became prominent as a lawyer and a gifted orator. One of his most memorable addresses took place in 1859 at the funeral of Senator David Broderick. Killed by California's chief justice, Broderick has the dubious distinction of being the only senator ever to die in a duel while still in office. Moving to Oregon in 1860, Baker soon won election to the Senate, becoming the only Republican from the Pacific coast sent to support the new Lincoln administration.[36] On March 4, 1861, Baker had the honor of presiding at Lincoln's inaugural, as did another Oregon senator, our colleague Senator Hatfield, at the swearing in of another Republican president 120 years later.

On August 1, 1861, Senator Breckinridge took the Senate floor to oppose a bill providing for the use of martial law to suppress sedition and insurrection. For nearly thirty minutes the forty-year-old senator spoke forcefully about the measure's threat to constitutional liberties. Meanwhile, Senator Baker had entered the chamber dressed in the blue uniform of a Union army colonel. In addition to his Senate duties, Baker had undertaken to raise, train, and lead a militia unit known as the "California Regiment." Baker sat quietly listening to the Kentuckian's words. When Breckinridge finished, Baker began to speak, calmly at first, but more heatedly as his oratorical brilliance came into play. Challenging Breckinridge's councils of moderation, Baker asked:

> What would he have? Would he conduct this war so feebly, that the whole world would smile at us in derision? What would he have? These speeches of his, sown broadcast over the land, what clear distinct meaning have they? Are they not intended for disorganization in our very midst? Are they not intended to dull our weapons? Are they not intended to destroy our zeal? Are they not intended to animate our enemies? Sir, are they not words of brilliant, polished treason, even in the very Capitol of the Confederacy? [37]

Mr. President, at that point, the galleries erupted into applause and tumult. After order was restored, Baker continued with these dramatic lines:

> What would have been thought if, in another Capitol, in another Republic, in a yet more martial age, a senator as grave, not more eloquent or dignified than the Senator from Kentucky, yet with the Roman purple flowing over his shoulders, had risen in his place, surrounded with all the illustrations of Roman glory, and declared that advancing Hannibal was just, and that Carthage ought to be dealt with in terms of peace? What would have been thought if, after the battle of Cannae, a senator there had risen in his place, and denounced every levy of the Roman people, every expenditure of its treasure, and every appeal to its old recollections? [38]

Then came another brief interruption, as Senator Fessenden, who sat near Baker, whispered audibly in answer to Baker's rhetorical question, "He would have been hurled from the Tarpeian Rock." (This was in reference to a peak on the Capitoline Hill in ancient Rome from which condemned criminals were hurled.) In his labored response, Breckinridge assumed that Sumner had uttered the whispered remark, and he verbally attacked the Massachusetts Republican, much to the latter's consternation. Accustomed to such abuse, Sumner let it pass. When Breckinridge read the transcript of this exchange the following day in the *Congressional Globe* he compounded his insult by failing to apologize to Sumner. Such were the passions of the hour. [39]

The Baker-Breckinridge exchange became the talk of Washington and the Nation in the closing days of the congressional session. Preoccupied with the military situation. Lincoln was relieved that Congress finished its work on August 6. In the final hours, Congress had approved a resolution validating all of the president's emergency actions, although it specifically refused to mention suspension of *habeas corpus,* viewing that act as a congressional prerogative. Until the December session, management of the war and the nation's destiny would remain exclusively with the president.[40]

As the first session of the 37th Congress ended in the deep gloom of Bull Run, the second session began in the shadow of another grave military disaster—the pointless Battle of Ball's Bluff. On October 21, 1861, Union general Charles P. Stone dispatched part of his division on a mission across the Potomac River forty miles north of Washington to probe the strength of Confederate forces near Leesburg, Virginia. Stone sent a larger party than the circumstances demanded. At once, Confederate forces ambushed his remaining hapless troops, including a unit under the command of Senator Edward Dickinson Baker. In the horror that followed, Union soldiers were swept down a steep bluff and trapped without means of escape between the bluff and the Potomac River. Many were shot or drowned as they tried in vain to swim to the Maryland shore. When the engagement ended, Union losses amounted to 200 dead and 700 captured. Among the dead was Senator Edward Dickinson Baker.[41]

As Union bodies floated down the Potomac, word of Baker's tragic death reached the president who was at the War Department. With tears streaming down his face and hands pressed firmly against his chest, Lincoln left the war office, stumbled as he stepped into the street, and returned to the White House without a word. Later, the president said that Baker's loss "smote like a whirlwind." That night, as Lincoln paced in his office with the rain pelting at the windows, his ten-year-old son Willie set down the following verse on tear stained pages:

> There was no patriot like Baker,
> So noble and so true:
> He fell as a soldier on the field,
> His face to the sky of blue . . .
> No squeamish notions filled his breast,
> The Union was his theme,
> "No surrender and no compromise,"
> His day thought and night's dream.
> His country has her part to play,
> To'rds those he left behind,
> His widow and his children all—
> She must always keep in mind.[42]

A fierce outcry echoed across the nation in the wake of the humiliating rout at Ball's Bluff. Of little military significance, the engagement had great political consequences. As citizens rallied to the colors and enlistments exceeded the 500,000 authorized by Congress, Senators Wade, Chandler, and Trumbull paid a call on the president. They told him they could not support further drift and delay. In their judgment, the nation demanded action—a major and decisive drive against rebel forces near the capital. They suggested that perhaps Lincoln's commander, George McClellan, was hesitating because he was a Democrat with secret southern sympathies. The three senators also had their doubts about Lincoln. After they left the White House, Wade called the president "a fool," and Chandler and Trumbull agreed that the new chief executive was weak and inefficient. By the start of the Senate's December session, other congressional Republicans shared the view that Lincoln was too inexperienced for his job.[43]

The senators decided to take the initiative. Shortly after Congress convened, Chandler offered a resolution to launch an investigation of the Ball's Bluff disaster. Other members urged that the inquiry be expanded to cover the entire subject of military operations and on December 10 Congress established the Joint Committee on the Conduct of the War. Radical Republicans then moved quickly to take control of that panel and succeeded with the appointment of Senator Wade as its chairman.

Mr. President, the Joint Committee on the Conduct of the War quickly came to be labeled a sinister and dangerous body of inquisition. Its opponents then and in the years to follow have seen the committee as an example of the worst kind of congressional interference in military matters. They have noted that it held its meetings in secret in the Capitol basement, and that it forced the resignation of top Union generals. As recently as the early 1940s, Senator Harry Truman, in

taking over a similar Senate committee to investigate United States' conduct of World War II, promised not to repeat the errors of the Civil War Panel.[44]

Recent studies have demonstrated that this view is less than accurate. The committee operated, under limits placed by Congress, to force Lincoln to revamp the military command structure, and it served as a vehicle for adding abolition of slavery to the stated war objectives. As was the case with Senator Truman's World War II committee, the joint committee succeeded in uncovering corruption and inefficiency in the conduct of military and supporting operations. Finally, the committee served as a vital propaganda agency bringing enemy atrocities to public attention to strengthen morale in desperate times. Far from intimidating Union commander General George McClellan, the committee received that officer's unceremonious rebuke on one notable occasion when Senator Wade arrived on the battlefield for a personal inspection. Seeking shelter from a rainstorm, the chairman and his party were chased from a house by troops with orders to discourage such congressional visitations. By war's end, the joint committee had compiled an impressive investigative record, performing as a significant organ of persuasion, rather than coercion.[45]

Mr. President, establishment of the Joint Committee on the Conduct of the War at the start of the second session of the 37th Congress signaled a significant deterioration of relations between Congress and the Lincoln administration. During the short and remarkably productive first session, Senate Republican leaders had gone out of their way to respond fully to the president's requests for the men, money, and executive authority he needed to bring the war to a speedy and successful conclusion. By December, Radical Republicans had lost patience with Lincoln's General-in-chief George McClellan and his strategy of procrastination. Senator Zach Chandler conveyed that frustration in charging that "General McClellan's forte is digging, not fighting. Place him before an enemy and he will burrow like a woodchuck. His first effort is to get into the ground." [46]

The second session, which ran from December 1861 to July 1862, brought remarkable legislative accomplishments in the non-military realm. While the administration was preoccupied with the war effort, the Senate and House moved ahead with an extensive legislative program that had been at the heart of the Whig-Republican agenda of the late 1850s. Withdrawal of forceful southern opponents to that agenda cleared the way for its advancement. During the remainder of the 37th Congress, Congress clearly dominated the executive in the formulation of policies designed to effect the nation's development for decades to come.

One of the most pressing issues awaiting senators of the 37th Congress was the revitalization of the nation's antiquated financial system to provide adequate funding for the war. At the beginning of the conflict the federal government had been totally divorced from the country's banking and financial system. All payments from or to the central government had to be made in specie rather than in paper currency. By 1861 there were 7,000 different types of state and local bank notes in circulation. Many were counterfeit and others were similarly worthless because their issuing banks had gone out of business. Even the notes of sounder banks circulated at a discount producing chaos and uncertainty barely tolerable even in a peacetime economy. To provide a sound currency to meet the war's growing demands, Congress passed the Legal Tender Act early in 1862. This measure authorized the printing of $150 million in paper money that soon became known as "Greenbacks."[47]

In expressing the banking community's opposition to the measure, one of its members claimed that abandonment of specie was immoral. He said, "By common consent of the nations, gold and silver are the only true measure of value. These metals were prepared by the Almighty for this very purpose." Senate Finance Committee Chairman Fessenden shared this view, adding, "It shocks all my notions of political, moral, and national honor." Yet he concluded, despite these reservations, that the nation had little alternative. This act did not establish a specific gold reserve to support the new currency, and it did not set a date for redemption. To ensure the greenbacks' negotiability, Congress simply declared these notes "legal tender in payments of taxes, internal duties, excises, debts, and demands of every kind," except duties on imports. Thus, under the exigencies of war, the nation gained a uniform currency to meet the demands of an expanding economy.[48]

In May 1862, Congress established the Department of Agriculture to provide useful information on topics related to agriculture throughout the nation. Within several days, the president also approved the Homestead Act to promote western agricultural expansion by providing a minimum of 160 acres of public lands at $1.25 per acre to any citizen over 21 years of age who occupied and improved that land for five continuous years. The House had passed this measure repeatedly in the 1950s only to see it founder on southern opposition in the Senate. It has been a major plank in the Republican party's 1860 platform and undoubtedly accounted for that party's great victory in the Northwest. As western states enjoyed proportionally greater representation in the Civil War Senate than they did in the House, the Homestead Act passed by a margin of five to one with little debate. Republicans from that region were simply unwilling to face the 1862 elections without redeeming that important promise.[49]

As with the Homestead Act, measures to finance construction of a transcontinental railroad had circulated through Congress for many years, winning endorsement in the Republican party's 1860 platform as well as in both Democratic party platforms. In 1855 and 1859 the Senate passed bills providing for government aid in constructing three separate transcontinental lines simultaneously, but the House had refused to act. Late in 1860 the House approved a measure for two routes, but the Senate adopted a number of amendments unacceptable to the House. With the withdrawal of southern members in the 37th Congress, the element of sectional jealousy that impeded earlier versions was removed.

Railroad legislation became tied to military necessity and the Senate established the Select Committee on the Pacific Railroad to expedite its consideration. This measure quickly ran into sectional opposition within the Senate. Finance Committee Chairman Fessenden, whose Maine constituents had little interest in such a rail line, blocked the attempt of California Senator James McDougall to have the bill made a special order. Fessenden was interested in completing work on a pending tax measure, and the Senate, by a sectional vote of 17 to 19 refused to go along with McDougall. After extended delays and numerous amendments, however, the measure finally cleared the Senate late in June 1862. The House moved quickly and the president completed action on July 1.[50]

The Pacific Railway Act authorized the Union Pacific Railroad to build westward from the 100th meridian across the Rockies while the Central Pacific proceeded eastward across the Sierra Nevadas. Connection would be made at the California-Nevada border. Each railroad received a 400-foot right of way and five alternate sections of land adjacent to the line for every mile of track laid. To finance construction, the act provided loans in United States bonds ranging from $10,000 to $48,000 per mile depending on terrain. Additional acts were required to put this system into full operation and considerable financial abuses occurred in the years ahead, as I shall describe later. Nonetheless, with this act the 37th Congress took a major step toward binding the nation together.

The railroad would make possible development of the Great Plains and would forever end the threat that the Pacific coast states might leave the Union. It was a bold and farsighted act demonstrating Congress' vitality and resilience in times of grave national crisis.[51]

Mr. President, I shall conclude my discussion of major nonmilitary legislation devised exclusively within Congress with a brief reference to the Land Grant College Act, considered the most important instance of federal aid to education in American history.

For five years Representative Justin Morrill of Vermont had been urging passage of a bill to grant public lands to states for establishment of colleges to "benefit the agricultural and mechanical arts." As introduced in the Senate, the measure provided for grants to states of 30,000 acres for each member of the Senate and House. States were then to sell this public land using the proceeds to invest in bonds yielding at least 5 percent interest. The income could be applied to all costs except for erection of buildings and the colleges had to be established within five years. Western senators generally opposed the bill, fearing that it would tie up their public lands, placing their states in the hands of "absentee landlords." In response to these fears, the Senate adopted an amendment of Senator James Lane of Kansas prohibiting the location of more than a million acres of land grants in a single state. With that amendment, serious western opposition in both chambers disappeared and the measure received the president's signature on July 2, 1862.[52]

Mr. President, at the start of the third session of the 37th Congress in December 1862 the Senate's attention once again turned to the president's conduct of military operations. On September 17, 1862, Union and Confederate forces engaged in the bloodiest single-day battle of the war at the Battle of Antietam near Sharpsburg, Maryland. Each side lost over 2,000 dead and 9,000 wounded. Although the battle itself proved inconclusive, it convinced the British and French governments to abandon their plans to recognize the Confederacy. Union troops forced General Robert E. Lee to pull back into Virginia. This victory allowed the president to issue his preliminary Emancipation Proclamation freeing as of January 1, 1863 all slaves in areas still in rebellion against the United States.

Two weeks after the third and final session of the 37th Congress convened, Union forces suffered a shattering defeat at the Battle of Fredericksburg. Lincoln had finally replaced General McClellan with General Ambrose Burnside as commander of the Army of the Potomac. At Fredericksburg, Burnside failed to use his overwhelming troop strength to good effect. Poor coordination among the various federal units gave Confederate forces time to concentrate behind Fredericksburg on the heights overlooking the Rappahannock River. Belatedly, Burnside threw his forces across the river. Confederate artillery concentrated on the half mile stretch of open ground over which Union forces had to pass. The result was incredible slaughter claiming more than 12,000 Union casualties as against less than 5,000 for Lee's forces. The wounded suffered indescribable agonies during the freezing December night following the battle. After a truce to allow both sides to bury their dead, Union troops pulled back across the river. Nothing had been accomplished.[53]

Several days passed before word reached the capital of the disaster's magnitude. Lincoln commented, "If there is a worse place than Hell, I am in it."[54] Generals and members of Congress alike confessed their doubt that the war could be won, and many expected an armistice during 1863. When the Senate adjourned on December 16, its Republican members caucused in the Senate Reception Room and focused their anger on Secretary of State Seward. They believed him to be the "evil genius" and the "unseen hand" undermining Lincoln's leadership. In two long meetings every member of the Republican caucus but one voted to request a reorganization of the cabinet to deal more effectively with problems of planning for emancipation and appointment of army connanders. Exclaimed Senate Republican leader Fessenden, "I am heartsick when I think of the mismanagement of our army. The simple truth is, there never was such a shambling, half and half set of incapables collected in one government before or since the world began."[55] Aimed at Secretary Seward, the resolution was inspired by his cabinet rival, Secretary of the Treasury Salmon P. Chase, a close associate of Radical Republican Senators, who coveted the presidency for himself.

Lincoln saw in the Senators' request the beginnings of a basic constitutional confrontation. If he agreed to their plan, he believed he would lose control of his administration and would be dragged into a parliamentary form of government. In dispair, Lincoln grieved to a friend, "What do these men want? They wish to get rid of me, and I am sometimes half disposed to gratify them. Since I heard last night of the proceedings of the caucus I have been more distressed than by any event of my life. We are now on the brink of destruction. It appears to me that the Almighty is against us, and I can hardly see a ray of hope."[56]

The Republican caucus voted to send a delegation of its members to negotiate with the President. Conservative Jacob Collamer served as chairman accompanied by Ben Wade, Charles Sumner, Lyman Trumbull, William Fessenden, and four others. Lincoln received the delegation at 7:00 o'clock on the evening of December 18.

Senator Collamer began by reading to the President a statement on the necessity of reconstituting his cabinet. Ben Wade then charged that Republicans had done poorly in the recent mid-term elections because the President had "placed the direction of our military affairs in the hands of bitter and malignant Democrats." Sumner complained that Seward had made a fool of himself in diplomatic circles. Lincoln listened politely. As the meeting drew to a close, he promised the Senators he would give careful attention to their arguments. In the hours that followed, the president became convinced that the principal troublemaker was Secretary Chase and not the senators. But he also recognized that he could ill afford to alienate Senators such as Sumner, Turmbull, and Fessenden, and he certainly had no desire to start with a new cabinet in the depths of national crisis.[57]

On the following evening, Lincoln invited the Senate delegation back to the White House. When the senators arrived at 7:30, they were surprised to find the whole cabinet, except for Seward, in attendance. They were also unaware that the president carried Seward's resignation in his pocket. Mr. Lincoln had decided to set a trap for Secretary Chase. The meeting began with a tactful but firm presidential address. Lincoln asserted that he consulted his cabinet regularly, but that he alone made the final decisions. He added that he valued Seward's counsel. Then he turned to the cabinet for confirmation of his assessment. All eyes focused on Chase. If Chase denied the president's claim, he would have destroyed his relationship with the chief executive. If he agreed, he would lose face with his senatorial allies. Chase mumbled an endorsement of the president's statement, while lamely expressing regret that the cabinet did not discuss major decisions more fully. The meeting ended at 1:00 o'clock the following morning.

Greatly embarrassed, Chase returned to the White House on the following day and handed his own resignation to the president. Lincoln smiled. The trap had sprung. Now he had the resignations of both protagonists. Republican senators could not have the hated Seward's resignation without also losing their ally Chase. Rejecting both resignations, Lincoln exulted, "Now I can ride; I have a pumpkin in each end of my bag." The crisis had passed. Lincoln demonstrated his political skill in handling it without incurring the wrath of those whose support he dearly needed. As one observer put it, the murky politi-

cal situation cleared, and Lincoln was clearly in command of his administration.[58]

As the abbreviated third session of the landmark 37th Congress drew to a close in March 1863, the Senate's Republican majority could look with satisfaction on several pieces of urgent legislation, including the National Banking Act and the Enrollment Act, which they had passed. Designed to replace the corrupt, decentralized, and inefficient system of state banks and banknotes, the National Banking Act was largely the work of Secretary Chase and Senate Finance Committee member John Sherman. It had three objectives. They included creation of a market for war bonds, reestablishment of the central banking system destroyed during the Jackson administration, and development of a stable banknote currency. As amended in 1864, the Banking Act permitted banks to obtain federal charters and issue national banknotes up to 90 percent of their holdings of United States bonds. With modifications, this system remained the backbone of the nation's monetary structure until creation of the Federal Reserve System in 1913.[59]

In the final hours of the 37th Congress, the Senate and House established a national system for enlisting into military service able-bodied males between the ages of 20 and 45. In the Enrollment Act, Congress sought to encourage men to volunteer at a time when enlistments of large numbers of Union soldiers were about to expire. The measure assigned to each congressional district a quota from which would be subtracted the number of men already serving. Each district was given fifty days to fill its quota with volunteers, otherwise the deficit would be made up through the draft. Most districts actively worked to fill their quotas to avoid the stigma of the draft. The principal failing of this act was its provision allowing a man to avoid service by paying a $300 bounty or by finding a substitute for a three year enlistment. Discriminating against the poor, that provision contributed to the bloody New York City draft riots of July 1863.[60]

Nine months passed before the Senate of the 38th Congress convened on December 7, 1863. By then the war situation had taken a dramatic turn for the better from the Union's point of view. In May the battle of Chancellorsville, not far from Fredericksburg, proved to be the darkness before the Union's dawn. In that engagement, both sides continued to suffer staggering losses, although the nominal victory went to Robert E. Lee.

Two months after that battle, the 4th of July again proved to be a day of both symbolic and substantive importance for the Union. That day brought rejoicing for the North with major victories at Gettysburg in Pennsylvania and Vicksburg in Mississippi. These decisive engagements led both Great Britian and France to suspend construction of naval vessels for the Confederacy. By the time Congress met in December, Confederate hopes for foreign recognition and aid were irretrievably shattered.

Mr. President, the Senate of the 38th Congress began with a particularly appropriate prayer by its chaplain, the Reverend Byron Sunderland. As the forty-two senators present stood in silence, the Reverend Mr. Sunderland prayed:

> . . . and we do beseech and pray Thee that the statue of Liberty that now crowns this temple of the nation, uplifted in the utmost majesty of human undertaking, as it shall greet all eyes, may betoken forever that grander and mightier spirit which shall walk in the air we breathe, and march upon the mountains and the plains, upon the streams and lakes of all the land, and dwell in all the households and hearts of the people—the spirit of a nobler justice and a freer franchise towards all the tribes of men.[61]

In his message, the Senate chaplain had referred to a recent event of towering symbolism. Five days earlier, on December 2, 1863, the fifth and topmost portion of the Statue of Freedom had been slowly lifted by a steam hoisting apparatus to its crowning place atop the newly completed Capitol dome. When the last section of the bronze figure settled into place, an artillery battery to the east of the Capitol fired a thirty-five gun salute, representing the number of states in the Union including those of the Confederacy. As the last volley echoed across the Potomac plain, twelve forts surrounding the city answered with their own thunderous roar of exploding artillery shells.[62]

Atop the grand new statue, an American flag unfurled in the cold December breeze. The Capitol extension project, begun in 1851 to accommodate the increased number of members from newly admitted states had come to a glorious completion. Daniel Webster had delivered the address at the cornerstone laying on July 4, 1851, when the extention construction was begun. In the presence of men who had witnessed the original cornerstone laying of the oldest section of the Capitol fifty-eight years earlier, Webster deposited in the new cornerstone this handwritten note. His words on that occasion must have been a source of inspiration to those who witnessed the December 1863 completion ceremony. He had written:

> If, therefore, it shall be hereafter the will of God that this structure shall fall from its base, that its foundation be upturned, and his deposit brought to the eyes of men, be it then known, that on this day the Union of the United States of America stands firm, that their Constitution still exists unimpaired, and with all its original usefulness and glory; growing every day stronger and stronger in the affections of the great body of the American people, and attracting more and more the admiration of the world. And all here assembled, whether belonging to public life or to private life, with hearts devoutly thankful to Almighty God for the preservation of the liberty and happiness of the country, unite in sincere and fervent prayers that this deposit, and the walls and arches, the domes and towers, the columns and entablatures, now to be erected over it, may endure for ever![63]

Mr. President, the historian David Donald has drawn a useful distinction between the activities of the 37th and the 38th Congresses. He observed that like the just completed Capitol Building, members of the new 38th Congress in December 1863 had a sense that "their work too was finished. They had raised armies and equipped navies; they had mobilized the economy of the nation; they had set the country upon an anti-slavery course. Though there was much detailed legislative work to be done, there was no need for bold new policies." As Senator Charles Sumner commented at the time, "Never before since I have been in Congress has it come together in such tranquility. The battle of ideas has been fought in the last Congress. It only remains that we should carry forward the ideas that have been adopted."[64]

As the Senate of the 38th Congress got down to work, members had increasing reason for confidence in Daniel Webster's vision of the Union's future. Despite staggering casualties on both sides, Union forces were clearly prevailing on the battlefield. In the Senate attention turned to planning for restoration of the departed states. On the second day of the new Congress, President Lincoln unveiled his own reconstruction plan. It provided amnesty for southerners who took a prescribed loyalty oath and executive recognition for governments in states where 10 percent of those qualified to vote in 1860 took a loyalty oath and where the state had agreed to emancipation. Lincoln's plan failed, however, to address the question of seating individuals sent to Congress as representatives of the newly constituted state governments. Such recognition was within the exclusive domain of the Senate and House.

To Senator Ben Wade the very idea of a presidential reconstruction plan was anathema. In his view, such matters were to be settled only by Congress. Wade's objection grew from both constitutional and political considerations. "Since when did 10 percent of the electorate constitute a majority," Wade asked. Further he feared that 10 percent of the electorate might simply restore pre-war conditions, bringing an end to Republican ascendancy and little hope for liberated slaves.

Responding to the president's move, Wade joined with Baltimore Repre-

sentative Henry Winter Davis to devise a plan of congressional reconstruction, that became popularly known as the Wade-Davis bill. Their proposal required that 50 percent of the voters in seceded states take an oath of allegiance before a new state government could be formed. Each state would have to abolish slavery forever and suffrage would be granted only to those who could meet stringent loyalty tests. Wade skillfully maneuvered his bill through the Senate, dodging potentially fatal amendments from all sides, including one that would have given the vote to blacks. Wade believed the president would sign the measure.[65]

On the final day of the first session, July 4, 1864, Mr. Lincoln came to the President's Room to handle the usual last minute rush of bills awaiting his approval. Throughout the morning, he signed bill after bill. After some delay, Senator Chandler entered the room to inquire whether the chief executive had signed the Wade-Davis reconstruction bill. Mr. Lincoln responded with a flat "no." Senator Chandler suggested that he ought to reconsider. Mr. Lincoln countered, "Mr. Chandler, this bill is placed before me a few minutes before Congress adjourns. It is a matter of too much importance to be swallowed that way." The senator warned that a veto would hurt the Republican party in the forthcoming presidential and congressional elections, particularly in Chandler's Michigan and Wade's Ohio. Lincoln turned aside arguments of congressional prerogative in this matter, reminding Chandler of the longstanding reluctance of Congress to interfere with slavery in the states. When Chandler pointed out that the president enjoyed no greater authority in that regard than did Congress, Lincoln said, "I conceive that I may in an emergency do things on military grounds which cannot be done constitutionally by Congress." With that he placed the unsigned measure in his pocket.[66]

The president subsequently issued a proclamation explaining his pocket veto, noting that a uniform plan would only destroy the fragile governments of Louisiana and Arkansas that he was trying to guide back to the Union. In response, Wade and Davis published a blistering manifesto. In a classic defense of congressional prerogative, they charged that:

A more studied outrage on the legislative authority of the people has never been perpetrated.

Congress passed a bill; the President refused to approve it, and then by proclamation puts as much of it in force as he sees fit, and proposes to execute those parts by officers unknown to the laws of the United States and not subject to the confirmation of the Senate!

The President, after defeating the law, proposes to appoint without law, and without the advice and consent of the Senate, *Military* Governors for the rebel States!

He has already exercised this dictatorial usurpation in Louisiana, and he defeated the bill to prevent its limitation . . .

The President has greatly presumed on the forbearance which the supporters of this Administration have so long practiced, in view of the arduous conflict in which we are engaged, and the reckless ferocity of our political opponents.

But he must understand that our support is of a cause and not of a man; that the authority of Congress is paramount and must be respected; that the whole body of the Union men in Congress will not submit to be impeached by him of rash and unconstitutional legislation; and if he wishes our support, he must confine himself to his executive duties—to obey and execute, not make the laws—to suppress by arms armed rebellion, and leave political reorganization to Congress.[67]

Seldom has a president been attacked so sharply by congressional leaders of his own party in the midst of an election campaign.

Mr. President, I shall leave the story of the Senate's continuing battle with the executive over reconstruction policy to a later statement in this series. That struggle underscored and reinforced fundamental constitutional distinctions between the branches of our government.

The Civil War Senate met in one final regular session beginning on December 5, 1864, and ending on March 3, 1865. During that short session, the Senate's most notable achievements included the Thirteenth Amendment abolishing slavery, a measure creating the Freedmen's Bureau to "provide food, fuel, and land for refugees and freedmen from rebel states," authorization for a $600 million loan to meet the staggering costs of war, and a 10 percent tax to drive state banknotes out of circulation.[68] As the 38th Congress ended, Lincoln took his oath for a second term, therein suggesting, "With malice toward none; with charity for all," a lenient reconstruction policy. A month later Lee surrendered; within a week after that surrender, the president was dead.

Mr. President, the Civil War began and ended with Congress in adjournment. To be sure the story of that tragic conflict can be well told from the presidential and military perspective. But there is another and equally important perspective—that of the United States Congress, and particularly of its Senate. In a world turned upside down, the Senate continued to function with a minimum of disruption. Exercising its constitutional and historic prerogatives, the Senate devised and passed legislation of fundamental importance to a rapidly industrializing Nation.

The Senate's resilience and steadfastness can be explained in part through the genius of its rules and precedents. Speaking at war's end, Senator Charles Sumner provided a memorable assessment of that genius. With his quotation, I shall close—for now—my discussion of the Civil War Senate.

On my next occasion to deliver a statement in this series, I shall talk about the two first U.S. Senators from West Virginia, a State which was born during that period of great civil strife.

Mr. Sumner said:

Accustomed as we have become to the rules which govern legislative proceedings, we are hardly aware of their importance in the development of liberal institutions. They were unknown in antiquity, and they were unknown also on the European continent until latterly introduced from England, which was their original home.

I have spoken of the development of the rules of the Senate at a much earlier time during this series of statements—

They are among the precious contributions which England has made to modern civilization. And yet they did not assume at once their present form. But now, at last, these rules have become a beautiful machine by which business is conducted, legislation is molded, and debate is secured in all possible freedom.

The Senate may appear to be very disorderly from the outside, at times, but in fact, the Senate generally knows where it is going because it is governed by the rules and precedents and will continue to be so.

From the presentation of a petition or the introduction of a bill, all proceeds by fixed processes until without disorder the final result is reached and a new law takes its place in the statute book. Hoe's printing press, or Alden's type-setter is not more perfect in its operations. But the rules are more even than a beautiful machine; they are the very temple of constitutional liberty.[69]

As they were then, Mr. President, so are the rules of this body today. May they always be so.

NOTES TO "THE SENATE DURING THE CIVIL WAR, 1859-1865" (PART II)

[1] Allan Nevins, *The War for the Union, the Impoverished War, 1861-1862* (New York: Charles Scribner's Sons, 1959), pp. 187-89.

[2] Ibid., p. 91.

[3] John Sherman, *Recollections of Forty Years in the House, Senate and Cabinet* (Chicago: The Werner Co., 1895), Vol. I, pp. 251-57.

[4] Joel H. Silby, *A Respectable Minority, The Democratic Party in the Civil War Era, 1860-1868* (New York: W. W. Norton and Co., 1977), pp. 63-67.

[5] Allan G. Bogue, *The Earnest Men, Republicans of the Civil War Senate* (Ithaca, New York: Cornell University Press, 1981), pp. 63-64.

[6] James G. Blaine, *Twenty Years of Congress From Lincoln to Garfield* (Norwich, Connecticut: The Henry Bill Publishing Co., 1884), Vol. I, pp. 323-24.

[7] Leonard P. Curry, *Blueprint for Modern America, Nonmilitary Legislation of the First Civil War Congress* (Nashville: Vanderbilt University Press, 1968), p. 12.

[8] *Congressional Globe*, 37th Congress, 2nd sess., p. 2251.

[9] David Donald, *Charles Sumner and the Rights of Man* (New York: Alfred A. Knopf, 1970), pp. 18-20.

[10] Richard H. Abbott, *Cobbler in Congress, The Life of Henry Wilson, 1812-1875* (Lexington: The University Press of Kentucky, 1972), pp. 3-5, 121-24; *Dictionary of American Biography*, Vol. 20, pp. 322-25.

[11] *Congressional Globe*, 37th Congress, 1st sess., p. 82.

[12] Bogue, *Earnest Men*, p. 32; Donald, *Charles Sumner and the Rights of Man*, p. 144.
[13] Blaine, *Twenty Years*, Vol. I, p. 316; Donald, *Charles Sumner and the Rights of Man*, pp. 143-44; Charles A. Jellison, *Fessenden of Maine, Civil War Senator* (Syracuse, New York: Syracuse University Press, 1962), pp. 131-37.
[14] Carl Sandburg, *Abraham Lincoln, The War Years* (New York: Harcourt, Brace and Co., 1939), Vol. I, p. 434.
[15] Curry, *Blueprint*, p. 13; Blaine, *Twenty Years*, Vol. I, p. 318.
[16] Bogue, *Earnest Men*, p. 32.
[17] *Dictionary of American Biography*, Vol. 17, pp. 84-85; Sherman, *Recollections*, Vol. 1, pp. 251-267.
[18] George W. Julian, *Political Recollections, 1840 to 1872* (Chicago: Janson, McClurg and Co., 1884), p. 356; Bogue, *Earnest Men*, p. 38.
[19] Hans L. Trefousse, *Benjamin Franklin Wade, Radical Republican From Ohio* (New York: Twayne Publishers, 1963), p. 110.
[20] Stephen B. Oates, *With Malice Toward None, The Life of Abraham Lincoln* (New York: Harper and Row, 1977), p. 252.
[21] Blaine, *Twenty Years*, Vol. 1, p. 319; T. Harry Williams, *Lincoln and the Radicals* (Madison, Wisconsin: University of Wisconsin Press, 1941), p. 6.
[22] *Congressional Globe*, 37th Congress, 1st sess., p. 392.
[23] Mark M. Krug, *Lyman Trumbull, Conservative Radical* (New York: A. S. Barnes and Co., 1965), pp. 189-92; Ralph J. Roske, *His Own Counsel: The Life and Times of Lyman Trumbull*, (Reno, Nevada: University of Nevada Press, 1979), pp. 73-74.
[24] *Congressional Globe*, 37th Congress, 1st sess., pp. 1-2.
[25] Sherman, *Recollections*, p. 257; 12 *U.S. Statutes at Large* 255-327.
[26] 12 *U.S. Statutes at Large* 255-327.
[27] Blaine, *Twenty Years*, Vol. 1, pp. 314, 338.
[28] Margaret Leech, *Reveille in Washington, 1860-1865* (New York; Harper and Brothers, 1941), pp. 99-100.
[29] Nevins, *War for the Union*, Vol. 1, pp. 218-19.
[30] Trefousse, *Benjamin Franklin Wade*, pp. 150-51.
[31] Blaine, *Twenty Years*, Vol. I, p. 341.
[32] Krug, *Lyman Trumbull*, pp. 192-96.
[33] *Congressional Globe*, 37th Congress, 1st sess., p. 219.
[34] Nevins, *War for the Union*, Vol. 1, pp. 190-95; Oates, *With Malice Toward None*, pp. 252-54; Blaine, *Twenty Years*, Vol. I, 341-43.
[35] Oates, *With Malice Toward None*, p. 64; *Dictionary of American Biography*, Vol. 1, pp. 517-18.
[36] *Congressional Globe*, 37th Congress, 2nd sess., pp. 50-55.
[37] Ibid., 1st sess., p. 378.
[38] Ibid.
[39] Ibid. Blaine, *Twenty Years*, Vol. I, pp. 344-45.
[40] Nevins, *War for the Union*, Vol. I, pp. 198-99.
[41] Leech, *Reveille*, pp. 116-17.
[42] Oates, *With Malice Toward None*, pp. 263-64
[43] Ibid., pp. 264-65.
[44] Trefousse, *Benjamin Franklin Wade*, pp. 156-57.
[45] Hans L. Trefousse, "The Joint Committee on the Conduct of the War, A Reassessment," *Civil War History* 10 (March 1964): 5-19.
[46] *Congressional Globe*, 37th Congress, 2nd sess., 3386-92; Trefousse, *Benjamin Franklin Wade*, p. 175.
[47] James M. McPherson, *Ordeal by Fire, The Civil War and Reconstruction* (New York: Alfred A. Knopf, 1982), pp. 200-205.
[48] Ibid.; Curry, *Blueprint*, pp. 188-97.
[49] Ibid., pp. 101-108.
[50] *Congressional Globe*, 37th Congress, 2nd sess., pp. 2081-82.
[51] Curry, *Blueprint*, pp. 125-33.
[52] Ibid., pp. 108-114.
[53] McPherson, *Ordeal*, pp. 303-306.
[54] Ibid., p. 306.
[55] Donald, *Charles Sumner and the Rights of Man*, pp. 91-93; Trefousse, *Benjamin Franklin Wade*, p. 191; Oates, *With Malice Toward None*, p. 327.
[56] McPherson, *Ordeal*, p. 306.
[57] Donald, *Charles Sumner and the Rights of Man*, pp. 91-93.
[58] Ibid.; Oates, *With Malice Toward None*, pp. 327-30; McPherson, *Ordeal*, pp. 306-307.
[59] *Congressional Globe*, 37th Congress, 3rd sess., pp. 505, 666, 703; Curry, *Blueprint*, pp. 197-206.
[60] McPherson, *Ordeal*, pp. 356-57.
[61] *Congressional Globe*, 38th Congress, 1st sess., p. 1.
[62] Background information from files in the Office of Senate Curator; *Washington Star*, December 2, 1941.
[63] Daniel Webster, *The Works of Daniel Webster* (Boston: Charles C. Little and James Brown, 1851), Vol. 2, pp. 604-605.
[64] Donald, *Charles Sumner and the Rights of Man*, pp. 141-42.
[65] Trefousse, *Benjamin Franklin Wade*, pp. 217-24; Michael Les Benedict, *A Compromise of Principle, Congressional Republicans and Reconstruction, 1863-1869* (New York: W. W. Norton and Co., 1974), chapter 3.
[66] Trefousse, *Benjamin Franklin Wade*, p. 223.
[67] *New York Tribune*, August 5, 1864; Trefousse, *Benjamin Franklin Wade*, pp. 226-27.
[68] 13 *U.S. Statutes at Large* 468, 484, 507-508, 567.
[69] *Congressional Globe*, 39th Congress, 1st sess., pp. 1911-12.

(During the address by Mr. BYRD on the history of the Senate, the following occurred:)

Mr. PRYOR. Mr. President, will the Senator yield?

Mr. BYRD. I yield to the distinguished Senator from Arkansas.

Mr. PRYOR. I thank the very distinguished minority leader for yielding to me.

Mr. President, I must say that I have been thoroughly enjoying the statement that the distinguished Senator, and I must say one of the great historians of this body, has been delivering.

I have enjoyed what I call the Byrd lectures now for 4 years, I believe, and once again I hope that we will one day see those Byrd lectures bound and distributed to schools and other interested parties because of their great and historical significance.

Mr. WILSON. Mr. President, will the distinguished Senator yield?

Mr. PRYOR. I would be glad to yield.

Mr. WILSON. Mr. President, I would join in the observations made by the distinguished Senator from Arkansas, but only take exception to the statement of the distinguished minority leader, the Senator from West Virginia, when he said that he was lacking a sense of humor. I think he has made known to anyone who has listened to him that he does have a sense of humor. I can say as one who has sat in the chair as Presiding Officer and has observed and listened to the distinguished minority leader that he indeed has an adequate sense of humor.

Mr. BYRD. Believe me, it does not hurt my feelings because I know myself a little better than that.

Mr. PRYOR. I thank the distinguished Senator.

Mr. BYRD. Mr. President, I yield to the distinguished Senator from Mississippi (Mr. STENNIS), who looks like a Senator, who talks like a Senator, and who acts like a Senator, with the understanding that my speech not show an interruption in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I thank the Senator for accommodating me at this time.

Mr. BYRD. Mr. President, may I say to the distinguished Senator, I do not mean to be facetious. I was saying what I have often said outside the Chamber about a man who has certainly been a great inspiration to me, and I am sure to all of us.

Mr. STENNIS. I thank the Senator very much.

(The remarks of Mr. STENNIS relating to nuclear builddown are printed later in today's RECORD.)

Mr. BYRD. Mr. President, for the reasons I have previously stated, I suggest the absence of a quorum so that the majority leader can come into the Senate and change the order and transact any other business that he sees fit.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VITIATION OF ORDER FOR RECESS

Mr. BAKER. Mr. President, the minority leader has concluded his remarks, and under the order previously entered, the Senate will stand in recess at this point.

I ask unanimous consent that that order be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Now, Mr. President, in a moment I expect to be able to present to the Senate certain routine matters that will have been cleared on both sides for action by unanimous consent, but in the meantime let me put another unanimous-consent request that I believe has been cleared by the minority leader.

ORDER FOR CERTAIN ACTION DURING THE EASTER RECESS AND UPON RECONVENING OF THE SENATE

Mr. BAKER. Mr. President, I ask unanimous consent that during the adjournment of the Senate over until Tuesday, April 5, messages from the President of the United States and the House of Representatives may be received by the Secretary of the Senate and appropriately referred, and that the Vice President, President pro tempore, and acting President pro tempore may be authorized to sign duly enrolled bills and joint resolutions.

Further, I ask unanimous consent that during the adjournment of the Senate over until April 5, committees be authorized to file reports on Thursday, March 31, 1983, between the hours of 10 a.m. and 3 p.m.

And finally, Mr. President, I ask unanimous consent that when the Senate reconvenes on Tuesday, April 5, the reading of the Journal be dispensed with, no resolutions come over under the rule, the call of the Calendar be dispensed with, and following the time allocated to the two leaders under the standing order, there be a period for the transaction of routine morning business not to exceed 30 minute in length, with Senators permitted to speak therein for not more than 5 minutes each and provided further that the morning hour be deemed to have expired.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR SENATE LEGAL COUNSEL TO APPEAR AS AMICUS CURIAE

Mr. BAKER. Mr. President, I have a resolution in respect to authority for legal counsel to appear as amicus curiae. I inquire of the minority leader if he is prepared to proceed to the consideration of this item.

Mr. BYRD. Mr. President, I am prepared to do so.

Mr. BAKER. I thank the minority leader.

Mr. President, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 99) to direct the Senate legal counsel to appear as amicus curiae in the case of *Anne Gaylor* v. *Ronald Reagan, et al.*

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

YEAR OF THE BIBLE

Mr. BAKER. Mr. President, in 1982, the 97th Congress passed Senate Joint Resolution 165 which authorized and requested the President to designate 1983 as a national "Year of the Bible." The President approved the joint resolution, which became Public Law 97-280, and, on February 3, 1983, the President proclaimed 1983 to be the Year of the Bible. I ask unanimous consent that, at the conclusion of these remarks, the President's proclamation be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BAKER. Mr. President, the President and the 97th Congress have been named as defendants in a lawsuit in the U.S. District Court for the Western District of Wisconsin. The plaintiff alleges that Public Law 97-280 violates the first amendment to the U.S. Constitution.

The Department of Justice has appeared for the President and will defend the constitutionality of Public Law 97-280 and the President's proclamation. However, no one has appeared for the 97th Congress, which is not a suable entity. Indeed, the Department of Justice, on behalf of the President, has suggested to the district court that the court lacks jurisdiction over the congressional defendant. The following resolution would direct the Senate Legal Counsel to appear as amicus curiae in the name of the Senate. The purpose of the appearance would be to support the suggestion of the Department of Justice that the court lacks jurisdiction over the Congress.

EXHIBIT 1

PRESIDENTIAL DOCUMENTS

Proclamation 5018 of February 3, 1983—Year of the Bible, 1983

(By the President of the United States of America)

A PROCLAMATION

Of the many influences that have shaped the United States of America into a distinctive Nation and people, none may be said to be more fundamental and enduring than the Bible.

Deep religious beliefs stemming from the Old and New Testaments of the Bible inspired many of the early settlers of our country, providing them with the strength, character, convictions, and faith necessary to withstand great hardship and danger in this new and rugged land. These shared beliefs helped forge a sense of common purpose among the widely dispersed colonies—a sense of community which laid the foundation for the spirit of nationhood that was to develop in later decades.

The Bible and its teachings helped form the basis for the Founding Fathers' abiding belief in the inalienable rights of the individual, rights which they found implicit in the Bible's teachings of the inherent worth and dignity of each individual. This same sense of man patterned the convictions of those who framed the English system of law inherited by our own Nation, as well as the ideals set forth in the Declaration of Independence and the Constitution.

For centuries the Bible's emphasis on compassion and love for our neighbor has inspired institutional and governmental expressions of benevolent outreach such as private charity, the establishment of schools and hospitals, and the abolition of slavery.

Many of our greatest national leaders—among them Presidents Washington, Jackson, Lincoln, and Wilson—have recognized the influence of the Bible on our country's development. The plainspoken Andrew Jackson referred to the Bible as no less than "the rock on which our Republic rests." Today our beloved America and, indeed, the world, is facing a decade of enormous challenge. As a people we may well be tested as we have seldom, if ever, been tested before. We will need resources of spirit even more than resources of technology, education, and armaments. There could be no more fitting moment than now to reflect with gratitude, humility, and urgency upon the wisdom revealed to us in the writing that Abraham Lincoln called "the best gift God has ever given to man . . . But for it we could not know right from wrong."

The Congress of the United States, in recognition of the unique contribution of the Bible in shaping the history and character of this Nation, and so many of its citizens, has by Senate Joint Resolution 165 authorized and requested the President to designate the year 1983 as the "Year of the Bible."

Now, therefore, I, Ronald Reagan, president of the United States of America, in recognition of the contributions and influence of the Bible on our Republic and our people, do hereby proclaim 1983 the year of the Bible in the United States. I encourage all citizens, each in his or her own way, to reexamine and rediscover its priceless and timeless message.

In witness whereof, I have hereunto set my hand this third day of February, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and seventh.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 99) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 99

Whereas, Senate Joint Resolution 165 of the 97th Congress, Public Law 97-280, authorizes and requests that the President designate 1983 as a national "Year of the Bible";

Whereas, in the case of *Anne Gaylor* v. *Ronald Reagan, et al.*, Civil Action No. 82-C-985, the plaintiff has challenged the constitutionality of Public Law 97-280 and has named as a defendant the "97th Congress of the U.S.A.";

Whereas, pursuant to sections 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978 (2 U.S.C. §§ 288b(c), 288e(a), and 288l(a) (Supp. V 1981), the Senate may direct its Counsel to appear as amicus curiae in the name of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to appear as amicus curiae in the name of the Senate in *Anne Gaylor* v. *Ronald Reagan, et al.*

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

JENNINGS RANDOLPH: AN EXAMPLE TO US ALL

Mr. PRYOR. Mr. President, at this time I would like to make a statement about a man this body loves. That man is JENNINGS RANDOLPH of West Virginia who, in a few months from now, will retire from the U.S. Senate.

Mr. President, at the close of the 98th Congress, we will bid a fond adieu to one of our colleagues. JENNINGS N. RANDOLPH of West Virginia will retire from the Congress.

Five decades ago, JENNINGS was sworn into the House of Representatives. He is the only remaining

Member of Congress who was sworn in with Franklin Delano Roosevelt at a most crucial time in our Nation's history. It was JENNINGS RANDOLPH and men like him who led us out of that dark period in our history. It is that kind of courage to which we all look today.

I am proud to call this man my friend. He is an inspiration to all of us, and particularly to those of us who are relatively new to this body. He has instilled in me the need to be both patient and persistent in the pursuit of legislative goals. He has also instilled in me the need to be a team player, to respect adversaries, and to remain true to the ideals that brought us to this body in the first place.

Mr. President, like many of my colleagues, I have established an intern program for deserving college students during the summer and throughout the year to provide an opportunity to come to Washington and observe firsthand the workings of our Government.

Senator JENNINGS RANDOLPH, who has been in this Senate for many years, has always been that Senator that my interns wanted to meet. They want to meet him not only for the great spirit that he has but also for the very youthful approach that he takes to the problems of our country and our world. JENNINGS RANDOLPH has always taken the time to visit with these Arkansas young people, and without fail, Mr. President, they have mentioned their exposure to this great American as one of the highlights of their internship.

In seeing Senator RANDOLPH talk with these young people from across our State, I, too, have become inspired by his leadership and by his life. I am proud to call this man my friend, Mr. President. He is an inspiration to all of us. He has instilled in me the need to be patient and persistent in the pursuit of legislative goals, and he has instilled in me the need to also be a team player and to respect our adversaries, and to remain true to the ideals that brought us to this body in the first place.

We all have learned from this soft spoken, yet tenacious, public servant. He will be missed. But I think we can all understand that this man should be allowed to reserve some time for himself, to return to West Virginia and to the people who in their great wisdom have shared him with us for five decades. I join my colleagues in saluting this hard-working Senator and distinguished American.

MOBILITY AIRLIFT

Mr. PRYOR. Mr. President, on December 16, 1982, I addressed the Senate regarding my support for the continued development of the C-17 mobility airlift aircraft program. I believe this program is absolutely necessary to avoid a serious problem with our mobility airlift forces. Without question, we need to be able to transport outsized cargo, such as tanks and helicopters, in and out of some very short landing fields. It is equally clear that an excellent candidate for such "intra-theatre" operational requirements would be the C-17 aircraft.

The technology for the C-17 has already been proven and we have invested almost $1 billion in the C-X and Advanced Medium Short Take-Off and Landing Transport programs. More than 1,500 flight-hours were flown on four prototype aircraft with the "augmented wing lift" concept. The design concepts for the proposed C-17 are indeed tested realities. The time to proceed with the continued research and development of the C-17 is now upon us.

I have recently written the Secretary of the Air Force, Verne Orr, urging that the request for the reprograming of the $60 million that was appropriated in fiscal year 1983 be immediately submitted. I ask unanimous consent that a copy of that letter be placed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PRYOR. I believe we are not paying enough attention to the needs of our conventional combat forces, the forces that will be called into action should an international "flashpoint" occur. It is these forces which must be given adequate training time, combat vehicles, weapons, and logistical support in order to accomplish their mission. My fear is that readiness problems may make us more inclined to rely on some of our more awesome strategic and tactical nuclear forces in order to resolve the problems at hand.

Only proper planning and proper allocation of resources to conventional combat forces, including mobility airlift resources, can provide the ability to make our response to a worldwide crisis appropriately limited, but sufficiently firm to make our intentions clear. A strong national defense requires enhanced military airlift capacity and this reality should be recognized and acted upon by the Congress and the administration.

I ask unanimous consent that an article on combat airlift from Air University Review by Col. Alan L. Gropman be placed in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Air University Review, July-August 1982]

THE COMPELLING REQUIREMENT FOR COMBAT AIRLIFT

(By Col. Alan L. Gropman)

The requirement for combat airlift is grounded in official statements by the national command authorities, threats to United States interests, and the history of international conflict since World War II. To achieve policy objectives, fighting forces must be carried to a potential war or battle site. This may be done by a combination of assets, but carrying a force part of the way—even if it is most of the distance—will not accomplish the political objective. Deterring or winning is the goal of the U.S. military, and the mission, given the guidance of the national leadership, is clear.

THE MISSION

In his inaugural address President Ronald Reagan warned our adversaries and, in so doing, charged the U.S. Armed Services. He admonished current and future opponents not to mistake American forbearance for a failure of will and pledged action in defense of U.S. security interests. The President implicitly directed the U.S. military to be capable again of supporting neighbors and allies free from foreign domination and to build the strength to win. It is clear that the new administration will seek to defend U.S. interests more assertively than in the most recent past. This restored tenor comes at a time when American interests are expanding in scope, and the United States is becoming increasingly dependent on resources from distant continents. These factors require the U.S. military to place greater emphasis on force projection capabilities than in the past.

Guidance from the Department of Defense and Joint Chiefs of Staff, while more detailed, is equally clear. The Secretary of Defense recognizes that U.S. military forces serve to defend U.S. interests. The most central interests are to maintain both a secure America and ensure that allies and friends do not live under the shadow of overwhelming threat. It is clear that while the basic interest of the United States—the protection of national sovereignty, territory, and well-being—will continue to dominate military planning, U.S. regional interests (driven by economic, political, and geographic factors) will grow in significance during the next two decades. Essential to protecting U.S. regional interests is the military's role in preventing intimidation.

The Secretary of Defense recognizes that the 1980s will be a decade of global concern principally because of the continuing and massive growth in the military power of Soviet Union and its demonstrated willingness to project and apply that strength. The disquiet is deepened by our increasing dependence on imported resources (especially petroleum), our access vulnerability, the even greater needs of our allies for raw materials, and indigenous instabilities in key regions that can be exploited by U.S. adversaries. Only the capability to apply force in distant regions in a timely fashion can continue to secure our interests.

Obviously, if this country cannot maintain forces everywhere in the world where U.S. interests can be threatened, it must then acquire the mobility resources to meet global challenges. U.S. forces stationed in Europe and Korea, furthermore, would require massive, rapid reinforcement should U.S. opponents attack with little or no warning, a ca-

pability that our adversaries have fashioned well.

Creation of the Rapid Deployment Force underscores the recognition by the Defense Department that the United States and its allies are increasingly vulnerable in locations other than Europe and Korea. The mission of the Rapid Deployment Force is to deploy quickly and employ effectively U.S. military forces wherever needed. Present attention focuses on Southwest Asia because of concentration on petroleum, but the Western Hemisphere is of growing concern, and other areas, such as Africa south of the Sahara, are certain to loom larger in our future. Mobility, while not the only required capability necessary to secure U.S. interests, is a key ingredient in improving the U.S. position in these regions.

Further Defense Department guidance directs the armed forces to develop the mobility capabilities to support concurrently the demands of a worldwide NATO-Warsaw Pact conflict and those of a non-NATO contingency. In building this mobility capability, the Department of Defense requires that the force be able to operate in an austere environment and support airdrop, over-the-beach, and other specialized operations. Execution of the U.S. force projection strategy urgently demands greater stress on combat airlift and fast sealift. The Defense Department recognizes that increased lift requirements have been created by an army that is becoming heavier and bulkier.

The Joint Chiefs of Staff have promulgated a strategy to support the directives of the President and Department of Defense. In building its strategy, the Joint Chiefs direct military forces to deter attacks against vital American interests worldwide, including sources of essential raw materials and associated lines of communication. The military must also be prepared to prevent political and economic coercion of the United States, its allies, and its friends by any enemy. Ultimately the United States must be capable of fighting and winning at any level of intensity. The Joint Chiefs direct the armed services to be visibly capable of rapidly responding to a wide spectrum of contingencies to deter would-be aggressors. They recognize that the key ingredient is a mobility capability to project forces overseas rapidly as well as sustain logistic support, which enables the United States to act independently to protect its vital interests when friendly support is not available or forthcoming.

THE THREAT

Over the next twenty years, United States regional interests are not likely to remain fixed. The probable shift in our regional interests will come in an era marked by the increased possibility of theater warfare, particularly at the lower levels of conflict in the developing world. This will happen because of increased Soviet global adventurism, continued ethnic and national rivalries, and increasing population pressures combined with rising political and economic expectations. Often such conflicts will threaten the interests of the United States. Planning, therefore, must take into consideration both the expanding interests of the United States in global politics and economics and the shifting focus of those interests.

Strategists now view the developing world, location of so many of the resources necessary to keep the free world economically sound, as the cockpit of crises for the 1980s and 1990s. If one takes that viewpoint, the geographical proximity of the Soviet Union to countries of the developing world is disconcerting. The geostrategic location of the Soviet Union when combined with their burgeoning force projection capabilities (and the evident willingness to use them) properly causes alarm. This situation suggests that the United States may continue to have a greater need than the Soviet Union for very-long-range airlift capability, but the Soviets are enhancing theirs at a rate greater than the United States. The accompanying chart indicates the degree of geographic asymmetry vis-à-vis the Soviet Union (and it does not treat the increasingly important subject of U.S. strategic mineral deficiencies):

RESOURCES CLOSER TO THE U.S.S.R. THAN TO THE UNITED STATES

[Percent closer to U.S.S.R.]

	of world total	of developing world
Land (less Antarctica)	62	69
Population	81	82
Gross national product	65	67
Proven oil reserves	86	90
Natural	81	85

Over the last several years, the Soviets have been increasing their capability to move men and materiel into countries in the developing would by sea and air. The Soviets continue to add large cargo aircraft to their fleet, and their sealift capabilities are much greater and more responsive than those of the United States. They have demonstrated their airlift capability, and an apparently increasing propensity to use it in crisis situations, by airlifting military aid to the Middle East and to several African destinations and by transporting Cuban forces and military equipment to Angola and Ethiopia. The airlift to the Middle East in 1973 was a stunning achievement, demonstrating a Soviet capacity previously thought lacking.

Given the new Soviet lift capabilities and their proximity to the Persian Gulf, the heightened threat to the petroleum-producing regions of Southwest Asia is disquieting. The Soviets could surpass the U.S. capability to airlift men and equipment to the region if they could realize a utilization rate for their airlift fleet greater than 18 percent of whatever utilization rate the United States could achieve. If they could equal U.S. utilization rates, they could carry to a war five times the equipment and men the United States could bring to a conflict. Time is as critical a factor in war as any. Distance is a less serious obstacle because of modern mobility capabilities, but time remains unconquerable. It cannot be expanded, accumulated, mortgaged, hastened, or retarded. Airlift yields time, and even a cursory examination of crises in the recent past will demonstrate the value of airlift's timeliness.

War is politics by other means, and securing political objectives is the military's reason for being. The examples cited will demonstrate how timely airlift helped secure political objectives in activities all over the globe. In the face of a U.S. manpower shortage they will only worsen over the next decade, enhanced mobility permits the U.S. Armed Services to support the assertive foreign and military policies of the Reagan administration. Because the United States does not have the people or money to position troops and equipment in every country in the world in which it has interests, the United States must rely on a capability to deploy forces rapidly to every inhabited continent to protect its interests and those of its friends and allies.

One should not draw an artificial line between so-called strategic or intertheater airlift and tactical or intratheater airlift. Such a demarcation is too often a false distinction. Combat airlift is indivisible because airlift does more than deploy forces: it fights. That point must be understood in order to put both airlift and sealift in proper perspective. It is not that airlift can deploy some men and equipment to the battle faster than sealift that makes airlift essential, because sealift can deliver much more; it is also that airlift can move equipment and men around the battlefield in response to the demands of combat. Sealift is vital especially for the long-term sustaining of a combat force, but only airlift will permit a small U.S. force to fight outnumbered and win. It was airlift, after all, that allowed U.S. forces in Vietnam to be a mobile fighting force rather than remain static in garrison.

Given the nature of the nuclear capabilities of the two superpowers, furthermore, an open armed clash between Soviet and U.S. forces is not likely (even though possible). What is more probable is the likelihood of U.S. forces' being engaged in assisting friendly governments in putting down coups, insurgencies, or attacks by regional neighbors. Airlift is critical in such low-level conflicts and essential when geography completely rules our sealift, such as in Chad Zambabwe, Bolivia, Paraguay, Austria, Laos, and Afghanistan. Sealift is severely restricted by geography in such important countries as Zaire, Jordan, and Iran.

Airlift was essential, for example, in landlocked Berlin in 1948 and 1949. During 15 trying months the United States Air Force and Royal Air Force carried more than 2,225,000 tons of coal, food, raw materials, and consumer goods to sustain the population of Berlin. The aim was more than subsistence, and the goal was achieved. The Soviets gave up the blockade when they became convinced that Berlin could not be taken short of military attack, that the population could be provisioned entirely by air, and that the United States was determined to preserve its political position in Europe. The Berlin Airlift is a prime example of airlift used politically.

The earliest combat use of massive airlift in the post-World War II era was during the Korean War. In that conflict, airlift was crucial in the opening days to evacuate U.S. advisory troops and their dependents and to fly reinforcements into the Pusan area. It was critical to maintain at least a toehold on the country or an invasion would be required. Although not all the troops that were carried into the defensive stronghold were airlifted (most came by sea), substantial numbers were, and for the first few days all ammunition sent to Korea went by air because sealift was not available. After the breakout from the Pusan perimeter, which occurred simultaneously with the Inchon landing that was supported by airdrops, airlift supplied the troops as they moved up the Korean peninsula all the way to the Yalu. Airlift also rescued thousands and supported thousands more as U.N. forces retreated in front of the Chinese. Had it not been for the airlift during the retreat in 1950 and 1951, much more of the armies would have been lost and the tide perhaps permanently turned.

Later in that decade, President Dwight Eisenhower used airlift as a political instrument to deter hostile forces bent on taking

over Lebanon. Lebanon's absorption by Syria and Egypt could potentially jeopardize Israel's security and also establish a negative political trend for the entire region. The Muslim population in Lebanon had been encouraged by Radio Cairo to riot against the incumbent regime that favored neutrality in Mideastern affairs. Syria was sending supplies and troops into Lebanon to support insurgent forces hostile to the government.

After a violently anti-Western group successfully overthrew the government in Iraq, murdering the king and crown prince, Eisenhower took action. He feared that the loss of Lebanon, too, might lead to the complete elimination of Western influence in the Middle East. He sensed a compelling need to dispel the Arab belief, as he saw it, that Americans were capable only of words. Thus, when invited by the constituted Lebanon government to send troops, he did so.

A small detachment of U.S. Marines from the Sixth Fleet secured Beirut Airport to be followed in the next three days by the airlifting of thousands of American troops from West Germany with tanks and Honest John nuclear artillery. Evenually, the total American force reached 14,000 (half of them airlifted). A consolidated air strike force had been simultaneously airlifted to nearby Turkey to be ready for ground support operations, should such missions be required. Eisenhower, however, did not think it would be necessary to fight if U.S. actions were seen as decisive and strong. He wanted to show the flag: to demonstrate clearly that the United States was prepared to defend its interests in the Middle East. Political influence, not military victory, was his goal; and he acted out of a clear sense of the strategic value of Persian Gulf oil. It is, of course, impossible to say what might have been the consequences of U.S. inaction, but Arab leaders were suitably impressed and deterred with the decisive buildup of strength. In less than 110 days after the arrival of the first C-130, the troops were removed, having suffered no combat casualties.

In the next decade President Lyndon Johnson used airlift as a deterrent, similar to Eisenhower's use in Lebanon. A political crisis in the Dominican Republic flared into revolution in late April 1965, and it appeared that a new Cuba might be created in the Caribbean. In a seven-day period more than 1702 airlift sorties carried elements of the 82d Airborne Division into San Isidro Airport. These American forces were able to stabilize the political situation rapidly and were soon withdrawn. It is significant that in the almost 16 years since that timely reaction by the United States, the political left has been unable to cause major trouble in the Dominican Republic.

Since the end of World War II, U.S. airlifters have been instrumental in moving U.N. forces to keep peace in the Congo several times in the 1960s, in Cyprus in the 1970s, and in the Middle East in the 1960s and '70s. In the Congo in 1960, airlift prevented the possible takeover of the country by hostile forces. In the late 1970s, airlift was again instrumental in preventing the loss of Zaire's (formerly called the Congo) most productive raw-materials-producing area, this time carrying Belgian and French forces to assist the Zairian government.

In all the previous cases, airlift's role was to deploy forces to prevent political loss. In Vietnam, however, airlift from the start of the conflict responded to the tide of battle and contributed constantly to preserving the tenuous hold that the Saigon government had on the country. In an insurgency the ruling government is at a disadvantage because it must appear capable of securing the entire population and thus spreads thin its defensive forces. Insurgents, on the other hand, can mass at the point of their choosing to overwhelm defenders in static positions. Even with a smaller force overall, guerrillas can wreak havoc for extended periods, and—over time—make the government appear impotent. It was airlift that helped hold the Communists at bay for more than a decade, carrying everything imaginable in response to the needs of the forces. The best example of timely missions was during the Tet offensive of 1968, in which airlifters were able to carry as much as 92,500 tons monthly in response to the needs of the battle, and 70 percent of that tonnage was carried by the C-130.

During that protracted countrywide battle, intratheater airlifters repositioned tens of thousands of troops to defeat widespread attacks and routinely delivered by airland, air-drop, and extraction thousands of tons of ammunition and supplies to sustain isolated forces, Airlift was essential because the enemy had thoroughly cut the ground lines of communication. Often troops were carried from one small austere airfield to another—missions that the C-141 and C-5 are incapable of performing. The successful repulse of the Communist attack during January, February, and March 1968 is in large measure the product of timely combat airlift.

During the first days of the offensive, Communist forces in II Corps seized the civilian airfield at Ban Me Thuot and threatened the military airfield. Tactical airlifters began an emergency airlift of ammunition and supplies to the cut-off garrisons, and later troops were lifted directly into the battle to retake the area. In the next days several airlifters made night airdrops to a beleaguered force north of Ban Me Thuot at Kontum that was desperately short of ammunition, saving the position. Also in the central region, Pleiku and Dak To II had been cut off from road resupply and had to be sustained entirely by airlift until air strikes and ground attacks from the government-controlled positions could defeat the enemy.

Activities in IV Corps were similar. Soc Trang was running out of fuel for its helicopter force until tactical airlifters began regular fuel shuttles to keep it supplied. The base was similarly supplied with ammunition. Previously, in the Delta region, the troops had relied overwhelmingly on the road supply, but durring Tet this proved impossible, and airlift was there to sustain the force. Soc Trang, Can Tho, Vinh Long, and numerous other fields might have been lost had it not been for the air resupply. The most vicious fighting, however, and the most critical airlift missions came in I Corps.

The enemy reserved its best-equipped and best-trained forces for attacks in the northern-most provinces. Here enormous and prolonged pressure was put on Quang Tri, Hue, and other important cities. Combining airlanding and airdropping the intratheater airlift force sustained beleaguered forces all over I Corps, preventing the permanent loss of any outpost or the capture of any major body of troops. In February alone, intratheater airlifters made 1500 landings at Hue Phu Bai to support the allied troops in their successful attempt to recapture the northern capital. The rapid movement, mostly by C-130s, of a brigade of the 101st Airborne and its equipment from III Corps to I Corps at the outset of the campaign was instrumental in stemming the enemy advance. As the Tet offensive faded out, tactical airlifters helped allied forces pursue the enemy by airdropping munitions and food to troops as they forced the enemy out of the A Shau valley. That area had been the major route for the attack on I Corps cities.

Perhaps the best known airlift mission of the Vietnam War was Khe Sanh. Here 6000 Marines held off an enemy of more than 20,000 for months. Road resupply to Khe Sanh had been impossible since mid-1967, and the enemy began a sustained artillery and ground assault during January 1968, yet the Marines, supplied by air (and supported by air strikes), were able to hold out despite daily assaults on their position.

Khe Sanh looms large in the campaign because of the psychological and political success the Viet Minh gained from the defeat and capture of a similar outpost at Dien Bien Phu in 1954. At Khe Sanh the same Vietnamese general was in command, and President Johnson took a direct interest in the daily situation. Intratheater airlifters, mainly C-130s, airlanded until the field was in such poor shape that landing was impossible; they then airdropped and extracted munitions and food into the outpost until the siege was broken three months after it began. It is important to note that while the Marines were almost unreinforcable during the attack, Communist forces, with their extensive road net, were able to bring in reinforcements and replace those who were killed or wounded.

Khe Sanh was only 30 minutes by air from a major aerial port, Da Nang, but that became a long 30 minutes. The airland and extraction missions performed by the C-130 could not have been accomplished by the C-141, then in the inventory, nor the C-5 that arrived later. In other words, getting loads 99.9 percent of the distance from the West Coast of the United States to Khe Sanh accomplished nothing until intratheater airlifters brought the munitions and supplies to the battle. During the last two weeks of February 1968, C-130s delivered by airdrop and extraction 148 tons of critical supplies daily (90 percent of everything reaching Khe Sanh). Khe Sanh would have fallen without such support. From 20 January 1968 until the siege was broken at the end of March, the U.S. Marines suffered fewer than 200 killed and 1,000 wounded, and probably more than 10,000 enemy troops died trying to take the camp.

Similarly, in 1972, intratheater airlifters, mainly C-130s, sustained another beleaguered force, again avoiding the serious political consequences of a major defeat. In that campaign the enemy attacked An Loc in III Corps with the openly stated intent of making the city the seat of government for a "liberated" province. In many ways the lift to An Loc was a greater challenge than Khe Sanh because the force to be supplied was Vietnamese, because there were no U.S. ground controllers to guide the aircraft in foul weather, no USAF detachment on the ground to support the mission, no airstrip within the defended perimeter, and the enemy used the entire panoply of antiaircraft artillery including surface-to-air missiles to defeat the lift. For nearly three months, 20,000 defenders at An Loc were supported entirely by air against a sustained Communist attack that included tanks in good tank terrain. Without the C-130 resupply, the garrison of An Loc could not have

survived, and the psychological and political implication of a defeat would have been great.

The most dramatic example of timely airlift after Vietnam was the emergency resupply of Israel in 1973. Israel, its armory depleted and its forces pressed on two fronts by enemies supplied by the Soviet Union, was desperate. The first C-5 landed at Lod Airport on 14 October, after the Soviets had already air-delivered about 4,000 tons of supplies to Israel's attackers. Between 14 October and mid-November, MAC delivered in 145 C-5 and 422 C-141 sorties more than 22,000 tons of essential military equipment and supplies, and the war ended before the first sealift supplies from the United States could reach Israel.

This survey has omitted air evacuations of which there were many—Kham Duc, Saigon, Phnom Penh, etc.—and the lifesaving aeromedical evacuations performed by airlifters both in wartime and peace. It has also left out the numerous lifts of men and equipment in response to domestic violence in the United States such as during the civil rights era that demonstrated the federal government's resolve and prevented more widespread bloodshed. Also omitted were the rapid lifts to Korea in response to several provocations such as during the *Pueblo* incident in the late 1960s and the tree-cutting episode in the late 1970s. Airlift also played a major role in the rapid buildup during the Cuban missile crisis. Also not mentioned were the numerous humanitarian lifts that are often used for political purposes, such as carrying Muslim pilgrims to Mecca, disaster relief, and carrying emergency snow removal equipment around the United States during winter crisis, etc. Also omitted were pre-1945 uses of timely airlift, such as the German lifts of Francisco Franco and his troops during the Spanish Civil War and the successful but very costly airborne invasion of Crete.

Given the national guidance, the world into which we are moving, and the experience with successful airlifts in the past, combat airlift is essential. Given the assertiveness of the administration, the Lebanon, Dominican Republic, and Vietnam examples are especially pertinent, the United States needs an enhanced airlift capability because of its far-flung interests, the clear call by the new administration that these interests will be protected, and the demonstrated yields of a capable airlift fleet. But what type of airlift enhancements?

The United States needs more than air freighters: it needs airlifters that can fight. The C-130, soon to be the only fighting airlifter in the inventory, is an aging aircraft built using 1950s technology, and it is becoming more and more constrained by an army that is becoming heavier and bulkier. While the C-130 can operate into small, austere airfields close to the battle, it cannot lift outsized loads. Enhancing the airlift fleet by building an outsized-capable airlifter that cannot be used in a combat tactical role is a mistake. Building an aircraft that can move cargo into small, austere airfields brings the supplies closer to the battle, vastly expands the number of available airfields, reduces major debarkation congestion, eliminates transshipment of cargo, and compounds the enemy's interdiction problem. An outsized-capable airlifter with tactical capabilities is crucial to support the foreign and military policies of the Reagan administration in the threatening world of today and tomorrow.

EXHIBIT 1

U.S. SENATE,
Washington, D.C., March 10, 1983.

Hon. VERNE ORR,
Secretary, Department of the Air Force, The Pentagon, Washington, D.C.

DEAR VERNE: I am writing to inquire as to the status of the authorization reprogramming for the C-17 aircraft.

It is my understanding that the United States Air Force has identified the C-17 mobility airlift as a critical component in the solution to our very important long-term airlift mission. The Air Force contracted for an initial C-17 research and development effort prior to authorizing full scale engineering and development of the C-17. We in Congress indicated our agreement and appropriated $60 million in fiscal year 1983 in order to insure an orderly progression for the development of the C-17.

The time has come for us to move ahead with the development of this aircraft. As you know, the Congressionally-mandated Mobility Study clearly shows our mobility airlift requirements. I would certainly hope that we can promptly take the appropriate action of moving ahead with the C-17 program. I hope that you will do all that you can to see to it that the reprogramming request is promptly submitted.

Sincerely,

DAVID PRYOR.

AMERICAN AGRICULTURE AND AGRICULTURAL TRADE

Mr. PRYOR. Mr. President, I want to take a few minutes and speak to the Senate about American agriculture, and in particular, agricultural trade. Agriculture is the backbone of our Nation's economy. Our farmers are the most efficient in the world, responsible for about 20 percent of our gross national product, but they are literally hanging on by a thread.

Farmers today are experiencing their most trying battle for survival since the Great Depression. Farm foreclosures, once only rare occurrences, have increased sharply as more and more farms are put on the auction block. It is a terrible distressing situation and I am sure that this tragedy has touched every State and congressional district in the country.

Mr. President, the men and women who are involved in agriculture are more than willing to do their part in an effort to improve farm income and the condition of rural America. They have suffered the last few years through an embargo, drought, and a period of severely depressed prices. Nevertheless, they have responded with enthusiastic support for the payment-in-kind (PIK) program. Some might say this overwhelming support for PIK is contrary to a farmer's thinking—that all available land should be planted. One thing I know it shows for sure is that the farmers of this country are willing to do their part to improve prices. Given this willingness by the farmers, the question then becomes: What action should the Federal Government take to make sure markets for agricultural products are available where farmers can compete?

Farmers do not want preferential treatment, but they do want a fair shake—an opportunity to compete fairly in world markets. The key word is "fairly" because what we are currently experiencing in many parts of the world is simply not fair. I am confident that if there is fair competition among agricultural producers, American farmers will see exports increase and prices improve because American farmers are more efficient than producers in other countries and our products are of extremely high quality.

The problems that currently exist are due to the fact that many countries are subsidizing their exports or imposing quotas or prohibitive tariffs. These actions caused our agricultural exports to decline 11 percent in 1982 to a level of $39 billion. The previous year they exceeded $43 billion. This decline is even more troubling when you consider the figures; that every $1 billion in agricultural exports equals about 35,000 jobs in this country.

Certainly there are other factors that have helped cause the decline in exports. The worldwide recession, the strength of the dollar, and the market decline in the Soviet Union as a result of the 1980 grain embargo have made exports decline. However, it is the subsidies and unfair trade practices of other countries that have really placed our agricultural products at an unreasonable and unfair disadvantage in world markets.

A few examples from the testimony of witnesses who recently appeared before the Senate Agriculture Committee dramatically illustrate the point. Mr. Robert Delano, president of the American Farm Bureau Federation, told the committee of his recent trip to Japan. In that country, which ships cars and televisions by the boatload to the United States, quotas and tariffs are imposed on a variety of agricultural products. The result is that sirloin steak sells for somewhere between $12 to $18 per pound, and an apple can cost as much as $1.

Mr. William W. Gaston, president of Goldkist, Inc., told the committee about Brazilian subsidies on soybeans. He referred to tax incentives, subsidized export financing, rebates, and credits. The result of these has been an increase in the Brazilian share of the world soybean meal market from 22 percent in 1973 to 55 percent today. During that time our share has dropped from 78 percent to 39 percent.

Finally, Mr. Lee Campbell, president of the Poultry & Egg Institute, told the committee of the subsidies for French producers in the poultry trade. These include interest-free loans, deferral of taxes, and free training for employees. Taken together, these ac-

tions amount to a subsidy of about 9 cents per pound, an enormous sum in the poultry business. These chickens then go into export markets at lower prices and displace our products. Our whole broiler exports dropped 71 percent in 1982 and we have virtually lost the lucrative whole broiler market in the Middle East. The European Economic Community (EEC) has almost 60 percent of the Middle Eastern market and the Brazilians have almost 40 percent. We have only about 1 percent.

We are faced with these barriers and subsidies, farm exports are falling, and I think it is time the United States took steps to increase exports. Obviously, we have to continue discussions with our foreign competitors, but we cannot allow the American farmer to take a beating while farmers in other countries are enjoying the fruits of increased exports. Therefore, I propose that we take the following steps:

First. Enact the so-called export PIK legislation promptly. This bill will provide surplus commodities to processors, exporters, and foreign purchasers. It will help us regain markets and gain a foothold in markets we might not otherwise have. It will also provide export assistance to many industries, including the poultry industry.

Second. Continue the use of blended credit export sales. The recent wheat flour sale to Egypt shows our resolve in the trade area, and the use of blended credits will make our products more attractive.

Third. Enter into a long-term grain agreement with the Soviet Union. The 1980 grain embargo was devastating to only one group—the American farmers. Signing another agreement, rather than just extending the existing agreement, will be a good signal to our farmers. Our share of the Soviet grain market went from about 70 percent before the embargo to about 17 percent afterward. Now, we are back up to about 30 percent. Talks are scheduled for today and a new agreement would be very helpful to our farmers.

Fourth. Make sure that those countries needing food know that we are a reliable source. Past embargoes and unfortunate rhetoric often lead many nations to doubt our reliability as a food supplier. We now have the so-called contract sanctity provision in the law which will insure shipment, provided it occurs within 270 days after an embargo. However, we need to do more to assure other nations that we will carry through on our commitments.

Fifth. Use barter contracts to acquire oil and strategic minerals from countries who do not have sufficient currency to buy our products. We have used this program in the past and I believe it could be started again without displacing our normal export markets. The Senate Agriculture Committee has included barter language in the export PIK bill and I hope it will soon become law.

Sixth. Create an Under Secretary of State for Agricultural Affairs. Farmers have no voice in the development of our foreign policy, and we have seen what the consequences of State Department actions can be for farmers. I am certainly not in favor of creating another tier in the Federal bureaucracy, but I think it is imperative that the voice of our farmers be heard in every foreign policy decision.

Seventh. Create a blue ribbon agricultural export panel. This panel should be composed of persons knowledgeable in agricultural trade, and should include farmers. This panel could then advise the President and the Congress on other steps that could be taken to increase our agricultural exports.

Mr. President, these seven actions could be taken in a relatively short period of time to improve our exports. Agriculture—the backbone of our Nation's economy—is under an enormous strain. Prices must be improved and the farm debt must be reduced. The trade measures I have outlined will go a long way toward providing some relief to hard-working men and women of this country.

CUTTING OFF HEAT AT FORT POLK, LA.

Mr. PRYOR. Mr. President, last night we watched the President of the United States talk to our country about defense, about our need for preparedness. A large portion of the President's address, I think, was pinpointed to what we might term as futuristic or "Star Wars" weaponry needed to defend our country during the remainder of this century.

I think it is fine to consider these items, Mr. President, and to listen to the President with great interest. But I think it is also very important that we talk about what is going on in this world today. For example, this morning my office received a call from a distraught mother who is the wife of a serviceman stationed at Fort Polk, La. Her small child was running a fever, and because of exceeding the budget allocation for energy use, all heat has been cut off at Fort Polk except in the hospital, nurseries, schools, and homes where there are children under the age of 6 months.

When we suggested taking her child to the hospital, she informed us that children were only being admitted there if their temparature reached a certain level.

Now, I am sure all my colleagues are well aware that regions of the South are suffering unseasonable cold spells. The temperatures at Folk Polk range in the mid- to upper-thirties. This is uncomfortable for anyone who is without heat, but is especially harmful to small children and elderly dependents at a time when colds, flu, and pneumonia are affecting many people.

I would also like to think that when we continue, without blinking an eye, to appropriate $10 million a day to the Pentagon for consultant use or to appropriate millions for many weapons that do not work, or millions of dollars for our military bands that we all enjoy so much, or $18,000 couches or sofas that go on aircraft carriers, we might also think, Mr. President, about just a little extra allocation in our budget somewhere to supply a little heat to at least the homes on the base of Fort Polk, La., especially those homes with preschool children or elderly dependents.

Mr. President, I ask unanimous consent at this point in the RECORD to have printed a letter Senator BUMPERS and I have written today to the Secretary of the Army asking not only for compassion but also for such an exemption.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEAR MR. SECRETARY: It is our understanding that because of excessive energy consumption all heat has been cut off at Fort Polk, Louisiana. Exceptions, we're told, have been granted to the hospital, nurseries, schools and homes where there are children under the age of six months.

Mr. Secretary, while we certainly understand the commitment to conservation, we think these regulations are insensitive and place an unfair burden on families with small children over the age of six months and on those with elderly dependents.

Presently, weather conditions in Arkansas, Louisiana and surrounding areas require many families to use heat at night. As you well know, there are many people now with colds, flu and pneumonia.

Mr. Secretary, we respectfully request that you personally review this policy and ask that you extend the exemption at least to homes with pre-school children and to homes where there are elderly dependents.

Sincerly,

DAVID PRYOR,
U.S. Senator.
DALE BUMPERS,
U.S. Senator.

THE COHEN-NUNN NUCLEAR BUILD-DOWN PROPOSAL

Mr. STENNIS. Mr. President, I shall not detain the Senate but a few minutes. My speech is brief. I believe it is on a very important subject, and it is a subject that I have dealt with a long time. I date my connection with our missile program back to the days when the first small base was authorized in the military contruction authorization bill. I happened to be chairman of the Senate committee at that time.

Mr. President, I have long believed that we must find some way to limit the growth of nuclear weapons in the

world. Together, the United States and the Russians have tens of thousands of these weapons today and the possibility for the future is continued growth. We do not know what the impact of exploding a few of these weapons would have on the world and society as we know it, but we do know exploding thousands would effectively be the ultimate catastrophe for mankind. Simply piling nuclear weapon on top of nuclear weapon adds to the risk that this potential catastrophe could someday become real.

When President Reagan took office, I met with him to discuss this important matter. I just wanted to tell him that, in my humble belief, it was the most important problem he had before him in his 4 years as President, this matter of arms control and arms limitation.

I believe that some movement in this direction is proper. I believed it then and I urged the President to make as a first priority the achievement of some agreement or some means of limiting nuclear weapons on both sides in a verifiable way. We must continue to deter Russian military strength with our military power, but we must also find ways to limit the deterrence that is necessary by avoiding buildup after buildup of these weapons.

The President set out to negotiate with the Russians on these matters and I compliment him for these efforts. Our nuclear negotiations have been in two main fields—the so called START talks, which relate to limiting strategic nuclear weapons, and the so called INF—intermediate range nuclear forces covering limitations on the theater nuclear weapons.

There have been some negotiations and give and take, some talk with the Russians on these matters, but thus far there has been no agreement. The START talks appear to be waiting for some progress in the INF talks before anything more can be done. There has been no movement in the INF talks on the so-called zero-zero option proposed by the President. Our allies in Europe have been calling for another American proposal as a basis for an interim agreement.

I have been involved with nuclear weapons for our side for decades. I have seen these weapons build up from the few hundred, which gave America great security in the 1950's, to the thousands we have now which seem to give us less security. Everything is now under review again—the MX missile, the B-1 bomber, the Titan submarine, new cruise missiles, and even the President's new proposal last night for a high technology missile defense in the future.

We must not weaken our forces but we must find a way to make them more effective without simply piling one on top of another in endless repetition. For this reason I want to endorse and join in the proposal made by Senators NUNN and COHEN for a nuclear build-down. This proposal may not be fully worked out, and certainly the language needs perfecting, but some steps must be taken in this field. This proposal is a start at least. It is within reach and it contains an idea that could lead to a reduction of nuclear weapons on both sides while improvement in the deterrence can continue. We must find something like this if we are going to make progress.

I commend Senators NUNN and COHEN for their work on this matter and I urge them to pursue it further and wish them success.

Mr. President, I view this problem as a continuing one. There is no quick solution to it. There is no way that we can wave a wand or anything like that and make it go away. But there must be some movement forward. This is one that I think would have meaning and would lead to further steps that might finally find a solution.

As I say Mr. President, I am glad to join with my colleagues and I urge them to consider this point as a major matter and as a possible way out of this confusion and uncertainty and what could be the terrible consequences that could follow.

WITHHOLDING TAXES ON DIVIDENDS AND INTEREST

Mr. DANFORTH. Mr. President, Peter MacCarthy is not only the president of Centerre Trust Co., he is my lifelong friend. Imagine, then, my dismay when he sent a form letter to my daughter, Eleanor, urging her to write her Senator protesting withholding on interest and dividends. Why did I deserve this treatment? After all, I had not dispatched form letters to Peter's children exhorting them to send irate mail to their dad.

Eleanor has not yet acted on Peter MacCarthy's request. She may feel that the 119,102 coupons, cards and letters I have received on this subject are sufficient. However, she has shared Peter's letter with me, and I would like to share it with the Senate. It is fairly typical of the efforts of financial institutions in their opposition to withholding. I would then like to respond to Peter's letter point by point.

Mr. President, I ask unanimous consent that Peter MacCarthy's letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CENTERRE TRUST CO.,
St. Louis, Mo.

DEAR CENTERRE CUSTOMER: This letter is to inform you generally about the impact on your account of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) and Centerre Trust's opposition to it.

HOW TEFRA WILL AFFECT YOU

Beginning July 1, 1983, this new law will require, for the first time, that 10% be withheld from dividends and interest that you earn, including the income earned by your account at Centerre Trust Company. This means that your income checks from your account will be smaller. It also means that we are obligated to deprive you of the use of part of what is rightfully yours in order to pay a tax not otherwise due until the following year. In most cases, the tax must be withheld even if you have deductions or credits that would cause no tax to be due. In effect you are making an interest-free loan to the Government.

While cracking down on unreported dividends and interest is certainly a good idea, this could be largely accomplished if the IRS merely utilized the information it already receives through the 1099 information returns presently submitted by banks and corporations. Instead, this new law punishes everyone for the sins of relatively few. It discourages savings and investment habits at the very time that creating incentives for savings and investment to strengthen our economy is supposed to be one of our national priorities.

This new law also forces us to act as the Government's collection agency, and to absorb the costly administrative burden that results. This new cost, like all other rising costs, will ultimately be reflected in the fees you pay.

WHAT YOU CAN DO ABOUT IT

If you, as we do, believe that this new law should be repealed, please take the time now to write your U.S. Senators and Congressman. We suggest you tell them that you think the dividend and interest withholding provisions of TEFRA should be repealed before they take effect on July 1, and encourage them to support H.R. 500 sponsored by Rep. Norman D'Amours and S. 22 sponsored by Sen. Robert Kasten, which would effect this repeal.

Your United States Senators: The Hon. , United States Senate, Washington, D.C. 20510.

Your United States Congressman: The Hon. , House Office Building, Washington, D.C. 20515.

Please make your views known to your elected Representatives as soon as possible. This law is scheduled to go into effect July 1, 1983.

Sincerely,

JOHN PETERS MACCARTHY
President and Chief Executive Officer.

Mr. DANFORTH. The letter states:

This letter is to inform you generally about the impact on your account of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) and Centerre Trust's opposition to it.

My response is that TEFRA was passed as part of a congressional commitment to reduce the Federal deficit by $379 billion over a 3-year period. The budget resolution required Congress to put in place $281 billion in spending cuts and $98 billion in revenue increases in 1983, 1984, and 1985. In meeting this mandate to raise substantial new revenue, the Senate Finance Committee reasoned that better collection of taxes already owing was preferable to imposing new taxes on the American people. It is estimated that $8 billion is lost to the Treasury each year by people who cheat on their taxes due from income on inter-

est and dividends. Withholding on interest and dividends was the largest single component in TEFRA. To repeal withholding would undermine the credibility of the budget process, signal that Congress does not live up to its commitments and increase the deficit by $11 billion over 3 years. And by $20 billion over 5 years. Ironically, financial institutions have been in the forefront of those complaining about large deficits and have blamed deficits for high interest rates.

The letter states:

Beginning July 1, 1983, this new law will require, for the first time, that 10 percent be withheld from dividends and interest that you earn, including the income earned by your account at Centerre Trust Company.

My response is that the new law may or may not require withholding on interest and dividends depending on whether or not you fall in one of five exempt categories. For example, about 90 percent of people over 65 years old are exempt from withholding. So are low income taxpayers. So are people whose interest from a financial institution is less than $150 per year. All it takes to claim this exemption is to file a simple form containing your name, address, social security number, bank account number and signature.

The letter states:

This means that your income checks from your account will be smaller. It also means that we are obligated to deprive you of the use of part of what is rightfully yours in order to pay a tax not otherwise due until the following year. In most cases, the tax must be withheld even if you have deductions or credits that would cause no tax to be due. In effect you are making an interest-free loan to the Government.

My response is that withholding in no way deprives you of what is rightfully yours, nor is your tax not due until the following year, nor are you making an interest-free loan to the Government. Right now, your wages are withheld and interest and dividend income is subject to quarterly estimated tax payments. The amount to be withheld on interest and dividends can be offset by reducing either your wage withholding or your quarterly estimated tax payment. The economic effect for the honest taxpayer who has paid taxes on interest and dividends will be nil. The only people who will be deprived are those who have been cheating on their taxes to the tune of $8 billion a year.

The letter states:

While cracking down on unreported dividends and interest is certainly a good idea, this could be largely accomplished if the IRS merely utilized the information it already receives through the 1099 information returns presently submitted by banks and corporations. Instead, this new law punishes everyone for the sins of relatively few. It discourages savings and investment habits at the very time that creating incentives for savings and investment to strengthen our economy is supposed to be one of our national priorities.

My response is that cracking down on unreported dividends and interest cannot be accomplished by "merely" utilizing form 1099. Form 1099 is useful in about 86 percent of the cases where it is matched by a corresponding form 1040. However, about 5 to 6 million people for whom 1099's are filed do not file form 1040, and about 19 million people provide the 1099 filing institution with the wrong social security number. Therefore, to resolve the discrepancies between the two forms would require literally millions of individual audits at a great inconvenience to the taxpayer and at a great expense to the Government.

As previously stated, the habit withholding discourages is not savings and investment, but cheating.

The letter states:

This new law also forces us to act as the Government's collection agency, and to absorb the costly administrative burden that results. This new cost, like all other rising costs, will ultimately be reflected in the fees you pay.

My response is that every corporation and small business in the country already acts as the collection agency for the Government by withholding taxes on salaries and wages. Retail stores collect sales taxes. That is how the system works. The financial institutions complain of the difficulty they will experience in collecting taxes for the Government, yet they appear to have no difficulty whatever in collecting service charges on your account. Moreover, in order to compensate for complained-of costs in administration of the program, Congress gave financial institutions a 30-day "float" or interest free use of collected money in order to offset the costs of "gearing up" for their new responsibility.

The letter concludes:

Please make your views known to your elected Representatives as soon as possible. This law is scheduled to go into effect July 1, 1983.

I conclude that if you believe that Congress must fight the battle of the budget, if you believe that the deficit must be reduced, if you believe that before Congress raises taxes it should collect taxes already due, then you should speak out. Do not let the banking lobby do your thinking for you. Speak out for lower deficits and for making the cheaters pay their fair share.

HOUSE FINAL ACTION ON H.R. 1718, THE JOBS BILL

Mr. HATFIELD. Mr. President, today the House adopted the final amendment in disagreement on H.R. 1718, the jobs bill, thereby clearing the measure for the White House. I am very pleased that we have concluded our actions on this measure, and that the bill is now ready to be implemented—providing needed new employment opportunities and humanitarian assistance to those out of work. The bill also provides a $5 billion urgent supplemental to the unemployment trust fund to assure the continuation on unemployment compensation payment to the jobless. Funding for this purpose has been exhausted and must be provided immediately.

Mr. President, this measure has a long history. It started with our consideration of the continuing resolution in December of last year. At that time the administration was adamantly opposed to providing additional funding for the jobless, and when confronted with the extreme circumstance of possibly hazarding the disruption of all Federal programs, the Congress relented to the President's demands. At the time, many of us felt that such a package should be the first order of business in this new session of Congress.

When Congress convened, we discovered that the White House had changed its position and was now negotiating with the House leadership on a new jobs package. I introduced a proposal similar to what was being discussed, S. 484. Finally, the House began its consideration of the jobs package in H.R. 1718. The Senate received this bill on March 3. It was reported by the Senate Appropriations Committee on March 7. Floor debate began on March 9, and the measure finally passed on March 17. Conference action was concluded in one day, March 21.

This final action by the House today comes none too soon. Twelve States will exhaust all funds available to pay unemployment compensation by the end of the day. Many more will similarly run out of funds in the next few days.

Our ability to complete action on this measure in a timely fashion is also critical to the early provision of new employment opportunities and humanitarian assistance to those out of work and the needy.

Mr. President, over and above the difficult time constraints within which this bill was considered, I am especially pleased that we have accomplished so much in one measure. There are 72 individual program appropriations in this bill, totaling $15.6 billion. It is a complex measure, which will do much to meeting immediate employment, and humanitarian needs as well as provide urgently needed supplemental appropriations. It is not a total answer by any means, but is a remarkable piece of legislation nonetheless.

We have enacted a new formula which targets much of the funds in the jobs title of the bill to areas and States suffering from high and long-term unemployment. We have enacted

new comprehensive legislation to initiate a new surplus food distribution program. The bill contains $100 million for emergency food and shelter assistance to help those in our society who are without the most basic of human needs. Also contained in this measure are funds to accelerate a broad array of Federal construction activities which will yield valuable and long lasting benefits for our people.

Mr. President, I need not mention that much of the credit for the quality of this measure belongs not to those of us who vote on the House and Senate floor, but rather to our staff. We would have precious little to be acting on were it not for the dedication, expertise, and plain hard work of our staff.

Mr. President, I would also like to thank the members of my own personal office staff for their contributions on this measure. They were called on to augment the committee staff on this bill since my initial proposal was drafted as a separate Senate bill and only then referred to the committee. I would especially like to call attention to the excellent work of Mr. Jim Towey who undertook the extremely difficult task of framing a workable and effective targeting strategy for the bill. It is principally through his efforts, and inspiration, that we have reached agreement on an equitable formula.

FOREIGN MILITARY SALES CREDITS FOR EL SALVADOR

Mr. CRANSTON. Mr. President, I oppose the action of the Senate Foreign Relations Committee to give qualified approval to half of the Reagan administration's request to reprogram foreign military sales credits for El Salvador.

While I fully support the goals expressed by a majority of my colleagues on the Foreign Relations Committee in a letter I have signed with them regarding the use of these funds, I must oppose the action taken by the committee in approving the reprograming of $30 million in additional military aid to El Salvador for fiscal year 1983. Strict conditions have not been placed upon the use of this aid and upon the use of American advisers in El Salvador. The terms and conditions established by the committee are, in my opinion, too weak. And the El Salvadoran Government's willingness to enter into unconditional negotiations with the opposition is not made an explicit condition of future aid.

The efforts by Senator DODD and Senator KASSEBAUM to build a bipartisan committee consensus to cut the administration's request in half represent an important tactical victory. This is the first time that the Foreign Relations Committee has ever blocked a reprograming request. And it is another effort to restrain the Reagan administration's unqualified support of the El Salvadoran military.

I oppose any further U.S. military aid to El Salvador unless substantial political, social, and economic reforms are undertaken in that country and an offer for unconditional negotiations with the opposition is forthcoming from the El Salvadoran Government.

What our Government should be doing is working with key democratic allies in the region—such as Mexico and Venezuela—to encourage negotiation of an unconditional cease-fire and progress toward the inclusion of all Salvadorans in the political life of that country.

I deplore the efforts of the Reagan administration to portray the Salvadoran civil war as a struggle between the Kremlin and Washington. This is a conflict born of injustice, repression, and underdevelopment. If we are to achieve the U.S. national interest in promoting democratic development in El Salvador, we must press continually for key reforms in that nation.

The Reagan administration has now asked for $363 million in aid to El Salvador for this year alone. They have asked for nearly $1 billion for El Salvador for the 4 year period of fiscal years 1982–85. The latest Reagan administration proposal represents a fourfold increase in military aid to El Salvador in fiscal year 1983, even though fiscal year 1983 is less than 6 months old. The Reagan proposal also seeks twice as much military aid as economic assistance.

Thus, in sum, I oppose any approval of additional military aid to El Salvador unless and until strict conditions on such funds are established by Congress. I will work with my colleagues to see that such strict conditions are attached to subsequent Reagan administration requests for El Salvador for fiscal years 1983 and 1984.

EXCESSIVE MILITARY SPENDING

Mr. CRANSTON. Mr. President, Ronald Reagan is trying to pressure Congress into excessive military spending by spreading fear among the American people of Russia's alleged military supremacy.

He hypes the Soviet's power and ignores their weaknesses. In strange behavior for an American President, he poor mouths America's equal or superior military strength, which the Joint Chiefs of Staff say they would not exchange for the Russians.

He seeks to escalate the arms race into the outer reaches of space and of finance in a policy of spend, spend, spend.

The only hope for peace he offers us is that the Soviets—who will match us dollar for dollar, weapon for weapon—will go broke before we do.

It is likely to be a close call.

I predict Ronald Reagan's strategy of fear, hyperbole, and confrontation with the Soviets will fail.

Congress will not be panicked into an irresponsible military budget.

And the American people will not be frightened.

The American people suffer from unemployment, bankruptcies, foreclosures and recession and from Ronald Reagan's extravagant overspending for defense. He is creating deeper and deeper deficits that are stunting our economic growth.

Instead of offering to cooperate with Republicans and Democrats in Congress who are seeking sensible ways to increase defense spending without further wrecking our economy, President Reagan holds out the vision of even higher military spending—higher by tens of billions of dollars in so-called defensive technologies.

President Reagan gives the impression that Congress wants to cut overall defense spending. That is not true. The debate in Congress is simply over how large an increase is justified and how much of the President's proposed $2 trillion defense budget for the next 5 years is necessary.

More than a decade ago, President Nixon and Congress abandoned as incredibly expensive and hopelessly unworkable a less ambitious kind of ABM or antiballistic missile system that Ronald Reagan is now trying to sell the American people as the new hope for the future.

Ronald Reagan's hope is in reality a nightmare of more and more spending that will make us more insecure militarily and weaker economically and will increase the danger of a nuclear holocaust.

STRATEGIC DEFENSE

Mr. WARNER. Mr. President, last night, President Reagan, in a nationally televised address, announced a comprehensive and intensive effort to define a long-term research and development program to begin to achieve our ultimate goal of eliminating the threat posed by strategic nuclear missiles. This program would capitalize on our technological capacity to develop means by which we could intercept and destroy strategic ballistic missiles before they reached our own soil or that of our allies.

The Senate, over the past 3 years, has been taking increased interest in this area. The initiatives of the President will be received and studied with great interest.

Yesterday, the Subcommittee on Strategic and Theater Nuclear Forces, which I chair, held hearings on strategic defense. As a part of the review of the Department of Defense authorization bill. Mr. John Gardner, Director of Defensive Systems, Office of the

Under Secretary of Defense (research and engineering) furnished an overview of the initiatives currently programed for enhancing America's strategic defense capabilities. His testimony was complimented by that of Maj. Gen. Grayson Tate, Program Manager for the ballistic missile defense program; Maj. Gen. Donald Lamberson, Director of directed energy program coordination; and Maj. Gen. Bruce Brown, Vice Commander-in-Chief of the North American Aerospace Defense Command.

Understandably much of the testimony on the subject is classified and therefore not available subject to release. However, I believe it important and timely to provide for the record as much information as possible on this important subject. I submit for the RECORD two statements from that hearing which provide information as to the current status of the directed energy program and the Air Force's Space Command.

I begin with some impressions obtained over several years of intensive study of this subject. First, the potential contribution of directed energy weapons is significant. For example, they could deny the use of space for collecting and distributing crisis management and targeting information while protecting our space assets that warn against a surprise attack; engage and defeat limited nuclear strikes using ballistic missiles by engaging such missiles in the vulnerable boost phase; provide response options that neutralize or disrupt enemy targets in a measured, selective manner without breaking the nuclear threshold; selectively thin out the attacking missiles and aircraft and disrupt any attempt at a disarming first strike; aid U.S. strategic force retaliatory strikes by suppressing air defenses; and continually attrite reserve strategic forces in a nuclear war and deny targeting information essential to the effective use of such forces.

Directed energy weapons might be used as a stand-alone defense, or more likely, as part of a defense-in-depth concept. Second, considerable research and development is underway on laser and particle beam-related systems with potential for defensive weaponry. A brief description of each may be worthwhile.

LASERS

Laser beams, particularly the chemical laser, will likely be the first deployable beam weapons developed. A laser is a beam of very intense, single wavelength electromagnetic waves, either of light or high energy X-rays. Such a weapon can be focused very precisely because either the light or X-ray wavelengths all have the same frequency and phase. The five different types of lasers, which can be applied to fusion energy as well as beam weapons, are all being researched at U.S. laboratories.

The chemical laser, which could be developed for military deployment uses a gaseous medium in which a chemical reaction is induced. The product of the reaction emits laser light.

The gas laser, a burning gas such as a hydrogen and fluorine mixture is suddenly compressed, and the energy distribution that results from the compression is then stimulated to emit single-frequency light waves at very high energy.

An electron discharge laser uses replaceable energy from an electron beam to create the source of laser light. Such a laser would be very efficient for use in space because its energy source is electricity, not an exhaustible chemical fuel.

Two other types of lasers, X-ray lasers and free-electron lasers, yet to be perfected technologically, have greater advantages of energy density and flexibility then those listed above. The X-ray laser has promise for long-range ballistic missile defense, based in space. The X-ray laser, which is just a single pulse, is by far the most energy-dense, delivering thousands of times more energy per pulse than conventional lasers. In addition, the target absorbs the X-rays very efficiently, making this weapon capable of very efficient destruction of missiles. I met with Dr. Edward Teller in February of this year to discuss the potential of this type of laser.

PARTICLE-BEAM WEAPONS

Particle beams also deliver energy in a highly controlled pulse traveling at near the speed of light. But instead of a pulse of intense electro-magnetic radiation, the particle beam consists of subatomic particles, electrons or protons, neutral atoms, usually hydrogen, or usually magnetized macroscopic particles accelerated to high speeds. A particle beam destroys its target, the triggering mechanism, by creating a very intense shock wave within the mechanism, like a very small, but extremely heavy and powerful hammer striking down on the target.

Electron beams can be generated in the range of millions of volts. Scientists researching the electron beam for military or civilian energy use have discovered that the electron beam becomes a complex structure of electrons and a magnetic field. Such structured beams are capable of carrying higher currents and more energy for much longer distances at much greater levels of power output.

Proton beams, which have been researched intensively for the past 30 years, use an electron beam as a seed and then are accelerated in their own right. As protons are 2,000 times heavier than electrons, a proton beam of the same velocity has 2,000 times the energy of an electron beam.

Neutral particles eliminate many of the problems of charged-particle beams, which can degrade both the efficiency and controllability of the beam. This spring, U.S. researchers hope to produce a beam of protons at an energy of 2.5 million electron volts, capable of traveling at 99 percent of the speed of light.

Control and targeting of a macroscopic particle beam would be more difficult, but the unparalleled power density of the beam—due to the large mass of the particles—gives it considerable potential as a beam weapon.

The Department of Defense is pursuing development efforts related to a space-based, air-borne, and ground-based laser systems for antisatellite, antiaircraft and possibly antiballistic missile defense missions. Serious work is also being performed on particle beam weapon systems.

In addition, nonnuclear ballistic missile defense systems are being researched by the Army. Such systems could provide a capable, point-defense of national assets in the 1990's.

The private sector has also offered proposals—largely drawing upon the technologies under development by the Department of Defense—intended to give the United States an enhanced strategic defense capability. One such proposal, called "High Frontier," would involve three components.

The first system would be a ground-based defense of missile silos that would consist of rapid-fire guns able to launch a cloud of projectiles and destroy incoming warheads before they reach their target.

The second system would be a global ballistic missile defense that would consist of 432 satellites, all hardened to minimize the effect of nuclear explosions outside the Earth's atmosphere. These satellites would be constantly orbiting at about 300 miles altitude, each armed with 40 to 50 intercept devices similar to the air-to-air missiles now carried by U.S. fighter aircraft.

The third system would be a second generation global ballistic missile defense whose specific configuration would depend upon the rate of technological advance. It might simply be an upgrading of GBMD-I, or, depending on the solution to problems of directed-energy beam weaponry, could be an entirely new system.

Uncertainties exist about the cost, technical feasibility and arms control implications of each of these approaches. One hearing on the subject of strategic defense has been held by the Strategic and Theater Nuclear Force Subcommittee and further detailed consideration of this highly important subject and related considerations by the subcommittee will be occurring this spring.

Just as important as the technical capabilities of these approaches are the provisions and goals of existing and future arms control treaties. I can not emphasize too strongly the need to coordinate the technical development of these weapons within the framework of the existing arms control agreements and the future agreements the world hopes and prays for.

For convenience of reference, included in this statement are two of the most important treaties. They are the treaty on the limitations of antiballistic missile systems and the outer space treaty. Accompanying the texts of these treaties are brief descriptions of the agreements found in a book published by the U.S. Arms Control and Disarmament Agency (ACDA) entitled "Arms Control and Disarmament Agreements."

In conclusion, I believe that the President is correct in his recognition of the potential offered by American technology for our national security. His assessment that, "years, probably decades, of effort on many fronts is required" is also correct. I believe that his call for increased attention to our technological capability will lend an impetus that may provide positive dividends. The precaution and responsibility that we have is not to raise hopes and expectations too early.

I will continue to provide reports to the Senate on a periodic basis, as my subcommittee continues to exercise oversight over the military aspects of this important subject.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY MAJ. GEN. BRUCE K. BROWN

Mr. Chairman: On behalf of General Hartinger, I would like to thank you and the members of your committee for the support you've given us during the past year. I appreciate the opportunity to provide an update on our strategic defense modernization efforts, and in addition, I would like to give a brief report on the Air Force's newest command, Space Command, and its impact on strategic defense. It has been a great year for us in Colorado Springs with the establishment of our new command. First however, I would like to discuss the three mission areas of air defense, space defense and missile warning.

Underpinning our improvements in these areas is President Reagan's five-point strategic modernization program. Two of his five points apply to strategic defense: command, control and communication systems, including missile warning, and improved air defense.

MISSILE WARNING

Missile warning remains as our number one priority due to the magnitude of the threat and the very short timelines involved. We have several important improvement programs which are essential if we are to increase the quality and survivability of our missile warning systems.

We have programed several upgrades to the satellite early warning system. This system, made up of infra-red satellites, provides the first information on a missile or space launch. We are pursuing improvements to both the follow-on satellites and ground processing stations to increase survivability and to assure the continued availability of the satellite data.

A second program, designed to insure unambiguous warning of ICBM launches from the Eastern Hemisphere, is BMEWS. BMEWS is a 20-year old ground-based radar system which operates from sites in Alaska, Greenland, and England. To improve this system, we currently are replacing the mission computers at each site and have a BMEWS modernization program which will allow the radars to more accurately count incoming warheads.

In the Western Hemisphere, we have two Pave Paws phased array radars which confirm SLBM launches. These radars are located in the Northwest at Beale AFB, Calif., and in the Northeast at Otis AFB, Mass. We still need some improvements to insure full dual phenomenology coverage for realiability and quality warning information. You recommended funding for the Southeast and Soutwest Pave Paws sites in the fiscal year 1982 budget. Major funding for these two sites began in fiscal year 1983 and continues in the fiscal year 1984 budget. We need 6DB power upgrades to our existing Pave Paws sites so they also will more accurately count incoming warheads.

ATMOSPHERIC DEFENSE

To revitalize strategic defenses, the President's program calls for an upgrade to our North American air surveillance network, the procurement of 12 additional AWACS aircraft, and the modernization of our active interceptor force with F-15s.

As a first step, we need an improved atmospheric early warning system to let us see bombers and cruise missile carriers at extended ranges. To get the early warning we need off our coasts, we are going to deploy over-the-horizon backscatter (OTH-B) radars. OTH-B eliminates the line-of-sight limitations of conventional radars by reflecting its energy off the ionosphere, giving it all-altitude bomber detection out to about 2,000 NM. We plan to deploy an OTH-B on each coast by the middle 1980's, and later, to fill the void to the South, we are looking at deploying a southern looking OTH-B.

Since an OTH-B looking North would be degraded by auroral interference, which disturbs the ionosphere, we are pursuing an improved DEW line. This upgrade consisting of minimally attended and gap filler radars will give us an all-altitude bomber detection capability to the North. These programs are contained in the President's 1984 budget.

We feel that with OTH-B and the improved DEW line we will be able to deny the Soviets that no-warning bomber option that might be attractive to their war gamers; and with the system, be able to more intelligently and efficiently employ those limited numbers of interceptors and AWACS aircraft now at our disposal.

We are also modernizing in the airspace control area by replacing the region control centers associated with the old sage system with new centers. This system will provide primary command and control in a wartime scenario as long as it survives; however, as it is not survivable, we are depending on AWACS to give us war-fighting survivability.

This control will be assisted by our damage limiting and assessment capability which is embodied in our interceptors. We currently have 19 squadrons which include Air Force and Air National Guard F-106s and F-4s, Canadian F-101s and the F-15. The F-15 squadrons at Langley AFB, Va., and Elmendorf AFB, Alaska represent the first steps in the modernization of our interceptor force. The Canadians are replacing their CF-101s with the much improved CF-18, and we are looking at replacing the Air National Guard F-106s and perhaps some of their F-4s with an air defense version of the F-16.

Hand-in-hand with these improvements is the need to preserve the flow of critical missile warning information to the users. We must have an undurin C³ system to sustain our war fighting capability. For that reason. I strongly support development of jam-resistant secure communications, the ground wave emergency network, Milstar, and efforts to emp-harden critical facilities.

In the interim, we at Norad have done three things. First, we are developing a rapid emergency reconstitution team called rapier to reconstitute at preselected locations in the rockies with communications gear.

Second, within the Colorado Springs area, we have completed an emp-hardening project that runs from Cheyenne Mountain to Peterson AFB, to Norad Headquarters, and to General Hartinger's quarters. This project includes an AFSATCOM terminal, interbase radio system, microwave system and fiber optic cable telephones—all of which insure connectivity between Cheyenne Mountain and General Hartinger anywhere in the Colorado Springs area.

Third is the BUF (Back-up facility) on Peterson AFB which will also be part of the hardened system and which replaces our inactivated alternate command post at Malmstrom AFB, Mont.

SPACE COMMAND

Next, I'd like to spend a few minutes on the Air Force's newest major command, Space Command.

Establishment of the Space Command on 1 September 1982, I think marked a crucial milestone in the evolution of military space operations. The space command will give the Air Force an organization to take advantage of the countless opportunities that space afford the military.

Why did the Air Force establish a space command? Our perception of space has changed. Space is just a place—like the land, the sea, and the air—another dimension. And it was just a matter of time until we started treating it as such. We have had an on-going study in the Air Force looking at when we would need an operational space command and several factors converged in 1982 which led to that decision.

These factors included the Soviet threat in space, our Nation's increasing dependence on space systems, an ever increasing national space resource commitment, and the need to take full advantage of the Space Shuttle to enhance man's presence in space. Lastly, on July 4, 1982, President Reagan announced that the most important goal of the U.S. space program was to strengthen national security. As a result, we now have a policy which underscores the need to move Air Force space programs out of the research and development community into the operational world.

The space command agenda is far-reaching. In general, the Air Force has an operational command to manage, control and protect operational space assets. Space Command is promoting a much closer relationship between the research and develop-

ment community and the operational world. The command is providing a focus for centralized planning, consolidated requirements, and an operational advocate for Air Force space systems. In general, we will provide the operational pull to go along with the technology pull which has been the dominant factor in the space world since its inception.

In particular, Space Command will: Develop space doctrine and strategy; promote a comprehensive documentation of the Soviet space threat; strengthen the softest link in the space system cycle—the statement of operational needs; incorporate space activities in Air Force and joint exercises; advocate a sound survivability program; promote and oversee space education, training and career development; and give clearer focus to the Air Force space medicine program.

The bottom line is that the establishment of Space Command means that the Air Force is going operational in space. We think we have the right time, we think we have the right place, we think we have the right people and we are all excited about it. The Space Command is a giant step toward meeting the President's policy of having a space program that will strengthen national security.

THE FUTURE

I want to conclude with two observations. First, the Air Force's Space Command is the initial step which could lay the foundation for the eventual integration of space systems into the unified/specified command structure.

Second, as we look to the future of strategic defense for increased capability and survivability, everything points to space. More and more missile, space and air defense business will be done using space based systems. Space may provide viable options for a more strategic defense oriented national strategy which could create a more stable world.

THE DOD DIRECTED ENERGY PROGRAM AND ITS RELEVANCE TO STRATEGIC DEFENSE

I. INTRODUCTION

The Department of Defense maintains an extensive program that is developing directed energy technology for eventual application to weapon systems. Such weapons may ultimately take many forms and be applied in many specific missions—perhaps as many as missiles and guns. Of these missions, some of the most promising are as part of a defense-in-depth of the United States against strategic attack. The technology is emerging. While the concepts have been discussed for several decades, it is only within the last decade and a half that discoveries have occurred that promise viable weapon systems. There are no deployed directed energy weapons to date and we expect that there will be another decade of development before such weapons enter the operational inventory.

To address the applicability and potential availability of such weapons, this statement will outline the general characteristics and capabilities of directed energy weapons, how this technology relates to America's strategic defense posture, and the goals and progress of our current directed energy technology programs.

II. CHARACTERISTICS AND CAPABILITIES OF DIRECTED ENERGY FOR STRATEGIC DEFENSE.

What is a directed energy weapon? A directed energy weapon generates radiant energy or energetic particles and focuses it into a narrow beam pointed at targets. This energy may come from chemical fuel, electrical power, intense heat sources or high explosives. These beams consist of charged or neutral atomic particles or electromagnetic radiation and are capable of near-instantaneous delivery of very intense energy densities to targets. Directed energy weapons have a wide array of different possible applications depending on the ability of the beam to propagate through the air, the ionosphere, or space. Thus, one can talk about endoatmospheric applications at ranges of 10 km and about exatmospheric application at ranges of 10,000 km and still be discussing directed energy weapons. Directed energy weapons may be ground-, sea-, air-, or space-based depending on the size of the weapon, the mission that it must perform, and the ability of the beam to propagate to the target.

The potential contributions of directed energy weapons to deterrence of strategic attack—the primary goal of both strategic offensive and defensive forces of the U.S.—are significant. They could introduce new vulnerabilities to a potential enemy's arsenal of strategic weapons and therefore introduce new uncertainties in his ability to achieve his objectives in a strategic attack. For example, they could—

Deny the use of space for collecting and distributing crisis management and targeting information while protecting our space assets that warn against a surprise attack.

Engage and defeat limited nuclear strikes using ballistic missiles by engaging such missiles in the vulnerable boost phase.

Provide response options that neutralize or disrupt enemy targets in a measured, selective manner without breaking the nuclear threshold.

Selectively thin-out the attacking missiles and aircraft and disrupt any attempt at a disarming first strike.

Aid U.S. strategic force retaliatory strikes by suppressing air defenses.

Continually attrit reserve strategic forces in a nuclear war and deny targeting information essential to the effective use of such forces.

A single directed energy weapon could be designed with the capability of negating tens of targets in a relatively short amount of time. Directed energy weapons might be used as a stand-alone defense, or, more likely, as part of a defense-in-depth concept. For example, a constellation of space laser platforms might by themselves defend U.S. satellites from attack and also might possess the capability to negate, say, 50 percent of a large-scale ICBM attack on U.S. strategic forces by engaging several hundred missiles in boost phase as the first layer of a ballistic missile defense-in-depth.

III. DEVELOPMENT STATUS

While directed energy technologies offer promise of broad application in strategic defense, we have not yet achieved feasible, cost effective weapon systems using these new technologies. The technical maturity of these concepts vary from early in the proof-of-concept phase to approaching the maturity necessary to enter the validation phase of a formal weapon development program. As in most development programs, we are focused on two basic issues—are such weapons feasible, and, if they are, can they be made cost effective? Our efforts to resolve these issues are extensive. Unlike familiar weapon forms such as guns, we are addressing these issues for the first time. We recognize that defensive applications could be a very attractive and competitive use of directed energy weapons. In strategic defense the payoff could be particularly high. Accordingly, we need and have a prudent and aggressive DoD program to resolve the critical uncertainties associated with these two basic issues.

The first basic issue is that of technical feasibility. A directed energy weapon, in general, would consist of an energy source, a device such as a laser or particle accelerator, optical systems to direct and focus the beam, and ATP to acquire, track, and point at several targets in the span of seconds. Another critical issue involved in technical feasibility is the ability to propagate over the ranges required to be effective. Other issues include, for example, weapons control, damage assessment, surveillance, adequate C^3, the ability to launch and assemble the weapon, and exhaust management. These issues have somehwhat lower priority in establishing technical feasibility but must be addressed in advanced technology demonstrations and prototype weapons development.

The other basic issue concerning directed energy weapons development is whether such weapons can be made cost effective. Several different critical issues are being addressed such as weapon lethality, system survivability to mission completion, utility in the face of countermeasures, system conceptual designs, and system cost. Because the technology of directed energy weapons is rather immature in comparison to conventional systems such as missiles, airplanes, and guns, our goals in this area are rather modest. These goals are, basically, to resolve and bound the uncertainties sufficiently to provide the Secretary of Defense with enough information to enable an informed decision to proceed with advanced development, testing, and engineering phases if and when the technology for directed energy weapons is ready.

IV. DEVELOPMENT EFFORTS SUPPORTED BY THE PROPOSED FISCAL YEAR 1984 BUDGET

While most of the DoD directed energy program supports technology developments relevant to the many potential strategic defense concepts, this statement will describe three types of efforts as samples of what the program is doing and plans to do. They are the space-based laser, ground-based laser antisatellite, and particle beam efforts.

The DOD space laser program

There are some obviously attractive benefits for using laser weapons in space. Outside the atmosphere, the laser beam is not disturbed from the weapon to target. Thus, lasers have the potential to transmit damaging energy at the speed of light over very long distances. Furthermore, lasers are not weapons of mass destruction. They direct energy to a prescribed target area and nowhere else. Basing such weapons wholly or partially in space can take advantage of these attributes to maximize their values as a deterrent to attack at all levels of conflict. In particular, space based lasers may be able to perform all of the specific missions cited in Section II of this statement.

Last year, the Secretary of Defense approved the DoD Space Laser Program Plan, formulated by DARPA, the Air Force, and the Army. This plan deals with resolving, by fiscal year 1988, basic uncertainties that prevent making an informed decision on whether or not to proceed to the validation phase of weapon development. The program defined by the plan has three basic objectives:

Define the concept of a multimission space laser deployment that can survive

until its mission is completed and assess cost effectiveness of such deployments.

Demonstrate the technical feasibility of the most critical elements of this conceptual space laser weapon deployment.

Pursue technology paths that could provide a growth in performance to accomplish more demanding missions and overcome a responsible threat.

In the recent past, at the direction of Congress, the DoD has examined the opinions on program pace spanning the spectrum from a technology only program to a "Manhattan project" type accelerated effort. These studies, for the first time, clearly define the scope of the remaining uncertainties concerning whether an effective weapon system can be achieved and the size of the risk involved in a greatly accelerated program. The resulting DoD Program Plan is an investment of about $900 million dollars over the fiscal year 1982-1988 time period designed to vigorously address the most critical issues to be resolved in order to reduce the risk to a prudent level prior to proceeding to expensive on-orbit demonstrations.

Approximately two-thirds of the space laser funding is going to resolve issues of basic technical feasibility of performing the primary functions of an effective laser weapon. Most of this effort goes into the three programs which constitute the Darpa Space Laser Triad: Alpha, Lode, and Talon Gold. Alpha is examining the feasibility of generating high laser power in a space compatible configuration at mid-infrared wavelengths. Lode examines whether it is feasible to provide beam control at high brightness levels and addresses whether it is feasible to produce very large primary mirrors for the beam director that are figured to very stringent tolerances. Talon Gold is examining issues of whether it is feasible to stabilize, with extraordinary precision, a beam spot on a dynamic target from space. Most of the technology being examined in Lode and Talon Gold, while addressing mid-IR wavelengths, have substantial legacy in short (sub-micron) wavelength lasers. Triad is planned to demonstrate the technology that can be scaled to levels appropriate for strategic defense applications. Currently, the Triad programs have successfully passed preliminary design reviews and demonstrated limited brass-board scaling. At this time they are on schedule to support the 1988 decision milestones.

The Air Force part of the space laser program is concentrating on target vulnerability and hardening, system concepts, utility, and survivability of a multimission (counterspace, counterair and limited BMD) force. All of these efforts require a preliminary system definition. The uncertainties in these areas are broad and, as a result, opinions on the practicality of space lasers can vary widely. Air Force efforts are designed to insure such opinions are based on fact and not speculation, on data and not on instinct. Since the fiscal year 1983 funds for these efforts were denied by Congress, we have been forced to postpone the milestone for a decision on initiation of validation from 1987 to 1988. There efforts are currently underway using fiscal year 1982 funds. We hope to meet these new milestones if the present efforts are funded to the level of the DOD Space Laser Plan.

The Army space laser efforts are, of course, focused on ballistic missile defense. It is a modest program that takes advantage of the DARPA and Air Force efforts and supplements them—principally in short wavelength activities. The most critical uncertainty in cost effectiveness of BMD concepts appears to be the extent to which ballistic missiles can be hardened to laser radiation. Without an answer to this question, cost effectiveness in BND missions cannot be reliably ascertained.

Another critical area of research that complements the mid-IR efforts of the Triad is short (sub-micron) wavelength technology. The content and pace of these efforts are based on the fact that these technologies are about one decade less mature than present mid-infrared laser technology. We are pursuing research and exploratory development efforts aimed at determining whether we can scale the technology to performance levels needed for the advanced weapons concepts associated with this technology. Assuming that one can achieve high power short wavelength laser devices and an order of magnitude improvement in optics and ATP over the Traid performance levels, short wavelength laser technology may offer a significant improvement in effectiveness over mid-infrared wavelength lasers of similar dimensions. We are currently pursuing several programs in short wavelength technology which total over $50 million per year, including an additional $10 million appropriated by Congress for fiscal year 1983.

The DOD is conducting research into high power and high beam quality laser devices—in excimer, free electron, and chemical lasers. In addition, we have programs in atmospheric compensation, short wavelength mirror coating, and ultra-high precision inertial references. Furthermore, the Lode and Talon Gold programs are providing a substantial legacy that supports short wavelength technology development for weapons systems for strategic defense.

Ground-based laser antisatellite

In addition to the space laser program, the DoD is pursuing directed energy technology efforts that could support development of a ground-based laser antisatellite weapon. Recent technology developments have been encouraging in this potential application. Accordingly, fiscal year 1984 funds provide for a number of options at several wavelengths which appear promising for antisatellite applications. We hope to examine these options over the next few years.

Particle beam technology program

Particle beam technology is currently the least mature of the directed energy technology efforts. In the long term, they hold the promise of being excellent strategic defense weapons. Unlike laser radiation, high energy particles can penetrate to the insides of targets and cause great damage through several direct and indirect mechanisms. Thus, for example, re-entry vehicles, which may not be very vulnerable to laser irradiance, could be damaged more easily by an intense beam of high energy particles. We have two types of particle beam weapons under development—charged particle beams and neutral particle beams. Both these efforts are in the proof-of-concept level of technology at the present.

Charged particle beams could be useful for endoatmospheric, point defense applications such as defending high priority targets against bombers, cruise missiles, and terminal en-entry vehicles. The primary emphasis of our present program is on the 50 MeV electron accelerator at Lawrence Livermore National Laboratory known as the Advanced Test Accelerator (ATA). The Advanced Test Accelerator has been assembled, is currently undergoing initial checkout tests, and has, in several key performance parameters, exceeded design specifications. Key issues being examined relate to the pulse forming network for high-powered, high-repetition rate operation. This involves the storing of energy in a cylindrical three-conductor transmission line, called a Blumlein, which acts very much like a large-scale capacitor and can rapidly deliver large amounts of energy into accelerating millicoulomb level electron pulses to 50 million volts per electron.

With the successful operation of the ATA, we have a charged particle beam facility that can examine issues of target damage effects and atmospheric propagation. An additional use of the ATA will be as a means of assessing the technical feasibility of weapons level accelerators involving very energetic (several hundred MeV and higher) particle beams with high duty factor. Another program currently under consideration is the feasibility and design of an experiment that would use the ATA as the electron source for a free electron laser.

Applications of particle beam technology for space-based weapons for boost phase and mid-course BMD and for counterspace missions are focused on neutral particle beams. The neutral particle beam program is being examined with the Accelerator Test Stand at the Los Alamos National Laboratory. The accelerator permits experiments in the generation of intense atomic beams. If successful, work on a more advanced neutral beam device could be underway later in this decade.

Because of the relative immaturity of the technology, efforts in system effectiveness have generally been confined to lethality studies of materials and system components. As the technology matures, it will become appropriate to define weapons system concepts and establish cost-effectiveness of these concepts.

V. SUMMARY

To summarize, the DoD believes that directed energy weapons offer promise of making major contributions to the U.S. defense posture. They are brand new weapon forms that have never been developed and deployed before and, therefore, have no history of employment and measurement of effectiveness. DoD plans, over the next decade, to bring the most mature forms of these technologies to decisions on whether or not to initiate weapon development at the validation phase. Our program is dedicated to determining whether directed energy weapons, deployed in concert with other strategic defense systems, can more nearly balance the offense-defense scale which has been dominated by the offense since the introduction of nuclear weapons.

We believe that, in light of the relative immaturity of the technology and within the resources allocated to the program, we have fashioned a series of prudent and aggressive technology risk reduction efforts in several diverse aspects of directed energy technology. These efforts have decentralized execution by the Army, Navy, Air Force, and DARPA. The Office of the Assistant for Directed Energy Weapons has been established to provide centralized oversight and coordination. These efforts are unlikely to have significant impact on our strategic defense in the 1980s but could provide the technology base to develop a strategic defense using directed energy weapons in the 1990s or beyond.

TREATY ON PRINCIPLES GOVERNING THE ACTIVITIES OF STATES IN THE EXPLORATION AND USE OF OUTER SPACE, INCLUDING THE MOON AND OTHER CELESTIAL BODIES

Signed at Washington, London, Moscow, January 27, 1967.

Ratification advised by U.S. Senate April 25, 1967.

Ratified by U.S. President May 24, 1967.

U.S. Ratification deposited at Washington, London, and Moscow October 10, 1967.

Proclaimed by U.S. President October 10, 1967.

Entered into force October 10, 1967.

The States Parties to this Treaty.

Inspired by the great prospects opening up before mankind as a result of man's entry into outer space.

Recognizing the common interest of all mankind in the progress of the exploration and use of outer space for peaceful purposes.

Believing that the exploration and use of outer space should be carried on for the benefit of all peoples irrespective of the degree of their economic or scientific development.

Desiring to contribute to broad international co-operation in the scientific as well as the legal aspects of the exploration and use of outer space for peaceful purposes,

Believing that such co-operation will contribute to the development of mutual understanding and to the strengthening of friendly relations between States and peoples.

Recalling resolution 1962 (XVIII), entitled "Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space," which was adopted unanimously by the United Nation General Assembly on 13 December 1963.

Recalling resolution 1884 (XVIII), calling upon States to refrain from placing in orbit around the Earth any objects carrying nuclear weapons or any other kinds of weapons of mass destruction or from installing such weapons on celestial bodies, which was adopted unanimously by the United Nations General Assembly on 17 October 1963.

Taking account of United Nations General Assembly resolution 110 (II) of 3 November 1947, which condemned propaganda designed or likely to provoke or encourage any threat to the peace, breach of the peace or act of aggression, and considering that the aforementioned resolution is applicable to outer space.

Convinced that a Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, will further the Purposes and Principles of the Charter of the United Nations.

Have agreed on the following:

ARTICLE I

The exploration and use of outer space, including the moon and other celestial bodies, shall be carried out for the benefit and in the interests of all countries, irrespective of their degree of economic or scientific development, and shall be the province of all mankind.

Outer space, including the moon and other celestial bodies, shall be free for exploration and use by all States without discrimination of any kind, on a basis of equality and in accordance with international law, and there shall be free access to all areas of celestial bodies.

There shall be freedom of scientific investigation in outer space, including the moon and other celestial bodies, and States shall facilitate and other celestial bodies, and States shall facilitate and encourage international co-operation in such investigation.

ARTICLE II

Outer space, including the moon and other celestial bodies, is not subject to national appropriation by claim of sovereignty, by means of use of occupation, or by any other means.

ARTICLE III

States Parties to the Treaty shall carry on activities in the exploration and use of outer space, including the moon and other celestial bodies, in accordance with international law, including the Charter of the United Nations, in the interest of maintaining international peace and security and promoting international co-operation and understanding.

ARTICLE IV

States Parties to the Treaty undertake not to place in orbit around the Earth any objects carrying nuclear weapons or any other kinds of weapons of mass destruction, install such weapons on celestial bodies, or station such weapons in outer space in any other manner.

The moon and other celestial bodies shall be used by all States Parties to the Treaty exclusively for peaceful purposes. The establishment of military bases, installations and fortifications, the testing of any type of weapons and the conduct of military maneuvers on celestial bodies shall be forbidden. The use of military personnel for scientific research or for any other peaceful purposes shall not be prohibited. The use of any equipment or facility necessary for peaceful exploration of the moon and other celestial bodies shall also not be prohibited.

ARTICLE V

States Parties to the Treaty shall regard astronauts as envoys of mankind in outer space and shall render to them all possible assistance in the event of accident, distress, or emergency landing on the territory of another State Party or on the high seas. When astronauts make such a landing, they shall be safely and promptly returned to the State of registry of their space vehicle.

In carrying on activities in outer space and on celestial bodies, the astronauts of one State Party shall render all possible assistance to the astronauts of other States Parties.

States Parties to the Treaty shall immediately inform the other States Parties to the Treaty or the Secretary-General of the United Nations of any phenomena they discover in outer space, including the moon and other celestial bodies, which could constitute a danger to the life or health of astronauts.

ARTICLE VI

States Parties to the Treaty shall bear international responsibility for national activities in outer space, including the moon and other celestial bodies, whether such activities are carried on by governmental agencies or by non-governmental entities, and for assuring that national activities are carried out in conformity with the provisions set forth in the present Treaty. The activities of non-governmental entities in outer space, including the moon and other celestial bodies, shall require authorization and continuing supervision by the appropriate State Party to the Treaty. When activities are carried on in outer space, including the moon and other celestial bodies, by an international organization, responsibility for compliance with this Treaty shall be borne both by the international organization and by the States Parties to the Treaty participating in such organization.

ARTICLE VII

Each State Party to the Treaty that launches or procures the launching of an object into outer space, including the moon and other celestial bodies, and each State Party from whose territory or facility an object is launched, is internationally liable for damage to another State Party to the Treaty or to its natural or juridical persons by such object or its component parts on the Earth, in air space or in outer space, including the moon and other celestial bodies.

ARTICLE VIII

A State Party to the Treaty on whose registry an object launched into outer space is carried shall retain jurisdiction and control over such object, and over any personnel thereof, while in outer space or on a celestial body. Ownership of objects launched into outer space, including objects landed or constructed on a celestial body, and of their component parts, in not affected by their presence in outer space or on a celestial body or by their return to the Earth. Such objects or component parts found beyond the limits of the State Party to the Treaty on whose registry they are carried shall be returned to that State Party, which shall, upon request, furnish identifying data prior to their return.

ARTICLE IX

In the exploration and use of outer space, including the moon and other celestial bodies, States Parties to the Treaty shall be guided by the principle of co-operation and mutual assistance and shall conduct all their activities in outer space, including the moon and other celestial bodies, with due regard to the corresponding interests of all other States Parties to the Treaty. States Parties to the Treaty shall pursue studies of outer space, including the moon and other celestial bodies, and conduct exploration of them so as to avoid their harmful contamination and also adverse changes in the environment of the Earth resulting from the introduction of extraterrestrial matter and, where necessary, shall adopt appropriate measures for this purpose. If a State Party to the Treaty has reason to believe that an activity or experiment planned by it or its nationals in outer space, including the moon and other celestial bodies, would cause potentially harmful interference with activities of other States Parties in the peaceful exploration and use of outer space, including the moon and other celestial bodies, it shall undertake appropriate international consultations before proceeding with any such activity or experiment. A State Party to the Treaty which has reason to believe that an activity or experiment planned by another State Party in outer space, including the moon and other celestial bodies, would cause potentially harmful interference with activities in the peaceful exploration and use of outer space, including the moon and other celestial bodies, may request consultation concerning the activity or experiment.

ARTICLE X

In order to promote international co-operation in the exploration and use of outer space, including the moon and other celestial bodies, in conformity with the purposes of this Treaty, the States Parties to the Treaty shall consider on a basis of equality any requests by other States Parties to the Treaty to be afforded an opportunity to ob-

serve the flight of space objects launched by those States.

The nature of such an opportunity for observation and the conditions under which it could be afforded shall be determined by agreement between the States concerned.

ARTICLE XI

In order to promote international co-operation in the peaceful exploration and use of outer space, States Parties to the Treaty conducting activities in outer space, including the moon and other celestial bodies, agree to inform the Secretary-General of the United Nations as well as the public and the international scientific community, to the greatest extent feasible and practicable, of the nature, conduct, locations and results of such activities. On receiving the said information, the Secretary-General of the United Nations should be prepared to disseminate it immediately and effectively.

ARTICLE XII

All stations, installations, equipment and space vehicles on the moon and other celestial bodies shall be open to representatives of other States Parties to the Treaty on a basis of reciprocity. Such representatives shall give reasonable advance notice of a projected visit, in order that appropriate consultations may be held and that maximum precautions may be taken to assure safety and to avoid interference with normal operations in the facility to be visited.

ARTICLE XIII

The provisions of this Treaty shall apply to the activities of States Parties to the Treaty in the exploration and use of outer space, including the moon and other celestial bodies, whether such activities are carried on by a single State Party to the Treaty or jointly with other States, including cases where they are carried on within the framework of international inter-governmental organizations.

Any practical questions arising in connection with activities carried on by international inter-governmental organizations in the exploration and use of outer space, including the moon and other celestrial bodies, shall be resolved by the States Parties to the Treaty either with the appropriate international organization or with one or more States members of that international organization, which are Parties to this Treaty.

ARTICLE XIV

1. This Treaty shall be open to all States for signature. Any State which does not sign this Treaty before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland and the Union of Soviet Socialist Republics, which are hereby designated the Depositary Governments.

3. This Treaty shall enter into force upon the deposit of instruments of ratification by five Governments including the Governments designated as Depositary Governments under this Treaty.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification of and accession to this Treaty, the date of its entry into force and other notices.

6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

ARTICLE XV

Any State Party to the Treaty may propose amendments to this Treaty. Amendments shall enter into force for each State Party to the Treaty accepting the amendments upon their acceptance by a majority of the States Parties to the Treaty and thereafter for each remaining State Party to the Treaty on the date of acceptance by it.

ARTICLE XVI

Any State Party to the Treaty may give notice of its withdrawal from the Treaty one year after its entry into force by written notification to the Depositary Governments. Such withdrawal shall take effect one year from the date of receipt of this notification.

ARTICLE XVII

This Treaty, of which the English, Russian, French, Spanish and Chinese texts are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

TREATY ON PRINCIPLES GOVERNING THE ACTIVITIES OF STATES IN THE EXPLORATION AND USE OF OUTER SPACE, INCLUDING THE MOON AND OTHER CELESTIAL BODIES

The treaty on outer space and celestial bodies was the second of the so-called "nonarmament" treaties; its concepts and some of its provisions were modeled on its predecessor, the Antarctic Treaty. Like that treaty it sought to prevent "a new form of colonial competition" and the possible damage that self-seeking exploitation might cause.

In early 1957, even before the launching of Sputnik in October, developments in rocketry had led the United States to propose international verification of the testing of space objects. And the development of an inspection system for outer space was part of a Western proposal for partial disarmament put forward in August 1957. The U.S.S.R., however, in the midst of testing its first ICBM and about to orbit its first Earth satellite, did not accept these proposals.

Between 1959 and 1962 the Western powers made a series of proposals that would bar the use of outer space for military purposes. Their successive plans for general and complete disarmament included provisions to ban the orbiting and stationing in outer space of weapons of mass destruction. Addressing the General Assembly on September 22, 1960, President Eisenhower proposed that the principles of the Antarctic Treaty be applied to outer space and celestial bodies.

Soviet plans for general and complete disarmament between 1960 and 1962 included provisions for insuring the peaceful use of outer space. The Soviet Union, however, would not separate outer space from other disarmament issues. It declined to agree to restrict outer space to peaceful uses unless American foreign bases, where short-range and medium-range missiles were stationed, were eliminated also.

The Western powers declined to accept the Soviet approach; the linkage, they held, would upset the military balance and weaken the security of the West.

After the signing of the limited test ban treaty, the Soviet Union's position changed. It ceased to link an agreement on outer space with the question of foreign bases. On September 19, 1963, Foreign Minister Gromyko told the General Assembly that the Soviet Union wished to conclude an agreement banning the orbiting of objects carrying nuclear weapons. Ambassador Stevenson stated that the United States had no intention of orbiting weapons of mass destruction, installing them on celestial bodies or stationing them in outer space. The General Assembly unanimously adopted a resolution on October 17, 1963, welcoming the Soviet and American statements and calling upon all states to refrain from introducing weapons of mass destruction into outer space.

The United States supported the resolution, despite the absence of any provisions for verification; the capabilities of its space-tracking systems, it was estimated, were adequate for detecting launchings and devices in orbit.

Seeking to sustain the momentum for arms control agreements, the United States in 1965 and 1966 pressed for a treaty that would give further substance to the U.N. resolution.

On June 16, 1966, both the United States and the Soviet Union submitted draft treaties. The American draft dealt only with celestial bodies; the Soviet draft covered the whole outer space environment. The United States accepted the Soviet position on the scope of the treaty, and by September agreement had been reached in discussions at Geneva on most treaty provisions. Differences on the few remaining issues—chiefly involving access to facilities on celestial bodies, reporting on space activities, and the use of military equipment and personnel in space exploration—were satisfactorily resolved in private consultations during the General Assembly session by December.

On the 19th of that month the General Assembly approved by acclamation a resolution commending the treaty. It was opened for signature at Washington, London, and Moscow on January 27, 1967. On April 25 the Senate gave unanimous consent to its ratification, and the treaty entered into force on October 10, 1967.

The substance of the arms control provisions is in Article IV. This article restricts military activities in two ways:

First, it contains an undertaking not to place in orbit around the Earth, install on the moon or any other celestial body, or otherwise station in outer space nuclear or any other weapons of mass destruction.

Second, it limits the use of the moon and other celestial bodies exclusively to peaceful purposes and expressly prohibits their use for establishing military bases, installations, or fortifications; testing weapons of any kind; or conducting military maneuvers.

In the years since the treaty came into force, space exploration has been conducted in an increasingly cooperative spirit, as manifested in United States and Soviet collaboration in jointly planned and manned space enterprises.

OUTER SPACE TREATY

Country	Date of signature	Date of deposit of ratification	Date of deposit of accession
Afghanistan	1/27/67		
Argentina	1/27/67	3/26/69	
Australia	1/27/67	10/10/67	
Austria	2/20/67	2/26/68	
Bahamas, The			8/11/76
Barbados			9/12/68
Belgium	1/27/67	3/30/73	
Bolivia	1/27/67		
Botswana	1/27/67		
Brazil	1/30/67	3/5/69	
Bulgaria	1/27/67	3/28/67	
Burma	5/22/67	3/18/70	
Burundi	1/27/67		
Byelorussian S.S.R	2/10/67	10/31/67	
Cameroon	1/27/67		
Canada	1/27/67	10/10/67	
Central African Republic	1/27/67		
Chile	1/27/67	10/8/81	
China (Taiwan)	1/27/67	7/24/70	
Colombia	1/27/67		
Cyprus	1/27/67	7/5/72	
Czechoslovakia	1/27/67	5/11/67	
Denmark	1/27/67	10/10/67	
Dominican Republic	1/27/67	11/21/68	
Ecuador	1/27/67	3/7/69	
Egypt	1/27/67	10/10/67	
El Salvador	1/27/67	1/15/69	
Ethiopia	1/27/67		
Fiji			7/14/72
Finland	1/27/67	7/12/67	
France	9/25/67	8/5/70	
Gambia, The	6/2/67		
German Democratic Republic	1/27/67	2/2/67	
Germany, Federal Republic of	1/27/67	2/10/71	
Ghana	1/27/67		
Greece	1/27/67	1/19/71	
Guyana	2/3/67		
Haiti	1/27/67		
Holy See	4/5/67		
Honduras	1/27/67		
Hungary	1/27/67	6/26/67	
Iceland	1/27/67	2/5/68	
India	3/3/67	1/18/82	
Indonesia	1/27/67		
Iran	1/27/67		
Iraq	2/27/67	12/4/68	
Ireland	1/27/67	7/17/68	
Israel	1/27/67	2/18/77	
Italy	1/27/67	5/4/72	
Jamaica	6/29/67	8/6/70	
Japan	1/27/67	10/10/67	
Jordan	2/2/67		
Korea, Republic of	1/27/67	10/13/67	
Kuwait			6/7/72
Laos	1/27/67	11/21/72	
Lebanon	2/23/67	3/31/69	
Lesotho	1/27/67		
Libya			7/3/68
Luxembourg	1/27/67		
Madagascar			8/22/68
Malaysia	2/20/67		
Mali			6/11/68
Mauritius			4/7/69
Mexico	1/27/67	1/31/68	
Mongolia	1/27/67	10/10/67	
Morocco			12/21/67
Nepal	2/3/67	10/10/67	
Netherlands	2/10/67	10/10/69	
New Zealand	1/27/67	5/31/68	
Nicaragua	1/27/67		
Niger	2/1/67	4/17/67	
Nigeria			11/14/67
Norway	2/3/67	7/1/69	
Pakistan	9/12/67	4/8/68	
Panama	1/27/67		
Papua New Guinea			10/27/80
Peru	6/30/67	2/28/79	
Philippines	1/27/67		
Poland	1/27/67	1/30/68	
Romania	1/27/67	4/9/68	
Rwanda	1/27/67		
San Marino	4/21/67	10/29/68	
Saudi Arabia			12/17/76
Seychelles			1/5/78
Sierra Leone	1/27/67	7/13/67	
Singapore			9/10/76
Somalia	2/2/67		
South Africa	3/1/67	9/30/68	
Spain			11/27/68
Sri Lanka	3/10/69		
Sweden	1/27/67	10/11/67	
Switzerland	1/27/67	12/18/69	
Syrian Arab Republic			11/19/68
Thailand	1/27/67	9/5/68	
Togo	1/27/67		
Tonga			6/22/71
Trinidad & Tobago	7/24/67		
Tunisia	1/27/67	3/28/68	
Turkey	1/27/67	3/27/68	
Uganda			4/24/68
Ukrainian S.S.R	2/10/67	10/31/67	
Union of Soviet Socialist Republics	1/27/67	10/10/67	
United Kingdom	1/27/67	10/10/67	
United States	1/27/67	10/10/67	
Upper Volta	3/3/67	6/18/68	
Uruguay	1/27/67	8/31/70	
Venezuela	1/27/67	3/3/70	
Vietnam			6/20/80
Yemen, People's Democratic Republic of (Aden)			6/1/79
Yugoslavia	1/27/67		
Zaire	1/27/67		
Zambia			8/20/73
Total	89	59	21

THE PRESIDENT TURNS A NEW PAGE IN DEFENSE

Mr. HELMS. Mr. President, the President of the United States turned a historic page last night when he called for development efforts for defensive systems against nuclear missiles. For the first time, a President of the United States has turned away from the incongruous doctrine known as MAD—Mutual Assured Destruction—and chosen to develop systems that can defend the American people.

The doctrine of MAD is a doctrine that should never have had any place in American thinking. It is a doctrine that is not only fundamentally unsound, but also immoral. The essence of the doctrine is that we build enough nuclear weapons on both sides so that neither side can escape retaliation against a nuclear threat. In effect, we were putting up our own people as hostages.

However, Mr. President, any doctrine that implicitly aims weapons of mass destruction at innocent civilians as the primary target is a doctrine that is morally unacceptable. Moreover, it is a doctrine that is militarily impracticable, and fundamentally unsound from the standpoint of strategy. In fact, it is an illusion based upon the false premise that both superpowers have an identical view of a potential conflict.

That premise has never been correct. The Soviet view of military strategy long ago rejected the MAD doctrine. Soviet strategists have always held that nuclear weapons should be targeted primarily on military targets. This is a doctrine found in Soviet writers from the days of Marshal Sokolovsky, whose book, "Military Strategy" has been the fundamental backbone of Soviet planners. The Sokolovsky doctrine is that nuclear weapons should be used to destroy military targets, not people. That is the way to win.

Moreover, the MAD doctrine assumes that the Soviets have the same attitude toward human life that we do. But historic fact is that the Soviets have not shrunk from destroying millions of their own people for ideological and political reasons. Even U.S. calculations are that in a nuclear exchange the Soviets would lose fewer of their citizens than Stalin starved to death to establish the collective farm system. How can we assume that such losses would be unacceptable to them even today, if the world is the prize?

By turning to defensive weapons, President Reagan can lead us out of this indefensible strategy. Moreover, by putting defensive systems in space, the President can drastically reduce the threat of Soviet nuclear weapons. He can make the Soviet arsenal—and our own—virtually obsolete.

It should be noted that the placement of defensive systems in space does not mean a dangerous advance in weapons technology. These defensive systems need not be nuclear. They could destroy ICBM's without any nuclear explosion. They could make it possible actually to achieve real reductions in nuclear systems.

There are of course many competing ideas to employ such technology. But the most attractive, and probably the least expensive, is the high frontier concept which has been pioneered by the former Defense Intelligence Agency Director, Maj. Gen. Daniel O. Graham (retired). General Graham has assembled a team of scientists and strategists which has worked out a comprehensive plan using technology which is virtually off the shelf. It needs very little development, and could be in place within 5 years. This does not mean that we could not go on to explore further phases of defensive development, such as lasers or particle beam weapons. But it does mean that we could start now, and begin to throw enormous doubt into Soviet confidence that might lead to a first strike.

By turning the page, the President has at last given the signal to the military bureaucracy that it is permissible to think about defensive systems. I hope that high frontier will now get closer attention. I congratulate the President for taking this bold initiative.

Mr. President, I might also point out that a high frontier systems does not envision the emplacement of weapons in space. The defensive system could not be used to attack anything in the atmosphere. They would only work in exo-atmospheric systems. Moreover, they would not violate existing space of ABM treaties.

Mr. President, I ask unanimous consent that a chapter from the high frontier manual on existing treaties be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TREATY CONSIDERATIONS

GENERAL

The High Frontier concepts and programs cannot be implemented without an impact on arms control negotiations, past, present,

and future. At the core of High Frontier is a fundamental change from Mutual Assured Destruction (MAD) toward Assured Survival. We cannot make this strategic change without also rethinking our approach to arms control.

U.S arms control efforts to date have been rooted in two basic precepts of MAD: stability depends upon a balance of terror to be sustained by a negotiated equality (or parity, equivalence, sufficiency, etc.) in *punitive* nuclear weapons and the inescapable corollary of that doctrine, strategic *defensive* weaponry, is destabilizing and provocative.

The MAD-based approach to arms control negotiations was articulated clearly by Secretary of Defense Robert S. McNamara in the mid-1960s. He stated:

"We think it is in our interest, and theirs, to limit the deployment of defensive weapons, and we're quite prepared to discuss possible limitations in the deployment of offensive strategic nuclear weapons as well. (Pentagon News Conference, Washington, D.C., May 18, 1967.)

Mr. McNamara calculated that the Soviets would be unlikely to embrace balance of terror as a basis of arms control negotiations as long as the United States maintained a superior position in strategic nuclear offensive power. He asserted that strategic stability and the conditions for effective SALT negotiations would be improved if the Soviets were allowed to increase their nuclear attack capabilities to a level where they would be certain of inflicting intolerable destruction on the United States in a retaliatory strike. He moved forcefully within the Department of Defense to derail strategic programs, defensive or offensive, which could thwart the achievement of this presumably desirable balance of terror.

THE INFLUENCE OF MAD ON SALT

The results of SALT negotiations thus far quite clearly demonstrate the effects of these MAD precepts. The only treaty resulting from SALT is the ABM Treaty which is designed to outlaw strategic defense, at least as far as defense against ballistic missiles, the most threatening of offensive systems. On the other hand, our attempts to negotiate limits on offensive systems, the Interim Agreement of 1972, the Vladivostok Accords, and SALT II, resulted in the ratcheting upward of the level of offensive nuclear weapons. Americans were urged to accept this "progress" in SALT on the basis of the MAD theory that nuclear war would be so apocalyptically destructive that its deterrence is independent of the numbers of weapons involved.

The U.S. has entered negotiations on offensive systems attempting to fix limits consistents with MAD theory—that is, at or below existing U.S. inventories and hoping to avoid any increase. The Soviets, on the other hand, enter negotiations determined to fix levels high enough to accommodate an entirely different strategy, which insists that nuclear war would destroy capitalist nations but that the socialist camp—despite widespread destruction—would emerge triumphant. The Soviet SALT negotiators insist that levels be high enough to encompass their ongoing weapons programs designed to support that strategy. Invariably, both sides are accommodated. The Soviets are allowed to pursue the war-winning capabilities consistent with their doctrines, while the United States is permitted to add to its retaliatory-only capabilities consistent with MAD theory.

The inevitable effect of negotiations based on these two fundamentally divergent strategic views has been an intolerable growth of Soviet nuclear first strike capabilities and a dangerous weakening of the U.S. deterrent. Western arms control advocates have been unwilling to accept the obvious reality that the Soviet Union rejects, in word and in deed, the MAD doctrine which underpins Western devotion to the SALT process. The Soviets have from the inception of the assured destruction theory branded it as "bourgeois naïveté," They have not elected to leave their homeland defenseless against U.S. nuclear retaliation, as MAD theory demands, but have poured more resources into strategic defenses, active and civil, than the U.S. has invested in its entire deterrent force. They have created offensive systems obviously designed to destroy as much as possible of the U.S. retaliatory force in a first strike.

This incontrovertible evidence of the Soviet strategic perspective and its incompatibility with the U.S. approach to SALT negotiations is swept aside by many arms control advocates by a farfetched assumption that there are Western-style "hawk" and "dove" factions in the Kremlin. According to this assumption, Brezhnev and other "civilians" really do accept MAD theory but are opposed by a powerful group of Soviet "militarists" who insist that nuclear war is not only thinkable but winnable.

To accept this view of the Soviet leadership, one must make himself believe that the omnipotent Communist Party, headed by Marshal of the Soviet Union, Leonid Brezhnev, cannot control its comrades in the Red Army and indeed must reluctantly imperil the entire economy of the USSR to meet the demands of a Russian "military-industrial complex." If one can bring himself to believe this, he can then argue, as many arms control advocates do, that the U.S. should accommodate to intransigent Soviet positions in arms control negotiations in order to strengthen the hand of Kremlin "doves" in their difficult task of restraining the military "hawks." It would also follow that the key alliances in the arms control process are, on the one hand, between peace loving adherents of MAD theories in the U.S. and USSR and, on the other hand, between the "militarists" in the Pentagon and their counterparts in the Soviet Ministry of Defense.

As long as the MAD theory remains the basis for the U.S. approach to arms control, the SALT process will continue to undermine the security of the Free World. No SALT agreement agreed upon by U.S. negotiators attempting to establish and maintain a balance of terror and Soviet negotiators determined to establish and maintain strategic nuclear dominance will ever be ratified by the Senate of the United States.

Further, the longer MAD theory and arms control advocacy remain interlocking concepts among Western intellectuals, the more contrived will be the excuses provided for Soviet behavior whether in the SALT process or elsewhere.

CURRENT TREATIES

The High Frontier strategy of Assured Survival can be adopted and pursued without regard for further arms control agreements with the Soviets. Indeed, one of the salient advantages of High Frontier is that it provides security to the West quite independently of any trust or distrust of the leaders of the Soviet Union. The usefulness of High Frontier's spaceborne strategic defenses are not affected by Soviet compliance with past arms control agreements. This important advantage should not be affected by any future arms control agreements.

This is not to say that the High Frontier strategy excludes all consideration of arms control. In fact, the reemphasis of strategic defenses central to the High Frontier approach have received support from an unexpected quarter. Mr. Anders Boserup, a Danish activist in the international disarmament movement, states:

"The adoption by states of a defense approach to security need not lead to an arms race. On the contrary, it can lead to disarmament, and is probably the only viable approach to it. (Bulletin of the Atomic Scientists, December 1981).

It would be naive indeed to predict that Mr. Boserup and his colleagues in the disarmament lobby would applaud U.S. adoption of the High Frontier strategy. They are much more likely to condemn it as the initiation of a "new arms race in space." Nevertheless, what he wrote is true.

Ironically perhaps, the employment of effective spaceborne defenses will accomplish, through unilateral U.S. action, that same result which the disarmers have so fruitlessly pursued over 15 years of SALT talks—the checking of the growth of nuclear offensive weapon inventories on both sides. Effective strategic defenses can negate the paramountcy of the nuclear ballistic missile in the strategic equation and eliminate the imperative on both sides to have more weapons with even greater destructive power. The U.S.-USSR competition would be shifted from a numerical contest in nuclear offense to a technical contest in defensive systems in space where nonnuclear technologies show great promise.

Even if nuclear weapons come to play a role in the defensive competition in space, the threat of their use, hundreds of miles above the Earth, would certainly be preferable to the threat they now pose in the form of ballistic missile warheads aimed at terrestrial targets.

The adoption of the High Frontier strategy, despite these advantages for the real world of peace and security from nuclear devastation, will require a fundamental change in the U.S. approach to arms control negotiations, which is certain to engender controversy. MAD theories will not die easily, in or out of government. There is no bias among bureaucrats stronger than that bias toward the rectitude of positions taken in the past. A myriad of interlocking policies and positions taken in the State Department, Department of Defense, and the Arms Control and Disarmament Agency would require drastic revision if the U.S. approach to arms control is to be based on a search for Assured Survival rather than for a perpetual balance of terror.

Of immediate concern in the area of arms control are those treaties which address the uses of space and strategic defensive systems—the Outer Space Treaty, negotiated under UN aegis in 1967, and the ABM Treaty between the U.S. and USSR signed in May 1972. (Pertinent extracts from these agreements are in the annex to this chapter.)

With regard to the UN treaty on outer space, nothing in the High Frontier concept contradicts its language. The prohibition against "weapons of mass destruction" in orbit is not violated by any of the High Frontier military programs involved and the nonmilitary programs can be fairly depicted as beneficial for all countries.

Even so, the United States government would have to prepare for a polemical buffeting by the Soviet Bloc and its Third World clients for engaging in "space imperialism." The linchpin for such a propaganda assault has already been set by the Soviets in their proposed new UN treaty outlawing all space weaponry.

A more serious problem for High Frontier is presented by the ABM Treaty. As the only real treaty to emerge from the SALT process, it is of great symbolic value to arms control advocates. It also represents the legalistic refuge for adherents of the Mutual Assured Destruction doctrine. Finally, it was negotiated, ratified, and applauded by many influential figures from many quarters of the U.S. body politic.

High Frontier represents a direct refutation of the philosophical basis underlying the ABM Treaty. The defensive systems advocated by High Frontier do not necessarily conflict with the specific provisions of the treaty, but they can and will be construed as conflicting with both the spirit and the letter of it.

There are three basic legitimate answers to real or alleged conflict between High Frontier and the ABM Treaty: abrogate, assert compliance, or amend.

ABROGATION

The ABM Treaty provides for withdrawal by either party in the event that its "supreme interests" are jeopardized. The U.S. Senate was assured in 1972, prior to ratification, that failure to achieve progress in offensive strategic weapons limitation agreements would be grounds for U.S. withdrawal. Certainly the case can be made that SALT negotiations have failed to check the unprecedented growth of Soviet nuclear offensive power and that this jeopardizes U.S. supreme interests. Add to this the strong evidence of Soviet violations of this treaty and the case for abrogation is clear.

ASSERTION OF COMPLIANCE

The definitions of what constitutes an ABM system within the context of this treaty are rather rigid. The spaceborne ballistic missile defense systems involved in the High Frontier concept can be fairly described as "ABM systems based on other physical principles." Limitations on such systems become the subject of discussion between the signatories. Such discussion can be initiated without hindrance to U.S. action to acquire such systems.

A case can also be made, although less clearly, that certain point defense options in the High Frontier layered defense concept also fall outside treaty definitions of ABM. In any case, at least 100 U.S. ICBM silos could be protected against a first strike without violation of the treaty.

AMENDMENT

The 1972 ABM Treaty provides for review and amendment every five years. The last review in 1977 was only perfunctory. In the upcoming 1982 review the U.S. negotiating team should propose amendments to permit unfettered U.S. acquisition of defensive systems if the options of abrogation or asserted compliance are rejected or appear inadequate to support the High Frontier efforts.

DR. BARNEY B. CLARK

Mr. HATCH. Mr. President, today with deep sadness I would like to bring to the attention of the U.S. Senate the death of Dr. Barney B. Clark. Dr. Clark passed away yesterday in Salt Lake City, Utah, at the University of Utah Medical Center.

Dr. Clark was the first person in history to have received an artificial heart. He lived on this heart system for 112 days, which is simply a modern day miracle. Prior to the implantation of the artificial heart, Dr. Clark's physical condition had deteriorated to such a point that imminent death was certain. On December 1, 1982, under the skilled hands of Dr. William C. DeVries, Dr. Clark's natural heart, which was diseased, was removed and the "Jarvik-7" artificial heart was implanted. However, I do not intend to speak today about the medical wonders unfolded in Dr. Clark's operation. I would simply like to pay a personal tribute to this great man. Our Nation is in need of heroes—men of unlimited courage—men who can triumph over pain and discouragement. Barney Clark is that kind of hero. Few in recent years have shown such spirit and such a positive, optimistic outlook toward life.

Barney Clark was successful in his profession. He was a leader in his community. He married a wonderful woman, Una Loy Clark. He was the father of a great family.

I would like to quote four paragraphs from this morning's Washington Post concerning the death of Dr. Clark:

But Clark's life following the implant was a tough struggle punctuated with hope, despair and days of little or no improvement.

Clark suffered the pain and repeated operations described on the consent form.

Despite them, he told DeVries in a taped interview March 1 that he would tell other potential recipients, "It's worth it if the alternative is they either die or they have it done."

"All in all it's been a pleasure to be able to help people and then, you folks have learned something," he told the doctors.

Today, Mr. President, I humbly speak for myself and thousands of Americans in saying, thank God for men like Dr. Barney B. Clark. Because of him, others shall live. We extend our heartfelt sympathy to his family and his many personal friends.

THE EQUAL ACCESS TO JUSTICE ACT

Mr. DECONCINI. I am pleased to join Senators DOMENICI and GRASSLEY in introducing a bill to reauthorize the Equal Access to Justice Act. The act makes it easier for Americans to get a fair shake when they square off with the Federal Government—either in court or in an agency-level proceeding. The act requires the Government to pick up the legal costs for a private citizen—and in particular, a small businessman—when the Government loses a court case or agency level dispute and cannot substantially justify its action.

The maze of bureaucracy and regulation is no less confusing to the average citizen today than it was in 1979 when the act was originally passed by the Senate. The cost of the legal assistance necessary to challenge the Government has grown as well. Now, more than ever, we need the reforms embodied in the Equal Access to Justice Act so that a citizen or small business may stand up to arbitrary or unfair Government action. Without the act, where the cost of contesting a Government order exceeds the amount at stake, the Government wins by tyranny of the dollar and the public interest in eliminating unreasonable regulation is ignored.

The Equal Access to Justice Act is not a makeshift response to this inequity. It is a well-considered piece of legislation. The idea began as S. 2354 in the 95th Congress. This bill came to the Subcommittee on Improvements on Judicial Machinery, which I then chaired. After hearings, a revised bill that reflected the objections and suggestions of administration witnesses and others was reported to the full Judiciary Committee. S. 256 of the 96th Congress was based on this revised bill. It passes the Senate on July 31, 1979, with overwhelming approval, 94 to 3.

The Equal Access to Justice Act not only addresses an area of great need, but it does so very effectively. The act allows fees only to those citizens who can show that the Government was not substantially justified in its actions and who do not have the financial resources to take on the Government. Basically, the fees are available to individuals with net worth of $1 million or less, businesses with a net worth of $5 million or less, and all nonprofit organizations. The source of fee awards is chosen to maximize accountability. The payment comes directly from the budget of the agency whose unjustified action resulted in the award. This creates a strong incentive for agencies to look carefully at new regulations and lawsuits to see that they are justified prior to imposing them on American citizens. Through this formula, the citizen becomes the watchdog of the Federal bureaucracy.

As enacted, the Equal Access to Justice Act contained a 3-year sunset provision repealing its amendments on October 1, 1984. The Administrative Conference of the United States was assigned the task of monitoring the act's implementation and costs and reporting back to Congress. In the first annual report, dated September 22, 1982, the cost of awards was less than $1 million. When the act was passed, the Department of Justice estimated costs for the first year of $125 million and the CBO projected $92 million.

The act seems to be one of the few clear bargains around.

A sufficient safeguard against regulatory abuse is a necessary part of our Federal Government. Through the device of fee shifting, the Equal Access to Justice Act improves our citizens' access to courts and administrative proceedings. It encourages them to vindicate their rights and not to acquiesce in a ruling or sanction which they believe arbitrary, misguided, or unfair. I believe this act makes the Government more accountable in the excercise of its regulatory powers and more responsive to its citizens' needs.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 1:18 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following joint resolutions, each without amendment:

S.J. Res. 32. Joint resolution to provide for the designation of May 1983 as "National Arthritis Month"; and

S.J. Res. 64. Joint resolution to commemorate the two hundredth anniversary of the signing of the Treaty of Amity and Commerce Between Sweden and the United States.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 20. Concurrent resolution making corrections in the enrollment of H.R. 1718.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 91. Concurrent resolution revising the congressional budget for the U.S. Government for the fiscal year 1983 and setting forth the congressional budget for the U.S. Government for the fiscal years 1984, 1985, and 1986; and

H. Con. Res. 94. Concurrent resolution providing for an adjournment of the House from March 24 to April 5, 1983, and an adjournment of the Senate from March 24 or March 25 to April 5, 1983.

At 5:57 p.m., a message from the House of Representatives, delivered by Mr. Berry, announced that the House agrees to the further amendment of the Senate to the bill (H.R. 1718) making appropriations to provide emergency expenditures to meet neglected urgent needs, to protect and add to the national wealth, resulting in not make-work but productive jobs for women and men and to help provide for the indigent and homeless for the fiscal year 1983, and for other purposes.

At 8:40 p.m., a message from the House of Representatives, delivered by Mr. Berry, announced that the Speaker has signed the following enrolled bill and joint resolution:

H.R. 1718. An act making appropriations to provide productive employment for hundreds of thousands of jobless Americans, to hasten or initiate Federal projects and construction of lasting value to the Nation and its citizens, and to provide humanitarian assistance to the indigent for fiscal year 1983, and for other purposes; and

S.J. Res. 64. A joint resolution to commemorate the two hundredth anniversary of the signing of the Treaty of Amity and Commerce between Sweden and the United States.

The enrolled bill and joint resolution were subsequently signed by the Vice President.

At 11:25 p.m., a message from the House of Representatives, delivered by Mr. Berry, announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2112) to extend by 6 months the expiration date of the Defense Production Act of 1950.

The message also announced that the House has passed the following bill, without amendment:

S. 926. An act to establish uniform national standards for the continued regulation, by the several States, of commercial motor vehicle width on interstate highways.

The message further announced that the House has agreed to the following resolution:

H. Res. 153. A resolution electing Jim Wright as Speaker pro tempore during the absence of the Speaker.

At 12:07 a.m. (Friday, March 25, 1983), a message from the House of Representatives, delivered by Mr. Gregory, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1900) to assure the solvency of the social security trust funds, to reform the medicare reimbursement of hospitals, to extend the Federal supplemental compensation program, and for other purposes.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2369. An act to prevent the temporary termination of the Federal Supplemental Compensation Act of 1982.

HOUSE CONCURRENT RESOLUTION REFERRED

The following concurrent resolution was read and referred as indicated:

H. Con. Res. 91. Concurrent resolution revising the congressional budget for the U.S. Government for the fiscal year 1983 and setting forth the congressional budget for the U.S. Government for the fiscal years 1984, 1985, and 1986; to the Committee on the Budget.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

The Secretary reported that on today, March 24, 1983, he had presented to the President of the United States the following enrolled bill and joint resolution:

S. 366. An act to settle certain claims of the Mashantucket Pequot Indians.

S.J. Res. 64. Joint resolution to commemorate the 200th anniversary of the signing of the Treaty of Amity and Commerce between Sweden and the United States.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-647. A communication from the Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on a foreign military assistance sale to Norway; to the Committee on Armed Services.

EC-648. A communication from the Director of Defense Security Assistance Agency transmitting, pursuant to law, a report of a foreign military assistance sale to Saudi Arabia; to the Committee on Armed Services.

EC-649. A communication from the Director of Defense Security Assistance Agency transmitting, pursuant to law, a report on a foreign military sale to Saudi Arabia; to the Committee on Armed Services.

EC-650. A communication from the Director of Defense Security Assistance Agency transmitting, pursuant to law, a report on a foreign military sale to Greece; to the Committee on Foreign Relations.

EC-651. A communication from the Secretary of Defense transmitting, pursuant to law, a report on DOD civilian strength; to the Committee on Armed Services.

EC-652. A communication from the General Counsel of the Department of Defense transmitting a draft of proposed legislation relative to Armed Forces rations; to the Committee on Armed Services.

EC-653. A communication from the Comptroller General of the United States transmitting, pursuant to law, a certification of revenues for fiscal year 1984 for the Panama Canal Commission; to the Committee on Armed Services.

EC-654. A communication from the Acting Assistant Secretary of the Army for Manpower and Reserve Affairs transmitting

a draft of proposed legislation to extend the time period for all elements of a National Guard unit to complete a training assembly; to the Committee on Armed Services.

EC-655. A communication from the Under Secretary of Defense for Research and Engineering transmitting, pursuant to law, a report on independent research and development and bid and proposal costs; to the Committee on Armed Services.

EC-656. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, an Analysis of the President's Credit Budget for fiscal year 1984; to the Committee on the Budget.

EC-657. A communication from the Secretary of Energy transmitting, pursuant to law, a report on the use of alcohol in fuels; to the Committee on Energy and Natural Resources.

EC-658. A communication from the Chairman of the National Park Foundation transmitting, pursuant to law, the annual report of the Foundation for 1982; to the Committee on Energy and Natural Resources.

EC-659. A communication from the Director of the Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on a refund of excess royalty payments to Marathon Oil Company; to the Committee on Energy and Natural Resources.

EC-660. A communication from the Director of the Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on a refund of excess royalty payments to Union Oil Co. of Calif.; to the Committee on Energy and Natural Resources.

EC-661. A communication from the Director of the Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on a refund of excess royalty payments to Transco Exploration Co.; to the Committee on Energy and Natural Resources.

EC-662. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report on the deferment of the 1982 construction repayment installment due the United States from the Almena Irrigation District, Pick-Sloan Missouri Basin Program; to the Committee on Energy and Natural Resources.

EC-663. A communication from the Chairman and Commissioners of the Tennessee Valley Authority, transmitting, pursuant to law, the forty-ninth annual report of the Authority for fiscal year 1982; to the Committee on Environment and Public Works.

EC-664. A communication from the President of the Overseas Private Investment Corporation, transmitting, pursuant to law, the annual report of the Corporation for fiscal year 1982; to the Committee on Foreign Relations.

EC-665. A communication from the Assistant Secretary of State for Congressional Relations, transmitting an amendment to the proposed "International Security and Development Cooperation Act of 1983"; to the Committee on Foreign Relations.

EC-666. A communication from the Secretary of State, transmitting a draft of proposed legislation to authorize supplemental international security and development assistance for urgent purposes for the fiscal year 1983, and for other purposes; to the Committee on Foreign Relations.

EC-667. A communication from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to add a representative of Indian tribal governments to the membership of the Advisory Commission on Intergovernmental Relations; to the Committee on Governmental Affairs.

EC-668. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, notice of his approval of a proposed Airway Science Curriculum Demonstration Project; to the Committee on Governmental Affairs.

EC-669. A communication from the Chief Planning Officer of the Navajo and Hopi Indian Relocation Commission, transmitting, pursuant to law, the seventh annual report of the Commission covering fiscal year 1982; to the Select Committee on Indian Affairs.

EC-670. A communication from the Acting Director of Central Intelligence, transmitting a draft of proposed legislation to authorize appropriations for fiscal year 1984 for intelligence and intelligence-related activities of the United States Government, for the Intelligence Community Staff, for the Central Intelligence Agency Retirement and Disability System, and for other purposes; to the Select Committee on Intelligence.

EC-671. A communication from the Chairman of the Board of Directors of the Tennessee Valley Authority, transmitting, pursuant to law, the annual report of the Authority on activities under the Freedom of Information Act for calendar year 1982; to the Committee on the Judiciary.

EC-672. A communication from the Chairman of the National Capital Planning Commission, transmitting, pursuant to law, the annual report of the Commission on activities under the Freedom of Information Act during calendar year 1982; to the Committee on the Judiciary.

EC-673. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report of the Department on activities under the Freedom of Information Act for calendar year 1982; to the Committee on the Judiciary.

EC-674. A communication from the President of the American Academy and Institute of Arts and Letters, transmitting, pursuant to law, the annual report on the activities of the Academy for calendar year 1982; to the Committee on the Judiciary.

EC-675. A communication from the Secretary of Education, transmitting a draft of proposed legislation to amend the Rehabilitation Act of 1973 to increase flexibility and simplify grant programs to States for vocational rehabilitation, to improve rehabilitation services for the severely handicapped, to modify certain discretionary grant programs providing essential services and resources specifically designed for handicapped individuals, and for other purposes; to the Committee on Labor and Human Resources.

EC-676. A communication from the Secretary of Education, transmitting, pursuant to law, a notice of proposed rulemaking for the 1984-85 Family Contribution Schedules for the Pell Grant Program; to the Committee on Labor and Human Resources.

EC-677. A communication from the Acting Secretary of Health and Human Services, transmitting a draft of proposed legislation to extend various health authorities, and for other purposes; to the Committee on Labor and Human Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-60. A resolution adopted by the Assembly of the State of New York; to the Committee on Agriculture, Nutrition, and Forestry:

SENATE No. 31

"Whereas, The United States Department of Agriculture has imposed an assessment of fifty cents per hundredweight on milk produced after December first, nineteen hundred eighty-two, an assessment designed to reduce the excess production of milk nationwide; and

"Whereas, This assessment will reduce the income of New York dairy farmers by approximately fifty-five million dollars in nineteen hundred eighty-three alone; and

"Whereas, Many dairy farmers in New York State are forced to operate on narrow financial margins due to conditions beyond their control, this assessment will have a severe impact on the cash flow of these dairy farmers and may cause financial losses for many in this State; and

"Whereas, Dairy farmers constitute the major portion of the agricultural sector of the economy of the State; and

"Whereas, What affects one sector of New York State's economy affects all, the impact of this assessment will be felt not only by dairy farmers but by the State's economy as a whole; and

"Whereas, Excess production of milk nationwide, which this assessment is intended to reduce, is not contributed to be dairy farmers in this State; and

"Whereas, This assessment is nonetheless applied to dairy farmers in New York State, inequitably penalizing them for a national situation of which they are not the cause; and

"Whereas, As a result of this assessment, many dairy farmers in this State will be forced to increase production of milk in order to achieve adequate cash flows; and

"Whereas, This unavoidable result is contrary to the goal of reduced production which imposition of this assessment seeks to achieve; now, therefore, be it

"Resolved, That this Legislative Body express its opposition to this assessment and express its desire that the United States Department of Agriculture rescind this assessment and seek an equitable solution to the national problem of overproduction without unfairly penalizing the dairy farmers of this State; and be it further

Resolved, That a copy of this Resolution, suitably engrossed, be transmitted to the Honorable John Block, Secretary, United States Department of Agriculture, Washington, D.C. and to the Honorable Ronald Reagan, President of the United States, Washington, D.C.; Clerk, United States House of Representatives and Clerk, United States Senate."

POM-61. A concurrent resolution adopted by the General Assembly of the State of Arkansas; to the Committee on Finance:

"RESOLUTION

"Whereas, the Highway Revenue Act of 1982 is scheduled to go into effect on April 1, 1983; and

"Whereas, under the Highway Revenue Act, there will be a substantial increase in the excise tax on the retail sale of trucks and certain parts and accessories installed on trucks after purchase of the vehicle; and

"Whereas, the increase in the excise tax on a single truck which retails for $80,000 will amount to $1,600; and

"Whereas, the Highway Revenue Act of 1982 also levies increased excise taxes on

the use of large trucks, which increase may amount to in excess of $1,000 per year; and

"Whereas, the various increases in the cost of trucks and the operation thereof imposes a serious burden on small trucking businesses and may well result in making it impractical for such small businesses to continue to operate; and

"Whereas, the increase in the various taxes on heavy trucks imposed in the Highway Revenue Act of 1982 may have the effect of slowing down the economic recovery of the nation and in an increase in unemployment rates in the country; and

"Whereas, it is in the best interest of the nation that the U.S. Congress reexamine the Highway Revenue Act of 1982 for the purpose of determining the need for revising such Act prior to its effective date or as soon as is practical thereafter to alleviate inequities contained in the Act, Now therefore, be it

"Resolved by the House of Representatives of the 74th General Assembly of the State of Arkansas, the Senate concurring herein:

"That the Arkansas General Assembly hereby respectfully urges the U.S. Congress to reexamine the Highway Revenue Act of 1982 for the purpose of determining the extent to which such Act imposes an inequitable and unfair burden on small trucking businesses and the extent to which such Act may contribute to the slowdown of the economic recovery of the country, and further urges the U.S. Congress to take such action as it deems appropriate to alleviate any inequitable and unfair burdens imposed on small businesses by the Highway Revenue Act of 1982. Be it further

"Resolved that the General Assembly hereby respectfully urges the members of the Arkansas Congressional Delegation to initiate and support necessary action to bring about a reexamination of the Highway Revenue Act of 1982 for the purposes set out above.

"Be it further resolved that upon adoption of this Resolution, a copy shall be transmitted to the presiding officers of the U.S. Senate and the U.S. House of Representatives and to each member of the Arkansas Congressional Delegation."

POM-62. Joint resolution adopted by the Legislature of the State of California; to the Committee on Finance:

RESOLUTION

"Whereas, The Office of the United States Trade Representative is presently studying the feasibility of lowering the tariff on canned and marinated artichokes from Spain for a four-year period to compensate for restrictions imposed several years ago on imports of Spanish cookwear; and

"Whereas, California grows 100 percent of this nation's artichokes; and

"Whereas, Artichokes are the eighth ranking crop in Monterey County, which grows about 88 percent of this state's total artichoke crop; and

"Whereas, The total gross value of artichokes to Moneterey County is about $36,500,000; and

"Whereas, For every one dollar returned to the grower, approximately three dollars are generated in the agricultural industry through the creation of related jobs and services, resulting in a $100 million total impact on the local area; and

"Whereas, Exports of Spanish artichoke products to the United States more than doubled last year; and

"Whereas, Because of devaluation of the Spanish peseta, Spanish artichokes sell in this country for 85 percent of what American producers must charge, and

"Whereas, A growing inventory of artichoke products has appeared, causing this country's canned artichokes to be sold at lower-than-market price to clear the shelves for 1982 production; and

"Whereas, Imports from Spain have caused serious losses in sales of United States processed artichokes, resulting in only one remaining domestic producer of canned and marinated artichoke products; and

"Whereas, If that remaining producer went out of business, that could cause a domino effect resulting in the loss of 1,000 jobs and giving imported processed artichokes a monopoly in the United States market; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature respectfully memorializes the United States Trade Representative not to propose lowering the present tariff on canned and marinated artichokes which are imported from Spain; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to each Senator and Representative from California in the Congress of the United States, to the United States Trade Representative, and to the Chairman of the International Trade Commission."

POM-63. A resolution adopted by the City Council of Plainfield, N.J., urging Congress to repeal subtitle A of title II of the Tax Act of 1982, which relates to the withholding tax on earned interest and dividends; to the Committee on Finance.

POM-64. Joint resolution adopted by the Legislature of the State of California; to the Committee on Foreign Relations:

"Whereas, The United States and Greece have enjoyed harmonious relations throughout history as democratic nations committed to peace and international cooperation. These relations have included mutual action on behalf of freedom in World Wars I and II and the present membership of both nations in the NATO alliance; and

"Whereas, Our nation has links with Greece not only through a mutual belief in democracy, but also through the human bond formed by the millions of Greek Americans who have contributed so much to the advancement of our nation and, specifically, our state; and

"Whereas, The foreign policy of the United States has for many years wisely sought to preserve good relations with our allies by maintaining the balance of power between Turkey and Greece in the established aid ratio of 10:7 for the respective countries; and

"Whereas, The administration now proposes to the Congress a drastic change in the aid ratio whereby military aid to Turkey would be more than doubled, thus further destabilizing the region, endangering Greek security, and undermining NATO; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to reject the above-mentioned proposal; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of State of the United States, to each Member of Congress, to the Foreign Relations Committee of the United States Senate, and to the Foreign Affairs Committee of the House of Representatives.

POM-65. Joint resolution adopted by the Legislature of the State of West Virginia; to the Committee on the Judiciary:

JOINT RESOLUTION No. 28

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. For purposes of representation in the Congress, election of the President and Vice President, and article V of this Constitution, the District constituting the seat of government of the United States shall be treated as though it were a State.

"SEC. 2. The exercise of the rights and powers conferred under this article shall be by the people of the District constituting the seat of government, and as shall be provided by the Congress.

"SEC. 3. The twenty-third article of amendment to the Constitution of the United States is hereby repealed.

"SEC. 4. This article shall be inoperative, unless it shall have been ratified as an amendment to the Constitution by the legislatures of three fourths of the several States within seven years from the date of its submission. Therefore, be it

"Resolved by the Legislature of West Virginia: That the Legislature of the State of West Virginia hereby ratifies this proposed amendment to the Constitution of the United States; and, be it

"Resolved further, That the Secretary of State of the State of West Virginia notify the Administrator of General Services, Washington, D.C., the President of the Senate of the United States and the Speaker of the House of Representatives of the United States of this action by forwarding to each of them a certified copy of this Joint Resolution adopted by the West Virginia Legislature."

POM-66. Joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Commerce, Science, and Transportation:

JOINT RESOLUTION

Whereas, a study funded by the Federal Railroad Administration, the State of Nevada, and various local entities of this state, has determined that a train traveling at speeds of up to 250 mph between Las Vegas, Nevada, and Los Angeles, California, is feasible; and

Whereas, This high-speed train, powered by electromagnetic levitation, is capable of showing a profit upon completion; and

Whereas, The economy of each affected state would be stimulated by providing thousands of new jobs; and

Whereas, Such a train would bring the United States to the forefront of modern technology and demonstrate to other states and countries that there is a market for al-

ternative high-speed systems of transportation; now, therefore, be it

Resolved by the Assembly and Senate of the State of Nevada, jointly, That the Nevada legislature respectfully requests the Congress of the United States to support the construction and operation of a high-speed train between Las Vegas and Los Angeles; and be it further

Resolved, That copies of this resolution be prepared and transmitted forthwith by the legislative counsel to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives and to each member of the Nevada congressional delegation; and be it further

Resolved, That this resolution shall become effective upon passage and approval.

POM-67. Joint resolution adopted by the Legislature of the State of California; to the Committee on Energy and Natural Resources:

RESOLUTION

Whereas, The Sacramento-San Joaquin Delta is a very valuable resource to the entire State of California; and

Whereas, The delta provides a diversity of resources and has a multiplicity of uses; and

Whereas, The delta provides about 7,000,000 people with 12,000,000 visitor days each year, and estimates project an increase to 14,000,000 visitor days in 1990; and

Whereas, The delta supports 550,000 irrigated acres with an average annual gross value of $375,000,000; and

Whereas, The delta is an essential link in the transport of State Water Project and Central Valley Project water to beneficial users south of the delta, and increased salinity levels in the delta could create a reduction or cessation of water deliveries; now, therefore, be it

Resolved, by the Assembly and Senate of the State of California, jointly, That the Legislature hereby respectfully memorializes the President and Congress of the United States to grant immediate federal financial and manpower assistance to halt the damage to the levees in the Sacramento-San Joaquin Delta; and be it further

Resolved, That the Congress of the United States is urged to authorize participation in a comprehensive delta rehabilitation program that will provide for the needs of the Sacramento-San Joaquin Delta and other areas of California; and, be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

POM-68. A concurrent resolution adopted by the Legislature of the State of Idaho; to the Committee on Foreign Relations:

A CONCURRENT RESOLUTION

Whereas, Taiwan is of great strategic importance in the defense of East Asia and the Pacific; and

Whereas, the people of Taiwan are and have been among the most trusted friends of the people of the United States; and

Whereas, the commercial, cultural and other nongovernmental relations between the American people and Taiwan are now and have always been excellent and mutually beneficial; and

Whereas, the people of Idaho wish to conduct and carry out numerous economic and cultural programs, transactions and other relations with the people of Taiwan; and

Whereas, the products of Idaho's fields and forests are continually essential for maintaining the trade patterns which are developing between the United States and Taiwan; and

Whereas, the Legislature has strong reason to believe that it is the will and pleasure of the people of this State that Taiwan be adopted as a sister state.

Now, therefore, be it resolved by the members of the First Regular Session of the Forty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that Taiwan is hereby adopted as Idaho's sister state.

Be it further resolved that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Resolution to the President of the United States of America, to the President of the United States Senate, to the Speaker of the House of Representatives of the United States, to the Chief Executive Officer of the Government of Taiwan, to the Speaker of the Provincial Legislature of Taiwan, and to the Governor of the State of Idaho.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SIMPSON, from the Committee on Veterans' Affairs:

Special Report entitled "Legislative and Oversight Activities During the 97th Congress by the Senate Committee on Veterans' Affairs (Rept. No. 98-34).

By Mr. PERCY, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 695. A bill to amend the Bretton Woods Agreements Act to authorize consent to and authorize appropriations for an increase in the United States quota in the International Monetary Fund and to authorize appropriations for increased U.S. participation in the IMF's General Arrangements to Borrow (with minority views) (Rept. No. 98-35).

By Mr. PERCY, from the Committee on Foreign Relations:

Special Report entitled "Legislative Activities Report of the Committee on Foreign Relations, United States Senate, Ninety-seventh Congress" (Rept. No. 98-36).

By Mr. PERCY, from the Committee on Foreign Relations, with an amendment:

S. 822. A bill to expand markets for U.S. agricultural commodities, expand authority for the use abroad of Commodity Credit Corporation stocks, require the export sale of Commodity Credit Corporation dairy products, improve programs under Public Law 480, and for other purposes (Rept. No. 98-37).

Mr. Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry:

Special Report entitled "Legislative Review Activities During the 97th Congress (Rept. No. 98-38).

By. Mr. COHEN, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

S. 461. A bill to extend the authorization of appropriations for the Office of Government Ethics for five years.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. STAFFORD (for himself and Mr. RANDOLPH):

S. 917. A bill to amend the Comprehensive Environmental Response, Compensation and Liability Act of 1980, commonly referred to as the Superfund law, so as to provide compensation for the victims of environmental pollutants and poisons; to the Committee on Environment and Public Works.

By Mr. HATFIELD (for himself, Mr. KENNEDY, Mr. MATSUNAGA, and Mr. RIEGLE):

S. 918. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to provide greater protection to women under private pension plans; to the Committee on Finance.

By Mr. DOMENICI (for himself, Mr. DECONCINI, and Mr. GRASSLEY):

S. 919. A bill to amend the Equal Access to Justice Act, and for other purposes; to the Committee on the Judiciary.

By Mr. DOMENICI:

S. 920. A bill to make the Grazing Advisory Boards established under the Federal Land Policy Management Act of 1976 permanent; to the Committee on Energy and Natural Resources.

By Mr. HATCH:

S. 921. A bill to provide a remedy against the United States for damages to certain individuals resulting from nuclear test at the Nevada Test Site, and for other purposes; to the Committee on the Judiciary.

By Mr. COCHRAN:

S. 922. A bill to amend the Congressional Budget Act and Impoundment Control Act of 1974, to provide for budgetary planning every two years; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977 with instructions that if one Committee reports, the other Committee has thirty days of continuous session to report or be discharged.

By Mr. HUDDLESTON (for himself, Mr. INOUYE, and Mr. FORD):

S. 923. A bill to provide financial assistance for the improvement of instruction in mathematics and science, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DOLE (for himself and Mrs. KASSEBAUM):

S. 924. A bill to designate the Veterans' Administration Medical Center in Leavenworth, Kansas, as the "Dwight D. Eisenhower Veterans' Administration Medical Center"; to the Committee on Veterans Affairs.

By Mr. PACKWOOD:

S. 925. A bill to make certain technical corrections in the Atlantic Salmon Convention Act of 1982; to the Committee on Commerce, Science, and Transportation.

By Mr. BAKER (for Mr. PACKWOOD):

S. 926. A bill to establish uniform national standards for the continued regulation, by the several States, of commercial motor vehicle width on interstate highways; considered and passed.

By Mr. DURENBERGER (for himself, Mr. BOREN and PERCY):

S. 927. A bill relating to a fishing tackle excise tax; to the Committee on Finance.

By Mr. DURENBERGER (for himself, Mr. BAUCUS, Mr. ANDREWS, Mr. ABDNOR, Mr. BOSCHWITZ, Mr. BURDICK, Mr. MELCHER and Mr. PRESSLER):

S. 928. A bill entitled the "Railroad Bonding Act."; to the Committee on Finance.

By Mr. GOLDWATER (for himself, Mr. JACKSON and Mr. GARN):

S. 929. A bill to amend the Act of July 2, 1940, as amended, pertaining to appropriations for the Canal Zone Biological Area; to the Committee on Rules and Administration.

By Mr. GOLDWATER (for himself, Mr. JACKSON and Mr. GARN):

S. 930. A bill to authorize the Smithsonian Institution to purchase land in Santa Cruz County, Arizona; to the Committee on Rules and Administration.

By Mr. BOSCHWITZ:

S. 931. A bill for the relief of Nehad M. Abu-ras; to the Committee on the Judiciary.

S. 932. A bill for the relief of Fadia A. Salem; to the Committee on the Judiciary.

S. 933. A bill for the relief of Maria Elena Rodriguez-Huitzil; to the Committee on the Judiciary.

S. 934. A bill for the relief of Maria Leticia Rodriguez-Huitzil; to the Committee on the Judiciary.

S. 935. A bill for the relief of Vasanta Senerat; to the Committee on the Judiciary.

S. 936. A bill for the relief of Daniel Hon Ying Ng; to the Committee on the Judiciary.

S. 937. A bill for the relief of Ching Hon Pui; to the Committee on the Judiciary.

S. 938. A bill for the relief of Charles Jabbra; to the Committee on the Judiciary.

S. 939. A bill for the relief of Bing Tao San; to the Committee on the Judiciary.

S. 940. A bill for the relief of Bayani Bauetista Magsino; to the Committee on the Judiciary.

S. 941. A bill for the relief of Elenita Reyes Magsino; to the Committee on the Judiciary.

S. 942. A bill for the relief of Joel Reyes Magsino; to the Committee on the Judiciary.

S. 943. A bill for the relief of Sobhi Ibrahim Youssef; to the Committee on the Judiciary.

By Mr. PERCY (by request):

S. 944. A bill to authorize supplemental international security and development assistance for urgent purposes for the fiscal year 1983, and for other purposes; to the Committee on Foreign Relations.

By Mr. MITCHELL (for himself and Mr. RANDOLPH):

S. 945. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide compensation for medical expenses caused by hazardous substance releases, and for other purposes; to the Committee on Environment and Public Works.

S. 946. A bill to amend the Comprehensive Environmental Response, Compensation and Liability Act of 1980 to provide compensation for medical expenses caused by hazardous substance releases, and for other purposes; to the Committee on Environment and Public Works.

By Mr. ABDNOR:

S. 947. A bill to authorize the U.S. Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States and for other purposes; to the Committee on Environment and Public Works.

By Mr. BIDEN (for himself, Mr. THURMOND, Mr. BAKER, Mr. NUNN, Mr. LAXALT and Mr. LEAHY):

S. 948. A bill to reform Federal criminal and civil forfeiture; to the Committee on the Judiciary.

By Mr. CHILES (for himself and Mr. RANDOLPH):

S. 949. A bill to provide a program to increase the literacy of the American public in the fields of mathematics, science, and technology, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. RIEGLE (for himself and Mr. LEVIN):

S. 950. A bill to impose quotas on the importation of automobiles from Japan during 1983, 1984, 1985, and 1986; to the Committee on Finance.

By Mr. DOLE (for himself, Mr. DURENBERGER, Mr. HEINZ, Mr. SPECTER, Mr. ROTH and Mr. BRADLEY):

S. 951. A bill to provide health care coverage for the unemployed; to the Committee on Finance.

By Mr. EAST (for himself, and Mr. HUMPHREY):

S. 952. A bill to prohibit the growing of marihuana on federal land; to the Committee on the Judiciary.

By Mr. LAXALT:

S. 953. A bill to amend the Internal Revenue Code of 1954 to permit elections under section 2032A to be made on amended returns; to the Committee on Finance.

S. 954. A bill to amend the Internal Revenue Code of 1954 to exempt from the windfall profit tax certain charitable organizations which provide assistance to patients; to the Committee on Finance.

By Mr. HOLLINGS (for himself, Mr. HEFLIN, Mr. GORTON, Mr. INOUYE, Mr. FORD, Mr. RIEGLE and Mr. LAUTENBERG):

S. 955. A bill to maintain the preeminence of the United States in space, to promote the peaceful exploration and utilization of space, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LAXALT:

S. 956. A bill for the relief of Oikos, Incorporated, and the Nevada Opera Association, both of Reno, Nevada; to the Committee on Finance.

By Mr. BYRD (for himself and Mr. BAKER):

S. 957. A bill to provide for an increase in the number of members of the Congressional Award Board, and for other purposes; considered and passed.

By Mr. TRIBLE (for himself and Mr. WARNER):

S. 958. A bill to amend chapter 54 to title 5, United States Code, to reform the merit pay system; to the Committee on Governmental Affairs.

By Mr. GORTON:

S. 959. A bill for the relief of Clive Anthony Lewis, Karen Lewis, Sean Martin Lewis, Anthony Conan Lewis, and Gail Alison Lewis; to the Committee on the Judiciary.

By Mr. ARMSTRONG:

S. 960. A bill to assist women in making career choices in the home or in the labor force, and for other purposes; to the Committee on Finance.

By Mr. MATSUNAGA:

S. 961. A bill to amend the Internal Revenue Code of 1954 to provide a credit against income tax for contributions to profit-sharing plans, and for other purposes; to the Committee on Finance.

S. 962. A bill to amend the National Foundation on the Arts and Humanities Act of 1965 to provide for the Office of Poet Laureate of the United States; to the Committee on Labor and Human Resources.

By Mr. HATCH (by request):

S. 963. A bill to extend various health authorities, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HATCH (for himself and Mr. KENNEDY):

S. 964. A bill to require the Secretary of Health and Human Services to arrange for the conduct of a study with respect to the use of live animals in biomedical and behavioral research; to the Committee on Labor and Human Resources.

By Mr. LEVIN:

S. 965. A bill to establish a National Industrial Development Board for purposes of formulating policy recommendations for industrial development in the United States; to the Committee on Governmental Affairs.

By Mr. McCLURE (for himself, Mr. DOMENICI, Mr. WALLOP and Mr. GARN):

S. 966. A bill to amend the Act of October 20, 1976 (90 Stat. 2662), as amended; to the Committee on Energy and Natural Resources.

By Mr. THURMOND (for himself, Mr. HATCH, Mr. CHILES, Mr. ABDNOR, Mr. NICKLES, and Mr. HELMS) (by request):

S. J. Res. 73. A joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer; to the Committee on the Judiciary.

By Mr. GARN:

S.J. Res. 74. A joint resolution to express the sense of the Congress that the United States should promote the goal of strategic stability and reduce the risk of nuclear war through a balanced program of force modernization together with negotiations to achieve substantial, verifiable and militarily significant reductions to equal levels in the nuclear arsenals of both superpowers; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE (for himself, Mr. STAFFORD, Mr. RANDOLPH, Mr. HATCH, Mr. ARMSTRONG, Mr. BOSCHWITZ, Mr. HATFIELD, Mr. WEICKER, Mr. CRANSTON, Mr. INOUYE, Mr. MATTINGLY, Mr. HOLLINGS, Mr. HUMPHREY, Mr. DURENBERGER, Mr. BUMPERS, Mr. DOMENICI, Mr. GORTON, Mr. PROXMIRE, Mr. LUGAR, Mr. STEVENS, Mr. QUAYLE, Mr. PERCY, Mr. KENNEDY, Mr. GARN, Mr. NICKLES, Mr. JEPSEN, Mr. DECONCINI, Mrs. HAWKINS, Mr. LEAHY, and Mr. DIXON):

S. Con. Res. 22. A concurrent resolution expressing the sense of the Congress with respect to implementing the objectives of the United Nations Decade of Disabled Persons (1983-1992); to the Committee on Labor and Human Resources.

By Mr. ARMSTRONG:

S. Con. Res. 23. A concurrent resolution to support the President's call for a more humane and ethical strategic policy; to the Committee on Armed Services.

By Mr. BAKER (for himself and Mr. BYRD):

S. Res. 99. A resolution to direct the Senate Legal Counsel to appear as amicus

curiae in the case of Anne Gaylor v. Ronald Reagan. et al.; considered and agreed to.

By Mr. WALLOP:

S. Res. 100. A resolution relating to the building of weapons for deployment in space; to the Committee on Armed Services.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. STAFFORD (for himself and Mr. RANDOLPH):

S. 917. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, commonly referred to as the Superfund law, so as to provide compensation for the victims of environmental pollutants and poisons; to the Committee on Environment and Public Works.

(The remarks of Mr. STAFFORD on this legislation appear earlier in today's RECORD.)

By Mr. HATFIELD (for himself, Mr. KENNEDY, Mr. MATSUNAGA, and Mr. RIEGLE):

S. 918. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to provide greater protection to women under private pension plans; to the Committee on Finance.

(The remarks of Mr. HATFIELD on this legislation appear earlier in today's RECORD.)

By Mr. DOMENICI (for himself, Mr. DECONCINI, and Mr. GRASSLEY):

S. 919. A bill to amend the Equal Access to Justice Act, and for other purposes; to the Committee on the Judiciary.

By Mr. DOMENICI:

S. 920. A bill to make the Grazing Advisory Boards established under the Federal Land Policy Management Act of 1976 permanent; to the Committee on Energy and Natural Resources.

(The remarks of Mr. DOMENICI on this legislation appear earlier in today's RECORD.)

By Mr. HATCH:

S. 921. A bill to provide a remedy against the United States for damages to certain individuals resulting from nuclear tests at the Nevada test site, and for other purposes; to the Committee on the Judiciary.

(The remarks of Mr. HATCH on this legislation appear earlier in today's RECORD.)

By Mr. COCHRAN:

S. 922. A bill to amend the Congressional Budget and Impoundment Control Act of 1974, to provide for budgetary planning every 2 years; pursuant to the order of August 4, 1977, referred jointly to the Committee on the Budget and the Committee on Governmental Affairs.

TWO-YEAR BUDGETARY PLANNING ACT OF 1983

Mr. COCHRAN. Mr. President, the optimism of the Congress when it passed the Budget Act of 1974 was that budget priorities would be set effectively and efficiently and runaway spending would be controlled. We have struggled through this process for the past 8 years. There are parts of this process which work well, and others which have created a time-consuming system which is difficult to work through. It is time to refine our budget procedure in order to achieve those original goals.

Today, I am introducing the Two-Year Budgetary Planning Act of 1983. It is a bill to amend the Budget Act by providing a streamlined 2-year budget process with planning at the beginning of a Congress and execution of that plan through the annual appropriations cycles. Under my bill, there would be only one budget resolution, adopted at the beginning of the odd numbered years, using the timetable now used for the concurrent budget resolution. The resolution would have totals for each year of the 2-year fiscal period, starting in October of that odd-numbered year. The bill would permit, but not require, a revision of that budget resolution during the 2-year fiscal period, but only after approval by a three-fifths vote of each House. Thus, for any 2-year period, we would have only one budget resolution adopted at the start of the process.

In testimony before the Committee on Finance, the Director of the Congressional Budget Office, Dr. Alice Rivlin, discussed the advantage of biennial budgeting. She said such a plan would, "reduce the legislative burden, encourage oversight, and enhance the quality of deliberation." All laudable objectives for which my bill is a workable means.

Mr. President, it is time to untangle our budget process. I am convinced that a 2-year budget cycle, with one budget resolution, is a functional option to the process which we have been stumbling through. I urge my colleagues to consider this legislation which I believe is a worthy alternative budget procedure.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 922

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Two Year Budgetary Planning Act of 1983".

STATEMENT OF PURPOSE

SEC. 2. It is the purpose of this Act—

(1) to provide for one concurrent resolution on the budget for a two-year period;

(2) to streamline the budget process so that the process will be an effective mechanism for the planning of major budget priorities; and

(3) to improve the legislative and budgetary processes by providing additional time for congressional oversight and other vital legislative activities.

AMENDMENTS TO THE CONGRESSIONAL BUDGET AND IMPOUNDMENT CONTROL ACT OF 1974

SEC. 3. (a)(1) Section 2(2) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 (2)) is amended by striking out "each year" and inserting in lieu thereof "every two years".

(b) Section 3(4) of such Act (2 U.S.C. 622(4)) is amended to read as follows:

"(4) The term 'concurrent resolution on the budget' means—

"(A) a concurrent resolution setting forth the congressional budget for the United States Government for a two-fiscal-year period as provided in section 301; or

"(B) a concurrent resolution on the budget revising the congressional budget for the United States Government pursuant to section 304.".

(2) Section 3 of such Act is further amended by adding at the end thereof the following new paragraph:

"(6) The term 'two-fiscal-year period' means a period of two consecutive fiscal years beginning on October 1 of any odd-numbered year.".

(c) Section 202(f)(1) of the Congressional Budget Act of 1974 (2 U.S.C. 602(f)(1)) is amended—

(1) by inserting "odd numbered" before "year" the first place it appears in the first sentence;

(2) by striking out "the fiscal year" in such sentence and inserting in lieu thereof "each fiscal year in the two-fiscal-year period";

(3) by striking out "such fiscal year" in such sentence and inserting in lieu thereof "such two-fiscal-year period"; and

(4) by striking out "such fiscal year" in the second sentence and inserting in lieu thereof "each fiscal year in such two-fiscal-year period".

(d) Section 300 of such Act (2 U.S.C. 631) is amended to read as follows:

"TIMETABLE

"SEC. 300. The timetable with respect to the congressional budget process for any fiscal year is as follows:

"First Session

On or before:	Action to be completed:
November 10	President submits current services budget.
15th day after Congress meets.	President submits budget.
March 15.....	Committees and joint committees submit reports to Budget Committees.
April 1	Congressional Budget Office submits report to Budget Committees.
April 15	Budget Committees report concurrent resolution on the budget to their Houses.
May 15.....	Committees report bills and resolutions authorizing new budget authority for the first fiscal year of the two-fiscal-year period.

"First Session—Continued

On or before:	Action to be completed:
May 15	Congress completes action on concurrent resolution on the budget.
7th day after Labor Day.	Congress completes action on bills and resolutions providing new budget authority for the first fiscal year of the two-fiscal-year period.
October 1	Two-fiscal-year period begins.

"Second Session

15th day after Congress meets.	President submits proposed revisions in the budget for the two-fiscal-year period in progress.
May 15	Committees report bills and resolutions authorizing new budget authority for the second fiscal year of the two-fiscal-year period.
7th day after Labor Day.	Congress completes action on bills and resolutions providing new budget authority and new spending authority for the second fiscal year of the two-fiscal-year period.".

(e)(1) Section 301(a) of such Act (2 U.S.C. 632(a)) is amended—

(A) by inserting "of Each Odd-Numbered Year" after "May 15th" in the subsection heading;

(B) by inserting "odd-numbered" before "year" the first place it appears in the first sentence of the matter preceding paragraph (1);

(C) by striking out "the fiscal year" in such sentence and inserting in lieu thereof "the two-fiscal-year period"; and

(D) by inserting a comma and "for each fiscal year in such period" after "set forth" in the second sentence of such matter.

(2) Section 301(b) of such Act is amended—

(A) by striking out "first" in the matter preceding paragraph (1);

(B) by inserting "referred to in subsection (a)" before "may also" in such matter;

(C) by striking out "require" in such matter;

(D) by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) contain the specifications and directions described in section 301(a); and";

(E) by inserting "require" before "any other procedure" in paragraph (2); and

(F) by striking out the last sentence.

(3) Section 301(c) of such Act is amended—

(A) by inserting "odd-numbered" before "year" in the matter preceding paragraph (1);

(B) by striking out "the" the second place it appears in paragraph (2) and inserting in lieu thereof "an"; and

(C) by striking out "the fiscal year" in paragraph (2) and inserting in lieu thereof "each fiscal year in the two-fiscal-year period".

(4) section 301(d) of such Act is amended—

(A) by striking out "first" before "concurrent resolution" in the first sentence;

(B) by striking out "fiscal year" in such sentence and inserting in lieu thereof "two-fiscal-year period";

(C) by inserting "odd-numbered" before "year" the first place it appears in the third sentence;

(D) by striking out "first" before "concurrent resolution" in such sentence;

(E) by striking out "fiscal year" in such sentence and inserting in lieu thereof "two-fiscal-year period";

(F) by inserting "for each fiscal year in such two-fiscal-year period" after "the committee" in paragraph (1);

(G) by inserting "for each such fiscal year" after "those estimated" in such paragraph;

(H) by inserting "for each fiscal year in such two-fiscal-year period" after "total new budget authority" the first place it appears in paragraph (2);

(I) by inserting "for each such fiscal year" after "total new budget authority requested" in such paragraph;

(J) by inserting "for each fiscal year in such two-fiscal-year period," after "new budget authority" in paragraph (3);

(K) by inserting "for each fiscal year in such two-fiscal-year period" after "concurrent resolution" in paragraph (4);

(L) by striking out "five" in paragraph (6) and inserting in lieu thereof "six";

(M) by striking out "such fiscal year" in such paragraph and inserting in lieu thereof "the first fiscal year of such two-fiscal-year period,";

(N) by striking out "such period" in such paragraph and inserting in lieu thereof "such six-fiscal-year period"; and

(O) by inserting "for each fiscal year in such two-fiscal-year period" before the semicolon in paragraph (7).

(5) Section 301(e) of such Act is amended—

(A) by striking out "set for" in paragraph (1) and inserting in lieu thereof "set forth";

(B) by striking out "first" each place it appears before "concurrent resolution on the budget";

(C) by inserting "referred to in subsection (a)" after "concurrent resolution on the budget" in paragraph (1); and

(D) by striking out "for the fiscal year" after "concurrent resolution of the budget" in such paragraph and inserting in lieu thereof "referred to in subsection (a) for the two-fiscal-year period".

(6)(A) The section heading for section 301 of such Act is amended by striking out "FIRST".

(B) The item relating to section 301 in the table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 (note)) is amended by striking out "first".

(f)(1) Section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)) is amended—

(A) by inserting "for a two-fiscal-year period" after "concurrent resolution on the budget"; and

(B) by inserting "for each fiscal year in such period" after "estimated allocation".

(2) Section 302(c) of such Act is amended by striking out "or 310".

(g)(1) Section 303(a) of such Act (2 U.S.C. 634(a)) is amended—

(A) by striking out "first";

(B) by striking out "for such year" and inserting in lieu thereof "referred to in section 301(a) for the two-fiscal-year period in which such fiscal year occurs"; and

(C) by striking out "pursuant to section 301".

(2) Section 303(b) of such Act is amended by striking out "fiscal year" each place it appears in paragraphs (1) and (2) and inserting in lieu thereof "two-fiscal-year period".

(3)(A) The section heading for section 303 of such Act is amended by striking out "FIRST".

(B) The item relating to section 303 in the table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 (note)) is amended by striking out "First concurrent" and inserting in lieu thereof "Concurrent".

(h)(1) Section 304 of the Congressional Budget Act of 1974 (2 U.S.C. 635) is amended—

(A) by striking out "first" before "concurrent resolution on the budget";

(B) by striking out "for a fiscal year" before "has been agreed to" and inserting in lieu thereof "referred to in section 301(a) for a two-fiscal-year period";

(C) by striking out "pursuant to section 301";

(D) by striking out "such fiscal year" the first place it appears and inserting in lieu thereof "such two-fiscal-year period";

(E) by striking out "for such fiscal year" the second place it appears; and

(F) by inserting before the period "for such two-fiscal-year period if the concurrent resolution on the budget making such revisions and any conference report thereon, is agreed to by a rollcall vote of three-fifths of the Members of each House of Congress, duly chosen and sworn.

(2) The section heading for section 304 of such Act is amended by striking out "OF" the second place it appears and inserting in lieu thereof "ON".

(i)(1) Section 305(a)(3) of such Act (2 U.S.C. 636 (a)(3)) is amended—

(A) by striking out "first" before "concurrent resolution on the budget"; and

(B) by striking out "for a fiscal year" and inserting in lieu thereof "referred to in section 301(a) for a two-fiscal year period".

(2) Section 305(b) of such Act is amended—

(A) by striking out ", except that, with respect to the second required concurrent resolution referred to in section 310(a), all such debate shall be limited to not more than 15 hours" in paragraph (1);

(B) by striking out "first" before "concurrent resolution on the budget" in paragraph (3); and

(C) by striking out "for a fiscal year" in such paragraph and inserting in lieu thereof "referred to in section 301(a) for a two-fiscal year period".

(j) Section 307 of such Act (2 U.S.C. 638) is amended—

(1) by striking out "as" before "set forth";

(2) by striking out "for such fiscal year" before "in the most recently agreed"; and

(3) by striking out "that year" the second place it appears and inserting in lieu thereof "the two-fiscal year period in which such fiscal year occurs".

(k)(1) Section 308(a) of such Act (2 U.S.C. 639 (a)) is amended—

(A) by striking out "such fiscal year" in paragraph (1)(A) and inserting in lieu thereof "the two-fiscal year period in which such fiscal year occurs"; and

(B) by inserting "for such fiscal year" after "new budget authority" in such paragraph;

(C) by inserting a comma after "a projection" in paragraph (1)(B);

(D) by striking out "5" in such paragraph and inserting lieu thereof "6";

(E) by inserting a comma after "such fiscal year" in such paragraph;

(F) by striking out "as" after "existing law" in paragraph (2)(A);

(G) by striking out "for such fiscal year" in such paragraph and inserting in lieu thereof "referred to in section 301(a) for the two-fiscal-year period in which such fiscal year occurs";

(H) by inserting "for such fiscal year" after "set forth" in such paragraph;

(I) by striking out "year" the last place it appears in such paragraph and inserting in lieu thereof "two-fiscal-year period";

(J) by inserting a comma after "a projection" in paragraph (2)(B);

(K) by striking out "5" in such paragraph and inserting in lieu thereof "6"; and

(L) by inserting a comma after "such fiscal year" in such paragraph.

(2) Section 308(b) of such Act is amended—

(A) by inserting a comma after "during such fiscal year" in paragraph (1);

(B) by striking out "such fiscal year" in such paragraph and inserting in lieu thereof "the two-fiscal-year period in which such fiscal year occurs";

(C) by inserting "for such fiscal year" after "estimated outlays" the second place it appears in such paragraph;

(D) by striking out "such fiscal year" in paragraph (3) and inserting in lieu thereof "the two-fiscal-year period in which such fiscal year occurs";

(E) by inserting "for such fiscal year" after "revenues" the first place it appears in such paragraph;

(F) by inserting "fiscal" before "year" the last two places it appears in such paragraph;

(G) by striking out "such fiscal year" in paragraph (4) and inserting in lieu thereof "the two-fiscal-year period in which such fiscal year occurs"; and

(H) by inserting "for such fiscal year" after "the public debt" in such paragraph.

(3) Section 308(c) of such Act is amended—

(A) by striking out "Five" in the subsection heading and inserting in lieu thereof "Six"; and

(B) by striking out "5" and inserting in lieu thereof "6".

(l) Section 309(1) of such Act (2 U.S.C. 640 (1)) is amended—

(1) by striking out "such year" the second place it appears and inserting in lieu thereof "the two-fiscal-year period in which such fiscal year occurs"; and

(2) by striking out "section 310(c)" and inserting on lieu thereof "section 310(b)".

(m)(1) Section 310(a) of such Act (2 U.S.C. 641 (a)) is amended—

(A) by striking out the matter preceding paragraph (1) and inserting in lieu thereof the following:

"SEC. 310. (a) SPECIFICATIONS AND DIRECTIONS.—A concurrent resolution on the budget for a two-fiscal-year period shall, to the extent necessary—";

(B) by striking out "such fiscal year" each place it appears in subparagraphs (A) and (C) of paragraph (1) and inserting in lieu thereof "each fiscal year in such two-fiscal-year period";

(C) by inserting "for each fiscal year in such two-fiscal-year period" after "revenues" in paragraph (2);

(D) by striking out "that" before "the committees" in such paragraph;

(E) by inserting "for each fiscal year in such two-fiscal-year period" after "public debt" in paragraph (3); and

(F) by striking out the last sentence.

(2) Section 310 of such Act is further amended by striking out subsection (b) and by redesignating subsections (c), (d), (e), and (f) as subsections (b), (c), (d), and (e), respectively.

(3) Section 310(b) of such Act (as redesignated by paragraph (2) of this subsection) is amended by striking out "is agreed to in accordance with subsection (a)" and inserting in lieu thereof "on the budget is agreed to".

(4) Section 310(c) of such Act (as redesignated by paragraph (2) of this subsection) is amended—

(A) by striking out "subsection (c)" and inserting in lieu thereof "subsection (b)"; and

(B) by striking out "September 25 of each year" and inserting in lieu thereof "sixty days after the date on which the concurrent resolution on the budget containing the specifications and directions for such reconciliation bill or reconciliation resolution is agreed to".

(5) Section 310(d) of such Act (as redesignated by paragraph (2) of this subsection) is amended by striking out "subsection (c)" each place it appears in paragraphs (1) and (2) and inserting in lieu thereof "subsection (b)".

(6) Section 310(e) of such Act (as redesignated by paragraph (2) of this subsection) is amended—

(A) by striking out "the concurrent resolution on the budget required to be reported under subsection (a) for the fiscal year beginning on October 1 of such year, and if a" and inserting in lieu thereof "any";

(B) by striking out "is" before "required to be reported"; and

(C) by striking out "subsection (c) for such fiscal year, unless the Congress has completed action on that bill or resolution, or both" and inserting in lieu thereof "subsection (b) for a two-fiscal-year period".

(7)(A) The section heading for section 310 of such Act is amended by striking out "SECOND REQUIRED CONCURRENT RESOLUTION AND".

(B) The item relating to section 310 in the table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 (note)) is amended by striking out "Second required concurrent resolution and reconciliation" and inserting in lieu thereof "Reconciliation".

(n) Section 311(a) of the Congressional Budget Act of 1974 (2 U.S.C. 642 (a)) is amended—

(1) by striking out "section 310(a) for fiscal year" after "reported under" in the matter preceding paragraph (1) and inserting in lieu thereof "section 301(a) for a two-fiscal-year period";

(2) by striking out "such fiscal year" the first place it appears in such matter and inserting in lieu thereof "such two-fiscal-year period";

(3) by striking out "section 310(c)" in such matter and inserting in lieu thereof "section 310(b)";

(4) by striking out "such fiscal year" the second, third, and fourth places it appears in such matter and inserting in lieu thereof "any fiscal year in such two-fiscal-year period";

(5) by inserting "for such fiscal year" after "total budget outlays" in the matter following paragraph (3);

(6) by striking out "such fiscal year" after "concurrent resolution on the budget for" in such matter and inserting in lieu thereof "the two-fiscal-year period in which such fiscal year occurs";

(7) by inserting "for any such fiscal year" after "revenues" the first place it appears in such matter; and

(8) by inserting "for such fiscal year" after "revenues" the second place it appears in such matter.

(o) Section 401(b)(2) of such Act (2 U.S.C. 651 (b) (2)) is amended by striking out "such fiscal year" the second place it appears and inserting in lieu thereof "the two-fiscal-year period in which such fiscal year occurs".

(p) Section 403(a) of such Act (2 U.S.C. 653 (a)) is amended—

(1) by striking out "4" in paragraph (1) and inserting in lieu thereof "five"; and

(2) by striking out "four" in paragraph (2) and inserting in lieu thereof "five".

(q) Section 904(b) of such Act (2 U.S.C. 621 (note)) is amended by striking out "title III or IV" and inserting in lieu thereof "title III (except section 304) or title IV".

AMENDMENTS TO RULES OF THE HOUSE OF REPRESENTATIVES

SEC. 4. (a)(1) Clause 1(b)(4) of rule X of the Rules of the House of Representatives is amended by striking out "fiscal year" and inserting in lieu thereof "two-fiscal-year period".

(b) Clause 4(a)(1)(A) of rule X of the Rules of the House of Representatives is amended by inserting "odd-numbered" after "each".

(c) Clause 4(a)(2) of rule X of the Rules of the House of Representatives is amended by striking out "such fiscal year" and inserting in lieu thereof "the two-fiscal-year period in which such fiscal year occurs".

(d) Clause 4(b)(2) of rule X of the Rules of the House of Representatives is amended—

(1) by striking out "first"; and

(2) by striking out "fiscal year" and inserting in lieu thereof "two-fiscal-year period".

(e) Clause 4(g) of rule X of the Rules of the House of Representatives is amended—

(1) by inserting "odd-numbered" after "each";

(2) by striking out "fiscal year" the first place it appears and inserting in lieu thereof "two-year fiscal period"; and

(3) by striking out "that fiscal year" and inserting in lieu thereof "each fiscal year of such two-fiscal-year period".

(f) Clause 4(h) of rule X of the Rules of the House of Representatives is amended by striking out "fiscal year" and inserting in lieu thereof "two-fiscal-year period".

(g) Clause 2(l)(1)(C) of rule XI of the Rules of the House of Representatives is amended—

(1) by striking out "as" before "set forth";

(2) by inserting "for such fiscal year" before "in the most recently agreed"; and

(3) by striking out "that year" the second place it appears and inserting in lieu thereof "the two-fiscal-year period in which such fiscal year occurs".

(h) Clause 1 of rule XLIX of the Rules of the House of Representatives is amended—

(1) by striking out the comma after "301" and inserting in lieu thereof "or"; and

(2) by striking out ", or 310".

AMENDMENTS TO TITLE 31, UNITED STATES CODE

SEC. 5. (a) Section 1101 of title 31, United States Code, is amended by adding at the end thereof the following new paragraph:

"(3) 'two-fiscal-year period' shall have the same meaning as in section 3(6) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(6)).".

(b)(1) The matter preceding paragraph (1) of section 1105(a) of title 31, United States Code, is amended to read as follows:

"(a) The President shall transmit to Congress during the first 15 days of the first regular session of each Congress the budget for the two-fiscal-year period beginning on October 1 of the year in which such session occurs. The budget shall include a budget message and summary and supporting information. The President shall include in the budget the following:".

(2) Section 1105(a) of such title is further amended—

(A) in paragraph (5) striking out "the fiscal year for which the budget is submitted and the 4 fiscal years after that year" and inserting in lieu thereof "each fiscal year in the two-fiscal-year period for which the budget is submitted and projections for the 4 fiscal years immediately following the second fiscal year in such two-fiscal-year period";

(B) in paragraph (6) by striking out "the fiscal year for which the budget is submitted and the 4 fiscal years after that year" and inserting in lieu thereof "each fiscal year in the two-fiscal-year period for which the budget is submitted and the 4 fiscal years immediately following the second fiscal year in such two-fiscal-year period";

(C) in paragraph (9)(C) by striking out "the fiscal year" and inserting in lieu thereof "each fiscal year in the two-fiscal-year period";

(D) in paragraph (12)(A) by striking out "the fiscal year" and inserting in lieu thereof "each fiscal year in the two-fiscal-year period";

(E) in paragraph (12)(B) by striking out "each of the 4 fiscal years after that year" and inserting in lieu thereof "each of the 4 fiscal years immediately following the second fiscal year in such two-fiscal-year period";

(F) in paragraph (13) by striking out "the fiscal year" and inserting in lieu thereof "each fiscal year in the two-fiscal-year period";

(G) in paragraph (14) by striking out "that year" and inserting in lieu thereof "each fiscal year in such two-fiscal-year period";

(H) in paragraph (15) by inserting "for each fiscal year in such two-fiscal-year period" before the period at the end thereof;

(I) in paragraph (16) by striking out "the fiscal year" and inserting in lieu thereof "each fiscal year in the two-fiscal-year period";

(J) in paragraph (17)—

(i) by striking out "the fiscal year following the fiscal year" and inserting in lieu thereof "each fiscal year in the two-fiscal-year period following the two-fiscal-year period following the two-fiscal year period"; and

(ii) by striking out "that following" and inserting in lieu thereof "each such";

(K) in paragraph (18)—

(i) by striking out "the prior fiscal year" and inserting in lieu thereof "each of the 2 most-recently-completed fiscal years";

(ii) by striking out "for that year" and inserting in lieu thereof "with respect to that fiscal year"; and

(iii) by striking out "in that year" and inserting in lieu thereof "in that fiscal year";

(L) in paragraph (19)—

(i) by striking out "the prior fiscal year" and inserting in lieu thereof "each of the 2 most-recently-completed fiscal years";

(ii) by striking out "for that year" and inserting in lieu thereof "with respect to that fiscal year"; and

(iii) by striking out "in that year" each place it appears and inserting in lieu thereof "in that fiscal year";

(M) in paragraph (21) by inserting "for the two-fiscal-year period beginning on October 1, 1985, and for each two-fiscal-year period thereafter," before "a horizontal budget";

(N) in paragraph (22) by inserting "for each fiscal year in such two-fiscal-year period," before "a statement"; and

(O) by adding at the end thereof the following new sentence:

"During the first fifteen days of the second regular session of each Congress, the President shall transmit to the Congress any revisions the President considers appropriate in the Budget transmitted in the first regular session of that Congress.".

(c) Section 1105(b) of title 31, United States Code, is amended by inserting "even-numbered" before "year".

(d) Section 1105(c) of title 31, United States Code, is amended—

(1) by striking out "fiscal year for" each place it appears and inserting in lieu thereof "two-fiscal-year period for";

(2) by inserting "or current two-fiscal-year period, as the case may be," after "current fiscal year"; and

(3) by striking out "that year" and inserting in lieu thereof "that period".

(e) Section 1105 (d) of title 31, United States Code, is amended by striking out "fiscal year" and inserting in lieu thereof "two-fiscal-year period".

(f) Section 1106 (a) of title 31, United States Code, is amended—

(1) in the matter preceding paragraph (1)—

(A) by inserting "odd-numbered" before "year" the first place it appears; and

(B) by striking out "fiscal year" and inserting in lieu thereof "two-fiscal-year period"; and

(2) in paragraph (1) by striking out "that fiscal year" and inserting in lieu thereof "each fiscal year in that two-fiscal-year period";

(3) in paragraph (2) by striking out "the 4 fiscal years following the fiscal year" and inserting in lieu thereof "each fiscal year in the first 2 of the two-fiscal-year periods following the two-fiscal-year period"; and

(4) in paragraph (3)—

(A) by striking out "future fiscal years" and inserting in lieu thereof "each fiscal year in the first 2 of the two-fiscal-year periods following the two-fiscal-year period for which the budget is submitted"; and

(B) by striking out "the fiscal year for which the budget is submitted" and inserting in lieu thereof "such two-fiscal-year period".

(g) Section 1106(b) of title 31, United States Code, is amended—

(1) by inserting "odd-numbered" before "year" the first place it appears in the first sentence;

(2) by striking out "the fiscal year" in such sentence and inserting in lieu thereof "each fiscal year in the two-fiscal-year period"; and

(3) by inserting "of any odd-numbered year" after "July 16" in the third sentence.

(h) Section 1109(a) of title 31, United States Code, is amended—

(1) by striking out "each year" and inserting in lieu thereof "each even-numbered year (beginning with 1984)";

(2) by striking out "the following fiscal year" and inserting in lieu thereof "each fiscal year in the two-fiscal-year period beginning in the following odd-numbered year"; and

(3) by striking out "that fiscal year" and inserting in lieu thereof "each such fiscal year".

(i) Section 1109(b) of title 31, United States Code, is amended by inserting "odd-numbered" before "year".

EFFECTIVE DATE

SEC. 6. The provisions of this Act and the amendments made by this Act shall take effect on October 1, 1984.

FISCAL YEAR 1985

SEC. 7. Notwithstanding the provisions of sections 3, 4, 5, and 6 of this Act and the amendments made by such sections—

(1) the provisions of the Congressional Budget and Impoundment Control Act of 1974 (as such provisions were in effect on the day before the effective date of this Act) shall apply with respect to concurrent resolutions on the budget for such fiscal year, bills and resolutions providing new budget authority or new spending authority for such fiscal year, bills and resolutions authorizing the enactment of new budget authority for such fiscal year, the rescission and deferral of budget authority for such fiscal year, and the responsibilities of the Director of the Congressional Budget Office for such fiscal year; and

(2) the provisions of chapter 11 of title 31, United States Code, shall apply with respect to any amendments or revisions made by the President in the Budget submitted for such fiscal year pursuant to section 1105 of such title.

By Mr. HUDDLESTON (for himself, Mr. INOUYE, and Mr. FORD):

S. 923. A bill to provide financial assistance for the improvement of instruction in mathematics and science, and for other purposes; to the Committee on Labor and Human Resources.

MATHEMATICS AND SCIENCE EDUCATION ASSISTANCE ACT OF 1983

Mr. HUDDLESTON. Mr. President, I am pleased to be introducing today, on behalf of myself, the Senator from Hawaii (Mr. INOUYE), and my colleague from Kentucky (Mr. FORD), the Mathematics and Science Education Assistance Act of 1983.

We are all aware of the shortage of qualified math and science teachers. The legislation I am introducing will address this problem by offering a program of incentives for providing immediate short-term assistance to help resolve our math and science education problems.

As has been noted by the National Academy of Sciences and the National Academy of Engineering, 43 States in our country had reported a shortage of qualified mathematics and science teachers in 1981. This shortage is evident in my home State of Kentucky where the number of people preparing to teach in these areas has rapidly declined. In 1971, Kentucky had 194 students graduating from colleges and universities who were certified science teachers. By 1981, this number had declined to 66.

Additionally, many of our current math and science teachers are not prepared to teach in these areas. A survey completed by the National Science Teachers Association indicates that among newly employed science and math teachers, 50.2 percent were unqualified to teach science and math.

Efforts are being made in a number of States to help identify the deficiences in our math and science education programs and provide solutions to this growing problem. I am proud to say that Kentucky was one of the first States in the Nation to pass legislation to attract and retain qualified teachers in the math and science fields for grades 7 to 12.

If any one fact stands out when examining our math and science teacher shortage, it is that the shortage is with us now. The shortage is not just beginning and will not occur in 5 to 10 years; it is present in 1983.

Consequently, Congress must provide immediate incentives for training new math and science teachers and improving our math and science programs. The bill I am introducing today authorizes a three-part program to help achieve this objective.

The greatest need for qualified math and science teachers lies in our junior high and high schools. We are finding that many times, junior high teachers have an elementary school teaching certificate with little training in mathematics or the sciences. We also see that there are too few teachers in our high schools to meet the demands of courses such as biology, physics, and chemistry.

This bill would help correct the teacher shortage by providing a combination grant and loan program for teachers who take a sabbatical to earn a degree in mathematics or one of the sciences. Secondary school teachers who have a certification in other subject areas and who wish to earn a degree in math or science would also be eligible for participation in the program. Priority would be given to teachers from areas of the State having the greatest need for math and science teachers.

Teachers who participate would receive a grant for 80 percent of their current salary and a loan for the cost of their tuition, fees, and books at the college or university they will be attending. The grant would be an incentive to work for the new degree and would insure that the teacher has an adequate means to maintain a livelihood while studying. A maximum limit of $2,000 will be placed on each loan for each year of study.

Twenty percent of the loan can be forgiven for each year that a person teaches math or science after acquiring the degree. Since all requirements for the degree would have to be completed within 2 years, new math and science teachers would be ready to teach soon after enactment of the legislation.

The second part of the bill would provide grants to the States for the acquisition, by local school districts, of new math and science books, materials, and equipment. Many teachers have complained about the lack of materials to use in their classes and the grants provided by this title would be a necessary partner to the program for teacher retraining. The funding is earmarked solely for upgrading existing equipment or for purchasing new equipment, books, and materials.

Seventy-five percent of the funding under this section would go to junior high and high schools where these materials are used the most. The remaining 25 percent would go to elementary schools. Language is included in the bill to insure that the areas of each State that are in the greatest need will benefit from the funds.

The third part of the bill calls for the establishment of State councils on education in mathematics and science. This provision will insure that we continue to meet the demand for students educated in the high technology fields by having members of our business and education communities work together for the improvement of math and science education programs.

The enact composition of the council will be determined by each State, however, at least one classroom teacher from each of the elementary, secondary, and college levels must be on the council as well as appropriate representatives of the business community.

The council's agenda will include a study of the needs of the State for students educated in the math and science areas and a set of specific recommendations for improving math and science education programs in the schools.

The time is now for Congress to provide some assistance to help remedy the decline in our math and science programs. I look forward to working with my colleagues in developing a comprehensive bill that will once again insure that we will have qualified individuals educated in mathematics and the sciences to meet the challenges associated with the increasing use of high technology.

Mr President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 923

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited the "Mathematics and Science Education Assistance Act of 1983".

STATEMENT OF PURPOSE

SEC. 2. It is the purpose of this Act to improve the instruction in mathematics and science in elementary and secondary schools of local educational agencies by—

(1) providing a program of assistance to elementary and secondary school teachers of mathematics or science;

(2) providing financial assistance to local educational agencies for the acquisition of instructional equipment and materials for use in mathematics and science education; and

(3) establishing a State Council on Education in Mathematics and Science for each State.

DEFINITIONS

SEC. 3. As used in this Act—

(1) the term "elementary school" has the same meaning given that term under section 595(a)(7) of the Education Consolidation and Improvement Act of 1981;

(2) the term "Governor" means the Chief executive of any State;

(3) the term "institution of higher education" has the same meaning given that term under section 1201(a) of the Higher Education Act of 1965;

(4) the term "local educational agency" has the same meaning given that term under section 595(a)(4) of the Education Consolidation and Improvement Act of 1981;

(5) the term "secondary school" has the same meaning given that term under section 595(a)(7) of the Education Consolidation and Improvement Act of 1981;

(6) the term "Secretary" means the Secretary of Education;

(7) The term "State" means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico;

(8) the term "State Council" means the State Council on Education in Mathematics and Science established in accordance with title III of this Act; and

(9) the term "State educational agency" has the same meaning given that term under section 1001(k) of the Elementary and Secondary Education Act of 1965.

TITLE I—GRANTS TO STATES FOR THE IMPROVEMENT OF SKILLS OF TEACHERS OF MATHEMATICS AND SCIENCE IN ELEMENTARY AND SECONDARY SCHOOLS

PROGRAM AUTHORIZED

SEC. 101. (a) The Secretary is authorized to make grants to States for training of elementary and secondary school teachers who wish to earn a degree in mathematics or science in accordance with the provisions of this title.

(b) There are authorized to be appropriated $100,000,000 for the fiscal year 1984 and for each succeeding fiscal year ending prior to October 1, 1986.

ALLOTMENT TO STATES

SEC. 102. (a)(1) From the sums appropriated to carry out this title for each fiscal year, the Secretary shall reserve not to exceed 1 per centum for payments to Guam, American Samoa, and the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands, to be alloted in accordance with their respective needs.

(2) From the remainder of such sums the Secretary shall allot to each State an amount which bears the same ratio to the amount of such remainder as the school age population of the State bears to the school age population of all States.

(b) For the purpose of this section—

(1) the term "school age-population" means population aged five through seventeen; and

(2) the term "States" includes the fifty States, the District of Columbia, and the Commonwealth of Puerto Rico.

(c) The amount of any State's allotment under subsection (a) for any fiscal year to carry out this title which the Secretary determines will not be required for that fiscal year to carry out this title shall be available for reallotment from time to time, on such dates during that year as the Secretary may fix, to other States in proportion to the original allotments to those States under subsection (a) for that year but with such proportionate amount for any of those other States being reduced to the extent it exceeds the sum the Secretary estimates that State needs and will be able to use for that year; and the total of those reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amounts reallotted to a State under this subsection during a year shall be deemed a part of its allotment under subsection (a) for that year.

USES OF FUNDS

SEC. 103. Grants under this title may be used for grants and loans for elementary and secondary school teachers in the State who wish to pursue a course of study in mathematics, or science, or both, in institutions of higher education leading to a degree specializing in mathematics, or science, or both, in accordance with the plan approved under section 104 and other provisions of this title.

STATE PLAN

SEC. 104. (a) Each State desiring to receive a grant under this title shall submit a plan to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary deems reasonably necessary. Each such plan shall—

(1) designate an agency of the State to be determined by the Governor to administer the teacher assistance program authorized by this title;

(2) provide for a State program for making grants and loans to elementary and secondary school teachers within the State who wish to pursue, full time, a course of study at an institution of higher education in mathematics, or science, or both, leading to a degree specializing in mathematics, or science, or both, under which—

(A) the State will make stipends to each such teacher in an amount equal to 80 percent of the compensation paid to the teacher for the year prior to the year for which the assistance is made under this title for each year of study, but in no event for a period of more than 2 years;

(B) the State will make a loan to each such teacher in an amount not to exceed $2,000 for each year of study to be used for the costs of tuition, fees, and books required for attendance at the institution of higher education, but in no event for a period of more than 2 years;

(C) the State will establish procedures for an equitable distribution of teacher assistance under this title throughout the State giving priority to teachers from local educational agencies within the State having the greatest need for elementary and secondary school teachers of mathematics and science;

(D) the State will provide assurances that each teacher receiving assistance under this title will enter into an agreement with the State under which the teacher will, within one year after completing the degree for which assistance is furnished under this title, teach for a period of not less than 5 years in an elementary or secondary school in the State as a mathematics or science teacher;

(E) the State will provide procedures designed to assure that the State will cancel the loan made to any teacher, who complies with the provisions of the agreement entered into under clause (D), for each complete year of service, after the date on which the agreement described in clause (D) is entered into, as a full time science or mathematics teacher in any academic year in any elementary or secondary school in the State, in an amount equal to 20 percent of such loan for each year of such service; and

(F) the State will establish procedures for the prompt repayment of any loan (together with interest and penalties) in the case of any teacher who fails to comply with the agreement entered into pursuant to clause (D) or such portion thereof that is subject to the failure to comply;

(3) describe the procedures under which the State will encourage and evaluate applications from elementary and secondary school teachers within the State for assistance under this title;

(4) provide assurances that the State will not expend more than 5 percent of the allotment of the State for administrative expenses under the State plan;

(5) provide such fiscal control and funds accounting procedures as may be necessary to assure the proper disbursal and accounting for Federal funds paid to the State under this title; and

(6) provide that a report will be prepared and submitted to the Secretary at the end of each fiscal year containing—

(A) the number of elementary and secondary school teachers participating in the assistance program authorized by this title;

(B) the local educational agencies within the State at which such teachers were teaching prior to participating in the program assisted under this title; and

(C) such other relevant matters as the Secretary may reasonably require.

(b) The Secretary shall approve any State application plan which meets the requirements of subsection (a).

PAYMENTS

SEC. 105. From the amount allotted to each State pursuant to section 102, the Secretary shall, in accordance with the provisions of this Act, pay to the State an amount equal to the amount needed for the purposes set forth in the State plan approved under section 104.

WITHHOLDING

SEC. 106. Whenever the Secretary, after reasonable notice to any State and opportunity for hearing within the State, finds that there has been a failure to comply with any provision set forth under section 104 the Secretary shall notify the State that further payments will not be made under this title until the Secretary is satisfied that there is no longer any such failure to comply. Until the Secretary is so satisfied, no further payments shall be made under this title.

TITLE II—GRANTS TO LOCAL EDUCATIONAL AGENCIES FOR THE ACQUISITION OF MATHEMATICS AND SCIENCE EQUIPMENT AND MATERIALS

PROGRAM AUTHORIZED

SEC. 201. (a) The Secretary is authorized to make grants to States to pay for the acquisition of instructional equipment and materials suitable for use in providing elementary and secondary education in mathematics and science in accordance with the provisions of this title.

(b) There are authorized to be $30,000,000 for the fiscal year 1984 and for each of the succeeding fiscal years prior to October 1, 1986.

ALLOTMENT TO STATES

202. (a)(1) From the sums appropriated to carry out this title, the Secretary shall reserve not to exceed 1 per centum for payments to Guam, American Samoa, and the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands, to be allotted in accordance with their respective needs.

(2) From the remainder of such sums the Secretary shall allot to each State an amount which bears the same ratio to the amount of such remainder as the school age population of the State bears to the school age population of all States.

(b) For the purpose of this section—

(1) the term "school age-population" means population aged five through seventeen; and

(2) the term "States" includes the fifty States, the District of Columbia, and the Commonwealth of Puerto Rico.

(c) The amount of any State's allotment under subsection (a) for any fiscal year to carry out this title when the Secretary determines will not be required for that fiscal year to carry out this title shall be available for reallotment from time to time, on such dates during that year as the Secretary may fix, to other States in proportion to the original allotments to those States under subsection (a) for that year but with such proportionate amount for any of those other States being reduced to the extent it exceeds the sum the Secretary estimates that State needs and will be able to use for that year; and the total of those reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amounts reallotted to the State under this subsection during a year shall be deemed a part of its allotment under subsection (a) for that year.

USES OF FUNDS

SEC. 203. Grants under this title may be used for grants to local educational agencies within the State for the acquisition of instructional equipment and materials suitable for use in providing elementary and secondary education in mathematics and science.

STATE PLAN

SEC. 204. (a) Each State desiring to receive a grant under this title shall submit a plan to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary deems reasonably necessary. Each such plan shall—

(1) designate the State educational agency to administer the program authorized by this title; and

(2) provide a State program for the acquisition of instructional equipment and material suitable for use in providing education in mathematics, or science, or both, for use by children and teachers in elementary and secondary schools under which—

(A) the State will provide assurances that the instructional equipment and material will be used for instructional purposes only;

(B) the State will, whenever assistance is sought for the repair and maintenance of

instructional material and equipment, describe the purposes for which such assistance is sought;

(3) provide assurances that the State will distribute 95 percent of the allotment of the State among local educational agencies within the State on the basis of the need for such instructional equipment and material together with a decription of the manner in which the funds will be distributed;

(4) provide assurances that each local educational agency within the State receiving payments pursuant to this title will use 75 percent of the payments in the secondary schools of such agency and 25 percent in the elementary schools of such agency;

(5) provide assurances that the State will not expend more than 5 percent of the allotment of the State for administrative expenses under the State plan;

(6) provide such fiscal control and funds accounting procedures as may be necessary to assure the proper disbursal in accounting of Federal funds paid to the State under this title.

(b) The State shall approve any State application which meets the requirements of subsection (a).

PAYMENTS

SEC. 205. From the amount allotted to each State pursuant to section 202, the Secretary shall, in accordance with the provisions of this Act, pay to the State the costs of the State plan approved under section 204.

PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS

SEC. 206. The provisions of section 557 of the Education Consolidation and Improvement Act of 1981 shall apply to the financial assistance made available under this title.

TITLE III—STATE COUNCILS ON EDUCATION IN MATHEMATICS AND SCIENCE

AUTHORIZATION OF APPROPRIATIONS; STATE ALLOTMENT

SEC. 301. (a) In order to permit each State to establish a State Council on Education in Mathematics and Science, there are authorized to be appropriated $3,000,000 for the fiscal year 1984 and for each of the succeeding fiscal years ending prior to October 1, 1986.

(b)(1) From the amounts appropriated pursuant to subsection (a) for each fiscal year, the Secretary shall allot $50,000 to each State.

(2) If the sums appropriated pursuant to subsection (a) for any fiscal year are insufficient to make the allotment required under paragraph (1) of this subsection, the Secretary shall reduce the amount of the allotment to each State as necessary.

ESTABLISHMENT OF STATE COUNCILS

SEC. 302. (a) Any State which desires to receive financial assistance under this title shall establish a State Council on Education in Mathematics and Science in accordance with the provisions of this title.

(b) Each State Council shall be appointed by the Chief State School Officer of the State, subject to the approval of the State Board of Education if there is such a Board in the State. The Council shall be composed of representatives of educational agencies and institutions within the State, major business concerns in the State, small business concerns within the State, and developing industries within the State. In selecting members of the State Council, the Chief State School Officer shall include at least one classroom teacher of mathematics or science who teaches in an elementary school in the State, one such teacher who teaches in a secondary school in the State, and one such teacher who teaches in an institution of higher education in the State, and representatives of business concerns which apply technology in the production of goods and services and business concerns which employ personnel who as a condition of employment must have training in technology.

(c) Each State Council receiving assistance under this title shall—

(1) examine the needs of public agencies, nonprofit private organizations, and business concerns within the State for personnel who are well trained in mathematics and science;

(2) assess the need for the improvement and strengthening of elementary and secondary education programs in the fields of mathematics and science; and

(3) recommend the means by which such programs can be improved.

APPLICATIONS

SEC. 303. No payment may be made under this title unless the State submits an application to the Secretary at such time and containing or accompanied by such information as the Secretary may reasonably require.

By Mr. DOLE (for himself and Mrs. KASSEBAUM):

S. 924. A bill to designate the Veterans' Administration Medical Center in Leavenworth, Kans., as the "Dwight D. Eisenhower Veterans' Administration Medical Center"; to the Committee on Veterans' Affairs.

DWIGHT D. EISENHOWER VETERANS' ADMINISTRATION MEDICAL CENTER

Mr. DOLE. Mr. President, it is my pleasure to send to the desk a bill to designate the Veterans' Administration medical center in Leavenworth, Kans., as the "Dwight D. Eisenhower Veterans' Administration Medical Center." Senator KASSEBAUM joins me as cosponsor on this bill. It is a fitting tribute to the 34th President of the United States, and to the distinguished five-star general who led Allied armies to victory in Europe that we should place his name on a Veterans' Administration medical center, to which many veterans of the Second World War come for treatment.

Dwight Eisenhower grew up in the small town of Abilene, Kans. There he went to school, starred in high school athletics, and worked to assist an older brother with college expenses. By our standards now, his family was poor. One book about his life states that during a visit to Abilene after World War II, Eisenhower said:

I have found out in later years that we were very poor, but the glory of America is that we didn't know it then. All we knew was that our parents could say to us that opportunity was all about us. All we had to do was reach out and take it.

That Eisenhower did. During high school he worked at the town creamery in addition to doing well in most of his studies. He was an outstanding athlete. He played right field and was the leading hitter on the baseball team. In football he played end. He and his brother Edgar graduated together, although Edgar was a year older, having lost a year to illness. They both wanted to go to college. That was in 1909. Not every young man with the desire could attend college in those days. Financial considerations made it impossible for them to both start together. So they came to an agreement: One would enter college for a year, and the other would find a job and send him money. They flipped a coin. Edgar went to college and Dwight went to work as night foreman at the creamery. He worked an 84-hour week, and during the year he sent his brother $200. A small fortune in that day.

A year later a new door opened. A close friend, Swede Hazlett, stopped by the creamery to tell Ike about his own plans to go to the Naval Academy, and to suggest that Ike try it also. He clinched it with "Here's a chance for an education and you don't have to pay for it." Ike decided that it was too good an opportunity to pass up. He wrote his Senators, and finally was accepted for a competitive examination. He enlisted Swede's help as a tutor, and crammed for the examination in addition to continuing with his job. When the exam results were announced he stood first in the competition for West point and second for Annapolis. However, Ike was too old for the Naval Academy or we might be honoring him as Admiral Eisenhower today. At any rate he buckled down again to prepare for the West Point examinations. He reentered Abilene High and boned up on algebra, geometry, history, geography, and English. In January 1911 he took the exams, passed them and, 6 months later, in June 1911, entered West Point with the class of 1915.

Graduating 64th in a class of 164 cadets, Ike squeezed his way past the final physical despite a damaged knee, and started a career that was spectacular even for the class the stars fell on; 59 of them were to earn the stars of a general officer in the Army. They provided in large measure the leadership of the Army during World War II. Ike shown the brightest of all.

Ike renewed his acquaintance with Kansas when he attended the Command and General Staff Course at Leavenworth during 1925–26, graduating first in his class. In the following years Ike studied his profession and prepared himself for the war that a few farsighted people felt was inevitable. During that period he met George C. Marshall, who was to assess his potential, and later select him from below many more senior officers for high command.

Receiving his first star in September 1941, he was in his office Sunday

afternoon, December 7, when the word of the Japanese attack reached him. Five days later he received word to report immediately to Washington. Marshall wanted him for work in the War Plans Division. There he struggled with the problems of trying to sustain Army forces in the Philippines, and to map out a strategy for eventual victory in the face of overwhelming Japanese strength in those early days of the war. Following the fall of Bataan, he turned to the European Theater of Operations and drew up plans for the future Army operations aimed at the defeat of Germany and Italy.

In June 1942 he assumed command of American forces in the new theater. Following extended planning the joint American-British invasion of North Africa took place in November 1942. In May 1943 German and Italian forces finally surrendered. The invasion of Sicily followed, the predecessor for the move into Italy. In June 1944 the Normandy invasion took place, the greatest amphibious operation in history. Dwight Eisenhower's place in history would rest secure upon that achievement alone, had he accomplished nothing else.

However, he went on to lead American, British, and French forces to victory in Europe in May 1945. He returned to the United States to serve as Army Chief of Staff from 1945 to 1948. He retired that year, and became the president of Columbia University in 1949. However, the Korean war interrupted his new civilian career. In December 1950 President Truman asked him to return to Europe as Supreme Commander of the North Atlantic Treaty Organization.

Prior to the 1948 elections, there had been talk of Ike running for President, but he had dismissed it. During late 1951 and early 1952 the movement to nominate him became too strong to dismiss. He defeated Robert Taft for the Republican nomination, and went on to win decisively in the election. His December 1952 visit to Korea presaged his successful effort to end the fighting in Korea.

His two terms as President were a time of relative calm, as we look back from our vantage point today. The Korean war ended with an armistice which remains in place, sometimes uneasily, even today. The trauma of the Vietnam war was yet to come. He was even able to achieve a balanced budget by the third year of his first term, a goal many of us envy today. However, he dealt with a number of problems, foreign and domestic. He was able to conclude the joint occupation of Austria, and to restore its sovereignty. The Suez crisis of 1956, following nationalization of the Suez Canal, tested his abilities as a national leader in international affairs. On the national scene, he sent Federal troops into Little Rock, Ark., in 1957 to insure that court orders on desegregation were observed. Throughout, he maintained his calm approach to life and crises which had marked his career. A motto he had adopted many years before, "Take your work seriously, but never yourself" sustained him. He was truly a great American, a great soldier, and a great President. As a Kansas Senator, I am delighted to be able to introduce this measure, in company with Senator KASSEBAUM, to honor Dwight David Eisenhower, of Abilene, Kans.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 924

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Veterans' Administration Medical Center located in Leavenworth, Kansas, is designated and shall hereafter be known as the "Dwight D. Eisenhower Veterans' Administration Medical Center", in honor of the late Dwight D. Eisenhower, General, United States Army (Retired), and Thirty-fourth President of the United States. Any reference to such Center in any law, regulation, map, document, record, or other paper of the United States shall be held and considered to be a reference to the "Dwight D. Eisenhower Veterans' Administration Medical Center".

By Mr. DURENBERGER (for himself, Mr. BOREN, and Mr. PERCY):

S. 927. A bill relating to a fishing tackle excise tax; to the Committee on Finance.

FISHING TACKLE EXCISE TAX

● Mr. DURENBERGER. Mr. President, as the senior Senator from Minnesota, a State renowned for its numerous scenic fishing holes, it is a privilege to reintroduce the fishing tackle excise tax deferral bill.

In a nutshell, this bill is designed to match the payment of the fishing tackle excise tax with the manufacturers income stream. The fishing tackle industry is highly seasonal, but it tries to maintain a consistent level of employment by granting dating terms to vendors. These vendors tend to be small bait and tackle shops, which pay manufacturers after they have sold the fishing tackle. Payment occurs as an average of 4.4 months after the time of shipment.

Current Treasury Department regulations require the fishing tackle manufacturers; over 97 percent of whom are small businesses, to pay the excise tax on their products based upon the time of shipment instead of when the products are sold. This means that these small businesses must arrange expensive short-term financing to pay a tax that they voluntarily support. It is rare enough to see a voluntarily supported tax, but to expect small business people to borrow unnecessarily to pay it is going too far in my opinion.

This 10-percent excise tax is supported almost universally because the money collected goes for the Federal aid to fish restoration program, commonly known as the D.J. fund, named for Congressmen DINGELL and JOHNSON. The D.J. fund, has provided $368 million to the States for conservation and fish restoration. Those funds have allowed State fish and wildlife agencies to construct over 275 new lakes, develop new management techniques, protect fish from various pollution sources, and provide public access to over 80,000 acres of lakes and habitats. Obviously, the industry has an enlightened self-interest in preserving our natural environment that meshes with the public good.

The manufacturers prefer to maintain a steady level of employment but the present tax collection timetable work against this. The result is seasonal unemployment that is an unnecessary drain on the unemployment system and economic disruption in the towns where the fishing tackle manufacturers are located. We certainly cannot afford any further unnecessary economic dislocation in our current circumstances.

I today propose a simple solution. Defer the payment of this excise tax for a minimum of 90 days and a maximum of 180 days. All excise tax payment would be due and payable at the end of the quarter immediately following the quarter when shipment was made except for the fourth quarter shipments for which the excise tax will be paid as usual in order to avoid any revenue or budgetary effects on the D–J program.

Treasury stated in hearings on April 21, 1982, that this legislation would have no revenue impact so budgetary concerns are not a problem. In fact, we would be eliminating an unfair burden and quite possibly increasing revenue by allowing a steady employment level by these small businesses. This is a commonsense proposal that should be passed quickly.

I ask unanimous consent that this bill be printed in full in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 927

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That (a) section 6302 of the Internal Revenue Code of 1954 (relating to mode or time of collecting tax) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following new subsection:

"(d) TIME FOR PAYMENT OF MANUFACTURERS EXCISE TAX ON RODS, CREELS, ETC.—The tax imposed by section 4161(a) (relating to man-

ufacturers excise tax on rods, creels, etc.) shall be due and payable—

"(1) in the case of articles sold during the quarter ending December 31, on March 31,

"(2) in the case of articles sold during the quarter ending March 31, on June 30,

"(3) in the case of articles sold during the quarter ending June 30, on September 24, and

"(4) in the case of articles sold during the quarter ending September 30, at such time as the Secretary may by regulations prescribe."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to articles sold on or after the first day of the first calendar quarter beginning after the date of the enactment of this Act.●

By Mr. DURENBERGER (for himself, Mr. BAUCUS, Mr. ANDREWS, Mr. ABDNOR, Mr. BOSCHWITZ, Mr. BURDICK, Mr. MELCHER, and Mr. PRESSLER):

S. 928. A bill entitled the "Railroad Bonding Act of 1983"; to the Committee on Finance.

RAILROAD BONDING ACT OF 1983

● Mr. DURENBERGER. Mr. President, State governments now have the authority to issue tax-free industrial revenue bonds for a variety of transportation purposes, including construction of airports, docks, and mass transit facilities. This morning, on behalf of myself and Senators BAUCUS, ANDREWS, PRESSLER, BOSCHWITZ, ABDNOR, BURDICK and MELCHER, I am introducing legislation expanding that authority to include rail line rehabilitation.

It is impossible to overstate the degree to which the economics of rural America depend on continued access to rail line service. Railroads determined the settlement patterns throughout much of the West and Midwest as towns sprung up along key branch lines and junctions. Even today, thousands of rural communities and businesses that support them owe their existence to railroad access. For these communities, the capital shortage afflicting the Nation's rail system is both a social and economic crisis.

The ramifications of that crisis on agricultural production are every bit as severe. Railroads are the lifelines that link America's agricultural regions with national and international markets. If we cannot maintain their carrying capacity, the export potential we have labored so hard to develop will remain nothing more than potential. The same is true for coal-fired utilities, heavy equipment manufacturers, and a host of other industries whose futures depend on the long-haul efficiencies of rail.

The rural rail crisis has a special impact on State governments. For just as railroads are struggling to preserve their route systems, State and local governments are struggling against growing financial presssure to preserve the integrity of the Nation's highway system. Deferred maintenance on the Nation's highways actually exceeds the cost of maintenance deferrals on the railroads. And with each rail line abandonment, thousands of traffic tons are shifted to rural highways. In analyzing the impact of the Milwaukee Road bankruptcy, Minnesota discovered that loss of rail service to a single coal-fired utility would be at least 500 trucks a day on Interstate 94. The consequences of that transfer would be catastrophic. Rail line rehabilitation is far less expensive than highway construction, and few have a stronger stake in rail rehabilitation than the users of the Nation's highways.

Against this background of public necessity the needs of the Nation's rail system are immense. The U.S. Department of Transportation projects that the industry will suffer a capital shortfall between now and 1985. Passage of the Rail Deregulation Act has enabled the industry to meet some of that shortfall. But sizable needs remain, and we know from sad experience that when facing a capital shortage, railroads invariably starve lower density branch lines first.

It would be naive to suggest that all or even most of the 5,463 miles of branch line now slated for potential abandonment can be preserved. But it would be equally naive to deny that a timely investment could salvage many of these lines. My own State of Minnesota provides an excellent example of how that process works.

Two Milwaukee branch lines in southern Minnesota were slated for abandonment. Neither carried a volume of more than 300 cars per month. But through the efforts of shippers along those lines, a compact was formed between the State, shippers, and the Milwaukee Railroad to rehabilitate both lines. With the help of State guarantees, shippers invested more than $250,000 of their own funds. Rehabilitation is now complete, and the results are remarkable. Volume on the lines has increased more than 400 percent. They are generating a cash flow profit, and the shippers' investment will soon be paid back in full. This process can be repeated on other lines, and in other parts of the country. The key factor is the availability of capital.

Only limited portions of that capital will come from the rail industry, which has rarely achieved better than a 1-percent rate of return in recent years. Federal involvement will continue, but certainly at a reduced rate so long as current budgetary and economic conditions prevail. The future of the rail system depends largely on the ingenuity of the States in developing alternative capital funding sources to replace the declining pool of Federal dollars. The bill we introduce this morning offers a workable mechanism to bridge that gap.

States are presently permitted to issue industrial revenue bonds under section 103 of the U.S. Internal Revenue Code. Normally, interest earned on those bonds is subject to the Federal income tax. However, IDB's issued for construction of facilities that have a public purpose—facilities such as airports, docks, and mass transit—have been granted a tax-exempt status under section 103 of the code. But paradoxically, current Federal law does not extend this exemption to bonds for railroad rehabilitation. This has limited their usefulness as a mechanism for raising the funds necessary to promote rail rehabilitation at the State level.

The legislation we introduce today will alter that situation. Specifically, it amends title 26, section 103(A)(4) of the United States Code by adding obligations issued to finance certain railroad improvement projects, including the construction, repair, and upgrading of rail beds, trackage, depots, and switching and signaling equipment to the list of tax-exempt facilities.

The reasons for making this change are compelling. The bill will provide State governments with an effective mechanism to meet the capital crisis created by steadily deteriorating lines and decreasing Federal assistance.

Moreover, the approach suggested by the bill is consistent with the progressive shifts in responsibility from the Federal to the State level. It encourages States to prioritize their own rail needs and better utilize State resources to address them.

It is impossible to overlook the absurdity of a system which allows localities to use their bonding power for airports, docks, and industrial plants, but precludes its use for rail rehabilitation on which the communities' commercial existence may depend. It is not our intention to suggest when and if the use of this authority is appropriate. But it is our intention to grant States and localities the power to make that judgment.

Mr. President, this legislation becomes all the more significant when the administration's fiscal year 1984 budget for the railroad rehabilitation improvement financing, redeemable preference share, and the local rail service assistance programs are taken into consideration. These three programs were essential components of Minnesota's successful efforts to protect small business and rural communities across the State from certain abandonment. As our Nation's farmers prepare to begin marketing the vast stores of surplus grain they have been holding these past 2 years, Congress must take the steps necessary to insure they have access to rail service.

This legislation provides one more effective tool for the States to use in combating the capital shortage that

afflicts the Nation's rural transportation system. I urge all Senators to consider the proposal and give it their full support.

I ask unanimous consent that the bill be printed in full in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 928

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (b) of section 103 of the Internal Revenue Code of 1954 (relating to industrial development bonds) is amended by redesignating paragraph (9) as paragraph (10) and by inserting after paragraph (8) the following new paragraph:

(9) RAILROAD REHABILITATION.—Paragraph (1) shall not apply to any obligation which is part of an issue substantially all of the proceeds of which are used to provide financing for—

(A) railroad rehabilitation, including the acquisition, construction, reconstruction, or erection of any roadbed, track, trestle, depot, switching and signaling equipment, or any related equipment, but not including rolling stock, or

(B) acquisition of land or rights-of-way in connection with railroad rehabilitation.

(b) Paragraph (10) of section 103(b) of such Code (relating to exceptions), as redesignated by subsection (a), is amended by striking out "and (7)" and inserting in lieu thereof "(7), and (9)".

SEC. 2. The amendments made by the first section of this Act shall apply to obligations issued after September 30, 1983.●

● Mr. BAUCUS. Mr. President, I am pleased to join my colleague from Minnesota, Mr. DURENBERGER, in reintroducing the Railroad Bonding Act.

This legislation would give States the authority to issue tax-free industrial development bonds to finance certain railroad improvement projects. These projects would include the construction, repair, and upgrading of railbeds, tracks, depots and switching and signaling equipment.

Under section 103 of the U.S. Internal Revenue Code, States are currently permitted to issue tax-exempt IBD's for the construction of facilities that have a public purpose—such as airports, docks, and mass transit. Our bill would extend this exemption to bonds issued for railroad rehabilitation.

The need for this legislation is clear. The bill would provide State governments with an effective mechanism to meet the capital shortfall created by steadily deteriorating lines and decreasing Federal assistance.

As more Federal transportation responsibilities are shifted to the States, this legislation would provide the States with a way to finance repair of deteriorating branch lines. This approach would also encourage States to prioritize their own rail needs and better utilize State resources to address them.

Thousands of rural communities and businesses depend on continued access to rail line service. In my own State of Montana, we are facing several emergency situations resulting from Burlington Northern's branch line abandonments.

Recently, the Burlington Northern Railroad placed an embargo on the Lewistown-Geraldine Line due to a problem on the Indian Creek Trestle. Thousands of bushels of wheat and barley are now waiting to be shipped out of the area by truck. These trucks will have to run on State and Federal highways, increasing the burden on the repair and maintenance of the highways and the highway roadbed.

The cost of repairing this rail line has yet to be accurately determined, but estimates run into the several millions of dollars. The State of Montana does not have the resources to cover this kind of emergency situation without the authority that would be given them under this legislation.

We also have a continuing problem with the Bainville-Opheim Burlington Northern branch line in northeastern Montana. Again, the State simply does not have the resources to intervene in all of these proposed rail line abandonments. We must give States the flexibility to determine which branch lines they want to keep in operation.

Montana is not alone in facing this problem of branch line abandonments. States across the Midwest and the West have similar problems. This legislation provides one more effective tool for the States to use to raise the capital they need to support the rural transportation system.

I urge my colleagues to consider the pressing need for this legislation.●

By Mr. GOLDWATER (for himself, Mr. JACKSON, and Mr. GARN):

S. 929. A bill to amend the act of July 2, 1940, as amended, pertaining to appropriations for the Canal Zone Biological Area; to the Committee on Rules and Administration.

CANAL ZONE BIOLOGICAL AREA

● Mr. GOLDWATER. Mr. President, on behalf of the Senate Regents of the Smithsonian Institution, I introduce a bill relating to the Smithsonian Tropical Reserch Institute (STRI), the United States leading tropical biology research center. The Institute is located in the Republic of Panama. STRI's goals are to conduct and to promote fundamental and advanced scientific research in the ecology, evolution, and behavior of tropical organisms; to share knowledge of their biology; and to develop an awareness of the importance of tropical environments through an active public education program. It has a staff of 86; a fiscal year 1984 budget request of $3.3 million; and facilities which encompass marine and terrestrial sites located on the Atlantic and Pacific Oceans and on Barro Colorado Island in Gatun Lake.

In 1923 Gov. James Morrow of the then Canal Zone declared Barro Colorado Island (BCI) a biological reserve. The operation of the island was placed under a scientific committee of the National Academy of Sciences of which the Smithsonian is a member. In recognition of its scientific importance and growing use by the U.S. scientific community, legislation was enacted in 1940 (54 Stat. 724) setting aside BCI as the "Canal Zone Biological Area" in order to preserve and conserve its natural features for research purposes. The legislation also authorized the appropriation of $10,000 for expenses related to the island. Under the 1946 Reorganization Plan No. 3, responsibility for the Canal Zone Biological Area was transferred to the Smithsonian in recognition of the Institution's growing role in scientific research on the island.

In 1958 the Smithsonian's Board of Regents, exercising its general authority under 20 U.S.C. 41 et seq., voted to establish the Smithsonian Tropical Research Institute in recognition of the Institution's expanded activities throughout the isthmus, including those on Barro Colorado Island, and to promote research on all segments of tropical biology, including comparative studies in Old World tropics. Over the next two decades marine laboratories were established on both coasts of the isthmus, and a central administrative and scientific complex was developed in the Ancon section of the former Canal Zone in order to manage and coordinate activities at the new locations and on BCI.

Approval and subsequent implementation of the Panama Canal treaties created a new status for BCI. Further protection of the island as a scientific reserve was afforded by adopting the provisions of the Western Hemisphere Convention on Nature Protection and Wildlife Preservation of 1940 and designating BCI, as well as several adjacent mainland peninsulas on the east and west banks of the Panama Canal, as the "Barro Colorado Nature Monument." Custodianship of the Nature Monument was assigned to the Smithsonian Tropical Research Institute on behalf of the United States, Panama, and other nations of the Americas.

The area of the Nature Monument is nearly 5,000 hectares (BCI alone is 1,642 hectares), and is forested, posted, protected by fences, and patrolled by a game warden force.

In 1965 and 1979 the Smithsonian requested and received approval to raise the appropriations ceiling for BCI. Public Law 89-280 amended the 1940 authorization from $10,000 to $350,000 and Public Law 96-89 further amended it to $750,000. Current obligations for BCI are within the statutory limit, but its more intensive use, along with the rest of the Nature

Monument, for scientific purposes; the need for improvements; and the pressure of Central American inflation make the existing spending limit unrealistic fiscally and administratively.

The separation of the Barro Colorado Island budget from the rest of STRI operations is an historical anomaly resulting from its former status as an independent entity. By abolishing the sepatate spending limit on Barro Colorado Island, as provided in our proposed legislation, and incorporating the BCI budget entirely within that of the Smithsonian Tropical Research Institute, consistency and flexibility would be available for overall managment of the most significant tropical moist forest under U.S. custodianship. Therefore, I am proposing today on behalf of the Senate Regents of the Institution that we implement this request, which was agreed to at the last Regents' meeting.●

By Mr. GOLDWATER (for himself, Mr. JACKSON, and Mr. GARN):

S. 930. A bill to authorize the Smithsonian Institution to purchase land in Santa Cruz, Ariz.; to the Committee on Rules and Administration.

PURCHASE OF LAND IN SANTA CRUZ, ARIZ.

● Mr. GOLDWATER. Mr. President, the Smithsonian is seeking to purchase 2 acres of land from the Tubac School District in Santa Cruz County, Ariz., and 2 acres of adjacent land from private owners for a total price not exceeding $150,000. The 4 acres will be used for the permanent headquarters of the Fred Lawrence Whipple Observatory, which has occupied the property under a lease arrangement for the past 13 years. I am introducing a bill today on behalf of Senate regents to carry out this purpose.

Research activities of the Whipple Observatory are conducted on a 4,744-acre site at the 7,600-foot level of Mount Hopkins, which is leased from the U.S. Forest Service and reached by a limited-access secondary road that originates at the headquarters location in Amado, Ariz.

The headquarters site is midway between the cities of Tucson to the north and Nogales to the south and offers easy access from a nearby interstate highway for visitors and for the delivery of research equipment and supplies. On the property is a one-level school building and a residence, which have been converted to office use. There are also various automotive service, repair, and storage buildings with gravel parking and driveway areas, as well as space for a motor pool which provides daily access to the mountain site, continual road maintenance, and winter snow removal.

The school building serves as the base office and staging area for mountain research activities and includes a small, informal visitors' center which has been remodeled to include displays on the history of astronomy and audio-visual presentations describing Smithsonian research. A public affairs specialist is assigned to the Whipple Observatory complex, and local residents serve as headquarters volunteers, greeting visitors, answering telephone queries, and responding to mail requests for information.

Smithsonian ownership of the property would allow the erection over several years of permanent facilities in a planned and coordinated fashion that would respect the integrity of the neighboring community and protect the local environment. Because current and projected needs of the observatory necessitate a larger headquarters facility, leasehold improvement is not economical. Of eight sites studied and analyzed, the Amado one was chosen because it is accessible and visible from Interstate 19, contains all necessary utilities, is flat and conducive to appropriate development, can be developed to meet the Smithsonian's present and future need with minimum disruption to the current operations, and can be developed cost effectively.

Mr. President, it is my understanding that funding for acquisition of the acreage will be sought in the Institution's budget request for fiscal year 1985. However, because the Congressional Budget Act of 1974 requires authorization of new budget authority a year in advance of enactment of that authority, I am introducing legislation at this time to carry out the request of the Smithsonian and urge its early approval.●

By Mr. PERCY (by request):

S. 944. A bill to authorize supplemental international security and development assistance for urgent purposes for the fiscal year 1983, and for other purposes; to the Committee on Foreign Relations.

SPECIAL SECURITY AND DEVELOPMENT COOPERATION ACT OF 1983

● Mr. PERCY. Mr. President, by request, I introduce for appropriate reference a bill to authorize supplemental international security and development assistance for urgent purposes for the fiscal year 1983.

This legislation has been requested by the State Department, and I am introducing the proposed legislation in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with a section-by-section analysis of the bill and the letter from the Secretary of State to the President of the Senate dated March 19, 1983.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 944

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Special Security and Development Cooperation Act of 1983".

MILITARY SALES AND RELATED PROGRAMS

SEC. 101. (a) In addition to amounts otherwise made available for the fiscal year 1983 for loan guaranties under section 24(a) of the Arms Export Control Act, $425,000,000 of loan principal are authorized to be so guaranteed during such fiscal year.

(b) In addition to amounts otherwise made available for the fiscal year 1983 to carry out the provisions of chapter 2 of part II of the Foreign Assistance Act of 1961, there is authorized to be appropriated $187,000,000 to carry out such provisions for such fiscal year.

ECONOMIC SUPPORT FUND

SEC. 102. In addition to amounts otherwise authorized to be appropriated for the fiscal year 1983 to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, there is authorized to be appropriated $142,000,000 to carry out such provisions for such fiscal year.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 103. In addition to amounts otherwise made available for the fiscal year 1983 to carry out the provisions of chapter 3 of part I of the Foreign Assistance Act of 1961, there is authorized to be appropriated for the fiscal year 1983 $4,500,000 to carry out such provisions, for payment to the International Atomic Energy Agency.

DEVELOPMENT ASSISTANCE PROGRAMS

SEC. 104. In addition to amounts otherwise made available for the fiscal year 1983 to carry out the provisions of chapter 1 of part I of the Foreign Assistance Act of 1961, there is authorized to be appropriated $5,000,000 to carry out such provisions for such fiscal year.

SECTION-BY-SECTION ANALYSIS OF THE PROPOSED SPECIAL SECURITY AND DEVELOPMENT COOPERATION ACT OF 1983

I. INTRODUCTION

The proposed Special Security and Development Cooperation Act of 1983 contains freestanding provisions in order to authorize supplemental international security and development assistance to meet urgent needs for fiscal year 1983.

II. PROVISIONS OF THE BILL

Section 101. Military sales and related programs

This section authorizes an increase of $425,000,000 in the limit established in P.L. 97-377 on the total principal amount of loans for which guarantees may be issued during fiscal year 1983 under section 24(a) of the AECA.

In addition, this section authorizes an increase in appropriations of $187,000,000 for fiscal year 1983 above the amount made available in P.L. 97-377 to carry out the military assistance program. The President's budget for fiscal year 1984 requested a supplemental appropriations of $167,000,000 to carry out the military assist-

ance program for fiscal year 1983, with $25,000,000 of this amount proposed for reimbursement of the Department of Defense for defense articles, defense services and military education and training previously drawn down pursuant to section 506(a). The President has increased his request to $187,000,000 for supplemental appropriations for fiscal year 1983 to carry out the military assistance program. Because no part of this amount is now intended for reimbursement to the Department of Defense, the existing authorization of appropriations under section 506(c) is no longer relevant to this request.

Section 102. Economic support fund

The President's budget for fiscal year 1984 requested a supplemental appropriation of $294,500,000 for the Economic Support Fund for fiscal year 1983. The President has increased his request to $354,500,000. ($150,000,000 of this amount would be authorized by the proposed "Lebanon Emergency Assistance Act of 1983".)

This section authorizes a supplemental appropriation of $142,000,000 for fiscal year 1983 for economic support pursuant to Chapter 4 of part II of the Foreign Assistance Act of 1961, as amended. This authorization is in addition to amounts otherwise authorized for that Chapter by P.L. 97-113. The amounts appropriated in P.L. 97-377 for this Fund for fiscal year 1983 were $62,500,000 less than the amount authorized by P.L. 97-113.

Section 103. International organizations and programs

This section authorizes an increase in appropriations of $4,500,000 for fiscal year 1983 above the amount made available in P.L. 97-377 to carry out the provisions of Chapter 3 of part I of the Foreign Assistance Act of 1961, as amended. These funds will be used for payments to the International Atomic Energy Agency.

Section 104. Development assistance programs

This section authorizes an increase in appropriations of $5,000,000 for fiscal year 1983 above the amount made available in P.L. 97-377 to carry out the provisions of Chapter 1 of part I of the Foreign Assistance Act of 1961, as amended.

THE SECRETARY OF STATE,
Washington, D.C., March 19, 1983.

Hon. GEORGE BUSH,
President of the Senate.

DEAR MR. PRESIDENT: I herewith transmit, on behalf of the President, a bill to authorize supplemental international security and development assistance for urgent purposes for the fiscal year 1983, and for other purposes. This bill, the "Special Security and Development Cooperation Act of 1983," supersedes the "Special Security Cooperation Act of 1983" that I transmitted to you on February 19, 1983.

The proposed Special Security and Development Cooperation Act of 1983 would authorize additional security and development assistance appropriations for fiscal year 1983. An effective foreign assistance program requires adequate funding levels, the flexibility to allocate funds to meet priority needs, and the ability to respond to unforeseen contingencies. When we forecast future needs far in advance, as we must, we cannot assure that circumstances will be exactly as projected. Reduced funding levels, coupled with extensive and detailed legislative earmarking for country programs, prevents the Administration from executing the security assistance program in a manner consistent with our most important interests.

The Special Security and Development Cooperation Act of 1983 differs from that transmitted on February 19, 1983, in that it increases the proposed authorization for the military assistance program and economic support funds over the levels in the previous bill. It also authorizes additional appropriations for development assistance. These changes reflect the President's recent decision to provide additional assistance to Central American countries in fiscal year 1983 to address immediate and long-term political, economic and military needs in this critical region of the world. We will provide a detailed explanation and supporting data separately to the committees of the House of Representatives and the Senate that have jurisdiction over this legislation.

The Special Security and Development Cooperation Act of 1983 increases by $187,000,000 the authorization of appropriations for the military assistance program; it increases the authorization for economic support funds by $142,000,000 to allow for a supplemental appropriation of $204,500,000; it authorizes a supplemental appropriation for development assistance of $5,000,000. It authorizes $425,000,000 in off-budget loan guarantees under the Foreign Military Sales Program. In addition, it would authorize $4,500,000 for our 1983 voluntary contribution to the International Atomic Energy Agency.

I urge prompt enactment of this bill.

The Office of Management and Budget advises that enactment of the legislation would be in accord with the program of the President.

Sincerely yours,

GEORGE P. SHULTZ.●

By Mr. MITCHELL (for himself and Mr. RANDOLPH):

S. 945. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide compensation for medical expenses caused by hazardous substance releases, and for other purposes; to the Committee on Environment and Public Works.

S. 946. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide compensation for medical expenses caused by hazardous substance releases, and for other purposes; to the Committee on Environment and Public Works.

SUPERFUND VICTIM COMPENSATION LEGISLATION

● Mr. MITCHELL. Mr. President, I am today introducing two pieces of legislation to redress the imbalance that currently exists in the Comprehensive Environmental Response, Compensation and Liability Act, known as the Superfund law.

Both bills will provide compensation to persons injured by toxic chemicals, relief that is not now available. The law passed in 1980 by the Congress makes no provision for medical expensed incurred when human beings are harmed by hazardous substances, but permits recovery of expenses incurred when natural resources are damaged by those same substances.

Giving a higher priority to things than to people is misguided, inequitable and unacceptable. Good health is irreplaceable. When one party acts in way harmful to another's physical well-being, he or she should be held responsible for the harm.

Yet, in the law as it is now written, that is not the case. Not only is the guilty party held free from responsibility for taking away a person's health, but the law also does not provide any recourse to the industry-financed fund to compensate for health care.

But the law does place legal responsibility upon those who damage Federal or State natural resources with toxic chemicals.

Thus, we now have a law that elevates things above people. A victim of chemical poisoning cannot seek from the fund out-of-pocket medical expenses for an illness resulting from the action or inaction of another party; indeed, as to the fund, a guilty party cannot be held accountable for any damage it has inflicted on a person.

Under the law now, if a toxic waste discharge injures both a tree and a person, the tree's owner, if it is a government, can promptly recover from the fund for the cost of repairing the damage, but the person cannot.

I am introducing two bills for the purpose of initiating a discussion within the Congress as to alternative mechanisms through which victim compensation for injury from toxic chemicals can be provided. In my view, the question before us is not whether we should provide victim compensation, but rather how we should accomplish it.

My first bill is identical to the one I introduced in 1981. It redresses the imbalance in the current law in two ways.

First, any person whose health is damaged by exposure to a hazardous substance may recover his or her medical expenses from the Superfund, which is financed primarily through a tax on those who make chemicals. This is an extension of the existing law which now permits recovery for the expense of cleaning up hazardous wastes and for damage to Federal and State natural resources. Without this source of compensation, an individual, made temporarily ill or permanently impared by chemical exposure, is burdened with medical bills, because of the action of another party.

Second, any person harmed as a result of exposure to a hazardous substance will be given a Federal cause of action against a responsible party. This is simply an extension of the cause of action provided in current law to pursue those who damage federally or State owned natural resources, and those who do not fulfill their legal re-

sponsibility to clean up releases of hazardous substances into the environment. Without this change in the law, persons whose health is impaired by these wastes must bear the financial burden of health care made necessary by circumstances out of their control.

The second bill I am introducing implements the recommendations of the study mandated by section 301(e) of the Superfund law of the adequacy of existing common law and statutory remedies in providing legal redress for injuries caused by hazardous substances. The study was conducted by a group of twelve attorneys, representing the American Bar Association, the American Law Institute, the Association of American Trial Lawyers and the National Association of State Attorneys General. The study group produced a comprehensive document, and reached the following conclusion:

This review of existing causes of action and barriers to recovery has shown that although causes of action do exist for some plaintiffs under some circumstances, a private litigant faces substantial substantive and procedural barriers in an action to recover damages for personal injury or property damage due to hazardous wastes, particularly where the individual claims are relatively small.

The group made 10 recommendations, which are discussed at length in its report. I believe these recommendations should be a part of our deliberations.

The study recommends a two-tier compensation system for persons injured by toxic substances. The first tier would be an administrative compensation remedy to provide full coverage of medical expenses, limited coverage of loss of earnings, and death benefits. The system would be administered principally by the States in accordance with Federal law. Claims approved under the tier 1 system would be paid from an expanded Superfund.

The second tier consists of the common law and statutory remedies which could be pursued in State courts. The report recommends that the States remove several procedural and substantive barriers to recovery for personal injuries from hazardous substances. These barriers include statutes of limitations, joinder of parties, apportionment and proof of causation, according to the study group.

The two bills I introduce today cover a broad range of alternatives. I reiterate: the question is not whether we should enact a victim compensation regime, but what is the best way to do so?

I approach this issue with no preconceived notion as to the best mechanism for accomplishing this goal, only with an unwaivering commitment to the enactment of victim compensation legislation during this Congress. Only then will we have addressed the real tragedy of chemical poisons—injury to human beings.●

By Mr. ABDNOR:

S. 947. A bill to authorize the U.S. Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Environment and Public Works.

WATER RESOURCES DEVELOPMENT ACT OF 1983

● Mr. ABDNOR. Mr. President, the time has come in this country to recognize the extent to which we, the Congress, have neglected a basic element of our Nation's infrastructure—our water resources. There has been no major water resources development legislation since 1976. One result of that failure has been a steep decline in the construction program of the Corps of Engineers.

In 1976, the year in which the last Water Resource Development Act was passed by Congress, the corps construction budget in today's dollars was $2 billion, plus $222 million for the construction activities associated with the Mississippi River and tributaries flood control program. In fiscal year 1984, the President has recommended a construction program for the corps of $945 million, plus $206 million for construction in the Mississippi River flood control program.

Together, this represents a 48-percent cut in constant dollars in just 7 years. What is more, the fiscal year 1984 figure is down 72 percent below what it was 17 years ago.

These figures and trends are a sad commentary on our Nation's commitment toward water resources development, to our infrastructure needs. It must be kept in mind that it is from these two accounts that the corps protects communities against floods, develops new hydropower resources, improves navigation, augments water supply, and protects our beaches.

Mr. President, this decline must be reversed or we will lose many of the opportunities this Nation has for economic development. The 97th Congress focused most of its attention on the major fiscal issues confronting the Nation. Within that context, our Committee on Environment and Public Works wrestled with the need for continued development of our Nation's water sources. We wrote and reported several innovative bills. Sadly, none of these bills was enacted.

It is my hope that, during the 98th Congress, we can move aggressively on several issues related to water resources development. I am, for example, hopeful that we will resolve the issues of port and waterway development. I also believe we must work to pass a major water project authorization bill, probably with more realistic cost-sharing requirements.

These are difficult issues. They will require interest and involvement from our committee, and the Senate as a whole. As chairman of the Subcommittee on Water Resources, I have committed myself to working out these complex issues this year. I intend to do all that I can to see that we consider and pass an omnibus water resources bill in this Congress.

We must resolve such construction issues as cost sharing, user charges, and other difficult questions involving Federal and non-Federal roles and responsibility.

Some of the problems appear to grow from the chaotic methods Congress has used historically to authorize and fund water resource projects. We simply lack any national approach.

For that reason, I am today introducing legislation that is intended to augment water project planning and accelerate construction. This would be facilitated by establishing a single authorization limitation on the corps' construction and its Mississippi River and tributaries projects for each of the next 5 fiscal years.

The establishment of a realistic limitation on each year's program would permit the consideration and implementation of new project authorizations without the fear that such authorizations might greatly inflate spending for that year or the next. It would assure to the Appropriations Committee the full responsibility for selecting projects to be funded, within the annual cap on spending. This bill would not, in any way, alter the existing system for line-item appropriations for projects.

Mr. President, this bill would also authorize for construction 100 new water resources projects of the Corps of Engineers in 38 States, with a total Federal cost of $6 billion in October 1982, prices.

The projects contained in this bill are modern projects which address current problems. Half of the projects address vital flood control needs around the country. Each of these projects has been thoroughly reviewed by the Corps of Engineers, has cleared the Board of Engineers for Rivers and Harbors, and has been approved by the Chief of Engineers.

In introducing this bill today as chairman of the Water Resources Subcommittee, I am acting on the presumption that projects which have cleared the Chief's office are indeed worthy and of high priority for development. I do not presume the projects contained in my bill are the only projects worthy of authorization, and I am not necessarily opposed to projects which are not among those listed. I do believe, however, unless substantial evidence to the contrary is presented to the committee that these projects should be authorized, and that those who would urge the inclusion of additional projects should bear the burden of proof, both from the

overall budgetary standpoint and with respect to individual project merit.

I make that statement, Mr. President, both as subcommittee chairman and as a Senator from South Dakota, which as my colleagues will note, has not one project included in my bill at this point, although the Gregory County hydropower project is nearing approval by the Chief and may be included later.

Mr. President, we need to move forward on water resources. We need to renew the confidence of the American people in our system of Federal investment. This bill will begin the march toward that goal.

As chairman of the Subcommittee on Water Resources of the Committee on Environment and Public Works, I anticipate we will schedule hearings on this high-priority legislation in the latter part of April. It is my intention to focus these hearings not just on the projects in this bill, but also on those policy questions which have stood as impediments to project authorization in recent years, particularly cost sharing.

In this context, Mr. President, I plan to have the subcommittee utilize a new method that I hope will expedite the hearing process. While the subcommittee will generally limit the witness list during the initial round of hearings to those who wish to oppose specific projects, I anticipate we will hear from both proponents and opponents of specific navigations projects, within the context of overall navigation policy.

Each of the projects in the bill has been thoroughly reviewed by the Corps of Engineers. It will be assumed that they are worthy of the support of the committee and the Congress, in the absense of direct opposition. If a project does receive objection, we will then ask the corps, as well as any supporters, to provide their views.

Written statements for the record will, of course, be welcome at any time.

Mr. President, we may not be able to complete committee action on this proposal by May 15. But I intend to do all that I can to obtain action on a bill sometime this summer.

In that light, I would urge all Members to refrain from the temptation of adding project authorizations to appropriation bills, or to other extraneous legislation. This would simply complicate and delay our process.

Mr. President, I believe that the time is ripe to resolve the issues which have plagued the continued development of sound water resources projects. I believe that we can enact this legislation this year, and in doing so go far toward satisfying our Nation's pressing water resources needs.

Mr. President, I ask unanimous consent that the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 947

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Water Resources Development Act of 1983."

TITLE I

Notwithstanding any other provision of law, the Secretary of the Army, acting through the Chief of Engineers (hereinafter in this Act referred to as the "Secretary"), shall obligate no sums in excess of the sums specified in this Title for the combined purpose of the "Construction General" account and the "Flood Control, Mississippi River and Tributaries" account:

(1) For the fiscal year ending September 30, 1984, the sum of $1.5 billion.

(2) For the fiscal year ending September 30, 1985, the sum of $1.6 billion.

(3) For the fiscal year ending September 30, 1986, the sum of $1.6 billion.

(4) For the fiscal year ending September 30, 1987, the sum of $1.6 billion.

(5) For the fiscal year ending September 30, 1988, the sum of $1.6 billion.

TITLE II

The following works of improvement of rivers and harbors and other waterways for navigation, flood control, and other purposes are hereby adopted and authorized to be prosecuted by the Secretary in accordance with the plans and subject to the conditions recommended in the respective reports hereinafter designated:

(a) DEEP-DRAFT NAVIGATION.—

(1) Mobile Harbor, Alabama: Report of the Chief of Engineers dated November 18, 1981, at a Federal cost of $408,000,000;

(2) Kodiak Harbor, Alaska: Report of the Chief of Engineers dated September 7, 1976, at a Federal cost of $13,400,000;

(3) San Francisco Harbor, California, Fisherman's Wharf Area: Reports of the Chief of Engineers dated February 3, 1978 and June 7, 1979, at a Federal cost of $13,500,000;

(4) Oakland Outer Harbor, California: Report of the Chief of Engineers dated January 7, 1980, at a Federal cost of $36,040,000;

(5) Richmond Harbor, California: Report of the Chief of Engineers dated August 8, 1982, at a Federal cost of $48,400,000;

(6) Sacramento River, Deepwater Ship Channel, California: Report of the Chief of Engineers dated November 20, 1981, at a Federal cost of $77,000,000;

(7) New Haven Harbor, Connecticut: Report of the Chief of Engineers dated July 26, 1982, at a Federal cost of $23,000,000;

(8) Jacksonville Harbor (Mill Cove), Florida: Report of the Chief of Engineers dated February 12, 1982, at a Federal cost of $5,700,000;

(9) Manatee Harbor, Florida: Report of the Chief of Engineers dated May 12, 1980, at a Federal cost of $10,600,000;

(10) Tampa Harbor, East Bay Channel, Florida: Report of the Chief of Engineers dated January 25, 1979, to assume maintenance;

(11) Savannah Harbor (Widening), Georgia: Report of the Chief of Engineers dated December 19, 1978, at a Federal cost of $11,700,000;

(12) Grand Haven Harbor, Michigan: Report of the Chief of Engineers dated October 9, 1979, at a Federal cost of $12,900,000;

(13) Monroe Harbor, Michigan: Report of the Chief of Engineers dated November 25, 1981, at a Federal cost of $68,700,000;

(14) Wilmington Harbor Northeast Cape Fear River, North Carolina: Report of the Chief of Engineers dated September 16, 1980, at a Federal cost of $7,740,000;

(15) Gowanus Creek, Channel, New York: Report of the Chief of Engineers dated September 14, 1982, at a Federal cost of $2,000,000;

(16) Kill Van Kull & Newark Bay Channels, New York and New Jersey: Report of the Chief of Engineers dated December 14, 1981, at a Federal cost of $178,000,000;

(17) San Juan Harbor, Puerto Rico Phase I GDM: Report of the Chief of Engineers dated December 23, 1982, at a Federal cost of $72,800,000;

(18) Charleston Harbor, South Carolina: Report of the Chief of Engineers dated August 27, 1981, at a Federal cost of $76,100,000;

(19) Brazos Island Harbor, Texas-Brownsville Channel: Report of the Chief of Engineers dated December 20, 1979, at a Federal cost of $26,700,000;

(20) Norfolk Harbor & Channels, Virginia: Report of the Chief of Engineers dated November 20, 1981, at a Federal cost of $446,000,000;

(21) Crown Bay Channel-St. Thomas Harbor, Virgin Islands: Reports of the Chief of Engineers dated April 9, 1982, at a Federal cost of $3,500,000; and

(22) Blair & Sitcum Waterways, Tacoma Harbor, Washington: Report of the Chief of Engineers dated February 8, 1977, at a Federal cost of $30,000,000.

(b) INLAND AND SHALLOW-DRAFT NAVIGATION.—

(1) Helena Harbor, Phillips County, Arkansas: Report of the Chief of Engineers dated October 17, 1980, at a Federal cost of $42,000,000;

(2) White River Navigation to Batesville, Arkansas: Report of the Chief of Engineers dated December 23, 1981, at a Federal cost of $20,500,000;

(3) Lake Pontchartrain, North Shore, Louisiana: Report of the Chief of Engineers dated February 14, 1979, at a Federal cost of $850,000;

(4) Greenville Harbor, Mississippi: Reports of the Chief of Engineers dated November 15, 1977 and February 22, 1982, at a Federal cost of $27,700,000;

(5) Vicksburg Harbor, Mississippi: Report of the Chief of Engineers dated August 13, 1979, at a Federal cost of $54,700,000;

(6) Atlantic Intracoastal Waterway Bridges, North Carolina: Report of the Chief of Engineers dated October 1, 1975, at a Federal cost of $8,000,000;

(7) Olcott Harbor, New York: Report of the Chief of Engineers dated June 11, 1980, at a Federal cost of $5,320,000;

(8) Bonneville Lock and Dam, Oregon and Washington-Columbia River and Tributaries Interim Report: Reports of the Chief of Engineers dated March 14, 1980 and February 10, 1981, at a Federal cost of $177,000,000;

(9) Memphis Harbor, Memphis, Tennessee: Report of the Chief of Engineers dated February 25, 1981, at a Federal cost of $43,000,000; and

(10) Gallipolis Locks and Dam Replacement, Ohio River, Ohio and West Virginia: Report of the Chief of Engineers dated April 8, 1982, at a Federal cost of $313,000,000;

(c) FLOOD CONTROL.—

(1) Village Creek, Jefferson County, Alabama: Report of the Chief of Engineers dated December 23, 1982, at a Federal cost of $20,700,000;

(2) Eight Mile Creek, Paragould, Arkansas: Report of the Chief of Engineers dated August 10, 1979, at a Federal cost of $14,500,000;

(3) Fourche Bayou Basin, Little Rock, Arkansas: Report of the Chief of Engineers dated September 4, 1981, at a Federal cost of $19,700,000;

(4) Little Colorado River at Holbrook, Arizona: Report of the Chief of Engineers dated December 23, 1981, at a Federal cost of $7,730,000;

(5) Cache Creek Basin, California: Report of the Chief of Engineers dated April 27, 1981, at a Federal cost of $21,100,000;

(6) Redbank and Fancher Creeks, California: Report of the Chief of Engineers dated May 7, 1981, at a Federal cost of $57,200,000;

(7) Santa Ana River Mainstem, Including Santiago Creek, California: Report of the Chief of Engineers dated January 15, 1982, at a Federal cost of $1,180,000,000;

(8) Fountain Creek, Pueblo, Colorado—Phase I GDM: Report of the Chief of Engineers dated December 23, 1981, at a Federal cost of $6,600,000;

(9) Metropolitan Denver & South Platte River & Tribs. Colorado, Wyoming, and Nebraska: Report of the Chief of Engineers dated December 23, 1981, at a Federal cost of $9,080,000;

(10) Oates Creek, Georgia: Report of the Chief of Engineers dated December 23, 1981, at a Federal cost of $8,360,000;

(11) Agana River, Guam: Report of the Chief of Engineers dated March 14, 1977, at a Federal cost of $5,820,000;

(12) Big Wood River and Tributaries, Idaho, Interim Report—Little Wood River, Vicinity of Gooding & Shoshone, Idaho: Report of the Chief of Engineers dated November 2, 1977, at a Federal cost of $3,750,000;

(13) Rock River at Rockord and Vicinity, Illinois, Loves Park Interim: Report of the Chief of Engineers dated September 15, 1980, at a Federal cost of $22,800,000;

(14) Halstead Kansas: Report of the Chief of Engineers dated May 8, 1979, at a Federal cost of $6,130,000;

(15) Atchafalaya Basin Floodway System, Louisiana: Report of the Chief of Engineers dated February 28, 1983, at a Federal cost of $195,000,000;

(16) Bushley Bayou, Louisiana, Phase I GDM: Reports of the Chief of Engineers dated April 30, 1980 and August 12, 1982, at a Federal cost of $42,800,000;

(17) Louisiana State Penitentiary Levee, Mississippi River: Report of the Chief of Engineers dated December 10, 1982, at a Federal cost of $20,500,000;

(18) Quincy Coastal Streams, Massachusetts (Town Brook Interim): Report of the Chief of Engineers dated December 14, 1981, at a Federal cost of $25,100,000;

(19) Redwood River at Marshall, Minnesota: Report of the Chief of Engineers dated November 16, 1981, at a Federal cost of $3,130,000;

(20) Root River Basin, Minnesota: Report of the Chief of Engineers dated May 13, 1977, at a Federal cost of $8,150,000;

(21) South Fork Zumbro River Watershed at Rochester, Minnesota: Report of the Chief of Engineers dated February 23, 1979, at a Federal cost of $77,800,000;

(22) Horn Lake Creek and Tributaries, Including Cow Pen Creek, Tennessee & Mississippi: Report of the Chief of Engineers dated January 4, 1983, at a Federal cost of $2,450,000;

(23) Robinson's Branch of the Rahway River at Clark, Scotch Plains, and Rahway, New Jersey: Report of the Chief of Engineers dated October 10, 1975, at a Federal cost of $13,500,000;

(24) Rahway River and Van Winkles Brook at Springfield, New Jersey: Report of the Chief of Engineers dated October 24, 1975, at a Federal cost of $12,300,000;

(25) Green Brook Sub-basin, Raritan River Basin, New Jersey: Report of the Chief of Engineers dated September 4, 1981, at a Federal cost of $72,900,000;

(26) Middle Rio Grande Flood Protection, Bernalillo to Belen, New Mexico: Report of the Chief of Engineers dated June 23, 1981, at a Federal cost of $39,200,000;

(27) Puerco River & Tributaries, Gallup, New Mexico: Report of the Chief of Engineers dated September 4, 1981, at a Federal cost of $3,220,000;

(28) Cazenovia Creek Watershed, New York: Report of the Chief of Engineers dated September 8, 1977, at a Federal cost of $1,910,000;

(29) Mamaroneck and Sheldrake Rivers Basin and Byram River Basin, New York and Connecticut: Report of the Chief of Engineers dated April 4, 1979, at a Federal cost of $44,100,000;

(30) Hocking River at Logan and Nelsonville, Ohio: Report of the Chief of Engineers dated June 23, 1978, at a Federal cost of $6,180,000 for Logan and $6,460,000 for Nelsonville;

(31) Miami River, Little Miami River, Interim Report Number Two, West Carrollton, Holes Creek, Ohio: Report of the Chief of Engineers dated December 23, 1981, at a Federal cost of $5,950,000;

(32) Muskingum River Basin, Ohio: Report of the Chief of Engineers dated February 3, 1978, at a Federal cost of $3,500,000 for Mansfield and $6,420,000 for Killbuck;

(33) Scioto River at North Chillicothe, Ohio: Report of the Chief of Engineers dated September 4, 1981, at a Federal cost of $9,070,000;

(34) Mingo Creek, Tulsa, Oklahoma: Report of the Chief of Engineers dated November 16, 1981, at a Federal cost of $87,800,000;

(35) Parker Lake, Muddy Boggy Creek, Oklahoma: Report of the Chief of Engineers dated May 30, 1980, at a Federal cost of $4,980,000;

(36) Harrisburg, Pennsylvania-Phase I GDM: Report of the Chief of Enginers dated May 16, 1979, at a Federal cost of $102,000,000;

(37) Lock Haven, Pennsylvania-Phase I GDM: Report of the Chief of Engineers dated December 14, 1981, at a Federal cost of $65,500,000;

(38) Saw Mill Run, Pittsburgh, Pennsylvania: Report of the Chief of Engineers dated January 30, 1978, at a Federal cost of $7,020,000;

(39) Big River Reservoir, Rhode Island: Report of the Chief of Engineers dated March 9, 1983, at a Federal cost of $40,900,000;

(40) Nonconnah Creek, Tennessee & Mississippi: Report of the Chief of Engineers dated December 23, 1982, at a Federal cost of $19,200,000;

(41) Buffalo Bayou & Tributaries, Texas: Report of the Chief of Engineers dated June 13, 1978, at a Federal cost of $75,000,000;

(42) Boggy Creek, Austin, Texas: Report of the Chief of Engineers dated January 19, 1982, at a Federal cost of $13,800,000;

(43) Lake Wichita, Holliday Creek, Texas: Report of the Chief of Engineers dated July 9, 1979, at a Federal cost of $14,900,000;

(44) James River Basin, Richmond, Virginia-Phase I GDM: Report of the Chief of Engineers dated November 16, 1981, at a Federal cost of $79,600,000;

(45) Chehalis River at South Aberdeen & Cosmoplis, Washington: Report of the Chief of Engineers dated February 8, 1977, at a Federal cost of $19,300,000; and

(46) Yakima Union Gap, Washington: Report of the Chief of Engineers dated May 7, 1980, at a Federal cost of $8,640,000.

(d) HYDROPOWER DEVELOPMENT—

(1) South Central Railbelt Area, Alaska (Hydroelectric Power), Valdez and Copper River Basin: Report of the Chief of Engineers dated October 29, 1982, at a Federal cost of $40,500,000;

(2) Murray Lock and Dam (Hydropower), Arkansas: Report of the Chief of Engineers dated December 23, 1981, at a Federal cost of $92,900,000;

(3) Metropolitan Atlanta Area Water Resources Management Study, Georgia: Report of the Chief of Engineers dated June 1, 1982, at a Federal cost of $24,500,000;

(4) Lucky Peak Dam and Lake, Idaho, Modification Study: Report of the Chief of Engineers dated March 17, 1980, at a Federal cost of $98,700,000;

(5) Libby Reregulation Dam Power Units, Kootenai River, Montana-Design Memorandum One—GDM, Phase I: Report of the Chief of Engineers dated July 18, 1977, at a Federal cost of $74,000,000;

(6) W. D. Mayo Lock & Dam 14 (Hydropower), Oklahoma: Report of the Chief of Engineers dated December 23, 1981, at a Federal cost of $112,000,000; and

(7) McNary Lock and Dam Second Powerhouse, Columbia River, Oregon & Washington-Phase I GDM: Report of the Chief of Engineers dated June 24, 1981, at a Federal cost of $600,000,000;

(e) SHORELINE PROTECTION.—

(1) Charlotte County, Florida: Report of the Chief of Engineers dated April 2, 1982, at a Federal cost of $1,440,000;

(2) Indian River County, Florida: Report of the Chief of Engineers dated December 21, 1981, at a Federal cost of $2,300,000;

(3) Panama City Beaches, Florida: Report of the Chief of Engineers dated July 8, 1977, at a Federal cost of $26,200,000;

(4) St. Johns County, Florida: Report of the Chief of Engineers dated February 26, 1980, at a Federal cost of $7,660,000;

(5) Jekyll Island, Georgia: Report of the Chief of Engineers dated March 3, 1976, at a Federal cost of $5,870,000;

(6) Atlantic Coast of Maryland & Assateague Island, Virginia: Report of the Chief of Engineers dated September 29, 1981, at a Federal cost of $21,000,000;

(7) Atlantic Coast of New York City from Rockaway Inlet to Norton Point, New York: Report of the Chief of Engineers dated August 18, 1976, at a Federal cost of $2,970,000;

(8) Presque Isle Peninsula, Erie, Pennsylvania: Report of the Chief of Engineers dated October 2, 1981, at a Federal cost of $17,200,000; and

(9) Folly Beach, South Carolina: Report of the Chief of Engineers dated March 17, 1981, at a Federal cost of $1,110,000.

(f) MITIGATION.—

(1) Fish & Wildlife Program for the Sacramento River Bank Protection Project, California, First Phase: Report of the Chief of

Engineers dated September 1, 1981, at a Federal cost of $2,030,000;

(2) Richard B. Russell Dam & Lake Savannah River, Georgia & South Carolina, Fish and Wildlife Mitigation Report: Report of the Chief of Engineers dated May 11, 1982, at a Federal cost of $18,700,000;

(3) West Kentucky Tributaries Projects, Fish and Wildlife Mitigation Plan, Obion Creek, Kentucky: Report of the Chief of Engineers dated September 16, 1980, at a Federal cost of $3,980,000;

(4) Cape May Inlet to Lower Township, New Jersey-Phase I GDM: Report of the Chief of Engineers dated December 23, 1981, at a Federal cost of $15,600,000; and

(5) Cooper Lake & Channels Project, Texas Report on Fish and Wildlife Mitigation: Report of the Chief of Engineers dated May 21, 1982, at a Federal cost of $7,570,000.

(g) DEMONSTRATION.—

(1) Cabin Creek, West Virginia, Demonstration Reclamation Project: Report of the Chief of Engineers dated March 1, 1979, at a Federal cost of $32,800,000;

(2) Lava Flow Control, Island of Hawaii, Hawaii: Report of the Chief of Engineers dated July 21, 1981, at a Federal cost of $3,950,000.●

By Mr. BIDEN (for himself, Mr. THURMOND, Mr. BAKER, Mr. NUNN, Mr. LAXALT,, and Mr. LEAHY):

S. 948. A bill to reform Federal criminal and civil forfeiture; to the Committee on the Judiciary.

COMPREHENSIVE FORFEITURE ACT OF 1983

● Mr. BIDEN. Mr. President, along with my distinguished colleagues Senator THURMOND, Senator BAKER, Senator NUNN, Senator LAXALT, and Senator LEAHY, I am introducing today the Comprehensive Forfeiture Act of 1983. The language of this bill is almost identical to the forfeiture provisions contained in the Violent Crime and Drug Enforcement Improvements Act of 1982 which passed the Senate by a vote of 95 to 1 on September 30, 1982. Unfortunately, that bill was vetoed by the President.

In July 1980, as chairman of the Senate Judiciary Subcommittee on Criminal Justice, I chaired hearings on the subject of the Government's efforts to obtain the assets of major drug traffickers. In April 1981, the General Accounting Office released a report that was done at my request entitled "Asset Forfeiture—a Seldom Used Tool in Combating Drug Trafficking." The central conclusion of both of these endeavors was that since enactment in 1970 of the racketeer influenced and corrupt organizations statute, commonly know as Rico, and the Comprehensive Drug Prevention and Control Act, which contained the first Federal criminal forfeiture statutes, the Federal Government's record in taking the profit out of organized crime, especially drug trafficking, has been far below Congress expectations. For example, although drug trafficking is estimated to be a $60 billion a year business, in its report the GAO found that between 1970 and 1980 only $2 million in assets had been turned over to the U.S. Treasury. The GAO also concluded that a major reason for the failure of these statutes—which were in 1970 proclaimed as the ideal weapon for breaking the backs of sophisticated narcotics operations—is that the Justice Department has largely ignored the legislation. In addition, when Justice did get around to pursuing forfeitures, it ran into unanticipated legal snags.

The bill I am introducing today is intended to remove those legal snags, simplifying and streamlining the process of forfeiture, while at the same time taking into account the requirements of due process. In addition, passage of this bill will serve as a signal to the Department of Justice that when these statutes were passed in 1970 Congress meant business. Congress did not put those statutes on the books to be ignored. Congress put them there to be taken seriously by the Justice Department.

The bill is divided into four parts. First, the bill would amend RICO. Most importantly, it would:

First, make clear that the proceeds of racketeering activity are subject to criminal forfeiture, thereby overcoming appellate court decisions holding that "proceeds" and "profits" are not "interests" within the meaning of RICO;

Second, provide a fuller definition of the types of "property" subject to RICO forfeiture;

Third, provide that title to forfeitable property vests in the United States upon commission of the act giving rise to forfeiture;

Fourth, add a section providing that if forfeitable property cannot be located, or has been transferred or sold, substitute assets belonging to the defendant can be forfeited;

Fifth, provide judicial power to issue appropriate protective orders to maintain availability of potentially forfeitable property; and

Sixth, provide for orderly consideration of third-party claims, taking into account the requirements of due process.

The second major section of the bill would add a criminal forfeiture statute to the Comprehensive Drug Abuse Prevention and Control Act, which would in almost all respects parallel the RICO statute as amended.

Third, the bill would create a forfeiture fund for the Department of Justice to permit efficient administration of the forfeiture program.

Finally, the bill would amend the civil forfeiture provisions of the Tariff Act to allow the U.S. Customs Service and the Drug Enforcement Administration to process civil forfeiture actions more efficiently, and to allow those agencies to transfer forfeited property to State and local law enforcement agencies who assist them in order to boost Federal-State cooperation. It would also create a forfeiture fund for the U.S. Customs Service.

As many believed in 1970, I still believe that a strong forfeiture statute that is actively implemented is the most effective weapon we have for breaking the backs of sophisticated drug traffickers. I believe the bill we are introducing today will serve that purpose.

I ask unanimous consent that the bill and a summary and analysis of the bill be inserted in the RECORD at this point.

There being no objection, the bill and summary were ordered to be printed in the RECORD, as follows:

S. 948

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Comprehensive Forfeiture Act of 1983".

PART A—AMENDMENTS TO R.I.C.O.

SEC. 2. Section 1963 of title 18, United States Code, is amended to read as follows:

"§ 1963. Criminal penalties

"(a) Whoever violates any provision of section 1962 of this chapter—

"(1) shall be fined not more than $25,000 or imprisoned for not more than twenty years, or both; and

"(2) shall forfeit to the United States any property, irrespective of any provision of State law—

"(A) constituting, or derived from, any interest in or contribution to an enterprise he has acquired, maintained, established, operated, controlled, conducted, or participated in the conduct of, in violation of section 1962 of this chapter;

"(B) constituting a means by which he has exerted influence or control over any enterprise he has acquired, maintained, established, operated, controlled, conducted, or participated in the acquisition, maintenance, establishment, operation, conduct or control of, in violation of section 1962 of this chapter; and

"(C) constituting, or derived from, any proceeds which he obtained, directly or indirectly, from racketeering activity or unlawful debt collection in violation of section 1962 of this chapter.

The court, in imposing sentence on such person, shall order, in addition to any other sentence imposed pursuant to this section, that he forfeit to the United States all property described in paragraph (2).

"(b) Property subject to criminal forfeiture under this section includes—

"(1) real property, including things growing on, affixed to, and found in land; and

"(2) tangible and intangible personal property, including rights, privileges, interests, claims, and securities including, but not limited to—

"(A) any position, office, appointment, tenure, commission, or employment contract of any kind which the incumbent acquired or maintained in violation of section 1962 of this chapter, through which the incumbent conducted, or participated in or facilitated the conduct of, the affairs of an enterprise in violation of section 1962 of this chapter, or which afforded the incumbent a source of influence or control over the affairs of an enterprise which was exercised in violation of section 1962 of this chapter;

"(B) any compensation, right or benefit derived from a position, office, appointment, tenure, commission, or employment contract described in subparagraph (A) which the incumbent obtained, directly or indirectly, through a pattern of racketeering activity or unlawful debt collection in violation of section 1962 of this chapter, or which accrued to the incumbent during the period that he controlled, influenced, conducted, or participated in or facilitated the conduct of, the affairs of the enterprise in violation of section 1962 of this chapter; and

"(C) any amount payable or paid under any contract for goods or services which was awarded or performed through a pattern of racketeering activity or unlawful debt collection.

"(c) All right, title, and interest in property described in subsection (a)(2) vests in the United States upon the commission of the act giving rise to forfeiture under this section. Any such property that is held in the name of, or possessed by, a person other than the defendant may be the subject of a special verdict of forfeiture and thereafter shall be ordered forfeited to the United States: *Provided*, That the Attorney General shall not direct disposition of any such property if, in a proceeding under subsection (h), the person establishes to the Attorney General by evidence contained in a petition, or the Attorney General otherwise has reason to know, that—

"(1) the person was a bona fide purchaser of the property for value; and

"(2) the person was reasonably without cause to believe that the property was of the type described in subsection (a)(2).

"(d) If any of the property described in subsection (a)(2)—

"(1) cannot be located,

"(2) has been transferred to, sold to, or deposited with, a third party,

"(3) has been placed beyond the jurisdiction of the court,

"(4) has been substantially diminished in value by any act or omission of the defendant, or

"(5) has been commingled with other property which cannot be divided without difficulty.

the court shall order the forfeiture of any other property of the defendant up to the value of any property described in paragraphs (1) through (5).

"(e)(1) Upon application of the United States, the court may, after a hearing with respect to which any adverse parties have been given reasonable notice and opportunity to participate, enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property described in subsection (a)(2) for forfeiture under this section—

"(A) upon the filing of an indictment or information charging a violation of section 1962 of this chapter and alleging that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section; or

"(B) prior to the filing of such an indictment or information, if the court determines—

"(i) that there is probable cause to believe that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section and that the property is in the possession or control of the party against whom the order is to be entered, and

"(ii) that the party against whom the order is to be entered has failed to demonstrate that the entry of the requested order would result in substantial and irreparable harm or injury to him that outweighs the need to preserve the availability of the property through the entry of the requested order.

An order entered pursuant to subparagraph (B) shall be effective for not more than ninety days, unless extended by the court for good cause shown or unless an indictment or information described in subparagraph (A) has been filed.

"(2) Upon application of the United States, a temporary restraining order to preserve the availability of property described in subsection (a)(2) for forfeiture under this section may be granted without notice to the adverse party or his attorney if—

"(A) an indictment or information described in paragraph (1)(A) has been filed or if the court determines that there is probable cause to believe that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section and that the property is in the possession or control of the party against whom the order is to be entered; and

"(B) the court determines that the nature of the property is such that it can be concealed, disposed of, or placed beyond the jurisdiction of the court before the adverse party may be heard in opposition.

A temporary order granted without notice to the adverse party shall expire within such time, not to exceed ten days, as the court fixes, unless extended for good cause shown or unless the party against whom it is entered consents to an extension for a longer period. If a temporary restraining order is granted without notice to the adverse party, a hearing concerning the entry of an order under paragraph (1) shall be held at the earliest possible time and prior to the expiration of the temporary order.

"(3) The court may receive and consider, at a hearing held pursuant to this subsection, evidence and information that would be inadmissible under the Federal Rules of Evidence.

"(f) Upon conviction of a person under this section, the court shall enter a judgment of forfeiture of the property to the United States and shall also authorize the Attorney General to seize all property ordered forfeited upon such terms and conditions as the court shall deem proper. Following the entry of an order declaring the property forfeited, the court may, upon application of the United States, enter such appropriate restraining orders of injunctions, require the execution of satisfactory performance bonds, appoint receivers, conservators, appraisers, accountants, or trustees, or take any other action to protect the interest of the United States in the property ordered forfeited. Any income accruing to or derived from an enterprise, or an interest in an enterprise, ordered forfeited under this section may be used to offset ordinary and necessary expenses to the enterprise which are required by law, or which are necessary to protect the interests of the United States or third parties.

"(g) Following the seizure of property ordered forfeited under this section, the Attorney General shall direct the disposition of the property by sale or any other commercially feasible means, making due provision for the rights of any innocent persons. Any property right or interest not exercisable by, or transferable for value to, the United States shall expire and shall not revert to the defendant, nor shall the defendant or any person acting in concert with him or on his behalf be eligible to purchase forfeited property at any sale held by the United States. Upon application of a person, other than the defendant or a person acting in concert with him or on his behalf, the court may restrain or stay the sale or disposition of the property pending the conclusion of any appeal of the criminal case giving rise to the forfeiture, if the applicant demonstrates that proceeding with the sale or disposition of the property will result in irreparable injury, harm or loss to him. The proceeds of any sale or other disposition of property forfeited under this section and any moneys forfeited shall be used to pay all proper expenses for the forfeiture and the sale, including expenses of seizure, maintenance and custody of the property pending its disposition, advertising and court costs. The Attorney General shall forward to the Treasurer of the United States for deposit in the general fund of the United States Treasury any amounts of such proceeds or moneys remaining after the payment of such expenses.

"(h) With respect to property ordered forfeited under this section, the Attorney General is authorized to—

"(1) grant petitions for mitigation, or remission of forfeiture, restore forfeited property to victims of a violation of this chapter, or take any other action to protect the rights of innocent persons which is in the interest of justice and which is not inconsistent with the provisions of this chapter;

"(2) compromise claims arising under this chapter;

"(3) award compensation to persons providing information resulting in a forfeiture under this section;

"(4) direct the disposition by the United States of all property ordered forfeited under this section by public sale or any other commercially feasible means, making due provision for the rights of innocent persons; and

"(5) take appropriate measures necessary to safeguard and maintain property ordered forfeited under this section pending its disposition.

A person who has filed a petition for remission or mitigation of forfeiture under this subsection, and who is dissatisfied with the Attorney General's decision regarding his petition, may obtain review of the Attorney General's decision in the district court in which the order of forfeiture was entered. The court shall set aside the decision of the Attorney General if it finds, based on the record of the petition proceedings, that the decision is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

"(i) the Attorney General shall within one hundred and eighty days of the enactment of this Act promulgate regulations with respect to—

"(1) making reasonable efforts to provide notice to persons who may have an interest in property ordered forfeited under this section;

"(2) granting petitions for remission or mitigation of forfeiture;

"(3) the restitution of property to victims of an offense petitioning for remission or mitigation of forfeiture under this chapter;

"(4) the disposition by the United States of forfeited property by public sale or other commercially feasible means;

"(5) the maintenance and safekeeping of any property forfeited under this section pending its disposition; and

"(6) the compromise of claims arising under this chapter.

Pending the promulgation of such regulations, all provisions of law relating to the disposition of property, or the proceeds from the sale thereof, or the remission or mitigation of forfeitures for violation of the customs laws, and the compromise of claims and the award of compensation to informers in respect of such forfeitures shall apply to forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as applicable and not inconsistent with the provisions hereof. Such duties as are imposed upon the Customs Service or any other person with respect to the disposition of property under the customs law shall be performed under this chapter by the Attorney General.

"(j) Except as provided in this section, no party claiming an interest in property subject to forfeiture under this section may—

"(1) intervene in a trial or appeal of a criminal case involving the forfeiture of such property under this section; or

"(2) commence an action at law or equity against the United States concerning the validity of his alleged interest in the property, prior to or during the trial or appeal of the criminal case, or during the period in which any petition for remission or mitigation of forfeiture is pending before the Attorney General.

"(k) The district courts of the United States shall have jurisdiction to enter orders as provided in this section without regard to the location of any property which may be subject to forfeiture under this section or which has been ordered forfeited under this section.

"(l) In order to facilitate the identification or location of property declared forfeited and to facilitate the disposition of petitions for remission or mitigation of forfeiture, after the entry of an order declaring property forfeited to the United States the court may, upon application of the United States, order that the testimony of any witness relating to the property forfeited be taken by deposition and that any designated book, paper, document, record, recording, or other material not privileged be produced at the same time and place, in the same manner as provided for the taking of depositions under rule 15 of the Federal Rules of Criminal Procedure.".

PART B—AMENDMENTS TO CONTROLLED SUBSTANCES ACT AND OTHER DRUG LAWS

Sec. 3. Part D of the Controlled Substances Act (21 U.S.C. 841 et seq.), is amended by adding at the end thereof the following new section:

"CRIMINAL FOREFEITURES

"Sec. 413. (a) Any person convicted of a violation of this title or title III punishable by imprisonment for more than one year shall forfeit to the United States, irrespective of any provision of State law—

"(1) any property constituting, or derived from, any proceeds he obtained, directly or indirectly as the result of such violation;

"(2) any of this property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation; and

"(3) in the case of a person convicted of engaging in a continuing criminal enterprise in violation of section 408 of this title (21 U.S.C. 848), he shall forfeit, in addition to any property described in paragraph (1) or (2), any of his interest in, claims against, and property or contractual rights affording a source of control over, the continuing criminal enterprise.

The court, in imposing sentence on such person, shall order, in addition to any other sentence imposed pursuant to this title or title III, that he forfeit to the United States all property described in this subsection.

"(b) Property subject to criminal forfeiture under this section includes—

"(1) real property, including things growing on, affixed to, and found in land; and

"(2) tangible and intangible personal property, including rights, privileges, interests, claims and securities.

"(c) All right, title, and interest in property described in subsection (a) vests in the United States upon the commission of the act giving rise to forfeiture under this section. Any such property that is held in the name of, or possessed by, a person other than the defendant may be the subject of a special verdict of forfeiture and thereafter shall be ordered forfeited to the United States: *Provided*, That the Attorney General shall not direct dispostion of any such property if, in a proceeding under subsection (i), the person establishes to the Attorney General by evidence contained in a petition for remission or mitigation of forfeiture, or the Attorney General otherwise has reason to know, that—

"(1) the person was a bona fide purchaser of the property for value; and

"(2) the person was reasonably without cause to believe that the property was of the type described in subsection (a).

"(d) If any of the property described in subsection (a)—

"(1) cannot be located,

"(2) has been transferred to, sold to, or deposited with a third party,

"(3) has been placed beyond the jurisdiction of the court,

"(4) has been substantially diminished in value by any act or omission of the defendant, or

"(5) has been commingled with other property which cannot be divided without difficulty,

the court shall order the forfeiture of any other property of the defendant up to the value of any property described in paragraphs (1) through (5).

"(e)(1) Upon application of the United States, the court may, after a hearing with respect to which any adverse parties have been given reasonable notice and opportunity to participate, enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property described in subsection (a) for forfeiture under this section—

"(A) upon the filing of an indictment or information charging a violation of this title or title III for which criminal forfeiture may be ordered under this section and alleging that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section; or

"(B) prior to the filing of such an indictment or information, if the court determines—

"(i) that there is probable cause to believe that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section and that the property is in the possession or control of the party against whom the order is to be entered, and

"(ii) that the party against whom the order is to be entered has failed to demonstrate that the entry of the requested order would result in substantial and irreparable harm or injury to him that outweighs the need to preserve the availability of the property through the entry of the requested order.

An order entered pursuant to subparagraph (B) shall be effective for not more than ninety days, unless extended by the court for good cause shown or unless an indictment or information described in subparagraph (A) has been filed.

"(2) Upon application of the United States, a temporary restraining order to preserve the availability of property described in subsection (a) for forfeiture under this section may be granted without notice to the adverse party or his attorney if—

"(A) an indictment or information described in paragraph (1)(A) has been filed or if the court determines that there is probable cause to believe that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section and that the property is in the possession or control of the party against whom the order is to be entered; and

"(B) the court determines that the nature of the property is such that it can be concealed, disposed of, or placed beyond the jurisdication of the court before the adverse party may be heard in opposition.

A temporary order granted without notice to the adverse party shall expire within such time, not to exceed ten days, as the court fixes, unless extended for good cause shown or unless the party against whom it is entered consents to an extension for a longer period. If a temporary restraining order is granted without notice to the adverse party, a hearing concerning the entry of an order under paragraph (1) shall be held at the earlist possible time and prior to the expiration of the temporary order.

"(3) The court may receive and consider, at a hearing held pursuant to this subsection, evidence and information that would be inadmissible under the Federal Rules of Evidence.

"(f) The Government may request the issuance of a warrant authorizing the seizure of property subject to forfeiture under this section in the same manner as provided for a search warrant. If the court determines that there is probable cause to believe that the property to be seized would, in the event of conviction, be subject to forfeiture and that an order under subsection (f) may not be sufficient to assure the availability of the property for forfeiture, the court shall issue a warrant authorizing the seizure of such property.

"(g) Upon entry of an order of forfeiture under this section, the court shall authorize the Attorney General to seize all property ordered forfeited upon such terms and conditions as the court shall deem proper. Following entry of an order declaring the property forfeited, the court may, upon application of the United States, enter such appropriate restraining orders or injunctions, require the execution of satisfactory performance bonds, appoint receivers, conservators, appraisers, accountants, or trustees, or take any other action to protect the interest of the United States in the property ordered forfeited. Any income accruing to or derived from property ordered forfeited under this section may be used to offset ordinary and necessary expenses to the property which are required by law, or which are necessary to protect the interests of the United States or third parties.

"(h) Following the seizure of property ordered forfeited under this section, the Attorney General shall direct the disposition of the property by sale or any other commercially feasible means, making due provisions for the rights of any innocent persons. Any property right or interest not exercisable by, or transferable for value to, the United States shall expire and shall not revert to the defendant, nor shall the defendant or any person acting in concert with him or on his behalf be eligible to purchase forfeited property at any sale held by the United States. Upon application of a person, other than the defendant or a person acting in concert with him or on his behalf, the court may restrain or stay the sale or disposition of the property pending the conclusion of any appeal of the criminal case giving rise to the forfeiture, if the applicant demonstrates that proceeding with the sale or disposition of the property will result in irreparable injury, harm, or loss to him.

"(i) With respect to property ordered forfeited under this section, the Attorney General is authorized to—

"(1) grant petitions for mitigation or remission of forfeiture, restore forfeited property to victims of a violation of this chapter, or take any other action to protect the rights of innocent persons which is in the interest of justice and which is not inconsistent with the provisions of this chapter;

"(2) compromise claims arising under this chapter;

"(3) award compensation to persons providing information resulting in a forfeiture under this section;

"(4) direct the dispostion by the United States, in accordance with the provisions of section 511(e) of this title (21 U.S.C. 881(e)), of all property ordered forfeited under this section by public sale or any other commercially feasible means, making due provision for the rights of innocent persons; and

"(5) take appropriate measures necessary to safeguard and maintain property ordered forfeited under this section pending its disposition.

A person who has filed a petition for remission or mitigation of forfeiture under this subsection, and who is dissatisfied with the Attorney General's decision regarding his petition, may obtain review of the Attorney General's decision in the district court in which the order of forfeiture was entered. The court shall set aside the decision of the Attorney General if it finds, based on the record of the petition proceedings, that the decision is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

"(j) Except to the extent that they are inconsistent with the provisions of this section, the provisions of section 511(d) of this title (21 U.S.C. 881(d)) shall apply to a criminal forfeiture under this section.

"Bar on Intervention; Exhaustion of Administrative Remedies

"(k) Except as provided in this section, no party claiming an interest in property subject to forfeiture under this section may—

"(1) intervene in a trial or appeal of a criminal case involving the forfeiture of such property under this section; or

"(2) commence an action at law or equity against the United States concerning the validity of his alleged interest in the property, prior to or during the trial or appeal of the criminal case, or during the period in which any petition for remission or mitigation of forfeiture is pending before the Attorney General.

"(l) The district courts of the United States shall have jurisdiction to enter orders as provided in this section without regard to the location of any property which may be subject to forfeiture under this section or which has been ordered forfeited under this section.

"(m) In order to facilitate the identification and location of property declared forfeited and to facilitate the disposition of petitions for remission or mitigation of forfeiture, after the entry of an order declaring property forfeited to the United States, order that the testimony of any witness relating to the property forfeited be taken by deposition and that any designated book, paper, document, record, recording, or other material not privileged be produced at the same time and place, in the same manner as provided for the taking of depositions under rule 15 of the Federal Rules of Criminal Procedure.".

SEC. 4. Section 304 of the Controlled Substances Act (21 U.S.C. 824) is amended by adding at the end of subsection (f) the following sentence: "All right, title, and interest in such controlled substances shall vest in the United States upon a revocation order becoming final.".

SEC. 5. Section 408 of the Controlled Substances Act (21 U.S.C. 848) is amended—

(a) in subsection (a)—

(1) by striking out "(1)";

(2) by striking out "paragraph (2)" each time it appears, and inserting in lieu thereof "section 413 of this title"; and

(3) by striking out paragraph (2); and

(b) by striking out subsection (d).

SEC. 6. Section 511 of the Controlled Substances Act (21 U.S.C. 881) is amended—

(a) in subsection (a) by inserting at the end thereof the following new subsection:

"(7) All real property, including any right, title, and interest in the whole of any lot or tract of land, and any appurtenances or improvements on such property, which is used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, a violation of this title punishable by more than one year's imprisonment, except that no property shall be forfeited under this paragraph, to the extent of an interest of an owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner.";

(b) in subsection (b)—

(1) by inserting "civil or criminal" after "Any property subject to"; and

(2) by striking out in paragraph (4) "has been used or is intended to be used in violation of" and inserting in lieu thereof "is subject to civil or criminal forfeiture under";

(c) in subsection (c)—

(1) by inserting in the second sentence "any of" after "Whenever property is seized under"; and

(2) by inserting in paragraph (3) ", if practicable," after "remove it";

(d) in subsection (d) by inserting "any of" after "alleged to have been incurred, under";

(e) in subsection (e)—

(1) by inserting "civilly or criminally" in the first sentence after "Whenever property is"; and

(2) by striking out in paragraph (3) "remove it for disposition" and inserting in lieu thereof "and dispose of it"; and

(f) by inserting at the end thereof the following new subsections:

"(h) All right, title, and interest in property described in subsection (a) shall vest in the United States upon commission of the act giving rise to forfeiture under this section.

"(i) Pending, or upon, the filing of an indictment or information charging a violation of this title or title III for which criminal forfeiture may be ordered under section 413 of this title, and alleging that property would, in the event of conviction, be subject to criminal forfeiture, any civil forfeiture proceeding concerning such property commenced under this section shall, for good cause shown, be stayed pending disposition of the criminal case.".

SEC. 7. Part A of the Controlled Substances Import and Export Act (21 U.S.C. 1001-1016) is amended by adding at the end thereof the following:

"CRIMINAL FORFEITURES

"Sec. 1017. Section 413 of title II, relating to criminal forfeitures, shall apply in every respect to a violation of this title punishable by imprisonment for more than one year.".

SEC. 8. The table of contents of the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended—

(a) by adding immediately after the item for section 412 the following new item:

"Sec. 413. Criminal forfeitures."

and

(b) by adding immediately after the item for section 1016 the following new item:

"Sec. 1017. Criminal forfeitures.".

PART C—DRUG ASSETS FORFEITURE FUND

SEC. 9. (a) Section 511(e)(1) of the Controlled Substances Act (21 U.S.C. 881) is amended by adding after "retain the property for official use" the following: "or transfer the custody or ownership of any forfeited property to any Federal, State, or local agency pursuant to section 616 of the Tariff Act of 1930 (19 U.S.C. 1616)".

(b) Section 511(e) of the Controlled Substances Act (21 U.S.C. 881(e)) is further amended by striking out all that follows "moneys forfeited under this title shall be" and inserting in lieu thereof the following: "deposited in the Drug Assets Forfeiture Fund.".

SEC. 10. Part E of the Controlled Substances Act (21 U.S.C. 871 et seq.) is amended by adding at the end thereof the following:

"§ 517. Drug assets forfeiture fund

"(a) There is hereby established in the Treasury of the United States a special account that shall be entitled the 'Drug Assets Forfeiture Fund'. This account shall be available without fiscal year limitations for the following purposes of the United States Department of Justice:

"(1) the payment of all expenses necessary to inventory, safeguard and maintain property under seizure, detention, or forfeited pursuant to any provision of this Act. Expenses of maintenance may include payments for contract services and payment to reimburse any Federal, State, or local agency for any expenditures made to perform the foregoing functions;

"(2) the payment of awards for information or assistance leading to a civil or criminal forfeiture under, or regarding any violation of, this Act, at the discretion of the Attorney General; and

(3) the payment of valid liens and mortgages against any property that has been forfeited pursuant to any provision of this Act, subject to the discretion of the Attorney General to determine the validity of any such lien or mortgage and the amount of payment to be made.

"(b) The Drug Assets Forfeiture Fund shall be initially funded by any sums not otherwise obligated from the 1981 and 1982 fiscal year appropriations of the United States Department of Justice.

"(c) All proceeds from the sale or other disposition of property forfeited under any provision of this Act and any seized and forfeited currency shall be deposited to the Drug Assets Forfeiture Fund.

"(d) At the end of each calendar quarter, any sums in the Fund in excess of ten million dollars shall be transferred to the general fund of the Treasury of the United States.

"(e) Amounts in the Fund which are not currently needed for the purposes of this section shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.

"(f) Within sixty days of the end of each fiscal year, the Attorney General shall report to the appropriate oversight committee of the Congress on the receipts and disbursement of the Drug Assets Forfeiture Fund.

"(g) The provisions relating to payments to and disbursements from the Drug Assets Forfeiture Fund established by this section shall apply to all property disbursed of or in Department of Justice custody on or after the effective date of the Violent Crime and Drug Enforcement Improvements Act of 1983.".

PART D—AMENDMENTS TO TARIFF ACT OF 1930

SEC. 11. Section 607 of the Tariff Act of 1930 (19 U.S.C. 1607) is amended to read as follows:

"§ 607. Seizure; value $100,000, or less; prohibited articles; transporting conveyances

"If—

"(1) the value of such seized vessel, vehicle, aircraft, merchandise, or baggage does not exceed $100,000;

"(2) such seized merchandise consists of articles the importation of which is prohibited; or

"(3) such seized vessel, vehicle, or aircraft was used to import, export, or otherwise transport or store any controlled substances, the appropriate customs office shall cause a notice of the seizure of such articles and the intention to forfeit and sell or otherwise dispose of the same according to law to be published for at least three successive weeks in such manner as the Secretary of the Treasury may direct. Written notice of seizure together with information on the applicable procedures shall be sent to each party who appears to have an interest in the seized article.".

SEC. 12. Section 608 of the Tariff Act of 1930 (19 U.S.C. 1608) is amended by striking out "$250" in the second sentence and inserting in lieu thereof the following: "$2,500 or ten percent of the value of the claimed property, whichever is less,".

SEC. 13. Section 609 of the Tariff Act of 1930 (19 U.S.C. 1609) is amended by striking out "after deducting the actual expenses of seizure, publication, and sale in the Treasury of the United States." and inserting in lieu thereof the following: "into the Customs Forfeiture Fund.".

SEC. 14. Section 610 of the Tariff Act of 1930 (19 U.S.C. 1610) is amended by striking out "If the value of any vessel, vehicle, merchandise, or baggage, so seized is greater than $10,000," and substituting in lieu thereof the following: "If any vessel, vehicle, aircraft, merchandise, or baggage is not subject to the procedure set forth in section 607,".

SEC. 15. Section 612 of the Tariff Act of 1930 (19 U.S.C. 1612) is amended by—

(1) inserting "aircraft," immediately after "vehicle," wherever it appears in the section;

(2) striking out "and the value of such vessel, vehicle, merchandise, or baggage as determined under section 605 does not exceed $10,000," in the first sentence and inserting in lieu thereof the following: "and the article is subject to the provisions of section 607 of this Act,"; and

(3) striking out "If such values of such vessel, vehicle, merchandise, or baggage exceeds $10,000," in the second sentence and inserting in lieu thereof the following: "If the article is not subject to the provisions of section 607 of this Act,".

SEC. 16. (a) Section 613(a) of the Tariff Act of 1930 (19 U.S.C. 1613(a)) is amended by striking out "disposed of as follows:", in clauses (1), (2), and (3), and inserting in lieu thereof the following: "deposited in the Customs Forfeiture Fund".

(b) Section 613(b) of the Tariff Act of 1930 (19 U.S.C. 1613(b)) is amended by striking out "(a)(1) and (2) of this section" and inserting in lieu thereof "(a)(4) of section 613a of this Act (19 U.S.C. 1613a(a)(4)).".

SEC. 17. The Tariff Act of 1930 is amended by adding a new section immediately after section 613 (19 U.S.C. 1613) to read as follows:

"§ 613a. Customs forfeiture fund

"(a) There is hereby established in the Treasury of the United States a special account for the United States Customs Service that shall be entitled the 'Customs Forfeiture Fund'. This account shall be available without fiscal year limitations for the following purposes of the United States Customs Service—

"(1) the payment of all expenses necessary to inventory, safeguard, and maintain property under seizure, detention, or forfeited pursuant to any law enforced or administered by the United States Customs Service, including payments for expenses of maintenance, contract services, and to reimburse any Federal, State, or local agency for any expenditures made for the maintenance of property;

"(2) the payment of awards of compensation to informers under section 619 of the Tariff Act of 1930, as amended;

"(3) the payment by appropriate customs officers for the purchase of information concerning violations or possible violations of any law enforced or administered by the Customs Service; and

"(4) the payment to persons whom the appropriate customs officer determines hold valid—

"(A) liens for freight, charges, and contributions in general average, notice of which has been filed with the appropriate customs officer according to law; and

"(B) liens against property that has been forfeited pursuant to any law enforced or administered by the United States Customs Service,

subject to the condition that no payment to a lienholder shall exceed the net proceeds of the sale or, where the property is retained or transferred for official use, the appraised value less all applicable expenses.

"(b) The Fund shall be initially funded by any sums not otherwise obligated from the 1981 and 1982 fiscal year appropriations of the United States Customs Service.

"(c) All proceeds from the sale or other disposition of property forfeited, including any seized and forfeited currency, under any law enforced or administered by the Customs Service shall be deposited to the Customs Forfeiture Fund.

"(d) At the end of each calendar quarter, any sums in the Fund in excess of $10,000,000 shall be transferred to the general fund of the Treasury of the United States.

"(e) Amounts in the Fund which are not currently needed for the purposes of this subsection shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.

"(f) Within sixty days of the end of each fiscal year, the Commissioner of Customs will report to the appropriate oversight committee of the Congress on the receipts and disbursement of the Customs Forfeiture Fund.

"(g) The provisions relating to payments and disbursements from the Fund established by this section shall apply to all property disbursed of or in the custody of the Customs Service on or after the effective date of this Act.".

SEC. 18. A new section, section 616, is added to the Tariff Act of 1930 (19 U.S.C. 1616) to read as follows:

"§ 616. Disposition of forfeited property

"(a) Notwithstanding any other provision of law, the Commissioner is authorized to retain forfeited property for official use or to transfer such forfeited property on such terms or conditions as he may determine to—

"(1) any other Federal agency; or

"(2) any State or local governmental agency which routinely assists in the enforcement of the laws of the United States or participated in any of the acts which led to the property being seized.

The United States shall not be liable in any action arising out of the use of any property the custody of which was transferred pursuant to this section to any non-Federal agency.

"(b) The Secretary of the Treasury is authorized to order the discontinuance of any Federal forfeiture proceedings in favor of the institution of forfeiture proceedings by State or local authorities under an appropriate State or local statute when he determines that such action is in the best interest of the United States. After the filing of a complaint for forfeiture in a United States district court, the appropriate attorney for the Department of Justice shall also have the authority to seek a voluntary dismissal of the complaint in favor of State or local action when he deems it to be in the best interest of the United States.

"(c) Whenever forfeiture proceedings are discontinued by the Federal Government in favor of State or local proceedings, the Secretary is authorized to transfer custody and possession of the seized property to the appropriate State or local official immediately upon the initiation of the proper actions by such officials.

"(d) Whenever forfeiture proceedings are discontinued by the Federal Government in favor of State or local proceedings, notice shall be sent to all known interested parties advising them of such a decision. The United States shall not be liable in any action arising out of the seizure, detention, and transfer of seized property to State or local officials.".

SEC. 19. Section 619 of the Tariff Act of 1930 (19 U.S.C. 1619) is amended by striking out "$50,000" wherever it appears and inserting in lieu thereof "$250,000".

SEC. 20. (a) The Tariff Act of 1930 is amended by adding a new section to read as follows:

"§ 589. Arrest authority of customs officers

"Subject to the direction of the Secretary of the Treasury, an officer of the Customs Service as defined in section 401(i) of this Act, as amended, may—

"(1) carry a firearm;

"(2) execute and serve any order, warrant, subpena, summons, or other process issued under the authority of the United States for arrest, search or seizure, or production of evidence;

"(3) make an arrest without a warrant for any offense against the United States committed in the officer's presence or for a felony, cognizable under the laws of the United States committed outside the officer's presence if the officer has reasonable grounds to believe that the person to be arrested has committed or is committing a felony; and

"(4) perform any other law enforcement duty that the Secretary of the Treasury may designate.".

(b) Section 7607 of the Internal Revenue Act of 1954 (26 U.S.C. 7607) is repealed.

SEC. 21. Sections 602, 605, 606, 608, 609, 611, 613, 614, 615, 618, and 619 (19 U.S.C. 1602, 1605, 1606, 1608, 1609, 1611, 1613, 1614, 1615, 1618, and 1619) of the Tariff Act of 1930 are amended by inserting the word "aircraft," immediately after the words "vehicle" or "vehicles," wherever they appear.

SUMMARY AND ANAYLSIS OF COMPREHENSIVE FORFEITURE ACT OF 1983

I. PARTS A AND B

This bill is designed to enhance the use of forfeiture, and in particular the sanction of criminal forfeiture, as a law enforcement tool in combatting two of the most serious crime problems facing the country: racketeering and drug trafficking.

There are presently two types of forfeiture statutes in Federal law. The first provides for civil forfeiture, a civil in rem action, brought directly against property which is unlawful or contraband, or which has been used for an unlawful purpose. The majority of drug-related property, including drug profits, must be forfeited civilly under 21 U.S.C. 881. While this civil forfeiture statute has been an extremely useful tool in the effort to combat drug trafficking, a significant drawback is the requirement that a separate civil suit be filed in each district in which forfeitable property is located. Where the property to be forfeited is the property of a person charged with a drug violation, and that violation constitutes the basis for forfeiture, a more efficient way of achieving forfeiture would be to employ the second type of forfeiture statute, a criminal forfeiture statute.

Criminal forfeiture is relatively new to Federal law, although it has its origins in ancient English common law. It is an in personam proceeding against a defendant in a criminal case, and is imposed as a sanction against the defendant upon his conviction. Criminal forfeiture is now available under two statutes: The Racketeer Influenced and Corrupt Organizations statute (18 U.S.C. 1961 et seq., hereinafter referred to as RICO) and the Continuing Criminal Enterprise statute (21 U.S.C. 848, hereinafter referred to as CCE), which punish those who engage in racketeering enterprises or drug trafficking organizations.

In the last decade there has been an increasing awareness of the extremely lucrative nature of drug trafficking and of the illicit economy which it generates and through which it is sustained, and thus, of the importance of effective tools for attacking the economic aspects of such crime. A similar awareness with respect to racketeering led to the enactment of the RICO and CCE statutes more than ten years ago.

Both civil and criminal forfeiture hold significant promise as important law enforcement tools in separating racketeers and drug traffickers from their ill-gotten profits and the economic power bases through which they operate. However, because of limitations of and ambiguities in present forfeiture statutes, the law enforcement potential of forfeiture in those areas has not been fully realized. This bill is designed to address these problems.

This bill is divided into four parts. Part A sets forth an amended version of 18 U.S.C. 1963, the provisions of current law governing the penalties, including criminal forfeiture, for violations of the RICO offenses described in 18 U.S.C. 1962. The most significant of the proposed changes in the current RICO forfeiture provisions are in two areas. First, language is included to make it clear that property which constitutes, or is derived from, the proceeds of racketeering activity punishable under 18 U.S.C. 1962 is subject to an order of criminal forfeiture. Although the Department of Justice has taken the position that such proceeds are already subject to forfeiture under 18 U.S.C. 1963, several courts have rejected this position. Second, the section 1963 amendments are designed to address the problem of defendants defeating forfeiture actions by removing, concealing, or transferring forfeitable assets prior to conviction. These amendments include a provision expanding to the pre-indictment stage a court's authority to enter restraining orders, a provision setting out clear authority voiding such transfers in the context of criminal forfeiture actions, and a provision permitting the court to order the defendant to forfeit substitute assets when the property originally subject to forfeiture is no longer available at the time of conviction.

Part B of the bill makes several amendments to the Comprehensive Drug Abuse Prevention and Control Act of 1970. The most significant of the amendments is the creation of a new criminal forfeiture statute that would be applicable in all cases involving major criminal violations of the Act. This new statute would provide for criminal forfeiture of the proceeds of drug offenses as well as property used in the commission of such offenses, and would reduce the need to pursue parallel criminal prosecutions and civil forfeiture actions. This forfeiture statute would also include several of the improvements proposed to the RICO criminal forfeiture statute in Part A. Part B would also amend the civil forfeiture provisions of the narcotics laws (21 U.S.C. 881) to allow, in certain new circumstances, the forfeiture of real property, and to require the stay of civil forfeiture proceedings pending disposition of a criminal case in those instances where the criminal prosecution and forfeiture action cannot, or should not, be consolidated.

SECTION-BY-SECTION ANALYSIS OF PARTS A AND B

Part A

Part A amends 18 U.S.C. 1963, the provision which sets out the penalties for a violation of the RICO statute (18 U.S.C. 1962). The current penalties of fine and imprisonment are retained, but the provisions relating to criminal forfeiture have been amended and expanded. Each of the subsections of 18 U.S.C. 1963, as it would be amended, is discussed below:

18 U.S.C. 1963(a) sets out the penalties for a violation of 18 U.S.C. 1962. Paragraph (1) carries forward the current fine and imprisonment levels. Paragraph (2) describes the property of the defendant that is subject to an order of criminal forfeiture. The substantive change worked by paragraph (2) is that it will specifically provide for forfeiture of profits generated by racketeering activity. Several courts have held that such profits are not currently forfeitable under RICO, and this limiting interpretation has significantly diminished the utility of the statute's criminal forfeiture sanction. The criminal forfeiture provisions of the criminal code reform bill also provided for the forfeiture of proceeds. See S. Rept. No. 97-307, page 948.

18 U.S.C. 1963(b), as amended emphasizes that property subject to civil forfeiture may be either real property or tangible or intangible personal property, and underscores an intent, consistent with current law (see, e.g., *United States* v. *Rubin*, 559 F. 2d 975 (5th Cir. 1977)), that the concept of "property" as used in section 1963 is to be broadly construed.

18 U.S.C. 1963(c), as amended, is a codification of the "taint" theory long recognized in forfeiture cases. Under this theory, forfeiture relates back to the time of illegal acts which give rise to the forfeiture. From that time forward, the property is tainted and remains subject to forfeiture regardless of any subsequent disposition. Absent such a principle, a defendant could avoid forfeiture simply by transferring his property prior to conviction. This subsection makes it clear, however, that in the case of a transfer to a bona fide purchaser for value, the Attorney General may not proceed with disposition of the property. Such persons may obtain a return of their property by filing a petition for remission or mitigation of forfeiture.

18 U.S.C. 1963(d) is new to the law. It provides that where property found to be subject to forfeiture has been removed, concealed, transferred, or substantially depleted, the court may order that the defendant forfeit substitute assets. This section addresses one of the most serious impediments to significant forfeitures. Presently, a defendant may avoid the impact of forfeiture simply by transferring his assets to another, placing them beyond the jurisdiction of the court, or taking other actions to render such property unavailable at the time of conviction. Section 1963(d) addresses this problem. See S. Rept. No. 97-307, pages 948-949.

18 U.S.C. 1963(e), as amended, expands the current authority of the courts to enter restraining or protective orders with respect to property that may be subject to forfeiture. The current restraining order authority, set out in 18 U.S.C. 1963, is limited to the post-indictment period. However, defendants often become aware, prior to indictment, of a criminal investigation and will move to conceal or alienate their forfeitable assets at that time. To address this problem, amended section 1963(e) describes certain circumstances under which the government may obtain a pre-indictment restraining order. This section also articulates the circumstances in which an ex parte restraining order may be issued. Such an order is limited to a term of ten days, and may be issued only when it appears that the giving of notice will result in the transfer or

removal of the property before an order could be issued.

18 U.S.C. 1963(f), as proposed, governs matters arising during the period from the entry of the order of forfeiture until the time that the Attorney General directs disposition of the property. For the most part, these provisions are drawn from current law and practices, and have been formulated to provide necessary flexibility.

18 U.S.C. 1963(g) concerns matters regarding the disposition of property, and is drawn largely from current law. A new aspect of this provision is that is specifically authorizes the court to stay disposition of the forfeited property pending an appeal of the criminal case if a third party claiming an interest in the property demonstrates that such disposition will result in irreparable injury, harm, or loss to him. Once the property has been disposed of, the proceeds are to be used to pay the expenses of the forfeiture and sale, including costs arising from the seizure, maintenance, and custody of the property. The remaining amounts are to be deposited in the general fund of the Treasury.

18 U.S.C. 1963(h) sets forth several aspects of the authority of the Attorney General with respect to property that has been ordered forfeited. This authority is in essence carried forward from existing law, although in a more straightforward manner. This provision also improves on current law in that it articulates a standard for judicial review of the Attorney General's decision with respect to a petition for remission or mitigation of forfeiture, the mechanism whereby innocent third parties may obtain relief from a forfeiture of property in which they may have a legitimate interest.

18 U.S.C. 1963(i). Under current 18 U.S.C. 1963(c), the procedures for most post-seizure matters are governed by the customs laws. In some respects, however, these customs laws provisions have been inadequate in addressing some of the complex issues that arise in RICO cases, where forfeited property may include complex interests in ongoing businesses. Subsection (i) therefore requires the issuance of regulations to govern certain post-seizure matters which may be drafted to address some of the unique problems arising in RICO forfeiture cases.

18 U.S.C. 1963(j) codifies the currently recognized limitations on the commencement of legal actions by third parties claiming an interest in property subject to forfeiture. See *United States* v. *Mandel*, 505 F. Supp. 189 (D. Md. 1981).

18 U.S.C. 1963(k) emphasizes the current jurisdiction of the court to enter orders under Part A of this title without regard to the location of the property—a principle which distinguishes criminal forfeiture from in rem civil forfeiture actions.

18 U.S.C. 1963(l), as amended, authorizes the court to order the taking of depositions to facilitate the identification and location of property that has been ordered forfeited and to facilitate the disposition of petitions for remission or mitigation of forfeiture. The taking of such depositions will provide for a more orderly and fair consideration of these matters and will permit the development of a more complete record.

Part B

Part B of the bill sets out various amendments to the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 801 et seq.).

The first section creates a new generally applicable criminal forfeiture statute for all felony violations of Titles II and III of the Comprehensive Drug Abuse Prevention and Control Act. This statute is, in virtually all respects, identical to the RICO criminal forfeiture statute as amended by this bill, and will appear as a new section 413 of the Act. Section 413 is divided into the following subsections.

Subsection (a) of section 413 provides for the sanction of criminal forfeiture upon a defendant's conviction for a felony drug offense. Property which is subject to criminal forfeiture under this provision includes the proceeds of the drug violation (now subject to civil forfeiture under 21 U.S.C. 881(a)(6)), property used or intended to be used to commit the violation (such property is largely subject to civil forfeiture under current 21 U.S.C. 881), and the property already subject to criminal forfeiture under the Continuing Criminal Enterprise statute (21 U.S.C. 848).

Subsection (b) of section 413, like the analogous provision of 18 U.S.C. 1963, as amended by this bill, emphasizes that the term "property", as used in section 413(a), is to be broadly construed.

Subsection (c) of section 413—see analysis of section in Part A above that refers to new 18 U.S.C. 1963(c).

Subsection (d) of section 413—see analysis of section in Part A above that refers to the analogous substitute assets provision of new 18 U.S.C. 1963(d).

Subsection (e) of section 413—see analysis of section in Part A above that refers to the analogous protective order provision of new 18 U.S.C. 1963(e).

Subsection (f) recognizes that in drug cases forfeitable assets frequently take the form of cash, precious metals and gems, and other property that is easily moved or concealed. With respect to such property, a restraining or protective order may not be sufficient to assure the availability of the property for forfeiture. Therefore, this section provides for the issuance of a warrant of seizure if the government demonstrates that a protective or restraining order will not be sufficient.

Subsection (g) of section 413—see analysis of section in Part A that refers to the analogous provision of new 18 U.S.C. 1963(f), governing certain matters arising in the period between the entry of the order of foreiture and the disposition of the property.

Subsection (h) of section 413—see analysis of section in Part A that refers to the analogous provision of new 18 U.S.C. 1963(g), which governs matters concerning the disposition of property ordered forfeited.

Subsection (i) of section 413—see analysis of section in Part A that refers to the analogous provision of new 18 U.S.C. 1963(h), enumerating the authorities of the Attorney General.

Subsection (j) of section 413 retains the current application of the customs laws to certain matters arising under forfeitures effected under titles 21, United States Code. See 21 U.S.C. 881(d).

Subsection (k) of section 413—see analysis of section in Part A that refers to new 18 U.S.C. 1963(j).

Subsection (l) of section 413—see analysis of section in Part A that refers to new 18 U.S.C. 1963(k).

Subsection (m) of section 413—see analysis of section in Part A that refers to new 18 U.S.C. 1963(l).

The second section of Part B incorporates in 21 U.S.C. 824(f) (relating to the forfeiture of controlled substances held by a dispenser or manufacturer whose registration has been revoked) the "taint" theory discussed above.

The third section of Part B deletes the separate criminal forfeiture provisions of the Continuing Criminal Enterprise statute (21 U.S.C. 848). Criminal forfeiture arising out of a violation of this statute will be governed by the new criminal forfeiture statute set out above

The fourth section of Part B amends certain provisions of 21 U.S.C. 881, which provides for the civil forfeiture of a variety of drug related property, and which also governs certain procedural matters both in civil and criminal forfeitures under the CCE statute.

The first amendment would add to the list of property subject to civil forfeiture real property which is used in a felony violation of title 21. An "innocent owner" exception like that now included in other provisions of section 881 (a)— is included.

The amendment to subsection (b), (c), (d), and (e) of section 881 are essentially technical and conforming amendments. In addition, two new subsections are added to 21 U.S.C. 881. The first codifies the "taint" theory now clearly applicable in civil forfeiture actions. The section provides for a stay of civil forfeiture proceedings where a criminal action including criminal forfeiture of the same property is commenced.

The fifth section of Part B adds a new section at the end of Title III of the Comprehensive Drug Abuse Prevention and Control Act to make it clear that the new criminal forfeiture statute applies in cases of felony violations involving the import or export of controlled substances.

The sixth section of Part B carries necessary conforming amendments.

II. PARTS C AND D

Part C would create a forfeiture fund for Justice. Part D would amend the civil forfeiture provisions of the Tariff Act to allow Customs and D.E.A. to operate more efficiently while providing the same rights for claimants of seized property. Furthermore, for the first time Customs and D.E.A. would be allowed to transfer forfeited property such as cars, planes, boats, radio equipment, etc., directly to state and local law enforcement agencies who assist them in the enforcement of the laws of the United States. This would be a boost to federal/state cooperation.

The major feature of Parts C and D is the establishment of forfeiture funds both for the Department of Justice (to be used for controlled substance violations only) and for Customs. The primary purposes of such special operating funds are: (1) to remove certain "contingency appropriations" from the agencies' budgets, thereby resulting in budget savings, (2) to provide for greater efficiency in the handling of seized and forfeited property, and (3) to eliminate the irony that the agencies' operating funds for enforcement actions are decreased by the amount of monies spent as expenses on forfeitures, which has the net effect of reducing Customs' funds for more direct law enforcement purposes.

Included in the Customs and D.E.A. appropriation are amounts for care and storage of seizure property and purchase of information and/or evidence. However, by their very nature, these expenditures are not subject to agency control or prediction (i.e., Operation Florida). Establishment of the forfeiture funds logically removes consideration of these items from the budget and places control of the funds in the ap-

propriate Congressional oversight committee. This would have eliminated $9.5 million in Customs budget request for fiscal year 1981.

Under present law the costs of handling each seizure are deducted from the proceeds of that seizure, if any. The resulting "net proceeds" are then transferred to the General Fund in the Treasury. But if the proceeds do not exceed the expenses, the agency must cover the expenses out of its regular budget. In other words, the net proceeds from the sale of one seizure cannot presently be used to offset the unrecouped costs of another seizure. The new fund would allow the agencies to balance all proceeds against all expenses, with the over-all net proceeds being transferred to the General fund of the Treasury. The agencies would only maintain a balance of ten million dollars in their funds for operating purposes.

The current procedure requiring the agencies to account separately for costs associated with each individual seizure is inefficient, both in costs and manpower, but would no longer be required under the proposed forfeiture funds. The establishment of the special accounts would also encourage more efficient maintenance, storage and inventory procedures than are feasible under current requirements, such as possible national inventory and property maintenance control through computerization.

The establishment of funds would also give greater protection to innocent lienholders since they could be paid immediately on their liens without the necessity of waiting for a sale or a transfer to another agency. It would also allow the agencies to pay the costs of maintenance of the properties on a regular basis without regard to the sale or transfer date of the property and without the need of contracting for services on a contingency basis. The net effect would be to relieve the agencies of the financial restrictions and complications of having to deal with each and every seizure on a separate basis, but would maintain the accountability on an over-all basis. The agencies would be required to furnish a complete accounting of these deposits and expenditures to the Congress.

Another major provision contained in the amendments is the change in the current law to allow D.E.A. and Customs to transfer seized property directly to state and local law enforcement agencies once it has been forfeited. The amendment would also allow them to do this indirectly by merely declining to pursue forfeiture actions in favor of state action. The Act would be changed so as to amend 21 U.S.C. 881(e) and create a new section 19 U.S.C. 1616 in order to accomplish this goal. The new provisions could result in many vehicles and other properties being transferred from the seizing agency to another federal agency or to a state agency without the necessity of utilizing the present cumbersome procedure of going through G.S.A. Under the current procedure there is no way to insure that the property will be transferred to any particular agency, federal or state. The new authority would provide incentive to the state and local police to cooperate more with the federal agencies while providing them with the equipment necessary for their duties. Federal-state-local cooperation would be greatly enhanced.

Part D would amend the Tariff Act of 1930 to enable Customs and D.E.A. to more quickly and efficiently process civil forfeiture actions without altering the rights of the claimants. First, the properties that are subject to the summary forfeiture provisions (19 U.S.C. 1607) would be vastly increased by excepting all vehicles used in transporting contraband as well as other property valued at less than $100,000. This means that if no one files a claim for seized property that falls within the exceptions just stated, the agency could summarily declare the property forfeited and dispose of it according to law. Of course, proper notice to interested parties is required before such action could be taken. There would be no denial of a right to trial in District Court since the claimant could still pursue such action by the filing of a cost bond with the court. The net effect of the changes would be merely to allow the agencies to proceed with those cases that would result in a default judgment in Federal court. For example, of the 600 cases now pending in the Southern District of Florida, over 25 percent will end in default judgment if past experience is repeated. The new amendment would relieve the agencies, the courts, the U.S. Attorneys and the U.S. Marshals of the burden of these needless lawsuits, resulting in savings of time, costs and manpower. It would also save a lot on maintenance expenses since the properties are incurring dockage or other storage fees, costs of guards, and upkeep costs while awaiting a judicial default. It can take up to more than six months just to get a default judgment in Court.

In conclusion, administrative forfeiture in accordance with current Treasury Regulations and the provisions of the new section 607 (19 U.S.C. 1607) would fully protect lien holders and innocent owners while relieving court congestion and unnecessary burdens upon the U.S. Attorneys, Marshals and the agencies. It would also result in reduced storage and maintenance costs and attorneys fees by providing quicker disposition of cases.

The other important provision in the amendment would create a new Section 589 of the Tariff Act (19 U.S.C. 1589) to set forth the arrest authority of Customs officers. Under existing law, a Customs officer has authority to make arrests without a warrant for violations of the narcotic drug and marijuana laws under section 7607 of the Internal Revenue Code and for violation of the customs or navigation laws or any law respecting the revenue under section 581 of the Tariff Act, where the violation is committed in the officer's presence or where the officer has reason to believe that the person to be arrested has committed or is committing such violation. In addition, miscellaneous conservation, fisheries and pollution laws also confer arrest authority on Customs officers in various situations. (16 U.S.C. 3405; 16 U.S.C. 3405; 16 U.S.C. 772d, 916g, 959(b); and 33 U.S.C. 413)

The present law requires customs officers making arrests for export violations and assaults on Customs officers to rely on the various state laws conferring arrest authority on private persons, unless state law confers peace officer status on them. This reliance on fifty different state laws is both confusing and inconsistent with the authority conferred upon other Federal law enforcement officers. See *U.S.* v. *Swaroviski*, 557 F. 2d 40 (2d cir., 1977) and *U.S.* v. *Heliczer*, 373 F. 2d 241 (2d Cir., 1967), cert. den., 388 U.S. 917 (1967). The proposed amendment creating a new section 589 in the Tariff Act merely confers upon Customs law enforcement officers the same kind of authority that other Federal law enforcement officers have.

Customs officers are now engaged in Federal enforcement programs not heretofore within the sphere of Customs activity. Their limited arrest authority has proven to be clearly inadequate and potentially compromises and hinders the Customs Service's role in the efficient enforcement of such Federal programs. For example, customs officers in the cargo security program frequently observe violations of non-customs laws, such as thefts from interstate shipments (18 U.S.C. 659). Also, fugitive felons and persons in possession of stolen property have been encountered entering the United States by customs inspectors who have access to the National Crime Information Center. In both of these instances, Customs officers presently must call upon other law enforcement officers to make arrests. In remote border areas and late at night, these other law enforcement officers may be unavailable. In addition, Customs officers engaged in protecting Federal property and employees, like those who participated in the Federal air security program and the so-called "Cuban Freedom Flotilla" program, had to be sworn in as deputy United States Marshals to enable them to carry out their duties. This procedure has proven to be inefficient, cumbersome and inadequate.

The proposal would grant the additional arrest authority to officers of the customs as those officers are defined in section 401(i) of the Tariff Act of 1930, as amended (19 U.S.C. 1401). It would incorporate present authority contained in section 7607 of the Internal Revenue Code of 1954 for Customs officers to carry firearms, execute and serve search and arrest warrants, and serve subpoenas and would, in addition, authorize an officer of the Customs Service to make arrests without a warrant for any offense against the United States committed in the officer's presence, or outside the officer's presence if the office has reasonable grounds to believe that the person to be arrested has committed, or is committing, a felony.

An enactment of subsection (2) at this time would also make it clear that Customs officers may serve search and arrest warrants for any federal offense. This would eliminate the problem raised in *U.S.* v. *Harrington*, 520 F. Supp. 93 (E.D. Cal., 1981). That case questioned Customs authority to serve search warrants in joint DEA-Customs investigations away from the border.

The bill would also authorize customs officers to perform any other law enforcement duties that the Secretary of the Treasury designates. This provision would codify present practice and permit maximum utilization of Customs personnel in other Treasury activities, such as protective details and inspector general investigations.●

By Mr. CHILES (for himself and Mr. RANDOLPH):

S. 949. A bill to provide a program to increase the literacy of the American public in the fields of mathematics, science, and technology, and for other purposes; to the Committee on Labor and Human Resources.

MATHEMATICS, SCIENCE, AND HIGH TECHNOLOGY SKILLS ACT OF 1983

● Mr. CHILES. Mr. President, I am pleased to introduce the Mathematics, Science, and High Technology Skills Act of 1983, for myself and my distinguished colleague from West Virginia, Senator RANDOLPH.

It looks like having a math and science bill has become a requirement for membership in the U.S. Senate this year, when you consider the number of bills that have been offered. I seldom feel the urge to jump on the bandwagon and submit my own version of legislation to authorize education programs. However, I think the need for adequate Federal support for this critical priority is very great. And my work on the Budget and Appropriations Committees, as well as on the Governmental Affairs Committee where we consider intergovernmental relations and how to best support State and local efforts in areas like this, leads me to be very concerned about how we design a new initiative.

I would like to take a moment to explain why I believe the situation we are facing in math and science education and technology training merits a Federal priority. Then I will point to the issues of prime concern to me, and what I hope my bill will contribute to the deliberations of the authorizing committee and the Senate on the subject.

THE NEED FOR THE LEGISLATION

We can see some disturbing trends in math and science education and their impact on the supply of workers with highly technical skills in industry and business:

A decade ago, 25 to 30 percent of the college-bound high school seniors indicated they planned to prepare for careers as teachers. Currently, only about 5 percent of the same students are saying that teaching would be their chosen profession. Even more alarming is the fact that only 1.3 percent of high school seniors going to college plan to be math or science teachers.

Our Nation's schools and institutions of higher education are experiencing critical shortage of teachers in certain areas of math and science. The qualified teachers we have are abandoning the classroom for careers in private industry and Government, where the pay, the mobility, and intangible rewards like job satisfaction and prestige are greater.

Surveys of elementary school children show that most of them "don't like" science by third grade and are turned off by math by eighth grade. Furthermore, elementary children, particularly girls and minorities, say they "aren't good" at math and science. Yet few children are bored at the National Air and Space Museum. They find quality science programs on TV as exciting as "The Dukes of Hazzard" or "CHIPS." I am sure a number of my colleagues here have teenagers at home, as I do, who are teaching them how to use a home computer to balance the checkbook or are beating them nightly at video games. Somehow that natural aptitude and enthusiasm for math and science is getting stifled in the early grades. And we are paying the price in everything from national test scores, to how many math and science courses the kids take in high school, to the number of math and science teachers of engineers we educate.

The children growing up in countries like Japan and Germany and the Soviet Union—our economic competitors in world markets—are taking more than twice the math and science courses in high school, vocational school, and colleges than American young people are. Their school days and school year are longer, and the courses more rigorous. These differences are reflected in the relative numbers of engineers and technicians being trained for industry and defense in our country versus other industrialized nations.

Our economy is in a rapid transition from an industrial, to a technological and service-oriented basis. We read every day about college-educated young people in liberal arts and business who cannot get jobs. We see adult and older workers being dislocated from jobs and declining industries, without the skills to compete for new jobs in new industries. In the coming decades, as the baby boom generation ages, we are going to have to provide the training and the job opportunities women, minorities, and the disadvantaged are so anxiously seeking.

THE PURPOSE OF THE LEGISLATION

The bill I am introducing today does not reinvent the wheel when it comes to the things we should be doing to address these national concerns. Like the other fine bills on this subject that have been introduced in the Senate, and the legislation that has passed the House, it seeks to provide Federal support and encouragement to the vital activities the States, local education agencies, higher education institutions, and the private sector are undertaking to address our critical needs in math and science education.

My bill does offer two concepts that I hope the education committees and the Senate will give a good deal of thoughtful attention to: One idea is that we cannot just look at the symptoms of the problem we are facing in math, science, and technological training. We have to take a comprehensive approach that addresses the root causes of the problem and directs our solutions to each cause.

We cannot promote financial incentives alone for teachers of math and science to enter and stay in the classroom, we also must recognize that motivation of teachers is equally related to mobility, to those intangible factors like professionalism, to preservice and inservice training, to the curriculum he or she has to work with, and even back to the kind of math and science education he or she received in the early grades and the role models that were available.

It will not work to concentrate on math and science as simply academic subjects, without better incorporating these subjects into the total curriculum, teaching youngsters, and teachers about how the new technologies will affect their lives and work, and linking math and science skills with vocational training programs.

We cannot just focus on secondary and postsecondary math and science education. Interest and aptitude in these subjects is being lost in the early elementary grades. That requires better training of elementary teachers in math and science and a curriculum for young children that fits the learning process of the average student and the disadvantaged.

Just as there are interrelationships between teacher training, curriculum, and access for underrepresented groups to math and science education and careers within the educational system, there are close relationships between what we need to be doing in education and industry's need for skilled workers and professionals.

Matching our labor market needs with our need for more qualified teachers and a more adequate curriculum leads to some dynamic opportunities to address both needs at once. The same activities that allow teachers to work in or collaborate with industry, thus providing them financial and professional rewards and increased proficiency in their fields, can help industry fill their gaps in skilled professionals. Thus the impact of a project to link education and industry can be felt in teacher recruitment and retention, teacher qualifications, industry's need for workers, and an improved curriculum for the next generation of workers and teachers.

To reap the benefits of a Federal initiative that really promotes change and improvement, we have to take a comprehensive approach that examines how all the activities, all the national priorities, and all the current and proposed programs fit together to solve the problem. A farmer would not plant only half or one-fourth of his fields and hope that the wind blows or the birds carry the seed to the rest of the acreage. Likewise, we cannot afford to tackle the math, science, technical skills gap in a piecemeal or shortsighted fashion.

My bill offers a comprehensive framework that we can use to see what the national priorities are, what the potentially effective interventions are, and how Federal, and ultimately State and local, programs stack up to address them. As I said, I did not try to reinvent the wheel with my legislation. There are other comprehensive bills, and I do not claim that mine is all inclusive. Yet I hope the frame-

work will be valuable, to the authorizing committee and the Senate, in sorting out the priorities, and in matching the activities we support and the programs we enact, to where we are and where we should be going as a nation in math, science, and technological education.

The second concept I propose with the bill is that we need to adopt a mechanism for Federal support that truly supports what the States, local education agencies, higher education institutions, and private sector are doing in this area. We seem to alternate between extremes—the shotgun approach and the firehose approach.

The shotgun approach is when you load up with loads of money, take aim at the sky or the side of a barn, and hope that enough of the funds fall in the right place to be effective. That is what we do with block grants sometimes. In the well-intentioned effort to take all the strings, burdens, and paperwork out of Federal programs, we give the States a laundry list of what can be done with the money. All the things that can be done are great activities that bear some relation to the problem we are trying to address. But it does not require any prioritizing on the part of the grantee, or process for deciding which of those activities is more critical in terms of the State and local needs, or goals to be met through the use of Federal funds.

We have a good example of that in what is happening with the chapter II block grant under the Education Consolidation and Improvement Act. I supported that block grant because I thought States and local education agencies ought to be free to decide whether their greatest concern and need was arts and metric education, career education, emergency desegregation efforts, or something else. The States and locals ought to be able to plug the Federal funds into their needs and the gaps in training, service and equipment they define.

Yet we know very little about how these funds are being used. And what we do know tells us that the funds are not necessarily going to the neediest school districts, that the funds are being spent on things like computers, equipment, and audiovisual materials. It boils down to general aid to education. I am a firm supporter of Federal support for national priorities in education—access to quality education for the disadvantaged, the handicapped, minorities, and women; vocational training for current and future jobs; research, demonstration, and capacity-building; and now this math and science initiative. But I would not take the responsibility for basic education from the States and local education agencies. I cannot support general aid for education from the Federal Government.

Math and science are subjects that are being taught in every classroom and school in this country. We have the responsibility to make the quality that teaching and training a national priority before it becomes a national crisis, if it has not become one already. But we had better avoid taking over math and science or any other area in education at the Federal level. Whether we spend $50 million or $500 million or $5 billion on the effort, there will never be enough resources to do the job if it is defined as a Federal responsibility alone. Though it seems the least restrictive, general education aid opens the door for more Federal interference in the classroom and intrusion on State and local responsibilities than a narrowly defined categorical program. Let us avoid the shotgun approach, as it is wasteful of limited dollars and intrusive as general aid to education.

The firehose approach is another way we miss the mark in Federal aid to education priorities. You know if you put a very narrow nozzle on a firehose, you get a very directed, and very forceful, stream of water. It can be so forceful, that if you aim at someone whose clothing is on fire, you can knock him right off his feet. That is what happens when you take aim at a national priority and target the funds well, but do it with such force and direction that the States and education institutions are hamstrung in their efforts.

Each and every State is at a different place in math and science education. How the national priorities stack up—teacher recruitment and retention, teacher qualifications, curriculum, access for women and minorities, industry needs—are different in each State and region. So if the program we enact requires specific amounts to be spent on teacher training, so much on curriculum, so much on projects with industry, there is no way each State is going to be able to allocate the funds in the most efficient manner to its most critical needs or its most effective instructions.

The same things happens when you force each State to send an equal proportion of the funds, on a uniform formula basis, to each and every type of institution able to affect change in math and science education. Again, the money is spread too thinly to do the job. Again, you hamstring the States and its institutions in most effectively targeting the dollars to solutions.

All the educational institutions and agencies, governmental units, and private concerns should be fully involved in the process of defining State needs, priorities, and goals in math and science education. The State should have to show, in its plan for using the funds, that the plan reflects the needs and capacities of these institutions to participate. The States should have to justify the allocation of funds among the institutions according to their needs and capabilties. But we are mistaken if we think we in Washington can come up with the perfect mix of funds to recipients in the State that will reflect the States situation or the most effective way to spend the money.

What we can do is enact a process that will give the States the responsibility for defining and addressing their greatest needs, and the flexibility to use the most effective and efficient points of intervention. If the process is designed correctly, then we have a system of checks and balances among the needs and interests in the States that fits the diversity of the States. Let us avoid knocking the States and the entities within the States who are our front line in addressing the math and science issue off their feet, stifling their effort and capacity to solve the problem.

My bill offers a mechanism and a process for striking the balance between responsibility and flexibility. I do not claim the process is perfect in its current form. But I offer my bill as a forum of discussion, and I look forward to working with my colleagues on the authorizing committee and in the Senate, as well as the many groups that are interested in this initiative, toward perfecting the process.

Before I submit the bill itself for the record, I would like to share a quote from H. G. Wells I have been using quite a bit lately: "History is the race between education and catastrophe." The relevance of that quote to our current deliberations on math and science education is twofold:

First, we should treat something like math and science education, and technological training, as national priorities before we face a national crisis. We should never have abandoned the post-Sputnik emphasis on supporting improvement and innovation in math and science education. We are paying the price for our short-sightedness. And if we do not act quickly and effectively to support what the States, education institutions, and the private sector are trying to do, we are going to pay a much higher price.

A second message in what H. G. Wells had to say is that the need for haste does not call for careless or ineffectual action, just to be "doing something." We are talking about a brand-new, full-scale Federal initiative here, not simply a little demonstration program. It offers us the opportunity to learn from both the successes and the failures of our current and past Federal education programs and to follow the patterns of success.

We are in a different time than when we passed the National Defense Education Act, the Vocational Educa-

tion Act of 1963, or title I for the disadvantaged, or the Education for All Handicapped Act, and this math and science initiative is different from those programs: Math and science education is going on in every school in the country; our task is to support improvements and innovations. We are not only trying to bridge the gap one or more underserved groups are facing in math and science education and careers, but to improve the quality of education for the average student as well. Thus we should explore new mechanisms that reflect these differences and our past experiences.

In some of even our successful education programs, the American people have questioned whether we are "throwing money at problems" or involving the Federal Government in something that can and should be left to the States and education institutions or the private sector. In addition, we are facing deficits in the hundreds of billions, a situation we did not face in the 1960's or the 1970's.

Those of us who believe, as I do, and I am sure you do, that this is a critical national priority, and that addressing it effectively is cost-beneficial in the short run and the long run, must take the responsibility for seeing that our effort is effective, efficient, and appropriate to the Federal role in education. We will be held accountable, as we should be, for the impact the program has at the State and local level. My concern over the years with paperwork reduction, regulatory reform, and flexible grant mechanisms prompts me to offer what I hope are positive and productive suggestions for avoiding a rigid, burdensome Federal program. My work on the funding committees leads me to be concerned that we realize the full potential in cost-benefit from a program like this, through targeting the funds to the problem and phasing up gradually to the maximum spending level.

The math and science initiative, and the great interest that has been generated in it in the educational community, the States, and here in Congress, is a positive sign that we can work together to design a program that averts a catastrophe. I am confident that education is going to win the race once again.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 949

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Mathematics, Science and High Technology Skill Act of 1983".

TABLE OF CONTENTS

Sec. 1. Short title.
Sec. 2. Statement of policy and purpose.
Sec. 3. Definitions.

TITLE I—GRANTS TO STATES FOR THE IMPROVEMENT OF INSTRUCTION IN MATHEMATICS, SCIENCE, AND TECHNOLOGY

Sec. 101. Authorization of appropriations.

PART A—BASIC GRANTS FOR THE IMPROVEMENT OF INSTRUCTION IN MATHEMATICS, SCIENCE, AND TECHNOLOGY

Sec. 111. Program authorized; eligibility.
Sec. 112. Allotment to States.
Sec. 113. Assessment of education in mathematics, science, and technology.
Sec. 114. Preparation of State plan.
Sec. 115. State plan.
Sec. 116. Uses of funds.
Sec. 117. Payment; Federal share.
Sec. 118. Within State payments.
Sec. 119. Withholding.

PART B—INCENTIVE GRANTS FOR THE IMPROVEMENT OF INSTRUCTION IN MATHEMATICS, SCIENCE, AND TECHNOLOGY

Sec. 131. Program authorized.
Sec. 132. Uses of funds.
Sec. 133. Application.
Sec. 134. Within State payments.

TITLE II—INCENTIVE GRANTS TO LOCAL EDUCATIONAL AGENCIES FOR THE IMPROVEMENT OF INSTRUCTION IN MATHEMATICS, SCIENCE, AND TECHNOLOGY

Sec. 201. Authorization of appropriations.
Sec. 202. Program authorized.
Sec. 203. Uses of funds.
Sec. 204. Application.

TITLE III—GRANTS TO INSTITUTIONS OF HIGHER EDUCATION FOR THE IMPROVEMENT OF THE QUALITY OF INSTRUCTION IN MATHEMATICS, SCIENCE, AND TECHNOLOGY

Sec. 301. Authorization of appropriations.
Sec. 302. Program authorized.
Sec. 303. Uses of funds.
Sec. 304. Application.

TITLE IV—RESEARCH ACTIVITIES RELATING TO THE IMPROVEMENT IN THE QUALITY OF INSTRUCTION IN THE FIELDS OF MATHEMATICS, SCIENCE, AND TECHNOLOGY

Sec. 401. Authorization of appropriations.
Sec. 402. Research program established.

TITLE V—VOCATIONAL AND ADULT EDUCATION PROGRAMS IN THE FIELDS OF MATHEMATICS, SCIENCE, AND TECHNOLOGY

Sec. 501. Amendment to the Vocational Education Act of 1963.
Sec. 502. Amendment to the Adult Education Act.

STATEMENT OF POLICY AND PURPOSE

SEC. 2. In order to—

(1) increase the literacy of the American public in the fields of mathematics, science, and technology;

(2) strengthen mathematics, science, and technological education and improve the quality of mathematics and science education at the elementary, secondary, and postsecondary levels;

(3) increase the supply of highly skilled technicians in the workforce; and

(4) provide access to adequate mathematics, science, and technological training and careers for women, minorities, and other underrepresented groups in these fields;

it is the purpose of this Act—

(A) to alleviate the critical shortage of qualified teachers of mathematics, science, and technology;

(B) to upgrade the skill and proficiency of teachers of mathematics and science at the secondary and postsecondary level, as well as improve the mathematics, science and technological competency of elementary teachers and secondary school teachers of academic and vocational subjects other than mathematics and science;

(C) to improve the mathematics and science curriculum for the average student and underserved groups, such as women and minorities, and to provide all students a better understanding of the impact of science and technology on their lives and work;

(D) to improve vocational and technical training designed to provide adequate numbers of workers with high degree of technological skills and provide access to training in these skills for displaced workers, and new and underserved entrants to the job market, such as women, the disadvantaged, and minorities; and

(E) to improve the overall quality of education through the integration of mathematics and science in the curriculum, and increased emphasis on the impact of science and technology on work and society.

DEFINITIONS

SEC. 3. As used in this Act—

(1) the term "Director" means the Director of the National Institute of Education;

(2) the term "elementary school" has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act of 1965;

(3) the term "equipment" has the same meaning given that term by section 198(a)(8) of the Elementary and Secondary Education Act of 1965;

(4) the term "Foundation" means the National Science Foundation;

(5) the term "Governor" means the chief executive of any State;

(6) the term "Institute" means the National Institute of Education in the Department of Education;

(7) the term "institution of higher education" has the same meaning given that term under section 1201(a) of the Higher Education Act of 1965;

(8) the term "local educational agency" has the same meaning given that term under section 198(a)(10) of the Elementary and Secondary Education Act of 1965;

(9) the term "secondary school" has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act of 1965;

(10) the term "Secretary" means the Secretary of Education;

(11) the term "State" means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico, Guam, American Somoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands;

(12) the term "State educational agency" has the meaning given that term under section 198(a)(17) of the Elementary and Secondary Education Act of 1965; and

(13) the term "underrepresented group" with respect to individuals means individuals of limited English-speaking proficiency, individuals who are educationally or economically disadvantaged, and individuals who are handicapped to the extent such individuals are determined to represent a smaller proportion of individuals participating in mathematics, science, and technologi-

cal education and careers than their proportion in the general population.

TITLE I—GRANTS TO STATES FOR THE IMPROVEMENT OF INSTRUCTION IN MATHEMATICS, SCIENCE, AND TECHNOLOGY

AUTHORIZATION OF APPROPRIATIONS

SEC. 101. (a) There are authorized to be appropriated to carry out part A of this title, relating to basic grants for the improvement of instruction in mathematics, science, and technological literacy, such sums necessary for the fiscal year 1984, and for each of the succeeding fiscal years ending prior to October 1, 1988.

(b) There are authorized to be appropriated to carry out part B of this title, relating to incentive grants for the improvement of instruction in mathematics, science, and technological literacy, such sums necessary for the fiscal year 1984, and for each of the succeeding fiscal years ending prior to October 1, 1988.

PART A—BASIC GRANTS FOR THE IMPROVEMENT OF INSTRUCTION IN MATHEMATICS, SCIENCE, AND TECHNOLOGY

PROGRAM AUTHORIZED; ELIGIBILITY

SEC. 111. (a) The Secretary shall, in accordance with the provisions of this part, make payments to States to pay the Federal share of the costs of activities described in the State plan approved under section 115.

(b) No basic grant may be made under this part unless the State—

(1) has prepared and submitted an assessment of the status of education in mathematics, science, and technology which meets the requirements of section 113; and

(2) has prepared and submitted a State plan in accordance with sections 114 and 115.

ALLOTMENT TO STATES

Sec. 112. (a)(1) From the sums appropriated to carry out this title in any fiscal year, the Secretary shall reserve—

(A) not to exceed 1 percent for the payments to Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands; and

(B) 0.5 percent for payments for children enrolled in Indian schools to be allotted in accordance with their respective needs.

(2) From the remainder of the amount appropriated for this part, the Secretary shall allot to each State—

(A) an amount which bears the same ratio to one-half of such remainder as the school age population of the State bears to the school age population of all States; plus

(B) an amount which bears the same ratio to one-half of such remainder as the number of children in the local educational agencies of the States counted under section 111(c) of the Elementary and Secondary Education Act of 1965 for the year prior to the year for which the determination is made, bears to the total number of such children in all States.

(b) For the purpose of this section—

(1) the term "school age population" means the population aged 5 through 17; and

(2) the term "States" includes the fifty States, the District of Columbia, and the Commonwealth of Puerto Rico.

ASSESSMENT OF EDUCATION IN MATHEMATICS, SCIENCE, AND TECHNOLOGY

SEC. 113. (a) Each State which desires to receive a basic grant under this part shall prepare and submit with the State plan required under section 115 an assessment of education in mathematics, science, and technology in accordance with subsections (b) and (c).

(b) Each such assessment shall include—

(1) the status of the availability of mathematics and science teachers at the secondary and postsecondary education levels within the State by location and field;

(2) the status of the qualifications of teachers in mathematics and science at the elementary, secondary, and postsecondary education levels, both specialists in these subjects and nonspecialists, by location and field;

(3) the adequacy of the curriculum in the fields of mathematics, science, and technology, and equipment and materials designed for use in the fields of mathematics, science, and technology;

(4) the availability of workers with mathematics, science, and technological skills needed by private industry in the State and region, and the capacity of the educational system within the State to meet the demands for such workers;

(5) the degree of access to quality instruction in the fields of mathematics, science, and technology and to careers in such fields by women, minorities, and other underrepresented groups of individuals; and

(6) the quality of education in the fields of mathematics, science, and technology within the State as evidenced by test scores, national standings, and job placements.

(c) Each such assessment shall describe the unmet needs identified in each area of subsection (b); the on-going or existing programs, initiatives, and resource commitments by the State in each of the following areas of educational activity to address such unmet needs; and objectives for addressing the remaining need in the following areas of educational activity:

(1) Teacher recruitment and retention including—

(A) financial incentives for current and prospective teachers to enter and remain in the field of teaching mathematics and science;

(B) efforts to upgrade the professional and personal incentives for current and prospective mathematics and science teachers to enter and remain in the field;

(C) coordination between the secondary schools and postsecondary educational institutions, and between private industry and the educational system to identify and motivate potential teachers of mathematics and science and retain teachers who are teaching mathematics and science; and

(D) use of retired professionals and employees in private industry to fill critical shortages of teachers in the fields of mathematics, science and technology.

(2) Improving teacher qualifications and skills including—

(A) efforts to upgrade the skills of teachers of mathematics and science in secondary schools and postsecondary educational institutions;

(B) efforts to upgrade the mathematics and science skills of elementary school teachers and secondary school teachers of academic and vocational subjects other than mathematics and science;

(C) efforts to increase the understanding of all current and prospective teachers of the impact of science and technology on society and work; and

(D) coordination between the elementary and secondary and postsecondary educational levels to upgrade the qualifications of teachers in mathematics and science, and between the educational system of the State and private industry to increase teacher competency in mathematics and science.

(3) Curriculum improvement including—

(A) efforts to interest students in elementary schools, secondary schools, and postsecondary educational institutions in mathematics, science, and technology through a more adequate and relevant curriculum;

(B) increasing the understanding of students of the impact of science and technology on their lives and work;

(C) improving student performance in mathematics and science through a more adequate and relevant curriculum, particularly for the average to below-average student;

(D) developing more rigorous skill and course requirements in the mathematics and science curriculum;

(E) improving the integration of mathematics, science, and technology training with the total curriculum of such schools; and

(F) fostering collaboration of curriculum specialists, mathematicians, scientists, and representatives of private industry, as well as teachers in curriculum improvement.

(4) Meeting the skill needs of private industry within the State including continuing linkages between the elementary and secondary schools, postsecondary educational institutions, and private industry to increase (A) the adequacy of mathematics, science, and technology training in light of industry needs, and (B) the supply and qualifications of current and future workers.

(5) Access for women, minorities, and other underrepresented groups of individuals in careers in mathematics, science, and technology, including—

(A) teaching skills designed for teaching handicapped students, students who are economically or educationally disadvantaged, and students with limited-English proficiency;

(B) identification of underrepresented groups of individuals and efforts to motivate and prepare them for careers in the fields of mathematics, science, and technology; and

(C) efforts to overcome financial and educational barriers facing such underrepresented groups of individuals.

(6) Improvement in the quality of mathematics, science, and technology education including—

(A) statewide elementary and secondary school improvement efforts;

(B) improving the secondary schools of local educational agencies to ease the school-to-work transition in technical fields and entry into postsecondary educational institutions for technological training;

(C) linkages between elementary and secondary education, postsecondary education including vocational and technical schools and community colleges, and private industry; and

(D) efforts to raise course requirements and the skills of students in the fields of mathematics, science, and technology.

PREPARATION OF STATE PLAN

SEC. 114. (a) Each State desiring to participate in the basic grant program under this part shall prepare a plan for the five-year period following the submission of the plan and shall submit the plan in accordance with the provisions of section 115. Each State plan shall be developed in consultation with the Governor, the State legislature, local educational agencies within the State, and representatives of—

(1) vocational secondary schools and postsecondary vocational institutions,

(2) institutions of higher education and other postsecondary educational institutions,

(3) teachers and teacher training programs,

(4) private industry, and

(5) the general public,

within the State.

(b) Any State which, prior to the preparation of the State plan required by this part, has developed an educational plan addressing the needs, initiatives, programs, and resources in the fields of mathematics, science, and technology in the State may use the State plan so developed as a basis for the State plan required by this section and section 115, to the extent the prior State plan meets the requirements of this section and section 115.

STATE PLAN

SEC. 115. (a) No funds appropriated for any fiscal year to carry out the provision of this part may be paid to any State unless the State submits a State plan for a five-year period which is prepared in accordance with section 114 and which meets the requirements of this section and other provisions of this part. Each such plan shall—

(1) designate the State educational agency and such other State agencies as the Governor may select to administer the State plan, either directly or through appropriate arrangements with State and local public agencies;

(2) describe the educational activities for which assistance is sought together with—

(A) a description of what goals, consistent with the assessment required by section 113, are to be achieved within the State with the Federal funds, in addition to the commitments made in each of the categories described in the assessment required by section 113;

(B) a precise description of the activities, by category, as authorized under section 116; and

(C) a description of the manner in which the activities for which assistance is sought will carry out the objectives described in such assessment and in subclause (A) of this clause;

(3) provide assurances that the State will continue to carry out the educational activities described in the assessment under section 113(c) until the objectives described under section 113 are met;

(4) provide assurances that the State will use the basic grants made under this part—

(A) to supplement the level of funds that would in the absence of such funds be made available from non-Federal sources for the purposes of the program for which assistance is sought; and

(B) in no way to supplant such funds from such non-Federal sources;

(5) provide a description of the arrangements to be made with recipients of payments described in section 118, including public agencies, nonprofit private organizations, educational agencies and institutions, business concerns, and private associations, together with a justification of the capacity of the recipients to contribute, as required by section 118, to the achievement of the goals stated in the assessment under section 113 and the provisions of the State plan; and

(6) provide a description of the evaluation procedures described in subsection (c) for determining the effectiveness of the assistance sought in carrying out the objectives described in the assessment required by section 113 and the goals described in subsection (a)(2)(A) of this section.

(b) The assessment of needs, initiatives, programs, and resources committed to such needs; and objectives for addressing remaining needs required by section 113 shall be submitted with the State plan.

(c) The Secretary shall establish procedures, allowing maximum discretion by the States, for determining the effectiveness of the assistance sought in carrying out the objectives described in the assessment required by section 113 and the goals described in subsection (a)(2)(A) of this section.

(d) The Secretary shall approve any State plan, and any modifications thereof, which meets the requirements of subsection (a) of this section, section 114, and the other provisions of this title, and shall not disapprove any plan without first affording the State notice, opportunity for a hearing, and technical assistance to correct deficiencies in the plan.

USES OF FUNDS

SEC. 116. (a) Grants made under this part may be used, pursuant to the State plan approved under section 115, for—

(1) teacher recruitment and retention including—

(A) special loans or scholarships for individuals who agree to teach in the field of mathematics, science, or technology, pursuant to regulations established by the Secretary.

(B) compensation to or training of individuals who agree to serve as technical assistants on a districtwide, schoolwide, or departmental basis in elementary schools, secondary schools, or postsecondary education institutions to strengthen teacher competence or the curriculum in mathematics, science, and technology;

(C) stipends or tuition fees for teachers in elementary schools, secondary schools, or postsecondary educational institutions in the State who participate in—

(i) workshops,

(ii) summer institutes,

(iii) continuing education courses, or

(iv) programs with private industry.

designed to improve their skills or proficiency in teaching in mathematics, science, or technology;

(D) programs of special recognition, including financial awards (subject to subsection (b)), for outstanding teachers and students in mathematics and science;

(E) programs of collaboration among elementary and secondary schools, institutions of higher education and other postsecondary educational institutions, and private industry to increase the availability of and retention of teachers through sabbaticals, summer and holiday work for teachers, part-time teaching or technical assistance by employees of private business concerns or employees of institutions of higher education; and

(F) programs of early identification and motivation of students with potential to become mathematics and science teachers through guidance and counseling, career education, and participation in special projects between secondary schools, postsecondary educational institutions, and private industry:

(2) improving teacher qualifications and skills including—

(A) workshops, summer institutes, continuing education courses designed to (1) increase the proficiency of both mathematics and science teachers in secondary schools and postsecondary educational institutions, and (ii) to improve the skills of teachers in elementary and secondary schools and postsecondary educational institutions of subjects other than mathematics and science in the relationship between mathematics and science and the relevant area of instruction;

(B) programs in elementary and secondary schools and postsecondary educational institutions to increase the understanding of teachers of the impact of science and technology on society and work;

(C) programs of collaboration among elementary and secondary schools, institutions of higher education and other postsecondary educational institutions and private industry to increase the proficiency of mathematics and science teachers through sabbaticals, summer and holiday work for teachers, part-time technical assistance by employees of private industry or employees of higher education institutions; and

(D) use of districtwide, schoolwide, or departmental specialists to provide technical assistance to elementary and secondary schools and postsecondary educational institutions to achieve the purposes described in subclauses (A) and (B) of this clause;

(3) curriculum improvement including—

(A) workshops, summer institutes, projects with institutions of higher education and private industry to improve the curriculum in mathematics, science, and technology designed to—

(i) integrate mathematics and science with the total curriculum,

(ii) make the curriculum more accessible for the average to below-average student and underserved groups,

(iii) increase understanding of the impact of science and technology on life and work, or

(iv) increase student interest, motivation, and skills in mathematics, science, and technology;

(B) use of districtwide, schoolwide, or departmental specialties to achieve the purposes described in subclause (A) of this clause; and

(C) fostering collaboration among curriculum specialists, teachers, and academicians in mathematics and science, and representatives of the private sector to improve curriculum through linkages among elementary and secondary schools, postsecondary institutions, and institutions of higher education, and private industry;

(4) meeting the skill needs of private industry in the State or region including programs of collaboration among elementary and secondary schools, institutions of higher education and other postsecondary institutions, vocational education schools, and private industry to ease the school-to-work transition and relate mathematics, science, and technology training to jobs in the private sector;

(5) activities designed to improve access for women and minorities and other underrepresented groups to a more adequate education and training in the fields of mathematics, science, and technology; to private industry in careers requiring aptitude or training in such fields; and especially to careers in teaching in such fields (including special attention to teacher recruitment and retention);

(6) Improvement in the quality of mathematics, science, and technical education in the State including—

(A) statewide or local school improvement projects, including, but not limited to, model schools, academic and technical specialization schools, adopt-a-school demonstrations with private industry, laboratory schools by institutions of higher education and the departments of such institutions specializing

in mathematics and science and teacher training;

(B) projects of collaboration between secondary schools, postsecondary educational institutions, and private industry to ease the school-to-work transition; and

(C) programs to raise course requirements and the skills of students in mathematics and science.

(b) No payment may be made under this part for differential compensation for teachers to teach mathematics, science, or other subjects in the field of technology or for the payment of regular compensation for teachers to teach mathematics, science, or other subjects in the field of technology.

PAYMENT; FEDERAL SHARE

SEC. 117. (a) From the amount allotted to each State pursuant to section 112, the Secretary shall, in accordance with the provisions of this part, pay to the State an amount equal to the Federal share of the cost of the program to be assisted under the State plan approved under section 115.

(b) The Federal share with respect to activities described in the State plan shall be—

(1) 60 percent of the amount available for carrying out activities described in the State plan which are authorized under section 116(a)(1);

(2) 60 percent of the amount available for carrying out activities described in the State plan which are authorized under section 116(a)(2);

(3) 60 percent of the amount available for carrying out activities described in the State plan which are authorized under section 116(a)(3);

(4) 0 percent of the amount available for carrying out activities described in the State plan which are authorized under section 116(a)(4);

(5) 80 percent of the amount available for carrying out activities described in the State plan which are authorized under section 116(a)(5); and

(6) 80 percent of the amount available for carrying out activities described in the State plan which are authorized under section 116(a)(6).

WITHIN STATE PAYMENTS

SEC. 118. No payment from any allotment of a State may be made under a State plan unless the appropriate agency designated under clause (1) of section 115(a) determines that the recipient of the payment is—

(1) a local educational agency within the State;

(2) an institution of higher education in the State, including a community college;

(3) a vocational or technical school or center;

(4) any other private educational institution;

(5) a nonprofit private organization;

(6) a business concern; or

(7) a private association,

which is capable of furnishing the services or activities for which the payment is made and of achieving the goals assigned to the recipient of the payment pursuant to the assessment made under section 113 and the State plan submitted under section 115.

WITHHOLDING

SEC. 119. Whenever the Secretary, after reasonable notice to any State and opportunity for hearing within the State, finds that there has been a failure to comply substantially with any provision set forth under sections 113 and 115, the Secretary shall notify the State that further payments will not be made under this title until the Secretary is satisfied that there is no longer any such failure to comply. Subject to the last sentence of this section, until the Secretary is so satisfied, no further payments shall be made under this title. The Secretary may authorize the continuance of payments with respect to any projects assisted under this Act which are being carried out by a State and which are not involved in noncompliance.

PART B—INCENTIVE GRANTS FOR THE IMPROVEMENT OF INSTRUCTION IN MATHEMATICS, SCIENCE, AND TECHNOLOGY

PROGRAM AUTHORIZED

SEC. 131. From the amounts appropriated pursuant to section 101(b) for each fiscal year, the Secretary is authorized to make incentive grants to States for the improvement of the quality of education in the fields of mathematics, science, and technology within the State in accordance with the provisions of this part.

USES OF FUNDS

SEC. 132. Grants made under this part may be used for—

(1) demonstration projects and innovative programs designed to improve the recruitment and retention of secondary school teachers of mathematics, science, and of teaching personnel in institutions of higher education in the fields of mathematics, science, and technology;

(2) programs which are developed with other States to improve the portability of retirement benefits and to advance the application of uniform certification standards for secondary school teachers of mathematics and science;

(3) cooperative agreements with business concerns under which—

(A) the personnel of the business concerns are used to increase the available number of secondary school teachers in the fields of mathematics and science; and

(B) the personnel of business concerns are used to improve the curriculum and the quality of education in the fields of mathematics, science, and technology in the secondary schools of the State;

(4) cooperative agreements with institutions of higher education for the advancement of the quality of education in the fields of mathematics, science, and technology;

(5) demonstration projects to improve the curriculum relating to the effect of science and technology on society and work in elementary schools, secondary schools, institutions of higher education, and other postsecondary educational institutions within the State;

(6) projects designed to raise the requirements for the courses of study in the fields of mathematics and science and the skills of the students taking the courses of study in the elementary schools, secondary schools, institutions of higher education, and other postsecondary educational institutions within the State;

(7) projects designed to raise the standards for the certification of elementary and secondary school teachers in the fields of mathematics and science;

(8) demonstration projects designed to integrate training in mathematics, science, and technology into the curriculum of elementary schools, secondary schools, institutions of higher education, and other postsecondary educational institutions within the State;

(9) experimental projects establishing model schools to increase the quality of public education; and

(10) demonstration projects designed to improve the access for women, minorities, and underrepresented groups who can successfully compete in the fields of mathematics, science, and technology.

APPLICATION

SEC. 133. (a) Each such application shall—

(1) designate the State educational agency to administer the incentive grant program authorized by this part, either directly or through appropriate arrangements with State and local public agencies;

(2) describe the educational activities for which assistance is sought, including—

(A) a description of the relationship between the incentive grant program and the assessment submitted by the State required by section 113 and the activities for which assistance is sought under the State plan approved under section 115; and

(B) the manner in which the State will use the assistance to serve the goals described in the State plan approved under section 115; and

(3) provide a description of the arrangements to be made with the recipients of payments described in section 134.

WITHIN STATE PAYMENTS

SEC. 134. No payment from any incentive grant made to a State under this part may be made unless the State agency determines that the recipient of the payment is—

(1) a local educational agency within the State;

(2) an institution of higher education in the State, including a community college;

(3) a vocational or technical school or center;

(4) any other private educational institution;

(5) a nonprofit private organization;

(6) a business concern; or

(7) a private association,

which is capable of furnishing the services or activities for which the payment is made.

TITLE II—INCENTIVE GRANTS TO LOCAL EDUCATIONAL AGENCIES FOR THE IMPROVEMENT OF INSTRUCTION IN MATHEMATICS, SCIENCE, AND TECHNOLOGY

AUTHORIZATION OF APPROPRIATION

SEC. 201. There are authorized to be appropriated to carry out this title, to authorize incentive grants to local educational agencies for the improvement of mathematics, science, and technical literacy, such sums necessary for the fiscal year 1984 and for each of the succeeding fiscal years ending prior to October 1, 1988.

PROGRAM AUTHORIZED

SEC. 202. From the amounts appropriated pursuant to section 201, the Secretary is authorized to make incentive grants to local educational agencies for the improvement of the quality of education in the fields of mathematics, science, and technology within the State in accordance with the provisions of this title.

USES OF FUNDS

SEC. 203. Grants made under this title may be used for—

(1) demonstration projects and innovative programs designed to improve the recruitment and retention of secondary school teachers of mathematics and science;

(2) cooperative agreements with business concerns under which—

(A) the personnel of the business concerns are used to increase the available number of secondary school teachers in the fields of mathematics and science; and

(B) the personnel of business concerns are used to improve the curriculum and the quality of education in the fields of mathematics, science, and technology in the secondary schools of the State; cooperative agreements with institutions of higher education for the advancement of the quality of education in the fields of mathematics, science, and technology;

(3) cooperative agreements with institutions of higher education for the advancement of the quality of education in the fields of mathematics, science, and technology;

(4) demonstration projects to improve the curriculum relating to the effect of science and technology on society and work in elementary schools, secondary schools of the local educational agency.

(5) projects designed to raise the requirements for the courses of study in the fields of mathematics and science and the skills of the students taking the courses of study in the elementary schools and secondary schools of the local educational agency;

(6) demonstration projects designed to integrate training in mathematics, science, and technology into the curriculum of elementary schools, secondary schools of the local educational agency;

(7) experimental projects establishing model schools to increase the quality of mathematics, science, and technology education; and

(8) demonstration projects designed to improve the access for women, minorities, and underrepresented groups who can successfully compete in the fields of mathematics, science, and technology.

APPLICATION

SEC. 204. (a) Each such application shall—

(1) describe the educational activities for which assistance is sought, together with—

(A) a description of the relationship between the activities assisted under this part and the portions of the State plan approved under part A of title I conducted by the local educational agency; and

(B) the manner in which the local educational agency will use the assistance sought to serve the goals described in the State plan approved under section 115;

(2) provide such other assurances as the Secretary may require to carry out this title.

(b) In approving applications under this section, the Secretary shall consider—

(1) the shortage of teachers of mathematics and science in the elementary and secondary schools of such agency;

(2) the relative scores of students in elementary and secondary schools of each such agency in the subjects of mathematics and science;

(3) the relative number and proportion of children who are counted for the purposes of chapter I of the Elementary and Secondary Education Act of 1965 of each such agency;

(4) the degree of economic distress in the areas served by the local educational agency; and

(5) the potential effectiveness of the projects in improving instruction in mathematics, science, and technology.

TITLE III—GRANTS TO INSTITUTIONS OF HIGHER EDUCATION FOR THE IMPROVEMENT OF THE QUALITY OF INSTRUCTION IN MATHEMATICS, SCIENCE, AND TECHNOLOGY

AUTHORIZATION OF APPROPRIATIONS

SEC. 301. There are authorized to be appropriated to carry out the provisions of this title, relating to grants to institutions of higher education for the improvement of the quality of instruction in mathematics and science, such sums necessary for the fiscal year 1984 and for each of the succeeding fiscal years ending prior to October 1, 1988.

PROGRAM AUTHORIZED

SEC. 302. From the amounts appropriated pursuant to section 301 in each fiscal year, the Secretary is authorized to make grants to institutions of higher education in accordance with the provisions of this title.

USES OF FUNDS

SEC. 303. Grants under this title may be used for—

(1) demonstration projects designed to develop innovative recruitment and retention techniques for elementary school teachers and secondary school teachers in the fields of mathematics and science;

(2) arrangements under which the institution will collaborate with other institutions of higher education—

(A) to increase the number of elementary and secondary school teachers in the fields of mathematics, science, and technology;

(B) to improve the qualifications of such teachers;

(C) to improve the curriculum in the fields of mathematics, science, and technology; and

(D) to improve the materials and equipment designed for use in the fields of mathematics, science, and technology;

(3) projects for the development of linkages within the various departments of the institution of higher education relating to the fields of mathematics, science, and technology, including any college or department of education located within the institution;

(4) demonstration projects under which the institution will use the technical expertise of private industry to improve the materials, equipment, and facilities designed for use in the fields of mathematics, science, and technology;

(5) the improvement of the curriculum of the institution relating to science and technology in society and work;

(6) the improvement of the training available in the fields of mathematics, science, and technology to elementary and secondary school teachers who do not specialize in the teaching of mathematics and science;

(7) training programs for special consultants who would serve as technical assistants to increase the competence of teachers and to improve the curriculum in the fields of mathematics and science;

(8) the development of linkages with elementary and secondary schools in the community served by the institution for early identification of potential teachers in the fields of mathematics and science, together with in-service and preservice training for such teachers; and

(9) the operation of laboratory schools or academic high schools in cooperation with appropriate local educational agencies in the community in which the institution of higher education is located to enhance instruction in the fields of mathematics, science, and technology.

APPLICATION

SEC. 304. (a) No grant under this title may be made unless the institution of higher education submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require. Each such application shall—

(1) describe the activities for which assistance is sought;

(2) describe the manner in which the institution will use the assistance sought to enhance the goals described in the appropriate State plan approved under section 115 of this Act; and

(3) contain such other assurances as the Secretary may reasonably require.

TITLE IV—RESEARCH ACTIVITIES RELATING TO THE IMPROVEMENT IN THE QUALITY OF INSTRUCTION IN THE FIELDS OF MATHEMATICS, SCIENCE, AND TECHNOLOGY

AUTHORIZATION OF APPROPRIATIONS

SEC. 401. There are authorized to be appropriated such sums necessary for the fiscal year 1984 and for each of the succeeding fiscal years ending prior to October 1, 1988, to carry out the provisions of section 405 (1) of the General Education and Provisions Act, relating to grants to institutions of higher education for the improvement of the quality of instruction in mathematics, science, and technology.

RESEARCH PROGRAM ESTABLISHED

SEC. 402. Section 405 of the General Education Provisions Act is amended by adding at the end thereof the following new subsection:

"(l)(1) From funds appropriated pursuant to section 401 of the Mathematics, Science and High Technology Skill Act of 1983, the Director is authorized, through the Institute, to conduct educational research designed to—

"(A) develop curriculum in the fields of mathematics and science to meet the training needs of average students, minority students, students of limited English-speaking proficiency, women students, students who are economically or educationally disadvantaged; and

"(B) examine the learning process and improve teaching methods in the fields of mathematics, science, and technology together with the motivation of teachers to enter the field of teaching mathematics, science, or technology.

"(2) No educational research may be undertaken pursuant to paragraph (1) of this subsection unless the Director establishes criteria for the conduct of such research and submits the criteria for the approval of the National Science Foundation.

"(3) To the extent practical, the Director is authorized to use laboratories and centers which receive financial assistance under subsection (f) of this section to carry out the provisions of paragraph (1) of this subsection.

"(4) The Director, through the Institute, shall monitor the status of education in the fields of mathematics, science, and technology, and evaluate the effectiveness of activities and services furnished with assistance under the Mathematics, Science and High Technology Skill Act of 1983.".

TITLE V—VOCATIONAL AND ADULT EDUCATION PROGRAMS IN THE FIELDS OF MATHEMATICS, SCIENCE, AND TECHNOLOGY

AMENDMENT TO THE VOCATIONAL EDUCATION ACT OF 1963

SEC. 501. Part B of the Vocational Education Act of 1963 is amended by redesignating subpart 3 and subpart 4 as subparts 4 and 5, respectively, and by inserting after subpart 2 the following new subpart:

"Subpart 3—Vocational Training for Technological Skill Development

"STATEMENT OF PURPOSE

"SEC. 175. It is the purpose of this subpart to provide assistance for vocational instruction to improve the technological skills of men and women who are preparing for technical positions in industry for which advanced academic degrees are not required.

"AUTHORIZATIONS OF APPROPRIATIONS

"SEC. 176. There are authorized to be appropriated such sums as necessary for the fiscal year 1984 and for each of the succeeding fiscal years ending prior to October 1, 1988, to carry out the provisions of this subpart.

"AUTHORIZATION OF GRANTS

"SEC. 177. (a) From the sums made available pursuant to section 175 for each fiscal year, the Secretary is authorized to make grants to and enter into contracts with appropriate State agencies, local educational agencies, postsecondary eductional institutions, private nonprofit vocational training institutions, and to other nonprofit organizations especially created for the purpose of this subpart, for the purpose of furnishing training in new and emerging occupations requiring a high degree of technological skills, and to enter into contracts with private for-profit organizations, to assist them in conducting such training.

"(b) The Secretary shall pay to each applicant which has an application approved under section 179 an amount equal to the total sums expended by the applicant for the purposes described in section 178 and set forth in that application.

"USES OF FUNDS

"SEC. 178. Grants and contracts under section 177 may be used in accordance with applications approved under section 179, for—

"(1) training programs designed to prepare individuals who have completed or left secondary school or who have left postsecondary eductional institutions for employment opportunities requiring a high degree of technological skills;

"(2) retraining programs for workers whose skills have become outmoded or whose jobs have been eliminated for employment opportunities requiring technological skills; and

"(3) training programs designed to improve the access of women students, minority students, students with limited English-speaking proficiency, and students who are economically or educationally disadvantaged to such employment opportunities.

"APPLICATIONS

"SEC. 179. (a) A grant or contract for assistance under this subpart may be made only upon an application made to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary deems necessary. Each such application shall—

"(1) provide that the activities and services for which assistance is sought will be administered by or under the supervision of the applicant;

"(2) set forth a program for carrying out the purposes described in section 178; and

"(3) provide a description of the degree to which the assistance sought under this subpart will address the national priority areas described in the State plan approved under section 115 of the Mathematics, Science and High Technology Skill Act of 1983.

"(b) No grant or contract may be made under this subpart directly to a local educational agency or a postsecondary educational institution or a private vocational training institution or other eligible agency or organization unless that agency, institution, or organization has submitted the application to the State board established under section 104 of this Act, or in the case of a State that does not have such a board the similar State agency, for comment and includes the comment of that board or agency with the application.

"(c) In approving application for assistance under this subpart, the Secretary shall consider—

"(1) the degree to which the application reflects cooperation among local educational agencies, postsecondary educational institutions, private vocational training institutions, institutions of higher education, and private industry in the area served by the applicant to develop midlevel technical career opportunities and courses of study; and

"(2) the degree to which the purpose for which assistance is sought serves the unmet needs described in the State plan of the appropriate State approved under section 115 of the Mathematics, Science, and High Technology Skill Act of 1983".

AMENDMENT TO THE ADULT EDUCATION ACT

SEC. 502. (a) Section 304 of the Adult Education Act is amended by redesignating subsection (b) as subsection (c) and by inserting after subsection (a) the following new subsection:

"(b) In carrying out programs pursuant to clause (2) or clause (3) of subsection (a), the State shall, to the extent practicable, emphasize training in the adaptation of science and technology to society and work.".

(b) Section 306(b)(4) of such Act is amended by striking out "and" at the end of subclause (B) and by inserting before the semicolon at the end thereof a comma and the following: "and (D) the manner in which assistance sought under this Act will serve to achieve the goals described in the State plan approved under section 115 of the Mathematics, Science, and High Technology Skill Act of 1983".●

By Mr. RIEGLE (for himself and Mr. LEVIN):

S. 950. A bill to impose quotas on the importation of automobiles from Japan during 1983, 1984, 1985, and 1986; to the Committee on Finance.

QUOTAS ON IMPORTATION OF AUTOMOBILES

Mr. RIEGLE. Mr. President, today I am introducing legislation, for myself and Senator LEVIN, that calls for the imposition of an absolute quota of Japanese automobiles of 1.28 million in 1984 and 1985, and 14 percent of the total number of new automobiles sold in the United States in 1986 and 1987. These temporary restraints will remain in effect long enough to allow our domestic industry to complete its investment in new products and machinery.

This legislation requires the Secretary of Commerce each quarter to prepare an estimate of U.S. auto sales for the subsequent six quarters and for the calendar year during which the estimate is being made. The bill would then limit the total number of Japanese vehicles entering the market during calendar years 1984 through 1987. The import limitations would be adjusted each quarter to reflect changes in projected U.S. sales.

The need for this legislation is obvious. Since 1974, the Japanese have increased their market share in the United States from 9.4 percent to over 24 percent in the first 2 months of 1983. Clearly, we cannot afford to continue to rely upon the Japanese to voluntarily restrain their exports and reduce their market share in the United States.

Auto worker unemployment in America has reached staggering levels. In February, 264,750 person were unemployed, 8 percent more than last year. Actual unemployment is far higher, however, since thousands of workers are simply not counted. More importantly, for every auto worker who is laid off, 2.2 workers in supplier industries lose their employment as well.

Mr. President, no other nation would sit idly by in the face of the economic threat that is posed by Japanese auto imports. Other nations have taken firm action to limit these imports, long before their own industries have been crippled or extinguished. The temporary, but effective import limitations which this bill would establish must be part of any national strategy to revitalize the U.S. auto industry.

I commend this legislation to my colleagues, and ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 950

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

For purposes of this Act—

(1) The term "automobile" means an on-the-highway, four-wheeled, passenger automobile provided for in item 692.10 of the Tariff Schedules of the United States (19 U.S.C. 1202).

(2) The term "entered" means entered, or withdrawn from warehouse, for consumption within the customs territory of the United States.

(3) The term "Secretary" means the Secretary of the Treasury or his delegate.

SEC. 2. 1.28 MILLION AUTOMOBILE IMPORT LIMIT DURING 1984 AND 1985.

During each of the calendar years 1984 and 1985, the aggregate quantity of automobiles that may be entered from Japan shall not exceed 1.28 million.

SEC. 3. QUANTITATIVE RESTRICTIONS ON IMPORTS OF JAPANESE AUTOMOBILES DURING 1986 AND 1987.

(a) ESTIMATES.—At the beginning of the calendar quarter beginning January 1, 1986 and each calendar quarter thereafter ending before January 1, 1986, the Secretary of Commerce shall prepare and submit to the Secretary an estimate of the total number of new automobiles which will be sold in the United States during—

(1) the six-calendar-quarter period beginning with such calendar quarter, and

(2) the calendar year with or within which such calendar quarter ends.

(b) RESTRICTIONS.—During each of the calendar years, 1986 and 1987, the aggregate quantity of automobiles that may be entered from Japan shall not exceed 14 percent of the total number of new automobiles which the Secretary of Commerce estimates under subsection (a)(2) will be sold during such calendar year.

(c) REVISION OF LIMITATION.—Each calendar quarter the Secretary shall revise the quantitative limitation under subsection (b) to reflect any changes in the estimates of the Secretary of Commerce made under subsection (a) for such quarter.

SEC. 4. ADMINISTRATION.

The Secretary shall take such action as may be necessary to ensure that the quantity of passenger automobiles which may be entered during calendar years 1984, 1985, 1986, and 1987 does not exceed the limitation established for that year under this Act.

By Mr. DOLE (for himself, Mr. DURENBERGER, Mr. HEINZ, Mr. SPECTER, Mr. ROTH, and Mr. BRADLEY):

S. 951. A bill to provide health care coverage for the unemployed; to the Committee on Finance.

HEALTH BENEFITS FOR THE UNEMPLOYED

Mr. DOLE. Mr. President, the Senator from Kansas offers this legislation because there is a need for some protection for unemployed workers—protection from health care costs they can no longer afford and against which they no longer have insurance.

We have a problem. It is a problem that I hope will be shortlived, but one that must be dealt with while it is with us.

As a result of the unusually high rates of unemployment in the United States today, a growing number of workers and their families have lost their employment-based group health insurance, and their employers' contributions toward the purchase of such coverage.

In February of 1982 the unemployment rate in the United States was 10.4 percent. The number of Americans estimated to be out of work was 11.5 million. Granted, this is an improvement over December, when the unemployment rate stood at 10.8 percent, and the number of unemployed at 12 million, but there are still a great number of people who need assistance.

A January 1983 report prepared by a House committee pointed out that loss of group health insurance for those who have lost their jobs is not a new problem, but the growth of the numbers of workers who have lost their jobs and the duration of such unemployment is unprecedented in modern times and makes the matter of particular national concern. It is certainly not a new issue to the Finance Committee. In March of 1975 the committee staff prepared a report for committee use in examining the issue of health insurance and the unemployed.

That report pointed out that during a period of high unemployment there is a probable high loss of group health insurance coverage, but that the exact dimensions of that situation were unknown. Unfortunately, that is still true today. Very little solid information on the actual number of people we know to have lost their benefits is scarce.

We know, however, that the majority of the labor force in the United States is covered under group health insurance through their place of employment. This coverage is generally inexpensive because group coverage is substantially less in cost than individually-purchased insurance, and because the employer frequently pays most or all of the premiums.

In recent months, many Americans lost coverage under their former employer's group health plan within 1 or 2 months of being laid off. At a time when they can least afford it, laid-off workers must turn to nongroup coverage and that coverage is more expensive and often less comprehensive than that which was provided through their employment. The simple fact is that they cannot afford such coverage and they certainly cannot afford the cost of care when it is needed—particularly when that care requires a hospital admission.

OPTIONS FOR ASSISTANCE

This Senator has raised the question before—How do we provide some element of protection for these Americans? Certainly we could require that employer plans extend coverage to the unemployed for longer than the 1- or 2-month coverage most now offer. That, however, imposes a direct financial burden on employers and it is those employers that we look to for new hires and rehires as we get the economy moving again. Clearly any added financial burden on the employers of the Nation at this time is not an appropriate solution.

We could establish open enrollment for medicare, but that program is hardly healthy, given its current increasing beneficiary population and rising costs. Medicare is designed to be a benefit related to retirement, not temporary job loss.

There is always the option of medicaid, but to open up the entitlement to that program means an enormous commitment of State and Federal funds that we are unable to finance at this time. Yet there are aspects of the medicaid program that could prove quite useful, for example, their claims administration and provider agreements, and the fact that they are used to individuals going on and off the rolls within a relatively short period of time.

And finally, there is the possibility of subsidizing the purchase of private insurance for those who lose their employment-based coverage. But this change would require some time to put into operation and would not be very useful for those currently in need.

PRIVATE SECTOR HELP

In recent years, many of the States—all of which regulate health benefit plans to some extent—have enacted various laws that are intended to deal statutorily with the gaps in health benefit protection that can occur because of events like divorce, death, and unemployment.

As in the case of death, several States require that separated workers—and dependents—be afforded the opportunity to convert from group to individual protection without proof of medical insurability. Several other States have approached the unemployment issue through a continuation law. In general, these statutes are directed toward those who are involuntarily separated from their jobs. Ordinarily, the separated worker is required to pay whatever premiums are needed to continue his previous coverage.

For those unemployed who remain out of the workforce for a prolonged period of time the ability to finance such coverage becomes increasingly more difficult—and they are often forced to forego coverage, leaving them unprotected.

THE FOCUS OF OUR EFFORTS

The purpose of the bill we are offering today is to provide some protection to those individuals who are not able to finance the purchase of private coverage during a period of unemployment and have no other coverage available to them.

This is not a bill which creates a program of national health insurance. It is not a program designed to address the needs of every individual who does not currently have health care coverage.

It is a program designed to assist those who are currently out of work and need some limited assistance to get them through this difficult time. The bigger problems will have to be addressed at some time in the future, but our inability to deal with them now, because of our current fiscal crisis, should not stop us from addressing one problem in some limited fashion.

OVERALL CONCEPT

Under the proposal we are offering today, title XX of the Social Security Act would be amended to provide that certain unemployed workers and their immediate families would be eligible for inpatient and outpatient hospital services, physician services, except for nursing home care, and prenatal and postpartum care. Coverage under the program which would be State administered, would be voluntary on the part of the States, and voluntary on the part of the unemployed workers, and their dependents.

The program would begin on June 1, 1983, with all States entitled to at least 80 percent, and no more than 95 percent, Federal matching payments to finance the program through September 1983. Beginning on October 1, 1983, only States with insured unemployment rates—determined on the basis of a 3-month moving average—at or above 4 percent could elect to continue to receive Federal matching at 80 percent. States with insured unemployment rates at or above 5 percent would receive Federal funds at a 95-percent matching rate.

The program would end on May 31, 1985, with any fund allocation balances remaining available for 6 months to finance program benefits for those still on the eligibility rolls.

FUNDING

The $750 million would be available for each of the two 12-month periods the program is in effect to pay for benefits; $150 million would be available in each period for program administrative costs.

States would be entitled to Federal matching payments for the costs of benefits for enrolled unemployed workers, and their dependents, up to a maximum payment amount for each State determined by a special allocation formula. The allocation formula takes into account State-insured unemployment rates in comparison with the national insured unemployment rate and other factors.

Unemployed workers, and their immediate family members, who are entitled to receive benefits under a State unemployment compensation system and who were enrolled in an employer or other group health benefit plan when they lost their jobs, would be eligible to enroll in the program. Entitlement to unemployment compensation means entitlement to receipt of regular State unemployment benefits, Federal supplemental program benefits, or benefits provided under the extended benefits program.

This provision would allow States to provide coverage to anyone who had received Federal supplemental benefits in the past and those who would again receive these benefits as a result of the FSC extension contained in S. 1. So those who have, as of the date of enactment, exhausted regular unemployment compensation benefits and extended benefits, but had received FSC benefits, would be eligible. This could cover people who had received benefits as far back as December 1979.

Coverage under the program would end no later than 6 months following the date on which the eligible worker is no longer entitled to compensation benefits, or for a lesser period at the option of the State, or 1 month after reemployment, whichever occurs first.

PREMIUMS AND COST SHARING

Unlike the medicaid program, the plan permits the State to establish a premium for health care coverage equal to an amount no greater than 8 percent of the individual's weekly unemployment compensation benefit.

The proposal would also permit a State to impose cost sharing, that is deductible and coinsurance requirements after public hearings for which adequate notice and opportunity for public participation have been provided. Cost sharing requirements could not, on the average, exceed 10 percent of the State's average monthly unemployment benefit. Further, no cost sharing could be required for prenatal or post-partum care.

ADMINISTRATION

We felt it was very important to utilize existing systems for the administration of this 2-year program so as to avoid unnecessary delays in implementing the program and high start-up costs. Clearly, the two systems most familiar with this kind of program and those eligible to enroll are the medicaid program, which has expertise in administering health benefits, and the unemployment compensation system, which has expertise in identifying and working with unemployed individuals.

State unemployment offices would be responsible for determining program eligibility.

Upon initial application for unemployment compensation benefits, or after enactment for those already on the unemployment compensation rolls, a worker would be informed of his potential eligibility for health benefits under the open enrollment opportunity provided his working spouse or parent, and under the State-administered program. He would then be allowed a 4-week period in which to elect or decline coverage under the State program.

The State medicaid agency would be responsible for the administration of the health benefits portion of the program.

The program would be required to report to the Department of Health and Human Services (HHS) by March 1, 1984, on the program's implementation and impact on the target population. A final report due in January of 1986 would be required of all States that participate in the program after September 30, 1983.

BENEFIT DOLLARS ALLOCATION FORMULA

The Secretary of HHS is directed to allot amounts appropriated under the act for services for any year among the States as follows:

First. One-half on the basis of the number of insured unemployed in each State to the total number of insured unemployed in all States;

Second. One-half on the basis of the number of persons unemployed for 26 weeks or more in each State to the total number of such persons in all States.

Allotments are to be determined on the basis of the most recent 12-month period, preceding the month of the determination, for which adequate data are available.

As indicated earlier, the State would know at the beginning of the 12-month period how much money it would be allotted, and it would then have the opportunity to determine how best to utilize those dollars within the guidelines provided by our program.

PRIVATE SECTOR PROVISION

In addition to providing some limited public sector assistance for unemployed individuals, we also expect the private sector to continue its efforts to help fill the gaps in coverage.

Under the proposal, employer-sponsored health benefit plans would be subject to a loss of 50 percent of the deduction for employer-provided health care costs if they fail to provide an open enrollment for a specified period of time for persons to change from self-only to family coverage, or to commence coverage for the employee and the employee's family.

OPEN ENROLLMENT

By providing these opportunities to certain workers, we are hoping to avoid the situation where a worker or a worker's family loses, or will lose, group coverage because the second worker in the family is laid-off or involuntarily separated from their job—other than for cause. The bill would permit such open enrollment for a 1-month period following the date of notification to the employer of the second worker's eligibility for receipt of unemployment compensation. Since the determining event, namely, job loss, is unrelated to the health status of either the dependent or the laid-off worker, virtually no adverse selection should develop for the employer of the dependent person.

COORDINATION OF BENEFITS

Any benefits for which an individual or family is eligible under the new health benefit program for the unemployed would be reduced to the extent that support or payments for items and services are, or could be, made under any other group health insurance plan, public program providing benefits to such individual or family member, or by any third party. An assignment of rights, to any support or payments for medical care from any third party must be made at the time coverage is elected.

CONCLUSION

In conclusion, I would like to stress that this proposal is not intended to be a backhanded approach to national health insurance, nor is it intended to provide health insurance coverage for all persons who do not currently have insurance. Rather, the legislation I am offering today would address, in a lim-

ited fashion, the immediate and temporary needs of those Americans who are eligible for certain types of State unemployment benefits, and who have lost their group health insurance as a result of separation from employment—for reasons other than cause. I would hope my colleagues will join me in offering this solution to this very disturbing aspect of the current high unemployment problem.

Mr. President, I ask that a summary and text of the bill be printed in the RECORD immediately following this statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY: HEALTH BENEFITS FOR THE UNEMPLOYED

I. GENERAL CONCEPT OF PROPOSAL TO COVER THE UNEMPLOYED

Under the proposal, Title XX of the Social Security Act would be amended to provide certain unemployed workers and their immediate families with inpatient and outpatient hospital services, physician services (except for nursing home care), and prenatal and post-partum care. Coverage under the State administered program would be voluntary on the part of unemployed workers (and their dependents). States could require payment of an enrollment premium for such coverage.

States would be entitled to Federal matching payments for the costs of benefits for enrolled unemployed workers (and their dependents) up to a maximum payment amount for each State determined by a special allocation formula. The allocation formula takes into account State insured unemployment rates in comparison with the national unemployment rate and other factors.

The program would begin on June 1, 1983, with all States entitled to Federal matching payments to finance the program through September 1983. Beginning on October 1, 1983, only States with insured unemployment rates (determined on the basis of a 3-month moving average) at or above 4 percent could elect to continue to receive Federal matching funds. The program would end on March 31, 1985, with any fund allocation balances remaining available for 6 months to finance program benefits for those still on the rolls.

A. PUBLIC SECTOR PROVISION

1. Program eligibility

Unemployed workers, and their immediate family members, who are entitled to receive benefits under a State unemployment compensation system and who were enrolled in an employer or other group health benefit plan when they lost their jobs, would be eligible to enroll in the program. Entitlement to unemployment compensation means entitlement to receipt of regular State unemployment benefits, Federal supplemental program benefits or benefits provided under the extended benefits program.

This provision would allow States to provide coverage to anyone who had received Federal supplemental benefits in the past and those who would again receive these benefits as a result of the FSC extension contained in S. 1. So those who have, as of the date of enactment, exhausted regular unemployment compensation benefits and extended benefits, but had received FSC benefits, would be eligible. This could cover people who had received benefits as far back as December 1979.

For those who elect to enroll, coverage under the program would begin no sooner than 6 weeks following the week in which the unemployed worker is first entitled to unemployment compensation benefits and has applied to enroll in the unemployed health benefits program. States could at their option, establish a longer waiting period before coverage first begins.

Coverage under the program would end no later than 6 months following the date on which the eligible worker is no longer entitled to compensation benefits (or for a lesser period at the option of the State) or one month after reemployment, whichever occurs first.

Eligible workers would have to satisfy the State agency administering the program that they (and, if appropriate, their dependents) were enrolled in an employer or other group health benefits plan at the time they lost their jobs. It is expected that States will rely upon the broadest possible evidence of such previous enrollment, and may, upon their election, satisfy such requirement by obtaining a declaration from the worker of such previous enrollment.

2. Benefits

Program benefits would be limited to:

Inpatient hospital services

Emergency outpatient hospital services

Physician services, including those provided in health clinics and hospital outpatient departments, but excluding those provided in connection with nursing home care; and

Prenatal and post-partum care (which may be provided by a hospital, physician, clinic, or nurse midwife).

No coverage is available for prescription drugs or biologicals, except those provided on an inpatient hospital basis.

States may determine the amount, duration and scope of covered services. However, in no case may the benefits offered under this program exceed those offered under the State's Medicaid program for the categorically needy.

States would be allowed to provide for cost effective financing and delivery structures, and to contract with specific providers for the provision of covered services to the enrolled population. State's electing this option would be limited to contracting with providers eligible to serve the States Medicaid population.

Payment could only be made for services provided on or after the date the State begins participation in the program and only on behalf of eligible enrolled individuals.

3. Premiums

The plan permits the State to establish a premium for health care coverage equal to an amount no greater than 8 percent of the individual's weekly UC benefit. Separate premium schedules could be established for self-only and family coverage.

4. Patient Cost-Sharing

The proposal would permit a State to impose cost-sharing (i.e. deductible and coinsurance) requirements after public hearings for which adequate notice and opportunity for public participation have been provided. Cost-sharing requirements could not, on the average, exceed 10 percent of the State's average monthly UC benefit. Further, no cost-sharing could be required for prenatal or post-partum care.

The proposal would permit deductibles and coinsurance to be applied on a differential basis with respect to the target population, services provided, provider arrangements and the coverage period.

The proposal would require that all premium and cost-sharing revenues must be used to offset the State share of program benefit costs, to provide covered services to eligible individuals, or to reduce the cost sharing requirements placed on eligible individuals.

5. Reimbursement

The proposal would require States to utilize the same reimbursement mechanisms currently utilized under their Medicaid programs. They could, within that limit, choose to use a variety of arrangements, including capitation, as long as no arrangement is more generous than those provided to their medicaid categorically eligible. Providers would be required to accept the program's payment as payment in full for covered services except for any required cost-sharing amounts.

6. Administration

State unemployment offices would be reponsible for determining program eligibility.

Upon initial application for unemployment compensation benefits (or after enactment for those already on the unemployment compensation rolls) a worker would be informed of his potential eligibility for health benefits under the open enrollment opportunity provided his working spouse or parent and under the State-administered program. He would then be allowed a four-week period in which to elect or decline coverage under the State program. Once covered, an individual could opt out of the program at any time. However, once out he could not reenter until he again became eligible for a new benefit year as defined under the State unemployment compensation program.

The State unemployment compensation office would inform the individual concerning the date of eligibility, and the actuarial value of the benefits provided. Premium payments, at the option of the State, would be deducted from the individual's unemployment compensation check. Alternatively, the State would be permitted to establish some other collection mechanism. The administration of the health benefits provisions under this program would be the responsibility of the State agency established or designated to administer the State's Medicaid program.

7. Federal/State funding

Under the program, $750 million in Federal matching funds would be authorized for the 12-month period beginning June 1, 1983 and $750 million for the 12-month period beginning June 1, 1984.

All States would be entitled to Federal matching payments to finance the program through September 1983. Beginning on October 1, 1983 only those States with insured unemployment rates (based on an average of the preceding three months) equal to or exceeding 4% could elect to participate. Any State making an election after September 30, 1983, would be guaranteed participation in the program for at least 6 months, (not to go beyond May 31, 1985) regardless of any change in its insured unemployment rate.

A State participating in the program would be entitled to Federal matching payments for the costs of services provided to unemployed workers and their families up to a cap amount determined by the allocation formula. Funds would be allocated at the beginning of each program year although the States would not be provided

the money in a lump sum at that time. Funds would be expended in administratively the same manner as they are under the State's medicaid program. At the end of the second year, individual State fund allolcation balances remaining would be available for 6 months to expend on already enrolled beneficiaries whose coverage periods have not expired.

The Federal matching rate would be 80 percent for States with insured unemployment rates below 5 percent, and 95 percent for States with IUR's equal to or greater than 5 percent during the initial 4-month and any 6-month participation period beginning after September 30, 1983. The matching rate would remain stable for a participation period unless the rate was 80 percent and the State's IUR rose to 5 percent or greater, based on a 3 month moving average. In that case the Federal matching rate would be increased from 80 to 95 percent for the remainder of the period.

Any State which experiences a break in program participation because their IUR falls below 4 percent, based on a 3-month moving average, would be required to stop enrolling eligible individuals. Federal matching at the rate in effect at the time of the break in participation will continue to be provided for services to enrollees until their State-determined individual coverage period expires, but in no case beyond November 30, 1985.

Under the program, $150 million would be authorized for the 12-month period beginning June 1, 1983 and $150 million for the 12-month period beginning June 1, 1984, to cover the costs of program administration. Up to $70 million would be allocated each year to the States by the Department of Health and Human Services to cover the costs incurred by the States' medicaid agencies in administering this program. $80 million in each year would be allocated by the Department of Labor to the State unemployment programs for their administrative costs. All States participating in the program would be required to report to the Department of Health and Human Services (HHS) by March 1, 1984, on the program's implementation and impact on the target population. A final report due in January of 1986 would be required of all States that participate in the program after September 30, 1983.

8. Benefit dollars allocation formula

The Secretary of HHS is directed to allot amounts appropriated under the Act for services among the States as follows—

(1) One-half on the basis of the number of insured unemployed in each State to the total number of insured unemployed in all States;

(2) One-half on the basis of the number of persons unemployed for 26 weeks or more in each State to the total number of such persons in all States.

Allotments are to be determined on the basis of the most recent 12-month period, preceding the month of the determination, for which adequate data are available.

II. PRIVATE SECTOR PROVISION

1. Special open enrollment provision

Under the proposal, employer-sponsored (and other qualified group) health benefit plans would be subject to a loss of 50% of the deduction for employer-provided health care costs if they fail to provide an open enrollment opportunity for persons to change from self-only to family coverage or to commence coverage for himself and his family. By providing these opportunities to certain workers, we are hoping to avoid the situation where a worker or a worker's family loses, or will lose, group coverage because the second worker in the family is laid-off or involuntarily separated from his job (other than for cause). The provision would permit such open enrollment for a one-month period following the date of notification to the employer of the second worker's eligibility for receipt of unemployment compensation. Since the determining event (namely, job loss) is unrelated to the health status of either the dependent or the laid-off worker, virtually no adverse selection should develop for the employer of the dependent person.

2. Coordination of benefits

Any benefits for which an individual or family is eligible under the new health benefit program for the unemployed would be reduced to the extent that support or payments for items and services are, or could be, made under any other group health insurance plan, public program providing benefits to such individual or family member, or by any third party. An assignment of rights, to any support or payments for medical care from any third party must be made at the time coverage is elected.

S. 951

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) title XX of the Social Security Act is amended by adding at the end thereof the following new section:

"HEALTH SERVICES FOR UNEMPLOYED WORKERS

"SEC. 2008. (a)(1) Notwithstanding section 2005(a)(4) and any other provision of this title, any State may establish a program under this section for providing health care coverage for unemployed workers, subject to the provisions of this section.

"(2) The State may choose those groups of individuals (and their immediate families) who shall be covered under the program, the duration of such coverage, and the duration of the program, as the State determines to be appropriate, except that—

"(A) no coverage may be provided to any individual (or his immediate family) unless such individual (i) is receiving regular, extended, or Federal supplemental compensation (or, at the option of the State, railroad unemployment compensation), or (ii) is unemployed and has exhausted his rights to such compensation (by reason of payment of all such compensation for which he is eligible, other than for cause) within the prior six months, or (iii) was eligible for such compensation within the prior 30 days but lost such eligibility on account of employment;

"(B) no coverage may be provided for the first 6 weeks during which an individual is eligible for compensation (referred to in subparagraph (A)) in a benefit year (as determined under the State unemployment compensation law);

"(C) no coverage may be provided to any individual unless such individual was enrolled in a group health plan of the employer by whom he was employed at the time he last became eligible for compensation described in subparagraph (A) (and in making a determination with respect to prior enrollment, the State may use the broadest possible determination of proof);

"(D) no coverage may be provided with respect to any services provided prior to June 1, 1983, or with respect to services provided for an individual prior to the time such individual is determined to be eligible under such program; and

"(E) no coverage may be provided for any individual who is otherwise eligible for medical assistance under the State plan under title XIX.

"(b)(1) Services under the program established under this section shall include only inpatient and emergency outpatient hospital services and physician services, including those provided in health clinics but not including those provided in nursing care facilities, and prenatal and postpartum care. No drugs or biologicals shall be included within the covered services described in the preceding sentence unless provided as part of inpatient hospital services.

"(2) The State shall determine the amount, duration, and scope of the covered services described in paragraph (1) which shall be included under the program, but in no event shall the amount, duration, or scope of such services under the program under this section exceed the amount, duration, or scope of such services included under the State plan for medical assistance for individuals described in section 1902(a)(10)(A).

"(3) Services may be provided through varying arrangements made with providers by the State, but no such arrangement may provide services which are more generous than those provided under the State plan for medical assistance for individuals described in section 1902(a)(10)(A).

"(c)(1) The State may provide for a weekly premium charge for individuals participating in the program under this section, but no such premium charge may exceed an amount equal to 8 percent of the amount of compensation (referred to in subsection (a)(2)(A)) for which such individual is eligible for such week. Such premium charges may vary for individual coverage and family coverage and by provider arrangement.

"(2) The State may provide that deductibles and coinsurance amounts be imposed under the program, but the estimated average monthly amount of such deductibles and coinsurance amounts for users of services may not exceed an amount equal to 10 percent of the average monthly benefit amount in such State for compensation (referred to in subsection (a)(2)(A)). No such deductible or coinsurance may be imposed with respect to prenatal or postpartum care, and no such deductible or coinsurance may be imposed until after public hearings which provide adequate notice and opportunity for public participation have been held by the State with respect to such imposition. Such deductibles and coinsurance may vary with respect to different groupings of eligible individuals, different types of services, different provider arrangements, and varying coverage periods.

"(3) Any amounts imposed by the State for premiums, deductibles, or coinsurance which are imposed by the State must be used by the State to pay the share of the cost of the program under this section, or to provide additional services or periods of coverage to individuals eligible for coverage under such program.

"(d) Payment by the State for services provided to individuals eligible for the program under this section shall be made through the same administrative mechanisms through which payments are generally made under the State plan for medical assistance under title XIX; however, the State may provide for contracts with cost effective financing and delivery systems among carriers or providers, and may selectively

contract with a specific group or provide for capitation reimbursement, but no such contract may provide for services which are more generous than those provided under the State plan for medical assistance for individuals described in section 1902(a)(10)(A). Any limitations under the State plan for medical assistance on the amount that a provider of services may charge the recipient of such services shall also apply to the program under this section, except that premiums, deductibles, and coinsurance may be charged in accordance with subsection (c).

"(e)(1) Determinations of qualification for coverage under the program under this section shall be made by the State agency administering the State's unemployment compensation law under section 3304 of the Internal Revenue Code of 1954, and the program shall be administered by the State agency administering the State plan for medical assistance under title XIX of this Act.

"(2) Upon becoming eligible for compensation (referred to in subsection (a)(2)(A)), an individual shall be informed of the eligibility criteria for coverage under the program established under this section and the benefits provided, and shall have four weeks in which to voluntarily enroll in such program. Such individual shall also be informed of the possibility that such individual may be eligible to enroll in a health plan of his spouse or parent. If the individual declines the opportunity to enroll, or later voluntarily terminates his enrollment, he may not again enroll in such program unless he subsequently becomes eligible for compensation (referred to in subsection (a)(2)(A)) for a new benefit year (as determined under the State unemployment compensation law). In the case of any State which chooses to require the payment of a premium, the State may deduct the amount of the premium from the amount of such compensation paid to an individual enrolled in such program.

"(f)(1) Notwithstanding sections 2002 and 2003, payments to States having programs established under this section shall be made in accordance with the provisions of this subsection. Payments under this subsection are in addition to any amounts to which a State is entitled under section 2002, and payments made under section 2002 may not be used for purposes of this section. An amount, not to exceed the State's, allotment determined under paragraph (2), equal to the Federal percentage (as determined under paragraph (6)) of the amount expended by such State for its program established under this section (excluding administrative costs) shall be paid to the State in the same manner as payments are made under section 1903(d).

"(2) The Secretary shall allot $750,000,000 to carry out this section for each of the 12-month periods beginning on June 1, 1983, and June 1, 1984 among the States as follows:

"(A) One-half of such amount shall be allotted among the States on the basis of the relative number of insured unemployed individuals who reside in each State as compared to the total number of insured unemployed individuals in all the States.

"(B) One-half of such amount shall be allotted among the States on the basis of the relative number of individuals who have been unemployed for 26 weeks or more and who reside in each State as compared to the total number of such individuals in all the States.

"(3) Allotments shall be made on the basis of the most recent 12-month period, preceding the month in which the Secretary makes such allotments, for which adequate data is available.

"(4) Funds shall be allotted at the beginning of each 12-month period referred to in paragraph (2), but payment shall be made as described in paragraph (1). Amounts allotted for the 12-month period beginning June 1, 1984, may be paid to States for expenses incurred in providing services under the program for individuals who are enrolled in the program on May 31, 1985, until their eligibility for such program terminates, or November 30, 1985, whichever is earlier.

"(5) Any funds allotted to a State which did not establish a program under this section shall be reallotted to those States having a program, at the end of the 12-month period beginning June 1, 1984. Such funds may be expended in the same manner as described in paragraph (4).

"(6) For purposes of this section, the Federal percentage is—

"(A) 95 percent with respect to services provided in any State during a week for which the State's rate of insured unemployment (as determined for purposes of section 203 of the Federal-State Extended Unemployment Compensation Act of 1970) for the period consisting of such week and the preceding 12 weeks is equal to or exceeds 5.0 percent; and

"(B) 80 percent for any other week, except that if a State qualifies for the 95 percent Federal percentage under subparagraph (A) for any week, such 95 percent Federal percentage shall remain in effect with respect to such State for the duration of such State's 4-month initial period of qualification (in the case of a State which qualifies for the 95 percent Federal percentage for a week ending on or before September 30, 1983), and for the duration of such State's 6-month period of qualification (as determined under subsection (g) (1)) (in the case of a State which qualifies for such percentage for a week ending after such date).

"(7) The Secretary shall make payments to States for administrative costs incurred in carrying out the program established under this section, in a total amount not to exceed $150,000,000 for each of the 12-month periods beginning on June 1, 1983, and June 1, 1984, as he determines appropriate. Seventy million dollars of such reimbursement for each fiscal year shall be made to the State agencies administering the State program under this section, and $80,000,000 of such reimbursement for each fiscal year shall be made to the Department of Labor for payment to the State agencies administering the State's unemployment compensation law. Payments to any agency administering the State program under this section shall be made in an amount equal to the Federal percentage, in effect under paragraph (6), of the amounts expended by such agency in carrying out the program. Payments under this paragraph may be made with respect to program costs insured after November 30, 1985.

"(g) (1) With respect to services provided to individuals who are enrolled during the period beginning on June 1, 1983, and ending on September 30, 1983, any State may qualify for payments under this section if it has a program which meets the requirements of this section. With respect to services provided on or after October 1, 1983, only a State having a rate of insured unemployment (as determined for purposes of section 203 of the Federal-State Extended Unemployment Compensation Act of 1970) for a period consisting of any week ending after September 30, 1983, and the 12 preceding weeks, of 4 percent or more, may enroll new individuals in the program under this section. If a State qualifies to enroll new individuals under the preceding sentence, such qualification shall continue for a period of not less than 6 months beginning with the first week in which such State so qualifies, and any State may subsequently requalify upon reaching the required rate of insured unemployment after the end of such 6-month period, but no such period may extend beyond November 30, 1985.

"(2) During a period in which a State may not enroll new individuals in its program by reason of paragraph (1), payment under this section may be made with respect to individuals previously enrolled in such program until their eligibility expires, or, if sooner, November 30, 1985.

"(h) Any State establishing a program under this section shall submit a report to the Secretary on March 1, 1984, on the program's implementation and impact. A final report shall be submitted in January 1986 by any State which carries out its program for any period after September 30, 1983, upon expiration of its program.

"(i) The State shall provide that the payment for any services received by an individual under the program shall be reduced by the amount of any other payment which is or could be made with respect to such services under any other health plan or public program, or from a third party, and shall require each individual enrolled in the program to assign all rights to such payments as he may have to the State as a condition of enrolling in the program.".

(b) Section 3304 (a) of the Internal Revenue Code of 1954 is amended by redesignating paragraph (17) as paragraph (18) and inserting after paragraph (16) the following:

"(17) if the State establishes a program under section 2008 of the Social Security Act, the State agency administering the State unemployment compensation law shall carry out the functions required of it under such section; and ".

(c)(1) Subsection (i) of section 162 of the Internal Revenue Code of 1954 (relating to group health plans) is amended by redesignating paragraph (2) as paragraph (3) and by inserting after paragraph (1) the following new paragraph:

"(2) Denial of 50 percent of deduction in cases where employer does not provide open enrollment if the spouse or parent of the employee becomes unemployed.—

"(A) IN GENERAL.—In any case in which a group health plan does not meet the requirements of subparagraph (B) for any portion of the taxable year, no deduction shall be allowed under this section for 50 percent of the amount of the expenses paid or incurred for such taxable year by an employer for such group health plan.

"(B) REQUIREMENTS WHICH PLAN MUST MEET.—A group health plan shall be treated as meeting the requirements of this subparagraph if, in the case of an individual covered (or eligible to be covered) under such plan who has a qualified spouse or parent, such plan allows such individual during the qualified open period—

"(i) to change coverage from self-only to family, except that in the case of a plan offering different levels of benefits, such plan meets the requirements of this clause even if the change in coverage does not include the ability for an employee to elect a higher level benefits, or

"(11) to commence coverage for himself and his family.

"(C) TERMS AND CONDITIONS SAME AS FOR OTHER OPEN ENROLLMENTS.—The terms and conditions of the coverage required under subparagraph (B) during any qualified open period shall be at least as favorable to the employee as the terms and conditions offered by the group health plan under any other opportunities offered to employees to commence or change coverage under such plan.

"(D) QUALIFIED SPOUSE OR PARENT.—For purposes of this paragraph, the term 'qualified spouse or parent' means the spouse or parent of an individual who—

"(i) becomes unemployed (other than for cause), and

"(ii) as a result of such unemployment, loses eligibility under a group health plan of the employer of such spouse or parent.

"(E) QUALIFIED OPEN PERIOD.—For purposes of this paragraph, the term 'qualified open period' means the 30-day period beginning on the day on which the appropriate State agency notifies the qualified spouse or parent of an individual covered under a group health plan that such spouse or parent has become eligible for receipt of unemployment compensation under any Federal or State law by reason of the unemployment described in subparagraph (D)(i).".

(2)(A) Except as provided in subparagraph (B), the amendments made by this paragraph shall take effect on the 60th day after the date of the enactment of this Act.

(B) In the case of a group health plan which was subject to a collective-bargaining agreement in effect on the date of the enactment of this Act, the amendments made by this Act shall take effect on the later of—

(i) the date under subparagraph (A), or

(ii) the date on which such agreement expires (determined without regard to any extensions agreed to after the date of the enactment of this Act).

(d)(1) Paragraph (4) of section 3304(a) of the Internal Revenue Code of 1954 (relating to requirements for approval of State unemployment compensation laws) is amended by striking out "and" at the end of subparagraph (A), by adding "and" at the end of subparagraph (B), and by adding after subparagraph (B) the following new subparagraph:

"(C) nothing in this paragraph shall be construed to prohibit deducting an amount from unemployment compensation otherwise payable to an individual and using the amount so deducted to pay for health care if the individual elected to have such deduction made and such deduction was made under a program established under section 2008 of the Social Security Act;".

(2) Paragraph (5) of section 303(a) of the Social Security Act is amended by striking out "; and" at the end thereof and inserting in lieu thereof "*: Provided further,* That nothing in this paragraph shall be construed to prohibit deducting an amount from unemployment compensation otherwise payable to an individual and using the amount so deducted to pay for health care if the individual elected to have such deduction made and such deduction was made under a program established under section 2008 of the Social Security Act; and".

● Mr. DURENBERGER. Mr. President, I am pleased to join the Senator from Kansas in sponsoring legislation to provide health insurance coverage for the unemployed. Through no fault of their own, millions of Americans have lost their jobs. The hardships created by this unemployment take many forms.

The loss of income threatens to unravel many of the dreams Americans have spent years pursuing. A private home, an education, a decent life for our children—all can be threatened by the loss of a job. But perhaps the greatest strain and uncertainty comes form the loss of health insurance protection.

Seventy-five percent of the work force secures health insurance coverage through their place of employment. The work setting has proven to be an excellent access point for obtaining health insurance. Employers have developed innovative approaches to providing health insurance protection. Features like multiple choice of health plans, wellness classes, coverage of ambulatory surgery, preadmission testing, and utilization review all have their roots in employer-based health plans. As money-savers and health-improvers, these provisions are good for both employers and employees.

Employer-based health insurance has its advantages. But it has disadvantages too, the major one being that when an employee loses his or her job, he or she also loses health insurance coverage. The CBO estimates that nearly 11 million Americans now lack health insurance coverage because the family breadwinners have lost their jobs.

For many, the loss of adequate health insurance is the most unnerving consequence of unemployment. It is one thing to postpone the purchase of clothes, appliances, or an automobile, but if a child needs surgery, there is no postponing that. And without health insurance, the costs associated with a major illness can be staggering.

The program we are offering today is designed to ease the health insurance gap caused by unemployment. As I emphasized in the floor debate yesterday, it is not intended to be a final solution, and it is not intended to be national health insurance. It is a stopgap measure designed for a particularly acute problem. And as a blend of public and private initiatives, it achieves a balanced solution.

On the private side, the proposal establishes a new condition under which an employee may change coverage in his health plan. If an employee's spouse loses a job—and with it health insurance coverage—then the employee will be allowed to change to family coverage, provided the employer offers it. Most employees now have the option of switching to family coverage when they get married or have a child. Now they will have the same option if the spouse loses his or her job.

On the public side, the Federal Government will make $750 million available to the States in each of the next 2 years through title 20 of the Social Security Act. Dollars will be allocated to the States based on a formula which measures long-term unemployment. Thus, the States which carry the heaviest burden of long-term unemployment will get the most money.

States will be required to use existing programs in spending the money. Thus, no new administrative structures are created. Eligibility will be determined through the unemployment compensation system, and health benefits will be managed and paid for through the State's fiscal function established under medicaid.

States will also have the option of generating additional revenue for the program by requiring a premium payment and imposing modest cost-sharing. In no case may a premium payment exceed 8 percent of an individual's unemployment compensation check. And coinsurance and deductible amounts are limited to 10 percent of a State's average unemployment check.

As you can see, the program is based on the employer model of health insurance. Eligible individuals have the option of signing up for coverage, just as they do in the private sector. If they do sign up, they may have to make a premium payment, which would be deducted from their unemployment check. And they could be responsible for modest coinsurance and deductible payments, much as individuals are in the private sector. Finally, States are encouraged to develop competitive alternatives to traditional indemnity protection, so that the unemployed could have a choice of health plans similar to what many active workers now enjoy.

The simplicity of this program is its strength. It requires no new massive administrative bodies. It is countercyclical in that it provides more money to those States with the most unemployment. And it is limited in scope. It is designed only for the unemployed, and it is scheduled for a phaseout in 2 years—after our country has pulled itself out of this recession.

Fortunately, the key economic indicators tell us that we are pulling out of the recession. Our economy is on the rebound. It will take time, though, before the recovery creates enough new jobs to bring down our staggering rate of unemployment.

Those who have been unemployed for 1 year, for 2 years or even longer need our assistance now. Congress just completed action on the Jobs bill. Now we have the opportunity to lend another helping hand to the unemployed by giving them the peace of mind that comes with health coverage.

I urge each and every one of my colleagues to join us in sponsoring this critical legislation. We have worked long and hard on its design and have come up with what I believe is a sensi-

ble program to meet an overwhelming human need. It is a good program that deserves everyone's support.

Thank you.●

By Mr. EAST (for himself and Mr. HUMPHREY):

S. 952. A bill to prohibit the growing of marihuana on Federal land; to the Committee on the Judiciary.

MARIHUANA CULTIVATION ON FEDERAL LANDS CRIME ACT OF 1983

● Mr. EAST. Mr. President, the growing of marihuana on Federal land is a problem that has been increasing rapidly in recent years. In one recent incident in the Ozark National Forest, law enforcement agents found marihuana plants worth an estimated $20 million being cultivated on 100 plots of remote land within the park.

While there are currently provisions in title II of the Controlled Substances Act that are arguably applicable to the cultivation of marihuana on Federal land, the problem is developing so rapidly that clearer legislative prohibitions on this activity are needed to enable effective prosecutions and convictions of lawbreakers engaging in this activity.

I introduced legislation in the 97th Congress to prohibit the growing of marihuana on Federal land and to establish penalties for the offense. Shortly thereafter on September 30, 1982, Senator HAYAKAWA conducted hearings on this problem in the Subcommittee on Forestry, Water Resources, and Environment.

As a reflection of the increased public awareness of the general problem of marihuana cultivation, the cover story of Newsweek magazine on October 25, 1982, was devoted to that subject. According to an article in the Greensboro Daily News on that same date, North Carolina may now rank as the fifth largest marihuana-producing State in the Nation.

No decent farmer in North Carolina is engaged in this kind of farming and the people of my State have enacted tough laws to discourage such illicit activities on lands subject to State criminal laws. According to the article in the Greensboro Daily News on October 25, 1982, there is a minimum sentence of 5 years for manufacturing 50 to 100 pounds of marihuana. The minimum sentences range upward for manufacturing larger quantities of marihuana to the point at which there is a minimum sentence of 35 years for growing 10,000 pounds or more.

Since much of the remote land in North Carolina and other States that is suitable for growing marihuana is owned by the U.S. Government, it is my belief that some of the illicit marihuana growing would be discouraged by a tough Federal law specifically addressing the problem of marihuana cultivated on Federal land.

The bill which I introduced in the 97th Congress received strong support in the Senate, where on December 9, 1982, it was unanimously adopted by voice as an amendment to S. 2411, the Justice Assistance Act. Unfortunately, the bill was resisted by liberal elements in the House of Representatives. Constituencies in some regions of the country include significant numbers of well-financed individuals and organizations that benefit from marihuana cultivation. At any rate, during the last days of the 97th Congress, the House stripped away several provisions of S. 2411 including the marihuana proposal, and passed the remaining provisions of S. 2411 together with the provisions of another bill, H.R. 3963.

President Reagan very properly refused to accept this hastily assembled legislative package and pocket vetoed it. In fact, prior to the President's decision, I urged him to veto the bill because it included some seriously flawed provisions and deleted some good elements of other anticrime packages such as my marihuana bill.

Among the other specific anticrime measures that the bill failed to include were bail and sentencing provisions. Among the bill's flawed provisions was a proposal of questionable constitutionality: The so-called three-time loser offense. Moreover, the President criticized the so-called drug czar provision that would create a new bureaucracy within the executive branch. While the proponents of this provision intended to help coordinate drug enforcement activities, the President thought that it would actually hamper these enforcement activities.

The problem of marihuana cultivation on Federal lands is not going away and threatens to increase in seriousness. I am therefore reintroducing the bill which was numbered S. 2934 in the 97th Congress and hope that it can be swiftly enacted in the 98th Congress.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 952

Be it enacted by the Senate and House of Representatives of the United States of America assembled, That this Act may be cited as the "Marihuana Cultivation on Federal Lands Crime Act of 1983".

SEC. 2. Chapter 91 of title 18 of the United States Code is amended by adding at the end thereof the following:

"§ 1864. Prohibition against growing marihuana on Federal lands; penalties.

"It shall be unlawful for any person knowingly or intentionally to plant, grow or cultivate marihuana on Federal lands unless specifically authorized by another provision of Federal law. Any person who violates this section shall be sentenced to a term of imprisonment of not less than one year and not more than fifteen years, and a fine of not less than $10,000 and not more than $15,000,000. Any person who, having previously been convicted of a violation of this section, again violates this section, shall be sentenced to a term of imprisonment of not less than ten years and not more than thirty years and a fine of not less than $100,000 or not more than $30,000,000.".

SEC. 3. The section analysis of chapter 91 of title 18 of the United States Code is amended by inserting at the end thereof the following item:

"1864. Prohibition against growing Marihuana on Federal lands; penalties.".●

● Mr. HUMPHREY. Mr. President, I gladly rise in support of my friend and colleague from North Carolina, Senator EAST, as he renews his initiative to rid our national parks and forests of illicit marihuana growers. During the past year, public attention has become more sharply focused upon this deplorable situation, and a justifiably outraged citizenry is demanding that this corruption of their tax-supported lands be brought to a halt. In seeking to include a specific prohibition against this activity in the United States Code, Senator EAST is providing us the opportunity to send a clear and convincing message that the abuse of precious public lands by outlaw marihuana growers will not be tolerated.

It is indeed shocking to learn of the extent to which illegal marihuana plantations have come to resemble paramilitary compounds. The growers have organized themselves into hordes of guerrillas, arming themselves with sophisticated arsenals including automatic rifles, pipe bombs, hand grenades, mines, shotguns, and fishhooks suspended from trees at eye level. Innocent visitors of national parks, as well as National Park Service personnel, have been confronted and threatened by these individuals in many reported incidents. Additionally, these criminals are directly threatening our environment through the use of arsenic and high concentrations of nitrogen for the purpose of rodent control and fertilization.

As chairman of the Subcommittee on Alcoholism and Drug Abuse, Mr. President, I am acutely aware of the harmful effects of marihuana upon users of the drug. To stand idly and allow criminals to use our public lands to promote an activity condemned by the majority of the American people is to shirk our collective responsibility as guardians of the public interest and keepers of the public trust. I strongly urge my colleagues to lend full support to Senator EAST's bill, to insure that there will be no doubt in anyone's mind about how we in Congress, and through us the American people, intend to deal with those who slap us in the face by seizing our common land in furtherance of their own criminal ends.●

By Mr. LAXALT:

S. 953. A bill to amend the Internal Revenue Code of 1954 to permit elections under section 2023A to be made on amended returns; to the Committee on Finance.

AMENDED RETURNS ON ESTATE TAX

● Mr. LAXALT. Mr. President, today I would like to introduce legislation amending the Internal Revenue Code of 1954 permitting elections under section 2023A to be made on amended returns.

This legislation will allow the decedents of an estate to elect to alter the tax clarification of an estate as long as the estate tax file has not been closed with the IRS. It will alleviate part of the severe tax burden which has been placed on an estate whose decedents are making every effort to maintain as a working farm.

Specifically, I am aware of a case where the current law has worked a severe hardship on one family. They were not aware of changes in the tax laws, and did not alter their status alleviating them from paying taxes in one lump sum. Now, the children are left with these tax payments. They are still trying to keep the estate in working order; however, will be forced to sell it unless the election date of the estate is pushed back.

They are in no way trying to become exempt from payment of taxes, rather, they would like to change their standing and lessen the huge sums of money they are paying. They should not be penalized for not knowing of a change in tax laws. We are not reducing the taxpayers taxes, we are simply asking that her taxes run in line with current tax laws.●

By Mr. LAXALT:

S. 954. A bill to amend the Internal Revenue Code of 1954 to exempt from the windfall profit tax certain charitable organizations which provide assistance to patients; to the Committee on Finance.

WINDFALL PROFIT TAX EXEMPTION

● Mr. LAXALT. Mr. President, today I am reintroducing legislation to exempt from the windfall profit tax certain charitable organizations that provide research, physician education, and/or assistance to patients and which will be forced to close their doors as a result of this tax.

There are a small number of vitally important medical service organizations who did in payment of hospital bills, outpatient care, and living expenses for patients who are terminally ill or physically imparied for a continuous period of 1 year or longer. They have been put in great financial straits and will be forced to terminate their services to patients upon payment of the windfall profit tax.

Presently, only schools, hospitals, orphanages, and certain churches are exempt. This amendment would allow these specific service organizations which are originated and operated substantially to provide physical training, medical or hospital care, medical research, or financial assistance to medical research or to individuals who have a medically determinable physical impairment that can be expected to last for a continuous period of not less than 1 year or resulting in death.

I do not believe Congress intended to discriminate against usually tax-exempt, nonprofit service organizations which receive their money from oil revenues. These few institutions obviously slipped through the cracks when Congress originally composed the windfall profit tax. During these times of reduced Government spending, and increased emphasis for private, charitable works, we should be doing all we can to help these small but extremely vital establishments whose sole purpose is to give aid to physically impaired and terminally ill patients who are struggling financially.

Specifically, there are two such organizations in Nevada which will be forced to close their doors as a result of the windfall profit tax. The Reno Cancer Center and the Nevada Division of the American Lung Association are two nonprofit, patient-service organizations which will be devastated by this tax.

The Reno Cancer Center has been in existence for 24 years in the Washoe County Hospital in Reno. Its purpose is to help pay for hospital care, chemotherapy, and other drugs and radiation for cancer patients, and on occasion, a portion of surgery fees; though the bulk of the patient-assistance program is to help pay for cancer patients' living expenses.

In the past, the Reno Cancer Center has also given money to the University of Nevada Medical School for cancer research; however, this year it has been forced to keep this money to pay the windfall profit tax.

The Nevada Lung Association primarily aids with living expenses, medical research, physical training, and hospital care for patients with unpayable medical expenses. It, too, will be forced to close its doors as it financially cannot exist when forced to pay such a large percentage of funds as taxes.

I believe Congress will agree that it is vital that both the Reno Cancer Center and the Nevada Lung Association become exempt from the windfall profit tax as they are both patient service, nonprofit, usually tax-exempt organizations that will be devastated and ultimately terminated by this tax.●

By Mr. HOLLINGS (for himself, Mr. HEFLIN, Mr. GORTON, Mr. INOUYE, Mr. FORD, Mr. RIEGLE, and Mr. LAUTENBERG):

S. 955. A bill to maintain the preeminence of the United States in space, to promote the peaceful exploration and utilization of space, and for other purposes; to the Committee on Commerce, Science, and Transportation.

NATIONAL COMMISSION ON SPACE ACT

Mr. HOLLINGS. Mr. President, in major respects NASA and the U.S. space program are at the threshold of a new era. Just 25 years since the establishment of NASA we hear increasingly about the Shuttle era, the space commercialization era or the era of international competition. We also hear about the increased use of space for national security purposes. No matter how one chooses to characterize the coming era, it should be one of national opportunity. To realize those opportunities, however, will require a revitalization of this country's commitment.

I am introducing today the National Commission on Space Act for the very purpose of reinforcing our resolve to utilize the space environment for the maximum national benefit. Joining me in this effort are Senators HEFLIN, GORTON, INOUYE, FORD, RIEGLE, and LAUTENBERG. A number of issues and program decisions face us that will shape the future of our space program. In other to maintain U.S. preeminence in space, we must address those issues and provide our space program with clear directions. The Commission established under this bill would lead the way in this effort.

Much has happened since the actions of the Soviet Union first mobilized U.S. efforts in space. Whereas for many years the only competition the United States faced in space was from the Soviet Union, today this no longer is true. Other nations have developed a capability to operate in space. We face increased competition in space, particularly for commercial purposes, from the Europeans and the Japanese. The future of the U.S. leadership position is at stake and with it the economic, scientific, and national security benefits that a strong national effort would provide.

In a major study undertaken at the request of the Senate Committee on Commerce, Science, and Transportation, on which I serve as the ranking Democrat, the Congressional Office of Technology Assessment (OTA) outlines where we have come from, provides clear examples of what is at stake and indicates what must be done. I would like to share with my colleagues some of their findings contained in the report entitled "Civilian Space Policy and Applications."

The report follows:

In 1958, the basic institutions and policy principles for civilian space activities were established in the National Aeronautics and Space (NAS) Act. This supporting structure,

though amended and extended by legislation and presidential directives, remains essentially unchanged to this day. During this time much has happened—not only with regard to the space program, but also with regard to the commercial, national, and international context within which the program functions.

One of the most striking changes since 1958 is that space applications are now common and pervasive parts of day-to-day life. We rely increasingly on space for vital private and public functions (commercial communications and military reconnaissance) and for useful services (land remote sensing, navigation, and weather forecasting). In the near future, we can foresee commercial possibilities for processing materials in space. All of these applications of space technology require the support of a space transportation system, including launch vehicles, spaceports, and tracking networks.

In spite of these advances, however, there is no overall agreement about the direction or scope the civilian space program should assume in the future. For the most part, our increasing reliance on space systems has not been appreciated by the general public, which responds most readily to spectacular manned and scientific missions.

For space applications in particular, lack of agreement on appropriate goals has made it difficult for the executive agencies to set specific timetables for developing space systems that meet user needs, to encourage private sector investment, and to initiate new and/or implement mandated programs. In addition, there is no clear and predictable policy or process to define at what rate and by what criteria the transfer of technology from Government research, development, and demonstration programs to the private sector should take place.

The lack of consensus is of concern because many desirable space activities require continued Federal support. The Government continues to play a crucial role in at least four areas that are essential to the Nation's future in space but have little potential for immediate commercial return: contribution to advanced R&D, continuation of space science, provision of public goods and services, and regulation/coordination of national efforts, particularly with respect to international agreements.

The failure to agree about the aims of the U.S. space program has occurred as other nations have been expanding their own programs. When the U.S. space program began, the Soviet Union was our only competitor in space. The Soviets have never challenged our leadership in space applications. Now, however, international competition in space applications is a reality. The Europeans and the Japanese have targeted specific space technologies for development, and they will soon be providing stiff competition for services theretofore offered only by the United States. Their increased activities threaten the loss of significant revenue opportunities for the United States as well as a potential loss of prestige and influence. Japanese and European technologies now capture a small but growing portion of the world market in satellite communications technology. Their position is likely to strengthen in time. In the near future they are also likely to be in a similar position with respect to launch services and remote sensing systems.

Unless the United States is prepared to commit more of its public and private resources to space than it now does, it will lose its preeminence in space applications during the 1980s. Both technological and commercial leadership are at stake. The U.S. leadership position will depend not only or even primarily on spending more money, but on effectively allocating our technical, financial, and institutional resources to meet international competition. Given the likely constraints on the Federal budget, it will be important to decide in what areas the United States wishes to compete, because attempts to maintain a comprehensive program without additional capital and manpower may lead to second-best technology and systems and/or inadequate institutional support.

Although the Federal Government must continue to play an important part in space, it cannot do the job by itself. The twin factors of diminishing Federal resources for civilian space activities and the dynamic qualities of the private sector make it important that the private sector participate more actively in U.S. space efforts. A great part of the success of the European and Japanese programs results from their institutional arrangements within which private and public sectors can work well together.

This emphasis on applications of space technology and space commercialization also is the subject of a speech by a long-term participant in the U.S. space program, Mr. Robert F. Allnutt. He discusses the commercial era of space, what is occurring in the United States and what the international implications might be of developing the new continent of space. So that others might become familiar with his perceptions, I ask that a copy of his speech be included in the RECORD at the end of my statement.

In the Congressional Research Service (CRS) report prepared by Marcia S. Smith, she provides another analysis of the status of U.S. space policy. The issues that are of concern to the CRS are as follows:

Over the past several years, a number of issues have been debated concerning the conduct of U.S. space activities. Two factors are bringing these issues into increasing prominence: constrained budgets which have forced NASA to significantly scale back civilian space initiatives, while at the same time DOD's space budget is growing rapidly; and the emergence of the space shuttle as the single launch system for all U.S. spacecraft, civilian and military. Some specific questions are whether the U.S. is committed to exploiting and exploring space, and if so, whether the NASAct is adequate as a policy vehicle for the 1980s and beyond; how the U.S. can become a reliable partner in international space ventures; the role of Government versus private industry in space endeavors; whether NASA should be restricted to performing research and development only, or be allowed to operate space systems such as the shuttle once they are out of the R&D phase; and whether civilian and military space activities should be merged, with the possible abolishment of NASA.

Everywhere one turns one can hear arguments for the need to give our space efforts some long-term direction, direction in terms of resolving certain policy issues as well as programmatic directions. The OTA and CRS among others have done a fine job of raising issues. Some of these issues are not new. It would do this Nation well to reexplore some of these issues and explore some of the new ones. For example, we should consider the:

Adequacy of the original National Aeronautics and Space Act of 1958 as the basis for future space efforts;

Alternative roles and relationships of our civilian and national security programs;

Roles and relationships of the private and public sectors in space initiatives, including the opportunities of the private sector in utilizing the space environment;

International implications of cooperation and competition in space; and

Suitability of existing Federal organizations to carry out future governmental responsibilities.

With regard to programs, we must take a long-term perspective and review our space transportation, science, applications, and advanced technology requirements. For example, we must decide what the appropriate circumstances and time scale would be for this Nation to pursue a permanent presence in space. We must maintain the stability in our science and exploration efforts that is so crucial to advancing our knowledge base. In the area of space applications, we must invest where we have a high likelihood of receiving public and private payoffs.

On this latter point, it concerns me that in this year's NASA budget, the most important but least funded program is space applications. Specifically, of those space applications projects that have commercial and economic significance, one finds that land remote sensing program is funded at $46.4 million, materials processing at $21.5 million, communications at $21.1 million and technology utilization at $4.0 million. This total of $93 million for commercially significant applications programs represents just 8.7 percent of the science and applications budget and only 1.3 percent of NASA's overall budget. Such a policy and unbalanced program cannot possibly be in our Nation's best interest.

Mr. President, there are those who would agree that we face a number of issues and programmatic decisions, but that the present decisionmaking system can do the job. Well, I disagree.

The present system often conducts its business behind closed doors. The arrangement within the administration to decide space policy issues presently relies on the Space Interagency Group which is an arm of the National Security Council (NSC). On some occasions we may hear the results of their deliberations, at other times not. In either case, the public will not know what the arguments are pro and con relative to the issues under consideration. Furthermore, I question the appropriateness of handling civilian

space policy issues within the NSC framework.

We need a more public discourse and hopefully public consensus on the direction of our space program. It is not possible to meet that test under the present arrangement. Therefore, I call to my colleagues' attention this legislation which would establish a National Commission on Space.

There is a useful precedent for such a Presidential commission with which many of my colleagues are familiar. A number of years ago we faced a new era of oceans development. The oceans had been viewed largely as a scientific curiosity and a means for transportation. The potential for marine resource development was really just getting under way. There also were a number of policy issues related to the utilization of the oceans. Thus in 1966 the Congress established a Marine Resources Commission which was headed by Julius Stratton. The Stratton commission had an excellent and diverse membership that was supported by a strong professional staff. They reviewed the diverse Federal oceans programs and the Government's ability to respond to various opportunities. The Commission's report provided an extremely valuable guide in the oceans area, and it still is relevant today.

The OTA also recommends the establishment of such a forum for space. As outlined in the OTA report:

A pervasive element is the lack of consistent long-term goals and clear policy initiatives, from either the executive or the legislative branches of the Government. This situation derives in part from the fact that since the Apollo decision was made in 1961, the number of major factors in civilian space activities has increased from one agency (NASA) to include six Federal agencies and numerous private firms. Not surprisingly, the many groups with direct and indirect interests in space agree neither about the overall importance of the civilian space program nor about specific applications projects. In the absence of broad consensus and a means for deciding between opposing views, the scope of individual projects is determined by the annual budget deliberations among the executive agencies, the Office of Management and Budget (OMB), and Congress. Over time, the sum of these decisions determines the overall course of the space program. However, the annual budget cycle bears little relationship to the long-term evolutionary cycle of space systems. In addition, OMB has not chosen to view investment in space activities from a long-range perspective. Until such time as a broad consensus is formed, it is left to the President or Congress to set forth a coherent, strategic framework for civilian space policy. In the absence of such direction, the current drift will continue and worsen . . .

In order to plan for the future of the space program in the context of other national needs, the United States needs a multi-representative forum to discuss and recommend comprehensive, long-term goals. Such a forum could coordinate the interests of all the major actors in order to allow equitable and stable decisions to be made about the overall direction of the civilian space program. Though such a body would not itself direct the course of the space program, because this responsibility lies with the President and Congress, it could focus the debate and provide timely advice . . .

A device that is occasionally employed to investigate a broad area of national interest is a Presidential or National (implying congressional and private involvement) commission, board, committee, or council . . .

One possibility for space is to charter for a specified term, a 'National Space Commission' with membership from the general public, State and local governments, industry (particularly aerospace and electronics firms), academia, Congress, and the executive branch—NASA, State, DOD, Interior, Commerce, and Agriculture. The Commission would be charged with reviewing and assessing the civilian space program and its benefits, and recommending long- and short-term objectives, and a time frame for their achievement. The product of the Commission would be a major report, recommending short- and long-term goals for the U.S. space program. The Commission would be publicly supported; following its report, congressional hearings could be held on its recommendations, and legislation prepared for consideration by Congress.

Such a forum enables participation from a broad set of interests in developing program goals, it operates in a manner that is outside normal channels and hence would be less threatening to the annual budget preparation process; it would be public and could solicit public input as appropriate; and it would serve as an expression of broad national and bipartisan support for the civilian space program. In order to provide a specific objective for such a group, a major report should probably be specified, with annual updates for the life of the Commission.

A National Space Commission, because of its public, short-term nature, could not substitute for a means within the administration to resolve issues, develop policy proposals, review goals, and set strategy for the space program. The Commission therefore is complementary to the previous two options, although it would deal with many of the issues. The Commission would have the advantage of being able to evaluate public response and support, and to focus that support on specific goals. It also provides a device for full discussion of congressional, executive branch, and private sector views in a constructive setting.

Mr. President, the Commission established under my bill would have 1 year to do their work and then report back to the President and Congress. Their report, which would be based upon input from all sectors, should provide recommendations for a national space policy including legislative proposals and a program plan. Cost estimates would also be provided.

Earlier I indicated that we needed to revitalize our national commitment if we are to receive the benefits from utilizing the space environment. I am not talking about massive infusions of the taxpayers' money. The present level of investment in NASA adjusted for inflation, would enable a rather vigorous, future program. It is often a question of where the money is spent and how Government policy can help stimulate greater private commitments.

Regarding private investment in the space program, one area of promise involves private launch capabilities. I recently introduced S. 560, the Private Satellite Launching Authorization Act to stimulate such private sector efforts. Providing the proper authority and regulatory framework can enhance greatly private investment while not placing any additional demands on the U.S. taxpayer.

In conclusion, Mr. President, it is my hope that this legislation will help give direction to our space efforts. We need to mobilize our national spirit and resolve the way President Kennedy did almost two decades ago. It is time again to support our creative and talented people. As George Will wrote regarding the space program:

The future deserves the spirit of the American past . . . you ain't seen nothing yet.

Mr. President, I ask unanimous consent that this legislation and the speech of Robert F. Allnut mentioned earlier be printed in the RECORD.

There being no objection, the material was order to be printed in the RECORD, as follows:

S. 955

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Commission on Space Act".

PURPOSES

SEC. 2. It is the purpose of this Act to establish a National Commission on Space that will assist the United States to—

(1) maintain its preeminence in space science, technology and applications;

(2) promote the peaceful exploration and utilization of the space environment; and

(3) develop policy and program options for the future of the Nation's space program.

FINDINGS

SEC. 3. The Congress finds and declares that—

(1) the United States space program has been an unparalleled success, providing significant economic, social and national security benefits, and helping to maintain international stability and good will;

(2) the National Aeronautical and Space Act of 1958 (42 U.S.C. 2451 et seq.), has provided the policy framework for achieving this success, and continues to be a sound statutory basis for national efforts in space;

(3) the United States is entering a new era of international competition and cooperation in space, and therefore this Nation must strengthen the commitment of its public and private technical, financial, and institutional resources, so that the United States will not lose its leadership position during this decade;

(4) while there continues to be a crucial government role in space science, advanced research and development, provision of public goods and services and coordination of national and international efforts, advances in applications of space technology have raised many issues regarding public and private sector roles and relationships in technology development, applications and marketing;

(5) the private sector will continue to evolve as a major participant in the utilization of the space environment;

(6) future national efforts in space will benefit from a review and clarification of civilian and national defense responsibilities in space; and

(7) to maintain the Nation's preeminence in space in the next 25 years, it is necessary to develop clear policy and program goals, which would best be identified through a high-level, multi-representational public forum that would provide the President and Congress with options from which such goals could be determined.

DEFINITION

SEC. 4. As used in this Act, the term "Commission" means the National Commission on Space, provided for in section 5 of this Act.

NATIONAL COMMISSION ON SPACE

SEC. 5. (a)(1) The President shall establish a National Commission on Space, which shall be composed of fifteen members appointed by the President. The members appointed under this subsection shall be selected from among individuals from State and local governments, industry, business, labor, academia, and the general population who, by reason of their background, education, training, or experience, possess expertise in scientific and technological pursuits, as well as the use and implications of the use of such pursuits. The President shall designate one of the members of the Commission appointed under this subsection to serve as Chairman, and one of the members to serve as Vice Chairman. The Vice Chairman shall perform the functions of the Chairman in the Chairman's absence.

(2) Members appointed under paragraph (1) of this subsection shall be entitled to be paid at a rate not to exceed the daily equivalent of the annual rate of basic pay in effect under section 5332 of title 5, United States Code, for grade GS-18 of the General Schedule for each day, including traveltime, during which such members are engaged in the actual performance of the duties of the Commission. While away from their homes or regular places of business, such members may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed under section 5073(b) of title 5, United States Code. Individuals who are not officers or employees of the United States and who are members of the Commission shall not be considered officers or employees of the United States by reason of receiving payments under this paragraph.

(b)(1) The President shall appoint four individuals who are employees of the Federal Government to serve as ex officio members of the Commission.

(2) The President shall also appoint two advisory members of the Commission from among the Members of the Senate and two advisory members of the Commission from among the Members of the House of Representatives. Such members shall not participate, except in an advisory capacity, in the formulation of the findings and recommendations of the Commission.

(3) Members of the Commission appointed under this subsection shall not be entitled to receive compensation for service relating to the performance of the duties of the Commission, but shall be entitled to reimbursement for travel expenses incurred while in the actual performance of the duties of the Commission.

(c) The Commission shall appoint and fix the compensation of such personnel as it deems advisable. The Chairman of the Commission shall be responsible for—

(1) the assignment of duties and responsibilities among such personnel and their continuing supervision; and

(2) the use and expenditures of funds available to the Commission.

In carrying out the provisions of this subsection, the Chairman shall act in accordance with the general policies of the Commission.

(d) To the extent permitted by law, the Commission may secure directly from any executive department, agency, or independent instrumentality of the Federal Government any information it deems necessary to carry out its functions under this Act. Each such department, agency, and instrumentality shall cooperate with the Commission and, to the extent permitted by law and upon request of the Chairman of the Commission, furnish such information to the Commission.

(e) The Commission may hold hearings, receive public comment and testimony, initiate surveys and undertake other appropriate activities to gather the information necessary to carry out its activities under section 6 of this Act.

(f) The Commission shall cease to exist 60 days after it has submitted the report required by section 6(d) of this Act.

FUNCTIONS OF THE COMMISSION

SEC. 6. (a) The Commission shall make a comprehensive investigation of existing and proposed space activities in the United States in order to assess their adequacy in meeting the present and future needs of the Nation. Such study shall include—

(1) a review of the known and possible economic, social, environmental, foreign policy and national security needs of the United States, and methods by which space science, technology, and applications initiatives might address those needs;

(2) a review of the adequacy of the Nation's public and private capability in space science, technology, and applications;

(3) a review and assessment of present issues and issues that may arise as space research, technology development and applications are utilized to meet future national needs; and

(4) an analysis of the findings of the reviews specified in paragraphs (1) through (3) of this subsection, and options and recommendations for a national space policy and program plan.

(b) Issues to be considered pursuant to subsection (a)(3) of this section shall include—

(1) the adequacy of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.) to serve as the basis for future national space policy;

(2) alternative roles and relationships of the civilian and national security space programs;

(3) alternative roles and relationships of the private and public sectors in national space efforts;

(4) the suitability of existing Federal organizational arrangements to carry out future governmental responsibilities in space research, technology development and applications;

(5) the opportunities for, and barriers to, private sector utilization of the space environment and participation in national space programs;

(6) the methods, occasions and circumstances under which the Nation should pursue a permanent presence in space; and

(7) considerations involving international cooperation and competition in the utilization of the space environment.

(c) Options and recommendations submitted in accordance with subsection (a)(4) of this section shall include an estimate of costs and time schedules, institutional requirements, and statutory modifications necessary for implementation of such options and recommendations.

(d) Within 12 months after the date of the establishment of the Commission, the Commission shall submit to the President and to the Committee on Commerce, Science and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives the results of the study conducted under this section, together with recommendations for such legislation as the Commission determines to be appropriate.

AUTHORIZATION OF APPROPRIATIONS

SEC. 7. For the fiscal year ending September 30, 1984, there is authorized to be appropriated not to exceed $1,000,000, to carry out the purposes of this Act.

INTERNATIONAL COOPERATION IN THE COMMERCIAL ERA OF SPACE

(Remarks by Robert F. Allnutt)

The sponsors of this meeting are to be commended for focusing our attention on future opportunities for space cooperation between developing and developed countries. As most of you know, NASA has had an active, highly productive cooperative international program from our inception 25 years ago. In that light, we welcome this chance to contemplate our mutual future.

Sir Kenneth Clarke once said that "predicting the future is, intellectually, the most disreputable form of public utterance." Undaunted by this warning, I have, on a number of occasions over the past year, postulated the dawning soon of a new era in space. I have called this new age "Space Phase III: The Commercial Era." So it is in this context that I would like to develop our topic.

Let me propound a theory. We stand today near the dawn of an era when commerce will become a far more significant factor among the three basic motivations for space programs in the Western World. The other motivations—exploration and national defense—will remain strong, with the defense missions prime among these two. However, commercial enterprise, including but not at all limited to telecommunications, will surge to the forefront.

The basic concept underlying my theory is this: exploration (including scientific research), national security, and commercial interests have each played major, often overlapping roles in spurring space efforts during the first quarter century of the space age. During "Phase I," the period bounded by Sputnik and Apollo, exploration was the major player, at least insofar as public opinion and popular support for space programs was concerned. We are now well into "Phase II," when concerns over the use and protection of space assets that support national security predominate. History teaches us that the twin drives of exploration and military purposes push back frontiers and foster great technological advances: but it is only when the commercial motive becomes prominent that human activity in new regions truly prospers and enters periods of

exponential growth. I believe that there are increasing signs that the period I call "Space Phase III" may be coming soon.

Rather than ask you to adopt this theory without evidence of its validity, I shall, in the remainder of my remarks, present some facts and conclusions that will permit you to accept or reject it.

First, let me review some recent history. Since 1980, there have been three developments of great importance for the future of space activities. In order of their potential impact, they are:

First, proof, through five highly successful flights, that the Space Shuttle concept works, and works well;

Second, a series of Soviet missions, including:

The orbital test of a winged, presumably reusable spacecraft (Cosmos 1374). Unmanned during this initial test flight, and much smaller than the Shuttle, the model was retrieved in the Indian Ocean by a seven-ship Soviet task force.

The final, 75-day, mission aboard Salyut-6, completed in July, 1981. During the life of this small space station, the Soviets demonstrated an emerging capability to construct and service modular stations in orbit.

Launch last April of the improved Salyut space station. The Soviet prime crew inhabited Salyut 7 from May until December. In June, a French-Soviet crew joined the prime crew for a week, marking the first participation by a non-Soviet bloc cosmonaut in Soviet manned flight activities.

And, reportedly, the Soviets have resumed work on a very large booster (larger than the U.S. Saturn V of Apollo days) with obvious implications for Soviet ability to place large structures in orbit. Soviet officials have spoken to the press of "Cosmograd", a large space station, as one likely payload.

The third of these significant developments was the successful tests of the European Space Agency's Ariane 1. When its current difficulties are overcome, this expendable launch vehicle will bring to an end the U.S. monopoly in the provision of launch services to the Western World. Arianespace, the quasi-governmental marketing firm established to sell launches on Ariane and planned larger variants, now counts many firm orders for launch services, some won in competition with U.S. expendables and the Shuttle. Within NASA, the stimulus of Ariane competition has given launch service marketing a long-overdue high profile. We have learned that it is not enough simply to offer the best and least expensive service.

Each of these steps into space, and others that could be mentioned, have their importance. But it is the emergence of the Shuttle, after a decade of design and test, that signals something truly new for space-faring nations. For with the Shuttle and its progeny, we can look forward to far more routine uses of space. With its hard vacuum and vanishingly small gravity, earth orbit beckons in the age of Shuttle as an environment ready for profitable use, not merely as a place to go to, or pass through, at great risk and expense.

With this introduction, let us turn now to the future.

SPACE STATIONS

As the Shuttle has become operational, we in NASA have turned our thoughts once more to a permanent space station. The 1990's will almost surely see one or more permanent manned stations in low earth orbit. The Soviet Union will have progressed to this point without question, and I believe one or more Western nations will wish to create such a capability for scientific research, for Earth observation, for specialized manufacturing, and in general, for tending the Earth-orbital flocks of satellites.

Such a station would be of great import to the development of commercial enterprise in earth orbit, and could well provide numerous opportunities for developing nations. The space station could serve as both a laboratory and a manufacturing and operations base. As a laboratory, the station would provide for extended observations of the land and oceans for those scientific, commercial, or security purposes where man's presence is important. The station also would enable man to participate in observations aimed in the opposite direction: outward to the sun, the planets and the stars. As I will develop in a few minutes, various material processing steps in small factories in or near a station would be monitored by the crew. As an operations base, the space station would provide for fueling and launch of orbitally-based propulsive stages, significantly increasing our capability to place satellites in geosynchronous orbit as well as to maneuver in low earth orbit. The station also would serve as a construction base to assemble and erect large systems, such as antennas, imaging systems or other structures too large for launch directly from earth. In addition, the space station would provide a base for the maintenance and servicing of free-flying unmanned satellites.

A space station, of course, is not a new idea. For nearly twenty years, NASA has examined the possibility of launching and operating a permanent, manned facility in low earth orbit. During the course of many studies, various space station concepts have been considered, and Skylab, one of NASA's most successful flight efforts, was a large, temporary space station.

Conceived at the height of the Apollo program, the Space Shuttle idea was inextricably linked to the concept of a space station. The orbiters were intended to "shuttle" to and from an orbiting space station.

Budgetary constraints forced NASA to choose between the station and its space transportation system. Concluding that it made no economic sense to have a station in orbit without a reusable craft to service the facility, NASA decided to develop the Shuttle first, delaying the initiation of a space station. Interestingly enough, the Soviets, faced at about the same time with the same decision, chose the opposite approach.

Now it is appropriate to consider completing the original system. As our planning progresses, the European Space Agency (ESA) and the space agencies of Italy, Canada, and Japan are partners in our study efforts. These agencies, having expressed an interest in the U.S. space station planning activity, are sponsoring space station mission analysis studies of their own. As these various studies are completed, we will share the results.

Precedents for international cooperation on a space station program abound. The Shuttle system, for example, includes two key elements manufactured abroad: the orbiter's Remote Manipulator System in Canada, and the Spacelab scientific module with pallets by ESA. Under appropriate conditions, similar arrangements could be negotiated for a space station. While the apparent role for developing countries in the construction of a station is limited, the many uses of a station would clearly benefit all nations.

I should note here that under the direction of Italy's National Research Council (CNR), Aeritalia is conducting in parallel with NASA studies of how the concept of a space tether might be applied to a space station. The idea that a long tether could be used in space to deploy one spacecraft from another was formally proposed in 1974 by Professor Giuseppe Colombo and his colleagues. The space tether is a highly innovative concept with great potential as a new tool for useful space activity. It emerged as knowledge grew of the three most important forces acting on an orbiting spacecraft—that of gravity, centrifugal force and atmospheric drag. Mathematical analysis shows that it is indeed possible to tether two bodies in space at considerable distances if active control is exercised through the tether to maintain equilibrium.

NASA and CNR have for several years discussed the possibility of a joint project to develop a Tethered Satellite System (TSS) for the Shuttle. NASA would design and develop a deployer mechanism that would operate from the Shuttle's payload bay, Italy would design and develop the payload-carrying "sub-satellite" that would be deployed and retrieved by the Shuttle, and together we would conduct several initial missions to test the system and do new scientific research that this systems makes possible.

I am happy to note that NASA's budget for our next fiscal year, submitted to Congress in January, includes a request for funds needed to begin U.S. work on development of Tether. On that basis, we have begun discussions on a possible joint project agreement for TSS development. At the same time, we are both looking even farther into the future at ways this new concept and system could be applied to a space station.

SPACE APPLICATIONS

In the 1990's, we will see operational land, sea and atmospheric monitoring systems checking continuously from space on the health, vitality and general status of our environment and our resources. Some of these will, I believe, evolve into internationally-sponsored systems, while others will remain purely national or perhaps privately owned.

Fierce competition in the field of satellite communications will, I believe, abate little, if at all, over the coming two decades. Jockeying for priorities in the relatively limited region of geosynchronous orbit will continue. The Shuttle's large payload bay will accelerate the trend toward larger and larger spacecraft to occupy these limited positions. Dependent, in part, on the outcome of NASA's research in new frequency bands and large structures, we may indeed see shared platforms in this "Manhattan-in-the-sky" in the 1990's.

Here, I must mention Landsat 4, the U.S. remote sensing earth resources satellite launched last July. Both the multi-spectral scanner—fourth in a series—and the new, higher resolution Thematic Mapper, are in perfect working order. Landsat 4 data, to be made available through the EROS Data Center in the U.S., and through direct readout at the ground stations of various cooperating nations around the world, are setting the remote sensing standards for the rest of this century. The apparent, unfortunate loss of direct readout capability from the Thematic Mapper will be partially solved by the Tracking and Data Relay satellite. A fifth Landsat awaits launch when needed.

The U.S. Government has under study the means to continue this highly important program beyond the 1980's. The points under study include consideration of the ap-

propriate private sector role—the Comsat Corporation has offered private financing of both earth resources and civil weather satellites—and of the interactions of foreign users and data systems.

An exciting international effort using our space applications systems surfaced at the UNISPACE '82 meetings sponsored by the United Nations last August in Vienna. The United States proposed a decade-long Global Habitability Program. Scientists throughout the world, working in national or regional projects, would seek through satellites and other data gathering means to enhance vastly our knowledge of the global ecology by the end of the century. This expanded data base would enable future generations to use a more systematic approach to managing long-term global environmental change. For the U.S., our effort would focus on data from satallite systems such as Landsat and the proposed Upper Atmospheric Research Satellite. This concept was further discussed during a meeting of scientists from around the world in New York last month. If this effort goes forward, both the preparatory work and the resulting benefits would be of direct interest to nations in every stage of development.

The growth of communications satellite activity has been amazing. Five years ago there were 70 communications satellite transponders in orbit. Today the number exceeds 800. As "Manhattan-in-the-sky" becomes more crowded, efforts accelerate to permit closer and closer satellite spacing, and to offset satellites by innovative design features like solar sails. We race to perfect higher frequency, much more sophisticated systems. To accommodate larger platforms, plans have been laid for larger variants of the Ariane launcher, while in the U.S. we will use the Centaur upper stage in the Shuttle to greatly exceed Ariane's capacity. In the meantime, the Hughes Corporation, in a private initiative, has proposed an innovative means to launch the huge Intelsat VI series of satellites. Japan, Europe and the United States each plan intensive work to open up the 30/20 Gigahertz bands for commercial communications.

SPACE SCIENCE

The major U.S. science programs underway include:

Galileo—a Jupiter orbiter and atmospheric probe, to be launched in 1986 by the powerful Shuttle/Centaur combination.

International Solar Polar Mission—an ESA spacecraft, also to be launched in 1986 by Shuttle/Centaur, will swing by Jupiter on its way to study the polar regions of the Sun.

Space Telescope—now planned for launch in late 1985.

Gamma Ray Observatory—a smaller astronomical instrument scheduled for launch in 1988.

I should, of course, mention the Infrared Astronomy Satellite—IRAS—launched two months ago. This joint Dutch/American instrument, operating at an astounding two degrees above absolute zero, is providing marvelous data on thousands of sources found during its all sky survey.

We are also actively involved in the "International Watch" of Halley's Comet. Although the United States, unlike Europe, Japan, and the Soviet Union, chose not to send a spacecraft to meet the comet, we will observe it in a variety of ways, including from the Space Telescope, and will cooperate closely with those who are sending dedicated spacecraft. We wish "Giotto" and the others well.

The centerpiece of astronomy over the next 15 years will be the Space Telescope. The Shuttle will place this telescope, with a mirror as large as that in Greenwich's Isaac Newton instrument, above the Earth's obscuring atmosphere. There are many ways to attempt to explain the significance of the Space Telescope to our knowledge of the Universe. Let me try three ways to quantify the capabilities of this powerful device:

First, it will enable us to see 350 times as much of space as we can see from ground-based telescopes;

Second, it will "see" stars 50 times more faint; and

Third (and to me most amazing), consider this. Galileo's telescope improved on the naked eye's ability to see the heavens by a factor of 20. The Space Telescope will improve over the best telescope of today as much as today's best has improved on Galileo's primitive instrument.

In addition, the budget just sent to our Congress includes an exciting "new start" in our science program: a "Venus Radar Mapper" to be sent to Venus in the late 1980's to map our sister planet through her perpetual clouds.

INTERNATIONAL PROGRAMS

The basic character of NASA's international programs has stemmed from the character of the agency itself and was set quite early. International projects would be undertaken only if they contributed to NASA's own program goals, foreign policy objectives would be supported, bilateralism would be the fundamental method of conducting international projects and NASA's science programs would be open to participation on a competitive basis by the best minds from throughout the free world.

Three additional guiding principles deserve prominent mention. The first is that each cooperating nation is expected to assume full financial responsibility for its own efforts on a project; i.e., no exchange of funds in either direction between NASA and the foreign cooperating agency. This rule serves to reduce considerably the cost of the projects to NASA and to ensure close project/budget responsibility. The second principle, established to address the concern which NASA has always had for limiting technology transfer, is that, whatever the division in responsibilities between the partners in a joint project, each side must have the capability to carry out its own responsibilities. In pursuit of this objective NASA seeks to define cooperative projects so that the interfaces between the contributions are as well defined and "clean" as possible. The final principle, perhaps obvious, is that the results of scientific cooperative efforts are to be made openly available to the international scientific community within a reasonable period of time through appropriate channels (depending on the type of project).

Following these prescriptions, NASA has concluded over 1,000 agreements with 100 countries in its 25 year lifespan. These agreements are not generalized, umbrella-type arrangements. Instead, they cover the specific elements of an undertaking. The philosophy is that specificity avoids misunderstandings and inhibits any tendency toward "inventing" projects to satisfy the spirit of a diffuse agreement. While a number of major satellite, experiment and facility development projects are included in these totals, many of the cooperative projects are for smaller efforts such as remote sensing investigations (with 53 countries), scientific and technical information exchanges (70; double counting of countries is involved here), geodynamics projects (43) and sounding rocket projects (22).

The importance of these "smaller efforts" should not be overlooked. Many of them have been with developing countries which need to learn how to work with remote sensing data or how to build scientific payloads for sounding rockets or to gain access to recent open literature reports in areas of interest. One of the strengths of the bilateral approach to specific projects is that it facilitates cooperation with developed and developing countries on different sized projects at different levels of sophistication.

THE COMMERCIAL ERA

Where does all this leave us? Can we step back from the monthly rush of new launches and technological advances to venture a guess as to where we stand, and more importantly, where we might be headed? I'll give it a try.

I suggest that the first phase of the space age, beginning with Sputnik 25 years ago, ended when the Apollo moon flights concluded in 1972. This 15-year phase had as its dominant motivation one of man's oldest and noblest impulses: exploration. I need to acknowledge that the interests of national security also loomed large. Several important Department of Defense missions—in weather, communications and surveillance—rapidly developed. As defense was a motivation, so too was commerce. Through Comsat and Intelsat, the experimental flights in 1962 turned to profitable spacecraft beginning in 1965. Indeed, to many the early development of this one commercial use was proof that others would follow immediately. They were mistaken.

So commerce and national defense had important motivational roles, but exploration motivated the public more strongly, as we and the Soviet Union sent pioneering spacecraft to the moon and beyond to Venus, Mars and Mercury.

As Phase I ended, exploratory flights, including increasingly bold scientific exploration as well as planetary reconnaissance, continued, albeit at a decreasing rate. However, it seems clear to me that, in both the Soviet Union and the United States, the predominant motivation of the new space endeavors since Apollo has been national security. We continue in Phase II today.

Military budgets have provided the bulk of Soviet space funding for many years. The U.S. defense space budget now exceeds that for civil programs, and is growing at a much more rapid rate, tripling in the past five years. Surveillance from space is essential to verification of arms control treaties, and space communications and other support roles are critical to modern armies and navies in the nuclear age.

In the absence of general worldwide disarmament, it would be unrealistic to suppose that budgets for scientific research and exploration of space will ever again exceed our defense space funding, even though my Government and others will continue strong civil exploratory efforts like Space Telescope and planetary flights. Ten years into Space Phase II, we have good reason to speculate on whether the preeminence of military motivation for space activities is permanent.

There is much evidence to support the notion of burgeoning commercial motivation and thus the approach of "Space Phase III." Let's examine some of that evidence.

I'll start from the ground up. Conservative estimates indicate that as many as 350 commercial communications satellites may be

launched to geostationary orbit between now and the year 2000. Arianespace puts this figure near 200 for the 1980's alone. Italy, I know, is well aware of this trend. The SIRIO I satellite launched in 1977 played an important role in development and testing of advanced communications satellite technology. And indeed your plans for an advanced "Italsat" later this decade are part of the evidence.

Some fraction of these satellites will be launched by expendable launch vehicles (ELV's) other than the U.S. Atlas Centaur, Titan and Delta. Ariane seems assured a small share of the market, and if Ariane succeeds, Japan may not be far behind.

Nevertheless, the Shuttle will provide most of these launches. Thus, on their way to meetings with the Shuttle and U.S. ELV's, hundreds of these satellites will flow into the Kennedy launch center in Florida. To date, Government facilities have been used to prepare these complex machines for mating with the launch vehicle. Private investment has now come into the picture. Increasingly, private facilities near the "Cape" will be used to prepare these communications satellites, and others, for launch.

How about the launch itself? Several proposals are currently pending before NASA for private investment in one aspect or another of launch services. One company has proposed purchasing a Shuttle orbiter—an investment of over $1 billion—and entering the launch marketing business on the strength of this investment. A U.S. insurance company would be a major source of the investment capital.

At the same time, a United Kingdom firm is actively exploring investment of similar sums in some aspect of the Shuttle system. Several concerns have approached us with the expendable launch vehicle or upper stage markets in mind. McDonnell Douglas currently builds at private risk the Payload Assist Module (PAM) upper stages used on Delta and in Shuttle. Last year, a private firm approached NASA with the idea of underwriting the cost of modifying the Centaur high-energy upper stage for use in Shuttle. Congress has since directed NASA to fund the Centaur. This private firm has now shifted its aim to a "hole in the market" between the PAM and the Centaur: that is, between 5,000 and 10,000 pounds in geosyncronous orbit. We are negotiating an arrangement under which a new upper stage would be built at private expense to fill this gap in Shuttle capability (and compete, I might add, with Ariane). Each of the U.S. expendable launch vehicle manufacturers continues to explore ways and means to produce, market and launch this rocket as a private venture. The U.S. Government is ending production of Titan, Delta and Atlas in the mid-1980's, but one or more may well continue as private ventures. Finally, a private, Texas-based firm is planning to develop a new launch capability. This group has launched a 500-pound test vehicle in suborbital flight from its own launch facilities, and now looks to larger capabilities.

So it seems clear, a quarter of a century into the space age, that the communications satellite business is thriving, and that rapidly increasing private investment in launch preparation and in launch itself is likely. But what of other potential commercial ventures in space?

Earlier, I mentioned resource remote sensing. Here the U.S. Landsat is the only operational activity, but other nations—led by France and Japan, perhaps—are rushing to enter the market. For some time, the U.S. Government has been exploring ways to turn this fruitful source of information into a commercial endeavor. Several companies have been successful in the value-adding business of interpreting the raw data, but the end-to-end business has not appeared feasible for private, unsubsidized ownership, because of the high cost of the space segment relative to the potential revenues from raw data sales. Many feel, however, that this picture will change as the worldwide market continues to grow and as data acquisition and processing become more routine. The Reagan Administration may very soon propose legislation under which both weather and resource satellites could be turned over to the private sector.

Space manufacturing and processing of materials, though not yet a reality, is the area that holds the great promise of true commercialization of space activity. The basic attraction of space is the essential neutralization of gravitational forces necessary to keep a satellite in orbit. Since an orbiting Shuttle, space station or platform is at or near "zero-G," or weightlessness, convection of heat and other gravitational effects normally encountered in processing materials on Earth can be avoided. This holds fascinating prospects for metallurgists, for those interested in crystal growth, for manufacturers of certain pharmaceuticals, and potentially for a host of others. The Soviet Union, the Federal Republic of Germany, Sweden and Japan are most active in pursuing these possibilities. It has been reported that Japan envisions a multibillion dollar annual market for itself in space products in the mid-1990's, and that space-processed materials are a substantial portion of this market.

For the U.S. let me mention one rather fascinating development—fascinating both for its technology and by virtue of the fact that it is a commercial endeavor. Under an agreement with NASA, the Johnson and Johnson pharmaceutical house and McDonnell Douglas Company have pioneered an ambitious series of experiments in electrophoreses, a process by which a fluid may be separated into constituent parts. Convection limits the effectivity of electrophoresis here on Earth. On the fourth Shuttle flight, a small, continuous flow electrophoresis device developed by this commercial team at their expense was flown free of charge on the Shuttle. It operated to perfection, separating albumin into its pure constituent parts, with a throughput better than 500 times that at "1 G." This holds great promise for such products as Interferon and other materials that might be useful in treating various anemias, diabetes, hemophilia, emphysema and other serious, sometimes fatal ailments. Under this agreement with NASA, the partners plan seven more test flights, and then hope to go into commercial production, eventually having a small factory—there's no other name for it—in space for several months at a time, with the Shuttle paying periodic visits to deliver raw materials and retrieve the product. At least two other U.S. firms plan experimental processing work on upcoming flights. West Germans are also focusing on materials processing. Two groups of West German companies will conduct processing studies beginning with the first flight of Spacelab aboard Shuttle, scheduled for this Fall, and on a second flight in 1985.

European as well as U.S. firms have begun to draw a cloak of industrial secrecy around their development of volume production processes in space. If, as many now believe, space processing becomes a going business, the need will quickly arise for one or more permanent orbital facilities to house and provide power for the equipment required. It is not economical to rely on the Shuttle transportation vehicle—which at best can stay in space for only a few weeks—for this purpose.

Two American firms have already approached NASA with investment plans for this end of the business. One would develop an unmanned platform capable of being deployed by the Shuttle. This vehicle—called "Leasesat"—would provide temperature control, power and stability to payloads (for example, scientific instruments or materials processing units). Leasesat would be repeatedly visited by the Shuttle, which could replace or service the instruments, or carry up raw materials and bring down finished products. The European Space Agency has a similar plan with its recoverable Eureca platform. The other U.S. firm is interested in exploring private ownership of a portion of a manned space station, together with coorbiting free-flyers, for manufacturing and other commercial purposes. In a related development, the Boeing Company is selling its MESA spacecraft. A small orbital platform for communications, remote sensing or other equipment, MESA will be launched by Ariane. Sweden is the first MESA buyer.

Rather than continue with these examples, let me sum up the situation this way. Communications satellites, their use, and associated ground equipment will continue as a highly lucrative, international commercial business for the foreseeable future. The need for hundreds of these satellites, coupled with the potential need for similar numbers of launches in support of material processing in space, is attracting capital investment and private operation into the ground processing and space launch business. Private enterprise will move quickly as it senses the opportunity for very large financial gains in space processing. In turn, growth in processing will require platforms or other types of space stations to provide power, stability, and other forms of support to the processing factories. All of this together could bring about, by the late 1980's or early 1990's a strong surge of private investment that would indeed bring us to the beginning of Space Phase III: The Commercial Era.

True, there are many obstacles in the path to this new era. But, as Leonardo da Vinci wrote five centuries ago, "obstacles cannot crush us. Every obstacle yields to stern resolve. He who is fixed to a star does not change his mind."

Low earth orbit has been called "the new Continent". Just a few hundred kilometers away, this "Continent" is reached only with some difficulty, but the voyage is not nearly so hazardous as those undertaken by Vespucci and Columbus. It was Columbus who said "When there are such lands, there should be profitable things without number." As we now begin to comprehend the commercial potential of the "new Continent" lying above us, one can foresee great potential for benefit to all nations.

Mr. HEFLIN. Mr. President, I am pleased to cosponsor with Senator HOLLINGS a bill for the enactment of the "National Commission on Space Act." I congratulate the National Aeronautics and Space Administration for its past and present efforts and contributions toward securing and maintain-

ing the Nation's leadership in aeronautical and space research and technology development. My priority today is to insure that the U.S. space program will continue in a coherent manner such that this leadership will exist for years to come.

NASA, since its establishment in 1958, has had phenomenal success in its programs of research, technology development, and space utilization for the benefit of all mankind. The world has shared in the success of the Moon landings, the spectacular images of Jupiter and Saturn, and of course the Space Shuttle. Less spectacular but extremely beneficial to mankind are many other research projects of NASA's.

The national objectives set forth in the Space Act have remained virtually unchanged under the guidance of six Presidents. We have expanded human knowledge immeasurably, we have continued to improve space vehicles, we have developed and operated space transportation systems, we have exchanged information with other agencies, and we have fully cooperated with other nations. However, it is very clear that we have several issues that are distracting and diluting our civilian space program. I am concerned that these issues are clouding our future planning to the extent that in the near future we may lose the structure and talent to continue to address all of the national objectives set forth for NASA.

Unquestionably, NASA has contributed indirectly to our national security through coordinated but separate programs with the Defense Department. Serious questions are now being raised about the financial and operational arrangement that confuse the peaceful and nonmilitary nature of NASA.

Other questions are being raised concerning commercialization of space application technologies. We all know of the recent successful launch of the Conestoga and the implications of this venture to the Space Shuttle utilization. Also, we have the proposal by private investors to buy the fifth orbitor. In addition, international competition is expected from the Europeans and the Japanese in space transportation as well as other technologies of remote Earth sensing.

If the United States is to continue its leadership role in space, we must examine these issues carefully and reaffirm NASA's commitment to coordinated national objectives. If we do not, I am very concerned with the prospects that the road we are following has a very sharp cliff that will jeopardize NASA's structure and talent base. NASA has a central role to play in space science, research, and technology development. These programs must be time-phased in a prioritized, orderly fashion to insure that the budget and NASA's resources are matched.

Mr. President, I am looking forward to working with Senator HOLLINGS on this bill for reaffirming the United States' dedication to aeronautics and space development for the benefit of all mankind.

By Mr. LAXALT:

S. 956. A bill for the relief of Oikos, Inc., and the Nevada Opera Association, both of Reno, Nev.; to the Committee on Finance.

RELIEF OF OIKOS, INC. AND THE NEVADA OPERA ASSOCIATION

● Mr. LAXALT. Mr. President, today I would like to reintroduce legislation from last session which will relieve both the Oikos, Inc., Reno, Nev., and the Nevada Opera Association, Reno, Nev., from the penalties from not filing a valid waiver under sections 3101 and 3111 of the Internal Revenue Code of 1954.

I introduce this measure as a means of relieving both organizations of a burden brought about by a set of parallel, extenuating circumstances.

Both organizations were caught unaware when the tax laws changed in the mid-1970's and did not file the appropriate waiver forms to exempt them from having to collect and pay social security taxes on their employees. Yet believing that no waiver form was needed, and not wanting to be part of the social security system, the organizations did not collect social security taxes from their employees. Remember, Mr. President, these are small local charities that did not have the money to pay for sophisticated tax lawyers to monitor changes in the law. As a result of these circumstances the organizations are now liable for huge amounts of uncollected taxes.

Each organization provides the Reno community with greatly needed cultural and rehabilitative services. Payment of these taxes will literally kill both of the fine organizations. In no way does this measure carry the intent to restructure the basic provisions of the code as they were adopted. Rather, it addresses the difficulty that such organizations encounter when dealing with complicated regulations with which they have had no prior experience.

Knowing that an enforcement of the penalties issued to both organizations would result in the termination of their existence, I urge that this measure be acted upon favorably by the Senate so that the Reno community may continue to receive their services which, to date, have been nothing less than successful.●

By Mr. TRIBLE (for himself and Mr. WARNER):

S. 958. A bill to amend chapter 54 to title 5, United States Code, to reform the merit pay system; to the Committee on Governmental Affairs.

REFORM OF MERIT PAY SYSTEM

Mr. TRIBLE. Mr. President, I am introducing legislation today, along with my colleague from Virginia, Senator WARNER, to reform the current merit pay system as implemented under title 5 of the United States Code. This bill is a companion measure to H.R. 1841 introduced by Congressman FRANK WOLF.

Since the imposition of the Civil Service Reform Act of 1978, managers and supervisors in grades 13 to 15, have been under a merit pay system. Merit pay is intended to help improve Federal job efficiency, productivity, and quality by providing pay increases and cash awards to recognize superior performance and accomplishments, rather than rewarding mere length of service.

Under the current merit pay system, these managers and supervisors receive one-half of the comparability increase; no within-grade increase; a merit pay increase, the size of which varies considerably based on the size of the "pool" of funds available; and a possible incentive award. During the first 3 years of this system, many of these managers have fallen sharply behind in pay increases, compared to what their general schedule counterparts and the employees they supervise have received. This inequity cannot be justified.

Theoretically, the concept of merit pay is sound. In practice however, it has not worked well. Rather than being an incentive to better performance, the current merit pay system has proved a hindrance. It lowers morale in management ranks, causes unnecessary retirement losses, and hinders recruiting.

The managers and supervisors in grades 13 to 15 provide a crucial element in the operation of the Government. The efficient operation of the Federal Government relies heavily upon the ability of these individuals to manage the Federal work force efficiently and effectively.

In the interest of improved government, I am submitting a 5-year experimental merit pay reform measure for supervisors and managers with supervisory responsibilities. The objectives of this legislation are to encourage high levels of performance, cut Government costs, and increase the morale and productivity of employees affected by the merit pay system. Should these reform measures fail to contribute to those ends, the experimental nature of my bill allows the program to be discontinued.

The legislation establishes a standardized five-point performance appraisal system to be used governmentwide in order to insure simplicity and equity. This system would range from

unsuccessful, marginally successful, to fully successful, highly successful, and outstanding. Those who rate fully successful or better, will receive full comparability increases—a benefit which is standard in the general schedule regardless of performance level—and a within-grade increase. Those who fail to perform at these levels would not receive either of these increases.

The ability to withhold these increases is an important feature of this legislation. Unlike the current merit pay system or the general schedule, comparability increases and within-grade increases may be withheld for employees who do not perform in a successful manner. This provision is an important step in insuring a highly motivated government work force.

Prior to the start of each performance appraisal period, the critical elements and standards—job description responsibilities—will be established between supervisors of employees covered by this system and the employees. By allowing both the supervisor and the employee to develop these critical elements and standards, many of the problems affecting the performance appraisal system would be removed.

Those employees performing at levels above the "fully successful level" will qualify to receive lump sum performance awards relative to their rating on the five-point scale. The Office of Personnel Management will issue the regulations which would govern the levels, critical elements, and standards to be used in the assessment of performance and subsequent award. The performance award could not exceed 20 percent of the base salary.

Funding for the performance awards will be derived from two sources. Quality step increases, which are part of the current merit pay and general schedule pay systems, would be eliminated and the funds which have been provided are to be redirected into the performance award fund. Agencies will also contribute to this fund.

An agency's funding for performance awards could not exceed 1½ percent of total base salaries in the agency for those covered under this program. This figure reflects the current practices used in regulations made by OPM in determining appropriate levels of agencies' awards.

Award systems for merit pay and general schedule employees, which recognize special achievement, would be continued.

I am convinced that this bill provides a means of fostering a quality work force; a work force governed by sound management policies and performance practices. These reform measures will provide incentives to better performance and improve productivity. I urge my colleagues to join with me in pressing for immediate consideration of this important and timely legislation.

By Mr. GORTON:

S. 959. A bill for the relief of Clive Anthony Lewis, Karen Lewis, Sean Martin Lewis, Anthony Conan Lewis, and Gail Alison Lewis; to the Committee on the Judiciary

RELIEF OF LEWIS FAMILY

Mr. GORTON. Mr. President, today I am introducing a bill to provide relief for Clive and Karen Lewis, and their children, Sean, Anthony, and Gail. If passed, this bill would grant lawful permanent resident status to the Lewis family.

The Lewises came to Goldendale, Wash., 3 years ago from Great Britain. Mr. President, they fell in love with Goldendale and they have put down roots there. They own property and both Mr. and Mrs. Lewis are employed. In the 3 years since their arrival, they have become valued and cherished members of the community. Indeed, 650 citizens of Goldendale recently signed a petition requesting assistance for the Lewis family. This most certainly is an impressive show of support, considering the town's small population.

Mr. President, the Immigration and Naturalization Service has approved visa petitions for the members of the Lewis family and ultimately would adjust their status to that of lawful permanent residents. Today, however, they are facing deportation and the loss of all that they have built up in this country. It is clear that the Lewises are valuable members of their community and that it would be harmful to them and to Goldendale to impose on this family the unnecessary hardship of deportation. I, therefore, am pleased to introduce this bill on behalf of the Lewis family.

By Mr. MATSUNAGA:

S. 961. A bill to amend the Internal Revenue Code of 1954 to provide a credit against income tax for contributions to profit-sharing plans, and for other purposes; to the Committee on Finance.

TAX CREDIT FOR PROFIT-SHARING CONTRIBUTIONS

Mr. MATSUNAGA. Mr. President, I am today introducing a bill to allow a tax credit for employer contributions to deferred profit-sharing plans equal to 1 percent of payroll, as an incentive for the creation of new plans. We, of the Congress, who are concerned about our national economy must do all we can to encourage deferred, fully vested profit-sharing plans, for they are a proven spur to worker productivity. They also provide a means of resolving our ever-increasing problem of retirement security.

Mr. President, in the 1981 tax reduction program, the Finance Committee focused its attention on the need for increased domestic productivity. I learned then that I was not alone in my deep concern about this Nation's lagging performance in this area. It was generally acknowledged that in times past, the steady growth of American productivity was a key element in creating the highest living standard in the world—an ever-increasing supply of goods and services, shorter work hours, longer vacations, and earlier retirement. But in recent years, our productivity growth rate has fallen and our productivity has actually declined.

During the period between 1943 and 1965, productivity in the private business sector increased at an average rate of more than 3 percent a year. The growth rate then fell to an average of 2.3 percent through 1973, after which it plummeted down to an alarming 1-percent average in the following 5 years. In 1979, productivity actually declined by 0.9 percent, and was down 1.7 percent in the first half of 1980. The consequences are painful. Inflation will erode our living standard if we continue to have a negative growth rate.

In line with this concern, my profit-sharing proposal provides an excellent incentive for greater worker productivity. Profit sharing creates a positive worker attitude toward his job, since he directly profits or loses depending on his performance. Profit sharing promotes greater employee self-interest in his company; and when employees become profit conscious, friction eases, efficiency increases, production spurts, costs drop, and profits rise.

Many companies have experienced the motivating force of profit-sharing plans. Dr. Bion Howard of Northwestern University has conducted comparative studies of profit-sharing and nonprofit-sharing companies. In general, he has found that profit-sharing companies surpass the nonprofit sharers in level of performance.

According to a recent study of the National Center for Economic Alternatives, entitled "Workplace Democracy and Productivity," prepared by Karl Frieden, profit sharing increases company productivity and profitability. Comparing the 41 largest conventionally owned retailers and 10 similar profit-sharing companies, the study showed the profit-sharing firms returning 1.85 percent on sales, compared to 1 percent for the others. The study also showed an 11-percent return on equity for the profit-sharing firms compared to 9.1 percent for others. These figures present irrefutable evidence of the motivational force in profit-sharing programs.

It should be noted, too, that deferred profit sharing provides needed retirement benefits for workers. This is an area of deep concern to me. A serious crisis exists today in our retirement-income programs. Only about 50

percent of current workers in America participate in pension plans, and only 31 percent of American workers have vested interest in such plans and, therefore, are entitled to future pension benefits. In 1978, only 28 percent of the retired population, age 65 and over, received income in the form of employee pension. Moreover, since many pension plans are offset by social security benefits, most workers even with vested benefits, received only modest supplements to their basic social security payments.

For millions of older Americans, social security is their only retirement income—and it is inadequate. in 1978, 12 percent of aged retired married couples and 20 percent of aged retired nonmarried persons receiving social security, had no other source of income. Tragically, it is estimated that 58 percent of aged individuals and 36 percent of aged couples did not have sufficient cash and in-kind benefits in 1978 to achieve the moderate-income living standard established by the Bureau of Labor Statistics. Moreover, 15 percent of persons age 65 and over had cash income below the poverty line in 1979. Of these individuals, 80 percent were receiving social security.

The future appears even more bleak. For the foreseeable future, most retired Americans must continue to depend primarily on their monthly social security checks. Our older citizens face their retirement years with resignation. Sixty-three percent of a group surveyed by the President's Commission on Pension Policy expect their retirement income to be insufficient for their needs.

Furthermore, the social security system faces grave financial problems. Presently, 11 of every 100 Americans are over age 65. By the year 2020, 22 of every 100 Americans will be over age 65. The social security system relies on pay-as-you-go financing; taxes collected from workers and their employers are used almost immediately to pay benefits for current retirees. Thus, the aging of our population will create a political and economic predicament. In order to provide the current levels of social security benefits to the aged in the future, a smaller core of active workers must be asked to provide a greater share of their earnings to cover the benefits of an expanded number of retirees.

Workers and employers must plan ahead now to provide for future retirement. The continued reliance on social security for all retirement needs is sadly misplaced. Social security was never designed to substitute fully for income earned during the working years. Social security benefits provide only a basic floor that should be supplemented by other sources of retirement income. Other measures must be designed and implemented to supplement social security benefits.

In the Employee Retirement Income Security Act of 1974, the Congress sought to insure the sound operation of pension programs and to encourage pension coverage. My bill would further implement those objectives. In sum, the deferred profit-sharing tax incentive which I am proposing would not only encourage worker productivity, it would also supplement retirement security.

It is my hope that my bill will receive early and favorable consideration by the committee of jurisdiction and this body.

By Mr. MATSUNAGA:

S. 962. A bill to amend the National Foundation on the Arts and Humanities Act of 1965 to provide for the Office of Poet Laureate of the United States; to the Committee on Labor and Human Resources.

OFFICE OF POET LAUREATE OF THE UNITED STATES

Mr. MATSUNAGA. Mr. President, I am introducing today a bill which would amend the National Foundation on the Arts and Humanities Act of 1965 to establish the Office of Poet Laureate of the United States. It is a bill identical to the one which I first introduced in the 88th Congress and in every Congress since then. Persistence, I hope, will pay off in this 98th Congress.

The proposed Poet Laureate would be appointed by the President of the United States, in consultation with the National Council on the Arts, from among poets whose work reflects the qualities and attributes associated with the historical heritage, present achievements, and future potential of the United States. The Poet Laureate would perform duties assigned by the President and continue his or her creative endeavors.

The United States is one of the few advanced nations in the world which has failed to give official recognition to its great poets. England, from which we inherited most of our cherished democratic traditions, officially created the position of Poet Laureate in the 17th century. However, the unofficial origin of the honorary position dates back to the reign of King Henry III in the 13th century. Japan and China have also given official recognition to their greatest poets since early in their history. In our own country, poets such as Carl Sandburg, Robert Frost, Walt Whitman, Henry Wadsworth Longfellow, Archibald MacLeish, Robert Penn Warren, Phyllis McGinley, and James Dickey have captured the American spirit in a unique and timeless way. Such contributions to our national heritage should be encouraged and stimulated. By creating the post of Poet Laureate of the United States, we would give the many young and relatively unknown American poets of today something to which they could aspire. We would be telling them that we value their contributions as much as those of the other builders of our Nation—engineers, scientists, explorers, statesmen, tradesmen, and others.

Mr. President, I hope that early consideration will be given to my bill, and I ask unanimous consent that the text of the bill be printed in the CONGRESSIONAL RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 962

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the National Foundation on the Arts and Humanities Act of 1965 is amended by adding at the end thereof the following new section:

POET LAUREATE OF THE UNITED STATES

"SEC. 15. (a) There is established the Office of Poet Laureate of the United States. The Poet Laureate shall perform such duties as the President shall prescribe, but the duties so prescribed shall not impair the continuation of the creative work of the individual chosen to be Poet Laureate.

"(b) The Poet Laureate of the United States shall be appointed by the President after consideration of the recommendations of the National Council on the Arts from among poets whose works reflect the qualities and attributes associated with the historical heritage, present achievements, and future potential of the United States. The Poet Laureate shall be appointed for a term of five years, and shall receive compensation at a rate set by the President, but not to exceed 60 per centum of the salary of a Federal District Court judge.".

By Mr. HATCH (by request):

S. 963. A bill to extend various health authorities, and for other purposes; to the Committee on Labor and Human Resources.

HEALTH AMENDMENTS OF 1983

Mr. HATCH. Mr. President, today I am introducing, by request, the Health Amendments of 1983, legislation submitted by the Department of Health and Human Services. I ask unanimous consent that there be printed immediately following my remarks in the RECORD, the text of the bill, the executive communication from the Department which accompanies this proposal, and the Department's section-by-section summary of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 963

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE AND REFERENCES IN ACT

SECTION 1. (a) This Act may be cited as the "Health Amendments of 1983".

(b) The amendments in this Act apply to the Public Health Service Act, unless otherwise specifically stated.

TITLE I—RESEARCH

CANCER APPROPRIATION AUTHORIZATIONS

SEC. 101. (a) Section 410(a) (42 U.S.C. 286e(a)) is amended—

(1) by striking out "and" after "1981;", and

(2) by inserting "; $905,753,000 for the fiscal year ending September 30, 1984, and such sums as may be necessary for each of the four succeeding fiscal years" before the period.

(b) Section 410(b) (42 U.S.C. 286e(b)) is amended—

(1) by striking out "and" after "1981;", and

(2) by inserting "; $60,040,000 for the fiscal year ending September 30, 1984, and such sums as may be necessary for each of the four succeeding fiscal years" before the period.

APPROPRIATION AUTHORIZATIONS FOR CARDIOVASCULAR, LUNG, AND BLOOD ACTIVITIES

SEC. 102. (a) Section 414(b) (42 U.S.C. 287c(b)) is amended—

(1) by striking out "and" after "1981," and

(2) By inserting ", $48,000,000 for the fiscal year ending September 30, 1984, and such sums as may be necessary for each of the four succeeding fiscal years" before the period.

(b) The first sentence of section 419B (42 U.S.C. 287i) is amended—

(1) by striking out "and" after "1981," and

(2) By inserting ", $550,532,000 for the fiscal year ending September 30, 1984, and such sums as may be necessary for each of the four succeeding fiscal years" before the period.

APPROPRIATION AUTHORIZATIONS FOR ASSISTANCE TO MEDICAL LIBRARIES

SEC. 103. Section 390(c) (42 U.S.C. 280b(c)) is amended—

(1) by striking out "and" after "1981",", and

(2) By inserting ", $7,653,000 for the fiscal year ending September 30, 1984, and such sums as may be necessary for each of the four succeeding fiscal years" before the period.

APPROPRIATION AUTHORIZATIONS FOR ALCOHOL ABUSE AND ALCOHOLISM RESEARCH

SEC. 104. Section 504 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 (42 U.S.C. 4588) is amended——

(1) by striking out the subsection designation "(a)", and

(2) in the first sentence, by inserting ", $45,790,000 for the fiscal year ending September 30, 1984, and such sums as may be necessary for each of the four succeeding fiscal years" after "1982".

APPROPRIATION AUTHORIZATIONS FOR DRUG ABUSE RESEARCH

SEC. 105. Section 503(c) of the Drug Abuse Prevention, Treatment, and Rehabilitation Act (21 U.S.C. 1193(c)) is amended by inserting ", $56,160,000 for the fiscal year ending September 30, 1984, and such sums as may be necessary for each of the four succeeding fiscal years" after "1982".

APPROPRIATION AUTHORIZATIONS FOR NATIONAL RESEARCH SERVICE AWARDS

SEC. 106. The first sentence of section 472(d) (42 U.S.C. 2891-1(d)) is amended—

(1) by striking out "and" after "1982," and

(2) by inserting ", $180,343,000 for the fiscal year ending September 30, 1984, and such sums as may be necessary for each of the four succeeding fiscal years" before the period.

APPROPRIATION AUTHORIZATIONS FOR DIABETES DATA SYSTEM

SEC. 107. Section 435(c)(2) (42 U.S.C. 289c-2(c)(2)) is amended—

(1) by striking out "and" after "1982;", and

(2) by inserting "; $2,000,000 for the fiscal year ending September 30, 1984; and such sums as may be necessary for each of the four succeeding fiscal years" before the period.

APPROPRIATION AUTHORIZATIONS FOR DIABETES RESEARCH AND TRAINING CENTERS

SEC. 108. Section 435(d) (42 U.S.C. 289c-2(d)) is amended—

(1) by striking out "and" after "1982,", and

(2) by inserting ", $20,000,000 for the fiscal year ending September 30, 1984, and such sums as may be necessary for each of the four succeeding fiscal years" before the period.

APPROPRIATION AUTHORIZATIONS FOR DIABETES, ARTHRITIS, AND DIGESTIVE DISEASES ADVISORY BOARDS

SEC. 109. (a) Section 437(k) (42 U.S.C. 289c-4(k)) is amended—

(1) by striking out "and" after "1982;", and

(2) by inserting "; $350,000 for the fiscal year ending September 30, 1984; and such sums as may be necessary for each of the four succeeding fiscal years" before the period.

(b) Section 437(l) (42 U.S.C. 289c-4(l)) is amended by striking out "1983" and inserting instead "1988".

APPROPRIATION AUTHORIZATIONS FOR ARTHRITIS DATA SYSTEM

SEC. 110. Section 438(d)(3) (42 U.S.C. 289c-5(d)(3)) is amended—

(1) by striking out "and" after "1979,", and

(2) by inserting ", $1,500,000 for the fiscal year ending September 30, 1984, and such sums as may be necessary for each of the four succeeding fiscal years" before the period.

APPROPRIATION AUTHORIZATIONS FOR MULTIPURPOSE ARTHRITIS CENTERS

SEC. 111. Section 439(f) (42 U.S.C. 289c-6(f)) is amended—

(1) by striking out "and" after "1982,", and

(2) by inserting ", $20,000,000 for the fiscal year ending September 30, 1984, and such sums as may be necessary for each of the four succeeding fiscal years" before the period.

LONGER SUPPORT PERIOD FOR NATIONAL CANCER RESEARCH AND DEMONSTRATION CENTERS

SEC. 112. The last sentence of section 406(b) (42 U.S.C. 286a) is amended by striking out "three" each place it occurs and inserting instead "five".

EXEMPTION OF CERTAIN CLINICAL TRIAL DATA FROM DISCLOSURE

SEC. 113. Title IV is amended by adding after section 479 the following section:

"EXEMPTION OF CERTAIN CLINICAL TRIAL DATA FROM DISCLOSURE

"SEC. 480. (a) The Secretary may exempt from disclosure under section 552 of title 5, United States Code, data from a clinical trial conducted or supported by the Secretary if the Secretary determines that—

"(1) observations are still to be collected, recorded, or verified as part of the clinical trial,

"(2) the need for confidentiality of the data has been explicitly stated in an experimental protocol approved by an Institutional Review Board meeting the requirements under section 474,

"(3) the participants in the trial have been informed that an exemption will be sought under which data from the clinical trial will be kept confidential until all observations that are part of the clinical trial have been collected, recorded, and verified, and the participants have agreed to take part in the clinical trial under these conditions,

"(4) there are adequate procedures for analyzing interim data and monitoring safety to provide sufficient protection to the participants in the clinical trial, and

"(5) disclosure would jeopardize the conduct of the clinical trial.

"(b) For purposes of subsection (a), a 'clinical trial' means a study under which a drug or other health intervention is prospectively evaluated by utilizing human participants.".

REPEAL OF AUTHORITY FOR NATIONAL CENTER FOR HEALTH CARE TECHNOLOGY

SEC. 114. (a) Section 309 (42 U.S.C. 242n) is repealed.

(b)(1) Section 304(a)(1) (42 U.S.C. 242b(a)(1)) is amended by striking out ", the National Center for Health Statistics, and the National Center for Health Care Technology" and inserting instead "and the National Center for Health Statistics".

(2) Section 304(a)(3) (42 U.S.C. 242b(a)(3)) is amended (A) by striking out ", the National Center for Health Statistics, or the National Center for Health Care Technology" and inserting instead "or the National Center for Health Statistics", and (B) by striking out ", 306, and 309" and inserting instead "and 306".

(3) The second sentence of section 304(b)(3) (42 U.S.C. 242b(b)(3)) is amended by striking out ", 306, and 309" and inserting instead "and 306".

(4) Section 304(c) (42 U.S.C. 242b(c)) is amended by striking out ", the National Center for Health Statistics, and the National Center for Health Care Technology" each place it occurs and inserting instead "and the National Center for Health Statistics".

(5) Section 307(a) (42 U.S.C. 242l(a)) is amended by striking out "306, and 309" and inserting instead "and 306".

(6) The heading to section 308 (42 U.S.C. 242m) is amended by striking out "307, and 309" and inserting instead "and 307".

(7) Section 308(a)(1) (42 U.S.C. 242m(a)(1)) is amended by striking out "and section 309".

(8) Section 308(b)(1) (42 U.S.C. 242m(b)(1)) is amended by striking out "307, and 309" and inserting instead "and 307".

(9) Section 308(d) (42 U.S.C. 242m(d)) is amended (A) by striking out "307, or 309" and inserting instead "or 307", and (B) by striking out "or in the course of health care technology activities under section 309".

(10) Section 308(e) (42 U.S.C. 242m(e)) is amended by striking out "307, or 309" each place it occurs and inserting instead "or 307".

(11) Section 308(f) (42 U.S.C. 242m(f)) is amended by striking out "306, or 309" and inserting instead "or 306".

(12) Section 308(g)(2) (42 U.S.C. 242m(g)(2)) is amended by striking out "306, and 309" and inserting instead "and 306".

(13) Section 308(h)(1) (42 U.S.C. 242m(h)(1)) is amended by striking out "306, or 309" each place it occurs and inserting instead "or 306".

(14) Section 208(g) (42 U.S.C. 210(g)) is amended (A) by inserting "and" after

"Health Services Research,", and (B) by striking out "and not less than seven shall be for the National Center for Health Care Technology.

ELIMINATION OF FUNDING RESTRICTION FOR ONGOING POLLUTION STUDY

SEC. 115. The first sentence of section 304(d)(2) (42 U.S.C. 242(d)(1)) is amended by striking out ", with funds appropriated under section 308(i)(2),".

ELIMINATION OF REQUIREMENT FOR SUPPORT OF HEALTH SERVICES RESEARCH CENTERS

SEC. 116. Section 305 (42 U.S.C. 242c) is amended—

(1) by striking out subsection (d),

(2) in subsection (e), by striking out ", (c), and (d)" and inserting instead "and (c)", and

(3) by redesignating subsection (e) as (d).

REPEAL OF REQUIREMENTS FOR DATA COLLECTION ON THE EFFECTS OF THE ENVIRONMENT ON HEALTH

SEC. 117. Section 306(l) (42 U.S.C. 242k(l)) is repealed.

REPEAL OF NATIONAL CANCER INSTITUTE BUDGET BYPASS PROVISION

SEC. 118. Section 404(a)(8) (42 U.S.C. 285(a)(8)) is amended—

(1) by striking out subparagraph (A), and

(2) by striking out the subparagraph designation "(B)".

ELIMINATION OF TASK FORCE ON ENVIRONMENTAL CANCER AND HEART AND LUNG DISEASE

SEC. 119. Section 402 of the Clean Air Act Amendments of 1977 (42 U.S.C. 4362) and section 9 of the Health Services Research, Health Statistics, and Health Care Technology Act of 1978 (42 U.S.C. 4362a) are each repealed.

ADDITION OF NUTRITION TO TITLE OF ASSOCIATE DIRECTOR FOR AND SUBCOMMITTEE ON DIGESTIVE DISEASES

SEC. 120. (a) The matter in section 434(b) (42 U.S.C. 289c-1(b)) preceding paragraph (1) and the matter in section 434(d) (42 U.S.C. 289c-1(d)) preceding paragraph (1) are each amended by inserting "and Nutrition" after "Associate Director for Digestive Diseases".

(b) Section 434(c) (42 U.S.C. 289c-1(c)) is amended—

(1) in the first sentence, by inserting "and nutrition" after "digestive diseases",

(2) in the second sentence, by inserting "or in the fields" after "diseases", and

(3) in the third sentence, by inserting "or to the fields" after "diseases".

LIMITATION ON REQUIRED COORDINATION BY ASSOCIATE DIRECTORS OF THE NATIONAL INSTITUTE OF ARTHRITIS, DIABETES, AND DIGESTIVE AND KIDNEY DISEASES

SEC. 121. Section 434(b)(1) (42 U.S.C. 289c-1(b)(1)) is amended by striking out "the diseases for which the positions of the Associate Directors were created" and inserting instead "arthritis, diabetes, and digestive and kidney diseases".

AUTHORITY FOR EVALUATING THE EFFICACY OF MEDICAL PROCEDURES THROUGH THE NATIONAL CENTER FOR HEALTH SERVICES RESEARCH

SEC. 122. The last sentence of section 305(b) (42 U.S.C. 242c(b)) is amended by striking out "or clinical research that is directly and principally designed to evaluate the efficacy of any therapeutic, diagnostic, or preventive health measure".

REPEAL OF REQUIREMENT FOR SUPPORT OF AT LEAST TEN SICKLE CELL DISEASE CENTERS

SEC. 123. Section 8(w) of the Orphan Drug Act (42 U.S.C. 287i nt.) is repealed.

TITLE II—SERVICES

EXPANDED SCOPE OF PRIMARY CARE BLOCK GRANT

SEC. 201. (a)(1) Section 1922 (42 U.S.C. 300y-1) is amended to read as follows:

"APPROPRIATION AUTHORIZATIONS

"SEC. 1922. For allotments under section 1924 there are authorized to be appropriated $460,312,000 for fiscal year 1984 and such sums as may be necessary for each of the two succeeding fiscal years.".

(2) Section 1923 (42 U.S.C. 300y-2) is repealed.

(3) Section 1924(a) (42 U.S.C. 300y-3(a)) is amended by striking out "the amount granted for fiscal year 1982" and all that follows up to the period and inserting instead "the amounts provided by the Secretary from appropriations for fiscal year 1982 to the State and to entities in the State under former sections 329, 330, 1001, 1003, and 1005, and former section 427(a) of the Federal Mine Safety and Health Act of 1977 bore to the amounts provided by the Secretary from appropriations for fiscal year 1982 to all States and to entities in all States under those provisions".

(4) Section 1924(b) (42 U.S.C. 300y-3(b)) is amended by striking out paragraphs (2) through (4) and inserting instead the following:

"(2) The Secretary shall reserve for the purpose of paragraph (1) from amounts that would otherwise be allotted to such State under subsection (a) an amount equal to the amount which bears the same ratio to the State's allotment for the fiscal year involved as the total amount provided for fiscal year 1982 by the Secretary to such tribe or tribal organization under the provisions of law referred to in subsection (a) bore to the total amount provided for such fiscal year by the Secretary to the State and entities (including Indian tribes and tribal organizations) in the State under such provisions of law.

"(3) The amount reserved by the Secretary on the basis of a determination under this subsection shall be granted to the Indian tribe or tribal organization serving the individuals for whom such a determination has been made.

"(4) In order for an Indian tribe or tribal organization to be eligible for a grant for a fiscal year under this subsection, it shall submit to the Secretary a plan for such fiscal year which meets such criteria as the Secretary may prescribe.

"(5) The terms 'Indian tribe' and 'tribal organization' have the same meaning given such terms in section 4(b) and section 4(c) of the Indian Self-Determination and Education Assistance Act.".

(5) Section 1924 (42 U.S.C. 300y-3) is amended by adding at the end the following:

"(c) To the extent that all the funds appropriated under section 1922 for a fiscal year and available for allotment in such fiscal year are not otherwise allotted States because—

"(1) one or more States have not submitted an application or description of activities in accordance with section 1927 for the fiscal year;

"(2) one or more States have notified the Secretary that they do not intend to use the full amount of their allotment; or

"(3) some State allotments are offset or repaid under section 1928(b)(3);

such excess shall be allotted among each of the remaining States in proportion to the amount otherwise allotted to such States for the fiscal year without regard to this subsection.".

(6) Section 1925(a)(2) (42 U.S.C. 300y-4(a)(2)) is amended by striking out "if the Secretary determines that the State acted in accordance with section 1926(a)(1) and there is good cause for funds remaining unobligated".

(7) The heading of section 1926 (42 U.S.C. 300y-5) is amended to read "Use of Allotments".

(8) Section 1926(a) (42 U.S.C. 300y-5(a)) is amended to read as follows:

"SEC. 1926. (a) Except as limited by subsection (b) or as provided by subsection (c), a State may use amounts paid to it under section 1925 (and amounts transferred under other provisions of law for use under this part) for—

"(1) assistance to community health centers that serve medically underserved populations,

"(2) health services for migratory and seasonal agricultural workers and their families,

"(3) voluntary family planning services and training of family planning personnel, and

"(4) health services for respiratory and pulmonary impairments in active and inactive coal miners.

Amounts provided for the activities referred to in the preceding sentence may also be used for related planning, administration, and educational activities.".

(9) Section 1926(b) (42 U.S.C. 300y-5(b)) is amended—

(A) in paragraph (1), by striking out "except in fiscal year 1983 in the case of a community health center which used funds provided under section 330 for fiscal year 1983 to provide such services" and inserting instead "other than inpatient services prescribed by the Secretary", and

(B) by striking out the last sentence.

(10) Section 1926 (42 U.S.C. 300y-5) is amended by adding at the end the following:

"(c) From the amounts paid to a State under section 1925 from amounts appropriated for a fiscal year, the State may transfer up to 10 percent for use under other block grants administered by the Secretary.".

(11) Section 1927(a) (42 U.S.C. 300y-6(a)) is amended—

(A) in the third sentence, by striking out "in such form and", and

(B) in the fourth sentence, by striking out "the legislature of".

(12) Section 1927(b) (42 U.S.C. 300y-6(b)) is amended to read as follows:

"(b) No funds shall be allotted under section 1924 to a State for any fiscal year unless there is an opportunity for public comment on the proposed use and distribution of funds to be provided under section 1925 for that fiscal year.".

(13) Section 1927(c) (42 U.S.C. 300y-6(c)) is amended—

(A) in the matter preceding paragraph (1), by striking out "the chief executive officer of",

(B) in paragraph (2), by striking out "fiscal, managerial, and clinical performance of community health centers; and" and inserting instead "effective performance of entities which receive funds from the allotment of the State under this part.",

(C) by striking out paragraph (3), and

(D) in the last sentence, by striking out "services of community health centers by medically underserved populations, and to

evaluate the performance of community health centers" and inserting instead "health services, and to evaluate the performance of entities which receive funds from the allotment of the State under this part".

(14) Section 1927(d) (42 U.S.C. 300y-6(d)) is amended—

(A) by striking out "chief executive officer of the", "(in accordance with such form as the Secretary shall provide)", and "and the funds the State is required to obligate under section 1926(a)(4) for that fiscal year", and

(B) by inserting ", including a statement of goals and objectives, information on the types of activities to be supported, geographic areas to be served, and categories or characteristics of individuals to be served, and the criteria and method to be used for the distribution of the payments" before the period.

(15) The second sentence of section 1928(a)(1) (42 U.S.C. 300y-7(a)(1)) is amended—

(A) by striking out "the Secretary determines (after consultation with the States and the Comptroller General)" and inserting instead "the State determines",

(B) by striking out "and" at the end of clause (B), and

(C) by inserting ", and (D) to determine how the State has met the goals and objectives previously stated" before the period.

(16) Section 1928(b)(2) (42 U.S.C. 300y-7(b)(2)) is amended—

(A) in the first sentence, by striking out "annually audit" and inserting instead "biennially conduct a financial and compliance audit of", and

(B) in the last sentence, by striking out "the chief executive officer of".

(17) Section 1928(b)(5) (42 U.S.C. 300y-7(b)(5)) is repealed.

(18) Section 1929(a)(1) (42 U.S.C. 300y-8(a)(1)) is amended by striking out the last sentence.

(19) Section 1929(b) (42 U.S.C. 300y-8(b)) is amended—

(A) by striking out paragraph (1), and

(B) by striking out the paragraph designation "(2)".

(20) Section 1929(d)(1) (42 U.S.C. 300y-8(d)(1)) is amended by inserting "study or" before "investigation".

(b)(1) Section 427(a) of the Federal Mine Safety and Health Act of 1977 and title X and subparts I and IV of part D of title III (30 U.S.C. 937(a) & 42 U.S.C. 300—300a-6a, 245a-1—254c, 256, & 256a) are repealed.

(2) Section 427(c) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 937(c)) is amended by striking out the first sentence.

(3) Part D of title III is amended—

(A) in the heading, by striking out "Primary Health Care" and inserting instead "National Health Service Corps Program", and

(B) by striking out the subpart heading "Subpart II National Health Service Corps Program".

(4) Sections 331(a), 331(h), 332(a)(1), and 338(a) (42 U.S.C. 254d(a), 254d(h), 254e(a)(1), & 254k(a)) are each amended by striking out "subpart" and inserting instead "part".

(5) Section 338F(a) (42 U.S.C. 254q(a)) is amended by striking out the first sentence.

(6) Section 931(c) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 300a nt.) is repealed.

(7)(A) Sections 3 and 4 of the Family Planning Services and Population Research Act of 1970 (42 U.S.C. 3505a & 3505b) are repealed.

(B) Section 2 of that Act (42 U.S.C. 300 nt.) is amended—

(A) by adding "and" at the end of paragraph (6),

(B) by striking out "; and" at the end of paragraph (7) and adding instead a period, and

(C) by striking out paragraph (8).

(c)(1) Except as provided in paragraph (2), the amendments made by the preceding subsections are effective beginning with appropriations for fiscal year 1984.

(2)(A) If any State (as defined in the Public Health Service Act) has not, by thirty days before the beginning of any calendar quarter in fiscal year 1984, submitted an application under section 1927 of the Public Health Service Act for an allotment for fiscal year 1984 under subsection (a) of section 1924 of that Act, the Secretary of Health and Human Services may provide during that quarter all or part of the State's allotment under that subsection to the State or to entities in the State under any of the provisions of law referred to in that subsection as in effect on September 30, 1983.

(B) If the Secretary of Health and Human Services provides amounts to a State or to entities in a State under paragraph (A) and the State subsequently files an application under section 1927 of the Public Health Service Act for an allotment for fiscal year 1984 under section 1924(a) of that Act, the allotment shall be reduced by the amounts the Secretary has provided under paragraph (A).

HANSEN'S DISEASE PROGRAM

SEC. 202. Section 320 (42 U.S.C. 255) is amended to read as follows:

"HANSEN'S DISEASE PROGRAM

"SEC. 320. (a) The Secretary—

"(1) shall provide care and treatment without charge at the Public Health Service facility in Carville, Louisiana, to any person suffering from Hansen's disease who needs and requests care and treatment for that disease, and

"(2) may provide for the care and treatment of Hansen's disease without charge for any person who requests such care and treatment.

"(b) The Secretary shall make payments to the Board of Health of Hawaii for the care and treatment in its facilities of persons suffering from Hansen's disease at a per diem rate, determined from time to time by the Secretary, which shall, subject to the availability of appropriations, be approximately equal to the per diem operating cost per patient of those facilities, except that the per diem rate shall not be greater than the comparable per diem operating cost per Hansen's disease patient at the Public Health Service facility in Carville, Louisiana.".

REPEAL OF NARCOTIC ADDICT CIVIL COMMITMENT AND OUTPATIENT SERVICES AUTHORITIES

SEC. 203. (a)(1) Titles III and IV of the Narcotic Addict Rehabilitation Act of 1966 (42 U.S.C. 3411-3441) are repealed.

(2) Section 2 of Public Law 89-793 (42 U.S.C. 3401) is amended—

(A) in the first sentence, by striking out "charged with or" and "prosecution or", and

(B) by striking out the second sentence.

(3) Section 605 of Public Law 89-793 (42 U.S.C. 3401 nt.) is amended by striking out the first and third sentences.

(b)(1) Chapter 175 of title 28, United States Code, is repealed.

(2) The table of contents to part VI of title 28, United States Code, is amended by deleting the matter referring to chapter 175.

(c) The first sentence of section 341(a) (42 U.S.C. 257(a)) is amended by striking out "civilly committed to treatment or".

REPEAL OF EXEMPTION FROM DATA COLLECTION REQUIREMENTS FOR THE ADOLESCENT FAMILY LIFE DEMONSTRATION PROGRAM

SEC. 204. Section 2008(g) (42 U.S.C 300z-7(g)) is repealed.

EXPANDED ELIGIBILITY FOR ASSISTANCE IN ESTABLISHING PRIVATE PRACTICES IN SHORTAGE AREAS

SEC. 205. Section 338E(a)(1) (42 U.S.C. 254p(a)(1)) is amended by striking out "completed as least two years of his period of obligated service in the Corps" and inserting instead "participated in the Scholarship Program".

FISCAL AGENTS

SEC. 206. Title V is amended by adding at the end the following:

"FISCAL AGENTS

"SEC. 516. The Secretary may enter into contracts with public or private entities to determine the amounts payable and make payments to persons who on behalf of the Public Health Service furnish health services to individuals, and to perform related functions as determined by the Secretary. The Secretary may advance funds to the entities to enable them to make such payments. The Secretary may enter into contracts under this section without regard to section 3709 of the Revised Statutes (41 U.S.C. 5) or any provision of law requiring competition.".

TITLE III—TRAINING

SUBSTITUTION OF PROJECT GRANTS AND CONTRACTS FOR FORMULA AND CAPITATION GRANTS FOR TRAINING IN PUBLIC HEALTH AND HEALTH ADMINISTRATION

SEC. 301. (a) Section 791 (42 U.S.C. 295h) is replaced by the following new section:

"SPECIAL PROJECTS FOR GRADUATE OR SPECIALIZED TRAINING IN PUBLIC HEALTH OR HEALTH ADMINISTRATION

"SEC. 791. (a) The Secretary may make grants to, or enter into contracts with, public or nonprofit private educational entities for strengthening or expanding graduate or specialized training in public health or health administration.

"(b) For the purpose of carrying out this section there are authorized to be appropriated $2,638,000 for fiscal year 1984 and such sums as may be necessary for each of the four succeeding fiscal years.".

(b)(1) Paragraph (2) of section 770(c) (42 U.S.C. 295f(c)) is amended—

(A) in the first sentence, by striking out "For purposes of this section, the" and inserting instead "The", and

(B) in the last sentence, by striking out "and for purposes of section 771, students enrolled in the first of the last four years of such program shall be considered as first-year students".

(2) That paragraph is renumbered as (13) and is transferred to the end of section 701.

(3) Section 731(a)(1)(A)(ii) (42 U.S.C. 249d(a)(1)(A)(ii)) is amended by striking out "770(c)(2)" and inserting instead "701(13)".

(c) Part E of title VII (42 U.S.C. 295f—295f-2) is repealed.

BROADENED HEALTH PROFESSIONS TRAINING TECHNICAL ASSISTANCE AUTHORITY

SEC. 302. Section 709(d) (42 U.S.C. 292j(d)) is amended to read as follows:

"(d) Funds appropriated under this title may be used by the Secretary to provide technical assistance in relation to any of the authorities under this title.".

CONSOLIDATION OF THE NATIONAL ADVISORY COUNCILS ON HEALTH PROFESSIONS EDUCATION, NURSE TRAINING, AND THE NATIONAL HEALTH SERVICE CORPS

SEC. 303. (a) Sections 337 and 851 (42 U.S.C. 254j & 298) are repealed.

(b)(1) The first sentence of section 702(a) (42 U.S.C. 292b(a)) is amended—

(A) by striking out "parts B, C, D, E, F, and G of" and

(B) by inserting ", title VIII, and part D of title III" before the period.

(2) The second sentence of section 702(a) (42 U.S.C. 292b(a)) is amended—

(A) in clause (1), (i) by inserting "or title VIII" after "this title", and (ii) by inserting "nursing," after "podiatry,",

(B) by striking out "and" at the end of clause (2),

(C) in clause (3), by striking out "six" and inserting instead "four", and

(D) by inserting the following before the period: ", and (4) two shall be individuals who are knowledgeable about the National Health Service Corps and the National Health Service Corps Scholarship Program".

(3) Section 702(a) (42 U.S.C. 292b(a)) is amended by adding at the end the following: "Each member of the Council, while engaged in the performance of his duties while away from his home or regular place of business, shall be entitled to travel or transportation expenses under subchapter I of chapter 57 of title 5, United States Code. Each member of the Council who is not otherwise an employee of the United States shall receive compensation at a daily rate not to exceed a daily rate equivalent to the rate of basic pay in effect for grade GS-18 of the General Schedule for each day he is engaged in the performance of his duties (including traveltime).".

(4) Subsections (b) and (c) of section 702 (42 U.S.C. 292b) are each amended by striking out "(other than subpart II of part G thereof)" and inserting instead ", title VIII, and part D of title III".

(5) Sections 802(b) (42 U.S.C. 296a(b)), 803(a) (42 U.S.C. 296b(a)), 811(b) (42 U.S.C. 296f(b), 815(b) (42 U.S.C. 296j(b)), 820 (42 U.S.C. 296k), and 856(l) (42 U.S.C. 298b-3(l)) are each amended by striking out "Nurse Training" each place it occurs and inserting instead "Health Professions Education".

ELIMINATION OF UNNEEDED HEALTH PROFESSIONS EDUCATION REPORTING REQUIREMENT

SEC. 304. Section 708(c) (42 U.S.C. 292h(c)) is repealed.

REPEAL OF FUNDING REQUIREMENTS FOR CERTAIN PROFESSIONS UNDER THE NATIONAL HEALTH SERVICE CORPS SCHOLARSHIP PROGRAM

SEC. 305. Section 338F(b) (42 U.S.C. 254q(b)) is repealed.

INCREASED LATE CHARGES FOR HEALTH PROFESSIONS STUDENT LOANS

SEC. 306. Sections 741(j) (42 U.S.C. 294n(j)) and 836(f) (42 U.S.C. 297b(f)) are each amended by revising the second sentence to read as follows: "The amount of any such charge may not exceed an amount based on the most recent rate for 91 day Treasury bills, plus costs of collection.".

SECRETARIAL ASSISTANCE IN COLLECTING DEFAULTED LOANS FROM HEALTH PROFESSIONS SCHOOLS' STUDENT LOAN FUNDS

SEC. 307. (a) Section 741 (42 U.S.C. 294n) is amended by adding at the end the following:

"(m) The Secretary is authorized to attempt to collect any loan which was made under this subpart and which is in default, referred to him by a school with which he has an agreement under this subpart, on behalf of that school under such terms and conditions as the Secretary may prescribe (including reimbursement from the school's student loan fund for expenses he may reasonably incur in attempting collection), but only if the school has previously exercised all due diligence (as specified by the Secretary) in attempting to collect the loan. Amounts collected shall be deposited in the school's student loan fund. Whenever the Secretary desires the institution of a civil action regarding any such loan, he shall refer the matter to the Attorney General for appropriate action.".

(b) Section 836 (42 U.S.C. 297b) is amended by adding at the end the following:

"(k) The Secretary is authorized to attempt to collect any loan which was made under this subpart and which is in default, referred to him by a school with which he has an agreement under this subpart, on behalf of that school under such terms and conditions as the Secretary may prescribe (including reimbursement from the school's student loan fund for expenses he may reasonably incur in attempting collection), but only if the school has previously exercised all due diligence (as specified by the Secretary) in attempting to collect the loan. Amounts collected shall be deposited in the school's student loan fund. Whenever the Secretary desires the institution of a civil action regarding any such loan, he shall refer the matter to the Attorney General for appropriate action.".

ELIMINATION OF TRANSFER OF NURSING SCHOOL LOAN FUNDS TO SCHOLARSHIPS

SEC. 308. Section 841 (42 U.S.C. 297h) is repealed.

ELIMINATION OF CEILING ON LOANS FOR STUDENTS WHO HAVE NOT BEEN PREVIOUSLY STUDYING OR WORKING

SEC. 309. Section 837 (42 U.S.C. 297c) is amended by striking out the last sentence.

DEFERRED INTEREST PAYMENTS ON HEALTH EDUCATION ASSISTANCE LOANS

SEC. 310. Section 731 (42 U.S.C. 294d) is amended—

(1) by striking out subsection (c), and

(2) by redesignating subsection (d) as (c).

REPEAL OF AUTHORITY FOR GRANTS TO ALASKA FOR MENTAL HEALTH FACILITIES CONSTRUCTION

SEC. 311. (a) Part H of title III (42 U.S.C. 274) is repealed.

(b) Parts I and J of title III are redesignated as parts H and I, respectively.

TITLE IV—PREVENTION

EXTENSION AND MODIFICATION OF HEALTH INFORMATION AND PROMOTION AUTHORITIES

SEC. 401. (a) Section 1701(b) (42 U.S.C. 300u(b)) is amended—

(1) by striking out "and" after "1981,", and

(2) by inserting ", $7,630,000 for the fiscal year ending September 30, 1984, and such sums as may be necessary for each of the four succeeding fiscal years" before the period.

(b)(1) Sections 1707 through 1710 (42 U.S.C. 300u-6-300u-9) are repealed.

(2) Section 1701(b) (42 U.S.C. 300u(b)) is amended by striking out "(other than grants and contracts under sections 1707, 1708, and 1709)".

TITLE V—HEALTH MAINTENANCE ORGANIZATIONS

REPEAL OF REQUIREMENT FOR PROVISION OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES

SEC. 501. The first sentence of section 1302(1) (42 U.S.C. 300e-1(1)) is amended—

(1) by striking out subparagraphs (D) and (E), and

(2) by redesignating subparagraphs (F) through (H) as (D) through (F).

REPEAL OF REQUIREMENT FOR ONE-THIRD MEMBERSHIP REPRESENTATIVES ON POLICYMAKING BODIES OF HEALTH MAINTENANCE ORGANIZATIONS

SEC. 502. Section 1301(c)(5) (42 U.S.C. 300e(c)(5)) is repealed.

ELIMINATION OF REQUIRED RECONSIDERATION OF AND HEARING CONCERNING SECRETARY'S DETERMINATION THAT A HEALTH MAINTENANCE ORGANIZATION NO LONGER MEETS FEDERAL REQUIREMENTS

SEC. 503. The matter in the third sentence of section 1312(b)(1) (42 U.S.C. 300e-11(b)(1)) preceding clause (A) is amended by striking out ", then after the Secretary provides the entity a reasonable opportunity for reconsideration of his determination, including, at the entity's election, a fair hearing".

ELIMINATION OF SUPPORT FOR FEASIBILITY SURVEYS, PLANNING, AND INITIAL DEVELOPMENT COSTS

SEC. 504. Section 1303, 1304, and 1307(c) (42 U.S.C. 300e-2, 300e-3 & 300e-6(c)) are repealed.

(b) Section 1306 (42 U.S.C. 300e-5) is amended—

(1) by striking out "grant, contract, loan," each place it occurs and inserting "loan",

(2) in subsection (b)(1), by striking out "in the case of an application for assistance under section 1303 or 1304, such application meets the application requirements of such section, and",

(3) in subsection (b)(2), by striking out "1304, 1305," and inserting instead "1305",

(4) in subsection (c), by striking out "grants, contracts, loans," and inserting instead "loans", and

(5) in the heading, by adding "Loan" at the beginning.

(c) Section 1307 (42 U.S.C. 300e-6) is amended—

(1) by striking out "grant, contract, loan," each place it occurs and inserting instead "loan",

(2) in subsection (a)(1), by striking out "grant, contract, or loan" and inserting instead "loan", and

(3) in subsection (a)(1), by striking out "such assistance" and inserting instead "the loan".

(d) Section 1317 (42 U.S.C. 300e-16) is amended—

(1) by striking out the last sentence of subsection (a)(2), and

(2) in the first sentence of subsection (b), by—

(A) striking out clause (1), and

(B) striking out the clause designations "(2)" and "(3)" and inserting instead "(1)" and "(2)", respectively.

(e) Section 1309(a) (42 U.S.C. 300e-8(a)) is amended—

(1) by striking out paragraph (1), and

(2) by striking out the paragraph designation "(2)".

(f) The amendments made by the preceding subsections do not apply to any grant made, or contract entered into, before October 1983.

ELIMINATION OF LOANS AND LOAN GUARANTEES FOR ACQUISITION AND CONSTRUCTION OF AMBULATORY CARE FACILITIES

SEC. 505. (a) Section 1305A (42 U.S.C. 300e-4a) is repealed.

(b) Section 1306(b)(2) (42 U.S.C. 300e-5(b)(2)) is amended by striking out "or 1305A".

(c) The amendments made by the preceding subsections do not apply to any loan or loan guarantee made before October 1983.

LIMITATION ON LOANS AND LOAN GUARANTEES FOR INITIAL COSTS OF OPERATION

SEC. 506. (a) The last sentence of section 1305(a) (42 U.S.C. 300e-4(a)) is amended by inserting ", and unless the Secretary has made a grant or loan to, entered into a contract with, or guaranteed a loan for, the organization under this section or former section 1304(b) in fiscal year 1981, 1982, or 1983" before the period.

(b) The amendment made by subsection (a) does not apply to any loan or loan guarantee for initial costs of operation made before October 1983.

REPEAL OF REQUIREMENT FOR HEALTH SYSTEMS AGENCY REVIEW

SEC. 507. Section 1306(b)(5) (42 U.S.C. 300e-5(b)(5)) is repealed.

REPEAL OF LIMITATION ON SOURCE OF FUNDING

SEC. 508. Section 1313 (42 U.S.C. 300e-12) is repealed.

REPEAL OF REQUIREMENT FOR PERIODIC DEMONSTRATION OF COMPLIANCE

SEC. 509. Section 1310(d) (42 U.S.C. 300e-9(d)) is amended by striking out the last sentence.

REPEAL OF TRAINING AND TECHNICAL ASSISTANCE AUTHORITY

SEC. 510. (a) Section 1317 (42 U.S.C. 300e-16) is repealed.

(b) Section 1309 (42 U.S.C. 300e-8) (as amended by section 504(e) of this Act) is further amended—

(1) by striking out subsection (a), and

(2) by striking out the subsection designation "(b)".

(c) The amendments made by the preceding subsections do not apply to appropriations (or activities funded by appropriations) for periods beginning before October 1983.

LIMITATION ON BORROWING BY LOAN GUARANTEE FUND

SEC. 511. The first sentence of section 1308(d)(2) (42 U.S.C. 300e-7(d)(2)) is amended by inserting "before October 1982" after "guarantees issued by him".

TITLE VI—PERSONNEL AND ADMINISTRATION

ELIMINATION OF ADDITIONAL PAY FOR PERSONNEL TREATING PATIENTS WITH HANSEN'S DISEASE

SEC. 601. (a)(1) Section 208(e) (42 U.S.C. 210(e)) is repealed.

(2) Section 301(a)(5) of title 37, United States Code, is repealed.

(b) The amendments made by subsection (a) shall apply to pay or compensation for services performed after the date of enactment of this Act, except that no individual who was receiving additional pay or compensation immediately before the date of enactment of this Act under the provisions repealed by subsection (a) shall receive, because of the repeal of those provisions, less pay or compensation than he was then receiving.

LIMITED APPLICABILITY OF CERTAIN ADDITIONAL SPECIAL PAY TO PHYSICIANS IN THE PUBLIC HEALTH SERVICE COMMISSIONED CORPS

SEC. 602. (a) Section 208(a)(2) (42 U.S.C. 210(a)(2)) is amended—

(1) by inserting the subparagraph designation "(A)" after the paragraph designation "(2)",

(2) by inserting ", except as otherwise provided in subparagraph (B)" before the period, and

(3) by adding at the end the following:

"(B) A commissioned medical officer in the Regular or Reserve Corps may not receive additional special pay under paragraph (4) of section 302(a) of title 37, United States Code, for any period during which the officer is providing obligated service under section 338B (42 U.S.C. 254m) (or under former section 225(e) or 752). Such an officer serving during any other period may be provided additional special pay under that paragraph at the discretion of the Secretary up to the amounts described in that paragraph. The Secretary, in exercising his discretion under the preceding sentence, shall take into consideration the recruitment and retention problems of the Public Health Service, the level of performance of the officer concerned, and provisions of law relating to additional pay for Government physicians not in the uniformed services.".

(b) The amendments made by subsection (a) shall not apply to any period of service covered by an agreement entered into by an officer under section 302(c)(1) of title 37, United States Code, before the date of enactment of this Act unless the fourth proviso under the headings "TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES", "Health Services Administration", "Health Services" in section 101(e)(1) of Public Law 97-377 has applied to such an agreement.

TRANSFER OF PUBLIC HEALTH SERVICE OFFICERS TO OTHER UNIFORMED SERVICES

SEC. 603. (a)(1) Section 716 of title 10, United States Code, is amended to read as follows:

"§ 716. Commissioned officers: transfers among the armed forces, the National Oceanic and Atmospheric Administration, and the Public Health Service

"(a)(1) The President may, within authorized strengths and with the consent of the officer involved, transfer any commissioned officer of a uniformed service from his uniformed service to, and appoint him in, another uniformed service. The Secretary of Defense, the Secretary of Transportation when the Coast Guard is not operating as a service in the Navy, the Secretary of Commerce, and the Secretary of Health and Human Services shall jointly establish, by regulations approved by the President, policies and procedures for such transfers and appointments.

"(2) In this section, 'uniformed service' means any of the armed forces, the Commissioned Corps of the National Oceanic and Atmospheric Administration, and the Commissioned Corps of the Public Health Service.

"(b) An officer transferred under this section may not be assigned precedence or relative rank higher than that which he held on the day before the transfer.

"(c)(1) An officer who previously served on active duty as a commissioned officer of the National Oceanic and Atmospheric Administration or the Public Health Service and who is appointed or reappointed as a commissioned officer in any other uniformed service shall be credited for purposes of computing his eligibility to retire, and the amount of his retired pay, with the number of years of service with which he was credited for those purposes on the day before the termination of his previous period of active duty.

"(2) For the purpose of determining the grade and rank within grade of a commissioned officer of the Public Health Service who transfers to, and is appointed as a commissioned officer in, an armed force, the Secretary concerned may, under regulations prescribed by the Secretary of Defense (or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy), credit the officer at the time of that appointment with any period of active commissioned service that he performed as a commissioned officer in the Public Health Service.

"(d) The preceding subsections apply to a commissioned officer of the Public Health Service only if the officer was in active service on March 10, 1981.".

(2) The item relating to section 716 in the table of sections to chapter 41 of that title is amended to read as follows:

"716. Commissioned officers: transfers among the armed forces, the National Oceanic and Atmospheric Administration, and the Public Health Service.".

(b) Section 3(a)(13) of the Act of August 10, 1956, (33 U.S.C. 857a(a)(13)) is amended to read as follows:

"(13) Section 716, Commissioned officers: transfers among the armed forces, the National Oceanic and Atmospheric Administration, and the Public Health Service.".

SECRETARIAL DISCRETION IN APPOINTMENT OF NATIONAL HEALTH SERVICE CORPS MEMBERS AS COMMISSIONED OFFICERS

SEC. 604. (a) Section 338B(b)(1) (42 U.S.C. 254m(b)(1)) is amended by striking out subparagraphs (A) and (B) and inserting instead the following:

"(A) as a member of the Corps who is a commissioned officer in the Regular or Reserve Corps of the Service,

"(B) as a member of the Corps who is a civilian employee of the United States, or

"(C) as a member of the Corps who is not such an officer or employee,".

(b) Paragraphs (2) and (3) of section 338B(b) (42 U.S.C. 254m(b)) are amended to read as follows:

"(2) If the Secretary determines that an individual shall provide obligated service as a member of the Corps who is a commissioned officer in the Service, the Secretary shall, as soon as possible after the date described in paragraph (5), appoint the individual as a commissioned officer in the Regular or Reserve Corps of the Service and shall designate the individual as a member of the Corps.

"(3) If the Secretary determines that an individual shall provide obligated service as a civilian employee of the United States, the Secretary shall, as soon as possible after the date described in paragraph (5), appoint the individual as a civilian employee of the United States and designate the individual as a member of the Corps.".

(c) The amendments made by the preceding subsections shall apply to individuals who first participate in the National Health

Service Corps Scholarship Program after the date of enactment of this Act.

HEALTH CARE FOR INVOLUNTARILY SEPARATED COMMISSIONED OFFICERS AND DEPENDENTS

SEC. 605. Section 326 (42 U.S.C. 253) is amended by inserting after subsection (a) the following:

"(b) The Secretary may provide for health care for an officer of the Regular or Reserve Corps involuntarily separated from the Service (or for any dependent of the officer) for not more than one year from the date of separation if—

"(1) the officer (or dependent) was receiving health care at the expense of the Service at the time of separation, and

"(2) the Secretary finds that the officer (or dependent) is unable to obtain appropriate insurance for the condition for which he was receiving health care.".

FEDERAL FUNDING FOR TELEPHONE DATA SERVICE IN PRIVATE HOMES CONNECTED TO COMPUTER CENTERS

SEC. 606. Section 7 of an Act of August 23, 1912, chapter 350 of the laws of the second session of the 62nd Congress (31 U.S.C. 679), is amended by inserting ", and except for telephone service, tolls, or other charges, in relation to dedicated data lines communicating with Government or Government supported computer centers" after "employed".

ELIMINATION OF UNNEEDED ADVISORY BODIES AND REPEAL OF OBSOLETE PROVISIONS

SEC. 607. (a) Section 201(c) of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendments of 1974 (42 U.S.C. 3511(c)), section 340A(d) (42 U.S.C. 256a(d)), sections 601 through 608 (42 U.S.C. 291-291h), sections 610 through 643A (42 U.S.C. 291j-291m-1), subsections (b) and (l) of section 645 (42 U.S.C. 291o), and title IX are repealed.

(b)(1) The first sentence of section 609 (42 U.S.C. 291i) is amended—

(A) by inserting "former" before "section 606", "section 605", and "section 604",

(B) by striking out "is not qualified" and inserting instead "would not have been qualified",

(C) by striking out "Surgeon General" and inserting instead "Secretary",

(D) by striking out "(1)" and "(2)" and inserting instead "(A)" and "(B)", respectively, and

(E) by striking out "(a)" and "(b)" and inserting instead "(1)" and "(2)", respectively.

(2) Section 645(j) (42 U.S.C. 291o(j)) is amended—

(A) by striking out "Surgeon General" each place it occurs and inserting instead "Secretary",

(B) by striking out "is to be" and inserting instead "was", and

(C) by inserting "former" before "section 602(a)(2)".

(3) Section 1602(e)(1) (42 U.S.C. 300q-2(e)(1)) is amended by inserting "former" before "section 626".

APPLICABILITY OF FEDERAL ASSISTANCE FINANCING SYSTEM TO ADDITIONAL FORMS OF FINANCIAL ASSISTANCE AND CONTRACTS

SEC. 608. Section 6 of the Mental Retardation Facilities and Community Mental Health Centers Construction Act Amendments of 1965 (42 U.S.C. 3514) is amended—

(1) by striking out "grant" the first place it occurs and inserting instead "grant, other form of financial assistance, or contract",

(2) by striking out "grant" every other place it occurs and inserting instead "award",

(3) by striking out "grantee" each place it occurs and inserting instead "recipient",

(4) by striking out "Secretary of Health, Education, and Welfare" and inserting instead "Secretary of Health and Human Services, and

(5) by striking out "Department of Health, Education, and Welfare" and inserting instead "Department of Health and Human Services".

TECHNICAL AMENDMENTS

SEC. 609. (a) The first sentence of section 304 (d) (1) (42 U.S.C. 242b(d) (1)) is amended by striking out "the Council on Wage and Price Stability,".

(b) (1) The first sentence of section 311 (c) (1) (42 U.S.C. 243 (c) (1)) is amended by striking out "or condition referred to in section 317 (f)" and "involving or resulting from disasters or any such disease".

(2) The second sentence of section 311 (c) (1) (42 U.S.C. 243 (c) (1)) is amended by striking out everything after "health problems" up to the period.

(c) (1) Section 472(a) (1) (B) (42 U.S.C. 2891-1(a) (1) (B)) is amended by striking out "and the research described in subparagraph (A) (vi)".

(2) Section 472 (b) (1) (C) (42 U.S.C. 2891-1 (b) (1) (C)) is amended by inserting "or (a) (1) (A) (iv)" after "(a) (1) (A) (iii)".

(d) Section 1202 (42 U.S.C. 300d-1) is amended by striking out "1205" and inserting instead "1201".

(e) Section 928 (b) of the Omnibus Budget Reconciliation Act of 1981 is amended by striking out "(42 U.S.C. 247b (j) (1) (A))" and inserting instead "(42 U.S.C. 247b (j))".

TITLE VII—REQUIREMENTS FOR REPORTS

ELIMINATION OF UNNECESSARY REPORTS

SEC. 701. (a) Section 308(a) (42 U.S.C. 242m(a)) is amended—

(1) by striking out paragraph (1),

(2) in paragraph (3), by striking out "or (2)", and

(3) by renumbering paragraphs (2) and (3) as (1) and (2), respectively.

(b) Section. 317(h) (42 U.S.C. 247b (h)) is repealed.

(c) Section 338A (i) (42 U.S.C. 254 (i)) is repealed.

(d) (1) Section 511 (42 U.S.C. 229) is repealed.

(2) The first sentence of section 383(b) (42 U.S.C. 277 (b)) is amended by striking out ", and the Secretary shall include in his annual report to the Congress a statement covering the recommendations made by the Board and the disposition thereof".

(e) Section 1009 (42 U.S.C. 300a-6a) is repealed.

(f) Section 1122 (42 U.S.C. 300c-12) is amended to read as follows:

"SUDDEN INFANT DEATH SYNDROME RESEARCH

SEC. 1122. From the sums appropriated to the National Institute of Child Health and Human Development under section 441, the Secretary shall assure that there are applied to research which relates specifically to sudden infant death syndrome, and to research which relates generally to sudden infant death syndrome, including high-risk pregnancy and high-risk infancy research which directly relates to sudden infant death syndrome, such amounts each year as will be adequate, given the leads and findings then available from such research, in order to make maximum feasible progress toward identification of infants at risk of sudden infant death syndrome and prevention of sudden infant death syndrome.".

(g) Section 1315 (42 U.S.C. 300e-14) is repealed.

(h) Section 1318(e) (42 U.S.C. 300e-17(e)) is repealed.

(i) Section 5(h) of the International Health Research Act of 1970 (22 U.S.C. 2103(h)) is repealed.

(j) Section 27(c) of the Toxic Substances Control Act (15 U.S.C. 2626(c)) is repealed.

(k) Section 154(e) of the Clean Air Act (42 U.S.C. 7454(e)) is amended by striking out the last sentence.

(l) Section 1200 of the Comprehensive Drug Abuse Prevention and Control Act of 1980 (42 U.S.C. 3509) is repealed.

(m) Section 311(c) of title 37, United States Code, is repealed.

(n) Section 26(e)(2) of the Toxic Substances Control Act (15 U.S.C. 2625(e)(2)) is amended to read as follows:

"(2) The Administrator and the Secretary shall—

"(A) define the term 'known financial interests' for purposes of paragraph (1), and

"(B) establish the methods by which the requirement to file written statements specified in paragraph (1) will be monitored and enforced, including appropriate provisions for review by the Administrator and the Secretary of such statements.".

MODIFICATION OF REQUIREMENTS FOR REPORTS

SEC. 702. (a) Section 405(b) of the Drug Abuse Prevention, Treatment, and Rehabilitation Act (21 U.S.C. 1172(b)) is amended—

(1) in the matter preceding paragraph (1), by inserting "biennially" after "transmit", and

(2) by striking out the last sentence.

(b) Section 301(b)(4) (42 U.S.C. 241(b)(4)) is amended—

(1) in the matter preceding subparagraph (A), by striking out "an annual" and inserting instead "a biennial", and

(2) in subparagraph (D), by striking out "year" and inserting instead "period".

(c) Section 434(e) (42 U.S.C. 289c-1(e)) is amended—

(1) in the first sentence, by striking out ", as soon as practicable, but not later than sixty days, after the end of each fiscal year,",

(2) in the first sentence, by striking out "an annual" and inserting instead "a biennial", and

(3) in the matter in the last sentence preceding paragraph (1), by striking out "annual" and inserting instead "biennial".

(d) Section 435(b) (42 U.S.C. 289c-2(b)) is amended by striking out "an annual" and inserting instead "a biennial" and by striking out "(on or before November 30 of each year)".

(e) Section 439(e) (42 U.S.C. 289c-6(e)) is amended by striking out "an annual" and inserting instead "a biennial" and by striking out "on or before November 30 of each year".

(f) The first sentence of section 701 of the Indian Health Care Improvement Act (25 U.S.C. 1671) is amended by striking out "annually" and inserting instead "biennially".

(g) Section 22(f) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 671(f)) is amended—

(1) by inserting "biennially" after "submit, and

(2) by striking out "an annual report" and inserting instead "a report".

(h) Section 2(d) of Public Law 96-135 (25 U.S.C. 472a(d)) is amended—

(1) by striking out "following the close of each fiscal year",

(2) by striking out "which they took in such fiscal year" and inserting instead "which they have taken", and

(3) by inserting "biennial" before "report".

(i) Section 2(e)(2) of Public Law 96-135 (25 U.S.C. 472a(e)(2)) is amended—

(1) by striking out "following the close of each fiscal year",

(2) by striking out "which they took in such fiscal year" and inserting instead "which they have taken", and

(3) by inserting "biennial" before "report".

(j) Section 26 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 675) is amended by striking out "Within one hundred and twenty days following the convening of each regular session of each Congress, the Secretary and the Secretary of Health, Education, and Welfare shall each" and inserting instead "The Secretary and the Secretary of Health and Human Services shall each biennially".

(k) Section 102(1) of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act (42 U.S.C. 4552(1)) is amended by striking out "annual" and inserting instead "triennial".

TITLE VIII—HEALTH PLANNING

REPEAL OF HEALTH PLANNING AUTHORITIES

SEC. 801. (a) Title XV (42 U.S.C. 300k-1-300n-6) is repealed.

(b)(1) Section 2(f) (42 U.S.C. 201(f)) is amended by striking out "1531(1),".

(2) Section 314 (42 U.S.C. 246) is amended—

(A) by striking out subsections (a) through (c),

(B) in subsection (g)(1), by striking out "under title XV of this Act and", and

(C) in the heading, by striking out "Comprehensive Health Planning and".

(3) Section 1302(6) (42 U.S.C. 300e-1(6)) is repealed.

(4) Section 1302(7) (42 U.S.C. 300e-1(7)) is amended by striking out the second sentence.

(5) Section 1310(a)(1)(B) (42 U.S.C. 300e-9(a)(1)(B)) is amended by striking out "1525,".

(6) Section 1310(g) (42 U.S.C. 300e-9(g)) is amended by striking out "1525,".

(7) Part D of title XVI (42 U.S.C. 300t) is repealed.

(8) Section 1121(c) of the Social Security Act (42 U.S.C. 1320a(c)) is amended by striking out ", including health systems agencies (designated under section 1515 of the Public Health Service Act) and State health planning and development agencies (designated under section 1521 of such Act),".

(9)(A) The matter in section 1122(b) of the Social Security Act (42 U.S.C. 1320a-1(b)) preceding paragraph (1) is amended by striking out "described in clause (ii) of subsection (d)(1)(B)".

(B) The matter in section 1122(b) of that Act (42 U.S.C. 1320a-1(b)) following paragraph (3) is amended by striking out "the standards, criteria, or plans developed pursuant to the Public Health Service Act (or the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963)" and inserting instead "standards, criteria, or plans developed".

(C) Section 1122(d)(1)(B)(ii)(I) of that Act (42 U.S.C. 1320a-1(d)(1)(B)(ii)(I)) is amended to read as follows:

(I) consulted with, and taken into consideration the findings and recommendations of, any public or nonprofit private agency or organization (if any) that performs health planning functions for the area in which the health care facility proposing such capital expenditure is located, and".

(10)(A) Section 1883(b) of the Social Security Act (42 U.S.C. 1395tt(b)) is amended to read as follows:

"(b) The Secretary may not enter into an agreement under this section with any hospital unless, except as provided in subsection (g), the hospital is located in a rural area and has less than 50 beds.".

(B) Section 1883(g) of that Act (42 U.S.C. 1395tt(g)) is amended by striking out "(b)(1)" and inserting instead "(b)".

(c) The amendments made by the preceding subsections are effective October 1, 1983, but do not apply to appropriations (or activities funded by appropriations) for periods beginning before October 1983.

THE SECRETARY OF
HEALTH AND HUMAN SERVICES,
Washington, D.C., March 4, 1983.

Hon. GEORGE BUSH,
President of the Senate
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed for consideration by the Congress is a draft bill "To extend various health authorities, and for other purposes".

The draft bill would enable a number of important objectives in the health area to be met. First, the draft bill would extend through fiscal year 1988 authorities for research on cancer, on cardiovascular, lung, and blood diseases, and on alcohol abuse and alcoholism and drug abuse; for assistance to medical libraries; for National Research Service Awards; for health information and health promotion; and for certain other activities. Second, the draft bill would combine current authorities for community health centers, migrant health, family planning, and health services to coal miners into a unified primary care block grant with minimal conditions imposed upon the States. Rather than having several different and unrelated federally supported grantees providing primary care services within each State, States would be able to provide individuals in need of health care a comprehensive system designed to meet the highest priority health needs in each State. This would further the Administration's efforts to provide greater State flexibility and control over health services programs. Third, the draft bill would enact changes to our health maintenance organization (HMO) authorities to improve the competitive posture of HMOs. Fourth, the draft bill would enact a number of proposals designed to assist the Department of Health and Human Services in carrying out its health responsibilities as effectively and efficiently as possible in a period of fiscal constraint.

We urge the Congress to give the draft bill its prompt and favorable consideration.

We are advised by the Office of Management and Budget that enactment of this draft bill would be in accord with the program of the President.

Sincerely,

THOMAS R. DONNELLY, Jr.,
Acting Secretary.

Enclosures.

SUMMARY OF PROPOSED HEALTH AMENDMENTS OF 1983

Section 1 would assign the draft bill the short title "Health Amendments of 1983".

TITLE I—RESEARCH

Section 101 would authorize appropriations of $60,040,000 for fiscal year 1984 and "such sums as may be necessary" for fiscal years 1985 through 1988 for cancer prevention and control programs, and would authorize appropriations of $905,753,000 for fiscal year 1984 and "such sums as may be necessary" for fiscal years 1985 through 1988 for other cancer activities.

Section 102 would authorize appropriations of $48,000,000 for fiscal year 1984 and "such sums as may be necessary" for fiscal years 1985 through 1988 for cardiovascular, lung, and blood disease prevention and control programs, and would authorize appropriations of $550,532,000 for fiscal year 1984 and "such sums as may be necessary" for fiscal years 1985 through 1988 for other cardiovascular, lung, and blood activities.

Section 103 would authorize appropriations of $7,653,000 for fiscal year 1984 and "such sums as may be necessary" for fiscal years 1985 through 1988 for assistance to medical libraries.

Section 104 would authorize appropriations of $45,790,000 for fiscal year 1984 and "such sums as may be necessary" for fiscal years 1985 through 1988 for alcohol abuse and alcoholism research.

Section 105 would authorize appropriations of $56,160,000 for fiscal year 1984 and "such sums as may be necessary" for fiscal years 1985 through 1988 for drug abuse research.

Section 106 would authorize appropriations of $180,343,000 for fiscal year 1984 and "such sums as may be necessary" for fiscal years 1985 through 1988 for National Research Service Awards.

Section 107 would authorize appropriations of $2,000,000 for fiscal year 1984 and "such sums as may be necessary" for fiscal years 1985 through 1988 for the diabetes data system.

Section 108 would authorize appropriations of $20,000,000 for fiscal year 1984 and "such sums as may be necessary" for fiscal years 1985 through 1988 for diabetes research and training centers.

Section 109 would authorize appropriations of $350,000 for fiscal year 1984 and "such sums as may be necessary" for fiscal years 1985 through 1988 for each of three advisory boards: the National Diabetes Advisory Board, the National Arthritis Advisory Board, and the National Digestive Diseases Advisory Board.

Section 110 would authorize appropriations of $1,500,000 for fiscal year 1984 and "such sums as may be necessary" for fiscal year 1985 through 1988 for the arthritis data system.

Section 111 would authorize appropriations of $20,000,000 for fiscal year 1984 and 'such sums as may be necessary" for fiscal years 1985 through 1988 for multipurpose arthritis centers.

Section 112 would extend from three to five years the maximum duration of a period of support (and, after review by a scientific review group, the maximum duration of each additional period of support) permitted for any particular national cancer research and demonstration center. Five years would provide adequate time to evaluate the performance of a center.

Section 113 would permit the Secretary of Health and Human Services to withhold from disclosure under the Freedom of Information Act clinical trial data if the Secretary determined that (1) observations were still to be collected, recorded, or verified as part of the clinical trial, (2) the experimental protocol stated the need for confidentiality and had been approved by an Institutional Review Board, (3) the participants in the trial had been informed that an exemption would be sought under which data would be kept confidential until the trial

was completed and had nevertheless agreed to take part in the trial, (4) there were adequate procedures for analyzing interim data and monitoring safety to provide sufficient protection to the participants in the clinical trial, and (5) disclosure would jeopardize the conduct of the clinical trial. This provision would protect the integrity of a clinical trial in carefully defined circumstances against premature disclosures that could invalidate the trial.

Section 114 would eliminate the authority for the National Center for Health Care Technology. The Department intends to conduct health care technology activities through other components.

Section 115 would repeal the requirement that an ongoing study of pollution and other environmental conditions be funded solely from appropriations for health statistics activities.

Section 116 would eliminate provisions requiring the Secretary to support health services research centers.

Section 117 would repeal the requirement that the Secretary, acting through the National Center for Health Statistics, periodically review and revise guidelines, to apply to each executive department, for statistics concerning the effect of employment conditions and the environment on the public health.

Section 118 would repeal the requirement that the Director of the National Cancer Institute submit an annual budget estimate for the National Cancer Program, without change by the Director of the National Institutes of Health or by the Secretary, directly to the President for review and transmittal to Congress.

Section 119 would eliminate the interagency Task Force on Environmental Cancer and Heart and Lung Disease. The task force has not proved to be an effective mechanism for coordination; in addition, there are other groups, such as the National Toxicology Program Executive Committee and the Committee to Coordinate Environmental and Related Programs, that do provide for effective cooperation among Federal agencies.

Section 120 would redesignate the Associate Director for Digestive Diseases (within the National Institutue of Arthritis, Diabetes, and Digestive and Kidney Diseases) as the Associate Director for Digestive Diseases and Nutrition, and would redesignate the subcommittee on digestive diseases of the institutue's advisory council as the subcommittee on digestive diseases and nutrition. The responsibilities of this associate director and this subcommittee include nutrition.

Section 121 would restrict the responsibility of the associate directors within the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases as to coordination throughout the National Institutes of Health (NIH) of planning, monitoring, and review of research and training activities related to diseases under the purview of that institute. The section would require coordination only with respect to arthritis, diabetes, and digestive and kidney diseases, those diseases for which there is a substantial need for coordination throughout NIH.

Section 122 would permit the Secretary to evaluate the efficacy of medical procedures through the National Center for Health Services Research (NCHSR). Current law prohibits such evaluations through NCHSR, although NCHSR is concerned with efficacy issues and has the needed expertise for such evaluations.

Section 123 would repeal the requirement that the Secretary support at least ten comprehensive centers for sickle cell disease. The number of such centers should be determined by program priorities and scientific merit.

TITLE II—SERVICES

Section 201 would expand the scope of the primary care block grant to include (in addition to the current program for community health centers) the current programs for migrant health, family planning, and health services for respiratory and pulmonary impairments in coal miners. The section would authorize appropriations of $460,312,000 for fiscal year 1984 and "such sums as may be necessary" for fiscal years 1985 and 1986 for the entire block grant. A State could transfer up to 10 percent of its funds to other block grants administered by the Secretary. Various specific requirements in current legislation relating to community health centers, including a requirement for the provision of State matching funds, would be eliminated. A State would be permitted to satisfy various requirements through officials other than the governor, and the form and content of applications and reports would be determined by the State rather than by the Secretary. A State would be required, in its annual description of the intended use of funds, to include a statement of goals and objectives, information on the types of activities to be supported, geographic areas to be served, and categories or characteristics of individuals to be served, and the criteria and method to be used for distributing the funds. The annual activites report would have to explain how the previously stated goals and objectives had been met. The requirement for State legislative hearings on the use of funds would be eliminated; instead, an opportunity for public comment would be required. State audits would be required only every two years, not annually, and would be audits of both finances and compliance. The requirement for annual investigations by the Secretary of the use of funds in various States would be repealed, as would the requirement for evaluations by the Comptroller General of State expenditures (the Comptroller General has authority under other provisions of law to conduct evaluations as needed). A State could begin to participate in the block grant during any calendar quarter in fiscal year 1984; the Secretary would continue to provide funds under the categorical programs subsumed by the block in those quarters in fiscal year 1984 during which the State chose not to participate. The Secretary could not provide categorical funding after fiscal year 1984. The statutory requirements that there be an Office of Population Affairs and a Deputy Assistant Secretary for Population Affairs would be repealed. This section would provide States greater flexibility and control over health services programs and would provide for more efficient and integrated management of the programs.

Section 202 would make clear that receipt of Federal treatment for Hansen's disease is voluntary, would permit treatment outside of Public Health Service facilities, and would revise the archaic language of the current provisions concerned with this disease.

Section 203 would repeal provisions providing for the civil commitment to the Secretary by United States district courts of narcotic addicts and provisions authorizing the Secretary to establish outpatient services for narcotic addicts. These provisions are no longer used and deal with functions best performed on the State level.

Section 204 would repeal the current special exemption for the Adolescent Family Life Demonstration Program from the usual requirements for review by the Office of Management and Budget of forms for data collection.

Section 205 would permit the Secretary to provide financial assistance to a National Health Service Corps Scholarship Program participant in establishing a private practice in a health manpower shortage area before the participant has fulfilled two years of his service obligation. Providing the assistance earlier will encourage participants to elect the private practice option instead of service as a National Health Service Corps member.

Section 206 would permit the Secretary to contract with public and private entities to process bills, make payments, and perform related functions with respect to health services furnished by outside health professionals and others to Public Health Service beneficiaries. The use of fiscal agents in such programs as the contract care program of the Indian Health Service would be more efficient than the current method of using Federal employees to process bills.

TITLE III—TRAINING

Section 301 would repeal authorities for formula and capitation grants for training in public health and health administration and would enact a new authority for grants and contracts for special projects for graduate or specialized training in public health or health administration, with an appropriation authorization of $2,638,000 for fiscal year 1984 and "such sums as may be necessary" for fiscal years 1985 through 1988. The section would also repeal expired provisions of law for capitation grants for the training of physicians and other health professionals. This section would provide the required flexibility in making assistance available where most needed at any particular time.

Section 302 would permit funds appropriated for health professions training to be used for technical assistance in relation to any authority in that area. The current technical assistance provision is too narrow, as it does not permit funds to be drawn from existing appropriations.

Section 303 would consolidate the National Advisory Councils on Health Professions Education, Nurse Training, and the National Health Service Corps. This provision would eliminate unnecessary duplication among advisory councils.

Section 304 would eliminate an unnecessary requirement that schools, programs, and training centers receiving funds under health professions education authorities (including nurse training) submit annual reports to the Secretary.

Section 305 would repeal requirements that 90 percent of the appropriations for the National Health Service Corps Scholarship Program be obligated for scholarships for medical, osteopathic, and dental students, and that 10 percent of that 90 percent be obligated for scholarships for dental students.

Section 306 would increase from $2 per month to the 91 day Treasury bill rate (plus costs of collection) the charge a health professions school may impose for overdue loan repayments to the school's student loan fund to which the Federal government had made capital contributions. The current penalty is inadequate to provide an incentive for borrowers to pay promptly.

Section 307 would permit the Secretary to assist in collecting a loan in default that had been made from a health professions school's student loan fund to which the Federal government had made capital contributions, if the school had exercised all due diligence in attempting to collect the loan. The Secretary cannot assist in collection efforts under current law.

Section 308 would eliminate the authority of a nursing school to transfer up to 20 percent of the amounts paid in a fiscal year to the school for the school's loan fund to be transferred to the school's scholarship program. Funds in the school loan programs are recycled for use by other students as the loans are paid back, but not funds in the scholarship programs. Recycling permits the maximum use of scarce Federal resources.

Section 309 would remove the current $500 annual ceiling on the amount a nursing student may receive from a school loan fund to which the Federal government has made capital contributions if the student has not been a student or employed on a full-time basis for the past seven years. The ceiling is too low to permit adequate financial assistance to be provided to deserving and needy students. Allocation of funds among applicants should be at the discretion of the nursing schools.

Section 310 would repeal the Health Education Assistance Loans (HEAL) program requirement that loan repayments in any year (after completion of studies, internship, and residency) be at least as great as the interest owed. HEAL borrowers generally have considerably lower incomes during the first years of practice than later; graduated payment schedules can better match repayment requirments to income and thereby help to prevent defaults.

Section 311 would repeal a moribund authority for payments to Alaska for the construction of mental health facilities.

TITLE IV—PREVENTION

Section 401 would—

Authorize appropriations of $7,630,000 for fiscal year 1984 and "such sums as may be necessary" for fiscal years 1985 through 1988 for health information and health promotion activities, and

Repeal expired authorities for grants to State councils on physical fitness for physical fitness improvement, for grants and contracts for physical fitness improvement and research projects, for grants for sports medicine research, and for a 1979 conference on education in lifetime sports.

TITLE V—HEALTH MAINTENANCE ORGANIZATIONS

Section 501 would repeal the requirement that a health maintenance organization (HMO) offer mental health and substance abuse services. This repeal would increase the flexibility of HMOs to offer competitive benefit packages and therby control costs.

Section 502 would repeal the requirement that one-third of the membership of the policymaking body of an HMO consist of members of the HMO. This section would permit a broader range of organizations to compete in the health services area.

Section 503 would eliminate a required reconsideration of and hearing concerning a determination by the Secretary that an HMO no longer meets Federal requirements. This section would repeal a recently enacted provision that provides for an unnecessary additional layer of review.

Section 504 would eliminate Federal support for HMO feasibility surveys, planning, and initial development costs.

Section 505 would eliminate Federal loans and loan grarantees for the acquisition and construction of HMO ambulatory care facilities.

Section 506 would limit Federal loans and loan guarantees for the initial costs of operation of an HMO to HMOs that had received such loans or loan guarantees, or had received Federal support for initial development costs, in fiscal year 1981, 1982, or 1983.

Section 507 would eliminate the requirement for review by a health systems agency (the local health planning agency) of any proposed Federal support of HMO activities.

Section 508 would repeal a limitation that prohibits the use of Federal health funds (other than funds under the Federal HMO program) to support HMO activities.

Section 509 would repeal the requirement that an HMO periodically demonstrate to the Secretary that it continues to meet the Federal requirements for HMOs. Under other provisions of law HMOs are required to submit reports and are subject to examination. The requirement for periodic demonstrations is an unnecessary burden.

Section 510 would repeal the authority for the Secretary to provide training and technical assistance in relation to HMOs.

Section 511 would limit the authority of the Secretary to borrow funds from the Treasury in relation to defaults on loans guaranteed by the Secretary. The Secretary could only borrow funds in relation to guarantees made before fiscal year 1983.

TITLE VI—PERSONNEL AND ADMINISTRATION

Section 601 would eliminate additional pay for personnel treating patients with Hansen's Disease, but would gradually phase out that additional pay for personnel currently receiving it so that there would be no actual decrease in pay for those personnel. Hansen's Disease (formerly known as leprosy) does not expose personnel to risks greater than those associated with other diseases.

Section 602 would give the Secretary the discretion to determine how much (if any) additional special pay (up to $9,000 annually, or up to $10,000 annually for physicians with ten or more years of service) to grant to Public Health Service Commissioned Corps physicians. Under current law, all physicians in the uniformed services not in training are entitled to this additional special pay. The Secretary would be required to take into consideration the recruitment and retention problems of the Public Health Service, the level of performance of the physician concerned, and provisions of law providing for additional pay for Government physicians not in the uniformed services. Commissioned Corps physicians fulfilling a service obligation under the National Health Service Corps Scholarship Program could not receive this additional special pay.

Section 603 would permit the President to transfer a commissioned officer of the Public Health Service to another uniformed service if the officer had been on duty on March 10, 1981 (the date the President announced the Administration proposal to close the Public Health Service hospitals). The officer would receive credit for his pervious service. Current law does not authorize such a transfer.

Section 604 would permit the Secretary (rather than a National Health Service Corps Scholarship Program participant) to determine, for a future participant who is to fulfill his service obligation by serving as a Federal employee, whether the participant shall serve as a commissioned officer or as a civilian employee.

Section 605 would permit the Secretary to provide for health care for an involuntarily separated commissioned officer (or dependent) for up to one year after separation if the officer (or dependent) was receiving health care at the expense of the Public Health Service at the time of separation and if the Secretary found that the officer (or dependent) could not obtain appropriate insurance for the condition for which he was receiving health care. Federal civilian employees have insurance conversion rights, and separated military personnel may be provided health care for a short period of time. No such authority currently exists for separated Public Health Service commissioned officers, who may suddenly find themselves (and their dependents) unable to obtain coverage for an existing condition.

Section 606 would permit Federal funds to be used for telephone data service installed in private homes for communication with Federal or federally supported computer centers. The current general prohibition on private telephone service has led to unnecessary costs in the specific area of data transmittal because necessary adjustments to computer systems that run at night cannot be handled by remote communications with a computer.

Section 607 would repeal the authorities for the National Panel on Alcohol, Drug Abues, and Mental Health, the Primary Health Care Advisory Committee, the Federal Hospital Council, and the National Advisory Council on Regional Medical Programs, bodies that no longer serve a useful purpose, and would repeal obsolete provisions concerned with construction of medical facilities and with regional medical programs.

Section 608 would permit the Federal Assistance Financing System of the Department of Health and Human Services to be used for contracts and grants and other forms of financial assistance. Currently it may be used only for grants.

Section 609 would enact technical amendments

TITLE VII—REQUIREMENTS FOR REPORTS

Section 701 would eliminate a number of unnecessary reports, as follows:

Subsection (a) would eliminate the requirement that the Secretary report annually on health services research, health statistics, health care technology, and international cooperation in those fields and in biomedical research. Much of this information duplicates information provided in the reports required by sections 306(k)(4)(G) and 308(a)(2) of the Public Health Service Act.

Subsection (b) would eliminate the requirement that the Secretary submit an annual report to the President for submission to Congress on disease control activities.

Subsection (c) would eliminate the requirement that the Secretary submit an annual report on the National Health Service Corps Scholarship Program.

Subsection (d) would eliminate the requirement that the Secretary report annually on the administration of the functions of the Public Health Service.

Subsection (e) would eliminate the requirement that the Secretary set forth annually a five-year plan for population research and family planning.

Subsection (f) would eliminate requirements that the Secretary transmit an annual report on sudden infant death syndrome research and an annual estimate of

funding for sudden infant death syndrome research.

Subsection (g) would eliminate the requirement that the Secretary submit an annual report on health maintenance organizations.

Subsection (h) would eliminate the requirement that the Secretary report annually on health maintenance organization financial information, including insider transactions.

Subsection (i) would eliminate the requirement that the President submit an annual report on international health research activities.

Subsection (j) would eliminate requirements that the Secretary periodically prepare reports on the number, progress, and results of contracts and grants for developing and evaluating methods to measure the effects of toxic substances.

Subsection (k) would eliminate the requirement that the Secretary transmit biennally a report on research into the effects of changes in atmospheric ozone on human health.

Subsection (l) would repeal the requirement that the Secretary report annually to the Senate Committee on Labor and Human Resources and the House Committee on Interstate and Foreign Commerce on the activities of advisory councils established pursuant to the Public Health Service Act or the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963.

Subsection (m) of section 101 would eliminate the requirement that the Secretary and the Secretary of Defense each submit an annual report on the Continuation pay program for dentists in the uniformed services.

Subsection (n) would eliminate the requirement that the Secretary and the Administrator of the Environmental Protection Agency report annually to Congress on conflicts of interest involving employees of the Department of Health and Human Services or of the Environmental Protection Agency who perform functions under the Toxic Substances Control Act.

Section 702 would modify a number of requirements concerning reports, as follows:

Subsection (a) would required the Secretary to transmit a report on drug abuse biennially rather than annually, and would eliminate January 15 as the specific date by which the report is due.

Subsection (b) would required the Secretary to publish a report on carcinogens biennially rather than annually.

Subsection (c) would required the Director of the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases to submit a report on the institute's activities biennially rather than annually, and would eliminate sixty days after the end of the fiscal year as the specific date by which the report is due.

Subsection (d) would required the Secretary to report on the activities of diabetes research and training centers biennially rather than annually, and would eliminate November 30 as the specific date by which the report is due.

Subsection (e) would required the Secretary to report on multipurpose arthritis centers biennially rather than annually, and would eliminate November 30 as the specific date by which the report is due.

Subsection (f) would require the Secretary to report on progress made in effecting the purposes of the Indian Health Care Improvement Act biennially rather than annually.

Subsection (g) would require the Director of the National Institute of Occupational Safety and Health to submit a report on the operations of that institute biennally rather than annually.

Subsection (h) would require the Secretary and the Secretary of the Interior each to submit biennally rather than annually a report on actions taken to recruit and train Indians for Indian preference positions.

Subsection (i) would require the Secretary and the Secretary of the Interior each to submit biennially rather than annually a report on actions taken to transfer to other positions non-Indian employees in the Bureau of Indian Affairs and the Indian Health Service, respectively.

Subsection (j) would require the Seretary and the Secretary of Labor each to submit biennially rather than annually a report on occupational safety and health. The amendment would also eliminate the specific date by which the reports are due.

Subsection (k) would require the Secretary to report on Federal activities in the area of alcohol abuse and alcoholism triennially rather than annually.

TITLE VIII—HEALTH PLANNING

Section 801 would repeal health planning authorities.

By Mr. HATCH (for himself and Mr. KENNEDY):

S. 964. A bill to require the Secretary of Health and Human Services to arrange for the conduct of a study with respect to the use of live animals in biomedical and behavioral research; to the Committee on Labor and Human Resources.

ANIMAL WELFARE IN RESEARCH STUDY ACT OF 1983

Mr. HATCH. Mr. President, along with Senator KENNEDY, I am today introducing a bill entitled the "Animal Welfare in Research Study Act of 1983." The bill is designed to collect data and evaluate existing animal protection activities so that Congress can determine whether a problem exists with regard to the use of animals in biomedical and behavioral research, and whether the problem is amenable to legislative resolution.

I am sympathetic with the concerns, expressed by many citizens, that some research scientists may believe that animals should be sacrificed indiscriminately for the sake of gaining new knowledge. However, there clearly are many areas in which animal research is crucial to the protection of human life. Therefore, I believe the "Animal Welfare in Research Study Act" is necessary at this time in order to assess the situation. The legislation I propose will provide Congress with the necessary information to properly evaluate the use of animals in research. Once this study is completed, a better informed Congress can explore the need, if any, for corrective legislation. Further, I believe that all of these activities collectively will result in a significant improvement of the currently poor data base in the area of animals used in research.

This bill is timely and in the best interests of our citizens. I urge my colleagues to support this bill. I ask unanimous consent that the text of the bill and a summary of the bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 964

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Animal Welfare in Research Study Act of 1983".

FINDINGS

SEC. 2. Congress finds that a number of American citizens have expressed concern that—

(1) scientists need to improve the care provided to animals used in biomedical and behavioral research;

(2) animals used in biomedical and behavioral research may have been subjected to unnecessary pain;

(3) the number of animals used in biomedical and behavioral research and education may be unnecessarily high; and

(4) methods other than the use of animals in biomedical and behavioral research may produce research results in less time, at less expense, and with more accuracy.

PURPOSE

SEC. 3. The purpose of this Act is to require the Secretary of Health and Human Services to arrange for the conduct of a study which will assist the Congress in determining whether problems amenable to legislative resolution exist with regard to the use of animals in biomedical and behavioral research.

STUDY REQUIRED

SEC. 4. (a)(1) The Secretary of Health and Human Services shall in accordance with this section arrange for the conduct of a study concerning the use of live animals in biomedical and behavioral research. The Secretary shall request the National Academy of Sciences to conduct the study under an arrangement under which the actual expenses incurred by the Academy in conducting such study will be paid by the Secretary and the Academy will prepare the report required by subsection (c). If the National Academy of Sciences is willing to do so, the Secretary shall enter into such an arrangement with the Academy for the conduct of the study.

(2) If the National Academy of Sciences is unwilling to conduct the study required by paragraph (1) under the type of arrangement described in such paragraph, the Secretary of Health and Human Services shall enter into a similar arrangement with one or more appropriate nonprofit private entities.

(b) The study required by subsection (a) shall—

(1) assess the status of the use of live animals in biomedical and behavioral research conducted by entities receiving Federal financial assistance to support such research and, if possible, by entities which do not receive Federal financial assistance, including—

(A) a determination of the type of animals used in such research during each of the five years in the five-year period preceding the date of enactment of this Act;

(B) an estimate of the total number of live animals used in such research during each such year;

(C) a survey of the purposes for which live animals are used in such research;

(D) an analysis of whether the use of such animals in such research has decreased or increased over such five-year period; and

(E) an exploration of methods which can be used in the conduct of such research which are alternatives to the use of live animals;

(2) assess the impact on biomedical and behavioral research of the establishment of a requirement that, as a condition of receiving Federal financial assistance to support such research, entities conducting such research be accredited in accordance with standards promulgated by organizations which accredit such entities;

(3) estimate—

(A) the amounts that would be expended by entities which conduct biomedical and behavioral research with Federal financial assistance to equip and modernize their research facilities in order to meet the standards referred to in paragraph (2); and

(B) the amounts that would be expended by entities which have not previously conducted such research with Federal financial assistance to establish, modernize, or equip facilites in order to meet such standards;

(4) review Federal and State laws and regulations governing the use of live animals in biomedical and behavioral research conducted by research institutions, medical facilities, academic institutions, and training programs;

(5) evaluate the extent to which accredited laboratories and research facilities protect animals against inhumane treatment;

(6) evaluate the actions taken by the Department of Health and Human Services to support the development of research and testing methodologies which will decrease the number of live animals used in biomedical and behavioral research;

(7) evaluate the actions taken by the Department of Health and Human Services to improve oversight of the use of live animals in biomedical and behavioral research by entities which receive Federal financial assistance from the Department to support such research; and

(8) evaluate the activities undertaken by the Department of Health and Human Services to insure the humane care and treatment, and appropriate use, of live animals in biomedical and behavioral research conducted or supported by the Department.

(c) Within eighteen months after the date of enactment of this Act, the Secretary of Health and Human Services shall transmit to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives, and make available to the public, a report—

(1) describing the study conducted under this section;

(2) containing a statement of the data obtained under such study; and

(3) specifying such recommendations for legislation and administrative action with respect to the use of live animals in biomedical and behavioral research as the Secretary considers appropriate.

SUMMARY OF THE ANIMAL WELFARE IN RESEARCH STUDY ACT OF 1983

The Secretary of Health and Human Services shall request the National Academy of Science to conduct a study to assess the status of the use of animals in biomedical and behavioral research conducted by entities receiving Federal, financial assistance to support such research, and if possible, entities that do not receive Federal financial assistance: specifically, the study should:

A. Determine the type of animals used in such research over the last 5 years;

B. Estimate the total number live animals used in such research during such years;

C. Survey the purposes for which live animals are used in such research;

D. Analyze whether the use of animals has decreased or increased over the past 5-year period;

E. Explore alternative methods to the use live animals in the conduct of research;

F. Assess the impact of requiring recipients of Federal financial assistance to meet standards promulgated by organizations which accredit animal laboratories, including an estimate of the amounts that would be expanded by such recipients to equip and modernize their facilities in order to meet the prevailing standards;

G. Review Federal and State laws and regulations governing the use of live animals in biomedical and behavioral research;

H. Evaluate the extent to which accrediting laboratories and research facilities protect animals against inhumane treatment;

I. Evaluate the actions taken by the Department of HHS to support research and testing which will decrease the number of animals used in research;

J. Evaluate the activities undertaken by the Department of HHS to insure the humane care and treatment, and appropriate use, of live animals in research conducted or supported by the Department.

Within 18 months after the date of enactment of this Act, the Secretary of HHS shall transmit to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House and make available to the public a report describing the study and specifying any recommendations for legislation or administrative action with respect to the use of live animals in biomedical and behavioral research.

Mr. KENNEDY. Mr. President, as the ranking member of the Committee on Labor and Human Resources, I am pleased to join the chairman of the committee, Senator HATCH, in introducing legislation to require the Secretary of Health and Human Services to arrange for the conduct of a study with respect to the use of live animals in biomedical and behavioral research.

The Animal Welfare in Research Study Act of 1983 represents an effort to respond to the concerns of many citizens about the plight of animals being used for experimentation by our Nation's research enterprise.

This act will provide critical and necessary information to the Congress, to the public, and to our research community on the status of the use of live animals in biomedical and behavioral research. This information is required so that the Congress can determine if scientists in general need to improve the care provided to animals whose lives are committed and sacrificed for the benefit of mankind. This information must be acquired so that the Congress can determine if the number of animals used in research and education is unnecessarily high. This information is essential if the Congress is to determine what legislative course of action must be taken.

Mr. President, the health and welfare of American citizens demands a vigorous research program; we have an aging population confronted with complex diseases and disabilities. We still need solutions to the scourges of heart disease, hypertension, cancer, chronic lung disease, diabetes, arthritis, spinal cord injuries, and the many other diseases which cripple and kill our population. At times this research program requires the use of animals. However, when we ask that other creatures who share this Earth sacrifice the quality of their lives and, when necessary, their actual lives in the service of mankind, we must do so intelligently, judiciously, and compassionately.

Thus, when reasonable animal care can be provided, we must provide it; when unnecessary pain to animals can be avoided, we must avoid it; when fewer animals can be used in the pursuit of health for all Americans, fewer must be used. And, when methods other than the use of animals in biomedical and behavioral research produce less expensive, more accurate, and more expedient results, we must use these alternatives.

Mr. President, I am cosponsoring this bill so that a proper assessment of the status of animal use in research and education can be executed, so that fears can be calmed where no problems exist, and proper changes can be instituted where required. After this study is completed, I am sure that all of you will be interested in its results; thus, I urge my colleagues to join me in supporting this legislation.

By Mr. LEVIN:

S. 965. A bill to establish a National Industrial Development Board for purposes of formulating policy recommendations for industrial development in the United States; to the Committee on Governmental Affairs.

NATIONAL INDUSTRIAL DEVELOPMENT ACT

Mr. LEVIN. Mr. President, I am pleased today to reintroduce the National Industrial Development Act, a bill authored by Congressman STAN LUNDINE of New Jersey and sponsored by both of us as companion measures in the 97th Congress.

The bill would establish a 32-member board of representatives from business, labor, government, and relevant national organizations to work together to identify and promote reforms to revitalize American industry. The membership of the Board is designed to achieve consensus among our national leaders on the direction this country should take to recapture and maintain its position in the world economy.

Whether or not we should develop a national industrial policy, in what way we should go about that task, and what shape such a policy should take are principle questions in the emerging national debate on how to reverse the dramatic decline in our major industries. This legislative proposal is offered as a starting point for that debate. The powers of this Board—to identify priorities and propose voluntary, consensual solutions for specific industrial problems—are significantly less than those vested in an institution like Japan's MITI. (Ministry of International Trade and Industry). The extent to which government should be able, like MITI, to help focus national resources to specific industries is at the heart of the industrial policy debate. This bill simply says the subject deserves the concerted attention of our Nation's leaders and provides the mechanism for that dialog to take place.

Mr. President, there is one aspect of this bill which I believe is essential to any endeavor to develop a national industrial strategy or to revitalize our lagging economy, and that is participation in the development of solutions by all affected parties. For too long we in this country have nurtured the adversarial approach to problem solving. It is time we realize that we are in this economic boat together. And, if we do not voluntarily coordinate our efforts and approach solutions with an eye toward compromise and negotiation, the boat stands a great likelihood of sinking. Paddling our individual oars in a dozen different directions results only in exhaustion and stagnation. It does not move the ship.

I think we are at an exciting crossroads in our country's economic development. We have new and unlimited opportunities to develop new areas of commercial and industrial expertise and to accept the challenge of the computer age, with the resources, commitment, and cooperation necessary to make these new concepts work for us in a progressive and rewarding way. We do not have to lose out to other countries; we have the wherewithal to respond to the tests of these times.

The bill I am introducing today takes a step down that long and challenging road. I look forward to the deliberations we will make this Congress on efforts to develop a national industrial strategy. The creation of an entity like the National Industrial Development Board will hopefully emerge from that debate.

Mr. President, I ask unanimous consent that a summary of the bill and the text of the bill be included in the RECORD immediately following these remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 965

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SHORT TITLE

SECTION 1. This Act may be cited as the "National Industrial Development Act".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress hereby finds that—

(1) the vitality of industry in the United States has declined precipitously in recent years;

(2) such decline constitutes a severe threat to the economic future of the United States;

(3) many factors have contributed to such decline, including lagging productivity and product quality, increasing imports, reduced competitiveness of goods in foreign markets, high energy prices, shortsighted management strategies, inadequate supply of skilled workers, hostility between management and labor, insufficient employee participation in the workplace, and inadequate Federal commitments in such crucial areas as transportation, and other infrastructure, and research;

(4) the numerous causes of economic decline in the United States can be redressed only by a comprehensive national industrial strategy;

(5) such a strategy should also encourage the development of emerging high-technology industries that can provide substantial economic growth and employment;

(6) such a strategy will succeed only if (A) it has the common support of the principal sectors of the economy, including business, labor, Government, and the public; and (B) each such sector is willing to make sacrifices to ensure mutual recovery; and

(7) the antipathy that often prevails among such sectors hampers development of a consensus necessary for economic recovery in the United States.

(b) It is the purpose of this Act—

(1) to establish a Federal board designed to produce a national industrial strategy that will have the support of each principal party to the industrial problems of the United States;

(2) to establish a mechanism for the development, outside of the normal political process, of consensual solutions to specific industrial problems confronting the Congress or any Federal department or agency;

(3) to establish a mechanism for the anticipation of future industrial problems and the timely identification of shifts in international markets and competitive standings;

(4) to supplement the adversarial mode of problem solving that has prevailed in industry in the United States during the past century with a new approach based upon consensus among business, labor, Government, and appropriate public groups; and

(5) to revive the industrial base of the United States through an approach premised on the proposition that most sectors of the economy are necessary and can survive if they adapt sensibly to the new markets, technologies, organizational designs, and relationships between labor and management that are presently emerging.

ESTABLISHMENT OF BOARD

SEC. 3. There is established a board to be known as the National Industrial Development Board (hereafter in this Act referred to as the "Board").

DUTIES OF BOARD

SEC. 4. (a) The duties of the Board are—

(1) to prepare and publish reports setting forth the recommendations of the Board with respect to national industrial development priorities, including (A) macroeconomic policy; and (B) the needs of basic industrial sectors (such as the automobile, steel, and semiconductor industries) and supportive sectors (such as the financial and communications industries), without regard to whether any such sector is undergoing or anticipating difficulties; and

(2) to provide policy recommendations and reports to the Congress and to Federal departments and agencies with respect to specific issues of national industrial policy, in response to requests from the Congress or any such department or agency under subsection (c)(1).

(b) The Board may encourage, with respect to individual industrial sectors, the development of committees, consisting of representatives of business, labor, Government, and the public, to examine the particular problems of such industrial sectors.

(c)(1) The Board shall issue recommendations and reports under subsection (a)(2) only upon request of—

(A) the head of a Federal department or agency, with respect to a matter pending before such department or agency; or

(B) a majority vote by a committee or subcommittee of the Congress, with respect to a matter pending before such committee or subcommittee.

(2) The Board shall issue any report requested under paragraph (1) as soon as practicable within the six-month period following the date such report is requested. The Board shall, to the extent practicable, comply with any request for expedited preparation of a report.

(3) Upon receipt by any committee or subcommittee of the Congress of any report requested by such committee or subcommittee under paragraph (1)(B), the Board shall consult with such committee or subcommittee with respect to such report, and, following such consultation, such committee or subcommittee shall submit to its House a report setting forth its views and recommendations with respect to the report of the Board.

(4) The Board may, upon the vote of a majority of its members, decline to respond to any request for a report under paragraph (1) if such majority determines that such request relates to any matter that is not of immediate importance. The Board may not decline to respond to any such request if (A) such request relates to a Government loan or loan guarantee, or (B) the Board is notified by the President that such request relates to an emergency situation.

(d) in preparing reports and formulating recommendations under this Act, the members of the Board shall attempt to reach the maximum degree of consensus practicable on any matter of controversy.

(e) The Board shall establish procedures to ensure that no report issued by the Board under this Act shall be released to the public by any member or employee of the Board before the expiration of seven days following the date such report is issued, unless the Board, by a vote of two-thirds of its members, determines that earlier release of such report to the public is appropriate.

MEMBERSHIP OF BOARD

SEC. 5. (a)(1) the Board shall be composed of thirty-two members appointed by the President from among individuals recommended for appointment to the Board by the majority leader of the Senate, the mi-

nority leader of the Senate, the Speaker of the House, and the minority leader of the House.

(2) Of the individuals appointed under paragraph (1)—

(A)(i) eleven shall be appointed from among the individuals recommended by the majority leader of the Senate;

(ii) five shall be appointed from among the individuals recommended by the minority leader of the Senate;

(iii) eleven shall be appointed from among the individuals recommended by the Speaker of the House; and

(iv) five shall be appointed from among the individuals recommended by the minority leader of the House; and

(B)(i) eight shall be, on the date of their appointment, Members of the Congress or heads of Federal departments or agencies;

(ii) eight shall be, on the date of their appointment, chief executive officers or chief operating officers of corporations determined by the President to be major corporations engaging in interstate commerce;

(iii) eight shall be, on the date of their appointment, heads of national or international labor unions; and

(iv) eight shall be, on the date of their appointment, individuals representative of sectors of society or the economy that are not otherwise represented on the Board and are determined by the President to be challenging the economic status quo, such as consumer, educational, environmental, and minority groups, and small businesses in emerging sectors having substantial potential for growth.

(b)(1) Except as provided in paragraph (2) and paragraph (3), each member of the Board shall be appointed for a term of six years. No individual may serve as a member of the Board for more than two terms.

(2) Of the members first appointed—

(A) two of the members described in each clause of subsection (a)(2)(B) shall be appointed for a term of two years; and

(B) three of the members described in each such clause shall be appointed for a term of four years;

as designated by the President at the time of appointment.

(3) A vacancy in the Board shall be filled in the manner in which the original appointment was made. Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of his term until his successor has taken office.

(c) No member of the Board shall be required, by reason of membership on the Board, to file any financial disclosure report under title II of the Ethics in Government Act of 1978 (5 U.S.C. appendix).

(d) Members of the Board shall serve without pay, allowances, or benefits. Members shall be reimbursed for actual expenses, including travel expenses, incurred in the course of performing the duties vested in the Board.

(e) The Board shall establish a quorum requirement to ensure that a substantial number of members described in each clause of subsection (a)(2)(B) are required for any action by the Board, except that the Board may provide that a lesser number of its members may hold hearings.

(f) The President shall designate one member of the Board as its Chairman. The term of office of the Chairman shall be one year. In making such designations, the President shall ensure that the office of chairman shall be rotated consecutively among the four categories of members described in subsection (a)(2)(B).

(g)(1) The Board shall meet not less than six times in each calendar year, at the call of the Chairman or a majority of its members. The Board shall seek to ensure that each member of the Board attends not less than one-half of the meetings of the Board held in each calendar year. Each member of the Board shall designate one alternate representative to attend any meeting that such member is unable to attend. In the course of attending any such meeting, an alternate representative shall be considered a member of the Board for all purposes, including voting.

(2) Each member of the Board shall be notified not less than three weeks in advance of any meeting of the Board, unless the Chairman and a majority of the members of the Board determine in any case that it is necessary for the Board to meet without such period of advance notice.

DIRECTOR AND STAFF OF BOARD; EXPERTS AND CONSULTANTS

SEC. 6. (a) The Board shall, without regard to section 5311(b) of title 5, United States Code, have a Director who shall be appointed upon a vote of three-fourths of the members of the Board, and who shall be paid at a rate of pay determined by the Board to be appropriate.

(b) Subject to such rules as may be prescribed by the Board, and without regard to section 5311(b) of title 5, United States Code—

(1) each member of the Board may appoint and fix the pay of personnel to serve on the personal staff of such member; and

(2) the Board may appoint and fix the pay of additional personnel to serve the Board generally.

(c) The Director and staff of the Board may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(d) Subject to such rules as may be prescribed by the Board, the Board may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(e) Upon request of the Board, the head of any Federal department or agency may detail, on a reimbursement basis, any of the personnel of such agency to the Board to assist the Board in carrying out its duties under this Act.

POWERS OF BOARD

SEC. 7. (a) The Board may, for the purpose of carrying out this Act, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Board considers appropriate. The Board may administer oaths or affirmations to witnesses appearing before it.

(b) Any member or agent of the Board may, if so authorized by the Board, take any action that the Board is authorized to take in this section.

(c) The Board may secure directly from any Federal department or agency information necessary to enable it to carry out this Act. Upon request of the Chairman of the Board, the head of such department or agency shall furnish such information to the Board.

(d) The Board may accept, use, and dispose of gifts or donations or services or property.

(e) The Board may use the United States mails in the same manner and under the same conditions as other Federal departments and agencies.

(f) The Administrator of General Services shall provide to the Board on a reimbursable basis such administrative support services as the Board may request.

(g)(1) The Board may issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation by the Board. Such attendance of witnesses and the production of such evidence may be required from any place within the United States at any designated place of hearing within the United States.

(2) If a person issued a subpena under paragraph (1) refuses to obey such subpena or is guilty of contumacy, any court of the United States within the judicial district within which the hearing is conducted or within the judicial district within which such person is found or resides or transacts business may, upon application by the Board, order such person to appear before the Board to produce evidence or to give testimony relating to the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

(3) The subpenas of the Board shall be served in the manner provided for subpenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(4) All process of any court to which application may be made under this section may be served in the judicial district in which the person required to be served resides or may be found.

(5) No person shall be excused from attending and testifying or from producing books, records, correspondence, documents, or other evidence in obedience to a subpena, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture. No individual shall be prosecuted or subjected to any penalty or forfeiture by reason of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT

SEC. 8. The Board shall be exempt from the provisions of the Federal Advisory Committee Act (5 U.S.C. Appendix).

ANNUAL REPORT

SEC. 9. (a) The Board shall annually prepare and transmit to the President and to each House of the Congress a brief report setting forth the major industrial development priorities of the United States and the policies needed to meet such priorities. Such report shall contain a statement of the findings and conclusions of the Board during the previous fiscal year, together with any recommendations of the Board for such legislation or administrative actions as it considers appropriate.

(b) Upon receipt by either House of the Congress, the report described in subsection (a) shall be referred to the appropriate committee or committees of such House. The

Board shall consult with each such committee with respect to such report, and, following such consultation, each such committee shall submit to its House a report setting forth the views and recommendations of such committee with respect to the report of the Board.

AUTHORIZATION OF APPROPRIATIONS

SEC. 10. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not to exceed $8,000,000 for fiscal year 1984, and for each of the succeeding five fiscal years.

NATIONAL INDUSTRIAL DEVELOPMENT ACT—SECTION-BY-SECTION SUMMARY

SECTION 2—FINDINGS AND PURPOSES (QUOTED IN FULL)

The Congress hereby finds that—

(1) the vitality of industry in the United States has declined precipitously in recent years;

(2) such decline constitutes a severe threat to the economic future of the United States;

(3) many factors have contributed to such decline, including lagging production and product quality, increasing imports, reduced competitiveness of goods in foreign markets, high energy prices, shortsighted management strategies, inadequate supply of skilled workers, hostility between labor and management, insufficient employee participation in the workplace, and inadequate Federal commitments in such crucial areas as transportation and other infrastructure and research;

(4) the numerous causes of economic decline in the United States can be reduced only by a comprehensive national industrial strategy;

(5) such a strategy should also encourage the development of emerging high-techology industries that can provide substantial economic growth and employment;

(6) such a strategy will succeed only if (A) it has the common support of the principal sectors of the economy, including business, labor, government, the public; and (B) each sector is willing to make sacrifices to ensure mutual recovery; and

(7) the antipathy which often prevails among such sectors hampers development—a consensus necessary for economic recovery in the United States.

It is the purpose of this Act—

(1) to establish a Federal board designed to produce a national industrial strategy that will have the support of each principal party to the industrial problems of the United States;

(2) to establish a mechanism for the development, outside of the normal political process, of consensual solutions to specific industrial problems confront the Congress or any Federal department or agency;

(3) to establish a mechamism for the anticipation of future industrial problem and the timely indentification of shifts in international markets and competitive standings;

(4) to supplement the adversarial mode of problem solving that has prevailed in industry in the United States during the past century with a new approach based upon consensus among business, labor, government and appropriate public groups; and

(5) to revive the industrial base of the United States through an approach premised on the proposition that most sectors of the economy are necessary and can survive if they adapt sensibly to the new markets, technologies, organizational designs and relationships between labor and management they are presently emerging.

SECTION 3—ESTABLISHES THE NATIONAL INDUSTRIAL DEVELOPMENT BOARD

SECTION 4

The Board's duties include:

(1) recommending national industrial priorities which will consider the needs of individual business sectors, including both those that have encountered or can anticipate difficulties and those new sectors that have high growth potential in the coming years.

(2) recommending solutions to specific industrial policy problems pending before an executive agency or a congressional committee when such agency or committee requests a report. In the case of such committee or agency requests, the Board may decline the request if it determines that the subject is not of immediate importance and if the request does not pertain to a federal loan or loan guarantee. Committees which receive reports by request from the Board must, thereafter, consult with the Board on its findings and report their evaluation of the Board's findings to the full House or Senate.

In preparing all reports, the Board will strive to achieve the maximum degree of consensus among the four sectors it represents. In addition, all reports will be released to the public a week after they are issued to the President and the Congress, unless the Board determines simultaneous publication is essential.

SECTION 5

The Board will have 32 members, with eight members drawn from each of these four groups: chief executives of major businesses, presidents of major unions, major political leaders (Cabinet Secretaries or Members of Congress), and leaders of public groups that are challenging the economic status quo in America (including consumer advocates, educators, racial minorities, and innovative entrepreneurs).

The Board will be appointed according to the following distribution: 11 members will be chosen from those candidates nominated by the Majority Leader of the Senate and another 11 will be appointed from those nominated by the Speaker of the House, five each will be named from nominees of the Minority Leaders of the House and Senate.

Members' terms will last six years and will be staggered such that one third expires every two years. No member will serve more than two terms.

Members will be exempted from financial disclosure requirements of the Ethics in Government Act of 1978 and will receive no remuneration for their work except for reimbursement for actual expenses.

Each year, the President will designate a Chairman of the Board and such chairman will rotate among the four sectors represented on the Board.

The Board will meet at least six times each year and such other times as necessary. Board members must attend at least half the meetings each year and must designate one alternate from their organization to represent them on all those occasions when they cannot attend.

SECTION 6

The Board's staff will be headed by a Director, chosen by agreement of three-fourths of the Board's members. Staff will hire outside of the civil service system they and will be split among those assigned to individual Board members and those who will be assigned to the Board as a whole. Consultants, can also be hired and additional staff can be requested, on a reimbursable basis, from other federal agencies.

SECTION 7

The Board can hold hearings, receive testimony and evidence whenever it deems necessary, request any information from federal agencies, use U.S. mails as any other federal agency would, and subpeona witnesses to compel their testimony on any matter under investigation by the Board.

SECTION 8

The Board is exempted from the open meetings requirements of the Federal Advisory Committee Act.

SECTION 9

The Board will publish a brief annual report outlining development priorities for the U.S., summarizing findings for the previous year, and recommending legislative or administrative actions. The relevant House and Senate Committees will report to each chamber their views on this annual report.

SECTION 10

Eight million dollars is authorized each year for operation of the Board. Authorization expires after six years.

By Mr. McCLURE (for himself, Mr. DOMENICI, Mr. WALLOP, and Mr. GARN):

S. 966. A bill to amend the Act of October 20, 1976 (90 Stat. 2662), as amended; to the Committee on Energy and Natural Resources.

PAYMENTS IN LIEU OF TAXES PROGRAM

● Mr. McCLURE. Mr. President, we offer for consideration of the Senate legislation to prevent the loss of more than $96 million in revenue due for distribution to nearly 1,700 local governments this year.

That amount of money has been appropriated by Congress for distribution by the Department of the Interior under the payments in lieu of taxes program. The money is badly needed by local governments. There are many jurisdictions throughout the Nation—in every State, the District of Columbia, Puerto Rico, the Virgin Islands, and Guam—that receive payments under this program.

Over 450 million acres of Federal land—from the vast stretches of uninhabited public domain in the West to small units of the national park system scattered throughout every region—qualify for payments to help compensate local government for the burdens of tax-free property within their jurisdictions. In many cases, the Federal lands do not generate offsetting revenue in terms of jobs or industrial growth or sales taxes to compensate for the loss of tax base and the necessary services provided to users of the Federal lands.

When Congress passed this important legislation in the closing days of the 94th Congress, it was generally acknowledged that county governments would be the recipients. Indeed, county governments provided the most effective arguments in favor of the legislation in 1976 when it was

under intensive consideration in Congress. It was termed the "Good Neighbor" legislation. The Interior Department moved with dispatch to establish the regulations needed to implement the program. The unit found to provide general governmental services was the county government or its equivalent parish, township, or borough in Alaska.

Congress did not intend that special taxing districts with limited responsibilities, or governmental structures with few duties to their citizens be recipients of payments in lieu of taxes. Congress fully intended that the taxing authority providing the greatest proportion of general services be compensated.

A recent court of appeals decision has settled upon what may be some ambiguous language in Public Law 94-565, and has rendered a decision against the U.S. Government that may prevent distribution of appropriated funds this year to any local government. The decision has the effect of requiring the Department to write checks to the lowest unit of local government. Unless by some magical formula the administering Federal agency can match its precise acreage to the precise boundary of a small entity, it will be impossible for the Interior Department to make distribution of the funds this fiscal year. There is a very real possibility that the funds would lapse and no payments would be made to jurisdictions where there is absolutely no quarrel as to whom the money should go.

The values of this program are many. Take for instance any of a dozen counties in the West where more than 90 percent of the total land area might be divided between the Bureau of Land Management, the Forest Service, and the National Park Service or a water project controlled by the Bureau of Reclamation. Then, deduct other nontaxable land owned by school districts, State agencies, or the county itself. Then, deduct land used for highways and roads and other tax-free land controlled by nonprofit organizations. The resulting base on which taxes can be levied has shrunk to only a few percentage points of the total land area of the county. Yet, important services must be provided to those who use the public lands. The situation cries for fair treatment.

Congress needs to clarify the language in Public Law 94-565 and we need to act with dispatch. I offer for consideration of my colleagues two amendments to the existing statute. The first would eliminate section 2(d) of the act. That section has proven to be hard to implement if we attempt to follow the philosophy that county governments or their equivalents are to be payments in lieu of taxes recipients. The second amendment would redefine the phrase "unit of local government" in a manner that is more consistent with the regulations developed by the executive branch several years ago and which are now jeopardized by judicial action.

The new definition of unit of local government would provide that the principal provider of governmental services affecting the use of public lands would qualify for payments. In addition, the Secretary of the Interior would utilize Bureau of the Census definitions and principles in defining a local unit's jurisdiction. Under my proposal, a unit of local government would be a county, township, parish, or borough existing in Alaska on October 20, 1976. In addition, my amendment would provide that cities may be eligible for payments where such cities are not within any other unit of local government. These amendments will clarify the overlapping boundary problems that are at the root of our current situation with regard to payments needed this year and beyond. There would be no change affecting the District of Columbia, Guam, Puerto Rico, or the Virgin Islands.

Mr. President, I plan to hold an early hearing before the Committee on Energy and Natural Resources and to report a bill as soon as our schedule permits. I will ask for early and favorable consideration of this legislation by the Senate. I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 966

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of October 20, 1976 (90 Stat. 2662) as amended, is further amended as follows:

(a) Section 2(d) of such Act is hereby repealed.

(b) Section 6(c) of such Act is amended to read as follows: "unit of local government" means a unit of that level of local government, which within a State, is the principal provider of governmental services affecting the use of public lands, and which is a unit of general government as determined by the Secretary (on the basis of the same principles as are used by the Bureau of the Census for general statistical purposes); a unit of local government may be a county, township, parish, borough existing in the State of Alaska on October 20, 1976, or a city where the city is not within any other unit of local government; the term also includes the governments of the District of Columbia, Puerto Rico, Guam, and the Virgin Islands. ".

SEC. 2. The United States shall not be subject to any cause of action or any liability for distribution of payments made prior to January 1, 1983 under the Act of October 20, 1976 (90 Stat. 2662) as amended or regulations pursuant thereto.●

● Mr. DOMENICI. Mr. President, today I cosponsor a bill which would amend the payment in lieu of taxes law. A recent court decision in the Sixth Circuit Court of Appeals has endangered the existence of payment in lieu of taxes known to so many as the PILT program.

This legislation is very simple in that it corrects a situation in which the courts did not agree with the Department of Interior's interpretation of the congressional intent of the law as to which unit of local government should be the recipient of PILT payments.

Under the court interpretation we move from the present practice where over 1,500 units of local government receive payments to one in which 17,000 units or more may now receive those same payments. Obviously this makes implementation of the PILT more difficult if not absolutely impossible.

This legislation would reaffirm the fact that Congress feels the money should go to that unit of government which is the principal provider of services affecting the use of public land.

The reason this legislation must be passed is the fact that there are three variables used in calculating the PILT payments; population, entitlement acres within each unit of local government, and the amount of public lands payments received by the eligible units of local government under the 11 receipt sharing statutes listed under section 4 of the act.

Under the court ruling the first variable is easy to calculate because data is available from the Bureau of the Census. However, data relating to entitlement land acreage and the amounts received under the public lands receipts sharing statutes are generally not available for political entities smaller than the county level.

Acreage data on entitlement land within the 20 States that have some form of township government is not available from all the agencies that administer the entitlement lands. Under a strict reading of the decision you might have to break down the figures to the village level and in some cases or perhaps in most you would also have to allocate the amount of land that falls within the jurisdiction of each unit of government because Federal land ownership seldom follows the boundaries of local government.

The problem is even worse when you consider attempting to collect data regarding other government payments made at a level below county government.

To illustrate the problem, there are some 81,000 local government units: 3,000 counties, 17,000 towns and townships; 18,000 municipalities, cities and villages; 21,000 special districts, and 21,000 school districts.

PILT became law in 1976 and the basic purpose was to reimburse county government or some similar unit of government for the amount of Federal land located within the jurisdiction

which because of the Federal ownership contributed nothing to the local property tax rolls.

Although national in application it has special meaning to States located west of the 100th meridian because of the large amounts of Federal land ownership and the resulting lack of an adequate property tax base to provide proper local government services.

Needless to say this has been an extremely popular program and has helped local government meet the demands of service placed on them.

In fiscal year 1984 the total cost of this program is estimated at $96.3 million. Although from time to time some attempts have been made to end this program. Congress has realized that it is one of the few programs that feeds money directly to units of local government which in turn benefit citizens without huge amounts of money being siphoned off administration costs.

Basically what we have is a program that works well, that helps people, and promotes a good neighbor spirit between the Federal Government and local units of government. This program is in danger of being dismantled because of a court ruling. By dismantling the program we would jeopardize Government funding in over 1,500 local jurisdictions and place an undo burden on these units of government which would have to seek some other way to make up lost funds caused by the dismantling of the PILT program.●

By Mr. THURMOND (for himself, Mr. HATCH, Mr. CHILES, Mr. ABDNOR, Mr. NICKLES, and Mr. HELMS) (by request):

S.J. Res. 73. Joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer; to the Committee on the Judiciary.

(The remarks of Mr. THURMOND on this legislation appear earlier in today's RECORD.)

By Mr. GARN:

S.J. Res. 74. Joint resolution to express the sense of the Congress that the United States should promote the goal of strategic stability and reduce the risk of nuclear war through a balanced program of force modernization together with negotiations to achieve substantial, verifiable and militarily significant reductions to equal levels on the nuclear arsenals of both superpowers; to the Committee on Foreign Relations.

LIMITATION OF NUCLEAR ARSENALS

● Mr. GARN. Mr. President, upon its return from the Easter recess, the House of Representatives will once again take up for consideration the proposal calling for a nuclear freeze. At some time in the near future, the Senate can also be expected to make a statement on the controversial and highly emotional issue of national security and nuclear arms control. I am, therefore, introducing a resolution which calls on the United States to promote the goal of strategic stability, thereby reducing the risk of nuclear war, through a balanced program of arms reduction negotiations and nuclear force modernization.

It is, in my opinion, essential that both elements of negotiations and modernization be integrated into a single, coherent policy. One without the other will not do the job that is necessary. Without a program of force modernization, with particular emphasis on enhancing the survivability of our weapon systems, the United States cannot hope to negotiate meaningful and verifiable arms reduction agreements with the Soviet Union. In the absence of a serious arms control agenda, the United States cannot be expected to sustain the public support to move ahead with needed modernization initiatives.

The resolution I am introducing today incorporates both of these elements necessary to reduce the threat of nuclear war. It does so without eliminating the flexibility the Congress should have in judging specific aspects of the defense budget or curbing the flexibility the President should have in designing the specific terms of his administration's arms reduction position at the negotiating table.

This resolution preserves the spirit of Cohen-Nunn "build-down" proposal with its focus on force survivability and periodic modernization joined with the effort to achieve substantial reductions in the nuclear arsenals of both superpowers. In addition, I have drawn from the ideas and principles that were expressed in the various arms control proposals introduced last year by my colleagues in the House and Senate. My resolution does, however, reject categorically a nuclear freeze under current conditions of force imbalance and vulnerability.

Given the importance of the freeze issue to the national debate on nuclear weapons, and more specifically to the upcoming deliberations on this matter by the House, I would like to highlight briefly my principal objections to the freeze. Let me say first, that I raise these objections without any sense of personal animosity toward those who sincerely support the freeze. It is too easy to impugn the motives of those with whom we disagree as a way to avoid rational discussion and debate. I think one of my constituents put it best when she wrote in a letter to me that, "there is a danger of bad-mouthing the other side * * *. Freeze advocates have been accused of being communist dupes, and Peace Through Strength advocates accused of wanting war." Avoiding these recriminations and in the spirit of responsible debate, I would offer the following observations on the merits of the nuclear freeze proposal.

First, a number of editorial and national defense spokesmen not generally allied with the security programs of the Reagan Administration have expressed their concerns with the freeze proposal. For example, the Washington Post recently said that a nuclear freeze "would block new programs designed to take Soviet and American nuclear forces off a hair trigger, to create more 'stability.'" Moreover, "the letter of the (freeze) movement honors mutual negotiated cuts. But its spirit is patently unilateralist * * *." The New York Times added its misgivings about the freeze in the following manner:

> The freeze remains a simplistic, sloganeering response to a complex issue, the political effect (of a nuclear freeze resolution), is to put relatively greater pressure on the U.S. than the Soviet Union, which suppressed its own freeze movements, and a halt in (nuclear) weapons production (as advocated by the freeze proponents) would not be verifiable.

Finally, former Secretary of Defense Harold Brown commented in a like manner about the effects of a freeze:

> A congressional endorsement (of the nuclear freeze) would carry some major risks. Its effect is to put pressure on the U.S., but not on the Soviet Union . . . It would displace or draw attention away from more specific and effective arms control proposals and from actions needed to stabilize the strategic balance.

Second, a freeze at existing force levels would lock the United States and our allies into a position of military disadvantage and vulnerability. Efforts by the United States to deploy a modernized ICBM, be it the MX or a small ICBM, in a survivable basing mode would be blocked under the terms of a freeze. Thus, the destabilizing condition of land-based missile vulnerability which currently prevails will be perpetuated. A freeze would block the deployment of the B-1B and Stealth bombers, needed to replace our aging B-52 force. A freeze would reward the Soviets for unilaterally deploying approximately 350 SS-20 launchers, with 1,050 warheads not counting the refire missile our intelligence agencies credit to each launcher. These mobile missiles threaten our allies in Europe and Asia. A permanent Soviet advantage in long-range theater nuclear systems would be assured.

Third, a nuclear freeze would undermine the negotiating position of the United States at the strategic arms reduction talks (START) and Intermediate Range Nuclear Forces (INF) talks currently underway in Geneva. Under the terms of a freeze, the Soviet Union would have no meaningful incentive to negotiate seriously to reduce its nuclear arsenal. As the British Prime Minister Margaret Thatcher observed, "If

you want nuclear weapons reduced in the world you have to take the firm approach."

Fourth, the adoption of a nuclear freeze policy would be a step backward from the progress that has already been made in the START and INF negotiations. Both the United States and the Soviet Union are currently discussing their own versions of proposals which would result in reductions in their nuclear arsenals. While the Soviet proposals, to date, are clearly unacceptable, we should not discourage this discussion of reduction proposals by adopting a nuclear freeze.

Fifth, a freeze on all testing, production and deployment of nuclear weapons would include important elements that cannot be effectively verified by national technical means. Our experience with mounting evidence of Soviet use of outlawed chemical/toxin weapons should give us pause before we entrust our security to any agreement that lacks effective verification procedures and the means of enforcing treaty compliance. The difficulties of verifying a freeze agreement, even with intrusive onsite inspection provisions which the Soviets are likely to find unacceptable, were recognized in the New York Times editorial I referred to earlier.

Sixth, a nuclear freeze would do nothing to hamper Soviet antisubmarine warfare (ASW) or air defense efforts. While neither SALT nor START curb Soviet defensive efforts, the effect on nuclear stability is much less than contemplated under the terms of a freeze since these proposals did not ban all modernization programs. Three-quarters of our strategic nuclear warheads are on missiles, submarines and bombers that are more than 15 years old; three-quarters of the Soviets' are on launchers less than 5 years old. Commonsense will tell you that the combination of age and Soviet defensive measures would seriously weaken the deterrent capability of our forces under a freeze regime.

Finally, the practical effect of a freeze would be to impose unilateral pressure on the United States and our NATO allies to abandon necessary modernization programs. The Soviets heartily applaud nuclear freeze rallies when they are held in New York City; it is an entirely different matter, however, when Soviet citizens attempt to express their views in Moscow. I understand that this criticism of unilateralism offends the advocates of a nuclear freeze. Time and again we are told that the freeze will be mutual, but reality seems to throw some doubts on this assertion. A mutual, verifiable freeze will not be agreed to overnight, and one wonders what will come of our modernization programs in the interim. Will we hedge our bets and support modernization until it is clear that a mutual freeze can be achieved? The record is not promising on this score. As the Washington Post noted:

To the extent that they have addressed it, freeze advocates tend to say that each new system should be judged on its merits. But it is not easy to find new systems in which they see merit. The letter of the movement honors mutual negotiated cuts. But its spirit is patently unilateralist . . .

A responsible program of negotiated arms reduction and force modernization will bring us closer to the goal of a more stable nuclear environment which is shared by those who support and those who oppose a nuclear freeze. The purpose of introducing this resolution today is to provide the Senate with a vehicle to express its support of such a program. It does not seek to bind the hands of the Congress in making decisions on specific weapon systems, rather it recognizes the merit of prudent modernization programs which enhance the survivability of our nuclear deterrent forces and reduce instability. My resolution also preserves the President's negotiating flexibility while clearly reaffirming the Senate's support for negotiated reductions in the nuclear arsenals of the two superpowers.

Mr. President, I encourage my colleagues to consider the proposal I am making today and join me in sending this urgent message to the American people that we are serious about reducing the threat of nuclear war.●

ADDITIONAL COSPONSORS

S. 11

At the request of Mr. CRANSTON, the names of the Senator from Rhode Island (Mr. PELL), the Senator from Illinois (Mr. DIXON), and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 11, a bill to amend title 38, United States Code, to establish a Veterans' Administration Advisory Committee on Women Veterans; to improve various aspects of Veterans' Administration health-care programs; to extend the period for Vietnam-era veterans to request counseling under the Veterans' Administration readjustment counseling program; to promote the recruitment and retention of certain health-care personnel in the Veterans' Administration's Department of Medicine and Surgery; to express the sense of the Congress with respect to the role of the Administrator of Veterans' Affairs; to require the Administrator of Veterans' Affairs to conduct an epidemiological study of long-term health effects in veterans of exposure to ionizing radiation from nuclear test detonations; and for other purposes.

S. 13

At the request of Mr. DOLE, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 13, a bill to amend the Internal Revenue Code of 1954 to decrease the holding period for long-term capital gain treatment from 1 year to 6 months.

S. 16

At the request of Mr. DOLE, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 16, a bill to amend the Internal Revenue Code of 1954 to provide for the establishment of, and the deduction of contributions to, education savings accounts.

S. 19

At the request of Mr. DOLE, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 19, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to assure equality of economic opportunities for women and men under retirement plans.

S. 50

At the request of Mr. COHEN, the names of the Senator from Idaho (Mr. SYMMS) and the Senator from Oklahoma (Mr. BOREN) were added as cosponsors of S. 50, a bill to provide access to trade remedies to small businesses, and for other purposes.

S. 120

At the request of Mr. DOLE, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 120, a bill to extend for 2 years the allowance of the deduction for eliminating architectural and transportation barriers to the handicapped and elderly.

S. 121

At the request of Mr. ROTH, the name of the Senator from Arkansas (Mr. BUMPERS) was added as a cosponsor of S. 121, a bill to establish as an executive department of the Government of the United States a Department of Trade, and for other purposes.

S. 137

At the request of Mr. ROTH, the names of the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Wisconsin (Mr. KASTEN) were added as cosponsors of S. 137, a bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued.

S. 152

At the request of Mr. JEPSEN, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Colorado (Mr. ARMSTRONG), and the Senator from Idaho (Mr. SYMMS) were added as cosponsors of S. 152, a bill to amend the Internal Revenue Code of 1954 to provide an investment tax credit for certain soil and water conservation expenditures.

S. 212

At the request of Mr. PRESSLER, the names of the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Nevada (Mr. HECHT) were added

as cosponsors of S. 212, a bill to authorize funds for the United States Travel and Tourism Administration.

At the request of Mr. PRESSLER, the name of the Senator from Indiana (Mr. LUGAR) was withdrawn as a cosponsor of S. 212, supra.

S. 402

At the request of Mr. MOYNIHAN, the names of the Senator from New Jersey (Mr. BRADLEY), and the Senator from Colorado (Mr. HART) were added as cosponsors of S. 402, a bill to reenact the Emergency School Aid Act.

S. 450

At the request of Mr. STEVENS, the name of the Senator from Maine (Mr. COHEN) was added as a cosponsor of S. 450, a bill to amend title 39, United States Code, to strengthen the investigatory and enforcement powers of the Postal Service by authorizing certain inspection authority and by providing for civil penalties for violations of orders under section 3005 of such title (pertaining to schemes for obtaining money by false representation or lotteries), and for other purposes.

S. 462

At the request of Mr. GRASSLEY, the names of the Senator from South Dakota (Mr. ABDNOR), the Senator from North Carolina (Mr. EAST), the Senator from Alabama (Mr. DENTON), the Senator from Idaho (Mr. SYMMS), the Senator from Virginia (Mr. TRIBLE), the Senator from Iowa (Mr. JEPSEN), the Senator from Arizona (Mr. GOLDWATER), the Senator from Wyoming (Mr. SIMPSON), and the Senator from Kansas (Mr. DOLE) were added as cosponsors of S. 462, a bill to amend section 1951 of title 18 of the United States Code, and for other purposes.

S. 476

At the request of Mr. LEVIN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 476, a bill to amend title II of the Social Security Act to require a finding of medical improvement when disability benefits are terminated, to provide for a review and right to personal appearance prior to termination of disability benefits, to provide for uniform standards in determining disability, to provide continued payment of disability benefits during the appeals process, and for other purposes.

S. 530

At the request of Mr. PELL, the name of the Senator from Kentucky (Mr. FORD), was added as a cosponsor of S. 530, a bill to provide for a program of financial assistance to States in order to strengthen instruction in mathematics, science, computer education, foreign languages, and vocational education, and for other purposes.

S. 540

At the request of Mr. GOLDWATER, the names of the Senator from Arkansas (Mr. PRYOR), and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 540, a bill to amend the Public Health Service Act to establish a National Institute of Arthritis and Musculoskeletal and Skin Diseases, and for other purposes.

S. 547

At the request of Mr. MOYNIHAN, the name of the Senator from Rhode Island (Mr. PELL) was added as cosponsors of S. 547, a bill to provide for the reorganization of the Environmental Protection Agency by the establishment of an independent regulatory commission, and for other purposes.

S. 553

At the request of Mr. SASSER, his name was added as a cosponsor of S. 553, a bill to authorize a national program of improving the quality of education.

S. 616

At the request of Mr. BUMPERS, the names of the Senator from Alabama (Mr. HEFLIN), the Senator from Montana (Mr. MELCHER), the Senator from New York (Mr. MOYNIHAN), the Senator from Maine (Mr. MITCHELL), the Senator from Vermont (Mr. LEAHY), the Senator from Hawaii (Mr. MATSUNAGA), and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 616, a bill to promote the use of solar and other renewable forms of energy developed by the private sector.

S. 617

At the request of Mr. BUMPERS, the names of the Senator from Alabama (Mr. HEFLIN), the Senator from Montana (Mr. MELCHER), the Senator from New York (Mr. MOYNIHAN), the Senator from Maine (Mr. MITCHELL), the Senator from Vermont (Mr. LEAHY), the Senator from Hawaii (Mr. MATSUNAGA), and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 617, a bill to promote the use of energy-conserving equipment and biofuels by the Department of Defense, and for other purposes.

S. 618

At the request of Mr. BUMPERS, the names of the Senator from Alabama (Mr. HEFLIN), the Senator from Montana (Mr. MELCHER), the Senator from New York (Mr. MOYNIHAN), the Senator from Maine (Mr. MITCHELL), the Senator from Vermont (Mr. LEAHY), the Senator from Connecticut (Mr. DODD), and the Senator from Hawaii (Mr. MATSUNAGA) were added as cosponsors of S. 618, a bill to revise certain Federal training and economic development programs to create jobs and develop skills in renewable energy and energy conservation industries, and for other purposes.

S. 619

At the request of Mr. BUMPERS, the names of the Senator from Alabama (Mr. HEFLIN), the Senator from Montana (Mr. MELCHER), the Senator from New York (Mr. MOYNIHAN), the Senator from Maine (Mr. MITCHELL), the Senator from Vermont (Mr. LEAHY), the Senator from Hawaii (Mr. MATSUNAGA), and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 619, a bill to reauthorize, extend, and enhance existing Federal programs to encourage conservation and the use of renewable energy by this Nation's consumers.

S. 657

At the request of Mr. DOLE, the name of the Senator from Vermont (Mr. STAFFORD), was added as a cosponsor of S. 657, a bill to amend the Animal Welfare Act to ensure the proper treatment of laboratory animals.

S. 771

At the request of Mr. HATCH, the name of the Senator from Hawaii (Mr. INOUYE), was added as a cosponsor of S. 771, a bill to revise and extend provisions of the Public Health Service Act relating to health promotion and disease prevention, to provide for the establishment of centers for research and demonstrations concerning health promotion and disease prevention, and for other purposes.

S. 772

At the request of Mr. HATCH, the names of the Senator from Vermont (Mr. STAFFORD), the Senator from Florida (Mrs. HAWKINS), the Senator from Washington (Mr. GORTON), and the Senator from Oregon (Mr. HATFIELD) were added as cosponsors of S. 772, a bill to promote public health by improving public awareness of the health consequences of smoking and to increase the effectiveness of Federal health officials in investigating and communicating to the public necessary health information, and for other purposes.

S. 836

At the request of Mr. PELL, the names of the Senator from Arizona (Mr. DECONCINI), the Senator from Kentucky (Mr. FORD), the Senator from Montana (Mr. MELCHER), the Senator from Georgia (Mr. NUNN), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Massachusetts (Mr. TSONGAS) were added as cosponsors of S. 836, a bill to provide for the continuation of the National Diffusion Network.

S. 872

At the request of Mr. HOLLINGS, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 872, a bill to establish an ocean and coastal resources management fund from which coastal States shall receive grants, and for other purposes.

S. 873

At the request of Mr. LUGAR, the name of the Senator from Arkansas (Mr. BUMPERS) was added as a cospon-

sor of S. 873, a bill to help insure the Nation's independent factual knowledge of the Soviet Union and Eastern European countries, to help maintain the national capability for advanced research and training on which that knowledge depends, and to provide partial financial support for national programs to serve both purposes.

S. 880

At the request of Mr. PRESSLER, the names of the Senator from Minnesota (Mr. BOSCHWITZ) and the Senator from North Dakota (Mr. BURDICK) were added as cosponsors of S. 880, a bill to amend the Communications Act of 1934 to provide equity to daytime radio broadcasters.

SENATE JOINT RESOLUTION 32

At the request of Mr. SYMMS, the name of the Senator from New Hampshire (Mr. HUMPHREY) was added as a cosponsor of Senate Joint Resolution 32, a joint resolution to provide for the designation on May 1983, as "National Arthritis Month."

SENATE JOINT RESOLUTION 41

At the request of Mr. STAFFORD, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from Alabama (Mr. HEFLIN), the Senator from West Virginia (Mr. RANDOLPH), the Senator from South Carolina (Mr. THURMOND), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Utah (Mr. HATCH), the Senator from Pennsylvania (Mr. HEINZ), the Senator from North Dakota (Mr. BURDICK), the Senator from Mississippi (Mr. COCHRAN), the Senator from Georgia (Mr. NUNN), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Arkansas (Mr. PRYOR), the Senator from New York (Mr. D'AMATO), the Senator from New Hampshire (Mr. HUMPHREY), and the Senator from Indiana (Mr. QUAYLE) were added as cosponsors of Senate Joint Resolution 41, a joint resolution to authorize and request the President to designate the week of April 10, 1983, through April 16, 1983, as "National Education for Business Week."

SENATE JOINT RESOLUTION 51

At the request of Mr. MOYNIHAN, the names of the Senator from Texas (Mr. BENTSEN) and the Senator from Oklahoma (Mr. NICKLES) were added as cosponsors of Senate Joint Resolution 51, a joint resolution designating May 21, 1983, as "Andrei Sakharov Day."

SENATE CONCURRENT RESOLUTION 11

At the request of Mr. MITCHELL, the names of the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Ohio (Mr. GLENN), the Senator from Michigan (Mr. RIEGLE), and the Senator from Colorado (Mr. HART) were added as cosponsors of Senate Concurrent Resolution 11, a concurrent resolution expressing the sense of the Congress concerning the obligations of the Government of the Soviet Union under international law with respect to human rights.

SENATE CONCURRENT RESOLUTION 14

At the request of Mr. LUGAR, the name of the Senator from Indiana (Mr. QUAYLE) was added as a cosponsor of Senate Concurrent Resolution 14, a concurrent resolution in commemoration of the bicentennial of the birth of Simon Bolivar, hero of the independence of the Americas.

SENATE RESOLUTION 57

At the request of Mr. COHEN, the names of the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Hawaii (Mr. INOUYE), the Senator from Mississippi (Mr. STENNIS), and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of Senate Resolution 57, a resolution expressing the sense of the Senate that the Government of the United States and the Government of the Union of Soviet Socialist Republics should adhere to the principle of a mutual guaranteed build-down of nuclear forces.

SENATE RESOLUTION 74

At the request of Mr. PELL, the names of the Senator from Colorado (Mr. HART), and the Senator from California (Mr. CRANSTON) were added as cosponsors of Senate Resolution 74, a resolution expressing the sense of the Senate concerning the future of the people on Taiwan.

SENATE RESOLUTION 90

At the request of Mr. LEVIN, the names of the Senator from Indiana (Mr. LUGAR), the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from Washington (Mr. JACKSON), the Senator from Oklahoma (Mr. BOREN), the Senator from Washington (Mr. JACKSON), the Senator from Oklahoma (Mr. BOREN), the Senator from Nebraska (Mr. EXON), the Senator from Texas (Mr. BENTSEN), the Senator from Rhode Island (Mr. PELL), the Senator from Iowa (Mr. GRASSLEY), the Senator from Pennsylvania (Mr. HEINZ), and the Senator from Ohio (Mr. GLENN) were added as cosponsors of Senate Resolution 90, a resolution expressing the sense of the Senate that the Soviet Government should immediately release Anatoly Shcharansky and allow him to emigrate.

SENATE RESOLUTION 95

At the request of Mr. DOLE, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of Senate Resolution 95, a resolution to express the sense of the Senate that the President should initiate negotiations on a new long-term agreement on agricultural trade with the Soviet Union.

SENATE CONCURRENT RESOLUTION 22—RELATING TO THE UNITED NATIONS DECADE OF DISABLED PERSONS

By Mr. DOLE (for himself, Mr. STAFFORD, Mr. RANDOLPH, Mr. HATCH, Mr. ARMSTRONG, Mr. BOSCHWITZ, Mr. HATFIELD, Mr. WEICKER, Mr. CRANSTON, Mr. INOUYE, Mr. MATTINGLY, Mr. HOLLINGS, Mr. HUMPHREY, Mr. DURENBERGER, Mr. BUMPERS, Mr. DOMENICI, Mr. GORTON, Mr. PROXMIRE, Mr. LUGAR, Mr. STEVENS, Mr. QUAYLE, Mr. PERCY, Mr. KENNEDY, Mr. GARN, Mr. NICKLES, Mr. JEPSEN, Mr. DECONCINI, Mrs. HAWKINS, Mr. LEAHY, and Mr. DIXON) submitted the following concurrent resolution; which was referred to the Committee on Labor and Human Resources:

S. CON. RES. 22

Whereas a new era in recognition of human rights and universal respect for these rights has begun;

Whereas the United Nations General Assembly has declared 1983 through 1992 as the United Nations Decade of Disabled Persons;

Whereas the United States has made great strides during the last decade in improving the lives of 35 million American citizens with physical and mental disabilities;

Whereas there is still much to be done to open doors to the full participation and equality of disabled persons in society throughout the world;

Whereas handicapped individuals should be able to participate fully in the mainstream of society through education, employment, and community living opportunities;

Whereas the United States recognizes the need for further progress in strengthening public understanding and awareness of the needs and aspirations of disabled persons;

Whereas there is hope that this spirit of carrying out the goals of the International and National Years in 1981 and 1982 will continue throughout this next decade;

Whereas a framework for national action has been established by these previous initiatives and the improvement of programs for disabled persons over the last decade: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the President should take all steps within his authority to implement, within the United States, the objectives of the United Nations Decade for Disabled Persons (1983-1992), as proclaimed by the United Nations General Assembly on December 3, 1982.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

● Mr. ARMSTRONG. Mr. President, last year, I introduced a resolution for the National Year of the Disabled Persons, with DONALD RIEGLE. This resolution was the culmination of tremendous outpouring of concern and interest in the programs developed in past years in our country. In hopes of continuing the progress of this past year, Senator DOLE and I are introducing a resolution for the Decade of the Disabled. This will continue the strong

momentum that has been building during the "National Year" and assure the continuity of a movement based on a community involvement; people working together to enhance the role and contribution of disabled persons. I believe this will make the difference in years to come for the 35 million Americans with disabilities.

The National Year of Disabled Persons has generated exemplary programs and involved thousands of communities in response to the challenge put forth by the United Nations General Assembly, which has also proclaimed support for a Decade of the Disabled. The U.S. Council, a group of concerned citizens of which I am an honorary sponsor, has developed two key "partnership" programs, community and corporate, through which individuals can help develop and participate in programs that meet needs of the disabled citizens in that area. This new initiative for human services by communities and corporations to solve community-based problems is something the Federal Government cannot possibly do.

The response to this challenge has been extremely encouraging across the Nation. There seems to be a real concern by Americans in all sectors of society that disabled people must be brought more into the mainstream of life. The Governors of all 55 States and territories, 330 national organizations, and 270 corporations have joined with the U.S. Council in carrying out programs in this special year. In my State of Colorado, over 25 communities are participating in programs to meet local needs.

Communities have come together to form a committed group of disabled and nondisabled citizens to identify needs, set goals, and develop programs to meet their goals. Progress is being made and resources are being tapped. But further additional action is required to increase public understanding of the unfulfilled needs and potential contributions of disabled persons. Further progress should be made toward achieving the following long-term goals of and for disabled persons promoted during the Year of Disabled Persons: First, expanded educational opportunity; second, improved access to housing, building, and transportation; third, expanded employment opportunity; fourth, expanded participation in recreation, social, and cultural activities; fifth, expanded and strengthened rehabilitation programs and facilities; sixth, purposeful application of biomedical research aimed at conquering major disabling conditions; seventh, reduction in the incidence of disability by expanded accident and disease prevention; eighth, expanded application of technology to minimize the effects of disability; and ninth, expanded international exchange of information and experience to benefit all disabled persons.

Of particular importance is the contribution the United States can make to help the rest of the world to achieve these goals in the Decade of the Disabled. It is well known that the United States takes the lead in providing opportunities for the disabled. While we should be proud of our own accomplishments, much can be done to exchange our information with others during this decade, which could not be accomplished in a single year. These improvments will take time, depending to a large extent, on the development of each individual country and its individual needs.

This resolution does not call for any Government financial support, and will help insure America's progress in providing opportunities for disabled persons as well as expanding its role as a world leader in helping others around the world for the decade to come.●

● Mr. DOLE. Mr. President, today, along with 28 of my colleagues, I am introducing this resolution of the International Decade of Disabled Persons. On December 3, 1982, the United Nations General Assembly declared 1983-92 as the United Nations Decade of Disabled Persons. We should commend the United Nations for taking the lead on this decade as a followup to the International Year of Disabled Persons in 1981. It is our hope that the momentum generated by the International Year in 1981, and the National Year in 1982, will be continued throughout this decade.

Although the lives of our Nation's 35 million disabled people have been significantly improved through rehabilitation, community living and employment opportunities, there are still many doors that need to be opened to enable the full participation of handicapped people in our society. Partnerships between persons with and without disabilities, between Government and the private sector, and among national, State, and local organizations are continuing to improve the lives of Americans with disabilities, but we need to build upon this foundation.

NATIONAL PLAN OF ACTION

Mr. President, the United Nations' action has established a framework that can provide the incentive for our own national plan of action in furtherance of similar long-term goals to help disabled people. These goals include:

Expanded educational opportunity;

Improved access to housing, buildings and transportation;

Greater opportunity for employment;

Greater participation in recreational, social, and cultural activites;

Improved rehabilitation programs and facilities;

Purposeful application of biomedical research aimed at conquering major disabling conditions;

Reduction in the incidence of disability through accident and disease prevention;

Increased application of technology to ameliorate the effects of disability; and

Expanded international exchange of information and experience to benefit all disabled persons.

REAUTHORIZATION OF PROGRAMS

Mr. President, during the 98th Congress, we will have many opportunities to demonstrate our commitment to helping disabled Americans. We will need to reauthorize the Rehabilitation Act, and the Developmental Disabilities Act, and make these programs more efficient—make certain that the benefits and services that are available are reaching those who need them, and that limited resources are going where they can do the most good.

The area of handicapped programs has always been one that inspires a strong bipartisan commitment. Perhaps the best effort we can make in the Congress is to insure access to equal opportunity—in education and employment—in community living and health care.

SPECIAL TALENTS OF DISABLED PEOPLE

Those within our society who happen to suffer from physical or mental disabilities have something to give the society in which they live—they can be productive citizens and harness their talents to the good of our society as a whole. The values that they have learned through struggle can be an inspiration to all of us.

Mr. President, it is our hope that this resolution will speed its way through the committee process, and generate an increase in public awareness of the special needs and special talents of the disabled individuals within our society.●

SENATE RESOLUTION 100—RELATING TO THE BUILDING OF WEAPONS FOR DEPLOYMENT IN SPACE

Mr. WALLOP submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 100

Whereas the first responsibility of any government is to ensure the physical safety of the population, and

Whereas under article 13, and 48-58 of the Geneva Convention our Government, like other signatory governments, has the obligation to protect our citizens against the effects of war, and

Whereas the United States Government does not now possess any means of defending the American people against attack by ballistic missiles, and

Whereas the President is correct that it would be "better to save lives than to avenge them," and that we should be work-

ing as hard as possible to render weapons of mass destruction "impotent and obsolete," and

Whereas various technologies hold out real hope that the United States Government could offer the American people substantial protection against ballistic missiles by deploying antiballistic missile devices in space and on the ground, and

Whereas it is reasonably clear that the Soviet Union has provided itself with offensive space weapons and is trying to provide for itself a space-based laser weapon by means of which to defend itself against ballistic missiles: Now, therefore, be it.

Resolved, That it is the sense of the Senate that the President expeditiously recommend to the Congress the budgetary steps necessary to protect the American people by building weapons for deployment in space, at the earliest possible date, with the capability of destroying ballistic missiles which might be launched against our country.

Mr. WALLOP. Mr. President, today, Senator LAXALT and I are introducing a resolution calling upon the President to recommend whatever is necessary to develop space-based systems designed to defend the United States from attack by ballistic missiles and bombers, as soon as possible.

As you know the President has committed himself to protecting American lives against the threat posed by Soviet ballistic missiles. Since the mid-1960's this Government has neglected its primary responsibility to protect the lives of the American people in case of major conflict. This neglect is not due to any revulsion on the part of the American people to being protected—quite the contrary. A recent poll showed that 86.1 percent of Americans support building an antiballistic missile defense against incoming ballistic missiles. Seventy-three percent of Americans do not believe that cost should be the primary factor in deciding whether such a defense should be deployed. This Government has neglected its duty because the curious belief has taken hold of the bureaucracy that to protect ourselves is provocative.

The time has come to face this issue head on. And the President has done so.

The purpose of this resolution is to allow the Senate to decide an issue of principle which it cannot avoid, and to bring the direction of the Pentagon into line with the wishes of the American people and of the President.

Recently, Senators TSONGAS, HART, and HATFIELD introduced Senate Joint Resolution 28 "calling upon the President to enter negotiations aimed at * * * a verifiable ban on weapons in space and on weapons to be used against space targets." The resolution is essentially that which Congressman JOSEPH MOAKLEY has introduced in the House. Both resolutions are aimed at stopping any American attempt to match the Soviet Union's ability to destroy low-orbiting satellites. Ultimately, they aim to stop the building of laser weapons which would be used to defend the American people against Soviet missiles. The Senators rightly say that "such systems are not just science fiction; they are now being developed * * *" Senator KENNEDY even voted in favor of space laser defenses in 1981. However, the point of their resolution is that it would not be good for our Government to protect the country against ballistic missiles. We, to the contrary, think it would be very good, and a fundamental obligation of government.

I believe that the oft-expressed fear for the militarization of space is misplaced: Space has been militarized by both countries for offensive purposes for more than a generation. Offensive missiles fly through space routinely. The Soviet Union has tested antisatelite systems in space, and Soyuz is primarily a military space program. Today we can choose whether or not we should militarize space for defensive purposes, that is, to keep the engines of mass destructioin from traversing space and striking us. Difficult problems exist before we achieve this ability but that should not deter us. The choice is ours. We should make it openly, consciously, after full debate. That is why we are offering the attached resolution.

AMENDMENTS SUBMITTED FOR PRINTING

INTERNATIONAL SECURITY AND DEVELOPMENT COOPERATION ACT

AMENDMENT NO. 539

(Ordered to be printed and referred to the Committee on Foreign Relations.)

Mr. PERCY (by request) submitted an amendment intended to be proposed by him to the bill (S. 637) to amend the Foreign Assistance Act of 1961 and the Arms Control Act to authorize security and development assistance programs for fiscal years 1984 and 1985, and for other purposes.

FOREIGN MILITARY SALES FINANCING TO GREECE

● Mr. PERCY. Mr. President, by request, I submit for appropriate reference an amendment to S. 637, the proposed International Security and Development Cooperation Act of 1983.

This amendment has been requested by the Department of State and I am submitting the proposed amendment in order that there may be a specific amendment to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this amendment when the matter is considered by the Foreign Relations Committee.

I ask unanimous consent that the amendment be printed in the RECORD at this point, together with a section-by-section analysis of the amendment and the letter from the Assistant Secretary of State for Congressional Relations to the President of the Senate dated March 21, 1983.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMENDMENT No. 539

On page 2, line 17, strike out "$4,436,000,000" and insert in lieu thereof "$4,656,000,000".

On page 3, at the end of line 19, insert the following:

"(h) Section 31(b)(4) of such Act is amended by striking out "not less than $280,000,000 for fiscal year 1982 and not less than $280,000,000 for the fiscal year 1983 shall be available only for Greece" and inserting in lieu thereof "up to $500,000,000 for the fiscal year 1984 shall be available for Greece".

On page 27, at the end of line 6, insert the following:

"FOREIGN MILITARY SALES FINANCING FOR GREECE

SEC. 513. Amounts authorized to be made available for the fiscal year 1984 to carry out the provisions of the Arms Export Control Act may be made available for Greece in excess of the amounts made available for Greece for such program in the fiscal year 1983, only if the President certifies and reports to Congress that the United States has achieved a satisfactory agreement with Greece in the current negotiations with respect to access to and use of military facilities in that country by United States forces."

DEPARTMENT OF STATE,
Washington, D.C., March 21, 1983.

Hon. GEORGE BUSH,
President of the Senate.

DEAR MR. PRESIDENT: I herewith transmit, on behalf of the President, an amendment to the proposed bill entitled the "International Security and Development Cooperation Act of 1983", which the Secretary of State forwarded to you on February 19, 1983. This amendment would increase to $4,656,000,000 the limit for fiscal year 1984 on the total principal amount of loans for which guaranties may be issued under section 24(a) of the Arms Export Control Act. We had previously proposed a limit of $4,436,000,000 for this program for this fiscal year.

This increase would permit the United States to allocate to Greece up to an additional $220,000,000 for guarantied loans beyond the $280,000,000 already justified to Congress for Greece for fiscal year 1984. However, we would allocate this additional amount to Greece only after the United States has achieved a satisfactory agreement with Greece in the current negotiations with respect to access to and use of military facilities in that country by United States forces. To make this intention clear to all parties, the Executive Branch is proposing as part of this amendment that this condition be made a requirement of law.

The Executive Branch urges prompt enactment of the proposed International Security and Development Cooperation Act of 1983, as amended. The Office of Management and Budget advises that enactment of

this bill, as amended, would be in accord with the program of the President.

With cordial regards,

Sincerely,

POWELL A. MOORE,
Assistant Secretary for Congressional Relations.

Enclosures.

AMENDMENT TO SECTION-BY-SECTION ANALYSIS OF THE PROPOSED INTERNATIONAL SECURITY AND DEVELOPMENT COOPERATION ACT OF 1983

On page 2 in the discussion of Section 101, strike out "$4,436,000,000" and insert in lieu thereof "$4,656,000,000".

On page 3, immediately at the end of the discussion on section 101, insert the following: "In addition, section 31(b)(4) of the AECA is amended to authorize for fiscal year 1984 the making available for Greece of up to $500,000,000 of the principal amount of loan guaranties under the Foreign Military Sales financing program."

On page 24, immediately at the end of the discussion on section 512, insert the following:

"SEC. 513. FOREIGN MILITARY SALES FINANCING FOR GREECE

"This section provides that loan guaranties under section 24(a) of the AECA may be issued for Greece during fiscal year 1984 in excess of the total principal amount of loans guaranteed for Greece in fiscal year 1983 only if the President certifies and reports to Congress that the United States has achieved a satisfactory agreement with Greece in the current negotiations with respect to access to and use of military facilities in that country by United States forces."●

EXPORT OF AGRICULTURAL COMMODITIES

AMENDMENTS NOS. 540 THROUGH 542

(Ordered to be printed and to lie on the table.)

Mr. LUGAR submitted three amendments intended to be proposed by him to the bill (S. 822) to expand markets for United States agricultural commodities, expand authority for the use abroad of Commodity Credit Corporation stocks, require the export sale of Commodity Credit Corporation dairy products, improve programs under Public Law 480, and for other purposes.

NOTICES OF HEARINGS

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. WALLOP. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Subcommittee on Public Lands and Reserved Water to consider S. 916 and S. 848, to provide for the orderly termination, extension, or modification of certain contracts for the sale of Federal timber, and for other purposes. The hearing will be held on Friday, April 22, beginning at 10:30 a.m. in room SD-366 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Subcommittee on Public Lands and Reserved Water, Committee on Energy and Natural Resources, room SD-360, Washington, D.C. 20516.

For further information regarding this hearing you may wish to contact Mr. Tony Bevinetto of the subcommittee staff at 224-5161.

SUBCOMMITTEE ON EXPORT PROMOTION AND MARKET DEVELOPMENT

Mr. WEICKER. Mr. President, I would like to announce that the Senate Small Business Committee's Subcommittee on Export Promotion and Market Development will conduct a hearing on April 7, 1983, on Export-Import Bank Financing for Small Businesses, starting at 9 a.m. in room 428A, Senate Russell Building. Senator BOSCHWITZ will chair the hearing. For further information, contact Anne Sullivan of the committee staff at 224-3188.

COMMITTEE ON SMALL BUSINESS

Mr. WEICKER. Mr. President, I would like to announce that the Senate Small Business Committee will conduct a hearing on April 18, 1983, on the President's Second Annual Report to the Congress on Small Business and Competition, starting at 9:30 a.m. in room 428A, Senate Russell Building. Senator GORTON will chair the hearing. For further information, contact Bob Dotchin at 224-5175.

Mr. President, I would like to announce that the Senate Small Business Committee's oversight hearing on the SBA's disaster loan program scheduled for March 24, 1983, in Clinton, Ark., has been postponed until further notice.

ADDITIONAL STATEMENTS

A FRANK ASSESSMENT OF THE INTERNATIONAL DEBT CRISIS

● Mr. HUMPHREY. Mr. President, I have been highly disappointed by the lack of open discussion surrounding the administration's request for an $8.5 billion bailout of large banks and Third World countries laundered through the International Monetary Fund. The administration has packaged its appeal in such a way that it implies no other course of action would be advisable for addressing the debt crisis. This simply is not the case.

Today I submit for the attention of my colleagues a recent article by Dr. Hans F. Sennholz, chairman of the economics department of Grove City College in Pennsylvania, entitled "The World Debt Crisis." Dr. Sennholz pulls no punches in his historically sound assessment of the origins of the current problem, and the extent to which the IMF has contributed to it by always being there "to pick up the pieces." Dr. Sennholz convincingly explodes the myth of IMF "conditionality," which the Fund's supporters tout as its saving grace, and he traces the mechanism through which the use of central bank funds by the IMF "makes the Fund an exchange for self-created and deteriorating currency and an international engine of worldwide inflation and currency depreciation."

Another focus of the Sennholz paper is one which I believe has been largely ignored in recent discussions on increasing our commitment to the IMF. This focus requires a look backward to the enormous credit expansion of the early 1970's—the origin of the current debt bomb—to examine the nature of the loans offered from a business point of view. As Dr. Sennholz argues, many sovereign nations "wasted the funds on grandiose political schemes designed to glorify government and make socialism work." Based on this observation, Dr. Sennholz concludes that the so-called liquidity crisis is in reality "a shock which spendthrifts usually suffer when called upon to make payment."

Mr. President, the Senator from New Hampshire believes that the makers of poor lending decisions should sit down with their troubled debtors and negotiate a means of absorbing this shock. What we should not do is sanction a transfer of our dollars to an institution that will use them only to worsen an already dangerous situation.

I ask that Dr. Sennholz' article be printed in the RECORD.

The article follows:

THE WORLD DEBT CRISIS

(By Hans F. Sennholz)

"A small debt creates a debtor, a large debt, an enemy." If this old proverb is applied to the international situation, the United States and other industrial countries have made many new enemies in recent years. The external debt of third-world countries and communist countries to creditors in the United States and Europe has soared from less than $100 billion in 1970 to some $850 billion in 1982. At least 26 countries are in default and many more may fail in the coming years.

The bad debtors now are lashing at their creditors, the chief economic villains: the United States and Western Europe. "Much of Brazil's inflation is caused by chaos in the international economy," says Tancredo Neves of Brazil, "and that chaos is the fault of the rich countries who are our creditors." President López Portillo of Mexico accuses the Mexican banks in cooperation with foreigh banks of "heading, advising and supporting" a capital flight from Mexico. "They have looted us. They will not loot us again." His government then seized all private banks, including $12 billion in dollar-denominated accounts owned by Mexican and U.S. citizens, and forcibly converted the dollar deposits into debased and depreciated pesos.

Many economists are fearful that the international debt crisis is more than the bankers can handle. They liken the global debt burden to a pyramid that is weak, getting weaker and heading for collapse. They

draw ominous analogies with the financial crisis of the early 1930s that greatly contributed to turning an economic slump into the Great Depression. Other economists, especially in government, reject such pessimism. They argue that the system is strong enough to weather a default of several major debtors, that the creditor banks have adequate reserves to cover any serious default, and that central banks would protect any individual bank from failing and thereby avoid a panic on the international markets. They also point to the International Monetary Fund—the lender of last resort—which can be expected to bail out countries in payment difficulties. They speak of a "safety net" that is protecting the world financial structure from falling apart.

THE SAFETY NET

In fact, the safety net may be very comforting to overextended debtors and their lenders, but its very existence may have invited the overextension in the first place by encouraging bankers to loan more money than their foreign customers were able to repay. No matter how much money the banks would lend to "developing" countries—sometimes recklessly and foolishly—there was always the IMF to pick up the pieces. Surely, IMF and government officials are convinced that the world financial system needs more such safety nets that would prevent it from plunging into a serious crisis. But all such devices constructed by governments merely cushion the fall, they do not prevent it.

The safety-net advocates like to point to the lack of safeguards in 1931 when, in the midst of financial disorders, Austria, then Germany, and finally Great Britain defaulted in their payment obligations. In many respects the situation then was similiar to that of today. Under the impact of a great flood of bank credit generated by easy-money policies of the Federal Reserve System in 1924 and thereafter, bank credit was superabundant in New York. High-yield foreign bonds were in great demand, which led many New York banks to extend loans to foreign borrowers, especially German states and municipalities. The funds were often spent on current consumption, called social service, that permitted the people to live better today at the expense of tomorrow.

There was no safety net, no international cooperation or institution that would come to the rescue of a small Austrian bank, the Credit-Anstalt, when foreign funds were suddenly withdrawn. The panic gained strength and spread from Austria to Germany, to London, and finally New York. Surely, prompt banking cooperation might have avoided the debtor collapse, but it could not possibly correct the great harm inflicted by the credit expansion. Billion-dollar loan funds had been squandered, the capital markets had been disarranged, prices and production disorganized. The seeds had been sown for a world-wide depression.

THE CURRENT SITUATION

What of the situation today? The credit expansion of the 1970s dwarfs that of the 1920s. It had its beginning in the United States and then spread like wildfire to all capital markets in Western Europe and Japan. It flooded the world with easy credit that amounted to hundreds of billions of dollars rather than a few as during the 1920s. It led to the default of dozens of sovereign countries, which wasted the funds on grandiose political schemes designed to glorify government and make socialism work.

But the present situation differs from the 1931 crisis in one important respect. In the 1920s and early 1930s the world money consisted of gold. The world was on a gold standard and all international payments were made in gold. Today, the world is on a U.S. dollar standard and most international payments and debts are settled in dollars. While it may be very difficult to construct a safety net of gold, it is rather simple for the U.S. government in cooperation with other governments to weave safety nets of paper money. Governments cannot manufacture gold; they can print ever larger quantities of paper money. But how safe are such paper nets?

THE INTERNATIONAL MONETARY FUND

Most international bankers and government economists look upon the IMF as the primary net that was woven at Bretton Woods, New Hampshire, in 1944. Its stated objectives are to promote international monetary cooperation and currency stabilization, which means the promotion of international government cooperation in matters of money management. The amount any government can borrow from IMF is in proportion to the amount it has deposited, which in turn is determined by the country's world trade, output, and the like. Debtor governments usually favor a large "quota," which they may establish by contributing primarily their own weak currencies and then draw hard currencies, such as U.S. dollars, German marks and Japanese yen. They are pressing for significant increases of their quotas so that they can borrow more and spend more. Many want their quotas trebled; some industrial countries (e.g., West Germany and Great Britain) merely favor a 50 percent rise. The Reagan Administration is considering a $25 billion emergency fund, administered by the IMF, to help countries with cash crises.

For the most part, newly created central bank funds are used in IMF transactions, which makes the Fund an exchange for self-created and deteriorating currency and an international engine of world-wide inflation and currency depreciation. It is forever pursuing the spurious notion that the policy of inflation can be made to last indefinitely through cooperation of all member governments. It acts like a governmental cooperative with 146 members that tries to coordinate the inflationary policies of its members.

Governments that inflate and depreciate their own currencies at reckless rates and, therefore, face international payment difficulties, such as Mexico in recent months, are rescued immediately with billion-dollar loans. At the same time IMF imposes "conditionalities" that are supposed to correct the causes of the payment difficulties. But the conditionalities are usually taken from the armory of government control over the people. They include such devices as restrictions of imports, promotions of exports, tax increases, and so on. Rarely, if ever, does IMF recommend a reduction in the scope and function of government.

THE U.S. DOLLAR STANDARD

The U.S. dollar as the world standard currency occupies the central IMF position to which all other currencies must adjust. But this central dollar position grants an ominous privilege to the U.S. government as the primary supplier of world currency. It permits the U.S. to inflate the dollar with a certain degree of immunity and to suffer painless balance-of-payment deficits because millions of people all over the world are eager to accept and hold U.S. dollars. The rising quantity of U.S. dollars gushing from Washington is met by a rising world demand, which keeps the dollar depreciation at a minimum.

But even this pleasant privilege that permits the American people to enjoy foreign imports without paying for them with American goods, is subject to certain limits. When, despite the privilege, the U.S. government manages to inflate the dollar at rates higher than the going world rate and thereby floods creditor countries with dollars, the dollar exchange rate tends to fall in international money markets, inflicting serious losses on countless dollar holders. Finally, when these dollar losses become unbearable, they may trigger a world-wide flight from the dollar, which would signal the end of the world dollar standard and the beginning of hyper-inflation at home. The dollar panics of 1978 and 1979, when President Carter had to raise $30 billion of hard foreign currency in support of the sinking dollar, revealed the very limit to which the dollar inflation could be carried without upsetting the world monetary order. U.S. monetary policy has been more restrained and conformable to IMF standards ever since.

THE WORLD IS GASPING FOR LIQUIDITY

Third World debt has more than quintupled in a decade, half of which is owned to private banks. Repayments falling due in many cases exceed the debtor's foreign exchange earnings. In 1982 alone some $30 billion in payments falling due had to be rescheduled, which is three times the amount that were not paid on time in 1981. Cash-flow squeezes and debtor defaults may become worse in 1983 and 1984.

The 1970s witnessed the greatest credit boom the world has ever seen. There had been some credit expansion before August 15, 1971, when President Nixon unilaterally abolished the last vestiges of the gold standard. Credit expansion accelerated dramatically thereafter when the U.S. government flooded the world with U.S. dollars. Central bank reserves now consisting primarily of paper dollars expanded from $92 billion in 1970 to more than $800 billion in 1981. Commercial bank credit expanded two or three times faster than before. The Eurodollar market, which recycled the flood of petrodollar deposits to debtors all over the globe, grew from some $100 billion in 1970 to nearly $2 trillion today. All these credits fueled an inflation the likes of which the world has never seen before. The abundance of credit and bargain interest rates below inflation rates seduced many governments, companies and individuals to live beyond their means until they could borrow no more.

With the help of foreign loans and domestic credits many governments indulged in popular subsidy and transfer programs, consuming income and wealth at unprecedented rates. The foreign credits raised the levels of living of the debtors, especially government officials and their political beneficiaries, while they lowered those of the people of creditor countries. But the shock of default is signaling the end of the wealth transfer process from creditors to debtors, from capitalistic countries to socialistic and communistic countries. The consumption of capitalist wealth is finally drawing to a close. Consequently the levels of living in debtor countries are tumbling, transfer programs are failing, and the political forces that depend on the economic transfer are

falling into disrepute. Politicians are calling it a "liquidity crisis"; in reality, it is a shock which spendthrifts usually suffer when called upon to make payment.

SEEKING SECURITY ABROAD

Many debtor countries received large amounts of foreign credits that could not be invested productively under the given conditions. Where governments control and regulate every phase of economic life there are few opportunities for individual investment. Where governments inflate and depreciate their currencies at horrendous rates, the people seek escape from destruction by hoarding foreign currencies that are likely to depreciate at lesser rates. They are hoarding U.S. dollars or investing them abroad.

Millions of Mexicans, Argentineans, Chileans, Uruguayans, and many others, found U.S. dollars and U.S. investments extremely advantageous. They rushed to their banks loaded with dollar credits and bought U.S. dollars for depreciating pesos. The banks acted as turntables, bringing dollars in and lending them to people who would take them back to the U.S. Many a Florida condo is owned by citizens of bankrupt debtor countries. Their politicians call it a "liquidity crisis"; in reality it is a flight of private capital from governments that would consume and destroy it.

The soaring inflation of the 1970s naturally raised interest rates which together with the rise in total indebtedness raised the interest burden. In the debtor countries a large portion of income now goes to pay interest on foreign debt and to roll over old debt at rising interest rates. Interest payments have doubled in recent years, which without the injection of new loans are squeezing the life out of borrowers. To meet pressing payment obligations many resorted to short-term borrowing, which is squeezing the debtors harder still. Many countries are de facto bankrupt—Mexico, Argentina, Chile, Costa Rica, Bolivia, Poland, Rumania, and several African states. Others may fail to make interest payment when it falls due—Peru, Venezuela, Yugoslavia and, most important, Brazil. They all blame the liquidity crisis; they should decry their own policies that would circumvent reason and inexorable economic law.

THE CALL FOR "REACTIVATION"

The international banking system is under great strain. There is little hope that many foreign debtors will ever repay their debt. Creditor wealth has been wasted in public works and social service, lost on countless schemes of government welfare and development, which were to create a better world through political action or outright socialism. The experiment, which is costing the capitalist countries hundreds of billions of dollars, is failing visibly as poverty and misery are descending on the debtor countries.

But spendthrift politicians rarely learn from their own experience. One political party may replace another, one junta may overthrow another, but the economic policies may remain unchanged because the notions and doctrines that are breeding the policies are not changing. The bad debtors of the world now are calling for "reactivation" which is more of the same. They want "reinflation" on a global scale, to bail out governments and companies wallowing in bad debt. Even U.S. politicians are talking about "reactivation" through legislation that would lower interest rates, create more credit, or force the Federal Reserve System to stimulate the economy through more dollar injections.

The wide road ahead leads to "activation," which in time will rekindle the economic boom and save many debtors through monetary depreciation. It is protected by many safety nets designed to cushion the fall of the most reckless debtors. But it is also a downhill road on which inflation will accelerate, the U.S. dollar will suffer worse panics and crises than in 1978 and 1979, and the world economy will slowly disintegrate and sink into permanent despair.

The road to peace and prosperity points in the opposite direction. In the words of an 18th century French philosopher, Charles de Montesquieu, "countries are well cultivated, not as they are fertile, but as they are free." On the road to freedom government powers and functions must be reduced in every sphere of individual life, and politicians be separated from the economic activity of the people. Above all, the political apparatus must be completely segregated from money and finances; the power over money must be taken out of the hands of politicians and returned to the people.

ANY MAJOR NATION MAY LEAD THE RETURN TO FREEDOM

Any one of the principal countries can lead the way. It would immediately restore the individual freedom to choose any currency and medium of exchange, and remit the freedom of contract in all monetary matters. In a country racked by chronic inflations, such as Mexico, Argentina, and other Latin American states, financial stability would soon return through the development of a parallel standard of pesos and world money, that is, U.S. dollars. If two or more currencies are freely usable and exchangeable in all transactions, at free and unhampered rates, the people will perfer the most stable and reliable currency, which in many countries would be the U.S. dollar. Thus, the legal parallel standard would probably become a de facto dollar standard in many parts of the world.

A dollar standard in Mexico, Argentina, Chile, and Bolivia, would bring immense improvements to economic life and well-being. But the dollar standard would merely be an interim step on the road of monetary freedom. In time the dollar standard, which, too, is a political standard managed by spendthrift politicians in Washington, would be found wanting and, therefore, be replaced by the only natural standard, the gold standard. If people were free to choose they would prefer non-political money, honest money, the money of the ages, which is gold.

MONETARY STABILITY

If the U.S. were the leader toward world peace and prosperity, it would point the way toward monetary stability through the gold standard. It would shun the temptations and privileges of a world dollar standard and lead the way by bringing its own house in order. It would restore individual freedom in money and banking by repealing the myriad of laws and regulations that engulf the financial institutions. Instead of purging gold from the financial system it would encourage the use of gold in all exchanges and clear the way for a parallel standard of dollars and gold.

If the U.S. government were a financial leader toward monetary stability and economic prosperity it would set an example to the rest of the world by balancing its budget this year and every year, and abstain from any further currency and credit expansion. And once the dollar ceases to lose any more purchasing power, not even 5 per cent, 3 per cent, or 1 per cent, it would be made redeemable in gold. In short, politicians and government officials would surrender their power over money and banking to the people who would be free to choose.

As a world leader the U.S. government would withstand the temptation to rekindle the world paper boom through more inflation and credit expansion. It would refuse to join the Third-World search for more bank credits, to build more safety nets for reckless debtors and irresponsible lenders, grant more quotas or foregin aid to socialist and communist countries, and cooperate in any international scheme that would deny monetary freedom to individuals. It would withdraw from the International Monetary Fund and the World Bank, and cease to cooperate with any government that seizes, blocks, or confiscates American property.

As true leaders of the free world Americans would have no need to lead—they would be content to set an example and point the way.●

ANNIVERSARY OF THE ASSASSINATION OF ARCHBISHOP ROMERO

● Mr. KENNEDY. Mr. President, 3 years ago today, the world witnessed the brutal assassination of Archbishop Oscar A. Romero, as he offered mass in San Salvador. He paid with his life for taking a courageous stand in defense of his people. He had prophetically foreseen that outside military intervention from any quarter would not redress the fundamental problems faced by El Salvador, but would only make them worse. In the 3 intervening years, his murder has never been fully investigated by the Salvadoran Government.

The death of Archbishop Romero reminds us that churches in El Salvador have, over and over, paid the supreme price of the blood of priests and ministers, sisters and lay workers, for the crime of standing for the people and their basic human rights. Only last week we were once again shocked and dismayed by the decision of an appellate court in El Salvador that there is insufficient evidence to try the five national guardsmen accused of murdering four American churchwomen in December 1980.

In El Salvador, all who favor social progress put their lives on the line. Last fall, the authorities ordered released for lack of evidence a military officer implicated in the deaths of the Salvadoran land reform director and two American labor advisers in January 1981. Weeks and months have given way to long years since all of these callous killings took place, and yet, in each case, true justice remains as far off as ever.

Even worse, in the intervening years, the Salvadoran authorities have failed to bring indiscriminate violence by the Armed Forces under control. In 1982, Government forces or allied paramili-

tary groups carried out over 5,000 political murders, nearly half of them in the final 6 months of the year, according to the Legal Protection Office of the Archdiocese of San Salvador. Intimidation, kidnaping, and torture of opposition leaders remain a way of life in El Salvador.

In the face of these outrageous abuses, the administration has certified that El Salvador is making progress on human rights and is eligible for continued assistance; it is now attempting to give that country more than four times more military aid than was authorized by Congress in the continuing resolution adopted for fiscal year 1983. In the Appropriations Committees of the Senate and the House, and in the Senate Foreign Relations Committee, efforts are now underway to limit that aid, to cap the number of military advisers, and to require judicial reforms, human rights progress and unconditional discussions between the Government and the opposition in El Salvador.

I strongly support these congressional efforts, and I believe that now is the time to shift decisively from policies of military escalation to policies of political reconciliation. The way to stop the violence in El Salvador is not to enhance the capability of the military and paramilitary forces in that country to bring death to church leaders and political opponents who have the temerity to call for dialog, reconciliation, and negotiations. I believe that the way to end the war is to deny increased military assistance to El Salvador until the Government there has agreed to unconditional negotiations, accompanied by a ceasefire in place, which could lead to a peaceful settlement. That is the best way for us to honor the life of Archbishop Romero and to carry on the work of peace and reconciliation for which he gave his life.

On March 23, leading individuals and organizations across our Nation joined in an important appeal for "peaceful resolution rather than increasing militarization" in El Salvador, Honduras, Guatemala, and Nicaragua. I congratulate them for undertaking their vital "Campaign for Peace and Justice in Central America," and I request that the text of their National Appeal and the list of the endorsers be printed at this point in the RECORD.

The material follows:

NATIONAL APPEAL FOR PEACE WITH JUSTICE IN CENTRAL AMERICA

As individuals and organizations from throughout the United States, we join together in common concern about the growing human suffering in Central America and the failure of U.S. foreign policy to pursue the search for a just and lasting peace. The toll of this suffering has increased dramatically in recent months. U.S.-supporting regimes in El Salvador and Guatemala are responsible for the kidnapping, illegal detention, torture and death of thousands of civilians and the displacement of more than a million people from their homes and families. In Honduras some of these practices have begun to appear. Escalating attacks from Honduras into Nicaragua have raised fears of a full-scale war between the two countries. Government troops in Guatemala are massacring entire indigenous communities.

As United States citizens we are particularly concerned about the role of our government in this suffering. U.S. military aid and intervention in the region have spiralled upward. U.S. covert operations against the government of Nicaragua have recently been admitted by the State Department. Our government has yet to support any initiative for a comprehensive political solution between all parties to the conflict in El Salvador; nor has it supported proposals for negotiations specifically aimed at reducing the threat of war between Honduras and Nicaragua. It is time that the U.S. government seek such opportunities for peaceful resolution rather than increasing militarization.

Therefore, to avert the tragedy of larger war and loss of life in Central America and to contribute toward the establishment of peace with justice in the region, *we urgently call on our government to:*

1. stop all U.S. military aid to and intervention in El Salvador, Honduras and Guatemala.

2. stop U.S. covert operations and all other destabilization activity against Nicaragua.

3. vigorously support a negotiated political solution between all parties involved in the conflict in El Salvador and support the Mexico-Venezuela peace initiative which calls for talks between the U.S. and Nicaragua and between Honduras and Nicaragua.

4. grant temporary asylum to Central American refugees until they can safely return to their homelands.

We further pledge to work together with other concerned individuals and organizations in this "Campaign for Peace with Justice in Central America," to alert the American public to the dangers of a foreign policy based on intervention and to generate broad support for alternatives which promote a lasting and just peace.

ORGANIZATIONAL ENDORSEMENTS

American Association of Jurists, U.S. Section.
American Baptist Churches-U.S.A., Washington Office.
American Christians for the Abolition of Torture.
American for the Abolition of Torture.
American Friends Service Committee.
Artists for Nuclear Disarmament.
Benedictine Monks of Weston Priory.
Black American Law Students, Georgetown Chapter.
Catherine Spaulding Ecumenical Center Staff.
Carolina Interfaith Task Force on Central America.
Center for the Study of the Americas.
Catholic Peace Ministry of Des Moines.
Center for Constitutional Rights.
Center of Concern.
Center for Development Policy.
Center for International Policy.
Center for National Security Studies.
Chile Committee on Human Rights.
Church Committee for Human Rights in the Philippines.
Charlottesville Peace Center.
Christian Church (Disciples of Christ), Department of Church in Society.
Church of the Brethren.
Church Women United.
Citizen Energy Project.
Clergy and Laity Concerned.
Coalition of Latin American Trade Unionists.
Coalition for a New Foreign and Military Policy.
Commission on U.S.-Central American Relations.
Committee in Solidarity with the People of El Salvador.
Committee Against Registration and the Draft.
Consolata Fathers, Washington, DC.
Council on Hemispheric Affairs.
Democratic Socialists of America.
DISARM Education Fund.
Dominican Sisters of the Poor.
Environmental Action.
Environmental Action Foundation.
Environmentalists for Full Employment.
Episcopal Peace Fellowship.
Ecumenical Program for International Communication and Action.
Fellowship of Reconciliation.
Friends Committee on National Legislation.
Friends of the Filipino People.
Franciscan Federation of Brothers and Sisters of the United States.
Franciscan Missionary Sisters of the Divine Child.
Fund for Constitutional Government.
Fund for New Priorities in America.
Fur, Leather and Machine Joint Board, New York City.
Haitian Refugee Project.
Humanitas International.
Indian Law Resource Center.
Institute for Food and Development Policy.
Institute for Secular Missionaries.
Intercommunity Center for Justice and Peace, New York City.
International Longshoremen's and Warehousemen's Union.
Interreligious Task Force on El Salvador and Central America.
Justice and Peace Committee, Archdiocese of Newark.
Justice and Peace Committee, Midwest Capuchins.
Leadership Conference of Women Religious.
League of United Latin American Citizens.
Maryknoll Fathers and Brothers.
Maryknoll Sisters, Office of Social Concerns.
Middle East Resource Center.
Mobilization for Survival.
National Alliance Against Racial and Political Repression.
National Assembly of Religious Women.
National Black United Front.
National Conference of Black Lawyers.
National Federation of Priests Councils, Executive Council.
National Lawyers Guild.
National Network in Solidarity with the People of Guatemala.
National Network in Solidarity with the People of Nicaragua.
National Office of Jesuit Social Ministries.
NETWORK.
New Hampshire Sisters of Mercy.
North American Congress on Latin America.
Northern Provincial Team, Sisters of Charity of St. Elizabeth.
Organizing Media Project.
Other Side.
Religious Task Force on Central America.
Riverside Church Disarmament Program.
SANE.

School Sisters of Notre Dame, Boston Province.
School Sisters of Notre Dame, Provincial Chapter, Wilton, Connecticut.
Sisters of St. Joseph of Peace, General Council.
Sisters of Loretto, Denver, Colorado.
Sisters of Notre Dame de Namur, Maryland Region.
Sojourners.
Transafrica.
Unitarian Universalist Association.
Unitarian Universalist Peace Fellowship.
Unitarian Universalist Service Committee.
United Church of Christ.
United Church of Christ, Commission for Racial Justice.
United Methodist Church, Board of Church and Society, Department of Peace and World Order.
United Methodist Church, Board of Global Ministries, Women's Division.
United Presbyterian Church-USA.
United States Catholic Mission Association.
United States Farmers Association.
United States Peace Council.
United States Student Association.
War Resisters League.
Washington Office on Africa.
Washington Office of the Episocopal Church.
Washington Office on Latin America.
Women's International League for Peace and Freedom.
Women for Racial and Economic Equality.
Women Strike for Peace, Washington Office.
Women USA.
Young Ideas, Inc.

PROMINENT INDIVIDUALS—ELECTED OFFICIALS

The Honorable Michael Dukakis, Governor of Massachusetts.
The Honorable Johnny Ford, President, National Conference of Black Mayors.
The Honorable Donald M. Fraser, Mayor of Minneapolis.
The Honorable Richard Gordon Hatcher.
The Honorable Gus Newport, Mayor of Berkeley.
The Honorable Mr. Van Allen, Mayor of Santa Cruz.
The Honorable Andrew Young, Mayor of Atlanta.
The Honorable George Bachrach, Massachusetts State Senator.
The Honorable Julian Bond, Georgia State Senator.
The Honorable John W. Olver, Massachusetts State Senator.
The Honorable Michael J. Barrett, Massachusetts State Representative.
The Honorable Stephen W. Doran, Massachusetts State Representative.
The Honorable Thomas M. Gallagher, Massachusetts State Representative.
The Honorable Saundra Graham, Massachusetts State Representative.
Maryann Mahaffey, President Pro-Tem, Detroit City Council.
Harry Britt, San Francisco City Supervisor.
Carol Ruth Silver, San Francisco City Supervisor.
Nancy Walker, San Francisco City Supervisor.
Jane Benedict, Chairperson, New York Metropolitan Council on Housing.
James P. Conn, Santa Monica City Council Member.
John George, Alameda County Supervisor.
Santa Cruz Council Members Laird, Mellis, Rotkin and Wormhoudt.

CIVIL RIGHTS, HUMAN RIGHTS AND DISARMAMENT

Phil Aaron, S.M., Director, Strategies for Responsible Development.
The Honorable Bella S. Abzug, President, Women USA.
Cynthia Arnson, Visiting Fellow, Institute for Policy Studies; author, "El Salvador: A Revolution Confronts the United States."
Joan Baez, President, Humanitas International.
Richard Barnet, Senior Fellow, Institute for Policy Studies.
Ellen Binder, Coordinator, P.E.N. Freedom to Write Committee.
Lawrence Birns, Executive Director, Council on Hemispheric Affairs.
Tony Bonilla, President, League of United Latin American Citizens.
Robert Borosage, Director, Institute for Policy Studies.
Ken Bossong, Coordinator, Citizen Energy Project.
Anne Braden, Co-Chairperson, Southern Organizing Committee for Economic and Social Justice.
Cynthia M. Buhl, Human Rights Coordinator, Coalition for a New Foreign and Military Policy.
Roger Burbach, Director, Center for the Study of the Americas.
Binie Burrows, International Secretary, Women for Racial and Economic Equality.
Judy Butler, Editor, North American Congress on Latin America.
Jack Calhoun, Co-Chairperson, Committee Against Registration and the Draft.
Sr. Anita Caspary, I.H.M., Southern California Peace and Justice Center.
Dick Clark, Senior Fellow, Aspen Institute; U.S. Senator from Iowa, 1973-1979.
Ramsey Clark, President, DISARM Education Fund.
Frank Clemente, National Coordinator, Jobs with Peace Campaign.
Joseph Collins, Co-Founder, Institute for Food and Development Policy.
David Cortright, Director, SANE.
Frank Shaffer Corona, National Representative, La Raza Unida Party.
Reverend Herbert Daughtry, Chairman, National Black United Front, President, African Christian Peoples Organization.
Robert Drinan, S.J., President, Americans for Democratic Action.
Leslie Dunbar, Director, Project on National Goals, Fund for Peace; former Director, Southern Regional Council and the Field Foundation.
Joseph T. Eldridge, Director, Washington Office on Latin America.
Janice Fine, President, United States Student Association.
Jo Marie Griesgraber, Deputy Director, Washington Office on Latin America.
Morton Halperin, Director, Center for National Security Studies.
Michael Harrington, Chairperson, Democratic Socialists of America.
Gordon Haskell, Political Director, Democratic Socialists of America.
Steve Hellinger, Co-Director, Development GAP.
Russ Hennenway, National Committee for an Effective Congress.
Esther Herst, National Director, National Committee Against Repressive Legislation.
Anne Helen Hess, President, Nuclear Information and Resource Center.
Michael Klare, Fellow, Institute for Policy Studies.
Karen King, Jubilee, Inc.
Steve Klein, Communications Coordinator, Martin Luther King, Jr. Center for Non-Violent Social Change.
Christ Krueger, Coordinator, Guatemala Scholars Network.
Maggie Kuhn, National Convenor, Gray Panthers.
Saul Landau, Senior Fellow, Institute for Policy Studies.
Sally Lilienthal, Director, Ploughshares Fund.
Gino Lofredo, Executive Director, Commission on U.S.-Central American Relations.
Jim McGinnis, Director, Institute for Peace and Justice.
Frances Moore Lappe, Co-Founder, Institute for Food and Development Policy.
Lindsay Mattison, Director, Center for Development Policy.
Isabel Letelier, Senior Fellow, Institute for Policy Studies.
Mark Olson, Co-Editor, The Other Side.
Maurice Paprin, President, Fund for New Priorities in America.
Michael Parenti, author, lecturer.
Gail S. Phares, Director, Carolina Interfaith Task Force on Central America.
William Preston, Jr., President, Fund for Open Information and Accountability.
Donald L. Ranard, Director, Center for International Policy.
Marcus Raskin, Senior Fellow, Institute for Policy Studies.
Randall Robinson, Director, Transafrica.
Janet Schenk, Vice-President, North American Congress on Latin America.
Judy Schnidmann, President, United States Student Association.
Jean Sindab, Director, Washington Office on Africa.
Edward F. Snyder, Executive Secretary, Friends Committee on National Legislation.
Kristen Stelk, University of California Student Lobby.
Kay Studer, Coordinator, Women for Guatemala.
Arnoldo S. Torres, National Executive Director, League of United Latin American Citizens.
Edith Villastrigo, National Legislative Coordinator, Women Strike for Peace.
Stephen Volk, President, North American Congress on Latin America.
Cora Weiss, Co-Director, Riverside Church Disarmament Program.
Richard Alan White, PhD, Project Director, Third World Center for Economic Social Studies.
Dr. Bill Wickersham, Executive Director, World Federalists Association.
Alice Zachmann, Coordinator, Guatemalan Human Rights Commission in the United States.
Anne B. Zill, President, Fund for Constitutional Government.
Victor Kovner, Esq., Attorney-at-Law.
Alan Levine, Esq., Attorney-at-Law.
Jack Levine, Esq., Attorney-at-Law.
Michael Ratner, President, National Lawyers Guild.
Peter Weiss, Esq., Attorney-at-Law.
Melvin Wulf, Esq., Attorney-at-Law.

LABOR AND PROFESSIONAL ASSOCIATIONS

Jim Bell, President, Coalition of Black Trade Unionists.
Chauncy Alexander, Executive Director, National Association of Social Workers, 1969-1982; consultant, Alexander Associates.
Arnold Braithwaite, Chairman of the Board, William F. Ryan Community Health Center (NYC).
John P. David, Director, Southern Appalachian Labor School.

Douglas Fraser, President, United Automobile, Aerospace & Agricultural Implement Workers of America.

Robert F. Goss, President, Oil, Chemical and Atomic Workers International Union.

Edward Gray, Director, United Auto Workers, Region 9.

Jim Herman, President, International Longshoremen's and Warehousemen's Union.

Terry Herndon, Executive Director, National Education Association.

Joe Jamison, Executive Director, Irish-American Labor Committee.

James Kane, General President, United Electrical, Radio and Machine Workers of America.

David Livingston, President, United Auto Workers, District 65.

Henry Nicholas, President, National Drug and Hospital Workers Union, District 1199.

William Nuchow, Secretary-Treasurer, International Brotherhood of Teamsters, Local 801.

Charles Perlik, Jr., President, The Newspaper Guild (AFL-CIO, CLC).

Cleveland Robinson, Secretary-Treasurer, United Auto Workers, District 65.

Dr. Helen Rodriguez Trias, New York Health and Hospital Corps.

Frank Rosen, President, United Electrical, Radio and Machine Workers of America, District 11.

Jack Sheinkman, Secretary-Treasurer, Amalgamated Clothing and Textile Workers Union.

Don Stillman, Director of Governmental and International Affairs, United Auto Workers.

Edwin Vargas, President, Greater Hartford Central Labor Council.

Dale Wiehoff, United States Farmers Association.

William M. Winpisinger, President, International Association of Machinists & Aerospace Workers.

ARTS AND HUMANITIES

Steve Allen, Actor.

Ed Asner, Actor.

Rita Mae Brown, Novelist.

Ellen Burstyn, Actress.

David Clennon, Actor.

Andrea Dworkin, Writer.

Florence Falk, President, Performing Arts for Nuclear Disarmament.

Mike Farrell, Actor.

Carolyn Forche, Poet.

John Houseman, Actor.

Linda Kelsey, Actress.

Sarah S. Kovner, President, Arts, Letters and Politics.

Audre Lorde, Poet.

Albert Maltz, Writer.

Susan Moeller, Photojournalist.

Carole Oligario, Screenwriter.

Susan Sarandon, Actress.

Holly Sklar, Author.

David Soul, Actor.

Wallace Stegner, Writer, 1972 Pulitzer Prize.

Gloria Steinem, Editor, Ms. Magazine.

I. F. Stone, Journalist.

Mary Travers, Singer, Recording Artist.

Richard Ulman, Novelist.

Alice Walker, Novelist.

RELIGIOUS

Roman Catholic

The Most Reverend Thomas Gumbleton, Catholic Archdiocese of Detroit.

The Most Reverend Walter Schoenherr, Catholic Archdiocese of Detroit.

The Most Reverend Nicholas D'Antonio, Auxiliary Bishop of New Orleans.

The Most Reverend Joseph Gossman, Catholic Diocese of Raleigh.

The Most Reverend Lawrence J. McNamara, Catholic Diocese of Grand Island.

The Most Reverend Kenneth J. Povish, Catholic Diocese of Lansing.

The Most Reverend James S. Sullivan, Catholic Diocese of Lansing.

The Most Reverend Kenneth Utener, Catholic Diocese of Saginaw.

The Most Reverend Walter F. Sullivan, Catholic Diocese of Richmond.

Sr. Marjorie Tuite, O.P., President, National Assembly of Religious Women; Director, Ecumenical Citizen Action, Church Women United.

Sr. Ann Gormly, Coordinator, International Justice Network, Assistant Executive Director, United States Catholic Association.

Fr. Simon E. Smith, S.J., Jesuit Missions.

Sr. Lora Ann Quinonez, C.D.P., Executive Director, Leadership Conference of Religious Women.

Sr. Rita Hoffbauer, GNSH, Leadership Conference of Religious Women.

Sr. Rosemary Ronk, Leadership Conference of Religious Women, Region VII.

Ruth Fitzpartick, Washington Representative, National Assembly of Religious Women.

Fr. Ronald Carignan, OMI, President, Conference of Major Superiors of Men.

Fr. Joseph Nangle, OFM, Justice and Peace Liaison, Conference of Major Superiors of Men.

Sr. Janet Gottschalk, SCMM, Sector Superior, Sector North America.

Fr. James Noonan, Superior General, Maryknoll Fathers and Brothers.

Sister M. Theresa Kane, Roman Catholic Director, Sisters of Mercy of the Union.

Mary Mitchell, President, Dominican Sisters of the Poor.

Sr. Marian McAvoy, S.L., President, Sisters of Loretto.

Fr. Gaspar LoBiondo, S.J., Director, National Office of Jesuit Social Ministries.

Daniel P. Driscoll, M.M., Director, Justice and Peace Office, Maryknoll Fathers and Brothers.

Sr. Helene O'Sullivan, Director, Office of Social Concerns, Maryknoll Sisters.

Sr. Anne Fleming, RSM, Provincial Administration Team, Detroit Province.

Sr. Alice Gerdemann, CDP, Provincial Administration Team, Sisters of Divine Providence.

Mary O'Keefe, Former Director, National Assembly of Religious Women.

John Gussenbauer, Office of Social Development and World Peace, Diocese of Saginaw.

Sr. Patricia Joseph, RSM, General Council, Sisters of Mercy, Marion, PA.

Fr. Ed Killacky, Director, Maryknoll Washington Office, Justice and Peace Division.

Sr. Celia King, Provincial, Sisters of St. Joseph of Peace, St. Joseph Province.

Rev. Michael Lavelle, S.J., Provincial, Detroit Society of Jesuits.

Sr. Rita Powell, RSM, Assistant Superior General, Sisters of Mercy, Marion, PA.

Rev. Ronald Smith, OFM, Minister Provincial of Capuchins, Midwest Province.

Sr. Mary Luke Tobin, SL, Director, Thomas Merton Center for Creative Exchange.

Sr. Katherine Mulkerrin, CSJ, President, Boston Sisters of St. Joseph.

Terry Cassidy, Chairperson of Peace and Justice, St. Meinrod Theology.

Fr. William Davis, Christic Center.

Fr. Larry, OFM, Franciscan Social Concerns Committee.

Rev. David Garcia, Pastor, St. Mark's Church, New York City.

Sr. Adela Gross, Franciscan Sisters of Little Falls, MN.

Rev. Alfred Hennely, S.J., Woodstock Theological Center, Georgetown University.

Sr. Gwen Hennessey, Catholic Peace Ministry, Des Moines, IA.

Pauline Pitruzzella, RSM, Center for Justice, Buffalo, NY.

Sr. Margaret Krantz, Franciscan Missionary Sisters of the Divine Child.

Sr. Loretta Vitter, Srs. of St. Frances, Joliet, IL.

Fr. James Zelinsky, Capuchins.

Sr. Doris Koenig, OLVM, Pax Christi, West Virginia.

Sr. Martha Wordeman, OLVM, Pax Christi, West Virginia.

Sr. Jackie Hudson, OP, National Assembly of Religious Women, Michigan/Ohio Representative

Sr. Rosemary Hewitt, Great Lakes Provincial, Sisters of Charity.

Rev. John Nader, Downtown Vicarate, Archdiocese of Detroit.

Rev. Robert McGrath, Grand River Vicarate, Archdiocese of Detroit.

Religious of Sacred Heart, Detroit.

Kathleen Carter, Director, Jesuit Volunteer Corps. Midwest.

Delano H. Berry, Kingston Peace and Justice Committee, Raleigh Diocese.

Presbyterian Church-US

Bob Armistead, Staff Associate for Latin America and the Caribbean.

United Presbyterian Church-USA

William P. Thompson, Stated Clerk of the General Assembly.

Dr. John MacLeod, Jr., Executive Director, North Carolina Synod.

Rev. William Sloane Coffin, Pastor, Riverside Church, New York City.

Baptist

Charles William Butler, President, Progressive National Baptist Convention, Inc.

Robert Tiller, Director of Governmental Relations, American Baptist Church, Washington Office.

Robert A. Fisher, Manager, Ministry of Laity Program, American Baptist Churches National Ministries.

Rev. Robert Seymour, Binkely Baptist Church, Chapel Hill, NC.

Rev. W. W. Finlator, North Carolina Southern Baptist Church, Raleigh.

Dr. Glen Stassen, Southern Baptist Theological Seminary.

Quaker

Sephen G. Cary, Chairperson, American Friends Service Committee.

Joe Volk, Peace Education Secretary, AFSC.

Jack Malinowski, Director, Human Rights, Peace Education, AFSC.

Unitarian

Richard Scobie, Executive Director, Unitarian Universalist Service Committee.

Robert Alpern, Director, Washington Office, Unitarian Universalist Association.

Loretta J. Williams, Director, Social Responsibility Section, Unitarian Universalist Association.

Rev. Farley W. Wheelwright, President, Unitarian Universalist Peace Fellowship.

Jewish

Ken Giles, New Jewish Agenda.

Rabbi David Saperstein, Co-Director, Religious Action Center, Union of American Hebrew Congregations.
Rabbi Ernest J. Conrad, Temple Kol Ami, West Bloomfield, MI.
Rabbi Richard Hertz, Professor of Jewish Studies, University of Detroit.

Christian Church (Disciples)

Ronald Pfile, Executive Secretary, Department of Church in Society.
M. Frisco Gilchrist, Co-Director, International Human Rights Program.

Lutheran

Dr. Michael McDaniel, Presiding Bishop, Lutheran Church in America, Salisbury, NC.
Betty Richardson Nute, Lutheran World Relief.

United Church of Christ

Dr. Avery Post, President.
Patricia Rumer, Latin America Division.
Dr. Charles E. Cobb, Executive Director, Commission for Racial Justice.

Church of the Brethren

Robert W. Neff, General Secretary.

Episcopal

Bishop John H. Burt, Urban Bishops Coalition.
William W. Weiler, Director, Washington Office of the Episcopal Church.
Bishop H. Coleman McGehee, Jr., Diocese of Michigan.
Mary Lou Suhor, Editor, The Witness.

United Methodist Church

Bishop Jesse DeWitt, President, General Board of Global Ministries.
Bishop Leroy C. Hodapp, President of General Board of Church and Society, United Methodist Church.
Dr. Randolph Nugent, General Secretary, General Board of Global Ministries.
Guillermo Chavez, Director, Political and Human Rights Department, General Board of Church and Society.
Joyce B. Stanton, Associate Council Director, Detroit Conference.
Dr. Royal Synwolt, Assistant to the Bishop, MI.
Rev. Joseph Mann, Wesley Foundation, Raleigh, NC.
Fern Ferguson, former President, Women's Division.

Mennonite

Urbane Peachey, Executive Secretary, Mennonite Central Committee.
Delton Franz, Mennonite Central Committee, Washington Office.

Councils

Dr. Joseph Lowery, President, Southern Christian Leadership Conference.
Bishop John Adams, Chairperson, Congress of National Black Churches.
Rev. S.L. Harvey, President, Southern Christian Leadership Conference of LA.
Victoria J. Furio, Latin America Coordinator, New York State Council of Churches.
Rev. Dr. Eugene L. Stockwell, Associate General Secretary for Overseas Missions, National Council of Churches.
The Rev. Dr. William L. Wipfler, Director, Human Rights Office, National Council of Churches.

Divinity Schools

Br. Samuel Citero, O.C., Chairperson, Social Justice Committee, Washington Theological Union.
Estella Ibarra, Migrant Ministry, University of Dayton.
Eugene Te Selle, Vanderbilt University Divinity School.

ACADEMIC

Kenneth Arrow, Nobel Laureate in Economics, Department of Economics, Stanford University.
Walter Gilbert, Nobel Laureate in Chemistry.
Salvador Luria, Nobel Laureate in Biology, Professor of Biology, Massachusetts Institute of Technology.
George Wald, Nobel Laureate in Physiology; Professor Emeritus of Biology, Harvard University.
Daniel Aaron, Harvard University.
Jonathan Aaron, Harvard University.
Ronald Aaron, Northwestern University.
Richard Astusar, University of Iowa.
Carol Abate, W. Valley College.
Larry Abbot, Brandeis University.
Ricard Abel, University of California, Los Angeles.
Rose Abendstern, University of Massachusetts, Boston.
James Ackerman, Harvard University.
Richard N. Adam, University of Texas.
Gregory Alexander, University of California, Los Angeles.
J. Alexander, Babson University.
Susan Alexander, Simmons University.
Chester A. Alper, Harvard Medical School.
Richard Alpert, New England School of Law.
Jeannette Ambrose, University of Massachusetts, Boston.
Warren Ambrose, Massachusetts Institute of Techology.
Harold Amos, Harvard Medical School.
Gosta E. Anderson, Harvard University.
W.H. Locke Anderson, University of Michigan.
Martin Andic, University of Massachusetts, Boston.
Lydia Andri, New York University.
Louise M. Antony, Boston University.
Jonathan Arac, University of Illinois.
Peter Aranella, Boston University.
Arnold Arluke, Northwestern University.
John C. Armington, Northwestern University.
Jane Armstrong, Northwestern University
Steven Arnold, American University.
Stanley Aronowitz, City University of New York.
Brad Art, Simmons University.
Craig Auchter, University of North Carolina.
James Austin, Harvard University Business school.
L.M. Avila, University of Southern California.
Slottw-Austin, Boston University.
G. Ayora, University of Oregon.
Ronald Baba, University of Wisconsin, Green Bay.
Philip Backstrom, Northwestern University.
Frank Bae, New England School of Law.
Bruce Bagley, Johns Hopkins University.
Bela O. Baker, University of Wisconsin, Green Bay.
Harold Bakken, Lowell University.
Marjorie Bakken, Wheelock University.
David Baltimoe, Massachusetts Institute of Technology.
Thomas Banfield, Harvard University.
Renato Barahona, University of Illinois.
Floyd Barbour, Simmons University.
Daniel Barker, Northwestern University.
Elizabeth J. Barker, Boston University.
Ema Barker, Northwestern University.
T. Bakley, Harvard Medical School.
Peggy Bartlett, Emory University.
Marty Barroll, Assumption College.
Roland Barth, Harvard University.
Elizabeth Bartholet, Harvard University.
Harry H. Bash, University of Missouri, St. Louis.
Ellen Bassuk, Harvard Medical School.
Daniel Bates, CUNY, Hunter.
Fred Bauer, Assumption College.
Michael Baum, Massachusetts Institute of Technology.
Richard Bauman, University of Texas.
Estar Baur, Peralta.
Arthur Bayer, Babson College.
Ken Baynes, University of Massachusetts, Boston.
James F. Beard, Jr., Clarke College.
Jonathan Beckwith, Harvard Medical School.
Hugo Bedau, Tufts University.
William H. Beik, New York University.
Merideth W. Belding, Assumption College.
Gary Bellow, Harvard University.
Thomas Bender, New York University.
Rubin Benitez, University of California, Los Angeles.
Jules R. Benjamin, University of Rochester.
Martin Benjamin, Michigan State University.
Dean J. Bergeron, University of Lowell.
Emile Bergmann, University of California, Berkeley.
Charles Bergquist, Duke University.
Jutta Bernstein, Assumption College.
Aaron Berman, Hampshire College.
Donald Berman, Northwestern University.
Harry Bernham, Tufts University.
Sara Berry, Boston University.
Warner Berthoff, Harvard University.
Seyla Benhabib, Boston University.
John Beverly, University of Pittsburgh.
Stephanie J. Bird, Massachusetts Institute of Technology.
C. J. Blaisdell, Northwestern University.
Thomas Blanchard, Assumption College.
S. J. Blank, Northwestern University.
Charles Blinderman, Clark College.
Martin Block, Northwestern University.
Jonathan Bloom, Harvard University.
Susan P. Bloom, Simmons University.
Lawrence Blum, University of Massachusetts, Boston.
M. T. Boatwright, Duke University.
David B. Boersma, Michigan State University.
Carl Boggs, Jr., University of Southern California.
Jay Boggis, Harvard University.
William Bordas, Clark College.
John Borrego, University of California, Santa Cruz.
David Botstein, Massachusetts Institute of Technology.
William J. Bowers, Northwestern University.
John Bowman, Boston University.
Christopher S. Braider, Harvard University.
Alan Brandt, Harvard University.
Jonathan Brant, New England School of Law.
Michael Bratman, Stanford University.
Virginia Bratton, Simmons College.
Susan H. Brawley, Radcliffe University.
Winifred Breines, Northwestern University.
Paul Breines, Boston College.
Myrna M. Breitbard, Hampshire College.
J. Brewen, Harvard University.
Julia R. Brickley, University of Wisconsin, Green Bay.
Mark Bridger, Northwestern University.
Charles C. Bright, University of Michigan.
Harry Brill, University of Massachusetts, Boston.
Alan Brinkley, Harvard University.
Klaus Brinkmann, Boston University.

Charles Brockett, University of the South.
Mark S. Brodin, New England School of Law.
Pamela Bromberg, Simmons University.
Sylvain Bromberger, Massachusetts Institute of Technology.
Michael M. Brons, Nova.
David Browder, Simmons University.
Don W. Brown, University of Texas.
Gene M. Brown, Massachusetts Institute of Technology.
Michael K. Brown, University of California, Santa Cruz.
Peter Brown, Emory University.
Robert S. Brown, Harvard Medical School.
Leslie Ann Brownrigg, Amaru IV Cooperative, Inc.,
Joan J. Brumberg, Cornell University.
Peter Buck, Massachusetts Institute of Technology.
Elizabeth Buckley, Harvard University.
Lillian Bulua, Northwestern University.
Andrew Buni, Boston College.
Jane R. Burbank, Harvard University.
Victor K. Burg, Harvard University.
Peter Burian, Duke University.
John Burke, Assumption College.
Bradford Burns, University of California, Los Angeles.
Michael N. Burns, Nova.
Sidney A. Burrell, Boston University.
Mike Burton, University of California, Irvine.
Hector Calderon, University of California, Los Angeles.
John R. Caleb, University of North Carolina.
James T. Campen, University of Massachusetts, Boston.
Francesca Cancian, University of California, Irvine.
Karl Cantor, Brandeis University.
Kathleen Carey, Boston University.
Susan Carey, Massachusetts Institute of Technology.
Beverly Carl, Southern Methodist University.
Deborah Carlin, Harvard University.
John J. Carroll, Northwestern University.
Susan M. Case, Salem State College.
William L. Casey, Jr., Babson.
Andrew Castinshone, University of Massachusetts.
Hector M. Cavallari, Stanford University.
Courtney Cazden, Harvard University.
Margaret Cerullo, Hampshire College.
W.H. Chafe, Duke University.
Rosemary Chalk, Massachusetts Institute of Technology.
Martha Chamallas, University of Iowa.
Francis Chao, Harvard Medical School.
G. Clarke Chapmen, Jr., Moravian College.
Anthony Chase, Nova.
Christopher Chass-Dunn, Johns Hopkins University.
G. Chatterjee, Simmons.
C. G. Cherniak, Tufts University.
Mark Chesler, University of Michigan.
Ron Chester, New England School of Law.
The Honorable Shirley Chisholm, Mount Holyoke College.
V. Cioffari, Assumption College.
Audrey P. Clapham, Miami University (Ohio).
Gerald Clark, Suffolk.
T.J. Clark, Harvard University.
Barbara Clements, University of Akron.
S. L. Cline, Harvard University.
Robert N. Clinton, University of Iowa.
William H. Clune, University of Wisconsin.
David E. Cochrane, Tufts University.
John H. Coatsworth, University of Chicago.
Howard Cohen, University of Massachusetts, Boston.
Judith Beth Cohen, Harvard University.
P. S. Cohen, Northwestern University.
Robert Cohen, Boston University.
Tod Cohen, Boston University.
Benjamin N. Colby, University of California, Irvine.
John W. Colw, University of Massachusetts.
Martha Collins, Radcliffe University.
Catherine Conaghan, Simmons.
Michael Conroy, University of Texas.
Ann Conway, Assumption.
Sumner B. Cotzin, Assumption.
Harold J. Cook, Harvard University.
Allen Cooper, St. Augustine's College.
Frederick Cooper, University of Michigan.
Theresa Corcoran, University of Massachusetts.
J. Peter Cordella, Boston University.
Joan B. Costley, Wheelock.
Vern Countryman, Harvard University.
Francis G. Couvares, Clark College.
David L. Cox, Northwestern University.
James C. Cramer, University of California, Davis.
Jerry R. Crandall, West Valley College.
Edwin A. Cranston, Harvard University.
Don Craven, Boston University.
Theo R. Cravenna, University of New Mexcio.
Daniel Crawford, Assumption.
K. Crecelius, Massachusetts Institute of Technology.
Paul Creelan, Northwestern University.
Donald Crone, Michigan State University.
James Crotty, University of Massachusetts.
Susan E. Crowell, University of Michigan.
Laurie Crumpacker, Simmons.
Jose M. Cruz-Salvadores, University of California, Los Angeles.
Wes Cummins, West Valley College.
S. Daher, Harvard University.
Alexander Dalgamo, Harvard University.
Emily Dalgamo, Boston University.
Cornelius F. Daly, New England School of Law.
Ellen Daly, Northwestern University.
Norman Daniels, Tufts University.
Barry Dashefsky, Boston University.
Arnold Davidson, Stanford University.
Robyn M. Davies, University of Oregon.
E. Mott Davis, University of Texas.
Shelton H. Davis. Boston University.
R. A. Daynard, Northwestern University.
Warren Dean, New York University.
M. J. DeAngelis, Northwestern University.
Suzanne DeAtley, Massachusetts Institute of Technology.
Isabelle deCourtiuron, Massachusetts Institute of Technology.
Manuel Delgado, Massachusetts Institute of Technology.
Richard Delgado, University of California, Los Angeles.
Arnold L. Demain, Massachusetts Institute of Technology.
Alfred DeMaria, Jr., Boston University.
Mary Joan Demaso, Simmons.
Joyce G. Denning, Lowell University.
Bogdan Denitch, City University of New York.
Joseph deRivera, Clark College.
Augusto Diana, Northwestern University.
Joe DiBona, Duke University.
David Dickinson, Boston University.
S. Dickson, Golden Gate State College.
Barbara B. Diefendorf, Boston University.
Arif Dirik, Duke University.
Martin Diskin, Massachusetts Institute of Technology.
Ruth Dixon, University of California, Davis.
David Dolinko, University of California, Los Angeles.
David Dollenmayer, Massachusetts Institute of Technology.
John M. Donahue, Trinity University.
John Donnelly, Washington State University.
Elaine Donovan, University of Massachusetts.
Angela Dorenkamp, Assumption.
Ronald F. Dorr, Michigan State University.
T. Dougherty, Assumption.
Eleanor Duckworth, Harvard University.
Jane Dunphy, Massachusetts Institute of Technology.
William H. Durham, Stanford University.
J. Ronald Eastman, Clark College.
Susan Eckstein, Boston University.
Christopher Edley, Harvard University.
Regina Edmonds, Assumption.
Randel C. Egan, Harvard University.
Peter D. Eimas, Massachusetts Institute of Technology.
Carola Eisenberg, Harvard University Medical School.
Leon Eisenburg, Harvard University.
Steve Eisenstat, Suffolk.
Bernard Elevitch, Boston University.
Geoff Eley, University of Michigan.
Ron Elkind, Assumption.
James Elliott, Clark College.
Charles H. Ellis, Jr., Northwestern University.
Monroe Engel, Harvard University.
Cynthia Enloe, Clark College.
Valerie Epps Suffolk.
A. W. Epstein, Duke University.
F. H. Epstein, Harvard University.
J. Epstein, Duke University.
S. Spatein, Harvard University.
John Erbland, Northwestern University.
Nancy Erickson, Ohio State University.
Susan G. Ernst, Tufts University.
Stephen L. Esquith, Michigan State University.
Charles W. Estos, Assumption.
Clara Estow, University of Massachusetts.
Susan Estrich, Harvard University.
Jeffrey Evans, Stanford University.
Richard W. Evans, Michigan State University.
Benedetto Fabrizi, Northwestern University.
Richard Fagen, Stanford University.
Karen Fagona, University of Massachusetts.
E. A. Falsey, Boston University.
Alicia Faxon, Simmons.
Lenore Feigenbaum, Northwestern University.
Martin Feinrider, Nova.
Roger Feinstein, University of Massachusetts.
Ross S. Feldberg, Tufts University.
Mr. Ferejohn, Tufts University.
Clyde Ferguson, Harvard University.
Lou Ferleger, University of Massachusetts.
Mark G. Field, Boston University.
Martha A. Field, Harvard University.
Barbara J. Fields, University of Michigan.
Bernard Fields, Harvard University.
Anthony L. Fin, University of California, Santa Cruz.
Gerald Firk, Massachusetts Institute of Technology.
Roderick Firth, Harvard University.
Philip Fisher, Brandeis University.
William Fisher, Northwestern University.
John Samuel Fitch, University of Colorado.
Ellen Fitzpatrick, Massachusetts Institute of Technology.

D. Flaherty, University of Massachusetts.
Kenneth S. Flamm, University of Massachusetts.
Marcia Folsom, Wheelock University.
Ronald P. Formisano, Clark College.
Eckart Forster, Harvard University.
Edward B. Fowler, Duke University.
Harold G. Fowler, University of Florida.
Maurice S. Fox, Massachusetts Institute of Technology.
Richard G. Fox, Duke University.
John Frampton, Northwestern University.
Karen Franck, New Jersey Institute of Technology.
Jean Franco, Columbia University.
Peter W. Frank, University of Oregon.
Lyn Frazier, University of Massachusetts.
William Freund, Harvard University.
William H. Friedland, University of California, Santa Cruz.
M. M. Frosch, University of California, Santa Cruz.
Gerald Frug, Harvard University.
Mary Joe Frug, New England School of Law.
Robert Fry, Assumption.
Norbert L. Fullington, Northwestern University.
Gilberte Furstenberg, Massachusetts Institue of Technology.
Daniel R. Fusfeld, University of Michigan.
Peter Gabel, New College.
Jane M. Gaines, Duke University.
James Gallant, Assumption.
Anthony H. Galt, University of Wisconsin, Green Bay.
Tomas Garcia, West Valley College.
Victor Garcia, Antioch College.
Elizabeth Garrels, Massachusetts Institute of Technology.
Marsha Garrison, Brockton Law.
M. Belen Gavela, Brandeis University.
Frank C. Genovese, Babson.
C. George, Northern Illinois University.
Kim Gerould, Centro Presente, Boston.
David Harvey, Johns Hopkins University.
Eva Havas, Northwestern University.
James P. Hawley, University of California, Davis.
John Hay, Harvard University.
Tim Hefferman, Assumption College.
Carol Heim, University of Massachusetts.
Hilde Hein, Holy Cross College.
Joseph Helfgot, Boston University.
Darly Hellman, Northwestern University.
Jeanne K. Henn, Northwestern University.
James A. Henretta, Boston University.
John R. Hepburn, University, St. Louis.
Gerald Herman, Northwestern University.
Susan Herman, Brockton Law School.
Cynthia Herrup, University of Michigan.
Annette Herskovits, University of California, Berkeley.
H. Robert Hertz, Massachusetts Institute of Technology.
John Herzog, Northwestern University.
Natalie Hevener, University of South Carolina.
William Heywood, Cornell University.
Howard S. Hibbert, Harvard University.
Stephen Hicks, Suffolk.
James Higginbotham, Massachusetts Institute of Technology.
Jacqueline Hill, Massachusetts Institute of Technology.
R.C. Hill, Michigan State University.
Serena Hilsinger, Clark College.
Donald Hindley, Brandeis University.
Jose R. Hinjosa, University of Texas.
Corinne Hirsch, Simmons.
Muriel Hirt, Wheelock University.
Nancy Hoffman, University of Massachusetts.
Paul Hoffman, Harvard University.
Lloyd Hogan, Hampshire College.
William Holmes, Northwestern University.
Frank Holmquist, Hampshire College.
Thomas C. Holt, University of Michigan.
Wilfred E. Holton, Northwestern University.
Ellen Holtzman, Boston College.
Robert C. Holub, University of California, Berkeley.
James Hoopes, Babson.
Samuel Horst, Eastern Mennonite College.
Morton J. Horwitz, Harvard University.
Betty B. Hoskins, Assumption.
Germaine Hoston, Johns Hopkins University.
James Howe, Massachusetts Institute of Technology.
Ruth Hubbard, Harvard University.
Nathan I. Huggins, Harvard University.
Patricia M. Hummer, Michigan State University.
Pearson Hunt, Babson.
Allen Hunter, Hampshire College.
John C. Hunter, Simmons.
William R. Hutchinson, Harvard University.
John Huntington, University of Illinois.
Laurence Hyde, Jr., Nova.
Ellen L. Hyman, Nova.
A. Iarrobino, Jr., Northwestern University.
Joseph Intelburg, Dartmouth College.
John F. Irving, New England School of Law.
David Isles, Tufts University.
J.K. Jackson, Boston University.
Ira Gerstein, University of Massachusetts.
Sarah Gibson, Suffolk.
William Gibson, University of Massachusetts.
Frederico G. Gil, University of North Carolina.
Michael Gilmore, Brandeis University.
Owen Gingerich, Harvard University.
H. Gintis, University of Massachusetts.
Steve Gisenstat, Suffolk.
James Given, Harvard University.
Henry Giroux, Boston University.
Joseph W. Glannon, Suffolk.
Leonard B. Glick, Hampshire College.
Gary Glickstein, Assumption.
Hyman Golderg, Northwestern University.
Walter L. Goldfrank, University of California, Santa Cruz.
Bluma Goldstein, University of California, Berkeley.
Richard Goldstein, University of Massachusetts.
Richard Goldstein, Harvard University.
Nancie L. Gonzalez, University of Maryland.
Rae Goodell, Massachusetts Institute of Technology.
Cheryl Gooding, University of Massachusetts.
Lloyd R. Goodwin, Jr., Assumption.
David Gordon, Michigan State University.
Robert Gottfried, University of the South.
Steven Jay Gould, Harvard University.
Kenneth Graham, University of California, Los Angeles
Dale Grace, University of Oregon.
Philip Grant, University of Oregon.
Robert Grant, Simmons.
Gabriel Grasberg, University of Massachusetts.
Joseph G. Green, Assumption.
Michael D. Green, University of Iowa.
Thomas A. Green, University of Michigan.
J. Greenberg, New England School of Law.
Julia A. Griffith, Northwestern University.
Robert Gronquist, Simmons.
Bart K. Gruzalski, Northwestern University.
David Gullette, Simmons.
V. A. McGullin, Clark College.
Vaughn Guloyan, Northwestern University.
Laurie Gunst, University of New Hampshire.
Jane I. Guyer, Harvard University.
Henry J. Halco, Simmons.
Richard J. Hall, Michigan State University.
Ross D. Hall, Northwestern University.
Robert W. Hallgring, Northwestern University.
Philip K. Hamilton, New England School of Law.
V. Lee Hamilton, University of Michigan.
Patrick Hanan, Harvard University.
Joseph F. Hanna, Michigan State University.
Alec Hansen, Boston University.
Steve Harkins, Northwestern University.
Shirley Harkness, University of Kansas.
Paul Harris, New College.
Marcia Hartley, Wheelock University.
Donald J. Harris, Stanford University.
Richard Harris, University of California, Santa Cruz.
Nancy Hartsock, Johns Hopkins University.
Jean Jackson, Massachusetts Institute of Technology.
Robert M. Jackson, University of Oregon.
Donald M. Jacobs, Northwestern University.
Ruth Jacobs, Clark College.
Joshua Jacobson, Northwestern University.
R. Jain, New York University.
Ila R. Jain, New York University.
Milton Jamail, University of Texas.
Robert W. Jamieson, University of Missouri, St. Louis.
Peter Jelavich, Harvard University.
Frank Jerome, James Madison University.
Margaret A. Johns, Boston University.
Barbara E. Johnson, Radcliffe University.
Carroll B. Johnson, University of California, Los Angeles.
Kirsten Johnson, Clark College.
Sandra Joshel, Boston College.
Peter W. Juscyzk, University of Oregon.
Richard Kahns, University of Iowa.
Donald Kalish, University of California, Los Angeles.
Joel Kallick, Northwestern University.
Gretchen Kalonji, Massachusetts Institute of Technology.
Louis Kampf, Massachusetts Institute of Technology.
Bernard Kaplan, Clark College.
Louis Kaplow, Harvard University.
Bob Karasek, Columbia University.
Roger Kasperson, Clark College.
J. B. Kassarjian, Babson.
Robert W. Kates, Clark College.
Debra Kaufman, Northwestern University.
Harvey J. Kaye, University of Wisconsin, Green Bay.
Susan Keane, Simmons.
Mary C. Keaney, Northwestern University.
D. Keating, University of California.
D. Douglas, Keegan, Suffolk.
Sharon Kefetz, Clark.
Maureen E. Kelleher, Northwestern University.
Bonny Kellerman, Massachusetts Institute of Technology.
Bob Kelley, Macon, Jr. College.
Frederic J. Kelley, Canisius College.

Kevin D. Kelly, Michigan State University.
Frank Kendrick, University of Akron.
David Kennedy, Harvard University.
Duncan Kennedy, Harvard University.
Dianne M. Kenney, Harvard University.
Eldon Kenworthy, Cornell University.
Dawn Keremitis, W. Balley.
Howard Kerr, University of Illinois.
Samuel Jay Keyser, Massachusetts Institute of Technology.
Alex Keyssar, Brandeis.
A.J. Kfoury, Boston University.
Mary Ellen Kiddle, Northwestern University.
Martin Kilson, Harvard University.
Byling K. Kim, Harvard University.
Jonathan King, Massachusetts Institute of Technology.
Jon Kingsdale, Boston University.
Eiline Kingsley, Seton Hall University.
Esther Kingston-Mann, University of Massachusetts.
Gwen Kirkpatrick, University of California, Berkeley.
Vera Kistiakowsky, Massachusetts Institute of Technology.
Karl Klare, Northwestern University.
Donald S. Kline, Assumption.
Edgar Klugmann, Wheelock University.
Hertha Klugman, Wheelock University.
David Knipe, Harvard.
B.J. Knipers, Tufts University.
Wilbur Knorr, Stanford University.
William Koelsch, Clark College.
Carol Kohfeld, University of Missouri, St. Louis.
Sassen-Koob, City University of New York.
Martin Koslott, Boston University.
David Kotz, University of Massachusetts.
Claire Kramsch, Massachusetts Institute of Technology.
Karl Krastin, Nova.
Elliott Krause, Northwestern University.
Joanne E. Kronauer, Harvard University.
Robert Krueger, University of California Los Angeles.
Peter Kugel, Boston College.
Philip A. Kuhn, Harvard University.
Richard B. Kuhns, University of Iowa.
Bailey Kiklun, Brockton Law School.
Susan Kupfer, Boston University.
Marcel LaFollette, Massachusetts Institute of Technology.
A. Lehedi, Boston University.
Aneliki Laiou, Harvard University.
Sam Lambroza, Boston College.
Howard Lamson, Earlham College.
L. Landberg, Harvard University.
Henry A. Landsberger, University of North Carolina.
Joan Landis, Radcliffe College.
Robert V. Lange, Brandeis University.
J.L. Langer, Assumption.
Peter Langer, Boston University.
Leon Letwin, University of California.
John Leubsdorf, Boston University.
Joseph Levine, Boston University.
Ovid Lewis, Nova.
Paul Laplante, Northwestern University.
B. J. Lates, Simmons College.
John Laub, Northwestern University.
Eleanor Leacock, City University of New York.
Heather Lechtman, Massachusetts Institute of Technology.
William LeoGrande, American University.
Malinda Carpenter Lee, University of Massachusetts.
George F. Leger, Tufts University.
Lila Leibowitz, Northwestern University.
Karen Leonard, University of California, Irvine.
Fred M. Leventhal, Boston University.
Neil Levine, Harvard University.
Ted Lewellen, University of Richmond.
Charles E. L'Homme, Simmons College.
Dan Liberman, Massachusetts Institute of Technology.
Lance Liebman, Harvard University.
Patricia Limerick, Harvard University.
Jose E. Limon, University of Texas.
Edmund C. C. Lin, Harvard University.
Michael R. Lipton, Northwestern University.
Sheldon B. Liss, University of Akron.
Charlotte Lister, Northwestern University.
Richard A. Littman, University of Oregon.
Crystal C. Lloyd, Suffolk.
Harvey F. Lodish, Massachusetts Institute of Technology.
Carolyn S. Loeb, Central Michigan University.
Diana Long-Hall, Boston University.
Sue Lonoff, Harvard University.
Gerald P. Lopez, University of California, Los Angeles.
Craig A. Lorkand, University of Wisconsin, Green Bay.
Tommy L. Lott, University of Massachusetts.
Morris Lounds, University of Massachusetts.
Paul Lubeck, University of California, Santa Cruz.
M. Lubin, Dartmouth College.
S. Lunbeck, New College.
Gerardo Luzuriaga, University of California, Los Angeles.
Janice D. Lycelte, Salem St. College.
Michael MacDonald, University of California, Santa Cruz.
Arthur MacEwen, University of Massachusetts.
Bruce K. MacMurray, Northwestern University.
Boris Magasanik, Massachusetts Institute of Technology.
Elizabeth Mahan, Yale University.
Charles S. Maier, Harvard University.
Alfred I. Maleson, Suffolk College.
Thomas J. Maloney, Southern Illinois University.
Susan Mann, University of California, Santa Cruz.
Manning Marable, Fisk University.
Frank Marino, Assumption.
R. J. Marion, Assumption.
Richard Marius, Harvard University.
Robert S. Markiewicz, Northwestern University.
Roberto Marquez, Hampshire College.
Nancy Marshall, Northwestern University.
Emily Martin, Johns Hopkins University.
Marie T. Martin, Assumption.
Michael Martin, Boston University.
William Martines, New College.
Leo Marx, Massachusetts Institute of Technology.
Francine Masiello, University of California, Berkeley.
Michael Masinter, Nova.
Michael R. Masivter, Nova.
Susan Massenzio, Northwestern University.
Molly Matson, University of Massachusetts.
Robert W. Matson, University of Oregon.
Barry Matsumuto, University of Iowa.
Richard A. Matusar, University of Iowa.
Barbara Dale May, University of Oregon.
David Maybury-Lewis, Harvard University.
Teresa Mayors, Northwesten University.
Ronald McAllister, Northwestern University.
James MCarthy, Assumption.
Thomas McCarthy, Boston University.
Cynthia McClintock, George Washington University.
John McClymer, Assumption.
Terrence McDonald, University of Michigan.
Richard McElroy, University of Massachusetts.
Matthew McGarrell, Northwestern University.
Henry McGee, Jr., University of California, Los Angeles.
Sandra McGee, De Paul University.
James B. Mckee, Michigan State University.
John B. McKinlay, Boston University.
John Mekalanos, Harvard University.
Murray Melbin, Boston University.
John Mellon, University of Illinois.
Margarita Melville, University of Houston.
Barbara Mercer, Salem State State.
B.D. Merino, New York University.
Gerard Messler, Assumption.
Sarah Michaels, Harvard University.
M.L. Michlin, Duke University.
Carroll E. Miles, Simmons College.
D. Miller, Northwestern University.
Frances H. Miller, Boston University.
Martin Miller, Duke University.
Joanne L. Miller, Northwestern University.
S.M. Miller, Boston University.
Jonathan Millman, University of Massachusetts.
Gary Minda, Brockton Law School.
Deborah N. Miner, Simmons College.
Gwendolyn Mink, University of California Santa Cruz.
Martha Minow, Harvard University.
Sidney Mintz, John Hopkins University.
Mark Mirsks, City University of New York.
Kirsten Mishkin, Brockton Law School.
Robert Modee, Northwestern University.
A.R. Jan Mohamed, Boston University.
Robert Moiston, University California, Santa Cruz.
J. Moline, Assumption.
David Montgano, University of Califorina, Santa Cruz.
Johnes K. Moore, Salem State College.
Sally Moore, Harvard University.
Douglas Morgenstein, Massachusetts Institute of Technology.
Aldon Morris, University of Michigan.
L.S. Moss, Babson University.
Edmond J. Moussally, Northwestern University.
Leith Mullings, City University of New York.
Bernard Muluey, Michigan State University.
Carlos Munioz, Jr., University California, Berkeley.
Stephen R. Munzer, University of California, Los Angeles.
Mary Murphree, City University of New York.
Brian Murphy, University of Santa Clara.
John R. Murphy, Harvard University.
Russell G. Murphy, Suffolk College.
P. C. Muysken, University of Massachusetts.
M. Nama, Boston University.
Bonnie Nard, University of Missouri, St. Louis.
Sidney Nathans, Duke University.
Stephen Nathanson, Northwestern University.
Lynn Natter, University of Wisconsin, Green Bay.
Ricardo Navas-Ruil, University of Massachusetts.

Jeffrey Needell, University of Oregon.
James A. Neely, University of Texas.
Marilyn Neimark, New York University.
Jerome Nen, University of California, Santa Cruz.
R. I. Nepomechie, Brandeis University.
N. Nercessian, Harvard University.
Robert Newcomb, University of California, Irvine.
Irene A. Nichols, Northwestern University.
Johanna Nichols, University of California, Berkeley.
Laurie Nisonoff, Hampshire College.
George W. Nitchie, Simmons College.
Georgia T. Noble, Simmons College.
Joanna Nolan, University of Massachusetts.
Graham Norton, Northwestern University.
Aaron Novick, University of Oregon.
Martha Nussbaum, Harvard University.
Curtis Nyquist, New England School of Law.
Konrad Oberhuber, Harvard University.
Carol Ochs, Simmons College.
E. Renold O'Donnell, Harvard University.
Arnold A. Offner, Boston University.
Donald Oliver, Harvard University.
Bertell Ollman, New York University.
O. H. Olsen Northern Illinois University.
Colleen O'Neal, New College.
Kevin O'Neill, Boston College.
Robert Oppenheim, Simmons College.
Ellen O'Reilly, University of Illinois.
Edmund F. O'Reilly, Assumption.
D. Orlow, Boston University.
Laura O'Shaughnessy, St. Lawrence University.
Michael O'Shea, Assumption.
Daniel Osherton, Massachusetts Institute of Technology.
Maria-Luisa Osorio, University of Massachusetts.
James Ostron, Boston University.
Carlos Otero, University of California, Lost Angeles.
Robert E. O'Toole, New England School of Law.
Linda Ott, Northwestern University.
Lee Ann Ott, Michigan State University.
Jose Miguel Oviedo, University of California, Los Angeles.
Stephen Owen, Harvard University.
Jeffrey M. Paige, University of Michigan.
Emilio Pantojas, University of Illinois.
Richard Parker, Harvard University.
Dana Parsons, Brandeis University.
Orlando Patterson, Harvard University.
Diane B. Paul, University of Massachusetts.
N. Pearlstein, Lanley.
Frederick Pearson, University of Missouri, St. Louis.
John Peeler, Bucknell University.
Richard Peet, Clark College.
Lowry Pei, Harvard University.
Steve Pelton, Boston University.
Edward Peptka, Assumption.
Joel Perlmann, Harvard University.
Richard M. Perlmutter, Suffolk College.
Judith A. Perrolle, Northwestern University.
John R. Perry, Stanford University.
J. Douglas Perry, Jr., Simmons College.
Ruth Perry, Massachusetts Institute of Technology.
James Peters, State University of New York.
Jeff Peters, New England School of Law.
Philip J. Peters, Assumption.
Richard T. Peterson, Michigan State University.
Kevin M. Petillo, Boston College.
Mark Pettit, Jr., Boston University.
Thomas F. Pettigrew, University of California, Santa Cruz.
Elmer Pfeffer Korn, Dartmouth College.
Michael Philip, University of Massachusetts.
T. Philipp, Harvard University.
Jerold A. Phillips, Northwestern University.
Charles Piano, Kenyon College.
Glenn L. Pierce, Northwestern Union.
Otto Pikaza, University of Illinois.
David Pilbeam, Harvard University.
Steven Pinker, Massachusetts Institute of Technology.
Adrian Piper, Stanford University.
Frances Fox Piven, City University of New York.
Stuart Plattner, University of Missouri.
Mike Podgursky, University of Massachusetts.
Karen Pokross, Northwestern University.
Carol Pollis, University of Wisconsin, Green Bay.
Daniel Pope, University of Oregon.
Alejandro Portes, Johns Hopkins University.
Frances Portnoy, University of Massachusetts.
Michael Posner, University of Oregon.
John D. Post, Northwestern University.
Carol Poston, Indiana University.
Lawrence Poston, University of Illinois.
Mary C. Potter, Massachusetts Institute of Technology.
P. J. Powers, University of Oregon.
Alan S. Prince, University of Massachusetts.
George Psathas, Boston University.
Van S. Puryear, Boston University.
Hilary Putnam, Harvard University.
Ruth Anna Putnam, Wellesley College.
Antonio Carlos Quicoli, University of California, Los Angeles.
Naomi Quinn, Duke University.
C. Quintal, Assumption.
Jennifer Radden, University of Massachusetts.
Nicole Rafter, Northwestern University.
Anand Rajaram, Boston University.
Robert M. Rakoff, Hampshire College.
Leonard Ramirez, University of Illinois.
Mark Ramras, Northwestern University.
Matthew Ramsey, Harvard University.
Elizabeth Rapaport, Bennington College.
K. Rasmussen, Clark College.
William M. Reddy, Duke University.
Adam Reeves, Northwestern University.
Ellen Reier, Tufts University.
Patricia Reisert, Assumption.
Suzanne Relya, University of Massachusetts.
Hugh N. Rendelton, Brandeis University.
James Reschovsky, Michigan State University.
Albert Resis, New York University.
Peter A. Rice, Boston University.
J. F. Richards, Duke University.
McMurray S. Richey, Duke University Divinity School.
June Riddle, Suffolk College.
Natalie H. Riffin, Northwestern University.
Fritz K. Ringer, Boston University.
Harriett J. Robles, West Valley College.
C. R. Roberts, University of Massachusetts.
Jean Roberts, Stanford University.
Holbrook Robinson, Northwestern University.
John S. Robinson, Simmons College.
Alan Rogers, Boston College.
Joel Rogers, Rutgers University.
Wayne G. Rollins, Assumption.
Thomas Roper, University of Massachusetts.
Richard Rosals, Northwestern University.
Renato Rosaldo, Stanford University.
Jay Rosellini, Massachusetts Institute of Technology.
Marvin Rosen, Northern Illinois University.
David Rosenberg, Harvard University.
John M. Rosenfield, Harvard University.
Barbara Rosenkrantz, Harvard University.
George Ross, Brandeis University.
Robert Ross, Clark College.
M. Rosso-O'Daughlin, Northwestern University.
Mary K. Rothbart, University of Oregon.
Myron Rothbart, University of Oregon.
Michael Rotkin, University of California, Santa Cruz.
Pascale Roverch, Massachusetts Institute of Technology.
James Rowan, Northwestern University.
Mary Rowe, Massachusetts Institute of Technology.
Ernest Ruber, Northwestern University.
Lewis Rubin, Harvard University.
Lois Rudnick, University of Massachusetts.
Edith Ruina, Massachusetts Institute of Technology.
James Ryan, University of Massachusetts.
Richard Sakai, New College.
Karen Sacks, Duke University.
Helen Safa, University of Florida.
Eugene Saletan, Northwestern University.
Abdul Saltar, Northwestern University.
Betty Salzberg, Northwestern University.
Martin Sanchez, University of New Mexico.
Roger Sanjek, City University of New York.
Robert Saner, Massachusetts Institute of Technology.
Sol Saporta, University of Washington.
Michael Sargen, Whittier College.
Stephen Sass, University of Iowa.
George Scarlett, Assumption.
G. Schachter, Northwestern University.
Bertram Scharf, Northwestern University.
James Schlesinger, Tufts University.
Jane Schneider, City University of New York.
L. Schnipper, Harvard University.
Authur Schmidt, Temple University.
James Schmidt, Boston University.
Maryanne Schmink, University of Florida.
Lars Schoultz, University of North Carolina.
Barbara Schram, Northwestern University.
Charles Schreiner, St. Joesph's University.
Brigitte Schulz, Tufts University.
H. E. Schwarc, Clark College.
Nevin Scrimshaw, Massachusetts Institute of Technology.
David Scoden, University of California, Santa Cruz.
Rebecca Scott, University of Michigan.
Katherine O'Sullivan See, Michigan State University.
Joel Seligman, Northwestern University.
Lisa Selkirk, University of Massachusetts.
Richard Sennett, New York University.
L. Glen Seretan, Northern Illinois University.
William Sewell, Jr., University of Arizona.
Peter M. Shane, University of Iowa.
Howard M. Shapiro, Harvard University.
Thomas M. Shapiro, Northwestern University.
Eugene W. Sharkey, Westminster College.
Thomas O. Sherman, Northwestern University.

Joel Sherzer, University of Texas.
John B. Shipley, University of Illinois.
James R. Shirley, Northern Illinois University.
Donald Shively, Harvard University.
Owen Sholes, Assumption.
Bradd Shore, Emory University.
Raymond Siever, Harvard University.
Ethan Signer, Massachusetts Institute of Technology.
Esther Silberstein, Northwestern University.
Barry Silesky, University of Illinois.
Samuel Silva-Gofay, University of Puerto Rico.
Louis Silveri, Assumption.
Sydel Silverman, City University of New York.
Morris Simon, Harvard University.
Kenneth Simons, Boston University.
Frank Sinclair, Brandeis University.
A. W. Singham, Brooklyn College.
Carmen J. Siranni, Northwestern University.
Dennis Skiotis, Harvard University.
Saul A. Slapikoff, Tufts University.
George T. Slone, Northwestern University.
George W. Slover, University of Massachusetts.
Loretta Slover, University of Massachusetts.
Carrol A. Smith Duke University.
Edward E. Smith, Harvard University.
Euclid O. Smith, Emory University.
Harvey Smith, Northern Illinois University.
Larry J. Smith, University of Wisconsin, Green Bay.
Lydia A. Smith, Simmons College.
Ann Smock, University of California, Berkeley.
Catherine Snow, Harvard University.
Mark Soloms, Simmons College.
David Sonnenschein, Northwestern University.
Rita Soracco, Northwestern University.
Paul Spagnoli, Boston College.
Elizabeth Spahn, New England School of Law.
Elizabeth Spelke, University of Pennsylvania.
Steven Spitzer, Suffolk College.
Mark Solomon, Simmons College.
Judith Stacey, University of California, Davis.
John B. Stanbury, Massachusetts Institute of Technology.
G. R. Stange, Tufts University.
Keith Stanely, Duke University.
Rosanne Stein, Harvard University.
Lisa Steiner, Massachusetts Institute of Technology.
Dorothy Stephenson, University of Illinois.
Angelina J. Stethem, Northwestern University.
Frederick C. Stern, University of Illinois.
Richard C. Sterne, Simmons College.
Mary Stevenson, University of Massachusetts
Henry Steward, Clark College.
Jeffery Stoff, Harvard University.
Steven Stoft, Boston University.
Deborah Stott, Radcliffe College.
Chris Stribakis, Massachusetts Art College.
Judith Strozer, University of California, Los Angeles.
Frank L. Sullivan, Salem State College.
William Sullivan, Assumption.
Stanley Sultan, Clark College.
Mary E. Sunday, Massachusetts General Hospital.
Ronald Suny, University of Michigan.
Gerald D. Surh, North Carolina State University.
Susan Swap, Wheelock University.
Holly Sweet, Massachusetts Institute of Technology.
Michael Syvaneg, Harvard University.
Charles Taliaferro, University of Massachusetts.
Stanley Tambiah, Harvard University.
Daniel Tarullo, Harvard University.
Mary Ann Tetreault, Old Dominion University.
Stephen Thernstrom, Harvard University.
David J. Thomas, University of California, Santa Cruz.
Robert J. Thomas, University of Michigan.
Edith K. Thompson, Babson College.
Dan Ticciono, New England School of Law.
Peter Tillers, New England School of Law.
Charles Tilly, University of Michigan.
Tony Tinker, New York University.
Harriet G. Tulpin, Simmons University.
Nancy Tomes, State University of New York.
James J. Tomkovicz, University of Iowa.
E. Tonkin, Assumption.
Joyce Toomse, Harvard University.
Gregory Topukian, Boston University.
Luis Torres, West Valley College.
A. Torriani, Massachusetts Institute of Technology.
Roberta Tovey, Clark College.
Sharon Traweck, Massachusetts Institute of Technology.
Erik Trinkaus, Harvard University.
Michael True, Assumption.
Cindy Trumpp, Boston University.
Judith Tucker, Harvard University.
Karen Tully, New York University.
B.L. Turner, Clark College.
James Turner, Ithaca College.
Brady Tyson, American University.
John Valadez, University of Illinois.
Alice VanDeusen, Simmons College.
P. Varaiya, University of California, Berkeley.
Mary K. Vaughan, University of Illinois.
Hector Velez, Rochester Institute of Technology.
Katherine Verdery, Johns Hopkins University.
Paule Verdet, Boston University.
D. Verti, University of Oregon.
Thomas Villano, Boston University.
G.C. Volpe, University of Massachusetts.
Pat Wagenknecht, Boston University.
Anne M. Wagner, Vassar College.
Alan M. Wald, University of Michigan.
Nancy L. Walden, Northwestern University.
Edith Waldstein, Massachusetts Institute of Technology.
Adorna Walia, University of Massachusetts.
Graham Walker, Massachusetts Institute of Technology.
Richard Walker, University of California, Berkeley.
Brian F. Wallace, Capital University.
Thomas J. Wallace, Simmons College.
Andrea Walsh, Clark College.
E. V. Walter, Boston University.
Kendall Walton, University of Michigan.
Kenneth Waltzer, Southeastern Massachusetts University.
Sam B. Wanner, Jr., Boston University.
Jack Warga, Northwestern University.
Marx Wartofsky, Boston University.
Robert Wasserstom, Columbia University.
Hilbourne A. Watson, Howard University.
Richard Watson, Jr., Duke University.
Judson Webb, Boston University.
Margaret Weeler, Massachusetts Institute of Technology.
Peter Weiler, Boston College.
Tu Wei-Ming, Harvard University.
Lawrence Weinstein, Harvard University.
Scott Weinstein, University of Pennsylvania.
Hazel Weiser, New College.
Thomas E. Weisskopf, University of Michigan.
Robert P. Weller, Duke University.
Henry Wells, University of Pennsylvania.
Linda Wessels, Indiana University.
Burns Weston, University of Iowa.
James A. Weston, University of Oregon.
Howard Wetstein, Stanford University.
Wilma Wetterstrom, Massachusetts Institute of Technology.
Michael Wheeler, New England School of Law.
Siv Wheeler, West Valley College.
Bob White, Simmons College.
E. Frances White, Hampshire College.
J. P. White, New York University.
Sheila Widnall, Massachusetts Institute of Technology.
Morton Wiener, Clark College.
Charles K. Wilder, Univesity of Notre Dame.
Richard Wilk, University of California, Santa Cruz.
Claudia Wilkers, New College.
Linda Williams, Radcliffe College.
Robert Williams, Simmons College.
Allan Winkler, University of Oregon.
P. Winship, Southeastern Massachusetts University.
Rudy Winston, Babson.
Philip Witkower, University of Wisconsin.
Judith Wittenberg, Simmons College.
Eric Wolf, City University of New York.
George Wolf, Massachusetts Institute of Technology.
Karen Wolf, Northwestern University.
John Womack, Jr., Harvard University.
Robert Wood, University of Massachusetts.
Susan Wood, Harvard University.
Eugene W. Wu, Harvard University.
Nur Yalman, Harvard University.
Sylvia Yanagisako, Stanford University.
Soo Y. Yang, Harvard University.
C. Jarrell Yarbrough, University of Wisconsin, Green Bay.
Peter C. Yeager, Boston University.
Leona Zacharias, Massachusetts Institute of Technology.
A. Zafarell, Duke University.
Robert L. Zangrando, University of Akron.
Janet Zellar, Wheelock University.
Marc Zimmerman, University of Illinois.
Howard Zinn, Boston University.

ADDITIONAL ENDORSEMENT: APPEAL FOR PEACE WITH JUSTICE IN CENTRAL AMERICA

Elected officials

The Honorable Edward L. Burke, Massachuetts State Senator.
The Honorable Gerald Aminco, Massachusetts State Representative.

Civil rights, human rights and disarmament

Ron Andrade, Executive Director, National Congress of American Indians.
Thomas Asher, Chairperson, The American Council.
Janet Ferone, President, Boston National Organization of Women.
Corretta Scott King, Director, Martin Luther King Jr. Center for Non-Violent Social Change.

Aurora C. de Schmidt, U.S.-Mexico Border Program, American Friends Service Committee.

Marge Tabankin, Director, ARCA Foundation.

Andres Thomas, Steering Committee, Young Christians for Global Justice, Earlham College.

Attorneys-at-laws

Richard Bellman.
Joan Byalin.
Patricia Cooper.
Ruth Emerson.
William Goodman.
Paul Harris.
Nancy Malloy.
James I. Myerson.
Gina Novendstern.
Martin Popper.
David Scribner.
Lewis M. Steel.
Mary Alice Theiler.
Leonard Weinglass.

Arts and humanities

Dore Ashton, Writer.
Harry Belafonte, Entertainer.
Robert Bly, Poet.
Frances Chaney, Actress.
Meg Christian, Singer.
Hamilton Fish III, Publisher, The Nation Magazine.
Ronnie Gilbert, Singer.
Phillip Glass, Composer.
Brian Gordon, Screenwriter.
Farley Granger, Actor.
Lee Grant, Actress.
Tammy Grimes, Actress.
Adam Hochschild, Contributing Editor, Mother Jones Magazine.
Anne Jackson, Actress.
Burton Lane, Songwriter.
Ring Lardner, Jr., Author
Nancy Marchand, Actress
Arthur Miller, Writer
Holly Near, Singer
Grace Paley, Author and Poet
Joseph Papp, Producer, Public Theater, New York City
Mary Rogers, Actress
Pete Seeger, Recording Artist
Mae Stevens, Artist
Corine Streich, Journalist and Author
Frank Streich, Director
William Styron, Writer
Madeline Thorton-Sherwood, Actress
Eli Wallach, Actor
Claudia Weill, Film Director

Labor and the professions

Moe Foner, Executive Secretary, National Union of Hospital and Health Care Employees.

Anna Fritz, Chairperson, Peace Committee, National Association of Social Workers.

Celia Weislo, President, Service Employees International Union, Local 285.

Karen Klopfer, President, Daycare of United Auto Workers, Local 65.

Religious

Roman Catholic

Dorothy Ettling, CCVI, Chairperson, Leadership Conference of Women Religious, Region XII.

Sister Mary Eileen Quinn, Provincial Superior, Sisters of St. Mary of Namur.

Claudia Deats, OSF, Sisters of St. Francis.

Protestant

Mary Cline Detrick, Associate Board Member, Agricultural Missions, Church of the Bretheren.

Ralph L. Detrick, Church of the Bretheren.

Josephine W. Bigler, Secretary for Ethnic Language and Ministry, Board of Global Ministries, United Methodist Church.

Mary Nack, Wisconsin Conference, United Church of Christ.

Department of Church in Society, Massachusets American Baptist Church.

Academic

Catherine J. Allen, George Washington University.

Douglas C. Bennett, Temple University.

Jose A. Bracamonte, University of Houston Law Center.

Harold Bradley, SJ, Georgetown University.

Thomas Bruneau, McGill University.

Michael Carter, Georgetown University.

Charles Chatfield, Wittenberg University.

Raul Cioffi, SJ, Georgetown University.

Angela DelliSante, University of New Mexico.

Paul L. Doughty, University of Florida.

Elizabeth G. Ferris, Lafayette College.

Michael Foley, Georgetown University.

Harold Fruchtbaun, Historical Associates.

John C. Gitlitz, State University of New York.

Alfonso Gomez-Lobo, Georgetown University.

Sidney Greenfield, University of Wisconsin-Milwaukee.

Monika Hellwig, Georgetown University.

Waldo Henrichs, Temple University.

Otto Hentz, SJ, Georgetown University.

E. J. Heubel, Oakland University.

Arthur Hochner, Temple University.

Willard Johnson, Massachusetts Institute of Technology.

Jan Knippers Black, University of New Mexico.

Michael Kryzanek, Bridgewater State College.

Luis Maira, Instituto De Estudios De Estados Unidos, CIDE, Mexico.

Richard D. Mallon, Harvard University.

Noel McCoinn, Harvard University.

Roderick McGreus, Temple University.

Peter Railton, University of Michigan.

Marcus Rediker, Georgetown University.

Rose Spaulding, DePaul University.

Anthony Tombasco, Georgetown University.

Marshall True, University of Vermont.

David Waddle, Cornell College.●

MORE WATCHERS THAN DOERS

● Mr. GOLDWATER. Mr. President, it is almost impossible to pick up a paper or watch a television news show or listen to a radio news show, that does not contain some threats to the armed services budget proposed by the administration.

Now, if some of these critics would just sit down and carefully outline what they would like to cut, maybe we could make some sense out of it. But, serving as a subcommittee chairman, as I do, we do a lot of authorizing of expensive equipment, I can tell my colleagues that we are working diligently, hard, and long trying to cut everything out of our budget that is not absolutely needed.

The Aviation Week and Space Technology has presented an excellent editorial by William H. Gregory, entitled "More Watchers Than Doers." This should be read by every Member of the U.S. Congress because it points out very explicitly the trouble that, not only the Armed Services Committee is having, but the entire administration in trying to figure out ways to sensibly cut items out of the budget. We have already cut $8 billion and I can tell my colleagues if we cut $7 billion more or $5 billion more, or as far as that goes, any billions more, we are not going to have enough defense to even talk about.

All I am asking my colleagues to do is to get specific. If you are opposed to this system or that system, say so. But, please let us not take the meat ax approach to a budget that is so vitally necessary to our country's position in the world and, more importantly than that, to the freedom of our people within our country.

I ask that this editorial be printed in my remarks.

The editorial follows:

MORE WATCHERS THAN DOERS

(By William H. Gregory)

Makers and shapers of the federal defense budget are getting plenty of free, and unsolicited, advice on whether, how and where to cut as the Reagan Administration's submission starts through the mill on Capitol Hill. Besides those in Congress itself, the donors have included Robert S. McNamara, former secretary of Defense, along with a group of mostly Democratic former cabinet and agency heads, and a Pentagon analyst, Franklin C. Spinney, who was recently beatified on the cover of a national news magazine.

All this advice has one underlying rule: The size of the cuts and the ease of making them gets proportionately easier the farther the adviser gets from the responsibility of executing the budget. McNamara's proposal is an example. He and his cohorts proposed killing both the Navy/Grumman F-14 Tomcat and USAF-McDonnell Douglas F-15 Eagle fighters out of the Fiscal 1984 and subsequent budget on the grounds they are duplicatory programs. Yet when someone asked a question of him about the Navy's McDonnell Douglas F-18—a frequent target of budget critics—McNamara happily agreed that killing it off instead of the other two programs would be just as efficacious for the nation's economic and defense future. That kind of thinking brought us the TFX fiasco of a common service all purpose fighter bomber a couple of decades ago. It is the kind that makes hash of force planning.

If McNamara and Spinney are looking for places to cut the Defense budget, they could do far worse than to start with, in McNamara's case, the huge centralized Office of the Secretary of Defense bureaucracy he did much to create, or, in Spinney's case, that same bureaucracy of which he is part. Originally the Defense Dept. was created to cut down on what was called interservice bickering and to eliminate waste and duplication. In reality, the result has been the imposition of new layers of management on top of the old, with their principal accomplishment the addition of the word "micromanagement" to the lexicon.

INCREASED CENTRALIZATION

Micromanagement—the tendency of a bureaucracy to take more and more detail decisions to higher and higher levels—is a pejorative term for those who oppose its un-

derlying concept, that of increased centralization either in the corporate or the government world. The Office of the Secretary of Defense has spawned systems analysts, under secretaries and shops like Program Analysis and Evaluation where Spinney resides.

These offices—called hobby shops by their opponents—have in turn spawned a whole tier of consultants and think tanks, peopled often as not by graduates of the staffs they contract to serve. Again, often as not, they are engaged in trying to prove the theories of the offices who hire them. The whole process has a self-perpetuating air.

How these offices, with not responsibility for performance in combat, can affect costs is embodied in the HARM high-speed, antiradiation missile produced by Texas Instruments. It started out as a $100,000 missile, but inflated to a per copy price of $1 million as the add-ons multiplied into increased range, more bands and the like. As the suggestions from above dropped in like snowflakes, the project office lost control and responsibility by degrees and had a perfect out on cost control by blaming the hobby shops. Because of the cost growth, the Navy was ready to bow out of the HARM program before the contractor came in with a better offer.

Increased centralization into the Office of Secretary of Defense over the years, particularly since McNamara's unlamented whiz kid systems analysts, has set the scene for complicated battles over turf. The Joint Chiefs of Staff, with fewer uniformed people than the Office of Secretary of Defense, wants more joint programs, and the infighting has led to proposals for reorganization like that of Gen. David C. Jones, former chairman of the joint chiefs, that, among other things, would bring the joint staff further into the command loop.

FIGHT FOR TURF

The service secretaries have been fighting for their turf as heads of the combat and training commands. They have resisted the inroads of the Office of Secretary of Defense apparatus, or the Defense agencies like that for logistics whose manpower and budgets have bloated over the last two decades with little of the scrutiny from Congress that the service requests get. Uniformed services have been jousting with the civilians over authority and responsibility. Micromanagement spills on down the line as the services in turn peer over industry's shoulder, in self defense from the watchers in the Defense Dept. and Congress. At worst, there can be more workers checking than building.

Defense Secretary Caspar Weinberger has tried to put some ground rules into effect, such as ordering memos from his defense under secretaries to route through him for approval before they are transmitted to the services to become orders or program add ons.

The defense under secretaries or the services are not the villains as much as the system. Spinney, though his name raises blood pressures drastically in the services, is right about cost growth of procurement programs. There is just nothing much new about that. It has been true of programs for decades—as in the case of the proliferation of research and development programs in the Eisenhower presidency that led to abrupt cancellations, which figured in the 1957 recession. It is up to the Defense Dept. to do something about the problem, something the Administration recognizes, rather than accept escalation as inevitable.

The battle over centralization in defense is far from settled, but is an important issue. Highly centralized and overstaffed organizations are suspect in both the corporate and government realms, and the warriors battling for return of more authority and responsibility for the commander who has the combat responsibility have a tough war to win. This Administration has at least paid more attention to the problem and given them more encouragement than most others in the last 20 or 30 years. Cost control and budget control start with fixing responsibility in the right place.

RETHINKING DEFENSE AND CONVENTIONAL FORCES

● Mr. BOREN. Mr. President, on March 18 I read an article published by UPI which quoted my friend and colleague, JOHN GLENN, regarding his views on the B-1 bomber and the Joint Chiefs of Staff. I found this article to be of great interest, and I think that my colleagues will agree.

Mr. President, I ask that the full text of this article appear at this point in the RECORD.

The article follows:

WASHINGTON.—Sen. John Glenn, of Ohio, a Democratic Presidential candidate, Friday said the country needs the B-1 bomber and the Joint Chiefs of Staff should be replaced with a central military staff.

Glenn made the recommendations in a study, "Rethinking Defense and Conventional Forces," for the Center for National Policy, an independent policy institute chaired by former Secretary of State Cyrus Vance.

"We need the B-1 bomber, because the aging B-52's will not last forever and the 'Stealth' is too far in the future and technically too uncertain to depend upon today," Glenn said.

In calling for replacement of the Joint Chiefs of Staff, Glenn said, "Our central military staff organization was designed during World War II, and it is no more suited to current needs than would be the weapons of that era.

"It is time to follow the lead of the British and most other modern powers, and establish a central military staff that is not controlled by the bureaucracies of the four military services—one that can recommend hard program choices, and that can give useful military advice to the civilian leadership," Glenn said. "The present system is overdue for modernization."

Glenn also called for a new class of smaller submarines. "We can afford these things without undue sacrifices," Glenn said.

In the same study, Robert Komer, former national security council official and former Deputy Secretary of Defense, said canceling systems like the B-1, two more carrier battle groups, and the Maverick and Viper missiles could pare $100 billion from the cost of Reagan's five-year, $1.7 trillion military plan.

Komer said the "service-dominated" Joint Chiefs of Staff "is structurally incapable of * * * advising on spending priorities if service oxen would be gored.

"Hence, JCS reform is crucial to sound conventional force decisions. Civilians in the Office of the Secretary of Defense, the National Security Council and Congress need—and are entitled to—more and better military advice than the current system permits."

Barry Carter, former senior counsel to the Senate Select Committee on Intelligence activities and former member of the National Security Council staff, did not address the B-1 issue directly, but did call for strengthening conventional forces "often ignored in the intense public discussion of large, expensive nuclear weapons systems like the B-1 bomber and the MX missile."●

NATIONAL DAY OF GREEK INDEPENDENCE

● Mr. KENNEDY. Mr. President, tomorrow marks the 162d anniversary of Greek independence from the Turkish Ottoman Empire.

On this occasion, we are reminded again of the deep and abiding commitment of the Greek nation to freedom, to justice, and to democracy. We are reminded of the strong and continuing ties between Greece and the United States—and of the major contribution Greece has made to America through generations of Greek Americans and through its great civilization and political and economic traditions.

But we are are also reminded of the continuing tragedy in Cyprus, and of the need for a lasting political settlement based on the legitimate rights of both the Greek majority and the Turkish minority. We are reminded of the wise precedent set by the Congress in maintaining a ratio of 7 to 10 in aid appropriated for Greece and Turkey, a ratio which would be broken by the administration's most recent proposals for military aid to Turkey. In presenting its request, the Reagan administration is asking the Congress to tilt unfairly against Greek democracy and toward the rightwing military dictatorship in Turkey, and to become a partner in the unjust Turkish occupation of the island of Cyprus.

Apparently, the administration's concern over the fate of U.S. military bases outweighs its support for democracy and human rights in the eastern Mediterranean. The cornerstone of postwar U.S. foreign policy—the Truman doctrine—was based on a deep commitment to democracy in Europe, and most notably in Greece. To reduce our affinity for that country, the cradle of democracy, in order to bolster the entrenched military government in Turkey, is contrary to sound and long-accepted American foreign policy.

The United States must continue to be steadfast in our commitment to democracy, political liberty, and economic progress and social justice throughout the world. Greece should be commended for the standards it upholds in these areas and, on this occasion of Greek national day, we should recall the vital ties between our two nations and reiterate our strong support for the vital and close working relationship between the United States and our Greek allies.

Mr. President, George P. Livanos will make tomorrow an eloquent statement on United States-Greek relations and our Nation's policy in the Eastern Mediterranean. Mr. Livanos is an outstanding leader of the Greek-American community and a close and trusted adviser to me and many other Members of Congress. We join in congratulating him for his selection as grand marshal of the Greek Independence Day Parade in New York, and I request that the full text of his remarks appear at this point in the RECORD.

The remarks follow:

STATEMENT BY GEORGE P. LIVANOS, GRAND MARSHALL, GREEK INDEPENDENCE DAY PARADE

On March 25th we celebrate Greek Independence Day.

In 1821, the Greeks sacrificed their lives to free themselves from 450 years of enslavement by the Turks. We Greek-Americans can never forget this struggle and we must remind ourselves of our inheritance from the classical Greeks who gave the "torch of democracy" to the Western world.

America now carries the "torch of democracy" and is supported by its Declaration of Independence and Constitution to protect it for all humankind.

Today as we parade on Fifth Avenue celebrating our independence, we must reaffirm our resolve to stand by America and the principles for which we both aspire. We must remind ourselves of the moral responsibility of the values we learned from our forefathers to preserve and protect liberty and democracy.

We Greek-Americans knowing from history the tyranny and oppression suffered under Turkish rule, cannot stand idly by letting the present Administration continue their policy of military and economic aid to Turkey. We feel it is wrong to support a military junta government in Turkey which suppresses the freedom of the Turkish people, its political and religious leaders, suppressing it in a cruel and brutal way.

We must remember that for the last 10 years the beautiful island of Cyprus has been occupied by Turkish forces and that the Turkish Cypriots are looking to America to help gain their freedom. The impoverished Turkish Cypriots need help as well as the 200,000 Greek Cypriots who have been kicked out of their homes and are praying and looking forward to going back to their own villages.

If we want to improve and strengthen the Turkish Army for the NATO mission, let us ask them first to get out of Cyprus. Ask them to withdraw the troops in the Greek frontiers and their landing crafts in the Aegean Sea. Surely this does not serve the NATO mission.

Turkey has never been an ally to America. It was Greece who fought the Nazi Germans and the bayonets of Mussolini. If we keep giving military aid to Turkey, we will create enemies of the Turkish people. Does the present Administration, the Pentagon and State Department realize that this will come back to haunt us when the lid is lifted and a rebellious, religious uprising takes place?

Does our present Administration realize that the arms American taxpayer money is giving to the Turks may be turned against Israel and Jerusalem in a religious war?

Let our money be spent in America to create jobs, to feed the hungry and fill our children's lunchboxes, to protect our elderly, to strengthen our Social Security, to build up our defenses and to decrease our deficits. Our priorities should be America first and definitely not the junta government of Turkey.

We celebrate independence today and our obligation and responsibility is not to lose it. America carries the "torch of democracy" and we believe in America and know it is in good hands. Don't shatter our beliefs in America. Don't let the Greeks down. We look to America to protect our freedom and remind our American brethren of the words put down in the Greek National Anthem:

FREEDOM

I recognize you from the fearful sight of the sword. I recognize you from the edge when it cuts deep down the earth.

I salute Freedom which as in the past rises valiant from the holy bones of the Greeks.

Freedom, I rejoice and salute you.

America: It is the Greeks who are and always will be your ally!●

SAFEGUARDING NATIONAL SECURITY INFORMATION

● Mr. DURENBERGER. Mr. President, the recent Presidential directive on safeguarding national security information has aroused proper concern. It carries the risk of severe abuses. Indeed, this directive and last year's Executive order on national security information could undermine public acceptance of the whole system for protecting national secrets.

The problem of leaks is a real one. Disclosures of classified information have caused real damage to the national security, and there is a clear need to remind people of the obligation to keep these secrets. But our sense of obligation must rest on more than lie detector tests, censorship, or crackdowns on contacts with the press.

How can we maintain that sense of obligation? First—and most importantly—there must be public confidence that the secrets are worth keeping. Second, those with access to secret information must be confident that decisionmakers are being presented all the relevant information. Until these twin foundations are made more secure, the edifice of secrecy will continue to be undermined by both public and bureaucratic cynicism.

Last year's Executive order reduced public confidence that our secrets were worth keeping. The idea that classified information must be information the unauthorized disclosure of which would cause "identifiable" damage to the national security was swept away. So was the idea that those who classify information should weigh the need for secrecy against "the public interest in disclosure." These approaches had been particularly useful because they required a more thoughtful approach to classification decisions. Last year's order replaced thoughtfulness with mechanical routine. This can only lead more people to question whether national secrets truly deserve protection.

It was because of this concern that I introduced the Freedom of Information Protection Act, which I will soon reintroduce for consideration by the 98th Congress. Congress cannot take over the classification system. But we can protect the Freedom of Information Act, which is a crucial safeguard for the public. And by maintaining a standard of thoughtfulness at least in FOIA decisions, we can help maintain public acceptance of secrecy for the information that is not released.

The new Presidential directive seems to substitute force for obligation. This may be necessary in a cynical age, but each provision can easily be abused. Lie detectors can be used to harass low-level employees, even though the big leakers are almost invariably senior officials. Prepublication review can be used to delay or present publication of embarrassing information, rather than real secrets. And limitations on press contacts may serve merely to insure that the only leaks are those that favor existing policy.

Moreover, the new Presidential directive is impractical, for it fails to shore up those twin foundations of confidence on which the protection of national secrets rests. It comes from an executive branch whose most searching leak investigation dealt with embarrassing budget figures, rather than vital secrets. It is undermined whenever a CIA Director tells the press about his classified budget or his covert action operations. It will not stem the tide of cynicism while the Defense Department selectively declassified sensitive information whenever it wants a larger defense budget.

Presidential directives are all well and good, but an end to mixed signals would do more to protect our secrets than will a hundred prepublication reviews of memoirs or novels. Some strong administrative action against the next senior official who leaks classified information that supports administration policy would do more than a thousand lie detectors. I am sure that there will be opportunities for such leadership; I will be looking to the President to provide it.

Mr. President, I ask that the editorial "Domestic spying and free speech," from the Minneapolis Star and Tribune be included in today's RECORD.

The editorial follows:

DOMESTIC SPYING AND FREE SPEECH

Sometimes the government must spy on a citizen to protect the public interest. That is why the FBI must have freedom to investigate suspected criminals. But citizens who aren't suspected of breaking the law should not have to endure governmental intrusion. That is where the Justice Department's new guidelines for FBI domestic spying fall short.

The new guidelines, which took effect yesterday, mark the first comprehensive revi-

sion of the spying rules since Gerald Ford's attorney general, Edward Levi, cracked down on FBI investigations of domestic "subversion" in 1976. Surveillance of unpopular political groups, the Levi guidelines said, can be justified only when reason exists to believe a crime has been or will be committed. Levi's rules required agents to consider citizens' rights to privacy and free expression before conducting a full investigation.

The new guidelines are a step backward. Among other things, they allow the FBI to infiltrate organizations for a "preliminary investigation" before the FBI has a "reasonable indication of criminal activities." They permit the monitoring of organizations that have a suspicious history but are currently inactive. And they encourage the FBI to investigate groups or persons who publicly advocate "criminal activity" to achieve "political and social change."

Perhaps the guidelines could be used for good ends. But they could also be used to persecute citizens who have done nothing wrong. Critics raise some interesting questions: Could the guidelines be used to justify spying on members of a political party that advocates revolution in the far future? What about an individual who exhorts young people to resist the draft? Or a human-rights leader who urges civil disobedience to promote social change? Could the new rules leave these citizens vulnerable to FBI investigation?

That kind of radical-chasing seems at least possible. The guidelines allow full-fledged spying on the basis of advocacy alone. But American citizens have always been free to speak out without fear of inviting government surveillance. The new FBI rules will unnecessarily chill dissent and endanger that freedom. Congress should write rules for the FBI that protect citizens' right to speak—and pass the rules into law.●

GREEK INDEPENDENCE DAY

● Mr. TSONGAS. Mr. President, Friday, March 25, marks the 162d anniversary of the Greek War of Independence from Turkey in 1821. We of Greek-American heritage can be especially proud of our ancestry. Democracy, freedom, and justice have their beginnings in ancient Greek civilization.

Greeks have traditionally been a proud and industrious people, bound by common beliefs in a strong family unit, education, and respect for individual rights. These values have been handed down from generation to generation and are firmly implanted in the Greek-American families and communities in the United States. Contributions of the sons and daughters of immigrant tailors, restaurant workers, and small businessmen such as my grandfather, who operated a dry-cleaning store in Lowell, Mass., have been felt in every area of American life. The grandchildren of these determined settlers are graduates of the most prestigious American universities and are our doctors, lawyers, artists, professors, and Government leaders. Surely my grandfather, George Tsongas never imagined when he slept on newspapers in Lowell, penniless after his arrival in America in 1911, that his grandson would be speaking about him in the Chambers of the U.S. Senate 72 years later. These are the ties that bind us to our homeland, not the rhetoric of past or present administrations.

But we are faced with present-day strains in relations between the United States and Greece. President Reagan's proposed increases in aid to Turkey without subsequent consideration of Greece's foreign aid have placed tremendous pressure on U.S. base negotiations with the Greek Government.

Even with the most recent administration request, which increases funds for Greece contingent upon a satisfactory conclusion to the base agreements, serious damage has been done to United States-Greek rapport. We must retain the 7 to 10 ratio in order to preserve the military balance among our NATO allies in the Aegean.

Mr. President, Greece and the United States have a long history of friendship and respect, dating back to the Greek War of Independence in 1821. We must continue to work toward peaceful solutions to our common interests and problems, not only in Cyprus and the Aegean, but wherever freedom and justice are denied.●

DRUG ABUSE: A GROWING THREAT TO OUR SOCIETY

● Mr. BIDEN. Mr. President, I have stood before in this Chamber to discuss the problems of drug abuse in this country. As the ranking member of the Senate Judiciary Committee I have talked about the street crime that results from addicts seeking a means for supporting a $300-a-day heroin habit. A recent study by the Bureau of Justice statistics indicated that 78 percent of the inmates in State prisons admitted to having used drugs and one-third of those interviewed stated they were under the influence of an illegal drugs when they committed their crime.

I have also talked about this $80 billion a year illegal business that spawns corruption in Government and law enforcement agencies and has involved the laundering of drug money through legitimate banks, brokerage houses, and real estate investments. The alleged charges against John DeLorean further highlights the lucrative nature of the drug trafficking business that has attracted those in all income levels of our society.

I could go on about the international aspects of the drug problem and our inability to coordinate our Federal interdiction and enforcement efforts but you have all heard my proposals for a Cabinet-level official to coordinate and focus the 10 Federal agencies currently involved in drug interdiction and enforcement. I might add that I intend to bring that issue before the full Senate again this Congress based on the bipartisan support the Cabinet-level drug coordinator proposal received last time.

Today I wish to draw attention to two newspaper articles that was printed in the New York Times on March 21 and 22, 1983. These two articles were entitled, "U.S. Social Tolerance of Drugs Found on the Rise" and "Drug Abuse in America: Widening Array Brings New Perils." The message of these articles was that the growing availability and acceptability of illegal drugs is causing profound social changes in American society. The articles include examples of commonplace occurences of drug use that in the past would have been alarming and unacceptable behavior. In 1962, only 4 percent of the population had ever used an illegal drug, 20 years later, 33 percent of the American population over the age of 12 have used illegal drugs at some time.

The articles point out the wide range of problems that drug use has caused our society from the readiness of our military personnel, to automobile accidents, to the street crime I have mentioned earlier.

Mr. President, we cannot wipe out the flow of drugs in this country. We cannot win a war against drug trafficking. There clearly is too strong a demand and too much of an available supply.

What we can do is focus our resources and coordinate a two-pronged strategy that involves, one, education and prevention effort, and, two, better drug eradiction, interdiction, and enforcement. I think the efforts made by the administration and Mrs. Reagan, personally, in promoting drug education and volunteer prevention programs is commendable. But volunteer programs will not be enough. We need to develop and support education programs that start with our very young in elementary school and tell them the facts about drugs. We need to increase, not cut, funding for treatment programs for drug abusers and we need to indentify these young people before they destroy their lives.

In 1980, following a trip I made that tracked the flow of heroin from the poppy fields of Southwest Asia to the streets of America I made 17 recommendations in a report I titled, "The Sicilian Connection." These recommendations were directed at five goals:

First. Dampening U.S. demand for heroin.

Second. Developing a more coherent Federal strategy.

Third. Strengthening the Justice Department's response to organized crime.

Fourth. Developing a more coherent long-term international strategy.

Fifth. Bilateral initiative in countries where heroin is produced or transhipped.

Although some of these recommendations have been acted on there is still much that needs to be done. In the near future I will be presenting additional recommendations so we can move forward in achieving these goals.

We must continue to work toward these goals for reasons that are noted in these two articles. The potential consequences of not making drug abuse a high priority in this Congress will mean further damage to this great country in ways I believe are more threatening than any threat we currently face from any foreign nation.

Mr. President, I ask that these two New York Times articles be printed in the RECORD in their entirety.

The articles follow:

[From the New York Times, Mar. 21, 1983]

U.S. SOCIAL TOLERANCE OF DRUGS FOUND ON RISE

(By Glenn Collins)

Social scientists believe that the level of public tolerance of the use of illegal drugs is continuing to rise in all levels of American society.

They say, further, that the growing availability and acceptability of these drugs is effecting profound social changes that have neither been fully acknowledged nor fully understood.

The signs of the raised level of acceptance are widespread.

At a rehearsal break in a recent Manhattan practice session of an Ivy League alumni choral group that counts stockbrokers, lawyers and corporate executives among its membership, one successful businessman held out a bit of hashish to a fellow singer, aged 49. "Have some?" he asked.

At 9 A.M. the other morning on the Brooklyn Heights promenade, a youth in a blue windbreaker, took a deep drag on a marijuana cigarette. None of the joggers and walkers nearby gave him a second glance.

In an office of a university in New York, a professor who had traveled from the Midwest for a job interview inquired solicitously about the health of the sniffling department head sitting behind the desk before her. "Oh," he said offhandedly, "that's not a cold. I've been doing too much cocaine lately."

"In a very short time, cultural patterns have changed dramatically," said Dr. Richard Jessor, a social psychologist who is director of the Institute of Behavioral Science at the University of Colorado at Boulder. "It is not normal for the majority of young people to have experience with a range of substances that was unavailable to previous generations. And that raises important and interesting questions for social policy that haven't been addressed."

Dr. Norman Zinberg, professor of psychiatry at Harvard University, said: "nobody in the United States is more than one handshake away from virtually any drug they want to get. Drugs are used in every stratum, across the board, from blue-collar people to professionals. There is no distinction between 'heads' and 'juicers' anymore."

Dr. Jessor's and Dr. Zinberg's views were generally reflected in a series of interviews and a survey of the opinions and findings of drug-abuse experts, medical and treatment authorities, drug users and law-enforcement officials across the nation.

Some of these experts say that drug use has become so widespread that it often goes unnoticed, and that, in focusing on the dangers of specific drugs like cocaine, society has overlooked the very phenomenon of drug use itself. They view with increasing alarm the availability of illegal substances including cocaine, marijuana, heroin, LSD, angel dust and the nonmedical use of tranquilizers, Quaaludes and diet pills.

And they are deeply concerned over what they regard as a wide variety of subtle or hidden costs that result from the pervasiveness of drug use and its consequent "acceptability." These experts see the effects of such substances in tragic indicators like emergency room statistics and automobile-accident rates, and insist that there are equally important costs in the workplace, schools and family life.

Others say, however, that the long-term social effects are not entirely clear. They contend that most people now using drugs have successfully integrated them into their lives to help cope with stress, and that the overall results may not necessarily prove harmful to society.

These authorities, while deploring the misuse, say that people's sophistication about the dangers inherent in different drugs is increasing. An alarmist view cannot be supported, they contend, by recent Federal statistics. These studies show either a decline or a stabilization among American youth in the use of most types of drugs.

All seem to agree that there is now a basic paradox in social attitudes toward drugs.

"Society is giving all of us a double message," said Dr. Robert E. Gould, professor of psychiatry and associate director of the family life division of New York Medical College. "On the one hand, we are told, 'Don't take illegal drugs.' At the same time, this is a drug-taking culture and a drug-encouraging culture. Look in anyone's medicine chest and see how many drugs Americans rely on. Drug-taking is often portrayed in the media as glamorous and chic. And the message the commercials give is: If you have a problem, take a pill."

DEPENDENCE ON CHEMISTRY SEEN

Dr. Gould does not suggest that taking aspirin is the same as taking heroin. "But the cumulative effect of these messages is," he said "that you won't have to suffer, chemistry can give you an answer, the route that drugs offers is the easiest way to get out of anxiety. It focuses on instant gratification, and not on solving the underlying problems."

The substance available in this $90 billion-a-year marketplace have become so diverse, and some so new, that even the experts cannot keep track of them all.

"The selection in the delicatessen of drugs is much greater than it's ever been," said Dr. M. Duncan Stanton, director of research for the Addicts and Families Program at the University of Pennsylvania School of Medicine and the Philadelphia Child Guidance Center. He conducted a nine-year study of hard-drug users.

"Most societies since the beginning of time have had intoxicants and integrated them into rites if passage like weddings or celebrations," said Dr. Robert B. Millman, director of the Alcohol and Drug Abuse Service at the Payne Whitney Psychiatric Clinic in New York.

"But these societies were using the one or two substances endemic to that area," he said, citing alcohol as an example. "Most people didn't get into trouble with these substances—they were integrated into the society, in the sense that people knew how to control them.

"The ominous thing about the present-day Western culture is that we have access to all intoxicants from all societies, and we don't know how to control them. This can be very dangerous to those who are at risk: the young, the psychologically disturbed and the disadvantaged."

YOU CAN GET ANYTHING YOU WANT

That availability cuts across age, class, professional and geographic distinctions. "You can get anything you want, anywhere," said 15-year-old Eileen Otero, who grew up in Queens and Manhattan, and now attends a parochial high school on Manhattan's East Side. "Drugs are all over. I never go a day without someone offering me weed."

Availability is no doubt a key factor in widespread use. In the general population, the increase in use of illegal drugs has been dramatic in the last two decades. In 1962, less than 4 percent of the population had ever used an illegal drug. Two decades later, according to the National Institute on Drug Abuse, 33 percent of Americans age 12 and older reported having used marijuana, hallucinogens, cocaine, heroin or psychotherapeutic drugs for nonmedical purposes at some time.

The increase in cocaine use, particularly, has been substantial, doubling among those over age 26 in the three-year period from 1979 to 1982. The 1982 survey was based on 5,624 Americans living in households at a fixed residence and is projected on national census figures.

Sixty-four percent of American young people have tried an illegal drug before they finish high school, and more than a third have used drugs other than marijuana, according to another 1982 National Institute study. The research showed that 59 percent of the seniors had tried marijuana, 16 percent had tried cocaine 10 percent had tried LSD and 1 percent had tried heroin.

Nearly all young people, 93 percent, had tried alcohol. The high use of alcohol among young people is, of course, not a new phenomenon in America, but its use in conjunction with drugs is regarded as a growing problem.

Some observers say the overall statistics themselves illustrate the new level of social tolerance and are not overly concerned.

R. Keith Stroup founded the National Organzation for the Reform of Marijuana Laws in 1970, and is now a lawyer practicing in Washington.

"I think marijuana gained respectability as the people who smoked it gained respectability," he said. "The great number of middle-class recreational drug users use them like their parents used alcohol."

But many of those who treat the casualties of this quiet transformation are worried about its effects.

"The culture just isn't seriously looking at soft or recreational drug use as a health problem," said Dr. Mitchell S. Rosenthal, a psychiatrist who is president of Phoenix House in Manhattan, the nation's largest private drug-treatment program. "Everyone wants to talk about the newest drug—cocaine or valium or angel dust. And what that ignores is that the culture just naturally takes for granted that there will be a new drug."

Dr. Rosenthal believes that drug abuse is an insufficiently recognized factor in the national statistics on suicide, auto and other accidents, plane crashes, mental break-

downs, work-related problems, truancy and teen-age pregnancies. Since the role of drugs is usually ignored in tallying such statistics, it is difficult to measure precisely.

LINK TO ACCIDENTS TABULATED

However, 6 percent of those in New York State, 729,000 people, it is estimated, had in the last six months driven an automobile while feeling the effects of drugs, according to the most recent study of drug use among state residents. It is estimated that 58,000 New Yorkers reported having automobile accidents while driving under the influence of drugs. The study, a 1981 survey of 3,500 New Yorkers residing in households, was conducted by the state's Division of Substance Abuse Services.

As a result of using drugs, the study showed, an estimated 618,000 state residents experienced problems in work or school, 565,000 experienced problems with family and friends, and 443,000 experienced health problems.

The researchers reported that residents with household incomes of $50,000 or more had the highest drug use in the state, and 6 percent, an estimated 51,000, of these residents were considered to be serious abusers.

In specific incidents, drug abuse has caused everything from snowmobile accidents to drownings.

"The only subgroup in our society that has showed an increase in mortality rates is our adolescents," said Dr. William Pollin, director of the National Institute on Drug Abuse. "That trend is also true for accidents, homicides and suicides, and many of those trends may be related to drug and alcohol use." Though drug use among the nation's youth has generally declined, he said, "We are still the country with a higher level of drug use among young people than any other country in the world."

In the workplace, drug use is reported to have been directly involved in everything from train wrecks by marijuana-smoking engineers to the arrests of nuclear power-plant guards by the Oregon State police for using marijuana, amphetamines, cocaine and LSD.

COST TO EMPLOYER ESTIMATED

Industry studies have estimated that drug or alcohol abuse costs an employer at least 25 percent of a worker's salary in loss of productivity, poor attendance and increased medical benefits. The economic, social, health and crime-related losses caused by drug abuse in a single year have been placed at $10 billion to $20 billion, according to the Blue Cross and Blue Shield Associations.

Among professionals, doctors have traditionally been singled out for abuse problems because of their easy access to drugs. But the problem exists among other professional groups as well.

"This is in every way a conservative community," said a highly placed court administrator in a major Middle Western state who requested anonymity. "But I know prosecutors who regularly prosecute marijuana cases and smoke pot at the same time."

She said that although the stresses of their trade had long made trial lawyers vulnerable to alcohol abuse, younger lawyers were combining alcohol with other drugs. "Don't imply from what I'm saying that it's just lawyers," she continued. "Lots of cocaine is used and sold by other professionals in this town."

"One sitting criminal court judge," she said, "who has a reputation as a tough sentencer in cases involving possession of cocaine and heroin, once lectured me about how provincial I was about not using cocaine myself. He told me I should grow up." In other words, that she should have used cocaine, as he had.

"What really bothers me is the hypocrisy of it," she continued. "Sentencing people to the terrible prisons we have in our state for things the prosecutors are doing themselves."

PERSISTENT PROBLEM IN MILITARY

For another large employer, the military, drug use has been a matter of concern since the Vietnam War, and is a persistent problem. According to a 1981 study by the House Select Committee on Drug Abuse, two thirds of the sailors on the aircraft carrier Forrestal, including the men who launch F-14 jet fighters, regularly used marijuana and pep pills to relieve the fatigue of working 16- and 18-hour days.

Assertions about the effects of drugs in the workplace are often simplistic, said Dr. John C. Kramer, who, in the Nixon Administration, was an associate director of the White House Special Action Office for Drug Abuse and Prevention.

"People tend to forget that lots of jobs are very boring," said Dr. Kramer, a psychiatrist who is an associate professor at the University of California at Irvine. "For a carpenter who has to hit the same kind of nail in the same spot on the same pieces of wood all day, marijuana may be the only thing that makes his hammering seem new."

Perhaps the least statistically measurable hidden cost is the effect of drug abuse on American families. "Unquestionably there is a cost in family life," said Dr. Kramer. "In all family problems, ordinary conflicts can be exaggerated when an individual is using drugs."

WEAKENING OF PARENTS SEEN

Dr. Stanton of the University of Pennsylvania says changes in the structure and transience of American families have increased their vulnerability to drug abuse and other problems.

"Social, economic and cultural changes have altered family patterns, taken supports away from parents and weakened them," he said. "It has blurred the difference between parents and kids."

Such abstract social trends are evident in the real-life experience of one family. "My drug use forced the family to confront many issues that were not out in the open," said 18-year-old Debbie Marks, a New York University freshman who lives in Manhattan. She started smoking marijuana and drinking in the seventh grade, after her parents' divorce.

By the age of 16, she was finishing a bottle of Jack Daniels every night, and was experimenting with LSD during the day, having tried everything else but heroin. In 1981, she entered a treatment program at Phoenix House and, after a four-month battle with her multiple addiction, has been drug-free for 14 months since.

"I was very naïve," said Mrs. Marks. In Debbie's treatment, Mrs. Marks joined family-therapy sessions with her 20-year-old son Scott, and with her former husband, Sam, and his wife, Bonnie, and with Debbie.

"I think that parents have to take over and be parents again," she said. "When I was growing up, my parents said no and that was it—but I wanted my children to be my friends. And that was wrong.

Dr. Pollin of the National Institute on Drug Abuse says one should remember that social toleration of some drugs is not necessarily the same as approval. "There is much less shock value now involved in, say, seeing someone smoking a joint or using coke," he explained. "But there has also been a trend countering that: the steady and accelerating passage of legislation banning head shops, which has been a grass-roots movement."

CLOSING OF SHOPS SOUGHT

In many communities across the country, antimarijuana organizations have attempted to shut down paraphernalia outlets, efforts that have paralleled the attempt to get drunken drivers off the road. The backlash against drugs has included a network of patent-initiated support groups, drug-information meetings and drug-treatment-referral networks.

Dr. Pollin believes that drug use as a phenomenon peaked between 1977 and 1979. In his organization's student surveys, the 1982 results showed a drop from 1981 in the number of high-school seniors who used marijuana daily, monthly or had used it in the last year. And daily use of marijuana among high-school seniors declined for the fourth successive year, from 10.7 percent in 1978 to 6.3 percent in 1982.

"It may be, as some have speculated, that our young people are beginning to heed the Government's health messages," said Dr. Ira Cisin, professor of sociology at George Washington University, who directs the Federal agency's national survey of Americans in households. "We do not know whether the downturn in marijuana use reflects a temporary economic slump or a continuing shift to more conservative behavior."

CHANGE IS RELATED TO AGE

In contrast, thought, among those over age 26, the use of cocaine, marijuana, hallucinogens and stimulants reported in the study is rising, though not dramatically, save in the case of cocaine. In addition, the number of emergency-room visits and deaths involving drug abuse have increased among those age 30 to 39, unlike the patterns for younger age groups.

According to reports from the agency's national Drug Abuse Warning Network, there was a doubling of reports involving cocaine from 1979 to 81, the most recent statistics available; and there was a sharp increase, from 1,910 to 3,479, of reports involving heroin.

Dr. Pollin and a number of other experts attribute the contradictions between declining drug use among the young and rising drug use among older groups to the lingering effects of the 60's-generation culture on the rest of society. "The flower children of the 60's are now approaching middle age and they are bringing with them the residue of habits formed in earlier years," said Dr. Cisin.

Not everyone accepts that view, however. "I don't have the sense that we can attribute this to a group with a specific problem that is wending its way through the age pyramid, and then the problem comes to an end," said Dr. Jessor. "It seems unlikely that the drug problem is going to 'age itself out' of the population—that's rather wishful. Looking at it from the larger culture, drug use in general is an institutionalized phenomenon."

HE SEES PROCESS OF INTEGRATION

Whether or not drug use has reached that status yet, Dr. Zinberg of Harvard says a number of illegal drugs are undergoing a process of societal integration. "Of course it poses problems for those who are vulnerable

to abusing these drugs," he said, "but a lot of the use has developed into what I call controlled usage.

"Most of these drugs are introduced with a bang," he continued, "and they are greeted with enormous hysteria. The process is not complete, but the large majority of people know how to control them. Hysteria has been replaced by a knowledge of the boundaries of these drugs."

Some drugs are much harder to control than others, he said. "I'm not happy about the extreme availability of cocaine," said Dr. Zinberg.

"We can reduce trafficking by making it prohibitively difficult for people to try it," said Francis M. Mullen, Administrator of the Drug Enforcement Administration.

Dr. Kramer agrees that it is necessary to control the availability of illegal drugs, but he says that to expect their elimination is unrealistic in an open society.

"As the stringency of controls increases," he said, "the social problems associated with the control of drug use become greater and greater. So, as you lengthen sentences and tighten up, you get more problems involving black markets and organized crime, and you get more invasion of privacy and fundamental liberties."

SEES IT AS TASK IN GROWING UP

Dr. Jessor of the University of Colorado says coping with the presence of drugs may have become a kind of rite of passage for young people. "It may now be a developmental task that young people need to come to terms with," he said, "like separation from parents, career development, and sexuality. And so we ought to focus on education and provide the kinds of information and skills for the least irresponsible use of these substances."

Dr. Pollin offered a final, disquieting note on the future of the nation's drug culture: "The laboratories that produce ever more potent psychoactive drugs are going to continue their efforts. The number of drugs out a decade from now will be twice as great as they were 10 years ago. The problem will never go away. It will be more complex."

[The New York Times, Tuesday, Mar. 22, 1983]

DRUG ABUSE IN AMERICA: WIDENING ARRAY BRINGS NEW PERILS

(By Harold M. Schmeck, Jr.)

American hotel guests in Cuzco, Peru, 12,000 feet high in the Andes, are sometimes surprised at being offered coca tea to help them adjust to the altitude. But it seems to help and they probably suffer no ill effects. Peruvian Indians have been using it for generations.

"At the other end of the spectrum," said Dr. Robert Byck of Yale University, an expert on cocaine, "is a man I encountered who was spending $400,000 a year, buying cocaine by the half pound, and shooting it intravenously. He was sitting in a blacked-out cellar with an M-1 rifle, shooting at his hallucinations."

The man in the basement and the hotel guests in Cuzco were taking the same drug.

The two uses point up the dramatic difference in reactions to which many Americans are now subjecting themselves. Use of illicit drugs is continuing to rise among American adults, and social scientists believe that to a large extent this usage has become increasingly "acceptable" on all levels of American society. To medical experts, such acceptance represents dangerous ignorance. "The selection in the delicatessen of drugs is much greater than its ever been," says Dr. M. Duncan Stantan of the University of Pennsylvania School of Medicine. Some of these natural or artifically produced chemicals are new or recently produced variants of older forms that are better understood than the new ones.

Some experts believe the biology of drug abuse is becoming more and more complex, as new compounds, become available. In one recent tragic instance, three men and a woman in California developed serious, crippling conditions after taking a synthetic drug they had been sold as "new synthetic heroin."

In fact, the drug, known to chemists as MPTP, was an industrial chemical. What happened to the four who used it showed that the chemical is a potent and remarkably selective poison for brain cells. Three of the four patients were hospitalized, according to a report in Science from Stanford University Medical Center. All three were almost totally immobile, unable to speak intelligibly. They had fixed unblinking stares and drooled continually. The fourth, treated as an outpatient, had a short-stepped slow, shuffling gait and was otherwise similar to the other three.

The report said the patients appeared to have suffered damage to a specific region of the brain called the substantia nigra, producing effects that bore "a remarkable clinical resemblance to Parkinson's disease." An ironic twist to the tragedies was that the patients' attempt to get "high" in a new way may have given science an important clue to the cause of parkinsonism.

Dr. Sidney Cohen of the University of California at Los Angeles said the traditional substances of abuse are being augmented by several entire series of new synthetic variants and "look-alike" drugs. "This kind of chemical smorgasbord is going to increase," he said.

Another expert, Dr. Jerome H. Jaffe of the University of Connecticut, said nevertheless that most current drugs of abuse, even some that have an aura of novelty, were actually old familiar chemicals.

It is clear from much experience, that effects depend on the chemistry of the drug itself, the amount used, and also on many other circumstances—how, when, where and why it is taken. Second, the effects of any illicit drugs depend greatly on unpredictable elements: the concentration and purity of the drug and the nature and amounts of the contaminants that go with it.

Cocaine use among adults in the United States has risen more rapidly in recent years than any other drug, according to the National Institute on Drug Abuse). It is an almost perfect example of the new attraction of the old and the biological complexities of current usage. Cocaine's effects depend greatly on why and where it is taken, the amount and frequency of use, the route of administration, the dilution of the dose and the chemistry of the diluents.

It clears from the blood rapidly so that a user must take it frequently to maintain the effects. Sleeplessness, loss of appetite and, when drug effects wear off, anxiety and severe depression may result.

The drug is a natural plant substance called an alkaloid, one of a large family of chemicals. Others include nicotine, caffeine, morphine, quinine and strychnine. Like these, cocaine has its legitimate uses. It is a local anesthetic employed in ear, nose and throat operations and, formerly, in surgery on the eye. Applied to mucous membranes with a swab, it is readily absorbed into the blood.

For nonmedical purposes, cocaine has been used in a bewildering variety of ways: by chewing the coca leaf, eating the alkaloid (purified to varying degrees), sniffing it as a powder, smoking cocaine paste or heating it and inhaling its vapors, or taking it by injection. Cocaine was used by the ancient Peruvians in religious ceremonies, and was made available by the Spanish to their Indian slaves because it seemed to improve performance and increase physical endurance.

The reported effects are euphoria, a sense of power, clarity of mind and, although the drug is a powerful stimulant, a sense of calmness. The drug raises heart rate, blood pressure and body temperature, and often dilates the pupils. Large overdoses can cause high fever and fatal convulsions.

Cocaine is taken up quickly by the blood and is absorbed readily in the brain. The form called free base in this country, is commonly smoked and is extremely dangerous.

Whether cocaine is addictive is a matter of debate, often obscured by differences in definition. Users do not suffer the same agonizing withdrawal effects as users of the opiate narcotics, experts say. But heavy users can experience deep mental depression in the drug's absence, and show powerful compulsion to continue taking it.

Cocaine's anesthetic effects are believed to be caused by the drug blocking nerve signal transmissions from nerve cell to nerve cell by hampering the flow of sodium ions across nerve cell membranes.

The elevated heart rate and blood pressure are attributed to a different sort of interference with nerve signal transmission. The effect is thought to be that of preventing nerve cells from again taking up a nerve signal transmission substance after they have discharged that chemical in transmitting a signal to adjoining cells. The process is known as re-uptake.

This effect, called prevention of re-uptake, is also the traditional explanation of the drug's powerful euphoric effects, but Dr. Byck said, it is probably not the real answer.

Chronic use can destroy tissues of the nose and lung as a result of diminished blood supply. Heavy use of the drug, particularly by injection, can produce serious mental effects, including hallucinations and psychosis. An extreme overdose may bring on fatal high temperature and convulsions. Cocaine users often say that occasional use via the nose will not necessarily have serious ill effects. But Dr. Byck emphasized that, while the statement may be true, it can be dangerously misleading. It is difficult for anyone to keep use of the drug "occasional," he said, and every compulsive user started out with single or occasional use.

STIMULANTS

Cocaine is one of the often-abused drugs that are classified as central nervous system stimulants. Of the others, the best known are probably amphetamine and its close chemical relatives. They are longer acting than cocaine, but share some other effects with it. The amphetamines produce excessive activity, restlessness, loss of appetite. Heavy users may suffer hallucinations, paranoia and, on sufficient overdose, coma and death.

There is also a growing category of "look-alikes," so called because they are packaged to look like amphetamines, but contain milder stimulants such as ephedrine, phenylpropanolamine and caffeine.

Public health experts like to include nicotine in discussions of drug abuse, because it

too can cause a habit difficult to break and because of the serious long-term health effects of its principal vehicle, the cigarette.

Marijuana, also taken customarily by smoking, is generally viewed as a drug with various effects. It clearly poses psychological dangers to adolescent users and many diverse effects have been attributed to it. The overall importance to health of the physical effects is still a subject of debate.

DEPRESSANTS

At the opposite end of the drug abuse spectrum from stimulants is an even larger category of psychoactive substances sometimes grouped under the general name depressants. They include the narcotics, opium, morphine, heroin and others; the many kinds of barbiturates; and the sleep-promoting drugs such as methaqualone.

These drugs may be taken to achieve a psychological "high," but their common action is actually to depress the activity of the central nervous system. Dr. Cohen said the effects perceived by the user depend on multiple factors of personality, expectation and social situation as well as on pharmacology.

The narcotics and many others in this broad category can produce classical addiction, with the development of tolerance and withdrawal symptoms that can be severe. They include restlessness, nausea, vomiting, chills and "gooseflesh," diarrhea and abdominal cramps. Heart rate and blood pressure may go up. Involuntary muscle spasms may add to the victim's agonies during the worst phase of the withdrawal.

In a chapter on drug addiction and abuse in the widely used medical text Goodman and Gilman's "The Pharmacological Basis of Therapeutics," Dr. Jaffe notes that tolerance does not develop uniformly to all of the actions of a narcotic drug. There may be stronger tolerance to one action than to another. But no single biochemical model seems able to account for all of the complex phenomena that are seen with the many classes of drugs that produce tolerance and physical dependence.

Dr. William Pollin, director of the National Institute on Drug Abuse, said alcohol should always be included in discussions of drug abuse because that particular depressant of the central nervous system is among the most widely abused of such drugs and probably contributes to more deaths, disabilities and human tragedies than any of the others.

HALLUCINOGENS

Another class of substances that figure importantly in the drug abuse world are the hallucinogens, including phencyclidien, known as PCP; lysergic acid diethylamide, known as LSD, and far older natural plant substances such as mescaline, produced by some cacti, and psilocybin, the main psychoactive ingredient in some species of mushrooms.

These too vary in their chemistry and probably in their specific actions, but, in a sense, they all seem to open the floodgates of brain activity so that the user may be deluged with internally produced perceptions—colors, odors and sounds and sometimes more structured hallucinations. A guide for physicians prepared by the American Medical Association said intoxication with these substances involves profoundly disturbed behavior and loss of contact with reality.

A booklet prepared by Blue Cross Blue Sheld Associations in collaboration with the National Institute on Drug Abuse lists among possible ill effects of hallucinogens: "breaks" from reality, "flashback" experiences of the drug's effects long after its use has been discontinued, impaired memory and perceptions in some cases, anxiety and depression.

INHALANTS

Considered particularly dangerous by experts are some of the substances generally referred to as inhalants. These are a diverse group of volatile substances including gasoline, toluene, paint thinners, dry cleaning solutions, nitrous oxide and amyl and butyl nitrites. They vary in potential for harm, but some of the compounds, including toluene, can produce physical damage to the brain and some can give rise immediately to disturbances in heart rhythm that can be fatal.

"The intoxicating effect is immediate, though not long-lasting," the medical association's guide said of some of these inhalants. "The products inhaled are inexpensive, legal and readily available in the home or workplace, and the compact packaging of items such as glue or nail polish remover makes these easy items to carry in a pocket or purse."

A particularly dangerous practice, according to the guide for physicians, is that of placing a bag over the head to increase the concentration of inhaled vapor.

"Users describe the sensations evoked by inhalants as euphoria and excitement, accompanied by a feeling that 'something wonderful is about to happen,'" the publication said.

What may actually happen, drug experts say, is sudden death.●

FARMERS BATTLE AGAINST INFLATION

● Mr. ABDNOR. Mr. President, I have taken the opportunity on several occasions during this past year to call to the attention of my colleagues and the public of the tremendous contribution made by U.S. farmers in this country's battle against inflation. To a significant extent our victory over inflation has been won, at great cost, by the American farmer. Mr. President, during the last 12 months the price index of food consumed at home has risen but 0.8 percent—less than one-quarter the rate of increase in the consumer price index for all commodities and services. Why? While the costs of processing, packing, marketing and transporting food rose 5 percent during 1982, prices received by farmers for wheat dropped over 9 percent, corn prices plunged almost 19 percent, soybean prices declined over 16 percent, the price of potatoes down almost 27 percent and grapefruit prices were off 40 percent. And, with the exception of hogs, all prices received by farmers for livestock and livestock products, including poultry, declined during 1982.

And now, largely because of the resounding success of the payment-in-kind program, we are beginning to hear the whimpers which, we can all be assured, will build to crys of terror of skyrocketing food costs and the rapacious, greedy and heartless character of the "robber-baron in bib overalls."

I think it important, Mr. President, that we place in the public record at this time the relationship between the prices received by farmers for their products and the prices paid by consumers for these products in a processed, edible condition. For example, we should all take note that even should the price paid to farmers for food grains double, the retail price of cereal and bakery products should only rise 12 percent; only 12 cents of every retail dollar spend for cereal and bakery products goes to the farmer. In fact the farmer gets less than 35 percent of the retail cost of a market basket of food.

I ask that a table in this connection be printed in the RECORD.

The table follows:

Percent farm value of retail food costs, 1982

	Percent
Market basket	34.6
Meat products	50.2
Dairy products	49.6
Poultry	50.9
Eggs	62.7
Cereal and bakery products	12.0
Fresh fruits	31.4
Fresh vegetables	30.5

Mr. ABDNOR. Mr. President, words fail me in describing how disgusted I get listening to people cheer the economic recovery of the automobile industry, steel, housing, chemicals, construction and then lash out against the farmer for sharing in that economic recovery.

Mr. President, agriculture is in desperate need and deserving of an economic recovery. Let us all welcome and applaud it.●

CENTENNIAL BIRTHDAY OF LaSALLE MILITARY ACADEMY

● Mr. D'AMATO. Mr. President, I rise in honor of the centennial birthday of LaSalle Military Academy in Oakdale, N.Y.

LaSalle Military Academy was founded in New York State by the Brothers of the Christian Schools. It was founded in Westchester County, but was relocated in 1926 to its present 172-acre estate on Long Island. The move to the new campus was fraught with difficulty as a construction workers strike halted the building of the scholastic and dormitory structure, thereby forcing the corps of cadets to spend the fall of 1927 sleeping in tents on the parade grounds.

Despite occasional setbacks LaSalle continued to grow during the 1930's. In 1935 it joined the Mid-Atlantic States Association and was awarded an Honor Reserve Officer Training Corps (ROTC) rating by the U.S. Army Department. Today, the school has a military honor school designation which gives it the right to nominate three of its graduates to each of the National Service Academies.

However, there is more to LaSalle Military Academy than the pomp and grandeur of its military parades, drills and ceremonies. Its academic program covers a wide variety of subjects, from English, mathematics, science, history and languages to computers and science research program. The present enrollment is 349 students. Last June 86 seniors graduated, 84 of whom went on to study at colleges and universities throughout this Nation.

Mr. President, LaSalle Military Academy is an example of a school which has survived a particularly trying time for both private boarding and military schools. Despite adversity it survived. It provides an excellent basic education for its students adding military discipline and a Christian philosophy. LaSalle's perspective on education is best summarized by Headmaster McKenery's comment, "self-discipline, stick-to-it-iveness, and Christian love always will be a part of a good LaSalle student."

Mr. President, I commend LaSalle on its 100th birthday and hope that they will still be educating young men for a hundred more years.●

PREVENTING GOVERNMENT INFORMATION LEAKS

● Mr. HART. Mr. President, in its efforts to control leaks, the Reagan administration has plugged little but free speech. The National Security Council's March 11 directive stating that anyone in any part of the Government who handles sensitive information will have to submit every speech or manuscript in entirety for review represents a significant threat to an important American tradition: the belief that information about Government activities must be freely discussed if we are to choose the wisest policy. Government employees are promised an extensive regime of censorship and prior restraint on speech and publication if the directive is enforced as intended. In fact the directive brings us closer to an "official secrets act": A solution popular in other nations, but foreign to our own constitutional traditions.

As one who has spent 8 years on the Senate Armed Services Committee and 4 years on Senate Intelligence Committees, I know firsthand the importance of secrecy with regard to truly sensitive material. As one who aspires to be president, I am sympathetic to the need to control leaks of information which cause identifiable damage to our national security. But the new National Security Council directive is so broadly drawn it fails to distinguish between speech and publication which is properly classified and should remain so, and speech and publication which legitimately enlightens public debate and causes no injury to our national security.

The directive could be applied to any Government employee in possession of a security clearance. Screening would be required after the employee leaves Government, possibly for the rest of the employee's life. If the order had been in effect in previous administrations—former Secretary of State Henry Kissinger would have had to clear his memoirs, speeches, and articles. Former Secretary of State Cyrus Vance would have to clear his current articles on defense policy. Any future President could use this procedure to delay publication, to stifle criticism, to excise critical or embarassing information on the grounds that such information should remain classified. Such a policy is not what the authors of the Bill of Rights had in mind when they wrote the first amendment—nor is this policy likely to stimulate Government officials to fully disseminate materials on the leading issues of the day. The cost will come in lessened public awareness of public affairs.

We can be sure that this directive will spawn an enormous bureaucracy dedicated to censorship—as all departments and bureaus in any way connected with national security are forced to enter the business of clearing material for review. Another obvious result of the directive is a certain proliferation of litigation.

As if this new censorship system were not enough, the directive requires employees to submit to polygraph tests during investigations or face possible dismissal from employment. It is widely known that lie-detector tests are inherently unreliable. To make them compulsory poses serious threats to constitutional rights of due process of law.

This new directive is the latest in a series of Reagan administration threats to free speech. President Reagan should rescind this directive. If he does not, then the Congress should take action. The appropriate Senate committee should schedule hearings as soon as possible to investigate the justification for this new secrecy system. As President, I would rescind this order to preserve the balance between the interests of national security and the interests of the healthy debate that is the key to a free society.●

TOWARD A MORE AGGRESSIVE TRADE POLICY

Mr. HEINZ. Mr. President, I would like to draw Senators' attention to an article by Joseph E. Connor, chairman of Price Waterhouse, entitled, "Let's Not Join the Rush to Protectionism."

Mr. Connor takes an entirely positive approach to the problem of growing world protectionism which emphasizes the need for the United States to do a better job of protecting its international economic interests without necessarily resorting to protectionism or retreating to economic isolationism.

Mr. Conner makes three basic points. First, he endorses full utilization of all existing multilateral and domestic mechanisms for upholding U.S. trade rights. Second, he proposes expansion of GATT to cover investments, trade in services, and high technology goods. Third, he encourages vigorous U.S. support for private sector expansion in export trade and overseas investment.

I agree with Joseph Connor, that we as a country cannot be shortsighted in our approach to trade policies. I welcome these constructive proposals and encourage further thought on these ideas. I ask that the text of the article be printed in the RECORD.

The article follows:

LET'S NOT JOIN THE RUSH TO PROTECTIONISM

(By Joseph E. Connor)

There are those who say that the United States should wake up and recognize that free trade is already a casualty of international economic hard times, and accordingly, join the rush to protectionism. I don't agree.

We must be leaders in preserving and expanding the multilateral system, not followers in destroying it. The United States should continue its current policy of seeking liberalization of foreign markets rather than raising barriers in our own. But, as we do so, so we must become much tougher in protecting our trade rights from being undermined by the unfair and restrictive practices of others.

Protective barriers are on the rise. The protectionist trend is particularly evident regarding the service sector and foreign direct investments. Moreover, international agreements such as the General Agreement on Tariffs and Trade (GATT) are being violated.

In this environment it would be inviting, albeit shortsighted, to retreat to economic isolationism. We should resist this temptation. Instead, I believe the United States must do a better job of protecting its international economic interest without resorting to protectionism. Here's one approach:

First, full utilization of all existing multilateral and domestic mechanisms for upholding U.S. trade rights. We should continue to play by the international rules and insist that our trading partners do likewise. When they do not, we should be aggressive in utilizing all instruments at our disposal to obtain redress. For instance, in cases where the U.S. encounters barriers erected by GATT signatories which are illegal under the Agreements, we should seek relief through the GATT process for resolving trade disputes and leave no stone unturned in working within the system.

On the domestic front, one of the most important tools we have is Section 301 of the 1974 Trade Act, under which the President is authorized to "enforce the rights of the United States under any trade agreement," and act to curtail any foreign trade practice which is "unjustifiable, unreasonable or discriminatory and burdens or restricts United States commerce."

In the past, neither government nor business has been sufficiently aggressive in taking action under Section 301. This law is

on the books. Let's use it! If it needs strengthening, let's do it.

Second, expansion of GATT to cover investments, trade in services, and high technology goods. Currently, GATT is applicable only to goods. No framework of multinational trade agreements can be truly effective unless it covers services and investments. Not only are they important in their own right; they also support and facilitate trade in goods.

The old scenario that threatens to disrupt international trade in goods is now being repeated for trade in services, as country after country erects barriers which restrict the ability of foreign service firms to sell in the domestic market or establish local facilities. A country may, for instance, simply prohibit the establishment of local operations by foreign service firms. Or it may be more subtle and make the licensing and approval procedures for foreign service firms so complex and lengthy that it's not worth their while to make the attempt.

Similar problems abound regarding foreign investments. In a recent 73-nation study, my firm found that barriers to foreign investment are on the rise in many countries, including restrictions as to ownership, exchange controls, repatriations or remittances, and performance requirements.

Perhaps the most intense and insidious barriers to trade and investment exist in the fiercely competitive areas of "high technology." The U.S. position in world markets for high tech products and services is declining largely because of barriers impeding access to foreign markets and domestic policies to promote industrial growth, particularly through industry targeting. These practices must be vigorously challenged. But, we should do so by aggressively seeking expanded access to foreign markets rather than closing our markets.

Moreover, while the GATT Ministerial meeting last November was a disappointment, it was not a failure. We should not shrink from our resolve to seek an extension of GATT principles and procedures to services, investments and high technology. Meanwhile, bilateral negotiation of trade agreements in these areas should be actively pursued.

Third, vigorous support for the private sector in expanding export trade and overseas investment. The U.S. Government should do everything in its power, within the limits of international agreements, to promote and facilitate the expansion of U.S. exports of goods and services and investments. Businesses in many foreign countries receive such support. We should do no less.

International trade is far too important to our nation's international economic competitiveness to be a victim of governmental neglect. Promotion and support of U.S. business involvement in international trade by government agencies is now inadequate and must be improved.

Congress also could help. For starters, Congress could enact the so-called "reciprocity" legislation to strengthen our government's hand in dealing with the predatory practices of other nations, and to provide clear authority for the President to negotiate new agreements regarding trade in services, high technology products and foreign investment. It could also clarify the ambiguities in the Foreign Corrupt Practices Act, in view of its chilling effect on export trade. And Congress could provide new funding authority for the Export-Import Bank to enhance its ability to support our export trade.

Persistent unfair trade practices may force the United States to resort to protective measures in some cases. But, let's work with the system we have before we take any actions that may lead to its eventual destruction. Restraint, restriction, and reactionary competitive practices by any affected party inevitably will result in a retaliatory response. Surely, in the long run, this is a waste of effort to all.

BYELORUSSIAN INDEPENDENCE DAY

● Mr. D'AMATO. Mr. President, on March 25, we commemorate the 65th anniversary of the establishment of Byelorussian Democratic Republic by the Byelorussian National Council which met at Minsk.

The roots of independence and nationalism grow deep in the soil of Byelorussia; the Byelorussian principalities of Polotsk, Smolinsk, and Turor served as the core of the Grand Duchy of Lithuania. In 1569, the Grand Duchy and Poland were joined to form a commonwealth. The partition of the commonwealth between 1772 and 1795 brought Byelorussia into the Russian Empire. During this period, the people of Byelorussia were subjected to the Czarist policy of russification which was designed to eliminate their unique culture. In 1863, a massive anti-Russian uprising was led by Kastus Kalinouski. This significant event clearly demonstrated the desire of the Byelorussian people to live in peace. Their struggle for independence continued.

With the declaration by the National Council on March 25, 1918, the Byelorussian people regained the independence which they had so bravely fought to achieve. Unfortunately, Byelorussian sovereignty was short-lived.

The Communist regime, in a blatant act of aggression, seized power in Byelorussia and brought to a tragic end the independence and prosperity which the Byelorussian people had enjoyed. The Soviet Union illegally annexed the free and independent Byelorussian Democratic Republic. Since the incorporation, the freedom-loving people of Byelorussia have been subjected to some of the most brutal forms of oppression instituted by the Kremlin.

Under Stalin, Khrushchev, Brezhnev, and the new party chief, former KGB Director Yuriy Andropov, thousands of Byelorussians have been slaughtered, deported, exiled, imprisoned in slave labor camps or committed to psychiatric institutions. Meanwhile, the Soviet Government has repeatedly voiced its support of such important documents on human rights as the U.N. Universal Declaration on Human Rights and the Helsinki Final Act.

In addition, these ruthless dictators have continued to follow the policy of Russification first implemented by Czarist Russia. Accordingly, they have attempted to eliminate every vestige of Byelorussian culture and national identity including the native language, religion, art, and music. Despite Soviet denial of even the most basic of human rights, the people of Byelorussia have struggled heroically in their efforts to break the chains of Soviet domination. Their steadfast belief in the principles of independence and their deep-rooted desire for freedom have enabled Byelorussia to endure Communist oppression. The free spirit of the Byelorussian people will not be broken. Their search for self-determination will continue.

On March 25, Byelorussians throughout the world, including the more than 1 million Byelorussian-Americans living in our Nation, will join in solidarity with their countrymen in observance of Byelorussian independence. In light of our Nation's dedication to the principle of independence and commitment to protection of civil liberties, it is appropriate that we join with members of the Byelorussian community in observing the 65th anniversary of Byelorussian Independence Day. It is imperative that the United States send a clear and strong signal of moral support to the 10 million Byelorussians living under Soviet tyranny and that our Government continue to champion the cause of independence for Byelorussia.●

ADRIAN FISHER

● Mr. KENNEDY. Mr. President, I was deeply saddened to learn of the death last Friday of Adrian Fisher. Ambassador Fisher was an outstanding diplomat and an extremely capable and dedicated public servant in whose endeavors and accomplishments our Nation can justifiably take great pride.

"Butch" Fisher, as he was affectionately known, rose to national prominence when President Kennedy named him as Deputy Director of the newly formed Arms Control and Disarmament Agency. He played a key role in negotiating the Limited Test Ban Treaty of 1963 and the Nuclear Nonproliferation Treaty of 1968. As President Johnson's representative at the 18 nation disarmament talks in Geneva, he proposed on January 31, 1964, that:

> The United States, the Soviet Union, and their respective allies should agree to explore a verified freeze of the number and characteristics of strategic nuclear offensive and defensive vehicles.

Following his distinguished career in Government service, Adrian Fisher turned to the teaching of law, becoming the dean of the Georgetown Law School.

In all his work, Ambassador Fisher displayed an uncompromising integrity and selfless devotion to his country and to those higher principles for which it stands. His tireless struggle for the establishment of an international system of peace through law reminds us of President Kennedy's words:

The energy, the faith, the devotion which we bring to this endeavor will light our country and all who serve it—and the glow from that fire can truly light the world.

Mr. President, in the March 24 Washington Post Lucius Battle, a friend and colleague of Adrian Fisher, published an eloquent and inspiring remembrance of him. I commend this piece to my colleagues and ask that it, and the New York Times obituary of Adrian Fisher be printed at this point in the RECORD.

[From the Washington Post, Mar. 24, 1983]

ADRIAN FISHER

In a yet unsung era, the Truman-Acheson administration, it was my great fortune to share struggles and foxholes with Adrian Fisher. Reverence and nostalgia for that administration would come later. But it had not come thus far. We received more stones and arrows than bouquets. And the search for right answers on a day-to-day basis was unglamorous and sometimes rugged stuff. Adrian—we called him Butch—was a worthy associate. He searched doggedly for truth and clearly established the enemy, and the identity of both seemed apparent to him, even when it was we ourselves on whom he turned the harsh lights. His was the cruel pursuit of the best in all of us. Some had much to give. Others not so much. He was one of those with much to give.

His judgment of his fellows was fair but firm and tough. He would not tolerate deceit or sham, and I never knew him to engage in either. There was simple honesty and humility about him found in few people.

Ambition, if it conflicted with a higher order of obligation, was not for him. He was always in the mainstream of the big events but happy to stay out of the limelight and off the top rung of history.

But he had a part in the Nuremberg trials, was a fighter of Joseph McCarthy, helped defend the presidency in the firing of Gen. Douglas MacArthur, struggled to fulfill the need for sensible disarmament, taught humane law, defended the oppressed and underprivileged—not a bad agenda all that.

Butch was a special mixture of the grandeur and simplicity of the human spirit. He had a clear sense of direction, a set of consistent convictions, a remarkable mind, boundless energy. And was, above all, a loyal friend.—Lucius Battle.

[From the New York Times]

ADRIAN S. FISHER, 69, ARMS TREATY NEGOTIATOR

(By Philip Shenon)

Adrian S. Fisher, a leading arms control negotiator and former dean of the Georgetown University Law Center, died of cancer yesterday at his home in Washington. He was 69 years old.

Mr. Fisher was the first deputy director of the United States Arms Control and Disarmament Agency and a leading American negotiator of the 1963 Limited Test Ban Treaty, which barred nuclear testing in the atmosphere, in outer space and underwater.

He was appointed deputy director of the arms control agency by President Kennedy in 1961, the year the agency was formed.

In his eight years at the agency, which is an autonomous Government body that is required to coordinate its policies with the State Department, Mr. Fisher helped in numerous negotiations but perhaps none more important and more successful than the conferences that led to the Test Ban Treaty and the 1968 Treaty for the Nonproliferation of Nuclear Weapons.

SET TESTING RESTRICTIONS

The 1963 test ban treaty was eventually approved by 120 nations. It limited testing of nuclear weapons by prohibiting the release of detectable radioactivity beyond the national borders of the country conducting the tests. That restriction effectively limited the size of bombs that could be detonated.

In appearances before Congressional committees in 1963, Mr. Fisher was called on to defend the test ban. In an appearance in March of that year, Mr. Fisher said the United States had nuclear superiority over the Soviet Union and cautioned, "Unlimited testing without an agreement could facilitate soviet 'equality' with the United States."

He also participated in negotiations in New York and Geneva that produced the nonproliferation treaty.

Mr. Fisher left the arms control agency in 1969 to become dean at Georgetown's law school, known as the Law Center, and a professor of international law.

As dean, Mr. Fisher was known for his efforts to improve the law school's financial situation and for recruitment of minority students and prominent faculty members.

In 1977, Mr. Fisher was given the rank of ambassador by President Carter and was appointed a member of the United States Mission to the United Nations. In the job, he directed the American delegation to the Geneva conference on disarmament, which was organized to control chemical weapons and produce a comprehensive test ban treaty.

Mr. Fisher's commitment to arms control lasted until his death. Just last August, Mr. Fisher was among six former arms negotiators who joined together to call on the Reagan Administration to resume talks with the Soviet Union on a comprehensive nuclear test ban.

From 1979 to 1982, Mr. Fisher was a law professor at George Mason University, in Fairfax, Va.

He held more than a dozen Government jobs in a career that began in Washington in 1938, when he became a Supreme Court law clerk to Justice Louis D. Brandeis. The following year he was named a clerk to Justice Felix Frankfurter.

Among his other Government posts: in 1944, assistant to the Assistant Secretary of War; in 1945 and 1946, technical adviser to the American judges at the Nuremberg trials; in 1947 and 1948, solicitor of the Department of Commerce; in 1949, general counsel of the Atomic Energy Commission, and from 1949 to 1953, legal adviser to the State Department.

Mr. Fisher was out of the Government during the Eisenhower Administrations, when he served as a member of the Washington law firm of Covington & Burling. He also was a vice president and counsel of the Washington Post Company at that time.

Adrian Sanford Fisher was born in Memphis on Jan. 21, 1914. At Princeton University, Mr. Fisher, 200 pounds and 6 feet, 1 inch tall, was a guard on the football team. He graduated from Princeton in 1934 and was a 1937 graduate of the Harvard Law School. He served in the Air Force as a navigator.

Surviving are his wife, the former Laura Graham, and their daughters, Laura Donelson Chandler, of Bethesda, Md., and Louise Sanford Fisher, of Pinecliffe, Colo.●

VETERANS' ADMINISTRATION SHOULD NOT BE DISMEMBERED

● Mr. MITCHELL. Mr. President, a Washington Post article today reports that a task force of President Reagan's private sector survey on cost control has recommended the elimination of the Veterans' Administration and the transfer of its functions to other agencies of Government or to the private sector.

I am certain there are a number of other Members of the Senate who were as surprised and disappointed as I to read this news, and who believe, as I do, that such a dismemberment of the Veterans' Administration would badly serve the best interests of the millions of men and women who have served in our country's Armed Forces. That is why, Mr. President, I call on President Reagan to disavow such an intention on the part of his administration.

As a veteran myself and as a member of the Senate Veterans' Affairs Committee, I am deeply aware of the importance of the programs the Veterans' Administration oversees. There are about 28.5 million veterans and about 55 million of their family members or survivors—36 percent of our population—who are served in varying ways and to varying extents by the VA. Sixty percent of the VA budget in fiscal 1983 was earmarked for such purposes as compensation for injury, impairment of earning power, pensions for total disablement, burial benefits and education programs—needs that might not otherwise be met.

I fully recognize that a bureaucracy as large as the Veterans' Administration has its inefficiencies. But can any serious observer believe that its functions would be more effectively and cost-consciously carried out by, not one, but many different bureaucracies? Trying to do so would be a classic example of killing the patient to cure his ailments.

Mr. President, the suggestion that the VA be eliminated and its functions dispersed merits quick repudiation by President Reagan.●

ANATOLY SHCHARANSKY STILL A PRISONER OF CONSCIENCE

● Mr. PELL. Mr. President, March 15 was the sixth anniversary of the arrest of Anatoly Shcharansky, the Soviet computer scientist who was a leader of

the Moscow Jewish community and a spokesman for the Soviet Jewish emigration movement since 1973 when he first applied for and was denied permission to emigrate to Israel. On March 15, 1977, the KGB arrested this young Jewish activist, and in July of the following year, after 16 months of being detained incommunicado, he was tried and convicted of anti-Soviet agitation and propaganda and of the trumped-up charge of treason. At the conclusion of his 5-minute trial, at which no defense was permitted, Shcharansky was sentenced to a total of 13 years of incarceration—3 years in prison and then another 10 years in the harshest category of labor camp.

Anatoly Shcharansky's real crime was that he was a Soviet Jew who wanted to leave the country and who fought for basic human rights including the right to emigrate for all of his countrymen, Jewish and non-Jewish alike. Shcharansky was not only an activist in the Jewish emigration movement but he was also one of the founding members of the Moscow Helsinki Monitoring Group. Along with Yuri Orlov, Aleksander Ginzburg and the other monitors, he worked to promote his government's compliance with the 1975 Helsinki Final Act. Because of these activities, Shcharansky became the target of a systematic campaign of harassment and intimidation which culminated in his arrest and imprisonment.

While in prison, Shcharansky has been subjected to extremely harsh conditions including solitary confinement, severe cold, insufficient food—at times only one meal per day—sleep and health care. On September 27, 1982, Shcharansky began a hunger strike to protest the confiscation of his mail and the official banning of family visits by the Soviet authorities. Despite repeated efforts, Shcharansky's mother, Ida Milgrom, has been denied permission to see her son since January 1982. Not until mid-February of this year did she receive a letter from her son confirming earlier reports from the Soviet authorities that he had abandoned his hunger strike.

Anatoly Shcharansky is a man of courage and conviction. He is suffering in prison today because he dared to protest against violations of the human rights of Soviet citizens by the Soviet Government. Earlier this month, my distinguished colleague, Senator MATHIAS, introduced Senate Resolution 90 calling upon the Soviet Union to release Anatoly Shcharansky from prison immediately and to allow him to emigrate. I am proud to be a cosponsor of this resolution.

We must not forget Anatoly Shcharansky and the others like him who are now suffering in Soviet jails, forced labor camps, and psychiatric hospitals. There tragic fates are potent reminders that the Soviet Union continues to violate the many human rights covenants that it has signed. On this sad anniversary, I must once again call on the Soviet Government to honor the pledges it made at Helsinki 8 years ago and live up to its agreement to respect the human rights and fundamental freedoms of its citizens.●

FERRIS DOVE—A MODERN TRADITIONAL WAR CHIEF

● Mr. PELL. Mr. President, I would like to share with my colleagues the sad news of the death of Ferris Babcock Dove, the last traditional war chief of the Narragansett Tribe in my own State of Rhode Island.

Mr. Dove was both a modern and a traditional chief, who walked comfortably in both worlds.

He was an active leader in the affairs of the Narragansett Tribe and, at the same time was an active political leader in the town of Exeter, R.I.

Ferris Dove was an outspoken advocate for Narragansett Indian causes and, at the same time, ran a nationally acclaimed restaurant and trading post in Exeter.

The Narragansett Tribe has made great strides during his lifetime, often as a result of his hard work.

I was happy to assist the Narragansett Tribe in drafting and securing passage of landmark legislation that led to the first modern settlement of an Indian land claim in the United States and, now, the tribe stands at the edge of Federal recognition.

Official Federal recognition of the Narragansett Indian Tribe is in the final steps and should be completed within a few weeks.

Ferris Dove will long be remembered not only by those of us who knew and worked with him, but also by those who will benefit by his legacy of a vital and thriving tribal tradition.

I grieve with, and for, his wife and family and his countless friends. I would like to share a brief account of some of his accomplishments with my colleagues.

Mr. President, I ask that an article from the Providence Journal of March 23, 1983, be printed in the RECORD.

The article follows:

[From the Providence Journal, Mar. 23, 1983]

FERRIS B. DOVE, 67, DIES; WAS NARRAGANSETT INDIAN SPOKESMAN

EXETER.—Ferris Babcock Dove, a spokesman for Narragansett Indian causes and a well-known fixture in local Democratic politics, died Monday at Westerly Hospital. He was 67 years old.

In 1961, Mr. Dove opened Dovecrest, a nationally-acclaimed restaurant and trading post in Exeter, where one could eat such specialties as venison and whose jonnycakes were reputed to be among the best in Rhode Island. He was also, since 1974, postmaster in Rockville.

Mr. Dove was chairman of the Rhode Island Commission for Indian Affairs and a corporate board member of the Tomaquag Indian Memorial Museum. He was also a councilman of the Narragansett tribe, a job he lost after a rift in the tribe and then regained last year.

In 1978, he accompanied other Narragansetts to Washington in an effort to convince senators and congressmen to ratify a bill that would confirm their historic claim to 1,800 acres of ancestral land in Charlestown.

He was known for his flair for the dramatic. Lewis Peck, a Democrat who, like Dove, was active in Exeter politics, recalled one particularly unruly town financial meeting while his friend was serving as town moderator. Mr. Dove, a tall and imposing man, quieted residents by telling them he did not need a microphone to get their attention, Peck said.

He was town moderator for 12 years and served as a tax assessor for eight years. Mr. Dove was a past president of the Rhode Island Tax Assessor's Association and the Rhode Island National League of Postmasters.

He was born in Pawcatuck, Conn., the son of the late Walter and Mini (Babcock) Dove, and was raised in South County. Although Mr. Dove was affiliated with the Narragansetts, he came of Niantic stock as a descendant of Ninigret, the 17th Niantic sachem, according to one of his daughters.

Mr. Dove was known as Roaring Bull, the last traditional war chief of the tribe, a title denoting that he had passed various tests handed down by tribal elders.

He was a graduate of Westerly High School and a member of the school's running team.

At 21, Mr. Dove became the first Narragansett Indian to attend Bacone Indian College, in Muskogee, Okla., from which he graduated with honors in 1938. While in Oklahoma, he served in the National Guard.

Mr. Dove worked for 19 years at Electric Boat in Groton, Conn., and spent nine years there as a supervisor.

He leaves his wife, Eleanor (Spears) Dove; a son, Mark F. Dove of Richmond; and three daughters, Paulla Jennings of Rumford, Dawn Dove-MacKenzie of Rockville and Lori K. Tubby of Exeter; two brothers, Philip Dove of Santa Ana, Calif., and Mark W. Dove of Westerly; and four sisters, Marjorie Gulles of Riverside; Priscilla Garner of Baltimore, Md.; Ruth MacFarland of San Diego, Calif., and Hope Morse of Baltimore, Md.; 11 grandchildren and five great-grandchildren.

The funeral will be tomorrow at 1 p.m. at the Hope Valley Baptist Church. Burial will be in the First Hopkinton Cemetery.●

A REVOLUTIONARY CELEBRATION

● Mr. D'AMATO. Mr. President, it is with great pride and admiration that I direct the Senate's attention to an exemplary collaboration between the private and public sectors for the benefit of our youth and general public. Specifically, Mr. President, I speak of a spectacular celebration taking place at Federal Hall in New York City to commemorate the 200th anniversary of the end of the Revolutionary War. Sponsored by the After Dinner Opera Company with the generous assistance of Con-Edison the event will be a memorable aspect of the "Britain Salutes New York Festival of 1983." Also

participating will be the American Land Mark Festivals, the National Park Service, and the New York City Board of Education. There will be 13 performances of early American opera between April 14 and May 5, 1983. A steady stream of New York City public school children will be transported to these culturally enriching events and provided with numerous educational materials along the way.

Thus, Mr. President, I think that those who have made this extravaganza possible deserve the recognition and commendation of us all for proving just what can be accomplished when the combined forces of private and public sectors, Federal and local governments are joined in conviction and purpose. And what better a purpose to merge efforts than in celebration of our youth, our heritage, our freedom, and peace? I salute all who have made this program possible.●

COMPETITION IN WORLD MARKETS STUDY

● Mr. COCHRAN. Mr. President, during consideration of H.R. 1718, the "jobs bill," reference in a particular section of the bill to the Secretary of Agriculture was inadvertently omitted. The House originally proposed section 103, "Competition in World Markets," which directs the Secretaries of Treasury and Commerce to analyze and report on current international trade conditions. The Conference Committee on H.R. 1718 agreed to strike this section from the bill, but it did, however, include the same basic language in the joint explanatory statement accompanying the conference report. There is no mention of the Secretary of Agriculture in that part of the statement.

It is my firm belief, and the position of the Appropriations Subcommittee on Agriculture, Rural Development, and Related Agencies, that the Secretary of Agriculture should be included in this undertaking. Therefore, I would like to make it clear to the administration that the Senate intends for the Secretary of Agriculture to be included.

In my opinion, it is essential that the Secretary of Agriculture contribute to the analysis and report on trade if the Congress is to get maximum benefit from the reports. Agricultural exports alone generate more than 1 million U.S. jobs on and off the farm. They provide one-fourth of the income for the Nation's farmers, who are the foundation of an agricultural system that generates 20 percent of U.S. GNP, one-fifth of U.S. export earnings, and helps provide 24 million jobs: 3.3 million on the farm, more than 7 million in agricultural supply industries, and 13 million in the marketing and manufacture of farm products.

U.S. agricultural trade annually contributes a substantial surplus to be applied against the nonfarm deficit in the Nation's trade account—a surplus that last year totaled $24 billion.

Agricultural issues in recent months have moved to the forefront of the U.S. Government's trade policy agenda, offering difficult problems that are likely to require legislative as well as executive action if they are to be resolved.

Mr. President, I point out this omission to my colleagues to make the record clear as to congressional intent. The omission was simply an oversight. It is certainly my hope and expectation that any administration analysis and report on the current international trade situation facing the United States will rightfully include the Secretary of Agriculture or his designee.

Mr. HATFIELD. Mr. President. I am grateful to the distinguished chairman of the Appropriations Subcommittee on Agriculture for bringing this matter to my attention and to the attention of our colleagues. I share Senator COCHRAN's belief that the Secretary of Agriculture should, by all means, be part of any deliberations aimed at analyzing international trade conditions. Unfortunately, we did not catch the omission until after the conference report and the statement of managers had gone to final print.

It is my hope, therefore, that the Secretary of Agriculture will be involved with any discussion and reports on international trade issues, along with the Secretaries of Commerce and Treasury, and with the American business community.

Mr. COCHRAN. I thank the distinguished chairman of the Appropriations Committee for his comments in helping to clarify the record on this matter.●

HUMAN RIGHTS

● Mr. HATFIELD. Mr. President, a remarkably thoughtful article entitled "Human Rights and Human Dignity" came across my desk recently. The Author, Dr. Charles Thaxton from Dallas, Tex., first presented the content to an appreciative audience at Harvard University in 1980.

Dr. Thaxton's compelling thesis is that human life must be recognized as having cosmic significance if we are to have value in the global scheme of things. Human rights hang by a slender thread if there is not some objective reason for worth and dignity. In a world where right now, as we speak 40 wars are raging for economic, political, and even religious reasons, and in which we all live precariously under the threat of global conflagration, our definitions of human rights seem woefully inadequate and noneffectual.

Mr. President, I ask that Dr. Thaxton's article be printed in the RECORD for our reflection.

The article follows:

HUMAN RIGHTS AND HUMAN DIGNITY

(By Dr. Charles Thaxton)

Human rights are a scarce and imperiled commodity. They vary a great deal from one place to another, and with the passage of time. Yet in every situation, they reflect what a culture thinks about man, its idea of human dignity. My tentative definition is that human rights are the legal and political expression of a culture's perception of human dignity. While dignity itself may be fixed or absolute, our perception of it is never perfect; therefore the expression of it in terms of a particular pattern of rights is never perfect either. Human rights are adapted over time to fit an ever-changing of events in a dynamic culture. This adaptation, however, does not mean that they are arbitrary and relative. Human rights are tied, however loosely, to the fixed point of human dignity. Since human rights exist by virtue of human dignity, they are therefore not created by the state, but are merely recognized by it.

Professor Harold J. Berman of the Harvard Law School seems to have expressed this view when he described the difference between human rights in the United States and in the Soviet Union. In the United States, he said, "the fundamental rights of individual persons exist independently of the state and in some contexts are even superior to the power of the state."[1] (emphasis added) In the Soviet Union, "all rights are granted by the state and are inevitably subordinate to the power of the state."[2]

So which way is it? Are human rights really independent of the state or are they granted by the state? Are they merely relative, based upon preference? If it is only a matter of taste, then a lot of blood has been spilt needlessly. People have acted as if their rights really mattered, as if they were more than mere preferences.

As I understand it, in our western tradition (particularly in the United States), human rights have been said to exist independently of the state because they have been based upon human dignity. The word dignity comes from the Latin dignitas, meaning "glory." It is not difficult to see a connection to the Biblical notion that man is the glory of God, made in His image.[3] This traditional view of man is based on the Bible. According to this view human dignity is dependent on God and not on the state. It therefore follows that human rights which derive from dignity are also independent of the state, as per the Constitution of the United States. The concept of human rights makes logical sense in terms of the traditional view because it derives from human dignity.

Most "informed" citizens, however, have abandoned the traditional view. Why? To the modern educated mind the traditional view seems clearly incredible, even absurd. We now have a contemporary view which is based on science. We shall first explore what a scientific outlook has done to our view of man. We then consider what a scientific view of man implies for human rights.

The scientific world view is pessimistic about man and other things. In purely objective terms, according to the scientific view, human beings are insignificant oddi-

Footnotes at end of article.

ties thrown up by chance in a meaningless universe. Great strides in science have taken place in the twentieth century. Science has undergone both the Einsteinian and quantum revolutions which have affected greatly the conception of matter, space and time. However, nothing has happened to alter the basic scientific view and its inescapable conclusion that there is no cosmic worth or significance for the individual. The individual has lost his distinctively human status and with it his worth and dignity. Based on this scientific view we have been and continue to be described as ciphers, naked apes, trousered apes, hollow men, and together we form the lonely crowd.

This loss of the "distinctively human" will in time mean that either the lower animals will share our lofty estate or, more likely, that we will share their lowly estate. For, without the concept of distinctive humanness there is no basis for human rights as distinct from animal rights or even from the rights of bacteria. A famous biologist has declared that in a few years we will be hearing of "the rights of bacteria" since the only difference between us and them is "a disparity in the length and sequence of DNA molecules." [4]

The following two incidents indicate that we have accelerated from mere theory about the loss of distinctive humanness to very practical implications of this loss. Dolphin experiments prompted John Lilly to say that "the day that communication is established the (dolphin) becomes a legal, ethical, moral and social problem." [5] The dolphin will have qualified for "human rights. I heard of a court case recently in California about a great ape which had learned sign language. Research funds had run out. In an effort to prevent sending the ape back to the zoo the claim is being made that since the ape has learned language it is now human, and that to return it to the zoo would be "dehumanizing." [6]

Perhaps the most disturbing implication is cited by Leon Kass, executive secretary of the Committee to the Life Sciences and Social Policy of the National Academy of Sciences. In his widely read articles in Science (1971) entitled "The New Biology: What Price Relieving Man's Estate?"; he said that "we are witnessing the erosion, perhaps the final erosion, of the idea of man as something splendid or divine, and its replacement with a view that sees man, no less than nature, as simply more raw material for manipulation and homogenization. Hence our peculiar moral crisis." [7]

Assuming that human life is without objective value, there have been a variety of responses to this pessimistic conclusion. The first is that like Bertrand Russell we can live bravely in the light of the awful truth that life is absurd.

> . . . man is the product of causes which had no prevision of the end they were achieving; that his origin, his growth, his hopes and fears, his loves and his beliefs, are but the outcome of accidental collocations of atoms; that no fire, no heroism, no intensity of thought and feeling, can preserve an individual life beyond the grave; that all the labors of the ages, all the devotion, all the inspiration, all the noonday brightness of human genius, are destined to extinction in the vast death of the solar system, and that the whole temple of Man's achievement must inevitably be buried beneath the debris of a universe in ruins—all these things, if not quite beyond dispute, are, yet so nearly certain, that no philosophy which rejects them can hope to stand. Only within the scaffolding of these truths, only on the firm foundation of unyielding despair, can the soul's habitation henceforth be safely built.[8]

In similar "unyielding despair" Clarence Darrow, the famous Scopes trial lawyer, accepts this same pessimistic conclusion.

> Life is like a ship on the sea, tossed by every wave and by every wind; a ship headed for no port and no harbor, with no rudder, no compass, no pilot; simply floating for a time, then lost in the waves.[9]

Not many have had the courage required for the acceptance of "the truth." A second response has been more typical; it is simply to escape. "You only go around once in life; get all the gusto you can." Tolstoy illustrated the human dilemma as he saw it and provided a hedonistic response: A traveler is chased by an enraged beast and seeks refuge in a dry well. As he climbs in, he notices a dragon at the bottom with its jaws opened wide to swallow him. To escape the dragon below the enraged beast above, he holds onto a twig growing out of a crack in the well. He then sees some mice gnawing at the stem of the twig and recognizes that he will soon fall to his doom. As awful as the situation is, the traveler notices some drops of honey. Trying to enjoy the honey, he shows the dilemma of hedonism. 'I tried to lick the honey which formerly consoled me, but the honey no longer gave me pleasure . . . I only saw the unescapable dragon and the mice, and I could not tear my gaze from them. And this is not a fable but the real unanswerable truth."[10] Like Tolstoy many have tried the pleasure route and have discovered a great void within. The nagging mind-ache of meaninglessness persists.

A third kind of response, more creative than the previous one, is to admit, according to the scientific view, that human life has no objective meaning, worth, or dignity, and to try to create a subjective sense of these for oneself. According to the official rubric, there is no meaning of life, only meaning in life. To create a sense of meaning the following have been tried: creative work, caring for others, achievement, status, marriage and children, religious devotion. However, the path to self-enhancement has proved treacherous, as more than two-thirds of all psychoanalytic patients have narcissistic problems (i.e. an unhealthy admiration of self).[11] In addition, at the end of the path no real objective meaning can be found.

A fourth response to the news that human life is void of cosmic significance is to act romantically as if it does have value. This is the approach taken by the late C. P. Snow in an article written for the prestigious Journal of the American Medical Association.

> I believe the biological life, human life, all life, is an extraordinary chance. It depended on a whole set of unlikely conditions being met at the same point in time and space. . . . So here we are, isolated on our speck of matter, the products of random chance. Now I have to make a complete discontinuity from what I have just said. I believe we have to act as if each individual was significant; as if all lives were, as religious persons have said, equal in the sight of God.[12] (emphasis his)

It is perhaps a lesson in the slow death of ideas that after 300 years of scientific instruction showing that man is reduced to a collection of molecules people would still harbor such notions as human rights at all, except by those who chose to live by delusion. The human rights issue will get little encouragement from science; yet undoubtedly, some scientists will continue to embrace the cause of human rights. It must always be asked on what basis they speak out. What reason for human rights do they give? The most eloquent and passionate appeals for human rights by scientists will mean nothing if they have abandoned the concept of the distinctively human. It is in the category of groundless assertion.

Some have thought that the prospects for man are brighter when viewed from the perspective of the "soft" rather than the "hard" sciences. However, the humanities and social sciences, despite their study of and concern for people, also share the grim view that man is without cosmic significance. They only seem to offer a more optimistic picture because they specialize in the variety of subjective responses to the "awful truth" and because they are usually more vocal about human rights.

I find it ironic that so many in the legal profession along with other professionals, would find the traditional view of man so tasteless, often citing science as the reason, yet maintaining such intensity in trying to secure human rights. If only on pragmatic grounds I would have thought human rights advocates would consider the traditional view an ally. But without a firm foundation of the worth of individuals, what we have left are "groundless" human rights.

It is true that most countries of the world have signed the U.N. Declaration of Human Rights. Also it is true that there is at the moment a widespread agreement among nations to abide by this international commitment to human rights. Without the concept of "the distinctively human," however, governments are playing a global game of "let's pretend." It is rather like the cartoon where the fox steps off the edge of a cliff and by mere flailing of limbs manages to defy gravity. Here too it would be amusing were it not so serious. It will take more than high octane rhetoric to keep human rights from falling into oblivion. Without the concept of "the distinctively human" there is no ground in reason for a distinction between human rights in the United States and those in the Soviet Union; there is no ground in reason for human rights at all. In such a situation the whole discussion of human rights is merely a case of species chauvinism.

Many people believe that Christianity teaches that it is the doctrine of creation that gives worth and dignity to the individual. It does not. Christianity teaches that it is because of the fact of creation that we have worth and dignity. Then as a result of the fact we have the doctrine. It follows from this that worth and dignity are as independent of doctrine or philosophical point of view as they are of the state, and derivatively that human rights are also independent of various philosophical perspectives. In short, people have human rights whether they believe they do or not.

I believe when the question of human rights and human dignity is viewed in these terms the position of our forefathers does not seem so childish. Our forefathers understood that the only way to maintain dignity was if in fact it is a given, built into us by the Creator. So the Declaration of Independence reads, "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights."

We are thus led to an exciting possibility, but one threatening to the empire of man. If worth and dignity are in-built by the Creator then there is not only an answer to pes-

simism, but also a true basis for human rights.

Voltaire said of madness that it is to have erroneous perceptions and to reason correctly from them. When one considers the history of the discussion of human dignity and human rights, one wonders where madness lies. Philosophically we are in a curious situation. The orthodoxy of Judaism, Christianity and Islam contend that we all have dignity because we all have been created in the image and glory of God. If that is not true to the facts of who we are, as the scientific picture suggests and as assumed in most current disciplines, then all of us, religious and non-religious alike, are merely deceiving ourselves when we talk of worth and dignity. On a cosmic scale there is neither. If the traditional view of man is true, then human rights can be derived from dignity which actually exists. If the traditional view is false, then there is no dignity and human rights are a delusion.

REFERENCES

[1] Harold J. Berman, Worldview (Nov. 1979), pp. 15-21.
[2] Ibid.
[3] Genesis 1:26, 2:7,9.
[4] Thomas H. Jukes, Nature 261, 451 (1976).
[5] John Lilly, quoted in Mortimer Adler, The Difference in Man and the Difference It Makes (New York: World Publishing Co., 1967), pp. 259-260.
[6] New York Times Magazine (197?).
[7] Leon Kass, Science 174, 779 (1971).
[8] Bertrand Russell, quoted in James B. Conant Modern Science and Modern Man (Garden City, New York: Doubleday Anchor Books, 1953), pp. 139-140.
[9] Clarence Darrow, "Is Life Worth Living?" (Girard Kansas, no date), p. 43.
[10] Leo Tolstoy, quoted in "Life, Meaning and Value Of," in The Encyclopedia of Philosophy, Vol. 4, Ed, Paul Edwards (New York: Macmillan Publishing Co., 1967), pp. 467-477.
[11] Time (20 September 1976).
[12] C. P. Snow, Journal of the American Medical Association (6 August 1973).

HOME AND SCHOOL INSTITUTE ACHIEVEMENTS

● Mr. DODD. Mr. President, I would like to commend the Home and School Institute for its fine efforts over the past 19 years to build a partnership between parents and teachers across the country.

Without duplicating the work of the schools, this nonprofit organization has attempted to help parents become directly involved in their children's education. Parents are provided with such simple techniques as using the clock to teach arithmetic and planning imaginary trips with maps to teach geography. As a result of this work done at home with parents, children are more highly motivated to learn at school.

Today the institute opened its first national conference on "Single Parent Families and the Schools." Although Home and School Institute programs have been used successfully by all parents, they are especially designed for single and working parents who often have little time to spend going over their children's homework. Such parents are given ideas on how to take just a few minutes every day to teach the rudimentaries of reading, writing, and arithmetic.

Mr. President, I look forward to seeing the results of this conference. The following testimony presented by the president of the Home and School Institute, Dr. Dorothy Rich, aptly describes the institute's achievements. I ask that it be printed in the RECORD in its entirety.

The testimony follows:

ORAL PRESENTATION

(By Dorothy Rich)

In my testimony for the record, I referred to the Institute's home education program. At this point I would like to describe how it works.

The Home and School Institute system is designed to stimulate learning at home by children. It is especially suited for use by single parents, and working parent families, but actually it can be used successfully in any home.

It provides parents with simple techniques to foster learning. In fact parents who know the value of informal education may be using these on their own. What we do is to motivate all parents to do them and to become involved directly in teaching their children. These techniques involve for the young child such activities as using the clock to teach arithmetic, using the TV schedule to keep to time limits, dialing and reading telephone numbers. For the older youngster they include filling in comic strips with dialogue you make up yourself, making "best buy" purchases at the grocery store, using maps to plan family trips.

HSI activities are done alongside normal household routines. The hurried parent in a few minutes a day can teach science, reading, math or writing in a relaxed, at home way. The activities are easy, do not take much time, cost nothing, and they build academic achievement.

The key to the system and the way it differs from other programs is not these simple activities as such, but that we have found ways to get parents, usually mothers, to use them at home on a regular basis. We build on their love for their children and their ambition to see them achieve. It is gratifying in working with these parents, many of whom are on welfare with little education themselves, to see how deeply they desire their children to succeed.

What we do is train teachers to tell parents how important they are in teaching their child and we give teachers the home learning materials to use with parents. In some programs we use parents to teach other parents.

Teachers generally have not received training in reaching out to parents nor do they know the research which underscores the importance of doing this. Often, even if they want to work with parents, they don't get the support and time from their school systems to do it. The Institute seeks to intervene with school administrations to win their support for this critically needed effort. Some school systems do recognize the importance of this work, but they're still few and far between.

Here in the District of Columbia at Tubman School, we have a Federally supported demonstration program—Home The Learning Place, a replica of a home in a school—that I invite you to come to see. Our parents and teachers see how everything around them can be used for teaching.

Here are some examples of the specific "recipes" for learning that are given to parents in booklet form. The material is written and presented in such a way that parents know exactly what to do. They are encouraged to use their own creativity and they're told that they can do nothing wrong. After a while, they start making up their own activities, and so do the children.

Measure for pleasure.—How tall is the lamp? How wide is the rug? Use yardsticks, tape measures, string—anything that can measure. Share results with the family.

Catalog shopping spree.—Pretend you have $25 to spend. Look through a magazine or catalog and select purchases. Add them up. Have you overspent? How do other members of the family spend their money? Compare purchases.

Current events wall.—Cut out interesting articles from magazines and newspapers. Post them for the family to read and talk about at breakfast or dinner.

Morning messages.—Post reminder messages for each member of the family. Children who forget to brush their teeth will forget less with a note beside the sink. Parents who forget school PTA meetings will remember with a youngster's note beside the phone.

These are but a few activities from the HSI storehouse. All have been tested. All work. They individualize education in a meaningful and very personal way at home. HSI programs extend from kindergarten through junior high.

The system has the advantage of the child feeling systematic encouragement from the parent to learn and achieve. This is the real motivator; the child uses the activities and does in fact learn.

So, what we are doing is reaching out to parents and getting them to work with their child at home, building on their ambitions and their love for their children. We start with the idea that even the least educated, poorest mothers have these two feelings—ambition and love for their children—in abundance. That is why we call this the "nondeficit concept." We don't start out blaming the parent for lacking education or money. We start with the assurance that mothers' love is something strong that can be built upon.●

BYELORUSSIAN INDEPENDENCE

● Mr. DOLE. Mr. President, March 25, 1983, marks the 65th anniversary of the declaration of independence of the Byelorussian Democratic Republic, promulgated in Minsk by the Council of the Byelorussian Democratic Republic in the tumultuous final days of World War I.

But freedom proved elusive for this brave people. As nature abhors a vacuum, tyranny most assuredly abhors the presence of liberty on its doorstep. In a little less than a year following the declaration of independence, the fledgling Byelorussian Republic was swallowed up the the Red army of the victorious Bolshevik Revolution, and in 1922 was reduced to subservient status as a Soviet Socialist Republic. In 1941, Byelorussia's geographical position in the path of the major Nazi thrust into the U.S.S.R.

turned its towns and countryside into virtually one great battlefield. By the time the savagery had ended in 1945, several million Byelorussians had perished, and the Communist government in Moscow was once again in firm control over the prostrate nation. A myth of Byelorussian independence was perpetrated on the free world when the Soviet dictator Josef Stalin insisted that the United Nations accept Byelorussia, along with Ukraine, into the international body as a separate nation. Stalin neither cared for Byelorussia's independence nor for its national consciousness; he was merely securing another captive vote to aid in legitimizing his expansionist foreign policy before the international community.

Under Soviet rule, the Byelorussian people have been subjected to the political and religious persecution that characterize the fate of captive nations within the Soviet Empire. In addition, as the smallest in population of the three major Slavic groups within the U.S.S.R., the Byelorussian language and national culture are under the constant threat of eradication through thinly disguised attempts by the Kremlin to Russify its people into "homo soveticus." It was resistance to such political and cultural repression that led to the protests of Byelorussian patriot Mikhail Kukobaka, subsequently sentenced to 3 years labor camp in 1978 as a result of his protests. Kukobaka, who was subjected to ill-treatment and physical abuse by guards and prison camp thugs, refused to be reeducated and renounce his political views. As a result he was rearrested a few months prior to his scheduled release in September 1981, and sentenced to 3 more years labor camp for slandering the soviet political and social system.

REACHING THE BYELORUSSIAN PEOPLE

Mr. President, the Senator from Kansas is aware that the words we speak on the floor of the U.S. Senate and the statements we place in the CONGRESSIONAL RECORD are frequently broadcast to the peoples of the Soviet Union over the Voice of America. At the present time, the people of Byelorussia are unable to listen to VOA broadcasts in their own language, as that language is not represented among the broadcast languages of the VOA U.S.S.R. service. However, I was most pleased to learn recently that Byelorussian will be included in the future, expanded schedule of VOA U.S.S.R. broadcasts. I commend the administration of Voice of America for this decision, and look forward to the day when the people of Byelorussia need not depend on foreign broadcasts to learn the truth about their own homeland and the other nations of the world, but can live in a free and democratic Byelorussia.●

GREEK INDEPENDENCE DAY

● Mr. SARBANES. Mr. President, today marks the 162d anniversary of the beginning of the Greek War of Independence which led to the overthrow of nearly 400 years of Turkish Ottoman rule. This fight for freedom sparked by the heroic and brave Greek patriots was in 1821 another inspiring chapter in the continuing human struggle for dignity and self-determination.

This important anniversary also provides us with the opportunity to commemorate the historic friendship between the American and Greek peoples. It is a matter of great pride that this longstanding relationship rests on the fundamental values of freedom for all individuals and a repugnance to totalitarian and oppressive systems of control. This shared commitment to freedom was most evident during both World Wars when Greece and America stood together as strong allies to defeat those autocratic and facist forces bent on destroying western democracy. Again, after these struggles, the Greek people generously assisted by the American people turned back other totalitarian forces and rebuilt their battered but not unbowed nation.

This great friendship was further solidified by the thousands of Greek immigrants who came to the United States early in this century and was further strengthened by subsequent immigrants who continue to add richly to the diversity of America. These new Americans and their families fully understood and continue to understand the importance of making American democracy work and have made enormous contributions to our Nation as evidenced by the many leaders of Greek descent who have risen to prominence in business, the arts, education, and government. These great accomplishments directly result from their strong adherence to important values—hard work, education, family, and church—which have been passed down through generations of Greek families and brought to this country.

The close friendship established 162 years ago between the resurgent Greek democracy and the young American Republic has served as an inspiring example to all those seeking integrity and equality among nations.

Greece today is vibrant and healthy democracy. Its people reflect the traditional values of freedom and independence which originated in ancient Greece.

We honor therefore the Greeks for their great and continuing sacrifices on behalf of freedom for all peoples. It is that message of democracy that Greeks and Americans share; the idea of freedom and the belief that the individual can, given the opportunity, decide his own destiny.

We are especially mindful, on this occasion, of the birth of the modern day kinship between Greece and America, a relationship founded on the highest ideals to which man can aspire and bound together by the friendship and mutual admiration of two freedom loving people.●

CONGRESSMAN DON BONKER AND HUMAN RIGHTS

● Mr. HATFIELD. Mr. President, there are a few people who each of us count as brothers (or sisters) closer than actual siblings. DON BONKER from Washington State is one such individual in my life. We share common concerns, actively pursue together our joint commitment in faith, support one anothers' families, and often find ourselves shoulder to shoulder on issues that confront us in the Congress. He is a public servant beyond reproach who speaks out appropriately on matters that should concern us all.

Recently an editorial in the Northwest Baptist Witness came to my attention which extolled Congressman BONKER's authorship of the "Religious Persecution Resolution."

Mr. President, the editorial clearly states what I feel about both the issue and the man. I ask that it be printed in the RECORD.

[From the Northwest Baptist Witness]

EDITORIAL: THANKS, REPRESENTATIVE BONKER

Rep. Don L. Bonker, D-WA, has authored a resolution condemning "all forms of religious persecution and discrimination whenever and wherever they occur" which has passed the U.S. House of Representatives.

We commend Rep. Bonker for his willingness to go on record against an evil which plagues people all over the world. The fact the Christian Life Commission sponsors Race Relations Sunday, Feb. 13, in Southern Baptist churches throughout the U.S. and Canada helps us to consider another aspect of the discrimination problem.

Bonker says "From all the available evidence presented to the subcommittee (House Subcommittee on Human Rights and International Organizations) there can be no doubt that the free exercise of religion is limited in most parts of the world." Bonker is chairman of the subcommittee.

Citing a list of international religious persecution and discrimination problems, Bonker said, "The sad truth is that few countries of the world enjoy the religious freedom that is so treasured in the United States (and Canada), a freedom that is rooted in the history and traditions of our country and sanctified by the Bill of Rights.

"One thing is certain," Bonker added, "religious persecution will never be checked unless someone takes the time to monitor and expose what is going on and governments are held accountable."

The resolution calls upon the President and other U.S. officials to seek the establishment of a working group on the elimination of religious discrimination and persecution at the 39th session of the United Nations Commission on Human Rights.

The Senate took no action on the resolution but is expected to take it up during this Congress.

It is refreshing to see politicians sensitive to human needs and gratifying that leadership in this area would come from one of our own Congressmen. We urge Rep. Bonker and other Northwest colleagues to continue to keep these matters before our governing bodies in hope of progress being made in striking at discrimination wherever it rears its ugly head.

We also strongly urge Northwest Baptist churches to observe Race Relations Sunday, Feb. 13, as one additional way to keep Christians sensitive to the needs of others, even those who suffer from discrimination in a land dedicated to freedom of religious expression.

We would also suggest readers write Congressman Bonker and express support for his resolution.●

FOREIGN AID THAT NEVER MAKES HEADLINES

● Mr. GARN. Mr. President, in a world that too often measures the success of foreign aid programs by the amount of money that is spent, good ideas, which do not require large expenditures of funds, are often lost in the bureaucratic maze of Washington and international politics. However, a small, Washington, D.C.-based organization, Partners of the Americas, seems to be successfully transcending political bounds, while meeting the needs of our Latin American neighbors in a way which government often overlooks.

Partners of the Americas is an organization of citizen groups which link 42 States and the District of Columbia with counterpart groups in 27 Latin American countries. The Partners are sharing much needed know-how that is improving the lives of the poor in these Latin American countries. To some, the Partners' effort may seem small and insignificant, but this practical flow of expertise is doing a great deal to improve health standards and increase literacy throughout Latin America.

I am particularly proud of the role volunteers in Utah have played in contributing to the success of this fine program. For example, donations from Utah schoolchildren have helped build 100 schools in Bolivia over the past 12 years.

Mr. President, the Partners' record of achievement stands as a model which demands the attention of the Congress. I, therefore, commend the Partners for the work they are doing, and I encourage my colleagues to review the U.S. News & World Report article, October 4, 1982, on the Partners of the Americas.

At this point I ask that the article appear in the RECORD.

The article follows:

FOREIGN AID THAT NEVER MAKES HEADLINES

(By Charles H. Harrison)

While Washington frets over ways to thwart Communism in the Caribbean Basin, a barely noted, private organization is strengthening ties between Americans and peoples in that strategically critical area.

In little ways—and with little money—the Washington, D.C.-based Partners of the Americas is helping impoverished Latin American communities develop better ways of life.

Hardly anyone noticed earlier this year when Arthur Maurer, an agriculture professor at the University of Wisconsin, arrived here with a batch of hand-operated water pumps. Yet the devices enabled poor Nicaraguans, for the first time, to bring up uncontaminated water from 15 feet below ground level.

The deal for the pumps, which cost only $20 a piece to manufacture, probably could not have been struck between officials in Washington and Managua—even if relations between the two governments were not hostile. Governments tend to think big, not small, and good ideas often get lost in bureaucracies or are smothered by international politics.

To José Canton and his fellow Nicaraguan Partners, however, each pump delivered may be equal to one doctor. As Canton explains it, if people can drink pure water from underground, they will no longer fall victim to the myriad diseases that lurk in the streams of this tropical land.

Such small successes are happening throughout Latin America under guidance of the Partners, a nonprofit, self-help program that began as an afterthought of President Kennedy's Alliance for Progress. The organization links citizens' groups in 42 states and the District of Columbia with counterpart groups in 27 Latin countries in projects to increase literacy, improve health and sanitation, raise agriculture production and share culture.

One key to the program is finding some common bond, no matter how tenuous, between Americans and the Latins with whom they work. Thus, New Jersey, which has a number of Haitian immigrants, is partnered with Haiti. Maine and the northern coast of Brazil, both home to seafarers, are partners. Alabama and Guatemala are partners because both are agricultural areas of about the same size.

The Partners' record of achievement could be a model for President Reagan's controversial 350-million-dollar Caribbean-aid package that was approved by Congress in mid-August. But after 18 years of operation, the Partners remains, as its president, Alan A. Rubin, complains, one of the Western Hemisphere's "best kept secrets."

The main reason is that its projects, while beneficial, tend to be unspectacular.

A case in point: The 5-mile artificial reef in the Bay of Amatique off Puerto Barrios, Guatemala. The Guatemala Partners advised their colleagues in Alabama that the bay, which had been a major source of food for the nation, was nearly fished out. Marine biologists at the University of South Alabama studied the problem, discovered a natural shoal in the bay and suggested building a reef of old cars, cement blocks and other debris that might attract fish and become a new breeding ground. With the help of the Puerto Barrios city government and the Guatemalan Navy, the reef was constructed this summer. "Eventually," says Guatemala Partners President Harris Whitbeck, "the whole country will benefit."

A SPECIAL GIFT FROM UTAH

Hundreds of such projects are under way in a given year, some costing only people's time and many others operating with a Partners grant of $5,000 or less. What money is needed may come in small donations. For instance, 100 schools have been built in Bolivia during the past 12 years—the funds coming from small change raised by 50,000 Utah schoolchildren.

Often the need is for expertise as much as it is for cash. In nearly every field in Antigua, hoses pumped no water this summer. The trade winds brought little rain, and the government diverted available water to homes and tourist hotels. On one farm, an elderly man tried to keep his vegetables alive with a watering can, using water painstakingly conserved in old oil drums.

Meanwhile, Vincent Sterling, president of the Small Farmers Association and chairman of the Antigua Partners Agriculture Committee, anxiously awaited a report from William Larson, a civil-and-sanitary engineer sent by the Rochester, N.Y., Partners to survey the island's irrigation needs. Larson was developing a plan to build small dams and ponds. The Antiguans were ready to do the work but needed know-how.

A PROFESSOR'S CONCERN

The experience of the Partners program shows that a small project can affect an entire nation. Two and a half years ago Sam Varghese, a professor at Michigan State University, took 100 baby Japanese quail and 200 quail eggs to Santo Domingo. Today, 22,000 quail eggs are incubated monthly at an agricultural station north of Santo Domingo. Many of the eggs are given to farmers who, in turn, breed their own quail.

Why quail? In 1979, Hurricane David wiped out most of the island's chickens. Then, Sanford Neal, Jr., who had worked in the Dominican Republic as a Peace Corps volunteer before joining the Partners in Michigan, suggested quail as a good substitute because they take half the time of chickens to begin laying eggs and require much less feed. Also, one chicken raised for food needs a square foot of space, whereas 150 quail take up only square meter.

Dr. Emile de Boyrie, president of the Dominican Partners, says quail now are becoming a new, inexpensive food source for the country and are providing many small farmers with a new income source. One farmer who got 100 free eggs at the government station now produces 2,500 eggs daily and sells them for 5 cents each. De Boyrie says as many as eight new incubation-and-breeding centers are needed, and the Dominican Republic is looking to the Partners for further assistance.

"We don't ask for a tremendous amount of money," notes Kay Donawa, regional director of the Partners projects in the Caribbean. "What we mostly need is a little training."

On the island of St. Lucia, where the unemployment rate is 27 percent, Leonard Simon, planning officer in the St. Lucia Ministry of Education, turned to Partners for help with a plan to teach youngsters how to run income-producing cooperatives.

His idea was for high-school students to learn how to raise rabbits, bananas or cassavas and how to market them. Simon had qualified teachers but no curricula. The Rockland County, N.Y. Partners sent down experts in curriculum development.

"Our people were not expert in the particular subject matter," observes Seymour Eskow, the Rockland Partners president. "But they knew how to get the teachers to define their objectives and organize skills that had to be taught. . . . Our people helped the teachers decide what instruction-

al materials to use, how to use them, what kinds of practical experiences to use."

The flow of expertise often goes in the other direction, particularly in programs that deal with culture and sports. When the Barbados Dances Theatre Company went to Albany, N.Y., its production outdrew a later performance by the Martha Graham Company. And while North American Partners have sent sports celebrities to Latin America, the Latin Partners have reciprocated by sending sports teams and soccer coaches who have passed on their skills to American students.

A recent addition to Partners' programs is Women in Development, which is geared toward helping women become visible as productive workers.

The need for this was explained at a conference in Jamaica last year when one speaker, Carmen Delgado Votaw, told of a man in Honduras who was asked by a social worker if his wife worked. He said she did not. But, said Votaw, the wife arose at dawn, collected water from the river and firewood in the forest, prepared breakfast for a family of six, washed clothes, tended the garden, went to market, fed the chickens and hogs, prepared the evening meals and did handicrafts.

"Can you imagine," said Votaw, "that after 16 or 17 hours of hard labor, this typical woman realizes she is the invisible worker, not included in the official labor statistics or in the consciousness of her family or community as a contributor to a productive life."

To help women become income earners, the Partners have assisted a number of craft projects. In Barbados, women who have been turning out a small number of stuffed animals are being taught how to increase production and to open new markets. In Haiti, women of the village of Ballanger are learning to tan the animal skins that used to be thrown away and to turn the hides into pocketbooks and other leather goods. In St. Lucia, Partners has bought sewing machines and hired an instructor to teach village women fancy sewing and embroidery for market sales.

VAST MEDICAL NEEDS

Throughout Latin America, the Partners are working to bring basic health services to the poor. It is both a rewarding and frustrating task.

In the Dominican Republic, for example, more than 82 percent of the children are not vaccinated against tuberculosis and 53 percent are not vaccinated against tetanus, whooping cough and diptheria.

Only 21 percent of the homes have running water. In Haiti, good medical care is available mostly for the rich or middle class, and the Partners-funded clinic there for children and expectant mothers is a rare facility for the poor—although it has little equipment and its pharmacy consists of only a few shelves of medicines.

The Partners program has trained thousands of medical and health personnel in Latin America, but the problem goes far beyond that. "We have well-trained doctors," says Dr. Sergio Inchaustegui of the Dominican Republic Partners. "It is a matter of equipment and medicines."

For instance, in Antigua, Chief Health Inspector Vincent Edwards notes that there are only two devices available on the island for testing water in private wells. Even those devices were not usable for a long time until William Larson of the Rochester Partners learned of the need and mailed the parts necessary to restore the instruments.

THE SUCCESS OF THE PARTNERS

Typically, an American partner arrives in a Latin country with books for a library, a Braille typewriter, or catheters that a U.S. hospital was about to throw away after a single use but which may be sterilized and re-used in Latin America over and over again.

The success of Partners of the Americas may best be explained by L. B. Bird, Deputy Prime Minister of Antigua:

"Sometimes we get aid we can't use because no one asked us. The Partners program makes sure of what we want and how they can help."●

IN DEFENSE OF THE CHILDREN'S BUDGET

● Mr. BAUCUS. Mr. President, the children's defense fund has just published a report on how the administration's proposed fiscal 1984 budget would affect children.

The findings are not favorable. The administration's budget proposes funding cuts for the third year in a row for child nutrition programs, medicaid, food stamps and other Federal programs that benefit children.

According to the report, if Congress approves these cuts, our country's poorest and most vulnerable children would lose $1 in every $6 spent on them before President Reagan.

The report also compares Government spending for defense to spending for programs benefiting low-income families and children. Over the next 4 years, the administration plans to increase per capita spending for defense by 63 percent and decrease funding for low-income families and children by about 22 percent.

Our children represent the future of America and we should do all we can to insure their welfare. This includes providing them with the basic necessities—food, shelter, clothing, education and health care—if their families cannot.

I urge my colleagues to examine this important report. The children of America cannot lobby or vote but their future is in our hands. They deserve a brighter future than the one that would come from continued budget cuts.

Mr. President, I ask that an excerpt from "A Children's Defense Budget: An Analysis of the President's fiscal year 1984 Budget and Children" be entered into the RECORD.

The excerpt follows:

PRESIDENTIAL PARADOX

"We can, with compassion, continue to meet our responsibilities to those who, through no fault of their own, need our help. We can meet fully the other legitimate responsibilities of government. We cannot continue any longer our wasteful ways at the expense of the workers of this land or of our children."—Ronald Reagan, Address to the Nation on the Economy, February 5, 1981.

In fiscal year 1982 the Reagan Administration proposed $11 billion in cuts in critical preventive children's and family support programs. The Congress enacted $9 billion.

In fiscal year 1983 the Reagan Administration proposed $9 billion in cuts in these same programs. Congress enacted $1 billion.

In fiscal year 1984 the Reagan Administration is proposing to "freeze" previous cuts and cut another $3.5 billion from these same programs serving these same devastated children and families just as they are being hit by the harsh effects of already enacted cuts. Proposed new actual fiscal year 1984 cuts include another $246 million from child nutrition programs, $1.9 billion from Medicaid over three years, $732 million from poor welfare mothers and children, $757 million from food stamp recipients, and $675 million from low-income home energy assistance.

The President would also eliminate the entire $328 million Community Services Block Grant (emergency jobs, shelter, and food), $73 million Juvenile Justice and Delinquency Prevention Act, $271 million Work Incentive (WIN) Program to help mothers escape welfare, $241 million Legal Services Corporation, $6.8 million Appalachian Area Development Program, and a number of child abuse, child welfare, and Head Start research and demonstration projects.

If he succeeds, it will mean that the poorest and most vulnerable children in America will have lost $1 in every $6 spent on them before President Reagan took office. No other group has been made to sacrifice so much to control so little of the growing federal deficit.

Not only has the Reagan Administration cut funds for children and poor families, it has also attempted to repeal or weaken virtually every cost-effective and successful preventive children's program that could help control future deficits and remediative costs: the Special Supplemental Food Program for Women, Infants and Children (WIC); the Adoption Assistance and Child Welfare Act of 1980; the Child Abuse Prevention and Treatment Act; Title I of the Elementary and Secondary Education Act; Title V Maternal and Child Health Program; the Child Care Food Program; the Juvenile Justice and Delinquency Prevention Act; the Runaway and Homeless Youth Act. The list goes on and on. And when Congress has rejected the Administration's attempts to eliminate programs, Administration officials have tried to accomplish the same results through back-door regulatory maneuvering and nonenforcement of the law.

Even Head Start, a purported Administration "safety net" program, did not escape Mr. Stockman's repeal/block grant attempts or the Department of Health and Human Service's efforts to "streamline" its regulations and performance standards, thereby threatening the very elements that make the program successful. It took 5,000 letters from Head Start parents and supporters to convince the Administration to leave Head Start alone.

PER CAPITA EXPENDITURES ON DEFENSE AND ON PROGRAMS FOR LOW-INCOME FAMILIES AND CHILDREN, FISCAL YEAR 1981–88

	National defense	Programs for low-income families and children
Fiscal year:		
1981	$695	$416
1982	762	372
1983	825	379

PER CAPITA EXPENDITURES ON DEFENSE AND ON PROGRAMS FOR LOW-INCOME FAMILIES AND CHILDREN, FISCAL YEAR 1981–88—Continued

	National defense	Programs for low-income families and children
1984	892	350
1985	983	342
1986	1,054	334
1987	1,097	327
1988	1,133	325
Change in dollars	+438	−91
Change in percent	+63.0	−21.9

Note.—Figures are in 1981 dollars.
National Defense outlays are totals for function 050. Programs for low-income families and children include all outlays for: education, training, and social service (function 500); health care services (subfunction 551) less Medicare; housing assistance (subfunction 604); food and nutrition assistance (subfunction 605); and other income security (subfunction 609). This grouping includes all programs discussed in this book, plus many small categorical programs (e.g., library grants) and a few larger adult employment programs (e.g., employment services) not covered. The annual average level of the Consumer Price Index (CPI–W) for 1982 through 1988 is as shown in the fiscal year 1984 Budget. U.S. total population are July estimates from the U.S. Bureau of the Census through 1981. From 1982 to 1988, population is Series II projections increased by the 5.6 million correction from the 1980 Census.

THE CONSEQUENCES

In 1980 the Title V Maternal and Child Health and Crippled Children's Program reached nearly 12 million children and mothers with services ranging from basic prenatal care, checkups, and immunizations to the most sophisticated types of medical care for high-risk newborns and children suffering from handicapping conditions and crippling diseases.

For fiscal year 1982 the Reagan Administration proposed two general health block grants to states, which would have abolished all basic preventive health programs for mothers and children. The Administration's block grant proposals were rejected by Congress. But Congress created the Title V Maternal and Child Health (MCH) Block Grant, which was funded in fiscal year 1982 at $373 million, an 18 percent cut from fiscal year 1981 appropriations levels. This block grant, which has been implemented by all 50 states, combined the previous Title V program with six other specialized programs—Sudden Infant Death Syndrome (SIDS), Lead Paint Poisoning Prevention, Genetic Screening, Hemophilia Treatment, Adolescent Pregnancy Services, and Supplemental Security Income (SSI) Rehabilitation Services for Disabled Children.

For fiscal year 1983 the Reagan Administration proposed adding the Special Supplemental Food Program for Women, Infants and Children (WIC) to the MCH Block Grant and cutting funds that WIC would add to the block grant by 35 percent. Congress rejected the Administration's proposal. Even so, the MCH Block Grant's fiscal year 1983 funding is frozen at the fiscal year 1982 level of $373 million.

HEALTH CENTERS, FAMILY PLANNING, AND IMMUNIZATIONS

In 1981, 827 community health centers provided comprehensive care in the most medically underserved urban and rural areas of the nation. In addition, some 128 migrant health centers reached families in the migrant stream—a population in which almost 20 percent of women, four times the national average, receive little or no prenatal care, and in which nearly half of all women have experienced at least one out-of-hospital birth. Studies have shown that community and migrant health centers deliver care that is high quality and cost effective, and can reduce hospitalization rates between 25 and 44 percent.

During 1981 over 4.5 million young women and mothers received family planning and health education services at about 5,000 family planning sites nationwide. In addition to delivering important health services, the programs yield a documented savings of $1.80 for every $1.00 invested.

In 1981, the federal Childhood Immunization Program provided an estimated 16.6 million doses of no-cost vaccines for over 6 million children. A Centers for Disease Control study shows that the $180 million spent over several years on a measles vaccination program saved $1.3 billion in medical care and long-term care by reducing deafness, retardation, and other problems.

All of these programs were attacked by the Reagan Administration in fiscal year 1982 and fiscal year 1983. In fiscal year 1982 the Administration proposed block granting the Community and Migrant Health Centers and Family Planning Programs and cutting their federal funds by 25 percent. Congress rejected this proposal. It cut Community Health Center funds by 13 percent, Migrant Health Centers by 12 percent, and Family Planning Programs by 23 percent from fiscal year 1981 funding levels.

For fiscal year 1983 the Administration again proposed abolishing Community and Migrant Health Centers and Family Planning Programs and replacing them with a block grant funded at fiscal year 1982 levels. Congress did not pass this proposal. In fiscal year 1983 these programs are operating at fiscal year 1982 funding levels with the exception of the Community Health Centers Program, which received a 5 percent increase in fiscal year 1983 over fiscal year 1982 levels but is still funded 9 percent below fiscal year 1981 appropriations levels.

For fiscal year 1982 the Administration also proposed cutting the Childhood Immunization grants to states by 28 percent. Congress responded with a 13 percent increase. For fiscal year 1983 the Administration proposed a 16 percent cut, and Congress responded with a 14 percent increase from fiscal year 1982 levels.

CONGRESS MUST COUNTERACT THE REAGAN PROPOSALS

President Reagan's vision for America's children is totally at odds with ours. Rather than strengthening the nation's preventive investment in young people and cushioning the harsh impacts of the economic downturn for which he shares so much responsibility, he has relentlessly sought to cut and remove every successful federal support for children, send programs without standards and money to unprepared and unevenly interested states and localities, and invoke private sector support for tasks far beyond their capacity or willingness to fulfill.

Our history teaches that localism and privatism, despite their many virtues, mean that some children have all the necessities of life and others have few or none. We believe that is both unfair and unnecessary in this rich land. Children are Americans first. Why should they go hungry in Kentucky and not in Pennsylvania because one state provides employed fathers welfare and the other does not? Why should children in poor Mississippi and in rich but ungenerous Texas and Louisiana lack what their peers in New York may get? Why should babies in depression-ravished Ohio and Michigan towns die in increasing numbers when a relative pittance of federal investment in prenatal and postnatal care might give them life?

The Reagan Administration's response to children over the last two years has been a series of unfair budget decisions that have assaulted and hurt children.

An estimated 1.5 million children have lost AFDC. Most have also lost Medicaid. In 22 states, these children have no alternative way to regain Medicaid services.

725,000 people, including about 290,000 children, have lost health services as a result of funding cuts affecting 239 community health centers.

Over 200,000 children and mothers have lost preventive maternal and child health services.

One million people have seen their food stamps eliminated and about 4 million have had their benefits reduced.

1.1 million low-income children have lost free and reduced-price lunches.

900,000 fewer children now receive school breakfasts.

More than 1,000 schools have closed school lunch programs. This has hurt the poorest children most.

500,000 poor children no longer get summer lunches provided through churches and other nonprofits.

Hundreds of thousands of poor children in Head Start and day care centers have lost a nutritious daily snack of milk, cookies, and juice.

Yet President Reagan continues to say that he is not hurting the truly needy or actually cutting programs for the poor or children. It is simply untrue. The hunger, homelessness, child abuse, and infant mortality we describe in this book are only examples of what we hear about over and over again.

The President claims jobs exist for all who want to work if they would just read the want ads and vote with their feet. But he misses the long lines of unemployed scrambling in the cold for the all-too-few jobs announced in the local papers. He talks of the need for building self-sufficiency. But he then proposes to wipe out or reduce child care, income disregards, and job training programs that give mothers incentives to leave welfare and go out to work. He implies that significant budget savings can be achieved by weeding out waste and abuse among food stamp and welfare recipients—over half of whom are children. But he says nothing about controlling defense cost overruns of up to 152 percent which cost taxpayers billions. He claims he has been compassionate, fair, and evenhanded in the sacrifice demanded of all Americans. But he has exacted real cuts of $9 billion from the poorest children and families, given $750 billion in new tax breaks disproportionately to the rich, and increased military spending by $55 billion the last two years.

After all this, he now proposes to "freeze" domestic spending, in fact cut another $3.5 billion from programs for poor children and families. Such a "freeze" would not freeze the deficit, but merely the joblessness, hunger, sickness, and suffering previous unjust budget decisions have spawned. In Anatole France's words, it would be like forbidding "the rich as well as the poor to sleep under bridges, to beg in the streets, and to steal bread," but in this case only after taking away the poor man's house and food and giving the rich man a luxury hotel and lots of new allowances.

A new Congress can no longer hide behind the flawed visions of "supply side economics" and "New Federalism," or content itself with playing defensive games that count it a victory if a cost-effective children's program is saved from repeal or further cuts that should never have been proposed in the first

place. Nor is it enough in 1983 to simply be against the Reagan budget while ignoring the enormous human consequences of the last two years' choices. Congress must try to restore fairness and repair some of the lives damaged by joblessness and loss of health services, child care services, and shelter.

The nation cannot afford not to take these steps. Congress should lead. It should no longer fear the inevitable and worn out attacks on federal handouts, big government, failed Great Society programs, and deficit spending from those whose choices and votes have caused double-digit unemployment, unprecedented tax raids on public revenues by the nonneedy and military, and a mortgaged future that our children may never be able to overcome.●

● Mr. MURKOWSKI. Mr. President, over the weekend one of North America's most quelling sporting events reached a conclusion with the completion of a dog sled race that covered over 1,000 miles of Alaskan wilderness. On Friday, Rich Mackey of Wasilla, Alaska, completed the race in 12 days, 14 hours, 10 minutes, and 40 seconds on the trail. Rick is the son of the 1978 winner of the Iditarod trail race, Dick Mackey. Dick Mackey can be proud that his son has followed in his footsteps and kept the family tradition by being the first to the finish line in Nome, Alaska. The Senate can be proud to recognize this man's accomplishments with the help of his dogs and in spite of the conditions and the environment.

Iditarod—it is a word that had wedded itself to a perception of the essential Alaskan character and, even further, to an American tradition of challenging limits.

In a time when world events conspire to diminish the human spirit, the Iditarod sled dog race represents the best of values that are sacrosanct to our national sense of heroism.

It it time to formally thank Dorothy and Vandolee Page, and Joe Redington, Sr., and his wife, Vi, for reminding us of the magic of long-distance dog mushing and for rekindling interest in a lifestyle which speaks so powerfully to something inside each of us.

The Iditarod is an extraordinary human drama. Participants travel across 1,000 miles of some of the most demanding terrain on Earth; 2 weeks of exhausting mushing that takes them over two mountain ranges, up the Yukon River, and along the windswept Bering Sea in temperatures that can drop to more than 100 degrees below zero. It is an event that alternates between physical exhaustion and an almost spiritual exhiliration. Bill Vaudrin, a musher tragically killed in 1976, wrote eloquently of his experiences in the 1974 Iditarod.

The northern lights came out before the sky turned fully dark, and swept back and forth in pale yellow and green and red sheets throughout the night with never a break. And since I didn't have to watch for traffic or shift gears or stop for red lights, I just stood there on the back of the sled, riding along hour after hour, not missing a minute of it.

But then the team starts slowing down, and you know that with your added weight they're going to stop, and you can't let them stop—you've got to keep up with the team in front of you, or keep the guy behind from overtaking you, or maybe you've got to get over and down out of the mountains before a storm turns into a white-out. So you jump off the runners and pound along again with whatever you have left, hoping for a patch of snow or ice where you can ride and get your breath back without dragging down the dogs.

Iditarod—Men and women finding their individual limits and pushing themselves into an environment that forces the closest of encounters with personal insignificance, yet also offers tremendous beauty and a strengthened perspective of human value.

The stories of bravery and heroism involving dog teams in Alaska are endless and it is this history of a sport that is actually a lifestyle that gives the Iditarod its rich flavor.

In 1925, a diptheria epidemic broke out in Nome and to get lifesaving serum there in time to help, 19 teams of men and dogs raced from Nenana in a 127-hour relay along the Iditarod trail to deliver the precious cargo in Nome and save the lives of countless children. This brave humanitarian effort put dog teams on the front pages of newspapers around the world. The Iditarod sled dog race is often described as commemorating the famous serum run, but the race runs much deeper than that. Dog teams have played important roles in the entire history of Alaska's development and today's race is part of an unbroken chain leading back to the earliest records of northern life.

Today's mushers carry with them the hearts of an increasing number of individuals to whom the lifestyle provides a quiet inspiration, for each man, woman, and dog that comes down Front Street in Nome after 14 to 20 days on the trail is part of a heroic tradition that is still alive in rural Alaska—and in this last great race on Earth.

I ask that the list of winners be printed in the RECORD. Furthermore, I ask that the article that appeared in Newsweek on the race be printed in the RECORD.

The material follows:

WINNERS OF THE IDITAROD SLED DOG RACE

67 Centennial Race—Isaac Okleasik, Teller.
73 Iditarod—Dick Wilmarth, Red Devil.
74—Carl Huntington, Galena.
75—Emmitt Peters, Ruby.
76—Jerry Riley, Nenana.
77—Rick Swenson, Eureka.
78—Dick Mackey, Wasilla.
79—Rick Swenson, Manley.
80—Joe May, Trappers Creek.
81—Rick Swenson, Manley.
82—Rick Swenson, Manley.

[From Newsweek, Mar. 21, 1983]

FOR THE LOVE OF MUSHING

This is a tough time of year of Herbie Nayokpuk watchers. In Alaska, a state that takes its dog-sled racing seriously, the 57-year-old musher is a genuine celebrity, the Eskimo's answer to Willie Shoemaker or Mario Andretti, the "Shismaref Cannonball." But right now Herbie is even more unreachable than when he is back home on the Chukchi seacoast, raising his huskies on a diet of seal-meat stew. Since he left Anchorage on March 5, the Cannonball has been seen mostly in fleeting glimpses as he drives northward toward places named Skwentna, Ophir, Shageluk, Unalakleet and Knik (site of the Mushers' Hall of Fame)—into the howling artic winter. By traveling day and night, on an ancient trapper's trail sometimes lit by the aurora borealis, he should reach Nome sometime this weekend. In the meantime, the hundreds of hardy souls gathered at various way stations will have thrilled to the spectacle of Herbie and several dozen others sliding by silently in a 1,137-mile mushathon known as the Iditarod Trail Sled Dog Race.

In explaining the experience to those who come from "the Outside," Alaskans have been known to say, "Well, up here we have Christmas, New Year's and the Iditarod." "The Last Great Race," as it is billed, is no mere sporting event. Rather, it is a celebration of the harsh, prepipeline territory that once served as a haven for rugged individualists—and a kind of razz at the benevolent "fisherman's paradise" that the tourist-board folks portray. As the mushers pass from white man's Alaska through cultural zones belonging to the Indians and Eskimos—following a part of the route used by a 1955 dog-sled relay to rush diphtheria serum from Anchorage to Nome—they encounter stretches where the snow cover exceeds 200 inches and the wind-chill factor reaches 130 below Fahrenheit. They also run the risk of meeting moose that occasionally attack their dogs. Virtually every contestant can spin a yarn about how an especially fierce blizzard or an outbreak of canine diarrhea forced him to bed down in a snowdrift for the night. "There's nowhere in the world," says musher Burt Bomhoff, "where you can have more fun being more miserable."

Gold Miners: The Iditarod must provide some sort of satisfaction, because the number of starters has increased steadily since it was begun in 1973. This year's field of 68 includes, in addition to the inevitable trappers and gold miners, a sampling of doctors and lawyers, a dentist, a Czechoslovakian restaurateur and a 78-year-old retired Air Force officer who accompanied Admiral Byrd on his historic 1928 voyage to Antarctica. But the real news is that the prerace favorite was a woman. Susan Butcher, 28, possesses an electric smile and a crack team of dogs that last year helped her finish second, just three minutes and 43 seconds behind four-time winner Rick Swenson. This year she is one of 10 women who are out to disprove the old musher's tale that a female will never win the Iditarod because she could never be hard enough on her dogs.

In fact, mushing is a discipline where cruelty to animals will literally get you nowhere. "The dogs are tougher than the men," says veteran sledder Dick Mackey. "You can't drive a dog to death; it'll quit first." Most racers dote on their good-natured Alaskan huskies, a still evolving, unof-

ficial breed created by crossing greyhounds, Irish setters, Labrador retrievers and even wolves with the local Alaskan malamutes and Siberian huskies. For defending-champion Swenson, raising a competitive team of dogs is a full-time vocation that cost him somewhere between $35,000 and $50,000 a year. Since the first-prize money in the Iditarod is just $24,000, Swenson makes ends meet by selling space on his sled to a number of local sponsors.

Cream-Cheese Diet: When the race is on, the thoughtful handling of the teams becomes an absolute necessity. Dogs are provided protective booties for rough spots on the trail, and veterinarians perform examinations at each of 26 checkpoints. During the Iditarod teams are fed six times a day, but their menus vary from Swenson's lamb chops and cream-cheese diet to a kind of premafrost *pot-au-feu* featuring carefully measured amounts of fish, beaver and moose meat. Each time they are fed, the animals also get a few hours' rest, since it takes that long to hack and cook their frozen rations. The humans always dine after their dogs, and frequently not as well.

The abuse that the mushers heap on themselves during the race is often their biggest problem. Although they must make a 24-hour rest stop at some point in their itinerary, some contestants catnap for just two hours each night in the open country. By the time they reach the Yukon River for the last leg of the journey, they often find themselves experiencing fatigue-induced hallucinations. A more common fear is simply falling asleep at the handlebars and veering off into a suffocating snowdrift or an open river. Miraculously, no human has lost his life during the Iditarod, and though a number of dogs have died en route, they have done so at a rate that is lower than the mortality rate of the general canine population.

The truth is the race is a bit more civilized today than most of its boosters would care to admit. Sleds, which were once handmade of only ash and hickory, are currently reinforced with aluminum and runners are coated with a space-age plastic developed for alpine skis. A commuter helps the Iditarod Trail Committee keep track of everyone's progress. And when last seen, Herbie Nayokpuk was mushing along with a Walkman radio fitted over his ears.

Impossibly Happy: Still, when the leaders reach the finish line, it will be 1925 again. As in years past, fire sirens will blare a greeting and saloon patrons will pour into the streets for an impromptu party. Wherever they finish, the mushers tell reporters from the Nome Nugget that they are impossibly happy. "This is the one time of year when everybody cuts loose," says transplanted New Mexican John Runkle. "The rest of the time we just see each other." Then the party will be over and the mushers will return to places with names like Ruby, Rampart and Shaktoolik to wish away the summer—and get ready for next year's Iditarod.●

CUTTING GOVERNMENT EXPENSES

● Mr. GRASSLEY. Mr. President, President Reagan has expressed his belief that the present administration must take the lead in cutting Government expenses. The people of Iowa agree with this position and feel that the logical follow through of that noble stand would be a careful examination the abuse of Federal funds by nonpartisan groups advocating, as part of their official capacity, public policy. It may be that much of the pressure that has been generated against the proposed regulations has come from the very source which has been feeding at the public trough and generated by the exact thing that these regulations seek to stop.

Throughout the history of our Government, we have held the position that nonpartisan public interest groups were good and therefore entitled to public support of their activities. But now, more and more, we see many of these groups advocating political activity and trying to influence public policies: taking sides. And the side, by and large, that they tend to polarize themselves on is the opposite side of which the administration has chosen. Now it ceases to be a matter of public interest to pay for their activities with taxpayer's money, when they have an ax to grind. Let them grind their ax at their own expense and time, competing in the marketplace of ideas for their funds. That is only fair.

The people of Iowa stand behind the President and his administration on this issue and I encourage my fellow colleagues to join with me in a renunciation of this kind of profligacy. We can no more shell out dollar after dollar for this worthy cause or that, unless the cause is truly worthy. And too many of them in the past have not been. It will not be easy but we must clean out our old account books.

In the April 1982 issue of Conservative Digest, Paul Weyrich wrote an article that depicts a parody of the present situation—that of funding the left. Satirical though it might be, it gives valuable insight into the present situation. I ask that the article be printed in the RECORD.

The article follows:

[From the Conservative Digest, April 1982]

A WACKY FABLE, OR IS IT?

(By Paul Weyrich)

Consider the following fable: The ultimate black day in American politics for conservatives arrives. President Ted Kennedy and Vice President Gary Hart are sworn in at the Capitol. There is doom and gloom everywhere in the New Right movement.

Kennedy, in his inaugural address, pledges to return America to the liberal principles he says where abandoned eight years ago with the election of Ronald Reagan. "Ask not what you can do for your country, ask what your country can do for you," Kennedy intones to the cheering throngs.

Meanwhile, longtime liberal political activist Russ Hemmenway of the National Committee for An Effective Congress holds a meeting at a nearby Capitol Hill townhouse. "This is an historic moment and all of us in the liberal cause who have worked so hard these past eight years to bring about this event, must now mobilize to take advantage of it. If we fail, in another four years the situation could again be reversed with someone far worse than Ronald Reagan—a real Jesse Helms-type person—sworn to stand where our friend Ted Kennedy stood earlier today; that literally would be the end of liberalism in America.

"Although we now deserve to celebrate, we can waste no time. I want each of you to pledge to help me with the most important project in which I have ever participated. My good friend Bill Green from Ralph Nader's group and I went to see the Director of Management and Budget—our beloved Alice Rivlin. Rivlin, who has served us so well all of these years, has pledged to assign someone to work on my project, which I believe will change the course of America. It is very simply: A project to defund the Right. (The audience gasps.)

Pleased with the reaction, Hemmenway goes on to explain: "For years now I have monitored various government agencies. I couldn't believe it, but I found that the federal government is subsidizing NCPAC, the Moral Majority, ACU and even the National Pro-Life Political Action Committee. The government is also pouring billions of dollars each year into little neighborhood front groups set up by evil right wingers throughout the country.

"Now with your help, however, we are going to do something about it. Our beloved President is going to cut off the life blood of the New Right, to see that taxpayers' funds never again go into their coffers. We are going to cut the heart out of the infrastructure that the New Rights has built over these years . . . built with *our money.*"

The crowd rises to its feet as Hemmenway clearly strikes a responsive chord. This truly is a day to remember.

A few weeks later, Hemmenway drops by the White House with the name of a monitor to cut off rightwing money. Although the name of John Culver, a former liberal legislator, is submitted, nothing happens. Disturbed after weeks of tugging and pulling, Hemmenway again visits the White House and is told that one of the Kennedy senior staffers, former Senator Lloyd Bentsen, has blocked the appointment.

Undaunted, Hemmenway, Green and all of the leadership of the organized left seek meeting after meeting with top White House officials to push for the defunding of the right. There's no response. White House spokesman Harry Doublespeaks, when asked by reporters about the effort to "defund the right," says that the Kennedy administration has put the project on the "back burner."

Hemmenway and his associates are discouraged. "Don't they understand who won the election?" Green asks, speaking particularly of Bentsen and Senator Howard Baker who has been designated, along with Rep. Kent Hance (who ran against Kennedy in the Democratic primaries and lost), to be chief operatives in the new administration. (It was said that Hance really knew how to operate and had most of the power.)

Then it happens. One Tuesday morning Hemmenway gets his New York Times. There it is: a picture of President Kennedy smilingly having dinner with Jerry Falwell, Howard Phillips and Richard Viguerie at the home of rightwing publisher Bill Rusher. To make matters worse, a small article titled "NCPAC Gets New Grant" details the $1,754,567 grant from the National Endowment for the Humanities to NCPAC to study the correlation between voting and mating habits in West Virginia.

Hemmenway is stunned. How could this sort of thing happen in a liberal administration? Hemmenway catches the first avail-

able plane, grabs a taxi and goes directly to the White House. But since he hasn't made an appointment and isn't cleared through security, he has to stand in the cold for 45 minutes before he gets in to see Bentsen. Bentsen tolerates them since they had supported Kennedy and contributed heavily.

In Bentsen's office, Hemmenway gets right to the point. "We demand to see the President," he says waving the Times in front of Bentsen. "What's happening is outrageous. They're killing our troops. No one wants to work for the liberal cause anymore because they say you've sold us out. I can't believe that Ted Kennedy knows this is going on. I have known Kennedy for 30 years. He has always said the right things. He has always helped us. This is just incredible." By this time Hemmenway is shouting.

"Calm down," Bentsen says icily, "you don't seem to understand that the President is president of all the people."

Hemmenway shakes his head. "Why did we fight for the liberals to come to power? I still can't believe that Ted Kennedy knows about the NCPAC grant and the billions of dollars that are going to right-wing groups. Here is a grant of $10 million to Joe Coors Fund for Free Enterprise and $500,000 to the Richard Allen Foreign Policy Institute. We demand to see him."

Bensten gets up from his chair, goes to the door and stands by it as a signal for Hemmenway to leave. "I can't guarantee you a meeting with the President," he says, "he is a busy man. He is meeting with the NAM, the chamber and the NFIB."

Hemmenway leaves with a heavy heart. He cannot believe this has happened.

Later that night, he gathers the crew which only a few months earlier had been so triumphant; the best they can do is agree to hold a press conference critical of Kennedy.

They do, but nobody's heart is really in it.

Doublespeaks issues a statement in response to the Hemmenway press conference saying that the White House welcomes the opportunity to disassociate itself from these leftwing kooks. But the media doesn't cover the press conference well—those holding it are irrelevant.

Money continues to flow to Falwell, Viguerie, the Heritage Foundation, Young Americans for Freedom and others who take the money and use it against the administration. They use it for training and recruiting and to help frame the issues against Kennedy. As Hemmenway and his friends stand by, demoralized, the 1990 elections turn out to be a stunning defeat for the seemingly popular Kennedy.

Of course this is just a story. Things like this don't really happen.●

THE MARCH 5 DEATH OF ROBERT LeBARON

● Mr. HATFIELD. Mr. President, it has been said that life without a friend is as death without a witness. I along with many people continue to celebrate the friendship we had with Bob LeBaron during his life. We are therefore now witnesses to his death.

The memory of Bob LeBaron always will be in the context of Bob and Peggy. Their lives new meaning to the truth that spouses consecrate on another by their love. It was, and in a real way, will continue to be Bob and Peggy who extend themselves to the many strangers and friends in need whose paths they crossed.

Bob welcomed strangers. That he met the needs of those around him affirmed his love for God his focus on the eternal mysteries. He understood the universal calculus: $E=MC^2$—a formula of awesome consequence—but he also embraced life and beauty in painting and music. He affirmed love rather than tranquilizing life with trivia. He knew the Lord is not looking for dogmatics systemitized, but love actualized

Bob looked beyond the material side of life. The most unique person of all history, the one in whom "God chose to dwell," brings us peace in time of bereavement. The ultimate incarnation of God and God's love, who demonstrated how life was to be lived through simple acts of compassion, still comes to us to heal and to comfort and to affirm the majestic truth of eternal life. For Jesus Christ is the Alpha and the Omega, and unlocks the mysteries of what is life, what is love, what is death, and what is eternity.

The first of the Presidents of the United States under whom Bob served, Woodrow Wilson, personified this truth in a real experience:

When the U.S. Senate voted against Woodrow Wilson's proposal and refused to ratify the League of Nations, President Wilson confessed to his physician, Dr. Grayson, "I feel like going to bed and staying there." At 3:00 a.m. he summoned the doctor and asked him to read the works of the Apostle Paul in Second Corinthians 4:8–9: "We are afflicted in every way, but not crushed; perplexed, but not driven to despair, persecuted, but not forsaken; struck down, but not destroyed."

The President said: "Doctor if I were not a Christian I would go mad, but my faith holds me to the belief that God is in some way working out His own plans through human perversities and mistakes."

Bob lived a life of purpose. This is eloquently described by George Bernard Shaw:

This is the true joy in life, thee being used for a purpose recognized by yourself as a mighty one; thee being thoroughly worn out before you are thrown on the scrap heap; thee being a force of nature instead of a feverish, selfish little clod of ailments and grievances complaining that the world will not devote itself to making you happy.

We surround Peggy with our love and celebrate the life of Robert LeBaron.

In a harbor two ships sailed; one setting forth on a voyage, the other coming home to port. Everyone cheered the ship going out, but the ship sailing in was scarcely noticed. And a wise man said: "Do not rejoice over a ship that is setting out to sea, for you cannot know what storms it may encounter, what fearful dangers it may endure. But rejoice rather over a ship that has safely reached port, and brings home all passengers in peace."

And this is the way of the world: When a child is born all rejoice; when a man dies, all weep. We should do the opposite. No man can tell what trials and travails await a child; but when a mortal dies in peace, we should rejoice, for he has completed his long journey and is leaving this world with the imperishable crown of a good name. (The Talmud)

Mr. President, I ask that Robert LeBaron's obituary of March 8, 1983, be printed in the RECORD.

[From the Washington Times, Mar. 8, 1983]

ROBERT LeBARON DIES; EX-ATOMIC POLICY AIDE

Robert LeBaron, 91, who as deputy secretary of defense for atomic energy from 1949 to 1954 was responsible for developing atomic policy on all matters relating to the Defense Department and for supervision of the separate atomic energy activities of the three branches of armed services, died Saturday after a heart attack while walking near his home in Washington.

Mr. LeBaron also had been an Olympic Games athlete, a composer in New York and an official of a company involved in the early development of petrochemicals.

He became a consultant in 1956 and since then was active in LeBaron Associates, a consulting company he formed, and as a managing partner of the Norabel Fund, an investment partnership which supports technological breakthroughs in its study of accelerated programs and their potential for investments.

He also established the LeBaron Foundation in 1961.

Mr. LeBaron was a recipient of the Defense Department's highest civilian award for distinguished public service and a special award, presented collectively by the civilian secretaries of the department, the Joint Chiefs of Staff, the commissioners of the old Atomic Energy Commission and the 18 members of the congressional Joint Committee on Atomic Energy.

He was born in Binghamton, N.Y., and as a child marched in a parade there honoring Theodore Roosevelt, who at that time was running for governor of New York.

He received his B.A. degree in chemistry and electro-physics from Union College in New York state in 1913 and his M.S. degree from Princeton Univeristy. After serving n the Army's 3rd Field Artillery in France during World War I he received a doctorate from the Sorbonne in Paris, where he worked under Marie Curie on radiation research.

A star of the cross-country team at Union College, he held the New York state record for the half-mile in 1911 and 1912. He also was a member of the Olympic track team in 1912 and participated in the games held in Stockholm, Sweden, and subsequently held the world's 1,000-yard run record with a time of 2 minutes and 12 seconds.

In 1917 he was a military staff aide for President Woodrow Wilson before sailing to Europe in 1918. In France he participated in some of the heaviest fighting of the war.

When President Wilson went to Paris in June 1919 for the Versailles Conference, he requisitioned Mr. LeBaron as a staff member of the U.S. delegation.

He returned to the United States several months later and found a job with Arthur D. Little in Cambridge, Mass. Interested in the fledgling polymer chemistry industry, he tried to sell the idea of research and development and how his firm could help others, but the concept was too far advanced for its time.

In 1926 Little joined a group venture to develop petrochemicals and Mr. LeBaron became vice president of the new firm on Wall Street.

Also in 1926 he was married to Peggy Bancroft, a featured singer-dancer in a number of Broadway shows in the 1920s and early 1930s.

During the Depression he turned to composing and after studying music did scoring for NBC radio.

At age 45 he decided to return to chemistry and joined the Virginia Smelting firm.

He came to Washington in December 1941 for a short conference, but three days later the Japanese attacked Pearl Harbor and Mr. LeBaron soon was appointed by President Franklin D. Roosevelt as a dollar-a-day man. He was assigned to the War Preparedness Board to build the chemical supplies stocks, but soon was named to the WPB's requirements committee to allocate products for both military and civilian use.

After the war Mr. LeBaron continued as a partner in Virginia Smelting.

Soon after he became a deputy secretary of defense for atomic energy it was learned the Soviet Union had developed and exploded a nuclear device. Mr. LeBaron was assigned to study Defense Department war plans as they related to atomic weapons and to see what was needed to increase nuclear stockpiles.

In 1952 he was aboard a plane which observed the first H-bomb test at Eniwetok.

A memorial service will be held at 11:30 a.m. Friday at the Old Post Chapel, Fort Myer.

The family suggests that expressions of sympathy be in the form of contributions to the Robert LeBaron Fellowship Fund, Princeton University, Princeton, N.J. 08544.●

THE CASE AGAINST A NUCLEAR FREEZE

● Mr. SYMMS. Mr. President, the current debate over a proposed nuclear freeze is much too complex to be reduced to the level of bumper-sticker rhetoric. But the basic facts and principles that are involved are easy enough to understand.

History has taught us that weakness invites wars, that the best way to prevent them is by remaining strong. Those who argue in favor of a nuclear freeze, I am sure, are sincere in their desire for peace and their belief that what they are proposing would lead us in that direction. But it seems to me they are gambling the freedom and security of this country on wishful thinking.

A freeze would not reduce the number of nuclear weapons in the world. If it worked at all, it would only halt the production of those weapons at present levels. And what that means is nothing less than this: the United States would be left in a position of military inferiority, vis-a-vis the Soviet Union, and as long as the freeze applies they would have a permanent advantage.

My friend and former colleague in the House of Representatives, Representative MICKEY EDWARDS of Oklahoma, has written one of the clearest and most convincing articles I have ever read on this subject in the March 18 edition of the Washington Times. I ask permission to place this article in the RECORD, and urge my colleagues to read it.

The article "The Case Against a Nuclear Freeze" follows:

THE CASE AGAINST A NUCLEAR FREEZE

(By Mickey Edwards)

The advocates of a nuclear freeze are missing the essential point of arms-reduction talks. There is only one issue: war or peace. What matters is not how many missiles will do what, but what has to be done to prevent any missiles at all from being fired.

Advocates of an immediate nuclear freeze have attempted to portray President Reagan as insensitive to the threat of war. Ironically, Reagan has done more and gone farther than any *other* American president of the nuclear age in attempting to remove the threat of nuclear weapons.

Nuclear-freeze advocates urge an immediate freeze at current levels. The president proposes to reduce the level of nuclear armaments on both sides, allow both sides to maintain roughly equal forces at that reduced level (to ensure that each side is able to deter aggression by the other), and to remove all imtermediate-range nuclear weapons from Europe altogether.

The Reagan plan would leave fewer nuclear weapons in the world, and by permitting an adequate deterrent capability, would strongly reduce the chances that even those limited numbers of nuclear weapons would ever be used.

It is impossible to see what logic impels people who argue not that nuclear weaponry needs to be reduced, but that it is necessary to draw a line that leaves the Soviet bloc militarily superior to the United States and its allies. (I do not share the concern expressed by some regarding the need for adequate verifiability. I am convinced that if we had a mutual freeze at current levels the Soviets would honor the agreement totally. Such an agreement would leave the Russians in a position of military superiority and only a fool in the Kremlin would risk giving the United States an excuse to declare the agreement invalid.

It is one of the clever little rhetorical tricks used by freeze advocates to ask whether we who support the Reagan initiative would, in fact, be willing to trade nuclear forces with the Soviet Union. Absolutely. In a minute.

Instead of Soviet SS-20s aimed at our allies in Europe, after a trade we would have SS-20s aimed at targets inside the Soviet Union. We would have their increased precision and accuracy. We would have the Kremlin's submarines and intercontinental bombers. We would be building new heavy weapons at a rate faster than we have ever produced them in our history, and much faster than the Soviets.

It is one thing to debate resolutions; it is another to risk the security of the United States on wishful thinking.

Essentially, the argument of nuclear-freeze advocates comes down to this: If the United States stops producing and deploying its nuclear missiles, the Soviets, being kindly, gentle, and seeing that we have stopped putting weapons in the field, will change their minds and decide they no longer are interested in having a military advantage over us, and will begin to reduce their own nuclear arsenal.

I have no answer to that argument: If, after Poland, Hungary, Czechoslovakia and now Afghanistan, if after all the evidence we and all our allies agree on showing that the Soviets have been engaged in an unprecedented military buildup, if after reading the repeated pronouncements and policy statements of the Soviet leadership, there are people who still are willing to risk the lives of their children and 275 million other American men, women and children on the assumption that the Soviets are only kidding, and would never really hurt us, there is no logical or rational answer to such a view.

We in Congress must base our decisions on what is necessary to meet any potential threat, not on wishful thinking.

There are two other key elements in the argument in favor of a nuclear freeze: the belief that, in fact, the Soviets are not superior to us militarily, and that a freeze at this point would not leave us at a comparative disadvantage, and the belief that a nuclear freeze would stop the high cost of the "arms race."

Here again, it is difficult to argue with those who deny the Soviet military capability. This is not a matter of "trusting the CIA." Every intelligence agency of every country in the Free World is in agreement about the extent of the Soviet threat. It is for that reason that the West Germans so overwhelmingly re-elected a chancellor committed to deploying U.S. missiles in Germany as a deterrent to the Soviet SS-20 missiles now aimed at the European heartland.

The United States is not a weak military "patsy." We have one of the strongest military forces in the history of the world. And it costs us a great deal of money to maintain it. But the point is not whether we are stronger than Rome was, or Portugal, or the British before World War II; what matters is whether we are strong enough to stop a still-stronger Soviet Union from deciding it can take military action against us or our allies.

The Argentines didn't go into the Falklands because they thought the British would push them back out within a few weeks. They went in because of a basic miscalculation about the will of Great Britain to defend her possessions. We must not send signals to the Kremlin that would lead them to make a similar miscalculation.

It has been argued, of course, that the Soviets, even if they are stronger, would not attempt to begin a war because "nobody can win a nuclear war." There are two flaws in that argument.

First, nuclear superiority would leave the Soviets able to move militarily using conventional non-nuclear forces, holding over us the threat to unleash nuclear weapons if we did not acquiesce in some new Soviet acquisition.

Second, while it is clearly and absolutely true that we cannot win a nuclear exchange—in fact, something like 60 percent of all Americans would be killed in a Soviet first strike—the Soviets *can* win a nuclear war. The reason is simple: Many of the same people who now advocate a nuclear freeze have for a long time fought against spending money to create an adequate civil defense in the United States. The Soviets, on the other hand, have invested large amounts of money in setting up a defense apparatus to protect both citizens and industry.

It is a serious and naive mistake to equate Soviet society with ours. The government in the United States, whether rapidly or

slowly, does in time react to public opinion in this country. But there are no elections in the Soviet Union. Persons who ascend to leadership in the Soviet Union are not answerable in any way to the Soviet public. They are answerable to a small handful of peers, many of whom are constantly exerting pressure for an even harder line than was followed by Brezhnev.

As to the argument that ending the production and deployment of nuclear weapons would reduce the cost of the military buildup and thus make more money available for social programs, that is true only if we decide to simply disarm and give up any ability to defend ourselves. We are required constitutionally to provide for the national defense and a commitment to defend ourselves purely with conventional weapons—assuming that conventional weapons like tanks, machine guns and airplanes would be effective against an enemy using nuclear weapons—would cost far, far more than our present mix of conventional forces and nuclear missiles.

The point is: this debate is far more complex than the bumper-sticker and cliche level to which it has been reduced—and the stakes are awesome. We are talking about our ability to protect the lives of 275 million people in this country alone, and countless hundreds of millions in other countries as well.

It has been claimed by some that many of the people in the nuclear-freeze movement are either dupes or fools. I do not agree. The nuclear-freeze advocates I have met with are sincere, patriotic and very intelligent. They are motivated, like we all are, by the sincere desire for peace and the increasing fear of war.

But wars are prevented by remaining strong; they are invited by weakness. We must do nothing that would increase the chances of the Soviet Union or any other potential enemy taking actions that would force us into a military response. Maintaining a credible deterrent capability is our surest safeguard of the peace.●

COASTAL STATES REVENUE SHARING

● Mr. LAUTENBERG. Mr. President, I am pleased to join my distinguished colleague, Senator HOLLINGS, in cosponsoring S. 872, legislation to provide coastal States with a small share of the revenues that the Federal Government receives from outer continental shelf energy development.

This bill serves two purposes. It provides coastal States with a source of funding for critical coastal, fishery, and ocean programs during a time of shrinking commitment by the administration. The bill also recognizes the Federal Government's obligation to compensate States for bearing the direct impact of energy development that serves the Nation as a whole. It is important to note, however, that the bill conditions much of the revenue sharing upon the maintenance of approved coastal zone management programs—to insure environmentally sound development and conservation of our coastal areas.

For my home State of New Jersey, this bill would provide roughly $14 million. Funds under the bill are earmarked for support of State programs under the Sea Grant College and Program Act. They would also be used to maintain New Jersey's coastal management program, and enable the State to continue important fisheries research and development. These programs in New Jersey, and similar programs in other coastal States, serve national interests, by expanding our knowledge about the ocean and protecting and developing its resources for our common benefit.

I urge my colleagues to support this important legislation.●

PHIL CRANE: CONSCIENCE OF CONSERVATIVES IN CONGRESS

● Mr. SYMMS. Mr. President, Representative PHIL CRANE of Illinois is one of our greatest assets in Congress. I served with him in the House for 8 years. He is brilliant and courageous, an inspiration to all who believe in the principles of limited Government and personal freedom.

Even those who disagree with his views or votes admire PHIL CRANE for the breadth of his knowledge and the depth of his convictions. And he makes a very good habit of reminding those of us who share his principles and his philosophy that we had a reason for going into politics and coming to Washington.

Ten years ago, Representative CRANE helped to form the House Republican Study Committee, an unofficial caucus of conservatives with a mission to promote the ideas and advance the agenda of freedom and limited Government in the Congress. The committee, which is a valuable source of information and inspiration, is once again chaired by Representative CRANE.

Recently, George Archibald of the Washington Times interviewed Representative CRANE on the Republican Study Committee's purposes and its progress. I ask that the article, "Crane: Embracing the 1980 Republican Platform," be placed in the RECORD, and I urge my colleagues to read it.

The article follows:

[From the Washington Times, Mar. 10, 1983]

CRANE: EMBRACING 1980 REPUBLICAN PLATFORM

The House Republian Study Committee was started as an unofficial caucus in 1973 by conservative congressmen who decided they needed their own legislative strategy and research group after President Richard Nixon and House GOP leaders embraced unbalanced budgets, wage and price controls, and other liberal policies.

The RSC was patterned after the Democratic Study Group, formed by liberals 20 years earlier to frame the issues and pull Democratic policies farther left under House Speakers Sam Rayburn and John McCormack. The Republican group aimed to mobilize GOP legislators on Capitol Hill towards a more conservative agenda on economic and social issues.

With help from other conservative think-tanks and single-issue political groups, the RSC provides background papers and studies on legislative issues, amendments to legislation proposed by House leaders and strategic support for its members.

The committee has a 12-member staff financed by congressmen who contribute funds from their own official staff salary allowances.

Rep. Philip M. Crane, R-Ill., who participated in informal meetings in 1969 that led to the group's formation, is again its chairman. Crane, who opposed President Reagan in 1980 presidential primaries, discussed the role of the RSC during the 98th Congress in this interview with Washington Times national correspondent George Archibald.

Q: Does the RSC still have a more conservative activist mission than the official House Republican organization, or, with President Reagan in office, has the group become just another arm of the GOP House leadership?

A: Initially, after President Reagan's inauguration, it struck me that we tended to be somewhat redundant, because we had our guy in the White House. We had a Republican Policy Committee, a Republican Research Committee, the Republican Conference—all established party organizations—that presumably would be doing what the Republican Study Committee was created to do. And that was to embrace wholeheartedly the principles that you can perhaps find most clearly expressed in the Republican platform.

As time has gone by, there seems to be more and more the need to have a Republican Study Committee again, just as there was when President Nixon proposed unbalanced budgets, wage and price controls, his so-called Family Assistance Plan, hiring quotas in the construction industry, more government intrusion in the marketplace.

Many of us choked over the fact that a Republican president would do all that in violation of the party's principles. But it was presented to us Republicans in the House as our Republican position. And I tried to remind my colleagues at the time that that wasn't our Republican position. That was Nixon's position and it was important to maintain the distinction.

As a result of the success we had then, many of us were heartened to believe that the RSC would be in a position, on a continuing basis, to play the role of cutting edge in guaranteeing that we had that ongoing tug from our philosophical position to keep the party on track, regardless of who was in the White House.

This did not create a great problem under President Carter. Then we got a conservative elected as president and we appeared to be somewhat of a redundancy. But then along came the $98 billion tax increase, which many of us interpreted to be contrary to the mandate of November 1980. We campaigned on a platform to cut taxes, not raise taxes.

Then we got the gasoline tax increase on top of that. We did not see the budget battles being fought as aggressively as they should be. In addition, the president has embraced further tax increases in the so-called Social Security reform.

Most recently, of course, we have had the apparent compromise between the administration and House Speaker Tip O'Neill on the so-called jobs bill. These are all areas where we feel we've got to maintain an on-

going tug to keep the Republican Party committed to the 1980 positions on taxes and government spending reductions. It's not that we're disloyal to the administration. In fact, when we do that, we're in a position to strengthen the administration's bargaining position.

Q: Certainly, you must be choking over budget deficits of $115 billion or more for each of the next five years under the president's current plan. What, specifically do you hope the Republican Study Committee could do to get members mobilized behind alternatives to cut deficits and maybe balance the budget sometime in the future?

A: I'm not sure, at least in the next two years, of what in the House we're going to be able to accomplish, because of O'Neill's 101-vote majority now, instead of the 52-vote majority he had in the last Congress. The chilling effect on conservative Democrats from what happened to Phil Gramm (Democrat-turned Republican congressman from Texas) may have an impact on the protential for putting together Republican-"Boll Weevil" Democrat coalitions on behalf of administration recommendations.

Q: But this is a strategic problem. What about specific alternatives you might offer on principle, regardless of whether they are shot down?

A: We intend to proposed the balanced budget that John Rousselot (former Republican congressman from California) introduced when we had the budget battle in 1981. And we will continue to fight for balanced budgets, because that is the Republican position.

If the administration ends up with something between a balanced budget and the liberal Democratic alternative, our pursuit of balanced budgets certainly has to have a positive impact on pulling spending levels at least farther in the direction of balance than would otherwise be the case. We obviously don't have the numbers to prevail in a straight-out vote.

Q: Will the Republican Study Committee be drafting conservative legislative alternatives to be offered on the House floor or tacked on as amendments to appropriations bills?

A: We have a problem here. Tip O'Neill changed the rules on us. Now it is virtually impossible to introduce restrictive amendments on appropriations bills that say, "None of the funds appropriated shall be spent for . . ." this or that designated purpose. That being the case, we are really, in many respects, hamstrung to a degree we never have been before. It's apparent that they're not content with a 101-vote majority.

What we can do, in many areas, is provide positive alternatives. One of these is in the area of jobs legislation. The objective, in theory, is to deal with the unemployment problem in this country.

We have been actively and aggressively promoting a youth differential to the minimum wage, because everyone knows that the minimum wage law throws teen-agers out of work. This has its most devastating effect on black teen-agers, where unemployment levels are almost double what they are for whites. So at least to get a youth differential is a positive thing.

Another positive thing would be to repeal the Davis-Bacon law (requiring prevailing union wage scales to be paid on a federally funded project). This, again, is legislation that had its origin in the New Deal. Those conditions are long since passed. The economies by repealing Davis-Bacon would move us faster towards a balanced budget, but simultaneously it means expanded job opportunities as well.

Which is not to say we have any assurance these proposals would pass, given the composition of the current Congress. But at least we can focus attention on the fact that there are superior, positive alternatives, in my estimation, to what the Democratic leadership is going to present us.

Q: Will the emphasis be all on economic issues, or will the RSC also be involved in social matters, such as pro-life, pro-family, anti-crime issues?

A: We most assuredly will continue, and have been consistent here, in support of the conservative side of the social questions—whether it's abortion, school prayer or tuition tax credits. Here the administration, I think, has at least indicated an ongoing commitment. But, once more, we're handicapped by the ratios in the House. Barring positive action on the Senate side to approve this kind of legislation, or add it to appropriations bills so that it might come back before the House in a conference report, our chances of succeeding on these issues are remote.

Our success on the Hyde anti-abortion amendment to past appropriations bills, by the way, is one specific reason why the Democratic leadership changed the rules on us. We forced record votes on those questions, which created a form of embarrassment to the Democrats. Knowing the general public sentiment, many of those fellows who did not really like those positions nevertheless voted for them, because they didn't want to create political problems back home.

Q. Will you continue to work with outside groups, such as the American Conservative Union, Conservative Caucus, taxpayer, prolife and business organizations to get support and build grassroots pressure for what you're trying to do in the Congress?

A. We have maintained consistently ongoing communication with every known conservative, because when you're fighting a battle short-handed, as we are on the House floor, we need all of the outside support we can get.

Frankly, on the common-situs picketing issue several years ago, and stopping IRS regulations dealing with tax exemption of private schools, it was outside groups that were instrumental, through their contacts, in generating so much of the mail in support of our positions on those issues.

That's a vital ingredient, having ongoing connections, with outside groups that have intellectual and research resources as well, whether it's the American Security Council, High Frontier, the Heritage Foundation, or the American Enterprise Institute. There are a variety of these organizations that provide important resources that can be utilized and are made available to the public. It's just that our resources are targeted toward legislative initiatives that are going to come before Congress.

Q. What do you hope to accomplish in the areas of defense and foreign policy?

A. Certainly more cost-effective ways to guarantee the security of the country are in the interest of all Republicans. But I'm not sure the administration always has the ultimate answer and, anytime that might occur, the RSC's function would be to come up with more constructive alternatives.

In the foreign policy area, the president, to date, has taken a firmer stand consistent with the 1980 platform than in some of the economic areas. So we intend to buttress and reinforce whatever efforts the administration makes to uphold the position of trying to restrain the expansion and growth of communism throughout the world. Central America is a specific area where that's vitally important. The administration has been firm in its call for aid to El Salvador, for example, and we've given all the support that we can in that effort.

Q. How many Republicans belong to and financially support the RSC?

A: We had about 150 members out of 192 Republicans in the last Congress. Some of our moderate Republicans do not share our philosophy and, as a result, feel they're not getting their money's worth from that kind of research operation. I believe we lost 39 members to retirement or defeat last year. So our strength is approximately 110 right now.

The level of financial commitment varies, too. Some members give fairly substantial sums to maintain the RSC. Others are simply members who pay very modest annual dues just to be on the mailing list.

Q: How can you conduct the aggressive operation you're talking about if moderate, pragmatic, compromise-oriented Republicans get disillusioned with your conservatism and want to opt out of the RSC? Will you remain as strongly conservative in spite of them, even if it means losing their financial support?

A: John Stuart Mill once observed, and I'm paraphrasing him, that when the opinions of merely ordinary men become the convention of wisdom, the counterpoised corrective to that is more and more pronounced individuality by those who stand on higher eminences of thought. And that's where we're coming from—the higher eminences of thought.

Having those individuals who are willing to remain firmly committed to the basic principles, who will articulate on behalf of those principles even when many will tell you that's not smart politics, is what we exist for.

I've always operated on the principle that if you remain committed consistently, you earn the respect of constituents with your honesty and integrity, even when they don't agree with you.●

QUORUM CALL

Mr. BAKER. Mr. President, I need just a moment to clear a matter at hand, if the Chair will bear with me.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAWKINS). Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BAKER. Madam President, I wish to report that the conferees on the disagreeing vote of the two Houses on the social security bill are still meeting. I spoke with the distinguished chairman of the Finance Committee, Senator DOLE, who indicated

that he did not expect the committee to finish its work before 5 p.m.

Of course, the House of Representatives must act first in this instance. Therefore, it is not possible that the Senate could take up that matter before 6 p.m.

As soon as I do one other piece of business, I intend to ask the Senate to recess until 6 p.m.

THE ESTABLISHMENT OF UNIFORM STANDARDS—COMMERCIAL MOTOR VEHICLE WIDTH

Mr. BAKER. Madam President, there is one bill that has been cleared for action at this time, and I send to the desk a bill on behalf of Senator PACKWOOD, and I ask for its immediate consideration.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 926) to establish uniform national standards for the continued regulation, by the several States, of commercial motor vehicle width on interstate highways.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. PACKWOOD. Madam President, I ask unanimous consent to have printed in the RECORD a letter dated March 8, 1983, from the Truck Trailer Manufacturers Association, Charles J. Calvin, president; a letter from the Fruehauf Corp., dated March 8, 1983, T. Neal Combs, vice president and general counsel; and a letter dated March 18, 1983, from the Brae Corp., Lawrence W. Briscoe, vice president.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

TRUCK TRAILER MANUFACTURERS ASSOCIATION,
Alexandria, Va., March 8, 1983.

Hon. BOB PACKWOOD,
U.S. Senate,
Washington. D.C.

DEAR SENATOR PACKWOOD: The Truck Trailer Manufacturers Association represents more than 90 manufacturers who build more than 90 percent of the truck trailers produced annually. In addition, our 110 Associate members supply materiel and components to the industry. In the past several years our production has dropped 60.9 percent and, at the moment, it appears that our industry is coming to a screeching halt.

Neal Combs, vice president and general counsel of the Fruehauf Corporation, has advised us of your interest in the beneficial jobs effect on our industry upon enactment of any legislation to conform the effective date of the trailer width laws to that of the length laws—April 6, 1983.

Currently, more than 35 percent—more than 10,000 individuals—are unemployed in the trailer manufacturing industry and because of the differing effective dates for width and length, more employees are expected to be laid off. Many, many more thousands of additional employees are laid off in industries that supply the trailer industry. Enactment of legislation to conform the two effective dates will, in our opinion, immediately result in an increase in orders for the trailer industry since it will eliminate uncertainty which is preventing trailer users from purchasing new units. We conservatively estimate that with the present interest in buying new trailers, that, conforming the effective date of the new width and length laws, at least 10,000 jobs will be restored in the industry and additional layoffs avoided.

Acccordingly, we recommend that the effective date for use of 102 inch width trailers be established on April 6, the same date that the new length laws become effective.

Sincerely yours,

CHARLES J. CALVIN,
President.

FRUEHAUF CORP.,
Detroit, Mich., March 8, 1983.

Hon. BOB PACKWOOD,
The U.S. Senate,
Washington, D.C.

MY DEAR SENATOR PACKWOOD: Fruehauf Corporation, as the largest trailer manufacturer in the United States, is being impacted, as is the rest of the industry, by the continuing uncertainty resulting from the differing effective dates for width and length laws which govern the use of trailers on the Federal highways. Currently, the new length laws will become effective April 6th; however, the States will not lose funding until after October 1st if they have not changed their laws to permit use of 102-inch width trailers on the interstate and designated Federal highways. Obviously, customers are not purchasing when they may not use the units on the highway and do not wish to purchase 48-foot trailers that are 96 inches wide when they may wait until October and purchase and use 48-foot trailers that are 102 inches wide.

The uncertainty regarding the effective dates is severely impacting the finalization of orders, and while we are witnessing a great deal of interest in purchasing trailers, we will be compelled to close plants during the Spring and Summer if the width and length laws do not become effective simultaneously. We believe that 5,000 jobs will be restored and preserved (through the avoidance of additional layoffs) by the enactment of this legislation.

In the event you have any questions regarding this, please feel free to call me.

Sincerely yours,

T. NEAL COMBS.

BRAE CORP.,
San Francisco, Calif., March 18, 1983.

Senator ROBERT PACKWOOD,
Chairman, Committee on Commerce, Science and Transportation, Washington, D.C.

DEAR MR. CHAIRMAN: BRAE Trailers, Inc., a wholly owned subsidiary of BRAE Corporation, is a manufacturer of piggyback trailers. It was formed in June, 1981, to meet the rapidly growing demand for intermodal freight vehicles. Its new 40,000 square foot manufacturing facility in Stoughton, Wisconsin, has an annual production capacity of two thousand (2,000) trailers.

Because of an apparent oversight during the final weeks of the 97th Congress, BRAE and other manufacturers are faced with a serious problem. during that period, Congress passed much needed legislation establishing uniform standards of truck length and width. The Fiscal Year, 1983 Department of Transportation Appropriations Act, P.L. 97-369, established a truck width standard of 102 inches. The Surface Transportation Assistance Act of 1982, P.L. 97-424, included a provision imposing a semi-trailer length limit of 48 feet. Both of these legislative changes were designed to maximize the capacity of highway trailers, thereby increasing fuel efficiency and reducing transportation costs.

Unfortunately, there is a discrepancy in the effective dates of these two provisions. Under the DOT Appropriations Act, states are not required to comply with the truck width standard until October 1, 1983. The states, however, are required to comply with the truck length limit of 48 feet by April 6 of this year. Because the states are allowed an additional six months to bring their laws in compliance with the federal width requirements, potential customers are waiting to place orders for trailers until October so that can take full advantage of both the width and length modifications.

The effects of the delay in orders have been felt throughout the trailer manufacturing industry and their suppliers. Manufacturing production levels, which otherwise would have been stimulated by the legislative changes, have declined. Demand for component parts and materials such as steel, aluminum. and rubber, has also been deferred. Workers who would otherwise be fully empolyed, must remain idle.

The inadvertent discrepancy in the effective dates of these two laws in already having a profound effect on our industry. It is my understanding, however, that this situation could be remedied simply by amending section 321 of the 1983 DOT Appropriations Act to require the states to comply with the federal width requirement by April 6, 1983. A change of this nature would be extremely helpful not only to our industry but also the economy as a whole. I urge your support and sponsorship of the necessary legislation to achieve this result.

Sincerely,

LAWRENCE W. BRISCOE,
Vice President.

Mr. EAGLETON. Madam President, this legislation comes at a time when the Missouri State Legislature is in midprocess of considering a bill to bring State standards on truck width, length, and weight into compliance with new Federal standards. I am sure many other legislatures are operating on the basic of current deadlines. With respect to the new width standard, that present deadline is October 1, 1983. The bill before us would change that date to April 6, 1983, and at the same time change the enforcement mechanism from loss of Federal highway aid to injunctive relief. In short, this law would preempt State authority in the area of width standards.

Mr. DANFORTH. Senator EAGLETON and I share the same concerns with respect to this bill, and have discussed this at some length we would appreciate some assurance from the distinguished floor manager that the change in effective date will create no problems for State legislatures trying to come into compliance.

Mr. PACKWOOD. I know the Senators from Missouri have been on the forefront of the effort to protect State

prerogatives in the matter of truck size. However, uniform truck sizes are a fait accompli as a result of legislation passed by Congress last December. This bill will simply conform truck length and width effective dates. I would also point out that this bill will have a positive impact on jobs. In Missouri alone, I am told, this bill means 400 to 500 jobs. But, to answer the Senator's question even more specifically, I cannot foresee any enforcement problems for the States as a result of the passage of this bill before us today. As the Senators from Missouri have stated, this bill merely moves up the date for compliance so that the new length and width standard become effective together on April 6. Even States that have not completed action to bring State laws into compliance would suffer no penalties. Specific language to take care of the very problem you raised was added to the bill.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 926

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part B of title IV of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2311 et seq.) is amended by adding at the end thereof the following new section:

"COMMERCIAL MOTOR VEHICLE WIDTH LIMITATION

"SEC. 416. (a) No State, other than the State of Hawaii, shall establish, maintain, or enforce any regulation of commerce which imposes a vehicle width limitations of more or less than 102 inches on any segment of the National System of Interstate and Defense Highways, or any other qualifying Federal-aid highway as designated by the Secretary of Transportation, with traffic lanes designated to be a width of twelve feet or more; except that a State may continue to enforce any regulation of commerce in effect on April 6, 1983 with respect to motor vehicles that exceed 102 inches in width until the date on which such State adopts a regulation of commerce which complies with the provisions of this subsection.

"(b) Notwithstanding the provisions of this section or any other provision of law, certain safety devices which the Secretary of Transportation determines are necessary for safe and efficient operation of motor vehicles shall not be included in the calculation of width.

"(c) Notwithstanding the provision of this section or any other provision of law, a State may grant special use permits to motor vehicles that exceed 102 inches in width.

"(d) Notwithstanding any other provision of law and in accordance with the provisions of this section, a State shall have authority to enforce a commercial vehicle width limitation of 102 inches on any segment of the National System of Interstate and Defense Highways, or any other qualifying Federal-aid highway as designated by the Secretary of Transportation, with traffic lanes designed to be a width of twelve feet or more.

"(e) The provisions of this section shall take effect on April 6, 1983.".

(b) The heading of Part B of title IV of the Surface Transportation Assistance Act of 1982 is amended by inserting "AND WIDTH" immediately after "LENGTH".

SEC. 2. Section 321 of the Department of Transportation and Related Agencies Appropriations Act, 1983 (Public Law 97-369; 96 Stat. 1784) is repealed.

RECESS UNTIL 6 P.M.

Mr. BAKER. Madam President, as I indicated earlier, it is not possible for the Senate to proceed with the consideration of a conference report on the social security bill before 6 p.m. Therefore, I asked unanimous consent that the Senate now stand in recess until the hour of 6 p.m. today.

There being no objection, the Senate, at 3:12 p.m., recessed until 6 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GORTON).

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I have just concluded a telephone call with the chairman of the Finance Committee of the House of Representatives. Progress on the social security bill has been slower than expected. They are still in session. They do not expect to finish before 7 p.m. The report must first go to the House of Representatives. The House does intend to stay in session tonight and act on the bill. It is not possible for that measure to be completed in conference, to be acted on by the House, and reach the Senate before the hour of 9 p.m.

Mr. President, I understand the minority leader is on the way to the floor. The assistant minority leader is here.

I will not put the request for the moment.

Mr. President, for the moment, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I should add one thing. I have now discussed this with the minority leader. That is the prospect for a rollcall vote this evening.

I think Senators must assume that there will be a rollcall vote. There are requests, I understand, for a rollcall. It may be that the rollcall will not occur, that we can pass the conference report with a voice vote. But as of this moment, that is not possible.

So even though we are coming back at 9 p.m., and even though it may be later than that before we have the conference report before us, Senators on this side should let our cloakroom know where they are going to be and how they can be reached to be on the floor, to be on notice of the possibility, the strong possibility, of a record vote.

Mr. President, if, however, it turns out that we can pass the bill by voice vote, I can assure all Members, and particularly the minority leader who brought the subject to me, that adequate opportunity will be provided for Members to register their individual point of view and their support or opposition to the conference report with their statements in the RECORD. That may or may not be attractive to Members, but I volunteer that. If there is a voice vote, ample opportunity will be provided for Members to make their statements on the floor and put their statements into the RECORD if they wish.

Mr. WILSON assumed the chair.

Mr. BYRD. Mr. President, I think the majority leader can say no more than he has said. He has said that if it can be done by voice vote, if there is no demand for a rollcall vote, it will be done by voice vote. As of now, at least, that is all right, but by the time 9 p.m. rolls around things may be clearer than now.

Mr. BAKER. We can hope for that. In the meantime, Mr. President, I am prepared to recess.

RECESS UNTIL 9 P.M.

Mr. BAKER. Mr. President, if no other Senator seeks recognition, and I see none, I ask unanimous consent that the Senate stand in recess until the hour of 9 p.m. today.

Thereupon, at 6:06 p.m., the Senate recessed until 9 p.m., whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. RUDMAN).

ORDER OF PROCEDURE

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, I thank the Chair.

Mr. President, may I report once more to the Senate on the status of the social security conference report.

I talked to Senator DOLE, the chairman of our Finance Committee, and to Congressman ROSTENKOWSKI, the chairman of the House Ways and Means Committee, who both indicate to me that the conference has been concluded, the report has been signed, I believe by all but one of the conferees, the papers are in preparation for final transmission to the House. The House of Representatives expects to receive those papers between 9:15 and

9:30 p.m. The debate on the conference report will take no more than an hour, perhaps substantially less. A rollcall vote is not anticipated in the House of Representatives.

Mr. President, in view of that, there is no reason for the Senate to remain in session until we have those papers.

It would appear that 10 p.m. is the earliest that we could anticipate them.

I have consulted with the minority leader, who I believe agrees with this course of action.

RECESS UNTIL 10 P.M.

Mr. BAKER. Mr. President, in view of these circumstances, I ask unanimous consent that the Senate now stand in recess until the hour of 10 p.m. tonight.

There being no objection, the Senate, at 9:01 p.m., recessed until 10 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. KASTEN).

SENATE SCHEDULE

Mr. BAKER. Mr. President, once again I must report that we are not in a position to deal with the conference report as yet.

The House, I am advised, will convene at 10:10 p.m. At 10:25 p.m., it is my understanding they will be on the conference report. It is also my understanding that there is an hour allocated for debate on that measure, which would be 11:25 p.m. I do not think it will take long to get the conference report to us; but, by any estimate, it is going to be 11:45 p.m. before we can proceed.

Under those circumstances, Mr. President, I believe I have no alternative except to ask the Senate to stand in recess once more. I have discussed this with the minority leader.

RECESS UNTIL 11:30 P.M.

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now stand in recess until 11:30 p.m. this evening.

There being no objection, the Senate, at 10:01 p.m., recessed until 11:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. KASTEN).

The PRESIDING OFFICER. The assistant majority leader is recognized, the Senator from Alaska.

EXTENSION OF DEFENSE PRODUCTION ACT

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 2112.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House disagree to the amendments of the Senate to the bill (H.R. 2112) entitled "An Act to extend by six months the expiration date of the Defense Production Act of 1950."

Mr. STEVENS. Mr. President, I move that the Senate recede from the Senate amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alaska.

The motion was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent that Calendar Order No. 67, S. 855, the Senate companion bill, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROCLAIMING MAY 1983 AS "NATIONAL AMATEUR BASEBALL MONTH"

Mr. STEVENS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of House Joint Resolution 175, a joint resolution proclaiming May 1983 as "National Amateur Baseball Month," and I ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will state the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (H. J. Res. 175) to authorize and request the President to proclaim May 1983 as "National Amateur Baseball Month."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

The Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The question is on the third reading of the joint resolution.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

The preamble was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SEQUENTIAL REFERRAL OF S. 503

Mr. STEVENS. Mr. President, I ask unanimous consent that S. 503, the Imitation Controlled Substance Act of 1983, be sequentially referred to the Committee on the Judiciary and the Committee on Labor and Human Resources, with the proviso that if either committee reports the bill to the Senate, the other committee has 30 days in which to report the bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

TO PROVIDE FOR AN INCREASE IN THE NUMBER OF MEMBERS OF THE CONGRESSIONAL AWARD BOARD

Mr. BYRD. Mr. President, I send to the desk a bill on behalf of myself, Mr. BAKER, and Mr. WALLOP, and I ask the Senate to proceed immediately to its consideration.

The PRESIDING OFFICER. Is there objection to the consideration of the bill? The Chair hears none, and it is so ordered.

The bill will be considered to have been read once at length and once by title.

The Senate proceeded to consider the bill (S. 957).

Mr. BYRD. Mr. President, by way of explanation of the bill, it has been cleared on both sides. There is legislation that has been passed earlier creating a Congressional Award Board. The purpose of this bill is to increase the number of members on that Board.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and to be read a third time, was read the third time and passed as follows:

S. 957

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, That (a) subsection (a) of section 4 of the Congressional Award Act (Public Law 96-114; 2 U.S.C. 803(a)) is amended—

(1) by striking out "seventeen" in the matter preceding the colon in paragraph (1) and inserting in lieu thereof "thirty-three";

(2) by striking out "Four" in clauses (A), (B), (C), and (D) of paragraph (1) and inserting in lieu thereof "Eight"; and

(3) by striking out "or the Committee for the Establishment and Promotion of the Congressional Award" in paragraph (2).

(b) Subsection (b) of section 4 of such Act (2 U.S.C. 803(b)) is amended—

(1) by striking out "Appointed" at the beginning of such subsection and inserting in lieu thereof "Except as provided in paragraph (2), appointed"; and

(2) by inserting at the end thereof the following new paragraph:

"(2) Individuals appointed to the Board after March 31, 1983, shall serve for terms of two years.".

SEC. 2. Notwithstanding the provisions of section 4 of the Congressional Award Act (2 U.S.C. 803), relating to the terms of individuals appointed to the Congressional Award Board, the sixteen additional members to be appointed to the Board pursuant to the amendments made by the first section of this Act shall be appointed for terms as follows:

(1) Six members shall be appointed for terms of two years.

(2) Five members shall be appointed for terms of four years.

(3) Five members shall be appointed for terms of six years.

Thereafter such members shall be appointed for terms of two years.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PROGRESS REPORT ON THE SOCIAL SECURITY BILL

Mr. STEVENS. Mr. President, I am informed that a rollcall is commencing on the House side on the bill we are awaiting, and it will be our desire now not to recess but to suggest the absence of a quorum and to notify Members of the Senate that we expect the bill to be delivered here in the very near future.

ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business in which Senators may speak for not to exceed 10 minutes, and that morning business terminate at the request of the majority leader or myself, in consultation with the minority leader, upon the arrival of the social security bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF THE RED SHIELD OF DAVID OF ISRAEL'S MAGEN DAVID ADOM

Mr. PERCY. Mr. President, in September of 1982, the Senate and the House of Representatives passed similar resolutions urging the International Committee of the Red Cross (ICRC) and the League of Red Cross Societies to take steps to support the recognition of the Red Shield of David of the Magen David Adom Society of Israel. Earlier this month, the Senate received a response to the resolutions from the ICRC and the League of Red Cross Societies. In order to promote better understanding of the issues and the current situation, I ask unanimous consent that this response, and my reply to the ICRC, appear in the RECORD following my remarks.

In addition, I have requested and received from the Embassy of Israel a suggestion regarding a means to afford recognition to the Israeli emergency medical society. I ask that this statement from the Embassy of Israel also follow my remarks.

The ICRC noted in its response that, "on the basis of the legal regulations in force, the ICRC is not authorized officially to recognize this society." The Embassy of Israel suggests, however, that "the ICRC can, together with the League of Red Cross Societies, act to grant the Magen David Society membership in the League, prior to any amendment to the Geneva Conventions." I raised this suggestion in my reply to the ICRC, in the hope that this action or any other appropriate steps could be taken soon to solve this continuing problem.

Enclosed in the ICRC's response are five annexes which I have not included here but which may be of interest to Members. These are: Article 6 of the Statutes of the ICRC, the Regulations on Recognition of New National Red Cross Societies, Article 6 of the Constitution of the League of Red Cross Societies, Article 44 of the First Geneva Convention of 1949, and a speech by the President of the ICRC to the Council of Delegates of the XXIV International Conference of the Red Cross held in Manila 1981.

Mr. President, the U.S. Government continues to support recognition of the Red Shield of David, the emblem of the Magen David Adom Society of Israel. The American Red Cross continues to support recognition. The Senate and House are on record in support of recognition. The Government of Israel continues to support recognition.

I shall continue my efforts to promote a means for recognition of the Magen David Adom Society, and I applaud my colleagues Senators HAWKINS and DODD, who were the original sponsors of the resolution in the Senate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REPLY BY THE INTERNATIONAL COMMITTEE OF THE RED CROSS

OFFICE OF THE DELEGATE TO INTERNATIONAL ORGANIZATIONS,
New York, N.Y., February 17, 1983.

MR. WILLIAM F. HILDENBRAND,
Secretary, U.S. Senate, Office of the Secretary, Washington, D.C.

SIR: Upon receipt of the Resolution 367 adopted by the Senate on September 9, 1982 concerning Magen David Adom, The International Committee of the Red Cross and the League of Red Cross Societies wrote a memorandum responding to this resolution.

Please find enclosed a copy of this memorandum. If you have any additional questions, we will be pleased to assist you.

Respectfully yours,
HARALD SCHMID DE GRUNECK,
Delegate to International Organizations.

MEMORANDUM

Re: The International Red Cross and the Magen David Adom Society in Israel.

On 9 September 1982, the United States Senate adopted a resolution (No. 367) expressing the opinion that

(1) The International Committee of the Red Cross, together with the League of Red Cross Societies, should take steps to support the recognition of the red shield of David of the Magen David Adom Society of Israel, and

(2) The League of Red Cross Societies should formally recognize the red shield of David of the Magen David Adom Society of Israel so that Magen David Adom may become a member in good standing of the League.

A substantially similar resolution (No. 580) was adopted by the House of Representatives on 30 September 1982.

These two resolutions were officially communicated to the International Committee of the Red Cross and to the League of Red Cross Societies in Geneva, where they were the subject of an in-depth study.

The two institutions of the International Red Cross wish to give the following information in response to the opinions expressed on this important problem by the United States Senate and House of Representatives:

ORGANIZATION OF THE INTERNATIONAL RED CROSS

The International Red Cross is composed of: All the National Red Cross and Red Crescent Societies recognized by the ICRC; the International Committee of the Red Cross (ICRC); and the League of Red Cross Societies.

The highest deliberative authority of the International Red Cross is the International Red Cross Conference, which meets in principle once every four years. It is attended by delegations of the three above-mentioned Red Cross bodies and of the States parties to the Geneva Conventions of 12 August 1949.

The International Red Cross Conference adopted the Statutes of the International Red Cross in The Hague in 1928 and revised them in Toronto in 1952. In Stockholm, in 1948, it approved the conditions for recognition of National Red Cross Societies, which are still in force today. The Conference alone is empowered to modify these texts.

It must be emphasized, however, that it was not the International Red Cross Conference, but a diplomatic conference of States, that adopted the emblems of the Red Cross. Only such a conference, gathering solely the States parties to the Geneva Conventions, could recognize a new emblem.

All meetings of the International Conference are preceded by a Council of Delegates, which—unlike the International Red Cross Conference attended by government representatives—is a body composed only of delegates of duly recognized National Societies, of the ICRC and of the League.

The International Committee on the Red Cross is an independent institution, with its own statutes and members recruited by cooption among Swiss citizens. It is a neutral intermediary in the event of armed conflicts and disturbances.

On the strength of the mandate entrusted to it by the Geneva Conventions or on its own initiative, it provides protection and assistance to the victims of international and civil wars, and of internal disturbances and tensions.

The League of Red Cross Societies is the International Federation of National Red Cross and Red Crescent Societies. It is governed by its own constitution. Its role is notably to promote humanitarian activities by National Societies and to co-ordinate their relief operations in aid of the victims of natural disasters.

PROCEDURES FOR RECOGNITION BY THE ICRC AND ADMISSION TO THE LEAGUE OF NEW NATIONAL SOCIETIES

By virtue of Article VI paragraph 3 of the Statutes of the International Red Cross, it is incumbent on the International Committee of the Red Cross to recognize the new National Red Cross and Red Crescent Societies after having ascertained the basis

upon which they are established. By this recognition, these Societies acquire the status of members of the International Red Cross and thus the right to participate as such in International Red Cross Conferences and in meetings of the Council of Delegates. This recognition can be accorded only if the applying Society fulfills the ten conditions or recognition approved by the Seventeenth International Red Cross Conference, Stockholm 1948. The fifth of these conditions stipulates that the candidate Society must use one of the three emblems authorized by the First Geneva Convention of 12 August 1949, i.e., the red cross, the red crescent and the red lion and Sun.[1]

It should be emphasized that the ICRC only plays a role comparable to that of a notary in this procedure, being entirely bound by the regulations in force, which it is not empowered to change. Admission to the League also is subject to a number of conditions, mostly analogous to the conditions for recognition, and to a vote by the General Assembly. In this connection it should be emphasized that only National Red Cross and Red Crescent Societies can be members of the League (according to Article 6 of the League Constitution).

The conditions for recognition by the ICRC and admission to the League require the Society to use one of the protective emblems specified in the First Geneva Convention of 12 August 1949 for the following reason: because National Societies are duly recognized by States as voluntary auxiliaries to Army health services, they have been authorized to use the protective emblem for their work in caring for the wounded in time of war. In time of peace, they can also use the name and sign of the Red Cross or Red Crescent for their activities in conformity with the fundamental principles of the Red Cross (according to Article 44 of the First Geneva Convention of 1949). This is therefore a privilege which National Societies cannot give up without at the same time jeopardizing the protection which is their due in the event of armed conflict.

THE SPECIAL CASE OF THE MAGEN DAVID ADOM SOCIETY IN ISRAEL

The Magen David Adom Society, whose humanitarian activity is most praiseworthy, uses an emblem other than those specified by the Geneva Convention and, in consequence, does not fulfill one of the conditions of recognition. On the basis of the legal regulations in force, the ICRC is not authorized officially to recognize this Society. It should be emphasized, however, that in spite of this situation the ICRC has excellent relations with the Magen David Adom, and has often collaborated with that Society in international relief work on behalf of victims of conflicts.

THE RED SHIELD OF DAVID AS A PROTECTIVE EMBLEM

The red shield of David is the distinctive sign used by the medical services of the Israeli armed forces. It is not recognized by the Geneva Conventions as a protective emblem as are the red cross, the red crescent or the red lion and Sun.

It should, however, be emphasized that if a belligerent identifies, for example, a hospital or ambulance as such, he has the duty to respect them; he cannot open fire under the pretext of the absence of an officially recognized sign.

Nevertheless, it would be preferable for the medical services of the Israeli armed forces and the Israeli Society to benefit from the protection of a recognized sign in the discharge of their conventional activities.

Neither the ICRC nor the League are competent to recognize an additional emblem as a protective sign for medical installations and units in time of war. As said above, only a diplomatic conference of States parties to the Conventions has the power to change the present legal provisions and to adopt a fourth emblem.

The red crescent and the red lion and sun were officially admitted as protective emblems at the 1929 Diplomatic Conference. The 1949 Conference refused recognition of the red shield of David, requested by the State of Israel; nor did the Conference agree to adopt a new unique emblem.

During the Diplomatic Conference on the reaffirmation and development of international humanitarian law applicable in armed conflicts held from 1974 to 1977, the Israeli delegation submitted an amendment seeking to obtain international recognition for the red shield of David, but withdrew it without there being a vote on it; this question was thus not examined by the Conference.

CONSTITUTION OF A WORKING GROUP WITHIN THE INTERNATIONAL RED CROSS

At the International Red Cross Conference at Bucharest in 1977, the ICRC supported the creation, by the Council of Delegates, of a working group to study all questions relating to the emblem. This group, which was composed of nine National Societies, the ICRC, the League and the Henry Dunant Institute, reported to the Council of Delegates preceding the International Red Cross Conference at Manila in 1981.

The Group was unable to reach a consensus and, against the advice of the ICRC, the Council of Delegates did not prolong the mandate of the Working Group, thus putting and end to its existence.

Before the negative vote of the Council of Delegates, the President of the ICRC made a speech referring, among other things, to the difficult situation of the Magen David Adom Society and expressing the wish of the ICRC for research to be continued to find a solution acceptable to all.

CONCLUSIONS

1. The adoption of an additional emblem, such as the red shield of David, as a distinctive sign of the health services of armed forces is within the exclusive competence of a diplomatic conference of States parties to the Geneva Conventions of 12 August 1949. Neither the ICRC nor the League have that competence.

2. As auxiliaries to armed forces health services, the National Societies have been authorized to use one of the emblems admitted by the First Geneva Convention. It would consequently be contrary to their interests to adopt a different emblem which would not be recognized as conferring the protection of the 1949 Geneva Conventions.

3. It is for the ICRC to recognize new Societies, thus conferring on them membership of the International Red Cross. Admission to the League is by vote of its General Assembly.

Even though the files of Societies applying for recognition by the ICRC and admission to the League are examinied jointly by the two institutions, there are two distinct acts, each subject to precise conditions. For recognition, these are defined by Resolution XI of the Seventeenth International Red Cross Conference and, for admission to the League, by Article 6 of the League Constitution.

The conditions in force for recognition can therefore be changed only by an International Red Cross Conference and those for League membership by the General Assembly of the League.

4. In the present legal situation, as the Magen David Adom Society does not use a recognized emblem, it can neither be recognized by the ICRC nor admitted to the League.

5. Knowing that the status quo is not satisfactory, the ICRC and the League continue to hope that a solution acceptable to all will one day be found.

Geneva, 2 February 1983.

U.S.SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C., March 21, 1983.

MR. HARALD SCHMID DE GRUNECK,
Office of the Delegate to International Organizations, International Committee of the Red Cross, 815 Second Avenue, Room 1021, New York, N.Y.

DEAR MR. DE GRUNECK: Mr. William F. Hildebrand, Secretary of the United States Senate, has sent me your memorandum regarding the Senate and House resolutions concerning recognition of the Magen David Adom Society of Israel. I appreciate very much the effort made by the International Committee of the Red Cross and the League of Red Cross Societies in responding to the resolutions in detail.

The U.S. Senate, the U.S. Department of State and the Government of Israel continue to hope that a way can be found to provide for the formal recognition of the Red Shield emblem of the Magen David Adom and membership of Magen David Adom in the League of Red Cross Societies. I welcome especially your statement reiterating the ICRC's position that "knowing that the status quo is not satisfactory, the ICRC and the League continue to hope that a solution acceptable to all will one day be found."

I understand that recognition of the emblem for the purpose of the Geneva Conventions requires a vote by a Diplomatic Conference, and no such conference is being convened. However, the Israeli Embassy and others have suggested that the ICRC could act with the League of Red Cross Societies to grant Magen David Adom membership in the League prior to any amendment to the Geneva Conventions. I hope that this action, or another appropriate step, could be taken soon to solve this continuing problem to the satisfaction of the ICRC, the League of Red Cross Societies and the Magen David Adom Society of the State of Israel.

Thank you again for your efforts and for your responsiveness to the resolutions of the U.S. Congress.

Sincerely,

CHARLES H. PERCY,
Chairman.

EMBASSY OF ISRAEL STATEMENT ON RECOGNITION OF THE EMBLEM OF THE RED SHIELD OF DAVID

The Red Shield of David serves as the distinctive sign of Israel's emergency medical services and as the emblem of the Israel Red Cross Society, the Magen David Adom Society. The emblem has however been

[1] At present, only the red cross and the red crescent are used, Iran having decided in July 1980 to adopt the red crescent in place of the red lion and Sun.

denied recognition by the International Red Cross.

As a result of the non-recognition of the emblem, the Israel Society is denied membership of the League of the Red Cross societies and is denied full participation in the International Red Cross Conferences, this despite the fact that the Society fulfills all other criteria for membershp and provides emergency medical and other assistance to all, regardless of race, religion or ethnic background.

As a result of the non-recognition, the emblem of the Red Shield of David does not receive legal recognition under the Geneva Conventions.

For deep historical and religious reasons Israel uses as its emblem the Red Shield of David and not the Red Cross. It should be pointed out that for similar reasons Muslim countries are permitted to use the Red Crescent as their emblem, and in the past Iran used the emblem of the Red Lion and Sun.

The United States and the American Red Cross have supported recognition of the emblem.

Recognition of the emblem for the purpose of the Geneva Conventions requires a vote by a Diplomatic Conference and no such conference is being convened. However, the International Committee of the Red Cross can, together with the League of the Red Cross Societies, act to grant the Magen David Society membership in the League, prior to any amendment to the Geneva Conventions. The International Committee and the League of Red Cross Societies should be urged to so act.

KODIAK RESOLUTION SUPPORTING S. 254

Mr. STEVENS. Mr. President, in January I introduced a bill to amend the Merchant Marine Act of 1936 to consolidate the use of the capital construction fund (CCF) by our domestic fishing industry. The amendment is to extend CCF provisions to include shoreside processing facilities, allowing needed funds to be channeled into an undercapitalized segment of the industry. The importance of stimulating balanced growth within the industry and achieving full domestic development of our fishery resources cannot be overemphasized.

Many benefits would be realized not only by Alaskans, but all Americans by the passage of this bill, S. 254. New and permanent jobs would be created, the U.S. trade deficit would be reduced, and the American fishing industry would become more competitive internationally.

The development of shore-based facilities is the highest priority of the U.S. fishing industry. In support of that objective, the city of Kodiak, Alaska has endorsed S. 254. Kodiak is the largest fishing port in the United States in terms of dollar value of catch and their support for the capital construction fund amendment is a significant indicator of the opinion of the industry.

Mr. President, I ask for unanimous consent that the City of Kodiak Resolution 14-83 be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

CITY OF KODIAK, RESOLUTION 14-83

Whereas the current provisions of the Capital Construction Fund (under the Merchant Marine Act of 1936) allow fishing vessels and floating processors to defer payment of federal taxes to use the funds for capital investments in vessels, thereby promoting the international competitiveness of the American fishing industry; and

Whereas extending the use of the Capital Construction Fund to onshore processors would provide a whole new source of capital for this segment of Alaska's fishing industry; and

Whereas this would encourage the rebuilding and expansion of onshore facilities and create a more stable job market in many Alaska communities; and

Whereas the potential growth of Alaska's bottomfish industry makes it especially important that this segment of the processing industry be promoted; and

Whereas extension of the Capital Construction Fund to shore-based processors would also allow those fishermen who have been contributing to the fund in previous years to invest in the processing industry; and

Whereas at a Senate hearing on fishery issues last May, many witnesses cited the need for investment capital for onshore facilities as a top priority in Alaska's fishing industry: Now, therefore, be it

Resolved by the Council of the City of Kodiak, Alaska, That the legislation introduced by Senators Ted Stevens and Frank Murkowski on January 27, 1983, which would amend the Merchant Marine Act of 1936 by extending to onshore processors the use of the fishery Capital Construction Fund and would help provide a stable source of investment capital to Alaska's shore-based fish processing industy, be and is hereby endorsed.

SUPPORT FOR PRESIDENT'S CALL FOR MORE HUMANE AND ETHICAL STRATEGIC POLICY

Mr. ARMSTRONG. Mr. President, last night President Reagan delivered what may become one of the great watershed strategic policy statements in history. The President called for this Nation to move away from the present policy of nuclear terror and retaliation to a strategy of defense against nuclear attack. I am introducing a concurrent resolution to express the support of Congress for this visionary statement.

For the past 30 years our strategic military policy and that of the Soviet Union has relied almost exclusively on a mutual ability to destroy the adversary's civilian populations. The policy of mutual assured destruction has correctly been called a balance of terror, and the acronym MAD is indeed apt. Because the survival of this Nation—and even of mankind—is at stake, no President and no Congress has dared to stop the ominous buildup of offensive nuclear weapons. It has been feared that failure to maintain a credible balance would led to a failure to deter nuclear war and ultimately bring about the destruction of mankind.

The people and their thoughtful leaders everywhere have instinctively reacted to this policy with increasing apprehension about where it would ultimately lead. In addition, there is an increasing recognition that there is something inherently wrong with a military policy that is based on the premise that the only way to protect our own population was through the development of the capability to totally destroy the civilian population of the enemy.

The President has opened a new vista toward eliminating forever the nightmare of nuclear war that has been a plague on the world's consciousness for nearly 40 years. By developing an effective technology to defend against a nuclear missile attack, we can render the nuclear arsenals of the world obsolete.

It is not a course that is free of hazard, but it is the mark of a true leader to recognize that there is no such thing as a major advance without risk. Because of the President's leadership, mankind may be able once again to reach for a world governed by security, reason, and hope.

Mr. President, I ask unanimous consent that the text of the concurrent resolution be printed in the RECORD.

There being no objection, the text of the concurrent resolution was ordered to be printed in the RECORD, as follows:

S. CON. RES. 23

Whereas the United States should make every effort to remove the threat of nuclear war from the face of the earth;

Whereas we believe that the human spirit must be capable of rising above dealing with other nations and human beings by threatening their existence;

Whereas it is the policy of the United States to save lives, rather than to avenge them;

Whereas the protection of people and their societies is a fundamental goal of the United States;

Whereas the President has called for the development of strategic defensive technologies that could destroy any potential adversary's ballistic missiles before they reach our soil or that of our allies and has called upon the American scientific community to develop the means to render nuclear weapons impotent and obsolete;

Whereas an American strategic policy including strategic defense will eventually provide greater strategic stability than a policy built solely around strategic retaliation;

Whereas the President has called for the development of strategic defenses as an arms control measure to eventually eliminate nuclear weapons altogether: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) supports the President's call for a more humane and ethical strategic policy for the United States;

(2) supports the President's efforts to develop strategic defensive systems as a new

policy of peace to reduce our present sole dependence on the threat of nuclear retaliation;

(3) commends the President for his courageous initiative to develop new arms-control policies and other measures, including those built on the deployment of strategic defensive systems, to eliminate the threat posed by nuclear weapons to all mankind;

(4) supports the President's historic call for a national technological and scientific effort to develop means of rendering nuclear weapons impotent and obsolete.

(Later the following occurred:)

Mr. DURENBERGER. Mr. President, a few minutes ago I was sitting in my office pounding away at my typewriter in dress uniform and was pleased to hear the Senator from Colorado introduce a resolution relative to a major, very important address that the President of the United States delivered to the people of this country and the people of the world last night.

I know that the Senator from Colorado was not present for the speech; he was on this floor at the same time I was in a discussion of health care for the unemployed. So both of us operate from the same premise when we react to that speech, and that is principally from the written text.

As he indicated in his introductory comments, the President's position is not without hazard. I would like to take just a few minutes to present the potential hazard so that we recognize from the start that it is a debate, appropriately, that the President has commenced in this country.

In language reminiscent of John F. Kennedy's post-Sputnik challenge to land a man on the Moon by the end of the 1960's, the President is now urging the United States scientific community to win another race with the Soviet Union. This time, though, the goals go far beyond our national pride, beyond exploration of some new physical frontier, or beyond mere technological breakthroughs.

This time the stated goals are world peace and security.

The potential tragedy, though, of the President's challenge, is that it may have set the world running off in the opposite direction, moving us beyond the reach of our goal.

Until now the two superpowers have had—and it is ironic that they have had—a stake in each other's arsenal. As long as the Soviets knew that use of their nuclear weapons would invite retaliation, their forces were held hostage. While we do not like the acronym, the MAD acronym, it was a hostage and it is a hostage situation.

The President, in fact, made that very point in his speech to the Nation when he said, "The Soviet Union's vital interests and ours are inextricably linked—their safety and ours are one."

To put it bluntly, no one would push the button first because each side knows that no matter how sophisticated the weapon, or how surprising the attack, warning systems would always provide enough time to launch a counterattack. And no matter how devastating was the attacker's force, the victim's response would be equally horrifying.

The President's speech threatens this "inextricably linked" mutual security. His description of the program is comforting. He calls it a means of rendering nuclear weapons impotent and obsolete.

But the message to the Soviet Union is more ominous. What the President is proposing is an impenetrable umbrella over the United States and our allies coupled with an arsenal of offensive weapons. Consider the Soviets' view of this strategy. It raises the Soviets' fears that we may want to use our nuclear arms against them while shielding ourselves from attack.

The great Soviet fear is that perhaps an ideological fringe in this country or one that comes to power in one of our allies would be willing to launch a first strike nuclear attack during a crisis.

If we ever reach the point where the planned defensive systems appear nearly ready, the Soviets may well be tempted to strike us while their forces are still effective, before our umbrella is fully raised.

These crises are not just in the imagination of nuclear freeze advocates. The Soviets and the United States nearly came to nuclear blows twice in the last 20 years, first in the Cuban missile crisis of 1962, and second during the 1973 Middle East war.

Crises can cause nations to take risks. If technology adds to their fears, they will take even more risks.

This technology, of course, is several years, probably several decades, away, as the President said in his speech. It is far from certain that effective systems could even be developed.

The technological breakthroughs of the last two decades, though, send a very clear signal to the Soviet Union. They cannot sit idly by, hoping that our research will be fruitless. If the President pushes ahead with his plan, the Soviets will be far less interested in limiting or reducing offensive weapons through negotiation.

The obvious Soviet strategy is to build enough weapons to overwhelm a defensive system. That is, have enough of a nuclear storehouse that it can beat a defensive system through sheer numbers.

Another tact would be to build better weapons—fight technology with technology. If the United States builds a defensive system, build a smarter nuclear weapon.

Both of these strategies, Mr. President, require more Soviet warheads and in the Soviet system—where policy is not made by the public but by a handful of powerful leaders—resources will be quickly earmarked to create an even larger and more powerful arsenal, regardless of the cost.

We often made the mistake in international relations of assuming that our intentions are obvious when often they are not. I believe that President Reagan is very sincerely committed to arms limitations and arms reductions. His March 23 speech and the defensive system proposal was an effort, I am sure, to be conciliatory.

Yet the Soviet Union is a determined and paranoid opponent. An olive branch seen through the eyes of one person may look like a club in the eyes of another.

In my opinion, Mr. President, real security and world peace does not rest in new technology. Diplomacy and a negotiated arms reduction are the only solutions to the most pressing problem our world faces today.

Mr. ARMSTRONG. Mr. President, will the Senator yield briefly?

Mr. DURENBERGER. I will be glad to yield.

(Mr. KASTEN assumed the chair.)

Mr. ARMSTRONG. I am somewhat surprised that the Senator from Minnesota has come to the floor to begin the debate so promptly, but I am complimented and delighted that it took him less than 15 minutes to come. One never knows when you arrive at this hour of night who may be listening on the squawk box. The Chamber was empty as I arose to speak. I had some hope that perhaps some person who was not busy tomorrow may happen to see my remarks in the RECORD. It never crossed by mind that one of my colleagues might actually hear what I had to say while in their office.

I am delighted that the Senator from Minnesota has come forward. I assure him that I am here to discuss this issue at length. Not tonight.

I want to first thank him for his contribution tonight. I think it is fitting. He has raised these issues which are in contrast, somewhat, to my own, so that they will appear more or less side by side in the RECORD. As usual, his approach even without any notice to this matter being before us tonight, is a very thoughtful and well-reasoned approach.

I do want to make two or three points that I would urge him and others to consider as they think about this.

The Senator from Minnesota, I believe, has accurately characterized the doctrine of mutually assured destruction, but I think it is important to understand that while the United States has subscribed to this doctrine, and the United States has said the Soviet Union has subscribed to it, that it does not appear to many observers that the Soviet Union ever really adhered to it. That is, while this country decided not

to defend its civilian population, the Soviet Union never really made that decision; that all through the time when we have been dismantling our defenses, that is, when we did away with our defenses against manned bombers, we dismantled our ABM system, the Soviet Union did not proceed in any such way at all. On the contrary, they have developed imperfect but impressive defensive defense in their air space, both against missiles and manned bombers.

It is my opinion that there has never been an important country in the history of the world, other than the United States, which has, as a matter of national policy—as a matter of national policy—decided not to defend their homeland.

The thing that the President did last night, which I think is so important and so commendable, is that he has asked the people of America to again revisit that decision made 2½ decades ago that we would not, as a matter of national policy, defend America against attack, against the strategic attack.

I believe that if our countrymen begin to reflect on this that they will feel as I do, that that was an unwise decision, I think in its very essence it was an immoral decision, to say that we were going to hold civilian populations in either country hostage to a wartime situation; that it is in its very essence a destabilizing kind of arrangement. I think that will be the conclusion of the national debate which I hope will follow upon the course of the President's speech last night.

Perhaps I am wrong; perhaps as the issue develops, I, myself, may have different thoughts. Perhaps the Senator from Minnesota will have different thoughts or perhaps different ideas. It seems to me the President has done us a great service by calling up again for reexamination this whole doctrine of mutual assured destruction.

I want to note in passing that the Senator referred to the President's decision as that of an impenetrable umbrella under which all our strategic weapons and our civilian population will be housed. I think such a thing is impossible, not contemplated by the President or anybody else. An umbrella, yes; a perfect umbrella or anything approaching it, certainly not, no more than the Russians have been able to put up a perfect umbrella. They have been able to put up a defense umbrella which will greatly reduce civilian casualties. The President is saying, what could we have, what would technology permit us to have, and what effect would result.

Finally, I want to say this: I support the arms talks. I think the arms negotiations are something we all support and hope for the best. But instead of urging the Soviet Union to do what we want them to do and not to do what we do not want them to do, I think we ought to take some concrete action that gives them the encouragement to do something that is in our best interests. I think if we begin to defend this country, it will encourage them to build up their own defenses. Their defenses do not threaten us. Their defensive systems cannot strike the United States, any more than U.S. defensive systems can strike the Soviet Union.

I thank the Senator from Minnesota for yielding. I thank him for his interest. I hope everybody will get into the act and this will be a major subject for discussion in the next several months.

Mr. MATSUNAGA. Will the Senator yield?

Mr. DURENBERGER. I am happy to yield.

Mr. MATSUNAGA. I commend the Senator from Minnesota for the position he has taken. I, too, was very much disturbed by the President's address to the Nation last night.

Instead of leading to stability in United States-Soviet relations, his call for a crash-program to build a space-based missile defense system, could become the single most destabilizing factor in the tragic history of the arms race.

The American people need to understand the full implications of this radical new departure proposed by the administration while we still have a choice. There is not, never has been, and never will be, an ultimate weapon, either on Earth or in space. Should we embark on a crash-space weapons program we would only find ourselves trapped amidst infinite possibilities of military advantage offered by the infinite reaches of space. The cost would be stupendous. The budget process would risk complete militarization. Once undertaken, however, we would have no choice but to expend all our energies in extra-terrestrial competition. The rationale for this course is premised upon a dangerous illusion regarding both laser technology and international relations that could lead to the annihilation of civilized life on this planet.

Mr. President, 2 weeks ago today, the senior Senator from Rhode Island (Mr. PELL) and I introduced legislation specifically aimed at avoiding the course upon which the President now seems embarked. As I said on this floor last September:

> I believe we have an urgent responsibility to consider ways to prevent a space arms race—not tomorrow when we will be helpless to prevent it but today when discussion can lead to meaningful preventive action.

That statement, Mr. President, was made in introducing legislation similar to the Matsunaga-Pell resolution now before this current Congress. It is my most fervent hope and prayer, Mr. President, that the Senate Foreign Relations Committee will hold hearings on the resolution introduced by Mr. PELL and myself at the earliest possible date so that those hearings can serve as a forum for the first full-scale public discussion on this vital issue.

Our resolution calls for a renewal of the 5-year space cooperation agreement with the Soviets that the administration allowed to lapse last year. It also calls for negotiations aimed at developing joint ventures in space medicine and biology, planetary science, manned spaceflight, and orbiting space stations.

The President's initiative, on the other hand, would allow space to become an arena of conflict without first exerting any effort to make it into an arena of cooperation. This amounts to an abdication of governmental responsibility owed to the citizenry.

The alternative that our resolution proposes is hopeful cooperation rather than hopeless confrontation. Such fruitful cooperation would not occur overnight, admittedly, but as the President himself pointed out in his speech, a space-based weapons system, such as he apparently desires, would take many years to develop. That means we have time to develop more promising alternatives. The Cold War does not need any expansion into space.

Mr. President, I feel compelled to repeat what I said on this floor on September 29 of last year. I said then:

> It is said that because lasers will be able to hit missiles seconds after lauching they will prevent war by making nuclear weaponry obsolete. But, a missile-neutralizing laser battle station will require years of orbital testing before it becomes operational. Should we engage the Soviets in a laser station race . . . whoever appears on the point of losing will come under irresistable internal pressure to launch a preemptive strike before its entire nuclear arsenal is rendered obsolete. Would we accept total impotence vis-a-vis the Soviets? If not, why should we believe they will?

The Buck Rogers system envisioned by the President is naive and explosively dangerous. It could cost the nation hundreds of billions of dollars, and it would leave us less secure from a global cataclysm than at any time since the dawning of the nuclear age.

Given the time required for the President's crash-program, Mr. President, why not use those years to better advantage? Rather than mobilizing the Nation's scientific community in this hopeless cause in search of a nonexistent "ultimate weapon," why not mobilize the scientific community in a long-range endeavor aimed at using space for peaceful purposes—in a cooperative effort with other Nations to elevate the quality of life for all mankind here on Earth, rather than turning it into an arena of warfare with the prospect of complete annihilation.

It is time for the leaders of this great Nation, to which freedom-loving people everywhere look for leadership, to restore sanity and peace of mind to our troubled world by carefully chosen, thoughtfully considered words and action. Turn, if we must, to God in prayer, to do this.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DURENBERGER. Mr. President, I thank my colleagues, the Senator from Colorado (Mr. ARMSTRONG) for his generous response, and the Senator from Hawaii (Mr. MATSUNAGA) for his statement. I suggest the President has done us all a favor by introducing a subject other than social security or withholding on dividends and interest that can keep Senators up until after midnight discussing them.

Unless anyone else wants to comment on this subject, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MATSUNAGA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

[The following proceedings occurred after midnight.]

SOCIAL SECURITY ACT AMENDMENTS OF 1983—CONFERENCE REPORT

Mr. BAKER. Mr. President, the social security conference report is here. I must tell Senators that I do expect a record vote on this tonight. I have been advised by more than one Senator that there will be such a request and, of course, the request will be honored.

I hope that the Senate can proceed promptly to debate this issue and to dispose of it. The adjournment resolution has been passed. It is now almost 12:10 a.m. I have no desire to cut off Senators or to truncate their remarks or statement of their position, but I do sincerely hope that we shall finish with this and be able to ask the Senate to stand in adjournment.

Mr. President, I submit a report of the committee of conference on H.R. 1900 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1900) to assure the solvency of the Social Security Trust Funds, to reform the medicare reimbursement of hospitals, to extend the Federal supplemental compensation program, and for other purposes having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of today March 24, 1983.)

Mr. DOLE. Mr. President, I am pleased that we are able to lay before the Senate the conference report on H.R. 1900, the Social Security Act Amendments of 1983. The House and Senate conferees have been at work full time on this agreement since the Senate passed its version of this legislation, and I believe we have worked out a good agreement. For the benefit of the Members I would just like to outline some of the major features of this package.

SOCIAL SECURITY

Clearly the heart of this legislation is the package of provisions designed to assure the solvency of the social security system over both the short term and the long term. As my colleagues know, the basic features of both the House and Senate bills reflected the recommendations of the National Commission on Social Security Reform. However, there were some significant differences, and their resolution will be of interest to the Senate.

With regard to revenue provisions, the conference agreement implements the national Commission recommendations to tax social security benefits for certain higher income persons, accelerate payroll tax rate increases already scheduled by law between now and 1990, and conform payroll tax rates paid by the self-employed to the combined rates paid by employers and employees. The conferees agreed to the Senate provision to include interest from tax-exempt bonds in the taxpayer's income base solely for purposes of determining whether the taxpayers income exceeds the threshold for taxing social security benefits. In addition, the conferees agreed to a compromise with regard to the payroll tax credit provided for the self-employed as a partial offset to the higher rates that class of taxpayers will pay. The compromise goes much further than the House bill did in providing relief for the self-employed—the credit will be 2.7 percent of self-employed income in 1984, 2.3 percent in 1985, and 2 percent in 1986 through 1989. In 1990 and thereafter, a combined deduction and wage base modification will put the self-employed on the same footing as employers from a combined income tax and payroll tax standpoint. That is a good result, and it should be of greater benefit to the self-employed in the long run.

LONG-RANGE FINANCING

Mr. President, there were major differences between the House and Senate in dealing with the long-term financing problem. While the conference agreement will not satisfy everyone, there was real give-and-take on both sides. The conferees agreed to raise the retirement age to 67 years as in the House bill, rather than 66 as in the Senate bill. And rejected the accompanying benefit adjustments in the Senate bill. The House conferees also could not agree to accept the failsafe mechanism that could have required cost-of-living adjustments if trust fund reserves fell below a certain level. However, instead the conferees would move up the stabilizer provision from 1989 to 1985. As Members know, this provision would provide cost-of-living adjustments based on the lower of wages or prices. Under the conference agreement this stabilizer would be triggered by a 15-percent reserve ratio before 1988, and by a 20-percent reserve ratio thereafter.

Finally, with regard to long-range financing, the conferees agreed to modify the earnings limitation beginning in 1990. The change is to reduce benefits by a ratio of 1 to 3 against other income, rather than the 1 to 2 ratio under present law. While this does not do as much as we hoped to eliminate disincentives for the elderly to stay in the work force, it is a significant change in that direction, and a welcome one.

UNEMPLOYMENT COMPENSATION

The conferees agreed to extend the Federal supplemental compensation (FSC) program for 6 months (from March 31, 1983 to September 30, 1983). The program will provide additional weeks of benefits for current FSC recipients as well as a redesigned basic tier of benefits.

The conferees agreed to the Senate proposals modifying the cap and interest provisions in current law dealing with State borrowing. A new interest deferral is authorized as well as a reduced interest rate which is available to States taking substantial legislative action to restore the solvency of the State UI programs. Several provisions were adopted making changes in the date interest is paid and clarifying the authority of the Federal Government to collect the interest when due.

The conferees adopted provisions dealing with participation in training programs by FSC recipients. Training will be permitted unless the State agency disapproves such training.

Additionally, for recipients of extended benefits and Federal supplemental compensation benefits, the conferees agreed to a provision which permits States to determine weekly eligibility for such recipients who are hospitalized or serving on jury duty. A State would be required to treat these individuals in accordance with their own State unemployment compensation law.

MEDICARE PROSPECTIVE PAYMENT

Mr. President, finally I would like to note that the conferees reached a good agreement on a new prospective payment system for medicare. Payment rates would be developed for nine census divisions, with a separate urban and rural rate in each. Payments would be fixed based on classification by "diagnosis related group." This system would be phased in over a 3-year period. Capital expenses of hospitals would be included in the prospective payment system beginning October 1, 1986, based on a return to equity equal to that earned by the trust fund. Psychiatric, rehabilitation, long-term, and children's hospitals would be exempted from prospective payment, as would institutions in the territories.

Mr. President, all in all this is a good piece of work that I hope our Members will accept. We have not, by any means, achieved all we would have liked to achieve—but we have achieved a great deal, considering the urgency and political sensitivity of the problems we faced. Those Members who have a different view of how we ought to have proceeded have had an opportunity to make their views known and they have made a valuable contribution to the debate even when other views have prevailed. But now the time for debate is over, and the time to complete action on this legislation is here. The President is ready to sign the bill—we should not keep him waiting.

Mr. President, as my colleagues are aware, the Senate in its version of the social security financing bill agreed to make coverage of Federal workers contingent on the development of a supplemental civil service retirement system program. That decision was made when the Senate adopted the Long amendment by voice vote. As members also know, the Senate voted overwhelmingly to insure that Federal workers would be covered under social security.

Under the conference agreement, Federal workers will come under social security—that is, new hires—as of January 1, 1984. The requirement proposed by Senator LONG that coverage be made contingent on a supplemental civil service program was rejected by the House conferees, and the Senate conferees voted to recede to the House because of that objection. I would like to assure my colleagues who supported the Long amendment, however, that every effort will be made to insure that Federal workers are provided an adequate supplemental retirement system in connection with the requirement that new hires be brought into the social security system. I am sure the Senator from Alaska, Senator STEVENS, joins me in this assurance. There is not, and never has been, an intention to leave Federal workers with less than adequate retirement coverage. We will insure that Federal workers are treated fairly and squarely as they come into the social security system.

Mr. LONG. Mr. President, I cannot support the conference committee report on the social security bill because it will permit the transfer of General Treasury funds to the social security system.

I stated in October 1982, more than 3 months prior to issuance of the Social Security Reform Commission's recommendations, that I could not support any legislation that financed social security by merely increasing the national debt.

The concept of social security, when it was established under the Franklin Roosevelt administration, was that it should be a system wholly supported by the contributions of employers and employees. That has been the case up until now.

This legislation calls for an infusion to social security of $48 billion from the General Treasury over the next 7 years. I consider this highly irresponsible and dangerous to the financial stability of our Nation.

Most of social security's financial problems were caused by Congress eagerness to liberalize benefits, relying on rosy assumptions to pay the cost, coupled with the subsequent lack of courage to either fund its commitment with taxes, or to reduce future unfunded benefits when the optimistic assumptions proved to be erroneous.

What Congress now has done is open the floodgates to future massive infusions of General Treasury funds to social security. The general fund will soon be $2 trillion in the red, and it is running up deficits at the rate of $200 billion each year.

Such a procedure can only lead to needlessly high interest rates and reckless inflation. In the long run it will not save social security to undermine the faith of the people in the money of their government.

We cannot long keep the social security system afloat by bankrupting the Federal Government which has the burden of funding it.

There are other features which make the remainder of the bill a further travesty, but to go further at this time would merely confuse the issue.

I voted to report this bill out of committee with reservations, hoping that it would be improved on the Senate floor. My vote to send the bill to conference was cast with the forlorn hope that by some miracle the bill might finally be drastically overhauled and reshaped. That has not happened and, therefore, Mr. President, I refuse to vote for fiscal irresponsibility.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, I should like to ask my colleague from Louisiana to yield for a question. I listened with great intent to the remarks from my esteemed colleague from Louisiana. When I came to the floor a few moments ago, after essentially wasting my time all day, I had hoped that something would come out of the conference that I could vote for.

Let me phrase my question manifold. I voted for the social security measure that came out of the U.S. Senate not because I thought it was a perfect piece of legislation but because I felt that we had to do something constructive to make sure that those citizens of this Nation who rely on social security would be assured that their checks would keep coming.

Could the Senator from Louisiana please explain to this Senator, since he voted for the bill I assume that there must have been some rather significant change that took place during the conference that has caused the Senator from Louisiana to come back and make the statement that he just made. I would simply advise my colleagues that if my friend and colleague from Louisiana, who I consider most knowledgeable in these matters, finds it impossible to support this conference report, it is going to be most difficult for the Senator from Nebraska to go along with it.

Could the Senator from Louisiana kindly advise me in some more detail than he did in his brief statement as to what happened in the conference report that evidently has caused the Senator from Louisiana to change his mind about support for the measure that passed out of this chamber with an overwhelming vote not very long ago?

Mr. LONG. Mr. President, to be absolutely honest with the Senator, it was not what happened in the conference that made the difference. One of the conference decisions that does go contrary to fiscal responsibility was dropping out the fail-safe amendment that we agreed to in the Senate. I am frank to say to the Senator that I told the Senate conferees that if to reach a conference agreement they needed to drop that provision, as far as I was concerned they could go ahead and drop it. I did not have any objection to their dropping the provision in order to get an agreement because I really did not think I was going to be able to vote for the conference report anyway. That was not said for the record, but I told that to the Senators in our own discussions.

The reason I did that was because I have had a chance to think about the bill. When I voted to pass this bill in the Senate and to send it to conference, I was hoping that I could yet find a way to vote for it, that we might shape it in such a fashion that I could. I had grave doubts about voting for it even though my colleague (Mr. JOHNSTON) voted against it when it passed

the Senate. He consulted with me before he did that and told me his doubts about the bill, and I told him, frankly, he was probably right and that if I were him I would probably vote against it. Being one of the managers of the bill and a prospective conferee on the matter and hoping that somehow we might yet shape it up to something I could vote for, I voted for the bill to send it to conference just as I voted in the committee to report the bill, with reservations. It was announced in the committee I was voting with reservations.

Mr. President, here is what is wrong with the fail-safe provision in this bill. Once you establish a precedent, as this bill does, that you are going to make up the social security shortfall by just adding it to the Federal debt—once you start doing business that way, from that point forward suppose you did have a situation that my fail-safe amendment was aimed at, that you are not going to have quite enough money to pay the cost-of-living increase. Then, without fail, every time that would happen a Senator would rise on this floor and say:

> Wait a minute, there is no need that these old people should have to settle for anything less than the full cost-of-living increase. All we have to do is to add the extra to the national debt and go ahead and pay it.

Furthermore, every time a Senator wanted to pay an additional benefit without a tax to pay for it—and in years gone by I have been one of those Senators, back in the times when they had a surplus in the fund—he could rise up on the floor and say, "Let's pay grandma an extra $10 a month; she needs the money," and offer the amendment and sometimes have good luck with it without any additional tax paid into the fund.

Any time someone wants to do that in the future, all he has to do is follow the precedent set by the House and the Senate committees and by the Presidential Commission, to simply say that we pay for the amendment by adding its cost to the national debt.

Just look at how the money is being funded, appropriated for the short run.

Here is a proposal that is in the bill now, one that we voted for. We would take the money that will be paid on an annual basis out of appropriations to take care of the increased amount that servicemen would get because of their service in the World War II. Instead of handling that with an appropriation year by year of about $300 million, we just calculate how much that is going to cost over the life of those soldiers and transfer that amount to the trust funds now. And so you see $22 billion added to the fund in 1983. That money is not going to be spent on those servicemen over a period of 50 years. That is going to be spent right now to take care of the shortfall in the fund. That is the big item the first year, in 1983.

But then you go on to 1984 and you see these other items, for example providing general fund transfers in lieu of a portion of the self-employment payroll tax. They raise the self-employment tax, but do the people pay all the higher tax? Oh, no. They give them a credit against the General Treasury for most of that amount.

They do not even say on the tax return that they paid it and get it back when they file the tax return. That is all taken care of in the complexity in the language, so they pay somewhat more than they were paying before, but you put a much larger amount in the trust fund as though a higher amount were paid. How much is that good for? Well, in 1984 that is good for $900 million out of the General Treasury.

All right, then you provide general fund transfers in lieu of a portion of the employee tax. Well, the first year, in 1984, that is good for $3.2 billion. Then you provide an increase in general fund appropriation for Federal retirement benefits to replace the amounts that new Federal employees will now pay in the social security system. In other words, you tell the new Federal employee, "Pay your money into the social security system and we will appropriate an equal amount out of the General Treasury to make that up to the Federal employee retirement fund."

It starts out as $100 million, but it rises eventually to $1.8 billion a year.

Here is an item: Transfer amounts raised from taxing social security benefits at the beginning of each quarter, based on estimated accrued liability in the upcoming quarter, rather than when the money is actually received from the taxpayer. That is good for $800 million in 1985.

Then there is a big item: Estimate social security payroll taxes for the upcoming month and transfer that amount to the trust fund at the beginning of the month, rather than when taxes are actually received. That is good for $12.8 billion in 1984 and lesser amounts thereafter.

Once you start doing business that way, it is such an appealing way to do it that even the Finance Committee, which I believe to be the most conservative and fiscally responsible committee in the Senate, faced with a complaint on the part of the self-employed that their tax is being increased, said, "Wait a minute. There's no reason to raise the tax so much on the self-employed. Let's give them a tax credit."

Where is the money coming from for that? Out of the General Treasury.

So we added several billion dollars of general revenue funding in the Finance Committee. I did not vote for it. I was not there at the moment. The Finance Committee already engaged in increasing the use of general funds to do some goodies like relieving the taxes that would otherwise be levied on the self-employed—and that is in the bill already.

We had Senators on the floor offering amendments, during the consideration of the bill, to pay for something by providing a tax credit. Where was the tax credit going to come from? From the General Treasury. There is no real general fund from which to take this. The general fund is $200 billion in debt for the year we are facing now. You are getting the money by adding it to the national debt.

In earlier days we would say, you are printing money, you are issuing printing-press money. But it is not a printing press any more. They have numbers in these computers, so all you have to do is add a numeral into a computer at the Federal Reserve; you just say, "Let's pay them another $100 billion of benefits, and we'll pay for it by increasing the national debt by an equal amount." All you have done is put an electric impulse in a silicon chip in a computer. Then you say, "We have $100 billion more in the Social Security Fund."

Once we start down that road, I believe we are in trouble, and that why I cannot vote for the conference report.

Mr. EXON. Mr. President—

The PRESIDING OFFICER. The Senator from Nebraska yielded to the Senator from Louisiana, so the Senator from Nebraska is recognized.

Mr. EXON. Let me ask a further question of the Senator from Louisiana.

Were the concerns just expressed on the floor of the Senate by the Senator from Louisiana discussed at any length in the Finance Committee before this bill was reported to the floor of the Senate?

Mr. LONG. Representative ARCHER appeared before the committee and discussed these concerns. Former Representative Joe Waggoner, of Louisiana, who was a Presidential appointee to the Social Security Commission, appeared before the committee and gave us the substance of his minority report. The Senator will find the same problem discussed in his minority report.

I must admit that the full impact of those comments did not dawn on me when they first said it. If the Senator will read the transcript of the record, he will see that I was very concerned about the matter, but the full impact did not dawn on me at that time. The more I thought about it, the more I found it necessary to inquire into it, and the more I became concerned about it.

Mr. EXON. Mr. President, I am very concerned about this, because what the Senator has just said is something we should zero in on.

One of the reasons the social security system is in the financial difficulties it is in today is the fact that over the years, I suggest, a whole series of ornaments have been hung on that tree, the way we hang ornaments on a Christmas tree. They were never financed or paid for, and now we find ourselves in a critical situation.

Let me ask a further question. I understood from the reply that my friend from Louisiana gave me that at least those objections were not raised or fully discussed when the Finance Committee reported this bill to the floor of the Senate. Is that generally true?

Mr. LONG. I did not dwell on that subject, as one who voted to report it out of the committee with reservations.

Mr. EXON. Were the matters that are now being brought to the attention of the Senate by the Senator from Louisiana brought up in open debate on the floor of the U.S. Senate? I say that because I notice that Senator LONG's colleague, the junior Senator from Louisiana, voted the other way the other night. I thought that was a little strange, because I know of the relationship, and most Members of the Senate do, between the senior and junior Senators from Louisiana. Is it possible that this Senator from Nebraska was not privy to all the information that was available to the junior Senator from Louisiana from his senior colleague?

What I am asking is this: As one Member of the U.S. Senate, did I miss something in the debate on this bill, which the Senator from Louisiana is not bringing up, that I would have been attuned to if I had been listening better, or is this something new?

Mr. President, if it is true, and I think it is, that the Senator from Louisiana is now saying that he has been very concerned about this and that he now is opposing this, at this very late hour, because of the reasons he has outlined, then that is of grave concern to the Senator from Nebraska; because one thing I think we should not do is to attempt to fool the people of the United States that we are correcting something without relying on the general fund to bail out the social security system from the difficulty it is presently in, if we are not doing that. That is why I am asking the questions I am asking, because I think I am about to cast a rather important vote; and I am not going to vote for this unless I can be convinced that we actually have done something other than the net result of relying on the general fund to bail out the social security system in the near future.

Mr. LONG. I say to the Senator that, to the best of my recollection, I have not voted against a social security bill in 34 years. But I will vote against this one.

As I say, my reasons do not have much to do with the items that were in conference, or that were dropped in conference. I have been troubled about the matter of general revenue financing throughout.

While the Senator might not have heard much of it in my remarks, I think if he were listening to the Senator from Colorado (Mr. ARMSTRONG) discuss the matter, he would have picked up some of that.

I discussed this matter with one of the more conservative conferees on the House side, and I told him——

Mr. EXON. Mr. President, there is not order in the Senate. May we have order, so that I can hear the Senator from Louisiana?

The PRESIDING OFFICER. The Senator is correct. The Senate will be in order.

Mr. LONG. I told that particular House Member I felt that perhaps I had been derelict in my duty to the Senate because I had not opposed the bill on that basis at an earlier point. He told me not to worry about it. He said he had been opposing it on that basis for months.

He had made the points until he was blue in the face, but he had achieved nothing on the House side, and I should not worry about the fact that I had not stressed the point prior to this in this Senate.

I do think if I had to do it over again I would have made this point to Senators when the matter was before the Senate, and having failed to do it perhaps I owe the Senator an apology. But at least I am explaining it now, because I do not feel that I can vote for the bill as much as I would like to vote for a bill to help solve the financing problems of social security. I do not think this is the way we should do it.

I am just one person who has his own conscience to live with. I cannot vote for this conference report. I explained to the Senator why I could not.

Mr. ARMSTRONG. Mr. President, will the Senator yield?

Mr. EXON. I am going to yield the floor in a moment.

I thank my friend from Louisiana, and my line of questioning I think clearly indicated that the Senator from Nebraska was not particularly pleased, that he did not feel he had been properly advised by the ranking minority member on the Finance Committee. The Senator from Louisiana, though, has said it very well. He felt that this is the time to lay it out.

I have great respect for his judgment. I am very pleased that he laid out his concerns at this time which I think is helpful to all of us, and I thank him for his candor.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, I wish to take just a few minutes to talk about what the Social Security Commission recommended and the conference agreement we have on the Senate floor right now.

We have in this agreement what the Social Security Commission recommended. Some are concerned about the use of general revenues. The bill is just the same tonight as it was last night on general revenues. We did not change a thing in conference pertaining to general revenues.

I do not quarrel with the Senator from Louisiana for indicating his concern about the use of general revenues. But I wish to assure the Senator from Nebraska and others that there is no change in the Senate's position on any of those provisions. The House bill is the same as the Senate bill on those provisions so they were never in conference.

What I wish to focus on is what we have before us. Everyone can find something wrong. But not everyone can be a conferee and not every conference can please everyone in the Senate.

We have what I believe is a good package. I did not want to raise the retirement age to 67. However, it is not going to happen for 40 years. I think we should look at it in that light.

I was satisfied with the fail-safe provision of the Senator from Louisiana. However, after 4 or 5 hours in the conference there was no way that the House of Representatives would buy that fail-safe provision. The Senator from Louisiana told us at that point in the meeting of our conferees, "If the fail-safe is a problem, put it out on the table," and we did that. In return for the loss of that fail-safe, we obtained a concession on the stabilizer. The stabilizer was not to take effect until 1988 and now it will take effect in 1984. To me that was a fair trade, not quite as good as the provision of the Senator from Louisiana, but a fair trade. We traded a horse for a horse, not a horse for a rabbit.

There is not a single change in this bill on taxing benefits. That provision has not changed one bit since it left the Senate Chamber. There is not a single change on the acceleration of payroll taxes. It has not changed one bit since it left the Chamber. There is not a single change in the COLA delay. It has not changed one bit since it left the Chamber last night.

The one change that some Senators approved and some do not approve is bringing in Federal workers. I can tell my colleagues now that I visited yesterday morning with some of the union people who represent Federal unions. I asked them, "Why do you not work out something so that we can accept the Stevens amendment and fight for that in conference?" The

union people said, "You know, we do not have any problem. We just want to take our chances on the Long amendment and see what happens." As Senators know, the Stevens amendment lost by five votes.

The House of Representatives was adamant about this coverage provision because it was the National Commission's recommendation that new Federal hires be brought into the system.

Tonight we have almost precisely, with some improvement, what was recommended by the National Commission. Yes, there are some general revenues in the package but they were there when the recommendations were made by the Social Security Commission. They were there in the Finance Committee amendment. They were in the Senate amendment last night, and they are in the bill before us tonight. They have not been changed. They have not been increased.

We have also done a great deal in the area of unemployment compensation. We have special provisions for West Virginia, special provisions for Michigan, special provisions for Illinois. And we provide a lot of coverage and benefits that are going to start coming due April 1. We have to pass the bill.

On prospective reimbursement under medicare, I think we have a good package. The Senator from Minnesota, who was not a member of the conference, was there to help us on that.

We have an alien provision that was not in the House bill. It is not as strong as the one we had in the Senate amendment, but we worked today with Senator GRASSLEY, the Senator from Iowa, who in turn contacted the Senator from Indiana, Senator LUGAR, and the Senator from Maine, Senator MITCHELL, and now we have an alien provision. We have accommodated the Senator from Hawaii in that provision and he is no longer concerned with the provision in this bill.

We accommodated the Senator from Washington, both Senators from Washington, on the paymaster provision that they thought was very important.

I believe if Senators look at the entire package that someone can find some fault. It is not the way they want it. It is not the way I want it either. But I defy anyone who has ever been to a conference to come back and say, "Oh, we got all we wanted."

I preferred raising the retirement age to 66. To get age 66, the Senate bill had to make some changes in the bend points, benefit reduction. I think changing the age to 67 is a benefit reduction. But the House of Representatives was convinced that since it had a vote on that age, they could not go back and say we are going to take 66. I even tried 66½. It seemed like a compromise—we had 66, they had 67. I assumed we split the difference in some of our conferences. So we tried 66½. But they would not buy it. That was without any benefit formula changes in the next century.

Mr. LONG. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. LONG. Mr. President, permit me to say to the distinguished chairman of the committee and the chairman of the Senate conferees, I hope he understands that nothing I have said about this matter is intended to reflect upon him or any other member of the conference. As the chairman of the conferees, the Senator did his utmost to uphold the Senate position. And although some of us may be disappointed that the Senate did not prevail on more of its provisions, my objection and the reason that I shall vote against the conference report, as the Senator correctly stated, has to do with the initial bill and the general financing phases of it which I simply came to understand better and better as the matter proceeded through the legislative mill. I do not for a moment question the good intentions and the very fine way in which the chairman of the committee has conducted himself, and I think the Senate is indebted to the chairman because he did faithfully defend the Senate position and I think we all are indebted to him for that.

Mr. DOLE. No; I appreciate that very much, and coming from the Senator from Louisiana I doubly appreciate it. Certainly I appreciate the Senator's assistance in the conference. I do not suggest that the bill is perfect. The Senator from Louisiana said he has been focusing on the general revenue aspect of the financing package for some time and he is coming down on the side of saying, "Well, I cannot accept it." That is the principle the Senator from Louisiana has held for a long time.

I was not here at the beginning of his speech. I know when President Carter suggested general revenue funding the Senator from Louisiana said no. We had that battle in our committee, and I joined the Senator from Louisiana in opposing such a solution, so I know a little about that.

Some are saying we did not get all we should have on the SECA tax. As the Senator from Louisiana and the Senator from Nebraska pointed out, that is taking money out of general revenue for tax credits for the self-employed.

The Senator from Missouri worked very hard on that, and he is going to speak on it. He is not perfectly satisfied with what happened. However, let me repeat that we insisted that the House Members vote on that provision because we were told that they had enough votes to come around to our position. But I could not detect that in the vote. It was a rather weak voice vote, and the chairman announced that he prevailed. The chairman can do that from time to time, and he is an outstanding chairman. The chairman of the Ways and Means Committee is a good man.

I believe that under the so-called SECA proposal, we did quite well in the conference agreement. Someone with $15,000 in income would pay a SECA tax under present law of $1,478. The Commission would have raised that to $2,100. The House bill would have said $1,785 and the Finance Committee said $1,665. So the conference agreement results in a $30 difference. I think we have come most of the way.

Mr. President, I ask unanimous consent that a table be included in the RECORD.

There being no objection, the table was ordered to be printed in the Record, as follows:

EXAMPLES OF 1984 TAX BURDENS OF SELF-EMPLOYED INDIVIDUALS UNDER VARIOUS PROPOSALS

[Assumes that individual is unmarried, has no itemized deductions and has no income other than self-employment income]

	Income—	
	$15,000	$30,000
Present law with speedup:		
SECA	$1,487	$2,955
Income tax	1,801	5,773
Total	3,279	8,728
Commission proposal with extension to HI:		
SECA	2,100	4,200
Income tax	1,591	5,135
Total	3,691	9,335
(Increase over present law)	(412)	(607)
House bill (2.1 percent credit):		
SECA	1,785	3,570
Income tax	1,801	5,773
Total	3,586	9,343
(Increase over present law)	(307)	(615)
Finance Committee bill (2.9 percent credit):		
SECA	1,665	3,330
Income tax	1,801	5,773
Total	3,466	9,103
(Increase over present law)	(187)	(375)
Conference agreement (2.7 percent credit):		
SECA	1,695	3,390
Income tax	1,801	5,773
Total	3,496	9,163
(Increase over present law)	(217)	(435)

Mr. DOLE. So, Mr. President, I know some are disturbed because the new Federal hires are included in this bill. But again that was a Commission recommendation. Democrats and Republicans and others said, "OK, if the system is going to work, we are going to bring in new hires." Maybe we should not have done that, but that was the position of the House, and they were adamant on that.

I happen to think it is a good provision. I visited again with some of the labor representatives following that decision and I can say that they are not too upset. They gave it a good shot and they lost. Now they are going to try to work out the supplemental plan with the committee of that jurisdiction, which happens not to be the Senate Finance Committee.

So, Mr. President, I believe that having participated in the conference and having been on the Commission, I can tell you honestly that I think everything the Commission recommended is in this bill. In fact, there is some improvement because when we gave up the fail-safe we tightened up the so-called stabilizer. I would like to convey to the Senator from Montana that I tried on his amendment. I could not find one House Member who would take up the battle. But that happens in a lot of conferences.

I hope that my colleagues will take a look at this and decide that this is an opportunity, not a perfect one, but an opportunity, to say to people "We believe in the system." I am not going to stand up and say, as some were saying, "We took care of it for 75 years," because I know what happened in 1977. We said we would take care of it for 40 years, and 4 or 5 years later we were back saying we did not do enough.

Mr. President, I hope we might adopt the conference report. It has just received an overwhelming vote in the House, 243 to 102. It passed with a greater than 2 to 1 margin and I think that is an indication that it has broad support.

Mr. HEINZ. Mr. President, I rise in support of the conference report on H.R. 1900. This bill will restore solvency to social security. It should insure, under our current economic forecasts, the financial integrity of the old-age, survivors, and disability insurance (OASDI) trust funds for both the rest of this decade and the foreseeable 75-year future. It is a bill which reaffirms the soundness of the basic structure of social security by making only minimal adjustments in the program to restore the program to a sound financial footing.

Mr. President, I am pleased that the Congress has been able to move quickly to enact this legislation and provide beneficiaries and workers, who have feared for the future of the social security system, the reassurance that the system will remain solvent in the future. The most serious problem for social security has not been the short-term financing problem or the long-term financing problem, but rather the loss of public confidence in the social security system itself. In the last few years, the proportion of the population between 18 and 49 with little or no confidence in the future of social security has increased from just under half to over three-quarters. This massive loss in public confidence threatens the compact across generations that is the basis for the entire social security program. Growing doubts about the future of social security weaken the willingness of workers to support the payroll tax which finances the system.

The bill before us represents a dramatic step toward restoring public confidence in social security. For the first time in more than a decade, with the enactment of this legislation, there will be no projected long-run or short-run financing shortfall in social security. Just as importantly, despite several years of public debate and political stalemate which have preceded this legislation, the Congress has demonstrated this year that it can work responsibly and in a truly bipartisan fashion when necessary to maintain a vitally important public commitment to present and future generations of retired Americans.

This legislation provides adequate financing for social security without placing an undue burden on any single group of beneficiaries or taxpayers. Ultimately there is no painless solution to social security's financing problems, but this bill spreads the burden about as evenly as possible. About a third of the $165 billion in new financing would affect employers and workers, a third would affect other accounts in the budget, and a third would affect beneficiaries. Because the financial burdens are broadly shared, they are minimal for any particular group of individuals.

In addition, it is worth noting that despite the urgent need for changes to improve social security financing, the Congress also has taken this opportunity to make some changes to improve the program as well. There are four provisions in this bill which improve benefits for divorced, widowed, and disabled spouses—improvements that have been long overdue. In addition, there are two provisions which will provide better incentives for older workers in the future who wish to continue working beyond the normal retirement age. The first liberalizes the earnings test somewhat, to improve social security benefits for those who continue earning some income after they begin receiving social security benefits. The second incentive is a gradual increase in the delayed retirement credit so that workers who delay their retirement after age 65 will no longer lose the full actuarial value of their social security benefits as a result.

Mr. President, I think this legislation will provide the necessary tonic for our ailing social security system. On balance, I believe it is a fair and reasonable compromise solution. As in any compromise, however, good proposals were lost in the interest of forging a package which would be acceptable to both Chambers. There were five areas in particular where I feel the Senate was forced to recede with respect to worthy ideas, and I truly regret that we could not come to the floor tonight with legislation that included these provisions from the Senate bill.

Most importantly, the Senate had to recede on its solution to the long-run financing problem. In my judgment, the Senate version was much better than the House provision we accepted which raises the retirement age to 67 by 2027. The provision passed by the Senate involved raising the retirement age to only 66, gradually phasing in the increase between 2000 and 2015. This increase in the retirement age was coupled with an across-the-board 5.3-percent reduction in the basic benefit amount, gradually phasing in the reduction between 2000 and 2008.

Our provision had several advantages over the House bill. First, it involved only a 1-year increase in the retirement age in recognition of the fact that, though many may choose 20 years from now to work longer, there will continue to be workers with poor health, low skill levels, and inconsistent work histories who will be physically unable to work or will be unable to find employment when they are older. The 1-year increase in retirement age would have avoided unfairly penalizing these workers. Second, the combination of these two provisions would have spread the burden of the additional financing across a broader group of individuals, with a less severe effect on any particular group. While the retirement age increase would be a reduction in benefits for retirees only, and a reduction concentrated most heavily on those who take early retirement; the 5.3-percent reduction in the basic benefit would have affected all beneficiaries—retirees, survivors, and the disabled—equally. The combination of the two would have protected survivor and disability beneficiaries without placing an unfair or undue burden on retirees of the future. Third, the combined effect of these provisions would have resulted in a less severe reduction in benefits for any particular beneficiary in the future. While raising the retirement age by 2 years will eventually reduce monthly benefits by 13.3 percent for someone retiring at 65, the combination in the Senate bill would have reduced benefits by only 11.6 percent for someone retiring at age 65.

Mr. President, I ask unanimous consent to insert a table in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

COMPARISON OF THE EFFECTS ON MONTHLY SOCIAL SECURITY BENEFITS OF THE LONG-TERM FINANCING PROVISIONS IN THE HOUSE AND SENATE VERSIONS OF H.R. 1900

Year	Percent reduction in monthly benefit amounts			
	Retirement at age 62		Retirement at age 65	
	House[1]	Senate[2]	House[1]	Senate[2]
2005	6.25	7.00	3.33	3.50
2015	6.25	11.20	6.67	11.60
2025 and after	12.50	11.20	13.33	11.60

[1] House version: Increases the normal retirement age from 65 to 67 between 2000 and 2027 in 2 steps.
[2] Senate version: Increases the normal retirement age from 65 to 66 between 2000 and 2015; reduces basic benefit amounts by 5.3 percent, gradually phasing in the reduction between 2000 and 2008.
Source: Social Security Administration, Office of the Actuary.

Mr. HEINZ. In short, Mr. President, I believe the Senate had a better long-run financing proposal—one that would have been fairer and more equitable. But unfortunately the House proposal to raise the retirement age to 67 prevailed.

Mr. President, I also regret that the House conferees where not willing to accept the Senate provision which would have completely eliminated the earnings limit in social security by 1995. Fortunately, the rate at which social security benefits are reduced for earnings was lowered somewhat in the conference agreement, so that those with earnings just over the $6,600 limit will not face such a large marginal tax rate. But I am concerned that we have not done enough.

The earnings limit, or retirement test, is a powerful factor in forcing older persons who want to work out of the labor force. Many people, in fact, believe that they will lose their entire social security benefit if they earn more than the limit. Continuing to discourage older people from working is neither good national policy, nor does it conform with the interests and wishes of older persons themselves. We need to change these disincentives if we are going to encourage productive older persons to stay in the work force, to contribute to our economy, and to continue to meet their own economic needs in independence and dignity. By failing to raise the earnings limit I fear that we have missed an excellent opportunity to provide encouragement to older workers.

I am also disappointed that the House conferees refused to agree to the Senate tax credit for the self-employed. In my judgment, the Senate provision would have reduced the amount of net tax increase for the self-employed resulting from the increase in self-employment social security tax rates. Although I have supported the notion that the self-employed should contribute for their social security benefits at the same rate as the employer-employee, I have also felt very strongly that this adjustment should not significantly raise the tax burden for the self-employed. I am particularly concerned that the net increase in taxes not be too large in the first few years. Unfortunately, the House provision which was adopted provides a smaller tax credit in the initial years than the Senate provision. I can only hope that this smaller credit will not result in an excessive and unfair added tax burden for the self-employed.

Mr. President, I must say I also regret that the House conferees were unwilling to accept the very limited exemption from social security for employers and employees who are conscientiously opposed to accepting insurance. My amendment, incorporated in the Senate bill, would have permitted mostly Amish employees who worked for an Amish employer to avoid paying contributions to social security. While I believe coverage under social security should be universal, I also believe that we should respect the religious convictions of our citizens, and where these convictions conflict with the law, make an effort to exempt them if possible. In this case, the Amish would have waived their right to all future social security benefits. Their convictions would have placed no burden on their non-Amish neighbors. I think it is shameful that we were unable to make this adjustment in the law, which to the Congress is so minor, and to the Amish is so important.

Finally, Mr. President, although I am pleased that the conference agreement would remove the social security trust funds from the unified budget in 1992, I regret that the House conferees insisted upon removing the two medicare trust funds—HI and SMI—along with the OASDI trust funds. The medicare program is really quite different from the cash benefit progams. First, there is not the inherent relationship between the workers earnings and the benefits received under medicare that there is in OASDI. More importantly, the medicare program faces extremely serious financing problems beginning in the next 2 or 3 years—problems which have not yet been addressed in legislation. It is quite possible that the entire system of financing medicare will need to be restructured in the near future to assure its financial health. Since this effort will in all likelihood involve spending and revenue decisions quite different than those which might be made for a stable, well-financed retirement system, I believe it was inappropriate for the House to decide to move this program outside the unified budget at this time.

Despite my concerns about these specific elements of the conference agreement, Mr. President, I believe this legislation is, all things considered, a reasonable solution to our pressing social security financial problems. It will meet the financing needs of this program in this decade as long as the economy performs as well as or better than our purposely conservative projections for it. And in the long run, this legislation will resolve the forecasted 75-year deficit in the program. I commend all of my colleagues who have worked so hard to complete this legislation. With its passage tonight we can demonstrate once again to today's younger workers our commitment to preserving the social security system.

Mr. President, I will just say very briefly that when the Senator from Kansas says that this conference report is better than the original provision agreed to by the President, by the majority leader, by the Speaker of the House, and the majority of the members of the National Commission on Social Security Reform, he is right. This is better, and it is better for one reason principally which he has referred to and that is it has a better stabilizer. It is more likely to do the job even than that which the Commission, with the President's concurrence, recommended to this and the other body.

Yes, I know there are probably some things in the bill we would all like a little bit differently. I was the principal architect of the long-term provisions where we had a balance between raising retirement age 1 year, reducing the replacement rate by about 5 percent, and then bringing in much faster the delayed retirement credit and phasing out much faster the retirement test, and I would be dishonest with you if I did not say our provision was better than the House provision, going from 65 to 67. I think we have a better provision in terms of incentive for people to work because of the delay in retirement credit phasing because of the phaseout of the retirement test.

I think we spread the burden around in terms of slowing the growth of benefits a good deal more evenly, not a great dramatic difference perhaps, but more evenly.

I would have liked to have seen that prevail. We lost most of the speedup from S. 1, the delayed retirement credit, but what we have in this bill is exactly what was in S. 1, the delayed retirement credit.

We have a better provision of the retirement test that was in S. 1 but not as good as what we sent to the House.

I regret we lost that but on a balance this bill is a reasonable bill and it complies with about everything the National Commission recommended.

So, Mr. President, I hope my colleagues will join us in supporting this. It is a good start and it is going to do the job, and I guess that is the best we could really ask.

Finally, one last observation: I think the Senator from Kansas did a superb job, as did the Senator from Louisiana and the other conferees, Senator DANFORTH, Senator CHAFEE, Senator MOYNIHAN, to name just a few. The Senate conferees rigorously upheld at every opportunity the Senate position. I have never seen a more faithful group of conferees, and we did not lose every battle. We got about halfway in most of these cases.

I think you can always ask to do better but when you go through nego-

tiation you are not going to win them all and we did not.

Well, Mr. President, I thank the Senator from Kansas for yielding and I commend him on his good work.

Mr. DOLE. I will yield for a question.

Mr. EXON. I thank my friend. One brief question: Please clarify for me one of the other parts of this which seems to have a great deal of confusion. The House, as I understand it, would not put language in the bill that deleted the payments of social security to illegal aliens. We included that on this side. During the explanation by the chairman of the committee he said something about illegal aliens. As I understand it, we basically came out of conference with the House position that we essentially would continue to make social security payments to illegal aliens. Am I misinformed or is that accurate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. DOLE. I will just say to my distinguished colleague there was no House provision on illegal aliens. We did not get everything we wanted in illegal aliens, but they had no provision.

Mr. EXON. I would simply inform my friend from Kansas that one of the Congressmen from my State introduced such a proposal and was turned down in that committee so you would not know about that. But is it not true that we did address that matter on this side and we went to conference with the provision that would have provided for not paying social security to illegal aliens, and was not that basically eliminated in the conference?

Mr. DOLE. It was modified.

Mr. EXON. That is what I want. Was it just watered down or did we sink the ship.

Mr. DOLE. No, it was modified. The ship did not sink. I must say that even on the Senate side there were different views on illegal aliens. The Senator from Kansas was a strong supporter of the Senate position and we indicated to the House conferees we could not come back to the Senate without a substantial provision on illegal aliens. So I contacted the Senator from Iowa, Senator GRASSLEY, who has a dominant interest in this, and I understand he contacted some other Senators. He came to the conference. He discussed it with staff. He discussed it with Mr. Svahn of HHS, the former Social Security Commissioner, and advised us that he was satisfied with the provision.

Mr. EXON. The Senator does not have to satisfy him, he has to satisfy me.

Mr. DOLE. I understand.

Mr. EXON. That is the reason for the question.

Mr. DOLE. Let me find the committee report language and I will come back to that question.

I yield to the Senator from West Virginia. I will yield the floor.

Mr. RANDOLPH. Mr. President, I ask for the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized. Before the Senator begins, the Senate will be in order.

Mr. RANDOLPH. Mr. President, no comment that the Senator from West Virginia now speaking is to make will change a single vote in the Senate. I make, however, this very, very brief statement. My colleagues, I will reaffirm my vote of 1935 for social security. That legislation passed in the House of Representatives by a vote of 372 to 33 on April 19, 1935. The Senate, on June 19, passed the measure by an impressive vote of 77 to 6.

We have all, I believe, studied the subject matter very, very carefully. I think that I have given even more personal attention away from the floor to reading the remarks of my colleagues, to talking with many constituents on this matter, than almost any measure that has been before us in recent months, perhaps in recent years.

I will, Mr. President, vote for the conference report. I believe that we must be realistic in this crucial hour. I believe that, on balance, the Senate will do well—not all of us satisfied, of course—to act as the House of Representatives has acted, act, yes, in the affirmative, forward the bill to the President, which he will sign into law. We have then acted in both bodies in the best tradition of this historic bill. We know that not all the provisions suit us. I trust I do call for a unified vote, although there will be votes against the report here as in the House. I respect differing conclusions of my colleagues.

I thank my colleagues for their attention.

Mr. ARMSTRONG addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ARMSTRONG. Mr. President, as I reflected on what I might say to the Senate on this occasion, I could not help recall what Samuel Goldwyn was supposed to have said on a similar moment. He said, "I am sick and tired of these old cliches. Get me some new ones."

Well, I have not been able to come up with any new cliches and I am not really eager to try to persuade anybody to my point of view. But I do want to explain my point of view because 2 or 3 years from now, if we should happen to be back in this Chamber doing another once in a lifetime shoring up of the social security system, I would like to have a record of the fact that at least some Members knew that was likely or at least possible to happen.

Last night, I voted for the passage of this bill. I made no effort to make any public explanation of it. Afterward, a number of the Members of the Senate expressed some surprise that I had voted for it because I had rigorously criticized certain provisions of it.

I criticized general fund financing that was included in this bill. I associate myself completely with the observations of the Senator from Louisiana. That is a threshold I never wanted to cross. I think it is a mistake to cross that threshold. I think it is bad public policy. Yet, last night I was prepared to do so in voting for this bill, even though I have been against it right from the start.

I criticized the tax provisions in the bill. And there is, and was last night when I voted for it, an enormous increase in taxes. A payroll tax increase which comes on top of a quadrupling of payroll taxes in the 1970's and another tripling that is already in the law, a twelvefold increase in two decades of the payroll taxes. And last night I was prepared to vote reluctantly for a further increase that is proposed in this bill.

I voted last night to tax the benefits of people after I had voted, along with I guess every other Member of the Senate less than a year ago, not to tax benefits. I was prepared to give a lot of ground, to swallow all of those things for two reasons.

First, I thought it was critically important that we get a bill and, second, because I could honestly say at home or in this Chamber or in the press or anywhere that this is a bill that we can depend upon to put social security on a sound fiscal basis, a sound basis. I could even remember what happened in 1977 to Jimmy Carter and all the others who said that was a once-in-a-lifetime reform and we would never revisit that issue and I thought a lot about it before I made the statement.

But, based on what was before us last night, I could say, any Senator could say, the actuaries could say, that this bill is solid, and under any reasonable foreseeable circumstances we are going to put social security on a sound basis. And that means the retirees are never going to have to be uncertain again under any reasonably foreseeable economic circumstances.

And it means that the taxpayers, particularly the younger generation of working men and women, who are really restless about the rising burden of taxes that has been imposed upon them, that we could say to them, "Look, social security is solid. It is solvent. It is going to be there when you retire. Be of good spirit as you pay the taxes. It is a fair deal."

That is why I voted for this last night.

Well, they went to conference today and they did a lot of things I did not approve of. I heard, for one thing, they did away with the amendment

which I thought was not controversial—I had hoped it would not be controversial—as to the phaseout of the retirement earnings test. That really disappointed me because getting rid of the retirement earnings test has been one of the most important objectives that I had in consideration of this social security bill and I judge that the retirement earnings test is one of the most unpopular and unfair provisions of social security. And they did away with it. Well, I was prepared to swallow that, because the fund was still on a sound basis.

Now, then I heard they did away with the dropout year provision which we put in. This is not going to mean anything to some people, but to a few million mothers who have to take a couple of years off to care for children in the 1990's and the years after the turn of the century, that is going to be important. And there are several million of them. I hated to hear that they had taken that out of the bill. That is an important liberalization of the benefits. But I could swallow that.

I was sorry when I had heard they did away with a little modest element of relief we had granted to small businesses, just letting them deposit their withholding a little later to give them a chance at least to get their feet under them and to have 15 days or so after the close of the month to deposit their taxes. But I could swallow that.

But, my friends, when I heard that they had taken the fail-safe out, I cannot swallow that. That gets to the stomach turning point as far as I am concerned. Because with the fail-safe out, we cannot be sure we are not going to be back here in 1985 or 1986 patching up this sytem.

Again, I do not mind making sacrifices and I am prepared to go home and say to my taxpayers:

> Look, I fought to keep the tax increase out of this, but you have got to go for it. We had to do it because we have to put social security on a solvent basis. We have to shore up the system and we have to restore the public faith and credibility in the system. It has not only got to be prudently safe, it has to appear to be safe.

But I cannot say that once the fail-safe has gone.

Now, the Senator from Louisiana who put the fail-safe in the bill in the first place is modest about the impact of that. But the fact of the matter is for many of us that was the final centerpiece of this bill, because that said that if the trust fund got in trouble, if our economic projections are a little too rosy and if things did not go as we thought, that the checks would still go out on time and there would just be a little restraint in the cost-of-living benefit adjustment increase.

And, significantly, in proposing this, the Senator from Louisiana held harmless the beneficiaries who receive the smallest monthly amount because the way he structured it we pay 100 percent of the cost-of-living adjustment for the first $250 of basic benefit levels. So we did not hold harmless the people who might be getting $800, $900, $1,000, $1,200, even $1,400 a month for a couple on social security benefits. They give a little restraint on their COLA if the trust fund got into trouble, but not the person down to $250 or $300 a month. We took care of them.

The effect of dropping that out of the package is simply to leave in doubt whether or not we can make it through 1985 and 1986.

Now, that is my opinion, but it is not just my opinion. That is the opinion of the experts, because before I came to the floor to advise my colleagues that they run the risk as they adopt this of not having the fund on a sound basis, I consulted not one but two experts, and not just two experts but the two foremost experts I personally know on this subject, the two men who are in the position of professional expertise to know the most about it.

I asked them this question: I said:

> Last night I told some of my colleagues who sought my advice that with that fail-safe in the bill, it was a virtual certainty that social security would be on a sound basis and we would not have to come back and patch it up at any time in the decade, that with any reasonable circumstances we would make it through. is that true?

They both agreed, "Yes, that is true."

I said, "Can I make the same statement after they take the fail-safe out?"

They said, "No, you cannot."

I said, "What statement shall I make? What shall I tell them if anybody wants to know about this?"

What I was told was this: "There is no certainty that the thing is going to default. There is no certainty that we are going to go off the cliff in 1985 or 1986. But there is," and I quote exactly, "a significant possibility that precisely that will happen."

Therefore, after 2 years of fiddling around with this thing and debating and jockeying for position and terrorizing 36 million people around this country who are wondering is their social security benefit going to be safe or is it going to be held hostage at some point of deadline in the future as it has been so often in the past, we are right back where we started.

I am not going to vote for all of the things in this bill, most of which I do not approve of, when the bottom line is that we are really not sure we are solving the problem, that we might be back here——

Mr. DANFORTH. Will my colleague yield?

Mr. ARMSTRONG. I will yield in a moment—that we might be back here in 1985 or 1986. That is why I will vote against it.

My closing remark is, Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. ARMSTRONG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, I would like to point out that the bill that passed last night was not as solid as the bill before us today.

The bill that passed last night was $9.3 billion short in the short run and in long-run deficit 1.2 percent of payroll (almost $3 billion per year for the next 75 years).

The actuaries tell us that these short falls have been eliminated in the conference bill in both the short and long range.

The Senator from Colorado expressed displeasure with the fact that the retirement earnings test is not phased out in the conference report. In fact, the conference report liberalizes the retirement test in 1990—the same date as in the Senate bill. Rather than phasing out the test, the conference report liberalizes the test so that instead of penalizing an elderly worker by $1 in benefits for each $2 they earn, they will have benefits reduced by $1 for each $3 of earnings. This substantially reduced the penalty for working—while admittedly not going as far as we would have liked.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, my distinguished colleague from Louisiana has referred to the fail-safe. That is the deficit problem. As long as you have deficits, which we will have for many years to come, then the social security payments will be made. There is a difference between the funds being sound and the recipients being soundly paid. We are going to do the latter.

Two years ago, when we raised this question in the Budget Committee, many of the blue ribbon commission and others questioned that the social security trust fund was even in trouble, and we cautioned at that time, Mr. President, that before long we were going to be using general revenues to pay social security benefits. They said, "Do not worry. That will never occur."

Now the distinguished Senator from Louisiana has shown us that this fear has come true.

He put my statement into the RECORD on last evening. I am grateful to him.

I want to associate myself with his remarks. We have now not only taxed the benefits but now we have gone into the general revenues to pay benefits. We are on a means tested program and, in reality, then, instead of

this evening crossing a historic milestone and solving the social security problem, and reestablishing the people's confidence in the solvency of the social security system, on the contrary we are really now starting to create the problem.

They will learn that it is not only means tested by taxes, but they really are going to the deficit each time benefits are paid.

If we do get in trouble, I say to the Senator from Colorado, in 1985 or 1986, we will just come back to the general fund because the precedent has been set to finance benefits from the deficit.

The only thing we have to fear is the lack of fear of deficits in this national Congress. We are going on willy-nilly. This social security bill adds $48 billion over a 7-year period of general revenues, about a $7 billion a year in a new spending program, unable to be financed out of the trust fund. Therefore, I will oppose the conference report. I thank the Chair.

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Mr. President, I will vote for the conference report. I have supported this bill from the outset. I was one of the original cosponsors of S. 1. I believe this is the only responsible alternative we have. But I would like to point out the fact that while we have made the effort and have succeeded in holding harmless employed individuals from the effect of tax increases on them, we have far from held harmless those who are self-employed. We have provided some credit on income taxes for social security taxes paid. But the net effect of the conference report that is now before us is that for a self-employed, unmarried person with an income of $15,000, we are increasing the total tax liability of that individual by $217.

For a self-employed, single individual with a $30,000 income, we are increasing that individual's net tax liability by $435.

Mr. President, the effect of this will be that when, for these individuals, the social security tax and the income tax liabilities are added up, the individual with a $15,000 income will pay a total of $3,496 in taxes, and the person with a $30,000 income will pay a total of $9,163 in taxes.

We are landing a haymaker punch at the self-employed people of this country, and the low- or middle-income self-employed people of this country.

Mr. President, who are these individuals? These people constitute the backbone of our country. Most farmers are self-employed individuals. Most farmers are hit by this tremendous increase in tax liability.

We know that the real estate sales people have been particularly interested in the self-employment tax. They are certainly not doing too well in their business these days. Aside from them, the small contractor, the home repair person, the person who owns the corner grocery store, some of the most tenuous people in our society, economically, are going to be hit by a very significant increase in their tax liability.

We in the Senate recognized this problem and did our best to expand the credit that was recommended by the Commission and the credit that was in the House bill. We still would have hit these individuals with a very substantial tax increase. It was my view that we should have held the line in the conference, that we should have insisted on the Senate provision.

We did not do so. We came out with a pretty fair compromise in that we were closer to the Senate position than the House position in the conference. But the effect of this is very substantial on self-employed individuals. I point this out to the Senate because it is my judgment that in the very near future we are going to have to face up to this fact or we are going to be driving even more people who are now on the brink of bankruptcy over that brink.

Mr. BOSCHWITZ. Will the Senator yield for a question?

Mr. DANFORTH. I yield.

Mr. BOSCHWITZ. I believe the Senator has well expressed this provision in terms of dollars now. I believe the figure in the Senate bill was 3 percent for 1984.

Mr. DANFORTH. The Finance Committee bill was 2.9 percent in 1984 and the conference was 2.70.

Mr. BOSCHWITZ. And for 1985 and 1986?

Mr. DANFORTH. I will have to call on the committee staff for that; 2.3 in 1985 and 2.0 in 1986. that is the conference report.

Mr. BOSCHWITZ. What was it before?

Mr. DANFORTH. We went down to 2.1 in the Senate.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, the hour is late and I shall be brief. With the indulgence of my friends on the other side of the aisle, I should like to speak to my fellow Democrats on this side.

I wish to point out first of all that this bill passed the U.S. House of Representatives by a margin of 2½ to 1. Among the Democratic majority in that body, it passed 3 to 1. A Democratic leadership has been willing to cooperate in this singular bipartisan effort to save the single most important domestic program our party has ever brought this Nation. None other than JENNINGS RANDOLPH, if he will forgive the personal statement of his name, who spoke on this floor, was on that floor 50 years ago when this legislation passed. None the like has ever passed either body and none is more singularly our heritage to preserve and pass on. By 3 to 1, our fellow Democrats voted for this.

Second, I say to you that this is not one subject matter. This is medicare, this is unemployment insurance. For the first time in history, we add a fourth tier of unemployment benefits for those who have exhausted their final Federal supplemental compensation benefits. The new programs begins when this bill is enacted; the third tier, Federal supplemental benefits, expires March 31. Today is March 24. In 7 days, if we do not pass this, 738,000 working men and the families behind them will have their benefits cut off. We provide not only that they continue, but there is a reach back for those whose supplemental benefits have already expired.

I say to you, the fail-safe provision which my distinguished friend and my beloved chairman put into this provision was not accepted. But had we had the stabilizer, which during the long month at Blair House was replicated for the years 1977–82 the funds would never have been in any difficulty.

The stabilizer says that when the funds drop to a certain proportion of expected outgo during the year, you switch to the lower of price or wage increases for the adjustment in the benefit. That stabilizer, reduced to 15 percent, is moved up to 1985. We have been given the 1984 budget and now we have a stabilizer at 15 percent from 1985 through 1988, then its flips up to 20 percent and stays that way indefinitely.

I last say that, yes, we have put general revenues into this fund. We have done so for a period of, at a very diminishing rate, 7 years. The men who devised this arrangement in the 1930's expected it to be a one-third-one-third-one-third arrangement by now. We have had a very gentle infusion. And in a very short order, this particular set of funds goes into a major surplus.

This last Sunday, in the Washington Post, a respected journalist, Mr. John M. Berry, had a front-page article that went on at some length and which asked what the Federal Government was going to do with the surpluses this legislation would generate beginning in 1990? It is a problem to which the Senator from New Mexico could usefully address himself with more pleasure than with which he deals with the problems of this very moment.

We have a short-term problem we have resolved, a long-term problem we have dealt with with a high order of bipartisan competence. It passed the

House of Representatives 2½ to 1—243 to 102. A Democratic measure—if Jennings Randolph were on that floor tonight as he was 48 years ago, he would have voted for this bill, would he not, sir?

Mr. RANDOLPH. My friend, I voted for the initial bill 48 years ago. It was a monumental document.

Mr. MOYNIHAN. Would you not have voted for it tonight, sir?

Mr. RANDOLPH. I will vote aye! I do so with the inner knowledge that I do right. It is a vote for people, our citizens of this great and good land!

Mr. MOYNIHAN. You never fail us. Let us not fail them. They happen to be the American people.

Mr. LEVIN. Mr. President, I have just one brief question for my friend from Kansas. One small important part of this bill added as set aside. By a small bipartisam effort, we added a provision to finally, years later, assist widows who find themselves, after 20 or 30 years of raising kids and keeping house suddenly widowed. Because they are not yet 60 and they are not working, they have no social security benefits. We provided a very modest transition benefit of 6 months for those widows 55 years or older. It costs only $25 million. I have two questions for my friend from Kansas.

One is, Did the House conferees refuse to accept our provision in this matter?

Mr. DOLE. I say to the Senator from Michigan that the House conferees did refuse to accept that provision. I can also say that the record will reflect that on two occasions the Senator from Kansas raised that specific provision and indicated that it was important to the Senator from Michigan. On the last occasion, the chairman of the conference and the chairman of the Social Security Subcommittee, Representative PICKLE, promised the conference and everyone there that they could not accept this provision or the dropout year provision which was added by the distinguished Senator from Colorado. However, they promised that, along with other issues dealing with discrimination against women, they would soon be having hearings on the broader issue of the treatment of women under social security.

Mr. LEVIN. The second question is, Can I count on the chairman's support on future efforts in this?

Mr. DOLE. The answer is unequivocally yes.

Mr. LEVIN. I thank the Chair and commend him on his efforts. The problem here is so tragic and so stark, we must step up our efforts to correct it.

Mr. DOLE. Mr. President, I would like to point out to the Senators from Michigan and Colorado, who are concerned about the absence of certain provisions for women, each of the four equity provisions recommended by the National Commission were adopted. In addition, the conference report included a modification that will provide great relief for older women on social security survivors or dependents benefits who also receive a public pension. Next July, they would have suffered a $1 for $1 reduction in their benefits on account of their other public pension. The conference report will provide for a one-third disregard of the public pension—elderly spouses and widows and widowers will only have two-thirds of their pensions offset.

Mr. DOMENICI. Mr. President, I wish to ask the Senator from New York a question and I do not ask this question to in any way prejudice the conference report before us. There is a significant difference between the fail-safe and the stabilizer, as I see it, in that the fail-safe is measured in terms of going below the reserve. The stabilizer—I do not know where the word came from—but it is not measured against the reserve. As I read the bill, either CPI or wages, whichever is lower, you get but you could still go below the reserve. So it is not a fail-safe, it is merely saying if CPI is lower than wages, you get the lower if the reserve is too low. But it is not attached to keeping the reserve. You could go below the reserve, accepting the lower of the two, as I understand it. Is that not correct?

Mr. MOYNIHAN. The Senator is correct in that very technical sense. The stabilizer—the word came from the distinguished Chairman of the President's Commission, Mr. Greenspan. It is triggered by the reserve and the language added by the House Members is that when it goes below 15 percent for this 4-year period, then 20, the trustees are to automatically go to the lesser of the two indices and report in writing to the Congress as to what other, if any, measures are required.

Mr. ARMSTRONG. Mr. President, will the Senator yield to me briefly?

Mr. DOMENICI. I am pleased to yield.

Mr. ARMSTRONG. I want to point out that while I favor the stabilizer provision, it will have absolutely no effect whatsoever on the stability of the fund or the ability of the fund to meet its projected payments during the balance of this decade under either of the two economic scenarios, that is, 2(b) and 3, which were under consideration by the Finance Committee and by the National Commission. It is a worthy provision, it is a useful provision, but it is irrelevant to the question of whether or not we are going to make it through 1985, 1986, and 1987, according to the staff director of the National Commission on Social Security Reform with whom I have discussed this matter tonight.

Mr. DOMENICI. I say to the Senator, I understood that very clearly and I think that is why I asked the question, not because that should be the conclusive issue but "stabilizer" somehow sounds like——

Mr. ARMSTRONG. It sounds better than it is.

Mr. DOMENICI [continuing]. Fail-safe.

Mr. ARMSTRONG. Exactly.

Mr. DOMENICI. The point I was making is they are not the same because as the Senator has indicated, even if you go with the lower of the two, it is not triggered up against preserving a reserve but, rather, triggered up against making a report that you are in trouble, as I understand the bill.

Mr. ARMSTRONG. That is right.

Mr. DOLE. Will the Senator yield briefly?

Mr. DOMENICI. I am pleased to yield.

Mr. DOLE. I do not think the fail-safe is fail-safe either. We can argue semantics all night long, but if you reduce the COLA to zero with the fail-safe and the fund still does not have enough money to pay the checks, it is obviously not fail-safe. This is all sort of a semantic game.

I must also say that the same actuaries being cited tonight for forecasts were the same ones who told us in 1977 that we did not have a thing to worry about for 40 years. Now, if they are the same actuaries the Senator from Colorado is relying on tonight, I think one is the same one I relied on this afternoon. I hope he gave me accurate information when he told me this afternoon that the stabilizer as modified was a good trade. That was his statement to me.

Mr. ARMSTRONG. Mr. President, if the Senator will yield, it is not my purpose for a second to dispute the value of the stabilizer provision but only to underscore, as the Senator from New Mexico said, that it has a different function.

I had not intended to get into a detailed explanation of this. But under both economic scenarios which were within the contemplation of the Commission and the Finance Committee and the Ways and Means Committee and the House and the Senate, it is anticipated that wages will rise more rapidly than prices and since that is the case the so-called stabilizer would have no effect.

Now, if some different set of economic conditions prevail than any than were considered, it is conceivable it would have some effect but under the conditions which we deemed as the outer parameters of what we would think about in preparing this bill it would not have any effect. It is, nonetheless, a worthwhile provision.

Let me also emphasize to the Senator—I said it earlier but I want to say

it again—that I am not predicting the trust fund will go broke in 1985 or on any other particular date. My bottom line for support of the bill was a reasonable assurance, not an absolute, ironclad guarantee, but the assurance that a trustee would expect a prudential assurance, a coverage of all reasonably foreseeable circumstances—not every manageable circumstance but just what can be reasonably foreseen by people who see themselves as the trustees of a system that we have got the job done. Last night's bill did that. In my opinion and in the opinion of experts, there is a significant possibility—I quote, "a significant possibility"—that the bill in its present form will not fulfill that requirement.

I am not willing to take that risk but I do not predict that we are going bankrupt in 1985 or 1986, just that there is a significant possibility that we will not be able to make ends meet, and that is not good enough after all we have been through.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, having distinguished between the stabilizer and the fail-safe, I think it is only fair to say that from the standpoint of possibilities, I agree with the distinguished Senator from Kansas with reference to the fail-safe provisions. They are fail-safe with respect to getting down to no COLA at all, and then if you have to go below it, obviously you would be in a state of reserve bankruptcy. The fail-safe only provided for adjusting the cost of living. It did not provide for going below it. So in that respect I did not mean to imply to the contrary, and I indicate in my opinion he is correct in that observation also.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, if the managers of the bill are prepared to do so, I am prepared to suggest that time has arrived when we should go ahead and put the question to the Senate. Mr. President, I make only these general observations and do so briefly at 1:25 in the morning.

I do not recall in my years in the Senate ever seeing the Congress of the United States pass a bill that we agreed was perfect. I do not recall one that I have ever seen that I was wholly pleased with. Some I like better than others. But I really do not think it is in the nature of representative government that we often achieve perfection.

It is the genius of this system perhaps, though the Republican concept in general, that the very pluralism that puts us here in the place of trust guarantees that there will be an exquisite diversity of opinions and ideas that will result in something that is essentially unsatisfactory in some respect to virtually every Member of Congress.

I acknowledge the reservations, I respect the concerns that Members have about this conference report.

Mr. President, I believe there is a broader and deeper perspective at hand. In the course of our history, there are times when the country demands that we do something—in civil rights, in national defense, in environmental legislation. Whatever it may be, in its own inimitable, unmistakable way, the people of this country gather up and demand that we do something to correct, to innovate or to change the status quo. I believe this is such a decisive moment.

I think the country is telling us to get on with the business of fixing the social security system. I do not think the country is telling us we have to do all of it tonight. I think they understand that we understand we are going to do the best we can but we will come back for another bite. There will be other bills. There will be the inevitable cleanup hitter. There will be the corrections that have to be attended to next month or the month after that or in the next session because, Mr. President, we learn from our experience. But there is a fundamental responsibility to deal with the demand of the Nation to deal with this issue.

Mr. President, if the Congress of the United States fails to do so, I believe we will incur the wrath of the Republic. If the bipartisan Commission appointed by the President and the collective leadership of the Congress can subordinate their differences and produce a virtually unanimous report, then surely the country has the right to expect that we will implement it. If the House of Representatives on both sides of the aisle can adopt this imperfect vessel as the best effort of this Congress at this time, then surely we should take account of the responsiveness of this body in attending to the needs of the Nation.

This is not a perfect bill, Mr. President. But we are not a perfect body. This is not the last word to be spoken, Mr. President, but is the first best effort that we can make at this time.

Mr. President, I urge that the wrath of the people of this country will not come down upon the head and shoulders of this Senate for failing to attend to the clear responsibility that the Nation is asking of it.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. I thank the distinguished majority leader, and I will just take 1 minute to say as sincerely as I can that every major provision recommended by the Social Security Commission is in this bill, every major provision unchanged, every major provision.

The bill that left the Senate last night was $9.3 billion short in the short run and 0.2 percent of payroll, almost $3 billion a year, in the long run—the next 75 years. The actuaries tell us that the bill we brought back is actuarially sound in the short term and long term.

I say, as just one member of the Commission, that we have done a lot of work on this proposal. As the majority leader said, it is not perfect. We have 7 years to address the earnings test, for example, if the Congress desires to go further in this area. It does not take effect until 1990. We have a bit of the alien piece too, and that is enough to sustain it. We will be happy to have additional hearings and work in that area. If anything is not quite satisfactory, we have time to make changes.

My point is that every major provision—the taxing of benefits, the COLA adjustment, the acceleration of payroll taxes, the expansion of coverage—in this case, to Federal workers—is almost identical to the recommendations of the bipartisan Commission. These recommendations were endorsed by the President of the United States, endorsed by the Speaker of the House of Representatives, endorsed by the majority leader of the Senate, and endorsed by liberals, conservatives, Republicans, and Democrats all across this country.

I say to my colleagues that I think it would be a tragedy if—just because everything was not perfect and did not suit every Member of this body—we say that we cannot take this package. There is nothing wrong with this package. If you supported the Social Security Commission recommendations, they are in this package, plus a lot of other things, as pointed out by the Senator from New York.

We have a massive medicare prospective payment program that I think is a good one. We have an unemployment compensation program in this package. It is essential that it start on April 1 of this year, with special provisions for a number of States because they deserve special consideration.

I say to my colleagues that if we failed to do our duty in the conference, then the Senator from Kansas will accept the responsibility, but let us not punish the American people for a shortcoming that may have occurred in the conference. I do not think it occurred. I am certain many could have done better.

I suggest, as the majority leader has, that we adopt the conference report. We are going to meet again on social security. I have never stood on the floor or in public or privately and said this package is going to last for 75 years, but I am convinced that it can last until 1990; and that we can have

surpluses in the retirement fund in the 1990's. Let us give it a chance.

Again, I thank my colleagues for tolerating this debate at this late hour, but I think it is essential that we get on with this tonight.

The PRESIDING OFFICER (Mr. STEVENS). The question is on agreeing to the conference report.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, although I intend to vote for final passage of this conference report, I do so with great reluctance. In my opinion, this package is unfair: many of its provisions are absurd. There is however, no other available alternative.

To vote against this package, therefore, would be irresponsible. The social security system must be saved. I will vote "aye," but I feel that I must first express my strong reservations.

As Chief Justice John Marshall said in the 1819 case of McCulloch against Maryland, "[T]he power to tax involves the power to destroy[.]" Well, we have certainly demonstrated this fact with this bill. This Congress has used it power to tax to destroy the economic well-being of millions of Americans. This Congress may have saved the social security system, but it has done so at tremendous, unnecessary costs which will be borne not by the rich, not by the well-to-do, but by the hard-working middle-class American taxpayer.

Allow me to detail just a few of the more ridiculous provisions of this bill, a few of the more onerous requirements imposed by this legislation. First is the cruel burden this bill imposes upon our Nation's philanthropic organizations, the nonprofit charitable organizations which are the very backbone of America's private sector. These organizations exist on shoestring budgets. The employees—when they are paid—are generally low-income workers. These institutions are barely making ends meet now. Yet here we come, imposing new economic burdens that may force many to close their doors, to cease the good work they now do. Employees may be laid off and those who are not will have their take-home pay substantially reduced. Why is this happening? Because this Congress has ruled that employees of not-for-profit organizations must be included in the social security system now. No phase-in period will be allowed. No exception will be granted. No transition period will be provided. We will reduce the ability of America's philanthropies to continue their full efforts to help this Nation's poor and needy.

A second example of an unwarranted provision in this legislation is even more ridiculous. In fact, it is just plain stupid. In order to save the social security system, we need to raise tens of billions of dollars. Yet, in an effort to raise a measly $5 million over the next 7 years, we have imposed additional costs on State and local governments that will run anywhere from $240 million to $1 billion each and every year. A letter I received from the Municipal Finance Officers Association estimates the annual cost to States and municipalities at $725 million, nearly 1,000 times more than the annual revenue which will be raised as a result of this just plain silly provision.

You may ask me, to what section of the bill am I referring? I am talking about the requirement that interest on tax-exempt municipal bonds will be included in an individual's gross income when determining whether he or she exceeds the income level at which one-half of the received social security benefits become subject to Federal income taxation. By including tax-exempt interest in this calculation we may push a few individuals over the limit and thus recover a few dollars for the trust fund by taxing their benefits, but the very fear that this provision will place in the hearts and minds of those investors who purchase municipal bonds will drive up the interests rates that our municipalities must pay to market their securities. The municipal finance officers with whom I have spoken have estimated this increased interest cost at anywhere from 25 to 250 basis points, in other words, at anywhere from one-quarter of 1 percent to 2½ percent in additional interest.

Simply speaking, this is lots of money. And you know as well as I do who will ultimately pay these increased municipal financing costs: None other than the middle-class property owner. The ultimate source funding for most municipal interest payments is the property tax. Thus, to raise an additional $5 million in revenue for the social security trust fund over the next 7 years, we have increased the property taxes of homeowners across this Nation by $240 million to $1 billion each and every year.

And who, you may ask, will receive these increased interest payments? Who will reap this windfall? Not the Federal Government. Not social security recipients. Remember, we only raise $5 million from this provision. This windfall will accrue to none other but the wealthy investor in municipal bonds! This windfall will go to those very individuals who some in this Chamber feared might escape without paying a few measly dollars in income tax on their social security benefits! Sometimes the workings of the legislative process boggle the mind. This is one of those times, for this provision can be described as nothing less than incredible.

A third flaw in this legislation is the limits at which social security benefits become taxable: $25,000 for an individual and $32,000 for a couple. We have provided no phase in. We have built in no progressivity. We have simply specified a cutoff. If you are below, even by one dollar, you pay no tax on your benefits. If you are above, whether by one dollar or $1 million, you have half of your benefits taxes. Thus the marginal rate of taxation is highest on the middle class, those with incomes only slightly over the limits. The more you earn, the lower your marginal rate of taxation on social security benefits becomes. I, for one, can simply not fathom the logic in this provision.

Another problem with this bill is the way that new civil service employees have been thrust into the social security system. This may be a quick fix for social security, but what does it do to our civil service retirement system? Again, we have provided no transition. Again, we have no plan on how we will deal with the future. Social security must be saved. Does this mean that we must destroy the civil service retirement system to do it?

The self-employed are also treated cavalierly by this bill. "Raise their taxes, they can afford it" seems to be the prevailing opinion around here. But this is not true. Not all of the self-employed are doctors, lawyers, or heads of thriving businesses. Most, in fact the vast majority, are hard-working, middle-class American taxpayers barely making ends meet. We have here imposed a vast new burden on the shopkeepers of America, on the skilled artisans of America, and on those individuals who would rather be their own boss than work for another, even if it meant they would have to get by on less money. These are the people whose taxes we have increased with this legislation.

In this bill we have overused our power to tax. We have misused our power to tax. In many cases we have imposed the tax burden inequitably and on the wrong people. We may have saved social security, but at a tremendous and misplaced cost.

At the beginning of my remarks I stated that I would vote for this conference report, and I will do so despite all of its faults. To do otherwise would be irresponsible. There is no other alternative. No one here believes that if we defeated this legislation that Congress would bring forth a better bill. In fact if this conference report is defeated, there might very well be no bill at all, and this alternative is totally unacceptable.

Thus, Mr. President, with great reluctance, I will vote in favor of this conference report.

Mr. LEAHY. Mr. President, every day this Congress debates legislation of significance to some element of our economy, some segment of our society. The legislation before us today—to

preserve the integrity and insure the solvency of social security now and in the future—affects our entire economy and three-quarters of this Nation's population, 110 million workers and 36 million retirees. This is one of the most important measures which this Congress or any Congress will ever consider.

The National Commission on Social Security Reform in late 1982 took a great step toward restoring public confidence in social security by achieving a bipartisan consensus on the dimensions of the financing problems facing the system. Since that time, both the Senate and the House have acted swiftly, and in a bipartisan fashion, to achieve legislative compromise.

The Congress goal has been to guarantee the ultimate stability of social security and the ability of retired workers to maintain a decent standard of living. The Congress goal has been to insure that no single segment of our population—the elderly and disabled, today's employers and workers, tomorrow's retirees, solely bear the burden of resolving the system's financial condition. The Senate, in adopting all of the recommendations of the National Commission on Social Security Reform, and acting to eliminate both the short- and long-term deficits projected for social security, has achieved these goals.

But these are not goals which are achieved without pain. I oppose, as do many other Members of Congress, many of this legislation's individual provision. And I have voted in favor of amendments to make further improvements in it. This legislation contains elements which are abhorrent to advocates for the elderly. It would delay until January 1, 1984, the cost-of-living increase due in July of this year. The legislation contains elements which are abhorrent to advocates for the Nation's small business men and women. It would increase the tax on the self-employed for both social security and medicare health insurance. It increases taxes to employers and employees in a time of economic recession. And it would include new Federal employees under the social security system beginning in 1984, a change which I voted against.

Why, then, could I vote in favor of final passage of this legislation? For several reasons. First, without it, there could be no social security system. If no action is taken, in just a few months, benefits could no longer be paid out to the Nation's retirees. Every minute of every day, the system goes $17,000 further in the hole. One hour from now, it will be $1 million more in debt. The National Commission on Social Security Reform has reported that between $150 and $200 billion is necessary to meet our obligations to retirees between now and the end of the decade. To insure payments to future generations of retirees, a long-term deficit of $6 trillion must be closed. This legislation closes both deficits.

The second reason I could support the overall package approved by the Senate Finance Committee is that it asks for a shared sacrifice. It is not a perfect balance, but, overall, it calls for a just division of responsibility to guarantee the viability of social security. The bill before us asks current and future retirees to contribute. It asks the self-employed, current and future workers to contribute. Federal workers, for the first time, will be asked to contribute to social security. One-third of the revenue needed to shore up social security would come from coverage of new employees, another third from tax increases, another third from a change in benefits for retirees.

Third, the only alternative methods of improving the condition of social security are far worse than those recommended by the Commission and adopted by the Senate Finance Committee.

Some Members of Congress favored resolving social security's problems primarily by cutting benefits to the Nation's retirees. I vehemently opposed those efforts. An amendment was offered to delay until 1985 any cost-of-living adjustments to retirees. An amendment was offered to eliminate any social security tax increase whatsoever, and to require beneficiaries to make up the $40 billion loss in benefit cuts. Amendments were offered to immediately advance the age of full retirement under social security from 65 to 68, with a reduction in benefits for those forced to leave the work force before the age of full retirement. I voted against each of those amendments and am pleased that the Senate overwhelmingly disapproved them.

Other Members of Congress favored resolving social security's problems through even higher taxes than those approved by the National Commission on Social Security Reform. If taxes alone were used to meet the long-term deficit, by the year 2035, the combined social security and medicare tax rate would be 28 percent of income. I am pleased that the Congress rejected any effort to increase taxes beyond the increases already approved by the Commission.

Still others have suggested allowing the social security system to continue to borrow from the trust funds for the medicare health insurance program and disability insurance. To do so would bankrupt all three funds by the middle of next year. That is dissolution, not resolution. The Congress could have required coverage under social security of all current Federal employees. Fortunately, it did not. The committee could have also taxed all social security benefits, as most private pensions are taxed. It did not. Any other means of addressing social security's problems would have forced one segment of our society to suffer disproportionately.

The fourth reason I could support this package is that it contains several very beneficial provisions to assist the low-income elderly, to somewhat alleviate the tax burden on employees, and to eliminate disincentives to the employment of elderly individuals who want to work.

The legislation before us would allow an additional payment of $20 to individuals and $30 to couples who, because of their low income, qualify for supplemental security income. For the poorest of the elderly, the additional funds will compensate fully for the delay in social security cost-of-living adjustments.

Elderly women who are widows account for two-thirds of all the elderly living below the level of poverty. They are assisted by several provisions in this legislation. Greater benefits are proposed for divorced or disabled widows and widowers who remarry. Divorced spouses for the first time will be able to claim benefits based on their former spouse's retirement record, even if the former spouse has not yet claimed those benefits.

As I have mentioned, there are many provisions in the social security package which I strongly oppose. During the Senate's debate, some of these provisions were taken out, some were not. The legislation approved by the Conference Committee would require the inclusion of new Federal employees under social security beginning in 1984. I voted against this change. Senator LONG offered an amendment in the Senate which would have required the Congress to enact a supplemental civil service retirement program before including Federal employees under social security. Senator LONG's amendment, I would point out, would have required the immediate inclusion of Members of Congress under social security even if a supplemental plan was not enacted. The amendment was a reasonable one. The amendment would have allowed the Congress to determine how the solvency of the civil service retirement program could be affected by this change before mandating coverage of Federal employees. I am deeply disappointed that the Conference Committee rejected this compromise.

Other provisions in the Senate bill would have assisted elderly Americans who work and who are receiving social security benefits. The legislation approved by the Senate would between 1990 and 1994 have eliminated the so-called earnings limitation. Under current law social security benefits are reduced by $1 for every $2 earned in excess of approximately $6,000. Many elderly Americans who have chosen to continue working or who are forced to

work because of the inadequacy of their benefits have been needlessly penalized by this earnings limitation. The committee acted wisely in eliminating the earnings test. But this provision, regrettably, was not adopted by the Conference Committee. The conference agrees only to slightly increase the overall amount which could be earned before reducing benefits. Retirees would lose $1 in benefits for every $3 earned above approximately $6,000. This is inadequate.

Despite the conference committee's decision in this matter, despite all the concerns which I have about individual elements of the social security package, it is my duty, it is the duty of the entire Congress to adopt this legislation to insure the solvency of the social security system now and in the future.

Mr. President, in 1940, an elderly Vermont woman, Mrs. Ida Mae Fuller, received the first social security check ever issued. Social security, the greatest social program devised by this or any other nation, has endured for more than four decades. It was there for Mrs. Fuller. It was there for her descendants. It shall endure for decades to come. That is what this legislation insures.

I applaud the members of the National Commission on Social Security Reform for working in a bipartisan fashion to recommend solutions to the problems facing the social security system. And I applaud Members of both parties in the Congress for agreeing to the Commission's recommendations. This landmark legislation reaffirms and strengthens this Nation's commitment to those who are elderly today, those who will be elderly tomorrow.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, will the chairman of the Finance Committee please respond to my earlier question, which he indicated he would respond to, about the provisions that I understand were knocked out on the payment of social security to aliens? I am sure he wanted to give me an answer.

Mr. DOLE. I have given the material to the distinguished Senator from Iowa.

Mr. President, I will state what the conference agreement does, and then I will ask that we hear from the Senator from Iowa, who participated in those discussions. At this point, however, I want to satisfy the Senator from Nebraska.

The conference agreement would suspend the payment of benefits to any alien receiving benefits as a dependent or survivor of an insured worker, whether or not the worker is a U.S. citizen, when that alien beneficiary has been outside the United States for 6 consecutive calendar months. Alien auxiliary beneficiaries who could prove that they had lived in the United States for a total of at least 5 years during which their relationship with the worker was the same as the relationship upon which eligibility for benefits is based—for example, spouse, child, parent—would be exempt from the suspension of benefits. Children would be deemed to meet the 5-year residence requirement if the residence requirement could be met by the child's parents.

That deals primarily with dependents.

Now I will yield to the Senator from Iowa, who, in addition to the Senator from Nebraska and the Senator from Oklahoma (Mr. NICKLES), had an interest in this matter. Although we did not get all we wanted, I thought we had satisfied some of their concerns. I regret that I had not called the Senator from Nebraska personally.

Mr. GRASSLEY. Mr. President, the Senator if correct. Three main concerns were raised in the original Senate bill. The final version now before us takes care of only one of those concerns, although in a more adequate manner than the bill that passed the Senate.

The issue of illegal aliens addressed in Senator NICKLES' amendment was dropped by the conferees. I hated to see it dropped but it was deleted because the Representative from Texas (Mr. PICKLE) had promised hearings on that topic. Both Republicans and Democrates on the House side were willing to agree to address that specific problem at a later date after the full benefit of hearings.

We had additional problem of nonresident aliens who qualified for social security benefits on the basis of far different work histories than the average U.S. citizen. That inequity was corrected in the Senate version by denying the alien any income from social security beyond the amount of money paid in, plus interest. On that point, I, again, am disappointed that it was not included by the conferees.

However, I will say this: Of all three problems, the one concerning benefits for survivors and dependents is probably most costly; and the one which was dealt with most completely in the conference report.

I am one of those who is not toally satisfied with the way the conference committee dealt with my contribution to the package, but it does signal a beginning. We have never before addressed this issue. It is a start, and I hope there will be still greater accomplishments down the road.

With or without any provisions on aliens, I am going to support this social security bill. I am not going to let down the 36 million Americans who depend on social security. Consequently, I am going to support the compromise.

We have finally reached the point when each of us must make a decision on this bill, and on the fate of the social security system. We are all aware of the hard work and bargaining that shaped this package. Once again, I want to compliment all the individuals who served on the Commission and their staff for their tremendous efforts. Without the foundation laid by the Commission report. I fear we would not now be within the grasp of final passage.

As I have indicated previously, I was dissatisfied with the original plan recommended by the National Commission. It left a third of the long-term problem unresolved, and placed far too heavy an emphasis on tax increases. We in the Senate Finance Committee were able to modify and supplement that plan until it was acceptable not only to myself, but to 17 of my colleagues. With further modifications, the bill passed the Senate by an overwhelming 88-to-9 vote.

With the arrival of the conference report we are at the end of that amending and fine-tuning process. We now have one last vote to cast. From the time the plan left the Commissioners' hands to the present, it has been shaped and amended to achieve the broadest possible support.

By way of the conferees' decision, we have moved up the effective date of the so-called COLA stabilizer, and have therefore provided a reasonable fall-safe plan. The Senate Finance Committee had adopted a prudent and fair fail-safe measure with Senator LONG's committee amendment, but I can also lend my support to this alternative. Although the Senate had opted for a combination of measures to solve the long-term funding gap, I find the House's version of the retirement age increase to be acceptable.

I am able to support this ultimate plan for several reasons. While it still contains many provisions I could not support in isolation, it is obvious careful and precise negotiations went into the construction of such a compromise. I have outlined on numerous occasions those provisions I endorsed, and those which I found difficult to accept. I will not further elaborate on every provision and the merits of each. Suffice it to say that I am willing to vote for this plan in order to signal to every American that we are committed to socal security and its preservation.

We have been playing politics with this issue for far too long. We have caused a great deal of fear and uncertainty in the minds of a great many citizens and workers. We have let a good many Americans down with our past efforts in resolving problem areas in social security.

With the passage of this bill we can say to this Nation's elderly: "You will get your benefit checks." To the cur-

rent workers, we can assure them that a plan will be there when it is their turn to collect.

No one is claiming this bill is a perfect plan, but it does meet both the short- and long-term needs in funding, and does so in a manner which causes every individual touched by social security to share in the sacrifices requisite to return the system to solvency. Those goals have guided my deliberations throughout this long process, and I am therefore able to lend my support to this social security package.

The PRESIDING OFFICER. The question is on agreeing to the conference report. The yeas and nays have been ordered.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I came here tonight truly undecided. I spent a few hours looking at the matter, and I think the majority leader is right. We should adopt the conference report. If it does not have everything we want in it, I think we have an ample opportunity to fix it.

I think those who are undecided ought to decide whether or not their precise and specific objection is worth as much as the social security system. That is the balance—a system that has served us well, and it is serving millions of Americans. If you look at it that way, I think you cannot come out any other way than to say that, with all our faults, we have come up with something relatively good in terms of trying to save the basic system on which so many people depend. I hope we will adopt the conference report.

Mr. BRADLEY. Mr. President, I know it is late, and I shall be brief.

I ask my colleagues before they cast this vote to think of the senior citizens that they have talked with in the last 2 years. Think of the faces that they have seen, the fear and confusion. Think of the looks that they have given you as a Senator in their belief that indeed you might make it right. Think of the workers that you have talked to in the last couple years, who have seen their taxes go up 363 percent since 1972 and heading higher, who do not believe you when you say indeed you think you can get a solution and might actually convince them that social security will be there when they are ready to retire.

Mr. President, social security is the best expression of community that we have in this country today.

This has been a long and painful battle. I hope the Senate tonight, though, will reaffirm the bonds of that community and support this conference report.

Mr. STENNIS. Mr. President, I shall not detain the Senate.

Mr. President, let me comment that we had first-class debate here tonight. This is like old times. Both sides splendidly presented these major points of great concern and far-reaching consequences.

I sum up my position by just saying that I wish some of these provisions were better, but we have to have a plan that is sound and dependable, and I think the time has come, as the majority leader said, when we have to have it now.

The faults of this bill are human faults because we had some of the finest talent collected in modern times on this far-reaching problem.

I am glad to support the bill.

Mr. ABDNOR. Mr. President, today marks another historic moment in the history of the social security program. I commend my colleagues for reaching a consensus on this important issue. The task was not easy because widely varying views exist on the purpose and objectives of social security. I also extend my heartfelt thanks and gratitude to the members of the National Commission on Social Security Reform, whose leadership and courage forged the foundation of the legislation now before us.

In addition, many organizations have made substantive contributions to this legislative effort. Among them were the Employee Benefit Research Institute, American Enterprise Institute, American Association for Retired Persons, Heritage Foundation, Chamber of Commerce, and National Federation of Independent Business. I was impressed with the sound, sensible, and practical suggestions of these groups. Their involvement was constructive and provided valuable ideas.

Besides receiving information from these organizations representing people throughout the Nation, I also received suggestions and comments from hundreds of South Dakota citizens during the past year. Their input was very helpful and revealed to me the concerns and expectations of people of all ages and incomes.

The social security system has been in existence for almost 50 years. The program has survived many social and economic changes, and today resembles only partially the original plan. Our Nation places the elderly in prominence and high regard and has a strong social commitment to assisting disabled, and social security properly addresses those priorities. In the sixties the need for health care assistance was recognized and medicare was created to attend to providing elderly and certain disabled citizens with medical services at reasonable rates. When our economy was subjected to inflation, the Congress benevolently protected social security beneficiaries with cost-of-living adjustments.

None of these major changes is bad; on the contrary, providing income and health security to these citizens strengthens the economic and social framework of the Nation. It speaks well of the integrity of our society. What concerns me, however, is whether we as a nation can afford to extend further such generosity and charity. We Members of Congress must seek to answer important and arduous question about what our economy can provide in benefits.

Twice in the past 6 years the social security system has been brought to its knees. Benefit payments have far exceeded contributions for years, the undisputed outcome being trust fund depletion. Before the 1977 corrections were adopted, a wave of insecurity swept over the elderly of America; the same disturbing occurrence is taking place today. I find it ironic that the Congress cannot quell the fears felt by the American public. What have we done to cause this, and what can be done to restore the confidence of the people?

We must be realistic. We must be truthful. We must restore this prominent social institution to accommodate our desires within our means. Economic and demographic forces are dynamic influences on the financial condition of the social security system, and we owe it to all Americans—both contributors and beneficiaries—to implement policies which are fair to everyone. We cannot escape the fact that a dollar more in benefits is a dollar more burden to the taxpayer. We must admit there is no "free lunch."

We cannot ignore the fact that the number of persons over the age of 65 is growing twice as fast as the population as a whole. We must accept the fact that in the future fewer workers will be supporting each retiree. Adjusted for inflation, a person retiring in 1960 can expect to receive $7 in benefits for every dollar contributed. Even the 1980 retiree can expect to receive more than twice the amount in benefits than was paid into the system. No private pension plan gives retirees such an excellent return on investment. Where will the money for benefits come from then?

The answer is easy enough: today's taxpayer; it is just hard to admit. No longer is social security a "pay as you go" system. The initial employee payroll tax was a maximum of $30 per year and stayed that way until 1950. Adjusted for inflation, that figure would be about $180 today. But the average worker today is paying over five times that amount—$1,000—in annual payroll taxes. Is it fair for today's workers to endure an ever-increasing burden to support our Nation's elderly? social security taxes were increased dramatically in 1977. In fact, one-fourth of American taxpayers now pay more into social security than they pay in income taxes. Despite these awesome taxes, the trust fund is still going broke. Tragically, young persons

sense the futility of their contributions. In 1981, a study indicated 70 percent of persons aged 18 to 29 doubted that their full benefits would be paid.

And, let us remember, the young of today are the elderly of tomorrow. Our obligation is no less to the elderly of tomorrow than to the elderly of today. After social security is put back on a sounder footing by our action today, I recommend that this body continue to pay attention to the issue of retirement income security. We have a strong nation comprised of strong people. Let us reevaluate the Government's role in retirement planning.

We are off to a good start already. In 1981 we provided a new incentive to save for retirement. What a great idea it was to allow all Americans to start individual retirement accounts. Millions of workers are also involved in pensions, Keogh plans, annuities and other saving and investment opportunities. In 1950 about 25 percent of all private sector workers participated in private pension plans. That figure is almost double today, and after the turn of the century, over 85 percent of all workers will be eligible for pension benefits. It is encouraging that more and more workers are wisely planning for the future.

The asset and equity base of retired people is solid and growing. Over 70 percent of all retired persons live in owner-occupied houses. In fact, 75 percent of retired homeowners reported no mortgage on their residence. Savings, other financial assets, land and business ownership comprise other major assets owned by retirees. Over half of all social security beneficiaries have other sources of income; one-third have income sources which exceed their social security payments. The fact is most elderly persons have a secure financial future. Not surprisingly, 80 percent of all eligible workers opt for early retirement.

I mention this to stress the importance of regarding social security as a program to augment other retirement planning. The Government cannot provide everything for everyone retiring. For those who have not had the fortune of adequate preparation for retirement, this program offers additional assistance. Not by accident does social security extend a greater share of benefits to lower income households; it does so by design and with the support of the American people.

Nothing would do more to insure a bright outlook for social security than a healthy, growing economy. As our Nation's ability to produce increases, our standard of living increases as well, and as does our capacity to provide more to all facets of our society. As personal income grows, the payroll tax base grows. Since present taxes are paying for current benefits, our ability to provide those benefits is enhanced.

I am encouraged by the recent trend of Congress to devote more attention to economic matters. We owe it to the American public to adopt Federal laws and fiscal and monetary policies which foster economic incentives and promote ample saving and investment. Through those actions future growth can be sustained.

The historical annual real growth rate of our economy since World War II is around 3 percent, but in the last 5 years our performance has fallen far short of that average. If our economy would grow by just 2 percent a year in real terms for 10 years, our wage and salary base would expand by more than $300 billion. Most of the increase would be subject to social security payroll taxes, thereby improving the trust fund substantially.

As our economy recovers from the current recession, let us not forget the harm caused by the unfortunate side effects of inflation. All saving and investment pools—including the social security trust funds—cannot withstand another bout of inflation. Price increases depreciate the value of our savings and take away purchasing power from those on fixed incomes. Each one percentage point of inflation costs the trust funds an additional $1.5 billion every year. Inflation can also erode the asset base of people saving for retirement. In 1980, elderly people possessed some $4 billion in financial assets. Because inflation was 13.5 percent, most assets earned a negative rate of return; the net result was a deterioration in their financial picture. The uncertainty caused by inflation should not be tolerated in the future.

To insure the long-term solvency of social security, let us strive to maintain fairness to all. If our standard of living rises, let all share in the prosperity; but if economic problems befall America, let no segment of society bear a disproportionate share of the burden.

To protect the financial foundation of social security from economic uncertainties of the future, we must keep the program flexible. The so-called fail safe provision to modify cost-of-living adjustments during periods of trust fund shortfalls is a fair approach to protect both beneficiary and taxpayer. This type of built-in flexibility can only strengthen the system.

I am not only optimistic about the future of America and social security; I am excited. We are rebuilding our economic base today and creating opportunities for tomorrow. Cooperation is the key to a successful future. We can keep our country strong by uniting people of all ages and incomes. Let us keep social security—a cornerstone of income protection—an institution we can believe in and depend on. The best way to accomplish this is to promote fairness and equity.

Again, Mr. President, I join my colleagues in supporting the legislation before us. On behalf of all citizens, we are sustaining one of the most worthwhile programs of the U.S. Government.

LEGISLATIVE HISTORY FOR SOCIAL SECURITY COMMON PAYMASTER PROVISION

● Mr. GORTON. Mr. President, I want to commend the conferees for their fine work on this vital legislation, and to comment on one of the Senate amendments which corrects an unintended double payment of the unreimbursable employers' share of FICA by the regionalized medical school for the States of Washington, Alaska, Montana, and Idaho.

The House and Senate bills and the conference report extend social security coverage on a mandatory basis to all employees of nonprofit organizations. As a result, employees of such organizations who are also employed by a State university of a State which has agreed to provide social security coverage to its employees under section 218 of the Social Security Act would have been, without this amendment, subject to unreimbursable double payment of social security taxes. Although present law prevents such double taxation where the employers of the same individual are related corporations—section 3121(s) of the Code—or are instruments of political subdivisions of the same State—section 218(e)(2) of the Social Security Act, there is no provision which would prevent double taxation where one employer is a nonprofit organization and another employer is an instrument of a State. Indeed, since exempt organizations up to now could voluntarily decide whether or not to participate in social security, such a provision was not needed.

By mandating participation in social security, the bill has eliminated the only mechanism to avoid double taxation and created the need to allow exempt organizations to have equivalent relief to that available through a "single paymaster" system.

The amendment is specifically designed to prevent double taxation where one employer is a State university medical school and the other employer is a related nonprofit organization which also employs faculty members of such medical school. At least 30 percent or more of the organization's employees must also be employed by such medical school.

Under the amendment adopted in the conference report, a State university and nonprofit organization which meet the stated requirements are considered to be related corporations under section 3121(s) of the Code. Furthermore, solely for purposes of section 3102, 3111, and 3121(a)(1) of the

Code, a portion of the remuneration actually paid by the nonprofit organization from its own funds and on its own paychecks will be deemed to have been paid by the university. Such remuneration will not be subject to the section 3102 deduction from the employee's wages or to the section 3111 employer tax since employment by a State is not subject to social security taxation under sections 3101, 3102 and 3111 of the Code. Such employment is subject to social security coverage only pursuant to section 218 of the Social Security Act and for the purpose of that section, a university meeting the requirements of this amendment will not be deemed to have paid any amounts actually paid by the nonprofit organization. Therefore, there is no question that the amendment does not affect the duty of a State university to report wages subject to social security or to pay or make a return of social security contributions.

The portion of remuneration paid by the related nonprofit organization which is deemed paid by the university is that portion which, when added to the total amount of remuneration actually paid by the university during the entire calendar year, exceeds the social security wage and contribution base. If the employee by the end of the calendar year has been paid less than the wage and contribution base by the university, that part of the employee's remuneration from the nonprofit organization needed to bring his entire compensation up to the wage and benefit base will retain its character as wages paid by the nonprofit organization and therefore will be subject to the social security tax. If the employee by the end of the year has been paid an amount equal to or greater than the wage and contribution base by the university, then the entire amount paid by the nonprofit organization will be considered as paid by the university. Thus, where the employee's total wages from both the university and the nonprofit organization exceed the wage and contribution base, it is intended that social security contributions will be made in full on the base amount but will not be paid more than once. Similarly, where the employee's total wages from both sources do not exceed the base, social security contributions will be made on the full amount paid to the employee.

The determination of whether remuneration paid by the nonprofit organization, when added to remuneration paid by the university during the calendar year, exceeds the wage and contribution base will be made throughout the year as wages are paid to the employee. Any excess amounts deducted from an employee's wages by the nonprofit organization would be recovered by the employee under sections 31 and 6413(c) of the Code. Any excess amounts paid as an employer tax by the organization will be treated as amounts paid in error. Of course, the organization will be deemed to have sufficient knowledge of the error to be able to correct it with respect to each employee only when the organization has sufficient knowledge to be able to determine the total amount of the excess paid for the entire taxable year. Usually, the organization will have such knowledge in whichever of the following social security reporting periods occurs first during the year: The period in which remuneration to date paid by the university to the employee reaches the wage and contribution base, the period in which the employee permanently terminates employment, or the last reporting period for the calendar year. Any overpayments of the employer tax will be the subject of a claim for refund or credit by the nonprofit organization in the social security reporting period in which the organization first has sufficient knowledge of the error to correct it or in the next subsequent reporting period.●

● Mrs. HAWKINS. Mr. President, I want to join my colleagues in praising the 15 members of the National Commission on Social Security Reform, who contributed a great deal of their energy and valuable expertise to solving a very grave crisis in our country. In December 1981, President Reagan gathered together these experts to review the current and long-term financial condition of the social security trust funds, to identify the problems that may threaten long-term solvency of the funds, to analyze solutions to such problems, and to make recommendations to Congress. Such a major undertaking requires great skill, determination, and, above all, patience. While I do not concur with all their recommendations, I believe they should be commended for successfully accomplishing a mission once thought to be impossible.

I have always been a strong supporter of the social security program because of its spirit and intent. While Florida is the seventh largest State in terms of population, Florida ranks third in the total number of social security beneficiaries. In 1981, the total amount paid from retirement, survivors, and disability insurance trust funds was $140 billion. Florida received $8 billion of that amount, making Florida the fourth largest State in terms of social security receipts. I have consistently fought to insure that all elderly Americans are afforded the retirement they have earned. My record, during my first 2 years as a U.S. Senator, on this issue speaks for itself. I have never voted to cut or reduce benefits. I voted five times to restore the minimum benefit. I voted 12 times against any attempt to reduce, modify, or delay cost-of-living adjustment of social security, Federal, and military retirees. I voted to authorize interfund borrowing to insure that all social security benefits are paid in a timely manner. Last year during consideration of the first concurrent budget resolution, I sponsored an amendment to insure Federal and military retirees a 4-percent COLA in 1983, instead of no COLA at all, as proposed in the budget resolution. Although my amendment was defeated on the Senate floor, the House and Senate conferees agreed to give these retirees a 4-percent COLA in 1983.

Thursday, after 6 days of debate on the social security reform legislation, I voted for H.R. 1900 as amended, reluctantly. This legislation, based on the Commission's recommendations, is a very fragile compromise. While there are some provisions with which I disagree, it does make many worthwhile reforms. But what really prompted me to vote for this bill was sheer necessity. If Congress did not act immediately to make some changes in the social security program, benefit checks would be delayed indefinitely. This legislation is not perfect but I voted for this legislation because it will preserve and protect the social security system for the time being. Some provisions are absurd but I cannot make the perfect the enemy of the good.●

● Mr. LEVIN. Mr. President, I am going to support the conference report on the social security package because it represents the best available hope of insuring the solvency of the system, both in the short and long run, and it contains critically needed provisions for the unemployed.

But as a compromise, it includes elements which, standing alone, I could never support. Raising the retirement age to 67 by the year 2027 risks imposing significant burdens on those workers who are engaged in strenuous activities. During Senate consideration of this bill, I supported the Bradley amendment which would have taken steps to soften the impact of increasing the retirement age on these workers. Unfortunately, it was not adopted. However, between now and the year 2000 when the phase-in will begin over a 6-year period to age 66, the Congress must monitor closely whether the improvements in health care are likely to be reflected in the increased stamina of workers in order to determine if increasing the retirement age is a realistic and humane goal.

Further, the tax increases which have been imposed on self-employed individuals, even after taking into account the tax credit designed to ease that burden, stretch to the limit what this segment of our work force can be expected to absorb. These tax increases, along with those affecting all other workers, only merit consideration when they are part of a package which have as its goal something as

important as guaranteeing the solvency of the social security system.

In addition, the coverage of new Federal employees in social security without having first set up a supplementary pension system for them is a precipitous action. Fortunately, this coverage will not begin until 1984, leaving the Congress some time to address this situation in an equitable fashion.

These are just some of the concerns I have about this package. They are troubling. But there is for all of us one overriding concern—saving the social security system. It is primarily for this reason that I am voting for the package.

Some further points. I am pleased to see that this legislation includes an extension of the Federal supplemental compensation program, which provides unemployment benefits on top of both the regular State benefits of 26 weeks and the extended benefits of 13 weeks for which some States are eligible. This program has been set to expire on March 31 and is now extended to September 30. In the first week of this session of the Congress I introduced legislation to extend the program until September 30, and I am pleased to see this proposal included as part of the package. Also, this bill contains up to an additional 10 weeks of unemployment benefits for those workers in Michigan who will have exhausted their Federal unemployment benefits by the end of this month. The people of Michigan, who are now enduring the 39th consecutive month of double digit unemployment need this extra assistance.

In addition, I was pleased to see that the conference report retains the amendment that I offered which will do away with the requirement that Michigan pay interest on the interest it owes for loans it has taken out from the Federal unemployment trust fund and on which it has deferred payment. This amendment will save Michigan $11 million over the next 3 years. At a time of fiscal crisis on the State level, every little bit helps. For the same reason, I was also pleased to see that the package includes a reduction in the rate of interest charged on these loans for those States, like Michigan, which are willing to take extraordinary steps to improve the solvency of their State unemployment compensation programs.

I regret, however, that the conferees did not retain two other amendments which I offered and which were passed by the Senate. The first amendment which I offered with strong bipartian support, would have given widows between the ages of 55 and 60 a transition social security benefit for 6 months so that they could have a chance to adjust to the death of their spouse and to the requirements of the work force, which they may be entering for the first time in 20 or 30 years after a lifetime of service to their husbands and families. I have been seeking action on the issue of the "widow's gap" since October of 1981, and I am indebted to Eva Baclawski, president of the Widows' Organization of Dearborn, Mich., for bringing this issue to my attention. The cost of this amendment was modest and well within the capacity of a solvent social security trust fund. I will be pursuing this issue again during the hearings before the Finance Committee which have been promised on this issue and am pleased that the chairman will be supporting my effort in this regard.

The second amendment which I offered but which did not survive the conference pledged the full faith and credit of the United States in support of the payment of accrued benefits under the civil service retirement system to past and present Federal employees. Although my specific language was dropped in the conference, I am pleased to see that it gave the Senate conferees' leverage so that they could successfully insist on the language in the original Senate bill which contained some assurances to current and retired Federal employees that the House version lacked.

The conference report on the social security package has many flaws. If I had been able to, I would have done some things differently. But the social security system must be saved, and Federal unemployment benefits must be continued and improved. This package will help to do these things.●

● Mr. MOYNIHAN. Mr. President, tonight the Senate concludes its work on legislation that is, I believe, of truly historic significance. It is significant, I would suggest, not only because it was difficult to pass—though it was—and not only because the social security system's solvency is maintained—and it is—but because this Congress has demonstrated that it possesses the ability to govern.

Of late it seems to have become somewhat fashionable to denigrate our system of government—to suggest that Government, and not this or that program or policy, is, at bottom, the problem. I fear that some have forgotten just how precious a free and democratic government is. Tonight we have preserved one of Franklin D. Roosevelt's crowning achievements. But even more, we have come to grips with a politically explosive issue of great importance to tens of millions of Americans—and we have fashioned a successful compromise acceptable to the majority of both Houses. In so doing, we have demonstrated that our system of government deserves the respect and trust of the people it represents.

Mr. President, it is my conviction that the bill before us today is a fair and just compromise. It is very much like the set of recommendations approved by the National Commission on Social Security Reform, on which I have the honor to serve.

No one of the Commissioners was satisfied with every recommendation. No one of my colleagues here today is completely satisfied with every part of this legislation. But the final bill retains the basic elements of a package which the Washington Post has generously described as being "as close to absolute fairness as any social security revision can ever be."

The Commission report did not include a recommendation for solving all of the long-term social security financing problems. That was left to the Congress. The bill that we agreed to in conference raises the retirement age to 67 without cutting benefits as much as under the Senate version. In fact, whereas under the Senate version benefits would have been reduced by an amount equal to 0.8 percent of payroll, the final bill limits the benefit reduction to 0.68 percent. This, I would suggest, is a considerable improvement.

I would like to conclude by extending my heartfelt appreciation for the efforts of my colleagues who served with me on the Commission, and especially to the Senator from Kansas for his tireless work on the Commission, in the Finance Committee, and most recently in the House-Senate conference. A great many other people have devoted long hours and hard work toward an end that is finally in sight, and while I cannot thank each by name, permit me to extend my sincere gratitude. And to all my colleagues here with me today, I share with you in the pride of a truly historic achievement.●

● Mr. LAUTENBERG. Mr. President, I am pleased to vote for passage of the social security financing bill to implement the consensus recommendations of the National Commission on Social Security Reform. The recent financial problems of the social security system have placed benefit payments in jeopardy. I find it unthinkable that elderly and retired citizens should have to be concerned that their monthly social security checks will not arrive on time. The legislation which the Senate has approved assures that benefits will continue to flow for the rest of this decade and for a long time beyond that. It should lay to rest the fears and uncertainties of the people who depend on social security for their livelihood.

The recommendations of the National Commission on Social Security Reform were developed after a year of study and debate. They represent a compromise between conflicting points of view on the proper balance between the level of payroll taxes, the level of benefits, and the role of general revenues. Maintaining the integrity of the

package of recommendations, keeping all the essential elements intact, has been crucial to the success of this effort to safeguard social security benefits. In general, my own views on the individual elements of the package have been guided by the need to keep the compromise from falling apart. I was not pleased with every provision in the bill, but I thought the package as a whole achieved the very important goal of stabilizing the social security system. Workers and beneficiaries alike have some unpleasant medicine to take; however the cure should be lasting. The system will continue to function and fulfill its unique mission of providing vital benefits to retired workers, widows, orphans, and disabled people.

From a program providing old age benefits to workers in a limited number of job categories, social security has grown to include workers in virtually all jobs, and their spouses, children, and survivors. Benefits have also been provided for people who are unable to work because of a disability, and their families. These benefits are protected from inflation through annual cost-of-living adjustments. With 36 million beneficiaries and over 120 million workers paying taxes to support the program and build their own eligiblity for benefits, no other Government program, except the mail, affects the lives of so many citizens. Social security has been a success; it must not be allowed to falter. The legislation approved by Congress today will continue to serve the needs of the elderly and the disabled today and tomorrow.

The major provisions of the bill include: Delaying the 1983 cost-of-living adjustment for 6 months, from July to January, with future annual adjustments coming every January; moving up payroll tax increases already scheduled for 1985 and 1990; taxing one-half the benefits of high-income beneficiaries; bringing new Federal employees, and the President, Vice President, current Members of Congress, and congressional staff into the social security system beginning January 1, 1984; and increasing the tax rate on self-employed individuals to equal the combined rate of employees and employers. To offset the tax increase in 1984, a one-time tax credit equal to the increased payroll tax will be given to employees. The bill also includes several provisions which will not have an effect for a decade or more, including liberalizing the retirement earning test for people 65 and older beginning in 1990, gradually increasing the credit for delaying retirement beyond the normal retirement age from 3 percent to 8 percent between 1990 and 2010, and gradually increasing the age for full retirement benefits to 67, beginning in the next century.

Mr. President, several features in the legislation provide safety valves if the economy does not do as well as projected and the system again needs some short-term assistance to meet its benefit obligations. An immediate lump-sum cash payment will also be made from the general fund of the Treasury to finance benefits provided for military service before 1957, instead of the annual payments that have been made in the past.

During the Senate debate on this bill a number of amendments were offered. One of the most controversial and difficult issues involved the question of including new Federal employees under the social security system and the related question of a supplementary retirement system for them. The bill before the Senate would have covered new Federal employees under social security, but made no changes in the existing civil service retirement system. As a result, new employees would be paying into both systems and receiving unnecessary duplicate coverage. Of strong and additional concern to me is the future soundness of the civil service retirement system for current employees. Federal employees certainly have as much right to assurances that their retirement benefits will be paid in the future as do social security beneficiaries. The important considerations in my thinking about the Federal employees issue were the need to keep the social security package from falling apart and an absolute commitment to protect the current retirement system for Federal and Postal employees. With these thoughts in mind, I voted for the Stevens amendment which would have allowed the new employees to defer payments into the civil service retirement system until a supplemental system could be developed. When this proposal failed, I supported the Long amendment to delay putting new Federal employees into social security until a supplemental plan is put into law.

Unfortunately the House version of the social security bill did not include protection similar to the Long amendment and the conference report resolving the differences between the House and Senate bills failed to include it either. I regret this inaction. Although the social security legislation does not address the concerns of current and future Federal employees about their retirement system in the years to come, Congress must not ignore this vital issue. I will do what I can to see that the concerns of these employees are given all due attention as soon as possible.

Another amendment considered by the Senate dealt with the age for full retirement benefits. The amendment, which was defeated, would have raised the retirement age to 68. I prefer that the age remain as it is in existing law, but I reluctantly accept the age 67 provision in the final bill. In return for raising the age to 67, the conference agreement has deleted a provision which would have slightly reduced benefits in the future.

Because of the increase in the retirement age, during the Senate debate, I supported the Bradley amendment to establish a special disability program to ease the effect of the increased retirement age on workers who are not healthy enough to continue working but are not ill enough to qualify for the regular social security disability program. This proposal was defeated.

Current workers will have to pay slightly higher taxes sooner than previously planned and beneficiaries will have to wait a few months for their benefits to catch up with inflation. The prospect of these changes will not be welcomed by workers whose taxes will go up or by those beneficiaries missing their benefit increase in July. However, these sacrifices are not nearly as undesirable as the alternative—which would be the failure of social security to pay its benefits on time. In addition, these changes are accompanied by some improvements in benefits and relief for taxpayers. All in all, I was pleased to support the bill which assures the continuation of the social security system.●

Mr. MATTINGLY. Mr. President, there are few measures which will more directly affect the lives of more Americans than the social security reform package. After weeks of discussion of the matter, we in this body as well as most of the citizens of this Nation, are keenly aware of the problems facing the social security system. We must raise approximately $165 billion over the next 7 years in order to insure the solvency of the social security program and to pay benefits to the 36 million Americans who currently receive checks. In addition, we must initiate structural changes in the system. This will insure solvency in the next century and assure benefit payments to those workers now contributing to the system. The task of reckoning all the figures has been a monumental one. It is one which we were, and still are, capable of accomplishing. The sad fact is that, if we vote to accept the conference report, we may not do so. The conference bill raises revenues—primarily through taxation—but it falls dramatically short in initiating needed reform. And, perhaps seriously, it may fail to accomplish its primary purpose. According to actuarial experts, social security could face another major financial crisis over the next few years.

The gradual raising of the retirement age and the provisions relating to the payment of cost-of-living adjustments represent major elements in the long-term solvency scheme. I support these provisions and am proud that we in

this body, at least for a day, were able to make responsible decisions of the critical issue of salvaging the social security system. The Long COLA amendment, which the conference committee deleted, would have provided an important fail-safe mechanism for insuring timely benefit payments, even during times when trust fund reserves fall below 20 percent. Under this provision, the Secretary of Health and Human Services would have been required to withhold or reduce COLA's in order to prevent the decline of reserves. Those beneficiaries whose payments were highest would have been affected first and those with low-benefit payments would have been protected as much as possible. A provision of this type makes sense. It guards against the dangerously low reserve levels which can lead to insolvency and reduces outlays, instead of increasing revenues through additional or accelerated taxation. When it was knocked out, the legitimacy of the bill's claim to insure solvency was called into question.

The social security system, in its present form, has been said to discourage work. The Senate bill contained strong incentives which promoted work rather than discouraging or penalizing it. Perhaps the most significant was the elimination of the retirement earnings test of $6,600. The conference committee retained the earnings test, while modifying the current benefit deduction formula.

Several other areas of inconsistency could have been clarified, had the conference committee accepted the Senate's solutions. Principal among these were provisions relating to the payment of benefits to aliens abroad and their dependents and survivors and to illegals living in this country. Benefits to aliens who earned social security credit while working in this country and who have returned to reside in foreign countries would have been limited to the alien's contributions plus interest. Earlier this year I introduced a bill addressing this same issue, and I was pleased that similar language was incorporated into the Senate's version of the social security reform package. I am distressed that this most fundamental and just provision was dismantled. Under the conference agreement, nonresident aliens can continue to receive benefits, although payments to their dependents are curtailed. I was pleased as well that an amendment offered by my colleague, Mr. NICKLES, and which I cosponsored, to forbid the payment of benefits to illegal aliens was adopted in the Senate. Unfortunately, it was rejected in conference.

Improvements and structural changes in the social security program should and must be made. I do not believe that our task on social security reform is complete. I continue to be disturbed by the heavy, and I believe unfair and unnecessary, reliance on taxes to solve the funding problem. I supported Senator ARMSTRONG's amendment which would have removed the acceleration of scheduled payroll tax increases. Unfortunately, the measure failed. The American people are already overburdened by taxes and accelerating payroll deductions simply adds to the load. Ultimately, higher taxes will be detrimental not only to individual workers but to all Americans. The end product of these increased taxes will be fewer jobs.

The commission's recommended tax increases resulted in additional burdens for small business. The Senate version of the package provided meaningful relief in the form of tax credits for small business and the self-employed and in deposit date relief. The conference report reduces the tax credits and denies the deposit relief entirely.

Understandably, attention has been focused on the old age and survivors insurance portion of the social security amendments. We should not overlook the importance of the hospital insurance section of the bill, however. Medicare is one of our fastest growing entitlement programs, increasing at a current annual rate of approximately 13 percent. If costs are not contained and the rate of growth slowed, the future is dim. Like the old age and survivor insurance program, Medicare will soon experience a funding crisis. The prospective payment plan for hospital reimbursement addresses this issue. It begins to establish a reasonable method for containing health-care costs while maintaining needed services. It also provides incentives for hospitals to operate in cost-effective manner, the concept for the plan is based not on more spending or taxing, but on saving. Such an effort represents the type of approach we in Congress should employ more frequently.

The work that faces us in the next months and years is clear. We must continue to look past the easy answers and quick fixes of accelerated and increased taxes and to consider additional structural changes—real reform. I urge my colleagues not to support this conference report. Should it pass, I urge them not to lay the issue to rest. We must dedicate ourselves to the ongoing task of insuring benefits for the 116 million present workers and future generations of Americans, as well as for the 36 million citizens who currently receive benefits.

Mr. PROXMIRE. Mr. President, there is one aspect of the prospective reimbursement system that I would like to discuss briefly with the manager of the bill and that is the matter of separate urban and rural reimbursement rates.

As I understand the bill, it provides a separate reimbursement rate for hospitals located in urban areas—referred to as SMSA's (Standard Metropolitan Statistical Areas) and hospitals located in rural areas often referred to as non-SMSA's.

The logic underlying that distinction is that the market basket of goods and labor purchased by hospitals in urban areas will be higher than those located in rural areas. Those assumptions have been challenged in some quarters and the conferees wisely requested the Secretary of Health and Human Services to study that question and report back to the Congress on the possibility of a single nationwide reimbursement rate in the future.

My concern is that, in the interim, there may be some extraordinary cases which would result from a rigid adherence to the SMSA/non-SMSA distinction, and would require remedy before we receive the Secretary's report.

For example, in my own State, Watertown Memorial Hospital faces a problem based upon a fluke of geography. Watertown Memorial is one of two hospitals, located just 12 miles apart, which draw their employees from the Oconomowoc labor market. Under the committee's bill, the one hospital, which is located just inside the SMSA line, would be reimbursed at the higher urban rate; Watertown Memorial which is located just outside the SMSA line, would be reimbursed at the lower rural rate. Needless to say, both hospitals face the same labor costs.

Thus, instead of properly recognizing and reimbursing higher labor costs as the SMSA/non-SMSA distinctions were meant to do, the system in this case inadvertently hurts one hospital while treating the other hospital properly.

I fully recognize that the merits of this case must ultimately be evaluated by the Department of Health and Human Services, Mr. President. That is only proper. But my question to the manager of the bill is this: Would the Secretary have sufficient flexibility under this bill to consider appeals such as this one?

Mr. DOLE. Mr. President, the answer to the Senator's question is the conferees recognized the fact that it was impossible to fully anticipate every exceptional or extraordinary case. That is why we adopted a House provision, enabling the Secretary, by regulation, to make such adjustments or exceptions that the Secretary deems necessary.

While the Senator recognizes that I am not in a position to judge the merits of the case he has outlined, the Secretary would be given the opportunity to identify different types of adjustments and exceptions.

I would hope that the Department would use that authority very, very sparingly. Exceptions criteria should

be carefully crafted to assure that hardship cases are given careful consideration without encouraging frivolous appeals by other hospitals.

Mr. PROXMIRE. Mr. President, if the Senator would yield on that point, I agree completely. This Senator would be the last one to support special interest exemptions to this new reimbursement system. The burden of proof must remain on hospitals to prove their case—clearly, forcefully, convincingly.

My sole concern is that during the transition to this new system that the Secretary have the flexibility to grant hardship exemptions if they are warranted by the facts. I am reassured by the Senator's comments that this is the case.

I thank the Senator.

Mr. CHAFEE. Mr. President, this social security measure does not please me totally just as it apparently does not please many others. I was opposed to increasing the age of retirement above 65 and voted against it in the Finance Committee. I likewise voiced my disapproval of increasing the retirement age in the conference committee this afternoon.

Nonetheless, this was the best bill we could get and we must pass this legislation in order to insure the solvency of the social security fund so it will be there to pay benefits for millions of current retires and millions of future retirees.

The House was adamant on many provisions, including the retirement age of 67.

It is my fervent hope that what we have done in this measure will insure the social security fund's solvency for as long as we can foresee into the next century.

Mr. STENNIS. Mr. President, this bill makes a fair start and a step forward toward necessary reform of our social security system, but it is by no means a complete answer to the demands of our present industrial economy and the needs of our people generally.

In the course of this debate, I hope that all of us have obtained a far clearer view of our needs and the requirements of a fair system that can be properly maintained over the years. The debate has shown us that we must continue to have active congressional attention to the problem of the social security system each year.

We must continue to provide careful scrutiny to the operation of the system so that in the future we do not allow it to come as close to the point of collapse as it has now. We cannot just leave it alone now that we have put together this reform package. We must continue to watch it and supervise it closely. Setting social security aside as a special function of the Federal budget will help us in this effort.

The Federal Government has an obligation to effectively police the entire social security operation. Effective management, sound administration, and careful surveillance of the entire system are essential. Just as we must detect and eliminate waste, fraud and abuse, so also must we insist on the best business management of the social security trust funds.

During the course of the debate we have heard differing projections about how much particular provisions of this legislation will cost. In part these figures will depend upon how well the system is managed, as well as upon how our economy performs. This merely points up the need for Congress to continue its oversight over social security in order to insure that the system remains solvent, that it stands on a sound financial basis, and that it is operated in a responsible manner.

Like most broad, sweeping departments or activities of Government, there are some elements of this measure that I do not favor. However, after a deep study during several months concerning the present shortcomings and conditions of our system, it is clear to me that some drastic changes must be made promptly. We must build the system on a more sound foundation and with adequate financing.

I accept and support the present bill in spite of its objectionable features because it is a new and sounder base for an improved social security system as a whole, and it can be further improved with proper attention and diligence by our present and future Congresses.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Oregon (Mr. HATFIELD), the Senator from North Carolina (Mr. HELMS), the Senator from Nevada (Mr. LAXALT), the Senator from Maryland (Mr. MATHIAS), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Oregon (Mr. PACKWOOD), the Senator from Illinois (Mr. PERCY), the Senator from South Dakota (Mr. PRESSLER), the Senator from Indiana (Mr. QUAYLE), the Senator from Delaware (Mr. ROTH), the Senator from Vermont (Mr. STAFFORD), the Senator from Texas (Mr. TOWER), and the Senator from Connecticut (Mr. WEICKER), are necessarily absent.

I also announce that the Senator from Arizona (Mr. GOLDWATER), is absent due to illness in the family.

I further announce that, if present and voting, the Senator from Arizona (Mr. GOLDWATER), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Connecticut (Mr. WEICKER), would each vote "yea."

Mr. CRANSTON. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Florida (Mr. CHILES), the Senator from Arizona (Mr. DECONCINI), the Senator from Missouri (Mr. EAGLETON), the Senator from Colorado (Mr. HART), the Senator from Alabama (Mr. HEFLIN), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Ohio (Mr. METZENBAUM), the Senator from Rhode Island (Mr. PELL), the Senator from Arkansas (Mr. PRYOR), and the Senator from Maryland (Mr. SARBANES) are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PELL) would vote "yea."

The PRESIDING OFFICER. Are there any Senators in the Chamber wishing to vote?

The result was announced—yeas 58, nays 14, as follows:

[Rollcall Vote No. 54 Leg.]

YEAS—58

Abdnor	Dole	Melcher
Andrews	Domenici	Mitchell
Baker	Durenberger	Moynihan
Baucus	Ford	Proxmire
Biden	Glenn	Randolph
Bingaman	Gorton	Riegle
Boschwitz	Grassley	Rudman
Bradley	Hawkins	Sasser
Bumpers	Hecht	Simpson
Burdick	Heinz	Specter
Byrd	Humphrey	Stennis
Chafee	Jackson	Stevens
Cochran	Jepsen	Thurmond
Cohen	Kassebaum	Trible
Cranston	Kasten	Tsongas
D'Amato	Lautenberg	Wallop
Danforth	Leahy	Warner
Denton	Levin	Wilson
Dixon	Lugar	
Dodd	Matsunaga	

NAYS—14

Armstrong	Hatch	Nickles
Boren	Hollings	Nunn
East	Long	Symms
Exon	Mattingly	Zorinsky
Garn	McClure	

NOT VOTING—28

Bentsen	Inouye	Pressler
Chiles	Johnston	Pryor
DeConcini	Kennedy	Quayle
Eagleton	Laxalt	Roth
Goldwater	Mathias	Sarbanes
Hart	Metzenbaum	Stafford
Hatfield	Murkowski	Tower
Heflin	Packwood	Weicker
Helms	Pell	
Huddleston	Percy	

So the conference report was agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, if I were not afraid that someone might laugh

at me, I would announce that there will be no record votes.

[Laughter.]

Mr. BAKER. Mr. President, there are certain other matters that need to be taken care of, but before I do that, I promised earlier today that we would keep the RECORD open so that Senators could insert statements.

Mr. President, I ask unanimous consent that Senators may submit statements relating to the social security conference report for the RECORD upon the reconvening of the Senate on April 5, until April 8, and that such statements be printed in the permanent RECORD prior to the vote on the adoption of the conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

PREVENTING THE TEMPORARY TERMINATION OF THE FEDERAL SUPPLEMENTAL COMPENSATION ACT OF 1982

Mr. BAKER. Mr. President, there is one other matter that I would like to take up if the minority leader is agreeable.

I ask unanimous consent that the Senate now turn to the consideration of H.R. 2369, a bill to prevent the temporary termination of the Federal Supplemental Compensation Act of 1982.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2369) to prevent the temporary termination of the Federal Supplemental compensation Act of 1982.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. DOLE. Mr. President, this bill would simply allow the Senate to pass a provision to insure that the extension of the Federal supplemental compensation program will be in effect on April 1. This precautionary measure is being taken in as much as enrollment of the massive Social Security Act Amendments of 1983 may well not be completed in time to sign it into law prior to April 1. This bill does nothing more than simply make sure that the provisions relating to unemployment compensation are enacted in a timely manner.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to a third reading, read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ADJOURNMENT UNTIL TUESDAY, APRIL 5, 1983

Mr. BAKER. Mr. President, I have looked forward to this moment for some time. Before I move in accordance with the provisions of House Concurrent Resolution 94, I will first inquire if there is any other Senator seeking recognition. I see none.

If the minority leader is prepared to do so, I am prepared to adjourn.

Mr. BYRD. I am equally prepared.

Mr. BAKER. The minority leader indicates he is equally prepared.

Mr. President, in that event, I move, in accordance with the provisions of House Concurrent Resolution 94, that the Senate stand in adjournment until April 5.

The motion was agreed to; and, at 2:06 a.m., the Senate adjourned until Tuesday, April 5, 1983, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate March 24, 1983:

DEPARTMENT OF COMMERCE

Alfred Hugh Kingon, of New York, to be an Assistant Secretary of Commerce, vice Raymond J. Waldmann, resigned.

ACTION AGENCY

Constance Horner, of the District of Columbia, to be Associate Director of the ACTION Agency, vice Lawrence F. Davenport, resigned.

NATIONAL COUNCIL ON THE HANDICAPPED

R. Budd Gould, of Montana, to be a Member of the National Council on the Handicapped for a term expiring September 17, 1985 (new position).

IN THE COAST GUARD

The following officers of the U.S. Coast Guard for promotion to the grade of commodore:

Capt. Theodore J. Wojnar, USCG
Capt. Joseph A. McDonough, Jr., USCG
Capt. Arnold M. Danielson, USCG

IN THE NAVY

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, sections 5133 and 1370.

To be vice admiral

Vice Adm. J. William Cox, Medical Corps, xxx-xx-xxxx/2100, U.S. Navy.

The following-named captains of the Reserve of the U.S. Navy for permanent promotion to the grade of commodore in the Line and staff corps, as indicated, pursuant to the provisions of title 10, United States Code, section 5912:

UNRESTRICTED LINE OFFICER

John Joseph Sweeney
John Edward Love
Kenneth Edward Myatt
John Edward Summers

SPECIAL DUTY OFFICER (CRYPTOLOGY)

William Joseph Miles

SPECIAL DUTY OFFICER (INTELLIGENCE)

Robert Patrick Tiernan

MEDICAL CORPS OFFICER

John Duncan Tolmie
James Glen Roberts

SUPPLY CORPS OFFICER

Philip Arthur Whitacre

JUDGE ADVOCATE GENERAL'S CORPS OFFICER

Robert Edward Wiss

DENTAL CORPS OFFICER

Edward John O'Shea, Jr.

HOUSE OF REPRESENTATIVES—*March 24, 1983*

The House met at 11 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Almighty God, we come before You with humble gratitude for the blessings that have been bestowed upon our Nation. When we deny Your gifts we ask forgiveness, and when we do the right and stand by the truth, we ask for continued strength. Guide us as a people to hold to those traditions that celebrate the love and concern we have for each other so that we may continue to support each other in time of need and rejoice with each other in time of happiness. May Your spirit be with us this day and every day. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested a bill of the House of the following title:

H.R. 2112. An act to extend by 6 months the expiration date of the Defense Production Act of 1950.

AUTHORIZING SPEAKER TO DECLARE RECESSES ON TODAY, THURSDAY, MARCH 24, 1983

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that it shall be in order for the Speaker to declare recesses at any time today, subject to the call of the Chair.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C., *March 24, 1983.*

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, the Clerk received at 9:30 p.m. on Wednesday, March 23, 1983, the following message from the Secretary of the Senate: That the Senate passed with an amendment H.R. 1900 and requested a conference thereon.

In accordance with action taken by the House on Wednesday, March 23, 1983, the Clerk has notified the Senate that the House disagreed to the amendment of the Senate to H.R. 1900 and agreed to a conference thereon.

With kind regards, I am,

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. In view of the fact that we expect to have a period of time in which there will be a recess today, we will take the 1-minute speeches after we have taken up the legislation from the Committee on Appropriations.

EMERGENCY APPROPRIATIONS, 1983

Mr. WHITTEN. Mr. Speaker, I move to take from the Speaker's table the bill (H.R. 1718) making emergency expenditures to meet national needs for the fiscal year ending September 30, 1983, and for other purposes, with the remaining Senate amendment numbered 82 thereto, and concur therein.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Resolved, That the Senate recede from its amendment numbered 82 and concur with a further amendment as follows:

Page 32, of the House engrossed bill, strike out all after line 21 over to and including line 5 on page 35 and insert:

SEC. 101. (a)(1) Notwithstanding any other provision of law, 75 per centum of the funds appropriated or otherwise made available in this title for each account listed in subsection (a)(5) shall be made available for projects and activities in civil jurisdictions with high unemployment, or in labor surplus areas, or in political units or in pockets of poverty that are currently or should meet the criteria to be eligible under the Urban Development Action Grant program administered by the Department of Housing and Urban Development.

(2) For purposes of this subsection, a "civil jurisdiction" is—

(A) a city of 50,000 or more population on the basis of the most recently available Bureau of the Census estimates; or

(B) a town or township in the state of New Jersey, New York, Michigan or Pennsylvania of 50,000 or more population and which possesses powers and functions similar to those of cities; or

(C) a county, except those counties which contain any type of civil jurisdictions defined in paragraphs (A) or (B) of this subsection; or

(D) a "balance of county" consisting of a county less any component cities and townships identified in paragraphs (A) or (B) of this subsection; or

(E) a county equivalent which is a town in the State of Massachusetts, Rhode Island, and Connecticut.

(3) For purposes of this subsection, a "civil jurisdiction with a high level of unemployment" is a civil jurisdiction that has been so classified by the Assistant Secretary for Employment and Training, United States Department of Labor. The Assistant Secretary shall classify a civil jurisdiction as having high unemployment whenever, as determined by the Bureau of Labor Statistics using the latest comparable data available from Departmental, State or local sources, the civil jurisdiction has had an average unadjusted unemployment rate over the previous twelve months of not less than 90 per centum of the unadjusted average unemployment rate for all States during the same period. The Assistant Secretary, upon petition submitted by the appropriate State agency, may classify a civil jurisdiction as having high unemployment whenever the civil jurisdiction has experienced or is about to experience a sudden economic dislocation resulting in job loss that is significant both in terms of the number of jobs eliminated and the effect upon the employment rate of the area. The Assistant Secretary shall publish a list of civil jurisdictions with high unemployment, together with geographic descriptions thereof, as soon as practicable, but not later than 30 days after the date of enactment of this Act. This list shall be updated on a monthly basis thereafter, by adding civil jurisdictions that the Assistant Secretary of Labor deems to meet the above criteria.

(4) In classifying civil jurisdictions with high unemployment, the Assistant Secretary, in order to include those individuals actually unemployed, should consider modification of the criteria which counts as fully employed persons who worked at all as paid employees in their own business, profession or farm, or who worked 15 hours or more in an enterprise operated by a member of the family.

(5) The provisions of this subsection shall apply only to funds appropriated or otherwise made available in this title to:

GSA—Repairing Federal Buildings; Mass Transit Grants; Amtrak Grants; Repairing VA Hospitals; Economic Development Administration; SBA Business loan and investment fund; SBA Natural Resources Development; Repairing Urban Parks; Improving and Maintaining National Parks; Preserving National Forests; Fish and Wildlife Facilities; Rural Water and Waste Disposal Grants; Resource Conservation and Development; Soil Conservation Service Activities; Family Housing for the Military; School Facilities:

Provided, That Corps of Engineers funds shall also be subject to the provisions of this subsection to the extent practicable.

(6) For projects encompassing a civil jurisdictions with high unemployment labor sur-

plus areas, or political units or pockets of poverty that are currently or should meet the criteria to be eligible under the Urban Development Action Grant program administered by the Department of Housing and Urban Development, as defined in subsections (a)(1), (a)(2), and (a)(3), and a noneligible area, such project shall be eligible for funds under this subsection.

(b)(1) Notwithstanding any other provision of law, and subject to the provisions of subsection (b)(5), the head of each Federal agency to which funds are appropriated or otherwise made available under this title, with respect to any program distributed according to a formula grant by State, shall allot the funds as follows:

(A) One-third of such sums for each such program shall be allotted among the States on the basis of the relative number of unemployed individuals who reside in each State as compared to the total number of unemployed individuals in all of the States.

(B) One-sixth of such sums for each program shall be allotted among "long-term unemployment States", to be allotted among "long-term unemployment States" on the basis of the relative number of unemployed individuals who reside in each "long-term unemployment State" as compared to the total number of unemployed individuals in all "long-term unemployment States".

(C) One-half of such sums for each such program shall be allocated among the States on the basis of the provisions of law authorizing each such program.

(2) States receiving allotment of funds under this subsection shall to the extent practicable utilize such funds in areas of the State where unemployment is highest and has been high for the longest period of time and for authorized purposes which have the greatest immediate employment impact.

(3) For purposes of this subsection:

(A) The term "State" means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

(B) The number of unemployed individuals who reside in each State, as well as the total number of unemployed individuals in all of the States, shall be determined by the Bureau of Labor Statistics of the Department of Labor for the month of January 1983.

(C) The term "long-term unemployment State" means any State in which the average unadjusted unemployment rate was equal to or above the unemployment rate of 9.4 per centum for the period of June 1982, through November 1982.

(4) Notwithstanding any other provision of law, and subject to the provisions of subsection (b)(5), the head of each Federal agency to which funds are appropriated or otherwise made available under this title, with respect to any program distributed according to a formula grant to political subdivisions of the States, shall allot the funds or other authority provided by this title first, among the States in the manner specified in section (b)(1) and second, among the political subdivisions of that State, to the extent practicable under subsection (b)(2), in accordance with the allocation factors contained in the provision of law authorizing each such program.

(5) The provisions of subsection (b)(1) or (b)(4), as the case may be, of this subsection shall apply to funds appropriated, or otherwise made available, under this title to—

Community Development Grants; Social Services Block Grants; Community Services Block Grant; Library Services and Construction Act; Rebuilding Aviation Infrastructure;

(c) The head of each Federal agency to which funds are appropriated or otherwise made available under this title, or States, or political subdivisions of States, which receive allotment of funds under this title shall to the extent practicable utilize such funds in a manner which maximizes immediate creation of new employment opportunities to individuals who were unemployed at least 15 of the 26 weeks immediately preceding the date of enactment of this Act. It is the intent of the Congress that funds appropriated or otherwise made available under this title be obligated and disbursed as rapidly as possible so as to quickly assist the unemployed and the needy as well as minimize future year budgetary outlays.

(d) Funds or authority to be made available for projects and activities in civil jurisdictions or States with high unemployment, labor surplus areas, or political units or pockets of poverty that are currently or should meet the criteria to be eligible under the Urban Development Action Grant program administered by the Department of Housing and Urban Development, or to State or sub-State jurisdictions, in accordance with this section, but which cannot be rapidly or efficiently utilized shall be identified in a report transmitted to Congress by the Office of Mangement and Budget not later than 30 days following enactment of this Act. Not later than 10 days following transmittal of such report, such funds shall be reallocated on the basis of the provisions of law authorizing each such program.

The SPEAKER. The gentleman from Mississippi (Mr. WHITTEN) will be recognized for 30 minutes, and the gentleman from Massachusetts (Mr. CONTE) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Mississippi (Mr. WHITTEN).

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1718.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. WHITTEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we take final action on H.R. 1718, the productive jobs bill. The bill is certainly a step in the right direction. I wish to thank all of the Members for their patience and their cooperation in trying to see that we do get together on this national bill.

Insofar as we were able, we tried to cover every section of the country on a fair and equal basis. The title of the bill now reads: "An Act making appropriations to provide productive employment for hundreds of thousands of jobless Americans, to hasten or initiate Federal projects and construction of lasting value to the Nation and its citizens, and to provide humanitarian assistance to the indigent for fiscal year 1983, and for other purposes."

I shall not at this time make a detailed statement with regard to the bill.

Mr. Speaker, it is essential that we take final action on this bill as soon as possible in view of the fact that unemployment compensation funds are exhausted in a number of States. The bill includes an additional $5 billion for this purpose. The situation is so deplorable that unemployment compensation has risen to an annual rate of about $32 billion, which as essential as it may be for the individuals adds nothing to the Nation's wealth. I personally believe that the $5 billion included in this bill would have been considerably less if we had enacted the productive jobs measure reported by your Committee on Appropriations and passed by the House last December.

Mr. Speaker, this bill includes the humanitarian features of the bill I recommended to the committee. In view of the deplorable unemployment situation, bankruptcies and other adverse economic conditions, and in view of the snowstorms in the East, floods and disasters elsewhere, there is a clear need to expand these humanitarian efforts to additional people as we are doing in this bill.

WATERSHED PROTECTION ESSENTIAL TO FLOOD CONTROL

Mr. Speaker, the recent disastrous flooding across the country has again highlighted the need to improve the effectiveness of our soil conservation and flood prevention efforts which are essential to the well-being of all our people. In this conference steps were taken to accomplish this.

In view of the necessity for protection in adjacent watersheds for flood control, and the benefits to flood control, the conference directs the U.S. Corps of Engineers to pay the cost of such rights-of-way, including purchase of land, rights of ingress and egress, and other requirements essential to construction of this joint project, with the Soil Conservation Service, for the cooperative pilot project planned for watershed protection and flood prevention of the North Tillatoba-Hunter Creek watershed and flood prevention project in the foothill area extending from Memphis to Yazoo City.

FOOD PROGRAM

Several people have contacted me about language that appeared in earlier versions of the emergency feeding program but does not appear in the conference agreement. I want to stress that in agreeing to the temporary program there is no intention that the program displace domestic or international commodity sales, including competitive sales to retain foreign markets.

HIGHWAY DEMONSTRATION CENTER

Mr. Speaker, H.R. 1718 contains funds for the highway demonstration project which was part if the conference agreement and which was addressed during consideration of the

conference report in the House on March 23, 1983. As stated then, the cost of any great extension of the Interstate System, limits greatly any expansion. This fact requires that we find more economical methods of widening our two-lane highways to four-lane highways. Subtracting the 42,500 mile Interstate System from the 825,000 mile total Federal-aid system leaves 782,500 miles in the primary, secondary, and urban system. Approximately 550,000 miles or 67 percent of the total highway system, are less than four lane.

The $33,000,000 for the highway demonstration project is to provide two additional lanes for a portion of Highway 72. It will complete as four lanes U.S. Highway 72 west from the Alabama line to intersect with U.S. Highway 45. The situation is ideally suited for this purpose. The results of this project will be beneficial in connection with expansion of the four-lane program in many areas of the country.

TARGETING

The one thing I wish to say as chairman of the conference is that a reasonable, commonsense interpretation should be given to every phase of this bill to meet the needs that we have because your committee tried to see that these needs were met. We did our very best. Amendment No. 82 was handled with the same intention. If there is any question on the amendment or on the bill, the intent of the conference and myself is that a reasonable and commonsense interpretation be given and that each area be given fair treatment and that the bill work to the maximum extent possible.

I urge my colleagues to support the motion to concur with the Senate amendment numbered 82, dealing with targeting.

Mr. Speaker, I reserve the balance of my time.

Mr. CONTE. Mr. Speaker, I yield myself whatever time I may use.

Mr. Speaker, I rise in support of this targeting compromise language and urge its adoption.

There are several changes between the Edgar amendment language that we sent back to the Senate last evening, and the compromise that has been proposed to us.

First, the Senate has removed the Bureau of Reclamation and Tennessee Valley Authority from the application of the targeting provision. While I do not think this is appropriate, the Senators were very adamant that targeting would be administratively unmanageable for this program. Because the Bureau of Reclamation is restricted to operations within the 17 Western States, and because of the geographic limitations of the TVA's program, these funds could not be made available to the high unemployment areas of the East and upper Midwest even if they were targeted. I am therefore prepared to recommend that these exceptions be approved.

The Senate has also proposed that the $33 million for highway demonstration projects be exempted from targeting. Because this money is not earmarked, I had hoped that it would be spent in an area of high unemployment. In fact, there is great need for such a project in the town of Athol, in my district, with over 18 percent unemployment. So while I am prepared to accept this exemption in the spirit of compromise with the Senate, I would strongly urge that the Department of Transportation use these funds where they can most effectively alleviate severe unemployment problems.

The other major change from the Edgar amendment has to do with the Corps of Engineers. The Senate has removed that provision from the mandatory application of targeting, and substituted language providing that "Corps of Engineers funds shall also be subject to the provisions of this subsection to the extent practicable." It is certainly the intent of the advocates of this section that this directive be compiled with, and I can assure my colleagues that I will be keeping a close watch over the corps' use of these funds.

Turning now to the other half of the Senate language, that dealing with the Hatfield amendment targeting on the basis of State unemployment, the proposal is similar to that which was in the conference report. Low income energy conservation and school and hospital weatherization have been removed, which is appropriate since these programs are already necessarily targeted according to climatic conditions.

My only concern here is that the community development block grant program is targeted. This program has a formula under existing law that targets funds to areas of greatest economic need, and the imposition of another formula will create some administrative problems. Nevertheless, the Senators were most insistent on this, and I believe that we should accept this proposal in a spirit of compromise.

I would make clear, however, that it is the intent of this amendment that the targeting language be used only for the purpose of allocating funds among the States; the actual administration of the program will remain as according to existing law.

Mr. Speaker, as my colleagues may recall, the conference agreement that was defeated the day before yesterday contained only 350 million dollars' worth of discretionary programs, and excluded $1.5 billion. The provision before us today includes $1.2 billion and excludes $600 million. In other words, this proposal targets about $850 million more in funds than did the original conference agreement.

Among the additional programs included in this proposal are $133 million for mass transit grants, $100 million for the Economic Development Administration, $150 million for rural water and sewer grants, $100 million for the Soil Conservation Service, and almost $180 million for military housing.

Mr. Speaker, let us also remember that we urgently need to pass this bill to provided over $5 billion in unemployment compensation funds to States that have exhausted their other sources of such benefits.

I urge my colleagues to adopt this amendment.

Mr. EDGAR. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to my friend from Pennsylvania (Mr. EDGAR).

Mr. EDGAR. I thank the gentleman for yielding.

I want to join with the gentleman in supporting passage of this particular language which was a compromise that we reached with the other body. I think it is clear that when the House was considering the targeting approach just a few days ago we had only 5 of the 21 programs in the original Edgar amendment, and now there are 17 of those programs targeted on this 75 percent to communities of high unemployment and 25 percent to the rest of the Nation.

We included in the amendment language that considers rural water and sewer, watersheds, the school facilities, military housing, SBA loans, SBA trees, urban parks, and a whole host of other agencies.

The total comes to $1.665 billion as opposed to the $350 million in the original language.

So I think an adequate compromise has been reached, at least on that portion that the House was concerned with.

There is some concern on the $1.6 billion in the Hatfield amendment which targets some of the formula grants, and I think the gentleman in the well and others would agree that we probably should not get into targeting those formula grants. But I think on the whole it will not hurt the regions of the country and the States and the communities that have the highest levels of numbers of unemployed and the most distress.

So I would like to compliment the gentleman for his action and would also like to compliment the gentleman from Pennsylvania, Mr. COUGHLIN, who was a cosponsor of the original language on the House floor for working with the other body late into the evening, finalizing this about midnight two nights ago. I intend to support the language in the compromise and I hope that the rest of the House does

so and that this bill can go to the President's desk for his signature, the money can be spent, and hopefully much of the money will, if fact, be spent in areas of highest unemployment.

I thank the gentleman for yielding.

Mr. CONTE. I want to thank my good friend from Pennsylvania. I remember that we started this targeting way in its embryo stage before the jobs bill came to the floor of the House. I want to compliment the gentleman for his hard work, his leadership, and his effort.

I would say I think that we won a good part of the battle and it is really gratifying to see this accomplishment here today.

Mr. EDGAR. I thank the gentleman.

Mr. COUGHLIN. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to my good friend from Pennsylvania (Mr. COUGHLIN).

Mr. COUGHLIN. I would like to associate myself with the remarks of the distinguished ranking minority member of the Committee on Appropriations as well as my colleague from Pennsylvania (Mr. EDGAR).

Although there are portions of this, as the ranking minority member points out, such as the double formulating of community development block grant funds, I think that this is the best compromise we can achieve and I think it is a very important step that has been established in targeting these funds to the areas of most need, to the areas of greatest unemployment.

I certainly commend the gentleman in the well and the gentleman from Pennsylvania.

Mr. CONTE. I want to take this opportunity to also commend my good friend from Pennsylvania (LARRY COUGHLIN) for his very hard work. This was a trio effort of the gentleman from Pennsylvania (Mr. EDGAR), myself, and the other gentleman from Pennsylvania (Mr. COUGHLIN). The gentleman was in there pitching all of the way and I think we won a great victory here today.

Mr. WHITTEN. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa (Mr. SMITH), a member of the Committee on Appropriations.

Mr. SMITH of Iowa. I thank the gentleman for yielding.

Mr. Chairman, I want to make clear to start with that I am for passing the conference report. The money is needed for unemployment loans to States. In four States unemployed people are going home today without their unemployment checks and in eight more States they are going to run out of money before the day is over, and we need to pass this bill.

I also, though, want to point out that this bill is really very similar to the one that was sent back to the other body, except some programs are removed and some are included under the amendment 82 that were not when the amendment was rejected 2 days ago.

One that I am especially interested in is EDA. The administration did not ask for any money for EDA this year but we appropriated $198 million. Then the administration wanted to defer $181 million and we rejected that. The $100 million in this bill was inserted against their wishes. So, they have $181 million under the regular appropriation and $100 million more in this jobs bill only because the subcommittee I chair supported the program.

But my staff has been in touch now with the program managers for the public works area down at EDA to try to figure out what happens under the targeting amendment in this bill. EDA was not subject to that targeting in the version that was rejected by the House but it was put in the other body again.

Here is one of the problems: In many cases under the targeting, central-city areas or city areas are eligible for funding projects under the legislation, but the areas just outside the border, where industrial parks are usually located, do not qualify. Since the targeting provision requires that both the project and employees come from the area with over 8.2 percent unemployment, a project to help the people from the high-employment area would not qualify if the new industry or works is outside the city.

□ 1115

And here are some of the examples of cities where unemployment is over 8.2 percent but the area just outside the city limits is less than 8.2 percent: Miami, Atlanta, Denver, Kansas City, Missouri, Minneapolis, St. Louis, San Francisco, Phoenix, Trenton, N.J., and Tulsa, Okla. Those are just examples of cities with project that would be disqualified as a result of this legislation if their industrial park is outside the city limits, even though the people who are in a high-unemployment area in the city would normally go out to the industrial park to work. Now this is contrary to what has been occurring in development for years. We have been promoting mass transit and environmental laws that result in people living in the city but going out to the edge of the city or just beyond the city to the industrial park to work and that is where the jobs are. But the targeting amendment will not permit that to happen as far as EDA is concerned. Now there are a number of areas where it is really going to gum up the works. In my opinion it is going to result in a good many millions of dollars, tens of millions of dollars less being spent this summer and this fall under this jobs bill as a result of this amendment. They will not be able to get the money out and qualify under this amendment. It is kind of like the reconciliation bill; under the reconciliation bill with one fell swoop formulas were changed in about 50 programs and later it discovered how unwise it was to haphazardly alter programs like that. Now, with one little amendment here Congress has changed the formula in about 10 programs. It is going to cause a lot of trouble. For example, it prevents many areas for qualifying for mass transit grants. Mass transit will not qualify for a grant unless it operates wholly within an area that has over 8.2 percent unemployment in each month of the grant. Mass transit in many cases normally crosses over into areas outside the city limits but they will be disqualified from grants under this bill as a result of the targeting amendment. Amtrak normally goes across unemployed areas and areas that do not have high unemployment. VA hospitals if they are going to be repaired, have to be repaired where they are. People might come from an unemployed area and the hospital cannot be moved, but if it Amtrak, or the VA hospital is not in an area of over 8.2 percent unemployment, the project cannot be approved. So, we are going to have a lot of trouble under this. However, some of the programs in here have their own formula and they will continue to have their own formula and will not be disrupted. The small business-oriented employment program under amendment 21 has its own formula and that money can be distributed immediately, as explained in the report.

I will insert at this point, the amount of money for each State under the provisions of the bill.

But we need to vote for the bill because these States are out of unemployment compensation, and as of tomorrow there are going to be 12 of them that are going to be sending people home without their compensation.

CONFERENCE REPORT

Allocation of $50 million tree planting grants by State—based solely on 4th quarter 1982 unemployment.

States	Number unemployed	Dollar share
Alabama	267,670	1,158,000
Alaska	19,000	82,201
Arizona	141,330	611,460
Arkansas	105,000	454,270
California	1,318,000	5,702,200
Colorado	137,670	595,600
Connecticut	111,330	481,670
Delaware	23,667	102,390
District of Columbia	34,000	147,100
Florida	462,670	2,001,700
Georgia	211,330	914,310
Hawaii	32,333	139,890
Idaho	39,000	168,730
Illinois	691,000	2,989,500
Indiana	330,330	1,429,100
Iowa	117,000	506,190
Kansas	84,000	363,420
Kentucky	188,670	816,240

States	Number unemployed	Dollar share
Louisiana	207,670	898,450
Maine	36,333	157,190
Maryland	170,670	738,370
Massachusetts	210,000	908,540
Michigan	694,330	3,003,900
Minnesota	183,00	791,730
Mississippi	124,670	539,360
Missouri	213,000	921,520
Montana	35,000	151,420
Nebraska	48,667	210,550
Nevada	55,667	240,840
New Hampshire	34,333	148,540
New Jersey	321,000	1,388,800
New Mexico	60,333	261,020
New York	714,000	3,089,000
North Carolina	272,670	1,179,700
North Dakota	20,667	89,412
Ohio	700,670	3,031,400
Oklahoma	96,000	415,330
Oregon	150,670	651,840
Pennsylvania	653,000	2,825,100
Puerto Rico	227,670	984,970
Rhode Island	47,667	206,220
South Carolina	161,000	696,550
South Dakota	18,333	79,317
Tennessee	262,000	1,133,500
Texas	557,000	2,409,800
Utah	58,333	252,370
Vermont	17,667	76,433
Virginia	215,330	931,610
Washington	248,670	1,075,800
West Virginia	128,670	556,660
Wisconsin	280,330	1,212,800
Wyoming	17,667	76,433
Total	11,557,000	49,998,000

Mr. EDGAR. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. I thank the gentleman.

On his illustration of EDA, the gentleman and I are both strong supporters of EDA. When I first came to Congress, we were spending close to $1 billion on the very programs we are now just spending a couple of hundred million.

The funds in this particular targeting amendment would mean that $75 million of the $100 million would be distributed in those communities that meet the pockets of poverty designation and are really in need. Frankly, if you look at the total Nation's need, we could probably spend $1 billion in those poor and needy areas across the country, the other $25 million would, in fact, be expended regardless of unemployment and the existing formula for the existing $100 some million that have been committed to EDA, already goes out to——

Mr. SMITH of Iowa. They tell me that the program managers at the agency feel that the distribution is so fouled up with this amendment that they do not know whether they can distribute the money this summer.

The SPEAKER pro tempore (Mr. BEILENSON). The time of the gentleman has expired.

Mr. FUQUA. Mr. Speaker, will the gentleman yield 2 additional minutes?

Mr. WHITTEN. I yield to the gentleman from Iowa 2 additional minutes.

Mr. FUQUA. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Florida.

Mr. FUQUA. Mr. Speaker, I rise to congratulate the conferees for recognizing the national importance of our land and weather satellites, in accepting Senate amendment No. 89, the Huddleston amendment which expressed the sense of the Senate that our remote sensing satellites should remain with the National Oceanic and Atmospheric Administration.

The Committee on Science and Technology has jurisdiction over this area and is dealing with it. For example, the NASA authorization bill passed in the last Congress (Public Law 97-324) which required NOAA to provide us with several reports pertinent to any possible commercialization of the satellite systems. We need much of the information called for in the reports in order to exercise our oversight responsibility.

In this Congress, one of our subcommittees has reported a bill, H.R. 2065, which provides that no transfer of these satellites shall occur without explicit and prior congressional approval.

I want to add that these efforts on our committee have been broadly bipartisan.

From all this I believe it is clear that the Committee on Science and Technology is very responsibly dealing with the satellite commercialization issue, and that we are preserving the right of the Congress to make substantive input on this issue.

An important fact of which we must not lose sight is that the private sector has certain strengths—the strengths developed through competition—which are not available to the Government. We need only look to communications satellites to see how the private sector can operate in space for the broad public benefit. What concerns me about this sense of the Congress resolution is that it could possibly be interpreted to prohibit even the consideration of private-sector participation. Further, it could be interpreted to prohibit NOAA from competing the studies we requested last year.

Mr. SMITH of Iowa. It certainly is a sense of Congress. Now as a result of—this amendment was put in in the Senate as a sense of the Senate amendment and the conferees specifically changed it to make it a sense of the Congress amendment that the Weather Service not be disrupted.

Mr. FUQUA. So the reports that the committee has asked NOAA to provide and information would not be prohibited under this sense of the Congress language.

Mr. SMITH of Iowa. That is right.

Mr. FUQUA. Mr. Speaker, I thank the gentleman for yielding.

Mr. CONTE. I have no further requests for time.

Mr. WHITTEN. Mr. Speaker, I yield 5 minutes to the gentleman from Connecticut (Mr. MORRISON).

Mr. MORRISON of Connecticut. Thank you for yielding, Mr. Chairman.

Mr. Chairman, if I might inquire, the chairman of the committee, Mr. WHITTEN: I would like to clarify for the record one matter with respect to the community development funds as they are now placed under the Senate targeting formula. It is my understanding that these formula funds—that the formula that exists in the statute will still apply to these funds and that the language added in the Senate targeting formula will be on top of this, but will not replace the underlying allocation formula.

Mr. WHITTEN. I think the gentleman is correct. Certainly that is our intent. I say this as chairman of the Appropriations Committee. I am very proud of the support we have in the Congress, and I am proud of coming up with what is the best bill we can. May I say normally I prefer regulations instead of legislation because they can recognize differences and distinctions and things that we could not see.

I say for the record that I hope the interpretation will be made that will include and not exclude. When this is interpreted, I would like to see it interpreted in line with the intent of the committee which is to include and not exclude. And if that is done, I think it can reasonably work. The situation calls for commonsense interpretation by officials who administer the program. I know the gentleman's problem and I know that the original bill as we had it intended to cover many problems. Let me read the title of this bill to you, and this is important in the interpretation of it:

An Act making appropriations to provide productive employment for hundreds of thousands of jobless Americans to hasten or initiate Federal projects and construction of lasting value to the Nation and its citizens and to provide humanitarian assistance to the indigent, for fiscal year 1983, and for other purposes.

So, I do not believe that anyone on either side had any intent, whatever the language, to exclude the gentleman's State, cities, or communities or the people therein. I personally believe that if you do not come under one section, you come under another. I think we can live with it. Again I am mighty proud to bring as many different viewpoints together in what I consider a rather practical bill.

Mr. MORRISON of Connecticut. I thank the chairman of the committee and of the conference for his clarification and also for his assistance throughout this process. I would like to expand on what I have said. I am very satisfied with the answer to the question because community development block grant funds were an important matter in our consideration of the conference report initially.

And what we are talking about here is leaving in place the allocation formula that underlies these funds and I

understand that some funds which are made available will be distributed among the States.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. MORRISON of Connecticut. I yield to the ranking minority member of the Committee on Appropriations.

Mr. CONTE. I thank the gentleman.

So that we have the record straight when the Hatfield amendment provision becomes law, let me explain how this formula works: One-half of the funds for the indicated programs will be allocated according to existing law.

Mr. MORRISON of Connecticut. That means that one-half of all the community block grant development funds will be passed through to localities or to States depending on the kind of money, just as if this were a regular community development block grant appropriation.

Mr. CONTE. If the gentleman will yield further, that is exactly right. Then one-sixth of these funds will go to the States with the highest unemployment.

Mr. MORRISON of Connecticut. And am I correct that those funds when they reach the States will be redistributed to local communities in accordance with the usual community development block grant allocation formula?

Mr. CONTE. If the gentleman will yield further, that is exactly right.

And then for the last part, one-third of these funds will be allocated on the basis of a ratio of the number of unemployed in the State compared to the number of unemployed in the Nation.

Mr. MORRISON of Connecticut. And one more clarification: With respect to that one-third, once again when it reaches the State level it will be allocated within the State in accordance with the usual rules in the community development block grant fund?

Mr. CONTE. That is correct.

Mr. WHITTEN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. LEVINE).

Mr. LEVINE of California. I thank the gentleman, the Chairman of the Committee on Appropriations for yielding.

Mr. Chairman, as you know, California has been battered by a series of severe storms this winter. These storms have caused damage which is expected to total hundreds of millions of dollars.

I greatly appreciate the special mention which your committee has agreed to give the importance of repairing storm damaged facilities in my State. I further appreciate the agreement to earmark $450,000 to repair a 40-foot hole which was punched in the Redondo Beach breakwater in my district.

However, the recent storms have pointed out the current inadequacy of that facility. The northern end of the breakwater stands 22 feet high while the southern end and the south breakwater (a separate facility) are only 14 feet high.

During the storms which occurred in November and January this lower section of the breakwater was not visible during high tides. As a result, large waves entered King Harbor and wave after wave crashed against the docks. Public sector damage which resulted from the storm amounted to over $1,000,000 and private sector losses were $1,700,000.

Had the breakwaters been a uniform 22 feet in height much of this damage would have been avoided.

Several years ago the corps conducted a study which indicated that the approximate $4 million cost of raising the south end of the breakwater was not justified. In light of the recent storm damages and other damage which has occurred in previous years, I believe the corps should reevaluate its position on the issue and update its study of the cost-benefit ratio.

Mr. WHITTEN. Mr. Speaker, will the gentleman yield?

Mr. LEVINE of California. I yield to the gentleman.

Mr. WHITTEN. Mr. Speaker, the gentleman is to be commended for his deligence in protecting the interests of his region of the State of California so hard hit by this virtually unprecedented series of storms. I feel confident that my colleagues and I would clearly see the need to ask the Corps of Engineers to review its earlier study on the benefits of raising the entire Redondo Beach breakwater to 22 feet in the regular 1984 energy and water appropriations bill. The damage done by this recent storm presents new and very concrete evidence of how important it is.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WHITTEN. Mr. Speaker, I yield myself 1 additional minute.

Mr. LEVINE of California. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman.

Mr. LEVINE of California. I thank the chairman of the committee very much for his assistance.

Mr. EDGAR. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman.

Mr. EDGAR. I thank the gentleman for yielding. I would like to compliment the chairman for his willingness to compromise on the targeting language.

I would like to ask unanimous consent to insert in the RECORD a listing of those programs that are in fact clearly stated in the language of the amendment which are covered with the dollar amounts that are committed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Targeting compromise

[Dollars in millions]

Programs included under Edgar formula:[1]	
GSA building repair	$125
Mass Transit	132
Amtrak	80
VA hospitals	75
EDA	100
SBA loans	50
SBA trees	50
Urban parks	40
National parks	25
National forests	85
Fish and wildlife	20
Rural water and sewer	150
FmHA expenses	6
SCS resource Cons.	5
SCS watersheds	100
Military housing	180
School facilities	60
Corps of Engineers (extent practicable)	389
Total	1,665
Programs included under Senate formula:[2]	
Community Development BG	1,000
Social Services BG	225
Community Services BG	25
Libraries	50
Aviation	150
Total	1,450

[1] Seventy-five percent of funds to high-unemployment areas.

[2] State formula: Tiers I, II. III.

Mr. WHITTEN. Mr. Speaker, I yield myself 2 additional minutes.

I should point out, that one of the things that is left under the targeting approach is watershed protection and flood prevention. The floods, and the resulting damages from the floods that we have had in my area have been devastating. In the past 10 years we have had three 100-year floods, and as we have seen in California, and a few years ago as we saw in Pennsylvania, it is clearly demonstrated that you cannot handle floods after they occur. It is going to require protection in advance, watershed protection in an effort to keep the major systems from flooding. The water must be retained and controlled high in the watershed in order to prevent disastrous flooding downstream.

We will have a pilot program to try to see what can be done on the watersheds. That is provided for in this bill.

□ 1130

In our regular bill on Agricultural Appropriations, the budget submitted by the Office of Management and Budget has eliminated funds for watershed protection and flood prevention. However, the head of the agency which operates the program is a farmer who is knowledgeable on this subject and understands the problems.

But in California, especially the watershed at Los Angeles, effective flood control programs are absolutely essential. I do not know anywhere where it is more badly needed than in this densely populated urban area. The same applies to areas in heavily populated northeast where the gypsy moth has done great damage in the watersheds.

So I am counting on all my colleagues here supporting these programs when we come to the regular bill to see that we restore watershed protection and flood prevention because time has proven that you have to protect the watershed in order to effectively deal with floods that will otherwise happen.

Mr. Speaker, I yield back the balance of my time.

● Mr. FORD of Michigan. Mr. Speaker, I am pleased that I will be able to return to the 15th District of Michigan this weekend and report that Congress has completed action on the emergency supplemental appropriation, H.R. 1718.

More importantly, we have included targeting requirements that will insure that a good portion of the funds spent under this emergency bill are targeted to those people and places suffering the greatest economic hardship.

H.R. 1718 marks the second time in recent months that funding formulas have been changed to the advantage of the State of Michigan. In the Surface Transportation Assistance Act of 1982, we were able to alter the funding formula allowing Michigan to receive nearly 27 percent more in Federal funding for transportation than under previous formulas. We have achieved a similar success today. In the community development block grant category alone, the State of Michigan should enjoy an increase in funding of approximately 25 percent because of the targeting provisions adopted by this body. Michigan and similarly situated States can expect to receive an increased percentage in funding from over 20 other programs contained in this legislation since some form of targeting is applied to each program.

The people of Michigan are in no way satisfied with current economic conditions, but this supplemental appropriation is a positive step. In this legislation they will fund constructive programs in contrast to those offered by the Reagan administration over the last 2 years.

This legislation hardly can be considered sufficient in light of the devastation that Michigan and the rest of the Nation has suffered. As we move forward to provide for jobs and economic growth through this bill, I ask that we commit ourselves to move quickly to initiate further stimuli for the battered American economy.●

● Mr. BOLAND. Mr. Speaker, in the last 24 hours there has been a lot of confusion over how targeting affects the Community Development Block Grants. I must say the Senate amendment which is before the House is—in short—vague and subject to different interpretations. My choice would have been to offer an amendment to perfect CDBG targeting to relate it as directly and as fairly as possible, to the cities with high unemployment. But we were told the other body would not accept any amendments. I want to see this bill passed and the money distributed to provide jobs as fast as possible. But I do not want to see confusion over this provision cause delays either within HUD—as they try to decipher congressional intent—or through lawsuits by some cities who feel they are being shorted.

As I said the language is vague and in some places contradictory. In the final analysis HUD will have to make the interpretations. We have been discussing this with HUD and I want to briefly explain the interpretations and approach which seems to be the most logical and fair—in handling both the State targeting and formula entitlements. I want to explain this just to clarify things as much as possible.

The confusion arises with the metropolitan cities and urban counties, since State targeting has to be overlaid on their formula entitlements. For the $750 million regular CDBG appropriation, the first step will be to make the 70-30 split between large and small cities. Half the money will then go out based on the statutory formula—and the one-third and one-sixth targeting provisions will govern the other half of the distribution to the States. The same distribution—one-half regular formula and one-third and one-sixth targeting provisions for State allotments—also will apply to the $250 million appropriated for the metropolitan cities and urban counties.

In this way, half of every dollar appropriated for CDBG in this bill will—under the one-third and one-sixth provisions—be targeted in the initial State allotments based on unemployment factors. Once the State allotments have been made, based on that targeting, then for the metropolitan cities and urban counties the regular formula will govern distribution by the Secretary within each State. So that basically, each entitlement city within a State will maintain the same proportional standing to the other entitlement cities within the State as the regular program provides.●

Mr. CONTE. Mr. Speaker, I have no further requests for time.

Mr. WHITTEN. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore (Mr. BEILENSON). The question is on the motion offered by the gentleman from Mississippi (Mr. WHITTEN) to concur in the Senate amendment.

The motion was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING CLERK TO MAKE CORRECTIONS IN ENROLLMENT OF H.R. 1718, EMERGENCY APPROPRIATIONS, 1983

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate concurrent resolution (S. Con. Res. 20), authorizing and directing the Clerk of the House of Representatives to make corrections in the enrollment of the bill (H.R. 1718) making appropriations to provide productive employment for hundreds of thousands of jobless Americans, to hasten or initiate Federal projects and construction of lasting value to the Nation and its citizens, and to provide humanitarian assistance to the indigent for fiscal year 1983, and for other purposes.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. The Clerk will report the Senate concurrent resolution.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 20

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (H.R. 1718) entitled "An Act making appropriations to provide productive employment for hundreds of thousands of jobless Americans, to hasten or initiate Federal projects and construction of lasting value to the Nation and its citizens, and to provide humanitarian assistance to the indigent for fiscal year 1983, and for other purposes", the Clerk of the House of Representatives is hereby authorized and directed, in the enrollment of the said bill, to make the following corrections, namely, after the word "unemployment" in paragraph (a)(6) in section 101, insert a comma; and at the end of section 101, insert the following:

"(e) Notwithstanding any other provision of law, the head of each Federal agency to which appropriations are made under this title, with respect to project grants or project constracts in this section, shall expedite final approval of projects in areas of high unemployment, labor surplus areas, or in political units or in pockets of poverty that are currently or should meet the criteria to be eligible under the Urban Development Action Grant program administered by the Department of Housing and Urban Development in order to allocate sums as required by this section. Nothing required by this section shall impede the rapid expenditure of funds under this section.

"(f) Notwithstanding any other provisions of law, any agency rulemaking proceeding conducted in order to implement the provisions of this title shall be conducted expeditiously, and in no case shall an agency hearing on the record be required.".

Mr. WHITTEN (during the reading). Mr. Speaker, I ask unanimous consent that the Senate concurrent resolution

be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Mississippi?

There was no objection.

The SPEAKER pro tempore. The question is on the Senate concurrent resolution.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

PROVIDING FOR ADJOURNMENT OF THE HOUSE FROM THURSDAY, MARCH 24, 1983, TO TUESDAY, APRIL 5, 1983, AND ADJOURNMENT OF THE SENATE FROM THURSDAY, MARCH 24, 1983, OR FRIDAY, MARCH 25, 1983, TO TUESDAY, APRIL 5, 1983

Mr. WRIGHT. Mr. Speaker, I offer a privileged resolution (H. Con. Res. 94), and I ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 94

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, March 24, 1983, it stand adjourned until 12 o'clock meridian on Tuesday, April 5, 1983, and that when the Senate adjourns on Thursday, March 24, 1983, or Friday, March 25, 1983, pursuant to a motion made by the majority leader in accordance with this resolution, it stand adjourned until 12 o'clock meridian on Tuesday, April 5, 1983.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, APRIL 6, 1983

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that the business in order on Calendar Wednesday, April 6, 1983, may be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. WALKER. Mr. Speaker, reserving the right to object, and I do so to ask if we are going to have a schedule announced for that week prior to leaving here today?

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Texas.

Mr. WRIGHT. Prior to leaving here today we will announce the schedule.

Mr. WALKER. Mr. Speaker, I thank the gentleman and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

AUTHORIZING THE SPEAKER TO ACCEPT RESIGNATIONS AND TO APPOINT COMMISSIONS, BOARDS, AND COMMITTEES, NOTWITHSTANDING ADJOURNMENT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Tuesday, April 5, 1983, the Speaker be authorized to accept resignations and to appoint commissions, boards, and committees authorized by law or by the House.

The SPEAKER pro tempore. Is there objections to the request of the gentleman from Texas?

There was no objection.

SWEDISH-AMERICAN FRIENDSHIP DAY

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent that the Post Office and Civil Service Committee be discharged from further consideration of the Senate joint resolution (S.J. Res. 64) authorizing the President to proclaim April 4, 1983, as "Swedish-American Friendship Day," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. WALKER. Mr. Speaker, reserving the right to object and I do not intend to object, but I would ask the gentleman whether or not this has been cleared with the minority since we have nobody from the minority side here.

Mr. FORD of Michigan. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Michigan.

Mr. FORD of Michigan. The gentleman from Missouri (Mr. TAYLOR) is on his way over. This just came up faster than we expected. I have cleared it with the gentleman. Both the matters I have are Senate resolutions that came over and we are trying to respond to their request to do it before the recess and that is why we were caught flatfooted.

Mr. WALKER. But in both cases there is minority approval of consideration and passage of the resolutions?

Mr. FORD of Michigan. Yes; that is our policy on the committee.

Mr. WALKER. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 64

Whereas Sweden was the first nation that did not participate in the Revolutionary War to enter into a treaty of friendship and commerce with the United States;

Whereas close and friendly diplomatic, cultural, and trade relations have existed between Sweden and the United States over the years, virtually since the foundation of this Republic;

Whereas emigration from Sweden to the United States has established a strong Swedish-American culture;

Whereas nearly five million Americans are of Swedish ancestry;

Whereas Sweden and the United States share a strong democratic tradition, and commitments to fundamental individual rights of freedom of speech, religion, and assembly;

Whereas the United States and Sweden have acted vigorously to strengthen international dispute resolution mechanisms;

Whereas April 3, 1983, marks the two hundredth anniversary of the signing of the Swedish-American treaty negotiated by Benjamin Franklin and the Swedish Ambassador to France, Count Gustaf Philip Creutz;

Whereas, in commemoration of the bicentennial, the Speaker of the Swedish Parliament, Ingemund Bengtsson, will visit Congress in April: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating Monday, April 4, 1983, as "Swedish-American Friendship Day" and that a copy of this resolution be presented to Speaker Bengtsson to be received on behalf of the Swedish people.

Mr. FORD of Michigan. Mr. Speaker, Senate Joint Resolution 64 designates April 4, 1983, as "Swedish-American Friendship Day." Sweden was the first nation that did not participate in the Revolutionary War to enter into a treaty of friendship and commerce with the United States. Sweden and the United States share a strong democratic tradition, and commitments to fundamental individual rights of freedom of speech, religion, and assembly. Emigration from Sweden to the United States has established a strong Swedish-American culture and nearly 5 million Americans are of Swedish ancestry.

● Mr. OBERSTAR. Mr. Speaker, the people of our Nation and the people of Sweden are united by ties of blood, traditions, and a commitment to democratic principles.

April 3, Easter Sunday, marks the 200th anniversary of the signing of a treaty of amity and commerce between our two nations. Sweden was the first nation following the Revolutionary War to extend the offer of friendship to and establish diplomatic relations with the United States. To commemo-

rate this bicentennial, I introduced House Joint Resolution 211, designating April 4 as "Swedish-American Friendship Day." My resolution is identical to Senate Joint Resolution 64, which Senator RUDY BOSCHWITZ of Minnesota introduced last week, and which the Senate passed on Friday.

This joint resolution represents a bipartisan effort in recognition of the tremendous contributions that Swedish Americans have made in our State and throughout the United States.

On April 12, the Speaker of the Swedish Parliament, Ingemund Bengtsson, will visit the Capitol and be the guest of honor at a luncheon hosted by the Speaker. He will receive a copy of our resolution on behalf of the Swedish people.

I very much appreciate the interest and support which our colleagues, the gentleman from Michigan, the chairman of the Committee on Post Office and Civil Service (Mr. FORD) and the gentleman from New York (Mr. GARCIA), the chairman of the Subcommittee on Census and Population, have shown in bringing this resolution to the floor prior to the bicentennial.

I urge unanimous approval of the Swedish-American Friendship Day Resolution.●

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL ARTHRITIS MONTH

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 32) authorizing the President to proclaim May 1983 as "National Arthritis Month" and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 32

Whereas arthritis is one of our Nation's leading health problems, striking as many as thirty-five million Americans;

Whereas arthritis is America's number one crippling disease, disabling over seven million persons including infants, children, and working-age adults as well as the elderly;

Whereas the incidence of arthritis is increasing by one million new victims each year;

Whereas there are more than one hundred distinct disease entities classified as rheumatic, each with a distinct pathogenesis, symptoms, and course of treatment;

Whereas the economic cost of arthritis is a major burden on the Nation, now estimated to be as much as $25,000,000,000 each year;

Whereas it is estimated that, by the year 2000, arthritis will cost the Nation as much as $96,800,000,000 in health care expenditures;

Whereas research on rheumatic diseases is critically underfunded and, as a result, scientists are unable to investigate adequately the myriad causes of and potential cures for, such diseases;

Whereas greater interagency cooperation at all levels of government can greatly improve treatment and services for persons with arthritis;

Whereas scientific understanding of the causes of several forms of arthritis has increased dramatically over the past decade, notwithstanding limited funding;

Whereas State vocational rehabilitation, aging, and other agencies are not sufficiently staffed or trained to aid and inform persons with arthritis;

Whereas employers need to be made aware of the opportunities for retaining employees with arthritis through programs of medical assistance and rehabilitation;

Whereas the many research, education, information, and patient services of the Arthritis Foundation are not sufficiently well known to the American public;

Whereas the people of the United States, and educational, philanthropic, scientific, medical and health professionals, businesses, governments, and other organizations should be encouraged to provide the necessary attention and resources to combat arthritis in its many forms, and to discover causes and cures, prevent disease and disability, and improve treatment; and

Whereas a healthy nation is a strong nation, and the attention of all Americans should be directed to the need to reduce the ravaging impact of this chronic disabling disease upon our society: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President shall issue a proclamation designating May 1983 as "National Arthritis Month," and calling upon the people of the United States to observe such month with appropriate ceremonies and activities.

Mr. FORD of Michigan. Mr. Speaker, Senate Joint Resolution 32 designates May 1983 as "National Arthritis Month." Arthritis is one of our Nation's leading health problems striking as many as 35 million Americans. Arthritis is America's No. 1 crippling disease disabling over 7 million persons including infants, children, and working-age adults as well as the elderly. Scientific understanding of the causes of several forms of arthritis has increased dramatically over the past decade, notwithstanding limited research funding. A healthy nation is a strong nation, and the attention of all Americans should be directed to the need to reduce the ravaging impact of this chronic disabling disease upon our society.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks and include extraneous matter on the resolutions just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

ARE ALL DEFENSE EXPENDITURES NECESSARY?

(Mr. WALGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALGREN. Mr. Speaker, last night the President of the United States went on the television to assert his large increases in spending on the military are essential for the national defense.

The commonsense that is widespread in the American public simply does not agree with that for good reason. No one need go further than the Commerce Business Daily for March 2, 1983, to find concrete proposals for spending some of this money that proves that the public's commonsense is right on target.

On page 4 of the Commerce Business Daily for March 2 the Reagan administration is advertising for up to $1 million of work at Patrick Air Force Base consisting of architectural and engineering services, including site investigation and filed surveys. So far so good, except when you get to the project.

If you can imagine, this commitment of taxpayer's funds will provide a 27-hole golf course. To be fair, this will not be a new golf course. This $1 million of tax money is being spent to rearrange the existing 18-hole course. And in view of the sacrifice the Office of Management and Budget was imposed on many in America, the military is being required "To use existing tees and greens where feasible" while they construct the additional nine holes. Proposed construction includes cart paths, cart bridges, a snack bar and comfort station, shelters and irrigation system. Estimated construction cost: $500,000 to $1 million."

I would love to be a fly on the wall as the "Brass" consider whether or not it is "feasible" to use each existing tee and each existing green. As we all know, moving tees and greens around will result in major changes in how each hole will "play." I hope my colleagues who so adamently believe the Congress should appropriate every dollar requested by the administration for defense will read this notice carefully so they will know exactly what they are spending the million dollars for.

EASTERN SPACE AND MISSILE CENTER (AFSC), CONTRACTS DIVISION/PMPB, PATRICK AFB, FLORIDA, 32925, ATTN: S. C. COON, TEL 305-494-2563

B—Plans, Specifications, and Cost Estimates for nine-hole addition to golf course. Patrick AFB Work consists of furnishing A-E services including site investigation, field surveys, and the production of plans, specifications, and cost estimate required to accomplish work by contract. Project will provide a 27-hole golf course by rearranging the existing 18-hole course, using the existing tees and greens where feasible and constructing an additional nine holes. Proposed instruction includes cart paths, cart bridges, snack bar/comfort station, shelters, and irrigation system. Estimated construction cost is $500,000 to $1,000,000. Significant evaluation factors in order of importance are listed in numbered Note 62. Responses must be received within 21 calendar days of this notice and must include a Standard Form 255 and a Standard Form 254 if one has not been submitted to this office within the past year. Firms desiring consideration shall submit appropriate data as described in Note 62. This is not a request for proposal. (056)

LOW-INCOME ENERGY ASSISTANCE AMENDMENT

(Mr. OTTINGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. OTTINGER. Mr. Speaker, I take the floor today to advise my colleagues that I am introducing the Low-Income Energy Assistance Act of 1981 amendment.

This bill would increase the fiscal year 1984 authorization to provide more adequate funding for the low-income energy assistance program administered by the Health and Human Services Agency. In addition, the bill would strengthen the program by limiting the use of carryover and transfer funds and by imposing data collection and reporting requirements.

Mr. Speaker, the low-income energy assistance at the present time is reaching less than half of those eligible and it is really shocking that in this country that we like to think is the most advanced and civilized in the world, 25,000 senior citizens froze to death last year—died of hypothermia.

This legislation will seek to address that situation. I urge my colleagues to cosponsor it and see that it gets passed promptly.

Mr. Speaker, according to the Department of Health and Human Services, 21 million low-income households are eligible for this home heating and cooling fuel assistance program. Yet, by its own admission, only one-third of these—approximately 7 million families—are presently receiving assistance.

In a report by the Fuel Oil Marketing Advisory Committee of the U.S. Department of Energy, it was found that the poor:

First, expend at least 35 percent of their income directly on energy;

Second, continue to pay nearly four times more of the percentage of their income on household energy than the average American household;

Third, will use less than 50 percent of the total energy consumed by the average American household and 25 percent less household energy.

The study concluded that "a program of at least $3.5 billion is necessary to offset the loss of purchasing power" borne by the poor.

Reinforcing that assessment, the Committee for Economic Development, an independent research organization of Fortune 500 business executives, found in a 1982 study of escalating energy prices and public policy that "the poor ought to receive adequate funding to help compensate them for what we calculate as a $3 to $7 billion decrease in their annual real income caused over the past 8 years." Therefore, in estimating the level of need, "we are convinced that $5 billion would be a small price to pay for the benefits. Compared to the size of the energy sector of the economy, we are struck by how small an ($5 billion) expenditure it would take to offset completely the impact on the poor."

Most States are now paying only a small fraction of the fuel bills of eligible households and in the last 2 years, as energy prices have increased, a majority of States have reduced their benefit levels. For those receiving assistance, present benefit levels are not sufficient to protect the poor against residential energy price increases over the past 5 years. The average annual assistance level of $200 is only a small portion of the typical fuel payment.

Since 1978, the average electricity bill has increased by 65 percent, the average natural gas bill by 108 percent, and the average heating oil bill by 140 percent. This kind of increase hits the poor and the elderly, those living on fixed incomes, the hardest. This is dramatically underscored by the National Consumer Law Center's 1983 report, "Out in the Cold." Among the report's findings are that there are 42 States, plus the District of Columbia, where those elderly individuals living on supplemental security income (SSI) would have less than $50 per week remaining for all other living expenses during the winter, after home energy bills have been paid. For the "new poor" of America, the millions of unemployed, the situation is also bleak. The report finds that those receiving the average unemployment benefit in 38 States will, after paying for home energy costs, have less than $100 weekly left in the winter months to pay all other living expenses.

Equally dramatic are the dollar amounts of annual home energy expenses that remain outstanding after receipt of LIEAP benefits cited in the report. If these are compared to unemployment. benefits and SSI balances, we find that in 27 States, those receiving unemployment benefits have less than $100 a week for all other necessities even after receiving LIEAP, and in 21 States, the elderly on SSI have less than $50 weekly after receiving LIEAP.

In the face of this deplorable situation, the administration proposed $1.3 billion for both fiscal years 1983 and 1984, without any supporting cost analysis or budget documentation. Congress, recognizing the real need addressed by this program, rejected the President's proposal and provided $1.975 billion for fiscal year 1983. The bill I am introducing today increases that funding to $3 billion for fiscal year 1984, a level which is still below most realistic estimates of need. While we are all acutely aware of the threatening budget deficit, we cannot place the burden of balancing the budget on the elderly, the unemployed, and the poor, forcing them to make impossibly hard choices that leave no option but suffering. The fact that 25,000 elderly Americans froze to death last year is simply intolerable.

This legislation also would make several changes that would increase the effectiveness and accountability of the program. It would reasonably limit the amount of State carryover from 1 fiscal year to the next, while retaining sufficient carryover funding to accommodate State planning. It would also prescribe data collection and reporting requirements that would insure that Congress will be able to make informed judgments regarding the true measure of need and the appropriate level of funding. Congress ability to gage the efficiency of the program has been seriously curtailed by the administration's policies discouraging State and Federal information gathering.

In light of increasing numbers of Americans victimized by difficult economic times, I urge my colleagues to join me in continued bipartisan support of the energy assistance program and this legislation.

The text of the bill follows:

H.R. 2333

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Low-Income Home Energy Assistance Amendments of 1983".

INCREASED FUNDING FOR LOW-INCOME HOME ENERGY ASSISTANCE

Sec. 2. Subsection (b) of section 2602 of the Low-Income Home Energy Assistance Act of 1981 (relating to authorization of appropriations) is amended—

(1) by striking out the comma after "1982" and inserting in lieu thereof "and", and

(2) by striking out "1984" and inserting in lieu thereof "$3,000,000,000 for the fiscal year 1984.".

LIMITATION ON AUTHORITY TO TRANSFER LOW-INCOME HOME ENERGY ASSISTANCE FUNDS FOR OTHER PURPOSES

SEC. 3. (a) Subsection (f) of section 2604 of the Low-Income Home Energy Assistance Act of 1981 (relating to alternative uses of State allotments) is hereby repealed.

(b) The amendment made by subsection (a) shall apply to the use of funds for fiscal years beginning after September 30, 1983.

LIMITATION ON USE OF AMOUNTS MADE AVAILABLE IN PRIOR YEAR

SEC. 4. (a) Subparagraph (B) of section 2607(b)(2) of the Low-Income Home Energy Assistance Act of 1981 (relating to payments to States for low-income home energy assistance) is amended by striking out "25" and inserting in lieu thereof "15".

(b) The amendment made by subsection (a) shall apply to amounts held available for fiscal years beginning after September 30, 1983.

DATA COLLECTION AND REPORTING REQUIREMENTS

SEC. 5. (a) Section 2610 of the Low-Income Home Energy Assistance Act of 1981 (relating to studies and reports) is amended to read as follows:

"SEC. 2610. (a) The Secretary, after consultation with the Secretary of Energy, shall provide for—

"(1) the collection of data on a State-by-State basis for the fiscal year, including—

"(A) information concerning home energy consumption;

"(B) the amount, cost, and type of fuels used;

"(C) the type of fuel used by various income groups;

"(D) the number and income levels of households assisted by this title;

"(E) the number of households assisted by each type of assistance under this title;

"(F) the number of households assisted by each type of assistance under this title in which 1 or more individuals are elderly or handicapped;

"(G) the number of households described in section 2605(b)(2)(A) assisted by each type of assistance under this title;

"(H) the amount of State allotments under this title which are used for planning and administering the use of funds under this title;

"(I) the amount of funds held available for the following fiscal year under section 2607(b)(2);

"(J) the amount of funds used for outreach activities described in section 2605(b)(3); and

"(K) any other information which the Secretary determines to be reasonably necessary to carry out the provisions of this title;

"(2) the collection of data on a State-by-State basis for the first four months of the fiscal year, including—

"(A) the number of households assisted by each type of assistance under this title and the amount of assistance provided for each type of assistance under this title;

"(B) the number of applicants for each type of assistance under this title; and

"(C) any other information which the Secretary determines to be reasonably necessary to carry out the provisions of this title.

"(b)(1) The Secretary shall, no later than September 30 of each calendar year, submit a report to the Congress containing a detailed summary of the data collected under subsection (a)(1) with respect to the fiscal year ending in the preceding calendar year.

"(2) The Secretary shall, no later than February 28 of each calendar year, submit a report to the Congress containing—

"(A) a detailed summary of the data collected under subsection (a)(2) with respect to the first four months of the fiscal year ending in such calendar year, and

"(B) projections, based on such data, for the remainder of such fiscal year.".

(b) Subsection (b) of section 2605 of such Act (relating to annual applications by States desiring allotments) is amended by striking out all that follows paragraph (13) and inserting in lieu thereof the following:

"(14) cooperate with the Secretary with respect to data collecting and reporting under section 2610.".

(c) The first sentence of section 2605(c)(1) of such Act is amended by striking out "a plan which contains" and all that follows and inserting in lieu thereof the following: "a detailed plan which contains provisions—

"(A) describing how the State will carry out the assurances contained in subsection (b),

"(B) describing the eligibility requirements to be imposed by the State for each type of assistance under this title, and

"(C) projecting the number of households in the State to be eligible for each type of assistance under this title.".

(d) Paragraph (2) of section 2605(c) is amended by inserting "and each revision thereof" after "Each plan prepared under paragraph (1)".

(c) Subparagraph (A) of section 2607(b)(2) (relating to requests by States that amounts allotted be held available for following fiscal year) is amended by inserting after the first sentence thereof the following: "Such request shall include a statement of the reasons that the amount allotted to such State for a fiscal year was not used by such State during such fiscal year.".

(f)(1) The amendment made by subsection (a) shall apply to data collected after September 30, 1983, and reports submitted by the Secretary in calendar years beginning after December 31, 1984.

(2) The amendments made by subsections (b), (c), and (d) shall apply to applications filed more than 30 days after the date of the enactment of this Act.

(3) The amendment made by subsection (e) shall apply to requests made more than 30 days after the date of the enactment of this Act.

TERRITORIES LOOK FORWARD TO RENEWED FEDERAL COMMITMENT TO EDUCATION

(Mr. SUNIA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SUNIA. Mr. Speaker, the Congress required in Public Law 96-374 that the Secretary of Education conduct a thorough review of the educational needs of the territories and submit a report to Congress. The report, along with the description of the Secretary's plan to improve the effectiveness of Federal assistance to postsecondary education in the territories, was submitted to the Speaker of the House, as required.

I rise to offer my commendations to the Department of Education, and to Secretary Bell for a most complete and detailed study. And in addition, for submitting to the Speaker and Congress, a set of proposals on how the Department plans to step up its assistance to the territories. In my experience, very few agencies in the Federal Government have gone this far, in carrying out its responsibilities toward the territories. What is most interesting, Mr. Speaker, is the fact that the Secretary asks for now new programs or authorities. He believes he can help the territories by improving implementation of existing programs. I believe him.

I would also like to commend those Members of Congress responsible for inserting this requirement into Public Law 96-374, and to the chairman and the Committee on Education and Labor.

Mr. Speaker, you have made the requirement, the Department has responded, the territories now look forward to this renewed Federal commitment to education in these small and remote parts of our country.

NATIONAL SEWING MONTH

(Mr. BONER of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BONER of Tennessee. Mr. Speaker, today, I have been joined by 31 of my colleagues in introducing a joint resolution to designate the month of September as "National Sewing Month."

In the last session of Congress, I sponsored House Joint Resolution 492, designating September 1982 as "National Sewing Month." Senator JOHN EAST sponsored a similar resolution in the Senate and we are both proud that over 95 of our colleagues joined us in sponsoring and passing the resolution. President Reagan signed the resolution into law on September 24. I am indebted to both the gentleman from Michigan, Representative WILLIAM FORD, and the gentleman from New York, Representative BOB GARCIA, for bringing last year's resolution to the floor and assisting in its passage.

As you know, Mr. Speaker, National Sewing Month is an industrywide promotion designed to increase home sewing interest, consumer education, and family sewing participation with one universal sewing theme. This September marks the second such industrywide effort to revitalize the sewing spirit in America.

There are many reasons why I am introducing this resolution today. As my colleagues know, I have been a strong supporter of the family and I believe home sewing contributes to building the family unit. For years—indeed, for generations—the fundamentals of home sewing have been learned in the context of the family

and in the home economics classes of local elementary and secondary schools. For most, home sewing remains oriented to the home and the family. It is estimated that over 50 million Americans sew at home and over 40 million sew at least part of their wardrobe. For others, however, acquired sewing skills have led to a valuable and creative career in fashion design, retail merchandising interior design, patternmaking, and textiles. The great majority of these careers have had their genesis in a seventh or eighth grade home economics class, where the enjoyment, pride, and creativity associated with the sewing industry are first encountered.

The home sewing industry contributes greatly to the economic life of the Nation. It employs thousands of people directly in the manufacture, wholesale, retail, and service sectors. In addition, thousands more are involved as teachers, mechanics, truck drivers, contractors, and in many other professions. The industry generates over $3.5 billion in sales annually and invests millions of dollars of capital in plants and machinery.

The American Home Sewing Association will be conducting an extensive nationwide promotion of National Sewing Month. A wide variety of civic organizations have been invited to participate, including home economic teachers, extension agents, 4-H Clubs, the Girl Scouts, American Sewing Guild Chapters, the Future Homemakers of America, and many others.

It is important to note the important role of the association in the promotion. The association is the first and only organization representing the total home sewing industry in a unified voice. Its 590 members are to be congratulated for joining me and my colleagues in support of this resolution. In addition, let me congratulate the officers of the association for developing consumer awareness and a particularly effective home economic education assistance program. The officers are Leonard Ennis, executive vice president; Sal Alcina, president; Leona Roch, chairman of the board; Earle Angstadt, president-elect; Dan Lynch, vice president for educational affairs; Lee Thompson, vice president for sewing guild; David S. Colin, vice president for finance; Tom Sullivan, vice president for governmental affairs; Patrick McGinty, vice president for industry expansion; David Schoenfarber, vice president for member services; Doris Katz, vice president for membership; and Dan Covitt, vice president for shows and conventions.

I urge my colleagues to join and the other sponsors in securing passage of the National Sewing Month resolution.

H.J. RES. —

Joint resolution to designate the month of September of each year as "National Sewing Month"

Whereas the sewing industry annually honors the approximately fifty million people who sew at home and the approximately forty million people who sew at least part of their wardrobe;

Whereas the home sewing industry generates over $3,500,000,000 annually for the economy of the United States; and

Whereas innumerable careers in fashion, retail merchandizing, design, patternmaking, and textiles have had their genesis in the home and in elementary school home economics classes; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of September of each year is designated "National Sewing Month." The President is requested to issue a proclamation calling upon the people of the United States to observe that month with appropriate ceremonies and activities.

THE FEDERAL GOVERNMENT SHOULD MEET ITS COMMITMENT TO PROVIDE HEALTH CARE TO NATIVE AMERICANS

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, I come before you today with a special concern I have about a little 8-month Indian girl in my district. Leah Addision is an American Indian who lives in the Tesuque Pueblo in northern New Mexico. She was born with a defective liver. After three unsuccessful operations, doctors now say her only hope for survival is a liver transplant. There is one problem though: Money. That transplant carries a $150,000 price tag.

The first three operations for Leah ran up 68,000 dollars' worth of bills. Indian hospital administrators have been forced to tell Leah's parents that they cannot afford to pay for another operation because already scarce contract health funds have to be spread around to 16,000 eligible Indians. Leah Addison's case has gone to the Indian Health District Headquarters for further review. The child's parents were told to investigate alternative resources in funding.

Leah's parents have applied for medicaid, but in the meantime they cried out to the community for help. Three separate funds were set up and so far around $11,000 has been collected. That is voluntarism at its best. The supreme irony, however, is that because Leah has received these donations, her parents may not qualify for medicaid to help pay for the liver transplant to keep her alive. I hope that will not be the case. A good dose of commonsense and compassion is what is called for in this unique situation.

Is it fair or just for the Federal Government to promise health care services for our Indian Americans and then cut them off when an expensive catastrophic illness strikes? Mr. Speaker, I hope and pray not.

The Indian Health Service budget should adequately fund contract health services for American Indians or come up with an alternative catastrophic insurance fund within its spending plan. It is wrong for the Federal Government to make the commitment to provide for the health care of our native Americans and then cut off those Indians who need it the most.

THE PRESIDENT'S FIXATION ON DOOMSDAY WEAPONS

(Mr. AuCOIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AuCOIN. Mr. Speaker, the Nation saw once again President Reagan's fixation on doomsday weapons and military spending.

I find the President's views simplistic and dangerously out of step with the people of my district. And I have regrettably come to the conclusion that this President is not content with deterrence. He wants instead military superiority. That is what his convention platform called for in 1980 and that is what his military budget represents.

Unfortunately, Mr. Speaker, superiority does not buy deterrence. Superiority instead is an invitation to the Soviets to up the ante again and the process never ends.

Last night the President tried to calm our fears about the arms race by calling America's best scientific minds to develop American space weapons.

Mr. Speaker, this is a blueprint for a "Star Wars" military approach, meant to neutralize the military arsenal of the Soviet Union. But, Mr. Speaker, in my judgment it would be a fatal move. The Soviet Union will not stand by and allow a huge advantage of that kind, nor would we. Instead they will develop new weapons to knock out our space weapons. And then we will be back at square 1, only we will have spent hundreds of billions of dollars in a futile effort.

Mr. Speaker, there is a better alternative and the American people know it. It is the nuclear weapons freeze which stops this "Dr. Strangelove" insanity, and allows the energies of our scientists to be put not to the militarization of space, but rather to economic technology, the reduction of hunger, and disease, and ignorance, and the creation of jobs for Americans here at home.

□ 1145

THE PRESIDENT'S DISTORTION OF U.S. DEFENSE BUDGET REALITIES

(Mr. WOLPE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLPE. Mr. Speaker, last night the American people were treated to one of the most outrageous and misleading pieces of political propaganda that this Nation has seen in many years. Just look at the rhetoric. At one point, the President somberly told us that, "The acres and acres of Soviet antenna fields are targeted on key U.S. military installations and sensitive activities."

What was the President trying to suggest with that kind of statement? That the radio antennas are destabilizing weapons systems? Or that the United States does not possess precisely the same kind of sophisticated intelligence-gathering equipment throughout the globe?

That kind of rhetoric is destructive and diverts attention from the real debate that we ought to be having in this body and across this Nation.

Contrary to the President's assertions, the defense budget that was brought before the Congress this year was not based upon a carefully conceived strategic doctrine. Our Budget Committee received testimony from witness after witness that the defense budget represents nothing more than a cumulative wish list of each military service. Every Member of this body knows this to be true. And every Member knows of the enormous Pentagon duplication, the cost overruns that are out of control, and the waste and inefficiency.

Mr. Speaker, it is time that this Nation looks at the hard realities of our defense program. It is time to move beyond scare tactics and cold war rhetoric and begin to make the hard choices that are necessary. We need a sound defense, based upon clear thinking and sound strategic planning. Our national security is too important to be left to fuzzy thinking and inflamatory rhetoric.

THE VETERANS' ADMINISTRATION WILL NOT BE DISMANTLED

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, the Washington Post reported this morning that a task force of the President's Private Sector Survey on Cost Control has recommended in a "working draft report" that serious consideration be given to eliminating the Veterans' Administration by transferring its functions to other agencies and departments of the Federal Government. This draft report was brought to the attention of Mr. APPLEGATE, chairman of our Subcommittee on Compensation, Pension and Insurance, and we were quick to respond that we would oppose any effort should the recommendation materialize.

Mr. Speaker, I do not want to deal too harshly with the individuals who submitted the working draft report to Mr. Grace now in the hands of the committee. I am sure they know something about running private corporations, but the group apparently knows little about veterans programs and how they are implemented. It is clear this group has no idea of the commitment we have for our Nation's veterans. The threat to dismantle the VA has been around for years, but most people know it would not happen because Congress will not let it happen.

The President should quickly disavow the report otherwise he will have lost much credibility with all veterans throughout the Nation.

THE SPACE RACE

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, as others, I have stood in this well on past occasions and spoken of the dangers of an arms race in space. But, never in my wildest dreams could I ever imagine our President taking to the national airwaves to promote a strategy of futuristic "Star Wars" schemes as Mr. Reagan did last night.

There can be no denial now by the administration of its true intentions regarding the arms race: Clearly, Mr. Reagan seeks to elevate the current nuclear madness to a new dimension. With millions of Americans crying out for a reduction in its extravagant and reckless defense buildup, we must all wonder how far removed from the will of the American people the Reagan administration actually is.

During his address last night, Mr. Reagan spoke one truth. He said that his space wars plan "holds the promise of changing the course of human history." Mr. President, I agree. If your space war fantasies ever reach fruition, our hope of bringing secure and lasting peace to the world may be forever lost.

THE PRESIDENT MAKES A CASE FOR ARMS TALKS

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, like all discerning Americans, I listened to and watched the President as he addressed the Nation last evening. I believe that much of what he said about Soviet military advances was true; but instead of making a case for an arms buildup, I believe the President made a commanding case for arms talks.

We have heard over and over throughout history that war is too important to leave to the generals.

Well, in modern times, nuclear war is becoming too important to leave to governments. It is time for the American people to resolve that it is not for our Nation to wastefully build weapons, only later to agree to abandon them.

Let us, then, go to the conference table. And it would seem to be up to this body to provide the leadership.

A SOUND MERCHANT MARINE

(Mrs. BOXER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BOXER. Mr. Speaker, I want to associate myself with the remarks of the gentleman from Oregon (Mr. AUCOIN).

I was told to vote for the Democratic budget yesterday, a budget which balances concern for defense with concern for the quality of our people's lives—their education, their health, their dignity. We must have this balance if we are to continue to be the greatest nation in the world.

Mr. Speaker, I care about our national defense and a sound merchant marine is an important part of our national defense. Most of our graduates from Merchant Marine Academies become officers of the U.S. Naval Reserve.

Therefore, I am introducing a bill to reimburse State maritime academies for fuel costs incurred by training ships.

We must revitalize our merchant marine and support for academies is one good place to start.

The five States with maritime academies spend over $2 million per year on fuel costs, and the general share of Federal support for the academies has declined from 20 percent in 1979 to 14 percent for fiscal 1984. The U.S. Government's share would still only be 19 percent—less than the 1979 level—if it picks up the full cost of fuel oil for at-sea training.

THE PRESIDENT HAS CALLED FOR A QUANTUM LEAP INTO "STAR TREK," WARFARE TECHNOLOGY

(Mr. MOODY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOODY. Mr. Speaker, last night in a nationwide address, Presi-

dent Reagan called for a quantum leap in warfare technology, presumably to justify further defense spending increases. It seems the President's inspiration is the "Star Trek" philosophy that space is the final frontier.

The President suggests that laser and particle beam technology would be defensive in nature, but this is clearly not the case.

First, advanced warfare technology increases, not decreases, the capacity for a first strike because a superpower will believe its territory can escape untouched.

Second, more advanced systems will only lead to more powerful counterweapons. It is only logical that the Soviets will try to follow any U.S. buildup.

Finally, space-based weapons could lead to a Soviet preemptive strike if their leaders felt that they could never catch up in this weapon system.

The President is asking our Nation to embark on a highly technical, problematic, and expensive weapon system. This runs directly counter to the majority of Americans who support cuts in our Defense budget, particularly in the area of exotic weapons procurement.

Mr. Speaker, I urge the American people to express their opposition to this new step in warfare technology. I also urge the President to return our national defense system back to Earth and to concentrate on maintaining peace and protecting this planet.

PRESIDENT FORGOT TO MENTION THAT THE EVIL EMPIRE WAS ABOUT TO LAUNCH THE DEATH STAR

(Mr. DOWNEY of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOWNEY of New York. Mr. Speaker, the only thing the President did not tell us last night was that the Evil Empire was about to launch the Death Star against the United States.

The fact is that the President, if you were to believe all the things that he pointed out, his static measurements of Soviet capability vis-a-vis the United States, you would come to the horrifying conclusion that we were more akin to a power like Sierra Leone than the United States of America.

Nowhere in the President's speech does he talk about the fact that the U.S. Navy is vastly superior to the Soviet Navy or that our Air Force is better and that while our Army is smaller, it is far more capable.

Lord knows, it would probably take the Soviet Army 3 days to dry out before they could march anywhere.

I believe that the President's second part of his speech, that where he talks about a future ABM system in outer space, is probably the most appalling and ridiculous idea that he offered last night.

The idea that we can somehow provide a defensive capability that would not turn itself into a preemptive first strike in Soviet minds is absolute nonsense. If you are afraid of an arms race on land, imagine what an arms race in outer space will look like.

DARTH VADER VERSUS LUKE SKYWALKER

(Mr. MARKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARKEY. Mr. Speaker, last week the President talked about the force of evil in the world.

Then last night he talked to the American people about the need to have ballistic missile defense systems and apparently the need to put weapons in outer space.

So I have tried to piece this together to understand what he is talking about and I think it has become clear. "The Force of Evil are the Soviets. They are Darth Vader. We are Luke Skywalker and we are the Force of Good."

We are now listening to our E.T., not the E.T. that wanted to get off this planet and get away from earthlings, but the original E.T., Edward Teller. We will now follow him to outer space and try to put weapons and defensive systems out there so that we can fight some kind of pinball outer space war between the "Force of Evil and the Force of Good."

Mr. Speaker, the major, moral, political, military, and philosophical debate of the 1980's may well be whether or not we allow President Reagan to escalate the nuclear arms race to the point where we are fighting our battles in outer space. Are we going to see hundreds of billions of dollars being spent to fight, survive and win a nuclear war. I hope we prevent this by signing a mutual, verifiable nuclear freeze with the Soviet Union. That would prevent the need for this new weaponry the President wants.

THE BUDGET RESOLUTION

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, our country is at a crossroads, at the beginning of a recovery from what has been a most serious economic recession. The budget resolution adopted by this House reverses many of the important economic decisions we have made and could cripple the recovery.

At a time when we should be stimulating the economy, encouraging business expansion, this resolution will stifle that expansion.

Under this adopted budget, the American worker will have to pay more than his fair share. The American work force will be faced with new taxes this year and in every year in the future.

Every time a worker gets a 10-percent cost-of-living raise, this budget resolution will insure that he or she will get a 16-percent increase in taxes.

This is a "Budget of Doom" for America's middle class—its workers and small business owners. It is a boon to a handful who will live off the new and expanded welfare programs this budget provides for.

The budget adopted by this House is a return to the "spend, spend, spend—tax, tax, tax" policies that have crippled this country's economy.

SAVE THE SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM

(Mr. LEWIS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Florida. Mr. Speaker, it is imperative that we save title V, the senior community service employment program of the Older American Act.

This worthwhile program provides community jobs for 54,200 low-income elderly Americans.

They work in libraries, schools, hospitals, nutrition centers, and day care centers.

They provide services to the frail elderly, enabling them to remain in their homes rather than live in institutions.

The title V program makes economic sense.

People who would otherwise rely on SSI and food stamps instead would make productive contributions to society.

The Federal Government realizes a 16-percent rate of return on every dollar invested in the program.

The benefits to both individuals and communities are enormous and worthy of saving and protecting.

THE NUCLEAR BUILD-DOWN PROPOSAL

(Mr. McCAIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCAIN. Mr. Speaker, when this body returns from the Easter recess we will again be focusing on the various proposals to reduce the risk of nuclear war. I want to urge my colleagues to use this recess to closely consider and analyze the nuclear build-down proposal.

The build-down concept has been formulated by two highly respected

Members of the Senate, BILL COHEN of Maine and SAM NUNN of Georgia. I have been fortunate to have worked closely with both distinguished gentlemen and my colleagues Mr. LEVITAS and Mr. PORTER in developing the build-down concept.

I firmly believe that this legislation may very well prove to be the vehicle that provides our negotiators in Geneva the first real impetus to get the talks off dead center. Experts and nonexperts alike have grown frustrated at what they see as the lack of progress in controlling nuclear arms. Increasingly, we see the arms control talks becoming more vague and more remote.

The build-down resolution addresses the major goals of both the pro and anti-freeze movements. Essentially, it would place an immediate price on the deployment of new weapons. One side would be required to eliminate two, older, less stabilizing warheads for each new warhead added to its force. This elimination of the more unstable, less accurate weapons would actually decrease the possibility of the United States being subjected to nuclear blackmail because we would, at the same time be allowed to build new, less vulnerable systems which would enable us to continue to protect ourselves while maintaining an updated and modernized deterrent force. Thus, this resolution would increase and insure the survivability and reliability of deployed systems. As former Senator and Secretary of State Edmund Muskie recently stated in an article in the Washington Post, "At first glance, the concept seems suspiciously simple, but closer examination shows that the build-down idea has great promise as a principle that reconciles the objectives of arms control with the imperatives of military planning."

The build-down resolution is to provide a middle ground around which freeze proponents as well as opponents can coalesce. This approach offers a means of uniting the two elements in support of a common, critical objective—reducing the risk of nuclear war. On this, there is a consensus.

This guaranteed build-down, while not offered as a panacea, would bring the nuclear arms race to a safer level, improve the prospects for lessening world tensions and reassure our citizens that we recognize the peril of arms escalation.

Mr. Speaker, the time has come to end the debate and to implement this plan which I believe will provide our commitment to future generations that they can live in a secure world—a world without the threat of nuclear annihilation. This commitment is long overdue.

□ 1200

BIG BANKERS GET THEIR BAILOUT

(Mr. PAUL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAUL. Mr. Speaker, in spite of the expressed concern for the poor by the proponents of big government policies, they, nevertheless, are seeing to it that the wealthy big bankers get their bailout. The budget resolution passed yesterday contains $8.4 billion for further IMF funding. I realize the budget resolution was directed toward the benefit of welfare recipients but I really do not think the bankers who made unwise foreign loans are all that deserving.

Billions of dollars were loaned by large international banks with the intention of making big profits. Because these loans are proving to be unwise and unprofitable, it is no reason why the pain and suffering should be passed on to the American taxpayer who is now just barely getting by.

Besides, it is hardly necessary since the IMF is financially able to pursue other courses. It has 103 million ounces of gold on hand and could easily sell what is needed to keep their scheme of worldwide inflation going—for a while longer that is—without further taxing the American taxpayer. The IMF's official position is that gold is not money so they have no more reason to hold gold than diamonds.

The IMF also has authority and plans to borrow funds in the market by issuing bonds. They claim their credit is good and could easily raise whatever funds are necessary. This voluntary approach is certainly preferable to the taxpayer being stuck with the bill.

The American taxpayer should not be asked to sacrifice for foreign debtors nor the world's international bankers.

The IMF funding must be rejected for moral and economic reasons. It is unfair to American taxpayers and it is unwise to perpetuate the engine of worldwide inflation.

I am really rather shocked that the bleeding hearts who seriously care for the poor have such compassion for the banking rich who stand to lose a few dollars from the ill-advised loans they made overseas with the intention of making huge profits.

GILMAN INTRODUCES "SOLIDARITY SUNDAY" RESOLUTION

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GILMAN. Mr. Speaker, today I am introducing the resolution which expresses congressional support for "Solidarity Sunday" with Soviet Jewry. That day, as many of my colleagues well know, is an annual event which takes place in New York City, at Dag Hammarskjold Plaza opposite the United Nations. This year, Solidarity Sunday will take place on May 22.

I regret to report to my colleagues that emigration by Soviet Jewry is experiencing new lows—in 1982, less than 3,000 were allowed to leave. This year only 200 Soviet Jews have been allowed to emigrate. This year's emigration figures are only half of last year's. By comparing this with the emigration in 1979 of over 50,000, we can readily recognize that our efforts on behalf of Soviet Jews and those seeking the right to emigrate need to be redoubled.

It is anticipated that Solidarity Sunday in New York will be attended by several hundred thousand people. Accordingly, I urge my colleagues to encourage their constituents to participate and I invite my colleagues to cosponsor this resolution. I ask that a full copy of the resolution be included at this point in the RECORD:

H. RES. —

Resolution to express the sense of the House of Representatives concerning "Solidarity Sunday"

Whereas on May 22, 1983, the eighty-five constituent agencies of the Greater New York Conference on Soviet Jewry will sponsor "Solidarity Sunday" to reaffirm the resolve to secure freedom for Soviet Jews and beleaguered people everywhere;

Whereas Americans of all faiths will participate with the Conference in a number of activities on that day seeking to express solidarity with the almost three million Jews in the Soviet Union;

Whereas the right to emigrate freely and to be reunited with families abroad is being denied Soviet Jews and others;

Whereas the Universal Declaration of Human Rights adopted by the General assembly of the United Nations, the Soviet Constitution, and the Final Act of the Helsinki accords clearly guarantee such rights;

Whereas the Government of the Soviet Union has recently implemented additional restrictive measures sharply reducing the number of people eligible to emigrate;

Whereas the Government of the Soviet Union is persecuting its Jewish citizens and denying such citizens even those rights and privileges accorded other recognized religions in the Soviet Union;

Whereas the Government of the Soviet Union discriminates against Jewish cultural activities by banning and suspending Hebrew and Jewish culture classes and legal and scientific seminars, by threatening Hebrew teachers, and by closing the Jewish kindergarten called the "Gan";

Whereas, Soviet Jewish emigration has dropped alarmingly from a high of 51,230 in 1979 to only 2,692 in 1982, and 1983 figures are currently running at half the 1982 levels;

Whereas a virulent antisemitic campaign continues unabated in the Soviet press and Soviet Jews are increasingly deprived of job and educational opportunities;

Whereas thousands of innocent Jews and other persons, after applying to leave the Soviet Union, have been subjected to illegal induction into the Armed Forces, incarceration in mental institutions, expulsion from school, and constant surveillance and harassment;

Whereas the Government of the Soviet Union will not succeed in isolating Soviet Jews from friends in the West so long as those who cherish liberty will continue to speak out on behalf of beleaguered people everywhere;

Whereas "Solidarity Sunday" will serve as an expression of determination to continue efforts to secure freedom for the Soviet Jewish Prisoners of Conscience incarcerated solely because of their desire to emigrate, and the veteran refusniks who have awaited exit visas for up to thirteen years; and

Whereas the Government of the Soviet Union should remove all obstacles to the free emigration of Jewish citizens and others who wish to leave and live in other countries, and should insure the free exercise of religious beliefs and cultural expression: Now, therefore, be it

Resolved, That the House of Representatives supports "Solidarity Sunday".

POLITICAL DOUBLETALK ON CONGRESSIONAL PAY INCREASE

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, I would like to make two points about yesterday's budget vote.

First point: Everyone who voted for the liberal Jones budget yesterday voted to provide for a new congressional pay increase beginning on October 1 of this year. Anyone who claims that he or she did not know that there was a pay raise buried in that bill is admitting to his or her constituents that they did not even listen to the debate about the bill yesterday, because this was mentioned in the course of the debate.

Imagine that. All those new Democratic Members who came here this year promising their constituents that they were doing to do something for the benefit of the country voted to line their own pockets on the first budget bill that came before them.

Let me reemphasize the point. The liberal Jones budget made provision for another congressional pay raise this year.

Second point: Anyone who voted for the liberal Jones budget cannot in good conscience be for repeal of withholding on savings and dividends. It is an exercise in political doubletalk to be for both.

There is no room in the liberal Jones tax increase budget for a tax reduction such as the savings and dividend withholding repeal. Therefore, the tax-raisers who voted for the Jones budget cannot turn around and be taxcutters on withholding. They have made their choice and cast their vote for bigger taxes rather than for less taxes. Any American who is against more congressional pay increases and is for repeal of withholding on savings and dividends should look at yesterday's vote and figure out that those who voted for that budget are against them.

NO STAR WARS

(Mr. LEACH of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEACH of Iowa. Mr. Speaker, last night the President announced his commitment to an awesomely expensive new generation of space-age weaponry.

Military strategists have for centuries stressed the need to occupy the "high ground." In the name of peace, the President suggested the United States should lay down the technological gauntlet to the Soviet Union and launch what may prove to be the most exotic, expensive, and dangerous arms race yet, a race to dominate the ultimate "high ground"—outer space.

The concept of weapons in space has been a staple of popular entertainment from Jules Verne to George Lucas and Steven Spielberg. But Buck Rogers is no longer science fiction. If the United States and the Soviet Union do not agree—and soon—to prevent the "weaponization" of space, the era of space soldiers will uncontrollably be upon us.

One of the foremost principles of arms control is that it is far easier and more manageable to make agreements prohibiting what has not taken place than to attempt to restrict weapons or troop deployments which have become a standardized part of a particular country's arsenal or which are current de facto military situations. In this regard, the Antarctic Treaty of 1961, which banned the militarization of the Antarctic Continent and which was the earliest of the post-World War II arms limitation agreements, stands out as a classic example.

Likewise, SALT I restrictions on land-based ABM systems were successfully developed precisely because they were agreed upon before, rather than after, significant deployment. While SALT I is not expected to be violated by the President's proposals, the same logic that led to prohibitions against land-based ABM systems should apply to space-based ones.

Given Soviet intentions and capabilities, it is impossible to ignore the strategic challenges implied by the potential militarization of space. But prudence dictates that an alternative exists as well—that of mutually agreeing to preclude weapons of any kind being placed in space or based elsewhere for use against space targets. The highest national priority should be given to embarking on negotiations to ban testing, development, and use of all weapons in space.

Security in the space age implies being technologically second to none. It also implies recognition that arms control holds greater potential for reducing the prospect of conflict than unrestrained arms development.

Time is running out on our ability to control space-age weapons. If "Star Wars" is to remain fiction, the Earth must be protected from holocaustal weapons systems. But it is fallacious to assume, as the President implied last night, that scientists can somehow develop new technologies to render harmless the awesome weapons 20th century research has wrought. It is time to recognize that statesmanship must catch up to the realities of modern science. Security is better enhanced by arms control than arms races. Space should be explored, not exploited.

UNITED STATES SHOULD OBSERVE LAW OF THE SEA REGULATION DRAFTING

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, last July President Reagan announced that the United States would not sign the 1982 Law of the Sea Convention. His principal objections to the treaty concerned the language governing deep seabed mining.

Work on the regulations implementing the seabed mining provisions begins this month. Unlike our allies who have refrained from signing the convention, the United States is not exercising its right to participate as an observer in the drafting process.

The United States may in practice, if not by law, eventually be obliged to adhere to the convention; it will be difficult for America to claim privileges created by the treaty without also incurring obligations under it. The writing of the technical rules implementing the convention offers an opportunity to influence the drafting process in ways that ameliorate objectionable convention language.

Additionally, a boycott of the regulation drafting will sacrifice a chance to set before our allies and others alternatives to the Law of the Sea Convention itself, in the event that efforts to improve it through the implementing regulations fail.

Because our absence at the drafting sessions may prove to be both a foregone opportunity and an unfortunate posture of noncooperation, I urge the administration to reconsider its inaction.

WE NEED A CABINET-LEVEL TRADE SPOKESMAN

(Mr. REGULA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, yesterday I introduced a bill to consolidate trade responsibility into one Cabinet-level department. I think it is high time that this Nation had one voice and one policy on trade. Expanding trade is one of the most effective steps we can take to insure economic recovery and create jobs.

It is estimated that in 1983, we will have a trade deficit of $75 to $80 billion. We cannot continue with these enormous deficits. It is estimated that $1 billion lost in exports is equivalent to the loss of 30,000 to 40,000 American jobs.

Obviously, the key to getting the new jobs we need to have full employment, is to expand our exports. To do this, we need a trade spokesman and not the diffusion of voices we have at the present time. By consolidating our nonagricultural trade responsibilities into a single executive branch agency, we can begin to develop a consistent, coordinated and effective trade policy.

The United States has a $3 trillion economy. This is a tremendous bargaining chip if we can speak with one voice on trade policy to insure that the trade we deal in is fair as well as free.

A consolidated Department of Trade would send a signal to our trading partners that we are serious about trade, serious about stopping unfair trading practices and serious about increasing our export market.

NEW DEFENSIVE TECHNOLOGIES NEEDED

(Mr. KRAMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KRAMER. Mr. Speaker, later today, I will be introducing a resolution of support for the development of new defensive technologies which President Reagan called for in his speech last night.

I have for some time been concerned about the underfunding and fragmentation that has characterized our efforts in this area and I applaud the President for his bold new initiative and firmly believe he is right in saying that the transition away from our current strategy of nuclear retaliation to one that includes defensive technologies to protect the American people offers us new hope of making nuclear weapons impotent and obsolete by the turn of the century.

I think it is indeed unfortunate that some Members of this House have come into the well to make fun of what is possibly the greatest hope for mankind. Clearly, no one will say this can happen overnight, but the key is that we rapidly accelerate our efforts both in terms of dollar commitment and providing the organizational structure that will enable such a transition to take place.

This is an approach that the entire American people can rally behind and I would urge my colleagues to join in supporting this resolution.

DEFENSE, NOT OFFENSE

(Mr. CAMPBELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CAMPBELL. Mr. Speaker, I had not intended to speak today. I was sitting in my office and heard the gentleman from Massachusetts (Mr. MARKEY) take the floor. It so inspired me, I had to come to the well.

This is the same man who promotes not only a nuclear freeze; it is also the same argument that there can be no reduction first in armament, no replacement of the arms that are aging that we have, no modernization, and now no shield.

Let us put it in the times of another day. What if it were bows and arrows and he would deny both the bow and the arrow and still not give a shield? That is exactly the argument that is being made.

Some people forget who is the aggressor in the world and some people forget who is trying to defend freedom. Defense is what is being talked about, not offense. You do not have to surrender to want peace. You do not have to sit down and give away everything to be a statesman. I resent the fact that the President is being impugned in that manner.

TAXPAYERS SHOULD REBEL ON FOREIGN AID

(Ms. OAKAR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. OAKAR. Mr. Speaker, I take great exception with the manner in which foreign aid is doled out around here. There ought to be a taxpayers' rebellion.

Very seldom does an aid request provide Members of Congress the opportunity to vote on it. A case in point is the President's additional request for military aid to El Salvador. By a stroke of the pen, aid is shifted to El Salvador for more military assistance, $60 million more of taxpayers' money going to what I consider to be a corrupt regime where justice toward our own American citizens, let alone the Salvadoran people, does not exist, as witnessed in the case of our murdered missionaries where they just said that there will be another delay in bringing to justice that case because the evidence is not there.

This, coupled with the oppression of human rights violations in that country, ought to mean that our country does not give any more military assistance to that area. But the President, through the manipulation of funds, without having a vote of this body, is able to shift more military assistance to El Salvador, and indeed other areas of the world if he decides.

I think the taxpayers ought to know about it and I think they ought to rebel.

□ 1215

YESTERDAY'S BUDGET RESOLUTION CONTAINED NO CONGRESSIONAL PAY INCREASE

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, I rarely come down to the floor to engage in any partisan bickerings, but I happened to see the 1 minute speech made by my friend and colleague, the gentleman from Pennsylvania (Mr. WALKER), saying that the vote on the budget resolution was a vote for a congressional pay increase, and that is a very outrageous, deceptive comment and one that just is not true at all.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. GLICKMAN. After I have finished, I will yield.

Mr. Speaker, in the first place, the resolution yesterday did not authorize or appropriate one dime of money for any program whatsoever. I would not come down here and even talk about this subject except that the proceedings of this House are viewed by millions of people in America.

Mr. Speaker, there was no pay raise in the resolution yesterday; it has to be authorized and appropriated, and I felt that point needed to be made.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. GLICKMAN. I am glad to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding since he mentioned my name.

I think the gentleman does need to be aware that CBO confirmed that there was a provision in the budget for a congressional pay increase, so, therefore, the gentleman has to say that there was a provision in the budget for a pay increase.

Mr. GLICKMAN. Mr. Speaker, I will take my time back.

Mr. Speaker, the fact of the matter is that there was no congressional pay raise, and it has not been authorized or appropriated. Everyone knows that. The gentleman knows that, and the leadership on the other side knows

that there was no such indication of a pay raise in there.

Mr. Speaker, I just felt that the American people needed to know that as well.

THE POLITICS OF SOCIAL SECURITY

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, in the spirit of conviviality that seems to reign in this House during the 1-minute speeches, I would like to add my own comments.

Mr. Speaker, when will the politics on social security end? It does seem that politicization of this issue needlessly continues.

My office has received a copy of the Democratic Study Group's special report, which claims this—these are their words:

> Republicans are adhering to the party's traditional pattern of voting against social security benefits.

Now, what does this refer to? This refers to consideration last week of the social security package, a bipartisan package, which I recall was addressed on the floor here by the Speaker himself. This special report was written the day after the House considered the vote on the social security reform bill, based on the recommendations of the bipartisan National Commission on Social Security.

This report went on to study the voting pattern on the Pickle amendment and on the Pepper amendment. Let us just set the record straight. My distinguished colleague, the gentleman from Texas, Mr. JAKE PICKLE, the Democratic chairman of the Social Security Subcommittee, should be commended for focusing on the basic demographic problems of social security. The majority of the Members of this body—and let me repeat that—the majority of the Members of this body, both Democrats and Republicans, agreed that in supporting the Pickle amendment it was a more viable solution to the system's long-term economic and demographic problems than the other amendment offered by the gentleman from Florida (Mr. PEPPER) which would have increased taxes in the long run.

Unfortunately, this has been typical of the politics of social security reform before the National Commission was appointed, and I had hoped that after the House had taken action on the financial programs of social security, these partisan potshots would have ended.

Mr. Speaker, let us hope that they will end after today.

THE FIRST STEP TOWARD A CONGRESSIONAL PAY RAISE

(Mr. McCANDLESS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. McCANDLESS. Mr. Speaker, because of the importance of the issue that has been brought before us, I will yield during my 1-minute speech to my colleague, the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would just like to point out exactly what is involved in the pay increase issue that was in yesterday's budget. What we have seen consistently in this body is that whenever this place wants to pass a pay increase, what they do is they sneak it through. Now, they sneak it through in a series of steps, and the way in which they go through that series of steps is that they begin with putting it in the budget.

What we had yesterday was a budget which contained room for a congressional pay increase. The provision is in there. CBO economists looking at the budget said that there is room within the budget for it.

The gentleman from Kansas (Mr. GLICKMAN) is absolutely right, we have to go through a few more steps. This is the first step along the way toward that congressional pay increase. This is the first step toward sneaking through another congressional pay increase sometime later on this year.

I think the American public deserves to know that in the budget yesterday, the liberals' own budget, we started down that road toward another congressional pay increase as of October 1 of this year.

Mr. Speaker, it seems to me that is wrong, and the American people need to know when their Representatives are casting votes of that kind.

INSUFFICIENT FUNDS IN BUDGET FOR ANTICRIME MEASURES

(Mr. HUGHES asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. HUGHES. Mr. Speaker, of course, in any budget there is room for nearly anything that the authorizing committees want to authorize. I did not intend to speak today, but I came to the well because I supported the budget resolution, but with great reservations. It is not the kind of a budget resolution that I would make, and I am sure that every Member of the House would probably fashion his or her budget resolution a little differently. But it is a budget, and there was no other budget before the House and the budget process has to move on.

One of the things that troubled me about yesterday's budget was the fact that there was not in law enforcement, category 750, enough money to provide the resources for the law enforcement community. Yesterday, some of my colleagues on this side of the aisle criticized the leadership because there was not enough money in the budget to really provide for the justice assistance program that the Democrats are now developing with Republican bipartisanship.

I think it is most unfortunate that the Congress cannot catch up with the rest of the country on the issue of crime. The people want to do more about it, and, unfortunately, anticrime forces need more resources to combat the crime throughout the country.

Mr. Speaker, I hope that my colleagues on the other side and in the other body will support additional moneys for category 750 so that we can fund the programs that the Democrats talk so much about on crime.

NO AUTHORIZATION OR APPROPRIATION FOR A CONGRESSIONAL PAY INCREASE

Mr. WISE. Mr. Speaker, I would like to yield to my colleague, the gentleman from Kansas (Mr. GLICKMAN).

Mr. GLICKMAN. Mr. Speaker, without trying to make this a perpetual arguing contest, I would like to recall this for the Members: I think it was during the Nazi period when Joseph Goebbels said, "If you've got to tell a lie, tell a big lie."

The fact of the matter is that I say again to the American people that there is no congressional pay increase that was authorized or appropriated in this budget resolution. I will not vote for a pay raise. I know that most of my colleagues here on the floor would not vote for a pay raise.

There are plenty of reasons to oppose the budget resolution. I voted for it. We can argue about taxes, we can argue about defense, and we can argue about guidelines and domestic spending programs. But this red herring was brought up at the last minute because of the failure on the other side to even bring up a budget resolution of its own to scrutinize any part of the budget.

So, Mr. Speaker, I would point out that I think the gentleman from Pennsylvania is not being straight with the American people.

Mr. WISE. And I will ask the gentleman, Mr. Speaker, is it not true also that if the gentleman does not want a pay raise, he could refuse the one that was granted in the lameduck session, and, of course, he can turn back any others, as I have done in my State and as many others are doing?

Mr. GLICKMAN. The gentleman is correct.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will announce that the Chair will call special orders prior to declaring the House in recess but would assure the Members that there will be other legislative business later today.

ECONOMIC OPPORTUNITY AND OTHER ISSUES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WALKER) is recognized for 60 minutes.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, some of my colleagues earlier today made some comments about the President's address last night which really appalled me. We talk about a myopic view of life, they talk about nuclear freeze and say they are for it. They want to see the world safe and protected from a nuclear holocaust, and yet when the President of the United States advocates an alternative, satellites possibly operating in outer space that will shoot down incoming nuclear weapons, they say that is wasteful and it will take the nuclear confrontation into outer space.

What in the world do they want? Do they want capitulation today? Do they want unilateral disarmament?

I suggest to the Members that the President is trying to explore ways to maintain peace and maintain the security of the United States of America, and I think he is to be applauded for this effort.

Last night think he held out an olive branch to the nuclear freeze advocates, and they threw it right back in his face. I think President Reagan is a man of peace, one who is trying to bring about peace and security to this country with honor. I think he is to be applauded, and I think the people of the United States of America see him as such.

Mr. Speaker, I hope they will write their Congressmen and their Senators throughout this country in support of his speech last night.

Mr. Speaker, I thank the gentleman for yielding.

Mr. WALKER. Mr. Speaker, I thank the gentleman from Indiana (Mr. BURTON) very much for his remarks.

Mr. Speaker, I intend to deal with the subject of economic opportunities here for a while this morning. Before I do, I think that I shall go back and clarify a couple of points with regard to the pay raise issue that we dealt with earlier.

I have not contended that we authorized or appropriated money for a congressional pay raise yesterday. So to say that I was saying such a thing and not being straight with the American people is a distoration of my statement.

What I said was that we have made the first provision for a congressional pay increase in that budget. We opened the door to a congressional pay raise in that budget. We planted the seed for a congressional pay raise in that budget. That is what we did. Not with my vote, but that is what was done.

What I am saying is that those who voted for the budget planted that seed. They started the process, and we will wait and see how the process unfolds. But I do know from past experience, the way the process has unfolded around this body, is that we have seen it snuck through on appropriation bills, and we have seen all kinds of shenanigans on the floor to make certain that no votes would ever take place on matters relating to congressional pay. So as soon as you open the door a little way, you allow the door to be opened much wider at some point in the future. That is what took place yesterday. We opened the door a little way toward a congressional pay increase, and it was not done unknowingly. It was mentioned in the course of the debate. There were fliers on the floor telling Members that they were voting for something which allowed a congressional pay raise. The Members of this body knew that, when they voted for that budget, there was a provision in it that would allow a congressional pay raise at some point in the future. I think for Members to come to the floor and argue that they did not know it was in there or that it really is not in there is a distortion, because it is. CBO analyzes it and says that it is there.

So I think that the Members who voted that way have to live with the consequences of their vote. I can imagine why so many Members were not very happy about having to vote for that budget. It was a terrible budget. It had many rotten aspects to it. But to come down to the floor and say that they did not know or that something which was there did not really exist, I think, is a questionable kind of position for any Member of this body to take.

The only point that this Member makes is that the first step down the road to a congressional pay increase was taken yesterday.

□ 1230

The first step down the road to many disastrous things for this economy was taken yesterday in that budget, and I would not have voted for it for any number of reasons. I think it was a terrible vote to vote for that budget. But I think that the American people deserve to know that their Members of Congress were in the course of that budget, in which we bled all over the floor about the fact that we were doing so much for the poor and for all of these people. I happen to think that that budget will end up being a detriment to the poor of this country—but while we were talking all of those issues, we did not hear very much talk about the congressional pay increase, we did not hear very much talk about one of the things buried down in there was a provision for a congressional pay increase. They cannot come out on the floor and say that the budget covered all of the things that they said that it covered yesterday because there was no authorization or appropriation for any of those things either. So if they are contending that the budget somehow spoke to the issues that all of them talked about yesteday, they cannot ignore the fact that it also spoke to a congressional pay increase, which is lining their own pockets. I think that is wrong, and I think the American people need to know when that kind of wrong is perpetrated in this body.

As I say, Mr. Speaker, that was not the topic of my special order today. I would like to deal with another issue. I would like to deal in some depth with an issue that I think, that as conservatives, we have a need to begin to talk to the American people about. And that is: What is our positive program for the future?

I often hear from constituents, I often hear from people across the country who say to me, "The trouble with you conservatives is, you are never for anything. You come to the House floor and you are always against, all of your votes are against things."

And I have to start by pointing out to them that, yes, that is very often the case, that we do have to vote against things because the bills which emerge from committee around here emerge from bodies that are essentially controlled by big-spending liberals, so therefore the bills that are brought to us do not go along the lines of our philosophy at all, and we end up having to vote "no" because we think what is being done is bad for the Nation.

But I think that we spend very little time talking about what we really think should be good for the Nation, what direction we ought to be moving so that this country will be a better place in which to live. And I would like to start a discussion of that type by quoting someone who was strictly a nonconservative but someone who I think made a point as he campaigned around the country in 1968 that is well worth all Americans remembering, and that was former Senator Robert F. Kennedy, who traveled the country paraphrasing a poet, saying, "Some men see things as they are and ask

why; I see things as they never were and ask why not."

Although I did not then nor do I now agree with Senator Kennedy philosophically, his question has a great deal of appeal. What our country should be all about is millions of Americans dreaming of better days and asking "Why not?" Now, if that is what we should be all about, why does it not happen? In large part it does not happen because, as a nation, we have built institutional barriers within our society which limit opportunity, and when opportunity is limited, dreams perish.

The elected leaders of the American people should be able to see that limited opportunities are limiting our horizons and darkening the chances for a brighter tomorrow, but they will not see or they cannot see. A line from a recent popular song may say what it is I am trying to say. That is the popular song "The Rose." And the line goes like this: "It's the dream afraid of waking that never takes the chance."

Politicians too often cannot see beyond the status quo. They will not take a chance, they will not confront the keepers of the status quo, big business, big labor, big government. They are afraid of awakening the dream of opportunity because such an awakening would bring about phenomenal change.

Would it be change for the better? Well, that is the subject I would like to discuss a little bit here on this occasion. Let me begin by giving you my answer. My answer is "yes." A national emphasis on opportunity would be a change for the better. Easily said, but much more difficult to do, difficult because I have come to the conclusion that such change means a very ambitious policy agenda.

If there is to be opportunity in our country, there must be a commitment, a firm commitment to economic growth. The economic policy of both the public and the private sectors must emphasize expanding frontiers. Government tax and Government regulatory decisions should be directed toward assuring greater productivity, a rise in gross national product, increased competition and in investment encouragement. Private sector decisions must stress technological competence, labor-management cooperation, a willingness to compete, and an expectation that risk will bring reward.

Such a philosophy differs markedly with the economic policies that are essentially redistribution oriented. For 50 years the creation of wealth has been by our Government as a way to take from some to give to others. It has been sold as taking from the rich to give to the poor, but most recently it has become a case of taking from the independent to give to the dependent. And too often the independent have included the nonwealthy who barely making it themselves but, under the paternalistic policies advocated by the liberals, must nevertheless provide a large portion of their income to support the welfare state.

But it is not just Government that has preferred redistribution to growth. Business also has been too willing to accept regulation that insulates it from competition. Business has too often failed to use its earnings toward building for the future, preferring instead to demand that society protect it from its own self-imposed inefficiencies.

Individual Americans have been gradually educated to believe that forced redistribution is a positive rather than a negative in our society as we have spread eligibility for economic programs far beyond the standard of need. Food stamps, for example, that were created to eliminate hunger, go to nearly 20 million citizens, and as many as 50 million Americans are thought to be potentially eligible. Not even the most liberal analysis suggests that there are 50 million hungry Americans, but the program assumes that to be true and, therefore, runs off spending money that the Nation cannot afford, and we find massive amounts of waste, fraud, and abuse within that program.

Just recently the General Accounting Office came forward with a study which says in that $10 billion program there is $2 billion worth of waste and fraud. That is a disturbing figure and one that Americans should not be asked to put up with.

What kinds of specific policies should we pursue to assure that growth rather than redistribution governs national decisions? Real reductions in individual taxes would be a major step. Not reductions followed by tax increases that wipe out the cuts, but real reductions. Government growth must be reduced so that individual growth is possible. Budgets must be balanced so that public borrowing does not overwhelm private investment needs. Regulatory reform, particularly reform aimed at making the marketplace more competitive, is long overdue, and those policies that tend to protect the inefficient and the outdated, thus denying needed capital to the most efficient and to the newest need to be reversed. But, believe me, such policies are almost revolutionary in this city, in this status quo atmosphere known as Washington, D.C.

The Reagan administration's efforts to go part way down the pike on just some of them have met with unbelievable resistance from the power brokers and from the special interests scattered around this town. But what the Reagan efforts have shown us is that growth works as a policy. It was not Ronald Reagan's policies that plunged us into a recession. None of his economic programs were even in place when the recession began in July 1981. But it is the Reagan programs that have resulted in today's obvious patterns of economic growth. If you take a look, you will find that the reduced Government growth and the reduced regulatory burdens have been contributors to the lower inflation rates that we now have. Not just lowering inflation rates; for the first 2 months of this year we had no inflation in this country. The average of the first 2 months of this year was no inflation. For the first time in a long, long time this country went through one-sixth of the year with no inflation. That is an amazing kind of statistic, and it is an amazing kind of accomplishment for an administration.

If Ronald Reagan had come to office and announced on the Capitol steps out here 2 years ago, when he was being sworn in, that "Within 2 years I promise you to have no inflation in this country," the liberals in this body would have laughed him off, they would have said, "Absolutely no way." They would look at the double-digit inflation rate of that period and they would have said that that is madness for the President of the United States to suggest that he can give us policies that will result in no inflation in only 2 years. But that is exactly what has happened. And it has been a major step in the right direction of getting this country back on track.

Mr. PEASE. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Ohio.

Mr. PEASE. I appreciate the gentleman yielding.

I came over, really, to comment on another aspect of the gentleman's earlier remarks, but relating to his present remarks, I think the gentleman is right, we would have been astounded had the President, in his inauguration address, promised that we would have a zero inflation rate even for 2 months 2 years into his term.

Of course, he would also have had to have said, in honesty, at that time that he would have 12 million people unemployed, which does tend to have a depressing effect on prices.

Mr. WALKER. I thank the gentleman for his comments, but, of course, the unemployment rate was not a result of the Reagan policies. The unemployment rate grew directly out of the recession that came about as a result of policies that were in place when he arrived.

Mr. PEASE. Will the gentleman yield further on that point?

Mr. WALKER. Just let me finish my point. The pattern of negative growth in our society began in 1977, when Jimmy Carter came into office, and the growth rate was at 5.5 percent.

□ 1240

In the course of the Carter administration it went from 5.5 percent to a minus four-tenths of 1 percent. In other words, there was a more than 5 point drop in growth during that period.

That reduction in growth manifested itself in a recession which began in July 1981 before there was one word of Reagan tax policy in place, before there was one word of Reagan budget cutting in place. All of those things took place after the recession had already started.

I will be glad to yield to the gentleman.

Mr. PEASE. I think the record will show that the budget cuts were in place prior to July 1981 by about a month.

Mr. WALKER. If the gentleman will yield, the first Reagan budget was on October 1 of that year, October 1, 1981.

Mr. PEASE. It had been passed, had it not; it had been passed by them.

Mr. WALKER. That is the first Reagan budget, and that is when the Reagan economic program is reflected in budgetary matters.

Mr. PEASE. If the gentleman will yield further, I have the distinct impression that the stock market started to slide and the recession started to worsen about August 1981, after the tax bill had passed and people began to realize, Wall Street began to realize that we had built in for years into the future horrendous deficits because of the combination of the tax cut and the budget.

Mr. WALKER. The gentleman forgets the fact though that once the tax cuts came into place and once there was more money for savings and investment in this country that the stock market has started a steady trend upward. And as a result of those tax cuts we do have savings and investment in this country and that is precisely what is bringing about the increase in not only the stock market, which is only one measure.

I am always amazed when my liberal colleagues use the stock market as a criteria. I do not think it is a very good criteria except for one thing. It says that some people think that 6 months out later on there is some money to be made.

I think it is far more important to take a look at some of the main street kind of issues to find out what is happening out there, to find out how many businesses are being created.

What we found for the last 2 years is that we have a record number of small businesses created in this country.

I constantly hear the preachers of doom and gloom on your side of the aisle come out here and tell us about the record number of bankruptcies, but they have never told us about the fact that we have had an absolute entrepreneurial explosion in the last 2 years, and that part of the reason why you have more businesses failing is because you had more businesses being created in the first place.

Go to the SBA and they will tell you that every 2 years half the businesses that are being formed fail. So the fact that you have more business failures directly relates to the fact that sure, the recession has played a role, but it directly relates to the fact that you have more businesses being created out there and that is a success of the tax cut's philosophy because it means that entrepreneurs are able to get into business and some of them, a lot of them are making a go of it.

The great thing about that is that as this recession begins to lessen and as we pull out of it, every one of those small businesses has a potential for hiring some people and we all know that 80 percent of the jobs in this country are created in small businesses. They have created a baseline on which to build the new economy.

I will yield again to the gentleman from Ohio.

Mr. PEASE. I appreciate the gentleman yielding. He has been extraordinarily generous and I did not come over here to badger him on his own special order. I will cease and desist from doing that.

I did want to say, however, if the gentleman will indulge me for about a minute, I was watching the debate during the 1 minute on TV and saw the exchange between yourself and the gentleman from Kansas. I wanted to say that I think you changed your tune in midstream. I would be happy to check the original text of the gentleman's 1 minute, but I think in the original text the gentleman said that a vote for the budget resolution was a vote for the pay raise.

Later on the gentleman said, after the gentleman from Kansas (Mr. GLICKMAN), corrected you on the matter of authorizations and appropriations, that you had not said it was authorized and appropriated. You said, rather, that we had taken the first step, that we had opened the door.

If you had made those qualifications initially in your first 1 minute I do not think the gentleman from Kansas (Mr. GLICKMAN), or myself would be rising to try to tell the American people that there is no pay raise in that resolution.

Mr. WALKER. I thank the gentleman for raising that point. I hope that the matter is now clarified. But I would quote to the gentleman from my original remarks. My original remarks were "The liberal Jones budget made provision for another congressional pay increase this year." That is what my original remarks said. I stand by those remarks and that is exactly what the budget did.

Mr. PEASE. If the gentleman will yield further, the gentleman knows as well as I do what language like his says to the public, which is not aware of the budgetary authorization and appropriation procedures of the House. It would certainly lead 99 out of 100 citizens to jump to the conclusion that there is a congressional pay raise in that resolution, and the gentleman knows that is not the case.

Mr. WALKER. I thank the gentleman for his statement. I would only point out to him that if that is the case then all of those hours of debate that we had yesterday on the floor telling us all of the good things that were down in this budget are a bunch of nonsense, because all of those people were making exactly the same kinds of statements yesterday, and all they had was line items in the budget.

All I am saying is that the language I used is precisely similar to all of the language that was used on this floor yesterday in defense of all of the so-called wonderful things that were buried down in that budget.

I am simply saying one of the items not discussed that was buried down in that budget is the provision for a congressional pay raise increase.

Mr. PEASE. If the gentleman would yield one more time for 10 seconds, I just want to agree with him that there was a lot of nonsense on both sides of the aisle yesterday.

Mr. WALKER. I think that is probably true. I guess my point is when you get a lot of nonsense you ought to vote no.

Mr. ROTH. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Wisconsin.

Mr. ROTH. I thank the gentleman from Pennsylvania for yielding.

If I may I would like to bring you back to the special order of business and refocus on one of the real key issues that we should be talking about here in this House.

First of all I want to compliment the gentleman for bringing this issue to the floor because quite often we are so busy jumping from issue to issue that we really do not bring the clarity of thought to many of these issues that is required.

As a member of the Small Business Committee, I am interested in the gentleman's statistics. While I know there are some variations as to how many jobs small business produces, many say 74 percent of all of the jobs in this country are generated by small business. That certainly is the lion's share of the jobs.

Mr. WALKER. That is all of the new jobs being created the gentleman is saying.

Mr. ROTH. That is correct. For every one small business bankruptcy we have 10 new small businesses starts. These are facts we can not ignore. Small business is not recognized because small business does not come crying to the Congress for small business needs.

The contribution of small business entrepreneurship is something that deserves our consideration. After all, if we do not give people a reward for the risks they take and for the jobs they produce, we are never going to move this engine, this economy, forward. Small business entrepreneurship is the locomotive pulling the train, the engine that is driving this economy.

In my perspective, Congress often emphasizes what big business is doing for this country. Yet most of the creativity and most of the breakthroughs in technology come from small business. Therefore I think we should give small business a pat on the back rather than a kick on the backside.

Mr. WALKER. I want to thank the gentleman for his comments. I think we ought to point out here just what kind of magnitude of small business creation we are talking about.

I am told that over the last 2 years we have been averaging between 4,000 and 5,000 business creations per month. That is, as I said before, an entrepreneural explosion taking place out there.

We hear the statistics often quoted by the majority leader, and he uses them quite often here on the floor of the House about 500 business failures in a month. That is a disturbing statistic and we do not like to see anybody's business fail. And we have to say that the recession has been somewhat responsible for those business failures.

But why do we not hear that the ratio is 10 to 1 between failures and creations, that we have massive numbers of new businesses being created and they are being created because they believe in the Reagan economic program.

Mr. WALKER. I thank the gentleman.

Mr. GEKAS. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. My purpose for asking the gentleman to yield is to engage in a colloquy so that I may ask him to help me understand a few things about what has happened prior to the beginning of this 98th Congress.

The gentleman was talking about the role of Government and regulation and all that. Does the gentleman agree with me that taxation is a form of Government control over the lives of our people?

□ 1250

Mr. WALKER. Absolutely no doubt about it. The gentleman is absolutely correct. When Government taxes away peoples' earnings, it means that it is forcing them to work a portion of the year to do nothing but pay Government. Now what we need to have in this country is an ability for people to work more of their time for their own priorities and when we lower taxes we allow people to engage in their own set of priorities. That is what is most important. Because one of those priorities is going to be savings and investment. What we find traditionally is as taxes come down people put more and more money into savings and investments. What does that mean. More people can buy homes, buy cars, form small businesses. That creates more jobs. That means there is a welling up of economic expansion and opportunity. That is what we do when we cut taxes. When we increase taxes we do exactly the opposite. When we have a budget like we had out before us yesterday which is a massive tax increase budget it denies economic opportunity.

Mr. GEKAS. The followup question is is it not true then that the tax cuts that already went into place as a result of the 1981 Reagan program, the economic recovery program, are in place with the economic upturn and that they are in fact helping to stimulate that upturn, because just as the gentleman says, that money being in the pocket of the American citizens, means there is spending going on and saving. When they put it into savings institutions those institutions are able to lend, therefore housing can be stimulated. When they do not save it, but spend it, that means that consumer goods are being sold and produce more jobs, et cetera.

Mr. WALKER. If I can just comment on the gentleman's point, he is absolutely correct. The recovery we are now experiencing can be tied directly to July 1 tax cut of last year. Now it was delayed somewhat because in this body and around this town and I must include the President in on this, we fooled around with a tax increase for several weeks. Right as the tax cut was coming in on July 1, what was Congress discussing? We were discussing raising taxes by $100 billion. Therefore all the investors in the marketplace said wait a minute. I am not going to put any money into any kind of investments until I see where these new taxes are going to be levied. As soon as we passed that tax increase and investors knew where we were going to increase taxes they took their tax cut dollars and placed them into the economy. Sure enough within a matter of weeks we began to see the economic engine moving again, the stock market began to rise, businesses saw a bit of an upturn. That economic engine is picking up steam all the time as it rolls into 1983, it is directly attributable to the July 1 1982, tax cut and that is the reason we need the July 1, 1983, tax cut.

Mr. GEKAS. That is my next question.

If that is the case, I agree with the gentleman that the money back into the pockets of the American citizens really fuels an economic upturn, then please explain to me this: That if the budget resolution that was adopted yesterday actually goes into law by way of appropriations and authority and authorizations and all the rest later, would it mean that the July 1, 1983, tax cut which is in the offing will be erased and, in effect, that the American public will be robbed of the extra money in their pockets?

Mr. WALKER. There is no doubt about it.

Mr. GEKAS. All right.

Mr. WALKER. And that is the reason why when that budget yesterday that contained those kinds of tax increases was run through a DRI econometric model it showed the result of that budget will be increased unemployment, less growth and all of the things that are economic negatives. The Treasury Department ran that budget through an econometric model and found out it will do all the things the American people do not want done. That seems to prove the point.

Mr. GEKAS. If the gentleman will yield, if you will permit me to elucidate: Prior to my becoming sworn in as a Congressman in January, I had the good fortune of having a luncheon at which I sat at the table with Dr. Alice Rivlin. It it not true that in the last few Congresses that Dr. Rivlin has been critical of the administration fiscal policies?

Mr. WALKER. I think that would be a fair assessment.

Mr. GEKAS. Yet, I asked her a pointed question at that particular luncheon. Now, this is a person critical of the administration policies. I asked:

Dr. Rivlin, we have a choice in the forthcoming Congress of which I am going to become a Member, we have the choice, with the economy being on the verge of a recovery of doing away with the tax cut coming up in July of 1983 thereby shrinking the deficit or adding new taxes. Which course do you think we should be taking here?

For the first time since I have been following her career, and I want you to confirm, she said she thought it would be a mistake to do away with the tax cut in 1983, because that might be exactly the point where economic recovery will most need pumping back into the pockets of the American citizenship its ability to buy, to purchase, to save through a tax cut. Do you agree with that and should Alice Rivlin be given more credibility on that, since she has been critical of the Reagan administration prior to that?

Mr. WALKER. Well, I think that obviously Alice Rivlin coming to that

conclusion is a major step toward saying that this program has not been a failure; it has been a success. And virtually every major economist in the country agrees with Alice Rivlin on that point. The Budget Committee admitted in the debate yesterday that when the economists came before their committee none of them wanted to do away with the third year of the tax cut. The only people who wanted to do away with the third year of the tax cut were in the Democratic Caucus. They took that budget into their caucus where they had not listened to these economists and they came out with the idea of doing away with the third year. I am not sure there is an economist among them or if there was an economist among them, he must have wretched when he voted for that budget, because there is no way that good economics suggests that you can do away with the third year of the tax cut in the midst of climbing out of a recession.

Mr. GEKAS. I thank the gentleman for yielding part of his time to me and congratulate him on bringing this issue to the floor.

Mr. BURTON of Indiana. Will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. One of our colleagues on the Democratic side of the aisle mentioned a while ago the reason for the high unemployment was to be attributed to the Reagan administration.

Is it not true that high interest rates when this administration took office is one of the main reasons we have 11 million-plus unemployed and is it not true that the taxes that are going to be raised and the deficit budget that the Democrats proposed yesterday is going to contribute to possibly higher interest rates later on which will cause additional unemployment and that the Democratic budget that was proposed and passed yesterday will cause a wet blanket to be thrown on the economy at the very time when we might be heading in the right direction and possibly reducing unemployment in the next 2 years?

Mr. WALKER. I think the gentleman is absolutely right. Look, there was a common admission on the floor yesterday that high interest rates cause unemployment. I do not think anybody any longer doubts that.

Now, let us remember the interest rate that the Carter administration gave to Ronald Reagan. Ronald Reagan was given a prime rate of 21.5 percent by the Democrats. The Democrats now argue that a prime rate of 11.5 percent or 10.5 percent as it is now is retarding the economy. Imagine what was happening at a 21.5-percent prime interest rate. There was no hope for getting jobs started out there. Anybody that had money to invest in keeping his business alive was not putting it in creating jobs, he was just trying to keep up with the prime rate. That was the kind of legacy passed on to this administration. Now through the work of our economic program, we have managed to cut that prime rate in half. We have begun to bring down real interest in this country and that has been a major step toward getting us back to the time when employers can again begin to put employees to work and the Democratic budget of yesterday moves us in precisely the wrong direction. It moves us back toward high inflation, which will lead to high interest. There is no doubt about it. It is a budget that will not cut unemployment, it will make certain that people do not go back to work and in fact will increase unemployment.

□ 1300

And again I mention that the DRI, the econometric model that tracks these kinds of things into the future, as best we can, says that flatly. It says that the Democratic budget will result in nearly 1 percent more unemployment than we would have under the Reagan budget.

Mr. BURTON of Indiana. One more thing, is it not true that we are spending almost 50 percent of our budget, moneys budgeted yesterday, for domestic programs and that the Democrat budget increased by $181 billion in addition to what the Reagan administration asked for in domestic spending?

Mr. WALKER. That goes to the whole social welfare philosophy of the liberals and they are blinded by the need to spend massive sums of money for programs that go to their constituencies and they do not care much how much the money is wasted or how much fraud there is. It is simply a spending spree. And that is exactly what the budget we had before us yesterday was, it was a massive spending spree.

Mr. BURTON of Indiana. One more question, because I do not think this was really emphasized thoroughly yesterday and I am sure the gentleman from Pennsylvania would like to emphasize it. Is it not true that over the next 5 years, from fiscal 1983 to 1988, that the average family is going to have their taxes raised by virtue of the passage of this budget by $3,550?

Mr. WALKER. Yes; that is the family that is earning less than $25,000 a year. The median-income family in this country that is overtaxed already. They are already trying to get out from underneath the burden of taxation. It is already driving them to the point that they cannot afford to buy homes. Taxes are already literally pulling families apart in this country and that budget proposes to put another $3,500 tax burden on that family. That just is not even close to conscionable, in my opinion.

Mr. BURTON of Indiana, I agree with the gentleman. So the argument that they used that the Republicans favor the rich and the Democrats favor the poor does not hold water because they are really socking it to the people under $25,000 with this budget.

Mr. WALKER. It never has held water. That is an absolutely ridiculous statement to be made. It is absolutely ridiculous to say that the Democrats are somehow the party of fairness.

How is it fair to give a tax reduction to the rich 2 years ago and now when it gets down to the point where we are going to have a tax reduction for the middle class and for lower income Americans, we are going to take that tax cut away? That is fair? That is one of the cruelest things I can imagine in terms of tax policy.

And I think it is high time that they be called on it because that is exactly what their budget did.

Mr. BURTON of Indiana. I thank the gentleman.

Mr. Speaker, we have been discussing here the question of economic policy. I would submit that economic policy is only one part of an opportunity agenda and that the next part, social policy, encompasses some even more revolutionary ideas. Not revolutionary in the sense that they are at odds with traditions, in fact they reaffirm the American dream, but revolutionary in the sense that they go precisely the opposite direction from where official Washington is moving.

I would recommend a social policy in this country centered around work. Opportunity begins with hope and hope springs from an ability to provide for one's self, which means a job. It means independence rather than dependence.

But you see, that is something wholly different from where we have been going as a nation. Today's social policy is welfare. We are creating a society of dependence. There are today families where fourth and fifth generations have known nothing but living on the dole. And we have thus created a cycle of hopelessness in this country. It is not far from being a new slavery, no less insidious than the slavery of the past. Slavery in the 18th and 19th centuries was politically imposed for economic reasons. Slavery in the 20th century is economically imposed for political reasons.

Those welfare families locked in a cycle of hopeless dependence must support the politicians who fund the programs that are the source of their welfare livelihood.

Yet we are told those welfare-oriented politicians are compassionate, that they really care about the poor and that they really care about the helpless. I say that their intentions may be

good, but the result of their efforts is heartless and it is cruel. What this Nation needs is a social policy that offers an escape from 20th century slavery. The escape route, the above ground railroad, if you will, is work.

Winston Churchill once said that government has two roles. One to build a net through which no one can fall. The other to build a ladder up which everyone can climb.

We have been busy about the job of building nets, but we have forgotten to build the ladder.

The ladder, in my opinion, should consist of some specific policies. Government programs that limit access to jobs or specifically deny job opportunities must be modified or eliminated. In this vein in the last session of Congress I offered an amendment that was adopted by the House of Representatives. It simply said that none of the funds in a jobs-oriented bill should be spent by Government to deny legitimate job opportunities.

Not surprisingly, some of the liberals recognized that that sort of thing was just going too far; that it might cause changes in social policies, that they are really more committed to than they are to creating jobs. Thus, over in the Senate, when the liberals got a hold of it, that amendment was killed.

Now I think it is also important to recognize that the other day on this floor we had a wilderness bill before us. And in the course of the deliberation of the wilderness bill, I offered a similar kind of amendment, saying that we should not allow the setting aside of wilderness areas to cost Americans jobs. That particular amendment was voted down overwhelmingly on this House floor. The only conclusion one can arrive at is that the people who voted "no" on that amendment were saying that wilderness was more important to them than jobs.

Now I happen to think that wilderness is an important subject, but I think that the provision of jobs, an economy based upon jobs, is the most important thing to the health of this country.

Is it not disturbing, you might even call it disgusting, that more than half a million Americans are denied jobs because of Federal Government regulations and restrictions. And when you include the actions of State and local government, as many as 2 million Americans may be denied legitimate employment.

If we are going to base our social policy on work, we must begin by stopping Government from limiting work opportunities. Government, however, does not limit work opportunities without very strong backing. Big labor, for one, agrees with restricted job markets which protect its own members. And then the big labor bosses back the welfare philosophy to salve their own conscience, knowing that the poor which they have reduced to hopelessness at least deserve some kind of a handout.

Second, a work-oriented policy, in my opinion, demands a strong educational foundation. The informational age into which we are entering will demand proper schooling. It will demand that we reject educational fads in favor of instilling the basics.

That kind of educational process must rely upon that which has always been American education's greatest strength—diversity. We must not create educational monopolies whose failures then become mass failures. We must permit, both legally and financially, the selection among schooling alternatives by concerned parents.

Third, a work-oriented social policy must understand that the family is the foundation of American life. Parents must be permitted to decide what is best for their children and not have Government interposing itself between parent and child, or between husband and wife.

With work opportunities available, the family can provide itself with a strong economic base, but unless we stop Government from pursuing policies that substitute its authority for family decisions, we will continue to undermine the family itself.

There is an arrogance of power which has brought us to the day when Government regards itself as more basic than the family, and it is that arrogance that must be eliminated.

Stressing work rather than welfare as a social policy goes hand in hand with growth as an economic policy. Growth is not possible without work and expanded work opportunities are not possible without growth.

Not surprisingly the liberal view of the world is just as consistent. Their economic policy of redistribution blends perfectly with their social policy of welfare.

As the liberals' policies of redistribution and welfare have been implemented, the costs to our society have mounted. And more and more the National Treasury has had to be used to pay the mounting financial costs of the social welfare philosophy.

Thus because the liberals can no longer afford an international policy based upon strength, they have settled for a policy of accommodation, a policy that avoids confrontation even in the face of the most provocative actions by our adversaries and the most blatant demonstrations of evil intent.

I suggest that our international postures must begin with strength, a nationalism that is neither paternalistic nor imperialistic; but does not stress our commitment to liberty and human rights. We do not have to spend everything that the Pentagon asks for to be strong, but we do have to spend enough to meet the threat which our adversaries pose.

And that is the difference between what must be our international agenda and that which the accommodators would have us pursue. The accommodators see the world much as Nevile Chamberlain saw the world, as a place where adversaries no matter how evil their words and or how evil their deeds can be bought off with good will. We must believe that our adversaries can be dealt with and can be negotiated with, but only because they respect our strength and recognize our unfaltering commitment to the cause of liberty with justice.

□ 1310

When concepts such as the nuclear freeze are suggested, we should not reject them out of hand, but we should make certain that any such policy serves our own national interest as its first criterion. An immediate unconditional freeze would not do so because it would place this Nation in a position of strategic inferiority. A freeze lacking the guarantee of onsite verification would not be in our interest, because we have learned from long experience that we cannot trust the Soviet Union. And a freeze which is not contingent on the Soviet Union matching our own actions would be worthless and it would be dangerous. Yet, too many of today's freeze advocates will not agree to such conditions, because they are basically accommodators. They claim significant public support for their cause, but I am convinced that the American people are willing to freeze nuclear arms only if the United States can be assured that its freedom will never be compromised. Because unlike some of the accommodators who see freedom as a secondary priority in world affairs, the vast majority of Americans still believe that freedom must always be our primary concern.

I guess what I mean is that I believe we should have peace through strength. That does not mean that we need to have two missiles in every garage, and it does not mean that we need Jane Fonda as our Secretary of Defense, either.

Let me suggest that there is also a fourth phase of an opportunity agenda, and that is a sense of vision a sense of considering tomorrow and what we will do today to make tomorrow better. A sense of vision means focusing beyond today's problems toward tomorrow's solutions.

We have at our beckoning a fabulous opportunity to reach toward the stars. Man's horizons are today being expanded as never before in history. We are finding that we are not earthbound, but are potentially creatures of the universe. There is a sense of adventure in all of this, a sense of adventure that our youth have adopted as they have become space advocates; but

the adventure goes beyond youth. Just look at the bestseller list and you will consistently find books dealing with outer space near the top of that list.

There is a message in all of this. The people are willing to reach beyond where our leaders are prepared to go. Yet the commonsense of the people willing to seize the opportunity is more in tune with the future than the caution of our leadership.

As a member of the Space Subcommittee here in the Congress, I can see the hesitation of the leadership, but hear the potential of vision. There are experts who tell us that a commitment now to a future in space would fuel a new trillion dollar economy by the turn of the century. That means more than new dollars. It means new hope, new jobs, new horizons and new opportunity. Think of that, a $1 trillion economy means 35 million new jobs in today's dollars, all coming from the idea that we reach into space and begin a process of commercializing the high frontier.

Men and women of vision have an answer when they are asked where tomorrow's jobs are going to come from. Men and women of vision can offer hope as a realistic goal because they have a broader view of what the future can be.

But growth, work, strength, and vision are only a meaningful agenda if we are willing to take a chance, if we are willing to take a chance on moving in a new direction.

I think, Mr. Speaker, that we need to begin that awakening of a dream, an awakening feared by old-line politicians, but an awakening that is long overdue.

History tells us that civilization moves from bondage to faith, from faith to courage, from courage to freedom, from freedom to abundance, from abundance to complacency, from complacency to dependency, and from dependency back to bondage. We are in danger of becoming a society of complacency, dependency, and ultimately bondage; but I believe we also have the potential for a future of faith, courage, freedom, and abundance. That potential rests with renewed opportunity. That is the dream that must be awakened. That is the chance that must be taken. That is the commitment that each of us must make. That is where Americans must take America.

BIELARUSIAN INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, the 65th anniversary of the declaration of independence of Bielarus will be commemorated on March 25. We, in the U.S. Congress, have been elected by a free people, and therefore, we have an obligation to take this opportunity to focus the world's attention on the conditions under which the Bielarusian people are forced to live, and speak out most energetically on their behalf.

The Bielarusian Coordinating Committee of Chicago, Ill., is sponsoring a commemorative banquet and program to mark this occasion on Sunday, March 27, at 12:30 p.m. at the Regency Inn, 5319 West Diversey Avenue in Chicago, and I send my greetings to all those participating in this important event. The program will feature proclamations by Hon. James R. Thompson, Governor of Illinois; and Hon. Jane M. Byrne, mayor of Chicago, as well as speakers and choral renditions. The names of the officers of this outstanding organization follow: William Puntus, president; Anthony Bielenis, vice president; Vera Romuk, secretary; Leonidas Sidorewicz, treasurer; Nick Zyznieuski, chairman of cultural affairs; and Dr. Witold Romuk, adviser.

The Bielarusian Coordinating Committee has also issued a statement in commemoration of the Bielarusian national independence day, and excerpts from that statement follow:

March 25th is the Bielarusian national independence day and is commemorated by the Bielarusian people throughout the free world. It is a symbol of freedom, unity, solidarity and brotherhood everywhere except in Soviet Byelorussia where Moscow has deprived the Bielarusian people of their human and national rights.

March 25th this year marks the 65th anniversary of the day when Bielarusian independence from Moscow was proclaimed. On March 25, 1918 restoration of Bielarusian statehood began.

By observing March 25th each year we speak on behalf of our ten million brothers and sisters in Bielarus (Byelorussia) and keep the world informed of their plight and the need for their freedom. We cannot keep silent about their destiny. We want them to be free of Russian domination.

In conjunction with the Bielarusian national holiday, the Bielarusian Coordinating Committee of Chicago, Illinois will also have an exhibit in the Richard J. Daley Center from March 21 through April 1, featuring information on Bielarus and Bielarusian folk arts and crafts.

BIELARUS

The Name: Bielarus is the original, true, and correct name of the country. The other two names—Byelorussia and White Russia—come from the Russian language, are confusing and have been imposed by Moscow without the approval of the Bielarusian government and its people. People in other countries, who are unfamiliar with the terminology, often think and refer to Bielarusians as Russians. Bielarusians are not Russians but a Slav people.

Location: Bielarus is not in Russia but in the western part of the Soviet Union, bordering with Poland in the west, Ukraine in the south, Russia in the east and north and the Baltic States in the northwest. Its present day territory extends for 560 kilometers from north to south and 650 kilometers from west to east and covers a total area of 207,600 square kilometers. Its ethnographic territory extends to 380,000 square kilometers. It is larger than such European countries as Czechoslovakia, Bulgaria, Hungary, Greece and Portugal, and exceeds the combined area of Denmark, the Netherlands, Belgium, Switzerland and Luxembourg.

Political status: Bielarus is a republic of the Soviet Union and Communist controlled from Moscow. Bielarus is also a founding member of the United Nations. Bielarus regained independence from Russia on March 25, 1918 but was forcibly incorporated into the Union of the Soviet Socialist Republics (the U.S.S.R.) in 1922. The Bielarusian people have since struggled for freedom and independence of their country, hoping that their dream will come true someday.

Major cities: Miensk (Minsk) is the capital of Bielarus, population 1,300,000. Other cities are: Hrodna, Viciebsk, Poacak, Pinsk, Bierascie (Brest), Homiel, Mahilou, and Jabrujsk.

Population: Present Bielarusian population numbers ten million. There are two million Bielarusians living within the boundaries of other Soviet Republics and another eight million are dispersed throughout the entire world.

Mr. Speaker, since 1917, when the Communists seized power in Russia, they have worked unceasingly to expand Russia's colonial empire, and even worse than the czars, they kill, torture, or imprison all those, Russian and non-Russian alike, who believe in the value and strength of religion. In 1921, Bielarus was one of the victims of these brazen attempts to impose the Russian language and Russian Government on non-Russian peoples, just as in 1980, Afghanistan became the most recent victim of the Communist program of mass murder and slavery of subject peoples.

I am honored to join with Americans of Bielarusian descent in my own 11th District, which I take pride in representing, in the city of Chicago, and all over this country as they share with Bielarusians everywhere the prayers, the hopes, and the determination that the Bielarusian people will have a free nation once again, and that the American people will remain alert to the ferocious nature of the Communist tyrant.●

TOXIC VICTIMS COMPENSATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. LAFALCE) is recognized for 30 minutes.

● Mr. LAFALCE. Mr. Speaker, today I am introducing the Toxic Victims Compensation Act. The bill is similar to legislation I introduced last year.

The Toxic Victims Compensation Act incorporates many of the recommendations contained in the report to Congress prepared by the Superfund 301(e) study group. The study group, created by the Superfund Act of 1980, was directed to report to the Congress on the adequacy of existing common

law and statutory remedies for compensating toxic victims.

The 301(e) study group concluded that there are many substantive and procedural barriers to recovery and that existing causes of action will allow recovery by toxic victims in only a few highly selected cases. The Toxic Victims Compensation Act establishes a new, nonexclusive Federal cause of action for toxic victims, and, consistent with the recommendations of the Superfund 301(e) study group, establishes an administrative compensation system to pay toxic victims up to $50,000 for medical expenses and lost wages.

Victim compensation remains the single most important hazardous waste issue which has not been forcefully addressed by the Congress. The Toxic Substance Control Act, RCRA and Superfund all deal directly with the problem of environmental degradation. All are founded on the presumption that people will be protected through sound management of hazardous products and the cleanup of abandoned and inactive hazardous waste sites. In no instance to these regulatory schemes provide relief for the physical and emotional suffering of the toxic victim.

The two major barriers to compensation for toxic victims are proving causality, and the long latency period of environmentally induced disease. In some States the statute of limitations can knock off many claims by itself. In others, the difficulty of establishing causality can be insurmountable.

Clearly, statutes of limitations serve justifiable purposes. However, in toxic substances related injuries, their operation may create a special handicap due to the latency period of so many potential injuries. It is now believed that environmentally induced cancers may take as long as 20 or 30 years to develop, extending far beyond most State statutes of limitations.

Those statutes of limitations which do not begin to run until the injured party is able or should reasonably be able to ascertain a causal connection between the injury and an exposure to an environmental hazard—the discovery rule—are, of course, advantageous to toxic victims. Such statutes are especially useful since toxic injuries may be characterized by unknown, multiple, or indeterminate causes. However, the discovery rule is, as the 301(e) study group notes, not widely applied.

Of all the types of tort actions, the toxic victim's claim represents the most troubling and overwhelming burdens of proofs. The most difficult obstacle is establishing a connection between exposure to hazardous substances and an illness or injury.

In the case of toxic torts, the obstacles are not only legal, but they are founded in the failings of science. The state of scientific knowledge and the art of medical diagnosis do not always permit legal or scientific conclusions about the causes of a particular disease. Indeed, the rigors of the scientific method itself, requiring repetition and peer review, may prevent the timely generation of proof needed to support the evolution of common law remedies.

In short, the toxic victim suing for compensation confronts difficulties proving the exact nature of the injury and the connection, both physical and temporal, between those injuries and exposure to a hazardous substance. In most States the law has not yet advanced to the point where preliminary statistical evidence establishing a causal nexus between exposure to a substance and disease is sufficient to satisfy a toxic victim's burden of proof.

The law has not yet developed adequate mechanisms to protect the toxic victim. We are, I believe, confronted with two choices. We can let toxic tort law evolve through our judicial system, which I predict will take at least 20 years, or the Congress can confront the issue head on by establishing a new, nonexclusive Federal cause of action for the toxic victim.

My proposal addresses the human problems caused by exposure to toxic substances. The salient features are as follows: Creates a nonexclusive Federal cause of action for toxic victims; establishes an independent office within the Department of Health and Human Services (HHS) to compensate victims of pollution related diseases and injuries regardless of fault; directs HHS to study the relationship between exposure to toxic substances and human disease and authorizes HHS to make a requisite nexus finding; modifies the proof and limitation requirements which claimants must meet, permitting the use of the presumption based on HHS's requisite nexus finding; and subrogates HHS to the rights of injured parties thereby enabling HHS to seek reimbursement from a liable party.

The most important element of my proposal is the establishment of the requisite nexus, or cause and effect determination, between exposure to a toxic substance and possible health effects from that exposure.

Under my proposal, three conditions must be met to establish a rebuttable presumption of guilt. These conditions include evidence of exposure to a hazardous substance, evidence that exposure can cause injury, illness, or damage, and evidence that the exposure may have been sufficient to cause injury, illness, or damage suffered by the toxic victim.

Of equal importance is the provision which establishes a 3-year statute of limitations for any such action starting on the date the illness, injury, or damage was first known to exist or should reasonably have been known to exist.

Mr. Speaker, I strongly believe, as does the 301(e) study group—that our response to the toxic waste problem will not be complete in the absence of an effective victims compensation scheme. Effective compensation cannot only ease the pain of those who have already suffered, but it will serve as a strong disincentive for generators, handlers, transporters, and disposers of toxic wastes to comply with the letter and the spirit of the laws enacted by the Congress to protect human health and the environment from the consequences of wrongful action, neglect, and, in many cases, willful negligence.

I have been attempting to prod Congress into action since 1978 when I introduced a Superfund bill that included a toxic victims compensation title. After reviewing the report of the 301(e) study group, I am convinced that this bill is an appropriate response to the problems identified by the study group.

Release of the 301(e) report lays the problem and the challenge squarely at our door, Mr. Speaker. I urge our colleagues in the 98th Congress to carefully review the bill I am introducing today and to work for a final legislative product that adequately addresses the pain and suffering of the toxic victim.

Thank you.●

INVESTIGATIONS SUBCOMMITTEE UNABLE TO DETERMINE ACTIVITIES OF TASK FORCES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. FORD) is recognized for 5 minutes.

● Mr. FORD of Michigan. Mr. Speaker, for several months the Investigations Subcommittee of the Committee on Post Office and Civil Service has been investigating the clandestine activities of the President's Private Sector Survey on Cost Control in the Federal Government.

With precious little success we have sought to determine what the 1,000 high-powered business executives who comprise 35 separate task forces have been up to.

It has been our contention from the very beginning that the survey was set up with painstaking effort to provide the task force members with supposed immunity from conflict-of-interest laws and the Federal Advisory Committee Act, which were intended to protect the public from secret proceedings.

When we first held hearings on the survey's activities last September, we were told that the businessmen from some of America's largest corporations would be dealing with procedural mat-

ters in an effort to find ways of cutting Government costs.

Evidence that has come to the committee's attention since that time has cast doubt on the true motives of the survey.

An article in today's Washington, Post adds considerably to that suspicion.

It is based on a "working draft report" from a survey task force. Astonishingly, it recommends that "serious consideration" be given to eliminating the Veterans' Administration.

Those of us who have been looking into the activities of the survey find this extremely interesting. There is good reason to suspect that the real goal of this Presidential undertaking is the dismantling of the Federal Government through massive contracting out schemes that at least have the potential of benefiting some of the very firms engaged in the survey.

One working paper that the subcommittee reviewed recommended that some air traffic control work done by the FAA be turned over to the private sector.

Last year the subcommittee subpenaed records from the Justice Department bearing on the question of whether the task forces were set up to avoid the conflict-of-interest laws. We did not get the material we sought.

There is also evidence that recommendations from the corporate executives who have had carte blanche to prowl through every nook and cranny of the Government were used in preparing the administration budget sent to Congress last January.

Last December, I wrote Office of Management and Budget Director David Stockman to inquire about this. I have yet to hear from Mr. Stockman despite a followup letter and a personal telephone call.

Such lack of courtesy and candor cannot help but raise the question of whether there was a cozy working relationship between the businessmen on the task forces and officials at the Office of Management and Budget.

The Investigations Subcommittee is holding open the question of whether to pursue the subpena action against the Department of Justice.

For the moment, we have decided to hold this in abeyance until we see some of the survey reports.

Survey officials have announced they will hold a public hearing on April 15 to let the public comment on the first six task force reports.

It remains unclear how any task force recommendations will be considered by the Executive Committee and transmitted to the President.

Incredibly, the survey has held only a single public meeting since it was established last June. And that was a perfunctory session that shed absolutely no light on the survey's activities. No one knows if this group of 150 executives will ever meet to act on any recommendations or the public comments.

Our efforts notwithstanding, we have been able to only scratch the surface of what this operation is all about. The General Accounting Office, which has conducted its own extensive investigation, had no more success.

Clearly, Congress and the public need to know a lot more about what is going on here.

For the benefit of my colleagues, I would like to include in the RECORD, today's Washington Post article and my letters to Mr. Stockman.

COST TASK FORCE URGING ELIMINATION OF VA

(By Pete Earley)

A task force of the President's Private Sector Survey on Cost Control has recommended that "serious consideration" be given to eliminating the Veterans Administration and transferring its functions to other agencies, according to a six-page "working draft report" obtained this week by a subcommittee of the House Veterans' Affairs Committee.

The report, addressed to J. Peter Grace, head of the advisory panel and chairman of W. R. Grace & Co., said the government, "particularly in the absence of future wars," could divide all of the VA's programs except its hospitals among the Departments of Defense, Education, Housing and Urban Development and the Social Security Administration.

The nation's two largest veterans' groups immediately criticized the report, which was made public by Rep. Douglas Applegate (D-Ohio), chairman of the subcommittee on veterans' compensation, pension and insurance.

Meanwhile, Murray Sanders, a spokesman for the advisory panel, played down the signifigance of the report, calling it "an early draft paper." Anyone drawing conclusions from it might be making "assumptions that are not valid," Sanders said, "because it may well be heavily adjusted on route" to the executive committee of the panel.

VA Administrator Harry N. Walters also tried to quiet the fears of veterans' groups by saying "A draft report from a voluntary group is no basis for spectulating that serious consideration would be given to eliminating the VA."

President Reagan created the Grace committee last June as part of a pledge to bring businesslike management to the federal government. It includes 150 executives from some of the nation's largest corporations and financial institutions. The committee, in turn, supervises the activities of more than a thousand private businessmen in "task forces" assigned to look into the activities of specific agencies.

Democratic members of Congress said the draft report on the Veterans Administration proved that the private-sector committee has over-stepped its role as a management efficiency advisor and is delving into policy matters.

The VA report was written by William C. Douce of Phillips Petroleum Co., Hans W. Wanders of Wachovia Bank and Trust Co. and William L. Wearly of Ingersoll-Rand Co.

The report's authors suggested that the Defense Department take over the VA's compensation program, that the Social Security Administration take over its pension and burial programs, that HUD take over its loan guarantees and that the Education Department take over all VA education programs. Responsibility for the VA's insurance programs, budgeted at $6.7 billion in fiscal 1983, should be turned over to private firms, they said.

The report said, "In line with the general theme of the president and the commission, we started conceptually with the premise that the VA could be disbanded."

But the authors said they had not tried to determine if such a breakup was feasible or advisable.

The VA's extensive hospital network is being examined by a separate task force. Its report has not been made public, but a copy was obtained by Rep. Robert W. Edgar (D-Penn.), who chairs a Veterans' subcommittee on VA hospitals.

A spokesman for Edgar said that report recommends consolidating the VA's 172 hospitals, where possible, with Defense Department hospitals. When that is not possible, they could be turned over to communities.

"The decision was made in 1930, when Herbert Hoover was in the White House, that veterans' programs should be pulled together so . . . veterans could receive one-stop service," said Robert Lyngh of the American Legion. "I can't see offhand why anyone would want to transfer the VA programs to already bloated agencies such as DOD and Social Security."

Among the task force's other recommendations were a reduction in the VA's field staff and using private debt collectors to recoup bad debts.

The Grace committee will hold six public meetings, beginning April 15, to consider reports from its various task forces before making a final recommendation to Reagan, Sanders said. He said leaks of draft reports were undermining the process.

COMMITTEE ON POST OFFICE AND CIVIL SERVICE,
Washington, D.C., January 12, 1983.

Hon. DAVID A. STOCKMAN,
Director, Office of Management and Budget, Washington, D.C.

DEAR MR. STOCKMAN: This refers to my letter of December 9, 1982, concerning OMB's receipt of any briefings, reports, or recommendations from the task forces of the President's Private Sector Survey on Cost Control of the Federal Government.

During the week before Christmas, the Staff Director of the Post Office and Civil Service Committee discussed the importance of this matter with a member of your Congressional liaison staff. I am at a loss to understand why it has taken so long to respond to my December 9 letter.

During the days immediately preceding the adjournment of the 97th Congress, the Committee staff and I held several meetings with represenatives of the Administration, including Mr. Fred Fielding, Counsel to the President. Among the issues discussed at these meetings was the necessity for the Survey and the Administration to be more responsive to requests for information relating to the ongoing activities of the President's Private Sector Survey on Cost Control.

I believe this matter warrants your immediate personal attention and I look forward to your early reply.

With kind regards,

Sincerely,

WILLIAM D. FORD, *Chairman.*

COMMITTEE ON POST OFFICE
AND CIVIL SERVICE,
Washington, D.C., December 9, 1982.

Hon. DAVID A. STOCKMAN,
Director, Office of Management and Budget, Washington, D.C.

DEAR MR. STOCKMAN: It is my understanding that you and/or your principal staff members have been briefed on some of the final task force recommendations developed for the President's Private Sector Survey on Cost Control. It is also my understanding that some of these recommendations are being reflected in the initial OMB pass backs to departments for the F.Y. 1984 budget.

As you know, the Executive Committee of the Survey, established by Executive Order 12369 last June, has not met to consider any of the reports from its task forces, and it is likely that the heads of the various departments and agencies which will be affected by the task force recommendations have not yet been fully briefed and afforded the opportunity to comment on those recommendations. Accordingly, OMB use of any task force report at this time would be premature and contrary to the May 13, 1982, memorandum from Edwin Meese III, Counselor to the President, to the executive departments and selected agencies (copy enclosed). In his memorandum, Mr. Meese assured department and agency heads "Upon completion of the team's (task force's) work, you will have the opportunity to review their findings and recommendations and to provide your comment."

It seems to me inappropriate for OMB to consider task force recommendations which have not been considered by the Executive Committee, which is chartered as an advisory committee under the Federal Advisory Committee Act. It is the Executive Committee, after all, which by Executive Order is responsible for making the final recommendations. If, however, these recommendations are being considered by OMB, and if some are being incorporated in the budget, it is important for Congress to know which portions of the Budget reflect task force recommendations.

Accordingly, I would appreciate (1) your identifying which of the task force reports OMB has received or been briefed on, either formally or informally, and (2) if any task force recommendations are incorporated in the Budget, your advising how such recommendations can be identified for the Congress.

Your early response is appreciated.

Sincerely,

WILLIAM D. FORD, *Chairman.*●

IS THE UNITED STATES AT WAR IN NICARAGUA?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. BARNES) is recognized for 10 minutes.

● Mr. BARNES. Mr. Speaker is the United States at war in Nicaragua?

Two thousand guerrillas, who have been infiltrated from Honduras in recent months, are fighting in Nicaragua. Several thousand more are ready to come in. At least some of the 500 fighting near Managua were airlifted by helicopter. The Honduran and Nicaraguan armies face each other across the border. The danger of war in Central America is higher than at any time since the Reagan administration took office and began deliberately fanning the flames.

The U.S. role in this is part common knowledge and part speculation. Clearly, we are now spending many times the $19 million that it was reported last year we would use to help finance this effort. There is not much doubt in anyone's mind where the guerrillas' arms, supplies, and helicopters come from. This is clearly just a 1980's version of the Bay of Pigs.

The State Department claims to have no knowledge of what is going on in Nicaragua, despite the fact that the New York Times reported on Sunday that we have hundreds of intelligence agents in Central America, including Nicaragua, and our intelligence is so good that we know where the Salvadoran guerrillas are going to attack before they attack.

This return to the doctrine that we have a right to overthrow Latin American governments that we do not like is just plain stupid. It will win us no friends, and it will not work. And if it is not illegal under the Boland amendment, then that amendment ought to be strengthened.

Mr. Speaker, the Intelligence Committee should stop this insanity, and, in any event, if we are involved in a war in Nicaragua, the American people have a right to be told.

The Washington Post editorial this morning made a lot of sense. I include it at this point:

[From the Washington Post, Mar. 24, 1983]

THE NICARAGUAN GUERRILLAS

The Nicaraguan government says its enemies on the right, inspired and supported by the United States, are currently pressing a military campaign from sanctuaries in Honduras and Costa Rica. The quotient of truth in these allegations is hard to establish, but let us grant that something is happening. Whose side should Americans be on?

Instinctively, many Americans will go with the guerrillas. By their repressive tactics, their refusal to move toward early elections and their expanding ties with Havana and Moscow, the Sandinistas have dissipated much of the legitimacy they could claim upon winning power three years ago. They are helping sustain the insurgency in El Salvador and supporting guerrilla activities in Honduras and even in Costa Rica, which has no army. It serves no American purpose to see Marxist power ensconced in Managua.

The urge to see the Sandinistas' get a comeuppance, however, does not mean Americans should administer one. The United States is apparently providing covert support for some of the "contras" in Nicaragua. This is wrong. Such is the history of American intervention there that any further hint of it helps to strengthen the Sandinistas' claim to be embattled nationalists and also helps them tighten their internal grip. The suspected presence of former Somoza followers among the attackers allows the Sandinistas to tar all of their opponents, including the democrats, with the Somoza brush. A cynic might argue that these costs are modest when set against the hoped-for benefits of dislodging the Sandinistas, but the scope of the raids seem insufficient for that end.

Another kind of damage is done to American diplomacy. Its prospects in the region depend in critical measure on working in tandem with Latin governments whose proclivities and publics put real limits on the kinds of cooperation they can extend to the United States. The belief in Latin America that Washington is behind the raids into Nicaragua works against the administration's otherwise worthy effort to enlist Latin governments in resolving regional tensions.

This is critical. Like El Salvador's rulers, Nicaragua's rulers hold power by force against a variety of military and political challengers, and should be under pressure to move to an ultimate democratic political solution—and to respect their neighbors. But all pressures are not equal. Latins are not going to rally behind any policy whose cutting edge is an intervention backed by the CIA. Would they rally if the CIA were somehow subtracted from the mix? There's no guarantee, but it would be a better risk.●

PACIFIC FISHERIES MANAGEMENT COUNCIL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. PANETTA) is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, I am happy to join Mr. ANDERSON and other California colleagues in introducing a bill to establish a Southern Pacific Fisheries Management Council. This legislation is of tremendous importance to the fishermen of California.

In 1976, the Fishery Conservation and Management Act created a Pacific Fisheries Management Council to address the particular needs and problems of fishermen in our Pacific coast waters. Since the creation of this council 7 years ago, however, California fishermen have felt that their concerns have not been fully represented. The problem is due to the fact that California's representation on the council—relative to the enormous size of its fishing industry—has been very inadequate.

Approximately, one-half of the fisheries managed by the council and three-fourths of the coastline under the authority of the council are in California. Close to 50 percent of the commercial fishermen subject to the decisions of the council are Californians. The problem, simply stated, is that California's $1 billion fishing industry desperately needs better representation in the fisheries management system that so crucially affects the future of fisheries in the State.

For this reason, I introduced legislation in the last Congress to create a separate California Fisheries Management Council to address the specific concerns of the California fishing industry. A compromise measure was adopted by the Committee on Merchant Marine and Fisheries which would have provided California with

two additional voting representatives on the Pacific Council.

This provision was passed by the House last year, but unfortunately ran into opposition in the Senate.

The legislation being introduced today would establish a Southern Pacific Fisheries Management Council with jurisdiction over the fisheries seaward of California. The council would include one representative from the State of Oregon because of the overlapping concerns of Oregon and California salmon and groundfish fisheries.

Mr. Speaker, it is also worth noting that this legislation is in no way intended to detract from the fair consideration of the concerns of Washington and Oregon fishermen under the Fishery Conservation and Management Act. In addressing the opposition confronted by last year's bill by Washington and Oregon fishing interests, the bill increases the relative representation of these two States on the existing Pacific Council. I believe that it is only fair that California fishermen receive the representation necessary to adequately address their interests. I am introducing this legislation as an important step toward equitable treatment of California fishermen, and I urge the support of my colleagues from California and throughout the country.●

CONTINUATION OF POSSIBLE USE OF STRATEGIC SYSTEM IS WARRANTED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. DICKS) is recognized for 10 minutes.

● Mr. DICKS. Mr. Speaker, before the President's speech Wednesday night in which we called for a comprehensive research effort to develop strategic defense systems, Department of Defense witnesses painted a far different picture of the feasibility of such a long-term effort in hearings before the House Defense Appropriations Subcommittee. Although not specifically stated, it is widely acknowledge that the President was referring primarily to space-based defensive systems.

One high Pentagon official testified that the accuracies needed in such weapons were comparable to "being on top of the Washington Monument, shooting a rifle, and hitting a baseball on top of the Empire State Building in New York." The entire concept of space-based systems which could intercept incoming missiles with unfailing accuracy is highly suspect in the defense community. It could also signal the start of a new space-based arms race. In light of this, I think it is highly dangerous to base our long-range strategy on the very questionable prospect that such technology can and should be developed.

The High Frontier study, associated with the conservative Heritage Foundation, described a space-based defense program consisting of 432 satellites, each armed with 40 to 50 interceptors. When asked about this program, Undersecretary of Defense for Research and Engineering, Dr. Richard DeLauer, previously testified before Congress that time and money were the two big obstacles to such an effort and that "I think they're both grossly underestimated." In hearings before our subcommittee in 1981 and 1982, then-Air Force Chief of Staff Gen. Lewis Allen termed space-based lasers "castles in the sky."

The cost of a space-based fixed orbiting laser system is estimated to be $100 to $120 billion by Republican Senator LARRY PRESSLER. For the program described in the High Frontier study, the Armed Forces Journal estimated the cost to be $300 billion. A witness at a defense subcommittee hearing recently confirmed that the program could run into the hundreds of billions of dollars, and he seriously questioned whether the American people would stand for it. I have to agree with him on that.

No one can really know for sure what the cost of such systems would be because, as DOD witnesses have testified, there is no space-based laser or particle beam system planned, designed, or deployed by either the United States or the Soviets.

Technological uncertainties are also a major obstacle to strategic defense system development, according to Air Force witnesses. The fiscal year 1984 budget requests about $200 million for research on space-based partical beam and laser programs. According to the testimony we received, there are real limitations to how much you could practically accelerate these concept explorations. Their response to a direct question about whether the current effort is sufficient was "Yes, it is." This is in sharp contrast to the impression left by the President's speech.

Even if major technological and cost problems for strategic defense systems were overcome, other questions remain. Eventual deployment of such systems would be a violation of the ABM Treaty, the only arms control agreement addressing specific systems we have successfully negotiated with the Soviets. Its abrogation would have serious long-term implications for the entire arms control process. In addition, space systems could also violate the Test Ban Treaty of 1963 and the Outer Space Treaty of 1967. If the Soviets fear we are rushing forward with such a system, they would be tempted to try to beat us to the punch.

The President acknowledged that if defensive systems are paired with offensive systems, they can be viewed as fostering an aggressive policy, but he apparently dismisses this danger. I do not think we can dismiss the destabilizing possibilities of such a development program. In addition, such systems could spark a space arms race. The June 1982 edition of Air Force magazine notes that Defense Department scientists testified that a laser battle station would be vulnerable to a space mine or fellow traveler, either a conventional or nuclear armed weapon that could be detonated either by ground command or preprograming. One of the Pentagon's top scientists recently testified that no matter where a weapons system is based, "if it is important enough, it can be successfully attacked."

We could well see a second crash program to provide defenses for our defensive systems soon after they were deployed, resulting in a never-ending, spiraling arms race that would drain billions of dollars from the U.S. Treasury and provide virtually no increase in security.

Certainly a continuation of our examination of the possible use of strategic systems is warranted. But to portray them as the light at the end of the tunnel of the nuclear arms race is both misleading and dangerous, even for a self-described incurable optimist. We need to aggressively pursue arms control efforts now, not depend on a star wars defense program in the far distant future to solve all our problems.●

THE FREEZE DEBATE

(Mr. PRICE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE. Mr. Speaker, the Sunday Washington Post had a brief but telling editorial on the nuclear freeze debate which I think all Members should read. I think Members will agree that the Post cannot exactly be characterized as superhawkish, and the Post says of the nuclear freeze movement:

> The letter of the movement honors mutual negotiated cuts. But its spirit is patently unilateralist: No more nukes. A freeze, or a close approach to one, would undercut not only Mr. Reagan's negotiating program but also the freeze's own.

The freeze debate illustrates that the language of the resolution can be interpreted almost any way one wishes. But as I said in my remarks during the debate, the important thing is not how we might comfortably interpret it but how it might be perceived by the Soviets and by our allies in Europe.

I believe the Post is correct when it says that we should put aside the freeze and get on with arms control.

The editorial follows:

[From the Washington Post, Mar. 20, 1983]

THE FREEZE DEBATE

As a vehicle of generalized protest, the nuclear freeze proposal has had one immediate effect: it has helped induce Ronald Reagan to start adjusting some of his arms control positions. He has toned down his statements on nuclear war and begun to explore compromise in the Euromissile talks. The freeze proposal has also become an agent of nuclear education for Congress. But in our view the proposal itself still amounts to bad public policy. This has to be said despite the improvements made in the freeze resolution in the House debate, which resumes in two weeks.

It is good that the larger strategic goal now inscribed in the resolution is "essential equvalence in overall nuclear cababilities"—a vague formula but one acceptable to many if not most conservatives. The resolution no longer assumes, simplistically, that Mr. Reagan can abandon his START priority of reductions in strategic forces and bring into being "an immediate, mutual and verifiable freeze": it acknowledges that it remains to be decided "when and how" to achieve this goal.

A larger difficulty is revealed, however, by the "special attention" the resolution now accords to "destabilizing weapons," those that give either side a first-strike capability. This language goes to a major and central defect of a freeze—that it would block new programs designed to take Soviet and American nuclear forces off a hair trigger, to create more "stability." The term "arms race" can be very loaded: weapons that are less vulnerable and therefore less prone to being fired first in a crisis can settle the superpowers down. If the freeze people are serious about the perils of "destabilizing weapons," they must do more than add to their resolution a paragraph inconsistent with its basic proposition.

The Stratton amendment, barely defeated on the House floor, illuminated a second crippling defect of the freeze—its equivocation concerning what new weapons would be permissible during the time it took (one year? several?) to negotiate this freeze. The Reagan "modernization" proposals make this question urgent. To the extent that they have addressed it, freeze advocates tend to say that each new system should be judged on its merits. But it is not easy to find new systems in which they see merit. The letter of the movement honors mutual negotiated cuts. But its spirit is patently unilateralist: no more nukes. A freeze, or a close approach to one, would undercut not only Mr. Reagan's negotiating program but also the freeze's own.

The freeze resolution welcomes "concurrent and complementary arms control proposals." Sounds fine. Imagine, however, the likeliest first Reagan arms control deal, one removing some Soviet Euromissiles but deploying some American ones. Under a literal freeze, there could be no deal. Here is one more reason to put aside the freeze. Arms controllers can do better.

RECESS

The SPEAKER pro tempore. Pursuant to the order of the House of today, the Chair declares the House in recess subject to the call of the Chair. The bells will be rung 15 minutes before reconvening.

The Chair would advise Members that the House will be reconvened in session probably sometime subsequent to 4 o'clock this afternoon.

The House is in recess.

Accordingly (at 1 o'clock and 15 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2220

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 10 o'clock and 25 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bills during the recess:

H.R. 1718. An act making appropriations to provide productive employment for hundreds of thousands of jobless Americans, to hasten or initiate Federal projects and construction of lasting value to the nation and its citizens, and to provide humanitarian assistance to the indigent for fiscal year 1983, and for other purposes.

S.J. Res. 64. Joint resolution to commemorate the two hundredth anniversary of the signing of the Treaty of Amity and Commerce between Sweden and the United States.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 94. Concurrent resolution providing for an adjournment of the House from March 24 to April 5, 1983, and an adjournment of the Senate from March 24 or March 25 to April 5, 1983.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 926. An act to establish uniform national standards for the continued regulation, by the several States, of commercial motor vehicle width on interstate highways.

UNIFORM NATIONAL STANDARDS FOR REGULATION OF COMMERCIAL MOTOR VEHICLE WIDTH ON INTERSTATE HIGHWAYS

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 926) to establish uniform national standards for the continued regulation, by the several States, of commercial motor vehicle width on interstate highways.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. SNYDER. Mr. Speaker, reserving the right to object, I do not intend to object, but I take the time for the purpose of yielding to the gentleman from California so that he can tell the House what we are doing.

Mr. ANDERSON. Mr. Speaker, will the gentleman yield?

Mr. SNYDER. I yield to the gentleman from California.

Mr. ANDERSON. Mr. Speaker, this bill we are taking from the Speaker's table is, I believe, noncontroversial. Its effect is simply to move up the date, from October 1 to April 6, when 102-inch vehicles will, with reasonable certaintly, be able to operate on certain roads around the country.

Under the terms of the Surface Transportation Assistance Act of 1982, A highway network is being established on which trucks with 48-foot trailers and 28-foot doubles will be permitted to travel. That provision will take effect on April 6; 90 days after the bill's enactment.

In the transportation appropriations bill for fiscal year 1983, a provision was included which would impose sanctions on States that impose vehicle width restrictions of less than 102 inches on certain Federal-aid highways. The sanction available to the Secretary of Transportation for noncompliance is the withholding of a State's interstate construction apportionment. Because the next such apportionments will not be made until October 1, that can be viewed as the date of the provision when States must effectively come into compliance.

It has been brought to my attention and to the attention of others that, because of the conflict in dates on which the length and width provisions can be expected to be fully utilized, orders for longer, wider trailers are being postponed, throwing the truck trailer manufacturing industry into chaos, and thousands of their employees out of work.

The reason for this is simple. Trucking companies are loath to order the longer trailers they will be able to use on April 6, if these will become obsolete on October 1 when they will be able to use longer trailers that are 102-inches wide.

I have been advised that there are presently 10,000 workers unemployed in the trailer manufacturing industry, or 35 percent of the work force, and that more are expected to be laid off because of the date conflicts I have just outlined. Industry officials estimate that enactment of the legislation before us will restore 10,000 jobs and prevent additional layoffs.

The bill itself, passed already by unanimous consent in the other body, is simple. It prohibits States, other than Hawaii, from establishing, maintaining, or enforcing, width limitation of more or less than 102 inches on the

Interstate System or other qualifying Federal-aid highways with traffic lanes designed to be a width of 12 feet or more as designated by the Secretary of Transportation. The exemption for Hawaii arises from the fact that there are, I am old, about 150 pineapple trucks presently operating, without apparent difficulty, with 108-inch widths in that State. Under the present provision included in the fiscal year 1983 transportation appropriations bill, it is uncertain whether that practice would be permitted to continue.

In a notice of policy statement printed in the Federal Register on February 3, routes designated are those on the Interstate System, and 4 or more lane divided highways on the primary system that are fully access-controlled, or other roads on the Federal-aid primary system that comply with safety and operational requirements, such as traffic lanes designed to be at least 12-feet wide.

Absent special permitting, this bill establishes 102 inches as the maximum allowable width for trucks and buses using these highway systems.

The intent of the legislation is that subsequent to April 6, 1983, and before a State changes its law to comply with the new width requirement, it can enforce its State law consistent with this bill. In other words, a State can enforce its existing law against vehicles that exceed 102 inches.

In moving the date to April 6, this bill would prevent a State from adopting a width provision of other than 102 inches. Present law would allow States to have some other width limitation, but only at the penalty of very severe sanctions.

The important thing to consider about the bill is this; it moves up by about 6 months the date on which we are likely to see the more efficient 102-inch-width trucks on our Interstate System and other major Federal-aid highways. And in so doing, we may be restoring 10,000 jobs to the national work force and preventing additional layoffs.

Mr. Speaker, I would like to take a moment to discuss one aspect of this bill. Concern was raised that preemption of State laws on April 6, 1983, might leave the States in a position where they would be unable to enforce any width limitation on vehicles which are wider than 102 inches until such time as the States changed their laws. For this reason, it was decided to add language to the bill making it clear that States could continue to enforce their laws against vehicles which exceed 102 inches in width even though the State law was preempted by section 416(a). The language agreed to was inserted in subsection (a) of section 416 as an exception to the general rule set forth in that subsection. Unfortunately, other language which was being considered as an alternative to the "except" clause was inadvertently included in the Senate bill as passed the Senate. Section 416(d) is intended to have the same effect as the "except" clause in section 416(a). We decided to pass the bill in its current form, with duplicative language, in order to assure that the bill goes to the President for signature before the Easter recess and prior to April 6, 1983.

□ 2230

Mr. SNYDER. Mr. Speaker, I rise in strong support of S. 926 and urge its prompt passage without amendment. This is a modest but necessary measure intended to remedy a troublesome consistency in transportation law passed by the Congress last year.

Essentially, it is intended to restate and give effect to congressional intent embodied in the Department of Transportation Appropriations Act for fiscal year 1983, which unfortunately was flawed by inconsistency with other provisions of law. This has created difficulties in administration of the law and hardship for segments of industry affected—truck manufacturers and dealers, and the trucking industry.

I will be specific. The purpose of section 321 of the Appropriations Act was to establish a uniform, nationwide vehicle-width limitation of 102 inches. We on the Committee on Public Works and Transportation had no problem with the policy. There are ample safeguards in that vehicles 102 inches wide are limited to 12-foot lanes, and the Secretary of Transportation determines the routes on which such vehicles can operate in addition to the interstate system. And buses 102 inches wide already operate extensively on highways on the Federal-aid system. We had, in fact, been in the process of legislating a similar change through our authorizing legislation when the Appropriations Act appeared to render the issue moot.

The means chosen in the appropriations bill to achieve compliance were sanctions in the form of the withholding of interstate construction apportionments in case of noncompliance. And, to give the States sufficient time to bring their own laws into compliance with the new Federal requirement, the appropriations amendment further provided that no apportionments could be withheld until October 1, 1983, the next date on which Federal-aid highway funds are apportioned.

One problem has arisen, however, from the fact that the Surface Transportation Assistance Act of 1982 also affected truck dimensions by prescribing certain minimum vehicle lengths. These take effect on April 6, 1983, and rely on Federal preemption as the compliance mechanism rather than sanctions in the form of a withholding of apportionments.

Thus, we have an inconsistency in the administration of truck lengths and widths: Different effective dates and different compliance provisions. It is hardly surprising that the Federal Highway Administration regards the truck size and weight amendments as being among the most difficult of the 1982 provisions to administer.

Another problem has affected the trucking industry—the manufacturers, the dealers, and the trucking companies. Obviously, demand for 96-inch trucks has fallen dramatically, and the hiatus created by the de facto October 31 effective date has served as a deterrent to new orders. According to the Federal Highway Administration, all but a handful of States have to change their laws and obviously this is not going to happen simultaneously. The result: Chaos.

The Truck Trailer Manufacturers Association reports that 10,000 people are unemployed in the industry—35 percent of the total—and further layoffs are in prospect. This figure excludes those in industries which supply the trailer manufacturers. The industry groups say these 10,000 jobs will be restored if we can clear up the uncertainty. In one company alone, Fruehauf Corp., the largest single trailer manufacturer, there are estimates that 5,000 jobs will be restored and/or preserved by enactment of this legislation.

Another problem with the appropriations language is that it ignores the situation in Hawaii, which has had 108-inch vehicles grandfathered in since 1956. These vehicles are used on a seasonal basis, for hauling agricultural products like pineapples and sugar cane, and do not cause any problem to my knowledge. Hawaii, in fact, is the only State which has permitted in excess of 102 inches under the grandfather clause and therefore is unique in that respect.

Apparently the appropriations language might inadvertently prevent Hawaii from permitting such vehicles to operate, which would be contrary to law in effect for decades. So S. 926 provides an exception for this one particular case.

Finally, this bill would resolve a potential problem affecting my own State of Kentucky, which is the only State in the country whose legislature does not meet in regularly scheduled session during all of calendar year 1983. A flat preemption by the Federal statute would obviate the possible need for Kentucky to act during a special session of the legislature, which may be difficult to convene for reasons having nothing to do with truck issues.

This language would give Kentucky the opportunity to revise its laws at the first available opportunity, at a special session or the next regular session.

Personally, I am uncertain whether you could construe the appropriations language as requiring the convening of such a special session. I would hope that the Federal Highway Administration would have some discretion in the matter beyond October 1, 1983, if the need arose.

I do not base my argument for this measure more strongly on the basis of the Kentucky situation, however. There are some grounds for expectation that Kentucky State statutes provide sufficient latitude for administrative adjustment of truck width limitations to conform to changes in Federal law without legislation. But this is not certain by any means, and passage of S. 926 would serve to remove that uncertainty.

One last point: As I mentioned previously, it will obviously take some time for States to bring their laws into compliance. Most States will probably be able to do so by October 1, although some States—like Kentucky which does not meet in regular session during 1983—may not be able to change their laws by that date. I want to make it clear that it is the intent of Congress that States be allowed to enforce their laws to the extent consistent with this bill during the period between April 6, and the time the State changes its law. For example, it is our intent for a State with a 96-inch vehicle width limitation to be able to enforce its law against a 108-inch wide truck after April 6, but not against a 102-inch wide truck.

In sum, Mr. Speaker, this measure is merely a restatement of the intent of existing law, and is worded to overcome some procedural problems which impede its orderly implementation and cause unintended hardships as I have mentioned. There may well be other problems with truck size and weight provisions of recently enacted law which we may have to address subsequently in a package of technical or substantive amendments. This bill does not address those, nor was it intended to; our objective is prompt passage of this bill without protracted debate. The Senate has recognized the need and has acted to meet its responsibilities. I urge the House to do likewise, pass the bill, and send it downtown to the President for signature.

● Mr. HOWARD. Mr. Speaker, I rise in support of S. 926, a bill to establish uniform national standards for the continued regulation, by the several States, of commercial motor vehicle width on Interstate highways. The purpose of the bill is to synchronize the effective date of newly enacted width provisions for trucks and buses with the newly enacted length provisions.

The new length provisions become effective on April 6, 1983. Under the new law, longer trucks will be permitted to travel on the Interstate Highway System and on qualifying highways on the Federal-aid primary system. The new length provisions also contain specific language establishing access to and from these systems for specific purposes. Injunctive relief is available in any situation where a State does not comply with the Federal law.

The new width provisions provide that 102-inch trucks and buses can be utilized on the Interstate Highway System and any qualifying highway on the Federal-aid highway system on lanes designed to be 12 feet or more. If a State does not comply, it would not receive highway funds from the Federal Government. The next apportionment will be October 1, 1983, and it is anticipated that most States will comply by that time. There is no clear statutory language on access for wider trucks to and from the Interstate Highway System or the qualifying Federal-aid highways.

As a practical matter, the main difference in the application of the two new provisions is that the new width provisions will become effective 6 months after the new length provisions become effective. This time discrepancy has created severe problems in the vehicle manufacturing industry because transportation companies will not place orders for equipment until both provisions are effective.

In order to avoid additional serious interruptions in the manufacture of new vehicles and the additional unemployment that would result, the bill would move the effective date of the new width provisions to April 6, 1983, so that its effective date would be coincidental with that of the new length provisions. In addition, it eliminates the potential for the loss of highway funds to any State that cannot complete State legislative action on the new width provisions before October 1, 1983.

The latter is accomplished by making the new Federal law applicable across-the-board, and by substituting injunctive relief for the withholding of Federal highway money.

The bill also incorporates the "access" language from the length provision so that there is clear statutory guidance on this matter.

The law remains unchanged with respect to the requirement that the 102-inch vehicles can operate on only those segments of the Interstate System and the Federal-aid system that have lanes designed to a width of 12 feet or more.

The clear intent of the bill is to allow vehicles up to 102-inches wide to use the Interstate System and that portion of the Federal-aid system that is designated by the Secertary and only on lanes that are designed to be 12 feet or more. Absent special permitting or special statutory exception, the bill is meant to establish 102 inches as the maximum allowable width for trucks and buses utilizing these two highway systems.

It is the plain intent of the Congress that subsequent to April 6, 1983, and before a State changes its law to comply with the new 102-inch requirement, it can enforce its State law consistent with this bill. In other words, a State can enforce its existing law against vehicles that exceed 102 inches.

This bill permits implementation of the new length and width provisions in a more orderly manner. Moreover, it will help eliminate any serious disruption in the manufacturing of vehicles for the truck and bus industries. For these reasons, I strongly urge the House to approve it.●

Mr. SNYDER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 926

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part B of title IV of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2311 et seq.) is amended by adding at the end thereof the following new section:

"COMMERCIAL MOTOR VEHICLE WIDTH LIMITATION

"SEC. 416. (a) No State, other than the State of Hawaii, shall establish, maintain, or enforce any regulation of commerce which imposes a vehicle width limitation of more or less than 102 inches on any segment of the National System of Interstate and Defense Highways, or any other qualifying Federal-aid highway as designated by the Secretary of Transportation, with traffic lanes designed to be a width of twelve feet or more; except that a State may continue to enforce any regulation of commerce in effect on April 6, 1983, with respect to motor vehicles that exceed 102 inches in width until the date on which such State adopts a regulation of commerce which complies with the provisions of this subsection.

"(b) Notwithstanding the provisions of this section or any other provision of law, certain safety devices which the Secretary of Transportation determines are necessary for safe and efficient operation of motor vehicles shall not be included in the calculation of width.

"(c) Notwithstanding the provisions of this section or any other provisions of law, a State may grant special use permit to motor vehicles that exceed 102 inches in width.

"(d) Notwithstanding any other provision of law and in accordance with the provisions of this section, a State shall have authority to enforce a commercial vehicle width limitation of 102 inches on any segment of the National System of Interstate and Defense Highways, or any other qualifying Federal-aid highway as designated by the Secretary of Transportation, with traffic lanes designed to be a width of twelve feet or more.

"(e) The provisions of this section shall take effect on April 6, 1983.".

(b) The heading of Part B of title IV of the Surface Transportation Assistance Act of 1982 is amended by inserting "AND WIDTH" immediately after "LENGTH".

SEC. 2. Section 321 of the Department of Transportation and Related Agencies Appropriations Act, 1983 (Public Law 97-369; 96 Stat. 1784) is repealed.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

EXTENDING EXPIRATION DATE OF THE DEFENSE PRODUCTION ACT OF 1950

Mr. LAFALCE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2112) to extend by 6 months the expiration date of the Defense Production Act of 1950, with Senate amendments thereto, and disagree to the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Strike out all after the enacting clause and insert:

That (a) the first sentence of section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended—

(1) by striking out "March 31, 1983" and inserting in lieu thereof "September 30, 1988"; and

(2) by striking out ", title III,".

(b) Section 717(a) of such Act is amended by adding at the end thereof the following: "Title III of this Act and all authority conferred thereunder shall terminate at the close of September 30, 1983.".

Amend the title so as to read: "An Act to extend the expiration date of the Defense Production Act of 1950.".

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. SHUMWAY. Mr. Speaker, reserving the right to object, and I shall not object, I make this reservation just for the purpose of yielding to the gentleman from New York so that he might explain to the House why this particular request is made.

Mr. LAFALCE. I thank the gentleman for yielding.

Mr. Speaker, the action I am proposing today is designed to do just one thing—to make certain that the Defense Production Act of 1950 does not expire on March 31, which is during the Easter district work period.

Two days ago, the House adopted in a fully bipartisan vote, H.R. 2112, which would extend the Defense Production Act for 6 months.

The Senate last night amended that bill to extend certain titles of that act by 5 years. As I stated on Tuesday, the result of such a Senate amendment would inevitably result in the DPA lapsing. Therefore, this amendment would reinstate the House position which was approved 2 days ago, and send it back to the Senate for their consideration.

Once again, I want to make it perfectly clear to the House that a multiyear extension is certainly possible after the Subcommittee on Economic Stabilization completes a series of hearings in mid-April and then proceeds to markup legislation.

It is also my understanding that at this point the Senate will accept the House position and thereby assure that this important act does not expire.

Mr. SHUMWAY. I thank the gentleman for his explanation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1437, CALIFORNIA WILDERNESS ACT OF 1983

Mr. BEILENSON, from the Committee on Rules, submitted a privileged report (Rept. No. 98-46) on the resolution (H. Res. 154) providing for the consideration of the bill (H.R. 1437) entitled the "California Wilderness Act of 1983," which was referred to the House Calendar and ordered to be printed.

ELECTION AS MEMBER OF COMMITTEE ON EDUCATION AND LABOR

Mr. FOLEY. Mr. Speaker, by direction of the Democratic Caucus, I send to the desk a privileged resolution (H. Res. 152) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 152

Resolved, That the following-named Member be, and is hereby elected, to the following standing committee of the House of Representatives:

Committee on Education and Labor: Gary L. Ackerman, New York.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION OF HON. JIM WRIGHT AS SPEAKER PRO TEMPORE DURING THE ABSENCE OF THE SPEAKER

Mr. FOLEY. Mr. Speaker, I offer a privileged resolution (H. Res. 153) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 153

Resolved, That Honorable Jim Wright, a Representative from the State of Texas, be, and he is hereby, elected Speaker pro tempore during the absence of the Speaker.

Resolved, That the President and the Senate be notified by the Clerk of the election of Honorable Jim Wright as Speaker pro tempore during the absence of the Speaker.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SWEARING IN OF HON. JIM WRIGHT AS SPEAKER PRO TEMPORE DURING ABSENCE OF THE SPEAKER

The SPEAKER. The Chair asks the gentleman from Texas (Mr. WRIGHT) to assume the chair.

Mr. WRIGHT assumed the chair and took the oath of office administered to him by the Speaker, the gentleman from Massachusetts (Mr. O'NEILL).

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would be happy to recognize any Member who has a 1-minute speech while we are waiting for the Committee on Ways and Means to report.

JAPANESE TRADE PROBLEMS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, I know we are all waiting for the report from the Committee on Ways and Means about the social security bill. The conference is over, the bill has been agreed to by the House and Senate. I think practically all the House conferees signed the conference report, and as soon as it comes in the door we can begin to act.

But, Mr. Speaker, that is not what I rose to talk about, but we have to have a little action here while we wait for this conference report to come in, and I thought this would be a worthwhile time to talk about something that has been in the backs of all of our minds.

Mr. Speaker, I had planned to leave here about 12 o'clock earlier today to go to Japan during the Easter district work period and to work on some of the trade problems that we have with Japan. I think all of us recognize that we have some serious problems with

our Japanese trading competitors, and these are things that we have got to find a solution to.

Their technique of targeting American industry or targeting industry or targeting a market has been a vexacious problem that we are trying to learn about how they do it and what kind of remedy we can have.

The Committee on Ways and Means has started earlier this year some hearings, some rather extensive hearings on trade remedies, how do we protect our industries legitimately under the general agreement on tariffs and trade, how do we protect it from unfair trade practices? We hope to have some new legislation for you this year on that subject.

Those of you who have been here some time will remember that we changed these laws vastly in the early 1970's and then vastly again in the late 1970's. The bills passed here by large margins, but we still have problems.

The Japanese have come out of World War II with a very vigorous economy. Part of the changes that they have made in their economy were ideas that they picked up from the Germans in the 1920's and 1930's, and ideas that they perfected after World War II, to a great extent under our direction and tutelage. After World War II, it was our policy to break up their large farms and to redistribute the land. We did that, and they did that, and now they have a lot of farmers to contend with who have a powerful political influence in the country. Also, they have an antitrust law that we imposed upon them that is to some extent very similar to our antitrust law.

I realize Members are anxious to vote, and we are going to vote as soon as we get something to vote on. I am not trying to take up time just to talk.

□ 2240

As soon as we get something to vote on, I will quit, and if anybody else want to interrupt, I will be glad to have an interruption.

In the 1940's and 1950's, as a result of the shortages that were created in Japan and as a result of the pressures that were put upon them, they developed a great many new institutions over there—one of them called the Ministry of Trade, and this miniindustry or mini-cabinet position or miniagency in the Japanese Government has been the powerful wellspring of many of the innovations that this country has carried out. Some of us believe that the targeting that the Japanese have been carrying on, all of which has been sanctioned by legislation passed by the Japanese Parliament, is really a very sophisticated form of subsidy, one that perhaps violates our law and also violates the general agreement on tariffs and trade, although it is very difficult to prove.

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. GIBBONS. I am glad to yield to the minority leader.

Mr. MICHEL. Mr. Speaker, I commend the gentleman for what he and his committee are going to be doing during this Easter period. I regret that the gentleman from Illinois could not go along with them.

I wonder if the gentleman will be looking into the disparity or the problem of the exchange rate between the Japanese yen and the dollar?

Mr. GIBBONS. Yes, we will. And let met say this: That that is a very serious problem. We have asked the Government Accounting Office and we have asked the Treasury to investigate this disparity between the dollar and the yen, the vastly weakened yen and to some extent the overvalued dollar.

The information that comes back to us is that they can find no direct manipulation. But as the distinguished minority leader knows, the Caterpillar Tractor Co. in his district has been one of the pioneers in working on this problem, and Mr. Lee Morgan, the president of Caterpillar, has written to the Secretary of the Treasury and has sent copies of his letters to some of us on the Trade Subcommittee about what he believes is wrong with the Japanese monetary system. That is one of the things that we intend to take up with the Prime Minister and the Department of Finance over there. Their Department of Finance actually takes the place of our Federal Reserve and our Treasury in their economic system.

Mr. Morgan's analysis of the situation is excellent, and it falls in line with some of the latest thinking that we have seen on this subject. I hope that we can convince the Japanese that they should perhaps follow the recommendations that are in Mr. Morgan's letter. He makes eight points which essentially try to internationalize the Japanese currency. Mr. Morgan belives that the Japanese currency is undervalued by about 50 percent.

Mr. MURTHA. Mr. Speaker, will the gentleman yield?

Mr. GIBBONS. I would be glad to yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Speaker, I would hope that the gentleman would take along some members other than free traders so that the Steel Caucus would be represented in that delegation.

Mr. GIBBONS. Mr. Speaker, if the gentleman would like to go along, all he needs to do is grab his passport and we have got a seat for him. I say to the gentleman from Pennsylvania that we would be delighted to have him go. We are taking a pretty good cross section of the committee.

Mr. MURTHA. Mr. Speaker, I would hope, on behalf of some of us who feel so strongly about imports and who represent areas with such high unemployment, that the gentleman will be able to get the message across to the Japanese that by their subsidizing their steel industry and shipping steel to us, they are just exacerbating the trade problem and we will be forced to put some sort of import restrictions on if they do not become more reasonable in their talks with the United States.

I hope that somebody will be along to carry that message to them because it is so frustrating to see more and more imports with less and less steel being produced in this country. So I would hope that the gentleman would be able to talk to them about that problem.

Mr. GIBBONS. We certainly will, and I can assure the gentleman of that. We have a whole morning set aside to talk with their steel people, and we expect to talk with the Prime Minister, with his Cabinet, and with members of the Japanese Diet, and discuss these matters with them and bring it home very fairly but very firmly that we will not tolerate any unfair trade practices.

As I say, we are worried and I am particularly worried about this idea of targeting, which is really a sophisticated priority setting program that they have been carrying on really ever since after World War II. It is in a form of subsidy, a very disguised form of subsidy, we are told, and if it is and we can prove it is, it is in violation of our law and in violation of the General Agreement on Tariffs and Trade.

I am sure that the gentleman knows I have met with leaders in the steel industry and in the Steel Caucus to try to see what we can do to help resolve these matters. I am concerned that there are these problems.

Mr. BEREUTER. Mr. Speaker, will the gentleman yield?

Mr. GIBBONS. I am glad to yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman for yielding.

I want to commend the gentleman from Florida (Mr. GIBBONS) for the effort he is undertaking and for the continuation of the existing effort.

As the gentleman knows, both he and I and others have concerns about citrus products and red meat and the quotas that are set by the Japanese in that respect. I understand, as the gentleman does, their need and concern about maintaining some food independence in that nation, but I would hope that perhaps the gentleman could remind them of some of the things developed by our own Australian and New Zealand economists that suggest to them that they could maintain their food independence while increasing our quotas or eliminating

those quotas by maintaining domestic subsidies for their own producers and in part financing that with a 25-percent duty on our own products that we send them.

Mr. GIBBONS. Yes. They do have quotas on citrus products and on beef. Both of these are in violation of the General Agreement on Tariffs and Trade. We have been emphasizing and will continue to put emphasis on getting these removed.

We have only one trouble, though. The United States has been functioning for 25 years under an exception, a waiver granted to us under the General Agreement on Tariffs and Trade, but nowhere is there this kind of discrimination against our products such as we see in this market. It is a part of the political heritage that we helped foster on them.

When we broke up their big farms, we gave them an extremely large farm bloc in the Japanese Diet. They have some 300,000 citrus growers, for instance, and they have very small farms. About an acre and a half is a large citrus farm in Japan, and there are a lot of small cattle raisers. It was a part of our land reform program after World War II, and they have a very strong political influence in the Japanese Government.

But despite all that, these restraints are not justified and they should be done away with, and we will continue to push on that.

Mr. BEREUTER. Mr. Speaker, will the gentleman yield further?

Mr. GIBBONS. I am glad to yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman for yielding.

I am well aware of the political clout the gentleman is speaking about. I believe it is true that the Japanese Diet has not been reapportioned since it was established, and the Liberal Democratic Party has its roots and greatest strength in rural areas.

Mr. GIBBONS. Yes, that is correct.

Mr. BEREUTER. But I would hope that perhaps we will remind them that it would serve well their consumers if we could bring down the price of red meat and open up for the first time orange juice availability to the Japanese, since their own citrus products are not conducive to the production of orange juice, and in turn they could protect their own industry by duties they continue to place on our imports.

Mr. GIBBONS. Yes.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman for his special effort, and I just wanted to add these words of suggestion to him. I know he is better informed on both those subjects than I.

□ 2250

Mr. GIBBONS. The gentleman has covered it very well.

Let me say, though, to the distinguished minority leader that perhaps the most serious problem we face is this failure to have a proper functioning international monetary system, the fact that every day 100 billion U.S. dollars must be purchased in the open currency market so that the world trade can go on. That puts a premium on the American dollar. There are so many of them in demand. That is one of the reasons why the American dollar is perhaps overvalued in the market for sales purposes.

But the main reason, I believe, is that the Japanese yen has never been internationalized. They have never completely opened up their currency system or their monetary system so that it is truly an international monetary system, such as the dollar. If they do that, hopefully, in the long run—perhaps not in the short run, but in the long run—their yen will be strengthened. It will be accurately reflected in the marketplace. And then this discrepancy that is anywhere from 50 percent to at least 20 percent undervalued for their yen will correct itself.

Mr. MICHEL. I thank the gentleman for his mention particularly of the very illuminating letter that a number of us received from the chairman of the board of Caterpillar Tractor Co., the folks who have given the matter a great deal of thought.

Mr. GIBBONS. An excellent letter.

Mr. MICHEL. And to know that the gentleman and his contemporaries on that committee have read that summary and will have that uppermost in their minds during their trip to Japan and will be very, very much appreciated.

I hate to interrupt this very illuminating discussion to advise our friends over in the other body that we are really not killing time uselessly here but that we are waiting for some significant papers from the committee chairman, and that is the reason, because we recognize full well that after the completion of the conference report here in the House it will have to go to the other body for extensive discussion, and the hour is already late. But I do want to thank the gentleman very much for the observations he has made with respect to the trip to Japan.

EXPLANATION OF CONFERENCE REPORT ON H.R. 1900, SOCIAL SECURITY ACT AMENDMENTS OF 1983

(Mr. CONABLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONABLE. Mr. Speaker, it occurs to me that while we are waiting the arrival of the conference report, it might be wise to try to cut down on the time of the body by explaining some of the measures that are in the conference report so that I will not have to repeat my remarks after the papers have arrived. It does seem to me that there is reason for some curiosity about the contents of this historic document.

We are at the end of a long, hard road on social security, and we have before us a conference report which will rescue the system from impending collapse and place it on a sound footing which holds a promise of lasting soundness.

Nobody who voted for this measure when it passed the House before has any reason to vote against the conference report. In my opinion, the conference report represents not only the best of the House measure but improvement of it. I hope my colleagues who voted against it before will reconsider and focus on the improvements that have been made and be a part of this historic moment.

The report is very close to the bill, H.R. 1900, which was passed in this Chamber 2 weeks ago. It would be superfluous to restate all of those provisions. Therefore, I will confine my remarks to significant changes forged in the conference, and the truly major elements of the compromise agreement.

The report differs significantly from the House-passed bill in these respects, and this is not central but it is of interest to the Members, I am sure:

An addition which would stop social security benefits to alien dependents and survivors who have been outside the United States for 6 consecutive months. These persons, in order to receive any benefits, must have for 5 years been residents of this country and had a dependency relationship with the primary beneficiary while they were in this country.

Now, Mr. Speaker, the effect of this proposal is to prevent the addition of dependents after an alien who is otherwise qualified for benefits leaves the country. It does not, of course, take away the benefits from such an alien, but it does prevent him from accruing beneficiaries who might go on indefinitely and never have been in the United States at all or had any relationship with him or her during the period of time when they were accruing benefits in this country.

Mr. DAUB. Mr. Speaker, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Nebraska.

Mr. DAUB. Mr. Speaker, I want to thank the gentleman very much because I believe the conference committee has done a great service and has said to Americans that we are not only going to raise some taxes, but we are going to clear up one of the very major and glaring problems in the cur-

rent law. A hard currency transfer of workers' dollars out of that trust fund, particularly to the dependent of a nonresident alien who might have been here, for example, as a student, has now been eliminated by this action. I commend the gentleman and I want to thank him very much for this improvement.

Mr. CONABLE. I know my friend has had a very creative role and significant role in this area, and I want to assure him that this does not necessarily constitute the final action.

Mr. DAUB. Indeed.

Mr. CONABLE. But it is something that the conference committee could agree on, and it appeared to be a reasonable way to address what in the view of many people has become a serious abuse. We will continue to follow up on this.

Mr. PEASE. Mr. Speaker, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Ohio.

Mr. PEASE. I thank the gentleman for yielding, and I commend him and the other conferees for that section of the conference report.

As the gentleman will remember, the gentleman from Minnesota (Mr. FRENZEL) and I attempted to get such an amendment in in the Ways and Means Committee.

Mr. CONABLE. Correct.

Mr. PEASE. Our amendment was imperfect. It was not adopted by the committee. I am happy that the Senate and the conference committee have been able to work out good language.

Mr. CONABLE. I appreciate the gentleman's help on this matter, too.

Mr. DAUB. Mr. Speaker, will the gentleman yield further?

Mr. CONABLE. I yield to the gentleman from Nebraska.

Mr. DAUB. I thank the gentleman for yielding, and I would say that I think that, of all of the possibilities, this dependent limitation is the major structure reform, and indeed a great deal of progress has been made, and I think every Member of this body does appreciate it.

Mr. CONABLE. It is a good addition. It addresses one of the leading complaints that many of my colleagues and many of our fellow citizens have lodged against social security and its relationship to aliens.

The conference agreement also eliminates old age and survivor insurance benefits for felons during their period of incarceration. Benefits for dependents and survivors of these prisoners would not be affected, but felons would not receive their benefits during the period of incarceration. Of course, after they leave, if they are entitled to the benefits, they will resume them. In 1980 similar legislation was enacted which applied to disability insurance benefits. This agreement thus provides that OISI and DI benefits for incarcerated felons would be treated identically, and I believe that you will find that many of your constitutents have been concerned about this particular provision also. It is in fact, in my view, a strengthening of the bill that this was included in the conference.

Mr. FISH. Mr. Speaker, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from New York.

Mr. FISH. Mr. Speaker, I want to commend the gentleman. As he knows, the matter he is discussing is of great concern to our constituents.

If I could return to the first matter the gentleman discussed having to do with aliens, as I recall, there were two sets of provisions having to do with social security and aliens, and one of them was the Nichols amendment that would prohibit an individual who is an undocumented alien from receiving any social security benefits if that person paid into the system while in an undocumented status. Could the gentleman tell us what disposition the conference made?

Mr. CONABLE. Yes; that was considered, of course, in the conference committee, and there was considerable resistance on the part of the administration to that proposal only because of fear that it would be extremely difficult to administer.

We are going to have to deal with the problem of illegal aliens, and perhaps in connection with that we can do something further, but that provision was dropped out of the bill primarily for administrative reasons, concern that the Social Security Administration would not be able to handle the administrative problems that such a proposal would bring up.

□ 1100

Mr. FISH. If the gentleman would yield further, I think the Senate amendment is absolutely appalling and I am delighted with the conference result. But I do think it underscores the necessity for this House to act in this session of Congress on the Simpson-Mazzoli Immigration Reform and Control Act.

I thank the gentleman very much.

Mr. CONABLE. I thank my friend for his comments.

Mr. Speaker, although the House bill provided some needed improvements in the treatment of women under the system, and those were the improvements that were included in the original House bill, they were not changed.

Mr. Speaker, rather than take any further time of the House, I understand the papers are now present and I would like to yield back the remainder of my 1 minute, whatever is unused.

The SPEAKER pro tempore. The gentleman has consumed 50 seconds.

CONFERENCE REPORT ON H.R. 1900, SOCIAL SECURITY ACT AMENDMENTS OF 1983

Mr. ROSTENKOWSKI submitted the following conference report and statement on the bill (H.R. 1900) to assure the solvency of the social security trust funds, to reform the medicare reimbursement of hospitals, to extend the Federal supplemental compensation program, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 98-47)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1900) to assure the solvency of the Social Security Trust Funds, to reform the medicare reimbursement of hospitals, to extend the Federal supplemental compensation program, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SHORT TITLE

SECTION 1. This Act, with the following table of contents, may be cited as the "Social Security Amendments of 1983".

TABLE OF CONTENTS

Sec. 1. Short title.

TITLE I—PROVISIONS AFFECTING THE FINANCING OF THE SOCIAL SECURITY SYSTEM

PART A—COVERAGE

Sec. 101. Coverage of newly hired Federal employees.

Sec. 102. Coverage of employees of nonprofit organizations.

Sec. 103. Duration of agreements for coverage of State and local employees.

PART B—COMPUTATION OF BENEFIT AMOUNTS

Sec. 111. Shift of cost-of-living adjustments to calendar year basis.

Sec. 112. Cost-of-living increases to be based on either wages or prices (whichever is lower) when balance in OASDI trust funds falls below specified level.

Sec. 113. Elimination of windfall benefits for individuals receiving pensions from noncovered employment.

Sec. 114. Increase in old-age insurance benefit amounts on account of delayed retirement.

PART C—REVENUE PROVISIONS

Sec. 121. Taxation of social security and [tier 1] railroad retirement benefits.

Sec. 122. Credit for the elderly and the permanently and totally disabled.

Sec. 123. Acceleration of increases in FICA taxes; 1984 employee tax credit.

Sec. 124. Taxes on self-employment income; credit against such taxes.

Sec. 125. Allocations to disability insurance trust fund.

PART D—BENEFITS FOR CERTAIN SURVIVING, DIVORCED, AND DISABLED SPOUSES

Sec. 131. Benefits for surviving divorced

spouses and disabled widows and widowers who remarry.
Sec. 132. Entitlement to divorced spouse's benefits before entitlement of insured individual to benefits.
Sec. 133. Indexing of deferred surviving spouse's benefits.
Sec. 134. Limitation on benefit reduction for early retirement in case of disabled widows and widowers.
Part E—Mechanisms To Assure Continued Benefit Payments in Unexpectedly Adverse Conditions.
Sec. 141. Normalized crediting of social security taxes to trust funds.
Sec. 142. Interfund borrowing extension.
Sec. 143. Recommendations by Board of Trustees to remedy inadequate balances in the Social Security Trust Funds.
PART F—OTHER FINANCING AMENDMENTS
Sec. 151. Financing of noncontributory military wage credits.
Sec. 152. Accounting for certain unnegotiated checks for benefits under the social security program.
Sec. 153. Float periods.
TITLE II—ADDITIONAL PROVISIONS RELATING TO LONG—TERM FINANCING OF THE SOCIAL SECURITY SYSTEM
Sec. 201. Increase in retirement age.
TITLE III—MISCELLANEOUS AND TECHNICAL PROVISIONS
PART A—ELIMINATION OF GENDER-BASED DISTINCTIONS
Sec. 301. Divorced husbands.
Sec. 302. Remarriage of surviving spouse before age of eligibility.
Sec. 303. Illegitimate children.
Sec. 304. Transitional insured status.
Sec. 305. Equalization of benefits under section 228.
Sec. 306. Father's insurance benefits.
Sec. 307. Effect of marriage on childhood disability benefits and on other dependents' or survivors' benefits.
Sec. 308. Credit for certain military service.
Sec. 309. Conforming amendments.
Sec. 310. Effective date of part A.
PART B—COVERAGE
Sec. 321. Coverage of employees of foreign affiliates of American employers.
Sec. 322. Extension of coverage by international social security agreement.
Sec. 323. Treatment of certain service performed outside the United States.
Sec. 324. Amount received under certain deferred compensation and salary reduction arrangements treated as wages for FICA taxes.
Sec. 325. Treatment of contributions under simplified employee pensions.
Sec. 326. Effect of changes in names of State and local employee groups in Utah.
Sec. 327. Effective dates of international social security agreements.
Sec. 328. Codification of Rowan decision with respect to meals and lodging.
PART C—OTHER AMENDMENTS
Sec. 331. Technical and conforming amendments to maximum family benefit provisions.
Sec. 332. Relaxation of insured status requirements for certain workers previously entitled to a period of disability.
Sec. 333. Protection of benefits of illegitimate children of disabled beneficiaries.
Sec. 334. One-month retroactivity of widow's and widower's insurance benefits.
Sec. 335. Nonassignability of benefits.
Sec. 336. Use of death certificates to prevent erroneous benefit payments to deceased individuals.
Sec. 337. Public pension offset.
Sec. 338. Study concerning the establishment of the Social Security Administration as an independent agency.
Sec. 339. Limitation on payments to prisoners.
Sec. 340. Limitations on payments to nonresident aliens.
Sec. 341. Addition of public members to Trust Fund Board of Trustees.
Sec. 342. Payments schedule by State and local governments.
Sec. 343. Professors of clinical medicine.
Sec. 344. Earnings sharing implementation report.
Sec. 345. Veterans' Administration reorganization report.
Sec. 346. Social security cards.
Sec. 347. Budgetary treatment of Trust Fund operations.
Sec. 348. Liberalization of earnings test.
TITLE IV—SUPPLEMENTAL SECURITY INCOME BENEFITS
Sec. 401. Increase in Federal SSI benefit standard.
Sec. 402. Adjustments in Federal SSI pass-through provisions.
Sec. 403. SSI eligibility for temporary residents of emergency shelters for the homeless.
Sec. 404. Disregarding of emergency and other in-kind assistance provided by nonprofit organizations.
Sec. 405. Notification with respect to SSI program.
TITLE V—UNEMPLOYMENT COMPENSATION PROVISIONS
PART A—FEDERAL SUPPLEMENTAL COMPENSATION
Sec. 501. Extension of program.
Sec. 502. Number of weeks for which compensation payable.
Sec. 503. Effective date.
Sec. 504. Training.
Sec. 505. Coordination with trade readjustment program.
PART B—PROVISIONS RELATING TO INTEREST AND CREDIT REDUCTIONS
Sec. 511. Deferral of interest.
Sec. 512. Cap on credit reduction.
Sec. 513. Average employer contribution rate.
Sec. 514. Date for payment of interest.
Sec. 515. Penalty for failure to pay interest.
PART C—MISCELLANEOUS PROVISIONS
Sec. 521. Treatment of employees providing services to educational institutions.
Sec. 522. Extended benefits for individuals who are hospitalized or on jury duty.
Sec. 523. Voluntary health insurance programs permitted.
Sec. 524. Treatment of certain organizations retroactively determined to be described in section 501(c)(3) of the Internal Revenue Code of 1954.
TITLE VI—PROSPECTIVE PAYMENTS FOR MEDICARE INPATIENT HOSPITAL SERVICES
Sec. 601. Medicare payments for inpatient hospital services on the basis of prospective rates.
Sec. 602. Conforming amendments.
Sec. 603. Reports, experiments, and demonstration projects.
Sec. 604. Effective dates.
Sec. 605. Delay in provision relating to hospital-based skilled nursing facilities.
Sec. 606. Shift in medicare premiums to coincide with cost-of-living increase.
Sec. 607. Section 1122 amendments.

TITLE I—PROVISIONS AFFECTING THE FINANCING OF THE SOCIAL SECURITY SYSTEM

PART A—COVERAGE

COVERAGE OF NEWLY HIRED FEDERAL EMPLOYEES

SEC. 101. (a)(1) Section 210(a) of the Social Security Act is amended by striking out paragraphs (5) and (6) and inserting in lieu thereof the following:

"(5) Service performed in the employ of the United States or any instrumentality of the United States, if such service—

"(A) would be excluded from the term 'employment' for purposes of this title if the provisions of paragraphs (5) and (6) of this subsection as in effect in January 1983 had remained in effect, and

"(B) is performed by an individual who (i) has been continuously in the employ of the United States or an instrumentality thereof since December 31, 1983 (and for this purpose an individual who returns to the performance of such service after being separated therefrom following a previous period of such service shall nevertheless be considered upon such return as having been continuously in the employ of the United States or an instrumentality thereof, regardless of whether the period of such separation began before or after December 31, 1983, if the period of such separation does not exceed 365 consecutive days), or (ii) is receiving an annuity from the Civil Service Retirement and Disability Fund, or benefits (for service as an employee) under another retirement system established by a law of the United States for employees of the Federal Government (other than for members of the uniformed services);

except that this paragraph shall not apply with respect to—

"(i) service performed as the President or Vice President of the United States,

"(ii) service performed—

"(I) in a position placed in the Executive Schedule under sections 5312 through 5317 of title 5, United States Code,

"(II) as a noncareer appointee in the Senior Executive Service or a noncareer member of the Senior Foreign Service, or

"(III) in a position to which the individual is appointed by the President (or his designee) or the Vice President under section 105(a)(1), 106(a)(1), or 107 (a)(1) or (b)(1) of title 3, United States Code, if the maximum rate of basic pay for such position is at or above the rate for level V of the Executive Schedule,

"(iii) service performed as the Chief Justice of the United States, an Associate Justice of the Supreme Court, a judge of a United States court of appeals, a judge of a United States District Court (including the district court of a territory), a judge of the United States Claims Court, a judge of the

United States Court of International Trade, a judge of the United States Tax Court, a United States magistrate, or a referee in bankruptcy or United States bankruptcy judge,

"(iv) service performed as a Member, Delegate, or Resident Commissioner of or to the Congress, or

"(v) any other service in the legislative branch of the Federal Government if such service is performed by an individual who, on December 31, 1983, is not subject to subchapter III of chapter 83 of title 5, United States Code;

"(6) Service performed in the employ of the United States or any instrumentality of the United States if such service is performed—

"(A) in a penal institution of the United States by an inmate thereof;

"(B) by any individual as an employee included under section 5351(2) of title 5, United States Code (relating to certain interns, student nurses, and other student employees of hospitals of the Federal Government), other than as a medical or dental intern or a medical or dental resident in training; or

"(C) by any individual as an employee serving on a temporary basis in case of fire, storm, earthquake, flood, or other similar emergency;".

(2) Section 210(p) of such Act is amended by striking out "provisions of—" and all that follows and inserting in lieu thereof "provisions of subsection (a)(5).".

(b)(1) Section 3121(b) of the Internal Revenue Code of 1954 is amended by striking out paragraphs (5) and (6) and inserting in lieu thereof the following:

"(5) service performed in the employ of the United States or any instrumentality of the United States, if such service—

"(A) would be excluded from the term 'employment' for purposes of this title if the provisions of paragraphs (5) and (6) of this subsection as in effect in January 1983 had remained in effect, and

"(B) is performed by an individual who (i) has been continuously in the employ of the United States or an instrumentality thereof since December 31, 1983 (and for this purpose an individual who returns to the performance of such service after being separated therefrom following a previous period of such service shall nevertheless be considered upon such return as having been continuously in the employ of the United States or an instrumentality thereof, regardless of whether the period of such separation began before or after December 31, 1983, if the period of such separation does not exceed 365 consecutive days), or (ii) is receving an annuity from the Civil Service Retirement and Disability Fund, or benefits (for service as an employee) under another retirement system established by law of the United States for employees of the Federal Government other than for members of the uniformed services);

except that this paragraph shall not apply with respect to—

"(i) service performed as the President or Vice President of the United States,

(ii) service performed—

"(I) in a position placed in the Executive Schedule under Sections 5312 through 5317 of title 5, United States Code.

"(II) as a noncareer appointee in the Senior Executive Service or a noncareer member of the Senior Foreign Service, or

"(III) in a position to which the individual is appointed by the President (or his designee) or the Vice President under section 105(a)(1), 106(a)(1), or 107 (a)(1) or (b)(1) of title 3, United States Code, if the maximum rate of basic pay for such position is at or above the rate for level V of the Executive Schedule,

"(iii) service performed as the Chief Justice of the United States, an Associate Justice of the Supreme Court, a judge of a United States court of appeals, a judge of a United States district court (including the district court of a territory), a judge of the United States Claims Court, a judge of the United States Court of International Trade, a judge of the United States Tax Court, a United States magistrate, or a referee in bankruptcy or United States bankruptcy judge,

"(iv) service performed as a Member, Delegate, or Resident Commissioner of or to the Congress, or

"(v) any other service in the legislative branch of the Federal Government if such service is performed by an individual who, on December 31, 1983, is not subject to subchapter III of chapter 83 of title 5, United States Code;

"(6) service performed in the employ of the United States or any instrumentality of the United States if such service is performed—

"(A) in a penal institution of the United States by an inmate thereof;

"(B) by any individual as an employee included under section 5351(2) of title 5, United States Code (relating to certain interns, student nurses, and other student employees of hospitals of the Federal Government), other than as a medical or dental intern or a medical or dental resident in training; or

"(C) by any individual as an employee serving on a temporary basis in case of fire, storm, earthquake, flood, or other similar emergency;".

(2) Section 3121(u)(1) of such Code is amended to read as follows:

"(1) IN GENERAL.—For purposes of the taxes imposed by sections 3101(b) and 3111(b), subsection (b) shall be applied without regard to paragraph (5) thereof.".

(c)(1) Section 209 of the Social Security Act is amended by adding at the end thereof the following new paragraph:

"For purposes of this title, in the case of an individual performing service under the provisions of section 294 of title 28, United States Code (relating to assignment of retired justices and judges to active duty), the term 'wages' shall, subject to the provisions of subsection (a) of this section, include any payment under section 371(b) of such title 28 which is received during the period of such service.".

(2) Section 3121(i) of the Internal Revenue Code of 1954 (relating to computation of wages in certain cases) is amended by adding at the end thereof the following new paragraph:

"(5) SERVICE PERFORMED BY CERTAIN RETIRED JUSTICES AND JUDGES.—For purposes of this chapter, in the case of an individual performing service under the provisions of section 294 of title 28, United States Code (relating to assignment of retired justices and judges to active duty), the term 'wages' shall, subject to the provisions of subsection (a)(1) of this section, include any payment under section 371(b) of such title 28 which is received during the period of such service.".

(d) The amendments made by this section shall be effective with respect to remuneration paid after December 31, 1983.

(e) Nothing in this Act shall reduce the accrued entitlements to future benefits under the Federal Retirement System of current and retired Federal employees and their families.

COVERAGE OF EMPLOYEES OF NONPROFIT ORGANIZATIONS

SEC. 102. (a) Section 210(a)(8) of the Social Security Act is amended—

(1) by striking out "(A)" immediately after "(8)";

(2) by striking out "subparagraph" where it first appears and inserting in lieu thereof "paragraph"; and

(3) by striking out subparagraph (B).

(b)(1) Section 3121(b)(8) of the Internal Revenue Code of 1954 is amended—

(A) by striking out "(A)" immediately after "(8)";

(B) by striking out "subparagraph" where it first appears and inserting in lieu thereof "paragraph"; and

(C) by striking out subparagraph (B).

(2) Section 3121(k) of such Code is repealed.

(3) Section 3121(r) of such Code is amended—

(A) by striking out "subsection (b)(8)(A)" and "section 210(a)(8)(A)" in paragraph (3) and inserting in lieu thereof "subsection (b)(8)" and "section 210(a)(8)", respectively; and

(B) by striking out paragraph (4).

(c) The amendments made by the preceding provisions of this section shall be effective with respect to service performed after December 31, 1983 (but the provisions of sections 2 and 3 of Public Law 94-563 and section 312(c) of Public Law 95-216 shall continue in effect, to the extent applicable, as though such amendments had not been made).

(d) The period for which a certificate is in effect under section 3121(k) of the Internal Revenue Code of 1954 may not be terminated under paragraph (1)(D) or (2) thereof on or after March 31, 1983; but no such certificate shall be effective with respect to any service to which the amendments made by this section apply.

(e)(1) If any individual—

(A) on January 1, 1984, is age 55 or over, and is an employee of an organization described in section 210(a)(8)(B) of the Social Security Act (A) which does not have in effect (on that date) a waiver certificate under section 3121(k) of the Internal Revenue Code of 1954 and (B) to the employees of which social security coverage is extended on January 1, 1984, solely by reason of the enactment of this section, and

(B) after January 1, 1984, acquires the number of quarters of coverage (within the meaning of section 213 of the Social Security Act) which is required for purposes of this subparagraph under paragraph (2),

then such individual shall be deemed to be a fully insured individual (as defined in section 214 of the Social Security Act) for all of the purposes of title II of such Act.

(2) The number of quarters of coverage which is required for purposes of subparagraph (B) of paragraph (1) shall be determined as follows:

In the case of an individual who on January 1, 1984, is—	The number of quarters of coverage so required shall be—
age 60 or over	6
age 59 or over but less than age 60	8
age 58 or over but less than age 59	12
age 57 or over but less than age 58	16
age 55 or over but less than age 57	20.

DURATION OF AGREEMENTS FOR COVERAGE OF STATE AND LOCAL EMPLOYEES

SEC. 103. (a) Section 218(g) of the Social Security Act is amended to read as follows:

"Duration of Agreement

"(g) No agreement under this section may be terminated, either in its entirety or with respect to any coverage group, on or after the date of the enactment of the Social Security Amendments of 1983.".

(b) The amendment made by subsection (a) shall apply to any agreement in effect under section 218 of the Social Security Act on the date of the enactment of this Act, without regard to whether a notice of termination is in effect on such date, and to any agreement or modification thereof which may become effective under such section 218 after that date.

PART B—COMPUTATION OF BENEFIT AMOUNTS

SHIFT OF COST-OF-LIVING ADJUSTMENTS TO CALENDAR YEAR BASIS

SEC. 111. (a)(1) Section 215(i)(2)(A)(ii) of the Social Security Act is amended by striking out "June" and inserting in lieu thereof "December".

(2) Section 215(i)(2)(A)(iii) of such Act is amended by striking out "May" and insert in lieu thereof "November".

(3) Section 215(i)(2)(B) of such Act is amended by striking out "May" each place it appears and inserting in lieu thereof in each instance "November".

(4) Section 203(f)(8)(A) of such Act is amended by striking out "June" and inserting in lieu thereof "December".

(5) Section 230(a) of such Act is amended by striking out "June" and inserting in lieu thereof "December".

(6) Section 215(i)(2) of such Act as in effect in December 1978, and as applied in certain cases under the provisions of such Act as in effect after December 1978, is amended by striking out "June" in subparagraph (A)(ii) and inserting in lieu thereof "December", and by striking out "May" each place it appears in subparagraph (B) and inserting in leiu thereof in each instance "November".

(7) Section 202(m) of such Act (as it applies in certain cases by reason of section 2 of Public Law 97-123) is amended by striking out "May" and inserting in lieu thereof "November".

(8) The amendments made by this subsection shall apply with respect to cost-of-living increases determined under section 215(i) of the Social Security Act for years after 1982.

(b)(1) Section 215(i)(1)(A) of the Social Security Act is amended by striking out "March 31" and inserting in lieu thereof "September 30", and by striking out "1974" and inserting in lieu thereof "1982".

(2) Section 215(i)(1)(A) of such Act as in effect in December 1978, and as applied in certain cases under the provisions of such Act as in effect after December 1978, is amended by striking out "March 31" and inserting in lieu thereof "September 30" and by striking out "1974" and inserting in lieu thereof "1982".

(3) The amendments made by this subsection shall apply with respect to cost-of-living increases determined under section 215(i) of the Social Security Act for years after 1983.

(c) Section 215(i)(4) of such Act is amened ed by inserting, ", and as amended by section 111(A)(6) and (b)(2) of the Social Security Amendments of 1983," after "as in effect in December 1978" the first place it appears.

(d) Notwithstanding any provision to the contrary in section 215(i) of the Social Security Act, the "base quarter" (as defined in paragraph (1)(A)(i) of such section) in the calendar year 1983 shall be a "cost-of-living computation quarter" within the meaning of paragraph (1)(B) of such section (and shall be deemed to have been determined by the Secretary of Health and Human Services to be a "cost-of-living computation quarter" under paragraph (2)(A) of such section) for all of the purposes of such Act as amended by this section and by other provisions of this Act, without regard to the extend by which the Consumer Price Index has increased since the last prior cost-of-living computation quarter which was established under such paragraph (1)(B).

(e) Section 403(b) of the Omnibus Reconciliation Act of 1982 (Public Law 97-253) is amended to read as follows:

"(b)(1) Except as provided in paragraph (2), the amendment made by subsection (a)(1) shall apply with respect to amounts payable for periods beginning after May 31, 1983.

"(2) In the cases of individuals to whom pension is payable under sections 521, 541, and 542 of title 38, United States Code, the amendment made by subsection (a)(1) shall take effect on the first day after May 31, 1983, that an increase is made in maximum annual rates of pension pursuant to section 3112 of title 38, United States Code.".

COST-OF-LIVING INCREASES TO BE BASED ON EITHER WAGES OR PRICES (WHICHEVER IS LOWER) WHEN BALANCE IN OASDI TRUST FUNDS FALLS BELOW SPECIFIED LEVEL

SEC. 112. (a) Section 215(i)(1) of the Social Security Act is amended—

(1) by striking out "in which" in subparagraph (B) and all that follows down through the first semicolon in such subparagraph and inserting in lieu thereof "with respect to which the applicable increase percentage is 3 percent or more;";

(2) by striking out "and" at the end of subparagraph (B);

(3) by redesignating subparagraph (C) as subparagraph (H); and

(4) by inserting after subparagraph (B) the following new subparagraphs:

"(C) the term 'applicable increase percentage' means—

"(i) with respect to a base quarter or cost-of-living computation quarter in any calendar year before 1985, or in any calendar year after 1984 and before 1989 for which the OASDI fund ratio is 15.0 percent or more, or in any calendar year after 1988 for which the OASDI fund ratio is 20.0 percent or more, the CPI increase percentage; and

"(ii) with respect to a base quarter or cost-of-living computation quarter in any calendar year after 1984 and before 1989 for which the OASDI fund ratio is less than 15.0 percent, or in any calendar year after 1988 for which the OASDI fund ratio is less than 20.0 percent, the CPI increase percentage or the wage increase percentage, whichever (with respect to that quarter) is the lower;

"(D) the term 'CPI increase percentage', with respect to a base quarter or cost-of-living computation quarter in any calendar year, means the percentage (rounded to the nearest one-tenth of 1 percent) by which the Consumer Price Index for that quarter (as prepared by the Department of Labor) exceeds such index for the most recent prior calendar quarter which was a base quarter under subparagraph (A)(ii) or, if later, the most recent cost-of-living computation quarter under subparagraph (B);

"(E) the term 'wage increase percentage', with respect to a base quarter or cost-of-living computation quarter in any calendar year, means the percentage (rounded to the nearest one-tenth of 1 percent) by which the SSA average wage index for the year immediately preceding such calendar year exceeds such index for the year immediately preceding the most recent prior calendar year which included a base quarter under subparagraph (A)(ii) or, if later, which included a cost-of-living computation quarter;

"(F) the term 'OASDI fund ratio', with respect to any calendar year, means the ratio of—

"(i) the combined balance in the Federal Old Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund as of the beginning of such year, including the taxes transferred under section 201(a) on the first day of such year and reduced by the outstanding amount of any loan (including interest thereon) therefore made to either such Fund from the Federal Hospital Insurance Trust Fund under section 201(l), as of the beginning of such year, to

"(ii) the total amount which (as estimated by the Secretary) will be paid from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund during such calendar year for all purposes authorized by section 201 (other than payments of interest on, or repayments of loans from the Federal Hospital Insurance Trust Fund under section 201(l)), but excluding any transfer payments between such trust funds and reducing the amount of any transfers to the Railroad Retirement Account by the amount of any transfers into either such trust fund from that Account;

"(G) the term 'SSA average wage index', with respect to any calendar year, means the average of the total wages reported to the Secretary of the Treasury or his delegate for the preceding calendar year as determined for purposes of subsection (b)(3)(A)(ii); and".

(b) Section 215(i)(2)(A)(ii) of such Act is amended by striking out "by the same percentage" and all that follows down through the semicolon, in the sentence immediately following subdivision (III), and inserting in lieu thereof "by the applicable increase percentage;".

(c) Section 215(i) of such Act is further amended by adding at the end thereof the following new paragraph:

"(5)(A) If—

"(i) with respect to any calendar year the 'applicable increase percentage' was determined under clause (ii) of paragraph (1)(C) rather than under clause (i) of such paragraph, and the increase becoming effective under paragraph (2) in such year was accordingly determined on the basis of the wage increase percentage rather than the CPI increase percentage (or there was no such increase becoming effective under paragraph (2) in that year because the wage increase percentage was less than 3 percent), and

"(ii) for any subsequent calendar year in which an increase under paragraph (2) becomes effective the OASDI fund ratio is greater than 32.0 percent,

then each of the amounts described in subdivisions (I), (II), and (III) of paragraph (2)(A)(ii), as increased under paragraph (2) effective with the month of December in such subsequent calendar year, shall be further increased (effective with such month) by an additional percentage, which shall be determined under subparagraph (B) and shall apply as provided in subparagraph (C).

"(B) The applicable additional percentage by which the amounts described in subdivisions (I), (II), and (III) of paragraph (2)(A)(ii) are to be further increased under subparagraph (A) in the subsequent calendar year involved shall be the amount derived by—

"(i) subtracting (I) the compounded percentage benefit increases that were actually paid under paragraph (2) and this paragraph from (II) the compounded percentage benefit increases that would have been paid if all increases under paragraph (2) had been made on the basis of the CPI increase percentage,

"(ii) dividing the difference by the sum of the compounded percentage in subdivision (I) and 100 percent, and

"(iii) multiplying such quotient by 100 and rounding to the nearest one-tenth of 1 percent,

with the compounded increases referred to in subdivisions (I) and (II) being measured—

"(iv) in the case of amounts described in subdivision (I) of paragraph (2)(A)(ii), over the period beginning with the calendar year in which monthly benefits described in such subdivision were first increased on the basis of the wage increase percentage and ending with such subsequent calendar year, and

"(v) in the case of amounts described in subdivisions (II) and (III) of paragraph (2)(A)(ii), over the period beginning with the calendar year in which the individual whose primary insurance amount is increased under such subdivision (II) initially became eligible for an old-age or disability insurance benefit, or died before becoming so eligible, and ending with such subsequent calendar year;

except that if the Secretary determines in any case that the application (in accordance with subparagraph (C)) of the additional percentage as computed under the preceding provisions of this subparagraph would cause the OASDI fund ratio to fall below 32.0 percent in the calendar year immediately following such subsequent year, he shall reduce such applicable additional percentage to the extent necessary to ensure that the OASDI fund ratio will remain at or above 32.0 percent through the end of such following year.

"(C) Any applicable additional percentage increase in an amount described in subdivision (I), (II), or (III) of paragraph (2)(A)(ii), made under this paragraph in any calendar year, shall thereafter be treated for all the purposes of this Act as a part of the increase made in such amount under paragraph (2) for that year.".

(d)(1) Section 215(i)(2)(C) of such Act is amended by adding at the end thereof the following new clause:

"(iii) The Secretary shall determine and promulgate the OASDI fund ratio and the SSA wage index for each calendar year before November 1 of that year, based upon the most recent data then available, and shall include a statement of such fund ratio and wage index (and of the effect such ratio and the level of such index may have upon benefit increases under this subsection) in any notification made under clause (ii) and any determination published under subparagraph (D).".

(2) Section 215(i)(4) of such Act (as amended by section 111(b)(1) of this Act) is further amended by striking out "section 111(b)(2)" and inserting in lieu thereof "sections 111(b)(2) and 112".

(e) The amendments made by the preceding provisions of this section shall apply with respect to monthly benefits under title II of the Social Security Act for months after December 1984.

(f) Notwithstanding anything to the contrary in section 215(i)(1)(F) of the Social Security Act (as added by subsection (a)(4) of this section), the combined balance in the Trust Funds which is to be used in determining the "OASDI fund ratio" with respect to the calendar year 1985 under such section shall be the estimated combined balance in such Funds as of the close of that year (rather than as of its beginning), including the taxes transferred under section 201(a) on the first day of the year following that year.

ELIMINATION OF WINDFALL BENEFITS FOR INDIVIDUALS RECEIVING PENSIONS FROM NONCOVERED EMPLOYMENT

SEC. 113. (a) Section 215(a) of the Social Security Act is amended by adding at the end thereof the following new paragraph:

"(7)(A) In the case of an individual whose primary insurance amount would be computed under paragraph (1) of this subsection, who—

"(i) attains age 62 after 1985 (except where he or she became entitled to a disability insurance benefit before 1986 and remained so entitled in any of the 12 months immediately preceding his or her attainment of age 62), or

"(ii) would attain age 62 after 1985 and becomes eligible for a disability insurance benefit after 1985,

and who first becomes eligible after 1985 for a monthly periodic payment (including a payment determined under subparagraph (C), but excluding a payment under the Railroad Retirement Act of 1974 or 1937) which is based in whole or in part upon his or her earnings for service which did not constitute 'employment' as defined in section 210 for purposes of this title (hereafter in this paragraph and in subsection (d)(5) referred to as 'noncovered service'), the primary insurance amount of that individual during his or her concurrent entitlement to such monthly periodic payment and to old-age or disability insurance benefits shall be computed or recomputed under subparagraph (B) with respect to the initial month in which the individual becomes eligible for such benefits.

"(B)(i) If paragraph (1) of this subsection would apply to such an individual (except for subparagraph (A) of this paragraph), there shall first be computed an amount equal to the individual's primary insurance amount under the preceding paragraphs of this subsection, except that for purposes of such computation the percentage of the individual's average indexed monthly earnings established by subparagraph (A)(i) of paragraph (1) shall be the percent specified in clause (ii). There shall then be computed (without regard to this paragraph) a second amount, which shall be equal to the individual's primary insurance amount under the preceding paragraphs of this subsection, except that such second amount shall be reduced by an amount equal to one-half of the portion of the monthly periodic payment which is attributable to noncovered service performed after 1956 (with such attribution being based on the proportionate number of years of such noncovered service) and to which the individual is entitled (or is deemed to be entitled) for the initial month of his or her eligibility for old-age or disability insurance benefits. The individual's primary insurance amount shall be the larger of the two amounts computed under this subparagraph (before the application of subsection (i)) and shall be deemed to be computed under paragraph (1) of this subsection for the purpose of applying other provisions of this title.

"(ii) For purposes of clause (i), the percent specified in this clause is—

"(I) 80.0 percent with respect to individuals who initially become eligible for old-age or disability insurance benefits in 1986;

"(II) 70.0 percent with respect to individuals who so become eligible in 1987;

"(III) 60.0 percent with respect to individuals who so become eligible in 1988;

"(IV) 50.0 percent with respect to individuals who so become eligible in 1989; and

"(V) 40.0 percent with respect to ipdividuals who so become eligible in 1990 or thereafter.

"(C)(i) Any periodic payment which otherwise meets the requirements of subparagraph (A), but which is paid on other than a monthly basis, shall be allocated on a basis equivalent to a monthly payment (as determined by the Secretary), and such equivalent monthly payment shall constitute a monthly periodic payment for purposes of this paragraph.

"(ii) In the case of an individual who has elected to receive a periodic payment that has been reduced so as to provide a survivors benefit to any other individual, the payment shall be deemed to be increased (for purposes of any computation under this paragraph or subsection (d)(5)) by the amount of such reduction.

"(iii) If an individual to whom subparagraph (A) applies is eligible for a periodic payment beginning with a month that is subsequent to the month in which he or she becomes eligible for old-age or disability insurance benefits, the amount of that payment (for purposes of subparagraph (B)) shall be deemed to be the amount to which he or she is, or is deemed to be, entitled (subject to clauses (i), (ii), and (iv) of this subparagraph) in such subsequent month.

"(iv) For purposes of this paragraph, the term 'periodic payment' includes a payment payable in a lump sum if it is a commutation of, or a substitute for, periodic payments.".

"(D) This paragraph shall not apply in the case of an individual who has 30 years or more of coverage (as defined in paragraph (1)(C)(ii)). In the case of an individual who has more than 24 years of coverage but less than 30 years of coverage (as so defined), the percent specified in the applicable subdivision (if such percent is smaller than the percent specified in whichever of the following clauses applies) be deemed to be—

"(i) 80 percent, in the case of an individual who has 29 of such years of coverage;

"(ii) 70 percent, in the case of an individual who has 28 of such years;

"(iii) 60 percent, in the case of an individual who has 27 of such years; and

"(iv) 50 percent, in the case of an individual who has 26 of such years.

"(E) This paragraph shall not apply in the case of an individual who on January 1, 1984—

"(i) is an employee performing service to which social security coverage is extended on that date solely by reason of the amendments made by section 101 of the Social Security Amendments of 1983; or

"(ii) is an employee of a nonprofit organization which (on December 31, 1983) did not have in effect a waiver certificate under section 3121(k) of the Internal Revenue Code of 1954 and to the employees of which social security coverage is extended on that date solely by reason of the amendments made by section 102 of that Act, unless social security

coverage had previously extended to service performed by such individual as an employee of that organization under a waiver certificate which was subsequently (prior to December 31, 1983) terminated.".

(b) Section 215(d) of such Act is amended by adding at the end thereof the following new paragraph:

"(5) In the case of an individual whose primary insurance amount is not computed under paragraph (1) of subsection (a) by reason of paragraph (4)(B)(ii) of that subsection, who—

"(A) attains age 62 after 1985 (except where he or she became entitled to a disability insurance benefit before 1986, and remained so entitled in any of the 12 months immediately preceding his or her attainment of age 62), or

"(B) would attain age 62 after 1985 and becomes eligible for a disability insurance benefit after 1985, and who first becomes eligible after 1985 for a monthly periodic payment (including a payment determined under subsection (a)(7)(C), but excluding a payment under the Railroad Retirement Act of 1974 or 1937) which is based (in whole or in part) upon his or her earnings in noncovered service, the primary insurance amount of such individual during his or her concurrent entitlement to such monthly periodic payment and to old-age or disability insurance benefits shall be the primary insurance amount computed or recomputed under this subsection (without regard to this paragraph and before the application of subsection (i)) reduced by an amount equal to the smaller of—

"(i) one-half of the primary insurance amount (computed without regard to this paragraph and before the application of subsection (i)), or

"(ii) one-half of the portion of the monthly periodic payment (or payment determined under subsection (a)(7)(C)) which is attributable to noncovered service performed after 1956 (with such attribution being based on the proportionate number of years of such noncovered service) and to which that individual is entitled (or is deemed to be entitled) for the initial month of his or her eligibility for old-age or disability insurance benefits.

This paragraph shall not apply in the case of any individual to whom subsection (a)(7) would not apply by reason of subparagraph (E) or the first sentence of subparagraph (D) thereof.

(c) Section 215(f) of such Act is amended by adding at the end thereof the following new paragraph:

"(9)(A) In the case of an individual who becomes entitled to a periodic payment determined under subsection (a)(7)(A) (including a payment determined under subsection (a)(7)(C)) in a month subsequent to the first month in which he or she becomes entitled to an old-age or disability insurance benefit, and whose primary insurance amount has been computed without regard to either such subsection or subsection (d)(5), such individual's primary insurance amount shall be recomputed, in accordance with either such subsection or subsection (d)(5), as may be applicable, effective with the first month of his or her concurrent entitlement to such benefit and such periodic payment.

"(B) If an individual's primary insurance amount has been computed under subsection (a)(7) or (d)(5), and it becomes necessary to recompute that primary insurance amount under this subsection—

"(i) so as to increase the monthly benefit amount payable with respect to such primary insurance amount (except in the case of the individual's death), such increase shall be determined as though such primary insurance amount had initially been computed without regard to subsection (a)(7) or (d)(5), or

"(ii) by reason of the individual's death, such primary insurance amount shall be recomputed without regard to (and as though it had never been computed with regard to) subsection (a)(7) or (d)(5).".

(d) Sections 202(e)(2) and 202(f)(3) of such Act are each amended by striking out "section 215(f)(5) or (6)" wherever it appears and inserting in lieu thereof "section 215(f)(5), 215(f)(6), or 215(f)(9)(B)".

INCREASE IN OLD-AGE INSURANCE BENEFIT AMOUNTS ON ACCOUNT OF DELAYED RETIREMENT

SEC. 114. (a) Section 202(w)(1)(A) of the Social Security Act is amended to read as follows:

"(A) the applicable percentage (as determined under paragraph (6)) of such amount, multiplied by".

(b) Section 202(w) of such Act is further amended by adding at the end thereof the following new paragraph:

"(6) For purposes of paragraph (1)(A), the 'applicable percentage' is—

"(A) 1/12 of 1 percent in the case of an individual who first becomes eligible for an old-age insurance benefit in any calendar year before 1979;

"(B) 1/4 of 1 percent in the case of an individual who first becomes eligible for an old-age insurance benefit in any calendar year after 1978 and before 1987;

"(C) in the case of an individual who first becomes eligible for an old-age insurance benefit in a calendar year after 1986 and before 2005, a percentage equal to the applicable percentage in effect under this paragraph for persons who first became eligible for an old-age insurance benefit in the preceding calendar year (as increased pursuant to this subparagraph), plus 1/24 of 1 percent if the calendar year in which that particular individual first becomes eligible for such benefit is not evenly divisible by 2; and

"(D) 2/3 of 1 percent in the case of an individual who first becomes eligible for an old-age insurance benefit in a calendar year after 2004.".

PART C—REVENUE PROVISIONS

SEC. 121. TAXATION OF SOCIAL SECURITY AND TIER 1 RAILROAD RETIREMENT BENEFITS.

(a) GENERAL RULE.—Part II of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to amounts specifically included in gross income) is amended by redesignating section 86 as section 87 and by inserting after section 85 the following new section:

"SEC. 86. SOCIAL SECURITY AND TIER 1 RAILROAD RETIREMENT BENEFITS.

"(a) IN GENERAL.—Gross income for the taxable year of any taxpayer described in subsection (b) includes social security benefits in an amount equal to the lesser of—

"(1) one-half of the social security benefits received during the taxable year, or

"(2) one-half of the excess described in subsection (b)(1).

"(b) TAXPAYERS TO WHOM SUBSECTION (a) APPLIES.—

"(1) IN GENERAL.—A taxpayer is described in this subsection if—

"(A) the sum of—

"(i) the modified adjusted gross income of the taxpayer for the taxable year, plus

"(ii) one-half of the social security benefits received during the taxable year, exceeds

"(B) the base amount.

"(2) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this subsection, the term 'modified adjusted gross income' means adjusted gross income—

"(A) determined without regard to this section and sections 221 911, 931, and 933, and

"(B) increased by the amount of interest received or accrued by the taxpayer during the taxable year which is exempt from tax.

"(c) BASE AMOUNT.—For purposes of this section, the term 'base amount' means—

"(1) except as otherwise provided in this subsection, $25,000,

"(2) $32,000, in the case of a joint return, and

"(3) zero, in the case of a taxpayer who—

"(A) is married at the close of the taxable year (within the meaning of section 143) but does not file a joint return for such year, and

"(B) does not live apart from his spouse at all times during the taxable year.

"(d) SOCIAL SECURITY BENEFIT.—

"(1) IN GENERAL.—For purposes of this section, the term 'social security benefit' means any amount received by the taxpayer by reason of entitlement to—

"(A) a monthly benefit under title II of the Social Security Act, or

"(B) a tier 1 railroad retirement benefit.

For purposes of the preceding sentence, the amount received by any taxpayer shall be determined as if the Social Security Act did not contain section 203(i) thereof.

"(2) ADJUSTMENT FOR REPAYMENTS DURING YEAR.—

"(A) IN GENERAL.—For purposes of this section, the amount of social security benefits received during any taxable year shall be reduced by any repayment made by the taxpayer during the taxable year of a social security benefit previously received by the taxpayer (whether or not such benefit was received during the taxable year).

"(B) DENIAL OF DEDUCTION.—If (but for this subparagraph) any portion of the repayments referred to in subparagraph (A) would have been allowable as a deduction for the taxable year under section 165, such portion shall be allowable as a deduction only to the extent it exceeds the social security benefits received by the taxpayer during the taxable year (and not repaid during such taxable year).

"(3) WORKMEN'S COMPENSATION BENEFITS SUBSTITUTED FOR SOCIAL SECURITY BENEFITS.—For purposes of this section, if, by reason of section 224 of the Social Security Act (or by reason of section 3(a)(1) of the Railroad Retirement Act of 1974), any social security benefit is reduced by reason of the receipt of a benefit under a workmen's compensation act, the term 'social security benefit' includes that portion of such benefit received under the workmen's compensation act which equals such reduction.

"(4) TIER 1 RAILROAD RETIREMENT BENEFIT.—For purposes of paragraph (1), the term 'tier 1 railroad retirement benefit' means a monthly benefit under section 3(a), 4(a), or 4(f) of the Railroad Retirement Act of 1974.

"(e) LIMITATION ON AMOUNT INCLUDED WHERE TAXPAYER RECEIVES LUMP-SUM PAYMENT.—

"(1) LIMITATION.—If—

"(A) any portion of a lump-sum payment of social security benefits received during the taxable year is attributable to prior taxable years, and

"(B) the taxpayer makes an election under this subsection for the taxable year,

then the amount included in gross income under this section for the taxable year by

reason of the receipt of such portion shall not exceed the sum of the increases in gross income under this chapter for prior taxable years which would result solely from taking into account such portion in the taxable years to which it is attributable.

"(2) SPECIAL RULES.—

"(A) YEAR TO WHICH BENEFIT ATTRIBUTABLE.—For purposes of this subsection, a social security benefit is attributable to a taxable year if the generally applicable payment date for such benefit occurred during such taxable year.

"(B) ELECTION.—An election under this subsection shall be made at such time and in such manner as the Secretary shall by regulations prescribe. Such election, once made, may be revoked only with the consent of the Secretary.

"(f) TREATMENT AS PENSION OR ANNUITY FOR CERTAIN PURPOSES.—For purposes of—

"(1) section 43(c)(2) (defining earned income),

"(2) section 219(f)(1) (defining compensation),

"(3) section 221(b)(2) (defining earned income), and

"(4) section 911(b)(1) (defining foreign earned income),

any social security benefit shall be treated as an amount received as a pension or annuity."

(b) INFORMATION REPORTING.—Subpart B of part III of subchapter A of chapter 61 of such Code (relating to information concerning transactions with other persons) is amended by adding at the end thereof the following new section:

"SEC. 6050F. RETURNS RELATING TO SOCIAL SECURITY BENEFITS.

"(a) REQUIREMENT OF REPORTING.—The appropriate Federal official shall make a return, according to the forms and regulations prescribed by the Secretary, setting forth—

"(1) the—

"(A) aggregate amount of social security benefits paid with respect to any individual during any calendar year,

"(B) aggregate amount of social security benefits repaid by such individual during such calendar year, and

"(C) aggregate reductions under section 224 of the Social Security Act (or under section 3(a)(1) of the Railroad Retirement Act of 1974) in benefits which would otherwise have been paid to such individual during the calendar year on account of amounts received under a workmen's compensation act, and

"(2) the name and address of such individual.

"(b) STATEMENTS TO BE FURNISHED TO INDIVIDUALS WITH RESPECT TO WHOM INFORMATION IS FURNISHED.—Every person making a return under subsection (a) shall furnish to each individual whose name is set forth in such return a written statement showing—

"(1) the name of the agency making the payments, and

"(2) the aggregate amount of payments, of repayments, and of reductions, with respect to the individual as shown on such return.

The written statement required under the preceding sentence shall be furnished to the individual on or before January 31 of the year following the calendar year for which the return under subsection (a) was made.

"(c) DEFINITIONS.—For purposes of this section—

"(1) APPROPRIATE FEDERAL OFFICIAL.—The term 'appropriate Federal official' means—

"(A) the Secretary of Health and Human Services in the case of social security benefits described in section 86(d)(1)(A), and

"(B) the Railroad Retirement Board in the case of social security benefits described in section 86(d)(1)(B).

"(2) SOCIAL SECURITY BENEFIT.—The term 'social security benefit' has the meaning given to such term by section 86(d)(1)."

(c) TREATMENT OF NONRESIDENT ALIENS.—

(1) AMENDMENT OF SECTION 871(a).—Subsection (a) of section 871 of such Code (relating to tax on income not connected with United States business) is amended by adding at the end thereof the following new paragraph:

"(3) TAXATION OF SOCIAL SECURITY BENEFITS.—For purposes of this section and section 1441—

"(A) one-half of any social security benefit (as defined in section 86(d)) shall be included in gross income, and

"(B) section 86 shall not apply."

(2) AMENDMENT OF SECTION 1441.—Section 1441 of such Code (relating to withholding of tax on nonresident aliens) is amended by adding at the end thereof the following new subsection:

"(g) CROSS REFERENCE.—

"For provision treating one-half of social security benefits as subject to withholding under this section, see section 871(a)(3)."

(3) DISCLOSURE OF INFORMATION TO SOCIAL SECURITY ADMINISTRATION OR RAILROAD RETIREMENT BOARD.—

(A) IN GENERAL.—Subsection (h) of section 6103 of such Code (relating to disclosure to certain Federal officers and employees for purposes of tax administration, etc.) is amended by adding at the end thereof the following new paragraph:

"(6) WITHHOLDING OF TAX FROM SOCIAL SECURITY BENEFITS.—Upon written request of the payor agency, the Secretary may disclose available return information from the master files of the Internal Revenue Service with respect to the address and status of an individual as a nonresident alien or as a citizen or resident of the United States to the Social Security Administration or the Railroad Retirement Board (whichever is appropriate) for purposes of carrying out its responsibilities for withholding tax under section 1441 from social security benefits (as defined in section 86(d))."

(B) CONFORMING AMENDMENT.—Paragraph (4) of section 6103(p) of such Code (relating to safeguards) is amended by inserting "(h)(6)," after "(h)(2)," in the material preceding subparagraph (A) and in subparagraph (F)(ii), thereof.

(C) DISCLOSURE BY FINANCIAL INSTITUTIONS.—Section 1113 of the Right to Financial Privacy Act of 1978 (92 Stat. 3706; 12 U.S.C. 3413) is amended by adding at the end thereof the following new subsection:

"(k)(1) Nothing in this title shall apply to the disclosure by the financial institution of the name and address of any customer to the Department of the Treasury, the Social Security Administration, or the Railroad Retirement Board, where the disclosure of such information is necessary to, and such information is used solely for the purpose of, the proper administration of section 1441 of the Internal Revenue Code of 1954, title II of the Social Security Act, or the Railroad Retirement Act of 1974.

"(2) Notwithstanding any other provision of law, any request authorized by paragraph (1) (and the information contained therein) may be used by the financial institution or its agents solely for the purpose of providing the customer's name and address to the Department of the Treasury, the Social Security Administration, or the Railroad Retirement Board and shall be barred from redisclosure by the financial institution or its agents."

(d) SOCIAL SECURITY BENEFITS TREATED AS UNITED STATES SOURCED.—Subsection (a) of section 861 of such Code (relating to income from sources within the United States) is amended by adding at the end thereof the following new paragraph:

"(8) SOCIAL SECURITY BENEFITS.—Any social security benefit (as defined in section 86(d))."

(e) TRANSFERS TO TRUST FUNDS.—

(1) IN GENERAL.—There are hereby appropriated to each payor fund amounts equivalent to the aggregate increase in tax liabilities under chapter 1 of the Internal Revenue Code of 1954 which is attributable to the application of sections 86 and 871(a)(3) of such Code (as added by this section) to payments from such payor fund.

(2) TRANSFERS.—The amounts appropriated by paragraph (1) to any payor fund shall be transferred from time to time (but not less frequently than quarterly) from the general fund of the Treasury on the basis of estimates made by the Secretary of the Treasury of the amounts referred to in such paragraph. Any such quarterly payment shall be made on the first day of such quarter and shall take into account social security benefits estimated to be received during such quarter. Proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(3) DEFINITIONS.—For purposes of this subsection—

(A) PAYOR FUND.—The term "payor fund" means any trust fund or account from which payments of social security benefits are made.

(B) SOCIAL SECURITY BENEFITS.—The term "social security benefits" has the meaning given such term by section 86(d)(1) of the Internal Revenue Code of 1954.

(4) REPORTS.—The Secretary of the Treasury shall submit annual reports to the Congress and to the Secretary of Health and Human Services and the Railroad Retirement Board on—

(A) the transfers made under this subsection during the year, and the methodology used in determining the amount of such transfers and the funds or account to which made, and

(B) the anticipated operation of this subsection during the next 5 years.

(f) TECHNICAL AMENDMENTS.—

(1) Subsection (a) of section 85 of such Code is amended by striking out "this section," and inserting in lieu thereof "this section, section 86,".

(2) Subparagraph (B) of section 128(c)(3) of such Code (as in effect for taxable years beginning after December 31, 1984) is amended by striking out "85," and inserting in lieu thereof "85, 86,".

(3) The table of sections for part II of subchapter B of chapter 1 of such Code is amended by striking out the item relating to section 86 and inserting in lieu thereof the following:

"Sec. 86. Social security and tier 1 railroad retirement benefits.

"Sec. 87. Alcohol fuel credit."

(4) The table of sections for subpart B of part III of subchapter A of chapter 61 of such Code is amended by adding at the end thereof the following new item:

"Sec. 6050F. Returns relating to social security benefits."

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to benefits received after December 31, 1983, in taxable years ending after such date.

(2) TREATMENT OF CERTAIN LUMP-SUM PAYMENTS RECEIVED AFTER DECEMBER 31, 1983.—The amendments made by this section shall not apply to any portion of a lump-sum payment of social security benefits (as defined in section 86(d) of the Internal Revenue Code of 1954) received after December 31, 1983, if the generally applicable payment date for such portion was before January 1, 1984.

SEC. 122. CREDIT FOR THE ELDERLY AND THE PERMANENTLY AND TOTALLY DISABLED.

(a) GENERAL RULE.—Section 37 of the Internal Revenue Code of 1954 (relating to credit for the elderly) is amended to read as follows:

"SEC. 37. CREDIT FOR THE ELDERLY AND THE PERMANENTLY AND TOTALLY DISABLED.

"(a) GENERAL RULE.—In the case of a qualified individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 15 percent of such individual's section 37 amount for such taxable year.

"(b) QUALIFIED INDIVIDUAL.—For purposes of this section, the term 'qualified individual' means any individual—

"(1) who has attained age 65 before the close of the taxable year, or

"(2) who retired on disability before the close of the taxable year and who, when he retired, was permanently and totally disabled.

"(c) SECTION 37 AMOUNT.—For purposes of subsection (a)—

"(1) IN GENERAL.—An individual's section 37 amount for the taxable year shall be the applicable initial amount determined under paragraph (2), reduced as provided in paragraph (3) and in subsection (d).

"(2) INITIAL AMOUNT—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the initial amount shall be—

"(i) $5,000 in the case of a single individual, or a joint return where only one spouse is a qualified individual,

"(ii) $7,500 in the case of a joint return where both spouses are qualified individuals, or

"(iii) $3,750 in the case of a married individual filing a separate return.

"(B) LIMITATION IN CASE OF INDIVIDUALS WHO HAVE NOT ATTAINED AGE 65.—

"(i) IN GENERAL.—In the case of a qualified individual who has not attained age 65 before the close of the taxable year, except as provided in clause (ii), the initial amount shall not exceed the disability income for the taxable year.

"(ii) SPECIAL RULES IN CASE OF JOINT RETURN.—In the case of a joint return where both spouses are qualified individuals and at least one spouse has not attained age 65 before the close of the taxable year—

"(I) if both spouses have not attained age 65 before the close of the taxable year, the initial amount shall not exceed the sum of such spouses' disability income, or

"(II) if one spouse has attained age 65 before the close of the taxable year, the initial amount shall not exceed the sum of $5,000 plus the disability income for the taxable year of the spouse who has not attained age 65 before the close of the taxable year.

"(iii) DISABILITY INCOME.—For purposes of this subparagraph, the term 'disability income' means the aggregate amount includable in the gross income of the individual for the taxable year under section 72 or 105(a) to the extent such amount constitutes wages (or payments in lieu of wages) for the period during which the individual is absent from work on account of permanent and total disability.

"(3) REDUCTION.—

"(A) IN GENERAL.—The reduction under this paragraph is an amount equal to the sum of the amounts received by the individual (or, in the case of a joint return, by either spouse) as a pension or annuity or as a disability benefit—

"(i) which is excluded from gross income and payable under—

"(I) title II of the Social Security Act,

"(II) the Railroad Retirement Act of 1974, or

"(III) a law administered by the Veterans' Administration, or

"(ii) which is excluded from gross income under any provision of law not contained in this title.

No reduction shall be made under clause (i) (III) for any amount described in section 104(a)(4).

"(B) TREATMENT OF CERTAIN WORKMEN'S COMPENSATION BENEFITS.—For purposes of subparagraph (A), any amount treated as a social security benefit under section 86(d)(3) shall be treated as a disability benefit received under title II of the Social Security Act.

"(d) LIMITATIONS.—

"(1) ADJUSTED GROSS INCOME LIMITATION.—If the adjusted gross income of the taxpayer exceeds—

"(A) $7,500 in the case of a single individual,

"(B) $10,000 in the case of a joint return, or

"(C) $5,000 in the case of a married individual filing a separate return,

the section 37 amount shall be reduced by one-half of the excess of the adjusted gross income over $7,500, $10,000, or $5,000, as the case may be.

"(2) LIMITATION BASED ON AMOUNT OF TAX.—The amount of the credit allowed by this section for the taxable year shall not exceed the amount of the tax imposed by this chapter for such taxable year.

"(e) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) MARRIED COUPLE MUST FILE JOINT RETURN.—Except in the case of a husband and wife who live apart at all times during the taxable year, if the taxpayer is married at the close of the taxable year, the credit provided by this section shall be allowed only if the taxpayer and his spouse file a joint return for the taxable year.

"(2) MARITAL STATUS.—Marital status shall be determined under section 143.

"(3) PERMANENT AND TOTAL DISABILITY DEFINED.—An individual is permanently and totally disabled if he is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months. An individual shall not be considered to be permanently and totally disabled unless he furnishes proof of the existence thereof in such form and manner, and at such times, as the Secretary may require.

"(f) NONRESIDENT ALIEN INELIGIBLE FOR CREDIT.—No credit shall be allowed under this section to any nonresident alien."

(b) REPEAL OF EXCLUSION FOR CERTAIN DISABILITY PAYMENTS.—Subsection (d) of section 105 of such Code (relating to certain disability payments) is hereby repealed.

(c) CONFORMING AMENDMENTS.—

(1) Sections 41(b)(2), 44A(b)(2), 46(a)(4)(B), 53(a)(2), and 904(g) of such Code are each amended by striking out "relating to credit for the elderly" and inserting in lieu thereof "relating to credit for the elderly and the permanently and totally disabled".

(2) Subsection (a) of section 85 of such Code is amended by striking out ", section 105(d),".

(3) Subparagraph (B) of section 128(c)(3) of such Code (as in effect for taxable years beginning after December 31, 1984) is amended by striking out "105(d),".

(4) Paragraph (3) of section 403(b) of such Code is amended by striking out "sections 105(d) and 911" and inserting in lieu thereof "section 911".

(5) Clause (i) of section 415(c)(3)(C) of such Code is amended by striking out "section 105(d)(4)" and inserting in lieu thereof "section 37(e)(3)".

(6) Paragraph (6) of section 7871(a) of such Code is amended by striking out subparagraph (A), and by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively.

(7) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by striking out the item relating to section 37 and inserting in lieu thereof the following:

"Sec. 37. Credit for the elderly and the permanently and totally disabled."

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 1983.

(2) TRANSITIONAL RULE.—If an individual's annuity starting date was deferred under section 105(d)(6) of the Internal Revenue Code of 1954 (as in effect on the day before the date of the enactment of this section), such deferral shall end on the first day of such individual's first taxable year beginning after December 31, 1983.

SEC. 123. ACCELERATION OF INCREASES IN FICA TAXES; 1984 EMPLOYEE TAX CREDIT.

(a) ACCELERATION OF INCREASES IN FICA TAXES.—

(1) TAX ON EMPLOYEES.—Subsection (a) of section 3101 of the Internal Revenue Code of 1954 (relating to rate of tax on employees for old-age, survivors, and disability insurance) is amended by striking out paragraphs (1) through (7) and inserting in lieu thereof the following:

"In cases of wages received during:	The rate shall be:
1984, 1985, 1986, or 1987.....	5.7 percent
1988 or 1989.....	6.06 percent
1990 or thereafter.....	6.2 percent."

(2) EMPLOYER TAX.—Subsection (a) of section 3111 of such Code is amended by striking out paragraphs (1) through (7) and inserting in lieu thereof the following:

"In cases of wages paid during:	The rate shall be:
1984, 1985, 1986, or 1987.....	5.7 percent
1988 or 1989.....	6.06 percent
1990 or thereafter.....	6.2 percent."

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to remuneration paid after December 31, 1983.

(b) 1984 EMPLOYEE TAX CREDIT.—

(1) IN GENERAL.—Chapter 25 of such Code is amended by adding at the end thereof the following new section:

"SEC. 3510. CREDIT FOR INCREASED SOCIAL SECURITY EMPLOYEE TAXES AND RAILROAD RETIREMENT TIER 1 EMPLOYEE TAXES IMPOSED DURING 1984.

"(a) GENERAL RULE.—There shall be allowed as a credit against the tax imposed by section 3101(a) on wages received during 1984 an amount equal to 3/10 of 1 percent of the wages so received.

"(b) TIME CREDIT ALLOWED.—The credit under subsection (a) shall be taken into account in determining the amount of the tax deducted under section 3102(a).

"(c) WAGES.—For purposes of this section, the term 'wages' has the meaning given to such term by section 3121(a).

"(d) APPLICATION TO AGREEMENTS UNDER SECTION 218 OF THE SOCIAL SECURITY ACT.—For purposes of determining amounts equivalent to the tax imposed by section 3101(a) with respect to remuneration which—

"(1) is covered by an agreement under section 218 of the Social Security Act, and

"(2) is paid during 1984,

the credit allowed by subsection (a) shall be taken into account. A similar rule shall also apply in the case of an agreement under section 3121(l).

"(e) CREDIT AGAINST RAILROAD RETIREMENT EMPLOYEE AND EMPLOYEE REPRESENTATIVE TAXES.—

"(1) IN GENERAL.—There shall be allowed as a credit against the taxes imposed by sections 3201(a) and 3211(a) on compensation paid during 1984 and subject to such taxes at rates determined by reference to section 3101 an amount equal to 3/10 of 1 percent of such compensation.

"(2) TIME CREDIT ALLOWED.—The credit under paragraph (1) shall be taken into account in determining the amount of the tax deducted under section 3202(a) (or the amount of the tax under section 3211(a)).

"(3) COMPENSATION.—For purposes of this subsection, the term 'compensation' has the meaning given to such term by section 3231(e).

"(f) COORDINATION WITH SECTION 6413(c).—For purposes of subsection (c) of section 6413, in determining the amount of the tax imposed by section 3101 or 3201, any credit allowed by this section shall be taken into account."

(2) CLERICAL AMENDMENT.—The table of sections for chapter 25 of such Code is amended by adding at the end thereof the following new item.

"Sec. 3510. Credit for increased social security employee taxes and railroad retirement tier 1 employee taxes imposed during 1984."

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to remuneration paid during 1984.

(4) DEPOSITS IN SOCIAL SECURITY TRUST FUNDS.—For purposes of subsection (h) of section 218 of the Social Security Act (relating to deposits in social security trust funds of amounts received under section 218 agreements), amounts allowed as a credit pursuant to subsection (d) of section 3510 of the Internal Revenue Code of 1954 (relating to credit for remuneration paid during 1984 which is covered under an agreement under section 218 of the Social Security Act) shall be treated as amounts received under such an agreement.

(5) DEPOSITS IN RAILROAD RETIREMENT ACCOUNT.—For purposes of subsection (a) of section 15 of the Railroad Retirement Act of 1974, amounts allowed as a credit under subsection (e) of section 3510 of the Internal Revenue Code of 1954 shall be treated as amounts covered into the Treasury under subsection (a) of section 3201 of such Code.

SEC. 124. TAXES ON SELF-EMPLOYMENT INCOME; CREDIT AGAINST SUCH TAXES FOR YEARS BEFORE 1990; DEDUCTION OF SUCH TAXES FOR YEARS AFTER 1989.

(a) INCREASE IN RATES.—Subsections (a) and (b) of section 1401 of the Internal Revenue Code of 1954 (relating to rates of tax on self-employment income) are amended to read as follows:

"(a) OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE.—In addition to other taxes, there shall be imposed for each taxable year, on the self-employment income of every individual, a tax equal to the following percent of the amount of the self-employment income for such taxable year:

"In the case of a taxable year		Percent:
Beginning after:	And before:	
December 31, 1983.	January 1, 1988.	11.40
December 31, 1987.	January 1, 1990.	12.12
December 31, 1989.	.....	12.40

"(b) HOSPITAL INSURANCE.—In addition to the tax imposed by the preceding subsection, there shall be imposed for each taxable year, on the self-employment income of every individual, a tax equal to the following percent of the amount of the self-employment income for such taxable year:

"In the case of a taxable year		Percent:
Beginning after:	And before:	
December 31, 1983.	January 1, 1985.	2.60
December 31, 1984.	January 1, 1996.	2.70
December 31, 1985.	.....	2.90"

(b) CREDIT FOR YEARS BEFORE 1990 AGAINST SELF-EMPLOYMENT TAXES.—Section 1401 of such Code is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) CREDIT AGAINST TAXES IMPOSED BY THIS SECTION.—

"(1) IN GENERAL.—In the case of a taxable year beginning before 1990, there shall be allowed as a credit against the taxes imposed by this section for any taxable year an amount equal to the applicable percentage of the self-employment income of the individual for such taxable year.

"(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage shall be determined in accordance with the following table:

"In the case of taxable years beginning in:	The applicable percentage is:
1984	2.7
1985	2.3
1986, 1987, 1988, or 1989	2.0."

(c) ALLOWANCE OF DEDUCTION FOR YEARS AFTER 1989 FOR ONE-HALF OF TAXES ON SELF-EMPLOYMENT INCOME.—

(1) IN GENERAL.—Section 164 of such Code (relating to deduction for taxes) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) DEDUCTION FOR ONE-HALF OF SELF-EMPLOYMENT TAXES.—

"(1) IN GENERAL.—In the case of an individual, in addition to the taxes described in subsection (a), there shall be allowed as a deduction for the taxable year an amount equal to one-half of the taxes imposed by section 1401 for such taxable year.

"(2) DEDUCTION TREATED AS ATTRIBUTABLE TO TRADE OR BUSINESS.—For purposes of this chapter, the deduction allowed by paragraph (1) shall be treated as attributable to a trade or business carried on by the taxpayer which does not consist of the performance of services by the taxpayer as an employee."

(2) ALTERNATIVE DEDUCTION ALLOWED IN COMPUTING SELF-EMPLOYMENT TAXES.—Subsection (a) of section 1402 of such Code (defining net earnings from self-employment) is amended by striking out "and" at the end of paragraph (11), by redesignating paragraph (12) as paragraph (13), and by inserting after paragraph (11) the following new paragraph:

"(12) in lieu of the deduction provided by section 164(f) (relating to deduction for one-half of self-employment taxes), there shall be allowed a deduction equal to the product of—

"(A) the taxpayer's net earnings from self-employment for the taxable year (determined without regard to this paragraph), and

"(B) one-half of the sum of the rates imposed by subsections (a) and (b) of section 1401 for such year; and".

(3) Conforming amendment to Social Security Act.—Subsection (a) of section 211 of the Social Security Act is amended by striking out "and" at the end of paragraph (10), by redesignating paragraph (11) as paragraph (12), and by inserting after paragraph (10) the following new paragraph:

"(11) In lieu of the deduction provided by section 164(f) of the Internal Revenue Code of 1954 (relating to deduction for one-half of self-employment taxes), there shall be allowed a deduction equal to the product of—

"(A) the taxpayer's net earnings from self-employment for the taxable year (determined without regard to this paragraph), and

"(B) one-half of the sum of the rates imposed by subsections (a) and (b) of section 1401 of such Code for such year; and".

(4) Section 164(f) deduction taken into account in computing earned income.—

(A) Subparagraph (A) of section 401(c)(2) of such Code (defining earned income) is amended by striking out "and" at the end of clause (iv), by striking out the period at the end of clause (v) and inserting in lieu thereof ", and", and by inserting after clause (v) the following new clause:

"(vi) with regard to the deduction allowed to the taxpayer by section 164(f)."

(B) Clause (ii) of section 43(c)(2)(A) of such Code is amended by inserting before the period ", but such net earnings shall be determined with regard to the deduction allowed to the taxpayer by section 164(f)".

(5) CONFORMING AMENDMENT.—Subsection (a) of section 275 of such Code (relating to denial of deduction for certain taxes) is amended by adding at the end thereof the following new sentence:

"Paragraph (1) shall not apply to any taxes to the extent such taxes are allowable as a deduction under section 164(f)."

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 1983.

(2) SUBSECTION (c).—The amendments made by subsection (c) shall apply to taxable years beginning after December 31, 1989.

SEC. 125. TREATMENT OF CERTAIN FACULTY PRACTICE PLANS.

(a) GENERAL RULE.—For purpose of subsection (s) of section 3121 of the Internal Revenue Code of 1954 (relating to concurrent employment by 2 or more employers)—

(1) the following entities shall be deemed to be related corporations:

(A) a State university which employs health professionals as faculty members at a medical school, and

(B) a faculty practice plan described in section 501(c)(3) of such Code and exempt from tax under section 501(a) of such Code—

(i) which employs faculty members of such medical school, and

(ii) 30 percent or more of the employees of which are concurrently employed by such medical school; and

(2) remuneration which is disbursed by such faculty practice plan to a health professional employed by both such entities shall be deemed to have been actually disbursed by such university as a common paymaster and not to have been actually disbursed by such faculty practice plan.

(b) EFFECTIVE DATE.—The provisions of subsection (a) shall apply to remuneration paid after December 31, 1983.

ALLOCATIONS TO DISABILITY INSURANCE TRUST FUND

SEC. 125. (a) Section 201(b)(1) of the Social Security Act is amended by striking out clauses (K) through (M) and inserting in lieu thereof the following: "(K) 1.65 per centum of the wages (as so defined) paid after December 31, 1981, and before January 1, 1983, and so reported, (L) 1.25 per centum of the wages (as so defined) paid after December 31, 1982, and before January 1, 1984, and so reported, (M) 1.00 per centum of the wages (as so defined) paid after December 31, 1983, and before January 1, 1988, and so reported, (N) 1.06 per centum of the wages (as so defined) paid after December 31, 1987, and before January 1, 1990, and so reported, (O) 1.20 per centum of the wages (as so defined) paid after December 31, 1989, and before January 1, 2000, and so reported, and (P) 1.42 per centum of the wages (as so defined) paid after December 31, 1999, and so reported,".

(b) Section 201(b)(2) of such Act is amended by striking out clauses (K) through (M) and inserting in lieu thereof the following: "(K) 1.2375 per centum of the amount of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1981, and before January 1, 1983, (L) 0.9375 per centum of the amount of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1982, and before January 1, 1984, (M) 1.00 per centum of the amount of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1983, and before January 1, 1988, (N) 1.08 per centum of the self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1987, and before January 1, 1990, (O) 1.20 per centum of the amount of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1989, and before January 1, 2000, and (P) 1.42 per centum of the self-employment income (as so defined) so reported for any taxable year begining after December 31, 1999,".

PART D—BENEFITS FOR CERTAIN SURVIVING, DIVORCED, AND DISABLED SPOUSES

BENEFITS FOR SURVIVING DIVORCED SPOUSES AND DISABLED WIDOWS AND WIDOWERS WHO REMARRY

SEC. 131. (a)(1) Section 202(e)(3) of the Social Security Act is repealed.

(2) Section 202(e)(4) of such Act is amended to read as follows:

"(4) For purposes of paragraph (1), if—

"(A) a widow or surviving divorced wife marries after attaining age 60 (or after attaining age 50 if she was entitled before such marriage occurred to benefits based on disability under this subsection), or

"(B) a disabled widow or disabled surviving divorced wife described in paragraph (1)(B)(ii) marries after attaining age 50,

such marriage shall be deemed not to have occurred.".

(3)(A) Section 202(e) of such Act is further amended by redesignating paragraph (4) (as amended by paragraph (2) of this subsection), and paragraphs (5) through (8), as paragraphs (3) through (7), respectively.

(B) Section 202(e)(1)(B)(ii) of such Act is amended by striking out "(5)" and inserting in lieu thereof "(4)".

(C) Section 202(e)(1)(F) of such Act is amended by striking out "(6)" in clause (i) and "(5)" in clause (ii) and inserting in lieu thereof "(5)" and "(4)", respectively.

(D) Section 202(e)(2)(A) of such Act is amended by striking out "(8)" and inserting in lieu thereof "(7)".

(E) The paragraph of section 202(e) of such Act redesignated as paragraph (5) by subparagraph (A) of this paragraph is amended by striking out "(5)" and inserting in lieu thereof "(4)".

(F) The paragraph of such section 202(e) redesignated as paragraph (7) by subparagraph (A) of this paragraph is amended by striking out "(4)" and inserting in lieu thereof "(3)".

(G) Section 202(k) of such Act is amended by striking out "(e)(4)" each place it appears in paragraphs (2)(B) and (3)(B) and inserting in lieu thereof "(e)(3)".

(H) Section 226(e)(1)(A) of such Act is amended by striking out "202(e)(5)" and inserting in lieu thereof "202(e)(4)".

(b)(1) Section 202(f)(4) of such Act is repealed.

(2) Section 202(f)(5) of such Act is amended to read as follows:

"(5) For purposes of paragraph (1), if—

"(A) a widower marries after attaining age 60 (or after attaining age 50 if he was entitled before such marriage occurred to benefits based on disability under this subsection), or

"(B) a disabled widower described in paragraph (1)(B)(ii) marries after attaining age 50,

such marriage shall be deemed not to have occurred.".

(3)(A) Section 202(f) of such Act is further amended by redesignating paragraph (5) (as amended by paragraph (2) of this subsection), and paragraphs (6) through (8), as paragraphs (4) through (7), respectively.

(B) Section 202(f)(1)(B)(ii) of such Act is amended by striking out "(6)" and inserting in lieu thereof "(5)".

(C) Section 202(f)(1)(F) of such Act is amended by striking out "(7)" in clause (i) and "(6)" in clause (ii) and inserting in lieu thereof "(6)" and "(5)", respectively.

(D) Section 202(f)(2)(A) of such Act is amended by striking out "(5)" and inserting in lieu thereof "(4)".

(E) The paragraph of section 202(f) of such Act redesignated as paragraph (6) by subparagraph (A) of this paragraph is amended by striking out "(6)" and inserting in lieu thereof "(5)".

(F) Section 202(k) of such Act is amended by striking out "(f)(5)" each place it appears in paragraphs (2)(B) and (3)(B) and inserting in lieu thereof "(f)(4)".

(G) Section 226(e)(1)(A) of such Act is amended by striking out "202(f)(6)" and inserting in lieu thereof "202(f)(5)".

(c)(1) Section 202(s)(2) of such Act is amended by striking out "Subsection (f)(4), and so much of subsections (b)(3), (d)(5), (e)(3), (g)(3), and (h)(4)" and inserting in lieu thereof "So much of subsections (b)(3), (d)(5), (g)(3), and (h)(4)".

(2) Section 202(s)(3) of such Act is amended by striking out "(e)(3),".

(d)(1) The amendments made by this section shall be effective with respect to monthly benefits payable under title II of the Social Security Act for months after December 1983.

(2) In the case of an individual who was not entitled to a monthly benefit of the type involved under title II of such Act for December 1983, no benefit shall be paid under such title by reason of such amendments unless proper application for such benefit is made.

ENTITLEMENT TO DIVORCED SPOUSE'S BENEFITS WITHOUT REGARD TO ENTITLEMENT OF INSURED INDIVIDUAL TO BENEFITS; EXEMPTION OF DIVORCED SPOUSE'S BENEFITS FROM DEDUCTION ON ACCOUNT OF WORK

SEC. 132. (a) Section 202(b) of the Social Security Act is amended by adding at the end thereof the following new paragraph:

"(5)(A) Notwithstanding the preceding provisions of this subsection, except as provided in subparagraph (B), the divorced wife of an individual who is not entitled to old-age or disability insurance benefits, but who has attained age 62 and is a fully insured individual (as defined in section 214), if such divorced wife—

"(i) meets the requirements of subparagraphs (A) through (D) of paragraph (1), and

"(ii) has been divorced from such insured individual for not less than 2 years,

shall be entitled to a wife's insurance benefit under this subsection for each month, in such amount, and beginning and ending with such months, as determined (under regulations of the Secretary) in the manner otherwise provided for wife's insurance benefits under this subsection, as if such insured individual had become entitled to old-age insurance benefits on the date on which the divorced wife first meets the criteria for entitlement set forth in clauses (i) and (ii).

"(B) A wife's insurance benefit provided under this paragraph which has not otherwise terminated in accordance with subparagraph (E), (F), (H), or (J) of paragraph (1) shall terminate with the month preceding the first month in which the insured individual is no longer a fully insured individual.".

(b)(1)(A) Section 203(b) of such Act is amended—

(i) by inserting "(1)" after "(b)";

(ii) by striking out "(1) such individual's benefit" and "(2) if such individual" and inserting in lieu thereof "(A) such individual's benefit" and "(B) if such individual", respectively;

(iii) by striking out "clauses (1) and (2)" and inserting in lieu thereof "clauses (A) and (B)";

(iv) by striking out "(A) an individual" and "(B) if a deduction" and inserting in

lieu thereof "(i) an individual" and "(ii) if a deduction", respectively; and

(v) by adding at the end thereof the following new paragraph:

"(2) When any of the other persons referred to in paragraph (1)(B) is entitled to monthly benefits as a divorced spouse under section 202 (b) or (c) for any month, and such person has been so divorced for not less than 2 years, the benefit to which he or she is entitled on the basis of the wages and self-employment income of the individual referred to in paragraph (1) for such month shall be determined without regard to deductions under this subsection as a result of excess earnings of such individual, and the benefits of all other individuals who are entitled for such month to monthly benefits under section 202 on the basis of the wages and self-employment income of such individual referred to in paragraph (1) shall be determined as if no such divorced spouse were entitled to benefits for such month.".

(B)(i) Section 203(f)(1) of such Act is amended—

(I) in the first sentence, by inserting "(excluding surviving spouses referred to in subsection (b)(2))" after "all other persons" the first place it appears, and by striking out "all other persons" the second place it appears and inserting in lieu thereof "all such other persons"; and

(II) in the second sentence, by inserting "(excluding divorced spouses referred to in subsection (b)(2))" after "other persons".

(ii) Section 203(f)(7) of such Act is amended by inserting "(excluding divorced spouses referred to in subsection (b)(2))" after "all persons".

(2) Section 203(d)(1) of such Act is amended—

(A) by inserting "(A)" after "(d)(1)"; and

(B) by adding at the end thereof the following new subparagraph:

"(B) When any divorced spouse is entitled to monthly benefits under section 202 (b) or (c) for any month and such divorced spouse has been so divorced for not less than 2 years, the benefit to which he or she is entitled for such month on the basis of the wages and self-employment income of the individual entitled to old-age insurance benefits referred to in subparagraph (A) shall be determined without regard to deduction under this paragraph as a result of excess earnings of such individual, and the benefits of all other individuals who are entitled for such month to monthly benefits under section 202 on the basis of the wages and self-employment income of such individual referred to in subparagraph (A) shall be determined as if no such divorced spouse were entitled to benefits for such month.".

(c)(1) The amendments made by subsection (a) shall apply with respect to monthly insurance benefits for months after December 1984, but only on the basis of applications filed on or after January 1, 1985.

(2) The amendments made by subsection (b) shall apply with respect to monthly insurance benefits for months after December 1984.

INDEXING OF DEFERRED SURVIVING SPOUSE'S BENEFITS TO RECENT WAGE LEVELS

SEC. 133. (a)(1) Section 202(e)(2) of the Social Security Act is amended—

(A) by redesignating subparagraph (B) as subparagraph (D); and

(B) by striking out "(2)(A) Except" and all that follows down through "If such deceased individual" and inserting in lieu thereof the following:

"(2)(A) Except as provided in subsection (q), paragraph (8) of this subsection, and subparagraph (D) of this paragraph, such widow's insurance benefit for each month shall be equal to the primary insurance amount (as determined for purposes of this subsection after application of subparagraphs (B) and (C)) of such deceased individual.

"(B)(i) For purposes of this subsection, in any case in which such deceased individual dies before attaining age 62 and section 215(a)(1) (as in effect after December 1978) is applicable in determining such individual's primary insurance amount—

"(I) such primary insurance amount shall be determined under the formula set forth in section 215(a)(1)(B)(i) and (ii) which is applicable to individuals who initially become eligible for old-age insurance benefits in the second year after the year specified in clause (ii),

"(II) the year specified in clause (ii) shall be substituted for the second calendar year specified in section 215(b)(3)(A)(ii)(I), and

"(III) such primary insurance amount shall be increased under section 215(i) as if it were the primary insurance amount referred to in section 215(i)(2)(A)(ii)(II), except that it shall be increased only for years beginning after the first year after the year specified in clause (ii).

"(ii) The year specified in this clause is the earlier of—

"(I) the year in which the deceased individual attained age 60, or would have attained age 60 had he lived to that age, or

"(II) the second year preceding the year in which the widow or surviving divorced wife first meets the requirements of paragraph (1)(B) or the second year preceding the year in which the deceased individual died, whichever is later.

"(iii) This subparagraph shall apply with respect to any benefit under this subsection only to the extent its application does not result in a primary insurance amount for purposes of this subsection which is less than the primary insurance amount otherwise determined for such deceased individual under section 215.

"(C) If such deceased individual".

(2) Section 202(e) of such Act (as amended by paragraph (1) of this subsection) is further amended—

(A) in paragraph (1)(D) and in the matter in paragraph (1) following subparagraph (F)(ii), by inserting "(as determined after application of subparagraphs (B) and (C) of paragraph (2))" after "primary insurance amount"; and

(B) in paragraph (2)(D)(ii), by inserting "(as determined without regard to subparagraph (C))" after "primary insurance amount".

(b)(1) Section 202(f)(3) of such Act is amended—

(A) by redesignating subparagraph (B) as subparagraph (D); and

(B) by striking out "(3)(A) Except" and all that follows down through "If such deceased individual" and inserting in lieu thereof the following:

"(3)(A) Except as provided in subsection (q), paragraph (2) of this subsection, and subparagraph (D) of this paragraph, such widower's insurance benefit for each month shall be equal to the primary insurance amount (as determined for purposes of this subsection after application of subparagraphs (B) and (C)) of such deceased individual.

"(B)(i) For purposes of this subsection, in any case in which such deceased individual dies before attaining age 62 and section 215(a)(1) (as in effect after December 1978) is applicable in determining such individual's primary insurance amount—

"(I) such primary insurance amount shall be determined under the formula set forth in section 215(a)(1)(B) (i) and (ii) which is applicable to individuals who initially become eligible for old-age insurance benefits in the second year after the year specified in clause (ii),

"(II) the year specified in clause (ii) shall be substituted for the second calendar year specified in section 215(b)(3)(A)(ii)(I), and

"(III) such primary insurance amount shall be increased under section 215(i) as if it were the primary insurance amount referred to in section 215(i)(2)(A)(ii)(II), except that it shall be increased only for years beginning after the first year after the year specified in clause (ii).

"(ii) The year specified in this clause is the earlier of—

"(I) the year in which the deceased individual attained age 60, or would have attained age 60 had she lived to that age, or

"(II) the second year preceding the year in which the widower first meets the requirements of paragraph (1)(B) or the second year preceding the year in which the deceased individual died, whichever is later.

"(iii) This subparagraph shall apply with respect to any benefit under this subsection only to the extent its application does not result in a primary insurance amount for purposes of this subsection which is less than the primary insurance amount otherwise determined for such deceased individual under section 215.

"(C) If such deceased individual".

(2) Section 202(f) of such Act (as amended by paragraph (1) of this subsection) is further amended—

(A) in paragraph (1)(D) and in the matter in paragraph (1) following subparagraph (F)(ii), by inserting "(as determined after application of subparagraphs (B) and (C) of paragraph (3))" after "primary insurance amount"; and

(B) in paragraph (3)(D)(ii), by inserting "(as determined without regard to subparagraph (C))" after "primary insurance amount".

(c) The amendments made by this section shall apply with respect to monthly insurance benefits for months after December 1984 for individuals who first meet all criteria for entitlement to benefits under section 202 (e) or (f) of the Social Security Act (other than making application for such benefits) after December 1984.

LIMITATION ON BENEFIT REDUCTION FOR EARLY RETIREMENT IN CASE OF DISABLED WIDOWS AND WIDOWERS

SEC. 134. (a)(1) Section 202(q)(1) of the Social Security Act is amended by striking out the semicolon at the end of subparagraph (B)(ii) and all that follows and inserting in lieu thereof a period.

(2)(A) Section 202(q)(6) of such Act is amended to read as follows:

"(6) For purposes of this subsection, the 'reduction period' for an individual's old-age, wife's, husband's, widow's, or widower's insurance benefit is the period—

"(A) beginning—

"(i) in the case of an old-age or husband's insurance benefit, with the first day of the first month for which such individual is entitled to such benefit,

"(ii) in the case of a wife's insurance benefit, with the first day of the first month for which a certificate described in paragraph (5)(A)(i) is effective, or

"(iii) in the case of a widow's or widower's insurance benefit, with the first day of the first month for which such individual is entitled to such benefit or the first day of the month in which such individual attains age 60, whichever is the later, and

"(B) ending with the last day of the month before the month in which such individual attains retirement age.".

(B) Section 202(q)(3)(G) of such Act is amended by striking out "paragraph (6)(A) (or, if such paragraph does not apply, the period specified in paragraph (6)(B))" and inserting in lieu thereof "paragraph (6)".

(C) Section 202(q) of such Act is further amended, in paragraphs (1)(B)(i), (3)(E)(ii), and (3)(F)(ii)(I), by striking out "paragraph (6)(A)" and inserting in lieu thereof "paragraph (6)".

(3) Section 202(q)(7) of such Act is amended by striking out the matter preceding subparagraph (A) and inserting in lieu thereof the following:

"(7) For purposes of this subsection, the 'adjusted reduction period' for an individual's old-age, wife's, husband's, widow's, or widower's insurance benefit is the reduction period prescribed in paragraph (6) for such benefit, excluding—".

(4) Section 202(q)(10) of such Act is amended—

(A) in that part of the second sentence preceding clause (A), by striking out "or an additional adjusted reduction period";

(B) in clauses (B)(i) and (C)(i), by striking out ", plus the number of months in the adjusted additional reduction period multiplied by 43/240 of 1 percent";

(C) in clause (B)(ii), by striking out "plus the number of months in the additional reduction period multiplied by 43/240 of 1 percent,"; and

(D) in clause (C)(ii), by striking out "plus the number of months in the adjusted additional reduction period multiplied by 43/240 of 1 percent.".

(b) Section 202(m)(2)(B) of such Act (as applicable after the enactment of section 2 of Public Law 97-123) is amended by striking out "subsection (q)(6)(A)(ii)" and inserting in lieu thereof "subsection (q)(6)(B)".

(c) The amendments made by this section shall apply with respect to benefits for months after December 1983.

PART E—MECHANISMS TO ASSURE CONTINUED BENEFIT PAYMENTS IN UNEXPECTEDLY ADVERSE CONDITIONS

NORMALIZED CREDITING OF SOCIAL SECURITY TAXES TO TRUST FUNDS

SEC. 141. (a)(1) The last sentence of section 201(a) of the Social Security Act is amended—

(A) by striking out "from time to time" each place it appears and inserting in lieu thereof "monthly on the first day of each calendar month"; and

(B) by striking out "paid to or deposited into the Treasury" and inserting in lieu thereof "to be paid to or deposited into the Treasury during such month".

(2) Section 201(a) of such Act is further amended by adding at the end thereof the following new sentence: "All amounts transferred to either Trust Fund under the preceding sentence shall be invested by the Managing Trustee in the same manner and to the same extent as the other assets of such Trust Fund; and such Trust Fund shall pay interest to the general fund on the amount so transferred on the first day of any month at a rate (calculated on a daily basis, and applied against the difference between the amount so transferred on such first day and the amount which would have been transferred to the Trust Fund up to that day under the procedures in effect on January 1, 1983) equal to the rate earned by the investments of such Fund in the same month under subsection (d).".

(b)(1) The last sentence of section 1817(a) of such Act is amended—

(A) by striking out "from time to time" and inserting in lieu thereof "monthly on the first day of each calendar month"; and

(B) by striking out "paid to or deposited into the Treasury" and inserting in lieu thereof "to be paid to or deposited into the Treasury during such month".

(2) Section 1817(a) of such Act is further amended by adding at the end thereof the following new sentence: "All amounts transferred to the Trust Fund under the preceding sentence shall be invested by the Managing Trustee in the same manner and to the same extent as the other assets of the Trust Fund; and the Trust Fund shall pay interest to the general fund on the amount so transferred on the first day of any month at a rate (calculated on a daily basis, and applied against the difference between the amount so transferred on such first day and the amount which would have been transferred to the Trust Fund up to that day under the procedures in effect on January 1, 1983) equal to the rate earned by the investments of the Trust Fund in the same month under subsection (c).".

(c) The amendments made by this section shall become effective on the first day of the month following the month in which this Act is enacted.

INTERFUND BORROWING EXTENSION

SEC. 142. (a)(1) Section 201(l)(1) of the Social Security Act is amended—

(A) by striking out "January 1983" and inserting in lieu thereof "January 1988" and

(B) by inserting after "or" the second place it appears ", subject to paragraph (5),".

(2)(A) Section 201(l)(2) of such Act is amended—

(i) by striking out "from time to time" and inserting in lieu thereof "on the last day of each month after such loan is made";

(ii) by striking out "interest" and inserting in lieu thereof "the total interest accrued to such day"; and

(iii) by striking out "the loan were an investment under subsection (d)" and inserting in lieu thereof "such amount had remained in the Depositary Account established with respect to such lending Trust Fund under subsection (d) or section 1817(c)".

(B) The amendment made by this paragraph shall apply with respect to months beginning more than thirty days after the date of enactment of this Act.

(3) Section 201(l)(3) of such Act is amended—

(A) by inserting "(A)" after the paragraph designation; and

(B) by adding at the end thereof the following new subparagraphs:

"(B)(i) If on the last day of any year after a loan has been made under paragraph (1) by the Federal Hospital Insurance Trust Fund to the Federal Old-Age and Survivors Trust Fund or the Federal Disability Insurance Trust Fund, the Managing Trustee determines that the OASDI trust fund ratio exceeds 15 percent, he shall transfer from the borrowing Trust Fund to the Federal Hospital Insurance Trust Fund on amount that—

"(I) together with any amounts transferred from another borrowing Trust Fund under this paragraph for such year, will reduce the OASDI trust fund ratio ot 15 percent; and

"(II) does not exceed the outstanding balance of such loan.

"(ii) Amounts required to be transferred under clause (i) shall be transferred on the last day of the first month of the year succeeding the year in which the determination described in clause (i) is made.

"(iii) For purposes of this subparagraph, the term 'OASDI trust fund ratio' means, with respect to any calendar year, the ratio of—

"(I) the combined balance in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, reduced by the outstanding amount of any loan (including interest thereon) theretofore made to either such Fund from the Federal Hospital Insurance Trust Fund, as of the last day of such calendar year, to

"(II) the amount estimated by the Secretary to be the total amount to be paid from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund during the calendar year following such calendar year for all purposes authorized by section 201 (other than payments of interest on, and repayments of, loans from the Federal Hospital Insurance Trust Fund under paragraph (1), but excluding any transfer payments between such trust funds and reducing the amount of any transfer to the Railroad Retirement Account by the amount of any transfers into either such trust fund from that Account).

"(C)(i) The full amount of all loans made under paragraph (1) (whether made before or after January 1, 1983) shall be repaid at the earliest feasible date and in any event no later than December 31, 1989.

"(ii) For the period after December 31, 1987, and before January 1, 1990, the Managing Trustee shall transfer each month to the Federal Hospital Insurance Trust Fund from any Trust Fund with any amount outstanding on a loan made from the Federal Hospital Insurance Trust Fund under paragraph (1) an amount not less than an amount equal to (I) the amount owed to the Federal Hospital Insurance Trust Fund by such Trust Fund at the beginning of such month (plus the interest accrued on the outstanding balance of such loan during such month), divided by (II) the number of months elapsing after the preceding month and before January 1990. The Managing Trustee may, during this period, transfer larger amounts than prescribed by the preceding sentence."

(4) Section 201(l) of such Act is further amended by adding at the end thereof the following new paragraph:

"(5)(A) No amounts may be borrowed from the Federal Hospital Insurance Trust Fund under paragraph (1) during any month if the Hospital Insurance Trust Fund ratio for such month is less than 10 percent.

"(B) For purposes of this paragraph, the term 'Hospital Insurance trust fund ratio' means, with respect to any month, the ratio of—

"(i) the balance in the Federal Hospital Insurance Trust Fund, reduced by the outstanding amount of any loan (including interest thereon) theretofore made to such Trust Fund under this subsection, as of the last day of the second month preceding such month, to

"(ii) the amount obtained by multiplying by twelve the total amount which (as estimated by the Secretary) will be paid from the Federal Hospital Insurance Trust Fund during the month for which such ratio is to

be determined (other than payments of interest on, or repayments of loans from another Trust Fund under this subsection), and reducing the amount of any transfers to the Railroad Retirement Account by the amount of any transfer into the Hospital Insurance Trust Fund from that Account.".

(b)(1) Section 1817(j)(1) of such Act is amended—

(A) by striking out "January 1983" and inserting in lieu thereof "January 1988"; and

(B) by inserting ", subject to paragraph (5)," after "may".

(2)(A) Section 1817(j)(2) of such Act is amended—

(i) by striking out "from time to time" and inserting in lieu thereof "on the last day of each month after such loan is made";

(ii) by striking out "interest" and inserting in lieu thereof "the total interest accrued to such day"; and

(iii) by striking out "the loan were an investment under subsection (c)" and inserting in lieu thereof "such amount had remained in the Depositary Account established with respect to such lending Trust Fund under section 201(d)".

(B) The amendment made by this paragraph shall apply with respect to months beginning more than 30 days after the date of enactment of this Act.

(3) Section 1817(j)(3) of such Act is amended—

(A) by inserting "(A)" after the paragraph designation; and

(B) by adding at the end thereof the following new subparagraphs:

"(B)(i) If on the last day of any year after a loan has been made under paragraph (1) by the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund to the Federal Hospital Insurance Trust Fund, the Managing Trustee determines that the Hospital Insurance Trust Fund ratio exceeds 15 percent, he shall transfer from such Trust Fund to the lending trust fund an amount that—

"(I) together with any amounts transferred to another lending trust fund under this paragraph for such year, will reduce Hospital Insurance Trust Fund ratio to 15 percent; and

"(II) does not exceed the outstanding balance of such loan.

"(ii) Amounts required to be transferred under clause (i) shall be transferred on the last day of the first month of the year succeeding the year in which the determination described in clause (i) is made.

"(iii) For purposes of this subparagraph, the term 'Hospital Insurance Trust Fund ratio' means, with respect to any calendar year, the ratio of—

"(I) the balance in the Federal Hospital Insurance Trust Fund, reduced by the amount of any outstanding loan (including interest thereon) from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as of the last day of such calendar year; to

"(II) the amount estimated by the Secretary to be the total amount to be paid from the Federal Hospital Insurance Trust Fund during the calendar year following such calendar year (other than payments of interest on, and repayments of, loans from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund under paragraph (1)), and reducing the amount of any transfer to the Railroad Retirement Account by the amount of any transfers into such Trust Fund from the Railroad Retirement Account.

"(C)(i) The full amount of all loans made under paragraph (1) (whether made before or after January 1, 1983) shall be repaid at the earliest feasible date and in any event no later than December 31, 1989.".

"(ii) For the period after December 31, 1987 and before January 1, 1990, the Managing Trustee shall transfer each month from the Federal Hospital Insurance Trust Fund to any Trust Fund that is owed any amount by the Federal Hospital Insurance Trust Fund on a loan made under paragraph (1), an amount not less than an amount equal to (I) of the amount owed to such Trust fund by the Federal Hospital Insurance Trust Fund at the beginning of such month (plus the interest accrued on the outstanding balance of such loan during such month), divided by (II) the number of months elapsing after the preceding month and before January 1990. The Managing Trustee may, during this period, transfer larger amounts than prescribed by the preceding sentence.".

(4) Section 1817(j) of such Act is further amended by adding at the end thereof the following new paragraph:

"(5)(A) No amounts may be loaned by the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund under paragraph (1) during any month if the OASDI trust fund ratio for such month is less than 10 percent.

"(B) For purposes of this paragraph, the term 'OASDI trust fund ratio' means, with respect to any month, the ratio of—

"(i) the combined balance in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, reduced by the outstanding amount of any loan (including interest thereon) theretofore made to either such Trust Fund from the Federal Hospital Insurance Trust Fund under section 201(l), as of the last day of the second month preceding such month, to

"(ii) the amount obtained by multiplying by twelve the total amount which (as estimated by the Secretary) will be paid from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund during the month for which such ratio is to be determined for all purposes authorized by section 201 (other than payments of interest on, or repayments of, loans from the Federal Hospital Insurance Trust Fund under section 201(l)), but excluding any transfer payments between such trust funds and reducing the amount of any transfers to the Railroad Retirement Account by the amount of any transfers into either such trust fund from that Account.".

RECOMMENDATIONS BY BOARD OF TRUSTEES TO REMEDY INADEQUATE BALANCES IN THE SOCIAL SECURITY TRUST FUNDS

SEC. 143. Title VII of the Social Security Act is amended by adding at the end thereof the following new section:

"RECOMMENDATIONS BY BOARD OF TRUSTEES TO REMEDY INADEQUATE BALANCES IN THE SOCIAL SECURITY TRUST FUNDS

SEC. 709. (a) If the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund determines at any time that the balance ratio of such Trust Fund for any calendar year may become less than 20 percent, the Board shall promptly submit to each House of the Congress a report setting forth its recommendations for statutory adjustments affecting the receipts and disbursements of such Trust Fund necessary to maintain the balance ratio of such Trust Fund at not less than 20 percent, with due regard to the economic conditions which created such inadequacy and the amount of time necessary to alleviate such inadequacy in a prudent manner. The report shall set forth specifically the extent to which benefits would have to be reduced, taxes under sections 1401, 3101, or 3111 of the Internal Revenue Code of 1954 would have to be increased, or a combination thereof, in order to obtain the objectives referred to in the preceding sentence.

"(b) For purposes of this section, the term 'balance ratio' means, with respect to any calendar year in connection with any Trust Fund referred to in subsection (a), the ratio of—

"(1) the balance in such Trust Fund, reduced by the outstanding amount of any loan (including interest thereon) theretofore made to such Trust Fund under section 201(1), as of the beginning of each year, to

"(2) the total amount which (as estimated by the Secretary) will be paid from such Trust Fund during such calendar year for all purposes authorized by section 201, 1817, or 1841 (as applicable), other than payments of interest on, or payments of, loans under section 201(1), but excluding any transfer payments between such Trust Fund and any other Trust Fund referred to in subsection (a) and reducing the amount of any transfers to the Railroad Retirement Account by the amount of any transfers into such Trust Fund from that Account.".

PART F—OTHER FINANCING AMENDMENTS

FINANCING OF NONCONTRIBUTORY MILITARY WAGE CREDITS

SEC. 151. (a) Section 217(g) of the Social Security Act is amended to read as follows:

"Appropriation to Trust Funds

"(g)(1) Within thirty days after the date of the enactment of the Social Security Amendments of 1983, the Secretary shall determine the amount equal to the excess of—

"(A) the actuarial present value as of such date of enactment of the past and future benefit payments from the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, and the Federal Hospital Insurance Trust Fund under this title and title XVIII, together with associated administrative costs, resulting from the operation of this section (other than this subsection) and section 210 of this Act as in effect before the enactment of the Social Security Act Amendments of 1950, over

"(B) any amounts previously transferred from the general fund of the Treasury to such Trust Funds pursuant to the provisions of this subsection as in effect immediately before the date of the enactment of the Social Security Act Amendments of 1983.

Such actuarial present value shall be based on the relevant actuarial assumptions set forth in the report of the Board of Trustees of each such Trust Fund for 1983 under sections 201(c) and 1817(b). Within thirty days after the date of the enactment of the Social Security Act Amendments of 1983, the Secretary of the Treasury shall transfer the amount determined under this paragraph with respect to each such Trust Fund to such Trust Fund from amounts in the general fund of the Treasury not otherwise appropriated.

"(2) The Secretary shall revise the amount determined under paragraph (1) with respect to each such Trust Fund in 1985 and each fifth year thereafter, as determined appropriate by the Secretary from data which becomes available to him after the date of

the determination under paragraph (1) on the basis of the amount of benefits and administrative expenses actually paid from such Trust Fund under this title or title XVIII and the relevant actuarial assumptions set forth in the report of the Board of Trustees of such Trust Fund for such year under section 201(c) or 1817(b). Within 30 days after any such revision, the Secretary of the Treasury, to the extent provided in advance in appropriation Acts, shall transfer to such Trust Fund, from amounts in the general fund of the Treasury not otherwise appropriated, or from such Trust Fund to the general fund of the Treasury, such amounts as the Secretary of the Treasury determines necessary to compensate for such revision.".

(b)(1) Section 229(b) of such Act is amended to read as follows:

"(b) There are authorized to be appropriated to each of the Trust Funds, consisting of the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, and the Federal Hospital Insurance Trust Fund, for transfer on July 1 of each calendar year to such Trust Fund from amounts in the general fund in the Treasury not otherwise appropriated, an amount equal to the total of the additional amounts which would be appropriated to such Trust Fund for the fiscal year ending September 30 of such calendar year under section 201 or 1817 of this Act if the amounts of the additional wages deemed to have been paid for such calendar year by reason of subsection (a) constituted remuneration for employment (as defined in section 3121(b) of the Internal Revenue Code of 1954) for purposes of the taxes imposed by sections 3101 and 3111 of the Internal Revenue Code of 1954. Amounts authorized to be appropriated under this subsection for transfer on July 1 of each calendar year shall be determined on the basis of estimates of the Secretary of the wages deemed to be paid for such calendar year under subsection (a); and proper adjustments shall be made in amounts authorized to be appropriated for subsequent transfer to the extent prior estimates were in excess of or were less than such wages so deemed to be paid.".

(2) The amendment made by paragraph (1) shall be effective with respect to wages deemed to have been paid for calendar years after 1983.

(3)(A) Within thirty days after the date of the enactment of this Act, the Secretary of Health and Human Services shall determine the additional amounts which would have been appropriated to the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, and the Federal Hospital Insurance Trust Fund under sections 201 and 1817 of the Social Security Act if the additional wages deemed to have been paid under section 229(a) of the Social Security Act prior to 1984 had constituted remuneration for employment (as defined in section 3121(b) of the Internal Revenue Code of 1954) for purposes of the taxes imposed by sections 3101 and 3111 of the Internal Revenue Code of 1954, and the amount of interest which would have been earned on such amounts if they had been so appropriated.

(B)(i) Within thirty days after the date of the enactment of this Act, the Secretary of the Treasury shall transfer to each such Trust Fund, from amounts in the general fund of the Treasury not otherwise appropriated, an amount equal to the amount determined with respect to such Trust Fund under subparagraph (A), less any amount appropriated to such Trust Fund pursuant to the provisions of section 229(b) of the Social Security Act prior to the date of the determination made under subparagraph (A) with respect to wages deemed to have been paid for calendar years prior to 1984.

(ii) The Secretary of Health and Human Services shall revise the amount determined under clause (i) with respect to each such Trust Fund within one year after the date of the transfer made to such Trust Fund under clause (i), as determined appropriate by such Secretary from data which becomes available to him after the date of the transfer under clause (i). Within 30 days after any such revision, the Secretary of the Treasury shall transfer to such Trust Fund, from amounts in the general fund of the Treasury not otherwise appropriated, or from such Trust Fund to the general fund of the Treasury, such amounts as the Secretary of Health and Human Services certifies as necessary to take into account such revision.

CREDITING AMOUNTS OF UNNEGOTIATED CHECKS TO TRUST FUNDS

SEC. 153. (a) The Secretary of the Treasury shall take such actions as may be necessary to ensure that amounts of checks for benefits under title II of the Social Security Act which have not been presented for payment within a reasonable length of time (not to exceed twelve months) after issuance are credited to the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund, whichever may be the fund from which the check was issued, to the extent provided in advance in appropriation Acts. Amounts of any such check shall be recharged to the fund from which they were issued if payment is subsequently made on such check.

(b)(1) The Secretary of the Treasury shall transfer from the general fund of the Treasury to the Federal Old-Age and Survivors Insurance Trust Fund and to the Federal Disability Insurance Trust Fund, as appropriate, as soon as possible after the date of the enactment of this Act, such sums as may be necessary to reimburse such Trust Funds in the total amounts of all currently unnegotiated benefit checks (including interest thereon), to the extent provided in advance in appropriation Acts. After the amounts appropriated by this subsection have been transferred to the Trust Funds, the provisions of subsection (a) shall be applicable.

(2) As used in paragraph (1), the term "currently unnegotiated benefit checks" means the checks issued under title II of the Social Security Act prior to the date of the enactment of this Act, which remain unnegotiated after the twelfth month following the date on which they were issued.

FLOAT PERIODS

SEC. 154. (a) The Secretary of Health and Human Services and the Secretary of the Treasury shall jointly undertake, as soon as possible after the date of the enactment of this Act, a thorough study with respect to the period of time (hereafter in this section referred to as the "float period") between the issuance of checks from the general fund of the Treasury in payment of monthly insurance benefits under title II of the Social Security Act and the transfer to the general fund from the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund, as applicable, of the amounts necessary to compensate the general fund for the issuance of such checks. Each such Secretary shall consult the other regularly during the course of the study and shall, as appropriate, provide the other with such information and assistance as he may require.

(b) The study shall include—

(1) an investigation of the feasibility and desirability of maintaining the float periods which are allowed as of the date of the enactment of this section in the procedures governing the payment of monthly insurance benefits under title II of the Social Security Act, and of the general feasibility and desirability of making adjustments in such procedures with respect to float periods; and

(2) a separate investigation of the feasibility and desirability of providing, as a specific form of adjustment in such procedures with respect to float periods, for the transfer each day to the general fund of the Treasury from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as appropriate, of amounts equal to the amounts of the checks referred to in subsection (a) which are paid by the Federal Reserve Banks on such day.

(c) In conducting the study required by subsection (a), the Secretaries shall consult, as appropriate, the Director of the Office of Management and Budget, and the Director shall provide the Secretaries with such information and assistance as they may require. The Secretaries shall also solicit the views of other appropriate officials and organizations.

(d)(1) Not later than six months after the date of the enactment of this Act, the Secretaries shall submit to the President and the Congress a report of the findings of the investigation required by subsection (b)(1), and the Secretary of the Treasury shall by regulation make such adjustments in the procedures governing the payment of monthly insurance benefits under title II of the Social Security Act with respect to float periods (other than adjustments in the form described in subsection (b)(2)) as may have been found in such investigation to be necessary or appropriate.

(2) Not later than twelve months after the date of the enactment of this Act, the Secretaries shall submit to the President and the Congress a report of the findings of the separate investigation required by subsection (b)(2), together with their recommendations with respect thereto; and, to the extent necessary or appropriate to carry out such recommendations, the Secretary of the Treasury shall by regulation make adjustments in the procedures with respect to float periods in the form described in such subsection.

TRUST FUND TRUSTEES' REPORTS

Sec. 155. (a) The next to last sentence of section 201(c) of the Social Security Act is amended by striking out "Such report shall also include" and inserting in lieu thereof the following: "Such report shall include an actuarial opinion by the Chief Actuary of the Social Security Administration certifying that the techniques and methodologies used are generally accepted within the actuarial profession and that the assumptions and cost estimates used are reasonable, and shall also include".

(b) Section 1817(b) of such Act is amended by inserting immediately before the last sentence the following new sentence: "Such report shall also include an actuarial opinion by the Chief Actuarial Officer of the Health Care Financing Administration certifying that the techniques and methodologies used are generally accepted within the actuarial profession and that the assumptions and cost estimates used are reasonable.".

(c) Section 1841(b) of such Act is amended by inserting immediately before the last sentence the following new sentence: "Such report shall also include an actuarial opinion by the Chief Actuarial Officer of the Health Care Financing Administration certifying that the techniques and methodologies used are generally accepted within the actuarial profession and that the assumptions and cost estimates used are reasonable.".

(d) Notwithstanding sections 201(c)(2), 1817(b)(2), and 1841(b)(2) of the Social Security Act, the annual reports of the Boards of Trustees of the Trust Funds which are required in the calendar year 1983 under those sections may be filed at any time not later than forty-five days after the date of the enactment of this Act.

(e) The amendments made by this section shall take effect on the date of the enactment of this Act.

TITLE II—ADDITIONAL PROVISIONS RELATING TO LONG-TERM FINANCING OF THE SOCIAL SECURITY SYSTEM

INCREASE IN RETIREMENT AGE

SEC. 201. (a) Section 216 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"Retirement Age

"(l)(1) The term 'retirement age' means—

"(A) with respect to an individual who attains early retirement age (as defined in paragraph (2)) before January 1, 2000, 65 years of age;

"(B) with respect to an individual who attains early retirement age after December 31, 1999, and before January 1, 2005, 65 years of age plus the number of months in the age increase factor (as determined under paragraph (3)) for the calendar year in which such individual attains early retirement age;

"(C) with respect to an individual who attains early retirement age after December 31, 2004, and before January 1, 2017, 66 years of age;

"(D) with respect to an individual who attains early retirement age after December 31, 2016, and before January 1, 2022, 66 years of age plus the number of months in the age increase factor (as determined under paragraph (3)) for the calendar year in which such individual attains early retirement age; and

"(E) with respect to an individual who attains early retirement age after December 31, 2021, 67 years of age.

"(2) The term 'early retirement age' means age 62 in the case of an old-age, wife's, or husband's insurance benefit, and age 60 in the case of a widow's or widower's insurance benefit.

"(3) The age increase factor for any individual who attains early retirement age in a calendar year within the period to which subparagraph (B) or (D) of paragraph (1) applies shall be determined as follows:

"(A) With respect to an individual who attains early retirement age in the 5-year period consisting of the calendar years 2000 through 2004, the age increase factor shall be equal to two-twelfths of the number of months in the period beginning with January 2000 and ending with December of the year in which the individual attains early retirement age.

"(B) With respect to an individual who attains early retirement age in the 5-period consisting of the calendar years 2017 through 2021, the age increase factor shall be equal to two-twelfths of the number of months in the period beginning with January 2017 and ending with December of the year in which the individual attains early retirement age."

(b)(1) Section 202(q)(9) of such Act is amended to read as follows:

"(9) The amount of the reduction for early retirement specified in paragraph (1)—

"(A) for old-age insurance benefits, wife's insurance benefits, and husband's insurance benefits, shall be the amount specified in such paragraph for the first 36 months of the reduction period (as defined in paragraph (6)) or adjusted reduction period (as defined in paragraph (7)), and five-twelfths of 1 percent for any additional months included in such periods; and

"(B) for widow's insurance benefits and widower's insurance benefits, shall be periodically revised by the Secretary such that—

"(i) the amount of the reduction at early retirement age as defined in section 216(a) shall be 28.5 percent of the full benefit; and

"(ii) the amount of the reduction for each month in the reduction period (specified in paragraph (6)) or the adjusted reduction period (specified in paragraph (7)) shall be established by linear interpolation between 28.5 percent at the month of attainment of early retirement age and 0 percent at the month of attainment of retirement age.".

Section 202(q)(1) of such Act is amended by striking out "If" and inserting in lieu thereof "Subject to paragraph (9), if".

(c) Title II of the Social Security Act is further amended—

(1) by striking out "age 65" or "age of 65", as the case may be, each place it appears in the following sections and inserting in lieu thereof in each instance "retirement age (as defined in section 216(l))":

(A) subsections (a), (b), (c), (d), (e), (f), (q), (r), and (w) of section 202;

(B) subsections (c) and (f) of section 203;

(C) subsection (f) of section 215;

(D) subsections (h) and (i) of section 216, and

(E) section 223(a); and

(2) by striking out "age sixty-five" in section 203(c) and inserting in lieu thereof "retirement age (as defined in section 216(l))"; and

(3) by striking out "age of sixty-five" in section 223(a) and inserting in lieu thereof "retirement age (as defined in section 216(l))".

(d) The Secretary shall conduct a comprehensive study and analysis of the implications of the changes made by this section in retirement age in the case of those individuals (affected by such changes) who, because they are engaged in physically demanding employment or because they are unable to extend their working careers for health reasons, may not benefit from improvements in longevity. The Secretary shall submit to the Congress no later than January 1, 1986, a full report on the study and analysis. Such report shall include any recommendations for legislative changes, including recommendations with respect to the provision of protection against the risks associated with early retirement due to health considerations, which the Secretary finds necessary or desirable as a result of the findings contained in this study.

TITLE III—MISCELLANEOUS AND TECHNICAL PROVISIONS

PART A—ELIMINATION OF GENDER-BASED DISTINCTIONS

DIVORCED HUSBANDS

SEC. 301. (a)(1) Section 202(c)(1) of the Social Security Act is amended, in the matter preceding subparagraph (A), by inserting "and every divorced husband (as defined in section 216(d))" before "of an individual" and by inserting "or such divorced husband" after "if such husband".

(2) Section 202(c)(1) of such Act is further amended—

(A) by striking out "and" at the end of subparagraph (B);

(B) by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

"(C) in the case of a divorced husband, is not married, and"; and

(C) by striking out the matter following subparagraph (D) (as so redesignated) and inserting in lieu thereof the following:

"shall be entitled to a husband's insurance benefit for each month, beginning with—

"(i) in the case of a husband or divorced husband (as so defined) of an individual who is entitled to an old-age insurance benefit, if such husband or divorced husband has attained age 65, the first month in which he meets the criteria specified in subparagraphs (A), (B), (C), and (D), or

"(ii) in the case of a husband or divorced husband (as so defined) of—

"(I) an individual entitled to old-age insurance benefits, if such husband or divorced husband has not attained age 65, or

"(II) an individual entitled to disability insurance benefits,

the first month throughout which he is such a husband or divorced husband and meets the criteria specified in subparagraphs (B), (C), and (D) (if in such month he meets the criterion specified in subparagraph (A)),

whichever is earlier, and ending with the month preceding the month to which any of the following occurs:

"(E) he dies,

"(F) such individual dies,

"(G) in the case of a husband, they are divorced and either (i) he has not attained age 62, or (ii) he has attained age 62 but has not been married to such individual for a period of 10 years immediately before the divorce became effective,

"(H) in the case of a divorced husband, he marries a person other than such individual,

"(I) he becomes entitled to an old-age or disability insurance benefit based on a primary insurance amount which is equal to or exceeds one-half of the primary insurance amount of such individual, or

"(J) such individual is not entitled to disability insurance benefits and is not entitled to old-age insurance benefits.".

(3) Section 202(c)(3) of such Act is amended by inserting "(or, in the case of a divorced husband, his former wife)" before "for such month".

(4) Section 202(c) of such Act is further amended by adding after paragraph (3) the following new paragraph:

"(4) In the case of any divorced husband who marries—

"(A) an individual entitled to benefits under subsection (b), (e), (g), or (h) of this section, or

"(B) an individual who has attained the age of 18 and is entitled to benefits under subsection (d), by reason of paragraph (1)(B)(ii) thereof,

such divorced husband's entitlement to benefits under this subsection, notwithstanding the provisions of paragraph (1) (but subject to subsection (s)), shall not be terminated by reason of such marriage.".

(5) Section 202(c) of such Act is further amended by adding after paragraph (4) (as added by paragraph (4) of this subsection) the following new paragraph:

"(5)(A) Notwithstanding the preceding provisions of this subsection, except as provided in subparagraph (B), the divorced husband of an individual who is not entitled to old-age or disability insurance benefits, but who has attained age 62 and is a fully insured individual (as defined in section 214), if such divorced husband—

"(i) meets the requirements of subparagraphs (A) through (D) of paragraph (1), and

"(ii) has been divorced from such insured individual for not less than 2 years,

shall be entitled to a husband's insurance benefit under this subsection for each month, in such amount, and beginning and ending with such months, as determined (under regulations of the Secretary) in the manner otherwise provided for husband's insurance benefits under this subsection, as if such insured individual had become entitled to old-age insurance benefits on the date on which the divorced husband first meets the criteria for entitlement set forth in classes (i) and (ii).

"(B) A husband's insurance benefit provided under this paragraph which has not otherwise terminated in accordance with subparagraph (E), (F), (H), or (I) of paragraph (1) shall terminate with the month preceding the first month in which the insured individual is no longer a fully insured individual.".

(6) Section 202(c)(2)(A) of such Act is amended by inserting "(or divorced husband)" after "payable to such husband".

(7) Section 202(b)(3)(A) of such Act is amended by striking out "(f)" and inserting in lieu thereof "(c), (f),".

(8) Section 202(c)(1)(D) of such Act (as redesignated by paragraph (2) of this subsection) is amended by striking out "his wife" and inserting in lieu thereof "such individual".

(9) Section 202(d)(5)(A) of such Act is amended by inserting "(c)," after "(b),".

(b)(1) Section 202(f)(1) of such Act is amended, in the matter preceding subparagraph (A), by inserting "and every surviving divorced husband (as defined in section 216(d))" before "of an individual" and by inserting "or such surviving divorced husband" after "if such widower".

(2) Section 202(f)(1) of such Act is further amended by striking out "his deceased wife" in subparagraph (D) and in the matter following subparagraph (F) and inserting in lieu thereof "such deceased individual".

(3) Section 202(f)(3)(B)(ii)(II) of such Act (as amended by section 133(b)(1)(B) of this Act) is amended by inserting "or surviving divorced husband" after "widower".

(4) Paragraph (3)(D) of section 202(f) of such Act (as redesignated by section 133(b)(1)(A) of this Act), and paragraphs (4), (5), and (6) of such section (as redesignated by section 131(b)(3)(A) of this Act), are each amended by inserting "or surviving divorced husband" after "widower" wherever it appears.

(5) Paragraph (3)(D) of section 202(f) of such Act (as redesignated by section 133(b)(1)(A) of this Act) is further amended by striking out "wife" wherever it appears and inserting in lieu thereof "individual".

(6) Section 202(g)(3)(A) of such Act is amended by inserting "(c)," before "(f),".

(7) Section 202(h)(4)(A) of such Act is amended by inserting "(c)," before "(e),".

(c)(1) Section 216(d) of such Act is amended by redesignating paragraph (4) as paragraph (6), and by inserting after paragraph (3) the following new paragraphs:

"(4) The term 'divorced husband' means a man divorced from an individual, but only if he had been married to such individual for a period of 10 years immediately before the date the divorce became effective.

"(5) The term 'surviving divorced husband' means a man divorced from an individual who has died, but only if he had been married to the individual for a period of 10 years immediately before the divorce became effective.".

(2) The heading of section 216(d) of such Act is amended to read as follows:

"Divorced Spouses; Divorce".

(d)(1) Section 205(b) of such Act is amended by inserting "divorced husband," after "husband,", and by inserting "surviving divorced husband," after "widower,".

(2) Section 205(c)(1)(C) of such Act is amended by inserting "surviving divorced husband," after "wife,".

REMARRIAGE OF SURVIVING SPOUSE BEFORE AGE OF ELIGIBILITY

SEC. 302. Section 202(f)(1)(A) of the Social Security Act is amended by striking out "has not remarried" and inserting in lieu thereof "is not married".

ILLEGITIMATE CHILDREN

SEC. 303. (a) Section 216(h)(3) of the Social Security Act is amended by inserting "mother or" before "father" wherever it appears.

(b) Section 216(h)(3)(A)(ii) of such Act is amended by striking out all that follows "time" and inserting in lieu thereof "such applicant's application for benefits was filed;".

(c) Section 216(h)(3)(B)(ii) of such Act is amended by striking out "such period of disability began" and inserting in lieu thereof "such applicant's application for benefits was filed".

(d) Section 216(h)(3) of such Act is further amended—

(1) by striking out "his" wherever it appears and inserting in lieu thereof "his or her"; and

(2) by striking out "he" in subparagraph (B) and inserting in lieu thereof "he or she".

TRANSITIONAL INSURED STATUS

SEC. 304. (a) Section 227(a) of the Social Security Act is amended—

(1) by striking out "wife" wherever it appears and inserting in lieu thereof "spouse";

(2) by striking out "wife's" wherever it appears and inserting in lieu thereof "spouse's";

(3) by striking out "she" wherever it appears and inserting in lieu thereof "he or she";

(4) by striking out "his" and inserting in lieu thereof "the"; and

(5) by inserting "or section 202(c)" after "section 202(b)" wherever it appears.

(b) Section 227(b) and section 227(c) of such Act are amended—

(1) by striking out "widow" wherever it appears and inserting in lieu thereof "surviving spouse";

(2) by striking out "widow's" wherever it appears and inserting in lieu thereof "surviving spouse's";

(3) by striking out "her" wherever it appears and inserting in lieu thereof "the"; and

(4) by inserting "or section 202(f)" after "section 202(e)" wherever it appears.

(c) Section 216 of such Act is amended by inserting before subsection (b) the following new subsection:

"Spouse; Surviving Spouse

"(a)(1) The term 'spouse' means a wife as defined in subsection (b) or a husband as defined in subsection (f).

"(2) The term 'surviving spouse' means a widow as defined in subsection (c) or a widower as defined in subsection (g).".

EQUALIZATION OF BENEFITS UNDER SECTION 228

SEC. 305. (a) Section 228(b) of the Social Security Act is amended—

(1) by striking out "(1) Except as provided in paragraph (2), the" and inserting in lieu thereof "The"; and

(2) by striking out paragraph (2).

(b) Section 228(c)(2) of such Act is amended by striking out "(B) the larger of" and all that follows and inserting in lieu thereof "(B) the benefit amount as determined without regard to this subsection.".

(c) Section 228(c)(3) of such Act is amended to read as follows:

"(3) In the case of a husband or wife both of whom are entitled to benefits under this section for any month, the benefit amount of each spouse, after any reduction under paragraph (1), shall be further reduced (but not below zero) by the excess (if any) of (A) the total amount of any periodic benefits under governmental pension systems for which the other spouse is eligible for such month, over (B) the benefit amount of such other spouse as determined without regard to this subsection.".

(d) Section 228 of such Act is further amended—

(1) by striking out "he" wherever it appears in subsections (a) and (c)(1) and inserting in lieu thereof "he or she"; and

(2) by striking out "his" in subsection (c)(4)(C) and inserting in lieu thereof "his or her".

(e) The Secretary shall increase the amounts specified in section 228 of the Social Security Act, as amended by this section, to take into account any general benefit increases (as referred to in section 215(i)(3) of such Act), and any increases under section 215(i) of such Act, which have occurred after June 1974 or may hereafter occur.

FATHER'S INSURANCE BENEFITS

SEC. 306. (a) Section 202(g) of the Social Security Act is amended—

(1) by striking out "widow" wherever it appears and inserting in lieu thereof "surviving spouse";

(2) by striking out "widow's" wherever it appears and inserting in lieu thereof "surviving spouse's";

(3) by striking out "wife's insurance benefits" and "he" in paragraph (1)(D) and inserting in lieu thereof "a spouse's insurance benefit" and "such individual", respectively;

(4) by striking out "her" wherever it appears and inserting in lieu thereof "his or her";

(5) by striking out "she" wherever it appears and inserting in lieu thereof "he or she";

(6) by striking out "mother" wherever it appears and inserting in lieu thereof "parent";

(7) by inserting "or father's" after "mother's" wherever it appears;

(8) by striking out "after August 1950"; and

(9) in paragraph (3)(A) (as amended by section 301(b)(7) of this Act)—

(A) by inserting "this subsection or" before "subsection (a)"; and

(B) by striking out "(c)," and inserting in lieu thereof "(b), (c), (e),".

(b) The heading of section 202(g) of such Act is amended by inserting "and Father's" after "Mother's".

(c) Section 216(d) of such Act (as amended by section 301(c)(1) of this Act) is further amended by redesignating paragraph (6) as paragraph (8) and by inserting after paragraph (5) the following new paragraphs:

"(6) The term 'surviving divorced father' means a man divorced from an individual who has died, but only if (A) he is the father of her son or daughter, (B) he legally adopted her son or daughter while he was married to her and while such son or daughter was under the age of 18, (C) she legally adopted his son or daughter while he was married to her and while such son or daughter was under the age of 18, or (D) he was married to her at the time both of them legally adopted a child under the age of 18.

"(7) The term 'surviving divorced parent' means a surviving divorced mother as defined in paragraph (3) of this subsection or a surviving divorced father as defined in paragraph (6).".

(d) Section 202(c)(1) of such Act (as amended by section 301(a) of this Act) is further amended by inserting "(subject to subsection (s))" before "be entitled to" in the matter following subparagraph (D) and preceding subparagraph (E).

(e) Section 202(c)(1)(B) of such Act is amended by inserting after "62" the following: "or (in the case of a husband) has in his care (individually or jointly with such individual) at the time of filing such application a child entitled to child's insurance benefits on the basis of the wages and self-employment income of such individual".

(f) Section 202(c)(1) of such Act (as amended by section 301(a) of this Act and the preceding provisions of this section) is further amended by redesignating the new subparagraphs (I) and (J) as subparagraphs (J) and (K), respectively, and by inserting after subparagraph (H) the following new subparagraph:

"(I) in the case of a husband who has not attained age 62, no child of such individual is entitled to a child's insurance benefit,".

(g) Section 202(f)(1)(C) of such Act is amended by inserting "(i)" after "(C)", by inserting "or" after "223,", and by adding at the end thereof the following new clause:

"(ii) was entitled, on the basis of such wages and self-employment income, to father's insurance benefits for the month preceding the month in which he attained age 65, and".

(h) Section 202(f)(5) of such Act (as redesignated by section 131(b)(3)(A) of this Act) is amended by striking out "or" at the end of subparagraph (A), by redesignating subparagraph (B) as subparagraph (C), and by inserting immediately after subparagraph (A) the following new subparagraph:

"(B) the last month for which he was entitled to father's insurance benefits on the basis of the wages and self-employment income of such individual, or".

(i) Section 203(f)(1)(F) of such Act is amended by striking out "section 202(b) (but only by reason of having a child in her care within the meaning of paragraph (1)(B) of that subsection)" and inserting in lieu thereof "section 202(b) or (c) (but only by reason of having a child in his or her care within the meaning of paragraph (1)(B) of subsection (b) or (c), as may be applicable)".

EFFECT OF MARRIAGE ON CHILDHOOD DISABILITY BENEFITS AND ON OTHER DEPENDENTS' OR SURVIVORS' BENEFITS

SEC. 307. (a) Subsections (b)(3), (d)(5), (g)(3), and (h)(4) of section 202 of the Social Security Act (as amended by the preceding provisions of this Act) are each amended by striking out "; except that" and all that follows and inserting in lieu thereof a period.

(b) The amendments made by subsection (a) shall apply with respect to benefits under title II of the Social Security Act for months after the month in which this Act is enacted, but only in cases in which the "last month" referred to in the provision amended is a month after the month in which this Act is enacted.

CREDIT FOR CERTAIN MILITARY SERVICE

SEC. 308. Section 217(f) of the Social Security Act is amended—

(1) by striking out "widow" each place it appears and inserting in lieu thereof "surviving spouse"; and

(2) by striking out "his" and "her" wherever they appear (except in clause (A) of paragraph (1)) and inserting in lieu thereof in each instance "his or her".

CONFORMING AMENDMENTS

SEC. 309. (a) Section 202(b)(3)(A) of the Social Security Act (as amended by section 301(a)(6) of this Act) is further amended by inserting "(g)," after "(f),".

(b) Section 202(q)(3) of such Act is amended by inserting "or surviving divorced husband" after "widower" in subparagraphs (E), (F), and (G).

(c) Section 202(q)(5) of such Act is amended—

(1) by inserting "or husband's" after "wife's" wherever it appears;

(2) by striking out "her" in subparagraph (A)(i) and inserting in lieu thereof "him or her";

(3) by striking out "her" the second place it appears in subparagraph (A)(ii) and inserting in lieu thereof "the";

(4) by striking out "she" wherever it appears and inserting in lieu thereof "he or she";

(5) by striking out "her" wherever it appears (except where paragraphs (2) and (3) of this subsection apply) and inserting in lieu thereof "his or her";

(6) by striking out "the woman" in subparagraph (B)(ii) and "a woman" in subparagraph (C) and inserting in lieu thereof "the individual" and "an individual", respectively; and

(7) in subparagraph (D)—

(A) by inserting "or widower's" after "widow's";

(B) by striking out "husband" wherever it appears and inserting in lieu thereof "spouse";

(C) by striking out "husband's" wherever it appears and inserting in lieu thereof "spouse's"; and

(D) by inserting "or father's" after "mother's".

(d)(1) Section 202(q)(6)(A) of such Act (as amended by section 134(a)(2) of this Act) is further amended by striking out "or husband's" in clause (i) and by inserting "or husband's" after "wife's" in clause (ii).

(2) Section 202(q)(7) of such Act is amended—

(A) in subparagraph (B), by inserting "or husband's" after "wife's", by striking out "she" and inserting in lieu thereof "such individual", and by inserting "his or" before "her", and

(B) in subparagraph (D), by inserting "or widower's" after "widow's".

(e)(1) Section 202(s)(1) of such Act is amended by inserting "(c)(1)," after "(b)(1),".

(2) Section 202(s)(2) of such Act (as amended by section 131(c)(1) of this Act) is further amended by inserting "(c)(4)," after "(b)(3),".

(3) Section 202(s)(3) of such Act (as amended by section 131(c)(2) of this Act) is further amended by striking out "So much" and all that follows down through "the last sentence" and inserting in lieu thereof "The last sentence".

(f) The third sentence of section 203(b)(1) of such Act (as amended by section 132(b) of this Act) is further amended by inserting "or father's" after "mother's".

(g) Section 203(c) of such Act is amended to read as follows:

"Deductions on Account of Noncovered Work Outside the United States or Failure to Have Child in Care

"(c) Deductions, in such amounts and at such time or times as the Secretary shall determine, shall be made from any payment or payments under this title to which an individual is entitled, until the total of such deductions equals such individual's benefits or benefit under section 202 for any month—

"(1) in which such individual is under the age of seventy and for more than forty-five hours of which such individual engaged in noncovered remunerative activity outside the United States;

"(2) in which such individual, if a wife or husband under age sixty-five entitled to a wife's or husband's insurance benefit, did not have in his or her care (individually or jointly with his or her spouse) a child of such spouse entitled to a child's insurance benefit and such wife's or husband's insurance benefit for such month was not reduced under the provisions of section 202(q);

"(3) in which such individual, if a widow or widower entitled to a mother's or father's insurance benefit, did not have in his or her care a child of his or her deceased spouse entitled to a child's insurance benefit; or

"(4) in which such an individual, if a surviving divorced mother or father entitled to a mother's or father's insurance benefit, did not have in his or her care a child of his or her deceased former spouse who (A) is his or her son, daughter, or legally adopted child and (B) is entitled to a child's insurance benefit on the basis of the wages and self-employment income of such deceased former spouse.

For purposes of paragraphs (2), (3), and (4) of this subsection, a child shall not be considered to be entitled to a child's insurance benefit for any month in which paragraph (1) of section 202(s) applies or an event specified in section 222(b) occurs with respect to such child. Subject to paragraph (3) of such section 202(s), no deduction shall be made under this subsection from any child's insurance benefit for the month in which the child entitled to such benefit attained the age of eighteen or any subsequent month; nor shall any deduction be made under this subsection from any widow's insurance benefit for any month in which the widow or surviving divorced wife is entitled and has not attained age 65 (but only if she became so entitled prior to attaining age 60), or from any widower's insurance benefit for any month in which the widower or surviving divorced husband is entitled and has not attained age 65 (but only if he became so entitled prior to attaining age 60).".

(h) Section 203(d) of such Act is amended by inserting "divorced husband," after "husband," in paragraph (1)(A) (as amended by section 132(b)(2) of this Act) and by inserting "or father's" after "mother's" each place it appears in paragraph (2).

(i)(1) Section 205(b) of such Act (as amended by section 301(d)(1) of this Act) is further amended by inserting "surviving divorced father," after "surviving divorced mother,".

(2) Section 205(c)(1)(C) of such Act (as amended by section 301(d)(2) of this Act) is further amended by inserting "surviving divorced father," after "surviving divorced mother,".

(j) Section 216(f)(3)(A) of such Act is amended by inserting "(c)," before "(f)",

(k) Section 216(g)(6)(A) of such Act is amended by inserting "(c)," before "(f)".

(l) Section 222(b)(1) of such Act is amended by striking out "or surviving divorced wife" and inserting in lieu thereof ", surviving divorced wife, or surviving divorced husband".

(m) Section 222(b)(2) of such Act is amended by inserting "or father's" after "mother's" wherever it appears.

(n) Section 222(b)(3) of such Act is amended by inserting "divorced husband," after "husband,".

(o) Section 223(d)(2) of such Act is amended by striking out "or widower" in subparagraphs (A) and (B) and inserting in lieu thereof "widower, or surviving divorced husband".

(p) Section 225(a) of such Act is amended by inserting "or surviving divorced husband" after "widower".

(q)(1) Section 226(e)(3) of such Act is amended to read as follows:

"(3) For purposes of determining entitlement to hospital insurance benefits under subsection (b), any disabled widow aged 50 or older who is entitled to mother's insurance benefits (and who would have been entitled to widow's insurance benefits by reason of disability if she had filed for such widow's benefits), and any disabled widower aged 50 or older who is entitled to father's insurance benefits (and who would have been entitled to widower's insurance benefits by reason of disability if he had filed for such widower's benefits), shall, upon application for such hospital insurance benefits be deemed to have filed for such widow's or widower's insurance benefits.".

(2) For purposes of determining entitlement to hospital insurance benefits under section 226(e)(3) of such Act, as amended by paragraph (1), an individual becoming entitled to such hospital insurance benefits as a result of the amendment made by such paragraph shall, upon furnishing proof of his or her disability within twelve months after the month in which this Act is enacted, under such procedures as the Secretary of Health and Human Services may prescribe, be deemed to have been entitled to the widow's or widower's benefits referred to in such section 226(e)(3), as so amended, as of the time such individual would have been entitled to such widow's or widower's benefits if he or she had filed a timely application therefor.

EFFECTIVE DATE OF PART A

SEC. 310. (a) Except as otherwise specifically provided in this title, the amendments made by this part apply only with respect to monthly benefits payable under title II of the Social Security Act for months after the month in which this Act is enacted.

(b) Nothing in any amendment made by this part shall be construed as affecting the validity of any benefit which was paid, prior to the effective date of such amendment, as a result of a judicial determination.

PART B—COVERAGE

COVERAGE OF EMPLOYEES OF FOREIGN AFFILIATES OF AMERICAN EMPLOYERS

SEC. 321. (a)(1) So much of subsection (l) of section 3121 of the Internal Revenue Code of 1954 (relating to agreements entered into by domestic corporations with respect to foreign subsidiaries) as precedes the second sentence of paragraph (1) thereof is amended to read as follows:

"(l) AGREEMENTS ENTERED INTO BY AMERICAN EMPLOYERS WITH RESPECT TO FOREIGN AFFILIATES.—

"(1) AGREEMENT WITH RESPECT TO CERTAIN EMPLOYEES OF FOREIGN AFFILIATE.—The Secretary shall, at the American employer's request, enter into an agreement (in such manner and form as may be prescribed by the Secretary) with any American employer (as defined in subsection (h)) who desires to have the insurance system established by title II of the Social Security Act extended to service performed outside the United States in the employ of any 1 or more of such employer's foreign affiliates (as defined in paragraph (8)) by all employees who are citizens or residents of the United States, except that the agreement shall not apply to any service performed by, or remuneration paid to, an employee if such service or remuneration would be excluded from the term 'employment' or 'wages', as defined in this section, had the service been performed in the United States."

(2) Paragraph (8) of section 3121(l) of such Code (defining foreign subsidiary) is amended to read as follows:

"(8) FOREIGN AFFILIATE DEFINED.—For purposes of this subsection and section 210(a) of the Social Security Act—

"(A) IN GENERAL.—A foreign affiliate of an American employer is any foreign entity in which such American employer has not less than a 10-percent interest.

"(B) DETERMINATION OF 10-PERCENT INTEREST.—For purposes of subparagraph (A), an American employer has a 10-percent interest in any entity if such employer has such an interest directly (or through one or more entities)—

"(i) in the case of a corporation, in the voting stock thereof, and

"(ii) in the case of any other entity, in the profits thereof."

(b) The clause (B) of section 210(a) of the Social Security Act (defining employment) which precedes paragraph (1) thereof (as amended by section 323(a)(2) of this Act) is further amended to read as follows: "(B) outside the United States by a citizen or resident of the United States as an employee (i) of an American employer (as defined in subsection (e) of this section), or (ii) of a foreign affiliate (as defined in section 3121(l)(8) of the Internal Revenue Code of 1954) of an American employer during any period for which there is in effect an agreement, entered into pursuant to section 3121(l) of such Code, with respect to such affiliate;".

(c) Subsection (a) of section 406 of the Internal Revenue Code of 1954 (relating to treatment of certain employees of foreign subsidiaries for pension, etc., purposes) is amended to read as follows:

"(a) TREATMENT AS EMPLOYEES OF AMERICAN EMPLOYER.—For purposes of applying this part with respect to a pension, profit-sharing, or stock bonus plan described in section 401(a), an annuity plan described in section 403(a), or a bond purchase plan described in section 405(a), of an American employer (as defined in section 3121(h)), an individual who is a citizen or resident of the United States and who is an employee of a foreign affiliate (as defined in section 3121(l)(8)) of such American employer shall be treated as an employee of such American employer, if—

"(1) such American employer has entered into an agreement under section 3121(l) which applies to the foreign affiliate of which such individual is an employee;

"(2) the plan of such American employer expressly provides for contributions or benefits for individuals who are citizens or residents of the United States and who are employees of its foreign affiliates to which an agreement entered into by such American employer under section 3121(l) applies; and

"(3) contributions under a funded plan of deferred compensation (whether or not a plan described in section 401(a), 403(a), or 405(a)) are not provided by any other person with respect to the remuneration paid to such individual by the foreign affiliate."

(d) Paragraph (1) of section 407(a) of such Code (relating to certain employees of domestic subsidiaries engaged in business outside the United States) is amended—

(1) by striking out "citizen of the United States" and inserting in lieu thereof "citizen or resident of the United States", and

(2) by striking out "citizens of the United States" and inserting in lieu thereof "citizens or residents of the United States".

(e)(1) Those provisions of subsection (l) of section 3121 of such Code which are not amended by subsection (a) of this section are amended in accordance with the following table:

Strike out (wherever it appears in the text or heading):	And insert:
domestic corporation	American employer
domestic corporations	American employers
subsidiary	affiliate
subsidiaries	affiliates
foreign corporation	foreign entity
foreign corporations	foreign entities
citizens	citizens or residents
the word "a" where it appears before "domestic".	an

(2)(A) Section 406 of such Code (other than subsection (a) thereof) is amended in accordance with the following table:

Strike out (wherever appearing in the text):	And insert:
domestic corporation	American employer
subsidiary	affiliate
the word "a" where it appears before "domestic".	an

(B) Paragraph (3) of subsection (c) of such section 406 (as in effect before the amendment made by subparagraph (A)) is amended by striking out "another corporation controlled by such domestic corporation" and inserting in lieu thereof "another entity in which such American employer has not less than a 10-percent interest (within the meaning of section 3121(l)(8)(B))".

(C)(i) So much of subsection (d) of such section 406 as precedes paragraph (1) thereof is amended by striking out "another corporation" and inserting in lieu thereof "another taxpayer".

(ii) Paragraph (1) of subsection (d) of such section 406 is amended by striking out "any other corporation" and inserting in lieu thereof "any other taxpayer".

(D)(i) The heading of such section 406 is amended to read as follows:

"SEC. 406. EMPLOYEES OF FOREIGN AFFILIATES COVERED BY SECTION 3121(l) AGREEMENTS.".

(ii) The table of sections for subpart A of part I of subchapter D of chapter 1 of such Code is amended by striking out the item relating to section 406 and inserting in lieu thereof the following:

"Sec. 406. Employees of foreign affiliates covered by section 3121(l) agreements."

(3) Clause (A) of the second sentence of section 1402(b) of such Code (defining self-employment income) is amended by striking out "employees of foreign subsidiaries of domestic corporations" and inserting in lieu thereof "employees of foreign affiliates of American employers".

(4)(A) Subparagraph (C) of section 6413(c)(2) of such Code (relating to special refunds of FICA taxes in the case of employees of certain foreign corporations) is amended—

(i) by striking out "FOREIGN CORPORATIONS" in the heading and inserting in lieu thereof "FOREIGN AFFILIATES", and

(ii) by striking out "domestic corporation" in the text and inserting in lieu thereof "American employer".

(B) The heading of paragraph (2) of section 6413(c) of such Code is amended by striking out "FOREIGN CORPORATIONS" and inserting in lieu thereof "FOREIGN AFFILIATES".

(f)(1)(A) The amendments made by this section (other than subsection (d)) shall apply to agreements entered into after the date of the enactment of this Act.

(B) At the election of any American employer, the amendments made by this section (other than subsection (d)) shall also apply to any agreement entered into on or before the date of the enactment of this Act. Any such election shall be made at such time and in such manner as the Secretary may by regulations prescribe.

(2)(A) The amendments made by subsection (d) shall apply to plans established after the date of the enactment of this Act.

(B) At the election of any domestic parent corporation the amendments made by subsection (d) shall also apply to any plan established on or before the date of the enactment of this Act. Any such election shall be made at such time and in such manner as the Secretary may by regulations prescribe.

EXTENSION OF COVERAGE BY INTERNATIONAL SOCIAL SECURITY AGREEMENT

SEC. 322. (a)(1) Section 210(a) of the Social Security Act is amended, in the matter preceding paragraph (1)—

(A) by striking out "either" before "(A)", and

(B) by inserting before "; except" the following: ", or (C) if it is service, regardless of where or by whom performed, which is designated as employment or recognized as equivalent to employment under an agreement entered into under section 233".

(2) Section 3121(b) of the Internal Revenue Code of 1954 is amended, in the matter preceding paragraph (1)—

(A) by striking out "either" before "(A)", and

(B) by inserting before "; except" the following: ", or (C) if it is service, regardless of where or by whom performed, which is designated as employment or recognized as equivalent to employment under an agreement entered into under section 233 of the Social Security Act".

(b)(1) Section 211(b) of the Social Security Act is amended by inserting after "non-resident alien individual" the following: ", except as provided by an agreement under section 233".

(2) The first sentence of section 1402(b) of the Internal Revenue Code of 1954 is amended by inserting after "nonresident alien individual" the following: ", except as provided by an agreement under section 233 of the Social Security Act".

(c) The amendments made by this section shall be effective for taxable years beginning on or after the date of the enactment of this Act.

TREATMENT OF CERTAIN SERVICE PERFORMED OUTSIDE THE UNITED STATES

SEC. 323. (a)(1) Subsection (b) of section 3121 of the Internal Revenue Code of 1954 (defining employment) is amended by striking out "a citizen of the United States" in the matter preceding paragraph (1) thereof and inserting in lieu thereof "a citizen or resident of the United States".

(2) Subsection (a) of section 210 of the Social Security Act is amended by striking out "a citizen of the United States" in the matter preceding paragraph (1) thereof and inserting in lieu thereof "a citizen or resident of the United States".

(b)(1) Paragraph (11) of section 1402(a) of the Internal Revenue Code of 1954 (defining net earnings from self-employment) is amended by striking out "in the case of an individual described in section 911(d)(1)(B),".

(2)(A) Paragraph (10) of section 211(a) of the Social Security Act is amended to read as follows:

"(10) the exclusion from gross income provided by section 911(a)(1) of the Internal Revenue Code of 1954 shall not apply; and".

(B) Effective with respect to taxable years beginning after December 31, 1981, and before January 1, 1984, paragraph (10) of section 211(a) of such Act is amended to read as follows:

"(10) in the case of an individual described in section 911(d)(1)(B) of the Internal Revenue Code of 1954, the exclusion from gross income provided by section 911(a)(1) of such Code shall not apply; and".

(c)(1) The amendments made by subsection (a) shall apply to remuneration paid after December 31, 1983.

(2) Except as provided in subsection (b)(2)(B), the amendments made by subsection (b) shall apply to taxable years beginning after December 31, 1983.

AMOUNTS RECEIVED UNDER CERTAIN DEFERRED COMPENSATION AND SALARY REDUCTION ARRANGEMENTS TREATED AS WAGES FOR FICA TAXES

SEC. 324. (a)(1) Section 3121 of the Internal Revenue Code of 1954 (relating to definitions) is amended by adding at the end thereof the following new subsection:

"(v) TREATMENT OF CERTAIN DEFERRED COMPENSATION AND SALARY REDUCTION ARRANGEMENTS.—

"(1) CERTAIN EMPLOYER CONTRIBUTIONS TREATED AS WAGES.—Nothing in any paragraph of subsection (a) (other than paragraph (1)) shall exclude from the term 'wages'—

"(A) any employer contribution under a qualified cash or deferred arrangement (as defined in section 401(k)) to the extent not included in gross income by reason of section 402(a)(8), or

"(B) any amount treated as an employer contribution under section 414(h)(2).

"(2) TREATMENT OF CERTAIN NONQUALIFIED DEFERRED COMPENSATION PLANS.—

"(A) IN GENERAL.—Any amount deferred under a nonqualified deferred compensation plan shall be taken into account for purposes of this chapter as of the later of—

"(i) when the services are performed, or

"(ii) when there is no substantial risk of forfeiture of the rights to such amount.

"(B) TAXED ONLY ONCE.—Any amount taken into account as wages by reason of subparagraph (A) (and the income attributable thereto) shall not thereafter be treated as wages for purposes of this chapter.

"(C) NONQUALIFIED DEFERRED COMPENSATION PLAN.—For purposes of this paragraph, the term 'nonqualified deferred compensation plan' means any plan or other arrangement for deferral of compensation other than a plan described in subsection (a)(5).

"(3) EXEMPT GOVERNMENTAL DEFERRED COMPENSATION PLAN.—For purposes of subsection (a)(5), the term 'exempt governmental deferred compensation plan' means any plan providing for deferral of compensation established and maintained for its employees by the United States, by a State or political subdivision thereof, or by an agency or instrumentality of any of the foregoing. Such term shall not include—

"(A) any plan to which section 83, 402(b), 403(c), 457(a), or 457(e)(1) applies, and

"(B) any annuity contract described in section 403(b)."

(2) Paragraph (5) of section 3121(a) of such Code (defining wages) is amended—

(A) by striking out "or" at the end of subparagraph (C),

(B) by striking out the semicolon at the end of subparagraph (D) and inserting in lieu thereof a comma, and

(C) by adding at the end thereof the following new subparagraphs:

"(E) under or to an annuity contract described in section 403(b), other than a payment for the purchase of such contract which is made by reason of a salary reduction agreement (whether evidenced by a written instrument or otherwise),

"(F) under or to an exempt governmental deferred compensation plan (as defined in subsection (v)(3)), or

"(G) to supplement pension benefits under a plan or trust described in any of the foregoing provisions of this paragraph to take into account some portion or all of the increase in the cost of living (as determined by the Secretary of Labor) since retirement but only if such supplemental payments are under a plan which is treated as a welfare plan under section 3(2)(B)(ii) of the Employee Retirement Income Security Act of 1974;".

(3) Subsection (a) of section 3121 of such Code (defining wages) is amended—

(A) in paragraph (2), by striking out subparagraph (A) and redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively,

(B) by striking out paragraphs (3) and (9),

(C) in paragraph (13)(A)—

(i) by inserting "or" after "death,", and

(ii) by striking out "or (iii) retirement after attaining an age specified in the plan referred to in subparagraph (B) or in a pension plan of the employer,", and

(D) by striking out "subparagraph (B)" in the last sentence thereof and inserting in lieu thereof "subparagraph (A)".

(b)(1) Section 3306 of the Internal Revenue Code of 1954 (relating to definitions) is amended by adding at the end thereof the following new subsection:

"(r) TREATMENT OF CERTAIN DEFERRED COMPENSATION AND SALARY REDUCTION ARRANGEMENTS.—

"(1) CERTAIN EMPLOYER CONTRIBUTIONS TREATED AS WAGES.—Nothing in any paragraph of subsection (b) (other than para-

graph (1)) shall exclude from the term 'wages'—

"(A) any employer contribution under a qualified cash or deferred arrangement (as defined in section 401(k)) to the extent not included in gross income by reason of section 402(a)(8), or

"(B) any amount treated as an employer contribution under section 414(h)(2).

"(2) TREATMENT OF CERTAIN NONQUALIFIED DEFERRED COMPENSATION PLANS.—

"(A) IN GENERAL.—Any amount deferred under a nonqualified deferred compensation plan shall be taken into account for purposes of this chapter as of the later of—

"(i) when the services are performed, or

"(ii) when there is no substantial risk of forefeiture of the rights to such amount.

"(B) TAXED ONLY ONCE.—Any amount taken into account as wages by reason of subparagraph (A) (and the income attributable thereto) shall not thereafter be treated as wages for purposes of this chapter.

"(C) NONQUALIFIED DEFERRED COMPENSATION PLAN.—For purposes of this paragraph, the term 'nonqualified deferred compensation plan' means any plan or other arrangement for deferral of compensation other than a plan described in subsection (b)(5)."

(2) Paragraph (5) of section 3306(b) of such Code (defining wages) is amended—

(A) by striking out "or" at the end of subparagraph (C),

(B) by striking out the semicolon at the end of subparagraph (D) and inserting in lieu thereof a comma, and

(C) by adding at the end thereof the following new subparagraphs:

"(E) under or to an annuity contract described in section 403(b), other than a payment for the purchase of such contract which is made by reason of a salary reduction agreement (whether evidenced by a written instrument or otherwise),

"(F) under or to an exempt governmental deferred compensation plan (as defined in section 3121(v)(3)), or

"(G) to supplement pension benefits under a plan or trust described in any of the foregoing provisions of this paragraph to take into account some portion or all of the increase in the cost of living (as determined by the Secretary of Labor) since retirement but only if such supplemental payments are under a plan which is treated as a welfare plan under section 3(2)(B)(ii) of the Employee Retirement Income Security Act of 1974;".

(3) Subsection (b) of section 3306 of such Code (defining wages) is amended—

(A) in paragraph (2), by striking out subparagraph (A) and redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively,

(B) by striking out paragraphs (3) and (8), and (C) in paragraph (10)(A)—

(i) by inserting "or" after "death,", and

(ii) by striking out "or (iii) retirement after attaining an age specified in the plan referred to in subparagraph (B) or in a pension plan of the employer,".

(4)(A Subparagraph (A) of section 3306(b)(2) of such Code, as redesignated by paragraph (3)(A), is amended to read as follows:

"(A) sickness or accident disability (but, in the case of payments made to an employee or any of his dependents, this subparagraph shall exclude from the term 'wages' only payments which are received under a workman's compensation law), or".

(B) Subsection (b) of section 3306 of such Code (defining wages) is amended by adding at the end thereof the following new flush sentence:

"Except as otherwise provided in regulations presribed by the Secretary, any third party which makes a payment included in wages solely by reason of the parenthetical matter contained in subparagraph (A) of paragraph (2) shall be treated for purposes of this chapter and chapter 22 as the employer with respect to such wages".

(C) Rules similar to the rules of subsections (d) and (e) of section 3 of the Act entitled "An Act to amend the Omnibus Reconciliation Act of 1981 to restore minimum benefits under the Social Security Act" (Public Law 97-123), approved December 29, 1981, shall apply in the administration of section 3306(b)(2)(A) of such Code (as amended by subparagraph (A)).

(c)(1) Section 209 of the Social Security Act is amended by adding at the end thereof (as amended by this Act) the following new paragraphs:

"Nothing in any of the foregoing provisions of this section (other than subsection (a)) shall exclude from the term 'wages'

"(1) any employer contribution under a qualified cash or deferred arrangement (as defined in section 401(k) of the Internal Revenue Code of 1954) to the extent not included in gross income by reason of section 402(a)(8) of such Code, or

"(2) any amount which is treated as an employer contribution under section 414(h)(2) of such Code.

"Any amount deferred under a nonqualified deferred compensation plan (within the meaning of section 3121(v)(2)(C) of the Internal Revenue Code of 1954) shall be taken into account for purposes of this title as of the later of when the services are performed, or when there is no substantial risk of forfeiture of the rights to such amount. Any amount taken into account as wages by reason of the preceding sentence (and the income attributable thereto) shall not thereafter be treated as wages for purposes of this title."

(2) Subsection (e) of section 209 of such Act is amended by adding before the semicolon at the end thereof the following: ", or (5) under or to an annuity contract described in section 403(v) of the Internal Revenue Code of 1954, other than a payment for the purchase of such contract which is made by reason of a salary reduction agreement (whether evidence by a written instrument or otherwise), or (6) under or to an exempt governmental deferred compensation plan (as defined in section 3121(v)(3) of such Code), or (7) to supplement pension benefits under a plan or trust described in any of the foregoing provisions of this subsection to take into account some portion or all of the increase in the cost of living (as determined by the Secretary of Labor) since retirement but only if such supplemental payments are under a plan which is treated as a welfare plan under section 3(2)(B)(ii) of the Employee Retirement Income Security Act of 1974;".

(3) Section 209 of such Act is amended—

(A) in subsection (b), by striking out paragraph (1) and redesigning paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively,

(B) by striking out subsections (c) and (i), and

(C) in subsection (m)(1)—

(i) by inserting "or" after "death,", and

(ii) by striking out "or (C) retirement after attaining an age specified in the plan referred to in paragraph (2) or in a pension plan of the employer,".

(4) Section 203(f)(5)(C) of the Social Security Act is amended by adding at the end thereof the following new sentence: "The term 'wages' does not include—

"(i) the amount of any payment made to, or on behalf of, an employee or any of his dependents (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment) on account of retirement, or

"(ii) any payment or series of payments by an employer to an employee or any of his dependents upon or after the termination of the employee's employment relationship because of retirement after attaining an age specified in a plan referred to in section 209(m)(2) or in a pension plan of the employer."

(d)(1) Except as otherwise provided in this subsection, the amendments made by this section shall apply to remuneration paid after December 31, 1983.

(2) Except as otherwise provided in this subsection, the amendments made by subsection (b) shall apply to remuneration paid after December 31, 1984.

(3) The amendments made by this section shall not apply to employer contributions made during 1984 and attributable to services performed during 1983 under a qualified cash or deferred arrangement (as defined in section 401(k) of the Internal Revenue Code of 1954) if, under the terms of such arrangement as in effect on March 24, 1983—

(A) the employee makes an election with respect to such contribution before January 1, 1984, and

(B) the employer identifies the amount of such contribution before January 1, 1984.

In the case of the amendments made by subsection (b), the preceding sentence shall be applied by substituting "1985" for "1984" each place it appears and by substituting "during 1984" for "during 1983".

(4) In the case of an ageeement in existence on March 24, 1983, between a nonqualified deferred compensation plan (as defined in section 3121(v)(2)(C) of the Internal Revenue Code of 1954, as added by this section) and an individual—

(A) the amendments made by this section (other than subsection (b)) shall apply with respect to services performed by such individual after December 31, 1983, and

(B) the amendments made by subsection (b) shall apply with respect to services performed by such individual after December 31, 1984.

The preceding sentence shall not apply in the case of a plan to which section 457(a) of such Code applies.

EFFECT OF CHANGES IN NAMES OF STATE AND LOCAL EMPLOYEE GROUPS IN UTAH

SEC. 326. (a) Section 218(o) of the Social Security Act is amended by adding at the end thereof the following new sentence: "Coverage provided for in this subsection shall not be affected by a subsequent change in the name of a group.".

(b) The amendment made by subsection (a) shall apply with respect to name changes made before, on, or after the date of the enactment of this section.

EFFECTIVE DATES OF INTERNATIONAL SOCIAL SECURITY AGREEMENTS

SEC. 327. (a) Section 233(e)(2) of the Social Security Act is amended by striking out "during which each House of the Congress has been in session on each of 90 days" and inserting in lieu thereof "during which at least one House of the Congress has been in session on each of 60 days".

(b) The amendment made by subsection (a) shall be effective on the date of the enactment of this Act.

CODIFICATION OF ROWAN DECISION WITH RESPECT TO MEALS AND LODGING

SEC. 328. (a)(1) Subsection (a) section 3121 of the Internal Revenue Code of 1954 (defining wages) is amended by striking out "or" at the end of paragraph (17), by striking out the period at the end of paragraph (18) and inserting in lieu thereof "; or", and by inserting after paragraph (18) the following new paragraph:

"(19) the value of any meals or lodging furnished by or on behalf of the employer if at the time of such furnishing it is reasonable to believe that the employee will be able to exclude such items from income under section 119.".

(2) Section 209 of the Social Security Act is amended by striking out "or" at the end of subsection (p), by striking out the period at the end of subsection (q) and inserting in lieu thereof "; or", and by inserting after subsection (q) the following new subsection:

"(r) The value of any meals or lodging furnished by or on behalf of the employer if at the time of such furnishing it is reasonable to believe that the employee will be able to exclude such items from income under section 119 of the Internal Revenue Code of 1954.".

(b)(1) Subsection (a) of section 3121 of such Code is amended by inserting after paragraph (19) (as added by subsection (a) of this section) the following new sentence: "Nothing in the regulations prescribed for purposes of chapter 24 (relating to income tax withholding) which provides an exclusion from 'wages' as used in such chapter shall be construed to require a similar exclusion from 'wages' in the regulations prescribed for purposes of this chapter.".

(2) Section 209 of the Social Security Act is amended by inserting immediately after subsection (r) (as added by subsection (a) of this section) the following new sentence: "Nothing in the regulations prescribed for purposes of chapter 24 of the Internal Revenue Code of 1954 (relating to income tax withholding) which provides an exclusion from 'wages' as used in such chapter shall be construed to require a similar exclusion from 'wages' in the regulations prescribed for purposes of this title.".

(c) Subsection (b) of section 3306 of the Internal Revenue Code of 1954 (defining wages) is amended—

(1) by striking out "or" at the end of paragraph (12),

(2) by striking out the period at the end of paragraph (13) and inserting in lieu thereof "; or",

(3) by adding immediately after paragraph (13) the following new paragraph:

"(14) the value of any meals or lodging furnished by or on behalf of the employer if at the time of such furnishing it is reasonable to believe that the employee will be able to exclude such items from income under section 119.", and

(4) by adding at the end thereof the following new flush sentence:

"Nothing in the regulations prescribed for purposes of chapter 24 (relating to income tax withholding) which provides an exclusion from 'wages' as used in such chapter shall be construed to require a similar exclusion from 'wages' in the regulations prescribed for purposes of this chapter.".

(d)(1) Except as provided in paragraph (2), the amendments made by subsections (a) and (b) shall apply to remuneration paid after December 31, 1983.

(2) The amendments made by subsection (c) shall apply to remuneration paid after December 31, 1984.

TREATMENT OF CONTRIBUTIONS UNDER SIMPLIFIED EMPLOYEE PENSIONS

SEC. 329. (a) Subparagraph (D) of section 3121(a)(5) of the Internal Revenue Code of 1954 (defining wages) is amended by striking out "section 219" and inserting in lieu thereof "section 219(b)(2)".

(b) Subsection (e) of section 209 of the Social Security Act, as amended by this Act, is amended by striking out the semicolon at the end thereof and inserting in lieu thereof the following: ", or (8) under a simplified employee pension (as defined in section 408(k) of the Internal Revenue Code of 1954) if, at the time of the payment, it is reasonable to believe that the employee will be entitled to a deduction under section 219(b)(2) of such Code for such payment;".

(c) Subparagraph (D) of section 3306(b)(5) of the Internal Revenue Code of 1954 is amended by striking out "section 219" and inserting in lieu thereof "section 219(b)(2)".

(d)(1) Except as provided in paragraph (2), the amendments made by this section shall apply to remuneration paid after December 31, 1983.

(2) The amendments made by subsection (c) shall apply to remuneration paid after December 31, 1984.

PART C—OTHER AMENDMENTS

TECHNICAL AND CONFORMING AMENDMENTS TO MAXIMUM FAMILY BENEFIT PROVISIONS

SEC. 331. (a)(1) Section 203(a)(3)(A) of the Social Security Act is amended by striking out clause (ii) and inserting in lieu thereof the following:

"(ii) an amount (I) initially equal to the product of 1.75 and the primary insurance amount that would be computed under section 215(a)(1), for January of the year determined for purposes of this clause under the following two sentences, with respect to average indexed monthly earnings equal to one-twelfth of the contribution and benefit base determined for that year under section 230, and (II) thereafter increased in accordance with the provisions of section 215(i)(2)(A)(ii).

The year established for purposes of clause (ii) shall be 1983 or, if it occurs later with respect to any individual, the year in which occurred the month that the application of the reduction provisions contained in this subparagraph began with respect to benefits payable on the basis of the wages and self-employment income of the insured individual. If for any month subsequent to the first month for which clause (ii) applies (with respect to benefits payable on the basis of the wages and self-employment income of the insured individual) the reduction under this subparagraph ceases to apply, then the year determined under the preceding sentence shall be redetermined (for purposes of any subsequent application of this subparagraph with respect to benefits payable on the basis of such wages and self-employment income) as though this subparagraph had not been previously applicable.".

(2) Section 203(a)(7) of such Act is amended by striking out everything that follows "shall be reduced to an amount equal to" and inserting in lieu thereof "the amount determined in accordance with the provisions of paragraph (3)(A)(ii) of this subsection, except that for this purpose the references to subparagraph (A) in the last two sentences of paragraph (3)(A) shall be deemed to be references to paragraph (7).".

(b) Clause (i) in the last sentence of section 203(b)(1) of such Act (as amended by section 132(b) of this Act) is further amended by striking out "penultimate sentence" and inserting in lieu thereof "first sentence of paragraph (4)".

(c) The amendments made by subsection (a) shall be effective with respect to payments made for months after December 1983.

RELAXATION OF INSURED STATUS REQUIREMENTS FOR CERTAIN WORKERS PREVIOUSLY ENTITLED TO A PERIOD OF DISABILITY

SEC. 332. (a) Section 216(i)(3) of the Social Security Act is amended—

(1) by striking out the semicolon at the end of clause (ii) of subparagraph (B) and inserting in lieu thereof ", or"; and

(2) by inserting after clause (ii) of such subparagraph the following new clause:

"(iii) in the case of an individual (not otherwise insured under clause (i)) who, by reason of clause (ii), had a prior period of disability that began during a period before the quarter in which he or she attained age 31, not less than one-half of the quarters beginning after such individual attained age 21 and ending with such quarter are quarters of coverage, or (if the number of quarters in such period is less than 12) not less than 6 of the quarters in the 12-quarter period ending with such quarter are quarters of coverage;".

(b) Section 223(c)(1)(B) of such Act is amended—

(1) by striking out the semicolon at the end of clause (ii) and inserting in lieu thereof ", or"; and

(2) by inserting after clause (ii) the following new clause:

"(iii) in the case of an individual (not otherwise insured under clause (i)) who, by reason of section 216(i)(3)(B)(ii), had a prior period of disability that began during a period before the quarter in which he or she attained age 31, not less than one-half of the quarters beginning after such individual attained age 21 and ending with the quarter in which such month occurs are quarters of coverage, or (if the number of quarters in such period is less than 12) not less than 6 of the quarters in the 12-quarter period ending with such quarter are quarters of coverage;".

(c) The amendments made by this section shall be effective with respect to applications for disability insurance benefits under section 223 of the Social Security Act, and for disability determinations under section 216(i) of such Act, filed after the date of the enactment of this Act, except that no monthly benefits under title II of the Social Security Act shall be payable or increased by reason of the amendments made by this section for months before the month following the month of enactment of this Act.

PROTECTION OF BENEFITS OF ILLEGITIMATE CHILDREN OF DISABLED BENEFICIARIES

SEC. 333. (a) The last sentence of section 216(h)(3) of the Social Security Act is amended by striking out "subparagraph (A)(i)" and inserting in lieu thereof "subparagraphs (A)(i) and (B)(i)".

(b) The amendment made by subsection (a) shall be effective on the date of the enactment of this Act.

ONE-MONTH RETROACTIVITY OF WIDOW'S AND WIDOWER'S INSURANCE BENEFITS

SEC. 334. (a) Section 202(j)(4)(B) of the Social Security Act is amended—

(1) by redesignating clauses (iii) and (iv) as clauses (iv) and (v), respectively; and

(2) by adding after clause (ii) the following new clause:

"(iii) Subparagraph (A) does not apply to a benefit under subsection (e) or (f) for the

month immediately preceding the month of application, if the insured individual died in that preceding month.".

(b) The amendments made by subsection (a) shall apply with respect to survivors whose applications for monthly benefits are filed after the second month following the month in which this Act is enacted.

NONASSIGNABILITY OF BENEFITS

SEC. 335. (a) Section 207 of the Social Security Act is amended—

(1) by inserting "(a)" before "The right"; and

(2) by adding at the end thereof the following new subsection:

"(b) No other provision of law, enacted before, on, or after the date of the enactment of this section, may be construed to limit, supersede, or otherwise modify the provisions of this section except to the extent that it does so by express reference to this section.".

(b)(1) Section 459(a) of such Act is amended by inserting "(including section 207)" after "any other provision of law."

(2)(A) Section 86(a) of the Internal Revenue Code of 1954 (as added by section 121(a) of this Act) is amended by inserting "(notwithstanding section 207 of the Social Security Act)" before "includes".

(B) Section 871(a)(3)(A) of such Code (as added by section 121(c)(1) of this Act) is amended by inserting "(notwithstanding section 207 of the Social Security Act)" after "income".

(c) The amendments made by subsection (a) shall apply only with respect to benefits payable or rights existing under the Social Security Act on or after the date of the enactment of this act.

USE OF DEATH CERTIFICATES TO PREVENT ERRONEOUS BENEFIT PAYMENTS TO DECEASED INDIVIDUALS

SEC. 336. Section 205 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"USE OF DEATH CERTIFICATES TO CORRECT PROGRAM INFORMATION

"(r)(1) The Secretary shall undertake to establish a program under which—

"(A) States (or political subdivisions thereof) voluntarily contract with the Secretary to furnish the Secretary periodically with information (in a form established by the Secretary in consultation with the States) concerning individuals with respect to whom death certificates (or equivalent documents maintained by the States or subdivisions) have been officially filed with them;

"(B) There will be (1) a comparison of such information on such individuals with information on such individuals in the records being used in the administration of this Act, (2) validation of the results of such comparisons, and (3) corrections in such records to accurately reflect the status of such individual.

"(2) Each State (or political subdivision thereof) which furnishes the Secretary with information on records of deaths in the State or subdivision under this subsection may be paid by the Secretary from amounts available for administration of this Act the reasonable costs (established by the Secretary in consultations with the States) for transcribing and transmitting such information to the Secretary.

"(3) In the case of individuals with respect to whom federally funded benefits are provided by (or through) a Federal or State agency other than under this Act, the Secretary shall to the extent feasible provide such information through a cooperative arrangement with such agency, for ensuring proper payment of those benefits with respect to such individuals if—

"(A) under such arrangement the agency provides reimbursement to the Secretary for the reasonable cost of carrying out such arrangement, and

"(B) such arrangement does not conflict with the duties of the Secretary under paragraph (1).

"(4) The Secretary may enter into similar agreements with States to provide information for their use in programs wholly funded by the States if the requirements of (r)(3)(A) and (r)(3)(B) are met.

"(5) The Secretary may use or provide for the use of such records as may be corrected under this section, subject to such safeguards as the Secretary determines are necessary or appropriate to protect the information from unauthorized use or disclosure, for statistical and research activities conducted by Federal and State agencies;

"(6) Information furnished to the Secretary under this subsection may not be used for any purpose other than the purpose described in this subsection and is exempt from disclosure under section 552 of title 5, United States Code, and from his requirements of section 552a of such title.

"(7) The Secretary shall include information on the status of the program established under this section and impediments to the effective implementation of the program in the 1984 report required under section 704 of the Act.".

PUBLIC PENSION OFFSET

SEC. 337. (a) Subsections (b)(4)(A), (c)(2)(A), (f)(2)(A), and (g)(4)(A) of section 202 of the Social Security Act, and paragraph (7)(A) of section 202(e) of such Act (as redesignated by section 131(a)(3)(A) of this Act), are each amended—

(1) by striking out "by an amount equal to the amount of any monthly periodic benefit" and inserting in lieu thereof "by an amount equal to two-thirds of the amount of any monthly periodic benefit"; and

(2) by adding at the end thereof the following new sentence: "The amount of the reduction in any benefit under this subparagraph, if not a multiple of $0.10, shall be rounded to the next higher multiple of $0.10.".

(b) The amendments made by subsection (a) of this section shall apply only with respect to monthly insurance benefits payable under title II of the Social Security Act to individuals who initially become eligible (as defined in section 334 of Public Law 95-216) for monthly periodic benefits (within the meaning of the provisions amended by subsection (a)) for months after June 1983.

STUDY CONCERNING THE ESTABLISHMENT OF THE SOCIAL SECURITY ADMINISTRATION AS AN INDEPENDENT AGENCY

SEC. 338. (a) There is hereby established, under the authority of the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, a joint study panel to be known as the Joint Study Panel on the Social Security Administration (hereafter in this section referred to as the "Panel"). The duties of the Panel shall be to conduct the study provided for in subsection (c).

(b)(1) The Panel shall be composed of 3 members, appointed jointly by the chairmen of the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate and such chairmen shall jointly select one member of the Panel to serve as chairman of the Panel. Members of the Panel shall be chosen, on the basis of their integrity, impartiality, and good judgment, from individuals who, as a result of their training, experience, and attainments, are widely recognized by professionals in the fields of government administration, social insurance, and labor relations as experts in those fields.

(2) Vacancies in the membership of the Panel shall not affect the power of the remaining members to perform the duties of the Panel and shall be filled in the same manner in which the original appointment was made.

(3) Each member of the Panel not otherwise in the employ of the United States Government shall receive the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day during which such member is actually engaged in the performance of the duties of the Panel. Each member of the Panel shall be allowed travel expenses in the same manner as any individual employed intermittently by the Federal Government is allowed travel expenses under section 5703 of title 5, United States Code.

(4) By agreement between the chairmen of the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, such Committees shall provide the Panel, on a reimbursible basis, office space, clerical personnel, and such supplies and equipment as may be necessary for the Panel to carry out its duties under this section. Subject to such limitations as the chairmen of such Committees may jointly prescribe, the Panel may appoint such additional personnel as the Panel considers necessary and fix the compensation of such personnel as it considers appropriate at an annual rate which does not exceed the rate of basic pay then payable for GS-18 of the General Schedule under section 5332 of title 5, United States Code, and may procure by contract the temporary or intermittent services of clerical personnel and experts or consultants, or organizations thereof.

(5) There are hereby authorized to be appropriated to the Panel, from amounts in the general fund of the Treasury not otherwise appropriated, such sums as are necessary to carry out the purposes of this section.

(c)(1) The Panel shall undertake, as soon as possible after the date of the enactment of this Act, a thorough study with respect to the implementation of removing the Social Security Administration from the Department of Health and Human Services and establishing it as an independent agency in the executive branch with its own independent administrative structure, including the possibility of such a structure headed by a board appointed by the President, by and with the advice and consent of the Senate.

(2) The Panel in its study under paragraph (1) shall address, analyze, and report specifically on the following matters:

(A) the manner in which the transition to an independent agency would be conducted;

(B) the authorities which would have to be transferred or amended in such a transition;

(C) any program or programs which would be included within the jurisdiction of the new agency;

(D) the legal and other relationships of the Social Security Administration with other organizations which would be required as a result of establishing the Social Security Administration as an independent agency; and

(E) any other details which may be necessary for the development of appropriate legislation to establish the Social Security administration as an independent agency.

(d) The Panel shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, not later than April 1, 1984, a report of the findings of the study conducted under subsection (c), together with any recommendations the Panel considers appropriate. The Panel and all authority granted in this section shall expire thirty days after the date of the filing of its report under this section.

LIMITATION ON PAYMENTS TO PRISONERS

SEC. 339. (a) Section 202 of the Social Security Act is amended by adding at the end thereof the following new subsection:

(x)(1) Notwithstanding any other provision of this title, no monthly benefits shall be paid under this section, or under section 223 to any individual for any month during which such individual is confined in a jail, prison, or other penal institution or correctional facility, pursuant to his conviction of an offense which constituted a felony under applicable law, unless such individual is actively and satisfactorily participating in a rehabilitation program which has been specifically approved for such individual by a court of law and, as determined by the Secretary, is expected to result in such individual being able to engage in substantial gainful activity upon release and within a reasonable time.

(2) Benefits which would be payable to any individual (other than a confined individual to whom benefits are not payable by reason of paragraph (1)) under this title on the basis of the wages and self-employment income of such a confined individual but for the provisions of paragraph (1), shall be payable as though such confined individual were receiving such benefits under this section.

(3) Notwithstanding the provisions of section 552a of title 5, United States Code, or any other provision of Federal or State law, any agency of the United States Government or of any State (or political subdivision thereof) shall make available to the Secretary, upon written request, the name and social security account number of any individual who is confined in a jail, prison, or other penal institution or correctional facility under the jurisdiction of such agency, pursuant to his conviction of an offense which constituted a felony under applicable law, which the Secretary may require to carry out the provisions of this subsection.

(b) Section 223 of such Act is amended by striking out subsection (f).

(c) The amendments made by subsections (a) and (b) shall apply with respect to monthly benefits payable for months beginning on or after the date of enactment of this Act.

REQUIREMENT OF PREVIOUS UNITED STATES RESIDENCY FOR ALIEN DEPENDENTS AND SURVIVORS LIVING OUTSIDE THE UNITED STATES

SEC. 340. (a) Section 202(t) of the Social Security Act is amended—

(1) in the heading, by adding after "United States" the following: "; Residency Requirements for Dependents and Survivors"; and

(2) by adding at the end thereof the following new paragraph:

"(11)(A) Paragraph (2) and subparagraphs (A), (B), (C), and (E) of paragraph (4) shall apply with respect to an individual's monthly benefits under subsection (b), (c), (d), (e), (f), (g), or (h) only if such individual meets the residency requirements of this paragraph with respect to those benefits.

"(B) An individual entitled to benefits under subsection (b), (c), (e), (f), or (g) meets the residency requirements of this paragraph with respect to those benefits only if such individual has resided in the United States, and while so residing bore a spousal relationship to the person on whose wages and self-employment income such entitlement is based, for a total period of not less than 5 years. For purposes of this subparagraph, a period of time for which an individual bears a spousal relationship to another person consists of a period throughout which the individual has been, with respect to such other person, a wife, a husband, a widow, a widower, a divorced wife, a divorced husband, a surviving divorced wife, a surviving divorced husband, a surviving divorced mother, a surviving divorced father, or (as applicable in the course of such period) any two or more of the foregoing.

"(C) An individual entitled to benefits under subsection (d) meets the residency requirements of this paragraph with respect to those benefits only if—

"(i)(I) such individual has resided in the United States (as the child of the person on whose wages and self-employment income such entitlement is based) for a total period of not less than 5 years, or

"(II) the person on whose wages and self-employment income such entitlement is based, and the individual's other parent (within the meaning of subsection (h)(3)), if any, have each resided in the United States for a total period of not less than 5 years (or died while residing in the United States), and

"(ii) in the case of an individual entitled to such benefits as an adopted child, such individual was adopted within the United States by the person on whose wages and self-employment income such entitlement is based, and has lived in the United States with such person and received at least one-half of his or her support from such person for a period (beginning before such individual attained age 18) consisting of—

"(I) the year immediately before the month in which such person became eligible for old-age insurance benefits or disability insurance benefits or died, whichever occurred first, or

"(II) if such person had a period of disability which continued until he or she became entitled to old-age insurance benefits or disability insurance benefits or died, the year immediately before the month in which such period of disability began.

"(D) An individual entitled to benefits under subsection (h) meets the residency requirements of this paragraph with respect to those benefits only if such individual has resided in the United States, and while so residing was a parent (within the meaning of subsection (h)(3)) of the person on whose wages and self-employment income such entitlement is based, for a total period of not less than 5 years.

"(E) This paragraph shall not apply with respect to any individual who is a citizen or resident of a foreign country with which the United States has an agreement in force concluded pursuant to section 233, except to the extent provided by such agreement.".

(b) Paragraphs (2) and (4) of section 202(t) of such Act are each amended by striking out "Paragraph (1) shall not apply" and inserting in lieu thereof "Subject to paragraph (11), paragraph (1) shall not apply".

(c) The amendments made by this section shall apply with respect to any individual who initially becomes eligible for benefits under section 202 or 223 after December 31, 1984.

ADDITION OF PUBLIC MEMBERS TO TRUST FUND BOARD OF TRUSTEES

SEC. 341. (a) Section 201(c) of the Social Security Act is amended—

(1) by inserting before the period at the end of the first sentence the following: ", and of two members of the public (both of whom may not be from the same political party), who shall be nominated by the President for a term of four years and subject to confirmation by the Senate"; and

(2) by adding at the end thereof the following new sentence: "A person serving on the Board of Trustees shall not be considered to be a fiduciary and shall not be personally liable for actions taken in such capacity with respect to the Trust Funds.".

(b) Section 1817(b) of such Act is amended—

(1) by inserting before the period at the end of the first sentence the following: ", and of two members of the public (both of whom may not be from the same political party), who shall be nominated by the President for a term of four years and subject to confirmation by the Senate", and

(2) by adding at the end thereof the following new sentence: "A person serving on the Board of Trustees shall not be considered to be a fiduciary and shall not be presonally liable for actions taken in such capacity with respect to the Trust Fund.".

(c) Section 1841(b) of such Act is amended—

(1) by inserting before the period at the end of the first sentence the following: ", and of two members of the public (both of whom may not be from the same political party), who shall be nominated by the President for a term of four years and subject to confirmation by the Senate"; and

(2) by adding at the end thereof the following new sentence: "A person serving on the Board of Trustees shall not be considered to be a fiduciary and shall not be personally liable for actions taken in such capacity with respect to the Trust Fund.".

(d) The amendments made by this section shall become effective on the date of enactment of this Act.

PAYMENT SCHEDULE BY STATE AND LOCAL GOVERNMENTS

SEC. 342. (a) section 218(e)(1)(A) of the Social Security Act is amended to read as follows:

(A) that the State will pay to the Secretary of the Treasury—

(i) on the last day of each calendar month, amounts equivalent to the sum of the taxes which would be imposed by sections 3101 and 3111 of the Internal Revenue Code of 1954 with respect to the period which includes the first fifteen days of such calendar month if the services for which wages were paid in such period to employees covered by the agreement constituted employment covered by the agreement constituted employment as defined in section 3231 of such Code, and

(ii) on the fifteenth day of the calendar month following such calendar month, amounts equivalent to the sum of the taxes which would be imposed by sections 3101 and 3111 of such Code with respect to the period beginning with the sixteenth day of such calendar month and ending with the last day of such calendar month if the services for which wages were paid in such

period to employees covered by the agreement constituted employment as defined in section 3121 of such Code; and".

(b) The amendments made by this section shall apply to calendar months beginning after December 31, 1983.

EARNING SHARING IMPLEMENTATION REPORT

SEC. 344. (a) The Secretary of Health and Human Services (hereinafter in the Part referred to as the "Secretary") shall develop, in consultation with the Senate Committee on Finance and the Committee on Ways and Means of the House of Representatives, proposals for earnings sharing legislation as described in subsection (b). The Secretary shall report such proposals to such committees not later than July 1, 1984. The report and proposals provided to such committess shall—

(1) take into account, discuss, and analyze the impact of earnings sharing on various categories of social security beneficiaries and include recommendations for the implementation of earnings sharing which may be necessary to provide adequate protection for particular classes of beneficiaries;

(2) include specific recommendations with respect to an appropriate and feasible time period or time periods for implementation of such proposals along with recommendations for any transition provisions which may be necessary or appropriate; and

(3) provide cost-impact analyses on each proposal presented.

(b) For the purposes of subsection (a), the term "earnings sharing" refers to proposals that the combined earnings of a husband and wife during the period of their marriage shall be divided equally and shared between them for social security benefit purposes.

(c) In preparing the report and proposals required in subsection (a), the Secretary shall include consideration and analysis of the earnings sharing proposals contained in (1) S. 3, 98th Congress, 1st Session, (2) H.R. 1513, 97th Congress, 1st Session, and (3) the earnings sharing option described in the report entitled "Social Security and the Changing Roles of Men and Women", submitted to the Congress pursuant to Public Law 95-216, the Social Security Amendments of 1977.

(d) In carrying out subsections (a), (b), and (c), the Secretary shall consult with the Director of the Congressional Budget Office. Not later than 30 days after the Secretary submits the report required in subsection (a), the Director of the Congressional Budget Office shall submit a report to the committees identified in such subsection on the methodologies, recommendations, and analyses used in the Secretary's report.

VETERANS' ADMINISTRATION REORGANIZATION

SEC. 345. The requirements of section 210(b)(2)(A) of title 38, United States Code, shall not apply to the planned administrative reorganization at the Veterans' Administration Los Angeles Data Processing Center involving the transfer of 25 full-time equivalent employees from the Office of Data Management and Technology to the Department of Medicine and Surgery of the Veterans' Administration

SOCIAL SECURITY CARDS

SEC. 346. (a) Section 205(c)(2) of the Social Security Act is amended by adding at the end thereof the following new subparagraph:

"(D) The Secretary shall issue a social security card to each individual at the time of the issuance of a social security account number to such individual. The social security card shall be made of banknote paper, and (to the maximum extent practicable) shall be a card which cannot be counterfeited.".

(b) The amendment made by this section shall apply with respect to all new and replacement social security cards issued more than 193 days after the date of the enactment of this Act.

(c) Within 90 days after the date of the enactment of this Act the Secretary of Health and Human Services shall report to the Congress on his plans for implementing the amendment made by this section.

BUDGETARY TREATMENT OF TRUST FUND OPERATIONS

SEC. 347. (a)(1) Title VII of the Social Security Act (as amended by section 143 of this Act) is further amended by adding at the end thereof the following new section:

"BUDGETARY TREATMENT OF TRUST FUND OPERATIONS

"SEC. 710. The disbursements of the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, the Federal Hospital Insurance Trust Fund, and the Federal Supplementary Medical Insurance Trust Fund shall be treated as a separate major functional category in the budget of the United States Government as submitted by the President and in the congressional budget, and the receipts of such Trust Funds, including the taxes imposed under sections 1401, 3101, and 3111 of the Internal Revenue Code of 1954, shall be set forth separately in such budgets.".

(2)(A) The amendment made by paragraph (1) shall apply with respect to fiscal years beginning on or after October 1, 1984, and ending on or before September 30, 1992, except that such amendment shall apply with respect to the fiscal year beginning on October 1, 1983, to the extent it relates to the congressional budget.

(b) Effective for fiscal years beginning on or after October 1, 1992, section 710 of such Act (as added by subsection (a) of this section) is amended to read as follows:

"BUDGETARY TREATMENT OF TRUST FUND OPERATIONS

"SEC. 710. (a) The receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, and the Federal Hospital Insurance Trust Fund and the taxes imposed under sections 1401, 3101, and 3111 of the Internal Revenue Code of 1954 shall not be included in the totals of the budget of the United States Government as submitted by the President or of the congressional budget and shall be exempt from any general budget limitation imposed by statute on expenditures and net lending (budget outlays) of the United States Government.

"(b) The disbursements of the Federal Supplementary Medical Insurance Trust Fund shall be treated as a separate major functional category in the budget of the United States Government as submitted by the President and in the congressional budget, and the receipts of such Trust Fund shall be set forth separately in such budgets.".

LIBERALIZATION OF EARNINGS TEST

SEC. 348. (a) Section 203(f)(3) of the Social Security Act is amended by striking out "50 per centum of his earnings for such year in excess of the product of the applicable exempt amount as determined under paragraph (8)" and inserting in lieu thereof the following: "33⅓ percent of his earnings for such year in excess of the product of the applicable exempt amount as determined under paragraph (8) in the case of an individual who has attained retirement age (as defined in section 216(l)) before the close of such taxable year, or 50 percent of his earnings for such year in excess of such product in the case of any other individual".

(b) The amendment made by subsection (a) shall apply only in the case of individuals attaining retirement age (as defined in section 210(l) of the Social Security Act) after December 1989.

TITLE IV—SUPPLEMENTAL SECURITY INCOME BENEFITS

INCREASE IN FEDERAL SSI BENEFIT STANDARD

SEC. 401. (a)(1) Section 1617 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(c) Effective July 1, 1983—

"(1) each of the dollar amounts in effect under subsections (a)(1)(A) and (b)(1) of section 1611, as previously increased under this section, shall be increased by $240 (and the dollar amount in effect under subsection (a)(1)(A) section 211 of Public Law 93-66, as previously so increased, shall be increased by $120); and

"(2) each of the dollar amounts in effect under subsections (a)(2)(A) and (b)(2) of section 1611, as previously increased under this section, shall be increased by $360.".

(2) Section 1617(b) of such Act is amended by striking out "this section" and inserting in lieu thereof "subsection (a) of this section".

(b) Section 1617(a)(2) of such Act is amended by inserting ", or, if greater (in any case where the increase under title II was determined on the basis of the wage increase percentage rather than the CPI increase percentage), the percentage by which benefit amounts under title II would be increased for such month if the increase had been determined on the basis of the CPI increase percentage," after "are increased for such month".

ADJUSTMENTS IN FEDERAL SSI PASS-THROUGH PROVISIONS

SEC. 402. Section 1618 of the Social Security Act is amended by redesignating the subsection (c) which was added by Public Law 97-377 as subsection (d), and by adding at the end thereof the following new subsection:

"(e)(1) For any particular month after March 1983, a State which is not treated as meeting the requirements imposed by paragraph (4) of subsection (a) by reason of subsection (b) shall be treated as meeting such requirements if and only if—

"(A) the combined level of its supplementary payments (to recipients of the type involved) and the amounts payable (to or on behalf of such recipients) under section 1611(b) of this Act and section 211(a)(1)(A) of Public Law 93-66, for that particular month,

is not less than—

"(B) the combined level of its supplementary payments (to recipients of the type involved) and the amounts payable (to or on behalf of such recipients) under section 1611(b) of this Act and section 211(a)(1)(A) of Public Law 93-66, for March 1983, increased by the amount of all cost-of-living adjustments under section 1617 (and any other benefit increases under this title) which have occurred after March 1983 and before that particular month.

"(2) In determining the amount of any increase in the combined level involved under paragraph (1)(B) of this subsection, any portion of such amount which would otherwise be attributable to the increase under section 1617(c) shall be deemed instead to be equal to the amount of the cost-of-living adjustment which would have occurred in July 1983 (without regard to the 3-percent limitation contained in section 215(i)(1)(B)) if section 111 of the Social Security Act Amendments of 1983 had not been enacted.".

SSI ELIGIBILITY FOR TEMPORARY RESIDENTS OF EMERGENCY SHELTERS FOR THE HOMELESS

SEC. 403. (a) Section 1611(e)(1) of the Social Security Act is amended—

(1) by striking out "subparagraph (B) and (C)" in subparagraph (A) and inserting in lieu thereof "subparagraphs (B), (C), and (D)"; and

(2) by adding at the end thereof the following new subparagraph:

"(D) A person may be an eligible individual or eligible spouse for purposes of this title with respect to any month throughout which he is a resident of a public emergency shelter for the homeless (as defined in regulations which shall be prescribed by the Secretary); except that no person shall be an eligible individual or eligible spouse by reason of this subparagraph more than three months in any 12-month period.".

(b) The amendments made by subsection (a) shall be effective with respect to months after the month in which this Act is enacted.

DISREGARDING OF EMERGENCY AND OTHER IN-KIND ASSISTANCE PROVIDED BY NONPROFIT ORGANIZATIONS

SEC. 404. (a) Section 1612(b)(13) of the Social Security Act is amended by striking out "any assistance received" and all that follows down through "(B)" and inserting in lieu thereof the following: "any support or maintenance assistance furnished to or on behalf of such individual (and spouse if any) which (as determined under regulations of the Secretary by such State agency as the chief executive officer of the State may designate) is based on need for such support or maintenance, including assistance received to assist in meeting the costs of home energy (including both heating and cooling), and which".

(b) Section 402(a)(36) of such Act is amended by striking out "shall not include as income" and all that follows down through "(B)" and inserting in lieu thereof the following: "shall not include as income any support or maintenance assistance furnished to or on behalf of the family which (as determined under regulations of the Secretary by such State agency as the chief executive officer of the State may designate) is based on need for such support and maintenance, including assistance received to assist in meeting the costs of home energy (including both heating and cooling), and which".

(c) The amendments made by this section shall be effective with respect to months which begin after the month in which this Act is enacted and end before October 1, 1984.

NOTIFICATION REGARDING SSI

SEC. 405. Prior to July 1, 1984, the Secretary of Health and Human Services shall notify all elderly recipients of benefits under title II of the Social Security Act who may be eligible for supplemental security income benefits under title XVI of such act of the availability of the supplemental security income program, and shall encourage such recipients to contact the Social Security district office. Such notification shall also be made to all recipients prior to attainment of age 65, with the notification made with respect to eligibility for supplementary medical insurance.

TITLE V—UNEMPLOYMENT COMPENSATION PROVISIONS

PART A—FEDERAL SUPPLEMENTAL COMPENSATION

EXTENSION OF PROGRAM

SEC. 501. (a) Paragraph (2) of section 602(f) of the Federal Supplemental Compensation Act of 1982 is amended by striking out "March 31, 1983" and inserting in lieu thereof "September 30, 1983".

(b) Section 605(2) of such Act is amended by striking out "April 1, 1983" and inserting in lieu thereof "October 1, 1983".

NUMBER OF WEEKS FOR WHICH COMPENSATION PAYABLE

SEC. 502. (a) Subsection (e) of section 602 of the Federal Supplemental Compensation Act of 1982 is amended by redesignating paragraph (3) as paragraph (4) and by striking out paragraph (2) and inserting in lieu thereof the following new paragraphs:

"(2)(A) In the case of any account from which Federal supplemental compensation was first payable to an individual for a week beginning after March 31, 1983, the amount established in such account shall be equal to the lesser of—

"(i) 55 per centum of the total amount of regular compensation (including dependents' allowances) payable to the individual with respect to the benefit year (as determined under the State law) on the basis of which he most recently received regular compensation, or

"(ii) the applicable limit determined under the following table times his average weekly benefit amount for his benefit year:

"In the case of weeks during a:	The applicable limit is:
6-percent period	14
5-percent period	12
4-percent period	10
Low-unemployment period	8

"(B) In the case of any State whose applicable limit, as determined under clause (ii) of subparagraph (A) for the first week beginning after March 27, 1983, and after the date of the enactment of part A of title V of the Social Security Amendments of 1983, would be more than 4 weeks lower than the number of weeks applicable to such State under this paragraph as in effect for the week beginning March 27, 1983, the applicable limit for such State for that week and any succeeding week shall not be lower than 4 less than the number so applicable to such State for the week beginning March 27, 1983.

"(C) In the case of any account from which Federal supplemental compensation was payable to an individual for a week beginning before April 1, 1983, the amount established in such account shall be equal to the lesser of the subparagraph (A) entitlement or the sum of—

"(i) the subparagraph (A) entitlement reduced (but not below zero) by the aggregate amount of Federal supplemental compensation paid to such individual for weeks beginning before April 1, 1983, plus

"(ii) such individual's additional entitlement.

"(D) For purposes of subparagraph (C) and this subparagraph—

"(i) The term 'subparagraph (A) entitlement' means the amount which would have been established in the account if subparagraph (A) had applied to such account.

"(ii) The term 'additional entitlement' means the lesser of—

"(I) three-fourths of the subparagraph (A) entitlement, or

"(II) the applicable limit determined under the following table times the individual's average weekly benefit amount for his benefit year:

"In the case of weeks during a:	The applicable limit is:
6-percent period	10
5-percent period	8
4-percent period	8
Low-employment period	6

"(E) Except as provided in subparagraph (C)(i), for purposes of determining the amount of Federal supplemental compensation payable for weeks beginning after March 31, 1983, from an account described in subparagraph (C), no reduction in such account shall be made by reason of any Federal supplemental compensation paid to the individual for weeks beginning before April 1, 1983.

"(3)(A) For purposes of this subsection, the terms '6-percent period', '5-percent period', '4-percent period', and 'low-unemployment period' mean, with respect to any State, the period which—

"(i) begins with the 3d week after the 1st week in which the rate of insured unemployment in the State for the period consisting of such week and the immediately preceding 12 weeks falls in the applicable range, and

"(ii) ends with the 3d week after the 1st week in which the rate of insured unemployment for the period consisting of such week and the immediately preceding 12 weeks does not fall within the applicable range.

"(B) For purposes of subparagraph (A), the applicable range is as follows:

"In the case of a:	The applicable range is:
6-percent period	A rate equal to or exceeding 6 percent.
5-percent period	A rate equal to or exceeding 5 percent, but less than 6 percent.
4-percent period	A rate equal to or exceeding 4 percent, but less than 5 percent.
Low-employment	A rate less than 4 percent.

"(C) No 6-percent period, 5-percent period, or 4-percent period, as the case may be, shall last for a period of less than 4 weeks unless the State enters a period with a higher percentage designation.

"(D) For purposes of this subsection—

"(i) The rate of insured unemployment for any period shall be determined in the same manner as determined for purposes of section 203 of the Federal-State Extended Unemployment Compensation Act of 1970.

"(ii) The amount of an individual's average weekly benefit amount shall be determined in the same manner as determined for purposes of section 202(b)(1)(C) of such Act.".

(b)(1) Section 602(f)(2) of such Act is amended by inserting before the period at the end thereof the following: "; except that in the case of any individual who received such compensation for the week preceding the last week beginning after such date, such compensation shall be payable to such individual for weeks beginning after such date, but the total amount of such compensation payable for such weeks shall be limited to 50 percent of the total amount which would otherwise be payable for such weeks".

(2) Section 6.5(2) of such Act is amended by inserting before the semicolon the follow-

ing: "(except as otherwise provided in section 602(f)(2))".

(c) Paragraph (3) of section 602(d) of the Federal Supplemental Commpensation Act of 1982 is amended to read as follows:

"(3) the maximum amount of Federal supplemental compensation payable to any individual for whom an account is established under subsection (e) shall not exceed the lesser of (A) the amount established in such account for such individual, or (B) in the case of an individual filing a claim under the interstate benefit payment plan for Federal supplemental compensation, the amount which would have been established in such account if the amount established in such account were determined by reference to the applicable limit under subparagraph (A)(ii) or (D)(ii) of subsection (e)(2) applicable in the State in which the individual is filing such interstate claim under the interstate benefit payment plan for the week in which he is filing such claim."

EFFECTIVE DATE

SEC. 503. (a) The amendments made by this part shall apply to weeks beginning after March 31, 1983.

(b) In the case of any eligible individual—

(1) to whom any Federal supplemental compensation was payable for any week beginning before April 1, 1983, and

(2) who exhausted his rights to such compensation (by reason of the payment of all the amount in his Federal Supplemental compensation account) before the first week beginning after March 31, 1983,

such individual's eligibility for additional weeks of compensation by reason of the amendments made by this part shall not be limited or terminated by reason of any event, or failure to meet any requirement of law relating to eligibility for unemployment compensation, occurring after the date of such exhaustion of rights and before April 1, 1983 (and the period after such exhaustion and before April 1, 1983, shall not be counted for purposes of determining the expiration of the two years following the end of his benefit year for purposes of section 602(b) of the Federal Supplemental Compensation Act of 1982).

(c) The Secretary of Labor shall, at the earliest practicable date after the date of the enactment of this Act, propose to each State with which he has in effect an agreement under section 602 of the Federal Supplemental Compensation Act of 1982 a modification of such agreement designed to provide for the payment of Federal supplemental compensation under such Act in accordance with the amendments made by this part. Notwithstanding any other provision of law, if any State fails or refuses, within the 3-week period beginning on the date the Secretary of Labor proposed such a modification to such State, to enter into such a modification of such agreement, the Secretary of Labor shall terminate such agreement effective with the end of the last week which ends on or before such 3-week period.

TRAINING

SEC. 504. Section 602 of the Federal Supplemental Compensation Act of 1982 is amended by adding at the end thereof the following new subsection:

"(g) The payment of Federal supplemental compensation shall not be denied to any recipient (who submits documentation prescribed by the Secretary) for any week because the recipient is in training or attending an accredited educational institution on a substantially full-time basis, or because of the application of State law to any such recipient relating to the availability for work, the active search for work, or the refusal to accept work on account of such training or attendance, unless the State agency determines that such training or attendance will not improve the opportunities for employment of the recipient.".

COORDINATION WITH TRADE READJUSTMENT PROGRAM

SEC. 505. Subsection (e) of section 602 of the Federal Supplemental Compensation Act of 1982 is amended by adding at the end thereof the following new paragraph:

"(5)(A) Except as provided in subparagraph (B), the maximum amount of Federal supplemental compensation payable to an individual shall not be reduced by reason of any trade readjustment allowances to which the individual was entitled under the Trade Act of 1974.

"(B) If an individual received any trade readjustment allowance under the Trade Act of 1974 in respect of any benefit year, the maximum amount of Federal supplemental compensation payable under this subtitle in respect of such benefit year shall be reduced (but not below zero) so that (to the extent possible by making such a reduction) the aggregate amount of—

"(i) regular compensation,

"(ii) extended compensation,

"(iii) trade readjustment allowances, and

"(iv) Federal supplemental compensation,

payable in respect of such benefit year does not exceed the aggregate amount which would have been so payable had the individual not been entitled to any trade readjustment allowance."

PART B—PROVISIONS RELATING TO INTEREST AND CREDIT REDUCTIONS

DEFERRAL OF INTEREST

SEC. 511. (a) Section 1202(b) of the Social Security Act is amended by adding at the end thereof the following new paragraphs:

"(8)(A) With respect to interest due under this section on September 30 of 1983, 1984, or 1985 (other than interest previously deferred under paragraph (3)(C)), a State may pay 80 percent of such interest in four annual installments of at least 20 percent beginning with the year after the year in which it is otherwise due, if such State meets the criteria of subparagraph (B). No interest shall accrue on such deferred interest.

"(B) To meet the criteria of this subparagraph a State must—

"(i) have taken no action since October 1, 1982, which would reduce its net unemployment tax effort or the net solvency of its unemployment system (as determined for purposes of section 3302(f) of the Internal Revenue Code of 1954); and

"(ii)(I) have taken an action (as certified by the Secretary of Labor) after March 31, 1982, which would have increased revenue liabilities and decreased benefits under the State's unemployment compensation system (hereinafter referred to as a 'solvency effort') by a combined total of the applicable percentage (as compared to such revenues and benefits as would have been in effect without such State action) for the calendar year for which the deferral is requested; or

"(II) have had, for taxable year 1982, an average unemployment tax rate which was equal to or greater than 2.0 percent of the total of the wages (as determined without any limitation on amount) attributable to such State subject to contribution under the State unemployment compensation law with respect to such taxable years.

In the case of the first year for which there is a deferral (over a 4-year period) of the interest otherwise payable for such year, the applicable percentage shall be 25 percent. In the case of the second such year, the applicable percentage shall be 35 percent. In the case of the second such year, the applicable percentage shall be 50 percent.

"(C)(i) The base year is the first year for which deferral under this provision is requested and subsequently granted. The Secretary of Labor shall estimate the unemployment rate for the base year. To determine whether a State meets the requirements of subparagraph (B)(ii)(I), the Secretary of Labor shall determine the percentage by which the benefits and taxes in the base year with the application of the action referred to in subparagraph (B)(ii)(I) are lower or greater, as the case may be, than such benefits and taxes would have been without the application of such action. In making this determination, the Secretary shall deem the application of the action referred to in subparagraph (B)(ii)(I) to have been effective for the base year to the same extent as such action is effective for the year following the year for which the deferral is sought. Once a deferral is approved under clause (ii)(I) of subparagraph (B) a State must continue to maintain its solvency effort. Failure to do so shall result in the State being required to make immediate payment of all deferred interest.

"(ii) Increases in the taxable wage base from $6,000 to $7,000 or increases after 1984 in the maximum tax rate to 5.4 percent shall not be counted for purposes of meeting the requirement of subparagraph (B).

"(D) In the case of a State which produces a solvency effort of 50 percent, 80 percent, and 90 percent rather than the 25 percent, 35 percent, 50 percent required under subparagraph (B), the interest shall be computed at an interest rate which is 1 percentage point less than the otherwise applicable interest rate.

"(9) Any interest otherwise due from a State on September 30 of a calendar year after 1982 may be deferred (and no interest shall accrue on such deferred interest) for a grace period of not to exceed 9 months if, for the most recent 12-month period for which data are available before the date such interest is otherwise due, the State had an average total unemployment rate of 13.5 percent or greater."

(b) Section 1202(b)(7) of such Act is amended by striking out ", and before January 1, 1988".

(c) Section 1202(b)(3)(C)(i) of the Social Security Act is amended by striking the matter that follows clause (II) and inserting "No interest shall accrue on deferred interest."

CAP ON CREDIT REDUCTION

SEC. 512. (a)(1) Section 3302(f) of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new paragraph:

"(8) PARTIAL LIMITATION.—

"(A) In the case of a State which would meet the requirements of this subsection for a taxable year prior to 1987 but for its failure to meet one of the requirements contained in subparagraph (C) or (D) of paragraph (2), the reduction under subsection (c)(2) in credits otherwise applicable to taxpayers in such State for such taxable year and each subsequent year (in a period of consecutive years for each of which a credit reduction is in effect for taxpayers in such

State) shall be reduced by 0.1 percentage point.

"(B) In the case of a State which does not meet the requirements of paragraph (2) but meets the requirements of subparagraphs (A) and (B) of paragraph (2) and which also meets the requirements of section 1202(b)(8)(B) of the Social Security Act with respect to such taxable year, the reduction under subsection (c)(2) in credits otherwise applicable to taxpayers in such State for such taxable year and each subsequent year (in a period of consecutive years for each of which a credit reduction is in effect for taxpayers in such State) shall be further reduced by an additional 0.1 percentage point.

"(C) In no case shall the application of subparagraphs (A) and (B) reduce the credit reduction otherwise applicable under subsection (c)(2) below the limitation under paragraph (1)."

(2) The amendment made by paragraph (1) shall apply with respect to taxable year 1983 and taxable years thereafter.

(b) Section 3302(f)(1) of such Code is amended by striking out "beginning before January 1, 1988,".

AVERAGE EMPLOYER CONTRIBUTION RATE

SEC. 513. (a) Section 3302(d)(4)(B) of the Internal Revenue Code of 1954 is amended to read as follows:

"(B)(i) for purposes of subparagraph (B) of subsection (c)(2), the total of the wages (as determined without any limitation on amount) attributable to such State subject to contributions under this chapter with respect to such calendar year, and

"(ii) for purposes of subparagraph (C) of subsection (c)(2), the total of the remuneration subject to contributions under the State unemployment compensation law with respect to such calendar year."

(b) Section 3302(c)(2)(B)(i) of such Code is amended by striking out "2.7" and inserting in lieu thereof "2.7 multiplied by a fraction, the numerator of which is the wage base under this chapter and the denominator of which is the estimated United States average annual wage in covered employment for the calendar year in which the determination is to be made".

(c) Section 3302(c)(2)(B) of such Code is amended by inserting after "(if any)" and following: ", multiplied by a fraction, the numerator of which is the State's average annual wage in covered employment for the calendar year in which the determination is made and the denominator of which is the wage base under this chapter,".

(d) The amendments made by this section shall be effective for taxable year 1983 and taxable years thereafter.

DATE FOR PAYMENT OF INTEREST

SEC. 514. Section 1202(b)(3)(A) of the Social Security Act is amended by striking out "not later than" and inserting in lieu thereof "prior to".

PENALTY FOR FAILURE TO PAY INTEREST

SEC. 515. (a) Section 303(c) of the Social Security Act is amended by striking out "or" at the end of paragraph (1), striking out the period at the end of paragraph (2) and inserting "; or", and adding at the end thereof the following new paragraph:

"(3) that any interest required to be paid on advances under title XII of this Act has not been paid by the date on which such interest is required to be paid or has been paid directly or indirectly (by an equivalent reduction in State unemployment taxes or otherwise) by such State from amounts in such State's unemployment fund, until such interest is properly paid.".

(b) Section 3304(a) of the Internal Revenue Code of 1954 (relating to certification of State unemployment compensation laws) is amended by redesignating paragraph (17) as paragraph (18) and by inserting after paragraph (16) the following new paragraph:

"(17) any interest required to be paid on advances under title XII of the Social Security Act shall be paid in a timely manner and shall not be paid, directly or indirectly (by an equivalent reduction in State unemployment taxes or otherwise) by such State from amounts in such State's unemployment fund; and".

PART C—MISCELLANEOUS PROVISIONS

TREATMENT OF EMPLOYEES PROVIDING SERVICES TO EDUCATIONAL INSTITUTIONS

SEC. 521. (a)(1) Section 3304(a)(6)(A) of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new clause:

"(v) with respect to services to which section 3309(a)(1) applies, if such services are provided to or on behalf of an educational institution, compensation may be denied under the same circumstances as described in clauses (i) through (iv), and".

(2) Clauses (ii)(I), (iii), and (iv) of such section are each amended by striking out "may be denied" and inserting in lieu thereof "shall be denied".

(b)(1) Except as provided in paragraph (2), the amendments made by this section shall apply in the case of compensation paid for weeks beginning on or after April 1, 1984.

(2) In the case of a State with respect to which the Secretary of Labor has determined that State legislation is required in order to comply with the amendment made by this section, the amendment made by this section shall apply in the case of compensation paid for weeks which begin on or after April 1, 1984, and after the end of the first session of the State legislature which begins after the date of the enactment of this Act, or which began prior to the date of the enactment of this Act and remained in session for at least twenty-five calendar days after such date of enactment. For purposes of the preceding sentence, the term "session" means a regular, special, budget, or other session of a State legislature.

EXTENDED BENEFIT FOR INDIVIDUALS WHO ARE HOSPITALIZED OR ON JURY DUTY

SEC. 522. (a) Clause (ii) of paragraph (3)(A) of section 202(a) of the Federal-State Extended Unemployment Compensation Act of 1970 is amended to read as follows:

"(ii) during which he fails to actively engage in seeking work, unless such individual is not actively engaged in seeking work because such individual is, as determined in accordance with State law—

"(I) before any court of the United States or any State pursuant to a lawfully issued summons to appear for jury duty (as such term may be defined by the Secretary of Labor), or

"(II) hospitalized for treatment of an emergency or a life-threatening condition (as such term may be defined by such Secretary),

if such exemptions in clauses (I) and (II) apply to recipients of regular benefits, and the State chooses to apply such exemptions for recipients of extended benefits; or".

(b) The amendment made by this section shall become effective on the date of the enactment of this Act.

VOLUNTARY HEALTH INSURANCE PROGRAMS PERMITTED

SEC. 523. (a) AMENDMENT OF THE INTERNAL REVENUE CODE OF 1954.—Paragraph (4) of section 3304(a) of the Internal Revenue Code of 1954 (relating to requirements for approval of State unemployment compensation laws) is amended by striking out "and" at the end of subparagraph (A), by adding "and" at the end of subparagraph (B), and by adding after subparagraph (B) the following new subparagraph:

"(C) nothing in this paragraph shall be construed to prohibit deducting an amount from unemployment compensation otherwise payable to an individual and using the amount so deducted to pay for health insurance if the individual elected to have such deduction made and such deduction was made under a program approved by the Secretary of Labor;".

(b) AMENDMENT OF SOCIAL SECURITY ACT.—Paragraph (5) of section 303(a) of the Social Security Act is amended by striking out "; and" at the end thereof and inserting in lieu thereof ": Provided further, That nothing in this paragraph shall be construed to prohibit deducting an amount from unemployment compensation otherwise payable to an individual and using the amount so deducted to pay for health insurance if the individual elected to have such deduction made and such deduction was made under a program approved by the Secretary of Labor; and".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

TREATMENT OF CERTAIN ORGANIZATIONS RETROACTIVELY DETERMINED TO BE DESCRIBED IN SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE OF 1954

SEC. 524. If—

(1) an organization did not make an election to make payments (in lieu of contributions) as provided in section 3309(a)(2) of the Internal Revenue Code of 1954 before April 1, 1972, because such organization, as of such date, was treated as an organization described in section 501(c)(4) of such Code,

(2) the Internal Revenue Service subsequently determined that such organization was described in section 501(c)(3) of such Code, and

(3) such organization made such an election before the earlier of—

(A) the date 18 months after such election was first available to it under the State law, or

(B) January 1, 1984,

then section 3303(f) of such Code shall be applied with respect to such organization as if it did not contain the requirement that the election be made before April 1, 1972, and by substituting "January 1, 1982" for "January 1, 1969".

TITLE VI—PROSPECTIVE PAYMENTS FOR MEDICARE INPATIENT HOSPITAL SERVICES

MEDICARE PAYMENTS FOR INPATIENT HOSPITAL SERVICES ON THE BASIS OF PROSPECTIVE RATES

SEC. 601. (a)(1) Subsection (a)(1) of section 1886 of the Social Security Act is amended by adding at the end the following new subparagraph:

"(D) Subparagraph (A) shall not apply to cost reporting periods beginning on or after October 1, 1983.".

(2) Subsection (a)(4) of such section is amended by adding at the end the following new sentence: "Such term does not include costs of approved educational activities, or, with respect to costs incurred in cost reporting periods beginning prior to October 1, 1986, capital related costs, as defined by the Secretary.".

(3) It is the intent of Congress that, in considering the implementation of a system for including capital-related costs under a prospectively determined payment rate for inpatient hospital services, costs related to capital projects for which expenditures are obligated on or after the effective date of the implementation of such system, may or may not be distinguished and treated differently from costs of projects for which expenditures were obligated before such date.

(b) Section 1886(b) of such Act is amended—

(1) by striking out "Notwithstanding sections 1814(b), but subject to the provisions of sections" in paragraph (1) and inserting in lieu thereof "Notwithstanding section 1814(b) but subject to the provisions of section.";

(2) by inserting "(other than a subsection (d) hospital, as defined in subsection (d)(1)(B))" in the matter before subparagraph (A) of paragraph (1) after "of a hospital";

(3) by inserting, in the matter in paragraph (1) following subparagraph (B), "(other than on the basis of a DRG prospective payment rate determined under subsection (d))" after "payable under this title";

(4) by repealing paragraph (2);

(5) by inserting "and subsection (d) and except as provided in subsection (e)" in paragraph (3)(B) after "subparagraph (A)";

(6) by inserting "or fiscal year" after "cost reporting period" each place it appears in paragraph (3)(B);

(7) by inserting "before the beginning of the period or year" in paragraph (3)(B) after "estimated by the Secretary";

(8) by striking out "exceeds" in paragraph (3)(B) and inserting in lieu thereof "will exceed"; and

(9) by amending paragraph (6), effective with respect to cost reporting periods beginning on or after October 1, 1982, to read as follows:

"(6) In the case of any hospital which becomes subject to the taxes under section 3111 of the Internal Revenue Code of 1954, with respect to any or all of its employees, for part or all of a cost reporting period, and was not subject to such taxes with respect to any or all of its employees for all or part of the 12-month base cost reporting period referred to in subsection (b)(3)(A)(i), the Secretary shall provide for an adjustment by increasing the base period amount described in such subsection for such hospital by an amount equal to the amount of such taxes which would have been paid or accrued by such hospital for such base period if such hospital had been subject to such taxes for all of such base period with respect to all its employees, minus the amount of any such taxes actually paid or accrued for such base period.".

(c)(1) Subsection (c)(1) of such section is amended——

(A) by striking out "and" at the end of subparagraph (B),

(B) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon; and

(C) by adding at the end the following:

"(D) the Secretary determines that the system will not preclude an eligible organization (as defined in section 1876(b)) from negotiating directly with hospitals with respect to the organization's rate of payment for inpatient hospital services; and

"(E) the Secretary determines that the system requires hospitals to meet the requirement of section 1866(a)(1)(G) and the system provides for the exclusion of certain costs in accordance with section 1862(a)(14) (except for such waivers thereof as the Secretary provides by regulation).

The Secretary cannot deny the application of a State under this subsection on the ground that the State's hospital reimbursement control system is based on a payment methodology other than on the basis of a diagnosis-related group or on the ground that the amount of payments made under this title under such system must be less than the amount of payments which would otherwise have been made under this title not using such system. If the Secretary determines that the conditions described in subparagraph (C) are based on maintaining payment amounts at no more than a specified percentage increase above the payment amounts in a base period, the State has the option of applying such test (for inpatient hospital services under part A) on an aggregate payment basis or on the basis of the amount of payment per inpatient discharge or admission. If the Secretary determines that the conditions described in subparagraph (C) are based on maintaining aggregate payment amounts below a national average percentage increase in total payments under part A for inpatient hospital services, the Secretary cannot deny the application of a State under this subsection on the ground that the State's rate of increase in such payments for such services must be less than such national average rate of increase.";

(2) Subsection (c)(3) of such section is amended——

(A) by striking out "requirement of paragraph (1)(A)" and inserting in lieu thereof "requirements of subparagraphs (A), (D), and (E) of paragraph (1) and, if applicable, the requirements of paragraph (5),", and

(B) by inserting "(or, if applicable, in paragraph (5))" in subparagraph (B) after "paragraph (1)".

(3) Subsection (c) of such section is further amended by adding at the end the following new paragraphs:

"(4) The Secretary shall approve the request of a State under paragraph (1) with respect to a hospital reimbursement control system if—

"(A) the requirements of subparagraphs (A), (B), (C), and (D) of paragraph (1) have been met with respect to the system, and

"(B) with respect to that system a waiver of certain requirements of title XVIII of the Social Security Act has been approved on or before (and which is in effect as of) the date of the enactment of the Social Security Act Amendments of 1983, pursuant to section 402(a) of the Social Security Amendments of 1967 or section 222(a) of the Social Security Amendments of 1972.

With respect to a State system described in this paragraph, the Secretary shall judge the effectiveness of such system on the basis of its rate of increase or inflation in inpatient hospital payments for individuals under this title, as compared to the national rate of increase or inflation for such payments, with the State retaining the option to have the test applied on the basis of the aggregate payment or payments per inpatient admission or discharge during the three cost reporting periods beginning on or after October 1, 1983, after which such test, at the option of the Secretary, shall no longer apply, and such State systems shall be treated in the same manner as under other waivers.

"(5) The Secretary shall approve the request of a State under paragraph (1) with respect to a hospital reimbursement control system if—

"(A) the requirements of subparagraphs (A), (B), (C), (D), and (E) of paragraph (1) have been met with respect to the system;

"(B) the Secretary determines that the system—

"(i) is operated directly by the State or by an entity designated pursuant to State law,

"(ii) provides for payment of hospitals covered under the system under a methodology (which sets forth exceptions and adjustments, as well as any method for changes in the methodology) by which rates or amounts to be paid for hospital services during a specified period are established under the system prior to the defined rate period, and

"(iii) hospitals covered under the system will make such reports (in lieu of cost and other reports, identified by the Secretary, otherwise required under this title) as the Secretary may require in order to properly monitor assurances provided under this subsection;

"(C) the State has provided the Secretary with satisfactory assurances that operation of the system will not result in any change in hospital admission practices which result in

"(i) a significant reduction in the proportion of patients (receiving hospital services covered under the system) who have no third-party coverage and who are unable to pay for hospital services,

"(ii) a significant reduction in the proportion of individuals admitted to hospitals for inpatient hospital services for which payment is (or is likely to be) less than the anticipated charges for or costs of such services,

"(iii) the refusal to admit patients who would be expected to require unusually costly or prolonged treatment for reasons other than those related to the appropriateness of the care available at the hospital, or

"(iv) the refusal to provide emergency services to any person who is in need of emergency services if the hospital provides such services;

"(D) any change by the State in the system which has the effect of materially reducing payments to hospitals can only take effect upon 60 days notice to the Secretary and to the hospitals the payment to which is likely to be materially affected by the change; and

"(E) the State has provided the Secretary with satisfactory assurances that in the development of the system the State has consulted with local governmental officials concerning the impact of the system on public hospitals.

The Secretary shall response to requests of States under this paragraph within 60 days of the date the request is submitted to the Secretary.

"(6) If the Secretary determines that the assurances described in paragraph (1)(C) have not been met with respect to any 36-month period, the Secretary may reduce payments under this title to hospitals under the system in an amount equal to the amount by which the payments under this title under such system for such period exceeded the amount of payments which would otherwise have been made under this title not using such system.".

(d) Subsection (d) of such section, as added by section 110 of the Tax Equity and Fiscal Responsibility Act of 1982, is amended—

(1) by striking out "section 1814(b)" in paragraph (2)(A) and inserting in lieu thereof "subsection (b)", and

(2) by redesignating the subsection as subsection (j) and transferring and inserting

such subsection at the end of section 1814 of the Social Security Act under the following heading:

"ELIMINATION OF LESSER-OF-COST-OR-CHARGES PROVISION".

(e) Such section 1886 is further amended by adding at the end the following new subsections:

"(d)(1)(A) Notwithstanding section 1814(b) but subject to the provisions of section 1813, the amount of the payment with respect to the operating costs of inpatient hospital services (as defined in subsection (a)(4)) of a subsection (d) hospital (as defined in subparagraph (B)) for inpatient hospital discharges in a cost reporting period or in a fiscal year—

"(i) beginning on or after October 1, 1983, and before October 1, 1984, is equal to the sum of—

"(I) the target percentage (as defined in subparagraph (C)) of the hospital's target amount for the cost reporting period (as defined in subsection (b)(3)(A), but determined without the application of subsection (a)), and

"(II) the DRG percentage (as defined in subparagraph (C)) of the regional adjusted DRG prospective payment rate determined under paragraph (2) for such discharges;

"(ii) beginning on or after October 1, 1984, and before October 1, 1986, is equal to the sum of—

"(I) the target percentage (as defined in subparagraph (C)) of the hospital's target amount for the cost reporting period (as defined in subsection (b)(3)(A), but determined without the application of subsection (a)), and

"(II) the DRG percentage (as defined in subparagraph (C)) of the applicable combined adjusted DRG prospective payment rate determined under subparagraph (D) for such discharges; or

"(iii) beginning on or after October 1, 1986, is equal to the national adjusted DRG prospective payment rate determined under paragraph (3) for such discharges.

"(B) As used in this section, the term 'subsection (d) hospital' means a hospital located in one of the fifty States or the District of Columbia other than—

"(i) a psychiatric hospital (as defined in section 1861(f)),

"(ii) a rehabilitation hospital (as defined by the Secretary),

"(iii) a hospital whose inpatients are predominantly individuals under 18 years of age, or

"(iv) a hospital which has an average inpatient length of stay (as determined by the Secretary) of greater than 25 days;

and, in accordance with regulations of the Secretary, does not include a psychiatric or rehabilitation unit of the hospital which is a distinct part of the hospital (as defined by the Secretary).

"(C) For purposes of this subsection, for cost reporting periods beginning, or discharges occurring—

"(i) on or after October 1, 1983, and before October 1, 1984, the 'target percentage' is 75 percent and the 'DRG percentage' is 25 percent;

"(ii) on or after October 1, 1984, and before October 1, 1985, the 'target percentage' is 50 percent and the 'DRG percentage' is 50 percent' and

"(iii) on or after October 1, 1985, and before October 1, 1986, the 'target percentage' is 25 percent and the 'DRG percentage' is 75 percent.

"(D) For purposes of subparagraph (A)(ii)(II), the 'applicable combined adjusted DRG prospective payment rate' for cost reporting periods beginning, or discharges occurring—

"(i) on or after October 1, 1984, and before October 1, 1985, is a combined rate consisting of 25 percent of the national adjusted DRG prospective payment rate, and 75 percent of the regional adjusted DRG prospective payment rate, determined under paragraph (3) for such discharges; and

"(ii) on or after October 1, 1985, and before October 1 1986, is a combined rate consisting of 50 percent of the national adjusted DRG prospective payment rate, and 50 percent of the regional adjusted DRG prospective payment rate, determined under paragraph (3) for such discharges.

"(2) The Secretary shall determine a national adjusted DRG prospective payment rate, for each inpatient hospital discharge in fiscal year 1984 involving inpatient hospital services of a subsection (d) hospital in the United States, and shall determine a regional adjusted DRG prospective payment rate for such discharges in each region, for which payment may be made under part A of this title. Each such rate shall be determined for hospitals located in urban or rural areas within the United States within each such region, respectively, as follows:

"(A) DETERMINING ALLOWABLE INDIVIDUAL HOSPITAL COSTS FOR BASE PERIOD.—The Secretary shall determine the allowable operating costs per discharge of inpatient hospital services for the hospital for the most recent cost reporting period for which data are available.

"(B) UPDATING FOR FISCAL YEAR 1984.—The Secretary shall update each amount determined under subparagraph (A) for fiscal year 1984 by—

"(i) updating for fiscal year 1983 by the estimated average rate of change of hospital costs industry-wide between the cost reporting period used under such subparagraph and fiscal year 1983 and the most recent case-mix data available, and

"(ii) projecting for fiscal year 1984 by the applicable percentage increase (as defined in subsection (b)(3)(B)) for fiscal year 1984.

"(C) STANDARDIZING AMOUNTS.—The Secretary shall standardize the amount updated under subparagraph (B) for each hospital by—

"(i) excluding an estimate of indirect medical education costs,

"(ii) adjusting for variations among hospitals by area and region in the average hospital wage level, and

"(iii) adjusting for variations in case mix among hospitals.

"(D) COMPUTING URBAN AND RURAL AVERAGES.—The Secretary shall compute an average of the standaridized amounts determined under subparagraph (C) for the United States and for each region—

"(i) for all subsection (d) hospitals located in an urban area within the United States or that region, respectively, and

"(ii) for all subsection (d) hospitals located in a rural area within the United States or that region, respectively.

For purposes of this subsection, the term 'region' means one of the nine census divisions, comprising the fifty States and the District of Columbia, established by the Bureau of the Census for statistical and reporting purposes; the term 'urban area' means an area within a Standard Metropolitan Statistical Area (as defined by the Office of Management and Budget) or within such similar area as the Secretary has recognized under subsection (a) by regulation; and the term 'rural area' means any area outside such an area or similar area.

"(E) REDUCING FOR VALUE OF OUTLIER PAYMENTS.—The Secretary shall reduce each of the average standardized amounts determined under subparagraph (D) by a proportion equal to the proportion (estimated by the Secretary) of the amount of payments under this subsection based on DRG prospective payment rates which are additional payments described in paragraph (5)(A) (relating to outlier payments).

"(F) MAINTAINING BUDGET NEUTRALITY.—The Secretary shall adjust each of such average standardized amounts as may be required under subsection (e)(1)(B) for that fiscal year.

"(G) COMPUTING DRG-SPECIFIC RATES FOR URBAN AND RURAL HOSPITALS IN THE UNITED STATES AND IN EACH REGION.—For each discharge classified within a diagnosis-related group, the Secretary shall establish a national DRG prospective payment rate and shall establish a regional DRG prospective payment rate for each region, each of which is equal—

"(i) for hospitals located in an urban area in the United States or in that region respectively, to the product of—

"(I) the average standardized amount (computed under subparagraph (D), reduced under subparagraph (E), and adjusted under subparagraph (F)) for hospitals located in an urban area in the United States or that region, and

"(II) the weighting factor (determined under paragraph (4)(B)) for that diagnosis-related group; and

"(ii) for hospitals located in a rural area in the United States or that region respectively, to the product of—

"(I) the average standardized amount (computed under subparagraph (D), reduced under subparagraph (E), and adjusted under subparagraph (F)) for hospitals located in a rural area in the United States or that region, and

"(II) the weighting factor (determined under paragraph (4)(B)) for that diagnosis-related group.

"(H) ADJUSTING FOR DIFFERENT AREA WAGE LEVELS.—The Secretary shall adjust the proportion (as estimated by the Secretary from time to time) of hospitals' costs which are attributable to wages and wage-related costs, of the national and regional DRG prospective payment rates computed under subparagraph (G) for area differences in hospital wage levels by a factor (established by the Secretary) reflecting the relative hospital wage level in the geographic area of the hospital compared to the national average hospital wage level.

"(3) The Secretary shall determine a national adjusted DRG prospective payment rate, for each inpatient hospital discharge in a fiscal year after fiscal year 1984 involving inpatient hospital services of a subsection (d) hospital in the United States, and shall determine a regional adjusted DRG prospective payment rate for such discharges in each region for which payment may be made under part A of this title. Each such rate shall be determined for hospitals located in urban or rural areas within the United States and within each such region respectively, as follows:

"(A) UPDATING PREVIOUS STANDARDIZED AMOUNTS.—The Secretary shall compute an average standardized amount for hospitals located in an urban area and for hospitals located in a rural area within the the United States and for hospitals located in an urban area and for hospitals located in a rural area within each region, equal to the respective average standardized amount

computed for the previous fiscal year under paragraph (2)(D) or under this subparagraph, increased for fiscal year 1985 by the applicable percentage increase under subsection (b)(3)(B), and adjusted for subsequent fiscal years in accordance with the final determination of the Secretary under subsection (e)(4), and adjusted to reflect the most recent case-mix data available.

"(B) REDUCING FOR VALUE OF OUTLIER PAYMENTS.—The Secretary shall reduce each of the average standardized amounts determined under subparagraph (A) by a proportion equal to the proportion (estimated by the Secretary) of the amount of payments under this subsection based on DRG prospective payment amounts which are additional payments described in paragraph (5)(A) (relating to outlier payments).

"(C) MAINTAINING BUDGET NEUTRALITY.—The Secretary shall adjust each of such average standardized amounts as may be required under subsection (e)(1)(B) for that fiscal year.

"(D) COMPUTING DRG-SPECIFIC RATES FOR URBAN AND RURAL HOSPITALS.—For each discharge classified within a diagnosis-related group, the Secretary shall establish for the fiscal year a national DRG prospective payment rate and shall establish a regional DRG prospective payment rate, for each region, each of which is equal—

"(i) for hospitals located in an urban area in the United States or that region respectively, to the product of—

"(I) the average standardized amount (computed under subparagraph (A), reduced under subparagraph (B), and adjusted under subparagraph (C)) for the fiscal year for hospitals located in an urban area in the United States or that region, and

"(II) the weighting factor (determined under paragraph (4)(B)) for that diagnosis-related group; and

"(ii) for hospitals located in a rural area in the United States or that region (respectively), to the product of—

"(I) the average standardized amount (computed under subparagraph (A), reduced under subparagraph (B), and adjusted under subparagraph (C)) for the fiscal year for hospitals located in a rural area in the United States or that region, and

"(II) the weighting factor (determined under paragraph (4)(B)) for that diagnosis-related group.

"(E) ADJUSTING FOR DIFFERENT AREA WAGE LEVELS.—The Secretary shall adjust the proportion (as estimated by the Secretary from time to time) of hospitals' costs which are attributable to wages and wage-related costs, of the DRG prospective payment rates computed under subparagraph (D) for area differences in hospital wage levels by a factor (established by the Secretary) reflecting the relative hospital wage level in the geographic area of the hospital compared to the national average hospital wage level.

"(4)(A) The Secretary shall establish a classification of inpatient hospital discharges by diagnosis-related groups and a methodology for classifying specific hospital discharges within these groups.

"(B) For each such diagnosis-related group the Secretary shall assign an appropriate weighting factor which reflects the relative hospital resources used with respect to discharges classified within that group compared to discharges classified within other groups.

"(C) The Secretary shall adjust the classifications and weighting factors established under subparagraphs (A) and (B), for discharges in fiscal year 1986 and at least every four fiscal years thereafter, to reflect changes in treatment patterns, technology, and other factors which may change the relative use of hospital resources.

"(D) The Commission (established under subsection (e)(2)) shall consult with and make recommendations to the Secretary with respect to the need for adjustments under subparagraph (C), based upon its evaluation of scientific evidence with respect to new practices, including the use of new technologies and treatment modalities. The Commission shall report to the Congress with respect to its evaluation of any adjustments made by the Secretary under subparagraph (C).

"(5)(A)(i) The Secretary shall provide for an additional payment for a subsection (d) hospital for any discharge in a diagnosis-related group, the length of stay of which exceeds the mean length of stay for discharges within that group by a fixed number of days, or exceeds such mean length of stay by some fixed number of standard deviations, whichever is the fewer number of days.

"(ii) For cases which are not included in clause (i), a subsection (d) hospital may request additional payments in any case where charges, adjusted to cost, exceed a fixed multiple of the applicable DRG prospective payment rate, or exceed such other fixed dollar amount, whichever is greater.

"(iii) The amount of such additional payment under clauses (i) and (ii) shall be determined by the Secretary and shall approximate the marginal cost of care beyond the cutoff point applicable under clause (i) or (ii).

"(iv) The total amount of the additional payments made under this subparagraph for discharges in a fiscal year may not be less than 5 percent nor more than 6 percent of the total payments projected or estimated to be made based on DRG prospective payment rates for discharges in that year.

"(B) The Secretary shall provide for an additional payment amount for subsection (d) hospitals with indirect costs of medical education, in an amount computed in the same manner as the adjustment for such costs under regulations (in effect as of January 1, 1983) under subsection (a)(2), except that in the computation under this subparagraph the Secretary shall use an educational adjustment factor equal to twice the factor provided under such regulations.

"(C)(i) The Secretary shall provide for such exceptions and adjustments to the payment amounts established under this subsection as the Secretary deems appropriate to take into account the special needs of regional and national referral centers (including those hospitals of 500 or more beds located in rural areas), and of public or other hospitals that serve a significantly disproportionate number of patients who have low income or are entitled to benefits under part A of this title.

"(ii) With respect to a subsection (d) hospital which is a 'sole community hospital', payment under paragraph (1)(A) for any cost reporting period or fiscal year beginning on or after October 1, 1984, shall be determined under the formula provided in clause (i) of that paragraph (except that any reference to paragraph (2) shall be deemed, for this purpose, a reference to paragraph (3)). In the case of a sole community hospital that experiences, in a cost reporting period (beginning on or after October 1, 1983, and before October 1, 1986) compared to the previous cost reporting period, a decrease of more than 5 percent in its total number of inpatient cases due to circumstances beyond its control, the Secretary shall provide for such adjustment to the payment amounts under this subsection as may be necessary to fully compensate the hospital for the fixed costs it incurs in the period in providing inpatient hospital services, including the reasonable cost of maintaining necessary core staff and services. For purposes of this subparagraph, the term 'sole community hospital' means a hospital that, by reason of factors such as isolated location, weather conditions, travel conditions, or absence of other hospitals (as determined by the Secretary), is the sole source of inpatient hospital services reasonably available to individuals in a geographical area who are entitled to benefits under part A.

"(iii) The Secretary shall provide by regulation for such other exceptions and adjustments to such payment amounts under this subsection as the Secretary deems appropriate (including exceptions and adjustments that may be appropriate with respect to hospitals involved extensively in treatment for and research on cancer).

"(iv) The Secretary may provide for such adjustments to the payment amounts under this subsection as the Secretary deems appropriate to take into account the unique circumstances of hospitals located in Alaska and Hawaii.

"(D)(i) The Secretary shall estimate the amount of reimbursement made for services described in section 1862(a)(14) with respect to which payment was made under part B in the base reporting periods referred to in paragraph (2)(A) and with respect to which payment is no longer being made.

"(ii) The Secretary shall provide for an adjustment to the payment for subsection (d) hospitals in each fiscal year so as appropriately to reflect the net amount described in clause (i).

"(6) The Secretary shall provide for publication in the Federal Register, on or before the September 1 before each fiscal year (beginning with fiscal year 1984), of a description of the methodology and data used in computing the adjusted DRG prospective payment rates under this subsection, including any adjustments required under subsection (e)(1)(B).

"(7) There shall be no administrative or judicial review under section 1878 or otherwise of—

"(A) the determination of the requirement, or the proportional amount, of any adjustment effected pursuant to subsection (e)(1), and

"(B) the establishment of diagnosis-related groups, of the methodology for the classification of discharges within such groups, and of the appropriate weighting factors thereof under paragraph (4).

"(e)(1)(A) For cost reporting periods of hospitals beginning in fiscal year 1984 or fiscal year 1985, the Secretary shall provide for such proportional adjustment in the applicable percentage increase (otherwise applicable to the periods under subsection (b)(3)(B)) as may be necessary to assure that—

"(i) the aggregate payment amounts otherwise provided under subsection (d)(1)(A)(i)(I) for that fiscal year for operating costs of inpatient hospital services of hospitals (excluding payments made under section 1866(a)(1)(F)),

are not greater or less than—

"(ii) the target percentage (as defined in subsection (d)(1)(C)) of the payment amounts which would have been payable for such services for those same hospitals for

that fiscal year under this section under the law as in effect before the date of the enactment of the Social Security Act Amendments of 1983 (excluding payments made under section 1866(a)(1)(F)); except that the adjustment made under this subparagraph shall apply only to subsection (d) hospitals and shall not apply for purposes of making computations under subsection (d)(2)(B)(ii) or subsection (d)(3)(A).

"(B) For discharges occurring in fiscal year 1984 or fiscal year 1985, the Secretary shall provide under subsections (d)(2)(F) and (d)(3)(C) for such equal proportional adjustment in each of the average standardized amounts otherwise computed for that fiscal year as may be necessary to assure that—

"(i) the aggregate payment amounts otherwise provided under subsection (d)(1)(A)(i)(II) and (d)(5) for that fiscal year for operating costs of inpatient hospital services of hospitals (excluding payments made under section 1866(a)(1)(F)),

are not greater or less than—

"(ii) the DRG percentage (as defined in subsection (d)(1)(C)) of the payment amounts which would have been payable for such services for those same hospitals for that fiscal year under this section under the law as in effect before the date of the enactment of the Social Security Act Amendment of 1983 (excluding payments made under section 1866(a)(1)(F)).

"(2) The Director of the Congressional Office of Technology Assessment (hereafter in this subsection referred to as the 'Director' and the 'Office', respectively) shall provide for appointment of a Prospective Payment Assessment Commission (hereafter in this subsection referred to as the 'Commission'), to be composed of independent experts selected by the Director. In addition to carrying out its functions under subsection (d)(4)(D), the Commission shall review the applicable percentage increase factor described in subsection (b)(3)(B) and make recommendations to the Secretary on the appropriate percentage change which should be effected for hospital inpatient discharges under subsections (b) and (d) for fiscal years beginning with fiscal year 1986. In making its recommendations, the Commission shall take into account changes in the hospital market-basket described in subsection (b)(3)(B), hospital productivity, technological and scientific advances, the quality of health care provided in hospitals (including the quality and skill level of professional nursing required to maintain quality care), and long-term cost-effectiveness in the provision of inpatient hospital services.

"(3) The Commission, not later than the April 1 before the beginning of each fiscal year (beginning with fiscal year 1986), shall report its recommendations to the Secretary on an appropriate change factor which should be used (instead of the applicable percentage increase described in subsection (b)(3)(B)) for inpatient hospital services for discharges in that fiscal year.

"(4) Taking into consideration the recommendations of the Commission, the Secretary shall determine for each fiscal year (beginning with fiscal year 1986) the percentage change which will apply for purposes of this section as the applicable percentage increase (otherwise described in subsection (b)(3)(B)) for discharges in that fiscal year, and which will take into account amounts necessary for the efficient and effective delivery of medically appropriate and necessary care of high quality.

"(5) The Secretary shall cause to have published for public comment in the Federal Register, not later than—

"(A) the June 1 before each fiscal year (beginning with fiscal year 1986), the Secretary's proposed determination under paragraph (4) for that fiscal year, and

"(B) the September 1 before such fiscal year after such consideration of public comment on the proposal as is feasible in the time available, the Secretary's final determination under such paragraph for that year.

The Secretary shall include in the publication referred to in subparagraph (A) for a fiscal year the report of the Commission's recommendations submitted under paragraph (3) for that fiscal year.

"(6)(A) The Commission shall consist of 15 individuals. Members of the Commission shall first be appointed no later than April 1, 1984, for a term of three years, except that the Director may provide initially for such shorter terms as will insure that (on a continuing basis) the terms of no more than seven members expire in any one year.

"(B) The membership of the Commission shall provide expertise and experience in the provision and financing of health care, including but not limited to physicians and registered professional nurses, employers, third party payors, individuals skilled in the conduct and interpretation of biomedical, health services, and health economics research, and individuals having expertise in the research and development of technological and scientific advances in health care. The Director shall seek nominations from a wide range of groups, including but not limited to—

"(i) national organizations representing physicians, including medical specialty organizations and registered professional nurses and other skilled health professionals;

"(ii) national organizations representing hospitals, including teaching hospitals;

"(iii) national organizations representing manufacturers of health care products; and'

"(iv) national organizations representing the business community, health benefit programs, labor, and the elderly.

"(C) Subject to such review as the Office deems necessary to assure the efficient administration of the Commission, the Commission may—

"(i) employ and fix the compensation of such personnel (not to exceed 25) as may be necessary to carry out its duties;

"(ii) seek such assistance and support as may be required in the performance of its duties from appropriate Federal departments and agencies;

"(iii) enter into contracts or make other arrangements, as may be necessary for the conduct of the work of the Commission;

"(iv) make advance, progress, and other payments which relate to the work of the Commission;

"(v) provide transportation and subsistence for persons serving without compensation; and

"(vi) prescribe such rules and regulations as it deems necessary with respect to the internal organization and operation of the Commission.

"(D) While serving on the business of the Commission (including traveltime), a member of the Commission shall be entitled to compensation at the per diem equivalent of the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code; and while so serving away from home and his regular place of business, a member may be allowed travel expenses, as authorized by the Chairman of the Commission.

"(E) In order to identify medically appropriate patterns of health resources use in accordance with paragraph (2), the Commission shall collect and assess information on medical and surgical procedures and services, including information on regional variations of medical practice and lengths of hospitalization and on other patient-care data, giving special attention to treatment patterns for conditions which appear to involve excessively costly or inappropriate services not adding to the quality of care provided. In order to assess the safety, efficacy, and cost-effectiveness of new and existing medical and surgical procedures, the Commission shall, in coordination to the extent possible with the Secretary, collect and assess factual information, giving special attention to the needs of updating existing diagnosis-related groups, establishing new diagnosis-related groups, and making recommendations on relative weighting factors for such groups to reflect appropriate differences in resource consumption in delivering safe, efficacious, and cost-effective care. In collecting and assessing information, the Commission shall—

"(i) utilize existing information, both published and unpublished, where possible, collected and assessed either by its own staff or under other arrangements made in accordance with this paragraph;

"(ii) carry out, or award grants or contracts for, original research and experimentation, including clinical research, where existing information is inadequate for the development of useful and valid guidelines by the Commission; and

"(iii) adopt procedures allowing any interested party to submit information with respect to medical and surgical procedures and services (including new practices, such as the use of new technologies and treatment modalities), which information the Commission shall consider in making reports and recommendations to the Secretary and Congress.

"(F) The Commission shall have access to such relevant information and data as may be available from appropriate Federal agencies and shall assure that its activities, especially the conduct of original research and medical studies, are coordinated with the activities of Federal agencies.

"(G)(i) The Office shall report annually to the Congress on the functioning and progress of the Commission and on the status of the assessment of medical procedures and services by the Commission.

"(ii) The Office shall have unrestricted access to all deliberations, records, and data of the Commission, immediately upon its request.

"(iii) In order to carry out its duties under this paragraph, the Office is authorized to expend reasonable and necessary funds as mutually agreed upon by the Office and the Commission. The Office shall be reimbursed for such funds by the Commission from the appropriations made with respect to the Commission.

"(H) The Commission shall be subject to periodic audit by the General Accounting Office.

"(I)(i) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this paragraph.

"(ii) Eighty-five percent of such appropriation shall be payable from the Federal Hospital Insurance Trust Fund, and 15 percent of such appropriation shall be payable

from the Federal Supplementary Medical Insurance Trust Fund.".

"(f)(1) The Secretary shall maintain, for a period ending not earlier than September 30, 1988, a system for the reporting of costs of hospitals receiving payments computed under subsection (d).

"(2) If the Secretary determines, based upon information supplied by a utilization and quality control peer review organization under part B of title XI, that a hospital, in order to circumvent the payment method established under subsection (b) or (d) of this section, has taken an action that results in the admission of individuals entitled to benefits under part A unnecessarily, unnecessary multiple admissions of the same such individuals, or other inappropriate medical or other practices with respect to such individuals, the Secretary may—

"(A) deny payment (in whole or in part) under part A with respect to inpatient hospital services provided with respect to such an unnecessary admission (or subsequent admission of the same individual), or

"(B) require the hospital to take other corrective action necessary to prevent or correct the inappropriate practice.

"(3) The provisions of paragraphs (2), (3), and (4) of section 1862(d) shall apply to determinations under paragraph (2) of this subsection in the same manner as they apply to determinations made under section 1862(d)(1).

"(g)(1) If the Congress does not enact legislation, after the date of the enactment of this subsection and before October 1, 1986, respecting the payment under this title for capital-related costs for inpatient hospital services, no payment may be made under this title for capital-related costs of capital expenditures (as defined in section 1122(g) and except as provided in section 1122(j)) for inpatient hospital services in a State, which expenditures are obligated after September 30, 1986, unless the State has an agreement with the Secretary under section 1122(b) and under the agreement the State has recommended approval of the capital expenditures.

"(2) The Secretary shall provide that the amount which is allowable, with respect to reasonable costs of inpatient hospital services for which payment may be made under this title, for a return on equity capital for hospitals shall, for cost reporting periods beginning on or after the date of the enactment of this subsection, be equal to amounts otherwise allowable under regulations in effect on March 1, 1983, except that the rate of return to be recognized shall be equal to the average of the rates of interest, for each of the months any part of which is included in the reporting period, on obligations issued for purchase by the Federal Hospital Insurance Trust Fund.".

(f) Section 1862(a)(1) of the Social Security Act is amended—

(1) by striking out "(B) or (C)" and inserting in lieu thereof "(B), (C), or (D)";

(2) by striking out "and" at the end of subparagraph (B);

(3) by striking out the semicolon at the end of subparagraph (C) and inserting in lieu thereof a comma and "and"; and

(4) by adding at the end thereof the following new subparagraph:

"(D) in the case of clinical care items and services provided with the concurrence of the Secretary and with respect to research and experimentation conducted by, or under contract with, the Prospective Payment Assessment Commission or the Secretary, which are not reasonable and necessary to carry out the purposes of section 1886(e)(6);".

(g) In determining whether a hospital is in an urban or rural area for purposes of section 1886(d) of the Social Security Act, the Secretary of Health and Human Services shall classify any hospital, located in New England as being located in an urban area if such hospital was classified as being located in an urban area under the Standard Metropolitan Statistical Area system of classification in effect in 1979.

CONFORMING AMENDMENTS

SEC. 602. (a) Section 1153(b)(2) of the Social Security Act is amended by adding at the end the following new subparagraph:

"(C) The twelve-month period referred to in subparagraph (A) shall be deemed to begin not later than October 1983.".

(b) Sections 1814(g) and 1835(e) of the Social Security Act are each amended by inserting "(or would be if section 1886 did not apply)" after "section 186(v)(1)(D)".

(c) Section 1814(h)(2) of such Act is amended by striking out "the reasonable costs for such services" and inserting in lieu thereof "the amount that would be payable for such services under subsection (b) and section 1886".

(d)(1) The matter in section 1861(v)(1)(G)(i) of such Act following subclause (III) is amended by striking out "on the basis of the reasonable cost of" and inserting in lieu thereof "the amount otherwise payable under part A with respect to".

(2) Section 1861(v)(2)(A) of such Act is amended by striking out "an amount equal to the reasonable cost of" and inserting in lieu thereof "the amount that would be taken into account with respect to".

(3) Section 1861(v)(2)(B) of such Act is amended by striking out "the equivalent of the reasonable cost of".

(4) Section 1861(v)(3) of such Act is amended by striking out "the reasonable cost of such bed and board furnished in semiprivate accommodations (determined pursuant to paragraph (1))" and inserting in lieu thereof "the amount otherwise payable under this title for such bed and board furnished in semiprivate accommodations.".

(e) Section 1862(a) of such Act is amended—

(1) by striking out "or" at the end of paragraph (12),

(2) by striking out the period at the end of paragraph (13) and inserting in lieu thereof "; or", and

(3) by adding at the end the following new paragraph:

"(14) which are other than physicians' services (as defined in regulations specifically for purposes of) and which are furnished to an individual who is an inpatient of a hospital by an entity other than the hospital, unless the services are furnished under arrangements (as defined in section 1861(w)(1)) with the entity made by the hospital".

(f)(1) Section 1866(a)(1) of such Act is amended—

(A) by striking out "and" at the end of subparagraph (D),

(B) by striking out the period at the end of subparagraph (E), and

(C) by adding at the end the following new subparagraphs:

"(F) in the case of hospitals which provide inpatient hospital services for which payment may be made under subsection (c) or (d) of section 1886, to maintain an agreement with a utilization and quality control peer review organization (if there is such an organization which has a contract with the Secretary under part B of title XI for the area in which the hospital is located) under which the organization will perform functions under that part with respect to the review of the validity of diagnostic information provided by such hospital, the completeness, adequacy, and quality of care provided, the appropriateness of admissions and discharges, and the appropriateness of care provided for which additional payments are sought under section 1886(d)(5), with respect to inpatient hospital services for which payment may be made under part A of this title (and for purposes of payment under this title, the cost of such agreement to the hospital shall be considered a cost incurred by such hospital in providing inpatient services under part A, and (i) shall be paid directly by the Secretary to such organization on behalf of such hospital in accordance with a rate per review established by the Secretary, (ii) shall be transferred from the Trust Fund, without regard to amounts appropriated in advance in appropriation Acts, in the same manner as transfers are made for payment for services provided directly to beneficiaries, (iii) shall be not less than an amount which reflects the rates per review established in fiscal year 1982 for both direct and administrative costs (adjusted for inflation), and (iv) shall not be less in the aggregate for a fiscal year than the aggregate amount expended in fiscal year 1982 for direct and administrative costs (adjusted for inflation);

"(G) in the case of hospitals which provide inpatient hospital services for which payment may be made under subsection (b) or (d) of section 1886, not to charge any individual or any other person for inpatient hospital services for which such individual would be entitled to have payment made under part A but for a denial or reduction of payments under section 1886(f), and

"(H) in the case of hospitals which provide inpatient hospital services for which payment may be made under this title, to have all items and services (other than physicians' services as defined in regulations for purposes of section 1862(a)(14)) (i) that are furnished to an individual who is an inpatient of the hospital, and (ii) for which the individual is entitled to have payment made under this title, furnished by the hospital or otherwise under arrangements (as defined in section 1861(w)(1)) made by the hospital.".

(2) The matter in section 1866(a)(2)(B)(ii) of such Act preceding subclause (I) is amended by inserting "and except with respect to inpatient hospital costs with respect to which amounts are payable under section 1886(d)" after "(except with respect to emergency services)".

(g) Section 1876(g) of such Act is amended by adding at the end the following:

"(4) A risk-sharing contract under this subsection may, at the option of an eligible organization, provide that the Secretary—

"(A) will reimburse hospitals either for payment amounts determined in accordance with section 1886, or for the reasonable cost (as determined under section 1861(v)) or as applicable, of inpatient hospital services furnished to individuals enrolled with such organization pursuant to subsection (d), and

"(B) will deduct the amount of such reimbursement for payment which would otherwise be made to such organization.".

(h)(1) Section 1878(a) of such Act is amended—

(A) by inserting "and (except as provided in subsection (g)(2)) any hospital which re-

ceives payments in amounts computed under section 1886(d) and which has submitted such reports within such time as the Secretary may require in order to make payment under such section may obtain a hearing with respect to such payment by the Board" after "subsection (h)" in the matter before paragraph (1),

(B) by inserting "(i)" after "(A)" in paragraph (1)(A),

(C) by inserting "or" at the end of paragraph (1)(A) and by adding after such paragraph the following new clause:

"(ii) is dissatisfied with a final determination of the Secretary as to the amount of the payment under section 1886(d),", and

(D) by striking out "(1)(A)" in paragraph (3) and inserting in lieu thereof "(1)(A)(i), or with respect to appeals under paragraph (1)(A)(ii), 180 days after notice of the Secretary's final determination,".

(2)(A) The last sentence of section 1878(f)(1) of the Social Security Act is amended by inserting "(or, in an action brought jointly by several providers, the judicial district in which the greatest number of such providers are located) after "the judicial district in which the provider is located".

(B) Section 1878(f)(1) of such Act is further amended by adding at the end thereof the following new sentence: "Any appeal to the Board or action for judicial review by providers which are under common ownership or control must be brought by such providers as a group with respect to any matter involving an issue common to such providers.".

(3) Section 1878(g) of such Act is amended by inserting "(1)" after "(g)" and by adding at the end of the following new paragraph:

"(2) The determinations and other decisions described in section 1886(d)(7) shall not be reviewed by the Board or by any court pursuant to an action brought under subsection (f) or otherwise.".

(4) The third sentence of section 1878(h) of such Act is amended by striking out "cost reimbursement" and inserting in lieu thereof "payment of providers of services".

(i) The first sentence of section 1881(b)(2)(A) of such Act is amended by inserting "or section 1886 (if applicable)" after "section 1861(v)".

(j) Section 1887(a)(1)(B) of such Act is amended by inserting "or on the bases described in section 1886" after "on a reasonable cost basis".

(k) The Secretary of Health and Human Services may, for any cost reporting period beginning prior to October 1, 1986, waive the requirements of sections 1862(a)(14) and 1866(a)(1)(H) of the Social Security Act in the case of a hospital which has followed a practice, since prior to October 1, 1982, of allowing direct billing under part B of title XVIII of such Act for services (other than physician services) so extensively, that immediate compliance with those requirements would threaten the stability of patient care. Any such waiver shall provide that such billing may continue to be made under part B of such title but that the payments to such hospital under part A of such title shall be reduced by the amount of the billings for such services under part B of such title. If such a waiver is granted, at the end of the waiver period the Secretary may provide for such methods of payments under part A as is appropriate, given the organizational structure of the institution.

(l) Effective October 1, 1984, section 1866(a)(1) of the Social Security Act, as amended by subsection (f)(1) of this section, is further amended—

(1) by striking out "(if there is such an organization" in subparagraph (F) and insert in lieu thereof "(with an organization", and

(2) by adding at the end the following new sentence: "In the case of a hospital which has an agreement in effect with an organization described in subparagraph (F), which organization's contract with the Secretary under part B of title XI terminates on or after October 1, 1984, the hospital shall not be determined to be out of compliance with the requirement of such subparagraph during the six month period beginning on the date of the termination of that contract.".

REPORTS, EXPERIMENTS, AND DEMONSTRATION PROJECTS

SEC. 603. (a)(1) The Secretary of Health and Human Services (hereinafter in this title referred to as the "Secretary") shall study, develop, and report to the Congress within 18 months after the date of the enactment of this Act on the method and proposals for legislation by which capital-related costs, such as return on net equity, associated with inpatient hospital services can be included within the prospective payment amounts computed under section 1886(d) of the Social Security Act.

(2)(A) The Secretary shall study and report annually to the Congress at the end of each year (beginning with 1984 and ending with 1987) on the impact, of the payment methodology under section 1886(d) of the Social Security Act during the previous year, classes of hospitals, beneficiaries, and other payors for inpatient hospital services, and other providers and, in particular, on the impact of computing DRG prospective payment rates by census division, rather than exclusively on a national basis. Each such report shall include such recommendations for such changes in legislation as the Secretary deems appropriate.

(B) During fiscal year 1984, the Secretary shall begin the collection of data necessary to compute the amount of physician charges attributable, by diagnosis-related groups, to physicians' services furnished to inpatients of hospitals whose discharges are classified within those groups. The Secretary shall include a report to Congress in 1985 recommendations on the advisability and feasibility of providing for determining the amount of the payments for physicians' services furnished to hospital inpatients based on the DRG type classification of the discharges of those inpatients, and legislative recommendations thereon.

(C) In the annual report to Congress under subparagraph (A) for 1985, the Secretary shall include the results of studies on—

(i) the feasibility and impact of eliminating or phasing out separate urban and rural DRG prosective payment rates under paragraph (3) of section 1886(d) of the Social Security Act;

(ii) whether and the method under which hospitals, not paid based on amounts determined under such section, can be paid for inpatient hospital services on a prospective basis as under such section;

(iii) the appropriateness of the factors used under paragraph (5)(A) of such section to compensate hospitals for the additional expenses of outlier cases and the application of severity of illness, intensity of care, or other modifications to the diagnosis-related groups, and the advisability and feasibility of providing for such modifications;

(iv) the feasibility and desirability of applying the payment methodology under such section to payment by all payors for inpatient hospital services; and

(v) the impact of such section on hospital admissions and the feasibility of making a volume adjustment in the DRG prospective payment rates or requiring preadmission certification in order to minimize the incentive to increase admissions.

Such report shall specifically include, with respect to the item described in clause (iv), consideration of the extent of cost-shifting to non-Federal payors and the impact of such cost-shifting a health insurance costs and premiums borne by employers and employees.

(D) In the annual report to Congress under subparagraph (A) for 1986, the Secretary shall include the results of a study examining the overall impact of State systems of hospital payment (either approved under section 1886(c) of the Social Security Act or under a waiver approved under section 402(a) of the Social Security Amendments of 1967 or section 222(a) of the Social Security Amendments of 1972), particularly assessing such systems' impact not only on the medicare program but also on the medicaid program, on payments and premiums under private health insurance plans, and on tax expenditures.

(3)(A) The Secretary shall complete a study and make legislative recommendations to the Congress with respect to an equitable method of reimbursing sole community hospitals which takes into account their unique vulnerability to substantial variations in occupancy.

(B) In addition, the Secretary shall examine ways to coordinate an information transfer between parts A and B of title XVIII of the Social Security Act, particularly with respect to those cases where a denial of coverage is made under part A of such title, and no adjustment is made in the reimbursement to the admitting physician or physicians.

(C) The Secretary shall also report on the appropriate treatment of uncompensated care costs, and adjustments that might be appropriate for large teaching hospitals located in rural areas.

(D) The Secretary shall also report on the advisability of having hospitals make available information on the cost of care to patients financed by both public programs and private payors.

(E) The studies and reports described in this paragraph shall be completed and submitted not later than April 1, 1985.

(4) The Secretary shall complete a study and make recommendations to the Congress, before April 1, 1984, with respect to a method for including hospitals located outside of the fifty States and the District of Columbia under a prospective payment system.

(b)(1) Except as provided in paragraph (2), the amendments made by this title shall not affect the authority of the Secretary to develop, carry out, or continue experiments and demonstration projects.

(2) The Secretary shall provide that, upon the request of a State which has a demonstration project (or upon the request of a party to demonstration project agreement) for payment of hospitals under title XVIII of the Social Security Act approved under section 402(a) of the Social Security Amendments of 1967 or section 222(a) of the Social Security Amendments of 1972, which (A) is in effect as of March 1, 1983, and (B) was entered into after August 1982, the terms of the demonstration agreement shall be modified so that the demonstration project is not required to maintain the rate of increase in medicare hospital costs in that State below

the national rate of increase in medicare hospital costs.

(c) The Secretary shall approve, with appropriate terms and conditions as defined by the Secretary, within 30 days after the date of enactment of this Act—

(1) the risk-sharing application of On Lok Senior Health Services (according to terms and conditions as specified by the Secretary), dated July 2, 1982, for waivers, pursuant to section 222 of the Social Security Amendments of 1972 and section 402(a) of the Social Security Amendments of 1967, of certain requirements of title XVIII of the Social Security Act over a period of 36 months in order to carry out a long-term care demonstration project, and

(2) the application of the Department of Health Services, State of California, dated November 1, 1982, pursuant to section 1115 of the Social Security Act, for the waiver of certain requirements of title XIX of such Act over a period of 36 months in order to carry out a demonstration project for capitated reimbursement for comprehensive long-term care services involving On Lok Senior Health Services.

(d) The Secretary shall conduct demonstrations with hospitals in areas with critical shortages of skilled nursing facilities to study the feasibility of providing alternative systems of care or methods of payment.

EFFECTIVE DATES

SEC. 604. (a)(1) Except as provided in section 602(l) and in paragraph (2), the amendments made by the preceding provisions of this title apply to items and services furnished by or under arrangements with a hospital beginning with its first cost reporting period that begins on or after October 1, 1983. A change in a hospital's cost reporting period that has been made after November 1982 shall be recognized for purposes of this section only if the Secretary finds good cause for that change.

(2) Section 1866(a)(1)(F) of the Social Security Act (as added by section 602(f)(1)(C) of this title), section 1862(a)(14) (as added by section 602(e)(3) of this title) and sections 1886(a)(1) (G) and (H) of such Act (as added by section 602(f)(1)(C) of this title) take effect on October 1, 1983.

(b) The Secretary shall make an appropriate reduction in the payment amount under section 1886(d) of the Social Security Act (as amended by this title) for any discharge, if the admission has occurred before a hospital's first cost reporting period that begins after September 1983, to take into account amounts payable under title XVIII of that Act (as in effect before the date of the enactment of this Act) for items and services furnished before that period.

(c)(1) The Secretary shall cause to be published in the Federal Register a notice of the interim final DRG prospective payment rates established under subsection (d) of section 1886 of the Soviet Security Act (as amended by this title) no later than September 1, 1983, and allow for a period of public comment thereon. Payment on the basis of prospective rates shall become effective on October 1, 1983, without the necessity for consideration of comments received, but the Secretary shall, by notice published in the Federal Register, affirm or modify the amounts by December 31, 1983, after considering those comments.

(2) A modification under paragraph (1) that reduces a prospective payment rate shall apply only to discharges occurring after 30 days after the date the notice of the modification is published in the Federal Register.

(3) Rules to implement subsection (d) of section 1886 of the Social Security Act (as so amended) shall be established in accordance with the procedure described in this subsection.

DELAY IN PROVISION RELATING TO HOSPITAL-BASED SKILLED NURSING FACILITIES

Sec. 605. (a) Section 102 of the Tax Equity and Fiscal Responsibility Act of 1982 is amended by striking out "October 1, 1982" and inserting in lieu thereof "October 1, 1983".

(b) The Secretary of Health and Human Services shall, prior to December 31, 1983, complete a study and report to the Congress with respect to (1) the effect which the implementation of section 102 of the Tax Equity and Fiscal Responsibility Act of 1982 would have on hospital-based skilled nursing facilities, given the differences (if any) in the patient populations served by such facilities and by community-based skilled nursing facilities and (2) the impact on skilled nursing facilities of hospital prospective payment systems, and recommendations concerning payment of skilled nursing facilities.

SHIFT IN MEDICARE PREMIUMS TO COINCIDE WITH COST-OF-LIVING INCREASE

Sec. 606. (a) Section 1839 of the Social Security Act is amended by striking out subsections (a), (b), and (c) and inserting in lieu thereof the following:

"(a)(1) The Secretary shall, during September of 1983 and of each year thereafter, determine the monthly actuarial rate for enrollees age 65 and over which shall be applicable for the succeeding calendar year. Such actuarial rate shall be the amount the Secretary estimates to be necessary so that the aggregate amount for such calendar year with respect to those enrollees who have attained retirement age will equal one-half of the total of the benefits and administrative costs which he estimates will be payable from the Federal Supplementary Medical Insurance Trust Fund for services performed and related administrative costs incurred in such calendar year with respect to such enrollees. In calculating the monthly actuarial rate, the Secretary shall include an appropriate amount for a contingency margin.

"(2) The monthly premium of each individual enrolled under this part for each month after December 1983 shall, except as provided in subsections (b) and (e), be the amount determined under paragraph (3).

"(3) The Secretary shall, during September of 1983 and of each year thereafter, determine and promulgate the monthly premium applicable for individuals enrolled under this part of the succeeding calendar year. The monthly premium shall (except as otherwise provided in subsection (e)) be equal to the smaller of—

"(A) the monthly actuarial rate for enrollees age 65 and over, determined according to paragraph (1) of this subsection, for that calendar year, or

"(B) the monthly premium rate most recently promulgated by the Secretary under this paragraph, increased by a percentage determined as follows: The Secretary shall ascertain the primary insurance amount computed under section 215(a)(1), based upon average indexed monthly earnings of $900, that applied to individuals who became eligible for and entitled to old-age insurance benefits on November 1 of the year before the year of the promulgation. He shall increase the monthly premium rate by the same percentage by which that primary insurance amount is increased when, by reason of the law in effect at the time the promulgation is made, it is so computed to apply to those individuals for the following November 1.

Whenever the Secretary promulgates the dollar amount which shall be applicable as the monthly premium for any period, he shall, at the time such promulgation is announced, issue a public statement setting forth the actuarial assumptions and bases employed by him in arriving at the amount of an adequate rate for enrollees who have attained retirement age as provided in paragraph (1) and the derivation of the dollar amounts specified in this paragraph.

"(4) The Secretary shall also, during September of 1983 and of each year thereafter, determine the monthly actuarial rate for disabled enrollees under age 65 which shall be applicable for the succeeding calendar year. Such actuarial rate shall be the amount the Secretary estimates to be necessary so that the aggregate amount for such calendar year with respect to disabled enrollees under age 65 will equal one-half of the total of the benefits and administrative costs which he estimates will be payable from the Federal Supplementary Medical Insurance Trust Fund for services performed and related administrative costs incurred in such calendar year with respect to such enrollees. In calculating the monthly actuarial rate under this paragraph, the Secretary shall include an appropriate amount for a contingency margin.".

(2) Subsections (d), (e), (f), and (g) of section 1839 of such Act are redesignated as subsections (b), (c), (d), and (e), respectively.

(3)(A) Section 1839(b) of such Act (as so redesignated) is amended by striking out "subsection (b), (c), or (g)" and inserting in lieu thereof "subsection (a) or (e)".

(B) Section 1839(d) of such Act (as so redesignated) is amended by striking out "purposes of subsection (c)" and inserting in lieu thereof "purposes of subsection (c)" and inserting in lieu thereof "purposes of subsection (b)".

(C) Section 1839(e) of such Act (as so redesignated) is amended by striking out "subsection (c)" and "subsection (c)(1)" and by inserting in lieu thereof "subsection (a)" and "subsection (a)(1)", respectively.

(D) Section 1818(c) of such Act is amended by striking out "subsection (c) of section 1839" and inserting in lieu thereof "subsection (a) of section 1839".

(E) Section 1843(d)(1) of such Act is amended by striking out "without any increase under subsection (c) thereof" and inserting in lieu thereof "without any increase under subsection (b) thereof".

(F) Section 1844(a)(1)(A)(i) of such Act is amended—

(i) by striking out "1839(c)(1)" and inserting in lieu thereof "1839(a)(1)"; and

(ii) by striking out "1839(c)(3) or 1839(g)" and inserting in lieu thereof "1839(a)(3) or 1839(e)".

(G) Section 1844(a)(1)(B)(i) of such Act is amended—

(i) by striking out "1839(c)(4)" and inserting in lieu thereof "1839(a)(4)"; and

(ii) by striking out "1839(c)(3) or 1839(g)" and inserting in lieu thereof "1839(a)(3) or 1839(e)".

(H) Section 1876(a)(5) of such Act is amended—

(i) in subparagraph (A)(ii) by striking out "1839(c)(1)" and inserting in lieu thereof "1839(a)(1)"; and

(ii) in subparagraph (B)(ii), by striking out "1839(c)(4)" and inserting in lieu thereof "1839(a)(4)".

(b) Section 1818(d)(2) of such Act is amended—

(1) by striking out "during the last calendar quarter of each year, beginning in 1973," in the first sentence and inserting in lieu thereof "during the next to last calendar quarter of each year";

(2) by striking out "the 12-month period commencing July 1 of the next year" in the first sentence and inserting in lieu thereof "the following calendar year"; and

(3) by striking out "for such next year" in the second sentence and inserting in lieu thereof "for that following calendar year".

(c) The amendments made by this section shall apply to premiums for months beginning with January 1984, and for months after June 1983 and before January 1984—

(1) the monthly premiums under part A and under part B of title XVIII of the Social Security Act for individuals enrolled under each respective part shall be the monthly premium under that part for the month of June 1983, and

(2) the amount of the Government contributions under section 1844(a)(1) of such Act shall be computed on the basis of the actuarity adequate rate which would have been in effect under part B of title XVIII of such Act for such months without regard to the amendments made by this section, but using the amount of the premium in effect for the month of June 1983.

SECTION 1122 AMENDMENTS

SEC. 607. (a) Section 1122(c) of the Social Security Act is amended by striking out "the Federal Hospital Insurance Trust Fund" and inserting "the general fund in the Treasury".

(b)(1) Section 1122(g) of such Act is amended—

(A) by striking out "$100,000" the first place it appears and inserting in lieu thereof "$600,000 (or such lesser amount as the State may establish)", and

(B) by striking out "$100,000" the second place it appears and inserting in lieu thereof "the dollar amount specified in clause (1)".

(2) Section 1861(z)(2) of such Act is amended by striking out "$100,000" and inserting in lieu thereof "$600,000 (or such lesser amount as may be established by the State under section 1122(g)(1) in which the hospital is located)".

(c) Section 1122 of such Act is amended by adding at the end thereof the following:

"(j) A capital expenditure made by or on behalf of a health care facility shall not be subject to review pursuant to this section if 75 percent of the patients who can reasonably be expected to use the service with respect to which the capital expenditure is made will be individuals enrolled in an eligible organization as defined in section 1876(b), and if the Secretary determines that such capital expenditure is for services and facilities which are needed by such organization in order to operate efficiently and economically and which are not otherwise readily accessible to such organization because—

"(1) the facilities do not provide common services at the same site (as usually provided by the organization),

"(2) the facilities are not available under a contract of reasonable duration,

"(3) full and equal medical staff privileges in the facilities are not available,

"(4) arrangements with such facilities are not administratively feasible, or

"(5) the purchase of such services is more costly than if the organization provided the services directly.".

(d) Section 1861(z)(2) of such Act is amended by inserting "(A)" after "(z)" and by adding at the end thereof the following new subparagraph:

"(B) provides that such plan is submitted to the agency designated under section 1122(b), or if no such agency is designated, to the appropriate health planning agency in the State (but this subparagraph shall not apply in the case of a facility exempt from review under section 1122 by reason of section 1122(j));".

And in the Senate agree to the same.

DAN ROSTENKOWSKI,
J. J. PICKLE,
ANDREW JACOBS, Jr.,
HAROLD FORD,
JAMES M. SHANNON,
BARBER B. CONABLE, Jr.,
Managers on the Part of the House.

BOB DOLE,
JOHN DANFORTH,
JOHN H. CHAFEE,
JOHN HEINZ,
LLOYD BENTSEN,
DANIEL P. MOYNIHAN,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1900) to assure the solvency of the Social Security Trust Funds, to reform the medicare reimbursement of hospitals, to extend the Federal supplemental compensation program, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

SOCIAL SECURITY SYSTEM

1. EXTENSION OF COVERAGE

A. FEDERAL EMPLOYEES

Present law

Permanent civilian employees of the Federal government are not covered by social security (OASDI). (Part-time temporary civilian employees and members of the armed forces are covered by social security.) By far the greatest number of Federal employees not covered by social security (2.7 million) participate in the Civil Service Retirement System (CSRS) on a mandatory basis. Legislative branch employees are not covered by social security, and have the option of not participating in CSRS. Members of Congress, the President and the Vice-President are not covered under social security. As of January 1, 1983, Federal employees are covered under the medicare program and pay the medicare portion of the social security payroll tax.

Presently, the compensation paid to Federal judges—either in Senior (or inactive) status or in retirement—is not considered wages and thus is not subject to social security taxes nor is it considered for purposes of the retirement test.

House bill

Provides for coverage under social security of the following groups: (1) all Federal employees hired on or after January 1, 1984, including those with previous periods of Federal Service if the break in Federal service lasted at least 365 days; (2) legislative branch employees on the same basis, as well as current employees of the legislative branch who are not participating in the Civil Service Retirement System as of December 31, 1983; (3) all Members of Congress, the President and the Vice President effective January 1, 1984; (4) all sitting Federal judges, and all executive level and senior executive service political appointees, as of January 1, 1984. Federal judicial salaries would be reported as wages for social security earnings test and payroll tax purposes.

Senate amendment

Would cover Federal employees hired on or after January 1, 1984, or upon the enactment of a supplemental Civil Service Retirement System, whichever is later. Members of Congress, the President, Vice President, and the Commissioner of Social Security would be covered as of January 1, 1984.

The provision also states that "Nothing in this Act shall reduce the accrued entitlement to future benefits under the Federal retirement program system of current and retired Federal employees and their families. The full faith and credit of the United States Government is pledged hereby in support of the payment of said accrued entitlements."

Conference agreement

The conference agreement follows the House bill, but also includes the Senate provision's statement "Nothing in this Act shall reduce the accrued entitlement that to future benefits under the Federal retirement program system of current and retired Federal employees and their families."

I. PROVISIONS AFFECTING THE FINANCING OF THE SOCIAL SECURITY SYSTEM

B. EMPLOYEES OF NONPROFIT ORGANIZATIONS

Present law

Participation in the social security system is optional for nonprofit organizations (charitable, religious, and educational). Most such organizations have chosen to participate, but about 15 percent of employees of nonprofit organizations are presently not covered. A nonprofit organization which has elected to participate can file to withdraw from social security after it has been in the system for 8 years, and termination is effective two years after the end of the calendar quarter in which the notice was filed.

House bill

Extends social security coverage on a mandatory basis to all employees of nonprofit organizations as of January 1, 1984. (Terminations of coverage would not be permitted on or after March 31, 1983). Nonprofit employees age 55 or older affected by this provision would be deemed to be fully insured for social security benefits after acquiring a given number of quarters of coverage, according to the following sliding scale:

If on January 1, 1984, the person is—	The number of quarters needed is—
Age 60 or over	6
Age 59	8
Age 58	12
Age 57	16
Age 55–56	20

Senate amendment

Similar to House bill, except that terminations would not be permitted after enactment. Also, does not include special provision deeming persons to be fully insured under liberalized quarter-of-coverage requirements.

Conference agreement

The conference agreement follows the House bill.

2. TERMINATION OF COVERAGE BY STATE AND LOCAL GOVERNMENTS

Present law

Participation in social security is optional for State and local governments. Once a government has chosen to join social security, it may withdraw, after 5 years of coverage, by providing the Federal government with two years advance notice of its intent to withdraw. A notice of termination becomes effective at the end of calendar year two years after the notice is filed. Governments that have withdrawn are not allowed to rejoin. (About 70 percent of all State and local government employees are presently covered by social security.)

House bill

Prohibits State and local governments from terminating coverage for their employees if the termination has not taken effect by the date legislation is enacted. In addition, allows State and local governments which have withdrawn from the social security system to voluntarily rejoin. Once having rejoined, the governmental entity would be precluded from terminating coverage.

Senate amendment

Same as House bill.

3. WINDFALL BENEFITS FOR PERSONS WITH PENSIONS FROM NONCOVERED EMPLOYMENT

Present law

Social security benefits are determined through a formula based on average lifetime earnings in jobs covered by social security. The benefit formula is weighted so that persons with low average lifetime earnings receive a proportionally higher rate of return on their contributions to social security than workers with relatively high average lifetime earnings.

Workers with short periods of covered work also receive this advantage, because their few years of earnings are averaged over a 35-year period to determine their average monthly covered earnings on which the benefit is based.

This high rate of return for persons who have spent a short period of time in covered employment is what is often characterized as a "windfall" benefit.

House bill

(1) Applies a different benefit formula to workers who are eligible for a pension based wholly or in part on noncovered employment. Under the current formula, benefits are 90% of the first $254 of average monthly earnings, 32% of earnings from $254 to $1,538, and 15% of earnings above $1,538. The new formula applicable to those with pensions from noncovered employment would substitute 61% for the 90% factor. (2) Provides a guarantee that the resulting reduction in the worker's social security benefit cannot be more than one-half the amount of the noncovered pension. (3) This provision will be applicable to persons reaching age 60 after December 31, 1983.

Senate amendment

Similar to House provision, except substitutes a 32% factor in benefit formula, phased in over a 5-year period as follows:

Year of first eligibility under OASDI:	*First factor in formula (percent)*
1984	78.4
1985	66.8
1986	55.2
1987	43.6
1988 and after	32.0

Provides a guarantee that the resulting reduction in the worker's social security benefit cannot be more than one-third of the portion of the worker's pension based on service which was not covered.

Provides further a guarantee that persons with 30 years or more of covered service would not be affected. For persons with less than 30 but more than 24 years of substantial social security employment, the 90% factor in the benefit formula would be reduced by 10 percentage points for each year below 30 years of covered employment. This would not reduce benefits by more than the regular windfall provision, however. (A year of substantial employment would be a year in which covered earnings were at least 25 percent of the wage base. For years after 1977, the base used would be the 1977 base with adjustments for increased earnings after that date.)

The provision provides for periodically recomputing the offset based on changes in the pension rate. The provision also provides that pensions based on noncovered employment of less than a year would not be subject to the offset.

The provision would be effective on January 1, 1984, for retired or disabled workers who first become eligible for a noncovered pension and for social security after 1983.

Conference agreement

The conference agreement follows the House bill with the following amendments:

1. Substitutes 40 percent as the first bracket formula amount.

2. Phases in this reduction over a 5-year period: 80% in the first year, 70% in the second year, 60% in the third year, 50% in the fourth year, and fully effective in the fifth year.

3. Exempts the following groups:

a. all current employees newly covered by the bill, i.e. those current Federal employees covered by the bill, and nonprofit employees except those employees whose past employment for a nonprofit organization had been covered, but whose employment for that organization was not covered on December 31, 1983;

b. those with service which was not covered until 1957;

c. those with 30 years or more of covered work; in addition, for persons with less than 30 but more than 24 years of substantial social security employment, the 90% factor in the benefit formula would be reduced by 10 percentage points for each year below 30 years of covered employment. (Senate provision); and

d. those with railroad retirement pensions.

4. Amends the effective date to apply to those first eligible for social security benefits and for government pensions after 1985.

4. DELAY COST-OF-LIVING ADJUSTMENT

Present law

(a) Social security benefits are adjusted automatically every June (July check) to reflect increases in the consumer price index. This cost-of-living adjustment is measured from the average CPI of the first quarter of the previous year in which a benefit increase was provided to the average of the first quarter of the current year. No cost-of-living increase is provided in any year in which the increase in the CPI is less than 3 percent.

House bill

Delays the June 1983 cost-of-living adjustment until December (January 1984 check), and provides all subsequent cost-of-living adjustments in December (January checks). This adjustment would be based on the CPI for the first quarter of 1983 over that for the first quarter of 1982. All subsequent adjustments would be based on the CPI increase from the third quarter of the last year in which a cost-of-living adjustment was provided to the third quarter of the current year. For the December 1983 adjustment only, the 3 percent trigger is waived.

Senate amendment

Same as House bill. (A floor amendment also provides that the OASDI COLA delay be accompanied by a corresponding delay in a 1982 Reconciliation Act provision to round down certain veterans' pensions.)

Conference agreement

The conference agreement follows the Senate Amendment.

(b) The medicare monthly premium for part B physician coverage increases each July 1. (For those people receiving social security cash benefits, the premium is deducted from their checks.)

House bill

Also, postpones from July 1, 1983, to January 1, 1984, and to each January thereafter, the effective date of increases in medicare premiums to coincide with the proposed delay in the cost-of-living increases in social security cash benefit payments. For the six-month period from July 1, 1983 to January 1, 1984, the general revenue contribution would replace the lost premium revenue.

Senate amendment

Similar provision except that the general revenue contribution would not replace lost premium revenue.

Conference agreement

The conference agreement follows the House bill.

5. TAXATION OF SOCIAL SECURITY (OASDI) BENEFITS FOR HIGHER-INCOME PERSONS

Present law

Social security benefits and railroad retirement benefits are excluded from gross income for purposes of the Federal income tax.

House bill

Beginning in 1984, a portion of social security and tier I railroad retirement benefits would be included in taxable income for taxpayers whose adjusted gross income combined with 50 percent of their benefits exceeds a base amount. The base amount would be $25,000 for an individual, $32,000 for a married couple filing a joint return and zero for married persons filing separate returns. The amount of benefits that could be included in taxable income would be the lesser of one-half of benefits or one-half of

the excess of the taxpayers' combined income (AGI + one-half of benefits) over the base amount.

The proceeds from the taxation of benefits, as estimated by the Treasury Department, would be transferred to the appropriate trust funds at first of quarter. An annual report from the Secretary of the Treasury concerning the transfers would be required.

Special rules would be provided to adjust for repayments by individuals of benefits previously received and subsequently determined to be overpayments. Special rules also would be provided for attributing appropriate portions of lump-sum benefit payments to the years for which they had been paid. Benefits subject to tax would include any workmen's compensation receipt of which caused a reduction in disability benefits. (Proceeds from the taxation of these benefits would be deposited in either the social security or railroad retirement account.)

Annual information returns would be filed by the Social Security Administration and the Railroad Retirement Board with the IRS and furnished to individual beneficiaries.

The 50 percent of social security benefits received by non-resident aliens would be subject to the 30 percent withholding tax (or a lower rate if so fixed by treaty) applicable to periodic payments made to such individuals under current law. (The IRS would be authorized to disclose to SSA and RRB certain tax return information for purposes of administering this provision.)

Senate amendment

Same as House bill, except that interest on tax-exempt bonds is added to adjusted gross income for the purpose of determining whether an individual's income exceeds the base amount above which a portion of benefits would be subject to tax; transfers to trust funds are made in the middle of the quarter; and that benefits subject to tax do not include certain worker's compensation benefits.

Conference agreement

The conference agreement follows the House bill on timing of transfers to the trust funds and treatment of certain worker's compensation benefits, and the Senate Amendment concerning tax exempt interest.

6. 1984-90 Social Security Tax Rates and 1984 Credit

A. FICA TAX RATES

Present law

Several increases in payroll tax rates are already scheduled to take effect between 1984 and 1990 as indicated below:

	Employer-Employee Rate (Each)		
	OASDI	HI	OASDI–HI
1984	5.4	1.30	6.70
1985	5.7	1.35	7.05
1986	5.7	1.45	7.15
1987	5.7	1.45	7.15
1988	5.7	1.45	7.15
1989	5.7	1.45	7.15
1990	6.2	1.45	7.65

House bill

Advances the payroll tax increase scheduled for 1985 to 1984 and part of the increase scheduled for 1990 to 1988, as indicated below:

	Employer-Employee Rate (Each)		
	OASDI	HI	OASDI–HI
1984	5.70	1.30	7.00
1985	5.70	1.35	7.05
1986	5.70	1.45	7.15
1987	5.70	1.45	7.15
1988	6.06	1.45	7.51
1989	6.06	1.45	7.51
1990	6.20	1.45	7.65

Senate amendment

Same as House bill.

B. TAX CREDIT FOR 1984 EMPLOYEE FICA TAXES

Present law

No deduction or credit is available for employee FICA taxes.

House bill

A credit of 0.3% of wages would be allowed against 1984 employee FICA taxes to reduce the net FICA rate to 6.70%. Appropriations to Trust Funds would be based on a 7.00% rate. Employee's annual withholding statements (form W-2) would indicate the next amount of FICA tax (i.e., the 6.7% of taxable wages actually deducted from their paychecks).

Senate amendment

Same as House bill except that employee's annual wage statements (FORM W-2) would indicate both the gross FICA tax (7.0% of taxable wages) and the FICA credit (0.3% of taxable wages).

Conference agreement

The conference agreement follows the House bill.

C. 1984 EMPLOYER FICA TAX CREDIT

Present law

No deduction or credit is available for employer FICA taxes.

House bill

No provision.

Senate amendment

Employers who employ no more than 5 employees at any time during 1984 would be allowed a credit against FICA of 0.3% of taxable wages paid during that year. The credit would be limited to $300 per employer. All trades or businesses under common control would be considered to be one employer for the purpose of determining the number of employees.

Conference agreement

The conference agreement follows the House bill.

D. TIER I RAILROAD RETIREMENT TAXES

Present law

The rates of the Tier I railroad retirement taxes are the same as the rates of the Corresponding FICA taxes.

House bill

Conforming changes would be made in Tier I railroad retirement tax rates and the credit against 1984 employee taxes would be allowed against employee railroad taxes.

Senate amendment

Same as House bill.

7. Tax on Self-Employment Income

Present law

The Self-Employment Contributions Act (SECA) imposes two taxes (OASDI and HI) on self-employed individuals. Currently, self-employed persons pay an OASDI tax at a rate approximately equal to 75 percent of the combined employer-employee rate and an HI tax at a rate that is 50 percent of the combined employer-employee rate.

No deduction or credit is available for SECA taxes.

House bill

Beginning in 1984, the OASDHI rates for self-employed persons would be equal to the combined employer-employee OASDHI rate.

For 1984, self-employed persons would be allowed a credit (comparable to the credit allowed employers against the FICA tax) against SECA tax equal to 0.3 percent of net self-employment income. In addition, beginning in 1984, self-employed persons would be entitled to a permanent credit against SECA tax For 1984-87, the amount of the credit would be 1.8 percent of net self-employment income. For 1988 and subsequent years, the credit would be 1.9 percent. the SECA tax credit may be directly taken into account in computing SECA liability for a taxable year and estimated tax payments for that year.

Appropriations to the trust funds would be based on the full SECA tax rates without regard to the credit allowed against such taxes.

Senate amendment

Same as House bill, except that the total credit rate would be 2.9 percent of self-employment income in 1984, 2.5 percent in 1985, 2.2 percent in 1986, 2.1 percent in 1987, 1988, and 1989, and 2.3 percent in 1990 and thereafter.

Conference agreement

The Conference agreement provides that:

a. The SECA credits for 1984 through 1989 would be as follows:

1984: 2.7 percent.

1985: 2.3 percent.

1986-89: 2.0 percent.

b. Effective in 1990 and thereafter, the credit would terminate and be replaced with a system designed to achieve parity between employees and the self-employed. Under this system:

1. The base of the self-employment tax would be adjusted downward to reflect the fact that employees do not pay FICA tax on the value of the employer's FICA tax.

2. A deduction would be allowed for income tax purposes, for half of SECA Liability, to allow for the fact that employees do not pay income tax on the value of the employer's FICA tax.

8. Credit for the Elderly and Disability Income Exclusion

A. CREDIT FOR THE ELDERLY

Present law

1. *Eligible individuals and credit rate.*—Individuals age 65 or over, or under 65 and with income from a public retirement system, are eligible for a credit equal to 15 percent of a base amount.

2. *Base amount.*—The initial amount of the base is:

$2,500—married with one spouse eligible or unmarried.

$3,750—married, joint return, both spouses eligible.

$1,875—married filing separately.

For individuals under age 65, the initial amount is limited to income from a public retirement system.

The initial amount is reduced by:

1. Pensions or annuities received under Social Security, Railroad Retirement, and certain other pensions and annuities otherwise excluded from gross income, and

2. One-half of the excess of adjusted gross income over:

$7,500—single returns.

$10,000—married, joint return.

$5,000—married, separate return.

This reduction does not apply to individuals under age 65. Instead, the initial amount is reduced by certain amounts of earned income.

House bill

1. *Eligible individuals and credit rate.*— Same as present law, except that individuals under age 65 are eligible only if they retired with a permanent and total disability and have disability income from a public or private employer on account of that disability.

2. *Base amount.*— The initial base amount is:

$5,000—married with one spouse eligible or unmarried.

$7,500—married, joint return, both spouses eligible.

$3,750—married filing separately.

For individuals under age 65, the initial amount is limited to disability income.

1. Pensions or annuities received under social security, Railroad Retirement, and certain other pensions and annuities otherwise excluded from gross income (as under present law). In addition, social security and railroad disability benefits also reduce the initial amount.

2. One-half of adjusted gross income over:

$7,500—single returns.

$10,000—married, joint return,

$5,000—married, separate return.

The same rules for reducing the initial amount would apply to all eligible individuals.

Conference agreement

The conference agreement follows the House bill with technical amendment.

B. DISABILITY INCOME EXCLUSION

Present law

Amounts received under an employer's disability income plan generally are includable in gross income to the extent attributable to employer contributions. However, permanently and totally disabled individuals who have retired on disability and are under 65 may exclude such income within certain limits. The excluded amount is limited to $100 per week and is reduced by the excess of adjusted gross income over $15,000.

House bill

The disability income exclusion is repealed. Affected individuals are made eligible for the credit for elderly and disabled persons to the extent of disability income (see above).

Effective date.—The provision applies to taxable years beginning after December 31, 1983.

Senate amendment

No provision.

Conference agreement

The conference agreement follows the House bill.

9. REALLOCATION OF OASI AND DI TRUST FUNDS

Present law

The OASDI tax rate is allocated as indicated below:

[Percent]

	OASI	DI
Employees and employers, each:		
1984	4.575	0.825
1985–89	4.750	.950
1990 and after	5.100	1.100
Self employed:		
1984	6.8125	1.2375
1985–89	7.1250	1.4250
1990 and after	7.6500	1.6500

House bill

OASDI tax allocated so that both funds will have about the same fund ratios, as indicated below:

[Percent]

	OASI	DI
Employees and employers, each:		
1983	4.775	0.625
1984–87	5.200	.500
1988–89	5.560	.500
1990	5.600	.600
Self-employed persons:		
1983	7.1125	.9375
1984–87	10.4000	1.0000
1988–89	11.1200	1.0000
1990	11.2000	1.2000

Senate amendment

The OASDI tax would be allocated so that both funds will have about the same fund ratios as indicated below:

[Percent]

	OASI	DI	OASDI
Employers and employees, each:			
1984	5.075	0.625	5.7
1984 to 1987	5.20	.50	5.7
1988 to 1989	5.53	.53	6.06
1990 to 1999	5.60	.60	6.20
2000 and later	5.55	.65	6.20
Self-employed persons:			
1983	10.4625	.9375	11.40
1984 to 1987	10.40	1.00	11.40
1988 to 1989	11.06	1.06	12.12
1990 to 1999	11.20	1.20	12.40
2000 and later	11.10	1.30	12.40

Conference agreement

The conference agreement provides for the following allocation:

[Percent]

Calendar year	Total for OASDI and HI	OASI	DI	OASDI	HI
Employees and employers, each					
1982	6.70	4.575	0.825	5.40	1.30
1983	6.70	4.775	.625	5.40	1.30
1984	7.00	5.200	.500	5.70	1.30
1985	7.05	5.200	.500	5.70	1.35
1986–87	7.15	5.200	.500	5.70	1.45
1988–89	7.51	5.530	.530	6.06	1.45
1990–99	7.65	5.600	.600	6.20	1.45
2000 and later	7.65	5.490	.710	6.20	1.45
Self-employed persons					
1982	9.35	6.8125	1.2375	8.05	1.30
1983	9.35	7.1125	.9375	8.05	1.30
1984	14.00	10.4000	1.0000	11.40	2.60
1985	14.10	10.4000	1.0000	11.40	2.70
1986–87	14.30	10.4000	1.0000	11.40	2.90
1988–89	15.02	11.0600	1.0600	12.12	2.90
1990–99	15.30	11.2000	1.2000	12.40	2.90
2000 and later	15.30	10.9800	1.4200	12.40	2.90

10. BENEFITS FOR CERTAIN WIDOWS, DIVORCED, AND DISABLED WOMEN

A. BENEFITS FOR SURVIVING DIVORCED OR DISABLED SPOUSE WHO REMARRIES

Present law

Current law permits the continuation of benefits for surviving spouses who remarry after age 60. However, benefits for disabled widow(ers) and disabled surviving divorced spouses (payable from age 50 to 60) and for surviving divorced spouses (payable at age 60) are terminated if the individual remarries.

House bill

Allows the continuation of benefits for disabled and surviving divorced spouses upon remarriage if that marriage takes place after the age of first eligibility for benefits. Effective for benefits for months after December 1983.

(No change would be made in the current dual entitlement provision of the law which allows an individual to receive only the highest benefit for which such individual is eligible.)

Senate amendment

Same as House bill.

B. CHANGE IN INDEXING DEFERRED SURVIVOR BENEFITS

Present law

Survivor benefits are based on the amount of benefits that would have been payable to the deceased worker as determined by applying a benefit formula to the worker's earnings in covered employment. Such earnings are indexed to reflect economy-wide wage increases through the second year before the death of the worker. Beginning with the year of death, benefit levels are indexed to price changes.

Should the worker die long before retirement age, the benefit to which the widowed spouse ultimately becomes eligible in old-age (or at disability) is based on outdated wages. Thus, women who become widowed at a relatively young age, but do not become eligible for benefits for many years, are deprived of their husband's unrealized earnings as well as the economy-wide wage increases that may have occurred since the death of their husbands.

House bill

In the case of deferred survivor benefits, continues indexing the worker's earnings to reflect economy-wide wage increases rather than price increases. Such wage indexing would apply through the year the worker would have reached age 60, or two years before the survivor becomes eligible for aged or disabled widow's benefits, whichever is earlier. Effective for newly eligible survivors after December 1984.

Same as House bill.

C. INDEPENDENT ENTITLEMENT FOR DIVORCED SPOUSES

Present law

A divorced spouse, eligible for benefits at age 62, may not begin to draw social security benefits until the former spouse begins to draw benefits. For some divorced women, this means that they must wait several years beyond their own retirement age (because their former spouse delays retirement or otherwise fails to apply for benefits) before they can begin to draw benefits.

House bill

Allows divorced spouses (who have been divorced for at least 2 years) to draw benefits at age 62 if the former spouse is eligible

for retirement benefits, whether or not benefits have been claimed or suspended because of substantial employment. Effective for benefits for months after December 1984.

Senate amendment

Same as House bill except for technical differences.

Conference agreement

The conference agreement follows the Senate Amendment.

D. INCREASED BENEFITS FOR DISABLED WIDOWS

Present law

Social Security benefits for widows and widowers are first payable at age 60. Benefits are payable in full (i.e., 100 percent of the worker's primary insurance amount) at age 65, and at reduced rates at ages 60–64 (i.e., phasing up from 71.5 percent of the primary insurance amount at age 60). Benefits are also payable at reduced rates to disabled widows and widowers aged 50–59 (i.e., phasing up from 50 percent of the primary insurance amount at age 50).

House bill

Increases benefits of disabled widow(er)s age 50–59 to 71.5 percent of the primary insurance amount, the amount to which widow(er)s are entitled at age 60. Effective for benefits for disabled widows and widowers for months after December 1983.

Senate amendment

Same as House bill.

11. STABILIZER

Present law

Social security benefits are adjusted automatically every June to reflect increases in the Consumer Price Index. Such adjustments are made without regard to the status of the trust fund reserves.

Income to the social security system depends on the level of wages on which social security contribution are made. When increases in prices outrun increases in wages, income to the trust fund falls behind increases in benefit payments. Cash flow problems may then result, depending on whether accumulated fund reserves are sufficient to make up the gap between income and outlays.

There is no mechanism under current law to adjust trust fund outlays and revenues to take account of economic fluctuations.

House bill

Beginning with 1988, if the fund ratio of the combined OASDI Trust Funds as of the beginning of a year is less than 20.0%, the automatic cost-of-living (COLA) adjustment would be based on the lower of the CPI increase or the increase in average wages. Subsequently, when the balance in the trust funds has risen to at least 32 percent of estimated annual outlays, "catch-up" benefit payments would be made during the following year, as supplements to monthly benefits otherwise payable, to the extent necessary to increase overall benefit levels in order to make up for any losses in inflation protection that result from basing COLA's on wages rather than prices. Such payments would be made only to the extent that sufficient funds are available over those needed to maintain a fund ratio of 32.0 percent.

Senate amendment

Similar to House bill, except that the catch-up payments would supplement monthy benefits otherwise payable to make up for the cumulative dollar losses that could result from basing the adjustment on wages rather than prices.

Conference agreement

The conference agreement follows the House bill with an amendment to provide that the stabilizer would take effect with respect to the cost-of-living increase payable in January 1985 if the trust funds ratio at the end of 1984 is less 15 percent. Beginning in 1989 the stabilizer would take effect if the trust fund ratio falls below 20 percent.

12. PROCEDURES TO ASSURE CONTINUED BENEFIT PAYMENTS (FAIL-SAFE)

Present law

a. Social security benefits are financed by a payroll tax fixed in the law. While benefits are paid out within the first five days of each month, payroll tax revenues are estimated daily by the Treasury, and credited to the trust fund accounts each day.

House bill

Fixed Monthly Tax Transfers: Provides for a revision of accounting procedures under which the Treasury would credit to the OASDI trust funds, at the beginning of each month the amount of payroll tax revenues estimated to be received during the month. These amounts would be invested by the trust funds as all other trust fund assets are invested; interest will also be paid by the trust funds on amounts transferred to the trust funds in advance of procedures in effect on January 1, 1983. Effective on the first day of the month following enactment.

Senate amendment

Similar to House provision, except that tax receipts would only be advanced for months the Secretary of the Treasury determines that the balances of the OASDI trust funds are less than 20% of outgo. Also, the interest paid to the General Treasury on the excess sums so transferred would be at the rate equal to the average 91-day Treasury bill rate during the month, with such interest being payable at the end of each month.

Effective.—On enactment through 1989.

Conference agreement

The conference agreement follows the House bill.

Present law

b. Interfund borrowing was authorized during 1982, but this authority terminated at the end of the year.

House bill

Interfund borrowing: Authorizes interfund benefit borrowing between the OASI, DI and HI funds for calendar years 1983–87, with provisions for repayment to the lending fund(s) of the principal and interest of all such loans (including amounts borrowed in 1982) at the earliest feasible time but not later than the end of calendar year 1989. Borrowing would be permitted only to the extent there is sufficient balance in the lending fund to meet its own obligations.

Senate amendment

Similar to House bill, except that (1) interest would be paid monthly to HI on any outstanding loans to OASDI; (2) OASDI could not borrow from HI in any month in which the HI trust fund ratio is under 10 percent (with no more to be borrowed than would reduce such ratio to 10 percent); (3) in 1983–87, OASDI would repay loans from HI whenever the OASDI fund ratio at the end of the year exceeds 15 percent; and (4) in 1988–89, OASDI would repay HI, in 24 equal monthly payments, the loan balance outstanding at the end of 1987 (plus interest on any outstanding loan balance). Faster payment would be authorized.

Similar protections would be provided for the OASI and DI trust funds in the event that HI were to borrow from OASDI.

Conference agreement

The conference agreement follows the Senate Amendment.

Present Law

C. If at any point revenues from the payroll tax exceed amounts needed for benefit payments, the excess is placed in the trust fund reserve. If revenues fall short of the amount needed, the reserves are drawn on to make up the difference. If the reserves are not adequate to make up the shortfall, under current law the trust funds have no way of making benefit payments on time. (Thus, it is considered critical to have at least one month's benefit payments in reserve at the beginning of each month, and to have enough of a reserve to continue benefit payments through any decline in revenues during the year.) The Board of Trustees is required to report immediately to the Congress if any of the trust funds is unduly small.

House bill

Managing Trustee Report to the Congress Concerning Trust Fund Shortfalls. Requires the Board of Trustees to report immediately to the Congress whenever it is of the opinion that the amount of any of the trust funds may become unduly small and recommend a specific legislative plan to adjust the inflow and outgo of funds to remedy this shortfall with due regard to the economic situation that created the problem and the amount of time available to act in a prudent manner. It is the intent that such legislative action would be effective only so long as is necessary to restore the fund to solvency.

Senate amendment

Requires the Secretary of Health and Human Services to make an annual evaluation of the projected balances in the OASDHI trust funds, taking into account cost-of-living increases. If at the start of any year after 1984 OASDHI reserve ratio is projected to decline from the start of the next year to the start of the following year and to then be less than 20 percent of a year's benefits, the Secretary would be required to notify the Congress by the preceding July 1 that action to limit the next COLA will be necessary. If no action is taken, the Secretary would be required to scale back the COLA to the extent necessary to prevent a decline in the reserve ratio. (For years after 1987, the fund ratios only for OASDI would be considered.)

Insofar as possible, the limitation of the COLA would be applied to people whose benefits are based on a primary benefit level of more than $250 per month. The determination as to whether a limitation on the cost-of-living increase was necessary would be made only after taking into account all other statutory provisions for assuring adequate funds.

Effective for determinations beginning July 1, 1984.

Conference agreement

The conference agreement follows the House bill with an amendment under which the Trustee's report to the Congress must provide specific information as to the extent to which benefits would have to be reduced, payroll taxes increased, or some combination thereof.

13. DELAYED RETIREMENT CREDIT

Present law

Persons who delay retiring—and claiming social security benefits—beyond age 65 receive increases in their benefits amounting to 3 percent per year for each year they delay retirement up to age 72.

House bill

Gradually increases the delayed retirement credit from 3 percent to 8 percent per year for persons who attain age 65 between 1990 and 2008. In order to conform to the reduction in the age at which the earnings test no longer applies, lowers the age after which the delayed retirement credit will no longer be given from age 72 to 70 for those who attain age 70 after December 1983.

Senate amendment

Similar to House bill except would first apply to people attaining age 62 in 1990, rather than 65 in 1990, and would be fully phased in by 1995. In addition, would remove the upper age limit on receipt of delayed retirement credits, effective January 1984 (floor amendment).

Conference agreement

The conference agreement follows the House bill.

14. REIMBURSEMENT TO TRUST FUNDS FOR MILITARY WAGE CREDITS AND UNCASHED OASDI CHECKS

A. MILITARY WAGE CREDITS

Present law

Gratuitous military wage credits are provided to persons who served in the military after September 16, 1940. Although members of the armed forces were compulsorily covered under social security in 1957, wage credits continue to be provided to military personnel in recognition of the value of noncash compensation received.

The cost of the additional benefits and the administrative expenses arising from these non-contributory wage credits are borne by the General fund on a retroactive reimbursement basis (i.e., the costs are reimbursed only after benefits have been paid).

House bill

Provides for a lump-sum payment to the OASDI trust funds from the General Fund for: (i) The present value of the estimated additional benefits arising from the gratuitous military service wage credits for service before 1957; (ii) the amount of the combined employer-employee OASDI taxes on the gratuitous military service wage credits for service after 1956 and before 1983. In addition, the HI trust fund would be credited with the combined employer-employee HI taxes on gratuitous military wage credits for services after 1965 and before 1983. (In the future, the trust funds would be reimbursed on a current basis for such employer-employee taxes on such wage credits for service after 1982.)

Senate amendment

Similar to House bill, except that the lump sum reimbursement for the post 1956 wage credits includes 1983. Also, the initial transfer for pre-1957 military wage credits would be provided through the normal appropriations process.

Conference agreement

The conference agreement follows the Senate amendment, except with respect to the appropriation process for pre-1957 military wage credits.

B. UNCASHED OASDI CHECKS

Present law

The trust funds are not credited for any uncashed OASDI benefit checks. Instead, the value of benefit checks which are not cashed remains in the General Fund of the Treasury.

House bill

Provides for a lump-sum payment to the OASDI trust funds from the General Fund representing the amount of uncashed benefit checks which have been issued in the past plus appropriate amounts of interest. In addition, requires the implementation of a procedure under which: (1) the Treasury Department would make it possible to distinguish OASDI checks from other government checks; and (2) the trust funds would be credited on a regular basis with an amount equal to the value of all OASDI benefit checks which have not been negotiated for a period of 6 months.

Senate amendment

Similar to House bill, except that unnegotiated checks are defined to be those outstanding for a period 12 months after issuance, and no interest is payable to the trust funds on unnegotiated checks. Also, transfers to the trust funds would be subject to the annual appropriation process.

Conference agreement

The conference agreement follows the House bill; except for the Senate amendment making the transfers subject to the annual appropriations process.

II. ADDITIONAL PROVISIONS RELATING TO LONG-TERM FINANCING OF THE SOCIAL SECURITY SYSTEM

1. ADJUSTMENTS IN THE NORMAL RETIREMENT AGE

Present law

Normal retirement age (i.e., the age at which full retirement benefits are available at age 62 at a rate of 80 percent of the full benefit. Medicare and SSI benefits are also available at age 65. Unreduced retirement benefits are available to workers, spouses, and widows and widowers at age 65. Actuarially reduced benefits are available at age 62 for workers and spouses and at age 60 for widows and widowers.

In computing social security benefits, a worker's earnings under social security are averaged and a benefit formula is applied to those average indexed monthly earnings (AIME) to arrive at the initial basic benefit amount called the primary insurance amount (PIA). The PIA is the amount a worker is eligible to receive at 65. Dependents' and survivors' benefits are based on the worker's PIA.

The formula for a worker who becomes eligible for benefits in 1983 is: 90 percent of the first $254 of AIME, plus 32 percent of the AIME from $254 through $1,528, plus 15 percent of the AIME over $1,528.

The two dollar figures in the formula, $254 and $1,528, are raised (indexed) each year to reflect increases in average wages in the economy. Thus, a new formula is created each year for the new group of workers becoming eligible for benefits in that year.

The annual adjustment of the benefit formula by the full amount of the increase in average wages leads to higher initial benefits over time and to replacement rates—the percentage of a worker's prior earnings that are replaced by his social security benefit—that remain at approximately the same level.

Social security beneficiaries under age 70 who work and have earnings are subject to a one dollar reduction in benefits for every two dollars of earnings, when their earnings exceed certain exempt amounts. For 1983, the annual exempt amount is $6,600 for people age 65 and older. The annual exempt amount is increased each year according to increases in wages.

House bill

(1) Raises the normal retirement age to 67 in two steps.

(A) Raises retirement age to 66 by increasing the age for full benefits by two months a year for six years so that provision would be fully effective beginning with those attaining age 62 in 2005 (66 in 2009).

(B) Raises retirement age from 66 to 67 by increasing the age for full benefits by two months a year for six years so that the provision would be fully effective beginning with those attaining age 62 in 2022 (67 in 2027).

(2) Age 62 benefit would be maintained at an ultimate rate of 70 percent of full benefits. (After age for full retirement is changed to 67.) No changes would be made in Medicare or SSI benefits.

(3) Requires the Secretary, by January 1, 1986, to conduct and submit with recommendations to Congress a comprehensive study and analysis of the implications of the change in retirement age for those individuals affected by this change who, because they are engaging in physically demanding employment or because they are unable to extend their working careers for health reasons, may not benefit from improvements in longevity.

(4) Makes no changes in the current law earnings test.

Senate amendment

(1) Raises the normal retirement age to 66, by increasing the age for full benefits one month a year for 12 years (between 2000 and 2011) so that the provision would be fully effective beginning with those attaining age 66 in 2015. The first age of eligibility for Medicare would shift in tandem with the new retirement age.

(2) Early retirement benefits would continue to be payable at age 62, but at an ultimate rate of 75 percent of full benefits (after age for full retirement is changed to 66.)

(3) Requires the 1987 Social Security Advisory council to study the effect of raising the retirement age and requires recommendations on changes to the DI, SSI and unemployment compensation programs to meet the special needs of older workers. In addition, provides for the appointment, subject to approval by the Chairmen of the Committees on Finance and Ways and Means, of Council representatives of organized labor and experts on the problems of older workers, disability and unemployment and the labor market.

(4) Between 2000 and 2007, gradually reduces initial benefit levels by 5.3 percent for future beneficiaries. The percentage factors in the benefit formula would be reduced by two-thirds of one percent each year for 8 years, beginning with those first becoming eligible in the year 2000, and would be fully effective for those becoming eligible in 2007. The benefit factor reduction would be phased-in under the following schedule:

For initial eligibility (or death) in—	The applicable percentage		
	Up to the first bend point is—	Between the first and second bend points is—	Above the second bend point is—
1979–99 (current law)	90.0	32.0	15.0
2000	89.4	31.8	14.9
2001	88.8	31.6	14.8
2002	88.2	31.4	14.7
2003	87.6	31.1	14.6
2004	87.0	30.9	14.5
2005	86.4	30.7	14.4
2006	85.8	30.5	14.3
2007 and after	85.2	30.3	14.2

(5) Gradually phases out, beginning in 1990, the retirement earnings test for people 65 and older. The exempt amount of earnings (as it would be automatically increased by wage trends) would be further increased by $3,000 in 1990 and by a further $3,000 in each of the next four years, with the earnings test (for people 65 and older) completely eliminated in 1995.

Conference agreement

The conference agreement follows the House Bill except for a Senate amendment, effective beginning in 1990 to reduce the earnings test offset for those age 65 and older to one dollar for every three dollars earned over the annual exempt amount.

III. MISCELLANEOUS AND TECHNICAL PROVISIONS

1. Cash Management

A. FLOAT ALLOWANCE REVISION

Present law

Social security benefit checks are issued to beneficiaries on the third day of each month. Current Treasury procedures allow a two-day float before trust fund monies are actually transferred to the Treasury in order to pay the checks which have been issued.

House bill

Requires the Secretaries of Treasury and Health and Human Services to conduct a study consisting of two separate investigations. The first concerns the actual average length of time between the issuance of benefit checks and their redemption; the second would deal with the feasibility and desirability of providing for the transfer on a daily basis to the general fund from the appropriate trust fund amounts equal to the amounts of benefit checks which are paid by the Federal Reserve Banks on that day.

The Secretary of the Treasury would be required to promulgate regulations to implement the changes found appropriate by these investigations.

Senate amendment

No provision.

Conference agreement

The conference agreement follows the House bill.

B. INTEREST ON LATE STATE DEPOSITS

Present law

The annual interest rate charged on late payments of social security contributions due on the earnings of State and local employees is 6 percent per annum.

House bill

Changes the rate of interest charged on late payments of social security contributions due on the earnings of state and local employees to a rate equal to the average interest rate earned by new special obligations of the trust funds during the period of the delinquency. (Effective with respect to payments due for wages paid after Dec. 31, 1983.)

Senate amendment

No provision.

Conference agreement

The conference agreement follows the Senate Amendment.

C. TRUST FUND INVESTMENT PROCEDURES

Current law

Payroll tax revenues which are in excess of the amount necessary to pay current benefits generally must be invested in "special issue" obligations available for purchase only by the trust funds. Such obligations have maturities fixed with due regard for the needs of the trust funds and bear an interest rate equal to the average market yield on all marketable, interest bearing obligations of the U.S. which are not due or callable within 4 years.

House bill

Requires the managing trustee of the Social Security Trust Funds to redeem most current trust fund investments and make all future investments in a new type of Treasury public debt obligation bearing interest at a rate that varies from month to month. For each month, the interest rate on the new type of obligation will be equal to the higher of (1) the average market yield over the preceding month on all public-debt obligations (other than "flower bonds") with maturities of more than 4 years or (2) the average market yield for similar obligations with 4 years or less to maturity.

Requires that annual reports of the Social Security Boards of Trustees to the Congress include a certification by the chief actuary of the Social Security Administration that the reports meet generally accepted standards within the actuarial profession.

Allows the 1983 annual reports to be filed any time before 45 days after enactment.

Senate amendment

Similar to House bill, except that the interet rate to be applied to the social security investments would be the same long-term, special-issue rate used under current law. The redeemed investments and all future funds would be invested in special depository accounts, rather than new special issue obligations.

Also, requires actuarial statement, but does not have to certify the reasonableness of the assumptions and cost estimates underlying the trustee's report (floor amendment).

No provision.

Conference agreement

Both Houses recede with respect to trust fund investment procedures. With respect to the actuarial statement and the delay of the 1983 Trustees' report, the conference agreement follows the House bill, with an amendment providing that the certification shall not refer to economic assumptions underlying the Trustees' report.

D. SEPARATE TREATMENT OF TRUST FUND OPERATIONS UNDER UNIFIED BUDGET

Present law

Beginning with 1969, the financial operations of the social security trust funds have been included in the unified budget of the Federal Government.

House bill

Provides for the display of OASI, DI, HI and SMI fund operations as a separate function within the budget. Beginning with fiscal year 1989, these trust fund operations (except for SMI) would be removed from the unified budget.

Senate amendment

No provision.

Conference agreement

The conference agreement follows the House bill except that the trust fund operations would not be removed from the unified budget until fiscal year 1992.

2. Elimination of Gender-Based Distinctions Under the Old-Age, Survivors, and Disability Insurance Program

Unless otherwise noted, the proposed amendments concerning the elimination of gender-based distinctions would be effective with respect to benefits payable for months after the month of enactment.

A. DIVORCED HUSBANDS

Present law

The Social Security Act provides for the payment of benefits to aged divorced wives and aged or disabled surviving divorced wives but benefits are not provided for similarly situated men.

House bill

Amends the statute to conform to court decisions by providing social security benefits for aged divorced husbands and aged or disabled surviving divorced husbands based on their former wives earnings records. (SSA is currently complying with court decisions.)

Senate amendment

No provision.

Conference agreement

The conference agreement follows the House bill.

B. REMARRIAGE OF SURVIVING SPOUSE BEFORE AGE 60

Present law

Widows and widowers who remarry before age 60 are treated differently with respect to their eligibility for benefits based on their deceased spouses' earnings. A woman may qualify for benefits as a surviving spouse, even though she has remarried, so long as she is not married at the time she applies for benefits. A man, however, under current law loses forever his eligibility as a surviving spouse of his deceased wife worker if he remarries before age 60. Since the decision of *Mertz* v. *Harris* (1980), SSA has paid benefits to remarried widowers on the same basis as to remarried widows.

House bill

Amends the statute to conform to court decisions by making the requirements for widowers' and widows' benefits consistent. (SSA is currently complying with the aforementioned court decisions.)

Senate amendment

No provision.

Conference agreement

The conference agreement follows the House bill.

C. ILLEGITIMATE CHILDREN

Present law

An illegitimate child may be eligible for benefits based upon a man's earnings, without regard to the appropriate State intestate laws, if among other things, the man has been decreed by a court to be the father of the child, or the man is shown by evidence satisfactory to the Secretary to be the father of the child. Similar provisions do not currently apply when an illegitimate child claims a benefit based upon his mother's earnings.

House bill

Provides that illegitimate children would be eligible for benefits based on their mother's earnings as they are currently for benefits based on their father's earnings.

Senate amendment

No provision.

Conference agreement

The conference agreement follows the House bill.

D. TRANSITIONAL INSURED STATUS

Present law

Certain workers who attained age 72 before 1969 are eligible for social security benefits under transitional insured status provisions which require fewer quarters of coverage than would ordinarily be required. Wives and widows of eligible male workers who reached 72 prior to 1969 also are eligible for benefits under this provision, but husbands and widowers of eligible female workers are not.

House bill

Extends to husbands and widowers the transitionally insured status provisions which currently apply to wives and widows.

Senate amendment

No provision.

Conference agreement

The conference agreement follows the House bill.

E. PROUTY BENEFITS

Present law

Special payments are provided to persons who attained age 72 before 1968 and who have no quarters of coverage and to persons age 72 in 1968 or after who have at least three quarters of coverage for every year after 1966 and before the year of attainment of age 72. However, even though each spouse must meet the same eligibility requirements if he or she were not married, once the eligibility of both is determined, the couple is treated as if the husband were the retired worker and the wife were the dependent. The benefit is allocated so that the husband is paid two-thirds of the benefit and the wife is paid one-third.

House bill

Provides that where both husband and wife each qualify for Prouty benefits under Section 228 of the Social Security Act, each would receive a full monthly benefit.

Senate amendment

No provision.

Conference agreement

The conference agreement follows the House bill.

F. FATHERS' INSURANCE BENEFITS

Present law

A young wife, widowed mother or surviving divorced mother who has an entitled child under age 16 in her care receives a benefit for both herself and her child based upon the earnings of her husband. Under the law a similarly situated father cannot qualify for benefits based on his retired, disabled, or deceased wife's earnings.

House bill

Amends the statute to conform to court decisions by providing social security benefits for a father who has in his care an entitled child of his retired, disabled, or deceased wife (or deceased former wife). (SSA is currently complying with the aforementioned court decisions.)

Senate amendment

No provision.

Conference agreement

The conference agreement follows the House bill.

G. EFFECT OF MARRIAGE ON CHILDHOOD DISABILITY AND OTHER DEPENDENTS' AND SURVIVORS' BENEFITS

Present law

When a childhood disability beneficiary is married to another childhood disability beneficiary or to a disabled worker beneficiary, and the disability benefits of one of the beneficiaries is terminated because the beneficiary recovers or engages in substantial work, the continued eligibility of the other spouse depends upon the spouse's sex. A woman's childhood disability benefits end when her husband's disability benefits end. However, a man's childhood disability benefits are not terminated when his wife's disability benefits end.

House bill

Continues the benefits of a childhood disability beneficiary, regardless of sex, when the beneficiary's spouse is no longer eligible for benefits as a childhood disability beneficiary or disabled worker beneficiary.

Senate amendment

No provision.

Conference agreement

The conference agreement follows the House bill.

H. EFFECTS OF MARRIAGE ON OTHER DEPENDENTS' OR SURVIVORS BENEFITS

Present law

If a childhood disability beneficiary or disabled worker beneficiary marries a person receiving certain kinds of social security dependent or survivor benefits, the benefits of each individual continue. If the disabled beneficiary is a male and he recovers or engages in substantial work and his benefits are terminated, his wife's benefits also end. If, however, the disabled beneficiary is a woman, her husband's benefits are not terminated when her disability benefits end.

House bill

Continues social security payments to an individual, regardless of sex, who is receiving dependents' or survivors' benefits, when his or her spouse is no longer eligible for childhood disability benefits or benefits as a disabled worker.

Senate amendment

No provision.

Conference agreement

The conference agreement follows the House bill.

I. CREDIT FOR MILITARY SERVICE

Present law

A widow (but not a widower) is permitted, under certain circumstances, to waive the right to a civil service survivor's annuity and receive credit (not otherwise possible) for military service prior to 1957 for purposes of determining eligibility for the amount of social security survivors' benefits.

House bill

Allows widowers to exercise the option to waive the right to a civil service survivor's annuity in the same way as is currently permitted for widows.

Senate amendment

No provision.

Conference agreement

The conference agreement follows the House bill.

3. COVERAGE

A. FOREIGN AFFILIATES OF AMERICAN EMPLOYERS

Present law

Work by a U.S. citizen outside the U.S. for a foreign subsidiary of a domestic corporation is covered by social security if the domestic corporation arranges for coverage by entering into a voluntary agreement with the Internal Revenue Service; the agreement applies to all citizens subsequently employed by the subsidiary if their work would be covered if performed in the U.S.

A "foreign subsidiary" of a domestic corporation is defined as a foreign corporation of which: not less than 20 percent of its voting stock is owned by a domestic corporation; or more than 50 percent of its voting stock is owned by another foreign corporation and at least 20 percent of the latter corporation's voting stock is owned by a domestic corporation.

A domestic corporation which has entered into a voluntary agreement providing for social security coverage of U.S. citizens employed by its foreign subsidiary can also elect to include such U.S. citizens in its qualified pension, profit-sharing, stock bonus, etc. plans. A similar rule applies to U.S. citizens employed by a domestic corporation's domestic subsidiary that operates primarily abroad.

House bill

Broadens the availability of social-security coverage to American citizens working abroad by: (1) permitting coverage of American citizens working outside the United States for a foreign affiliate of an American employer; and (2) reducing the ownership interest in the foreign affiliate that is required to be held by the American employer from 20 percent to 10 percent (either directly or through one or more entities). These changes would be effective upon enactment.

In addition, coverage would be extended to include employees of American employers and affiliates who are residents of the United States as well as American citizens. (This provision applies generally to remuneration paid after December 31, 1983.)

Conforming changes would be made in the provisions relating to the extension of coverage under qualified pension, profit-sharing, stock bonus, etc. plans for employees of a domestic corporation's subsidiary.

Senate amendment

No provision.

Conference agreement

The conference agreement follows the House bill.

B. FOREIGN EARNED INCOME EXCLUSION

Present law

U.S. citizens and resident aliens who are not residents of a foreign country for a full year compute their net self-employment income for purposes of social security taxes (SECA) without regard to the foreign earned income exclusion. However, no coverage is provided for these taxable earnings.

U.S. citizens who are residents of a foreign country compute their net self-employment income excluding amounts which are also excluded for income tax purposes by the foreign earned income exclusion.

House bill

Provides that foreign earned income which is currently subject to social security self-employment tax would be creditable for social security coverage purposes, effective

with respect to taxable years beginning after December 31, 1981.

Provides that all net self-employment income would be computed for SECA purposes without regard to the foreign income exclusion, effective with respect to remuneration paid after December 31, 1983.

Senate amendment

No provision.

Conference agreement

The conference agreement follows the House bill.

C. INCLUDING ELECTIVE FRINGE BENEFITS AND NONQUALIFIED DEFERRED COMPENSATION IN THE SOCIAL SECURITY WAGE BASE

Present law

(1) Cash or deferred arrangements (Code section 401(k)).—Under a cash or deferred arrangement forming a part of a qualified profit-sharing or stock bonus plan, a covered employee may elect to have the employer contribute an amount to the plan on the employee's behalf or to receive such amount directly in cash. Amounts contributed to the plan pursuant to the election are treated as employer contributions and are excluded from the employee's taxable income and social security wage base.

(2) Cafeteria plans (Code section 125).—Under a cafeteria plan of an employer, an employee many choose among various benefits including cash, taxable benefits and nontaxable benefits (including a cash or deferred arrangement) offered under the plan. If certain requirements are met, amounts applied toward nontaxable benefits are excluded from the employee's taxable income and generally from the social security wage base.

(3) Tax-sheltered annuities (Code section 403(b)).—Subject to certain limitations, amounts paid by the employer for the purchase of a tax-sheltered annuity for an eligible employee are excluded from the employee's taxable income and social security wage base. Tax-sheltered annuities may be purchased for employees of educational institutions and certain tax-exempt organizations. Tax-sheltered annuities may be purchased pursuant to a salary reduction agreement.

(4) Nonqualified deferred compensation plans.—Amounts deferred under a nonqualified deferred compensation plan generally are taxable when they are paid or when there is no substantial risk of forfeiture, depending upon whether or not the plan is unfunded or funded. However, if the plan is a retirement plan or the amounts are paid on account of retirement, the amounts are generally excludible from FICA and FUTA. These plans may be utilized by (1) taxable employers to provide retirement benefits in excess of those permitted under tax-qualified retirement plans or coverage limited primarily to highly compensated or management employees, (2) tax-exempt employers, and (3) State and local governments.

House bill

(1) An employer's plan contributions on behalf of an employee under a qualified cash or deferred arrangement would be includible in the social security wage base for tax and coverage purposes to the extent that the employee could have elected to receive cash in lieu of the contribution, effective for remuneration paid after Dec. 31, 1983.

(2) Amounts subject to an employee's designation under a cafeteria plan would be includible in the social security wage base to the extent that such amounts may be paid to the employee in cash or property or applied to provide a benefit for the employee not excluded from the FICA wage base effective for remuneration paid after Dec. 31, 1983.

(3) Amounts paid by an employer for a tax-sheltered annuity for an employee will be includible in the social security wage base.

(4) No provision.

Senate amendment

(1) Same as House bill.

(2) Same as House bill, except applies only to cafeteria plans which include a cash-or-deferred arrangement as one of the optional fringe benefits.

(3) Any amounts paid by an employer to a tax-sheltered annuity by reason of a salary reduction agreement between the employer and the employee would be includible in the social security wage base.

(4) The amount deferred under a (nonqualified) compensation plan will be includible in the social security wage base as of the later of (1) when the services are performed or (2) when there is no substantial risk of forfeiture of the rights to the amounts. In the case of a governmental plan, a deferred compensation plan will only include certain nonqualified plans of State and local governments.

Conference agreement

(1) The conference agreement generally follows the House bill and the Senate amendment was respect to qualified cash or deferred arrangements. Employer contributions to these arrangements will be taxable for FICA and FUTA purposes whether or not the cash or deferred arrangement is part of a cafeteria plan. A transition rule is provided to exclude certain remuneration paid after the effective date of this provision if paid pursuant to certain elective deferrals made before January 1, 1984 (January 1, 1985, with respect to FUTA taxes).

(2) The conference agreement contains no other provision concerning the inclusion of amounts applied toward nontaxable (for FICA purposes) benefits in a cafeteria plan.

(3) The conference agreement generally follows the Senate amendment by providing that employer contributions to a section 403(b) annuity contract would be included in the wage base if made by reason of a salary reduction agreement (whether evidenced by a written agreement or otherwise). For this purpose, the conferees intend that employment arrangements, which under the facts and circumstances are determined to be individually negotiated, would be treated as salary reduction agreements. Of course, the mere fact that only one individual is receiving employer contributions (*e.g.*, where the employer has only a few employees, only one of whom is a member of a class eligible for such contributions) is not, by itself, to be considered proof of individual negotiation.

(4) With respect to nonqualified deferred compensation plans, the conference agreement generally follows the Senate amendment that includes amounts deferred in the employee's FICA and FUTA wage base when services are performed or, if later, when there is a lapse of a substantial risk of forfeiture (within the meaning of sec. 83) of the employee's right to those amounts. As under present law, amounts treated as employer contributions under a State pick-up plan (sec. 414(h)(2)) or amounts deferred under eligible state and local deferred compensation arrangements are includible in the wage base when deferred. The conference agreement provides that any payment to, or on behalf of, an employee or his beneficiary under certain supplemental retirement plans, which provide cost of living adjustments to the pension benefits under tax-qualified plans, will not be included in the wage base. Finally, under the conference agreement, in the case of certain agreements, in existence on March 24, 1983, between a nonqualified deferred compensation plan and an individual, the provision would only apply to services performed after December 31, 1983 (December 31, 1984, for FUTA purposes).

D. STANDBY PAY

Present law

Any payment (other than vacation or sick pay made to an employee after the month in which he or she attains age 62, where the employee did not work for the employer in the period in which such payment is made, is excluded from the definition of wages for both benefit and tax purposes.

House bill

Includes in the statutory definition of wages, payments made to an individual with the expectation that he or she will subsequently render services (effective with respect to calendar years beginning after the sixth month after date of enactment).

Senate amendment

Same as House bill, except it would be effective for remuneration paid after 1983.

Conference agreement

The conference agreement follows the Senate amendment.

E. CODIFICATION OF ROWAN DECISION WITH RESPECT TO MEALS AND LODGING

Present law

In *Rowan Companies, Inc.* v. *United States*, 452 U.S. 247 (1981), the Supreme Court held the definition of "wages" for FICA purposes must be interpreted in regulations in the same manner as for income-tax withholding purposes. At issue in *Rowan Companies, Inc.* was the exclusion, for FICA tax purposes, of employer provided meals and lodging from gross income under code sec. 119.

House bill

With the exception of the value of meals and lodging provided for the convenience of the employer, the determination of whether or not amounts are includible in the social security wage base is to be made without regard to whether such amounts are treated as wages for income tax withholding purposes. In addition, the bill provides that the definition of wages for social security tax and benefit purposes is revised to exclude the value of employer provided meals and lodging if such value is excluded from the employee's gross income. The provision applies to remuneration paid after December 31, 1983.

Senate amendment

Same as House bill.

F. EXCLUSION OF EMPLOYER PAYMENTS MADE UNDER SIMPLIFIED EMPLOYEE PENSION PLANS

Present law

In 1978, the Internal Revenue Code was amended to exclude from wages for social security tax purposes employer payments to or on behalf of an employee under a simplified employee pension (SEP) plan. However, no corresponding change was made to the Social Security Act definition of covered wages.

House bill

Amends the Social Security Act to exclude in the definition of covered wages for social security coverage purposes employer contributions to a simplified employee pension (SEP) plan. Effective with respect to remuneration paid after December 31, 1983.

Senate amendment

Same as House bill, except also changes definition for FUTA purposes effective January 1, 1985.

Conference agreement

The conference agreement follows the Senate amendment.

G. DEFINITION OF EMPLOYER FOR WITHHOLDING ON SICK PAY

Present law

Present law includes in the definition of wages for the purpose of social security and railroad retirement taxes, payments made under a sick pay plan to an employee or any of his dependents by a third-party on account of the employee's illness.

Proposed Treasury regulations would require a third-party payor (for example, an insurance company) to withhold social security or railroad retirement taxes on the sick pay payments they make as if they were paying wages. However, the third-party payor would be permitted to shift responsibility for the employer's portion of the tax to the last employer for whom the employee worked.

House bill

Provides that, to the extent permitted in regulations, a multi-employer plan which makes sick pay payments will be treated as the agent of the employer for whom services are normally rendered.

Senate amendment

No provision.

Conference agreement

The conference agreement follows the Senate amendment.

H. CONFORMING AMENDMENTS TO FUTA WAGE BASE

Present law

The definition of wages subject to tax under the Federal Unemployment Tax Act (FUTA) is similar to the definition of wages subject to FICA.

House bill

No provision.

Senate amendment

The bill amends FUTA to conform to changes made in the FICA wage base by this bill and P.L. 97-123 with respect to elective compensation, standby pay, the *Rowman* decision, simplified employee pensions, and sick pay (items above).

Conference agreement

The conference agrement follows the Senate amendment.

I. INTERNATIONAL SOCIAL SECURITY AGREEMENTS

Present law

An international Social Security agreement is to establish "methods and conditions for determining under which system [i.e., the foreign system or our own] employment, self-employment, or other service shall result in a period of coverage". However, through an inadvertent drafting error earnings that are intended to be covered under the U.S. system pursuant to an international social security agreement are not covered because U.S. social security taxes cannot be imposed on the earnings.

House bill

Provides for the imposition of social security taxes if an international social security agreement provides for coverage under the U.S. social security system. (Effective for taxable years after the date of enactment.)

Senate amendment

No provision.

Conference agreement

The conference agreement follows the House bill.

J. STATE AND LOCAL EMPLOYEE GROUPS IN UTAH

Present law

Utah is permitted to extend social security coverage to specific entities listed in the law as separate coverage groups. The names of some of the entities specifically listed in the law have changed since the provision was enacted.

House bill

Amends the provision in the Social Security Act listing entities for which Utah may arrange social security coverage to provide that coverage would not be affected by a subsequent change in the name of any of the entities.

Senate amendment

No provision.

Conference agreement

The conference agreement follows the House bill.

K. EFFECTIVE DATES OF INTERNATIONAL SOCIAL SECURITY AGREEMENTS

Present law

Totalization agreements can only become effective after the expiration of a period during which each House of the Congress has been in session on each of 90 days. (This has been interpreted to mean that both Houses of Congress must be in session on a particular day for it to count in the 90-day calculation.

House bill

Provides that totalization agreements can become effective after the expiration of a period during which only one House of the Congress must be in session on each of 60 days.

Senate amendment

No provision.

Conference agreement

The conference agreement follows the House bill.

4. ADDITIONAL AMENDMENTS:

A. TECHNICAL AND CONFORMING AMENDMENTS TO THE MAXIMUM FAMILY BENEFIT PROVISIONS

Present law

When children are simultaneously entitled to benefits on the records of two or more workers, the Maximum Family Benefits payable on each record are combined for the purposes of determining the benefits payable to those children. The law contains a limit, however, on the highest possible combined Maximum Family Benefit, sometimes referred to as the super maximum. Whenever the wage base increases (in January of every year), the super maximum is recomputed. In addition, in June of each year the super maximum is increased when the cost-of-living adjustment is made in general benefit levels. Thus, families whose benefits are limited by the super maximum can have their benefits unexpectedly increased or decreased each January when the super maximum is recomputed.

House bill

Provides that after initial entitlement, a family's super maximum would be adjusted each year when a cost-of-living increase is provided to everyone on the benefit rolls.

Senate amendment

No provisions.

Conference agreement

The conference agreement follows the House bill.

B. RELAXATION OF INSURED STATUS REQUIREMENTS FOR CERTAIN WORKERS PREVIOUSLY ENTITLED TO DISABILITY INSURANCE BENEFITS

Present law

Workers who are disabled before age 31 have a lower insured status requirement than older workers. However, such a worker who recovers from his or her disability and subsequently becomes disabled again at age 31 or later may have difficulty establishing entitlement to disability benefits at that time because he or she has not had sufficient time to obtain the necessary 20 quarters of coverage before the subsequent disability.

House bill

Provides that a worker who had a period of disability which began before age 31, recovered, and then became disabled again at age 31 or later would again be insured for disability benefits if he/she had quarters of coverage in half the calendar quarters after age 21 and through the quarter in which the later period of disability began (up to a maximum of 20 out of 40 quarters). Effective generally for applications filed after enactment.

Senate amendment

No provision.

Conference agreement

The conference agreement follows the House bill.

C. ILLEGITIMATE CHILDREN OF DISABLED BENEFICIARIES—FIRST MONTH OF ENTITLEMENT

Present law

The first month for which certain benefits are paid is delayed from the month *during which* the individual satisfied the various entitlement conditions to the first month *throughout which* those conditions were satisfied. This provision does not apply to the benefits of illegitimate children of retired beneficiaries. However, this provision does apply to the illegitimate children of disabled workers.

House bill

Provides social security monthly benefits to the illegitimate child of a disabled worker for a month in which the child satisfied all other entitlement conditions but was not eligible for benefits because the acknowledgment or court decree or order establishing parenthood occurred later than the first day of that month. Effective on enactment.

Senate amendment

No provision.

Conference agreement

The conference agreement follows the House bill.

D. ONE-MONTH RETROACTIVITY OF WIDOW'S AND WIDOWER'S BENEFITS

Present law

The payment of retroactive benefits is prohibited if such payment would require the lowering of future benefits.

House bill

Allows an aged widow or widower to receive actuarially reduced benefits for the month in which the insured spouse died, if the application is filed in the following month, even though the retroactive payment would result in lower future monthly benefits than would be the case if benefits were not paid retroactively. Effective for applications filed after the second month following the month of enactment.

Senate amendment

No provision.

Conference agreement

The conference agreement follows the House bill.

E. CLARIFY THE PROVISION IN SOCIAL SECURITY LAW EXEMPTING BENEFITS UNDER SSA-ADMINISTERED PROGRAMS FROM ASSIGNMENT

Present law

Since 1935, the Social Security Act has prohibited the transfer or assignment of any future social security or SSI benefits payable and further states that no money payable or rights existing under the Act shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law.

Based on the legislative history of the Bankruptcy Reform Act of 1978, some bankruptcy courts have considered social security and SSI benefits listed by the debtor to be income for purposes of a Chapter XII bankruptcy and have ordered SSA in several hundred cases to send all or part of a debtor's benefit check to the trustee in bankruptcy.

House bill

Specifically provides that social security and SSI benefits may not be assigned notwithstanding any other provisions of law, including P.L. 95-598, the "Bankruptcy Reform Act of 1978". Effective on enactment.

Senate amendment

No provision.

Conference agreement

The conference agreement follows the House bill.

F. USE OF DEATH CERTIFICATES TO PREVENT ERRONEOUS BENEFIT PAYMENTS TO DECEASED INDIVIDUALS

Present law

There are currently no well-developed procedures or arrangements to permit SSA to determine on a timely basis when a beneficiary has died.

House bill

Provides authority for the Secretary of HHS to contract with states for death certificate information. This information would be matched with SSA benefit records to help insure that benefit payments are promptly terminated when the beneficiary dies.

Senate amendment

Similar to House except incorporates GAO and SSA comments.

Conference agreement

The conference agreement follows the Senate amendment.

G. STUDY OF SSA AS AN INDEPENDENT AGENCY

Present law

The Social Security Administration is currently part of the Department of Health and Human Services.

House bill

Authorizes a feasibility and implementation study with respect to establishing SSA as an independent agency. Such study shall include but not be limited to the following points: the feasibility of changing the current status of SSA; how to manage the transition; what authorities would need to be transferred or amended; what programs would be involved what agency administrative relationships would need to be adjusted, etc. The study would be conducted (in consultation with the Commissioner of Social Security) by a panel of administrative experts appointed by the House Committee on Ways and Means and the Senate Committee on Finance, with a report and recommendations to be submitted to the Committees no later than January 1, 1984.

Senate amendment

Similar to the House provision except—

(1) commission would be appointed by the President with advice and consent of the Senate,

(2) report would be due no later than April 1, 1984, and

(3) implementation, not feasibility, of independent SSA, is included in study mandate.

Conference Agreement

The conference agreement provides for the following:

In keeping with the recommendations of the National Commission on Social Security Reform, a study shall be conducted with respect to the establishment of the Social Security Administration as an independent agency under a bipartisan board appointed by the President, by and with the advice and consent of the Senate. The study shall be conducted by a Commission consisting of experts widely recognized in the fields of government administration, social insurance, and labor relations. The study shall address, analyze and report to the Congress on: how to manage the transition, what authorities would need to be transferred or amended, the program(s) which should be included within the jurisdiction of the new agency, the legal and other relationships of the Social Security Administration with other organizations which would be required as a result of establishing the Social Security Administration as an independent agency, and any other details which may be necessary for the development of appropriate legislation to establish the Social Security Administration as an independent agency.

The study would be conducted (in consultation with the Commissioner of Social Security) by a panel of experts appointed by the House Committee on Ways and Means and the Senate Committee on Finance, with a report and recommendations to be submitted to the Committees no later than April 1, 1984.

H. PUBLIC PENSION OFFSET

Present law

Under a provision enacted in 1977, people becoming eligible for a public pension on their own account after November 1982, will generally have the amount of any social security dependents or survivors' benefits reduced dollar-for-dollar on account of that public pension.

Under a provision adopted last year, persons who become eligible for a public pension after November 1982 and before June 1983 who meet a "one-half support" dependency test are exempt from the offset.

House bill

For persons who become eligible for public pension after June 1983, the amount of the public pension used for purposes of the offset against social security benefits would be one-third of the public pension.

Senate amendment

No provision.

Conference agreement

The conference agreement follows the House bill except that the percentage of the public pension to be used for purposes of the offset would be two-thirds.

I. CHILD-CARE DROP OUT YEARS

Present law

In computing a worker's covered earnings history under social security (upon which family benefits are based), up to five years of low earnings are dropped.

House bill

No provision.

Senate amendment

The provision would allow up to two additional years to be dropped for persons who leave the work force to care for a child under 3 in the home. To qualify for a child-care drop year, the worker can have no earnings at all during the year.

Effective for persons first eligible for benefits after 1983.

Conference agreement

The conference agreement follows the House bill.

PUBLIC MEMBERS ON BOARD OF TRUSTEES

Present law

The Board of Trustees of the four social security trust funds (Old-Age and Survivors Insurance, Disability Insurance, Hospital Insurance, and Supplemental Medical Insurance) consists of, ex officio, the Secretaries of the Treasury, Health and Human Services, and Labor, with the Secretary of the Treasury serving as the managing trustee. Among other responsibilities, the Board of Trustees is required to report to Congress each year on the operation and status of the trust funds, review the general policies followed in managing the trust funds, and recommend changes in such policies.

House bill

No provision.

Senate amendment

Add two public members to the Board to Trustees of the OASDI, HI, and SMI trust funds. The public members would be nominated by the President and confirmed by the Senate. The two public members could not be from the same political party. Trustees would not be considered fiduciaries and would not be personally liable for actions taken in such capacity with respect to the trust funds.

Effective upon enactment.

Conference agreement

The conference agreement follows the Senate Amendment.

K. LIMITATION ON BENEFITS TO ALIENS

Present law

There are no citizenship or residence requirements for receiving social security cash benefits (OASDI). Any alien in the U.S.—whether legally or illegally, or as a permanent or temporary resident—is eligible for benefits provided he has engaged in covered employment and otherwise meets the eligibility requirements. Dependents and survivors are also eligible for benefits regardless

of their immigration status or that of the insured workers.

House bill

No provision.

Senate amendment

Limitations would be placed on the payment of benefits to alien workers, their dependents and survivors who reside abroad. Benefits would continue to be paid only under the following conditons:

(1) the worker is the citizen of a country with which the United States has a treaty or totalization agreement; and

(2) until total benefits paid to the wage earner (after any income taxes paid) and dependents equal social security taxes payable by the wage earner plus interest.

This provision would apply to new eligibles on or after January 1, 1985.

In addition, prohibits the payment of social security benefits to noncitizens who are unable to establish at the time they apply for benefits that they had ever been legally admitted to work in the United States.

Effective for those first eligible after December 1983.

Also, in the case of beneficiaries who are under final orders of exclusion, departure or voluntary departure in lieu of deportation and can be shown by the Attorney General to have earned social security credits during periods of illegal work, those credits would not be used in computing social security benefits, thereby potentially eliminating benefits. (Floor amendment.)

Conference agreement

The conference agreement would suspend the payment of benefits to any alien receiving benefits as a dependent or survivor of an insured worker (whether or not the worker is a U.S. citizen) when the alien beneficiary has been outside the U.S. for six consecutive calendar months. Alien auxiliary beneficiaries who could prove that they had lived in the U.S. for a total of at least five years during which their relationship with the worker was the same as the relationship upon which eligibility for benefits is based (e.g., spouse, child, parent) would be exempt from the suspension of benefits. Children would be deemed to meet the 5-year residence requirement if the residence requirement could be met by the child's parents.

L. LIMITATION OF PRISONERS BENEFITS

Present Law

Persons imprisoned for the conviction of a felony may not receive student benefits (which are being phased out anyway), and are not eligible for disability benefits unless they are participating in a court-approved rehabilitation program. (Dependents benefits are not affected.) Also, impairments resulting from the commission of a crime cannot be the basis for disability benefits and impairments occurring during imprisonment cannot be the basis for disability benefits during the period of imprisonment.

Presently, benefits may continue to be paid to incarcerated felons who are either retired workers, widow or widower beneficiaries, spouses of retired or disabled workers, and to those DI beneficiaries in a court-approved rehabilitation program.

House bill

No provision.

Senate amendment

The provision would eliminate all benefits to felons during their period of incarceration. In addition, would prohibit payments to inmates of facilities for the criminally insane (Floor amendment). Benefits of dependents and survivors of incarcerated felons would not be affected.

Effective for benefits paid for the month after enactment.

Conference agreement

The conference agreement follows the Senate amendment, with an amendment providing that the limitation on prisoner's benefits will only extend the provision in current law applying to disability insurance benefits to old age and survivors insurance benefits.

M. ACCELERATE STATE AND LOCAL DEPOSITS

Present law

Requires the deposit of withheld social security taxes for State and local employees within thirty days after the end of the month in which the applicable wages were paid.

By contrast, the frequency with which deposits of social security taxes and income taxes are made by private employers is determined under regulations issued by Treasury and vary in accordance with the tax liability of the employer. Deposits are required as frequently as every week for employers with large liabilities and as infrequently as every three months for employers with smaller liabilities.

Although State and local governments are now governed by the same rules as private employers with regard to depositing withheld income taxes, deposits of social security taxes continue to be treated differently.

House bill

No provision.

Senate amendment

The provision would apply the same social security tax deposit requirements to State and local governments that now apply to private employers.

Effective for deposits required to be made after December 1983.

Conference agreement

Under the conference agreement State and local governments would be required to deposit withheld social security taxes on a biweekly (i.e. every two weeks) basis.

N. EXCLUSION FROM SOCIAL SECURITY COVERAGE FOR SERVICES PERFORMED BY MEMBERS OF CERTAIN RELIGIOUS SECTS

Present law

In general, social security (FICA) tax is imposed on every individual who receives wages with respect to employment. In addition, social security tax is imposed on employers who pay wages with respect to employment. There is no exemption, under present law, for employers or employees who are members of religious sects that oppose the social security system. However, present law does provide an exemption from self-employment tax (SECA) for members of religious sects that are conscientiously opposed to the acceptance of private or public insurance and which make provision for the care of their dependent members.

House bill

No provision.

Senate amendment

The provision will exempt from social security tax wages paid by individuals who are exempt from self-employment taxes because of their religious beliefs to individuals who are members of religious sects that conscientiously oppose the acceptance of private or public insurance and which make provisions for the care of their dependent members. This exemption applies both to the employer and employee portion of social security tax.

The exemption applies only in the case of religious sects that have been in existence at all times since December 31, 1950.

Effective for remuneration paid after 1983.

Conference agreement

The conference agreement follows the House bill.

O. INCREASE IN FICA AND WITHHOLDING TAX DEPOSIT THRESHOLD

Present law

In general, employers that have $500 or more of undeposited FICA and withholding taxes at the end of any month must deposit those taxes within 15 days after the end of that month. However, employers that have $3,000 or more of undeposited taxes at the end of any eighth-monthly period must deposit those taxes within 3 days after the close of the eighth-monthly period.

House bill

No provision.

Senate bill

Eighth-monthly deposits for any month will not be required until the employer has at least $5,000 of undeposited taxes. Once this $5,000 threshold is reached, the employer will be required to make further eighth-monthly deposits so long at there is $3,000 or more of undeposited taxes at the end of any eighth-monthly period falling within the same month.

The provision is effective for months beginning after December 31, 1983. (Floor amendment)

Conference agreement

The conference agreement follows the House bill.

P. APPLICATION OF COMMON PAYMASTER RULES TO CERTAIN NONPROFIT ORGANIZATIONS EMPLOYING MEDICAL SCHOOL FACULTY MEMBERS

Present law

Present law generally requires an employer to pay FICA taxes with respect to a given employee only up to the amount of annual wages referred to as the wage base. Thus, if an employee works for more than one employer during the year and if his annual wages exceed the tax base, employer FICA taxes, taking into account all the employers for whom the individual worked, may be paid on amounts in excess of the wage base.

There is a "common paymaster" exception to these general rules which provides that if two or more related corporations concurrently employ the same individual and compensate him through a common paymaster that is one of the corporations, then the common paymaster is considered to be the only employer regardless of the fact that the individual performed services for other related corporations. Under one of the tests provided in regulations, two corporations are related if 30 percent or more of one corporation's employees are concurrently employees of the other corporation.

House bill

No provision.

Senate bill

A State university that employs health care professionals as faculty members at a medical school and a tax-exempt faculty practice plan that employs faculty members of the medical school would be deemed to be related corporations for purposes of the common paymaster rules, provided that 30 percent or more of the employees of the plan are concurrently employed by the med-

ical school. Remuneration that is disbursed by the faculty practice plan to an individual employed by both the plan and the university which, when added to remuneration actually disbursed by the university, exceeds the contribution and benefit base will be deemed to have been actually disbursed by the university as a common paymaster and not to have been disbursed by the faculty practice plan.

The provision is effective on enactment (Floor amendment).

Conference agreement

The conference agreement follows the Senate amendment.

Q. ELECTIVE COVERAGE FOR MINISTERS AS EMPLOYEES

Present law

Under present law, ministers are not employees for social security tax (FICA) purposes. However, ministers generally are subject to the self-employment (SECA) tax.

House bill

No provision.

Senate amendment

The provision allows ministers and their churches to treat services performed by ministers as employment for FICA tax purposes. Remuneration for such services would not be subject to the SECA tax. Once made, this election is irrevocable.

The provision is effective with respect to service performed on or after the first calendar quarter beginning after the date of enactment. (Floor amendment)

Conference agreement

The conference agreement follows the House bill.

R. STUDY OF FEASIBILITY OF IMPLEMENTING SOCIAL SECURITY OPTION ACCOUNTS

Present law

No provision.

House bill

No provision.

Senate amendment

Requires an 18-month study by Treasury of a plan to permit workers to have part of their (and their employers') social security taxes allocated to an IRA type account. The designated deposits would be tax deductible. Subsequent social security benefits would be reduced to take IRA deposits into account. (Floor amendment.)

Conference agreement

The conference agreement follows the House bill.

S. EARNINGS SHARING IMPLEMENTATION STUDY (SECTION 161 OF SENATE AMENDMENT)

Present law

Earnings are credited for social security purposes to the record of the worker to whom they are paid.

House bill

No provision.

Senate amendment

By January 1, 1984, requires the Secretary of Health and Human Services to report to the House Committee on Ways and Means and the Senate Committee on Finance on proposals that combine earnings of a husband and wife during the period of their marriage and divide them equally for social security benefit purposes. The study will analyze the impact of earnings sharing proposals on social security beneficiaries, and include recommendations (1) to provide adequate protection to particular classes of beneficiaries where necessary and (2) with respect to a feasible time period for implementation. In addition, the study will include cost estimates. (Floor amendment.)

Conference agreement

The conference agreement follows the Senate amendment with an amendment to delay the date to July 1, 1984.

T. CASHING OF CHECKS ISSUED TO DECEASED BENEFICIARIES

Present law

OASDI checks do not include a notice stating that cashing of a check to deceased individuals constitutes a felony.

House bill

No provision.

Senate amendment

Requires that all checks issued, and the envelopes in which they are mailed, include a notice that cashing or attempted cashing of a check which was erroneously issued to a deceased person constitutes a felony punishable under section 208 of the Social Security Act. Effective for checks issued for months after December 1983. (Floor amendment.)

Conference agreement

The conference agreement follows the House bill.

U. ADMINISTRATIVE REORGANIZATION OF VETERANS' ADMINISTRATION LOS ANGELES DATA PROCESSING CENTER

Present law

The Veterans' Administration is generally prohibited from reducing the staff at any of its offices by more than 10 percent in any fiscal year without advance notice to the Congress approximately 8 months prior to the beginning of that fiscal year.

House bill

No provision.

Senate amendment

Waives the requirements of veterans law (section 210(b)(2)(A) of title 38, USC) in the planned administrative reorganization at the Veterans Administration Los Angeles Data Processing Center involving the transfer of 25 full-time equivalent employees.

Conference agreement

The conference agreement follows the Senate Amendment.

V. TREASURY STUDY OF INDIVIDUAL RETIREMENT SECURITY ACCOUNTS (IRSA)

Present law

No provision.

House bill

No provision.

Senate amendment

Treasury would study the feasibility of implementing IRSA's which would be similar to an IRA. Individuals would establish and fund the IRSA and receive a tax credit limited to 20 percent of the individual's social security taxes, with a proportionate reduction in Old-Age and Survivors and Disability benefits. The study would be submitted to Congress before July 1, 1984.

Conference agreement

The conference agreement follows House bill.

W. TREATMENT OF EARNINGS OF DISABLED BLIND INDIVIDUALS

Present law

Blind disabled individuals are regarded as demonstrating the ability to engage in substantial gainful activity if their earnings exceed the exempt amount under the earnings test for individuals age 65 and over.

House bill

No provision.

Senate amendment

Provides that no individual who is blind shall be regarded as having demonstrated an ability to engage in substantial gainful activity solely on the basis of earnings; the benefits of such individuals shall be reduced in accordance with the earnings test for individuals age 65 and over. This would be effective for people applying for benefits after enactment.

Under a related amendment, the SGA level for the blind would be phased out as the earnings test is phased out for individuals 65 and older (between 1990 and 1995).

Conference agreement

The conference agreement follows the House bill.

X. TRANSITIONAL BENEFITS TO WIDOW(ER)S

Present law

Nondisabled widow(er)s who do not have a child in their care are first eligible for benefits at age 60. If disabled, such widow(er)s are eligible for benefits at age 50 or older. Widow(er)s with a child in care are eligible for benefits regardless of their age.

House bill

No provision.

Senate amendment

Provide 6 months of benefits to persons widowed between the ages of 55 and 60. The benefit amount would be 71.5 percent of the worker's primary insurance amount (i.e., unreduced from the benefit payable at age 60). Effective for monthly benefits after date of enactment.

Conference agreement

The conference agreement follows House bill.

Y. BANKNOTE PAPER SOCIAL SECURITY CARDS

Present law

No provision.

House bill

No provision.

Senate amendment

Requires that new and replacement social security cards be issued on banknote-quality paper beginning not later than 193 days after enactment.

Conference agreement

The conference agreement follows the Senate Amendment.

TITLE IV—SUPPLEMENTAL SECURITY INCOME (SSI) PROVISIONS

1. INCREASE IN FEDERAL BENEFIT STANDARD

Present law

The current maximum monthly SSI benefit is $284.30 for a single person and 426.40 for married couples. Benefits are indexed to the Consumer Price Index (CPI). Cost-of-living increases are provided annually in July if the CPI for the first quarter of the calendar year increases by at least 3 percent over the first quarter of the previous year. Benefits are increased by the same percentage as social security benefits. This occurs through a reference in the SSI law to the social security cost-of-living provision. For example, the current payment level of $284.30 per individual, which became effective July 1982, represents an increase of 7.4 percent (or $19.60 monthly) from the previous July 1981 level of $264.70.

House bill

The Federal SSI benefit payment is increased by $20 per month for individuals and $30 per month for couples, effective July 1, 1983.

The next Federal SSI cost-of-living adjustment (COLA) is delayed from July 1983 until January 1984. Federal SSI benefits will be adjusted in January 1984, and every January thereafter, by the same percentage and under the same procedures as OASDI benefits. The provision to pay the lower of the increase in wages or prices, which is applicable to OASDI benefit increases beginning in 1988, would apply to SSI. As with title II, the 1983 COLA, to be paid in January, 1984, will be provided even if the CPI increase is less than 3 percent.

Senate amendment

Same as the House bill, (with technical correction), except that the provision to pay the lower of the increase in wages or prices, which would be applicable to OASDI benefit increases beginning in 1988, would not apply to SSI.

Conference agreement

The conference agreement follows the Senate amendment.

2. ADJUSTMENT IN FEDERAL PASS-THROUGH PROVISIONS

Present law

P.L. 94-585, enacted October 21, 1976, established Federal SSI "pass-through" requirements, effective with the cost-of-living increase provided in July 1977. These provisions provide States with two options for meeting the pass-through requirements.

(1) Aggregate spending level option.—A State may make State supplementary payments in any current 12-month period that are no less, in the aggregate, than were made in the previous 12-month period (17 States use this option); or

(2) Individual payment level option.—A State may maintain the supplementary payment levels that were in effect for categories of individual recipients in December 1976. (All other States use this measure, except Texas and West Virginia which have no State supplementation program.)

An amendment in P.L. 97-248 allows a State that shifts from the aggregate spending option to the individual payment level option to maintain State supplementation levels in effect in the previous December rather than the levels in December 1976.

House bill

States would be allowed the following options in meeting the pass-through requirement:

(1) Aggregate spending level option.—Same as present law.

(2) Individual payment level option.—Current law is modified (a) by substituting the State supplementary payment levels in effect in March 1983 for those in effect in December 1976 as the levels that States must maintain in complying with the payment level pass-through requirement and, (b) with regard to the $20/$30 increase in the Federal SSI standard in July 1983, by requiring States to pass-through only as much as would have been required if the SSI COLA were not changed from July 1983 to January 1984.

Senate amendment

States would be allowed the following options in meeting the pass-through requirements:

(1) Aggregate spending level option.—Same as present law.

(2) Individual payment level option.—The payment levels that must be maintained would be either (a) those in effect in December 1976, or the previous December, as under current law; or (b) those in effect in March 1983, as provided in the House bill. In other words, the March 1983 supplementary payment levels would be an additional option for complying with the payment level pass-through provision, rather than a substitute for the December 1976 levels as under the House bill.

Conference agreement

The conference agreement follows the House bill.

3. SSI ELIGIBILITY FOR TEMPORARY RESIDENTS OF EMERGENCY SHELTERS FOR THE HOMELESS

Present law

Under current law, aged, blind or disabled individuals who are residents of private emergency shelters are eligible for SSI. However, such residents of public shelters cannot receive SSI.

House Bill

Aged, blind or disabled individuals who are temporary residents of public emergency shelters could receive SSI payments for a period of up to three months during any 12-month period.

Senate Amendment

No provision.

Conference Agreement

The conference agreement follows the House bill.

4. DISREGARDING OF EMERGENCY AND OTHER IN-KIND ASSISTANCE PROVIDED BY NONPROFIT ORGANIZATIONS

Present law

SSI: In-kind assistance (other than assistance to meet home energy needs) that is provided by a private nonprofit organization to aged, blind, or disabled individuals must generally be counted as income under the SSI program.

AFDC: Under HHS rules, States have the authority to decide whether or not to count in-kind assistance as income under the AFDC program. There is no provision in the AFDC statute (other than in the case of home energy assistance) which specifically provides that authority.

House bill

SSI: Effective upon enactment until September 30, 1984, any support or maintenance assistance provided in-kind by a private nonprofit organization to aged, blind, or disabled individuals must be disregarded under the SSI program, if the State determines that the assistance is provided on the basis of need for such support or maintenance.

AFDC: The AFDC statute would be amended to give States specific authority, at their option, to disregard such assistance in determining AFDC benefits. This would be effective upon enactment until September 30, 1984.

Senate amendment

No provision

Conference agreement

The conference agreement follows the House bill.

5. NOTIFICATION REGARDING SSI

Present law

Currently, there is no statutory requirement that OASDI beneficiaries be contacted and informed of potential eligibility for Supplemental Security Income (SSI) payments. However, since the beginning of the SSI program, the Social Security Administration has undertaken a number of outreach efforts to identify those potentially eligible. SSA routinely provides information about SSI eligibility and takes applications for SSI payments at the time of application for OASDI benefits, if the applicant is potentially eligible for SSI payments. In addition, many State agencies and other private relief groups routinely refer clients to SSA. Presently, about 6.9 percent of elderly social security recipients also receive SSI.

House bill

No provision.

Senate amendment

Prior to July 1, 1984, the Secretary of Health and Human Services would be required to notify, on a one-time basis, all elderly OASDI beneficiaries who are potentially eligible, of the availability of SSI and encourage them to contact their district offices. In addition, the provision would require that the same information be included with the notification to OASDI beneficiaries of upcoming eligibility for Supplemental Medical Insurance.

Conference agreement

The conference agreement follows the Senate amendment.

TITLE V—UNEMPLOYMENT COMPENSATION (FSC) PROVISIONS

1. EXTENSION OF FEDERAL SUPPLEMENTAL COMPENSATION (FSC) PROGRAM

Present law

Under the current FSC program, which became effective on September 12, 1982, and expires March 31, 1983, additional weeks of Federally financed unemployment compensation benefits are provided to jobless workers who have exhausted all other State and Federal unemployment benefits. The number of weeks of FSC benefits that jobless workers may receive depends on (a) the number of weeks of State unemployment benefits received by each claimant, and (b) the State in which the claimant qualified for or receives the benefits.

As originally enacted, the FSC program, depending upon State insured unemployment rates (IUR),[1] provided a maximum of 10, 8, or 6 additional weeks of benefits. As amended by provisions contained in the Surface Transportation Assistance Act of 1982 (P.L. 97-424), beginning with the week of January 9, 1983, the FSC program provides the following maximum weeks of benefits:

(1) 16 weeks in States with a 13 week average insured unemployment rate (IUR) of at least 6.0 percent;

(2) 14 weeks in States that were triggered on the extended benefits program between June 1, 1982 and January 6, 1983;

(3) 12 weeks in the remaining States that have a 13 week average IUR of at least 4.5 percent;

(4) 10 weeks in the remaining States that have a 13 week average IUR from 3.5 percent to 4.4 percent; and,

(5) 8 weeks in all other States.

The number of weeks of FSC a qualified individual may receive is the lesser of 65 percent of the number of weeks of regular

[1] The Insured Unemployment Rate (IUR) is the percentage of workers covered under the State unemployment compensation law who are claiming State unemployment benefits in a particular week. The number of weeks of FSC payable in a State depends upon the average IUR measured over a moving 13 week period.

State benefits he received or the maximum number of weeks of FSC payable in the State. In the case of an interstate claim for FSC, the individual is eligible for the lesser of (a) the maximum number of weeks of FSC payable to him in the State in which he receives the benefits or (b) the maximum number of weeks payable to him in the State in which he qualified for FSC benefits.

To qualify for FSC an individual must have exhausted all State and extended benefits to which he is entitled, and he must meet State and extended benefit qualification requirements. This means he must have worked at least 20 weeks or have the equivalent in wages during the base period.

House bill

The FSC program is extended for 6 months, from April 1, 1983 through September 30, 1983.

Effective April 1, 1983, FSC benefits would be payable as follows:

(a) Basic FSC benefits.—Individuals who begin receiving FSC on or after April 1, 1983 could receive up to a maximum of:

(1) 14 weeks in States with average IUR 6.0 percent and above;

(2) 13 weeks in States with average IUR 5.0 to 5.9 percent;

(3) 11 weeks in States with average IUR 4.5 to 4.9 percent;

(3) 10 weeks in States with average IUR 3.5 to 4.4 percent;

(5) 8 weeks in all other States.

(b) Additional FSC benefits.—Individuals who exhaust FSC on or before April 1, 1983 could receive additional weeks equal to three-fourths of the basic FSC entitlement payable in the State, up to a maximum of:

(1) 10 weeks in the 14 basic week States (average IUR 6.0 or above);

(2) 8 weeks in the 13 and 11 basic week States (average IUR 4.5 to 5.9)

(3) 6 weeks in the 10 and 8 basic week States (average IUR 4.4 and below).

(c) Transitional FSC Benefits.—Individuals who begin receiving FSC before April 1, 1983 and have some FSC entitlement remaining after that date, could also receive additional weeks under (b) above. However, the combination of their remaining basic FSC entitlement received after April 1, 1983, and the additional weeks provided in (b), cannot exceed the maximum number of weeks of basic FSC benefits payable in the State, shown in (a) above.

Section 503 provides for the coordination of the FSC extension with the Trade Readjustment program.

Senate amendment

The FSC program is extended for 6 months from April 1, 1983 through September 30, 1983.

Effective April 1, 1983, FSC benefits would be payable as follows:

(a) Basic FSC Benefits.—Individuals would begin receiving FSC on or after April 1, 1983 could receive up to a maximum of:

(1) 14 weeks in States with average IUR 6.0 percent and above;

(2) 12 weeks in States with average IUR 5.0 to 5.9 percent;

(3) 10 weeks in States with average IUR 4.0 to 4.9 percent;

(4) 8 weeks in all other States.

The maximum number of weeks payable in a State after April 1, 1983 could be no more than 4 weeks less than the maximum number payable on March 27, 1983.

(b) Additional FSC benefits.—Individuals who exhaust FSC on or before April 1, 1983 could receive additional weeks of FSC benefits up to a maximum of:

(1) 8 weeks in States with IUR at 6.0 and above

(2) 6 weeks in States with IUR at 5.0 to 5.9

(3) 4 weeks in all other States.

(c) Transitional FSC Benefits.—Individuals who begin receiving FSC before April 1, 1983 and have some FSC entitlement remaining after that date, could also receive addditional weeks under (b) above. However, the combination of their remaining basic FSC entitlement received after April 1, 1983, and the additional weeks provided in (b), cannot exceed the maximum number of weeks of basic FSC benefits payable in the State, shown in (a) above.

(d) Phaseout FSC Benefits.—Individuals who have not exhausted their FSC entitlement on September 30, 1983, when the program expires, would be eligible to receive up to 50 percent of their remaining FSC entitlement. No new claimants would be added to the FSC program on or after September 30, 1983.

(e) New Qualification Requirement.—Claimants must have worked 26 weeks or have earned the equivalent in wages during their base period to qualify for FSC. This applies only to claimants becoming eligible for FSC on or after April 1, 1983.

Conference agreement

(a) Basic FSC Benefits.—The conference agreement follows the Senate amendment with a modification in the provision under which the maximum number of weeks payable in a State after April 1, 1983 could be no more than 4 weeks less than the maximum number of weeks payable under the FSC law in effect as of March 27, 1983. Under the modification, this provision would apply only in those States where the maximum number of FSC weeks payable for the first week beginning after March 27, 1983 or, if later, the first week FSC benefits provided under this bill are payable was more than 4 weeks less than the maximum number of weeks payable under the FSC law in effect on March 27, 1983.

(b) Additional FSC Benefits.—The conference agreement follows the House bill with the following adjustment: 10 additional weeks would be payable in States with average IUR at 6.0 percent and above; 8 additional weeks would be payable in States with average IUR at 4.0 to 5.9 percent; and, 8 additional weeks would be payable in all other States.

(c) Transitional FSC Benefits.—The conference agreement follows the House bill.

(d) Phaseout FSC Benefits.—The conference agreement follows the Senate amendment.

(e) New Qualification Requirement.—The conference agreement follows the House bill.

(f) Coordination of FSC and Trade Readjustment Assistance.—The conference agreement follows the House bill.

2. Limitation on Disqualification of FSC Claimants Who Enroll in Training

Present law

The Federal Unemployment Tax Act provides, as a condition for employers in a State to receive the normal FUTA tax credit, that the State law not deny unemployment compensation to otherwise eligible claimants for any week during which they are attending a training course with the *approval* of the State agency. Many States frequently disapprove of training, however. In addition, State laws must provide that individuals in approved training must not be denied benefits because they are unavailable for work, are not actively searching for work, or have refused suitable work.

House bill

No provision.

Senate amendment

Would prohibit the denial of FSC to any otherwise eligible claimant for any week because: (1) the claimant is attending training or an accredited educational institution on a full-time basis; or (2) because of State law requirements that the claimant must be available for work, actively searching for work, or must not have refused work during the training, unless the State agency determines that the training will not improve the claimant's employment opportunities.

Effective upon enactment.

Conference agreement

The conference agreement follows the Senate amendment.

3. Deferral of Interest Provision

Present law

Present law imposes interest of up to 10 percent per year on Federal unemployment compensation loans obtained by the States after April 1, 1982, except for "cash flow" loans that States repay by the end of the fiscal year in which the loans were obtained. A State with high unemployment can defer payment of, and extend the payment for, 75 percent of interest charges due in any year. The States must pay one-third of the deferred amount in each of the three years following the fiscal year for which it is due. Interest is charged on the deferred interest. In order to qualify for this deferral and extension of the payment period, the State insured unemployment rate must have equaled or exceeded 7.5 percent during the first 6 months of the preceding calendar year.

House bill

No provision.

Senate amendment

(a) The Senate amendment makes the provisions imposing interest on loans to States permanent.

(b) The amendment also allows States to defer 80 percent of the interest due for a fiscal year, effective for interest accrued in fiscal years 1983, 1984, and 1985. The deferred amount would be payable in 4 installments in the succeeding years equal to at least 20 percent of the original amount of interest due. A State would be required to meet conditions 1 and 2(A) or 2(B) below to qualify for the deferral:

(1) no action has been taken to reduce its tax effort or trust fund solvency; and

(2)(A) action (certified by the Secretary of Labor) has been taken March 31, 1982 which increases revenues and decreases benefits by a total of 25 percent in the calendar year immediately following the fiscal year for which the first deferral is requested; and, deferral of interest due for the years immediately following the year in which the first year change is effective may be received if changes of 35 and 50 percent are made; or,

(B) for taxable year 1982, total State UC tax revenues equaled at least 2 percent of total wages paid by employers covered under the State UC law.

(c) Interest will not be charged against any interest for which payment is deferred under current law deferral provisions or those added by this bill and summarized in (b) above.

(d) The amendment allows a State to delay for up to nine months the payment of interest due for any calendar year after 1982 during which the average total unemployment rate in the State was 13.5 percent or higher. The average total unemployment rate for a State shall be computed using the 12 month period for which the most recent information is available prior to the month in which the interest is due. Interest will *not* be charged against interest for which payment is delayed.

(e) The amendment allows States to receive a discounted interest rate that would be one percentage point below the interest rate that would otherwise apply. This would be authorized for interest accrued only for fiscal years 1983, 1984, and 1985. It would be available under the same conditions as the new deferral above, except the required percentage changes in (2) would be higher at 50, 80, and 90 percent, respectively.

For purposes of determining whether a State meets the conditions in (2) above, the Secretary of Labor will provide an estimate of the unemployment rate for the base year, the calendar year in which the deferral is requested. The level of benefits and revenue liabilities will be determined using the State law in effect before passage of the legislation. The estimate of changes as a result of new legislation will be made from the base year in each year for which a deferral is requested. Changes in State law which automatically provide for increases in benefit amounts will be considered as if they were in effect in the base year for purposes of determining the change occurring as a result of new legislation. The Secretary of Labor may use historical growth rates for indexed items if appropriate. Once a deferral is approved, a State must continue to maintain its solvency effort. Failure to do so would result in immediate payment of all deferred interest.

Increases in the taxable wage base from $6,000 to $7,000 after calendar year 1982 and increases in the maximum FUTA tax rate to 5.4 percent after calendar year 1984 will not be counted for purposes of meeting condition (2).

States will not be penalized or rewarded if economic events change from those used in the base year for computing eligibility under conditions (2).

Conference agreement

The conference agreement follows the Senate amendment.

4. CAP ON CREDIT REDUCTION

Present Law

The Federal Unemployment Tax Act (FUTA) imposes a Federal unemployment compensation (UC) tax on employers in all States at a rate of 3.5 percent on a taxable wage base of $7,000. However, employers in States generally receive a FUTA tax credit of 2.7 percent, resulting in a net Federal tax rate of 0.8 percent. States with insufficient State unemployment compensation revenues to meet State unemployment compensation obligations may borrow from the Federal Unemployment Account. If a State defaults on its loans from the Federal account, employers in the State begin to lose the FUTA tax credit at the rate of at least .3 percent a year. For example, because of overdue Federal UC loans, sixteen States are experiencing a reduction in the 2.7 credit for tax year 1982.

Specifically, if a Federal UC loan is not entirely repaid by the State by the second January 1 after the State receives the loan and remains unpaid on the following November 10 of that year, the FUTA tax credit applicable for that year for the State's employers is reduced by .3 percent. For each succeeding year in which the loan remains outstanding, the reduction is at least an additional .3 percent (i.e., .6, .9, 1.2 percent, etc.). Additional offset credit reductions may apply to a State beginning in the second year of repayment if certain criteria are not met. Under legislation enacted in the 1970's, credit reductions were not imposed from 1975–1980 for States satisfying specific requirements.

The 1981 Budget Reconciliation Act made two major changes in loan payment conditions, effective from January 1, 1981 to December 31, 1987: (1) interest of up to 10 percent is charged on loans made after April 1, 1982 (except those made for "cash flow" purposes and repaid by the end of the fiscal year in which they occur); and (2) States were allowed to "cap" the automatic FUTA credit reductions if certain solvency requirements are met.

In a State that qualifies for the cap, the tax credit reduction is limited to the higher of 0.6 percent, or the rate that was in effect for the State for the preceding calendar year.

The cap provisions are designed to give States additional time to made legislative and administrative changes necessary to restore the State trust funds to solvency. These provisions lengthen the repayment period, but do not reduce a State's total liability.

In order to qualify for the cap on the automatic credit reductions a State must demonstrate that:

(1) the net solvency of its UI system has not diminished (effective for taxable years 1981–1987);

(2) there have been no decreases in its unemployment tax effort (effective for taxable years 1981–1987);

(3) its average tax rate for the calendar year equals or exceeds its average benefit cost rate for the prior five years (effective for taxable years 1983–1987); and

(4) the outstanding loan balance as of September 30 of the tax year in question is not greater than on the third preceding taxable year (effective for taxable years 1983–1987 the comparable year for taxable year 1983, however, is 1981).

House bill

No provision.

Senate amendment

(a) Makes the credit reduction cap provisions in present law permanent.

(b) A State would still be required to meet all four conditions in present law to qualify for the full credit reduction cap. The amendment would, however, provide two lower *annual* credit reductions, if a State does not qualify for the total cap:

(1) If a State meets the first two present law credit reduction cap conditions and either of the remaining two conditions, the *annual* credit reduction would be reduced by 0.1 percentage points from what it would have been if the State had not qualified for a cap; and

(2) If a State meets the first two credit reduction cap conditions and qualifies for the interest deferral as a result of substantial changes in its unemployment compensation law, the annual credit reduction would be reduced by 0.2 percentage points from what it would have been if the State had not qualified for a cap. A substantial change is action (certified by the Secretary of Labor) taken after March 31, 1982 which increases revenues and decreases benefits by a total of 25 percent in the calendar year immediately following the fiscal year for which the first interest deferral is requested. Deferral of interest due for the years immediately following the year in which the first year change is effective may be received if changes of 35 and 50 percent are made.

The lower credit reductions would be authorized only for taxable years 1983, 1984, and 1985 liabilities. Credits earned during this period would be applied in determining the State's offset credit reduction for years after 1985.

The January 1st of each year for which a State qualifies for a partial limitation on the offset credit reduction will be taken into account for purposes of determining future offset credit reduction. The credit reduction applicable in each subsequent year after the partial limitation is in effect would continue to be reduced by the amount by which the offset credit was reduced.

Conference agreement

The conference agreement follows the Senate amendment.

5. AVERAGE EMPLOYER CONTRIBUTION RATE

Present law

Present law provides that a State, in the second year in which the offset credit reduction is imposed to repay outstanding loans, may be subject to an additional credit reduction equal to the amount by which the State's average tax rate is lower than 2.7 percent. The average tax rate and the 2.7 percent are computed from the ratio of taxes collected to State and Federal taxable wages, respectively. Taxable wages are determined by the taxable wage base. Any wages above the taxable wage base are therefore not included.

In States where the taxable wage base exceeds the Federal taxable base of $7,000, the ratio of the State's UC tax revenues to the State's taxable wages will be lower than it would be if the taxable wage base was $7,000. This could activate the additional credit reduction in the second year even though these States have relatively higher tax efforts.

House bill

No provision.

Senate amendment

Changes the calculations so that all wages instead of just taxable wages are counted in the denominators of the State tax rates and the 2.7 percent. Each State's tax rate on all wages subject to contributions under the Federal Unemployment Tax Act (FUTA) is compared to an estimate of the national percentage of all wages subject to FUTA contributions that 2.7 percent of taxable wages represents. The 2.7 percent factor is calculated as the product of 2.7 percent and the ratio of the Federal taxable wage base ($7,000) and the estimated United States average annual wage in covered employment for the calendar year in which the determination is made.

Effective for taxable years beginning with 1983.

Conference agreement

The conference agreement follows the Senate amendment.

6. DATE FOR PAYMENT OF INTEREST

Present law

Present law requires that interest is due no later than the first day of the next fiscal year. If the next fiscal year falls on a weekend, interest is due in the prior fiscal year.

Otherwise, it is due on the first day of the next fiscal year.

House bill

No provision

Senate amendment

Requires payment of interest before the first day of the next fiscal year.

Effective on date of enactment.

Confeence agreement

The conference agreement follows the Senate amendment.

7. PENALTY FOR FAILURE TO PAY INTEREST

Present law

If a State does not pay interest when it is due, there are no provisions in present law through which the Federal government can penalize the State or enforce the collection of interest charges.

House bill

No provision.

Senate amendment

Provides that, if a State fails to pay interest charges when they are due, (a) Federal unemployment compensation and employment service administrative funds will be withheld and (b) the State's unemployment compensation program will lose its Federal certification, which will result in employers in the State losing eligibility for the credit against the Federal unemployment tax.

Effective upon enactment.

Conference agreement

The conference agreement follows the Senate amendment.

8. TREATMENT OF EMPLOYEES PROVIDING SERVICES TO EDUCATIONAL INSTITUTIONS

Present law

The Federal Unemployment Tax Act (FUTA) covers employees of educational institutions. FUTA *requires* States to deny benefits between academic years or terms to certain professional employees working in instructional, research, and principal administrative capacities if they have a reasonable assurance of returning to work in the next academic year or term. FUTA gives the States the *option* of applying the same denial of benefits provision to nonprofessional employees of educational institutions.

House bill

No provision.

Senate amendment

(a) States would be *required* to deny benefits between academic years or terms to nonprofessional employees of educational institutions if the employees have a reasonable assurance of returning to work in the next academic year or term;

(b) States would be *required* to deny benefits between terms to individuals performing services on behalf of an educational institution or an educational service agency even though not employed by either the institution or agency.

The provisions would be effective on or after April 1, 1984. States in which there is no legislative session before that date, however, would be given additional time to comply with this provision.

Conference agreement

The conference agreement follows the Senate amendment in (a) above that requires States to deny benefits between terms to nonprofessional employees of educational institutions. The conference agreement follows the Senate amendment in (b) above with the modification that it would be optional to the States to extend the between term denial to individuals performing services on behalf of an educational institution or an educational service agency even though not employed by either the institution or the agency.

9. EXTENDED BENEFITS FOR INDIVIDUALS WHO ARE HOSPITALIZED OR ON JURY DUTY

Present law

Present law disqualifies claimants from receiving Extended Benefits or Federal Supplemental Compensation if they are not actively seeking work. Moreover, the disqualified claimant must go back to work for at least 4 weeks and earn at least 4 times his weekly benefit amount before he can qualify again for Extended Benefits or Federal Supplemental Compensation.

House bill

No provision.

Senate amendment

Permits States to determine weekly eligibility based on availability for work for claimants of Extended Benefits and FSC who are serving on jury duty or are hospitalized for treatment of an emergency or life-threatening condition. A State must treat these individuals in accordance with their own State unemployment compensation law.

Effective upon enactment.

Conference agreement

The conference agreement follows the Senate amendment.

10. OPTION FOR VOLUNTARY HEALTH INSURANCE DEDUCTION FROM UNEMPLOYMENT BENEFITS

Present law

Section 3304(a)(4) of the Federal Unemployment Tax Act prohibits States from withdrawing money from the State unemployment trust fund for anything except the payment of unemployment compensation benefits or to refund certain taxes erroneously paid by employers.

House bill

Provides States the option of deducting an amount from the unemployment compensation benefits otherwise payable to an individual and using the amount deducted to pay for health insurance, if the individual elects to have such a deduction made from his benefits.

Senate amendment

No provision.

Conference agreement

The Conference agreement follows the House bill.

11. TREATMENT OF CERTAIN ORGANIZATIONS WHO WERE RETROACTIVELY GRANTED 501(c)(3) STATUS

Present law

Unemployment insurance coverage as extended to employees of certain nonprofit organizations in 1970 and then extended to employees of generally all nonprofit organizations in 1976.

Under the 1970 and 1976 amendments, nonprofit organizations were given the option of financing unemployment benefits paid to their former employees through the State unemployment payroll tax system that applies to private employers (contribution method) or by retroactively reimbursing the State trust fund for the amount of benefits paid to their former employees (reimbursement method).

Nonprofit employers who had voluntarily covered their employees prior to the 1970 or 1976 amendments and financed benefit costs by the contribution method, and after enactment of the 1970 or 1976 amendments chose to switch to the reimbursement method of financing, were permitted to apply any accumulated balance in their accounts toward costs incurred in the future and paid for on a reimbursement basis. The authority to make such a transfer, however, was available for a limited period of time that expired shortly after enactment of the 1976 and 1970 amendments.

House bill

Allows a nonprofit organization that elects to switch from the contribution to the reimbursement method of financing unemployment benefits to apply any accumulated balance in its State unemployment account to costs incurred after it switches to the reimbursement method, under the following conditions:

(1) the organization did not elect to switch to the reimbursement method under prior authority because during these periods the organization was treated as a 501(c)(4) organization by the IRS, but the organization has been subsequently determined by the IRS to be a 501(c)(3) organization; and,

(2) the organization elects to switch to the reimbursement method before the earlier of 18 months after such election was first available to it under State law or January 1, 1984.

Senate amendments

No provision.

Conference agreement

The conference agreement follows the House bill.

12. WAIVER OF PENALTY TAX ON WITHDRAWALS FROM INDIVIDUAL RETIREMENT ACCOUNTS (IRA'S) BY CERTAIN UNEMPLOYED WORKERS

Present law

An individual generally is subject to a penalty tax equal to 10 percent of any distribution from an individual retirement account (IRA) to the individual for whose benefit the IRA was established if the individual is less than age 59½ when the distribution is made. However, the penalty tax does not apply if the distribution is attributable to the individual's becoming permanently and totally disabled.

House bill

No provision.

Senate amendment

The 10 percent penalty tax would not apply in the case of distributions from an IRA to an individual who has at least 20 quarters of coverage under social security, and who has received, within the preceding 12-month period, regular unemployment compensation under State law, and has exhausted all rights to such compensation in his most recent benefit year. The amendment would apply to withdrawals after the date of enactment.

Conference agreement

The conference agreement follows the House bill.

13. REEMPLOYMENT VOUCHERS

Present law

No provision.

House bill

No provision.

Senate amendment

Would permit claimants of Federal Supplemental Compensation (FSC) to offer a voucher equal to 75 percent of their maxi-

mum potential FSC benefits to prospective employers in lieu of FSC benefits no later than one month after they become eligible for FSC. If the employer hires the claimant, the State agency will certify the employer's use of the following portions of the voucher's face value in payment of Federal employment taxes (FUTA and FICA): (1) 25 percent within the first month of employment; (2) 25 percent in each of the the next groups of three months of employment. If a claimant cannot use the voucher or only uses a portion, he would receive the balance of his maximum potential FSC benefits, reduced by the payments made to employer or the amount of FSC he would have received for the period.

The employer must certify that the employment under the voucher meets the following conditions: (1) the employee will be employed for an average of at least 30 hours per week during the payment period; (2) displacement of current employees, including reduced non-overtime hours, will not occur; and (3) the employee will not be hired to fill a vacancy created by laying off or terminating a regular employee.

Also, no "payment" may be made to a claimant's base year employer.

Effective upon enactment.

Conference agreement

The conference agreement follows the House bill.

TITLE VI. PROSPECTIVE PAYMENTS FOR MEDICARE INPATIENT HOSPITAL SERVICES

1. Prospective Payment Amount

Present law

Under present law, medicare payment amounts are retrospectively determined based upon a hospital's reasonable costs, subject to the limits established by TEFRA. Certain reimbursement limits are applied to (1) hospital inpatient operating costs ("section 223" limits) and (2) the rate of increase in inpatient operating costs (this limit expires after fiscal year 1985).

House bill

Under the House bill, the Secretary would be required to determine prospectively a payment amount for each hospital discharge. Hospital cases (discharges) would be classified into "diagnosis related groups" (DRG's).

Senate amendment

Same as the House bill.

2. DRG Rates

A. SEPARATE RATES

Present law

No provision.

House bill

Under the House bill, separate payment rates would apply to urban and rural areas in each of the 9 census divisions (the 50 States and the District of Columbia).

Senate amendment

Under the Senate amendment, separate payment rates would apply to urban and rural areas in each of the 4 census regions (the 50 States and the District of Columbia).

Conference agreement

The conference agreement follows the House bill.

B. TERMINATION OF REGIONAL ADJUSTMENTS

Present law

No provision.

House bill

Under the house bill, regional adjustments (i.e., by census divisions) would no longer apply after the fourth year of the program.

Senate amendment

Under the Senate amendment, regional adjustments (i.e., by census regions) would no longer apply after the third year of the program.

Conference agreement

The conference agreement follows the Senate amendment as it applies to the 9 census divisions.

3. Effective Date/Transition

A. PHASE-IN PERIOD

Present law

Under present law, the section 223 limits are authorized indefinitely; the rate of increase limits will not apply to hospital cost reporting periods beginning on or after October 1, 1985.

House bill

Under the House bill, implementation of the new prospective payment system would be phased in over a 3-year period, starting with each hospital's first cost reporting period beginning on or after October 1, 1983. During year one, 25% of the payment would be based on regional DRG rates; 75% of the the payment would be based on each hospital's cost base. In year two, 50% of the payment would be based on regional DRG rates and 50% on each hospital's cost base. In year three, 75% of the payment would be based on regional DRG rates and 25% would be based on each hospital's cost base. In year four, 100% of the payment would be determined under the DRG payment methodology. In year five, 100% of the payment would be determined under a national DRG payment methodology.

Senate amendment

The Senate amendment contains a similar provision, except that during year one, 25% of the payment would be based on a combination of national and regional DRG rates (25% national, 75% regional); 75% would be based on each hospital's cost base. In year two, 50% of the payment would be based on a combination of national and regional DRG rates (50% each); 50% would be based on each hospital's cost base. In year three, 75% of the payment would be based on a combination of national and regional DRG rates (75% national, 25% regional); 25% would be based on each hospital's cost base. In year four, 100% of the payment would be determined under the national DRG payment methodology.

Conference agreement

The conference agreement follows the Senate amendment with modifications. Under the agreement, implementation of the prospective payment system would be phased-in over a 3-year period. During year one, 25% of the payment would be based on regional DRG rates; 75% would be based on each hospital's cost base. In year two, 50% of the payment would be based on a blend of national and regional DRG rates (25% national, 75% regional); 50% of the payment would be based on each hospital's cost base. In year three, 75% of the payment would be based on a blend of national and regional DRG rates (50% national, 50% regional); 25% of the payment would be based on each hospital's cost base. In year four, 100% of the payment would be determined under the national DRG payment methodology.

B. CALCULATION OF COST-BASED PORTION OF PAYMENT

Present law

No provision.

House bill

Under the House bill, for the first 2 reporting periods, the calculation of that portion of a hospital's payment which is cost-based would be the lesser of the hospital's payment under the rate of increase limits, without the penalties and bonuses of present law, or the section 223 limits without regard to any exemptions, exceptions or adjustments thereto. For the third reporting period, the calculation of the cost-based portion would be the hospital's payment under the rate of increase limit only.

Senate amendment

Same provision, except the Section 223 limits would not apply.

Conference agreement

The conference agreement follows the Senate amendment. The managers note that during the phase-in period, some portion of the prospective payment rate will be related to each hospital's own experience in a base cost reporting year. The managers recognize that, in some cases, the Secretary will have to use estimates to adjust some portions of the hospital's base year experience to make it comparable to inpatient operating costs that will be paid under the prospective system—e.g., FICA taxes that would have been paid if the hospital had been in the social security system or the adjustment needed to exclude the nursing differential which is no longer payable. Since the hospital specific portion of the rate must be determined in advance of the hospital's first fiscal year under the system, the managers expect the Secretary will use the best data available at that time to determine operating costs for the purposes of the phase-in.

C. MAINTENANCE OF COST-REPORTING SYSTEM

Present law

Under present law, hospitals are required to file annual cost reports which are used to determine the amount of each hospital's reasonable cost reimbursement.

House bill

Under the House bill, the Secretary would be required to maintain a system of cost reporting during the period of transition to the new prospective payment system and for at least two years after full implementation of the new payment program (at least until the end of fiscal year 1988).

Senate amendment

No provision.

Conference agreement

The conference agreement follows the House bill. The managers intend that the Secretary consider the needs of the States prior to changing cost-reporting requirements. Many States use the medicaid cost reports for purposes of reimbursement under the medicaid program. It is the managers' intention that extensive cost reports be maintained, at least during the first year of implementation, in order to allow States time to adjust their medicaid reporting requirements.

4. Area Wage Adjustment

Present law

Under present law, an adjustor, using Bureau of Labor Statistics data for hospital wages, is used under current section 223

limits to adjust for area differences in hospital wage levels.

House bill

Under the House bill, DRG rates would be adjusted for area differences in hospital wage levels compared to the national average hospital wage level.

Senate amendment

Under the Senate amendment, DRG rates would be adjusted for area differences in hospital wage levels compared to the national or regional average hospital wage levels as appropriate.

Conference agreement

5. INITIAL PAYMENT LEVEL

A. GENERAL

Present law

Under present law, medicare payments to hospitals are made according to the lower of actual reasonable costs, the section 223 total cost limits, or the rate of increase limits added by TEFRA. The TEFRA rate of increase limits are based on each hospital's historical costs. These costs are updated by the marketbasket of goods and services purchased by hospitals, plus 1 percentage point.

House bill

Under the House bill, the rates for each DRG would be derived from historical medicare cost data for each hospital. The rates would be updated to fiscal year 1983 by the estimated industry-wide actual increase in hospital costs. The rates would be further updated for fiscal year 1984 by the increase in the marketbasket plus 1 percentage point. In fiscal year 1984, the DRG rates would be reduced, as may be required, to achieve budget neutrality in relationship to the reimbursement levels that would have applied under the TEFRA legislation.

Senate amendment

Same as the House bill.

B. SERVICES COVERED

Present law

Under present law, services provided to medicare beneficiaries who are inpatients of a hospital are ordinarily billed under part A and reimbursed on a reasonable cost basis. However, some payments for certain nonphysician services rendered to inpatients are billed by suppliers of services under part B on a reasonable charge basis.

House bill

Under the House bill, effective October 1, 1983, all non-physician services provided in an inpatient setting would be paid only as inpatient hospital services under part A, except as provided below.

The Secretary is given authority to waive these restrictions, and to provide for adjustments in the DRG payments rates, for hospitals which can demonstrate to the Secretary that their practices prior to October 1, 1982, were such that their services were extensively billed independently under part B. Such hospitals could be permitted, by the Secretary, to continue such billing arrangements during the transition period for phasing-in the prospective payment system. Such arrangements would not be recognized once the prospective payment system is fully implemented. The Secretary would estimate, each year, amounts that would have been reimbursed under part B for inpatient hospital services (other than physician services) and include, each year, in the base rate for determining the DRG payment rates an approximation of this amount.

Senate amendment

The Senate amendment would also provide payment for all non-physician services provided to hospital inpatients, effective October 1, 1983, only as inpatient hospital services, except that the Secretary may waive these restrictions during the transition period in the case of hospitals that have allowed direct billing under part B so extensively that immediate compliance with such restrictions would threaten the stability of patient care. The Secretary could allow continued payment of part B billings as long as he or she subsequently deducted the total amount for these billings from the payments made under the prospective system to the hospital. If such a waiver is granted, the Secretary, at the end of the transition, may provide for such methods of payment under part A as is appropriate given the organizational structure of the institution.

Conference agreement

The conference agreement follows the Senate amendment with a modification requiring the Secretary to define, by regulation for the purpose, non-physician services which would be considered inpatient hospital services covered by prospective DRG-based payments.

C. ADJUSTMENTS FOR SOCIAL SECURITY

Present law

Under present law, a downward adjustment is made to a hospital's medicare payment to account for a hospital's withdrawal from the Social Security system.

House bill

Under the House bill, the provision in present law would be repealed.

Senate amendment

Under the Senate amendment, the provision also would be repealed. In addition, in setting the initial payment rates, the Secretary would be required to recognize the payroll costs some hospitals will incur as the result of being required to enter the Social Security system, by adjusting base costs for individual hospitals and by adjusting the DRG prospective rates to include these additional costs.

Conference agreement

The conference agreement follows the Senate amendment.

6. ANNUAL UPDATES

A. ANNUAL INCREASE

Present law

Under present law, the rate of increase limits are updated by the increase in a marketbasket of goods and services purchased by hospitals, plus I percentage point.

House bill

Under the House bill, for fiscal year 1985, payment amounts from the previous fiscal year would be increased by the marketbasket, plus 1 percentage point. There would be an overall budget limitation to maintain budget neutrality for fiscal year 1985.

Senate amendment

Same as the House bill.

B. SECRETARY'S DETERMINATION OF ANNUAL INCREASE FACTOR

Present law

No provision.

House bill

Under the House bill, taking into consideration the recommendations of the panel, the Secretary must determine, for each fiscal year beginning with fiscal year 1986, the appropriate increase factor.

Senate amendment

Under the Senate amendment, taking into consideration the recommendations of the commission, the Secretary must determine, for each fiscal year beginning with fiscal year 1986, the increase factor, such factor must assure adequate compensation for the efficient and effective delivery of medically appropriate and necessary care of high quality.

Conference agreement

The conference agreement follows the Senate amendment with a modification which requires that the Secretary, in determining the increase factor, must ake into account amounts necessary for the efficient and effective delivery of medically appropriate and necessary care of high quality.

C. PUBLICATION OF SECRETARY'S DETERMINATION

Present law

No provision.

House bill

Under the House bill, the Secretary must publish in the Federal Register (1) not later than the June 1 before each fiscal year beginning with fiscal year 1986, his or her determination of the proposed increase factor and (2) not later than the September 1 before such fiscal year, his or her final determination of the increase factor. The Secretary must include in the publication due by June 1 the report of the panel's recommendations for that fiscal year.

Senate amendment

Same as the House bill.

D. EXPERT PANEL/COMMISSION'S DETERMINATION OF ANNUAL INCREASE FACTOR

Present law

No provision.

House bill

The House bill requires the Secretary to appoint a panel of independent experts to review the increase factor and make recommendations to the Secretary on the appropriate percentage increase for fiscal years beginning with fiscal year 1986. The panel must take into account changes in the marketbasket, hospital productivity, technological and scientific advances, quality of care, and utilization of relatively costly, though effective, methods of care.

Senate amendment

The Senate amendment contains a similar provision, except the review of the increase factor and recommendations to the Secretary would be conducted by a commission selected by the Office of Technology Assessment, and would begin with fiscal year 1986.

Conference agreement

The conference agreement follows the Senate amendment.

E. EXPERT PANEL/COMMISSION'S REPORT ON ANNUAL INCREASE FACTOR

Present law

No provision.

House bill

Under the House bill, the panel must report its recommendations on the increase factor to the Secretary not later than May 1 before the beginning of each fiscal year, beginning with fiscal year 1986.

Senate amendment

Under the Senate amendment, the commission must report its recommendations on the increase factor to the Secretary not later than April 1 before the beginning of

each fiscal year, beginning with fiscal year 1986.

Conference agreement

The conference agreement follows the Senate amendment.

7. RECALIBRATION OF DRG'S

A. SECRETARY'S DETERMINATION OF DRG RECALIBRATION

Present law

No provision.

House bill

Under the House bill, the Secretary would be required to establish (and would be permitted from time to time to make changes in) a system of classification of inpatient hospital discharges by DRGs and a methodology for classifying specific hospital discharges within the DRGs. For each DRG, the Secretary would be required to assign (and would be permitted from time to time to recompute) an appropriate weighting factor which reflects the relative hospital resources used for discharges classified within that DRG compared to resources used for discharges classified in other DRGs.

Senate amendment

The Senate amendment contains a similar provision except the Secretary would be required to adjust the classifications and weighting factors at least once every 3 years to reflect changes in treatment patterns, technology, and other factors which may change the relative use of hospital resources.

Conference agreement

The conference agreement follows the Senate amendment with a modification requiring the Secretary to adjust the DRG classifications and weighting factors for fiscal year 1986 and subsequently, as necessary, but no less often than once every four years.

B. EXCEPT COMMISSION'S DETERMINATION OF DRG RECALIBRATION

Present law

No provision.

House bill

No provision.

Senate amendment

Under the Senate amendment, the commission would be required to consult with, and make recommendations to, the Secretary with respect to changes in the DRGs, based on its evaluation of scientific evidence with respect to new practices, including the use of new technologies and treatment modalities. The commission must report to Congress its evaluation of any adjustments to the DRGs made by the Secretary.

Conference agreement

The conference agreement follows the Senate amendment.

8. ATYPICAL CASES/OUTLIERS

A. BASIS FOR OUTLIER PAYMENTS

Present law

No provision.

House bill

Under the House bill, the Secretary would be required to make additional payments where the length of stay for any case in a DRG exceeds, by more than 30 days, the average length of stay for cases within the same DRG. In addition, if a case has some other unusual length of stay or unusual cost, the Secretary could provide additional payment amounts.

Senate amendment

Under the Senate amendment, the Secretary would be required to make additional payments where (1) the length of stay exceeds the mean length of stay by some fixed number of days or (2) by a certain number of standard deviations, whichever is less. Hospitals would be permitted to appeal for additional payments for cases where charges adjusted to costs are equal to or greater than some multiple of the DRG rates or some dollar criterion, whichever is greater.

Conference agreement

The conference agreement follows the Senate amendment. The managers are equally concerned that adjustments may be required for cases which have an unusually short length of stay or which are significantly less costly than the DRG payment. The Secretary would be required to report on this with recommendations on how to address this issue.

B. PAYMENT LEVELS FOR OUTLIER CASES

Present law

No provision.

House bill

Under the House bill, the additional payment amounts per case would be determined by the Secretary.

Senate amendment

Under the Senate amendment, the amount of additional payments would be determined by the Secretary and approximate the marginal cost of care beyond the outlier cut-off criteria (days or dollar amounts).

Conference agreement

The conference agreement follows the Senate amendment.

C. TOTAL PROPORTION OF OUTLIER PAYMENTS

Present law

No provision.

House bill

Under the House bill, the Secretary would be required to provide additional payments for outlier cases amounting to not less than 4 percent of total DRG related payments.

Senate amendment

Under the Senate amendment, the Secretary would be required to provide additional payments for outlier cases amounting to not less than 5 percent, and not more than 6 percent, of total projected or estimated DRG related payments.

Conference agreement

The conference agreement follows the Senate amendment.

9. CAPITAL EXPENSES

A. CAPITAL IN GENERAL

Present law

Under present law, medicare reimburses hospitals for the reasonable costs of capital (including depreciation, interest and rent).

House bill

Under the House bill, capital expenses, as defined by the Secretary, would be specifically excluded from the prospective payment proposal and would continue to be reimbursed on a reasonable cost basis.

Senate amendment

Under the Senate amendment, capital expenses, as defined by the Secretary, would be specifically excluded from the prospective payment system until October 1, 1986, during which time they would continue to be reimbursed on a reasonable cost basis. After October 1, 1986, such expenses would no longer be excluded.

Conference agreement

The conference agreement follows the Senate amendment. The managers intend that capital, as defined by the Secretary, includes return on equity. The managers also note that the Secretary is required to complete, within 18 months, a thorough review of the methods by which capital, including return on equity, can be incorporated into the prospective payment system. Based on this study, the Secretary shall develop, in consultation with the Senate Committee on Finance and the Committee on Ways and Means of the House of Representatives, proposals for legislation which would provide for the inclusion of capital-related costs in prospective payment. The managers expect that additional legislation will be enacted by Congress to deal with capital-related issues under the prospective payment system before October 1, 1986. However, if the Secretary has implemented a system of prospective payment for capital without legislative action and the mandatory section 1122 capital planning approval provision has gone into effect, the conferees intend that the Secretary will adjust the prospective payment for capital to reflect a disapproval project under section 1122.

B. RETURN ON EQUITY

Present law

Under present law, medicare reimburses proprietary institutions a return on equity.

House bill

The House bill provides for the phase-out of return on equity for hospitals under the prospective payment system over the three-year transition period during which the cost-based payment is being phased out (75% in the first year, 50% in the second year and 25% in the third year). No payment for a return on equity would be made for cost reporting periods beginning on or after October 1, 1986.

Senate amendment

No provision.

Conference agreement

Under the conference agreement, effective with respect to cost reporting periods beginning on or after the date of enactment, the rate of return on equity will be reduced from one and one-half times to an amount equal to the rate of interest paid by the Federal Treasury on the assets of the Hospital Insurance Trust Fund.

C. NEW CAPITAL

Present law

No provision.

House bill

The House bill expresses the intent of Congress that, in implementing a system for including capital related costs under a prospective payment system, costs related to capital projects initiated on or after March 1, 1983, may be distinguished and treated differently from projects initiated before such date.

Senate amendment

The Senate amendment expresses the intent of Congress that, in implementing a system for including capital-related costs under a prospective payment system, costs related to capital projects initiated on or after the effective date of the implementation of such system may or may not be distinguished and treated differently from projects initiated before such date.

Conference agreement

The conference agreement follows the Senate amendment. The managers believe no assurances can be given that, under a new system of paying for capital, projects obligated (as defined by regulations under section 1122) after the date of enactment of this legislation will continue to be paid on a reasonable cost basis.

D. SECTION 1122 CAPITAL APPROVAL

Present law

Under present law, the Secretary is authorized to exclude from reimbursement to providers certain costs related to capital expenditures that have been disapproved by a section 1122 planning agency.

House bill

Under the House bill, at the end of 3 years, medicare would not make payment for a new capital project unless the State had a section 1122 capital approval process and the capital expenditures had been recommended by the State under such mechanism.

Senate amendment

The Senate amendment changes for cost reporting periods prior to October 1, 1986: (1) the financing of reviews of capital projects from the Hospital Insurance Trust Fund to general revenues; (2) increases the amount of capital projects that is subject to the 1122 approval process from $100,000 to $600,000; (3) exempts from the review process expenditures made by or on behalf of a health care facility where 75 percent of the patients using the services of such facility are enrollees in HMO's or CMP's and such expenditures are for services and facilities needed by such organization to operate efficiently; and (4) requires hospitals to make their overall expenditure plans and capital budgets available to section 1122 agencies.

Conference agreement

The conference agreement follows the provision in the House bill with the following modification: the requirement that medicare payment for new capital projects be conditional on section 1122 approval would be effective October 1, 1986, only if no legislation were enacted by that date which includes capital-related costs in the prospective reimbursement system. In addition, effective upon enactment: (1) the financing of reviews of capital projects would be made from general revenues; (2) the maximum threshold a State may use for determining which capital projects are subject to the section 1122 review progress would be increased from $100,000 to $600,000; States would be permitted to set a lower threshold; (3) in order for a health care facility, where 75 percent of the patients are HMO or CMP enrollers, to be exempt from the section 1122 review process because needed services and facilities are not otherwise readily accessible, the organization must establish that one of the following five conditions is met:

(a) the facilities are geographically dispersed

(b) the facilities are not available under a contract of reasonable duration

(c) full and equal medical staff privileges are not available

(d) the arrangements are not administratively feasible, or

(3) the services are more costly than if provided by the HMO or CMP; and

(4) hospitals would be required to make their overall expenditure plans and capital budgets available to the section 1122 or other appropriate agency.

10. MEDICAL EDUCATION EXPENSES

A. DIRECT COST

Present law

Under present law, medicare reimburses direct medical education expenses, such as the salaries of interns and residents in approved education programs, on the basis of reasonable cost.

House bill

Under the House bill, direct medical expenses for approved educational programs would be specifically excluded from payment determinations under the prospective payment system and would be paid on the basis of reasonable cost.

Senate amendment

Same as the House bill.

B. INDIRECT COST

Present law

Under present law, the section 223 limits provide an adjustment to recognize individual hospital differences in indirect costs due to approved teaching activities.

House bill

Under the House bill, the Secretary is required to provide additional payment amounts under the prospective payment system for hospitals with indirect costs of medical education. The adjustment for such payment amounts would equal twice the section 223 adjustment, provided under regulations, in effect as of Jan. 1, 1983, for such costs.

Senate amendment

Same as the House bill.

11. EXEMPTIONS, EXCEPTIONS, AND ADJUSTMENTS

A. PAYMENTS TO EXEMPTED HOSPITALS AND HOSPITAL UNITS

Present law

No provision.

House bill

Under the House bill, hospitals or units of hospitals exempted from the prospective payment system would be subject to the section 223 limits (until hospital cost reporting periods beginning on or after October 1, 1985) and the rate of increase limits applicable under current law.

Senate amendment

The Senate amendment contains a similar provision, except the section 223 limits would no longer apply for hospital cost reporting periods beginning on or after October 1, 1983.

Conference agreement

The conference agreement follows the Senate amendment.

B. PSYCHIATRIC, LONG-TERM CARE, AND CHILDREN'S HOSPITALS

Present law

Under present law, section 223 limits do not apply to children's hospitals, long-term care hospitals or to rural hospitals with less than 50 beds. In addition, the Secretary is required to provide exemptions, exceptions, and adjustments to the section 223 limits as he or she deems appropriate to take into account the special needs of psychiatric hospitals.

House bill

Under the House bill, psychiatric, long-term care, children's and rehabilitation hospitals would be specifically exempted from the prospective payment system. Upon request of a hospital, rehabilitation and psychiatric units which are distinct parts of acute care hospitals would also be specifically exempted.

Senate amendment

The Senate amendment contains a similar provision, except (1) hospitals would not have to request exemptions for distinct parts of rehabilitation or psychiatric units and (2) exemptions of any such hospitals or hospital units would no longer apply when the Secretary determines that adequate data of clinical and statistical significance is available to include these institutions and units under the prospective payment system.

Conference agreement

The conference agreement follows the provision in the House bill with a modification that deletes the provision which conditions granting of an exemption on the receipt by the Secretary of a request from a hospital.

C. SOLE COMMUNITY HOSPITALS

1. Payments

Present law

Under present law, the Secretary is required to provide exemptions, exceptions, and adjustments to the section 223 limits as he or she deems appropriate to take into account the special needs of sole community hospitals.

House bill

Under the House bill, the Secretary would be authorized to provide exceptions and adjustments to take into account the special needs of sole community hospitals.

Senate amendment

Under the Senate amendment, payments to sole community hospitals for hospital cost reporting periods beginning on or after October 1, 1983, would be on the same basis, as payments to all other providers in the *first* year of the transition period: 25% of the payment would be based on a blend of national and regional DRG rates (25% national, 75% regional); 75% would be based on each hospital's own cost base. In no case would total medicare payments in those cost reporting years beginning on or after October 1, 1983, and before October 1, 1986, be less than the payments made in the preceding year.

Conference agreement

The conference agreement follows the provision in the Senate bill with modifications: (1) Conforms the basis of payment to the first year blend of payment rates applicable to other hospitals agreed to by the conferees (item 3a); and (2) here a sole community hospital experiences a change of more than 5 percent in its total volume over a previous year, due to circumstances beyond its control, the Secretary would be required to provide an adjustment to fully compensate the hospital for the fixed costs it incurs and for the reasonable cost of maintenance of core staff and services.

Present law

No provision.

House bill

Under the House bill, "sole community hospitals" are defined as those that, by reason of factors such as isolated location or absence of other hospitals (as determined by the Secretary), is the sole source of impatient hospital services reasonably available in a geographical area to part A medicare beneficiaries.

Senate amendment

The Senate amendment contains a similar provision, except includes weather and travel conditions in the list of factors defining a sole community hospital.

Conference agreement

The conference agreement follows the Senate amendment.

D. PUBLIC AND OTHER HOSPITALS

Present law

Under present law, the Secretary is required to provide exemptions, exceptions, and adjustments to the section 223 limits as he or she deems appropriate to take into account the special needs of public and other hospitals that serve a disproportionate number of low income or part A medicare beneficiaries.

House bill

Under the House bill, the Secretary would be required to provide exceptions and adjustments, as he or she deems appropriate, to take into account the special needs of public or other hospitals that serve a disproportionately large number of low-income or part A medicare beneficiaries.

Senate amendment

The Senate amendment contains a similar provision, except also applies to regional and national referral centers (including very large acute care hospitals in rural areas).

Conference agreement

The conference agreement follows the Senate amendment.

E. OTHER PROVIDERS

Present law

Under present law, the Secretary is required to provide exemptions, exceptions, and adjustments to the "section 223" and the rate of increase limits as he or she deems appropriate to take into account the special needs of new hospitals, risk-based health maintenance organizations, hospitals providing atypical or essential services and to take account of extraordinary circumstances beyond a hospital's control; and for other purposes.

House bill

Under the House bill, the Secretary is required to provide, by regulation, for such exceptions and adjustments as he or she deems appropriate (including those that may be appropriate with respect to public and teaching hospitals and hospitals involved extensively in treatment for, and research on, cancer.)

Senate amendment

No provision.

Conference agreement

The conference agreement follows the provision in the House bill with a modification which deletes the requirement with respect to public and teaching hospitals. The conferees wish to make it clear that this authority permits the Secretary to provide for such exceptions and adjustments as may be appropriate with respect to hospitals experiencing special problems because of their location in a particular census division.

F. ALASKA AND HAWAII

Present law

Under regulation, special adjustments are provided to the section 223 limits for hospitals in Alaska and Hawaii.

House bill

Under the House bill, the Secretary is authorized to provide adjustments to the DRG payment amounts as he or she deems appropriate to take into account the unique circumstances of hospitals located in Alaska and Hawaii.

Senate amendment

Same as the House bill.

HOSPITALS IN TERRITORIES, INCLUDING PUERTO RICO

Present law

No provision.

House bill

The House bill exempts from the prospective payment system hospitals located outside the fifty States or the District of Columbia (e.g., the territories, including Puerto Rico).

Senate amendment

Same as the House bill. (See study section.)

12. ADMISSIONS AND QUALITY REVIEW

A. CONTRACTS WITH PROFESSIONAL REVIEW ORGANIZATIONS

Present law

Present law (title XI of the Social Security Act) requires the Secretary to enter into contracts for utilization and quality control peer review with professional review organizations (PROs) or other review organizations, including medicare intermediaries (subject to certain conditions and limitations).

House bill

Under the House bill, effective October 1, 1984, as a condition for receipt of medicare payments, a hospital receiving payments according to the prospective DRG rates would be required to contract with a peer review organization, in the area, designated by the Secretary under Title XI for the review of admissions, discharges, and quality of care with respect to medicare hospital inpatient services. The 12-month waiting period for intermediaries to qualify as review organizations as specified in present law would begin on the date the Secretary enters into contracts or on October 1, 1983, whichever is earlier.

Senate amendment

Under the Senate amendment, hospitals receiving payments under the prospective payment system would be required to enter into an agreement with a peer review organization (if such as organization has a contract with the Secretary under title XI for the area in which the hospital is located). The purpose of this contract is to provide for the review of the validity of the diagnostic information provided by such hospitals, the completeness and adequacy of the care provided, the appropriateness of admissions, and the appropriateness of care provided to patients designated by the hospitals as outliers. These reviews would be covered as a hospital cost of care under part A but the PRO would be paid by the Secretary on behalf of the hospital on the basis of a rate per review established by the Secretary. The amount expended will be no less than an amount which reflects the rates per review established in fiscal year 1982 for both direct and administrative costs, adjusted for inflation, and will be expended from the trust fund and not subject to appropriations.

Conference agreement

The conference agreement follows the Senate amendment with modifications. Under the agreement, (1) hospitals receiving payments under the prospective payment system would be required from the date of enactment through September 30, 1983, to contract with a professional review organization (PRO), if there is a PRO in the area which has contracted with the Secretary under title XI: (2) such hospitals would be required, on or after October 1, 1984, to contract with a PRO, in the area, designated by the Secretary under title XI as a condition of receiving payments under the medicare program (if the Secretary has not contracted with a PRO in the area such hospitals would not receive payment); (3) the 12-month waiting period for intermediaries to qualify as PROs (as specified in present law) would begin on the date the Secretary enters into contracts or on October 1, 1983, whichever is earlier as in the House bill; (4) where a contract between the Secretary and a PRO is terminated after October 1, 1984, the Secretary would be required to enter into a new contract with a PRO in that area within 6 months of such termination, during which period hospitals would not be penalized because no PRO exists in the area, and (5) the amount expended for review purposes must also be no less than an amount equal to the total expenditures made during 1982 for review costs adjusted for inflation.

B. MONITORING SYSTEM ESTABLISHED BY THE SECRETARY

Present law

No provision.

House bill

Under the House bill, the Secretary would be required to establish a system for monitoring admissions and discharges of both hospitals receiving prospective payment and hospitals reimbursed on a cost basis, utilizing HCFA, medicare intermediaries, professional review organizations/professional standards review organizations, or such other medical review authority, to review admissions and discharge practices and quality of care.

Senate amendment

No provision.

Conference agreement

The conference agreement strikes the provision in the House bill but modifies the review requirements of professional review organizations (PROs) to include review of patterns admissions and discharges and quality of care of hospitals receiving medicare payments.

C. PENALTIES FOR UNACCEPTABLE PRACTICES

Present law

No provision.

House bill

Under the House bill, the Secretary would be authorized to take corrective action where hospitals, paid according to the prospective rates or on a cost basis, were determined to be engaged in unacceptable admissions, medical, or other practices. The Secretary would be permitted to disallow part or all of the medicare payment with respect to an unnecessary or multiple admissions, or to require hospitals to take other corrective action necessary where a provider was determined to have engaged in such practices.

Senate amendment

No provision.

Conference agreement

The conference agreement follows the provision in the House bill with a modification which authorizes the Secretary to take such corrective action based on the findings of the PRO.

13. PAYMENTS TO HMO'S AND CMP'S

Present law

Current law provides that health maintenance organizations (HMO's) and competitive medical plans (CMP's) may be reimbursed either on the basis of reasonable costs or under a risk-based contract, a payment equal to 95% of the adjusted average per capita cost (AAPCC) for medicare enrollees in the HMO's area.

House bill

Under the House bill, the proposal would permit, at its election, an HMO or a CMP that receives medicare payments on a risk basis to choose to have the Secretary directly pay hospitals for inpatient hospital services furnished to medicare enrollees of the HMO or CMP. The payment amount would be at the DRG rate (or on the basis of reasonable cost, as applicable) and would be deducted from medicare payments to the HMO or CMP.

Senate amendment

Similar provision.

Conference agreement

The conference agreement follows the provision in the House bill with a technical amendment.

14. STATE COST CONTROL SYSTEMS

A. AUTHORITY UNDER PRE-TEFRA LEGISLATION

Present law

Under present law, the Secretary has authority to establish medicare demonstration projects. There are currently four Statewide medicare demonstrations (MD, NJ, NY, and MA) and one area-wide (Rochester, NY) demonstration.

House bill

Under the House bill, the Secretary would be expressly authorized to continue to develop, carry out, or maintain medicare experiments and demonstration projects.

Senate amendment

Same as the House bill.

B. AUTHORITY FOR STATE PROGRAMS

Present law

Present law authorizes the Secretary, at the request of a State, to pay for medicare services according to the State's hospital cost control system if such system—

(1) applies to substantially all non-acute care hospitals in the State;

(2) applies to at least 75% of all inpatient revenues or expenses in the State;

(3) provides assurances that payors, hospital employees and patients are treated equitably; and

(4) provides assurances that the State's system will not result in greater medicare expenditures over a three-year period than would otherwise have been made. (To date, no State systems have been approved under this authority).

House bill

Under the House bill, the Secretary would be prohibited from (1) denying a State application on the ground that the State's system is based on a payment methodology other than DRGs, or (2) requiring that medicare expenditures under the State's system be less than the expenditures which would have been made under the Federal prospective payment system. It includes the 4 requirements in TEFRA for approval of a State system and adds a fifth requirement: if the Secretary determines that the State system will not preclude an HMO or CMP from negotiating directly with hospitals with respect to payment for inpatient hospital services.

Senate amendment

The Senate amendment contains the same provision, except adds a sixth requirement that States must provide for a prohibition on payments under part B for nonphysician services provided to inpatients.

Conference agreement

The conference agreement follows the Senate amendment with a modification under which the Secretary would be required to issue regulations setting forth the conditions under which States could waive restrictions under State systems relating to payments for certain non-physician services provided to hospital inpatients.

C. CONTINUATION OF CURRENT STATE PROGRAMS

Present law

No provision.

House bill

Under the House bill, for those States which currently have a medicare waiver the Secretary would be required to continue the State program if, and for so long as, the conditions described above are met.

Senate amendment

Same as the House bill.

D. REQUIRED STATE PROGRAMS

Present law

No provision.

House bill

Under the House bill, the Secretary would be required to approve any State program which meets the following 6 requirements in addition to the conditions indicated above, that the system: (1) is operated directly by the State or an entity designated by State law; (2) is prospective; (3) provides for hospitals to make such reports as the Secretary requires; (4) provides satisfactory assurances that it will not result in admissions practices which will reduce treatment to low income, high cost, or emergency patients; (5) will not reduce payments without 60 days notice to the Secretary and to hospitals; and (6) provides satisfactory assurances that, in the development of its program, the State has consulted with local officials concerning the impact of the program on publicly owned hospitals.

The Secretary would be required to respond to requests from States applying under these 11 conditions within 60 days of the date the request is submitted.

Senate amendment

Same as the House bill.

E. MODIFICATION OF EXISTING CONTRACTS

Present law

Under current demonstration project agreements between the Secretary and the States of New York and Massachusetts, the States are required to maintain a rate of increase in medicare hospital costs which is 1.5 percent below the national rate of increase in such costs.

House bill

Under the House bill, the Secretary would be required, upon request of a State, to modify the terms of an existing demonstration agreement (entered into after August 1982 and in effect as of March 1, 1983—New York and Massachusetts) so that the demonstration project is not required to maintain the rate of increase in medicare hospital costs in that State below the national rate of increase in such costs.

Senate amendment

The Senate amendment contains a similar provision, except provides that such demonstration agreements be modified so that the percentage by which such project is required to maintain a rate of increase in such costs in that State below the national rate of increase be decreased by one-half of one percentage point for the contract year, beginning in 1983, by an additional one-half of 1 percentage point for the contract year beginning in 1984, and by an additional one-quarter of 1 percentage point for the contract year beginning in 1985.

Conference agreement

The conference agreement follows the House bill with a modification permitting either the State or the party to the agreement to request a modification of the contract.

F. JUDGING THE EFFECTIVENESS OF STATE SYSTEMS

Present law

No provision.

House bill

No provision.

Senate amendment

Under the Senate amendment, during the 3 cost reporting periods beginning on or after October 1, 1983, for existing State systems, the Secretary must judge their effectiveness on the basis of their rate of increase or inflation in medicare inpatient hospital payments compared to the national rate of increase or inflation for such payments. The State would retain the option to have the test applied on the basis of either aggregate payments per inpatient admission or discharge. After the transition period, this test would no longer apply, and such State systems would be treated in the same fashion as other waivered systems.

Conference agreement

The conference agreement follows the Senate amendment.

G. REDUCTION IN PAYMENTS TO HOSPITALS WHICH EXCEED EXPENDITURE LIMITS

Present law

No provision.

House bill

No provision.

Senate amendment

Under the Senate amendment, if the Secretary determines that the amounts paid over a three-year period under a State system exceed what medicare would have otherwise paid over the same three-year period, the Secretary may reduce subsequent payments to hospitals under the State system by that amount.

Conference agreement

The conference agreement follows the Senate amendment. The managers expect that the Secretary will provide a State, at least annually, with such information as is needed to keep the hospitals in a State fully informed, on an estimated or other basis, of the projected potential liabilities that could result if medicare expenditures in the State exceed the medicare expenditures which would have been made in the absence of the State system.

15. ADMINISTRATIVE AND JUDICIAL REVIEW

A. LIMITATION

Present law

Under present law, a provider may request administrative review of a final decision of a fiscal intermediary by the Provider Reimbursement Review Board (PRRB). A provider may appeal the PRRB decision to Federal court or, where it involves a question of

law or regulation which the PRRB does not have the authority to review, the provider may appeal directly to Federal court.

House bill

Under the House bill, permits administrative and judicial review in all cases except the narrow items necessary to maintain budget neutrality: (1) the level of the payment amount, and (2) the establishment of the DRG classifications.

Senate amendment

Same as the House bill.

B. VENUE

Present law

Under present law, an individual provider may bring suit in the judicial district in which it is located or the District of Columbia. Groups may bring suit only in the District of Columbia.

House bill

No provision.

Senate amendment

The Senate amendment permits action to be brought jointly by several providers in a judicial district in which the greatest number of such providers is located. Any appeals to the PRRB for action for judicial review brought by providers which are under common ownership or control would have to be brought by providers as a group with respect to any matter involving an issue common to such providers.

Conference agreement

The conference agreement follows the Senate amendment.

16. STUDIES, REPORTS, AND DEMONSTRATIONS

Present law

No provision.

House bill

Under the House bill, the Secretary is required to study and report to Congress on various topics.

Senate amendment

Under the Senate amendment, the Secretary is also required to study and report to Congress on various topics.

Conference agreement

The conference agreement requires the Secretary to study and report to Congress on the following:

a. Capital-related costs—the method by which capital-related costs, such as return on net equity, associated with inpatient hospital services can be included in the prospective payment.

b. Skilled nursing facilities (SNFs)—

1. The impact of hospital prospective payment systems on skilled nursing facilities and recommendations concerning SNFs; due at the end of 1983.

2. Requires the Secretary to conduct demonstrations with hospitals in areas with critical shortages of SNFs to study the feasibility of providing alternative systems of care or methods of payment.

3. The effect that the implementation of section 102 of TEFRA would have on hospital-based SNFs, given the differences (if any) in the patient populations served by such facilities and by community-based SNFs; due prior to December 31, 1983.

c. Impact of the prospective payment methodology—the impact of the prospective payment methodology during the previous year on classes of hospitals, beneficiaries, other payors for inpatient hospital services, other providers, and the impact of computing averages by census division, rather than national averages; must include the Secretary's recommendations for changes in legislation, as appropriate; due annually at the end of each year for 1984 through 1987.

d. Physician's services to hospital inpatients—during fiscal year 84, requires the Secretary to begin the collection of data necessary to compute, by DRGs, the amount of physician charges for services furnished to hospital inpatients classified in those DRGs; requires the Secretary to include, in a report to Congress in 1985, recommendations on the advisability and feasibility of providing for the determination of payments based on a DRG-type classification for physician's services furnished to hospital inpatients and legislative recommendations.

e. Urban/rural rates—the feasibility and impact of eliminating or phasing out separate urban and rural DRG prospective payment rates; due at the end of 1985 as part of the 1985 annual report.

f. Prospective payments for hospitals not included in the system—whether, and the method under which, hospitals not paid under the prospective system can be paid on a prospective basis for inpatient services; due at the end of 1985 as part of the 1985 annual report.

g. Payments for outliers/intensity—the appropriateness of the factors used to compensate hospitals for the additional expenses of outlier cases; application of severity of illness, intensity of care, or other modifications to DRG's, and the advisability and feasibility for providing for such modifications; due by the end of 1985 as part of the 1985 annual report.

h. Payments for all payers—the feasibility and desirability of applying a prospective payment methodology to payment by all payers for inpatient hospital services, including consideration of the extent of cost-shifting to non-Federal payers, and the impact of such cost-shifting on health insurance costs and premiums borne by employers and employees; due by January 1, 1985.

i. Impact on admissions—the impact of the prospective payment methodology on hospital admissions and the feasibility of making a volume adjustment in the DRG rates or requiring preadmission certification in order to minimize the incentive to increase admissions; due by the end of 1985 as part of the 1985 annual report.

j. Impact of State systems—the overall impact of State hospital payment systems, approved under either section 1886(c) or other provisions of the Social Security Act, on the medicare and medicaid programs, on payments and premiums under private health insurance plans, and on tax expenditures; due at the end of 1986 as part of the 1986 annual report.

k. Sole community hospitals, information transfer between parts A and B, uncompensated care, and making hospital cost information available—requires the Secretary to study and make legislative recommendations to Congress on an equitable method of reimbursing sole community hospitals, taking into account their unique vulnerability to substantial variations in occupancy; requires the Secretary to examine ways to coordinate an information transfer between parts A and B of medicare, particularly where a denial of coverage is made in the reimbursement to the admitting physician(s); the Secretary also reports on the appropriate treatment of uncompensated care costs and adjustments that might be appropriate for large teaching hospitals; the Secretary also reports on the advisability of having hospitals make available information on the costs of care to patients financed by both public programs and private payors; due prior to April 1, 1985.

l. The territories, including Puerto Rico—requires the Secretary to study and make recommendations to Congress on the method for including hospitals located outside of the 50 States and the District of Columbia under a prospective payment system; due before April 1, 1984.

17. DELAY OF SINGLE REIMBURSEMENT LIMIT FOR SKILLED NURSING FACILITIES (SNFs)

Present law

Under present law, the Secretary is required to establish a single reimbursement limit for both hospital-based and free-standing SNFs to be effective for cost reporting periods beginning on or after October 1, 1982.

House bill

No provision.

Senate amendment

The Senate amendment delays the effective date for the single reimbursement limit for SNFs from cost reporting periods beginning on or after October 1, 1982, to cost reporting periods beginning on or after October 1, 1983.

Conference agreement

The conference agreement follows the Senate amendment.

18. ON LOK DEMONSTRATION

Present Law

No provision.

House bill

No provision.

Senate amendment

Under the Senate amendment, the Secretary would be required to approve, with appropriate terms and conditions as defined by the Secretary, within 30 days of enactment: (1) the risk-sharing application of On Lok Senior Health Services (dated July 2, 1982) for waivers of certain medicare requirements over a period of 36 months in order to carry out a long-term demonstration project, and (b) the application of the California Department of Health Services (dated November 1, 1982) for the waiver of certain medicaid requirements over a period of 36 months in order to carry out a demonstration project for capitated reimbursement for comprehensive long-term care services involving On Lok Senior Health Services.

Conference agreement

The conference agreement follows the Senate amendment.

19. APPOINTMENT, MEMBERSHIP AND ACTIVITIES OF THE EXPERT COMMISSION

A. APPOINTMENT

Present law

No provision.

House bill

No similar provision.

Senate amendment

Under the Senate amendment, the Secretary is required to provide for the appointment of a commission of 15 independent experts, selected and appointed by the Director of the Office of Technology Assessment (OTA). Commission members must be appointed no later than April 1, 1984, for a 3-year term, except that the OTA Director may provide initially for shorter terms to insure that the terms of no more than 7 members will expire in one year. Commis-

sion members would be eligible for reappointment for no more than 2 consecutive terms.

The commission's membership must provide expertise and experience in the provision and financing of health care including, but not limited to, physicians and registered professional nurses, employers, third-party payors, and individuals skilled in biomedical, health services, health economics research, and individuals having expertise in the research and development of technological and scientific advances in health care. The OTA Director must seek nominations from a wide range of groups including, but not limited to, (a) national organizations representing physicians, including medical specialty organizations and registered professional nurses and other skilled health professionals; (b) national organizations representing hospitals, including teaching hospitals; and (c) national organizations representing the business community, health benefits programs, labor, the elderly and national organizations representing manufacturers of health care products.

The commission may employ such personnel (not to exceed 50) as may be necessary to carry out its duties. Subject to approval by the OTA Director, the commission must appoint one of its staff members as Executive Director. The commission is authorized to seek assistance and support from appropriate Federal departments and agencies as required. Establishes compensation rates for members of the commission, the Executive Director, and staff.

The Commission is authorized to enter into contracts; make advance, progress, and other payments; accept services of voluntary and uncompensated personnel; acquire, hold, and dispose of real and personal property; and prescribe rules and regulations.

The commission is required to have access to relevant information and data available from Federal agencies and to maintain confidentiality of all confidential information. Establishes a Federal Liaison Committee, consisting of delegates from appropriate Federal agencies, to arrange for the acquisition of information, coordinate its activities with those of Federal agencies, and advise the commission on the activities of Federal agencies. The Administrator of HCFA would be chairman of the committee, and the committee would meet not less than 6 times a year.

OTA must report to Congress on the functioning and progress of the commission and the status of assessment of medical procedures and services by the commission. Such reports must be annual for the first 3 years and biannual thereafter, by March 15 of each year.

There are authorized to be appropriated such sums as may be necessary to carry out the activities of the commission and the committee, 85% payable from the HI Trust Fund and 15% from the SMI Trust Fund.

In order to identify medically appropriate patterns of health resources use, the commission of independent experts would be required to collect and assess information, medical and surgical procedures and services, including information on regional variations of medical practice and lengths of hospitalization and on other patient care data, giving special attention to treatment patterns for conditions appearing to involve excessively costly or inappropriate services not adding to the quality of care provided. Requires the commission, in coordination to the extent possible with the Secretary, in order to assess the safety, efficacy, and cost-effectiveness of new and existing medical and surgical procedures, to collect and assess factual information, giving special attention to the needs of updating existing DRGs, establishing new DRGs, and making recommendations on relative DRG weights to reflect appropriate differences in resource consumption in delivering safe, efficatious, and cost-effective care. In collecting and assessing information, the commission must (1) use existing data where possible, collected and assessed either by its own staff or under other arrangements, and (2) carry out, or award grants or contracts for, original research where existing information is inadequate for the development of useful and valid guidelines by the commission.

With the concurrence of the Secretary, payment is permitted under part A or part B of medicare for expenses incurred for clinical care items and services with respect to research and demonstration conducted by the Secretary or the commission.

Conference agreement

The conference agreement follows the Senate amendment with numerous modifications designed to provide greater flexibility in the operation of the Commission, to reduce its maximum staffing from 50 to 25 individuals, and to provide for OTA oversight of the Commission's administrative activities.

DAN ROSTENKOWSKI,
J. J. PICKLE,
ANDREW JACOBS, Jr.,
HAROLD FORD,
JAMES M. SHANNON,
BARBER B. CONABLE, Jr.,
Managers on the Part of the House.

BOB DOLE,
JOHN DANFORTH,
JOHN H. CHAFEE,
JOHN HEINZ,
LLOYD BENTSEN,
DANIEL P. MOYNIHAN,
Managers on the Part of the Senate.

Mr. ROSTENKOWSKI. Mr. Speaker, pursuant to the order of the House of March 23, 1983, I call up the conference report on the bill (H.R. 1900) to assure the solvency of the social security trust funds, to reform the medicare reimbursement of hospitals, to extend the Federal supplemental compensation program, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the order of the House of March 23, 1983, the conference report is considered as having been read.

The gentleman from Illinois (Mr. ROSTENKOWSKI) will be recognized for 30 minutes, and the gentleman from New York (Mr. CONABLE) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. ROSTENKOWSKI).

Mr. ROSTENKOWSKI. Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Mr. ROSTENKOWSKI. Mr. Speaker, before proceeding to explanation of the conference report, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ROSTENKOWSKI. Mr. Speaker, I bring to the floor perhaps the most important piece of legislation this Congress will address—the conference report on social security.

Social security, like no other national issue, binds us all. It is a contract between Government and the Nation—and between one generation and another.

No issue that we face has such broad economic and social implications. No issue carries such political power.

This is not the first time Congress has confronted a crisis in social security financing. This is not the first time that we have learned that the solvency of the social security system hangs on the health and growth of the American economy—and that our assumptions are often guided more by hope than reality.

The conference agreement that has been shaped, first by the Greenspan Commission and then on the floors of both Houses, is strongly anchored to reality. It is a cautious, fair plan that raises enough revenue to ease the system through the decade—and also closes the enormous deficit built up in the next century.

The agreement reflects not only the spirit of the House-passed bill (H.R. 1900) but the letter as well.

The major differences entering the conference centered around the long-term formula, the "fail safe" mechanism in the short term and coverage of new Federal workers. House conferees, stiffened by the courageous choices made right here 2 weeks ago, demanded and won the Pickle proposal to raise the retirement age from 65 to 67 over the first quarter of the next century—instead of the Senate plan to simultaneously raise the retirement age and cut benefits.

House conferees rejected a Senate "fail safe" provision that would demand cuts in cost-of-living adjustments to pay for any falling off of revenue through the end of the decade.

The conferees also rejected a Senate amendment to delay the effective date of coverage of new Federal employees until a supplementary pension plan is designed.

There remains no doubt that the Congress will design a formula that permits newly hired employees to be covered by such a supplemental retirement program. The conference agreement covers all new Federal workers, beginning January 1, 1984.

In addition, the conference agreement covers members of Congress, administration officials (including the President), sitting Federal judges and

most nonprofit employees, as of January 1, 1984.

It delays the cost-of-living adjustment (COLA) from June 1983 to December 1983.

It stabilizes the COLA by pegging payments to the lower of wages or prices, beginning in 1985, but only if reserves are below 15 percent. This reserve trigger increases to 20 percent in 1989. A "catch up" in benefits is also established. Under moderate economic assumptions, it is unlikely that the stabilizer will take effect.

It phases down over 5 years the private pension offset against social security benefits from the current 90 percent of the first benefit formula bracket, to 40 percent, beginning in 1986—permitting no more than one-half of the amount of the private pension to be offset. All current employees newly covered by the bill are exempted from this offset formula change.

It increases the annual delayed retirement credit from 3 to 8 percent between 1990 and 2010.

It subjects to taxation up to one-half of benefits on incomes exceeding $25,000 for singles and $32,000 for couples.

It advances FICA tax increases in 1984 and 1988 while providing an individual income tax credit offset for 1984.

It changes the offsetting income tax credit against the self-employed FICA tax to 2.7 percent in 1984, 2.3 percent in 1985, and 2 percent from 1986 to 1989.

It liberalizes the earnings test by reducing benefits $1 for every $3, rather than the present $2 of outside earnings beginning in 1990.

It tightens restrictions on proliferating income deferral plans that protect compensation from FICA taxes.

It permits benefits to widows or widowers in the month when a spouse dies.

It permits interfund borrowing with special provisions to protect the integrity of the hospital insurance fund.

It advances to the first of each month the Treasury Department's payment of estimated revenues to the social security trust funds.

It increases the Federal supplemental security income (SSI) benefit by $20 for individuals and $30 for couples, and delays the cost-of-living adjustment for 6 months, both changes effective July 1, 1983.

It extends by 6 months Federal supplemental compensation (FSC) which will provide 8 to 14 weeks of benefits for workers who have exhausted all other State and Federal benefits. Individuals who have already run out of their original FSC benefits are now eligible for between 6 and 10 more weeks of compensation.

It provides Federal tax and interest relief for States whose unemployment trust funds have had to borrow from the Federal Government, but only if substantial steps have been taken to bolster the solvency of their systems.

It phases in a prospective payment system for medicare over 3 years (as proposed by the Senate), and adjusts for regional differences (as proposed by the House).

The passage of this bill through Congress over the last 2 months is as remarkable as it is monumental. In the face of crisis we have shown that we can rise above partisan differences; that we can withstand enormous pressure from special interest; that we can raise the level of national confidence in Government.

We have reason to be very proud of ourselves tonight. Beyond these doors we may never receive the recognition we have earned. But we know that when we must work together—we can.

It is in that spirit that I ask you to support this conference report.

□ 2310

Mr. CONABLE. Mr. Speaker, I yield myself 12 minutes.

The distinguished chairman has done a good job of explaining the entire bill and I am going to limit my further remarks on this matter just to those issues that were changed in the conference.

The report also adds some interesting tax provisions and these were covered in part by the chairman; tax-exempt income is included in the base for determining the taxability of social security benefits, self-employment tax credit was increased so that the credit is in 1984, 2.7 percent, 1985, 2.3 percent and in 1986, through 1989, 2 percent.

Now that is a greater help to your self-employed and your farmers than what is included in the original House bill. This self-employment tax credit then which was somewhat controversial when the bill originally passed has been improved over the House version, if you wish to give a larger credit to your self-employed and your farmers. It was as much as the Senate version; it was a compromise figure.

Effective in 1990 and thereafter the credit would terminate and be replaced with a system designed to achieve parity between employees and the self-employed. The base of the self-employment tax would be adjusted downward to reflect the fact that employees do not pay FICA tax on the value of the employer's FICA tax. Deduction would be allowed for income tax purpose for half of the self-employment tax liability in recognition that employees do not pay income tax on the value of the employer's FICA tax; and the effect of that, Mr. Speaker, is also to give a better deal to farmers and self-employed after 1990 than they got under the original House bill.

Deferred compensation under section 457 of the Internal Revenue Code will be subject to the FICA tax as will certain forms of nonqualified deferred compensation. But provisions with potential impact on cafeteria plans were deleted so that their tax treatment is unchanged from existing law. In other words, if you had employers in response to the Tax Act in 1978 adopted cafeteria plans giving a wide range of options to their employees, they need not fear anything that is in this provision.

We have not changed the law with respect to them in ways that might work against the desirability of cafeteria plans.

Finally the conference agreement makes changes in the FUTA tax base to conform with the changes in the FICA tax base. In the medicare title the House insisted upon and retained the nine separate regional census divisions used to phase in the new prospective payment system. We accept the other body's provision to move to a national payment rate in 3 years, rather than the 4 years in the House bill.

I think many people would consider that an improvement. I will not say, Mr. Speaker, that this will save medicare, by itself; we know we will have to be back here with further legislation on medicare in the future. However, this is an important step and a valuable additional reform for the medicare system.

The agreement also would allow the use of State payment systems where such systems meet certain requirements and where the State provides assurance that its system will not result in greater medicare expenditures.

I know there were some particular States concerned about that matter.

We agreed to the other body's transitional provision which would require the Secretary to recognize the increased payroll costs some hospitals will incur as a result of being required to enter into the social security system.

This would be accomplished by adjusting medicare payment rates to reflect these additional costs, changes adapted from the other body's bill relating to the supplemental security income would increase Federal benefit standard by $20 per month for individuals and $30 per month for couples and would delay the SSI COLA until January of 1984. The new stabilizer and incidentally this is a very important provision, which would pay the lower of increases in wages or prices applicable to OASDI increases beginning in 1985, would not apply to SSI.

Let me mention that stabilizer with some particularity. Recall that some of us thought this was one of the most important elements in the House bill. It was changed and expanded. The stabilizer now is reduced to 15 percent.

You remember it triggered in the lower of wages or prices in 1988, triggered in 1988 whenever the fund got below 20 percent of the expected annual demand. We reduced that to 15 percent of the expected annual demand for the period of time from 1985 through 1988. Thereafter it will resume the 20-percent trigger. But in my view this adds to the stability of the system during a period of time when we all knew there might be some possible shortage in the fund.

It should not have the effect of reducing benefits, however, because we expect during that period of time that wages will be involved in some catch up, with the cost-of-living bulge that occurred during the 1970's.

Now, in unemployment compensation the report provides 8 to 14 weeks of basic FSC benefits but it follows the other body's distribution pattern, provides 6 to 10 weeks of additional FSC benefits to persons who exhausted their current FSC entitlement and allows States to establish voluntary health insurance programs for unemployed persons by having claimants contribute part of their unemployment compensation benefits to pay premium costs if the State elects to do so. That is just an additional option to help people maintain their health insurance if they are unemployed.

It also adds provisions for: First, an FUTA cap relief and interest payment relief to States with unemployment compensation loans; second, allowing FSC claimants to continue receiving benefits if they are enrolled in a full-time training program, something they cannot now do; third, changing the basis for computation of certain FUTA credit reductions from taxable wages to all wages; and fourth, denying the Federal payment of State administrative costs and disqualifying a State's UC program if it did not make a timely payment of interest due on UC loans. These departures from the House bill do not, I believe, weaken the legislation in any vital way. In many instances, they improve it.

The report thus includes what all conferences are expected to produce: a set of compromises. Among them are two elements which I believe are of monumental importance, considering the history and politics of social security.

First, the report brings Federal civilian employees, hired after this year, under social security protection. This was an important provision of the House bill, but it underwent radical surgery in the other body. Fortunately, there were enough stalwart managers on the part of the House to hold firm.

□ 2320

If they had willed it under pressure, the legislation would have suffered considerable damage.

Federal workers unfortunately have not recognized the fact that social security, because of its broader disability, survivor, and dependents benefits, offers them better overall protection.

Second, the report establishes a new social contract between Government and workers in its provisions to close the system's long-range deficit. In recognition of increasing longevity, the package follows the House lead in providing for a gradual increase in the minimum age for maximum benefits in the next century.

In short, workers would still be able to retire at age 62 with benefits actuarially reduced, but only modestly so.

In summary, Mr. Speaker, the conference report evolved only after virtually everyone associated with it gave ground. I think we all relinquished some long cherished objectives in this process. It was painful, but the sacrifice was well worth the effort and the result. This conference report may not be a work of art, but it is artful work. And I want to take my hat off to the chairman once again for the work he did, not only in this legislation, but in the conference.

It will do what it was supposed to do. It will save the Nation's basic social insurance system from imminent disaster.

Mr. SAWYER. Mr. Speaker, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Michigan.

Mr. SAWYER. I thank the gentleman for yielding.

I would just like to address one question, as to whether or not payments in retirement other than for life be subject to social security withholding.

Law firms, accounting firms are not big enough in their retirement plans to really underwrite for life. And so they historically or uniformly underwrite for 10, 20 years, or so on payout.

Just a simple question. Even though law firms and certified public accountant firms may have retirement payouts of 10 or 20 years certain, they do not undertake life payouts. Because of that these payouts are subject to FICA deduction. Have we addressed that at all in this conference report?

Mr. CONABLE. We did not change the provisions in the House bill which dealt with that issue and for some purposes deferred compensation in the FICA tax base, but we did, because of confusion we feared would otherwise result, eliminate the provisions relating to cafeteria plans, a special type of deferred compensation, which could result in the special type of deferred compensation.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, several years ago when I assumed the chairmanship of the Ways and Means Committee by the vote of my colleagues, I had the dilemma of requesting that a gentleman take charge of the Subcommittee on Social Security, which at the time, was a very sensitive area in which we were going to try to govern.

I must admit that I had for a long period of time twisted the arm of the gentleman from Texas and I knew that when he had assumed the chairmanship that it was in capable hands.

I never realized how aggressive and how persistent an individual trying to do what is best for the social security recipient could be.

JAKE PICKLE, who we all know is probably associated more with social security than any other piece of legislation, has done, in my opinion, one of the most outstanding jobs as a subcommittee chairman on Ways and Means that any chairman has ever done in the history of our committee.

I want to say to know him is to recognize the qualities of a calm individual, an individual who is totally unemotional, who is placid about everything that he does, who is reserved in every opinion that he has, and is unflappable in his character, JAKE PICKLE, I do not know what I am going to do for the next 6 months. I will not have a telephone call every morning, every evening, every weekend. I am just going to be lost.

I ask my colleagues to join with me in an expression of appreciation to a man, I think along side of CLAUDE PEPPER, who has done more for the senior citizens and for the young people of our country than any individual in the House of Representatives.

Mr. Speaker, I yield 15 seconds to the gentleman from Texas, Mr. JAKE PICKLE, for remarks.

Mr. CONABLE. Mr. Speaker, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from New York.

Mr. CONABLE. I thank the gentleman for yielding.

I do not want to use the gentleman's full 15 seconds.

The gentleman is always saying "That dog won't hunt." I think this bill is not a dog and it will hunt. And I think it is largely due to the gentleman. To know him is to love him, friends.

Mr. PICKLE. Mr. Speaker, I hasten to thank my friend Chairman ROSTENKOWSKI and my friend Mr. CONABLE.

This has been a long, difficult task for all of us and no one person can take credit for this moment. I think this is the House's finest moment. It shows that we can make structural changes in a program even as vital as social security, the most important of all our national domestic programs. A lot of us can take credit.

We hope we have done the right thing. We believe and pray that we have. We have given assurance, I be-

lieve, to Americans that tonight throughout this land they can feel that social security is secure for as far as we can humanly and legislatively guarantee it.

I take this moment though to thank first the commission for having brought us this package. If we had not had the President's Commission, we could not have put together this type of legislative program.

I thank my chairman, DAN ROSTENKOWSKI, who has been steadfast and fair and impartial and who has held this conference in a masterful manner.

I thank the leadership, the Speaker, whose speech a week ago, in support of Senator PEPPER's measure, was magnificent and gave us a feeling again that we were approaching this in a bipartisan manner.

And I thank the majority leader and the minority leader for their support. I thank my subcommittee and the Members of the full Ways and Means Committee for their strong support and guidance.

And if I may, Mr. Speaker, I would like to add one other group, and those of us who have been chairmen or subcommittee chairmen know how much we owe to our staffs. My subcommittee staff and the Ways and Means Committee staff have performed in a most professional manner. Our country owes them a great debt of thanks because we cannot know how much they have given.

So I salute you.

□ 2330

Now, Mr. Speaker, I conclude by saying that I think perhaps the most important part of this package is that we have made a structural change by raising the age gradually in the future to 66 and 67, 25 and 40 years down the road. I think America has accepted it.

Tonight we have come of age, and I think we can assure the solvency of this system.

I would like to believe then, Mr. Speaker, that all of us together, as Daniel Webster says to us on the plaque high above our heads, that "we have done something in our time worthy to be remembered."

The conference report we bring to you today represents a good, solid compromise that will give assurance to the American people the Congress has acted responsibly on social security.

We retain the long-term provisions of the House bill—which offer the best assurance to America that Congress can make structural changes when they are needed in our important social programs. I will note that although he proposed a different solution on the House floor, our dear friend and esteemed colleague, the gentleman from Florida (Mr. PEPPER) has told me of the options available in the conference, he preferred the House version. I thank him again for his statemanship, his friendship and his concern for our elderly and for this program.

In this conference, we also provide backup procedures for the near term to give the best assurance we can that the Congress will not have to face social security financing again anytime soon.

We have addressed a multitude of issues in a fair and balanced manner.

And at the same time we have preserved intact the basic structure and purpose of the social security program. As confidence has dwindled in the program in recent years, many individuals and groups have come forward to say that social security no longer works. That is true only if the Congress does not act, and the Congress has proved in this bill that it can act. Social security is and will remain secure because Congress always will stand ready to deal with whatever problems may come its way.

The bill fundamentally is a financing bill. That is always the toughest. But I am immensely proud of the response of the Congress to this challenge. We have addressed this issue without rancor and with serious consideration and in a healthy, bipartisan manner. Mr. Speaker, we cannot overestimate the importance of having kept this program as free of partisanship as humanly possible. All of America can feel good tonight that this bill is neither a Democratic or a Repuiblican bill but is a straightforward approach to our most important national domestic program.

Now, I will touch on some of the major provisions in the bill.

Basically the bill follows the agreement first laid out by the National Commission on Social Security.

It extends coverage to new Federal hires and to nonprofit employees as of January 1, 1984. This has been one of the most hotly contested and important parts of this package. Some Federal employees may feel that they have been hard hit or done in by this change. I say to them again that they have not. This change will be beneficial for the Federal Government and for its employees, present and future. The Federal retirement system will be the sounder for it, and the Federal employee will be more secure. Extension of coverage to nonprofits means that many of our workers who can benefit the most from social security coverage will now be covered. This, too, is a good step forward.

The conference agreement also ends the ability of State or local governments to opt out of social security and establishes a revised formula so that employees who derive a so-called windfall by having only a part of their earnings under social security will receive a benefit that is more in accordance with that of someone at their same overall wage level.

The conference agreement contains a one time delay of the cost-of-living increase from June to December 1983, which will have important savings both in the short and long term.

The agreement for the first time provides for the inclusion of social security benefits in the taxable income of individuals with substantial outside income, whether that income is taxable or not. It makes changes in the tax rates but provides for credits to offset some of the impact of these taxes.

The agreement includes two incentives long sought by various individuals and groups who want to encourage individuals to work longer. In particular, beginning in 1990 it contains an increase in the delayed retirement credit to 8 percent and it liberalizes the earnings test so that instead of offsetting $1 of benefits for every $2 earned, it offsets $1 for every $3 earned.

And, the bill contains key provisions to insure benefit payments. It provides a new accounting procedure so that the reserves in the funds will be highest at the first of each month, when benefits must be paid. It provides for continued interfund borrowing—but with important safeguards to protect lending funds. It provides for a report and recommendations to the Congress for action in case all the other procedures prove inadequate. And it provides for a permanent stabilizer, which will protect the funds during times of high inflation and low wage growth such as we have recently experienced. This stabilizer would stipulate that the COLA would be increased by the lower of the increase in wages or prices if trust fund ratios were 15 percent and declining beginning in 1985, and 20 percent and declining beginning in 1989.

Finally, the bill raises the age from 65 to 66 between 2000 and 2009 and from 66 to 67 between 2017 and 2027.

This clearly is the most important and far reaching provision in the bill. I would like to point out that this critical change, which is inevitable given the increases in longevity, does not reduce benefits for any except those who retire early. If they wait, they, too, will receive no reduction. It does not reduce benefits for the disabled and the young survivors, the weakest links in our social security population, as would occur under a formula reduction. It is in keeping with our best knowledge about what we can expect in the future. The long-term social security problem is not an economic problem and not a problem with the basic system. It is a demographic problem, needing a demographic solution.

This change, however, is paced so that only the first step, to raise the age to 66, which was included in both the House and Senate bills, will affect

individuals currently in the work force. The second step, to raise the age to 67 will affect virtually no one currently established in the work force. This differs strongly from the Senate approach, which lumped the increase in the age to 66 with simultaneous benefit cuts and would have severely and radically reduced benefits for individuals already working as well as reduced benefits for the disabled and the young survivor.

Many have expressed concerns about the effect of the retirement age change on those who must retire early. Let me first point out that benefit reductions, formula reductions, reduce the benefits of early retirees. In fact there is very little difference in benefit amounts between the effect of increasing the age 1 year or reducing benefits by 5 percent overall as far as the early retiree is concerned. The difference, however, is that by focusing on the age we also include a serious study to determine what we should do to provide adequate benefits and protection to those who must retire early by reason of health or occuption.

Mr. Speaker, the President's Commission put together a package of items that individually were unacceptable but together were acceptable because they provided new financial foundation for the social security program. Likewise, this Congress has put together a package many parts of which are unacceptable to individual Members, but as a package it is acceptable.

Mr. Speaker, tonight is an historic moment for Congress. A legislative miracle has taken place.

Mr. DAUB. Mr. Speaker, I support the social security compromise to rescue the social security system from its financial difficulties. This legislation is truly a compromise, and is truly bipartisan. I commend the members of the National Commission on Social security Reform for their direction, and the members of the Ways and Means Committee and the Senate Finance Committee for their efforts regarding this legislation. It reaffirms our commitment to our most precious assets—our senior citizens. As a member of the House Select Committee on Aging, I have been particularly concerned about the social security situation since I came to Congress in 1981.

Despite the interfund borrowing from the hospital insurance trust fund to fund monthly social security checks, the system was projected to be unable to fund monthly retirement checks after June 1983. The National Commission on Social Security Reform projected that between $150 and $200 billion was needed to insure financial solvency of the system through the short-term (1983-89). These figures made it clear that a solution was urgently needed.

To rescue the social security system from its crisis, it is necessary that sacrifices are made by all Americans. The social security legislation before us provides this equity. The bill is fair, well-balanced, and clearly the only responsible solution to rescue the social security system. The bill does include more taxes than I would like, and I voted against the amendment in the House to increase taxes even more. In the final analysis, however, this is clearly the only choice to save our social security system.

The bill would provide savings of approximately $165 billion in the short term. This will be adequate to cover the projected deficits during that timeframe.

The legislation contains some provisions particularly constructive for the social security system. Members of Congress, the Vice President, and the President will be included in the social security system. This is a measure that I have supported in the 97th and 98th Congresses. It will insure that legislators are not immune from the changes they recommend for such an important program.

The delayed retirement credit will be increased gradually from 3 to 8 percent in 1990. This will increase the important incentive for individuals to work beyond the normal retirement age. Studies reveal that older Americans who keep active by working have fewer health and other problems and are far less likely to need any other form of Government assistance.

Another important component of the bill would remove social security from the unified budget. This measure would allow the social security system to stay clear of the political maneuvering the Federal budget undergoes every year. It would provide for the special handling the social security system deserves.

The self-employed will be taxed at the full employer/employee tax rate, but these increased taxes will be offset by tax credits. I support the agreement by the conference committee that the tax credit rates would be greater than those included in the House-passed social security bill.

Another provision would transfer all money for uncashed social security checks back to the social security trust funds from the General Treasury. This money clearly belongs to the social security system, and it is obvious that the time is right to correct the situation that allows this money to remain in the Treasury.

Other major provisions included in the bill are:

Postponement of this year's cost-of-living increase until next January 1, then providing for such increases each January thereafter;

Include all employees of nonprofit organizations and bar State and local government units from terminating social security coverage of their employees;

Tax half the social security benefits of higher income recipients;

Increase social security payroll taxes by speeding up already scheduled tax increases; and

Include newly hired Federal workers in the social security system.

The social security legislation that we are considering today also provides measures to insure solvency of the system in the long term. The aging of our population is providing additional problems for the social security system. Fewer deaths and fewer births mean that there will be fewer taxpayers supporting an ever increasing number of beneficiaries in the years to come.

I support the phasing in of an increased retirement age in the next century to help alleviate the long term problem. Since the enactment of the social security system in 1935, life expectancy has increased greatly. Therefore, I believe an increased retirement age is the most equitable solution for the long term. It is important to note, however, that benefits would still be provided for those who wish or need to retire at age 62, with a greater reduction from full benefits than currently exists.

One extremely important portion of the social security legislation that is not getting the attention it deserves is the prospective payment plan for medicare. The Congressional Budget Office projects that the balance of the hospital insurance trust fund, from which medicare expenditures are paid, will be exhausted by 1987. By 1995, a deficit of $402 billion is expected in the trust fund at current expenditure levels. Clearly, it is crucial that reforms to our medicare system be undertaken.

Since medicare is a cost-based reimbursement system an important part of the problem is a result of the distortion of incentives under the prevailing hospital reimbursement practice. Patients, physicians, and hospitals have little incentive to control costs. Patients pay very little of their hospital expenses directly. In addition, hospitals are fully reimbursed under medicare for the costs they incur.

The prospective reimbursement system that has been included in this bill would provide incentives for providers to deliver services more efficiently and control costs. In addition, reimbursements for the same medicare service, which often vary dramatically, would be similar. It is important to note that the set payments to hospitals for services will be payment in full and not negotiable. Therefore, while promoting efficiency in services, this proposal would cause no increase in costs to the patients.

Mr. Speaker, today is important because it gives the social security system a clean slate—so to speak—with regard to financial soundness. Again, I commend the members of the Ways and Means Committee and the Senate Finance Committee for their hard work in formulating this compromise in a timely manner. With passage of this social security legislation, our senior citizens can be assured of our continued support and of their financial future. In addition, those who have not retired yet can be assured that the social security system which they continue to pay into will provide them benefits in the years to come.

● Mr. ROYBAL. Mr. Speaker, I rise in support of the conference report because its passage is the only way to insure the full and prompt payment of social security benefits to the 36 million current beneficiaries who might otherwise have their benefits interrupted or delayed within the next few months.

I commend the leadership, the responsible members of the Ways and Means Committee and the National Commission on Social Security Reform for their good efforts in bringing passable legislation to the floor within the tight timeframes required. However, I must say that I, like many others, am dissatisfied with many provisions of the final conference report.

Of special concern are the provisions passed by the other House which could unduly damage our relationships with other nations and may cause severe hardships for some U.S. residents and U.S. citizens living abroad.

Less than 0.7 percent of all beneficiaries and less than 0.6 percent of all benefit payments are paid to noncitizens outside the United States—yet the provisions inserted by the other body to reduce or prohibit payments to citizens of about one-third of the nations of the world will adversely affect our relationship with countries on all five populated continents. These provisions put up unnecessary barriers which could be used by other nations to justify the imposition or continuation or significant barriers to the free and uninhibited export of U.S. goods, services and technological expertise to those countries. It can also be expected that some of the affected countries will respond with even harsher treatment of U.S. citizens receiving similar benefits from those countries.

Social security legislation is simply not the place to enact these major changes in trade and immigration/naturalization policy. The Congress will be considering and, hopefully, passing good legislation on both these issues in this Congress. The provisions from the other body set the wrong tone at the beginning of these great debates. They also establish errors in policy which will have to be corrected by the subsequent legislation.

The specific provisions which cause these problems are:

First, section 124 of the other body's bill which, in effect, unilaterally repeals the informal reciprocal understandings for the payment of social security benefits between the United States and 44 countries including Austria, Belgium, Brazil, Canada, Costa Rica, Denmark, El Salvador, Finland, France, Mexico, Panama, the Philippines, Poland, Portugal, Spain, Sweden, Turkey and the United Kingdom.

Although, under the legislation, the United States could still negotiate a formalized reciprocity agreement with these countries, there would be no practical responsibility of negotiating and implementing agreements with all 44 countries before the provision's effective date of January 1985. In the 5 years since the Social Security Administration was granted authority to conclude such agreements, only three agreements—with Italy, Switzerland and West Germany—have been implemented.

In addition, the provision could permanently prevent any formal or informal reciprocity agreement with some other friendly countries—like Australia—whose income maintenance programs are sufficiently different from the U.S. system so that no formalized agreements could ever be authorized or concluded under the statute.

Second, section 131 of the other body's bill establishes section 6050F(c) of the Internal Revenue Code which could abrogate provisions in treaties of friendship, commerce and navigation (FCN) with eight countries and might, in the view of several other countries, violate tax treaties they have with the United States.

This new IRC section requires withholding of a nonrefundable income tax of 15 percent of a nonresident alien's social security benefits. Only the English, whose tax treaty with the United States requires payment of full social security benefits, would be exempted. Since withholding does not apply to U.S. citizens and since nonresident aliens are required to pay U.S. income taxes on social security benefits even if their total income is below the income thresholds which trigger the taxation of benefits for U.S. citizens, other countries will object that the United States is breaking the equal treatment traditions by which citizens of both countries are treated as each country treats its own citizens. Germany, Greece, Ireland, Israel, Italy, Japan, The Netherlands and Nicaragua may be particularly concerned since they may consider that their 27-year-old FCN treaty with the United States protects them from such non-"national treatment" of their citizens.

Third, an amendment by the Junior Senator from Oklahoma reduces or eliminates payments to legal residents and U.S. citizens who are dependents of affected noncitizens. It could also lead to a discriminatory review of the eligibility of millions of U.S. citizens and law-abiding noncitizens who are suspected of being illegal immigrants to the United States.

Most of the people who would have their benefits eliminated next January are already aged, disabled or survivor beneficiaries living in the United States. All of them have worked in the United States, paid social security taxes and met the same social security eligibility requirements that are the prerequisites for receipt of any social security benefit.

In the Senate debate, the amendments sponsor stated that this provision would not apply to illegal aliens who may be given legal status through a general amnesty provision in future immigration legislation. However, the amendment's legislative language specifically requires a noncitizen toi prove he/she legally entered the United States with permission to work. Therefore, under the legislative provisions, current legal status might not be enough to permit full payments.

Inclusion of these provisions is unfortunate because: First, they will harm our relationships with substantial numbers of our allies while achieving trivial savings for social security; second, they may lead to similar responses by other countries toward U.S. citizens; and third, they could be detrimental to our efforts to expand U.S. exports.

Other provisions which concern me include the provision to reduce or eliminate the COLA after 1989 if the trust funds' reserves are low. This "fail safe" automatically puts the entire financial burden for solving any future problem on those beneficiaries who are least likely to have the ability for financial sacrifice.

Furthermore, the tax credits for the self-employed are still inadequate and the final formula for reducing "windfall" benefits to civil service annuitants is still too severe.

We also need to move swiftly to provide current and future civil servants and nonprofit employees with statutory guarantees that they will not unfairly forfeit any rights to benefits currently available to them.

In addition, the bill does not index the income thresholds for the taxation of benefits which, without indexing, will eventually affect a majority of the elderly. Nor is there an increase in the thresholds for married couples to 150 percent of the individual's threshold.

Finally, the bill still depends entirely on benefit cuts early in the next century to solve a problem which may or may not become severe until the third decade of the next century.

Mr. Speaker, I know that, once we have solved the immediate crisis in

social security, we will have more time to look at the finer details of this legislation and to correct some of these problems.

As chairman of the Aging Committee, I assure my colleagues, the elderly and the workers who are the future elderly, that the Aging Committee will monitor the impact of all legislation affecting them. We will develop creative and realistic proposals which will maintain the viability of the social security system and other programs to improve them so that they are fairer to beneficiaries and taxpayers regardless of their race, creed, color, sex, or ethnic background.●

● Mr. BIAGGI. Mr. Speaker, I rise in support although still qualified, of H.R. 1900 the Social Security Reform Act of 1983. The conference report before us is essentially the same bill we passed several weeks ago. It still contains the same positive and negative features but now as before this legislation is absolutely essential if we are to keep the social security system alive past July.

I regret the fact that the conferees did not retain the Senate amendment to delay for 1 year the mandatory coverage under social security of all new Federal and postal workers. That would have been the far more equitable route to travel on this issue and one which I have urged. I maintain that for the amount of revenue this provision will produce—it is not worth the cost to Federal and postal workers not to mention the future of the civil service retirement system.

The essence of this legislation is that it will produce $168 billion in desperately needed new funds for social security sufficient to carry it through its immediate crisis and beyond. I regret the fact that a large amount of this is financed in a way that could produce hardship for people such as the 6-month delay in the cost-of-living increase for the 36 million on social security.

However we know this bill for what it is—strong medicine to cure a desperately ill patient. The alternative for not acting is very simple—but nothing we want to be party to. Social security could miss its first payroll in history as early as July. A total of 36 million elderly Americans could be deprived of their social security checks and for 26 percent of them—this is 90 percent and more of their income.

Whether we agree with all or just parts of this bill Congress should be commended for its expeditious consideration of this legislation. We hope it proves to be the remedy which will restore the system to some degree of fiscal solvency. We should not assume that this is all we have to do with respect to reforms in the system. We should maintain our commitment to ridding the system of fraud and waste. We should look to new revenue possibilities for the system. However—the most important thing we must do is preserve the basic integrity of the system for those millions of men and women who faithfully contributed to the system during their working years with the expectation that they would have a secure retirement income. To jeopardize this is to break a covenant between the American people and their Government.

This legislation is a difficult proposition to accept. It has been since the time its foundation was developed in the National Commission on Social Security Reform. However the time has come to simply accept our fate and vote for this bill for the sake of the biggest issue of all—saving the social security system.●

● Mr. WYDEN. Mr. Speaker, most of us here tonight understand that we have a gun at our heads. If Congress refuses to act, by the end of the summer the retirement security of millions of Americans will be in jeopardy. We have a sword of Damocles hanging over us, and the fear of its dropping should we fail to pass a bill, will be the impetus we need to get 218 or more votes tonight.

But I would like to caution my colleagues not to imagine that we have adopted a failproof package that will permit us to avoid revisiting this issue for the next 75 years. We have not.

This is particularly true with regards to the issue of the retirement age.

Both Houses have voted to raise the normal retirement age beyond 65. I opposed this move because I think it will work a hardship on millions of older Americans whose health makes it virtually impossible to work, but who still cannot qualify for disability. When the retirement age is raised these older workers will simply fall between the cracks.

Last week I proposed an amendment to the package before us that would partially compensate older workers in poor health when the retirement age is raised. Under my proposal, which was developed with Senator BRADLEY of New Jersey, workers between 62 and the increased retirement age could receive a new retirement benefit if they could demonstrate inability to continue working in the occupation they had held during the previous 10-year period. The actuaries at the Social Security Administration estimated that the cost of this provision would not exceed 0.04 percent of payroll.

Unfortunately, neither the House nor the Senate agreed to this proposal and it is not before us tonight. Instead, both the House and the Senate voted to undertake a study to look at the implications or raising the retirement age.

Mr. Speaker, a study is fine, but I believe we need more. Millions of older workers whose health is too poor to keep working, but not poor enough to be disabled, should not have their benefits cut simply because of their health.

It is true that we have almost 20 years to recognize the health problems facing some of our older workers and to take action to insure that they can retire with dignity.

But let us not wait that long to protect vulnerable older workers. Such protection should be part of a social security system that is fair, just, and efficient and I urge my colleagues to push for its inclusion at the earliest possible opportunity.●

● Mr. DICKS. Mr. Speaker, I want to commend the conferees for their fine work on this vital legislation, and to comment on one of the Senate amendments which corrects an unintended double payment of the unreimbursable employers' share of FICA by the regionalized medical school for the States of Washington, Alaska, Montana, and Idaho.

The House and Senate bills and the conference report extend social security coverage on a mandatory basis to all employees of nonprofit organizations. As a result, employees of such organizations who are also employed by a State university of a State which has agreed to provide social security coverage to its employees under section 218 of the Social Security Act would have been, without this amendment, subject to unreimbursable double payment of social security taxes. Although present law prevents such double taxation where the employers of the same individual are related corporations—section 3121(s) of the code—or are instruments of political subdivisions of the same State—section 218(e)(2) of the Social Security Act—there is no provision which would prevent double taxation where one employer is a nonprofit organization and another employer is an instrument of a State. Indeed, since exempt organizations up to now could voluntarily decide whether or not to participate in social security, such a provision was not needed. By mandating participation in social security, the bill has eliminated the only mechanism to avoid double taxation and created the need to allow exempt organizations to have equivalent relief to that available through a single paymaster system.

The amendment is specifically designed to prevent double taxation where one employer is a State university medical school and the other employer is a related nonprofit organization which also employs faculty members of such medical school. At least 30 percent or more of the organization's employees must also be employed by such medical school.

Under the amendment adopted in the conference report, a State university and nonprofit organization which

meet the stated requirements are considered to be related corporations under section 3121(s) of the code. Furthermore, solely for purposes of sections 3102, 3111, and 3121(a)(1) of the code, a portion of the remuneration actually paid by the nonprofit organization from its own funds and on its own paychecks will be deemed to have been paid by the university. Such remuneration will not be subject to the section 3102 deduction from the employee's wages or to the section 3111 employer tax since employment by a State is not subject to social security taxation under sections 3101, 3102, and 3111 of the code. Such employment is subject to social security coverage only pursuant to section 218 of the Social Security Act and for the purpose of that section, a university meeting the requirements of this amendment will not be deemed to have paid any amounts actually paid by the nonprofit organization. Therefore, there is no question that the amendment does not affect the duty of a State university to report wages subject to social security or to pay or make a return of social security contributions.

The portion of remuneration paid by the related nonprofit organization which is deemed paid by the university is that portion which, when added to the total amount of remuneration actually paid by the university during the entire calendar year, exceeds the social security wage and contribution base. If the employee by the end of the calendar year has been paid less than the wage and contribution base by the university, that part of the employee's remuneration from the nonprofit organization needed to bring his entire compensation up to the wage and benefit base will retain its character as wages paid by the nonprofit organization and therefore will be subject to the social security tax. If the employee by the end of the year has been paid an amount equal to or greater than the wage and contribution base by the university, then the entire amount paid by the nonprofit organization will be considered as paid by the university. Thus, where the employee's total wages from both the university and the nonprofit organization exceed the wage and contribution base, it is intended that social security contributions will be made in full on the base amount but will not be paid more than once. Similarly, where the employee's total wages from both sources do not exceed the base, social security contributions will be made on the full amount paid to the employee.

The determination of whether remuneration paid by the nonprofit organization, when added to remuneration paid by the university during the calendar year, exceeds the wage and contribution base will be made throughout the year as wages are paid to the employee. Any excess amounts deducted from an employee's wages by the nonprofit organization would be recovered by the employee under sections 31 and 6413(c) of the code. Any excess amounts paid as an employer tax by the organization will be treated as amounts paid in error. Of course, the organization will be deemed to have sufficient knowledge of the error to be able to correct it with respect to each employee only when the organization has sufficient knowledge to be able to determine the total amount of the excess paid for the entire taxable year. Usually, the organization will have such knowledge in whichever of the following social security reporting periods occurs first during the year: The period in which remuneration to date paid by the university to the employee reaches the wage and contribution base, the period in which the employee permanently terminates employment, or the last reporting period for the calendar year. Any overpayments of the employer tax will be the subject of a claim for refund or credit by the nonprofit organization in the social security reporting period in which the organization first has sufficient knowledge of the error to correct it or in the next subsequent reporting period.●

● Mr. HEFTEL of Hawaii. Mr. Speaker, the Social Security Act amendments that we are considering today have been developed at the expense of everyone for the benefit of everyone. We are calling upon the entire country to make sacrifices to insure that a program that is vital to the entire country survives, not just in the short term, but for years to come.

If we did not act today to address the funding crisis that the system faces, the social security trust fund will have difficulty in meeting its obligations as early as this July 1983. Therefore, our first job as Members of Congress in considering this social security reform legislation has been to insure that social security recipients do not experience any interruption in their benefit checks. We all represent countless constituents who rely on this program who must live from one check to the next. Therefore, it is imperative that we act today to pass this program.

The Social Security Act Amendments of 1983 correct all three critical problems facing this vital retirement program. First, this legislation will correct the immediate funding crisis that would otherwise place July benefit checks in jeopardy. Second, we are correcting the short-term funding crisis that is expected to cause the trust fund to fall short of its benefit payment needs by between $150 billion and $200 billion by 1990. Finally, we have taken the bold and necessary step of addressing combined effects of several recent years of low birth rates and a high number of future retirees when the "baby boom" generations of the 1940's and 1950's begin reaching retirement age would again force the system into funding difficulties.

I commend the National Commission, and I commend the Congress—in particular my distinguished chairman, Mr. PICKLE, with whom I had the privilege of working as a member of the Social Security Subcommittee—for developing the comprehensive, bipartisan package that we are voting on today. I am sure that many of my colleagues feel, as I do, that this package could be improved, that certain provisions are objectionable and that certain changes should be made. However, such feelings are inevitable in a process that requires compromise and consensus to accomplish the critical goal of rescuing our social security system.

Despite such objections, however, the provisions of this legislation have been designed so that no one group in this country is asked to make inordinate sacrifices in order to insure the integrity of the trust fund, both in the short and the long term. Instead, all groups must sacrifice a little to accomplish this goal in as fair a manner as possible.

Mr. Speaker, if for no other reason, I support this legislation today because the alternative is totally unacceptable. We have come to what we all hope and believe is the end of a long road. We can now go home knowing that we have faced up to one of the most important and most controversial issues of our time and that the social security system is secure for years to come.●

● Mr. FISH. Mr. Speaker, this conference committee on social security deleted what I believe to be a very unfortunate provision added in the other body. That provision would have prohibited an individual who is an undocumented alien from receiving any social security benefits if that person paid into the social security system while in undocumented status.

Such a provision is unfortunate because it amounts to scapegoating those undocumented aliens who, although they are in this country technically illegally, in fact have been contributors to our economy and our society.

We are talking about individuals who have worked in this country, who answered the job lure which brought them from their home countries. They are here because of our failure to control our borders. We are penalizing then when they have been doing what any sensible person would do, come to this country and answer the many "help wanted" signs we have posted for them.

The Senate amendment made absolutely no allowance for any equities built up through long residence and commendable contribution to our society. Conceivably, an undocumented

alien could become a successful businessman in the United States, have a number of American-born children, and hence, American citizen children. He could be a respected pillar of society. He could, in all probability, have forgotten that he was undocumented. And, he would, after 30 to 40 years of paying taxes in the United States, be penalized upon his retirement.

I believe this is appalling.

The proper way to deal with the undocumented alien population is to pass H.R. 1510, the Immigration Reform and Control Act of 1983, sponsored by my good friend and chairman of the Immigration Subcommittee, Congressman RON MAZZOLI. That bill, by imposing penalties on empolyers who knowingly hire undocumented aliens, would end the job lure which brings them to this country. It does not do our Nation proud to have no effective control of our borders, and then penalize those who have come and work for us.

This Senate amendment is perhaps the first sign of something that has worried me and many of those who have worked on the immigration refrom bill. If we do not achieve a rational and balanced immigration policy, such as that found in H.R. 1510, we will be inclined to take dramatic, and I believe improper steps directed against undocumented aliens. I hope that I am wrong and this amendment is an isolated incident. But, whether it is or not, I do not want to take any chances. I want to see the Immigration Reform and Control Act of 1983 signed into law.●

● Mr. CONTE. Mr. Speaker, I rise in support of this conference agreement, and I ask unanimous consent to revise and extend my remarks.

Mr. Speaker, I will not be speaking to my collegues on this bill for long. I do want to point out one provision that is in this conference agreement, and that is an amendment added in the other body at my request.

This Conte-Bradley amendment allows an individual who is serving jury duty, or who is hospitalized with an emergency or life-threatening condition to still collect his Federal supplemental compensation or extended benefit unemployment checks. The provision would allow States to provide this exemption for their recipients, and get around a technical interpretation by some States.

I am glad this provision is in the bill, and I am glad the administration has no objection to its inclusion, and I am glad that the Finance Committee in the other body adopted the amendment by voice vote. It will benefit many Americans who are being denied their unemployment benefits by an overly technical interpretation by some States of the law.

I will vote for this bill, and I urge my colleagues to do the same. Thank you, Mr. Speaker.●

Mr. CONABLE. Mr. Speaker, I yield back the balance of my time.

Mr. ROSTENKOWSKI. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

MOTION TO RECOMMIT OFFERED BY MR. DUNCAN

Mr. DUNCAN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. DUNCAN. In its present form, I am Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. DUNCAN moves to recommit the conference report on the bill, H.R. 1900, to the committee of conference.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DUNCAN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 243, noes 102, not voting 88, as follows:

[Roll No. 47]

AYES—243

Albosta	Coleman (MO)	Gibbons
Alexander	Coleman (TX)	Glickman
Anderson	Conable	Gradison
Andrews (NC)	Conte	Gramm
Andrews (TX)	Coughlin	Guarini
Annunzio	Courter	Gunderson
AuCoin	Coyne	Hamilton
Badham	Crockett	Hammerschmidt
Bartlett	Daschle	Harrison
Bateman	Daub	Hatcher
Bates	de la Garza	Hefner
Bedell	Derrick	Heftel
Beilenson	Dicks	Hightower
Bennett	Dingell	Hiler
Bevill	Dixon	Hillis
Biaggi	Dorgan	Hopkins
Bilirakis	Dowdy	Howard
Bliley	Downey	Hubbard
Boehlert	Durbin	Hughes
Boggs	Dwyer	Hutto
Boland	Dyson	Hyde
Boner	Eckart	Ireland
Bonior	Edgar	Jacobs
Bouquard	Edwards (CA)	Johnson
Boxer	Erdreich	Jones (OK)
Breaux	Erlenborn	Kaptur
Britt	Evans (IA)	Kasich
Bryant	Fazio	Kastenmeier
Burton (IN)	Fields	Kennelly
Campbell	Fish	Kogovsek
Carper	Foglietta	Kolter
Carr	Foley	LaFalce
Chandler	Ford (MI)	Latta
Chappie	Ford (TN)	Leach
Cheney	Frenzel	Lehman (CA)
Clarke	Frost	Lehman (FL)
Clinger	Fuqua	Levin
Coats	Garcia	Levitas
Coelho	Gephardt	Lipinski
Long (MD)	Packard	Smith, Robert
Lott	Pashayan	Snyder
Lowery (CA)	Patterson	Solarz
Lowry (WA)	Pease	Spratt
Lundine	Penny	Staggers
Mack	Pepper	Stark
MacKay	Petri	Stratton
Madigan	Pickle	Sundquist
Martin (NC)	Pritchard	Swift
Matsui	Quillen	Synar
Mazzoli	Rangel	Tallon
McCain	Ray	Tauzin
McCandless	Regula	Taylor
McCloskey	Reid	Thomas (CA)
McCollum	Richardson	Thomas (GA)
McCurdy	Ridge	Torres
McDade	Rodino	Udall
McHugh	Rogers	Valentine
McNulty	Rostenkowski	Vandergriff
Mica	Roukema	Vento
Michel	Rowland	Volkmer
Mikulski	Roybal	Vucanovich
Miller (CA)	Russo	Walker
Miller (OH)	Sabo	Watkins
Mineta	Sawyer	Weber
Moakley	Scheuer	Wheat
Mollohan	Schneider	Whitehurst
Montgomery	Schroeder	Whitley
Moody	Schumer	Whittaker
Moore	Seiberling	Wilson
Morrison (WA)	Shannon	Winn
Mrazek	Sharp	Wirth
Murtha	Shaw	Wise
Natcher	Shelby	Wolpe
Nelson	Sikorski	Wortley
Nowak	Simon	Wright
O'Brien	Sisisky	Wyden
Oberstar	Skeen	Wylie
Obey	Skelton	Young (FL)
Olin	Slattery	Young (MO)
Ortiz	Smith (FL)	Zablocki
Oxley	Smith (NE)	Zschau

NOES—102

Ackerman	Hall (IN)	Morrison (CT)
Archer	Hall (OH)	Oakar
Barnes	Hall, Ralph	Owens
Bereuter	Hall, Sam	Panetta
Bethune	Hansen (ID)	Parris
Borski	Hertel	Patman
Bosco	Holt	Perkins
Boucher	Hoyer	Ratchford
Broomfield	Hunter	Rinaldo
Brown (CA)	Jones (TN)	Ritter
Brown (CO)	Kazen	Roberts
Byron	Kemp	Roe
Carney	Kildee	Roemer
Clay	Kindness	Rudd
Collins	Kostmayer	Sensenbrenner
Crane, Daniel	Kramer	Shumway
Dellums	Lagomarsino	Siljander
DeWine	Leath	Smith (NJ)
Donnelly	Lent	Snowe
Dreier	Lewis (CA)	Solomon
Duncan	Lungren	Spence
Early	Markey	Stangeland
Evans (IL)	Martin (IL)	Stokes
Feighan	Martin (NY)	Studds
Fiedler	Martinez	Stump
Florio	Mavroules	Tauke
Frank	McDonald	Towns
Gejdenson	McEwen	Traxler
Gekas	McGrath	Walgren
Gilman	McKernan	Waxman
Gingrich	Minish	Weiss
Gonzalez	Mitchell	Whitten
Goodling	Molinari	Williams (MT)
Gray	Moorhead	Wolf

NOT VOTING—88

Addabbo	Craig	Forsythe
Akaka	Crane, Philip	Fowler
Anthony	D'Amours	Franklin
Applegate	Daniel	Gaydos
Aspin	Dannemeyer	Gore
Barnard	Davis	Green
Berman	Dickinson	Gregg
Bonker	Dymally	Hance
Brooks	Edwards (AL)	Hansen (UT)
Broyhill	Edwards (OK)	Harkin
Burton (CA)	Emerson	Hartnett
Chappell	English	Hawkins
Conyers	Fascell	Horton
Cooper	Ferraro	Huckaby
Corcoran	Flippo	Jeffords

Jenkins	Myers	Shuster
Jones (NC)	Neal	Smith (IA)
Lantos	Nichols	Smith, Denny
Leland	Nielson	St Germain
Levine	Ottinger	Stenholm
Lewis (FL)	Paul	Torricelli
Livingston	Porter	Vander Jagt
Loeffler	Price	Washington
Long (LA)	Pursell	Weaver
Lujan	Rahall	Williams (OH)
Luken	Robinson	Yates
Marlenee	Rose	Yatron
Marriott	Roth	Young (AK)
McKinney	Savage	
Murphy	Schulze	

□ 2350

The Clerk announced the following pairs:

On this vote:

Mr. Berman for, with Mr. Murphy against.

Mr. Nichols for, with Mr. Addabbo against.

Mr. Rahall for, with Mr. Levine of California against.

Mr. Chappell for, with Mr. Torricelli against.

Mr. Cooper for, with Mr. Leland against.

Mr. Hance for, with Mr. Lantos against.

Mr. Flippo for, with Mr. Porter against.

Mr. Burton of California for, with Mr. Denny Smith against.

Mr. Green for, with Mr. Young of Alaska against.

Mr. Davis for, with Mr. Philip M. Crane against.

Mr. Pursell for, with Mr. Dannemeyer against.

Mr. Lewis of Florida for, with Mr. Horton against.

Mr. Livington for, with Mr. Franklin against.

So the conference report was agreed to.

The result of the vote was announced as recorded.

A motion to reconsider was laid on the table.

FEDERAL SUPPLEMENTAL COMPENSATION PROGRAM EXTENSION

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means be discharged from further consideration of the bill (H.R. 2369) to prevent the temporary termination of the Federal Supplemental Compensation Act of 1982, and ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. ECKART). Is there objection to the request of the gentleman from Illinois?

Mr. MOORE. Mr. Speaker, reserving the right to object, I take this time to ask the distinguished chairman of the committee to explain the content of the bill.

Mr. ROSTENKOWSKI. Mr. Speaker, will the gentleman yield?

Mr. MOORE. I certainly do yield to the chairman of the committee.

Mr. ROSTENKOWSKI. Mr. Speaker, this request would simply allow the House to pass a provision to insure that the extension of the Federal supplemental compensation program will be in effect on April 1. This precautionary measure is being taken in as much as enrollment of the massive Social Security Act Amendments of 1983 may well not be completed in time to sign it into law prior to April 1. This bill does nothing more than simply make sure that the provisions relating to unemployment compensation are enacted in a timely manner.

Mr. MOORE. Mr. Speaker, I rise in support of the bill, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the bill, as follows:

H.R. 2369

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, with respect to weeks beginning after March 31, 1983, the Federal Supplemental Compensation Act of 1982 shall be applied as if the provisions contained in part A of title V of the conference report on the bill H.R. 1900 were enacted into law on the date of the enactment of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1824

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1824.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

INTRODUCTION OF A BILL TO IMPROVE WEST COAST FISHERY MANAGEMENT

(Mr. ANDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON. Mr. Speaker, today, I am introducing a bill that will authorize the creation of the South Pacific Fishery Management Council. The intent of this legislation is to place California on an equal footing with the Northwest States in the management of west coast fisheries, especially those fisheries seaward of the California coast.

Since the Pacific Fishery Management Council (PFMC) was established by the Fishery Conservation and Management Act of 1976 (FCMA), California fishermen, fish processors, and State fishery managers have been frustrated in their attempts to harvest and manage the State's fishery resources because of the decisions and management plans issued by the PFMC. California has never had a representative voice in the Pacific Council's decisionmaking process in spite of the State's predominate position with regard to the other States on the Pacific Fishery Council—Washington, Oregon, and Idaho—in terms of total tonnage and value of landings, both the number of separate fisheries and the number of State fishermen, and the length of the State's coastline. California's one billion dollar fishing industry is and has been unduly burdened by Pacific Council management decisions that are made by a council in which California can do no better than a four to nine voting disadvantage to the Northwest States.

In the last Congress, by voice vote, the House of Representatives passed the FCMA reauthorization that included a provision unanimously adopted by the Committee of Merchant Marine and Fisheries which gave California two additional seats on the PFMC.

However, the Senate version of the FCMA reauthorization did not address California's problems with the Pacific Council. In conference, in the face of adamant opposition from the Northwest Senators, the conferees adopted the Senate version.

Consequently, I am now introducing legislation that presents a better and more equitable approach for all the States involved in an attempt to solve this persistent problem. My bill establishes a new fishery management council, the South Pacific Fishery Management Council. This council would consist of seven members representing the States of California, five members; Oregon, one member; and the National Marine Fisheries Service, the Southwest Regional Director. The council would manage the fisheries seaward of the State of California. Because the management of salmon and groundfish would affect Oregon fishermen, Oregon is represented on the South Pacific Council.

We believe that the creation of a separate South Pacific Council would alleviate the burdens that management by the Pacific Council has placed on the California fishing industry without placing undue hardships on any other geographical fishing interests—this legislation will, be greatly reducing California's membership on the Pacific Council, strengthen the position of Washington and Oregon on the Pacific Council. Furthermore, our legislation will have only a minimal adverse consequence on Federal expenditures—this legislation will not add a single new paid council member.

Mr. Speaker, I do not believe that the FCMA set in place a west coast fishery management regime that would exist unchanged in perpetuity. In the 7 years that the FCMA has been in existence, I have heard that the system was not working and I be-

lieve that it is now time to change that system.

JOINT REFERRAL OF MESSAGE FROM THE PRESIDENT ENTITLED "COMPREHENSIVE CRIME CONTROL ACT OF 1983" TO COMMITTEE ON EDUCATION AND LABOR, COMMITTEE ON THE JUDICIARY, COMMITTEE ON ENERGY AND COMMERCE, AND COMMITTEE ON GOVERNMENT OPERATIONS

Mr. RODINO. Mr. Speaker, I ask unanimous consent that the message from the President of March 16, 1983, transmitting a proposal for legislation entitled the "Comprehensive Crime Control Act of 1983" (H. Doc. 98-32) be jointly referred to the Committee on Education and Labor as well as to the Committees on the Judiciary, Energy and Commerce, and Government Operations.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

NO TRUTH TO REPORTS OF ELIMINATION OF VETERANS' ADMINISTRATION

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, I rise to clarify some misrepresentations and far reaching conclusions that I have heard today that the Reagan administration is considering elimination of the Veterans' Administration.

Nothing could be further from the truth. I would like to read into the RECORD a statement made today by Harry N. Walters, the Administrator of the Veterans' Administration, that I believe puts this matter to rest.

Mr. Walters stated today:

A draft report from a voluntary group (the Grace Commission) is no basis for speculating that serious consideration would be given to eliminating the Veterans Administration.

When the President appointed me Administrator of Veterans' Affairs, he charged me with being an advocate for veterans and veterans programs. He recognizes that VA fulfills an irreplaceable role in the lives of millions of veterans and their families.

The roles and missions of the Veterans' Administration have been reaffirmed by every Congress for the past 50 years and there is certainly no indication that the law of the land is likely to be changed regarding this nation's commitment to veterans.

ANNIVERSARY OF SWEDEN-AMERICAN AMITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. BEREUTER) is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, today this Member wishes to recognize the issuance of a new commemorative stamp by the U.S. Postal Service honoring the 200th anniversary of the signing of the Treaty of Amity and Commerce between His Majesty the King of Sweden and the United States of America.

Since Sweden, under the leadership of King Gustav III, was certainly among the first nations to recognize our American democracy, this Member decided some comments regarding the event, and today's commemoration, were appropriate. In my district in Nebraska, as well as statewide, there are many communities settled by immigrants from Sweden. They settled in large numbers throughout Minnesota, Wisconsin, the Dakotas, and Nebraska. In my own State, community names like Wausa, Wakefield, Waverly Swedeburg, Ceresco, Stromsburg, Oakland, Minden, Gothenburg, Swede Home, and Holdrege immediately come to mind. Swedes were an important element in the pioneer stock that tamed the prairies and built the cities and towns of the Great Plains. These American citizens of Swedish ancestry are justly proud of the long history of friendship between Sweden and the United States of America.

Sweden, of course, was officially neutral during the American Revolution, treading a fine line between keeping the French, traditionally their strongest ally, happy, and not offending England either. Frankly, altruism and lofty ideals about the colonies' struggle for independence did not play much of a role in Sweden's policy regarding the Revolution. Indeed, King Gustav III was alarmed about the implications that the American uprising had for him, as his own monarchy was established by a coup d'etat in 1772. Nevertheless, he was shrewd enough to recognize that if the upstart Americans were to win their freedom from King George, there would be significant economic advantages that his nation would realize. Sweden's exports of timber and tar, for example, were similar to those that England imported from its American colonies. If the Americans became independent, their refusal to ship those goods to England might mean that the Swedish captains could step in and fill that trading gap. King Gustav, then, ordered that American ships be allowed to call at the free port of Marstand, near Gothenburg, and the groundwork was laid for the treaty we are honoring 200 years later.

In addition, the North American continent, formerly closed by English trade laws, would be open to anyone. King Gustav in his wisdom capitalized on the talks that had been going on for years between the Americans and the Swedes. Consideration of an agreement about mutually beneficial trading and commerce arrangements conducted for the Americans by the patriot from Philadelphia, Benjamin Franklin, led to the talks that were finally formalized between the two countries and signed soon after the peace treaty was concluded in Paris in 1783.

In a letter to the Congress, Benjamin Franklin noted that Sweden was indeed the first to offer friendship to the newly independent Americans. And while Sweden's primary goals, in the beginning, were rather clearly taken in astute economic self-interest, it was not long before the Swedish people noticed that there was in fact a place on Earth where men could "be free of their chains" and "frighten the despots that hold them in rein," as recognized by the Swedish writer Major Lund. King Gustav's reign was ended by an assassination team of aristocrats in 1792, but the bonds of friendship forged by mutual aid and respect held firm.

Today, despite governmental tugs and pulls, the bonds developed through the respect and admiration of the people of Sweden and the United States of America for each other hold fast through periods of both disagreement and solidarity. We now look forward to a third century of friendship and cooperation built upon common threads of heritage and our unwaivering commitment to the democratic process.

□ 2400

Mr. DAUB. Mr. Speaker, will the gentleman yield?

Mr. BEREUTER. I yield to my colleague and friend, the gentleman from Nebraska.

Mr. DAUB. I thank my colleague and friend from Nebraska for yielding, and I just want to say, quickly and briefly, that indeed the gentleman's words are important. They encourage me to say that I have, as well, in my neighboring district to the gentleman's, many constituents and residents of Swedish descent—the gentleman mentioned Oakland—in towns like Lyons and Decatur and Craig, Nebr., which are filled with Johnsons and Larsens and good friends of mine, and I wish to take just a moment to commemorate our relationships between countries and the heritage that the gentleman and I know is so colorful and so meaningful to the plains of Nebraska, and I want to commend the gentleman from taking this moment to remind the House of this great event.

Mr. BEREUTER. I thank the gentleman for his comments. I know how important his involvement has been in the Swedish heritage within his own congressional district.

The gentleman having mentioned the family name "Johnson" reminds me that I would be remiss if I did not

mention that my wife's ancestors, Johnsons, came to this country three generations ago and settled in the Ceresco-Waverly area, and they continued to be very fine residents of the Waverly-Ceresco area.

FIVE MYTHS ABOUT GOLD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 20 minutes.

● Mr. PAUL. Mr. Speaker, I have introduced, and other Members have cosponsored, H.R. 875, which is a comprehensive bill to place the United States on a full gold coin standard within 2 years of the date of its passage.

I believe such a standard to be not only desirable and feasible, but absolutely necessary, if we are to avoid the very real possibility of hyperinflation in the near future, followed by economic collapse. But in Washington today we have five myths about the gold standard.

The first myth is, "There isn't enough gold." The second myth is, "Since the Soviet Union and South Africa are the world's principal producers of gold, they could hold our economic system hostage if we were to establish a gold standard." The third myth is, "The gold standard would cause a depression." The fourth myth is, "The gold standard will cause inflation." And the fifth myth is, "The gold standard is subject to undesirable speculative influences."

MYTH NO. 1: THERE ISN'T ENOUGH GOLD

I find it amazing that economists can make statements like this, for it is an elementary principle of economics that if one raises the price of a commodity, one will always have enough of that commodity. Simply put, there will always be enough gold so long as no one interferes with the free market mechanism.

At $500 an ounce the U.S. Government has enough gold reserves to more than cover all the Federal Reserve notes outstanding. If we were to establish a gold standard by the procedure I have outlined in my bill, H.R. 878, then the world would be fully informed of the gold holdings of the U.S. Government, and the price of gold could ajust accordingly, so that when redemption of our greenbacks—our Federal Reserve notes—began, the exchange ratio of greenbacks for gold would be the market-clearing price. Quite simply, the statement that there is not enough gold is false. It is a scare tactic used by opponents of the gold standard.

This myth actually takes one of the virtues of gold—its relative scarcity—and attempts to make it into an undesirable characteristic. Precisely because there is a relative scarcity of gold, as opposed to, say, paper, the metal has historically been used as money. There is, in fact, enough gold, and too much paper. That is why we are suffering from inflation.

MYTH NO. 2: A GOLD STANDARD WOULD ENABLE RUSSIA AND SOUTH AFRICA TO HOLD US HOSTAGE

The second myth that should be challenged is that the Soviet Union and South Africa could hold us hostage were we to establish the gold standard. During the past decade, the Soviet Union and South Africa, because they have vast gold deposits, have reaped a windfall. This is because we are not on any sort of gold standard, and have not been since 1971. It is the present paper money systems of governments the world over that have created these windfalls. Rather than giving the U.S.S.R. and South Africa windfalls, we should institute the gold standard and stop them from reaping enormous profits.

Stabilization of our monetary system—and the world monetary system, if the world were to emulate us—would remove any speculative premium on gold that the Soviet Union and South Africa presently receive. We would see a stabilization of the world price of gold and an end to inflation throughout the world. In such a condition, the Soviet Union and South Africa would no longer be in a position to reap windfall benefits.

Were we to institute a sound money system—a gold coin standard—the fear and panic caused by paper money would be eliminated. There would be no premium to be reaped by the Soviet Union and South Africa, and they would not receive any windfall from the sale of their bullion and their coins. Nor would Russia and South Africa be able to hold us hostage.

The gold reserves of the United States are the largest in the world, 263 million ounces. But no matter what their size, it is extremely difficult to see how Russia and South Africa, either by restraining their production or by dumping gold, could seriously affect us here in the United States.

The next largest reserve is that of the International Monetary Fund, about 103 million ounces. The United States owns about one-fifth of that total. No other nation or institution holds an amount of gold in reserve even remotely approaching that of the United States.

There is estimated to be about 3 billion ounces of gold in the world, held by both official owners and individuals. The combined annual production of both the Soviet Union and South Africa, during their best year, amounts to less than 1.5 percent of the present world supply. It would take those two nations about 75 years, mining and refining as fast as they can, to double the present world supply. By contrast, the Federal Reserve tripled the Nation's money supply in one decade, the 1970's.

Finally, neither South Africa nor the Soviet Union could afford to withhold gold from the world market in order to drive prices up. Such a withholding would have no noticeable effect on prices, but it would have a devastating effect on the economies of those countries.

MYTH NO. 3: GOLD CAUSES DEPRESSIONS

The third myth is that "a return to the gold standard will cause a depression." Now this statement is a half-truth, for if we improperly institute a gold standard, then we might in fact have a depression. Following World War I, the Government of Great Britain returned to a gold standard, but in a deflationary fashion. Britain reestablished the link that existed between the pound and gold prior to World War I, not taking into account the increase in the number of paper pounds that had occurred during the war when Great Britain was off the gold standard. The result was a short depression, because the political experts completely ignored the damage that had been done by their policies during the war.

Were we to establish a gold standard, we would pursue a course that would not result in deflation and would not cause a depression. We would redeem for a period of 1 year the greenbacks we have printed, and then cease redemption, allowing the gold coins we have put into circulation to function as our money of account. Bank notes would replace Federal Reserve notes as paper money, and those notes would be redeemable in gold. Further, one can sue a bank, and its officers can be prosecuted for fraud, if such notes were not redeemed as promised. One cannot do that to the Federal Reserve, unfortunately.

If we proceed to a gold standard in an orderly fashion, such as I have proposed in my bill H.R. 878, then there will be no depression. A gold standard cannot be achieved if we do not end our budget deficits as well. The standard must be accompanied by tax cuts, an end to the printing of paper money, and a significant reduction of Federal regulations if we expect a restoration of a sound economy.

Unless we are committed to all these things, even the establishment of a gold coin standard cannot stop our descent into economic chaos. We must cut the Federal Government down to constitutional size, and the establishment of a gold coin standard is part of that process. The Constitution explicitly forbids any State government from making anything except gold or silver coin a legal tender in payment of debt. The Federal Government has no authority to make anything legal tender.

MYTH NO. 4: GOLD CAUSES INFLATION

The fourth myth about the gold standard is that: "It will cause infla-

tion." Opponents of the gold standard point out that the world supply of gold increases by about 2 or 3 percent per year on the average, and such an increase in supply would result in inflation in any country that adopts a gold standard.

I do not wish to challenge the proposition that the world gold supply increases by 2 or 3 percent per year. For the sake of argument, I will accept that as given. The result of such an increase is that prices might stay stable rather than gently falling. It is useful in this regard to point out the behavior of prices during our history. For most of the 19th century we had an imperfect gold coin standard. In the 70 years prior to the beginning of the Federal Reserve System in 1913 the Consumer Price Index in this country increased by 10 percent, and in the 70 years subsequent to 1913 the C.P.I. increased 640 percent. This growth has accelerated since 1971 when President Nixon cut our last link to gold by closing the gold window.

In 1833 the index of wholesale commodity prices in the United States was 75.3. In 1933, just prior to our going off the gold standard, the index of wholesale commodity prices in the United States was 76.2: A change in 100 years of nine-tenths of 1 percent. Today, the index is 702.2. For 100 years on the gold standard wholesale prices rose only nine-tenths of 1 percent. In the last 50 years of paper money they have gone up 626 percent.

The index of wholesale commodity prices emphasizes the stability of these prices during the entire 19th century. This stability was first disturbed during the Civil War—the Lincoln greenback period—then in World War I, once again in World War II, and with the inflation that has persisted since that war.

Rather than causing inflation, the gold standard has historically been a bulwark against inflation. It is politically manipulated money such as we have had since 1934, and especially since 1971, that causes our inflation.

People today have come to expect that prices will continue to rise, and we can see the beginnings of a hyperinflationary psychology setting in. If we are to avoid the horrendous consequences of such a psychology, we must take dramatic action and give our country an historically proven system, a full gold coin standard.

MYTH NO. 5: GOLD WOULD BE SPECULATIVE

The last myth about the gold coin standard that I would like to address is the notion that such a standard would be subject to undesirable speculative influences.

This assertion was recently made in a letter sent by the Federal Reserve to Senator WILLIAM PROXMIRE, a member of the Senate Banking Committee. The letter argued that because gold is a commodity used in jewelry and in industry, it is subject to speculative influences that are undesirable in setting up a stable monetary system.

I find such an argument amazing, for it is precisely because gold is a commodity not subject to the manipulation of a bureaucracy in Washington or London that gold is desirable as money. If one wishes to speak of undesirable speculative influences, one need only look at the speculation that occurs daily in the U.S. dollar.

Some people have asserted that the fluctuations in the price of gold are due to its speculative nature. But these fluctuations need not be due to the changing value of the gold at all. In any exchange, there are two factors present; in this case, paper dollars and gold ounces. It is the value and anticipated value of the paper dollars that affects the price of gold. Paper, not gold, fluctuates in value. In his book, "The Golden Constant," Prof. Roy Jastram of the University of California documents the constancy of gold's value over three centuries.

A gold standard would eliminate all speculation about the political motivations of the monetary authorities in governing the supply of money. The great virtue of the gold standard is that it removes discretionary power over the money supply from government, thus ending the most fertile source of speculation. A gold standard puts the power of the monetary system into the hands of the people and takes it away from the politicians and bankers, thus removing a potential vehicle for establishing a tyranny.

Gold cannot be mined as cheaply as Federal Reserve notes can be printed. Nor can its supply be manipulated on a daily basis. There is a great dispersion of power in a gold standard system. That is the strength of the system, for it allows the people to check any monetary excesses of their governors and does not allow the governors to exploit the people by debasing the money.

The letter from the Federal Reserve System to Senator PROXMIRE closed with a call for more faith in the Federal Reserve System and its good intentions. For nearly 70 years the American people have been exercising such faith and they have suffered the worst depressions, inflations, recessions, unemployment rates, and interest rates in our history. Let us hear no more of faith in men, but bind government with the chains of an honest monetary system—the full gold coin standard.

In the Coinage Act of 1792, the Founders provided the death penalty for any Government employee who debased the money. One wonders how many members of the Federal Open Market Committee would survive the month were such a penalty exacted today.

GOLD: THE MEASURING ROD

In his "Tract of Monetary Reform" published in 1923, the father of the age of inflation, John Maynard Keynes, wrote: "The individualistic capitalism of today * * * presumes a stable measuring rod of value. It cannot be efficient—perhaps cannot survive—without one."

Lord Keynes was correct. Unless we have a stable measuring rod of value, a gold coin standard, capitalism and freedom cannot survive. If we are not vigilant, our society will evolve into the sort of fascism that resulted from the great German inflation following World War I.

The choice before us is simple: Shall we have gold and political freedom or shall we have paper and political tyranny?●

THE LATE DR. BARNEY CLARK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. CHANDLER) is recognized for 5 minutes.

Mr. CHANDLER. Mr. Speaker, it is with deep regret and great respect for one of my constituents who has departed this world that I come before you today. Dr. Barney Clark was a resident of Washington State's Eighth Congressional District. He was a golf enthusiast and was for 20 years a member of the Rainier Golf and Country Club. He served as president there in 1978 and 1979. He was active in the Mormon Church and lived and worked in the southern Seattle suburbs. Dr. Clark was struck with a degenerative heart disease, cardiomyopathy, and became the first human recipient of a permanent artificial heart. His courage and positive outlook in volunteering for the role which allowed this phenomenal technology to be analyzed, has established him as a pioneer. In recent months, Dr. Clark became more than a dentist, husband, father, neighbor, or constituent, he was an inspiration to us all.

No one wants to die. But, when faced with serious, ongoing medical problems, the will to live frequently dims yet, each operation seemed to make Dr. Barney Clark more determined to live, seemed to make his will to live grow stronger. Dr. Clark demonstrated tremendous bravery and tenacity in his fight for survival in one of the most outstanding medical achievements of our time.

Those of us who have prayed in recent months for his survival, who have read about him in the newspapers and seen him on the news, need not feel that our prayers have gone unanswered. In his passing, he has demonstrated a level of courage in the face of continuous and prolonged adversity that serves as an inspiration to people all over the world. It is for this

reason that Dr. Clark will long be remembered.

I have cosponsored the resolution introduced by my colleague, Congressman FRANK GUARINI, nominating Dr. Clark for the Presidential Medal of Freedom. There is one last thing that we as Members of Congress can do for Dr. Barney Clark. That is to pass the resolution, and I urge my colleagues to cosponsor the resolution in memory of Dr. Clark as we seed our sympathy and respect to Mrs. Una-Loy Clark and their children.

YOUNG RELEASES FBI REPORT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. YOUNG) is recognized for 30 minutes.

Mr. YOUNG of Florida. Mr. Speaker, I want to compliment the sincerity of the vast majority of Americans who are actively involved in the peace movement. They hope, as I do, that someday the threat of nuclear war will be eliminated and people throughout the world can live together in harmony and peace.

The American people, however, need to know that while we genuinely seek to preserve the peace, the Soviet Union is attempting to take advantage of this call for peace by the American people to reduce America's credibility in the world. Through its intricate propaganda network, the Soviets are trying to convince the world that the United States supports the nuclear arms race and is thwarting attempts to negotiate a nuclear arms freeze. The success of this propaganda campaign is most evident in Europe. Even though Soviet intermediate-range nuclear missiles are poised within striking distance of Western Europe, without any comparable deployment by U.S. or NATO forces, protestors in those countries continue to portray the United States, rather than the Soviet Union, as the great threat to world peace.

The same Soviet active measures operations that have contributed to this propaganda effort in Europe are also being used here in our own Nation. The Intelligence Division of the Federal Bureau of Investigation has prepared a report entitled "Soviet Active Measures Relating to the U.S. Peace Movement," which outlines this Soviet effort and attests to its success in the United States.

The portions of that report which I am releasing today have been declassified by the FBI at my request so we can share with the American people the extensive Soviet propaganda effort being undertaken within our own borders.

As the FBI report states:

> During the past 2 years, the Soviet Union has increased its efforts in the United States to exploit popular causes such as peace and disarmament. The Soviets have initiated an active measures campaign designed to penetrate, influence and mobilize the U.S. peace movement and to discredit American defense and arms control and disarmament policies.

The FBI acknowledges that the Soviets do not intend to control totally the American peace and freeze movements. Instead, the Soviet goal is to focus the movement against the United States and our defense policies instead of the Soviet Union and other world powers which also possess nuclear weapons.

The FBI report says:

> The Soviet peace campaign, for instance, is designed to focus public attention on new American nuclear weapons systems and to help create the impression that the Soviet Union is more interested than the United States in serious arms control and disarmament negotiations. This campaign does not require direct Soviet control or manipulation to be effective. The Soviets believe they can achieve these objectives through a planned series of arms control and disarmament proposals that play on the sentiments of the Western peace movements in concert with the systematic use of the Soviet worldwide propaganda apparatus, international fronts and local Communist parties, and trusted contacts and agents.

The FBI, both in the classified and unclassified portions of the report, provides examples of the success of the Soviets in influencing the U.S. peace and freeze movements.

Two Soviet organizations—the KGB and the International Department of the Central Committee of the Communist Party Soviet Union—are the principal forces controlling the Soviet peace offensive in the United States.

In a report presented to the House Permanent Select Committee on Intelligence last year, together with the testimony of Edward O'Malley, Assistant Director of the FBI Intelligence Division, the FBI specified the objectives of the Soviet KGB in the United States. According to the FBI—

> A primary focus of the KGB has been arms control and disarmament matters and the American peace movement. KGB officers have recently instructed their contacts to devote serious attention to the antiwar movement in the United States, expecially with respect to coalitions forming among the various factions within the movement. The KGB is particularly interested in information concerning the peace movement's slogans, political platforms, plans for conferences or demonstrations, and relations with European antiwar groups. In addition, KGB officers have recently asked their contacts in the peace movement to report on meetings, participate in the planning of demonstrations, and distribute leaflets and other publications. Some KGB officers are also directly involved in efforts to influence the U.S. peace movement.

In coordination with the KGB's covert active measures to penetrate and influence the peace and freeze movements, the International Department of the Central Committee directs the activities of the Communist Party U.S.A. and its front organizations involved in the U.S. peace movement.

The FBI report on active measures says that—

> In the Soviet peace offensive, the CPSU International Department orchestrates the activities of Soviet-controlled international front organizations and their U.S. affiliates; and the National Council of American-Soviet Friendship.

More importantly, the report says:

> The CPSU International Department transmits directives to these organizations and arranges for Soviet funding of their activities and projects.

Soviet funding for the Communist Party U.S.A. and its front organizations is transmitted through KGB channels, according to FBI testimony in July before the House Intelligence Committee.

To better understand the methods employed by the Soviets in their active measures campaign, it is important to be familiar with the organizations they utilize in this effort.

The FBI and CIA agree that the largest and most significant of the international Soviet front organizations is the World Peace Council. The FBI in its report says:

> At Soviet direction, the World Peace Council has placed the highest priority on the peace movement and a campaign to oppose intermediate-range nuclear force deployments in Europe.

The FBI report indicates that a major objective of the council was to exploit the second special session on disarmament at the United Nations and the coinciding June 12 demonstration in New York City as a means of opposing American defense policies. The planning and organization of this demonstration last year is a prime example of a variety of Soviet active measures at work, and I will discuss this particular event later in my remarks.

World Peace Council activities in the United States have been coordinated and carried out in the past by the Soviet-financed Communist Party U.S.A. During 1979, however, CPUSA established a chapter of the World Peace Council known as the U.S. Peace Council. Key leadership positions in the U.S. Peace Council were given to Communist Party U.S.A. members.

As a result, the FBI reports—

> With the establishment of the USPC, WPC-related activities in the United States increased noticeably. Utilizing various symposia, conferences, demonstrations and publications, the USPC persistently lobbied for the halt of American nuclear weapons production and deployment, particularly the "neutron bomb" and intermediate-range nuclear forces in Western Europe.

The FBI report is quite candid about the direct relationship between the Communist Party U.S.A. and the Soviet Union. According to the report—

The CPUSA is one of the most loyal, pro-Soviet communist parties in the world and its leadership accepts Soviet directives and funding on a regular basis. During the past few years, the CPSU International Department has instructed the CPUSA to place high priority on the issues of arms control and disarmament and the peace movement.

An important propaganda arm of the Soviets in the United States is the National Council of American-Soviet Friendship, which the FBI reports, regularly arranges meetings, press conferences, radio and television interviews, and lecture or speaking engagements for Soviet officials assigned to the United States as well as Soviet delegations visiting the United States.

A similar group called the Committee for U.S.-U.S.S.R. Citizens' Dialogue was formed in 1979 in the United States. This group hosted a 28-member Soviet delegation that visited our country in October 1981. The committee organized a variety of public appearances for the group in several major cities and provided an opportunity for the delegation to promote Soviet views on arms control and disarmament issues and encouraged the American people to support the peace movement.

The FBI reports that the Soviet delegation's visit to the United States was among the first in a series of Soviet measures relating to the U.S. peace movement.

Just prior to the delegation visit, the National Council of American-Soviet Friendship, which I mentioned earlier, held its third national convention in Madison, Wis. The FBI reports that the September 1981 convention "was primarily a call for a campaign of peace action to focus the entire blame for arms escalation and the cold war climate on the U.S. Government."

As an indication of direct Soviet participation in the convention. The FBI reports that two Soviet officials addressed the convention and actively participated in workshop discussion sessions. The two Soviet officials were Vadim Gorin, Deputy Secretary General in charge of the U.S.S.R.-U.S.A. Friendship Society in Moscow, and Vladimir Zolotukhin, who was assigned to the Soviet Embassy in Washington.

Two months later, the U.S. Peace Council held its Second National Conference in New York City, with the theme being "In the Common Interest—Strategies for Peace." The FBI reports convention workshops focused on how to organize and unify the masses around the peace issue.

From the 1979 organization of the U.S. Peace Council thorugh the various visiting Soviet delegations and front organization conferences, the Soviets were preparing their propaganda network to influence the building U.S. peace and nuclear freeze movements. The FBI reports that a principal target of Soviet active measures in 1982 was the June 12 demonstration in New York City, which I refered to earlier. Soviet involvement in the organization of this demonstration provides a tremendous case study of Soviet active measures at work. As the FBI states in its report—

Nearly every instrument of Soviet active measures was directed towards infiltrating and influencing the June 12 Committee, the organization that was formed to plan and coordinate the demonstration.

Many of the Soviet controlled groups I mentioned before, such as the U.S. Peace Council, Communist Party U.S.A., and the National Council of American-Soviet Friendship, were among the sponsors of the June 12 demonstration. The FBI reports that these organizations were actively involved at the National, State, and local levels in enlisting support for and participation in the demonstation.

The FBI is very careful in its report to acknowledge that the Soviets did not totally dominate the demonstration. Instead, they worked behind the scenes through their elaborately organized active measures operations to shift the focus of the demonstration.

The FBI report included this extremely important section:

Soviet-controlled organizations participated at the highest levels of the June 12 committee and exerted pressure to influence the June 12 committee to focus on U.S. nuclear weapons policies as opposed to Soviet policies. Of course, the Soviets also exploited this large demonstration in its worldwide propaganda campaign against new American weapons systems.

The FBI detailed in its report how the Soviets successfully shifted the focus of the demonstration. During the June 12 committee meetings, the FBI reports that U.S. Peace Council and Communist Party U.S.A. representatives to the committee campaigned to direct the focus exclusively against U.S. nuclear weapons systems and away from Soviet weapons systems. This effort to shift the focus of the rally caused some internal discontent among committee members, but the FBI reports that the Soviet controlled groups succeeded in influencing the committee to focus the demonstration primarily on U.S. responsibility for the arms race. This theme was reflected in the official call of the committee which claimed:

The demonstration addresses all governments which have developed nuclear arms and which compete in the international arms race, but its primary focus is on the U.S. Government. Possessing more nuclear bombs than all other countries combined and leading the technological, first-strike weapons race, the U.S. Government is the least willing to stop its nuclear insanity.

The official call of the June 12 committee is evidence of the success of the Soviet active measure campaign in this instance. The Communists were also successful in lending an organizational hand to the demonstration. A U.S. Peace Council open letter boasted that Communists "also bring to the movements in which they work a sometimes missing sense of organization, direction, and ideological cohesiveness." The success of the Soviet active measures campaign in turning the theme of the largest peace and freeze demonstration in recent years into an anti-U.S. nuclear weapons demonstration confirms the boast.

Mr. Speaker, it is not my purpose in releasing this report to discredit the efforts of the thousands of Americans who have made their dream for peace known. I share this hope and pray that it someday will come true. The American people, however, have a right to know how the Soviets utilize this very legitimate desire to their benefit as a weapon in their active measures campaign against the United States.

Last July at my request, the Intelligence Committee held 2 days of hearings to take testimony from the CIA, FBI, and Stanislav Levchenko, a former high-ranking KGB officer who defected to the United States. He was the first Soviet active measures officer to make himself available to our intelligence organizations.

During his testimony, Mr. Levchenko provided detailed accounts of Soviet active measures operations he was directly involved in while stationed in Japan. Although he was not directly involved with active measures operations in our country, we learned from the CIA and the FBI that Soviet influence operations such as his in Japan are similar to those employed by the Soviet Union throughout the world, including the United States. The FBI report I am releasing today supplements the FBI testimony during these hearings.

This report, which I will submit for the RECORD in its entirety, is a declassified version of a much lengthier report. I have requested that the FBI declassify and release even more of the report on "Soviet Active Measures Relating to the U.S. Peace Movement," so the American people can have a better understanding of the tactics to which the Soviets will resort to achieve their goal of world domination.

Mr. Speaker, because of the leadership of this House and our colleagues, I have the privilege of serving on the Select Committee on Intelligence and the Appropriations Subcommittee on National Defense.

From that standpoint I can tell those who are concerned that the United States is no threat to the freedom of the world. The United States is not now and never has been a threat to the freedom of any other nation.

We have no plans to control other nations like the Soviet Union does in Hungary, Poland, Czechoslovakia, and

so many others. We have no plans to use our military to establish satellites like the Soviet Union has in Cuba or Vietnam. We do not plan to invade any other nations with our military like the Soviets have done in Afghanistan.

What we want to do, Mr. Speaker, is to make sure that those things do not happen to us. We want to make sure that we have the ability to protect the United States and the American people and our national interests, whatever they might be.

An informed America is an essential ingredient in that effort. It is in that spirit that I make this presentation today and release the unclassified version of the FBI's report entitled "Soviet Active Measures Relating to the U.S. Peace Movement":

FBI INTELLIGENCE DIVISION REPORT ON SOVIET ACTIVE MEASURES RELATING TO THE U.S. PEACE MOVEMENT, MARCH 1983

Soviet leaders have publicly backed the peace and nuclear freeze movements, seeing an opportunity to encourage opposition in the West to current U.S. arms control and defense policies. Through official communiques, propaganda, and active measures operations, the Soviets have maneuvered to align themselves with popular sentiments of the peace movements in the United States and Western Europe, with the prospect that Western public opinion might dissuade Western Governments from deploying the new weapons systems. (U)

During the past two years, the Soviet Union has increased its efforts in the United States to exploit popular causes such as peace and disarmament. The Soviets have initiated an active measures campaign designed to penetrate, influence, and mobilize the U.S. peace movement and to discredit American defense and arms control and disarmament policies. (U)

The Soviet organizations principally involved in the Soviet peace offensive in the United States are the KGB and the International Department of the Central Committee, Communist Party of the Soviet Union (CPSU). The principal objectives of the KGB are to collect information on the U.S. peace movement and to recruit sources to penetrate and influence the movement. (U)

The CPSU International Department directs the activities of the principal instruments of the Soviet campaign to penetrate and influence the U.S. peace movement: Soviet-controlled international front organizations and their U.S. affiliates; the Communist Party, U.S.A. and its front organizations, and the National Council of American-Soviet Friendship. The Soviets also use representatives of the Ministry of Foreign Affairs, USSR Academy of Science, Soviet media establishments, and other party and government agencies in active measures operations. (U)

This report examines Soviet active measures relating to the U.S. peace movement. Section I identifies the Soviet organizations and front groups that are involved in the Soviet peace campaign. Section II documents specific Soviet active measures and focuses, in particular, on the Soviet effort to influence the June 12, 1982, demonstration for peace and disarmament in New York. The final section of this report presents an assessment of Soviet active measures relating to the U.S. peace movement. (U)

I. INSTRUMENTS OF THE SOVIET PEACE OFFENSIVE

CPSU International Department

In the Soviet peace offensive, the CPSU International Department orchestrates the activities of Soviet-controlled international front organizations and their U.S. affiliates; the Communist Party, U.S.A. and its front organizations; and the National Council of American-Soviet Friendship. The CPSU International Department transmits directives to these organizations and arranges for Soviet funding of their activities and projects. Although it has few representatives stationed in the United States, the CPSU International Department works with officials of the Soviet Ministry of Foreign Affairs and KGB officers to monitor and direct the activities of these organizations. (U)

KGB

The KGB is also attempting to develop contacts with religious figures in the United States. The Soviets believe that the participation of American clergy and religious organizations in the peace movement is extremely desirable, since it lends the aura of moral legitimacy to the movement.

KGB officers have also collected personal and biographic information on several peace activists in the United States. The purpose of this exercise is to identify those peace activists who are likely to cooperate with the Soviet Government and to determine if any of these individuals are vulnerable to recruitment operations. The KGB also systematically collects the public statements and speeches of leading peace activists, with the ultimate aid of selectively replaying in the Soviet media or in covert media placements in other countries, those views that parallel Soviet foreign policy and propaganda interest. (U)

World Peace Council and U.S. Peace Council

At Soviet direction, the World Peace Council (WPC) has placed the highest priority on the peace movement and a campaign to oppose intermediate-range nuclear force (INF) deployments in Europe. The WPC Program of Action for 1982 called for a worldwide campaign against the danger of nuclear war, and it was clearly directed at U.S. defense and arms control policies. A principal objective of this campaign was to exploit the Second Special Session on Disarmament at the United Nations (SSOD II) and the coinciding June 12 demonstration to discredit American defense policies. (U)

WPC activities in the United States have been coordinated in the past by the CPUSA. During 1979, however, the CPUSA assigned two of its long-time members to establish a U.S. chapter of the WPC. At its founding convention in November, 1979, the United States Peace Council (USPC) became an affiliate of the WPC, and the key leadership positions in the USPC were given to SPUSA members. In addition, the memberships of many local chapters of the USPC are predominantly comprised of CPUSA members. (U)

With the establishment of the USPC, WPC-related activities in the United States increased noticeably. Utilizing various symposia, conferences, demonstrations, and publications, the USPC persistently lobbied for the halt of American nuclear weapons production and deployment, particularly the "neutron bomb" and intermediate-range nuclear forces in Western Europe. (U)

The USPC sponsored two high-level WPC delegations to the United States in 1981. These delegations toured major American cities and addressed sizeable meetings of trade unionists, academicians, students, and women and peace activists. They stressed the peace and disarmament theme and encouraged the USPC and other organizations to initiate letter-writing campaigns, rallies, and demonstrations. (U)

The Soviets believe that this is an ideal time to influence American trade unions because of the economic problems of recession, high interest rates, and unemployment. Consequently, the Soviets have requested the WFTU and CPUSA to convince American labor to support the peace movement, under such slogans as "jobs for peace," and to promote the view in trade-union circles that increased defense spending and exploitation by multinational corporations are the main reasons for the poor economic situation in the United States. (U)

Communist Party, U.S.A.

The CPUSA is one of the most loyal, pro-Soviet communist parties in the world and its leadership accepts Soviet directives and funding on a regular basis. During the past few years, the CPSU International Department has instructed the CPUSA to place high priority on the issues of arms control and disarmament and the peace movement. Although outside the mainstream of American political life and operating with a small membership, the CPUSA has responded to Soviet requests for assistance with fervor. The organization has initiated letter-writing campaigns, sponsored and participated in demonstrations and rallies, formed coalitions with other organizations, and sponsored seminars and workshops to promote Soviet views on arms control and disarmament matters and to mobilize the American peace movement. (U)

National Council of American-Soviet Friendship

The Soviet friendship society in the United States is the National Council of American-Soviet Friendship (NCASF). Established by the CPUSA in 1943, the NCASF claims that it is an independent organization whose purpose is to promote friendship, understanding, and cultural and educational exchanges between the peoples of the United States and the Soviet Union. In practice, however, the NCASF works to advance the foreign policy and propaganda objectives of the USSR. (U)

The Soviets have urged the NCASF to focus its activities on arms control and disarmament matters and the peace movement. The NCASF has responded by sponsoring letterwriting campaigns, rallies, and demonstrations to support Soviet interests in this matter. Local chapters of the NCASF were instructed by NCASF headquarters in April, 1981, to join peace coalitions in their areas and to ensure that such matters as a freeze on nuclear weapons and Soviet attitudes toward peaceful co-existence are brought to the attention of the American people. (U)

The NCASF has arranged meetings, press conferences, radio and television interviews, and lecture or speaking engagements for Soviet officials assigned to the United States and Soviet delegations that visit the United States. During the period April-June, 1982, three Soviet delegations sponsored by the NCASF visited the United States. Two of the Soviet delegations toured cities on the West Coast and engaged in propaganda activities aimed at discrediting U.S. positions on nuclear disarmament and promoting the U.S. peace movement. Mem-

bers of the Soviet delegation were interviewed by the local media and appeared on local radio talk shows and newscasts. The third Soviet delegation participated in similar activities in major American cities on the East Coast. (U)

II. SOVIET ACTIVE MEASURES VIS-A-VIS THE U.S. PEACE MOVEMENT

Documented below, in roughly chronological order, are Soviet active measures operations vis-a-vis the U.S. peace movement. These operations, together with other Soviet active measures previously discussed in Section I of this report, document overt and covert Soviet plans and activities to penetrate and influence the U.S. peace movement. (U)

A. U.S.-USSR Citizens' Dialogue

In 1979, a group of American citizens from a variety of nongovernmental organizations (including several religious organizations) formed the Committee for U.S.-USSR Citizens' Dialogue, under whose umbrella a series of "U.S.-USSR Citizens' Conferences on Peace and Security" were to be held. The declared purpose of the Dialogue is to promote understanding, cooperation, and peaceful relations between the two countries by launching citizen to citizen exchanges with Soviet citizens from several Soviet "public, nongovernmental organizations," such as the Union of Soviet Friendship Societies, the Committee of Youth Organizations, the Soviet Women's Committee, the Soviet Peace Committee, and the All-Union Central Trade Union Council. Each of the organizations listed above, however, are Soviet affiliates of international front organizations, and they are controlled by the CPSU International Department. (U)

In October, 1981, a 28-member Soviet delegation traveled to the United States, at the invitation of the U.S.-USSR Citizens' Dialogue, to attend a "Conference of Peace and International Security." The delegation visited several Amercian cities, including Washington, D.C.; Toledo, Ohio; Austin, Texas; and Pasadena, California. Members of the delegation conducted press conferences, appeared on radio talk shows, and spoke before several American audiences, including church organizations. The visitors promoted Soviet views on arms control and disarmament issues and encouraged the American people to support the peace movement. (U)

B. NCASF Third National Convention

The Third National Convention of the NCASF transpired September 11-13, 1981, in Madison, Wisconsin. Opening speeches were presented by the National Chairman and the Executive Director of the NCASF, and the theme of these speeches dealt with disarmament and world peace. Soviet representatives at the convention, including Vadim Gorin, Deputy Secretary General in charge of the USSR-USA Friendship Society in Moscow, and Vladimir Zolotukhin, a Soviet official assigned to the Soviet Embassy in Washington, D.C., addressed the convention and actively participated in workshop discussions. They presented Soviet views on arms control and disarmament issues and urged the NCASF and other American organizations to increase their efforts in the peace movement. (U)

The theme of the convention was "Negotiate Now," which was primarily a call for a campaign of peace action to focus the entire blame for arms escalation and the cold war climate on the U.S. Government. At the same time, Soviet arms control and disarmament proposals were praised at the convention, and a publication listing Soviet peace and disarmament decrees, proposals, agreements, and treaties from 1917 to the present were passed to the participants for distribution to American officials and the general public. (U)

Petitions decrying U.S. plans to develop and deploy the "neutron bomb" and calling for a nuclear freeze were also distributed to the convention delegates. The delegates were instructed to persuade American people in their districts to sign the petitions and send them to Senators, Congressmen, the Senate Foreign Relations Committee, and President Reagan at the White House. The convention outlined plans to wage campaigns to persuade national political figures and city mayors and councils to adopt resolutions against nuclear war and for a nuclear freeze. The convention also resolved to participate in and add its voice to the Solidarity Day march sponsored by the AFL-CIO, which was held in Washington, D.C., in September, 1981, and which attracted a sizeable number of demonstrators. (U)

The proceedings of the NCASF Third National Convention demonstrate Soviet influence over this American organization. The NCASF was aggressively promoting Soviet views on peace and disarmament through the distribution of publications and circulation of petitions at the national and local levels. (U)

C. USPC Second National Conference

In November, 1981, the USPC held its Second National Conference in New York City with the theme of "In the Common Interest-Strategies for Peace". The conference mapped out plans for intensified work around the major WPC activities and campaigns, including workshops on disarmament, international solidarity with liberation struggles, conferences on the domestic consequences of the arms race, and electoral strategies for peace. Workshops also focused on how to organize and unify the masses around the peace issue. (U)

Proposals passed by the conference attendees included calling on local USPC chapters to introduce referenda for "jobs with peace" to city and state elected bodies and to campaign for a nuclear freeze proposal on electoral ballots. The conference also passed a resolution condemning the U.S. State Department denial of a visa for the Soviet Peace Committee delegate to the conference and another resolution condemning the Reagan Administration for creating a hostile climate as a rationale for armed intervention by the United States in Cuba, Nicaragua, Grenada, or El Salvador. (U)

Two U.S. Congressmen and a high-level delegation of the World Peace Council, led by Romesh Chandra, attended the USPC conference. In his address to the conference, Chandra stressed the peace and disarmanent theme and encouraged the USPC to initiate letter-writing campaigns, rallies, and demonstrations concerning the peace movement. He emphasized the importance of thwarting U.S. plans to modernize theatre nuclear forces in Western Europe and praised the nuclear freeze proposals made by the late Soviet leader Leonid Brezhnev. The USPC Second National Convention convincingly demonstrated the one-sided, pro-Soviet views of the WPC/USPC. (U)

D. Hemispheric Conference of Soviet Friendship Societies

The proposed Hemispheric Conference of Soviet Friendship Societies illustrates the patient behind-the-scenes maneuvering by Soviet and Cuban Governments to exploit friendship societies for active measures purposes. The Soviets hope to coordinate the activities of friendship societies in an orchestrated attack against U.S. policies in Central and Latin America and on peace and disarmament issues. (U)

E. WPC "Discussion on Disarmament"

WPC conferences, such as the above, are widely publicized by the Soviet Union to enhance worldwide protest against American defense policies. Soviet and WPC officials exploit the participation of American public officials in WPC/USPC activities to lend legitimacy to these organizations. (U)

F. Soviet "peace delegations" sponsored by the NCASF

The Soviets systematically use NCASF-sponsored tours to promote Soviet policies and propaganda concerning peace and disarmament to the American people and to conduct covert active measures. The NCASF arranges meetings, press conferences, radio and television interviews, and lecture or speaking engagements for both Soviet officials assigned to the United States and Soviet delegations that visit the United States. (U)

A 21-member Soviet tourist group arrived in Los Angeles April 29, 1982, from Mexico City to begin a twelve day tourist excursion to Los Angeles, San Francisco and San Diego. The tour was sponsored by the NCASF. (U)

Members of the group engaged in propaganda activities aimed at discrediting the U.S. position on nuclear disarmament. While in San Francisco, Soviet tour member Eduard Batalov, an historian with the Institute of the U.S.A. and Canada, was a guest of a radio talk show and discussed the Soviet position on nuclear disarmament. (U)

In San Diego, Batalov and the other members of the tour were met at the airport by members of the local media. Batalov was the subject of two San Diego newspaper articles dated May 8 and 10, 1982. In the latter article, Batalov excoriated the Reagan Administration's position on Soviet proposals regarding nuclear disarmament and on the possibility for limited nuclear warfare. (U)

A 16-member Soviet tourist group, sponsored by the NCASF, entered the United States in June, 1982. In this group was Vladimir Dunayev, identified on his visa as a television political commentator. On the evening of June 12, 1982, a San Diego television station reported that during an antinuclear rally held in San Diego, an individual, whom the newscaster identified as a visiting Soviet tourist, was observed walking alongside the demonstrators and, utilizing professional recording equipment, recorded the events of that day. This Soviet visitor was later identified as Dunayev. A television newscast of the rally included an interview with a member of the Soviet tourist group, who made disparaging comments on U.S. arms control and disarmament policies. (U)

G. The nuclear weapons freeze campaign

According to newspaper accounts, Kapralov made an extremely favorable impression on the conference attendees. Both Bogdanov and Kapralov participated on the various panels, and they urged the attendees to redouble their efforts to prevent deployments of new American weapons systems. (U)

H. June 12 demonstrations

A principal target of Soviet active measures in 1982 was the June 12, 1982, demonstration in New York City, which was held

in conjunction with the Second Special Session on Disarmament at the United States (SSOD II). nearly every instrument of Soviet active measures was directed towards infiltrating and influencing the June 12 Committee, the organization that was formed to plan and coordinate the demonstration. (U)

Soviet Involvement

Representatives of the CPSU or one of the Soviet controlled international front organizations that have official status with the United Nations (i.e., the WPC, WFTU, Women's International Democratic Federation, Christian Peace Conference, and the World Federation of Democratic Youth) were invited to participate in SSOD II by the United Nations. Many of these individuals actively lobbied for Soviet peace and disarmament policies during SSOD II meetings at the United Nations and during the June 12 demostrations. (U)

USPC Involvement

The USPC, NCASF, CPUSA, and several CPUSA front organizations were among the over 100 national sponsors of the June 12 peace and disarmament demonstration. These organizations were actively involved at the national, state, and local levels in enlisting support for and participation in the June 12 demonstrations. They made travel and accommodation arrangements for rally attendees and sponsored foreign delegations that traveled to the United States for the demonstration. (U)

In March, 1982, the USPC sent a letter to the general public requesting their participation in and support of the June 12 demonstration. The letter informs the public that the USPC has made mobilization for June 12 its first priority for the next 100 days. It urges the recipients to join the local June 12 Coalition, reserve buses to New York, solicit the participation of local civic organizations and city councils, pass resolutions in support of SSOD II and the June 12 demonstration, and support the fight against the "Reagan War Budget." (U)

The USPC played an important role in the planning and organization of the June 12 demonstration. The USPC was one of ten organizations sanctioned by the June 12 Committee to serve as information centers for American citizens and organizations who were seeking information on the platforms and activities of the June 12 demonstration. One USPC official, Sandra Pollock, was assigned by the June 12 Committee to organize and coordinate the logistics of the demonstration. (U)

The USPC had at least one seat on the June 12 executive committee. Michael Myerson and Sandra Pollock, two USPC officials who are also national leaders of the CPUSA, were active participants in executive committee meetings. During June 12 Committee meetings, the USPC/CPUSA representatives actively campaigned to direct the focus of the demonstration exclusively against U.S. nuclear weapons systems and away from Soviet weapons systems. (U)

According to articles in several noncommunist publications, there were substantial internal problems in the June 12 Committee as a result of the insistence of USPC/CPUSA representatives that the rally should focus exclusively on U.S. arms control and disarmament policies. An article by Ronald Radosh in The New Republic recounts the USPC's campaign to "tone down the official rally call so that it was not equally addressed to the United States and the Soviet Union." According to Radosh, the USPC held one seat on the June 12 Committee and "four other seats were held by communists or fellow travelers." (U)

These revelations are consistent with the public statements of the USPC/CPUSA which also claim they had a significant impact on the June 12 Committee proceedings. In a brochure entitled, "The New 'Red Scare': An Open Letter," the USPC defends communist participation in the peace movement stating that communists "also bring to the movements in which they work a sometimes-missing sense of organization, direction and ideological cohesiveness." This brochure, which the USPC has distributed to nearly all of the major peace organizations in the United States, claims that the USPC played, "a key role in the development of the June 12 demonstrations." (U)

According to public accounts, a compromise was finally reached in the June 12 Committee to focus primarily on U.S. responsibility for the arms race. The Committee's rationale was that the Soviet Union supports several Committee proposals, including a bilateral nuclear freeze, and the June 12 demonstration was primarily designed to influence the U.S. Government position on nuclear disarmament. This compromise was clearly reflected in the official call of the June 12 Committee which said:

"The demonstration addresses all governments which have developed nuclear arms and which compete in the international arms race, but its primary focus is on the United States Government. Possessing more nuclear bombs than all other countries combined and leading the technological, first-strike weapons race, the U.S. government is the least willing to stop its nuclear insanity. The demonstrators are absolutely clear that only when there is a strong citizen's movement to reverse and end the arms race will the U.S. government change its policies regarding first use, first-strike and nuclear deterrence. The June 12th Rally reveals once again that the disarmament movement in the United States is rapidly growing and increasingly powerful." (U)

The Soviets were satisfied that the USPC/CPUSA was successful in directing the focus of the rally against U.S. arms control and defense policies and later boasted in a propaganda booklet:

"But it is a fact, said Pravda's special correspondent A. Vasilyev who was in New York City on June 12, that during the seven hours of the demonstration and rally attended by a million people on the day I did not see a single anti-Soviet placard. I asked my acquaintances and friends about it, and some of them said that there had been some small groups, maybe one or two placards in a thousand." (U)

CPUSA Involvement

In April 1982, the CPUSA held an Extraordinary Conference in Milwaukee, Wisconsin. The meeting was attended by an estimated 700 participants, including a large number of nonparty individuals. The purpose of the meeting was to move the entire party to bolder, more militant positions on various issues, including the peace movement. CPUSA General Secretary Gus Hall stated, "We may have to stage and initiate sit-ins, kneel-ins, and confrontations. Maybe a few of us will get our heads busted . . . Some of us may go to jail." (U)

During the Extraordinary Conference, CPUSA officials outlined the following steps to organize for the June 12 demonstration:

Every club discuss concretely at its next meeting how it is going to build for June 12.

That there be a strong Party presence on June 12th, with banners and literature in addition to the Party press.

That we help develop a national trade union peace network out of the local union activity on behalf of the freeze and in support of June 12.

That where the U.S. Peace Council (USPC) exists, we work with others to aid its participation for June 12; where it doesn't exist we work with others to try to launch local Peace Council participation with buses and banners; that we undertake to help distribute a half-million USPC special leaflets for June 12th.

That we implement the proposals of Comrade Hall in his Central Committee report "What The Reds Say Today," particularly the need to help build multi-racial, multinational, working class affiliates to the USPC at the grass roots. It was stressed that such instruments of struggle are necessary to influence other movements even as we cooperate, not compete, with them. Attention was paid to some liquidationist tendencies, to the absolute need to support the legitimacy of the USPC in all struggles and to link up economic and peace struggles.

That we work to overcome the weaknesses of approach now evident among white middle-strata forces in the organized peace movement that create obstacles to the full participation of the Black and other minority communities. Discussion in the workshop affirmed the urgency of taking actions to bring the local and national operational leadership of peace movements into conformity with the actual reality of the situation in respect to the position of the entire Afro-American community which is solidly against Reaganism and militarism.

That larger districts create or reactivate Peace and Solidarity Commissions within the Party to guide the work. Smaller districts should assign a cadre to be in charge of the work.

Reaffirmed the inseparability of the struggle for diarmament and support for the liberation movements such as the A.N.C. of South Africa, SWAPO of Namibia, FMLN-FDR of El Salvador and the PLO; and affirmed that the anti-interventionism movements gaining great strength in the churches, unions, communities and campuses represent an inseparable part of the anti-Reagan all people's front. (U)

In January, 1982, local CPUSA districts were instructed to institute plans to take part in demonstrations that were scheduled to occur in the Spring of 1982 to protest the Reagan Administration's views on nuclear disarmament. CPUSA members were urged to write letters to their Congressmen and take part in as many demonstrations as possible in an effort to force the Reagan Administration to alter its views on disarmament. Members were also urged to back individuals at all levels of government who would be sympathetic to these views. (U)

The CPUSA also placed representatives on the June 12 Committee. In an article reprinted in the January 14, 1983, edition of the *Wall Street Journal*, CPUSA member Bruce Kimmel publicly stated that he was CPUSA representative to the June 12 Committee. Kimmel claimed that he and his party were extremely active in planning and organizing the demonstration. (U)

Following the June 12 rally, a memo from the Organization Department and National Peace and Solidarity Committee of the CPUSA national headquarters was sent to all districts. The memo stated that the Party was extremely active in working to

make the June 12 demonstration an outstanding success. The memo emphasized, however, that it is a critical period for the U.S. peace movement and the Reagan Administration is proceeding with the largest military buildup in history and shows no signs that it is ready to negotiate seriously with the Soviet Union. According to the memo, the new target of the CPUSA is the November elections, and the American peace movement will ask candidates across the country to take a public position on the nuclear freeze proposal and cuts in the military budget. The memo suggested that local coalitions should link up with other forces, especially those involved in economic struggles, which have an interest in removing Reagan supporters from office . . . every effort should be made to popularize the decisions of SSOD II . . . chapters should continue nuclear freeze petitioning and join with other peace and disarmament groups to build local peace councils. (U)

NCASF Involvement

The NCASF was also active in planning the organizing for the June 12 demonstration. In April, 1982, a chapter of the NCASF recounted its activities in response to the Peace Action Program adopted by the NCASF in 1982:

"Our monthly Open Forums have been generally successful. With better planning and increasing the staff of the publicity committee and its systematic approach to sending out press releases, advertising in more university and community newspapers and contacting local radio and television stations, we are confident the forums will succeed . . . We have been actively participating in coalitions working on the June 12th demonstration in New York in support of the Second United Nations Special Session on Disarmament . . . We are dstributing flyers, selling tickets and helping to plan with the NCASF for the May 7th Carnegie Hall Rally, which is aimed at building popular support for the June 12th demonstration. (U)

In May, 1982, the NCASF organized and sponsored a peace rally at Carnegie Hall called the "Rally for Peace, Disarmament and Social Progress." The rally was designed to mobilize public opinion behind SSOD II and the June 12 rally. Public figures and well-known entertainers also attended the rally. (U)

WFTU representative Ernest DeMaio delivered a speech at this affair that blamed the current economic problems in the United States on the "military-industrial complex whose imperialist nature and arms budget advance the interests of the rich to the detriment of the poor." He called for a nuclear freeze and praised the late Soviet leader Brezhnev's initiatives for a freeze of nuclear arms in Europe, nuclear free zones in the Nordic and Indian Ocean regions, and other Soviet initiatives. (U)

Following this meeting, the NCASF disseminated a letter to its affiliates requesting additional fund-raising activities and financial support for NCASF peace activities. The letter listed the recent accomplishments of the NCASF:

"We were members of the National June 12th Steering Committee. Our members helped organize the million who marched in New York, and were among the 100,000 in the Rose Bowl, the 50,000 in San Francisco and in local demonstration elsewhere;

"Our very successful Carnegie Hall Rally for Peace, Disarmament and Social Progress, May 7th, which featured among others Representatives Parren Mitchell, Counselor Oleg Sokolov of the Soviet Embassy and Pete Seeger, was a part of the mobilization effort for June 12th.

"Our leaflet 'In the Name of Humanity' has been widely distributed and a large printing of a new issue of Friendship News has just appeared;

"On June 15th we published '*Swords into Plowshares: Soviet Initiatives for Peace, Security and Disarmament, 1917-1982*', a ground-breaking forty-page booklet which, listing specific Soviet proposals year by year and the responses they elicited, demonstrates the consistency of the Soviet campaign for peace from the first decree of the Soviet state, November 8, 1917 down to this year;

"We helped organize a Peace Cruise on the Volga River which will take place August 5-22 and was filled up by February;

"We received five very successful Good Will Missions and a lecturer from the Soviet Union by the middle of the year, and will be host three more missions later this year, at a time when contacts between U.S. and Soviet citizens are becoming rarer and more precious;

"Dick Morford, our Executive Director Emeritus, helped organize the U.S. delegation for and participated in the great interreligious conference on peace held in Moscow in May which Billy Graham also attended." (U)

The letter also included a warning about complacency in the peace movement:

"This is a most critical moment for the peace movement. There must be continued forward movement or we risk severe setbacks. If the new and powerful U.S. peace movement should come to be dominated by anti-Soviet influences the disarmament process will be hindered rather than helped. The Administration must not be permitted to continue its inflammatory anti-Soviet rhetoric which threatens efforts to re-establish detente." (U)

Based on available information, we do not believe that the Soviet Union and its proxies directly controlled the proceedings of the June 12 rally, nor were they primarily responsible for the large turnout at the rally. The overwhelming majority of the nearly one million people that attended the June 12 rally were members of independent peace and civic organizations, and they attended the rally as an expression of legitimate concerns about nuclear weapons. (U)

On the other hand, Soviet-controlled organizations participated at the highest levels of the June 12 Committee and exerted pressure to influence the June 12 Committee to focus on U.S. nuclear weapons policies as opposed to Soviet policies. Of course, the Soviets also exploited this large demonstration in its worldwide propaganda compaign against new American weapons systems. (U)

The importance the Soviets attach to influencing the peace movement to focus on U.S. and NATO weapons systems is dramatized by the letter of protest sent by Yuri Zhukov, Chairman of the Soviet Peace Committee, to West European peace organizations. The letter, which was published in the West Berlin Tageszeitung of January 4, 1983, indicated that the East bloc peace organizations would not participate in the May, 1983, West Berlin Peace Conference because the Conference attendees hold "both sides, that is to say the East and West, equally responsible for the existing tensions and asked both the United States and the Soviet Union to withdraw all nuclear weapons from Europe." (U)

The East German response to this evenhanded approach by Western European peace groups was swift and unequivocal. On January 27, 1983, the Bonn Newspaper, Die Welt, reported the arrest of twelve pacificists in East Germany who applied to German Democratic Republic authorities for travel permits to participate in the West Berlin Conference. (U)

J. American trade-unions

WFTU Tenth Congress

One of the major priorities of the WFTU and CPUSA is to mobilize the trade unions in the United States to join the peace movement. In February, 1982, the WFTU held its 10th Congress in Havana, Cuba. The U.S. delegation to the Congress consisted of over 50 trade-union officials. (U)

The Congress focused primarily on peace and disarmament issues, particularly the social and economic costs of the arms race. During the Congress, Soviet delegates persistently espoused Soviet views on disarmament issues and attempted to enlist the support of other delegations in a peace offensive. The Soviets emphasized to American trade-union delegates the importance of mobilizing the working class to join the peace and disarmament demonstration in New York City in June, 1982. The Congress also adopted a policy paper entitled, "The Trade Unions and the Challenge of the 80's," which presented a systematic set of rationalizations on why trade unions of the world should join in anti-American, anti-free enterprise activities and move in a pro-Soviet direction. (U)

Labor Research Association

The IRA also sponsored a banquet luncheon honoring the Congressional Black Caucus on November 21, 1982, in New York City. Joseph Harris, a longtime CPUSA member and Director of the IRA, organized the luncheon, and he sent letters of invitation to several labor unions. (U)

III. FBI ASSESSMENT

It is extremely difficult to determine the extent to which various peace organizations and coalitions are being influenced or manipulated by the Soviet Union. An assessment of the effect of Soviet active measures on the U.S. peace movement is particularly difficult because the Soviets have endeavored to capitalize on or manipulate existing sentiments within peace organizations, such as the desire for a nuclear weapons freeze, that parallel or tend to promote Soviet foreign policy and propaganda objectives. As the 1981 Interagency Intelligence Memorandum on Soviet Active Measures noted: "Whenever a political movement supports policies that coincide with the goals or objectives of Soviet foreign policy, the exact contribution of Soviet active measures to that movement is impossible to determine objectively." (U)

Based on information available to us, we do not believe the Soviets have achieved a dominant role in the U.S. peace and nuclear freeze movements, or that they directly control or manipulate the movement. The Soviets, however, do not view direct control or manipulation of a movement as a necessary prerequisite or condition for a successful active measures campaign. The Soviet peace campaign, for instance, is designed to focus public attention on new American nuclear weapons systems and to help create the impression that the Soviet Union is more interested than the United States in serious arms control and disarmament negotiations. This campaign does not require direct

Soviet control or manipulation to be effective. The Soviets believe they can achieve these objectives through a planned series of arms control and disarmament proposals that play on the sentiments of the Western peace movements in concert with the systematic use of the Soviet worldwide propaganda apparatus, international fronts and local communist parties, and trusted contacts and agents. (U)

THE IMMIGRATION REFORM AND CONTROL ACT OF 1983

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. MAZZOLI) is recognized for 5 minutes.

● Mr. MAZZOLI. Mr. Speaker, last week my subcommittee concluded 7 days of hearings on the Immigration Reform and Control Act of 1983, H.R. 1510, and the related activities of the Immigration and Naturalization Service (INS).

I want to commend my seven colleagues on the subcommittee—SAM B. HALL, JR., BARNEY FRANK, GEORGE CROCKETT, LARRY SMITH, DAN LUNGREN, BILL MCCOLLUM, HAM FISH—for their diligence and patience in sitting through 26 hours of hearings during which we heard 74 witnesses.

I also want to commend those witnesses, which included many Members of this body, for their fine contributions to this important debate. While much of the material covered in the hearings had been examined extensively during hearings in the 97th Congress on last year's immigration reform bill, it was important to update and refresh the RECORD, and to look for new formulations to include in the bill.

At the end of my statement, I am including the witness lists for the 7 days of hearings.

My subcommittee plans to hold its markup of H.R. 1510 the week after the Easter recess. We will go into the markup with open minds, just as we approached the hearings. New and old proposals will be given serious consideration.

Mr. Speaker, I look forward to working with you and all of our colleagues on this most important piece of legislation.

COMMITTEE ON THE JUDICIARY, SUBCOMMITTEE ON IMMIGRATION, REFUGEES, AND INTERNATIONAL LAW

MARCH 1, 1983

Witnesses

Representative Don Edwards.
Representative Robert Garcia.
Representative Jim Wright.
Representative Hank Brown.
Representative Clay Shaw.
Representative Edolphus Towns.
Attorney General William French Smith.
Representative Manuel Lujan.

MARCH 2, 1983

Witnesses

Representative William Hughes.
Representative Mickey Leland.
Representative Dan Mica.
Representative Hal Daub.
Representative Walter Fauntroy.
The Honorable Diego Asencio, Assistant Secretary of State for Consular Affairs.
The Honorable Alan Nelson, Commissioner, Immigration and Naturalization Service.

Witnesses

Alan C. Nelson, Commissioner, Immigration and Naturalization Service, Department of Justice.
David L. Milhollan, Director, Executive Office of Immigration Review, Department of Justice.
William R. Robie, Chief Immigration Judge, Department of Justice.
Michael G. Harpold, President, National Immigration and Naturalization Service Council, AFGE, AFL-CIO.
Richard L. Bevans, President, National Border Patrol Council, AFGE, AFL-CIO.

MARCH 9, 1983

Witnesses

Hon. F. James Sensenbrenner, Jr.
Hon. Abraham Kazen, Jr.
Hon. Ronald Coleman.
Ben Jarratt Brown, Executive Director, Alliance for Immigration Reform.
Sam Bernsen, Washington Representative, American Council on International Personnel.
Howard Knicely, Vice President, Human Relations, TRW, on behalf of National Association of Manufacturers and the Business Roundtable.
Robert T. Thompson, Vice Chairman, Board of Directors, and Chairman, Labor Relations Committee, Chamber of Commerce of the United States.
William D. Toohey, President, Travel Industry of America.
James G. Van Maren, Director, Agricultural Department, California Chamber of Commerce.
George M. von Mehren, Vice Chairman, Immigration Committee National Foreign Trade Council.
Anthony J. Pellechio, Deputy Assistant Secretary, for Income Security Policy, Department of Health and Human Services.

MARCH 10, 1983

Witnesses

Mr. Thomas Donahue, Secretary-Treasurer, AFL-CIO.
Mr. Perry E. Ellsworth, Executive Vice President, National Council of Agricultural Employers.
Mr. Russell R. Williams, President, Agricultural Producers, Inc.
Mr. Henry J. Voss, Member of Executive Committee, American Farm Bureau.
Mr. Tom Hale, President, California Grape and Tree Fruit League.
Mr. George Sorn, Assistant General Manager, Florida Fruit and Vegetable Association.
Mr. John R. Norton, III, Chairman of the Board, United Fresh Fruit and Vegetable Association.
Mr. R. E. Hornibrook, Chairman of Labor Committee, National Cattlemen's Association.
Mr. Frates Seeligson, President, Texas and Southwestern Cattle Raisers Association.
Father Theodore Hesburgh, President, University of Notre Dame.
Mr. Billy Reed, Director, American Engineering Association.
Mr. Irwin Feerst, President, Committee of Concerned Electrical and Electronics Engineers.
Mr. Marvin Baron, President-Elect, National Association for Foreign Student Affairs.
John Calhoun, Director of Business Development, Intel Corp. on behalf of American Electronics Association.
Dr. Paul E. Gray, President, Massachusetts Institute of Technology on behalf of The American Association of Universities.
Dr. David C. Lewis, American Association of Engineering Societies.

MARCH 14, 1983

Witnesses

Otis Graham, Vice Chairman of the Board, Federation for American Immigration Reform.
Thomas McMahon, Executive Director, Environmental Fund.
Carole L. Baker, Executive Director, Zero Population Growth.
Dale de Haan, Chairman, Committee on Migration and Refugee Affairs, American Council for Voluntary Agencies and Director of the Immigration and Refugee Program of Church World Service.
Howard Kohr, Assistant Washington Representative, American Jewish Committee.
Althea Simmons, Executive Director, National Association for the Advancement of Colored People.
John Huerta, Director, Immigration Projects, Mexican-American Legal Defense and Educational Fund.
Arnold Torres, National Executive Director, League of United Latin American Citizens.
Norman Lau Kee, Chairman, Task Force on Immigration and Refugee Policy, U.S.-Asia Institute.
Benjamin Gim, Chairman, Committee on Immigration and Refugees, Organization of Chinese Americans, Inc.

MARCH 16, 1983

Witnesses

Hon. Tony Coelho.
Hon. James Scheuer.
Hon. Edward Roybal.
Hon. Major Owens, accompanied by Colin Moore, President, Caribbean Action Lobby.
Maurice A. Roberts, Editor, "Interpreter Releases" and former Chairman, Board of Immigration Appeals.
Josie Gonzalez, Legislative Chairperson, Immigration Section, Los Angeles County Bar.
John Shattuck, Legislative Director, American Civil Liberties Union.
Robert Juceam, President, American Immigration Lawyers Association.
Robert Ervin, Member, House of Delegates, American Bar Association.
Deane Dana, Member, Board of Supervisors, County of Los Angeles.
Senator David Roberti (California), accompanied by Senator John Hill (Florida), National Conference of State Legislatures.
Matthew Coffey, Executive Director, National Association of Counties.
James A. Krauskopf, Commissioner, Human Resources Administration, City of New York, on behalf of U.S. Conference of Mayors.
David Pingree, Secretary, Florida Department of Health and Rehabilitative Services, on behalf of the National Governors Association.
Robert Searby, Deputy Under Secretary for International Labor Affairs, Department of Labor.
A. James Barnes, General Counsel, Department of Agriculture.●

CHOCTAWHATCHEE SENIOR HIGH SCHOOL SCHOOL SPIRIT LEADERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. HUTTO) is recognized for 5 minutes.

● Mr. HUTTO. Mr. Speaker, Choctawhatchee Senior High School in Fort Walton Beach, Fla., continues to live up the the tradition of excellence it has enjoyed for several decades. The heritage of graduating from an institution with such high degree of camaraderie has provided many leaders from business and industry, the military, local, State and National Government, and religious organizations. The sports teams, band, choral groups, debate teams, and so forth, have all proven to be first class due to the excellent leadership found at Choctaw.

Even here in Washington, the tradition of the Big Green Indian is felt. I have had interns to serve who graduated from Choctaw and have a full-time alumnus, Randy Knepper, as my administrative assistant.

Mr. Speaker, it brings me great pleasure to inform the House that Choctawhatchee Senior High School has been selected as one of five national winners—out of some 400 schools nationally—in the 1982 7-Up School Spirit Contest. Choctaw is clearly in the running for the national selection and I fully expect them to win.

The Big Green Indians of Choctawhatchee have spirit and I am proud to be their Congressman.

Thank you, Mr. Speaker.●

INTERNATIONAL REGULATORY REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 5 minutes.

● Mr. ST GERMAIN. Mr. Speaker, on April 20 and 21, I will convene hearings on a variety of proposals to reform the supervision and regulation of U.S. bank international lending. In accordance with the multinational nature of our current global lending problems, witnesses with broad experience in foreign lending regulation, will be invited to testify on proposals to strengthen the international banking system.

I anticipate these hearings will result in an international regulatory reform amendment to the IMF legislation the House Banking Committee will ask the House to consider in early May. What provisions such an amendment will contain are impossible to determine precisely at this time. However, I intend these hearings to give detailed consideration to proposals which would:

Augment bank foreign loan disclosures;

Increase loan loss reserves;

Prevent undue foreign loan concentrations;

Change the manner in which banks account for the fees they charge for loan rescheduling; and

Strengthen the international examination and supervision authorities of the U.S. Federal regulatory agencies.

As you know, Mr. Speaker, reforming the framework governing U.S. bank international activities is not the only action I feel Congress should take at this time. I recently introduced House Joint Resolution 208, the international recovery resolution, to encourage a broad national response to our global economic difficulties. House Joint Resolution 208 would require the Reagan administration to take actions at the Williamsburg Economic Summit to be held in late May, to assure that the assembled nations consider making a multilateral commitment to adopting fiscal and monetary policies that would result in renewed growth and employment, to reducing the financial pressures on the developing nations, and to improving the regulatory programs that govern international banking safety and soundness. This resolution will also be considered at the hearings on April 20 and 21.

For the present, passage of legislation to stimulate a U.S. economic recovery, such as the Housing and Urban Rural Recovery Act, action on the IMF bill including a thoughtfully developed regulatory reform amendment, and enactment of House Joint Resolution 208, would constitute an initial response to our current economic difficulties. After these urgent near term actions are taken, the House Banking Committee will turn its attention to longer term solutions to our domestic and global economic problems.●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MARKEY) is recognized for 5 minutes.

● Mr. MARKEY. Mr. Speaker, yesterday, I was necessarily absent for the first two electronically recorded votes. Had I been present, I would have voted "yes" on the motion to approve the Journal and "present" on the quorum call.●

THE IMMIGRATION AND NATIONALITY AMENDMENTS OF 1983

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ROYBAL) is recognized for 5 minutes.

● Mr. ROYBAL. Mr. Speaker, I am introducing today the Immigration and Nationality Amendments of 1983, a comprehensive immigration reform bill.

I offer this legislation as an alternative omnibus bill to the measure recently reintroduced by Representative MAZZOLI, chairman of the House Judiciary Subcommittee on Immigration, Refugees and International Law.

Mr. Speaker, when we considered the Judiciary Committee bill late in the lameduck session, the House was confronted with the consideration of over 200 major amendments ready to be offered by many Members with different viewpoints and interests. Many of us opposed the legislation because so little opportunity was provided in which to put together an equitable compromise. I believe that the bill I am introducing today addresses the serious inequities contained in the commitee's bill, and provides a viable alternative.

It is clear from discussions with Judiciary Committee members that the committee will report out a bill that will contain three titles providing for:

Control of illegal immigration including the implementation and enforcement of employer sanctions;

Expansion of the H-2 program; and

A legalization program—currently proposed as a two-tiered adjustment-of-status system.

With regard to title I, my bill offers an effective alternative to employer sanctions that would concentrate on employers who knowingly use and exploit unauthorized aliens in order to maintain hazardous and unhealthy working conditions or pay below minimum wages. Second, my bill would focus on the worst offenders, those who engage in a pattern or practice of employing unauthorized aliens in order to exploit their labor to the detriment of U.S. workers.

This approach is not only more direct in its objective to eliminate the exploitation of unauthorized aliens, but it also adds certain basic safeguards to prevent employment discrimination. First, it does so by allowing an individual, under the pattern or practice provision, to seek administrative relief against an employer who fails to act in good faith under the terms of a cease and desist order. Second, it establishes a top-level interagency task force to investigate complaints of employment discrimination. And third, it requires the Attorney General to take "due and deliberate" actions to safeguard constitutional and civil rights.

Title I of my bill also addresses the serious problem of inadequate support for current enforcement and service activities in the Immigration and Naturalization Service and Department of Labor by providing for supplemental authorization through fiscal year 1987 for sufficient funding of title I enforcement of INS border patrol and service, and labor law enforcement activities.

The combined effect of these provisions will take the monetary incentive out of the hiring and exploitation of unauthorized aliens while, at the same time, preserving our civil rights guarantees.

Title I of my bill also addresses in a serious way the international economic and social conditions and trends that affect unauthorized immigration into our country. It does so through a 4-year National Commission on Immigration and International Development empowered to recommend changes in law—including economic assistance and trade—policy and practice to best address immigration problems and trends.

With regard to title II, my bill would reform legal immigration by reinforcing our traditional commitment to family reunification and our special relationship with our neighbors—Mexico and Canada. Further, it would insure that the H-2 temporary worker program contains protections for domestic workers against any displacement by foreign nonimmigrant workers and sufficient labor standards to protect both H-2 and domestic workers.

With regard to title III, I am proposing a one-tier legalization program which provides for the adjustment of status of an alien, unless otherwise excludable, who entered the United States in an unlawful status prior to January 1, 1982, and has resided continuously in the United States since that date.

With regard to prescribing regulations on what constitutes residence, the Attorney General will include the use of affidavits from credible witnesses to establish evidence of the alien's continuous residence.

I have drafted this bill to achieve four objectives:

Preserve our national commitment to family reunification;

Safeguard constitutional and civil rights, and human dignity;

Eliminate employer exploitation of unauthorized aliens by removing monetary incentives to hire them; and

Enforce existing labor and immigration laws effectively.

I believe my bill accomplishes those objectives in a realistic and practical way without requiring cumbersome administrative and regulatory systems. I ask my colleagues to join in support of this compromise legislation.●

REPORT ON A FACTFINDING MISSION TO THE SOVIET UNION AND EASTERN EUROPE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ZABLOCKI) is recognized for 10 minutes.

Mr. ZABLOCKI. Mr. Speaker, from January 7 to January 16 of this year a delegation of Members of Congress visited the Soviet Union, Hungary, Yugoslavia, and Romania. These visits occurred before the delegation journeyed to Athens, Greece to participate in a meeting with the Delegation of the European Parliament on January 17 and 18.

The congressional delegation was chaired by the gentleman from California (Mr. LANTOS) and cochaired by the gentleman from Florida (Mr. GIBBONS). The ranking minority member was the gentleman from Minnesota (Mr. FRENZEL).

Mr. Speaker, our friends in the media often question whether such trips serve a valuable purpose. Because of such doubts, I have chosen to include in the RECORD a report sent to me from the leadership of the delegation. From the detailed account, you will see that the delegation held extensive meetings with officials in all the countries which were visited. The delegation discussed, in particular, three issues with the Soviets and East Europeans—arms control, human rights, and trade.

Mr. Speaker, U.S. relations with the Soviet Union and Eastern Europe are at one of the most critical stages since the end of World War II. The United States wonders how the new leadership of Party Secretary Yuriy Andropov will affect Soviet policy and the future of the Communist states of Eastern Europe. The United States is concerned by the substantial increase in Soviet military might and is engaged in negotiations to find a solution to an arms race that threatens world peace. American leaders worry, too, about the future of human rights in these countries.

The future of East-West relations will determine much of the fate of mankind. This report presents an important discussion of some of the issues in that relationship. I, therefore, strongly urge my colleagues and members of the press gallery to read it.

The letter follows:

COMMITTEE ON FOREIGN AFFAIRS,
Washington, D.C., March 22, 1983.

Hon. CLEMENT J. ZABLOCKI,
Chairman, Committee on Foreign Affairs, Washington, D.C.

DEAR MR. CHAIRMAN: We are writing to report to you on a fact-finding mission to the Soviet Union, Hungary, Yugoslavia, and Romania from January 7 through January 16, 1983. This trip preceded our meeting with Members of the European Parliament in Athens, Greece which occurred from January 16 through January 19, 1983. In each country visited, we received briefings from the U.S. Ambassador and other embassy officials and met with distinguished representatives of the host governments. En route home to the United States, the delegation made a refueling stop at Torrejon Airbase outside of Madrid, Spain where we received a briefing from Ambassador Terence A. Todman.

In each country, it was our intention to gain greater understanding of the domestic political and economic situation and of outstanding bilateral trade and foreign policy issues with the United States. Recent developments within the Soviet Union made the timing of our visit especially appropriate. The death of Leonid Brezhnev and the subsequent rise of Yuriy Andropov affects not only the course of Soviet society and Soviet-American relations, but also all of Eastern Europe. General Secretary Andropov presides over an economy whose serious organization and production problems have repercussions for East-West trade and for the overall Eastern European economic situation. We were also interested in discussing the on-going negotiations between the United States and the Soviet Union to reduce intermediate range and strategic nuclear forces which have far-reaching consequences for the people of East and West.

The delegation's first stop was in Leningrad, the second largest city in the Soviet Union. The U.S. Consul General, William Shinn, briefed the delegation on the city's economy and the role of the Leningrad Communist Party leadership in Soviet politics. Members of the delegation met with local political and religious dissidents to gain impressions about the deterioration of human rights in the Soviet Union and to express American concern. The U.S. delegation also laid a wreath at Piskarevsky Cemetery, where lie buried 470,000 of the approximately one million Soviet soldiers and civilians who died during the 1941-44 seige of Leningrad.

In Moscow, the delegation was briefed by Ambassador Arthur H. Hartman. Its first meeting with Soviet officials was with representatives from the Soviet Ministry of Trade. Deputy Minister of Trade Manzhulo spoke of the need to establish a framework for normal U.S.-Soviet commerce. He criticized the obstacles to bilateral trade imposed by the United States such as the Jackson-Vanik amendment and recent trade embargoes. There is strong interest in the Ministry of Trade in a long-term grain agreement and in contract sanctity since the Soviet government makes its economic plans on a five year basis. The U.S. delegation, while expressing an interest in expanded trade, made the point that, for the United States, trade was but one aspect of overall U.S.-Soviet relations. The Americans stressed that Soviet policies on human rights and emigration made it unlikely that the Jackson-Vanik amendment would be repealed. The U.S. delegation had the further opportunity to discuss bilateral trade issues and the broader context of the global economic situation at a roundtable meeting with officials of the World Economic and International Relations Institute.

The delegation also met with the chief Soviet negotiator for the Intermediate Range Nuclear Force (INF) negotiations, Yuly Kvitsinsky and with the negotiator for the Strategic Arms Reduction Talks (START), Viktor Karpov. The U.S. delegation stated the U.S. commitment to meaningful and obtainable arms reduction and noted its continued support for President Reagan's "zero option" proposals. Speaking for the Soviet position on INF, Mr. Kvitsinsky thought there had been recent achievement in the arms control talks, through the clarification of the positions of the two sides, but he stressed that the "zero option" formula one-sidedly favored the United States. It required the Soviet Union to remove all of its SS-20 missiles in Europe while the United States could keep its intermediate range bombers. Kvitsinsky repeated the Soviet proposal on INF made by Party

Secretary Yuriy Andropov in late December 1982 and insisted on a comprehensive solution covering all intermediate weapons systems. However, Kvitsinsky did state that the Soviet Union might be willing to move a certain portion of its INF forces beyond the agreed lines of a reduction zone. He made an ambiguous reference to the destruction of some of the Soviet missiles which would be withdrawn but did not specify which missiles. The Soviets have, of course, previously stated that they would be willing to destroy some SS-4s and SS-5s. Mr. Karpov observed that both sides desired mutually acceptable solutions but deemed the American START proposal unacceptable because it would leave the American position stronger. Referring to SALT II, Karpov said that its principle of parity was the way to stability and should be "invariably" maintained.

Arms control was also one of the major points in the delegation's meeting with First Deputy Chief of the CPSU Central Committee International Relations Department, Vadim Zagladin. Zagladin remarked that peaceful co-existence should be the "sole" basis of U.S.-Soviet relations and objected to what he described as the American effort to coerce the Soviet Union to renounce its "public system". His position on arms control closely complemented the position outlined by Kvitsinsky and Karpov. In regard to trade, Zagladin observed that American laws and policy were the cause of present difficulties; the Soviet Union, he claimed, did not desire to obstruct Soviet-American trade. Members of the U.S. delegation pointed out that Soviet policy in human rights was one of the reasons for present restrictions on commerce and that the Soviet Union could change this by improving its human rights record. Zagladin stated that matters of human rights were not the issues on which the fate of Soviet-American relations should rest. Soviet human rights policies originated in historical, cultural, and political considerations. As to individuals who desired to emigrate from the Soviet Union, their fate was determined by Soviet laws which prohibit emigration when an issue of national security is involved, or when the person is under trial or when his emigration is opposed by his parents.

In order to answer the delegation's questions about the fate of political and religious dissidents in the Soviet Union, a number of meetings were arranged in Moscow with dissidents. Members of the delegation discussed internal developments in the Soviet Union with several members of the Moscow dissident community. The delegation also met with the Soviet Pentecostals who are lodged in the U.S. Embassy.

The delegation ended its visit in Moscow with a meeting with members of the Institute of the U.S.A. and Canada. Both sides agreed on the importance of a healthy bilateral relationship although Deputy Director V.V. Zhurkin, who chaired the meeting, insisted that U.S. criticism of the Soviet Union was one-sided and unfair. In comparing Soviet society with America's the members of the Institute suggested that what was suitable for one society might not serve the other, an explanation that was given for differences on human rights.

Departing the Soviet Union, the U.S. delegation traveled to Hungary, Romania and Yugoslavia. Although all three nations are within Eastern Europe, the diversity in their economic and political systems is striking. Hungary and Romania are Warsaw Pact members, though the latter does not permit Soviet troops to be stationed on its soil. Yugoslavia, in contrast, is a leading member of the Non-Aligned Movement. Hungary and Yugoslavia have permitted greater latitude for dissenters, religious observance, and minority groups than Romania, which has a repressive domestic regime, and have also promoted private enterprise in sectors of their economies.

The U.S. delegation arrived in Budapest, Hungary on January 12 for a two-day stay, and was briefed by U.S. Ambassador Harry E. Bergold, Jr. The President of the Hungarian Parliament, Antal Apro, received the delegation and addressed the group on the economic problems confronting Hungary. Mr. Apro noted that Hungary's economic development had recently slowed, that it had marketing problems with some exports, but stressed that the national economic plan seemed assured in most areas. He closed with the hope that Hungary's economic and trade relations with the United States would improve.

In a meeting with Hungarian business and government leaders chaired by Ferenc Bartha, the Deputy Minister of the International Economic Relations Council, the delegation received an extensive overview of Hungary's economy and trade. Confronted with limited economic growth, the Hungarians' desire to improve their external balance of trade and lessen their indebtedness. Policy measures will include expanding exports, increasing agricultural production and private consumption, and limiting growth in real wages. The Hungarians noted that IMF support had been instrumental in helping them implement their programs. They also pointed out that they shared with the United States increased competition from subsidized agricultural exports from the European Community. Members of both the Hungarian and American delegations stated their concern about protectionism and the U.S. representatives expressed their appreciation for the Hungarian government's stand against protectionism at the recent GATT meetings. Human rights also entered the discussion, and the U.S. delegation took note of the generally good record of Hungary in this regard but warned that a reversal of this record could endanger Hungary's quest for extended most-favored-nation status from the United States.

Trade, human rights and arms control were issues which the delegation discussed in three additional meetings with Foreign Minister Frigyes Puja, the Vice President of the Parliament, Janos Peter and Deputy Prime Minister Istavan Sarlos. Bilateral U.S.-Hungarian relations are good. Hungarian officials repeated their interest of acquiring most-favored-nation status for several years instead of being subjected to an annual review which is probably the outstanding issue facing the United States and Hungary today. Members of the U.S. delegation reaffirmed their wish to have good trade relations with Hungary, particularly in light of its economic policies which have encouraged more private initiative. As to human rights, the U.S. delegation praised Hungary's overall record but pointed to specific instances where concern existed and asked for a resolution of the Sandor Zablocki case. The Hungarians replied that they have signed the Helsinki Accords and intend to respect its terms. However, they observed that each country must proceed according to its own laws and customs. They did indicate that they expect to resolve satisfactorily the Sandor Zabocki case. On arms control, Hungary's position is to support negotiations for mutual security. The U.S. delegation welcomed this but referred to Hungary's special position in European history as a link between the East and West and expressed hope that Hungary might act as a helpful link in the Soviet-American relationship.

The delegation arrived in Yugoslavia on January 14 and was met by Ambassador David Anderson and Yugoslav officials. Dr. Anton Vratusa, President of the Federal Chamber of the Federal Assembly welcomed the delegation and praised the friendly tone of U.S.-Yugoslav relations. Mr. Vratusa then concentrated on Yugoslavia's economic picture, its determination to pay its foreign debts, the increased concern about protectionism, and the desire to expand trade with the United States and other nations.

The delegation had an extensive discussion with the Chairman of the Foreign Relations Committee of the Yugoslav Federal Assembly, Branko Jovetic and other members of the Federal Assembly. In his opening remarks, Chairman Jovetic referred to Yugoslavia's independent, non-aligned position, a policy set during the years of Tito's leadership. Yugoslavia's involvement in the non-aligned movement, Mr. Jovetic observed, had given it a valuable perspective on North-South issues as well as on East-West questions. These remarks, in addition to his comments about Yugoslavia's intent to solve its foreign indebtedness, promoted a discussion of Yugoslavia's economy. Nothing Yugoslavia's current economic difficulties, the Americans stated their hope that such problems would not cause Yugoslavia to retreat from its commendable record in both economic and political freedoms. Berislav Sefer, a member of the Federal Assembly, outlined some of Yugoslavia's problems, especially its foreign indebtedness and economic stagnation, and suggested that his country would implement reforms in the management of the economy to increase exports and improve the economic infrastructure. However, he also regarded the international economic situation as a source of Yugoslavia's problems. With the developing countries facing such credit difficulties, the international economic system, Sefer observed, was facing a possible breakdown. He recommended that this problem be confronted realistically in the upcoming United Nations Conference on Trade and Development (UNCTAD) meeting in Belgrade and the next summit of the major Western powers in Williamsburg, Virginia.

International terrorism was another issue that received attention in this meeting. Yugoslavia has experienced terrorist activities against its diplomats as well as political unrest and violence by ethnic Albanians in Kosovo. Yugoslavia condemns terrorism, but when asked about its position of support for the Palestine Liberation Organization, the Yugoslav response was that the PLO is not a terrorist organization but a political group struggling for the existence of a state.

The major objective of the delegation's visit to Romania was to meet with President Nicolae Ceausescu. The delegation was briefed first by Ambassador David B. Funderburk. During the following two hour meeting, President Ceausescu seized the opportunity to speak on arms control and tell the delegation that he believed the United States should seriously consider Mr. Andropov's recent INF proposal. However, he also thought the American "zero option" formula worth considering. The U.S. delegation expressed its pleasure with the nature of American-Romanian relations in recent

years, but then focused on issues which could endanger Romania's most-favored-nation status, such as Romania's recent imposition of an education tax to inhibit emigration. It also expressed its deep concern about continuing indications of religious persecution and persecution of minorities. President Ceausescu replied that any American effort to change the most-favored-nation status would be perceived as an American attempt to interfere in the affairs of another nation. He claimed that the education tax enjoyed broad support, was not part of a trade agreements, and the United States would suffer more than Romania if it withdraw MFN status.

The U.S. delegation discussed these same topics in a meeting with the President of the Romanian National Assembly, Nicolae Giosan. When it was pointed out that the education tax appeared to violate the Helsinki Accords which Romania had signed, Mr. Giosan replied that the law had broad support but that the National Assembly did have the power to decide how the law was implemented. In response to a question about religious persecution in Romania, he claimed that such persecution does not exist.

In the Soviet Union and Eastern Europe, the U.S. delegation found national leaders troubled with shortages of foreign currency, stagnant production, foreign indebtendness, and structural problems in national management. Among all of these nations there is strong hope that an increase in exports will relieve much of the economic hardship, but there is concern that the international economic picture will complicate this. The clear impression left to the delegation was that the Soviet Union and nations of Eastern Europe foresee economic uncertainty in the forthcoming years. The extent to which any of these countries is willing to adjust economic, political, and social systems to promote economic recovery remains uncertain. On its behalf, the U.S. delegation repeatedly expressed its sincere interest in promoting stable and healthy trade relations with each country, but the American members added that these ties would be partly contingent on favorable developments in human rights and political relations.

The future of human rights in the Soviet Union was a source of particular concern. Inadequate evidence exists on the course which Andropov and other Soviet leaders will follow in the long run, but recent developments in the Soviet Union, such as the closing of all Helsinki monitoring groups, offers little hope that Soviet observance of human rights will improve. As noted above, the delegation expressed its frank concern to the Soviets as well as to members of dissident communites. In Eastern Europe, human rights policies vary greatly. Hungary and Yugoslavia, in particular, have developed generally commendable records, but the emergency of economic problems creates conditions for social and political unrest. How these governments respond to such unrest, if it occurs, will be critically important to watch.

Much distance exists between the Soviet and American negotiating positions on arms control, and it was impossible to discern any timeframe for the successful completion of either the INF or START negotiations. However, we were able to stress to the Soviets the strong and genuine U.S. interest in reaching verifiable nuclear arms control agreements.

Mr. Chairman, this trip was an extremely informative experience for the entire delegation. At a time when U.S. relations with the Soviet Union are at a critical juncture, it was important to exchange frank views with the Soviet leadership. In Eastern Europe, the delegation entered countries which have varying levels of political and economic contact with the Soviet Union but desire to improve their commercial and political relations with the United States and the West. The impressions which each member of the delegation gained will doubtlessly be very influential in determining perceptions and reactions to developments in the Soviet Union and Eastern Europe during the coming months.

Sincerely yours,

SAM M. GIBBONS,
Cochairman, U.S. Delegation.
TOM LANTOS,
Cochairman, U.S. Delegation.
BILL FRENZEL,
Ranking Minority Member, U.S. Delegation.●

HIRAM COLLEGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. ECKART) is recognized for 5 minutes.

● Mr. ECKART. Mr. Speaker. I would like to draw the attention of the House to Hiram College, a small and respected institution in my district, where a unique experience takes place each Thursday evening. This is the night when hundreds of Hiram students give up their regular meal and eat only soup and bread as their way of making a donation to charity.

The light meal costs the college food service 85 cents per student, compared with the normal $2.50. The money saved—$1,500 to $2,000 per quarter—is donated to charity through a student committee and the campus chaplain, Rev. Thomas Niccolls. These funds are then used by the Crestwood Coalition for Community Care in Portage County, which runs a food bank for the needy. I regret to report that in Portage County, where unemployment is now more than 17 percent, there are plently of people who are forced to reap the benefits of these Thursday night sacrifices.

The weekly ritual at Hiram shows that our young people are not out of touch with what is happening in our country today. They clearly recognize that hunger and poverty are growing uncontrollably like weeds in their own communities and in their hometowns. This generation is doing its best to do its part and I applaud the compassion and warmth of these students.

I hope that in the near future this Congress will also demonstrate that is has not closed its eyes to the hunger problem. I hope this Chamber will soon pass an emergency commodity distribution bill designed to get Federal surplus foods out of the warehouses and into the homes of hungry families.

As we review the critical hunger problem and possible ways to address it, I would like to share with my colleagues a partial preliminary report of a study now underway at the General Accounting Office. This GAO statement outlines the problems some communities are facing as they attempt to participate in the cheese and butter distribution.

IMPEDIMENTS TO GREATER PARTICIPATION

In accordance with a request from Representative Dennis Eckart of Ohio, we are currently reviewing public and private efforts to feed the country's poor. Our review, which is being done in the Washington, D.C. area and portions of California and Ohio, has indicated a number of problems at various levels in the overall process of providing food assistance. These problems relate generally to funding, transportation, and staffing. We have neither examined these problems in depth nor determined their significance or prevalence Nationwide. We generally learned of them through discussions with food policy analysts and officials from over 30 emergency food institutions and/or through examination of various correspondence, studies, and documents.

Both the public and private sectors are involved in responding to the food assistance needs of the poor. In the current economic climate of high unemployment, an increasing number of Americans are seeking food assistance. Some analysts, as well as people involved in providing food assistance, believe that financial cuts in Federal- and State-social programs, together with the recession, has significantly contributed to the increased need for food.

Funding is a problem cited by officials of many nonprofit, charitable organizations, including food banks, soup kitchens, and food pantries. Officials of several organizations told us that—because of limited resources—they lack the storage space and warehouse facilities, office equipment, and/or food varieties and quantities needed to improve and increase the assistance they provide.

Transportation is another problem that was mentioned frequently, particularly by California and Ohio officials of most of the organizations we contacted. Food banks must continuously address the problem of quickly arranging transportation by third parties to collect industry-donated foodstuffs. Officials of many organizations that prepare meals for delivery to "homebound" clients cited a lack of adequate transportation. The transportation industry has, on many occasions, donated its services to help move food to the needy.

Staffing was also frequently cited as a problem. The operational success of many of the nonprofit, charitable organizations requires large numbers of dedicated volunteers and at least a core of paid staffers adept at getting the most out of very limited resources. According to these organizations' officials, however, they often must deal with volunteers who tend to be less than reliable, work irregular hours, do not possess needed skills, and whose enthusiasm wanes over time. We were told that the need is great for additional paid staffers who are on the job each day to coordinate and direct activities and who are generally more skillful than volunteers in soliciting donations of food and other resources.

Concerning the Department's special cheese and butter distribution program initiated by the Department in December 1981, officials of many of the organizations we contacted said that they were pleased to re-

ceive and distribute the commodities to the poor. They cited a number of problems with the program, however, centering in three areas.

The first was insufficient coordination at various levels. Officials of some emergency food centers told us that they were sometimes given too little advance notice of pending cheese and butter shipments. We were told that in some cases as little as 24 hours notice was received, which is to little time to make adequate arrangements for needed staffing, transportation, and storage. Also, some organization complained that the distribution of cheese and butter was uneven and sporadic.

The second area involved insufficient facilities, staffing, and funding resources to adequately handle and distribute the cheese and butter. Officials of some local organizations said that they could not participate in the program because they lacked cold storage or enough staff and volunteers to help in the actual distribution. Other organizations complained that their programs were administratively cumbersome and more costly than they had initially anticipated. Some organizations reportedly dropped out of the program because of their costs, and others had to finance their participation with funds that otherwise would have gone to other food assistance activities.

The third area involved the quantities and variety of food commodities that were made available. Officials of a number of organizations told us that additional quantities of cheese and butter could always be used because the need for food is tremendous. They said that there is also a need for a greater variety of wholesome, nutritious food. A number of these officials expressed hope that the Department could offer a wider range of commodities for distribution to the poor.

We would like at this point to emphasize that our review for Representative Eckart is not complete and that we have not examined these problems in depth nor determined their application Nationwide.

I commend the House Education and Labor Committee for its work in this area with H.R. 1513 and the Subcommittee on Domestic Marketing, Consumer Relations and Nutrition for today's action on H.R. 1590.●

THE PRESIDENT HAS "STAR WARS" IN HIS EYES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BROWN) is recognized for 5 minutes.

● Mr. BROWN of California. Mr. Speaker, it is time to end this madness. The President instead of reducing the threat of nuclear war has made a proposal to militarize space which will do just the opposite. Couched in comforting nonnuclear terms, the placement of weapons in space actually will contribute to global instability. Space could easily become the scene for the early stages of nuclear conflict escalation. A first strike option would be attractive to the Soviet Union, for example, should their support systems, like communications satellites, be threatened by satellite-killing capabilities of the defensive systems proposed by the President. Either side might be tempted to engage in a first strike in the belief that their system could stop incoming missiles. The President himself acknowledged in his remarks that "defensive systems have limitations . . . If paired with offensive systems, they can be viewed as fostering an aggressive policy . . ." I would only ask the President why indeed should we not view his proposal as an aggressive policy?

Although the President did not get into great detail, his proposal smacks of the "High Frontier" scheme of retired Air Force Lt. Gen. Daniel Graham. General Graham's study, sponsored by the Heritage Foundation, proposes a system that would destroy Soviet missiles as they are flying toward the United States. In addition to opening up the bitter debate of the early 1970's over antiballistic missile (ABM) systems, and potentially violating the ARM treaty, General Graham's "High Frontier" would contribute to the escalation of the nuclear threat, not contribute to stability. It is a deception to claim otherwise to the American people.

Unfortunately, the President appears to have skipped a vital step in his defense planning—negotiation. In correspondence with Secretary of State George Schultz, for example, Congressman Hollenbeck and myself proposed U.S. support for an international peacekeeping satellite system proposed by the French at the United Nations. This "eye in the sky" based in space would be used by nations to verify the status of the world's unclear arsenal. While this proposal may not be perfect, the United States rejected it outright, along with the Soviet Union, Afganistan, Angola, Cuba, and Cyprus at a recent U.N. vote. A resolution before the General Assembly of the United Nations in December 1982 nevertheless passed overwhelmingly over our objections. This does not inspire confidence in the President's commitment to arms control. I would like to include the correspondence with the State Department on this matter for the RECORD and insert it below:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., December 7, 1982.

Hon. GEORGE P. SCHULTZ,
Secretary of State,
Department of State,
Washington, D.C.

DEAR MR. SECRETARY: We are writing to you regarding the upcoming vote in the Plenary Session of the General Assembly of the United Nations on the "French Resolution" proposing the establishment of an international satellite monitoring agency.

We understand that the vote will occur on Wednesday, December 8 and would like to express our views on this important matter. We are dismayed at the "abstain" vote registered by the United States in the vote in the General Assembly last month and hope that this might be changed to a "yes" vote. The "abstain" vote is disturbing, particularly in light of the identities of those who voted against the resolution (including the Soviet Union and Eastern Block countries), and those who abstained as we did (Afghanistan, Angola, Cuca, Cyprus, Laos, Mozambique, Vietnam).

The Resolution passed overwhelmingly in the General Assembly and is likely to pass in the Plenary Session. Bluntly speaking, we find the resistance on the part of the United States on this positive peaceful initiative embarrassing. We can only gain the confidence of the nations of the world by supporting this initiative and pronounce ourselves leaders in the pursuit of peace. We surely have the best interests of our country in mind.

We would like to request a statement of explanation of the U.S. position on this issue. As it appears likely that this resolution will gain the approval of the U.N., we would like to engage in constructive dialogue with you on how to proceed. Thank you for your consideration.

Sincerely,

GEORGE E. BROWN, JR.,
Member of Congress.
HAROLD C. HOLLENBECK,
Member of Congress.

DEPARTMENT OF STATE,
Washington, D.C., December 28, 1982.

Hon. HAROLD C. HOLLENBECK,
House of Representatives.

DEAR MR. HOLLENBECK: I have been asked to respond to the recent letter from you and Mr. Brown to Secretary Shultz regarding your interest in the U.S. position at the United Nations this fall on the "French Resolution" to establish an international satellite monitoring agency. As you know, this proposal, which was first made in 1978 at the first UN Special Session on Disarmament, envisages that the UN should begin obtaining reconnaissance data from countries operating national observation satellites and, eventually, operate its own satellite system.

The United States abstained on this proposal in both the First Committee and in the plenary session on the UN General Assembly, as it has in the past, because the U.S. continues to believe that an international satellite monitoring agency would be neither feasible nor desirable in the foreseeable future.

Entrusting responsibility for satellite monitoring to the United Nations would raise a number of serious questions for U.S. interests in the national security area. A UN satellite monitory agency would be confronted with numerous policy decisions, for example, establishing priorities on such issues as targeting, analysis, assessment and dissemination of collected data. It is difficult to imagine such sensitive issues being decided in an apolitical and dispassionate fashion. Rather, it seems likely that such a UN agency would become embroiled in political controversy from the outset, thus adversely affecting its monitoring objective. In addition, the opposition of the Soviet bloc countries to the proposal indicates that a dispute could arise anew over the sensitive political issue of remote sensing.

Additionally, the concept of providing equipment for verification to a UN agency would raise questions of the state of the art capability of such equipment. You may remember that previously we indicated the

difficulty of interpreting satellite data if it is not complemented with other source material. This problem would almost certainly result in discrepancies and probable disputes over compliance. This could erode rather than strengthen public confidence in the verifiability of arms control agreements.

The French proposal could also establish a precedent for other questionable involvement by the UN. If the UN became involved in operating a satellite system, it would not be unrealistic to anticipate requests for expanding that system into other fields such as earth resource sensing. A UN role in these fields could create problems for U.S. space policy, in particular, our interest in promoting U.S. commercial activites in space.

If the UN resolution had provided for some operational element leading to the establishment of a UN satellite monitoring system, the U.S. would have voted against it for the above reasons. However, because the resolution only requested the Secretary General to report to the General Assembly next year on the "practical modalities for implementing" the proposal, the U.S. chose to abstain.

I hope the above information explains the reason why the U.S. continues to oppose an international satellite monitoring agency.

Sincerely,

POWELL A. MOORE,
Assistant Secretary for Congressional Relations.

If the President is really serious about reducing the threat of nuclear war he should begin to offer confidence-building initiatives, instead of this destabilizing Star Wars proposal. A simple example would be to offer to share the development, planning, and cost, of his space-based ABM system, with the U.S.S.R., so that both countries would be safe from nuclear missiles. After all, the President did say that his proposal was purely defensive and nonthreatening.

But the ultimate confidence-building initiative continues to be the elimination of all nuclear weapons by all the nuclear powers, on an agreed-upon and verifiable schedule, as provided in the principles agreed to more than 20 years ago by representatives of the United States and the U.S.S.R. (the McCloy-Zorin agreement).●

ANOTHER PROBLEM TURNS UP IN EPA: THEY'RE UNDERCUTTING AMERICA'S PRIME NUCLEAR ENERGY TECHNOLOGY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. STRATTON) is recognized for 5 minutes.

● Mr. STRATTON. Mr. Speaker, as we are all aware, the EPA is under intense scrutiny and congressional investigation these days for failing to do the job it was directed to do, namely, to enforce the standards Congress set in law for handling toxic chemical wastes.

Judging from the charges and disclosures that have been made against the EPA as a result of these very thorough congressional investigations, the newly designated head of the EPA, Mr. Ruckelshaus, is going to have his hands full for many months to come to catch up with all the EPA duties that have been left undone by the agency.

That being the case, it was a real surprise to me to discover that instead of the whole agency joining in to clean up a mess that the whole Nation clearly regards as urgent and of the greatest priority—the toxic chemical waste problem—some parts of the EPA bureaucracy are instead spending their time to develop regulations for items where no known or visible problem exists.

I refer primarily to the activities of our Government mandated under the Atomic Energy Act, including those very important activities related to defense and to our all-important nuclear deterrent. What disturbs me most is the little-noticed regulatory emphasis that EPA has recently been putting on radiation.

As most people should be aware, we are all exposed to radiation from natural environmental sources—for example, cosmic radiation, radiation from natural potassium-40 in our bodies, radiation from uranium and radium found in all soils. The incremental radiation exposure attributable to so-called technology enhanced radiation sources is trivial in comparison to these natural sources. In contrast, most toxic chemicals are synthetic, and there is no natural background exposure.

For some strange reason EPA appears bent on eliminating all technologically-related sources of radiation exposure, even when that radiation is below the radiation we get from the Earth, from the cosmic rays when we fly in an airplane, and from the radiation we are subjected to when we ski at Aspen, Colo.

The EPA, I discover, at the same time it ignores chemical wastes is moving toward imposing standards for emissions of radionuclides and for exposures at levels which are below natural background levels. For example, the agency has imposed a "25 millirem" limit on dose to any organ of the maximally exposed person from uranium fuel cycle activities. EPA is planning to impose a 10-millirem limit for other activities, including national security activities. These limits are small fractions of average natural background exposures—100 to 200 millirem—in this country. Similarly, the agency has recently adopted a limit for the rate of radon emissions from uranium mill tailings which will result in natural background radon levels.

What is EPA's basis for taking this course? It is certainly not scientific. There are no epidemiological studies—or at least studies generally accepted as valid in the scientific community—linking exposure to radiation at levels less than 1,000 to 2,000 millirem per year to any ill health effects. To the contrary, epidemiological studies find no adverse effects from exposure to high natural background radiation. Low level radiation is simply assumed by EPA to be hazardous in order to be "prudent" for regulatory purposes. Many scientists believe that exposure to low levels of radiation, such as the levels which we all get from natural background sources, is in fact not hazardous at all.

The federally chartered National Council on Radiation Protection (NCRP), the International Council in Radiation Protection (ICRP), and the International Atomic Energy Agency (IAEA) all support the traditional exposure limit of 500 millirems, the limit long followed in the United States and across the world. EPA's approach calling for a mammoth reduction in the 500 millirem limit to 10 or 25 millirem appears to be responding to two nonscientifc "concerns." The first "concern" appears to be to implement a particular political philosophy. That philosophy is that it is immoral, unethical, and wrong to expose any person to any incremental radiation—or to any possibly toxic agent—associated with technology without that person's foreknowledge and specific informed consent. Under this view, consent through elected representatives is not even permissible. Proponents of this view note that the Atomic Energy Act, and the Federal policy to develop atomic energy technology which it embodies, will result in exposure of persons now or in the future to slight increments of radiation from weapons testing, nuclear waste, powerplants, radiopharmaceutical plants, nuclear medicine, and so forth. They charge that the act and the Federal policy are therefore wrong and immoral because persons will be exposed to a possible risk without their specific consent.

Although the "libertarian" philosophy embodied by this concern has a kind of frontier appeal, it must be recognized for what it is: A repudiation of representative government and of the basic "social contract" embodied in our Constitution. It amounts to espousing anarchy. It is certainly clear that we could not have a technological society—and a high standard of living—if it were pursued across the board. Simply put, there is no technology without some risks, and there is no way to get individual informed consents to technological risks in a nation with more than 200 million people. To require such consents is equivalent to foregoing technology. The necessary conclusion of adopting such a policy would be for us all to return to caves and trees. It certainly would lower standards of living and shorten life expectancies.

The second concern these EPA zealots appear to be addressing in their drive against atomic energy technology is a general fear of radiation. This fear, termed a "nuclear phobia" by Dr. Dupont, is based on public—and media—misconceptions and misinformation. People—and the media—fail to recognize that we are all exposed to radiation naturally; that we evolved in it; that many scientists believe that it is not hazardous at low levels; and that even if it is hazardous, there are a myriad of things we happily do which are far more risky, like watching television, for example, or even smoking. The phobia appears to be generated by a focus on hypothetical worst case consequences from extremely low probability events and a failure to recognize that the worst case will almost certainly never occur.

EPA should not be acting to vindicate libertarianism or to reward unfounded fears. Fear itself is not healthy, as Franklin Roosevelt reminded us all just 50 years ago this month. Instead EPA should devote itself to protection against actual and significant hazards. Government action to ameliorate raw fear supposedly went out with the Salem witch trials several centuries ago.

President Reagan has expressed support for a policy that would encourage atomic energy technology in this country. But that policy is clearly under concerted attack at EPA, or at least EPA's Office of Radiation programs, headed by Mr. Glen Sjoblom. The Nation is well on its way to losing its leadership, and its capacity for leadership, in atomic energy technology. EPA is, in fact, exacerbating the problem through insupportable regulatory standards which serve no purpose other than seeming to vindicate unfounded fears of even environmental levels of radiation. The national security and our overall standard of living are the losers in all this.

What is the solution? EPA simply has to use some kind of comparative risk analysis in establishing its radiation regulations. It cannot persist in these arbitrary and misguided efforts to eliminate all technologically related exposures, no matter how small, and no matter how insignificant relative to background releases and exposures. EPA's various initiatives in the radiation area should be submitted to peer review by competent scientific organizations, such as the National Council on Radiation Protection or the National Academy of Science. I trust that the next head of the EPA will turn his attention to this problem, and will exercise his authority to see that EPA deals with known, identifiable, legitimate hazards, not those that stem from evanescent fears and lack of information.●

NATIONAL SCLERODERMA WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. PANETTA) is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, the 97th Congress adopted a resolution I sponsored along with Senator STEVE SYMMS designating the week of February 7-13, 1982, as "National Scleroderma Week." That week was the first serious national recognition of this serious disease. Today I am introducing a resolution to designate a week in 1983, the week of June 12-18, as National Scleroderma Week in order to once again show national concern and encourage national recognition of this problem.

Scleroderma is a painful and debilitating disease that attacks the skin and multiple organs of the body. In its most serious form, scleroderma can strike the esophagus, intestines, lungs, heart, or kidneys, causing fibrosis, inflammation, and atrophy of normal functioning tissues. Localized scleroderma causes hardening and thickening of the skin, particularly of the hands and fingers, along with painful ulcerations.

This disease affects some 300,000 people. A full 80 percent of these cases occur in women of childbearing age. The actual total of victims may be even higher because of misdiagnosed cases are common.

Unfortunately, the cause of scleroderma is unknown, and there is no cure for the disease. Therefore, a great deal of work remains if we are going to overcome its destructive effects.

Not nearly enough attention has been focused on this disease, and the result is a significant shortage of funding for research into possible cures. At a time when public funding for many worthy causes is scarce, we need to encourage private funding, and I believe a National Scleroderma Week would bring the attention to the disease that would boost public consciousness about scleroderma, as well as lend comfort to its hundreds of thousands of victims.

I cannot overemphasize the importance of studying and finding a cure for scleroderma, and I think my colleages will agree that enactment of this resolution would bring closer the day when a cure is actually found. I urge my colleagues to join me in sponsoring this important resolution.

Following is the text of my resolution:

H.J. RES. —

Joint resolution to provide for the designation of June 12 through 18, 1983, as "National Scleroderma Week"

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President shall issue a proclamation designating June 12 through June 18, 1983, as "National Scleroderma Week", and calling upon the people of the United States to observe such week with appropriate ceremonies and activities.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PORTER (at the request of Mr. MICHEL), for today, on account of illness.

Mr. FRANKLIN (at the request of Mr. MICHEL), after 9 p.m., on account of official business.

Mr. LEVINE of California (at the request of Mr. WRIGHT), after 4 p.m. today, on account of official business.

Mr. JONES of North Carolina (at the request of Mr. WRIGHT), for today and the week of April 5, on account of official business.

Mr. ANTHONY (at the request of Mr. WRIGHT), for today, on account of illness.

Mr. LUKEN (at the request of Mr. WRIGHT), for today, on account of necessary business in the district.

Mr. AKAKA (at the request of Mr. WRIGHT), after 12 p.m. today, on account of official business.

Mr. LEWIS of Florida (at the request of Mr. MICHEL), from 7 p.m. today, on account of offical business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. MCCANDLESS) to revise and extend his remarks and include extraneous material:)

Mr. WALKER, for 60 minutes, today.

(The following Members (at the request of Mr. MCCANDLESS) to revise and extend their remarks and include extraneous matter:)

Mr. BEREUTER, for 5 minutes, today.

Mr. PAUL, for 20 minutes, today.

Mr. SMITH of New Jersey, for 5 minutes, today.

Mr. CHANDLER, for 5 minutes, today.

Mr. YOUNG of Florida, for 30 minutes, today.

(The following Members (at the request of Mr. WISE) to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ, for 30 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. LAFALCE, for 30 minutes, today.

Mr. FORD of Michigan, for 5 minutes, today.

Mr. BARNES, for 10 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. DICKS, for 10 minutes, today.

(The following Members (at the request of Mr. FEIGHAN) to revise and extend their remarks and include extraneous material:)

Mr. MAZZOLI, for 5 minutes, today.

Mr. HUTTO, for 5 minutes, today.

Mr. ST GERMAIN, for 5 minutes, today.
Mr. MARKEY, for 5 minutes, today.
Mr. ROYBAL, for 5 minutes, today.
Mr. ZABLOCKI, for 10 minutes, today.
Mr. ECKART, for 5 minutes, today.
Mr. BROWN of California, for 5 minutes, today.
Mr. STRATTON, for 5 minutes, today.
Mr. PANETTA, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. LAFALCE, and to include extraneous matter notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,570.

Mr. DAUB, prior to the vote on the conference report on H.R. 1900 in the House today.

Mr. YOUNG of Flordia, and to include extraneous matter notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,811.

(The following Members (at the request of Mr. MCCANDLESS) and to include extraneous matter:)

Mr. DANNEMEYER.
Mr. LEACH of Iowa.
Mr. LENT.
Mr. ERLENBORN.
Mr. EVANS of Iowa.
Mr. BROYHILL.
Mr. BEREUTER in three instances.
Mr. BETHUNE in three instances.
Mr. DAVIS in two instances.
Mr. KEMP in five instances.
Mr. SNYDER.
Mr. MACK.
Mr. BETHUNE in two instances.
Mr. DAUB.
Mr. RALPH M. HALL.
Mr. LOEFFLER.
Mr. MICHEL.
Mr. SCHULZE.
Mr. WHITTAKER.
Mr. ROGERS.
Mr. WHITEHURST.
Mr. ROTH.

(The following Members (at the request of Mr. WISE) and to include extraneous matter:)

Mr. RODINO.
Mr. BARNES in two instances.
Mr. MINETA in two instances.
Mr. LANTOS.
Mr. DORGAN.
Mr. BEILENSON.
Mr. SABO.
Mr. RATCHFORD.
Mr. WEISS.
Mr. GARCIA.
Mr. FLORIO in two instances.
Mr. EDGAR.
Mr. PEPPER.
Mr. AUCOIN.
Mr. ADDABBO.
Mr. WAXMAN.
Mr. DINGELL.

(The following Members (at the request of Mr. FEIGHAN) and to include extranous matter:)

Mr. SEIBERLING in 11 instances.
Mr. JENKINS.
Mr. ROWLAND in two instances.
Mr. PEPPER in two instances.
Mr. HEFTEL of Hawaii in 10 instances.
Ms. FERRARO in five instances.
Mr. KASTENMEIER.
Mr. DORGAN.
Mr. FEIGHAN.
Mr. ROYBAL in two instances.
Mr. BARNES in two instances.
Mr. DINGELL.
Mr. MCDONALD in five instances.
Mr. FLORIO in two instances.
Mr. MOAKLEY.
Mr. MILLER of California.
Mr. BREAUX.
Mrs. SCHROEDER in two instances.
Mr. SOLARZ in two instances.
Mr. GUARINI in five instances.
Mr. SMITH of Florida in two instances.
Mr. FORD of Michigan in two instances.
Mr. WON PAT.
Mr. ST GERMAIN.
Mr. CONYERS.
Mr. EDWARDS of California.
Mr. FAZIO in two instances.
Mr. RANGEL.
Mr. TRAXLER.
Mr. RODINO in two instances.
Mr. HARRISON.
Mr. MOODY.
Mr. DIXON.
Mr. O'NEILL.
Mr. SKELTON in two instances.
Mr. LEATH of Texas.
Mr. HUGHES.
Mr. LAFALCE.
Ms. OAKAR.
Mr. YOUNG of Missouri.
Ms. KAPTUR.
Mr. SWIFT.
Mr. DICKS.
Mr. OBERSTAR.
Mr. DYSON.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 64. Joint resolution to commemorate the 200th anniversary of the signing of the Treaty of Amity and Commerce between Sweden and the United States.

ENROLLED BILL SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1718. An act making appropriations to provide productive employment for hundreds of thousands of jobless Americans, to hasten or initiate Federal projects and construction of lasting value to the Nation and its citizens, and to provide humanitarian assistance to the indigent for fiscal year 1983, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 1936. An act to amend title 37, United States Code, to extend certain expiring enlistment and reenlistment bonuses for the Armed Forces.

ADJOURNMENT

Mr. FEIGHAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of House Concurrent Resolution 94 of the 98th Congress, the House stands adjourned until 12 o'clock meridian, Tuesday, April 5, 1983.

Thereupon (at 12 o'clock and 7 minutes a.m.) (legislative day, Thursday, March 24, 1983, at 11:55 p.m.) (calendar day, Friday, March 25, 1983), pursuant to House Concurrent Resolution 94, the House adjourned until Tuesday, April 5, 1983, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

719. A letter from the Acting Comptroller General of the United States, transmitting his review of the proposed rescissions, deferrals, and revisions to previously reported deferrals of budget authority, contained in the message from the President dated February 1, 1983 (H. Doc. No. 98-15), pursuant to section 1014 (b) and (c) of Public Law 93-344 (H. Doc. No. 98-36); to the Committee on Appropriations and ordered to be printed.

720. A letter from the Secretary of Defense, transmitting notification of the final allocation of fiscal year 1983 civilian end-strength, pursuant to section 601 of Public Law 97-252; to the Committee on Armed Services.

721. A letter from the Acting General Counsel, Department of Energy, transmitting a draft of proposed legislation to authorize appropriations for exploration, prospecting, conservation, development, use, and operation of the naval petroleum reserves, for fiscal year 1984 and for fiscal year 1985, and for other purposes; to the Committee on Armed Services.

722. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the decision to convert to contractor performance the custodial service function at the Naval Regional Medical Center, Portsmouth, Va., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

723. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics),

transmitting notice of the decision to convert to contractor performance the food service function at the Naval Regional Medical Center, Portsmouth, Va., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

724. A letter from the Acting Assistant Secretary of the Army (Manpower and Reserve Affairs), transmitting draft of proposed legislation to repeal section 4351(b) of title 10, United States Code, relating to the reexamination and readmssion of cadets of the U.S. Military Academy who fail to pass a required examination; to the Committee on Armed Services.

725. A letter from the Secretary of the Army, transmitting the annual report on voluntary agreements entered into by the Army under the Defense Production Act of 1950, pursuant to section 708(1) of the act; to the Committee on Banking, Finance and Urban Affairs.

726. A letter from the President and Chairman of the Export-Import Bank of the United States, transmitting a report on loan, guarantee, and insurance transactions supported by Eximbank during February 1983 to Communist countries; to the Committee on Banking, Finance and Urban Affairs.

727. A letter from the Chairman, Federal Financial Institutions Examination Council, transmitting a report concluding that the uniform data collection system for enforcing fair housing lending laws, which was recommended in the section 340 Fair Housing Lending Study (97th Congress, Ex. Comm. 4721), is not desirable at this time, pursuant to section 340(e) of Public Law 96-399; to the Committee on Banking, Finance and Urban Affairs.

728. A letter from the Chairman, Railroad Retirement Board, transmitting a draft of proposed legislation to amend the Railroad Retirement Act to preseve the coordination between rail industry pension and social security cost-of-living adjustments; to the Committee on Energy and Commerce.

729. A letter from the Fiscal Assistant Secretary of the Treasury, transmitting a report on the inventory of nonpurchased foreign currencies as of September 30, 1982, pursuant to 22 U.S.C. 2363; to the Committee on Foreign Affairs.

730. A letter from the Comptroller General of the United States, transmitting a list of reports issued or released by the General Accounting Office during February 1983, pursuant to section 234 of the Legislative Reorganization Act of 1970; to the Committee on Government Operations.

731. A letter from the Chairman, National Capital Planning Commission, transmitting a report on the Commission's activities under the Freedom of Information Act during calendar year 1982, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

732. A letter from the Secretary of the Interior, transmitting notification of a proposal received under the Small Reclamation Projects Act of 1956, pursuant to section 10 of the act; to the Committee on Interior and Insular Affairs.

733. A letter from the Assistant Secretary of the Interior, transmitting draft of proposed legislation entitled, "The Digital Cartography Fund Act of 1983"; to the Committee on Interior and Insular Affairs.

734. A letter from the Assistant Secretary of the Army (Civil Works), transmitting draft of proposed legislation to modify the authority of the Richard B. Russell Dam and Lake project, and for other purposes; to the Committee on Public Works and Transportation.

735. A letter from the Secretary of the Army and the Secretary of Agriculture, transmitting notice of the intention of the Departments of the Army and Agriculture to interchange lands of the Jefferson National Forest, Va., and the Flannagan Dam and Reservoir project, Virginia, pursuant to provisions of the act of July 26, 1956; jointly, to the Committees on Agriculture and Public Works and Transportation.

736. A letter from the Comptroller of the Currency, transmitting the annual report of the consumer activities for calendar year 1982, pursuant to section 333 of the Revised Statutes; jointly, to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

737. A letter from the Comptroller General of the United States, transmitting a report on issues concerning social security benefits paid to aliens (GAO/HRD-83-32; March 24, 1983); jointly, to the Committees on Government Operations, Ways and Means, and the Judiciary.

738. A letter from the Assistant Secretary of the Interior, transmitting draft of proposed legislation to withdraw and reserve for the Department of the Navy certain public lands for the Bravo-20 Bombing Range, Churchill County, Nev., for use as a training and weapons testing area and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Armed Services.

739. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting legal descriptions of all units within the National Wildlife Refuge System in Alaska which were established or redesignated by the Alaska National Interest Lands Conservation Act of 1980, pursuant to section 103(b) of the act; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BEILENSON: Committee on Rules. House Resolution 154. Resolution providing for the consideration of the bill H.R. 1437 entitled the "California Wilderness Act of 1983" (Rept. No. 98-46). Referred to the House Calendar.

Mr. ROSTENKOWSKI: Committee of conference. Conference report on H.R. 1900 (Rept. No. 98-47). Ordered to be printed.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 1071. A bill for the acquisition by the United States by exchange of certain Native-owned lands or interests in lands in Alaska; referred to the Committee on Merchant Marine and Fisheries for a period ending not later than April 8, 1983, for consideration of such provisions of the bill as fall within the jurisdiction of that committee under clause 1(n)(4), rule X (Rept. No. 98-45, Pt. I). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BOLAND (for himself, Mr. CONTE, and Mr. MINETA):

H.R. 2313. A bill to authorize the Smithsonian Institution to purchase land in Santa Cruz County, Ariz.; to the Committee on House Administration.

H.R. 2314. A bill to amend the act of July 2, 1940, as amended, pertaining to appropriations for the Canal Zone biological area; to the Committee on Merchant Marine and Fisheries.

By Mrs. BOXER:

H.R. 2315. A bill to insure adequate fuel oil for the at-sea training of State maritime academy students; to the Committee on Merchant Marine and Fisheries.

By Mr. CONABLE (for himself and Mr. HORTON):

H.R. 2316. A bill to reduce temporarily the duty on odd-shaped or fancy watch crystals to the rate applicable to round watch crystals; to the Committee on Ways and Means.

By Mr. DE LA GARZA:

H.R. 2317. A bill to amend the Small Business Act to provide assistance to areas of economic dislocation in the United States that is the result of drastic fluctuation in the value of the currency in a country contiguous to the United States; to the Committee on Small Business.

By Mr. DORGAN:

H.R. 2318. A bill to require the Interstate Commerce Commission to consider income from land grants in rail line abandonment and discontinuance proceedings, to require the forfeiture of railroad land grant lands in proportion to rail service abandonments, to authorize the Commission to protect the financial well-being of railroads controlled by other entities, and for other purposes; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

By Mr. DYMALLY (for himself, Mr. CROCKETT, and Mr. FAUNTROY):

H.R. 2319. A bill to give to the Board of Parole for the District of Columbia exclusive power and authority to release on parole, to terminate the parole of, and to modify the terms and conditions of the parole of, prisoners convicted of violating any of the District of Columbia, or any law of the United States applicable exclusively to the District; to the Committee on the District of Columbia.

By Mr. EDGAR:

H.R. 2320. A bill to extend until July 1, 1986, the existing suspension of duty on certain textile fabrics used in the manufacture of hovecraft skirts; to the Committee on Ways and Means.

By Mr. EVANS of Iowa (for himself, Mr. ROBERTS, and Mrs. SMITH of Nebraska):

H.R. 2321. A bill to amend the Commodity Credit Corporation Charter Act regarding the export of certain agricultural commodities; jointly, to the Committees on Foreign Affairs and Merchant Marine and Fisheries.

By Mr. EVANS of Iowa (for himself, Mr. ROBERTS, Mrs. SMITH of Nebraska, and Mr. TAUKE):

H.R. 2322. A bill to amend the Commodity Credit Corporation Charter Act regarding the export of agricultural commodities, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries, Foreign Affairs, and Agriculture.

By Mr. EVANS of Illinois (for himself, Mr. EDGAR, Mr. SMITH of New Jersey, Ms. KAPTUR, Mr. BILIRAKIS, Mr. RICHARDSON, and Mrs. BOXER):

H.R. 2323. A bill to amend title 38, United States Code, to extend by 3 years the period during which Vietnam-era veterans may request psychological readjustment counseling from the Veterans' Administration and to direct the Administrator of Veterans' Affairs to carry out a comprehensive study of the prevalence of posttraumatic stress disorder and related readjustment problems among Vietnam-era veterans; to the Committee on Veterans' Affairs.

By Mr. FAZIO:

H.R. 2324. A bill to prohibit the Secretaries of the military departments from contracting out firefighting and base security functions at military installations; to the Committee on Armed Services.

H.R. 2325. A bill to amend chapter 81 of title 5, United States Code, to establish the rebuttable presumption that, in the case of any Federal firefighter, any injury in the form of heart trouble, pneumonia, or any hernia was proximately caused by the performance of such firefighter's duty; to the Committee on Education and Labor.

By Mr. FUQUA:

H.R. 2326. A bill to designate components of the national wilderness preservation system in the State of Florida; jointly, to the Committees on Agriculture and Interior and Insular Affairs.

By Mr. SAM B. HALL, JR.:

H.R. 2327. A bill to amend title 5, United States Code, to make regulations more cost effective, to insure review of rules, to improve regulatory planning and management, to enhance public participation in the regulatory process, and for other purposes; to the Committee on the Judiciary.

By Mr. HANCE:

H.R. 2328. A bill to repeal withholding on interest and dividends and, to compensate for the revenue reduction resulting from such repeal, to impose a tax on imported petroleum products; to the Committee on Ways and Means.

By Mr. HUBBARD:

H.R. 2329. A bill to amend section 97 of title 28, United States Code, to permit Federal district court to be held in Hopkinsville, Ky.; to the Committee on the Judiciary.

By Mr. LAFALCE:

H.R. 2330. A bill to provide for liability and compensation for personal injury, illness, and economic loss resulting from releases of hazardous substances into the environment; jointly, to the Committees on Energy and Commerce, Education and Labor, and the Judiciary.

By Mr. LELAND (for himself, Mr. RANGEL, Mrs. COLLINS, Mr. WIRTH, Mr. WAXMAN, Mr. MITCHELL, Mr. SWIFT, and Mr. MARKEY):

H.R. 2331. A bill to amend the Internal Revenue Code of 1954 to increase the investment credit for the purchase of used telecommunications property which effectuates policies of the Federal Communications Commission and to provide that the nonrecognition of gain on FCC—certified sales or exchanges of radio broadcasting stations shall apply to systems of communication by wire or radio; to the Committee on Ways and Means.

By Mr. MILLER of California (for himself, Mr. BARNES, Mr. BATES, Mr. BERMAN, Mr. BEVILL, Mr. BIAGGI, Mr. BONIOR of Michigan, Mrs. BOXER, Mr. BROWN of California, Mr. BURTON of California, Mr. CLAY, Mrs. COLLINS, Mr. CORRADA, Mr. CROCKETT, Mr. DANIEL, Mr. DE LUGO, Mr. DIXON, Mr. DOWNEY of New York, Mr. DWYER of New Jersey, Mr. DYSON, Mr. DYMALLY, Mr. ECKART, Mr. EDGAR, Mr. EDWARDS of California, Mr. EVANS of Iowa, Mr. FAUNTROY, Mr. FAZIO, Mr. FOGLIETTA, Mr. FRANK, Mr. GARCIA, Mr. GEJDENSON, Mr. GORE, Mrs. HALL of Indiana, Mr. HARRISON, Mr. HAWKINS, Mr. HEFTEL of Hawaii, Mr. HERTEL of Michigan, Mr. HORTON, Mr. HUGHES, Mr. KILDEE, Mr. LAFALCE, Mr. LEHMAN of Florida, Mr. LELAND, Mr. LONG of Louisiana, Mr. LOWRY of Washington, Mr. MARKEY, Mrs. MARTIN of Illinois, Mr. MARTINEZ, Mr. MCHUGH, Ms. MIKULSKI, Mr. MINETA, Mr. MITCHELL, Mr. MOAKLEY, Mr. MRAZEK, Mr. MURPHY, Mr. NELSON of Florida, Mr. OBERSTAR, Mr. PANETTA, Mr. PATMAN, Mr. RAHALL, Mr. RANGEL, Mr. RATCHFORD, Mr. ROE, Mr. SMITH of Florida, Mr. STAGGERS, Mr. STARK, Mr. STOKES, Mr. TALLON, Mr. TORRES, Mr. VENTO, Mr. WASHINGTON, Mr. WEAVER, Mr. WEISS, Mr. WILLIAMS of Montana, Mr. WILSON, and Mr. WON PAT):

H.R. 2332. A bill to amend the Vocational Education Act of 1963 to make grants to the States for high-technology vocational education programs; to the Committee on Education and Labor.

By Mr. OTTINGER:

H.R. 2333. A bill to increase funding for low-income home energy assistance, to improve accountability with respect to the use of funds under the Low-Income Home Energy Assistance Act of 1981, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PARRIS (for himself and Mr. WOLF):

H.R. 2334. A bill to direct the Secretary of Transportation to carry out a highway project to redesign and reconstruct the interchange connecting Interstate Routes I-395 and I-495 Springfield, Va., for the purpose of improving the safety of the interchange; to the Committee on Public Works and Transportation

By Mr. SOLOMON:

H.R. 2335. A bill to provide for a temporary suspension of the duty on 2-(4-aminophenyl) - 6 - methylbenzothiazole - 7 - sulfonic acid until January 1, 1986; to the Committee on Ways and Means.

H.R. 2336. A bill to provide for a suspension of the duty on 6-Amino-1-naphthol-3-sulfonic acid until January 1, 1986; to the Committee on Ways and Means.

By Mr. STANGELAND:

H.R. 2337. A bill to amend the Internal Revenue Code of 1954 to repeal the highway use tax on heavy trucks and to increase the tax on diesel fuel used in heavy trucks; to the Committee on Ways and Means.

H.R. 2338. A bill to amend the Internal Revenue Code of 1954 to allow a tax credit for investment in multipurpose agricultural structures or other buildings designed primarily for grain storage; to the Committee on Ways and Means.

H.R. 2339. A bill to exclude from gross income, for purposes of Federal income tax, interest paid to sellers of agricultural land purchased with loans made by such sellers to certain farmers and ranchers and insured under the Consolidated Farm and Rural Development Act; to the Committee on Ways and Means.

By Mr. WEISS:

H.R. 2340. A bill to amend the National School Lunch Act to provide that income used for certain special hardship conditions shall not be included as income for purposes of determining eligibility for free or reduced-price lunches; to the Committee on Education and Labor.

By Mr. WEISS (for himself, Mr. FORD of Michigan and Mr. WILLIAMS of Montana):

H.R. 2341. A bill to amend the National School Lunch Act to eliminate as a condition of eligibility for receipt of free or reduced-price lunches that the social security account numbers of all adult members of household be provided on the application for such assistance; to the Committee on Education and Labor.

By Mr. YATES:

H.R. 2342. A bill to amend the act of August 27, 1935, to provide for the administration, maintenance, and operation of the Institute of American Indian Arts by the Indian Arts and Crafts Board; to the Committee on Interior and Insular Affairs.

H.R. 2343. A bill to prohibit the importation, manufacture, sale, purchase, transfer, receipt, or transportation of handguns, in any manner affecting interstate or foreign commerce, except for or by members of the Armed Forces, law enforcement officials, and, as authorized by the Secretary of the Treasury, licensed importers, manufacturers, dealers, and pistol clubs; to the Committee on the Judiciary.

H.R. 2344. A bill to amend title 42, United States Code, chapter 7, subchapter II to reduce from 10 to 5 years the length of time a divorced woman's marriage to an insured individual must have lasted in order for her to qualify for wife's or widow's benefits on his wage record; to the Committee on Ways and Means.

H.R. 2345. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

H.R. 2346. A bill to encourage increased use of public transit systems by amending chapter 1 of title 26, United States Code, to allow a credit against individual income taxes for funds expended by a taxpayer for payment of public transit fares from his or her residence to his or her place of employment and from his or her place of employment to his or her residence; to the Committee on Ways and Means.

H.R. 2347. A bill to amend chapter 1 of title 26, United States Code, to allow a deduction to tenants of houses or apartments for their proportionate share of the taxes and interest paid by their landlords; to the Committee on Ways and Means.

H.R. 2348. A bill to amend the act establishing the U.S. Holocaust Memorial Council; jointly, to the Committees on House Administration, Interior and Insular Affairs, and Post Office and Civil Service.

By Mr. ZABLOCKI (for himself and Mr. BROOMFIELD) (by request):

H.R. 2349. A bill to authorize supplemental international security and development assistance for urgent purposes for the fiscal year 1983, and for other purposes; to the Committee on Foreign Affairs.

By Mr. WAXMAN (for himself, Mr. SCHEUER, Mr. LUKEN, Mr. WALGREN,

Ms. MIKULSKI, Mr. SHELBY, Mr. WYDEN, Mr. SIKORSKI, Mr. OTTINGER, and Mr. WIRTH):

H.R. 2350. A bill to amend the Public Health Service Act to revise and extend the authorities under that act relating to the National Institutes of Health and the National Research Institutes, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ANDERSON (for himself, Mr. LAGOMARSINO, Mr. PANETTA, Mr. HUNTER, Mr. BOSCO, Mr. BATES, Mrs. BOXER, Mr. CHAPPIE, Mr. FAZIO, Mr. LANTOS, Mr. LEWIS of California, Mr. LUNGREN, Mr. MARTINEZ, Mr. MATSUI, Mr. MINETA, Mr. PASHAYAN, Mr. SHUMWAY, and Mr. ZSCHAU):

H.R. 2351. A bill to improve west coast fishery management; to the Committee on Merchant Marine and Fisheries.

By Mr. BARNES (for himself and Mr. GORE):

H.R. 2352. A bill to amend title 23, United States Code, to encourage the establishment by States of effective child passenger safety programs, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. BREAUX (for himself, Mrs. BOGGS, Mr. HUCKABY, Mr. LIVINGSTON, Mr. LONG of Louisiana, Mr. MOORE, Mr. ROEMER, and Mr. TAUZIN):

H.R. 2353. A bill to amend the "Deepwater Port Act of 1974" and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries and Public Works and Transportation.

By Mr. FORD of Tennessee:

H.R. 2354. A bill to amend the treatment of earnings under the AFDC program, to increase the amount of the funds available for social services block grants, to make permanent the present temporary provisions authorizing continued payment of SSI benefits to individuals who work despite severe medical impairment, and to make permanent the present temporary provisions authorizing Federal payments for dependent children voluntarily placed in foster care; to the Committee on Ways and Means.

By Mr. LEATH of Texas (for himself, Mr. SOLOMON, Mr. MONTGOMERY, Mr. HAMMERSCHMIDT, Mr. EDGAR, Mr. EVANS of Illinois, Ms. KAPTUR, Mr. SLATTERY, Mr. RICHARDSON, and Mr. HEFNER):

H.R. 2355. A bill to establish an emergency program of job training assistance for disabled veterans and veterans of the Vietnam era; to the Committee on Veterans' Affairs.

By Mr. McCOLLUM (for himself, Mr. SAM. B. HALL, JR., Mr. LEWIS of Florida, Mr. BENNETT, Mr. MACKAY, Mr. HUTTO, Mr. CHAPPELL, Mr. FUQUA, Mr. GIBBONS, Mr. YOUNG of Florida, Mr. NELSON of Florida, Mr. BILIRAKIS, Mr. IRELAND, Mr. MACK, Mr. MICA, Mr. SHAW, Mr. LEHMAN of Florida, Mr. FASCELL, and Mr. SMITH of Florida):

H.R. 2356. A bill to amend the Immigration and Nationality Act to provide for a U.S. Immigration Court, to reform adjudication procedures and asylum, and for other purposes; to the Committee on the Judiciary.

By Mr. MICHEL:

H.R. 2357. A bill to provide for an increase in the number of members of the Congressional Award Board, and for other purposes; to the Committee on Education and Labor.

By Mr. NEAL (by request):

H.R. 2358. A bill to extend the Export-Import Bank Act of 1945, as amended; to the Committee on Banking, Finance and Urban Affairs.

By Mr. PEPPER:

H.R. 2359. A bill to increase from $1,000,000 to $2,000,000 the amount of any small shore and beach restoration project which the Secretary of the Army is authorized to construct without specific authorization by Congress; to the Committee on Public Works and Transportation.

By Mr. RITTER:

H.R. 2360. A bill to require all nationals of Communist countries to register with the Attorney General before engaging in certain activities involving Members of Congress and congressional employees; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 2361. A bill to amend the Immigration and Nationality Act to revise and reform the immigration and nationality laws, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHEUER (for himself, Mr. UDALL, Mrs. SCHNEIDER, and Mr. MOAKLEY):

H.R. 2362. A bill to provide for the reorganization of the Environmental Protection Agency by the establishment of an independent regulatory commission, and for other purposes; to the Committee on Government Operations.

By Mr. SCHUMER:

H.R. 2363. A bill to establish an emergency rental assistance program to prevent widespread evictions of tenants resulting from the temporary loss of employment and income; to the Committee on Banking, Finance and Urban Affairs.

H.R. 2364. A bill to establish a program of financial assistance to encourage the construction and rehabilitation of multifamily rental and cooperative housing projects for persons without other reasonable and affordable housing alternatives in the private market; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SOLARZ:

H.R. 2365. A bill to establish an Interagency Committee on Arson Control to coordinate Federal antiarson programs, to amend certain provisions of the law relating to programs for arson investigation, prevention, and detection, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs, the Judiciary, and Science and Technology.

By Mrs. VUCANOVICH (for herself and Mr. MARRIOTT):

H.R. 2366. A bill to provide for the reimbursement of certain Indian Tribes for expenses incurred by such tribes for community impact planning activities related to planning for the then potential deployment of the MX missile system; jointly, to the Committees on Interior and Insular Affairs and Armed Services.

By Mr. WAXMAN (for himself and Mr. DOWNEY of New York):

H.R. 2367. A bill to amend the Consumer Product Safety Act to extend it for 5 fiscal years, and for other purposes; to the Committee on Energy and Commerce.

By Mr. YOUNG of Alaska:

H.R. 2368. A bill to provide a comprehensive system of liability and compensation for oil spill damage and removal costs, and for other purposes; jointly, to the Committees on Public Works and Transportation and Merchant Marine and Fisheries.

By Mr. FORD of Tennessee:

H.R. 2369. A bill to prevent the temporary termination of the Federal Supplemental Compensation Act of 1982; to the Committee on Ways and Means.

By Mr. SWIFT:

H.R. 2370. A bill to amend the Communications Act of 1934 to quantify public responsibility requirements for television and radio broadcasters, to deregulate certain aspects of television and radio broadcasting, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BRYANT:

H.R. 2371. A bill to amend the Securities Exchange Act of 1934 to provide uniform margin requirements in transactions involving the acquisition of securities of certain U.S. corporations by non-U.S. persons where such acquisition is financed by non-U.S. lenders, to specify a private right of action for violations of margin requirements, and for certain other purposes; to the Committee on Energy and Commerce.

By Mr. FORD of Tennessee:

H.R. 2372. A bill to recognize the organization known as the Navy Wives Clubs of America; to the Committee on the Judiciary.

By Mr. GLICKMAN (for himself, Mr. GEKAS, and Mr. WORTLEY):

H.R. 2373. A bill to repeal the provisions of the Tax Equity and Fiscal Responsibility Act of 1982 relating to withholding on interest and dividends, to amend the Internal Revenue Code of 1954 to require additional information in statements required to be furnished to persons receiving interest or dividends and to increase the amounts of the additions to tax for failure to report, or pay the tax on, income in the form of interest and dividends, and for other purposes; to the Committee on Ways and Means.

By Mrs. KENNELLY (for herself, Mrs. SCHROEDER, Mr. STARK, Mr. MATSUI, Mr. HEFTEL of Hawaii, Mr. GUARINI, Mr. CONABLE, Mr. BIAGGI, Ms. FERRARO, and Ms. MIKULSKI):

H.R. 2374. A bill to amend part D of title IV of the Social Security Act and title 11 of the United States Code to provide for improvements in the child support enforcement program; to the Committee on Ways and Means.

By Mr. NOWAK (for himself and Mr. WILLIAMS of Ohio):

H.R. 2375. A bill to amend the Public Works and Economic Development Act of 1965 to assist communities and industries through special economic development and adjustment assistance, to amend the Small Business Act to provide additional credit to certain businesses located in distressed areas, to amend the Small Business Investment Act of 1958 to encourage small business investment companies to make further investments in distressed areas, to amend the Internal Revenue Code of 1954 to provide tax incentives for businesses located in such areas, and for other purposes; jointly, to the Committees on Public Works and Transportation, Banking, Finance and Urban Affairs, Small Business, and Ways and Means.

By Mr. SAWYER:

H.R. 2376. A bill to repeal the withholding of tax from interest and dividends; to the Committee on Ways and Means.

By Mr. SAWYER (for himself and Mr. LUNGREN):

H.R. 2377. A bill to amend title 11, United States Code, to improve the protections for shopping centers and their tenants under

the Bankruptcy Code; to the Committee on the Judiciary.

By Mr. SCHUMER:

H.R. 2378. A bill to authorize an increase in the U.S. quota in the International Monetary Fund, to require the rescheduling of short-term debt incurred by certain countries, and to impose certain restrictions on financial institutions with respect to their lending to foreign countries; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SEIBERLING (for himself, Mr. BEREUTER, Mr. UDALL, Mr. BURTON of California, Mr. WON PAT, Mr. WEAVER, Mr. MARKEY, Mr. CORRADA, Mr. VENTO, Mr. PATTERSON, Mr. KILDEE, Mr. DE LUGO, Mr. GEJDENSON, Mr. KOSTMAYER, Mr. MOODY, Mr. CLARKE, Mr. MCNULTY, Mr. LEHMAN of California, Mr. PRITCHARD, Mr. FRANK, Mr. BONIOR of Michigan, Mr. SUNIA, Mr. MINISH, Mr. BEILENSON, Mr. FAZIO, Mr. OTTINGER, Mr. FEIGHAN, Mr. FASCELL, Mr. PARRIS, Mr. WOLF, Mr. BOSCO, Mr. GOODLING, Mr. GINGRICH, Mr. ROE, Ms. MIKULSKI, Mr. DAUB, Mr. WILLIAMS of Montana, Mr. RATCHFORD, Mr. FORSYTHE, Mr. VOLKMER, Ms. KAPTUR, Mr. SMITH of Florida, Mr. GUARINI, Mr. EDWARDS of California, Mr. ORTIZ, Mr. FAUNTROY, Mr. RODINO, Mr. HOWARD, Mr. LONG of Maryland, Mr. KASTENMEIER, Mr. LEHMAN of Florida, Mr. PORTER, Mr. HOYER, Mr. CORCORAN, Mr. FOGLIETTA, Mr. MATSUI, Mr. THOMAS of Georgia, Mrs. BOXER, Mr. MITCHELL, Mr. BEDELL, Mr. HALL of Ohio, Mr. FORD of Tennessee, Mr. HUGHES, Mr. DWYER of New Jersey, Mr. AUCOIN, Mr. WIRTH, Mr. COELHO, Mr. MILLER of California, Mr. LOWRY of Washington, Mr. LEVITAS, Mr. WYDEN, Mr. BROWN of California, Mr. BONKER, Mr. MINETA, Mr. RAHALL, Mrs. SCHROEDER, Mr. LAGOMARSINO, Mr. CLINGER, Mr. HUCKABY, Mr. SCHUMER, Mr. LUJAN, Mr. HYDE, Mr. CHANDLER, Mr. CARR, Mr. MOLLOHAN, and Mr. BERMAN):

H.R. 2379. A bill to provide for the protection and management of the national park system, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SEIBERLING:

H.R. 2380. A bill to amend the Bankruptcy Act to provide that judgment debts resulting from a liability which is based on driving while intoxicated shall not be discharged; to the Committee on the Judiciary.

By Mr. SNYDER:

H.R. 2381. A bill to amend the Tariff Act of 1930 to exempt from duties equipments and repairs to certain vessels, and for other purposes; to the Committee on Ways and Means.

By Mr. TAUKE (for himself and Mr. TAUZIN):

H.R. 2382. A bill to amend the Communications Act of 1934 in order to establish new procedures for the renewal, assignment, and transfer of broadcast licenses, to provide certain deregulation of broadcast services, and for other purposes; to the Committee on Energy and Commerce.

By Mr. TAYLOR:

H.R. 2383. A bill to amend the act of March 3, 1911, (36 Stat. 1077) to remove restrictions on the use of the Springfield Confederate Cemetery, Springfield, Mo.; to the Committee on Veterans' Affairs.

By Mr. WATKINS:

H.R. 2384. A bill to repeal the increase in use taxes on heavy trucks and the retail taxes on heavy trucks and trailers, to restore the taxes on the manufacturers of trucks, trailers, tires, and tubes, to repeal certain provisions of the Internal Revenue Code of 1954 relating to the reporting to tips in the case of certain food and beverage establishments, and for other purposes; to the Committee on Ways and Means.

By Mr. WEBER (for himself, Mr. BLILEY, Mr. ROBERT F. SMITH, Mr. DASCHLE, Mr. DANIEL B. CRANE, Mr. DORGAN, Mr. STANGELAND, Mr. GREGG, Mr. PAUL, Mr. OXLEY, Mr. LUNDINE, Mr. OBERSTAR, Mr. MADIGAN, Mr. CORCORAN, Mr. CHAPPIE, Mr. PENNY, Mrs. VUCANOVICH, Mr. SIKORSKI, Mr. JEFFORDS, Mr. TAUKE, Mr. GINGRICH, and Mr. ROSE):

H.R. 2385. A bill to amend the Communications Act of 1934 to provide equity to daytime radio broadcasters; to the Committee on Energy and Commerce.

By Mr. BONER of Tennessee (for himself, Mr. CAMPBELL, Mr. DASCHLE, Mr. DAUB, Mr. DERRICK, Mr. FAZIO, Mr. FORD of Tennessee, Mr. FRENZEL, Mr. DE LA GARZA, Mr. GONZALEZ, Mr. GORE, Mr. HANSEN of Idaho, Mr. HEFNER, Mr. HORTON, Mr. HOWARD, Mr. HYDE, Mr. KEMP, Mr. LAGOMARSINO, Mr. LELAND, Mr. LENT, Mr. LEWIS of Florida, Mr. MCKERNAN, Mr. NEAL, Mr. ORTIZ, Mr. OWENS, Mr. PERKINS, Mr. ROBINSON, Mr. ROE, Mr. SIMON, Mr. STOKES, Mr. SHUMWAY, Mr. SUNIA, Mr. VANDERGRIFF, and Mr. WON PAT):

H.J. Res. 218. Joint resolution to designate the month of September of each year as "National Sewing Month"; to the Committee on Post Office and Civil Service.

By Mr. FLORIO:

H.J. Res. 219. Joint resolution declaring the support of the U.S. Government for efforts of the U.S. Soccer Federation to bring the World Cup to the United States in 1986, and designating the Secretary of Commerce as the official representative of the U.S. Government to the Federation Internationale de Football Association; to the Committee on Energy and Commerce.

By Mr. SABO:

H.J. Res. 220. Joint resolution to provide for the designation of the week beginning on May 6, 1983, as "National Recognition Week for Registered Nurses and Licensed Practical Nurses"; to the Committee on Post Office and Civil Service.

By Mr. SCHULZE:

H.J. Res. 221. Joint resolution proposing an amendment to the Constitution of the United States to provide for a 6-year term for the President and the Vice President, to limit the number of terms the President and the Vice President may serve, to provide for 3-year terms for Representatives, and to limit the number of consecutive terms Senators and Representatives may serve; to the Committee on the Judiciary.

By Mr. SUNIA:

H.J. Res. 222. Joint resolution designating the week commencing May 8, 1983, as "National Pacific Islands Week"; to the Committee on Post Office and Civil Service.

By Mr. HILLIS:

H.J. Res. 223. Joint resolution proposing an amendment to the Constitution of the United States for the protection of unborn children and other persons; to the Committee on the Judiciary.

By Mr. MOAKLEY:

H.J. Res. 224. Joint resolution to establish a temporary joint committee of the Congress to investigate the administrative organization of the Congress and to make recommendations for an appropriate reorganization of joint entities and functions; to the Committee on Rules.

By Mr. PANETTA:

H.J. Res. 225. Joint resolution to provide for the designation of June 12 through 18, 1983, as "National Scleroderma Week"; to the Committee on Post Office and Civil Service.

By Mr. PEPPER:

H.J. Res. 226. Joint resolution to designate the week of May 22, 1983, through May 28, 1983, as "National Digestive Diseases Awareness Week"; to the Committee on Post Office and Civil Service.

H.J. Res. 227. Joint resolution designating the week of September 25 through October 2, 1983, as "National Respiratory Therapy Week"; to the Committee on Post Office and Civil Service.

By Mr. BILIRAKIS:

H. Con. Res. 95. Concurrent resolution regarding Greece-Turkey situation and supporting the maintenance of the 7-to-10 ratio in U.S. military assistance for Greece and Turkey; to the Committee on Foreign Affairs.

By Mr. WHITTAKER (for himself, Mr. ROBERTS, Mr. BREAUX, Mr. ROE, Mr. STOKES, Mr. MOLLOHAN, Mr. EMERSON, Mr. MADIGAN, Mr. GLICKMAN, and Mr. CONTE):

H. Con. Res. 96. Concurrent resolution expressing the sense of the Congress that the President should form a National Commission on Natural Gas Pricing to make recommendations to the Congress; to the Committee on Energy and Commerce.

By Mr. ZABLOCKI (for himself, Mr. BROOMFIELD, Mr. SOLARZ, and Mr. PRITCHARD):

H. Con. Res. 97. Concurrent resolution expressing the sense of the Congress on the occasion of the 150th anniversary of the opening of diplomatic relations between the United States and Thailand; to the Committee on Foreign Affairs.

By Mr. KRAMER (for himself, Mr. WHITEHURST, Mr. DANIEL, Mr. SKELTON, Mr. HUNTER, Mr. GINGRICH, Mr. HILLIS, Mr. DANIEL B. CRANE, Mr. MCDONALD, Mr. HANSEN of Utah, Mr. STUMP, Mr. MOORE, Mr. NICHOLS, Mr. CHENEY, Mr. LOTT, and Mr. WORTLEY):

H. Con. Res. 98. Concurrent resolution calling for support for the President's efforts to develop strategic defensive systems to make nuclear weapons impotent and obsolete; jointly, to the Committees on Armed Services and Foreign Affairs.

By Mr. ST GERMAIN:

H. Con. Res. 99. Concurrent resolution requesting the President to direct the Secretary of State and the Secretary of Commerce to conduct a study regarding trade and tariff barriers with respect to international trade in services; jointly, to the Committees on Ways and Means and Foreign Affairs.

By Mr. SMITH of New Jersey:

H. Con. Res. 100. Concurrent resolution calling upon the Union of Soviet Socialist Republics to end the current repressive policies of forced labor and expressing the sense of Congress that the exploitation of workers in forced labor camps by the Union of Soviet Socialist Republics is morally reprehensible; to the Committee on Foreign Affairs.

By Mr. FAZIO (for himself, Mr. LEHMAN of California, Mr. WAXMAN, Mr. COELHO, Mr. BATES, Mr. MATSUI,

Mr. LEWIS of California, Mr. MURPHY, Mr. WON PAT, Mr. DYMALLY, Mr. RUSSO, Mr. BEILENSON, Mr. TORRES, Mr. YOUNG of Missouri, Mr. FASCELL, Mr. EDWARDS of California, Mr. FRANK, Mr. LEVINE of California, Mr. LAFALCE, Mr. CARR, Mr. OTTINGER, Mr. SCHUMER, Mr. KOGOVSEK, Mr. STRATTON, Mrs. HALL of Indiana, Mrs. BOXER, Mr. WILLIAMS of Montana, Mr. VENTO, Mr. PEPPER, Mr. WHEAT, Mr. OBERSTAR, Mr. WORTLEY, Mr. MINETA, Mr. HORTON, Mr. CLAY, Mr. LANTOS, Mr. LIPINSKI, Mr. ADDABBO, Mr. ROE, Mr. RAHALL, Mr. HOYER, Mr. OWENS, Mr. BORSKI, Mr. RATCHFORD, Mr. FOGLIETTA, Mr. LEVIN of Michigan, Mr. FORD of Michigan, Mr. BERMAN, Mr. BONIOR of Michigan, Mr. MARTINEZ, and Mr. FISH):

H. Res. 149. Resolution disapproving the administration's recommendation that the States assume all costs associated with operating joint State and federally funded rail service now operating under section 403(b) of the Rail Passenger Service Act; to the Committee on Energy and Commerce.

By Mr. GILMAN (for himself and Mr. WEISS):

H. Res. 150. Resolution to express the sense of the House of Representatives concerning "Solidarity Sunday"; to the Committee on Post Office and Civil Service.

By Mr. GUARINI (for himself, Mr. SUNIA, Mr. DEWINE, Mr. CONYERS, Mr. MARRIOTT, Mr. EVANS of Illinois, Mr. ROE, Mr. SPRATT, Mr. FORSYTHE, Mr. CORRADA, Mr. DAUB, Mr. OWENS, Mr. LEVINE of California, Mr. PACKARD, Mr. WAXMAN, Mr. LELAND, Mr. CHANDLER, Mr. BARTLETT, Mr. TORRICELLI, and Mr. WASHINGTON):

H. Res. 151. Resolution expressing the sense of the House of Representatives that the President should award the Presidential Medal of Freedom to Dr. Barney Clark; to the Committee on Post Office and Civil Service.

By Mr. DIXON (for himself, Mrs. COLLINS, Mr. WAXMAN, Mr. MADIGAN, Mr. CONTE, Mr. LELAND, Mr. CLAY, Mr. CONYERS, Mr. CROCKETT, Mr. DELLUMS, Mr. DYMALLY, Mr. FAUNTROY, Mr. FORD of Tennessee, Mr. GRAY, Mrs. HALL of Indiana, Mr. HAWKINS, Mr. MITCHELL, Mr. OWENS, Mr. RANGEL, Mr. SAVAGE, Mr. STOKES, Mr. TOWNS, Mr. WASHINGTON, and Mr. WHEAT):

H. Res. 155. Resolution expressing the sense of the House of Representatives that the President should issue a proclamation designating the month of September 1983 as "National Sickle-Cell Anemia Awareness Month"; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

45. By the SPEAKER: Memorial of the House of Representatives of the State of Georgia, relative to the Farmers Home Administration interest credit programs; to the Committee on Agriculture.

46. Also, memorial of the Legislature of the State of Minnesota, relative to presenting a Congressional Medal of Honor to Herman Miller; to the Committee on Armed Services.

47. Also, memorial of the Legislature of the State of Nevada, relative to the construction of a high-speed train between Las Vegas, Nev., and Los Angeles, Calif., to the Committee on Energy and Commerce.

48. Also, memorial of the Legislature of the State of Minnesota, relative to M.I.A.'s and P.O.W.'s; to the Committee on Foreign Affairs.

49. Also, memorial of the Senate of the State of Georgia, relative to the death penalty; to the Committee on the Judiciary.

50. Also, memorial of the House of Representatives of the State of Arizona, relative to information, counseling, and health care to Vietnam veterans exposed to agent orange; to the Committee on Veterans' Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HANSEN of Utah:

H.R. 2386. A bill for the relief of Braun Green; to the Committee on the Judiciary.

By Mr. LOWERY of California:

H.R. 2387. A bill for the relief of Benjamin B. Doeh; to the Committee on the Judiciary.

By Mr. MOORHEAD:

H.R. 2388. A bill for the relief of Samuel C. Willett; to the Committee on the Judiciary.

By Mrs. VUCANOVICH:

H.R. 2389. A bill for the relief of the estate of Elizabeth Schultz Rabe; to the Committee on the Judiciary.

H.R. 2390. A bill for the relief of Oikos, Inc., and the Nevada Opera Association, both of Reno, Nev.; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. DWYER of New Jersey, Mr. HYDE, Mr. KASICH, Mr. LIPINSKI, Mr. MCKINNEY, Mr. NIELSON of Utah, Mr. SENSENBRENNER, and Mr. STANGELAND.

H.R. 113: Mr. GRAMM, Mr. BILIRAKIS, Mr. BROWN of Colorado, and Mr. FORD of Tennessee.

H.R. 171: Mr. PASHAYAN.

H.R. 483: Mr. DANIEL B. CRANE and Mr. HYDE.

H.R. 500: Mrs. KENNELLY.

H.R. 568: Mr. ROBERTS and Mr. EMERSON.

H.R. 820: Mr. SMITH of Iowa.

H.R. 821: Mr. GEPHARDT.

H.R. 898: Mr. BETHUNE, Mr. JEFFORDS, Mr. JONES of North Carolina, Mrs. MARTIN of Illinois, Mr. LANTOS, Mr. DAVIS, Mr. HILLIS, Mr. GINGRICH, Mr. GEJDENSON, Mr. GUNDERSON, Mr. LOWERY of California, Mrs. SNOWE, Mr. PURSELL, Mr. MCKINNEY, Mr. WHITTAKER, Mr. FISH, Mr. DREIER of California, Mr. PETRI, Mr. BEREUTER, Mr. CHENEY, Mr. PRITCHARD, Mr. LUJAN, Mr. ECKART, Mr. TAUKE, Mr. SCHEUER, Mr. LEWIS of Florida, Mr. HARTNETT, Mr. DANNEMEYER, Mr. DYSON, Mr. DURBIN, Mr. HALL of Ohio, Mrs. HALL of Indiana, Mr. HEFTEL of Hawaii, Mr. HILER, Mr. HUGHES, Mr. BATEMAN, Mrs. JOHNSON, Mr. TAUZIN, Ms. OAKAR, Mr. ORTIZ, Mr. HOYER, Mr. BROYHILL, Mrs. SMITH of Nebraska, Mr. SMITH of New Jersey, Mr. BROWN of Colorado, Mr. WORTLEY, Mr. MCKERNAN, Mr. PRICE, Mr. GILMAN, Mr. LENT, Mr. BONIOR of Michigan, Mr. STARK, Mr. BIAGGI, Mr. FAZIO, Mr. SENSENBRENNER, Mr. FRANK, Mr. ASPIN, Mr. AKAKA, Mr. YOUNG of Alaska, Mr. BARNES, Mr. BORSKI, Mrs. BOXER, Mr. CARNEY, Mr. CARPER, Mr. CLAY, Mr. COATS, Mr. GREEN, Mr. COOPER, Mr. CROCKETT, Mr. DAUB, Mr. DONNELLY, Mr. EVANS of Iowa, Ms. FIEDLER, Mr. FOGLIETTA, Mr. FORD of Tennessee, Mr. FORSYTHE, Mr. BREAUX, Mr. STENHOLM, Mr. WILSON, Mr. STOKES, Mr. HUTTO, Mr. WEAVER, Mr. WALGREN, Mr. COYNE, Mr. WOLPE, Mrs. KENNELLY, Mr. WYDEN, Mr. BATES, Mr. BARTLETT, Mr. PHILIP M. CRANE, Mr. COUGHLIN, Mr. MICA, Mr. MITCHELL, Mr. MORRISON of Connecticut, Mr. WILLIAMS of Montana, Mr. ASPIN, Mr. WIRTH, Mr. GAYDOS, Mr. GREGG, Ms. MIKULSKI, Mr. GLICKMAN, Ms. KAPTUR, Mr. LEACH of Iowa, Mr. LENT, Mr. LUNDINE, Mr. MCEWEN, Mr. MCCURDY, Mr. MATSUI, Mr. OTTINGER, Mr. OXLEY, Mr. ROBERTS, Mr. ROE, Mr. TORRICELLI, Mrs. ROUKEMA, Mr. SHANNON, Mr. DOWNEY of New York, Mr. MARKEY, Mr. KRAMER, Mr. FAZIO, Mr. EMERSON, Mr. FEIGHAN, Mr. RALPH M. HALL, Mr. PENNY, Mr. PATTERSON, Mr. FIELDS, Mr. GARCIA, and Mr. FROST.

H.R. 904: Mr. DINGELL, Mr. ROE, Mr. YATES, Mr. MOAKLEY, Mr. DWYER of New Jersey, Mr. STANGELAND, Mr. STOKES, Mr. OBERSTAR, Mr. SOLARZ, Mr. BROWN of California, Mr. D'AMOURS, Mr. HATCHER, Ms. MIKULSKI, Mr. LEHMAN of Florida, and Mr. OTTINGER.

H.R. 905: Mr. GOODLING and Mr. ROSE.

H.R. 1016: Mr. MORRISON of Washington.

H.R. 1055: Mr. CROCKETT, Mr. FASCELL, Mr. GILMAN, Mr. HYDE, Mr. MCCOLLUM, Mr. MATSUI, Mr. ORTIZ, Mr. WON PAT, and Mr. MICA.

H.R. 1083: Mr. MRAZEK.

H.R. 1137: Mr. BILIRAKIS, Mr. LAGOMARSINO, Mr. HYDE, Mr. BONIOR of Michigan, Mr. DYMALLY, Mr. RODINO, Mr. STANGELAND, Mr. SUNIA, Mr. STARK, Mr. LELAND, Mr. HORTON, Mr. SUNDQUIST, Mr. LOWERY of California, Mrs. BOXER, Mrs. SNOWE, Mr. SMITH of New Jersey, Mr. APPLEGATE, Mr. ROE, Mr. FIELDS, Mr. SMITH of Florida, Mr. SAM B. HALL, JR., Mr. SILJANDER, Mr. WALGREN, Mr. DINGELL, Mr. PENNY, Mr. REID, Mr. FAUNTROY, Mr. WOLF, Mr. STOKES, Mr. ACKERMAN, Mr. FRANK, Mr. PASHAYAN, Mr. WHITEHURST, Mr. RATCHFORD, Mr. MOLLOHAN, Mrs. SCHNEIDER, Mrs. HOLT, Mr. GEJDENSON, Mr. GLICKMAN, Mr. ENGLISH, Mr. MCDADE, Mr. KASICH, Mr. OTTINGER, Mr. VANDERGRIFF, Mr. WASHINGTON, Mr. DOWDY of Mississippi, Mr. NIELSON of Utah, Mr. DELLUMS, Mr. ORTIZ, Mr. VENTO, Mr. CHANDLER, Mr. MCNULTY, Ms. FERRARO, Mr. HUGHES, Mr. KILDEE, Mr. CROCKETT, Mr. RAHALL, Mr. FORSYTHE, Mr. LEATH of Texas, Mr. WEISS, Mr. SLATTERY, Mr. GREEN, Mr. RICHARDSON, Mr. DWYER of New Jersey, Mr. WEAVER, Mr. SCHEUER, Mr. FAZIO, Mrs. KENNELLY, and Mr. EVANS of Illinois.

H.R. 1142: Mr. BONER of Tennessee, Mr. LAGOMARSINO, Mrs. BOUQUARD, Mr. O'BRIEN, Mr. HILLIS, Mr. STUMP, Mr. RATCHFORD, Mr. ROE, Mr. MARLENEE, Mr. SMITH of New Jersey, and Mr. TORRES.

H.R. 1190: Mr. FORD of Tennessee.

H.R. 1197: Mr. WALGREN, Ms. MIKULSKI, Mr. MCKERNAN, Mr. SIKORSKI, Mr. LEHMAN of California, Mr. CROCKETT, Mr. NEAL, Mr. GONZALEZ, Mr. CONYERS, Mr. TRAXLER, Mr. HALL of Ohio, Mr. GREGG, Mr. OWENS, Mr. LEVIN of Michigan, Mr. RATCHFORD, Mr. CHAPPELL, Mr. ERDREICH, Mr. SOLOMON, Mrs. KENNELLY, Mr. EDWARDS of California, Mr. BONER of Tennessee, Mr. LIVINGSTON, Mr. FORD of Tennessee, Mr. GRAY, Mr. FAUNT-

ROY, Mr. VENTO, Mr. MARLENEE, Mr. RODINO, Mr. ACKERMAN, Mr. HARTNETT, Mr. MCCAIN, Mrs. SCHNEIDER, Mr. GOODLING, Mr. MINISH, Mr. FISH, Mr. FOGLIETTA, Mr. HERTEL of Michigan, Mr. MCDADE, Mr. FEIGHAN, Mrs. JOHNSON, Mr. SMITH of New Jersey, Mr. COELHO, Mr. LIPINSKI, Mrs. HOLT, Mr. YOUNG of Missouri, Mr. SKELTON, Mr. TOWNS, Mr. CONTE, Mr. DWYER of New Jersey, and Mr. DURBIN.

H.R. 1199: Mrs. KENNELLY and Mrs. BOXER.

H.R. 1200: Mr. FISH, Mr. ROE, Mr. BATES, Mrs. BOXER, and Mrs. KENNELLY.

H.R. 1226: Mr. FRENZEL.

H.R. 1242: Mr. ANNUNZIO, Mr. BONIOR of Michigan, Mr. DAVIS, Mr. FASCELL, Mr. HERTEL of Michigan, Mr. MCKERNAN, Mr. NICHOLS, Mr. RUSSO, Mr. SWIFT, and Mr. TOWNS.

H.R. 1376: Mr. STUMP, Mr. HUTTO, and Mr. DYSON.

H.R. 1394: Mr. SCHULZE.

H.R. 1432: Mr. NOWAK, Mr. PERKINS, Mr. ANNUNZIO, Mr. DWYER of New Jersey, Mr. SAM B. HALL, JR., Mr. STENHOLM, Mr. LEATH of Texas, Mr. SEIBERLING, Mr. KEMP, Mr. DYMALLY, Mr. MURPHY, Mr. MORRISON of Washington, Mr. SABO, Mr. DORGAN, Mr. SMITH of Iowa, and Mr. MITCHELL.

H.R. 1441: Mr. APPLEGATE, Mr. DAVIS, Mr. LEVIN of Michigan, Mr. PURSELL, and Mr. SILJANDER.

H.R. 1528: Mr. EMERSON and Mr. NIELSON of Utah.

H.R. 1580: Mr. MAZZOLI, Mr. GINGRICH, Mr. ROE, Mr. SUNIA, Mr. KINDNESS, Mr. SMITH of Iowa, Mr. LAGOMARSINO, Mr. ENGLISH, Mr. WOLF, Mr. SMITH of Florida, Mr. D'AMOURS, Mr. DE LA GARZA, Mr. TOWNS, Mr. LIPINSKI, Mr. VANDERGRIFF, Mr. DE LUGO, Mr. ORTIZ, Mr. FASCELL, Mrs. BOXER, Mr. HUGHES, Mr. MINISH, Mr. BROWN of California, Mr. HATCHER, Mr. STANGELAND, Mr. ACKERMAN, Mr. ANDERSON, Ms. FERRARO, and Mr. FRENZEL.

H.R. 1590: Mr. RAHALL, Mr. TRAXLER, Mr. CORRADA, Mr. D'AMOURS, Mr. KILDEE, Mr. LEVIN of Michigan, Mr. CARR, and Mr. DURBIN.

H.R. 1593: Mr. WEAVER.

H.R. 1691: Mr. HILLIS and Mr. DREIER of California.

H.R. 1701: Mr. HILER, Mr. KINDNESS, Mr. DREIER of California, Mr. HYDE, Mr. MADIGAN, and Mr. MCGRATH.

H.R. 1755: Mr. OWENS, Mr. JEFFORDS, Mr. FOWLER, Mr. HEFTEL of Hawaii, Ms. FERRARO, Mr. DOWNEY of New York, Mr. BARNES, Mr. TORRICELLI, Mr. WALGREN, Mr. LEACH of Iowa, Mrs. BOXER, Mr. STARK, and Mr. UDALL.

H.R. 1899: Mr. BATES, Mr. FAUNTROY, Mr. FORSYTHE, Mr. FRANK, Mr. RAHALL, and Mr. WOLPE.

H.R. 1903: Mr. HORTON, Mr. WHITEHURST, Mr. WILSON, Mr. BARNES, Mr. RATCHFORD, Ms. MIKULSKI, Mrs. SCHNEIDER, Mr. FAZIO, and Mr. GINGRICH.

H.R. 1904: Mr. PACKARD, Mr. PETRI, Mr. KILDEE, Mr. HYDE, Mr. FLORIO, Mr. WASHINGTON, Mr. AUCOIN, Mr. DAUB, Mr. FISH, Mr. FORSYTHE, Mr. GRADISON, Mr. KINDNESS, Mr. MITCHELL, Mr. MAVROULES, Mr. OBERSTAR, Mr. SIKORSKI, Mr. SMITH of New Jersey, and Mr. WOLF.

H.R. 1930: Mr. ECKART, Mr. FRANK, Mr. MOLLOHAN, Mr. KOLTER, Mr. RATCHFORD, Mr. RAHALL, Mr. ACKERMAN, Mr. PEPPER, Mr. RICHARDSON, Mr. PATTERSON, Mr. WOLPE, Mrs. HALL of Indiana, Mr. WILLIAMS of Montana, Mr. EDGAR, Mr. OWENS, Mr. ADDABBO, Mr. COYNE, Mr. FAZIO, Mr. FEIGHAN, Mr. ORTIZ, Mr. EDWARDS of California, Mr. GEJDENSON, Ms. FERRARO, and Mr. MITCHELL.

H.R. 1942: Mr. SMITH of Florida, Mr. STOKES, Mr. DELLUMS, Mr. BROWN of California, Mr. GLICKMAN, and Mr. BARNARD.

H.R. 1950: Mr. ACKERMAN and Mr. WASHINGTON.

H.R. 1955: Mr. BILIRAKIS, Mrs. BYRON, Mr. HARTNETT, and Mr. MINISH.

H.R. 2090: Mr. DASCHLE, Mr. HERTEL of Michigan, Mr. ADDABBO, Mr. EVANS of Illinois, Mr. LONG of Louisiana, Mr. HUGHES, Mrs. MARTIN of Illinois, Mr. BIAGGI, Mr. SOLARZ, Mr. SUNIA, Mr. CONYERS, and Mr. FORD of Tennessee.

H.R. 2110: Mr. LELAND, Mr. WASHINGTON, Mr. KOGOVSEK, Mr. VENTO, Mr. ORTIZ, Mr. SUNIA, and Mr. HERTEL of Michigan.

H.R. 2150: Mr. CONYERS and Mr. WOLPE.

H.R. 2160: Mr. WALGREN.

H.R. 2226: Mr. HOYER.

H.R. 2250: Mr. WEISS, Mr. PHILIP M. CRANE, and Mr. OTTINGER.

H.J. Res. 20: Mrs. SNOWE.

H.J. Res. 29: Mr. ROEMER.

H.J. Res. 80: Mr. LOEFFLER, Mr. RINALDO, Mrs. VUCANOVICH, Mr. LIPINSKI, Mr. CARPER, Mr. DICKS, and Mr. YATES.

H.J. Res. 103: Mr. WAXMAN.

H.J. Res. 184: Mr. ST GERMAIN, Mrs. SCHNEIDER, Mr. MCCAIN, and Mr. BARNARD.

H.J. Res. 192: Mr. BETHUNE, Mr. CONYERS, Mr. DWYER of New Jersey, Mr. GINGRICH, Mr. MITCHELL, Mr. NEAL, Mr. STOKES, and Mr. WEAVER.

H.J. Res. 211: Mr. AKAKA, Mr. ALEXANDER, Mr. ANDREWS of Texas, Mr. BATEMAN, Mr. BONIOR of Michigan, Mrs. BOUQUARD, Mrs. BOXER, Mr. BURTON of Indiana, Mr. CHAPPELL, Mr. COATS, Mr. DAUB, Mr. DAVIS, Mr. FAUNTROY, Mr. FORSYTHE, Mr. FRANK, Mr. FRENZEL, Mr. HUGHES, Mr. HYDE, Mr. LAGOMARSINO, Mr. LEACH of Iowa, Mr. LEWIS of Florida, Mr. MARTIN of New York, Mr. MURPHY, Mr. ORTIZ, Mr. PASHAYAN, Mr. PEPPER, Mr. ROE, Mr. SABO, Mr. SILJANDER, Mr. SMITH of Florida, Mr. STANGELAND, Mr. STOKES, Mr. SUNIA, Mr. TOWNS, Mr. VANDERGRIFF, Mr. VENTO, Mr. PATMAN, Mr. WHITTAKER, Mr. WILLIAMS of Ohio, Mr. WINN, Mr. WOLPE, Mr. WEBER, Mr. RATCHFORD, Mr. TAUZIN, Mr. LUNDINE, Mr. LANTOS, Mr. STENHOLM, and Mr. WORTLEY.

H. Con. Res. 28: Mrs. BOGGS, Mr. SIKORSKI, Mr. CLAY, Mrs. BYRON, Mr. HEFNER, Mr. GOODLING, Mr. LONG of Louisiana, Mr. BEDELL, and Mr. EVANS of Illinois.

H. Con. Res. 40: Mr. EVANS of Illinois, Mr. ZSCHAU, Mr. MCGRATH, Mr. OBEY, Mr. GOODLING, Mr. SLATTERY, Mr. TALLON, Mr. PATTERSON, Mr. LUKEN, Mr. MARTINEZ, Mr. HATCHER, Mr. MCKERNAN, Mr. DICKS, Mr. NEAL, Mr. LEHMAN of California, and Mr. SMITH of Florida.

H. Con. Res. 43: Mr. ROYBAL, Mr. DAVIS, Mr. MITCHELL, Mr. DIXON, Mr. BONIOR of Michigan, Mr. TORRICELLI, Mr. LUKEN, Mr. DYSON, Mrs. KENNELLY, Mr. MCNULTY, Mr. LONG of Louisiana, Mr. RANGEL, Mr. FISH, Mr. MOLLOHAN, Mr. LEVINE of California, Mrs. COLLINS, Mr. DE LUGO, Mrs. JOHNSON, Mr. BROOKS, Mr. HEFTEL of Hawaii, Mr. O'BRIEN, Mr. WISE, Mr. PATMAN, Mr. GREGG, Mr. GORE, Mrs. HALL of Indiana, Mr. WAXMAN, Mr. ROBERTS, Mr. CORRADA, Mr. SPRATT, Ms. FERRARO, Mr. FAZIO, Mr. KAZEN, and Mr. WASHINGTON.

H. Con. Res. 45: Mrs. KENNELLY and Mr. GILMAN.

H. Con. Res. 46: Mr. GOODLING and Mr. MCKINNEY.

H. Con. Res. 63: Mrs. VUCANOVICH, Mr. MOODY, Mr. LEWIS of Florida, and Mr. LEHMAN of California.

H. Res. 17: Ms. FERRARO, Mr. FRENZEL, Mr. LAGOMARSINO, Ms. OAKAR, Mr. PICKLE, Mr. RODINO, and Mr. HEFNER.

H. Res. 119: Mr. DE LUGO.

H. Res. 137: Mr. AKAKA, Mr. SMITH of New Jersey, Mr. GREEN, Mr. LEHMAN of California, Mr. FORSYTHE, Mr. WEAVER, Mr. OBERSTAR, Mr. BROWN of California, Mr. GUNDERSON, Mr. FEIGHAN, Mr. HOWARD, Mr. D'AMOURS, Mr. SHELBY, Mr. RATCHFORD, Mr. EDGAR, Mr. HATCHER, Mr. BRITT, Mr. VANDERGRIFF, Mr. SMITH of Florida, Mr. SUNIA, Mr. FISH, Mr. MCKERNAN, Mr. DWYER of New Jersey, and Mr. BLILEY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1824: Mr. WATKINS.

PETITIONS, ETC.

Under clause 1 of rule XXII,

56. The SPEAKER presented a petition of the Board of Supervisors, Steuben County, Bath, N.Y., relative to general sharing; which was referred to the Committee on Government Operations.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1437

By Mr. BURTON of California:

—On page 30, after line 15, add the following new section:

WILDERNESS REVIEW CONCERNS

SEC. 13. (a) The Congress finds that—

(1) the Department of Agriculture has completed the second roadless area review and evaluation program (RARE II);

(2) the Congress has made its own review and examination of national forest roadless areas in California and of the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II Final Environmental Statement (dated January 1979) with respect to national forest lands in States other than California, such statement shall not be subject to judicial review with respect to National Forest System lands in the State of California;

(2) upon enactment of this Act, the injunction issued by the United States District Court for the Eastern District of California in *State of California* v. *Bergland* (483 F. Supp. 465 (1980)) shall no longer be in force;

(3) with respect to the National Forest lands in the State of California which were reviewed by the Department of Agriculture in the second roadless area review and evaluation (RARE II), except those lands remaining in further planning upon enactment of this Act, that review and evaluation shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by the National Forest Management Act of 1976 (Public Law 94-588) to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the De-

partment of Agriculture shall not be required to review the wilderness option prior to the revision of the initial plans and in no case prior to the date established by law for completion of the initial planning cycle;

(4) areas reviewed in such Final Environmental Statement and not designated as wilderness by this Act or remaining in further planning upon enactment of this Act need not be managed for the purpose of protecting their suitability for wilderness designation pending revision of the initial plans;

(5) unless expressly authorized by Congress, the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of national forest system lands in the State of California for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

EXTENSIONS OF REMARKS

JAMES RESTON WRITES ABOUT GLOBAL CONFLICTS INVOLVING CONVENTIONAL WEAPONS

HON. TONY P. HALL
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. HALL of Ohio. Mr. Speaker, in the March 23, 1983, edition of the New York Times, columnist James Reston has written a timely reminder of the global conflicts taking place today.

Using data from a recently released study prepared by the Center for Defense Information, Mr. Reston seeks to draw attention to the contemporary wars being fought with conventional weapons. Today, according to the Center for Defense Information, there are approximately 40 major and minor conflicts in the world, involving 45 of the world's 164 nations. Over 4 million soldiers are directly engaged in combat. Estimates of the total loss of lives to date in these conflicts run from more than 1 million up to 5 million.

The CDI study cited by Mr. Reston concludes that foreign weapons, especially those provided by the United States and the Soviet Union, have in many cases prolonged conflicts and encouraged their escalation. They have greatly increased the power of other nations to kill and destroy.

To help address the problems described so succinctly by Mr. Reston and CDI, I have introduced House Joint Resolution 128, a resolution with respect to conventional arms transfer limitations. I believe that the objectives outlined in my resolution could contribute to reducing the numerous conventional conflicts taking place in the world today.

For the benefit of my colleagues, the column by Mr. Reston and the text of House Joint Resolution 128 follow:

[From the New York Times, Mar. 23, 1983]

WHAT'S GOING ON?

(By James Reston)

WASHINGTON, March 22.—The Center for Defense Information is a think tank in Washington that keeps a box score on the wars, rebellions, and other violent uprisings going on in the world. Its latest report reminds us of some things we're inclined to forget:

In the last three years, six new wars have started while only two have ended—with over four million people engaged in combat.

Forty-five of the world's 164 nations are involved in these wars and even the C.D.I. can merely estimate that the number of people killed ranges from one million to five million.

About 500,000 foreign combat troops are involved. There are ten conflicts in the Middle East/Persian Gulf, ten more in Asia and Africa, seven in Latin America, and three in Europe. Five are conventional wars and 35 are internal guerrilla struggles.

The United States and the Soviet Union and its satellites are the major suppliers of military arms to 13 nations now at war, and in 1981, the 45 nations involved in 40 conflicts spent over $528 billion on their armed forces.

These, of course, are only rough estimates, and cannot take into account the suffering of families or the loss of property, but they may remind us of the madness and cost of violence in a world where half the human race is going to bed hungry every night.

We need to be reminded. The facts being debated now in Washington are important: How much for missiles, how much for El Salvador, how much for education and unemployment relief and food-stamps?

It's a hard call for the Ways and Means Committee in the House and the Finance Committee in the Senate. Secretary of Defense Weinberger tosses around not billions but trillions for the Pentagon, and President Reagan delivers sermons about the importance of religion and prayer in the schools.

All this is worth debating. But very little is added to this debate about what's going on in these wars and rebellions, what can be done to get at the causes of these conflicts—except to vote more money for more military weapons.

As the Center for Defense Information points out, over 50,000 Soviet troops invaded Afghanistan in December of 1979; over 10,000 Libyan troops intervened in the civil war in Chad in December of 1980; around 100,000 Israeli troops went into Lebanon in June, 1982, and the cost in human life there and elsewhere is staggering.

According to the Center for Defense Information, between one million and four million have died in Cambodia since 1970. In East Timor, it has been 100,000 to 250,000 since 1975. In Afghanistan, 100,000 since 1978. In the conflict between Iran and Iraq, 80,000 to 100,000 since 1980. In Lebanon, nobody knows.

And this, of course, is not all. In past centuries, we had religious wars between believers in conflicting faiths; now we have "religious" wars between people who believe more in fighting than anything else. See Ireland, the Indian subcontinent, etc.

Obviously, the United States Government cannot be expected to grapple with all these human and political tangles all over the world—it's having a tough enough time dealing with them at home—but when you look at the spread of nuclear knowledge, the outbreaks of terrorism, rebellion and war, you have to think more about the causes of wars, rather than how to fight them or survive them, the issues that tend to preoccupy the debate here now.

There is general agreement in Washington these days about the "interdependence" of the world, and endless talk about economics and statistics and the world balance of trade, and what to do about the consequences of world turmoil but very little about the causes of that turmoil.

President Reagan talks a great deal about the gross national product and about religion, but very little about the sanctity of individual life—except when he's arguing against abortion.

"We are," said Archibald MacLeish, "the best informed people on earth. We are deluged with facts, but we have lost or are losing our human ability to feel them . . . We know with the head now, by the facts, by the abstractions. We seem unable to know, as Shakespeare knew, who made King Lear cry out to blinded Gloucester on the heath: 'You see how this world goes' and Gloucester answers: 'I see it feelingly.'

"Why we are thus impotent," MacLeish added, "I do not know. I know only that this impotence exists and that it is dangerous; increasingly dangerous."

This apparently is what also troubles the people at the Center for Defense Information. They monitor the facts of contemporary wars because they think we don't know the facts, let alone feel them, and they may be right.

H.J. RES. 128

Whereas developing nations allocated $119,000,000,000 in 1979 for military spending; and

Whereas during the last four years, conventional arms transfer agreements between developing nations and arms supplying nations totaled $120,600,000,000, with agreements by free world nations totaling $76,200,000,000 and agreements by Communist nations totaling $44,400,000,000; and

Whereas during this four-year period, conventional arms transfer agreements with developing nations by free world nations other than the United States totaled $45,500,000,000, agreements by the Soviet Union totaled $33,200,000,000, and agreements by the United States totaled $30,700,000,000; and

Whereas some developing nations have established their own armaments industries and are becoming arms exporters; and

Whereas conventional arms transfers contribute to regional instability and facilitate the use of force to resolve conflicts; and

Whereas sophisticated new weapons are among the arms being transferred to developing nations; and

Whereas the acquisition of sophisticated weapons by developing nations encourages regional arms races and upsets balances of power; and

Whereas the use of sophisticated weapons to settle disputes by force threatens to expand such conflicts; and

Whereas the use of sophisticated weapons to settle disputes by force increases the possiblity that nuclear weapons might be used; and

Whereas conventional arms sales have become an arena for competition in the developing world between free world and Communist nations; and

Whereas expenditures for conventional arms by the developing world should be re-

---

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

directed toward economic development and the fulfillment of human needs: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That (a) the United States should reaffirm a commitment to the self-restraint it has demonstrated with respect to selective conventional arms transfers to developing nations and a commitment to qualitative guidelines for conventional arms transfers.

(b) The United States and the Soviet Union should immediately begin negotiations to resume the conventional arms transfer talks.

(c) The United States should immediately begin discussions with the free world arms supplying nations to limit conventional arms transfers to developing nations and to establish qualitative guidelines for conventional arms transfers.

(d) The United States should immediately, through the Committee on Disarmament in Geneva or through some other appropriate international forum, begin conventional arms transfer discussions between nations selling conventional weapons and nations purchasing such weapons to limit such arms transfers.

(e) The President shall report to the Congress every six months on the actions taken by the United States in accordance with this resolution and the progress being made toward achievement of the objectives expressed in this resolution.●

IMMIGRANTS SHOULD NOT BE SUBSIDIZED BY THE AMERICAN TAXPAYERS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. PAUL. Mr. Speaker, I am today reintroducing legislation that I believe will provide an important, long-overdue safeguard for the hard-earned tax dollars of the American people. This legislation would establish U.S. citizenship as an eligibility requirement for receiving any federally funded or federally administered benefits or payments.

Over the past half-century, the Federal Government has increasingly arrogated responsibility for filling many needs that have traditionally been met by private means. More and more, individuals desiring food, shelter, or even a subsidized college education have turned not to community organizations, local churches, civic groups, private foundations, or charities for help, but rather have turned beseechingly to the Federal Government. In recent years, this trend has become popular among those who are not even American citizens—those who have immigrated here and have resident alien status, or who have come here illegally.

I recall a story which I read with horror a few years ago. Several families had immigrated to the United States, and had signed up for welfare upon their arrival. They got on the welfare rolls, all right—but not quickly enough to satisfy them all. Unbelievable as it may seem, one familiy actually sued the American Government for the inconvenience its members experienced while waiting for their welfare to commence—and, what is more, collected a tidy sum of money for their shameful efforts. Clearly, this kind of activity is an outrage and an affront to every American taxpayer.

This is not to say that I oppose immigration itself; in fact, I do not. But I believe that when immigrants are allowed to join our society, they should do so with the clear understanding that they are entirely on their own; they must make their own way, secure their own housing, locate their own jobs, and so forth—with absolutely no expectation or possibility of help from the American taxpayers.

Unfortunately, this is not the way immigration policy has taken shape in recent years. Instead, immigrants have been offered seemingly limitless access to all sorts of tax-supported welfare programs—and this is what the American people resent. Indeed, considering the near crushing burden of taxation under which the average American must struggle, this reaction seems only natural.

I believe that immigrants who want to come to America, find and hold jobs, and actually contribute to our economy and our society should be welcome to do so. But those immigrants who seek—and sometimes even expect—housing subsidies, food stamps, welfare payments, medical and legal services, and all manner of tax-provided benefits should not be tolerated. Such abuse of our tax dollars is what this new bill is designed to eradicate.●

LIFE IMPROVES FOR GUATEMALA INDIAN POPULATION

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. LAGOMARSINO. Mr. Speaker, during a recent visit to Guatemala, I was impressed with the Government's efforts to improve conditions for that nation's large Indian population. A recent report in the Los Angeles Times, March 18, 1983, describes some of the Government's efforts to improve the living conditions of the Indians.

[From the Los Angeles Times, Mar. 18, 1983]

LIFE IMPROVES FOR GUATEMALA INDIAN POPULATION

(By Dial Torgerson)

QUETZALTENANGO, GUATEMALA.—As she spoke, Maria Escobar had her right hand twisted around behind her so that she could pat the bundle on her back. In it was her son. With her left hand she held to her tiny daughter.

"It is time someone said it," she said, "and it is a miracle that he came to Quetzaltenango to say it."

She was referring to what Pope John Paul II had said here in this bowl-like valley in the highlands of western Guatemala. He had called Guatemala's Indians—people like Maria—"a race blessed by God."

The Pope, the U.S. government and the goverment of Guatemala are all calling for an improvement in the condition of the 4 million or so Indians who make up more than half the population of this country, a people who for decades seemed less blessed than neglected and mistreated. There are 23 tribal groups, each with its own language, separated from one another not only by language but by the way they dress, the way they farm, and by soaring mountain ranges.

They have in common their poverty. Most are marginal farmers. Eighty per cent of their children are malnourished. Only about 30% of the people can read and write and about the same percentage can speak Spanish as well as one or more of the Indian tongues. Average life expentancy for the Indians is 44 years; for other Guatemalans it is 60.

But now there is much talk about changing all this. The military government of Gen. Efrain Rios Montt has begun a widely publicized campaign to bring the Indian into the mainstream. "We are an Indian nation," he is fond of saying.

The U.S. Agency for International Development is spending $32 million in Guatemala this fiscal year, and much of this money is aimed at helping the Indian population. The Pope's visit here March 7 called world attention to the plight of the Indian.

Why the sudden attention? It is the politics of poverty, many experts here believe. Leftist guerillas who had been fighting the central government for 30 years began in 1981 to make sudden progress by adopting the Indians' cause. They brought tens of thousands of Indians to their side, aided by the brutality of government troops, who killed villagers suspected of being pro-guerrilla.

The guerrillas came close to changing their hit-and-run struggle into a real civil war pitting the Indians of the highlands against the people in the capital. But after Rios Montt took over, on March 26, 1982, his army fiercely punished the guerrillas and rewarded Indians who came over to the government side.

"It was a close thing," a Western military expert said. "Then last summer they (the Indians) began to come over to the government side by the thousands and the guerrillas lost their freedom to range free in the highlands."

By the end of last year, the guerrillas were giving up the battle, slipping into jungle hideaways or across the borders into Mexico, Nicaragua or El Salvador. Their leadership remains intact, however, and Rios Montt's government fears that if it cannot improve conditions in the highlands the military victory could slip away.

His government is providing food and housing materials and putting Indian men to work building roads, rebuilding shattered schools and clinics and cleaning up the litter of war. Ten of the 30 members of a Council of State that is writing new election laws are Indians.

"There are also 10 alternates from the Indian groups," Edgar Ponce, an engineer who is a member of the council, said. "They

take part in many of the committees, and four or five of them have proved to be very effective. This is the first time ethnic Indians have played a role in our government. To counteract the guerrillas' efforts to radicalize them, we must find a way to make it possible for the Indians to share the power."

At Quetzaltenango, where hundreds of thousands of Indians gathered March 7 to hear the Pope call for legislation to halt abuses and to aid the Indians' development, experts could tell the representatives of the different Indian communities by their clothing.

Many of them, it was noticed, wore store-bought clothes instead of the usual colorful, pajama-like woolens knit by their women. Maria Escobar's husband wore tan cotton work clothes.

"After the troubles," she said, patting her son, "it seemed best not to look too much like an Indian."

In this country an Indian is an Indian because of the way he dresses and the language he speaks. If he sacrifices his culture to take up that of the city, he soon disappears in the lifestyle of the city.

"When an Indian moves to the city, he begins to change," Elena Casteneda, a Guatemala City anthropologist, said. "People will probably call him an Indian all his life. But his children, who grow up in the city, will be called Ladinos (people of mixed ancestry)."

American aid and the Rios Montt plan are working to bring the Indian into the mainstream. A significant part of the American aid will go into bilingual education. Another will go to farm cooperatives, where peasant farmers learn the rudiments of political cooperation.

Altogether, U.S. aid is being more than doubled this year, to $55.4 million. The Guatemalan government will provide about a third more in matching funds.

"The people are with the winners," Ponce, the Guatemala City engineer, said. "We must show them the benefits of being on the government side. Unless we can have improvements in the rural areas, the results of everything we are trying to do are bound to be poor."●

HOUSE JOINT RESOLUTION 13

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. BROOMFIELD. Mr. Speaker, I would like to call my colleagues' attention to an editorial which appeared in the March 20, 1983, edition of the Chicago Tribune. Given the recent floor debate on the nuclear freeze, I believe that this editorial further confirms what many of us have always believed—that House Joint Resolution 13, with all its tangled verbiage, fails to provide concise and rigorous guidelines for arms control, let alone any support for the current direction of our arms talks in Geneva. Most importantly, supporters of this resolution have postured themselves against reductions, first and foremost, in the nuclear arsenals of both superpowers. I hope that my colleagues will especially keep this editorial in mind as we resume debate on the nuclear freeze in the next several weeks.

The article follows:

[From the Chicago Tribune, Mar. 20, 1983]

THE PRONUCLEAR RESOLUTION

The progress of the nuclear freeze resolution through the House of Representatives is an exercise in making a silly idea ludicrous. The supporters of the freeze have managed, somehow, to come out against ridding the world of nuclear weapons stockpiles.

It happened during floor debate when House Republicans tried to tack on various amendments, each of which was beaten back by the resolution's supporters.

One of the amendments would have changed the wording of the resolution to call for an "immediate, mutual and verifiable freeze and/or reduction" in nuclear weapons—adding the perfectly sound and laudable principle of arms reduction to the freeze sentiment. The supporters defeated the amendment. That is, they voted against reductions. They voted, incredibly, to keep strategic nuclear weapons at their present appalling levels, roughly 7,000 warheads on each side and thousands more in Europe.

That is not to say that the befuddled congressmen actually oppose reducing the huge nuclear stockpiles. It's just that the resolution, being soft-headed, produces politics that are soft-headed. The President has said reduction is his goal in arms talks. But the President (not the Soviets) is being presented as the villain here, so of course the freeze supporters don't want anything in the resolution that would seem to give his views credit.

Or, as it was explained by Rep. Edward Markey (Mass.), the number one softhead among the supporters, "We do not want the President to have options."

Well, the President will have options anyway. Aside from the fact that the resolution is nonbinding and will probably be killed by the Senate, it is nonsense on the face of it. An "immediate" freeze cannot also be "mutual" unless the Soviets agree to it immediately. Obtaining any agreement with the Soviets takes months and years of hard negotiations on every article of treaty language.

A freeze agreement would be especially difficult to negotiate because it must be, as the resolution says, "verifiable." Verifying a freeze on production, testing and deployment of nuclear weapons would require detailed on-site inspection, something that the Soviets never have accepted and, indeed, cannot accept without making fundamental changes in the way their society is organized.

Nevertheless, everybody agrees that this pointless, wrong-headed, unenforceable, self-contradictory resolution will get through the House after the opponents have exhausted their delaying tactics. Its only effect will be to weaken temporarily the U.S. negotiating position in Geneva and strengthen the Soviet position. The Russians, as much as they might welcome it, can only marvel that a majority of the nation's most representative body can behave so irresponsibly.●

H.R. 1149—OREGON WILDERNESS ACT

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. DURBIN. Mr. Speaker, on Monday, March 21, I was unable to record my vote on final passage of the bill H.R. 1149, Oregon Wilderness Act. The Oregon Wilderness Act designates certain national forest system and other lands in the State of Oregon for inclusion in the National Wilderness Preservation System.

I was on official business in my congressional district on Monday and my return flight was delayed in St. Louis because of weather conditions. Had I been able to record my vote during rollcall No. 38, I would have voted in favor of passage of the bill as it was reported out of committee. Also, had I been present, I would have voted "no" on rollcalls No. 35, No. 36, and No. 37 which were amendments in the nature of a substitute.●

THE NATURAL GAS FAIR MARKETING ACT OF 1983

HON. THOMAS J. TAUKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. TAUKE. Mr. Speaker, last week I introduced H.R. 2164, the Natural Gas Fair Marketing Act of 1983. This legislation encompasses and expands upon H.R. 705, which I introduced earlier this Congress.

The rapid rise of natural gas prices is a major problem for my constituents and for residents of all Midwestern States. It is vital that Congress take some action to alleviate the severe economic strain caused by the current rigid natural gas pricing system.

I believe the Natural Gas Fair Marketing Act of 1983 could be a key piece of legislation in accomplishing this goal and bringing fuel costs down to a more reasonable level.

This legislation embodies the recommendations of the National Association of Regulatory Utility Commissioners (NARUC).

Specifically, H.R. 2164 would make several important changes in the regulations governing contracts between pipelines and producers.

The bill would broaden the definition of abuse as employed in the Natural Gas Policy Act of 1978 (NGPA), so that a contract which materially prevents a pipeline from responding to market forces would be considered abusive, thus denying passthrough of purchased gas costs under that contract.

The bill would also prohibit any sort of indefinite price escalator clause in present or future contracts for producer-pipeline gas sales.

The bill further would mandate that all present and future contracts include a "market out" clause, which permits a pipeline to escape the contract if the natural gas is not marketable at the contract price. Pipelines which exercise this right could be required to transport the refused gas for the producer to a secondary purchaser for 5-cents-per-million Btu's plus costs.

My bill requires that all contracts, both existing and future, with take-or-pay clauses be limited to 50 percent of the total volume of the contracts. Pipelines would be prohibited from taking gas from their affiliates when cheaper gas is available from nonaffiliates.

The bill requires the Federal Energy Regulatory Commission (FERC) to report to Congress on its efforts to restructure the relationship between pipelines and local distributors. It also requires that all producer-pipeline contracts be filed with FERC, with portions of the contracts open to the public.

Natural gas pricing is currently under debate in the House Subcommittee on Synthetic and Fossil Fuels, on which I serve. I believe this legislation should be given full consideration during the debate of this issue.●

WITHHOLDING—ANOTHER REASON FOR REPEAL

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. McKINNEY. Mr. Speaker, since last year's debate over the Tax Equity and Fiscal Responsibility Act, I have gone to great lengths to show my colleagues that withholding on interest and dividends should be repealed not merely because it is an emotional issue that has caused their offices to be flooded with letters and postcards. While this is certainly a good reason—for withholding has breached the taxpaying public's faith in our institution—there are many other valid reasons. One of the most important is that withholding will create an administrative nightmare of incalculable proportions which goes against a decade of attempts to reduce IRS redtape and a serious threat to the traditional banking institutions of our country.

In my testimony before the Rules Committee last August, I said that withholding of interests and dividends will result in interpersonal transactions, registration under foreign names, and fragmentation of accounts to stay beneath the $150 minimum. This, I maintained, would sweep away in a single blow all we have done in the Banking Committee to work toward consolidation of accounts and strengthening of our financial institutions. And I would add that it is naive to ignore the likelihood of a new industry devoted to the avoidance of withholding.

I have received an interesting letter from one of my constituents that sheds new light on this matter, and I would like to share it with my colleagues. The letter comes from Mr. Robert A. Kugler, president of Japan Fund, Inc., a U.S. investment fund specializing in Japanese securities. Mr. Kugler writes:

> Japan's experience with similar withholding rules suggests that important long-term results will be wider evasion of all taxes, interruptions to the smooth flows of investment capital and artificial barriers to the efficiency of the financial markets. In its Postal Savings system, Japan aims to exempt the low income saver by provisions similar to the $150 minimum in the TEFRA rules. Although each citizen may open one Postal Savings account, there are more than 200 million accounts—in a nation of 117 million people! A recent attempt by the Japanese government to close this loophole resulted in a surge of flight capital (a primary reason why the yen become so undervalued in early 1982), and a political backlash which severely damaged the credibility and popularity of the Suzuki government.

I think that the message from this is clear. It reiterates what I said last August—withholding is a shortsighted grab for additional revenue that will have harmful long-term effects never even discussed by the Senate Finance Committee or the Ways and Means Committee. I think many of my colleagues and members of the administration have no idea what kind of mess we are going to create on July 1.

The overwhelming public response to withholding has led unfortunately to allegation, threats of retribution, and distortion of the facts between supporters of the measure and the banking industry which is so strongly opposing it. I would like to draw my colleagues away from the emotional battle and suggest that they consider withholding as what it really is: very, very bad tax policy. We deserve the chance to reconsider it before July.●

NATIONAL GREEK DAY OF INDEPENDENCE

SPEECH OF

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1983

● Mr. ROE. Mr. Speaker, it is with great pleasure and pride that I rise today to celebrate the 162d anniversary of the Greek war of independence which freed that nation from 400 years of domination by the Ottoman Empire.

It was on March 25, 1821, that the brave Greek people, greatly outnumbered in military force, decided to overthrow the yoke of Ottoman oppression.

The Greek war of independence gained great support in the youthful Nation of America that had gained its own independence 45 years earlier. Such noted Americans as Thomas Jefferson, James Monroe, and John Quincy Adams all spoke out strongly in favor of the Greek cause during the conflict.

Mr. Speaker, there are clearly visible parallels between the Greek struggle for independence and our own Nation's fight for independence. Freedom for Greece was finally achieved in October 1827 when, after 6-years of combat, the Turkish fleet was finally destroyed.

The celebration of Greek independence is a strong reminder of our own Nation's commitment to the treasured Greek ideals of freedom, justice, and democracy.

The great friendship that has developed between ourselves and Greece has been solidified by the thousands of Greek immigrants who came to America. Greek Americans have played a major role in the growth of America making outstanding contributions in such diverse areas as business, the arts, education, and government.

Greek Americans should indeed be extremely proud of their heritage and what marvelous ideals that their ancestors have bestowed on freedom loving people the world over. This is certainly a day of joy that I share with them.●

LEGISLATION INTRODUCED TO REPEAL 50-CENT ASSESSMENT ON DAIRY PRODUCTION

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. DASCHLE. Mr. Speaker, I am today introducing legislation to repeal the authority of the Secretary of Agriculture to impose a 50-cent assessment on dairy producers. I am very pleased Congressman TOM HARKIN, chairman of the House Subcommittee on Livestock, Dairy, and Poultry has joined with me as an original cosponsor of this legislation.

Earlier this month, Secretary of Agriculture John Block announced his intention to implement the first of two 50-cent assessments on dairy production effective April 16. Although indicating a lack of support for the 50-cent assessment program, the Secretary of Agriculture has nonetheless given the

go-ahead to begin imposing the first of two 50-cent assessments next month.

The 50-cent assessment on dairy production which the Secretary is authorized, but not required, to impose should not be collected. Simply said, the 50-cent tax on dairy production is the wrong approach, it won't be effective, and it should be flatly repealed.

The House Dairy Subcommittee has begun hearings on the dairy program. There is a healthy and diverse variety of opinions on changes which can be made in the dairy program. Despite this difference of opinion on the nature of the dairy program, there is universal support for repealing the 50-cent assessment on dairy production which Secretary Block intends to collect beginning next month. Witnesses before the Dairy Subcommittee from South Dakota, Minnesota, Hawaii, Puerto Rico, Louisiana, North Carolina, and South Carolina have all agreed the 50-cent tax on dairy production should be repealed now.

The 50-cent assessment on dairy production should be repealed now and I am introducing this measure today to afford the Congress the opportunity to act on the assessment issue separately before the April 16 effective date.●

EMERGENCY FOOD ASSISTANCE AND COMMODITY DISTRIBUTION ACT OF 1983

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. RAHALL. Mr. Speaker, today I rise in strong support of H.R. 1590, the Emergency Food Assistance and Commodity Distribution Act of 1983. I would like to commend the chairman of the Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition, Congressman PANETTA, for presenting Congress with this most urgently needed legislation.

In my State, where unemployment is near 21 percent, there is an immediate need for an effective surplus food program, one truly responsive to the actual need facing many jobless Americans today. In one county I represent, McDowell, the documented unemployment is near 40 percent. Just the other week I personally visited a hollow where 95 percent of the residents are without a job.

Last week I was informed by the West Virginia Department of Welfare that USDA will reduce the May allocation for surplus cheese by approximately 70 percent. When my office contacted USDA we were told they had sold the program so well that demand for surplus cheese and butter now exceeds the department's ability to process the commodities. This development places States in the position of having to tell those who previously received surplus food that they will have to wait longer for the next shipment to arrive because their Government cannot process the food as quickly as it is needed. In March, West Virginia requested 669,600 pounds of surplus cheese. For April the amount originally requested was 1,339,200 pounds which was reduced to 967,200 pounds by USDA. For the month of May my State requested 1,339,200 pounds and has just been told its allotment will be reduced to 372,000 pounds—far, far less than the demand in our State.

I am pleased that your legislation is directed at correcting this problem and also would authorize the distribution of commodities other than cheese and butter. I personally feel it is a crime for this Government to purchase food commodities and store them, while thousands of Americans are going hungry. By providing funds to States, a maximum of $65 million per fiscal year, the chairman has demonstrated his sensitivity to the problems facing our States during this recession.

In closing I would like to say this legislation will attempt to solve the problems faced by our State with regard to the distribution of surplus commodities. I want to emphasize that the logjam at this time appears to be at the processing stage where I am told by USDA officials their facilities cannot handle the quantity of processing as required by the States. I support this legislation which will make more commodities available, provide additional funds for processing, and help States distribute the food to the needy.●

EL SALVADOR: ANY SALVATION

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. LAGOMARSINO. Mr. Speaker, I wish to call to the attention of my colleagues a commentary from the March 21, 1983, issue of U.S. News & World Report written by Marvin Stone. Mr. Stone puts into very clear perspective the issues involved in U.S. policy toward El Salvador. At the end of his commentary, he says, "As for a further increase in military aid, it obviously cannot be ruled out. To do so would be an open invitation to Nicaragua, Cuba, and the Soviet Union to move painlessly ahead with their scheme to reach one day into Mexico. We would be wise to understand that to be irresolute at this time will ultimately be far more costly than to make the effort that is being asked of us now."

EL SALVADOR: ANY SALVATION?

(By Marvin Stone)

People can be forgiven if they are bewildered and distressed by the latest ruckus over El Salvador. They are entitled to coherent and responsible action by the White House and Congress in dealing with a problem of vital importance.

Instead, we are being bombarded by conflicting claims, by hyperbole and rhetoric that provide little help in understanding the realities of the U.S. predicament in Central America.

From one direction, we are told, in effect, that we can relax, that there's no danger for the U.S. in allowing Marxist guerrillas to take still more power in Central America. It's inevitable, so just sit back and quit worrying.

From another direction, we hear a call to panic stations—an alarm of imminent disaster, with the dominoes beginning to fall from Panama to Mexico and the danger that the Caribbean will become a Communist lake. The U.S. must take emergency action to save the situation. Even send troops? Well, not quite that.

No wonder people are becoming cynical and emotionally exhausted by the recurrent political battles over policy toward El Salvador. Few Americans subscribe to the notion that more Soviet influence in this hemisphere should be accepted with equanimity. Fewer believe they face a choice between another Vietnam on the one hand and a catastrophic surrender of vital U.S. interests on the other.

There is a need—a compelling need—for leaders in the White House and on Capitol Hill to produce a credible and sustainable national approach to the challenge in Central America. That approach should neither attempt to stampede Americans into ill-considered action nor tranquilize them into dangerous inaction.

An effective policy, in our view, must be based on two truisms:

1. Installation of a revolutionary Marxist government in El Salvador would do serious damage and advance a process that would endanger our vital interests in the area. On Oct. 15, 1979, we warned in these words on this page of the possible consequences of President Carter's decision to run from the challenge of a Soviet combat brigade in Cuba: "Will the Cubans and their Russian 'advisers' be ruling the roost in El Salvador in three years? In Guatemala in five years? At the Panama Canal in 10 years?" All that has happened since then has made those questions even more relevant.

2. There is no simple, painless strategy for neutralizing the Marxist guerrillas in El Salvador—and certainly no quick military fix. We face a long, hard and exceedingly complex struggle—political, social and economic—as important as the military struggle, if not more so.

What does this mean in practical terms?

First of all, it means that the President and Congress must agree on a strategy that does not, in effect, require the administration to cry wolf every six months or every year in order to secure congressional endorsement of its policy. That is imperative to avoid a further progressive erosion of credibility.

While the U.S. obviously cannot ignore human-rights abuses, semiannual certification of progress should be modified. The present policy seriously handicaps long-term planning of military and economic assistance and insures constant and debilitat-

ing conflict between the White House and Congress.

A program of economic development on a substantial scale should be promoted to give the impoverished people of Central America a greater stake in the survival and security of non-Marxist governments. There is every reason why such a program should command support from congressional liberals who profess a special concern for the well-being of the people.

As for a further increase in military aid, it obviously cannot be ruled out. To do so would be an open invitation to Nicaragua, Cuba and the Soviet Union to move painlessly ahead with their scheme to reach one day into Mexico.

We would be wise to understand that to be irresolute at this time will ultimately be far more costly than to make the effort that is being asked of us now.●

TEN THOUSAND STAND IN RAIN FOR $4.50 CLEVELAND JOBS

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Ms. KAPTUR. Mr. Speaker, for too long now, our Nation's unemployed have been told by this administration, that jobs are abundant if only the jobless would look in the want ads of their local newspapers. I commend the attached New York Times article not only to my colleagues, but to those in the administration who still fail to recognize the growing severity of unemployment in our Nation.

The situation described in the article, which is not an isolated one, of several thousand unemployed people standing in freezing rain for 4 hours for 1,000 public service jobs in my home State of Ohio should convince even the most insulated of policymarkers that the jobless want to work now. All they are looking for is a chance. We in Congress should take the necessary steps to give it to them.

The article follows:

[From the New York Times, Mar. 22, 1983]

TEN THOUSAND STAND IN RAIN FOR $4.50 CLEVELAND JOBS

CLEVELAND, March 21.—Thousands of unemployed workers, welfare mothers and teen-agers, some standing in freezing rain for four hours, applied today for $4.50-an-hour public service jobs.

About 15,000 applicants were expected to apply today and Tuesday for 1,000 jobs. The jobs will be filled by lottery. At least 10,000 people applied today.

The jobs cleaning up city parks and vacant lots will last 12 weeks.

Jack Bigham, spokesman for the Cleveland Department of Human Resources, said of the applicants: "Some of them are auto and steel workers with 25 years of experience. They will work for $4.50 an hour because they have been out of work so long."

An Army veteran, Ernst Harris of Cleveland, 21 years old, said he joined the line at 6:30 A.M. "Anything will do right now," Mr. Harris said, "You can't even get a restaurant job."

Federal funds pay for the program.●

THE THERAPEUTIC USE OF MARIHUANA

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. McKINNEY. Mr. Speaker, today I am introducing for a second time legislation to end the unnecessary and unjust prohibition of the medical use of marihuana by seriously ill Americans. A direct consequence of congressional inaction on this legislation in the last Congress is the continued suffering of those cancer and glaucoma patients who would benefit from the therapeutic use of marihuana. This suffering could be largely alleviated through responsible action. The bill I am introducing today is the vehicle for such responsible action; it would allow the controlled medical use of marihuana only by cancer and glaucoma patients. Many of the drugs which doctors prescribe daily are properly considered dangerous, abusable drugs. Nonetheless, they are recognized for their medical value and are treated accordingly by Federal law. My legislation recognizes marihuana's well-established medical value, and adapts Federal law to allow its medical use. The Federal regulation of drugs must distinguish between social abuse and medical use. Attempts to control the former should not result in the prohibition of the latter.

As many of my colleagues know, 33 States have enacted legislation allowing the medical use of marihuana. However, these farsighted laws have either been impossible to implement or severely limited in scope due to outdated Federal laws and unresponsive policies. Several States, through resolutions passed in their legislatures or with language contained in State therapeutic marihuana program reports, have strongly urged passage of this type of legislation The willingness of Congress to respect the prerogatives of the States and the rights of individuals will be reflected by the action this body takes regarding this measure.

Many cancer and glaucoma patients not successfully treated by currently available medicines could receive relief from proper applications of medical marihuana. The most obvious and well documented applications for cannabis in cancer-related therapies are: First, in reducing the sickening after effects associated with anticancer therapies, and second, in combating appetite loss associated with such treatment. The National Cancer Institute (NCI) estimates 800,000 to 1 million new cases of cancer are diagnosed in the United States each year. Of this number, NCI estimates that at least 250,000 patients will receive some form of chemotherapy and that 250,000 or more will undergo radiation treatments. In addition, NCI indicates that more than 50,000 chemotherapy patients and an approximately equal number of radiotherapy patients suffer from intense and uncontrollable nausea and vomiting—known clinically as emesis.

Currently, two drugs are commonly utilized as antiemetics for persons undergoing anticancer therapies: Compazine and a synthetic form of delta-9-tetrahydrocannabinols (THC), the primary pyschoactive ingredient in marihuana. Yet for more than half of the patients undergoing anticancer treatments who use them, these drugs fail to provide adequate relief. By contrast, marihuana administered through inhalation is 80 percent effective in relieving the nausea caused by anticancer therapies for those who have failed with the conventional drugs. Data recently revealed by several States which have managed, despite significant Federal disincentives, to organize and operate marihuana therapy programs confirm the earlier data. Georgia reported a 73-percent success rate using inhaled marihuana to combat emesis in cancer patients. New York has posted an 80-percent success rate; New Mexico reports 90 percent effectiveness. The report issued by New York offers the following statement regarding marihuana's therapeutic potential, "Because of the effectiveness of marihuana as a control agent, it became apparent that emesis was not an intractable consequence of cancer chemotherapy." However, the report went on to say that a number of doctors initially interested in the program elected not to become involved, "because they perceive[d] a large amount of bureaucratic procedures." The report continues, "Such procedures exist because of marihuana's status as both an investigational new drug and a controlled substance." Unless Federal legislation is passed, marihuana's status cannot improve.

Glaucoma is the general name given to an ill-defined group of eye diseases which, if uncontrolled, result in blindness. Glaucoma is incurable, but may be controlled either by drugs or surgery. The National Eye Institute (NEI) estimates that 2 million Americans are afflicted with glaucoma. The disease is the second leading cause of blindness in this country. Approximately 7,000 to 8,000 patients are blinded each year due to inadequate medical therapies and surgical techniques. Between 10 and 15 percent of the Nation's glaucoma cases are inadequately controlled by conventional medications and surgical intervention.

Glaucoma is characterized by an abnormal elevation of inner eye (intraocular) pressure which, unrelieved, causes damage to the optic nerve and results eventually in blindness. All standard medical and surgical therapies for glaucoma seek to lower elevat-

ed intraocular pressure into the normal (or safe) range. Historically, marihuana was often prescribed for the relief of reading tension and eyestrain, especially toward the turn of the century and up through the 1920's. Eyestrain and reading tension were the common misdiagnoses of glaucoma. In 1938, the LaGuardia Commission, in its extensive report on marihuana, noted the plant's possible utility in the management of ocular disorders.

The first modern clinical and scientific evidence of marihuana's medical value in the treatment of glaucoma was reported by Dr. Robert Hepler of the Jules Stien Eye Institute, UCLA School of Medicine, in 1970. After 6 years of analysis and investigation, Helper reported that inhaled marihuana generated a "consistent, dose related and clinically significant reduction in intraocular pressure." In addition, Dr. Hepler noted that marihuana appears to enhance the utility of other glaucoma control medications and is most effectively employed in conjunction with such agents. Numerous studies undertaken at a variety of institutions since 1970 have confirmed Hepler's initial and most detailed observations. The NEI acknowledges that marihuana, when smoked, is highly effective in lowering intraocular pressure. Currently, if marihuana was available in only the worst case situations, between 400,000 and 600,000 Americans with glaucoma would be immediate candidates for cannabis-based therapies.

Currently, marihuana is a schedule I drug under the Control Substances Act. Schedule I contains those drugs considered to have no accepted medical use in the United States. This legislation would reschedule marihuana to schedule II. Schedule II contains those drugs which, despite being abusable, have an accepted medical use. Rescheduling does not in any way affect the laws and policies which prohibit the social abuse of marihuana. Given what we know about marihuana's therapeutic use, and given the existence of 33 State laws allowing the medical use of marihuana, it is clear that marihuana should be on schedule II.

In complying with the single convention on narcotic drugs, the bill creates within the Department of Health and Human Services (HHS), the Office for the Supply of Internationally Controlled Drugs (the Office). This single office will regulate, administer, and supervise the supply and distribution of therapeutic marihuana. Currently, the Food and Drug Administration (FDA), NCI, NEI, the National Institute on Drug Abuse (NIDA), and the Drug Enforcement Agency (DEA) all have some claim in regulating the supply, distribution, and security aspects of supplying marihuana. In addition to being in violation of the single convention, this situation poses a bureaucratic nightmare to the States, doctors, and the ill, who desire access to medical marihuana.

The Office, in conjunction with the Attorney General, will contract with registered marihuana growers for the production of a supply adequate to meet the medical and research needs of qualified physicians and researchers. Bids will also be accepted for the processing of raw marihuana into a usable form. The Attorney General's role is to insure that proper precautions are taken against potential unauthorized use of the marihuana grown under the direction of the Office. In the event of domestic supply shortfalls, the Office may import such supplies as are needed. The cost of production and processing will be reflected in the price paid by patients. Thus, the Office will be largely self-supporting. The bill maintains the role of appropriate law enforcement agencies in policing the production and distribution of medical marihuana. The legislation requires NIDA to plan and carry out public information and education programs designed to heighten the public awareness of the dangers of and penalties for the social abuse of marihuana.

To qualify to order and prescribe medical marihuana doctors must first be approved to prescribe schedule II drugs, and second have completed the forms required by the Office, and been subsequently approved. The Office is required to follow strict procedures in distributing the drug. Therapeutic marihuana may only be distributed to hospitals and pharmacies approved to handle schedule II drugs. It would be unlawful to use the forms or the distribution procedures to gain access to medical marihuana for either nonmedical or improper medical use. The stringent security requirements provided for in the bill will make the production and distribution of marihuana as prudent and strict as they are today. The Federal Government currently grows marihuana to supply research needs

Finally, the legislation exempts marihuana from the FDA regulations governing new drugs. These FDA regulations were designed to test pharmaceutically prepared synthetic drugs and cannot adequately deal with naturally occurring drugs, like marihuana. Moreover, patent problems, regulatory inhibitions, and marihuana's current schedule I status make it impossible to advance cannabis through the FDA procedures. Marihuana falls through the cracks of existing FDA regulations. Congress, with passage of this legislation, would supersede these FDA regulations, recognizing marihuana's medical value in the treatment of glaucoma and anticancer side effects.

In introducing this bill, I want to issue a warning to groups both for and against the social use of marihuana: Stay clear. This legislation has nothing to do with the use of marihuana for fun; it has everything to do with a pressing human need for the best available medication. Speaking for myself and 47 of my colleagues who are joining me in reintroducing this bill, we will not allow the medical needs of the seriously ill to be held hostage to the unrelated goals of groups wishing either to strengthen or eliminate the laws which prohibit marihuana's social use. As I said before, we must distinguish between social abuse and medical use. This legislation deals with the medical use of marihuana. In debating its merits let us deal with that question, and leave the separate question aside.●

GREEKS IN ISTANBUL: IS THIS TURKISH HOSPITALITY

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. BROOMFIELD. Mr. Speaker, Many of us are familiar with the historic rivalry between Greece and Turkey. The problems of Cyprus, the Aegean Islands, and NATO have, in recent years, dominated the news. Few of us know, however, about the sufferings and problems of the Greek community in Turkey, especially the difficulties of the Greek Patriarchate of Constantinople. This religious organization is being routinely harassed and discriminated against and its activities are often interfered with. Human rights violations abound. Let me take a few moments to point out a few of the problems that have been reported to me.

In ancient times, modern day Turkey was Greek Asia Minor. With the rise to power of the Ottoman Empire, Greek control over its former territory slipped away. Many Greeks dreamed of and fought for the overthrow of the Ottoman yoke. It never happened. What remains of the former Hellenic presence in what is now modern Turkey are ethnic Greeks and the Ecumenical Patriarchate of Constantinople, the Vatican of the Greek Orthodox world.

After a series of theological and political disputes, the Ecumenical Patriarchate of Constantinople—today's Istanbul—and the Pope of Rome excommunicated each other. Christianity was effectively separated into the Western and Eastern bodies. In the East, the Patriarch of Constantinople was regarded as the spiritual head of the Eastern Church.

After Constantinople fell into the hands of the Turks, many proclama-

tions that the Christians would enjoy religious freedom was issued. The record will show that Christians have never really enjoyed religious freedom in Turkey. Churches were converted to Islamic mosques. The "Church of the Holy Wisdom"—Agia Sophia—in Instanbul, the Orthodox faith's Saint Peters, was desecrated and turned into a mosque. It is now a museum. In addition, Christian properties were reportedly confiscated. The Turkish Government interfered in church affairs and in church elections.

In 1923, the Treaty of Lausanne was enacted so that the non-Moslem minorities in Turkey could have the same treatment and security in law and in fact as those enjoyed by Moslems. The Treaty further provided that the non-Moslem minorities would have equal rights to establish and also to manage and control religious and social institutions, schools, and other establishments.

The years since 1923 have been marked with periods of extensive suppression and intolerant conditions, although there were times when friendly cooperation seemed to prevail.

The present conditions under which the Patriarch exercises his duties and responsibilities are hard to envision. Here are a few reported examples:

The Turks have suspended Patriarchal periodicals.

The theological school has been closed.

The Turks have limited the electoral power of the Holy Synod.

Properties have been confiscated.

Repairs and even painting and maintenance of the Patriarchate buildings have been prohibited.

The function of the Patriarchate has been made extremely problematical and the life of the Greek Christian community unbearable.

Turkish officials recently visited the Patriarchate for the purpose of registering all sacred items in this holy place and declaring these items the national property of Turkey.

Although the Patriarchate is the religious center of over 250 million Orthodox Christians, it is dilapidated. Recently, the Patriarchate attempted to have a broken toilet repaired. After months of pleading with the Turkish Government to undertake the work, a Turkish Government plumber was mistakenly dispatched to undertake the work. When the embarrassed Turkish Government realized what had happened, they immediately sent another plumber to break the toilet. The current Patriarch is hesitant to travel outside of Turkey for fear that he will be denied permission to return.

I cannot imagine the Italian Government subjecting the Vatican to such blatant and senseless harassment. The Patriarchate is reportedly experiencing many difficulties and its religious mission is being rendered ineffective in the process.

The Greek secular community in Turkey is also being subjected to similar discrimination. Although there were about 5 million ethnic Greeks in Turkey in 1922, only about 10,000 remain. Over 2 million were forcibly expelled. Many allegedly fled because of the religious persecution and discrimination directed against them.

Although these ethnic Greeks are Turkish citizens, they are reportedly required to pay a special tax and are denied banking and credit privileges. They are prohibited from entering certain professions. Greeks desiring to leave Turkey are forbidden from taking their possessions and funds. They cannot even surrender their money or belongings to the Patriarchate. Most Greek schools have been closed and the property confiscated by the Government.

The Turkish Government's reported disdain for the human rights of its Greek citizens is appalling. That same Government's harassment of the Patriarchate, in an obvious attempt to shut it down, is unacceptable. When my colleagues in this Chamber talk about human rights violations and freedom of religion, let them look East to Turkey, an important ally which is annually receiving millions of dollars in American economic and military aid.

If enough voices are raised throughout the free world, Turkey will reappraise its oppressive attitude against the Patriarchate and the ethnic Greeks. In the meantime, I will steer clear of the hospitality of the East.●

"THE SUCCESS OF LAND REFORM" AND "CHICKEN LITTLE IS BACK"

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. LAGOMARSINO. Mr. Speaker, two recent commentaries on El Salvador, appearing in the March 20 edition of the Washington Post deserve the attention of my colleagues. As the House and its various committees consider continuing assistance for El Salvador, I believe it is important to consider the positive steps being taken in the land reform program in that country, which USAID Administrator Peter McPherson describes. Also, William Colby's comments regarding the military situation in El Salvador should be carefully considered.

[From the Washington Post, Mar. 20, 1983]

THE SUCCESS OF LAND REFORM

(By M. Peter McPherson)

El Salvador is moving forward with its program of agrarian reform: it is regarded as one of the most effective steps to remove the guerrilla threat. Notable progress has been made since the democratic elections of March 1982. The Salvadoran government and, in particular, its army have implemented the program vigorously, particularly in the past six months. These facts should not be overlooked in the current debate over continuing military and economic aid to that country—real progress is being made with land reform.

There was a period of uncertainty around the elections of last March. But then, last fall, the Salvadoran government mounted a campaign—under new leadership—to accelerate the program in rural areas, and many more small farmers have filed applications for title to the land that they have cultivated. Since October 1982, more than 20,000 applications for titles have been filed, bringing the cumulative total to almost 50,000. Land titles are being issued and former owners compensated in an orderly fashion by the government of El Salvador. The U.S. position is that compensation is a critical part of the program.

The Salvadoran army itself has taken the lead in reinstating farm families that have been evicted illegally by former owners. Some 3,700 families have been reinstated since the elections of March 1982.

These achievements reflect well on the determination and capacity of the elected government of El Salvador. Land reform is difficult to carry out under the best of circumstances, and the circumstances have been less than ideal, as we all know.

The reform program already has benefited more than 500,000 landless and poor *campesinos*, counting their family members. Beneficiaries are former renters, farm laborers or share-croppers. They now own their own land, usually as family farmers on small farms, and most of them perceive themselves as being better off. Agricultural production in the reform sector compares well with pre-reform production and with the non-reform sector in average yields. The reform has worked, in part, because farmers usually received land that they had been farming for a long time. (The U.S. Agency for International Development also supplied credit, seed and other support to help the reform succeed.) These facts have been confirmed in a recent report by independent consultants.

The success of the land reform program is a threat to the guerrillas; it undercuts their appeal in rural areas. President Alvaro Magana's government recognizes that this popular reform has a vital part to play in the political stabilization of his troubled country. The government is going to continue the program.

The Salvadoran Congress recently voted to extend the deadline for *campesinos* to file for title to land until the end of 1983. Magana also announced that elections will be held in December. This continuation of democracy and reform is supported by the Reagan administration.

The Salvadoran government's success and perseverance in its implementation of agrarian reform gives reality to a hope aroused by the Salvadoran revolution of October 1979. This achievement reflects well on the capacity of the government of El Salvador to carry out democratic economic and social reforms.

This successful implementation of agrarian reform, under very trying conditions, should be weighed with judging President Reagan's request for continued assistance to El Salvador.

CHICKEN LITTLE IS BACK

(By William E. Colby)

Chicken Little's last visit to Washington was to proclaim that the discovery of a Soviet "brigade" in Cuba presaged the fall of the sky on our republic. We survived, of course, because the brigade would have been lost in the Miami traffic if it had invaded.

We are treated to a similar display as Congress debates the massive increase of our military personnel in El Salvador from 37 to 55. This is accompanied by an equally ponderous discussion of an increase in the military budget for El Salvador from $60 million to $110 million, an amount that can only be found in the Pentagon's petty cash drawer. These potent decisions are equated by critics to the dispatch of a half-million American soldiers to Vietnam and our assumption of the front-line military role in that nation. The administration's rhetoric in response is similarly extreme, as it lays the agonies of El Salvador to the machinations of a Soviet and Cuban master plan.

This hyberbole manages to conceal what is actually a sensible approach by the administration. Far from repeating Vietnam, it is plain that its strategy accepts and incorporates some of the major lessons of Vietnam. When one sees that the sums requested by the administration for security purposes in El Salvador total $136 million for 1983 and that the request for civilian support totals $227 million, it is plain that the administration has its priorities correct. Faced with an attempt to overthrow the clear will of the people expressed at the open ballot box only a year ago, it is plain that there is a military requirement for protection. It is plain also that the military requirement is to establish a screen behind which the truly critical work of economic and social development can continue.

The recent extension of the land reform program over the opposition of the right wing, the result of fully democratic, peaceful pressure by the Unidad Popular Democratica, shows that the democratic process is at work and that the necessary land reform program will continue.

The administration's program to encourage the development of democratic institutions through overt means has a substantial role in its program for El Salvador. The idea of focusing on two provinces as a start and spreading outward follows the successful oil spot strategy that has been proved effective in many insurgency situations. And the clear position of El Salvador's government and our administration that the United Democratic Front is invited to participate in the coming elections gives it a way of sharing—if not security—power through the ballot box.

The refusal of the guerrillas to abandon the struggle does not justify an abandonment of the democratic process any more than the intransigence of the Red Brigades or the Baader-Meinhof gang would have justified giving power to them in Italy or Germany. The UDF's well-justified fear of right-wing violence does not change this fact. It does call for special efforts for its protection to induce it to participate. Revolutionary romanticism cannot cover up the fact that the one successful revolution in the region, Nicaragua's, not only has not had an election but baldly states that it will not have one until 1985 because the people cannot be trusted to determine their destiny.

Sensitivity to the very errors of Vietnam should not focus solely on our overmilitarization of that conflict. It should also reflect the error of our encouragement of the replacement of President Ngo Dinh Deim by a junta of generals in hope that they would be more "democratic" than his Mandarin tradition would accept. Congress' decision to deprive the force of South Vietnam of the logistics they had been assured of receiving to face the 1975 military assault from the North, after the guerrilla war had been won, was an error that produced half a million refugees in leaky boats.

Sensitivity to error does not require paralysis. The administration's plans, as distinct from its rhetoric, show a sensitivity to the real lesson of insurgency warfare: that the military role is to screen and support the political process, not replace it. It deserves the support of a serious people and Congress. A Chicken Little panic over news that a single American soldier actually carried a weapon somewhere in El Salvador hardly dignifies a great nation, let alone the one on whose will and wisdom its allies depend for their freedom.●

CONTINUITY AT PUBLIC SERVICE ELECTRIC & GAS CO.

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. RODINO. Mr. Speaker, the following editorial appeared in yesterday's Newark Star Ledger about the impending change of leadership at New Jersey's largest utility company, Public Service Electric & Gas. I think that the editorial's praise for the utility's policy of intracompany promotions, as well as the abilities of the two men—retiring Chairman Robert Smith and his successor Harold Sonn—is well deserved. I am inserting the editorial into the RECORD, as I think it may be of interest to my colleagues:

ASSURED CONTINUITY

In the modern corporate world, where takeovers, and changes in commands have become almost commonplace, an orderly transition of chief executive officers may appear out of context. But there are still instances where changeovers in the executive suite that involve intra-company promotions remain a preferable option on the solid basis of experience and results.

This has been a longstanding policy of succession for New Jersey's largest utility, Public Service Electric & Gas Co. It has worked out well in the series of changes at the top in the past, so well in fact, that it is being adhered to again when the company's chairman, Robert Smith, retires next September.

His successor as chief executive officer will be Harold Sonn, the incumbent Public Service president. Both executives have had strikingly similar careers with the utility; they began as cadet engineers, and advanced through various middle management posts before moving into the executive level.

They shared long experience in engineering, marketing and utility services gave them strong administrative backgrounds that have been severely tested in the radical changes in the energy field that have evolved since they joined Public Service.

They have been closely involved with the major technological move into nuclear power generation, and the drastically changed corporate accommodations to deal with the growing dependence on foreign oil.

The positive parallels of backgrounds and experience that have marked the dual careers of the two Public Service top executives gives a reassuring continuity in leadership for the utility when Mr. Sonn becomes the company's next chief executive officer. He will bring to that key administrative position a broad understanding of the company's problems—and the capability to deal with them.●

BEYOND THE BURFORD CASE AND INTO AN ACID HAZE

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. VENTO. Mr. Speaker, I would like to take this opportunity to bring to the attention of my colleagues the following article on acid rain which was published in the March 21, 1983, issue of Sports Illustrated magazine. I believe this article is an excellent summary of the administration's denial of the acid rain problem. Time and time again, the administration has claimed that sufficent data is not available to prove that acid rain is a problem, or that it even exists.

Contrary to these claims, the administration has squelched significant information and cut funds for scientific research and development. It is time for the administration to realize that scientific data cannot be changed or molded to adhere to political philosophies. I believe that sufficient data does exist on acid rain—more than enough to merit immediate action for prevention of further damage to our environment.

In light of the recent turmoil at the Environmental Protection Agency and the resignation of Anne Burford, it is very important that Congress continue to aggressively address the problem of acid rain and other environmental concerns. This week President Reagan appointed William D. Ruckelshaus as the new Administrator for the Environmental Protection Agency. We must hope that Mr. Ruckleshaus will abandon the biased environmental policies this administration has professed in the past and will reinstate the integrity and true purpose for which the Environmental Protection Agency was established.

BEYOND THE BURFORD CASE AND INTO AN ACID HAZE

(Edited by Jerry Kirshenbaum)

Jay D. Hair, executive vice-president of the National Wildlife Federation, last week likened the resignation of Environmental Protection Agency Administrator Anne Burford to "getting rid of a water boy on a bad football team." Intemperate though that may have sounded, Congressmen of both parties and a great many newspaper editorial writers were making much the same

point. The coziness with polluters that led to Burford's downfall, they said, was no anomaly but reflected the Administration's approach to environmental issues generally.

That this view of the Administration is accurate is borne out by its handling of another issue that, because it involves a broader spectrum of the government that the toxic-waste program that brought Burford to grief, provides a case study of the Reagan team's overall environmental orientation. This issue is acid rain, which has devastated aquatic life, threatens forests and may pose a health hazard to humans in the northeastern U.S. and Canada. There's a wealth of persuasive evidence that the acid rain plaguing this region is caused mainly by windborne emissions from coal-fired plants in the Midwest and that only swift action can avert irreversible damage.

The Reagan Administration strenuously resists these conclusions. Officially, its position is that not enough is known about acid rain to justify government action, a view also subscribed to by utilities and other industries. But this contention is belied by the fact that the Administration is acting—to undermine the few emission controls that do exist. The EPA has granted delays and exceptions in the enforcement of air-quality standards governing the emission of nitrogen oxides and sulfur dioxides, two of the major components of acid rain, and the President has personally pushed for a bill amending the Clean Air Act of 1970 that would further erode those standards.

The Administration has also undercut and played keepaway with the very research into acid rain it says is still needed. A case in point is a joint Canadian-U.S. project launched in 1980 to study and deal with the situation. That mission has been sabotaged by the repeated failure of U.S. scientists to show up for meetings and Washington's dizzying reshuffling of scientists whenever they appear to be on the verge of reaching politically unpalatable conclusions. One of these scientists, Gary Glass, an aquatics biologist was abruptly replaced as head of an aquatics-impact assessment work group not by another aquatics specialist but by a crops expert. A similar fate befell Orie Loucks, a Butler University expert in ecosystems analysis, who suggests that the removal of himself and others from work groups was the result of "political intervention" meant to avoid definitive answers. The disruptive tactics have frustrated Canadian officials, one of whom, Raymond M. Robinson, executive chairman of Canada's Federal Environmental Assessment Review Office, complains that Washington has followed an "extremely dangerous" course of seeking "to influence scientific judgments to produce politically or administratively convenient conclusions."

Politics also appears to have played a part in the Administration's reaction to a 1981 report by the National Academy of Sciences that concluded that the acid-rain menace merited reductions in acidic depositions of up to 50%. James McAvoy, at the time a top Reagan adviser on acid rain, called the report biased, and the White House declined to give the academy, which relies on the federal government for much of its funding, further money for acid-rain research. It also vetoed participation by the academy in what had been expected to be a joint U.S.-Canadian peer review of the findings of the bilateral work groups. The White House decided instead to set up its own peer-review panel.

Given the damage that acid rain is documented to have caused, the thoughts on the subject expressed by some top Administration officials have been insultingly cavalier. In testimony last year before a House subcommittee, then-Deputy EPA Administrator John Hernandez refused to concede that acid rain had gotten progressively worse since the 1950s or that the phenomenon had contributed to the loss of aquatic life in Northeastern lakes. Hernandez said he felt that in some instances the situation actually may have become "less worse." This from the man who upon Burford's resignation became the EPA's acting administrator. Interior Secretary James Watt has also been heard from on the subject. Asked about acid rain at a dinner in New York in late 1981, Watt, according to a journalist who was there, told of having discussed the subject with a Canadian official, and saying, "When you do something about Canadian blizzards, then this country will do something about acid rain."

Another Administration figure involved in the acid-rain controversy is David Stockman, director of the Office of Management and Budget. In contrast with the Reagan position that not enough is known about acid rain, Stockman appeared to concede in a 1980 speech to the National Association of Manufacturers, before Reagan took office, that enough may indeed be known but that action still wasn't called for because of political and economic considerations; Stockman questioned whether it "makes sense to spend billions of dollars controlling emissions from sources in Ohio" to save aquatic life in New England. But an EPA study to determine if it *does* make sense had its funding slashed by Stockman's OMB last November just as it was nearing completion. Some funding for the study, in which a computer model was being developed to ascertain the cost-effectiveness of utility pollution-control systems, was restored after protests by both Democratic and Republican Congressmen.

The Administration's across-the-board obfuscation and obstructionism on the acid-rain issue casts in a harsh light a remark President Reagan made at a press conference 48 hours after Burford's resignation. Reminded by a reporter that opinion polls had indicated that the American people viewed his environmental policies as being more favorable to polluters than the public, Reagan replied,"That's all they've heard, but no one has given any evidence that that is true." The President's response made one wonder where he has been lately. When the evidence hasn't been leaking from steel drums, it has been literally falling out of the skies.●

YOUTH—AMERICA'S STRENGTH

HON. JAMES G. MARTIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. MARTIN of North Carolina. Mr. Speaker, I take great pleasure in inserting this fine award-winning VFW Voice of Democracy scholarship program speech written by Jill Annette Edwards, who is a junior at North Mecklenburg High School in Huntersville, N.C., into the CONGRESSIONAL RECORD.

NORTH CAROLINA WINNER JILL A. EDWARDS

I had a dream . . . and in my dream I saw America becoming strong. I saw strength and vitality lifting our nation into deeper and richer realities. I peered further into the depths of my dream and saw a major source of its strength—youth. Today's youth dare to dream and, because of this, our imaginations are not limited. Youth are one of America's greatest strengths, for we contribute the basis of strength—imagination, creativity, and enthusiasm.

One of the greatest contributions youth can make is in sharing with adults our thoughts, dreams, and feelings. By simply communicating with adults we find that, not only are we enriching our lives, but we are also enriching theirs. They find strength in our imaginations, support in our positive outlooks, and refreshing newness in our creativity.

Youth realize that looking at the positive side of things is not always easy. We also know that more is gained if we keep smiles on our faces, and in our hearts. I listened to a sermon that dealt with that kind of situation. The youth described, a high school football player, reaches out to his coach in a special way. The story opens with confrontation between the two arch-rivals. The game, now down to its last few seconds, would decide the championship. The score was 7-6, in favor of the opposing team, and the home team was within field goal range. Although the team was trailing, the coach was confident that the team would make a first down and allow his number one kicker to score. The coach watched intently as his team came out of the huddle and into position. The ball was snapped, and the coach peered with shocking disbelief as he watched his team fumble . . . the echoes of the locker room resounded the result of failure. Glassy eyes cast downward as the coach commended the team's efforts. All was quiet. His back turned, the coach listened as the last footstep faded away. As he turned, the coach found that one player remained. He was not the kicker or the quarterback, but simply an average tight end. He never played much, but his enthusiasm and team spirit always seemed to uplift the team. As the coach gazed into the young man's eyes, he heard him speak. "Coach," he said, "I love you. I love you." The coach realized that the optimistic and caring attitude displayed by this young man in this instance meant more to him than any other event in his career.

The dream of any one generation changing the world is less than reality. Yet each new generation can certainly pass many positive qualities to the next. If we could picture a sandy beach on the coast, we may further understand the success of youth. Just as each new wave breaks on the beach another crest takes its place. The cycle continues and the teeming life of the shore is supported by this incessant and reliable constancy. So America's youth continue, ever reliable in providing our nation with the essential power which youth possess in such great degree. That power, and its accompanying strength, constantly bathes the beaches of our lives with enthusiasm, imagination, creativity, and vitality.

Dreams can be reality. As we share the gifts which are uniquely ours, we enrich the lives of all persons around us. And in the sharing, America is made stronger.●

THE FREEZE RESOLUTION AND ITS UNILATERAL IMPLICATIONS

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. BROOMFIELD. Mr. Speaker, let me take this opportunity to share a few thoughts with my colleagues on the freeze issue.

Last week's debate on the freeze demonstrated that a vote for House Joint Resolution 13 is really a major step toward a unilateral U.S. freeze, notwithstanding the resolution's proviso that the freeze be "mutual".

First, it is clear from the recent debate that Representative MARKEY and other leading freeze proponents in the House oppose production and deployment of all new U.S. strategic and theater nuclear weapons: the MX missile (regardless of whether a secure basing mode is devised), the Trident submarine and missile, the B-1 bomber, the Pershing II missile and the ground-launched cruise missile. They contemplate unilateral U.S. restraint during freeze negotiations with the Soviets.

In taking this position, these Members are carrying out the program of the Nuclear Weapons Freeze Campaign, the chief lobby for the quick freeze. At its national convention in St. Louis on February 6, the movement reaffirmed its ritual commitment to a mutual freeze, but then went on to vote to "urge the U.S. Congress to suspend funding for the testing, production, and deployment of U.S. nuclear weapons." However, the group voted against making this unilateral U.S. restraint contingent on comparable Soviet restraint. The group's resolution is only to "call upon the Soviet Union to exercise corresponding restraint." The group voted down a motion to make U.S. actions "contingent on" the Soviet response. It also voted against deployment of Pershing and cruise missiles in Europe, but called only for reductions in Soviet intermediate range missiles, which number more than 600 to zero for us. So much for bilateralism.

I now can see that in moving from statements of aims to concrete measures, the freeze movement and some of its leaders in Congress favor a unilateral U.S. freeze, in the hope that the Soviets will respond in kind. I believe that we should base policy on more than hopes in dealing with a state whose record of human oppression is unrivalled in the dark catalog of man's inhumanity to man.

Second, I recognize that unilateral U.S. restraint probably is not the position of the majority of freeze supporters in the House. However, the practical effect of adoption of the freeze would be a unilateral U.S. freeze. If the freeze were adopted, negotiations would drag on endlessly; this is clear from the history of Soviet negotiating behavior. It would be in the Soviets' interest to drag out the negotiations, because they know our freeze movement would fight funding for the MX, Trident, B-1, Pershing II, and cruise missiles, and all other nuclear weapons programs. The arguments would be familiar: Why spend the money if the weapons will be frozen out anyway, and if we vote for the funds, it will imperil the freeze negotiations. In the meantime, the Soviets, unencumbered by their own freeze movement (any vocal supporters of which would be in prison or psychiatric "hospitals"), would move ahead with the four or more new ICBM's they now have in development, and other new weapons.

As the Washington Post noted in its editorial last Sunday, "it is not easy to find new systems in which they (the freeze movement) see merit. The letter of the movement honors mutual negotiated cuts. But its spirit is patently unilaterialist." And the Democratic New Republic, in its March 7 issue, wrote that the freeze movement has now moved "in one direction: toward unilaterialism." Both the Post and the New York Times oppose the freeze.

The freeze resolution would result in the unilateral weakening of the United States. I urge you to defeat this dangerous measure. The freeze movement will claim that a "yes" vote is a commitment to vote against U.S. strategic modernization programs even in the absence of reciprocal Soviet restraint.●

PRELATE OFFERS TO AID AMNESTY IN EL SALVADOR

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. LAGOMARSINO. Mr. Speaker, there has been a great deal of debate about the position of the church in El Salvador regarding U.S. policy to that country. A recent statement by Archbishop Rivera y Damas points out that he does not believe the guerrillas have the support of the people. In other statements, the archbishop has agreed that military assistance for El Salvador remains necessary as long as the guerrillas are receiving arms from external sources.

The archbishop's statement on lack of popular support for the guerrillas follows:

[From the Washington Post, Mar. 19, 1983]

PRELATE OFFERS TO AID AMNESTY IN EL SALVADOR

(By Christopher Dickey)

SAN SALVADOR, March 18—The influential archbishop of San Salvador said today that his church would "gladly" cooperate with a proposed government amnesty program for leftist guerrillas. In his opinion, he added, the rebels do not have the support of the people.

Archbishop Arturo Rivera y Damas' remarks came as the U.S.-backed government was preparing to unveil a proposed general amnesty, a copy of which this reporter obtained today. It provides for the pardon not only of guerrillas but most political prisoners.

The success or failure of the program is expected to be a major element in the effectiveness of elections scheduled for December as part of a political solution to the intensifying civil war here.

The guerrillas and their political allies already have rejected either an amnesty or an election and insist that the only means to achieve peace is through unconditional dialogue with the Government.

Rivera y Damas has been a key advocate of negotiations and he said this morning that he would continue to favor talks as a means of achieving peace. But he was critical of the guerrillas, suggesting they may have sabotaged their own initiatives, while he tended to endorse the government's latest position.

Rivera y Damas presented his views partly in the context of Pope John Paul II's visit here this month. The pontiff called for dialogue but cautioned about the dangers of negotiating with ideologues.

Since then, the archbishop said, "I note a greater opening to search for new ways toward a solution. There is calm. There is optimism. There is a desire for understanding more than revenge." Asked if that judgment would apply to both sides in the conflict, Rivera y Damas replied, "I would say at least on the side of the citizenry in general and of some elements of the government."

Continuing with that theme later in the interview, the archbishop said, "The population wants there to be peace. I do not see that the guerrillas, who have progressed militarily and in experience, have popular support.

"If they did, in three years one would have seen more results. There have been about four or five offensives and who knows how many more to come. But the people want this [peace]."

A copy of the proposed amnesty law, submitted yesterday to Provisional President Alvaro Magana by the Peace Commission he appointed Feb. 28, shows it would except from pardon those prisoners accused of murder, rape, kidnapping and "terrorist acts" that caused "grave wounds or mutilations in the civil population."

The program conspicuously omits any active role for the military. Instead, a three-member committee, including representatives of the Peace Commission, the government Human Rights Commission and the Interior Ministry would administer the amnesty. The Interior Ministry does not have police functions but handles civil administration of municipalities.

Guerrillas accepting the amnesty would come under the care of a "rehabilitation committee" responsible for "the measures that are urgent and necessary to guarantee the life, health, sustenance and labor of those favored by the law."

The plan calls for preferential bank loans for building houses, buying seed, special education programs, food, clothing, medical and other assistance. Those wishing to take advantage are to have 40 days to do so after an as-yet unspecified starting date. The

Constituent Assembly, which must approve the proposal, apparently would set the date.

The proposal does not say where rebels who might want to surrender can safely do so. Such details remain to be worked out. In a brief interview with ABC News yesterday, Magana suggested churches as potential receiving points.

Rivera y Damas said the canonical law that gives church property the status of asylum would have to be recognized by the government. "Then, if we can give that service, we will glady do so."

Rivera y Damas seemed particularly enthusiastic about the earlier reported inclusion of political prisoners under the proposed law.

The archbishop said that the presence of the bishop of Santa Ana, Rene Revelo, on the Peace Commission is "a guarantee of its efficacy." He emphasized, however, that it should not be a "bureaucratic organism" but one that will "accomplish a mission of effectively pacifying the country."

In October, Rivera y Damas and Revelo delivered the guerrilla front's initial negotiating position to Magana. The government subsequently appeared to rule out a dialogue, the stand that has been maintained steadfastly by the military here as well as by the Reagan administration.

Rivera y Damas decribed the rebels' increase in violence beginning in October as having "something of the flavor of blackmail."

"But I won't enter into judging in the thing," Rivera y Damas said. "The difficulty was that of the other interlocutor in giving response at that moment."

Asked if the government would be disposed to talk if there were new signs of good will, the archbishop said, "I have that impression, that if there are signs of good will they would be taken advantage of on the part of the government and also vice versa."●

PERSONAL EXPLANATION

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. LEWIS of Florida. Mr. Speaker, on Rollcall No. 44 I was unable to get to the House floor in time to vote. Had I been present I would have voted "aye."●

EL SALVADOR

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. STUMP. Mr. Speaker, the following article on El Salvador by Patrick Buchanan was brought to my attention by my constituent, Paul Rittenhouse of Sedona, Ariz.

The decisions we face with regard to El Salvador are among the most important we face. I commend the following article to my colleagues for their serious consideration.

[From the Arizona Republic, Mar. 10, 1983]

EL SALVADOR—AMERICA'S CHOICE: DO BATTLE OR WRITE OFF CENTRAL AMERICA

(By Patrick Buchanan)

WASHINGTON.—With the election of Ronald Reagan in 1980, it was said America's post-Vietnam paralysis was over. A president who had derided America's Vietnam conflict as a manifestation of "moral poverty" was replaced by a candidate with the courage to call that war effort a "noble cause."

With Mr. Reagan in charge, the United States is eager once again, we were told, to re-assume history's assigned role of leader of the West in the protracted conflict with the West's greatest enemy, the Soviet Empire.

That proposition will be put to the test in El Salvador.

After two years of bloody stalemate, the military situation in that small Central American country of five million can fairly be said to be critical and deteriorating.

The communist guerrillas, armed out of Cuba via Nicaragua, have established themselves on the volcanoes and in the hills and recruited some 6,000 to 7,000 men, ruling out a military victory by a Salvadoran army of 22,000.

The old 10 to 1, army-to-insurgent, ratio, considered necessary to eradicate any well-armed and entrenched communist guerrilla movement, cannot be achieved without a vast recruitment drive by the government of El Salvador, and a buildup of weapons and materiel by the United States far beyond the piddling $60 million Reagan initially requested.

With the routine destruction of bridges, power lines, buses, the guerrillas have demonstrated they can consume the country's economic surplus faster than the Americans can replace it, and destroy the nation's economic infrastructure faster than the government can rebuild it.

Daniel Ortega, the Sandinista junta leader in Managua, put it succinctly last week to Maryland's Rep. Clarence Long.

"El Salvador is lost," he said. "You Americans have two choices: Get out or invade."

Which pretty well sums it up. Either Mr. Reagan requests and receives a significant increase in America's military assistance—and U.S. involvement—or we begin preparations to write it off, and with it Honduras, Guatemala, Costa Rica and eventually Panama.

If a pro-American and elected regime in San Salvador is allowed to fall to a Castroite revolution, four years after Nicaragua, few serious men think Central America can be spared the same fate.

The White House desperately wants to avoid comparisons with Vietnam, and desperately wishes the cup would pass away. After all, the economic news is good, why bring this up?

But El Salvador will not go away. Central America is the soft underbelly of the United States, a good deal closer and more critical to the security of the United States than was South Vietnam, 10,000 miles away.

Yet, where America, 15 years ago, was willing to invest $30 billion a year and 500,000 troops to prevent a communist victory in Southeast Asia, today, in El Salvador the Congress is squealing over the presence of 37 American advisers, some of whom have actually been photographed carrying M-16 rifles.

The question that will be answered in El Salvador is whether the United States remains the credible, capable leader of the West that it was between 1945 and 1974. Whether the United States has recovered from the Vietnam syndrome, or whether we have suffered a fatal relapse.

We have 6,000 troops in distant West Berlin, thousands of Marines in Lebanon, 30,000 troops in South Korea, 100,000 being trained for the Rapid Deployment Force * * * engage in Soviets in the Persian Gulf, 300,000 assigned to NATO. How credible is all this force if the United States proves militarily incapable of blocking a few thousand guerrillas from establishing half a dozen Cubas on the doorstep of the United States?

Is the question of whether radical Arabs take control of Bahrain of more consequence to our future than whether or not communists take control from the Panama Canal to the Mexican border?

If El Salvador goes, and with it Central America, the Soviet bases will not be on the Tonkin Gulf but on the Caribbean and Pacific coasts, covering the Panama Canal.

Instead of boat people pouring across the South China Sea, refugees will be coming up the Pan American Highway by the hundreds of thousands, headed for the United States.

To prevent a communist military victory in El Salvador, there needs be a communist military defeat. Which will require air and naval interdiction of the guerrilla's supply routes from Nicaragua, American advisers training an enlarged and better equipped Salvadorean army, and U.S. air strikes—taking the war to the enemy on the volcanoes the way the enemy has taken the war to the towns and villages. And probably American dead.

Mr. Reagan has a choice. Recommend to Congress the necessary military buildup which will bring a firestorm from the Left—the media, clergy, academics, politicians, demonstrators opposed to nothing so much as American military force resisting communist revolution.

Or quietly accept the probability of a near-term collapse in El Salvador, and redeploy the 100,000 men of the RDF as a permanent garrison along the Rio Grande.●

GREEK INDEPENDENCE DAY, MARCH 25, 1983

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1983

● Mr. HUGHES. Mr. Speaker, this Friday, March 25, 1983, marks the 162d anniversary of the Greek people's war of independence from the Ottoman Empire. I am proud to join with my colleagues in salute to the spirit of independence of the Greek people.

Freedom is a privilege which is all too often taken for granted. To break the chains of oppression and proclaim the beginnings of a better, democratic way of life is an act that stirs the deepest of human emotions. It is an act that is especially meaningful to Americans, for we have celebrated over 200 independence days, each one a proud reminder that we, too, struggled successfully and won liberty from the domination of another country.

On this day of celebration for our friends in Greece, and Greek-Americans here at home, it is important that we recognize the signal achievements of the Greek people and culture. The ancient Greeks made innumerable contributions to the store of human knowledge and understanding of our world. The benefits we receive even today cannot be ignored.

Greece is revered for its art, its philosophers, and for its scientists as well as its teachers and architects. Pythagoras, who discovered the octave, can be called the founder of music as we know it today. Greece is the land of Plato, Socrates, and Aristotle, of the Parthenon and the Aegean Sea. The proud heritage of this nation has instilled in the Greek people a deep love of their country which is channeled into a fervent patriotism.

It was this patriotism which so inspired the Greeks 162 years ago. When the Greeks destroyed the Turkish fleet in October 1827, and finally gained their independence from the Ottoman Empire in 1829, the Greek people gave notice to the world that a word which owes its origins to the ancient Greeks—democracy—would not be forgotten in its birthplace. Many of the great names in history offered support to the Greek cause, including Thomas Jefferson, James Monroe, and John Quincy Adams.

More than a century and a half later, the judgment of these great Americans remains valid. For the Greeks have battled repeatedly to retain their liberty, courageously resisting the Axis Powers during World War II, and maintaining a firm standing against the threat of communism.

The American people traditionally have shared a warm, close relationship with our Greek allies. Our two nations share a love of liberty, and an awareness of the sacrifices necessary to hold fast to that freedom. It is an honor and a pleasure to once again affirm that friendship by saluting a brave nation and a proud people on Greek Independence Day.●

THE UNEMPLOYMENT COMPENSATION FAIRNESS ACT

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. BOUCHER. Mr. Speaker, last week, I introduced H.R. 2169, the Unemployment Compensation Fairness Act, to provide extended unemployment benefits to jobless persons living in high unemployment areas who do not now qualify for the 13 weeks of benefits provided under the Federal extended benefits program.

This bill is urgently needed to target unemployment benefits to those areas hardest hit by the recession. It will correct a serious inequity in the present law which uses only statewide unemployment levels to trigger extended benefits. Use of a statewide unemployment trigger discriminates against regions of high unemployment within otherwise "low unemployment" States and denies extended benefits to the long-term unemployed in those States.

My district in southwest Virginia, for example, has an unemployment rate of 18.6 percent, more than double our statewide rate of 8.5 percent. This relatively low statewide level is below the trigger for extended benefits contained in the Federal-State Unemployment Compensation Act as amended. As a result, even though five counties in my district have unemployment rates above 25 percent, and even though one county has an unemployment rate above 30 percent, no extended benefits are available to the long-term unemployed.

A similar situation exists in virtually every State that has not already triggered onto extended benefits: the use of a statewide trigger in the place of a substate trigger prevents the payment of extended benefits in areas with unusually high unemployment. The following chart sets forth those States that have not triggered onto the extended benefits program and the metropolitan regions within those States with unemployment rates higher than the statewide average:

States that do not qualify for extended benefits and unemployment rates in selected metropolitan areas

	Percent
Connecticut	7.1
Bridgeport	7.9
New Britain	8.8
Waterbury	10.4
Delaware	7.4
Wilmington	7.7
Florida	9.5
Lakeland	15.2
Miami	9.6
Pensacola	10.0
Georgia	7.9
Albany	8.8
Augusta	9.2
Columbus	10.1
Savannah	8.2
Kansas	7.1
Topeka	7.3
Wichita	9.9
Maryland	7.9
Baltimore	9.1
Massachusetts	7.1
Brockton	7.8
Fall River	10.7
Lawrence	8.5
New Bedford	12.7
Worcester	8.3
Minnesota	9.3
Duluth	20.9
St. Cloud	10.3
Missouri	9.8
St. Joseph	10.5
St. Louis	10.4
Nebraska	7.0
Omaha	7.6
New Jersey	8.8
Atlantic City	10.2
Jersey City	13.4
Patterson	10.6
Vineland	17.3
New York	8.6
Buffalo	13.0
Elmira	12.8
New York City	9.1
Utica-Rome	9.9
Oklahoma	6.8
Tulsa	7.4
Oregon	12.2
Eugene	12.9
Texas	7.4
Houston	8.1
Virginia	9.0
Lynchburg	10.3
Petersburg	11.4
Southwest	18.6

Many rural areas within the indicated States also have unemployment levels exceeding the statewide average where unemployment benefits are denied under the existing law.

The inequity of the current law is striking. Buchanan County, Va., has an unemployment rate of 32.8 percent, and Detroit, Mich., has an unemployment rate of 20.4 percent. Unemployed coal miners in Buchanan County do not receive the extended benefits available to the unemployed auto workers of Detroit.

In Duluth, Minn., the unemployment rate is 20.9 percent, and in Pittsburgh, Pa., the unemployment rate is 11.6 percent. Unemployed iron-ore miners in Duluth are not eligible to receive the extended unemployment benefits available to the unemployed steelworkers of Pittsburgh.

In State after State, people living in high unemployment regions are ineligible for the extended benefits they need because of their State's relatively low overall unemployment rate.

H.R. 2169 would address this problem by providing for the payment of extended benefits according to the unemployment rate in the State, or if statewide figures do not reach the trigger level, in the "economic areas" devised by the Bureau of Economic Analysis in the Department of Commerce. There are 183 economic areas in the country, and each area is designed to reflect a common economic interest. Certainly these substate areas provide a better picture of the relative seriousness of unemployment than does the statewide unemployment rate considered alone. The fact that boundaries of economic areas follow existing county and city lines will facilitate unemployment data collection by the Department of Labor.

The second major change made by the Unemployment Compensation Fairness Act is a replacement of the current trigger for extended benefits, known as the insured unemployment rate, with a more easily understood and a more easily devised regular unemployment rate trigger. The insured

unemployment rate (IUR) is the percentage of workers covered by the State unemployment compensation program who are claiming State benefits in a particular week. The IUR understates the unemployment situation in a given State because it counts only those who are covered by the basic unemployment insurance program. Those who have exhausted their benefits are still out of work but are not considered to be unemployed for purposes of the IUR.

For this reason, H.R. 2169 abandons the IUR trigger and replaces it with a trigger based on the regular unemployment rate. States would trigger onto extended benefits when they have an unemployment rate of at least 9 percent for 3 consecutive months. If the State is not eligible for extended benefits because the statewide unemployment rate falls below this trigger, economic areas within the State could trigger onto extended benefits if the unemployment rate in the economic area is at least 9 percent for 3 consecutive months.

In my district alone, nearly 1,600 people exhausted their basic and supplemental unemployment benefits in the month of January. That number was triple the number of people who had exhausted their 34 weeks of benefits the previous month. As long as the inequity of the present law is allowed to continue, people in many parts of the country will be dropped from the unemployment benefit rolls at a time when they truly need help the most.

I urge my colleagues to cosponsor H.R. 2169, the Unemployment Compensation Fairness Act, to target extended benefits to the areas where they are most needed.

The text of H.R. 2169 as introduced follows:

H.R. 2169

A bill to amend the Federal-State Extended Unemployment Compenstation Act of 1970 to provide that extended benefits will be payable in any State in which the rate of regular unemployment equals or exceeds 9 per centum, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Unemployment Compensation Fairness Act of 1983".

SEC. 2. (a) Subsection (d) of section 203 of the Federal-State Extended Unemployment Compensation Act of 1970 is amended to read as follows:

"State 'On' and 'Off' Indicators

"(d) For purposes of this section—

"(1) there is a State 'on' indicator for a week if, for the most recent three calendar months for which data are available, the Secretary determines that the rate (seasonally adjusted) of unemployment in the State averaged 9 per centum or more; and

"(2) there is a State 'off' indicator for a week if, for the most recent three calendar months for which data are available, the Secretary determines that the rate (seasonally adjusted) of unemployment in the State averaged less than 9 per centum.".

(b) The amendment made by subsection (a) shall apply for purposes of determining whether there are State "on" or State "off" indicators for weeks beginning after the date of the enactment of this Act.

SEC. 3. (a) Subsection (e) of section 203 of the Federal-State Extended Unemployment Compensation Act of 1970 is amended to read as follows:

"Option To Use Area Triggers

"(e)(1) A State may, by law, provide that this title shall be applied to such State with the modifications provided in this subsection.

"(2) For purposes of this subsection, subsections (a) and (b) of this section shall be applied as if—

"(A) any reference in such subsections to a State were a reference to an area of a State,

"(B) any reference in such subsections to a State 'on' indicator were a reference to an area 'on' indicator, and

"(C) any reference in such subsections to a State 'off' indicator were a reference to an area 'off' indicator.

"(3) For purposes of this subsection—

"(A) there is an area 'on' indicator for a week if—

"(i) there is a State 'on' indicator for such week, or

"(ii) for the most recent three calendar months for which data are available, the Secretary determines that the rate (seasonally adjusted) of unemployment in such area averaged 9 per centum or more; and

"(B) there is an area 'off' indicator for a week if both clauses (i) and (ii) of subparagraph (A) are not satisfied.

"(4) For purposes of this subsection—

"(A) the term 'area' means, with respect to any State, any economic area or part of an economic area which is located within such State, and

"(B) the term 'economic area' means any area (determined without regard to subparagraph (A)) designated as an economic area by the Bureau of Economic Analysis of the Department of Commerce.

"(5) For purposes of this subsection, to the extent that an extended benefit period is not in effect in all areas of a State, the determination of an individual's period of eligibility or of whether there is an extended benefit period applicable to the individual shall be made by reference to the area in which the individual was last employed during the base period for the benefit year with respect to which such individual most recently received regular compensation.".

(b) The amendment made by subsection (a) shall apply to weeks of unemployment beginning after the date of the enactment of this Act (or, if later, the date provided by State law).●

HER MAJESTY

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. LAGOMARSINO. Mr. Speaker, the recent visit of Her Majesty, Queen Eizabeth, was marked not only by unusual weather but by unfailing cordiality and graciousness. The enthusiastic reception accorded the Queen and the Duke of Edinburgh and their warm response has cemented even further the close political, cultural and strategic ties between our two nations—a relationship founded on the mutual respect of sovereign equals and centuries of shared heritage.

I was pleased with Chairman ZABLOCKI to have prepared and presented to the House a resolution of welcome to the Queen. I am equally pleased to share with my colleagues in the House the following letter, which I request be printed in the RECORD:

AT VICTORIA,
H.M. Yacht Britannia, March 8, 1983.

DEAR MR. LAGOMARSINO: The Queen has commanded me to thank you and the members of the United States House of Representatives for the Resolution of Welcome adopted 24th February. Her Majesty was very touched by the text of the Resolution.

The Queen and the Duke of Edinburgh greatly enjoyed their visit to the West Coast of the United States, which was an enormous success, despite the dreadful weather.

Yours Sincerely,

ROBERT FEHOWE.●

NATIONAL AGRICULTURE DAY, 1983

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 21, 1983

● Mr. HOYER. Mr. Speaker, today millions of Americans across this great Nation will be taking part in celebrating Agriculture Day, 1983. National Agriculture Day was founded 10 years ago as a program to bring to the Nation's urban, suburban, and rural nonfarm population the facts about agriculture and its contribution to our society. Over the years, the theme of National Agriculture Day has been "Agriculture: America's Heartbeat." This year the accent is on the symbiotic relationship between the food chain and the human chain.

Mr. Speaker, this relationship is no more apparent than in my own Fifth District of Maryland, where the U.S. Department of Agriculture has located its nationwide research effort at Beltsville. Approximately 2,000 USDA employees at the Beltsville Agricultural Research Center work to assure an abundance of healthful food for all Americans and the people throughout the world. America's designation of being the world's breadbasket is the direct result of the outstanding work conducted at Beltsville. The employees work in more than 1,000 buildings—research laboratories, greenhouses, barns, poultry houses, and mechanical shops. The Center houses a population of nearly 4,000 animals—beef and dairy cattle, hogs, sheep, chickens, and turkeys.

The work carried out at BARC is of worldwide significance. A constant war is being waged there against infectious pests that harm our world's agricultural production. The scientists at BARC also seek new knowledge in crop and livestock production. They develop better ways to conserve our Nation's soil and water and they conduct research in human nutrition essential for better living.

Unfortunately, Mr. Speaker, despite all this outstanding research work, so vital to the agricultural community and to our Nation, there are growing threats to sell the Agricultural Research Center as excess land. The land that has proved to be so vital to our agricultural progress is being threatened by penny-wise and pound-foolish interests who see only potential dollar signs instead of the technological progress offered there. I have introduced legislation restricting some of these proposals and will continue to work in support of the aims and goals of BARC.

In conclusion, Mr. Speaker, while the work conducted at the Agricultural Research Center is only one link in the food chain, it is a strong and necessary link. The pioneering work of the hundreds of scientists and technicians who so diligently work for the welfare of us all is to be applauded and I rise on this Agriculture Day, 1983 to salute this outstanding organization so vital to America's heartbeat.●

INTRODUCTION OF THE FAIR TRADE IN STEEL PIPE AND TUBE PRODUCTS ACT OF 1983

HON. SAM B. HALL, JR.

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. SAM B. HALL, JR. Mr. Speaker, I am today introducing the Fair Trade in Steel Pipe and Tube Products Act of 1983. This legislation builds upon the terms of the arrangement negotiated last October between the United States and the European Community (EC) with respect to imports of European steel pipe and tube products by providing for the enforcement of obligations assumed under the arrangement. At the outset, I want to emphasize that this is not protectionist legislation; it simply restores a measure of fairness to an area of our trade policy which is currently open to abuse by our European trading partners.

This legislation addresses the problems caused by unfair and excessive imports of steel pipes and tubes, specifically by the European Community, which over the last year have brought our domestic steel pipe and tube industry virtually to its knees. Only 2 years ago, that industry and the people it employs were operating at record levels. In 1981, total domestic mill shipments of steel pipes and tubes reached record levels of 10.3 million tons. Spurred by perceived domestic demand, imports were also up substantially in 1981, reaching 6.6 million tons or 40 percent of the U.S. market, also a record. For the European Community alone, this represented a more than fivefold increase in its percentage share of the U.S. market compared to 1979.

In 1982, however, the bottom began to fall out of the market. For a variety of reasons, including the general slowdown in activity associated with the current economic recession, demand for steel pipe and tube products fell dramatically. In response to the market, domestic pipe and tube shipments declined sharply to approximately 5 million tons. This represented a drop in production of over 50 percent. At the same time, imports also declined, but by a much smaller amount. Instead of responding to the market in the same way as the domestic industry, the Europeans continually went on shipping substantial quantities of steel pipes and tubes into this country long after demand had softened.

This has had two important results. First, it allowed the EC to increase its share of the domestic market for all pipe and tube products by approximately 40 percent from 10.9 percent in 1981 to 14.4 percent in 1982 and specifically for high-value oil field casing and drilling pipe from 15.6 percent in 1981 to 19.8 percent in 1982. Second, and more important from the standpoint of the domestic industry, their continued imports from the EC and elsewhere, in spite of the soft market conditions prevailing in 1982, have created a very large unsold inventory of steel pipes and tubes in the United States.

The effects of this excessive and unnecessary buildup of foreign-made inventory is already being felt by U.S. producers and their employees. For example, during the fourth quarter of 1982, domestic mill shipments of steel pipes and tubes were running at approximately 27 percent of the rate of a year earlier. In my own district, dozens of companies servicing this market have been forced to lay off thousands of employees. Other producers in other parts of the country are facing similar production cuts and layoffs. With the continuing overhang of unsold foreign inventory, it is uncertain when U.S. producers will once again be able to reopen their production lines and put their employees back to work.

Perhaps the greatest irony in this situation is the fact that most domestic producers of steel pipes and tubes have worked hard at remaining competitive in world markets. Over the last decade, millions of dollars have been invested in modern plant facilities and equipment. Substantial attention has been given to the problems of cost control.

This is not a case of an antiquated domestic industry being pushed aside by more efficient foreign competitors. Overall, the U.S. steel pipe and tube industry remains highly efficient by world standards. Yet, despite these efforts it has been substantially shut down by aggressive import practices on the part of the European Community and others which have been essentially unresponsive to U.S. market conditions.

Mr. Speaker, the legislation which I am introducing today is a necessary followup to an agreement worked out by the United States and the European Community to deal with the problem I just described. Specifically, the bill provides a fair and reliable means of enforcing U.S. rights and benefits under a recently concluded arrangement between the United States and the European Community concerning trade in steel pipe and tube products. In other words, this bill does not represent a shift in U.S. trade policy; the legislation only insures that the "rules of the game" will be followed by the Europeans.

Let me briefly describe the arrangement. As part of a broader set of agreements intended to stabilize U.S. EC trade in steel products generally, the arrangement provides for a limitation, through 1985, of the volume of imports of steel pipe and tube products into the United States from the European Community based on the average EC share of the U.S. market for the 3-year period 1979 to 1981—approximately 5.9 percent. As part of the arrangement, the Europeans further pledged to avoid "distortions" in the pattern of trade with the United States. This was to prevent the circumvention of the basic intent of the arrangement by shifting imports from relatively low cost items to higher value oil country tubular goods. In exchange for these commitments on the part of the European Community, U.S. producers agreed to withdraw pending allegations of unfair trading practices against the EC and to refrain from filing new cases so long as the terms of the arrangement were being respected.

While I compliment the administration and particularly Secretary of Commerce Baldrige for moving aggressively with the European Community to address the problem of excessive imports of steel pipe and tube products, I am persuaded that specific enforcement legislation is necessary to assure that the objectives of the arrangement are fully realized. For example, the negotiated limits on imports of EC steel pipe and tube prod-

ucts are not directly enforceable. Although consultations are required if imports threaten to exceed the agreed-upon limits, there is no backup system of mandatory controls to assure compliance. In fact, EC imports are already running above the negotiated 5.9-percent limit for all pipes and tubes during the first 2 months covered by the arrangement.

Second, the potential for diversion of imports from basic low-cost pipes and tubes to relatively high cost oil country tubular goods remains a serious concern. Although both parties pledge to avoid distortions in the pattern of trade in steel pipe and tube products, there is again no direct enforcement mechanism. Already, OCTG imports from the EC are running at nearly double the negotiated ceiling.

Finally, under the arrangement, the EC retains the right to terminate its obligations should U.S. producers file new trade cases against European import practices under U.S. fair trade laws. In other words, should consultations between the United States and the EC fail to insure compliance with the terms of the arrangement, U.S. producers would be discouraged from seeking relief under U.S. trade law. If U.S producers must rely upon the arrangement for protection from unfair trade practices by the EC, they must be assured that it will be fairly and effectively enforced.

The Fair Trade in Steel Pipe and Tube Products Act of 1983 is intended to address these concerns by building upon the framework of the steel pipe and tube arrangement. Specifically, the legislation:

Establishes separate market share limitations, based on the levels negotiated in the arrangement, for seven separate classes of steel pipe and tube products;

Requires continuous monitoring of EC steel pipe and tube shipments by the Secretary of Commerce;

Requires consultations with the EC whenever imports of a particular class of steel pipe and tube products threaten to exceed the established market share; and

Directs the imposition of mandatory import controls if consultations fail to provide adequate assurances of compliance within 60 days.

Overall, the legislation is intended to be fully consistent with the terms of the steel pipe and tube arrangement and merely sets out in advance enforcement authorities necessary to assure compliance with the obligations assumed by both the United States and the Europeans. Since these authorities would be triggered only in the event that imports threaten to exceed the levels negotiated under the arrangement itself and only after consultations between the parties, they would come into play only if the Europeans fail to abide by the arrangement in good faith. Ultimately, this legislation would demand no more of the European Community than it has already specifically agreed to in the context of the steel pipe and tube arrangement. Finally, the legislation if enacted would be limited in duration because it will expire in 1985, the same time the pipe and tube arrangement expires.

Mr. Speaker, I hope that my colleagues in the House will take the time to consider this legislation carefully. It is not a quota bill. Rather, it represents an important first step in addressing a relatively unique problem by providing for the enforcement of a series of obligations mutually negotiated between the United States and the European Community. The legislation will not halt imports of EC steel pipe and tube products nor limit them beyond levels already formally committed to by the EC.

The bill simply provides an enforcement mechanism to insure that the benefits negotiated by the United States can be fully realized. Whether that mechanism even actually comes into play will depend entirely on the actions of the European Community in living up to the commitments it made in the context of the arrangement.

In sum, I believe that the Fair Trade in Steel Pipe and Tube Products Act of 1983 is sound and necessary legislation and I look forward to early hearings which I am confident will provide a record of support for favorable action by the Congress.●

PERSONAL EXPLANATION

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. CORCORAN. Mr. Speaker, due to commitments in Illinois, I was unable to be present for votes which occurred on the House floor Monday. Had I been present, I would have voted in the following manner: "no" on House Resolution 141, providing an open rule for consideration of H.R. 1149, the Oregon Wilderness Act of 1983; "no" on the amendment to prohibit until January 1, 2000, further consideration of RARE II lands in Oregon for wilderness designation, offered by our colleague from Oregon, DENNY SMITH; "yes" on the amendment to limit wilderness designations to the areas represented by those Members of the Oregon delegation who support such designations, offered by our colleague from Alaska, DON YOUNG; "yes" on the amendment to give the Secretary of Agriculture authority to exclude provisions of H.R. 1149 which would result in loss of jobs, offered by our colleague from Pennsylvania, BOB WALKER; and "no" on final passage of the bill. I was paired against final passage of the bill.●

THE BEST USE OF OUR NATIONAL FORESTS?

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. HOYER. Mr. Speaker, I am pleased to join many of my colleagues in the observance of National Wildlife Week, which began on March 20 and concludes March 26. This year the theme of Wildlife Week is "This Is Your Land," and, in keeping with this subject, I would like to bring to the attention of my colleagues a recent article on the plight of our national woodlands.

This article, by Brock Evans in Audubon magazine, is extremely appropriate, not only in the way it underscores the theme of National Wildlife Week, but because it has been published at the same time the U.S. Forest Service is announcing plans to sell possibly 6 million acres of our national forest system.

Recognizing that this proposed sale is still in the preliminary stages, I feel I should take this opportunity to stress my strong opposition to any wholesale selling of Federal woodlands without the proper review of Congress. As evidenced by this article, we have no assurance that the administration would proceed on this matter with the best interests of all Americans in mind.

OUR NATIONAL WOOD FACTORIES

(By Brock Evans)

The great Northwest forest . . . a cathedral of giants, six feet thick and 200 feet high, an understory of lush ferns and moss, delicate as a Japanese garden, an awesome place of falling water and delightful glades and moist renewal, eternal cycles of life and death.

And then you see it: an enormous square chunk torn out of the green forest cover. And another and another, until finally it looks as if a great army of moths has attacked the forest mantle, sometimes so vigorously that the clear-cuts blend into one great, gray-brown, indistinguishable mass. . . .

These giant clearcuts are part of the ongoing timber-sale program of the U.S. Forest Service. These are out national forests, 190 million acres in 155 forests, from Alaska to Florida. The Forest Service, an agency of the Department of Agriculture, manages our lands under the terms of the Multiple-Use, Sustained-Yield Act of 1960, which requires emphasis on five "uses": watershed, forage, wildlife, recreation (including wilderness), and timber.

The patchwork of clearcuts stretches on for miles, visible on any flight over the Northwest. Elsewhere, too—in the Rocky

Mountains, in Texas, the Appalachians, Missouri—this most visible effect of the Forest Service's "multiple-use program" assaults the eye.

Idaho conservationist Mort Brigham, a designer of sawmills by trade, says, "In my lifetime I've seen the total ruination of dozens of drainages and of some of the finest fish-spawning beds and elk habitat you ever saw."

This concern is shared by a growing number of others. Governor Ted Shwinden of Montana has objected to logging proposals in the Beaverhead National Forest which project a 99 percent increase in sediment production, threatening famous "blue-ribbon" trout streams. * * *

What's happening? The National Forest Management Act of 1976 requires each national forest to prepare plans, setting forth its policies for the next ten years. The plans, affecting nearly every corner of America, are just beginning to come out for public comment. The results so far are disastrous.

In the South, where public lands are scarce and untouched areas even scarcer, the Forest Service plans to increase its road building by nearly one-third, up to 1,600 miles a year.

It doesn't even seem to matter that expenses for selling the timber exceed the revenue. In Colorado's San Juan National Forest, where the plan calls for almost a 100 percent increase in logging, economists estimate there will be a return of only thirteen cents on each dollar invested. * * *

Wildlife is being wiped out in a big way, too. Plans for Washington's Okanogan National Forest would liquidate 80 percent of the virgin old growth, vital habitat for many wildlife species. Everywhere the pattern is the same.

Budget requests for 1983 emphasize this sad trend. The Reagan Administration asked for $30 million more for timber-sale administration and $66 million more for logging roads than was allocated in the 1982 budget, while it cut funding for watershed protection by $7.5 million. . . .

The national forests were created in 1897 in response to public fears about wholesale logging of the western public domain. In 1905, the Forest Service was established, and early on it attempted to balance protection and exploitation pressures.

The balance fundamentally shifted after World War II, however, when a new breed of "sawlog foresters" took over, zealous adherents of a philosophy that the only important mission of the national forests is to produce wood. The amount of timber that was put up for sale tripled in the years 1950–70; dozens of areas that previously had been set aside were eliminated from protection. Millions of acres of prime hiking, hunting, and fishing country were bulldozed into the dust.

Beginning in the late 1950's, citizen protests of the new policies began in the Pacific Northwest, and spread rapidly to the Rocky Mountain and Appalachian States as the ever-growing network of logging roads penetrated even the most remote vastnesses, even the best remaining wildlife habitats.

Responding to the chorus of alarm, Congress, in 1976, passed the National Forest Management Act. This law strengthened the requirements for multiple, balanced use of the forest; it circumscribed clearcutting and guaranteed protection of wildlife diversity and habitat.

It forbade the Forest Service to log in places where the trees would not grow back, and directed the agency to draft regulations to implement the new law.

When the new regulations were finally promulgated in 1979, it seemed at last we were back to real balanced use, and away from the old timber-first policies. But with the election of President Reagan, the whole carefully built structure and network of forest laws, promises, and obligations came tumbling down. Reagan appointed lumberman John B. Crowell Jr. to be in charge of the Forest Service. One of his first actions was to appoint a lobbyist for the National Forest Products Association to be his deputy, and Crowell instructed him to rewrite the new regulations.

The rewrite, which was approved last September, has undone the intent of the 1976 legislation. And the makeup of the Forest Service makes it all that much easier for the Reagan Administration to plunder the national forests. The agency has only 309 soil scientists and 523 wildlife biologists, compared with 5,823 foresters and 1,345 logging engineers.

The timber industry, seeing its opportunity to reverse two decades of reforms, is pushing the Forest Service to de-emphasize wildlife. A recent article in a trade journal asked this question: Is multiple use still a feasible concept to be used when addressing the large social costs incurred by wildlife habitat preservation? "Is there an optimal rate of extinction which is slower than the current rate, yet faster than the historical rate?". . .

The forests of Barclay Creek are gone now. And so are hundreds of other trails, countless camping places, fishing spots, bear dens, owl trees, elk meadows. . . .

Yes, we need lumber and, yes, the national forests can produce some. But not here, not from these places; they have higher values. Yes, we can have logging, but we can do it as they do in Europe, with small clearcuts shaped into the land, protecting streams and trails.

Congress may soon hold hearings about this sad condition of our national forests. It will need to know what the American people want and expect from its public forests: tree farms or balanced use. We had better speak out then if we want our forests back.●

ELEMENTARY AND SECONDARY EDUCATION ACT AMENDMENTS

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. ERLENBORN. Mr. Speaker, today I am introducing a package of amendments proposed by the administration. This legislation is designed to improve program effectiveness and to insure the efficient operation of the Education Consolidation and Improvement Act's chapter 1 program for disadvantaged students. The specific purposes of these amendments are to: First, enable the Department of Education to use consistently the most recent available census data in making chapter 1 formula allocations; second, improve the effectiveness of the chapter 1 migrant education program; and third, make certain technical and conforming amendments to the education statutes in order to correct certain inconsistencies and ambiguities that resulted from the major education revisions enacted in 1981 (title V of Public Law 97-35).

Two of these amendments concern the data sources used in making allocations under the chapter 1 formula. First, the bill would amend the Elementary and Secondary Education Act (ESEA) by deleting any reference to use of survey of income and education (SIE) data gathered by the Bureau of the Census in 1975 to allocate title I funds. The existing statute requires the Department to allocate on the basis of SIE data one-half of any funds appropriated for title I grants to local school districts that exceed the amount made available for that activity in fiscal year 1979. Deletion of this requirement would eliminate the anomaly of adjusting more recent 1980 census data to account for obsolete 1975 SIE data.

This bill also would amend ESEA to allow the Department to utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent—in this case 1980—decennial census to make chapter 1 formula allocation, instead of the criteria used in the 1970 census. Under the existing statute the Department can use data on the number of low-income families from the 1980 census but would have to adjust those data to reflect the poverty criteria established under the 1970 census. The amendment would enable the Department to use the criteria for poverty associated with the most recent census and thus provide a more accurate data base on which to make the formula allocation.

Additional amendments concern the chapter 1 migrant education program. The bill would reduce from 5 years to 2 years the time a child can be deemed migratory for purposes of allocating funds and receiving services under the migrant education program. Under the existing law, migrant children are counted for allocation purposes and are eligible to receive services for 5 years even when they have not migrated or had their education interrupted during that time. A study completed for the Department in March 1981 indicated that about 46 percent of the migrant students served by this program had remained in the same school district for more than 1 year—that is, they had received migrant education services and were counted for allocation purposes even though they had stayed in one place during the year. The amendment would enable the Department to focus limited migrant education funds on students who are truly migratory. Those formerly migratory students who were initially served by the program and who would drop out as a result of the amendment would remain eligible for compensato-

ry education services under the chapter 1 program for local educational agencies.

In addition, the bill would remove the $6 million minimum set-aside requirement for coordination of migrant education activities. The 5-percent ceiling of the total appropriated for migrant education would remain as the maximum set-aside for coordination activities. This legislative change would give the Department needed flexibility in choosing whether to place more emphasis on assisting States to provide direct services or on emphasizing coordination activities.

This bill, which is desired by the administration, would improve the ability of the Department of Education to administer the chapter 1 program and would aid State and local education officials in carrying out their obligations under the law. I hope that my colleagues will consider this proposal.●

VIETNAM TRIBUTE

HON. ROBERT S. WALKER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. WALKER. Mr. Speaker, the Vietnam Memorial has certainly inspired a great many Americans since its dedication last year. One of my constituents, Harold F. Mohn of Myerstown, Pa., who attended the dedication ceremonies was moved to write a very fitting tribute which I would like to share with all of my colleagues:

THE VIETNAM MEMORIAL

A stately wall of gleaming black
Pervades and meets the eye,
In tribute to those gallant men
Who now in glory lie.

A wall that stretches on and on
Inscribed with every name,
Of those who died in Vietnam
And earned immortal fame.

A wall that will perpetuate
The memory of each one,
Who made the supreme sacrifice
And life's work now is done.

God, grant the sacrifice they made
So far across the sea,
Will live within each heart and mind
And not forgotten be.

—HAROLD F. MOHN.●

ON THE STATE OF ILLINOIS ECONOMY

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. PORTER. Mr. Speaker, recently the Chicago Tribune reported that Illinois has the seventh worst manufacturing climate of all the States in the Union. Although this is unfortunate, it is really not surprising, when one stops to consider the trouble that Gov. Jim Thompson has had trying to get some measure of cooperation with the Illinois General Assembly to address and correct the severity of the State's economic problems. I commend the information contained in this article to my colleagues, particularly to my Illinois colleagues, but also to others who may not fully understand the importance of a hospitable business climate to jobs, stable State and local government, and the revenues to meet human needs:

STATE 7TH WORST FACTORY CLIMATE—OFFICIALS CRITICIZE NEW RATINGS

(By Mary Holm Ansley)

Only six of the 48 contiguous states have worse business climates for manufacturing than Illinois, according to a newly released study.

The state's overall ranking of 42d in the nation, based on 1982 data, was only slightly better than the year before, when it ranked 43d. The six states that fared worse in the most recent study are Oregon, Ohio, New York, Pennsylvania, Rhode Island and Michigan.

No. 1 in the rankings was Florida, followed by Texas, North Carolina, North Dakota and South Carolina.

The study was conducted by the Chicago-based accounting firm of Alexander Grant & Co. with the help of the Conference of State Manufacturers' Associations.

Officials at the Illinois Department of Commerce and Community Affairs said they had not yet seen the study, but they said the state had fared better in other similar studies. They criticized the Grant study for excluding some factors.

Compared with the other Great Lakes states—Indiana, Michigan, Minnesota, Ohio and Wisconsin—Illinois fared the worst in the study in several categories, including manufacturers' fuel and electricity costs and the status of its unemployment compensation fund.

Further, in the last two years the state lost a higher percentage of nonagricultural work time to stoppages than any other state except Indiana, despite the fact that Illinois showed a bigger decrease in the percentage of nonagricultural workers in labor unions than the other Greal Lakes states. Union membership dropped almost 9 percent in Illinois.

Another comparison with the five other Great Lakes states showed Illinois with the smallest percentage [65] of residents 25 years old and over who have completed four years of high school.

However, a larger proportional share of the state's population was enrolled in vocational eduction programs. In fact, Illinois' 3.2 percent figure ranked third in the nation, the survey found.

Of the six Great Lakes states, Illinois has had the largest three-year population increase, 224,000. Despite the added supply of labor, hourly manufacturing wages increased the most in Illinois, the study showed.

Also, unemployment compensation benefits and payments to totally but temporarily disabled persons were higher than in the five nearby states. The disability payments were the third highest in the nation.

State and local taxes per $1,000 of personal income decreased less in Illinois than in the other five states, dropping 6.4 percent over the last three years.

On the other hand, spending by state and local governments relative to revenues grew less in Illinois than in the other five states. That growth was the seventh slowest in the nation.

"Spending grew only 90 percent as fast as income between 1978 and 1981, an indication of effective budget balancing," Alexander Grant reported.

To judge the role of government more broadly, the company looked at 12 factors affecting the business climate that were controlled or strongly influenced by state and local governments. Illinois' national ranking for these factors was 31st, up from 42d a year ago, the second-largest improvement of all 48 states.

Other states that improved markedly in the overall ranking from 1981 to 1982 were North and South Carolina. States whose rankings dropped markedly were New Mexico, Colorado and Ohio.

Other regional highlights from the study:

Indiana dropped from 25th to 29th place. It had the highest marks in the nation for state and local government debt per person and for workers' compensation insurance rates and tied for fourth in payments for temporary total disability. It also ranked fourth for state and local taxes per $1,000 of personal income.

However, it was next to worst for state and local government spending as a percentage of revenue growth. Also, as mentioned earlier, it was worst in the nation for work stoppages.

Michigan dropped from 45th to last in the national rankings. It received lowest points in the nation for manufacturing wages and for a productivity measure, "value added by manufacturing employees per dollar of production payroll."

Michigan was next to last in the nation for nonagricultural union membership and third from the bottom for unemployment compensation benefit levels.

Wisconsin dropped from 31st to 36th place in the nation. The state did not score in the top five or bottom five for any of the 22 factors used in the study.●

THE ANNIVERSARY OF THE GREEK STRUGGLE FOR INDEPENDENCE

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1983

● Mr. PEPPER. Mr. Speaker, I would especially like to thank my distinguished fellow colleague from Florida, Mr. BILIRAKIS, for his initiative in providing for today's special order. It is indeed fitting that we recognize the heroic struggle of the people whose great thinkers represented the foundation of our intellectual political roots.

In 1821, the Greek people revolted against the tyrannical rule of a colonial people who denied to the indigenous population their right to prosper under a system of free self-determination. At the time of their struggle—162 years ago—the Greek people were recognized by our own geniuses of democ-

racy for their spirit in dedicating their lives to the achievement of freedom for themselves and their sons and daughters. The striking parallels between the Greek revolution and our own remind us that the pursuit of liberty is not always a peaceful and easy process. We remember with pride the battle fought by our forebears and share a kinship with the Greek people because of our similar historic struggles.

Since the days of the great philosophic thinkers we have seen great deeds accomplished by Greeks in the pursuit of a happy and prosperous society. As recently as the early days of World War II, the Greeks, by their sacrifice in fighting the Nazis, demonstrated their firm stand against arbitrary rule and tyrannical oppression.

Mr. Speaker, as we celebrate this anniversary of the Greek struggle for independence, we are reminded that the freedom and democracy we are so fortunate to possess are values that we must continually strive to preserve and improve. May this memory serve as an opportunity to rededicate ourselves to the cause of the principles that have made our Nation great.●

THE FREEZE DEBATE

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. LAGOMARSINO. Mr. Speaker, I wish to bring to the attention of my colleagues the following editorial appearing in the March 20 edition of the Washington Post. The editorial lays out the complications involved in the nuclear freeze debate.

[From the Washington Post, Mar. 20, 1983]

THE FREEZE DEBATE

As a vehicle of generalized protest, the nuclear freeze proposal has had one immediate effect: it has helped induce Ronald Reagan to start adjusting some of his arms control positions. He has toned down his statements on nuclear war and begun to explore compromise in the Euromissile talks. The freeze proposal has also become an agent of nuclear education for Congress. But in our view the proposal itself still amounts to bad public policy. This has to be said despite the improvements made in the freeze resolution in the House debate, which resumes in two weeks.

It is good that the larger strategic goal now inscribed in the resolution is "essential equivalence in overall nuclear capabilities"—a vague formula but one acceptable to many if not most conservatives. The resolution no longer assumes, simplistically, that Mr. Reagan can abandon his START priority of reductions in strategic forces and bring into being "an immediate, mutual and verifiable freeze": it acknowledges that it remains to be decided "when and how" to achieve this goal.

A large difficulty is revealed, however, by the "special attention" the resolution now accords to "destabilizing weapons," those that give either side a first-strike capability. This language goes to a major and central defect of a freeze—that it would block new programs designed to take Soviet and American nuclear forces off a hair trigger, to create more "stability." The term "arms race" can be very loaded: weapons that are less vulnerable and therefore less prone to being fired first in a crisis can settle the superpowers down. If the freeze people are serious about the perils of "destabilizing weapons," they must do more than add to their resolution a paragraph inconsistent with its basic proposition.

The Stratton amendment, barely defeated on the House floor, illuminated a second crippling defect of the freeze—its equivocation concerning what new weapons would be permissible during the time it took (one year? several?) to negotiate this freeze. The Reagan "modernization" proposals make this question urgent. To the extent that they have addressed it, freeze advocates tend to say that each new system should be judged on its merits. But it is not easy to find new systems in which they see merit. The letter of the movement honors mutual negotiated cuts. But its spirit is patently unilateralist: no more nukes. A freeze, or a close approach to one, would undercut not only Mr. Reagan's negotiating program but also the freeze's own.

The freeze resolution welcomes "concurrent and complementary arms control proposals." Sounds fine. Imagine, however, the likeliest first Reagan arms control deal, one removing some Soviet Euromissiles but deploying some American ones. Under a literal freeze, there could be no deal. Here is one more reason to put aside the freeze. Arms controllers can do better.●

ANNIVERSARY OF GREEK WAR OF INDEPENDENCE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1983

● Mr. GILMAN. Mr. Speaker, I would like to take this opportunity to join with the gentleman from Flordia (Mr. BILIRAKIS) in recognizing the anniversary of the Greek people's war of independence from the Ottoman Empire. On this day in 1821, the Greek people began a 6-year endeavor by which they earned their freedom and independence. Europeans, expatriate Greeks, and Americans gave their efforts and their lives to help liberate the Greek people.

We should note the similarity of the Greek struggle for independence to that of the United States of America. The Greek people risked all that they knew and what little they possessed to reap the benefits and responsibilities of true freedom. It seems quite appropriate that the word "democracy," which names the basic idea of American political philosophy, comes to us from the Greek language. This independent nation has contributed in countless other ways to our own great Nation and the world, not least of which was the force of Greek citizens who died fighting the Axis forces during World War II.

Today is truly an anniversary worthy of our reflection. As we gratefully acknowledge the Greek people, let us also recognize our own Nation, with all its inevitable but surmountable shortcomings, as a free country—and as the greatest one on Earth.●

H.R. 2298 RADIO BRODACASTING TO CUBA ACT

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. RINALDO. Mr. Speaker, today, I am proud to join in the introduction of H.R. 2298, the Radio Broadcasting to Cuba Act.

The purpose of H.R. 2298 is simple: To further the open communication of accurate information and ideas to the people of Cuba.

The mechanism to accomplish this objective is likewise simple. The bill merely authorizes the existing Board for International Broadcasting to contract with other entities to broadcasting programing to Cuba.

The bill as introduced is strongly endorsed by the Reagan administration. In fact, the bill's genesis is the Presidential Commission on Broadcasting to Cuba, whose final report urged the early enactment of legislation along the lines of this bill.

Moreover, H.R. 2298 is similar to H.R. 5949 of last year, which was overwhelmingly passed by the House after being approved earlier by the House Foreign Affairs Committee on a vote of 20 to 5 and by the House Energy and Commerce Committee on a vote of 23 to 3. While the Senate Foreign Relations Committee also reported H.R. 5947 favorably, on September 9, 1982, the bill was never brought to a vote on the Senate floor because of the lateness of the committee action and scheduled priorities during the lame-duck session.

Although H.R. 2298 is similar to H.R. 5947 of last year, it has been revised in an attempt to meet concerns of some American broadcasters that enactment of H.R. 5947 might have led Cuba to jam American radio broadcast stations. Unlike H.R. 5947, which authorized the use of one or more AM radio broadcast frequencies for broadcasting to Cuba—with the frequencies to be selected by the Assistant Secretary of Commerce for Communications and Information—H.R. 2298 strictly limits the AM band frequencies which may be utilized for this purpose. Specifically, broadcasts may occur on the AM band only over the channel on which the Voice of America operates—1,180 kHz—and the channel of any AM radio broadcast

station from whom the Board of International Broadcasting is able to lease broadcast time.

H.R. 2298 is an important U.S. foreign policy initiative. It will enable our country to counteract the steady barrage of anti-American propaganda which the Cuban people receive from the Castro government and from Radio Moscow. Such an effort to inform the Cuban people of the truth is essential in view of the increasingly belligerent activities of the Cuban Government in the Caribbean and throughout the world.●

THE WASHINGTON POST'S EDITORIAL CONCERNING DISCRIMINATION IN INSURANCE AND ANNUITIES

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. DINGELL. Mr. Speaker, on Tuesday, February 22, the House Commerce, Transportation and Tourism Subcommittee, of the House Energy and Commerce Committee, began public hearings on H.R. 100, the Nondiscrimination in Insurance Act, introduced by me and cosponsored by well over 100 Members of Congress. The sole purpose of this bill is to eliminate discrimination in insurance and annuities on the basis of race, color, religion, sex, or national origin. It is supported by many organizations and multitudes of people, but is opposed by most of the insurance industry's representatives.

On Saturday, February 19, 3 days before the hearings began, the Washington Post published a wide two-column editorial generally setting forth the arguments and assertions often made by insurance industry representatives opposing the bill. The printing of that editorial just 3 days before the hearing focussed attention on those contentions and it was cited at the hearing as setting forth actual fact and as a basis of questions to witnesses.

I wrote a reply to the editorial and sent it to the Washington Post. I also placed the text of the editorial and my letter into the hearing record when I testified on February 22. My letter stated that the editorial "is contrary to our national civil rights policy" and "relies on erroneous information and assumptions"; and I detailed more than a dozen "errors and omissions" in the editorial.

The Washington Post did not publish my letter replying to that editorial. It did, however, publish on March 9 a two-column letter on its editorial page arguing that eliminating sex discrimination in insurance would be "forcing insurance companies to write unfair contracts" and harm "the consumer who would no longer be able to choose a fair contract that applies to people with risks like his or hers."

I believe that every Member of Congress, as well as the general public, is entitled to learn and know the facts about the bill and what it would do. I therefore request that the February 19 editorial, and my reply thereto, be inserted in full at this point in the CONGRESSIONAL RECORD.

HOUSE OF REPRESENTATIVES,
Washington, D.C. February 23, 1983.

Ms. MEG GREENFIELD,
Editorial Page Editor, the Washington Post, 15th Street NW., Washington, D.C.

DEAR MS. GREENFIELD: Your editorial ("Pensions and Probabilities," Saturday, February 19) refers to bills now pending in Congress (my bill, H.R. 100, and S. 372 by Sens. Hatfield and Packwood), and to cases pending in the Supreme Court (*Arizona Governing Committee* v. *Norris,* and other cases), which would eliminate sex discrimination in insurance and annuities. Your editorial argues that such discrimination should not be abolished, saying that sex differentiation is "the time honored classification system used by the insurance industry to set rates;" that sex classification is "not only fair, it's basic to operation of the industry;" and that abolishing sex discrimination in pension benefits would "involve enormous unfunded liabilities," and therefore if sex discrimination in pension is to be ended, it should be done only as to future pensions earned, not future pensions paid.

Your editorial position is contrary to our national civil rights policy, it relies on erroneous information and assumptions, and it ignores numerous other sex discriminations in insurance besides rates and benefits. Space limitation prevents me from commenting on all the errors and omissions in your editorial. But here are some of them:

A. Sex classification in insurance is not very "time honored." It did not begin until the 1950's. Furthermore, it is not really "basic to operation of the industry," since at least 55 percent of the 27.68 million participants in defined benefit pension plans (i.e., 15.224 million persons) are in plans using gender-neutral actuarial tables for both normal and optional benefits, and most group insurance (life, health, etc.) are gender-neutral. These include virtually all of the largest plans (100,000 or more participants per plan), such as the Federal government, General Electric, General Motors, A.T.&T., the steel industry, etc.

B. Eighty five percent of all women and all men can be paired at death age. Many women do not live as long as many men. But because sex classification lumps all women as a group and all men as a separate group, every woman receives lesser periodic annuity benefits than every man, no matter how briefly she survives after retiring or how long the male retiree survives.

C. Your statement that "young female drivers have fewer automobile accidents than their brothers" is erroneous because it ignores the facts that many more young men drive, and drive many more miles annually, than young women, and that when the rating bureaus gather accident statistics, every accident involving a car which a young man is authorized to drive is listed as a "young male car accident" even when it is being driven by a woman and the woman was not at fault. (See the Pennsylvania case of *Mathes* v. *Hartford Accident Ins. Co.* invalidating this method of auto rating statistics.)

D. The sex separate mortality tables used by insurance companies are not based on female mortality experience, but only on male mortality experience, with an arbitrary three to six years "setback" in printing the female tables. Some companies use three-year setbacks, and others use four, five or six, quite randomly. Moreover, when applying the tables to set rates and benefits, they will, for the same woman often use the six-year setback for annuities (she'll live longer, therefore her benefits are reduced), and the three-year setback for insurance policies (to charge her higher premiums than if the six-year setback were used).

E. There is a greater mortality differential between Mormons and non-Mormons, between whites and blacks, between Jews and non-Jews at older ages, between smokers and nonsmokers, between residents of Hawaii and residents of the District of Columbia, than there is between males and females. All of these, except sex, are ignored in rate and benefit classification for annuities. As of 1979, only 30 of 1800 life insurance companies gave discounts to nonsmokers.

F. The insurance industry charged blacks one-third more, or provided one-third lesser insurance for the same premium, on insurance policies, than for whites, until such racial discrimination was outlawed by legislation in many (but not all) states, beginning in Massachusetts and then followed in 1887 by Connecticut, Ohio, New York, Michigan, Minnesota, New Jersey, etc. Not until the 1950's were the last of these discriminatory policies for blacks made equal to those for whites. The insurance industry, in opposing the enactment of those state laws, used precisely the same arguments that are expressed in your editorial (i.e., that statistics show whites outlive blacks, that "wood buildings . . . cost more to insure than brick ones," that the racial discrimination is "not only justified, but necessary for [the company!] own safety and equity to the white policyholders," etc.). But when the laws were enacted to fulfill the national policy against race discrimination the insurance industry, although trying to avoid selling insurance to blacks for many years (e.g., by denying commissions to agents who sold a policy to a black person), eventually adjusted their rating practices to the mandate of those laws. They will be able to, and they will, adjust to the requirements of nondiscrimination contained in H.R. 100 and S. 372.

G. The insurance industry engages in many kinds of sex discrimination besides in premium rates and benefits. Sex classification is used, for example, to deny coverage, or to provide lesser coverage, to women than to men in health and disability insurance, imposing greater reductions on males who elect joint and survivor annuities and thus encouraging them to receive only a single life annuity which leaves widows with no pension income in their old age.

H. The assertion that sex discrimination in insurance is "fair" simply ignores our nation's fundemental civil rights policy—that no individual shall be treated differently because of his or her being in a racial, religious, sexual, or ethnic group. In its *Manhart* decision (435 U.S. at 708), the Supreme Court stated that Title VII of the 1964 Civil Rights Act, which prohibits discrimination in employment on the basis of race, color, religion, sex or national origin, "precludes treatment of individuals as simply compo-

nents of a racial, religious, sexual, or ethnic class. If height is required for a job, a tall woman may not be refused employment merely because, on the average, women are too short. Even a true generalization about the class is an insufficient reason for [treating differently] an individual to whom the generalization does not apply . . . because there is no assurance that any individual woman [or man] . . . will actually fit the generalization . . ." Therefore, the Supreme Court ruled, Title VII prohibits sex-based differentials in a pension even though that differential is based on statistical differentials between groups of men and groups of women. This policy now applies under numerous laws governing employment, housing, credit and finance, public accommodations, transportation, recreation, voting, athletics, and virtually every other area of our daily life. It should be applied, as a matter of our nation's fundamental concept of "fairness," also to insurance and annuities.

I. Your editorial, noting that actuaries classify risks, mentions that "test pilots are much more likely to die young than librarians" and implies that all risk classification factors are considered in the setting of rates and benefits. That is not so. Most causually related risk factors are simply ignored. Sex is often a principal, and frequently the only, risk factor considered. Do you know of any annuity or pension plan which gives test pilots, on the basis of their "lesser life expectancy," greater periodic annuity payments than to librarians otherwise similarly circumstanced?

J. Your editorial states that eliminating sex discrimination in pension benefits "would, if made retroactive, involve enormous unfunded liabilities." You cite a "$2 billion" estimate even "if the law were written to apply only to persons retiring after the date of enactment." You also mention an estimate "between $1.9 and $2.1 billion" annually of added costs to the New York State public employees pension systems, and you say: "none of this is insured by private carriers." Yes, there have been industry estimates of $3 to $5.5 billion. But they are wildly exaggerated and without foundation. The U.S. Labor Department's January 1983 "Cost Study of the Impact of an Equal Benefits Rule on Pension Benefits" points out some of these exaggerations. For example, the $5.5 billion estimate by the American Academy of Actuaries and the $3.1 billion estimate by the American Council of Life Insurance included all railroad retirement participants and other workers in plans whose costs and benefits are already gender-neutral, and were based on erroneous assumptions, e.g., grossly excessive percentages of those who would receive joint and survivor benefits. The $3.2 billion estimate by the Teachers Insurance and Annuity Association (TIAA-CREF) for its own half million participants is even more erroneous. The Labor Department's January 1983 Study points out that the cost of amortizing such a liability (if it exists) would be only $23 million annually at eight percent interest, i.e., only $6,764 for each of the 3400 colleges and universities served by TIAA-CREF. But even that estimate is over-exaggerated, since TIAA-CREF has for years consistently used its high earnings to pay its annuitants much more than the sex-based guarantees under their contracts. Hence, TIAA-CREF can, by gender-neutral payment of its dividends, have a gender-neutral annuity system without a single additional cent having to come from any of the colleges and universities served by TIAA-CREF.

K. The Labor Department's Study asserts that the total cost of "topping up" all benefits for all retirees would range from $1.195 to $1.633 billion. This estimate consists of two components: $330 to $611 million for defined contribution plans, and $885 to $1,052 million for defined benefit plans. Those estimates were made in connection with the Labor Department's study on equalizing pension benefits under Title VII of the 1964 Civil Rights Act and the regulations of the Office of Contract Compliance, both of which apply to employment-related pensions, including both defined contribution and defined benefit plans. But that total is invalid as regards the potential impact of the pending bills (H.R. 100 and S. 372). These bills apply only to insured plans, and do not apply to non-insured employers' pension plans. Defined benefit plans are generally not insured. Therefore, only the defined contribution estimate of $310 to $611 million is relevant to the bills. Even the latter estimate is exaggerated, since it includes the hundreds of thousands of participants and the 3,400 colleges and universities, and the hundreds of other nonprofit institutions, served by TIAA-CREF, as mentioned above, who would not have to pay any additional cost. The remaining cost impact should be compared to the hundreds of billions of dollars involved in the insurance industry's annuity plans.

L. Your editorial says that actuaries are "spending a lot of time lately wondering what Congress and/or the courts are likely to do about the time honored [sex] classification system." What have they been doing since 1972, when the Equal Employment Opportunity Commission issued regulations specifically declaring that Title VII requires "equal benefits" in employer pensions and thus prohibits sex classification, or since 1978, when the Supreme Court's *Manhart* decision, subsequently followed by 13 of 14 other courts, making it clear that sex classification in employers' pension plans violates Title VII?

M. You propose that Congress avoid "these staggering unfunded liabilities by making any such law truly prospective, i.e., pensions earned—as distinguished from pensions paid—after the date of enactment will have to be sex-neutral." That proposal would simply mean that the individual equality principle, the very heart of our nation's civil rights policy against discrimination on the basis of race, color, religion, sex or national origin, would be deferred for up to 60 years. Such deferral is wholly unacceptable, particularly when it is proposed on grossly exaggerated estimates of the cost of applying our nation's civil rights policy to the insurance industry's annuities involving hundreds of billions of dollars. The same kind of "cost" argument did not prevail when President Lincoln signed the Emancipation Proclamation freeing the slaves and thus affecting (nay, cancelling) the property rights of the slaveholders. It should not prevent the Federal government (for the states cannot possibly do so by themselves) from eliminating race and sex discrimination in the insurance industry.

Let me conclude by saying that I do commend, and agree with you on the one correct comment in your editorial, namely, your statement that outlawing gender-based rates "is relatively simple to do in the case of auto insurance, for example, because the rates can be adjusted when the contract expires at the end of six months or a year."

I recommend that the Washington Post review its editorial position on this subject and come back into the Twentieth Century.

With every good wish,

Sincerely yours,

JOHN D. DINGELL,
Member of Congress.

[From the Washington Post, Feb. 19, 1983]

PENSIONS AND PROBABILITIES

What's the first thing that comes to mind when you hear the word "sex"? Insurance, right? Well, maybe not, unless youre an actuary. But if you are a member of that profession, you've probably been spending a lot of time lately wondering what Congress and/or the courts are likely to do about the time honored classification system used by the insurance industry to set rates.

Here's the problem: women, as a class, live longer than men. Young female drivers have fewer automobile accidents than their brothers. Women under 55 run up more medical bills than men, but after that age, men have larger bills. All this data is taken into consideration when insurers set rates. Thus, for example, teen-age girls pay less for auto insurance and, because they live longer, women pay less for life insurance. But pension protection costs more for females simply because, as a group, women can be predicted to collect pensions for a longer period of time than their male coworkers. Many employers do provide gender-neutral pensions, but others simply make equal contributions for male and female workers, which buys a smaller benefit for women. Is it fair to take these differentials into account when setting insurance rates?

Insurers will tell you that it's not only fair, it's basic to operation of the industry. All risks are categorized. Wood buildings, for example, cost more to insure than brick ones. A 55-year-old has to pay a lot more for life insurance than a 30-year-old. Nonsmokers get a discount from most companies, but test pilots are much more likely to die young than librarians. It is the nature of their business, say the actuaries, to determine probabilities and classify risks, and it is a statistically demonstrable fact that women, as a group, outlive men as a group.

Many women, however, see the system as basically unfair. They point out that insurers ignore some proven actuarial differences for reasons of social justice. Blacks, for example, do not on average live as long as whites; most Mormons live longer than most Catholics. Yet neither race nor religion is taken into consideration when setting life insurance or pension rates. Shouldn't gender be placed in the same category of characteristics we ignore for reasons of public policy?

The courts have been considering a series of cases involving unequal pensions for men and women. There are conflicting decisions in the lower courts, and the Supreme Court has agreed to settle the question this term. But even if the court sanctions gender-based rates, Congress may still outlaw them. This is relatively simple to do in the case of auto insurance, for example, because the rates can be adjusted when the contract expires at the end of six months or a year. But adjusting pension benefits is much more complicated and would, if made retroactive, involve enormous unfunded liabilities. Even if the law were written to apply only to persons retiring after the date of enactment, pension experts estimate that insurers and employers would have to pay out $2 billion

a year in benefits that had been unanticipated when the premiums were set.

More important to the average taxpayer is the situation of public employee plans. New York state officials have estimated that complying with such a law would cost the taxpayers of their state between $1.9 and $2.1 billion a year. None of this is insured by private carriers; it would simply be passed on to the taxpayer. Congress can avoid these staggering unfunded liabiliities by making any such law truly prospective, i.e., pensions earned—as distinguished from pensions paid—after the date of enactment will have to be sex-neutral.

If they choose not to make this distinction, lawmakers must face squarely the fact that in righting what they consider to be a social injustice, they are passing on tremendous costs to private industry and to state and local taxpayers.●

PERSONAL EXPLANATION

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. CORCORAN. Mr. Speaker, due to a previous commitment, I was not able to be present and voting on the House floor yesterday during the proceedings of the House of Representatives. Had I been present, I would have voted in the following way:

On approving the Speaker's approval of the Journal of Monday, March 21, "Yea";

On agreeing to House Resolution 127, committee funding resolution, "Nay";

On agreeing to the rule providing for consideration of House Concurrent Resolution 91, the first concurrent resolution on the budget for fiscal year 1984, paired against;

On agreeing to the conference report accompanying H.R. 1718, emergency jobs appropriation, paired against;

On agreeing to a motion to recede from its disagreement with the Senate on the so-called Edgar targeting amendment, paired against. I support the Edgar amendment and was pleased that the House rejected the motion to recede and then insisted on its disagreement with the other body.●

POLITICAL LABELS

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. LaFALCE. Mr. Speaker, I wish to bring to the attention of my colleagues a succinct commentary on the necessity of transcending the political labels that shackle our minds and stultify our service to the Nation. Called upon daily to state our views on a host of issues, it is easy for Members of this institution to fall into the trap of ritualism—arguing for or against propositions simply because it is predetermined from prior votes or statements. Democrats and Republicans alike share the blame of wearing "intellectual predisposition like a colored cloth." Given our duties, we must always be on guard against this insiduous threat. I commend the editor of the Lockport, N.Y. Union-Sun & Journal for his insights.

The editorial follows:

THE NEED TO TRANSCEND LABELS

We recently watched that fine PBS telecast "Agronsky and Company," which features moderator Martin Agronsky and four prominent news columnists sparing over the issues of the day. The columnists are Hugh Sidey of Time Magazine, Carl Rowen of the Washington Post, and syndicted columnists George Will and James J. Kilpatrick.

Rowen is a liberal, just to the left of Franklin D. Roosevelt; Agronsky is a liberal, though not overbearing so; Sidey leans, though politely, to the right; Will and Kilpatrick are conservatives, maybe just to the right of Teddy Roosevelt.

There is no lack of brains when these five get together, but that's not to say that nothing is lacking. The program suffers from a certain predictability and, in that, it is microcosmic. As intelligent as these men are, they are quite unable to tanscend the bane of us all: a closed mind.

Give most of us a political issue, and we'll respond with an inner stereotype that sets behavioral psychologists to smugly lighting their pipes. Most of us have but one answer, the words to which are rearranged to fit the issue.

There is no need, really, to ask George Will or Carl Rowen his views on the Reagan administration's response to El Salvador or public-works legislation. Those views, though stated grandiloquently, were formed long before either issue was in the news. Like the rest of us, Will and Rowen simply assimilate those facts that are consistent with their conception of human nature.

Give a liberal an issue—any issue but defense spending—and he'll respond by throwing money at it. A conservative, on the other hand, stands perpetually ready to send in the marines, whether it's to El Salvador or New York City. While both examples are oversimplifications, the caricatures are not without truth.

Whatever happened to independent thinking? Are we so certain of ourselves that we can afford to go through life with one answer?

The truth is, of course, just the opposite. We categorize because ideas that don't fit conveniently into mental compartments make us squirm with discomfort. It is far easier to dismiss information than to reform opinions.

So we tend to plug along with blind, unthinking certitude. We wear our intellectual predisposition like a colored cloth, reflecting only those "truths" from the prism of information that are consistent with the hue of our mental fabric; all others pass through us.●

THE REAL FARM CRISIS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. BROWN of California. Mr. Speaker, American farmers' investments of labor and capital are yielding rapidly diminishing returns. Pressed by the high cost of land, equipment, and supplies and high interest rates on one hand, and low prices for farm products on the other, farmers balance on the brink of insolvency, or go over it.

Consumers, too, feel the effects. Although food is plentiful, prices are rising steadily, and millions of Americans must depend on public welfare to provide an adequate diet. Funds for these programs are under heavy pressure at the Federal and State levels. The inconsistencies are painful; we see farmers distributing surplus produce to the unemployed and lines of urban poor waiting to receive handouts of cheese. We are cutting back the food stamp program, only to revive the direct handout and the soup kitchen.

While the worldwide recession and the current budget cutting binge may be blamed for some of these contradictions, and will, we hope, be resolved by renewed economic growth and a return to more realistic policies, there are deeper problems that will remain. The real farm crisis is not simply economic, but social and political. To understand it we must look carefully at the American agricultural enterprise as a whole. We must begin this effort soon, before the present lack of a sensible policy for setting priorities at the Federal level causes further problems for farmers and consumers alike.

An article by Kenneth R. Farrell in the Washington Post and one by Thomas N. Urban in the Chicago Tribune shed interesting light on the issue. I commend these articles to my colleagues.

[From the Washington Post, Jan. 13, 1983]

BUT WILL IT WORK?

(Kenneth R. Farrell)

At first glance, the apparent logic and simplicity of President Reagan's announced plan to make payments-in-kind (PIK) to farmers is appealing. Any program that promises simultaneously to improve depressed farm prices and income and reduce swelling government outlays ($12 billion) for commodity programs stands a good chance of playing well in both Washington and Peoria.

But will it work? And is it good farm and food policy?

The administration seems determined to make the program attractive to cash-hungry farmers. For not planting up to 30 percent of their 1983 base acreage of wheat and feed grains (25 percent for cotton), farmers would receive quantities of commodities equal to as much as 80 to 90 percent of that acreage's "normal" yields. To participate in

PIK, farmers must first comply with already announced cropland diversion programs (20 percent for wheat and feed grains, 25 percent for cotton).

Together, the two programs could idle as much as half of the 1983 base acreage, with farmers receiving payment either in cash or in kind on as much as 80 percent of the acreage. And, if a 25-to-30-percent PIK is not sufficiently alluring, the administration will consider allowing whole farms to be withdrawn from production on a bid basis.

In theory, this administrative sleight-of-hand should produce several results: the farmer reduces his out-of-pocket costs by not producing on as much as 50 percent of his cropland—or possibly his whole farm—while receiving cash and commodities to dispose of as he sees fit; 1983 production is reduced and market prices increased from otherwise prevailing levels; and the current large supplies of stocks (government-owned and/or farmer-owned under government programs), stock management costs and government budget exposure in 1983-84 all are reduced. A close look at the implications and risks of the program, however, reveals something short of a panacea.

At maximum, as much as 100 million acres of cropland could be idled under PIK and diversion programs. Although certainly not all farmers will participate, and some "slippage" will occur because of "phantom" acres, diversion of least productive land, and use of fertilizer and other land-substitutes, production declines could be substantial. Poor weather here and abroad combined with large-scale participation in PIK could force prices sharply upward throughout world agricultural markets.

But the opposite also could happen. Since payments in kind would come from market-insulated stocks owned either by government or by farmers under government programs, PIK commodities would increase the supply of "free" stocks—and a combination of PIK, favorable weather here and elsewhere, and weak demand could push market prices down in late 1983 and in 1984. To limit the downside market risk for PIK participants, the Senate Agriculture Committee during the lame-duck session approved a floor for PIK commodities at no less than 75 percent of their government guaranteed 1983 prices, themselves scheduled to increase under other legislation. If retained, that provision raises the anomalous possibility of government having to repurchase its own stocks of commodities! The House voted to exempt PIK from the current ceiling of $50,000 for government payments to any individual participant, raising potential equity problems.

Managing the program and minimizing its potentially uneven impacts among farmers and regions will require a vast web of administrative rules and regulations. Even if they can be made operational in time for farmers' decision-making for 1983—which is doubtful—the result will be further government intrusion in the farm economy. And this from an administration dedicated to the free market.

The rationale for this inconsistency is that PIK is an emergency (one or two-year) program designed to cope with a short-term economic crisis in agriculture. Further, the administration contends, PIK is the only feasible weapon at hand to attack the twin economic and political problems of a depressed agriculture and burgeoning budget outlays—a contention unfortunately close to the mark.

No one disputes that agriculture is experiencing one of its most difficult years since the 1930's. But the same could be said for other sectors of the economy, including agriculture-supply industries that could be hurt by PIK.

Until demand for farm products can be strengthened at home and abroad through economic recovery, some assistance to agriculture may be warranted, especially since government policies partly caused the current overexpansion in production. But where do we draw the line? And should we risk shutting down the productive capacity of millions of acres of cropland when weather-induced shortages are all too possible in an inherently unstable world agriculture? The lessons of the 1960s and 1970s should not so quickly be forgotten.

PIK and similar short-run palliatives to deal with the "farm problem" mirror the disarray that plagues U.S. agricultural policy in general. Despite fundamental changes in the structure and economics of agriculture in recent decades, farm price and income policy is largely bound by concepts and legislation of the 1930s.

More specifically, PIK reflects the glaring absence of an adequate food security policy to mitigate the effects of chronically unstable food supplies. Although current U.S. commodity stocks are large, global stocks—at 17 percent of annual use—are not out of line by historical standards, and probably are minimal. A U.S. food security policy—preferably coordinated international food security policies—designed to reduce the instability of food supplies would view current U.S. abundance as an opportunity to build valuable reserves against future production shortfalls. Instead, the U.S. inclination is to short future markets and manage domestic stocks to improve farm prices and incomes. Until the two objectives are clearly differentiated for policy purposes and until Congress and the administration give higher priority to long-run food security, U.S. programs will serve neither objective very well.

PIK can be made to work, if the price is right. It even can be rationalized as necessary under current circumstances. But as long-range farm and food policy it's like using aspirin to treat malaria—the symptoms may be eased for a while, but there's no cure in sight.

(The writer is director of the Food and Agricultural Policy Program at Resources for the Future.)

[From the Chicago Tribune, Dec. 24, 1982]

PRODUCTIVITY NOT ENOUGH FOR FARMER

(By Thomas N. Urban)

Much of American industry has lost its productivity edge. One has only to look at unemployment rates, bankruptcy statistics and worker concessions to realize that our industrial sector is passing through a profound period of readjustment.

But one American industry has very different problems: Agriculture still is producing at a very high rate. Its productivity in terms of total output, yield per acre, output per man-hour or almost any measure continues to rise in an awesome growth curve that began after World War II and shows no sign of abating.

Paradoxically, these increases are placing severe financial stress on the majority of those who produce our raw food and fiber. Increased farmer participation in the government's acreage reduction program, coupled with the development of an even stronger, more predictable program will help relieve the pressure in the short term. For, given today's surplus, price and storage problems, it is better to store land than grain.

But what we need vitally is a new long-range approach to American agriculture. Many of the economic ills of the farm sector today can be traced, I believe, to that fact that existing farm policies and the mechanisms for altering them do not fit today's agriculture. Since 1945, mechanization, the use of fertilizers, genetically improved seeds and other technological advances, combined with farmers' eagerness to apply them, expanded U.S. farm production beyond what we could use. We stored the excess, tried to encourage farmers to adjust acreage through various incentives, and finally decided to use grain, primarily wheat, as a tool of international diplomacy.

During these years, agriculture evolved from an occupation that was relatively isolated from world events into a very complex, specialized, highly capital intensve international business. Overseas grain sales now account for one-fifth of this country's total exports. There are now a large number of new, nonfarm players in food production and marketing.

Unfortunately, our system for making farm policy has not changed. The U.S. Department of Agriculture has very little input into U.S. domestic or foreign policy. State, Defense and the Office of Management and Budget make food and ag policy, often without even consulting the USDA, or, in some cases, without even realizing the effect of such decisions on the U.S. food system.

As a result, we lack a clear food policy that allows U.S. agriculture to make its maximum contribution to the economy of this country and the world. Instead, agricultural embargoes continue to be used as a threat to curb the behavior of other nations—even though experience has proved that such displays are not only ineffective but damage our farm economy. This lack of direction is tragic. We are in danger of squandering our food production advantages because our political system seems unable to recognize change.

The time is now at hand for both farmers and those who sell to or buy from farmers to re-examine their relationship and join forces in a broad-based coalition to develop realistic policy.

Whether we are talking about export policy, soil and water conservation, the legal issues affecting agriculture, farm financing, government policies on trade and tariffs, grain sales agreements or labeling, it is clear that food and agriculture need a strong new coalition to help chart their course and then make their case.

(Thomas N. Urban is president of Pioneer Hi-Bred International, a leading producer of seed corn.)●

SOCIAL SECURITY BILL

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. KOLTER. Mr. Speaker, I voted for the social security bill only because it included the provision for the continuation of unemployment compensation. The Fourth Congressional District suffers economic woes of disastrous proportions. Unemployment fig-

ures in Beaver County alone reach 24 percent, making it one of the most adversely affected areas in the Nation. I am so distressed by the conditions in my district that I could not possibly vote against compensation for those who have suffered so greatly since they lost their jobs.

I do not, however, support many of the provisions in the bill, particularly including Federal workers in the social security system, and I will gladly cosponsor legislation that seeks to exempt Federal workers from social security coverage.

Nor do I agree with Representative J. J. PICKLE's amendment to the bill. I do not support raising the retirement age in an effort to alleviate the long-range financial problems of the social security system. Rather, I support the now defeated Pepper amendment, introduced by Representative CLAUDE PEPPER, which seeks to solve the financial dilemma not by reducing benefits but by increasing the payroll taxes in the year 2010.

Because I do not believe the bill offers the best solution to the American people concerning the tangled problems of social security, I look forward to voting on new legislation or further amendments regarding social security in order to improve the outcome of the bill.●

HUMAN RIGHTS IN SOUTH MOLUCCAS

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. SCHEUER. Mr. Speaker, our Nation has long been concerned with the promotion of human rights throughout the world. I would like to have the following article on the plight of the South Moluccans from the December 16, 1982, Washington Times printed in the CONGRESSIONAL RECORD for the thoughtful consideration of my colleagues.

SOUTH MOLUCCANS STILL THERE

The issue is the self-determination of the South Moluccas, an island nation of 2 million people that was forcibly incorporated into Indonesia 32 years ago. It is an issue that will not go away and in which the United States has an increasingly important stake. The conflict entered Western consciousness through hijacking committed some years ago in the Netherlands in the name of South Moluccan independence. Now, disavowing such tactics and intent on a peaceful resolution, the South Moluccan people are asking for justice and are saying: We are still entitled to the independence.

The South Moluccan people inhabit a chain of islands west of New Guinea and south of the Philippines. Ethnically, racially, religiously, linguistically and culturally, the South Moluccans are distinct from the Javans and Sumatrans who dominate Indonesia. The Dutch, who ruled the East Indies as a colonial power for 350 years, gave the South Moluccas a measure of autonomy in 1947.

When the Japanese took power in Jakarta, they began a war of domination that ended in 1950 with more than 20,000 soldiers killed and the South Moluccas a subject state within Indonesia.

It is a measure of the cynicism of world politics today that the South Moluccan quest for self-determination seems quixotic.

Heretofore, the Western alliance has stayed away from this issue because of Indonesia's importance as an oil producer and a non-communist nation. Yet the leverage of international oil has diminished, especially in Indonesia's case because of internal corruption and falling production. And in the long run, the centrifugal pressures in the Indonesian empire are a greater threat to the stability and concomitant Western orientation of the Javanese than any external pressure for South Moluccan independence might be now.

This is a natural opportunity for the United States to promote simultaneously its interests in international stability and the ideals of its founders. The many independence movements in the world do not go away with neglect or repression. Most fester, and flame again when the power of central government subjugation weakens. By supporting South Moluscan independence, the United States can accomplish several significant and mutually reinforcing objectives:

It can reaffirm its commitment to the fundamental and universal ideals of political self-determination, and limit the Soviet Union's self-serving and fraudulent arrogation of that concern;

It can establish a peaceful, juridical means of resolving such disputes, which otherwise are apt to endanger Western interests for years to come;

It can begin what probably will be a long-term endeavor of the West—saving the Indonesians in spite of themselves, and doing so in a constructive way;

It can help elevate the institutional level of collective international behavior;

It can assure simple justice for the South Moluccans, a democratic, Christian people who are natural allies of the West, and whose cause and case has been deferred too long.

SHARON AND WARNER HODGDON AND FAMILY

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. LEWIS of California. Mr. Speaker, on Thursday evening, March 31, the Exchange Club of San Bernardino will be honoring Warner and Sharon Hodgdon along with their two sons, Aaron, age 14, and Justin, age 8, with the "Book of Golden Deeds Award." This prestigious award is the highest honor the Exchange Club bestows.

The Exchange Club of San Bernardino is one of the most active organizations in our county. It sponsors the Miss San Bernardino Contest and the Sunshine Special. This event feeds over 6,000 handicapped citizens during the Sunshine Special Day at the National Orange Show every spring when the citrus crop is highlighted.

Mr. Speaker, I take great pride in commending to my colleagues the Exchange Club of San Bernardino for honoring the Hodgdon family with this coveted award which has not been presented to anyone since 1971. The Hodgdon family has been long noted in the community for their generosity in helping the blind and the handicapped. They have also been extensively involved with the Arrowhead United Way, the YMCA and the YWCA, and with the Boy and Girl Scouts. They have worked tireless hours with churches of all denominations, the veterans of the Inland Empire and a number of local hospitals. Their support and enthusiasm added a very special touch to the dedication dinner for the Jerry Pettis Memorial Veterans Hospital in Loma Linda. I want to commend both the Exchange Club and the Hodgdons for their charitable contributions which have made our community a better place to live.●

TRIBALLY CONTROLLED COMMUNITY COLLEGE ASSISTANCE ACT

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. SIMON. Mr. Speaker, I am today introducing for consideration by the 98th Congress the Tribally Controlled Community College Assistance Act Amendments of 1983. This action is necessitated by the President's decision to veto the bill S. 2623, which was passed in the waning days of the 97th Congress. The House and Senate had earlier overwhelmingly adopted separate bills reauthorizing and extending the Tribally Controlled Community College Assistance Act of 1978. The conference report on S. 2623 was also agreed to overwhelmingly. This important legislation is critical to the survival and improvement of 18 tribally controlled community colleges.

Almost all of the 18 tribally controlled colleges are located in isolated areas on Indian reservations and are providing the only source of educational opportunity beyond the elementary and secondary grades. Many of the Indian students who attend the tribally controlled colleges would not otherwise receive a college education. Additionally, these institutions are an important source of trained leadership and an economic resource for the tribes. Tribally controlled colleges are an essential element in advancing Indian educational opportunity.

The President, however, chose to veto this important bill and offered

three reasons for his decision to do so. I believe that the President should have signed S. 2623. In light of the Presidential veto my colleagues and I who originally cosponsored H.R. 6485 have reviewed our commitment to the tribally controlled colleges and the concerns expressed by the President. I would like to review with my colleagues in the House those issues.

First, the President objected to the bill on the grounds that it "would declare the Federal Government's support of tribal community colleges to be a part of its trust responsibility toward Indian tribes." The President has apparently been advised that "college level Indian education has never been characterized in law or treaty as a trust responsibility of the Federal Government." Indian education is included in almost all treaties governing the relationship between various tribes and the U.S. Government. I discovered this fact myself while reading many of these treaties during the subcommittee's oversight hearings on the tribally controlled colleges. While college education is never mentioned as a part of those treaties, education certainly is and I doubt that many of us consider a college or university education unimportant in the education of our children. In order to avoid any confusion on this issue, the conference report went to great length to clarify that we were neither altering nor extending any Federal right or responsibility by including this language in the bill. It was simply an attempt to say that Congress would decide, not the executive branch, whether or not education should be considered a trust responsibility.

Second, the President objected to the inclusion of certain provisions providing for veto of regulations issued by the Secretary of the Interior with respect to the tribally controlled colleges. All other higher education institutions which accept and use Federal funds are subjected to regulations by the Department of Education. These regulations have historically been subjected to review under section 431 of the general education provisions act. S. 2623 would simply have extended this legislative review to Department of Interior regulations affecting the tribally controlled Indian community colleges. This provision has also been deleted from the bill I am introducing today because we seek to avoid a constitutional confrontation with the President over this issue. The members of the committee, especially my colleague from Illinois (Mr. ERLENBORN) feel very strongly that the rights of the legislative branch to review Department of Education regulations must be preserved.

Third, the bill I am introducing today retains two important provisions which I believe are essential to the growth and development of these 18 colleges, and any others which become beneficiaries of the act. The bill retains the endowment provisions, which I authored originally in H.R. 6485, the House version of the reauthorization, in the last session. This provision will permit the tribally controlled colleges to raise funds privately or use Snyder Act funds and have those funds matched by the Federal Government. Viable endowments will be essential to the survival and enhancement of these colleges. In addition, the bill contains the construction and renovation sections which will permit the Federal Government to assist in improving the physical facility at the tribally controlled colleges. From the point of view of improving the quality of education at these institutions and assuring that they achieve full accreditation, nothing could be more important than to improve the stability of funding and the physical facilities at these institutions. While the President suggests that he "is deeply committed to providing educational opportunities for American Indians," this cannot be done without taking these two major steps to improve these institutions. The Tribally Controlled Community College Assistance Act has already contributed substantially to the attainment of accreditation or accreditation candidacy by 13 of the colleges; 9 of these 13 schools now find themselves at the advanced point in their pursuit of accreditation—where the funding stability and status of their facilities over the next 5 years will be a critical and deciding factor in the award of full accreditation.

I believe that this bill meets the needs of the tribally controlled colleges and the concerns expressed by the President. We have tried to meet him halfway. The committee report and other parts of the legislative history will reflect our bipartisan concerns on the trust issue and on the question of legislative veto provisions. I believe the Congress should take this bill up at the earliest possible time and pass it. This will facilitate its consideration in the other body. I hope my colleagues in the House will join me in cosponsoring this legislation and seeing it enacted into law during this session of the Congress.●

NATURAL GAS REGULATORY REFORM, REAGAN STYLE

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. PEASE. Mr. Speaker, the President's natural gas bill, titled the "Natural Gas Regulatory Reform Amendments of 1983," has been introduced in both the House and the Senate. It is ostensibly a free market panacea to very complex and controversial issues that have seen severe distortions in the natural gas market: While a variety of factors have combined to create a glut of gas supplies, prices have simultaneously climbed to all time highs.

But the notion of combining a few short-lived consumer provisions with a complete deregulation of natural gas is not acceptable to me or to the gas consumers I represent in northern Ohio.

The President's bill is being sold as consumer protection. It is supposed to be a bill that would end or mitigate some of the factors contributing to today's problems. But the administration's descriptions of the bill conveniently play down the fact that all natural gas will be decontrolled in 1986. Even so-called "old gas" found before passage of the 1978 National Gas Policy Act will have its price ceiling removed completely and market forces will determine the price for consumers. I cannot see how this situation can mean anything but still higher prices for already hard-hit residential and industrial consumers.

The actual consumer protection portion of the President's bill may actually be of help to consumers. It imposes a moratorium on purchased gas adjustments (PGA's) which allow most costs of gas purchases to be passed through to the consumer. If producers and pipelines know that all their costs will be passed through automatically, there is no incentive for them to lower prices or otherwise make their operations as efficient as possible.

Thus, the President's moratorium on this passthrough could be beneficial. However, it would last only until Janaury 1, 1986, and could be overriden by the industry-oriented Federal Energy Regulatory Commission if it found such costs to be prudent.

Mr. Speaker, I would be inclined to support a market approach to natural gas policy reform if I had seen some evidence that the market itself had made some efforts to sort out the critical problems that it has. But the industry has remained largely steadfast in its determination to stick by take-or-pay contract clauses and price escalation provisions that are clearly out of line, given oversupplies of gas and low consumption levels. If producers cannot act voluntarily in the free market to ease critical market disruptions, then it is the responsibility of the Congres to act on behalf of the public. This message has been stated explicitly and implicitly by Members of Congress, including me, since last summer. The gas industry cannot tell us it was not given a chance to work out its problems.

In short, Mr. Speaker, it appears that the President's natural gas bill lures us into long-term natural gas price increases through total gas deregulation in exchange for dubious

short-term consumer protection provisions. While I am ready to support some of the consumer provisions that the President has proposed, their coupling with total natural gas deregulation is not acceptable.

Bear in mind, there is no reason whatsoever why the consumer provisions must be coupled with complete deregulation. Let us adopt the former and reject the latter.●

SURPLUS FEDERAL LANDS FOR CORRECTIONAL FACILITIES

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. STARK. Mr. Speaker, the news is filled with horror stories lately about prison overcrowding. The Washington Post reported on February 16 that yet another State, Florida, had joined the growing list of States under court order to construct new prisons to deal with burgeoning prison populations. As States begin to implement longer sentence laws, it becomes evident that something must be done, immediately, to alleviate the problems of overcrowding, while still taking into account the overall fiscal problems that we face.

Today I am introducing legislation to alleviate the problems of prison overcrowding by amending the Federal Property and Administrative Services Act of 1949 to permit the disposal of surplus property to States and local governments for correctional facility use.

In the Ninth District of California, which I represent, the problem of prison overcrowding is serious. The California Bureau of Crime Statistics states that Alameda County is one of the most felony-ridden counties in California. And although the county has spent over $19.3 million in capital funds to construct and renovate adult detention facilities since 1973, and has constructed a $20 million pretrial facility in Oakland, the demand for jail cells continues to greatly outweigh the supply. If current trends continue, by 1990, the county's pretrial prisoner population will be nearly 50 percent greater than bed capacity.

The county's need for additional detention facilities is severe. Santa Rita's current prisoner population is 1,800, with weekend peaks exceeding 2,000. Only 16 of Santa Rita's beds meet the State minimum jail standards. The amount of violent behavior has increased dramatically. Since 1980, there have been 58 felony assaults by inmates against staff, 188 felony assaults by inmates against inmates, and 547 misdemeanor assaults by inmates against inmates within the prison. Since 1981, there have been 86 attempted suicides, and since 1975, there have been 117 significant fires set by inmates.

These figures reflect the situation in only one of 435 congressional districts. The Department of Justice says that prisons are filling up at the fastest rate since 1926, when the Department began keeping count. We cannot allow the public to be threatened by not incarcerating prisoners, for lack of space. And we cannot continue to subject prisoners to unsafe, unsanitary, and inhumane conditions. This legislation allows State and local governments to respond to the situation. The bill sets up a system in which the Justice Department and General Services Administration, working together, can identify tracts of surplus Federal property, to be transferred to State and local correctional departments.

As of December 31, 1982, the Federal Property Resources Service inventory summary listed more than 50,000 acres of excess and surplus Federal property. While most of this land would be judged unsuitable for correctional facility use, the legislation allows the inclusion of correctional facilities in the GSA "laundry list" of eligible uses of surplus Federal land, so as to allow States and local governments to expedite prison construction.

The Attorney General's Task Force on Violent Crime recently put the concept of turning surplus Federal land over for correctional facilities as one of its highest priorities. This legislation is a first step in implementing that valuable recommendation.

Let us not wait for the courts to place more States under emergency orders to deal with prison overcrowding. Let us anticipate the problem and create opportunities to solve it. The time for this legislation is overdue. I urge my colleagues to support its swift consideration and passage.●

INTRODUCTION OF THE ARCTIC RESEARCH AND POLICY ACT OF 1983

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. YOUNG of Alaska. Mr. Speaker, I am today introducing legislation designed to increase our knowledge about the Arctic region of our United States, and how this area fits into the larger understanding of our human environment. The Arctic area of the United States has undergone study in the past by a vast number of agencies and concerns, with little or no coordination of efforts or goals. At the same time, the United States has spent millions of dollars studying our Antarctic regions in a coordinated, ongoing effort. The Arctic represents a multifaceted opportunity to improve our understanding and our way of life. The onshore and offshore arctic contains vital energy resources that can reduce our dependence on foreign oil and improve the national balance of payments, and the extraction of those resources must be done in an environmentally sound way, which requires empirical background data. It also serves as our only common border with the Soviet Union, and is thus critical to our national defense. Its renewable resources, especially its fish and other seafood represent a commercial asset of tremendous proportion. The arctic conditions have been proven to affect weather patterns and must be understood in order to promote better agricultural management throughout the United States. In the health field, it is important to understand the impact of humans on the weather as well as upon the environment, and the Arctic further provides us with a unique laboratory for research into human health and adaptation, physical and psychological, to climates of extreme cold and isolation and may provide information crucial to future defense needs. These are but a few of the many reasons why Arctic needs should not go unmet, and why I introduce this legislation today. The United States is far behind other nations, including the Soviet Union, in our understanding of the Arctic areas of the world, and to be a leader in the decades ahead, it is absolutely critical to have a foundation of knowledge from which to make knowledgeable decisions. I believe this legislation to be long overdue, Mr. Speaker, and I hope the Members will see the need for this increased research into one of our most promising areas on the face of the Earth. Thank you Mr. Speaker.●

IMF QUOTAS

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Ms. KAPTUR. Mr. Speaker, the Committee on Banking, Finance and Urban Affairs will begin hearings on the possible IMF quota increase in April. The following two articles from the New York Times, December 19, 1982, shed an interesting light on the administration request for $8.4 billion in enlarged IMF quotas and for participation in a separate emergency fund. I encourage my colleagues to read these articles.

[From the New York Times, Dec. 19, 1983]

THE BANKS SHOULD HAVE KNOWN BETTER

(By Benjamin Weiner)

Recently a bank hosted a seminar in New York focusing on investment in a South Asian country. Attendance was sparse, de-

spite the country's attractive prospects and the bank's reputation for fine luncheons—complete with waiters resplendent in tails.

The scarcity of executives at the meeting may have had less to do with busy corporate schedules than with a growing distrust of some major banks' recommendation regarding investment opportunities abroad.

Iran, Poland, Brazil and Mexico are part of the parade of "tremendous opportunities" touted by certain American banks in recent years in the face of mounting evidence that some of these countries were slipping and sliding toward economic and political Armageddon.

Today, Mexico is in economic chaos and possibly edging into political violence, and the warning blips were evident as far back as 1980 and more so in 1981. Yet many of our financial institutions continued to expound upon Mexico in heady language, as well as participate in the lending orgy that led Mexico to accumulate a disastrous foreign debt.

Manufacturers Hanover Trust's December 1981 newsletter, Byline, printed an interview with one of the bank's officers based in Mexico, in which the officer termed Mexico "probably one of the most dynamic economies in the world today."

He added: "The tremendous oil revenues—more than 70 percent of the total income—also enable Mexico to insulate itself from many of the problems plaguing other developing nations. Government and industry alike encourage foreign investment and offer attractive incentives."

Bank of America used double-page advertisements to brag about its loans to Mexico and its lead role in a $2.5 billion financing for Pemex, the national oil company, stating:

"Today, Mexican industry is developing dynamically in many different directions. Our knowledge of the local business terrain can be invaluable. So if you're interested in Mexican business opportunities—of any kind—talk to Bank of America."

The Mexicans utilized these ads in their own promotional literature.

Bank of America continues to maintain a Pollyanna posture, perhaps because it is saddled with some $3 billion in questionable loans to Mexico. In a magazine article in August of this year one of its officials was quoted as saying: "We're telling our clients that now is a great time to lay the foundation for 1983 and beyond."

It makes one wonder whether there is an aging former Nazi economist sitting somewhere in Germany who in the early 1930's predicted that Adolf Hitler would be a boon for the German economy, and today is saying, "I told you so!"

Chase Manhattan Bank's unbridled optimism was evident in periodic comments on Mexico in its Chase International Finance newsletter. In 1980 the bank noted that ". . . the high levels of petroleum export earnings anticipated should help bring about a trade surplus by 1981."

It went on: "With the availability of increasing petroleum revenues, the 1982 economic goals of the new plan should be attainable, but a satisfactory level of employment creation will take longer to achieve."

Chase's effusiveness continued throughout 1981, despite the growing evidence of an oil glut and other economic hurricane signals. At one point the bank reported that "growth in the current year is expected to remain in the 7.5 percent range as the oil output rate continues to rise and as agricultural output improves in response to added investment."

Even the dawn of 1982 found the spirit of Dr. Pangloss very much in Chase, which said that "Mexico will see its real economic growth rate slow to a still strong 6 percent in 1982."

Citibank seems to have said little in public about Mexico, perhaps in good part because it discontinued publishing its Monthly Economic Letter in 1981. However, while it effectively catalogued some of the difficulties facing Mexico in a 1980 issue, it inexplicably ended up with the following silver lining praise of Mexico's then president, José López Portillo:

"Under this leadership and with 50 billion barrels of oil in the ground, Mexico is entitled to view its future with optimism."

The banks quoted above were not alone. Other American and foreign financial institutions vigorously contributed to Mexico's economic burnout. And it is the López Portillo Administration whose policies must be assigned ultimate responsibility.

What is disconcerting is the assumption by the American banks that they can wriggle out of their lending difficulties by invoking two now-familiar arguments: That we must come to the aid of Mexico (Poland, Rumania, etc.) because if it defaulted the banking system of the free world would collapse, and that we must come to the economic rescue of Mexico (Argentina, Brazil, etc.) because economic collapse would trigger a revolution.

These arguments actually are valid. The trouble is that it is the American taxpayer, not the banks, who ultimately foot the bill.

There is an additional complication arising from the banks' apparent international naivéte, which will be felt sharply by developing nations anxious to attract foreign and especially American investment.

American manufacturers who were forced to abandon their operations in Iran or who saw their assets melt away in Mexico's two major devaluations, and who worry about possible similar disasters in Brazil, Nigeria and elsewhere, are becoming exceedingly cautious when considering new foreign ventures.

Perhaps the first to suffer from this once-burned, twice-shy reticence will be Jamaica and the other economically troubled Caribbean countries involved in President Reagan's Caribbean Basin initiative. This trade and investment program cannot succeed without serious American corporate involvement, and American companies will not be eager to participate in another high-risk venture, despite the glamour incentives and opportunities.

It should be noted, perhaps sadly, that the business task force promoting investment in the Caribbean includes in its active membership the same banks that were promoting investment in Mexico.

A Policy That Closes U.S. Copper Mines

(By Paul W. MacAvoy)

Not all adverse economic relationships are easily explained and corrected.

Take, for example, the circumstances surrounding the mining of copper, which have led to increased production and employment in Chile and developing nations, and less of both in the United States and Canada—with Chilean expansion financed by private banks here.

World production of copper five years ago was divided among the United States (22 percent), Chile (17 percent), Canada (12 percent), Zambia (11 percent), Zaire (8 percent) and a number of other developing countries, including Peru and the Philippines. Demands each year were increasing by 2 to 3 percent until worldwide recessionary conditions of 1980-82 reduced consumption from 15 to 20 percent.

Supplies at first were expanding, from both private companies in the United States and Canada, and from government-owned or controlled organizations in Chile, Zambia, Zaire and Peru. But in the face of recessionary demand, Canadian and United States private producers cut back on sales, first by adding to their inventories and finally by cutting back on production at the mine.

By early 1982, more than 500,000 tons of yearly production had been canceled in these two countries, roughly one-third of their total output. But production in Chile increased in the face of declining demand, so that the Chilean market share worldwide increased from 17 to 20 percent of non-Communist world production between 1979 and mid-1982. Zambian, Peruvian and Philippine production stayed about the same over this period.

The United States and Canada absorbed the entire reduction in world demand through mine layoffs, while the developing countries sustained production in their own government-operated facilities.

The economics of such supply behavior is straightforward. Responding to reduced demand by cutting back on output makes sense when prices are below operating costs. Copper prices fell from $1.17 cents a pound at the end of 1979 to 70 cents a pound in November of this year.

The drop brought about reductions in mines in the United States with cost of production greater than $1.17. Kennecott, Phelps Dodge, Newmont Mining and Anaconda either cut back or closed down mine production.

But not so in the Chilean mines. The cost of operation of the private mines under government-production controls in that country was certainly comparable to those at American mines, if not higher. To prevent shutdowns in the face of reduced sales, the Chilean Government subsidized the production of each pound of sustained output.

At the same time, the huge government mines there expanded production, to increase the tax flow into the Chilean treasury in the face of the price reductions. Supply was actually increasing as demand declined, thereby forcing prices in world markets even lower than if there were simultaneous worldwide supply cutbacks.

This pattern of cutbacks makes the economics of unemployment most complicated indeed. Approximately a half-million tons of copper could be produced across the world at costs of less than $1 a pound, but not at less than 80 cents a pound. Half of that capacity—that in the United States—left the market, but the other half stayed in, thereby forcing world prices from 80 cents down to 70 cents and lower. The lower prices then forced even more United States production out of the market.

The government companies in Chile, Peru and Zaire can afford to take direct operating losses on every pound of copper sold by increasing borrowings from international private and public banks.

The deep pocket is international. The claims of the United States banks on these three countries' governments increased from $4.3 billion in 1979 to $8.5 billion in 1982 for this and other reasons, with most of that due to extremely heavy Chilean borrowings. The Zaire Government received approximately $80 million from the European Economic Community and the International

Development Association to keep copper facilities operating, while Zambia has just negotiated a $37 million loan from the International Monetary Fund in part to allow it to prop up production of copper and other metals in the face of declining prices and export earnings.

Peru has borrowed $200 million from the United States Import Bank, Canada's Export Development Corporation and Japan's Mitsui Corporation to expand operations in its Cerro Verde project.

These borrowings, however, are not going to be sufficient to cover operating losses at 70-cent prices, so these countries will need extensive additional fundings from the banks across the world to prevent default on its outstanding loans and operations.

This deep pocket is obviously not available to finance continued operations in the Western United States. In effect, then, by cutting back in the face of operating losses, American companies and their domestic employees have absorbed all the worldwide industry's reductions in employment. The operating rate in the United States and Canada as a percent of capacity is less than 60 percent, while in Chile it is close to 90 percent, and in Zaire it is over 95 percent.

The consequences for employment are disastrous for the United States and Canada. And not much is gained by telling unemployed Arizona copper miners that American loans supporting the below-cost sales of Chilean production are in the long-run interests of all nations.

There is no way to sort out and improve on these consequences as a matter of international economic policy. If all the copper producers were domestic companies selling in the United States, then the shut down private copper companies could sue the government copper companies operating at 90 percent capacity utilization. Their complaint would be predatory behavior, because the government enterprises were selling at prices below average variable costs.

This complaint would likely be sustained in normal antitrust proceedings. But international markets are not subject to such antitrust review for exclusionary activities, nor would an international court be able to deal with the fact that the source of the fund for such exclusionary actions by government enterprise in the third world were the New York and Washington banks.

Thus it is up to private companies and communities in Arizona, Colorado and Montana to continue to absorb the world's unemployment in the copper industry.●

FREEZING INCREASES IN THE ESTATE TAX DEDUCTION IS A DESTRUCTIVE WHIM

HON. RON MARLENEE

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. MARLENEE. Mr. Speaker, on February 8, House Ways and Means Committee Chairman ROSTENKOWSKI proposed a "tax freeze" which called for cancellation of all tax reductions already on the books, scheduled to take effect after January 1, 1984. I assume he was reacting to the proposed Democratic budget being discussed at that time.

The budget resolution we are debating today calls for $30 billion in tax increases. Although the specifics are not enacted by this resolution, I am concerned about what freezes might become part of a tax bill produced by the Ways and Means Committee.

As a representative of America's family farmers, I find it particularly odious that we might probably be asked to consider a freeze on estate and gift tax exemptions. Such a freeze at the 1983 level would cancel one of the most significant parts of the 1981 Tax Act which insured the future of family farming in America. Does Mr. ROSTENKOWSKI realize that disallowing the increases in exemptions will levy an additional unplanned tax of $5.4 billion squarely on the backs of family farmers and small businesses? The freeze would raise the tax burden $900 million in tax year 1984, $1.7 billion in 1985, and $2.8 billion in tax year 1986. That's an estimated $5.4 billion over the entire period.

Does the Chairman of the committee recall the language of his own committee in reporting out the increased exemption in 1981? The Ways and Means Committee stated that the increased exemption was needed because the current exemption "is inadequate to provide relief for estates containing farms, ranches, and small businesses which often are forced to dispose of family businesses to pay the estate and gift tax."

The committee report continues, stating that the exemption increase is needed to "offset the effects of inflation and to provide estate and gift tax relief to small estates, especially those which primarily consist of family businesses."

Now the very same committee who appeared to recognize the relief needed for small farmers and small businesses, is planning to repudiate that relief.

Again, speaking as a farmer, I find it odious that this proposed tax structure would force our young beginning farmers inheriting the family farm to sell off part of the farm to pay the taxes. That was the situation that was encouraged prior to the 1981 tax bill.

I would further point out that our agricultural producers plan 10 to 15 years in advance, hiring expensive legal help to plan estates. We now are hearing proposals to change the tax laws, making this planning and expense useless. These changes are being proposed on a whim, and I detest it.●

PREPARING FOR ECONOMIC AND INDUSTRIAL DEVELOPMENT ALONG THE TENNESSEE-TOMBIGBEE WATERWAY IN GREENE COUNTY, ALA.

HON. RICHARD C. SHELBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. SHELBY. Mr. Speaker, I would like to share with my colleagues in the House of Representatives the Greene County Economic and Industrial Development Board's statement to the House and Senate Appropriations Subcommittee on Energy and Water Development made March 23, 1983. Their remarks were as follows:

STATEMENT

This information is presented (1) to show how the government entities of Greene County have cooperated in this effort and (2) to show, in some measure, the extent of their financial support and that received from the State of Alabama.

In 1968, under contract with the Greene County Commission, the Rust Engineering Co., Birmingham, Ala.,—a Division of Litton Industries at that time—completed a study entitled "Tennessee Tombigbee Waterway Planned Industrial District," Greene County, Alabama. This study paid for by the County Commission cost $25,000.

Due to various factors, little was done in regard to economic and industrial development along the Waterway in Greene County until 1977. At that time the Alabama Development Office sponsored a study at a cost of $15,000. Shortly after that the Office of State Planning and Federal Programs sponsored two studies at a cost of $30,000.

In 1978 another effort was funded by the Economic Development Administration to further study and to hire a local representative in Greene County to promote economic and industrial development. This resulted in appointment of the Greene County Economic and Industrial Development Board which met frequently to consider development.

In March 1980, the Greene County Commission 45 percent, the City of Eutaw 45 percent, the Town of Boligee 5 percent, and the Town of Forkland 5 percent joined forces to purchase 753 acres of land for an industrial park at a cost of approximately $680,000. The participants contributed in the percentages indicated.

In late summer of 1980, a prospect for a papermill was located and after extensive study and negotiations the entities above purchased an additional 1,050± acres for a sum of $1,900,000 in March 1981. This purchase was made in order to obtain an acceptable location for the prospective papermill client who purchased 516± acres. The entities participated in this purchase in the same pro-rata percentages and still continue this cooperative pro-rata participation in all endeavors associated with industrial development.

The Greene County Economic and Industrial Development Board was incorporated in March 1981 under the Wallace-Cater Act and applied to EDA for a grant to build a barge loading facility in the newly designated Crossroads of America Industrial Park. EDA approved a grant for $1,545,600 in Sep-

tember 1982 which requires matching funds in the amount of $386,400 from the local Board.

In order to meet the requirements by EDA for access roads to the barge loading facility and to build other parts of the infrastructure such as sewer and water systems and rail spurs in the Crossroads of America Park, the Greene County Economic and Industrial Development Board received a grant of $7,179,000 in January 1983 from the Tombigbee Valley Development Authority, a state agency. Subsequently, the local entity governments added $115,000 to this state grant.

In summary, the officials of Greene County, the city of Eutaw and the Towns of Boligee and Forkland and many private citizens have contributed extensively of their time and effort. State and local funds (exclusive of federal funds) in excess of $10,000,000 have been contributed in support of industrial development along the Tennessee-Tombigbee Waterway. This was accomplished in spite of being a small county with a population of only 11,021 (1980 census).

Mr. Speaker, I would like to take this opportunity and commend the members of the Greene County Economic and Industrial Development Board, local officials from Eutaw, Boligee, and Forkland, and numerous private citizens for their efforts in helping to bring economic growth and recovery to the area. This kind of action is what we need to turn our country around.

This development by the board shows the high degree of confidence and anticipation being placed in completion of the Tennessee-Tombigbee Waterway. I have long considered this project to be a sound investment in our Nation's transportation system. It would be a tragic mistake, both economically and environmentally to stop the Tennessee-Tombigbee Waterway project today before the full benefits can be realized.●

BENEFITS FOR DIVORCED CIVIL SERVICE SPOUSES

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mrs. SCHROEDER. Mr. Speaker, today I am introducing legislation to amend the civil service retirement system to provide retirement benefits to divorced spouses. This legislation is modeled after laws enacted for spouses of Foreign Service and CIA personnel.

Since 1974, all but two States have adopted some form of no-fault divorce, which has eliminated the traditional defenses against divorce. As a result, the divorce rate has doubled, with limited, if any, spousal support provided. Since alimony ceases with the death of the retiree, the long-term spouse has no protection for old age.

Because of this surging divorce rate, retirement laws have been changed to provide greater economic security to older women.

In 1965, the Social Security Act was amended to provide benefits for divorced spouses married 20 years or more. In 1977, the marriage requirement was reduced to 10 years.

In 1980, Public Law 94-465 was enacted to permit divorced spouses of Foreign Service personnel to receive a pro rata share of the retirement annuity and survivors benefits, subject to court review, modification, or rejection.

In 1982, Public Law 97-269 was enacted to provide the same benefits for CIA spouses as had been provided for the Foreign Service.

The bill I introduce today is based on the premise that marriage is an economic partnership and that the retirement credits earned during the marriage should be shared upon divorce. It is my contention that the spouse makes a significant contribution toward the employee's ability to earn the wage and consequently receive the pension.

This bill would make survivors benefits mandatory unless the retiree and spouse and former spouse, if any, elect in a notarized signed writing to waive survivors benefits.

It would also entitle a divorced spouse married 10 years or more to a pro rata share of the retirement and survivors benefits. The exact amount of the former spouse annuity would depend upon the number of years of marriage that overlap with the creditable years of service. The former spouse married during the entire period of creditable work years would be entitled to a maximum of 50 percent of the retirement benefits.

The legislation would tie the entitlement to the divorce proceedings. The divorce courts could modify or reject the pro rata formula contained in the bill. This permits the courts to review each case individually on its own merits.

The provisions are prospective for those who become divorced after enactment. Spouses who remarry before age 60 would lose their entitlement to a pro rata share of the retirement benefits. A former spouse previously married to another Federal employee or member of the armed services, would only be entitled to one survivor annuity. The bill would permit the voluntary assignment of survivors benefits to an already divorced spouse. In the event that a deceased retiree elected survivors benefits but had no qualified beneficiary of the survivors benefits, the former spouse would be entitled to these benefits.

Retirement issues are women's issues since a majority of those over age 65 are female. Women outnumber men 2 to 1 in the rapidly expanding population over age 75. Older women are the fastest growing poverty group in America. Seventy-two percent of the elderly poor are widowed, divorced or never married women. Median income for these women is $3,087 for those over 65 and $4,533 for those between 55 and 65. Many of these women would like to work to supplement their meager incomes but most find it difficult to find jobs because of lack of work experience and others become too sick or old to work.

Most of these women have not always been poor, but their circumstances have deteriorated with advancing age. What happens to them is not inevitable, but rather the result of discrimination throughout their lives which strikes its cruelest blow at the end. It is my view that our retirement systems contribute to the economic impact of sex discrimination and punishes women for their traditional roles in society.●

COMMEND CONGRESSIONAL BLACK CAUCUS

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. MOODY. Mr. Speaker, I would like to commend the hard work and responsible leadership of the Congressional Black Caucus (CBC) in developing an alternative budget. Although the majority of the Black Caucus members will be voting for the Democratic budget shaped by Chairman JONES, they have rendered this body and the Nation with an invaluable service by offering an alternative budget which is both fair and fiscally responsible.

We know that the CBC budget is fair and compassionate. Many of its best and most constructive proposals for the social safety net were incorporated in the Jones' budget. But I want to center my remarks on the responsible nature of the CBC budget:

First, it embodies a commitment to reduce deficits significantly below those proposed by President Reagan. The outyear deficits in the CBC budget will be only one-third of those called for by the President. The CBC budget, therefore, leans more strongly toward economic recovery and growth than the President's own budget.

Second, the CBC budget responsibly approaches the issue of tax reform. Rather than simply eliminate the third leg of the tax cut scheduled for July 1983, it limits the tax cut to the first $50,000 of the gross revenue, after which the phaseout commences. In this sense the CBC budget is less drastic in its revenue section than the Democratic alternative.

Third, the CBC budget responsibly restores education, health, housing, and nutrition programs which were

excessively cut in the last two budgets. This is important because it is cost effective to invest in human beings, and nothing is more financially and economically wasteful than shortchanging education, health, and nutrition.

Fourth, the CBC budget responsibly controls defense spending—not in a meat-ax fashion, but by responsibly targeting some of the most wasteful and security destabilizing weapons now before us, such as the MX missile. The CBC budget calls for defense budget authority of $218.8 billion, some $26 billion below the level requested by the President. Since Budget Director David Stockman has informed the Nation that $30 billion could be cut from the military budget without affecting the Nation's security, the CBC's $26 billion savings in military should also be seen as responsible.

Although, we will not be supporting the CBC budget here today, the members of the Black Caucus who developed this budget are to be commended for their thoroughness and thoughtfulness which characterized its development.

We and the Nation owe them a debt of gratitude.●

SOVIET WATCH

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. FIELDS. Mr. Speaker, in 1935 the noted historian, Will Durant, wrote:

For barbarism is always around civilization, amid it and beneath it, ready to engulf it . . . Barbarism is like the jungle; it never admits its defeat; it waits patiently for centuries to recover the territory it has lost.

In all the history chronicled in Durant's monumental, 11-volume work, "The Story of Civilization," in no place or time has this statement been more true than in the history of the Soviet Union and its client states.

As E. J. Dillion observed in 1930:

Sovietism is no mere philosophy content to assert itself or even endoctrinate others by convincing, persuading, or cajoling them . . . (it is) first of all a relentless destroyer of the roots of past culture, religious, social, pedagogical, and also of those champions of that culture who remain true to it, refusing to be converted and live.

So it is that the leadership of the Soviet Union, from Lenin to Andropov, have been men of unrestrained brutality who have progressively, patiently, driven back the boundaries of civilization, both Western and Eastern, with a relentless sword of blood and horror, allowing the jungle of barbarism to reclaim the Earth, masked by mendacity, propaganda, and the kindly face of socialism.

The following material is presented as another evidence.

[From the Washington Times, Jan. 7, 1983]

THE TRUTH NOBODY WANTS TO HEAR

(By Smith Hempstone)

The evidence—admittedly mostly circumstantial at this point—continues to pile up: The 1981 attempt to murder Pope John Paul II was plotted at Sofia's 30 General Gurko Street, headquarters of the feared Durzhavna Sugurnost (DS), the Bulgarian secret police.

If in fact Bulgarian Internal Affairs Minister Dimitur Stoyanov, the boss of the DS, did implement the plot, he almost certainly is not the man who conceived it: The DS, even more than most Soviet-bloc intelligence services (some of which enjoy at least a small degree of autonomy), is virtually an arm of Moscow's KGB.

Bulgaria has no overriding reason of state for wanting this or any other pope dead: a small Balkan country with a population of only 8.9 million people, its Catholic population is minuscule. (Almost all Bulgarian Christians belong to the Eastern Orthodox faith).

Who, then, had a motive for wanting to do away with the Pope? The Soviet government news agency Tass last week astoundingly provided the world with a motive, and in so doing pointed an accusing finger directly at the Kemlin.

Said Tass:

"Unlike his predecessors, the present head of the Catholic Church, John Paul II—the former archbishop of Krakow, Cardinal Karol Wojtyla—has taken a much more conservative and rigid position vis-a-vis the socialist world . . .

"The notorious Solidarity, which came to symbolize the crisis (in Poland) provoked by the anti-socialist forces on instruction from overseas, was born not in the wave of disorders that swept the country in the summer of 1980 but in the Catholic Church."

The murder of the Pope, then, had it been successful, was designed to deprive Solidarity of its leadership and conduit of international support at a crucial moment in its history. Should the pontiff be wounded but not killed, as in fact happened, this would serve as a threatening shot across the Vatican's bow, warning it to draw back from its confrontation with communism.

This is exactly what has happened. The Polish church, under Archbishop Jozef Glemp, has pulled in its horns and, for all practical purposes, abandoned Solidarity. Poland has been resubjugated without the loss of a single Russian soldier.

There is reason to suspect that several western governments, including that of the United States, would just as soon the trail of circumstantial evidence that leads to the Kremlin did not become conclusive. Reason: the head of the KGB at the time of the attack on the pope was Yuri Andropov, the Russian leader with whom the West now has to deal on a day-to-day basis.

What is the appropriate response, President Reagan, to a murderous attack on the symbolic head of Christendom? Cancellation of the next visits of the Bolshoi? A boycott of Russian vodka?

Italy, under the Lateran Treaty, has a special responsibility for the safety of the pope. And Italian Defense Minister Lelio Lagorio, without naming it, has accused the Soviet Union of committing through its Bulgarian surrogates "an act of war" against Italy, a country that happens to be a member of the North Atlantic Treaty Organization.

The Italians feel they have proof that Mehmet Ali Agca, the Turk who gunned down John Paul II, had the help of the Bulgarian DS and of Turkish drug runners with links to the Italian Mafia. They know it took a lot of money to get him out of a Turkish jail (where he was serving a life sentence) and to support him while he wandered around Europe. They know he was in Sofia, staying in Room 910 of the plush Hotel Vitosha (where one does not go without the knowledge of the DS), and they think he may have been in the Soviet Union.

The Italians know also that there was a sharp rise in clandestine coded radio traffic from Bulgaria to Italy at the time of the attack on the pope, as there was during the kidnapping by the Red Brigades last year of U.S. Brig. Gen. James L. Dozier. Agca, who initially claimed he acted alone, has been singing like a bird in recent weeks to the Italian authorities, and reportedly has implicated many Bulgarian agents in the plot.

There are, of course, certain contradictions. That the Russians should choose a surrogate to give them deniability is not surprising. But why choose the Bulgarians, whose loyalty to the Kremlin is matched only by their ineptness? Why did the Kremlin not see to it that Agca was killed after he shot the pope?

The probability is that the world will never know the full story of the plot against the pope. For the simple reason that too many people, in Washington as well as in Moscow, have a vested interest in seeing to it that the full, plain and unvarnished truth should remain hidden.●

A TRIBUTE TO THE MONTANA WOMAN

HON. RON MARLENEE

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. MARLENEE. Mr. Speaker, I am pleased to share an essay called "The Montana Woman," by Norma Ashby, with my colleagues. I believe this essay captures well the spirit of the grassroots women of our State and that this spirit deserves recognition.

THE MONTANA WOMAN

The Montana Woman is a special breed of woman.

She comes from pioneer stock that has given her strength to face the perils of these troubled times.

She's proud of her rich heritage and likes to relate tales of her great grandmother who homesteaded on the prairie, bore eight children without the aid of a doctor and worked side by side with her husband to plant the crops.

She can be soft and feminine in an evening dress or rugged and ready to go in a pair of blue jeans.

The Montana Woman loves the outdoors and sees the preservation of their beauty as a personal responsibility so that her children and her children's children can enjoy them as much as she does.

She is a good companion to her husband and likes doing things with him from taking a hike to running a business.

She finds great joy in making a home for her family and knows the importance of a strong family life.

The Montana Woman has many creative talents and enjoys showing them off especially at fair time.

She is an ardent sportswoman.

She's in nearly every field and profession from farming and medicine to government and broadcasting.

She believes deeply in good education and knows that real education is a lifelong process.

The Montana Woman gives generously of her time to volunteer service.

She works constantly for the betterment of her community and her state.

She's religious in her attitudes and is grateful for her faith in giving her the foundation to meet the challenges of her daily life.

Adventurous in spirit, constantly seeking new experiences, she loves to travel, always happy to return to her Montana home.

Kind, friendly, hospitable, fun-loving, devoted to her state and its people, the Montana Woman has been special from the beginning of our state and she still is today.●

A FOCUSED VIEW OF THE BUDGET

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. WILLIAMS of Montana. Mr. Speaker, as we vote on the budget it may be instructive to have at hand a focused definition of the differences between the budget reported by the House Budget Committee and that of the President. I have based this analysis on how each budget would spend $100. That is for this purpose I assume that our total expenditures to be $100.

The House Budget Committee plan provides $4.18 out of every $100 for education, training, employment, and social services, while the Reagan budget spends $2.82; thus, we provide $1.68 more out of every $100 emphasizing these priorities. The committee budget will provide $33.16 out of every $100 for the combination of social security, child nutrition, food stamps, AFDC, low income housing and energy assistance, and railroad retirement, while the President would make $31.48 available. This is a difference of $1.68 per every $100 spent. The Democrats' budget will also provide 37 cents more out of every $100 than the President's for energy, natural resources, and the environment. Our budget provides 95 cents more out of every $100 than the President's for assisted housing.

To balance this spending the Democrats will reduce the increase in real growth in defense spending to 4 percent for 1984, while the President requested close to a 10-percent increase in real growth in defense spending. The Democratic budget thus provides $28.17 out of every $100 for defense, a full $2.67 less per $100 than provided by the President. In the area of international affairs—foreign aid—the Democrats provide 92 cents less out of every $100 than the Republicans.

Both the President's budget and our budget provide similar levels of funding for transportation, veterans' benefits, and general science and space technology.●

BARNES INTRODUCES NATIONAL CHILD PASSENGER SAFETY LEGISLATION

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. BARNES. Mr. Speaker, today, I am introducing legislation confronting what I believe is the most tragic, yet most preventable, highway safety and public health problem in the Nation that threatens the lives of our most precious national resource—our children.

In my work over the past 3 years in the Congress and in my community seeking solutions to the Nation's drunk driving epidemic and other highway safety concerns, I have become most alarmed by the fact that the leading cause of death among children in the United States is motor vehicle crashes. Over the past decade, more than 10,000 children under the age of 5 years were killed in motor vehicle crashes, and another one-half of a million children were severely injured, many crippled and maimed for life. Again, last year alone, over 900 children were killed as occupants in automobiles involved in collisions, and an estimated 50,000 others suffered serious injuries.

Insurance industry sources report that car crashes kill 10 times as many children as all the diseases we immunize them against combined. Sadly, parents who would not risk their child's health and safety—who make sure they have a proper diet, stay warm on cold winter days and get all of their immunization shots—expose them on a daily basis to the No. 1 child killer—motor vehicle crashes.

Fortunately, today we have the technology that can end these senseless deaths and disabling injuries in the overwhelmingly majority of instances. According to the National Highway Traffic Safety Administration and the National Safety Council, the proper use of child safety seats in automobiles is 90 percent effective in preventing deaths and 67 percent effective in preventing crippling and other serious injuries in children.

Sadly, the majority of children today are not properly strapped into these life-saving car safety seats. Among infants under the age of 1 year, only 32 percent are properly placed into child safety seats while only 16 percent of toddlers between the ages of 1 and 4 years are afforded protection in child restraint devices.

Many adults have believed for years that holding a child in their arms while riding in an automobile will shield the child from any harm. This common belief, however, amounts to nothing more than a myth that typifies the current serious lack of information and education about child passenger safety that all too often results in unnecessary death and injury. For example, in a 30-mile-per-hour crash, a mother weighing 100 pounds who is holding her child will slam against that child with the force of 3,000 pounds. Often, the child will serve as a cushion, protecting the mother from bodily harm, while the mother crushes the child between herself and the dashboard.

Many States have begun to respond to this national tragedy by enacting legislation requiring the use of child safety seats and implementing statewide child passenger safety programs to alert parents, police, and health care personnel to the benefits of proper occupant protection for children. Such laws and programs, when enforced and fully implemented, had led to dramatic reductions in both death and injury in children.

I am encouraged by the fact that 21 States and the District of Columbia to date have already enacted some type of mandatory child restraint law, and seven other States are awaiting their Governors' signatures to bills recently passed by State legislatures. Still, nearly one-half of the States have yet to respond to this critically important problem, and the numerous States that have responded often lack the resources needed to implement long-term, effective, comprehensive child passenger safety programs to complement their laws.

With the input of many individuals who have been dedicated to this issue for many years at all levels of government and from the private sector, including representatives of the National Safety Council, the National Association of Governors' Highway Safety Representatives, the National Child Passenger Safety Association, General Motors Corp. and the auto industry in general, the health and medical field, and the National Highway Traffic Safety Administration, I have drafted legislation, which I am introducing today along with my colleague AL GORE of Tennessee, that I am confident accurately reflects the needs and wishes of the States and communities in tackling this major health and safety crisis.

This legislation is something I believe all of us in the Congress can support, knowing that its passage can provide additional momentum to fuel widespread nationwide attention and

action prompting every State to pass laws requiring the use of safety seats in automobiles protecting children under the age of 5 years and assisting them to fully implement effective statewide programs.

The bill sets aside $25 million from the highway trust fund for incentive grants to those States adopting a law requiring the use of child safety seats and implementing an effective child passenger safety program. A State would be eligible for a grant, earmarked specifically for the State's child passenger safety program, totaling up to 25 percent of the State's fiscal year 1983 apportionment of Federal highway safety funds (section 402 of title 23, United States Code).

The legislation instructs the Secretary of Transportation to hold public hearings allowing expert input from individuals, private organizations and Federal, State and local government officials, to establish performance standards that constitute effective State programs. Such performance standards might include, for example, a statewide system of child safety seat loaner programs, public information and education programs, training programs for police, and health care personnel in the proper use of child safety seats, the active enforcement of State child safety seat laws, and the active participation of the business community, civic, safety related, and other volunteer groups to help administer education and car seat loaner programs.

Mr. Speaker, I urge our colleagues, both Democrats and Republicans, to join me in what I believe is a reasonable, responsible and positive approach to help immunize every child under the age of 5 years in every congressional district and State nationwide from this senseless and preventable leading cause of death among children and to finally end this needless loss of life, human suffering and billions of dollars in costs to our economy.

I submit for the information of our colleagues the text of the National Child Passenger Safety Legislation which I have introduced today:

H.R. 2352

A bill to amend title 23, United States Code, to encourage the establishment by States of effective child passenger safety programs, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Congress finds that—

(1) motor vehicle crashes are the leading cause of death of children;

(2) motor vehicle crashes are the leading cause of serious injury to and disability of children;

(3) child safety seats, when used properly, are 90 percent effective in preventing death of children and 67 percent effective in preventing disabling injuries to children;

(4) State enforcement of laws requiring the use of child safety seats have resulted in dramatic reductions in both deaths of and injuries to children;

(5) the use by States of child safety seat loaner programs and education programs, when combined with enforcement of child safety seat laws, can enhance significantly the effectiveness of such laws; and

(6) current State initiatives, although extremely encouraging, lack the resources needed for successful implementation of effective comprehensive statewide child passenger safety programs.

(b) It is the purpose of this Act to provide States with incentive grants to assure the timely and widespread enactment of child seat laws and implementation of comprehensive statewide child passenger safety programs.

SEC. 2. (a) Chapter 4 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 409. Child passenger safety programs

"(a) Subject to the provisions of this section, the Secretary shall make grants to those States which adopt and implement effective child passenger safety programs. Such grants may only be used by recipient States to implement and enforce such programs.

"(b) No grant may be made to a State under this section in any fiscal year unless such State enters into such agreements with the Secretary as the Secretary may require to ensure that such State will maintain its aggregate expenditures from all other sources for child passenger safety programs at or above the average level of such expenditures in its four fiscal years preceding the date of enactment of this section.

"(c) A State shall be eligible for a grant under this section if it has in effect a law requiring the proper use of child safety seats meeting the requirements of the Federal motor vehicle safety standard numbered 213 (49 CFR 571.212) by children in highway motor vehicles. Such law shall require the use of such a seat by any child who meets one or both of the following criteria: (1) children who have not attained an age of five years or such lesser age as may be established by such law, or (2) children who have a weight of less than 40 pounds or such lesser weight as may be established by such law.

"(d)(1) A State may receive grants during the fiscal years ending September 30, 1984, September 30, 1985, and September 30, 1986. Subject to paragraph (2), the amount of the grants made to an eligible State under this section shall be based, as determined by the Secretary by regulation, on the extent to which the State law referred to in subsection (c) requires the use of a child safety seat meeting the requirements of the Federal motor vehicle safety standard numbered 213 (49 CFR 571.213) by all children who have not attained the age of five years or who have a weight of less than 40 pounds and on the extent to which such State complies with the additional standards established by the Secretary under subsection (e).

"(2) The total of all grants under this section to a State shall not exceed 25 per centum of the amount apportioned to such State for fiscal year 1983 under section 402 of this title.

"(e) The Secretary shall, by regulation, establish standards for effective child passenger safety programs. Such standards may include, but need not be limited to, requirements for—

"(1) a statewide system of child seat loaner programs;

"(2) a statewide public information and education programs, including media campaigns and face-to-face education, designed to inform parents of the proper use of child safety seats and persuade parents to use child safety seats for children under the age of five;

"(3) training programs for police and health care personnel in the proper use of child safety seats;

"(4) active enforcement of child safety seat laws;

"(5) active participation of businesses within the State in the education and child safety seat loaner programs;

"(6) active participation of civic, service safety, or other volunteer organizations with statewide networks in administering education and child safety seat loaner programs;

"(7) passenger protection programs for parents and children over four years of age;

"(8) a statewide coordinator for child passenger safety activities;

"(9) fines for noncompliance with the State's law requiring the use of child safety seats; and

"(10) penalties for failure to use a child safety seat meeting the requirements of the Federal motor vehicle safety standard numbered 213 (49 CFR 571.213).

"(f) The Secretary shall issue and publish in the Federal Register proposed regulations to carry out this section not later than 30 days after the date of enactment of this section. The Secretary shall allow public comment and hold public hearings on the proposed regulations to encourage maximum citizen participation. Final regulations to carry out this section shall be issued not later than 90 days after the date of enactment of this section.

"(g) There is authorized to be appropriated to carry out this section, out of the Highway Trust Fund, $25,000,000 for the fiscal years beginning after September 30, 1983, and ending before October 1, 1986. All provisions of chapter 1 of this title that are applicable to Federal-aid primary highway funds, other than provisions relating to the apportionment formula and provisions limiting the expenditure of such funds to Federal-aid systems, shall apply to the funds authorized to be appropriated to carry out this section, except as determined by the Secretary to be inconsistent with this section. Sums authorized by this subsection shall not be subject to any obligation limitation for State and community highway safety programs.

"(h) The Secretary shall conduct an annual evaluation, in consultation with the National Association of Governor's Highway Safety Representatives, of each eligible State's child passenger safety program to measure the effectiveness of such programs on child safety seat usage.".

(b) The analysis for chapter 4 of title 23, United States Code, is amended by adding at the end thereof the following:

"409. Child passenger safety programs.".●

GREEK INDEPENDENCE DAY

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1983

● Mr. SMITH of Florida. Mr. Speaker, today I join millions of others in cele-

brating the 162d anniversary of Greece's War of Independence. This day symbolizes the Greek 6-year struggle to restore a democratic tradition to their nation.

The United States will always be indebted to Greece in so many different ways. From establishing the first democratic republic to fighting the occupying Nazi forces in World War II, Americans owe the Greek people a great deal of gratitude for giving us both tradition and allegiance.

The band between Greece and the United States will always be strong, and today we salute the independence and freedom of our important friend and ally.●

GREEK INDEPENDENCE DAY

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1983

● Ms. FERRARO. Mr. Speaker, tomorrow Greeks throughout the world will commemorate the 162d anniversary of the Greek war of independence from the Ottoman Empire.

As we all know, it was Greek philosophers and statesmen who conceived the most important political idea ever developed—democracy. It was from this idea that our Founding Fathers formed the first modern democracy based on the beliefs and practices of these great people.

In Queens County, where my district is located, Greek-Americans have played a longstanding role in shaping the policies of local and Federal Government. In fact, the Hellenic community has been an important part of the long history of Queens County which is currently celebrating its tricentennial.

Greek Independence Day is a time of celebration and festivities. Many Greek-Americans, especially those in my district, will participate in independence day activities. The Federation of Hellenic Societies of Greater New York, located in Long Island City, organizes one of this Nation's largest Greek Independence Day parades. The parade this year will be held on Sunday, March 27. More than 25,000 Greeks and Greek supporters are expected to march while more than one-quarter million spectators cheer them on.

I have marched in this parade every year since being elected to the Congress in 1978. Unfortunately, this year I am going to miss the parade. I am delighted to report, however, that I will be enroute to Cyprus where I will be returning for my second visit.

The purpose of my visit is twofold. First, I want to see firsthand how Cyprus has coped with the difficult humanitarian and refugee problems stemming from the Turkish invasion and occupation in 1974.

Second, the Greek National Assembly has invited me to meet with President Kyprianou, Government leaders and the people of Cyprus. I will confer with these Cypriot leaders to get their thoughts on how this unfortunate partition might be resolved and what we in the Congress can do to help.

I look forward to a free and prosperous future for all Greek citizens and want to take this opportunity in honoring the Greek nation and people on their national holiday of independence.●

THE MONETARY FREEDOM ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. PAUL. Mr. Speaker, on January 25, 1983, I introduced H.R. 878, the Monetary Freedom Act, in order to restore some stability and freedom to our chaotic and regulated domestic monetary system.

This is not the first time I have submitted the bill. In the 97th Congress it was H.R. 391, and in the 96th Congress it was H.R. 7874. Since I first introduced the bill in 1980, our monetary situation has worsened, real interest rates continue at extremely high levels, the Federal Reserve is increasing the money supply at annual rates of 16 to 18 percent, and a major debt crisis threatens to collapse our international house of cards. Now, more than ever, a complete reform of our monetary system is imperative. H.R. 878 would accomplish such a reform were it enacted into law.

TITLE I

The first title of the bill provides for a complete assay, inventory, and audit of our gold reserves within 9 months of the bill's enactment. The complete examination of our reserves, which now total approximately 264 million ounces—the largest hoard of gold in the world—would be performed by the Secretary of the Treasury, and then doublechecked by an independent commercial auditing firm under contract with the General Accounting Office.

The Treasury Department is nearing completion of a 10-year audit that was begun in the mid-1970's to allay fears that some of the gold was missing. A 10-year audit, which also does not involve an assay, is a most unusual procedure. It is hardly likely that it would be able to detect any missing gold, should there be any. It seems strange that this enormously valuable asset should be treated so cavalierly by our Government.

TITLE II

The second title of the bill simply prohibits the sale of gold bullion unless such sales are specifically authorized by Congress. This would prevent the Treasury from holding surprise gold auctions as it did in the late 1970's. Such auctions would be incompatible with a deliberate and rational reform of our monetary system.

TITLE III

The third title of the bill would repeal three vestigial emergency powers that the Executive might use to seize privately owned gold. President Franklin Roosevelt used the Trading With the Enemy Act to order citizens to turn in their gold early in his first term and gave them paper notes in return. Such a massive theft must not be allowed to occur again.

This title also reaffirms the existing right of the people—a right guaranteed by the 9th and 10th amendments to the Constitution—to coin, trade, make contracts in, melt, hold, own, or use gold in any other legitimate manner.

TITLE IV

Title IV of the bill repeals all legal tender laws. Some explanation of the necessity for this is in order. First, it is necessary to be clear what legal tender laws do. They mandate, not simply what the Government will accept in payment of taxes, but what private creditors must accept in payment of debts. Thus, for example, 31 U.S.C. 392 provides that—

> All coins and currencies of the United States (including Federal Reserve notes and circulating notes of Federal Reserve banks and national banking associations), regardless of when coined or issued, shall be legal tender for all debts, public and private, public charges, taxes, duties, and dues.

Legal tender laws, by their nature, violate contractual relationships that specify payment in anything other than the Government-approved money. The ordinary law of contract is all that is necessary, so that if a debtor promises to pay 100 ounces of silver or 100 Federal Reserve notes, he is bound to pay that sum. But legal tender laws violate the ordinary law of contract and thereby undermine all contract and all developed economic relationships.

When gold and silver were the only money, people regarded legal tender laws as harmless, for the laws simply reaffirmed what the contracts said. But such laws allowed the Government to shift from gold and silver to paper and copper, and no one had any legal recourse.

Federal legal tender laws are unconstitutional. The Constitution forbids the States to make anything but gold and silver coin a tender in payment of debt, and it does not permit the Federal Government to make anything a legal tender. There is no constitutional

warrant for the words that appear on every Federal Reserve note: "This note is legal tender for all debts, public and private."

The first legal tender laws in the modern sense were not enacted at the Federal level until February 1862, when Congress passed the Legal Tender Act to insure the acceptance of the Lincoln greenbacks, the paper notes printed by the U.S. Treasury during the wartime emergency. That emergency has now lasted over 120 years.

TITLE V

The fifth title of the bill provides that: First, the Secretary of the Treasury shall redeem all Federal Reserve and U.S. notes in gold for a period of 1 year beginning 360 days after the bill's enactment; second, the money of account of the Government of the United States shall be the troy ounce of gold; third, the Secretary of the Treasury is directed to mint gold coins in three weights, 1 ounce, one-half ounce, and one-quarter ounce; and fourth, no further Federal Reserve and U.S. notes are to be issued.

The constitutional warrant for this title is article I, section 8, clause 5 which provides that—

The Congress shall have power . . . to coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures.

When the Founding Fathers wrote the Constitution in the summer of 1787, the paper money debacle of the previous decades was fresh in their minds. The paper notes—continentals, after the Continental Congress—gave rise to the popular phrase "not worth a Continental."

At the convention, opposition to paper money was strong. George Mason of Virginia said he had a "mortal hatred to paper money." Oliver Ellsworth of Connecticut thought the convention would be "a favorable moment to shut and bar the door against paper money." And shut and bar the door they did. The framers made their intention clear by using the verb "coin" rather than "print" or "issue" or the phrase "emit bills of credit." Thomas M. Cooley, a 19th-century authority on the Constitution, wrote that "To coin money is to stamp pieces of metal for use as a medium of exchange in commerce according to fixed standards of value."

In his explanation of the Constitution in the Federalist (No. 44), Madison referred to the

Pestilent effects of paper money on the necessary confidence between man and man, on the necessary confidence in the public councils, on the industry and morals of the people, and on the character of republican government.

His words have proved far too prophetic.

This view of money was well understood in the 19th century. Daniel Webster wrote:

If we understand, by currency, the legal money of the country, and that which constitutes a lawful tender for debts, and is that statute measure of value, then undoubtedly, nothing is included but gold and silver. Most unquestionably, *there is no legal tender, and there can be no legal tender in this country under the authority of this government or any other, but gold and silver,* either the coinage of our mints or foreign coins at rates regulated by Congress. *This is a constitutional principle, perfectly plain and of the very highest importance.* The states are expressly prohibited from making anything but gold and silver a tender in payment of debts, and although no such expressed prohibition is applied to Congress, yet as Congress has no power granted to it in this respect but to coin money and to regulate the value of foreign coins, *it clearly has no power to substitute paper or anything else for coin* as a tender in payment of debts in a discharge of contracts. . . .

The legal tender, therefore, the constitutional standard of value, is established and cannot be overthrown. *To overthrow it would shake the whole system.* (Emphasis added.)

In 1832, the Select Committee on Coins of the House of Representatives reported to the Congress that "the enlightened founders of our Constitution obviously contemplated that our currency should be composed of gold and silver coin. . . . The obvious intent and meaning of these special grants and restrictions [in the Constitution] was to secure permanently to the people of the United States a gold or silver currency, and to delegate to Congress every necessary authority to accomplish or perpetuate that beneficial institution."

The Select Committee stated its conclusion that "the losses and deprivation inflicted by experiments with paper currency, especially during the Revolution; the knowledge that similar attempts in other countries . . . were equally delusive, unsuccessful, and injurious; had likely produced the conviction [in the minds of the framers of the Constitution] that gold and silver alone could be relied upon as safe and effective money."

Twelve years later, in 1844, the House Committee on Ways and Means concluded:

The framers of the Constitution intended to avoid the paper money system. Especially did they intend to prevent Government paper from circulating as money, as had been practised during the Revolutionary War. The mischiefs of the various expedients that had been made were fresh in the public mind, and were said to have disgusted the respectable part of America. . . . The framers [of the Constitution] . . . designed to prevent the adoption of the paper system under any pretext or for any purpose whatsoever; and if it had not been supposed that such objection was effectively secured, in all probability the rejection of the Constitution might have followed.

Later in the century, Justice Stephen Field presciently wrote in the case Julliard against Greenman (1884):

There have been times within the memory of all of us when the legal tender notes of the United States were not exchangeable for more than half of their nominal value. The possibility of such depreciation will always attend paper money. This inborn infirmity, no mere legislative declaration can cure. If Congress has the power to make the [paper] notes legal tender and to pass as money or its equivalent, why should not a sufficient amount be used to pay the bonds of the United States as they mature? Why pay interest on the millions of dollars of bonds now due when Congress can in one day make the money to pay the principal; and why should there be any restraint upon unlimited appropriations by the government for all imaginary schemes of public improvement if the printing press can furnish the money that is needed for them?

Justice Field's fears have proven all too well founded. We are in the process of increasing our national debt by $1 trillion in a period of 4 years. What restraint is there on "unlimited appropriations by the government for all imaginary schemes of public improvement" since the printing press can furnish all the money necessary? It is imperative that our present paper system be replaced with the constitutional system outlined by the Founders.

TITLE VI

The sixth title of the bill provides for the complete deregulation of the financial sector of our economy except for the rule that all persons who make a promise to pay a sum of money on demand shall keep sufficient money in their possession to execute that promise.

Like all other aspects of our economy, the financial sector is heavily regulated and subsidized. These regulations have led to some undersirable, but predictable results. There is, for example, the Minneapolis-Moscow effect, which results from the Glass-Steagall Act prohibiting interstate branching. Chase Manhattan, as a result, is unable to open a branch in Minneapolis, but has opened one in Moscow. To take another example, regulation Q, which has kept controls on domestic interest rates depositors may earn, has contributed to the flight of capital overseas, where there are no such limitations. It is only because domestic rates have been partially deregulated in the past few years that more investors are putting money in domestic markets: Regulation Q, as well as other factors, is responsible for the growth of the Eurodollar market.

There are other functions now provided by Government agencies—such as clearing checks and insuring deposits—that would be more efficiently and safely done by private organizations. Title IV would allow such institutions to emerge by eliminating the regulations that stifle their growth.

TITLES VII AND VIII

The final two titles of the bill simply outline a rule for the judicial interpretation of the bill, and name an effective date for the bill. I would hope that this Congress could be persuaded to reform our present monetary system before it leads to a devastating financial collapse. H.R. 878 contains the plan for such a reform to restore a constitutional monetary system.●

AN OUTSTANDING CITIZEN

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. ASPIN. Mr. Speaker, I would like to call your attention to a remarkably dedicated woman who has been an outstanding example of a citizen committed to the democratic process.

Mrs. Anna Miller, from Racine, Wis., has been a Democratic pollworker for 52 years. She started in 1931 when the first polling place was located in a barn and heated by a potbelly stove. The barn has since given way to a service station. Mrs. Miller moved on with the polling station to the schoolhouse, which, to this day, still holds the voting booths during elections.

I bring this up because we are seeing a lot of dissatisfaction and disinterest in Government due to the frustration of many citizens. There are many who do not even bother to register to vote. Mrs. Miller should stand as an example to these people. She will be celebrating her 90th birthday on April 24. During these 90 years she has seen this country evolve—with fewer barns and many more service stations, for example—and she has always been a loyal, hardworking, and patriotic citizen. Any person who has lived through the Great Depression and two world wars and maintains her strong commitment to the democratic process the way Mrs. Miller has, deserves the recognition of her fellow Americans.

All who have had the privilege to know this remarkable woman can speak of her with great pride. The community in which she lives will be celebrating her birthday along with her children, grandchildren, and all others she holds dear. It is an honor to be able to salute Mrs. Miller on this very special occasion and to give her a special show of thanks and appreciation for her excellent work and outstanding performance as a pollworker.●

DENVER POST FOCUS ON EPA

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mrs. SCHROEDER. Mr. Speaker, the Denver Post today ran a lengthy editorial, "Conflict of Interest in EPA," which I would like to share with my colleagues.

The article follows:

[From the Denver Post, Mar. 22, 1983]

CONFLICT OF INTEREST IN EPA

A disturbing new twist has surfaced in the investigation by the EPA's inspector general into conflict-of-interest charges against James Sanderson. A Denver attorney, Sanderson is the former high-level consultant to ex-EPA Administrator Anne Burford and President Reagan's one-time choice to be one of her top assistants.

The information shows that Burford kept Sanderson on the Environmental Protection Agency payroll even after Inspector General Matthew Novick informed her that evidence he gathered "could prove troublesome or embarrassing" to EPA.

It shows also that Novick—whose office is EPA's independent investigative arm—apparently didn't share that evidence with the White House and failed to inform appropriate members of Congress of it. That raises a serious question about who he was serving—the public or Burford and Sanderson?

Sanderson's involvement is but one small chapter in the lengthening record of EPA's troubles which involve allegations of mismanagement, political manipulation and conflict of interests.

But it is important in that the way it was handled—or, more accurately, mishandled—epitomizes failures in the performance of a federal agency entusted with protecting the nation's environment and the public's health. EPA must perform in a way that maintains complete public confidence. This, the evidence shows, was not the case.

On Jan. 7, 1982, one week after Reagan nominated Sanderson for EPA's No. 3 job, Rep. Pat Schroeder, asked Novick to investigate allegations that Sanderson misused his position by representing private legal clients on matters linked to EPA at the same time he was working at EPA.

The key charge against Sanderson was that he ordered EPA Region 8 Administrator Steve Durham not to approve water-quality standards for parts of the Upper Colorado River Basin. He did this, it was alleged, to benefit some of his clients who wanted the standards weakened.

On April 14, 1982, Novick submitted his confidential investigative report on Sanderson to the Justice Department. On April 20, he sent copies to Fred Fielding, counsel to the president, Burford, Schroeder and certain other members of Congress.

In a brief cover letter to Fielding, Novick wrote: "Because this report was intended for presentation to the Justice Department it contains no conclusions or opinions; nor does it directly address itself to the question of appearance of conflict of interest although the evidence gathered could be used to make that determination." In a similar letter to Schroeder. Novick said the report didn't address the conflict issue "as this is a non-criminal question."

However, Novick's cover letter to Burford—which surfaced only recently—differs substantially. In it, Novick wrote: "There are numerous areas of interest in the evidence gathered that could prove troublesome or embarrassing to the Agency should someone choose to make them an issue. The following areas are identified for your convenience."

Some excerpts follow:

Sanderson's attorney, Paul Cooper, acknowledges it is possible Sanderson used his EPA staff to schedule meetings with clients and may have used a government car for personal business. However, he asserts this is a common practice that goes with Sanderson's rank.

In Sanderson's case, timekeeping procedures were virtually non-existent. On five occasions, he was paid for days he didn't work.

There exists an unresolvable conflict in testimony between Durham and David Standly, James Thompson and Gene Lucero. All three men said Durham told them his decision not to approve the Colorado water standards and stream classifications was out of his hands as he was following instructions from headquarters. Durham denies having said this.

(Standly then was water division director, Thompson was counsel and Lucero was deputy administrator for Region 3.)

Thompson said Durham's change of mind regarding approval of the Colorado water standards coincided with a telephone call Durham received from Sanderson. Both Durham and Sanderson denied the allegation that Sanderson directed Durham to withhold approval of the standards.

Durham's change in position regarding approval of the Colorado water standards coincides with a conversation Thompson had with William Pederson, attorney, EPA Office of General Counsel. Pederson told Thompson he received a call from Sanderson as a private attorney, inquiring about the options a regional administrator would have on the Colorado water quality standards. The options Pederson gave Sanderson were the same options Durham said he had after the alleged call from Sanderson.

In Pederson's testimony, he relates how he and EPA General Counsel Robert Perry and Thompson all agreed they had no concern about a possible conflict of interest on Sanderson's part because Colorado had withdrawn its submission of the standards. This was a faulty premise, as the state had not withdrawn its submission.

Sanderson acted as a conduit for (former) Colorado Senate President Fred Anderson, to obtain legal advice from EPA's Office of General Counsel on Proposed Colorado Senate Bill 10. Frank Taylor, director of the Colorado Department of Health, testified that Sanderson saw him in May as a private attorney representing the Adolph Coors Co. and tried to influence him regarding S.B. 10.

(S.B. 10, supported by the regulated industry and passed in 1981, establishes "economic reasonableness" as a criterion that must be applied, among other things, to state water-quality standards. The Colorado Water Quality Control Commission, a Health Department agency, had to promulgate regulations to implement S.B. 10. Sanderson, some of whose private legal clients favored S.B. 10, was employed as an EPA consultant when he met with Taylor).

Finally, the investigation shows that, although it is legally permissable. Sanderson frequently did work for clients on days he was employed at EPA. He claimed that on those days he worked 10 to 14 hours. He also claimed he worked more than 24 days of

two hours or more at EPA without compensation. This could be viewed as an attempt to avoid legal restrictions imposed after 60 days of employment. Then, an employee has a conflict of interest if he represents a client who had a matter pending before EPA. If he worked less than 60 days, he must have been involved personally and substantively in the matter as an EPA employee to be in violation. Also, after 60 days a financial disclosure statement is required.

The disparity between the letters Novick sent to Burford and the other officials confirms the public's worst suspicions about how government operates.

Why, it must be asked, did Novick omit potentially embarrassing evidence against Sanderson in his letters to the White House, certain members of Congress and, possibly, the Justice Department? More importantly, why did Novick, whose probe of Sanderson was shoddy at best, fail to investigate further the potentially "troublesome" and "embarrassing" evidence uncovered, which clearly suggests Sanderson did have conflicts of interest?

In June 1982, with the conflict-of-interest case against him cooling on the Justice Department's back burner, Sanderson withdrew his name for the No. 3 EPA job and returned to Denver.

Early this year, Sanderson's name resurfaced in connection with EPA decisions on hazardous-waste disposal that may have benefited a client of his. Today, even after Burford's and Novick's resignations, conflict-of-interest charges against Sanderson remain at the heart of the EPA controversy.

The reason is obvious. Sanderson's, Burford's, Novick's—and, by extension, the Reagan administration's—cavalier attitude toward the appearance of conflict of interest has offended public sensibilities in the basest way. Fifteen months after the Sanderson probe was initiated, the public still awaits the outcome.●

THE "DEEPWATER PORT ACT AMENDMENTS OF 1983"

HON. JOHN B. BREAUX

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. BREAUX. Mr. Speaker, I am introducing, together with all the members of the Louisiana House Delegation, the "Deepwater Port Act Amendments of 1983." The purpose for seeking the amendments is twofold: First, to reflect and adjust to the different economic and market environment which has evolved since original enactment of the law in 1974, and second, to permit a deepwater port to operate in a much less restrictive environment, with the ability to be more responsive to the marketplace.

The current act is overly restrictive. It hampers a deepwater port's ability to respond, with spontaneity and flexibility, to varying market conditions.

The amendments propose changes which would strike an economic balance in the deepwater port law. Affected would be provisions governing licensing, regulatory review, rate setting authority, common carrier obligations, liability, insurance, and jurisdiction.

These proposed changes enhance competition, which ultimately benefits the deepwater port licensee, the shipper, and the consumer. Market forces, not Government regulation, will determine prices and practices.

Nearly a decade has passed since the 1974 legislation was enacted. What Congress drafted at that time was a pioneering and landmark statute.

A number of the law's provisions were approved in anticipation of circumstances and events which have not, almost 10 years later, transpired. As a result, regulations are in effect which are unnecessary to address today's market and operations for a deepwater port. It is necessary that the law be revised to allow any deepwater to function more realistically in the marketplace, without any unnecessary restrictions placed on it.●

IN SUPPORT OF A DEFENSE THAT WORKS

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. FLORIO. Mr. Speaker, I would like to take this opportunity to commend and support my colleague, Senator GARY HART, and his proposal for defense spending entitled: "A Military Reform Defense Budget for Fiscal Year 1984."

I believe that one substantial step toward a stronger defense would be achieved by cutting procurement expenditures and increasing expenditures on readiness and retention. Retention of our most valuable asset, our military personnel, should not be an issue frozen in the politics of the Pentagon.

In recent years, I have begun to wonder what our national defensive plan is. We cannot continue to build and buy everything the Secretary of Defense wants. As a lieutenant commander in the Naval Reserve, I see the need to have a defensive capability that works. I am therefore giving notice as to my support for the military reform movement, and its participation in the debate over defense spending and our future defensive capabilities.

I call on my colleagues in the House to support Senator HART and me along with others in this effort. I will soon offer a number of proposals to assist in this effort.●

MINORITY TELECOMMUNICATIONS OWNERSHIP TAX ACT OF 1983

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. LELAND. Mr. Speaker, I am pleased to introduce today in conjunction with Mr. RANGEL and several of our colleagues the Minority Telecommunications Ownership Tax Act of 1983. This legislation will broaden opportunities for minority ownership and involvement in the telecommunications industry by providing tax incentives to stimulate investment in minority firms and to encourage sales to minority buyers.

I urge my colleagues to consider sponsoring this bill, and to join in working to make sure this measure becomes law this year.

At this point, I would like to insert into the RECORD a fact sheet and question and answers that further describe this legislation. Here follows that material:

MINORITY OWNERSHIP LEGISLATION

FACT SHEET

On December 2, 1982, the Federal Communications Commission adopted a number of items to increase minority ownership opportunities in telecommunications. These items included two legislative proposals to expand sources for financing increased minority ownership of broadcasting, cable, and common carrier properties:

1. *Investment Credit Amendment.* The first legislative proposal amends § 48(c)(2) of the Internal Revenue Code to raise to a maximum of $500,000 the investment credit a taxpayer can claim against tax liability for purchase of qualified, used telecommunications property. This amendment would be triggered solely where the transfer of a telecommunications property would effectuate Commission policy, as then a minority-owned or controlled firm purchases directly, or through a limited partnership, an existing telecommunications property. Adoption of this amendment would allow increased investment credit only in those limited cases where ownership or control of a telecommunications property is transferred and the Commission certifies that the transfer effectuates its minority or other ownership policies such as those regarding cross-ownership. By allowing for a more substantial investment credit to be passed on to investors, this limited scale proposal will make the investment credit for purchase of used property a more effective financing tool for minority buyers to use in attracting investment capital to purchase operating telecommunications properties, especially existing cable television systems.

2. *Tax Certificate Amendment.* The second legislative proposal amends § 1071(a) of the Internal Revenue Code which currently authorizes the FCC to grant tax certificates to sellers deferring taxation of their capital gains when they sell broadcast properties to minority buyers. Under this authority, the Commission since 1978 has granted 55 tax certificates to encourage minority ownership of broadcasting facilities. This figure

represents over 30 percent of all commercial, minority-owned radio and television stations. The legislative proposal would amend § 1071(a) to authorize similar tax certificates for sales to minorities of expanding non-broadcast properties, including cellular radio, multipoint distribution systems, specialized mobile radio systems, and other private land mobile and common carrier systems.

A bipartisan FCC adopted these two legislative proposals on the recommendation of a distinguished advisory committee composed of leaders in finance and telecommunications and chaired by FCC Commissioner Henry M. Rivera. Charged with exploring ways of expanding financial sources for minority entrepreneurs, the Advisory Committee on Alternative Financing for Minority Opportunities in Telecommunications concluded that the lack of adequate financing remains the "single greatest obstacle" to minority ownership of telecommunications facilities. In a 55-page report released in May 1982, the advisory committee therefore recommended a number of financing mechanisms to ease minority entry into the telecommunications marketplace, including the two legislative proposals.

The proposed legislation carries forward a long-standing FCC commitment to redress significant minority underrepresentation in the ownership of telecommunications properties. Although they constitute approximately 30 percent of the population, racial and ethnic minorities, as of November 1982, own less than 1.7 percent or 171 of the 10,134 commercial radio and television stations. They own approximately 20 cable television companies, which account for only 44 franchises in the country, less than one-third of one percent of the estimated 15,647 cable franchises. More limited data is available about minority ownership of radio common carriers. However, the extent of such ownership is believed to be negligible.

As tax incentive devices to stimulate investment in minority firms and to encourage sales to minority buyers, the investment credit and tax certificate legislative proposals should help—

Increase scarce equity capital for minority buyers;

Increase the number and diversity of telecommunications facilities available for minority purchase;

Encourage increased private sector investment in minority-owned business, in preference to government programs, loans or grants;

Expand minority job opportunities in telecommunications; and by creating more minority-owned firms and jobs,

Raise tax revenues through an expanded minority and national tax base.

Finally, the costs of the two legislative proposals are likely to be minimal and may be offset by possible revenue gains.

QUESTIONS AND ANSWERS

Background

Question 1. What is the extent of minority ownership of telecommunications properties?

Answer. It is not extensive. Minorities are defined as "blacks, Hispanic, American Indian, Alaskan Native, Asian and Pacific Islander." See P.L. 97-259, "Communications Act Amendments of 1982", § 309(i)(3)(C)(ii). They constitute approximately 30 percent of the population, yet they own less than 2 percent of the over 10,000 commercial radio and TV stations, less than one-third of one percent of the over 15,000 cable TV franchises, and a negligible amount of common carrier property.

Question 2. Why is minority ownership of telecommunications so low?

Answer. There are a number of reasons but a chief one and, according to an FCC advisory committee, "the single greatest obstacle" to minority ownership of telecommunications, is lack of adequate financing and investment capital.

Question 3. What has the FCC done to remedy this problem?

Answer. The FCC has long been concerned with the significant underrepresentation of minorities in the telecommunications marketplace. In 1978, for example, the Commission issued a Statement of Policy on Minority Ownership of Broadcasting Facilities, 68 FCC 2d 979 (1978). Pursuant to this policy statement, the FCC since 1978 has issued over 55 tax certificates to sellers of broadcast properties to minorities. These certificates defer taxation on the seller's capital gain, if any. Over 30 percent of current minority broadcast ownership has resulted from this policy.

Still concerned with the problem, the Commission, under Chairman Mark Fowler, established in September 1981 an Advisory Committee on Alternative Financing for Minority Opportunities in Telecommunications. The Committee, composed of distinguished leaders in finance and telecommunications, and chaired by FCC Commissioner Henry M. Rivera, was charged with recommending ways to increase sources for financing minority ownership of telecommunications facilities.

Question 4. What did the Advisory Committee recommend?

Answer. The Advisory Committee made a number of recommendations, including revisions of internal FCC policies and rules and two amendments to the Internal Revenue Code. None of these recommendations called for new government programs or increased government spending to finance the acquisition of telecommunications properties by minorities. Instead, the Advisory Committee recommended the pooling of existing private and public resources, increased managerial and technical assistance to minority entrepreneurs seeking to purchase telecommunications properties, and revisions of restrictive FCC policies and tax laws inhibiting minority acquisition of such properties.

Question 5. What action did the Commission take on these recommendations?

Answer. On December 2, 1982, the Commission adopted all of the Advisory Committee's recommendations, including two legislative proposals.

Legislative proposals

Investment Tax Credit Amendment (26 U.S.C. § 48(c)(2)).

Question 1. What is the Commission's investment tax credit proposal and what is it designed to accomplish?

Answer. The ITC proposal would raise in certain limited circumstances to a maximum amount of $500,000 the investment credit a taxpayer can claim against tax liability for purchase of qualified, used telecommunications property. The proposal is designed primarily to facilitate minority access to investment capital for the purchase of existing telecommunications properties, especially small-to-medium size cable systems.

Question 2. Would the proposed amendment raise the used property limit across the board?

Answer. No. The ceiling would be increased only in those limited circumstances where ownership or control of a telecommunications property is transferred and the Commission certifies the transfer effectuates its minority or other ownership policies. By limiting the increase in the used property ceiling to such circumstances, the adverse impact on tax revenue would be precluded which would occur if this used property cost ceiling were raised across the board. Moreover, the proposed Commission certification is viewed as necessary in order to assure some kind of enabling device to trigger the ITC benefit mechanism for minority entrepreneurs.

Question 3. Why raise the limit only on "used" property?

Answer. First, there is no current limit on the value of "new" property for purposes of calculating the investment tax credit. Second, the emphasis on "used" property reflects findings of the Commission's Advisory Committee and the House Committee on Small Business that greater opportunity for minority ownership lies in the acquisition of existing telecommunications properties, especially of operating cable systems, rather than of new properties which require greater financial, managerial and technical resources.

Question 4. How was the proposed $5 million limit selected?

Answer. The proposed $5 million ceiling on used property was selected because the ITC legislative proposal is designed primarily to facilitate minority purchase of small-to-medium size, existing cable television systems. With such systems on average selling from under $1 million to $10 million, the purchase price of such systems, 50 percent of which typically can be allocated to tangible equipment assets, comes up to our under the $5 million ceiling. This figure is therefore sufficient in most cases to cover all ITC-eligible assets of small-to-medium size cable systems costing up to $10 million.

The ITC proposal will have a bigger relative effect on the minority purchase of cable rather than broadcasting or common carrier facilities because cable assets eligible for the ITC are on average a greater relative percentage of the purchase price than broadcast or common carrier assets are of their respective purchase prices.

Finally, raising the used property ceiling solely in these circumstances to a substantial amount such as $5 million, allowing a maximum 10 percent investment credit of $500,000, will more likely assure that an initiative designed to assist minority entrepreneurs gain access to capital and thereby gain entry to the telecommunications marketplace will succeed. For as the Advisory Committee noted, "there is a necessary correlation between a regulatory policy advocating increased minority ownership and the creation of meaningful incentives to promote that end."

Question 5. What would be the costs of this ITC amendment?

Answer. The costs of the ITC legislative proposal would include the possible administrative costs the Commission might incur in the implementation of the proposed ITC certification process and the reduction of United States tax revenue. Administrative costs would result from staff salaries and any additional recordkeeping or reporting requirements necessitated by the proposed certification. Based on the Commission's experience with the tax certificate program to support minority broadcasting ownership, however, these costs would appear to be minimal and outweighed by the apparent benefits of the proposal.

The effect on tax revenues would also appear to be marginal as well as partly offset by a potentially larger revenue base among minority entrepreneurs (assuming the total national income would thereby be increased because of the proposal), and reduced net depreciation deductions explained in a briefing paper available from the Commission. In the words of the Advisory Committee report, the impact of the proposed change in the investment tax credit on the overall federal budget, "even if wildly successful, would be minimal."

A Commission cost estimate on the investment credit proposal has found that if minority broadcast and cable ownership is increased to a total of 10% over a 10 year period, the annual cost in reduced tax revenues would be approximately $20 million a year, only $10 million if minority ownership increases to 5%.

Tax Certificate Amendment (26 U.S.C. § 1071(a))

Question 1. What is the Commission's tax certificate proposal and what is it designed to accomplish?

Answer. The tax certificate proposal would expand the FCC's existing statutory authority to grant sellers tax certificates deferring taxation on any capital gains from their sales when they sell broadcast properties to minority buyers. The proposed amendment would authorized the Commission to adopt a policy allowing tax certificates for sale of non-broadcast properties to minority buyers. These properties would include cellular radio, multipoint distribution systems, specialized mobile radio systems, and other private land mobile and common carrier systems.

Question 2. How effective has the Commission's current tax certificate authority been in increasing minority ownership of broadcasting facilities?

Answer. Very effective. Since 1978, for example, when it issued a policy statement pursuant to its tax certificate authority, encouraging minority ownership of broadcasting facilities, the Commission has granted 55 tax certificates representing over 30 percent of all minority-owned commercial radio and TV stations.

Question 3. Why is it necessary to amend § 1071(a) so that the Commission may grant tax certificates for sales of nonbroadcast properties to minority buyers?

Answer. It is necessary because § 1071(a) as currently worded restricts Commission authority to issue tax certificates solely for sale to minorities of broadcast and ancillary services such as cable television systems which retransmit broadcast signals.

Question 4. Why is the proposed tax certificate amendment worded so as to affect "ownership and control of systems of communication by wire or radio (including policies promoting diversification of ownership of such systems)"?

Answer. By using the term "wire or radio", the amended § 1071(a) would authorize the Commission to adopt a policy statement allowing tax certificates for sale of nonbroadcast "wire" systems of communications, as well as broadcast "radio" systems, including over-the-air radio and television and ancillary cable television systems. Authorizing the FCC to adopt policies "promoting diversification of ownership" of nonbroadcast telecommunication facilities as an end in and of itself is necessary because the Commission's minority ownership initiatives to date have been premised on the jurisdictional nexus between diversity of ownership and diversity of available viewpoints. Thus, they have run only to broadcast and cable television facilities where such a nexus exists rather than to common carrier facilities where such a nexus is not present. The amending language is therefore viewed to be necessary since it is the Commission's judgment that the adoption of policies designed to increase minority ownership in the absence of any nexus with program diversity would exceed current FCC jurisdiction under the Communications Act of 1934. See in this regard *National Association for the Advancement of Colored People* v. *Federal Power Commission*, 425 U.S. 662 (1979).

Question 5. What would be the costs of this tax certificate amendment?

Answer. As with the costs of the proposed investment credit amendment, the costs of the tax certificate amendment would likely be minimal. For example, the FCC has documented that its costs for administration of the current tax certificate program for broadcasting facilities have been very marginal. Moreover, the tax certificate authority only authorizes a deferral, not elimination, of taxes on the seller's capital gain. Any cost to the Treasury incurred as a result of the proposed tax certificate amendment could thus be minimized and offset by ultimate tax revenues realized on the seller's capital gain.

For more information, please contact Stephen Klitzman, FCC Office of General Counsel, 632-6405.●

WON PAT WILL SUPPORT PRESIDENT'S DEFENSE BUDGET

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. WON PAT. Mr. Speaker, I listened last night with great interest to what President Ronald Reagan has to say about the condition of our defense system. He was right in many areas. We have let our military strength become dissipated and there is a very strong need to correct the inadequacies of prior years with a strong commitment to a program that will revitalize our national defense system and preserve our freedom and liberty.

I realize that we are now engaged in a battle of guns versus butter. Certainly my own constituents on Guam have been caught up on this battle. I do not support most of what the President has done to slash spending in social programs. But I must state that with some minor reservations, I have every intention of carefully reviewing the President's proposal for a new, high technology approach to our defense system and offering my vote whenever and wherever possible consistent with the best interests of our Nation.

As a member of the Subcommittee on Research and Development in the House Armed Services Committee, in recent weeks, I have learned much about the status of weapons research and the nature of the threat which faces this country. Like it or not, the Soviets are gaining the upper hand in strategic terms. They are spending much, much more than the United States for weapons research and development. And they are not holding back when it comes to fielding an offensive nuclear system second to none.

The President hit the nail right on the head when he said that we cannot afford to let the Soviets take the lead. The main point in the favor of the United States is our technological superiority. Lose this and we may well have lost the real race—the effort to bring democracy to the human race. Having given my support for this effort, however, let me also assure my colleagues and fellow citizens of this great Nation that I will not cast a vote for any program which has not been soundly thought out. We have to constrain spending and the Department of Defense will have to bear its fair share of the economic burdens facing us all. But no price is too great to pay for freedom and this too is a price I believe the American people are ready and willing to bear as I am.●

PASSOVER: A CELEBRATION OF FREEDOM

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. SOLARZ. Mr. Speaker, at sundown next Monday, Jews throughout the world will observe the beginning of the feast of Pesach, the over 3,000 year old celebration of the escape of the people of Israel from the cruel tyranny and oppression of an ancient Pharaoh.

The highlight of the Passover holiday is the seder, a combination family banquet and religious service that brings family and friends together to commemorate the suffering of our forefathers in slavery and their final deliverance to freedom.

On the seder table will be dishes rich in symbolism—the bitter herbs representing the bitterness of slavery; a bone and an egg, a symbol of the offerings brought to the temple; haroset, a mixture of chopped nuts, apples, cinnamon, and wine which recalls the clay which the ancient Israelites formed into bricks for the Pharaoh. A special unleavened bread, matzah, will be eaten at the seder and throughout the week of Passover as a constant reminder of the haste with which the people of Israel had to flee from Egypt.

Readings, songs, and prayers from the Haggadah will be used to retell the story of the suffering and pain of slavery and of the exodus which eventually brought our people to freedom.

One of the first prayers read from the Haggadah beautifully summarizes for me the meaning of Passover:

This is the bread of affliction that our fathers ate in the land of Egypt. All who are hungry, let them come and eat; all who are needy, let them come and celebrate Passover with us. Now we are here: next year may we be in Israel. Now we are slaves: in the year ahead may we be free men.

Mr. Speaker, those of us fortunate enough to live in the United States are able to fully enjoy the meaning of Passover, since freedom is the very keystone of our national heritage. May the celebration of this holiday continue as a message of hope and inspiration for all those who, like the ancient Israelites, still yearn to be free.●

A TRIBUTE TO PATRICK J. ROMA PALISADES PARK UNICO "MAN OF THE YEAR"

HON. FRANK J. GUARINI
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. GUARINI. Mr. Speaker, I am pleased to rise this afternoon reporting the designation of Patrick J. Roma, Esq., as "Man of the Year" for the Palisades Park Chapter of UNICO National.

He will be honored at the 10th annual charity ball to be held on March 26 at the Wayne Manor, where several hundred friends and members of his family will extend their congratulations regarding this most cherished award.

Counselor Roma indeed is an excellent example of "service above self" which is the motto of UNICO National, which seeks to build better communities through the interest, activity and unselfish loyalty of its members. A nationwide organization, it is patterned after similar clubs such as the Lions and the Kiwanis. Its only difference is that it is composed largely of Americans of Italian origin.

Through their community concern activities honoring the common brotherhood and unity of man, the development of service, expressing genuine love for their neighbor, UNICO spells out:

U—Unity
N—Neighborliness
I—Integrity
C—Charity
O—Opportunity

They echo the words of Edward Markham, who said:

The crest and crowning of all good,
Life's final star, is Brotherhood.

The principal speaker at the tribute to Pat Roma is the Honorable John J. Cariddi, judge of the Superior Court of New Jersey, of Bergen County, as well as Mr. Anthony Gaglioti, first vice president of UNICO National.

Pat Roma has been admitted to the bar in New Jersey, New York, Florida, and the District of Columbia. He is authorized to practice before the U.S. Supreme Court; Third Circuit Court of Appeals and U.S. Tax Court.

He is a member of the American Bar Association, member of Criminal Law, Family Law, and Estate Planning Committees; New Jersey State Bar Association; Bergen, Hudson, Essex, and Passaic County Bar Associations; Florida State Bar Association; American Trial Lawyers Association; Estate Planning Council of Hudson County; North Hudson Lawyer's Club, and Matrimonial Early Settlement Program of Hudson County; member of Palisades Park representative Mount Carmel Guild Citizen's Advisory Board, Bergen County; UNICO National, President Palisades Park Chapter—voted "Most Outstanding Chapter in Country" 1980 and 1981; voted "Most Outstanding President" 1980 and 1981; First Deputy District Governor 1980 and 1981; National Director of Membership and Retention (National Elective Position) 1980 and 1981; Vice Chairman Environmental Commission and Recycling Commission, Palisades Park, 1980, Knights of Columbus, Palisades Park; VFW Post No. 4365, Palisades Park; Order of the Alhambra, Palisades Park; Boys Town of Italy; Leonardo da Vinci Society.

Roma received his L.L.M. degree in September 1981 from New York University School of Law; M.B.A. degree in May 1982 from Fairleigh Dickinson University; and J.D. degree in May 1975 from Cumberland School of Law, Samford University, Birmingham, Ala., where he was on the dean's list; awarded annual scholarship; elected to Who's Who in America Universities and Colleges.

He was active in student affairs and law student programs in all the institutions of higher learning he attended.

In 1971 he was awarded a B.A. degree from Seton Hall University where he majored in economics.

His activity with UNICO has been most active and productive. On a local level he was elected 1st vice president 1979; president 1980 to present; winner of Most Outstanding Chapter Award 1980 and 1981; member of all committees; at the district level he was delegate from 1979 to present; cochariman Cooley's Anemia Drive 1980—raising $18,000; First Deputy District Governor 1980 to present; chairman of publicity and membership and retention from 1980 to present. On a national level he was membership and retention director for 1980 and 1981—14 percent increase in membership for 1980—National Earthquake Chairman 1980-81; 1980 member Advertising, Mergers and Vince Lombardi Committees; 1981 member of magazine, Vince Lombardi, Merger and Affiliations Committees; 1984 convention site committee, and serving as general counsel, UNICO National since July 1982.

Pat Roma serves as prosecutor for the Borough of Palisades Park, N.J., as well as school board attorney in that community. He is a member in the law firm of Friedman, Pearlman & Roma with offices in Jersey City.

In 1975 he served as a consultant for the Big Brothers of Great Birmingham. In that community he served as vice president of the Cumberland Student Bar Association where he was awarded an annual scholarship.

Perhaps the Palisades Park Chapter of UNICO receiving the Most Outstanding Award by UNICO while Pat served as president in 1980, 1981, and 1982 is unique.

The thrust of UNICO National is well known. They have assisted many local charities, recognized many individual achievements, sponsored mental health programs, taken an active interest in boys' clubs and sports programs. They have also been involved in the great rebuilding efforts as an aftermath of the 1980 Italian earthquake.

No doubt Unicons related the earthquake to Dante's "Inferno, Canto III" which reads:

The dusky champaign trembled so violently that the remembrance of my terror bathes me still with sweat. The tearful ground gave out wind, which flashed forth a crimson light that conquered all my senses.

Members of UNICO remember that nature has endowed Italy with astonishing beauty with its breathtaking mountains, seas and sun, but they also know how cruel nature can be, inflicting violence on parts of the Italian peninsula—their ancient heritage. Unselfishly, Unicons assisted other groups in raising millions of dollars through their charity to help restore the morale and unity of devastated villages and towns. They matched their charity, their hearts and minds, reflecting on Psalm 91:

You shall not fear the terror of the night
nor the arrow that flies by day;
Not the pestilence that roams in darkness
nor the devastating plague at noon.
Though a thousand fall at your side, ten
thousand at your right side, near you
it shall not come.

In my community of Jersey City UNICO has built a lovely housing development for the elderly and the handicapped which it administers in a compassionate and efficient manner, where they provide activities for the tenants because "we believe people are lonely because they built walls instead of bridges." UNICO works for peace, believing:

If there is righteousness in the heart, there
will be beauty in the character,
If there is beauty in the character, there
will be harmony in the home,
If there is harmony in the home, there will
be order in the nation,
If there is order in the nation, there will be
peace in the world.

Pat Roma, as an attorney, works for justice, as does UNICO. They both believe: "Man's capacity for justice makes democracy possible; but man's inclination to injustice makes democracy necessary."

They both echo that "Democracy means not 'I am equal to you' but 'You are equal to me.' "

It is my pleasure to have been affiliated with Pat Roma who has a valuable ally in his patient wife, Mary Anne, both working with UNICO helping to bring some happiness to many persons in need. They indeed prove that a smile is the same in any language. This message outlining excellent examples of service both here and abroad, echoes our beloved St. Francis of Assisi, who urged:

"Lord make me an instrument of Your peace . . .
Grant that I may not so much seek to be consoled as to console, to be loved as to love. For it is in giving that we receive . . . ."

I am sure my colleagues in the House of Representatives join me in this tribute to Pat Roma—public servant—community leader—lawyer—patriot and scholar—and the following advice to all members of UNICO National:

The real purpose of our existence is not to make a living, but to make a life—a worthy, well-rounded, useful life.
Do all the good you can
By all the means you can
In all the ways you can
In all the places you can
At all the times you can
To all the people you can
As long as ever you can.

Remember always that man's rank is his power to uplift.●

SUNRISE SUPPORTS ELDERLY MEALS FUNDING

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. SMITH of Florida. Mr. Speaker, continued funding for the elderly meals program means a great deal to the elderly who live in southern Florida.

Recently, the city council of Sunrise, Fla., in my district, adopted a resolution opposing the administration's proposed reduction in elderly meals funds.

For the benefit of my colleagues, the resolution follows:

RESOLUTION No. 83-41

A resolution of the city of Sunrise, Florida, opposing President Reagan's proposed 1984 Federal budget meal cut for the elderly poor; providing for an effective date

Whereas, it has been brought to the attention of the City Council that there is a proposed federal budget meal cut for the elderly poor under consideration for the 1984 fiscal year, and

Whereas, proposed federal budget for the fiscal year 1984 would reduce the number of meals by 83,465, with a funding cut of $230,856.00 for those elderly residents of Broward County.

Now, therefore, be it resolved by the City Council of the City of Sunrise, Florida:

Section 1: That the meals program is provided for under the Older Americans Act and provides for those sixty years of age and older who are in the greatest economic and social need. Studies indicate that a large portion of the population of South Florida depend on federal benefits for retirement, health care and elderly services.

Section 2: That the City Council of the City of Sunrise, Broward County is hereby opposed to any meal cut proposal since it would not be in the best interest of those needy and desiring citizens.

Section 3: A copy of this Resolution will be mailed to President Reagan, the United States Congressional Delegation, Broward County Legislative Delegation and members of the Senate and House of Representatives.

Section 4: This Resolution shall take effect immediately upon its passage.

Passed and adopted this 15th day of February, 1983.●

STUDY OF TRADE AND TARIFF BARRIERS

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. ST GERMAIN. Mr. Speaker, today, I am introducing a resolution requesting the President to direct the Secretary of State and the Secretary of Commerce to undertake a study regarding trade and tariff barriers with respect to international trade in services, and to report these findings along with recommendations for appropriate legislative and administrative actions as he considers advisable to the Congress no later than December 31, 1983.

Mr. Speaker, it is imperative that the United States continue to press for open negotiations on services trade. Last November, government representatives from the General Agreement in Tariffs and Trade (GATT) nations met in Geneva. A key issue on the agenda of their consideration involved developing how to install a GATT-type arrangement for services equal to that in place for manufactured goods.

As we all know, their effort was stillborn.

Yet, the desire to substitute some version of a multilateral agreement in this field of international commerce (in lieu of innumerable bilateral arrangements) lingers on, and for a number of very good reasons.

For example, citing the facts about the services sector for the six-State region of New England alone, one can point out the following:

The services sector in New England makes up over 60 percent of total employment. Services provide 4,000,000 jobs in the region.

Between 1975 and 1980, a 15 percent increase took place in services sector employment alone. That is a remarkable turn of events.

In the same 5-year period between 1975-80, in professional services alone, some 140,000 jobs were created.

Mr. Speaker, the record of development and growth in the services sector of the Nation's economy continues to reflect a very fundamental shift in our national economic pursuits. It is not that we are ceasing to be an industrial Nation for that is definitely not the case. What the shift does tell us, is that an increasingly large number of our citizens are now gainfully employed in providing services. It is also quite clear that international competition within this type of economic activity is on the increase, and that we ought to be about the business of eliminating obstacles to that competition, when and where it is possible to do so.

Mr. Speaker, we know a great deal about what must be done in this regard. It is my firm hope, however, that the President, through his designated agents in the Departments of State and Commerce, will provide us with a positive plan of action—no later than December 31, 1983—upon which we can act very early in the next session.

I invite the support of all my colleagues in seeking this goal.●

MR. PRESIDENT, TELL THE VETERANS IT IS NOT SO

HON. WILLIAM HILL BONER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. BONER of Tennessee. Mr. Speaker, earlier today, the chairman of the Veterans' Affairs Committee Mr. Montgomery, mentioned a working draft report by a Presidential task force that had urged transferring the functions of the Veterans' Administration to other agencies of the U.S. Government. There is an article by Pete Earley in today's Washington Post on this report.

The most amazing revelation to me, in this report, was the statement in the letter to the chairman of the task force, Mr. J. Peter Grace, which stated that, "in line with the general theme of the President, and the Commission, we started conceptually with the premise that the VA could be disbanded and its functions transferred to other agencies of the U.S. Government."

I certainly hope that this is not Presidential policy. To the contrary, I was under the impression that this administration was most supportive of veterans rights and benefits, and under its new Administrator, Mr.

Harry Walters, that every effort was being made to effectively carry out the laws and programs authorized by Congress for veterans and their dependents.

As a member of the Veterans' Affairs Committee in the two previous Congresses, I know the sensitivity of veterans and their families. I am sure they will have the same reaction that I had upon reading this statement, and that is utter disbelief. I certainly hope that the Commission will reject giving any serious consideration to disbanding the Veterans' Administration. More than that, I hope the President will repudiate that it is the theme of the President that the Veterans' Administration could be disbanded, and that he will reassure veterans and their families that it just is not so.●

IMMIGRATION: SOME NEW THOUGHTS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. PAUL. Mr. Speaker, the economic and social effects of immigration are perennially a subject of debate and controversy. Prof. Hans F. Sennholz, an eminent economist, has written an excellent essay examining the problems surrounding immigration, and the effects of our current immigration policy. This is an excellent, well-reasoned, thought-provoking article, and I recommend it highly to all who are interested in finding an equitable and workable solution to the shortcomings that plague our, current policy.

ILLEGAL ALIENS

(By Hans F. Sennholz)

With unemployment at chronically high rates in nearly all countries, it is not surprising that the number of explanations and interpretations is on the rise. In less developed countries, we are told, the high birth rates and population growth rates exceed the ability of agriculture and industry to absorb the new population, with the result of increasing unemployment. In the industrial countries, where the rates of growth of population are much lower, the explanations cover a wide spectrum from the Marxian exploitation doctrine to the Keynesian inadequate-spending theory. In the United States, the oldest explanation of them all is coming to the fore. Rooted in the fear and resentment of foreigners, many of whom are illiterate and poor, more and more Americans are pointing at the newcomers as the cause of their difficulties. Labor leaders, especially, are quick to vilify "the illegal aliens" for the chronic unemployment that is plaguing organized labor.

Their explanation is almost 300 years old. The descendants of the original English settlers used it, viewing with alarm the influx of Germans and Scotch-Irish. And they in turn later protested the arrival of southern and eastern Europeans.

Their intellectual descendants now are pointing at millions of "illegal aliens" from Latin America who are blamed for our high unemployment rates, for lowering our enviable wage rates, for corrupting our political and social institutions, and their reluctance to conform and "Americanize."

The estimate of some 8 million illegal aliens in the United States suggests a simply solution to our unemployment problem. Let us expel the 8 million aliens after we have inflicted appropriate punishment for illegal entry, and our chronic unemployment will cease to exist. Now every native American will cheerfully find his job.

In reality, unemployment is a cost phenomenon. There is always employment for anyone whose productivity exceeds his employment costs. And unemployment is awaiting anyone whose costs exceed his usefulness. This is true whether or not he is a citizen.

RENDERING USEFUL SERVICE

No one can possibly know how many illegal aliens actually have entered the United States. But we do know that they are earning a living through rendering services in agriculture, commerce, and industry. You may find them in the fruit orchards of California, Oregon, and Washington, on the farms and ranches of Arizona, Texas, Louisiana, and Mississippi, in the hotels and motels in our cities, and in other service industries from coast to coast. They are working because their services are useful and economical.

Eight million Americans are unemployed because their employment costs consisting of wages and social benefits exceed their usefulness. How would they become more productive and economical through expulsion of foreigners? Would a black teenager in New York City whose employment costs exceed $5 an hour (minimum wage $3.35 plus fringe benefits) and whose labor may be worth $1, find employment more easily after a Latin chambermaid at the Park Hotel had been arrested and deported? The expulsion of eight million foreigners would not vacate eight million jobs for deserving Americans. In fact, it is likely to create even more unemployment.

Productive alien employees cannot forcibly be replaced by native labor that inflicts losses on employers. They can be removed and deported, which would withdraw useful labor, restrict service and production, inflict losses on employers, and thus cause a contraction of economic activity. The hotel and motel industry, for instance, would be severely hampered in service and capacity. The fruit orchards would harvest less fruit, which would cause prices to rise and the industry to contract. And the American people would suffer a significant reduction of living standards through the loss of wholesome fruit in their diets.

Economists readily admit that in a stagnant economy the influx of new labor, native or foreign, tends to reduce wage rates. The given amount of capital is distributed over a greater number of workers, which reduces individual labor productivity and wage rates. But this admission does not apply to labor markets in which generous unemployment compensation, multiple benefits, and liberal foodstamps keep millions of workers from seeking employment. The institutional benefits that are creating the unemployment are not reduced when aliens illegally enter the United States.

NOT WELFARE RECIPIENTS

In constant fear of detection and deportation, few illegal aliens, if any, are seeking the social benefits that induce so many natives to prefer unemployment. There are no jobless benefits, no foodstamps, not even public assistance for illegal aliens. They live, and in many respects are like those old-fashioned Americans before the dawn of the New Deal and its redistribution programs.

While the fear of detection may prevent illegal aliens from collecting transfer benefits, it is more difficult to escape the taxes that are levied on labor. Surely, there are many who by arrangement with their employers pay neither income nor social security taxes. But this makes employers accomplices to illegal employment and tax evasion, which is a risk no large employer can possibly take. Therefore, it is likely that most illegal aliens suffer tax withholdings like anyone else. They are probably paying "their share" in the expenses of our social institutions.

And yet, illegal aliens stand accused of corrupting our political and social institutions, favoring political and social radicalism, agitating for more transfer programs, and so on. All of this may be true. But we wonder about the political and ideological dangers of a California fruitpicker or an Atlanta chambermaid who, in constant fear of detection and deportation, timidly inquires about membership in a labor union. Surely, every native newspaper publisher, editor, commentator, writer, or professor can be, and probably is, immeasurably more effective in propagating radical ideas than is an illiterate alien.

The illegal alien stands accused of refusing to conform and "Americanize." But he may be at a loss about the standard to which he is to conform and about the meaning of "Americanization." As there is no standard, and cannot be one in this nation of refugees from all corners of the world, he, the illegal alien from Latin America, must be acquitted of this charge. It must suffice that he conforms to the only standard of a civilized society, that he is a human being who was born with inalienable human rights.

The festering problem of illegal entry to the United States and the social agitation that is besieging an estimated 8 million illegal aliens concern us all. We must therefore reject old fallacies and seek amiable solutions. But such resolutions may be beyond the bounds of possibility in the present institutional setting.

It is futile to stem the human flood of immigrants with dikes of laws and regulations from the armory of the police state. If the causes that are generating the migration continue to be active, no fine or imprisonment of "illegals" or their American employers, no government-issued identification card or work permit can arrest it.

To confer citizenship to all illegal aliens may promptly add several million workers to the unemployent and public assistance rolls. To make the aliens legal is to subject them to the minimum wage law, the wage and hours legislation, and countless fringe regulations that boost labor costs and cause chronic unemployment. To make them legal, therefore, is to sever their productive employments and send them to their ethnic welfare centers, the metropolitan areas. Like many thousands of Puerto Ricans before them, many legal aliens would discover that, after all, there was no job for them in the country of opportunity. A few who would survive the purge following the bestowal of citizenship would be tempted by their newly acquired welfare eligibility to join their idle brethren in the cities. And once again, the farms and ranches, hotels

and motels, and many other service industries would have to curtail their production because of lack of labor.

Nothing but the right can ever be expedient. In the cause of individual freedom, we must defend the rights of all people, including illegal aliens. But if the political rights of American citizenship entail the denial of the human right to work diligently for one's economic existence, and if we are forced to choose between the two, we must opt for the latter. The right to sustain one's life through personal effort and industry is a basic human right that precedes and exceeds all political rights. It is an inalienable right of all people, including illegal aliens.

For millions of European immigrants who reached our shores, the Statue of Liberty signaled the promise of personal liberty. As long as its torch is still burning we have no choice but to live by its light.●

A MOMENT TO REMEMBER THE PLIGHT OF SOVIET JEWS

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. ASPIN. Mr. Speaker, the signals we are currently receiving from Moscow about human rights are not encouraging. Yuriy Andropov has proved himself the true policeman—the callous manager of the invasion into Hungary, the unswerving enemy of dissent in his own country. His recent policies only confirm our deepest fears. Heavy penalties have been inflicted upon individual dissidents, at the same time that any seeds of collective action have been stamped out unmercifully. Preempting almost certain censure, possibly even expulsion, the Soviet Union withdrew from the World Psychiatric Association. His new powers have not made Mr. Andropov more concerned with his international image.

No group has suffered more from Mr. Andropov's assaults than have Soviet Jews—the perennial scapegoats for Soviet failures. Some of us in the West thought that the new Soviet ruler might soften the regime's treatment of Jews; that he might allow some retired parents to join children, or grandchildren, in the West; perhaps even allow a famous refusenik, such as Anatoly Shcharansky, to leave in order to show his government's responsiveness to the West. However, there has been no easing of Soviet policy. Jews still bear the heavy burden of a police state, one that seems intent on smothering whatever hopes they retain.

Anatoly Shcharansky's plight has attracted special attention because of the severity of his treatment. He applied to emigrate from the U.S.S.R. in 1973 and was arrested in 1976. He has been subjected to the grossest brutality of Soviet prisons, an ordeal which has left him terribly ill and in desperate need of hospitalization. In the midst of all this, in September 1982, he went on a hunger strike to protest his mistreatment. Though his hunger strike ended, his incarceration has not. Indeed, the situation for all Jews desiring to leave the U.S.S.R. has gotten worse since 1979, when 51,320 Jews emigrated. In 1982, only 2,692 Jews were allowed to leave.

Some observers claim that the continued rigidity of Soviet emigration policy proves the failure of open appeals on behalf of Jews. I draw a different conclusion however, for the situation could be far worse without our expression of concern, and without the commitment of many activists around the country. Because of the closed nature of Soviet society—where the Government saturates public life with banal slogans and greatly hinders the flow of outside ideas—our primary task for the present may be a holding action. This is surely better than indifference. Without our efforts, Mr. Andropov would not even have the West's pinpricks to worry about.

One last thought: Anatoly Shcharansky, and all Jews in the Soviet Union who wish to emigrate, are not enemies of the State. They are simply human beings who wish to work honestly and breath freely. They want opportunities for their children to receive an education and find fulfillment. We cannot afford to ignore their concerns, for they are also our own. As we spend our emotions watching bloodshed in Central America, in Africa, or in the Middle East, we cannot—and will not—lose sight of the suffering penned up within the Soviet Union. We in the United States can still hear Soviet Jews' muffled pleas for a proud future. We can still make out their suffering—despite their masters' efforts to block our vision.●

PRISON FELLOWSHIP'S GOOD DEEDS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. CONYERS. Mr. Speaker, I would like to take this opportunity to call the attention of my colleagues to the work being done by Prison Fellowship. Prison Fellowship was in the Washington, D.C., area last week conducting a program on the impact of the urban church on the criminal justice system, but this is only one aspect of that organization's fine efforts.

Prison Fellowship works with prisoners, ex-prisoners, and their families in order to help those who have been convicted of crime to become reintegrated into, and reconciled with, the community. This work is carried out both inside and outside of prison. In addition, Prison Fellowship works with churches to encourage and assist them to carry out similar activities.

Last year, Chuck Colson, the president of Prison Fellowship, testified before my Subcommittee on Criminal Justice. A Prison Fellowship project that he outlined during his testimony nicely illustrates his organization's work with prisoners. In a community service project in Atlanta, six furloughed Federal prisoners weatherized the homes of two elderly widows who were living on limited incomes and therefore had been unable to weatherize their homes on their own. The two women benefited from this project because their fuel bills were greatly reduced. The prisoners also benefited. One of them put it this way:

> To be able to help somebody is joyful. It's a blessing, rather than sitting in an institution day in and day out while taxpayers pay $18,000 to $20,000, a year to have people count me six or eight times a day.

Another aspect of Prison Fellowship's work—its education of the public about measures necessary to improve our criminal justice system—also deserves praise. Many people believe that crime can be reduced if we only send more people to prison, and send them for longer periods of time. Prison Fellowship knows that this is not only wrong but also counterproductive, and works for the greater utilization of more effective and humane forms of punishment.

As Mr. Colson told my subcommittee:

> Prisons do not deter crime. Experience has repeatedly demonstrated that. In 15 States where prison capacity (and population) increased by more than 55 percent from 1955 to 1975, the increase in reported crime was greater than in 15 other States where prison capacity increased by only 4 percent, and population actually declined.

Prison Fellowship also points out that prisons do not rehabilitate people. The recidivism rates undercut any claim that prisons do rehabilitate.

Prisons not only fail to deter crime or to rehabilitate, they actually contribute to our crime problem. The Prison Fellowship publication, "Is There a Better Way?" points out that when nonviolent offenders are put in prisons:

> Frequently they are subjected to brutal treatment, homosexual rape, the continual threat of violence, and a boring routine that deadens the human spirit. Studies have shown that a great many nonviolent offenders come out of prison not rehabilitated but instead in far worse mental, physical and moral condition than when they went in.
>
> Nor are the effects of imprisonment on inmates found only behind the walls. Many prisoner families break up during the period of incarceration. Thus, a prison term often deprives an offender of the basic family relationship which experts agree is absolutely critical to rehabilitation upon release. Further, felony disability statutes in most States deprive the ex-offender of his civil liberties, including his right to vote, thus

making it difficult for him to return to a normal life in society. And not least, very few after-care services are available to offenders upon their release.

We believe, based on the data like this and our experience in prisons all over America, that all of us who support law and order and the just punishment of criminal behavior must face the question of whether it is wise, given any viable alternatives, to put more people than absolutely necessary in prison in the first place.

Fortunately, there are viable and effective alternatives to imprisonment—such as restitution and community service. Mr. Colson pointed out in his testimony before my subcommittee that:

Restitution reflects on awareness that victims are too often forgotten people in the criminal justice process. It requires the offender to take responsibility and to confront the personal consequences to others of his or her criminal acts. It restores the victim, and it contributes to reconciliation between victims and offenders. Community service adds to the idea that the offender is responsible to the victim, the concept that he or she is also responsible to the community. The common standards have been broken. The offender owes a "debt to society," and community service offers a much more appropriate way to pay that "debt" than does isolation and festering in prison.

Prison Fellowship does not oppose the use of prisons. "We believe," says its publication Is There a Better Way?, "prisons are necessary for that roughly 20 percent of the prison population convicted of dangerously violent crimes. These individuals must be kept in prison for the protection of the general public."

Mr. Speaker, Prison Fellowship is carrying on important work, inside and outside of prisons. Its good work, both here and abroad should not go unappreciated. All of those associated with Prison Fellowship deserve our thanks.●

LET THEM EAT SOFTWARE

HON. JOHN D. DINGELL
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. DINGELL. Mr. Speaker, the naysayers and doomsday prophets who are predicting the demise of the basic manufacturing industries in the United States are dead wrong. The myopic view taken by these advocates is that grand-scale development and expansion of the service sector and the unprecedented growth of high-tech industries will replace the industrial infrastructure which builds our steel, cars, and other durable goods. This comes down to a basic premise: We will run our computers, let others run our basic industries. I say—let them eat software.

If we continue to be lulled into a false sense of security that our benevolent trading partners will act in good faith if they assume a greater percentage of our industrial capacity and if we continue to rely on questionable promises that joblessness in the United States will be absorbed by a computer at each streetcorner, our national security and other domestic interests will be placed in jeopardy.

While I support fully the development of a competitive and viable high-technology service sector, I believe it is imperative that we not abandon the rebuilding and future integrity of our basic manufacturing industries. And if we permit the exportation of our manufacturing ability and capacity to other countries, we will become dependent upon the whim and caprice of those producers. At this time, the United States cannot afford to return the days of being a colony.

I commend my colleagues to read the article which follows which appeared in the March 20 edition of the Washington Post which underscores this point of view.

The article follows:

[From the Washington Post, Mar. 20, 1983]

DU PONT'S JEFFERSON DOESN'T SEE HIGH TECH REPLACING "SMOKESTACK" INDUSTRIES OF PAST

(By Martha M. Hamilton)

In the public debate stoking up over the course of America's industrial future, the antagonists represent the high-tech, "Buck Rogers" school of industrial planning or those who want to cling to the heavy "smoke-stack industries" of the past.

E. G. Jefferson, chairman of one of the larger and elder industries of the "smoke-stack" category—E. I. du Pont de Nemours & Co.—and a relatively new entrant into the debate, sees a better path between the two.

In a series of recent speeches and in an interview last week, Jefferson made clear that he believes America's core industries can become high tech and provide the basis for new job creation in services or in emerging industries.

"I start of with two questions. If you have service industries but lack a healthy argicultural or industrial economy, who are they going to serve? It's like that old expression, 'They earned a precarious living taking in one another's laundry,'" he said, using a line from former AFL-CIO president George Meany.

"Then I think about the concept of high technology, and I ask myself, what is that? For instance, is a steel plant that is highly automated, with the most modern instrumentation, data reduction, controls, use of robots for product handling, is that high tech? I suspect it is."

Science and engineering propelled U.S. industries in the years they were growing and exporting, Jefferson maintains. "It was know-how, the better mousetrap.

"That hasn't gone forever at all. In many areas it still exists, and the potential ability in some of the areas where, for the moment, we have fallen behind, still remains."

Jefferson said he believes that the national defense, job considerations and the need to provide a basis for more advanced industries all require the nurturing of basic industries in the United States. "I strongly believe we have a national stake in protecting them."

The worst choice for the nation, he said, would be to remain "just a captive of recent history" or "to give up," when it is entirely possible "to restore" heavy industries to their position of dominance.

"What I am saying is that a steel plant can be as high tech as anything there is. I would go a step further and say it should be, because it's only [those] industries that have really ensured their international competitive position."

Above all, he said, "we're talking about jobs." To the extent that the movement of people away from the core industries is a product of operating those industries more efficiently, "I say three cheers. That is exactly what you want to do. That says you are the most productive."

In that situation, moving workers into other activities "makes all kinds of sense," said Jefferson. "But to discard a core industry and have the people who were engaged in that industry with no place to go bothers me. Maybe something will come along and maybe it won't."

The analogy that Jefferson uses most frequently is American agriculture when the country was becoming industrialized. Agriculture was not abandoned but became more productive and less labor intensive. The workers leaving farming were made available for industrial jobs.

During the three decades when the technological revolution was shrinking the ranks of agricultural workers, nonfarm jobs increased by 77 percent, absorbing much of the displaced work force.

He says that the way to bring people from the present core industries into service activities or to new types of industries is not to shut them down, but to increase the productivity in those industries through research, engineering and investment in modernization.

"People say, what are you going to do about an industry that is sick? Jefferson said. "I think the answer to that is we have to react to that just as we've reacted to problems in agriculture over the years. We've been unwilling to say, well if agriculture's sick, let go to the wall and we'll buy our food from someplace else."

There are industries so basic to the nation's economic health, including steel and other heavy metal manufacturing, heavy chemicals and energy, he said, that "if you have a piece of this that's ailing, I think you have to be prepared to take extraordinary steps to ensure its restoration." Du Pont is in two of those businesses, as a manufacturer of bulk chemicals and the operator of Conoco.

Jefferson uses Du Pont as an example of the ability to fuse basic industrial manufacturing and high technology.

"We've been making nylon since the World's Fair back before World War II," he said. "The product has developed, and has been improved in many ways over the years, but it is a long established business of ours. It has been for well over 40 years.

"The facilities to make it have been through many, many modernizations since we first started to make it, and, just the beginning of this year, we started up a new plant in Victoria, Texas, to make one of the main ingredients of nylon," he said.

The plant is run by modern electronic controls with computer data reduction and involves modern materials handling by robots. Although nylon fibers are maybe 40 to 45 years old, the plants that are making the ingredients and are making the fiber are high tech.

With modernization, Du Pont's fiber production is "about double what it was 10 years ago, and we have only 5 percent more people," he said. "That's the kind of modernization I'm talking about."

The future of the U.S. petrochemical industry lies in high technology specialty products, according to most analysts.

Kevlar, which is used for bulletproof vests, helmets, ropes for securing offshore platforms and tire reinforcement, is one of the company's newest specialty products. "It's a high technology specialty fiber in one sense, but in another sense, we've put in a large plant to make it," Jefferson said. He expects a multitude of uses to be discovered for the product.

Although Jefferson balks at protectionism, he said he favors a tougher negotiating stance on the question of nontariff barriers because "the rules of the road should be fair." He favors a government policy of encouraging investment overseas, which he said can help build demand for U.S. manufactured products.

About a third of Du Pont's business (with the exception of its Conoco operations) is conducted overseas, he said. About half of that is exports from the United States. "The positive balance of trade for the chemical industry for the past half-dozen years has been greater than $10 billion a year, and that is one favorable—very, very favorable—balance of trade."

Jefferson linked that to research. "Of all the basic research done by industries, the chemical industry has been doing about 35 percent of it," he said.

Jefferson said the more proper role for the government is to encourage research and development, including greater cooperation between the nation's universities and business, to encourage international trade, to provide predictability in the areas of taxation, regulation and interest rates, to cooperate with business in providing job training and to boost modernization by encouraging capital expenditures.

Improving the nation's position in international trade will take time, "just as it took some time to go the other direction," he said.

"I don't see the likelihood of a world in which the only employment here is in the very latest thing that has come out of the laboratory, and if it's been around very long, it's fugitive and goes somewhere else," he said. "That doesn't make much sense to me, and it's certainly not a very secure world."●

FULLERTON, CALIF. NEWS-TRIBUNE BACKS GAS DECONTROL

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. DANNEMEYER. Mr. Speaker, the Subcommittee on Fossil and Synthetic Fuels, of which I am a member, has begun legislative hearings on natural gas bills which have been introduced in the 98th Congress. One of these proposals is H.R. 1760, which embodies the recommendations of the Reagan administration as advanced by Energy Secretary Donald Paul Hodel. It was my privilege to be an original cosponsor of the bill when it was introduced in the House.

My hometown newspaper, the Fullerton, Calif. Daily News-Tribune has devoted three recent editorials to the natural gas issue. They point to the need for the decontrol and reform of natural gas policy along the lines of the Reagan administration plan and refute the charges of some of its critics. Therefore, I thought my colleagues might like to have the benefit of their views. Accordingly, I am asking permission to insert the three editorials at the end of my remarks.

The first editorial is from March 2, 1983, and is entitled "Gas Prices: Has Supply and Demand Law Been Repealed?" The second editorial appeared on March 9, 1983 under the heading of "Gas Pains: There's Gas and There's Gas and * * *," while the final one of the three came on March 16, 1983 as "Senate deja vu."

The articles follow:

[From the Daily News Tribune, Mar. 2, 1983]

GAS PRICES: HAS SUPPLY AND DEMAND LAW BEEN REPEALED?

Several days ago federal authorities let the big Panhandle Eastern pipeline buy natural gas from Algeria for $6.65 per 1,000 cubic feet. Meanwhile, in Panhandle's gathering area many wells are shut in whose owners would be delighted to supply gas at $2.50 per 1,000 cubic feet.

Across the country consumers are boiling because their gas bills are up 25 percent on average, despite a mild winter and a large surplus of gas overhanging the market.

What's going on? Has the law of supply and demand been repealed? Not exactly, but it is being distorted by the Natural Gas Policy Act of 1978, which mandates more than 20 different prices for categories of gas and imposes and mind-numbing number of regulations.

Finally, President Reagan has moved to keep his campaign pledge to deregulate natural gas, which has been under the federal thumb since 1954. This week he asked Congress to free gas prices by 1986, while protecting consumers from price surges in the interval.

One Reagan provision would permit suppliers and pipelines to renegotiate the most harmful contracts, those that force companies to accept high-cost gas when cheap gas is available but unused.

Another provision would prevent pipelines from raising their costs higher than the inflation rate until deregulation takes hold and competition begins to restrain gas prices.

Although regulation has been a failure, causing shortages when prices were too low and soaring prices in times of plenty, it has its fans. Liberal politicians and self-styled consumer groups are in full cry against the Reagan plan and predicting doom if it passes.

Ironically, these same groups vociferously opposed the president's ending of price controls on crude oil and gasoline two years ago, forecasting out-of-sight prices. If they are embarrassed by the steady decline in gasoline prices, they manage to conceal it.

The market worked to hold gasoline prices lower than they would be with controls. Decontrol of natural gas will bring as yet unimagined supplies on stream. It will serve the public better than regulators, bureaucrats and "consumer advocates," and it deserves a chance.

[From the Daily News Tribune, Mar. 9, 1983]

GAS PAINS: THERE'S GAS AND THERE'S GAS AND * * *

At a recent natural gas symposium in Dallas, one participant tallied up the results of 28 years of federal controls on this important energy source.

According to independent producer Bill Stonaker, "There's old gas and new gas, deep gas, near deep gas, interstate gas and intrastate gas. There's dedicated gas and gas that is not dedicated, associated gas and nonassociated gas.

"Then there's controlled gas, decontrolled gas, onshore gas, offshore gas and Outer Continental Shelf gas; Section 102 A through D gas, Section 103 gas, Section 104 large-producer A through C, followed by Section 104 other gas, Section 105 gas, Section 106 gas A and B, Section 107 gas A through C, Section 108 gas and Section 109 gas.

"There's high-cost gas, minimum-rate gas, natural gas liquid, gas from geopressurized brines, coal seams and Devonian shale. High-risk gas, tight-sands gas, sweet gas, sour gas, stripper gas and Prudhoe Bay gas round out the list—and I know I've missed some."

This is the mess the administration is trying to unravel.

[From the Daily News Tribune, Mar. 15, 1983]

SENATE DEJA VU: CRY FOR NATURAL GAS DECONTROL IS FAMILIAR TUNE

A Senate hearing the other day on the administration's proposed decontrol of natural gas prices gave us a funny feeling of deja vu.

There was Sen. Howard M. Metzenbaum, D-Ohio, warning the Energy and Natural Resources Committee that decontrol would "fleece" the public and give the major oil companies "a staggering unearned windfall" that could exceed $172 billion.

Threatening a filibuster against what he called the "Big Oil Giveaway Act," Metzenbaum predicted that "in the end, consumers will become unwilling partners in what may turn out to be the greatest transfer of wealth in this country's history."

It seemed to us we'd heard that song before. Sure enough, checking back we found the same senator saying much the same thing almost exactly three years ago about oil decontrol.

In April 1979, when Americans were fretting in government-engineered gasoline lines, Metzenbaum warned of the "devastating impact" oil decontrol would have on consumers. It would, he said, transfer "an outstanding $32 billion" from consumers in a little over two years.

"There is no rational reason—in the desperate battle to control inflation—for imposition of such a burden on the consumer."

Fortunately, oil was set free, and as any consumer knows who has driven up to a gas pump lately, falling oil prices have led the way in the dramatic decline of inflation.

The administration claims that natural gas decontrol will have similar happy consequences.

"I would submit," Energy Secretary Donald P. Hodel told the committee, "the chances are very much better if we go to a free-market approach, we will find out there

is more potential low-cost gas than anybody today believes."

In the light of recent history, which of the two predictions would you bet your consumer dollar on?●

MS. MAUDELLE SHIREK

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. DELLUMS. Mr. Speaker, there are few people whose lives are totally committed to a pursuit of justice, freedom, and equality for humanity. I'd like to call your attention to one of them: Ms. Maudelle Shirek.

Maudelle has provided leadership and guidance to individuals and organizations in the bay area for decades. Very few Berkeleyans have not been touched by Maudelle at some point over the past 40 years.

Many remember Maudelle at the Berkeley Consumer Cooperative Credit Union from 1957 to 1977. For 20 years, she performed more than a job. For her, it was a vehicle to serve, assist, and educate the public. Her sense of professionalism was unmatched and her courage and honesty while at the credit union was exemplary.

Since retiring from the credit union, Maudelle has assumed the position of director of the West Berkeley Senior Center. I have personally attended activities at the senior center and can say with pride that our seniors in Berkeley have had a wonderful experience under Maudelle's leadership. She has provided not only administrative expertise but also creative educational and cultural programs that have brought new horizons to our seniors. Many are particularly pleased with the nutritional education received under her leadership. Not only does she plan meals and nutritional programs but she is a magnificent cook.

Mr. Speaker, in order to give you and my colleagues an understanding of the presence Maudelle commands, let me outline a few of her past and present community activities: member and correspondent secretary of National Citizen Participation Council; president of New Light Senior Citizen Council; president of South Berkeley Model Cities board of directors; member of Berkeley Consumer Credit Union board; member of North Oakland Community Credit Union board; chairperson of Berkeley Clients' Council; vice chairperson of Oceanview economic Development Corp.

Given this remarkable history, and her continuing strength and ability, it is unfortunate that she is faced with the possibility of forced retirement due to a mandarory requirement age of 70. Maudelle has the energy, the commitment, the knowledge, and the skills to continue in her present capacity as director of the West Berkeley Senior Center. For this reason, many of my colleagues and constituents are taking out on March 26 to pay tribute to Maudelle Shirek. This tribute is not only a testimony to her service, but a public protest against ageism and age discrimination. This tribute supports the right of people to work so long as that is their desire and they have the skills.

The youth of our country need the guidance and wisdom of our seniors. Forcing our seniors into early retirement robs our community of their wisdom.

Mr. Speaker, I am calling Ms. shirek to the attention of my colleagues so that they may not only pay tribute to a person who has touched so many lives, but who is engaging in a struggle that we all may one day face. I commend Maudelle for her spirit and will continue to support her ageless efforts.●

AMEND THE CONSTITUTION TO LIMIT CONGRESSIONAL TERMS

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. SCHULZE. Mr. Speaker, I am today reintroducing a constitutional amendment increasing the term of a Member of the U.S. House of Representatives from the present 2 years to a 3-year term and providing that Members may serve no more than 6 consecutive terms.

As the writer Victor Hugo said: "There is one thing stronger than all the armies in the world, and that is an idea whose time has come." Mr. Speaker, this is an idea whose time has come.

When our Founding Fathers met in Philadelphia to draft a Constitution which would serve the American people, they accomplished a work the majesty of which is as sharp and clear today—200 years later—as it was then. It provided and still provides a mechanism to work the will of the people in directing their society and provides a means to adjust and fine tune that mechanism as events and circumstances change, bearing in mind that the primary goal—to serve the people—was not lost.

The Delegates to the Constitutional Convention focused particular attenton not only on what would be the powers of the peoples' Chamber—the House of Representatives—but also on how the people could keep a tight rein of their Representatives in that House. Travel then was difficult, if not hazardous; communications were sporadic and slow. The result was that the American people viewed the problem through the prism of their colonial experience. They had but recently fought a war for national independence, the cause of which was American opposition to rule from afar; and, they were unwilling to transfer themselves from one yoke to another. They were as cautiously concerned about schemes which might be concocted by this new Government as they had resented past actions of the English monarchy.

One suggested solution to the problem was to set the term for a Member of the House at 1 year just as was customary in State legislatures at that time. Nevertheless, some Founding Fathers including James Madison and Alexander Hamilton argued for a 3-year term. They were unsuccessful in swaying the Delegates, and the compromise result was the 2-year term for Members of the House.

The Founding Fathers were probably wise in reaching that compromise solution, It has served us well for nearly 200 years.

However, during those two centuries the problems which came before the House of Representatives changed—imperceptibly at first but with rapid acceleration in the last 50 years. Likewise, communications improved so that actions being taken by the Congress are covered extensively, analytically and with split second transmission to our constituents.

I am certain that my colleagues will attest to both the increasing constituent mail and heightened sophistication and comprehension levels of those constituents demonstrated by the penetrating questions and comments made to their Congressmen. At Concord, a shot was fired that was heard 'round the world. Here in the House, a pin dropped would reverberate with equal effect.

Mr. Speaker, this 98th Congress faces awesome problems ranging from how to save American jobs and businesses from predatory trade practices to how we can best serve the medical, economic, and social needs of our senior citizens.

As we begin our third century of this democratic government, the tools and technology of the Nation have quite wisely been brought to bear to aid House Members in our responsibility to serve the people. Computers speed information to us on what Federal programs are available to solve any specific needs of our constituents. When the House considers new legislative solutions, we have input available from not only the proponents and opponents, but from impartial study groups. Beyond that there are hundreds of publications each of us receive weekly from committees, subcommittees, departments, agencies, public service groups—you name it, we receive it. Frequently, we are in the position of a young man from my dis-

trict who wrote asking about information about pigeons. I requested the appropriate agencies to send him that material. Later, he wrote to tell me that while he appreciated all of that information, maybe it was too much. In his words, "I learned more about pigeons than I wanted to know."

The House is in just such a position many times not because we have too much information, but because we do not have enough time to devote all of our energies to absorbing that informed input. While technology can be said to be continually expanding infinitely, the one parameter of our work that does not expand is the one thing we need most—time.

Many Members of this Chamber who have just been elected and have celebrated their swearing in with appropriate solemnity now begin 24 months of service to the people. If they have not discovered it already, they will soon discover that 24 months is almost the week after next. They will find that they must immediately devote considerable time and energy to the paperwork and the activities necessary to present themselves again to the people in less than 2 years to run on a voting record that they have yet to establish in this Chamber. The time and energy they devote to that necessary pursuit must be taken from the finite amount available in a 24-hour day.

Mr. Speaker, that, in summary, is the primary purpose of my proposed constitutional amendment—to give House Members the time to serve the people who sent them here and entrusted to them the stewardship of office and at the same time to limit service in this House so that it continually receives an infusion of new ideas and new attitudes. If we are to master the technical tasks of legislation and keep up with our workload, we simply need more time to learn and more time to stay abreast of changing developments. I urge my colleagues to join me in support of this constitutional amendment so that we may give our fullest measure of skill to the citizens we all serve.●

AN EDITOR SPEAKS ON THE IMPORTANCE OF AID TO EL SALVADOR

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. BEREUTER. Mr. Speaker, as the Congress prepares to address the issue of more assistance to El Salvador, I commend to my colleages the attached editorial that appeared in the Omaha World Herald.

[From the Omaha World-Herald, Mar. 21, 1983]

SALVADORAN LEFT CONFIRMS REGIONAL NATURE OF THREAT

The potential usefulness of Latin America and the Caribbean to the Soviet Union was emphasized in a recent article by a high Moscow official in the official Communist Party newspaper Pravda.

Georgi Arbatov, director of the U.S.A. and Canada Institute at the Soviet Academy of Science, warned that Moscow would place missiles near the United States if the North Atlantic Treaty Organization deployed 572 Pershing 2 and cruise missiles in Europe.

"As far as equality (of weaponry) is concerned," Arbatov wrote, "in that case for the sake of this equality we would have to not only add to our missiles in Europe, but also to deploy them near American borders."

Cuba comes to mind as a possible site for Soviet nuclear missiles. But Nicaragua also is under the Communist umbrella and the struggle for El Salvador is on.

A clandestine radio broadcast the other day by El Salvador's leftist guerrilla movement supported the contention of President Reagan and other members of his administration that the conflict for El Salvador is part of a wider regional conflict.

The broadcast of Radio Venceremos, transmitted from neighboring Nicaragua, said that the guerrillas "are proud" of their ties with Cuba and Nicaragua. Further, the broadcast said the leftists view the struggle "in the framework of a regional conflict" in Central America, the Caribbean and Latin America.

The leftists said that they have imported arms "through all routes that we could" and that "we have used all of Central America and other countries" for that purpose.

Secretary of Defense Caspar Weinberger has charged that the Soviets are seeking to establish a Communist regime in El Salvador and is working its way closer to the United States.

"Their purpose," Weinberger said, "is to attack the United States in this way from the south, knowing that as they got closer we'd be under strong pressures to pull ourselves out of Europe and out of Japan and Korea and establish some sort of fortress America, which would serve Soviet purposes very well."

Reagan commented earlier in the month: "We believe that the government of El Salvador is on the front line in a battle that is really aimed at the very heart of the Western Hemisphere—and eventually at us."

The leftist radio broadcast seemed to confirm the fears of the Reagan administration.

How handy it would be for the Soviet Union to have friendly governments in Central America willing to allow Russian missiles within their borders.

El Salvador and Nicaragua are on the doorstep of the United States. The targeting of the Central American-Caribbean countries by the Communists indeed points to a regional campaign.

The challenge is serious. A Communist-dominated El Salvador with Moscow influence would be a major loss for the Free World.●

THE SOVIET TRIAL OF ROSTISLAV EVDOKIMOV

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. GUARINI. Mr. Speaker, during the last month I have been in a bipartisan manner with my colleague DON RITTER in trying to gain the release from Soviet prison and the right to emigrate for Rostislav Evdokimov.

I have just learned today that a trial date in Soviet court of Monday, March 28, has been set for this 32-year-old Leningrad citizen. He has been held in confinement by Soviet authorities since his arrest on July 22, 1982 on charges of anti-Soviet activities.

The case of Rostislav Evdokimov has attracted international attention. His arrest followed the publication of his literary works abroad. His sister, Svetlana Evdokimova McLean, a resident of my district, has carried the fight to save her brother from further Soviet imprisonment to authorities in both the United States and Europe.

The arrest of Rostislav Evdokimov follows the pattern of persecution against the Evdokimov family. Rostislav's grandfather was in a gulag, and his father, Boris Dmitrievich Evdokimov, was arrested several times. Following Boris' last arrest he spent 8 years in a Soviet psychiatric prison.

The quest to gain Rostislav Evdokimov's freedom continues. On March 11, 1946 other Members of Congress joined DON RITTER and myself in sending the following letter to Soviet General Secretary Andropov. With your permission Mr. Speaker, I would like the contents of this letter and the names of the signatories printed for the world to see. As the trial date grows near, the intervention in this matter by Soviet General Secretary Andropov grows more urgent.

HOUSE OF REPRESENTATIVES,
Washington, D.C. March 11, 1983.

His Excellency YURIY VLADIMIROVICH ANDROPOV,
General Secretary of the Central Committee of the Communist Party of the Soviet Union, The Kremlin, Moscow, Union of Soviet Socialist Republics.

DEAR MR. GENERAL SECRETARY: We, the undersigned Members of Congress, are writing to express our concern for Rostislav Evdokimov, a Leningrad resident arrested on July 22, 1982 on charges of "anti-Soviet" activities. With his trial imminent, we are asking you personally to intervene in this matter so that he can emigrate to the United States.

Rostislav Evdokimov was arrested following the publication of his writings abroad, the same charge on which his late father, Boris Dmitrievich Evdokimov, was arrested in 1971. Boris Evdokimov spent the next eight years in a psychiatric prison. Denied treatment for his cancer, he was released from prison a sick man and he died soon thereafter.

Now it appears that it is his son's turn. Because of his father's history, Rostislav Evdokimov was sent in October, 1982 to the Serbsky Institute of Forensic Psychiatry in Moscow. While we are thankful and relieved that the authorities there found him sane, we are concerned with his fate as he awaits trial later this month in KGB custody.

The case of Rostislav Evdokimov is attracting international notice. As Members of Congress we will continue to bring attention to this case. Soviet action on this matter will be viewed as an indication of our government's respect for the rights of free expression and human dignity.

Your intention to free Rostislav Evdokimov and allow him to join his sister, Svetlana Evdokimova McLean, in the United States would be greatly appreciated by the American people, and it would serve as a signal to the world that human dignity and free expression has a fitting place in your nation's new leadership.

We thank you for your timely and full attention to this matter, and we look forward to your response.

Sincerely,

Don Ritter, M.C.; Frank J. Guarini, M.C.; Joseph P. Addabbo, M.C.; Edward J. Markey, M.C.; Doug Walgren, M.C.; James F. McNulty, Jr., M.C.; Norman F. Lent, M.C.; Tom Corcoran, M.C.; Barney Frank, M.C.; Dale E. Kildee, M.C.; Brian J. Donnelly, M.C.; Timothy E. Wirth, M.C.; Bill Lowery, M.C.; George M. O'Brien, M.C.; Bill Archer, M.C.; Bill Richardson, M.C.; Dan Lungren, M.C.; Walter E. Fauntroy, M.C.; Bobbi Fiedler, M.C.; Patricia Schroeder, M.C.; Howard C. Nielson, M.C.; Robert J. Lagomarsino, M.C.; Edwin B. Forsythe, M.C.; Richard T. Schulze, M.C.; Steve Bartlett, M.C.; Tony P. Hall, M.C.; Lawrence J. Smith, M.C.; John R. Kasich, M.C.; John McCain, M.C.; Robert A. Roe, M.C.; Robert G. Torricelli, M.C.; Martin Frost, M.C.; Tom Vandergriff, M.C.; Barbara Boxer, M.C.; George W. Gekas, M.C.; Tom Lantos, M.C.; Silvio O. Conte, M.C.; Howard L. Berman, M.C.; Louis Stokes, M.C.; Pat Williams, M.C.; Edward F. Feighan, M.C.; Benjamin A. Gilman, M.C.; Don Edwards, M.C.; Major R. Owens, M.C.; Vic Fazio, M.C.; Dante B. Fascell, M.C.; Peter W. Rodino, Jr., M.C.; James Weaver, M.C.●

SOCIAL SECURITY PACKAGE

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Ms. FERRARO. Mr. Speaker, like many Members of this House, I have spent a lot of time the last couple of weeks trying to explain to my constituents—and I represent over 100,000 senior citizens—why I voted for the social security package. As a Member of the Select Committee on Aging, I followed closely the deliberations of the National Commission on Social Security Reform. The members of the commission deserve our commendation for an honest attempt to resolve the terribly complex and difficult issue of insuring the financial health of the social security system now and into the next century.

I must say, Mr. Chairman, that piece by piece, there is very little in the package that is to my liking. I have serious problems with the 6-month delay in the cost-of-living adjustment for social security benefits. Even with inflation so much lower than it has been, delaying the COLA means asking all the elderly, including the poorest elderly, to sacrifice part of their benefits. For those elderly Americans who are living on social security alone, asking them to wait 6 months, even for a $17 dollar increase, is asking too much.

I also don't like the idea of universal coverage for new Federal employees. Current Federal employees are concerned that with fewer and fewer people contributing to the civil service retirement system, by the time they retire, there will be no reliable source of funds to pay the benefits they have earned.

As for new Federal employees, starting January 1, they will have to contribute to both social security and the civil service retirement fund. That would mean 14 percent of each pay check would be deducted for retirement. It is a clear necessity that we move promptly to enact a supplementary retirement package for new Federal employees to ease this burden and still provide adequately for the retirement security of these new Federal workers. With Federal pay currently 18.5 percent below comparable private sector rates, and with this administration trying to balance the budget on the backs of the Federal work force, universal coverage, without these adjustments, might be the straw that breaks the camel's back.

When we talk about social security, and especially about this package of reforms, we think first of its effects on the elderly. But there is another group of Americans, another generation of Americans, with a different, and equally important, set of concerns about the proposal.

Public opinion polls show that a depressingly large number of young American workers believe that they will never receive social security benefits. They are convinced that the system will run dry long before they retire.

This package is designed to give assurances that social security will, in fact, be solvent into the next century, and that young Americans can rely on it to help in their retirement. While it is critical that we restore confidence in social security, I am concerned about the effects of the payroll tax increases in the package on young people in my district who are having trouble making ends meet. Similarly, the increase in the tax on self-employed individuals imposes a burden on some in our economy who are already overburdened. Fortunately, the package permits some of the increase to be reclaimed through a tax credit against income taxes. These tax credits amount to a shift of funding sources from payroll taxes to general revenues, and I am hopeful that we will look more in general revenues as a potential source of social security funding, especially medicare.

So why, given these serious reservations about major elements of the package, am I supporting it? The answer is that I believe in social security. In the past few decades, poverty among elderly Americans has been virtually eliminated, and social security is the reason.

The question really comes down to whether or not you want to save social security. If you do, you have to face the financial reality that there is a serious funding shortfall in the system, both in the short run and in the long run. And you have to face the political reality that a successful rescue effort must include adjustments on both the tax and benefit sides.

This package deals with those realities. It saves $40 billion on the benefit side through the delay of the COLA for 6 months, and it raises another $40 billion through the speedup of the tax increases. It raises $18.5 billion from the increase in the self-employed, and $17.2 billion by limited taxation of high-income beneficiaries.

It is nobody's dream package, and everybody can find plenty in it to oppose. But if it passes, as I hope it does, it will be because enough Members recognize that the only true failure would be not to keep the promise of social security to all generations of Americans.●

FEDERAL ARTS PROGRAMS

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. DOWNEY. Mr. Speaker, as chairman of the Congressional Arts Caucus, I wish to take this opportunity to commend my colleagues in the House, and especially those members of the House Budget Committee who have, through their actions, assured the continuation of the arts in America as an integral and lasting part of our cultural heritage.

The budget resolution, given approval by the House last week, calls for the maintenance of current fiscal year 1983 levels for major Federal arts programs. Despite the present administration's penchant for cutting away at the very core of these programs, the House has once again reaffirmed congressional support for these agencies whose funding levels are just now

barely adequate. However, by voicing our approval in support of the arts, we have laid the groundwork—the foundation for future allocations. It is imperative that we seize this opportunity to make a statement regarding future support for the arts; more budgetary allocations are in order, and greater, more wide-ranging support must be generated.

The importance of the arts, not only at this time, but throughout our history cannot be overstated. It is our duty—as representative of the interests of all Americans—to give proper recognition to such a vital aspect of our society. Through our efforts here in Congress we have shown that we are proud of our national culture—what it has meant to us in the past, what it means to us now, and what it will mean to us in the future.

Also vital to the arts, is another important Federal subsidy—funds provided to the Postal Service for reduced-rate mail. The budget, recently approved, contains $879 million for the revenue foregone postal subsidy which allows nonprofit organizations—including most arts institutions—to mail at reduced rates. This level of funding will keep the 5.2 cents per piece from increasing.

It is indeed encouraging to see this expression of congressional support. It is encouraging not only to those directly involved in the arts community, but to all of us who are concerned about the future of the arts in America. Our love and appreciation of the arts in its varied forms must be expressed, for we recognize that it is a society's artistic endeavors, and works of art which are remembered and cherished for generations to come.●

A SPECTER HOOVERING OVER FBI

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. KASTENMEIER. Mr. Speaker, the decision of Attorney General William French Smith to weaken the FBI's domestic security guidelines issued in 1976 by the Republican Attorney General Edward Levi is deeply disturbing.

There are many unanswered questions. What new dangers does the FBI believe we face? Why has FBI Director William H. Webster asked for these new FBI powers when he has said consistently that the Levi guidelines have worked very well? What kinds of new conduct can we now expect from the FBI?

The noted author and columnist, Nat Hentoff, comments on the Attorney General's decision in a challenging article in today's New York Times. I commend the article to the attention of my colleagues.

[From the New York Times, Mar. 24, 1983]

A SPECTER HOOVERING OVER FBI

(By Nat Hentoff)

When the Federal Bureau of Investigation issued a statement last November supporting President Reagan's charge that Communists were manipulating the nuclear freeze movement, Representative Don Edwards protested to the F.B.I. Director, William H. Webster. Mr. Edwards is chairman of the House Subcommittee on Civil and Constitutional Rights, which has oversight jurisdiction over the F.B.I., and he reminded Mr. Webster how swift J. Edgar Hoover had been to find subversives wherever there was dissent—and how far Mr. Hoover had gone to penetrate and disrupt their organizations. "Let us learn from history and not repeat our mistakes," Mr. Edwards warned.

The specter of those past mistakes attends the present debate over the F.B.I.'s new domestic security guidelines. Seven years ago, Attorney General Edward H. Levi designed the first set of guidelines to keep the F.B.I. within the Constitution in its investigations of individuals and groups allegedly dangerous to domestic security. The Levi guidelines, while not heartily applauded by civil libertarians, did significantly reduce the F.B.I.'s excessive zeal. But the 1983 guidelines, issued under the imprimatur of Attorney General William French Smith, considerably weaken the Levi guidelines and therefore should alarm anyone who takes the Bill of Rights personally.

For instance, the Bureau will now be able to investigate persons or groups advocating—just advocating—"criminal activity." Bellicose advocacy, strutting rhetoric and just plan verbal showing off are as American as prayer breakfasts. So is the clanging prophecy that nothing short of revolution will bring justice for all—but not right away since circumstances won't be right for that great day for a long time to come. The Communist Workers Party, for instance, talks grandly of a revolution but sets no dates or blueprints. Theirs is a faith, not a conspiracy. Yet, the F.B.I. probably already has inside knowledge of party meetings, and the new guidelines have given the Bureau the power to penetrate it further and further—just like in the old days.

Under the new guidelines, moreover, if an investigation is decided on, the most disruptive "intrusive" techniques—for example, undercover infiltrators—can be used immediately. Under the Levi guidelines, there had to be a separate preliminary inquiry, limited in time and in the kinds of techniques used, to determine whether a full-scale investigation could be justified. Now, from day one, an undercover F.B.I. agent can walk in the door of Fathers-in-Support-of-Sons-Resisting-Draft-Registration and sign a membership card.

The most seemingly innocuous section of the new F.B.I. guidelines emphasizes that they are not intended "to prohibit the F.B.I. from collecting and maintaining publicly available information consistent with the Privacy Act." (The Privacy Act of 1974 prevents the F.B.I. from keeping a file on lawful First Amendment pursuits unless the information is "pertinent to and within the scope of an authorized law enforcement activity.")

So what's wrong with that new guideline? To begin with, the rule lets the F.B.I. clip and file articles, letters to the editor and ads concerning organizations it finds of interest. Also presumably permitted would be reports from F.B.I. agents attending public meetings of these groups. What is to prevent an indexing of persons who speak before certain suspect groups, sign their petitions, even join them? After all, as the F.B.I. has claimed in court, gathering intelligence is "an authorized law enforcement activity." So much for the Privacy Act.

Persistent attempts are being made by the American Civil Liberties Union, among others, to persuade the F.B.I. to narrow the scope of some of the new guidelines. Tinkering, however, won't get at the basic problem. So long as the guidelines are crafted internally—by the F.B.I. and the Justice Department—they are monitored only from the inside. Also, they can be changed according to the political imperatives of whoever is Attorney General or Director of the F.B.I.

If, however, guidelines for the F.B.I. were to be made by Congress as part of an F.B.I. Charter, as both the A.C.L.U. and Representative Edwards prefer, the Bureau would finally know what it can do and cannot do. And so would we.

But Congress is not likely to interfere with the new domestic security guidelines. Most members of Congress are still traumatized by Abscam. They do not want to antagonize the F.B.I. As Mr. Edwards says, "The F.B.I. is more powerful than we are when there's something it wants."

The proposed F.B.I. budget for the next fiscal year will be the first to go over a billion dollars. "There's lots of millions of dollars for computers in that budget," says Don Edwards. "And I find that ominous."●

A MESSAGE TO THE PRESIDENT ON CENTRAL AMERICA

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. McDONALD. Mr. Speaker, I would like to share with you and all my colleagues a very important letter to the President of the United States, from some Members of this body.

In view of the extensive Marxist aggression in El Salvador and all of Central America, this message is of utmost importance to the future wellbeing of the entire United States. This is particularly true in view of the President's exposé of Soviet military installations in Cuba only 90 miles from Florida. It is now an accepted fact that Cuba, the surrogate of the Soviet Union, is contributing wholeheartedly to attempted takeovers of El Salvador and all of Central America.

The situation is grave, and I hope that all Members of this body pay heed to the contents of this letter to President Reagan in view of both his capacity as President and Commander in Chief so that the defense of this hemisphere can be assured. Letter to President Reagan follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C.

Hon. RONALD REAGAN,
President, The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We wish to support your recently-expressed strong stand in support of El Salvador and against the Marxist aggressors in Central America.

We appreciate that you have spoken out clearly in characterizing this aggression as "a direct challenge to which we must respond," and as a "risk to our national security."

There are many measures which we could take that do not involve the use of American forces in ground combat. Some such measures might well be directed toward interdicting the flow of weapons and other supplies to Moscow-dominated forces in the region.

We realize that money alone will not meet the problem, that a greater show of genuine determination through effective action will be needed. In addition, we should not fall into the trap of seeking a "political solution" which will confer power and legitimacy upon foreign-directed guerrillas and terrorists.

We are aware of the calls for negotiation or dialogue, but it is worth noting that Pope John Paul II qualified his own call with the need for sincerity and an absence of alien influence. The negotiated agreement between the Vatican and the Nicaraguan government, with respect to the Pope's visit to Managua, was cynically and dishonorably violated so as to embarrass and insult the Pole himself. Surely this must stand as a lesson to all.

Those who want a Marxist victory, and those who are merely faint of heart, prey upon the American people by assuring them that any attempt to win will lead to "another Vietnam."

On the contrary, the trauma of Vietnam flowed from an unwillingness to win. We insisted that our policy was only to prevent "the other side" from winning. The result of this policy was the longest war and the most serious defeat in American history.

To refuse victory is to demoralize your own forces, and to hand the initiative entirely to the enemy. It is a formula for defeat.

The guerrillas themselves are proud to announce that they are operating "in the framework of a regional conflict." Within that framework, El Salvador is the next "domino," and there are a few others before the real prizes, Mexico and the Panama Canal, are reached. In addition, the Marxist coups in Grenada and most recently Surinam, show Moscow's readiness to snap up targets of opportunity.

The challenge to our government has been made plain. We must not wait until the Panama Canal is denied to us, or hostile forces face us across the Rio Grande. Such concerns are not alarmist, but realistic. Only a few years ago, we did not dream of seeing Soviet tanks and combat aircraft based on the North American mainland, as they are in Nicaragua today.

We ask you to stand by your words, and to put the message across to the American people as strongly as possible. We must not allow the orchestrated propaganda of the Communists to paralyze us.

In conclusion, any aid for El Salvador must be used with victory as a goal. Victory cannot be achieved by "negotiations" which might grant the Communists gains they have been unable to make either legally or by force of arms.

We do not want another no-win Vietnam War.

Sincerely,

Sam Stratton, Bob Stump, Richard Shelby, G. V. Montgomery, Norman Shumway, George Hansen, Bill Nichols, Bill McCollum, Eldon Rudd, Bob Lagomarsino, Joe Skeen, Jerry Lewis, Bob Walker, Denny Smith.

Daniel B. Crane, Jim Courter, Doug Barnard, Jr., Bob McEwen, Bill Dickinson, Earl Hutto, J. K. Robinson, Clarence Miller, Dan Marriott, Bob Badham, Chip Pashayan, Jr., William Broomfield, Michael Bilirakis.

Larry P. McDonald, Philip M. Crane, David Dreier, Carlos Moorhead, Floyd Spence, Bill Dannemeyer, Marvin Leath, Thomas Hartnett, Duncan Hunter, Larry Winn, Jr., Jerry Soloman, Trent Lott, Newt Gingrich, Don Young.

Mark Siljander, Bill Whitehurst, William Carney, Jim V. Hansen, John Myers, Tom Loeffler, Henry J. Hyde, Thomas M. Kindness, Larry J. Hopkins, Buddy Roemer, Daniel E. Lungren, Ken Kramer, Richard Ray.●

NEW DEAL COMMEMORATION, LYNDON BAINES JOHNSON LIBRARY, MARCH 4, 1983

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. PEPPER. Mr. Speaker, recently, I had the honor of participating in a commemoration of the 50th anniversary of the New Deal at the Lyndon Baines Johnson Library in Austin, Tex. It was a memorable occasion. The participants included, besides President Ford, many who had been part of the New Deal days in the Congress. Others were outstanding Americans who gave their own evaluation of the New Deal and what it meant to our Nation. Among those participating was the able Governor of Virginia, the Honorable Charles S. Robb, who delivered the closing remarks at the symposium attended by Mrs. Lyndon Baines Johnson, her two daughters, and many others of prominence. Governor Robb delivered an outstanding address. He made a temperate but warm evaluation of President Franklin Delano Roosevelt and the New Deal. He interpreted the great administration of President Roosevelt with a deep understanding and a keen judgement. He emphasized the achievements of the Roosevelt administration while accenting the great compassion and the great aid to the people as evidenced by the programs inaugurated by President Roosevelt during his 12 years in the White House. I think Governor Robb's address marked him as a public leader of great wisdom with a deep understanding of the public interests and a warm dedication to the course of a wise and compassionate Government contributing to the well-being of the people. I include the address by Governor Robb in the body of the RECORD following my remarks:

REMARKS BY GOV. CHARLES S. ROBB—"THE NEW DEAL SYMPOSIUM"

Thank you Dean Rostow, President Ford, Mrs. Johnson, Mr. Roosevelt, other distinguished panelists, other distinguished scholars including University of Texas students and faculty and guests.

It may not be all that unusual for a Governor to be asked to speak to an important audience on a special occasion. However, given the fact that we are in Texas, where my good friend, Mark White, is already establishing a great record, and I am Governor of Virginia, and the fact that this audience consists mostly of historians and academicians, and I am a lawyer and politician by trade, and the fact that the occasion we are commemorating was launched fifty years ago, and like Jack Kemp I wasn't even born until six years later, it may not be unusual for me to be here, but I think you can understand why I might have asked the question, "Why me?", and in fact, initially declined this particular invitation.

I initially declined when I was told this audience wanted to hear from an up-and-coming young Governor, active on the national scene, about the impact of the New Deal on contemporary political challenges. I reconsidered and accepted when I was told more candidly that you really wanted to hear from Dick Cavett at this point in the program, but that he was unable to accept your invitation, and, with the event only a week away, I had a family obligation to fill the gap. Now that I could understand.

On a more serious note, though, because of this particular setting, and because of the Symposium's sponsorship, and because of my extremely high regard for so many of the distinguished participants—and because my remarks happen to coincide with the 50th anniversary of not only the day, but the hour, and even the minute that Franklin Delano Roosevelt first took the oath of office, I am both honored and proud to have the privilege of offering a concluding statement. My only regret is that I could not be with you for the entire Symposium, but I thoroughly enjoyed the program last night and this morning.

I believe the crowded events that have filled the half century in the life of modern America that we celebrate today represent an important challenge linking those of us whose profession is politics with those of you whose profession is history. In our common efforts to understand the past, your influence upon the members of my profession may be even greater than you imagine.

Most politicians read history—and all politicans certainly should; because the historian and the politician have at least one thing in common. The historian, who understands the relationship between cause and effect, has the opportunity to write about history, while the politican, who fathoms that connection, has the chance to make history. In addition, the politician who really thinks seriously about the proposition has to consider history invaluable since the lessons it provides in abundance may be applied with beneficial results to the conduct of public affairs at every level. Moreover, in the secrecy of our egos, those of us who look over our shoulder to the past, also look forward to the future with the hope of favorable disposition at the hands of the authors of the bi-

ographies and monographs to come—of, at least to the decent, semi-obscurity of burial in the explanatory footnotes that adorn those works.

As we look back into the past, and as we try to see ahead into the future, it seems to me that those of us in public life can proceed with a perspective larger, and more useful to the tasks of government, if we take the time to reflect upon what the New Deal means in the larger context of American history, and in relation to the specific issues and problems we face today. Though I do not pretend to possess the range of knowledge of the historian, or the specialized familiarity of the student of the New Deal, I do believe that among all the great domestic developments in America in this century none has had a more pervasive effect upon the life of the nation than the New Deal.

The New Deal was an original and extraordinary reaction to an unprecedented social, economic, and psychological crisis. The first hundred days of FDR's first term were a bold experiment in government action unsurpassed before or since—in the break they represented with the past, and in the enduring influence they had upon the decades that followed. Unburdened, as his predecessor was, by the enshackling dogmas of an era ending, Franklin Roosevelt set in motion sweeping initiatives that at once saved the Republic from almost certain economic collapse, and the incalculable consequences of social and political upheaval that would have come with it. At the same time, I think one can argue as I'm sure those of you here yesterday and the day before already have, that the New Deal also provided the solid basis for almost five decades of economic and industrial expansion, for a national resolve sufficient to master a global conflict of unparalleled danger and for a rebirth of confidence in the principles of government that are so necessary to sustain American commitments as a world power in a post-war age of international tension and uncertainty.

The fabric of the New Deal, like other first-rate, durable material that can be altered to fit the changes that time works upon the physique, still covers the body of the Republic; from the emergency legislation of the hundred days that saved the nation's homes and farms, to the first important initiatives in what became the long and yet unfinished struggle for civil rights, to the federal government's enormous achievements in regional development, agricultural stabilization, conservation, transportation, unemployment compensation and industrial regulation; to what is probably the greatest achievement of all—social security, which Frances Perkins, with some understatement, declared to be a "fundamental part of another great forward step in that liberation of humanity which began with the Renaissance."

The list of permanent legacies left by the New Deal is, of course, much longer—and it is more accurately reflected in the papers presented here during the last two days. Yet from the perspective of one who now serves as a Governor, I see, in a number of current national issues, problems I am convinced we will have to address if we hope to preserve the most important of the legacies passed on to us by the New Deal. The New Deal altered and expanded the activities and the obligations of the federal government as they affect American life, and revised and enlarged the expectations the American people have of their national government.

For more than forty years, the flow of power, and the stream of anticipation, has been from throughout the land to Washington, and the responsibilities for supporting the programs and obligations that have expanded constantly since the New Deal, have flowed back from Washington through the statehouses to communities and people throughout the land. But those directions are now changing. The relationships between the federal and state governments are changing; the federal government's historic financial commitments are being modified or reduced, and in some cases, eliminated altogether. Whether or not we agree with all the criticisms leveled at what some simplistically brand "big government," it is my personal feeling that we must maintain the historic commitments begun fifty years ago to an active, inclusive government, sensitive to its greatest mandate in serving all of the American people.

The central issue facing us now, I believe, is that of deciding how we make the changes that must be undertaken, and make them in a fashion that will preserve the integrity of the vital programs begun in the New Deal—programs that recent history and public expectation have implanted as permanent features of the American landscape—specifically, social security, and the related programs in public welfare and assistance that meet vital human needs.

The magnitude of that task as it will affect our long-range future is awesome. Earlier this week, at the National Governors' Association meeting in Washington, I listened to former Commerce Secretary, Peter Peterson, speaking on behalf of a distinguished by-partisan group of former Treasury and Commerce Secretaries who are studying the impact of the huge federal deficits on our future, describe the scope of the problem that lies before us. In a powerful, convincing presentation, Pete Peterson outlined a future of federal indebtedness, not in the deficits of hundreds of billions projected for the years ahead, but in the range of seven trillion dollars of unfunded liabilities now obligating the federal government if it is to continue all of its current programs and activities.

For the immediate future, there is no question in my mind, or that of any other governor that the states will have to play a much greater role than they have over the past decades in the support and delivery of services and programs essential to people and communities everywhere. And the states can, by virtue of the resources and facilities they have now, undertake greater responsibilities in the areas of public education, transportation, community economic development, and public safety. On the other hand, I am convinced, as are the rest of the nation's governors, that the states cannot, and should not, be called upon to assume burdens that constitutionally and historically the federal government has carried—beginning with the New Deal—in the entitlement and income security programs. As these programs have expanded in recent decades in the services of Medicare and Medicaid, in Aid to Dependent Children, and in the assistance offered the needy through food stamps, these programs have been developed at the federal level to address pressing needs that are national in scope—needs conditioned by the changing national economic circumstances that only the federal government has the power and the resources to address; conditions that only the federal government, through its economic and financial policies, can influence and ameliorate. Clearly, this seems to me to have been one of the major conclusions drawn by the authors of the New Deal, as they looked at the forces that condition and change the nation's economic life, and tried to decide how the federal government could work to keep these forces harnessed to the naiton's best interests.

The use of federal deficit spending, developed during the New Deal, was, it seems to me, a tactical financial device intended to stimulate growth and expansion in real social investments—in human and community developments that generated real and predictable returns to American society—both economically and psychologically. While the tactic worked well then, many of us now in public service at the state level, and I am very definitely included in that number, simply don't believe that we can afford to continue with the high federal deficits we have now, and are facing in the future, and still have any hope of serving either the needs of the American people, or the long-range economic interests of the country—a conclusion confirmed in my judgment by the statistics Pete Peterson and his group have marshalled in support of their view of the problem we face.

I believe we have no real choice!

The federal deficits simply have to be brought down, and bringing them down will be painful. The problem has reached such proportions that the National Governors' Associaton, earlier this week, called upon the Administration and upon Congress, to reduce spending in the so-called "uncontrollable" or "untouchable" categories in the federal budget—defense spending and the non-means tested entitlement programs specifically. Until now, these politically sensitive areas of the budget, which comprise 80 percent of the annual spending of the federal government, have been immune to the cutting that the Administraton has undertaken in the remaining 20 percent of the federal budget—specifically in the so-called "controllable" expenditures that involve federal-state programs, and the assistance the federal government provides directly for state and local governments. Perhaps the dimensions of the current problem are most graphically illustrated by a hypothetical example: if the federal government chose to pay only its obligations to defend the national debt—and eliminated all of the rest of the federal budget and shut down the national government cold, there would still be a federal deficit. That is how far federal expenditures have gotten ahead of federal revenues.

In my judgment, if we hope to preserve the social and economic gains America has made over the past forty years, and keep the great commitments made by at least five administrations during those decades, we're going to have to take action—tough, painful action to bring our spending in balance with our means. In short, unless we direct the national dialogue to the question of giving up something, we may run the risk of losing everything.

Beyond these concerns, however, there are deeper, even more basic questions about our current direction in national affairs that give me pause. They are philosophical in nature.

Beginning with FDR's first administration, our national government came to look upon the American people as important assets not as expensive liabilities. The prevailing philosophy of the New Deal was developed in the spirit that felt it only natural for the most powerful nation ever on earth to apply its might, and the abundance of its resources to assist those of its citizens genu-

inely unable to help themselves. Animating that spirit, and the unprecedented energies of the New Dealers, was the powerful conviction that a representative government chosen by the confidence of a free people, is not inherently or naturally evil, inefficient, or inept, but in the hands of men and women of vision, generosity, and good will can be an effective partner of society in the generation of good and the advancement of progress. In that sense, the New Deal sought to represent all of the American people, by intervening positively and decisively in virtually every area of the American economy to bring about, as rapidly as possible, a real recovery from the shambles of the Great Depression. As a result, the New Deal, as anyone now in public life should realize, was not aimed solely at helping the helpless, feeding the hungry, sheltering the homeless, and providing jobs for the unemployed. The New Deal, it seems to me, ultimately was critical to the preservation of the stable social and economic center of American life.

In that respect, the New Deal defied contemporary ideological labels. Those who developed it, like FDR, looked upon government as an ally, a willing partner and protective supporter of American society and institutions—the forerunner, if you will, of the current public-private partnership that is the goal of so many of us in public life today.

Moreover, contemporary critics of "big government: fail to perceive that the New Dealers did not presume that the federal government could or should undertake to solve all of the problems of all of the people always and everywhere throughout the country. Instead, as I believe history has clearly demonstrated, the New Deal sought to target those problems that the complexities of modern industrial society had placed beyond the abilities of individual Americans to control. They presumed that the federal government could and should act in an effort to solve those problems by changing or controlling the conditions in order to prevent the recurrence of the renewed threat of economic ruin that came with them.

From my perspective, the New Deal was an experiment, inspired by the powerful tradition of experiment in American life. As the "Master Experimenter" responsible for the New Deal, Franklin Roosevelt was superbly equipped for the unique rigors that came with the task. He succeeded because he was bold, sensing instinctively and overwhelmingly that the unprecedented economic crisis gripping the nation, demanded action, whatever the risk, no matter the dangers. He also succeeded, I believe, because his courage, both as a politician and as a leader, was complemented by the kind of vision that both stimulated and was stimulated by experimentation.

Finally, it is my own feeling that the experiment of the New Deal worked because America is essentially an experiment, an experiment in the continuing search for equipoise between those things in American life which are organic and ever-changing and those things in the nation's experience which are immutable and unchanging. To strike that delicate balance is to produce the resonance of continuing American progress. FDR struck that balance because he had the greatness of spirit, the capaciousness of intellect, and the boundless confidence in the future of America, that made him unafraid to ask the right questions to find the right answers; to risk being grossly wrong in the venture of being grandly right. And he had something else, something ultimately even more important. He had the unshakable convictions, transparently obvious in both word and gesture, that so easily and naturally charged with electric vibrance all his communications with the American people. Like the man to whom this library is dedicated, Franklin Roosevelt was a people's President.

That, in the end, may have weighed more in the balance of the success of the New Deal than any other single element. If it did, then for those of us now serving in government, the example and the inspiration of why it did is not hard to find.

Finally, among all the memorable things he said, the lines in Franklin Roosevelt's career that I find most helpful, lines of timeless beauty and transcendent wisdom, in what they say of how those who hold the public's trust, should conduct the public's affairs. They are the lines he uttered in accepting the Democratic nomination for reelection in 1936. On that occasion, and with these lines I close, he said: "Governments can err; Presidents do make mistakes, but the immortal Dante tells us that Divine Justice weighs the sins of the cold-blooded and the sins of the warm-hearted on different scales. Better the occasional faults of a government that lives in a spirit of charity, than the constant omissions of a government frozen in the ice of its own indifference."

Thank you.

BYELORUSSIAN INDEPENDENCE DAY

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. ADDABBO. Mr. Speaker, I would like to share with my colleagues a speech I will make this Sunday before the Byelorussian-American Association in commemoration of the 65th anniversary Byelorussian Independence Day on March 25. The speech follows:

BYELORUSSIAN INDEPENDENCE DAY

Friends, this rally has been organized to commemorate the 65th anniversary of Byelorussian independence. Friday the 25th was not a day of celebration like our July 4th. Byelorussians cannot march in parades and rejoice in their heritage and freedom. The fireworks would not be theirs. The celebration, if it were warranted would be quickly squelched by the Soviet authorities.

Rather, this rally has been organized to celebrate an ideal, a hope that Byelorussian culture can continue to survive despite repeated attempts by the Soviet Union to eradicate it. As we all know, Byelorussian has suffered both under the Russian Tsars and the regime in power today. Byelorussians rose against the Empire in 1863. Byelorussia flourished and was truly free from the jackboot of Soviet authorities for a brief year at the time of the Russian Revolution, after Byelorussians bravely sacrificed their lives and time so that both Russia and non-Russian nations could escape from the yoke of the Tsarist Empire.

But, what do our brethren face today? They withstand repeated Soviet attempts to render them culturally homogeneous, are forced to use Russian instead of their native tongue, and have their monuments and cultural artifacts ransacked and destroyed. But it is not the physical trappings, however sacred, which make Byelorussia distinct from the Soviet Union. It is a rich heritage and history which cannot be taken away. The Byelorussian identity remains in you, your children, and those who live in Byelorussia today. With this cultural legacy comes a responsibility which falls on each of us. We must act to preserve Byelorussian culture and traditions so that future generations do not have to read of it in their history books.

What can we do for our brethren in Byelorussia? We can offer our solidarity and support. We can serve as a forceful moral voice here in the United States to beseech the world not to forget people who live in nations held captive by the Soviets. We must plead for their fundamental rights to self-determination, freedom of speech and freedom of religion.

It seems as if world attention lights upon one particular nation or people at any given time. Briefly, letters are written and speeches made to defend the poor people who suffer under the domination of a foreign power. Byelorussia and its neighbors are too infrequently the focus of this attention. Their illegal colonization persists like a dull, numbing pain which can sometimes be ignored.

Let's not allow the Kremlin to anesthetize our conscience and inflict its insipid culture upon our brethren. I congratulate you all for being here to share and make people aware of Byelorussia's burden and for adopting the often difficult role of making the world remember and act to end the suffering of Byelorussia.

WITHHOLDING ON INTEREST

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. SEIBERLING. Mr. Speaker, Members of the House and Senate have been deluged in the past several months with petitions, letters, and postcards from constituents demanding the repeal of the new law requiring tax withholding on interest income. So far this year I have received about 20,000 constituent communications on this subject.

To provide some perspective on the magnitude of the mail on this issue, I received 18,000 constituent communications in all of 1982 on all legislative issues. I received about 10,000 letters from constituents on Watergate during the time the House Judiciary Committee, on which I serve, investigated allegations of impeachable conduct by President Nixon.

I believe that one of a Congressman's highest obligations is to keep in touch with his or her constituents. My policy, and I am sure the same is true for most other Members, is to respond, if possible, to every letter, telephone call, or petition I receive. Yet the sheer volume of mail I am receiving on

withholding makes it almost impossible to respond.

Who or what is responsible for this extraordinary outpouring of mail on withholding? The answer, Mr. Speaker, is a wealthy, powerful, special-interest lobby, the banking industry. This industry has preyed on people's fears with misleading and occasionally false information about the impact of the new law on savers. In a recent letter to Members of the House, Common Cause, the "citizens' lobby," said that:

Financial institutions are trying to frighten Americans into opposing this equitable instrument of compliance. Unwilling to help the government collect taxes—a responsibility most employers and retailers have shouldered for decades—financial institutions have mounted a massive campaign against withholding. Using such deceptive slogans as "ten percent of the money you earn in interest is going to disappear," they have implied that withholding will deprive depositors of substantial income beyond what they already owe the government, and may even drive them to financial ruin.

In a recent article, consumer columnist Jane Bryant Quinn criticized that same headline about disappearing earnings. She said that:

Those headlines mean only that most Americans owe taxes on their interest income, and the government will be trying harder to collect the legal taxes due. But the ads have frightened many savers, especially the elderly, into thinking that the government is grabbing something extra. Even President Reagan criticized the banking industry last week for the sound and fury of its campaign.

Mr. Speaker, I would like to discuss the major concerns which my constituents are raising in their letters and phone calls to me on this subject. I sincerely believe that when they have the benefit of both sides of this issue, their anger will be turned against the banks which have so badly deceived them and are trying to use them for their own selfish purposes.

The most serious concerns to me are those from the poor and elderly who believe that withholding will unnecessarily draw them into the tax system—that Congress truly intends to "grab" the savings which pay their rent and medical and utility bills. If I believed that, I would not hestitate to support the repeal of withholding. In fact, I opposed withholding when it was recommended by President Carter precisely because his proposal had no exemptions for the poor and elderly.

The new law does have reasonable exemptions. All that is required for the poor and elderly to be exempt from withholding is to sign a simple certificate, form W-6. Under the law, individuals are exempt from withholding if their 1982 tax liability was $600 or less ($1,000 on a joint return). Individuals at least 65 years old are exempt from withholding if their 1982 tax liability is $1,500 or less ($2,500 on a joint return). Individuals are also exempt if they did not have to file an income tax return for 1982.

The Treasury Department estimates that 87 percent of all elderly taxpayers will be exempt from withholding under the new law. Only 2.7 million taxpayers over age 65 will be subject to withholding; they will earn approximately $48 billion in interest and dividends a year—almost $18,000 per elderly taxpayer per year.

Some say that having to file this new form W-6 with their banks is an invasion of their privacy. Yet it is no more an invasion of privacy than filing an income tax return or than the 1099 report that banks already file with the IRS for every depositor who receives more than $10 in interest. Savers already trust banks with sensitive information about their financial affairs, so it is difficult for me to accept this argument.

Many object to the loss of interest income from compounding. Some have even sent elaborate tables purporting to show that everyone loses from withholding: the banks, the consumers, and the Government. These analysis are faulty on several grounds. Under the new law and regulations, banks have considerable flexibility as to when they actually withhold interest. For most ordinary savings accounts, the regulations permit withholding at the end of the year, so that there will be virtually no loss of compounding. Even where the bank decides to withhold quarterly, the loss from compounding is very small. According to the Treasury and the Joint Tax Committee of Congress, if a saver has $10,000 invested at 9 percent for a full year, quarterly withholding will reduce his annual income by a total of $5. On a $1,000 deposit, the loss of income due to quarterly withholding would amount to about 4 cents a month.

Some object to the costs imposed on financial institutions by the new law. But Congress has attempted to compensate for those extra costs by letting the banks have a "float," the free use of the withheld money for a period of time. Treasury Secretary Regan recently said that he is willing to consider extending this time if the costs are higher than expected. I recognize that compliance with the new law will mean additional costs to banks, and I support such measures as the "float" to compensate them for these costs. To date, however, the banks have been very reluctant to provide hard data on their costs, which leads me to suspect that the costs are not as great as they claim.

I am concerned about the impact of the new law on smaller financial institutions, such as credit unions, which do not have the resources of the larger banks to comply with the law. Earlier this month I wrote the chairman of the House Ways and Means Committee and urged him to consider additional steps to compensate these smaller institutions for the special burden the new law places on them.

Many people point out that the IRS already receives a form from banks, form 1099, giving the IRS information on who gets how much interest income. If the IRS were doing its job, they believe, there would be no need for tax withholding. The 1099's have enabled the IRS to increase compliance in the area of interest income, but there is a limit to what the IRS can do. A substantial percentage of the forms—Senator DOLE, chairman of the Senate Finance Committee, says up to 15 percent—have information errors which make it impossible for the IRS to match them up with tax returns. In addition, a complete match up would be difficult, given the IRS' current computer capabilities.

The advice we have is that withholding at the source is the most efficient way to collect income taxes. Even if a complete match up of 1099's with tax returns could be achieved, the IRS would in many cases have to go through expensive collection procedures. Any attempt to reach unreported interest income through information reporting alone would require millions of telephone calls, letters, and visits, many involving small amounts of tax. Although the amount of money involved in total is significant, it is a relatively small amount per taxpayer, and most taxpayers would understandably regard letters and phone calls from the IRS for small amounts of tax as harrassment.

Mr. Speaker, some people object to what they see as the implication that they are dishonest. No such implication is intended by the new law, any more than withholding from employees' wages implies dishonesty. An estimated 10 percent of people who owe taxes of interest income do not pay. Undoubtedly, many of these people do not intend to avoid paying; they simply forget, or don't keep good records. For dividends, the noncompliance rate is even higher; 18 percent of those who receive dividend income do not pay tax on it. By contrast, only 2 to 3 percent of wage income is unreported, thanks primarily to wage withholding.

In any event, the lost tax revenue is substantial. According to the Joint Tax Committee, the new law will raise an additional $20.4 billion over the next 5 years from taxes owed but not paid under the present set up. Considering the disastrous deficits we are facing as a result of the ill-advised tax and spending policies which President Reagan rammed through in the last Congress, the very least we can do is to adopt reasonable means to insure that everyone pays the taxes they owe under the law.

I continue to believe that our system of taxation is in need of basic reform. Far too much of the tax burden falls on middle income people. Far too many loopholes exist which favor the wealthy and powerful without producing comparable offsetting public benefits. In particular, I support legislation to exempt the first $1,000 ($2,000 for married couples) of interest income for those under the age of 62, and $4,000 ($8,000 for married couples) for those 62 and over. Ironically, the excesses of the Reagan program make it unlikely that Congress will be able to enact such legislation in the foreseeable future.●

SOVIETS RESTRICT JEWISH EMIGRATION

HON. JIM LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. LEACH of Iowa. Mr. Speaker, March 15 marked the opening of the Third International Conference on Soviet Jewry in Jerusalem. Some 1,500 persons from 32 countries gathered for 3 days to focus the attention of the world on the worsening plight of Soviet Jews. As most of my colleagues know, the emigration of religious dissidents from the Soviet Union has been reduced to a trickle. According to figures provided by the National Conference on Soviet Jewry, there has been a 95-percent decline in the last 3 years.

I wish to bring to the attention of my colleagues an article which appeared in the New York Times on Sunday, March 20, 1983, reporting on the results of the conference.

The article follows:

SOVIET IS ASSAILED OVER EMIGRATION

MOSCOW IS URGED AT JERUSALEM MEETING TO EASE CURBS ON JEWS SEEKING TO LEAVE

(By David K. Shipler)

JERUSALEM, MARCH 19.—Delegates to the World Conference on Soviet Jewry adopted a declaration here this week calling on the Soviet Union to take four steps of liberalization: reopen the gates to emigration, release imprisoned Jewish activists, end what it called Government-sponsored anti-Semitism and stop what is described as the persecution of Jews who want to practice their faith and preserve their culture.

At the three-day conference, the third such gathering since the emigration movement began in 1971, the 1,500 delegates from 32 countries also issued a pledge to Jewish activists in the Soviet Union.

"We take upon ourselves a personal vow," the participants resolved, "that your struggle is our struggle, that we are at one with you in your dreams and aspirations. In this struggle we are joined by men and women of many creeds, races and nationalities who cherish human dignity. Their presence in Jerusalem with us demonstrates that your cause has become a matter of international concern and has evoked worldwide support."

After a decade in which about 270,000 Jews were allowed to leave, the Soviet authorities have now cut the flow of émigrés to a trickle. In January and February, a total of only 207 Jews arrived in Vienna from the Soviet Union. Conference organizers said that as of the end of 1982, their records showed that the authorities had denied exit visas to 2,906 families made up of 9,310 individuals.

AN ARRAY OF PUBLIC FIGURES

An array of public figures attended the meeting, including Jeane J. Kirkpatrick, the United States representative at the United Nations; Simone Veil, former President of the European Parliament; four of the five Borough Presidents of New York City—those of Brooklyn, Queens, the Bronx and Staten Island; promiment lawyers, judges and district attorneys from the United States and Europe, and 41 members of parliaments and legislatures from Italy, Israel, Britain, the Netherlands, Canada, Panama, France, Belgium, Spain, Mexico, Austria, Sweden and the United States.

Prime Minister Menachem Begin, addressing the closing session, said Thursday that the Soviet Union should take note "that the free world does care, stands together with Israel and with the Jewish people for the cause of setting free our brethren and enabling them, when they wish, to leave the Soviet Union and come back to us and live here in liberty and in human dignity."

Although the conference was conceived more as a demonstration than a working meeting, several concrete ideas emerged for future action by concerned Westerners. The most significant was an announcement by several law professors of plans to establish a center to prepare legal briefs on cases of human rights violations around the world.

As described by Irwin Cotler, a law professor at McGill University in Montreal, the center, to be based in Canada, would prepare amicus curiae briefs on behalf of political prisoners.

Professor Cotler has already done this for Anatoly B. Shcharansky, Vladimir Slepak, Ida Nudel and other would-be émigrés tried in Soviet courts.

He said the center, to be called Inter-Amicus, would take up cases in not only the Soviet Union but also South Africa, Latin America and elsewhere.

Professor Cotler said he would be joined in the effort by Alan M. Dershowitz of the Harvard Law School; George P. Fletcher, professor of law at the University of California, and the Rev. Robert F. Drinan of the Georgetown University Law Center.

The tactic is likely to strike a Soviet nerve, Professor Cotler explained, because the Soviet authorities take pains to give their prosecution of dissidents a legalistic appearance.

President Reagan sent messages of support to the delegates. Mr. Reagan's letter, read by Prime Minister Begin to the final session, said:

"The United States has long and actively supported the right of Soviet Jews to practice their cultural traditions freely and to emigrate from the U.S.S.R. if they wish to do so. We have made these points repeatedly to the Soviet leadership and have stressed the colossal impact of this issue on U.S.-Soviet relations. It is our fervent hope, as I know it is yours, that such unequivocal indications of U.S. concern will ultimately contribute to an easing of the internal and emigration restrictions that affect Soviet Jews."●

SPENDING FOR FOREIGN AID—PART OF NATION'S DEFENSES

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1983

● Mr. BEREUTER. Mr. Speaker, in this time of economic hardship, it is often difficult to convince some of my colleagues and much of the general public of the benefits that can result to our country from a sound foreign aid program. Critics contend that the aid could be better used for domestic programs instead.

For this reason, I want to call the attention of my colleagues to an editorial from the Omaha World-Herald that recognizes what a beneficial tool foreign aid can be. The editorial also points out the task facing Congress—to retain the important elements of our foreign aid program while systematically working to eliminate the superfluous or ineffective items. As a member of the Foreign Affairs Committee, I am aware of this responsibility and of the need to find the best possible uses for the foreign aid our country does provide to other nations.

I request permission to have the following editorial reprinted in the CONGRESSIONAL RECORD for the benefit of my colleagues.

[From the Omaha World-Herald, Feb. 12, 1983]

SPENDING FOR FOREIGN AID PART OF NATION'S DEFENSES

Coming from a conservative Republican administration that faces a huge budget deficit, President Reagan's foreign aid request at first glace appears totally out of character.

Reagan has asked Congress for $17 billion for foreign aid programs in fiscal 1984. That is an increase of nearly $2.4 billion over fiscal 1983.

This has caused some members of Congress to ask: How can the administration think of sending more money overseas at a time when budgets of domestic programs are being held down?

"I don't think there is a member of Congress who has a constituency that is devoted to foreign aid," said Rep. Jerry Lewis, R-Calif., of the House foreign operations appropriations subcommittee.

Congressional Quarterly notes that the largest increases are for countries such as Turkey that provide the United States with military bases. Turkey received $400 million in military aid in 1983; Reagan wants to increase that to $755 million.

The foreign aid package includes increases for embattled countries such as Lebanon and El Salvador and a cut in foreign aid grants for Israel. Most economic development aid programs run directly by the U.S. government would get the hold-the-line treatment.

More is asked for the World Bank to meet previous commitments made by the Carter and Reagan administrations.

A separate request from the administration concerns the International Monetary Fund, which has strained its resources to

rescue debt-ridden countries such as Mexico and Brazil. Reagan will ask Congress for about $9 billion for the IMF. Some congressmen already have announced their opposition, calling the move a bailout for U.S. banks that have loaned money to near-bankrupt countries.

There is a tendency during times of budget stress to use foreign aid as a whipping boy. Critics ask: Why send $17 billion to foreigners? Why not use it for jobs programs, farm price supports or food for the poor in this country?

But when the foreign aid requests are examined item by item, it becomes evident that many of them are not giveaways but are designed to enhance the defense of the United States.

The trick for Congress will be to identify and remove any non-essential items while retaining those that are vital to the nation's security.●

THE GM-TOYOTA JOINT VENTURE

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. FLORIO. Mr. Speaker, I would like to call my colleagues' attention to an article that appeared in the New York Times on Sunday, March 20, by William B. Johnston, former Assistant Secretary of the Department of Transportation. In the article, Mr. Johnston talks about the recently announced joint venture effort between General Motors and Toyota to produce subcompact cars in California.

At this point, I would like to insert the full text of the article in the RECORD:

[From the New York Times, Mar. 20, 1983]

THE GM-TOYOTA VENTURE IN AUTOS—NO GREAT DEAL FOR THE UNITED STATES

(By William B. Johnston)

General Motors and Toyota have formed a joint venture to build cars in California. Except for a few disgruntled competitors and the ever-prickly trustbusters at the Federal Trade Commission, most everyone seems to be toasting this marriage of East and West, announced appropriately on St. Valentine's Day.

Should we be celebrating? After all, this marriage promises to spawn not only a fuel-efficient new car, but thousands of new United States jobs.

Hold the bubbly. Check your invitation. This may be a closed party—for G.M. and Toyota only. What is good for General Motors in this case may not be good for America.

When Americans begin switching from Chevettes to Toy-Chevies in 1985, will they be buying an American-Japanese hybrid—the best of both worlds? Hardly. From top to tires this will be an import. Look at the facts:

Toyota will design and engineer the car, which will be a front-wheel-drive version of the Toyota Corolla. No laid-off designers from Fisher Body, and no engineers from G.M.'s Tech Center in Detroit need apply. The work has already been done in Japan.

What about the car's components? According to the announcements, aren't these supposed to come from the United States and Japan in equal proportions? Not likely.

By agreement, the engines and transmissions (some 20 percent of the value of the car) will be made in Japan. Much of the rest of the car, particularly the mechanical systems—the pumps, motors, carburetors, brakes, etc.—will also come from Japan. Only the bulkiest, lowest-value parts that cannot be shipped will come from this country: springs, seats, glass, trim, batteries, body panels.

The reason is simple: like Japanese cars, Japanese parts are generally cheaper. And low-priced components will be critical to the success of a new vehicle competing in the United States small-car market.

In addition to their widely reported efficiency and wage advantages, Japanese suppliers are likely to have an even greater cost advantage over American competitors in this case. Why? Because they already supply Toyota with components that are compatible with the engine and drive train in the new vehicle.

Unlike traditional G.M. sourcing, which has leaned toward domestic procurement for historic and strategic reasons, buying decisions at the Fremont, Calif., plant will be in the hands of an independent, cost-conscious management. Purchasing will be strictly on the basis of price, quality and delivery time. Should there be any doubt, the Toyota man in charge will make the final decisions.

So when you look under the hood of the new vehicles rolling off the Fremont line, you will likely see the Nippondenso and Toyota Gesei tradmarks, not A.C. Delco's. Even the steel in the body panels, which General Motors has traditionally bought only in this country, is likely to come from Japan. Japanese sheet steel is several cents cheaper per pound than American steel.

What about the tools, the specialized, expensive machines that make a modern automobile plant so capital-intensive and so productive? Most will come from across the Pacific.

For example, the robots needed to fully automate the assembly line and the presses for the new stamping plant are sure to come from Japan. Again the reason is cost. For tools of equivalent productivity and quality, products from Japan are cheaper than American ones. Even if this were not true, another reason points toward Japanese tools: Toyota is paying for them. Out of the total contribution, G.M. is putting in $30 million, Toyota $150 million. If the past is any guide, Japanese auto makers will "buy Japan" when their money is in the checking account.

Of course, some of the existing equipment in the plant can be reused. And G.M. is likely to install an automated paint booth—a technology in which it leads the world. But the bulk of the tooling will be Japanese.

In sum, Japan will supply the skilled manpower, the sophisticated parts and expensive tools. The United States will supply less-skilled (though highly paid) manufacturing labor, lower value parts and the plant.

Is this a harbinger of things to come, a glimpse of America's high-technology future? Strange. It looks more like automobile production in a developing country: an imported plant assembling mainly imported parts, with only the cheap, east-to-make components procured locally.

(Indeed it is ironic that arrangements such as this are no longer welcomed in the more sophisticated developing countries. This deal would be illegal in Mexico, Brazil or South Korea).

Of course, the alternative to this arrangement is even less attractive. Toyota would eventually import the new Corolla itself, and G.M. would almost certainly build the replacement for the Chevette overseas. Either way, American automobile manufacturing will decline.

For General Motors and Toyota, this venture makes perfect sense. G.M. obtains a new subcompact to replace the Chevette at a fraction of the cost of developing its own vehicle. Toyota silences its American critics by establishing an American manufacturing presence. In light of the intense competition in the American small car market and the huge costs of developing new cars, it would be surprising if Ford and Chrysler were not considering similar arrangements.

But though agreements such as this may help American car makers to survive, they will not help the American economy to prosper. By assigning to Japan the higher value, more technologically sophisticated share of production, this venture further undermines America's competitive position as producer of automobiles.

If the United States is to remain the leading economic power in the world, it must consciously position itself on the leading edge of industrial change.

This does not mean simply abandoning our mature manufacturing industries and pitching our tent in Silicon Valley. It means that we must be the designers of products, the developers of technologies, the suppliers of tools and the organizers of production systems for manufacturing industries. We cannot hope to prosper as the assemblers of imported parts.●

NATIONAL RESPIRATORY THERAPY WEEK

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. PEPPER. Mr. Speaker, today, in recognition of the important contributions respiratory therapy practitioners make to the health care field, I am introducing a resolution calling for the week of September 25 through October 2, 1983, to be designated as "National Respiratory Therapy Week."

Respiratory therapy practitioners are involved in the treatment, diagnosis, control, and management of diseases and abnormalities associated with the cardiopulmonary system. They deliver important care to patients suffering from such illnesses and diseases as emphysema, asthma, bronchitis, pneumonia, black and brown lung disease, infant respiratory distress syndrome, and cardiac arrest.

There are some 100,000 respiratory care petitioners throughout the Nation delivering quality health care to patients both young and old in a variety of settings. Due to rapidly expanding technology, respiratory therapy practitioners are no longer bound solely to the traditional hospital inpatient setting. Respiratory therapy now

is frequently delivered in outpatient clinics, comprehensive outpatient rehabilitation facilities, and most recently in home care settings.

During the last several years many States have recognized respiratory therapy practitioners by issuing State respiratory therapy week proclamations. This recognition culminated last year in the enactment of the first national respiratory therapy week proclamation. I wish to continue to pay tribute to the outstanding contributions of this health care profession by introducing the 1983 resolution for National Respiratory Therapy Week, and I urge my colleagues to join me in sponsoring this measure.

I wish to include in the RECORD at this point the text of the resolution.

H.J. RES. 227

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Whereas respiratory therapy is recognized as a high technology, modern and progressive segment of the health care delivery system in the United States:

Whereas there are one hundred thousand respiratory therapy practitioners in the Nation who are making an important contribution to the delivery of quality health care;

Whereas respiratory therapy is an integral part of critical care and general medicine;

Whereas respiratory therapists are involved with therapeutic and life-sustaining cardiopulmonary care to patients suffering from lung and associated heart disorders; and

Whereas in recent years the field of respiratory therapy has expanded to include postoperative pulmonary care, education, research, pulmonary testing, pulmonary rehabilitation, and neonatal-pediatric specialties: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of September 25 through October 2, 1983, is designated as "National Respiratory Therapy Week" and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such week with appropriate activities.●

UNEMPLOYMENT AND CHILD ABUSE: A VICIOUS CIRCLE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. BIAGGI. Mr. Speaker, I wish to bring to the attention of my colleagues an article which was recently written by the associate director of the National Committee for the Prevention of Child Abuse, Peter Coolsen. The issue is a timely one: the relationship between child abuse and rising levels of unemployment. I believe that this article provides needed insight into the close correlation between our economic health and the health of our children.

As one of the original authors of the Child Abuse Prevention and Treatment Act of 1974 and of H.R. 1904, legislation to reauthorize the programs under this act, now before the Education and Labor Committee, I wish to call this article to the attention of my colleagues who do not serve on this committee. The shame of child abuse becomes all the more an embarrassment to our society when we realize that we could be alleviating the problem in a favorable economic climate. As the House will consider H.R. 1904 this year prior to the expiration of the act, I urge that this article be given serious and thoughtful attention by all. Child abuse effects all parts of society, from all socioeconomic income levels and can only be prevented if we first appreciate the nature and the scope of the problem.

The article follows:

UNEMPLOYMENT AND CHILD ABUSE

(Peter Coolsen, M.S.W.)

American is experiencing its highest level of unemployment in 40 years. The national unemployment rate reached 10.8 per cent by early December 1982, with more than 12 million people out of work. States like Ohio and Illinois are suffering from rates above 13 per cent; Michigan, the hardest hit, has one of every six workers looking for a job. Even states like Alabama and Texas in the boom areas of the South and Southwest are feeling the impact. And for the first time since the Depression, the jobless rate for men has topped that for women.

The media have devoted considerable coverage to the effects of high unemployment on families. Numerous articles have raised the possibility of a link between the rising unemployment rate and the increasing incidence of child abuse. While it is easy to assume a simple connection between the two, it may be valuable to explore this connection more deeply and to analyze the research available on the subject.

Unemployment obviously has a tremendous impact on families. In addition to the loss of income and the threat to the family's economic stability, there are numerous psychological assaults. An unemployed parent often experiences loss of self-esteem, reduction of economic power, and decreased social status. These experiences can lead to depression and to conflict among family members. (One of every seven workers in a Detroit survey reported increased conflicts with children after being laid off.) It is not unusual for an unemployed breadwinner to spend hours a day in a depressed frame of mind, demoralized by the stress of unpaid bills and by rejections encountered in the job search. If the person out of work is a single parent, these pressures can be even more profound.

Children also need to make an adjustment during a time of unemployment. Often they must do without things that were available in more prosperous times. This deprivation may be particularly stressful for school-age children who interact daily with children of families not suffering from joblessness. Also, basic relationships between children and parents may change during this period. In a two-parent family an unemployed father may find himself spending more hours as caretaker of the younger children, and this comes at a time when his patience, self-esteem, and positive energy are at a minimum.

Consequently, the stress level is very high for both parents and children during a time of unemployment. Whether these stresses lead to violent or neglectful incidents or whether family members pull together and survive the crisis depends on a number of realities, some internal and some external to the family.

RESEARCH

Unemployment and economic stress have been cited throughout the child abuse literature as frequent correlates of maltreatment. Few research efforts, however, have explored this relationship thoroughly. In a national survey conducted in the late 1960s, David Gil reported that 47.5 per cent of the fathers of abused children were unemployed during the year before the child was abused, and 11.8 per cent were unemployed at the time of the abusive act. In a statistical analysis of Gil's data. Richard Light concluded that unemployment was the variable that could most frequently be related to child abuse and that the data confirmed the theory that family stress from unemployment "ties in to incidence of abuse. In 1975 a study with the United Auto Workers in Flint, Michigan, revealed that during the year in which the unemployment level reached 20 per cent in Flint, the incidence of verified child abuse doubled.

Over the past year or so a number of statistical comparisons have been made between unemployment rates and child abuse reports in states hardest hit by the recession. In Wayne County, Michigan (Detroit), the unemployment rate rose from 15.0 percent in 1981 to 17.1 percent in 1982. During the same time the number of substantiated abuse and neglect reports increased by 37 percent. In Wisconsin the Bureau for Children, Youth, and Families conducted a preliminary analysis of child abuse reports in counties with the highest levels of joblessness. It was found that while reported cases of abuse increased by 6 percent in the state during 1981, they increased an average 123 percent in the 10 counties with the greatest rise in unemployment.

The state reporting statistics also give the impression of a growing severity of child abuse. In some of the states hardest hit by unemployment there has been an alarming increase in reports of seriously injured children and abuse-related deaths. In Texas, for example, where the unemployment level has recently begun to escalate, the total reported cases of child abuse increased 12 percent over the past year. During the same period the number of "priority one"—or life-threatening—cases rose by 30 percent.

Statistics like these seem to indicate a clear connection between unemployment and child abuse. It is imperative, however, to point out the limitations of such data. While cross-sectional studies and statistical comparisons provide some evidence of association between the two phenomena, they do not provide evidence of causality. It is possible, for example, that some unexamined variable connected with both the incidence of abuse and the level of unemployment may account for the association.

These comparisons also present some inconsistencies that go unexplained. For instance, while the child abuse reports for Wayne County increased by more than one-third during 1981–82, the number of reported cases for the entire state of Michigan remained at its previous year's level. Since

Michigan was suffering from the highest degree of unemployment in the country, child abuse reports might be expected to have increased. Also, while the 10 Wisconsin counties with the greatest unemployment showed an average increase of 123 per cent in child abuse reporting, one of these counties actually showed a 42 per cent decrease, and while 8 of the 10 Wisconsin counties with the greatest decline in unemployment also showed a decline in reports of child abuse, 2 of those counties showed a substantial increase in abuse cases.

An investigation conducted in two southern California counties has offered an example of a more rigorous research design and has provided a more conclusive statement about the relationship between unemployment and child abuse. The study tested the hypothesis that undesirable economic change "leads to" increased child maltreatment. Changes in work force size rather than unemployment rates were used as the indicator of economic stress; data were examined over a 30-month period; and adequate controls for other variables were included. Analysis of the data revealed that a decline in work force size was significantly related to reported child abuse in two metropolitan communities and the "increases in child abuse are preceded by periods of high job loss." The investigators cautioned that since this was the first study of its kind, the results may not offer adequate guidance for social policy.

A significant insight provided by some of the research studies is that a change in status from employment to unemployment may be as significant as the actual unemployment itself, if not more so. That is, stress related to recent job loss may be more closely linked to maltreatment than the enduring condition of unemployment. This finding could account for the constant level of reported abuse cases in Michigan, where unemployment has taken on a somewhat chronic character.

What, then, can be concluded about the relationship between child abuse and unemployment? As of now, although there is good evidence of a correlation between the two and some evidence of casuality, it is not possible to be precise about the mechanisms at work. There is a need for further carefully designed investigations.

ASSISTANCE

Supportive and preventive efforts for unemployed parents and their families need not wait for more research data, however. The evidence is already strong enough that unemployed families are at high risk for child maltreatment (even though most jobless parents never actually resort to abuse and neglect). Communities need to gear up their assistance to such families, particularly in areas where there is a high incidence of recent job loss. In hard-hit communities concrete assistance such as unemployment benefits, food stamps, food pantries, and similar programs are essential.

Of primary importance, too, are efforts such as self-help and support networks aimed at reducing the isolation and psychological burden of unemployed parents. In one large metropolitan area, for example, a local church sponsors self-help groups for jobless members of its congregation. These groups assist members to find work and to deal with their emotional stress. In the same community a coalition of churches sponsors an Unemployment Rally to aid local people who are out of work.

Union networks are another source of help for unemployed workers. Union social service committees, such as those of the Amalgamated Clothing and Textile Workers Union, furnish information and referral to members at the time of layoff and facilitate direct counseling to workers dealing with the trauma of unemployment. Union community service representatives and retraining programs are examples of other union resources that deal with unemployment.

What is most important, perhaps, is a recognition and awareness by the community that unemployment carries with it heavy economic and psychological stresses and that efforts geared to supporting jobless parents will pay off in the long run by producing healthier families and maintaining stronger communities.●

FOOD IRRADIATION RESEARCH

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. WHITEHURST. Mr. Speaker, on the basis of my visit to the Bhabha Atomic Research Center near Bombay, India, I have maintained a continued interest in the development of irradiation as a means of preserving food. On page 2179 of the February 23, 1982, CONGRESSIONAL RECORD, I inserted the text of two articles by Dr. Eugen Wierbicki, research leader, Food Irradiation Research, Food Safety Laboratory, U.S. Department of Agriculture, Eastern Regional Research Center, Philadelphia. Dr. Wierbicki began his research on irradiated foods at the Natick Laboratories in 1962, and it was the technology developed there which has been the basis for the work done in India.

I would refer my colleagues to those articles as background, and I am pleased today to insert a brief article which appeared in the March 28, 1983, issue of Newsweek, bringing us up to date on the progress of this important process. One particularly valuable aspect of irradiation which is not mentioned is the fact that even a very low dose of irradiation can kill any kind of insect in, to quote Dr. Wierbicki, "any physiological development status—eggs, larva, and so forth. For example, it can be used to kill the Mediterranean fruit fly, which has created so many problems in the export of citrus fruit. This would require no more than 25 krad. The radiation can also be used very efficiently as a physical method for disinfestation of citrus fruits and could well replace fumigants such as ethylene dibromide, which is known to be a carcinogen."

Mr. Speaker, I am delighted that so much progress has been made along these lines, and I commend this information to my colleagues.

A HIGH-ENERGY FOOD FIGHT

In the near future the U.S. Food and Drug Administration is expected to approve irradiation of food—a method of preservation so controversial that it has been debated for 30 years. No one doubts that irradiation could be a potent weapon in the fight against spoilage, which ruins 25 to 30 percent of the world's food each year. Irradiation would allow fresh, not frozen, fish to be shipped into the heartland; it would also keep rice shipments to the Third World from rotting on the docks. But some experts worry that it might also produce unforeseeable changes in food, for despite decades of study they are not sure how radiation chemically alters food.

Irradiation works by altering or destroying the genes of ripening produce and killing microbes infesting the food. When food is bombarded by electrons from accelerators or, more commonly, by gamma rays from radioactive isotopes, it damages the DNA within cells. (It is for this reason that radiation can be harmful to humans.) The damage prevents or retards cell division, slowing down the ripening of fruits and vegetables. Depending on the dose, the process either pasteurizes or sterilizes food. Pasteurization requires a dose of less than 1 million rads. (A rad measures "radiation energy absorbed": a series of chest X-rays provides up to 10 rads.) By killing or rendering harmless bacteria and other microbes that make food spoil, pasteurization would allow fresh fish to be shipped without freezing; chicken would keep in the refrigerator weeks instead of days; strawberries would remain free of fungus for a fortnight. Higher doses of up to 5 million rads would make food sterile, destroying such threats as the deadly botulism toxin so that food could be stored for years without refrigeration. These high doses, however, are unlikely to win immediate FDA approval.

Although no number of gamma rays will make the food itself radioactive, scientists are uncertain how the rays change the proteins, fats and carbohydrates in food. It is this uncertainty that makes the process so controversial. Some preliminary studies reported carcinogenic substances in irradiated food, but the results have not been confirmed. Scientists cannot follow the standard procedure of feeding laboratory rats megadoses of the suspect food because the creatures would burst from imposed gluttony. Stanford Miller of the FDA says he sees "little problem up to 1 million rads and probably even over that, but when you're responsible for more than 225 million people, you've got to be conservative." Irradiation may be the most intensely studied technology in all of food processing. The government has spent $80 million on it since 1953, learning enough so that GI's and astronauts could be fed irradiated food.

The lingering worries may well be overwhelmed by arguments that irradiation, with all its unknowns, is safer than current methods of preservation. Last month the Institute of Food Technologists reported that irradiating cured meats, like bacon, reduces the need for nitrites, which inhibit botulism but also cause cancer in animals. Irradiation is also a substitute for the chemical spray ethylene dibromide. This substance kills the insects in fresh produce, but is so strongly suspected of being carcinogenic that the Environmental Protection Agency is expected to ban it in July. Finally, irradiation destroys fewer of the nutrients in foods than does canning. If the FDA approves the process, people may never know whether their hamburger or potato has been irradiated. The food industry is so worried consumers will be afraid of the process—anticipating iridescent peaches and bioluminescent tuna—that they are hoping the FDA will

not require labels stating that a product has been shot with gamma rays.●

THE 162D ANNIVERSARY OF THE GREEK PEOPLE'S WAR OF INDEPENDENCE FROM THE OTTOMAN EMPIRE

HON. WILLIAM R. RATCHFORD

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1983

● Mr. RATCHFORD. Mr. Speaker, friends, this 162d anniversary of the Greek people's war of independence from the Ottoman Empire, is indeed a joyous occasion. As an American who finds much joy in the celebration of our own Independence Day, I am thoroughly delighted to be a part of the independent spirit of the Greek people.

The Greek ideology of democracy has been to America what Thoreau's idealogy of nonviolence was to Gandhi. Such dynamic social movements are rarely successful without man's undying faith in a cause. With the Greeks of the 1800's this faith is evidenced by their perseverance and dedication to an 11-year battle which ended years of bondage.

The history of the Greek struggle for independence is indeed a story of heroism and glory; not unlike our own story of independence. During their four centuries of bondage the Greeks were determined to keep their culture alive. By secretly passing Hellenic traditions on to their children and by burying culturally valuable artifacts, the Greeks were able to preserve their culture. It is this kind of ingenious action that make social movements great.

After 1,800 years of bondage under the Roman, the Byzantine, and the Ottoman Empires, the Greeks long awaited quest for freedom began on March 25, 1821, when the churchmen of Agia Lavra along with Archbishop Germanos raised the sword to revolution, thus embarking on the road to freedom for the Greek people. By 1830 freedom for the Greeks was fully guaranteed. The world rejoiced, for democracy was born.

For this we are deeply grateful to the Greek people. As Americans we must not forget where our precious idea of freedom was born. We must not forget the heroism that went into achieving the birth of this "freedom" we hold so dear. In this sense, Greek Independence Day is a part of our very own history. We must, therefore, feel pride in the achievements of the Greeks; for our entire way of life is based on an ideology which they originated. I commend the Greeks and the Greek Americans who continue to make significant contributions to the American dream of freedom and democracy for all mankind. I take pride in being a part of that undying independent spirit of the Greek people.●

CONSTRUCTION AGGREGATES CORP.

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. YATES. Mr. Speaker, I would like to take a moment today to inform the House that the Construction Aggregates Corp., a Chicago firm, has settled its commercial dispute with the Government of Honduras. With this settlement, the provisions of the 1981 binding arbitration award between the corporation and an agency of the Honduran Government have been met, and the language contained in the 1983 continuing resolution (Public Law 97-377) which limits the allocation of foreign assistance to Honduras, has been rendered moot.

This is a significant achievement which will benefit the cause of international arbitration and I am also convinced it will contribute to the future commercial and economic success of Honduras and its people. Considerable credit for the successful conclusion of the agreement goes to the dedicated and highly professional staff or the Overseas Private Insurance Corporation, a small but very effective agency of our Government. I wish I could report that the fine work of OPIC and its staff also extended to the State Department personnel that were involved in this matter. But the sad fact is that the Department of State failed to protect the interests of an American firm by enforcing the implementation of an arbitration award as required by the Foreign Assistance Act. The performance of the State Department is difficult to understand, but a December 16 letter from the corporation to the Department illustrates the problems the corporation faced. I ask that a copy of that letter be included in the RECORD at this point.

CONSTRUCTION AGGREGATES CORP.,
Chicago, Ill., December 16, 1982.

MR. RICHARD BASH,
International Economist, ARA/ECP, Department of State, Washington, D.C.

DEAR MR. BASH: The Department of State is an agency of the United States Government, and as such is obligated to represent and protect the interests of its citizens. Admittedly, this is a rather trite expression of the descriptive functions and responsibilities of the Department of State, but it does have the advantage of being concise and lucid. This past week I found myself puzzled by the anomaly of our government, represented by the Department of State promoting democratic principals in Honduras while trying to delay and undermine the very principals that you are sworn to uphold and espouse.

I refer to the Department's efforts to overcome recent congressional action which was meant to stimulate the Government of Honduras to honor an international tribunal award. Phone calls were placed by the State Department to the Honduran ambassador, other U.S. Government agencies, congressmen and the legal counsel for our company, all in an effort to reduce or block pressure on the Hondurans to make the long overdue payment to our company.

I don't ask or expect a response to this letter. I merely wish you to understand our bitter disillusionment in not having the Department of State as our advocate and ask only that you refrain from being our adversary.

Yours truly,

ALBERT GOLDFARB,
Executive Vice President.●

CENTRALIA MINE FIRE OSM PRELIMINARY REPORT

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. HARRISON. Mr. Speaker, less than 1 month ago I took the floor to discuss with my colleagues the plight of the 1,200 citizens of Centralia and to outline the trauma and suffering which has afflicted these people for the last 21 years. I said at that time that a preliminary report on the Centralia mine fire was due from the Office of Surface Mining by the end of March. That report has now been submitted. It describes the procedure employed in the Borehole Project, sets forth the results of that project in tabular form, and summarizes those results in findings and conclusions.

Mr. Speaker, a final report from the Office of Surface Mining is due on June 1. That final report will include recommendations as to how this fire can be contained and finally extinguished. As soon as that report is available, I will submit it for the RECORD as well. I hope we can then get about the business of passing legislation which will, at long last, fulfill the responsibility of the Federal Government to end the suffering in Centralia.

I include the interim report at this point in the RECORD:

CENTRALIA MINE FIRE: ASSESSMENT DRILLING AND DIAGNOSTIC MONITORING, INTERIM REPORT

[Figures referred to not printed in RECORD]

INTRODUCTION

This interim report is to carry out the directive in the Department appropriation for fiscal year 1982. The Office of Surface Mining developed a comprehensive study to: (1) design and conduct an exploratory drilling program, and, (2) undertake an engineering analysis assessment of the mine fire at Centralia, Pennsylvania (figure 1).

At the outset of this program, the Office of Surface Mining (OSM) entered into a cooperative agreement with the Commonwealth of Pennsylvania, Department of Environmental Resources (DER), to set forth the role of each agency in delineating the boundaries of the mine fire and to determine the nature and characteristics of the

Centralia mine conditions in respect to the adjacent mines.

This interim report covers the work performed and data compiled in determining the location and extent of the mine fire during the period from August 16, 1982 through February 22, 1983. During this period, there were 189 boreholes drilled to outline the thermal boundaries in the Centralia and Byrnsville area. A final report is due June 1, 1983.

BACKGROUND

Historically, the Centralia mine fire started in May 1962 when a fire was discovered in an old strip mine pit of the Buck Mountain coalbed. The fire has continued to spread, despite flyash and sand and gravel barriers installed over the last 21 years to control the spread of the fire. During this time other control efforts included partial excavation, drilling, and flushing, and trenching to contain the movement of the mine fire. Although the work completed to date is believed to have retarded the spread of the fire, the methods have not provided a permanent control.

A history of the mine fire was reported by the U.S. Bureau of Mines in 1980 in the report, entitled "Problems in the Control of the Centralia Mine Fire." Detailed descriptions of the Centralia area and mine are presented in that report.

PROCEDURE

The original exploratory drilling design was developed whereby 41 boreholes would be drilled on the Centralia side of the Locust Mountain anticline and 49 on the Byrnsville side of the anticline, respectively (figure 2). The drill pattern was designed to intersect the underground gangways of previous mining on 100-foot centers, in order to locate the mine fire, and to determine whether or not the fire occurred as consolidated fronts or isolated pockets. These original boreholes locations were relocated as necessary to better define areas of elevated temperatures as the drilling progressed. The first boreholes were positioned in a known normal mine atmosphere temperature or cold line area and systematically progressed in a direction toward areas of suspected elevated temperatures. Mine temperatures were categorized into three zones: normal, an area which has standard or normal mine atmosphere, 55°-65°F; conditioned, an area which is being heated by mine gases, 100°-200°F; and high temperature area which is presently burning, 400°-1000°F. Each borehole on the north limb (Centralia side) and on the south limb (Byrnsville side) of the Locust Mountain anticline, vary in depth from 10 to 280 feet.

OSM advertised a contract bid package for a 6-month borehole drilling project on June 7, 1982, which requested formal bids by July 8, 1982. Tully Drilling Company, Inc., from Poyntelle, Pennsylvania, was awarded the contract and the project was started on August 16, 1982. The contractor utilized four drill rigs to expedite the completion of the project to comply with the time period of 180 days. On November 29, 1982, it was determined that an additional 11,600 feet of drilling and casing was needed to ascertain the extent and boundary of the fires. The project was amended, with the drilling still to be completed within the original time frame.

The drilling in Centralia began west of Route 61 (figure 2). In order to minimize disruption of transportation and inconvenience to the local citizens, the boreholes were located along the shoulder or berms of the streets throughout the Borough of Centralia. Other boreholes were placed on private property after property releases were executed by the owners.

The following procedure was followed throughout the drilling program. When the drill penetrated each overlying coalbed, the drill steel was removed and the coalbed temperature was measured; gas readings were taken every 10 feet; and the mine atmosphere temperature was obtained at each elevation. The upper coalbeds were cased off to prevent cross ventilation among the different coalbeds. when the lowest (Buck Mountain) bed was reached, the casing was placed to the roof of the coalbed, airtight casing caps sealed each boreholes; and 174 selected boreholes were equipped with permanent thermocouples and air tubes to monitor the temperatures and collect gas samples respectively. A precise drill log record was maintained including: drilling and casing total depths, strata and bed description, initial temperature, draft of hole, and drilling and casing sizes.

By February 22, 1983 there were 189 boreholes drilled: with 80 boreholes to the north in Centralia, 85 to the north toward Byrnsville, and 24 boreholes along State Highways and Route 61.

CENTRALIA DRILLING

Drilling started on the north limb of the Locust Mountain anticline on August 19, 1982, at borehole number N-1 which was drilled to a depth of 30 feet and had a temperature of 92 degrees Fahrenheit (figure 2).

The initial boreholes were positioned 350 feet to the west of Route 61 on the south side of Centralia. The drilling established a normal temperature zone two blocks west of Locust Street (Route 61). The temperature areas from previous projects indicated the high temperature area was 600 feet to the east of Route 61. Initial drilling procedures indicated the extent, size, and movement of the fire in a westerly direction. (Individual boreholes are not shown on figure 2 because of scale. The final report will show the detailed locations and information). From the start of the drilling in August 1982 through February 1983, 80 boreholes were drilled on the Centralia side as noted in Table 1.

TABLE 1

[Temperatures in degrees Fahrenheit]

Date	Number of boreholes	Project designation	Original temperature range
August	9	N1-N9	62-114
September	10	N10-N19	64-188
October	17	N20-N36	82-67
November	14	N37-N50	130-538
December	7	N51-N57	112-364
January	15	N58-N72	62-310
February	8	N73-N80	173-405

The elevated temperature area covers approximately 70 acres. Figure 4 shows that the high temperatures cover an area of 300 feet north-south by 400 feet east-west. The underground depth of the high temperature fire zone was determined from the outcrop at the surface to 150 feet in depth. Records of the original monitored borehole temperatures for this area and the weekly update of January 31, 1982, are shown in Table 2.

TABLE 2.—PRIORITY BOREHOLE TEMPERATURES—CENTRALIA

[Temperatures in degrees Fahrenheit]

Borehole number	Original		Updated Jan. 31, 1983 Temperature
	Date	Temperature	
X-7	2-26-80	86	136
X-26	3-21-80	158	202
Th-6	6-30-77	100	134
N-56	12-09-82	136	143
N-54	12-07-82	140	136
X-8	2-26-80	96	145
N-53	12-06-82	112	131
N-28	10-28-82	108	80
X-19	3-18-80	76	176
N-32	10-22-82	586	645
N-31	10-21-82	534	700
N-30	10-20-82	406	700
N-21	10-04-82	220	360
N-11	9-09-82	64	65
X-33	3-31-80	150	141
M-3	6-28-78	130	135
M-4	7-24-78	112	172
N-43	11-10-82	538	566
M-2	6-22-78	130	449
N-44	11-11-82	196	176
N-25	10-08-82	410	520
N-24	10-06-82	660	570
N-22	10-04-82	580	560
N-12	9-09-82	68	71
N-26	10-14-82	140	249
N-33	10-26-82	456	611
N-39	11-04-82	130	168
N-36	10-29-82	558	628
N-35	10-28-82	416	480
N-45	11-15-82	168	174
N-37	11-05-82	140	97
N-17	9-23-82	92	72

Drilling on the Centralia side has determined the perimeter of the high temperature area, an isolated high temperature pocket to the east, direction of ventilation areas receiving the conditioning temperatures, and the normal or cold areas not affected by the fire. The three temperature zones on figure 2 show the general extent of the high, conditioned, and normal or unaffected areas.

Drilling in Centralia has delineated areas where the emissions of CO and CO_2 emanating from the fire area are evident from the gas concentrations in the boreholes. The borehole data provides information to understand the mine fire situation and will lend support to the engineering analysis study.

Table 3 indicates an example of the type of gas field analysis record in an area of elevated temperatures.

TABLE 3

[Temperatures in degrees Fahrenheit]

Borehole	Temperature	Gas percentage			
		CO	CO_2	O_2	CH_4
N30	670	+0.07	6.0+	7	
N31	534	+0.07	6.0+	8	
N32	586	+0.07	6.0+	5	

BYRNSVILLE DRILLING

The borehole project on the Byrnsville side began on August 17, 1982, at borehole number S-1, which was drilled 270 feet west of Route 61 to a depth of 30 feet and had a temperature of 124 degrees Fahrenheit.

The drill pattern was also designed to intersect the underground gangways throughout the mined area. The drilling results determined that the fire was on the west side of a flyash barrier placed there in 1972, southeast of Byrnsville, and the high temperature area covers a larger area than was originally conceived. It was found that the area of elevated temperatures had a

front of 800 feet by 1,000 feet (figure 5). The overall affected area covers approximately 70 acres.

Table 4 indicates the number of boreholes and temperature ranges recorded to date in the Byrnsville area.

TABLE 4

[Temperatures in degrees Fahrenheit]

Date	Number of boreholes	Project designation	Original temperature range
August	12	S1–S12	62–142
September	25	S13–S37	62–760
October	20	S38–S57	50–400
November	16	S58–S73	56–400
December	6	S74–S79	62–242
January	6	S80–S85	46–538

Initial temperatures obtained were in the range of 64°–142°F. Subsequent boreholes were drilled on 100 to 200 foot centers eastward and through Byrnsville. Drilling indicates a normal temperature area presently surrounds Byrnsville (figure 2), however, the high temperature area is about 300 feet from the village. The high temperature area (400–1,000°F.) at a depth of 150 feet or over covers 9 acres (figure 5). There are also isolated high temperature pockets to the east of the main area. Boreholes being monitored on a weekly priority basis on this side are listed in Table 5 showing the original and latest temperatures.

TABLE 5.—PRIORITY BOREHOLE TEMPERATURES—BYRNSVILLE

[Temperatures in degrees Fahrenheit]

Borehole number	Original		Updated, Jan. 31, 1983 temperature
	Date	Temperature	
S–12	8–31–82	62	55
S–14	9–02–82	68	66
S–16	9–03–82	80	118
S–27	9–14–82	66	58
S–19	9–09–82	66	121
S–52	10–25–82	50	57
S–43	10–12–82	56	59
S–49	10–22–82	58	53
S–33	9–24–82	62	58
S–34	9–24–82	62	58
S–35	10–01–82	62	68
DT–3	12–08–82	149	916
S–23	9–10–82	146	750
S–24	9–13–82	140	640
S–22	9–10–82	96	171
X–29	3–03–80	164	588
S–16	9–03–82	80	118
X–31	5–05–82	754	625
S–18	9–08–82	760	700
S–17	9–08–82	160	233
S–31	9–17–82	124	444
S–44	10–14–82	188	585
S–30	9–17–82	58	534
S–46	10–19–82	210	487
S–20	9–09–82	638	800+
S–25	9–14–82	196	616
S–28	9–21–82	340	128
S–62	11–03–82	400	514
S–21	9–10–82	356	680
S–50	10–21–82	126	356
S–55	10–27–82	126	315
S–51	10–22–82	286	302
S–57	10–20–82	280	388
S–38	10–04–82	400	188
S–39	10–06–82	208	322

PENNSYLVANIA DEPARTMENT OF TRANSPORTATION DRILLING

OSM modified its drilling contract to include the 24 additional boreholes at the request of the Pennsylvania Department of Transportation (PennDOT). Two boreholes were located in Centralia on Locust Avenue (Route 61), fourteen on Route 61 south of Centralia, five on the Legislative Route 19083 bypass, and three on the Byrnsville Road from Centralia. The additional drilling was required to determine the mine void conditions below these roads.

Table 6 indicates the initial temperatures recorded beneath the four roads.

TABLE 6

[Temperatures in degrees Fahrenheit]

Designation	Location	Depths (in feet)	Original temperature range
DT 1–2	Centralia (Locust Ave.)	70–120	62–110
DT 3–16	Route 61 (South)	17–187	50–149
DT 17–21	Leg. Route 19083	48–122	56–60
DT 22–24	Byrnsville Road	9–210	56–268

Table 7 indicates the changes in temperature that occurred below Highway Route 61 over an 18 day period from December 18, 1982, to January 5, 1983.

TABLE 7

[Temperatures in degrees Fahrenheit]

Borehole	12/18/82	1/5/83
DT3:		
Temperature	149	770
Depth in feet	25	20
DT4:		
Temperature	102	540
Depth in feet	10	10
DT5:		
Temperature	104	126
Depth in feet	45	45

The elevated temperatures created a problem for PennDOT. On January 5, 1983, the road developed a ½-inch crack on the south lane extending across the entire lane. As this area is at the outcrop, it appeared that the material below the road may have been breaking up and subsiding due to the weight of the traffic on this heavily used four lane highway. On January 10, 1983, Route 61 was closed for safety reasons. Temperatures under the road had elevated to 853° F, and due to the weather condition, heavy steam and smoke was also covering the highway. Route 61 is closed for a distance of 4,000 feet, while the Pennsylvania Department of Environmental Resources (DER) initiated a contract to drill 73 boreholes and gravity flush material into the broken and void areas below the highway for stabilization. The project should be completed by March 30, 1983. OSM provided DER the existing boreholes drilled on Route 61 to expedite monitoring and the flushing operation, and OSM will continue to monitor other boreholes on the Byrnsville road and Legislative Route. Monitoring of all boreholes will progress on a weekly and monthly basis for temperatures.

FINDINGS

The results of the exploratory drilling program have met the project objectives. The program has determined the perimeter of the fire zones, located the areas with elevated temperatures, defined thermal boundaries, and assessed the data that indicates where the fire is or is not located. Figures 4 and 5 show the delineation of the high temperature zones and the direction of ventilation flow from the main fire area. The flow appears to be toward the west at Centralia and in a northwesterly and west direction at Byrnsville. The drilling project was completed in late-February 1983, and priority and other project boreholes will continue to be routinely monitored.

CONCLUSIONS

During the borehole drilling program 189 boreholes were drilled: 80 on the Centralia side, 85 on the Byrnsville side, and 24 on the State Highways. Utilizing these temperatures OSM outlined the areas with normal, conditioned, or high temperatures. Drilling results indicated the underground fire affects an area of approximately 140 acres; 70 acres on the Centralia side of the anticline and 70 acres on the Byrnsville side. The two main areas of isolated high temperatures are located in the southeast area of Centralia, and to the east of Brynsville. Several other isolated high temperature pockets were identified within the large affected areas. These isolated areas will not impact the general public.

On June 1, 1983, a final report will be prepared and submitted to the Commonwealth of Pennsylvania presenting the results and findings of the exploratory drilling program.●

THE NECESSITY AND BENEFICENCE OF FREE TRADE

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. PAUL. Mr. Speaker, the continuing hue and cry for so-called protectionist legislation—particularly in the U.S. auto industry—is a sad commentary on the state of American business and Government today. The great economic prosperity our country has enjoyed is a direct, incontrovertible result of the remarkable beneficence of the free market.

In attempting to impose tariffs and quotas on imported goods, businessmen, lobbyists, and especially we legislators—since it is we in Congress who bear final responsibility for our actions—do grave harm to American consumers. As one of the greatest Americans of all time, Henry David Thoreau, observed:

Trade and commerce, if they were not made of India rubber, would never manage to bounce over the obstacles which legislators are continually putting in their way; and, if one were to judge these men wholly by the effects of their actions, and not partly by their intentions, they would deserve to be classed and punished with those mischievous persons who put obstructions on the railroads.

Sagacious words indeed, and as applicable to foreign commerce as they are to domestic trade.

As William Allen demonstrates so well in the following article, free trade is the best, most productive, most fair, most honorable, and most moral way for men and nations to deal with each other.

COURAGE, COMPETITION, AND "LOCAL CONTENT"

(By William Allen)

Whimpering voices of foolishness are heard as allegations multiply about imports undermining our economy. In broad circles, protectionism has become good politics. We are given the tail-tucking slogan, "Fair trade, not free trade."

Ah, yes, only "fair trade." "Free trade," after all, smacks of productivity, consumer choice, competition. That sounds scary. Maybe we will not be very productive; maybe consumers will not like our merchandise; maybe we will lose to the competition. Why run the risk? It is easier to get government to hamstring the foreign competitors.

A particularly pernicious and popular protectionist proposal is a "local content" requirement. It would stipulate that foreign automobile producers use a much larger proportion—up to 90 percent in one bill—of domestic parts and labor in the cars they sell in this country. The larger the number of cars sold here, the higher the percentage of domestic content required.

By a stroke of the political pen, competition from foreign producers would be vastly curbed. And the handsome wages and benefits of our auto workers—at more than $20 per hour, among the world's highest—would be protected. But it is Orwellian doublespeak to refer to such a political rip-off as "fair trade."

United States automobile consumers would be forced to underwrite the shenanigans with higher prices, and they would be denied the option of buying the foreign cars they prefer. Consumers are not the only ones to lose. Countless others, who in one way or another earn their livings from exports, also would suffer. As foreign auto imports contracted, fewer dollars would be earned by foreigners. Our exports would then contract, creating a loss of employment and wealth in the export sector—a sector now responsible for 20 percent of our manufactured goods, 16 percent of our factory jobs, and close to half of our farmers's sales.

The "local content" mercantilistic perversity would, indeed, raise income and employment in the auto industry, but it would do so only by spreading an even greater loss in income and employment throughout the rest of society. Scarce resources which could be more valuably used producing exports and other goods would instead be diverted to the production of automobiles.

We proclaim to be the land of the free and the home of the brave. But the more cowardly we become, the less free we shall be. Increasingly, we fear competition, we fear basing our well-being on our productivity, we fear the discretionary power of consumers—we fear the market. So we withdraw from competition and seek protection. We stymie, curtail, and supersede the market mechanism with political machination. It is hard to invest and produce and sell. So instead of productively prospering by making ourselves valuable to our neighbors, we inveigle government into a debilitating shift of wealth from our neighbors to us. But we cannot all grab a bigger slice of the social pie—especially when the grabbing itself makes the pie smaller.●

EPA CONTROVERSY

HON. ED JENKINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. JENKINS. Mr. Speaker, I submit the following newspaper article from the Atlanta Constitution, March 7, 1983, concerning the current situation at the Environmental Protection Agency.

This article was written by my distinguished colleague from Georgia, Hon. ELLIOTT LEVITAS, and it is indeed worth sharing with the other Members of the Congress.

Thank you.

The article follows:

[From the Atlanta Constitution, March 7, 1983]

PUBLIC-HEALTH ISSUE THE BOTTOM LINE OF EPA CONTROVERSY

(By Elliott H. Levitas)

Subpoenas, Contempt of Congress citations, Paper shredders, Executive privilege, Political manipulation, Firings, Impeachment. These are words swirling around in the tornado which is sweeping through the Environmental Protection Agency these days.

It's hard to sort through these headline items of the past several months and determine what is really at issue here. But having seen this controversy develop from the very beginning, I can tell you that the main question centers on two issues:

The implementation of the Superfund program, which is of prime importance to the health and safety of the American people.

The quality of the administration's commitment to EPA's mission—and especially the commitment of those in charge of the agency.

Each year in the United States, some 50-to-60 million metric tons of hazardous wastes are produced and much of it is disposed of in ways that cause significant harm to the environment.

When these toxic chemicals contaminate our water supply, they eventually find their way into our bodies, causing all manner of ailments such as liver and kidney failure, respiratory dysfunction, neurological diseases, cancer and other illnesses. Pregnant women and children are especially vulnerable, but all of us are at risk.

A number of laws have been passed by Congress over the past decade to deal with this problem. One of these, the Superfund law, created a $1.6 billion fund to clean up abandoned hazardous-waste sites, particularly when the companies responsible have failed to do so themselves. We estimate that there are between 14,000 and 20,000 of these sites around the country.

The House Public Works and Transportation Subcommittee on Investigations and Oversight, which I chair, is charged with overseeing the implementation of the Superfund law. In late 1981 (never anticipating the extraordinary events which were to follow), my subcommittee launched a traditional investigation of the law that is designed to deal with this pressing public-health matter.

Disturbing facts emerged early on in our investigations. We found the program wasn't moving forward. There were unreasonable delays in even identifying the worst sites, much less cleaning them up. There were bureaucratic delays and misunderstandings as to the policies being pursued. There was evidence that organized crime was deeply involved in the toxic waste business.

And it appears that the most serious polluters were not being required to pay their full share of the cleanup costs because "sweetheart deals" with terms favorable to these vary large corporations—but unfavorable to the taxpayers—were letting them off the hook.

The news from Times Beach, the dioxin-contaminated town in Missouri, reminded people of the horrors of hazardous-waste dumping at Love Canal and the Valley of the Drums, which led to the establishment of Superfund to begin with.

At the end of last summer, my subcommittee investigators, in the process of routinely pursuing their investigation, were refused access to the Superfund files in one of the EPA regional offices. Indeed, it is disquieting that Congress and the American public had to go through so much to gain access to documents relating to a program established by Congress to protect the public health.

These documents have nothing to do with national security or intelligence matters, and even if they did, Congress routinely receives such information on a confidential basis.

The furor which resulted from the administration's refusal to turn over these documents his heightened the concerns which developed early in our investigation of the Superfund program. Many new questions have been raised as well. The fact that paper shredders were moved into the Superfund offices a few weeks after the contempt citation vote, and that they may have been used on nights and weekends with no log kept of what was shredded, raises questions about the integrity of the Superfund files.

The failure of the administrator to deal with conflicts among her top assistants—conflicts which were hampering the progress of the programs—further brings into question the commitment of those in charge at EPA to administer the programs for which they are responsible.

Dedicated career employees at EPA reported that morale has plunged among their ranks.

It seems that, in this administration, top officials at EPA are more concerned with pleasing those they regulate than with fulfilling their mandate to protect the environment and the public health.

This central fact—the seeming lack of concern for the public welfare—should not be lost in the current swirl of name-calling, charges, counter-charges and finger-pointing. In fact, the central tragedy of this whole affair is embodied in the highly publicized memorandum of talking points written for high-level EPA officials for internal use to catalog their achievements.

You will look in vain in this document for the words "public" or "public health." You will look in vain for even a hint that a concept of public good or public service was at work. The all-consuming obsession seemed to be the impact that EPA actions would have on the regulated community rather than on the public.

The lackadaisical and irresponsible approach of those in charge at the EPA and the dramatic cutbacks in resources at the agency are combining to undermine its credibility and mission.

Unfortunately, the saga is just beginning. Now that the specious claim of executive privilege is defeated, the need for this bipartisan, objective and thorough investigation is likely to become even more apparent in the weeks ahead.

When it comes to curbing runaway bureaucracy and excessive government regulation, I am as tough as anybody. Yet distinctions must be drawn. Public health, for example. There are a number of policies which this administration has proposed which I have supported, but I cannot accept

the policies of this administration that jeopardize the public's health.

Within living memory, this must surely be the first time an administration has sabotaged public-health policy.●

ALAN PARKER HONORED

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. RODINO. Mr. Speaker, I am proud to inform this body that Alan A. Parker, General Counsel for the House Committee on the Judiciary, is the 1983 recipient of the Edwin J. Owens Lawyer of the Year Award given by his alma mater, the University of Santa Clara School of Law.

Alan Parker is most deserving of this honor, for he exemplifies all the qualities and values that a lawyer should possess and that the term "public servant" should connote. As General Counsel to the committee and as an Assistant Attorney General in the U.S. Department of Justice, he has demonstrated consistently his wisdom, his cool-headedness, his evenhandedness, and his respect for the law and equal justice.

I consider it especially fortunate that Alan was counsel to the committee and at my side through those trying days of the greatest constitutional crisis our Nation has ever endured. His counsel was invaluable in those troubled times in helping to insure that our Constitution was preserved. He continues to serve the committee, the Congress, and the Nation in a way that is a lasting credit to his intelligence and judgment and to the institution where he began his legal education and training.

Beyond this, I consider it a privilege to count Alan as a personal friend.

We are fortunate that he has dedicated his career and his life to public service.●

THE HIGH-TECHNOLOGY TRAINING ACT OF 1983

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. MILLER of California. Mr. Speaker, I am introducing legislation which expands the vocational education program to offer thousands of students and workers an opportunity to train for careers in high-technology occupations. Even during this recession, many thousands of high-technology jobs are going unfilled because of shortage of adequately trained workers. Those shortages will only worsen as firms modernize and accelerate spending for research and development.

Job opportunities exist not only for those with advanced academic degrees. J. Fred Bucy, president of Texas Instruments, Inc., notes that:

> The demand for technicians today (in the electronics industry) is even greater than the demand for engineers, and this trend will continue through into the 1990's.

Through the end of the decade the Department of Labor projects an anual demand for 71,000 new technicians.

The strong demand for electronics and computer technicians is complemented by a need for more scientific and engineering technicians in such growing fields as biotechnology, robotics, new materials development, electro-optics, and alternative energy development.

Our vocational training programs must be equipped to meet this demand. The rapidly changing nature of technology, in combination with unwise reductions in education funding in recent years, has resulted in a totally inadequate investment in employment training programs in high-technology fields during the last decade. A spokesman for an association representing over 500 high-technology companies stated last year that "training within the vocational education system has not been relevant to employers' needs."

If we fail to provide our students with the education and training skills they need for the marketplace, American companies will look abroad for their workers. At a hearing I chaired in the San Francisco Bay area on technician training last year, Armando Picciotto, the director of computer education for the Richmond Unified School District reported widespread shortages of suitably trained high school graduates, even in the high-technology region of the bay area known as Silicon Valley. Mr. Picciotto said that he was amazed at the number of skilled and semi-skilled technicians that the company had imported from Singapore, the Phillipines, Hong Kong, and even Europe because they could not find enough qualified people locally.

The solution to this training problem can best be found by encouraging business and vocational educators to work together. The Contra Costa regional occupation program, in my own district, is an excellent example of this kind of partnership. Working with over 200 businesses that program has trained over 5,000 participants, often using employer-owned, state-of-the-art equipment that most vocational education facilities could not otherwise afford to purchase. Employers have contributed $600,000 to the Contra Costa program, attesting to their willingness to commit resources to an educational program that really meets the needs of private industry and students.

It is based on my knowledge of this kind of successful business-education partnership that I am introducing the High-Technology Training Act of 1983, together with 75 of my colleagues in the House of Representatives. An earlier version of this legislation in the 97th Congress received strong support from high-technology businesses and vocational educators. I am again grateful to educators, administrators, and business leaders who have provided me with valuable assistance in fashioning this legislation.

The act offers each State an opportunity to expand high-technology technicial training through an increase in Federal support, contingent upon State and industry commitments. Each State's allocation will be determined by the existing formula of the Vocational Education Act. Initial grants will be limited to States which commit at least 5 percent of their existing vocational education basic grant funds to programs funded under this act, increasing to 10 percent in the second year and to 15 percent thereafter. Each Federal dollar must be matched by equivalent non-Federal funds or contributions of equipment, facilities, personnel or services. To insure strong industry involvement and the relevance of the training to real job opportunities, the bill requires that at least one-half of this match be from industry.

This legislation is an important supplement to the math and science education legislation which was recently approved by the House. My bill recognizes that we must modernize our Federal education programs in order to provide students not only with basic math and science backgrounds, but with the specific vocational skills training essential for employability in the private sector. The reauthorization of the Vocational Education Act this year, the growing need for high-technology technicians, and the willingness of private industry to join this educational effort make this the proper time for enactment of the High-Technology Training Act of 1983.

Attached is copy of the bill:

H.R. 2332

A bill to amend the Vocational Education Act of 1963 to make grants to the States for high-technology vocational education programs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "High-Technology Training Act".

STATEMENT OF FINDINGS

SEC. 2. (a) The Congress finds that—

(1) there is a severe shortage of technicians to produce, operate, and service high-technology equipment, systems, and processes;

(2) the Nation's vocational education system can make a major contribution to meeting the Nation's needs for well-trained high-technology technicians;

(3) national policies should promote a strong partnership between vocational education programs and private industry to produce the trained technicians needed for expanding job opportunities in high-technology development and applications.

(b) It is the purpose of this Act to—

(1) provide incentives to States to encourage the development of vocational education programs to train individuals for jobs developing and using high technology;

(2) assure the job relatedness of high-technology technician training programs by involving industry in curriculum development and program financing; and

(3) ensure that all segments of the population, including women, minorities, the handicapped, and the economically disadvantaged have access to training for careers as high technology technicians.

SEC. 3. Part A of title I of the Vocational Education Act of 1963 (20 U.S.C. 2330 et seq.) is amended by adding at the end thereof the following new subpart:

"Subpart 6—High-Technology

"TRAINING GRANTS

"SEC. 155. (a) From the sums made available for grants under this subpart pursuant to section 102 and 103 the Secretary of Education is authorized to make grants to States to stimulate vocational education programs to train individuals as high-technology technicians in accordance with this subpart.

"(b) Grants to States under this subpart shall be used, in accordance with five-year State plans and annual program plans approved pursuant to section 109, solely for vocational education programs for the training of individuals as high-technology technicians. No part of any such grant may be used for job placement, training or employment stipends, or the purchase or lease of equipment.

"(c) In each year of participation in the grant program under this subpart, a State shall commit the following percentage of its basic grant (under subpart 2 of this part) to programs under this subpart:

"(1) at least 5 percent in the first year;

"(2) At least 10 percent in the second year; and

"(3) at least 15 percent in the third year and each subsequent year.

"(d) In evaluating training program proposals of eligible recipients, each State shall consider—

"(1) demand for personnel with the skill level and type of training proposed;

"(2) level and degree of industry participation;

"(3) probability of trainees' successful completion of the proposed program based on program design and eligible recipient's previous experience in providing technician training in high-technology occupations requiring scientific or applied scientific knowledge; and

"(4) commitment to serving all segments of the population, including women, minorities, the handicapped, and economically disadvantaged individuals.

"(e) Funds under this subpart may be made available to an eligible recipient only if such recipient provides adequate assurances—

"(1) that such funds will be used solely for job-related training which involves a comprehensive course of instruction designed to prepare individuals for employment as skilled technicians in high-technology occupations requiring scientific or applied scientific knowledge;

"(2) that such funds will be so used as to supplement and, to the extent practicable, to increase the amount of State and local funds that would in the absence of such funds be made available for the uses specified in this subpart, and in no case to supplant such State or local funds;

"(3) that such funds will be matched by an equivalent value of non-Federal funds or contributions of equipment, facilities, personnel, and services; and

"(4) that no less than 50 percent of such non-Federal funds or contributions under paragraph (3) will be received from industries or organizations related to the development or use of high technology, except that the State may provide any such non-Federal funds or contributions under this paragraph if an eligible recipient demonstrates to the satisfaction of the State that it is incapable of providing all or a portion of such funds.

"(f) For the purposes of this subpart the term 'high technology' means state-of-the-art computer, microelectronic, hydraulic, pneumatic, laser, nuclear, chemical, telecommunication, and other technologies being used to enhance productivity in manufacturing, communication, transportation, agriculture, commercial, and similar economic activity, and to improve the provision of health care.".

SEC. 4. (a) Section 102 of the Vocational Education Act of 1963 is amended by adding at the end thereof the following new subsection:

"(e) There are also authorized to be appropriated $50,000,000 for fiscal year 1984 and such sums as may be necessary for each succeeding fiscal year for the purpose of carrying out subpart 6 of this part.".

(b)(1) Section 103(a)(2) of the Vocational Education Act of 1963 is amended in the first sentence by striking out "and (d)" and inserting in lieu thereof "(d), and (e)".

(2) Section 103(b)(2) of such Act is amended in the first sentence by inserting "and section 102(e)" after "section 102(b)" and by inserting "and section 155, respectively" after "section 140".●

CHURCH-STATE LAWS

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. DYMALLY. Mr. Speaker, Wednesday, March 22, 1983, I introduced H.R. 146 which I believe deserves the consideration and support of my colleagues. This resolution would call for the review of Government intervention in religious affairs. In particular, to investigate the many issues surrounding the church-state laws of the United States where activities of religious bodies intersect with the regulatory responsibilities and authorities of the Government.

In the past decade, the Government has become more and more involved in church-state litigations and other significant church-state decisions. I would like to emphasize that this resolution does not seek to repeal or amend any provision of the U.S. Constitution. It would however, merely do a study of how and whether the laws have been effective as far as the intent of the Congress.

The essence of H.R. 146 centers on the separation of church and state and on the civil rights of citizens who are guaranteed rights under the first amendment of the U.S. Constitution. The first amendment of the Constitution made clear that Congress shall make no law respecting an establishment of religion, nor prohibiting the free exercise thereof, thus guaranteeing religious liberty, at least against Federal action.

Most religious groups have deep attachment to the cause of religious liberty for all people. They hold that religious liberty is a single piece of cloth—when the religious liberty of an individual or a group is infringed, the religious liberty of all is impaired.

The legal focus of this problem however, has implications for theological, biblical, ethical, social, political, and economic aspects of the issues. Numerous religious organizations have been seeking redress on several of these issues with the executive branch and some are being addressed by the judicial. But there are a number of issues, such as those stated in the resolution, that need to be seriously considered by the legislative branch.

I therefore, believe that a thorough investigation is in order and I urge my colleagues to carefully consider the merits of this resolution.●

JOHN McCAIN: ST. PATRICK'S DAY AND FREEDOM

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. MICHEL. Mr. Speaker, our colleague, JOHN MCCAIN of Arizona has written a moving and inspirational tribute to this country on the occasion of St. Patrick's Day. It was on this day in 1973 that JOHN MCCAIN and other Americans held in barbarous captivity by Communists in Vietnam began their journey to freedom.

I hope that all our colleagues get the chance to read and reflect on what he has said.

At this point I wish to insert in the RECORD, "Former POW reflects on St. Patrick's Day" by JOHN MCCAIN.

The article follows:

[From the Washington Times, Mar. 17, 1983]

FORMER POW REFLECTS ON ST. PATRICK'S DAY

(By JOHN MCCAIN)

Today is the day when people throughout the world traditionally celebrate the spirit of St. Patrick and toast the luck of the Irish. Because of my Irish heritage, I will be there with the rest, wearing green to avoid getting pinched and swapping the blarney with anyone who will listen. But today has a

deeper meaning for me, and if you look closely at my lapel you will see that I'm also wearing red, white and blue along with a four-leaf clover.

Ten years ago today I did what I sometimes wondered if I would ever do: I came back home to America after six years of captivity as a prisoner of war in Vietnam.

I learned a great deal about myself during those six years. I learned how deeply I valued my own personal integrity. When you are stripped to the bone, degraded and chastised, you have nothing left if you cannot maintain your self-respect. That sense of pride transcended personality and became one with a love for my country and dedication to it. I was not overly courageous, I don't think. What I did develop was an overwhelming instinct to survive, and to persevere without bringing disfavor upon my principles or those of my country.

I did see countless episodes of personal triumph and acts of courage. Men would be beaten almost beyond recognition for remaining loyal to the United States and, with their last gasp, pledge their allegiance to our country. We fought loneliness and despair and pain by sharing our determination to one day proudly return home. We managed to communicate, no matter how hard the enemy tried to stop us, through sweeping a broom in rhythmic code, or scratching it in a whisper through the cold block which separated us. The principles of freedom and democracy are so great that they can make even weak men strong. Day by day, month by month, as the decade changed, we did our best to remain true, and we survived.

I had heard rumors that we might be going home so many times over the years that I didn't allow myself to get my hopes up any more. But on the morning of March 17, 1973, our captors pulled us out, gave us new clothes and loaded us onto buses bound for Hanoi airport. We were still apprehensive, yet when the plane lifted off from the battered airfield, it became apparent that our day had finally arrived.

I always told myself that I wouldn't believe I was finally free until I shook the hand of an American in uniform. The opportunity came that afternoon, as we hobbled down the ramp in the Philippines. I was overwhelmed by the experience, as were most of those present. I lost some of my health and my family during those years of captivity, but I gained an appreciation for life which I hope I will never forget.

And now, as I sit here writing in my office across the street from the Capitol building, I am closer than ever to the governmental process which I held so dear for those six years. When I leave at night and see the Capitol shining like a beacon of freedom for all the world to see, I know again that this is truly a wonderful place to live. As I look back over the last 10 years, I am still so happy to be alive and able to contribute to this great nation. So, even an old Irishman like me realizes that I don't need to wear a four-leaf clover today, or even kiss a blarney stone. I know that I am already a lucky man.●

PORTLANDERS GET AN "A" FOR ENERGY CONSERVATION

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. AuCOIN. Mr. Speaker, if the oil shortages of 1973 and 1979 taught us anything at all, it is that conservation is our strongest and most accessible tool for reducing our dangerous dependence on foreign oil and taming our energy bills.

This important lesson should not now be put on the shelf to gather dust in the wake of the current oil glut. Nor should we fail to give credit where credit is due and praise those who have made great strides in the area of energy conservation.

The city of Portland, Oreg., and its citizens deserve such praise.

In 1979, Portland adopted into law one of the most comprehensive energy policies in the Nation. The policy was founded upon the concepts that energy conservation makes good economic sense to both residents and businessmen, and that a strong public-private partnership could achieve effective results.

These concepts have held true over the past 3 years and were recently documented in a survey completed by the city. The survey indicates that significant work has been done and continues to be undertaken by Portland residents to weatherize their homes.

For example, the survey shows that 42 percent of Portland's homeowners have completely weatherized their homes and that another 53 percent are in the process of doing so. Less than 5 percent of the homeowners interviewed had not taken any steps to weatherize their homes.

Energy conservation in the Portland area, however, has not been limited to homeowners. Progress has also been made in the weatherization of tenant-occupied properties. More than one-third of the renters reported some weatherization had been done on their homes.

In promoting energy improvements, the city has used a combination of public information, and education, and financial incentives. Under the auspices of an energy UDAG grant from the Department of Housing and Urban Development, Portland Energy Conservation, Inc., has conducted energy audits and made loans to weatherize thousands of homes and apartments.

These efforts, in tandem with those of Portland's utilities, lending institutions, community organizations, and the independent actions of homeowners, landlords, and tenants have made Portland's energy conservation activities a model of the Nation.

I am proud of Portland's record on energy conservation and will continue to support their activities in this area. The city of Portland, its residents, and businesses deserve a hardy round of applause. And I salute its mayor, Frank Ivancie, and the members of the city commission—Margaret Strachan, Mike Lindberg, Charles Jordan, and Mildred Schwab.●

OUR LAND GRANT RAILROADS LET'S PUT THEM BACK ON TRACT

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. DORGAN. Mr. Speaker, what would we do if a university professor were to receive a Federal research grant, and used the money to speculate in Florida real estate instead?

I suspect we would have the Justice Department on the case in about 3 minutes.

Well, something very similar is happening regarding some of this Nation's largest railroads. And nobody is doing a thing about it.

In the last century, the people of this country bestowed upon these railroads over 130 million acres of public land—including almost one quarter of my State of North Dakota—to enable them to build and maintain a railroad system for the benefit of all the people of this country.

Like a university endowment, these grants were an investment in our future. They were intended to make sure that Americans enjoyed the very best rail service—at reasonable rates—for generations to come.

The land grants have provided a bounty beyond the fondest hopes of the most sanguine 19th century railroad magnate. They contain coal, oil, gas, timber, and other minerals almost beyond measure. The Burlington Northern Railroad alone has at least 50 billion tons of coal reserves, making it the largest coal-owning company in the Nation and possibly in the world.

Congress did not bestow this public wealth upon these railroad corporations in order to make them rich. It did so to enable these railroads to serve the American people.

If the railroads were living up to the congressional intent—if they were honoring the great public trust bestowed upon them—then Americans would enjoy the best and most economical rail service in the entire world.

This is not happening, however. Somehow, the idea of service has been buried under decades of legal and financial manipulations. Railroads are setting up holding companies, which are legal devices that separate the land grants from the railroads these were intended to support. They are

walking off with the endowment and leaving the public high and dry.

While seeking to transfer its land grant assets to a holding company, one railroad that operates in my region of the country has been increasing its freight rates, laying off workers, and downgrading and even abandoning service to communities throughout the farm belt.

As a result, farmers are paying higher rates. They are losing export sales to producers in countries like Canada where rail rates are much lower. Consumers are paying more for food. Taxpayers are being asked to provide yet more subsidies for transportation service they have already subsidized—and very generously—once. Entire rural communities are threatened.

Mr. Speaker, the people of North Dakota and other farm States do not desire to dump on any railroad. We need strong railroads. They are the veins and arteries of our farm economy. We want our railroads to be the best that are possible. Our concern is that the managements of the holding companies that now control these railroads do not share this goal.

For decades, Congress has sat and watched while the railroads have diverted the great land grant endowments that we entrusted to them. The Interstate Commerce Commission, in typical fashion, has simply shut its eyes and pretended that the land grants do not exist.

When a railroad claims a line is losing money, and seeks to abandon it, the ICC completely ignores the income from the land grants that were intended to help support this service. The railroad wears its moth-eaten coat, and the ICC ignores the minks that are hanging in the closet.

On top of that, the Commission has invented its very own bizarre legal doctrine, the so-called single carrier rule, to justify its desire to do nothing while railroads form holding companies and strip their railroads of their land grant endowments.

"How can we let these railroads get away with it? Where is the law?" That is what people ask me from all over this country, and these Americans deserve an answer.

That is why I am introducing today the "Railroad Service and Accountability Act of 1983." This act consists of four provisions that would begin to remedy the problem I have just outlined.

First, the bill would require the Interstate Commerce Commission to take account of land grant income when a railroad claims a line is losing money and seeks to abandon it.

Second, it would require these railroads to forfeit a portion of their land grants, to the extent they abandon railroad service. The public could then use these grants to help support alternative transportation.

Third, it would make clear to the Interstate Commerce Commission that Congress expects it to watch over the formation of the railroad holding companies to make sure that railroad service does not suffer as a result of these.

Fourth, it would enable the Commission to block or remedy transactions within a railroad holding company that would tend to use the railroad and its land grant assets as "cash cows" or that would otherwise weaken the railroad itself.

Mr. Speaker, the generosity the American people have shown to these land grant railroads should make these railroads blush. Rarely have we given so much to so few and been treated with such arrogance in return.

This Nation needs a healthy freight railroad system. We have made provision for such a system. We paid for it. We have continued to subsidize it. And that is the kind of system these railroads have an obligation to give us.

The bill I am introducing today expects nothing of these railroads that simple justice does not require of them already. It simply says to them, "You made a bargain with the American people. This bargain has made you rich. Now we expect you to live up to your end."●

VIGIL FOR SOVIET JEWS

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. BEILENSON. Mr. Speaker, it is with deepest sadness that I must again bring the plight of Zina and Arkady Abranzon to my colleagues' attention as a part of the 1983 "Call to Conscience Vigil for Soviet Jews." I have been speaking on behalf of the Abranzon family for the past 3 years and, regrettably, the incarcerated couple's situation continues to remain critical.

The Abranzons are Soviet Jewish citizens who had planned to apply for exit visas. However, on October 5, 1979, the Soviet police broke into Mr. and Mrs. Abranzon's apartment, confiscated all of their possessions, and imprisoned them at Ivano-Frankovsk Prison in the Ukrainian Soviet Socialist Republic, where they were held without trial for more than 1 year.

In November 1980, Soviet officials found the Abranzons guilty of the crime of "possession of resources." Arkady Abranzon was sentenced to 14 years in prison, while his wife, Zina, was condemned to a prison term of 6 years. According to our most recent information, the Abranzons are being held in separate labor camps in Odessa, and Zina has developed diabetes as a result of the poor diet she has received.

I strongly believe that, by releasing the Abranzons and granting them exit visas, the Soviet Union would not only indicate to the world its willingness to comply with the Helsinki accords, but also affirm its desire to improve relations between our two nations. This action would be particularly significant coming at an early point in Secretary Andropov's administration and would serve as an affirmation of his government's commitment to human rights.

I look forward to the day when pleas such as this will no longer be necessary, and Soviet Jews can be reunited with their families in Israel.●

GREEK INDEPENDENCE DAY

HON. TOM LOEFFLER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1983

● Mr. LOEFFLER. Mr. Speaker, this week marks the 162d anniversary of the Greek war of independence from the Ottoman Empire, a struggle which was spurred on, to some degree, by the success of the French and the Americans in their own revolutions during the latter part of the 1700's.

In opposing the Ottomans, the Greeks showed remarkable courage. To revolt against the Turks involved not only overthrowing actual Turkish domination, but also entailed the extrication of Greek culture, religion, and an identity grounded in democratic ideals from the grip of over three and a half centuries of foreign oppression. Desire among the Greeks to retrieve and preserve this national identity intensified as tales about the French and American revolutions circulated about the European Continent, reaching the Aegean shores.

As we commemorate this important day in Greek history it is essential that we, along with the nation of Greece, continue to emulate the spirit manifested by those Greek freedom fighters, for all who cherish freedom and the democratic process must continue to be strong and unified in our common fight against oppression.

As Greece celebrates, let us, too, therefore, reaffirm that the struggle for freedom is not just a historical fact embedded in our respective histories—it is an ongoing process.●

VETERANS—IT IS NOT GOING TO HAPPEN

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. EDGAR. Mr. Speaker, I am appalled that a Presidential Task Force has recommended that serious consideration be given to eliminating the Veterans' Administration. I am referring to the President's private sector survey on cost control which has made a recommendation to its chairman, J. Peter Grace, that most VA benefit programs, be transferred to other agencies of the U.S. Government.

Most disturbing to me, and I am sure to all Members of Congress, is that the study is stated to be in line with the general theme of the President which started conceptually with the premise that the Veterans' Administration could be disbanded.

Mr. Speaker, since 1930, when President Hoover established the Veterans' Administration, it has been the policy of this Nation that all veterans' programs be administered by one agency. This one-stop concept has worked especially well and has been highly successful. The administrative cost of operating the VA compare favorably with all other agencies. Veterans of three wars have been served well by this policy.

The idea that Veterans' Administration's programs should be administered by other agencies should be promptly rejected by the President. I know that Congress totally disagrees with this recommendation. I take this opportunity to assure the veterans and their dependents that Congress will never allow the administration of their cherished and hard-won veterans' rights and benefits to be scattered throughout the Federal Government.

It will not happen, Mr. Speaker.●

ITS CHILDREN WHO ARE BEING CHEATED

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. WEISS. Mr. Speaker, today I am introducing two bills which would help restore fairness and integrity to the child nutrition application process. One bill would restore the hardship deduction for the purposes of determining eligibility and the other would eliminate the collection of social security numbers on all child nutrition forms.

Widely acknowledged as one of the outstanding successes of the Federal Government, the child nutrition programs have made remarkable progress in diminishing hunger and malnutrition among children across the country. The growth of these programs has been guided by compassionate Americans who understand the debilitating effects of chronic malnutrition and who believe that we are morally obligated to feed our hungry children.

Rather than supporting and strengthening this longstanding commitment, the Reagan administration has waged a wholesale assault on these programs and consequently, on the well-being of the children they serve. The administration has dramatically decreased funding for many nutrition programs, tightened eligibility requirements, erected administrative barriers to participation, and even recommended their elimination under the guise of New Federalism. But the rhetoric of new initiatives and fiscal responsibility cannot mask the fact that some 3 million children, 1 million of whom come from low-income families, no longer eat subsidized lunches at school. Reagan's bankrupt policies have also cut hundreds of thousands of vulnerable, poor children off the school breakfast, summer food, and child-care food programs.

Only an administration lacking in compassion would pursue policies that take food away from children at a time when unemployment and harsh economic times are devastating millions of American families. Across the Nation, families are cutting corners on food and health care and doubling up with friends and relatives in cramped quarters. They are standing in ever-growing lines waiting for surplus cheese or free meals at makeshift soup kitchens. Certainly, the least we can do for children victimized by these tragic circumstances is to assure their access to already established and successful child nutrition programs.

The legislation I am introducing would tear down two barriers to participation in these important programs. By restoring the hardship deduction, the first bill would infuse needed flexibility in the eligibility determinations for free and reduced price meals. Prior to 1980, families were permitted to deduct from gross income levels used to establish eligibility the cost of certain hardship conditions that could not be reasonably anticipated or controlled by the family. Regulations carefully restricted hardship conditions to unusually high medical expenses, shelter costs in excess of 30 percent of income, special educational expenses due to the mental or physical condition of a child, and disaster or casualty losses. Without this deduction for necessary expenses, many working families with marginal incomes are literally forced to choose between their children's medical care and nutritional needs. This bill, which restores the hardship deduction as defined by former USDA regulations, would help insure that children of overburdened, working families have the opportunity to benefit from critically needed nutrition programs.

The second bill would repeal an ill-advised provision of the 1981 Reconciliation Act that requires the collection of social security numbers on the school meals application form. This is one of the many changes in the voluminous 1981 Budget Act that was approved without thorough consideration of its ramifications.

Prior to the Reconciliation Act, eligibility for free and reduced price meals was based on income and family size. Parents completed a self-certified form with the understanding that school officials were authorized to verify income information if there was cause to doubt its accuracy. As part of a commitment to encouraging participation in feeding programs for low income children, Congress carefully developed program operating procedures that protected the privacy and dignity of the families eligible for free and reduced price meals. Both the spirit and the letter of the law required that the confidentiality of a child's economic circumstances be guarded with care. Indeed the glowing history and success of the school lunch program is in part attributable to its image as a nutrition and education program, rather than a welfare program. Throughout the years, it has provided a unique opportunity for school-age children from all walks of life to break bread together and cultivate healthy dietary habits at an early age.

The collection of social security numbers of all adult members of a child's household marks a significant retreat from concerted efforts to encourage eligible families to apply for child nutrition programs. In many communities, this overly intrusive request has had a chilling effect on program participation rates. Many parents concerned about the confidentiality of the application process and intimidated or confused by the requirements of the new forms simply have not applied. As a result, the nutritional and educational needs of innocent children fall prey to this unnecessary bureaucratic sleight of hand.

Although the administration contends that this requirement ferrets out fraudulent applicants, a report recently released by USDA found, and I quote,

> Available data is *insufficient* for determining how much of the reduction in (school meal) program eligibility and participation resulted from the new form deterring ineligible individuals from applying or misrepresenting information on the application and how much of the reduction was the *result of the new form acting as a barrier to eligible individuals.* (Italic added)

May I suggest that changing the school meals forms without knowing

the effect on eligible children hardly constitutes sound or conscientious policymaking.

To make matters worse for deserving children, USDA has been as irresponsible in its implementation of this new requirement as Congress was in enacting it. Although the Reconciliation Act does not grant school officials any authority other than to collect social security numbers, the Department has promulgated regulations which allow the numbers to be used for verification purposes. Moreover, the Department has violated the Privacy Act by not requiring that applicants be explicitly informed about what will be verified, how the social security number will be kept, and with whom the information will be shared. There is no better way to subvert the intent of child nutrition programs than to leave families worried about the confidentiality of the personal information that they are required to provide on the application.

It is time that Congress act responsibly to eliminate existing barriers to participation in child nutrition programs and reject new obstacles, including verification of school meal eligibility at the food stamp office, that have been proposed by the administration. In doing so we would reaffirm our commitment to the original purpose of the National School Lunch Act, which was enacted "as a measure of national security, to safeguard the health and well-being of the Nation's children." Those who dream up proposals to force children off these programs have no conception of the health and nutritional needs of our young people, nor of the price that this Nation will pay if their needs are neglected or ignored.

Mr. Speaker, I urge my colleagues to support these two measures that will help bring child nutrition programs a step closer to accomplishing their mission. I request that a December 16, 1982, New York Times editorial and the text of the bills be printed in the RECORD.

[From the New York Times, Dec. 6, 1982]

IT'S CHILDREN WHO ARE BEING CHEATED

The national school lunch program is an anomaly among social programs in that, until recently, all it has asked from its participants is honesty. Parents applying for free or reduced-price lunches were asked only to declare their incomes. School principals who had cause to believe they were shading the truth could seek verification.

The benefits of so simple a procedure are obvious, but so are the drawbacks: the possibility of fraud, and suspicion among those who resent trusting to an honor system. That kind of suspicion, coupled with a commitment to cutting costs, is surely what impelled the Agriculture Department last year to require that parents list their Social Security numbers on the applications. So far, very little fraud has been uncovered but harried school administrators report an avalanche of phone calls and letters as they try to get parents to fill out the forms.

Many parents fear the uses to which the numbers may be put. Others, barely literate or unfamiliar with English, find the new forms baffling. Still others, who don't have Social Security numbers, believe they are automatically ineligible. Nor is it clear what the school administrators are to do with the numbers. An Agriculture Department spokesman suggests they could get wage information by matching them with local food stamp, employment or welfare records.

People who were educated to educate others, then, are to spend their time playing private eye—when they're not persuading parents to put away their fears, stop worrying about privacy and fill in the form. Meanwhile, three million children have dropped out of a program that has contributed to ending gross hunger and malnutrition in America. Is this any way to save money?

H.R. 2341

A bill to amend the National School Lunch Act to eliminate as a condition of eligibility for receipt of free or reduced-price lunches that the social security account numbers of all adult members of a household be provided on the application for such assistance

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 9(d) of the National School Lunch Act (42 U.S.C. 1758(d)) is amended—

(1) by striking out paragraph (1); and

(2) by striking out at the beginning of paragraph (2) the designation "(2)".

H.R. 2340

A bill to amend the National School Lunch Act to provide that income used for certain special hardship conditions shall not be included as income for purposes of determining eligibility for free or reduced-price lunches

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 9(b)(1) of the National School Lunch Act (42 U.S.C. 1758(b)(1)) is amended by adding at the end thereof the following new subparagraph:

"(C) For purposes of determining eligibility for free and reduced-price lunches, income used for—

"(i) unusually high medical expenses;

"(ii) shelter costs in excess of 30 per centum of income;

"(iii) special education expenses due to the mental or physical condition of a child; and

"(iv) disaster or casualty losses

which could not be reasonably anticipated or controlled by the household shall not be included as income.".

(b) The amendment made by subsection (a) shall take effect on July 1, 1983.●

LAWRENCE UNIVERSITY CHOIR EXEMPLIFIES AMERICA

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. ROTH. Mr. Speaker, the Lawrence University Choir from Appleton, Wis., exemplifies the character of America through the art of song and music.

The choir is comprised of student musicians from both the conservatory of music and the college of liberal arts at Lawrence University. It has been on an eastern tour singing in Boston and New York. The choir's final stop is in Washington, D.C., where it will sing at the St. Alban School for Boys, the National Conference on Higher Education at the Washington Hilton, and in the rotunda of the Russell Senate Office Building.

This choir without a doubt, is the best in Wisconsin and one of the best in the Nation. Under the capable guidance of conductor William Hienz Jr., the choir has become a symbol of talented young Americans in Wisconsin. I am proud to have them represent northeastern Wisconsin, Lawrence University and my home town of Appleton, here in Washington.●

A TRIBUTE TO DR. W. R. MURPHY

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. ROGERS. Mr. Speaker, I want to take this opportunity to call to the attention of the House of Representatives a unique individual, a man from my own district in Kentucky, who has not only served mankind, but also served his community during the past 50 years.

On March 31, Dr. W. R. Murphy, will be retiring and moving south with his wife. But the marks he has left behind on his neighbors in Columbia, Ky., will be a lasting tribute to his work as both physician and mayor.

Since 1933, Dr. Murphy has maintained an active optometry practice in Columbia. But in addition to his work as an optometrist, Dr. Murphy has made significant contributions to the growth and development of his community.

For two 4-year terms, from 1961-64, and again from 1973-77, Dr. Murphy served with distinction as mayor, and helped initiate numerous projects which have made that community one of the most progressive towns in my district.

During his first term, Dr. Murphy was instrumental in getting Columbia a new city building, setting up garbage collection, and developing low-rent housing. A number of major improvements for the downtown business district were also begun during Dr. Murphy's tenure.

He also helped bring new jobs to his community, with the development of the Oshkosh B'Gosh factory in Columbia. Later, during his second term as mayor, Dr. Murphy was a leader in

getting expansion for the factory through city bond sales. He also helped expand the city sewer system, and broke ground for the local airport.

Mr. Speaker, I call upon the House to join me in congratulating and thanking Dr. Murphy for a job well done, and in wishing both he and his wife much happiness in their retirement. It is Americans such as W. R. Murphy who are the backbone upon which this great Nation of ours has been built.●

NO MILITARY AID FOR GUATEMALA

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. GARCIA. Mr. Speaker, there is nothing clear about Guatemalan politics. Gen. Rios Montt has offered guns and beans, amnesty and massacre, to try and gain control over his country. His most recent pronouncement, that he has "sinned and abused power, and that (he) wants to reconcile (himself) with the people," is yet another twist in the political maze of the Rios Montt regime.

The recent executions of so-called subversives and the death of a Guatemalan national working for the Agency for International Development have further complicated and confused administration policymakers. The U.S. Ambassador to Guatemala has been recalled as a result of these incidents, and this is just months after President Reagan embraced Rios Montt, saying that he was getting a bad deal.

A month or so after the President declared himself for the Guatemalan leader, the administration offered to sell that nation helicopter parts, supposedly a symbolic victory for the present Government of Guatemala. Apparently not. The Guatemalan Government gave indications that it did not really need the parts, and that, in any case, it couldn't afford them.

Many of us were less than upset by the refusal, as we continue our fight to see that Guatemala will not get military assistance or that the United States will not make any military sales to Guatemala. The primary reason for this is, of course, because of human rights violations, but also because the situation there is so unstable.

The deaths of thousands of Indians in Rios Montt's pacification program was far too high a price to pay for temporary tranquility. Further, his state of siege implemented last February has discouraged legitimate political dialog.

Rios Montt has pledged that he will lift martial law, and he has offered the left another amnesty. But considering all that has taken place in Guatemala it is much more prudent for the United States to wait and see what develops.

So far, the United States has had no overt role in the "pacification" of the Guatemalan countryside. Let us keep it that way. One note of caution. I believe that there may be some democratic elements lingering in Guatemala. Because of this slight hope, I do not feel it wise to cut off all dialog between our nations. I do not believe, however, that military aid, sales, or training is a constructive basis for establishing legitimate dialog. As I said, we should not close the door on Guatemala, but we must also have the patience to wait for legitimate and substantive change in present Guatemalan policy before we open the Pandora's box of U.S. aid.●

NATIONAL DIGESTIVE DISEASES AWARENESS WEEK

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. PEPPER. Mr. Speaker, I am today introducing a joint resolution designating the week of May 22 through May 28, 1983, as National Digestive Diseases Awareness Week. The distinguished Senator from North Dakota, MARK ANDREWS, has introduced an identical measure in the Senate.

The types of diseases which come under the category of digestive diseases might seem unexciting to those of us who have been fortunate enough to escape them, but to one who suffers from a condition or disease affecting an organ of the digestive tract, the prospect ranges from mild discomfort to the severest pain and threat to life itself. The digestive system is, indeed, the lifeline to survival.

It is not generally known that the category of digestive diseases accounts for an economic loss to the Nation of some $40 billion every year in lost wages, disability payments, health care costs, and lost tax revenues. Neither is it generally known that almost one-third of all cancers affect some part of the digestive system. Some 20 million Americans suffer from chronic digestive disorders, and about 14 million cases of acute digestive diseases are treated in this country every year.

Digestive diseases exact a high price from our people, yet brilliant researchers are developing exciting new methods for diagnosing and treating these diseases. In a hearing on this subject which was conducted last year by my Subcommittee on Health and Long-Term Care, we heard very exciting testimony from a number of these prominent physicians.

By introducing this joint resolution, I urge my colleagues to join me in recognizing the disastrous effects of digestive diseases and to support this resolution to heighten the awareness of the American public as to the devastating manner in which diseases of the digestive system affect many, many Americans.

I wish to insert in the RECORD at this point the text of the resolution.

H.J. RES. 226

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Whereas digestive diseases rank third in the total economic burden of illness in the United States, and measured in terms of human discomfort and pain, mortality, personal expenditures for treatment, working hours lost, and burden on the Nation's economy, digestive diseases represent one of the Nation's most serious health problems;

Whereas twenty million Americans suffer from chronic digestive diseases and disorders, and in excess of fourteen million cases of acute digestive diseases are treated in this country each year, including one third of all malignancies and some of the most common of acute infections;

Whereas such diseases cause more Americans to be hospitalized than any other, necessitate 25 per centum of all surgical operations, and comprise one of the most prevalent causes of disability in the working force;

Whereas digestive diseases cause a yearly expenditure of over $17,000,000,000 in direct health care costs and a total economic burden approaching $50,000,000,000 annually;

Whereas at least one hundred different diseases and disorders of the gastrointestinal tract cause more than two hundred thousand deaths every year;

Whereas research into the causes, cures, prevention, and clinical treatment of digestive diseases and related nutrition problems should become a national concern, and the people of the United States should recognize diseases of the digestive system as a major health priority;

Whereas national lay and professional digestive disease organizations, individually and collectively, through the Coalition of Digestive Disease Organizations and the Federation of Digestive Disease Societies, are committed to heightening awareness and understanding of digestive tract disorders among members of the general public and the health care community;

Whereas the National Digestive Diseases Advisory Board and the National Institutes of Health, through its National Digestive Disease Education and Information Clearinghouse, are committed to encourage and coordinate these educational efforts; and

Whereas the week of May 22, 1983, through May 28, 1983, marks the creation of the National Digestive Disease Education Program, a coordinated effort to mobilize and focus the activities of the digestive disease community to educate the public and health care community as to the seriousness of digestive diseases and to provide information relative to treatment, prevention, and control: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of May 22, 1983, through May 28, 1983, is designated as "National Digestive Diseases

Awareness Week", and the President is authorized and requested to issue a proclamation calling upon all Government agencies and people of the United States to observe the week with appropriate programs and activities.●

NATIONAL RECOGNITION WEEK FOR REGISTERED NURSES AND LICENSED PRACTICAL NURSES

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. SABO. Mr. Speaker, today it gives me great pleasure to introduce a House joint resolution honoring our Nation's registered nurses and licensed practical nurses. These dedicated individuals are involved in nearly every aspect of a patient's medical treatment, but they seldom receive any credit for their work. Their faithful contribution to our health care system has surely touched the lives of everyone of us.

H.J. RES. 220

Whereas nursing is the largest health care profession in the United States;

Whereas there are more than 1.4 million Registered Nurses and Licensed Practical Nurses in the United States;

Whereas this profession provides high quality preventive and curative health care; and

Whereas the important social contributions of this profession remain largely unrecognized: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning on May 6, 1983, is designated as "National Recognition Week for Registered Nurses and Licensed Practical Nurses" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.●

NATIONAL COMMISSION ON NATURAL GAS PRICING

HON. BOB WHITTAKER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. WHITTAKER. Mr. Speaker, the last attempt in 1978 to write rational and fair price controls for natural gas turned out to be a disaster. Prices continue to rise in the midst of a dramatic surplus. Cheap gas goes unsold while expensive gas flows at a pleasant profit to its producers.

Just about everyone agrees that reform legislation is necessary. Dozens of bills have been introduced this session calling for decontrol, more controls, price freezes, rollbacks, and limits on certain clauses in natural gas sale contracts. But it is hard to find any three people—be they here in the Congress, or be they producers or consumers—who agree on precisely what direction reform legislation ought to take.

Our success in fashioning a bipartisan solution to the ills confronting the social security system leads me to believe that a similar approach to resolving the gas pricing problem would be in the Nation's best interest. That is why I am today introducing legislation urging President Reagan to form a bipartisan National Commission on Natural Gas Pricing to find an acceptable legislative answer to the gas pricing problems we now face.

Unlike social security, I do not believe we can allow a Commission on Natural Gas Pricing the luxury of a year to deliberate the problem and, thus, my resolution calls upon the Commission to transmit its recommendations to the Congress in time for introduction and passage before next winter's heating season.

The time for action on natural gas pricing reform is now, and I urge speedy hearings and passage of my resolution.

Thank you, Mr. Speaker.●

BUCK ROGERS TO THE RESCUE

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. LaFALCE. Mr. Speaker, putting an immediate end to the nuclear arms race is the paramount issue and most important challenge of our day. Over 50,000 nuclear warheads spread across the surface of the Earth already endanger not only our lives and those of all future generations, but threaten the miracle of human existence itself, and all living things that have evolved on this planet Earth over billions of years. At the same time that the American Government should be taking the lead in halting this genocidal buildup on the ground, our President has recommended that we embark on a mission in space that can only serve to further escalate and complicate the nuclear threat. We must put an end to the arms race before it puts an end to the human race.

I wish to bring to the attention of my colleagues an editorial published in the Rochester Times-Union which masterfully rebuts President Reagan's most recent call for the "Star Wars" technology that he claims will put an end to all wars. I commend the editor for his insights.

The editorial follows:

[From the Rochester (N.Y.) Times-Union, Mar. 24, 1983]

BUCK ROGERS TO THE RESCUE

President Reagan called on Buck Rogers to save his 1984 defense budget last night. His speech was as low on logic as it was high on "tech."

His comforting "vision for the future," making nuclear weapons "obsolete," is more a nightmare—for arms control and for the nation's economy.

Yes, satellites could knock our incoming missiles. Various schemes have been proposed, the most publicized being Retired Gen. Daniel O. Graham's "high frontier," which calls for 300 satellites.

It's estimated such a scheme would cost $500 billion to $1 trillion. Nobody thinks that it could knock out every type of nuclear missile; what it surely would do would be hype the arms race.

As Daniel Deudnay wrote in Space, The High Frontier in Perspective: "Lasers suffer from the same problems—in spades—as anti-ballistic missiles because with each, a dollar of defense spending can be effectively countered for a dime."

Both the U.S. and U.S.S.R. are studying "killer" satellites that could destroy other satellites. Most scientists say a nuclear explosion in space probably would incapacitate every satellite.

The biggest cost of the president's proposal, however, would be in arms control. The 1972 anti-ballistic missile treaty is perhaps the most significant arms agreement ever made.

Both the U.S. and the U.S.S.R. had been spending themselves silly on anti-missiles, even anti-anti-missiles. Both recognized that, as ugly as it sounds the best way to assure deterrence is to have both sides know that their missiles would reach the other side. If one side thinks the other can neutralize its weapons, it might shoot first.

Thus, the president's proposal would launch the world into a nuclear buildup under even less control than the present one.

The president could have been far more comforting last night if he told us he was going to open negotiations on banning all weapons from space.

Before Reagan got to the new frontier, he gave us a tour of some familiar landmarks. The Russians—gasp!—have a large communications base in Cuba. Cuba—horrors!—has Russian made warplanes. There they were, right in the classified photos taken from U.S. spy planes.

There was one item of new interest, a large airstrip being built on Grenada in the Caribbean. As the president said, its purpose is clearly not peaceful, although he didn't explain why it is particularly threatening.

And we heard familiar numbers. While we built 27 submarines, the Russians built 61. We built 11,200 tanks and armored personnel carriers, the Russians built 14,000. And so on.

What the colorful charts didn't express was purpose. Reagan said he has a "careful, long-term plan." But all he spoke about was the need to match Russia's numbers. That's not a strategy. It's a mindless arms race.

And once again he matched Russian and American numbers of nuclear missiles without including America's most formidable nuclear arm, submarine missiles. Or mentioning that we have more warheads than they do.

Here are some numbers Reagan didn't give.

His budget proposes a $189 billion deficit; the Democratic counter-budget a $175 billion deficit. The Democrats want to spend some $26 billion more than he wants next year for health, food, welfare, economic development, legal services, education, job

training and the like of that. Those are surely issues to argue about.

But Reagan concentrated on defense spending, where the argument is over his plan to spend $280.5 billion next year, or the Democratic figure of $264 billion, or the Senate Republican figure of $266 billion—or whether to spend $1.6 trillion instead of $1.8 trillion for defense in the next five years. Contrary to what the president said last night, nobody is talking about defense cuts.

He didn't enlighten us on why plans to modestly trim his budget are so horrifying that he was driven to mount a Buck Rogers show on TV.

He just gave us the choice between "the hard but necessary task of preserving peace and freedom and the temptation to ignore our duty and blindly hope for the best." It is a false choice.●

HOSTING THE WORLD CUP OF SOCCER

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. FLORIO. Mr. Speaker, I am introducing a joint resolution expressing the support of the U.S. Government for the efforts of the U.S. Soccer Federation to bring the World Cup of soccer to this country in 1986. The resolution also designates the Secretary of Commerce as the official representative of the U.S. Goverenment in discussions with the Federation Internationale de Football Association (FIFA).

Three national soccer federations remain in contention to host the 1986 World Cup—those of Canada, Mexico, and the United States. The U.S. Soccer Federation has made an extensive presentation to FIFA describing the facilities and resources available in the United States for sponsoring the World Cup. The presentation stresses the United States long experience in organizing major national and international events. Because the United States will need few major capital expenditures to prepare for the World Cup, that experience can be used to concentrate on efficient organizations of the event.

The World Cup games are not just extremely popular sporting events. They are major tourist attractions. Bringing the World Cup to the United States will not only give a tremendous boost to the growth of professional soccer in this country, it will generate millions of dollars in tourist trade. As chairman of the Subcommittee on Commerce, Transportation and Tourism, I am well aware of the economic stimulus the games will provide. It should be noted that the economic benefits will be felt nationwide, since the first round of games, which lasts 2 weeks, will be held at 12 sites in 6 different regions of the country. Moreover, the volume of spending by foreign tourists will have a positive effect on our trade balance.

The experience of past World Cups illustrates the potential economic benefits. The 1982 World Cup in Spain, for example, generated close to $60 million in gross profits, from ticket sales, television, and publications. The U.S. Soccer Federation's estimates of gross income from ticket sales alone range from $43 million to $54 million.

The Mexican and Canadian Governments are both actively supporting efforts to host the World Cup. Mexican officials maintain that their country has the financial ability to host the games. The Canadian Government has approved a $50 million budget to support the Canadian proposal.

The U.S. Soccer Federation is not requesting Federal funds. It does, however, need the support of the Federal Government to meet various FIFA requirements concerning visas, customs, and foreign exchange. The President expressed his support of efforts to host the World Cup in a letter to Mr. Gene Edwards, president of the U.S. Soccer Federation.

FIFA selection officials will visit the United States in mid-April to tour the proposed sites and meet with those responsible for the U.S. bid. This visit is in advance of the final FIFA decision on May 20. I urge the Members of the House to join me in expressing support for the efforts of the U.S. Soccer Federation in bringing the World Cup to this country.●

JOB TRAINING ASSISTANCE FOR VETERANS

HON. MARVIN LEATH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. LEATH of Texas. Mr. Speaker, this session of the Congress, training and employment issues have had the highest priority. Many plans to assist the Nation's jobless have been considered and, in fact, a major employment assistance measure is expected to be sent to the President today.

The highest priority of the Committee on Veterans Affairs is to take what steps we can to assist the hundreds of thousands of veterans who are unemployed. Last month, February 1983, over 890,000 Vietnam-era veterans were looking for work, a 23-percent increase over February 1982. The rate of unemployment for Vietnam-era veterans 25 to 29 years old was a staggering 21 percent, 47 percent higher than the unemployment rate for nonveteran males in the same age group.

Last year in Public Law 97-306, the Congress clearly acknowledged that as long as underemployment and unemployment continue as serious problems among veterans, alleviating those problems is a national responsibility. Actions taken by the Veterans Affairs Committee in the last Congress, under the leadership of my distinguished colleague, BOB EDGAR of Pennsylvania, chairman of the Subcommittee on Education, Training, and Employment during the 97th Congress, went a long way toward strengthening education programs and providing an improved and more effective program of job training and job placement for unemployed and underemployed veterans. The economic realities, however, dictate that we do even more—and soon—to insure that the veterans of our country's longest and most controversial war do not join the ranks of the permanently dependent.

It seems to me that in this time of severe unemployment, training and retraining are badly needed by our Nation's veterans. In an emergency situation such as we have now, with the deepest recession in postwar history, we need to establish an emergency program that will enable veterans to reenter the work force in occupations in which there is substantial probability of long-time employment.

In that regard, I am today introducing the Emergency Veterans Jobs Training Act of 1983 to provide two types of training.

The bill authorizes the Veterans Administration to provide on-job training and vocational training at an educational institution. Vietnam and disabled veterans who have been unemployed 15 of the last 20 weeks will be eligible to participate in these programs.

For on-job training, the VA will be authorized to make payments to employers to partially defray the cost of training veterans. These payments will be made on behalf of disabled veterans for 12 months and on behalf of veterans of the Vietnam era for 6 months. Payments will not exceed 50 percent of the starting wages paid to the veteran. The Department of Labor has indicated that the average 6-month payment will be $3,000.

For a veteran taking vocational objective training, the veteran will be reimbursed up to $500 a month to cover the costs of tuition, books, fees, and equipment. The assistance payment may be made for 6 months. In the case of a service-connected disabled veteran, a 12-month training period is authorized.

This legislation is an emergency bill, designed to address an emergency situation. As such, veterans may enroll in this program until October 1, 1984, and the program will terminate on October 1, 1985. If enacted and fully utilized, up to 100,000 Vietnam and service disabled veterans will be trained and put to work in occupational fields in which there is substantial probability of long-term employment.

I firmly believe that this training program for long-term unemployed veterans is reasonable and will be effective. These veterans are in dire need of assistance. We have an obligation to provide some assistance to the thousands of unemployed veterans who served their country during the Vietnam war or were disabled while serving in the Armed Forces. This bill is a step in that direction.●

THE CONGRESSIONAL BLACK CAUCUS SPONSORS RESOLUTION TO DESIGNATE SEPTEMBER 1983, AS NATIONAL SICKLE CELL ANEMIA AWARENESS MONTH

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. DIXON. Mr. Speaker, today, Congresswoman CARDISS COLLINS and I have jointly sponsored a resolution asking the President to designate September 1983 as National Sickle Cell Anemia Awareness Month.

Many Americans have heard of sickle cell anemia; identifying it as a disease primarily affecting black Americans. Yet beyond this passing familiarity, there is usually little understanding about this life-threatening disease; how it is transmitted genetically, or what medical research is ongoing to develop a cure or treat its consequences.

The term "sickle cell disease" refers to all inherited blood conditions in which sickle cell hemoglobin is present. Normal, round, red blood cells become distorted and take on the long and pointed shape of a sickle, due to the presence of this abnormal hemoglobin. As this condition develops, a large percentage of the sickled cells twist and stick together, and may form a log-jam which obstructs the flow of blood to the surrounding tissues and the breakdown of these cells also results in anemia, a condition in which the level of blood is below normal.

One in every ten black Americans carries the sickle cell trait, and 1 in 500 black Americans is stricken by the disease itself.

The disease and the trait are both transmitted genetically because one or both parents carry the trait, and thus, it is vital that Americans, and particularly black Americans, be tested for sickle cell anemia to determine whether they carry or could potentially transmit the trait. There exists no cure for this painful and crippling disease, although medical research does offer hope to victims and their families.

The Congressional Black Caucus is introducing this resolution in conjunction with the outstanding efforts of the National Association for Sickle Cell Disease, which has done so much to promote awareness and research on this disease. We encourage our colleagues in Congress to join us in sponsoring this measure, so that it may be brought before the House as soon as possible.

For many years, little attention was given to research on sickle cell anemia. Now, because of public awareness, more interest, money, and research have been dedicated to the control of this disease. To help in continuing the battle that wages against this life-threatening disease, I, along with my distinguished colleague, the Congresswoman from Illinois, am proud to introduce, today, along with 22 of our distinguished colleagues a resolution expressing the sense of this House that the President should designate September 1983, as "National Sickle Cell Anemia Awareness Month," for all Americans.

This resolution is jointly sponsored by the 21 men and women of the Congressional Black Caucus, as well as our distinguished colleague Congressman HENRY WAXMAN, who chairs the Subcommittee on Health and Environment, and Congressman EDWARD MADIGAN, the respected ranking member of that panel.

We are also fortunate to have the sponsorship of the esteemed ranking member of the Appropriations Committee, Congressman SILVIO CONTE, also long known for his leadership on health matters.●

GREEK INDEPENDENCE DAY

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1983

● Mr. HUGHES. Mr. Speaker, March 25, 1983, marks the 162d anniversary of the Greek people's war of independence from the Ottoman Empire. I am proud to join with my colleagues in salute to the spirit of independence of the Greek people.

Freedom is a privilege which is all too often taken for granted. To break the chains of oppression and proclaim the beginnings of a better, democratic way of life is an act that stirs the deepest of human emotions. It is an act that is especially meaningful to Americans, for we have celebrated over 200 Independence Days, each one a proud reminder that we, too, struggled successfully and won liberty from the domination of another country.

On this day of celebration for our friends in Greece, and Greek Americans here at home, it is important that we recognize the signal achievements of the Greek people and culture. The ancient Greeks made innumerable contributions to the store of human knowledge and understanding of our world. The benefits we receive even today cannot be ignored.

Greece is revered for its art, its philosophers, and for its scientists as well as its teachers and architects. Pythagoras, who discovered the octave, can be called the founder of music as we know it today. Greece is the land of Plato, Socrates, and Aristotle, of the Parthenon and the Aegean Sea. The proud heritage of this nation has instilled in the Greek people a deep love in their country which is channeled into a fervent patriotism.

It was this patriotism which so inspired the Greeks 162 years ago. When the Greeks destroyed the Turkish fleet in October of 1827, and finally gained their independence from the Ottoman Empire in 1829, the Greek people gave notice to the world that a word which owes its origins to the ancient Greeks—democracy—would not be forgotten in its birthplace. Many of the great names in history offered support to the Greek cause, including Thomas Jefferson, James Monroe, and John Quincy Adams.

More than a century and a half later, the judgment of these great Americans remains valid. For the Greeks have battled repeatedly to retain their liberty, courageously resisting the Axis Powers during World War II, and maintaining a firm standing against the threat of communism.

The American people traditionally have shared a warm, close relationship with our Greek allies. Our two nations share a love of liberty, and an awareness of the sacrifices necessary to hold fast to that freedom. It is an honor and a pleasure to once again affirm that friendship by saluting a brave nation and a proud people on Greek Independence Day.●

RESEARCH PARTNERSHIPS: A GOOD WAY TO STIMULATE INDUSTRIAL INNOVATION

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. BROWN of California. Mr. Speaker, the United States is experiencing increased international competition in technology. The Japanese, for example, are moving vigorously toward a national goal of world domination in semiconductors. Other countries have launched national efforts in a wide range of high technology areas, and our former lead in many areas of technology is in danger. Since we can expect this competition to increase in the near future, there is a growing recognition in Congress that the Federal Government must increase efforts to stimulate and nurture industrial innovation. Given this goal, the next ques-

tion to ask is: What is the best means for achieving that goal?

A recent article in Science provides a very helpful historical perspective on the various options for an industrial innovation policy. The authors, Richard Nelson and Richard Langlois, participated in a study that looked at Government programs in a number of different industries. Their historical analysis shows that three policies have been successful in the past. While there is not space here to describe all three approaches, I would like to reprint their analysis of the "generic technology" approach. I highly recommend the complete article for those wishing to learn more about policy options for stimulating industrial innovation.

[From Science, Feb. 18, 1983]

INDUSTRIAL INNOVATION POLICY: LESSONS FROM AMERICAN HISTORY

(By Richard R. Nelson and Richard N. Langlois)

GENERIC TECHNOLOGIES

When there is no recognized public-sector demand for a technology, the government's ability to fund R & D effectively and to guide the development of that technology is more limited. The government does not then have natural access to the sorts of information necessary to guide allocation, and may in fact be blocked from getting the information. Furthermore, the legitimizing effect of a public sector purpose is not there to protect a support program from strong political opposition.

Nonetheless, these problems may be attenuated if the government restricts its attentions to areas, such as so-called generic technology, that are a step or two removed from specific commercial application. The reason is that, at this "directed basic" level of research, the knowledge involved has a large public component: much of it is the sort of nonpatentable and nonspecific knowledge—broad design concepts, properties of materials, and testing concepts—that is generally shared among scientists and does not pose a strong threat to proprietary interests.

In a sense, such generic work falls in between the sorts of work that an academic researcher, pursuing fashionable questions within the bounds of a standard scientific field, would tackle and the kinds of result-oriented research that would interest most corporate R & D laboratories. Of course, some companies do support generic research, and the findings are very often treated as public rather than as proprietary. In many instances, the funding for such research comes at least in part from governmental sources. In either case, the keys to success seem to be, first, involving the relevant scientific and technical communities in the allocation process and, second, recognizing that research ought to be influenced both by the purely scientific disciplines and by those interested in applications; indeed, a tension between the pure and the applied is generally salutary.

Our case studies provide examples of generic research, some associated with government procurement (in aviation, computers, semiconductors) and some more commercially oriented work (certain aspects of agricultural and pharmaceutical science).

The agricultural sciences, viewed as a generic research system, seem to have defined and filled their niche appropriately. Such work fits in between the academic basic sciences (like chemistry and biology) and the applied R & D carried out in private firms and in the experiment stations (like the development of new seeds or fertilizers). Interests on both sides of the line pull and tug to influence the kinds of research that are done as well as to monitor its quality and efficacy. The biomedical research community is another example. Research here too is pulled by applied interests (the physicians) and tugged by scientists in the more basic fields. Interestingly, both the agricultural and the biomedical sciences typically reside in university settings, but in separate professional schools rather than main-line departments.

Another similarity between agricultural science and biomedical research is the way funding allocation is carried out. Both disciplines take the majority of their support from the government, but the funding agencies keep their distance, allowing the allocation machinery to be manipulated by the research communities themselves.

The National Advisory Committee on Aeronautics (NACA), the forerunner of NASA, is another example of a generic research system. Here the setting was a freestanding organization, not a university. But NACA's research concerns were certainly generic—broad-gauged aviation problems rather than specific designs—and the relevant engineering societies played a significant role in guiding and monitoring work at NACA. After World War II, the military increasingly assigned to private contractors the sort of work NACA had carried out, a trend that both reflected and abetted the divergence of military from civilian aircraft technology.

Because generic research poses a diffuse rather than a visible threat to established competitive positions, it may be possible to mount such a program successfully in any industy. But the size of the gray area between the basic and the applied may vary greatly among industries. Of course, the extent of this generic range may itself be influenced by the presence of a government program: the public financing of R & D often proves contagious, luring business scientists into a wider communications network and increasing the public flavor of private work. This is certainly desirable to the extent that it does not diminish the private incentive or ability to seize upon new ideas and develop them for market.

The manner in which a generic program develops may also be of critical importance. The aborted Cooperative Automotive Research Program (CARP) and the Cooperative Generic Technologies Program (COGENT) of the last administration seem to fit the description of generic systems, yet neither attracted the enthusiasm of the industries it proposed to aid, perhaps because the initiative and the design of the programs came strictly from Washington, with little participation by industry.

I would like to highlight a few of the important conclusions that emerge from this study. First, industrial innovation is a complex process. Different approaches are needed for different industries. Any successful Government policy must be flexible and must involve an appropriate strategy for each technology.

Second, the planning process should involve the relevant scientific and technical communities, and the planning process should be influenced both by those in the purely scientific disciplines and by those interested in applications. This recommendation recognizes the fuzziness of the line between basic and applied research. As the authors point out, "a tension between the pure and the applied is generally salutary."

I have introduced legislation, the Economically Strategic Industrial Research and Development Act (H.R. 1243), which would provide both flexibility and cooperative planning in the formulation of technology development plans. The approach outlined in H.R. 1243 does not put the Government in the position of picking winners and losers—an approach which has not been successful in the past. Instead, our approach asks business and Government together to survey current market efforts and determine where Government assistance can increase the prospects for succesful technology development.

While I think a "generic technology" approach involving an industry-Government partnership is a goal worth pursuing, I applaud those industries already setting up cooperative research programs on their own. We in the Federal Government should encourage these efforts by modifying antitrust legislation.

An excellent example of a new cooperative research program is the Microelectronics & Computer Technology Corp. (MCC), recently founded by 10 companies. The following editorial describes this new corporation. We wish them success in their endeavor.

[From Science, Mar. 4, 1983]

INTERNATIONAL COMPETITION IN HIGH TECHNOLOGY

(By Philip H. Abelson)

The Japanese are moving vigorously toward a national goal of world domination in semiconductors. They recognize that excellence in this area will carry with it leadership in computers, telecommunications, robotics, aerospace, and other high-technology industries. Our government seems paralyzed. Its behavior is in contrast to the financial help and other encouragement that the Japanese government bestows on its electronics industry. In addition to effectively restricting importation of competing items, the Japanese government fosters industrial cooperation in research and development both by authorizing and by subsidizing it.

The United States has tough antitrust laws that in the past have served to stifle cooperation between companies in research. In consequence, there is a tremendous waste of scarce resources of people and excessive duplication of effort in our industrial research. Companies often must rediscover the same phenomena. There are at least two types of applied research. One is highly specific and product-oriented. Companies prefer to keep that work secret from each other. A second type is closely akin to good basic research. Its goal is to work out procedures and production techniques of general applicability. That kind of research and de-

velopment should be shared and its costs borne by cooperating companies.

A new consortium of companies proposes to do just that. They have agreed to participate in the Microelectronics and Computer Technology Corporation (MCC). Admiral Bobby R. Inman (retired) has been elected president and chief executive officer of the corporation. The founding shareholders are Advanced Micro Devices, Control Data Corporation, Digital Equipment Corporation, Harris Corporation, Honeywell, Motorola, NCR Corporation, National Semiconductor Corporation, RCA, and Sperry Corporation. A substantial number of other companies have expressed interest but are holding back largely because of fear of antitrust proceedings. The Justice Department has been reassuring, but lawsuits are cheap to file and costly to defend.

Initially, MCC will concentrate on four advanced, long-range programs. Their stated objectives include:

Electronic computer-aided design and computer-aided manufacture (CAD-CAM): Major advances in electronic CAD-CAM design tools will be integrated into a system that encompasses the spectrum of design needs from concept and simulation to the design and layout of microelectronic chips containing up to 10 million elements.

Software productivity: This MCC program will develop techniques procedures, and tools based on expert and knowledge-based systems in order to gain an order-of-magnitude improvement in the effectiveness of both systems and application software development processes.

Advanced computer architecture: This 8- to 10-year program will focus on knowledge-based achitectures and artificial intelligence and their applications. Its range of applications includes image analysis and design automation of very large scale parallel computing structures as well as data-flow techniques, pattern recognition and manipulation, and development of expert knowledge and inferencing systems.

Microelectronics packaging: The objective will be more cost-effective techniques for interconnecting components, using future complex chips that contain 1 million or more circuit elements.

The Bell System and IBM are sufficiently big and entrenched that they are secure for at least a while. But smaller companies such as those in MCC are unlikely to prosper in the longer term if they must go it alone. The Japanese will target their products one by one. These companies have been innovative and have created jobs. A strong MCC would solve part of their future problems by facilitating innovation and cutting costs. Congress should quickly modify antiquated antitrust laws to permit industrial cooperation in applied research.●

ALLEN LIM: OUTSTANDING USAF ENGINEER

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. FAZIO. Mr. Speaker, I would like to take this opportunity to draw the attention of my colleagues to the fact that Mr. Allen Lim, who resides with his wife in El Cerrito, Calif., was selected as the National Society of Professional Engineer's Outstanding USAF Engineer of the Year.

A civil engineering graduate of the University of California, Berkeley, Mr. Lim is chief of the construction management and technical division of the USAF regional civil engineer office, western region, in San Francisco. Citing his many noteworthy engineering contributions to the Air Force as well as the civilian engineering community in the areas of structural and seismic design and project management, the society praised Mr. Lim's tremendous achievements.

Allen Lim is truly an able man. He served his country as a U.S. Air Corps pilot and later went to work for the Army Corps of Engineers and the U.S. Navy in San Bruno, Calif. Mr. Lim has used his talents consistently to the benefit of both his profession and the community, serving as president of both the Chinese-American Engineers and the Chinese chapter of the University of California Alumni Association. it is fitting that we join with the National Society of Professional Engineers and with Allen Lim's family and friends to recognize his long and distinguished career.●

OUR REIGNING MISS LOMITA, AMY JONES

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. ANDERSON. Mr. Speaker, during the past year, 1982, my constituents from Lomita and I have been admirably represented by Miss Amy Jones, who is the reigning Miss Lomita. Before Amy passes the scepter and crown to this year's Miss Lomita, who will be chosen May 7, I would like to share with you and our colleagues how fortunate those of us from Lomita have been during her reign.

Beauty pageants, understandably, are thrilling to the contestants and the audiences alike. For the contestants, they provide an opportunity to display their many talents as well as their beauty. For the rest of us, as the audience, who are inspired by the gifts and achievements of these young people, there is the opportunity to select our personal favorite and hope that the decision of the judges affirms our choice.

Uniquely, when Amy was selected as Miss Lomita of 1982, she was also voted Miss Congeniality by the other entrants, and Miss Popularity by the audience as their favorite. Amy was, unquestionably, the consensus favorite. And she has reigned throughout the year as Lomita's favorite.

Prior to and during her tenure as Miss Lomita, Amy has been an achiever. An honor student at Narbonne High School, Amy is a varsity cheerleader and has served as girls league president, director of student elections, student body secretary, and homecoming dance chairperson. Last year she received the Outstanding Student Achievement Award, and on two occasions Amy has been recognized as the most optimistic student. Her peers at Narbonne High voted her most popular senior girl, and they have elected her to the prom court. Amy is also active as a leader in the ADEPT (alcohol-drug education for prevention and treatment) program.

In addition to all her energies and activities, Amy is also a very lovely young lady. The people of Lomita and I have been honored by her warmth, talents, leadership, and beauty. Accordingly, before stepping down as Miss Lomita, and as she prepares to enter California State University, Long Beach, where she is intent on pursuing a major in psychology and a minor in dance, my wife, Lee, and I would like to express our deep appreciation to Amy by wishing her and her family continued success during the forthcoming years.●

AMENDING THE BANKRUPTCY ACT

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. SEIBERLING. Mr. Speaker, I am reintroducing legislation today amending the Bankruptcy Act to provide that judgment debts resulting from a liability which is based on driving while intoxicated shall not be discharged.

The need for this legislation was brought to my attention last year by a heart-rending situation involving a family in my district whose daughter was killed 5 years ago by a drunk driver. My constituents filed a civil suit against the driver, which was finally heard in March 1982. The court awarded them $110,000 for wrongful death and survivor's compensation. However, the defendant filed for bankruptcy, trying to have his judgment debt discharged by using Federal bankruptcy law. He was successful. The court ruled that the debt did not arise out of a willful and malicious injury to their daughter, and therefore the debt was discharged.

Mr. Speaker, my constituents must now face the reality that the man who tragically ended their daughter's life has been excused from the judgment debt by using Federal bankruptcy laws. But it is not the money involved that has shattered their faith in our judicial system; rather, it is the principle that the man that recklessly killed their daughter has been able to use

the bankruptcy law to escape punishment.

This case is a distinctly different from regular bankuptcy cases, since my constituents certainly did not extend credit or ask payment for services rendered. The legislation that I am reintroducing today will provide victims and their families with an assurance that if they win civil damages against a drunk driver, the driver will not be able to use Federal law to avoid paying his debt.

Although current bankruptcy law does contain a provision (11 U.S.C. 523(a)(6)) which prohibits a debtor from discharging any debt he owes for willful and malicious injury, the problem is that some bankruptcy judges have concluded that drunk driving is not willful and malicious. However, in a recently decided bankruptcy case, in re Joseph Anthony Cooney, it was held that this provision rendered a defendant's judgment debt to a plaintiff nondischargeable.

In that case, the plaintiff was accosted by a defendant who was intoxicated. The plaintiff obtained a judgment for $50,000 in actual damages which she alleged was not a dischargeable debt because it was the result of a willful and malicious injury. The debtor's defense was that he suffered an alcoholic blackout, and as a result did not remember the incident. The court held that he had acted with malicious intent at the time of the incident. While that case involves an assault rather than a car accident, it seems to highlight the need to take swift action to classify tortious acts committed while intoxicated as willful and malicious acts.

This legislation was originally introduced last year by Senator JOHN DANFORTH as S. 2159, and I commend him for his action to help remedy this tragic abuse of Federal bankruptcy law.

Mr. Speaker, I believe that drunk driving is a problem which we cannot ignore and which desperately deserves prompt Federal attention. Last year, drunk drivers killed approximately 25,000 people nationwide. While I am aware that this legislation will not put a stop to the grim tragedies taking place on our Nation's highways, I hope that it will be effective as one method to deter drunk drivers.●

PASSOVER: A CELEBRATION OF FREEDOM

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. SOLARZ. Mr. Speaker, I would like to call to the attention of my colleagues that at sundown on March 28 the Jewish community will mark the beginning of Passover, which commemorates the flight of the ancient Israelites over 3,000 years ago from the oppression of the Pharaoh.

But those of us who are able to celebrate Passover in freedom and security must recall the tragic fate of thousands of Jews still living under tyrannical and repressive regimes whose policies rival the Pharaoh's.

In the Soviet Union and parts of Eastern Europe to organize a religious study program or teach a Hebrew class is to place oneself and one's family in jeopardy. To seek freedom by emigrating to Israel is to risk losing your home, your job, even your liberty, yet still thousands of Jews are willing to take that chance, hoping against hope that they will be part of the small group allowed to leave. In 1982, less than 3,000 Soviet Jews of the tens of thousands who had asked to emigrate, were granted exit permits—while in 1979, 51,000 were allowed to leave.

In Syria, Jews suffer as second class citizens, totally dependent upon the whims of a repressive and dictatorial regime that still refuses to allow them the right to freely emigrate. But centuries of oppression have not been able to still the yearning of this small community to be free, and each year some still risk all to gain their precious liberty.

In Ethiopia, a remnant of a once larger Jewish community survives in a difficult environment. Considered strangers in the land of their birth, they eke out the barest subsistence existence while maintaining their ancient faith and their dream of freedom in Israel.

These modern examples of religious persecution and discrimination remind us of the millions of other oppressed peoples still seeking their freedom. The boat people in Vietnam, the Cambodian survivors of Pol Pot, the victims fleeing war and civil strife in hope of a chance to live in peace and dignity.

May this Passover commemoration of the liberation of the ancient Israelites offer hope to these suffering people. And may it reconfirm our own commitment to the effort to allow every man and woman to one day enjoy the most precious gift of freedom.●

PAUL M. CHEREMETA ELECTED PRESIDENT OF THE PARALYZED VETERANS OF AMERICA

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Ms. OAKAR. Mr. Speaker, recently Paul M. Cheremeta was elected the president of the Paralyzed Veterans of America. Mr. Cheremeta has developed an outstanding record as an advocate of equal rights for all disabled persons, whether they are veterans or not.

As the president of such a prestigious organization, many of my colleagues will be seeing and hearing from Mr. Cheremeta during the upcoming session, as disabled vets try to attain equal access to voting places, buildings, and transportation. All Ohioans are proud of the choice of Mr. Cheremeta and know that his legislative and administrative skills will help PVA and their affiliated organizations.●

KEEP THE VA

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. SKELTON. Mr. Speaker, this morning, in the Washington Post, an article referenced a report by a Presidential task force which has recommended that serious consideration be given to eliminating the Veterans Administration, and transferring its functions to other agencies.

Mr. Speaker, I find this recommendation shocking. The task force is part of the President's Private Sector Survey on Cost Control, and was set up to recommend ways to improve management techniques in Federal agencies. Certainly, I do not oppose bettering our management techniques, but this recommendation steps into the arena of Federal policymaking. I cannot even imagine how such a task force could come up with such an idea.

The report does make the following statement, which troubles me: "In line with the general theme of the President and the Commission, we started conceptually with the premise that the VA could be disbanded." I am writing to the President to request an explanation of this statement, and to urge that any recommendation to eliminate the role of the VA be ignored. It is hard to believe that such a recommendation could be suggested by a group that is supposed to be looking for ways to improve management.

Certainly, Mr. Speaker, our veterans deserve better treatment than this.●

A HALF CENTURY IN CIVIL LIBERTIES

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. EDWARDS of California. Mr. Speaker, I would like to share with my colleagues the recent address of Joseph L. Rauh, Jr. Joe, a true champion of the civil rights and civil liberties causes for decades, spoke before the University of Kentucky Library

Associates on his "Half Century in Civil Liberties."

It is an excellent and thought-provoking speech, and I urge my colleagues to read it carefully. The speech follows:

"A HALF CENTURY IN CIVIL LIBERTIES," BEFORE THE UNIVERSITY OF KENTUCKY LIBRARY ASSOCIATES

It is both an honor and a privilege to give the second Edward F. Prichard Lecture here tonight. And I am especially pleased to participate for there could be no more fitting subject for this Prichard lecture than "A Half Century in Civil Liberties." My friendship with Ed Prichard spans practically all of that period and his voice has always been a steadying force on the side of those whose rights or liberties have been endangered. With the same indomitable courage and spirit and will that Ed Prichard has exhibited in overcoming the tides of ill health, he has spared no effort of heart and mind in the protection of the civil freedom decreed by the Founding Father.

I suppose I should confess right at the outset that our first joint venture in the civil liberties field over forty years ago was lots more humorous in retrospect than successful or rewarding. Mr. Prichard was law clerk to Justice Felix Frankfurter in the Spring of 1940 when German tanks and divebombers were roaring across France and shrill patriotism was the order of the day. I had been the first law clerk to Justice Frankfurter a year or two earlier and that gave me a certain status as the 29-year-old senior of the species. About 8 o'clock one evening that Spring, Prich came panting to the door of our little house in Washington, pulled a sheaf of papers out of his pocket, and slumped into a chair groaning: "You've got to do something to prevent this disaster." The papers Prich handed me were Justice Frankfurter's draft opinion in the flag salute case, holding that two grade school Jehovah's Witnesses who believed that saluting the flag denied the supremacy of God in violation of their deeply-held religious beliefs, could be expelled from a Pennsylvania public school for unpatriotically refusing to salute the flag. It didn't take the two of us long to agree that our beloved Justice and mentor was about to commit an incredible civil liberties atrocity unless, of course, we could figure out some way to persuade him of the error of his ways. Prich told me he had pleaded with the Justice over and over again not to go through with this uncharacteristic assault on religious liberty, but all to no avail. So, I said to Prich: "If I am to go and argue with the Justice, how do I explain where I got the draft opinion? May I tell him you showed me the document?" "Oh, God, no," said Prich, "he would have an absolute fit." So I said: "Well, Prich, what do you want me to do, tell the Justice that some birdie gave me all this information about his forthcoming opinion?" At this stage, the short-lived Prichard-Rauh conspiracy to save the Nation from compulsory flag salutes and the Justice from himself was dissolved in a teary parting. In case some of you have forgotten, Justice Frankfurter's flag salute opinion was overruled a year or two later, but not, sadly enough, due to any help from Prich or me.

A second confession might also seem in order at this point. Workers in the civil liberties vineyards—or whatever you want to call them—have often been pictured as some kind of noble martyrs; but far from any martyrdom, if the truth be known no field of activity could possibly have been as much fun. How else would you get the opportunity to watch Arthur Miller and Lillian Hellman stand up for the Bill of Rights before the late unlamented House Un-American Activities Committee and, as a dividend for representing Arthur Miller before the Committee and in the courts, have Marilyn Monroe lend her beauty and warmth to your home for a couple of weeks? How else would one get a chance to debate Joe McCarthy and his little pipsqueak lawyer, Roy Cohn, on the merits of McCarthyism? Where else would one get the satisfaction of opposing a government loyalty program based on charges made by secret informants or of saving jobs for decent people like Kerenski's one-time Minister of Justice then working at the Library of Congress? Where else would one have the joy of hearing the Chief Justice announce a Supreme Court opinion dismissing contempt of Congress charges against a United Auto Workers staffer and, more importantly, putting a real crimp into arrogant congressional committees by holding that the committees do not have any power of "exposure for exposure's sake"? But above and beyond these fun experiences, taking the civil liberties side has a most comforting aspect—history almost always bears out the civil libertarian.

Looking beyond the fund and the comforts of working in the civil liberties arena, I cannot resist suggesting this evening that our generation passes on to its successors a First Amendment and a Bill of Rights stronger than when we inherited it. For in the Cold War days our generation met the enemies of civil freedom not at the periphery of the struggle—denigrating Canadian movies as "political propaganda", suggesting a Senator's wife in the peace movement was somehow being manipulated from abroad, or denying Mrs. Salvador Allende, the wife of the CIA-deposed President of Chile, the right to enter our country and speak to our citizens—but at the very heart of our democratic process. FBI Director J. Edgar Hoover and the organization he built in his image, made the Cold War period of the '40s and '50s a time of panicky fear, a time when free expression withered, a time of secret informants, a time of imitation of totalitarian methods. This was, I submit, the great threat to civil freedom in my lifetime—the unrestricted powers of J. Edgar Hoover and the FBI, their ability to harass those the FBI determined were dangerous, their paranoid reaction to criticism, the paralyzing fear the FBI engendered in those who might otherwise have been free-spoken critics. The ultimate exposure of the extent of Mr. Hoover's assault on civil liberties, the exposure of his surveillance of, and dirty tricks against, leading citizens, including the Reverend Martin Luther King and the mortality of Mr. Hoover himself, brought an end to the period of unreasoned fear and inoculated the Nation, at least for some period of time, against a return to those tragic days.

I can attest personally to the Hoover-FBI harassment of citizens during the pre-War and Cold War days. I was one of those "dangerous" thousand or so federal employees on whom the FBI filed reports with their superiors back in 1941. The FBI report, which went to my superior, Wayne Coy, Director of the Office of Emergency Management, contained what the FBI apparently considered two very damaging assertions against me—that my wife was a member of a Communist-front organization (which, incidentally, neither she nor I had ever heard of) and that my wife believed in the equality of the races because she insisted that our part-time black maid be permitted to come in the front door of the apartment house where we were living. Mr. Coy showed me the report and then dictated a letter to Mr. Hoover referring to my wife as a retiring young lady and exonerating us on all counts.

The next skirmish occurred almost a decade later when Hoover and the FBI were leading the Cold War assault on Communists, radicals, liberals and anybody else that might be seeking to make changes in our society. The Third Annual Conference on Civil Liberties of the National Civil Liberties Clearing House was held on February 24, 1950 and the program called for a review of threats to civil liberties on all fronts. Because the Clearing House could not induce anybody else to bell the FBI cat, I was given the task of relating the dangers inherent in the then current activities of the FBI. Not without trepidation, I pointed out—to a very limited audience, I must say—that the FBI was "tapping telephone wires [then clearly illegal], insinuating itself into political movements, building up dossiers on private citizens, and doing other things that are not the proper function of a police agency in a democracy." Having gone that far, I threw caution to the winds and decided to tell the whole story—I just up and listed the things Hoover and the FBI were doing. Here is the list quoted directly from the 1950 speech:

"(1) In 1939 the nation was confronted with the twin dangers of spies and saboteurs from two international rings—the Nazi-Bundists on the one hand and the Soviet Communists on the other. At that time the FBI was operating on a $6,000,000 budget; yet today [that's 1950] the requested appropriation is $58,000,000, ten times that amount.

"(2) The FBI taps telephone wires practically without supervision. I say 'practically without supervision' advisedly; the FBI's own story as reported in the Washington press is that while the FBI makes recommendations for wire tapping to the Attorney General, 'so far, not one has been turned down.' As to the illegality of wire tapping, only this month a distinguished conservative jurist . . . held that the Federal Communications Act forbids all wire tapping. . . .

"(3) Far worse than the wire tapping is the effort to cover it up by other illegal acts. One FBI official not only instructed another to destroy recordings of the taps in view of the immediacy of the Judith Coplon trial, but another FBI agent testified falsely under oath that the recordings had been destroyed solely as a matter of departmental routine.

"(4) There is evidence that FBI agents have even rifled the mails—another admitted violation of law.

"(5) Only two days ago a former undercover FBI agent told the House Un-American Activities Committee about his personal activities in the Wallace movement. . . .

"(6) The FBI's role in the loyalty program ha not been one to safeguard individual freedom, which is the proper role of a police agency in a democracy. It is due to the FBI's opposition that the loyalty program fails to provide for the confrontation of loyalty suspects by their accusers. . . .

"(7) The FBI is building up dossiers not only on Government employees, but also on private citizens throughout the nation . . . and contained material which had no rel-

evance to any criminal offense or to any threatened criminal offense.

"(8) It has become a practice to impugn the motives of anyone who dares to exercise his democratic right to criticize the FBI. When various persons criticized the illegal conduct of the FBI . . . , FBI Director Hoover said the statements were 'motivated for the purpose of confusing the public.' The obvious implication is that anybody who criticizes the FBI is a Communist or fellow-traveler of the Communists.

"(9) There is no reason for the FBI to carry its secret, undercover operations over into its relations with the public press, as it does on many occasions. It has no right to operate with the press by leak and by favoritism."

These dangerous actions by the FBI which I listed in my talk back in 1950 and far more and worse have long since been documented. But the truth of those assertions didn't slow down the FBI's publicity machine in their attempts to paint me as a Communist or some other left-wing nut. Not having a clipping service I cannot say how much FBI material found its way into print or on to the air, but from the reporters' phone calls and the questions they asked, there could be no doubt Hoover's minions were giving me a good working over.

This wasn't the last time I was to hear from the FBI. A distinguished lawyer by the name of Max Lowenthal authored a carefully documented book on the FBI in the early 1950s. The book was an attack on the FBI and, since no one had had the temerity to do this before, the story was bound to be a big one. The Washington Post decided to protect itself against charges of pro-Communism or anti-Hooverism by printing parallel reviews of the book, one by a civil libertarian and the other by the Reverend Edmund A. Walsh, S.J., Vice President of Georgetown University, and an unabashed admirer of J. Edgar Hoover. Reverend Walsh's review reflected his biases and I have no doubt that mine did likewise. The reviews came out on a Sunday morning; when I came home from the Redskins' football game that afternoon I assured my wife she didn't have to worry about Hoover initiating an attack on me right then because it had been announced at the game that Hoover was in attendance. Oh, boy, was I wrong! When the Senate opened for business Monday noon, conservative Republican Senator Hickenlooper had my entire FBI file, including all the Communists and ex-Communists I had represented and he used the file to question my patriotism, loyalty and heaven knows what else.

As Hoover never forgave, so also he never forgot. After my client Jock Yablonski was murdered in 1969 at the direction of United Mine Workers' President Tony Boyle, my family was concerned for my safety, and my son Carl, then an employee of the Justice Department, went to the FBI to see what protective measures could be taken. Hoover, learning for the first time of Carl's employment at Justice, and adopting the Shakespearean dictum that "the sins of the father are to be laid upon the children," asked Attorney General Mitchell to fire Carl. Considering the long-standing differences between us, it is to John Mitchell's very real credit that he brushed aside Hoover's request and Carl went on to a fine career in the Justice Department and as United States Attorney for the District of Columbia.

What the FBI did to me for writing a favorable review of Max Lowenthal's book was, of course, as nothing compared to what they did to the author of the book. Mr. Lowenthal, one of the most distinguished liberal lawyers in the country, was hauled before the House Un-American Activities Committee and questioned for two hours from FBI material on Lowenthal's alleged associations with Communists and fellow-travelers. Mr. Hoover's stable of Senators, Congressmen, and Congressional Investigating Committees ready to assault anyone who criticized the FBI was as frightening as it was inexhaustible. And it wasn't long before he had a working relationship with Senator Joseph McCarthy who even went so far as to try and launch Hoover-for-President movements.

This might be a good place to answer the obvious question why I did not consider Joe McCarthy a threat to civil freedom equal to or greater than that posed by Hoover and the FBI. The reason is simple: McCarthy did, of course, have the ability to inflict serious harm upon radicals, liberals, and anyone else he didn't fancy by unwarranted accusations of Communism that the press rightly or wrongly felt obliged to print. But McCarthy did not have thousands of FBI agents at his beck and call who would reflexively do his bidding as did Hoover. McCarthy did not have files on everyone in public life and most of those in significant private life as did Hoover. McCarthy did not have a fawning retinue of Senators and Congressmen ready to praise him to the skies and attack anyone who had the temerity to criticize him. As McCarthy's charges became ever wilder and easier to disprove, he was bound to, and did, run out of steam. McCarthy died a discredited man; Hoover died in office and, despite all the exposures of illegal and unethical acts under his direction, the FBI building on our great White House to Capitol boulevard still bears his name.

Only Hoover was able to build a public equation of praise of himself with patriotism and criticism with disloyalty. Even those with media power themselves, maybe especially those with such power, larded their newspapers and broadcasts with praise of Hoover and avoided criticism like the plague. Philip Graham, the publisher of The Washington Post during the Cold War period, was a great friend of whom I speak tonight not in criticism, but to illustrate the overhanging cloud of Hooverism upon even the most powerful, the most courageous, and the most civil-liberties-minded of men. When Alan Barth, the late most distinguished writer for the Post, wrote an editorial in the early 1950s documenting the absurdity of the dossiers that the FBI was building on private citizens (some of these came to light because they had been in the handbag of Judy Coplon when she was arrested for taking Government documents), Graham killed the editorial on the ground that that was not the time to take on the FBI. The Post, under attack as left-wing—I believe McCarthy used the phrase Uptown Daily Worker—had been losing advertising to the right-wing Times Herald and Graham was concerned for the future stability of the paper that had been entrusted to his care and protection. Barth rewrote and expanded the editorial into a piece for Harper's Magazine. Graham asked Barth to withdraw the piece from Harper's and when he refused the two men became irrevocably estranged. Looking back at the piece in Harper's that caused the furor, it was both accurate and understated.

Tonight the cloud of Hooverism no longer hangs over a frightened Nation. From my knowledge of FBI Director William Webster as a lawyer, as a judge and as a man, I cannot believe he would ever permit the FBI tactics I have described. But as we edge ever closer to another Cold War with the Soviet Union and as public pressure mounts for relaxation of restrictions on FBI activities, this appears to be a good time for the Nation to consider ways and means to safeguard against a recurrence of what happened in the '40s and '50s.

The fear of the Soviet Union and the belief that radicals and liberals are somehow on its side has been at the root of the threats to civil freedom in America since the days of the Russian Revolution. But just what is the real threat from the Soviet Union? For my part, it is a foreign threat to us of military aggression in the world and a domestic threat to us of espionage and sabotage. It is only espionage and sabotage that warrant the attention of our national police force, the FBI. The ideological and political arena is a place the national police force ought never intrude.

I have no reason to doubt that the FBI is an excellent police force. Referring again to my client, Jock Yablonski, the 1969 aspirant to the presidency of the United Mine Workers, when he was murdered at the direction of the UMW President a decade ago, I pleaded with the Attorney General to send the FBI into Pennsylvania to solve the murder—which the FBI did with brilliance and vigor. But there is a vast difference between catching criminals on the one hand and building dossiers on the ideological or political activities of citizens on the other. The FBI should be removed once and for all from any ideological, political or internal security functions and, concentrating on criminal activity, will, I submit, be a better police force.

Indeed, I have the temerity to suggest that our country would be stronger if there were an unharassed domestic Communist ideological and political movement out in the open and participating in the political activities of the Nation. The more we compete with Communism in the arena of ideas and politics, the less competition there will be in the arenas of arms, espionage, and sabotage. Instead of treating Communists and their fellow-travelers as outside the pale of our democratic processes, it should be our objective to bring them within the pale of democratic debate and political action.

I suppose some will argue that domestic Communists are a fertile field for recruiting spies and saboteurs and, as such, must be constantly watched. But Irather doubt that the Russians are so stupid that they would use open politically-active American Communists as their spies and saboteurs. As I look back on the Cold War loyalty and security checks, for example, these measures seldom if ever uncovered criminal activity.

Let me give you an example that has never been adequately explained by anyone: On January 2, 1940, according to a report in The New York Times the following morning, the then Attorney General, Frank Murphy, filed accusations of espionage in federal court in New York against Jacob N. Golos, World Tourists, Inc., a corporation owned and operated by Golos, and others, and directed that the cases be presented to an extraordinary grand jury impanelled for the purpose of investigating espionage. On March 15, 1940, Golos and World Tourists, Inc. pleaded guilty to failure to register as foreign agents. Elizabeth T. Bentley testified many times that she was the mistress and espionage assistant of Golos during this

time and subsequently until his death in November of 1943. J. Edgar Hoover, testifying before the Senate Internal Security Committee, later referred to her story as "accurate" and "correct." After the war Miss Bentley publicly charged that she had obtained secret information for the Russians from any number of Government employees. The FBI believed her story and the Government used her as a witness in several cases including the perjury trial of my client William Remington. Yet in all that time the FBI never produced any corroboration that Bentley was getting secret information from government employees, demonstrating that they never paid any attention to a known spy and his mistress assistant. What this means to me is that the FBI was trying to watch everybody rather than utilize public information to zero in on the criminal activity of espionage agents. This incident is a reminder of the statement made at the height of the Cold War loyalty and security programs that when we watch toothbrushes and diamond rings with the same intensity, we lose fewer toothbrushes but more diamond rings.

I have gone on too long already, probably much too long. Let me close by repeating the suggestion that the energies of the FBI should be directed to criminal activities and strictly limited to that. I respectfully submit that this will make the Bureau a better police force and our safeguards of civil freedom stronger. The time to ensure against another Hoover period is before Cold War tensions get too high once again—in other words, the time is now.●

SOVIET JEWRY SOLIDARITY DAY

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. KEMP. Mr. Speaker, today I am submitting to the Congress a resolution proclaiming March 15, 1983, Soviet Jewry Solidarity Day for Erie County, N.Y.

It is the legacy of the latter half of the Brezhnev era and the tenure of Yuriy Andropov, first as head of the KGB and now as leader of the Communist Party, that Soviet anti-Semitism is worse now that at any time since the closing years of the Stalin era. Emigration of Soviet Jews has dropped by a staggering 95 percent in just a few years.

The sad truth is that there are countless individuals, of many creeds, imprisoned in the Soviet Union for their personal beliefs, or for their independence of thought; in short for crimes that we in the free world regard as the inalienable rights of man.

In this spirit, my good friend, Erie County Executive Ed Rutkowski, has proclaimed March 15, 1983 Soviet Jewry Solidarity Day, and I submit his proclamation to the RECORD as a gesture of national support for the ideals it represents.

PROCLAMATION

Whereas, the flow of emigration of Soviet Jewry has ground to a halt under newly formed, more oppressive changes in Soviet policy; and

Whereas, the right to choose to leave is enshrined in the Universal Declaration of Human Rights, and the right to family reunification is recognized by the signatories to the Helsinki Accords, while the Soviet Union continues to violate these principles on a variety of pretexts; and

Whereas, Jews remain the only recognized nationality in the U.S.S.R. deprived of their cultural and linguistic identity, and the exercise of the Jewish religion has been severely restricted in a manner which is excessive even by the rigorous standards of Soviet Law; and

Whereas, Jews are threatened by systematic Soviet propaganda and are subject to rank discrimination in higher education and employment; and

Whereas, the Soviet Union is a signatory to the Helsinki Accords, and a contracting party to the International Covenant on Civil and Political Rights and the UNESCO Convention Against Discrimination in Education, which obligates it to fulfill the cultural rights of minorities; and

Whereas, the Soviet constitution guarantees cultural and linguistic rights, but these are not applied uniformly and consistently to Jews; and

Whereas, March 15, 1983 is the opening of the third World Conference on Soviet Jewry in Jerusalem, and communities throughout Erie County will observe a Day of Solidarity with Soviet Jews on that date;

Now, therefore, I, Edward J. Ruckowski, Erie County Executive, do hereby proclaim Tuesday, March 15, 1983 as "Soviet Jewry Solidarity Day" in the County of Erie, urging the support of my fellow citizens for the movement What seeks to free yet another people from the oppression of Soviet rule.●

GREEK INDEPENDENCE DAY

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1983

● Mr. RITTER. Mr. Speaker, I am honored today to rise in honor of the 162d anniversary of Greek Independence Day. It was on this day in 1821 that the Greek people rose up in defiance of the Ottoman Empire and began their 7-year struggle for freedom.

On March 24, 1983, many members of the Lehigh Valley Greek-American community participated in a flag-raising ceremony at city hall in Allentown, Pa. These people were representative of the many members of the Greek-American community in the Lehigh Valley. They have given much to our community and have made a better place in which to live. While being good patriotic Americans, they have also worked hard to keep the culture and traditions of Greece alive for future generations to enjoy.

As I said in my remarks, the United States can be thankful for the culture and history of Greece. They have given the world the intelligence for man to strive closer to perfection. I am asking that my remarks be inserted into the RECORD of the U.S. Congress for the benefit of my colleagues as we commemorate Greek Independence Day.

The remarks follow:

My Dear Greek-American friends, as you gather to celebrate the 162d Anniversary of Greek Independence Day, I want you to know you have my very best wishes. Unfortunately with Congress in session, and votes occurring my duties warrant that I remain in Washington.

The celebration of Greek Independence is a joyous event for Americans as well as for Greeks. As Americans we have always felt a reverence for the legacy and culture of Greece. And as a nation dedicated to the belief of man's inalienable right to freedom and endowed with the wisdom and courage to maintain it, we can be thankful for the philosophic greats that Greece has produced. Plato, Aristotle and Alexander the Great afforded their antecedents the vision and the reality of democracy. What we have today in this great nation of ours is the fruits of their genius.

It was this strong belief in freedom which led Americans to the battlefield in Greece to fight alongside Greek freedom fighters. What a striking image. Men from a young and fiesty nation fighting alongside men from a nation rich in culture and steeped in tradition . . . and all fighting to achieve an age old dream. The blood that mingled 162 years ago has formed a bond of friendship between our two people that has never been broken.

Those of you in the Lehigh Valley who trace your heritage to Greece can be proud today as your flag flies alongside the American flag. You can be proud because as Greek-Americans you are the creation of two great cultures. As a fellow member of the Order of AHEPA, I am proud to say that the Lehigh Valley has benefitted greatly from your many contributions and your strong belief in God, family, community and country. I salute you on Greek Independence Day and pray the year ahead may be happy and healthful. On March 25 I will join with many of my fellow colleagues in Congress and enclose these remarks in the Record of the United States Congress as my way of paying tribute to the great heritage of the Greek people.●

CLEAN WATER COMPLIANCE DATE EXTENSION ACT

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. OBERSTAR. Mr. Speaker, yesterday I introduced the Clean Water Compliance Date Extension Act. Passage of this measure is important from the standpoint both of the environment, and for those industries which will have to comply with the provisions of this bill.

This bill would extend, on a case-by-case basis, the time for compliance

with certain deadlines written into the Clean Water Act back in 1977.

At that time, the Environmental Protection Agency anticipated publishing its effluent limitation guidelines, for 26 industrial categories, by December 1979, giving those industries 4¼ years, or 52 months after the then-anticipated promulgation dates, to install various technologies and attain those standards by July 1, 1984.

However, for various reasons, EPA was not able to get its guidelines out as fast as expected. Many still have not been promulgated, and some will not be until mid-1984. BCT guidelines were published, but were remanded by the courts and still have not been republished. Also, some best practicable technology (BPT) standards, supposed to be in place in plants by July 1, 1977, were remanded by the courts and only recently republished. Some industries will be able to comply with the 1984 deadlines, others will not.

I want to stress that this is not an across-the-board extension of all deadlines for all industries. My bill leaves intact section 301(b), which contains those deadlines. Rather, this bill provides for a discretionary, case-by-case extension where such is necessary. It is a very tightly targeted approach to the need for relief, where such need can be demonstrated—and the burden of proof is on the applicant industry.

The bill would extend compliance dates for BAT for toxics and conventional pollutants to July 1, 1986, or up to 36 months after such effluent guidelines are established, whichever is later.

It would extend BPT compliance dates for effluent guidelines established after January 1, 1982, up to July 1, 1986, or 36 months after such effluent guidelines are established, whichever is later.

It would extend BEJ compliance dates (for permits based on the permit writer's best engineering judgment in the absence of effluent guidelines for that industrial category) up to 36 months after the permit is issued, but only for permits issued after January 1, 1983. BEJ permits issued before January 1983 would remain in effect.

I want to emphasize that these compliance times are the outer limits—EPA is not required to extend any compliance period, and is not required to automatically extend it to July 1986, or the full 36 months. Rather, extensions should be granted only where necessary and only as long as absolutely necessary.

This first extension, beyond July 1984, is generally available on a need basis, although the burden is on the applicant to prove that need, and on EPA and the States to agree to a compliance period no longer than necessary. The July 1986 and 36 months are outside limits, not to be granted automatically.

For extreme cases, there is available, on a very limited basis, an extra 6-month maximum extension, for applicants which, despite good faith effort, due to circumstances beyond their control cannot achieve compliance by the extended compliance deadlines. Examples: Where the permit negotiating process is necessarily long and drawn out due to the complexity of the permit; where construction time is extremely long, due to the nature of the industry involved; or where an additional time increment would prevent severe financial hardship. In such cases, the applicant's good faith efforts, and its commitment to the earliest possible date beyond July 1986 or the 36 months from promulgation, should be considered by the administrator or State, in granting the additional extension.

Again, the full 6 months should not automatically be granted, but only the amount of time needed to achieve compliance.

An applicant may request the extra 6 months or less either during the permit negotiating period, when it is clear to all that the applicant will need the extra time, or later, when an applicant has tried to comply with an earlier date but finds that due to unforeseen circumstances, the extra time is necessary.

I am sure there will be some disagreement over the length of these extensions. But I would suggest that, rather than hold up legislation for many months, while we debate the merits of a few months, let us agree on a provision which can be achieved, get it enacted, and get on with the job of cleaning up our waters.

The effluent guidelines program has been plagued, from the very beginning, by unrealistic expectations and deadlines written into law only to be honored more in the breach than the observance.

I want to emphasize that steel industry is one principal sector in need of the consideration envisioned by this proposal. The industry's long lead times for acquiring pollution abatement equipment, poor financial condition, and EPA's delay in promulgating guidelines, are factors that argue for relief on a case-by-case basis.

The sooner this provision can be enacted, the sooner industry and EPA and the States can begin negotiating permits, and the sooner compliance can get underway. I know there are more issues to be considered in the area of clean water this year, but would hope this section at least can move with as little further controversy as possible.

I would also caution that the July 1, 1986, deadline is based on the assumption that the Clean Water Act Amendments of 1983 can be enacted in the near future. If this is not the case; if EPA and industry remain tied to strict 1984 deadlines, making it impossible for EPA to write, or industry to accept, permits with unattainable deadlines, we may have to extend the July 1986 deadline at some point in the future.

I hope this will not be the case, and will do all I can to assure early enactment.●

ARKANSAS IS A NATURAL: A WILDERNESS PROPOSAL

HON. ED BETHUNE

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. BETHUNE. Mr. Speaker, we Arkansans, are proud of our land, in fact we are fond of saying: "Arkansas is a Natural."

In 1907 and 1908, when President Teddy Roosevelt reserved, by proclamation, the Ouachita and Ozark-St. Francis National Forests, he said:

> It appears that the public good will be promoted by utilizing such lands as a public forest.

We owe a debt of gratitude to this President who had the foresight to know that certain lands should be left in as near their natural state as they were when the Lord created them.

In 1964, the U.S. Congress recognized the value of preserving certain Federal lands as designated wilderness areas. When Public Law 88-577 was passed, called the Wilderness Act, it defined wilderness by saying:

> A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammeled by man, where man himself is only a visitor and does not remain". The intent of the Act was to "preserve and protect lands in their natural condition and to secure the benefits of an enduring source of wilderness for the purpose of present and future generations.

Perhaps, one of the most often heard misperceptions about wilderness designation is its effect on private property. The designation of areas as wilderness involves only lands that are already in public ownership, such as the land in our national forests. The Wilderness Act of 1964 protects the rights of nearby landowners from condemnation and I would not support the condemnation of any private acreage for wilderness purposes. Wilderness designation does not restrict the use of adjoining private lands and it does assure adequate access to landowners whose property may lie within the wilderness boundaries.

Other wilderness misunderstandings are about how the land can be used. You may have heard the myth that no hunting will be allowed in wilderness. In truth, what Congress has specified about wilderness is that these areas

would be off limits to road building, timber cutting, mining, or motorized vehicles. Hunting, fishing, hiking, and camping are not restricted. Moreover, you can enjoy the area, undisturbed, in much the same fashion as past generations.

I will soon introduce a Flatside wilderness bill designating 10,855 acres in the Ouachita National Forest to be included in the National Wilderness Preservation System. I have focused on the Flatside area in Perry and Saline Counties because it lies within the Second Congressional District, which I represent. Since it is close to the Little Rock metropolitan area, Flatside offers a nearby wilderness opportunity for many Arkansas residents.

But, there is clearly a need in Arkansas to set aside more land in addition to Flatside, and I am for that. I have made an extensive review of large undeveloped tracts of lands throughout the Arkansas forests and believe most of what I saw that is being or has been considered as wilderness, is suitable for designation, and must be preserved so that those who come later can be as blessed as we are today. However, the other areas are in other congressional districts. For that reason, I pause in recommending them for absolute wilderness designation until the other members of the Arkansas delegation have had a chance to appraise the acreage within their respective jurisdiction.

We need to expedite consideration of comprehensive statewide wilderness legislation because both the Ozark-St. Francis and Ouachita National Forest management plans call for timber cutting, road construction, reconstruction of existing roads, herbicide application, as well as other long- and short-term management activities. Once these activities are done with modern techniques, such as clear cutting, the wilderness nature of the land is severely damaged for a long, long time.

Forest Supervisor John Orr respected my request that planned road construction be delayed until I had completed my aerial and foot inspection of Flatside. His counterpart in the Ozark National Forest, however, has scheduled 13 different types of activities in conjunction with a proposed timber sale in the East Fork area. Members of the Arkansas delegation have expressed their concerns and the Arkansas Conservation Coalition has filed a "notice of appeal and request for stay" to appeal these forest plans. I believe such development would destroy East Fork's potential as wilderness. I am distressed to learn that the Forest Service continues to proceed with its plans in East Fork in the face of a reasonable request.

Therefore, to assure the preservation of East Fork and other relatively untouched forests in Arkansas, until such time as a statewide plan can be developed, I have designated 10 areas (approximately 127,240 acres) as wilderness study areas in the bill I will be introducing. Similar action was taken in the Oregon Wilderness Act, which was overwhelmingly adopted by the full House a few days ago. My legislation will be accompanied by a demand upon the Forest Service that no further activity occur in the Flatside area for which I will seek a wilderness designation. I will also demand that planned activity be halted in the other areas, for which I will seek wilderness study area designations.

The need to resolve the Arkansas wilderness issue has taken on a new urgency as a result of the ninth circuit court decision on RARE II environmental impact statements (EIS) concerning California wilderness. This court ruling found the EIS to be inadequate and insufficient for nonwilderness areas in California, and called into question all RARE II EIS's throughout the United States.

Consequently, the Forest Service has announced that it will reevaluate recommended wilderness areas as well as nonwilderness areas. According to Assistant Secretary of Agriculture John Crowell, Jr., the RARE II nonwilderness recommended areas will not be protected during the review period, but will be open for development. Moreover, areas previously recommended for wilderness may not fare as well in a new study which is tantamount to RARE III, and is estimated to cost between $15 and $30 million. The wilderness study areas in my bill, however, will be protected until their final status is determined by Congress.

If an Arkansas wilderness bill is adopted, degradation of our wilderness will be prevented, forest management plans can proceed, environmental groups will not have to petition for decisions to be reversed and stayed, and forest supervisors will not have to go back to the drawing board once again.

During my indepth study, I met with a number of people who were concerned about private inholdings, Government regulation outside the wilderness area, loss of revenue to the local governments, an unnecessary road construction, and cutting of trees. Although private landowners within the wilderness borders will not have their lands condemned, and are assured reasonable access, political realities dictate that private lands should be drawn out whenever possible. In Arkansas, we are fortunate that the few private lands that are included in the areas can easily be excluded from the wilderness boundaries without compromising the wilderness experience.

Based on Forest Service data and my own study, it is clear that the preservation of the small amount of commerical timber in the areas I would recommend as wilderness, would have a negligible effect on the local economy. The areas are too small and too poor to have a discernable impact. In fact, because of the low productivity, I believe it would be difficult to recover the costs of road construction and timber management in these areas from the sale of timber or mineral leases.

As I said at the outset, if Flatside and the 10 wilderness study area were added to existing wilderness in the State, the total acreage is less than 6 percent of the national forest land in Arkansas and less than two-thirds of 1 percent of the overall land base of the State. The Federal Government makes payments to State and local governments based on the amount of receipts collected from the sale of timber on national forests. Upon receipt of the information I have requested from the Forest Service, I can fully analyze if there will be any reduction in payments. However, because these areas have not yielded much timber before, and because the remaining 94 percent of multiple use forest lands in Arkansas are the most productive, I am confident that Treasury returns from timber sales will not be diminished too much. More importantly, as management practices improves growth, growth will improve in the other 94 percent of the affected forests; thus, some of the lost harvest potential could be regained.

In October of 1976, Congress passed Public Law 94-565, which provides payment-in-lieu of taxes (PILT) to local units of government containing certain federally owned lands. These payments may be used by the recipients for any governmental purpose but there is, in some Arkansas areas, a question on the distribution of these funds. Fifteen school districts in Arkansas have filed suit regarding the interpretation of "recipients" and "government purpose."

While a wilderness bill would not be the proper place to question the congressional intent of Public Law 94-565, I am concerned whether or not our schools are receiving a fair portion of the PILT money. Economic demands have made it very difficult for school districts to increase millage. Also, Arkansas has a Revenue Stabilization Act that has caused a loss in State revenues for schools. PILT payments can be a viable alternative to scarce tax dollars and I will attempt to deal with this question in other legislation.

In short, I believe we can overcome all of the concerns that were expressed in opposition to the wilderness approach. Regulations, finances, ingress and egress, private rights, and other problems can be solved. It has been done in other States and it can be done in Arkansas.

The areas specified in the Flatside wilderness proposal are, by national

standards, small. Any one of them can be walked in a day's time, so they are not huge, inaccessible, expanses of land. All of these areas are bordered by roads, so those wishing to drive right to the wilderness will have easy access.

Lastly, the people, acting through Congress, there have the right to decide which Federal acres in the national forests will be preserved as wilderness, and which will be made available for development. For decades, these decisions have been made on an ad hoc, improvisational basis, mostly by the Forest Service. If we delay action or recommend only one or two areas for wilderness designation, we jeopardize the natural beauty for which Arkansas is recognized. My Flatside wilderness proposal, along with the legislation to declare other areas as wilderness study areas, will hopefully be the trigger that will lead to comprehensive statewide legislation so that Arkansas' pristine forests will not be lost.●

J. O. WALLACE

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. RALPH M. HALL. Mr. Speaker, I rise today in the House of Representatives to pay tribute to a great man, a great Texan, and a great friend of the late Sam Rayburn. The following is an editorial that appeared in Lake Side News, Rockwall, Tex., alluding to the death of J. O. Wallace:

LOSS OF OUR BEDROCK

Family and friends said "Goodbye" last Friday to one of the truly great builders of this City, this State, and this Nation. J. O. Wallace was laid to rest midst eulogies and praises both from his contemporaries—now few in number—and from his many younger friends. J. O. even at the age of 98, was modern in his thinking and alert in his judgement. He was not just a leader of this City—he was a builder of this City. You have but to look at the names on our building and our businesses to get some idea of the throngs of men and women he helped to get started—by advice and encouragement, and financial aid, during his long tenure as Chairman of the Board of First State Bank; you have but to switch on an electric light—or use one of many home conveniences, to be reminded that J. O. working closely with his wonderful friend, the late Congressman Sam Rayburn—for they led the way for Rural Electrification in our part of the United States; you have but to enjoy the network of roads and highways—including Interstate 30—for J. O. Wallace was on hand to afford the vision for planning of this interstate facility, as well as the supporting network of state and Farm to Market Roads. And, yes, you can and should utter your own expression of gratitude as you approach the City Limits of our City—and many other cities in northeast Texas—and read the sign "Public Water Supply Approved"—for J. O. Wallace was "Mr. Water" in the State of Texas. More than any other one person—he was responsible for the building of Lake Lavon and the creation of the North Texas Municipal Water District—Rockwall's source of water now and for generations ahead.

Most of all, he was a wonderful father and husband. J. O. was fiercely proud of his family—his wife, his daughter, and his two sons—and his grandchildren. There is no way to measure the loss of a man like J. O. Wallace—but there is a way to appreciate him. Rockwall should never forget J. O.—for we are the beneficiaries of the abundance of generosity that overflowed into all of our lives.●

LEGISLATION TO EXEMPT BLENDED CREDIT FARM EXPORTS FROM CARGO PREFERENCE STATUTES

HON. COOPER EVANS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. EVANS of Iowa. Mr. Speaker, today I am introducing along with Mr. ROBERTS, Mrs. SMITH, and Mr. TAUKE two bills addressing the cargo-preference requirements with regard to agricultural exports. One of these bills would exempt agricultural exports financed under the Government's new blended credit program from cargo-preference requirements. This measure is necessary to insure the competitiveness of U.S. farm products in the international markets. The other would prohibit the Commodity Credit Corporation from paying excess costs that result when cargo-preference requirements are applied to any Government-subsidized agricultural exports. That responsibility would be transferred to the U.S. Maritime Administration, a longtime advocate of this concession to shipping interests.

Both proposals are prompted by widespread concern among American farmers that cargo-preference rules will undercut the Agriculture Department's efforts to expand our farm markets overseas. The worldwide recession, the relative strength of the dollar, intense competition from European traders, and several other factors have contributed to a sharp decline in farm export sales over the past 2 years. Farm exports reached $44 billion in fiscal 1981, fell to $39 billion in 1982, and are expected to decline again this year. The loss of our farm markets overseas has contributed heavily to the strength and duration of the recession at home.

Congress and the administration have worked out a number of creative strategies for recapturing our lost markets and for finding new ones. One such effort is the blended credit program in which the Commodity Credit Corporation combines direct subsidies with commercial credit guarantees to effectively reduce the interest rates charged to our customers by an estimated 2 percentage points. Suddenly, U.S. agricultural traders find themselves on more equal footing with their European counterparts who have been capturing markets with cutrate, subsidized commodity sales.

Prospects for success of the blended credit program, however, hinge on more than just competitive interest rates. A major factor in transactions is the cost of shipping our commodities to their overseas destinations. The cargo-preference law, passed in 1954 as a maritime subsidy, stipulates that 50 percent of all Government-owned or subsidized exports must be carried on U.S. flagships, if they are available. If cargo-preference requirements are applied to blended credit sales—and it appears likely that they will be in the absence of the legislation we have introduced today—the export porgram's attractiveness to prospective buyers will be negated. In plain terms, cargo preference will add an average of $52 per ton to the cost of shipping our blended credit sales overseas, wiping out the price discount resulting from the interest reduction.

An immediate problem involves the huge flour sale to Egypt announced in January. Egypt has agreed to purchase 1 million metric tons of flour from the United States at the world price of $155 per ton, a transaction made possible when USDA gave surplus wheat free of charge to American traders. On February 22, the administration ruled that cargo preference would apply to the sale, adding another $33 million in costs to the Government and jeopardizing the sale altogether. The fear now is that this ruling will spill over into the blended credit program. If this occurs, the Commodity Credit Corporation would be forced to assume a prohibitive cost increase for the blended credit program. The overall cost of an imposed ocean-freight differential is estimated at about $122 million, given anticipated tonnages, or about one-half of the $250 million in direct outlays planned for the program. This undoubtedly will force the CCC to scale back other subsidized export sales worth more than $1 billion at a time of widespread distress in the U.S. farm economy. Mr. Speaker, if the blended credit program is going to have its intended results, Congress must provide the exemption proposed by our legislation.

Our companion bill would improve the Government's ability to monitor budget outlays associated with cargo-preference rulings. When cargo preference is applied to agricultural export sales, the Commodity Credit Corporation must bear this unanticipated cost. The mission of CCC is to promote farm exports, but the agency's funds, as we have seen in the Egyptian sale, get sidetracked by cargo-preference

rulings. The time has come to shift the budgetary burden for cargo preference to the Maritime Administration, which is charged with promoting the country's shipping capabilities. This change would give the administration, the Congress, and the public a better opportunity to scrutinize the true cost of requiring that Government-owned or subsidized cargo be shipped on American vessels.●

STEPHEN T. BANKO III TELLS THE TRUE MEANING OF PATRIOTISM AND VIETNAM

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. KEMP. Mr. Speaker, almost a decade has passed since the United States ended its involvement in Vietnam, yet many of the men and women who served in our Armed Forces are still fighting a war. Theirs is a battle for recognition; the enemy is ignorance and close-minded discrimination. I speak of the mistreatment the Vietnam veteran has received upon his return to civilian life—the sanctimonious barrier he has had to overcome.

In the last few years, the American people have become increasingly aware of the Vietnam veteran's frustration and struggle. The Vietnam Veterans Memorial is a great stride toward the recognition of the Vietnam vet as a true patriot. The sacrifices these men and women have made are great and deserving of honor. Yet the ideas of some, those who degrade the Vietnam veteran for serving in an unpopular war, remain to haunt that soldier today. Stephen T. Banko III addresses this tragedy in a February 1 Buffalo News article.

Mr. Banko eloquently exposes the hypocrisy in the actions of those members of the antiwar movement who self-righteously declare the conflict unjust, yet treat the veteran with greater injustice. I commend this excellent article to my colleagues and implore them to remain attentive to the needs of the Vietnam veterans among their constituency; those who had to fight for this country's honor and must still fight for its respect.

[From the Buffalo News, Feb. 1, 1983]

VIEWPOINTS

(By Stephen T. Banko III)

In the context of last November's dedication ceremony at the Vietnam Veterans Memorial and the new-found national awareness of the injustice inherent in dealing with those veterans, it was presumed that the fustigation and frustration of Vietnam vets was at an end. However, if Vietnam imparted any lesson to the soldiers who fought there, it was that vigilance must be eternal. So, while most opinions that deprecate the veterans of the nation's longest war can be endured in confident silence, there is an occasional piece that finds its way into print that is so intellectually bankrupt that it cries out for refutation.

Such a piece appeared in Everybody's column in the Jan. 11 News under the headline, "Patriotism More Than Waving Flag." In seeking to infect the community with his own apochryphal definition of patriotism, the writer of this letter equates the men and women who served in Vietnam with the forces of Nazi Germany and Imperial Japan.

While it is hoped that this warped idea is an isolated malady, the tenor of the letter was representative of a larger view that was prevalent in the anti-war community of the early 1970s. That view assigned a certain moral superiority to the protesters. This author first encountered this philosophical snobbery in Vietnam. It emanated from journalists covering the war, for the most part from secure rear areas. They continually lectured rear-echelon soldiers as to the foolishness of the war and the futility of one's participation in it.

They gave lavish accounts of the anti-war demonstrations rocking the campuses of the country but conveniently left out the "anti-soldier" aspects of these demonstrations. They then retired to the United States where they wrote self-fulfilling prophecies about deteriorating morale among the troops in Vietnam. It was from a journalist that I first heard soldiers referred to as "suckers."

My next encounter with the self-righteousness of the protest element was in college. There, even though I had spent two combat tours in Vietnam and had at least a "passing" knowledge of the subject, my opinions were stifled, ignored or suppressed. Intellectual freedom was a closely guarded commodity in those days, reserved for the effete of "The Movement."

And, of course, it was always present on the street corners, in the bars and virtually anywhere young people congregated. "Patriotism" was given a new definition, altered not in fact, but in theory; reshaped by those who sought ideological solace in its embrace. I suppose that's really what academic freedom meant: when you saw a definition as academic, you were assigned the freedom to change it.

I had a difficult time accepting the premise that the 18- and 19-year-old kids who fought and suffered and died alongside me were the despots and tyrants they were made out to be. Even in the "intellectual" atmosphere of a college campus, it was tough to acquiesce in the contention that their collective and individual acts of heroism were "unpatriotic." As I recalled those desperately lonely nights when their youth seeped through the facade of forced maturity; when in the total blackness of a jungle night these boys would need to sob softly on my shoulder to release the screaming tension building in their brains; when I held their hands to reassure them as they lay dying in my arms, I am moved to revulsion by those who seek to demean or cheapen the sacrifice made by the nation's youth in the remoteness of Vietnam.

It was just as difficult to understand the "patriotism" inherent in flying the Viet Cong flag and chanting slogans urging a Viet Cong victory. The protest community, for all its feigned intellectual superiority never was possessed of the insight, the intelligence or the inclination to separate the way from the warrior. Instead, it spawned a babling, bubble-headed Barbarella to spout their brand of "patriotism" in the anti-aircraft pits of Hanoi. It sent its members to congregate in bus terminals and airports to inveigh against returning soldiers. They rooted for the Viet Cong who were killing Americans. And this they defined as "patriotism."

Even though reality has relegated the tenets of the anti-war movement to the trash compactor of history, the truest believers continue to hang on to their disproved theories. They persist in Orwellian "Newspeak" definitions even as the whole of Southeast Asia undergoes repression of enormous scope. Millions of Laotians, Khymers and Vietnamese have paid for the "patriotism" of the anti-war movement with their lives and millions more in Afghanistan, Africa and Central America will do so in the immediate future. History itself has refuted any claim of the protest movement to intellectual superiority.

But we don't have to look any farther than our own country to seek the casualties of the anti-war adventures of the '60s and '70s. They are spread from coast to coast, from border to border. They languish in hospitals and institutions. They stagnate in unemployment lines and sour on welfare rolls. They are denied access to the society they fought for by those who refused to fight.

They are the veterans of the Vietnam War, men and women who saw their duty, set about it with dignity and determination and were greeted with contempt and contumely. And much of the degradation that has been heaped on Vietnam veterans traces its roots to the protest movement. That's been the legacy of the anti-war "patriots" of this country.

So spare me the moral pretentiousness of the protest movement and their self-righteous claim to a commitment more pure than that of the Vietnam veteran.

The next time such "patriots" seek to lay singular claim to that designation they would do well to remember the words of Samuel Johnson:

"Patriotism is the last refuge of the scoundrel."●

INTRODUCTION OF THE BILL TO EXEMPT U.S.-FLAG VESSELS CONTINUOUSLY ABROAD FOR 2 YEARS OR MORE FROM DUTY ON FOREIGN EQUIPMENT AND REPAIRS

HON. GENE SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. SNYDER. Mr. Speaker, today I am introducing legislation which will remedy an inequity which presently exists for U.S.-flag vessels. I introduced similar legislation in the 97th Congress.

Currently, U.S.-flag vessels are assessed a 50-percent ad valorem duty on the cost of equipment, parts, or materials purchased for, and repairs made to, U.S.-flag vessels in a foreign country, unless necessitated by emergency. The apparent purpose behind such a duty is to have nonemergency work done in U.S. shipyards. However, there is a certain impracticality in expecting vessels trading in distant ports of the

world to return to the United States for repairs. Congress recognized this inequity when it amended section 466 of the Tariff Act of 1930 (19 U.S.C. 1466) to exempt shrimp boats and other special-purpose crafts such as barges, oil-drilling rigs, and oceanographic vessels that remain away from U.S. ports for 2 years or more.

The bill which I am introducing today would broaden that exemption to include U.S.-flag cargo and passenger vessels. This bill is nearly identical to Public Law 91-654 which exempted certain shrimp boats and other craft that remain away from U.S. ports for a period of 2 years or more. Under my bill, the statutory requirement that a duty be levied on any repair work done in the first 6 months a vessel is away from a U.S. port would remain in effect. Also, the requirement that a U.S.-flag vessel be away from a U.S. port for 2 years or more in order to achieve duty-free status would remain in effect. In addition, I have added a proviso which does not now appear in the law, forbidding duty-free status to vessels which are taken overseas for the sole purpose of obtaining repairs. I believe this latter condition will discourage any potential abuse by operators who may have no intention of using their vessels for trading purposes while away from the United States.

I do not believe that shipyards in the United States could reasonably expect to receive the ship-repair business involved, since return of the vessels to the United States would impose a prohibitive economic burden for out-of-service time and steaming costs. Yet, at a time when the competitive posture of the U.S. merchant marine is under severe constraints, due to the cost advantage enjoyed by foreign competitors and the trading protections being imposed by an increasing number of our maritime partners for the benefit of their own fleets, it is appropriate that U.S. merchant vessels regularly deployed abroad for extended periods be relieved of the further cost disadvantage of a duty on foreign equipment or repairs when returned to the United States.

My proposal is also consistent with a recommendation by the Comptroller General of the United States in a recent report to the Congress (CED 82-2; November 30, 1981), in which he noted that the 50-percent duty on foreign equipment and repairs inhibit subsidized U.S.-flag operators' ability to compete with foreign-flag operators and recommended that Congress consider revising U.S. policies for promoting the U.S. ship repair industry with the objective of making them more equitable to U.S.-flag operators.

In addition, my bill is consistent with the administration's maritime policy. Former Secretary Drew Lewis announced on May 20, 1982, that one element of the administration's maritime policy was to relieve all U.S.-flag ships of the ad valorem duty on repairs performed abroad. Although my bill is not as broad as the administration's position, I believe that my proposal will not adversely affect U.S. shipyards.

I would like to point out that the Tariff Act of 1930 was further amended in 1979 to exempt all U.S.-registry commercial aircraft from applicability of the duty in question, regardless of period of absence from the United States, to enhance their operators' international competitive position. Since U.S. commercial aircraft have the ability to return to the United States quite rapidly from any point in the world at substantially less operating and lost opportunity cost than oceangoing vessels, the case for also exempting the relatively small number of foreign-service U.S.-flag merchant vessels is indeed compelling.●

EXPLANATION OF VOTE ON CONFERENCE REPORT ON H.R. 1718

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. TRAXLER. Mr. Speaker, I want to take this opportunity to explain my error in voting "no" on the final passage of the conference report to accompany H.R. 1718, the so-called jobs bill.

It was my intention to vote "yes" on final passage of this important legislation, but I had inadvertently selected the wrong voting card, and as a result the record shows me as having voted "no."●

NICARAGUA: FULFILLING CASTRO'S DREAM

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. RITTER. Mr. Speaker, on March 9, 1983, Drew Middleton, noted New York Times correspondent, filed this story of Nicaragua's growing militarization. Many in the State Department and the Pentagon have been sounding the warning bells over the last year. However, thus far few have chosen to listen. I think this article goes a long way to awakening American consciousness to the overall reality of what is happening in our hemisphere. For all of us who desire peace and stability in this area of the world, the Soviet-backed buildup in Nicaragua casts very ominous shadows to this dream.

The article follows:

[From the New York Times, Mar. 9, 1983]

NICARAGUA BUILDUP: SOVIET THREAT TO REGION SEEN

(By Drew Middleton)

PANAMA, March 5.—Senior American officers at the United States Southern Command here are concerned that the Soviet Union and its allies are building up Nicaragua as a bridgehead to increase their influence throughout Central America.

MILITARY ANALYSIS

One senior officer said, "The Government of El Salvador with our help may be able to put out the fire there, but the present pace of Communist expansion makes it inevitable that five or six years from now Central America and the United States will face a similar crisis in another country."

The present military buildup in Nicaragua is the object of almost as much concern at Southern Command headquarters as is the faltering Salvadoran campaign against the insurgents.

The strength of the Nicaraguan Army today is 60,000 men. This is the largest army in Central America and the total exceeds the combined forces of the country's closest neighbors—El Salvador, Honduras and Costa Rica.

BIG INCREASE IS PLANNED

The Government has announced that it intends to increase the size of the army to 200,000 troops. Brazil, with a population of 125 million, compared with Nicaragua's 2.7 million, has an army of 182,000.

Intelligence sources report that with Cuban assistance "at least two" Nicaraguan airfields are being improved to take Soviet jet aircraft. The deployment of MIG-23 fighters on these airfields, and on another that is being built on the Caribbean island of Grenada, these sources said, would give leftist-ruled nations the ability to cover the entire Caribbean with high-performance aircraft.

The arrival of such aircraft plus the recent introduction of 25 Soviet M-54/55 tanks gives Nicaragua a qualitative as well as a quantitative advantage over every other military force in the region.

Nicaragua's military development, intelligence sources reported, is being assisted by 2,000 Cuban military and security advisers. Between 4,000 and 5,000 Cubans are working in civilian capacities, many of them serving in key posts in the Government. Following a pattern familiar in Soviet-influenced states in the Middle East, advisers on the reorganization of the police force and improvement of communications have arrived from East Germany and Bulgaria. Some North Korean and Soviet advisers also have been reported in the country.

There is a resignation in the American officer's reporting of these developments. They are sure of their facts but they fear that outside of the State Department and the Pentagon no one in the United States is listening.

A major irritant, they insist, is that they are warning not simply about a threat to Central and Latin America as a whole but to the North Atlantic alliance's ability to wage war.

"No one, no one seems to understand this," a senior officer said. Half of the North Atlantic Treaty Organization's supplies and a high percentage of United States troop reinforcements in the event of war would come out of United States ports on the Gulf of Mexico. About 45 percent of crude oil shipments to the United States

pass through the Caribbean Sea. The tanker routes across the South Atlantic carry about two-thirds of Western Europe's oil.

Cuba sits at the edge of these sea lanes with an army of 225,000 and increasingly powerful air and naval forces. The armaments include, intelligence officers reported, 200 MIG fighters and fighter bombers including two squadrons of MIG-23's, 600 tanks, 90 helicopters including the new attack craft known by the NATO code name Hind, 50 torpedo and missile attack boats and two submarines.

SOVIET ARMS DELIVERIES RISE

The Soviet Union delivered 70,000 metric tons of military equipment to Cuba in 1981, the officers said. This was the highest figure since the 1962 missile crisis. Deliveries in 1982 and the first months of this year have continued on the same scale.

Part of these deliveries, officers at Southern Command emphasize, are transshipped to Nicaragua where some were transferred to the insurgents in El Salvador at the beginning of the civil war there. Lately, according to United States military sources, most of the guerrillas' arms have come from captured Salvadoran Government supplies.

Cuba's growing military strength and the present vulnerability of the sea supply lines to Europe lead some officers to conclude that in the event of war between NATO and the Warsaw Pact forces, the United States would be forced to divert significant military resources needed elsewhere to the elimination of the Cuban threat.

Soviet propaganda outlets are now broadcasting more frequently and in more languages of the region than the Voice of America. The Moscow Radio, for example, broadcasts two and a half times as much material as the Voice of America each week. Propaganda from all Communist countries outstrips that of the United States by a margin of 6 to 1 in hours broadcast.

Soviet influence is also exerted through the use of scholarships. The number of Latin American students trained each year in the Soviet Union, excluding Cubans, has risen from 500 to 4,500 in 10 years.

There are some momentarily cheerful notes, a senior officer said. But a minute later he pointed out that insurgent action had increased dramatically in Peru.

Insurgency has diverted attention from the most important seaway in the region, the Panama Canal, which in peace is essential to international trade. In war, a senior officer emphasized, it would be "critical to the United States for transfer of forces and logistics in support of any major contingency."●

FREEZING AMERICA'S WILL

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. KEMP. Mr. Speaker, last night President Reagan appeared before the American people on national television, to outline in stark and troubling detail the continuing growth in the Soviet military threat to the peace and security of the free world. The growing disparity in the military balance between the United States and the Soviet Union is the direct result of U.S. disinvestment in defense over two decades of unprecedented Soviet military buildup. The American people, aware of this growth in Soviet power, aware of America's waning defense capabilities, elected a President who was pledged to reassert America's leadership of the free world. The election of Ronald Reagan was greeted with open arms by our allies, and respect by our adversaries.

But if now the House of Representatives were to pass a nuclear freeze resolution, doubts about America's resolve to meet the Soviet challenge would be raised anew. In an article in yesterday's Washington Times, the outstanding national columnist Patrick Buchanan captured the essence of the hidden message in the nuclear freeze: "To the Russians," he writes, "the freeze vote should be conclusive proof the Americans no longer have the heart or kidney or vision to resist the Empire." Whether the freeze resolution would be binding or nonbinding, rhetoric or reality, it would surely be a symbol that ill-serves our Nation or the cause of peace: a symbol of weakness of will would undercut arms control reduction efforts.

Mr. Speaker, I ask that Mr. Buchanan's insightful article be printed in the RECORD. His comments merit our consideration in advance of any vote on the nuclear freeze.

[From the Washington Times, Mar. 23, 1983]

GOING THE WAY OF THE CARTHAGINIANS

(By Patrick Buchanan)

Not since the privileged young of the British Empire took the Oxford Oath "not to fight for king and country" has so pitiable a plea been sent to the enemies of the West as the House resolution to endorse a "nuclear freeze."

At Oxford in 1933, they were callow school boys; in the House they are men chosen to represent the American people.

Less than a month ago, the West Germans, bullied and threatened by Andropov and Gromyko, voted nonetheless to remain faithful to the alliance, to accept upon German soil American missiles that would make their homeland a certain Soviet target in the event of war. The American House is about to cancel that courageous German decision, and offer Andropov, unilaterally, no deployment, if only he will stop building.

Do not take the freeze all that seriously, we are admonished by some supporters. After all, it is not binding. Neither was the Oxford Oath. But it, too, was a manifestation of something decadent within the leadership class, an almost desperate desire for peace that blinds all judgment of reality.

The unwritten message the House will send to the Soviet Union with this freeze vote—to force President Reagan to "get serious" about arms control—is that the American Congress believes Reagan is the true impediment to arms control with the Soviet Union. Andropov surely agrees.

But the message sent and the message received will not be one and the same. To the Russians, the freeze vote should be conclusive proof the Americans no longer have the heart or kidney or vision to resist the Empire.

Take a brief glance at what the House of Representatives is about to offer Moscow if only, please, it will take our hand in friendship.

We will cancel the Pershing and cruise missiles intended for Europe at the end of the year, leaving the Russians an absolute monoply of new missiles dominating the Eurasian land mass, able to hit nations containing 70 percent of the world's peoples. It is an offer even Andropov has hesitated to advance as equitable: No concession by Moscow, total cancellation by the United States.

We will have informed the Soviet Air Defense Ministry that, by the end of the decade, the Strategic Air Command will be phased out of existence. The entire force of 300-plus B-52s is only one third the size it was during the Cuban missile crisis; it is 20 years older; young men from the Air Force Academy are flying planes their fathers flew. Without the B-1 bomber—which the freeze advocates will abandon—SAC's fleet of B-52s will be liquidated by accident, attrition or obsolescence in a few years. Not a month passes without our hearing of a plane damaged because a wing cracked on refueling or of some B-52s down in the Western desert.

Are you concerned, Mr. Andropov, by the long-range cruise missiles being developed by the Americans? Very well, we will cancel further testing and production. You have nothing to worry about there.

We realize that you have put into place along the trans-Siberian railroad some 630 SS-18 and SS-19 missiles with 5,000 warheads. Frankly, sir, it seems an almost inexplicable redundancy in force, "overkill" as we say, unless you have targeted four or five warheads on every Minuteman site in the United States, preparatory to a first strike. Nevertheless, keep your advantage. We will voluntarily give up the MX missile Reagan has proposed, no questions asked, accepting the certainty that our older land-based missiles will have to be retired as obsolete long before your newer and larger ones.

As for our submarines, which so complicate your strategic planning, please notice, Mr. Andropov, that our fleet is also much smaller and older than yours, so attrition here will eliminate ours first. Is that not a fair offer, sir?

We know Reagan will say nuclear freeze will leave you with permanent and growing superiority, that it will nail the "window of vulnerability" open, indefinitely. We do not care.

If you will just stop this building, building, building, we swear that we will never again construct another weapon that can threaten the Soviet Empire.

Lenin's words return to mind: "The soundest strategy in war is to postpone operations until the moral disintegration of the enemy renders the delivery of the mortal blow both possible and easy."

The frightened leaders of Carthage are about to offer the most sweeping concession ever, to persuade the Romans that we, too, are desperate for peace. Surely, this will convince them.●

THE 65TH ANNIVERSARY OF THE CREATION OF THE BYELORUSSIAN DEMOCRATIC REPUBLIC

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. HUGHES. Mr. Speaker, today marks the 65th anniversary of the creation of the Byelorussian Democratic Republic. Although this Nation remained free for only a short time, thoughts of liberty still live in the hearts of these brave, noble people. Today, I join my colleagues in saluting the courage and proud spirit of the native Byelorussians, and the Byelorussian-American community in our country.

The history of Byelorussian resistance is long and brutal. It began during the anti-Russian uprising of 1863, led by the Byelorussian hero Kastus Kalinouski. It reached its apex on March 25, 1918, when Byelorussia proclaimed its status as an autonomous nation, and bestowed upon its citizens all the blessings and benefits of liberty.

Unfortunately, this independence would be short lived. The Russian Red Army overran the Byelorussian Democratic Republic less than 3 years later, creating a new yoke of Soviet oppression. In spite of this, however, the flame of freedom continues to burn.

The Soviet Government has systematically attempted to stifle a culture that does not accord with their own. The Byelorussian language and national heritage and traditions have been consciously destroyed by the Soviet authorities, in an attempt to enforce a "Union" of Soviet Socialist Republics where there is in fact no consensus. The Byelorussian spirit has remained unyielding to this opposition, and the Byelorussian people remain a proud and free-thinking people, bolstered by their faith and a memory of a freedom they once proudly possessed.

Today, on the 65th anniversary of the creation of the Byelorussian Democratic Republic, we honor the Byelorussian people with our words. In addition, let us call for the introduction of Byelorussian-language programs into Voice of America broadcasting. To include their language in the VOA broadcasts would express our support to the Byelorussian people, and illustrate to them that America is aware of their faith and courage in the face of Soviet repression. Through this action and our commemoration today we express our firm support for these brave, spirited people, and their continued struggle to achieve the freedoms and basic human rights we so often take for granted.●

CHARLES A. McLENDON

HON. JAMES T. BROYHILL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. BROYHILL. Mr. Speaker, I would like to take this opportunity to pay tribute to a long-time friend of mine, Charles A. McLendon, who is retiring as the executive vice president of Burlington Industries, Inc. Charlie is retiring after a remarkable career with this textile giant in my home State of North Carolina.

Thirty-five years ago, Charlie joined Burlington as a manufacturing trainee in the hosiery division. Three years later he was named assistant to the company's general manager. Moving up the ladder of responsibility, he held the positions of personnel director, executive assistant to the president and chairman of the board, corporate vice president, senior vice president, and board member before being elected the executive vice president 10 years ago. He also serves as executive director of the Burlington Foundation.

Charlie, a native of Greensboro, is a graduate of the University of North Carolina at Chapel Hill, my alma mater. He did graduate work at the North Carolina State University School of Textiles.

I will not take the time to list all of Charlie's civic accomplishments, except to say that he is involved in many worthwhile educational and professional organizations.

Charlie has made sure that Burlington's voice has been heard in Greensboro, Raleigh, and Washington. He is a strong believer in the political process, and he has worked hard to make sure that the decisionmakers at all levels of government have the best available information, so that we can make wise decisions. He realizes that it takes working within the political structure to accomplish meaningful change. He has encouraged his coworkers to become active in the political process.

Charlie is a good manager of his time, both personally and professionally. He has always maintained a close relationship with his family, and I am sure his retirement from such an important position at Burlington will provide him with additional time for his family. He is married to the former Mary Stuart Snider of Salisbury and they have four children.

Knowing Charlie the way I do, I am sure he will still be available to share his wisdom, knowledge, and good commonsense with those of us in Washington. I am pleased to pay this tribute to Charles A. McLendon of Greensboro, and I congratulate him on this very successful first part of his career.●

OSHA REVIEW

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. ERLENBORN. Mr. Speaker, as the ranking Republican on the Education and Labor Committee, which has exclusive responsibility over the Occupational Safety and Health Administration, I would like to provide my colleagues with a brief summary of the agency's work under the guidance of Mr. Thorne Auchter, Assistant Secretary for Safety and Health.

The latest statistics available show that during the first year of the Reagan administration, workers were less likely to be injured on the job than during any other year in the past decade. The data also show that OSHA-initiated safety inspections in dangerous industries such as construction, manufacturing, and maritime, are up from the last year of the previous administration. OSHA is now directing its resources—which are necessarily limited—to the workplaces where injuries are most likely to occur.

The health standards currently under development and review are designed to afford employees the highest level of protection that is feasible. To insure that regulations can withstand the test of the courts, OSHA now requires that a comprehensive data base be built to demonstrate: First, significant risk from workplace exposure, and second, significant reduction in that risk from the standard in question. Moreover, the means to achieve the highest level of feasible protection must be cost effective and results oriented, without in any way compromising employee protection.

That is fact. One of my distinguished colleagues has said that there is "something seriously wrong at OSHA." This is rhetoric—an attempt to suggest that questions that have been raised in recent weeks about activities at EPA apply also to OSHA.

It is no secret that in the past OSHA has been criticized by both labor and management for failing to achieve the objectives of the Occupational Safety and Health Act of 1970. It is to Mr. Auchter's credit that OSHA is now drawing praise from both employers and employee representatives for a job well done in workplaces inspected by the agency. It is also to the credit of OSHA's present management that it has sought to eliminate the contentious atmosphere that used to prevail in agency activities. Without the cooperation of those most intimately concerned with workplace safety and health—without the active and willing participation of employers, supervisors, and employees alike—there can be no real improvements. Mr. Auchter

has encouraged such cooperation to good effect. I am sure that Members on both sides of the aisle will agree that seeking the views and counsel of all parties concerned is a far cry from the bias toward industry that has been alleged.●

COMMEMORATION OF THE 162D ANNIVERSARY OF GREECE'S WAR OF INDEPENDENCE

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1983

● Mr. DYSON. Mr. Speaker, Friday, March 25, 1983, will mark the 162d anniversary of the outbreak of the Grecian War of Independence. On this day in 1821, the genesis of the revolutionary struggle that culminated in Greece's independence from the despotic regime of the Ottoman Empire was begun. This bloody struggle lasted 6½ long years before the Greeks finally won their freedom. Subsequently, this successful revolutionary struggle constitutes a significant milestone in the history of oppressed peoples striving to attain and maintain their democratic freedom and control over their destinies in the world.

The parallels between the Greek and our own American War of Independence are notable. First, both were exemplary of a bold idealism; an idealism that provides the majesty in the struggle for independence. This idealism derives from the inspiration of such ideas as man's liberty, democracy, equality, and the struggle against tyranny. It is this bold idealism which not only enkindled the blaze of our own quest for national liberation, but also catalyzed a determined spirit in the freedom fighters of Greece's War of Independence.

Second, both struggles were mounted against odds virtually insuperable. This is where the majesty of bold idealism shows its strength. Like our revolutionary forebearers, the Greek freedom fighters were initially at a great objective disadvantage to launch a prolonged liberation campaign against their oppressors. As with our revolutionary soldiers, the freedom fighters were outnumbered in troops and outarmed in weaponry. Nevertheless, what they quantatively lacked in materials, they more than made up for qualitatively in their idealism and spirit.

It is this spirit and bold idealism which serves as the beacon of inspiration, hope, and determination amongst oppressed peoples on the verge of attaining control over their own destinies. Greece's freedom fighters 162 years ago were imbued with this burning spirit and idealism. It was Theodore Kolokotronis, the charismatic leader of Greece's War of Independence, who said:

When we decided to launch the revolution, we did not stop to consider how many of us there were, nor the fact that we had no weapons, nor that the Turks held the fortresses and the towns.* * * But the desire for freedom rained down on us like a deluge and all of us, young and old, agreed on that purpose—and we launched a revolution.

Commemorating the anniversary of Greece's War of Independence is a time for us all to celebrate and reflect upon man's driving spirit to achieve freedom and democracy. We achieved ours nearly 200 years ago. France achieved hers shortly thereafter. And Greece achieved hers over 150 years ago. These struggles are important landmarks in man's political history. All serve as testimony to the strength of man's democratic spirit and determination to achieve liberty and freedom from oppression.

Mr. Speaker, I wish to join Representative BILIRAKIS and others who have stood on the floor of the House to commemorate the 162d anniversary of the Greek people's War of Independence. March 25, 1821, is a milestone date in Greece's history as well as the world history of democracy. When we further consider that our own form of government and political participation—democracy—actually stems from the Greeks, a commemoration of Greece's struggle to reestablish democracy is further warranted. March 25 is a date for Greece to celebrate her independence as well as it is for all of us to reflect upon the democracy we have striven for and attained.●

LEONARD SILK ON FIXED EXCHANGE RATES

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. KEMP. Mr. Speaker, the United States abandoned its leadership on monetary matters when it abandoned the Bretton Woods gold exchange standard in the early 1970's. As Leonard Silk points out in this path breaking article from the New York Times, there are deep concerns that the floating exchange rate nonsystem since 1971 has fueled inflation and caused the steep roller coaster ride in commodity prices of recent years.

In the absence of fixed exchange rates, trading and contract arrangements carry such high risks that those who would ordinarily be investors and traders become speculators away from the productive sectors of the world economy. These investors would rather pay high-risk premiums or avoid long-term contracts when the value of their currencies is not guaranteed. The disruptions of trade encourage protectionism, endangering the liberal trading system we enjoy.

Many of us in Congress were disturbed recently to read that administration officials are hoping for a boring economic summit at Williamsburg this May. We view the severity of the world's monetary problems with great alarm, and are hoping for a systematic overhaul of the international monetary structure at this important meeting. The disastrous consequences of the floating exchange rate system must be reversed, and soon, if we are going to avoid another round of worldwide recession. Hopefully the Williamsburg summit can move us in this direction.

Leonard Silk has long been a leading commentator on national and international economic issues. I commend his excellent and vital article to my colleagues.

[From the New York Times, Mar. 23, 1983]

FIXED RATES MAY BE BETTER

(By Leonard Silk)

The intense negotiations in Brussels among finance ministers has finally produced a realignment of eight European currencies, with the West German mark rising 5.5 percent and the French franc, dropping 2.5 percent. What was all the excitement about? After all, in the floating world outside the European Monetary System, exchange rates change continually without provoking much interest outside the markets.

But the real story was the threat to the existence of the monetary system and the Common Market itself. Beyond those major issues lies the larger question of how to repair the disordered world monetary system and economy.

The floating-rate system, under which much of the non-Communist world has lived since the Bretton Woods system of fixed rates collapsed in 1973, may be necessary in a disordered and loosely integrated international economy. Nations are free to make their own decisions on fiscal and monetary policies, allowing their rates to bear the consequences of their action, or inaction.

But a fixed-rate system involves submitting domestic economic policy to international discipline. The French got their devaluation, but they pledged to adopt austerity measures to curb inflation and reduce their huge trade deficit.

The Brussels realignment is reminiscent of the Smithsonian Agreement of 1971, which President Richard M. Nixon called "the most significant monetary agreement in the history of the world." The Americans thought they had scored a victory by getting other countries to accept a dollar devaluation of about 8 percent—the same amount by which the Franch franc has now been devalued against the mark.

But the Smithsonian Agreement, in retrospect, was not a triumph, but rather a failed effort to rescue the system of fixed exchange rates. When Bretton Woods finally collapsed two years later, many economists said good riddance.

Now, 10 years later, there are deep concerns about a floating-rate system that many believe breeds inflation, creates instability in the prices of commodities, including

oil and gold, and worsens world economic instability.

The majority of economists still consider it impossible to go back to a worldwide fixed-rate system because nations are unwilling to submit to such monetary discipline. A growing number of economists, however, have begun to wonder whether the time has not come for a move to restore greater order.

The question is, How? United States policy makers give lip service to exchange-rate stability, but maintain that it can be achieved only if individual nations adopt safe-and-sane fiscal and monetary policies. They contend that fixed rates would do no good, and would only create open crises, like the one just experienced in Brussels. But if the French submit to international discipline, Brussels would prove the opposite: that fixed rates can make a nation adopt unpopular steps to put their policies in order.

Hence, the success or failure of the European Monetary System will be a crucial test of whether a fixed-rate system can survivie.

This week's realignment looks like the last effort to save not only the E.M.S. but the European Economic Community itself. French officials, as part of their negotiation tactics, deliberately provoked anxieties that they would pull out of the European system, and that this would mean the end of the Common Market. The threat worked.

In forcing the Germans to revalue the mark upward my more than the franc was devalued, the French won a symbolic victory of no real significance. It reminded one, once more, of the United States "victory" at the Smithsonian Institution: Both were exercises in monetary machismo.

Yet the foreign exchange markets fear that the Brussels realignment has no more ended the weakness of the franc and rescued the European Monetary System than the Smithsonian Agreement cured the weakness of the dollar and rescued Bretton Woods. Anxiety persists that continuing currency disorders, economic stagnation and unemployment in Europe threaten to bring on a wave of protectionism that would endanger world trade and economic recovery, which is evident thus far only in the United States.

A decade ago, there was bliss among economists over the end of fixed rates. That bliss was founded on ignorance of the instability that lay ahead. The perils of living in a floating world are now a lot clearer, but the way out is not. As the late Harry Johnson of the University of Chicago put it during an earlier phase of monetary disorder, we are looking at first-rate problems, with second-rate minds producing third-rate solutions.●

A TRIBUTE TO THE SPIRIT OF A FREE AND INDEPENDENT BYELORUSSIA

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. LENT. Mr. Speaker, I would like to take this opportunity to join with my distinguished colleagues in the Congress to commemorate the 65th anniversary of the Declaration of Independence of the Byelorussian Democratic Republic.

For the brief period between 1918 and 1921, Byelorussia was a free and independent state. Following the collapse of the Russian monarchy during the final months of the First World War, Byelorussian took its place among the free and independent nations of the world on March 25, 1918, proclaiming:

Now we, the Council of the Byelorussian Democratic Republic, are liberating our country from the last vestige of state dependency imposed by Russian monarchy upon our free and independent country. From now on the Byelorussian Democratic Republic is proclaimed a free and independent state.

Unfortunately, Mr. Speaker, the worthy dreams of the courageous Byelorussian people were savagely crushed under the military might of the newly created Communist government of Russia. Knowing no toleration for liberty or freedom, the Soviet Communists under Lenin conquered and then partitioned the Byelorussian state.

The Soviets, who today are the last colonizers on Earth, the only nation still to maintain an empire, continue to subject the Byelorussian people to a Moscow-imposed tyranny. Depriving the Byelorussians the right even to speak their own language or maintain their separate traditions, the Soviets have forced their philosophy and culture upon these brave and hardy people.

To insure that the Byelorussians are unable to reassert their indentities, the authorities in Moscow have shipped Russian political leaders, labor bosses, and business heads into Byelorussia to complete their attempt at full colonization of these brave men and women who yearn to be free from their Soviet masters.

Despite these Soviet attempts at subjugation, the independent spirit and pride of the Byelorussians remain alive. Our Byelorussian-American friends are holding high the flame of liberty in this great nation. They call to us and we hear their message.

Mr. Speaker, I ask my colleagues to join with me in tribute to these brave, freedom loving people on the 65th anniversary of the declaration of a free and independent Byelorussia.●

VOICE OF DEMOCRACY CONTEST WINNER

HON. ROBERT A. YOUNG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. YOUNG OF Missouri. Mr. Speaker, I rise today to slaute a young man in the Second District of Missouri who has shown a wisdom well beyond his 17 years of age. I refer to Lawrence Cartan Sumner, Jr., a 12th grade student at St. Louis Priory School in St. Louis County.

Young Mr. Sumner wants to be an attorney. Judging from a piece of his writing, he can argue quite a case already.

Lawrence Sumner, Jr. is the Missouri State winner of a voice of democracy essay contest sponsored by the Veterans of Foreign Wars of the United States. The essay contest is part of a national sholarship program.

In his winning essay, Lawrence Sumner, Jr. makes a strong argument in behalf of the spirit and integrity of the youth of America. He shows a maturity and insight that many 17-year-olds do not possess. His essay is intelligently written and definitely shows why he is the Missouri State contest winner.

I applaud him for his efforts and I wish him all the best as he pursures his goals for the future.

I think his essay is quite worthy of our attention in this body and I submit it for your study at this time:

VOICE OF DEMOCRACY SCHOLARSHIP ESSAY

(By Lawrence C. Sumner, Jr.)

Nothing chills like the cold channel winter wind that comes in over Cambridge in the English midcountry. It blows over a setting that can stun the soul of any American. There, outside the city, lies a monument where the famous 8th Air Force once headquartered. All across a high wall appear the names and states of those American youths who died in the bloody raids over northern Europe. The white crosses that mark the graves of those Americans stand in perfect symmetry and in stark testimony to the precious gift of the youth of America that was then laid at the altar of freedom.

People can look at a sight like this and ask themselves where lies the strength of a nation. It immediately becomes evident that strength lies not in money, power and natural resources. Rather it lies with the courage of youth to seize opportunities and to carry on the ideals of a country. Just like the concrete and steel that maintain a skyscraper, so too is our America reinforced by its inner strength, the youth of America. It forms the beating heart that sustains our country and predicts for us the future course of this nation. It has been said that the youth of a nation are the custodians of its posterity. So it is with America.

There are those who would say that the power of nuclear weapons or the insidious force of the drug culture have so hypnotized American youth that they have become dazed and are unable to cope with the future. These people paint a false picture of America's youth as naive and gullible young adults. This face of our nation's youth may often be popularized by the media, but I pledge to you here today that this face is false, it is untrue! I rise in support of the proposition that the youth of today are in fact, not represented by the drug culture, or by those people who seem always to be in the news or on television. Are they the actual youth of America, or are they merely those oddities who make themselves newsworthy? What about that boy and girl who live down the street and who love their parents and their country, and go to school and

compete in sports, and study and have mastered the computer or the microscope, or who have sweated for years in order to make their country proud? Indeed these typical American youths do not believe that America is tired or has had its day. Instead they believe that the United States is just beginning to achieve its righteous capabilities.

I say to you that the strong inner core of America has always been its youth, its heart, its blood. The same youth some of whom lie buried in an English graveyard, or in Flanders field, or South of the Yalu river, or in the marshy hell of the Mekong Delta. These were not men and women who sat back and told us that the world was too complicated to be understood. This youth of America exists today just as it has always existed, strong, true, devoted to country and ready to tackle the firestorm of criticism of those who would ask them to simply give up.

The barriers of Space were not conquered by men and women of America who were weak. They were conquered and continue to be conquered by the spirit of American youth who are prepared to work together to insure that the ideals they were taught to uphold are permitted to survive and expand as this country moves forward into history.

We the youth of America have the strength just as you have been strong, and as you have taught us to be strong. We thank God that we have been born in a country that believes in itself, and we thank you for teaching us the value of honor and courage. We pledge to you that the strength that you have given us will constantly be replenished so that Americans yet unborn will someday be able to take up challenges from us, just as we take them up from you. In this way and only this way, will the zest and spirit of America stand as a monument that will last forever.●

CHERRY BLOSSOM FESTIVAL

HON. J. ROY ROWLAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. ROWLAND. Mr. Speaker, the annual Cherry Blossom Festival will be underway within a few days in the District of Columbia. This event, which began nearly a half century ago, attracts countless thousands of visitors to Washington from throughout the country and the world.

It will be of interest to tourists everywhere to learn there is now another major Cherry Blossom Festival being held in the United States.

The city of Macon, Ga., is now holding its first annual Cherry Blossom Festival in celebration of the planting of more than 30,000 cherry trees within the community. By comparison, some 3,000 cherry trees are growing in Washington, D.C.

This newborn forest of Japanese cherry trees in Macon is the gift of William Fickling, Sr., who has long been recognized for his many contributions to the growth of Macon and middle Georgia. It was while he was visiting Washington's festival some years ago that he discovered that an unusual-looking tree on his land in Macon was the same kind of tree that had long been celebrated in the Nation's Capital.

He began growing cherry trees. And his gift has led to the plantings throughout the city of Macon and along the interstate highway to Atlanta. Many people had a hand in this unique civic contribution, including Macon's governmental officials and the Macon-Bibb County Clean Community Commission.

The first annual Macon Cherry Blossom Festival is a grand occasion, bringing dignitaries from Japan and featuring a variety of colorful activities. In the years ahead, the blooming of these 30,000 cherry trees will be a sight that will not be exactly matched anywhere in the world.

I do not want to take anything away from Washington's fine celebration. But in my view, Macon is the cherry tree capital of the United States.●

LOOW

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. LaFALCE. Mr. Speaker, last month the Department of Energy (DOE) held scoping meetings for the environmental impact statement for DOE's Niagara Falls Storage Site in Lewiston, N.Y.

At the hearing, the Lake Ontario Ordnance Works (LOOW) Citizens Oversight Committee, which I impaneled, and I presented testimony to DOE. Both the committee and I struck a common theme: The NFSS is an inappropriate location for a permanent low-level radioactive waste respository. We urged DOE to remove the waste materials from, and decontaminate and decommission the 191-acre site.

At this point I am submitting my testimony and that of the LOOW Citizens Oversight Committee presented by its chairman, Robert Naum, for printing in the RECORD.

TESTIMONY OF HON. JOHN J. LaFALCE

At the outset, let me state in clear and unequivocable terms my position regarding the Lake Ontario Ordnance Works (LOOW):

I strongly believe that the final resolution of the LOOW problem must be complete decontamination and decommissioning of the entire LOOW site. This means completely cleaning up all the nuclear material at the site, packaging it in containers acceptable for transportation, and removing it from the site to a licensed and secure low-level radioactive materials disposal facility.

While there are several real barriers that stand in the way of this action, I have been working and will continue to work toward total decommissioning as the only acceptable solution to the LOOW problem.

There are approximately 20,000 tons of materials stored at the LOOW site; 20,000 tons of material that do not belong there. Of this amount, about 40 tons are radioactive material. The additional bulk is made up of soil, certain metals and various ores.

These materials are largely the by-products of the refining of uranium ore that was shipped from the Belgian Congo during the early 1940s for use by scientists and engineers to develop the atomic bomb during World War II—the Manhattan project.

The LOOW site represents a lasting, undeserved, and unwanted legacy of the contributions of the people of Lewiston and Western New York to the American effort in the Second World War.

The LOOW site became the repository for these materials even though no scientific criteria were used to determine its suitability for nuclear waste storage. In fact, the site was chosen because: (1) it was near to the Manhattan Project work: (2) it was federally owned; and (3) located on its grounds were buildings that could temporarily serve to store radioactive waste materials. These are totally unacceptable criteria in light of our current knowledge and regulatory requirements.

For three decades after World War II the LOOW site was left to fester. The site became overgrown with weeds and brush. The temporary storage facilities on the site began to decay. And, radioactive materials began to migrate from the site into the surrounding community.

In a capsule, until the past six years when the people of Lewiston and I began to work with the Department of Energy (DOE) to improve the situation at the LOOW site, the Federal government's record at the site reflected a 35-year history of extremely poor management and inadequate maintenance of material that, by its very nature, constitutes a potential hazard to human health and the environment.

When I first learned about the potential problems at the LOOW Site in 1978, I immediately appointed a panel of local citizens to advise me so I could better interact with the Department of Energy. There is no question but that much of the progress that we have made toward improving management of the LOOW site is due to the extraordinary effectiveness of the LOOW Citizens Oversight Committee and its current chairman Mr. Robert Naum.

Working with me and the Citizens Oversight Committee, the DOE embarked on an ambitious program to put the LOOW Site into an environmentally stable conditions pending decontamination and decommissioning of the site.

In 1978, I brought DOE representatives to the LOOW site so that they could see firsthand the problems that had developed over the past three decades. At my insistence, DOE began a series of monitoring programs and developed a remedial action program known as the "Project Management Plan." The plan stated, in no uncertain terms, that our ultimate objective for the LOOW site was to be its decontamination and release for unrestricted use.

I believe it is important that DOE representatives at this environmental impact statement (EIS) scoping meeting fully understand the history of the LOOW site and, in particular, the progress that we have made toward decontamination and decommissioning since 1978.

It became clear that the change of administrations in Washington brought a change in outlook regarding the LOOW site. The

institutional memory that should have resulted in continuation of our program at the LOOW site suffered a bad case of amnesia.

Federal funding for decontamination and decommissioning of the LOOW site was threatened in early 1981 by federal budget cuts and congressional action. With the support of the people of Lewiston and the Citizens Oversight Committee, I immediately took the offensive in restoring needed federal funds.

After I testified before the House Armed Services Committee on the need for continued federal funding for remedial action at the LOOW site, Congress approved the spending of an additional $1.1 million during Fiscal Year 1981 for remedial work.

In March of 1982, after several months of behind the scenes negotiations, DOE agreed to provide an additional $2.5 million for remedial action at the LOOW site in 1982. More importantly, we were able to structure an agreement which ensured that remedial action at the LOOW site would be the top priority of DOE's radioactive waste management program.

During the 1982 construction season, top priority was given to containment of the R-10 residue spoils pile on the western boundary of the LOOW site. The R-10's have, in the past, been a major source of radon emanation from the site, and contaminated materials that have migrated off site. In addition, several buildings on the site, which contain significant amounts of radioactive materials were reinforced to control radon emanation.

In October 1982, reports that Bechtel National Inc., LOOW site project manager, had recommended to DOE that the LOOW site be maintained as a DOE owned and operated regional disposal facility sent shock waves through the Lewiston and Western New York communities.

I was flabbergasted when I learned of the report through press accounts, for I had met on several occassions with DOE representatives just prior to the time that the report was obtained by the Niagara Gazette. There was no mention of the existing report at these meetings.

I immediately called DOE and demanded that the recommendation be disavowed by the department. I received assurances from the director of the DOE remedial action office that the Bechtel recommendation was both ill-founded and unacceptable, and that Bechtel had been directed to discontinue consideration of this option.

At my request, New York State's two Senators, Alfonse D'Amato and Daniel Patrick Moynihan, joined with me to demand, in a letter to the Secretary of DOE, that the department reject the Bechtel recommendation and that progress continue toward decontamination and decomissioning of the LOOW site. I also spoke directly with Secretary-designate Donald Hodel, directing his immediate attention to the issue.

Less than two months after the Bechtel recommendation was aired, Secretary Hodel assured me that DOE had not accepted the Bechtel recommendation and that further study of the use of the LOOW site as a region disposal facility was being terminated.

I view today's hearing as a reaffirmation of the Secretary's promise to me and the people of Lewiston and Western New York. The EIS will not evaluate use of the LOOW site as a regional or state disposal facility; this is no longer an option. He has been relegated to the shelves in DOE's library where it must and will stay.

Today's hearing also signals another step in our effort to have the radioactive materials currently stored on the site removed from our community. It marks the first in a series of hearings that DOE will hold in conjunction with preparation of an environmental impact statement for the LOOW site. DOE is presently considering several alternatives for analysis in the EIS. However, the fundamental decision that must be made is whether or not to remove the radioactive materials from the site.

This evening DOE representatives will hear from our community. Bob Naum is here to ppresent testimony from the Citizens Oversight Committee. You will also hear and/or receive testimony from the Lewiston and Porter Town Boards, the Niagara County legislature, the NO LOOW Committee, and other interested public officials and citizens.

No doubt you will quickly learn that we speak with one voice where the LOOW site is concerned: We want DOE to honor its commitment to us to decontaminate the site and release it for unrestricted use. We do not want the radioactive material currently stored on the site to be permanently disposed on the site.

You have our full support for the current remedial action program designed to put the site into an environmentally stable condition pending decontamination and decommissioning of the LOOW site. I have been told that as much as $11 million will be spent at the site in 1983 and that the remedial action project will be completed in 1984. We all look forward to this accomplishment.

But we all recognize that this is only an interim measure.

The only action that will fully and uncompromisingly protect our community is removal of the radioactive waste material from the LOOW site.

In our minds the question is not "will this action be taken?", but "how soon can it be done?"

We recognize the obstacles; a suitable disposal site for the low-level radioactive waste must be established. But obstacles are meant to be overcome, they cannot be surrendered to.

If DOE continues to make progress toward the decontamination and decommissioning of the LOOW site, you can count on our continued support.

But if you stutter, if we perceive that the Department is acting in bad faith, our voices will rise once again in condemnation of your footdragging.

I do want to commend DOE for respecting, if not always bending to our concerns. The department has been responsive to the real concerns of our community and, I assume, will provide us with the timely information we need to be full and active participants in the remedial action program and the EIS.

Know that I, the Citizens Oversight Committee, the Town Boards, the NO LOOW Committee, and other local officials and citizens will be looking right over your shoulder as you proceed with the EIS.

Be forewarned that we will fight in Washington, and here on Pletcher Road for what we rightfully believe to be an unpaid debt that DOE and the nation owe to the Lewiston and Western New York communities for our contribution to the Manhattan project: the removal of the radioactive waste materials from our backyard.

Thank you.

REMARKS BY ROBERT NAUM

My name is Robert Naum. I am Chairman of the Lake Ontario Ordinance Works Citizens' Oversight Committee appointed in August of 1978 by Congressman John LaFalce.

This evening, I am here to present the Committee's preliminary comments and suggestions apropos to the scoping meeting on the Draft Environmental Impact Statement for the DOE's Niagara Falls Storage Site, Lewiston, New York (NFSS).

The committee's eight members include engineers, scientists, educators and corporate managers with a combined total of 72 man-years of experience working with radioactive or hazardous materials. Committee members include Drs. William Boeck and John Reedy, who are professors at Niagara University; Richard Jackson, the nearest site resident and an engineer with New York Telephone; Frank Luscher, Chief Executive of Rowe Products; John Malinchock, member of the staff of the Niagara County Health Department; and Dr. Daniel Healy, Superintendent, and Thomas Yots, Faculty Member, of the Lewiston Porter Central Schools. As I believe the case with other members of the Committee, my employer, The Carborundum Resistant Materials Company in Niagara Falls, recognizing the applicability of these unique skills to the public interest in Western New York, has consented to my participation. Nonetheless, it should be clear, we are private citizens and voluntary participants, here to represent the Lake Ontario Ordnance Works Citizens' Oversight Committee. All committee members live in the immediate vicinity and are very familiar with the site.

Let me emphasize that the ultimate goal of the Citizen's Committee is the complete decontamination and decommissioning of the Lake Ontario Ordnance site.

The Department of Energy's Niagara Falls Storage Site is part of a parcel of land originally purchased by the U.S. Government in 1942 and established as the Lake Ontario Ordnance Works. Precipitated by World War II, the U.S. Government acquired 7,500 acres of rural farm land in the fruit belt of Niagara County, northeast of Niagara Falls, New York, to construct a TNT munitions plant. The plant was never completed. Within two years, 1,511 acres were transferred to the Manhattan Engineering District which in 1947 became known as the Atomic Energy Commission.

Commencing with Manhattan Engineering District Control, portions of the site were used for storage and transshipment of pitchblende residues, and disposal of waste from Government operations.

A 165-foot water tower was the recipient of 1,757 tons of pitchblende residues; two water accelerators were the recipients of 1,878 tons of pitchblende residues, and a water storage reservoir was the recipient of 8,227 tons of pitchblende residues.

Receipt and storage of these residues, owned by a foreign company, African Metals, was done by the Manhattan Engineering District as an interim, short-term storage strategy until the materials could be returned to Belgian control. The facilities are not, and never were, engineered to store any radioactivety residues for the over 30-plus years they have remained on the site.

In addition to the foreign-owned radioactive materials, the Manhattan Engineering District, and later the Atomic Energy Commission, transferred to the site and stored two tons (1,250 cubic feet) of Middlesex

sands in the water distribution building, 138 tons (6,250 cubic feet) of residues in the recarbonation pit, and 8,325 tons (310,000 cubic feet) of radioactive spoils that were dumped on the ground. These spoils would later be covered with approximately 405,000 cubic feet of contaminated materials from the 1972 off-site decontamination operations.

Placement of these contaminated and/or radioactive materials, in facilities and a geological environment not suitable for their storage precipitated an ever-increasing spiral of contamination of the local environment. Major drainage ditches are now contaminated with an estimated 790,400 cubic feet of radioactive sediment and continue to receive contaminants leaching from the site.

The Atomic Energy Commission and, later, the Department of Energy have been aware that the site is unsuited for storage of radioactive materials since it first began to receive radioactive materials. The earliest recorded survey of the site, by AEC personnel in 1947, indicated significant contamination, attributable to stored radioactive waste. In 1949, a U.S. Geological Survey investigation of the site warned that the surface drainage systems were potentially the greatest contributor to contamination of non-federal lands. A second U.S. Geological Survey Report in early 1953 showed clearly that contaminants had migrated off federal property. In 1955, the Atomic Energy Commission adopted a policy that the site would no longer be used for storage of any additional contaminated materials. Simultaneously, a cleanup operation was attempted.

A later decision, by the General Administration, transferred 1,298 acres back to private ownership. The transfer was completed in 1968, and, within three years, the AEC was once again checking to determine the scope and magnitude of radioactive contamination on land adjacent to the now 190-acre site.

In August 1978, six years after the last Federal clean up, the Department of Energy was still identifying migration and contamination of off-site properties from radioactive waste stored on the site. Investigations have determined that not only is there contamination of soil by radioactive nuclides, but also extensive emanation of radon gas on the site and undefined migration from this site. The DOE directed Batelle Columbus Laboratories to implement a comprehensive characterization of the Niagara Falls Storage Site. The Environmental Measurements Laboratory of DOE and later the Mound Laboratories were directed to investigate radon emanation, and Oak Ridge National Laboratory initiated a ground level gamma-ray scanning of lands transferred to private ownership between 1955–1968.

Several of these tasks have been completed. Additional work will undoubtedly be necessary. However, it is important to reiterate that the committee has been and will continue to work towards the ultimate demise of the site.

Some people argue that we have a disaster at the Niagara Falls Storage Site, a "Legacy of Government Mis-management." The Lake Ontario Ordnance Works Citizens' Oversight Committee believes that the Federal Government must commit the resources that are necessary to minimize exposures and prevent further degradation of the environment while proceeding to decommission the site.

The Citizens' Oversight Committee has reviewed available Department of Energy draft reports and all available documents and correspondence concerning the Niagara Falls Storage Site (NFSS). Our evaluation indicates that the use of the NFSS for the storage of radioactive materials is totally unacceptable and that numerous technical, environmental, economic and political considerations do not support the findings or recommendations contained within DOE draft reports. It is the intent of the committee to work constructively with the DOE in reaching the decommissioning of the NFSS and it is with that intent and objective that we present and discuss the following major issues and concerns of the committee.

Location considerations make the NFSS a wholly inappropriate location for the storage of radioactive materials; objective evaluation of numerous geological, hydrological, climatic, and geographic characteristics will conclude that the site is not suitable for use as a disposal site.

Within a few miles of the Niagara Falls Storage Site are the communities of Youngstown; Lewiston; Lockport; Niagara Falls, New York; as well as the Canadian communities of Niagara-On-The-Lake and Niagara Falls.

Because the original LOOW site straddled the Towns of Lewiston and Porter, the Lewiston-Porter community characteristics must be considered as an entity.

The Lewiston-Porter community is rapidly changing from a rural-farming industry of mixed farming and fruit farming to a suburban community of homes, apartments, recreational and cultural facilities. Today the community is best described as suburban. The Lewiston-Porter community has an unusually high number of cultural, recreational and historical institutions within its 81 square miles.

The community encompasses several nonreplaceable institutions. Among these are:

(a) Old Fort Niagara—a national historic monument dating back to its 17th century origin.

(b) The Niagara River, a waterway shared with Canada that constitutes an international boundary, flows less than three miles from the DOE's Niagara Falls Storage Site. The river is jointly owned by the United States and Canada and as such is monitored by an International Joint Commission. The Niagara River empties into Lake Ontario, which forms another international boundary with Canada. A network of drainage ditches and natural creeks run from the DOE NFSS to empty into Lake Ontario. The DOE NFSS is within four miles of Lake Ontario. Recent rapidly growing multimillion dollar sport fishing industries of Lake Ontario and the Niagara River are within 5-10 miles of the site.

(c) Eight miles from the DOE NFSS is one of the acclaimed Wonders of the World—Niagara Falls—which has attracted millions of tourists and is the basis of economic support for the entire region's tourist industry—a multimillion dollar industry that is growing each year.

(d) The New York State Power Authority has one of the largest hydroelectric plants in the United States. It is currently in the process of planning a significant expansion. It is the economic foundation of much of the industry and commerce in Western New York. It is five miles from the DOE NFSS.

(e) Niagara University is under six miles from DOE NFSS. Founded in 1856, this renown university annually enrolls over 5,000 United States and foreign students at both the undergraduate and graduate levels of study.

In addition, the community contains:

(a) A public school system of over 3000 students (less than two miles from the DOE NFSS) and three private schools serving an additional 1000 daily (approximately three to four miles from the DOE NFSS).

(b) Earl Brydges Artpark—a unique New York State cultural center which serves the entire Niagara Frontier and attracts thousands of theater goers and art patrons from over 100 miles away, on a daily basis. It is less than four miles from the DOE NFSS.

(c) Fatima Shrine—a religious seminary and an internationally renown shrine—including a basilica and several hundred, life-size, religious statues in a landscaped park setting. Fatima Shrine is one and one-half miles from DOE NFSS.

In summary, the Lewiston-Porter community is an integral part of the Niagara Frontier. It is a community which possesses irreplaceable historic artifacts, extensive cultural and educational investments, and is a integral part of our ongoing international relations with the Dominion of Canada. Combined with our rich historical background, these assets have made this community a vibrant, growing place to live. This committee and our community will strongly oppose any decisions which we view as a threat to these assets.

Several technical considerations make recommendations and conclusions for NFSS unacceptable. The site and its structures never were intended, designed or engineered for the storage of radioactive materials and numerous characteristics concerning the waste materials, methods of containment and projected impact to the environment are not valid. Likewise, alternative methods of disposal offer potential technical and economic advantages. In addition, we wish to bring to your attention the following key issues.

The pitchblende residues on the site originated from very high grade African ores. There are no domestic ores anywhere near the radioactive concentrations of the Afrimet ores. In the natural state, an uranium ore body contains not only uranium but an entire series or chain of radioactive elements inevitably produced by the radioactive decay of uranium and subsequent decay of the other radioactive nuclides in the chain. There is particular concern about radiation doses produced by radium and its daughter element radon and the radon daughter elements.

The source of the Radium ^{226} is an isotope of Thorium.^{230} In the original ore body, the decay of radium was balanced by the continued production of radium by Thorium ^{230} decay. When the ore was processed, the radium and its parent thorium were left in the residue. The parent of Thorium ^{230} is an isotope of uranium which was removed without 99% effectiveness. The radioactive decay chain was broken at uranium. The subsequent production of radium and radon is determined by the properties of the new head of the decay chain—Thorium ^{230}. This isotope decays with a half-life of 80 thousand years, approximately 50 times more slowly than Radium ^{226}.

These facts are known to Government contractors but have not been addressed in previous analyses. If we grant that the present radioactive content of these residues requires measures to protect the general public from exposure, the need to isolate these materials would continue for at least 100,000 years. It would take something like a half of a million years for the radioactivity of these materials to decay to the background levels of soils from this locality.

By comparison, the radioactivity of the high level nuclear waste at West Valley is predominately due to isotopes with half lives around 30 years. In a few thousand years, most of the radioactivity at West Valley will be gone. Can DOE conceivably design a shallow land burial site that will remain undisturbed by erosion, weathering and human intrusion for some hundreds of thousands of years? I suggest the DOE planners begin with a geology text describing the geological events of the previous 100,000 years at this location. This school, that we are in tonight (Lewiston-Porter), and the surrounding area including the site are on a dry lake bottom. Less than 10,000 years ago this site was under many feet of water. Can we expect it to remain dry in the future for a period ten times longer it has been historically dry? This area was buried under a mile thick sheet of glacier ice. We could project that several more glacial epochs could occur in the next 100,000 years. Each glacial episode would pulverize all signs of human activities or construction in its path. As one committee member mentioned, his grandfather once told him—"There's one thing they don't teach in college—common sense." Proposing to store long half-life materials in a shallow land burial defies common sense. Will the DEIS evaluate the release of radon from the site over the next 100,000 years? Radon has a 3.8 day half life. Consequently, all residents of the Northeastern United States and Ontario may receive a small lifetime dose from releases at this site. Will this dose be evaluated for all these people for the next 4000 generations of residents?

Management considerations make use of the NFSS for the storage of radioactive waste unreasonable. The Government appears to have biased the outcome of the DEIS by eliminating from consideration several items.

(a) The radiological impacts, either positive or negative, that could result from the removal of radium and thorium from the residues before transporting to a separate disposal site have not been addressed. If radium was removed but the thorium was left in the residues, the radium and radon content of the residues would increase through the design life of the burial site.

(b) The DOE has not adequately examined transportation of residues by barges and other means to reduce population exposure. Likewise, it has failed to explore numerous technologies to convert existing waste materials to modes with improved safety, diminished risk and reduced cost.

(c) The DOE plans to move the residues to another location on the site without packaging or solidifying the residues. This planned action is not defined and is technically unclear.

Legal considerations create a maze of Federal, State, and local laws, codes and ordnances which make the continued use of the NFSS unreasonable. Likewise, the international legal considerations support the position that the NFSS is not an appropriate storage site. The DOE has not addressed the issue of compliance with present State laws and Federal guidelines. The New York State sanitary code for point source emanation differs from fenceline guidelines. Presently fenceline measurements are used to determine compliance with regulations limiting radon gas emanations. Yet, the DOE plans call for opening the tower which will result in a point source release of radon gas into unrestricted areas that would be far in excess of the annual limits allowed for point source emanation. One of the DOE arguments for this action is that the tower and entire site are within an active seismic zone and repetitive engineering studies cannot adequately assure safety during a moderate seismic disturbance. Thus, the DOE must review and consider possible seismic activity on any options considered, and it must consider how proposed actions will comply with state regulations.

The DOE has not addressed the impact of EPA Guidelines on its options. At present, there is a regulatory gap. The current EPA Guidelines for shallow lands burial of radioactive materials do not address the problem posed by the high concentrations of long half-live materials in the African residues. After evaluating the potential for a human intrusion into a shallow burial site within the first hundred thousand years after closure, the EPA regulations may preclude the possibility of shallow land burial of the residues of the rich African ores. The DOE should therefore include the cost of dis-interring the residues from the present site and moving some or all of them to a geological repository as part of the alternative two analyses.

We feel strongly that the DOE must consider proposed EPA, NRC or other Federal and State regulations that could apply to the site.

Likewise, the DOE must exercise additional concern to ensure that near-term or any actions prior to decommissioning do not put the site into a position of exclusion (via Grandfather Clauses or similar provisions) from full compliance with future regulations.

In particular, we want the DOE to be very conscious of the impact of various interim actions and technical options on influencing either the technical feasibility or economic viability of complete decommissioning.

Social/political considerations make the use of the NFSS extremely unfavorable because of the high degree of community acerbation from well-publicized toxic wastes in the Niagara Frontier.

In summary, we want you to know that the committee has an excellent understanding of the problems, including technical aspects, related to the decommissioning of NFSS.

There are multitudes of scientific and technical issues that encompass one or more of the proposed options. Some of these we have previously brought to your attention; however, we wish to emphasize the major concerns.

First, geological studies have been too cursory to serve as a basis for projecting 100,000 years ahead. Hydro-geological and seismic considerations have been grossly neglected.

Second, the residues in the R10 pile are in contact with the seasonal water table.

Third, eventually the ditches will fill in, making the projections of the hundred-year flood level invalid.

Fourth, the burial mound would certainly attract attention in the next 100,000 years and be intruded upon for any one of several reasons.

Fifth, the location will reforest itself in less than 100 years. The tree roots would destroy the integrity of the intrusion barriers, alter the erosion rate of the mound, and provide a haven for burrowing animals.

Likewise, there are technical problems with the design of a shallow land burial at this site. Foremost is the justification for assigning a short design life of 1000 years to a facility where the materials will remain radioactive for longer than 100,000 years. There are no known methods to guarantee the performance of concrete walls, clay dikes, Hypalon liners etc. for 10,000 annual freeze-thaw cycles, 10,000 cycles of excess spring rainfall and summertime dehydration, thousands of successive penetrations by tree roots and burrowing animals.

In addition, past management decisions (i.e., past discharges) were not carried out in compliance with rules and regulations of New York State. Current management action imply that the site is not presently operated within New York State guidelines including the release of radon. In addition, the contractor is planning to create a point source of radon gas emissions and he will allow an uncontrolled release of radon from the tower throughout the activity associated with transferring the K-65 residues. It is anticipated that these levels will be in excess of applicable State and Federal guidelines.

In conclusion, it is important to realize that each of our concerns is based on objective data, and we believe that any single concern is sufficient cause to justify the decommissioning of the NFSS.

The Citizens' Oversight Committee believes without question that:

The Lake Ontario Ordnance Works Site has been misused.

The site is not suited technically and geographically for storage of radioactive waste materials.

The expeditious stabilization of the site, minimizing exposures and continued degradation of the environment, is critical.

The people of the Niagara Falls region have lived with this problem for over 39 years. They expect and demand that site operation must be improved to meet acceptable safety standards and the site should be decommissioned.

The ultimate and complete decontamination and decommissioning of the entire Lake Ontario Ordnance Works Site is warranted.

The Citizen's Oversight Committee recommends continued Government support of the DOE-Surplus Facilities Management Program, the DOE-Environmental Monitoring Program, and other remedial action programs to provide responsible interim management of the site with negligible impact on the public and/or the environment until decommissioning is accomplished.

This completes my statement. Comments and/or questions regarding this statement may be addressed to The LOOW Citizens' Oversight Committee, c/o Congressman John LaFalce's office, Niagara Falls, New York.●

TRIBUTE TO DR. D. D. ARMBRUSTER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. SKELTON. Mr. Speaker, it gives me great pleasure to bring to the attention of this body a doctor from Wellington, Mo., who has devoted his life to helping the Wellington community. Dr. D. D. Armbruster has devoted nearly the past 35 years to serving his neighbors and has become a beloved community figure. During his long years of dedicated service, Dr. Armbru-

ster has had many accomplishments, one of the most frequent being his presence during the birth of the children of the community. He has been in that situation close to 1,500 times, many times with second generation babies, having also delivered one of the parents.

I take this time to honor Dr. Armbruster because he has recently decided to phase out his work at his clinic. He made this decision only after he found a competent replacement. Dr. Armbruster still plans to work at the clinic in the mornings and also make house calls, a part of the practice which he has enjoyed, but which his schedule often made difficult. I ask my colleagues to join me in commending Dr. Armbruster on his long years of successful work, work which has paid off in the place he holds in the hearts of his community.●

DISTINGUISHED NEBRASKALANDER OF THE YEAR

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. BEREUTER. Mr. Speaker, we do not stage many ceremonies in the beautiful Rotunda of the State Capitol in my home State, but one in our Nebraskaland Foundation's annual selection of "Distinguished Nebraskalander of the Year"! This year, on February 26, it went to one who grew up and was educated in my district, Tecumseh-born Col. Barney Oldfield, USAF (Ret.), and now a consultant for Litton Industries, Inc., in Beverly Hills, Calif.

What he and his wife, Vada, had done, revealed on that occasion, is evident of the correctness of President Ronald Reagan's view that there can be considerable private response to societal problems undertaken by individuals. While the Oldfields, who met at the University of Nebraska, have been longtime endowers of scholarships at that school, the Nebraskaland Foundation told the audience that their seven-figure estate would one day transition into a "Kinman-Oldfield Educational and Medical Research Fund", which will make annual grants forever—a living and functioning memorial to both sets of their parents, Mr. and Mrs. T. F. Kinman of Grand Island, and Mr. and Mrs. A. W. Oldfield of Lincoln.

Colonel Oldfield established the Radio & TV News Directors Foundation, the Luftwaffe/USAF International Friendship Foundation, the Aviation/Space Writers Foundation and had an important hand in the workings of the Falcon Foundation which gives prep school assistance to those desiring appointment to the Air Force Academy.

As Colonel Oldfield's story is pure Americana, small town beginnings, professional writing career of more than 50 years which took him to 69 countries in war and peace, one still fully employed going on 74 years of age and one still caring about the future of our great country, I commend to my collegaues' attention an edited version of Colonel Oldfield's acceptance remarks:

REMARKS OF COL. BARNEY OLDFIELD, ON THE OCCASION OF BEING NAMED "DISTINGUISHED NEBRASKALANDER OF THE YEAR"

The big question before the house tonight must be: How does a country boy from Johnson County wind up here? But having asked the question, it's important to me that somehow no one will regret it later. I surely won't . . . even if I find it all a good synonym for that word incredible!

The long and winding road which led to this evening among you began in Tecumseh on December 18, 1909. That was 140 years after the birth of the great Indian chief who gave the town its name. Tecumseh introduced me to that journalistic staple I was to court and look for all my life—coincidence! In the battle in which Tecumseh died . . . the opposing forces were commanded by a Colonel Johnson. I grew up thinking this was why Tecumseh was surrounded by Johnson County . . . and how neat it all seemed. It was also true. . . .

When something like this is about to happen to anyone . . . what does one do? First . . . I wished my parents had lived long enough to know about it, and that Vada's parents could have been here, as they risked their eldest daughter on this shaky enterprise. Those parents were all authentic Americana. Vada's father was given the frontier market from Wisconsin to Montana, from the Canadian border south to the Nebraska-Kansas line. He was paid $100 a month and $3 a day when on the road . . . and his purpose was to talk livery stable operators into expanding beyond horses . . . hiring a mechanic and taking on a franchise for a then obscure product called Chevrolet. He put more than 460 such people in business and made millionaires of many of them . . . and literally put that part of America on wheels. His wife raised their five children and didn't see much of him. My mother ran a college boarding house and said she had educated 143 kids other than her own . . . which was true. She had an alumni association which required no dues . . . and endured on affection as long as she lived. My father was the house detective at the old Cornhusker Hotel for 25 years . . . and on football Saturdays was on the Knothole Gate at the Memorial Stadium for two generations.

Once when I was on an East/West trade mission to Moscow for Litton Industries . . . the manager of the booth next door was from Oklahoma City. When I was introduced to him and he heard the last name, he said: "I used to know an Oldfield who let me into football games when I didn't have the money. In Lincoln, Nebraska, it was!" I didn't have to go all the way to Moscow to know I had had a father who attained a kind of world renown as a soft touch. I grew up benefitting from it. Second, Vada and I did a kind of memory lane thing when we came back this time . . . a stroll akin to one away back in time. It was from the old Burlington-Northern station up P Street to 13th. In 1928, after a succession of summer jobs such as painting a house, driving spikes for a railroad and stakes for a circus . . . that long ago September I had come that same way carrying all I owned in a cardboard box and with the $65 saved that summer in my pocket. First residence: The old YMCA. When I registered there paying $2 for the first week, I went on over to the University of Nebraska to register in the School of Journalism, paid my tuition, bought my required used books . . . and I was fully committed.

I also had $1.25 left.

By nightfall, I had one of those two-hours-for-two-meals swabbie jobs in a cheap restaurant . . . and from one to four and seven to eleven p.m., glamor job as an usher at the Old Orpheum Theater. Such was the time and the nature of America then . . . there was nothing unusual or heroic about that . . . nearly everyone with variations of the kind of routine got an education that way. One progressed then from precipice to precipice. But one thing struck me about that yesteryear stroll: It was almost an exact roadmap of Lincoln's urban renewal efforts. That YMCA . . . the three houses I lived in . . . all the theaters worked save one—the Orpheum, Lincoln, Rialto and Stuart . . . the old Lindell hotel where we lived when first married and the Journal building where I worked . . . have all come down. Even the place where Vada and I met on the campus has the corner of a new building on it. If it had not been for this night's acknowledgment that we did, indeed, pass this way . . . all traces might have been obliterated. But the imprints of this Nebraska where I was born on us . . . have always been there . . . been rooted there . . . and are there to stay.

There was an old codger who used to come to the Lincoln theater for matinees. He had a nondescript and puny dog . . . probably a toy bull. It was against the rules to allow pets in the theaters. He went to outrageous lengths such as wearing voluminous coats with outsize pockets . . . and even stuffed the dog down the front of his pants to smuggle him by doormen and ushers. I never knew who he was until much later when I went to the Lincoln Star to ask for my first newspaper job writing about high school sports. Much to my surprise . . . the sports editor turned out to be that old man who had that much-smuggled dog . . . who was there snoozing in a basket by the side of his desk! The old man was crusty. "What makes you think you can write about sports?" he asked me. I told him I was taking journalism at the University. You keep still about that, he said, and I won't tell anybody either. I thought I was doing badly and had struck out, but the dog had gotten out of his basket. He had come over and had one paw on the toe of my shoe. He looked up at me soulfully and wagged his tail. He must like you . . . the old man said . . . he doesn't take up with many people. "I guess he knows me," I said, "I used to let him in the Lincoln theater when I was an usher."

"Start next week," the old man said. "We pay 25-cents a column inch." That was "Cy" Sherman . . . the old man who thought Nebraska's football team deserved a better name than being called "the bug-eaters" and should be called the Cornhuskers instead! Long before there was a "Be kind to animals" week . . . I found there were payoffs for doing such things. In fact . . . I probably owe my career in journalism to that whimsical wag of that dog's tail!

Celebrity chasing: Where did that start for me here in Lincoln? At the old Lincoln

hotel. There was a road show in town, Wunderbar! The Star was Al Jolson. I was barely under way as a Journal reporter, where sports editor, the late John Bentley, had hired me. They told me to get over to the hotel and interview Jolson. This was a very big bite for me to take then. I came into the lobby and sought the bell captain. I suppose I wanted somebody to tell me he was only life size. "He's really somethin'," the Bell Captain said. "He checked in this morning . . . gave me a half dollar . . . told me to page him every half hour which he wouldn't answer. He just wanted to let people know he was in town." Timidly I went up to the mezzanine where his room was . . . gulped deeply and knocked. A booming voice said: "Come in!"

He was sitting there in the semi-darkness . . . big cigar in his mouth . . . silhouetted against the windowshade. "What can I do for you? he asked. For want of a better start, I said: "Al, I'm a newspaperman." "Hell," he said, "don't blame me for that, it's your own damn fault!" I was so stunned by this welcome I couldn't think of the next question to ask. Jolson took over . . . started a running stream of stories and gags . . . and all I had to do was take notes . . . and the story took care of itself. That interview on that day . . . on that 9th and P street corner . . . was only the first of several thousand such features. Jolson was also my first encounter with many to come later who didn't see the news business in as flattering a light as I did.

I suppose none could be a part of this state without a favorite football story . . . or happening . . . or related event. Mine has to do with the early '70s. No. One football team at Nebraska. I'd come back here at Christmas time and there was a small ceremony at Ben Simon's store. In college days . . . I was one of their Judas goats, or pushers . . . we pushed clothes in those days . . . luring my friends and acquaintances in for purchases which netted me a commission. That day they awarded me a souvenir Nebraska Go-Big-Red hat. Almost immediately I was sent to Moscow on one of those East/West trade missions. The weather forecast was for 30 degrees below zero, and we were cabled to wear hats, for sure. The only hat I had was that red one . . . so I wore it. Such haberdashery may only be fun and games and weekend wear here in season . . . but not in Moscow! The Russian delegation which met me was enthralled . . . they said it was the most touching diplomatic gesture . . . this wearing of their colors . . . to their country. Over time a total of nine Soviet ministers . . . they're the operational hierarchy of the Soviet Union . . . have had their pictures taken wearing that hat. I was even allowed to let it hang overnight on one of the pegs where Lenin used to put his old cap . . . in the room he occupied when he first brought the revolutionary government to Moscow. I have never had the heart to tell them that there was another part of the world . . . a state called Nebraska . . . that thinks constantly in terms of being No. 1. Tonight . . . I'm giving that beaten up old hat to the Nebraska State Historical Society . . . as a most unusual spin-off into diplomatic outreach from this state of my birth. The old hat . . . 69 countries later . . . is home to stay.

It's well known here that Nebraska for all its small population head count has produced disproportionate numbers of outstanding figures . . . distinctive personalities. They have given color and stature to politics . . . the professions . . . world recognized and rightly celebrated people . . . men and women both . . . all honored and revered. What you have done here tonight comes at just the right time for my depressed spirits. You see . . . I went in for my semi-annual physical examination just before coming here. My friendly physician studied the X-Rays, the E K G tapes and all the various figures over other figures . . . and then he said almost with disbelief: "Everything about you is exactly as it should be . . . I know I'm in the presence of a Beverly Hills unique—the perfect man." Look here . . . I told him . . . my wife is going to ask me what your findings were . . . and I'm not brave enough to tell her anything like that. So . . . he called her and went through all that. Then he took the receiver from his ear . . . looked at it sort of funny . . . and hung it up. What did she say, I asked him. He said: She asked me if I minded if she got a second opinion! But tonight . . . with all this . . . within our private selves . . . neither of us can laugh at what an honor you have laid on our household. You've made it a perfect evening. . . .

I have spent a lifetime trying in a small way to pay back Nebraska . . . and its people . . . and the institutions they created which were available to me . . . and they gave me my ticket to the world. Nebraska . . . and one of its instruments . . . the NEBRASKAland Foundation . . . by doing what has been done here tonight . . . has only increased my indebtedness to you all. I feel like a vaudeville performer I once knew . . . who always came onstage wearing a shirt with a huge collar which hung down almost to his belt. His partner would ask: "Where do you get a shirt like that?" And his answer was: "I got it in my hometown. I'm a bigger man there than I am here." Thank you all for making me able to answer in the same way . . . from now on . . . wherever I am.●

AGRICULTURE DAY

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Ms. KAPTUR. Mr. Speaker, Agriculture Day was March 21, 1983—a perfect time for us to honor America's farmers. We, as a Nation, have been blessed with all the necessary ingredients for an efficient and effective agriculture system, not the least of which is our farmers.

Farming is one of our Nation's major industries, helping to sustain our economic growth over the decades. My home State of Ohio ranks 35th in size, 6th in population and in the top 10 in agricultural production. Despite the abundance of natural resources, our agricultural economy is weak, with many farmers facing severe economic problems. Moreover, predictions for the rest of this year are not very favorable for the agricultural sector.

I urge my colleagues to join with me in taking the necessary steps to bolster our farmers and our Nation's great resource base. A top priority must be a policy directed at expanded grain exports. The great export volume of agricultural products helps us offset our trade deficit. Embargoes must not interrupt our Nation's agricultural trade activity.

I congratulate Agriculture Secretary Block on the Egyptian wheat flour sale and urge him to distribute the economic benefits of the exports equitably throughout the Nation. The Great Lakes proposal, for which I asked his support, would provide the establishment of preset percentage of exports from each U.S. coastal region capable of providing steamship service to Egypt. Further, this proposal would require that an equitable allocation of these cargoes be 30 percent from the Great Lakes, 30 percent from the gulf coast, 30 percent from the east coast, and the remaining 10 percent discretionary.

We must restore target pricing in the agricultural sector. Farming should be treated no differently than other businesses. Farm income should exceed the costs of production. This is a particular problem when it comes to the family farm which we must aggressively promote, for it is the backbone of our agriculture industry.

The Congress must also take action to control the record high real interest rates which impact heavily on farmers. Many farmers have had to rely on debt financing to cover their production costs. However, current interest rates have made obtaining credit prohibitively expensive. For the third year in a row, real farm income has left many producers in a vulnerable position.

There are other actions we can take, including the promotion of agriculture conservation reserves and expanded ethanol production, to insure that the difficult period facing American farmers comes to an end. Let us use this day not only to thank our farmers for all they have done in the past, but also to let them know that the Congress will be on their side in the future.●

AMERICA'S WORKERS SHOW FAR MORE COMMON SENSE THAN MAJORITY OF THE HOUSE OF REPRESENTATIVES

HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. MACK. Mr. Speaker, yesterday, 229 Members of this body voted for a budget that returns this Nation to the disastrous tax and tax, spend and spend policies of the past, policies that were the direct cause of our present sharp recession. It is a reflection of the intellectual bankruptcy of those who constantly criticize what they term "Reaganomics" that they would offer and support such a budget at the very time all the evidence clearly

shows that this economy is finally recovering from the consequences of the very policies to which they would now return. My Democratic colleagues claim to be in touch with the working people of this country. They have, in fact, misread the American people.

I insert at this point an article that appeared in today's Wall Street Journal that shows that unemployed steelworkers in Johnstown, Pa.—one of the Nation's hardest hit areas—know that what the President is doing is fundamentally correct. Their patience and basic commonsense are admirable. I only wish that those 229 who voted to return to the past yesterday had but a fraction of their levelheadedness. The tragedy is that by following yesterday's majority this Congress would be prolonging the agony of those who remain unemployed. The policies of tax and tax, spend and spend, adopted by this House yesterday, will kill our developing recovery just as it is building momentum.

[From the Wall Street Journal, Mar. 24, 1983]

A MILL TOWN'S STEELY PATIENCE WITH THE PRESIDENT

(By Norman C. Miller)

JOHNSTOWN, PA.—Visiting a town with the nation's highest unemployment rate—24.8 percent—a reporter expects to encounter bitterness toward President Reagan's economic policies and demands for more federal aid to create jobs.

But that's not the way it is, for the most part. Long talks with 24 persons from all walks of life turn up a surprising amount of support for Mr. Reagan's economic policies, despite depressed conditions in this small steel town.

There are critics, of course. "Reagan just seems to ignore the unemployment problem," say Ronald Davies, a 45-year-old unemployed steelworker with a wife and three children.

Charles Kunkle Jr., one of Johnstown's leading businessmen, generally supports the president. But like many others here, he is upset by the administration's unwillingness to restrict sharply imports of steel and autos. People here believe imports are devastating the domestic steel industry. Yet "the administration seems almost afraid to take action against Japan," Mr. Kunkle says.

But criticism is far outweighted by support for Mr. Reagan and his policies. It is remarkable considering the hard times here. Only 1,900 people are working at the large Bethehem steel mill, the town's biggest employer. The mill employed 14,000 in its heyday. Now, parts of it are closed forever. Even a healthy recovery would produce only about 3,000 more jobs, Bethlehem officials said.

Like Mr. Davies, most idled steelworkers are marking time, collecting unemployment benefits, hoping they'll be recalled to work sometime. At the Johnstown Vocational-Technical School, however, small numbers of unemployed steelworkers are trying to learn new trades in evening classes. In hour-long interviews with seven of them, most express strong support for Mr. Reagan and his policies.

"I think Reagan is a heckuva good guy and I think his ideas are good, although I am worse off now than I've ever been in my life," says Wayne Wyar, a 28-year-old former Bethlehem worker who was laid off 18 months ago.

Dennis Fisher, 27, agrees. "We studied supply-side economics at school (at a nearby junior college) and I really think what Reagan wants to do can work. We have inflation and unemployment together, and you cannot hit both at the same time. I think he is doing the right thing by getting rid of inflation and after he gets that under control, then he'll work on unemployment."

"We've been overspending and overearning for years, and now is the time we've got to pay for it," Mr. Fisher continues. "It just so happens that we're the ones who are paying, but someone has to."

John Daloni dissents. "I don't see how you make things better by giving people less. And I think less is really the motto of this administration."

But the 28-year-old Mr. Daloni, who was laid off 11 months ago, doesn't favor "make-work" federal jobs programs. "That's just throwing money at the problem and it doesn't seem to resolve anything."

Robert Schellhammer agrees, even though he hasn't been able to find regular work for over five years since Bethlehem laid him off. "Public works might be good but for how long? If it's only temporary, it really wouldn't benefit us, because it's like getting the people's hopes up for nothing."

George Poraczky, 35, takes a philosophical view of economic forces that 10 months ago cost him his job after 17 years in the Bethlehem mill. "Reagan inherited a problem that was coming for a long time," he says. "It's just the transition between the industrial, powerful nation we once were until, hopefully, we become a technological nation. I just happened to be in line to get hit as the end came."

Some of the former steelworkers blame their union as much as the companies for the industry's plight. "I'm pro-union and always have been," says Cecil Lucas, 34 years old. "Yet I see unions getting the upper hand to such a point that they're hurting union people. They're demanding too much * * * and in that sense they're destroying themselves and their people."

Joseph O'Donnell, 37, thinks controlling inflation is more important than reducing unemployment, even though he lost his Bethlehem job two years ago. "If Reagan can handle inflation, he's done something," he says. "If it takes laying people off, I guess that's what it takes."

Welfare irks all these unemployed workers, some of whom will pay as much as $1,200 for 18 months of training in a new trade. "Don't give people welfare for nothing, make them work for it," says Mr. Fisher. "If you do that, you'll see a lot of people trying to get off welfare because a lot of them don't want to work."

These men surely do want to work, and they doubtless are representative of the vast majority of unemployed persons in that respect. Mr. Fisher, for example, drives a bread truck and attends junior-college and trade-school classes, schooling himself to become a computer programmer. His wife, who will have a second child soon, works as a nurse.

These, then, are among the people here who continue to support President Reagan despite their own adversity. One can only hope that their faith in the president and his economic policies will be rewarded. They deserve it.●

A TRIBUTE TO RABBI MENACHEM MENDEL SCHNEERSON

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. O'NEILL. Mr. Speaker, yesterday I had the honor of joining with my Members of the House, as well as the President, in signing a "National Scroll of Honor" paying tribute to Rabbi Menachem Mendel Schneerson.

This is an honor of which Rabbi Schneerson is well deserving. I ask that the text of the scroll be included at this point:

NATIONAL SCROLL OF HONOR

Presented by the President and the Congress of the United States of America in tribute to the vision and spiritual world leadership provided by the Lubavitcher Rebbe, Rabbi Menachem Mendel Schneerson on the occasion of his reaching the eightieth year.

Whereas, the Lubavitcher Rebbe, Rabbi Menachem M. Schneerson, has reached the eightieth year of his life which is devoted to the service of world Jewry and humanity in general; and

Whereas, his venerated vision, wisdom and leadership have contributed greatly to the promotion of education and the betterment of mankind; and

Whereas, the President and both houses of Congress of the United States of America have accordingly recognized his accomplishments by proclaiming "Education Day-U.S.A." and National Day of Reflection" on his birthday; and

Whereas, the Lubavitcher movement, through its scores of educational centers in this country and abroad dedicates itself to preserve, protect and foster universal values that all free men hold dear; now, therefore, be it

Resolved, on the occasion of his birthday, March 25, 1983 corresponding to the 11th of Nissan 5743, we the undersigned do present the Lubavitcher Rebbe, Rabbi Menachem Mendel Schneerson, the National Scroll of Honor recognizing his brilliant achievements and wishing him health, long life and many more years of leadership to crown his celebrated career.●

PROFESSOR ROBERT MUNDELL EXPLAINS THE NEED FOR INTERNATIONAL MONETARY REFORM

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. KEMP. Mr. Speaker, Sir Roy Harrod, Keynes' biographer, called Prof. Robert Mundell of Columbia University one of the "greatest economists in the world." Lord Robbins, chairman of the court of governors of the London School of Economics, said of Mundell at the 1971 Bologna conference: "Bob—and here I lay down a sociological law—is seldom wrong. And

even when you disagree with him, you must disagree with your hat in the hand."

I join these eminent men in admiring Professor Mundell, who is the author of several books on economic and monetary theory, and adviser to many governments, central banks, international organizations, and commissions.

More than that, I emphatically agree with his proposition that in order to set the groundwork for low long-term interest rates and sustained economic expansion, we must put back together a workable and stable international monetary system. Professor Mundell persuasively argues that our worldwide wave of stagnation and financial crisis is not an enormous coincidence—it is the result of the breakdown of the Bretton Woods monetary system in 1971, the last reasonably stable international monetary order. That system had its flaws, which needed correction. But the floating-rate nonsystem has made the world economy steadily worse, not better.

While economic recovery has begun, argues Professor Mundell, "The recovery would fizzle out again if the world monetary system isn't put back into place, maybe next year or in a year and a half." Professor Mundell laid out his ideas in a recent interview with Barron's. I commend this excellent article to my colleagues.

The article follows:

RALLY 'ROUND THE GOLD STANDARD

Barron's. Bob, you were, perhaps, the first supply-sider. Certainly, one of the first academics to propose a combination of tax cuts and tight monetary policy to cure what ailed the economy a few years back. That's the policy the Reagan Administration ended up pursuing—and which gave us a pretty severe recession we're just coming out of. In retrospect, where did you go wrong?

Mundell. Well, we didn't get that policy. What we in fact got was tight money for the first year and a half, but no tax cut. Of course, then, the 1981 tax cut of 5% started in October. If my arithmetic is correct, 5% divided by 4 is 1¼, so for 1981 you got a 1½% tax cut, which was more than taken care of by the inflation rate. So people were still moving up into higher income tax brackets. The rest of the tax cut is being phased in so gradually that you only get the full 22%-23% tax cut in 1985. Now that is substantial, no question. But the tight money practiced by the Federal Reserve in 1981 and 1982 was all on one side. What I had hoped for, as I said in early 1981, was a 30% tax cut, 15% and 15%.

Q. Would that have made a difference?

A. I wanted that, in part, to reduce some unemployment and to stop what I thought was an oncoming recession. But we didn't get that, so we didn't get any fiscal stimulus. In the meantime, we've had a devastating tight money policy.

Q. Which really hurt.

A. It's affected the entire world. If you go back, the deceleration in the monetary expansion started in the middle of 1980, even before Reagan came into office. The price of gold went from $800 down to $300 in the course of two years. Well, world reserves are over half in gold, and when the dollar value of gold reserves goes down from $800 billion to $300 billion, it has a devastating deflationary effect. Then last June, July and August, there was a turnaround in the monetary policy. It began to be eased and gold shot up from $300 to $500. Now it's gone down again. There are a billion ounces of gold in world reserves. Every time you change the price of gold by $50 billion, you change the dollar value of international reserves by $50 billion. That's vastly more important than increasing the reserves of the International Monetary Fund. So, as a result of the drastic drop in the price of gold, you've had deflation throughout the entire world on a scale unprecedented even in the Great Depression.

Q. Even though we're not on a gold standard, we've suffered the consequences of the decline in the price of gold?

A. The tremendous deflation stemmed from the fall in the price of gold, and tremendous inflation will come if the price of gold shoots way up again.

Q. So its recent decline is a good omen?

A. I think it's shocking that gold's so unstable. We're on the razor's edge in the economy, in danger of shooting into either another acceleration of inflation or another huge deflation. Gold signals what happens. It's terribly important because, apart from foreign exchange dollars, it's still the basis of the international monetary system.

Q. You've been an advocate of returning to a system of fixed exchange rates based on a gold standard. Considering the volatility in the price of gold that you just referred to, isn't that an awfully risky course?

A. Well, we need a gold standard precisely to stabilize it, to make gold stable. If we had a gold standard during the period when the Federal Reserve was tightening too much, then, in the middle of 1981, when the price was shooting down, at a certain point, the Treasury would have had to go in and upset some of the tight money policies of the Fed by buying up gold. That would have been a signal to the Fed that money was being made too tight. Or, just going back three years, to when the price of gold was climbing from $200 to $800, that would have been the signal that the Fed was loosening too much, that it was too inflationary. The Treasury would have had to sell gold, reducing the reserves in the banking system, that would have stopped the inflation. So with a gold standard, we'd take off the peak of inflation and we cut off the peak of recession. Gold would operate as stabilizing force, signaling the correct monetary rule to be followed.

Q. It sounds too simple . . .

A. Since 1971, we've completely lost our rudder for monetary policy. Every year we have a new theory on what the Fed should be doing. Under the old gold standard, the Fed had one simple job to do, which was to stabilize the price of gold and that automatically meant interest rates came down during a recession and they went up during an inflationary boom. That kept things stable.

Q. But how could we have coped with the oil price shocks?

A. The European countries would have had to immediately cut their oil purchases, resulting in a quick excess supply of oil, and a recession, almost a panic type. But the OPEC countries wouldn't have been able to build up their huge bankroll of cash balances. When we expanded the money supply to accommodate the oil deficits, we built up the billions of dollars of cash that the oil exporting countries used to raise prices again, from $14 a barrel to $34. It comes down to this: nobody can succeed in an attempt to exercise monopoly power, unless there ia a monetary accommodation to it. Without that, errant behavior is punished quickly, and things come back down again.

Q. Talking about errant behavior, what about all the Third World countries that aren't paying their debts?

A. I think that all the way along, fixed exchange rates would have worked much better for all the less developed countries. Mexico, after discovering its oil, wouldn't have built up such huge dollar debts and wouldn't be in the pickle it's in today. The banks wouldn't have had the reserves to expand to the extent that they did. Mexico was a perfectly stable economy, up to 1976. For 20 years, Mexico had a peso that was worth 12½ to the dollar; their inflation rate always less than 10 percent. Then they listened to monetarists and let their exchange rate float and everything shot up. Now they are at 100 percent inflation. The same thing is true with Chile, Costa Rica, Argentina, Uruguay.

Q. Are you blaming the whole mess on bad advice from Chicago?

A. Well, no, not all. Mexico has been getting its advice from the Marxists at Cambridge.

Q. Are you still giving advice to Uruguay?

A. No. I was, up until August, and then they removed the central banker who'd gotten the inflation rate down to 10 percent and had a perfectly stable monetary policy. A few months after he left, they went on floating rates and grew from 10 percent, 12 percent, 15 percent inflation to—I don't remember the latest figure—but I imagine it's about 80 percent or 100 percent.

Q. If everything is going so well, why'd they change?

A. Well, it was hard to live in, and hard to manage policy in, a country that is suffering from the worldwide agricultural recession. There were problems with bankruptcies. It was a tough disciplinary road to follow, to keep the exchange rate down.

Q. So the cure was killing the patient?

A. What was hurting Uruguay was the Afghanistan effect. At first the Soviet invasion of Afghanistan was a great benefit to Uruguay, because the Americans put an embargo on grain shipments. So the Russians turned to Argentina with a big grain deal. Argentina got $5-$8 billion of foreign exchange in about a year and a half. And the Argentine generals and what not invested lots in the little country next door. But when that tremendous import of capital was reversed, there was a big recession. So anybody trying to stabilize the country over that period was not going to win.

Question. But didn't you say once that Uruguay was the best example of a supply-side economy?

Answer. I didn't say that, but other people did. In a sense it was, because in the late 'Seventies they had a problem with the income tax, which they eliminated and replaced with a value-added tax. And it had controlled exchange rates, a controlled monetary base, and allowed completely free capital movement.

Question. Bob, you mentioned before that we're on the razor's edge between inflation and deflation. On which side are we going to fall?

Answer. Well, we've already fallen on both. We had excessive inflation in 1979 and 1980 without question, and then we had ex-

cessive deflation in 1981 and 1982. We wanted to have the deceleration in inflation; we shouldn't have done it so quickly, though. The way to correct inflation is to tighten money to some extent. But you must supplement that with an output-expanding policy. Because the best way to bring inflation down, if there is any slack in the economy, is to expand the output of goods and services.

Question. But what we've had is declining inflation and declining output.

Answer. Yes, because we didn't have the tax cut that would have expanded supply. In order to expand supply you've got to increase employment.

Question. What about the federal deficit, Bob? There's lots of concern that tax cuts will only make a bad situation worse.

Answer. We always run big deficits, when we've had a big recession.

Question. So deficits don't bother you?

Answer. The deficit does bother me, because it's a symptom of an economy running maybe $500 billion below capacity. Half a trillion dollars worth of goods and services aren't being produced in this economy that could be produced. If you took the 11.5 million unemployed and the 30% of capacity that isn't being utilized, and put them together, GNP would be $500 billion higher. You've got an unemployed labor force in the U.S. bigger than the entire trade union labor force. You've got a GNP potential within the U.S. economy that is almost the entire production of Canada. Get that excess capacity working, tax it in reasonable measure, and you could pay those welfare benefits and buy whatever defense goodies and other things that people think are necessary.

Q. It sounds wonderful. But how do we get there? And who, or what, is going to soak up all that supply?

A. Well, you see, we've made some mistakes in the past. But by and large, I would give the Reagan Administration very high marks. At least they stopped the inflation. We can now go ahead and expand and get more out of the economy without crazy inflation. In order to do that, I would like to see them stabilize gold again, and then we need to expand the economy.

Q. But how?

A. Through a combination of measures which encourage supply by increasing incentives to employ people. What causes unemployment is the lack of incentives for entrepreneurs to employ people. You have to work to encourage employment, by making profits higher. That's why tax cuts are extremely important. But you won't get that far unless you also have enough money in the hands of the public so they can spend. Right now, the world's facing very weak markets internationally and domestically. We are in a world depression. So we have to expand the demand as well.

Q. That sounds very Keynesian!

A. Well there's a strong element of truth in Keynesianism. I'm a Keynesian, but I'm not just a Keynesian. I'm a supply-sider, as well as a demand-sider. People are beginning to buy houses again. That's fine, it's good for all of us. We need more demand in the economy. And the way you get more demand is not to increase taxes, but to decrease taxes, allowing enough room for profits to grow and making it worth hiring people. Right now, you must have expansionary monetary policy and you must have credit. You should have low interest rates and you should have a big budget deficit. I'd be happier if we had a bigger budget deficit.

Q. So you are a fair-weather supply-sider?

A. No. I'm a supply-sider, because I would always change taxes in ways that will stimulate supply. Some taxes are just nuisances because they don't gain much in the way of revenue. The corporation tax has become a nuisance tax, it doesn't produce much revenue for the government. You can't politically cut out the corporate tax, but cut it to 25 percent and you'd gain revenue, rather than lose it.

Q. How so?

A. Because you gain more employment and output. You don't gain any revenue from income taxes after the 30 percent or 35 percent level.

Q. Then what do you suggest?

A. I would like to see a major value-added tax system of, say 10 percent or 15 percent, and then an income tax system of 10 percent–20 percent on top of that.

Q. Wouldn't that be awfully regressive?

A. Our present system is even more regressive. We have 100 percent tax rate on people who are unemployed.

Q. Huh? 100 percent of zero is still zero.

A. If you are unemployed right now, or on welfare, any time you earn an extra dollar, you lose a dollar of benefits. That's a 100 percent tax rate at the margin. That's a form of stupidity. No economist would ever invent such a system. Politicians or lawyers would put that through.

Q. Okay, economist, how would your idea work?

A. If we want a progressive tax system, then we should get rid of the things that are making it very regressive. Simply eliminate loopholes: loopholes are terribly regressive. But I don't mind, particularly, whether the tax system is more regressive or less progressive, as long as the economy is producing at full capacity.

Q. What exactly does that mean?

A. I mean, this economy is so wealthy in its potential, it should not have to worry about whether it gives away $2 billion of $5 billion for a program for children. Or $2–$3 billion in research mony or if it buys a $25 billion missile or battleship rather than a $10 billion one. If reducing the budget deficit really is your principal concern, then stop producing tanks. We probably spend about $5 milion or so on each, the Germans produce one for about $2 million that's better. And if you want to get an even better one, cheaper, you could probably buy tanks from the Soviet Union for about $1 million.

Q. Bob, you started out saying that the supply-side prescription has been slow to take effect because the tax cuts were likewise slow in coming. . .

A. That's one reason, there are two.

Q. And the other is?

A. The third plank of the Republican party platform was to restore order to the international monetary system. That has a big effect on the supply-side program because that's the way to restore confidence in the dollar. Over the long run, that's the way to get interest rates down. I want to see this economy get down to not just a 4% unemployment rate but to 4% interest rates again.

Q. And the way to do that, you've said, is to return to a gold standard. But how?

A. Through an agreement among the Big Seven countries, who are meeting this spring in Williamsburg. Something on the order of the deal we had. The other countries would keep their exchange rates from moving too much against the dollar, with the Federal Reserve cooperating in that movement. And the U.S. would put a band around gold prices, not letting gold prices go below a certain amount or above a certain amount.

Q. How are you going to pick those prices?

A. I'd pick them within some reasonable range that seems to be the market trading range. What's the price of gold today?

Q. About $420.

A. At the beginning, you see, we wouldn't know exactly where the prices should be, but I would say somewhere between $300 and $600. I think we could narrow that down to, temporarily, provisionally, say, $450 and $550. Or maybe $400 and $500. And then let the market decide.

Q. Seems a pretty wide range.

A. If you put the band around the price between $400 and $500, then it's automatic that the market price will go down towards $400, the low part of the range. Because nobody would want to hold gold. So I'm afraid, on the one hand, you don't want to set it too low, and on the other, you don't want to set it too high. You have to decide how much gold the central banks want to hold. You don't want them just dumping huge amounts on the market. Or taking huge amounts off the market. You would want to have an agreement that takes into account how much gold Saudi Arabia wants to hold. And the European countries. You don't want everybody dumping all their gold on the United States.

Q. The Big Seven haven't even been able to agree on coherent statements about their problems, at summit meetings of late.

A. Well, they haven't known what to do and the U.S. is mainly at fault. It has not developed any important monetary leadership.

Q. Even if the U.S. tried to lead, who would follow?

A. I think the U.S. would now find a sympathetic audience in Japan and in Europe for a gold stabilization agreement. But before we'd get that, we'd have to get people on the U.S. side, as negotiators, who at least know the arguments on both sides; people who aren't ideologues who just go on saying the same things without listening to informed opinion. We haven't had that in this Administration.

Q. Why not?

A. I think that, looked at objectively, while the Reagan Administration gets good marks for the first steps it's taken toward improving the monetary system, it's not enough. They haven't done any more than their predecessors on the international side; they get bad marks there. But they get high marks for having stopped inflation. Probably, their timing on that wasn't appropriate, given the fiscal arrangements, but they've at least stopped inflation and got the stage set for a healthier recovery.

Q. Are you bullish about the recovery?

A. I have to say that I'm cautiously optimistic about the economy, but in the short run, rather than the long run.

Q. Why is that?

A. Because I don't think we've made the big structural adjustments to the economy. I think we are going to have an inventory boom now. I think we are going to get people running out of inventories and they will want to put more inventories on the shelf and so we'll expand production, but it won't be lasting. The only structural thing, apart from electronics, that seems to be new is defense systems. And I don't think that is going to carry the economy through the 'Eighties. We need sustained recovery. I'm

rather optimistic that the job can be done. But so far, it's just been half done.

Q. So it might stall out in a year or two?

A. The recovery will fizzle out again if the world monetary system isn't put back in its place, maybe next year or in a year and a half.

Q. What would you do about the LDC debts?

A. Well, the best thing we could do for the LDCs would be to restore full employment in the West and buy more of their goods and services. And then the LDC debt won't appear so large. It's only because they can't sell what they are capable of producing, that they are having serious problems. Now, we can do a lot through banking and financial institutions to help these countries fund their debts. We can do that through world central banks. But as you know, funding and restructuring debts are not true solutions. Basic adjustments only come through getting those economies back in the state where they are producing much more.

Q. Bob, one of the objections to returning to the gold standard is that the Soviet Union and South Africa are the major producers of the stuff. Wouldn't we be dependent on them for making decisions on how much gold comes on the market?

A. Well, we may need some kind of stabilization from a gold pool, a gold-buying authority. We don't need more physical gold in the international monetary system. And, I don't recommend it, but if new supplies got to be a very serious problem, we could put a tariff on gold. But, the Soviet Union and South Africa's interest are too tied up with getting good prices for their gold, to upset the market for political reasons. They are interested in their gold as a commercial venture. The Soviet Union has always taken a very hard-nosed capitalistic line toward this important industry. And the Soviet Union doesn't have all that much gold, maybe 5% of current production.

Q. Bob, your calls for a return to the gold standard or for fixed exchange rates seem to be falling on deaf ears in Washington these days.

A. I don't accept the idea that it doesn't have much of a political constituency.

Q. What happens if nothing happens?

A. Flexible exchange rate monetarism may win out for another few years in the United States. It may be that if this Administration doesn't adopt a policy of stabilizing the exchange rate, it will become an issue in the 1984 Presidential campaign. Somebody else is certain to bring it up as an important part of their own platform. They'll make political hay out of it.

Q. Why?

A. If we go on muddling through, the unemployment rate won't respond except sluggishly to the inventory boom. There will be great pressure on the Fed to expand. And the Fed will probably do it. A year and a half before the election, we'll rev things up again and we'll get back to a new inflation. Interest rates will push up again and all the pain—we've paid a heavy price to wring inflation out of the system—will be for naught. If we don't go to a stable international monetary system, we'll go back to more inflation and this time it will be far worse than ever before.

Q. Go on . . .

A. Once it's perceived that there is going to be no control over future monetary policy, once it's perceived that the current Administration policy has been unsuccessful in permanently stopping inflation, then expectations will shoot up again, interest rates will come back and we'll move to the wrong policies. We will have people trying to raise taxes to balance the budget and expand the money supply to increase employment—which is the policy mix that got us into the trouble we are now in.

Q. Cheery note to end on. Thanks, Bob.●

INTRODUCTION OF QUANTIFICATION BILL

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. SWIFT. Mr. Speaker, I am introducing legislation, H.R. 2370, to be known as the "Broadcasting Public Responsibility and Deregulation Act of 1983." The bill has two basic goals: First, it would for the first time quantify the public interest standard so that both the public and broadcasters know exactly what the broadcasters' responsibility is. Second, it will broadly deregulate radio and television in the United States. These two aspects of the bill go together. In fact, the first justifies the second.

In the decades since broadcasters were first awarded licenses to serve "in the public interest, convenience and necessity," that familiar but ambiguous phrase has caused a great many problems. The Congress has, because of First Amendment considerations, refused to empower the FCC to be very specific. No one wants the FCC to dictate programing policies and content.

The FCC has, therefore, attempted to give guidance to broadcasters and assure compliance with the public interest standard by developing a host of regulations which are supposed to indirectly encourage the broadcaster to serve the public interest.

Frankly, this approach has been a failure. Even with the layers of regulation, FCC policy is sufficiently vague that the broadcaster who defines the public interest only very narrowly or chooses to sidestep public interest responsibility, has been able to get away with it. It is also unconvincing to credit these regulations for the superior performance of broadcasters who have taken the public interest responsibility seriously and have worked hard to provide quality service to their listeners and viewers.

To suggest that all this regulation would have worked better had it been more rigorously enforced is, I think, wishful thinking. Forty years is long enough to learn how this approach works or fails to work.

On the other hand, there are those who say that the public interest will be served, even if the public interest requirement were repealed. That is also hard to swallow. The lowest common denominator effect would, in most markets, penalize the broadcaster who continued to produce expensive public service programing and reward the operator who pumped out only mass entertainment to the community.

The legislation I am proposing would maintain the public interest responsibility of all broadcasters, but quantify it so that the performance can easily be measured by the public. The questionable and complex regulations now in place can be replaced with a single standard.

Some are skeptical that the broadcaster would continue to have a commitment to public service under this system. I respond that those who are not now giving full commitment will probably not under this standard, but they will at least have some unfudgeable requirement they must meet. The conscientious broadcaster will be freed from much pointless paper pushing and will also gain substantially greater flexibility in how he can go about serving his community.

Both the public and the responsible broadcaster gain.

Last Congress, I introduced a bill with similar purposes. However, it defined a specific way of quantifying the public interest standard. The particular mechanism I proposed drew so much attention that the basic purposes of the bill were sometimes lost. In this version, the FCC is simply required to develop a quantification method. There are any number that can be considered.

One of the most positive aspects of this bill is that it strips away the variety of program categories that the FCC has established and replaces them with two broad types of programing that qualify for public interest credit.

The first is traditional—informational programing. This can be news, but it can be so much more.

The second is "local" programing. Just "local."

The primary difference between licensed over-the-air broadcasters and other means of delivering programing to the homes of America is that broadcasters have the unique capability to be local. The responsible broadcaster works hard to reflect and to serve his community. Localism is an essential character of our commercial broadcasting system in the Nation.

"Local" programing is at the heart of that commitment to serve the public.

Some will note that by my definition the "local" programing could be entertainment. That's true. But, if it presents to the community music or drama or variety that is homegrown and good enough to make it worth a broadcaster's while to present it—why not?

The bottom line is simple: What is there a local station could broadcast that was locally produced that would

not serve its community. If there is nothing, there is no reason to define the public service responsibility any more narrowly than local programing.

Add to that informational programing, whether locally produced or selected from other sources, and you have a good working definition of the kind of programing that justifies continued licensing of local broadcasters.

There are other proposals now being offered that will, effectively, either repeal the public interest standard, let broadcasters buy their way out of the responsibility for public service or, at least, take away what teeth there are that do assure some recognition by broadcasters of the need to serve the people in their area. These are offered in the name of deregulation or diversity or adequate competition and so forth.

The fact is that nothing exists nor is anything foreseeable that can do for a community what the broadcaster can do. Other technologies can, in their unique ways, also serve their public, and they should. But they cannot do it the same way—nor can they do the same thing.

What I propose would eliminate many useless regulations and streamline the process while preserving the public interest standard as part of the broadcast system in America. I look forward to further exploration of this approach in hearings before the Subcommittee on Telecommunication, Consumer Protection and Finance.

The following is a section-by-section discussion of the bill:

SECTION-BY-SECTION ANALYSIS—BROADCASTING PUBLIC RESPONSIBILITY AND DEREGULATION ACT OF 1983

Section 1 is the short title of the bill.

PUBLIC RESPONSIBILITY REQUIREMENTS LICENSE RENEWAL

Section 2 creates two new provisions to the Communications Act of 1934: eliminating comparative renewals and quantifying the public responsibility of broadcast station licensees.

Section 2(a) adds a new paragraph to section 309(a), establishing a "two-step" license renewal process, with renewal applicants considered separately from and prior to any competing applicants, thus eliminating the requirement to consider competing applicants at the same time as an incumbent applicant. The FCC is required to grant renewal if the license holder has, during the most recent license period, 1) operated without serious violations of the Communications Act, FCC rules and regulations; and 2) has met the public responsibility standard that the bill requires to be established. A license could be renewed if the only failure to meet the public responsibility standard was technical, minor or insubstantial. The language "serious violations" could allow the FCC enough discretion that it is not forced to deny a renewal for either minor violations or a single serious violation if denying the application would not be in the public interest. Only after denying a license renewal could the FCC begin to accept other applications for the station.

Section 2(b) adds a new section 331 to title III. It requires the FCC to establish an objective measurement of the amount of local and/or informational programming broadcast by stations. And, within 18 months of the date of enactment, to establish the quantity of "qualifying programming" required annually.

Qualifying programming is defined in subsection (a) as either 1) produced by the station (local); or 2) informational programming such as news, public affairs, and so forth, whether produced locally or not.

Subsection (b) requires the FCC to establish an objective measurement of qualifying programming broadcast annually by stations.

Subsection (c) requires that the FCC, within 18 months of the date of enactment, establish the quantity of qualifying programming required annually. The FCC may set different standards for different types of stations, such as different standards for radio and TV; different ones for AM and FM; for UHF and VHF; network affiliates and independent stations; and so forth.

Subsection (d) states that the FCC cannot require any specific type of program; any type of format; or any ratio or specific combination of types of programs; and, it cannot give additional weight to specific types of programs.

It also provides that any station which is unsure whether it has complied with the rules correctly can request that the FCC review its case and issue a declaratory judgement. This ruling would be binding on the FCC to the extent that stations relied on the FCC advice.

It further provides that no changes to the standard could take effect sooner than one year following adoption of the changes.

Subsection (e) requires that each stations must certify to the FCC annually that its qualifying program is sufficient to be in compliance with the public responsibility standard. The FCC is prohibited from requiring any other regular reports on programming practices. However, stations must keep sufficient records to enable them to demonstrate that their performance has been sufficient to meet the public responsibility standard. Such records must be open to the FCC and open to the public during business hours.

Subsection (f) allows the FCC to investigate on its own motion whether a station has complied with the public responsibility standard and requires that it determine the validity of an allegation by another party that a station has not complied with the standard.

Subsection (g) states that stations which fail to comply with the public responsibility standard are subject to a civil fine set by the FCC and allows the FCC to reduce assessed fines to either prevent a station from going bankrupt or for violations that are minor or technical in nature. It states that any station which fails to comply with the public responsibility standard three times in a period of five years shall have its license revoked. It further provides criminal penalties for persons who knowingly falsify records or documents required under the public responsibility section.

RADIO AND TV DEREGULATION

Section 3 affirms the FCC decisions deregulating radio and extends similar deregulation provisions to television. Specifically, the FCC cannot require ascertainment; limit the length or number of commercials; or have requirements on how program logs and related records are kept.

LONGER LICENSE TERMS

Section 4 extends license terms for both radio and TV to 10 years.

SHORTER APPLICATION PROCESS

Section 5 shortens the time required to begin operating a new broadcast station by allowing a joint application for the construction permit and initial station license. Presently, this requires two consecutive applications and two reviews of the entire case by the FCC. This provision eliminates the second review which otherwise takes place after the station is built but before it begins to operate.

SHORTER WAITING PERIOD

Section 6 shortens the time required for all applications filed with the FCC by starting a required waiting period on the day the application is received by the FCC rather than when it accepts it for filing.

PETITIONS TO DENY

Section 7 eliminates petitions to deny a license renewal.

EXEMPTIONS TO EQUAL TIME SECTION 315

Section 8 extends the present news coverage exemptions of Equal Time (Section 315) to virtually any political coverage by stations, other than paid advertisements. Presently, Section 315 does not apply to four categories of programming: Newscasts; News interviews; News documentaries in which the appearance of a candidate is incidental to the subject; and, On-the-spot coverage of news events (including political conventions).

Legislative history and court decisions have limited the application of the second exemption to regularly scheduled programs that normally interview newsworthy guests—programs such as Meet The Press, Face The Nation, etc. Stations cannot, without triggering equal-time requirements, interview candidates on specially scheduled programs or during entertainment programs that interview newsworthy guests from time to time.

The bill extends the second exemption to discussions and debates and removes the requirement that they be regularly scheduled programs. This allows stations to arrange their own debates without using outside groups to organize them—such as the National League of Women Voters does during presidential elections—and allows stations to schedule candidate appearances on special election coverage programs.

Additionally, the bill allows stations to broadcast documentaries about candidates and races—which they cannot now do—by removing the requirement that the candidate's appearances be incidental to the subject of the documentary.

No changes are made in the requirement that stations provide equal time at equal rates for paid political advertising. No changes are made in the requirement that programs be bona fide news before they are exempted from Section 315 requirements. And, no changes are made in the Fairness Doctrine or the requirement that all political coverage, whether exempted from 315 requirements or not, must still meet the Fairness Doctrine requirements.

EFFECTIVE DATES

Section 2 is effective on the date of enactment. Sections 3 to 8 become effective when the public responsibility standard, required under section 2, takes effect and is no longer subject to administrative or judicial review.●

DEMOCRATIC BUDGET

HON. ED BETHUNE

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. BETHUNE. Mr. Speaker, one would think that a party would be proud of its philosophy and proud of its ideas. Instead, we have a major party in this country that seems ashamed of its budget proposal. The apologetic statements, the convoluted explanations of Members who are going to vote the party line, the strained and contradictory posturing of Members who will vote one way in Washington and talk another way back home are all symptoms of a party that is bankrupt of ideas, but is trying to hold its political coalition together.

For 2 years, the liberal Democrats have stood on the sidelines of Government booing and criticizing the attempts by some of us to solve the long-standing economic problems of the Nation. The Democrats have relished every indication of economic malaise while cynically and coldly claiming to show concern for the suffering in America. They have perversely cheered poor economic numbers. They cruelly scared the bejeebers out of our elderly citizens by demagoging the problems in our social security system.

Sadly, these tactics enhanced the Democratic majority in the House of Representatives in the last election. With their increased majority, Democrats now have the opportunity to offer alternative programs for solving the Nation's ills. This should be their shining hour to show off their new version of American government. For as long as they want it, center stage is theirs to describe in every detail how they would redirect the Nation's policies. They could endlessly compare their new ideas with those of this administration and show us how they can do things better.

What we find is that the Democratic alternative has been embodied in one document—the so-called Democrats' plan for economic recovery. One would think that as politicians they would seize this opportunity and take the time to painstakingly describe their plans. But there will be no long, studied explanation of their budget; they have chosen to push it through in 6 days, practically under cover of darkness. When the document is scrutinized, it becomes clear why they do not want much publicity.

In the short term, the Democrats' budget would: increase taxes $30 billion in fiscal year 1984; increase domestic spending $45 billion in fiscal year 1984; increase the budget deficit $8 billion in fiscal year 1984; and decrease defense spending $10 billion in fiscal year 1984.

The Democrats have argued that defense spending needs to be cut in order to reduce the deficit. But their budget increases the deficit by $8 billion while cutting $10 billion from defense.

In the longer term—through 1988—the effects are staggering: $181 billion increase in domestic spending; $315 billion tax increase; and $203 billion cut in defense spending.

Through 1988 $2 out of every $3 of combined revenue increases and defense reductions are allocated to increased domestic spending—not lower deficits.

Compared to the President's Budget

1984 to 1988:	
Combined tax increases and defense cuts (billions of dollars)	277
Higher domestic spending (billions of dollars)	+181
Percent allocated to higher domestic spending	65

The Democratic budget proposal is so bad that I do not blame Speaker TIP O'NEILL and his cronies for trying to ramrod it through the Congress in record time. Members will recall that this plan only surfaced March 16 in the Democratic-controlled House Budget Committee, and now it has already gone through Budget Committee markup, Rules Committee, and has made it to the House floor in less than a week, being passed on March 23.

MASSIVE TAX INCREASES

Their budget calls for $30 billion in new tax revenues in 1984. This amount could only be realized by repealing both the third year of the tax cut and the indexing of tax brackets. Repeal of these provisions would be senseless and counterproductive and, as the Congressional Budget Office recently reported, prolong the recession and dampen any recovery.

Repeal of these provisions would be most burdensome on the average working people of the country. These repeals would result in a 24.3-percent tax increase for workers earning less than $10,000; a 15-percent tax increase for those earning between $10,000 and $50,000; and only a 3.1-percent increase for those earning more than $200,000.

Seventy-two percent of the tax increase from a repeal of the third year and 78 percent of the tax increase from repeal of indexing would be paid by taxpayers earning less than $50,000. Only 1.6 percent of the tax increase would be paid by those earning more than $200,000.

Low- and middle-income taxpayers would bear the brunt of the tax increases called for in this budget. The repeal of the third year and indexing would cost the typical, middle-income family of four $1,061 in higher taxes over the next 3 years and $3,549 in higher taxes through 1988.

For months the Democrats have touted the administration's tax reforms as "unfair." This budget proposal reveals the hypocrisy of the "fairness" issue. Eighty-five percent of the tax cut due to the 1978 capital gains tax reform and the reduction of the top marginal tax from 70 percent to 50 percent went to taxpayers earning more than $50,000. The Democrats have proposed no changes in these areas. In contrast, the Democrats have proposed total repeal of both the third-year rate cut and indexing. Seventy-four percent of the benefits from these reforms, if left untouched, would go to families earning less than $50,000.

Perhaps the most alarming aspect of the Democrats' tax proposal is the proposed constant growth in the percentage of GNP that Federal taxes will absorb. Under the Democrats' budget the Federal Government's tax share of the GNP will reach record levels.

Receipts as percent of GNP

Year:	
1950–54	17.2
1955–59	17.2
1960–64	18.0
1965–69	18.8
1970–74	18.9
1975–79	19.1
1984 President	18.9
1984 Democrats	[1] 19.7
1985 Democrats	[1] 20.9
1986 Democrats	[1] 20.1

[1] Above historical levels.

This document was custom made to fit the wish list of every Democratic Congressman. Every Democratic Member was polled before the proposal was put together. The end document is a clear reflection of what they would do if they controlled the White House and the Senate—other body.

The massive increases in taxes asked for by the Democrats are bad enough when viewed alone. One could be tempted to say that they were misguided economic plans to reduce the budget deficit. But they are worse than that. Billions in taxes are needed to finance the creation of new spending bureaucracies and the enormous growth of existing programs.

CREATION OF MAJOR NEW SPENDING INITIATIVES

While the rest of America has been calling for less government, the Democratic budget calls for creation of huge, new, permanent, bureaucratic programs. This program includes a $9 billion public works program, a $7.5 billion foreclosure assistance program, and $14.4 billion for a National Industrial Development Bank. Of the amount for the National Industrial Development Bank, $14 billion is off-budget, and the Democrats' deficit must be adjusted upward a corresponding amount. The total new spending that the Democrats call for is $50 billion on new programs.

1983–88 cost

Program	*Billions*
Foreclosure aid:	
Farms	$1.7
Mortgage aid	[1] 5.8
Health insurance for the unemployed	5.4
Emergency public jobs	9.0
Science and R&D initiative	7.5
Agricultural export promotion	0.8
National Industrial Development Bank	[2] 14.4
Child health assurance program	5.4
	50.0

[1] HBC prices this initiative at a one-time cost of $760 million; their estimates assume assistance for 76,000 families, or 170 in each congressional district. Pricing above based on more realistic assumption of 3-year program with first-year level of 400,000 aided.

[2] Includes $14 billion in off-budget credits.

It is understandable then that they are pushing this through as quickly as they are. This proposal is so contrary to what the American people want that the Democrats know that it would fail miserably if it were to see the light of day.

People do not want more spending, and the Democrats' budget proposal calls for more spending. People do not want more taxes, and the Democrats' Budget Committee proposal calls for more taxes. Last year the Democrats promised that if the President would go along with their tax increase ideas, that we would get 3 dollars' worth of spending cuts for every dollar's worth of tax increase. This proposal shatters that idea and is a complete breach of promise by those who pushed for the tax increase last year. Now they clearly want to go back to the tax-and-spend, tax-and-spend practices of the past.

The enormous increases in spending under the Democratic budget are not entirely through the creation of new programs. Spending is increased through other means.

ABANDONMENT OF ESSENTIAL REFORMS OF ENTITLEMENT PROGRAMS

Runaway entitlement spending was and remains a major cause of our current fiscal dilemma. Over the past few years, almost every politician has paid lip service to the need for reform of entitlement programs. And, during the past 2 years, some progress was made in addressing these problems. However, not only does the Democratic budget reject further implementation of reforms, but it repeals the reform already implemented. By rejecting administration attempts to reform entitlement programs, $5.6 billion has been needlessly added to the fiscal year 1984 deficit, and over $71 billion will be added through 1988. The cost of undoing the repeals already implemented by this administration, will cost $9.6 billion through 1988.

The total cost of the Democratic budget proposal on entitlement program reform will be over $80 billion through 1988.

ENTITLEMENT ADD-ONS

[In billions]

	1984	1985	1986	1987	1988	Total
Add-on due to repeal of 1981–82 entitlement reforms	+1.6	+1.7	+2.1	+2.1	+2.1	+9.6
Add-on due to rejection of proposed entitlement reforms in fiscal year 1984 budget	+5.7	+10.3	+13.1	+18.8	+23.2	+71.1
Total add-on	+7.3	+12.0	+15.2	+20.9	+25.3	+80.7

DOMESTIC SPENDING SPREE

The Democratic budget proposals include a massive spending spree. This spree would increase nondefense outlays by $181 billion through 1988.

1984	+29
1985	+33
1986	+35
1987	+40
1988	+44
Total	+181

Part of the increase in nondefense spending is due in part to huge 1983–84 additions for "pump priming" appropriations. Compared to the President's budgets for fiscal year 1983–84, these programs will increase spending as follows:

	Millions
New make-work jobs	+$9,550
Emergency jobs supplemental plus 1984 extension	+8,048
Increased housing funds	+18,292
New programs of unemployed, health benefits, mortgage relief, science, research and math, farm export aid and national development bank	+8,020
Increased revenue sharing	+1,700
Other appropriation add/ons	+12,171
Total 1983–84 add-on	+$57,781

In addition to these "pump-priming" appropriations, the Democratic budget calls for across-the-board increases for major social spending categories. Compared to the President's budget, this new spending would result in $114 billion in additional spending through 1986.

[In billions]

Function	1984		1985		1986		1984–86 total	
	BA	Outlays	BA	Outlays	BA	Outlays	BA	Outlays
Community and regional development (450)	+2.1	+1.2	+5.6	+3.2	+5.6	+3.9	+13.3	+8.3
Education, training and social service (500)	+13.6	+7.5	+8.3	+6.4	+9.0	+8.2	+30.9	+22.1
Health (550)	+4.2	+5.8	+3.6	+7.5	+5.1	+7.8	+12.9	+21.1
Income security (600)	+24.5	+6.2	+18.5	+6.1	+13.8	+5.9	+56.8	+18.2
Total social program add-on	+44.4	+20.7	+36.0	+23.2	+33.5	+25.8	+113.9	+69.7

In addition, throughout the Government, the Democrats would almost restore programs to their Carter administration levels.

Program	1981	1984 budget	Democratic plan	Add-on
(1) Legal services	321	.....	296	+296
(2) Energy conservation grants	430	.....	431	+431
(3) EDA	476	.....	399	+399
(4) Public libraries	84	.....	80	+80
(5) Appalachian development	85	.....	75	+75
(6) Juvenile justice	100	.....	73	+73
(7) Health planning	115	.....	57	+57
(8) Subsidized housing	24,840	−2,319	14,394	+16,713
(9) Employment and training	7,574	4,281	8,925	+4,644
(10) Compensatory education	3,112	3,014	3,830	+816
(11) REA subsidized loans	1,100	575	1,100	+525
(12) DOE energy R&D	2,719	2,566	3,232	+666
(13) Low-income energy aid	1,850	1,300	2,250	+950
(14) Vocational rehabilitation	954	1,037	1,177	+140
(15) Older American Act	986	898	1,003	+105
(16) Mass transit operating aid	1,105	275	875	+600
(17) Postal subsidies	1,343	400	879	+479
(18) Land and water conservation aid	319	65	257	+192
(19) Agricultural conservation subsidies	222	56	212	+156
(20) SBA direct loans	333	41	400	+359
(21) Community action agencies	525	.....	395	+395
(22) Watershed program	193	97	198	+101
(23) NOAA operations	776	816	958	+142
(24) Education block grants	614	479	606	+127
(25) Extension service	304	287	340	+53
(26) Historic preservation	26	.....	26	+26
(27) Rural housing	3,950	1,158	4,164	+3,006
(28) Grand totals	54,456	15,026	46,632	+31,606

RADICAL DEFENSE SPENDING CUT: $203 BILLION AUTHORITY REDUCTION OVER 1984-88 WOULD PUT DEFENSE FUNDING BELOW CARTER LEVELS

To pay for this reckless return to big spending as usual, the Democratic plan bases national security funding on 1 minute of computation by a hand calculator. The proposed 4 percent real growth per year for defense sounds significant. However, compared to actual defense needs and the cost of meeting Soviet threats, as provided for in the President's budget, a staggering $206 billion reduction from the President's request would result from the Democratic plan:

Defense authority cut from President's request

	Billion
1984	−$16
1985	−39
1986	−47
1987	−49
1988	−54
Total	−206

Contrary to Democratic claims, the proposed draconian defense cut does not result in one dime of deficit reduction. The entire proposed 1984-86 defense cut is reallocated to huge add-ons for major social spending functions in the budget:

CHANGE TO PRESIDENT'S BUDGET

[In billions]

	1984		1985		1986		1984-86 total	
	BA	Outlays	BA	Outlays	BA	Outlays	BA	Outlays
Social spending functions (450, 500, 550, 600)	+44	+9	+35	+23	+33	+26	+114	+69
Defense function	−16	−10	−39	−26	−47	−37	−102	−73

The Democratic plan results in defense funding for 1984-86 that is below the inadequate Carter 5-year defense plan for 1982-86:

[In billions]

	1984	1985	1986	Total
Last Carter budget	238	268	300	806
House Democratic plan	235	256	284	775
Cut from Carter budget	−3	−12	−16	−31

If this defense reduction is taken across the board, it would be necessary to: deactivate 1 Active and 1 Reserve Army division; decommission 1 carrier battle group and almost 30 other ships; deactivate 3 Marine Corps fighter squadrons, 2 Active and 2 Reserve Air Force tactical fighter wings and 6 continental U.S. air defense squadrons; reduce readiness funds for spares and repairs, and combat funds for ammo, as well as canceling several major weapon systems for each service.

Or if funds for manpower, force operations and readiness are protected, a devastating one-third reduction in our forces and replace obsolete equipment would result in forcing wholesale cancellation of major weapon systems such as: the Air Force F-15 fighter aircraft, the Marine AV-88 aircraft, ASW helicopter, 25 naval ships, the Army Bradley fighting vehicle and AH-64 attack helicopter, and the MX Peacekeeper missile, effectively abandoning the land-based leg of our strategic triad.

Democratic Members who intend to vote for this bill, but who are apologetic and who worry about how it might go down with their constituents at home, are already talking out of both sides of their mouths. The intent is plain. They are going to do what they have been doing for years—vote liberal in Washington and go home and sound moderate or conservative. Well, let the record be clear that this is the last day that those Members will have to worry about that.

I say to my friends on the Democratic side: Do not waste any more time. Do not strain yourself trying to have it both ways and worry about how your constituents back home might catch on to your act. We on this side are going to be certain that people back home know that you voted for this resolution. We are going to be certain that the people back home know what is in this resolution. We are going to be certain that the people back home know that you are not a conservative; in fact, you are not even a moderate. We on this side are going to be certain that the people back home know that you are a liberal, that you do not believe in a strong national defense, that you are a servant of the national Democratic Party, and that the national Democratic Party is in favor of the approach that you have voted for.

So do not be apologetic. Do not try to vote liberal, but sound conservative or moderate. Do not anguish over the fact that your constituents might call you a liberal; stand up and be counted; be proud of this budget, embrace the national Democratic tax-and-spend proposal; ask your party leaders, ask the Speaker to give you more time so that we can slowly and deliberately debate this budget so that you can proudly show the lower and middle income taxpayers how you intend to increase their taxes so that you can resume your spending plans of the past. Show everyone in the military how you intend to cut national defense so that you can continue your naive vision of the world. Spend a lot of time telling people in the financial world how you intend to experiment with credit controls, Reconstruction Finance Corporations, National Industrial Recovery Acts, and other liberal policy choices. Tell people at the State and local level and in private institutions how you intend to gather more and more power for Washington so that you can promulgate more and more regulations to interfere with the work that they are trying to do at the State and local level.

Do not rush this budget through under cover of darkness. Let us see the light of day.

You might as well because if you vote for the Jones budget, you can no longer deny that you are full blown, 100-percent unadulterated practitioners of liberal national Democratic policies that mean more and bigger government.

The day you voted for this budget, March 23, is the last day you can claim to be anything else.●

HATS OFF TO JIM MARION

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mrs. SCHROEDER. Mr. Speaker, to all those who complain that there are no modern day heroes, I would like to submit to them the following New York Times story. I think it is comforting to know that there are people who still follow their conscience.

[From the New York Times, Mar. 13, 1983]

TENSION BUBBLES IN THE BUREAUCRACY

(By David Burnham)

WASHINGTON.—In the view of some authorities, the resignation last week of Anne McGill Burford as head of the Environmental Protection Agency raised the question of whether President Reagan's promise to reduce the burden of Government has led some of his lieutenants to ignore the lawful mandates of Congress.

At a news conference on Friday, Mr. Reagan praised Mrs. Burford's record of

protecting the environment while working with a sharply reduced staff and budget. "That was what we came in here to do—to make Government more efficient, to eliminate waste and extravagance," he said.

But with an apparently increasing frequency and intensity, the career employees of a broad range of Federal agencies have come to believe that the budgetary and other restrictions imposed by the appointed members of the Reagan Administration have undercut programs that were formally authorized by past Congresses and signed into law by past Presidents.

This belief was central to the decision of Hugh B. Kaufman, a career engineer in the E.P.A., to attack the actions of Mrs. Burford and Rita Lavelle, his two former bosses. It also is the foundation of most of the current House investigations of the agency.

Mr. Kaufman has counterparts in other agencies. James P. Marion Jr., a Labor Department lawyer who was well thought of during his 10-year career there—he very recently won a special merit bonus and a promotion to deputy associate solicitor for employment and training—quit his $56,524 job two weeks ago. It was a rare action for a career employee of the Federal Government, and Mr. Marion said he did it as a protest against the management of Labor Secretary Raymond J. Donovan. "I do not want to work another day amidst the unproductive destructiveness which now pervades much of the department," Mr. Marion wrote in his brief resignation letter.

"It wasn't one particular matter that triggered my decision," he said in an interview last week. "But day after day, the attitude was conveyed by the top political appointees that they were not particularly interested in carrying out the programs mandated by law."

The Labor Department dismissed Mr. Marion's criticism. "Ray Donovan has almost 19,000 people working for him and it's not surprising that one of them is going to be disgruntled," said Michael Volpe, Mr. Donovan's press spokesman. "I haven't seen any of the other 18,000-plus making such complaints."

AN OLD CONFLICT

Other career workers have chosen to wage the same battle anonymously. Four months ago, two employees of the National Highway Traffic Safety Administration became convinced that Raymond A. Peck, the head of the agency, had decided not to force the General Motors Corporation to repair the brakes of its 1980 X-cars even though tests showed they were seriously flawed.

The two engineers approached a reporter with several documents, including the results from one of the secret tests. When Mr. Peck was asked about the matter he denied that his agency was improperly carrying out the law. Shortly after an article appeared in The New York Times, his agency ordered the recall of 320,000 X-cars.

Conflict between the civilians who work for the Federal Government and the top officials Presidents appoint to direct the departments and agencies has long been a part of national life. "There always is hostility between the political appointees and the civil servants," said a mid-level career official in the Department of Housing and Urban Development.

A career public information expert at the Department of Health and Human Services recalled a recent occasion when he wondered aloud during a casual hallway conversation how the official inflation rate could decline at the same time there had been such huge increases in his gas bill. "A friend, an old dyed-in-the-wool Republican, hushed me up with a warning that this was not the time to question the Administration," he said. "I don't think I remember a time when civil servants have ever been so insecure.

Concerns about some of the Reagan Administration actions have been voiced by critics who are somewhat removed from the immediate battles.

In July, Federal District Judge Harold H. Greene issued a temporary injunction against proposed regulations that substantially reinterpreted two long-established Federal labor laws. "It is not for the Court to judge whether the basic policy decision to prefer wage floors over expense to the Government was wise or is wise," Judge Greene wrote. "More to the point, it is not for the Secretary of Labor or his subordinates to make that judgment. Under our constitutional system, policy decisions are not made by Government administrators; they are made by the Congress."

Even some members of the Reagan Administration are concerned. In December, for example, the Merit System Protection Board, two of whose three members were appointed by the President, issued an annual report that reviewed how the Federal Office of Personnel Management was handling the civil service.

"Wholly aside from the questions of whether and what national policy changes are desirable or necessary," the report stated, "and conceding that some change and stress on the merit system are facts of national life, we believe that the Office of Policy Management, the President and the Congress must nevertheless be concerned with this question: Does the merit system have a point of 'metal fatigue,' a point at which the critical elements in the alloy of its human capital fails and the framework of continuity collapses?"●

CHILD SUPPORT ENFORCEMENT REQUIRES CONGRESSIONAL ATTENTION

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. BIAGGI. Mr. Speaker, today, title 5 of the Economic Equity Act (EEA) was introduced. This measure contains two separate bills authored by my colleagues, Mrs. KENNELLY and Mrs. SCHROEDER, on child support enforcement. As a cosponsor of both bills as well as the comprehensive EEA package, I would like to address my remarks to the importance of child support enforcement as an issue critical to the agenda of the 98th Congress. These bills as well as H.R. 216 introduced by my colleague, Mr. LONG, and H.R. 1014 my own bill, need to be heard and acted on in a timely manner. I believe that these four bills in a very real sense represent the lives of 8.4 million women with over 13 million dependent children whose lives depend upon the collection of child support payments.

With the introduction of title 5 of the EEA complementing H.R. 216 and H.R. 1014 awaiting House action, I hope the time has come for we in Congress to undertake a critical examination of several major issues: First, the Federal and State role in the collection of child support payments; second, a thorough consideration of the deficiencies of existing Federal and State legislation; and third, a comprehensive examination of judicial and administrative procedures that contribute to a national rate of noncompliance with child support agreements that exceeds 50 percent.

The Office of Child Support Enforcement (OCES) has been in existence for 7 years. However, Congress has not yet seen fit to exercise its right and I daresay its responsibility to initiate a forum on the implementation of the OCES program. The need for a congressional forum to examine the lack of child support enforcement and to be cognizant of its devastating effects on the lives of millions of women and dependent children was a strong recommendation of the National Council of State Child Support Enforcement Administrators in its 1983 status report. In general, the report calls for "a move from a passive to an active State system" and recognizes the fact that "emphasis needs to be on collection." Specifically, the report includes several recommendations to Congress: First, "a congressional oversight committee should be established to study the ongoing needs of children deprived of child support"; second, "initiation of congressional hearings to provide an opportunity for an analysis of the Nation's child support network and recommendation for program enhancement"; third, "legislation must be passed requiring States to have mandatory wage assignments for child support payments", fourth, "legislation must be passed requiring States to provide for an administrative or quasi-judicial system"; and fifth, "legislation must be passed requiring States to provide for offset of State income tax refunds."

The introduction of title 5 of the EEA as well as H.R. 216 and my own H.R. 1014 provide Congress with the opportunity to act on the recommendations of practitioners as represented by the National Council of State Child Support Enforcement Administrators without further delay.●

RULES ON NETWORK FINANCIAL INTEREST

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. WAXMAN. Mr. Speaker, yesterday I was joined by 40 House colleagues in introducing legislation, H.R. 2250, to continue in effect for at least

5 years the Federal Communications Commission rules on network financial interest, syndication, and prime-time access. These rules are essential in the effort to promote competition and diversity in the television industry.

Today the Washington Post printed a thought-provoking article by Tom Shales, its esteemed television critic, entitled "Prime-Time Power Plays" which addresses this issue. For the benefit of those who may miss this important article, I ask permission that it be printed in the RECORD. In addition, I would like to bring to the attention of my colleagues a recent report by Business Week magazine, comments by Benjamin Stein, a former member of the Federal Communications Commission, on the implications of the rule, and the text of H.R. 2250.

The articles and the text of the bill follow.

[From the Washington Post, Wednesday, Mar. 23, 1983]

PRIME-TIME POWER PLAYS

FEAR AND LOBBYING IN TV LAND OVER PROFITS AND FCC RULES

(By Tom Shales)

If the television networks of this fair country devoted half as much time and money to improving their programs as they spend trying to increase their profits, prime time would be Shangri-La and no one would ever want to leave it.

But the networks' great concern now has nothing to do with upgrading programming. They are obsessed rather with Fear of the Future, and the competition the coming television explosion—cable, pay-cable and other alternatives—will bring. As part of their strategy to insure themselves against threats real and imagined, the networks are lobbying with all their might and money for repeal of rules adopted in 1970 by the Federal Communications Commission (FCC) that prohibit them from controlling or making money from the syndication of programs they have already aired.

Hollywood producers, who sell programs to networks, usually at a loss, and then hope to make money later with syndication sales, look upon this network scheme as something even more horrible than another attack by the Pacific Ocean on their Malibu beach houses. In fact, many of them feel repeal of the rules would force them out of business entirely.

Like everything else in modern life, this great furious mess will eventually end up in the courts, but in the meantime, the battle being waged in Washington over the rules is among the most passionate and extravagant in the history of American enterprise, with the networks and their colossal power on one side, and the producers fighting, sometimes for their very economic lives, on the other. East (New York, where the network corporate headquarters are) is meeting West (Hollywood, where the producers are) the way Ali met Frazier.

The purse consists of roughly $800 million annually in syndication revenues but also an important claim on the future. The future of telecommunications in this country will to a large extent be the future of this country. Enormous forces are now at work dividing that future up. Seen from this broader perspective, the battle over syndication rights is but a skirmish in a great and continuing war, but it is a skirmish being fought with everything but the neutron bomb.

The 1970 financial Interest and Syndication Rules have worked well and to the public's benefit. They have fostered a huge and growing independent production business in Hollywood—thus multiplying possible sources of programming—and they have encouraged increased competition in television by bolstering the fates and fortunes of independent stations, those not affiliated with networks, throughout the country.

However, Reagan-appointed FCC chairman Mark Fowler, the mad monk of deregulation, is doing all he can to railroad the repeal through. It is not unprecedented for the FCC to behave like The Fourth Network, as much a friend to commercial broadcasting as the EPA allegedly has been to some polluters. But Fowler's plan is particularly nervy; it basically amounts to welfare for the networks. And for months it has looked as though Fowler would get his way. Now, however, there is growing doubt he will be able to deliver the commission votes he was counting on.

It seems the cries of outrage from Hollywood have not gone unheard. There are even reports that some of President Reagan's old Tinsel Town cronies have appealed directly to him at the White House and found a sympathetic ear.

Fowler's may in fact be the only sure vote for full repeal. There is talk now of compromise, of repealing the rules but with provisos, one of which would prohibit the networks from "warehousing" reruns—holding them off the market, after their network runs, in order to increase their value—or from showing favoritism to their own affiliates when selling reruns into syndication. But Arthur Price, president of MTM Enterprises in Hollywood, says the warehousing issue is meaningless (even a network executive calls it "a red herring") and that there is wide disagreement even on a definition of the term. The producers would oppose the so-called compromise just as vehemently as complete repeal. One moderately feasible solution would simply give the networks a percentage of rerun revenues, and no voice in deciding to whom or when they are sold. The producers oppose that, too.

In an effort to thwart Fowler and what appeared to be a runaway train, Reps. Timothy Wirth (D-Colo.) and Henry Waxman (D-Calif.) this week announced plans to introduce legislation that would override the FCC and forbid repeal of the rules for five years. The bill would also prohibit, during the same period, repeal of the prime-time access rule, which limits net-work prime-time programming to three hours Monday through Saturday, four hours on Sunday. It's another rule the networks want tossed out.

As the system works now, the "M*A*S*H" reruns viewers see on local stations—to cite one example—were sold to those stations not by CBS, which ran the show in prime time, but by 20th Century-Fox Television, which produced it. CBS made its money from "M*A*S*H" by selling advertising during its 11 happy years on the network. When the much-watched 2½-hour finale to "M*A*S*H" was shown last month, less than two hours of that time period was devoted to actual program material. The rest was network and affiliate commercial time. CBS may have taken in $12 million on that one broadcast alone.

Production companies often lose money even on hit shows while they're playing first-run on the network. "Mary Tyler Moore," according to MTM's Price, showed not a penny of profit for the company during the seven years it played on CBS, while the network made millions. MTM lost money on each episode because the "license fee" paid MTM by CBS did not cover costs; this kind of deficit financing is common TV production practice. MTM made its money back later, when the show left the network and reruns were syndicated to local stations—but because the show began before the rules took effect, Viacom, then a CBS subsidiary which the network was required to sell off, gets 35 percent of those revenues.

Norman Lear revolutionized television and enriched American popular culture with "All in the Family," rejected by all three networks three years before CBS finally bought it (after a change in top management). But "Family" also began before the rules took effect and Viacom gets its 35 percent cut for syndicating the reruns. In addition, when the original deal was made, CBS was able to demand that Lear make the program using CBS-owned facilities, Lear says, thus increasing his costs. Lear, of course, opposes the repeal and spoke at an FCC open hearing last week, though he calls it "a mockery" partly because Fowler's mind, Lear thinks, is "1,000 per cent made up."

The networks want the ad revenues from the network showings and they want the syndication money, too. And to judge from the massive, costly, exhaustive lobbying and pressure campaign they have mounted, they will stop at nothing to get everything. Indeed, if the syndication rules are repealed, it is widely believed the networks will next attack the FCC rule that restricts them to outright ownership of no more than five stations each. Fowler reportedly favors repeal of that one, too. The man is a veritable Santa Claus and the broadcasting industry wants Christmas every day.

"You talk about greed!" gasps Jack Valenti, president of the Motion Picture Association of America (MPAA) and a principal spokesman for the Hollywood producers opposing repeal of the rules. "If the networks take over this, it will absolutely be the end of competition." Should the rules be repealed, Valenti says, small independent production companies will be crushed and many independent television stations obliterated.

Many producers of TV shows say that the system as it stands isn't perfect. But they say repealing the FCC rules would give the networks not just more control, but virtually complete control. Dozens of industry, consumer, religious, labor and minority groups have joined together in coalitions to fight the incomparably well-heeled network effort, but FCC chairman Fowler went so far as to change the FCC's own procedures in his efforts to help the networks out. Under customary practice on matters of this magnitude, the FCC hears what are called oral arguments after all written comments have been submitted by interested parties. But there's a problem for Fowler. Two FCC commissioners thought to be pro-network on this issue, Stephen A. Sharp and Joseph R. Fogarty, will leave the commission at the end of June, when the FCC shrinks from seven members to five. That would make it tougher for Fowler to get the syndication rules revoked. So the oral arguments were heard early and FCC sources expect a decision before the end of June.

"It's outrageous," says Valenti. "It is unprecedented to hold oral arguments until reply comments are in. Fowler did this with

no notice at all. We've got it on the records so if we have to, we can go to an appeals court and hang him." Samuel A. Simon, executive director of the Telecommunications Research and Action Center (TRAC), says, "It seems like Fowler's rushing it because he wants it to come out the way he wants it" and says Fowler's "unusual and extraordinary procedures . . . discouraged some people opposed to the repeal from coming to the hearings and testifying. They thought it was just a farce."

The networks boohoo that the rules as they stand prevent them from competing with new technologies that threaten them. They say that pay cable gold mines like Time Inc.'s Home Box Office can make bigger and better deals with top producers because HBO is allowed to share in the ancillary revenues of programs it shows. And this unfair competitive situation, the networks claim, will impair their ability to lure the top people and top shows, and free TV will plunge into decline (Whatttt??? It'll get worse???).

MTM's Price says television will become worse indeed if the rules are repealed. "What you're going to see is a diminishing of production values," he predicts. "Why would anybody continue to make productions of the caliber [MTM's] 'Hill Street Blues' and 'St. Elsewhere' when you've got a partner down the road who's going to take away your profits? I'm not going to make another 'Hill Street' under those conditions."

Asked if "Hill Street Blues" operates at a deficit as "Mary Tyler Moore" did, Price says, "I think we're going to build a monument with the deficits from that show."

And as for network claims about unfair competition from HBO and other pay TV companies, Price says, "The networks are actually forcing the speed with which everybody goes to work in pay television, because producers will figure, if you're going to gamble, you're better off gambling with some guy who doesn't have his hand in your pocket."

Other opponents of repeal say the "free TV" argument is pure smoke. They point out that all three networks are heavily invested in cable TV anyway. But the networks have gone to minority and citizens' groups claiming that their beloved free TV is endangered—and also, not so incidentally, promising more specialized programming for them if they join in supporting repeal. An NBC spokesman says groups "representing 33 million people" support the repeal. Simon says, "That is an outright and unadulterated lie." And he accuses the networks of virtually bribing such groups to join their ranks before the FCC.

Of the networks' promises to increase minority programming once the allegedly inhibiting rules are revoked, Lear says, "If it wasn't so serious, you could hurt yourself laughing. Where have the networks been on this one? It was so hard to get them interested in 'Sanford and Son' [a show with a black cast] you wouldn't believe it. The fact that they can say they need more money to get minorities on the air ought to get the whole Congress laughing."

There is nothing in the financial interest and syndication rules that prevents the networks from doing minority programming and nothing in repeal of the rules that would guarantee or encourage more.

It could be said the television networks operate this way: They want to have their cake, eat it too, and then eat your cake. On the one hand the networks are saying they need legislated relief to protect them from incursions by newly emerging media. On the other, they boast that they will remain for years to come America's primary source of news and entertainment.

"When they go to their security analysts and to their stockholders, the networks say, "We're going to be the dominant medium for the foreseeable future, we're going to have 70 to 75 percent of the marketplace, and our audience is going to be larger in 1990 than it is today," says Valenti. "Then they go before the FCC and say, 'Hey fellas, if you don't give us this freedom, we're going to be dead, these cable guys are going to kill us.'" CBS' own research estimates that in 1990, the three networks will be taking in from $15 billion to $20 billion, while the pay cable industry will earn in the neighborhood of $6 billion to $8 billion, with the networks still commanding 70 percent of all prime-time viewing.

Why should Mr. and Mrs. America give a hoot about all this acrimonious rigamarole, this clash of titans? As TRAC's Simon says, it's perceived in some quarters as a fight involving "one Rolls-Royce against another Rolls-Royce." Valenti charges the FCC encouraged this impression in the way it set up the panels for last week's day of hearings. "I think they want it to appear like it's the networks vs. Hollywood, Goliath against Goliath," Valenti says. "But that isn't true. It's the big producers who will survive, while the small ones won't." Valenti predicts Paramount TV ("Happy Days," "Winds of War") will suffer but survive, whereas companies like Lorimar ("The Waltons") will go under. "The independent syndicators won't survive, either, and some of the independent television stations won't. And the advertisers who will end up paying more money for commercial time will pass that along to their customers."

Valenti says an MPAA survey shows that "in all markets where there are two or three strong independents, the ad rates as a whole have gone up half as fast as those markets where there is one or less independent station in the market place." The syndication rules have helped these independent stations prosper. John Rose, vice president and general manager of WDCA-TV in Washington, told the FCC that "the last 10 years have seen the greatest growth in number and prosperity of independent TV stations in history." In 1971, Rose says, independent stations as a group lost $24 million. In 1980, combined profits of independent stations totaled $159 million. And have the networks suffered as a result? It doesn't appear so. According to figures supplied to the FCC by Valenti, total network revenues grew 312 percent from 1970 to 1981 and during roughly the same period, network profits grew by 550 percent.

Awwww, the poor little networks!

The repeal of the rules would have an effect on what viewers see on their TV screens, because it would give the networks even more control than they now have over program content and over what is available—not just on network stations, but on independent stations throughout the country. The potential harm to the viewing public was summed up in a statement about the proposal from Action for Children's Television (ACT), one of dozens of consumer and industry groups opposing the change. Wrote ACT president Peggy Charren, "The financial interest and syndication rules cannot guarantee TV program diversity, but repealing the rules would automatically concentrate more power in the hands of the commercial networks. That can only lead to less diversity, less concern for the public, and less programming for young audiences."

It may not sound like such a great public service to ensure that off-network shows be readily available to independent TV stations. After all, shouldn't the independent TV stations create their own shows, instead of just buying and airing network hand-me-downs? In fact, the money they make with the off-network shows has helped independents band together and finance such acclaimed productions as last year's Emmy-winning "A Woman Called Golda" starring Ingrid Bergman and enabled them to buy such network-rejected high-toned productions as "Smiley's People," starring Alec Guinness.

The fight goes on. There are indications it is getting dirty. Simon says NBC not only refused to participate in a TRAC conference on the subject, but tried to "sabotage" it by urging others not to participate. An NBC spokesman says that is "absolutely not true" and that NBC close not to participate because it perceived TRAC as a partisan, anti-network group. Ironically, Grant Tinker, chairman of NBC, was head of MTM Enterprises when the rules were enacted. He is now in the odd position of defending the repeal, and will probably do that when he faces an audience of Hollywood producers for a speech in late April at the TV Academy in Los Angeles.

Valenti says the Hollywood community speaks with one voice on this one. "In the 17 years I've been on this job, I've never seen the mutually antagonistic industry that I preside over so unified." He also confesses, "The heat of battle makes me work harder" and says the networks have hauled out "the 16-inch guns" for the current campaign.

He has few kind words for FCC chairman Fowler. "The rules that have protected the powerless are the rules that he's trying to change," says Valenti. "I think it's wrong for all the power in communications in this country to be wielded by a very, very few people."

Valenti says he has three key questions for Fowler, and has put them to him. "I said, 'Mr. Chairman, if you can answer these questions honestly, then I'd be satisfied with whatever decision you make.' Question No. 1—What is the public interest reason that compels the abolition of a rule that has worked so well for 13 years? What is there in the public interest? The FCC doesn't exist for the networks and it doesn't exist for producers. It's there to serve the public.

"Question No. 2—Will the abolition of this rule create more competition in the marketplace or less? If you believe, as I think most Americans believe, that competition is in the interest of the consumer, then you have only one way to vote.

"And third, do you think it is in the public interest to give the networks more power, or less power? Answer those questions, Mr. Chairman, and I'll be most satisfied with the way you vote, if your answers track with your final decision."

So far, no reply.

How To Make TV Worse

(By Geoffrey Moss)

Los Angeles.—Hollywood's view of Washington is myopic at best. Its inability to understand the capital and its politics shows up in a lot of movies and TV. This is sometimes comical, sometimes sad, but rarely a subject of moment for Washington.

Alas, Washington often misunderstands Hollywood as well. But while Hollywood can only occasionally make viewers laugh or cry, Washington can make laws that even those in Hollywood must obey. Washington's misunderstanding of Hollywood can cause a tidal wave of change along Sunset Boulevard.

Just this kind of tidal wave is now gathering in the East and heading for Hollywood. It is a cataclysm so severe in its effect on Hollywood that it will change significantly the way national television looks, and not for the better.

Basically, the proposed change would allow the three national television networks to make as many of their own prime-time programs as they care to within their own organizations instead of having them made by independent program suppliers. At present, under Federal Communications Commission rules going back 12 years, the networks are severely limited as to how many of their prime-time programs they can make "in house." The change, part of the general movement toward deregulation in Washington, has been proposed by the highly energetic staff of FCC Chairman Mark Fowler.

In theory, deregulation is, of course, a good thing. It leads to free markets, which are healthy, rosy-cheeked, vigorous markets—at least in theory. In trucking or banking or natural gas, the theory may work perfectly well in practice. But in networks television, deregulation that would allow the networks to produce an unlimited amount of their prime-time programming would produce far less healthy prime-time television, at least from the viewers' standpoint. Deregulation in this instance means more monopoly power, not less.

Here's why: the original FCC rules went on to limit network TV production because the FCC found that the networks tended to dominate the entire field of television production. After all, the networks in effect controlled not only the biggest oil fields, but also the pipelines. that made it very hard for small suppliers of programs to get any shows into the pipeline, which is to say, on TV.

Since the restrictions went on, a whole range of new suppliers have been able to get their visual wares on TV. The large suppliers have become more prosperous, and some of the small suppliers have become large. The TV production community, once a pale kept woman of the networks, is now a robust industry. That means it can occasionally bombard the networks with enough good shows so that the networks eventually let one on the air. The healthy TV production community can even afford to finance the occasional off-network gamble, such as "Mary Hartman," with the proceeds of its successful network efforts.

None of this is to say that television is a great artistic success. It definitely is not. But even the most skeptical critic would find it hard to disagree that the prime time of fall 1982 is far more varied, interesting and well-crafted than the prime time of 1969. The improvement comes, I have deduced after long years spent covering TV, from having TV shows thought up in three dozen independent companies instead of in three gigantic office buildings, one for each network.

It is an axiom of social psychology that large bureaucracies tend to shy away from anything new or different. It is just as axiomatic that small entrepreneurs tend to have fewer such inhibitions. The working out of those axioms has given us "All in the Family," "Cheers," "Hill Street Blues," "Taxi" and a host of others that would probably never have appeared on the network drawing boards.

If the FCC staff proposal for "deregulating" TV's prime-time production goes forward, TV viewers will be back where they were in 1969. The networks will have the power to make all their programs themselves. Even if they do not make all the programs themselves, the fact that they can do so will chill the independent producers. The networks' standard of homogeneity, already enforced to within a few millimeters per show, will become the unvarying rule once a producer knows he can be replaced by a network bureaucrat at any moment.

In a word, the proposed "deregulation" is really regulation back to giving the three networks absolute control over every laugh line and car chase on prime time, in both conception and exception. The three networks, themselves spawned and protected by government licenses, themselves government-protected monopolies for all practical purposes, will be "deregulated" into greater program control than ever before.

The FCC staff has said that even if the networks do control all of their own programming and make it "in house," that is unimportant. The reason is that the "new technologies" of cable, DBS, over-the-air pay, and others will soon make the networks only one small fish in a big ocean of electronic media. But that is surely visionary if not downright silly. At present, the networks still never have less than 80 percent of prime-time viewers. The new technologies never account for more than 10 percent of national prime-time viewership.

Some day, the "new technologies" may diminish the importance of network TV. But that time is far in the future. Moreover, for most intents and purposes, the three big networks will control much of the "new technologies." The FCC's current membership has allowed the networks to get into cable in a major way, both in distribution and production, and other forays by the networks into new media are proliferating. The ongoing "deregulation" may well mean that the networks will not only control the prime-time programming fish, but most of the other fish as well.

Again, in theory, deregulation of markets is a fine idea. But in the case of television, it seems likely to be a minefield. If the networks are again allowed to dominate prime-time program production, the theory may prosper and champagne glasses may be raised at the University of Chicago. But for the viewers who see a patch of daylight in better programming, deregulation of TV may be foul weather altogether.

[From Business Week, Mar. 26, 1983]

A Showdown at the FCC Over Television Reruns

The old soldiers of M*A*S*H never die, they march triumphantly into TV syndication. Many of the 263 episodes have grossed about $600,000 apiece for 20th Century-Fox Film Corp., which produced the superhit for CBS. Fox holds the licensing rights to reruns on independent TV stations and network affiliates.

CBS, which for 11 years aired the series in prime time, gets no part of the rerun revenues. A 1970 Federal Communications Commission regulation prohibits the Big Three networks—CBS, NBC, and ABC—from syndicating programs they originally aired or from getting a percentage of the profits when a show goes into syndication.

"Beyond money." The networks are waging a fierce battle in Washington to overturn these rules. At stake is more than $700 million a year in fees paid by TV stations to syndicators such as Fox, Paramount Pictures, and Viacom International for domestic broadcast rights. "It goes beyond money," declared Michael Gardner, co-counsel for the 45-member Committee for Prudent Deregulation, which seeks to keep the rules intact. "The entire structure of broadcast television, programming, creativity—everything—is in jeopardy."

Under the current rules, a network puts up a "license fee" for network-broadcast rights to an original series, and the producer is responsible for any cost overruns. In the case of M*A*S*H, for example, CBS reportedly paid about $700,000 for each episode, which entitled the network to show the program twice during prime time. In return for its investment, CBS retained the right to sell spots to advertisers and earn a profit.

When a series first goes on the air, the producer often pays as much as 20 percent of the budget, according to one expert. If the show is a success, the network assumes more of the costs. However, a producer such as 20th Century-Fox ultimately makes its profits by selling—or syndicating—the program to domestic independent and network-affiliated stations, as well as to foreign TV, after its network runs are over. (This is why CBS ran new episodes of M*A*S*H in prime time while old shows were broadcast simultaneously on independent TV stations or by network affiliates during off-hours.) TV syndicators can reap additional profits by licensing the name of a popular show for such spinoffs as T-shirts and lunch boxes.

Battle lines. The three networks are aggressively lobbying for repeal of the syndication and financial interest rules, which they deem restrictive and unfair. If the networks win, they would not only share in the profits from syndication but could also sell the shows themselves to stations. Syndicators generally keep 30 percent to 40 percent of the syndication revenues as their fee.

Opposing the networks is an unlikely coalition of large and small movie studios, syndicators, independent TV stations, writers, actors, and advertisers who do not want to change the rules. They say that deregulation would only increase the networks' tremendous leverage and could ultimately cripple independent TV stations, producers, and syndicators.

The issue is so controversial and complex that the FCC—which is now reviewing the matter—heard public oral presentations by all sides on Mar. 14, a month before the deadline for formal written comments. This is only the second time the FCC has switched the sequence for argument, normally, oral presentations follow written materials.

The networks' opponents believe that there is historical precedent for fearing that the three broadcast giants, deregulated, will misuse their power. Indeed, the rules were passed in 1970 partially in response to earlier FCC reports that the networks exerted undue control over the industry. The commission alleged that the networks often insisted that if they did not get a financial interest in a program, they would not air it. "It was very common," recalls Samuel Thurm, a former vice-president of Lever Bros. Co. "You gave them a piece of the action, and the show went on. If you didn't, it didn't go on. It was as simple as that. Thurm says that in 1960, Lever Bros. gave

ownership of Candid Camera to CBS in order to get the show on the air.

The FCC was not the only agency to examine the networks' behavior. The Justice Dept. filed antitrust suits against them for these and other alleged unfair practices. The suits were withdrawn when the networks signed consent decrees agreeing to desist.

Now, however, the networks claim that they no longer control the airwaves and that they have become the injured parties. They are asking for repeal of the rules that, they say, keep them from competing with new technologies such as cable, pay-TV, and videocassettes. "The way the marketplace has evolved, you can't expect to recoup your revenues from exploitation in one market, and the networks, like pay services, should be entitled to recoupment rights," says Willian Lilley III, CBS vice-president for corporate affairs.

"A power grab." This argument riles the nation's fast-growing independent TV stations, which have flourished mainly because they broadcast popular syndicated shows opposite network programing. That strategy has been singularly successful between 6 p.m. and 8 p.m., attracting viewers who prefer entertainment to network newscasts. In 1971 the 65 independents, serving 30 markets, lost $24 million. By 1980 their number has grown to 179 in 86 markets, and they registered profits of $159 million. "This time period (6 p.m. to 8 p.m.) represents 50 percent of our revenue," says John Rose, vice-president and general manager of WDCA-TV in Washington, D.C. Like other independents, he fears network control of syndication by "warehousing" programs—delaying sales to independents. "It's a fantastic power grab," echoes Herman W. Land, president of the Association of Independent Television Stations.

The independents have an ally in studios that produce and often syndicate programs. Studio executives believe that under deregulation, the networks could control TV, both financially and creatively. "When you go to the networks, the first thing they'll say is, 'We may buy your programming if we can have all creative decisions.' That would encourage a kind of averageness that will reduce the quality of programming," notes Michael Eisner, president of Paramount Pictures Corp. "Then, if the financial rule is lifted, they'll say, 'By the way, we own 50 percent of your show.' "

TV producers, including major studios as well as smaller independents such as Norman Lear's Embassy Communications Inc., are now willing to risk deficit financing of prime-time shows in the hope of retrieving the money with syndication. Without those revenues, they claim, funds for new productions would dry up, and small, independent producers would fail. The networks argue that they shoulder all the risk by nurturing a show during prime time yet do not benefit from the popularity it receives after its first-run lifetime. And producers admit that without strong prime-time positioning and promotion by networks, a show has virtually no value in syndication. "The networks still have the only free theaters in the world, and programmers must still go through their gateway," says former FCC Chairman Dean Burch, now co-counsel for the anti-repeal group.

Advertisers, who have their own stake in the controversy, are resisting any change. "A strong independent provides significant viewers. The stronger the independents are, the more stations there are that advertisers can use to buy time," says Peter W. Allport, president of the Association of National Advertisers. Rates would also be affected if the rules changed: In markets where many people watch independent stations, the ANA claims, advertisers pay 20 percent to 60 percent less per 1,000 viewers than in markets where network affiliates have little competition.

None of these arguments is wasted on the FCC, which is committed to deregulation and an end to restrictions. But outright repeal will not be the shoo-in it appeared to be when the commission began its inquiry last June. "This marketplace is a distorted marketplace," says Gardner, "and I think the FCC is beginning to realize it." So far each side has limited itself to lobbying behind closed doors at the FCC and Congress. The lawmakers appear to be awaiting FCC action before launching their own investigation. Before the fight is over, the lobbying battle could cost $4 million.

Some observes speculate that the FCC might permit networks to hold limited distribution rights on syndicated programming. Another solution under consideration is to allow networks a subordinate financial interest in programs whose distribution they did not control. That would let networks profit from syndication of shows they invested in and, at the same time, would encourage a free flow of programming to independents. Such a ruling would also guarantee the independents an opportunity to buy the prime-time fare that attracts audiences and advertisers.

Compromise ahead. Even if the FCC partially repeals the rules, the networks must still deal with the Justice Dept. The consent decrees signed by the networks would have to be renegotiated, but Justice is reportedly willing to modify its agreements.

At the FCC too, there is evidence that some commissioners are looking for a middle-of-the-road program that would satisfy both sides. At the hearing on Mar. 14, FCC Commissioner James H. Quello urged the parties to comment on a general principle for compromise. Many observers believe that both sides will eventually retreat from the strong positions they took at the oral hearing. But the stakes are so high and the issue so volatile that neither side will capitulate easily.

H.R.2250

A bill to provide a moratorium until June 30, 1988, on changes to the Federal Communications Commission rules regarding network television syndication, network television financial interests, and prime-time access

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled, That, in order to maximize competition in the television marketplace and to promote diversity of programing sources for the American public, the Federal Communications Commission shall not have any authority to take any action before July 1, 1988, to repeal, amend, or otherwise modify the provisions of applicability of any of the following:

(1) section 73.658(j)(i) of title 47, Code of Federal Regulations (commonly known as the "Syndication Rule"; 23 F.C.C. 2d 382);

(2) section 73.658(j)(ii) of title 47, Code of Federal Regulations (commonly known as the "Financial Interest Rule"; 23 F.C.C. 2d 382); and

(3) section 73.658(k) of title 47, Code of Federal Regulations (commonly known as the "Prime Time Access Rule"; 23 F.C.C. 2d 382).●

GUNS VERSUS BUTTER COOKIES?

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. FEIGHAN. Mr. Speaker, Cobra, Copperhead, Viper, Hellfire, Apache, Dragon, Roland, Hawk, Improved Hawk, Stinger, Ace, Mohawk, Quick Fix, Quick Look, Black Hawk, Sky Hawk—the terms of the defense debate alone are enough to confuse and scare the wits out of anyone. I thought you might enjoy Russell Baker's cogent—and certainly more tasteful—commentary.

WAR AND SWEETS

(By Russell Baker)

Disclosure that the Russian army is already equipped with an accurate pie-delivery system is no surprise to those of us in the military pastry complex.

Two years ago we warned President Reagan that advances in pie-throwing technology already made it possible to hurl a lemon meringue pie with such accuracy that it could hit an enemy in the face at a distance of two miles from the launching site.

Naturally the President was alarmed, as he is alarmed by all evidence of a chink in the window of vulnerability, but the military-industrial complex, which dominates defense strategy at the White House, moved in as usual to prevent the military-pastry complex from getting a slice of the defense budget.

"Our intelligence shows that Soviet industry is incapable of producing egg beaters in sufficient quantity to make the meringue needed for the throwable lemon meringue pie to become a significant weapon in the Russian arsenal," they said.

With their insatiable lust for expensive military-industrial hardware, they sneered at the potentially devastating threat to morale inherent in pastry combat.

Yet fully accredited psychologists, bought and paid for by military-pastry-complex lobbyists, have demonstrated clinicially that a soldier struck in the face by a lemon meringue pie becomes so angry and embarrassed by his comrades' laughter that he becomes incapable of functioning as an effective member of the combat unit.

Imagine the effect on an entire army in which a full division had been successfully smeared in an intense pie barrage. This is the threat to which the nation is now vulnerable, and what is the military-industrial complex's response? A multibillion-dollar scheme to bombard Soviet pie units with stove ovens hot enough to melt meringue before the pies can be launched.

We trust the Congress will reject this hardware boondoggle, and for once appropriate a few billions for effective pastry defense. Deterrence is the only answer to the Soviet lunge for supremacy in first-strike baked goods. This is why we are asking for a very large appropriation to develop the puff-pastry zeppelin.

This program calls for construction of 1,500 zeppelins—each of them 900 feet long—to be constructed by the first French

and Italian pastry chefs of pastry so light that it floats. Each zeppelin will be topped by a delicious coating of chocolate, and its interior will be packed with an éclair-cream filling.

How will Moscow like the prospect of seeing its skies darkened by these monstrous confections? And see then it would if it dared fire a lemon-meringue pie in ground combat.

That would be the signal for our giant pastry zeppelins to float eastward toward Leningrad, Moscow, Kiev and Odessa, and of course the Russians would have to shoot them down, thus making themselves the laughing stock of international warfare. Think of it: Entire urban populations wading around up to the hip in chocolate éclair.

Of course there are problems to be ironed out. We will require millions, possibly billions, for oven research to learn how to bake a 900-foot éclair that will always drift eastward. We wouldn't want one accidentally floating westward carrying billions of calories toward a United States already paralyzed with fear of fat.

But what is national defense if not millions, possibly billions, for research? If there is money left over after our lobbyists finish dining Congressmen, we will also proceed with development of the weapon which, it is often said, only a madman would bake.

I speak of cake just like mother used to make.

Our mathematicians advise us that if twenty vehicles each dropped a cake just like mother used to make on a major metropolitan area, resort to nuclear warheads would be unnecessary.

The difficulty in producing this weapon arises from the disappearance of the mother who used to make cake just like mother used to make. In short, we are unable to come up with the formula, though we believe the essential ingredient came from one of the "black holes" in space, which are said to be so dense that a single ounce could crush the entire solar system.

We are gravely alarmed about the disappearance of mother who used to make this cake. If she has defected to Russia and is at this very moment toiling in a Moscow kitchen on behalf of the evil gods of Leninism, the window of vulnerability is truly open wide.

Unfortunately, the military-industrial complex refuses to let us examine satellite photos that might reveal the traitorous creature wearing an apron at the door of the Kremlin kitchen. For this reason we must assume the worst and demand $5 billion to perfect the sticky-bun artillery shell.

No other weapon has the weight to protect America from the possible threat of mother's potential betrayal.●

AMERICA'S RESPONSE TO THE CHALLENGE OF JAPAN

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1983

● Mr. FLORIO. Mr. Speaker, I would like to call my colleagues' attention to a paper presented by Prof. Chalmers A. Johnson, entitled "The Policy Dilemmas of America's Response to the Challenge of Japan," when he spoke at a meeting held at the Smithsonian's Wilson Center on December 3, 1982.

Professor Johnson is the author of the book, "MITI and the Japanese Miracle," which was published last year. This book is the only comprehensive, English language account of MITI's role in bringing about Japan's emergence as a major economic power.

Professor Johnson's book is the basis for many of the observations in this paper. I think it should prove helpful to my colleagues as the Congress considers various policy proposals designed to deal with Japan's economic challenge to the United States.

Mr. Speaker, at this time I would like to insert the full text of Professor Johnson's paper in the RECORD:

THE POLICY DILEMMAS OF AMERICA'S RESPONSE TO THE CHALLENGE OF JAPAN

(By Chalmers A. Johnson)

(This paper was presented at an evening dialogue "The Japan Experience and American Industrial Reorganization" held at The Wilson Center on December 3, 1982. Please do not quote or cite without the permission of the author.)

Not a week goes by without a new declaration or affirmation by the highest political and economic leaders of the United States and Japan that the Japanese-American connection is the most important cooperative relationship of the two nations' various international involvements. (I avoid the controversial concept of "alliance" here to spare our Japanese friends' delicate sensibilities.) Although it verges on the trite, it must be said at the outset that these affirmations are all true: the United States cannot go it alone in the Western pacific; there are not realistic alternatives to cooperation with Japan (least of all is China a potential substitute since it is a poor, Communist country, politically unstable, and has aims toward Taiwan and Southeast Asia that clash directly with long-standing American interests); and a rupture with Japan would irreparably damage the United States' position in the Pacific Basin, which is the most dynamic arena of economic activity on earth today. Likewise, Japan cannot do without America because the United States is not only the world's largest market but also Japan's largest market; there is more land under cultivation in the United States to feed the Japanese than there is land in Japan; and the security of Japan's lifelines to Middle Eastern oil and other raw materials depends on American strategic policies whether the Japanese want to acknowledge that or not.

All of this having been said, there are still real problems in the Japanese-American relationship. It is impossible for the United States indefinitely to absorb unemployment rates five times those of Japan, defense burdens eight times those of Japan, and trade deficits with Japan in the $20 billion per annum range. To continue down this path is to risk unleashing extremely dangerous forces of national recrimination, scapegoating, and even racism in both countries. Ample signs already exist: a potential presidential candidate in the United States, Walter Mondale, advocates "Getting tough with Japan;" the last Ford Motor Company assembly plant west of the Mississippi is closing due to Japanese competition; Japan persists in dealing with various problems only when it is put under the most intense foreign pressure; and the French have restricted all Japanese VTR imports to the Poitiers customs office (the small town in central France where Charles Martel turned back the invading Moslems in 732 A.D., a symbolism not lost on Japanese trading companies, who took full page ads in the Parisian newspapers proclaiming "We are not Saracens").

FLAWED SOLUTIONS TO UNITED STATES-JAPAN PROBLEMS

Rhetoric about the importance of the Japanese-American relationship cannot deflect these problems. No American politician today can go on indefinitely listening to his constituents complain that they lost their jobs to a robot in Nagoya without coming up with some answers. And no Japanese politican has the clout to offer anything more than cosmetic solutions to the various problems in lieu of a national consensus. Let us begin, then, by looking at some current analyses and proposed solutions to the problems that vex Japanese-American relations. Four clusters of answers are currently popular in the United States, but it seems to me that each is flawed in terms of either its understanding of the causes of the problems or its proffered solutions, which are worse than the conditions they address. These four clusters center on (1) the mystique of Japanese management, (2) protectionist measures aimed at Japan, (3) market-opening measures aimed at Japan, and (4) the Japanese free ride on defense. I propose to explore each of these before turning to the analysis and solution that I believe come closest to the root causes of the challenge of Japan—industrial policy in Japan and the lack of it in the United States.

The explanation in terms of Japanese managerial techniques holds that the trade imbalances exist because Japanese managers are smarter than their competitiors, Japanese workers are more disciplined and loyal than workers in foreign countries, and foreign salesmen are lazier and more impatient in trying to sell to the Japanese market than Japanese salesmen are when they go abroad. This argument has spawned a small library of books on how Japan's competitors could adopt Japanese managerial secrets and on the wonders that will follow from foreign attempts to institute semi-lifetime employment, seniority wages, and enterprise unionism. In recent months travellers on United Air Lines could hear a soothing little lecture on their headsets by a management consultant from Arthur D. Little and Company on how to go about Japanizing one's company and on the benefits to be expected. This line of argument also implies that Japanese products are ravaging foreign markets because they deserve to do so—that's what competition is all about—and that enterprises or labor unions that are damaged by the competition should shape up of go under.

This is not all nonsense, and I do not want to be misunderstood in discussing it. Perhaps the most important theoretical explanation in the United States to account for stagflation relates to this argument. It is thought that stagflationary conditions result from the following sequence: wages rise faster than productivity because horizontally-structured trade unions can make their influence felt politically; firms then have no choice but to raise the prices of the products; inflation insues; governments respond with deflationary monetary and fiscal policies; demand falls; however, prices cannot be lowered because wages are inelas-

tic downward; hence the only recourse is to lay off workers. The result is the simultaneous occurrence of inflation and unemployment.

Japan has beaten this cycle better than any other nation because its institutions tie annual wage demands to productivity and international competitive conditions. However, lifetime employment, seniority wages, and company unions rest on several other Japanese institutions, including the virtually complete separation in postwar Japan between the ownership and management of a firm (thereby freeing managers from being judged on the basis of short-term profitability) and the inhibition of an open and free labor market external to the firm. And these institutions in turn rest as much on Japan's national industrial policies as they do on creative management or entrepreneurial leadership. They cannot be duplicated abroad merely at the enterprise level. Foreign enterprises must of course expect to compete with their Japanese counterparts, but they haven't a chance unless foreign nations also compete with Japan on the level of the government-business relationship.

When this point is made, however, (as I myself recently have in a book about the Ministry of International Trade and Industry), defenders of Japan inside and outside the country usually demur. They argue that Japan's managerial methods have their origins in the country's unique culture rather than representing a genuine and emulable contribution to capitalist economics. This particular argument is not only nonsense (as extensive research into the history of Japanese labor relations by the Japanese and foreign analysts have demonstrated); it is also one of the most dangerous responses the Japanese can make. For if Japan's capabilities really spring from unique cultural attributes and there is no common ground between them and us, then this is just as good an argument for slamming the door on the Japanese as it is for continuing to admire while being defeated by them. Such a culturally exclusivist stance can lead directly to our second cluster of proposed answers: protectionism.

Despite the popularity of protectionism among American trade union leaders who have priced their workers out of the market (e.g., the steel and automobile industries), it does not really address the challenge of Japan and it won't work. Why not? First, in most countries agriculture is a protectionist force, but in the United States it is a major exporting sector and is opposed to protectionism. It is difficult to see how a protectionist coalition could be formed in the U.S. Congress in the face of agricultural opposition. Second, American exports as a whole now constitute 8.5 percent of gross national product, up from 4.4 percent in 1970. One out of every six jobs in manufacturing is linked to selling goods abroad. Protectionist measures by the United States will only lead to retaliation and the probable collapse of the international trading system, which will hurt Americans as much as America's competitors. Protectionism has yet to cause a single depressed American industry to regain its viability and is primarily advocated by representatives of entrenched interests who know that structural changes in their industries are required but who also suspect that such structural changes will make them redundant. Even the proposed legislation mandating a certain "domestic content" in all products sold in America will only prop up some industries whose products, methods, or scale are no longer appropriate. Representatives of such industries must be given some other realistic alternatives to protectionism, and such alternatives both demand and are an intrinsic part of a needed national industrial policy.

The current preferred antidote to cries of domestic protectionism in America is to call for greater "market access" in Japan (our third category of proposed solutions). This is logical and necessary, and it is the position taken by the U.S. Trade Representative, who has repeatedly stated that the issue is not so much the size of the American deficit in trade with Japan as the contribution made to that deficit by Japan's exclusion of highly competitive American products. As Deputy Assistant Trade Representative James Murphy testified in March 1982, "It is the view of those of us in the administration who are seeking this increased access to the Japanese market that what we are seeking is generally in the Japanese interest as much as ours. That is, if you believe in the principles of free trade and open markets, and the benefits that flow therefrom, and if they apply to U.S. consumers, as our Japanese friends argue they do, then it seems that they apply equally to Japan's economy." And the effect on the trade deficit would not be negligible. If American paper, pulp, and tobacco products had unrestricted access to the Japanese market, they would contribute at least $1-2 billion worth of exports to Japan.

There is thus no question that market-opening pressures should continue to be applied to Japan. The Japanese state tobacco monopoly, for example, is a scandal: it was created in 1896 to help pay for the costs of the first Sino-Japanese war, today supports no more than 104,000 part-time tobacco farmers, and is a sinecure for the Finance Ministry bureaucracy. Nonetheless, there are problems with focusing exclusively on market access as the heart of the Japanese-American problem. First, such a fixation ignores the tremendous market-opening measures already taken by Japan—to such an extent that Japan could with reason ask for "riciprocity" from America in opening up its protected sacred cows (textiles, automobiles, imported beef, etc.). Second, the main sectors in which Japan's market are still closed is agricultural. It seems logical to ask Japan at least to choose among these, perhaps continuing to protect rice while phasing out beef and oranges, but it must be understood that the United States is asking Japan to destroy its small and admittedly inefficient farming sector. This may be necessary in order to preserve a free-world international trading system, but it is at least worth asking whether—sociologically and politically—this is what the United States wants. Should Japan be totally urbanized? How much political instability will result from the destruction of its rural electoral constituencies? Japan is already the largest single market for American agricultural exports, and making it totally dependent on foreign food supplies may be short-sighted. In any event, completely open access to the Japanese market for agricultural products can only be achieved over time. It is one thing to ask for sacrifices; suicide is asking too much. Instead of harping on beef, oranges, and leather, the United States might better demand a break-up of the tobacco monopoly and then concentrate on the service industries, which are more subtly restricted in the Japanese market than agricultural products and which involve many more American jobs.

In the course of the Japanese-American debate these trade issues have tended to become linked (and confused) with the defense issue, our fourth currently favored category. Both trade and defense are similar in that they focus attention on Japan's responsibilities for the bilateral trade difficulties while portraying American practices and institutions as sacrosanct. This is not to say that the reverse is true and Japan is wholly innocent. Japan must contribute more to the maintenance of global peace and security; Japan must acknowledge the benefits it obtains from not having to bear the burdens of maintaining the balance of power and freedom of the seas in the Pacific; Japan cannot expect to reap economic bonanzas from future regional wars as it did in the past from the Korean and Vietnamese conflicts. But the United States must also realistically appreciate that Japan is increasing its defense budget in the face of fiscal stringency, that even the degree of Japanese rearmament thus far achieved has excited fears of revived Japanese militarism in the ASEAN countries and mainland China (vide the so-called textbook controversy), that Japanese public opinion is as attuned to these Asian fears as it is to the growing Soviet threat, that there is no real alternative to the United States' presence in Korea, and that Japanese-American military cooperation on the operational level is today in the best shape it has ever been during the post-war period.

I would submit that the real defense issue between the two nations is economic and that it centers on different R&D policies. As is well known, Japan pursues a policy of promoting "engineering R&D." Japan's orientation toward R&D is to take basic scientific discoveries made elsewhere and commercialize them, to engineer cost reductions and quality controls into them, and to concentrate or innovative design. Reflecting this orientation, Japan graduates annually more engineers than the United States does, even though its population is only half that of the U.S. By contrast, the United States concentrates on "Nobel Prize R&D," graduates more chemists and physicists than Japan, and institutionally isolates its basic R&D from industrial and commercial concerns. One must not overstate this dichotomy between Japanese engineering and U.S. pure science R&D, particularly in fields such as computerized artificial intelligence and advanced biotechnology where the two concerns tend to overlap, but the distinction does reflect important differences between the two countries.

However, there is one exception to this generalization, and that exists in the area of U.S. national defense. Here the United States lavishes its engineering talent every bit as much as its basic science talent, and this concentration of American engineering in the defense industries is an added source of serious bilateral friction between Japan and the United States. Over time, as the United States draws more and more of its limited engineering resources into the defense sector, while Japan keeps its big engineering establishment working on the civilian commercial front, the industrial capabilities of the two nations must diverge, regardless of how many Nobel Prizes in basic science Americans win. Thus, the United States is in danger of ending the twentieth century as the leading producer of ICBM's and soybeans, while the Japanese monopolize the production of everything in between.

Proposals for the sharing and joint research and development of high technology are warranted, and both sides are cooperat-

ing toward putting them into effect. But such projects are only palliatives. The bottom line of mutual access R&D activities will still be which country's firms come up with the best, cheapest, and most reliable products from the basic science that is already available. The answer must involve an American industrial policy that addresses the educational and engineering needs of American civilian industries, in addition to the other goals that such an industrial policy must meet. A good part of Japan's success in the automotive and rail transportation sectors, for example, is a result of its attention to modern science and engineering in these fields, whereas American R&D on these fronts (in contrast to national defense) has been conspicuous by its absence. Japan may or may not go into the military engineering field in the future, but the United States cannot allow its own military burden totally to distract Americans from civilian, advanced technology industries.

INDUSTRIAL POLICY

Industrial policy is concerned with these sorts of issues. It is a summary term for a governmental orientation to the civilian economy and its development (not just its regulation) that is comparable to the orientation the U.S. government has long taken toward the national defense industries. Industrial policy does not necessarily imply a new layer of governmental bureaucracy; it certainly does not mean socialism or the nationalization of industries. It works through developmental incentives and market conforming methods of public intervention in the privately owned and managed economy; and although planning is a part of it, more important is the establishment of long-term governmental policies for the economy that are publicly known and supported, sheltered to some degree from gross political exploitation, and to which private citizens can adjust their own economic activities. Japanese industrial policy is the subject of my recent book MITI and the Japanese Miracle, and I do not have the time or space here to summarize its contents. Instead I want only to offer a defense of industrial policy in theoretical economic terms and to explore briefly the main problems that must be confronted in trying to introduce it into the American political system.

In a sense industrial policy signifies nothing more than the discovery that advanced, capital-intensive economies have serious long-term problems for which the market mechanism is inadequate. Japan made this discovery long ago; a similar discovery is just beginning to be made in the United States, as the attacks on Keynesianism and the invention of such slogans as "supply-side economics" indicate. Despite the spate of recent American journalism declaring that Keynes was wrong and proclaiming the death of Keynesianism, Keynes was not wrong, only incomplete. The Keynesian model was a legacy of the Depression, a period characterized by tremendous oversupply and a critical weakness of demand. Keynes' central concern was how to pull the Western economies out of the worst slump they had ever experienced. His policy framework was thus oriented almost exclusively to short-term demand management: how to boost the economy in a recession and how to slow it down when it became overheated. When asked about the long-term problems that a market economy might face, Keynes replied with his famous remark: "In the long run we are all dead."

Uncritically accepting Keynes' orientation, his political heirs assumed that the long run was merely a succession of short runs. If government and the private sector can manage each short period successfully, the economy will grow over the long term without any explicit policy attention. This worked fine for the United States until about the mid-1960s, but it has not worked since then; and the American policy paradigm has yet to incorporate an explicit component to deal with long-term economic problems. The Japanese have incorporated such a component into their capitalist economic system, but instead of calling it supply-side economics they call it industrial policy (sangyo seisaku).

Japanese industrial policy centers on the use of public incentives and disincentives to influence the long-term structural development of the economy. This includes the phasing out of declining industries and the phasing in of new ones with the least possible social disruption; support for risky R&D projects; assistance in the commercialization of new products; and the explicit incorporation into national welfare, tax, savings, and anti-trust programs of criteria such as capital formation, international competitiveness, and dynamic comparative advantage. Industrial policy assumes that in advanced capital-intensive and knowledge-intensive industrial economies, with mammoth firms employing thousands of workers and huge capital investments, the "market" is an inadequate mechanism for smooth, timely, and appropriate changes of structure. Japan believes that a function of the state in advanced capitalist economies is to induce, guide, and accelerate the structural changes needed for long-term growth. Japanese industrial policy thus involves a commitment to the long-term planning and programming of the nation's economy while also utilizing the Keynesian fiscal and monetary tools to manage short-term demand. For example, the chaotic and wholly ad hoc process of industrial relocation in the United States known as the "shift to the sunbelt" is in Japan influence (though not controlled) by a formal set of industrial relocation policies for both new and old areas and by extensive governmental investments in infrastructure.

Industrial policy is not at all unknown in the United States, and the Japanese claim to have gotten many of their initial ideas for their own industrial policy from us and other foreign countries (notably France). In America all large corporations have vice presidents and departments for planning and diversification, many states have industrial policies for attracting new industries, and during World War II the U.S. government implemented the world's most effective pro-growth industrial policy without nationalizing a single industry (an example well known to the Japanese). The current obstacles to industrial policy in America are a lack of national coordination, excessive political interference (the notorious "iron triangle" of Congressional committees, industrial trade associations, and bureaucracy), and regulatory actions taken without regard to economic impact. It is clear, for example, that what American railroads need is a withdrawal, not an intrusion, of the government, a point the Japanese are coming to accept with regard to the publicly-owned sector of their own railroads.

Japan has a very different political structure from that of the United States. It has an elite, meritocratic bureaucracy; an exceptionally weak parliament; and a court and legal system derived from the Continental rather than the English Common Law tradition. What this means is that the United States should not attempt to duplicate Japan's industrial policy. It would not work in America, and an American Department of International Trade and Industry (DITI) would in all probability more closely resemble the departments of Energy or Education than Japan's MITI. But even if America should not copy Japan, it could match Japan, accepting Japan's priorities and its attention to the long-term needs of the civilian economy while inventing institutions that reflect America's political experience and temperment. A better model for the United States than MITI might be its own Federal Reserve Board, semi-insulated from politics and given industrial development functions.

Industrial policy—that is, governmental institutions entrusted with long-term economic management functions—is a specific Japanese invention and contribution to capitalist economics. It is today an intensely controversial subject in English-speaking countries, and it obviously involves tradeoffs and side effects that clash with the traditional American government-business relationship outside the defense sector. Nonetheless, industrial policy is appearing in many other capitalist economies besides Japan, including some continental European countries, the newly industrialized countries of East Asia (Taiwan, South Korea, Singapore, and others soon to follow), and some of the Latin American high-growth economies (e.g., Brazil).

In the debate in the United States about industrial policy, the most important issue—the long-tern economic problems to which industrial policy is addressed—is often forgotten. The United States could retaliate against imports favored by a foreign country's industrial policy, and it could wrangle endlessly over whether its legal, bureaucratic, and political structures as presently constituted are capable of implementing any form of industrial policy. But these issues, important as they are, miss the point that the American economy has long-term structural problems. The American economy must invent new institutions for building developmental incentives into its operations, for further extending its markets overseas, and for providing not just "full" employment but skilled employment appropriate to the knowledge-intensive industries that are replacing the older capital-intensive industries. If the challenge of Japan helps to focus attention on these issues and not just on protectionism, or market access, or greater defense spending by our allies, then it will turn out to be the best thing that ever happened to the American economy.●

SENATE—*Tuesday, April 5, 1983*

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Humpty Dumpty sat on a wall. Humpty Dumpty had a great fall. All the king's horses and all the king's men couldn't put Humpty Dumpty together again.

Dear God, in mercy and grace, prevent the Senate from being like Humpty Dumpty. Keep it from being so fractured and fragmented that no one will be able to put it together again.

We are grateful, Lord, for our diversity, which is of the essence of unity, but help us not to allow diversity to degenerate into divisiveness. Save the Senate from the forces that would divide and destroy. We pray not for uniformity which is inimical to unity, nor for the elimination of party distinctives or regional, State, and personal differences; but we pray that the Senate will not disintegrate into a hundred individual entities and agendas and private loyalties.

Gracious God, our Republic languishes for unity in this hour of national and world crisis. We were born as a United States—help the Senate to demonstrate the unity of purpose and action implicit in our commonwealth, which is indispensable to the common good. In the name of Jesus, the Reconciler, we pray. Amen.

RECOGNITON OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, in accordance with the order entered prior to the Easter recess, I believe the reading of the Journal has been dispensed with, the call of the calendar has been dispensed with, and no resolution shall come over under the rules. Is that not correct?

The PRESIDENT pro tempore. The leader is correct.

EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, there is also provision for a period for the transaction of routine morning business today to extend not longer than 30 minutes in length, in which Senators may speak for not more than 5 minutes each. I would like to amend that, Mr. President. I do now ask unanimous consent that the time for the transaction of routine morning business be of 1 hour in length, in which Senators may speak for not more than 10 minutes each; provided, however, that the distinguished minority leader shall not be subject to that limitation in respect to the delivery of a statement on the floor of the Senate continuing his recitation on the history of the Senate; and that the time for the transaction of routine morning business be extended if necessary for an appropriate length of time in order to accommodate that requirement.

The PRESIDING OFFICER (Mr. PRESSLER). Without objection, it is so ordered.

Mr. BAKER. Mr. President, let me say first that I have just left the minority leader. He and I were attending a meeting in the Russell Office Building with the distinguished Parliamentarian Emeritus and our former colleagues, Senators Pearson and Ribicoff. We have been working on a resolution for Senate consideration, recommending changes in the procedures and the rules of the Senate. It is my hope to return to that meeting shortly. The minority leader remained in that meeting. I indicated to him that no business would be transacted other than the modification of the period for the transaction of routine morning business, which the Chair has already granted. Because of that situation, however, Mr. President, I ask unanimous consent that the time allocated to the minority leader under the standing order may be reserved for his utilization in the course of this day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I had hoped that we could have a substantial piece of legislative business to present to the body today. I must confess I have not been able to do that so far. The outlook for the balance of the week is unclear. However, I shall try to make a further announcement on that subject in the course of this day.

ORDER FOR RECESS UNTIL TOMORROW

Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 12 noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the remainder of my time under the standing order may be reserved to me for utilization during this day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I believe that it will be in order for the Chair to provide for the time for the transaction of routine morning business. I yield the floor.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there shall now be a period for the transaction of routine morning business for not to exceed 60 minutes, with statements therein limited to 10 minutes each.

The Senator from North Carolina (Mr. HELMS) is recognized.

Mr. HELMS. Mr. President, I thank the Chair for recognizing me and I thank the majority leader.

THE NORTH CAROLINA STATE WOLFPACK: A TEAM OF FAITH—AND DESTINY

Mr. HELMS. Mr. President, it goes without saying that North Carolina is a very proud—and, in all honesty, relieved—State today following last night's NCAA basketball championship game at Albuquerque. The North Carolina State University's Wolfpack again thrilled millions of Americans with another one of those last-second victories.

They may be the cardiac kids, as some have described them throughout the NCAA playoffs, but they are far more than that. They are more than merely a superb athletic team, coached by a remarkable young man. I suppose all of us occasionally overreach for superlatives when the hometown team wins, and it may be overreaching a bit to pick up on the sports writers' description of the Wolfpack—the team of destiny, they have been called. But one savors such moments to suit himself.

Mr. President, one important note about the North Carolina State University team that might otherwise be overlooked: The Wolfpack players are deeply religious young men. Without fail, following each of their incredible victories during the NCAA playoffs, the players made clear their faith in God. They did not claim that God was on their side. They merely made clear that they are on God's side, and that their faith was all important to them.

There is something encouraging about that, I think, because we live in an era when it is fashionable to deemphasize religion, if not outright reject

it. I am convinced that the North Carolina State players got that extra spark, that extra measure of courage and tenacity in game after game, because of their unique and unashamed faith. At no time were they holier-than-thou; they simply witnessed for their Creator in a genuine, sincere way.

Sure, Mr. President, I am proud of the young men from North Carolina State University for keeping the NCAA championship in North Carolina. But I am prouder still that they conducted themselves like gentlemen, and that they literally kept the faith.

To State's coach, Jim Valvano, and all of his players, I extend my congratulations. They are a credit to North Carolina, and to North Carolina State University. I am very proud of all of them.

THE PRESIDENT SPEAKS IN SUPPORT OF AGRICULTURE

Mr. HELMS. Mr. President, on March 21 America celebrated National Agriculture Day—a day to contemplate the tremendous contribution made to this country and its economy by our farmers. On that day, President Reagan visited the Department of Agriculture to speak to the employees there.

I commend the President for the contribution he has made to American agriculture in the past 2 years. I cannot recall a President who has been more dedicated to our Nation's farmers, or one who has been as mindful of their importance to our country.

When Ronald Reagan came into office, agriculture was in a mess. One of the first things he did was remove the grain embargo which had so seriously damaged our ability to export grain. Unfortunately, it is likely to be years before we fully recover from the effects of that embargo. President Reagan also put farm policy back into the hands of the farmers by selecting a farmer to serve as Secretary of Agriculture. Jack Block, a hog and corn farmer from Illinois, is a most capable Agriculture Secretary, and any President would be proud to have Jack Block serve in that capacity.

The one thing that President Reagan has done that is more important to the farmer than anything else has been his efforts to create an economic environment more favorable to agriculture. The reduction in inflation and reduction in interest rates have helped farmers far more than any commodity program ever will.

Runaway inflation and choking interest rates had just about ruined many farmers. Now, with the economy improving, our farmers have the opportunity to make the economic decisions and investments in a climate of economic stability that is so important to their survival and profitability.

Mr. President, I commend President Reagan for his commitment and dedication to the American farmer. I ask unanimous consent that the text of the President's Agriculture Day remarks be printed in the RECORD at the conclusion of my remarks.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF THE PRESIDENT TO THE DEPARTMENT OF AGRICULTURE EMPLOYEES IN RECOGNITION OF AGRICULTURE DAY

THE DEPARTMENT OF AGRICULTURE

The PRESIDENT. Secretary Block and Deputy Secretary Lyng, the ladies and gentlemen here on the dias and all of you from the Department of Agriculture, honored guests who are here and those who are listening throughout the country, today we commemorate stocked cupboards, healthy children, the spirit of enterprise, railroad cars and trucks heavy with food, free men and women living and working on their own land, government workers researching and developing scientific farming techniques, fields overflowing with grain and cotton and corn and vegetables, orchards laden with fruits and nuts, pastures dotted with cattle and hogs. I had to get that last one in here or the Secretary wouldn't let me speak. (Laughter).

But most importantly, we commemorate all the people who plant and harvest, transport, market and distribute America's food and fiber. Have I left anyone out? Yes, because I want you, the employees of the Department of Agriculture to know that this day is your day, too.

You've been doing a tremendously professional job and I'm grateful for your dedication. I know you've been putting your nose to the grindstone implementing the 1981 Farm Bill. You started the PIK program from scratch and have done an admirable job. Believe me, I know how hard it is to get the word out sometimes. And our cheese operation went from zero to full steam ahead overnight.

So whether you've been part of our efforts to increase exports, handling the very sensitive work over at the Farmers Home Administration or taking care of any of the other myriad of responsibilities of this department, thanks for all you're doing.

Today, we salute an endeavor that is vital to our wellbeing, yet one Americans have been so successful at that it's often taken for granted: agriculture. All of us should be grateful to God for making American abundance possible and grateful to the families and all the others involved in agriculture for taking over from there.

I feel a story coming on. (Laughter). Forgive me if you've heard it; but it's about an old fellow who had taken over some scraggly creek bottom land all covered with rocks and brush. And he went to work on it, clearing away the rocks and scrub brush and all. He cultivated and he fertilized and finally he had a garden that was his pride and joy. And one morning after Sunday services, he asked the minister if he wouldn't like to come out and see just what he'd accomplished. Well the Reverend arrived. And the first sight were the melons. And he said, "I've never seen melons so big." He said, "My the Lord has certainly blessed this land." And the Reverend came to the corn and he said, "That's the tallest corn I've ever seen." He said, "Blessed be the Lord." And he went on that way about everything he saw. Finally, he said, "What you and the Lord have accomplished here is a miracle." Well, all the time this was going on, the old boy was getting pretty fidgety standing there. And finally, he said, "Reverend, I wish you could have seen this place when the Lord was doing it all by Himself." (Laughter.)

Well, the Lord's help along with muscle and sweat and sophisticated technology and modern business methods are producing some miracles today. Farm output has jumped more than 89 percent since 1950, with agricultural productivity rising more than four times faster than industrial productivity per hour worked. One hour of labor on the American farm today produces 15 times as much as it did 60 years ago. American production of food and fiber, always admirable, now holds the rest of the world in awe. With less than three-tenths of one percent of the world's farmers and farm workers, our country produces—think of it, less than three-tenths of one percent—produced 65 percent of the world's soybeans, 48 percent of the corn, 32 percent of the sorghum, 25 percent of the oranges, 31 percent of the poultry, 26 percent of the beef, and the list goes on and on.

As I walked into the Department of Agriculture this morning, I noticed the words of George Washington inscribed on the front of this beautiful building. He said, "With reference either to individual or national welfare, agriculture is of primary importance."

Well, this was never more true than today. With stores and markets overflowing, our citizens each consume 1,408 pounds of food annually. Their relative health, creativity, and high energy level can, to a large degree, be traced to a diet that is the envy of the world. And yet, we spend less than 17 percent of our disposable income on that food. That is the lowest rate of any people anywhere in the world.

The health of our economy is, also, tied to agriculture. American agriculture, taken as a whole, is an industry so vast that it stretches the imagination, with assets exceeding one trillion dollars, employing 23 million people—22 percent of America's work force.

And we aren't just feeding ourselves. Today, wheat harvested in the Great Plains is eaten as pasta in Italy. Our soybeans are part of the soy sauce used in the Orient. Our cottonseed is pressed into oil and shipped to Venezuela. Our grain is consumed in Russia. And African children are fed by the tillers of Nebraska soil.

In 1982, our agricultural export revenue was five times what it was in 1970, helping to offset the increased cost of energy imports over this period. Today, two of every five agricultural acres are devoted to export. And over one-fourth of all farm income comes from sales overseas. Our agricultural exports use rural elevators, grain terminals, railroads, canals, seaports, ships, barges, and warehouses. It is a vast network, incredibly efficient in providing income for tens of millions of people and feeding many millions more.

In the United States we're proud of what our free people, with a profit motive and private property, have produced, and that is especially true of agriculture. Our agricultural system is a national treasure, and this administration is unflinching in its commitment to maintain and strengthen agriculture's role in the American economy.

Yet, as proud as we are of American agriculture, all of us should be aware of—and I

know you who are present in this hall are—and sensitive to the weight borne by the American farmer in recent years. A decade of overspending and overtaxing shot interest rates sky-high and unleashed devastating inflation on all of us. Nowhere was it felt more than down on the farm. They were the greatest victims of the cost-price squeeze.

A farmer once won a sweepstake, thousands and thousands of dollars in a sweepstake, and someone asked him what he planned to do with all the money. And he said, "I'll just keep on farming until it's all gone." (Laughter.)

Surviving has been a job in itself, but I think it's fair to say that, although the winter has been harsh, it's going to be a beautiful spring. We've planted the right seeds, and now economic recovery is popping up all over the country. And America's farmers aren't going to be left out.

For the first time in years we've got inflation—which was public enemy number one when we came here—under control. In the two years '79 and '80, farm production costs rose 30 percent. By last year, they were only going up two percent, and in 1983 it's expected to be the same or less. The prime interest rate is down to 10.5 percent. It was 21.5 just before we came here. And I told these people here on the platform and will tell all of you that, along with spring this morning, came an announcement from the Department of Commerce that the growth in Gross National Product for the first quarter of '83 was four percent. In the last quarter of '82 it was going down 1.1 percent. In our own estimates, we only predicted it was going to be going up 1.5 percent in this first quarter.

To get back to the interest rates and so forth and what they mean for every farmer, for every one percent drop in the average interest rate on outstanding farm debt, net farm income goes up $2 billion.

Do you remember when we decontrolled the price of oil and some so-called experts howled that it would add to inflation and predicted that the price of gas would go above $2 a gallon? Well, decontrol unleashed a stampede of exploration, contributed to the oil glut and brought oil prices down from, gas prices down from about $1.27 a gallon when we started to below a dollar now in most of the country. The decline in the price of diesel has been a Godsend to the American farmer.

Bringing down interest rates and reducing fuel costs will help, but increasing farm income is better. With the cooperation of Secretary Block, Trade Representative Brock, and all relevant agencies and departments, that's exactly what we're trying to do—not by increasing subsidies or federal controls, but instead by opening markets and introducing alternatives in order to overcome excessive surpluses.

We believe in free trade, but we're no longer going to play patsy for those who would use this commitment as leverage against us. Free trade means access for those trading with us and it also means access for Americans to their markets, those foreign markets. Our Trade Representative must do everything it takes to tear down trade barriers and end unfair practices.

In the meantime, we've sent trade teams around the world, and they included your Secretary—to Europe, to Africa, to Latin America, the Middle East, and the Far East—all—the intent was to seek new markets. And these efforts are paying off. We expect to ship more grain to Iraq and Morocco, to have sizable grain sales to India, and, of course, we have a deal with Egypt that represents one-sixth of the world's wheat flour trade.

Another plus for farmers is a program that we've started—with the full cooperation of Congress—which puts surplus commodities, now sitting idle in bins and warehouses, to work helping the American farmer. It's called the PIK, and you know that's the Payment-In-Kind Program. And under this crop-swap agreement, farmers—or concept, farmers are given a certain amount of grain or cotton, rather than money, in payment for not planting. The self-help nature of PIK makes farmers themselves, not government, the solution. It leaves them with much more personal freedom, and it has the potential of whittling down a surplus problem that's been a serious drag on the entire farming community.

The final tally on farmer participation won't be known until 3:00 tomorrow afternoon, but from the reports that I've been getting from Secretary Block, the program is being received with open arms.

Although our large surplus remains a problem, we can be grateful that even in economic downturns America has an abundance of food. This bittersweet situation afforded us the opportunity, early last year, to initiate a program to help those hard-hit by the recession by giving away surplus cheese and other dairy products. Your department has given away over 250 million pounds of cheese and dairy products—valued at nearly $400 million—to 10 million needy people during these past 14 months.

Those of you who work here at the Department of Agriculture are aware of other surplus commodities held by the Federal Government. Now, I personally believe that we shouldn't keep agricultural commodities locked up in storage that needy people require and can't afford to buy. So I'm asking the Secretary to explore ways some of the other commodities in government warehouses can be distributed to the needy to alleviate unusual hardship without disrupting our farmers' markets. The Secretary informs me he's already taken the first steps to make milled rice and cornmeal available.

These have been difficult times, and while we're encouraged that recovery is underway—and that it looks like it'll be long and strong—we haven't ignored those who, through no fault of their own, are suffering. Emotional and often politically-motivated attacks notwithstanding, overall nutrition assistance provided to the unemployed and the needy of this country is at a higher level now than ever before. This assistance takes the form of food stamps, school lunches, child and nutrition activities, and donated commodities.

Comprehending the pain and the deprivation resulting from this recession should bolster us in our resolve never to be lured back into the irresponsible policies of tax and spend and inflate that caused this suffering in the first place. The ultimate solution to these heartrending problems remains a healthy economy. Yet, while heading toward that goal we have not, as some would like you to believe, permitted people to go hungry. In times like these, we must use our heads to make things get better—but we must never forget our hearts either.

Consistent with this, our efforts—getting control of farming costs, opening markets and coming to grips with the surplus problem—will reap long-lasting benefits for farmers.

I grew up in farming country during the dark days of the Great Depression. And in the last few months, there have been stories reminiscent of those days: farmers losing their land, foreclosures, and tears. Now, obviously, we've been unable to rescue all of them, but the Farmers Home Administration has been operating under instructions to work with farmers on a case-by-case basis, taking every responsible measure to help individual farmers get back on their feet.

There is a federal role in agriculture. Consistent with this, we've increased money for agricultural research and expanded the federal crop insurance program. We've strengthened the department of Agriculture's market-development program, implemented the blended credit program to finance U.S. agricultural exports, increased the level of agricultural export credit guarantees, to the highest level in history—$4.8 billion.

By the end of this year, we will have cut income taxes by 25 percent across-the-board and, beginning in 1985, indexing will prevent people from being pushed into higher and higher tax brackets by inflation.

In 1987, the estate tax, which has been the most potent enemy of the family farm since the Dust Bowl, will be entirely eliminated for a surviving spouse and the exemption will be increased by then to about $600,000 making it easier for family farms to be passed on to their children.

We also, as you have been told, ended the Soviet grain embargo and have pledged never again to single out agriculture from the rest of the economy for use as an economic weapon. In addition, I signed into law legislation that assures the sanctity of agricultural export sales contracts.

Throughout history, farming has been recognized as irreplaceable to the vitality of any society. The nobility of those who grow food has not escaped notice. In ancient Rome Cicero said, "Of all ocupations from which gain is secured, there is none better than agriculture, nothing more productive, nothing sweeter, nothing more worthy of a free man."

Well, here in the United States where new dimensions have been added to the word "liberty," the Jeffersonian vision of free men working their own land is still rooted in our consciousness. So in many ways, we look to agriculture not just for sustenance of the body, but also also to prove to ourselves that our ideals are still alive.

Recently, farmers in states across the nation, in spite of their troubles, donated thousands of bushels of wheat to help feed the unemployed in hard-hit urban and industrial areas. In North Dakota, the goal was set at 2,600 bushels and on the first day of the project, 6,000 bushels were donated. The wheat was ground at a state-owned mill and pressed into macaroni. That North Dakota project alone provided enough food for more than 1,700,000 meals. Every aspect of the project was a product of voluntary contribution, the wheat, baking, the bags and boxes, as well as the trucks and fuel. All of this done at a time when the wheat farmers, as I said before, are themselves in a bind.

I once learned never get in a scene with a kid or an animal. [Laughter]. [Applause].

But similar events to this charity thing have happened in Minnesota, Oklahoma, Oregon, South Dakota and Washington. This isn't just a story of good farmers. This is the story of good people and good Americans. No matter how industrialized we become, America's heart, her soul, her sense of justice and decency will remain strong as

long as the American farmer continues to be an integral part of our national life.

As a young boy growing up in that small town on the plains of Illinois, I remember those farming families. They were proud, church going people. They were independent and yet always ready to lend a hand to a neighbor. We can all be grateful that these folks and their ideals are still with us today.

Today, Agricultural Day, we express our appreciation to them for the bounty of food and fiber they provide and for the strength they give us.

And, now, God bless all of you and them and thank you. [Applause].

UNITED STATES MUST ACT TO REDUCE UNFAIR EUROPEAN SUBSIDIES

Mr. HELMS. Mr. President, during the Easter recess, I noticed an excellent article by the able Senator from Georgia (Mr. MATTINGLY) that appeared on the op-ed page of the Washington Post. The article was entitled, "No One Would Blame Europe—If Europe Played Fair."

Senator MATTINGLY's article was written in response to a previous article by Sir Roy Denman, head of the delegation of the Commission of European Communities to the United States. Senator MATTINGLY properly rebuts Mr. Denman's assertion that the Europeans are not to blame for the decline in U.S. agricultural exports.

Senator MATTINGLY also correctly points out that the current farm problem is a global problem. He identifies the European Community as clearly a large part of the problem. Instead of working with other exporting countries to alleviate the problem, the Europeans continue to enlarge their massive subsidies and take from U.S. farmers markets they worked hard to develop.

Mr. President, such irresponsible action is outrageous in view of the manner in which U.S. farmers have responded to help correct the problem. American farmers have signed up for the payment-in-kind program in numbers far beyond what had been expected. They have demonstrated that they are willing to act against their natural instincts by taking land out of production in an effort to help reduce the glut of grain on the world market.

On the same day that Senator MATTINGLY's article appeared, the Post ran an editorial which also pointed out that the rules of international trade are not being enforced, and that the European Community is taking advantage of that fact. The Post agrees with Senator MATTINGLY that things have gotten out of hand and that it is time for the Congress of the United States to act to protect the interests of our farmers. To do otherwise, to stand idly by while our farmers are robbed of markets, would be to surrender our agricultural base, the most productive and most competitive sector of our economy.

Mr. President, the Senate will in a short time take up for consideration S. 822, the Agricultural Export Equity and Market Expansion Act of 1982. This bill has been reported out by both the Agriculture Committee and the Foreign Relations Committee. By mandating the export sale of some of our dairy surplus, providing the credit and direct subsidies, and other provisions, the bill sends a clear message to the European Community. That message is that the U.S. Congress will not stand idly by and let these predatory practices continue, that we are ready to act to put our farmers on an equal footing in the world markets.

Senator MATTINGLY's article and the Washington Post editorial are both further signs that there is a growing, bipartisan consensus that it is time for Congress to act. No one, especially this Senator, seeks a trade war. But everyone wants us to stand up for American interests and take action to seek a solution to this problem.

Mr. President, I ask unanimous consent that Senator MATTINGLY's article and the Washington Post editorial be printed immediately following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 29, 1983]

THIS TIME THE U.S. IS RIGHT

If sufficiently mishandled, the farmers' trade war between the United States and the European Common Market can do real damage to both. A competition in subsidies would cost a great deal of money at a highly inconvenient time. Beyond that, unfortunately, trade quarrels have a way of generating a kind of bad temper that spills over into larger concerns like, for example, engineering an international economic recovery.

This time the United States is right. The Common Market is mismanaging its farm policy in a way that badly disrupts other countries' markets. The issue is once again export subsidies to get rid of those huge and embarrassing agricultural surpluses. If the Europeans were dealing with an unexpected and temporary fluctuation of output, American protests would be less vehement. But the impression here is that the Europeans regard their subsidized exports as an acceptable long-term solution to an imbalance that is getting steadily worse.

The international trade rules say that it's all right to expand your share of the world market. They also say that it's all right to subsidize your exports. But they go on to say that you mustn't do both. You are not permitted to use subsidies to take a larger share of the market, at the expense of other countries' exports. That's what the Common Market has been doing, but, as Sen. Mack Mattingly points out on the opposite page, the rules aren't being enforced. The United States, like every other government, subsidizes its farmers in many ways. But, over the past decade, it has not generally subsidized its exports. The recent sale of subsidized American wheat flour to Egypt was a deliberate warning to the Common Market of what may lie ahead if a sensible compromise can't be arranged.

In both Western Europe and the United States, the extraordinary technology of modern agriculture is producing more than farmers can sell. In this country, the Agriculture Department is again paying farmers to take land out of production. In Europe, the politics of overproduction is much more delicate. The Common Market is built on a series of understandings between France and West Germany; the larger market was supposed to benefit in particular German industry, and the compensation for it was to be high price supports for European—i.e., French—agriculture. The thing has now gotten out of hand, but in the politics of the Common Market it's always easier to keep paying the farmers to produce, and then pay again to dispose of the stuff somewhere else. It's hard to believe that human imagination can't find a solution that serves even European interests less badly than a future of perpetually widening subsidy disputes.

[From the Washington Post, Mar. 29, 1983]

NO ONE WOULD BLAME EUROPE—IF EUROPE PLAYED FAIR

(By Mack Mattingly)

Roy Denman's discourse on the innocence of the European Community in dealing with agricultural trade ["Farm Crisis: Don't Blame Europe," op-ed, March 17] is admirable in its rhetoric, but less so in its conclusions.

As head of the delegation of the Commission of European Communities to the United States, he contends that the Community is bearing the major blame for U.S. agricultural problems when, in fact, it is blameless.

Wrong on both counts. No one in U.S. agriculture lays the current depressed farm situation at the Community's door. It is a global problem, requiring global solutions.

However, the Community is doing little to help make adjustments in its own agricultural production and marketing programs to help the world cope with the current marketing situation. Rather, it is considering recommendations to further increase subsidized farm prices, thereby stimulating production and adding to an already glutted world market.

And contrary to Denman's contention, this does hurt U.S. competition that seems prepared to beat any price.

To use Denman's own example, poultry, U.S. Department of Agricultural statistics show that the Community's share of the world broiler market was 37 percent in 1975-77 and 39 percent in 1982, while the U.S. share over the same period dropped from 31 percent to 20 percent.

When the Common Agricultural Policy for poultry and eggs was established in 1962, the Community was the world's largest importer of poultry and eggs. Today it is the largest exporter, producing beyond self-sufficiency and subsidizing the surplus into export, destabilizing the world market.

In the Middle East, U.S. broiler producers have lost markets to subsidized exports from the Community—and from Brazil, as Denman points out. The U.S. share dropped from as much as 18 percent in the early 1970s to one-tenth of one percent in 1982. In the same period, the EC and Brazilian share of this market increased dramatically and now accounts for virtually the entire trade. Despite negotiations on this inequity with the Brazilians and the Europeans, they continue to subsidize their poultry exports.

Some other specific examples of subsidized EC competition are:

U.S. egg sales in Egypt dropped from 7.7 million dozen in 1981 to 669,000 in 1982, largely on account of Community export subsidies of about 11.5 cents per dozen.

In wheat, Community exports have risen from a total of 1.2 million tons or 3 percent of world trade in 1970-71 to an estimated 12.5 million tons or 13 percent of trade in 1982-83, a year when U.S. wheat exports are expected to drop by almost 8 million tons.

Furthermore, Denman states that agricultural export subsidies were recognized as a fact of life during the Tokyo Round of trade negotiations. What he failed to add was that the Community succeeded in thwarting the efforts of the United States and other exporters to have the problem addressed squarely and solved during the trade negotiations.

The result was a vaguely worded Subsidies Code authorizing subsidized exports onto world markets if they don't take more than an "equitable share." Events have proved the code to be unworkable.

Just last month, trade negotiator Robert Strauss had this to say about the Community's use of subsidies: "There is no reason to let the European Community so subsidize its products that we can't compete in world markets. There is no reason in the world why we should let predatory trade practices destroy our markets. We should take action, and that is not protectionism."

At the GATT ministerial meeting last fall, which I attended, the Community stood alone among the assembled GATT member delegations in opposing mandated negotiations to come to grips with Denman's "fact of life"—to put teeth into the code. Faced with the Community's intransigence on export subsidies, the ministerial meeting deferred the issue by agreeing to a two-year study of the impact of national policies on trade.

So we are left with the Community-sanctioned Subsidies Code, which a recent GATT fact-finding panel on wheat flour agreed is not stringent or effective enough to define an "equitable share" of the market, let alone to compensate countries losing markets because of code violations.

No, the United States does not want the European Community to "get off" the world market, as Denman claims. We only want the Community to relieve the world market of its artificially high, surplus-producing farm support prices.

What the Community does at home is the Community's business, but when the cost is laid at the rest of the world's door, we blame the Community for that. That kind of policy is a "beggar thy neighbor" policy.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NICARAGUA: COMPLIANCE WITH THE BOLAND AMENDMENT

Mr. LEAHY. Mr. President, I rise to address an issue which has been much in the headlines of late: claims of U.S. political and military assistance to anti-Sandinista elements waging a guerrilla war against the regime in Managua. If one is to believe the detailed accounts in the press in recent days, the administration is actively supporting, and perhaps even guiding, a large-scale anti-Sandinista guerrilla movement now involved in open combat inside Nicaragua. From reported statements of some Sandinista leaders, the apparent—in fact, undisguised—aim of the military campaign is to overthrow the present Government of Nicaragua.

The Select Committee on Intelligence, as well as its House counterpart, has been concerned for a considerable period about U.S. activities in Central America, their nature, scope, and, above all, their purpose. Last fall, in our classified authorization of the intelligence community's budget, both committees of the House and Senate adopted report language designed to prohibit any U.S. military or other assistance to irregular groups aiming to overthrow the Nicaraguan Government or to provoke hostilities between Nicaragua and Honduras. During the consideration of the continuing resolution last December, the Intelligence Committee restrictive language was enacted into public law by both Houses under the so-called Boland amendment.

Drawing on the language of the classified fiscal year 1983 intelligence authorization, the Boland amendment states:

> None of the funds provided in this act may be used by the Central Intelligence Agency or the Department of Defense to furnish military equipment, military training or advice, or other support for military activities, to any group or individual, not part of a country's armed forces, for the purpose of overthrowing the Government of Nicaragua or provoking a military exchange between Nicaragua and Honduras.

As the vice chairman of the Select Committee on Intelligence, the distinguished senior Senator and my friend from New York (Mr. MOYNIHAN), has recently pointed out, differing perceptions over the objective of U.S. activities in Central America have created "a crisis of confidence" between the Intelligence Committees and the intelligence agencies.

The Intelligence Committees have an obligation to remove this crisis of confidence and to assure the American people and our colleagues in the Congress that the law of the land is being obeyed. The issue cannot be allowed to fester, or can it simply be fought out in the press.

In January, I visited several countries in Central American. I was accompanied by nonpartisan expert staffs from the Select Committee on Intelligence. On my return, and with their assistance, I prepared a highly classified report for the committee. That report bears materially on the question of whether the executive branch is complying with both the letter and the spirit of the restriction placed on it by the Intelligence Committees and later adopted as an amendment to the fiscal year 1983 continuing resolution. I strongly urge all Senators to read that classified report. It is available to each Member of the Senate from the Intelligence Committee on their request. If Senators want to be able to put in context the news reports they are reading, they really should review this report. It will help them make up their minds on this extremely important issue.

Mr. President, the Senate Select Committee on Intelligence has already held hearings with senior officials from the executive branch on the question of compliance with the law. It is my understanding that the chairman has scheduled an additional hearing on the subject after receiving a request for such a hearing from the vice chairman. I support this ongoing oversight activity.

What we are dealing with here is not a partisan issue of whether the administration's Central American policy is right or wrong. The question is whether it is within the letter and the spirit of the law.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, I rise to express appreciation to my learned and distinguished friend, the Senator from Vermont, and to confirm, if that could be thought necessary, that there is, indeed, available to each Member of the Senate in the quarters of the Select Committee on Intelligence the report of Senator LEAHY's visit to Central America. It is as detailed and specific and persuasive a document as I have seen produced by the committee in what is getting to be the seventh year in which I have been a member. It is a document that was produced pursuant to law.

Mr. President, this is not a partisan issue; this is an issue of law. Since September of last year, it has been against the law to use any funds to overthrow the Government of Nicaragua. No one appreciates more the fact that the present regime in Managua is quickly going the way of other totalitarian regimes. No one who observed how the Sandinistas treated the Pope on his recent trip to that land can doubt otherwise. Indeed, just this past week the Government refused to allow the church to broadcast, over the church's own station, Easter week services without prior censorship.

May I say to my good friend, as well as to the Senate, that what he knows—and perhaps we all ought to be reminded of this—is that there is a specific obligation on the part of the United States, as on, indeed, all signatories to the Charter of the Organiza-

tion of American States, to behave precisely as our most recent statute provides.

Nevertheless, Mr. President, the law is the law. Not only does the Boland amendment proscribe the use of funds to overthrow the Sandinista government, but our Nation is solemnly bound by treaty to refrain from such action. The OAS Charter clearly provides that:

> No State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. The foregoing principle prohibits not only armed force but also any other form of interference or attempted threat against the personality of the State or against its political, economic, and cultural elements.

Mr. President, the Select Committee on Intelligence will be holding another hearing on this issue in the week to come. Specifically, April 12, 1983. I might add that this is only a continuation of the oversight we have continually exercised regarding intelligence activities in Central America. Indeed, I dare say that a good 25 percent of the committee's time has involved reviewing intelligence programs in that area. As Senator LEAHY's trip report makes abundantly clear, the committee has been more than diligent in tending to its responsibilities. The concern we have is not with what we don't know, but with what we do know. In this regard, I want every Senator to know that, should he or she so desire, the staff of the select committee is available to brief any Senator on this issue.

Mr. President, as it has happened, perhaps inevitably so, this matter has become the subject of public debate. However, this remains a sensitive and delicate issue and we shall treat it accordingly. Moreover, we shall—and must—continue to insure that our intelligence programs comport with the laws and stated principles of this Nation.

That treaty was signed on April 30, 1948, in Bogotá, if memory serves. It entered into effect December 13, 1951, when the 14th instrument of ratification was deposited with the Secretariat by Colombia.

The fact that Nicaragua is violating this provision of the OAS Charter—despite the fact that it is a founding member—should come as no surprise to those of us who have watched the development of Marxist-Leninist domination in that Government. That fact, however, does not absolve any other country of its obligations under the treaty. As we are a government of laws at home, we would hope to be a government of laws in the hemisphere, and be bound by our own commitments.

I should like to say further, and to confirm Senator LEAHY'S points, that the Select Committee on Intelligence will meet on Tuesday, April 12. By that time, our chairman will have returned—he is unavoidably in Arizona this week—and we will continue our briefings.

Once again, this is an opportunity to express in public what we heretofore have been able to express only in private, which is the gratitude of the committee for the 18-hour days which the Senator from Vermont put in, in a very difficult and demanding task. Having just gone through that effort, he could very well have considered being discharged of any further responsibility, but then he came back and wrote it up, which is the beneficial consequence of the good training of Vermont prosecutors, I suppose.

Mr. LEAHY. Mr. President, if the Senator will yield, I must say that I appreciate the help of our distinguished vice chairman in this matter. Having him in that position has been of great aid to the committee, with his background as Ambassador to India and Ambassador to the rest of the world at the United Nations.

He knows better than anybody else in this body how difficult it would be if all 535 Members of Congress were to try to determine what the foreign policy of the United States should be, especially if all of us were to feel differently.

However, he realizes, as do I, that the law is the law. We may or may not like the law. We may or may not agree with a law. But if it is on the books, it is the duty of the executive to enforce it; and it is the duty of Congress, in its oversight function, to make sure that it is being enforced. If we determine that a law is not to our liking, then it is also our privilege—many would say our duty—perhaps to change it.

In the meantime, this is a matter of great concern to my constituents in the State of Vermont and, I suspect, from talking with Senators around the country, to constituents everywhere. We do have an obligation to determine how the law is being followed.

We also have the ability, because of the leadership of both Senator MOYNIHAN and Senator GOLDWATER in the Intelligence Committee, and with the work that has been done by the very professional and nonpartisan staff, to know exactly what is going on. I think that, as Senators, we all should avail ourselves of the opportunity to be fully informed. I think that is what the public expects. It is what our duties entail. I think it is what we should do.

Mr. President, if no other Senator wishes to speak, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DARKNESS AT NOON

Mr. PROXMIRE. Mr. President, Arthur Koestler recently died. Mr. Koestler will be long remembered for having written an extraordinary novel "Darkness at Noon" which paints a chilling picture of the totalitarian mind at work.

In the novel, an old Bolshevik is trapped by his own belief in historical inevitability. He believes that Karl Marx identified immutable laws of history and traced their workings. The Soviet state is on the right side of history and its opponents are therefore always wrong. His captors, once his comrades, use this belief to break his resistance. They remind him that it is his duty not to resist the state but to help. Faced with this reasoning, the old Bolshevik confesses to crimes he never committed and goes quietly to his execution.

The belief that history is on their side seems to be a necessary part of totalitarian ideology. Hitler was convinced his Reich would last 1,000 years. Communist governments use the end to justify the means. Under this ideology, the individual is merely a replacable part of a much more important machine, which will continue running on a set course no matter what happens to the individual.

This potent combination of beliefs can result in men committing acts of terrible ferocity—even genocide. The idea that an individual counts for little implies that the individual's rights do not have to be respected. The idea of historical inevitability can lead men to turn a blind eye toward cruelties that otherwise would be denounced. If these beliefs are mixed with the envy or hatred of a racial, ethnic, or religious minority, that minority can find itself being led to the ovens.

Mr. President, I am proud to say that the United States rejects the beliefs of totalitarian ideology. In this country, the rights of the individual are protected by the fundamental law of the land. We need to take one more step, however, and reatify the Genocide Convention. This treaty will help extend to the world the values we hold most dear.

CAN THE NUCLEAR FREEZE STAND UP TO ITS CRITICS?

Mr. PROXMIRE. Mr. President, the nuclear freeze movement and its critics have stumbled into difficulty because the freeze advocates failed to make clear from the beginning that this course does, indeed, carry risks, just as the arms race carries risks and just as attempts to channel the arms race into a stable, defense dominated

military world carries risks. Freeze advocates must acknowledge that their principle would require that both sides would not produce additional nuclear weapons, that they would not deploy additional nuclear weapons and that they would not change, modify, alter—in a word modernize nuclear weapons. If a freeze has any meaning at all—it means that our present nuclear arsenal remain static or be reduced. It does not mean that we would be free to use our latest technology to modernize that is to improve the range, the accuracy, the reliability of the weapons.

Could we maintain the present nuclear deterrent in working order without violating the freeze? That would depend on the details of negotiations. And those negotiations would have to be painstakingly careful. Maintenance can shade into minor alterations that could improve the performance of the weapons. Without careful definition and monitoring such alterations could, over time, greatly increase the lethal capacity of either side. So obviously the freeze will require constant and detailed verification and that will probably mean steady day-by-day, onsite inspection. And even with competent and conscientious inspection and monitoring, we would run the risk of successful cheating by the other side that could leave this country at a very dangerous disadvantage.

Does the present impasse between the two superpowers warrant that kind of risk? The answer to that question is like the answer to the question of whether living a long life is worthwhile. It depends on the alternative. What are the alternatives to the dangerous risks involved in the nuclear freeze? One alternative is just to forget about the freeze or any negotiations with the Soviet Union and simply continue the arms race. How about the risks involved in that kind of course? Historically arms races have lead to using the newly developed and deployed weapons in war. Nuclear arms may constitute such a terrible prospect of mutual suicide that their ever more terrifying prospect might persuade both sides to continue to avoid any nuclear initiative. What are risks involved in this course? This "let nuclear technology loose with full funding" will immensely increase the power, accuracy range and reliability of each arsenal. Each side could vastly increase its capability to knock out the great preponderance of the other side's deterrence through a first strike of overwhelming proportions. So this kind of unrestricted nuclear arms race could sharply raise the risk level. Indeed with each passing month and year, a civilization destroying nuclear catastrophe would become more likely.

This kind of unrestrained competition also feeds the proliferation of nuclear weapons. Other countries learn from the technology progress of the superpowers. They recognize the decisive military power that nuclear weapons can give them. And the likelihood of a nuclear war starting somewhere and somehow grows relentlessly.

So if the freeze carries terrible risks, an unrestrained nuclear race carries far greater and more certain risks.

But suppose we apply more limited short-term goals for arms control. Suppose we follow the advice of Congressman GORE and Dr. Kissinger and aim at an arms control agreement that eliminates weapons that cause a threat to the deterrent of either side, but maintains the widely dispersed, mobile deterrents that would be most difficult for the other side to eliminate. Would this not offer a better alternative for the discouragement of a nuclear war than either a freeze or an unrestrained arms race? Yes, but! Why but?

Because the freeze is better. Deterrence would not require the end of the freeze movement or a change of its principles. It would simply require that both sides agree to destroy the elements of their present, in-being vast nuclear arsenals that constitute a threat to the deterrent of the other side. It means that they could continue their far less vulnerable, now-in-place, mobile, single warhead weapons. But they would agree to no tests to refine or advance this defensive nuclear deterrent, and to no development, production or deployment of any additional nuclear weapons. And the freeze provides a sure and simple framework for restraint. It puts a limit on nuclear testing to develop new and ever more threatening nuclear technology and it provides a far better basis to cope with what may be the most realistic danger of all: Nuclear proliferation, because it gives us a verifiable method of stopping nuclear testing and the terrible nuclear arms technology refinements that ultimately will spread to other countries.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MATTINGLY). The clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

A PRECIOUS GLIMPSE OF EUROPE

Mr. MOYNIHAN. Mr. President, as accustomed as we are to the excellent coverage of foreign affairs in some of our larger daily newspapers, it is nonetheless refreshing to read the first-hand accounts of an able American journalist making his way through the nations of Europe.

Mr. Alan Emory, a fine reporter known to many in this Chamber, recently ventured from his outpost in the National Press Building and toured Europe. Pencil in hand, he caught the tone and substance of the quality of life and politics in Europe in extraordinary fashion and his reports, which appeared originally in the Watertown, (N.Y.,) Daily Times, make valuable reading. While some of the material here predated recent events in the political life of Europe, the articles are strikingly prescient in that they anticipate many of the events that have since occurred. Together, these accounts provide a fine portrait of a community of nations in the process of change and I commend them to the attention of my colleagues. Mr. President, I ask unanimous consent that the series by Alan Emory be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Watertown Daily Times, Feb. 9, 1983]

U.S.-SOVIET ARMS ACCORD VITAL: REAGAN COULD LOSE "PUBLIC OPINION WAR" IN EUROPE

(By Alan Emory)

LONDON.—President Reagan is on the brink of losing a strategic battle in the arms control war—the battle for European public opinion.

Europe sees the United States and the Soviet Union safe from attack by medium-range missiles. And they are.

Europe is in the middle. There are fears President Reagan will not commit American military might to the defense of Europe despite the leading U.S. role in the North Atlantic Treaty Organization (NATO).

Therefore, to Europeans, a U.S.-Soviet agreement to reduce medium-range missiles in Europe is vital, or, lacking that, deployment of 108 American Pershing 2 missiles in Germany and 464 Cruise missiles throughout Europe.

The Pershings could hit some Soviet targets six to 14 minutes from launch time, but only from Europe—not from the U.S.

President Reagan's November 1981 "zero option" proposal—no more land-based medium-range missiles, American or Soviet—was widely applauded. It is still considered a sound starting point for serious negotiations.

Unfortunately for Washington, however, the negotiating strategy has become caught up in a public relations debate, and there the Soviets have raced ahead.

In Europe Soviet leader Yuri V. Andropov's Dec. 21 offer to reduce the number of SS-20 medium-range missiles has won the spotlight. It has forced the U.S. to try to catch up by declaring late in the game that "zero option" is not—as German and British leaders declared first, and Vice President Bush second—a "take it or leave it" proposition.

President Reagan gained points with his open letter to West Europeans declaring his willingness to study any reasonable Soviet alternative to zero option, which no one believes attainable, and then erased them quickly by declaring honestly, though undiplomatically, a day later in St. Louis

that the letter was just designed to counter Soviet propaganda.

Vice President Bush alternated comments on his current tour of Western Europe that the U.S. position was, and was not, part of a public relations campaign.

The U.S. lost ground by appearing to reject the Andropov Dec. 21 offer without giving it any real thought.

Ironically, NATO knew the details of the Andropov plan well before it was formally announced in Moscow and told Washington about it. The Reagan administration never told the public it had studied the Soviet proposal, found it lacking, and that was why it had been rejected so fast.

Russia's plan was to reduce its SS-20 missiles from 333—each with three warheads—to 162. This would equal the total of British and French missiles, none of which was under NATO command, and all of which were strategic, not medium-range.

The U.S. would be out of the picture, and no such arrangement, obviously, could be accepted by Washington or NATO.

But the Kremlin had made a gesture, and it looked good on paper. Its offer also included dismantling or shifting 240 older SS-4 and SS-5 missiles, but they are so obsolete they might well be dismantled anyway and represent no significant Soviet concession.

The propaganda battle has political overtones.

The West German government of Chancellor Helmut Kohl has staked much of its chances in the March 6 election on backing the Reagan stand.

Mr. Kohl hoped to see some Reagan flexibility, and, if it appeared, to get the credit. At one point his Christian Democratic Party's lead had shrunk from nine points to less than one in the polls, but he has apparently recouped some in the wake of the Reagan letter.

The opposition Social Democrats are poised to say they were the ones responsible for moving Mr. Reagan away from zero option, yet they may be losing ground.

Without a U.S. Soviet agreement in Geneva, however, they are as willing to deploy missiles as the Christian Democrats, though not with the same degree of enthusiasm.

And deployment really seems likely by the end of this year, though, as British leaders argue, and Vice President Bush conceded in a Geneva press conference Saturday, it can be stopped, and reversed, if some agreement is later negotiated.

The Italians are ready to install their allotted Cruise missiles in Comiso, Sicily, despite some large peace demonstrations.

The British are just as ready.

"As of now," said British Foreign Secretary Francis Pym said in an interview with a small group of American reporters, agreement "doesn't look likely."

Deployment could take four to five years, he said, but was not irreversible.

There are unmistakable signs of a split in the Reagan administration on missile policy, with the Defense Department favoring a hard no-compromise line and the State Department to arguing for a more flexible approach to ease European fears.

Those European leaders who have given Mr. Reagan's zero option the strongest backing, like British Prime Minister Margaret Thatcher and West German Chancellor Kohl, both of whom have elections on the horizon, make clear what they really want is some give in the U.S. position, and they now think they have it.

There are appearances of a two-level U.S. approach, with arms control negotiator Paul Nitze openly talking of flexibility and Mr. Reagan saying repeatedly he is sticking to zero option.

There is obvious concern the Kremlin will view any U.S. move off zero option as a sign of weakness, and any political gain Mr. Reagan might achieve by taking a more accommodating stance would only invite sniping from Far Right political groups in the U.S. that have given him strong support in the past.

Mr. Reagan is gambling he will push the Soviets toward a missile reduction pact. The Germans think Moscow is moving in that direction.

However, they are looking down the barrel of a gun and may have to think that way for their own sanity.

Ironically, neither Washington nor Moscow needs medium-range missiles for military purposes. The U.S. and the U.S.S.R. both have inter-continental weapons that can blow each other off the face of the earth.

The medium-range missiles are political toys to them, because they cannot reach Russia from the U.S. or the U.S. from Russia, but they are life and death to the Europeans who live within their range.

There is wide speculation Soviet policy may change after the West German election, but that could depend on which side won.

If Mr. Kohl loses his supporters fear the Soviets will have their way. The U.S. is banking on Mr. Kohl, the Kremlin on Social Democratic leader Hans-Jochen Vogel, who as of now is short on votes.

More people are really concerned with the economy in Germany, where unemployment has hit a record high of nearly 2.5 million persons, than with the missile question, a situation probably repeated in Great Britain, where an election may be held as soon as June.

But the headlines revolve around the missiles, and at this point, even though George Bush is no John Riggins. Mr. Reagan is hoping he can come from behind with the same efficiency that the Washington Redskins did on Super Bowl Sunday.

[From the Watertown Daily Times, Feb. 10, 1983]

"BALANCE OF TERROR" WORKS, NOT TREATIES: THATCHER PREFERS "FLEXIBLE APPROACH" TO N-ARMS

(By Alan Emory)

LONDON.—"You can go for half an hour cross-examining me, and you won't find a breakthrough."

British Prime Minister Margaret Thatcher was cool and in command the whole way in a 45-minute session with a dozen American reporters at 10 Downing St.

She was talking about Ireland then, but the discussion covered other issues, principally the stationing of medium-range missiles in Europe.

Mrs. Thatcher adroitly kept praising President Reagan's "zero option" proposal that would ban Russian and American missiles from European soil, while clearly indicating she preferred a more flexible approach.

"The best thing is a zero option," she declared. "If you can't get that you still have got the (1979) NATO decision," which allows for a balance of nuclear weapons at a lesser level.

Mrs. Thatcher received the reporters in the White Room of No. 10, so called because of the white brocaded wall covering and upholstery.

On the same floor are the Blue and "Pillared" Rooms, the latter with gold as its main color, and two chandeliered dining rooms, one large (the State) and one small.

Sometimes she made her points by ticking them off on her fingers, while at other times she would gesture with a ballpoint pen.

She would not "get involved" in the German elections.

She did not know when the British election was going to be. "I haven't made up my mind. Why should I?"

The Argentine invasion of the Falkland Islands? "Such an absurd and silly thing to do."

She is anxious to receive an Arab delegation, but cannot receive a representative of the Palestine Liberation Organization. Like President Reagan, she noted carefully.

Again on the Falklands. "Your constitution, as well as ours, is based on self-determination. It is not for me to negotiate that away—nor for you."

When a reporter wondered why Britain and the Soviets could not sign a treaty on nuclear weapons, Mrs. Thatcher recalled a pre-World War II non-aggression pact between Germany and Russia.

"A treaty," she declared emphatically. "A treaty. The real thing that works is not a treaty but a balance of terror. I'm utterly . . . My, my," she added, shaking her head. "A tongue in both cheeks."

"The point about nuclear deterrence," Mrs. Thatcher said. "is deterrence. It has worked."

There is an impression Mrs. Thatcher has moved away from the Reagan stand on missiles, but she insists, "That is not correct. Zero option is the best possible outcome. Don't ever give up zero option."

On the other hand, she says with precision, it is possible to find a weapons balance on both sides "on the way to zero option."

When it comes to public opinion, Mrs. Thatcher observed, the Soviets "can work on our opinion and we have no way of working on theirs."

"It isn't we who are dragging our feet (on a missile accord)," she says, "it's the Soviet Union."

And, by way of proving how the NATO plan of modernizing weapons is working, she says of the Soviets, "Look at how they are twisting and turning to make certain these (medium-range) weapons are not deployed. They can never cross that NATO line in Europe and feel certain that nuclear weapons would not be deployed against them.

"It's always the deterrent effect. Nuclear weapons are only effective in keeping the peace. That's the original idea. As new ones go in old ones go out."

And in the war for public opinion support, she says, "All the best stories are on our side, if we only deploy them."

"We have to stick, all of us," she says. "That's the shield and guarantee of the freedom of every NATO country, particularly in Europe.

"This (the decision to modernize weapons and deploy them in Europe if there is no disarmament agreement with the Soviets) was a NATO decision. We honor it.

Mrs. Thatcher closed out the interview by citing a "fundamental desire for peace in the Western world" and the Soviet attempt "to undermine the determination to defend that peace. The great inequity is that we have a public opinion. They have none.

"We do not want the peace of the Gulag, of Hitler or of Stalin. . . . You must never be taken in by what they are trying to do.

We have to play our hands in a way to bring this about.

"Our hope always is that you cannot confine people's thoughts, even in the Soviet Union. . . . Human rights come from something deeper than governments."

With that the interview ended, and Mrs. Thatcher, already late for her next appointment, posed briefly with the American correspondents for an official photograph.

[From the Watertown Daily Times, Feb. 11, 1983]

BONN OFFICIALS "SINGING" TUNE SIMILAR TO REAGAN'S

(By Alan Emory)

BONN.—There are times, listening to government leaders in West Germany talk of their problems, when one would swear it was Ronald Reagan or a member of his cabinet speaking.

Germany's very negative economic situation, says Chancellor Helmut Kohl, was one "which I inherited."

When it comes to settling the medium-range missile problem and President Reagan's "zero option" plan to get rid of all the land-based missiles in Europe, which the Soviets have rejected. Kohl says, "I inherited zero option when I took over."

What about the natural gas pipeline from the Soviet Union to Western Europe? Says Kohl, "I didn't invent the gas pipeline."

And on the economy again, "For too long we have been living beyond our means. We can't burden the economy with socialist ideas for too long without suffering."

Says Finance State Secretary Hans Tietmeyer, there are "signs of recovery" in the German economy, and he talks optimistically of declining interest rates and a pick-up in housing, with improved business confidence.

"Figures show we're going in the right direction," he says.

Tietmeyer talks of entitlements problems, a need to "increase the tax on consumption" and a reluctance to "raise taxes to limit budget deficits."

The echoes from the Reagan Administration were unmistakable.

[From the Watertown Daily Times, Feb. 11, 1983]

AMERICANS MAY BE LOSING PROPAGANDA FIGHT: U.S., SOVIETS BATTLE OVER WEST GERMANY ELECTIONS

(By Alan Emory)

BONN.—The United States and the Soviet Union are locked in a public relations struggle to influence the outcome of the March 6 election in West Germany.

Germans, like Dr. Bruno Heck, chairman of the Konrad Adenauer Foundation, refer sarcastically to western "dilettante propaganda." They argue that not only is the West losing the propaganda fight, but the campaign detracts from the disarmament negotiations in Geneva.

The voices from America, West German Chancellor Helmut Kohl told a group of visiting U.S. reporters the other day, do not always comprise a "well-functioning choir. The bass and the baritone are not in harmony. Some are too high, some too deep in tone. Some think too quickly."

The U.S., American diplomats agree privately, should tone down its rhetoric and emphasize a desire for peace more. They say that at the moment the U.S. "may be at a disadvantage."

Soviet policy, says West Germany's balding, bespectacled foreign affairs minister of state, Alois Mertes, is more than weapons; it is "blackmail."

"They don't like to kill the cow (Germany)," he says. "They want the cow in their possession, an obedient cow."

American sources say the Soviet line is designed to "flimflam" the Germans and explain, "We are not a country where gloom is one of the national products."

Germans point to congressional efforts to withdraw American troops from Western Europe and say that hurts. They condemn what they call "loose talk" in Washington. Says Mertes, "We are nuclear eunuchs, completely dependent on the United States."

The Soviet goal is clearly to divide the U.S. from its European allies, and the Germans feel the Soviets would like to see Germany as the Kremlin spokesman in Western Europe.

West Germany has two major political parties, the Christian Democrats (CDU) and the Social Democrats (SDP), but neither commands a majority of public support, so the likelihood is one will have to hook up with a minor party to form a coalition government.

However, to gain seats in parliament a party must win five per cent of the vote, and none of the minor parties is assured of that.

The Reagan Administration badly wants the Kohl-led CDU to win the March 6 election because it is more conservative and gives the stronger support to Mr. Reagan's missile policy.

The Free Democrats, who left a coalition with the SDP and brought down the government of Chancellor Helmut Schmidt, would join Kohl in a different coalition.

The anti-nuclear, ecological and wildly unpredictable party called the Greens might form a coalition with the SDP, though the SDP is wary of such an alliance.

If neither the Free Democrats nor the Greens wins five per cent of the vote one of the major parties will score a clear victory.

If all four parties win seats and no majority government can be formed a "grand coalition" by the two major parties is possible. It has happened before, but none of the leading German politicians likes it or wants it.

There is almost complete agreement that Schmidt would still be chancellor if he could have held his SDP party together, but he lost the backing of its left wing and the ruling coalition fell apart.

Both of the major parties favor some deployment of medium-range missiles if the arms talks in Geneva break down and are drawing closer together, but the SDP approach is more cautious.

The slumping German economy works for the SDP.

Kohl is a solid steady man who tends to calm public fears.

He represents more stability and more moderate government programs, which many voters tend to prefer.

His opposite number. Hans-Jochen Vogel, has more charisma and tends to excite voters, and his main deputy. Horst Ehmke, observed proudly the other day that Vogel had attracted a full house at a political rally in competition with the television show "Dallas."

Vogel, whose recent trip to Moscow caused considerable controversy, refers sarcastically to Kohl as "acting federal chancellor."

Ehmke insists it is hard for the Greens to be both a protest group and a political party at the same time and is counting on the SDP to appeal to Green voters to switch over.

Kohl, it is generally agreed, would have won the election easily if he had called it for last fall instead of waiting until next month. American diplomats think he let a golden opportunity slip by.

Much could depend on a large undecided vote, as much as 20 to 30 per cent, according to some readings, and at least one student of German politics believes the end result could be a two-party system in parliament, a rarity in present-day Europe.

[From the Watertown Daily Times, Feb. 14, 1983]

BERLIN GIRDS FOR MASSIVE RALLY: EUROPEAN OFFICIALS FUME OVER PEACE PROTESTERS

(By Alan Emory)

BERLIN.—Berlin authorities are gearing for a European peace conference that could produce a mammoth rally against the use of nuclear weapons.

The conference is sponsored by 50 pacifist and many church organizations and is only one of many demonstrations throughout Western Europe that are upsetting government officials.

In Great Britain the protest movement focuses on housewives.

In Italy it is more diverse.

In Germany it centers on young people.

Questions of rights and responsibilities, says West German Chancellor Helmut Kohl, have not been taught to young people in many schools. In fact, he adds, they "have hardly been mentioned."

Kohl contrasts this attitude with that of his oldest son, who entered military service under compulsory conscription.

"If he speaks of defense he doesn't do it in an abstract way," Kohl told a group of visiting American newsmen.

However, Kohl adds, young people are "products of a modern spirit. If the old are confused, the young are too."

In Italy, officials say, peace moves are supported by "radicals," not Communists, and are restricted.

Only a minority of Catholics will take part in anti-missile demonstrations, insists Giovanni Galloni, editor-in-chief of the newspaper Il Popolo (The People).

Former Prime Minister Guilio Andreotti doubts there will be much of a peace movement revival against the stationing of Cruise missiles at Comiso, Sicily, and maintains there will be no protests on the order of those staged in other European countries.

If the protest movement in Italy is relatively light, says Prime Minister Amintore Fanfani with a smile, "maybe in Italy one reasons more."

That is a substantially different picture from the one painted by Italian Communist leader Giancarlo Pajetta.

The 71-year old former director of Unita, the Communist Party newspaper, says there have been many big anti-missile demonstrations and cites a march from Milan to Comiso in which others besides Communists took part.

Pajetta says he hopes there will be a major anti-missile campaign, replete with demonstrations in the streets, but he ducks questions on whether the Italian Communists will try to instigate such events.

British Deputy Foreign Minister Douglas Hurd says women and other protesters are riding the anti-missile issue into the political arena and adds, "They don't know much about the Soviet Union or its background."

When Britain's Defense Minister Michael Heseltine is asked about the housewives' protest he scoffs.

"Add up the numbers," he advises questioners. There are "under a hundred."

In an eloquent declaration to a group of reporters in his office recently Heseltine said the western democracies needed "a degree of political sophistication (that) stretches political leadership to the outermost (reflecting) a growing number of people whose memories are in no way influenced by the reasons that built up the present situation, by and large people under 40 (who) have little personal experience of the events, which, to those over 60, proved the case (for a strong arsenal to counter the threat of attack) without argument."

"And in the nature of the democratic process older generations are having to persuade younger generations to make the same decisions and the same sacrifices that they made. Everybody knows of the normal parent-child clash—of the parent lecturing the child and the child wanting to revolt against the lecture that's being delivered by the parent.

"They want to do their own thing. They want to try a new idea. They don't believe all those boring lessons of history because they have never seen it happen to them."

[From the Watertown Daily Times, Feb. 16, 1983]

IT IS IMPORTANT OUR FRIENDS KNOW WE ARE RELIABLE: BONN REGIME, FACING ELECTION, TOES LINE ON ARMS

(By Alan Emory)

BONN.—Germany, says its chancellor, Helmut Kohl, must take a "clear position" on the stationing of medium-range missiles in Europe.

"It is important," he told a group of visiting American reporters recently, "that our friends know we are reliable partners."

The West German leader conducted the 90-minute interview, arranged by Georgetown University's Center for Strategic and International Studies, with his questioners seated around a huge oval table, using earphones and microphones for simultaneous translation. The mikes had red buttons and lights to indicate a question was being asked.

The chancellor provided soft drinks, mineral water, orange juice, coffee and wine for refreshment.

He cited the need to explain the vital role of the NATO alliance to young first-time voters, with an election coming up March 6.

He said he trusted the American disarmament negotiators and that they had kept him fully informed on the progress of the Geneva talks.

He would like to see a summit meeting between President Reagan and Soviet leader Yuri Andropov, but without a lot of attendant propaganda.

"It is important the Americans know we want negotiations," he declared, "but if there is no result we will go ahead with deployment (of medium-range missiles.) There are signs the Soviet Union is interested in an agreement. There are signs the opposite way. There is no use trying to guess."

Kohl seems to be counting on a desire by the 68-year-old Andropov to leave a favorable image of himself on the history book pages. Andropov, he says, "will not be around as long as (the late Leonid) Brezhnev."

Kohl insists more than 90 percent of the German people have confidence in the United States. Anti-American sentiment is fostered by the Warsaw Pact nations, he says, and they pay to create it by "preparing the soil, psychologically speaking."

In a single month, according to Kohl, there can be as many as 20 top Soviet representatives in Germany talking to universities or church conclaves.

However, the chancellor adds meaningfully. Germany has not forgotten the Soviet invasion of Afghanistan.

Kohl says he assumes there will be a high voter turnout in the election, somewhere above 90 percent of those eligible.

He will not predict who will be in his cabinet if his Christian Democratic Party wins—"it would be stupid to distribute jobs before the election. The voter doesn't want us to be arrogant."

One uncertain element in the German voting is the Greens, a loose mix of anti-nuclear and pro-environment elements that Kohl charaterizes as "a movement, not a party, not a permanent state of affairs."

With economic issues more important than ecology, he adds, it is "not a season for the Greens right now."

Kohl's opposite number, Hans-Jochen Vogel, leader of the Social Democrats, is not wild about the Greens either, though he may need their support to form a coalition government if the Christian Democrats and their allies cannot command a majority in Parliament.

The Greens, Vogel said in an evening interview at his party headquarters, have "no consistent program. They have good criticisms, but are uncertain on important points. they like to use violence in political discussion."

He puts a premium on an arms agreement that makes deployment of new missiles "superfluous," but without such an agreement he would go along with some deployment.

And he insists that Secretary of State Shultz told him Washington would cooperate with any major political group in Germany, even one now in opposition.

Although Kohl paints the Social Democrats as pro-Soviet, Vogel insists Moscow has not answered all the missile questions.

"I am not satisfied with the Soviet proposal (of last Dec. 21)," which would reduce the number of new Soviet SS-20s to the total of British and French missiles, he says, though the plan has "constructive ideas."

He expresses a "growing concern that a nuclear arms race could lead to catastrophe," but he also opposes German's leaving the NATO alliance.

[From the Watertown Daily Times, Feb. 17, 1983]

PARTY OPEN TO DISCUSSION WITH MOSCOW, FOREIGN MINISTER SAYS: ITALIAN COMMUNISTS NOT PUPPETS OF SOVIET UNION

(By Alan Emory)

ROME.—Giancarlo Pajetta is a far cry from the standard sinister Communist image.

Putting his age as "almost 72," and confessing, "I have not had as active a life as (President) Reagan," Pajetta is a small, bald, frail man with sharp features, sunken cheeks and a surprising deep voice.

When interviewed by a group of American reporters recently he was dressed in a navy suit and a dark red sweater. He had just flown in from the southern part of the country.

In sharp contrast to the headquarters building of Italy's leading political party, the Christian Democrats, which is a dingy structure, almost crumbling, with ancient fresco paintings on the ceilings, the Communists operate out of a complex of very modern offices.

Iron-studded doors lead into the offices, which feature avant garde paintings and pictures of Marx and Lenin.

Pajetta, foreign minister in the shadow cabinet of the Communist Party, the second largest in Italy, is a former director of the party newspaper Unita and has been a party member since he was 14. He commanded a brigade of partisans in World War II.

The Communists, he says, command one-third of the votes in Italy, have a building in the center of Rome, "and the American ambassador doesn't know this yet."

Although he is vice chairman of the Parliament's foreign affairs committee he was not invited to the U.S. embassy's July 4 celebration last year, Pajetta says a little ruefully.

The Communists in Parliament voted against placing medium-range American Cruise missiles in Comiso, Sicily, but that does not mean they are lined up in support of Kremlin policy. Pajetta says he has not accepted either the Soviet or American arguments on the need for missiles.

He favors a "balance," he says, with excess weapons destroyed or withheld from deployment.

Pajetta concedes this stand "has not made anyone happy."

He rejects President Reagan's "zero option" plan to get rid of all land-based medium-range missiles in Europe because he says it fails to take into account submarines and longer-range missiles in France and Great Britain.

He says the Italian Communists are "open to discussion" with their Soviet counterparts and that "reciprocal criticism" should not be considered "interference. We don't interfere and we ask others not to interfere."

According to Pajetta, the Christian Democrats have been trying to "embarrass" the Communist Party by tying it to Moscow—"apparently with some success, since they are still in the government."

He says fewer Italians are voting for the Communists, but that their losses are not serious enough to weaken their position in the country.

But with the exception of the ruling Christian Democrats, he concedes, none of the Italian parties can allow deeper defections without suffering.

In Poland, he acknowledges, a popular political rebellion might be justified by Communist party political errors there and by local economic policy.

The Italian Communists have no "personal" opposition to Solidarity, the Walesa-led Polish workers' union, and Pajetta says Solidarity has friends in Italy.

The Catholic church in Poland, he adds, has been a "positive influence," but Pajetta warns that his party "would not look kindly" on any Vatican intervention in Poland.

"They did not make thousands of Polish workers rebel," he says.

Pajetta says he favors a summit meeting between President Reagan and Soviet leader Yuri Andropov for "too many reasons."

Pajetta says 60 per cent of Italians live in provincial towns in regions governed by Communists, in conjunction with Socialists.

He argues that no one has proven a connection between the assassination attempt on Pope John Paul II and the Bulgarian government, and the Italian Communists are "awaiting an answer to this rather mysterious case."

American politics seemed a little puzzling to the Communist leader, who wondered

aloud why California could vote for President Reagan while other states went for the Democrats.

In an interview arranged by Georgetown University's Center for Strategic and International Studies, he called the armaments race "absurd' and added, "We are against making a simple propaganda argument on serious issues."

[From the Watertown Daily Times, Feb. 18, 1983]

PRIME MINISTER WANTS MORE TALK OF EUROPEAN DEFENSE POLICY: FANFANI INSISTS ITALY MUST NOT "BECOME A SHEEP"

(By Alan Emory)

ROME.—Amintore Fanfani loves to tell stories.

The Italian prime minister is filling his job for the fourth time in the fast-changing world of Italian politics.

The first time it didn't last a month, he told a small group of visiting reporters a few days ago; the second time it ran eight months, the third two and a half years.

Signor Fanfani, a short, stocky, balding man with a white mustache and a mid-range voice, was dressed in a gray suit, blue shirt and tie and black loafers.

He was obviously having a good time, because the 15 minutes allotted for the interview stretched to three times that length.

With apparent relish he kept repeating some version of the axiom that "who turns himself into a sheep allows himself to be eaten by the wolf."

In other words, it was a good idea for Italy to be safeguarded with American cruise missiles in the event the disarmament talks with the Soviets at Geneva broke down.

He has faith in the Geneva talks, the Prime Minister said, but "naturally we can't sit with our hands crossed. We have to work. One way to work is not to become a sheep or you will be eaten by the wolf."

Fanfani says he gives credit to all those working toward disarmament, including the Soviets, for being honest.

The road to peace, he says, may have curves and run uphill, but those who travel that road must be tenacious.

Fanfani's Christian Democratic Party runs the government, and its greatest political threat is a coalition of the Socialists and the Communists, the latter the second largest party in the country. However, Fanfani sees such a coalition as unlikely now.

Fanfani noted critically that there was more talk than necessary in Europe about common markets, common money and common programs for energy development, but not enough about common foreign or defense policy.

The building in which the interview took place was a ministerial office structure with dark yellow dirty walls built in the 16th century. The Fanfani reception room, however, was well lighted and pleasant.

Fanfani praised the progress being made in the fight against terrorism all over the world and said that without such progress the trial of the killers of Premier Aldo Moro would have had a different outcome.

"The Italian people have not helped the terrorists," he insisted.

On the domestic side he said it was essential to reverse the "general tendency for everyone to consume more than he produces" and to "cut away superfluous things. We may (even) have to cut necessary things."

Fanfani recalled at length meetings with the late Secretary of State John Foster Dulles, a native of Watertown, including a dinner at Mr. Dulles' house in Washington.

"He toasted me," Fanfani recalled. "I painted his portrait."

Mr. Dulles' widow wanted it and, after her husband died, she told Fanfani she still had it in her room.

"You see," Fanfani told his visitors, "I am not a politician, I am a painter. You can't say that, as they did of Churchill, 'He was a politician and a painter.' "

Then Fanfani smiled and added, "I didn't see any of Churchill's paintings and he didn't see any of mine."

At one point Fanfani told a story about a meeting with President Eisenhower and Secretary of State Dulles at which all were speculating about the prospects of better American understanding of Europe and Europeans.

Eisenhower and Dulles were discussing an American's having a European spouse and such a marriage's impact after two or three generations.

"I answered with an Italian proverb," Fanfani said. "Women and oxen must come from your own home town."

He said Eisenhower and Dulles both laughed and Eisenhower replied, "I don't think you will ever manage to make me a European."

At the end of the interview Fanfani expressed his pleasure with the session by having an aide bring out a portfolio of reproductions of his paintings and sketches and autographing them for the visiting Americans.

[From the Watertown Daily Times, Feb. 19, 1983]

EAST GERMANY DARK AND DULL: WEST BERLIN A SHARP CONTRAST TO CITY OVER WALL

(By Alan Emory)

BERLIN.—The Berlin war memorial is the remnant of a church pocked and hollowed out by bombs. Only the steeple and some mosaics streaked with cracks remain.

Next to the church is a towering column of squares with colored glass, mostly a deep blue.

West Berlin, a city of more than 2 million, has a center populated with modern hotels and neon signs galore. Pornographic movies are shown next to a theater featuring "Gone With the Wind."

But where West Berlin, controlled by the United States, Great Britain and France, each with its own airport, is bustling and colorful, East Berlin, where the Soviet Union calls the tune, is relatively bleak and stark in its modernistic architecture.

Hotels, office buildings, even the Parliament, feature windows of copper-colored glass.

The library and the tomb of the unknown soldier are pockmarked with bullet holes.

In both Berlins youngsters in jeans, jackets and boots stroll the streets.

A visitor can cross into East Berlin from the west in a military bus or by taking the commuter train called the S-bahn, which, in Berlin, is controlled by the Communists.

When he gets off the train he goes through a passport checkpoint, pays a five-mark ($2) visa fee and is required to change 25 marks ($10) into East German currency.

The catch is that all that must be spent in East Germany. A visitor cannot take any East German money out of the country, though most do, and no western store will accept eastern currency.

East German stores, however, will gladly take West German money.

The famed Berlin wall does not look like much from the train, a series of white posts connected by wire, with concrete tank traps to stop cars trying to escape to the West.

All along the wall, and in the train stations, armed guards stand in sentry boxes and on catwalks straddling the tracks, in station archways and in platform boxes. They wear gray fur hats and greatcoats.

Visitors are not permitted to take pictures in the stations, but official cameras are everywhere watching the visitors as they move about.

Prices are reasonable in East Berlin department stores. A sweater costs about $16, a jacket $74. Trench coats are expensive, running about $111.

On the west side of the Berlin wall, a concrete mass encloses mounds of earth with tank traps and flocks of crows. This dividing line between the two Berlins winds around the corner from the famed Potsdam Place, where it is covered with graffiti, to Checkpoint Charlie, at Brandenburg Gate.

FREEDOM ISN'T CHEAP

About 40 to 50 persons a year manage to get over the wall to freedom from East Berlin, according to western officials.

There are reports that it could cost about $20,000 to buy a ticket to liberty.

The eastern guards are carefully selected, stationed in groups of two or three, with the composition regularly changing so they do not know each other.

Once in a while a guard escapes to the west after shooting a colleague.

West Berlin officials say young people flock there to escape the draft, and residents receive a tax break of from 10 to 20 percent compared with the rest of West Germany.

Western authorities say they are plagued with a flood of illegal immigration, and, while there is no major crime problem, there is considerable illegal drug dealing.

SOVIETS IN EAST UNWELCOME

American experts on the scene say the only possible source of organized resistance would be the church, and there has been no sign of that.

Unlike the situation in Poland, they maintain, the East German church cannot start a protest move.

The difference between East and West Germany, says West German Deputy Foreign Minister Alois Mertes, is that the East Germans want the Soviets to leave and the West Germans want the Americans to stay.

One of the most respected figures in West Germany, who declined to be quoted by name, told American reporters recently that, while there was a "moral obligation" to try to end the suppression of freedom in East Germany, a "loose tie" between the two halves was the only foreseeable possibility.

"I cannot see reunification in the future," he declared mournfully. "It is a long-time problem."

ELDERLY FREE TO LEAVE

East Berlin authorities permit retired persons to cross over to the west once a year for about a month, so a majority of persons moving from east to west on the S-bahn trains are senior citizens.

The east does not complain if they decide to stay in the west, because the west then must pick up the cost of their pensions.

The daily 25-mark fee helps cut down on transits.

West Berlin Mayor Richard F. von Weizsacker, who, with the help of studies at Oxford, speaks impeccable English, expresses the need for better relations be-

tween West and East Germany. He downgrades chances of German reunification, but says in the long run there will be a closer relationship between the two parts of the country.

Ten years ago, says Ottfried Hennig, the western official in charge of intra-German relations, there was "some hope" the two Germanys would get back together, but now there is "none." Important questions like that, he says, are decided in Moscow.

Most of the reunification interest lies with young people, he adds.

He also cautions against looking for an upheaval in East Germany. Changes should come gradually, he says, to avoid an explosion.

[From the Watertown Daily Times, Feb. 19, 1983]

ISSUE LOOMS IN GERMAN ELECTIONS: ECONOMY BIG CONCERN WITH EUROPEANS

(By Alan Emory)

LONDON.—The talk is about missiles, but the March 6 German election may well be dictated by the state of economy.

The Conservative government here in England has a lead with voters now, but no thanks to the economy.

Italian leaders express concern about the international economic slump, changes in the value of the dollar, high production costs, bankruptcies and unemployment.

British Foreign Secretary Francis Pym describes the world economy as being "in a subdued condition," and warned a group of visiting American reporters this month that Western leaders needed concerted action to get it moving, with each country taking "appropriate economic decisions."

American officials in Berlin say there are "no signs of reversal" of a downward trend in West Germany.

The German economy cannot sustain the social burden placed on it, one diplomat observed, and there is such popular resistance to cuts in social program spending that the ruling Christian Democrats (CDU) suffered a severe setback in local elections in Hamburg.

Horst Ehmke, the number two man in the opposition Social Democratic Party, points to a rise in unemployment from 1.8 million to 2.5 million in six months, and says of the majority, "We don't want to pay them back in the same coin."

One German official told a group of American reporters recently that there would be uncertainty in his country so long as the American budget problem remained unsolved because there was a risk interest rates in the United States would rise again.

Although the German output is scheduled to rise two and a half per cent this year, officials concede that is really no growth at all because 1982's level was below 1981's, and the unemployment rate threatened to block any increase in 1983.

Dr. Bruno Heck, chairman of the Konrad Adenauer Foundation, said in Bonn recently that the economy was the central issue in the West Germany election.

Chancellor Helmut Kohl said in an interview the Germans had to revise their budget policy and invest more in technical research. "For too long," he said, "we have been living beyond our means."

The Kohl government astonished its main coalition ally, the Free Democrats, a month ago by revoking a campaign pledge and imposing a surtax on incomes higher than $21,000, but Kohl was worried about the CDU's being tagged as a rich man's party.

The January German jobless figure was 10.2 per cent of the work force, almost a full point higher than December's, and the total is 210,000 more than the previous post-war high set 33 years ago.

In Great Britain the January figure was 3,220,000 out of work, a rate of 13.8 per cent, the highest in more than 50 years.

The opposition Labor Party calls the figures "horrible."

Peter Shore, a Labor member of Parliament, says the British economic outlook is "very pessimistic," with 2.75 million people losing jobs in the last three and a half years, a drop in gross national product of 5.5 per cent from the first quarter of 1979 to the third quarter of last year, and housing starts off 50 per cent to their lowest level since the 1920s.

Mr. Shore says gloomily he sees no signs of revival in the United States.

British Financial Secretary Nicholas Ridley says American policies and high oil prices have slowed down any chance at recovery. Last year turned out to be "flat," he says, and he is cautious about 1983.

At best he is predicting small growth this year.

The jobless picture, Mr. Ridley, says, is "extremely grave, distressing." In contrast to Reaganomics, he said Britain had to forego a big tax cut to maintain a stable economy.

"We were never converted by Prof. (Arthur) Laffer," he observed with a wry smile. Mr. Laffer's economic theories formed the basis for the Kemp-Roth tax cut that became the cornerstone of President Reagan's economic plan.

There has been talk of a tax cut by the Thatcher government here, but Mr. Ridley says if it comes off it will be less than one per cent.

One of Britain's problems, he says, is the country did not get the slice of action in new industry that it should have obtained.

As for the U.S. budget deficits, he says, "We all see this as a threatening feature of the world scheme," and he blames high American interest rates as the "undeniable" cause of high rates in Britain.

Britain's entry into the European Common Market has proved a mixed blessing. Mr. Ridley declares Britain will stick "defiantly" to an open market and promises blunt criticism of any more protectionist moves in the U.S.

Laborite Shore says there is "hardly a Briton who does not regret going into the Common Market," and says England must withdraw, though "in an orderly way."

"We are widening the Atlantic, while supposedly narrowing the (English) Channel," he said.

He attributed part of his country's problems to the fact that the pound had been "terribly overvalued" in recent years.

In Italy, leading members of the ruling Christian Democratic Party says with $50 billion deficit things are "worse than ever."

They cite heavy pressure to boost social spending and lower taxes for low-income families.

[From the Watertown Daily Times, Feb. 21, 1983]

ARMS AND ECONOMIC ISSUES THREATEN NATO ALLIANCE

(By Alan Emory)

MONS, BELGIUM.—The North Atlantic alliance is facing one of its sternest tests ever.

NATO Secretary Gen. Joseph M.A.H. Luns says the public opinion battle over medium-range missiles could destroy the organization.

Other officials say the key problem is economic.

"I hope we can hold it together," says the United States permanent representative, W. Tapley Bennett, Jr.

The military issues confronting NATO go beyond medium-range missiles, however, and extend to high technology, planes and bases.

Many issues "don't get solved," one NATO official observed over lunch at the organization headquarters outside Brussels, "they just get moved from one burner to another."

NATO, in the words of its commander, Gen. Bernard Rogers, faces a "glorified trip wire." Another official cites a "series of extraordinary crises."

Officials here decline to put today's crunch in the same category as the 1958 decision to start an arsenal of nuclear weapons or, perhaps, the French decision in 1966 to withdraw from NATO's armed forces.

"There is a genuine generational problem," one expert said in an interview with a small group of visiting American reporters arranged by Georgetown University's Center for Strategic and International Studies. "The older young people get, the more involved they get and the less willing they are to throw out what they inherited."

What gives NATO pause is the merging of the economic and arms control controversies in a single year.

One veteran American diplomat here says he cannot recall another time when other countries' internal elections were so tied to American foreign policy.

Economic relations are bad and not getting any better, said another. He said there were parallel political pressures in Congress and in Europe, but with an important difference.

As he put it, the problem of steel imports does not lead to the overthrow of Pittsburgh, but the Belgian government could be threatened, and the same kind of question surfaced in varying degrees "all over Europe."

Industrial protectionism in the United States worries NATO officials as much as it does their counterparts in each European nation. Add that to what many see as an "unprecedented long-term recession" and the NATO chiefs understand why Europeans complain about American inflation, interest rates and changes in dollar values.

"This year is going to be rough," one official observed. "Nobody wants a trade war. There is a lot of elbowing and friction and an inability of politicans to act like statesmen. It is important to keep a perspective and be patient."

When one diplomat was asked how he reacted to American threats to flood European markets with surplus U.S. dairy products he replied wryly, "My chest measurement, which is 38, goes down to 37. Agriculture, next to sex, is the most important issue."

Ambassador Bennett, however, accuses Europe of refusing to face up to "hard facts."

"I have no apologies to make about the U.S. nuclear position over the years," he said. "The spiraling arms race doesn't start with us."

Mr. Luns says there is a threat to the U.S. in a European refusal to "take steps for their own defense."

NATO experts view Soviet leader Yuri V. Andropov as "smarter, quicker and more

ruthless" than his precedessor, Leonid Brezhnev.

Secretary General Luns praises President Reagan's "zero option" plan to eliminate medium-range missiles from European soil entirely, but adds that he never felt it was the only solution. "What we come out with might be less," he says.

Mr. Luns, predicting that a nuclear war would see "no victors," maintains the Russians "cannot be beaten by armies, by air forces. They can be beaten by missiles. Therefore, they are reluctant to see the U.S. have missiles that can reach the Soviet Union."

The Soviets, he predicts, will not escalate war into a nuclear exchange, but he adds that NATO's credibility has suffered since the Soviets installed the new SS-20 missiles in Europe.

Kjeld Vibe, Norway's permanent NATO Council representative, concedes both sides will have to retain a "sophisticated mix" of missiles and conventional weapons to respond to "cheating" by the other. It is impossible to take for granted that a no-first-strike policy will be respected, he says.

"Who can say the President of the U.S. or the leadership in Moscow, when their vital security interests are involved, will refrain from using these weapons when they exist in their arsenals?" Mr. Vibe asked.

When it comes to reducing the stockpile of existing missiles, he says, the Soviets are being asked to take away hardware "which has cost a lot of money and in which they took pride," and the only way to convince the Kremlin to take that step is to convince Soviet leaders that the "allied position is firm on zero."

Given the state of public opinion, he adds, there should be no doubt left about NATO's willingness to consider any other balance-of-weapons solution.

[From the Watertown Daily Times, Feb. 22, 1983]

POLITICIANS "DON'T UNDERSTAND WHAT IS HAPPENING"—U.S. "INTERFERENCE" IN IRISH PROBLEM IRKS BRITAIN

(By Alan Emory)

LONDON.—The British government would breathe a deep sigh of relief if American politicians would stop jumping into the middle of the Irish problem.

"We do think that sometimes the American congressmen and senators don't understand what is happening and don't do any good," observes James Prior, Britain's secretary of state for Northern Ireland.

Prior's job is a thankless one, and as one of the more liberal members of the ruling Conservative Party, he got stuck with it.

In a recent meeting with a small group of American reporters in his parliamentary office. Prior, a large ruddy-faced man with white hair, said more and more United States politicians were acknowledging that the best thing they could do was "to keep our mouths shut."

"We have to play all this quite cleverly and carefully," Prior says.

Last week Sen. Daniel P. Moynihan, D-N.Y., announced he would not march in this year's St. Patrick's Day Parade in New York City because the parade grand marshal had said it would be a "pro-IRA (Irish Republican Army) parade," and he was rejecting "without qualification" IRA violence that did a "great disservice to the cause of Irish unity."

Prior insists that views are beginning to change in Ireland, that "the old mold is tending to break a bit."

However, he warned, "given our polarized society there will be no radical change in a short time. But we should not be too disappointed that progress is slow. We have made some progress."

When American political figures do speak out on the Irish problem, Prior says, they need to do so with great sensitivity.

He concedes there are some misconceptions about Britain's role that render the task of a peaceful reconciliation "much more difficult."

"The United States believes we are there as a colonial power with an army," he observed the other evening. "We are there to prevent a civil war."

Senator Moynihan has called for the reunification of Ireland "through peaceful, democratic means," and urged Americans to join in supporting "constitutional efforts to ease tensions in Northern Ireland."

The question is frequently asked of British officials, "If you could do it to the Argentines in the Falklands, why couldn't you do it to the IRA?" The difference, says Prior, is that the Falklands had an invading army, "you knew who the enemy was."

In Ireland, by contrast, there is an "internal terrorist organization." Some Catholic families, Prior insists, are so intimidated by the IRA they refuse to join the British army.

The British official says some money is still coming in for the IRA from the United States, but not as much as before. While he cannot be sure no weapons are still being shipped, he is "confident" U.S. officials are trying to prevent such shipments.

The pattern of violence is changing. Prior adds. "You could spend time in Belfast without being aware of any problem at all. There is no more constant bombing and murder. Now the murders are more specific targets, like the police, the army, reservists and some prestige targets.

Prior himself is guarded night and day and cannot walk around his own farm without protection.

While the British concede there is little evidence of "working links" between Irish terrorists and terrorist groups abroad, they note that both the Provisional IRA and the Irish National Liberation Army buy arms overseas and maintain that violent acts are carried out by foreign groups in the name of Irish republicanism.

In Spain the IRA's main support has come from the Basque terrorist unit ETA and its political supporters.

In 1977 arms headed for Ireland were intercepted in Antwerp, packed in boxes with markings of Al Fatah, the Palestinian terrorist organization. Four years ago arms and explosives found in Greece in a car of two INLA supporters appeared to have come from similar sources.

In 1973 the Irish navy intercepted a Cypriot ship and found Provisional IRA leader Joe Cahill aboard, along with arms, mainly Soviet, that had been loaded at Tripoli by Libyan soldiers.

A street in Tehran near the British embassy was renamed in 1981 after the late hunger striker Bobby Sands.

During a 1981 trip to Denmark Kieran Nugent, a former protest prisoner in Maze Prison, who has undertaken publicity tours in North America and Europe, met representatives of the Cuban embassy. Fidel Castro has also spoken out in favor of the Irish revolutionaries and against the British policy in Northern Ireland.

The British say there are many Irish republican backers active in West Germany, while others find France, with direct ferry connections with Rosslare and Cork, a convenient meeting place.

[Watertown Daily Times, Feb. 23, 1983]

BRITAIN CAMPAIGN FAVORING U.S. CRUISE MISSILES THERE

(By Alan Emory)

LONDON.—The British government has been considering a public relations campaign to win support for stationing American cruise missiles on British soil.

The United States, for its part, has been talking about a $65 million PR campaign of its own to win over skeptical Europeans.

The British have their reservations about the second effort.

"We don't want to create an atmosphere of belligerency," says Defense Minister Michael Heseltine, who calls $65 million "quite a bit of money,"

"Humbly, I might suggest there might be other defense purposes to which the money could be better spent."

And if Britain decides to engage in that kind of campaign, he told a group of visiting American reports, "we will use our money, not American money."

According to Heseltine, the government has been looking at several options, but adds, "The issues are getting fairly well ventilated."

Deputy Foreign Minister Douglas Hurd says London understands that "people say things in public to establish a line in Washington."

He adds that basically each European country prefers to "conduct its own arguments with its own people."

Hurd concedes that the North Atlantic Treaty Organization countries need "more deftness" in handling the controversial missile-stationing issue than they have enjoyed in recent years, but adds, "It is better than it was. I would much rather have what we have had in the last few weeks than what we had before that."

He calls Walter Rostow, the disarmament negotiator fired by President Reagan, "very good," and Paul Nitze, the negotiator kept on the job, "excellent."

However, Hurd warns that the public perception of the missile controversy is "changing all the time. We need help."

Washington will make its assessment of the situation, then "come to us," Hurd said confidently over lunch here. "We will put in our ideas, and we can then decide."

Hurd believes it would be a mistake to move off President Reagan's "zero option" proposal for the moment because the Soviets have been outmaneuvered.

If the Soviets appear willing to turn something into "hard treaty language we should be prepared to look at that," he adds, "but we are not at that stage yet."

"Agreement could come after western deployment starts."

Hurd says that the British government has to spend a lot of energy "back to the village hall" to amass enough popular support and that has proved "very time-consuming."

British officials readily agree the Soviets may come up with something worth looking at, but they warn that such a possibility would be "demolished," as one put it, if Moscow felt the West would not deploy medium-range missiles like the American Pershing 2s and the cruises.

Defense Minister Heseltine maintains that President Reagan took the initiative on the missile issue that he "called" Soviet leader

Yuri V. Andropov, but Andropov did not respond.

One issue stirring up the British people is who will control the missiles stationed here. There is opposition to exclusive American control.

Heseltine says the United States has been "very good" about the control issue and that a joint operation has worked well with submarine-based Poseidon missile and other weapons systems.

"An independent nuclear deterrent is an important part of British defense strategy," he declared at the interview arranged by Georgetown University's Center for Strategic and International Studies. "We contribute a major strengthening of the alliance with our deterrent. The Russians want to divide the alliance."

Heseltine insists he does not accept the position that the Soviet Union has "any right to global equality" in nuclear weapons.

"The people believe in NATO," he continued. "A new weapon requires its own discussion and debate. We didn't want to get into this position. They (the Soviets) forced us.

"There is plenty of time to make real decisions about weapons system levels. An agreement (at the Geneva disarmament talks) would avert a need for deployment. If we do deploy, it will be their fault and not ours."

[From the Watertown Daily Times, Feb. 24, 1983]

BRITISH STILL EUPHORIC OVER FALKLAND VICTORY—DIVIDED RIVALS BUOY THATCHER REELECTION HOPES

(By Alan Emory)

LONDON.—British Prime Minister Margaret Thatcher has two things going for her in the next election, the country's continuing, though ebbing, euphoria over the victory in the Falkland Islands and the division in the opposing parties.

No longer is the Labor Party a single strong political rival. Its left-wing extremists have driven out the moderates, who formed the Social Democratic Party, and the Social Democrats have now arranged an alliance with the older Liberal Party.

That leaves both Labor and the Social Democratic-Liberal alliance running separate campaigns against the Conservative government.

"Mrs. Thatcher is riding remarkably high at the moment," Social Democratic leader Roy Jenkins told a group of visiting American reporters recently, "but she has been a most unpopular prime minister since polls began about 15 months ago.

Roland Moyle, a Labor member of Parliament and his party's number two foreign affairs spokesman, says Labor would like to see the election delayed a bit because of the "Falklands euphoria."

One member of the Thatcher cabinet, who declined to be quoted by name, says there is a good case for holding an early election. He says there is considerable uncertainty now and the sooner that can be eased the better.

People overseas need assurance, he adds.

Labor is fighting the British purchase of submarine-based American Trident missiles, calling the nuclear threat "immoral," but Moyle concedes that Britain must depend on the United States for defense.

He says Labor's position is against the stationing of American land-based cruise missiles in Britain, for closing all nuclear bases in the country and staying in the North Atlantic Treaty Organization.

Mr. Moyle said his party was "committed" to support NATO decisions, but when a reporter pointed out that NATO favored the deployment of American medium-range missiles in Europe if a disarmament agreement failed in Geneva, Mr. Moyle replied that Britain should try to change NATO's stand.

Labor's chief spokesman on foreign affairs, Peter Shore, concedes a "feeling of frustration and failure" within his party.

Jenkins says that until recently he had thought Mrs. Thatcher would call for an election in October, and under British law she could wait until June, 1984.

However, he says, he thinks that when she came back from her recent visit to the Falklands, where there was considerable television coverage, she changed her mind and was not keeping her options open.

Jenkins, as well as some Thatcher aides, cite a sharp fall in the British pound and other economic problems that point to the danger of waiting much longer and to the strong possibility of an election this June.

Jenkins, who looks a little like Sen. Jesse Helms of North Carolina, wears red suspenders and has trouble pronouncing his r's, singles out as the major factor producing the split-off of the Social Democrats from the Labor Party the opposition to a unilateral defense stance.

The Social Democrats say their high point in the polls came in December 1981, when their support topped 50 per cent. Some estimates now put them down as far as 20 per cent, but Jenkins say the real strength is underestimated. He insists it is difficult to measure the strength of a new political movement.

Some observers contrast the "overwhelmingly left-wing" policies of the local Labor Party leaders to what one called reluctance to "tumble in a rush toward extreme positions" by the party's national chiefs.

Jenkins says the Social Democrats can win enough seats to be in a position to form a new government if they can push onto the low 30 per cent range. He says 32 per cent of the vote translates into 100 seats in the House of Commons, and a level of 37 per cent would give the Social Democrats a clear majority.

In partnership with the Liberals that is "perfectly possible," he says. He calls "the least likely outcome" a Labor Party victory.

Jenkins says his long-term goal is for the Social Democrats to replace Labor as "the other party."

He concedes, however, that too much time now has to be devoted to internal party matters. An amalgamation with the Liberals would take too much time at present, he says, and the alliance would rather fight the Conservatives and Labor than each other.

When it comes to the missile-defense issue, Jenkins says the Russians will "never give something for nothing" and he has seen no offer from Moscow that he can consider acceptable.

[From the Watertown Daily Times, Feb. 25, 1983]

POPE CALLS NUCLEAR ARMS RACE A "GREAT PROBLEM"

(By Alan Emory)

ROME.—As Pope John Paul II made his way down a line of American newspaper correspondents in the Great Hall of Paul VI the reporters tried to fire questions at him.

"A Pope doesn't answer questions," the Polish-born Pontiff observed in English, "he only shakes hands."

Nevertheless, he did make some observations in his few moments with the newsmen at the foot of a huge terraced marble platform.

What of the increased repression of the church in Eastern Europe? "It is something that concerns us greatly."

What about the nuclear arms race? "It is a great problem. This church has studied this question all the time."

Does he encourage steps like the letter of the Roman Catholic bishops in the United States favoring limitations on nuclear arms? "I am giving encouragement to all the truth."

On the Arab-Israeli conflict. "I will have a statement later."

Was he going to the Middle East? The Pope looked surprised and put up his hands. "Maybe."

The 50th anniversary of Adolf Hitler's coming to power was the next day. What was his reaction? "It is not an event. It is nothing to be commemorated. I shall leave it to others to comment."

The exchanges took place following a general audience the Pope held with about 9,000 faculty, parents and students from Catholic schools all over Italy.

The main part of the 10-year-old hall holds 8,000 seats that can be removed to allow room for as many as 15,000 people. It has a huge vaulted ceiling with light pouring through box-like concrete openings. At one side high up is a large oval stained-glass window created by a Hungarian artist.

A railing separates the audience from a short space leading to a dozen steps, each set back farther than the one below, as they progress to a white stage.

The stage features a large bronze sculpture of the resurrection and the white brocaded papal throne.

It is lighted by three large spotlights and pale yellow circles of gridded glass, the middle one in the center of a concrete design that looks like a map of the Vatican grounds. There are two dozen small spotlights at the front.

Two huge concrete pillars lean forward from the back wall and support a broad concrete slab curving across the front.

The voices of the orators boom out from two large speakers, one on either side of the stage.

Where there are special groups in attendance, like the American reporters, they are seated on wooden chairs on either side of the floor below the stage and in front of the railing.

Sometimes television cameras and crews film the proceedings.

A priest conducts mass singing into a microphone on the right side of the stage, and as the organ plays an anthem the cheers resound in waves.

Swiss guards in orange and purple stripe outfits of tunic, pantaloons and leggings, with red inserts and cuffs, white collars and gloves and black helmets with red plumes, stand at attention, holding maces.

The audiance is led in a Salve Regina.

On stage that day were directors of the Catholic schools and a Vatican aide in a mauve-colored full dress suit.

The atmosphere was one of great excitement, like a championship sports event.

At about 12:30 p.m. the Pope walked up the center aisle through the audience and up the steps, his hands stretched out in front of him as cheers welled up in ever-increasing volume.

The Pope, dressed in a white cap and robe, went straight to his throne and sat down.

He urged the students to work hard and not to become discouraged. He stressed the

importance of being good Catholics, words that won applause, then intoned a prayer in Latin.

Next Pope John Paul took off his glasses, stood up, handed the text of his remarks to an aide and participated in the singing of the Lord's Prayer in Latin.

Then he moved down to the railing, going from one side wall to the other, shaking hands all the way, much as an American politician "presses the flesh" at an airport fence.

He had first paused in front of one special group, a contingent of crippled children, and, after the move down the crowd, had his exchanges with the reporters.

The correspondents had entered the Vatican through glass doors marked with iron bars decorated like a series of dots and dashes into a marbled entryway. Only religious paintings and iron statuary distinguished this from an office building lobby.

Before attending the audience with the Pontiff the American reporters visited the Vatican press center, which has a briefing room that looks like a theater, with folding doors.

[From the Watertown Daily Times, Feb. 26, 1983]

ITALY BELIEVES BULGARIA CONNECTED TO ASSASSINATION ATTEMPT ON POPE

(By Alan Emory)

ROME.—Italian government leaders are convinced there is a real connection between the Kremlin and the attempted assassination of Pope John Paul II, but equally convinced there is no chance of proving it and no point in pursuing the "Bulgarian connection."

It is "very difficult to find who is responsible" for the attack, former Prime Minister Giulio Andreotti told a group of visiting American newsmen recently.

Andreotti insisted more information was required.

Prime Minister Amintore Fanfani said, in another session with the reporters, that "whatever consequences" were required as a result of a magistrate's investigation into the shooting of the Pope by Mehmet Ali Agea, the Turk convicted of the attack in May, 1981, would be implemented.

"We can't close our eyes to danger," he added.

However, Fanfani urged caution, too.

"Politics is prudence," he advised. "In front of facts one reacts. Otherwise, he doesn't."

Both men are members of the conservative Christian Democratic Party.

Flaminio Piccoli, the party president, said in a third interview, that the current investigation "seemed" to indicate more of a link between Agea and the Bulgarian secret service.

However, Piccoli added, any action Italy would take in the matter would be in cooperation with her allies.

Italy cannot make war on Bulgaria by itself, he said, so the allies had to "reflect together" and then create whatever counteroffensive was required.

Piccoli recalled wryly that Italy had undermined its own secret service at least three times recently.

He hinted that the probe might turn up connections beyond Bulgaria, but refused to be more definite.

Sen. Alfonse M. D'Amato, R-N.Y., has been conducting his own private probe of the assassination attempt, and he thinks he has come up with some pertinent information.

On a trip to Italy earlier this month Senator D'Amato denounced what he termed a lack of cooperation on the part of American authorities and even hinted at some obstructionism.

When he returned to the United States he reported on his findings to William P. Clark. President Reagan's special assistant for national security affairs.

According to Giancarlo Pajetta, foreign minister in Italy's Communist Party shadow cabinet, no one had proven any Bulgarian connection with the shooting and the Bulgarian ambassador in Rome had claimed no information.

Interviews in Washington and here turned up a consistent line that since it would be impossible to link the Soviet leadership with the attack on the Pope there was no point in continued efforts to prove it, particularly since Yuri V. Andropov, former head of the Soviet secret police, was now head man in Moscow and the western world was going to have to deal with him for some time to come.

[From the Watertown Daily Times, Feb. 28, 1983]

U.S. LINKED WITH WESTERN EUROPE IN CONCERN OVER ECONOMY, ARMS

(By Alan Emory)

WASHINGTON.—The leaders of Western Europe are no pushovers.

They know pretty well what it takes to defend themselves against the Communist threat, but they also recognize the need to meet the concerns of the political opposition.

President Reagan tries to picture a Democratic-sponsored jobs plan as his own in Washington. Chancellor Helmut Kohl in Bonn and Prime Minister Margaret Thatcher in London angle for credit for getting Mr. Reagan to consider settling the medium-range missile argument with the Soviet Union with a balance of weapons that would fall short of Mr. Reagan's prime goal of no missiles at all, the so-called "zero option."

The opposition parties in Germany and Britain, which have been skeptical about the Reagan zero-zero proposal, would like that credit for themselves.

High unemployment is rife throughout Western Europe, and currency problems add to England's woes. Europe's economy, and its politics, have strong links to the United States, its interest rates, its recession and its policy on disarmament.

The United States is the obvious strength of the North Atlantic Treaty Organization, yet NATO members worry about the steadfastness of the U.S. commitment to protect Western Europe from a Communist military move.

There is praise for U.S. rhetoric about disarmament tempered with concern over Mr. Reagan's firing over a well-respected disarmament negotiator, Eugene V. Rostow.

Mr. Kohl and Mrs. Thatcher have staked their political future to a considerable extend on the Reagan missile policy. The Germans will make their determination Sunday, the British conceivably by June.

The atmosphere in Western Europe is one of tension, but not crisis. There is widespread distrust of Soviet leader Yuri V. Andropov, despite respect for the propaganda successes he apparently has scored with his missile-reduction offers.

The Europeans have no confidence that the Soviet promises are real, and even the opposition parties in Germany and Britain view them with deep skepticism.

In Italy, where governments topple at a change in the sea breeze, the current regime has withstood an energy payoff scandal, brushing it off as a personality difference between politicians, rather than as a matter of serious corruption.

Protest movements, focusing on the stationing of American cruise missiles on European soil, are regarded with interest, but no great apprehension, by government leaders.

There is much more concern about rising protectionism in Congress and the potential impact on international trade.

Nearly three dozen interviews in the course of two weeks, arranged by Georgetown University's Study for Strategic and International Studies, produce startling contrasts. Defense experts in Europe are much more forthcoming about weapons details and their implications than those at the Pentagon.

Government leaders will start discussions in their native tongue with the assistance of an interpreter, then switch to English as an easier and more direct way of communicating with their interviewers.

Politicans have a lively sense of the possible, as well as the probable.

There is a widespread felling that the difficult position of Europe, in the middle between the two superpowers, is not entirely appreciated in the U.S. However, many government and opposition leaders, while seeking that appreciation, do not want American interference as the price.

Europe fears that the U.S. wants cooperation on American, rather than European, terms and that Washington is not much for compromising. It gives almost all the points to the Kremlin in the propaganda battle.

President Reagan has staked a lot on the German election Sunday. If the present government of Chancellor Kohl wins Mr. Reagan will regard that as a great victory for his foreign policy.

Late last week Soviet Foreign Minister Andrei Gromyko tried to put pressure on the Germans by urging them to vote against deploying American missiles, a clear attempt to throw the election to the Social Democrats.

Leaders of both major parties protested.

The Germans would like to believe that the choice was theirs.

RKO GENERAL'S SURVEY OF AMERICAN NEWSPAPERS

Mr. MOYNIHAN. Mr. President, in the event that it may have escaped the attention of my colleagues, I should like to call to the Senate's attention a fascinating set of three surveys completed at the beginning of the year by the indefatigable Clifford Evans, vice president of RKO General Broadcasting and chief of its Washington news bureau.

Mr. Evans, as is his custom, surveyed the attitudes of major newspaper publishers, editors, and Washington bureau chiefs on their views of President Reagan's first 2 years in office.

The surveys, tabulated during the month of January, show that in all three groups, the prevalent opinion is that President Reagan is doing a good to fair job and that he is likely to be renominated in 1984. Those surveyed also agreed, nearly unanimously, that

the state of the economy remains the number one concern of their readers.

As newspapers do, indeed, shape a great deal of public opinion about the performance of the President, it is interesting to see what those who own, run, and edit these newspapers have to say on the subject they frequently address in their own columns.

I commend these surveys to the attention of the Senate and compliment Mr. Evans and RKO General for providing us this valuable insight. Mr. President, I ask unanimous consent that a summary of the RKO General opinion survey of publishers, editors, and Washington bureau chiefs be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

OPINION SURVEY CONDUCTED BY THE WASHINGTON NEWS BUREAU OF RKO GENERAL BROADCASTING

PUBLISHERS

In a written Opinion Survey submitted to the Publishers of the major Daily newspapers of the nation, most of the Publishers who responded rated President Reagan's first two years in the White House as "Good."

96 Questionnaires were mailed to the Publishers of the major Daily Newspapers in the East, South, Midwest, Southwest, Rockies and Pacific Coast (including Hawaii).

Publishers of 49 newspapers responded. Of that number, 40% evaluated President Reagan's first two years in the White House as "Good"; 30% said, "Fair"; 11% said, "Poor"; 9% said, "Excellent"; 7% said, "Fair to Good"; 2% said, "Good to Excellent."

As to the No. 1 issue of Interest/Concern to the readers, almost every Publisher who responded said, The Economy.

In answer to the Question as to the President's "strength" . . . most of the Publishers said, "His ability to Communicate/Talented Persuader."

As to the President's "weakness' . . . many of the Publishers faulted him on The Economy: "Inability"/"Lack of Understanding."

Asked about his political future, the overwhelming response was that the President will be renominated in 1984. If not Mr. Reagan in 1984, others suggested: Vice President Bush, U.S. Senator Howard Baker and U.S. Senator Robert Dole.

Responses were received from the Publishers of the following newspapers:

East. New York Daily News, New York Times, Newsday, Boston Globe, Pittsburgh Post-Gazette, Baltimore Sun, Baltimore Evening Sun, Buffalo Evening News, Rochester Democrat and Chronicle, Rochester Times-Union, Bergen (N.J.) Record and Allentown Morning Call.

Midwest. Chicago Tribune, St. Louis Globe-Democrat, Indianapolis News, Indianapolis Star, Cincinnati Enquirer, Des Moines Register, Omaha World-Herald, St. Paul Dispatch, St. Paul Pioneer Press, Akron Beacon Journal, Flint Journal and the Peoria Journal Star.

South and Southwest. Atlanta Constitution, Atlanta Journal, Louisville Courier-Journal, Louisville Times, Dallas Morning News, The Daily Oklahoman, St. Petersburg Times, Richmond Times-Dispatch, Richmond News-Leader, Dallas Times Herald, Birmingham News, The Virginian-Pilot (Norfolk), Tampa Tribune, The Tennessean (Nashville), Tulsa World, Florida Times-Union (Jacksonville), Raleigh News & Observer, Knoxville News-Sentinel, The State (Columbia, S.C.) and the Arkansas Gazette (Little Rock).

Pacific Coast. Los Angeles Times, Los Angeles Herald-Examiner, San Jose Mercury, Oakland Tribune, Sacramento Union and Tacoma News Tribune.

EDITORS

In a written Opinion Survey submitted to the Editors of the major Daily newspapers of the nation, most of the Editors who responded rated President Reagan's first two years in the White House as "Fair."

107 Questionnaires were mailed to the Editors of major Daily Newspapers in the East, South, Midwest, Southwest, Rockies and Pacific Coast (including Hawaii).

Editors of 67 newspapers responded. Of that number, 40% evaluated President Reagan's first two years in the White House as "Fair"; 34% said, "Good"; 24% said, "Poor"; 1% said, "Excellent"; 1% said, "Fair to Good."

As to the No. 1 issue of Interest/Concern to the readers, almost every Editor who responded said, The Economy.

In answer to the Question as the President's "strength". . . most of the Editors said, "His ability to Communicate."

As to the President's "weakness". . . most of the Editors faulted him on "Staff"/"Inability"/"Inflexibility".

Asked about his political future, the overwhelming response was that the President will be renominated in 1984. If not Mr. Reagan in 1984, others suggested: Vice President Bush, U.S. Senator Howard Baker and U.S. Senator Robert Dole.

Responses were received from the Editors of the following newspapers:

East: Asbury Park Press, Baltimore News-American, Baltimore Evening Sun, Baltimore Sun, Bergen Record, Buffalo Evening News, Camden Courier-Post, Hartford Courant, New York Daily News, New York Post, Newsday, Philadelphia Inquirer, Pittsburgh Post-Gazette, Providence Journal-Bulletin, Rochester Times-Union, Syracuse Herald-Journal and Wall Street Journal.

South/Southwest: Arkansas Gazette, Atlanta Constitution, Atlanta Journal, Birmingham News, Columbia (S.C.) The State, Dallas Morning News, Fort Worth Star-Telegram, Knoxville News-Sentinel, Louisville Courier-Journal, Memphis Press-Scimitar, Miami Herald, Nashville Tennessean, Norfolk Virginian-Pilot, Orlando Sentinel, Phoenix Gazette, Raleigh News & Observer, St. Petersburg Times and Tampa Tribune.

Midwest: Chicago Tribune, Cincinnati Enquirer, Columbus Citizen-Journal, Columbus Dispatch, Dayton Daily News and Dayton Journal Herald, Des Moines Register, Detroit Free Press, Detroit News, Flint Journal, Grand Rapids Press, Indianapolis News, Milwaukee Journal, Milwaukee Sentinel, St. Louis Post-Dispatch, Toledo Blade, Tulsa World and Youngstown Vindicator.

West: Arizona Republic, Denver Post, Los Angeles Daily News, Los Angeles Herald-Examiner, Los Angeles Times, Oakland Tribune, Rocky Mountain News, Salt Lake City Tribune, San Diego Tribune, San Diego Union, San Francisco Chronicle, San Francisco Examiner, Seattle Post-Intelligencer, Seattle Times and Tacoma News Tribune.

WASHINGTON BUREAU CHIEFS

In a written Opinion Survey submitted to the Washington Bureau Chiefs of the major Daily Newspapers of the nation, and the Newspaper Chains, most of the Washington Bureau Chiefs who responded rated President Reagan's first two years in the White House as "Fair."

54 Questionnaires where mailed to the Washington Bureau Chiefs representing Newspaper Chains and the larger Daily Newspapers throughout the United States.

46 Washington Bureau Chiefs responded. Of that number, 54% evaluated President Reagan's first two years in the White House as "Fair"; 22% said, "Good"; 17% said, "Poor"; 2% each said, "Excellent"; 2% said, "Fair to Good"; 2% said, "Poor to Fair"; and 1% scattered.

As to the No. 1 issue of Interest/Concern to the readers, almost every Washington Bureau Chief said, The Economy.

In answer to the Question as the President's "strength" . . . most of the Washington Bureau Chiefs said, "Personality/His ability to Communicate."

As to the President's "weakness" most of the Washington Bureau Chiefs faulted him on "Inability"/"Staff"/"Inflexibility".

Asked about his political future, 54% of the Washington Bureau Chiefs said Mr. Reagan will run in 1984, while 46% said he will not. If not Mr. Reagan in 1984, others foreseen were: Vice President Bush, U.S. Senator Howard Baker, U.S. Senator Robert Dole, U.S. Senator Richard Lugar, Illinois Governor James Thompson, New York Congressman Jack Kemp.

Responses were received from the Washington Bureau Chiefs of the following:

Newspaper Chains: Copley, Cox, Gannett, Hearst, Knight-Ridder, Media General, McClatchey, Newhouse and Scripps-Howard.

Newspapers:

East: Bergen Record, Boston Globe, Buffalo Evening News, Christian Science Monitor, Hartford Courant, New York Daily News, New York Post, New York Times and Wall Street Journal.

Midwest: Cleveland Plain Dealer, Chicago Sun-Times, Chicago Tribune, Columbus Dispatch, Daily Oklahoman, Des Moines Register, Detroit News, Indianapolis News, Indianapolis Star, Kansas City Times, Milwaukee Journal, Milwaukee Sentinel, Minneapolis Star-Tribune, Omaha World-Herald, St. Louis Post-Dispatch and Toledo Blade.

South/Southwest: Arkansas Gazette, Columbia (S.C.) The State, Dallas Morning News, Dallas Times Herald, Houston Chronicle, Houston Post, Orlando Sentinel, Raleigh News & Observer and St. Petersburg Times.

West: Denver Post, Los Angeles Times and Sacramento Union.

Mr. MOYNIHAN. I thank the Chair and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

A TRIBUTE TO JOHN BOLT CULBERTSON OF GREENVILLE, S.C.

Mr. THURMOND. Mr. President, I rise today to pay tribute to my good friend John Bolt Culbertson, of Greenville, S.C., who passed away on March 21, at the age of 74. To his

family and friends, I extend my deepest sympathy.

As an able lawyer, he championed the cause of the underprivileged and less fortunate, and this characteristic became even more evident during his service in the South Carolina House of Representatives. His compassion for the poor knew no limits.

With a style uniquely his own, Mr. Culbertson was well known for his maverick spirit and colorful personality. Yet, regardless of his sometimes unpopular positions, he deserves respect for his unceasing commitment to helping others.

Mr. President, John Bolt Culbertson's invaluable contributions to the Greenville area, and to the State of South Carolina, are many and will long be remembered. Indeed, the lesson to be learned from his life is that if one dares to be different for the common good, there is no obstacle too great to conquer.

Mr. President, I know that the Senate joins me in saluting this fine citizen, and in order to share more about the life and character of John Bolt Culbertson, I ask unanimous consent that articles from three major newspapers in my State be printed in the RECORD.

John Bolt Culbertson was a patriotic, public spirited fine citizen, and will be missed by a large circle of friends.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Greenville Piedmont, Mar. 22, 1983]

LONELY LIBERAL, JOHN BOLT CULBERTSON DIES

John Bolt Culbertson, 74, a fighter for the downtrodden and disenfranchised, died Monday in a Houston hospital after a long bout with cancer.

Nearly half a century of law practice in Greenville and a number of political campaigns earned him labels ranging from "the bravest politician in South Carolina" to the "lonely liberal of South Carolina politics."

He used his law practice to help blacks win equal employment opportunities and workers to gain better working conditions.

Culbertson took those positions at a financial loss to his law practice, according to Richard J. Foster, who practiced law with Culbertson in the late 1940s.

"He was still successful, but materially he could have been much more successful" if he had been willing to support popular positions, Foster said.

His views also brought him harassment. People burned crosses on his lawn, threw garbage in his yard and telephoned death threats.

In what turned out to be his last interview, Culbertson told Greenville Piedmont columnist Gil Roland in February that he lost partners and clients because he hired a black person for a secretarial position—a job outside those traditionally held by minorities.

"I think John Bolt did more than any one individual, especially lawyers, in race relations in Greenville," Greenville lawyer Albert Burgess said today. "That was one of the main things he was responsible for."

Foster said Culbertson was "courageous" and "ahead of his time" in taking unpopular positions in race and labor relations.

"John was certainly a unique individual. He stood up for justice to the minority groups when it was unpopular, at times even at some risk to receiving threats from reactionary forces," Foster said.

At one time, during a House race, Foster said he remembers Culbertson being physically assaulted for a comment he made in defense of black people.

"I'm not saying he was always right, but no one ever had any reservations about knowing where he stood," Foster said.

But despite the backlash his views sometimes brought, Culbertson was generally admired by many who opposed his views.

"He was always credited with being a representative of the underdog, but was never treated by his contemporaries and peers as one of the underdogs," Burgess said.

That was evidenced by those who attended the parties Culbertson and his wife, Mary Symmes, held at their Richbourg Road home. They would draw as many as 600 guests—from the ranks of the high and mighty to the ranks of the poor and needy.

Culbertson fought for more liberal workmen's compensation laws and better working conditions for the poor.

During the one term he served in the South Carolina General Assembly, Culbertson successfully fought for passage of the state's first occupational disease law to help employees disabled by occupational ailments.

In the February interview, Culbertson said, "The world has treated me good—I have not given up my principles."

Rowland said today that Culbertson "was a great leavening in the loaf of this area.

"Being such a nonconformist and such an aggressive person, he stepped on lots of toes, but he was a very important influence in the changing style of life. I think he had considerable influence because he was different," Rowland said.

Born September 16, 1908, on a farm south of Laurens, Culbertson was one of 13 children born to John and Lucia Culbertson. He attended New Prospect School, a two room country school, and Laurens High School. He received a bachelor's degree and a law degree from the University of South Carolina.

Culbertson worked as a special agent for the Federal Bureau of Investigation before opening his law practice in Greenville in 1937.

Culbertson served in the U.S. Army from 1943-1945, and was in the Air Force as a criminal investigator.

He waged a number of unsuccessful political campaigns, including bids for governor, Congress and the U.S. Senate.

In 1980, Culbertson filed with the Democratic Party to run against U.S. Rep. Carroll Campbell for the Fourth District congressional seat. But he withdrew from the race, saying he hoped his action would force the Democratic Party to find a candidate.

He was married to Mary Symmes Thomason and the couple had five children; John Dennis, Patrick O'Dell, Nancy Lee, Symmes Watkins and Manning Young. Culbertson was a member of John Knox Presbyterian Church.

People were attracted to Culbertson because he stood by his principles at whatever cost, Foster said.

"You must remember that when he was taking those positions (on race relations), the right to vote was denied to black people," Foster said.

"I considered him a close personal friend," Foster said. "It is a personal loss and a loss to the community."

C. Victor Pyle Sr. remembers sharing a room at his mother's boarding house with Culbertson when Culbertson came to Greenville in the mid-to late-'20s during his college days at Carolina.

Culbertson—known then as "Cotton" because of his white hair—worked for Congressman J. J. McSwain, Pyle said. Even in those early years, Pyle said there were indications of the man of conviction Culbertson was.

"He was admired and he was feared, I think, as would be the case with anybody who dared to be different," Rowland said. "He was loved and hated."

Funeral services will be announced by The Mackey Mortuary.

[From the State, Mar. 24, 1983]

SEASONED WITH PEPPER

John Bolt Culbertson styled himself a "double-dipped Democrat," but he spent a lot of breath during his long, prickly career throwing verbal darts at Democrats he presumably considered single-dipped.

Witness these remarks while he was running for the Democratic nomination for governor in 1974: "I would have been governor many years ago if I had played the game with the Democratic party leaders and refused to take a stand for the average person. But I have been a maverick, a thorn in the side of the party, and I am running for governor to throw a monkey wrench into that well-oiled political machine."

The fiesty Greenville lawyer tongue-lashed the high and the mighty in S.C. politics, Democrats and Republicans alike, during a career that included regular races for office, including the U.S. House of Representatives and the U.S. Senate in addition to governor. Only once, when he ran for the S.C. House years ago, was he successful. But in his campaign for the U.S. House, he taught the state a lesson in civics. A resident of the 4th District, he forced the party to agree he could run in the 2nd.

"John Bolt" relished the political stage as a forum for strongly felt views that were not often in step with the political atmosphere of his heyday. A labor lawyer, he repeatedly championed the cause of the working man in a state with a low regard for organized labor. When segregation was rampant, he was an outspoken defender of blacks and civil rights advances. He helped make it possible for the average person to run for office by bringing suit to force the Democratic party to drastically reduce its filing fees.

If he was ahead of his times ideologically, he was a throwback in appearance. Stocky and heavy set, he allowed his white mane to flow over his collar. His often witty oratorical style was reminiscent of the politicians of yesteryear.

When he died at 74 Monday morning, a pungent bit of spice went out of the political life of South Carolina.

[From the Charleston Evening Post, Mar. 24, 1983]

JOHN BOLT CULBERTSON

He was a self-styled "double-dipped Democrat," who, until recent years, could be counted on to enlive those bi-annual, all-day, state Democratic conventions. His oratory was as colorful as his appearance—a shock of flowing white hair, flamboyant hat and big bow tie—as he espoused the causes

of the working man and minorities. Greenville attorney John Bolt Culbertson was a liberal when that was an unpopular word in the state Democratic Party. While he ceased to be such an oddity over the years as the party moved more in his direction, he never relinquished his role as gadfly.

There was a time, nearly 50 years ago, when John Bolt Culbertson seemed on his way to political success. He was voted the most popular student at the University of South Carolina and was president of South Carolina's Young Democrats. But he took on some politically unpopular causes and eventually became a thorn in the party's side. As late as 1980 he was battling the state party over the return of a filing fee after he withdrew as a candidate for the 4th Congressional District seat. He'd only filed, he said, to try to make sure the Democrats had someone on the ballot to oppose the Republican incumbent.

John Bolt Culbertson was, in fact, a constant candidate although his only win was for a seat in the state House of Representatives in 1948. He was defeated for re-election two years later and then lost bids for the state Senate in '66, '68 and '72; Congress in '65, governor in '74 and the U.S. Senate in '78. His favorite target in two of those campaigns was Charles D. "Pug" Ravenel, who was deposed as the party's nominee for governor in 1974 because of a residency requirement. There were some who suspected that Mr. Culbertson was one of the mystery backers of the lawsuit that challenged the Ravenel candidacy, since he earlier had questioned Mr. Ravenel's eligibility. Mr. Culbertson's denial, however, rang true. If he were involved, he said, it wouldn't have been any secret. Mr. Culbertson, in fact, successfully took on the party over the size of its filing fees. As a result of his federal suit, the fees can be no more than 2 percent of the annual salary for the position sought.

When undoubtedly he started out with the dream of winning the races he ran, he later gave this assessment of this career: "I think maybe I have served some purpose in keeping politicians honest . . . I think I represent the principle of a lot of people . . ." John Bolt Culbertson, dead after a long bout with cancer, at the age of 74.

EXTENSION OF PERIOD FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, the time for the transaction of routine morning business, as previously ordered, will expire at 1:06 p.m., except for the exclusion made in favor of the minority leader.

Mr. President, I ask unanimous consent that the time for the transaction of routine morning business be extended until not past the hour of 3 p.m. under the same terms and conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD. Mr. President, this is my 57th speech on the U.S. Senate. These speeches have been made over a period of more than 3 years now. Today, I want to talk about the birth of a new State, that State being West Virginia.

(Mr. HECHT assumed the chair.)

THE UNITED STATES SENATE

WEST VIRGINIA IS BORN

Mr. BYRD. Mr. President, the United States Senate is an arena in which much of our history has been played out. Such was never more true than during the slavery controversy that led to the War Between the States. That controversy built to a crescendo in 1861. Throughout that process, Senate debates and legislation reflected the tensions growing elsewhere in the country over the slavery question. The 1856 caning of Senator Charles Sumner of Massachusetts by Congressman Preston Brooks of South Carolina on the Senate floor was an example of sectional passions about to burst the bonds of considered debate and reasoned discourse.

Some critics have condemned the Senate for failing to solve the slavery conflict before Americans North and South started shooting each other. But the War Between the States was not the Senate's failure alone. An objective look at the Senate's antebellum record—the Missouri Compromise; the Compromise of 1850; the careers of Daniel Webster, Henry Clay, and John C. Calhoun; even the ill-conceived Kansas-Nebraska Bill—shows that Senators from all sections of our country wrestled honestly and painfully to resolve the slavery conflict peacefully for nearly a half-century.

Unfortunately, emotions overrode reason, and the slavery controversy was settled in a wider, more tragic arena than the well of the Senate. But during the Civil War and its aftermath, the United States Senate—for a time diminished in size—hammered out legislation that helped shape modern America—legislation that still echoes with implications even for our own time.

However, the weeks and months just prior to the firing on Fort Sumter were melancholy and rending for the Senate and the Union alike. As the crisis grew, thousands of native-born Southerners living in the North cut their ties and headed home, and many Northern natives living in the South did likewise. One such Northerner, for example—a West Point graduate and former soldier—was serving as superintendent of an obscure military academy in Louisiana. Impending war caused him to return North and rejoin the Federal army. His next extended visit in the South was a major Union strategic success. That former military academy superintendent was William Tecumseh Sherman.

No less significant, perhaps, were the sometimes heartbreaking departures of Southerners from the Senate. On January 21, 1861, for instance, no less than five Senators from severed states made dramatic withdrawals from their Senate seats—first Daniel Yulee and Stephen Mallory of Florida, and then Clement Clay and Benjamin Fitzpatrick of Alabama. At last came Jefferson Davis of Mississippi—whose desk is just two rows behind me where the distinguished senior Senator from Mississippi (Mr. STENNIS) presently sits. Davis' sincere, earnest, and regretful remarks helped in later years partially to redeem his reputation even after his often-criticized and condemned performance as President of the Confederacy.

However, as one after another Southern Senators resigned from Congress or vanished, Virginia's Senators held back. Those two men—James M. Mason and Robert M. T. Hunter—had been closely associated with John C. Calhoun's fight for States' Rights and the preservation of slavery. Mason had even delivered Calhoun's final major speech on the Senate floor a few days before Calhoun's death in 1850. Hunter was universally recognized as one of the South's ablest defenders—a member of the Senate's "Southern Triumvirate," which also included Davis and Georgia's Robert Toombs. Mason and Hunter were expected to go with the aborning Confederacy, yet both men were still Virginia's official representatives to the United States Senate.

Mason's and Hunter's delayed departures reflected Virginia's ambivalence in 1861. In the 1860 Presidential election, Virginia gave a majority of votes to pro-Union candidates Bell and Douglas over the more militant pro-slavery John C. Breckinridge. Virginia Governor John Letcher was known to be opposed to secession and to be working for a compromise between the seceding states and the rest of the Union. Indeed, the Richmond convention that eventually voted to secede convened with a solid majority of pro-Unionists and moderates who deplored secession. That majority defeated every secessionist move made in the Richmond assembly until, on April 12, 1861, General P.T.G. Beauregard fired on Fort Sumter, after which President Lincoln called for troops to put down insurrection in the cotton states. Governor Letcher curtly refused Lincoln's request for Virginia troops, and on April 17th, by a vote of 88 to 55, the

Richmond convention removed Virginia from the Federal Union.

That vote precipitated a debate in Northwestern Virginia that the United States Congress decided in late 1862—a decision that some now consider one of a handful of permanent results of the War Between the States—the creation of the State of West Virginia.

The western counties of Virginia were strongly pro-Union. Union sentiment was also strong throughout the Appalachian counties of several other Southern states—North Carolina, Tennessee, and Kentucky, especially. Slavery was not a major economic factor in the Appalachian Region, and the mountain folk of those states saw little advantage in fighting to maintain an institution that many mountaineer Virginians, North Carolinians, Tennesseans, and Kentuckians found frankly decadent and repulsive.

But principles aside, Northwestern Virginians had much to lose in a violent civil conflict. Northwestern Virginia was largely surrounded by Union territory. The Ohio River and its Virginia tributaries offered avenging Union raiders direct access deep into Western Virginia's heartland. Many Northwestern Virginians calculated no profit in following Eastern Virginia into a secession that might finally level cities and towns like Wheeling, Clarksburg, and even Charleston.

Therefore, for a variety of reasons, Virginia's secession from the Union was almost immediately followed by a counter-movement in the northwest to keep part of Virginia loyal to the Washington government. That pro-Union effort was applauded by the Lincoln Administration. Had all of Virginia gone into the Confederacy, the Baltimore and Ohio railroad would have been severed, and Washington would have been cut off from direct rail access to the Midwest and the Western states.

Throughout the rest of 1861 and all of the 1862, then, Western Virginians took a series of steps unique in American history. Historians and constitutional lawyers still debate the legality of those steps. However, the Union victory on the battlefield lent those actions *de facto* validity, and the Senate and House gave them a certain *de jure* integrity.

First, a Restored Government of Virginia was organized in Wheeling under the governorship of Francis Pierpont of Fairmont. The Pierpont government claimed jurisdiction over the whole state of Virginia—a position consistent with Lincoln's own philosophy that the seceding states never did or could really leave the Union, in spite of actions of various secession conventions.

In quick succession, the Unionist rump of the Virginia General Assembly, including delegates from Northern Virginia, met in Wheeling and constituted itself the Restored General Assembly. The General Assembly then chose two leading Northwestern Virginian political figures to represent Virginia in the United States Senate—Waitman T. Willey of Morgantown to replace James M. Mason and John S. Carlile of Clarksburg to supplant R. M. T. Hunter.

On the surface, then, by the summer of 1861, loyal Unionist Virginians had reversed the actions of the Richmond convention. Likewise, then, on the surface, Virginia never left the Union. Practically, however, Eastern Virginia became the legal, economic, and political center of the new Confederacy. Likewise practically, the stage was set for splitting the Old Dominion in two—a tear guaranteed by the influx of Union forces into the northwest, and a slash that was never mended.

With the Restored Government of Virginia in place, ardent Northwestern Virginians launched the decisive effort to form a new state in trans-Allegheny Virginia—an effort that could not have succeeded in isolation from the extraordinary events between 1861 and 1865. In the spring of 1862, Governor Pierpont endorsed the West Virginia Statehood movement. The United States Constitution provides that no state shall be formed or created within the jurisdiction of any other state without the specific consent of that state's legislature. Under that rubric, on May 14, 1862, Governor Pierpont obtained permission from the Restored General Assembly for West Virginia to be formed.

The initiative now shifted to Washington. On May 29, Senator Willey, acting for the Virginia General Assembly, presented West Virginia's application for statehood to the United States Senate. In a characteristically thorough speech, Senator Willey outlined the case for West Virginia's statehood. The West Virginia statehood bill, however, faced an uneasy future.

The first problems became apparent on June 23, 1862, when Senator Benjamin Wade of Ohio—"Buff Ben" Wade to his friends—chairman of the Senate Committee on Territories, presented the West Virginia Bill (Senate Bill No. 365) on the Senate floor. Senator John Carlile was a member of Senator Wade's committee. Carlile had long been an active Virginia politician. He had served in the Virginia General Assembly and in the United States House of Representatives. In the 1861 Richmond secession convention, Carlile had been a leading opponent of Virginia's secession. As a strong Unionist, Carlile had also taken an early lead in the West Virginia Statehood movement. As a Senator from Virginia, however, Carlile apparently became aware of new political realities. In the Committee on Territories, Carlile added amendments to the West Virginia Bill to place the border of the new state on the crest of the Blue Ridge Mountains, to require that a new constitutional convention be called in West Virginia, and to provide that slaves be gradually emancipated in Western Virginia. All or any of those measures would have spelled a slow death for the statehood movement in Western Virginia in the summer of 1862. And to enlarge the West Virginia Bill's problems, Senator Charles Sumner, the Senate's arch-abolitionist, offered an amendment to admit West Virginia only as a free state.

Fortunately for West Virginia statehood, the Senate rejected both the Carlile and Sumner amendments, and supported West Virginia statehood by a vote of 23 to 17. Though the House of Representatives wrestled long with the peculiar constitutional questions raised by West Virginia's statehood, it, too, agreed to the new state's admission to the Union by the end of 1862.

But that did not satisfy all the problems. The admission of West Virginia to the Union posed a prickly dilemma for President Lincoln. Lincoln fully sympathized with the Northwestern Virginians. However, he wanted to use the Virginia Restored Government of Francis Pierpont as a model for the future re-merger of the rebellious states into normal relations with the Federal Union. The amputation of better than a third of Virginia's territory would jeopardize Lincoln's reconstruction plans.

However, after listening to the pro-statehood arguments of Cabinet-members William H. Seward, Salmon P. Chase, and Gideon Welles, President Lincoln signed the West Virginia Statehood Bill on December 31, 1862. In his final defense of that signing, Lincoln said,

> It is said the admission of West Virginia is secession, and tolerated only because it is our secession. Well, if we can call it by that name, there is still difference between secession against the Constitution, and secession in favor of the Constitution.

Against that background, West Virginia officially became the Thirty-fifth State in the Union on June 20, 1863.

Now a full-fledged state, West Virginia almost immediately turned to selecting its own first two Senators. Waitman T. Willey of Morgantown had acquitted himself well and honorably in the United States Senate as a "Restored Senator" from Virginia. He had shepherded the West Virginia Bill to its Senate victory, and had offered the "Willey Amendment" to satisfy Radical Republican concerns—a measure that initiated slave emancipation in the new state. Willey's performance in behalf of Unionist Virginia would have been sufficient to warrant the new West Virginia Legislature's choice

of Willey on August 4, 1863, as one of West Virginia's first two Senators.

But Senator Willey's renown was based on more than just his temporary service as a Virginia Senator. Willey was a native of Northwestern Virginia—a successful self-made public citizen known throughout the state. He had been born in a twenty-foot-square log cabin near Fairmont, Virginia, in 1811. In that era, life in the Western Virginia hills was severe—as it still is, to a considerable degree—and most people survived only through hard struggle and exertion, determination and tenacity, faith and physical strength. Like most of his contemporaries, Willey's childhood and youth were spent largely in dawn-to-dusk farm labor. In fact, in his first seventeen years, young Waitman received barely eleven months of cumulative formal schooling.

But two months of that schooling under a strolling teacher from Philadelphia opened Willey's eyes to the intoxication of knowledge. He read and re-read the *Iliad* and *Pilgrim's Progress* and mastered *Pike's Arithmetic*—the only volumes in the Willey family home besides the Bible—another book of which young Waitman was at least a scholar, if not a master. But his two months with the Philadelphia teacher lit an intellectual fire in Willey's mind that burned for the rest of his life.

Not surprisingly, then, on Christmas Day 1827, Willey left his father's farm to go to a small college in Western Pennsylvania. There, in just two years, Willey became proficient in Latin and Greek, developed an excellent skill in written and spoken English, laid a good mathematics foundation, taught some classes part-time, and graduated at the head of his class at the age of nineteen. After spending three more years working on his father's acres, Willey read law with prominent lawyers in Brooke County, Virginia.

Brooke County is in the northern panhandle of West Virginia. From the tip of the northern panhandle it is the second county going south.

In 1833, he was admitted to the bar, and began practicing law in Morgantown, Virginia, his place of residence for nearly the next seventy years. Even today, Senator Willey's former home is one of Morgantown's most famous and treasured showplaces—an antebellum house that has been carefully maintained by Mr. and Mrs. Richard Raese.

I have spent the night in the home upon occasions. I have had dinner in the home of Mr. Raese, whose nickname is "Dyke"—"Dyke" Raese and his lovely wife Harriet. They were formerly the owners of the Morgantown Dominion Post, Radio Station WAJR, and have extensive other holdings in the Morgantown area, and the Raese's are the present owners of the Willey home.

It is a beautiful home. I would suggest that anyone going to Morgantown certainly should stop and see former U.S. Senator Willey's home, and I am sure that any traveler will be warmly welcomed by the present owners, "Dyke" and Harriet Raese.

I slept in the home, but I did not sleep in Willey's bed. I would not make that claim, but I have slept in the home.

From Morgantown, Willey made his influence felt in many directions. Among other interests, Willey was an ardent and dedicated Methodist layman. In his mature years, he addressed national meetings of the Methodist Episcopal Church on numerous occasions. His first love, however, was the children's Sunday School class that he taught for many years in his Morgantown home church. During the War years in Washington, when once asked if he made any contributions to the war effort in Morgantown, Senator Willey answered that, in fact, he did—that he was in charge of the "light infantry"—a veiled and mischievious reference to his young Sunday School charges.

But Willey's greatest marks were first made in Virginia Whig circles. Willey was a Virginia elector in the 1840 Harrison-Tyler Whig Presidential victory. As a Whig, he was elected clerk of both the county and circuit courts of law and chancery for Monongalia County, Virginia—positions that he held continually between 1841 and 1852.

It is the county in which West Virginia University is now located. But it is now West Virginia, not Virginia.

Unsuccessfully, Willey ran as a Whig nominee for Congress in 1852 and as Lt.-Governor of Virginia in 1859. As a prominent Whig, he was a delegate to the 1860 Baltimore Constitutional Union convention that nominated John Bell for the Presidency. In addition, in 1850, Willey had been a delegate to the Virginia Constitutional Convention, and was a natural representative to the 1861 Richmond convention.

Willey went to the Richmond convention a committed Unionist and remained so. But he had no illusions about the precariousness of Virginia's ties to the Union or about the probable outcome of a Virginia secession effort. In the general southern uproar that followed Abraham Lincoln's election to the Presidency, Willey wrote,

"I am for Virginia as she is and was, as our fathers created her—one and indivisible. I have deprecated recent manifestations of a desire for her dismemberment. Let her be integral forever. But if we are to be dragged into secession or disunion; to be made a mere outside appendage to a Southern Confederacy, defenceless [sic] and exposed as we must be, by our geographical position, to all the wrong and contumely that may be heaped upon us, our oppression may become intolerable; and I for one will be ready to accept the only alternative."

During the Richmond secession convention, Willey was a vocal and visible advocate of Unionism. As such, Willey's life was again and again threatened by fanatical secessionists on the streets of Richmond and even at the doors of the State Capitol. But Willey stood by his convictions. After the convention voted to secede, Willey returned home to ponder the ramifications of secession for Virginia's future.

In subsequent months of Unionist counterrevolution and the growing West Virginia Statehood movement, Waitman T. Willey showed exemplary statesmanship. He was never demogogic or rash—never waving the "bloody shirt," so to speak—either in his words or his actions. Willey's calm and reserve sometimes enraged fanatical Unionists. But those qualities were characteristic of Senator Willey. He was foremost a brilliant and able lawyer. He thought judiciously and judicially. Though he soon became a Republican—even a Radical Republican—he remained essentially a Whig. Like his traditional Whig compatriot across the Blue Ridge Mountains to the east John Minor Botts—a Virginia Unionist who spent the War under Confederate house arrest to later help forge Virginia's Republican Party—Willey was devoted to the Union, but he was at heart a conservative committed to elemental and lasting principles—a characteristic that made him suspicious of mobocracy and untidy political thinking, either in Richmond, Wheeling, or Washington. That the West Virginia Statehood movement succeeded was the result in no small measure to Waitman T. Willey's legal values, high personal ethics, and meticulous efforts.

After the 1863 Senatorial election in the West Virginia Legislature, the United States Senate designated Senator Willey by lot to serve the shorter of the two Senate terms. Because he served so well, he was re-elected for a full 6-year term in 1865. Since the War was resolving into a crushing Union victory, Willey and his Senate colleagues may have expected Senate business to become less dramatic and volatile.

President Lincoln's assassination and Andrew Johnson's temperament, on the one hand, and the determination of Thaddeus Stevens, Charles Sumner, and the Radical Republicans, on the other, made unrealistic any hopes for a quick return to normal Congressional routine, however. In the turmoil following the Lincoln murder, Senator Willey met with Andrew Johnson to fathom the new President's sentiments on West Virginia's continuing status. Initially, Willey was satisfied with President Johnson's reassur-

ances. Johnson and Willey had shared similar positions as Senate colleagues during the War, and Senator Willey had strongly supported Johnson—a Democrat—for the Vice Presidency. Senator Willey had confidence in Johnson's ability to finish the work that President Lincoln had begun.

However, as Johnson came into greater conflict with the Radical Republicans, he became increasingly intemperate in his remarks and his actions. He even branded Thaddeus Stevens, Charles Sumner, and Wendell Phillips traitors. More and more, President Johnson alarmed ardent Unionists, many of whom began doubting Johnson's own loyalty to the Federal government.

In that light, Senator Willey, too, became anxious about President Johnson's resolve in consolidating the Union victory and in maintaining West Virginia's statehood. In addition, Willey's own Methodist Episcopal Church was fervently Radical Republican. As a result, Senator Willey usually voted for the Radical Republican program in the Senate, convinced of the Radicals commitment to smothering the last sparks of rebellion in the old Confederacy, and to ensuring West Virginia's independence in the Union.

Nevertheless, Senator Willey's position in the Johnson impeachment trial remains mysterious and ambiguous. Willey early infuriated many of his Radical colleagues, his Methodist brethren, and concerned Unionist West Virginians alike by insisting that the Johnson trial should be a legal proceeding, not a political inquisition. Senator Henderson of Missouri maintained in later years that Willey was, at heart, against voting Johnson guilty. The General Conference of the Methodist Episcopal Church must have been of that same impression. During their 1868 Chicago meeting, the Methodists pointedly called an hour-long special prayer meeting to invoke Divine Guidance on the Senate's decision, an action that the press and most Senators took as a direct effort to force Waitman T. Willey to vote Andrew Johnson guilty.

But, up to the moment of the vote, no one knew exactly where Senator Willey really stood on the Johnson verdict. He said little or nothing publicly to betray his position, and he left nothing in his papers or journals to suggest his thought processes on the subject of the Johnson impeachment. In the end, Willey voted Johnson guilty, but that was after his West Virginia colleague Van Winkle had already helped clinch the final decision by voting for Johnson's acquittal. In spite of his recorded vote, however, Senator Willey went to his grave never clarifying where he really stood on the Andrew Johnson issue.

As the 1870 Senate election neared, Senator Willey realized that the re-enfranchised former Confederates in West Virginia were making a strong political comeback. Though Willey campaigned vigorously for the West Virginia Republican ticket, 1870 was a political watershed year in West Virginia. Democrats won the governorship and the legislature and held onto their dominance for nearly a quarter-century. Senator Willey was not re-elected to the Senate. In March 1871, he resumed his Morgantown law practice. "Full of years," he knew that his elected career had ended. He continued active in West Virginia and National Republican affairs, and was treated at home as an honored elder statesman. In 1900, Senator Willey died at the age of 89. Thus ended a life and career characterized by wisdom, maturity, duty, foresight, patriotism, faith, and old-school honor—a life and career that won for Waitman T. Willey the respect of his Senate colleagues and his West Virginia neighbors alike.

But Waitman T. Willey was only one Senator elected by the West Virginia Legislature in August 1863. Willey was a logical and natural choice for the legislators to make. But Senator John Carlile's performance as a "Restored Senator" had alienated many Northwestern Virginians and had puzzled even his strongest admirers. Carlile was clearly unpopular with the new West Virginians, and though he continued to represent the Pierpont Restored Government of Virginia for nearly two more years, the West Virginia Legislature had no intention of asking the Clarksburg resident to become the other Senator from West Virginia.

Instead, Peter G. Van Winkle of Parkersburg was elected to serve the first full term as Senator from West Virginia. Van Winkle was a native of New York City. As a young man, he had moved to Parkersburg, Virginia, where he studied law and was admitted to the bar. Van Winkle took an active part in town politics, and eventually served as Parkersburg's mayor. His primary vocation, however, was as a railroad executive, and he was for a number of years an attorney and lobbyist for the Baltimore and Ohio line.

My very able Senate Democratic Policy Committee staffer, Mr. Charles Kinney, who sits on the floor here, is from Parkersburg. I call his father, who lives in Parkersburg, from time to time, have a nice chat with him, a good supporter of mine, as he should be, and I am very proud of the services that Charles Kinney renders to me and to the party policy committee and to the Senate in the work that he does.

Van Winkle had been a delegate to the Virginia Constitutional Convention of 1850-51, but he played only a minor role in its debates. In the 1861 Western Virginia Unionist and West Virginia Statehood movements, however, Van Winkle jumped into prominence. He was elected to the new West Virginia House of Delegates in 1863, and his colleagues decided that he would make a good United States Senator, as well.

Van Winkle's Senate career is in many ways more interesting than Willey's. Though constitutionally and philosophically a moderate or conservative, Willey moved easily and cooperatively with Washington's Radical Republican establishment. Van Winkle, however, was later suspected by some of even having latent Democratic leanings, for he steered an independent, unpredictable and, by a few interpretations, a sometimes pro-Confederate course. Though Van Winkle voted for the Thirteenth and Fifteenth Amendments, for instance, he opposed the Fourteenth Amendment—to the anger of the Stevens-Sumner axis. Van Winkle did not favor slavery, but neither did he believe that the newly freed slaves were capable of exercising responsible citizenship. Ingenuous and candid, Van Winkle seldom violated his own ideals or hesitated to explain why he voted as he did.

But Senator Van Winkle is best remembered for his stands on two other controversial issues—the inclusion of Berkeley and Jefferson counties in West Virginia, and his own vote in the Johnson impeachment trial.

Several Virginia counties had been netted into the new state against the wishes of their inhabitants. Most of those counties lay in far southeastern and southern West Virginia. Those counties had among the largest slave populations in the new state, had long associations with Richmond and Eastern Virginia, had in most instances strong secessionist tendencies, and supplied the Confederate Army with a sizeable number of troops. The primary reason for including those counties in West Virginia against their will was to give the Union a defendable boundary along the tops of the Allegheny Mountains.

But Berkeley and Jefferson counties lay at the foot of the Great Valley of Virginia, between the Alleghenies and the Blue Ridge. Both counties were integral participants in antebellum Virginia social and economic life. Martinsburg was the native home of the notorious Confederate spy Belle Boyd, and Charles Town had been the scene of the execution of John Brown, to the general satisfaction and approval of the local population. Berkeley and Jefferson counties were strongly pro-secessionist and pro-Confederate.

However, the main trunk of the Baltimore and Ohio railroad ran through those two counties as well. Van Winkle was a patriotic Unionist and strong new-state advocate. But Van Winkle was also a Baltimore and Ohio em-

ployee. He was determined to keep the B&O line entirely within West Virginia and Maryland on its way to the District of Columbia. Largely through Van Winkle's steady insistence in the Senate and in West Virginia, Berkeley and Jefferson counties were incorporated into the new state and remained so even after war's end.

In the Johnson impeachment proceedings, Van Winkle was one of the more dramatic players. Edmund G. Ross of Kansas has been singled out by some as a paradigm of political courage for his articulate stand and his acquittal vote. Certainly, Ross and the other eight of his nominal Republican colleagues who voted against finding Johnson guilty were flirting with political ruin. But five of those Republic Senators switched to Democratic ranks in future political contests and some enjoyed success in their new roles. Ross himself was a Kansas delegate to the 1876 Democratic National Convention, was the 1880 Democratic candidate for Governor of Kansas, and was appointed by Democratic President Grover Cleveland as Territorial Governor of New Mexico in 1885—hardly a career in oblivion. Republican Senators James Dixon of Connecticut, Lyman Trumbull of Illinois, Joseph Fowler of Tennessee, and James R. Doolittle of Wisconsin all metamorphosed as Democrats, Doolittle even becoming permanent chairman of the 1872 Democratic National Convention.

But Van Winkle neither sought nor enjoyed any future political career after his vote in the Johnson controversy. In voting to acquit Johnson, Van Winkle knew that he was standing directly against the tide of West Virginia Unionist sentiment. In February 1868, the West Virginia Legislature had overwhelmingly called for Johnson's impeachment. In 1868, the West Virginia Democratic Party was in near-mortal collapse. Van Winkle's vote left him no political backdoor through which to escape, courted no favor in his home state, and won for him a subsequent 18-3 condemnation vote from the West Virginia State Senate. So Mr. Ross was not the only hero of that momentous occasion. I would say Van Winkle also suffered political extinction from his own vote.

However, Van Winkle claimed no plaudits for himself in his vote on the Johnson verdict. His independent action was characteristic of the rest of his one-term Senate career. As he explained, as a lawyer, he could find no illegalities in Johnson's actions, injudicious as those actions might have been. Further, Van Winkle may have believed that the continued wrangling between Congress and the White House was injuring America's vital recovery from one of the most devastating and wasteful wars in human history up to that time. He probably realized that he would never hold political office again in West Virginia if he flew so directly in the face of his constituency. Nevertheless, Van Winkle voted his reason and his conscience, and helped guarantee the final blow to the campaign to remove Andrew Johnson from the Presidency. That subsequent popular opinion on the Johnson impeachment scandal has largely reversed the judgements of 1868 is no consolation to those who had to make the unpopular choice that year. Largely without further acclaim or applause, Van Winkle served out the rest of his Senate tenure and retired to Parkersburg in failing health in 1869, where he died three years later.

So in this way we shall close the opening chapter of West Virginia's history in the Union—a chapter to which Waitman T. Willey and Peter G. Van Winkle brought integrity and skill. Perhaps never before or since has a state entered the Union under such tumultuous and uncertain circumstances. At the very moments that Congress was debating West Virginia's statehood petition, Federal and Confederate troops and guerillas were shooting at one another to decide West Virginina's destiny in bloody contests far away in the mountains and far from Capitol Hill. But once Congress made its decision, the efforts of Senators Willey and Van Winkle helped guarantee West Virginia's place among her sister states. And to this day, West Virginian's owe Senator Willey and Senator Van Winkle gratitude and respect for the ways and manner in which they introduced the Mountain State into the ranks of the Union.

I would say but one other thing in closing, and that is I am sorry that 230 million Americans do not all know that West Virginia is a separate State. They often speak of West Virginia as the western part of Virginia. I think more and more, however, they are realizing that Richmond is not the capital of West Virginia, that Charleston is the capital of West Virginia, that West Virginia is a State in its own right. We who are West Virginians cannot help but feel some surge of frustration and anger when people refer to Richmond as the capital of West Virginia and refer to West Virginia as the western part of Virginia.

In saying this, I cast no aspersions on the great State of Virginia. Virginia has been called the mother of Presidents. My wife is a former Virginian.

But, West Virginia is not a part of Virginia. I hope that those who read the Record today get the message loud and clear.

Quite often people say to me, "I have been down in your country. I was over at Richmond and I have visited your apple orchards."

Well, I have to tell them that I am not the owner of the apple orchards, that they are owned by the Byrds of Virginia; and that, while I would be proud to claim kinship with that great family from Virginia, the Byrd family of Virginia, I am unable to claim kinship with them.

But, more important than that is the fact that West Virginia stands on its own two feet. West Virginians are proud of their heritage and proud of the contributions they have made to the Union and to the United States of America in the years following June 20, 1863. The State's motto is "Mountaineers are always free."

I suppose that if those more than a million mountains were leveled flat the State would reach all the way to Texas. It happens to extend farther north than Pittsburgh, farther south than Richmond—the capital of the Old Confederacy—as far east as Buffalo, New York, and as far west as Columbus, Ohio. It is a State which is the most southern of the northern and the most northern of the southern, most eastern of the western and the most western of the eastern. It is where the East says "good morning" to the West, and where Yankee Doodle and Dixie kiss each other "good night." It is the State that is "almost heaven," with its beautiful hills and its law abiding, God fearing, and patriotic people.

Mr. President, I make a parliamentary inquiry. Is it my understanding that when I finish, the Senate will go out automatically?

The PRESIDING OFFICER (Mr. LUGAR). The Chair indicates that we will have morning business until 3 p.m.

Mr. BYRD. I thank the Chair.

I will suggest the absence of a quorum, but before doing so, I thank the majority leader for arranging for me to speak during the period of morning business without any restrictions or limitations on the time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PRESSLER). Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that routine morning business be extended for the next 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of March 24, 1983, the Secretary of the Senate, on March 30, 1983, received message from the President of the United States, submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received on March 30, 1983, are printed at the end of the Senate proceedings.)

HEAVYWEIGHT MOTORCYCLE IMPORTS—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 32

Under the authority of the order of the Senate of March 24, 1983, the Secretary of the Senate, on April 1, 1983, during the adjournment of the Senate, received the following message from the President of the United States, which was referred to the Committee on Finance:

To the Congress of the United States:

In accordance with Section 203(b)(1) of the Trade Act of 1974, I am reporting to the Congress on my decision concerning imports of heavyweight motorcycles (engines over 700 cc). I have decided to impose the import relief recommended by the U.S. International Trade Commission (USITC) with one modification. The USITC remedy involves the imposition of incremental tariffs beginning with 45 percent *ad valorem* above the current rate and declining to 35, 20, 15, and 10 percent in subsequent years above the scheduled tariffs.

I have determined that import relief in this case is consistent with our national economic interest. The domestic industry is threatened by serious injury because of increased imports. I have maintained that I would enforce our trade laws where necessary and where such actions are consistent with our international obligations.

It is necessary to modify the USITC remedy to enable small volume foreign producers that are not a cause of threat of injury to the U.S. industry to have continued access to U.S. markets. I therefore will proclaim tariff-rate quotas for imports of heavyweight motorcycles of 5,000 units (increasing yearly to 6,000, 7,000, 8,500, and 10,000) for imports from the Federal Republic of Germany, and a total of 4,000 units (increasing by 1,000 yearly, for imports from all other countries except Japan. In order to treat Japan fairly, I will also proclaim a tariff-rate quota of 6,000 units (increasing by 1,000 yearly) for imports from Japan.

RONALD REAGAN.

THE WHITE HOUSE, *April 1, 1983.*

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ANNUAL REPORT OF THE FEDERAL PREVAILING RATE ADVISORY COMMITTEE—MESSAGE FROM THE PRESIDENT—PM 33

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs:

To the Congress of the United States:

In accordance with Section 5347(e) of Title 5 of the United States Code, I hereby transmit the 1982 Annual Report of the Federal Prevailing Rate Advisory Committee.

RONALD REAGAN.

THE WHITE HOUSE, *April 5, 1983.*

ANNUAL REPORT OF THE NATIONAL ENDOWMENT FOR THE ARTS AND THE NATIONAL COUNCIL ON THE ARTS—MESSAGE FROM THE PRESIDENT—PM 34

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

In accordance with the provisions of the National Foundation on the Arts and Humanities Act of 1965, as amended, I transmit herewith the Annual Report of the National Endowment for the Arts and the National Council on the Arts for the Fiscal Year 1982.

RONALD REAGAN.

THE WHITE HOUSE, *April 5, 1983.*

MESSAGE FROM THE HOUSE RECEIVED DURING THE ADJOURNMENT

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Under the authority of the order of the Senate of March 24, 1983, the Secretary of the Senate, on March 25, 1983, received a message from the House of Representatives announcing that the Speaker pro tempore had signed the following enrolled bills and joint resolutions:

S. 926. An act to establish uniform national standards for the continued regulation, by the several States, of commercial motor vehicle width on interstate highways;

S.J. Res. 32. Joint resolution to provide for the designation of May 1983 as "National Arthritis Month";

H.R. 2112. An act to extend by 6 months the expiration date of the Defense Production Act of 1950;

H.R. 2369. An act to prevent the temporary termination of the Federal Supplemental Compensation Act of 1982; and

H.J. Res. 175. Joint resolution to authorize and request the President to proclaim May 1983 as "National Amateur Baseball Month."

Under the authority of the order of the Senate of March 24, 1983, the enrolled bills and joint resolutions were signed by the President pro tempore (Mr. THURMOND) on March 25, 1983, during the adjournment of the Senate.

ENROLLED BILL AND JOINT RESOLUTIONS PRESENTED

The Secretary reported that on March 25, 1983, he had presented to the President of the United States the following enrolled bill and joint resolutions:

S. 926. An act to establish uniform national standards for the continued regulation, by the several States, of commercial motor vehicle width on interstate highways;

S.J. Res. 32. Joint resolution to provide for the designation of May 1983 as "National Arthritis Month"; and

S.J. Res. 64. Joint resolution to commemorate the 200th anniversary of the signing of the Treaty of Amity and Commerce between Sweden and the United States.

REPORTS OF COMMITTEES SUBMITTED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of March 24, 1983, the following reports of committees were submittted on March 31, 1983, during the adjournment of the Senate:

By Mr. TOWER, from the Committee on Armed Services:

Report to accompany the bill (S. 653) to amend chapter 104, title 10, United States Code, to establish the Foundation for the Advancement of Military Medicine, and for other purposes (Rept. No. 98-39).

By Mr. THURMOND, from the Committee on the Judiciary:

Special report entitled "Report on the Activities of the Committee on the Judiciary of the U.S. Senate During the 97th Congress" (Rept. No. 98-40).

Mr. THURMOND. Mr. President, I sent to the desk a report on the activities of the Committee on the Judiciary during the 97th Congress and ask unanimous consent to have 1,000 copies of this report printed.

Mr. President, the document will speak for itself and I shall not take the valuable time of the Senate to repeat the record of accomplishments reflected in the report. I wish, instead, to quote only a few statistics which will exemplify what can be done by a committee of the Senate when that committee is comprised of 18 hard-working and dedicated Senators complemented by equally dedicated and hard-working staff.

The statistics that I call to your attention, Mr. President, are as follows:

Although 1 among some 16 standing committees of the Senate, the Committee on the Judiciary, during the 97th Congress:

Was referred 23 percent of all bills and resolutions introduced or received by the Senate; reported to the Senate 27 percent of all items reported; was directly responsible for 28 percent of all measures passing the Senate; was directly responsible for 28 percent of all measures enacted not law, and processed and reported over 300 judicial or judicially related Presidential nominations to the Senate.

Mr. President, I feel justified in being proud of this record, but assure you that we will not be content to rest on our laurels. There is much work to be done on behalf of the people of this great Nation. We shall strive to improve on these accomplishments as we move forward in the 98th Congress.

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 809. A bill to authorize appropriations for activities under the Federal Fire Prevention and Control Act of 1974, and for other purposes (Rept. No. 98-41).

S. 820. A bill to amend section 7 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706) to extend authorizations for appropriations, and for other purposes (Rept. No. 98-42).

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 967. An original bill to amend the Independent Safety Board Act of 1974 to authorize appropriations for fiscal years 1984, 1985, and 1986. (Rept. No. 98-43).

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation:

Special Report entitled "Report on the Activities of the Committee on Commerce, Science, and Transportation" (Rept. No. 98-44).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, without amendment:

S. 64. A bill to establish the Irish Wilderness in Mark Twain National Forest, Missouri (Rept. No. 98-45).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with amendments and an amendment to the title:

S. 589. A bill to amend section 1(a)(1) of Public Law 95-348 (92 Stat. 487) to authorize the appropriation of $4,038,000 for capital improvement projects of Guam for fiscal year 1984. (Rept. No. 98-46).

By Mr. TOWER, from the Committee on Armed Services:

Special Report entitled "Report on the Activities of the Committee on Armed Services, U.S. Senate, 97th Congress, First and Second Sessions" (Rept. No. 98-47).

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 808. A bill to enhance the transfer of technical information to industry, business, and the general public by amending the Act of September 9, 1950 (15 U.S.C. 1151 et seq.) to establish a technical information clearinghouse fund, and for other purposes (Rept. No. 98-48).

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 821. A bill to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal year 1984, and for other purposes (Rept. No. 98-49).

By Mr. COHEN, from the Committee on Governmental Affairs:

Report to accompany the bill (S. 338) to revise the procedures for soliciting and evaluating bids and proposals for Government contracts and awarding such contracts, and for other purposes (Rept. No. 98-50).

By Mr. ROTH, from the Committee on Governmental Affairs, without amendment:

S. 450. A bill to amend title 39, United States Code, to strengthen the investigatory and enforcement powers of the Postal Service by authorizing certain inspection authority and by providing for civil penalties for violations of orders under section 3005 of such title (pertaining to schemes for obtaining money by false representation or lotteries), and for other purposes (Rept. No. 98-51).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs:

Special Report entitled "Oversight Activities of the Committee on Banking, Housing, and Urban Affairs" (Rept. No. 98-52).

By Mr. JEPSEN, from the Committee on Armed Services, without amendment:

S. 974. An original bill to amend chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), to improve the quality and efficiency of the military justice system, to revise the laws concerning review of courts-martial, and for other purposes (Rept. No. 98-53).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with amendments:

S. 543. A bill to designate certain national forest system lands in the State of Wyoming for inclusion in the national wilderness preservation system, to release other forest lands for multiple use management, to withdraw designated wilderness areas in Wyoming from minerals activity, and for other purposes (Rept. No. 98-54).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolution were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. EAST:

S. 968. A bill to provide for revision of the military retired or retainer pay of certain retired members of the Armed Forces who were called or ordered to active duty between October 1, 1963, and October 1, 1971; to the Committee on Armed Services.

By Mr. GRASSLEY:

S. 969. A bill to amend section 1 of the act of June 5, 1920, as amended, to authorize the Secretary of Commerce to settle claims for damages of less than $2,500 arising by reason of acts for which the National Oceanic and Atmospheric Administration is responsible; to the Committee on the Judiciary.

By Mr. MOYNIHAN (for himself and Mr. STAFFORD):

S. 970. A bill to provide for the operation, maintenance, and construction of deep-draft channels and harbors, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MOYNIHAN (for himself, Mr. CRANSTON, and Mr. KENNEDY):

S. 971. A bill to authorize the Secretary of Health and Human Services to expedite research on a disease or disorder which constitutes a public health emergency; to the Committee on Labor and Human Resources.

By Mr. MOYNIHAN:

S. 972. A bill to appropriate funds for epidemiological and medical research on acquired immune disorders and related opportunistic infections; to the Committee on Appropriations.

By Mr. ANDREWS:

S. 973. A bill to make technical amendments to the Indian Self-Determination and Education Assistance Act and other acts; to the Select Committee on Indian Affairs.

By Mr. JEPSEN, from the Committee on Armed Services:

S. 974. An original bill to amend chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), to improve the quality and efficiency of the military justice system, to revise the laws concerning review of courts-martial, and for other purposes; placed on the calendar.

By Mr. CHAFEE:

S. 975. A bill to amend title III of the Outer Continental Shelf Lands Act Amendments of 1978 to clarify provisions relating to claims, financial responsibility, and civil penalties; to the Committee on Environment and Public Works.

By Mr. CHAFEE (for himself, Mr. RANDOLPH, and Mr. MITCHELL):

S. 976. A bill to provide a comprehensive system of liability and compensation for oil-spill damage and removal costs, and for other purposes; to the Committee on Finance.

By Mr. DURENBERGER (for himself and Mr. BOSCHWITZ):

S. 977. A bill to provide special rules for the application of section 4943 of the Internal Revenue Code of 1954 to any private foundation the principal asset of which is a bank holding company; to the Committee on Finance.

By Mr. CHAFEE (by request):

S. 978. A bill to extend until October 1, 1993, the authorization for appropriations to the migratory bird conservation fund, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. STEVENS (for Mr. BAKER (for himself and Mr. BYRD)):

S. Res. 101. Resolution to authorize testimony by J. Craig Peery and representation by the Senate Legal Counsel; considered and agreed to.

S. Res. 102. Resolution to authorize the testimony of David Faulkner; considered and agreed to.

S. Res. 103. Resolution to authorize testimony by Martha Perry and representation by the Senate Legal Counsel; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. EAST:

S. 968. A bill to provide for revision of the military retired or retainer pay of certain retired members of the Armed Forces who were called or ordered to active duty between October 1, 1963, and October 1, 1971; to the Committee on Armed Services.

RECOMPUTATION OF RETIREMENT PAY FOR CERTAIN MILITARY RETIREES

● Mr. EAST. Mr. President, between October 1, 1963, and October 1, 1971, certain retired members of the U.S. Marine Corps were invited to return to active duty to fill a shortage brought about by the Vietnam war. These service members received a written statement assuring them that, upon returning to active duty, their retired pay would be recomputed at the pay scales which were current at the time. Later it was discovered that such an action was prohibited by law.

These marines left retirement to help their country in a time of need. They were promised that their service would be recognized by an adjustment in their retirement pay. Most of the individuals who responded to the request to return to duty are now dead, but a few do remain. My action in introducing this bill today is the third time legislation has been introduced in Congress to correct this injustice. The cost to the Government will be minimal. The bill does not authorize retroactive payment, it only makes the adjustment for current pay.

It is a shame the Government of the United States will not live up to a promise it made to a group of marines who kept their promise at a time when many others were saying no.●

By Mr. GRASSLEY:

S. 969. A bill to amend section 1 of the act of June 5, 1920, as amended, to authorize the Secretary of Commerce to settle claims for damages of less than $2,500 arising by reason of acts for which the National Oceanic and Atmospheric Administration is responsible; to the Committee on the Judiciary

SETTLEMENT OF CERTAIN DAMAGE CLAIMS

● Mr. GRASSLEY. Mr. President, I am introducing a bill today which has already garnered the support of the House of Representatives and the Senate Judiciary Committee in the last Congress. I have little doubt that this noncontroversial measure would have passed into public law had it not become the vehicle for more controversial matters in the last days of the session.

This bill amends section 1 of the act of June 5, 1920, to authorize the Secretary of Commerce to settle claims for damages of less than $2,500 arising by reason of acts for which the National Oceanic and Atmospheric Administration (NOAA) is responsible. This provision comes as a result of recommendations offered by the Department of Commerce to Congress in an executive communication dated July 6, 1977.

Under current law, the Secretary of Commerce has authority under 33 U.S.C. 853 to settle claims up to $500 for damages resulting from acts of the National Ocean Survey—an agency of the NOAA—of the Department of Commerce. This authority does not extend to acts which would already fall within the scope of the Federal Tort Claims Act (28 U.S.C. 2671-80) such as those involving negligence. The authority does apply to claims involving actions that could not be considered negligent or wrongful but nevertheless result in damages. An example of this would be the operation of weather instruments such as the radiosonde, a 3-pound device sent into the atmosphere by balloon and returned to the ground by parachute. In most instances the instrument reaches the Earth surface without incident. As a free-falling object, however, there is a possibility it could cause minor unforeseen damage. Other examples are claims arising from weather satellites, triangulation stations, and cloud seeding.

The Department of Commerce reports that due to the $500 cap on settlements which was established in 1920, it has been forced to search for a color of negligence or a wrongful act so the Federal Tort Claims Act would apply in cases where damages exceeded that amount. Defining the launching of a radiosonde as a wrongful act, as has been done in the past, according to Commerce, is stretching the intent of the law. To make allowances for inflation and raise the settlement authority to $2,500 will allow the Department to settle virtually every claim of this type where a moral obligation necessitates them to do so.

In that the activities of the NOAA are of a unique nature, allowing it increased authority to settle claims will serve to provide a more expeditious resolution of those matters. In light of past express support of such legislation, I urge my colleagues to favorably consider this bill.●

By Mr. MOYNIHAN (for himself an Mr. STAFFORD):

S. 970. A bill to provide for the operation, maintenance, and construction of deep-draft channels and harbors, and for other purposes; to the Committee on Environment and Public Works.

NATIONAL HARBOR IMPROVEMENT AND MAINTENANCE ACT OF 1983

Mr. MOYNIHAN. Mr. President, as the ranking minority member on the Water Resources Subcommittee and as the senior Senator representing New York, the Nation's largest port, I am intensely interested in working toward a legislative compromise on the future role of the Federal Government at our Nation's ports. The National Harbor Improvement and Maintenance Act of 1983 which I introduce today is intended to be a discussion piece, putting forth several concepts I believe deserve close and careful examination.

The purpose of this legislation is to assure continued maintenance and development of our Nation's deep-draft channels and harbors. At the same time, priorities would be set for future development according to the willingness to pay for the construction of the project by its beneficiaries. The Federal Government and non-Federal interests would share in the responsibility to maintain channels and harbors of the United States.

MAINTENANCE DREDGING (TITLE I)

The bill would authorize Federal expenditures for maintenance dredging over the next 5 years, and would require non-Federal interests to pay for 50 percent of the annual Federal costs to dredge deep-draft channels and harbors.

The non-Federal share would be collected by the Corps of Engineers and the Customs Service through a uniform cargo tonnage fee on import, export, coastwise, lakewise, and intraterritorial waterborne traffic. The tonnage fee would be phased in over a 5-year period, rising from a 30-percent recovery level—approximately 8 cents per ton—in fiscal year 1984 to a 50-percent recovery level—approximately 16 cents per ton—in fiscal year 1988.

The non-Federal interests and the Secretary of the Army would enter into cooperative agreements to guarantee the regular maintenance of all Federal channels and harbors within the jurisdiction of each non-Federal interest.

NEW CONSTRUCTION (TITLE II)

The costs of new channel and harbor construction would be shared by the non-Federal interest and the Federal Government. Cost sharing depends on the depth to which a channel would be dredged:

For project depths between—	the non-Federal share would be—
20 feet and 45 feet	60 percent
46 feet and greater	75 percent

One-half of the non-Federal share would be paid during the construction period. The remaining half of the non-Federal share would be reimbursed to

the Federal Government over a 30-year period.

Non-Federal interests would receive a credit toward their share of construction costs if the total collection of maintenance dredging fees within their jurisdiction exceeds their actual annual maintenance dredging costs. Such credit may be accumulated over an indefinite period time, but the total credits accumulated each year by all "excess" ports may not exceed $90 million.

Cooperative agreements between the non-Federal interest and the Secretary of the Army would set forth the schedule of compliance with Federal regulations and the schedule of construction.

PROCEDURAL CHANGES

Non-Federal interests would be authorized to collect cargo or vessel fees or harbor user fees to recover costs associated with maintenance dredging and new construction.

To the maximum extent practical, fees collected by the non-Federal interests to recover construction costs would be imposed on primary project beneficiaries. Fee schedules would be subject to review by the Office of the Special Trade Representative and the Secretary of the Treasury to assure compliance with the General Agreement on Tariffs and Trade.

By February 1 of each year, the Secretary of the Army would submit to Congress a list of proposed construction projects to be fully funded in the succeeding fiscal year. Congress must act affirmatively within 90 days of receipt of the proposed projects if such projects are to be authorized and initiated in the next fiscal year.

To expedite the completion of project feasibility studies, the Secretary may accept from the non-Federal interest payment of up to 50 percent of the cost of the study.

GREAT LAKES

Fees collected for use of the Great Lakes connecting channels would be credited to the St. Lawrence Seaway Development Corporation. The full cost of maintaining the Great Lakes connecting channels would be paid by the Federal Government.

One half of the U.S. portion of St. Lawrence Seaway operation and maintenance costs would be paid by the Federal Government.

Projects authorized as harbors of refuge and without significant commercial traffic would be exempt from any fee collection.

BACKGROUND

Let me review the events leading to the introduction of this bill. On December 2, 1981, the Senate Environment and Public Works Committee reported a bill, S. 1692—known as the National Harbors Improvement and Maintenance of 1981—by a vote of 13 to 3. The bill substantially preserved the Federal responsibility in maintaining deep-draft channels and harbors, while requiring the ports themselves to fully finance new channel construction work. The general statement of the committee report on S. 1692 provides a concise summary of the committee's objectives:

S. 1692 redefines the Federal and the non-Federal role in harbor dredging. All new channel improvements will henceforth be financed entirely by the local sponsor. Maintenance dredging costs will be shared between the Federal government and the local sponsor at more than 200 coastal and Great Lakes harbors.

The bill does not abrogate Federal responsibility. Rather it recognizes the value of a marketplace test on new construction dredging while reconfirming the Federal commitment to maintain all of our Nation's deep-draft harors at their existing dimensions.

The Committee recognizes fully that this bill proposes dramatic changes in financing future harbor development work. But the committee is convinced that such a change represents the only practical method to establish national investment priorities. The bill will encourage the dredging of the most economically sound projects in a timely manner and thus increase the Nation's capacity to handle world trade.

Shifting the cost of channel deepening projects to the private sector depends on the willingness of shippers to pay somewhat higher port costs, in return for early action on projects providing a net economic gain to those same shippers. The cost to shippers and the economy of perpetuating the present cumbersome and inefficient system of congressional authorizations and appropriations for harbor projects far exceeds the added cost of such projects when paid for by the non-Federal sector. Given limited Federal resources, the Committee concluded that the refunds available should be directed toward maintaining existing ports at authorized depths.

While S. 1692 is based on these very practical considerations, the basis for its adoption transcends the reality of the Budget. It is the Committee's view that priorities for construction dredging work, essentially a commercial decision, are best set in the marketplace. Only by the establishment of investment priorities can the Nation expect to obtain, in a timely manner, the deep-draft harbors that are necessary to meet the rising demand for coal exports, while reducing the transportation costs of petroleum imports.

The bill also establishes an equitable system that will allocate the cost between Federal and local sponsors for on-going harbor maintenance, as distinct from construction dredging to new depth. As introduced, S. 1692 would have required that local sponsors pay 25 percent of all costs for maintenance on a port-by-port basis. However, many smaller ports have high costs of maintenance relative to the commercial cargo transiting the harbor. Therefore, the Committee adopted a limitation, called a "cap," on the level of cost recovery at these higher-cost harbors.

The Committee is convinced that the maintenance cost-sharing at a maximum of 6.9 cents a ton, a negligible fraction of existing shipping or port costs—can be absorbed without any adverse impact on any particular port or to the shipping industry. To the contrary, it is anticipated that with the users of ports more involved in maintenance decisions, the port will work more effectively and efficiently.

As soon as S. 1692 appeared on the Senate calendar in mid-December, it became apparent that there would not be a port development bill in the 97th Congress. We lacked the most basic consensus among port and shipping interests. No one could even agree that legislation of any kind was necessary. The ports by this time had separated into two factions: The large ports on one side, the small ports on the other. Differences of opinion in the Senate on S. 1692 and other active legislative proposals mirrored the division among the ports.

Meanwhile, the administration which had gotten off to a fast start seemed to lose interest entirely. In March 1981, the Assistant Secretary of the Army, William Gianelli, conveyed to Congress a proposal to recover 100 percent of the Federal costs of operation, maintenance, and construction of deep-draft harbors. On the day before S. 1692 was reported, each member of the Committee on Environment and Public Works received a letter from Mr. David A. Stockman, the Director of the Office of Management and Budget. The text of the letter is worth reprinting:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,

Washington, D.C.

DEAR PAT: As you know, the Senate Committee on Environment and Public Works meets tomorrow (December) 2 to mark up S. 1692, which establishes user fees for the operation, maintenance and construction of deep-draft channels and harbors.

In response to your letter of November 19, 1981, we will offer a more complete set of comments at a later date however, I feel compelled to point out that the bill provides significantly lower receipts than requested by the President.

We are asking your support and the support of each of your colleagues in the committee to increase the repayment level for operation and maintenance costs.

We suggest increasing repayment requirement for operation and maintenance costs to 100 percent of port costs, but capping any individual port's repayment at 125 percent of the national average. Currently, this would limit repayment by any port to either their actual cost or less than 23 cents a ton, whichever is less. We believe this proposal would protect the smaller or more costly ports, yet provide the receipts necessary for a healthy dredging program.

The committee's print dated November 20, 1981, demonstrates quite clearly that these fees will represent a minor and extremely insignificant portion of the total transportation cost for commodities passing through U.S. ports. I should also point out that none of the options contained in the committee print parallel the one I am now suggesting. I am, however, convinced that the user fees need to be at least as great as those I've suggested.

We fully support the subcommittee's proposal requiring ports to pay for their own new construction.

The President urges the passage of user fee legislation that provides substantial cost recovery and minimizes cross subsidies. The mechanisms established in S. 1692 could satisfy both requirements if the share of O&M costs is increased along the lines suggested above.

User fees are an important part of the President's Economic Recovery Plan and we appreciate your support of these proposals.

Sincerely,

DAVID STOCKMAN,
Director.

Thus, the administration's major complaint about S. 1692 revolved around the issue of "receipts." In the words of Mr. Stockman, S. 1692 provided for "significantly lower receipts than requested by the President." On the matter of new construction, we were somewhat better off in the eyes of OMB: "We fully support the subcommittee's proposal requiring ports to pay for their own new construction." And finally, Mr. Stockman reminded us:

The President urges the passage of user fee legislation that provides substantial cost recovery and minimizes cross subsidies.

No fewer than a dozen bills on the subject of port development had been introduced in the Senate during the 97th Congress. Not one advanced further in the legislative process than S. 1692. But we never succeeded in bringing S. 1692 to the floor of the Senate for full debate.

COMPROMISE

The atmosphere for compromise appears to have improved considerably in the 98th Congress. The port industry has been working vigorously to assemble a consenses position. Most importantly, the ports seem to have drawn the conclusion that legislation to improve the authorization and regulatory process, to settle the issue of cost sharing, and to establish a long-term program of both stability and growth serves all of their interests—large and small.

Unfortunately, just at the time when the possibility for compromise seems to be greatest, the administration has chosen by default to take itself out of the negotiation process. And it has abandoned its own principles on this subject.

The debate on port development legislation currently centers on four major issues: First, the structure of the user fee or tax to collect the non-Federal share of costs of maintenance dredging of deep-draft channels and harbors; second, the obligation to compensate ports who pay maintenance fees in excess of their own actual dredging costs; third, the legitimacy of earmarking a portion of customs receipts for port improvements; and fourth, the appropriate level of cost sharing for both maintenance dredging and new construction.

Each of these issues is really an element of the larger principle of fairness and equity. In the case of ports, the fairness principle has been particularly difficult to put into practice. The port industry is highly competitive. Port authorities are independent economic entities. However, over the last 150 years, the Federal Government has fully assumed the role of developer and maintainer of channels and harbors.

The last decade has brought a stalemate to the Federal water development program. The ports have suffered from the interminable authorization and appropriations process, taking at times a generation to complete a 3-year construction project.

There are many explanations but perhaps the simplest—and most accurate—is that the program no longer is perceived as fair. In short, the program has lost the broad-based constituency necessary to sustain the level of investment hitherto accepted and supported by the Nation. Note the decline in the Federal investment over the last 20 years:

U.S. Army Corps of Engineers civil works construction (deep harbor), 1964-83 (in constant 1984 dollars)

Fiscal year:	*Thousands*
1964	$492,491
1965	439,385
1966	449,952
1967	298,544
1968	239,578
1969	188,211
1970	167,113
1971	185,596
1972	142,077
1973	177,796
1974	94,275
1975	97,028
1976	100,971
1976 (transition)	41,126
1977	105,457
1978	111,380
1979	143,542
1980	184,889
1981	212,743
1982	208,469
1983	113,990
1984	75,941

In addition to the fairness question, there are of course fundamental questions about the constitutionality of various fee and tax schemes and about their compatibility with multilateral and bilateral trade agreements. The uniform tonnage-based fee included in the bill I introduce today meets both the strictures of the Constitution and of the General Agreement on Tariffs and Trade.

The question of the constitutionality of user fees was raised last year in connection with S. 1692. The relevant sections of the Constitutions, all in article I, are as follows:

Section 8, Clause 1: The Congress shall have the Power to lay and collect Taxes, Duties, Imposts, and the Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

Section 9, Clause 5: No tax or Duty shall be laid on Articles exported from any State;

Section 9, Clause 6: No preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State be obliged to enter, clear, or pay Duties to another.

Section 10, Clause 3: No State shall, without the Consent of Congress, lay any duty of Tonnage.

The uniform tonnage-based fee on vessels in this year's bill meets each of these conditions. The fee is not for the purpose of raising revenue but rather to pay a portion of the costs incurred by the Federal Government in servicing commerce at individual ports. Ships now pay substantial sums in return for services rendered. The provision of a channel and its maintenance by the corps is as surely a service to the shipper as pilotage, dockage, wharfage, or the many other services provided to a ship.

With regard to the GATT, last year the chairman of the Water Resources Subcommittee, Mr. ABDNOR, and I wrote to William Brock, the President's Special Trade Representative, for the express purpose of receiving guidance on the type of port user fees most compatible to the GATT. I ask unanimous consent that Ambassador Brock's detailed reply, with some references to the specific provisions of S. 1692, be inserted in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. TRADE REPRESENTATIVE,
Washington, June 17, 1982.

Hon. DANIEL P. MOYNIHAN,
U.S. Senate, Committee on Environment and Public Works, Washington, D.C.

DEAR PAT: Thank you for your letter of March 15, 1982. We appreciate your desire that any dredging legislation not adversely affect our compliance with the General Agreement on Tariffs and Trade (GATT).

A basic purpose of GATT is to prevent the imposition of new measures which provide hidden or indirect protection to domestic production. Two of the most important GATT provisions which accomplish this purpose are Articles III and VIII. Article III applies to the nondiscriminatory application of taxes and other regulations which relate to matters generally applicable to both imported and domestic products. Article VIII limits charges affecting foreign trade, other than duties and other than taxes covered by Article III, to the cost of services rendered to such trade by the bodies applying the charges.

Because of the exception in Article VIII for taxes covered by Article III, both Article III and Article VIII would probably not be applicable to the same fee. However, either one or the other of these two Articles would be relevant to any fee relating to imports. Whether a particular fee would be considered a tax under Article III, or a charge under Article VIII, will be considered in the attached memorandum relating to particular legislative proposals. Article VIII also applies to exports as well as imports, but Article III applies only to imports.

The basis for a user fee for dredging that would be most defensible under GATT would appear to be a port-specific fee based

on the gross tonnage or draw of the vessels using the port where the dredging is done. The least defensible would be any fee based only on imported cargo. Other bases likely to raise serious GATT problems would be fees applied to all cargo on an ad valorem basis or on a specific basis but at different rates for different products. Furthermore, it is believed that it would be more difficult to defend under GATT a fee imposed at all ports to cover the cost of dredging at particular ports, than it would be to defend a fee imposed only at the port where the dredging is done.

Because of the complexity of the problems relating to the application of GATT provisions to various types of user fees, it would be desirable to set forth in section 5 of S. 1692 somewhat more specific rules for the imposition of such fees by non-Federal interests. Moreover, it might also be advisable to provide for review of, and concurrence in, the proposed fees by a Federal authority, as the Trade Representative.

The more general aspects of the relevant GATT Articles will be outlined first in the attached memorandum, and then the various provisions, or potential provisions, in dredging bills set forth in the memorandum attached to your letter will be considered in light of such GATT provisions.

Very truly yours,

WILLIAM E. BROCK.

IMPLICATION OF DREDGING USER FEES IN RELATION TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE (GATT)—GENERAL ANALYSIS OF RELEVANT GATT PROVISIONS

Two provisions of GATT designed to prevent hidden barriers to foreign trade which are most likely to apply to user fees for dredging are article III and article VIII.

Article III opens with the following basic principle:

1. The contracting parties recognize that internal taxes and other internal charges, and laws, regulations and requirements affecting the internal sale, offering for sale, purchase, transportation, distribution or use of products, and internal quantitative regulations requiring the mixture, processing or use of products in specified amounts or proportions, should not be applied to imported or domestic products so as to afford protection to domestic production.

Paragraph 2 of the article deals with taxes and provides that the broad nonprotective principle of the first paragraph shall apply to all taxes which affect imports:

2. The products of the territory of any contracting party imported into the territory of any other contracting party shall not be subject, directly or indirectly, to internal taxes or other internal charges of any kind in excess of those applied directly or indirectly to like domestic products. Moreover, no contracting party shall otherwise apply internal taxes or other internal charges to imported or domestic products in a manner contrary to the principles set forth in paragraph 1.

Several commercial treaties of the United States contain national treatment provisions comparable to the first sentence of paragraph 2.

Article VIII opens as follows:

1. (a) All fees and charges of whatever character (other than import and export duties and other than taxes within the purview of Article III) imposed by contracting parties on or in connection with importation or exportation shall be limited in amount to the approximate cost of services rendered and shall not represent an indirect protection to domestic products or a taxation of imports or exports for fiscal purposes.

(b) The contracting parties recognize the need for reducing the number and diversity of fees and charges referred to in sub-paragraph (a).

(c) The contracting parties also recognize the need for minimizing the incidence and complexity of import and export formalities and for decreasing and simplifying import and export documentation requirements.

The first subparagraph contains an important general rule which would apply to any user fee which relates in any way to importation or exportation—unless article III were found to apply to it. The other two subparagraphs contain principles which, although not legal rules, could well be relied on to interpret or apply legal rules.

Article II of GATT applies to the importation of products on which tariff concessions have been granted. This article contains a comparable rule against any new "duties or charges of any kind" on the importation of such products (par. 1(b)), except "fees or other charges commensurate with the cost of services rendered" (par. 2(c)). This article II rule, which is quite comparable to that in article VIII, applies to most U.S. imports.

Article XXIII of the GATT permits a contracting party to press a complaint against another contracting party with respect to any action which it considers has "nullified or impaired" "a benefit accruing to it directly or indirectly" under GATT, whether or not "such action conflicts with the provisions of the Agreement" (par. 1(b)). This gives the opportunity for an investigation, a panel finding, recommendations for modification of the action which is the subject of the complaint, and possibly—although almost never formally utilized—the authorization of retaliation against such action. These could all apply even though no legal rule had been violated. However, in such a complaint procedure a complainant might to some extent rely on the general principles—such as those in the latter part of article VIII:1.

Another GATT provision that is relevant to charges which may be imposed by non-Federal authorities is article XXIV:12, which provides:

12. Each contracting party shall take such reasonable measures as may be available to it to ensure observance of the provisions of this Agreement by the regional and local governments and authorities within its territory.

Since any non-Federal authority would be acting pursuant to Federal authorization, this provision appears to require that such authorization be limited to the collection of fees which are consistent with GATT.

From the perspective of GATT, fees should not place a greater burden on imports than on like or competitive domestic products (art. III). Consequently, user fees should not burden either imports or exports more than the approximate cost of channel maintenance or construction services for which the fees are charged, taking into account all vessels and cargo which utilize the services. This problem of not exceeding the cost of services rendered is likely to be greater if fees collected at one port are used to finance dredging at another port (art. VIII).

Dredging user fees most likely to be consistent with GATT would appear to be fees based on gross tonnage or draw of vessels, which are imposed, without differentiation between types of cargo, at the port where the dredging was done. Whether article III or VIII applies, the type of fee most likely to be inconsistent with GATT would be a fee imposed only on imports or exports—except that article III does not apply to exports. A uniform specific fee on all cargo loaded and unloaded at the port—or also in transit through it—without any differentiation between types of cargo, would be somewhat more defensible than an ad valorem fee. If article VIII applies, an ad valorem fee would often have much less relationship to dredging services than a fee based on weight or volume. There might be considerable opportunity for complaints from other contracting parties that any variations in the rate of a fee—either ad valorem or specific—according to products involved would have a protective effect—in the sense of article III—or would result in some products bearing more than the cost of services rendered—in the sense of article VIII.

S. 1692 would authorize non-Federal agencies to impose fees. Under article XXIV the authorization should limit the agency's discretion in order to prevent it from imposing a fee inconsistent with GATT. You might want to amend S. 1692 to set the general standards of nondiscrimination against cargo in foreign trade, and to require that fees be related to the cost of services rendered, with a provision for Federal Government review of the proposed non-Federal regulations. Finally, port specific user fees are less likely to be contrary to article VIII of GATT than uniform fees applicable to all ports. This is because shippers which use the ports imposing the fees are paying for the benefits which they have received from the dredging at such ports.

It is not clear whether certain types of fees would be treated under GATT as a tax under article III or a user fee under article VIII. The decision would likely be based more on the incidence of the charge and the use of the pro-

ceeds than on the language of the law establishing it. For example, if a charge is collected at all ports but the proceeds are paid into a trust fund which will be used to pay the costs of particular dredging projects, use of the proceeds for such a specific purpose might well result in the charge being viewed as a fee to which article VIII applies.

Last year, the committee rejected the notion of a national uniform fee system to pay for maintenance dredging in favor of portspecific user fees. While portspecific fees may make sense in purely economic terms, the ports themselves have demonstrated a willingness to accept a certain level of cross-subsidization through the uniform fee concept. Whether the uniform fee is based on tonnage or value, however, there will be ports who pay far more in fees than the cost of their actual maintenance dredging.

The notion of the so-called donor posts, those that pay in more than they take out of the Treasury, has led me to include in this bill a rebate provision. Donor ports will be able to accumulate a credit toward their share of construction costs for new channel deepening and widening projects. Under my bill, one-half of the non-Federal share of construction costs must be paid during the construction period while the other half may be paid back over a 30-year period. Donor ports may accumulate credit over time to cover their share of construction costs.

Of course, not all ports will have construction projects to apply their credit. This is a basic problem with the uniform fee concept. Any further attempt to compensate donor ports leads to the unraveling of national uniformity in the imposition of dredging fees.

An additional feature of this bill is the requirement that the Secretary of the Army enter into individual cooperative agreements with non-Federal interests to secure the regular maintenance of channels and harbors. Cooperative agreements for maintenance would be legally enforceable contracts.

The cooperative agreement instrument also would be applied to new construction work, setting forth the construction schedule and local assurances required to implement the authorized project. The cooperative agreement approach is essential to the process of shifting the major share of construction funding to the non-Federal interests.

It is my hope that the Water Resources Subcommittee will commence hearings on this bill and any other port development legislation in late April or early May. I reiterate my willingness and desire to work toward a compromise that makes economic sense, that is perceived as fair, and that sustains and fosters our Nation's ports.

Mr. President, I ask unanimous consent that the National Harbor Improvement and Maintenance Act be printed in the RECORD immediately following my statement:

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 970

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may by cited as the "National Harbor Improvement and Maintenance Act of 1983".

TITLE I—OPERATIONS AND MAINTENANCE

SEC. 101. (a) The Secretary of the Army, acting through the Chief of Engineers (hereinafter in this Act referred to as the "Secretary"), is authorized to enter into cooperative agreements with appropriate non-Federal interests to maintain the deep-draft channels and harbors of the United States to the depths and widths authorized by law, or to the depths and widths the construction of which was initiated by non-Federal interests after July 1, 1970, and prior to January 1, 1981, or to the depths and widths that may be constructed under the terms of Title II of this Act. After October 1, 1983, the Secretary shall expand no funds to maintain a deep-draft channel or harbor of the United States except as authorized under this Title.

(b) There is authorized to be appropriated for the purpose of this Title $375,000,000 for the fiscal year ending September 30, 1984; $400,000,000 for the fiscal year ending September 30, 1985; $430,000,000 for the fiscal year ending September 30, 1986; $460,000,000 for the fiscal year ending September 30, 1987; and $490,000,000 for the fiscal year ending September 30, 1988.

SEC. 102. The Secretary shall impose a uniform cargo tonnage fee on vessels having a maximum design draft of more than 12 feet which are engaged in commercial waterway transportation for all cargo transported via one or more deepwater channels or harbors, as defined in this Act, according to the following table:

For shipments transported:	*Per ton*
After Sept. 30, 1983 and before Oct. 1, 1984	$0.082
After Sept. 30, 1984 and before Oct. 1, 1985	.099
After Sept. 30, 1985 and before Oct. 1, 1986	.119
After Sept. 30, 1986 and before Oct. 1, 1987	.139
After Sept. 30, 1987	.159

SEC. 103. After September 30, 1987, fees authorized under this Title shall be adequate to recover annually an amount which will equal 50 per centum of anticipated operation and maintenance expenditures of the Corps assigned to deepwater channels or harbors, including amounts needed to recover all costs of administration. After September 30, 1987, the Secretary shall adjust fees on the basis of:

(i) anticipated Corps expenditures for operation and maintenance of all deepwater channels and harbors;

(ii) corrections for actual expenditures and amounts recovered; and

(iii) the expected volume of commercial traffic.

SEC. 104. Beginning October 1, 1985, no Federal Funds will be expended for operation and maintenance of a deepwater channel or harbor project when the Chief of Engineers determines that operation and maintenance costs per tonnage of seagoing cargo at such project exceed or are expected to exceed five times the national average, unless a non-Federal public body agrees to reimburse those expenditures in excess of five times the national average. Determinations by the Chief of Engineers shall be based on a five-year average.

SEC. 105. (a) Fees collected solely for use of the Great Lakes connecting channels from vessels not otherwise subject to this section shall be credited to the St. Lawrence Seaway Development Corporation, to be applied to reduce tolls on the Seaway. Such fees may be waived as part of any international agreement of reciprocity.

(b) Beginning October 1, 1984, there is authorized to be appropriated such sums as may be necessary to meet one half of the obligations of the St. Lawrence Seaway Development Corporation related to operation and maintenance costs of the Seaway. Tolls on the Seaway shall be reduced accordingly.

(c) Notwithstanding any other provision of this Act, the Secretary shall be responsible for the full cost of maintaining (1) the connecting channels between the Great Lakes and (2) any deep draft channel and harbor of the United States, which was authorized to serve as a harbor of refuge and which lacks significant commercial waterway transportation.

SEC. 106. (a) The Secretary shall establish any reasonable requirements for data collection and vessel right-of-entry that is needed in developing fee schedules and determining violations. Waterborne commerce data collected under authority of Section 11 of the River and Harbor Act of 1922 may also be used.

(b) Data collected under Sec. 106(a) shall be available to the public. Such information would be subject to protection under Section 1905 of Title 18 of the U.S.C. (dealing with nondisclosure of information and penalties for such acts), except for use by officials carrying out this Act.

(c) Section 11 of the Act of September 22, 1922 (42 Stat. 1043), is amended by inserting "no more than $200,000" in lieu of "$100".

SEC. 107. (a) Pursuant to Sec. 101 of this Act, the Secretary shall enter into cooperative agreements with the appropriate non-Federal public body in accordance with the procedures set forth in the Federal Grant and Cooperative Agreement Act of 1977 (41 U.S.C. 501). Such agreement shall set forth the terms under which the provisions of subsection 101(a) shall be carried out for each deepwater channel and harbor within the jurisdiction of the non-Federal public body. Maintenance dredging shall be performed as specified by the cooperative agreement; provided, however that the non-Federal public body is not in violation of any provisions of this Act as determined by the Secretary.

(b) Before the Secretary shall undertake any operation or maintenance of a channel or harbor in accordance with the provisions of this Title, the appropriate non-Federal public body shall further agree in writing to hold and save the United States harmless from liability for damages arising out of such activities, except to the extent that such damages are caused by the fault or negligence of the United States or of its contractors.

(c) Nothing in this section shall be construed to prohibit or otherwise interfere with the authority of the Secretary or any other Federal agency official to carry out

channel dredging or other activities, at Federal expense, for flood emergency preparation, flood fighting, or the repair and restoration of damages to deep-draft channels and harbors of the United States resulting from a natural disaster, as declared by the President.

(d) For those harbors and channels whose total import, export, coastwise, and lakewise traffic was less than one million tons in the calendar year ending December 30, 1981, the appropriate non-Federal public body may be granted a waiver by the Secretary from the contractual requirements of this Title for a period not to exceed one year following October 1, 1983, if—

(1) the Secretary finds that the appropriate non-Federal public body is prohibited by State law, enacted before December 31, 1981, to raise such funds as are necessary to meet the contractual obligations to the Secretary; and

(2) the Secretary of Transportation finds that for the appropriate non-Federal public body, in its port activities, the operating costs exceed the income in the non-Federal public body's latest fiscal year ended prior to the date of enactment of this Act.

SEC. 108. (a) Whenever, on the basis of any information available and after opportunity for a hearing, the Secretary finds that any person or entity is in violation of any requirement of this Title, the Secretary shall order the person or entity to comply with the Title, including payment of any fees which the Secretary determines to have been wrongfully withheld, with interest at the rate specified under section 6621 of Title 26, United States Code. Thirty days after the date of an order from the Secretary to a person or entity to be in compliance with this Title, it shall be unlawful for that person or entity to engage in commercial waterway transportation during any period when that person or entity is in violation of any requirement of this Title.

(b) Upon request of the Secretary, the Attorney General may bring a civil action for a permanent or temporary injunction, or to assess and recover a civil penalty of not more than $200,000 or both, whenever any person or entity violates any requirement of this Title or fails or refuses to comply with any order issued under subsection (a). Such penalty shall be deposited in the general fund of the Treasury.

(c) Any action under this section may be brought in the district court of the United States for the district in which the defendant resides, does business or is engaged in commercial waterway transportation as defined under this Act and such court shall have jurisdiction to require compliance, to assess any appropriate fee or civil penalties as authorized under this act and grant injunctive or other equitable relief. Any vessel or watercraft on account of which any user fee shall have accumulated shall be liable for such fees and may itself be arrested and proceeded against upon principles applicable to Admiralty action in rem.

SEC. 109. (a) It shall be unlawful for any vessel engaged in foreign trade to depart or attempt to depart from any United States waters without making payment in full for all tonnage fees prescribed pursuant to this Act for any cargo transported on any deepwater channel or harbor. Any vessel engaged in foreign trade which departs or attempts to depart from any United States harbor without payment of all required tonnage fees shall be subject to seizure by the Secretary.

(b) Upon the request of the Secretary, employees and officers of the United States Customs Service shall act on a reimbursable basis as agents for the collection from vessels engaged in foreign trade of fees prescribed pursuant to this Act. Upon such a request, the Secretary may delegate to employees and officers of the United States Customs Service any authority for collection of fees conferred on the Secretary by this Act, including any powers of enforcement.

(c) Within sixty days of enactment of this Act, the Secretary shall enter into a Memorandum of Understanding with the Secretary of the Treasury specifying the duties and responsibilities of the United States Customs Service, and the administrative costs therefor, for collection of tonnage fees from vessels engaged in foreign trade when requested to do so by the Secretary.

TITLE II—CONSTRUCTION OF IMPROVEMENTS

SEC. 201. (a) After coordination with affected Federal agencies and concerned non-Federal public bodies the Secretary of the Army, acting through the Chief of Engineers, is authorized to study the feasibility of development of deepwater channels and harbors or the improvement, rehabilitation, or modification of existing deepwater channels and harbors of the United States as the Secretary determines to be reasonable and desirable for commercial waterway transportation.

(b) To expedite the completion of a study initiated pursuant to subsection (a) or prior to enactment of this Act, the Secretary is authorized to accept from the non-Federal public body up to 50 percent of the cost to carry out the appropriate preconstruction planning and design work.

SEC. 202. (a) Prior to Federal initiation of construction of a project approved pursuant to this Title or a project previously authorized by the Congress for which Federal construction has not been initiated on either the total project or a separable element thereof, the Secretary and the non-Federal public body shall enter into a cooperative agreement according to procedures set forth in the Federal Grant and Cooperative Agreement Act of 1977 (41 U.S.C. 501). The non-Federal public body shall agreee to:

(1) Provide to the Federal Government lands, easements, rights-of-way and relocations required for construction, operation and maintenance of such project;

(2) Hold and save the United States free from damages due to the construction or rehabilitation, and operation and maintenance of such project except for damages due to the fault or negligence of the United States or its contractors; and

(3) Provide to the Federal Government a share of all other construction costs of such project. One half of such share shall be reimbursed on an annual basis during construction, beginning not later than one year after construction is initiated. The remaining one half of such percentage shall be reimbursed on an annual basis commencing no later than one year after the project becomes available for use and shall be fully repaid, including interest on the unpaid balance, within the life of the project but in no event to exceed thirty years after the date the project becomes available for use, as determined by the Chief of Engineers. The percentage of construction costs to be reimbursed shall be determined by one of the following:

(A) For all project depths greater than twenty feet, up to and including forty-five feet, sixty per centum.

(B) For project depths greater than forty-five feet, seventy-five percentum.

(b) If the Secretary determines that fees collected pursuant to Title I and contributed by vessels using the channels and harbors of a non-Federal public body exceed the average annual maintenance dredging costs of the channels and harbors of the non-Federal public body, the Secretary shall credit the excess amount accumulated each year towards the non-Federal public body's share of the construction costs of an authorized project to deepen or widen a deepwater channel or harbor; Provided, however, that not more than a total of $90,000,000 shall be credited to non-Federal public bodies in any fiscal year; and provided, further, that the Secretary allocates such credited funds according to the relative contribution of excess fees of each non-Federal public body.

(c) The interest rate used pursuant to this section shall be determined by the Secretary of the Treasury, taking into consideration the average market yields on outstanding marketable obligations of the United States at the time Federal construction funds are first appropriated.

(d) This Title shall not be construed to prohibit non-Federal public bodies from securing financing through means other than provided for in this Act or from providing reimbursements on a more expedited basis pursuant to aggreements with the Secretary.

(e) Subparagraph (D) of section 103(b)(4) of the Internal Revenue Code of 1954 (relating to interest on certain governmental obligations) is amended by inserting the words "navigation channels and harbors and appurtenant works," after the word "wharves,".

SEC. 203. Cooperative agreements with non-Federal public bodies to carry out obligations required by this Title may relate to the timing and extent of such obligations to projects or to separable units, features, or segments of such projects as the Chief of Engineers determines to be reasonable and otherwise within the requirements of this Title and the authorizations for the improvements concerned. Such agreements may reflect that they do obligate future State legislative appropriations for their performance or payment when obligating future appropriations or other funds would be inconsistent with State constitutional or statutory limitations.

SEC. 204. The Secretary shall submit to Congress not later than February 1 of each year a list of construction projects proposed to be fully funded in the succeeding fiscal year, including for each project a final environment impact statement for the plan of improvement as required by the National Environmental Policy Act of 1969. For each project on the list, the Secretary shall submit to Congress, with the environmental impact statement, a statement of the Secretary's compliance, at that time, with the Clean Water Act, the Fish and Wildlife Coordination Act and other statutory requirements applicable to the improvement. These statements and other applicable statutory requirements shall be completed on an expedited basis pursuant to schedules, established by the Secretary. Such schedules shall be established by the Secretary after consultation and concurrence with other officials of the United States and the affected States having responsibilities therewith and shall be incorporated into the cooperative agreements pursuant to subsection 202(a). Such officials shall thereafter make their

necessary decisions and otherwise provide data and comment as they deem appropriate pursuant to the Secretary's schedules. The plan of improvement addressed by the environmental impact statement for each project shall be eligible for full construction appropriations in the first year of construction and implementation, pursuant to subsection 202(a), and may be undertaken only if the Congress approves of the plan of improvement for each individual project by Joint Resolution within ninety calendar days of its receipt.

SEC. 205. The Secretary is authorized to complete channel and harbor construction projects for which construction was initiated by the Secretary prior to the date of enactment of this Act: Provided, That for projects in which the appropriate non-Federal interest has not entered into a written contract as of December 31, 1981, with the Secretary to provide the local cooperation required pursuant to the project authorization, including, where applicable, an agreement under section 221 of Public Law 91-611, as amended, such non-Federal interest shall be required to contract with the Secretary to repay, within 30 years of the date of enactment of this Act, the appropriate percentage of the cost of all such work pursuant to subsection 202(a) undertaken after September 30, 1983, together with interest on the unpaid balance at a rate to be determined by the Secretary of the Treasury.

SEC. 206. (a) Nothing in this Act shall be construed to prohibit or otherwise interfere with the Secretary or other Federal authority to operate, maintain, or improve any deep-draft channel or harbor of the United States for purposes of Coast Guard navigation requirements, Department of the Navy navigation requirements, or requirements for vessels carrying military personnel and material.

(b) Any project authorized under the provisions of this section may include additional improvements requested by the appropriate non-Federal public body: *Provided*, That prior to the commencement of such improvements, the appropriate non-Federal public body enters into a cooperative agreement with the Secretary or other Federal authority to pay, during the period of construction, that portion of the project's cost which the Secretary or other Federal authority determines to be allocable to non-defense-related needs in accordance with requirements of subsection 202(a). If such non-Federal public body fails to so participate, the Secretary or other Federal authority shall design such project solely to meet national defense requirements.

(c) If a non-Federal public body undertakes a project under the terms of Sec. 202 of this act that can be expected to provide direct benefits to the national defense requirements of the United States, the Secretary or other Federal authority is authorized prior to the commencement of construction to contract with such non-Federal public body, subject to appropriations Acts, to pay, during the period of construction, that portion of the project costs directly attributable to national defense requirements, as defined by subsection (a) of this section.

Sec. 207. Beginning on October 1, 1983, the Secretary shall undertake no construction work on a deep-draft channel or harbor of the United States except under the terms of this Title.

TITLE III—GENERAL PROVISIONS

SEC. 301. (a) On or after October 1, 1983, and in accordance with the provisions of this section and any regulations promulgated by the Secretary pursuant to this section, an affected non-Federal public body may provide for the recovery of its obligations pursuant to Titles I and II (including its administrative expenditures incurred therefor) by the collection of fees for the use of the project. Notwithstanding any prior law to the contrary, charges may include cargo or vessel fees or tolls or harbor user charges. All amounts collectd under the authority of this section, except amounts needed to offset non-Federal administrative expenses of collection, shall be used to satisfy the non-Federal public bodies' obligations under this Act.

(b) Fees collected to recover the cost of any channel or harbor improvement undertaken pursuant to this Act shall reflect to the maximum extent practical the service and benefits provided to each commercial vessel or cargo laden therein. Such fees shall be established after a public hearing pursuant to State law: *Provided, however,* That prior to establishment of such fees, the Office of the Special Trade Representative and the Secretary of the Treasury shall be consulted and shall concur in the fee schedule solely on the basis of assuring compliance with the General Agreement on Tariffs and Trade.

(c) Fees collected by a non-Federal interest pursuant to the authority of this section shall be used only for the purpose of paying for the non-Federal share of the cost of construction and maintenance work on deep-draft channels and harbors of the United States, or any obligations undertaken for that purpose.

SEC. 302. For the purposes of this Act the term:

(a) "deepwater channels and harbors" means coastal or Great Lakes channels and other bodies of water that are constructed, improved, operated, or maintained as an authorized Federal project for commercial navigation which provide, through deepening or other works, water depths greater than twenty feet throughout or in part, except for entrance channels providing access solely to harbors with authorized depths of twenty feet or less, and channels administered by the St. Lawrence Seaway Development Corporation: Provided, That such channels and harbors on the Columbia River, Washington and Oregon, shall be considered to exist only up to the downriver side of Bonneville Lock and Dam: And provided further, That such term does not mean local access or berthing channels.

(b) "commercial waterway transportation" means any use of a vessel in the coastal or lakewise waterway system:

(1) in the business of transporting persons or property for compensation or hire, or

(2) in transporting persons or property in the business of the owner, lessee, or operator of the vessel.

(c) "Corps" means the United States Army Corps of Engineers.

(d) "seagoing" means traffic or cargoes transported on the open oceans or Great Lakes beyond the confines of any one or contiguous series of deepwater channel or harbor projects, and includes the categories in the Corps' publication "Waterborne Commerce of the United States," to wit: import, export, coastwise, lakewise and intraterritorial.

(e) "Secretary" means the Secretary of the Army.

(f) "Treasury" means the Treasury of the United States.

(g) "vessels engaged in foreign trade" means any vessel engaged in commercial waterway transportation carrying cargo between ports of the United States and foreign countries.

(h) "non-Federal public body" means a State or a legally constituted public body of a State or of more than one State which has full authority and capability to enter into and perform agreements and to pay damages, if necessary, in the event of failure to perform;

SEC. 303. The Secretary, in consultation with the Secretaries of State, Commerce, Transportation, Treasury, Energy and Agriculture, the Attorney General of the United States, and the Director of the Office of Management and Budget, may promulgate, and may from time to time revise, regulations and guidelines to govern the programs authorized by this Act, including but not limited to the program of non-Federal fee collection that may be undertaken pursuant to the authority of section 301.

SEC. 304. No fees shall be collected under authority of this Act for:

(a) Vessels owned by, or under bareboat charter or time charter to, the United States or any other Nation and not engaged in commercial waterway transportation; or

(b) Vessels engaged in commercial waterway transportation owned by, or under bareboat charter or time charter to, other nations that exempt such vessels of the United States from similar fees in their ports, or

(c) Vessels used by a State or political subdivision thereof transporting persons or property in the business of the State or political subdivision.

By Mr. MOYNIHAN (for himself, Mr. CRANSTON, and Mr. KENNEDY):

S. 971. A bill to authorize the Secretary of Health and Human Services to expedite research on a disease or disorder which constitutes a public health emergency; to the Committee on Labor and Human Resources.

By Mr. MOYNIHAN:

S. 972. A bill to appropriate funds for epidemiological and medical research on acquired immune disorders and related opportunistic infestions; to the Committee on Appropriations.

PUBLIC HEALTH EMERGENCIES

Mr. MOYNIHAN. Mr. President, today I introducing two bills regarding public health emergencies. The first bill would create an expedited process at the National Institutes of Health for funding applications for grants for research on diseases or disorders that constitute a public health emergency. My second bill would simply appropriate funds to the Centers for Disease Control for work they are conducting with regard to acquired immune deficiency syndrome.

The bill creating an expedited funding process at the NIH is a modified version of a bill I introduced on March 23. That bill, S. 898, created a public health emergency research fund at the NIH as well as an expedited process for funding grant applications. The measure I introduce today presents an alternative approach. It would create a means by which the Secretary of the

Department of Health and Human Services, after consultation with the Director of the National Institutes of Health, the Commissioner of the Food and Drug Administration, or the Director of the Centers for Disease Control, can declare a disease or disorder a public health emergency. Then, acting through the Director of the NIH, the Secretary can expedite the funding of applications for grants in the area or areas of research concerned with such illness.

Possibly the most frightening and deadly public health emergency in this century is the recent appearance of acquired immune deficiency syndrome, AIDS. There is no known cure for this disease. In fact, the cause itself remains elusive from the hands and minds of researchers. While nearly 40 percent of the people known to have contracted AIDS have died, this figure is misleading. Of those diagnosed a year ago, 60 percent have died and researchers and public health personnel all agree the toll will go higher. As of March 31, 1,279 cases had been diagnosed and reported in the United States. Again, this is a misleading figure.

Dr. William Foege, Director of the Centers for Disease Control, said recently, "We don't know whether we're seeing the top part of this disease. Our suspicion is it's the tip of the iceberg." Examining the figures from month to month, more and more cases are being reported. "My judgment is that there is a true increase in the incidence of the disease," Dr. Foege said.

The CDC set up a task force to investigate AIDS over a year ago. Now, the CDC has requested reporting of the disease from the States; 36 have reported cases thus far. The CDC is in the process of setting up a more sophisticated, reliable system for keeping track of the disease.

My bill regarding the CDC would provide $10 million that the CDC could use to maintain and increase the scope of work being done. Not only will this help the intramural and extramural work on AIDS, but it will help prevent a further drain on the resources of the CDC that already have come under severe strain during this epidemic.

Although the preponderance of cases is in New York and California, the disease is spreading throughout the country, and the incidence is on the increase in most States.

I ask unanimous consent that a table indicating the most recent statistics regarding AIDS be printed in the RECORD, following my remarks.

I believe that the two bills I am introducing will provide the appropriate Federal response to the AIDS epidemic. I know that the scientists and doctors at the NIH and CDC are working unstintingly and that they shall make the appropriate medical decisions regarding this disease, but the Congress must assist them as it can, administratively and financially.

I ask unanimous consent that the two bills be printed in the RECORD, following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GEOGRAPHIC DISTRIBUTION OF AIDS PATIENTS—AS OF MAR. 31, 1983

Residence	Cases	Percent of total
New York State	631	49.3
New York City	581	45.4
Other, New York	50	3.9
California	276	21.6
San Francisco	142	11.1
Los Angeles	71	5.9
Other, California	75	4.6
Florida	69	5.8
Miami	49	3.8
Other, Florida	33	2.6
New Jersey	81	6.3
Texas	26	2.0
Illinois	23	1.8
Pennsylvania	23	1.8
Georgia	17	1.3
Massachusetts	17	1.3
Connecticut	13	1.0
Ohio	11	.9
Other States (25)	79	6.3
Total, United States (36 States)	1,279	100.0
Mortality	485	37.9
Other countries (15)	76	
Total, worldwide	1,355	

Source: Centers for Disease Control.

S. 971

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title IV of the Public Health Service Act is amended by adding at the end thereof the following new section:

"RESEARCH AND PUBLIC HEALTH EMERGENCIES

"SEC. 480. (a) If the Secretary determines, after consultation with the Director of the National Institutes of Health, the Commissioner of the Food and Drug Administration, or the Director of the Centers for Disease Control, that a disease or disorder constitutes a public health emergency, the Secretary, acting through the Director of the National Institutes of Health—

"(1) shall expedite the review by the National Cancer Advisory Board under section 407(b) or by any of the advisory councils of the other national research institutes under section 418, 424, 433, 443, 452, or 462, as the case may be, and by peer review groups under sections 405 and 475, of applications for grants for research on such disease or disorder or proposals for contracts for such research;

"(2) shall exercise the authority in section 3709 of the Revised Statutes respecting public exigencies to waive the advertising requirements of such section in the case of proposals for contracts for such research; and

"(3) may provide administrative supplemental increases in existing grants and contracts to support new research relevant to such disease or disorder.

The amount of an increase in a grant or contract provided under paragraph (3) may not exceed one-half the original amount of the grant or contract.

"(b) Not later than ninety days after the expiration of a fiscal year, the Secretary shall report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate on actions taken under subsection (a) in such fiscal year.".

S. 972

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is appropriated to the Secretary of Health and Human Services for fiscal year 1983 $10,000,000 for epidemiological and medical research to be conducted through the Centers for Disease Control on the cause, transmission, treatment, and prevention of acquired immune disorders and related opportunistic infections.

By Mr. ANDREWS:

S. 973. A bill to make technical amendments to the Indian Self-Determination and Education Assistance Act and other acts; to the Select Committee on Indian Affairs.

TECHNICAL AMENDMENTS TO CERTAIN INDIAN LEGISLATION

● Mr. ANDREWS. Mr. President, I am today introducing S. 973, a bill to provide technical amendments to four acts pertinent only to Indian affairs. Three of these acts were enacted in the last Congress. The fourth act, the Indian Self-Determination and Education Assistance Act of 1974, has been the subject of a recent opinion of the Office of the Solicitor, Department of the Interior, which adversely effects the implementation of that act.

Section 1 of this bill will amend the Indian Self-Determination and Education Assistance Act of 1974 (Public Law 93-638) by adding a new section 9 to provide that this act shall not be subject to the requirements of the Federal Grant and Cooperative Agreement Act of 1977 (Public Law 95-224). At the time Congress enacted the Indian Self-Determination and Education Assistance Act (Public Law 93-638) a great deal of thought and attention was given to the mechanism by which the act should be implemented, whether by grants or contracts. The Congress provided for contracting as the primary vehicle for implementation.

The Federal Grant and Cooperative Agreement Act of 1977 (Public Law 95-224) sets forth general guidelines for financial interaction of the United States with States and local governments and other Federal contractors or grantees. There is no record that would reflect that delivery of services to Indian tribes or their members was ever specifically considered in the enactment of this legislation or that the Congress ever intended to amend or otherwise affect the working of the Indian Self-Determination and Educa-

tion Assistance Act (Public Law 93-638).

Early in 1981 both the Department of the Interior and the Department of Health and Human Services reviewed the legal effect of Public Law 95-224 on Public Law 93-638. The Solicitor's Office for the Department of the Interior concluded that Public Law 95-224 required that tribes or other Indian entities assuming management of programs of the Bureau of Indian Affairs be funded by grants rather than contracts. The General Counsel's office at the Department of Health and Human Services reached the opposite conclusion with respect to programs of the Indian Health Service. We, thus, have conflicting opinions from two different agencies.

Early in 1983 the Interior Department published draft regulations to conform to the Solicitor's opinion and move from the current system of contracting to a grant mechanism. In April of 1983 the Select Committee on Indian Affairs held extensive hearings on this issue. The testimony of Indian witnesses was uniformly opposed to abandonment of the contract mechanism for implementing Public Law 93-638. The witnesses forcefully noted that the affected programs of the BIA were in fact Federal programs and the funding provided the tribes was a procurement and not a Federal gratuity assisting or supplementing a local activity.

The Department of the Interior has received extensive comment from Indian tribes and other Indian entities eligible to contract under Public Law 93-638 setting forth objections to the proposed grant regulations. Based on these comments the Bureau of Indian Affairs has concluded that implementation of the change from contracts to grants will not encourage tribal assumption of BIA programs but will in fact discourage such activity. Thus the policy of local control will be thwarted rather than enhanced.

Mr. President, the amendment to the Indian Self-Determination and Education Assistance Act proposed in this bill does not alter existing policy. It will vitiate the effect of the Solicitor's opinion which is now forcing an alteration of the policy and regulations which have been in effect since Public Law 93-638 was enacted.

Mr. President, the remaining provisions of this bill are simply directed at correcting drafting errors in three acts enacted in the last Congress. Section 2 of this bill will correct a land description of a certain parcel of restricted lands in the State of Kansas; section 3 corrects the description of certain lands taken in trust for the Pascua Yaqui Tribe in Arizona; and section 4 corrects references in the most recent amendment of the Federal statute of limitations (28 U.S.C. 2415) which referred to the "Indian Claims Act of 1982" when the proper reference should have been the "Indian Claims Limitation Act of 1982".

I ask that this bill be printed in full at the conclusion of these remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 973

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Indian Self-Determination and Education Assistance Act (Public Law 93-638; 88 Stat. 2203) is amended by inserting after section 8 the following new section:

"SEC. 9. The provisions of this Act shall not be subject to the requirements of the Federal Grant and Cooperative Agreement Act of 1977 (Public Law 95-224; 92 Stat. 3).".

SEC. 2. The Act of October 15, 1982 (Public Law 97-344; 96 Stat. 1645), relating to certain restricted land in Kansas, is amended by striking out "the southeast quarter northwest quarter" in paragraph (2) and inserting in lieu thereof "the south 20 acres of the east 60 acres of the northwest quarter".

SEC. 3. The first section of Public Law 97-386, relating to the reservation of the Pascua Yaqui Tribe of Arizona, is amended by inserting "located in township 15 south, range 12 east, Gila and Salt River Meridian," after "tracts of lands".

SEC. 4. (a) Subsections (a) and (b) of section 2415 of title 28, United States Code, is amended by striking out "Indian Claims Act of 1982" each place it appears and inserting in lieu thereof "Indian Claims Limitation Act of 1982".

(b) The last proviso in the first paragraph under the heading "Administrative Provisions", relating to the Bureau of Indian Affairs, of title I of Public Law 97-394 is amended by striking out "The following" and inserting in lieu thereof "Sections 2 through 6 of this Act".●

By Mr. CHAFEE (by request):

S. 978. A bill to extend until October 1, 1983, the authorization for appropriations to the migratory bird conservation fund, and for other purposes; to the Committee on Environment and Public Works.

PROTECT OUR WETLANDS AND DUCK RESOURCES ACT OF 1983

Mr. CHAFEE. Mr. President, I am introducing today, at the request of the Secretary of the Interior, a bill that constitutes a major step in the administration's initiative to conserve the Nation's rapidly disappearing wetlands. I commend Secretary Watt and the administration for helping to focus the attention of the Federal Government, the Congress, State and local governments, the private sector, and the general public on this serious natural resource problem.

The need to conserve wetlands has never been more critical than it is today. At present, the modification and the destruction of wetland habitat is the single most important factor affecting migratory waterfowl abundance. In addition, wetlands are important for many reasons other than the conservation of waterfowl. They are biologically and economically important to the lives of every American. They contribute to the production of a commercial and recreational fishery harvest valued at several billion dollars annually. Equally important, they provide millions of Americans with opportunities for recreational activities such as boating and bird watching, support a major portion of the Nation's multimillion-dollar annual fur harvest, provide savings in natural flood and erosion control, and help to supply the Nation's increasing demand for safe, pure water. In all, wetlands contribute from $20 to $40 billion a year to the national economy.

For far too long, wetlands have been considered wastelands. They have been drained or filled or converted to other uses, often with technical and financial assistance from various governmental programs, including those for navigation, flood control, and agricultural development.

Approximately one-half of the 215 million acres of wetlands that once existed in the contiguous United States have disappeared and the continued destruction of the remaining areas poses a serious threat to the Nation's environmental and economic well-being. A recent Department of the Interior study concerning the status and trends of wetlands in the United States found that current losses total 458,000 acres, or 715 square miles, every year. Over 9 million acres, an area nearly twice the size of New Jersey, were lost in the 20-year period from the 1950's to the 1970's covered by the study.

In 1972, Congress enacted the major Federal provision for the protection of wetlands, including such areas as coastal and inland marshes and estuaries, river-associated water-saturated areas, inland lakes, potholes, bogs, mudflats, and bottom-land hardwood forests: Section 404 of the Clean Water Act. A new role in wetland maintenance was established, that of regulator of wetland development. Permit requirements under the U.S. Army Corps of Engineers' regulatory authority of section 404 of the act now extend to all waters of the United States, including wetlands.

Mr. President, I am pleased to see that Secretary Watt and the President understand the importance and the plight of our wetland resources. It is extremely troubling, however, to see an effort such as that exemplified by this administration bill proceeding at exactly the same time that the President's Task Force on Regulatory Reform is attempting to emasculate the Clean Water Act's section 404 program, the major Federal provision for wetlands protection. In addition to regulatory changes in the 404 program, it appears that the President's Cabinet Council on the Environment is going to let the Army Corps of Engi-

neers seek major legislative changes in the program. The situation is outlined in an article which appeared in the March 26, 1983, edition of the New York Times. Mr. President, I ask that the article be printed in the RECORD at this point as if read.

The article follows:

ARMY CORPS OF ENGINEERS PROPOSES TO EASE LAW PROTECTING WETLANDS

(By Philip Shabecoff)

WASHINGTON, March 25.—President Reagan's Cabinet Council on the Environment is letting the Army Corps of Engineers seek major changes in the wetlands law while the Administration is officially seeking only minor changes, a participant in a recent council meeting said today.

According to a memorandum on the meeting prepared March 9 by the participant, who asked not to be identified, the Cabinet council agreed that the Environmental Protection Agency would introduce proposed amendments to the Clean Water Act for the Administration that would make small changes in the section on protection for the wetlands.

But at the same time, the memorandum said, the council authorized the Corps of Engineers to write its own proposals and to go to a "friend" in Congress who would shepherd the bill.

Environmentalists said William R. Giannelli, Assistant Secretary of the Army for Civil Works, who oversees the Corps of Engineers, is seeking to reduce greatly the corps' power to restrict the dredging and filling of the country's wetlands.

ANGRY RESPONSE BY ECOLOGIST

William Y. Brown, senior scientist for the Environmental Defense Fund, said when he was informed of the council decision: "The duplicity of the Reagan Administration on the protection of wetlands is now a matter of record. While pretending to oppose changes in section 404" of the Clean Water Act, "the Cabinet council has endorsed efforts by Army Secretary Giannelli to strip away protections from 80 percent of our nation's wetlands."

These lands, swamps, marshes, estuaries, flood plains and other areas, are important breeding grounds for fish and birds, provide nutrients to wildlife and serve a variety of other vital functions, including natural food control.

Efforts to reach Mr. Giannelli today were unsuccessful.

On Wednesday, Mr. Giannelli wrote to Vice President Bush, who heads the Reagan Administration's regulatory reform "task force," urging that E.P.A. guidelines on granting permits to dredge and fill wetlands be changed to advisory from binding.

"As long as the guidelines remain as regulatory criteria," Mr. Gianelli's letter said, "Army will be unable to implement fully the task force decisions and will be unable to attain optimum management efficiency."

However, the Reagan Administration is split on the wetlands issue, with high-level officials at the environmental agency and the Interior Department arguing for more protection of the wetlands. They are disappearing rapidly because of commercial development.

On Tuesday, John W. Hernandez Jr., then Acting Administrator of the environmental agency, wrote to Mr. Bush urging that the Army's proposals be rejected.

Mr. Hernandez, who resigned today, said: "The change sought by the Army would have serious, adverse policy ramifications. It would introduce a major element of uncertainty into the permit process, lead to inconsistent decisions and most, fundamentally, undercut the environmental program."

Senator John H. Chafee, Republican of Rhode Island and Chairman of the Senate Environment and Public Works Committee's environmental protection subcommittee, also wrote to Mr. Bush this week, saying, "I am deeply disturbed about reports that new efforts are under way, led by the Assistant Secretary of the Army for Civil Works, to undermine the Clean Water Act's Section 404 permit program.

"Mr. Gianelli is no longer seeking regulatory reform, he is seeking regulatory relief," Mr. Chafee said. "This is precisely the type of regulatory excess that is making the public view of the Republican party as anti-environment."

WATT INTRODUCES A BILL

This week Interior Secretary James G. Watt introduced a bill to protect wetlands with the help of private support. Among other things the legislation would bar Federal funds for many projects that destroy wetlands. Environmentalists have said the legislation has loopholes that will allow development to continue. Despite opposition within the Government, Mr. Giannelli has made headway in his effort to relax wetlands protection. One reason, environmentalists say, is that he was director of water resources for California when Mr. Reagan was the Governor of the state and is close to the President's California associates.

However, Robert K. Dawson, Deputy Assistant Secretary of the Army, said today that the Army intended to propose "a major legislative package" of which proposals for changes in regulations governing the wetlands would only be a part.

The inconsistency is shocking. As noted in the article, the administration is apparently split on the wetlands issue. Officials at the Environmental Protection Agency and at the Interior Department are arguing for more protection of wetlands while Mr. Gianelli is arguing for a reduction in the protections afforded by section 404 of the Clean Water Act. The bill being introduced today cannot and should not be viewed as a substitute for a strong section 404 program. I would hope that Secretary Watt, as Chairman of the Cabinet Council on the Environment, would prevail in the debate that is splitting the administration and is making the public view the Republican Party as antienvironment.

In January 1981, at his confirmation hearings before the Senate, Secretary Watt affirmed his commitment to conservation of wetlands by stating, in response to my request for his views on wetlands acquisition and the Clean Water Act's section 404 program for regulatory control and protection of wetlands and marshlands:

That is one of the most delicate and fragile areas and critical areas to the whole ecosystem and must be given high priority over different other types of potential land acquisition. That just must have a high priority on it."

I then asked him: "So you are committed in that area?" and Secretary Watt responded:

"Yes. Very much so."

In 1982, Secretary Watt created the protect our wetlands and duck resources task force, comprised of corporate, Government, and conservation leaders concerned about the future of wetlands and waterfowl. The goals of the task force are to advise and counsel public and private officials on wetlands protection and to encourage the dedication of private lands to wetlands uses.

The legislation that Secretary Watt has sent to the Congress is an outgrowth of that effort. He sees the cornerstone of the legislation as the minimization of a number of Federal subsidies that currently encourage the conversion of wetland areas. This approach is similar to that of the recently enacted Coastal Barrier Resources Act which Secretary Watt strongly supports. The legislation also contemplates the dedication of an additional $25 million annually to Federal and State programs to acquire and manage wetlands. These moneys include grants to the States for wetlands conservation purposes and additional sums to be paid into the migratory bird conservation fund from an increase in the price of the Federal duck stamp and purchases of entrance permits to certain units of the national wildlife refuge system.

I share Secretary Watt's concern over the continuing destruction of the Nation's valuable wetland resources and I think we all would agree that it makes little sense for the destruction of important natural resources to be underwritten and encouraged with Federal tax dollars. I am disturbed, however, by the number and scope of exceptions to the bill's proposed subsidy prohibition. Enactment of a bill with many loopholes could be counterproductive for wetlands by giving the appearance that they have been protected when, in fact, they have not.

Two additional areas of agreement are: the need to encourage the dedication of private lands to wetland uses and the need to accelerate Federal and State acquisition of wetlands habitat.

A Federal role in the acquisition of wetlands habitat has been recognized by Congress for many years. The enactment of the Migratory Bird Conservation Act in 1929 and the Migratory Bird Hunting and Conservation Stamp Act of 1934 established the foundation for our present wetland acquisition program. Other programs have also contributed. The enactment of the Wetlands Loan Act in 1961, as amended, has generated to date some $145 million in loan money for acquiring wetlands. Contributions from the Land and Water Conservation Fund have supplemented wetland acquisition efforts but only to the extent that the area acquired is for a congressionally authorized refuge or is habitat for

an endangered species. Although the Federal Government obviously cannot purchase all wetlands, we should, at a minimum, accelerate the acquisition program that was established in the 1950's.

During the 1950's the Department of the Interior, States, and International Association of Fish and Wildlife Agencies jointly determined the 12.5 million acres of waterfowl habitat needed to be under State and Federal control and to be managed for maintenance of then existing waterfowl populations. The responsibility for acquiring this habitat was split with the Federal share placed at 8 million acres including 3.5 million already owned. The passage of the Wetlands Loan Act in 1961 provided a source of additional funds for the Migratory Bird Conservation Fund and enabled the U.S. Fish and Wildlife Service to increase acquisition of wetlands. The Service determined during 1976 that 1.95 million acres of the Federal portion of waterfowl habitat remained to be acquired and that it should be preserved during a 10-year period between fiscal year 1977 and fiscal year 1986. This would be done to offset accelerated losses and degradation of wetlands and help maintain waterfowl populations at desired levels. The 10-year acquisition objective was divided into 33 habitat categories and acquisitions concept plans were developed for categories 1 to 15. In the first 7 years of the 10-year period the Fish and Wildlife Service will have acquired only about 18 percent, or 359,410 acres, of the remaining 1.95 million acres of waterfowl habitat needed. Clearly, we need to do a better job of meeting our goals.

Mr. President, the unacceptable rate of wetlands loss makes prompt action a necessity. Another driving force is the fact that authorization for the Wetlands Loan Act is due to expire on September 30, 1983. Unless amended, the unappropriated balance of the $200 million loan, more than $50 million, will not be available and the Loan Act will require that beginning October 1, 1983, 75 percent of revenues from sales of the migratory bird hunting and conservation stamp be applied toward retiring the $147 million advanced so far.

Secretary Watt has submitted his bill to the Congress in the hope that it will provide a focal point for all those interested in developing a comprehensive wetlands conservation program. He and I both recognize that the introduction of this legislation is a first step, not a final one. I expect that as we review the bill and the issues it presents in more detail I, along with a number of my colleagues, will have a number of recommendations for refinement of the legislation. For example, there are many questions which need to be answered concerning the effects of the title I limit on Federal expenditures and the methods to be used for mapping. In addition, it is unclear why the protections proposed by the bill do not extend to the small potholes of the upper Midwest which provide a large portion of the Nation's waterfowl breeding habitat. I am in the process of drafting legislation that will build upon the base provided by Secretary Watt, do even more to accelerate our wetlands habitat acquisition program and attempt to equitably distribute the costs of such acquisition by utilizing existing sources of funding, such as the Land and Water Conservation Fund, to supplement moneys provided by hunters and other conservationists. It is my hope that we can proceed quickly to hearings on both bills and eventually marry the best features of both.

I believe that the introduction of this legislation provides an outstanding opportunity for all of us concerned with the conservation of important natural resources to review the issues thoughtfully. I look forward to working with Secretary Watt, my colleagues in Congress, and interested members of the public to develop a reasonable, aggressive wetlands program which will augment, not replace, existing programs.

Mr. President, I ask unanimous consent that the Secretary's transmittal letter, the bill's text, and a summary of the major provisions be included in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 978

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Protect Our Wetlands and Duck Resources Act of 1983".

FINDINGS AND STATEMENTS OF PURPOSE

SEC. 2. (a) The Congress finds that—

(1) many wetlands play an integral role in maintaining the quality of life through material contributions to our national economy, food supply, water quality, and fish and wildlife resources, and thus to the health, safety, recreation, and economic well-being of all our citizens;

(2) many wetlands provide essential breeding, spawning, nesting, and wintering habitat for a major portion of the Nation's fish and wildlife, including migratory birds, endangered species, commercially and recreationally important finfish, shellfish and other aquatic organisms, and a variety of resident fish and wildlife species;

(3) the use of wetlands, and the fish and wildlife dependent thereon, for recreational and commercial purposes provides important economic benefits, including—

(A) contributions to a commercial marine harvest value at several billion dollars annually;

(B) support for a major portion of the Nation's multi-million dollar annual fur harvest; and

(C) fishing, hunting, birdwatching, and other wetland-related recreational activities that generate billions of dollars annually;

(4) many wetlands exert a positive effect on the Nation's water quality by serving as groundwater recharge areas, nutrient traps and chemical sinks;

(5) many wetlands provide a natural means of flood and erosion control by retaining water during periods of high runoff, thereby protecting against loss of life and property;

(6) wetlands constitute only a small percentage of the land area of the United States, with estimates indicating that approximately 50 percent of all wetlands that existed at the founding of our Nation have been converted and that losses are continuing at a significant rate;

(7) certain actions and programs of the Federal Government have unnecessarily subsidized the alteration of wetlands, thereby accelerating the loss of these valuable resources of the biological and economic benefits that they provide; and

(8) the existing Federal-State-private partnerships in wetlands conservation should be strengthened in order to minimize further losses of these valuable areas and to assure their management in the public interest for this and future generations.

(b) It is the purpose of this act to promote, in concert with other Federal statutes and programs, the conservation of our Nation's environmentally significant wetlands in order to minimize the loss of public benefits they provide—

(1) establishing the Protect Our Wetlands and Duck Resources System, within which certain future Federal expenditures that have the effect of encouraging the unnecessary alteration and consequent loss of environmentally significant wetlands will be minimized;

(2) intensifying existing cooperative efforts among private interests and local, State, and Federal governments for the management and conservation of wetlands; and

(3) intensifying Federal, State, local, and private sector efforts to protect the Nation's most significant wetlands through easement, acquisition, or other methods that respect rights of private ownership.

TITLE I. THE PROTECT OUR WETLANDS AND DUCK RESOURCES SYSTEM

DEFINITIONS

SEC. 101. For purposes of this title, the term—

(1) "Committees" means the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Environment and Public Works of the Senate;

(2) "Federal expenditures" means any direct or indirect Federal expenditure, including any form of loan, grant, guaranty, insurance, payment, rebate, subsidy, or any other form of direct or indirect Federal assistance other than—

(A) general revenue-sharing grants made under section 102 of the State and Local Fiscal Assistance Amendments of 1972 (86 Stat. 919; 31 U.S.C. 1221);

(B) deposit or account insurance for customers of banks, savings and loan associations, credit unions, or similar institutions;

(C) the purchase of mortgages or loans by the Government National Mortgage Association, the Federal National Mortgage Association, or the Federal Home Loan Mortgage Corporation;

(D) Federal expenditures required incident to the issuance of permits or other authorizations under Federal law;

(E) assistance under programs entirely unrelated to alteration of wetlands, such as any Federal or federally assisted public assistance program or any Federal old-age, survivors, or disability insurance program;

(F) the commodity loans and purchases program and cotton, feed grain, wheat, and rice production stabilization programs administered by the Department of Agriculture; and

(G) Federal expenditures required incident to studies, evaluations, design, construction, operation, maintenance, or rehabilitation of Federal water resource development activities, including channel improvements;

(3) "Secretary" means the Secretary of the Interior; and

(4) "System" means the Protect Our Wetlands and Duck Resources System established by section 102 of this Act.

ESTABLISHMENT OF SYSTEM

SEC. 102. There is established the Protect Our Wetlands and Duck Resources System, which shall be comprised of areas identified by the Secretary pursuant to sections 103 and 104 of this Act as environmentally significant wetlands in the United States 5 acres or more in size that—

(1) are undeveloped; and

(2) provide significant wildlife habitat, particularly for migratory birds, species listed under the Endangered Species Act of 1973 (87 Stat. 884; 16 U.S.C. 1531 et seq.), or other species protected by Federal law or treaty; or

(3) contribute significantly to the production of fish, shellfish, or other aquatic organisms; or

(4) contribute significantly to water quality.

The System shall not include any area that is a coastal barrier as defined in section 3 of the Coastal Barriers Resources Act (96 Stat. 1653; 16 U.S.C. 3502).

MAPPING OF SYSTEM

SEC. 103. (a) The Secretary shall publish maps that identify as components of the System wetlands that satisfy the criteria set forth in section 102 of this Act. Such maps shall be prepared as soon as practicable after the date of the enactment of this Act, but may be prepared and made final in such sequence and on such basis of priority as the Secretary considers appropriate. In preparing such maps, the Secretary may use such information available from any Federal agency, State or local government, or any private, academic, or scientific organization as the Secretary considers appropriate.

(b)(1) In preparing any map of one or more components of the System under this section, the Secretary shall, after consultation with appropriate Federal agencies, State and local officials, and private, academic, or scientific organizations, first propose a draft map for the components involved.

(2) The Secretary shall publish a notice announcing the availability of such draft map in the Federal Register and distribute copies of such map to appropriate Federal agencies, the Governors of affected States, the State agencies responsible for fish and wildlife, and affected county governments. Copies of such map shall also be available for public inspection in the appropriate offices of the U.S. Fish and Wildlife Service.

(3) The Secretary shall provide not less than 90 days for public comment on such map, during which any affected State is encouraged, in consultation with the Secretary, to hold public hearings to receive testimony on the application of the criteria set forth in section 102 of this Act to components identified in such draft map.

(4) After considering all of the comments received, the Secretary shall issue a final map for the components involved and shall publish a notice of its availability in the Federal Register. The Secretary shall also—

(A) file such map with the Committees;

(B) distribute copies of such map to appropriate Federal agencies, the Governors of affected States, the State agencies responsible for fish and wildlife, and affected county governments; and

(C) make copies of such map available for public inspection in the appropriate offices of the U.S. Fish and Wildlife Service.

(c) Periodically, the Secretary shall conduct, in consultation with appropriate Federal agencies, State and local officials, and private, academic, or scientific organizations, a review of the System to identify any areas that should be added to or deleted from the System under section 102 of this Act. Maps of any areas affected shall be published in accordance with the provisions of this section.

ELECTION INTO SYSTEM

SEC. 104. (a) Any person or entity owning all right, title, and interest, both surface and subsurface, in any wetland area that is not identified as a component of the System by the Secretary may elect to have such wetland area identified as a component of the System.

(b) Any election under this section shall be made in compliance with regulations established by the Secretary. Once such an election is made and filed with the Secretary, the area involved shall be identified and mapped as a component of the System.

Upon inclusion of an area in the System under this section, the Secretary shall publish notice of such inclusion in the Federal Register and shall file and distribute the map identifying such component in the manner provided in section 103(b)(4) of this Act.

LIMITATIONS ON FEDERAL EXPENDITURES

SEC. 105. (a) Except as provided in section 106 of this Act and notwithstanding any other provision of law, no new Federal expenditures may be made under authority of any Federal law for any purpose within any component of the System.

(b) Any Federal expenditure made under authority of Federal law shall, for purposes of this Act, be a new Federal expenditure with respect to any component of the System if—

(1) in any case in which specific appropriations are required, no money was appropriated before the date of the notice announcing the availablity of a final map for such component under section 103(b)(4) of this Act; or

(2) no legally binding commitment for the expenditure was made before such date.

EXCEPTIONS

SEC. 106. Notwithstanding section 105 of this Act, the appropriate Federal official may make Federal expenditures within the System for—

(1) any use or facility necessary for the exploration, extraction, production, development, storage, or transportation of energy and mineral resources that can be carried out only on, in, or adjacent to wetlands;

(2) the construction, maintenance, replacement, reconstruction, or repair of publicly owned or publicly operated highways, roads, structures, or facilities that are essential links in a larger network or system;

(3) any use or facility deemed essential to national security by the Secretary of Defense or the Secretary of Energy;

(4) the construction, operation, maintenance, and rehabilitation of Coast Guard facilities and access thereto;

(5) normal silviculture activity, such as plowing, seeding, cultivating, minor drainage, or harvesting for the production of fiber or forest products;

(6) assistance for emergency actions that are essential to the saving of lives and the protection of property and the public health and safety, including actions performed pursuant to sections 305 and 306 of the Disaster Relief Act of 1974 (42 U.S.C. 5145 and 5146), section 1362 of the National Flood Insurance Act of 1968 (42 U.S.C. 4103), and section 5 of the Flood Control Act of 1941 (33 U.S.C. 701n), and that are limited to those necessary to alleviate the emergency; and

(7) any of the following actions or projects, but only if the making of expenditures therefor is consistent with the purposes of this Act and is limited to—

(A) projects for the study, management, protection, and enhancement of fish and wildlife resources and habitats, including acquisition of fish and wildlife habitats and related lands, stablization projects for fish and wildlife habitats, and fish and wildlife-oriented recreational projects;

(B) projects that will promote the conservation of wetland, including payments made pursuant to the Water Bank Act (84 Stat. 1468; 16 U.S.C. 1301);

(C) the establishment, operation, and maintenance of air and water navigation aids and devices, and for access thereto;

(D) projects under the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 4601-4 et seq.) and the Coastal Zone Management Act of 1972 (86 Stat. 1280; 16 U.S.C. 1451 *et seq.*); and

(E) scientific research, including aeronautical, atmospheric, space, geologic, marine, fish and wildlife, and other research, development, and applications.

CERTIFICATION OF COMPLIANCE

SEC. 107. Each Federal agency affected by this Act shall make written certification that such agency has complied with the provisions of this Act during each fiscal year, beginning with the first fiscal year in which a map of a component of the System is made final under section 103(b)(4) of this Act. Such certification shall be submitted on an annual basis to the Committees pursuant to the schedule required under the Congressional Budget and Impoundment Control Act of 1974.

TITLE II. FINANCIAL ASSISTANCE TO STATES FOR WETLANDS CONSERVATION

USE OF LAND AND WATER CONSERVATION FUND FOR WETLANDS CONSERVATION

SEC. 201. The Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 4601-4 et seq.) is amended by redesignating sections 7 through 12 thereof as sections 8 through 13, by redesignating all references to such sections accordingly, and by inserting after section 6 thereof the following new section:

"FINANCIAL ASSISTANCE TO STATES FOR WETLANDS CONSERVATION

"SEC. 7. (a) In order to encourage the conservation of the Nation's wetland resources, the Secretary is authorized, commencing with the first fiscal year beginning after the date of the enactment of this section, to

provide annually, for not more than 10 fiscal years, financial assistance from the fund to the States for purposes of wetlands conservation, as defined in subsection (c)(3) of this section. Payments for such purposes may be made to the States as hereinafter provided, subject to such terms and conditions as the Secretary considers appropriate and in the public interest.

"(b) Sums appropriated and available from the fund for wetlands conservation under this Act shall be apportioned among the States by the Secretary, whose determination shall be final, on the basis of each State's proportionate share of a sum equal to—

"(1) three times the total amount of State funds received from the sale of waterfowl, wetland, habitat, or other similar stamps, and dedicated to wetlands conservation, during the most recent fiscal year for which the calculation of such funds is practicable, as determined by the Secretary; less

"(2) an amount not to exceed 4 percent of the total of amounts apportioned to States under this section, to be used to defray administrative costs incurred by the Secretary in making payments under this section.

"(c)(1) The provisions of sections 6(f)(2) through 6(f)(6) of this Act shall apply to financial assistance made available under this section. In applying sections 6(f)(2) and 6(f)(3) of this Act to this section, the references to approved projects, recreation, and recreation plans shall be considered to be references to wetlands or wetlands conservation, as appropriate.

"(2) Any amount of any apportionment under subsection (b) of this section that for any fiscal year remains unobligated at the close thereof shall continue to be available for obligation until the close of the succeeding fiscal year. Any amount remaining unobligated at the end of such succeeding fiscal year shall be deposited to the migratory bird conservation fund established under section 4 of the Act of March 16, 1934 (48 Stat. 451; 16 U.S.C. 718d).

"(3) For purposes of this section, the term 'wetlands conservation' means any action that assists in preserving and improving wetlands, associated uplands, and wetland-related fish and wildlife, including wetland resource planning, acquisition, management, enhancement, maintenance, improvement, and related surveys and studies.".

TITLE III. EXTENSION OF WETLANDS LOAN ACT

TEN-YEAR EXTENSION

SEC. 301. (a) The first section of the Act entitled "An Act to promote the conservation of migratory waterfowl by the acquisition of wetlands and other essential waterfowl habitat, and for other purposes", approved October 4, 1961 (75 Stat. 813; 16 U.S.C. 715k-3)(referred to in this Act as the "Wetlands Loan Act"), is amended by striking out "September 30, 1983" and inserting in lieu thereof "September 30, 1993".

(b) Section 3 of the Wetlands Loan Act (75 Stat. 813; 16 U.S.C. 715k-5) is amended by striking out the first three sentences thereof.

TITLE IV. INCREASES FOR MIGRATORY BIRD CONSERVATION FUND

PERMITS FOR CERTAIN REFUGE UNITS

SEC. 401. (a) Notwithstanding the provisions of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 4601-4 et seq.), in order to provide additional funds for the conservation of the Nation's wetland resources, a migratory bird hunting and conservation stamp or any other permit authorized by this section may be required for entry into certain units of the National Wildlife Refuge System designated by the Secretary of the Interior.

(b) A valid migratory bird hunting and conservation stamp, as established under the Act of March 16, 1934 (48 Stat. 451; 16 U.S.C. 718a), shall function as an annual permit for any designated unit under this section. The permittee and any persons accompanying such permittee in a single, private, noncommercial vehicle, or, alternatively, the permittee and any accompanying spouse, children, or parents, where entry to the area is by any means other than private, noncommercial vehicle, shall be entitled to general entrance into any area of any designated unit. Use of such stamp as a permit under this subsection shall not affect the requirements of the Act of March 16, 1934 (48 Stat. 451; 16 U.S.C. 718a), relating to the taking of migratory waterfowl.

(c)(1) A single visit permit for any designated unit shall be made available by the Secretary for persons who choose not to purchase a migratory bird hunting and conservation stamp as provided in subsection (b) of this section. The Secretary may establish a reasonable charge for such permit. For purposes of this subsection, "single visit" means a more or less continuous stay within a designated unit by a person or group described in subsection (b) of this section. A single visit permit shall authorize exits from and re-entries into a single designated unit for a period of from one to fifteen days. Such period shall be defined for each designated unit by the Secretary based upon a determination of the period of time reasonably and ordinarily necessary for such a single visit.

(2) Funds from permits under this subsection, less 10 percent to be used—

(A) to defray administrative costs incurred by the Secretary in providing for such permits; and

(B) for the purposes for which the designated units have been established;

shall be paid into the migratory bird conservation fund established under section 4 of the Act of March 16, 1934 (48 Stat. 451; 16 U.S.C. 718d).

(d) Any permit authorized by this section shall be nontransferable and shall be available for purchase at any designated unit. Such permit shall not authorize any uses for which fees are charged under the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 4601-4 et seq.).

PRICE OF MIGRATORY BIRD HUNTING AND CONSERVATION STAMP

SEC. 402. Section 2(b) of the Act of March 16, 1934 (48 State. 451; 16 U.S.C. 718b), is amended by striking out "$7.50" and inserting in lieu thereof "$15.00".

TITLE V. GENERAL PROVISIONS

PRIORITY OF LAWS

SEC. 501. Nothing in this Act shall be construed as indicating an intent on the part of the Congress to change the existing relationship of other Federal laws to the law of a State, or a political subdivision of a State, or to relieve any person of any obligation imposed by any law of any State, or political subdivision of a State. No provision of this Act shall be construed to invalidate any provision of State or local law unless there is a direct conflict between such provision and the law of the State, or political subdivision of the State, so that the two cannot be reconciled or consistently stand together. This Act shall in no way be interpreted to interfere with a State's right to protect, rehabilitate, preserve, utilize, manage, and restore lands within its established boundary.

SEPARABILITY

SEC. 502. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

REGULATIONS

SEC. 503. The Secretary of the Interior may prescribe such rules and regulations as may be necessary to carry out the Secretary's independent responsibilities under sections 103, 104, 201, 401, and 402 of this Act. Other Federal agency heads shall review and modify their existing regulations as may be necessary to carry out the provisions of this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 504. there is authorized to be appropriated to the Secretary of the Interior such sums as may be necessary to carry out the provisions of this Act.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., March 2, 1983.

Hon. GEORGE BUSH,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is enclosed a draft bill, the "Protect Our Wetlands and Duck Resources Act of 1983."

This Administration is dedicated to the conservation of this Nation's environmentally significant wetlands. If we are to accomplish this important natural resource goal, however, immediate and effective action is necessary. We believe that the enclosed draft bill can serve as the cornerstone of a solid legislative foundation for the achievement of this goal.

The need to conserve wetlands has never been more critical than it is today. At present, the modification and destruction of wetland habitat is the single most important factor affecting migratory waterfowl abundance. In addition, wetlands are important for many reasons other than the conservation of waterfowl. They are biologically and economically important to the lives of every American. They contribute to the production of a commercial and recreational fishery harvest valued at several billion dollars annually. Equally important, they provide millions of Americans with opportunities for recreational activities such as boating and bird watching, support a major portion of the Nation's multi-million dollar annual fur harvest, provide savings in natural flood and erosion control, and help to supply the Nation's increasing demand for safe, pure water. In all, wetlands contribute from $20 to $40 billion a year to the national economy.

It makes little sense for the Federal Government to recognize the importance of wetlands and embark on positive measures to conserve them while Federal tax dollars are also being spent to encourage the draining, filling, and conversion of these areas to other uses. Therefore, using an approach based on the recently enacted Coastal Barrier Resources Act (P.L. 97-348), title I of the draft bill would establish a consistent Federal role regarding wetlands by minimizing Federal expenditures that encourage the alteration of wetlands. We emphasize that this would not prohibit property owners from building on their property and it would not impose federally mandated

duties on State or local governments. Instead, it advances the common sense approach that the destruction of these resource areas important to all Americans should not be underwritten and encouraged with Federal tax dollars.

We are submitting this draft bill to the Congress in the hope that it will serve as a focal point for the Administration, the Congress, State and local governments, and the private sector to cooperate in developing a comprehensive program to encourage the conservation of these valuable resources. We believe that the draft bill provides a sound conceptual framework for addressing the complex scientific, environmental, and economic issues raised by wetlands conservation. However, we expect that as Congress begins consideration of this proposal, all interested parties will have recommendations for further refinement of the draft bill.

It is estimated that approximately 50 percent of the 215 million acres of wetlands that once existed in the coterminous United States have been converted. Previous estimates indicated yearly losses of 300,000 wetlands acres, but a recent study by the United States Fish and Wildlife Service finds that this figure is significantly higher, with a net loss of 458,000 acres, or 715 square miles, every year.

Federal responsibility for the protection of migratory birds was first established by international treaty in 1916. When important wetland habitat is lost and adequate alternative food supplies or nesting areas are not available, birds become concentrated in fewer areas. Distribution is altered; birds can be exposed to additional hunting pressure, severe weather, or the need to migrate at inopportune times. The resulting stress reduces resistance to diseases and parasites, and endangers reproduction. The loss of wetland habitat has, for example, been a significant factor in a 20 percent decline since the mid-1950s of mallard breeding populations in surveyed areas.

Title I of the draft bill is intended to reduce the loss of this critical wetland habitat, by minimizing future Federal expenditures that would encourage the unnecessary alteration and consequent loss of environmentally significant wetlands. This title would establish the Protect Our Wetlands and Duck Resources System, comprised of undeveloped wetlands of 5 acres or more that provide significant wildlife, fisheries, or water purification benefits. The Secretary of the Interior would identify components of the System through a process that includes consultation with Federal, State, local, and other appropriate entities, preparation of draft maps of proposed components, public comment on such maps, and issuance of final maps.

Under section 105 of the draft bill, new Federal expenditures would be prohibited for any purpose within the System. The definition of such expenditures contains exclusions similar to those contained in the Coastal Barrier Resources Act, along with exclusions for agricultural price support programs and water resource development activities. Section 106 also contains limited exceptions similar to those in the Coastal Barrier Resources Act.

The balance of the draft bill is intended to continue and accelerate the protection and management of key wetland habitat for migratory birds. Title II would strengthen State efforts by authorizing grants for wetlands conservation projects equal to three times the amount of annual collections from each State's duck stamp program. Titles III and IV are intended to extend and increase the monies available for Federal wetlands protection.

The migratory bird conservation fund finances the acquisition of migratory bird habitat by the Fish and Wildlife Service. It is funded principally by monies from the sale of migratory bird hunting and conservation stamps (more commonly referred to as duck stamps), which generate $15-16 million per year, and by appropriations advanced against future duck stamp sales authorized by the Wetlands Loan Act. However, unless amended, the Wetlands Loan Act will expire September 30, 1983, and 75 percent of the monies from the sale of duck stamps in fiscal year 1984 and each fiscal year thereafter will have to be used, not to protect waterfowl habitat, but to retire the loan advances. Title III of the draft bill would extend the authorization of appropriations under the Wetlands Loan Act for ten years and would forgive the repayment of advances made under that Act.

Extension of this authority is only a partial answer, however. Land values for these habitat areas are rising so rapidly that we estimate the cost of reaching our existing acquisition objectives to be $1.4 billion. Appropriated funding at this level is obviously unrealistic, so other means to augment funds must be found. Title IV of the draft bill would increase the monies accruing to the fund by authorizing the Secretary to require a valid duck stamp or single visit permit for entrance into certain designated units of the National Wildlife Refuge System and by raising the price of the duck stamp to $15. The increase in the duck stamp price would comprise only a very small portion—approximately 3 percent—of the average total expenses incurred by waterfowl hunters. Deposit into the fund of the monies from a permit for entrance into certain refuges would allow others who enjoy wildlife and outdoor recreational opportunities to join in the conservation of wetland resouces. Taken together, we estimate that the provisions of title IV of the draft bill would increase the funds in the migratory bird conservation fund by approximately $14 million annually.

We strongly urge that comprehensive wetlands conservation legislation be considered a high priority of the 98th Congress. We hope that the submission of this draft bill will provide a basis for, and expedite the development of, a strong legislative foundation that will minimize Federal expenditures contributing to the loss of valuable wetland habitat and intensify Federal, State, local, and private sector efforts to conserve these vital natural resources and the economic and environmental benefits they provide to the Nation.

The Office of Management and Budget has advised that there is no objection to the submission of this proposed legislation from the Standpoint of the Administration's program.

Sincerely,

JIM WATT,
Secretary.

PROTECT OUR WETLANDS AND DUCK RESOURCES ACT OF 1983

SUMMARY OF MAJOR PROVISIONS

Title I. The protect our wetlands and duck resources system

Section 102 would establish the Protect Our Wetlands and Duck Resources System, comprised of undeveloped wetlands of 5 acres or more that provide significant wildlife, fisheries, or water purification benefits.

Section 103 would require the Secretary of the Interior to identify components of the System through a process that includes consultation with Federal, State, local, and other appropriate entities, preparation of draft maps of proposed components, public comment on such maps, and issuance of final maps.

Section 104 would permit landowners to elect to include their wetlands in the System if they are not identified by the Secretary under section 103.

Section 105 would prohibit new Federal expenditures, as defined in section 101, for any purpose within the System. The section 101 definition contains exclusions similar to those contained in the Coastal Barrier Resources Act, along with exclusions for agricultural price support programs and water resource development activities.

Section 106 would provide limited exceptions to the prohibition in section 105, including certain energy activities, certain military activities, construction and maintenance of certain public roads and facilities, and, consistent with the purposes of the Act, activities such as fish and wildlife projects and scientific research. Additional exceptions are similar to those in the Coastal Barrier Resources Act.

Title II. Financial assistance to States for wetlands conservation

This title would amend the Land and Water Conservation Fund Act to provide, for a maximum of 10 years, authority for appropriations from the fund for grants to States for wetlands conservation purposes. Such assistance would be in an amount equal to three times the amount of a given State's annual duck stamp (or other similar stamp) funds that are dedicated to wetlands conservation.

Title III. Extension of Wetlands Loan Act

This title would amend the Wetlands Loan Act to extend the availability of funds under it for 10 years, through September 30, 1993, and to delete the provisions for repayment of advances under the Act.

Title IV. Increases for migratory bird conservation fund

Section 401 would provide the Secretary with authority to require a permit for entrance into certain designated National Wildlife Refuge System units. Either a valid Federal duck stamp or a single-visit permit would permit such entry.

Section 402 would increase the price of the duck stamp from $7.50 to $15.

ADDITIONAL COSPONSORS

S. 13

At the request of Mr. DOLE, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 13, a bill to amend the Internal Revenue Code of 1954 to decrease the holding period for long-term capital gain treatment from 1 year to 6 months.

S. 16

At the request of Mr. DOLE, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 16, a bill to amend the Internal Revenue Code of 1954 to provide for the establishment of, and the deduction of contributions to, education savings accounts.

S. 57

At the request of Mr. SPECTER, the names of the Senator from Rhode Island (Mr. CHAFEE), and the Senator from South Carolina (Mr. HOLLINGS) were added as a cosponsors of S. 57, a bill to amend title 18 of the United States Code relating to the sexual exploitation of children.

S. 71

At the request of Mr. RANDOLPH, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 71, a bill to redesignate the days on which Washington's birthday, Memorial Day, and Columbus Day are celebrated and to make each day a legal public holiday.

S.120

At the request of Mr. DOLE, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 120, a bill to extend for 2 years the allowance of the deduction for eliminating architectural and transportation barriers to the handicapped and elderly.

S. 212

At the request of Mr. PRESSLER, the names of the Senator from Montana (Mr. BAUCUS), and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of S. 212, a bill to authorize funds for the U.S. Travel and Tourism Administration.

S. 216

At the request of Mr. THURMOND, the name of the Senator from North Carolina (Mr. EAST) was added as a cosponsor of S. 216, a bill to amend title 18, United States Code, to combat, deter, and punish individuals who adulterate or otherwise tamper with food, drug, cosmetic, and other products with intent to cause personal injury, death, or other harm.

S. 222

At the request of Mr. KASTEN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 222, a bill to repeal the withholding of tax from interest and dividends and to require statements to be filed by the taxpayer with respect to interest, dividends, and patronage dividends.

S. 329

At the request of Mr. GRASSLEY, the name of the Senator from Ohio (Mr. GLENN) was added as a cosponsor of S. 329, a bill to authorize the donation of surplus property to any State for the construction and modernization of criminal justice facilities.

S. 444

At the request of Mr. DURENBERGER, the names of the Senator from Arkansas (Mr. BUMPERS), the Senator from Nebraska (Mr. ZORINSKY), and the Senator from Connecticut (Mr. WEICKER) were added as cosponsors of S. 444, a bill to provide that registration and polling places for Federal elections be accessible to handicapped and elderly individuals, and for other purposes.

S. 461

At the request of Mr. COHEN, the name of the Senator from Michigan (Mr. LEVIN), was added as a cosponsor of S. 461, a bill to extend the authorization of appropriations for the Office of Government Ethics for 5 years.

S. 480

At the request of Mr. PRESSLER, the name of the Senator from Pennsylvania (Mr. HEINZ), was added as cosponsor of S. 480, a bill relating to the transfer of civil land remote sensing space satellite systems and meteorological satellite systems to the private sector.

S. 501

At the request of Mr. DOLE, the names of the Senator from Maryland (Mr. MATHIAS), and the Senator from Wyoming (Mr. SIMPSON) were added as cosponsors of S. 501, a bill to amend the laws of the United States to eliminate gender-based distinctions.

S. 518

At the request of Mr. CHAFEE, the name of the Senator from Florida (Mrs. HAWKINS), was added as a cosponsor of S. 518, a bill to establish a program of grants administered by the Environmental Protection Agency for the purpose of aiding State and local programs of pollution abatement and control.

S. 693

At the request of Mr. HUMPHREY, the names of the Senator from Oklahoma (Mr. NICKLES), and the Senator from Iowa (Mr. JEPSEN) were added as cosponsors of S. 693, a bill to amend title 23, United States Code, to remove the limitation on the use of materials produced by convict labor in construction of the Federal-aid highway system.

S. 786

At the request of Mr. PRESSLER, the name of the Senator from Montana (Mr. MELCHER) was added as a cosponsor of S. 786, a bill to amend title 38, United States Code, to establish a service-connection presumption for certain diseases caused by exposure to herbicides or other environmental hazards or conditions in veterans who served in Southeast Asia during the Vietnam era.

S. 873

At the request of Mr. LUGAR, the names of the Senator from Wyoming (Mr. SIMPSON), and the Senator from Massachusetts (Mr. TSONGAS) were added as cosponsors of S. 873, a bill to help insure the Nation's independent factual knowledge of the Soviet Union and Eastern European countries, to help maintain the national capability for advanced research and training on which that knowledge depends, and to provide partial financial support for national programs to serve both purposes.

S. 888

At the request of Mr. PACKWOOD, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 888, a bill entitled "The Economic Equity Act".

At the request of Mr. DURENBERGER, the names of the Senator from Alaska (Mr. STEVENS), and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 888, supra.

SENATE JOINT RESOLUTION 4

At the request of Mr. GARN, the name of the Senator from Alabama (Mr. DENTON) was added as a cosponsor of Senate Joint Resolution 4, a joint resolution proposing an amendment to the Constitution of the United States for the protection of unborn children and other persons.

SENATE JOINT RESOLUTION 31

At the request of Mr. THURMOND, the name of the Senator from Missouri (Mr. EAGLETON) was added as a cosponsor of Senate Joint Resolution 31, a joint resolution to authorize and request the President to designate April 23, 1983, as "Army Reserve Day."

SENATE CONCURRENT RESOLUTION 6

At the request of Mr. BOSCHWITZ, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from South Carolina (Mr. THURMOND), and the Senator from South Dakota (Mr. PRESSLER) were added as cosponsors of Senate Concurrent Resolution 6, a concurrent resolution expressing the sense of the Congress that the Federal Government should maintain current efforts in Federal nutrition programs to prevent increases in domestic hunger.

SENATE CONCURRENT RESOLUTION 14

At the request of Mr. LUGAR, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from New York (Mr. MOYNIHAN), the Senator from Illinois (Mr. PERCY), and the Senator from Texas (Mr. TOWER) were added as cosponsors of Senate Concurrent Resolution 14, a concurrent resolution in commemoration of the bicentennial of the birth of Simon Bolivar, hero of the independence of the Americas.

SENATE CONCURRENT RESOLUTION 19

At the request of Mr. PERCY, the names of the Senator from Ohio (Mr. GLENN), the Senator from Pennsylvania (Mr. HEINZ), and the Senator from Maine (Mr. COHEN) were added as cosponsors of Senate concurrent Resolution 19, a concurrent resolution expressing the sense of the Congress on the occasion of the 150th anniversary of the opening of diplomatic relations between the United States and Thailand.

SENATE RESOLUTION 84

At the request of Mr. JACKSON, the Senator from Hawaii (Mr. MATSUNAGA) was added as a cosponsor of Senate

Resolution 84, a resolution relating to the strategic petroleum reserve.

NOTICES OF HEARINGS

COMMITTEE ON THE BUDGET

Mr. DOMENICI. Mr. President, the Senate Committee on the Budget will resume markup of the first concurrent budget resolution for fiscal year 1984 on Wednesday, April 6, at 10 a.m. in SD-608 of the Dirksen Senate Office Building. Sessions will continue until budget resolution is reported.

For further information, contact Nancy Moore of the Senate Budget Committee at 224-4129.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON PATENTS, COPYRIGHTS AND TRADEMARKS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Patents, Copyrights and Trademarks of the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, April 6, at 3 p.m., to hold an organizational meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AGING, FAMILY AND HUMAN SERVICES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Aging, Family and Human Services of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Wednesday, April 6, at 2 p.m., to hold a hearing on reauthorization of the Child Abuse Prevention and Treatment Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUDGET SUBCOMMITTEE OF THE SELECT COMMITTEE ON INTELLIGENCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Budget Subcommittee of the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, April 5, at 2 p.m., to mark up the Intelligence Authorization Act of 1984.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERGOVERNMENTAL RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Intergovernmental Relations of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Tuesday, April 5, at 9:30 to hold an oversight hearing on general revenue sharing.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Intergovernmental Relations of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Wednesday, April 6, at 9:30, to hold an oversight hearing on general revenue sharing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, April 12, at 9 a.m., to hold a hearing on S. 730, Credit Deregulation and Availability Act of 1983.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NUTRITION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Nutrition, of the Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Wednesday, April 6, at 10 a.m., to hold an oversight hearing entitled, "The Nutritional Status of Low-Income Americans in the 1980's."

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, April 6, at 3 p.m., to hold a hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, April 6, 1983, in order to receive testimony concerning S. 333, Consumer Bankruptcy Improvements Act of 1983 and S. 445, Omnibus Bankruptcy Improvements Act of 1983.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, April 6, 1983, in order to receive testimony concerning the following nominations:

Dr. Steven Roger Schlesinger, of Maryland, to be Director of the Bureau of Justice Statistics; and

Mr. Alfred S. Regnery, of Virginia, to be Administrator of the Office of Juvenile and Delinquency Prevention.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CONSEQUENCES OF ROE AGAINST WADE

● Mr. EAST. Mr. President, I submit for the RECORD three articles from the Washington Post of March 31, 1983.

The three articles are self-explanatory, but their juxtaposition demonstrates the moral and legal wasteland our country has entered as a direct result of the gross usurpation of power by seven unelected judges in the case of Roe against Wade.

The articles follow:

[From the Washington Post, Mar. 31, 1983]

INFANT BORN 18 WEEKS PREMATURELY AT 17 OUNCES SURVIVES AFTER 7 WEEKS

(By Jay Mathews)

LOS ANGELES, March 30.—A 1 pound, 1 ounce infant born 18 weeks prematurely has survived for almost two months in San Diego. She may be the smallest baby known to have survived such a premature birth.

The doctor caring for Ernestine Hudgins, who now weighs 1 pound, 14 ounces, said she has a 95 percent chance of survival.

"She is very special," said Dr. Morton L. Cohen, medical director of the neonatal unit at San Diego's Children's Hospital. "Her lungs should not have been developed at all, and her brain should not have been developed to the point where it could tell her to breathe."

The unprecedented survival of the child, born to San Diego housekeepers Gloria Patterson, 27, and Ernest Hudgins, 24, is expected to fuel controversy between pro-abortion and anti-abortion groups.

Ernestine was born after only 22 weeks of gestation. This is six weeks earlier than the 28-week point of "viability" suggested by the U.S. Supreme Court as the stage when the government might begin to regulate abortions.

"Viability is only dependent on the extent of the sophistication of the medical equipment available to keep these kids alive, and this goes to prove it," said Dan Donehey, spokesman for the National Right to Life Committee.

According to a spokesman for the American College of Obstetricians and Gynecologists, "There is no unambiguous documentation that an infant born weighing less than 601 grams at a gestational age of 24 weeks or less has ever survived," Ernestine, however, weighed 484 grams at birth, and both her mother and Cohen said today they were certain of the gestational age of 22 weeks.

Cohen cautioned against using Ernestine's case to justify massive efforts to save other children born prematurely. A baby born 17 weeks prematurely and also weighing pound, 1 ounce survived in San Diego in 1978, Cohen said, but remains severely retarded.

Cohen said Ernestine at birth in most ways fit the profile of an infant her age, showing, for instance, no calcification in her bones since that process begins at about 25 weeks.

However, her lungs were unusually well developed. He said she has developed chronic lung damage characteristic of premature babies, but the damage is considered minor. She is being kept on a respirator and is being fed high-calorie formula through a tube in her stomach.

Cohen said she would remain in intensive care for at least two more months, but so far gave every sign of developing into a normal child.

Patterson, Ernestine's mother, said in an interview that she was in pain the day before her baby's Feb. 8 birth and went to Sharp Hospital. The doctor there told her to expect a miscarriage, but she insisted on staying at the hospital. The child was born at 8:30 the next night.

The baby was transferred to Children's Hospital the next day, and doctors told her the chances of survival were not good.

"But she's still here," Patterson said, "and I am real happy."

BABY, DELIVERED AFTER MOTHER WAS LEGALLY DEAD, IS HEALTHY

SAN FRANCISCO, March 30.—A healthy 3-pound boy was born two months after his mother was legally dead, doctors at the University of California hospital said today.

The baby was nine weeks premature and suffered from a minor respiratory problem, but was otherwise healthy with "excellent" chances of survival, a doctor said.

After the cesarean delivery, the mother was removed from life-support systems and immediately stopped breathing.

A hospital spokeman said the mother was in her mid-20s and "very healthy" until a brain seizure Jan. 24. When her brain ceased to function, the woman was declared legally dead. Her husband and parents elected to keep her on life support until the baby's birth.

At the time of the mother's seizure, the fetus weighed 1 pound.

COURT VOIDS MURDER COUNT IN FETUS DEATH

FRANKFORT, KY., March 30.—The Kentucky Supreme Court ruled today that a man should not have been charged with murder in the death of a fetus stemming from the alleged beating of his estranged wife.

Robert Lee Hollis was indicted in July, 1981, in Wayne County on charges of assaulting his wife, Barbara, and murdering her unborn child.

Wayne Circuit Court dismissed the murder charge. The intermediate Court of Appeals ruled the case should go to a jury. The Supreme Court upheld the lower court.

The 5-to-2 decision said the issue is not when life begins, but: "Can a person who kills a viable fetus, at this time and under the statutes of this state, be charged with criminal homicide?" Justice Charles Leibson, writing for the majority, said it cannot be presumed that the Legislature intended "to license us to expand the class of persons who could be treated as victims of criminal homicide."

The American Civil Liberties Union had filed a brief in the case, voicing concern that if killing of a fetus was classified as murder, doctors who perform abortions could be threatened with prosecution for homicide.●

THE IMPACT OF HIGH TECHNOLOGY ON EVERYDAY LIFE

● Mr. LAUTENBERG. Mr. President, the Star-Ledger of Newark recently published a weeklong series of articles examining the actual and potential impact of high technology on everyday life.

The newspaper, by making so comprehensible a subject which can be so complex, performed a genuine public service for its readers.

All of us are concerned about the transition of our national economy toward high technology. In this vein, my colleagues may find useful the information contained in this series by reporter John Farmer.

I respectfully request that this series be included in the CONGRESSIONAL RECORD for that purpose.

The material follows.

[From the Sunday Star-Ledger, Mar. 20, 1983]

COMPLEX ISSUES FACE THE NATION IN CHANGING ERA

(By John J. Farmer)

In the movie, "The Graduate," Dustin Hoffman's next door neighbor draws him aside on graduation day and whispers the one word that, he insists, is the key to the future.

"Plastics," the neighbor confides.

Wrong. The dey to the future, according to social and physical scientists, government planners and industrial manager, is high technology.

And that future is already at hand—changing the way Americans live and work, communicate and recreate. It is fathering new industries and baby-faced millionaires, elevating knowledge and education and diminishing the value of manual labor, promising to prolong life and even intruding on the creation of life itself.

There is agreement that it can decide questions of military predominance and national security between East and West and that it is the key to preeminence in the escalating economic competition among the world's industrial nations. But there is deepening disagreement over which should have priority in the competition for the country's inadequate supply of engineers, scientists and mathematicians.

It has accordingly, set off a new "guns or butter" debate of enormous consequence among the leaders of the Pentagon, the electronics industry, government and academia.

There is no real dispute about the growing technological challenge from the Soviet military machine. But, in the long term, the challenge from Japan and France on the civilian economic side may prove just as menacing some "high tech" entrepreneurs argue.

It's not a debate the general public has yet grasped. The issues are complex. Even the terminology is forbidding. And it hasn't yet reached the level of electoral politics. But it is the stuff of future issues and interest groups and inevitably will enter the political dialogue.

For "high tech" is already changing the industrial face of America. And the change is painful for some. Workers have been displaced, industries destroyed, communities shorn of their tax base. And the always-intense regional competition for industries, jobs and taxes has been aggravated.

"High tech" centers, the industrial complexes of the future, are springing up around the country, but not in the smoky riverbank and lakefront cities and towns that drew the industries of the past. Instead they are found in sylvan settings, in resort country, and spread along the highways surrounding university complexes.

Attractive surroundings and easy access to academia—the amenities demanded by well-paid and heavily-recruited scientists and engineers—have replaced proximity to raw labor and raw materials as the basic requirement of this industry of the future.

What is "high tech?" A definition eludes even its admirers.

Its characteristics, however, are less mysterious; its principal capital is ideas, its raw material is electricity, its engine is the computer, and the robot is one of its major tools. Its benefits are apparent, too—speed and the enormous capacity of miniaturized machines to handle complex concepts and the most dreary production work with unerring accuracy and matchless efficiency.

It is creating, or will in time, new materials and even a new biology under the aegis of genetics. Advances in the use of ceramics, for example, could revolutionize the manufacture of auto engines. And genetics holds out the hope of correcting defective genes—the baldness gene, for example.

It is changing the relationship of labor and management and forcing a radical reexamination of the nation's anti-trust laws. For, increasingly, whole American industries are threatened less by competition among themselves than by the challenge from government-sponsored industrial conglomerates abroad.

Only by pooling costs and resources—particularly in research and development—can U.S. industries meet such a threat, argue some economists.

"High tech" is also an industry that will be infinitely cleaner and less destructive. But it also will institutionalize impermanence, shorten product life and require constant and perhaps growing investment in research and development.

And it has, at long last, forced the nation to face the issue of declining scholastic test scores and the spreading shortage of math and science teachers at both the college and high school level.

At every level, the changes coming in the wake of high technology are fundamental and far-reaching. Where the old industrial economy was based on the prodigal use of natural fossil fuel energy in cumbersome mechanical processes that were improved only slowly, "high tech," employing advanced electronics, uses energy sparingly but advances technologically with incredible speed.

The gestation period from one development in electronic hardware and function to the next is blindingly swift. New devices are often obsolescent before they leave the drawing board and obsolete almost as quickly as they are manufactured.

That's not how it used to be. The manufacture of blown glass, developed in the Middle Ages, remained a Venetian monopoly for almost three centuries. But "high tech" breakthroughs are mimicked almost immediately by competing companies and countries. A decade elapsed before the original typewriter makers, for example, developed the simple shift key.

But in 25 years, high technology progressed from the vacuum tube to the transistor, to the integrated circuit, the backbone of the modern computer. And in the 1970s, it produced the microprocessor, the so-called "computer on a chip," which made possible the reduction of the original computer to one the size of a thumbnail.

Today's microprocessor is the equivalent of ENIAC, the original room-sized computer of the late 1940s. However, according to the authors of "Global Stakes," a study of "high tech's" future, it is 300,000 times smaller, 60,000 times lighter, uses 56,000

times less power and is 10,000 times more reliable.

With this miniaturization has come an infinite number of commercial possibilities.

"Computers have advanced by a factor of one million since their introduction," the authors wrote. "This means that an electronic function can be accomplished for 2 cents today that would have cost $200,000 in 1950."

And that's just the beginning, it seems. "In the next 10 years, we will be able to turn out one million devices on a single chip." Richard L. Pertritz, vice president of a venture capital company predicted a few years ago.

The quest for the scientific knowledge to fuel this "high tech" future has set off the biggest high-stakes contest for advantage since the Allies and the Axis raced to develop the atomic bomb 40 years ago.

And it is made more urgent by the ease with which scientific know-how seeps across national and corporate borders, rendering monopoly, ever the quest of the industries and nations, almost unattainable today.

No one is quite sure where the new technology will lead—or even how fast.

The last 30 years have produced 90 percent of all the scientific knowledge ever generated by man. And, in the next 10 to 15 years, according to D. B. Merrifield, Assistant Secretary of Commerce for Productivity, Technology and Innovation, that fund of knowledge will double.

The reason: 90 percent of all the scientists ever produced are alive and working today.

For the United States, this prospect is both promising and menacing. The country still leads in high technology but its lead is eroding, down sharply from the period five years ago when it produced 75 percent of all new technology.

"Now the U.S. share is about 50 percent." Merrifield said. "In another decade it may be 30 percent, not because we are generating less—we are generating a great deal more—but because the other 95 percent of the world will also be contributing.

"All countries . . . . now see technology as essential to quality of life and are getting into this business . . . Perhaps half the new scientists and engineers will be emerging in underdeveloped countries."

China, for example, could produce half the world's new scientists and engineers, he predicted, and fulfill its promise to be "at the leading edge" of global technology by the year 2000. High technology, harnessed to China vast pool of cheap labor—one-fourth of humanity—would have vast consequences for the rest of the world.

At home, the most immediately apparent use of the new technology is in consumer goods—home appliances, radios and television sets, electronic cash registers that "read" coded price information, auto instrumentation and fuel controls, and banking and financial transactions, to name just a few.

Word processors and copiers have transformed the office just as robots and production line computers have altered the factory floor.

"High tech" has even revolutionized those distantly related professions, journalism and bartending, improving speed, trimming costs and reducing imprecision in each.

Its other uses seem limitless, if the advocates of "high tech" can be believed.

They include improved blood chemistry analysis and automatic bowling score calculators; home computers to regulate and reduce energy consumption; advanced medical diagnosis by means of ultrasound cameras hooked up to electronics capable of translating acoustical data into medical information; talking calculators for the blind; new and better hearing aids; electronic transmission of mail that may make current postal methods obsolete in the near future.

The cardiac pacemaker is one example of a major medical breakthrough indebted to high technology. But work is underway today on something even more dramatic—a device that would bring sight to some who are blind. This modern miracle is theoretically achievable by implanting in an eyeglass frame a microprocessor—the "computer on a chip"—capable of deciphering visual signals from artificial "eyes," refined forms of the visual sensors now used in industry, and transmitting them to the brain.

It awaits only the development of the "5th generation" of computers, something the U.S., Japan and France, among others, are working toward feverishly.

But it is in the home that the technological revolution, in its next stage, will make its greatest impact on most Americans through the linkup of the telephone, the television set and the computer.

This marriage, scientists predict, will transform the way we shop and pay bills, receive news, mail, weather and stock market information, make investments, check transportation schedules, use the local library, even continue the educational process into later life.

But such radical change contains the seeds of uncertainty, too. And the greatest uncertainty—and the most pressing social question—is whether "high tech" will create more jobs, as its advocates promise, or fewer, as others fear.

HUMAN FEARS SURFACE IN AGE OF ELECTRONICS

(By John J. Farmer)

High technology promises to both create and destroy more jobs—in a shorter time span—than any innovation in human history.

Like the wheel, its impact is fundamental and its use will be pervasive. Homes, factories, schools, offices—none will escape its influence in the redesign of work, recreation, communication, education and transportation.

Engineers and scientists, math and science teachers, computer programmers and systems analysts will be needed in abundance. Four of the 10 fastest growing job fields for college graduate in the 1980s, according to the U.S. Bureau of Labor Statistics, will involve engineering and computer specialties.

Want ads continue to expand for such specialists even as unemployment lines lengthen in other industries.

Production workers, the backbone of American labor for a century, have been made obsolete already in many of the great manufacturing industries by the advent of the robot and the computer.

And the impact on the office worker is just beginning to be felt.

Economists and industry experts differ on whether the net effect will be more jobs or fewer. No one really knows with any certainty. Surprisingly few studies of the subject exist, despite its serious social and economic consequences.

But there is a consensus that the pace of change will be critical. The swifter the transition, the more painful it may be for those at either end of the job market—the youngster seeking a first job and the veteran production or office worker.

"High tech" advocates are confident the new wealth created by the micro-electronic revolution will produce investment in new industries and boom in new jobs.

Others are not so sure. The industries now in decline were labor-intensive. Wage, salary and employe benefit expenses were their single greatest cost. The emerging industries of the micro-electronic age, having learned the lessons of the past, are more likely to concentrate investment in new labor-saving technology.

"In the past, whenever a new technology has been introduced, it has generated more jobs than it has displaced," according to George Brosseau of the National Science Foundation.

"But we don't know whether that's true of robot technology. There's no question but that new jobs will be created but will there be enough to offset the loss?"

Some surveys suggest that the job loss will be great. A study by the Carnegie-Mellon University School of Engineering forecasts a 1.5 million job loss to the first generation of robots alone. Eileen Appelbaum, an economist and labor market specialist at Temple University, has written that robots alone "could eliminate up to 7 million jobs over the next two decades, causing unemployment figures to soar."

And Sen. Gary Hart, (D-Colo), an advocate of government promotion of high technology to meet world competition, believes that "as many as 45 million existing jobs could be affected by factory and office automation" over the next 20 years. Even the 7 million figure, he has said, represents job losses at a rate 20 times higher than the auto industry is experiencing today.

"No wonder American workers wonder if their only future is as 'computer fodder' in the information revolution," Hart said.

Nowhere does "high tech" generate more worry than at the national AFL-CIO headquarters on 16th Street in Washington, D.C., just across the street from the White House. Dennis Chamot, who watches such matters for the federation, offered this glum forecast:

"Because of the vast improvement in technology we are going to reach a point where there simply won't be enough work for all the people who want to work."

The extent of the shortage will depend on the speed of the transformation to the electronic, "high tech" society, he said. Industry, workers, government and the education system all need time to make the transition. But it is not clear how much breathing room they will get, he said.

And without actions by government or business, or both, to cushion the impact, the change could create severe social and economic problems, Chamot declared. Large-scale government training and retraining programs will be necessary, Chamot added, to avoid creating a permanent class of unemployables.

"But in the long run," he said, "we're going to have to talk about reducing the work week or the work life."

Wassily W. Leontief, a Nobel Laureate in economics, made a similar point in a recent article on the distribution of work and income in "Scientific American."

A national study of the impact of "high tech" in Austria, he wrote, indicated that "full application" of the new technology there by 1990 would raise unemployment from around 2 per cent today to 10 per cent, "a level not experienced in Austria since the dark days of the 1930s."

However, by reducing the work week, Leontief notes, the study suggests that unemployment can be held close to the current Austrian figure.

"The Austrian study represents the best model available for projection of conditions in the U.S. of 1990," he wrote.

Chamot acknowledges that past technological breakthroughs generated more, not less, employment. But this one, he said, is "qualitatively different."

"This time you're talking about increased capacity, about different levels of productivity than before. In the past, we improved the workers tools. The worker remained in place but his productivity improved.

"Today, with the microchip, you can redesign the whole workplace and design out a lot of people. Computers have reached the realm of minor decision-making. Central computers can direct the flow of materials in factories, keep track of inventory, and reorder automatically."

Robots even improve skills. Since they can be programmed to operate at the skill level of the best workers, they can exceed the aggregate performance of a human work force in jobs such as welding and painting.

Blue collar workers, now one-third of the nation's workforce, will decline to about 10 per cent before the end of the century, Chamot predicted. And the change won't stop there.

"I think the major impact (of high technology) will be in white collar employment," he said.

Workers in banking and finance, retail sales and many office functions, he said, will feel the competition of the computer. As many as one-third of the clerical jobs in banking, he said, may be eliminated by use of advanced computers. And the electrification of the office means that the production, copying, transmitting and filing of most paperwork can be done with computer—and much more cheaply.

"With the advent of solid-state electronics," writes Leontief, "machines that have been displacing human muscle from the production of goods are being succeeded by machines that take over the functions of the human nervous system, not only in production but in the service industries as well."

The reduction of the white collar workforce under the impact of the computer has already begun in Japan.

The job threat posed by "high tech" is heightened in the U.S. by other social and economic forces, Chamot said.

The manufacturing workforce has been declining for some time, he said, but the loss has been masked by the growth of jobs in government and the service sectors. Tax pressures, however, have brought job growth at all government levels to a halt and "high tech" inroads may do the same to the service sector.

At the same time the decline in the work week, a factor in job creation through the first half of the 20th century, has remained basically unchanged since the end of World War II.

The situation is further aggravated by the fiscal squeeze afflicting the Social Security system—pressure that may eventually push back the retirement age just when jobs are most needed for the young.

It is almost axiomatic among businessmen that new technology expands the economy, thus generating jobs. But maybe not this time, Chamot said.

Preoccupied with productivity, employers may push automation rather than new hirings to protect their competitive position, he said. And, as productivity increases in the computer-robot age, it could begin to outrun output needs and market demands, thus creating pressure for layoffs even during prosperity.

In that case, according to Brosseau of the National Science Foundation, "the problem may be the distribution of wealth, not jobs."

Dr. Allan Hunt, an economist for the W. E. Upjohn Institute in Kalamazoo, Mich., is less pessimistic and even believes much of the published reports about job loss to robots is "alarmist."

A study he co-authored for the state of Michigan indicated that the growth of robots in the U.S. will be slower than most futurists believe.

They will eliminate more jobs than they create, he said, but not as many in the first stage as feared. His calculations, Hunt said, indicate that by 1990 robots will wipe out from 100,000 to 200,000 production jobs in the U.S.—roughly two for each robot in use—while creating 64,000 jobs.

"There are only 7,000 robots in use in the United States today," Hunt said, "and the attention they're getting is out of all proportion to their production and input. They are used in process technology and, as an economist, I'm not convinced that process technology changes as fast as the futurists think. Tomorrow is going to look more like yesterday that the futurists think."

Part of Hunt's optimism is based on the belief that the U.S. will not jump into robotics as quickly or as completely as the Japanese.

Japan today has close to 20,000 robots in use, about 60 percent of the world's total. Combined with a highly-targeted, government-backed computer technology, they have contributed heavily to Japan's capture of the world auto leadership.

But even the complaisant Japanese are beginning to worry about the job impact of the robot and automation.

Recently, Nissan Motors agreed to consult its auto workers union on any future automation and to provide guarantees against job loss, demotion or reduction in pay when new robots are introduced.

But Japanese labor leaders have another worry: once the workers retire, they can be replaced by robots. Nissan, Hunt noted, has agreed to pay union dues for the robots.

Despite his optimism, Hunt shares the Japanese unionists fears about the future.

"Half the auto workers now on layoff (in the U.S.) will be recalled," he said, "but what about their children. I'm concerned about the future, about the young people, and whether there will be jobs for them.

"It's something we all better start thinking about."

"HIGH TECH" HELPS THE BAY STATE REJUVENATE ITS TIRED ECONOMY

(By John J. Farmer)

BOSTON.—For much of the post-World War II period, Massachusetts ranked as the sick man of the nation's Big 10 industrial states.

The leather and textile trades that has formed the state's industrial base in earlier years, long since had vanished. Nothing that matched their economic impact had come along in their place. And nothing seemed in the offing.

Between 1967 and 1975, Massachusetts lost 100,000 manufacturing jobs. The state's jobless rate that year had ballooned to 11.2 per cent, well above the national average and earning it dubious distinction as the unemployment capital of industrial America.

Economically, the state ranked right alongside its Harvard football team—a long-term loser.

High technology has changed all that.

While the rest of the nation wallowed in recession and struggled with rising unemployment figures in 1982, Massachusetts was winning the unemployment battle. Its 7.9 per cent figure for the year was lowest among the industrial Big 10, well below the national average and almost 50 per cent beneath the state's trough figure of 1975.

No one here has any doubt about the reason for the change.

"High technology has been our economic salvation," according to George Kariotis, Massachusetts Secretary of Economic Affairs from 1978 to 1982. "And it will continue to grow."

Like its industrial sister states, Massachusetts still is losing manufacturing jobs overall, but at a slower rate. The 100,000 manufacturing jobs lost in the late 60s and early 70s have been recouped mostly in "high tech" industries.

Of the state's 650,000 manufacturing jobs today, about 235,000 of them, slightly more than a third, are found in "high tech" industries, according to Howard Foley, executive director of the Massachusetts High Technology Council, an industry trade group.

Moreover, high technology's products—computers, word processors, component parts of both and the software programming involved—have, benefitted from worldwide markets.

"They are products that we can still sell even during a recession," Foley declared.

The explosive growth of the industry here ranks eastern Massachusetts, along with northern California's "Silicon Valley," as the nation's two "high tech" capitals.

The original high technology operations in the state, Foley said, were "defense driven." The Raytheon and Sylvania plants outside Boston were major Pentagon contractors in the 1950s and 1960s—but not a sufficient economic engine to pull the state out of its economic doldrums.

The real "high tech" expansion began on the civilian side with small computer and electronics firms set up by engineers at Harvard and Massachusetts Institute of Technology, often in garages, warehouses, storefronts and basements in nearby Cambridge.

"They were cottage industries," Foley recalled, "but they started it all."

The engineers and research scientists who launched these "cottage industries" were entrepreneurs in the oldest traditions of capitalism. They caught a breaking wave of industrial and consumer demand and rode it to riches. And as they grew, these garage and store-front firms moved out to Rt. 128 north and west of Boston—"High Tech Highway"—and, almost overnight, it seems, became multi-million, even billion dollar enterprises.

And Wang is perhaps the best known of this breed of astonishingly successful scientist-capitalist. His family's holdings in Wang Industries, which he started in 1950, are reported to be worth about $1.5 billion today.

His success has translated, in turn, into a rebirth for Lowell, perhaps the single biggest winner in the Massachusetts "high tech" derby.

Born in China and educated at Harvard, Wang began his business—making specialty electronics—in a store above a garage here in Boston. By the 1970s, Wang Industries

was into the lucrative office equipment field, with word processors and business computers.

By 1978, Wang was looking for larger facilities and he chose Lowell, a bottom-of-the-barrel town whose unemployment rate in the mid-1970s was the highest in the nation for any city of 50,000 or more. Once dubbed the birthplace of the industrial revolution in America, Lowell had sunk so low by the mid-70s that frequently, when the city tried to auction buildings taken for taxes, no one showed up.

Since 1978, Wang Industries has built two 14-story towers in the city and filled more than one million square feet of space. In has founded the Wang Institute of Graduate Studies, providing master's degree level studies in computer sciences, and, at its urging, Lowell's high school has upgraded its math program and introduced computer science studies.

Wang plans to build a computer training center in downtown Lowell. Computer service companies have begun to follow Wang to the Lowell area. And the Hilton Hotel chain plans a new hotel—all this in a factory town that a decade ago was industrially deceased.

The impact of "high tech" on Lowell and Massachusetts is repeated in other areas: In North Carolina's Research Triangle Park, in Minneapolis and Phoenix and Salt Lake City. The common denominator in each place is the proximity to a quality university education.

The North Carolina complex is located midway between the campus of the University of North Carolina, Duke University and North Carolina State. In Minneapolis, a consortium of "high tech" companies has founded the Micro-electronics and Information System Center at the University of Minnesota, to upgrade electrical engineering education and computer science training. The University of Utah and Arizona State University are active factors in the "high tech" growth around Salt Lake City and Phoenix.

The proximity of MIT, for example, is "very important" to the growth of Wang Industries, according to Ralph Crusuis, a company vice president.

"It's not so much how we use it," he said, "as what it contributes to the environment. It helps us attract the skilled people we need, the research and development people. They want access to the courses, the laboratories and the library (MIT) can provide."

Lifestyle is another consideration in luring high technology, according to Howard Foley.

An unusually large percentage of "high tech" employes, he said, are well-paid professionals—close to 30 per cent are scientists and engineers. They can afford and demand desirable communities.

In New Jersey, the fast-growing Princeton area, adjacent to Princeton University and the Center for Advanced Studies, would be such an area. But the university would have to demonstrate—less reluctance to work with corporate science than it has shown to date.

A third factor is state government encouragement, with taxes and, more importantly, support for education, Foley said. Massachusetts and North Carolina have led the way in both areas. In North Carolina, this state help even has taken the form of a new North Carolina School of Science and Mathematics, a state-wide residential high school for gifted eleventh and twelfth graders.

As Howard Foley looks ahead, he is "optimistic for Massachusetts in the short and intermediate term." Beyond that, he is not so sure.

The problem is people. Near-term population trends point to a decline in the supply of high school graduates all across the country in the late 1980s and early 1990s, Foley said. But Massachusetts will lose more than most, he said.

"In 1979," Foley said, "there were 80,000 high school graduates produced in Massachusetts. By 1995, that figure is expected to drop to 46,000."

Compounding the problem is the decline in high school educational test scores, particularly in math and science; the paucity of engineering graduates and the growing shortage of qualified scientific faculty at both the high school and college levels.

The developing education gap amounts to a ticking time bomb for America's "high tech" industries, if this passage from a 1981 internal report of Data Resources Corp., a "high tech" firm, is an accurate assessment:

"There looms in the not too distant future," the report declared, "a shortage of human resources . . . that will dwarf all other obstacles to our company's growth and could topple the U.S. high technology and computer industry."

[From the Newark, N.J., Star-Ledger, Mar. 23, 1983]

FACING THE CHALLENGE OF COMPUTER ILLITERACY

(By John J. Farmer)

In the age of high technology even college graduates will grapple with a special form of illiteracy—computer illiteracy. And "high tech" industries fret already that they will soon lack sufficient college-trained talent.

Together, these developments will impose new demands on the nation's educational facilities—computer familiarization courses at the grade school level, enriched high school math and science courses, expanded engineering and computer science programs at the university level, and adult education curricula that include "computer literacy" programs.

These demands will mean higher school costs. But the alternative could be even costlier—the loss of industry and opportunity to communities willing to make the educational investment.

Fears that "computer illiteracy" will be a problem especially in the short-term, are based on the already-rapid conversion of factories and offices to computers and word-processors. And what is to come will only intensify the problem.

At home, some comprehension of computer usage will be needed to make full use of communiciations advances designed to link the telephone and the television set to a home computer.

Essentially, today's digital computer operates by translating information, either numerical or text, into a series of 1s and 0s. These numbers are converted, in turn, into electronic pulses which are received and "processed" with great speed through a maze of integrated circuits. The information thus "processed" can be stored and recalled on the computer's own cathode ray tube screen or printed out on paper, or even displayed on a home television set.

New "languages" to program computers are being developed or refined almost daily, from BASIC, the first of these new shorthand, computer tongues designed for the layman, to FORTRAN and its descendants, first of the industrial-scientific computer languages. Development of this "software" has become an industry in itself as "high tech" struggles to catch up with the growing speed, capacity and complexity of its machines.

Most laymen, even those working regularly with computers, will not need a detailed knowledge of such programming. But, as Benjamin Compaine of Harvard's Information Resources Policy program has written:

The country is "on the verge of an era in which the ability to read and write may not be sufficient to define what it is to be literate. Literacy may soon mean being able to access, manipulate and store information in a computer.

No one seems sure how much resistance will develop to this microelectronic revolution, with its often arcane terminology and Buck Rogers gadgets. But the guess is that there will be relatively little.

For the realization is growing that the edge in this emerging society will go to those willing to struggle with the new technology and continue the learning process well into mid-life, and even later.

Elementary schools in some more affluent comunities have begun to introduce students to computers. And several engineering institutions—Carnegie-Mellon University in Pittsburgh, Rochester Institute of Technology and Clarkson College of Technology in upstate New York—are moving toward a computer-for-every-student program.

In September, Clarkson will become the nation's first college to require its freshman class to purchase personal computers. And Rochester Institute of Technology has accepted a computer company's offer to sell its engineering students, its faculty and staff personal computers at below cost—an indication perhaps of the industry's concern over the growing shortge of computer specialists.

The stakes for the country's "high tech" industries are great. Without a computer-literate populace, the explosive growth of the industry could stall. Already, "high tech" executives, university presidents, the nation's engineering societies and some government researchers are pointing to a serious shortage of engineers and computer scientists—and the faculty to train them.

The Japanese, for example, now produce two to three times as many engineers per capita as does the U.S.—the figure depends upon whom you believe—and more than the U.S. in absolute numbers.

Writing last year in "Global Stakes," a study of the "high tech" future in the U.S., a team of Massachusets-based specialists in the industry concluded:

"What is apparent in the United States is that the nation's ability to sustain its output and motivation of highly-trained people—engineers, managers and workers—is more than ever in question."

And they lay much of the blame squarely on federal education policy, particularly funding cutbacks.

"Misguided or misunderstood priorities have shifted the nation's attention away from the single most important task: Maximizing human potential through education," they wrote. "Most members of American society are going to have to learn to use computers in the future," the authors declared. "Yet how can we expect them to do so with such inferior education in science and math relative to other countries, such as Japan, Germany, France and the Soviet Union."

Some figures indicate the dimensions of the problem:

According to the Engineering Manpower Bulletin, the U.S., since the mid-1970s, has

shown a dramatic increase in the number of engineering bachelor degrees, but a disturbing falloff in graduate engineering degrees. In 1970 the country produced 4,150 engineers with masters degrees and 873 at the doctorate level. By 1980, these figures had fallen to 3,660 and 523 respectively.

About 10 percent of the faculty positions available in engineering schools around the country remain unfilled. And the figure, according to one account, reaches 50 percent in some schools in the fast-growing computer science, digital systems and solid-state electronics studies.

An American Electronics Association survey indicates that by 1985 the U.S. will produce only about 70,000 bachelor's degree engineers and computer scientists—more than 120,000 short of industry's anticipated needs.

The graduate engineer picture is aggravated by the fact that foreign nationals make up an increasing proportion of the doctoral candidates—and even the faculties—at U.S. engineering schools.

In the late '60s and early '70s, the shortage was explained, in part, by an apparent decline in engineering interests among American students. But not today.

"The problem," according to a paper written by John A. Young, president of Hewlett-Packard Company, a "high tech" giant, "is that there is not sufficient room for them. Many engineering departments at public universities are turning away more students than they can accept."

To some degree, the "high tech" industry's academic worries are the byproduct of its own success. Its high salaries are luring many engineering graduates into the job market and away from post-graduate studies. And they are enticing all but the most dedicated engineering professors off the campus.

"Trying to close the gap," according to Dr. Paul E. Gray, president of the Massachusetts Institute of Technology, "is like chasing a moving target because salaries are rising briskly in industry as well.

"The economic difference discourages young people at the bachelor's level from continuing on for the master's degree, and means, too, that fewer will continue on . . . into the doctoral program," he has written. "At every point along the way there is an economic factor working against the interest of engineering schools . . ."

The comments of industry leaders, and, in particular, of engineering educators is laced with criticism of the federal government's retrenchment in funding for university-level studies.

"In a profession that thrives on state-of-the-art developments, young people are frequently being taught on outdated equipment that is older than they are," according to Hewlett-Packard's John Young. "Reduced government funding for universities and the high cost of modern equipment makes it increasingly difficult for even the leading universities to keep up."

MIT's Paul Gray makes much the same point, noting that the "environment for high-quality research has deteriorated steadily."

"Over the past 20 years," he has written, "federal support for research facilities and instrumentation has declined dramatically (by a factor of 5 in nominal dollars and . . . 10 or more in constant dollars). Essentially, the federal government has disengaged from providing resources to universities for academic plant in support of research and development. . . ."

Gray foresees a bleak future unless this pattern is reversed.

"The most probably outcome of this growing problem is a significant decline in the quality, if not the quantity, of engineering graduates in the years ahead."

For some in the "high tech" industry, however, the cutback in federal funding for education is not their only complaint with Washington. The Reagan Administration's defense budget is another sore point.

With engineering and scientific talent in short supply, they argue, Reagan's $1.5 trillion defense buildup over the next five years—it may reach $2 trillion, according to one reckoning—could strip the civilian economy of much-needed knowhow. The result, they contend, could be the loss of major markets to Japan and the French, both gearing up rapidly with massive government support for the microelectronic trade wars of the near future.

[From the Newark, N.J., Star-Ledger, Mar. 24, 1983]

PRIVATE SECTOR AND PENTAGON VIE FOR THE "HIGH TECH" SPECIALISTS

(By John J. Farmer)

The nation's "high tech" industry and the Pentagon, the hand that fed the industry in its infancy, are on a collison course.

The issue is the nation's short supply of research scientists, engineers and computer specialists—and who is going to get most of them.

As some "high tech" spokesmen see it, President Reagan's plan to swell defense spending steadily during the next five years will rob the civilian sector of at least some of the talent—and money—needed to preserve the U.S. lead in marketable high technology for the rest of this century.

This so-far polite struggle between civilian and defense interests involves a serious difference of opinion over how to allocate resources against a pair of foreign threats—Moscow's military buildup and the drive of Japan and France to capture the world's computer and "high tech" markets.

At bottom, it is another round in the nation's never-ending "guns versus butter" battle. As the authors of "Global Stakes," a study of America's "high tech" future, put it:

"The Department of Defense may be working at cross purposes with industry by stealing away scarce manpower for its new fast-track R and D (research and development) programs."

It was not always that way. But then the deficit of engineers and scientists is something new to the American technical landscape.

In the years immediately following World War II and through much of the 1960s, Pentagon funding pollinated U.S. science. Its spending supported university and industrial research and underwrote the modernization of laboratories and equipment. It provided contract employment for hundreds of scientists and engineers who moved, in time, into the civilian economy. ENIAC, the original computer developed at the University of Pennsylvania in the late 1940s, was developed with Pentagon funds.

And, equally important, the "failure-free" requirements of the manned space flight program carried over into and set standards for the evolving civilian computer industry.

Between 1950 and 1970, the federal government dumped $900 million into the development of the semiconductor—the thumbnail-sized silicon chip, etched with invisible-to-the-naked eye integrated circuitry, that has revolutionized microelectronics and led to the microcomputer.

In the military-industrial complex of the time, the Pentagon was the senior partner—it both created the market and provided seed money that launched many firms and universities into the market.

The relationship changed in the 1970s with the development of mini- and microcomputers and their application to civilian needs. Almost overnight, the private markets boomed, supplanting the Pentagon as the major buyer. In 1959, for example, the Defense Department purchased 45 per cent of all U.S. semiconductor production. By the mid-70s, this has fallen to a mere 6 per cent, though it has begun to climb once more.

It is the jack-rabbit growth of this civilian "high tech" economy that has stretched thin the nation's engineering and scientific talent, according to Ray Stata, founder of Analog Devices, a "high tech" firm, and a co-author of "Global Stakes."

As an example of the seriousness of the shortage, "Global Stakes" cites what its authors see as a clash between civilian "high tech's" requirement for scientific talent to work on VLSI—Very Large Scale Integrated Circuits—and the Pentagon's competing need for the same talent to develop VHSIC—Very High Speed Integrated Circuits.

A case can be made that each is critically important. VLSIs will provide the greatly improved memory and computer chips for U.S. civilian high technology in the 1980s and 1990s in its race with the French and Japanese for the markets of the world.

And VHSIC—with its projected ability to handle two billion to 12 billion additions or multiplications per second—is the Pentagon's "high tech" key to controlling the next generation of satellites, aircraft, radar and missiles in its race with the Russians for military supremacy.

Defense Secretary Caspar Weinberger, in his most recent Defense Guidance statement, a directive defining U.S. military policy for the 1985-89 period, emphasized the importance of science in the Pentagon's plan. Electronic warfare, he said, "must remain an area to unique United States superiority."

The problem, according to "Global Stakes," is that, as of 1980, the United States could claim only 2,450 people sufficiently skilled in semiconductor process engineering and semiconductor design to work on either project. But the civilian industrial demand alone, it said, is estimated at 4,500.

"An awareness of this shortage seems to have escaped the attention of our policy makers," Stata said.

Stata, and his co-authors, James W. Bodkin, a Harvard-trained computer systems specialist, and Dan Dimancescu, a "high tech" consultant, argue that this choice raises the question of "at what point is our national security better served by a stronger economy than by outlays for military hardware?"

"Contractors and subcontractors alike expect to switch their best engineering talent to the VHSIC project," they contend, "because it requires the most advanced skills . . . The most immediate impact will be to leave potentially large vacuums in nonmilitary research efforts, especially at highly experienced scientific levels."

Stata said he sees some belated awareness of the problem developing at the Pentagon, with recent increases in funding for univer-

sity laboratories through the defense research facility. But he emphasized that the Pentagon must invest in expanding "the human resources" that its military buildup will drain from the civilian economy.

Not everybody supports the gloomy "Global Stakes" outlook.

David L. Blond, a defense department economist writing on the "Guns versus Butter" conflict in 1980, contended that the economy contained "sufficient excess capacity" to accommodate a bigger defense spending and an expanding civilian economy. And Larry Sumney, former director of the Pentagon's VHSIC program and currently executive director of the Semiconductor Research Cooperative, an industry association, labeled the "Global Stakes" theory "wrong."

Its fears of a serious scientific depletion on the civilian side, he said, "are overstated to a considerable degree . . ."

VHSIC, he said, "will produce advances in the processing of semiconductor devices and the production of the chips themselves" that will benefit the civilian sector. "The only question is how much civilian fallout the VHSIC program will provide the civilian sector," he added.

Stata acknowledges "high tech's" debt to Pentagon research and concedes that VHSIC research and development may produce some "positive indirect effects" in manufacturing processes. But beyond that, he said, VHSIC may be the exception.

Its high speed requirements exceed most private sector needs, he said. And much of VHSIC's specifications involve radiation-resistance and the ability to withstand extremes of heat and cold not applicable to private industry.

"In the short run, the prospects do not favor the commercial sector," the authors of "Global Stakes" conclude. ". . . this example of VLSI versus VHSIC illustrates that little thought is being given in national policy to the needs of the emerging high tech industry and how to superimpose huge new government demand in a way that the long-term growth of this industry will be aided rather than impaired."

Unlike the Soviet military threat, the technical and commercial challenge posed by the Japanese and the French remains little understood by the American public and many U.S. policy makers. But the commercial threat is very real.

In Japan, it amounts to a government-directed master plan, operating through the country's Ministry of International Trade and Industry (MITI). The MITI program involves three basic steps: (1) The targeting of specific world markets, such as computer "chips," for domination; (2) the input of huge sums of government money to give Japanese industries a competitive edge; and (3) the erection of trades barriers to protect those industries from foreign competition.

MITI has committed $500 million to speed Japanese development of the so-called Fifth Generation computer, the next major step in computer evolution.

The amount involved roughly equals the sum the Pentagon plans to spend to develop VHSIC. And Japan is well-launched on marketing the latest, large capacity integrated circuit "chips."

The Japanese commercial challenge will continue to grow, according to "Global Stakes."

"Nearly all of the Japanese engineers will go to work in civilian sectors," the authors note, "whereas approximately half of the American engineers will work on defense-related projects."

The French have entered the commercial contest somewhat later, but with an equally formidable government commitment. It began with the De Gaulle government's decision to break the country's dependence on U.S. military technology and, under the Mitterrand government, has taken the form of $5 billion government commitment to the electronics industry.

The French goal in just one "high tech" area—telecommunication—is to raise its share of the world market from 19 per cent two years ago to 50 per cent by 1987. By 1985, it proposes to devote 2.5 per cent of its Gross National Product to research and development, including an increase of almost 2,000 in university science and research positions.

To date, the U.S. response to foreign commercial challenge has been to rely on the wealth and power of its multinational companies, hamstringing them in the struggle, however, with anti-trust laws their foreign competitors do not face.

What Ray Stata and others like him are saying is that the United States must recognize that the microelectronics-driven economy of the future will be a world economy—one in which the Japanese and French, and ultimately the West Germans and Great Britain, will pose as formidable a threat as Moscow does in the world of weapons.

[From the Newark, N.J., Star-Ledger, Mar. 25, 1983]

A FUTURISTIC LOOK AT THE GOOD (AND BAD) OF THE COMPUTER AGE

(By John J. Farmer)

It will be the marriage of the century—a microelectronic *menage a trois* involving the telephone, television set and a home computer.

And if the high priests of high technology are correct, it is coming soon to many of the nation's better neighborhoods—the ones that can afford it.

How soon? Well, according to A. L. (Al) Harshbarger, manager of American Bell's Consumer Products Division, by 1990 fully 7 per cent of all U.S. households—close to 20 million people—will be served by such systems. And they will be, in the main, the nation's economic and academic elite—its decisionmakers.

What lies beyond that time is not clear, he said.

"Who would have guessed 10 years ago at what is already here today?" he asked.

In the wake of these innovations will come significant changes in the routine of everyday life and important new questions about privacy for the individual and commercial control of information, the new raw material of the future.

Such a system is already in use in Ridgewood where, Harshbarger said, 200 homes have been hooked up to an experimental system being tested in two stages by America Bell and CBS Inc.

Bell provides the home computer and the transmission links to a central computer in Fair Lawn which stores the information provided by CBS through its news and book and magazine operations.

Mechanically, the linkages are simple. The computer is plugged into the ordinary telephone wall outlet. If a home television set is used to display data, the computer can be hooked into an antenna lead found at the back of most sets.

The key to the system in Ridgewood and to its ultimate extension across the country is the telephone line—an unbilical cord linking millions of American homes to Ma Bell.

Homeowners in the Ridgewood experiment, said Harshbarger, can pay bills by computer, transfer funds between savings and checking accounts, comparison shop for groceries and order by computer, monitor airline and entertainment schedules, track their personal stock portfolios—with prices within a half-hour of their posting—and call up the latest weather, traffic and local, regional and national news.

The major obstacles to the expansion of such systems, Harshbarger said, are the impact on lifestyle and uncertainties about its cost.

"People will have to make changes in their behaviour pattern to assimilate the service into their basic pattern of living," he said. "You're going to have to change your way of doing things.

"Paying bills at a television set is a lot different than sitting down and writing a check."

As to cost, "the jury is still out," according to Al Harshbarger. It is one of the questions the Ridgewood experiment is designed to answer.

Beyond the purely commercial questions, however, there are important social questions posed by this microelectronic marriage that cannot be answered so easily.

Security is one such question. To the extent that families commit personal financial data to such community-wide systems, they are vulnerable to intrusions by outsiders.

"I suppose it's possible," Harshbarger said. "If the motivation is high enough . . . no computer system is secure enough that it couldn't be broken into by someone with the right skills. But as this system evolves, levels of security will evolve with it."

But he acknowledged that "obviously that danger (a security breach) exists." It will pose new problems for financial institutions, data bank operators, the telephone company and the home subscriber as these systems come into common usage.

The isolation of the individual—a peculiar phenomenon of the televison age with its increasingly home-bound population—is another problem.

On the surface, any system that would permit large portions of the population to bank, shop and transact ordinary activities without leaving home would seem to reinforce that isolation. And, increasingly, businessmen will be able to serve their companies through home-based computer systems.

But that might not necessarily mean more isolation socially, says Harshbarger. And he cites the "message capability" and community billboard aspects of the Ridgewood system as evidence.

"The message capability," he said, "allows people with a particular interest to find other people with the same interest, like backgammon players, for example."

And for the handicapped, the advent of this technological link to the outside world could dramatically expand and enrich their lives.

There are other problems down the microelectronic road, some of which cannot even be foreseen, according to most industry sources interviewed. One problem that can be foreseen, however, is the age and inadequacy of the nation's wiring system in view of the electronic explosion.

Some "high tech" entrepreneurs believe that the country eventually must be "rewired"—with fiber optic wiring and its greater load-carry capacity—replacing the current copper wire system—if the United

States is to take full advantage of the microelectronic revolution.

In older cities especially, inadequate wiring capacity already imposes limits on the ability of some plants and offices to make full use of the new electricity-driven technology.

And overriding all is the problem of worker displacement by high technology—a problem that Sen. Frank Lautenberg (D-N.J.) believes must become a major government concern.

"Even if unemployment is reduced to 6.5 percent by 1988," he said, "we're looking at 7 million people unemployed. And that's not a happy scenario."

Lautenberg is the only member of the Senate with a "high tech" background—he headed Automatic Data Processing, a big winner in the "high tech" field.

"There is a great danger in believing high technology is going to absorb all these workers," he said.

"High technology has became a diversion," he added, and has created "almost a complacency" about related problems.

It poses special readjustment challenges for older states and communities, he said, and major uncertainties for government, industries, workers and unions.

"Is the process inevitable?" he asked. "Its never been examined before as it's being examined now . . . We don't know what's going to happen to the individual person . . . more people are going to be doing business at home . . . how will a man and wife being together 24 hours a day get along?"

Inevitably, he said, government must play a role—not in discouraging the growth of high technology but by encouraging its development—with lowcost capital, for example, and with special help for older, hard-pressed areas less able to compete.

In the end, he said, government may have to accept the role of "employer of last resort" if permanent unemployment—a potential powder-keg in the "high tech" future—stabilizes at historically high levels.

"There's no forecasting what lies ahead," he said—a comment that could serve as an anthem for the world of high technology now at hand.

THE IMF BAILOUT: A LOOK AT THE FACTS

● Mr. HUMPHREY. Mr. President, today's edition of the Washington Times contains an editorial which looks beyond and ultimately explodes the shell games being played by those who would have Congress blindly accept the proposed increased in the U.S. quota to the International Monetary Fund.

The shell game strategists would have us believe that the increased quota would be a prudent investment of American dollars, that we are in fact merely swapping assets, that this increase will not affect either the budget deficit or the American taxpayer, that the IMF is uniquely qualified to nurse troubled Third World economies back to health, and that this increase will in no way serve to bail out overexposed domestic banks whose profits would be squeezed by a debtors' day of reckoning.

Mr. President, not one of these claims withstands the scrutiny of economics or of simple common sense. The Times editorial succintly exposes the bare facts underlying this issue, namely that the real winners will be the mismanaged economies of the Third World and many imprudent American banks, and the ultimate loser will be the American taxpayer, out of whose pocket this bailout will be financed no matter how gingerly others attempt to disguise this fact.

I commend this editorial to the attention of my colleagues and ask that it appear in the RECORD at this point.

The editorial follows:

[From the Washington Times, April 5, 1983]

THIS BAILOUT STILL ISN'T NECESSARY

The administration is still pumping Congress to give the IMF $8.4 billion. Too bad. There's a better way, as we've said before, to head off a world-class financial disaster.

The International Monetary Fund wants to lend the money to debtor nations to pay off loans from private banks. Otherwise, it's feared, the debtors will default, the banks will fail, and trade credit will dry up, leading to a 1930s-style Great Depression.

Treasury Secretary Regan says give is the wrong word, since the $8.4 billion is an investment from which the U.S. gets "a corresponding financial asset." Some asset. If we tried to claim it, we'd soon find the money not there.

We're being asked to put the money in, in the first place, so the IMF can lend it to less-developed nations unable to pay Western and Japanese banks. Either the IMF has the money to lend and doesn't need our $8.4 billion. Or it doesn't have it, in which case we won't be able to take out our share to pay out bills because the debtor nations will be using it to pay *their* bills. No hocus-pocus about Special Drawing Rights and lines of credit can change that equation in the real world.

Yes, $2.7 billion of the $8.4 billion would go to the IMF's special kitty called the General Agreement to Borrow, which used to lend money only to the rich industrial nations for short-term needs. But the IMF has opened that kitty to all 146 member nations—the poor, the mismanaged, the bankrupt—thus highlighting the metamorphosis of the IMF into the international welfare agency it was never intended to be.

Regan says the IMF would resort to lending the $2.7 billion to the debtor nations only in case of a serious threat to international monetary stability. But the existence of that threat now is precisely why the IMF wants the money—now.

Regan says the $8.4 billion is merely a line of credit to the IMF (like the one your bank gives you on your Visa card) and so won't widen the U.S. budget deficit. As the IMF lends the money to debtors, Regan says, we get the right to withdraw equivalent amounts in interest-bearing IMF currency called Special Drawing Rights (SDRs).

But hold it! That interest is only 85 percent of what our dollars could earn elsewhere. So right off the U.S. takes a shellacking. As for the SDRs, once again, we couldn't possibly yank out our share without breaking the IMF bank.

We're the second largest user of IMF resources, says Regan. "Consequently, the increase in IMF resources doesn't affect budget outlays or the budget deficit." We respectfully point out to the secretary that this is a non sequitur, equivalent to saying if A lends $8 billion to B then takes back $2 billion, A's checkbook and balance aren't affected.

To say we're the second largest user is to mix apples and oranges. In fact, we've been by far the largest net contributor. Our claims on the IMF amount to some $9 billion already—*the sum the Treasury had to borrow or raise in taxes from U.S. citizens.*

In admitting that when the U.S. line of credit is drawn on, this "does increase Treasury borrowing needs," Regan gives the game away. In other words, when the IMF decides to lend debtors money pledged by the U.S., the Treasury has to go out and borrow the money. On top of borrowing to cover the federal deficit. So it's most certainly the same *effect* as widening the deficit. Just because IMF funding falls in that old shell game called off-budget accounting doesn't change this reality one whit.

Regan says the IMF draws on our line of credit "only over a number of years," implying no great burden. But since when is adding a billion or two to the national debt in a year no burden? Besides, we can expect rapid use of the $8.4 billion, since so many less-developed nations are in deep trouble.

We err, Regan claims, in saying the IMF requires debtors to reduce imports and expand exports as a *quid pro quo* for IMF aid. Well, take Brazil. With debts of more than $80 billion, it has been forced to accept, as part of the IMF bailout package, import reductions of 16 percent or $3 billion. Just about the total value of our exports to Brazil!

Sure, the more the IMF and private banks lend to debtor nations, the less they'll have to cut imports—in the short run. But sooner or later they'll have to boost exports over imports. Trade surpluses are the only way to earn the hard currency they need to pay the loans. The less the debtors reduce imports now, the more they'll have to borrow now. And the larger their debt. And the larger the trade surplus they'll need later to pay the debt.

There is no escaping this logic: If we want our banks to get their money back under the IMF bailout, we'll have to accept trade deficits year in and year out, as far as the eye (through a telescope) can see. Perhaps Regan would like to try "explaining that to the more than 5 million U.S. workers whose jobs are dependent on exports or the American farmers who are exporting nearly $40 billion worth of agricultural products abroad."

Regan says it's jumbled logic to call his IMF proposal a bank bailout since the banks would have to lend the debtor nations more as part of the deal. Sorry, Mr. Secretary, it's still a bailout. Without it, says the debtors the administration might default; and the bank's shareholders wouldn't look kindly on profits lost from so many large loans going sour.

Agreeing to pile loans on top of bad loans actually makes the bankers look sharp to shareholders. Why? Because, in practice, the bankers will renegotiate the old loans into one package with the new loans. And sock the debtor nations with huge, up-front charges the bankers call "rescheduling fees."

As long as they have reason to believe the government's getting into this lending business and so won't let the system fall apart, the banks have the best of all worlds: high profit margins and implicit government guarantees. No wonder, as soon as it became evident the Treasury had joined the game, the depressed stock prices of the biggest

international banks zoomed to the top of the charts.

But by piling debt on debt, with the impossible expectation that all the debtor nations will be able to run trade surpluses against each other in order to pay the banks, only one outcome is likely. The U.S. and other creditor nations will have to reflate in order to keep the whole thing from toppling. The deeper the players get in trying to prop up old loans with new ones, the greater their vested interest in renewed global inflation.

The answer? As we've said before, forget the IMF bailout. Let the 15 or so U.S. banks with the largest exposure join their European and Japanese counterparts. And decide on how much of the bad loans they need to give a two-year moratorium, followed by smaller payments over longer periods, so the debtor nations can avoid default.

The banks will lose some anticipated earnings but survive. They made the risky loans in the first place because they bet global inflation would keep boosting the prices of the commodities the debtor nations sell to earn hard currency. The Fed's abrupt disinflation dashed the bankers' expectations. Too bad. Risk is their business. The discipline should do them some good.●

TAX INDEXING: AT LAST A BREAK FOR THE LITTLE GUY

● Mr. ARMSTRONG. Mr. President, with the alarming prospects of deficits in the $200 billion range, there is agitation by some to repeal tax indexing. For this reason it is important for every Member of Congress to be fully aware of the full effect of tax indexing and the consequence of its repeal.

A recent study by Thomas Humbert of the Heritage Foundation is an excellent analysis of this major tax reform that we achieved in 1981. Mr. Humbert details the effect of implementing tax indexing and demonstrates clearly that indexing is of greatest benefit to people in the lowest tax brackets. In addition, he charts the serious consequence of repeal of tax indexing for the average family.

Mr. President, I ask to include the study entitled: "Tax Indexing: At Last a Break for the Little Guy" in the CONGRESSIONAL RECORD. It will be of interest to everyone concerned with a fair and honest tax policy.

The study follows:

[From the Heritage Foundation, Mar. 22, 1983]

TAX INDEXING: AT LAST A BREAK FOR THE LITTLE GUY

(By Thomas M. Humbert)

INTRODUCTION

During the 1970s, bracket creep became U.S. taxpayers' enemy No. 1. Even if workers received pay raises keeping up with inflation, real after-tax wages declined since many were pushed into higher tax brackets. The taxpayer found himself on an accelerating tax treadmill. Average- and lower-income Americans routinely faced tax rates once reserved for the rich. While only some 3 percent of taxpayers faced marginal tax rates of 30 percent or above in 1960, by 1981 bracket creep had shoved 34 percent of them up to the 30 percent level or higher.

Finally something was done about bracket creep. The Economic Recovery Tax Act (ERTA) of 1981 provides that all tax rate brackets, the zero bracket amount (formerly the standard deduction) and personal exemptions are to be indexed for inflation, beginning in 1985. No longer will taxpayers be pushed into higher tax brackets simply because inflation increases their nominal income. Bracket creep in effect was to be buried.

Now, some in Congress are having second thoughts and want to repeal the measure, before it even begins. They want to perpetuate bracket creep and, with it, their power to tax by the backdoor and enable the government to profit from inflation-causing programs. Without indexing, every 10 percent inflation will give the government a 17 percent tax windfall. Paying for this, of course, will be the American taxpayer, particularly average Americans and the working poor. They have been the most hurt over the last decade as inflation has pushed them into higher tax brackets. They would be the most hurt should indexing be eliminated.

About 80 percent of the relief generated by tax indexing benefits taxpayers earning less than $50,000 a year. Those taxpayers making above $200,000 a year will get only about 1.2 percent of the tax relief. If Congress repeals indexing, the tax liability of the lowest-income Americans would increase in one year by ten times the percentage increase of the highest income groups. The $10,000 bracket would face a 14 percent hike in the first year alone, but the $200,000 income groups would pay only about 1.3 percent higher taxes.

Even with moderate inflation the tax liability of the lowest income bracket would be 60 percent higher in 1988 than it would be with indexing. This would be balancing the budget on the backs of average Americans and the working poor. Repeal of indexing, according to a Department of Treasury study, essentially would eliminate the 25 percent income tax reductions for all taxpayers except the very rich by 1989. Tax rates on every income family, except the rich, would rise to record highs in only a few years. In short, indexing is a break for the average American taxpayer. To repeal indexing is to penalize the working man and woman.

The campaign by some members of Congress to repeal indexing would nullify probably the most important tax reform provision of the Reagan economic program. This program, designed to stimulate the economy by allowing individuals to keep and save more of what they earn, is a complex mosaic. Among its many components:

1. *Private Capital Formation.* Reducing the top rate of tax on individuals from 70 percent to 50 percent and expanding the eligibility for IRAs and Keoghs were moves designed to increase the capital available for new enterprises and investment. These measures have already boosted confidence for business startups and generated tangible economic benefits: the savings rate has surged 30 percent to 6.9 percent of disposable personal income in the third quarter of 1982, the stock market is at a record high, funds in IRAs and Keoghs have nearly doubled in just one year, and the venture capital industry has grown rapidly.[1]

2. *Business Tax Reform.* Accelerating and simplifying the depreciation allowances available for machine tools and other capital equipment was enacted to spur American business to invest in new factory equipment and tools. Although about 70 percent of the 1981 business tax cuts were repealed in last summer's tax hike package, American business is still expected to enjoy a vigorous recovery and begin to hike capital investment significantly. As it was, despite the severe recession, business and industrial outlays for capital equipment (after an inflation adjustment) shrunk only one-third of the amount experienced in the 1974–75 economic downturn.

3. *Tax Relief for Lower and Middle Income Americans.* The 25 percent income tax cut and tax indexing provide average and working Americans with much needed relief after nearly two decades of skyrocketing taxation. When indexing begins in 1985, it will force the government to tax openly and deliberately and to stimulate work, savings, and jobs by lowering marginal tax rates.

Those aspects of the Reagan tax strategy that took effect during the first twelve months—the capital formation initiatives and the business tax cuts—generally provided corporations and upper-bracket Americans with the lion's share of the benefits. Of course, even these early provisions generate important benefits for a broad range of income groups as a quickened pace of investment and saving activity stimulates economic growth. But the remainder of the program—and especially tax bracket indexing—is targeted directly at the grass-roots taxpayer. It is this group that will gain the most from the ten percent tax cut scheduled for July. And it is this group that will be the primary beneficiaries when individual tax brackets are indexed to the rate of inflation. Only the 1983 income tax cut and indexing will save average and working Americans from the highest tax burden in history.

THE IMPORTANCE OF INDEXING

Bracket creep is a hidden tax

Bracket Creep is a hidden tax, requiring no action by Congress. Example: Under the terms of the 1984 tax code and without indexing,[2] a family of four making $25,000 a year in 1984 would have to make $27,500 one year later to earn the same pre-tax real income. With $27,500, the family's real income is effectively the same, but its tax bill increases from $1,621 to $1,953. Although the family's income has grown by 10 percent, bracket creep increases its federal taxes by over 20 percent. The family faces a marginal tax rate of 18 percent compared with the 16 percent it faced before, and its average tax rate has jumped from 6.5 percent to 7.1 percent.

If the family's taxes had remained constant with inflation, it would have paid $1,783, instead of the $1,953. As such, even though pre-tax income kept abreast of inflation, the family's real after-tax purchasing power was reduced by $170. This represents an inflation tax, and the taxpayer's loss becomes the government's gain. In this case, the 10 percent inflation raised government revenues over 20 percent. In the aggregate, for all income classes, a 10 percent increase

[1] See Thomas Humbert, "Reaganomics: Making Gains," Heritage Foundation Backgrounder No. 239, Jan. 21, 1983.

[2] This example is based on the 1984 tax code and assumes that the third year of the tax cut is not repealed. The calculations are based on a family of four with all income from wages and salaries and no tax preferences or adjustments to income. Itemized deductions are assumed to be 23 percent of income.

in inflation generates a 17 percent increase in government revenues.[3] The higher the inflation rate, the higher the inflation tax.

Indexing would eliminate this inflation tax by adjusting both the top and bottom amounts of each tax bracket according to the inflation rate. The zero bracket amount (formerly the standard deduction) and the personal exemption also would be increased by the inflation rate. After indexing takes effect, every 10 percent increase in inflation would increase tax revenues by only 10 percent rather than 17 percent. In the case above, indexing would have ensured that the family's real after-tax income was unaffected by inflation—its marginal and average tax rates would be unaltered.

Indexing Helps the Lower-Paid. Taxpayers in the lowest income categories suffer most from inflation and, accordingly, will benefit disproportionately from indexing. The reasons:

(1) with so many upper-income Americans now in the maximum tax bracket of 50 percent, bracket creep is of importance only to middle- and lower-income taxpayers;

(2) changes in marginal tax rates are more frequent in lower-income categories, especially $15,000-$30,000, than in higher ones;

(3) movement from one income tax bracket to another is more common at lower-income levels because the width of the brackets increases as income rises;

(4) the zero bracket amount and personal exemptions erode in value as inflation rises, unlike most itemized deductions used by higher income groups.

Although all Americans are hurt by bracket creep, the effect is less at higher incomes. In a year of 8 percent inflation, for instance, the average tax bite increases by a high of 26 percent for the $12,000 income earner, to just 9.6 percent for taxpayers making $150,000.

The inflation tax accelerates over time, much like compound interest. As Chart I shows, ten years of 8 percent inflation would increase the taxes of Americans by between 130 and 430 percent, with the largest tax increases reserved for lower incomes, while money incomes would have increased over the same period by just 116 percent. Taxes for all income brackets increase by more then ten times the one-year increase. Taxes on the $18,000 income bracket, for example, increase 16½ percent in one year of 8 percent inflation, but taxes over ten years under such an inflation rate increases by 33 percent—twenty times the first year's tax hike.

With the inflation rate in the 1970s averaging about 6.5 percent a year, tax liabilities increased substantially for all income levels. On the average, taxes increased by 1.7 times faster than the inflation rate. Because of this, the nine major tax reductions enacted by Congress in the 1960s and 1970s did not reduce taxes at all. They simply offset about half of the cumulative tax increase due to inflation. While Congress claimed credit for cutting taxes, it actually was collecting tax windfalls from inflation. With this windfall, it enacted more programs and bloated the federal bureaucracy.

These skyrocketing taxes have exacted a heavy punishment on enterprise, investment, and saving. Why work, invest, or save when the government takes such a large chunk of profits or wages? It is no wonder that the American economy began sputtering and eventually fell into the worst recession in four decades.

CHART I.—PERCENTAGE INCREASES IN FEDERAL INCOME TAXES DUE TO SALARY INCREASES AND THE PORTIONS OF THE INCREASES DUE TO BRACKET CREEP

[8 percent annual inflation rate]

Initial salary	Increase in Federal tax	Portion due to bracket creep
Part A—after an interval of 1 year:		
$12,000	25.8	68.9
$15,000	18.1	55.8
$18,000	16.5	51.6
$21,000	16.3	51.0
$24,000	16.7	52.0
$27,000	15.8	49.3
$30,000	15.5	48.4
$50,000	15.3	47.7
$100,000	10.6	24.7
$150,000	9.6	16.4
Part B—after an interval of 10 years:		
$12,000	438.1	73.5
$15,000	361.5	67.9
$18,000	337.1	65.6
$21,000	332.2	65.1
$24,000	325.8	64.4
$27,000	316.8	63.4
$30,000	305.7	62.1
$50,000	224.9	48.5
$100,000	153.8	24.6
$150,000	138.7	16.4

Source: Journal of Accountancy, January 1982.

THE IMPACT OF REPEALING INDEXING

Indexing was designed to arrest the steep climb of marginal tax rates with its damaging effects on incentives and enterprise. Indexing is, in effect, the most significant achievement of the taxpayer's revolt, representing the most far-reaching tax reform for the lower-bracket taxpayer—the little guy—in the past two decades. It is a guarantee that Washington no longer will take a bigger tax bite out of the workingman's paycheck just because inflation increases nominal income.

CHART II.—THE EFFECT OF REPEALING INDEXING, DISTRIBUTED BY ADJUSTED GROSS INCOME CLASS

[1981 levels, 1984 law, in percent]

Adjusted gross income class	Share of all taxes paid as of 1984	Share of benefits dues indexing (assuming 4.5 percent inflation)
Less than $10,000	2.1	6.5
$10,000 to $15,000	5.8	7.4
$15,000 to $20,000	8.1	9.2
$20,000 to $30,000	20.7	22.2
$30,000 to $50,000	29.9	32.4
$50,000 to $100,000	17.7	16.3
$100,000 top $200,000	8.6	4.8
$200,000 and over	7.1	1.2
Total	100.0	100.0

Source: Office of the Secretary of the Treasury, Office of Tax Analysis.

With inflation expected to range between 4 and 5 percent a year after 1985, indexing will give taxpayers about $98 billion in relief from the inflation tax between 1985 and 1988. Taxpayers making below $50,000 a year will receive the lion's share of the relief—about $78 billion. Currently, this group pays about two-thirds of all income taxes and will receive about 80 percent of the tax relief from indexing. Taxpayers earning below $15,000 contribute 7.9 percent of the total taxes, but will receive 13.9 percent of the benefits from indexing. The wealthy, on the other hand, will receive much smaller benefits. Just 1.2 percent of the tax relief from indexing will go to taxpayers making $200,000 or more, although they contribute 7.1 percent of total taxes (see Chart II).

If Congress repeals tax indexing, the tax liability of low- and middle-income Americans would increase in the first year by a far greater percentage than that of Americans with income over $50,000. After only one year of an unindexed tax code, a wage earner making $10,000 would pay 14 percent higher taxes; the $30,000 tax bracket, 3 percent higher taxes; and the $200,000 bracket, only 1.3 percent higher (see Chart III).

This would occur in the first year. After four unindexed years, Americans, especially lower-income groups, would face even higher average and marginal taxes. Without indexing, taxes on the $0 to $5,000 income class would be 60 percent higher in 1988 than with indexing; taxes on the $15,000 to $20,000 income group would be 14 percent higher; taxes for the $200,000 to $500,000 group would be just 3 percent higher. The overall taxpayer liability, if indexing were repealed, would increase by 3 percent in 1985, 6.5 percent in 1986, almost 9 percent in 1987, and over 11 percent in 1988.[4]

CHART III.—CHANGE IN INCOME TAX LIABILITY DUE TO REPEALING THE INDEXING PROVISION ENACTED IN ERTA

[4-person, 1-earner family)

Income	Tax liability under 1984 law	Change in tax liability due to repealing indexing	
		Amount	Percentage
$10,000	$291	$41	14.1
$20,000	1,549	41	2.7
$30,000	3,003	94	3.1
$40,000	4,874	169	3.5
$50,000	7,165	249	3.5
$100,000	22,056	463	2.1
$200,000	58,190	777	1.3

Note.—Tax liabilities are calculated assuming that deductible expenses equal 23 percent of gross income and that all income is wages.

Source: Office of the Secretary of the Treasury, Office of Tax Analysis.

Repeal of indexing would mean an enormous increase in taxes. The median income family of four, earning $24,000 in 1982, would pay $1,000 in additional taxes between 1985 and 1988 if indexing were repealed. As Chart IV shows, the family's average tax rate would increase from 9.17 percent in 1984 to 10.41 percent by 1988. This means that the Reagan tax cuts would be wiped out after only four years of moderate inflation. Only the rich would stay ahead of the game.

THE OBJECTIONS TO INDEXING

Deficits

Opponents argue that indexing will contribute to the burgeoning budget deficit. Some even claim that the U.S. is an undertaxed society. Yet indexing would not prevent Congress from increasing taxes if needed. It simply assures that legislators must go on record and vote for hikes, rather than simply depend on inflation to do it for them. And even with indexing and the Reagan tax cuts, taxes will not decreased. At best, they will remain at 1981's historically high levels, thanks to bracket creep, new social security taxes, and the 1982 tax bill hike, which, combined, will wipe out mots of Reagan's $600 billion tax relief measure of 1981.

Without the Reagan tax cuts, of course, things would be much worse. Marginal tax rates would be from 4 to 10 percentage points higher, and tax revenues as a per-

[3] The 1983 Joint Economic Report on the February 1983 Economic Report of the President, Joint Economic Committee, Mar. 3, 1983.

[4] Figures are 1982 adjusted gross income levels, and 1984 law.

centage of GNP would be up to 3 to 4 percentage points. But even with the Reagan cuts, Americans in all income brackets will pay about the same percentage of their income in 1988 as they did in 1981. Chart V indicates that those in the half median income bracket, for example, in 1981 paid 20.11 percent of their income for income and social security taxes and will pay an estimated 20.9 percent in 1988. No tax cut there. There median income taxpayer paid 25 percent of income in income and social security taxes in 1981, and will still pay 24.74 percent of 1988. The twice median income earner goes from 26.87 percent in 1981 to about 25.83 by 1988. This hardly amounts to a huge tax cut. Clearly, the Reagan tax cuts are not causing the deficit—because taxes have not been cut very much.

CHART V.—AVERAGE TAX RATES UNDER FICA AND INDIVIDUAL INCOME TAX

	Half median	Median	Twice median
1980	18.28	23.68	24.77
1981	20.11	25.09	26.87
1985	20.60	24.36	25.24
1988	20.92	24.74	25.83

Source: Office of the Secretary of Treasury, Office of Tax Analysis.

Inflation

Opponents of indexing claim that, if taxpayers are protected from the harmful effects of inflation induced bracket creep, the resolve to fight inflation will weaken. Indexing supporters counter that the reverse is true. Without indexing, the government has an incentive to encourage inflation since it receives the tax windfall from bracket creep. Indexing takes away this incentive by eliminating the windfalls.

CONCLUSION

Indexing provides, at long last, a tax break for the little guy. It introduces an extraordinary measure of fairness into the U.S. tax system. Indexing also preserves the integrity of the American democratic process. It means that if Congress desires higher taxes, each member must go on record and vote to increase taxes openly and deliberately. No longer can Congress depend on the subterfuge of bracket creep to raise taxes silently.

Indexing does not mandate a level of government spending nor does it freeze revenues at a specific level. It is simply a procedural reform to guarantee tax honesty by the nation's legislators. The integrity of American democratic institutions and elementary notions of fairness are at stake.

Yet some Republicans and Democrats want to eliminate indexing—ironically, in the name of fairness. But is it fairness when tax rates once reserved for the rich are imposed on middle- and even lower-income taxpayers? Is it fair that the federal government gains from inflation at the expense of those American working men and women least able to pay? Is it fair that Congress can raise taxes without recording a vote? Is it fair that Congressmen claim credit for cutting taxes when they are simply returning some of the revenue bonus from the inflation tax? Of course not. If Congress repeals indexing, it will overturn one of the fairest and most beneficial tax reforms in recent U.S. history. The little guy needs a tax break. Congress and President Reagan gave it to him in 1981. It would be unfair for Congress to take it back.

RECOGNITION TO CALIFORNIA REPUBLICAN ASSEMBLY

● Mr. WILSON. Mr. President, I would like to enter into the RECORD a testimonial on a very distinguished occasion, the 50th anniversary in my home State of the California Republican Assembly.

CRA celebrates its golden anniversary this week on April 9, a half century of grassroot involvment at all levels and testimony to the fact that if concerned men and women get together they can impact their government and their lives.

CRA and its 50-year involvement is in the best tradition of American politics. These people have given their time and energies to their cause because they are devoted to and believe in America. They are more than just concerned about the direction of the country; they actually get involved and try to affect change.

Twenty of the 25 past CRA presidents will be gathered together this coming Saturday for this very special day to celebrate what will surely be only a half-way point in a century of service to the country. I will celerate this special occasion with them. As all of California celebrates with them.●

BERNARD E. HANUS RETIRES

● Mr. LEVIN. Mr. President, I would like to take this opportunity to pay tribute to a longtime friend, Bernard E. Hanus, who is retiring as the director of administration of the Wayne County Board of Commissioners. Bernie is retiring after an impressive 31 years with Wayne County government in my home State of Michigan.

In 1952, Bernie left Ford Motor Co. to enter county service as a clerk in the Office of Board of Supervisors; 2 years later, he was appointed to the position of administrative assistant. Moving up the ladder of Wayne County governmental responsibility, he held the positions of administrative analyst, assistant committee clerk, and committee clerk before stepping in as director of administration 13 years ago. Bernie has also served as a member and chairman of the Detroit Wayne joint building authority since 1974.

A native of the Detroit area, Bernie is a graduate of the University of Detroit and has done postgraduate work at Wayne State University. He was also an associate of urban affairs at the National Institute of Public Affairs. He served in the U.S. Army.

In addition to Bernie's contributions to Wayne County government, he has been actively involved in both educational and professional organizations. He has served as member and president of Our Lady Queen of Peace Roman Catholic school board. He is a life member of AMVETS Post No. 33 and has previously served as post commander. Bernie has also found time to sit on the board of directors for the Wayne County Employee's Credit Union. Bernie's retirement will provide him with additional time to devote to his interests in travel, continuing adult education, reading, volunteer activities, and his family—his wife, Beverly, and their five children and two grandchildren.

Throughout his government career, Bernard E. Hanus has exemplified the characteristics of an effective public servant—diligent, concerned, innovative, and involved. I am pleased to pay this tribute to Bernard E. Hanus of Wayne County, Mich., and I congratulate him on a successful government career.●

RETIREMENT PROGRAMS FOR THE INTELLIGENCE COMMUNITY

● Mr. DURENBERGER. Mr. President, when we debated the Social Security Amendments of 1983, we were well aware of the concerns expressed by Federal workers. Much of that concern should be allayed by the provision that:

> Nothing in this Act shall reduce the accrued entitlement to the future benefits under the federal retirement system of current and retired Federal employees and their families.

Even with this provision, it is essential for each Member of this body to reassure Federal employees of our commitment to insuring their retirement income. The Governmental Affairs Subcommittee on Civil Services, Post Office, and General Services, under the able leadership of the assistant majority leader, will soon address the need to restructure Federal retirement systems affected by this act.

Mr. President, when the full Governmental Affairs Committee considers Federal retirement plans, the committee must be especially sensitive to the need to maintain the integrity of retirement systems for our intelligence personnel. Intelligence is truly the first line of defense for our country, and we cannot afford to let it deteriorate.

Our intelligence officers must always be the cream of the crop. They need skills in foreign languages and cultures; knowledge of political, economic, and military affairs; administrative ability; and often both mental and physical stamina. The Government cannot offer top salaries even to such highly skilled people. We rely largely on their sense of duty.

A major inducement to these people, Mr. President, is the ability to take early retirement in time to have a second career. Retirement at age 55 with 30 years service—or at age 50 with 20 years service, for most overseas employees of the CIA—is a crucial

incentive to top-flight personnel who could easily make more money outside the Government.

Early retirement serves other purposes as well. It enables our intelligence agencies to bring in new blood. It lets them give promotions to younger personnel who have the drive and energy that the exhausting world of intelligence demands. Age brings wisdom, but our intelligence agencies also need hustle. They need early retirement systems—including the CIARDS system for CIA's overseas personnel—to keep performing the difficult and crucial tasks that America entrusts to them.

Mr. President, it is too early to say exactly what a restructured Federal retirement system will look like. But I can assure the fine men and women of our intelligence community that my service on the Select Committee on Intelligence has made me well aware of how much we depend upon them. I am determined that they, in turn, will be able to depend upon us.●

A BANKER'S VIEWPOINT

● Mr. RIEGLE. Mr. President, Howard L. Gay is vice chairman of the Citizens Commercial & Savings Bank of Flint, Mich. Over the years he has done a considerable amount of thinking and writing about the American dream of home ownership and the ability of millions of our young people to realize that dream.

Last February 25, 1983, he wrote an article in "Michigan Investor" entitled "Establishing a Fixed Rate and Tax-Exempt Status for Passbook Savings." It contains some of his latest thoughts on how to stimulate the housing industry and make home ownership affordable to all Americans.

Mr. President, I ask that this article be printed in full immediately following these remarks.

The article referred to follows:

A BANKER'S VIEWPOINT: ESTABLISHING A FIXED RATE AND TAX-EXEMPT STATUS FOR PASSBOOK SAVINGS

(By Howard L. Gay)

There is a serious question of whether the American dream of home ownership will materialize for millions of our young people due to the cost of deposits and the required short-term reinvestment of these funds.

The opportunity to earn money market interest on savings and checking accounts may be a windfall for depositors, but it's going to mean tough going for anyone looking for a loan, especially a long-term, fixed rate mortgage.

"Bankers must charge three percentage points more for mortgages than they pay on deposits," said economist Tom Powers of Goodkin Associates of Fort Lauderdale, Fla., a national real estate consulting firm. "That is to cover their processing, risk and profit. So if deposits earn 10%, mortgages must be 13%, or more.

The contradictory courses this nation is following cannot solve the problems of inflation, trade balances, recession, budget deficits, business failures and unemployment. The pattern is, when a solution is neared in one area, conditions worsen in others. This is particularly true in the phaseout of interest rate ceilings which have and will increase the cost of borrowing and which will require adjustable rates on loans.

Millions of our young people who dream of owning their own homes cannot afford to pay 13% "plus"—the "plus" being the unknown rate increases based on the future cost of deposits. The majority of our employed young citizens can afford a rate of 8½%, if the rate is permanent.

What we need is a stable, low-cost deposit base if we are to provide the funds enabling our young people to realize the American dream of home ownership. A stable deposit base at a low rate of interest can be established with an incentive savings plan. The incentive would be to offer a tax exempt status for passbook and statement savings accounts.

Enticing the average person to save more through offering tax-exempt interest on low interest savings accounts with no withdrawal restrictions would go a long way toward solving the problems of inflation, recession, budget deficits, trade balances, business failures and unemployment.

LIFT TO BUSINESS

Savings funds acquired at the present passbook rate would provide a tremendous lift to all business, particularly the construction industry—to the extent that overall tax revenues should increase substantially.

Instead of encouraging savings, the government appears bent on discouraging savings by its tax withholding on interest and dividends which may become effective July 1. This plan will add unnecessary costs to financial institutions and will decrease savings deposits. It's the wrong direction.

The All-Savers wasn't too much of a success and the thought that this type of one year taxless interest deposit would encourage financial institutions to generate long-term mortgages was simply illogical.

M. Brock Wier, in remarks on the Recapitalization American given to the Banker's Association for Foreign Trade, April 27, 1982, said: "One option would be partial exemptions of interest income from taxation. His statement gave me this thought:

Why not place a semi-permanent rate ceiling on passbook and statement savings, say until 1992, and make interest earned on these accounts tax exempt?

A tax-exempt status for passbook and statement savings would increase dependable, stable deposits and, would drive other money market rates downward. The small savers don't have the funds available to take advantage of tax-shelters such as municipal bonds and they would welcome a passbook savings tax-exempt account. It would even attract large investors who wish to invest short-term instead of long-term. No other changes in passbook and statement savings are proposed. Deposit and withdrawal privileges would remain the same. It would be a short-term account with a rate ceiling until 1992.

"The Depository Institutions Deregulation Act of 1980 provides for an orderly phaseout of interest rate ceilings on deposits over a six year period. This phaseout is intended to enable all depositors to receive a market rate of return on their savings as soon as it is economically feasible for institutions to pay such rates." Federal Reserve Regulatory Service 2-409 Transmittal 02/1 (3-81).

The key phrases are: orderly phaseout; six year periods; market rate of return; and economically feasible.

SIX MORE YEARS

The tax-exempt, semi-permanent ceilinged rate passbook savings fits three of the four key phrases mandated by Congress. The only thing that needs to be changed is to extend the period of the orderly phaseout from 1986 to 1992—an additional six years. Deregulation would still be intact, but the orderly phaseout would be more realistic than presently.

By 1992 most financial institutions will have restructured their assets into a profitable position and in the meantime all depositors, large and small, will receive a market rate of return.

A stable low-rate account will permit forward planning by industry, commerce and government. We must avoid the volatile, costly interest rate scene experienced in 1980, 1981, and the first half of 1982, if we are to combat inflation, increase employment and eliminate budget deficits.

President Reagan has promised a tax cut in 1983, but it is not economically feasible or sensible to put it into effect with a possible $195 billion deficit. I think that the American public would accept a tax-exempt savings account (which is a form of tax cutting) in lieu of the promised tax cut we can't afford.

A dependable, stable low-rate account will provide lower cost deposits and, in turn, will provide for lower cost borrowing for business expansion; a lower cost of borrowing will reduce the cost of all things manufactured making them more competitive in world markets; a lower cost of borrowing will decrease the cost of government by reducing the cost of debt servicing [1] and goods purchased; a lower cost of borrowing will benefit all borrowing consumers resulting in increased sales and manufacturing; a lower cost of borrowing will devalue the dollar against foreign currencies creating more sales abroad and, hopefully, giving us a positive trade balance for a change; a lower cost of borrowing should reduce defaults by both domestic and foreign borrowers; and, most important, it will provide funds for long-term, fixed-rate residential mortgages at interest rates about 33% below present rates, making homes affordable to our citizens once again.

A lower interest rate on mortgages will permit many millions of our younger families to qualify and it will also give extra borrowing power to those who can now qualify under existing rates. The majority of the borrowers can afford to use 25% of their income for housing payments and 33% for total debt servicing including the mortgage payment.

The triple effect from a revived housing industry on the other sectors of our econo-

[1] The 1984 budget will be around $840 billion and 72% of the budget will be consumed by Social Security benefits, defense and servicing the public debt. Interest expense in 1975 equaled 10.1% of Federal outlays. In fiscal year 1982, it had grown to 16.2% and the estimation for 1983 was 17.5%. With deficits still expanding, coupled with higher rates on savings and checking accounts, we can be assured that the percentage of our budget to service the debt will continue to grow. If the percentage of 17.5% remains the same, we will be paying $147 billion to service our debt in fiscal year 1984. Just a slight improvement downward of 10% over current rates would have a great impact on our Federal budget and the budgets of all other political subdivisions.●

my will be enormous. We will enjoy prosperity once again. Business profits will increase and so will tax revenues. Perhaps most important, it will preserve our way of life by retaining the cornerstone of our society—the American dream of home ownership.

ORDER FOR THE RECOGNITION OF CERTAIN SENATORS ON TOMORROW

Mr. STEVENS. Mr. President, I ask unanimous consent that there be special orders entered for Wednesday, April 6, for Senators HATCH, BAUCUS, and MCCLURE, for not to exceed 15 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

VETO OF S. 366—MESSAGE FROM THE PRESIDENT—PM 35

The PRESIDING OFFICER laid before the Senate a message from the President of the United States, together with accompanying papers.

Mr. STEVENS. Mr. President, it is my understanding that the message we just received from the President is a veto message on S. 366, the Indian Claims Settlement Act.

I ask unanimous consent that that be temporarily laid aside, to be made the pending business upon the majority leader's request, after consultation with the minority leader and I further ask unanimous consent that the veto message be considered as having been read and that it be printed in the RECORD and spread in full upon the Journal.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message is as follows:

To the Senate:

I am returning, without my approval, S. 366, the "Mashantucket Pequot Indian Claims Settlement Act."

This bill would settle claims in the Mashantucket Band of the Western Pequot Indian Tribe to approximately 800 acres of land in the town of Ledyard, Connecticut. In settling the claims, the legislation would generally: (1) extinguish any aboriginal title and any tribal claims for damages or possession of the land and natural resources; (2) establish a $900,000 Federal claims settlement fund to compensate the Indians for extinguishment of the claims; and (3) extend Federal recognition, with all attendant benefits and services, to the Western Pequot Indian Tribe.

The claim that would be settled by this bill is not against the Federal Government, but against the State of Connecticut, which sold the Indian land, and against the present owners of the lands concerned. However, the costs of the settlement provided in this bill would be borne almost entirely by the Federal Government.

Given the concerted effort that has already been made to develop a mutually satisfactory settlement for the Western Pequot's land claims, I agree that the most desirable approach to resolution and extinguishment of these claims is through agreements negotiated among the parties concerned and ultimately ratified by the Federal Government. However, this process must recognize certain principles if equity and fairness to all parties are to be achieved. Unfortunately, I find S. 366 violates several of these principles.

First, even if Federal participation in this settlement is warranted, sufficient information does not exist to determine the validity of the claim or the appropriateness of the proposed $900,000 settlement. This settlement is not based on the formula for Eastern Indian land claims settlements supported by my Administration. The Administration formula is based on the difference between land value and compensation received at the time of the land transfer (in this case 1855), plus interest. If the type of valuation for land claims settlements contemplated by this bill were applied across the board to all potential claims of this nature, it could require payment by the taxpayers of billions of dollars.

Second, S. 366 provides for an unacceptably low level of State contribution to the settlement—only 20 acres of State land with an estimated value of about $50,000. The Administration has urged that an affected State should pay for at least one-half of settlement costs in claims such as this, which are not against the Federal Government but against the State and private parties who would be the primary beneficiaries of any settlement.

Finally, the Tribe may not meet the standard requirements for Federal recognition or services that are required of other tribes. The Federal Government has never entered into treaties with this Tribe, and the Bureau of Indian Affairs has never provided services to them or exercised jurisdiction over any Indian lands in Connecticut. The government-to-government relationship between the Western Pequot Tribe and the Federal Government that would be established by this bill is not warranted at this time, pending further study by Interior. Extending Federal recognition to the Tribe would bypass the Department of the Interior's administrative procedures that apply a consistent set of eligibility standards in determining whether or not Federal recognition should be extended to Indian groups.

I am convinced that a satisfactory resolution of the Western Pequot's land claims can be achieved. However, this will require (1) verification of the claim, including the amount of any monetary settlement based on the formula I have outlined above, (2) completion by Interior of its administrative procedure for determining whether or not Federal recognition of the Tribe is appropriate, and (3) payment by the State of Connecticut of at least one-half of any settlement costs.

I am directing the Secretary of the Interior to enter negotiations with the parties at interest in this case to determine an acceptable settlement, consistent with the Administration's principles, and report his recommendation to me and to the Congress.

RONALD REAGAN.

THE WHITE HOUSE, *April 5, 1983.*

THE CALENDAR

Mr. STEVENS. Mr. President, I would like to take up several calendar items at this time.

Mr. BYRD. Mr. President, will the distinguished acting majority leader indicate those calendar items he wishes to call up?

Mr. STEVENS. Mr. President, it is my intention to ask the Chair to lay before the Senate Calendar Order No. 29, S. 612; Calendar Order No. 58, S. 126; and Calendar Order No. 66, S. 89.

Mr. BYRD. Mr. President, there is no objection on this side of the aisle.

USE OF FEDERAL LAND MANAGED BY THE BUREAU OF LAND MANAGEMENT

The bill (S. 612) to amend the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701) to permit temporary use by Federal departments and agencies of public lands controlled by the Bureau of Land Management, Department of the Interior, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 612

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Land Policy and Management Act of 1976 is amended as follows:

(1) by inserting in section 302(b) the phrase "temporary use permits under section 319 of this Act," between the comma following the words "section 204 of this Act," and the word "and", in the first proviso;

(2) by adding the following new section 319:

"TEMPORARY USE PERMITS FOR FEDERAL AGENCIES

"SEC. 319. The Secretary is authorized to issue temporary use permits to Federal departments and agencies to use, occupy, and develop public lands. Such permits may be issued for a term not to exceed three years and may be renewed once for an additional term not to exceed three years."; and

(3) by adding the following new heading to the table of contents after section 318:

"Sec. 319. Temporary use permits for Federal agencies.".

Mr. STEVENS. Mr. President, I ask unanimous consent to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ALCOHOL AND DRUG ABUSE AMENDMENTS OF 1983

The Senate proceeded to consider the bill (S. 126) to remedy alcohol and drug abuse, which had been reported from the Committee on Labor and Human Resources with amendments, as follows:

On page 13, line 22, strike "$33,480,000", and insert "$33,484,000";

On page 13, line 23, strike "$45,776,000", and insert "$45,790,000";

On page 15, line 10, strike "$56,175,000", and insert "$56,160,000";

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE; STATEMENT OF POLICY

SECTION 1. (a) This Act may be cited as the "Alcohol and Drug Abuse Amendments of 1983".

(b) It is the policy of the United States and the purpose of this Act to provide leadership in the national effort to reduce the incidence of alcoholism and alcohol-related problems and drug abuse throught—

(1) a continued Federal commitment to research into the behavioral and biomedical etiology, the treatment, and the mental and physical health and social and economic consequences of alcohol abuse and alcoholism and drug abuse;

(2) a commitment to—

(A) extensive dissemination to States, units of local government, community organizations, and private groups of the most recent information and research findings with respect to alcohol abuse and alcoholism and drug abuse, including information with respect to the application of research findings; and

(B) the accomplishment of such dissemination through up-to-date publications, demonstrations, educational programs, and other appropriate means;

(3) the provision of technical assistance to research personnel; services personnel, and prevention personnel in the field of alcohol abuse and alcoholism and drug abuse;

(4) the development and encouragement of prevention programs designed to combat the spread of alcoholism, alcohol abuse, drug abuse, and the abuse of other legal and illegal substances:

(5) the development and encouragement of effective occupational prevention and treatment programs within Government and in cooperation with the private sector; and

(6) the provision of a Federal response to alcohol abuse and alcoholism and drug abuse which encourages the greatest participation by the private sector, both financially and otherwise, and concentrates on carrying out functions relating to alcohol abuse and alcoholism and drug abuse which are truly national in scope.

THE ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION AND THE NATIONAL INSTITUTE OF MENTAL HEALTH, THE NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM, AND THE NATIONAL INSTITUTE ON DRUG ABUSE

SEC. 2. (a)(1) Title V of the Public Health Service Act is transferred to the end of the Public Health Service Act and redesignated as title XXI and sections 501 through 515 are redesignated as sections 2101 through 2115, respectively.

(2) Sections 217(c), 217(d), and 384 of the Public Health Service Act (42 U.S.C. 218 and 278) are each amended by striking out "501" and inserting in lieu thereof "2101".

(b)(1) The Public Health Service Act is amended by inserting after title IV a new title designated as follows:

"TITLE V—ADMINISTRATION AND COORDINATION OF THE NATIONAL INSTITUTE OF MENTAL HEALTH, THE NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM, AND THE NATIONAL INSTITUTE ON DRUG ABUSE

"PART A—ADMINISTRATION AND INSTITUTES".

(2) Section 210 of the Act of May 14, 1974 (42 U.S.C. 3511) is transferred to title V of the Public Health Service Act established by paragraph (1), redesignated as section 501, and amended—

(A) by striking out "of Health, Education and Welfare" each place it occurs;

(B) in subsection (c), striking out "of the Public Health Service Act";

(C) by amending subsection (d) to read as follows:

"(d) To educate the public with respect to the health hazards of alcoholism, alcohol abuse, and drug abuse, the Administrator shall take such actions as may be necessary to ensure the widespread dissemination of current publications of the National Institute on Alcohol Abuse and Alcoholism and the National Institute on Drug Abuse relating to the most recent research findings with respect to such health hazards.";

(D) by adding at the end the following:

"(e)(1) There shall be in the administration an Associate Administrator for Prevention to whom the Administrator shall delegate the function of promoting the preventing research programs of the National Institute of Mental Health, the National Institute on Alcohol Abuse and Alcoholism, and the National Institute on Drug Abuse and coordinating such programs between the institutes and between the institutes and other public and private entities.

"(2) On or before January 1, 1984, and annually thereafter, the Administrator, acting through the Associate Administrator for Prevention, shall submit to the Congress a report describing the prevention activities (including preventive medicine and health promotion) undertaken by the administration, the National Institute of Mental Health, the National Institute on Alcohol Abuse and Alcoholism, and the National Institute on Drug Abuse. The report shall include a detailed statement of the expenditures made for the activities reported on and the personnel used in connection with such activities.

("f) The Administrator shall establish a process for the prompt and appropriate response to information provided the Administrator respecting (1) scientific fraud in connection with projects for which funds have been made available under this Act, and (2) incidences of violations of the rights of human subjects of research for which funds have been made available under this title. The process shall include procedures for the receiving of reports of such information from recipients of funds under this title and taking appropriate action with respect to such fraud and violations.".

(3) Section 101 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 is transferred to title V of the Public Health Service Act, inserted after the section 501 inserted by paragraph (2), redesignated as section 502, and amended—

(A) in subsection (a)—

(i) by striking out "this Act" the first time it occurs and inserting in lieu thereof "this section",

(ii) by striking out "assigned to the Secretary of Health and Human Services (hereafter in this Act referred to as the 'Secretary')" and inserting in lieu thereof "relating to alcohol abuse and alcoholism assigned to the Secretary", and

(iii) by striking out "of the Public Health Service Act", and

(B) by amending the section heading to read as follows:

"NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM".

(4) Section 501 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act is transferred to title V of the Public Health Service Act, inserted after the section 502 inserted by paragraph (3), redesignated as section 503, and amended—

(A) in subsection (a)—

(i) by inserting "Sec. 503." before "(a)",

(ii) by striking out "this title" and inserting in lieu thereof "this section",

(iii) by striking out "of the Secretary of Health and Human Services (hereinafter in this title referred to as the 'Secretary') with respect to drug abuse prevention functions" and inserting in lieu thereof "relating to drug abuse assigned to the Secretary by this Act", and

(vi) by striking out "of the Public Health Service Act",

(B) by striking out "(hereinafter in this title referred to as the 'Director')" in subsection (b)(1), and

(C) by striking out the section heading

"§ 501. Establishment of Institute".

and inserting in lieu thereof the following:

"NATIONAL INSTITUTE ON DRUG ABUSE"

(5) Subsection (a) of section 406 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act is transferred to section 503 (as so redesignated), inserted after subsection (d), and redesignated as subsection (e).

(6) Section 455 of the Public Health Service Act is inserted in title V of the Public Health Service Act after the section 503 inserted by paragraph (4) of this subsection and redesignated as section 504.

(7) The following sections are inserted in title V of the Public Health Service Act after the section 504 inserted by paragraph (6):

"REPORTS ON ALCOHOLISM, ALCOHOL ABUSE, AND DRUG ABUSE

"SEC. 505. (a) The Secretary shall submit to Congress on or before January 15, 1984, and every three years thereafter a report—

"(1) containing current information on the health consequences of using alcoholic beverages,

"(2) containing a description of current research findings made with respect to alcohol abuse and alcoholism, and

"(3) containing such recommendations for legislation and administrative action as the Secretary may deem appropriate.

"(b) The Secretary shall submit to Congress on or before January 15, 1984, and every three years thereafter a report—

"(1) describing the health consequences and extent of drug abuse in the United States;

"(2) describing current research findings made with respect to drug abuse, including current findings on the health effects of marihuana and the addictive property of tobacco; and

"(3) containing such recommendations for legislation and administrative action as the Secretary may deem appropriate.

"PEER REVIEW

SEC. 506. (a) The Secretary, after consultation with the Directors of the National Institute of Mental Health, the National Institute on Alcohol Abuse and Alcoholism, and the National Institute on Drug Abuse shall by regulation require appropriate technical and scientific peer review of biomedical and behavioral research and development grants, cooperative agreements, and contracts to be administered through the National Institute of Mental Health, the National Institute on Alcohol Abuse and Alcoholism, and the National Institute on Drug Abuse.

"(b) Regulations promulgated under subsection (a) shall require that the review of grants, cooperative agreements, and contracts required by the regulations be conducted—

"(1) in a manner consistent with the system for scientific peer review applicable on the date of the enactment of this section to grants, cooperative agreements, and contracts under this Act for biomedical and behavioral research, and

"(2) to the extent practical, by peer review groups performing such review on or before such date.

"(c) The members of any peer review group established under such regulations shall be individuals who by virtue of their training or experience are eminently qualified to perform the review functions of the group and not more than one-fourth of the members of any peer review group established under such regulations shall be officers or employees of the United States.

"(d) The Administrator of the administration shall establish procedures for periodic, technical, and scientific peer review of research at the National Institute of Mental Health, the National Institute on Alcohol Abuse and Alcoholisms, and the National Institute on Drug Abuse. Such procedures shall require that—

"(1) the reviewing entity be provided a written description of the research to be reviewed; and

"(2) the reviewing entity provide the advisory council of the institute involved with such description and the results of the review by the entity.".

(8) The following heading is inserted in title V of the Public Health Service Act after the section 506 inserted by paragraph (7):

"PART B—RESEARCH

"Subpart 1—Alcohol Abuse and Alcoholism".

(9) Sections 501, 503, and 504 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 are transferred to the subpart 1 of part B of title V of the Public Health Service Act established by paragraph (8), redesignated as sections 510, 511, and 512, respectively, and amended as follows:

(A) Section 510 (as so redesignated) is amended—

(i) by striking out "the Institute" in subsection (a) and inserting in lieu thereof "the National Institute of Alcohol Abuse and Alcoholism (hereinafter in this subpart referred to as the 'Institute')",

(ii) by striking out "make available through publications and other appropriate means" in subsection (b)(1) and inserting in lieu thereof "disseminate through publications and other appropriate means (including the development of curriculum materials)",

(iii) by striking out "; and such Council shall give" and all that follows in subsection (b)(3) and inserting in lieu thereof the following: ", giving special consideration to projects relating to—

"(A) the relationship between alcohol abuse and domestic violence,

"(B) the effects of alcohol use during pregnancy,

"(C) the impact of alcoholism and alcohol abuse on the family, the workplace, and systems for the delivery of health services,

"(D) the relationship between the abuse of alcohol and other drugs,

"(E) the effect on the incidence of alcohol abuse and alcoholism of social pressures, legal requirements respecting the use of alcoholic beverages, and cost of such beverages, and the economic status and education of users of such beverages,

"(F) the interrelationship between alcohol use and other health problems, and

"(G) the comparison of the cost and effectiveness of various treatment methods for alcoholism and alcohol abuse and the effectiveness of prevention and intervention programs for alcoholism and alcohol abuse.",

(iv) by inserting "or the impact of alcohol abuse on other health problems" before the semicolon in subsection (b)(5), and

(v) by amending the section heading to read as follows:

ALCOHOL ABUSE AND ALCOHOLISM RESEARCH"

(B) Section 511 (as so redesignated) is amended—

(i) by striking out the last sentence of subsection (a),

(ii) by striking out the second sentence of subsection (b),

(iii) by striking out "of the Public Health Service Act (42 U.S.C. 292a)" in subsection (b), and

(iv) by striking out subsection (c).

(C) Section 512 (as so redesignated) is amended to read as follows:

"AUTHORIZATIONS OF APPROPRIATIONS

"SEC. 512. There are authorized to be appropriated to carry out this subpart $33,484,000 for fiscal year 1983 and $45,790,000 for fiscal year 1984. Of the funds appropriated under this section for any fiscal year, not more than 35 per centum may be obligated for grants under section 511.".

(10) The following heading is inserted in title V of the Public Health Service Act after the section 512 inserted by paragraph (9):

"Subpart 2—Drug Abuse Research".

(11) Section 503 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act is transferred to the subpart 2 of part B of title V established by paragraph (10), redesignated as section 515, and amended—

(A) by striking out "The Director" the first time it occurs in subsection (a) and inserting in lieu thereof "The Director of the National Institute of Drug Abuse",

(B) by amending subsection (b) to read as follows:

"(b) In carrying out the activities described in subsection (a), the Secretary, acting through the Institute, may—

"(1) collect and disseminate through publications and other appropriate means, including the development of curriculum materials, information as to, and the practical application of, the research and other activities under this section,

"(2) make grants or enter into contracts with individuals and public and nonprofit entities for the purpose of determining the causes of drug abuse in a particular area, and

"(3) make grants to and enter into contracts with individuals and public and private nonprofit entities for research respecting improved drug maintenance and detoxification techniques and programs.",

(C) by amending subsection (c) to read as follows:

"(c) For the purposes of subsections (a) and (b), there are authorized to be appropriated $47,374,000 for fiscal year 1983 and $56,160,000 for fiscal year 1984.",

(D) by striking out the section heading and inserting in lieu thereof the following:

"DRUG ABUSE RESEARCH",

and

(E) by inserting before "(a)" in subsection (a) the following: "SEC. 515.".

(12) The following headings are inserted in title V of the Public Health Service Act after the section 515 inserted by paragraph (11):

"PART C—MISCELLANEOUS PROVISIONS RELATING TO ALCOHOL ABUSE AND ALCOHOLISM AND DRUG ABUSE

"Subpart 1—Provisions Relating to Alcohol Abuse and Alcoholism".

(13) Sections 201, 301, 321, and 333 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 are transferred to the part C of title V established by paragraph (12), redesignated as sections 520, 521, 522, and 523, respectively, and amended as follows:

(A) Section 520 (as so redesignated) is amended—

(i) by striking out "the Institute" in subsection (a) and inserting in lieu thereof "the National Institute of Alcohol Abuse and Alcoholism",

(ii) by striking out "section 321" in subsection (a)(4) and inserting in lieu thereof "section 522", and

(iii) by striking out "under this Act and under the Drug Abuse Prevention, Treatment, and Rehabilitation Act" and inserting in lieu thereof "under this title".

(B) Section 521 (as so redesignated) is amended—

(i) by striking out "section 413(b) of the Drug Abuse Prevention, Treatment, and Rehabilitation Act" in subsection (b)(4) and inserting in lieu thereof "section 525",

(ii) by striking out "title" in subsection (d) and inserting in lieu thereof "section", and

(iii) by striking out subsection (e).

(C) Section 522 (as so redesignated) is amended by striking out "of the Public Health Service Act" in subsection (a).

(14) The following heading inserted in part C of title V of the Public Health Service Act after section 523 (as so redesignated):

"Subpart 2—Provisions Relating to Drug Abuse".

(15) Section 502 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act is transferred to title V of the Public Health Service Act, inserted after the heading inserted by paragraph (14), redesignated as section 524, and amended—

(A) by striking out "The Director" in subsection (a) and inserting in lieu thereof "the Director of the National Institute on Drug Abuse",

(B) by striking out ", to promote the purposes of this Act," in subsection (b)(2),

(C) by striking out "section 407" in subsection (d) and inserting in lieu thereof "section 526",

(D) by striking out "under this Act and under the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970" in subsection (d) and inserting in lieu thereof "under this title",

(E) by striking out the section heading and inserting in lieu thereof:

"TECHNICAL ASSISTANCE TO STATE AND LOCAL AGENCIES",

and

(F) by inserting before "(a)" in subsection (a) the following: "Sec. 524.".

(16)(A) Section 413 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act is transferred to title V of the Public Health Service Act, inserted after the section 524 inserted by paragraph (15), redesignated as section 525, and amended—

(i) by striking out the section heading and inserting in lieu thereof:

"DRUG ABUSE AMONG GOVERNMENT AND OTHER EMPLOYEES";

(ii) by inserting before "(a)" the following: "Sec. 525."; and

(iii) by striking out "section 201(b) of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970" in subsection (b)(4) and inserting in lieu thereof "section 521".

(B) Sections 407 and 408 of the Drug Abuse Prevention, Treatment and Rehabilitation Act are transferred to title V of the Public Health Service Act, inserted after the section 525 inserted by subparagraph (A), redesignated as sections 526 and 527 and amended as follows:

(i) Section 526 (as so redesignated) is amended—

(I) by striking to the section heading and inserting in lieu thereof:

"ADMISSION OF DRUG ABUSERS TO PRIVATE AND PUBLIC HOSPITALS";

and

(II) by inserting before "(a)" in subsection (a) the following: "Sec. 526.".

(ii) Section 527 (as so redesignated) is amended—

(I) by striking out the section heading and inserting in lieu thereof:

"CONFIDENTIALITY OF PATIENT RECORDS";

(II) by inserting before "(a)" in subsection (a) the following: "Sec. 527."; and

(III) by striking out "of Health and Human Services" in subsection (g).

(c)(1) Sections 102, 103, and 502 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 are repealed.

(2) Sections 405 and 504 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act are repealed.

(b) Title V of the Medical Facilities Construction and Modernization Amendments of 1970 (Public Law 91-296) is repealed.

ALCOHOL AND DRUG ABUSE AND MENTAL HEALTH REPORTS BY THE SECRETARY

SEC. 3. (a) The Secretary of Health and Human Services shall submit to the Congress, on or before January 15, 1984, a report describing the extent to which Federal and State programs, departments, and agencies are concerned and are dealing effectively with—

(1) the problems of alcohol abuse and alcoholism,

(2) the problems of drug abuse, and

(3) mental illness.

(b) The report required by subsection (a) shall include information with respect to the services provided for alcohol abuse, alcoholism, drug abuse, and mental health under part B of title XIX of the Public Health Service Act. To obtain information respecting such services, the Secretary shall work with appropriate national organizations to ensure that State and local governments use compatible means of collecting data respecting such services so that uniform national data with respect to the provision of such services will be available to the States and to the Secretary.

(c) In compiling data for the report required by subsection (a), the Secretary may not require any State to submit any information which is not required under section 1916(a) of the Public Service Act.

DRUG ABUSE STRATEGY REPORT

SEC. 4. (a) Section 305 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act (21 U.S.C. 1165) is amended to read as follows:

"§ 305. Report

"The President shall submit to the Congress, on or before August 1, 1984, and every two years thereafter, a written report describing the strategy. The report shall specify the objectives, nature, and results of the strategy and shall contain an accounting of funds expended under title II.".

(b) Section 207 of such Act (21 U.S.C. 1117) is repealed.

MISCELLANEOUS

SEC. 5. (a)(1) Section 311(c)(4) of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 (42 U.S.C. 4577(c)(4)) is amended by inserting "(including Native Hawaiians and Native American Pacific Islanders)" after "Native Americans".

(2) Section 18(b)(10) of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendments of 1979 (42 U.S.C. 4541 note) is amended by inserting "Native Hawaiians, Native American Pacific Islanders," after "Alaskan Natives,"

(3) Section 410(d) of the Drug Abuse Prevention, Treatment, and Rehabilitation Act (21 U.S.C. 1117(d)) is amended by striking out "native Americans" and inserting in lieu thereof "Native Americans (including Native Hawaiians and Native American Pacific Islanders)".

(b) Section 475(a) of the Public Health Service Act (42 U.S.C. 2981-4(a)) is amended (1) by striking out "the Directors of the National Institute of Mental Health, the National Institute on Alcohol Abuse and Alcoholism, and the National Institute on Drug Abuse and", and (2) by striking out ", the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse," in paragraph (2).

Mr. HUMPHREY. Mr. President, I am pleased today to speak in favor of final passage of S. 126, a bill to reauthorize the activities of the National Institute on Alcohol Abuse and Alcoholism and the National Institute on Drug Abuse.

S. 126 is the product of over 2 years of extensive oversight by the Subcommittee on Alcoholism and Drug Abuse to evaluate the current issues in the field of alcohol and drug abuse and design Federal legislation to address this chronic national problem.

In the past 2 years the subcommittee has explored research and prevention issues as well as the impact on productivity of alcohol and drug abuse, the effects of alcohol consumption on pregnancy, the health and educational effects of marihuana on youth, and the effects of alcohol and drugs on driving. Through these hearings the subcommittee has continued to inform itself and the public on the dangers of alcohol and drug abuse and the myriad of programs currently in existence to meet the challenges of alcohol and drug abuse.

S. 126 continues to focus the Federal effort in this area on activities which are truly Federal in scope. The legislation will enhance the ability of the Institutes to pursue research avenues which could lead to new treatments and deeper understanding of the causes and effects of alcohol and drug abuse. The legislation should provide encouragement to researchers currently in the field and attract new ones.

To accomplish this the committee bill contains authorizations of appropriations for fiscal year 1983 and fiscal year 1984 for alcohol and drug-abuse research and prevention activities. The fiscal year 1983 authorizations are not intended to violate the spirit of the Budget Act, which requires authorizing legislation to be reported by May 15 each year. Although the committee did report a fiscal year 1983 authorization bill in compliance with last year's reporting deadline, a final bill failed to clear both Houses, and these programs were funded in the continuing resolution. The fiscal year 1983 authorizations in S. 126 are at the level of funding provided in the continuing resolution and are not intended to authorize the enactment of new budget authority. Rather, they are included in S. 126 as a formality, to achieve continuity in the relevant statutes and to prevent an appearance of a funding gap in the law.

The bill also strengthens the focus on dissemination of current, accurate information and publications. The last few years have seen a burgeoning of parental and community interest in working toward the prevention of alcohol and drug abuse, particularly among our youth. This movement has been particularly encouraging to me as I have watched it grow and seen its impact on the attitudes and behavior of our young people. It is, however,

imperative that the Federal Government play a role as facilitator of these groups by providing them with needed publications and information so they may be most effective. This would be a prime example of Federal Government and private-sector cooperation in an effort to do what each segment of our society does best. This legislation will support and improve this necessary cooperation.

The subcommittee has spent a great deal of time on the issue of prevention because there is almost no field where prevention can have a more powerful or immediate effect than in alcohol and drug abuse. For that reason included in this legislation is the creation of the position of Associate Administrator in ADAMHA for Prevention, to coordinate the prevention activities of the Institutes and underscore our commitment to prevention activities.

Finally, the legislation makes an effort to streamline reporting requirements and insure that the Congress and the public are informed in the most effective way without costly overreporting. I believe enactment of this legislation will demonstrate this Congress commitment to a multifaceted approach to this country's alcohol and drug-abuse problems. I would like to extend my appreciation to the members of the Subcommittee on Alcoholism and Drug Abuse for their diligence in acting on this bill expeditiously. I appreciate their dedication on these issues as well as the support of the full Labor and Human Resources Committee and I look forward to working with my colleagues on these issues this Congress.

Mr. MATSUNAGA. Mr. President, I rise in support of S. 126, the Alcohol and Drug Abuse Amendments of 1983. This legislation, which was favorably reported by the Senate Committee on Labor and Human Resources and its Subcommittee on Alcoholism and Drug Abuse, would insure the continuation of the vital research and education functions of the Alcohol, Drug Abuse and Mental Health Administration (ADAMHA).

S. 126 provides a 2-year reauthorization of Federal research activities sponsored by the National Institute on Alcohol Abuse and the National Institute on Drug Abuse. Funds in the amount of $33,484,000 in 1983 and $45,790,000 in 1984 are authorized for alcohol research, while an authorization of $47,374,000 in 1983 and $56,160,000 in 1984 was recommended for research on drug abuse. The bill is essentially the same as legislation agreed on by a House-Senate conference committee last year, which failed to pass during the hectic last days of the 97th Congress.

In view of the increasing public concern about teenaged alcohol abuse, and the continued epidemic of other forms of drug abuse among the Nation's young people, I believe that my colleagues will be pleased to learn that S. 126 emphasizes alcohol and drug abuse prevention. In its report, the Labor and Human Resources Committee expressed concern about the inadequacy of identifiable prevention research within ADAMHA and urged that prevention be made a management objective of the agency. S. 126 further provides for the establishment withing ADAMHA of an Associate Administrator for Prevention who would be responsible for promoting and coordinating the prevention-related programs of ADAMHA's research institutes. Such activities will include not only prevention research, but also education, preventive medicine, and health promotion projects.

To further the education-related functions of the Alcohol, Drug Abuse and Mental Health Administration, the committee has urged the agency to collect data about the incidence and prevalence of alcohol- and drug-abuse-related problems, the effectiveness of various treatment approaches, and new and more effective ways of providing services, and to share such information with the States. The committee also noted that the demand for accurate and up-to-date publications on alcohol and drug abuse has not been met by ADAMHA and urged the agency to set a high priority on the preparation and dissemination of current and accurate publications to meet the needs of the public. Recently, I had occasion to try to obtain pamphlets and brochures suitable for schoolchildren in Hawaii and found that it was very difficult indeed to get a sufficient quantity from ADAMHA. If a U.S. Senator has trouble obtaining such publications, it must be nearly impossible for the average citizen.

Finally, Mr. President, S. 126 consolidates the various annual reports which the Institute on Alcohol Abuse and Alcoholism and the Institute on Drug Abuse are required to send Congress into one report every 3 years from each Institute. This should considerably reduce the paperwork burden of the two Institutes.

Mr. President, in 1981, the treatment and rehabilitation functions of the Alcohol, Drug Abuse and Mental Health Administration were incorporated in a block grant now administered by the various States. As the ranking member of the Subcommittee on Alcoholism and Drug Abuse, I believe that at some point within the next year or two, we should examine that approach to see how it is working. In addition, I hope that Congress will continue to consider the feasibility of a 3-year authorization of the Alcohol, Drug Abuse and Mental Health Administration. Nonetheless, S. 126, as reported by the Labor and Human Resources Committee is a good bill which provides increased Federal support for alcohol and drug abuse research, and it deserves the Senate's full support.

Mr. RIEGLE. Mr. President, I rise in support of S. 126, the Alcohol and Drug Abuse Amendments of 1983. This important legislation reauthorizes the Federal alcohol and drug abuse research and prevention efforts for 2 years and maintains a separate National Institute on Alcohol Abuse and Alcoholism (NIAAA) and a separate National Institute on Drug Abuse (NIDA). The bill authorizes $33,484,000 in fiscal year 1983 and $45,790,000 for fiscal year 1984 for alcohol abuse research and $47,374,000 for fiscal year 1983 and $56,160,000 for fiscal year 1984 for drug abuse research. These numbers represent important authorization increases in substance abuse research funding over previous years. As a former chairman of the Subcommittee on Alcoholism and Drug Abuse, I am delighted to support a bill which calls for increases in funding for alcohol and drug abuse research. I do think that a longer reauthorization period than the 2 years designated in S. 126 would have been appropriate. Regrettably, it appears that the serious health and social problems of alcoholism and drug abuse will plague this Nation for some years to come. I am convinced that a long term and aggressive Federal effort to address alcohol and drug abuse is critical if the suffering of millions of Americans and their families is to be alleviated.

Mr. President, S. 126 sets a Federal priority on disseminating current information on alcoholism and drug abuse. This is clearly an appropriate priority because we have an epidemic alcohol and drug problem in the United States today. It is estimated that some 10 million Americans are alcoholics or alcohol abusers, and an additional 3.3 million young people have alcohol problems. Alcoholism is the third leading cause of death in the United States following cancer and heart disease, and is one of the leading causes of mental retardation and birth defects. Drug abuse is also widespread. A University of Michigan study indicated that 66 percent of all high school seniors in the country reported some illicit drug use and 39 percent have used an illicit drug other than marihuana. If we are to improve this situation, it is imperative that we enhance our research efforts in the prevention and treatment of alcohol and drug abuse. S. 126 will provide for needed research efforts into the causes, prevention, treatment, and consequences of alcohol and drug abuse on families. Research efforts will also focus on evaluations of the effectiveness of alcohol and drug abuse programs. This scientific research can ultimately enable a reduction in the

toll of lives devastated by the abuse of alcohol and drugs.

Alcohol and drug abuse research are not now funded at a level commensurate with the economic costs they impose on society or at a level comparable to research funding for other health disorders. The Institute of Medicine, in a 1980 study of alcohol research, noted that the support of alcohol-related research is disproportionately low relative to the estimated economic impact of alcoholism and alcohol abuse. The study issues an unequivocal call for substantially greater investment in alcohol research.

The Institute of Medicine, in conjunction with the National Academy of Sciences, recently released a study of the effect of marihuana on health. The major recommendation of this federally funded study is a request for a greatly intensified and more comprehensive program of research into the effects of marihuana on the health of the American people.

S. 126 will increase the funding levels for alcoholism and drug abuse research to the levels proposed by President Reagan. This funding level is necessary to increase research activities, to attract and retain top scientists, and to insure the effectiveness of the research. Currently, NIAAA and NIDA receive many research proposals of high quality, a good number of which cannot be funded.

Furthermore, research related to alcohol and drug abuse is cost effective. A dollar spent for developing useful prevention strategies can save many times that amount of money in subsequent health care costs, lost production and the economic cost of crime associated with substance abuse. It is estimated that alcohol abuse alone costs society $49.4 billion annually. Through the advances that can be gained from comprehensive, effective research into the problems of alcohol and drug abuse, we can reduce the human suffering and the billions of dollars which alcohol and drug problems now cost this Nation.

The President recently signed an emergency supplemental appropriation bill which provides funding for jobs and social service programs. This bill provided $30 million for the alcohol, drug abuse, and mental health block grant to assist a treatment system strained by high unemployment and the resulting increase in substance abuse and mental health problems. The passage of S. 126 represents another step toward the reaffirmation of a strong national commitment to the alleviation of alcohol and drug abuse.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (S. 126) was passed.

Mr. STEVENS. Mr. President, I ask unanimous consent to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SACCHARIN STUDY AND LABELING ACT AMENDMENTS

The Senate proceeded to consider the bill (S. 89) to amend the Saccharin Study and Labeling Act.

Mr. HATCH. Mr. President, I am pleased the Senate is taking up S. 89, the Saccharin Study and Labeling Act Amendments of 1983. This bill would extend for 24 months from the date of enactment the existing congressionally mandated policy with regard to the artificial sweetner saccharin, including the placement of warning labels on products containing saccharin. This will enable further study of the substance, as well as the conclusion of current work.

Let me make clear that the congressional moratorium applies only to FDA's use of pre-1978 data on saccharin, not to more recent and ongoing studies.

During the past 2 years, two large-scale animal studies of the safety of saccharin have been undertaken, one by the National Center for Toxicological Research, and the other by the International Research and Development Corporation. These studies were intended to address numerous questions raised in previous studies, particularly the revelance of past research findings on animals. Their results should be available for analysis by the scientific community later this year. We may all be assured that nothing in S. 89 alters FDA's power to act as they see fit, if these or any studies indicate the need to take regulatory action.

Although development of substitutes continues, no substitute for all uses of saccharin is likely to be available commercially during the extension provided for in S. 89. It is my hope that industry will continue its efforts to develop a safe alternative to saccharin.

Let it be made clear that my endorsement of the extension of the moratorium is not to be interpreted as an endorsement of the view that studies to date have proven saccharin is safe for human consumption. Nor can any firm conclusion be drawn that saccharin is not safe. In the uncertainty, we must recognize that many people, including diabetics and others on specific diets, want a no-calorie or low-calorie substitute for sugar and that at the present time saccharin is the only noncaloric substance available for the full range of food products.

Although an important issue in and of itself, the saccharin controversy is one illustration of the inflexible and inconsistent nature of our food safety laws. The National Academy of Sciences' review of these laws concluded that, "* * * although complex in itself, the law is inadequate to meet changing and increasing problems of food safety." I am dedicated, along with my esteemed colleague Senator KENNEDY, to seeing the needed legislative examination and revision take place, and in fact, we have set hearing dates for June, to consider the food safety issue before the full Committee on Labor and Human Resources. Ultimately, we hope that saccharin can be considered within the framework of a working law, rather than on a product-by-product basis, as is now the case.

The Saccharin Study and Labeling Act Amendments of 1983 will allow us to continue to evaluate saccharin in the variety of contexts in which it is used. Until alternatives are identified and made fully useful and available, or until saccharin is shown unsafe, we should all be allowed to make personal judgments concerning its use. To insure that such judgments are informed, S. 89 provides for the continued labeling of products containing saccharin. Let me reiterate that under S. 89 the FDA would retain the authority to take regulatory action, should information become available demonstrating a public health risk from continued use of saccharin.

I urge that the Saccharin Study and Labeling Act Amendments of 1983 be passed without further delay.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on engrossment and third reading.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 89

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Saccharin Study and Labeling Act Amendment of 1983".

SEC. 2. Section 3 of the Saccharin Study and Labeling Act is amended by striking out "twenty-four months after the date of enactment of the Saccharin Study and Labeling Act Amendment of 1981" and inserting in lieu thereof "twenty-four months after the date of enactment of the Saccharin Study and Labeling Act Amendment of 1983".

Mr. STEVENS. Mr. President, I ask unanimous consent to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORIZATION FOR TESTIMONY BY J. CRAIG PEERY AND REPRESENTATION BY THE SENATE LEGAL COUNSEL

Mr. STEVENS. Mr. President, I send to the desk on behalf of the distinguished majority and minority leaders a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 101) to authorize testimony by J. Craig Peery and representation by the Senate Legal Counsel.

The Senate proceeded to consider the resolution.

The resolution was agreed to.

The preamble was agreed to.

The resolution (S. Res. 101), together with its preamble, follows:

S. RES. 101

Whereas, the case of *Charles M. Bernardo, et al.* v. *Spectrum Newspapers, Inc., et al.*, Civil No. C-83-618, is pending in the District Court of the Third Judicial District in and for Salt Lake County, State of Utah;

Whereas, counsel for the plaintiffs has served a subpoena for the taking of testimony at a deposition, and the production of documents, upon J. Craig Peery, formerly an employee of the Committee on Labor and Human Resources, and currently an employee of the Subcommittee on Family and Human Services;

Whereas, pursuant to sections 703(a) and 704(a) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a) (Supp. V 1981)), the Senate may direct its counsel to represent the employees of the Senate with respect to any subpoena or order relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that testimony of an employee of the Senate is needful for use in any court for the promotion of justice, the Senate will take such action thereon as will promote the ends of justice consistently with the privileges and rights of the Senate: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent J. Craig Peery in connection with his testimony and the production of documents in the case of *Charles M. Bernardo, et al.* v. *Spectrum Newspapers, Inc., et al.*, Civil No. C-83-618.

SEC. 2. That J. Craig Peery is authorized to testify and produce documents in the case of *Charles M. Bernardo, et al.* v. *Spectrum Newspapers, Inc., et al.*, Civil No. C-83-618, except concerning matters that he and the Senate Legal Counsel or his representative determine are privileged from disclosure.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORIZATION FOR TESTIMONY OF DAVID FAULKNER

Mr. STEVENS. Mr. President, I send to the desk another resolution on behalf of the majority and minority leaders, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 102) to authorize the testimony of David Faulkner.

The Senate proceeded to consider the resolution.

Mr. BAKER. Mr. President, the Permanent Subcommittee on Investigations has been requested to provide the testimony of one of its staff investigators, David Faulkner, in a proceeding pending before the Labor Relations Board of British Columbia. The subcommittee has held hearings on matters that may be pertinent in that proceeding. This resolution would authorize the investigator to testify only as to matters of public record, which would encompass the matters addressed in those subcommittee hearings.

The resolution was agreed to.

The preamble was agreed to.

The resolution (S. Res. 102), together with the preamble, follows:

S. RES. 102

Whereas, in the matter of *Re: B.C. Hotels Association and the Hotel, Restaurant and Culinary Employees and Bartenders Union, Local 40*, pending before the Labor Relations Board of British Columbia, applications are under consideration for consolidation of bargaining units which make up the bargaining structure between the B.C. Hotels Association and Local 40 of the Hotel, Restaurant and Culinary Employees and Bartenders Union;

Whereas, a staff employee of the Permanent Subcommittee on Investigations, David Faulkner, has been requested to appear as a witness in this matter;

Whereas, by the privileges of the Senate of the United States no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that testimony of a staff employee of the Senate is needful for use in any proceeding for the promotion of justice, the Senate will take such action thereon as will promote the ends of justice consistently with the privileges and rights of the Senate: Now, therefore, be it

Resolved. That David Faulkner is authorized to appear and testify as to matter of public record in this matter.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORIZATION FOR TESTIMONY BY MARTHA PERRY AND REPRESENTATION BY THE SENATE LEGAL COUNSEL

Mr. STEVENS. Mr. President, I send to the desk another resolution on behalf of the majority and minority leaders and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 103) to authorize testimony by Martha Perry and representation by the Senate Legal Counsel.

The Senate proceeded to consider the resolution.

Mr. BAKER. Mr. President, this resolution would authorize testimony by Martha Perry, an employee in Senator BUMPERS' office, and direct the Senate Legal Counsel to represent her in response to a subpena for trial testimony which has been served on behalf of the plaintiff in the case of Bobby J. Stephens against the Office of Worker's Compensation Programs. That case is pending in the U.S. District Court for the eastern district of Arkansas and is set for trial on April 6. Senator BUMPERS' office assisted the plaintiff on a casework request involving a disability claim which has resulted in this litigation. This resolution would authorize Mrs. Perry to testify at the trial and direct the Senate Legal Counsel to represent her in connection with that testimony relating to her Senate responsibilities and to assert any Senate privileges if the need arises.

The resolution was agreed to.

The preamble was agreed to.

The resolution (S. Res. 103), together with the preamble follows:

S. RES. 103

Whereas, the case of *Bobby J. Stephens v. Office of Worker's Compensation Programs, etc., et al.*, Civil Action No. LR-C-82-280, is pending in the United States District Court for the Eastern District of Arkansas;

Whereas, counsel for the plaintiff has served a subpoena for testimony at the trial upon Martha Perry, a Senate employee in Senator Bumpers' Little Rock office;

Whereas, pursuant to sections 703(a) and 704(a) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a) (Supp. V 1981), the Senate may direct its counsel to represent the employees of the Senate with respect to any subpoena or order relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that testimony of an employee of the Senate is needful for use in any court for the promotion of justice, the Senate will take such action thereon as will promote the ends of justice consistently with the privileges and rights of the Senate: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent Martha Perry in connection with her testimony in the case of *Bobby J. Stephens v. Office of Worker's Compensation Programs, etc., et al.*, Civil Action NO. LR-C-82-280.

SEC. 2. That Martha Perry is authorized to testify in the case of *Bobby J. Stephens v. Office of Worker's Compensation Programs, etc., et al.*, Civil Action No. LR-C-82-280, except concerning matters that she and the Senate Legal Counsel or his representative determine are privileged from disclosure.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, those three resolutions are routine business for the Senate concerning representation of the Senate in legal actions.

EXECUTIVE CALENDAR

Mr. STEVENS. Mr. President, I now ask my good friend from West Virginia if it would meet with his approval for me to ask the Senate to go into executive session for the purpose of considering the nominations on the Executive Calendar on page 3.

Mr. BYRD. Mr. President, there would be no objection on this side to considering the nominations on page 3 nor would there be objection to considering the first nomination on page 2 under "African Development Bank."

Mr. STEVENS. I might say to my friend that the last item has not been fully cleared yet on this side. The items on page 3 have been cleared.

EXECUTIVE SESSION

Mr. STEVENS. I ask unanimous consent that the Senate go into executive session for the purpose of considering the nominations on page 3 of the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that those nominations be considered and confirmed en bloc.

The assistant legislative clerk proceeded to read various nominations.

The PRESIDING OFFICER. The nominations are considered and confirmed en bloc.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the nominations were confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The nominations considered and confirmed en bloc follow:

DEPARTMENT OF STATE

Allen Clayton Davis, of Tennessee, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Uganda.

U.S. ADVISORY COMMISSION ON PUBLIC DIPLOMACY

Hershey Gold, of California, to be a member of the U.S. Advisory Commission on Public Diplomacy for a term expiring July 1, 1984.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Carlos Salman, of Florida, to be a member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1985. (Reappointment.)

Mr. STEVENS. Mr. President, I ask unanimous consent that the President be immediately notified of the Senate's action in confirming the nominations.

The PRESIDING OFFICER without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate now return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, has the Senator yielded the floor?

Mr. STEVENS. Yes, I do yield to my friend.

SENATOR METZENBAUM HAS A NEW GRANDDAUGHTER

Mr. BYRD. Mr. President, our families are the most important things for all of us, I am sure, and of all my colleagues I can think of no one who is a more devoted and dedicated family man than my friend and colleague from Ohio (Mr. METZENBAUM).

May I say in that regard that if we did not have a Senator METZENBAUM, we would have to create one because he certainly is a Senator sui generis, and one who performs a very great service to the people of the country and to the Senate. Sometimes I have been a little frustrated with some of his actions during the time I was majority leader. But I must say that that probably can be said of most anybody. I expect Senators have become frustrated with my own actions at times. But he contributes a great deal to the Senate, and I hope there will always be a Metzenbaum or the equivalent of a Metzenbaum on this side of the aisle in the Senate.

He and his lovely wife Shirley have been married for 37 years, which falls about 10 years short of the length of time that Erma and I have been married, but he and Shirley have been blessed with four charming daughters.

I know something about charming daughters, too. We had two of such daughters.

But for some years, one thing has been awaited by the Metzenbaums—not by the Byrds, but by the Metzenbaums. Something that those of us who have experienced it cherish very much—and something which those who have not experienced it look forward to every day.

At last, he has reached that plateau where one has his first taste of immortality. And that event, of course, is the arrival of the first grandchild, because therein one sees himself or herself being preserved and perpetuated on into the years beyond the span that was set forth by the psalmist when he indicated that 3 score years and 10 might be the length of our days.

I am happy to report that the Senator from Ohio and his wife have now experienced that happy day with the arrival Monday of Jody Metzenbaum Kelman. And I also understand that the proud parents, Shelley and Steve, are equally happy and doing just fine.

I am pleased to extend my congratulations and best wishes to all concerned—and I add that, of course, there will be no question about the political fate of the grandchild, Jody. I look forward to that auspicious day—I hope I can be around to congratulate her when it happens, somewhere around the year 2020—when Jody leads her first filibuster here on the floor of the Senate, carrying on in the tradition of her illustrious grandfather.

Mr. President, I yield the floor.

Mr. STEVENS. Mr. President, I join the minority leader in welcoming to the Senate the new Metzenbaum line. I do so not only as a friend and one who has had the obvious and long conversations on the floor here with my friend from Ohio, but also as the father of Lily. He will stop trying to steal my daughter now.

RECESS

Mr. STEVENS. Mr. President, I move, in accordance with the previous order, that the Senate now stand in recess until 12 noon tomorrow.

The motion was agreed to; and, at 4:19 p.m., the Senate recessed until Wednesday, April 6, 1983, at 12 noon.

NOMINATIONS

Executive nominations received by the Secretary of the Senate March 30, 1983, under authority of the order of the Senate of March 24, 1983:

DEPARTMENT OF STATE

Jay P. Moffat, of New Hampshire, a career member of the Senior Foreign Service, class of Minister-Counselor, to the Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Chad.

U.S. CLAIMS COURT

Moody R. Tidwell III, of Virginia, to be judge of the U.S. Claims Court for a term of 15 years vice Louis Spector, term expired.

DEPARTMENT OF LABOR

James Brian Hyland, of Virginia, to be Inspector General, Department of Labor, vice Thomas F. McBride, resigned.

IN THE COAST GUARD

The following officers of the U.S. Coast Guard for appointment to the grade of rear admiral:
Sidney B. Vaughn, Jr.
John D. Costello
Donald C. Thomas

IN THE AIR FORCE

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370.

To be lieutenant general

Lt. Gen. William R. Nelson, [redacted]FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Jack I. Gregory, [redacted]FR, U.S. Air Force.

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Lt. Gen. Maxwell R. Thurman, [redacted] U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Jack N. Merritt, [redacted], U.S. Army.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Richard G. Trefry [redacted] (age 58), U.S. Army.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Nathaniel R. Thompson, Jr., [redacted] U.S. Army.

IN THE NAVY

Vice Adm. Ronald J. Hays, U.S. Navy, for appointment as Vice Chief of Naval Operations pursuant to title 10, United States Code, section 5085.

Vice Admiral Hays having been designated for command and other duties of importance and responsibility within the contemplation of title 10, United States Code, section 601, for appointment to the grade of Admiral while so serving.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Edward H. Martin, [redacted]/1310, U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Bernard M. Kauderer, [redacted]/1120, U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Powell F. Carter, Jr., [redacted]/1120, U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. James B. Busey IV, [redacted]/1310, U.S. Navy.

IN THE MARINE CORPS

The following-named officer, under provisions of title 10, United States Code, section 5201, to be commandant of the Marine Corps:

To be commandant of the Marine Corps.

Gen. Paul X. Kelley, [redacted], U.S. Marine Corps.

Executive nominations received by the Senate April 5, 1983:

DEPARTMENT OF STATE

Malcolm R. Barnebey, of Texas, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Belize.

James D. Rosenthal, of California, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Revolutionary Republic of Guinea.

Helene A. von Damm, of New Jersey, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Austria.

DEPARTMENT OF TRANSPORTATION

James H. Burnley IV, of North Carolina, to be General Counsel of the Department of Transportation, vice John M. Fowler, resigned.

COMMUNICATIONS SATELLITE CORPORATION

E. Pendleton James of California, to be a Member of the Board of Directors of the Communications Satellite Corporation until the date of the annual meeting of the corporation in 1986, vice Joan F. Tobin, term expiring.

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Lt. Gen. Paul F. Gorman [redacted], U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Lt. Gen. Wallace H. Nutting, [redacted], U.S. Army.

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Raphael D. Tice [redacted] (age 55), U.S. Army.

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. William J. Hilsman, [redacted] (age 50), U.S. Army.

IN THE NAVY

The following-named officer, under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be admiral

Adm. William J. Crowe, Jr., [redacted]/1120, U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be admiral

Adm. William N. Small, [redacted]/1310, U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Vice Adm. William H. Rowden, [redacted]/1110, U.S. Navy.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 5, 1983:

U.S. ADVISORY COMMISSION ON PUBLIC DIPLOMACY

Hershey Gold, of California, to be a member of the U.S. Advisory Commission on Public Diplomacy for a term expiring July 1, 1984.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Carlos Salman, of Florida, to be a member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1985.

DEPARTMENT OF STATE

Allen Clayton Davis, of Tennessee, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Uganda.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

HOUSE OF REPRESENTATIVES—*Tuesday, April 5, 1983*

The House met at 12 o'clock noon, and was called to order by the Speaker pro tempore (Mr. WRIGHT).

Msgr. John J. Murphy, St. Joseph's Church on Capitol Hill, Washington, D.C., offered the following prayer:

Our Father in Heaven. Grace this space with Your divine presence and help us always to see it as a space filled with bearers of a trust made sacred by the will of Your God-fearing people. May the imperfections that accompany our creation as persons never deflect us from our noble purpose of working zealously for the human rights of all those also created in Your image and likeness. And as we look about us, give us the grace to see Your good and noble purpose working everywhere.

This we ask through Christ, our Lord. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Saunders, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House is requested:

S. 653. An act to amend title 10, United States Code, to establish a Foundation for the Advancement of Military Medicine, and for other purposes;

S. 957. An act to provide for an increase in the number of members of the Congressional Award Board, and for other purposes;

S.J. Res. 11. Joint resolution to authorize and request the President to designate the week of June 26, 1983, through July 2, 1983, as "National Safety in the Workplace Week";

S.J. Res. 31. Joint resolution to authorize and request the President to designate April 23, 1983, as "Army Reserve Day";

S.J. Res. 36. Joint resolution designating April 29, 1983, as "National Nursing Home Residents Day";

S.J. Res. 43. Joint resolution to declare Baltic Freedom Day; and

S.J. Res. 58. Joint resolution to authorize and request the President to designate May 25, 1983, as "Missing Children Day."

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
March 25, 1983.

Hon THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, the Clerk received at 11:35 a.m. on Friday, March 25, 1983, the following messages from the Secretary of the Senate:

1. That the Senate recede from its amendments to H.R. 2112;

2. That the Senate passed without amendment H.R. 2369;

3. That the Senate passed without amendment H.J. Res. 175; and

4. That the Senate agree to the conference report to H.R. 1900.

With kind regards, I am,

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker pro tempore signed the following enrolled bills on Friday, March 25, 1983:

H.R. 2112. An act to extend by 6 months the expiration date of the Defense Production Act of 1950;

H.R. 2369. An act to prevent the temporary termination of the Federal Supplemental Compensation Act of 1982;

H.J. Res. 175. Joint resolution to authorize and request the President to proclaim May 1983 as "National Amateur Baseball Month";

S. 926. An act to establish uniform national standards for the continued regulation, by the several States, of commercial motor vehicle width on interstate highways; and

S.J. Res. 32. Joint resolution to provide for the designation of May 1983 as "National Arthritis Month."

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
April 1, 1983.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from The White House at 12:30 p.m. on Friday, April 1, 1983 and said to contain a message from the President whereby he reports on a determination under the Trade Act of 1974 (motorcycles).

With kind regards, I am,

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

DECISION CONCERNING IMPORTS OF HEAVYWEIGHT MOTORCYCLES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 98-37)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Ways and Means and ordered to be printed:

(For message, see proceedings of the Senate of today, April 5, 1983.)

APPOINTMENT AS ADDITIONAL MEMBERS OF DELEGATION TO ATTEND CONFERENCE OF INTERPARLIAMENTARY UNION

The SPEAKER pro tempore. Pursuant to the provisions of 22 U.S.C. 276a-1, as amended by Public Law 95-45, the Chair appoints as additional members of the delegation to attend the Conference of the Interparliamentary Union to be held in Helsinki on April 25 through April 29, 1983, the following Members on the part of the House:

Mr. HAWKINS of California; Mr. DE LA GARZA of Texas; Mrs. BOGGS of Louisiana; Ms. OAKAR of Ohio; Mr. FEIGHAN of Ohio; Mr. HYDE of Illinois; Mr. MCGRATH of New York; Mr. BATEMAN of Virginia; and Mr. BOEHLERT of New York.

ANNUAL REPORT OF NATIONAL ENDOWMENT FOR THE ARTS AND THE NATIONAL COUNCIL ON THE ARTS FOR FISCAL YEAR 1983—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following mes-

sage from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Education and Labor:

(For message, see proceedings of the Senate of today, April 5, 1983.)

1982 ANNUAL REPORT OF FEDERAL PREVAILING RATE ADVISORY COMMITTEE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Post Office and Civil Service:

(For message, see proceedings of the Senate of today, April 5, 1983.)

DELIVER THE F-16'S TO ISRAEL

(Mr. LEVINE of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVINE of California. Mr. Speaker, President Reagan's decision to continue to withhold 75 F-16's from Israel until Israel withdraws from Lebanon is a singularly bad policy decision.

First, it is contrary to repeated promises by the President himself that he would never use military aid to pressure Israel into making policy concessions.

Second, the United States has recognized Israel's need to remove the threat to its northern frontier, to remove PLO terrorism from southern Lebanon, and to help Lebanon assert sovereignty within its own borders. Successful conclusion of the ongoing negotiations leading to Israeli withdrawal depends on adequate guarantees of Israel's security.

Third, the President's decision could destabilize the military balance in the Middle East. Syria now has Soviet SAM missiles. These weapons pose a serious threat to Israel. The Israeli air force needs to be stronger than ever.

Depriving Israel of these essential F-16's undermine Israel's security. It is dangerous and unproductive to threaten Israel militarily in the hope that such pressures will force them to make policy decisions. That is not the way these decisions, so vital both to Israeli security and to American interests in the Middle East, should be made. Israel needs these planes. The President should deliver the F-16's to Israel.

LEAKAGE OF OUR HIGH TECHNOLOGY

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, the wire services this morning carried a story that last evening the French Government expelled 47 Soviets for stealing scientific data and high technology defense secrets. So it is not only America but the entire Western World which is subject to Soviet espionage and the theft of Western technology.

Last evening the administration sent to the Hill its version of the Export Administration Act. There is no other piece of foreign trade legislation likely to come before this Congress which so dramatically illustrates the inseparability of foreign trade from our diplomatic relations with our closest friends and allies—and our adversaries.

No other piece of legislation will be so vital in attempting to close the hemorrhaging of Western technology to the East.

Also this legislation will attempt to give some direction to our business and industry as to what the administration intends to do about the leakage of our high technology to the East and also, I think, it will give some direction to our trading partners.

This is a most critical problem for us in Congress to address. It does precious little for the American taxpayers to spend billions of dollars for high technology, for defense, if that high technology, those secrets, are going to be stolen by the Soviets, or the Soviets can obtain them in other ways even before our high technology comes off the assembly line.

Our own export control laws must be accompanied by a general agreement and commitment by Western nations to stop the flow of critical technology to the East.

Today we begin hearings on the administration's bill. President Reagan has identified a serious problem. Now we in Congress must craft the legislative solution.

So I ask all of us here in Congress to review this legislation and to become conversant with it because I think no more important legislation will come before us this session.

I thank the Speaker.

ADJOURNMENT TO THURSDAY, APRIL 7, 1983

Mr. WILLIAMS of Montana. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 a.m. on Thursday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

□ 1215

ADMINISTRATION POLICIES IN CENTRAL AMERICA DESTABILIZING THE AREA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. LEACH) is recognized for 60 minutes.

Mr. LEACH of Iowa. Mr. Speaker, last December this House, by the unambiguous margin of 411 to 0, adopted an amendment put forward by the distinguished chairman of the Select Committee on Intelligence, Mr. BOLAND. That amendment specifically enjoined the Central Intelligence Agency and the Department of Defense from supporting military activities "for the purpose of overthrowing the Government of Nicaragua or provoking a military exchange between Nicaragua and Honduras." In the absence of any public, credible assurances to the contrary by the administration, it seems that the two specific prohibitions in the Boland amendment are precisely the likely, if not desired, consequences of the policy of destablization upon which the President and his advisers appear to be embarked. The inevitable conclusion is that the administration's actions contravene the law of the land and the unanimous will of this body.

One recent press report quoted the usual unnamed officials as insisting that the overthrow of the Sandinista government and a Nicaraguan-Honduran armed conflict are not the goal of U.S. policy, although it was admitted that they might be the goal of the forces to whom we are reportedly providing financial and military assistance. Mr. Speaker, anyone who can accept that sort of sophistry can also accept the existence of the "tooth fairy." The administration cannot engage in covert activity which violates both the spirit and the letter of the Boland amendment and then disclaim any responsibility for the consequences of that activity. More extraordinarily, if we take the administration's sophistry at face value—that we support destabilizing efforts but not the overthrow of the Nicaraguan Government itself—the United States would appear to be sanctioning violence without purpose. To paraphrase a classic movie about restless teenagers, we become rebels without a cause. To abide by the law is imperative, but it is not enough. Policies, to be justified, must be moral as well as legal.

Here it is difficult to conduct a reasoned and informed discussion of the issues at stake since the administration to date has refused to comment in any public way on allegations of its involvement with the anti-Sandinista guerrillas in Nicaragua, the so-called Contras.

While the administration, according to press accounts, informed the Select Committee on Intelligence of its plans last year, it has refused to inform the vast majority of Members of Congress of its actions. This puts the Congress in a catch-22. Those informed are obligated not to reveal; those uninformed must rely on press accounts or the journeys of a few to the areas affected.

As one who visited the Nicaraguan border area this last January, I can attest to the military mobilization the Contras have caused in Nicaragua and the violence that is prevalent. Priests in the region tell of kidnappings and frequent killings, but the scoreboard of winning battles is difficult to keep. What is clear is that the poverty-stricken masses of rural Nicaragua are being treated as pawns in an East-West conflict and have become victims of forces they don't understand.

Ironically, U.S. actions against Nicaragua undercut the moral imprimatur upon which U.S. policy in El Salvador is based. In El Salvador we stand foursquarely against those who are armed and financed from abroad and who would shoot their way into power. In Nicaragua, we stand four-squarely with such forces, and are in fact the financiers of anarchy.

Mr. Speaker, there are moral as well as geostrategic bases for U.S. involvement in Central America. Ignoring or undermining those moral bases through a cynical exercise in macho realpolitik does not raise the odds of eventual success; it lowers us into the gutter with the violence-prone revolutionaries we so loudly condemn.

For those to whom practical arguments appeal more than moral ones, recent history indicates that to resort to covert actions seldom works. U.S. involvement in Latin American affairs since the turn of the century leaves little room for the conclusion that a resort to military means can either resolve deep-seated economic and social problems or serve long-term U.S. interests. The historical analogies offered by the sorry debacle at the Bay of Pigs in 1961 and the CIA overthrow of the Arbenz regime in Guatemala in 1954 indicate both the likelihood of failure and the long-term counterproductive effects of short-term successes. In Nicaragua, the administration's involvement in covert efforts at destabilization seems likely to brand us either as the people who sent the Contras to their deaths or who overthrew the forces that unseated the hated Somoza dictatorship. In addition, there is every likelihood that rather than securing stability in Honduras, U.S.-supported actions along the Honduran-Nicaraguan border jeopardize the viability of Honduran democracy.

We must recognize that the era of great power interventionism, in Central America as in other parts of the globe, has passed, that its time on the historical clock has run out. It would be comforting to some, I suppose, to be able to sail a gunboat to the Nicaraguan coast and produce an instant change of government there. But the desire of all peoples to make their own mistakes, to preserve and develop their own way of life, is today unquestioned and unquenchable. Failing to understand this reality carries with it a considerable cost in lives, treasure and national prestige.

Recent history also underlines the constant tension between those in government who are reluctant to use the blunter instruments of national power and those who are all too ready to leap to the use of force. The world is an imperfect place, and certainly there are times when any country is justified in resorting to arms to defend its vital interests. But such a decision must be very deliberate, utilizing the best judgment of all elements of national leadership. Guiding that judgment must be the prevailing norms of international and domestic law, and, most importantly, our constitutional process. Only Congress, after all, has the power in our system of government to declare war.

Mr. Speaker, international law is explicit on the subject of the overt or covert destabilization of existing governments of whatever political stripe. Both the U.N. Charter, specifically article 2, and the OAS Charter prohibit the use of force in resolving international disputes. Article 18 of the OAS Charter further prohibits "any other form of interference or attempted threat" against member states. If it is wrong for the Cubans and the Nicaraguans to interfere in the internal dispute in El Salvador, it is equally wrong for the United States to associate itself with armed intervention against Nicaragua. Tit-for-tatism is neither a profound nor a legally sanctioned rationalization for Government actions. What distinguishes the United States and its Western allies from the East bloc is our belief in the rule of law. Our actions in Nicaragua run against the grain of our heritage as well as the collective judgment of Congress, as reflected in passage of the Boland amendment.

Domestic law, it must be stressed, is unequivocal. If the numerous and so far unrefuted accounts of U.S. support for the Nicaraguan Contras are based on fact, then the administration is in violation of that law. And if that is so, if the will of the 411 Members of this body who voted for that legislation is being treated with contempt, then funding for our dubious and illegal activity in Nicaragua should be terminated immediately.

SUPPORT "REACH FOR RECOVERY"

(Mrs. VUCANOVICH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. VUCANOVICH. Mr. Speaker, it is good to be back after the Easter holiday, but especially good for me. Some of you do not know this, but 1 week ago today, I entered the Naval Hospital at Bethesda. Last Wednesday morning, I underwent a mastectomy for the removal of cancerous tissues. Today, I am a bit sore, but everything looks good.

I wanted to take just a moment to thank a few folks, and call your attention to the work of a very special group. First, the thanks. I know most of us here are familiar with the office of Dr. Cary, here on the Hill. I can say I appreciate his services now, in a way most people cannot fully realize. I want to extend my special thanks to Dr. Knab who discovered by condition during my annual physical exam.

Also, I can say the care I received at Bethesda, and the service provided by my physicians, Drs. Cochran and Hamilton, was as fine as any I can imagine. They are a credit to their profession, just as Bethesda is a credit to the health care industry.

But what happens after release, in the case of a mastectomy patient, is just as important as the treatment. It is not easy, undergoing this surgery and then trying to put yourself back together again. There is a lot of exercise, and therapy, and things you can only feel if you are a woman and it has happened to you. But I have found you do not have to go it alone. There is a group I would like you all to make a note of. It is called Reach for Recovery and it is a group of women, who have had this surgery, and know what it is like, and how to recover.

With the help of the American Cancer Society, Reach for Recovery has already helped me know how, and why, I do what I must do. Please support them whenever you have the opportunity.

STATEMENT AGAINST TUITION TAX CREDITS

The SPEAKER pro tempore (Mr. APPLEGATE). Under a previous order of the House, the gentleman from Texas (Mr. HANCE) is recognized for 10 minutes.

● Mr. HANCE. Mr. Speaker, once again, the Congress of the United States is considering a proposal to provide income tax credits to taxpayers who pay tuition for a private education. Once again it is the duty of the Congress to reject this radical idea which would turn our Nation's traditional concepts of separation of

church and state and support for public education inside out.

Tuition tax credits are, to put it bluntly, a bad idea. They would be bad and improper educational policy, as well as bad and improper economic policy. It is indeed unfortunate that an administration, whose stated goal is to balance the budget and reduce Government spending and regulation, is now proposing a program which results in increased deficits and increased Government interference in local education. The concept of the tuition tax credit is unfair and deeply disturbing to a majority of Americans.

This Nation has always sought to provide basic services to the public when such services are deemed to be in the national interest. Included in this category are public schools, roads and highways, police and fire protection, national defense, parks, and so forth. No American is forced to make use of all such public services, but all of us contribute to maintain them because the whole community benefits from their existence.

If some individuals choose to join with their neighbors to hire a private security force, they do not expect nor do they receive a Government payment or rebate for making such a decision. Neither do we expect tax credits if we build private swimming pools in our backyards instead of using the public parks. We all pay taxes to share the cost of police and fire departments and the Armed Forces because society needs them, whether or not we personally feel threatened or are in need of them.

Every American has an obligation to the public good and a right to choose to use public services or private alternatives. However, no one has a right to expect the people of this Nation to pay them to exercise this private right of choice. Such a concept is unfair, unrealistic, and patently absurd. It is unfair to all Americans, especially to the vast majority who either have no children in school or whose children attend the public schools.

Of those Americans in school today in this country, some 90 percent attend public schools. Just 5 million—about 10 percent—attend nonpublic schools, most of which are either private businesses or religious institutions. The tuition tax credit is a proposal to inject a Government role in religious institutions (in violation of the clear intent and wisdom of the Constitution of the United States) and to provide a Government dole to many citizens who are least in need of such assistance.

It is clear that it is the role of American public education to make quality education available to all Americans. This insures an educated citizenry, an America that can continue to depend on its people as its greatest resource and its ultimate strength. Certainly, private schools add alternative educational choices for those who wish to utilize them. There are many excellent private schools that fulfill the special needs of their students. They cannot, however, provide full educational programs for all Americans. Nonpublic education was not designed to do that. Instead, private education has always been complementary to public education. It provides alternatives for some while public education assures opportunity for all, and by so doing, provides a guarantee of continued strength for our Nation.

There is yet another deeply disturbing aspect to this scheme. The American people would simply not be willing to provide public money blindly through these proposed tuition tax credits to every so-called school that might use it to teach political ideology, to fund purely religious training, or to advance other concepts or ideas contrary to the letter and spirit of the Constitution and Bill of Rights. It is inevitable that the Government would necessarily attach strings to the financial subsidy made available to private schools by tuition tax credits. That would constitute interference with our religious institutions and with the independence of our private schools. Therefore, tuition tax credits are, in my view, equally undesirable from the private and religious schools' points of view as they are from public education's perspective. It would be ironic if tuition tax credits were to result in exactly what their supporters oppose—Federal intervention into the activities of private and religious schools. Indeed, the pending legislation on this issue could allow the Internal Revenue Service to determine which schools qualify for parents to receive tuition tax credits.

With limited funds available for education, especially with an administration that is once again attempting to reduce the funding of public schools, it is clear that our country cannot afford to spend the billions of dollars a tuition tax credits program would cost. It is equally clear that to try to do so is to attempt to undermine a system that is fundamental to our national strength and greatness.

Our Nation has prospered under a system of free public schools open to all children of all races, religions, and economic backgrounds. A strong public education system is essential for preserving a free and democratic society. Tuition tax credit proposals are unwise and unfair. Once again it is the responsibility of the Congress to reject this bad idea.●

BUSINESSES IMPEDE RECOVERY BY RAISING CREDIT CARD RATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 10 minutes.

● Mr. ANNUNZIO. Mr. Speaker, though they keep saying that the only way that business will improve is if consumers begin spending money, businessmen are certainly not taking any steps to encourage them to do so. In fact, if recent events in Virginia are any indication, retailers are doing everything in their power to keep consumers from making purchases.

I am referring, of course, to the news that many major Virginia stores have decided to raise the interest rates they charge credit card customers. This new policy will start, not coincidentally, on the same day that a new Virginia law abolishing the State's usury ceiling goes into effect. Beginning April 1, 1983, Virginia residents will begin paying an annual percentage rate of 21 percent on their credit card purchases. This is a significant increase, as the present rate is 18 percent.

What is even more significant is that these retailers are raising their rates to consumers at just the time that the cost of funds is going down for them. The discount rate, the amount that the banks pay for their funds is 8.5 percent. That means that other interest rates should be going down. And for business they are. The prime rate, which is the amount that financial institutions charge their corporate customers who have good credit ratings, is 10.5 percent. Thus, while these retailers are able to borrow at 10.5 percent, they want consumers to pay 21 percent.

To me, a spread of 10.5 percent between what the retailers pay and what they charge is usurious. But these retailers know that because of the recession and unemployment, many Americans are not able to pay for all of their purchases with cash or pay off the entire credit card bill at the end of each month. They are also well aware of the fact that consumers are used to paying the high rates of the last couple of years. So, instead of lowering their fees to reflect today's interest rates, the retailers have simply chosen to increase their profits.

What has just happened to Virginia consumers is also a perfect example of what happens when States abolish their usury laws—interest rates immediately go up and consumers are the ones who suffer. Although those who support the removal of all usury laws insist that interest rates simply reflect market forces, recent events in Virginia illustrate that that is just not true. For while Virginia merchants are reaping the rewards of a favorable borrowing market for business, they are not passing the savings on to consumers.

One thing is certain. If American business expects the consumer to lead this country out of the recession, it

had better think about providing an atmosphere in which people can afford to spend money. It is quite clear that business has not yet done so. Things are still slow in the retail industry, and they will remain so until businesses start to do something about it—like, for example, reducing the artificially high cost of credit.●

THE COPPER INDUSTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. UDALL) is recognized for 5 minutes.

Mr. UDALL. Mr. Speaker, I am introducing today two bills relating to copper. America's copper industry is in trouble. Some might say it is fighting for survival.

Last year, the domestic copper industry suffered a severe and possibly crippling setback as demand, production, prices, and profitability all fell sharply. Demand for refined copper fell about 11 percent, to 1.98 million tons—the lowest level since the recession of 1975. Declining demand caused prices to fall well below domestic production costs. Prices last June fell to 58 cents a pound on the London Metals Exchange, down from an average of 79 cents in 1981 and 96 cents in 1980. For most of the year, domestic copper prices remained well below the cost of production, which ranges from $0.80 to $1.20 a pound. In the face of such weak demand and prices, primary copper production in this country fell to 1.28 million tons, the lowest level in 15 years.

In my State of Arizona, which produces 67 percent of the Nation's copper, about 60 percent of a copper work force of 21,000 was laid off. Nationally, about 90 percent of the work force was laid off or furloughed.

For many States, the health of the copper industry is a matter of major concern. In years past, the copper industry has accounted for one out of every $11 of personal income received by Arizona residents. Other States like Utah, Montana, and New Mexico are similarly dependent on copper.

Copper's importance, however, goes far beyond its economic value to the Nation. Copper is an important strategic metal due to its varied uses in military hardware and equipment. Its strategic significance makes it imperative that we maintain a ready reserve of domestic copper. A recent Commerce Department report noted that the "United States has probably lost production capacity" as a result of the recent shutdowns. The same report concluded that "spot shortages of copper would occur by 1987 if the United States and the industrialized world enter an active expansionary phase," and "serious domestic copper shortages could occur by the mid-nineties" if development does not resume within the next 5 years.

Given the condition of the industry, the ongoing shrinkage of its capacity and the prevailing low prices for copper, it is only prudent that we take steps at this time to reduce our strategic vulnerability and to maintain a healthy and competitive copper industry.

And yet, at the present time, little is being done. The Federal Emergency Management Agency has set a national defense stockpile goal of 1 million tons. At the moment, however, the stockpile contains only 29,000 tons, less than 3 percent of the established goal.

In passing the continuing resolution, House Joint Resolution 559, last October, Congress approved language authorizing—but not requiring—the purchase of up to $85 million in copper stocks for the national defense stockpile. The Federal Energy Management Agency, however, reports that no action has been taken to buy copper. Nor are any purchases expected.

To correct this problem, I am introducing today legislation that will require the national defense stockpile purchase of $85 million of domestic copper—the full amount permitted under Public Law 97-276—within 12 months. At today's prices, the amount provided could finance the purchase of approximately 100,000 tons. Even this purchase, however, would still leave the national defense stockpile 871,000 tons short of the goal set by FEMA.

At the same time, we are introducing a second measure, a bill to establish an environmental equalization tax on imported copper. This bill is intended to foster fair competition in the copper industry and to preserve and protect the world's environment by encouraging foreign copper producers to adopt environmental measures substantially equivalent to those employed in the United States. To accomplish this, the bill would impose a duty on imported copper equal to the cost advantages enjoyed for foreign copper producers who are not subject to environmental regulations comparable to those in effect here.

All nations of the world should recognize a responsibility not to pollute the environment that we all must share. The Governments of the United States and of the copper-producing States within this country have faced up to this responsibility by imposing stringent air and water quality control laws and regulations, and domestic copper producers have responded by investing more than $1 billion in pollution control facilities. However, many foreign copper producers operate without regard to pollution of the environment, with minimal investment in control facilities and with resulting degradation of the world's atmosphere.

Moreover, foreign copper producers who are not subject to reasonable environmental standards save substantial costs and thereby obtain an extremely unfair competitive advantage over our domestic industry. It has been estimated that domestic producers spend up to 15 cents for each pound of copper they produce to comply with environmental regulations. This cost represents about one-sixth of the price at which copper can currently be sold in the U.S. market. The current copper duty of only 0.8 cent per pound affords domestic producers no significant protection against foreign producers with this enormous cost advantage.

Although the price of copper has increased slightly within the last few months, and domestic producers are gradually increasing production and reemploying some of the 12,000 to 15,000 workers previously laid off, this cost advantage enjoyed by some foreign producers is clearly unfair. Pollution of the world's environment should not be permitted to bring about a cost advantage to the polluters.

Further, it assures that our American markets will be a prime target for the dumping of foreign, low-priced surplus copper.

Having imposed costly environmental requirements on our own copper producers, we can do no less for them and their workers than to give them an opportunity to compete on an equal footing with foreign producers who are not subject to comparable regulations.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. JONES of North Carolina (at the request of Mr. WRIGHT), through April 18, 1983, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCKERNAN) to revise and extend their remarks and include extraneous material:)

Mr. LEACH of Iowa, for 60 minutes, today.

Mr. GREEN, for 60 minutes, on April 7.

(The following Members (at the request of Mr. WILLIAMS of Montana), to revise and extend their remarks and to include extraneous material:)

Mr. HANCE, for 10 minutes, today.

Mr. ANNUNZIO, for 10 minutes, today.

Mr. UDALL, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MCKERNAN), and to include extraneous matter:)

Mr. MCKINNEY.
Mr. CORCORAN.
Mr. LEWIS of California in two instances.
Mr. GRADISON.
Mr. GREEN in two instances.
Mr. MCCOLLUM in two instances.
Mr. HUNTER in two instances.
Mr. ERLENBORN.
Mr. KEMP.
Mr. BROOMFIELD.

(The following Members (at the request of Mr. WILLIAMS of Montana), and to include extraneous matter:)

Mr. HAMILTON.
Mr. FRANK.
Mrs. BOUQUARD.
Mr. MAVROULES.
Mr. DERRICK in two instances.
Mr. LEHMAN of California.
Mr. MINETA.
Mr. UDALL in three instances.
Mr. HOYER in two instances.
Mr. MAZZOLI.
Mr. EDWARDS of California in two instances.
Mr. MRAZEK.
Mr. MARKEY.
Mr. FLORIO in two instances.
Mr. APPLEGATE.
Mr. MATSUI in two instances.
Mr. WILLIAMS of Montana.
Mr. RODINO.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED

Bills and Joint Resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 653. An act to amend title 10, United States Code, to establish a Foundation for the Advancement of Military Medicine, and for other purposes; to the Committee on Armed Services.

S. 957. An act to provide for an increase in the number of members of the Congressional Award Board, and for other purposes; to the Committee on Education and Labor.

S.J. Res. 11. Joint resolution to authorize and request the President to designate the week of June 26, 1983, through July 2, 1983, as "National Safety in the Workplace Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 31. Joint resolution to authorize and request the President to designate April 23, 1983, as "Army Reserve Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 36. Joint resolution designating April 29, 1983, as "National Nursing Home Residents Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 43. Joint resolution to declare Baltic Freedom Day; to the Committee on Foreign Affairs and Post Office and Civil Service.

S.J. Res. 58. Joint resolution to authorize and request the President to designate May 25, 1983, as "Missing Children Day"; to the Committee on Post Office and Civil Service.

ENROLLED BILLS AND A JOINT RESOLUTION SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker pro tempore:

H.R. 2112. An act to extend by six months the expiration date of the Defense Production Act of 1950;

H.R. 2369. An act to prevent the temporary termination of the Federal Supplemental Compensation Act of 1982; and

H.J. Res. 175. Joint resolution to authorize and request the President to proclaim May 1983 as "National Amateur Baseball Month."

SENATE ENROLLED BILL AND JOINT RESOLUTION SIGNED

The SPEAKER pro tempore announced his signature to an enrolled bill and a joint resolution of the Senate of the following titles:

S. 926. An act to establish uniform national standards for the continued regulation, by the several States, of commercial motor vehicle width on interstate highways.

S.J. Res. 32. Joint resolution to provide for the designation of May 1983 as "National Arthritis Month."

BILLS AND A JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills and a joint resolution of the House of the following titles:

On March 24, 1983:

H.R. 1718. An act making appropriations to provide productive employment for hundreds of thousands of jobless Americans, to hasten or initiate Federal projects and construction of lasting value to the Nation and its citizens, and to provide humanitarian assistance to the indigent for fiscal year 1983, and for other purposes.

On March 25, 1983:

H.R. 2112. An act to extend by 6 months the expiration date of the Defense Production Act of 1950;

H.R. 2369. An act to prevent the temporary termination of the Federal Supplemental Compensation Act of 1982; and

H.J. Res. 175. Joint resolution to authorize and request the President to proclaim May 1983 as "National Amateur Baseball Month."

ADJOURNMENT

Mr. WILLIAMS of Montana. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 25 minutes p.m.) under its previous order, the House adjourned until Thursday, April 7, 1983, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXVI, executive communications were taken from the Speaker's table and referred as follows:

740. A letter from the Acting Secretary of Agriculture, transmitting the annual report on animal welfare enforcement for fiscal year 1982, pursuant to section 25 of the Animal Welfare Act, as amended; to the Committee on Agriculture.

741. A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to recover costs associated with Federal marketing agreements and orders, printed reports for cotton and tobacco market information and statistics, plant variety protection, and wool and mohair promotion programs; to the Committee on Agriculture.

742. A letter from the Secretary of the Interior, transmitting certification that an adequate soil survey and land classification has been made on additional lands to be served by the central Arizona project, and that the lands to be irrigated are susceptible to agricultural production by irrigation, pursuant to section 1 of the act of July 31, 1953; to the Committee on Appropriations.

743. A letter from the Chief of Legislative Affairs, Department of the Navy, transmitting notice of the Navy's intention to sell, under authority of the Arms Export Control Act, as amended, a naval vessel to the Government of Pakistan, pursuant to 10 U.S.C. 7307; to the Committee on Armed Services.

744. A letter from the Chief of Legislative Affairs, Department of the Navy, transmitting notice of the Navy's intention to sell, under authority of the Arms Export Control Act, as amended, a naval vessel to the Government of Uruguay, pursuant to 10 U.S.C. 7307; to the Committee on Armed Services.

745. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Army's proposed sale of certain defense articles to the Federal Republic of Germany and other NATO consortium nations (Transmittal No. 83-18), pursuant to 10 U.S.C. 133b; to the Committee on Armed Services.

746. A letter from the Deputy Assistant Secretary of Defense (Administration), transmitting a report on the financial condition and operating results of working capital funds of the Department of Defense for fiscal year 1982, pursuant to 10 U.S.C. 2208(i); to the Committee on Armed Services.

747. A letter from the Deputy Assistant Secretary of Defense (Installations), transmitting the defense design and construction report, pursuant to 10 U.S.C. 2861; to the Committee on Armed Services.

748. A letter from the Acting Assistant Secretary of the Army (Manpower and Reserve Affairs), transmitting a draft of proposed legislation to amend title 10, United States Code, to revise and standardize the provisions of law relating to the authority of the Secretaries of the military departments to order certain retired and other similarly situated members of the Armed Forces to active duty; to the Committee on Armed Services.

749. A letter from the Acting Assistant Secretary of the Army (Manpower and Reserve Affairs), transmitting a draft of proposed legislation to amend section 4349(a) of title 10, United States Code, to provide that the companies of the Corps of Cadets at the U.S. Military Academy may be commanded by commissioned officers of the Army, Navy, Air Force, or Marine Corps; to the Committee on Armed Services.

750. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the Navy's decision to convert to contractor performance the data entry function at the Naval Shipyard, Pearl Harbor, Hawaii, pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

751. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the Navy's decision to convert to contractor performance the laundry services function at the Naval Medical Command, Bethesda, Md., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

752. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the Navy's decision to convert to contract or performance the food service function at the Naval Aerospace Regional Medical Center, Pensacola, Fla., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

753. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to provide for increased participation by the United States in the Inter-American Development Bank and the Asian Development Bank; to the Committee on Banking, Finance and Urban Affairs.

754. A letter from the Deputy Secretary of the Treasury, transmitting a draft of proposed legislation to authorize appropriations for the Bureau of the Mint for fiscal year 1984, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

755. A letter from the Chairman, Federal Financial Institutions Examination Council, transmitting the Council's 1982 annual report, pursuant to section 1006(f) of Public Law 95-630; to the Committee on Banking, Finance and Urban Affairs.

756. A letter from the Chairman, National Credit Union Administration, transmitting the Administration's 1982 annual report, pursuant to section 102(d) of the Federal Credit Union Act, as amended; to the Committee on Banking, Finance and Urban Affairs.

757. A letter from the District of Columbia Auditor, transmitting a report on "Analysis of the FY 1984 operating budget submitted by the Board of Education," pursuant to section 455 of Public Law 93-198; to the Committee on the District of Columbia.

758. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-18, "Foster Care Goal Temporary Act of 1983," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

759. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-19, "Compulsory/No-Fault Motor Vehicle Insurance Act of 1982 Temporary Amendment Act of 1982," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

760. A letter from the District of Columbia Auditor, transmitting a report on "Annual Audit of the D.C. Lottery and Charitable Games Board," pursuant to section 455 of Public Law 93-198; to the Committee on the District of Columbia.

761. A letter from the Chairman, District of Columbia Retirement Board, transmitting the annual report of the District of Columbia Retirement Board, pursuant to section 145(b)(1) of Public Law 96-122; to the Committee on the District of Columbia.

762. A letter from the Secretary of Labor, transmitting a study of means to assist high unemployment groups, pursuant to section 4(d)(3) of the Fair Labor Standards Act, as amended; to the Committee on Education and Labor.

763. A letter from the Secretary of Education, transmitting a copy of the document "Application Notice for Transmittal of Applications for Fiscal Year 1983; Establishment of a Funding Priority and Regional Competitions" scheduled for publication in the Federal Register, pursuant to section 405 of Public Law 94-482; to the Committee on Education and Labor.

764. A letter from the Secretary of Education, transmitting notification of delay in meeting reporting requirements studies on the financing of public and private elementary and secondary education in the United States as required by section 1203 of the Education Amendments of 1978, and a schedule of when these requirements will be met; to the Committee on Education and Labor.

765. A letter from the Secretary of Education, transmitting the 1983-84 guaranteed student loan family contribution schedule, pursuant to section 9 of Public Law 97-301; to the Committee on Education and Labor.

766. A letter from the Chairperson, National Council on the Handicapped, transmitting the annual report of the National Council on the Handicapped pursuant to section 401(6) of the Rehabilitation Act of 1973, as amended; to the Committee on Education and Labor.

767. A letter from the Chief Executive Officer, National Commission on Student Financial Assistance, transmitting a study of procedures to eliminate the guaranteed student loan in-school interest subsidy, pursuant to Public Law 96-374; to the Committee on Education and Labor.

768. A letter from the Secretary of Commerce, transmitting draft of proposed legislation to extend the authorization for appropriations under the International Travel Act of 1961 through fiscal year 1984, and for other purposes; to the Committee on Energy and Commerce.

769. A letter from the General Counsel, Department of Energy, transmitting notice of meeting relating to the international energy program to be held in Washington, D.C., on March 31, 1983; to the Committee on Energy and Commerce.

770. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting a draft of proposed legislation to authorize the Federal Energy Regulatory Commission to collect fees and charges for services, benefits, privileges, and authorizations granted in administering its regulatory programs, and for other purposes; to the Committee on Energy and Commerce.

771. A letter from the Chairman and Chief Executive Officer, U.S. Railway Association, transmitting the Association's annual report for 1982 on the performance of the Consolidated Rail Corporation, pursuant to section 307(b) of the Regional Rail Reorganization Act of 1973, as amended; to the Committee on Energy and Commerce.

772. A letter from the Under Secretary of State for Security Assistance, Science and Technology, transmitting estimates and justification for annual arms sales program, pursuant to section 25(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

773. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Department of the Army's proposed lease of defense articles to Jordan (Transmittal No. 9-83), pursuant to section 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

774. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Army's proposed intention to offer to sell certain defense articles and services to the Federal Republic of Germany and other NATO consortium nations (Transmittal No. 83-18), pursuant to section 36(b) of the Arms Control Act; to the Committee on Foreign Affairs.

775. A letter from the Assistant Secretary of State for Congressional Relations, transmitting additional information on a previously proposed issuance of a license for the export and production of certain defense equipment by the Republic of Korea (Transmittal No. MC-9-83), pursuant to section 42(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

776. A letter from the Acting Assistant Legal Adviser for Treaty Affairs, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112(b); to the Committee on Foreign Affairs.

777. A letter from the Secretary of Labor, transmitting a report on the Department's activities under the Freedom of Information Act during calendar year 1982, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

778. A letter from the Administrator, Small Business Administration, transmitting a report on the agency's activities under the Freedom of Information Act during calendar year 1982, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

779. A letter from the Chairman, National Labor Relations Board, transmitting a report on the Board's activities under the Freedom of Information Act during calendar year 1982, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

780. A letter from the Director, Office of Personnel Management, transmitting a report on the agency's activities under the Freedom of Information Act during calendar year 1982, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

781. A letter from the Chairman, Federal Home Loan Bank Board, transmitting a report on the Board's activities under the Freedom of Information Act during calendar year 1982, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

782. A letter from the Chairman, Federal Maritime Commission, transmitting a report on the Commission activities under the Government in the Sunshine Act during calendar year 1982, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

783. A letter from the Chairman, Board of Governors, Federal Reserve System, transmitting a report on the Board's activities under the Government in the Sunshine Act during calendar year 1982, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

784. A letter from the Acting Director, Equal Employment Opportunity Commission, transmitting a report on the Commission's activities under the Government in the Sunshine Act during calendar year 1982, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

785. A letter from the Chairman, National Transportation Safety Board, transmitting a report on the Board's activities under the Government in the Sunshine Act during calendar year 1982, pursuant to 5 U.S.C. 552b (j); to the Committee on Government Operations.

786. A letter from the President, Federal Home Loan Mortgage Corporation, transmitting a report on the Corporation's activities under the Government in the Sunshine Act during calendar year 1982, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

787. A letter from the Inspector General, Department of Energy, transmitting the annual report of this office for calendar year 1982, pursuant to section 208(c) of Public Law 95-91; to the Committee on Government Operations.

788. A letter from the Vice President, Federal Land Bank of Columbia and Federal Intermediate Credit Bank of Columbia, transmitting the annual report of the farm credit retirement plan, Columbia District, for the plan year ended August 31, 1982, pursuant to section 121(a)(2) of the Budget and Accounting Procedures Act of 1950, as amended; to the Committee on Government Operations.

789. A letter from the Secretary of the Interior, transmitting the final report of the 3-year pilot visitor access transportation program, pursuant to section 305 of Public Law 95-344; to the Committee on Interior and Insular Affairs.

790. A letter from the Secretary of the Interior, transmitting notice of the receipt of an application for a loan under the Small Reclamation Projects Act of 1956 from the Oakdale Irrigation District, Calif., pursuant to section 10 of the act; to the Committee on Interior and Insular Affairs.

791. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to transfer the Appalachian development highway system to the Secretary of Transportation; to the Committee on Public Works and Transportation.

792. A letter from the Administrator, Veterans' Administration, transmitting a draft of proposed legislation to amend title 38, United States Code, to permit substitution of a veteran's housing loan entitlement when the veteran-transferee is not an immediate transferee; to the Committee on Veterans' Affairs.

793. A letter from the Administrator, Veterans' Administration, transmitting draft of proposed legislation to amend subsection 1008(a)(2) of title 38, United States Code, to authorize to be appropriated such sums as deemed appropriate for fiscal year 1985 and for each of the 4 succeeding fiscal years; to the Committee on Veterans' Affairs.

794. A letter from the U.S. Trade Representatives, transmitting a report covering the 6 months ended December 31, 1982, of the reviews and hearings arising from complaints of unfair trade practices by foreign governments, pursuant to section 306 of the Trade Act of 1974, as amended; to the Committee on Ways and Means.

795. A letter from the Deputy Secretary of the Treasury, transmitting a draft of proposed legislation to authorize appropriations for the U.S. Customs Service for fiscal years 1984-85; to the Committee on Ways and Means.

796. A letter from the Acting Assistant Secretary of the Interior, transmitting a draft of proposed legislation to withdraw and reserve for the Department of the Navy certain public lands within the Mojave "B" Ranges, San Bernardino County, Calif., for use as a training and weapons testing area, and for other purposes; jointly, to the Committees on Armed Services and Interior and Insular Affairs.

797. A letter from the Acting Assistant Secretary of the Interior, transmitting a draft of proposed legislation to withdraw and reserve for the Department of the Army certain public lands within the Fort Greely maneuver area, in the Big Delta area, Alaska, and certain public lands within the Fort Greely air drop zone, in the Granite Creek area, Alaska, for use as training and equipment development areas, and for other purposes; jointly, to the Committees on Armed Services and Interior and Insular Affairs.

798. A letter from the Acting Assistant Secretary of the Interior, transmitting a draft of proposed legislation to withdraw and reserve for the Department of the Army certain public lands within the Fort Wainwright maneuver area, Fourth Judicial District, Alaska, for use as a training and weapons testing area, and for other purposes; jointly, to the Committee on Armed Services and Interior and Insular Affairs.

799. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to withdraw and reserve for the Department of the Air Force certain public land within the Luke Air Force range, Maricopa, Pima, and Yuma Countries, Ariz., for use as a training and weapons testing area, and for other purposes; jointly, to the Committee on Armed Services, Interior and Insular Affairs, and Merchant Marine and Fisheries.

800. A letter from the Chairman, Federal Home Loan Bank Board, transmitting the fourth annual report of the Board on its activities under section 18(f) of the Federal Trade Commission Act; jointly, to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

801. A letter from the Chairman of the Board, U.S. Synthetic Fuels Corporation, transmitting the quarterly report of the Corporation for the period ended December 31, 1982, pursuant to section 177(c) of Public Law 96-294; jointly to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

802. A letter from the Comptroller General of the United States, transmitting a report on changes that are needed to assure accurate and valid wheat deficiency payments (RCED-83-50, March 29, 1983); jointly, to the Committees on Government Operations and Agriculture.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. APPLEGATE (for himself, Mr. MONTGOMERY, Mr. HAMMERSCHMIDT, Mr. MCEWEN, and Mr. HEFNER):

H.R. 2391. A bill to amend title 38, United States Code, to increase the rate of disability compensation for disabled veterans, to increase the rate of dependency and indemnity compensation for survivor spouse and children, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. APPLEGATE (by request):

H.R. 2392. A bill to amend title 38, United States Code, to modify the rule for the effective date of certain adjustments in compensation in the case of hospitalized veterans; to the Committee on Veterans' Affairs.

H.R. 2393. A bill to amend title 38, United States Code, to include within the definition of "child" for purposes of veterans' benefits any adopted child of a veteran who becomes permanently incapable of self-support before the age of 18; to the Committee on Veterans' Affairs.

H.R. 2394. A bill to amend title 38, United States Code, to add the disease lupus erythematosis to the list of chronic diseases that are considered to be service connected for purposes of veterans' benefits if occurring within 1 year from the date of a veteran's separation from service; to the Committee on Veterans' Affairs.

By Mr. BREAUX (for himself and Mr. FORSYTHE):

H.R. 2395. A bill to extend the Wetlands Loan Act; to the Committee on Merchant Marine and Fisheries.

By Mr. EMERSON:

H.R. 2396. A bill to increase the percentage of national forest revenues payable to the States in which such forests are situated, and for other purposes; jointly, to the Committees on Agriculture and Interior and Insular Affairs.

By Mr. ERLENBORN:

H.R. 2397. A bill to improve the educational achievement of educationally deprived children by expanding opportunities for their parents to choose schools that best meet their needs, to foster diversity and competition among school programs for educationally deprived children, to increase private sector involvement in providing educational programs for educationally deprived children, and for other purposes; to the Committee on Education and Labor.

By Mr. FAZIO:

H.R. 2398. A bill to amend title 18, United States Code, to require the U.S. Parole Commission and the Bureau of Prisons to provide routinely to State and local law enforcement agencies certain information regarding individuals who are released from Federal penal institutions before the termination of their sentences, and for other purposes; to the Committee on the Judiciary.

By Mr. FRENZEL (for himself and Mr. DORGAN):

H.R. 2399. A bill to amend the Internal Revenue Code of 1954 to provide special rules for the application of section 4943 of the Internal Revenue Code of 1954 to any private foundation the principal asset of which is a bank holding company; to the Committee on Ways and Means.

By Mr. GRADISON:

H.R. 2400. A bill to require that programs financed through the Federal Financing Bank be included in the Federal budget, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs and Ways and Means.

By Mr. HANCE:

H.R. 2401. A bill to amend the Internal Revenue Code of 1954 to restore prior law with respect to the rate of the tax on the use of heavy trucks and trailers; to the Committee on Ways and Means.

By Mr. MCKERNAN (for himself, Mr. DONNELLY, Mrs. SCHNEIDER, Ms. MIKULSKI, Mr. TAUZIN, Mrs. BOXER, Mr.

OBERSTAR, Mr. BATEMAN, Mr. MAVROULES, and Mrs. BOGGS):

H.R. 2402. A bill to authorize appropriations for the maritime construction differential subsidy for fiscal year 1984, to promote a strong U.S. merchant marine, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. MCKINNEY:

H.R. 2403. A bill to protect the rights of individuals guaranteed by the constitution of the United States and to prevent unwarranted invasion of their privacy by prohibiting the use of polygraph equipment for certain purposes; jointly, to the Committees on the Judiciary and Education and Labor.

By Mr. MATSUI:

H.R. 2404. A bill to amend title 18, United States Code, to modify certain procedures applicable to parole determinations, to require the U.S. Parole Commission to make available to State and local law enforcement agencies certain information regarding parolees, and for other purposes; to the Committee on the Judiciary.

By Mr. MATSUI (for himself and Mr. FAZIO):

H.R. 2405. A bill to amend titles IV and XVI of the Social Security Act to prohibit fugitive felons from receiving aid or assistance under the AFDC and SSI programs; to the Committee on Ways and Means.

By Mr. MATSUI (for himself, Mr. WHITEHURST, Mr. BATEMAN, Mrs. BOGGS, Mr. FAZIO, Mr. HUTTO, Mr. JONES of North Carolina, Mr. SISISKY, and Mr. THOMAS of Georgia):

H.R. 2406. A bill to amend the Internal Revenue Code of 1954 to establish a nationally uniform deep-draft vessel tax for the purpose of financing operations and maintenance of deep-draft commercial channels and harbors; to fund a percentage of new channel improvements; and to provide an expedited procedure for the permitting of navigation improvement projects and related landside facilities in deep-draft ports, and for other purposes; jointly, to the Committees on Public Works and Transportation and Ways and Means.

By Mr. RINALDO:

H.R. 2407. A bill to amend the Solid Waste Disposal Act to modify the criminal sanctions applicable with respect to hazardous waste, and for other purposes; to the Committee on Energy and Commerce.

H.R. 2408. A bill to prevent the retroactive assessment of certain deficiencies in the case of employees of the Panama Canal Zone Government or of the Panama Canal Company; to the Committee on Ways and Means.

H.R. 2409. A bill to require the enactment of special legislation to continue the expenditure or obligation of funds on any major civil acquisition whenever the cost of such acquisition has increased or, on the basis of estimates, will increase by 25 percent or more; to the Committee on Government Operations.

By Mrs. SCHROEDER (for herself, Mrs. KENNELLY, Ms. FERRARO, Mrs. COLLINS, Ms. MIKULSKI, and Mr. BIAGGI):

H.R. 2410. A bill to require the head of each Federal administrative and executive agency to conduct a review of agency regulations, to rewrite current regulations with sex-based distinctions, and to refrain from promulgating future regulations which contain gender-based distinctions; to the Committee on the Judiciary.

By Mrs. SCHROEDER:

H.R. 2411. A bill to provide a procedure for automatic mandatory wage assignment of wages, income, and pensions for all Federal civilian employees for the purpose of paying court-ordered child support obligations; to the Committee on Post Office and Civil Service.

By Mr. UDALL (for himself and Mr. MCNULTY):

H.R. 2412. A bill to direct that domestic copper be purchased for the national defense stockpile; to the Committee on Armed Services.

H.R. 2413. A bill to increase the duty on imported copper by an amount which offsets the cost incurred by copper producers in the United States in meeting domestic environmental requirements; to the Committee on Ways and Means.

By Mr. WALGREN:

H.R. 2414. A bill to authorize appropriations for activities under the Federal Fire Prevention and Control Act of 1974, and for other purposes; to the Committee on Science and Technology.

H.R. 2415. A bill to amend section 7 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706) to extend authorizations for appropriations, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Science and Technology.

By Mr. WASHINGTON:

H.R. 2416. A bill to provide employment opportunities to long-term unemployed individuals in high-unemployment areas in conjunction with job training in occupations and skilled trades which are essential to rebuilding the national infrastructure or which are necessary to or related to defense preparedness; to the Committee on Education and Labor.

By Mr. WRIGHT:

H.R. 2417. A bill to amend the Internal Revenue Code of 1954 to encourage the training of elementary and secondary school teachers in the use of computers and to foster the contribution of computer equipment to elementary and secondary schools; to the Committee on Ways and Means.

By Mr. MCCOLLUM (for himself, Mr. HOPKINS, Mr. BOLAND, Mr. WILLIAMS of Ohio, Mrs. BOUQUARD, Mr. MATSUI, Mr. MCCURDY, Mr. MADIGAN, Mr. MORRISON of Washington, Mr. HUGHES, Ms. OAKAR, Mr. WOLF, Mr. PRITCHARD, Mr. ROE, Mr. CHANDLER, Mr. TAYLOR, Mr. VANDERGRIFF, Mrs. KENNELLY, Mr. LAGOMARSINO, Mr. SOLARZ, Mr. DANIEL B. CRANE, Mr. MARTIN of New York, Mr. O'BRIEN, Mr. FAUNTROY, Mr. MURTHA, Mr. HUTTO, Mr. HOWARD, Mr. FEIGHAN, Mr. WEISS, Mr. LEWIS of Florida, Mr. MURPHY, Mr. MACKAY, Mr. CHAPPELL, Mr. MONTGOMERY, Mr. DWYER of New Jersey, Mr. NEAL, Mr. LANTOS, Mr. DAUB, Mr. ROEMER, Mr. BONER of Tennessee, Mr. ROGERS, Mr. OBERSTAR, Mr. MYERS, Mr. BEVILL, Mr. WATKINS, Mr. STOKES, Mr. DOWDY of Mississippi, Mr. WEAVER, Mr. TORRICELLI, Mr. HAMMERSCHMIDT, Mr. BARNARD, Mr. SCHEUER, Mr. LUNGREN, Mr. BERMAN, Mr. DONNELLY, Mr. SAWYER, Mr. BROYHILL, Mr. FASCELL, Mr. BORSKI, Mr. HILER, Mr. PASHAYAN, Mr. ADDABBO, Mr. RINALDO, Mr. BARNES, Mr. MAZZOLI, Mr. MOLINARI, Mr. ALBOSTA, Mrs. MARTIN of Illinois, Mr. HYDE, Mr. FRANK, Mr. FORD of Tennessee, Mr. JACOBS, Ms. KAPTUR, Mr. OXLEY, Mr. CLINGER, Mr. MOODY, Mr. HOYER, Mr. ROTH, and Mr. STAGGERS):

H. Con. Res. 101. Concurrent resolution expressing the sense of the Congress that the people of the United States should observe the month of May 1983 as Older Americans Month; to the Committee on Post Office and Civil Service.

By Mr. RINALDO:

H. Res. 156. Resolution expressing the sense of the House of Representatives that the reduction in income tax to take effect on July 1, 1983, under the Economic Recovery Tax Act of 1981 should not be repealed or modified and the effective date of such reduction should not be postponed; to the Committee on Ways and Means.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

51. By the SPEAKER: Memorial of the Legislature of the State of Minnesota, relative to a fair dairy program, to the Committee on Agriculture.

52. Also, memorial of the Legislature of the State of North Dakota, relative to interest charged to farmers participating in the grain reserve program; to the Committee on Agriculture.

53. Also, memorial of the Legislature of the State of North Dakota, relative to interest rates; to the Committee on Banking, Finance and Urban Affairs.

54. Also, memorial of the Legislature of the State of North Dakota, relative to funding to States for facilities and services for handicapped persons; to the Committee on Education and Labor.

55. Also, memorial of the Legislature of the State of California, relative to Clear Air Act sanctions; to the Committee on Energy and Commerce.

56. Also, memorial of the Legislature of the State of California, relative to hazardous waste; to the Committee on Energy and Commerce.

57. Also, memorial of the Legislature of the State of New York, relative to domestic programs which create jobs; to the Committee on Government Operations.

58. Also, memorial of the Legislature of the State of North Dakota, relative to certain conditions of mutual concern confronting the reservation and nonreservations residents of the State; to the Committee on Interior and Insular Affairs.

59. Also, memorial of the Legislature of the State of Arkansas, relative to a constitutional amendment regarding Federal court jurisdiction over State penal facilities; to the Committee on the Judiciary.

60. Also, memorial of the House of Representatives of the State of Kansas, relative to speed limits on Kansas highways; to the Committee on Public Works and Transportation.

61. Also, memorial of the House of Representatives of the State of Arizona, relative to health care for Vietnam veterans exposed to agent orange; to the Committee on Veterans' Affairs.

62. Also, memorial of the Legislature of the State of Indiana, relative to tax withholding on interest and dividends; to the Committee on Ways and Means.

63. Also, memorial of the Legislature of the State of Nevada, relative to the withholding of income tax from interest and dividends; to the Committee on Ways and Means.

64. Also, memorial of the Legislature of the State of North Carolina, relative to a Federal tuition tax credit bill; to the Committee on Ways and Means.

65. Also, memorial of the Legislature of the State of North Dakota, relative to Federal tax incentives; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. KASTENMEIER introduced a bill (H.R. 2418) for the relief of Anis-Ur-Rahman; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 600: Mr. BARNES.

H.R. 904: Mr. BARNES, Mr. BEDELL, Mr. BIAGGI, Mr. BONIOR of Michigan, Mr. CARR, Mr. CORRADA, Mr. COYNE, Mr. DUNCAN, Mr. FAUNTROY, Mr. FAZIO, Mr. KASTENMEIER, Mr. KILDEE, Mr. MARKEY, Mr. MURPHY, Mr. OWENS, Mr. SEIBERLING, Mr. SMITH of Florida, Mr. VANDERGRIFF, and Mr. VENTO.

H.R. 912: Mr. BADHAM.

H.R. 991: Mr. DYSON.

H.R. 1035: Mr. WOLF, Mr. FAZIO, and Mr. WYDEN.

H.R. 1039: Mr. BARNES, Mr. CHAPPIE, Mr. CLAY, Mr. FAZIO, Mr. FRANK, Mr. HOWARD, Mr. KOGOVSEK, Mr. MCKINNEY, Mr. MADIGAN, Ms. MIKULSKI, Mr. RAHALL, Mr. RATCHFORD, Mr. ROE, Mr. SABO, Mr. SMITH of Florida, Mr. STOKES, Mr. VANDERGRIFF, Mr. WASHINGTON, Mr. WEISS, and Mr. YATES.

H.R. 1078: Mr. DYSON, Mr. FAZIO, and Mr. STUDDS.

H.R. 1092: Mr. GILMAN.

H.R. 1131: Mr. PORTER.

H.R. 1147: Mr. FORD of Tennessee, and Mr. RICHARDSON.

H.R. 1180: Mr. FOGLIETTA.

H.R. 1400: Mr. STUMP, Mr. MCEWEN, and Mr. WON PAT.

H.R. 1419: Mr. MCCURDY, Ms. MIKULSKI, Mr. BARNARD, Mr. CONTE, Mr. PARRIS, and Mrs. BOXER.

H.R. 1441: Mr. DURBIN and Mr. FEIGHAN.

H.R. 1510: Mr. ERLENBORN.

H.R. 1544: Mr. WEBER and Mr. HANSEN of Utah.

H.R. 1597: Mr. D'AMOURS, Mr. BEVILL, and Mr. RUDD.

H.R. 1604: Mr. FORD of Tennessee, Ms. MIKULSKI, Mr. BOUCHER, Mr. MONTGOMERY, Mr. GOODLING, Mr. HEFNER, Mr. LONG of Louisiana, and Mr. DUNCAN.

H.R. 1643: Mr. TALLON, Mr. THOMAS of Georgia, Mr. MOAKLEY, Mr. AKAKA, Mr. CARPER, Mr. SUNIA, Mr. TOWNS, Mr. MATSUI, Mr. HATCHER, Mr. LEHMAN of Florida, Mr. DOWNEY of New York, Mr. MAVROULES, Mr. HORTON, Mr. HERTEL of Michigan, Mr. AUCOIN, Mr. FRANK, Mr. BATEMAN, Mr. SMITH of Florida, Mr. MARKEY, Mr. HEFTEL of Hawaii, Mr. EDGAR, Mr. HUTTO, Mr. WYDEN, Mr. CORRADA, Mr. DONNELLY, Mrs. BOGGS, Mr. GINGRICH, Mr. MOODY, Mr. HUGHES, Mr. OBERSTAR, Mr. DAVIS, Mr. BOSCO, Mr. WILSON, Mr. CARR, Mr. MCHUGH, Mr. LAFALCE, Mr. MONTGOMERY, Mr. FOLEY, Mr. KASTENMEIER, Mr. HOWARD, Mr. ORTIZ, Mr. ROBERT F. SMITH, Mr. NOWAK, Mr. MRAZEK, Mr. BREAUX, Mrs. BOXER, Mr. BARNARD, Mr. WEAVER, Mrs. SCHNEIDER, Mr. CHANDLER, Mr. DYSON, Mr. LUNDINE, Mr. IRELAND, Mr. GEJDENSON, Mr. FAZIO, Mr. WYLIE, and Mr. MCKERNAN.

H.R. 1691: Mr. VANDERGRIFF and Mr. BADHAM.

H.R. 1720: Mr. BOUCHER, Mrs. BOXER, Mr. COYNE, Mr. DWYER of New Jersey, Mr. EDGAR, Ms. KAPTUR, Mr. LEVIN of Michigan, Mr. MATSUI, Mr. MCNULTY, Mr. MITCHELL, Mr. MRAZEK, Mr. NEAL, and Mr. WISE.

H.R. 1797: Mr. DOWNEY of New York, Mr. LEVINE of California, and Mr. SWIFT.

H.R. 1883: Mr. CONTE, Mr. MOAKLEY, Mr. LEHMAN of California, Mr. DONNELLY, and Mr. MCKINNEY.

H.R. 1984: Mr. YATRON, Mr. LEVINE of California, Mr. ROYBAL, Mr. MINETA, Mr. PATTERSON, Mr. WOLF, Mr. COUGHLIN, Mr. NIELSON of Utah, Mr. COURTER, Mr. GREGG, Mr. ROEMER, Mr. WORTLEY, Mr. COLEMAN of Texas, Mr. DOWDY of Mississippi, Mr. DICKS, Mr. LIPINSKI, Mr. NOWAK, Mr. GILMAN, Mr. HAMMERSCHMIDT, Mr. ROWLAND, Mr. FORD of Tennessee, Ms. MIKULSKI, Mr. WYDEN, Mr. REID, and Mr. WRIGHT.

H.R. 2053: Mr. PARRIS, Mr. CORRADA, and Mr. REID.

H.R. 2124: Mr. HANCE, Mr. THOMAS of California, Mr. VANDER JAGT, Mr. GRADISON, Mr. MARTIN of North Carolina, Mrs. MARTIN of Illinois, Mr. STANGELAND, Mrs. SCHNEIDER, Mr. SHUSTER, Mr. SPENCE, Mr. HARTNETT, Mr. TALLON, Mr. BROYHILL, Mr. HILLIS, Mr. SUNIA, Mr. FORSYTHE, Mr. EMERSON, Mr. KINDNESS, Mr. HUGHES, Mr. ROWLAND, Mr. GINGRICH and Mr. BONER of Tennessee.

H.R. 2171: Mr. WEISS.

H.R. 2207: Mr. BIAGGI, Mrs. BOXER, Mr. CORRADA, Mr. COYNE, Mr. CROCKETT, Mr. FRANK, Mr. GUARINI, Ms. MIKULSKI, Mr. MINETA, Mr. MORRISON of Connecticut, Mr. OWENS, Mr. PORTER, Mr. ROSE, Mr. SMITH of Florida, Mr. SOLARZ, Mr. STOKES, and Mr. WEISS.

H.R. 2236: Mr. CORCORAN, Mr. HUGHES, Mr. MINETA, and Mr. WIRTH.

H.J. Res. 103: Mr. CORCORAN.

H.J. Res. 136: Mr. FAZIO and Mrs. SCHNEIDER.

H.J. Res. 153: Mr. DIXON, Ms. MIKULSKI, Mr. MINETA, Mr. LEVITAS, Mr. BONIOR of Michigan, and Mr. MILLER of California.

H.J. Res. 220: Mr. SHELBY, Mr. DYMALLY, Mr. PATTERSON, Mr. OBERSTAR, Mr. MADIGAN, Ms. OAKAR, Mr. HAMMERSCHMIDT, Mr. PURSELL, Mr. DWYER of New Jersey, Mr. VANDERGRIFF, Mr. FROST, Mr. O'BRIEN, Mr. SOLARZ, Mr. SILJANDER, Mr. SUNIA, Mr. HOWARD, Mr. FORD of Tennessee, Mr. MILLER of California, Mr. MURPHY, Mr. BERMAN, Mr. WORTLEY, Mr. CHAPPELL, Ms. MIKULSKI, Mr. STOKES, Mr. TORRICELLI, Mr. FRANK, Mr. SCHEUER, Mr. GORE, Mr. LEHMAN of Florida, Mrs. BOXER, Mr. BARNES, Ms. KAPTUR, Mr. RAHALL, Mr. CORRADA, Mr. HOYER, and Mr. BEVILL.

H. Con. Res. 39: Mr. MATSUI, Mr. RAHALL, Mr. DE LA GARZA, Mr. MCEWEN, Mr. EVANS of Illinois, and Mr. MINETA.

H. Con. Res. 75: Mr. REID, Mr. WEAVER, Mr. ORTIZ, Mr. GUARINI, Mr. STOKES, Mr. EDWARDS of California, Mr. LEVINE of California, Mr. HUGHES, Mr. ALBOSTA, Mrs. BOGGS, Mr. MCGRATH, and Mr. MARTIN of New York.

H. Con. Res. 98: Mr. BADHAM, Mr. KASICH, Mr. BATEMAN, Mr. CORCORAN, and Mr. KEMP.

H. Res. 46: Mr. TOWNS, Mr. SABO, Mr. DASCHLE, Mr. FOGLIETTA, and Mr. FORD of Tennessee.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

57. By the SPEAKER: Petition of the City Council, Houston, Tex., relative to Clean Air Act sanctions; to the Committee on Energy and Commerce.

58. Also, petition of the Board of Commissioners, Washington County, Minn., relative to halting the arms race; to the Committee on Foreign Affairs.

59. Also, petition of R. A. Miller, et al., Wisconsin, relative to the salary increases of certain Federal executives; to the Committee on Post Office and Civil Service.

60. Also, petition of the Clear Creek Drainage District, Friendswood, Tex., relative to the construction of the Corps of Engineers flood control project for the area; to the Committee on Public Works and Transportation.

61. Also, petition of the Danube Swabian Association of the U.S.A., Inc., Fort Lee, N.J., relative to the most-favored-nation treatment of the Socialist Republic of Romania; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

COMPENSATORY EDUCATION VOUCHER PLAN

HON. JOHN N. ERLENBORN
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 1983

● Mr. ERLENBORN. Mr. Speaker, today I am pleased to introduce the administration's proposed education voucher plan for school districts which receive funds under chapter 1 of the Education Consolidation and Improvement Act of 1981. Although I have concerns about certain provisions of the bill, I feel that the proposal appears to have merit and should receive serious consideration by the Education and Labor Committee and the entire Congress.

Entitled the "Equal Education Opportunity Act," this bill is intended to introduce some market incentives into the elementary and secondary education system of this Nation and to give the parents of disadvantaged children some choice in selecting the most appropriate education for their children. As Education Secretary Bell has pointed out:

> When more parents are able to exercise effective choice—through vouchers or through tuition tax credits—schools will begin to compete for their enrollment and the ultimate result will be an improvement in the education of public and private school students alike.

There is a consensus that participation in the chapter 1 program leads to statistically significant but modest academic improvement. Studies of the sustaining effects of participation tend to find that the long-term gains are small at the best. Clearly the program has not reached a stage where it is beyond improvement. This proposal will increase parental choice in the education of disadvantaged children, expanding the range of public and private schools these parents can choose for their children to attend. Parents of disadvantaged children would be able to choose the school which best provides the education they desire. Under this proposal, schools, public and private, will have to seek to comply with the desires of these parents in order to attract their children and accompanying voucher funds.

The bill provides that voucher payments do not constitute Federal financial assistance to schools or school districts. However, the bill prohibits use of a voucher at private schools that discriminate on the basis of race, color, or national origin.

The proposed vouchers will have no impact on the Federal budget but will merely create an option to use funds already allocated for the chapter 1 program for disadvantaged students.

The bill is designed to work as follows: A local educational agency (LEA) would be given the option of converting all or part of its chapter 1 compensatory education program to a voucher program. Participation might be limited to students in certain grades, or certain schools, or the program might be phased in over time. In addition, a State educational agency would be permitted to require that all LEA's within the State implement the voucher option. Chapter 1 funds would continue to be distributed to the local districts under the current program fromula.

In a district that implements the voucher option, parents of educationally deprived children selected for participation in the voucher program would receive a voucher equal to the amount of chapter 1 funds received by the district divided by the number of students in the district selected for participation in chapter 1. The voucher could then be used for participation by the child in a compensatory education program operated within the school district, for enrollment at a private school, or for enrollment at a public school located outside the local district.

While I applaud this proposal and feel that it deserves serious consideration by Congress, I naturally have certain questions and reservations which I feel need to be addressed in detailed committee hearings. We need to hear from parents, teachers, and school administrators from the local and State levels. I know that the administration would agree that Congress should not consider a major change in this well established education program without a thorough public examination of all of the consequences of the proposal.

I will be anxious to question officials about the potential administrative burdens such a system might entail as well as the potential increase in administrative costs associated with a voucher plan. I will be also interested in learning how local school boards view the governance issue involved in the provision of the bill which allows a State legislature to require all local school systems to offer vouchers.

These are just a few of the questions which must be addressed in the committee hearings. However, I applaud the effort by this administration to improve the education system in this Nation. By raising the issue of marketplace competition in our public education system, a fresh debate and dialog can now begin. I feel that the results of this process will only serve to benefit our Nation's children as we thoroughly examine our current compensatory education program and seek ways to improve it.

Following is a section-by-section analysis of the Equal Educational Opportunity Act of 1983:

EQUAL EDUCATIONAL OPPORTUNITY ACT OF 1983

SECTION-BY-SECTION ANALYSIS

Section 2. Section 2 of the bill sets forth congressional findings and the purpose of the bill. Subsection (a) includes findings that significant improvements in the educational achievement of educationally deprived children can be accomplished by expanding the opportunities for parents of these children to choose schools that best meet the children's needs, fostering diversity and competition among school programs for educationally deprived children, and increasing private sector involvement in providing educational programs for educationally deprived children.

Subsection (b) sets forth the purpose of the bill to authorize use of funds under Chapter 1 of Education Consolidation and Improvement Act of 1981 (ECIA) for vouchers which parents of educationally deprived children may use to pay for educational programs and services for these children.

Section 3. Section 3 of the bill would amend Chapter 1 of the ECIA to authorize educational voucher programs. Subsection (a) would add new sections 559 and 560 to Chapter 1. Under section 559(a), Chapter 1 payments to local educational agencies (LEAs) would be available for programs in which parents of educationally deprived children use vouchers to pay for enrolling these children at private schools or at public schools located outside of the school district in which the children reside or, in the case of children enrolled in the public schools of such district, for compensatory education programs. Under section 559(b), a State educational agency could require all LEAs within its State to conduct educational voucher programs with their Chapter 1 funds. If it did not do so, LEAs would have discretion to use their Chapter 1 funds for educational voucher programs.

Section 559(c)(1) would provide for the distribution of vouchers to parents of educationally deprived children selected by the LEA on the same basis that these children are selected for Chapter 1 projects in the absence of an educational voucher program. Subject to any State requirements, LEAs would have discretion to distribute vouchers to all or some of these parents. For example, vouchers might be distributed to parents of Chapter 1 children at particular grade levels, to such parents who specifically request vouchers, or to particular groups of such parents on a phased-in basis. Under

subsection (c)(2), a parent could use a voucher to pay for enrolling the Chapter 1 child as a full-time student at a private school or at a public school located outside of the school district in which the child resides or, in the case of a child enrolled in a public school within such district, for Chapter 1 compensatory services provided by the LEA designed to meet the special educational needs of the child.

The bill would not limit the extent of an LEA's authority under Chapter 1 to decide what compensatory programs and projects to offer for Chapter 1 children who remain in the school district. In addition, with respect to these children, LEA's would have broad discretion in managing voucher funds in relationship to compensatory services. For example, LEA's might elect not to calculate the costs of compensatory services provided to each Chapter 1 child, provided that all Chapter 1 funds were used for proper purposes. Voucher recipients who elect to keep their children within the school district would use their vouchers to choose for such children among the compensatory programs offered by the LEA.

Section 559(c)(3) would provide for the LEA or school that received a voucher from a parent to redeem it for Chapter 1 funds. The voucher supports the choice by the parent of a school or of an LEA's compensatory services. No provision is made in the bill for return of the voucher or any part thereof or for the issuance of an additional voucher to a parent who uses the voucher to enroll his child in a school and subsequently withdraw the child from the school. Also, the bill does not require an LEA to provide Chapter 1 services to a child residing within its district who drops out of a private school or a public school of another school district, after his parent had provided Chapter 1 voucher to such school, and returns to the LEA's schools. This is a matter left to the discretion of the LEA.

Under section 559(c)(3), the amount of Chapter 1 funds paid in exchange for the voucher would be equal to the amount of Chapter 1 funds that the LEA administering the voucher program plans to expend (minus funds necessary for program administration) divided by the number of children selected by the LEA for participation in Chapter 1. At the time that an LEA estimated the number of children to participate in Chapter 1 for purposes of its application to the SEA, it might establish an estimated voucher value to facilitate planning by parents. That estimated voucher value subsequently would be adjusted according to the number of children selected.

Section 559(d) would require LEA's to provide Chapter 1 programs and projects to meet the special educational needs of children of parents who decide to use the vouchers for such programs and projects and of Chapter 1 children whose parents do not receive vouchers. These programs and projects would be subject to supplement—not—supplant and comparability requirements in section 558 of Chapter 1. In addition, the maintenance of effort requirement in section 558(a) would continue to be a condition for the receipt of any Chapter 1 allocations by the LEA.

Section 559(e) would provide simplified application requirements for voucher programs. These provisions would not require an LEA to submit two applications; one for its voucher program, and one for other Chapter 1 activities. Rather, these requirements would be in lieu of an application under section 556 if the LEA used all of its Chapter 1 funds for a voucher program; or they could be met as part of a section 556 application for that part of the Chapter 1 program administered as a voucher program. Section 559(f) would provide that voucher payments by an LEA to another LEA or private school shall not constitute Federal financial assistance to the LEA or school receiving such payments and that use of funds received in exchange for a voucher by a private school or by a public school outside the district in which the child resides does not constitute a program or activity receiving Federal financial assistance. Section 559(g) defines terms used in the section, including a broader definition of "private school" than that which would apply to the rest of ECIA. Section 559(h) would make inapplicable to voucher payments certain Chapter 1 provisions concerning project services to meet the special educational needs of educationally deprived children.

Under the new section 560 of ECIA, no private elementary or secondary school that follows a racially discriminatory policy may redeem a voucher for Chapter 1 funds. Section 560 includes provisions similar to those in the Administration's tuition tax credit bill defining a racially discriminatory policy and providing for enforcement by the Attorney General through declaratory judgment proceedings bought in district courts of the United States.

Section 3(b) of the bill would make technical amendments to Chapter 1 provisions concerning equitable participation to private school children in Chapter 1 programs. These amendments would clarify that a decision by an LEA to conduct a voucher program would not exempt it from these requirements.

Section 3(c) of the bill would amend Section 558 of the ECIA to provide that the prohibition of supplanting does not apply to tuition payments made under the voucher program to a private school or to a public school located outside of the district in which the child resides. Under this provision, for example, there would be no supplanting violation in providing a voucher for tuition payments to a private school that the Chapter 1 child would have attended in the absence of Chapter 1 funds. Also, under proposed section 558(f), tuition payments to a private school or to a public school located outside of the district in which the child resides would not subject such private or public school, or the LEA for such public school, to maintenance of effort, supplement-not-supplant, or comparability requirements in section 558.

Section 4. Section 4 of the bill would amend the Internal Revenue Code of 1954 to require the Treasury Department to provide to the Department of Justice information relevant to investigations concerning whether a private school is following a racially discriminatory policy.

Section 5. Section 5 of the bill contains a conforming amendment concerning the declaratory judgment remedy related to enforcement against private schools following a racially discriminatory policy.

Section 6. Section 6 of the bill would make the amendments made by the bill effective July 1, 1984.●

SOCIAL SECURITY: REFORM AT LAST

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 1983

● Mr. MATSUI. Mr. Speaker, this body recently approved legislation to insure the long-term financial stability of the social security system. The resolution of this problem required Members to cast a number of difficult votes. In recognition of this accomplishment, I would like to share a Sacramento Bee editorial with my colleagues today, which captured precisely the significance of our action:

SOCIAL SECURITY: REFORM AT LAST

It's amazing what Congress is capable of doing when it finally concludes it has no other choice. After nearly two years of partisan finger-pointing and doom-saying about the plight of the ailing Social Security system; it acted with admirable dispatch and bipartisan spirit to put the system's retirement fund in the black for many years to come. Whether this repair job will be good for 75 years, as the Reagan administration and congressional sponsors insist, remains to be seen, but an essential and unpopular job has been done.

By biting the toughest bullet of all—mandating an increase in the retirement age beginning in the next century and reaching 67 years by the year 2027—Congress was able to fashion a compromise that distributes both the pain and the benefits about as evenly as any political body could have done. Two other changes also took considerable courage: imposing, for the first time, an income tax on half of retirement benefits above a moderately affluent income level, and bringing new federal employees hired after next Jan. 1 into the system.

Before Congress acted, the retirement fund (officially, old age and survivors insurance) was literally broke and was borrowing from the Medicare (hospital insurance) fund to meet its monthly pension check commitments, Ironically, the Medicare fund will need major surgery itself before the decade is out. Even with the new "prospective payments" plan incorporated in the recent reform package—by which hospitals will receive fixed payments for 467 categories of treatment rather than the actual costs now billed—the fund is expected to go deeply into the red within a few years.

Bringing federal workers, who have their own more generous retirement plan, under Social Security was done over vehement objections by employee and pensioner groups. Many of those objections were uninformed or deliberately misleading: Congress has made it clear it will create a supplementary retirement plan to insure that government pension benefits are not reduced. And to continue funding the existing civil service pension plan for those workers not affected by the changeover, the Treasury will continue to subsidize about five-sixths of benefit payments to a system that never was self-supporting.

It was only six years ago that Congress imposed higher payroll tax rates that were designed to make the system sound well into the next century. But that change failed to anticipate the inflation and recession that caused benefit payments to soar as tax reve-

nues fell. The new plan has a built-in stabilizer to prevent that from happening by pegging cost-of-living increases to wage levels, rather than prices, when revenue levels fall. Moreover, the 1977 adjustments attempted nothing so far-reaching as taxing benefits or raising the retirement age, the latter a move that will save billions every year when it is fully implemented in the next century.

For the first time, the Social Security system has been truly reformed, and in a way that, by making reasonable cuts in benefits to today's older generation, raises some of the burden from younger workers. It also holds out the promise that those young people now financing their elders' retirement can reasonably expect their sacrifices to be made good by a system now far more likely to survive.●

THE GATEWAY TO MEXICO

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 1983

● Mr. HUNTER. Mr. Speaker, I am here today to honor the city of Calexico which will celebrate its diamond anniversary on April 16, 1983. Incorporated in 1908, this southern California city has flourished for 75 years to become the second largest city in the lush Imperial Valley. Located on the California-Mexico border, Calexico has accordingly been named "The Gateway to Mexico."

Calexico, founded in 1900 when surveyors working on the project for diverting water from the Colorado River to thirsty southern California located a working camp there, got its name from Mr. L. H. Holt. Mr. Holt combined the words California and Mexico to produce Calexico on the U.S. side of the border and Mexicali, Calexico's recently proclaimed sister city in Mexico.

Today Calexico has grown to a community of more than 14,000 people and it promises to continue to grow. Indeed, industrial development will spur that growth; Calexico has begun the development of a 66-acre industrial park. This park's location offers access to all major western markets from the Calexico International Airport, railroads, as well as major State and interstate highways.

Calexico can also boast of its growth in the educational field; the Imperial Valley campus of San Diego State University provides a strong liberal arts curriculum in addition to several professional programs, including administration, law enforcement, teaching, and human services.

Mr. Speaker, I am glad to have this opportunity to pay tribute to Calexico and all of its citizens. Mr. Holt probably could not have foreseen what Calexico has become, but thanks to the community's far-sightedness and hard work, we should all be able to project continued growth and prosperity for "The Gateway to Mexico."●

POETRY?

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 1983

● Mr. ACKERMAN. Mr. Speaker, last week I heard an interesting ditty,

By CBS's Charles Osgood of New York City.

It really made a lot of sense,

It had to do with nuclear defense.

His proposal is preposterous at best,

But no more so than all the rest.

So for my colleagues who like arms absurdity,

I am entering it in the RECORD for all posterity.

CHARLES OSGOOD. Newsbreak. Defense Secretary Weinberger said an interesting thing yesterday. He said it would be an enormous step for mankind if the Soviet Union were to develop a space-age nuclear defense system like the one President Reagan wants us to develop for the United States.

CASPAR WEINBERGER. I would hope and assume that the Soviets with all the work they have done and are doing in this field would develop, about the same time we did, the same kind of effective defense.

OSGOOD. Now, bear in mind that the idea of the American system would be to render Russian missiles useless for attacking the United States. So what you just heard the Secretary of Defense say, in effect, is that he hopes the Russians will develop a system that will make our American missiles useless for attacking them. Poetic justice, some might say. I don't know about the justice, but we'll go for the poetry in just a minute.

OSGOOD. If we do have a system, in the sweet
by and by,
That would knock an attacker right out of
the sky
So that incoming missiles just wouldn't
come in,
There'd be no sense for such an attack to
begin.
It may not be such an impossible dream,
Some laser perhaps or some particle beam
Might put up an invisible shield don't you
know
Like those toothpaste commercials from
long, long ago?
No nuclear weapons, whatever its yield
Could get through the Guard-all invisible
shield.
That's what President Reagan hopes we can
do,
And we're hoping the Russians will do the
same, too.
The Russian, Guardalski, the Kremlin then
uses
Would protect them from all of our Pershings and cruiser.
And there never could be any nuclear fuss
For we couldn't hurt them and they
couldn't hurt us.
So with nuclear missiles quite useless in
war,
There'd be simply no reason to build any
more,
And then we might find, or so some people
teach,
True disarmament somewhat more easy to
reach.
Although folks who make weapons, whatever the store of,
Do not like to stop but to keep making more
of
Whatever it is and wherever they're hidden,
Ad infinitum or ad Armageddon.
But now comes a perceptive and very smart
chap,
Defense leader Weinberger, whose friends
call him "Cap,"
And if what Mr. Weinberger says is quite
true,
If he does want the Russians to do what we
do
And develop a system a whole lot like ours
To make use both mutually self-cancelling
powers,
Then think of the saving and building expense
If we build the thing jointly, doesn't that
make sense?
Though the reasons for working together
are strong,
It does not seem too likely that they'd go
along;
And if Russia should somehow comply with
our wishes,
Then some people here would get very suspicious.
But we could pool our funds for such
projects as these
And farm out the job to the good Japanese.
In the Kremlin and Pentagon they might go
berserk,
But the Guard-all might stand at least some
chance to work.
Or like projects America's done in the past,
Like the A-bomb we thought of and brought
along fast
Or the time that we landed those men on
the moon,
We might make this Guard-all thing come
alive soon.
The Russians wouldn't love it, in my bones I
just feel it.
If only we worked it out so they could steal
it:
We could let the most secret parts leak out
somehow
With security sort of like what we have now
And the Soviet leaders, with their Byzantine flair,
Would love thinking they'd stolen the thing
fair and square.
And we'll both live and romp in Elysian
Fields
Safe and secure 'neath invisible shields.●

SENATOR EDWARD P. THOMAS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 1983

● Mr. HOYER. Mr. Speaker, I rise to report the sorrowful passing of a very dear friend of mine and an outstanding citizen of Maryland, Senator Edward P. Thomas. Senator Thomas was the minority leader of Maryland's Republican Party.

As the Baltimore Sun so eloquently stated in an editorial at Senator Thomas' death, "he was one of the quiet men of Annapolis. He believed that actions, not rhetoric, mattered. For his dedication to government and party, and for his basic decency and

love of people, Eddie Thomas was a beloved figure in Annapolis."

He, with his wife, Lois, his son, and three daughters, represented what is best in America—a dedicated, spirited family, working together in good times and bad, and contributing to the society which nurtured them. He brought his family to Frederick, Md. after a 10-year career in Virginia as a sportscaster. In Frederick, he bought a bowling alley and office complex, and, by 1970, he won a seat in the Maryland Senate representing Frederick and Carroll Counties. In 1972 he was the Republican State party chairman. He remained a counselor, fundraiser, and general adviser to the State party until his death.

In 1979 Ed found out he had cancer, and he approached the news in the same way he did everything—in his quiet manner he set about to defeat the enemy. In 1981 he thought he had won, and indominable in spirit, he told a Sun reporter, "You just don't know. But I'm not losing any sleep over it, I can tell you that. I consider myself just damn lucky to be alive."

Despite the strength of his will, his body did not respond, and earlier this month he succumbed.

Mr. Speaker, Ed Thomas was a much beloved man and his presence in our midst is sorely missed. I know my colleagues would want to join me in sending heartfelt condolences to his family. For Ed has certainly left an outstanding legacy of public service and good will, one which we could all use as our guide in public life. He was a deeply committed man and his dignity and courage in the face of his terrible illness only gives evidence to the strength and determination of his will. We shall miss him.●

THE POLYGRAPH: A HINDRANCE TO FULL EMPLOYMENT

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 1983

● Mr. McKINNEY. Mr. Speaker, today, I am introducing legislation to prohibit the use of polygraph—"lie detector"—tests in connection with applications for employment or as a condition of continued employment in private industry. Interest in the issue of polygraph testing has been revived as a result of President Reagan's recent directive ordering the increased use of polygraph tests on tens of thousands of Government employees. Although my bill does not directly address the use of polygraphs in Federal employment, it would correct a practice which threatens the employment future of hundreds of thousands of Americans each year.

With unemployment currently at a still unacceptable rate of 10.3 percent, it is unthinkable that individuals applying for jobs in private industry often find it necessary to submit to the intrusion and intimidation of a polygraph test in order to return to the work force. Furthermore, the practice of requesting current employees to undergo periodic lie detector tests can create ill will and embarrassment, irretrievably damaging the employer-employee relationship. While employers often claim that participation is entirely voluntary, there can be nothing voluntary about a decision to undergo a polygraph in order to obtain or maintain employment in today's tight job market. Employees who have taken the test frequently admit to feelings of fear, intimidation, and worthlessness after the experience. I do not believe an individual should have to surrender his constitutional right to privacy in order to pursue employment in this country. My bill would protect Americans from such gross violations of personal privacy.

Mr. Speaker, half of the States in the United States currently place some type of restriction on the use of polygraphs in conjunction with employment. Sixteen States, including Connecticut, ban the test entirely as a condition of employment, as does the District of Columbia. And the trend is growing—four new antipolygraph laws have been passed in the last 3 years alone. In other States, polygraph examiners are restricted from asking certain specific questions—typically those pertaining to sex, religion, race, creed, or union activity—when administering a polygraph. While I endorse the steps these restricting laws represent, they implicitly endorse the technique by allowing polygraphs to remain at all. Rather, I believe we must insist upon an outright ban of this intrusive method of job screening in private industry. It is time Congress listened to the wisdom of those 16 States, and passed such a law.

The Polygraph Control and Privacy Protection Act of 1983 would prescribe fines and imprisonment for those employers who request or require that their employees or applicants for employment take a polygraph test as a condition of employment. A willful violation could be punished by up to a year in prison or a $1,000 fine or both. The bill also establishes civil penalties of up to $10,000 to be payable to the Federal Treasury. Finally, a private remedy is provided to allow a person who has been the victim of a violation of the act to recover damages from the employer for losses resulting from the violation. While the bill covers employers in the private sector, Federal organizations, especially those within the intelligence community, are intended to be exempt at this time.

Renewed consideration of the polygraph issue is clearly timely. In New York State, the number of complaints received by the Civil Rights Bureau concerning polygraphs doubled within a recent 6-month period. In addition, on March 25 a Connecticut jury awarded damages of $219,000 to 22 employees of the Lehigh Oil Co., ruling that they had been illegally fired for refusing to take, or failing to pass, required polygraph tests. The subject of polygraph testing has not even escaped treatment on television, where viewers watch individuals, some of them accused criminals, answer questions while the lie detector machine presumably determines their truthfulness, hence their innocence or guilt.

In fact, the reliability of polygraph tests is extremely suspect. Studies show it to be accurate only about one-third of the time. The polygraph concept presumes that an identifiable physical reaction can be attributed to a specific emotional stimulus. The fact is, however, that no two human minds are alike. The Department of Justice recognized this liability when it recommended against the use of polygraph evidence in criminal trials. In explaining its position to the House Government Operations Committee in 1976, the Department pointed out that there is no specific physiological reaction indicative of deception and that even the same person may have inconsistent physiological reactions associated with deceptive responses. The Justice Department also maintained that a person's reactions may be affected by a number of factors, including his moral attitude toward lying, his mental condition, the influence of depressant drugs, and the physical circumstances incidental to the examination. Add to this the fact that only a few States require polygraph examiners to be certified, and the potential for a false reading or poorly administered test is magnified.

Finally, the invasion of privacy that the polygraph represents is completely unacceptable. Although the polygraph is a machine of questionable accuracy, the tests are used 200,000 to 400,000 times per year in the United States by such major businesses as Montgomery Ward, 7-Eleven, and Coors brewery, in addition to countless smaller companies. In July 1977 the President's Privacy Protection Study Commission concluded that this polygraph use is "an unreasonable invasion of personal privacy that should be proscribed." Similar conclusions have been reached independently by two congressional committees.

To illustrate the nature of this privacy violation, let me describe briefly an average polygraph test. After being advised that the polygraph is nearly infallible, the subject is led into a sparsely decorated room where he is seated. A rubber tube is placed around his chest, cuffs are attached to the

upper arms, and electrodes are clipped to the hands. The test is taken with the machine, but generally not the examiner, in sight. The subject is left, in essence, talking to the machine. The examiner asks a series of questions, some material, some immaterial, in order to register differences in breathing pattern, blood pressure, pulse rate, and skin resistance to external currents. In order to test a subject's control response, examiners are free to question their subjects on any aspect of their past lives. Job applicants have been questioned on highly personal topics ranging from sexual conduct to religious beliefs to emotional well-being. Convinced that the lie detector is infallible, subjects have confessed aspects of their personal lives which they might not have revealed otherwise except to a close friend or a clergyman. On the basis of this type of information, clearly unrelated to job performance, individuals can be failed and blackballed in the job market.

It was reported in 1977 that approximately 90 percent of job applicants rejected after having taken a preemployment polygraph examination were rejected on the basis of their own admissions, not on the basis of the results obtained from the polygraph test itself. In cases such as these, the polygraph no longer serves to detect truth of falsehood. Rather, it serves as a means of intimidation which gives the polygraph examiner the ability to elicit personal and intimate information from the subject and to report that information to the employer. That, Mr. Speaker, is a violation of a constitutional right. As long as we allow this practice to continue, we are condoning that violation. Documented examples of this type of polygraph abuse are far too numerous to mention here.

Mr. Speaker, the polygraph could soon symbolize the threat which the abuse of technology poses to the traditions of our Constitution. Employers have used the machine, inaccurate as it is, to save the time required to make a conventional investigation of potential employees. Personnel managers have used the machine to make sweeping investigations whenever something has been found missing from an office or warehouse. Fortunately, however, the fight against the polygraph has finally begun in earnest. Let us not abandon it now.●

THE CONSUMER DEBTOR BANKRUPTCY AMENDMENTS ACT OF 1983

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 1983

● Mr. McCOLLUM. Mr. Speaker, on Wednesday, March 2, I was pleased to join my Judiciary Committee colleagues, MIKE SYNAR, HAL SAWYER, and BARNEY FRANK and Congressmen TRENT LOTT, GILLIS LONG, BUTLER DERRICK, DICK GEPHARDT, BILL EMERSON, HAL DAUB, BILL GRAY, and VIC FAZIO in introducing H.R. 1800, the Consumer Debtor Bankruptcy Amendments Act of 1983. This badly needed legislation would go a long way toward curbing the increasing number of unnecessary chapter 7, straight bankruptcy filings and toward guaranteeing the continued availability of unsecured credit to the average American consumer.

Mr. Speaker, the new Bankruptcy Code, enacted in 1978, made a number of important changes designed to aid consumer debtors and to insure their ability to obtain a fresh start if and when they fall into unintended financial difficulty. But those laudable goals will be endangered if the consumer credit industry continues to face the large numbers of unwarranted straight bankruptcies with which they must now contend. In our zeal to protect the consumer debtor, we must not forget the good-faith lender who since 1978 is increasingly confronted with chapter 7 petitioners who need not seek that chapter's protections. Unless we act quickly to encourage debtors who can pay their debts to do so, lenders will more and more be forced to limit the availability of unsecured credit, a fact that would most severely hurt low-income borrowers who may not have the collateral necessary to secure a consumer loan.

During lengthy and informative hearings held last year by the Judiciary Committee's Subcommittee on Monopolies and Commercial Law, testimony confirmed the urgent need for reform of our bankruptcy system to restore needed balance between debtor and creditor rights. In the years since the new code was enacted, there have been unprecedented increases in the number of straight bankruptcy filings, and a dramatic decrease in the number of debtors willing to reaffirm their debt obligations. Moreover, there have also been truly substantial abuses, such as the stacking of exemptions in order to retain personal estates intact and loading up expensive consumable goods in anticipation of bankruptcy.

Mr. Speaker, there can be no doubt about the need for reform of our consumer bankruptcy laws. Some experts feel that as much as $1 billion of the $6 billion annually scheduled in bankruptcy is unnecessarily discharged in chapter 7 proceedings. To a large extent, I believe this is because so few consumer debtors are aware of the availability of the loan rearrangement provisions of chapter 13. According to the National Bankruptcy Commission, many consumer debtors are unaware of the chapter 13 alternative, and, as a consequence, needlessly jeopardize their future ability to obtain credit by filing in chapter 7. Under the provisions of H.R. 1800, however, bankruptcy counseling would be made available to consumer debtors so that an informed decision could be made regarding the chapter 7 and chapter 13 provisions. Moreover, a bankruptcy judge is permitted, on his own motion and only his own motion, to abstain from or dismiss a straight bankruptcy proceeding where to do otherwise would constitute an abuse of the Bankruptcy Code. In this manner, unnecessary chapter 7 filings would be discouraged without in any way infringing upon the rights of consumer debtors.

Mr. Speaker, in addition to H.R. 1800, at least two other consumer bankruptcy reform bills will likely be considered in the House Judiciary Committee during this Congress: H.R. 1169, introduced by Congresswoman MARILYN LLOYD BOUQUARD, and H.R. 1147, introduced by Judiciary Committee Chairman PETER W. RODINO. Both are good bills that take different approaches to resolving the problems of our consumer bankruptcy system. I believe that H.R. 1800 represents a middle ground between these bills; one that would curb the abuses of our bankruptcy system while firmly protecting the rights of consumer debtors to a fresh start.

Finally, Mr. Speaker, H.R. 1800 also addresses the problems faced by farmers during grain elevator bankruptcy proceedings. In essence, the legislation would attempt to remedy the problems caused by the courts' inability to distribute crops quickly to farmers who have merely stored their product in a grain elevator without transferring title to the grain elevator operator. Among other things, H.R. 1800 would impose a 120-day time limit on a bankruptcy judge to determine grain ownership and require those courts to accept valid warehouse receipts and scale tickets as proof of ownership. The bill also permits holders of valid warehouse receipts to share in the distribution of assets and those not holding receipts to share in second tier distribution. These and other provisions would provide needed help to farmers caught up in the throes of grain elevator proceedings. I urge my colleagues to give these and all provisions of H.R. 1800 both speedy and favorable consideration.●

TRIBUTE TO COL. JOHN DAVIDSON

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 1983

● Mr. MATSUI. Mr. Speaker, I would this afternoon like to honor Air Force Col. John Davidson, who is about to be

transferred from the Air Logistics Center in Sacramento to become the commander of the Air Force Guidance and Metrology Center in Newark, Ohio.

At McClellan Air Force Base in Sacramento, he has been the director of plans and programs. It has been a challenging assignment. McClellan is the largest industrial complex in northern California with more than 14,000 civilian and 3,500 military personnel. It is a facility with major needs for modernization and growth. Colonel Davidson has worked hard and successfully to see that those needs have been met and that McClellan is equipped to do the best possible job of maintaining critical military aircraft.

I am most familiar with John, however, because of a separate responsibility; one which may be a sidetrack for him, but which has been vitally important to me. He has been the one to educate me, and especially my staff, about the base and its problems. Logistics is a complex and very technical field, but John has been excellent in making those details come to life and have meaning for us and to fit the role of McClellan into our framework of understanding the Air Force and its operations. His liaison with me and my office has always shown evidence of extra effort and no lack of candor. We will miss him in the Sacramento community.

Colonel Davidson graduated from West Point in 1960 and got a master's degree from MIT. His previous assignments have included missile programs and the Space Shuttle programs, various logistics and engineering positions, and tours of duty in Germany, Japan, and Thailand. Among his decorations are the Bronze Star, the Defense and USAF Meritorious Service Medals, and the Air Force Commendation Medal.

As commander of the Air Force Guidance and Metrology Center, he will be responsible for calibration of Air Force test equipment, the targeting components of missile systems, and depot level maintenance of Air Force and Defense Department guidance and meteorological equipment. Being his own boss as a commander is a promotion well deserved. It is a challenge I know he will carry out with the same talent, thoroughness, and dedication I have seen in him in Sacramento.

My wife, Doris, and I wish John and Kay Davidson and their sons, Joe and Scott, the very best in their future.●

ACCOUNTABILITY AT THE PENTAGON

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 1983

● Mr. GARCIA. Mr. Speaker, voo-doo economics and now 20th century Don Quixote weapons systems. It seems the President and the Pentagon are suffering from a credibility gap. Of course, it is hard to determine whether the gap initiates with the President or with the Pentagon. At the Pentagon, where the double-think of 1984 is, and has been, standard operating procedure for sometime, cutting costs can mean adding 9.5 percent.

As the following article from Time magazine so vividly illustrates, the Pentagon's double think, double talk, paranoia raises serious concerns relative to its ability to serve the best interest of this country. Historically, the Pentagon's slippery accounting outlined in the Times article continually encourages the public to distrust the space invaders war games they want to play with our lives and our tax dollars.

We all want to save democracy from communism, but accountability is a web of many strands. There is no one chain that will bind down those in power. All must be strong. Together they can preserve our liberty.

WHO SAYS NUMBERS NEVER LIE?

AT THE PENTAGON, CUTTING COSTS CAN MEAN ADDING 9.5 PERCENT

Billion-dollar cost overruns? Massive problems in paying for weapons? When Pentagon Analyst Franklin Spinney (Time, March 7) raised these possibilities in explosive congressional testimony, his superiors loftily replied that these were merely "historical" problems that Secretary of Defense Caspar Weinberger's cost cutters have brought under control. Moreover, they hinted that they would shortly have proof in the form of a new report on weapons costs. Spinney's boss, David Chu, promised the Senate Armed Services Committee "a pleasant surprise." The Pentagon unveiled the document last week, and the chief surprise turned out to be how clumsy it had been in practicing accounting sleight of hand.

The Selected Acquisition Report (S.A.R.) proudly trumpeted a drop of $18.4 billion, or 4 percent, in the expected costs of 40 major weapons systems between last Sept. 30 and Dec. 31, the first such decline in a decade. It resulted almost entirely from a lower estimate of future inflation and reduction of the numbers of weapons being bought under some programs. Still, even without these factors, expected costs rose only $7.5 billion, or 1.3 percent, the smallest increase since 1975. That would be an impressive achievement, if the figures could be believed.

But when reporters at a press briefing examined the data on individual programs, the figures turned slippery. The Air Force, for example, claimed a saving of $4.2 billion on the purchase of air-launched cruise missiles because of "quantity decrease." That "saving" will disappear rapidly when the service switches to a new and more expensive type of missile. But its costs are secret.

The S.A.R. does show an expected cost of $102.5 billion for 13 other new weapons systems. This is not included in the comparisons because a new program by definition cannot rise in cost during the quarter in which it begins. Fair enough if the systems are really new, but might some of them be old programs masquerading under new names?

The figures listed for the Trident missile-firing submarine raised suspicions. According to the S.A.R., the expected cost of the Trident program dropped a stunning $11.3 billion last quarter because only eight submarines, rather than 15, are now planned. Astonished journalists asked if the Navy had really slashed almost in half one of the nation's most important nuclear-deterrent programs. No, replied Deputy Assistant Secretary of Defense Joseph Kammerer: the seven missing submarines have been renamed Trident IIs and designated as a new program.

In what way are they new? Rear Admiral Frank Kelso, director of the Navy's Strategic Submarine Division, was summoned to explain. The Trident II will carry a more advanced missile, he said, but otherwise "it's the same submarine." The expected cost of building all 15 Tridents, far from declining sharply, has risen $2.7 billion, to $31.1 billion, an increase of 9.5% in only three months.

The new report obviously is not going to cool the fiery debate about whether the Pentagon is letting hardware costs run out of control. The Reagon Defense Department's main weapon in holding down these costs is the "Carlucci initiatives," a set of 32 guidelines drawn up by Frank Carlucci, then No. 2 to Weinberger, in 1981. They call for more realistic cost estimates, more competition among contractors, stabler and more efficient production rates, and changes in the way contracts are funded—principally heavier initial financing and the signing of contracts for several years rather than just one—in order to produce that stability and efficiency.

There has been some resistance to these reforms within the Pentagon. A vivid example is a memo written last year by Assistant Secretary of the Navy George Sawyer that TIME has obtained. Sawyer urged the Navy to put forth its "most optimistic estimate" when drawing up its shipbuilding budget for fiscal 1984. Among other things, he proposed that the Navy "assume no [cost] growth beyond target" and eliminate all calculations of how much changes in ship specifications might increase the cost of building vessels. Which of his recommenations, if any, the Navy might have accepted in preparing its request for $12.7 billion in shipbuilding funds for fiscal 1984 is unknown, but there are some clues that Navy figures on the costs of building vessels may be unrealistically low. The Navy assumes, for example, that its next three *Los Angeles*-class nuclear-powered submarines will take only 62 months to build, although the previous three required an average of 97 months.

The Defense Department seems genuinely committed to the Carlucci reforms, although it concedes that it has not yet implemented all of them. But some critics complain that the initiatives were inadequate to begin with. In a report written for the Council on Economic Priorities, a liberal research group in New York, Defense Specialist Gordon Adams contends that the initiatives fail to address some of the worst prob-

lems of weapons production, notably the Pentagon's reliance on cost estimates from contractors, estimates that it makes little effort to check.

Adams argues that some of the Carlucci reforms might make cost problems worse. The initiatives aim at reducing the number of reviews that top officers must conduct of the decisions made by lower-ranking contracting officials. The aim is to speed decisions and cut paperwork. But the effect, Adams says, might be to let contractors get away with overruns that a high-level review might spot.

Overall, the reforms, if fully implemented, ought to help. But the Pentagon has a long way to go in proving that it is really trying to cut costs rather than merely playing the kind of numbers games that it seemed to be playing last week.—By George J. Church, Reported by Bruce W. Nelan and Christopher Redman/Washington.●

INTRODUCTION OF OLDER AMERICANS MONTH RESOLUTION

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 1983

● Mr. McCOLLUM. Mr. Speaker, since 1963 the President has proclaimed May as the month to express this Nation's gratitude to its senior Americans. In keeping with this tradition, Congress last year passed the Older Americans Month resolution and so joined in official and public recognition of the contributions our senior citizens have made and continue to make to this country.

I was proud to be the House sponsor of Older Americans Month last year, and I am proud to introduce this resolution again today. It is important that Congress join in this annual recognition of the contributions our senior citizens have made. The United States did not become the leader of the free world overnight. It took the lifetimes of today's senior Americans to help build the foundation for the standard of living and the democratic institutions that make our Nation so great.

Our older Americans represent a wealth of knowledge and experience that continues to contribute to this Nation's growth and Congress would be remiss not to express its recognition of this wealth. I, therefore, ask for my colleagues' support for this concurrent resolution to declare May as Older Americans Month.

A copy of the text of this proposed resolution follows:

H. CON. RES. 318

Whereas older Americans have contributed many years of service to their families, their communities, and the Nation;

Whereas the population of the United States is comprised of a large percentage of older Americans representing a wealth of knowledge and experience;

Whereas acknowledgment should be given to older Americans for the contributions they continue to make to their communities and the Nation; and

Whereas many States and communities provide such acknowledgment of older Americans during the month of May: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That, in recognition of—

(1) the traditional designation of the month of May as "Older Americans Month" by the President of the United States, and

(2) the repeated expression by the Congress of its appreciation and respect for the achievements of older Americans and its desire that these Americans continue to play an active role in the life of the Nation, it is the sense of the Congress that the people of the United States should observe Older Americans Month with appropriate programs, ceremonies, and activities.●

EL CENTRO IS CELEBRATING ITS DIAMOND JUBILEE

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 1983

● Mr. HUNTER. Mr. Speaker, I wish to honor the city of El Centro which is celebrating its diamond jubilee on April 9, 1983. Incorporated on April 16, 1908, El Centro, in the heart of the lush Imperial Valley, is frequently referred to as "Where the Desert Came to Life." In fact, Imperial County for which El Centro is both the county seat and the largest population center, ranks fifth in agricultural production of all counties in the United States. It is also first in the Nation in pen-fed cattle. From the El Centro growers and shippers comes the tremendous output of fresh produce—valued at over $764.8 million—that has earned the area the title "Heart of America's Winter Garden."

Perhaps the greatest testimony to the spirit of the people of El Centro is the way in which they brought water to the vast desert that was once Imperial Valley. The All-American Canal, completed in 1940, runs from the Colorado River through 85 miles of America's driest climate to furnish the only source of water to the inhabitants of Imperial County. Under the management of the Imperial Irrigation District, the All-American Canal, third largest in America, provides a safe and dependable supply of water, both for irrigation and consumption, for all the citizens of Imperial County.

In addition to the tremendous agricultural output, El Centro—Spanish for "The Center"—is known for its wide variety of vacation activities. Served by airlines, railways, and bus service, few places can offer the diversity of recreational activities that El Centro can. Commonly called the place "Where the Sun Spends the Winter," a visitor can swim or fish in the morning, and play in the snow in the afternoon.

From the economic center of the Imperial Valley has come tremendous growth in the past 70 years. On this, the occasion of their diamond jubilee, I wish to recognize the vibrant and expanding city of El Centro. I know we can all look forward to many more years of expansion and economic growth from the citizens of the city "Where the Desert Came to Life."●

F-16's TO ISRAEL

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 1983

● Mr. ACKERMAN. Mr. Speaker, President Reagan's recent ill-timed statement regarding the withholding of the F-16 fighter planes promised to Israel reminds me of an old slapstick routine: Two men are fightng and a well-meaning friend of the first man comes along to help and takes a poke at the second man. He misses and ends up knocking out his pal instead.

In this instance, President Reagan professes to be interested in expediting peace in the Middle East. But why do so by taking a poke at Israel?

I have great difficulty making sense of President Reagan's statement. The timing of his comments especially confound me since all recent reports state that the peace talks in Lebanon are going better than ever. The decision also comes on the heels of the Soviets supplying Syria with SAM-5's and other sophisticated weapons. What kind of a message does this send to U.S. allies and adversaries?

After all, it is not as though these planes were to be delivered imminently and a final decision had to be made this week. Shipment of the next group of F-16's, part of a sale of 75 planes arranged in 1975, had not been scheduled to begin until 1985.

What is President Reagan's stated rationale for withholding the F-16's? Those weapons must be for defensive purposes, he is quoted as saying, and while Israeli forces "are in the position of occupying another country * * * we are forbidden by law to release those planes."

This is a curious charge from a President who himself last summer described the Israeli action in Lebanon as defensive, from a President whose administration has never officially made a determination that Israel violated the Arms Export Control Act, and from a President whose country has just gladly accepted an offer from Israel to share in the military information gleaned from that "offensive action."

There is some speculation that Reagan's announcement was timed to precede King Hussein's meeting with Yassir Arafat. Supposedly it is an in-

ducement to Jordan to enter Middle East peace negotiations. But if the U.S. promise of F-20A's to Jordan was not enough to get Hussein to the negotiating table, why should this be?

An April 3 editorial in the Washington Post opined that the President is using the F-16 question not as a stick, but as a carrot to get Israel out of Lebanon. It hardly matters, since the end result is the same. Reagan's clumsy announcement has undermined Israel in the delicate talks now going on in Lebanon. If it elicits any response at all, it may be that the negotiators on both sides will now dig in their heels even deeper.

Before the President swings blindly, he should be cautious not to hurt his friends.●

MR. UDALL'S VOTING RECORD

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 1983

● Mr. UDALL. Mr. Speaker, it has become my practice from time to time to list my votes in the House of Representatives here in the CONGRESSIONAL RECORD. I strongly believe that the people of Arizona have a right to know where I stand on the issues decided by the House, and I have found that printing my record here is the best way to provide that information.

This is not an all-inclusive list. I have omitted noncontroversial votes such as quorum calls, motions to resolve into the Committee of the Whole House, and motions to approve the Journal of the previous day.

The descriptions are necessarily somewhat short, and I am sure that some of my constituents will have additional questions about the issues described here. So I invite them to write me for specifics, or to visit my district office at 300 North Main in Tucson or 1419 N. 3rd Street, Suite 103, in Phoenix.

The list is arranged as follows:

KEY

1. Official rollcall number;
2. Number of the bill or resolution;
3. Title of the bill or resolution;
4. A description of issue being voted on;
5. The date of the action;
6. My vote, in the form Y=yes, N=no, and NV=not voting.
7. The vote of the entire Arizona delegation, in the form (Yes-No-Not voting);
8. An indication whether the motion or amendment was passed or rejected; and
9. The total vote.

360. HR 3809. Nuclear Waste Policy Act. Udall, D-Ariz., motion that the House resolve itself into the Committee of the Whole for consideration of the bill to establish a federal program for the interim storage and eventual permanent disposal of highly radioactive nuclear waste. Motion agreed to 370-1: Y(4-0-0), September 30.

362. HJ Res 350. Balanced Budget Constitutional Amendment. Substitute to require the president to submit a balanced budget to Congress each year and to require Congress to adopt a balanced budget unless a majority of Congress declares a "national emergency," in which case deficit spending would be allowed. Rejected 77-346: Y(3-1-0), October 1.

363. HJ Res 350. Balanced Budget Constitutional Amendment. Passage of the joint resolution to propose an amendment to the Constitution to require Congress to adopt a balanced federal budget every year, except in time of war, unless a three-fifths majority of Congress agreed to deficit spending. Rejected 236-187: N(2-2-0), October 1.

364. HJ Res 599. Continuing Appropriations, Fiscal 1983. Adoption of the conference report on the joint resolution to provide temporary funding, through Dec. 17, 1982, for government agencies whose regular fiscal 1983 appropriations bills had not been enacted by Oct. 1. Adopted 290-123: Y(3-1-0), October 1.

365. HJ Res 599. Continuing Appropriations, Fiscal 1983. Motion that the House concur in a Senate amendment to increase the salaries of air traffic controllers 6.6 percent annually, with an amendment that would permit the administration to rehire former air traffic controllers. Motion rejected 128-267: Y(1-3-0), October 1.

366. HR 5890. NASA Authorization. Adoption of the conference report on the bill to authorize $6,772,900,000 in fiscal 1983 for the National Aeronautics and Space Administration. Adopted 284-83: Y(2-1-1), October 1.

367. HR 6267. Net Worth Guarantee Act. Adoption of the rule (H Res 603) providing for House floor consideration of the conference report on the bill to strengthen the financial stability of the savings and loan industry and expand the powers of both savings and loan institutions and commercial banks. Adopted 294-59: NV(2-0-2), October 1.

368. S 2036. Job Training. Adoption of the conference report on the bill to establish a new program, replacing the expired Comprehensive Employment and Training Act, of grants to states and local governments for providing skill training and other employment-related assistance to economically disadvantaged youths and adults. Adopted (and thus cleared for the president) 339-12: Y(2-1-1), October 1.

369. HR 3809. Nuclear Waste Policy Act. Udall, D-Ariz., motion that the House resolve itself into the Committee of the Whole for consideration of the bill to establish a federal program for the interim storage and eventual permanent disposal of highly radioactive nuclear waste. Motion agreed to 333-4: Y(4-0-0), November 29.

370. HR 3809. Nuclear Waste Policy Act. Amendment to reduce the power of the states to veto the location of an interim storage facility for spent nuclear fuel within their borders by requiring a vote by one house of Congress to sustain a state veto, rather than letting the veto stand unless overruled by both houses of Congress, as provided in the bill. Rejected 181-194: Y(4-0-0), November 29.

371. HR 3809. Nuclear Waste Policy Act. Amendment to prohibit the location of a permanent nuclear waste repository at a site adjacent to an area one mile by one mile with a population of 1,000 or more. Rejected 81-296: N(2-2-0), November 29.

372. HR 3809. Nuclear Waste Policy Act. Amendment to reduce the power of states to veto the location of a permanent nuclear waste repository within their borders by requiring a vote by one house of Congress to sustain rather than letting the veto stand unless overruled by both houses of Congress, as provided in the bill. Adopted 190-184: N(3-1-0), November 29.

373. HR 3809. Nuclear Waste Policy Act. Amendment to eliminate from the bill the provisions authorizing the creation of federal interim storage for spent fuel from nuclear utilities. Rejected 84-308: N(0-4-0), November 30.

374. HR 3809. Nuclear Waste Policy Act. Amendment to require that guidelines for the location of a permanent nuclear waste repository provide for the disqualification of any site if the repository's surface facility would be in a highly populated area. Rejected 109-293: N(0-4-0), November 30.

375. HR 7158. Treasury, Postal Service, General Government Appropriations, Fiscal 1983. Motion to recommit the bill to the Appropriations Committee with instructions to report it back with an amendment cutting 2 percent from non-mandatory spending. Motion agreed to 193-172: NV(2-0-2), November 30.

376. HR 7158. Treasury, Postal Service, General Government Appropriations, Fiscal 1983. Passage of the bill to appropriate $10,680,236,100 for the Treasury Department, Postal Service, executive offices and several independent agencies in fiscal 1983. Passed 269-98: NV(1-1-2), November 30.

377. HR 7205. Labor-Health and Human Services-Education Appropriations, Fiscal 1983. Passage of the bill to provide $85,390,630,000 for the Department of Labor, Health and Human Services and Education and related agencies for fiscal 1983. Passed 330-70: NV(1-1-2), December 1.

378. HR 6995. Federal Trade Commission (FTC) Authorization. Substitute for the Luken, D-Ohio, amendment, to provide that anti-competitive practices by professionals that are required and supervised by states cannot be challenged under federal antitrust law. Rejected 195-208: NV(1-2-1), December 1.

379. HR 6995. Federal Trade Commission (FTC) Authorization. Amendment to exempt professionals from FTC jurisdiction until Congress specifically grants that authority. Adopted 245-155: NV(3-0-1), December 1.

380. HR 6995. Federal Trade Commission (FTC) Authorization. Amendment to reduce FTC authorizations to $60.8 million for fiscal 1983; $55.1 million, 1984; $54.6 million, 1985; from the bill's levels of $66 million, $70.7 million and $75.7 million. Adopted 241-158: NV(2-0-2), December 1.

381. HR 3809. Nuclear Waste Policy Act. Motion that the House resolve itself into the Committee of the Whole for further consideration of the bill to establish a federal program for the interim storage and eventual permanent disposal of highly radioactive nuclear waste. Motion agreed to 345-6: Y(4-0-0), December 2.

382. HR 3809. Nuclear Waste Policy Act. Amendment to increase federal reimbursement of states or Indian tribes for costs resulting from the placement of a nuclear waste storage test or evaluation facility in that state or reservation. Payments would be 90 percent for states, 100 percent for Indian tribes, rather than 75 percent as in the bill. Rejected 72-321: N(0-4-0), December 2.

383. HR 3809. Nuclear Waste Policy Act. Amendment to include storage of military nuclear waste under the provisions of the act. Reject 105-281: N(0-4-0), December 2.

384. HR 3809. Nuclear Waste Policy Act. Amendment to reduce the power of states to veto the location of a permanent nuclear waste repository within their borders by requiring a vote by one house of Congress to sustain a state veto, rather than letting the veto stand unless overruled by both houses of Congress, as provided in the bill. Adopted 213-179: N(3-1-0), December 2.

385. HR 2330. Nuclear Regulatory Commission Authorization. Motion to eliminate a provision requiring the president to make a comprehensive study of the domestic uranium industry and imposing a moratorium on new contracts for uranium imports if such imports exceeded 37.5 percent of total U.S. demand for two consecutive years. Motion agreed to 241-148: M(0-4-0), December 2.

386. HR 2330. Nuclear Regulatory Commission Authorization. Motion to eliminate provisions prohibiting the use of burned fuel from civilian nuclear power plants for the production of nuclear weapons; limiting the authority of the Department of Energy to withhold certain unclassified information, and changing the schedule for issuing regulations concerning the cleanup of uranium tailings. Motion rejected 107-281: N(2-2-0), December 2.

387. HR 7356. Interior Appropriations, Fiscal 1983. Adoption of the rule (H Res 616) providing for House floor consideration of the bill to appropriate funds in fiscal 1983 for the Interior Department, Forest Service, certain Energy Department programs and related agencies. Adopted 293-29: Y(2-1-1), December 3.

388. HR 7356. Interior Appropriations, Fiscal 1983. Passage of the bill to appropriate funds in fiscal 1983 for the Interior Department, Forest Service, certain Energy Department programs and related agencies. Passed 275-73: Y(3-1-0), December 3.

389. HR 6211. Transportation Assistance Act of 1982. Adoption of the rule (H Res 620) providing for House floor consideration of the bill to authorize funds for highway and mass transit programs for fiscal 1983-1986 and to increase gasoline and other highway taxes. Adopted 197-194: Y(2-2-0), December 6.

390. HR 6211. Transportation Assistance Act of 1982. Amendment to ensure that funds for highway and mass transit projects substituted for Interstate Highway segments are subject to the appropriations process. Rejected 96-305: N(1-2-1), December 6.

391. HR 6211. Transportation Assistance Act of 1982. Amendment to waive Davis-Bacon Act wage requirements for federally funded transportation projects. Rejected 174-233: N(2-1-1), December 6.

392. HR 6211. Transportation Assistance Act of 1982. Amendment to limit Davis-Bacon Act wage requirements for federally funded highway projects to "initial" highway construction. Rejected 191-194: N(2-1-1), December 6.

393. HR 6211. Transportation Assistance Act of 1982. Amendment to delete provisions directing the secretary to make certain discretionary funds available to complete high cost Interstate segments. Rejected 21-329: N(0-3-1), December 6.

394. HR 6211. Transportation Assistance Act of 1982. Amendment to prevent Davis-Bacon Act wage provisions from limiting legitimate job opportunities for any individual. Rejected 149-217: N(2-1-1), December 6.

395. HR 6211. Transportation Assistance Act of 1982. Amendment to increase the 4-cents-a-gallon fuel tax to 9-cents-a-gallon, increase heavy-truck levies and make other changes in highway taxes. Adopted 236-169: Y(1-2-1), December 6.

396. HR 6211. Transportation Assistance Act of 1982. Passage of the bill to authorize $71.3 billion for fiscal 1983-1986 for highway and transit programs and to increase gasoline and other highway taxes. Passed 262-143: Y(1-2-1), December 6.

398. HR 7355. Department of Defense Appropriations, Fiscal 1983. Amendment to delete $988 million for procurement of five MX missiles. Adopted 245-176: Y(1-3-0), December 7.

399. HR 7355. Department of Defense Appropriations, Fiscal 1983. Substitute for the Harkin, D-Iowa, amendment to bar the use of funds in the bill by the Central Intelligence Agency or Defense Department to extend military assistance to any non-governmental organization for the purpose of overthrowing the government of Nicaragua or for provoking a military exchange between Nicaragua and Honduras. Adopted 411-0: Y(4-0-0), December 8.

400. HR 7355. Department of Defense Appropriations, Fiscal 1983. Passage of the bill to appropriate $230,330,492,000 for military programs of the Department of Defense in fiscal 1983. Passed 346-68: Y(4-0-0), December 8.

402. HR 6957. State, Justice, Commerce Appropriations, Fiscal 1983. Amendment to bar use of any Justice Department funds in the bill to bring any sort of action to require "directly or indirectly" busing beyond a school nearest a pupil's home, except for special education for the handicapped. Adopted 243-153: N(3-1-0), December 9.

403. HR 6957. State, Justice, Commerce Appropriations, Fiscal 1983. Amendment to reduce the Legal Services Corporation appropriation from $241 million to $100 million. Rejected 121-269: N(2-1-1), December 9.

404. HR 6957. State, Justice, Commerce Appropriations, Fiscal 1983. Motion to conclude debate on the bill and amendments by 8 p.m. Dec. 9. Motion agreed to 205-132: Y(1-2-1), December 9.

405. HR 6957. State, Justice, Commerce Appropriations, Fiscal 1983. Motion that the Committee of the Whole House rise and report the bill back to the House with a recommendation to strike the enacting clause, which would kill the bill. Motion rejected 32-299: N(0-3-1), December 9.

406. HR 6957. State, Justice, Commerce Appropriations, Fiscal 1983. Passage of the bill to appropriate $9,004,628,000 in fiscal 1983 for the State, Justice and Commerce departments, the judiciary and related agencies. Passed 234-125: Y(1-2-1), December 9.

407. HR 5133. Auto Domestic Content Requirements. Adoption of the rule (H. Res. 622) providing for House floor consideration of the bill to require auto manufacturers to use specific levels of American-generated "domestic content" in vehicles sold in the United States. Adopted 191-120: NV(0-2-2), December 9.●

"SANDY" EWAN, AN EXTRAORDINARY FAN

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 1983

● Mr. HOYER. Mr. Speaker, I would like to bring to the attention of my colleagues a story that recently appeared in the Maryland Athletic Review about Sandy Ewan, a diehard University of Maryland Terrapin fan and leader in the Washington metropolitan area for his community service for the hearing impaired.

Sandy Ewan has been deaf from birth, but this has never diminished his interest in life, and in particular, Maryland Terrapin sports activities. Since his first encounter with the Terps, when as a Boy Scout he visited a Maryland football game, he has been an avid fan.

His work in the community has been recognized by numerous groups, and in 1981 he received the Frederick C. Schreiber Memorial Award, given to the deaf person who has contributed the most to the deaf community.

Mr. Speaker, it gives me great pleasure to bring to my colleagues the accomplishments of this extraordinary fan.

"SANDY" EWAN: AN EXTRAORDINARY FAN

(By Stephanie Bobrowsky)

While 42-year-old Sandy Ewan cannot hear the victory chants of UM Terp fans fired up for a win, in spirit he is leading their cheers.

Like his parents, Sandy was born completely deaf—as was his wife Theresa, his 11-year-old son Karl, and his nine-year-old daughter Darlene. But never mind the deafness—for to Sandy deafness is merely an "inconvenience"—not a disability. From his vantage point, only those unfortunate few who have never bought tickets to a Maryland athletic event are truly handicapped.

In many ways Sandy is as familiar a sight at Maryland football and basketball games as the University marching band or the Terrapin mascot. In 13 years he has never once missed a basketball game—either at home or away—and he can count on both hands the number of times he has watched the Terp football team from his home television set in College Park instead of from the stands.

Moreover, Sandy is a regular at banquets and special athletic functions, an avowed UM lacrosse, golf, and soccer addict, and a number-one Terrapin drum beater and promoter within metropolitan Washington's deaf community.

"His family and career as an offset printer notwithstanding, Sandy Ewan lives, breathes, and dreams Maryland athletics," says Frank Turk, a longtime friend and assistant director of resident life at Gallaudet College. "Suffice it to say, the entire University is in his blood and he simply cannot contain his enthusiasm."

Turk's assessment is well founded. Consider: At last year's basketball banquet Ewan reserved two full tables for the deaf friends and colleagues at the Government Printing

Office he has turned on to UM athletics. At this year's Maryland-Clemson showdown, he was accompanied by 50 fellow deaf Terrapin devotees. And next year, he plans to spearhead the University's first tailgate parties for the hearing-impaired and a season-ticket subscription drive.

Ewan's love affair with UM sports was kindled over 30 years ago, on Oct. 6, 1951. The setting: a crowd-filled Byrd Stadium, where Maryland was about to sweep George Washington University, 33-6. Sometime between the first and second quarters, a Terp-struck Ewan snuck away from his comrades of Boy Scout Troop #76 for a better look at the action.

Headed straight for the sidelines of the football field, Ewan inadvertently bumped into coach Jim Tatum. While he could not use words to justify his sudden appearance at Maryland's 40-yard line, Ewan's thumbs-up sign and obvious curiosity won over the coach—and for the rest of the game he was treated to a front-row seat of honor on the Terrapin bench.

If Ewan's introduction to Maryland sports has made him view the entire athletic program through permanently rosy glasses, then he makes no apologies. The thumbs-up sign he still uses and a few short sentences printed on the notebook he is never without convey the extent of his devotion. Writes Ewan: "The Redskins are o.k. The Bullets are o.k. The Caps are o.k. But the Terps—they're number one!"

Though Ewan can read lips, experience has shown him that his notebook is the easiest means of communicating with the hearing world. And indeed a blank sheet of paper and a confusing play have set the stage for many new friendships—as Ewan never hesitates to tap the shoulder of a stranger seated next to him at a Maryland game and introduce himself by way of a hastily scribbled question on football yardage or basketball fouls.

In two decades of Terp sports not one fellow spectator has ignored his outstretched hand and notebook—a winning record that particularly pleases Ewan.

While it is undeniably tough-going to steer him away from the topic of UM sports, persistent conversational prodding reveals many additional "wins" to Ewan's credit. The former president of the Metropolitan Washington Association for the Deaf, Ewan is an active lobbyist for the deaf who made several successful trips to the Carter White House to promote nationwide television captioning. He is also the 1981 winner of the Frederick C. Schreiber Memorial Award—an award given annually to the deaf person in metropolitan Washington who has contributed most to the deaf community.

His impact is also keenly felt within the confines of his own home. He and his wife have succeeded in raising two very earnest Terps fans—and in fact Karl, his oldest, had just announced that his number one goal is to enroll at UM and play basketball for Lefty Driesell.

Aside from his high hopes for a never-ending string of Maryland wins, absolutely nothing could make his dad happier.●

INTRODUCTION OF LAW ENFORCEMENT LEGISLATION FOR PROTECTION OF THE PUBLIC

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 1983

● Mr. MATSUI. Mr. Speaker, during the past year, I have worked with numerous individuals to resolve several problems which have hampered the ability of law enforcement officials in my district from carrying out their responsibilities for protecting the public's safety.

I am introducing two pieces of legislation today which reflect my discussions with representatives from the U.S. Parole Commission, the Sacramento County Sheriff's Department, the Sacramento Police Department, the Department of Health and Human Services and members of the California Legislature. These measures focus primarily on facilitating cooperation and the sharing of data between the Federal Government and State and local law enforcement agencies.

The first measure is identical to a bill that I authored in the last Congress which makes a number of modifications to the Parole Commission and Reorganization Act of 1976. In particular, my bill will codify an administrative regulation that directs the Parole Commission to make available, upon request by a State or local law enforcement agency, information about Federal parolees currently under Federal supervision within their local jurisdiction. To preserve the confidential nature of this information, the legislation prohibits local law enforcement agencies from releasing this data to nonlaw enforcement officials. In addition, my bill requires that the Bureau of Prisons release similar data to law enforcement agencies regarding inmates of residential community treatment centers or halfway houses.

The second measure seeks to insure that individuals who have been convicted of a crime and are fleeing from justice will not be eligible to receive benefits under the aid to families with dependent children and supplemental security income programs. Several California cases have been documented in which fugitive felons have qualified for and received Federal welfare payments. I believe that this practice represents an inappropriate use of scarce Federal public assistance resources. My legislation will prohibit this anomalous situation from occurring, which appears to be an oversight in the law.

I urge your support for these measures, as their adoption will provide law enforcement agencies with additional tools to secure the safety of the American people.●

GREEN NOTES ISRAELI LOYALTY TO UNITED STATES AT THE UNITED NATIONS

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 1983

● Mr. GREEN. Mr. Speaker, I would like to bring to my colleagues' attention the fact that no other country seated at the United Nations supported the U.S. policies more often in 1982 than did Israel. At a time when our alliance with Israel is severely scrutinized by many, these data show us once again that we must count Israel among our strongest and best allies, not just in the troubled, vital Mideast, but throughout the world.

Though obviously not the final yardstick for our relationships with other countries, this U.N. voting index does provide an important means of assessing whether countries we support undermine or promote U.S. interests. In 1982, during the 37th General Assembly, Israel supported the United States 86.2 percent of the time, more than any other country. In second place was the United Kingdom, which supported the United States 80.1 percent of the time. Our friends the Saudis voted with us 24 percent of the time, not much better than the Soviet Union, with whom we agreed 20.6 percent of the time. Albania agreed least often with the United States, with a score of only 8.8 percent.

This index shows that Israel is nearly unique among our allies in the consistency of her support for U.S. interests around the world, and contradicts the claims of Israel's critics that she is unreliable. It also provides telling evidence that our alliances with certain Arab and Latin American countries are not well founded. I ask that this valuable document be printed in the RECORD at this point. The listing is by region, and in decreasing order of U.S. support. Thank you, Mr. Speaker.

U.N. members box score supporting U.S. policies in 1982

Israel	86.2
Africa:	
Morocco	31.8
Malawi	31.4
Somalia	30.6
Ivory Coast	30.4
Liberia	29.0
Zaire	28.3
Gabon	28.1
Egypt	26.2
Sudan	26.0
Senegal	25.8
Chad	25.7
Equatorial Guinea	25.4
Cameroon	25.1
Central Africa	25.0
Togo	24.1
Tunisia	24.0
Djibouti	23.7
Lesotho	23.4

Mauritania	23.1
Kenya	22.4
Upper Volta	22.3
Niger	22.0
Ruanda	21.6
Burundi	21.1
Zambia	20.6
Mali	20.6
Nigeria	20.5
Tanzania	20.3
Sierra Leone	20.3
Gambia	20.3
Ghana	20.1
Botswana	20.0
Comores	20.0
Guinea	19.2
Uganda	17.9
Mauritius	17.3
Swaziland	16.9
Congo	16.0
Sao Tome	15.1
Madagascar	14.9
Benin	14.2
Angola	14.2
Guinea-Bissau	13.9
Libya	13.6
Algeria	12.8
Zimbabwe	12.8
Seychelles	12.8
Ethiopia	12.2
Mozambique	11.2
Cape Verde	10.4
Asia:	
Japan	67.2
Solomons	34.2
Fiji	31.6
Lebanon	31.5
Singapore	30.8
Papua New Guinea	30.4
Philippines	30.2
Samoa	30.2
Kampuchea	28.0
Burma	27.1
Pakistan	26.8
Thailand	26.6
Nepal	26.5
Malaysia	25.8
Indonesia	24.5
Oman	24.3
Saudi Arabia	24.0
Bangladesh	22.8
Sri Lanka	22.0
Maldive	21.8
Jordan	20.8
Qatar	20.7
Bahrain	20.6
China	20.3
Kuwait	20.2
Emirates	20.2
Cyprus	19.9
Bhutan	19.5
Yemen, No.	18.4
Mongolia	18.3
India	17.2
Iraq	16.3
Iran	14.8
Syria	14.4
Vanuatu	12.9
Yemen, So.	12.4
Afghanistan	11.5
Laos	11.4
Viet Nam	10.3
Eastern Europe:	
Hungary	21.0
Bulgaria	20.8
Byelorussia	20.6
Ukraine	20.6
USSR	20.6
Czechoslovakia	20.5
GDR	20.1
Romania	19.4
Yugoslavia	19.0
Poland	18.9
Albania	8.3
Western Europe and other:	
United Kingdom	80.1
FRG	76.6
Belgium	74.4
Luxembourg	73.7
Canada	70.7
France	68.8
Italy	67.9
Netherlands	66.8
Australia	64.6
New Zealand	64.2
Denmark	60.3
Norway	59.8
Iceland	58.4
Portugal	57.3
Spain	51.1
Ireland	40.7
Turkey	44.6
Finland	43.2
Sweden	43.0
Austria	40.6
Greece	33.2
Malta	24.7
Guatemala	49.2
Papaguay	48.9
Uruguay	36.4
Honduras	36.2
St. Lucia	35.2
Chile	35.1
St. Vince	33.3
El Salvador	32.9
Haiti	31.9
Bahamas	31.3
Dom. Rep.	30.1
Costa Rica	29.4
Colombia	27.7
Brazil	27.2
Venezuela	25.0
Ant/Barb	25.0
Ecuador	24.9
Trin/Tob	24.8
Jamaica	24.0
Peru	23.8
Suriname	23.5
Dominica	23.5
Argentina	22.1
Barbados	22.1
Panama	20.0
Mexico	19.9
Bolivia	18.5
Belize	17.9
Guyana	17.5
Nicaragua	14.3
Cuba	10.5
Grenada	9.3●

THE PERLOV FAMILY

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 1983

● Mr. MAVROULES. Mr. Speaker, in concert with the 1983 Congressional Call to Conscience Vigil for Soviet Jews, I would like to direct the attention of this House upon the plight of Leonid Perlov, his wife, Evgeny, and their son, Vladimir, who to date have unsuccessfully tried to emigrate from the Soviet Union.

The Perlov's, of 21 Krasnostudentchsky, Apt. 53, Moscow-442, have been attempting to leave for Israel since 1979. Leonid Perlov has been denied an exit visa on two occasions by the Soviet Government allegedly because his work as an engineer 5 years ago required a security clearance. Immediately after his initial application in 1979, Mr. Perlov was removed from his engineering job as the Soviet authorities sought to punish him for his temerity, in asking to leave the U.S.S.R. He is now forced to work as a bus ticket collector.

To compound Mr. Perlov's predicament, his wife was also fired from her post as a music teacher. Ever since, she has been unable to find a new position.

As for their son, he is scheduled to graduate from high school in June of 1983. Upon graduation, he would be subject to compulsory military service. If drafted, Vladimir will be in the Army for 2 years and will be considered a security risk for at least 5 years afterward.

At present, I do not believe the Perlov's constitute a security threat to the Soviet Union. However, should their departure be delayed much longer, Vladimir will find himself in the army, and as the parents cannot leave without him, all their hopes for emigration will be dashed.

The Perlov's are unfortunate victims of a cruel and repressive Soviet policy that severely restricts Soviet Jewish emigration. They stand indicted by the state because of a policy that treats a demand for freedom as a crime to be punished rather than as a fundamental right to be protected.

As a direct result of that policy, Soviet Jewish emigration has been severely restricted. One point, I understand only 2,670 Jews were permitted to emigrate from the U.S.S.R. in 1982—a 95 percent drop from 1979. These numbers represent the lowest level of Soviet Jewish emigration in 12 years.

But the Perlov family is not simply a statistic. They happen to be three very real individuals who are suffering at the hands of a heartless Soviet system. And their struggle to emigrate has become more than just one unhappy case of a lone family versus the U.S.S.R. In fact, their daily trials have transformed the Perlov's into a symbol—of a grave crisis in international human rights.

The critically important issue that the Perlov family and their history symbolize is one that cannot be ignored by the Congress. We are all of us subject to a moral imperative that demands we speak out and express our solidarity with Soviet Jews like the Perlov's who have been denied religious freedom and their right to emigrate.●

DESPAIR AMONG JOBLESS ON RISE

HON. MARCY KAPTUR
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 1983

● Ms. KAPTUR. Mr. Speaker, I commend to my colleagues this April 2, New York Times article which searingly depicts the physical and psychological impact of long-term industrial unemployment. Brief and sporadic changes in bureaucratic calculations of unemployment do not change the tragic facts of life facing millions of Americans.

The most significant assessment is offered by Dr. Harvey Brenner, a professor of health services administration at Johns Hopkins University, who advises, "The massiveness of this problem has not yet descended on the American public."

We must not let the predictions of recovery let us lose sight of the tremendous job in front of us to alter this unacceptable situation.

[From the New York Times, Apr. 2, 1983]

DESPAIR AMONG JOBLESS IS ON RISE, STUDIES FIND

(By Bryce Nelson)

As the economy struggles toward recovery, thousands of unemployed workers have sunk into a psychological depression that is often worse than that suffered by jobless Americans in the 1930s, behavioral scientists say.

The experts say some of the most harmful psychological effects are occurring as the economy picks up in general but as the number of jobless workers remains high.

Workers who have lost jobs in faltering heavy industries such as automobiles, steel, glass, shipbuilding and rubber, where jobs may never reappear, are especially at risk psychologically. "Psychologically, it's worse than the Great Depression" for these people, said Dr. Paula Rayman, a professor of sociology at Brandeis University.

Unemployment in the 1930's was estimated at 25 percent, in contrast to last month's 10.1 percent, and jobless workers then could not fall back on an elaborate Government system of unemployment benefits, welfare, food stamps or Social Security. But most of the unemployed workers in the 1930's viewed their plight as a result of a terribly serious but temporary derailment of the economy.

The severity of psychological depression among the unemployed today frequently stems from technological changes and a permanent restructuring of industry into which many previously well-paid workers are unlikely to fit, and it is this permanence that psychologists regard as being at the heart of the acute pessimism that now exists.

The Government reported today that there were 1.8 million workers who had given up hope of finding work because they believed none was available in the first three months of this year. That is an increase of 300,000 over the past six months.

"IT WILL GET WORSE"

B. J. Aiken, 35 years old, of Jackson, Mich., is one of the 11.4 million Americans who were out of work in March. "We will never get back to the boom times we had," she said recently as she took time out from a class on job-hunting skills. "People keep dreaming that the big money will come back, but it never will."

Mrs. Aiken, who attended college, lost her job as a food service manager many months ago. Her house was sold in a sheriff's auction and she said she and her 11-year-old daughter might have to move into a public housing project.

"The massiveness of this problem has not yet descended on the American public," said Dr. M. Harvey Brenner, a professor of health services administration of Johns Hopkins University, whose research has linked unemployment to increases in physical and psychological problems. "We already see the harmful effect of structural change on workers, and it will get worse."

Depression mentality is an attitude characterized by psychologists as being one that converts economic loss into a strong feeling or personal loss, often combined with an irrational sense of guilt and anxiety about the very fact of survival.

This mentality is accelerated in parts of the society affected by long-term unemployment, according to a number of scholars who have studied the work force. They contend that the phenomenon is occurring in the United States despite an increase in business activity, the recent passage of bills to create jobs and the growing optimism of some political leaders that the end of the nation's longest postwar recession, which began in July 1981, may be near.

"There is a great sense of permanent economic and social decline" among the unemployed workers she has studied, said Dr. Rayman, adding, "There is a depression mentality similar to the 1930's for those who are out of work six months or more. There's no light at the end of the tunnel for them."

WHOLE REGIONS CAN BE DEPRESSED

Depression attitudes have emerged not only among substantial portions of the unemployed but also in whole areas particularly scourged by economic decline, including parts of the industrial Middle West and Northeast. "Our population is hurting," said Patrick Babcock, director of Michigan's Department of Mental Health. "There's a general social depression here. Even people who are working are much more pessimistic."

A strong sense of depression is evident every Tuesday evening at the Emmanuel Lutheran Church in Ypsilanti, Mich., where more than 100 people gather each week for a free meal. Three years ago, eight to 10 people took advantage of the free meals there.

Today, laid-off teachers and other unemployed college graduates and their children eat across the table from laid-off janitors or once-well-paid manufacturing workers. All ask for second and third helpings to have food to take home. Local college students who volunteer to serve the meals said they often became demoralized about their own chances of finding jobs after graduation.

"Too many people in the world," sighed Judith Quigley, a $4.50-an-hour messenger who eats at the church because her husband is unemployed and they can't meet mortgage payments. "Too many people for the jobs."

ALMOST EVERYONE AFFECTED

Behavioral experts say economic and job loss can be linked directly to a greater incidence of psychological depression among individuals. An increasing number of people affected by depression can have an influence on the way the nation sees itself. Dr. Brenner argued that the current economic slump was so pervasive that it was likely to affect almost everyone through the experiences and fears of friends and family.

One difference between the economic depressions of the 1930's and 1980's, some observers said, is that today's unemployed workers have an added burden of hopelessness that is linked to their view that the Government and the rest of the nation are not very concerned about their plight, in contrast to the President Roosevelt Administration, when many public works and assistance programs were begun.

"The unemployed here don't believe that anyone in the outside world cares about their condition," said Rick Barbour, a formerly unemployed man who now works full-time in training the jobless in Michigan. "They are truly surprised that anyone would come here to talk to them about their problems."

CHILD ABUSE AND SUICIDES UP

The rise in the nation's civilian jobless rate, which reached a postwar high of 10.8 percent in December before falling to 10.3 percent in March, has also brought continuing reports of psychological difficulties associated with unemployment and underemployment.

Community mental health service directors interviewed recently at a national meeting in Detroit reported a sharp rise this year in families seeking help for problems related to joblessness. They reported an increased level of severe quarrels, wife-beating, child abuse, depression, suicide attempts, excessive alcohol use, insomnia and fatigue among these families.

Furthermore, patients are going to the mental health centers "much later and much sicker" than they did before the current recession, said Dr. Madeline Gomez, clinical director of the Ravenswood Community Mental Health Center in Chicago. Dr. Gomez and other directors reported that many patients said they no longer had the money or health insurance benefits to pay for help.

The Congressional Budget Office reported last month that 11 million people lost their health insurance in 1982.

Dr. Brenner of Johns Hopkins University is updating his 1976 study of the effects of unemployment on behavior for the Joint Economic Committee of Congress. His research includes the finding that a rise of one percentage point in the unemployment rate, if sustained over a six-year period, is associated with a 4.1 percent increase in suicide, a 5.7 percent increase in homicides and a 4.3 percent increase in first-time male admissions to state mental hospitals.

Dr. Brenner and other social scientists noted that the unemployment rate was much higher in the 1930's and that the current recession was buffered by systems of public financial support that were not available to jobless workers in the 1930's.

But today "the sense of loss is much more devastating because people have lost not only their jobs but a whole way of life that cannot be recovered," Dr. Brenner said. He added that these people believed not only that they had lost a way of life but that their children had, too.

"I KNOW I HAVE NO FUTURE"

George Clem, 31, an unemployed manufacturing worker in Jackson, Mich., is one of the newly pessimistic. "I've lost everything I ever had—it's all gone," he said. "I've lost

my job, I've lost my home. I thought I had my future assured, but now I know I have no future."

One manifestation of increased pressure caused by unemployment is the increased incidence of suicide and suicide attempts. The research of Dr. Dennis A. Ahlburg, a professor of industrial relations at the University of Minnesota, and Dr. Morton Owen Schapiro, a professor of economics at Williams College, indicates that an increase of one percentage point in the unemployment rate leads to 320 additional suicides for men per year. Thus, today's unemployment rate of more than 10 percent has led to 1,280 additional suicides annually over what would have prevailed if there had been a 6 percent unemployment rate, the researchers reported.

In the 1930's the suicide rate also increased as the unemployment rate did, rising from 13.5 per 100,000 in 1928 to 17.4 in 1932. The suicide rate per 100,000 in 1981, the last full year for which figures are available, is 12.3 per 100,000.

Another characteristic often attributed to the unemployed in the 1930's was that they blamed themselves for their joblessness. While television makes it easier for today's jobless workers to see the breadth of the national unemployment problem, behavioral scientists said many of today's unemployed workers also eventually blamed themselves for their plight. "The longer a person is out of work today, the more likely he is to attribute blame for his unemployment to himself," Dr. Elder said.

"Emotionally, you begin to feel worthless," Mrs. Aiken of Jackson said. "Rationally, you know you're not worthless but the rational and the emotional don't always meet," Mrs. Aiken said she now understands why some unemployed workers get so desperate that they try suicide.

In his studies of 1930's families, Dr. Elder concluded that one of the greatest problems was "the explosive father," humiliated by his joblessness, with plenty of time and inclination to lash out at his spouse and children.

Community mental health workers report that the current recession has also produced "explosive fathers," and they point to the increased severity of wife-beating and child abuse they see. But they say they are also seeing "explosive mothers," women who have suffered the economic and psychological degradation of being laid off from their jobs. "We just see a lot of explosive families, period," said one mental health center worker.

A recent New York Times/CBS News national survey indicated that almost half the families in which an adult was unemployed in the past year reported an increase in family quarrels.

A common pattern is that the husband will lose his high-paying job and the wife will either keep her job or find a service job at a low wage. Family quarrels often start when the woman returns from work to find her demoralized husband watching television and learns that he has neither looked for a job that day nor done the household chores. Behavioral scientists point out that the husband, already embarrassed by his joblessness, may feel that doing the dishes is the final humiliation. "There's probably nothing more devastating than an involuntary change of roles in a family," said Dr. Rayman.

"If I hadn't been laid off, I'm sure we would still be married," said Harold Workman, a soft-voiced, 35-year-old auto worker who was laid off 15 months ago. He said he began arguing with his wife, a waitress, three or four months after he was laid off, and said the arguments initially centered on his not doing enough around the house. As the weeks passed, and both became concerned about their debts and their inability to pay the bills, "It seemed we just couldn't find a good word for each other," he said, adding: "She figured she could get by on her own and get out of the stress and strain of living with me. Maybe she lost faith in me. Maybe she lost hope that I would ever get back to work again."

Bob Bowen, the head of Mr. Workman's United Automobile Workers local in Ypsilanti, said that of the 1,300 workers laid off at his Ford plant, "about 20 percent have left the state." "It's like a diaspora," he said.

In recent months, however, Middle Western workers have been returning when they are unable to find work in the Sun Belt. Their return further depresses them as well as those who had stayed behind as both groups lose hope of finding better conditions. Mr. Bowen said that as a result many of his unemployed friends "are acting almost emasculated."

Mr. Bowen and others who have worked with today's unemployed say the problems grow increasingly severe as the benefits run out, the bills mount, and the worker comes face to face with the devastating realization that he can't find any decent job.

Quick re-employment is not likely for most of today's jobless workers. Many mental health center directors are reporting that they have been seeing far more people in recent weeks who have exhausted all unemployment benefits and who find themselves in deep personal or family trouble. "We'll have tons of people who have lost all benefits hitting us in the next six months," said Saul Cooper of Ann Arbor, Mich., the head of the Washtenaw County Community Mental Health Center.

"We're all watching the same economic move in this country," Mr. Cooper said. "Some other states are in the first or second part of the movie; here we're in the third part. But it's quite predictable that other states will eventually see all the same scenes that we're watching in Michigan. And I'm afraid we'll soon be seeing a tidal wave of disturbed, unemployed people."●

THE 15TH ANNIVERSARY OF THE DEATH OF MARTIN LUTHER KING, JR.

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 1983

● Mr. MOODY. Mr. Speaker, yesterday marked the 15th anniversary of the death of Dr. Martin Luther King, Jr. It is appropriate today to reflect on the life and accomplishments of this great American.

Dr. King epitomized the nonviolent struggle against racism and with his leadership and vision moved a whole nation forward toward racial justice. In 1955, as a young man of 27, Dr. King was chosen by Montgomery, Ala.'s black leaders to coordinate the successful boycott of that city's bus system to protest separate seating for blacks. In the late fifties and early sixties, he applied the principles of Christ and Thoreau, along with the methods of Ghandi, in organizing mass support to change the abominable condition of black America. Dr. King built upon the work of his predecessors—Frederick Douglass, W. E. B. DuBois, A. Phillip Randolph, Walter White, and many others—to move our country toward democracy and justice for all citizens. In 1964 he was deservedly awarded the Noble Peace Prize for his efforts.

In the summer of 1963, Dr. King, helped coordinate and lead the famous March on Washington. There, he delivered his famous "I have a dream . . ." speech; it lasted only 15 minutes, but it helped to turn the tide of the national civil rights movement. I marched with him, and a quarter of a million fellow Americans. It was a powerful and moving experience for all of us there that July day.

It is difficult to believe that it has been a decade and a half since an assassin's bullet sought to stop the progress toward the fulfillment of Dr. King's dream.

This country has come a long way in correcting the social injustices of the past. Yet, we still have many steps to take to fully realize the dream of Dr. King. I do not need remind my colleagues that unemployment among blacks remains double that of the national average. Many other social and economic indicators for blacks lag significantly behind those for whites.

Dr. King was a dedicated man of peace, spirit, and conviction. We can best honor his memory, by not only designating a national holiday on his birthday, but also by continuing to work for the fulfillment of the goals of his dream: Social and economic justice. We have yet to reach the point in this country where all Americans are not, "judged by the color of their skin, but by the content of their character." But we are infinitely closer than we were, in large part because of the magnificant and lasting contribution of Dr. Martin Luther King, Jr.●

HONORING JAN D. PIERCE

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 1983

● Mr. MRAZEK. Mr. Speaker, many years ago, author Thomas Wolfe wrote:

If a man has a talent and cannot use it, he has failed. If he has a talent and uses only half of it, he has partly failed. If he has a talent and learns somehow to use the whole of it, he has gloriously succeeded, and won a satisfaction and a triumph few men ever know.

I believe that this sentiment describes the essence of one my constituents, Mr. Jan D. Pierce of Port Washington, Long Island. In his chosen field and in his selfless dedication to others, Mr. Pierce has demonstrated a remarkable utilization of his talents.

He has advanced the causes of social progress in his community and his profession. In an era when too many among us succumb to the temptation to satisfy only ourselves, Mr. Pierce has chosen to give of himself to others.

Because of his exemplary record of volunteer support, Mr. Pierce will be honored on April 15 by the Long Island Chapter of the March of Dimes. Although he himself would, by nature, resist such tributes as unnecessary, he has graciously consented to be feted as a means of raising funds for the ongoing battle against birth defects waged by the March of Dimes.

The altruistic qualities possessed by individuals such as Mr. Pierce can serve as an inspiration to all of us, particularly at a time when we are being called upon to reach out to help others. I ask all of my colleagues in this body to join me today in tribute to the life and works of Jan D. Pierce.●

FIRST CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1984

HON. MARILYN LLOYD BOUQUARD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 1983

● Mr. BOUQUARD. Mr. Speaker, although I have certain reservations about the House-passed budget, there is no doubt that it represented a clear improvement over the administration proposal. I wholly support the general direction of this budget—in particular, the emphasis on deficit reduction. While I had hoped to see a somewhat higher rate of growth in the defense budget, the House-passed budget represents a more balanced and equitable approach than the administration's proposal. The House's swift action on the first budget resolution should allow the Congress to complete the budget process on schedule, eliminating the crisis atmosphere of the past 2 years.

I was disappointed that the Republican Members did not offer any alternative measure for consideration. I would have looked forward to consideration of a third option that could have met my concerns about the level of defense spending and about the level of the deficit. As it was, no such option was presented.

I hope and expect to see funding for defense raised somewhat by the Senate or in conference, probably to a 5-percent or 6-percent real growth figure, but given the alternative of supporting a steady, sustainable program or a massive, crash program, I choose the former because I earnestly believe that by moderating the growth in defense spending we are laying the groundwork for sustained long-term improvements and greater capability in our defense forces. It is critical that the budget set us on a course of steady, sustainable defense increases.

In addition, this budget represents a significant reduction in the Federal deficit from what the administration proposed. The administration budget anticipated a deficit of $188.7 billion in fiscal year 1984, the year in which they originally predicted a balanced budget. The House-passed budget contains a deficit, according to the Congressional Budget Office, of $174.45 billion. This deficit reduction should send a strong signal to the financial markets that Congress is serious about lowering the deficits and reducing pressure on interest rates.

The House-passed budget also anticipates some long-term revenue increases to help reduce future deficits as well. It is important to note that the revenue increases mandated by this legislation represent only the scaling back of the massive tax cuts enacted in 1981. Even with the administration's increases last year and the revisions in this legislation, there is still a net tax cut of $58.2 billion in fiscal year 1984, $72.8 billion in fiscal year 1985, and $96.3 billion in fiscal year 1986, as a result of the 1981 tax bill.

With passage of the budget resolution before adjourning for Easter recess, I believe the House of Representatives can take pride in a very productive opening session. We have now passed three landmark pieces of legislation—the first budget resolution, the jobs bill, and the social security reform package. Expeditious action on these three critical bills speaks well of the priorities of this body.●

DEEP-DRAFT NAVIGATION ACT OF 1983

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 1983

● Mr. MATSUI. Mr. Speaker, with the gentlemen from Virginia (Mr. WHITEHURST and Mr. BATEMAN) and cosponsors from six States, I am today introducing the Deep-Draft Navigation Act of 1983.

It is the companion to the bill introduced by Senator HATFIELD recently, and is the result of intensive work by staff on both sides of the Hill over the last 4 months. It represents a compromise between the large and small port coalitions which formed in the last Congress. While almost every port and commodity group can find something they do not care for in this bill, it is a proposal they can all live with and one which spreads the burden of cost recovery equally and fairly.

In October of 1981, I introduced the National Defense Port Systems Act of 1981, which was drafted with the assistance of more than 50 of our Nation's smaller ports, toward solving the existing crisis in funding of new navigation projects and removing the threat to the maintenance of our channels and harbors. If nothing else, work on that bill was an important educational process for us, revealing the tremendous complexity of our system, each of 100 ports having a unique set of problems and reinforcing our recognition of the inextricable Federal responsibility for our deep-draft navigation facilities.

There were several bills introduced in the last Congress with different approaches to solving problems in our ports. While all made important contributions to the pool of ideas, the legislative result was a standoff. Late in the last Congress, we began working toward a proposal which would be basically acceptable to everyone. Again, education was not only an important facet of that effort, it was the first and longest and most fundamental part of our effort. Before pen was ever put to paper, we needed to have a fair understanding of every need and concern of every group to examine problems from every perspective. The bill which evolved from that process is one I am very proud of.

As we have learned well, no bill is ever complete until it is sent to the White House. Almost every conceivable group—the administration; large and small ports and ports which fit in neither coalition; commodity and carrier interests—has reviewed drafts of this bill and proclaimed it a very good basis for solving our funding and permitting problems.

I would, however, caution any who examine this bill from only one parochial perspective that a key element of this bill is its balance, in some cases a very delicate balance. It is not a Christmas tree. Heavy, lopsided demands will topple it. It is more in the nature of a complexly woven fabric. To any who would suggest major changes, I would recommend that they examine where the thread leads and all the ramifications of their change. If this bill turns out not to be the answer, I believe that the same degree of balance will necessarily be a central characteristic of whatever other approach is discovered.

In very brief summary, our bill provides for: One, a nationally uniform user tax expected to be about 0.03 percent of value to be charged once on all export, import, lakewise, and coastwise

cargoes to raise an amount equal to 40 percent of the total annual operation and maintenance costs collectively in our harbors, channels, and connecting deep-draft waterways—Great Lakes, and so forth; second, a portion of the user tax to be used toward funding the local share of new construction for those ports in which the tax raised exceeds the cost of O&M; third, dedication of 2.2 percent customs revenues to cover the Federal share of new construction, with the local share increasing proportionate to the depth of the project; fourth, creation of a trust fund with three subaccounts, one for each of the items listed above; fifth, the option of port-specific user fees for port authorities to raise the funds for the local share of new construction; and sixth, fast tracking of the environmental permitting process.

The endorsement of user fees, especially by those of us who are Democrats, does not come painlessly. However, there is merit to developing a new revenue source, and we believe that an attempt to fence off customs revenues without some sort of user tax input would inspire an infinite number of suggestions for the dedication of portions of the $10 billion in customs revenues to other existing programs.

Mr. Speaker, I know that the three committees to which this bill will be referred—Ways and Means, Public Works, and Merchant Marine—are all eager to see something enacted in this Congress to solve the funding crisis in our ports and break the logjam of backlogged new project authorizations. I share that eagerness and look forward to working with the committees toward that end.

Finally, I would like to insert in the RECORD a letter from the Director of the Office of Management and Budget to Senator HATFIELD.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., March 19, 1983.

Hon. MARK O. HATFIELD,
U.S. Senate, Russell Senate Office Building, Washington, D.C.

DEAR MARK: This is to respond to your March 2nd letter asking for Administration comments on the port legislation you have been developing with Senators Thurmond, Mattingly, and Byrd. I understand the bill will be introduced March 21st and will be known as the "Deep-Draft Navigation Act of 1983."

You are certainly to be commended for building a broad-based coalition to break the three-year logjam over port legislation. As the President said in his State of the Union message ". . . it's time for us to get together and enact a port modernization bill."

The concepts in your legislation appear to be a workable compromise, recognizing our policies of Federal fiscal constraints, while at the same time providing the assurance of port maintenance and a framework for authorizing navigation improvements. Passage of legislation to maintain and improve our nation's ports enhances our international trade position and translates into jobs in our coalfields and grainfields, railroads, trucking industry, and port communities. A modern port system improves our national security since it enhances America's capacity to assist our Allies meet their energy and food requirements.

Because of the severe restraints on the Federal budget, it is impossible for the Federal government to continue paying for the full cost of maintaining and improving our nation's ports. When users of services can be readily identified, then they should share in the costs.

We are pleased that your legislation calls for user fees to pay for a portion of both operation and maintenance and new construction of our nation's ports. Allowing port specific user fees to pay for improvements will insure that a market test is met before any new navigation improvements are undertaken.

Under your proposal, Federal expenditures will be restrained because the amount of Federal funds available for navigation improvements will be limited to 95 percent of the funds raised through the national uniform fee for operation and maintenance. This is a responsible and equitable approach.

The fast-tracking of the planning, permitting and authorization process in your legislation is similar to concepts which have been developed by the Corps of Engineers over the last few years and should go a long way towards assuring that port improvements can proceed expeditiously.

While we agree with the overall thrust and the concepts in your legislation, we do suggest certain changes. We recommend that the cost recovery from the uniform fee to pay for operation and maintenance be raised from the 40 percent level in your bill. We also recommend that the definition of what is included in articles of local cooperation for navigation improvements be amended to what is included under existing law. An alternative suggestion would be to retain the definition of articles of local cooperation in your bill but increase the non-Federal share for new construction.

We commend you leadership and that of Senators Thurmond, Mattingly and Byrd, and we will work with the Congress to pass port improvement legislation.

Sincerely,

DAVID A. STOCKMAN.

Identical letter sent to Senator John W. Warner.●

TRIBUTE PAID TO "PEG" SWEZEY, PRESIDENT OF QUEENS, N.Y., CHAMBER OF COMMERCE

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 1983

● Mr. ACKERMAN. Mr. Speaker, I would like to bring to the attention of the House the recent election of Mrs. Margaret "Peg" Swezey as president of the Queens Chamber of Commerce.

Peg Swezey was the first woman to serve on the board of the Queens Chamber of Commerce and holds the distinction of being the first woman to be elected president of the chamber in its 71-year history. She is currently on the board of directors of a number of other organizations, including the Queens Outreach Corp., the Flushing Council on Culture and the Arts, the National Conference of Christians and Jews, and the United Cerebral Palsy of Queens.

Peg has contributed greatly to the cultural and economic well-being of the Queens (N.Y.) community. Born and raised in Queens County, Peg has dedicated herself to corporate responsibility, economic improvement, and helping others. She still resides in Queens with her husband, Harold, who is an electrical engineer with Western Electric. Their son, Mark, is now a high school teacher in Kansas.

Peg has been at Citibank, now, for over three decades. She began there as a clerk and has steadily risen to the position of vice president and director of community and government affairs for Queens County. At Citibank, she has fostered increased interaction between the borough of Queens and its community groups. She is also involved with the bank's corporate-giving program, which assists a variety of organizations, including senior citizen and youth groups, programs involved with community economic development, and various artistic and cultural events.

This is not the first time that Peg has been honored for her achievements. In 1979, Queens Borough President Donald Manes proclaimed December 12, "Peg Swezey Day." Last year, Peg accompanied Mr. Manes as a member of a delegation from Queens sent to China in order to further encourage overseas investment in Queens.

Peg has received a number of awards from community organizations, including the Jamaica Hospital, the Greater New York YMCA Council, the Queens Urban League, the Queens County Jewish War Veterans, the Greater New York Boy Scouts of America, and the Forest Park Service Senior Citizens.

In 1980, President Carter cited Mrs. Swezey as "Banker Advocate of the Year" on behalf of the Small Business Administration. In addition, she has received numerous other awards and honors—too many to list here.

Mr. Speaker, I can think of few people who have contributed as much to their community as Peg Swezey. As a Member of Congress serving part of Queens, and as a friend, I wish to congratulate Peg Swezey upon receiving this honor and for her efforts, for which the community owes her a great deal.●

MR. ANDROPOV, LET'S GET SERIOUS

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 1983

● Mr. BROOMFIELD. Mr. Speaker, the March 31 edition of the Van Nuys Daily News had a brief but revealing editorial describing the President's latest arms-reduction proposal, and I think that all Members will find this editorial most enlightening. I believe that my colleagues will agree that the administration's latest overture to the Soviets shows a true spirit of compromise on the part of the United States to resolve once and for all the question of medium-range weapons in Europe through an interim agreement. The plan calls for sharp reductions in these weapons. For the second time, the ball has been put directly in the Soviet's court.

As all of you recall, the President's first proposal, the zero option, was rejected by the U.S.S.R. The Soviets said that if America deployed cruise missiles in Europe, it would also do so, and would deploy nuclear missiles within range of the United States. It is fair to assume that Cuba would be the launching point for these missiles.

The Kremlin's response to the President's latest initiative was truly disappointing. The Soviets called the proposition absurd and said that it would not lead to agreement in the deadlocked arms negotiations.

What disturbs me is that the zero option and the President's recent variations to that approach have been essentially rejected out of hand by the Soviets. The administration's approach is the sound and safe way to reduce the weapons of terror first and foremost. Soviet rejections of this approach betray, I believe, their underlying strategy. Their plan is to maintain nuclear arms superiority in Europe by refusing to budge an inch from their present negotiating position.

Another important aspect of this question is that the United States is not unilaterally forcing these medium-range missiles on our European allies. In response to a Soviet missile buildup in Europe in the 1970's, the free nations of Europe felt threatened by this new and overwhelming Soviet advantage in the area. This concern led to a NATO vote in 1979 to deploy the Pershing and cruise missiles. Let me also point out that our NATO partners are very supportive of the zero option and the administration's latest initiatives. With all of these concerns in mind, I believe the Daily News is correct in saying that now is the time for the Soviets to come forth with a new proposal in order to get the ongoing Geneva talks off to a running start when they reconvene this month.

The editorial follows:

[From the Los Angeles Daily News, Mar. 31, 1983]

REAGAN'S LATEST PROPOSAL

Even the most vocal critics of President Reagan will find it difficult to find fault with the administration's ongoing efforts to reduce the threat of an East-West nuclear confrontation.

The President's overture to the Kremlin Wednesday in the form of an interim proposal calling for the deployment of fewer nuclear warheads on both sides in Europe, is the latest evidence attesting to his willingness to deviate from his "zero option" plan.

Since it was first presented a year ago, the "zero option" plan has been opposed by the Soviet government. Yet, Moscow has failed to offer an alternate proposal—a disturbing fact which raises the question of whether it is seriously seeking a solution to the long-festering missile issue.

But, the Soviets are far from being timid or restrained in their efforts to prevent the installation of 570 American Pershing II and cruise missiles in countries facing the heavily armed territory of the Warsaw Pact nations.

They have consistently encouraged and supported the work of the anti-nuclear factions in Western Europe—a movement that has experienced some significant setbacks in recent months, as reflected by the recent election victory of conservative West German Chancellor Helmut Kohl and the Socialist losses in France's city elections earlier this month.

Even with the deployment of the single-warhead American missiles, Western Europe would still be outnumbered in nuclear weapons by the Soviet Union, which currently has a powerful arsenal of triple-warhead SS-20 missiles.

Reagan did not go into details on his latest proposal, which was made to help resolve the impasse in the arms control talks in Geneva. It was disclosed that the President was instrumental in getting the Kremlin to agree on an earlier date (April 17) for the resumption of the talks.

Now it is up to Soviet Leader Yuriy V. Andropov and his government to come up with some meaningful input at the forthcoming Geneva talks. Thus far, all the overtures for a solution to the issue have originated from Washington. That one-sided approach will have to be changed if some progress is to be made in the negotiations.

Washington, and the President in particular, have continually attempted to find an acceptable way to prevent the further escalation of nuclear weapons. The change will have to come from Moscow if that objective is to be achieved.●

OMAR BRADLEY

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 1983

● Mr. WILLIAMS of Montana. Mr. Speaker, 25 years ago General of the Army Omar Bradley gave the following address at the St. Alban's School. Perhaps it could today be entitled: Sputnik: Just One More Weapons System.

The central problem of our time—as I view it—is how to employ human intelligence for the salvation of mankind. It is a problem we have put upon ourselves. For we have defiled our intellect by the creation of such scientific instruments of destruction that we are now in desperate danger of destroying ourselves. Our plight is critical and with each effort we have made to relieve it by further scientific advance, we have succeeded only in aggravating our peril.

As a result, we are not speeding inexorably toward a day when even the ingenuity of our scientists may be unable to save us from the consequences of a single rash act or a lone reckless hand upon the switch of an uninterceptable missile. For twelve years now we've sought to stave off this ultimate threat of disaster by devising arms which would be both ultimate and disastrous.

This irony can probably be compounded a few more years, or perhaps even a few decades. Missiles will bring anti-missiles; anti-missiles will bring anti-missiles. But inevitably, this whole electronic house of cards will reach a point where it can be constructed no higher.

At that point we shall have come to the peak of this whole incredible dilemma into which the world is shoving itself. And when that time comes there will be little we can do other than to settle down uneasily, smother our fears, and attempt to live in a thickening shadow of death.

Should this situation come to pass, we would have but one single and thin thread to cling to. We call it rationale or reason. We reason that no government, no single group of men—indeed, not even one willful individual—would be so foolhardy, so reckless, as to precipitate a war which would most surely end in mutual destruction.

This reasoning may have the benefit of logic. But even logic sometimes goes awry. How can we assume that reason will prevail in a crisis when there is ordinarily so little reason among men? To those who would take comfort in the likelihood of an atomic peace to be secured solely by rationale and reason, I would recall the lapse of reason in a bunker under the Reich Chancellery in Berlin. It failed before, it can fail again.

Have we already gone too far in this search for peace through the accumulation of peril? Is there any way to halt this trend—or must we push on with new devices until we inevitably come to judgment before the atom? I believe there is a way out. And I believe I have acquired in my lifetime a decent respect for human intelligence.

It may be that the problems of accommodation in a world split by rival ideologies are more difficult than those with which we have struggled in the construction of ballistic missiles. But I believe, too, that if we apply to these human problems the energy, creativity, and the perseverance we have devoted to science, even problems of accommodation will yield to reason.

Admittedly, the problem of peaceful accommodation in the world is infinitely more difficult than the conquest of space, infinitely more complex than a trip to the moon. But if we will only come to the realization that it must be worked out—whatever it may mean even to such sacred traditions as absolute national sovereignty—I believe that we can somehow, somewhere, and perhaps through some as yet undiscovered world thinker and leader find a workable solution.

I confess that this is as much an article of faith as it is an expression of reason. But this, my friends, is what we need, faith in our ability to do what must be done. Without that faith we shall never get started.

And until we get started, we shall never know what can be done.

If I am sometimes discouraged, it is not by the magnitude of the problem, but by our colossal indifference to it. I am unable to understand why—if we are willing to trust in reason as a restraint on the use of a ready-made ready-to-fire bomb—we do not make greater, more diligent and more imaginative use of reason and human intelligence in seeking an accord and compromise which will make it possible for mankind to control the atom and banish it as an instrument of war.

This is the real and indeed the most strenuous challenge to man's intellect today. By comparison with it, the conquest of space is of small significance. For until we learn how to live together, until we rid ourselves of the strife that mocks our pretensions of civilization, or adventures in science—instead of producing human progress—will continue to crowd it with greater peril.

We can compete with a Sputnik and probably create bigger and better Sputniks of our own. But what are we doing to prevent the Sputnik from evolving into just one more weapons system? And when are we going to muster an intelligence equal to that applied against the Sputnik and dedicate it to the preservation of this Satellite on which we live?

How long—I would ask you—can we put off salvation? When does humanity run out? If enough of us believe strongly enough in the ability of intelligent human beings to get together on some basis of a just accord, we might somehow, somewhere, in some way and under some auspices make a start on it.

Unless we soon get started, it may be too late. We can't sit about waiting for some felicitous accident of history that may somehow make the world all right. Time is running against us, and it is running against us with the speed of a Sputnik.

If we're going to save ourselves from the instruments of our own intellect, we had better soon get ourselves under control and begin making the world safe for living.●

THE DEMOCRATS' BUDGET: NOT SOFT ON DEFENSE

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 1983

● Mr. MAZZOLI. Mr. Speaker, I would like to commend to the attention of my colleagues the following piece from the Washington Post commenting on the President's recent attack against the House Democrats' fiscal year 1984 budget blueprint which was approved by the House on March 23.

Quite frankly, Mr. Speaker, I do not understand how Mr. Reagan can infer that Democrats are soft on national defense. The Democrat plan calls for $1.6 trillion in defense spending over the next 5 years. The President's plan calls for $1.8 trillion in defense spending over the same period. Can this slight difference justify his charge? I think not.

I am also quite puzzled by the President's blind spot on defense spending. It seems to me that, if he were really committed to bringing those sky-high Federal deficits back down to Earth, he would be attacking the waste, the excesses, the cost-overruns, and the mismanagement at the Pentagon with the same zeal that he displays in paring down human service programs.

The budget the House adopted calls for $30 billion in added revenues for fiscal year 1984. The budget document does not specify how the sum is to be raised. I ask my able colleagues on the House Ways and Means Committee to work out a revenue package which retains intact the third year of the individual tax cuts. I hope the committee will look to new and creative sources for these revenues such as in the repeal of tax indexing, and the elimination of certain oil industry tax preferences.

Mr. Speaker, I commend the House leadership and the House Budget Committee for their skill and hard work in bringing to the House floor a fair, well-balanced budget blueprint for fiscal year 1984. I hope that the Senate acts quickly and judiciously so that we can get on with the individual spending bills and the other business of the Congress.

[From the Washington Post, Mar. 22, 1983]

DANGEROUS BUDGET GAMES

Having failed for two years running to come up with a budget plan that could command a working majority, President Reagan seems intent upon keeping Congress from doing the job for him. Last year there was strong enough interest in budget control among normally divergent factions to enable congressional leaders to push through a reasonably balanced spending and revenue package. This year, while the problems are no less immense, the sense of urgency seems to be waning, some leaders are losing courage and the president seems ever more intent upon waging ideological warfare.

Mr. Reagan has already succeeded in taking much of the steam out of Senate Budget Committee Chairman Pete Domenici's drive for an early agreement on the 1984 budget. The president convinced Senate leaders that he needed more time to work out a compromise on his big defense budget. But there is no sign that the Pentagon is planning any significant changes in its request, so the delay will probably only make it more difficult for Sen. Domenici to work out needed bipartisan compromises on taxes and entitlement spending.

Meanwhile, the president has reacted in hyperbolic terms to the budget plan prepared by the House Budget Committee. Unsurprisingly, House Democrats started off the budget wrangling with a set of priorities that differs somewhat from the president's. The House plan would, for example, authorize almost $1.6 trillion in defense spending over the next five years. That's not exactly unilateral disarmament. But the president wants authority for $1.8 trillion, and he claimed that the House plan would "gut our defense program" and bring "joy to the Kremlin."

The House Budget Committee plan also proposes to increase revenues—a nice note of realism that you won't find in the president's budget. The president attacked this as a "huge increase" in taxes. Actually, the plan's long-run effect on the tax burden would be less than the "contingency" taxes the administration coyly proposes just in case the budget is still way out of whack a few years hence.

The committee would also restore some of the administration's past cuts in spending for the poor—although more than 70 percent of the cuts would still be in place—and add money for training, science and education. Even so, the Congressional Budget Office projects the five-year deficit under the committee plan at $108 billion less than that proposed by the administration.

The committee plan is no reversal of the Reagan Revolution—both taxes and social spending would be lower and defense spending much higher than under the policies of Mr. Reagan's predecessors. The president, of course, can argue with the Democrats' priorities and seek to realign them as the budget process continues. But he's not likely to get Congress to do the difficult work of developing a responsible budget by suggesting that anyone who disagrees with him is doing the Kremlin's work.●

WETLANDS LOAN ACT

HON. JOHN B. BREAUX

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 1983

● Mr. BREAUX. Mr. Speaker, I am today introducing legislation to extend the Wetlands Loan Act, a law which was enacted in 1961 to complement the waterfowl habitat acquisition program established by the Migratory Bird Hunting and Conservation Act of 1934, commonly known as the Duck Stamp Act.

Under the program set up by these two laws, all waterfowl hunters must purchase a duck stamp, the proceeds of which go into the migratory bird conservation account (MBCA) to be used for the purchase of wetlands and other migratory waterfowl habitat. Since the passage of the Loan Act in 1961, appropriations have been authorized as an advance against future duck stamp receipts in order to accelerate the rate of wetland acquisition. Of the $200 million authorized under the wetlands loan fund legislation, approximately $150 million has been appropriated. The authorization expires at the end of this fiscal year and, unless it is extended by Congress, the loan will have to be repaid from the proceeds of the sale of duck stamps.

Since the establishment of the MBCA in 1934, more then $25 million has been spent for habitat acquisition and more than 3 million acres of waterfowl habitat have been purchased. However, the purchase of wetlands, and the regulatory programs designed to protect them, have not done enough to halt the destruction of these valuable waterfowl nesting and wintering areas. In fact, the Department of the Interior estimates that we are losing as much as 458,000 acres, or

715 square miles, of wetlands each year.

In addition to providing habitat for wildlife, wetlands provide a number of other valuable functions such as flood and pollution control and ground water recharge. They also provide the nutrients and spawning areas that are essential to maintaining our fishery resource.

I recognize, of course, that extension of the wetlands loan fund is only a small part of the battle to protect wetlands. During hearings on wetlands held in the 97th Congress by the Subcommittee on Fisheries and Wildlife Conservation and the Environment, a number of additional measures to protect wetlands were recommended to the committee by conservation groups concerned with wetlands loss. These included tax incentives to encourage property owners to conserve wetlands and a number of suggestions relating to alternative means of funding wetland acquisition. In addition, Secretary of the Interior James Watt has recently submitted an administration proposal to Congress known as POWDR—protect our wetlands and duck resources—that attempts to address the problems of wetland loss.

The Subcommittee on Fisheries and Wildlife Conservation and the Environment will be holding several hearings on the wetlands issue. Our first hearing later this month will focus on the Wetlands Loan Act. A later hearing will provide the opportunity for Secretary Watt and others to recommend additional wetland protection measures. I want to assure my colleagues that we will examine all of the means available to us to reverse the serious decline of our wetlands and waterfowl habitat.●

PHOENIX COLLEGE WRESTLING

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 1983

● Mr. UDALL. Mr. Speaker, I would like to point out to my colleagues that Phoenix College, Phoenix, Ariz., recently took second place in the National Junior College Wrestling Tournament in Worthington, Minn., held March 4 to 6. This is an achievement that reflects great credit upon the Phoenix College administration and athletic department.

Two of the Phoenix wrestlers won national championships. Mitch Powers won the 126-pound class and Mark Terrill won the 142-pound class. Brian Rognholt won second place at 150 pounds.

Coach Gray Keck, in his 3 years as head coach, has provided the leadership that has made the team a national competitor respected by all junior colleges across the Nation. His assistant, Joe Romero, is one of the Nation's young and upcoming college wrestling coaches. He provides motivation and leads the team in daily workouts. The team of Keck and Romero is a great asset to the college, Phoenix and the State of Arizona. Their leadership and devotion to excellence in athletics is an example to all wrestlers in junior colleges throughout the country.

We in Arizona are proud of our wrestlers at Phoenix College. This is a sport that is individual in nature, yet requires a team effort to place in the national tournament. All of the wrestlers on the 1982-83 team for Phoenix College are to be commended for an excellent season and second place finish at the national tournament.

I am personally proud of Phoenix College as an institution of higher learning and very pleased with its wrestling team. On behalf of all of Arizona, I congratulate the Phoenix College Bears for representing Arizona at the National Junior College Tournament.●

FEDERAL CREDIT PROGRAMS

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 1983

● Mr. GRADISON. Mr. Speaker, today I testified before the Senate Banking Subcommittee on Federal Credit Programs and would like to submit my remarks for the CONGRESSIONAL RECORD.

Thank you, Mr. Chairman, for the opportunity to testify before your Subcommittee on Federal Credit Programs.

We are all painfully aware that Federal Government credit demands have forced up interest rates.

There are many reasons for this. One reason which can be corrected easily, and should be corrected, is that the Federal Financing Bank (FFB) is off budget and is allowing Federal agencies to generate billions of dollars in off-budget loans with virtually no budget constraints.

The history of the FFB in the House of Representatives is quite enlightening. The House Ways and Means Committee, on which I serve, held hearings on the possibility of establishing a central Federal debt management bank in 1972 and 1973. Paul Volcker, then Under Secretary of the Treasury for Monetary Affairs, testified on behalf of the administration. He assured the Ways and Means Committee members that placing that bank, the FFB, off budget would not alter the budget constraints on any Federal agency in any way. Because of the potential efficiencies from more centralized debt management, and on the understanding that Federal agencies could not use the FFB to increase their loan capabilities, the Ways and Means Committee reported out the FFB Act of 1973. That act created the FFB and placed it off budget.

Soon after the FFB act was enacted, it became apparent that outlays of certain agencies were expanding dramatically, directly because of the FFB's off-budget status. In 1977 and 1978, the chairman of the Ways and Means Oversight Subcommittee, Hon. Sam Gibbons, held hearings on a group of bills which would have put the FFB onbudget. The hearings were concluded with the decision not to do anything with the FFB at that time; rather, the subcommittee recommended waiting until the credit budget was developed further and then dealing with the FFB in that context.

Today, 5 years after the last Ways and Means FFB hearings, Federal agencies are still making massive outlays through the FFB mechanism. Since 1975, Federal agencies have made over $100 billion in unbudgeted outlays through the bank. That is why I have introduced legislation to put the FFB onbudget and why I am testifying before you today.

In retrospect, I believe there was no need to wait to put the FFB onbudget even in 1978. I think the committee was hesitant to take action because we did not fully understand what a credit budget would encompass or, consequently, how it would affect FFB loans. Presumably, the committee felt a credit budget would take care of unbudgeted FFB loans, and perhaps believed that putting the FFB onbudget would become unnecessary.

But there now appears to be a growing consensus that putting the FFB onbudget is complementary to a credit budget and, moreover, that it is a necessary next step regardless of how far Congress proceeds in developing the credit budget. The reason for this consensus is simple. A binding credit budget will force Congress to appropriate most new loans. However, such an appropriation process will not be of full value because it will not require that the annually appropriated outlays be included in the budget aggregates—and reflected in the size of the deficit.

When appropriations do not affect the annual budget deficit, appropriations are likely to be a "rubber-stamp" of authorization levels than to be an exercise of allocating scarce resources among competing claims. Placing loan outlays onbudget would make the appropriations process more meaningful, because the loan outlays, as well as other forms of spending, will make the reported deficit larger. Therefore, putting the FFB in the budget is necessary because only then will the loans it finances appear in the deficit totals and be budgeted properly.

Of course, the credit budget is a good idea and I support it. But it may be that the strength of the credit budget is the centralization of information on government loan activity that it would provide, rather than the requirement that credit be appropriated. Through a credit budget, Congress can examine Federal loans as a whole, which is a key step in bringing federal credit under control.

To illustrate the importance of centralized information on loans, look at the FFB. Besides decreasing the Government's interest and processing costs, the establishment of the FFB set a precedent by allowing Congress to review a large group of previously scattered Government loans as a single unit. After many years of studying FFB loans, and learning of their significance, Congress accordingly should now provide for budgeting of these loans.

Once we have a more firmly established credit budget, Congress will be able to scrutinize information on overall Federal credit just as it has scrutinized FFB loans. Then,

in time, Congress likely will demand that all loan outlays included in the credit budget be put in the unified budget.

Placing the FFB onbudget would budget those loans Congress already has studied for some time and, in coordination with a credit budget, create a mechanism for eventually bringing all loan outlays on budget. Indeed, I believe that Congress long-term credit strategy should be to budget outlays capitalized over time in competition with outlays made currently. Placing the FFB onbudget is consistent and complementary with such a long-run strategy and an appropriate next step for the short run.

To sum up, the FFB's existence is well justified. It has increased Government debt management efficiency. However, thus far this efficiency has been gained at the loss of budgetary control. Putting the FFB onbudget will maintain the advantages of FFB debt management, while increasing congressional control over outlays.

I look forward to further action by this body regarding the FFB's budget status. In addition, I have been working with Treasury to make technical amendments to the original Proximire-Gradison bill and will soon introduce a revised bill which I understand the administration will support.

Thank you for your consideration of my views.●

THE SOUTH DOMINATES AGAIN

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 1983

● Mr. RAHALL. Mr. Speaker, it is with great pride that I rise today to share with my colleagues the fact that all three of the State high school basketball championship teams hail from the Fourth Congressional District of West Virginia.

My congratulations go out to the class AAA champs, the Logan High School Wildcats, and their coach, Willie Akers; to the class AA champs, the Williamson High School Wolfpack, and their coach, Allen Hatcher; and to the class A champs, the Mullens High School Rebels, and their coach, Don Nuckols.

These three teams represent fine communities, and they are all a credit to their schools, families, and friends.

Moreover, I am pleased to point out that two of the three runner-ups also come from the Fourth District: in class AA, Northfork High School, and in class A, Vinson High School.

In short, Mr. Speaker, I can only say that the type of basketball that is played in southern West Virginia is championship basketball, and the entire southern region of our great State is proud of the three teams that have brought this about.●

CRIME IN OUR NEIGHBORHOODS

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 1983

● Mr. FEIGHAN. Mr. Speaker, last month, the Buckeye-Woodland Community Congress convened a hearing on the problem of crime in our neighborhoods. At that hearing, too many citizens reported the fear that plagues their lives. Too many senior citizens recounted the ways in which they had been victimized. Too many young women reported being assaulted. Too many parents reported on the danger their children faced each day as they walked to school, to the store, or to a friend's house.

At the same hearing, public officials spoke of the inadequacies of the resources available to police departments. Bank officials spoke of their willingness to reinvest in older neighborhoods—if those neighborhoods can be made safe and attractive again. Police officers spoke of their frustrations.

In the Buckeye-Woodland community, and in neighborhoods throughout this country, there is reason to be hopeful. Groups of committed citizens are doing what they can to organize, and alleviate the crime problems in their neighborhoods.

Last week, the Subcommittee on Crime reported H.R. 2175, the Justice Assistance Act, which established a partnership between the Federal Government, State, and local governments, and the citizens in fighting crime in our neighborhoods. The funds made available by the act will be targeted to assist high-crime areas, and be used to support community-based anticrime programs, arson programs, career criminal programs, victim/witness assistance programs, and delinquency prevention programs.

Mr. Speaker, neighborhoods throughout this Nation are eager to wage the war against crime. Buckeye-Woodland, like other communities, deserves our help—so that they can help themselves by building strong, safe, and secure neighborhoods.●

DR. MARTIN LUTHER KING: 15 YEARS LATER

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 1983

● Mr. RODINO. Mr. Speaker, 15 years after the assassination of Dr. Martin Luther King, this country still feels the loss of his voice and his leadership. And yet, although his voice may have been silenced on that tragic day, his spirit and his vision still live on in the continuing struggle for justice and equality.

That powerful voice that rallied our country to face up to our commitment to equality for all Americans can still be heard 15 years after his death. As we mark this sad anniversary, we must all rededicate ourselves to those ideals for which Dr. King lived and died. There is, sadly, a long way to go before his famous dream is realized, but the vision of a fully just America must never be abandoned.

The very least that we owe his memory would be a national holiday commemorating his birthday. For over a decade I have worked toward this goal, along with many of my colleagues. One day which could be dedicated to Dr. King's ideals would give us the opportunity to nurture his dream and to continue his struggle.

In these times when we are seeing some slippage, rather than progress, in the fight for civil and human rights, it is possible to become disillusioned. But we cannot allow ourselves to give in to pessimism. We must not let the forces of reaction turn back the clock on civil rights. Now more than ever we must work for the goal of a truly equal society, and we must let Dr. King's spirit and wisdom continue to guide us to that goal.●

MORE IS NOT SAFER

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 1983

● Mr. MARKEY. Mr. Speaker, as the vote on the nuclear arms freeze draws near, I would like to refer my colleagues to this column by the noted New York Times writer Tom Wicker. As Mr. Wicker states, proponents of the freeze, unlike President Reagan's assertions, are not simple-minded, naive advocates of inferiority for this country. The freeze resolution calls unequivocably for a bilateral freeze on nuclear arms.

The article follows:

[From the New York Times, Mar. 18, 1983]

MORE IS NOT SAFER

(By Tom Wicker)

Why does President Reagan link supporters of a nuclear freeze to "those who would place the United States in a position of military and moral inferiority"? Why does he suggest that the freeze movement is bent on "simple-minded appeasement or wishful thinking about our adversaries" that will result in "the betrayal of our past and the squandering of our freedom"?

The likely answer is suggested by expected passage of the nuclear freeze resolution in the House—the latest indication of a developing public opinion that Mr. Reagan may defy and defame but can't ignore. House passage will reflect a growing belief in this country that a continuing nuclear

arms race threatens rather than enhances national security.

Freeze supporters are not, therefore, advocating any kind of inferiority for the United States. They are not calling for unilateral disarmament. They specify that any freeze on testing, production or deployment of weapons must be mutual and verifiable. There's nothing "simple-minded" about that, and if there's any "wishful thinking" going on it's Mr. Reagan's belief that he can somehow regain nuclear superiority for the U.S. by stacking warhead on top of warhead.

The issue here is not patriotism or appeasement. It is whether national security and world peace will be better served by (1) a negotiated halt to the arms race and continuing efforts to reduce arsenals on both sides, as called for in the freeze resolution; or by (2) a further huge and costly nuclear buildup, together with the Start negotiations, as Mr. Reagan wants. The President's shrill attacks on the motives of freeze supporters suggest that he's beginning to feel the heat of this debate.

The freeze movement is not alone in the belief that more weapons don't necessarily increase security. A new North Atlantic Treaty Organization report, for example, has urged the United States to cut down or even eliminate its stockpile of more than 5,000 battlefield nuclear weapons in Europe. The weapons are outmoded and militarily vulnerable, the report says; they are also "effectively unusable" on the battlefield, since most have extremely short ranges and relatively high yields.

If NATO does downgrade its reliance on battlefield nukes, that will lend credence to those who have been calling for a NATO policy of "no first use" of nuclear weapons. Opposition to such a policy has been based primarily on the view that NATO conventional forces could not halt a conventional Soviet attack on Western Europe and would have to make a nuclear response in the relatively early stages of such an attack.

Where such a response would lead has been bluntly stated by General Bernard Rogers, the commander of U.S. forces in Europe. "We are not going to contain a nuclear war in Western Europe," he told a House committee on March 9. Such a war, he said, "is going to escalate to a strategic exhange" between the U.S. and the Soviet Union—the best reason for less reliance on nuclear weapons in Europe.

The emphasis on *more* and *bigger* may sound tough and impressive, but it won't necessarily stand analysis. A distinguished former diplomat has pointed out in a letter to me, for example, that the United States now has 10 Trident submarines in operation, in sea trials or under construction; each will have 24 missiles carrying 8 to 10 nuclear warheads of 100 kilotons' explosive power. Simple arithmetic discloses that this fleet's 1,920 warheads (eight on each of the 240 missiles) would have a destructive potential of 192,000 kilotons.

This would be the equivalent of 14,769 bombs of the 13-kiloton size dropped on Hiroshima in World War II. But Jerome Wiesner, who was President Kennedy's science adviser, has written that only 100 nuclear bombs would "effectively destroy" either the United States or the Soviet Union. Assuming these 100 were of the 100-kiloton size carried by Trident submarines, my correpondent calculated that the Soviet Union could be "effectively destroyed" by only 5.2 percent of the Trident fleet's warheads.

"Either this is madness," he wrote, "or I am mad, or my arithmetic is wholly faulty. . . . How, I would ask, can the Government go in for such nightmarish absurdities without arousing questions, protests, and demands for explanation, on the part of the press and the media? What is going into these submarines is, after all, only one part of what we have in one leg of the triad. . . . Should the Government not be asked to tell us just how many times over they are planning to destroy the Soviet Union, and why, or, if this striking force suffices for one such destruction, what they propose to do with the remaining 94.8 percent?"

That is the kind of question more and more Americans are beginning to ask. Mr. Reagan can impugn their patriotism or call them appeasers but the only way he can silence them is with what he has not so far provided—a convincing answer.●

TROUBLE AT THE EPA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 1983

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for March 30, 1983, into the CONGRESSIONAL RECORD:

TROUBLE AT THE EPA

The Environmental Protection Agency (EPA) is an organization in trouble. Half a dozen congressional committees, the Justice Department, the Federal Bureau of Investigation, the White House, and scores of reporters are looking into allegations of mismanagement, favoritism, and illegality at the agency. Several top managers have been forced out, and the director, Anne Burford, resigned under pressure. To replace her, President Reagan called on William Ruckelshaus, who headed the EPA in the Nixon Administration. Mr. Ruckelshaus's task is to rebuild morale at the EPA, halt the shrinkage of its budget, reverse the "brain drain" depleting the professional staff, and get the EPA back in business. Mr. Ruckelshaus will have to ask what happened at the agency and what can be done to restore its effectiveness.

The EPA's troubles are clear. There has been political manipulation of, and irregularity in, the agency's $1.6 billion toxic waste clean-up program. Work at one site was stopped in order to embarrass one candidate and help another, and $53 million in progam funds are unaccounted for. Congress was denied access to program documents, and some were shredded so that congressional investigators could not get them. Conflict of interest is another problem at the agency. Some officials dealt with hazardous waste problems despite the potential liability of their former employers. Key administrators were wined and dined by officers of EPA-regulated companies. The agency may have used surveillance and political "hit lists" in its investigation of employees who were critical of its policies. Career civil servants were dropped, and science advisors were methodically driven out. The agency is accused of being lenient with polluters. Some officials modified reports on toxic waste at the behest of polluters and tipped polluters as to how the agency would settle in negotiations. Industry's voluntary compliance with the EPA's rules fell off. Also, the agency is blamed for generally failing to enforce environmental laws. Legal action against polluters became less common, and the duty of enforcement was shifted to states—after grants for enforcement were cut sharply.

A deep cut in the EPA's budget, low morale among its personnel, and a sweeping delegation of its responsibilities have made the EPA's troubles worse. Once noted for its efficiency and spirit, and considered one of the better run agencies in Washington, the EPA is now virtually inert. It simply is not possible for the agency to go about the business of protecting the environment. The adminstrative obstacles faced by the EPA are formidable. They stem from a basic attitude of the Reagan Administration, which came into office both pledging to lighten the regulatory burden on industry and criticizing domestic governmental activity in general. The President has often stated that threats to the environment are exaggerated and that the EPA is overstaffed and receives more money than it can use. Such statements have persuaded many people, especially environmentalists, that he does not believe in the mission of the EPA and is not interested in enforcing environmental laws. The main issue in this lamentable episode is not the competence of a federal agency. It is the outlook of a President.

The EPA's troubles will not be quickly resolved, and complete success in restoring the agency is not assured. Success depends in part on the progress we make in other areas. The environmental problems in this Nation are numerous and complex—the problems will not be easy to address. Bipartisan majorities in Congress have written many environmental laws in absolute terms not always consistent with scientific knowledge—the laws will not be easy to update. Also, the laws give little guidance on how to balance the benefit of pollution control against its costs—the cost-benefit trade-offs will not be easy to make. Few tasks are more difficult that developing legislation while scientific understanding evolves and economic calculations are inexact.

As the first step in what will be a long journey, I would like to see the President tell us what went wrong at the EPA, what the agency's mission should be, what kind of people are needed to carry out the mission, and what the country should do to solve its numerous and complex environmental problems. My guess is that popular support for the EPA is deeper and stronger than the President thought and that he misjudged the public's concern. The President has a new chance to redirect environmental policy. Fundamental to the redirecting effort, however, is his attitude. He should be commended for asking Mr. Ruckelshaus to take the EPA's helm, but if the appointment is to succeed, the President must realize that the troubles at the EPA grew out of his apparent indifference to environmental protection.

Congress did not handle the EPA investigation flawlessly, but the system does not always work without a hitch. Even so, Congress deserves some credit, in my view, for successfully directing attention to a totally mismanaged agency which was not fulfilling its legal duties. As it follows up on the events of recent days, Congress should certainly not try to pass a whole new wave of environmental laws as a means of punishing the Reagan Administration. The real danger is that mismanagement, favoritism, and illegality have severely crippled the EPA. Therefore, Congress should focus its immediate efforts on getting the agency back into

shape so that it can do its important work once again. Congress must both concern itself with the EPA's long-term ability to protect the environment and insist that there be an institutional capacity in the EPA sufficient to its mission.

With the integrity of the EPA restored, Congress can turn to other matters. Given current knowledge, much basic environmental legislation needs revision. Some restrictions are tighter than health hazards would warrant; others are too expensive, with costs in excess of benefits; still others are not watched closely enough to assure continued usefulness. Some restrictions will have to be toughened; new restrictions will have to be created. As it proceeds, Congress must be mindful of the twin values of environmental protection and economic growth.●

THE CIA AND NICARAGUA

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 1983

● Mr. EDWARDS of California. Mr. Speaker, the conflict between Nicaragua and Honduras is becoming increasingly apparent. What is not quite as clear, is that the United States appears to have a large hand in making sure that the conflict continues and perhaps grows worse.

While President Reagan and the State Department remain silent, the amount of evidence showing CIA involvement continues to accumulate. The captured anti-Sandinista rebels have stated that the CIA is not only arming the rebels, but also paying them to continue their insurgences into Nicaragua, and even assisting them in setting up plans of actions against the Nicaraguan Government.

This intervention into the affairs of another State cannot be allowed to continue. I have enclosed for the RECORD, a recent editorial from the San Jose Mercury Newspaper, which I hope you will find both interesting and informative.

The editorial follows:

[From the San Jose Mercury, Mar. 29, 1983]

THE CIA AND NICARAGUA

It is becoming increasingly clear that the CIA is directly fomenting counterrevolution in Nicaragua, despite conditions attached to the 1983 defense appropriation bill prohibiting the use of U.S. funds for military programs against that country.

Charges last week by the Nicaraguan junta that U.S.-backed forces had invaded to within 70 miles of Managua at first were met with skepticism. Many assumed the Sandinistas, losing support among the population, were trying to bolster the junta by whipping up nationalist feelings against a phantom outside aggressor.

But reports from Nicaragua soon offered evidence that an estimated 2,000 soldiers of the so-called Nicaraguan Democratic Forces, allied with right-wing national guardsmen from the ousted regime of Gen. Anastasio Somoza, have entered the country and begun military operations.

On Sunday, two men identifying themselves as anti-Sandinista rebels told a news conference held by officials of the ruling National Liberation Front that the CIA paid and armed them for an invasion into Nicaragua before they were captured by Nicaraguan forces.

One of the captured men said he was recruited by the CIA to join rebel forces that invaded Nicaragua early this month. He said the rebels were armed by the CIA.

Another man told a news conference that Honduran intelligence agents working with the CIA and Nicaraguan exiles opposed to the Sandinistas recruited him in August 1979. He said an American CIA agent arranged for him to be paid $1,000 a month to help arm and lead the insurgents into Nicaragua. He also said the group was receiving weapons from the CIA.

Meanwhile, Time magazine quoted sources inside the anti-Sandinista forces who described their "political coordinating committee" made up of three military staffs, one of them consisting of Americans, including CIA experts and representatives of the U.S. Army's Southern Command.

According to Time, John Negroponte, U.S. ambassador to Honduras, is coordinator of the committee.

The reports, against the backdrop of an administration apparently bent on using its military might to shape events in Central America, lend credence to the Sandinistas' charge that the Reagan government is spending $19 million to overthrow the government of Nicaragua.

Most members of Congress and many Latin American leaders, particularly in Mexico, Venezuela and Costa Rica, believe this strategy is destined to backfire. They argue convincingly that U.S. support for the Somocistas is likely to fuel nationalist sentiments the Sandinistas desperately need to maintain unity and support.

Nor does it appear likely that the *contras* will overpower Nicaragua's 25,000-man regular army and 80,000-member militia—the largest armed force in Central America—without massive military intervention by the United States.

But even if it were possible for this country to overthrow the junta—and counterrevolution in Chile is a grim reminder of the possibility—it would be wrong. The United States cannot maintain that peaceful relations among nations demands non-intervention while at the same time engaging in gross violations of national self-determination by financing and arming counterrevolutions.

Nor is there evidence that rightist military juntas serve the cause of democracy better than leftist juntas. Many would argue that even the brutalities of various Marxist and quasi-Marxist regimes are less extreme than those committed by some right-wing governments.

But the degree of atrocities of rightist or leftist authoritarianism is not the issue. Rather, our concern should be to implement policies that have the greatest likelihood of aiding construction of democracies in Latin America without becoming combatants in internal warfare.

The Reagan administration apparently cannot be convinced to encourage pluralism in Latin America through peaceful means. But Congress can, and should quickly call a halt to the administration's military interventionism.●

MR. GUY S. DEVANY RETIRES

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 1983

● Mr. FRANK. Mr. Speaker, on April 7, Guy S. DeVany will retire as publisher of the Sun Chronicle of Attleboro and North Attleboro, Mass. Mr. DeVany's record over 25 years is an admirable one. He has worked hard and effectively to publish a first-rate newspaper, and under his leadership the Sun Chronicle stands as one of the most modern daily newspapers in New England—with up to date technology, award-winning writers and photographers, and a phenomenal growth record in the past 25 years. These past 25 years have not been good ones for all newspapers. The onslaught of competitive media has lead to the faultering and demise of many daily papers. I am particularly pleased, to be able to point to Guy DeVany's record of accomplishments as publisher of the Sun Chronicle, because he has demonstrated again the importance of a good newspaper to the communities it serves, and a willingness of those communities to respond when newspapers are published in a manner that meets pressing public needs.

Guy DeVany has been a champion of community causes over the years, recognizing that it is important for a newspaper to involve itself fully in the affairs of the cities and towns in which it circulates. His leadership and direction of the Sun Chronicle will be missed particularly by his coworkers, but also by his readers and by all of us who are concerned about public affairs in the Attleboro area, Guy DeVany's record of accomplishment in the field of journalism will stand out for a long time as one deserving of emulation by others. On April 7, he will very fittingly be honored by his many friends and coworkers who are eager to thank him for the 25 very good years he has provided for all of us. As he begins his retirement, Guy DeVany has much of which he can be proud.●

THE HOLLYWOOD STARS BASEBALL TEAM

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 1983

● Mr. LEVINE of California. Mr. Speaker, as America's 1983 baseball season begins, it is appropriate to pay tribute to a unique and talented band of ballplayers, the Hollywood Stars of Los Angeles, Calif.

The Hollywood Stars are a group of ballplayers who love the game of base-

ball and who play it not for material gain but for personal joy.

League champions of the Los Angeles Municipal Baseball Association's Major League for the past 2 years, the Stars have employed a combination of diverse talents and unique skills to achieve their success.

The Stars were formed in 1971. The team's name and uniforms maintain the tradition of the memorable Pacific Coast League Hollywood Stars team which left Los Angeles after the 1957 season.

In their early years, the new Stars relied heavily on the pitching of Greg Hansen, Chris Hunt, and Mike Persky to stay in contention. Clutch hitting by Jack Newman, Adam Jones, Jamie Krug, Mike Sugarman, Paul Balaeff, Mike Roos, Jeff Zippi, Lew Goldstein, and Richard Greenberg occasionally pulled out a victory.

In the mid to late seventies, the team's fate hinged on the arm of Tommy "The Franchise" Smith, which endured the agonies of 14 inning victories, followed by days of ice and bandages.

Remarkably, in the 1980's, the team began to hit. Long suppressed gratitude to its pitchers welled up on the form of unheard-of support—and from the least likely sources. Aging ballplayers like "Bullet Bob" Draper, Ken "Coach" Jaffe, James "Golden Shoes" Aldridge, and "Solid Jim" Rucker pounded out hit after hit. Aldridge and Rucker hit some for the distance and even stole a few bases. Draper altered his three-and-two marches to first base before the pitch arrived and drove in a few runs. Jaffe occasionally delivered an extra base hit—a very difficult feat with his speed. He even pulled the ball several times.

The aging Bruin Alan "Dr. Z" Zaentz closed his eyes with the bases loaded one day last July, and, with one swing, gained four of his five RBI's for the season. Two "Golden Bears," Brad Brian and Niel Commings, recaptured some of their old strokes—even if they did not exactly burn up the basepaths.

In 1982, veterans Greg Fancon, Ken Goss, and Scott Dunham joined rookie Mike San Filippo in providing clutch hitting that supported balanced and effective pitching by Rick Keiter, Joe LoPresti, Bobby Ochs, and John Hagerty.

The team will soon be preparing for the 1983 season, defending its 1981 and 1982 championships. Some of the more sophisticated southern California baseball analysts have expressed concern about whether the Stars' can repeat without the full-time services of their veteran first baseman. His somewhat startling .385 batting average and .619 on-base average provided the 1982 Stars with essential support.

But, I am convinced that the combination of tradition and tenacity that has guided the Stars in the past—in the absence of size, speed, or youth—will lead these cagy veterans to another pennant in 1983.●

PERSONAL EXPLANATION

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 1983

● Mr. CORCORAN. Mr. Speaker, I was unavoidably absent on March 24 when the House approved the conference report to H.R. 1900, the Social Security Act Amendments of 1983, by a vote of 243 to 102. This legislation represented a fair and just approach in our efforts to maintain the viability of the social security system, and I would have voted to support this bill.●

ATTACKING THE "CHOP SHOP"

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 1983

● Mr. GREEN. Mr. Speaker, auto theft has become a growing and persistent problem. Over 1 million motor vehicle thefts are reported annually, and in the last decade the recovery rate for stolen vehicles has declined significantly. Motor vehicle theft experts have testified before House and Senate committees that auto theft costs the American public about $4 billion a year.

Once the almost exclusive domain of the amateur thief, the juvenile "joy rider," motor vehicle theft has increasingly become the work of professionals who dismantle the cars they steal for the resale of their component parts. In fact, most auto theft is now committed by professionals. Auto theft criminals find this so-called chop shop activity popular and lucrative because it is done with relatively little risk, and enjoys a ready market with unknowing consumers. Auto theft hurts the consumer, results in higher insurance premiums, and has become more and more violent as organized crime becomes increasingly involved in it.

One of the major problems in combating motor vehicle theft is that in most cases the major component parts of a vehicle cannot be identified once they are separated from their cars. Two chop shop employees can disassemble a late model vehicle in approximately 40 minutes. Consequently, auto theft has become increasingly attractive for criminals.

The only two parts currently numbered universally are the engine and transmission. It has been the experience of all in the field that these two parts are almost never sold in the criminal market and, although very valuable, are usually discarded due to the increased risks arising from trafficking in identifiable parts.

On March 22, I introduced legislation, H.R. 2235, the Motor Vehicle Theft Law Enforcement Act, which would make effective law enforcement against auto theft possible and make such theft much more dangerous to the criminal. My bill would have three major components. First, improve identification number systems for motor vehicles and their major component parts. Second, increase the Federal criminal penalties upon those trafficking in stolen motor vehicles and their parts. Third, establish procedures to reduce the opportunity for exporting stolen vehicles.

Under my bill, the Secretary of Transportation would establish a Federal motor vehicle security standard providing for identification of the major components of a new motor vehicle. The Secretary would not be allowed to issue the standard unless she determined that benefits are likely to exceed the cost of implementation. Evidence gathered by House and Senate committees indicates that this legislation would be greatly cost beneficial. In fact, as a safeguard the bill mandates that the numbering requirement be cost beneficial or else terminated.

The Secretary could not impose any standard which costs the motor vehicle manufacturer in excess of $10 per vehicle. This $10 would be indexed for inflation. In developing a motor vehicle security standard, the Secretary would be compelled to consider the information from any studies carried out by motor vehicle manufacturers, the effect of implementation on issurance costs, the savings which such a standard might offer consumers, as well as matters of safety. There is also a maximum limit to the number of parts which the Secretary may select for numbering.

These provisions should allay any concerns the auto industry might have that the identification numbering system would impose an unreasonable burden on the auto industry. Through identifying the major component parts of motor vehicles, auto theft could be cut dramatically.

I think that it is imperative that the serious and growing problem of auto theft not be ignored. This legislation would provide an effective and practical way to combat auto theft. Furthermore, law enforcement and auto insurance costs could be cut significantly if my bill is enacted, saving taxpayers millions of dollars. Regulatory abuses would be guarded against through the controls placed upon the Secretary of Transportation in implementing this legislation. Once again, I want to stress that there would be no significant burden placed upon the auto industry by my legislation.

Law enforcement agencies, the insurance industry, legitimate parts dismantlers and recyclers, and consumer groups all agree that this legislation would be effective and is necessary.

Fifty other Members of the House joined me as cosponsors of this bill in the last Congress, and I hope any concerned Member will join me this year. In particular, I want to commend the gentleman from Colorado (Mr. WIRTH) and the gentleman from New Jersey (Mr. RINALDO), who are already cosponsors. These gentlemen are the chairman and ranking minority member, respectively, of the subcommittee with jurisdiction over the legislation and have pledged to take action on the matter shortly. Professional auto theft is a serious, expensive problem, and I greatly appreciate their support.●

APRIL HEARING SCHEDULE COMMITTEE ON VETERANS' AFFAIRS

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 1983

● Mr. APPLEGATE. Mr. Speaker, the distinguished Chairman of the Committee on Veterans' Affairs, G. V. (SONNY) MONTGOMERY, has announced the following hearings to be held by various subcommittees of the Committee on Veterans' Affairs during the month of April 1983:

On April 6, at 9 a.m. the Subcommittee on Compensation, Pension and Insurance will hold a hearing on pending legislation to increase the number of members of the Board of Veterans Appeals.

On April 7, at 9:30 a.m. the Subcommittee on Education, Training and Employment will hold an oversight hearing on the employment of veterans in the Federal Government.

On April 12, at 9:30 a.m. the Subcommittee on Education, Training and Employment will hold a hearing on H.R. 1400 and similar bills that would establish new educational assistance programs for veterans and members of the Armed Forces and to review the veterans education assistance program (VEAP) for post-Vietnam era veterans.

On April 14, at 9 a.m. the Subcommittee on Housing and Memorial Affairs will hold a hearing to: First, review the Veterans' Administration cemetery system; second, consider a legislative proposal to authorize the Administrator of Veterans' Affairs to make contributions for construction projects on land adjacent to national cemeteries in order to facilitate safe ingress or egress; and third, consider a legislative proposal to provide for a 5-year extension of authority to permit States to apply for Federal aid in establishing, expanding or improving State veterans' cemeteries.

On April 19, at 9:30 a.m. the Subcommittee on Education, Training and Employment will hold a hearing on pending legislation to establish an emergency program of job training assistance for disabled veterans and veterans of the Vietnam era.

Also on April 19, at 9 a.m. the Subcommittee on Compensation, Pension and Insurance will hold a hearing on pending legislation to provide a cost-of-living increase in compensation for veterans with service-connected disabilities and in dependency and indemnity compensation for survivors of veterans who died from service-connected causes.

On April 21, at 9 a.m. the Subcommittee on Housing and Memorial Affairs will hold a hearing to review the Veterans' Administration's home loan program and to consider proposed legislation to provide financial relief to VA homeowners facing foreclosure and to permit substitution of a veteran's housing loan entitlement when the veteran-transferee is not an immediate transferee.

On April 26 and 27, at 9 a.m. the Subcommittee on Compensation, Pension and Insurance will hold hearings on H.R. 1961, to provide a presumption of service-connection for the occurrence of certain diseases related to exposure to herbicides or other environmental hazards or conditions in veterans who served in Southeast Asia during the Vietnam era.

The April 19 hearing of the Subcommittee on Compensation, Pension and Insurance will be held in room 340, Cannon House Office Building. All other hearings will be held in room 334, Cannon House Office Building.

Members who desire to submit testimony for the record should contact the committee clerk, Arlene Burnett, on extension 59165.●

TRIBUTE TO CLYDE ARBUCKLE OF SAN JOSE

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 1983

● Mr. MINETA. Mr. Speaker, with great pleasure I rise today in order to join the citizens of Santa Clara County in honoring Clyde Arbuckle, one of California's most distinguished citizens.

With extraordinary dedication, Clyde has served our community for half a century by promoting a deeper understanding of our past and a deeper respect for what survives in the present.

Clyde has served as the official historian of the city of San Jose since 1945, and he has led historical tours of our area since the early 1940's. Serving since then as a prolific writer, as a devoted museum curator, and as a gifted teacher, Clyde has contributed seemingly limitless energy to the service of our community and to the pursuit of historical knowledge.

Yet, Clyde had done even more than help highlight history. In a very special way, Clyde has helped make history. He has driven horse wagon teams, won epic athletic contests, and established new organizations. By teaching, writing, and leading, Clyde has set outstanding precedents and he has blazed his own historically noteworthy path.

Mr. Speaker, in light of these contributions, I ask you and all Members of the House of Representatives to join me in extending thanks to Clyde Arbuckle.●

COMMEMORATING THE 10TH ANNIVERSARY OF THE ASIAN-AMERICAN DRUG ABUSE PROGRAM IN LOS ANGELES

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 1983

● Mr. DIXON. Mr. Speaker, on April 8, those of us in the Los Angeles community will take the opportunity to commemorate the 10th anniversary of the founding of a vibrant and important community institution.

The Asian-American drug abuse program (AADAP) was established in 1972 out of the recognition that the Asian and Pacific community required culturally specific prevention and treatment programs.

Its origins speak of both courage and compassion; it took courage to honestly and openly meet the problem of drug abuse among a people who were apprehensive because of the fear and shame it might bring on their families and community. It also took compassion to invest the long hours and hard work to make this institution a success and provide its services in counseling, outreach, and treatment.

Through its treatment of thousands of clients, offering hundreds of community seminars, publishing dozens of important publications and offering of a valuable training environment for those studying in the field of social welfare, this organization has provided an outstanding service to Los Angeles and our Asian and Pacific community.

Just as important is the role which the Asian-American drug abuse program has played as a catalyst for the establishment of other groups serving this community in the areas of manpower, youth development, and rehabilitation services.

Now entering its second decade, AADAP has a solid record of achievement and every indication that it will

continue to grow and flourish in its service to our community. I am honored to have the opportunity to bring this commemoration to the attention of my colleagues, and wish this group every success for the future.●

RELEASE YURI TARNOPOLSKY

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 1983

● Mr. PORTER. Mr. Speaker, I call my colleagues' attention to the arrest on March 15 of Yuri Tarnopolsky, a Soviet refusenik. March 15 marked the opening of the Third International Conference on Soviet Jewry. The arrest evidently means to convey Chairman Andropov's antithesis toward all who wish to leave the Soviet Union and seek freedom. Rather, it graphically represents to the world the disdain the Soviets hold for the Helsinki accords and for basic human rights.

Tarnopolsky, a renowned scientist who has sought to leave the Soviet Union for 7 years, now faces trumped up charges that could result in 7 years in prison and 5 years internal exile.

A week before his arrest, Tarnopolsky told members of Chicago Action for Soviet Jewry that "the Holocaust of the Soviet Jews is a 'fait accompli.'" How prophetic his words were.

The members of the Congressional Human Rights Caucus and free men and women everywhere deplore this latest evidence of Soviet tyranny and we renew our commitment to fight for the freedom of all who fall under its heavy hand of oppression and injustice.●

NATIONAL FOREST REVENUES

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 1983

● Mr. EMERSON. Mr. Speaker, today I am introducing legislation to increase the percentage of national forest revenues payable to the States in which such forests are situated.

This legislation would raise from 25 per centum to 50 per centum all moneys returned to a State during any fiscal year from each national forest located within that State. This money would be expended as the State legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which such national forests are situated.

Currently, the royalty returned to States for oil and gas leases is 50 per centum, because these leases, for the most part, do not exist on acquired lands. However, the royalty returned on acquired lands is only 25 per centum and acquired lands provide most of this Nation's hard rock minerals. I feel it is only fair to place the royalty returned on hard rock minerals on an equal footing with those of oil and gas.

In light of the fact that a gas tax was recently passed by the Congress to repair and maintain our interstate highways, I find an even greater need for this legislation. There are very few Federal highways that traverse counties which contain national forests and these counties are, to a large extent, dependent on mineral royalties and payments-in-lieu-of-taxes to finance their governments. Also, many of these counties, including some in my own district, are very hard hit economically and the increase in royalty returned this legislation calls for would provide a marked increase in benefits for local school districts.

Mr. Speaker, I urge the expeditious approval of this legislation and I invite all my colleagues to cosponsor this bill.●

SPACE SHUTTLE "CHALLENGER" CARRIES A CANISTER OF FLOWER AND VEGETABLE SEEDS INTO SPACE

HON. BUTLER DERRICK

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 1983

● Mr. DERRICK. Mr. Speaker, I know we are all pleased about the successful launch of the Space Shuttle *Challenger* yesterday, but I am particularly pleased because the Shuttle carries a passenger from my district—a canister of flower and vegetable seed from the George Park Seed Co. of Greenwood, S.C.

The George Park Seed Co. has a long and distinguished history (it was founded by George Park in 1868), but it is especially notable for its innovations and forward-looking approach to the seed business. It is not surprising that Park Seed is participating in the first commercial application of NASA's "Get Away Special" program, under which universities, government agencies, businesses and individuals may pay for the opportunity to conduct experiments in the Shuttle. Park Seed thus becomes the first small company to send a payload into outer space.

After the seed returns to Earth, it will go to the Park laboratories in Greenwood where it will be analyzed and sown. The performance of the sown seeds will be compared with seeds which remained on the ground at the Kennedy Space Center and those which never left the climatically controlled seed storage rooms in South Carolina.

Park scientists will study the impact of temperature fluctuation, vacuum, gravity forces, and radiation on germination rate, seed vigor induced dormancy, seed coat integrity (splits) and Varietal Purity (mutation rate). The information gathered in these experiments will help Park Seed develop new methods of seed packaging and storage for outer space so that crews on future permanently occupied space stations will be able to produce fresh flowers and vegetables. The information will also aid Park in developing new and better varieties of flowers and vegetables to bring greater enjoyment to the more than 3,000,000 gardeners who receive Park's catalog every year.

Congratulations to NASA and the George Park Seed Co. on this new venture into space.●

SENATE—*Wednesday, April 6, 1983*

(Legislative day of Tuesday, April 5, 1983)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

The PRESIDENT pro tempore. Today, the prayer will be offered by the Reverend JOHN C. DANFORTH, a Senator from Missouri.

PRAYER

The Reverend JOHN C. DANFORTH, a Senator from the State of Missouri, offered the following prayer:

Let us pray.

Almighty God, who hast given us this good land for our heritage: We humbly beseech Thee that we may always prove ourselves a people mindful of Thy favor and glad to do Thy will. Bless our land with honorable industry, sound learning, and pure manners. Save us from violence, discord, and confusion; from pride and arrogance, and from every evil way. Defend our liberties, and fashion into one united people the multitudes brought hither out of many kindreds and tongues. Endue with the spirit of wisdom those to whom in Thy name we entrust the authority of government, that there may be justice and peace at home, and that, through obedience to Thy law, we may show forth Thy praise among the nations of the Earth. In the time of prosperity, fill our hearts with thankfulness, and in the day of trouble, suffer not our trust in Thee to fail; all which we ask through Jesus Christ our Lord. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SENATOR DANFORTH COMMENDED ON PRAYER

Mr. BAKER. Mr. President, first of all, may I commend our colleague and the Acting Chaplain, Senator DANFORTH, for his prayer today. I am told that this is the seventh prayer Senator DANFORTH has given in the Senate.

I recall so clearly that time on March 30, 1981, when it was my sad duty to report to the Senate that President Reagan had been shot, and that our Chaplain was already at the hospital with the family of those who were wounded in that event.

I asked Senator DANFORTH at that time to lead the Senate in prayer.

Looking back over that RECORD, I find that he did indeed respond by leading the Senate in three prayers, one for the President, one for Jim Brady, Thomas Delahanty, and Tim McCarthy, who were also injured in the shooting, and one for the country.

That must surely be a unique record, Mr. President, that one of our Members has participated so actively in the religious life of the Senate with such quality and at moments of such great importance. I commend the Senator from Missouri for his prayer this morning and for his contribution to the Senate in so many ways.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, today there are special orders in favor of three Senators, Senators HATCH, BAUCUS, and MCCLURE, for 15 minutes each.

There will be a caucus of Senators of one of the parties off the floor of the Senate. As has become our custom, I intend in a moment to ask the Senate to stand in recess during most of that time so that Senators can attend freely.

After the Senate reconvenes, there will then be a period for the transaction of routine morning business which I will propose in just a few moments.

First, Mr. President, I ask unanimous consent that the time allocated to the distinguished minority leader under the standing order may be reserved for his use at any time during this day.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 2 P.M. TODAY

Mr. BAKER. I ask unanimous consent, Mr. President, that after the execution of the three special orders that the Senate stand in recess until the hour of 2 p.m. today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER DESIGNATING PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BAKER. At 2 p.m., Mr. President, I ask unanimous consent that there be a brief period for the transaction of routine morning business to extend not longer than 30 minutes in length in which Senators may speak for not more than 5 minutes each.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. Now, Mr. President, I hope that we may be able to reach a number of matters today for action in the Senate. Most of them are routine and can be done by unanimous consent, I believe. There is one matter, however, that I had hoped to take up yesterday and I would still hope to take up today. That is the agricultural trade bill. I have spoken to the minority leader about this and the distinguished chairman of the Agriculture Committee. I would urge Senators who have a particular interest in this who may be listening in their office to advise the leadership on their desire to participate if they wish to do so if that bill is called up today.

Mr. President, the distinguished Senator from North Dakota is here. I yield to him the remainder of my time under the standing order.

Mr. ANDREWS. Mr. President, I appreciate the majority leader yielding.

THE FORGOTTEN FARMERS

Mr. ANDREWS. Mr. President, for many years I have been pointing out that the United States could win more friends for peace in a troubled world through our ability to grow an abundance of food than with all the bullets and bayonets our American factories have turned out.

Our American farmers are the most efficient in the world and even though they only comprise around 3 percent of our population, they can feed themselves, their families, the American people, and with plenty left over to help feed millions of the world's hungry.

This is an asset we possess that administrations have over the years failed to utilize. All we hear about in the press and on television is the need to be militarily superior, the need to increase our defense spending and show the world that we are a nation of great military might. Little attention has been paid to the fact that we possess the ability to help other nations obtain that most basic of necessities—food.

I was, therefore, particularly pleased to see James Reston's column in the New York Times today, entitled "The Forgotten Farmers." We do not too often get praise in the New York Times, but this is an excellent column—one of the very best I have ever read that was written by a nationally prominent journalist. I ask unanimous consent that this article be included here in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 6, 1983]

THE FORGOTTEN FARMERS

(By James Reston)

WASHINGTON, April 5.—The State and Defense departments haven't had much success in dealing with the Russians lately, and the notion in this corner is that maybe the problem should be turned over to the Department of Agriculture.

It is obviously the most successful department in Washington. From Vietnam to Iran, the Defense Department hasn't won a war and has failed in everything except selling arms, now the major growth industry in the nation.

From the Middle East to Central America, the State Department hasn't won a diplomatic game since Panama. From Japan to West Germany, the Commerce Department has been a loser in world trade.

But nobody seems to match the Department of Agriculture anywhere in the world. With the help of the farmers, the land grant colleges and the farm agents in every county, they are producing so much fodder, beef, milk and cheese that President Reagan is now cutting down on their production and giving away their surplus to the poor in Chicago and elsewhere in the country—never mind the third of the human race going to bed hungry every night.

The Department of Agriculture doesn't make much news around here. The President and the press seldom mention it except at Presidential election time, when the farmers' votes are important in Iowa.

Meanwhile, all it does is preside over the most productive stretch of land in the history of the world, feeding more people than ever before with fewer farmers, now hurting from high interest rates and the cost of machinery, and worrying about how to keep their children on the land. Washington is vaguely indifferent about this these days.

The success of American agriculture is one of the wonders of the nation, and ironically these days, a symbol of the importance of Federal aid and cooperation between the state and the individual. It was the idea of Jonathan Baldwin Turner of Illinois and Justin S. Morrill of Vermont that grants of Federal land should be made for the establishment in every state of the Union of agricultural and mechanical arts colleges. Somehow President Lincoln found time in 1862, during the Civil War, to get the Morrill Act through Congress. This was the basis of American agricultural supremacy today.

The questions here are whether the United States is really using this unique agricultural resource to best advantage as an instrument of peace in the world; whether we should be sending more food rather than more military arms to the contending factions in Central America; whether we should always be talking to the Russians about confrontation in missiles, or offering to cooperate with them in solving the production of food at home.

No doubt this raises a political and commercial problem. The farmers of the Middle West want to sell their grain to Moscow, and the Reagan Administration wants to talk to Yuri Andropov, the Soviet leader, about trade. But the Department of Agriculture has something to offer that the Departments of State and Defense ignore.

It can offer cooperation instead of confrontation. Maybe it couldn't get around the crazy communal system of the Soviet farms, but if given a chance the American farmer can grow wheat or corn in cement, and the guess here is that he could show them how to grow food and fruit in Siberia in far greater quantities than they are now doing.

Maybe this is a goofy proposal—the Russians would undoubtedly resent the suggestion that they need our help—but everybody who has ever raised a child knows that when things get tough, you have to change the question. If done quietly, it might make a difference.

I have talked to the Secretary of Agriculture about this and he was very canny, recognizing the political problems, but he agreed that there were areas of potential cooperation in agriculture in the Soviet Union and in Central America that might be explored to the benefit of peace and the American farmers.

This, however, is not what is being discussed in Washington. Everything is confrontation with Secretary of Defense Weinberger. He went to a concert at the Kennedy Center the other night and all he heard were the drums.

Secretary of State Shultz is different. He listens for the melody and is looking for cooperation, but maybe the best chance of cooperation with Moscow is not with the soldiers or the diplomats, but with the farmers, who may have more to offer and more to say about cooperation and peace than anybody else.

Mr. ANDREWS. Knowing Scotty Reston as I do, his column may have been slightly tongue in check, since he no doubt recognizes that the American farmer continues to exhibit his great productivity in spite of the Department of Agriculture, rather than because of it.

Mr. Reston's column gives long overdue credit to the country's most basic and most important industry—agriculture. For those of us who know agriculture, and who have been saying the same thing all of our lives, both here in Congress and back home, the message of this column is heartening and I urge my colleagues to carefully read it.

Mr. President, I would be remiss in these remarks if I did not also point out the importance of maintaining and strengthening our basic farm programs.

The Agricultural Export Equity and Expansion Act of 1983 will be considered by the Senate in the near future. This bill, dealing with export policy that encourages the marketing of food products abroad, is but one example of how the Federal Government can be an effective partner with the American farmer.

We need this kind of program, just as we need to strengthen the farm price support systems, the loan programs for rural electrification and rural telephone cooperatives, the conservation of our soil and water resources and many others in the same tradition.

Mr. President, agriculture is truly the foundation of our Nation. We must do everything possible to keep it healthy if our country is to be strong.

MONETARY POLICY

Mr. BYRD. Mr. President, an article in yesterday morning's Washington Post by John M. Berry contains a remarkable description of the attitude taken by officials of the Federal Reserve toward Congress.

According to Mr. Berry, high officials of the Federal Reserve are objecting to congressional requests that the Federal Reserve provide information on the economic forecasts and objectives which underlie monetary policy. Such a request has been included in the budget resolution adopted by the House and is under consideration by the Senate Budget Committee. The purpose of this request is to permit coordination and conciliation of the economic assumptions underlying the budget with those underlying monetary policy. This would improve both the accuracy of budget forecasting and the predictability of the relationship between fiscal policy decisions and economic performance.

As Mr. Berry observes, supporters of Congress right to know what the Federal Reserve is doing believe that "a public statement of Fed objectives for the gross national product, unemployment and inflation—rather than just for growth of the money supply as is now required—would make it more difficult for the Fed to adopt a monetary policy likely to produce slow economic growth or for the central bank to fail to move to a more stimulative policy if the recovery falters."

And, "if the administration forecasts for growth, unemployment and inflation were again to turn significantly more optimistic than the Fed's public objectives, it could prompt Congress to question the administration . . ."

What is wrong with that Mr. President? Apparently, high officials of the Federal Reserve think everything is wrong with it. Accordingly to this view, Congress steps out of line when it attempts to promote more rapid economic growth and to prevent the recovery from faltering. These officials apparently fear that Congress might be tempted to use knowledge of what Federal Reserve policies are as "a way station to telling us what policy should be. Congress could use them as a bat to hit us over the head with."

And the problem becomes, to quote again our anonymous Federal Reserve official, "even more dangerous" with, as Mr. Berry says, "The prospect of Congress dealing with concepts that are more easily understood, such as inflation and unemployment, than the money supply."

Let me assure the anonymous official quoted in Mr. Berry's article that Congress has no wish to hit anyone at the Federal Reserve or elsewhere over the head. But is it not a fact that, under the system of Government we have had since 1789, the responsibility

for the general welfare lies with the U.S. Congress? And is it not a fact that the Federal Reserve itself was created in 1913 as a creature of Congress? And that, as all Federal Reserve Chairmen including the incumbent have acknowledged on repeated occasions, the responsibility for all economic policy decisions, be they fiscal or monetary, lies with Congress?

Mr. President, I believe it will come as news to many Members of this body that high officials of the Federal Reserve believe they should not meddle in important matters of state such as the rate of inflation and the rate of unemployment.

I ask unanimous consent that a copy of Mr. Berry's article be inserted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 5, 1983]

FED TO RESIST CALL ON HILL FOR ITS ECONOMIC GOALS

(By John M. Berry)

Federal Reserve Chairman Paul A. Volcker will not comply with a request from a House committee for the Fed's explicit "objectives" for economic growth, unemployment and inflation for 1983 and the next three years, Federal Reserve officials said yesterday.

Volcker is scheduled to testify before the House Banking, Finance and Urban Affairs Committee a week from today and the central bank's policymaking group, the Federal Open Market Committee, (FOMC) has set no such objectives.

Moreover, Volcker will attempt to convince the committee that requiring such figures "is a bad idea," a senior Fed official said. The official, expressing the view of many at the central bank, said he is worried that the "calculated guerrilla attack" by the Banking Committee could lead to significant curbs on traditional Federal Reserve independence.

Banking Committee Chairman Fernand J. St Germain (D-R.I.) asked yesterday in a letter to Volcker that he comply with a provision of the House version of the 1984 budget resolution calling for such a report. The action was part of an effort by some Democrats to put pressure on the Federal Reserve to follow a monetary policy geared to a rapid economic recovery, according to committee staff members.

Democrats, including St Germain, have specifically warned the Fed not to allow interest rates to rise in response to recent large increases in the money supply. However, a number of financial market analysts believe the Fed is in the process of doing just that.

Some key short-term interest rates have risen nearly a full percentage point in the last month. The federal funds rate, which is heavily influenced by Federal Reserve actions and in turn helps determine the level of other market rates, is up also. That is the rate banks charge one another on loans of reserves.

St Germain and the other Democrats believe that a public statement of Fed objectives for the gross national product, unemployment and inflation—rather than just for growth of the money supply as is now required—would make it more difficult for the Fed to adopt a monetary policy likely to produce slow economic growth or for the central bank to fail to move to a more stimulative policy if the recovery falters.

By extension, forcing the Fed to set such explicit objectives could cause some political difficulty for the Reagan administration, according to some Banking Committee staff members. If the administration forecasts for growth, unemployment and inflation were again to turn significantly more optimistic than the Fed's public objectives, it could prompt Congress to question the administration, or perhaps to force the Fed to reconcile its money targets with the Reagan forecast.

Many economists warned in 1981 and 1982 that Federal Reserve policy targets, which were backed by Reagan, were not consistent with the administration's forecast of rapid economic growth. In fact, rather than the boom predicted by the administration, the Fed's anti-inflation money policy was a primary factor in the recession of 1980 and 1981–82 as well.

While resisting the idea that the Fed should set such objectives, senior Federal Reserve officials nevertheless remain concerned that the recovery may not be sustained beyond 1983 unless long-term interest rates drop below present levels.

If rates do not come down, "we will have an economy vulnerable to downturns in my opinion, not a healthy economy," said one official. Long-term rates, which most economists believe are in large part dependent on expected future inflation, have plenty of room to come down, he added. "If the inflation outlook is as good as I think it is, long-term rates are way too high."

At present, the central bank is required only to report its money growth targets and a general assessment of the economic outlook. When the House Budget Committee had the 1984 budget resolution under consideration, Volcker urged it to change the word "objectives" in the resolution to "assumptions."

When the FOMC agrees upon a set of money targets, it does not seek to reach a consensus on a specific economic forecast. In February, when it formally set the targets for this year, the 19 FOMC members had a wide range of forecasts, or "assumptions," in mind for what economic results would flow from the targets chosen.

Volcker and the Fed will resist pressure to set such objectives because they fear, as one official put it, "that they would become a way station to telling us what policy should be. Congress could use them as a bat to hit us over the head with."

If Congress did start to direct what economic growth rates the Fed should achieve, the official continued, "They could give us a lot of conflicting goals and we would have no way to reconcile them. Besides, monetary policy is not the only thing that matters. We have no control over the budget."

The likelihood of congressional dictation of a set of economic objectives "gets more dangerous" with the prospect of members of Congress dealing with concepts that are more easily understood, such as inflation and unemployment, than the money supply. "We would get to politically charged objectives very quickly," the Fed offical warned.

Rep. Chalmers Wylie of Ohio, the ranking Republican on the committee, signalled that the minority would not cooperate with the Democrats on the issue. "It's important that the Federal Reserve System remain fairly independent of Congress," he said. "I don't think that Congress is equipped to tell the Federal Reserved what monetary policy should be, or what GNP should be."

And Wylie added, "I think Congress has made a mess of fiscal policy, which is less complicated than monetary policy."

The PRESIDING OFFICER (Mr. PRESSLER). The majority leader is recognized.

Mr. BAKER. Mr. President, I am advised that the Senator from Utah (Mr. HATCH) is on his way to the Chamber to execute his special order.

If no other Senator wishes me to yield at this time, and I see no Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR HATCH

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. I thank the Chair.

CONVICTION OF THE PRESIDENT OF THE TEAMSTERS

Mr. HATCH. Mr. President, I wish to address the Senate on a matter which happened over the congressional recess that greatly affects the fate of some 2 million working men and women of America and, indeed, the whole Nation. I am speaking of the 55-year sentence given teamsters general president, Roy L. Williams, on March 31, 1983, and the impact it will have on the membership of the largest labor union in this country.

During the recent congressional recess, major editorials in the Nation's largest daily newspapers have called for Mr. Williams to resign or for Congress to force him to resign by passing the Labor-Management Racketeering Act of 1983, S. 336. I have been a consistent proponent of this legislation, which has twice passed the Senate—but it is uncertain just when, if ever, the bill will be passed by the House of Representatives. I join those who feel that Mr. Willams should resign immediately, and if he refuses to do so, the general executive board of the International Brotherhood of Teamsters should vote him out at its next regular meeting on April 19.

Through a long history of convictions and imprisonments, the teamsters union has seen its leaders disgraced and dethroned, without any apparent change in policy or direction toward electing a leadership committed to protecting the interests of its members who comprise a major part of the labor force in America. Three of the last four teamsters presidents have been convicted of Federal crimes.

I submit, Mr. President, that the time has come for the union, its board, and its members to take advantage of this opportunity to finally clean house and do something about the future of the union, its image, and the protection of the hard-working good people who have, over the years, sought the wages, pensions, and benefits that this union can provide.

Roy Williams, like his predecessors, has brought disgrace and shame upon the House of Labor. He has proved to be unfit for the high office he holds, having been convicted of 11 counts of conspiracy to bribe a U.S. Senator and of defrauding the Teamsters Central States Pension Fund. He lost his case and with it, he should lose his job. When he lost his case, he also lost any presumption of innocence.

But who are the real victims of his crime? They are the Teamsters members who really have no say in the leadership of their union. They are the responsible hard-working people who work long and hard for their livings, who are disdainful of criminal acts, the mob, and organized crime.

It is time for these men and women to be represented by officials who will protect their benefit investments, who will insure that they receive the respect that other members of organized labor have always enjoyed by being part of the American trade union movement.

For 25 years, the U.S. Senate and Federal Government officials have been convinced of a connection between organized crime and the Teamsters. Reports of this connection have surfaced in countless instances, in Chicago, Cleveland, St. Louis, Las Vegas, and other major cities. This issue came up last month in hearings I held before the Senate Labor and Human Resources Committee. These reports are not just rumors. Since 1980, 52 Teamsters officials have been indicted and 33 convicted of various Federal crimes.

The conviction of Roy Williams can be the final chapter in this unholy alliance. The Teamsters now have an opportunity to elect a president who does not have a criminal record, who does not have ties to organized crime, who represents only one constituency and one interest—the rank and file members of the Teamsters union.

Such a radical departure from past practices will not be easy. The Teamsters have a history of keeping its elected posts within the family, of nepotism and giving "loyal" officers multipositions of responsibility. As a result, high office often insures high monetary rewards. For example, at the time of his conviction, Roy Williams' salary and expenses exceeded $700,000 a year.

The election process used by the union to select its leaders also provides little encouragement for reform efforts. As the Chicago Tribune stated in a recent editorial:

National Teamster officers do not have to answer to the rank and file membership and are kept well insulated from it. They are chosen every five years at a convention of delegates—most of them local officials of power brokers with an interest in keeping the union safe from democracy. These rules have kept the same built-in hierarchy running the 1.8 million-member union for most of its history.

Our labor movement has made significant strides in improving the conditions of American workers and has set a high standard for the entire world to watch. But there is still much to be done. Until labor unions are not playgrounds for organized crime, until pension and retirement programs are not left defenseless against corrupt and greedy officials, the union movement will remain suspect, operating under a cloud of suspicion and doubt.

America is watching the Teamsters Union. Their future is in their hands.

At this point, Mr. President, I ask unanimous consent that editorials from the Washington Post, the New York Times, and the Chicago Tribune be printed with my remarks in the RECORD, as well as articles appearing in the New York Times, the Los Angeles Times, and the Christian Science Monitor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 3, 1983]

THE MOB BECOMES ADMISSIBLE EVIDENCE

(By Ben A. Franklin)

CHICAGO.—At one point during a series of hearings that ended last week with the sentencing of teamster president Roy L. Williams and three co-defendants, Federal District Judge Prentice H. Marshall, a witty man with a penchant for the ironic, seemed to be poking fun at the Government's case. He began parroting prosecutorial clichés, including a repeated reference to "the slimy tentacles of organized crime."

In court here, Judge Marshall's remark about "the legerdemain of mobology" seemed altogether patronizing of the Government lawyers' insistence that the hierarchy of the International Brotherhood of Teamsters was under the control of La Cosa Nostra, the Mafia.

The prosecutors of the Justice Department's Chicago-area Organized Crime Strike Force were trying to show not only that the accused were guilty of trying, although failing, to bribe former Senator Howard W. Cannon of Arizona, a Democrat who was defeated in November, but also that Mr. Williams was "an organized crime mole," as a Senate subcommittee called him in 1981.

The prosecutors first attempted to prove the existence of the Mafia. That evidentiary exposition, followed by the court's affirmative conclusion that it does exist, may be the most lasting legacy of this case, legal authorities say. Lawmen who commit their entire careers to pursuing "O.C." and "the L.C.N.", as organized crime and La Cosa Nostra are coded in investigators' shorthand, often feel thwarted as much by popular disbelief in their quarry as by the difficulty in bringing mobsters to book.

As William H. Webster, director of the Federal Bureau of Investigation, put it recently, Americans are "more worried about getting home from the office without being mugged" than about a mysterious crime cartel.

Thus it may have been significant that Judge Marshall declared himself a true believer. Here was one of the most widely respected members of the Federal bench saying that he was convinced "clearly, unequivocally and beyond a reasonable doubt" that there was a Mafia, and that this "domestic criminal cartel" had insinuated itself into the highest levels of the teamsters' union.

Of Mr. William's personal obedience to underworld forces, the judge said he felt "a gnawing uncertainty." Proof of Mr. Williams's connection to organized crime he called "tenuous—not clear, unequivocal and convincing. But what is clear is his tolerance of Allen Dorfman, and his significant delegation to him of the operation of the union's Central States Pension Fund." Mr. Dorfman, a Chicago insurance millionaire who made his forture by, and was convicted of, extortion from the teamsters' multibillion-dollar pension fund, plainly would have received Judge Marshall's stiffest sentence.

But on Jan. 20, while he was free on $5 million bond awaiting the court's judgment, Mr. Dorfman was shot eight times in the head by two ski-masked killers wielding a silenced .22 caliber automatic, the weapon of choice of Mafia hit men. The killing remains unsolved, like 1,882 other gangland slayings here since the Chicago Crime Commission began keeping records in 1919. However, investigators feel certain of the motive: Mr. Dorfman had much to tell about the Mafia, had he decided to seek a reduced sentence by talking to the Feds.

The surviving Mafia connection seated before Judge Marshall as he imposed sentences—the man pictured in trial evidence as Mr. Dorfman's mob "control"—was Joseph Lombardo, a "block captain" in the Chicago "crime family" of Joseph Aiuppa. "I am convinced beyond a reasonable doubt that a structured organization exists, that it is broken down geographically, that various cities have their various bosses . . . and that you have been a member of it as it exists in Chicago," the judge told Mr. Lombardo. He sentenced him to begin serving immediately 15 years in prison and to pay a $29,000 fine. Two other defendants were spared long prison terms. Thomas F. O'Malley, a former pension fund trustee, was sentenced to 30 months, Amos Massa, a former fund employee, drew a year and a day.

Through a technicality providing for the medical observation of seriously ill prisoners—Mr. Williams has advanced emphysema—Judge Marshall was required provisionally to impose the maximum 55-year prison term on Mr. Williams, with a fine of $29,000. He said he would reduce the term "significantly" at the end of a 90-day test of Mr. Williams's ability to endure incarceration. Until 1986, when his five-year presidential term ends, or until all his appeals are exhausted—whichever comes first—Mr. Williams can legally hold onto his $225,000-a-year union, office, even in prison. Federal labor law does not bar convicts from union office until the last court appeal is decided.

Of those who have served as union president since the late 1950's, Dave Beck and Jimmy Hoffa served time in prison. A third, Frank E. Fitzsimmons, died of cancer in

1981, under a cloud of suspicion. The top teamster job has been a chancy one as well. After his sentence was commuted by President Nixon in 1971, Mr. Hoffa vanished and was presumed a gangland murder victim in 1975.

[From the New York Times, Apr. 3, 1983]

FELONS SHOULD NOT LEAD UNIONS

Roy Williams enjoyed the presumption of innocence and therefore the presidency of the teamsters' union throughout his seven-week trial for conspiring to bribe a senator and misuse union funds. He lost the presumption when he lost his case, on all eleven counts. He should now lose his job.

A substantial prison term awaits Mr. Williams if he is physically able to serve. He has a right to appeal and has a legal right to remain the union's president while it is pending. The should not be. Congress has studied the problem enought; it now needs to pass a bill to disqualify felons from union office, upon conviction.

The Senate passed such a measure last year, but the House Labor Committee refused to move it or any other. Lane Kirkland, the president of the A.F.L.-C.I.O., favors the proposed new law to help clean up unionism.

Some argue that the bill would unduly burden the right of appeal, but that is a caricature of civil liberties. The proposed bill is in fact more generous than necessary with officials who abused their trust. It would place their salaries—$225,000 a year for Mr. Williams—in escrow and pay him for lost time if the appeal succeeds.

Nor would it be unfair to apply the strenghened law to Mr. Williams. The Federal judge who heard his case, Prentice Marshall, has a reputation for fairness and concern for defendants' rights. He told the defendant: "You have said you are for the working man. Mr. Williams, you sold the working man out. You were willing to take the working man's pension and use it for your own self-aggrandizement." The judge found the union under the control of organized crime, a condition that Mr. Williams tolerated, at the least.

What about convicted corporate executives, or hospital directors? Shouldn't they be kicked out just as quickly? Yes, and so should lawyers and other licensed professionals, especially where there is a pattern of clinging to power and privilege; the teamsters' top leadership has been convicted three times in 25 years. But Congress need not take on the entire universe of corruption all at once.

Judge Marshall ordered a physical examination of the ailing defendant but asked pointedly, "If he is too sick to go to the penitentiary, why isn't he too sick to run the International Brotherhood of Teamsters?" The law apparently allows the judge to force Mr. Williams to resign, but only as a condition of probation. Congress should relieve judges, and the labor movement, of that choice.

[From the Christian Science Monitor, Monday, Apr. 4, 1983]

TEAMSTER CHIEF'S CONVICTION MAY AFFECT LABOR LAWS

(By Ed Townsend)

Congressional pressures for tougher labor laws are expected to build quickly if Roy L. Williams, president of the International Brotherhood of Teamsters (IBT), goes to jail in mid-April without giving up his union office—one of the most powerful in the country.

Mr. Williams was sentenced March 31 to a maximum 55-year prison term and fined $29,000 despite a plea for probation because of serious health problems. Federal District Judge Prentice H. Marshall refused to stay the sentence pending an appeal, ordering Williams to begin his long term on April 15. Williams was convicted of trying in 1979 to bribe former Nevada Sen. Howard Cannon. The senator has not been charged with wrongdoing.

Judge Marshall noted that Williams is "president of one of the most powerful labor organizations in the free world," and added: "Those who obtain such a position should expect to be treated very severely when they use their high office for a corrupt purpose."

The 55-year sentence will be reviewed after Williams spends 90 days in a federal prison medical facility at Springfield, Mo. When there is a question about a prisoner's ability to withstand jailing, imposition of the maximum sentence plus observation and review are mandatory under federal law. Sentences usually are reduced substantially after the 90-day observation.

For Williams, a lighter sentence—or probation—could depend on his willingness to give up the IBT presidency voluntarily before mid-July. His term in the $225,000-a-year IBT presidency runs until 1986.

Under current federal law, a union official who is convicted of criminal charges can continue to hold office—even if he is jailed—until all appeals are exhausted. If the appeals fail, he is than required to leave office and is barred from returning to union power for five years beyond the term of his sentence.

Because appeal processes are often time-consuming, convicted officers could retain power for a year or longer.

Legislation now before Congress would change this. Backed by the Reagan administration, the legislation would require the immediate ouster of a convicted official and extend the period of disqualification to 10 years. A similar measure was passed in the Senate in 1982, but failed in the House.

Labor Secretary Raymond Donovan says the intent of the proposed measure is to bar "individuals convicted of serious crimes [from] positions of power and influence in labor unions and employee benefit plans." Although the law would apply to all of organized labor, its prime target is Williams and other Teamster officials. The IBT says it is a "vendetta action."

Lane Kirkland, AFL-CIO president, endorsed the bill.

Before the sentencing, Judge Marshall asked Williams why, if he were too sick to go to the penitentiary, he was not too sick to run the country's largest union, with more than 2 million members. The judge was told that "trusted aides" are handling IBT affairs during Williams' illness.

They will continue in their duties if Williams remains in jail after his sentence is reviewed. How much control over union affairs he would have remains an open question. Generally, the Federal Bureau of Prisons allows inmates to maintain any legitimate business they had before imprisonment.

[From the Washington Post, Apr. 4, 1983]

MR. WILLIAMS' TENURE

A federal judge has tentatively sentenced Teamster President Roy Lee Williams to 55 years in prison for having tried to bribe a U.S. senator with assets from his union's huge pension fund. That doesn't mean that the Teamsters will soon be operating under more savory management. Mr. Williams' lawyers naturally plan extensive appeals during which time, under current law, Mr. Williams will be entitled to retain his control of the Teamsters' far-flung empire.

This undersirable state of affairs would have been avoided if a House Labor subcommittee had not dragged its feet on a union racketeering control measure that the Senate actually passed twice last year—with strong bipartisan support—in an effort to push the House to action. The Labor-Management Racketeering Act would stiffen existing laws by requiring that labor officials convicted of certain crimes step down from office at the time of conviction rather than after exhausting all appeals.

The measure—which grew out of Senate investigations of longshoremen's corruption two years ago—has received strong support not only from the Labor and Justice Departments but also from AFL-CIO President Lane Kirkland. Mr. Kirkland noted in testimony that, while the possibility of reversal upon appeal means that some individuals might be unfairly barred from office temporarily, the fact of conviction by a jury is sufficiently reliable evidence to require a prudent person to protect positions involving large fiduciary responsibilities. He concluded—reasonably—that "on balance, the bill furthers both the public interest and the best interests of the trade union movement."

Both the Teamsters and the building trade unions have continued to oppose the measure, claiming that it discriminates unfairly against labor leaders. In fact, the bill would, for the first time, require corporation officials or consultants convicted of the enumerated crimes to step down from any position involving labor-management relations or handling of workers benefits. The measure also requires that the salary of a disbarred official be accumulated and held in escrow during appeals.

The history of corruption and mob infiltration of the Teamsters and several other labor unions is a long and sordid one. Mr. Williams, after all, has the distinction of being the third out of the last four presidents of his union to be convicted of a federal crime. Union pension and benefit funds have been a major source of working capital for these seamy transactions. If Congress acts promptly to pass the Labor-Management Racketeering Act, it will ensure that neither Mr. Williams nor the several other union officials now appealing their convictions can continue to betray their membership and to damage the reputation of the labor movement.

[From the Chicago Tribune, Apr. 4, 1983]

HAD ENOUGH, TEAMSTERS?

As a convicted felon serving a prison sentence for bribery and fraud, Teamster president Roy Williams will lose his freedom and his rights of citizenship such as voting. What he won't lose, unless he chooses to give it up, is the presidency of the International Brotherhood of Teamsters.

In this union being a criminal is no disqualification for office, nor is fraud against its members. Being a convict, in fact, seems to be a normal, expected condition for a Teamster president. Three of the last four—Mr. Williams, James R. Hoffa and Dave Beck—were found guilty of various federal charges. For Teamster leaders as for syndicate mobsters, a prison sentence appears to

be a business risk—just one of the liabilities that go with the job.

U.S. District Judge Prentice Marshall sentenced Mr. Williams to 55 years, subject to a medical examination (his actual sentence will be much lighter). Sentenced along with him were Joseph Lombardo, a crime syndicate hoodlum, and two former trustees of the Teamster pension fund, Thomas O'Malley and Andrew Massa. These four, along with the slain mob figure Allen Dorfman, had used the Central States Pension Fund to finance attempts to bribe former U.S. Sen. Howard Cannon (D., Nev.); in return for a choice piece of Teamster-owned land, they wanted him to block a trucking deregulation bill.

Union members, having seen their pension money used by Mr. Williams to corrupt the processes of their government, will now be expected to stand behind him loyally for as long as he wants to be their president. Apparently Teamsters will fight to protect the boss's right to attempt bribery.

Is this idea really endorsed by union members? Obviously it doesn't benefit the average Teamster to have crooks and convicts running his union; he's the one who gets ripped off first. But then average members don't have much to say about it.

National Teamster officers do not have to answer to the rank and file membership and are kept well insulated from it. They are chosen every five years at a convention of delegates—most of them local officials and power brokers with an interest in keeping the union safe from democracy. These rules have kept the same built-in hierarchy running the 1.8 million-member union for most of its history.

Discontent with this rotten system has been growing for a long time. It has taken concrete shape with Teamsters for a Democratic Union, a movement that has had scattered successes in local elections throughout the country. The TDU is calling for something that most of us take for granted, the right to elect their own representatives by direct balloting. It is of course fiercely resisted by those Teamster officials who want to stay locked in the pantry.

Mr. Williams' conviction should make clear to most Teamster members that they really don't have to go on being victimized; that they can if they wish have a union responsive to them rather than to organized crime, and that they owe no loyalty to a corrupt system.

[From the Los Angeles Times, Apr. 1, 1983]

TEAMSTER LEADER GIVEN TENTATIVE 55-YEAR TERM

(By William C. Rempel)

CHICAGO—Teamsters Union President Roy L. Williams was sentenced Thursday to federal prison for his role in a conspiracy to bribe a U.S. senator, a role the judge denounced as an attempt "to corrupt the government."

In scathing remarks prior to imposing a provisional 55-year prison term on the 68-year-old union chief, U.S. District Judge Prentice H. Marshall accused Williams of selling out his union by attempting to bribe the senator with the assets of a Teamsters pension fund.

He and three other defendants showed little reaction when the sentences were announced. The ailing union leader, hooked up to portable oxygen tanks because of his severe emphysema, closed his eyes and bowed his head.

Williams, the third Teamsters Union president in 25 years to be convicted of federal crimes, was ordered to report to a Missouri penitentiary on April 15 for a 90-day medical assessment to determine whether his health condition can be treated while he is imprisoned there.

Marshall said the provisional 55-year prison term would be "substantially" reduced after the 90-day observation period, but he underscored his intention to impose "substantial punishment."

The judge did not rule on a government request that Williams be compelled to resign immediately from union office as a condition of probation. That, presumably, would not be considered until after the 90-day period. And it was not clear Thursday what effect the impending imprisonment might have on Williams' leadership of the giant labor union.

NO SIGN OF QUITTING

Moments after the sentencing, Williams and his attorneys huddled with Teamsters Union officers who were in the courtroom. Afterward, Thomas Wadden, attorney for the union president, said that Williams "has given me no indication he intends to step down. He still maintains his innocence."

Marshall ruled also, in an unusual judicial finding, that organized crime exists and that Joseph (Joey the Clown) Lombardo—one of four others convicted with Williams—has "been an active functionary" in the Chicago mob. Lombardo was sentenced to 15 years, in part because of his crime syndicate connections.

Williams, Lombardo and three others—including mob financier Allen M. Dorfman, who was killed in a gangland-style murder in January—were convicted on Dec. 15 of trying to influence truck deregulation legislation by arranging an exclusive real estate deal with former Sen. Howard W. Cannon (D-Nev.) involving pension fund-owned land in Las Vegas.

The judge had particularly harsh words for Dorfman, whom he characterized as the chief conspirator in "this whole sordid episode." Marshall said evidence—most notably tape recordings of FBI-intercepted conversations—showed the late millionaire insurance executive to be "a boastful, conniving . . . person" with a lust for power who "wanted to corrupt himself a United States senator."

CANNON NEVER INDICTED

Noting that Cannon, who was defeated in a reelection bid last November, was never indicted, Marshall added.

"I am not sure that Sen. Cannon ever succumbed . . . but I am convinced to an absolute moral certainty that . . . a conspiracy was put together to corrupt him."

The sentences were handed down after eight weeks of trial and 17 days of post-trial hearings that became a showcase for government allegations that Williams and Lombardo are associates of organized crime figures.

Although Marshall said he was convinced that Lombardo was active in a "domestic criminal cartel," the judge said Williams' connections were "more tenuous."

But Marshall, in a statement lasting more than an hour, harshly criticized Williams for his association with Dorfman and their attempted abuse of the $4-billion Teamster Central States Pension Fund.

The judge faulted Williams for using Dorfman's services when the union executive knew that Dorfman, a former pension fund consultant, had been imprisoned for cheating the fund in the past.

Earlier this week, Williams had pleaded for leniency, in part, on grounds that he should be allowed to continue his efforts on behalf of the working man.

But before a packed courtroom Thursday Marshall turned to the union chief and sternly told him:

"Mr. Williams, you've sold the working man out. You were willing to take the working man's pension fund and use it . . . for your own aggrandizement."

Government prosecutors expressed satisfaction with the sentences. Chief Prosecutor Douglas Roller called the case "a step toward cleaning up" the Teamsters Union.

TWO OTHERS SENTENCED

However, assistant special prosecutor Gary Shapiro noted that the U.S. Justice Department had convicted three of the last four Teamsters Union presidents without "a dramatic impact."

Also sentenced with Williams and Lombardo were two former executives of the Teamsters Central States Pension Fund.

Thomas O'Malley, 47, a pension fund trustee until he resigned a few days after his conviction, was sentenced to 30 months in prison. And Andrew (Amos) Massa, 65, an employee of the pension fund at the time of the conspiracy and a former trustee, was given a 12-month term.

Williams and Lombardo were also fined $29,000 each and Lombardo's $2.5-million bond was revoked—a technicality because the 54-year-old mobster has been in jail, unable to post the cash bond, since his conviction.

The PRESIDING OFFICER. Under the previous order, the Senator from Montana is recognized.

PREVENTING A MEDICARE CRISIS

Mr. BAUCUS. Mr. President, in the next few weeks we will spend considerable time debating the budget resolution currently being drafted by the Budget Committee.

I remind my colleagues that this year the administration has proposed deep cuts in medicare—almost $2 billion in fiscal year 1984 alone. And the bulk of these cuts would be borne by America's senior citizens.

I would like to spend some time today sharing my views on the problems facing medicare.

HEALTH COSTS

As you well know, Mr. President, today we are spending more than ever for health care but getting less for our money.

Health expenditures—both public and private—are continuing to increase even though the economy is showing very little inflation.

National health expenditures—the amount we Americans spend on health—rose last year to $287 billion. That is about 10 percent of the gross national product—up from 6 percent of the GNP in 1965, a 4 percentage point increase in just 18 years.

Spending for hospital care is the largest component of these outlays. So, while the consumer price index tumbled from almost 13 percent to 5 percent in the last 12 months, we find

that progress against inflation has stopped at the hospital door.

In 1982, hospital costs went up three times the national inflation rate. Federal outlays for medicare rose 21.5 percent last year. And the cost of private health insurance rose 16 percent in 1982—the biggest increase ever.

Rising health costs are a national problem. Federal, State, and local governments, who pay 42 percent of the health care bill, are racking up record budget deficits to meet the soaring costs of medicare and medicaid.

How do increased health expenditures affect the private sector? Workers draw lower wages because employers must pay higher health insurance premiums. And patients pay higher prices because companies have to pass on much of the higher health insurance premium costs.

In some cases, these costs have contributed to American industry's loss of competitive position. United States Steel, for example, estimates that the cost of health benefits add an extra $20 to the price of each ton of steel. And American auto companies figure the cost of employee health benefits to be as much as $400 on each car produced. That is more than one-quarter of the reported $1,500 cost advantage that Japanese cars have over ours.

ADMINISTRATION BUDGET PROPOSALS

For the past 3 years, the Reagan administration has cited figures similar to the ones I just discussed. Their answer to the rising cost of health care is to propose cuts in medicare benefits.

The administration has developed some proposals that appear to be targeted at health care providers—doctors and hospitals, but close examination shows that these proposals result in nothing more than cost-shifting to health care consumers.

In 1981, about 80 percent of the changes made in medicare in that year's Reconciliation Act meant more costs for America's elderly. In 1982, Congress rejected an administration budget chock full of benefit cuts. Instead, we drafted a hospital cost containment plan. And this year—to no one's surprise—the administration has proposed the benefit cuts that we rejected last year, as well as proposing a few new ones for this year.

I and others—including a number of moderate Republicans—are concerned about this. We fear that this administration's health experts work on medicare like they would peel an onion. Without being too dramatic, it is as if they strip away layer after layer, year after year, until all you are left with is the tears.

Let us look at the big medicare cost saver proposed by the administration this year: The restructuring of part A hospital insurance. The administration is proposing to provide catastrophic health insurance in exchange for greater beneficiary cost-sharing.

Of course, the elderly, on fixed incomes, are rightfully afraid of being bankrupted by high-cost hospital care. We all are.

But the trade the administration is proposing—copayments on days in the hospital, in exchange for catastrophic coverage—is not a fair trade at all.

The cost to the Government to provide the catastrophic coverage the administration wants is minimal. The cost to the elderly, who would have to pay more out-of-pocket for hospital care would be great.

Only one-half of 1 percent of hospitalized medicare beneficiaries would be helped. Meanwhile, the other 99½ percent of hospitalized beneficiaries would pay $2.2 billion more than under current law.

This does not sound like fairness to me. And it will not answer the real problem with medicare hospital insurance.

The idea seems to be that medicare patients should pay more in hopes that they will use hospitals less.

But the elderly already contribute more than their fair share of cost-sharing. They already pay a great deal through existing deductibles, premiums, and coinsurance. In fact, studies I have seen show that medicare covers only about 40 percent of the health expenses of elderly Americans. The question is, how much cost-sharing is enough?

But, Federal programs designed to hold down hospital utilization and to promote high-quality care are opposed by this administration as undue interference with the practice of medicine.

Why should Government be prevented from taking every step it can to buy only the best quality care for the clients it serves? Why should Government be prevented from making sure that it pays only for health care that is medically necessary?

Three quarters of the savings attributable to the proposals put forward by the administration this year will come from the pockets of America's senior citizens. I believe this would break the commitment that was made by Congress in 1965 to guarantee the elderly access to high quality medicare care.

MEDICARE TRUST FUND

Finally, Mr. President, the cuts in benefits proposed by the administration do not address the real problem with medicare—the solvency of the part A hospital insurance trust fund. This trust fund is financed by payroll contributions paid by employers, employees, and the self-employed.

The most recent projections made by the Congressional Budget Office indicate that we face serious financing problems for medicare later in this decade. Continued solvency of medicare's hospital insurance trust fund will require very substantial changes—increases in revenues or cuts in medicare outlays—that are much larger than any proposals currently under discussion in Washington.

Let me give you some numbers.

Actuaries project that balances in the medicare hospital insurance trust fund will be exhausted sometime during 1987. Listen to that, a zero balance by 1987 for medicare. That is only 4 years from now.

Medicare's basic financial problem arose because hospital costs were growing much faster than the earnings taxed to generate revenue for the trust fund.

Hospital costs attributable to medicare beneficiaries are projected to increase over the 1982-85 period at an average annual rate of 13.2 percent. Covered earnings which provide revenue for the trust fund are projected to grow by only 6.8 percent.

The CBO projects a trust fund balance of $1.3 billion at the end of 1986. With no change in existing law, the trust fund would show steadily growing deficits—$7.6 billion in 1987 and $70.2 billion in 1990—rising to $221.5 billion in 1993 and $402.9 billion in 1995.

These are sobering figures. And the possible solutions—ranging from higher payroll taxes, to higher charges for medicare services, to hospital cost controls—would have to be much more stringent than anything proposed to date if they are to keep medicare solvent.

There is no question that medicare will have to be restructured in order to make it solvent. But 3 years of administration budget proposals have ignored the looming crisis in medicare.

The budget process is no way to develop the options that would set medicare on a sound financial basis.

Last month, Senate Democrats formed a task force to look at this issue. As chairman of this task force, I intend to develop a road map for making sure medicare is financially sound in the future.

I am sure that some benefits will have to be reordered—and that rising hospital costs and physicians' fees will also have to be curbed—if medicare is not to go broke.

I think that we can no longer afford to delay action on this matter. You and I both know that it took a political firestorm to prod the administration to establish a bipartisan balanced approach to solving social security's long-term problems.

We must face the medicare funding problem head on, and begin to forge a realistic solution. We must work together—Democrats and Republicans, Congress, and the administration.

We must remember that if we succeed, when we succeed, the health of America will be the ultimate winner.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from Idaho is to be recognized.

Mr. BAUCUS. Mr. President, I ask unanimous consent to yield the remaining time under my special order to the Senator from Wisconsin.

Mr. PROXMIRE. I thank my good friend from Montana. He is very gracious, and I appreciate it.

I understand that the Senator from Montana has about 4 minutes remaining.

OPENING A NEW FRONT IN THE NUCLEAR WAR

Mr. PROXMIRE. Mr. President, President Reagan made both an appealing and immensely dangerous speech recently when he called for pushing our technology, and pushing it hard, to develop a nuclear defense to shoot down any incoming nuclear missiles that could attack the United States. In recent years, we have watched these brilliant scientists take man to the moon and begin the exciting pioneer exploration of the universe. All of us have seen the amazing derring-do in space spectaculars that hurl men and women through space to distant stars. We have begun to be conditioned to the notion that the black magic of nuclear and space technology can accomplish anything the imagination can conceive. So when the President of the United States calls on scientists to stop any future attack on the United States by building a missile shield, well, the idea sounds great, super. We can breathe easy, safe at last. What a shame to spoil such a beautiful idea with the facts!

But, Mr. President, the facts do spoil this idea. Sure, science may advance immensely in the next 20 or 30 years, and by that time we may construct an antiballistic missile defense that would foil the present Soviet arsenal and foil it completely. What is wrong with that? What is wrong is that 20 or 30 years from now, the U.S.S.R. and probably this country, will have devised an offensive nuclear system that will get through any defense.

The notion that a military defense can give permanent protection or even protection for a significant time is a terrible illusion. Ask the French about the maginot line. Built in the thirties, it was designed to protect France forever from an attack on land by Germany. A few years after it was completed, the Germans blitzed right through to Paris, like a hot knife through butter.

Consider how useless a laser beam space defense would be against nuclear missiles smuggled across our thousands of miles of unguarded borders and parked in trucks in our cities or near nuclear targets and exploded at will.

Two of the most thoughtful answers to the President came from the Raleigh, N.C. News and Observer and the New York Times. I ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Raleigh (N.C.) News and Observer, Mar. 27, 1983]

A "STAR WARS" DEFENSE

President Reagan has distorted America's military posture and fostered uncertainty about its strategic intentions. He has done this in pursuit of a defense budget that congressional leaders, both Democrats and Republicans, consider extravagant.

His television speech last week struck out in two directions, both questionable. First, he gave a simplistic, unbalanced presentation in comparing the military power of the United States and the Soviet Union. Second, he announced a stepped-up effort to research exotic technologies in the hope of developing a Star Wars defense system against nuclear missiles, which could lead the arms race into an ill-charted path.

Is the United States a second-best lion resting uncomfortably in the shadow of a superior Russian bear, as Reagan sought to suggest with his charts and intelligence photographs? The answer is no.

Recall, for example, the president's chart showing a single American Minuteman missile matched against five Russian missiles. Reagan pointed out that the Soviet weapons came after the 1969-vintage Minuteman. What he did not say, however, is that the United States initiated the placing of multiple warheads atop its missiles. In response, the Soviets have also developed multiple warheads. The president also did not say that the United States has significantly improved its missile guidance systems.

Indeed, the United States has more nuclear warheads than the Soviet Union—roughly 9,000 to 7,000. The Soviets have larger missiles and greater "throw weight," but most of their missiles are on land and, therefore, vulnerable. The United States has more than twice as many weapons on less vulnerable submarines than the Soviet Union.

In the 1984 report to Congress from its research and engineering division, the Defense Department itself said that the United States is superior to the Soviet Union in 15 of 20 categories of military technology, with the Soviets superior in only one. Sen. Daniel K. Inouye, D-Hawaii, retorted accurately when he said, "Our scientists, our engineers, our generals, are not dunces."

For years, American scientists and engineers have researched means of knocking down incoming missiles before they deliver their terrible payloads. The United States spends $1 billion a year on such research. In a sense, then, the president wasn't disclosing anything new by calling attention to the possibilities of using radar, lasers, microwave devices, particle beams and projectiles in an anti-missile system. The Soviets, too, have been conducting such research.

Research is not prohibited by the 1972 Anti-Ballistic Missile Treaty or by the 1967 Outer Space Treaty. But, if the president sought to signal that the United States aims to move from research into deployment at some unspecified time, he surely raises questions about the long-term American commitment to abide by the terms of those treaties. It would be both politically troubling and diplomatically unsettling for the United States to open the door to the use of space for an ABM system.

Reagan creates uncertainties, too, in implying a departure from the theory that has long controlled nuclear weapons—that one side wouldn't shoot because it knew the other side could retaliate in kind. The president may be right that, if both sides had a foolproof defensive system, there would be no need for offensive weapons. But are defensive systems foolproof? And would the quest for them simply fire up the arms race and make it more unstable?

If the president genuinely wants a better way to stifle the arms race, he can find it in a stepped-up effort to negotiate limitations and reductions of nuclear weapons with the Soviet Union. That, not a massive military buildup, is the course he needs to pursue more vigorously.

[From the New York Times, Mar. 27, 1983]

NUCLEAR FACTS, SCIENCE FICTIONS

President Reagan's desire for a missile-proof shield around America and its allies expresses the deepest longing of the nuclear age—for a place to hide. But it remains a pipe dream, a projection of fantasy into policy.

A space-age shield, if stretched from the Sea of Japan to the Berlin Wall and made almost foolproof, might indeed relieve Americans of a cosmic burden and allow them to stop relying on the doomsday machine for defense. And if, at that point, technology could be frozen, to prevent a quest for weapons that could penetrate the shield, the world of the 21st century might indeed find a way to end the terrifying arms race of the 20th.

"What if," the President dared to wonder: What if we retrieved the old invulnerability and could live securely without having to threaten barbaric retaliation? What if this "formidable technical task" could be accomplished in a few decades? What if we poured in "every investment necessary to free the world from the threat of nuclear war"?

Presidents have a duty to ask such questions. What they should not do, without a firmer scientific basis and political examination, is what Mr. Reagan has now done: proclaim a farfetched quest to be the settled, high-priority intention of the United States.

Mr. Reagan did not merely urge science on, to see where it might lead; he prejudged the merits of a historic shift in the nuclear arms race, from offensive to defensive weapons. He did not raise the idea merely to warn the Soviets about the costly new competitions their vigorous missile programs might invite: he challenged them to this Star Wars competition even if in the meantime they accept his proposals for deep cuts in weaponry. Decades before anyone can know whether a missile-killing defense is doable, the President casually pronounces it highly desirable.

Perhaps Mr. Reagan has some secret knowledge about the high-energy lasers, charged particle beams and microwave devices with which dreamers hope one day to attack onrushing missiles. Even if the physics are theoretically sound, that's a far cry from a workable system, managed from scores of vulnerable satellites. Anything less than a foolproof system would be worse than useless; nuclear weapons are so destructive that keeping out all but a few dozen cannot sanely be deemed tolerable.

It is this disparity between any nuclear offense and defense that leaves most scientists skeptical about Mr. Reagan's dream. They think the offense will always have the edge.

But even if a foolproof defense were someday possible, it would not automatically be desirable. Until completely built, it would have to coexist with powerful offensive weapons; and as someone alertly wrote into the President's speech, a defense paired with offensive weapons "can be viewed as fostering an aggressive policy and no one wants that."

The long interim years of defense deployments would be dangerously unstable, and put a premium on harassments, feigned attacks to probe for weak spots and costly countermeasures. That is why President Nixon persuaded the Russians to ban antimissile missiles a decade ago, permitting only the research that Mr. Reagan wants greatly expanded.

If either side were making progress in that research, a prudent response would be calm assessment of the obvious risks and benefits of a radical shift in strategy away from deterrence. On reflection, other Administration officials seem now to be saying that is all the President really meant to do.

But more reassurance will be needed, to discourage a panicky reaction in Soviet laboratories and to reassure allies who already suspect that an America vulnerable to nuclear attack will never risk all in their defense. The threat of devastating retaliation is an awesome cloud over all diplomacy. But as the President also observed, it has worked to prevent nuclear war for four decades. Mankind yearns for a better idea, but there's no statesmanship in science fiction.

A WORLD AT WAR

Mr. PROXMIRE. Mr. President, at this moment, 4 million soldiers are fighting in 40 wars involving 45 of the world's 164 nations. These statistics are part of an extensive report on global conflict recently issued by the Center for Defense Information, a private research group headed by retired senior military officers.

One of the most important aspects of this study is the degree to which conflict and violence have increased throughout the world. Since the publication of the first "World at War" study in November 1979, six new conflicts have started and only two have ended. Currently, there are 5 conventional wars, 23 revolutionary guerrilla conflicts, and 6 conflicts involving both separatist and revolutionary guerrilla violence.

While the increase in the number of wars is significant, even more striking is the escalation of violence in continuing struggles. An examination of the 35 conflicts in this category reveals 25 with increased fighting, 7 with little change, and only 3 with notably lower levels of conflict. The total loss of lives to date in these wars is unknown, but minimum death estimates indicate that well over 1 million people have been killed.

In addition to presenting these appalling statistics, the "World at War" study emphasizes that the United States and other world powers need to stress nonmilitary solutions to problems. They must also work toward new reforms in international institutions to make them more capable of preventing and resolving crises. Because many of today's wars hold the potential for rapid escalations in violence, the nations of the world must take immediate steps to prevent larger confrontations from developing.

Mr. President, over 85 nations have demonstrated their belief that international law can be an effective tool in promoting world peace by ratifying the Genocide Treaty. This treaty supports the basic humanitarian right of people to exist. It declares that an act committed with the intent to destroy a national, ethnical, racial, or religious group is a crime punishable under international law.

The United States has advocated basic human rights for over 200 years, yet it has still not ratified the Genocide Convention. It is essential that we continue our role as a leading supporter of human rights throughout the world. As conflict, violence, and international tensions continue to intensify in nearly every region of the world, the Genocide Treaty becomes increasingly important. Therefore, I strongly urge the United States Senate to ratify this treaty as quickly as possible.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR McCLURE

The PRESIDING OFFICER. The Senator from Idaho is recognized.

PREVENTING NUCLEAR WAR: STRATEGIC DETERRENCE VERSUS NUCLEAR FREEZE

Mr. McCLURE. Mr. President, I should like to set forth my views on the debate over the best method of preventing a nuclear war. At odds is the proven U.S. policy of deterrence, and the recent proposition for a nuclear freeze. Of foremost importance, I want to make clear that both the proponents and the opponents of a nuclear weapons freeze resolution share the same fundamental objective—preventing a nuclear war. We all agree that nuclear war would be a horribly devastating tragedy for both the American and Russian people, and for the world civilization as a whole. Russian and American leaders want to prevent a nuclear war, just as Russian and American people want to prevent a nuclear war. But to achieve this very important goal, what is the most effective method? Is a freeze resolution or a negotiated freeze treaty with the U.S.S.R. better than the current policy of deterrence? Can we maintain a nuclear balance and deterrence with the Soviets if a freeze resolution is passed? Or would a freeze actually undermine deterrence—a policy that has successfully prevented a nuclear war for 38 years?

As chairman of the Senate Energy and Natural Resources Committee, which has important responsibilities for nuclear weapons, and in my role as a member of the Defense Appropriations Subcommittee, I am deeply concerned about the strategic and arms control issues. At this time I wish to comment on the questions posed, and present my own position on deterrence and a nuclear freeze resolution. First, I will discuss the U.S. arms control objective. Then I will present ways to evaluate the success of the two previous arms control agreements—SALT I and SALT II. Next I will compare the United States and the Soviet strategic postures. This includes force levels, ratios, and trends. Then I will examine Soviet and U.S. statements about their relative strategic postures, examine the history of previous nuclear freezes, the verifiability of a freeze, and the Soviet treaty negotiating and compliance record in general. I will present my evaluation of the effects of a freeze for the United States, and whether they will be beneficial. Finally, I shall examine the comparative status of the United States and Soviet strategic modernization programs.

Fundamentally, a nuclear weapons freeze is inconsistent with the legally established U.S. arms control objective of equality. In my estimation it is dangerous because it freezes the United States into a permanent position of inferiority with the Soviets. A freeze is also inconsistent with the legally established criteria for evaluating the success of SALT I and SALT II. The current policy of deterrence has so far been responsible for preserving the survivability of U.S. strategic forces from a Soviet first strike capability—not SALT I and SALT II. But growing Soviet strategic superiority is eroding U.S. deterrence. Like SALT I and SALT II, a freeze will not promote U.S. survivability or diminish the Soviet first strike capability. Thus the overall U.S. national security interests are not served by SALT I, II, or a freeze. Moreover, the Soviets have not reciprocated the U.S. restraint in at least seven previous nuclear weapons freezes. And even if the United States and the U.S.S.R. could agree upon a nuclear weapons freeze, I am not confident about American ability to verify and enforce the Soviet compliance

with such a freeze. In summary, I believe that deterrence has a demonstrated record of preventing nuclear war over the past 38 years, and that deterrence is an ethical, morally justifiable, and historically effective method of preventing nuclear war. A nuclear weapons freeze could actually have a destabilizing effect on world peace, by codifying the Soviet strategic advantage and thereby increasing their temptation to engage in nuclear blackmail and political intimidation.

The main obstacle to equitable, balanced, and verifiable arms control is Marxism-Leninism. This ideology proclaims as its objective the complete destruction of the Western civilization and all its noble principles: freedom of religion, democracy, personal freedom, human rights, liberty, private property, and free enterprise. Marxism-Leninism denies the existence of God in its dialectical materialism. The strong circumstantial evidence supporting the Soviet KGB complicity in attempting to assassinate Pope John Paul II in June 1981 should warn us that the Soviets represent ideals antithetical to our own. We should surely continue to negotiate arms control with them, but we must be scrupulously careful not to fall prey to deception.

THE LAW ON THE U.S. ARMS CONTROL AIM

Mr. President, the Jackson amendment to SALT I of 1972 establishes the basic law of the land concerning the principal U.S. arms control objective. The Jackson amendment to Public Law 92-448 passed both Houses of Congress by wide majorities on September 30, 1972. This amendment stated in part:

> The Congress recognizes the principle of United States-Soviet Union *equality* reflected in the Anti-Ballistic Missile Treaty, and urges and requests the President to seek a future treaty that, inter alia, would *not* limit the United States to levels of intercontinental strategic forces *inferior* to the limits provided for the Soviet Union. (Emphasis added.)

The legally established U.S. arms control objective is thus equality with the Soviets. This is the primary U.S. arms control objective as overwhelmingly sanctioned by the Congress. In approaching the debate over a nuclear weapons freeze, we are actually debating whether or not to abandon this U.S. goal of strategic equality with the U.S.S.R., and instead to accept a position of inferiority. A freeze resolution would therefore invalidate the above U.S. law. Thus, if it can be demonstrated that the United States is now indeed inferior in strategic forces to the U.S.S.R., then a compelling argument can be made that a freeze is inconsistent with U.S. law.

The Soviets began a huge strategic buildup in the early 1960's which by 1968 had overtaken U.S. strategic force levels. In January 1969, outgoing Defense Secretary Clifford warned that the Soviets would surpass U.S. strategic capability by the end of 1969. In recognition of this harsh fact, President Nixon changed his 1968 campaign goal of U.S. strategic superiority over the Soviets in March 1969 to a goal of "sufficiency." Since 1969 the Soviets have had superiority, yet Americans are still arguing over whether we have essential equivalence. The Soviets added over 1,000 more missile launchers and 250 more bombers between 1969 and 1980, carrying over 6,000 warheads, while in the same period the United States has deactivated over 710 existing or planned bombers and missiles carrying over 6,000 warheads.

The present strategic situation is one of acknowledged U.S. inferiority to the Soviet Union. President Reagan has stated this three times publicly, as have Soviet and U.S. military leaders several times. The numbers, ratios, and trends all indicate quite clearly that the Soviet Union now has strategic superiority over the United States. For example, the Soviets are ahead 1.6 to 1 in strategic delivery vehicles, 1 to 0.9 in nuclear warheads, and 3 to 1 in counterforce capability. Thus, any effort to freeze the relative United States and Soviet strategic postures would conflict with the principle of United States-Soviet equality which the Congress urged and requested the President to embody in any future arms control treaty. A vote for a nuclear weapons freeze is a vote for U.S. strategic inferiority to the Soviets, and therefore a vote for a Soviet nuclear blackmail capability.

As the late John F. Kennedy stated so truly during the 1960 Presidential election campaign 23 years ago:

> Their [Soviet] missile power will be the shield from behind which they will slowly but surely advance—through Sputnik diplomacy, limited brush-fire wars, indirect nonovert aggression, intimidation and subversion, internal revolution, increased prestige or influence, and the vicious blackmail of our allies. The periphery of the Free World will slowly be nibbled away . . .

One way to evaluate the success of the 1972 SALT I Interim Offensive Agreement is to examine the main criterion in Public Law 92-448 making the May 1972 SALT I Interim Agreement on Offensive Weapons law of the land. Section 3 of this 1972 law states:

> The Congress supports the stated policy of the U.S. that, were a *more complete strategic offensive arms agreement not achieved* within the *five years* of the interim agreement, and were the *survivability* of the strategic deterrent forces of the U.S. to be *threatened* as a *result* of *such failure*, this could *jeopardize* the supreme national interests of the U.S. (Emphasis added.)

The SALT II Treaty was signed 7 years later, on June 18, 1979, but it is still unratified on the two sides. Therefore, a permanent and more complete offensive arms control agreement was not achieved by five years later, 1977, the expiration of the SALT I Interim Offensive Agreement, or even in 1983. But the survivability of the U.S. deterrent forces are indeed threatened. President Reagan stated on March 23, 1983:

> . . . The Soviets . . . have enough accurate and powerful nuclear weapons to destroy virtually all of our missiles on the ground.

The March 1983 Defense Department book "Soviet Military Power" shows in more detail on page 19 that the Soviets have 6,000 hard-target counterforce warheads, compared to only 2,000 for the United States, a 3-to-1 ratio in counterforce capability, the most significant strategic measure. Thus, according to President Reagan, SALT I and II have failed, the survivability of U.S. forces is threatened as a result, and U.S. supreme national interests are therefore jeopardized.

A second way to evaluate the success of SALT I is also provided by Public Law 92-448 of 1972, which stated:

> *Congress* considers that the *success* of the interim agreement and the *attainment of more permanent and comprehensive agreements* are dependent upon the preservation of longstanding U.S. policy that *neither* the Soviet Union *nor* the U.S. should seek unilateral advantage by developing *a first strike potential.* Emphasis added.

But the above March 1983 statement of President Reagan indicates quite clearly that the Soviets indeed have a first-strike capability, not just a potential, and therefore the expired SALT I and unratified SALT II agreements must be judged to both be unsuccessful.

UNITED STATES-SOVIET AGREEMENT ON SOVIET STRATEGIC SUPERIORITY

Soviet and American leaders both agree on the key issue of the freeze debate. Both Soviet and American leaders mutually agree that the Soviet Union has already achieved strategic nuclear superiority over the United States. There are many statements by Soviet and U.S. military leaders and U.S. political leaders which clearly indicate this United States-Soviet agreement on Soviet superiority.

In the first place, there can be no question that the Soviets have long had strategic superiority over the United States as their primary military objective. Statements of the Soviet objective of military superiority appear frequently in Soviet military literature as far back as 1961. For example, Kommunist, the Communist Party of the Soviet Union (CPSU) ideological journal, stated in May 1972, just before SALT I was signed:

> The military-technical policy of the CPSU is directed toward creating and maintaining *military superiority.* (Emphasis added.)

As early as 1970, Soviet President Leonid Brezhnev stated:

> • • • detente, in fact, creates favorable conditions for the struggle between the two systems and for altering the *correlation of*

forces in favor of socialism. (Emphasis added.)

For the last decade, Soviet military and ideological writers have been stating that the "correlation of forces"—the Soviet term for the military and strategic balance, which also includes political, economic, social, and even psychological factors—has shifted in Soviet favor. The earliest reference to the shift in the correlation of forces occurred in 1970.

The Soviets believe that they have in fact achieved strategic superiority over the United States. For example, in 1977, Soviet Gen. H. Trofimenko noted:

> The change in the correlation of forces (i.e., the strategic nuclear balance) in the world *in favor of socialism* • • • (Emphasis added.)

The Soviet Defense Minister, the late Marshal Grechko, stated openly in March 1975:

> The correlation of forces (i.e., the strategic nuclear balance) has changed in favor of socialism, and to the detriment of imperialism • • •

Soviet Foreign Minister Andrei Gromyko stated undiplomatically in 1975:

> The present marked preponderance enjoyed by the forces of peace and progress gives the Soviet bloc the opportunity to lay down the direction of international politics.

The Communist Party of the Soviet Union program of 1977 stated:

> On the basis of fundamental changes in the balance of forces in the world, a *profound restructuring* of the entire system of international relations is taking place. (Emphasis added.)

In 1978, the Chief of the Soviet General Staff, Marshal Ogarkov, stated bluntly and ominously to visiting American Congressmen:

> Today the Soviet Union has military superiority over the U.S. Henceforth, the United States will be threatened. It had better get used to it.

The then Chief of the Soviet KGB, Yuriy Andropov, explained the Soviet view of the meaning of détente with the following statement in 1979:

> Imperialism accepted detente, not because it wished to but because it was forced to. It was compelled to accept detente because *the correlation of forces* in the world arena *changed in favor of socialism.* (Emphasis added.)

A Soviet military journal, Red Star, stated threateningly in January 1980:

> With respect to the military balance, the correlation of forces has shifted—*once and for all and irrevocably* • • • (Emphasis added.)

Thus Soviet military leaders themselves acknowledge that they have achieved strategic and overall military superiority over the United States.

The late Soviet Premier Alexei Kosygin stated in 1978 Soviet superiority as fact with the following statement:

> Russia and its allies will control the high seas, space and most of the world's landmass by the early 1980s.

Most American defense experts and military leaders agree with the Soviet military leaders that the Soviet Union has achieved strategic and overall military superiority over the United States.

Gen. David Jones, former Chairman of the Joint Chiefs of Staff, stated in 1979 that:

> In some areas • • • the Soviets have already surpassed us, and we are concerned because their momentum will allow them to gain advantage over the U.S. in most of the static indicators of strategic force by the early 1980s • • • because of the lead times in modern weapons, this progressive shift in the military balance will continue into the mid-1980s, with or without SALT II • • • *regardless of U.S. actions.* Soviet strategic capability will increase relative to that of the U.S. through the mid-1980s.

In such key dynamic measures as survivability, the Soviets also have superiority. Admiral Hayward testified in 1979 that:

> With respect to essential equivalence, it is my view that without any question the Soviets will have a first strike capability over the next few years. If that is not a loss of essential equivalence, I do not know what is • • •

In February 1980, the Commander of the Strategic Air Command, General Ellis, testified to Congress that the United States had lost strategic essential equivalence and would not regain it by as late as 1990, even after our strategic modernization programs then planned were fully deployed.

In addition, both President Reagan and Defense Secretary Weinberger confirmed this dangerous fact in the spring of 1982. President Reagan stated in a press conference of March 31, 1982:

> The Soviet Union does have a definite margin of superiority—enough so that there is risk, and there is what I have called a window of vulnerability • • •

The next day, Defense Secretary Weinberger stated:

> Unfortunately, it is true.

President Reagan mentioned in his speech to the Nation on defense of March 23, 1983, that the Soviets had a "• • • present margin of superiority."

On November 22, 1982, in his MX peacekeeper speech, President Reagan also stated that the United States is inferior to the Soviet Union in strategic power.

In his fiscal year 1984 defense posture statement, Defense Secretary Weinberger stated on page 34:

> The Soviets have acquired a margin of nuclear superiority in most important categories.

In the fiscal year 1984 Joint Chiefs of Staff posture statement, the JCS state on page 13:

> Over the past two decades, the balance of strategic nuclear power has shifted steadily toward the Soviet Union.

In 1982, NATO Secretary General Luns stated:

> The numerical balance of forces has moved slowly but steadily in favor of the Warsaw Pact over the past two decades.

The new March 1983 Defense Department book "Soviet Military Power" states on page 101:

> The global military balance has been shifting steadily against the U.S. and its allies.

As noted, Soviet strategic force numerical advantages are as follows: 1.6 to 1 strategic delivery vehicles; 3.7 to 1 in missile throwweight; 1 to 0.9 in strategic warheads; 4 to 1 in equivalent megatons; 3 to 1 in prompt hard target kill potential; 600 to zero in long range theater nuclear force missiles.

As Under Secretary of Defense Delauer stated to the House Armed Services Committee on March 9, 1983:

> They've [the Soviets] got superiority now • • • they don't have to pull the trigger, they're doing just great. And you want to freeze that?

Thus top American leaders agree with the Soviets that the U.S.S.R. has achieved strategic and overall military superiority.

A nuclear weapons freeze would, according to the statements of both Soviet and American leaders, freeze the United States into a position of dangerous inferiority to the U.S.S.R.

All Americans are overwhelmingly in favor of prevention of nuclear war and the reduction of the role of nuclear weapons in foreign policy. All Americans are for peace and the reduction of nuclear weaponry on both the United States and Soviet sides. The only disagreement is over how best to prevent nuclear war, by treaty and negotiation or by unilateral deterrence. While I favor continued arms control negotiations with the Soviets, U.S. deterrence has successfully prevented nuclear war for the last 38 years. The nuclear freeze proposals are well intended, but they have several defects as a means for achieving the above goals which we all share. The following factors are the main reasons I am against the nuclear freeze:

First. It would freeze the United States into a dangerous permanent status of strategic inferiority and vulnerability to the Soviet Union

Second. It would completely prevent the U.S. strategic modernization programs—the MX, ICBM, the B-1B bomber, the Trident submarine and SLBM, and the air-launched cruise missile—needed to try to regain parity with the Soviets by the late 1980's.

Third. It would reduce Soviet incentives to negotiate for real reductions in nuclear forces, because the huge Soviet strategic advantage would be preserved.

Fourth. It would not be verifiable or enforceable, because the terms are too general and imprecise and our national technical means of verification have been degraded. Moreover, we could not

enforce Soviet compliance with a freeze, because the Soviets would be militarily superior.

Fifth. It could actually increase the Soviet temptation to engage in nuclear blackmail, and therefore it could actually increase both the role of nuclear weapons in world politics and the possibility of nuclear war.

We should also bear in mind that the current nuclear freeze concept had its origins in the Kremlin. Soviet President Brezhnev began promoting the idea in January 1981, before the U.S. freeze movement got off the ground. As the above five factors suggest, this is because a freeze is so one-sidely advantageous to the Soviet Union.

Many people do not realize this, but there really has not been an arms race since the early 1960's. The United States has engaged in extensive unilateral restraint of its strategic programs, while the Soviets have continued to build and build. Since 1977, when the Carter administration took office, the United States has actually reduced or deactivated 710 strategic delivery vehicles and 6,000 nuclear warheads. At the same time, the Soviets have been adding 1,000 new nuclear warheads to their forces each year since 1974. The Soviets have not reciprocated U.S. unilateral restraint at all. The Soviet strategic buildup began in 1960, and has continued relentlessly ever since, despite détente, Strategic Arms Limitation Treaties (SALT) and negotiations.

There have already been several U.S. unilateral or bilateral nuclear freezes since the early 1960's, and U.S. restraint has either gone unreciprocated by the Soviets, or the Soviets have abrogated the freeze.

In 1959, the United States and the Soviets agreed upon an unwritten moratorium on nuclear weapons testing in the atmosphere. In August 1961, the Soviets suddenly and treacherously broke out of this moratorium with a dangerous series of high-yield atmospheric nuclear weapons tests. Thus a weapons testing freeze has already been tried, and the Soviets violated it.

In the spring of 1964, the United States unilaterally stopped production of enriched uranium for nuclear warheads. President Johnson announced this U.S. unilateral nuclear freeze in the hope of Soviet reciprocity. No new enriched uranium for nuclear warheads has been produced by the United States since 1964. The United States even deactivated several reactors used for weapons production since 1964. While the United States has continued to produce plutonium for nuclear weapons since 1964, the number of U.S. nuclear reactors in the U.S. weapons production program has declined from 14 in 1964 to only 4 today. The Soviets have completely failed to reciprocate this U.S. unilateral restraint, and there are reports that the Soviets have constructed several completely new plants for the production of additional enriched uranium since the U.S. unilateral freeze of 1964.

In 1967, the United States stopped deployment and unilaterally froze the number of intercontinental ballistic missiles—ICBM's—and submarine launced ballistic missiles—SLBM's. The United States had added no additional or new ICBM's and SLBM's since 1967, and in fact has recently unilaterally deactivated 54 ICBM's and 160 SLBM's. The Soviets surpassed the U.S. levels of ICBM's and SLBM's in 1969, and kept right on building until they had a total of 648 more than the United States by 1972. Now they have over 844 more ICBM's and SLBM's than the United States.

In 1972, the United States and the Soviets signed the SALT I Agreements. SALT I was portrayed to Congress as a freeze on United States and Soviet strategic forces. Since 1974, the Soviets have added over 6,000 new nuclear warheads, at a rate of 300 ICBM's and SLBM's and 1,000 warheads a year. The Soviet counterforce threat to the United States has grown by a factor of five since 1972. Thus there was no SALT I freeze during the post 1972 SALT I period.

In 1977, President Carter unilaterally canceled the U.S. B-1 bomber. In 1978, the United States unilaterally canceled the neutron warhead. Thus, the United States unilaterally froze two new weapons systems. The Soviets did not respond. Indeed, former Defense Secretary Brown has stated that when the United States builds strategic weapons, the Soviets build, but when the United States stops building, the Soviets build. As Soviet SALT negotiator Shchukin stated in 1978 when asked why the U.S.S.R. fails to respond to United States unilateral restraint:

> We Soviets are neither philanthropists nor pacifists.

In March 1982, Soviet President Brezhnev announced a unilateral freeze on their deployment of SS-20 IRBM's; 3 months later, the State Department announced that instead of freezing their SS-20's, the Soviets had continued to construct additional SS-20's. Over 54 additional SS-20's have been deployed since Brezhnev's unilateral freeze statement. President Reagan has on March 23, 1983, accused the Soviets of violating this freeze, and Soviet leader Andropov has accused President Reagan of being a liar.

Thus the facts are clear. There have already been seven United States unilateral and United States-Soviet bilateral freezes on nuclear weapons, and all have failed, due to Soviet failure to reciprocate.

Former President John F. Kennedy stated on March 2, 1963:

> We know enough now about broken negotiations, secret preparations and the advantages gained • • • never to offer again an uninspected moratorium • • •

On November 8, 1961, John F. Kennedy stated:

> The Soviet Union tested while we were at the table negotiating with them. If they fooled us once, it's our own fault; if they fool us twice, it's our fault.

As Soviet Col. B. A. Byely stated candidly in 1968:

> Our peace efforts must be accompanied by stepping up our whole military preparation.

The nuclear weapons freeze fails to recognize that the U.S. alliance structure including NATO, Israel, and Japan, impose special requirements upon U.S. foreign policy and U.S. strategic capabilities. As Henry Kissinger stated in 1979 to a NATO audience in Brussels:

> Our [U.S.] strategic doctrine has relied extraordinarily, perhaps exclusively, on our superior strategic power • • • the U.S. throughout the postwar period has been more dependent on its strategic forces than the Soviet Union has been on its own.

In contrast to the U.S. alliance system's requirement for U.S. strategic superiority, what are Soviet strategic needs? According to Dr. Keith Payne:

> The Soviet Union does not require its strategic nuclear forces to be capable of dominating an escalation process. Its strategic forces need only stalemate the U.S. extended deterrrent to provide the necessary support for Soviet foreign policy initiatives • • • the character of Soviet foreign policy, the inadequacies in U.S. non-strategic defense capabilities to counter Soviet military power, and the resulting deterrent responsibilities placed on U.S. strategic forces, render mutual deterrence unacceptable as the focus of U.S. strategic doctrine.

Thus Kissinger and Payne argue that U.S. foreign policy and alliance structures require strategic superiority. I believe that the U.S. needs at least equality, as the Jackson amendment to SALT I requires.

As Herbert Dinerstein stated in a 1958 Foreign Affairs article:

> • • • If they the Soviets should acquire such preponderant military strength, they would have policy alternatives even more attractive than the initiation of nuclear war. By flaunting presumably invincible strength, the Soviet Union could compel piecemeal capitulation of the democracies. This prospect must indeed seem glittering to the Soviet leaders.

As a former National Security Adviser to President Reagan stated in September 1981:

> The challenges which we face in the 1980s may well be the most substantial in our nation's history • • •

The Soviets have evaded, circumvented, or violated almost every international treaty they have signed since 1917, according to official U.S. Government documents. There are 116 examples of Soviet diplomatic duplicity. Here are the totals:

Cases of SALT I and SALT II negotiating deception documented, 14.

Cases of SALT I and II circumventions or violations documented, 30.

Other arms control agreements circumvented or violated, 4.

Treaty and nonaggression pacts violated, 50.

Cases of diplomatic deception, and active measures, 18.

The total number of documented cases of Soviet diplomatic deception, 116.

See the Bitter Fruit of SALT: A Record of Soviet Duplicity, by David S. Sullivan, 1982, the Texas Policy Institute.

There are three main reasons for U.S. acquiescence in these Soviet SALT violations.

First, the balance of power or correlation of forces has shifted against the United States since 1980.

Second, the prevailing U.S. national security doctrine has embraced the minimum deterrence philosophy, in which Soviet strategic advantages are deemed irrelevant or insignificant.

Third, it is feared that U.S. challenge of Soviet SALT violations could upset the possibility of success in future arms control negotiations. Thus, the enforcement of existing arms control agreements is held hostage to future negotiations.

Here are the principal Soviet arms controls violations, in order of their military significance:

First. Soviet deployment of the SS-19 ICBM, the most lethal ICBM in the world in violation of SALT I. This helped to increase their counterforce capability by a factor of five.

Second. Soviet ICBM stockpile, reload/refire, covert soft-launch capability.

Third. Soviet underground tests of high-yield nuclear weapons 1-15 in violation of the 150-kiloton threshold.

Fourth. The Soviets are currently flight testing two new ICBM's, both of which have greater counterforce capability than previous Soviet ICBM's.

The significance of these SALT I and II violations activities is that Soviet offensive counterforce capability increased at lease fivefold since 1972.

Fifth. The Soviets have extensively tested SAM's in an ABM mode, have expanded the SAM radar net, have mobile ABM's, and nationwide ABM battle management radars.

This combination of Soviet SALT I ABM Treaty violations gives them the capability to breakout of the ABM Treaty at any time. Indeed, some experts believe that they are already breaking out of the ABM Treaty, and have established a nation-wide ABM defense in violation of article I of the SALT I ABM Treaty.

Sixth. The Soviets have a biological warfare (BW) capability, in violation of the 1975 Biological Warfare Convention, and an intercontinental delivery capability for this illegal BW capability.

Seventh. The Soviets have violated the 1962 Kennedy-Khrushchev agreement which ended the Cuban missile crisis of 1962. This is the most dangerous of all Soviet arms control violations. The Soviets have deployed to Cuba intercontinental and fighter-bombers, strategic submarines and bases with nuclear weapon facilities, and the Soviets have shipped three times as much military equipment in 1982 as in 1962, the year of the Cuban missile crisis.

Remember the Reagan rhetoric of 1980 contained in the Republican Party platform. In 1980 the Republican platform stated:

> The evidence of the Soviet threat to American security has never been more stark and unambiguous . . . America is in danger without parallel since December 7, 1941.

Recall that on December 7, 1941, the Japanese engaged in a surprise attack on Pearl Harbor.

The 1980 platform recognized that the United States was inferior in strategic forces to the Soviets, and that this inferiority would grow in the early 1980's, as Soviet programs progressed:

> Since 1977, the U.S. has moved from essential equivalence to *inferiority* in strategic nuclear forces . . . as the disparity between American and Soviet strategic nuclear forces *grows* over the next *three years*, the U.S. *invites diplomatic blackmail and coercion* . . . (Emphasis added.)

In fact, the 1980 platform attacked the Carter administration for unilateral disarmament:

> Despite clear danger signals, indicating that Soviet nuclear power would overtake that of the U.S. by the *early 1980s*, threatening the survival of the U.S. and making possible for the first time in postwar history political coercion and defeat, the Carter Administration *reduced* the size and capabilities of our nuclear forces.

The platform went on to say:

> . . . *Unilateral restraint by the U.S.* has failed to bring reductions by the Soviet Union . . . the Carter Administration has . . . practiced unilateral disarmament and removed any incentives for the Soviets to negotiate for what they could obviously achieve by waiting.

Moreover, in March 1981, President Reagan stated that the Soviets have:

> Sat on the other side of the table so far, knowing that we have unilaterally disarmed to a great extent . . . maybe if we do a little building—it'll be a two way street. . . .

Moreover, while cutting back on our strategic modernization, Secretary Weinberger stated in the 1983 Defense Department book "Soviet Military Power" that:

> Given the immediacy of the threat and the inherited deficiences of our force structure, first priority has been placed on the modernization of all three components of our strategic nuclear forces . . .

But while stating this top priority for strategic forces, Defense Secretary Weinberger also stated in the same book:

> There is no requirement to match the Soviets unit for unit, weapons system for weapons system. What is required is a nuclear and conventional posture that makes any Soviet military option too uncertain of outcome and too high of cost to be pursued . . .

This Weinberger statement is consistent with the U.S. unilateral cutbacks, and amounts to no less than a U.S. reaffirmation of the minimum deterrence posture, which Republicans in 1980 attacked the Carter administration for advocating.

At the outset of Ronald Reagan's term as U.S. President he rejected all U.S. strategic "quick fix" options aimed a closing the window of vulnerability and regaining a margin of safety over the Soviet Union. Additionally, President Reagan began the U.S. unilateral deactivation of over one-third of the U.S. existing strategic nuclear capability. President Reagan is deactivating 292 strategic delivery vehicles carrying over 500 warheads with about 33 percent of our existing megatonnage. This unilateral deactivation was greater than even Jimmy Carter ever planned or hoped for, and Carter favored an extreme form of minimum deterrence. Jimmy Carter argued that only one Poseidon submarine, was all that was needed for U.S. minimum deterrence.

Now President Reagan also plans to unilaterally cut to zero the only two U.S. strategic nuclear weapons programs currently being produced and deployed—the Trident I submarine-launched ballistic missile and air-launched cruise missile. President Reagan has also unilaterally cut the top priority U.S. military program under Carter, the MX ICBM, from Jimmy Carter's 200 to only 50 missiles. Reagan has cut the Trident submarine production rate, and has cut a total of 55 percent of our capability in other categories of our strategic modernization. Thus President Reagan has reduced U.S. strategic forces significantly, as if in anticipation of congressional passage of a nuclear freeze resolution. Meanwhile, Soviet leader Andropov is accelerating the Soviet drive to superiority.

The Soviets already have deployed 820 ICBM's more capable than the still planned U.S. MX, and last year they deployed more MX-size warheads—1,000—than the United States plans to deploy on MX between 1987 and 1989.

The above description of the Reagan strategic posture is true objective reality. It is thus fair to conclude from the above facts that the Reagan administration is behaving as if the U.S. Congress had actually already passed a nuclear weapons freeze resolution.

U.S. unilateral strategic disarmament has a momentum and a dynamic that is impossible for even a conservative President to change.

Moreover, two other factors make the Reagan administration's reluctance to buildup U.S. strategic forces all the more interesting. First, the U.S. alliance system, our commitments to defend NATO and Japan under the nuclear umbrella strategy, make U.S. foreign policy much more dependent on strategic nuclear forces than Soviet foreign policy. Second, as the Eisenhower administration realized, strategic forces are the cheapest forces to buy and maintain, and they have the added advantage of deterring war at all levels of violence. Indeed, Republicans trying simultaneously to cut domestic spending, cut taxes, provide a stronger U.S. defense posture, and balance the budget have traditionally recognized that strategic forces provide the most "bang for the buck." We need to get the most defense and deterrent capability for the dollar. Strategic forces have long been funded at a level of only about one-tenth of the U.S. defense budget, but they are extremely economical forces to procure. Yet instead, Defense Secretary Weinberger has stated in the fiscal year 1984 annual report to the Congress that the U.S. should actually lessen dependence on nuclear weapons. This objective goes against traditional conservative philosophy favoring strategic forces over conventional forces, which is intended to maximize the cheapest deterrent capabilities to procure and maintain.

The major factor explaining the U.S. deactivations and production stoppages of strategic forces is budgetary restriction. About $3 billion would be required to keep our oldest strategic forces operational in the near term, and about the same amount saved from the current production stoppage is being reinvested in the development of follow-on strategic programs for the late 1980's. But the window of vulnerability is now, and will actually be at its worst by 1986, before it gets better.

Given the incongruity between the U.S. cutbacks in strategic forces at the time of an unprecedented Soviet strategic threat, one wonders if Defense force planners and budget planners are communicating and acting rationally. One is stuck by another statement in Secretary Weinberger's annual report for fiscal year 1984:

> We have redesigned and greatly stengthened the strategic planning process to provide increased assurance that our major force structure and budget decisions are driven by a clear understanding of our interests and objectives, and accurate appreciation of the threat . . .

One of the most telling criticisms of the Reagan administration's defense plans, as illustrated by the examples I have given, is precisely the lack of coherence and rationality in its strategic objectives. For example, on October 1, 1981, Defense Secretary Weinberger stated that "The strategic plan was to regain the degree of balance that can maintain deterrence." But Reagan administration strategic decisions belie this "plan." There is no discernable defense strategy which coordinates and justifies our defense plans. Indeed, the strategic disconnect is not only between force and budget planning, but also regarding arms control. Deactivating U.S. forces unilaterally without even asking the Soviets for any arms control quid pro quo hardly provides the Soviets any incentive for making concessions. All they have to do is keep building up their forces, while watching the United States unilaterally disarm.

According to the Carter Defense Department, the strategic balance shifted after 1977 so that by 1980 the United States had lost strategic essential equivalence. Increases in the rate of Soviet modernization, compounded by cancellations and shippages of all major U.S. strategic programs, altered the strategic relationship between 1977 and 1980. It was estimated then that even with the U.S. strategic modernization efforts then programmed for the 1980's—MX, Trident, ALCM—the United States could not regain its 1977 level of essential equivalence with the Soviets even by 1989. The Carter Defense Department thus recommended two courses of action. First, the long-term moderization programs then underway—MX, Trident, ALCM—could not be allowed to falter. Second, all options to increase U.S. strategic capabilities in the near term needed to be effected. The Reagan administration has failed in both courses of action. Even to the Carter administration, MX was the top priority military program. Reagan has cut it back and delayed it.

The following unique table illustrates realistically and accurately Soviet strategic superiority in 1983, which will only increase grossly in the years ahead. The table takes account of the U.S. deactivation of 292 delivery vehicles. These are 160 Polaris SLBM's, 54 Titan II ICBM's, and 80 B-52D bombers being deactivated. Because Soviet intercontinental Backfire bombers should have counted in SALT II, it also counts Backfire bombers in the Soviet aggregate.

I ask unanimous consent that the table be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SOVIET STRATEGIC SUPERIORITY, 1983

	U.S. forces	Soviet forces
Intercontinental warheads	8,600	9,400.
ICBM's	1,000 (550 MIRV'ed)	1,400 (820 MIRV'ed).
SLBM's	520 (520 MIRV'ed)	1,020 (300 MIRV'ed).
Intercontinental bombers	236	430.
ABM's	0	32, being modernized and increased to 100, plus nationwide breakout capability.
Air defense missiles	0	10,000 plus (7,000 radars).
Air defense interceptor aircraft.	[1] 300	2,600.
Anti-submarine subs	81	220.
Limited civil defense		Nationwide large scale civil defense.
Total intercontinental delivery vehicles and warheads.	1,732/8,600 plus 14 immediate strategic reserve, 0 long term strategic reserve, total 1,746/8,614.	2,850/9,400 plus 100 test and training ICBM's, 200 SS-16 Stockpiled mobile ICBM's, total 3,150 plus 1,300 old stockpiled ICBM's, total 4,450/13,850.

[1] Most are Air National Guard.

In fact, U.S. SLBM forces should be discounted even further, because at least three submarines carrying 48 SLBM's are dedicated to NATO targets in the Warsaw Pact, and therefore should not be counted in the intercontinental balance.

Soviet strategic force numerical ratio advantages in 1983 are as follows:

	Soviet	United States
Strategic delivery vehicles	1.6	1
Missile throw-weight	3.7	1
Strategic warheads	1	.9
Equivalent megatonnage	4	1
Prompt hard target kill capability	3	1
Long range theater nuclear force missiles	600	0

In 1985, the United States-Soviet strategic balance will be as follows:

Delivery vehicles: 2,250 SALT II accountable, plus 3,100 second line for the U.S.S.R. and 1,877 for the United States.

Warheads: Over 14,500, plus 4,400 second line for the U.S.S.R. and 10,000 for the United States.

There are reports of U.S. Intelligence Estimates that the Soviets will have as many as 23,000 strategic warheads by 1990.

Mr. McCLURE. The following table illustrates the ongoing Soviet strategic buildup in the 1980's. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

COMPARISON OF UNITED STATES AND SOVIET STRATEGIC MODERNIZATION PROGRAMS

United States	Soviets
Older programs 1975–80	
No U.S. equivalent deployment	Replacement of older missiles with SS–19 Mod 3 and SS–18 Mod 4 MIRV'ed ICBM's, the world's most lethal ICBM's.
U.S. deployment of Trident I SLBM's on only 12 of 31 Poseidon SSBN's.	Construction of Delta III SSBN's with 16 SS–N–18 MIRV'ed SLBM's.
U.S. Trident SSBN with Trident I SLBM operational 1982.	Typhoon SSBN with MIRV'ed SS–N–20 SLBM operational in 1983.
U.S. B–1 bomber not operational until 1986.	Continued production of Backfire intercontinental bomber (at a rate of over 30 per year, in violation of SALT II, according to Under Secretary of Defense DeLauer).
No U.S. equivalent	Further deployment of the SA–10 low altitude SAM around Moscow and throughout U.S.S.R.
U.S. Boeing AWACS deployed	Initial production of IL–76 AWACS.

COMPARISON OF UNITED STATES AND SOVIET STRATEGIC MODERNIZATION PROGRAMS—Continued

United States	Soviets
No U.S. ABM in flight-testing since early 1970's.	Continued development of high speed ABM interceptor and modified version of older Galosh ABM interceptor.
No U.S. equivalent	Additional construction of large phased-array radars around the periphery of the U.S.S.R.
No U.S. equivalent	Continued construction of hardened shelters and command posts for passive defense.
New programs since 1981	
U.S. MX flight-testing prohibited indefinitely by Hart amendment (SALT II); deployment and production impasse.	First tests of a new solid-propellant ICBM similar in size and payload to U.S. MX.
No U.S. equivalent	First test of new small solid propellant mobile ICBM.
No U.S. equivalent	Preparations to begin testing 2 more new ICBM's in 1983.
U.S. cruise missiles: ALCM–B:0 in fiscal year 1984; cutback of production of 4,000 ALCM B's to only 1,440; SLBM—cutback of 188 missiles in fiscal year 1984; GLCM—funding reduction in fiscal year 1983 and fiscal year 1984 of about $50 million.	Development of a series of long range cruise missiles intended for ground, air, and sea launch platforms.
Trident I SLBM production cut by 20 missiles in fiscal year 1984, to 0 in fiscal year 1985; U.S. Trident II SLBM will not be flight-tested until 1987 or 1988.	Preparations to begin testing another new SLBM, probably in 1983.
U.S. scrapping of 10 Polaris SSBM's suitable for SLCM deployment.	Modification of Yankee SSBN for SLCM deployment.
No U.S. equivalent	First flight-test of new Black-jack intercontinental bomber.
United States ended B–52 production in 1962; deployment of a few ALCM–B's on first B–52 G's.	Initial production of new variant of Bear bomber and Bear ASW aircraft for ALCM deployment.
U.S. ABM deactivated in 1976	New ABM deployment around Moscow to include a new, very large phased array radar and deployment of new ABM interceptors.
No U.S. equivalent	Testing of high-energy laser systems for land-based and sea-based air defense.
No U.S. equivalent	Testing of a mobile version of the SA–10 SAM.

Mr. McCLURE. As I mentioned, last year the Soviets deployed more MX-size warheads than the U.S. plans to deploy over the 1987–89 MX deployment plan—over 1,000 warheads—according to General Vessey and Ambassador Rowny. The Soviets have been deploying new warheads at the rate of about 1,000 per year each year since 1974.

The comparison of United States and Soviet strategic modernization programs shows that the United States has been behaving as if a nuclear weapons freeze resolution has already passed the Congress. In addition to unilaterally deactivating 292 existing strategic delivery vehicles carrying over 500 warheads and 33 percent of our nuclear firepower (megatonnage), the Reagan administration is canceling the only two U.S. strategic programs currently in production: The Trident I SLBM and the ALCM B. These two programs are intended to modernize the two most survivable legs of the U.S. triad.

In addition, the SLCM and GLCM are being cut back in funding, as is the Pershing II. The MX ICBM has been cut from 200 to 50 missiles. Even these 50 are in limbo and may never be deployed. The B–1B has been cut back to only 100 from the 250 planned by President Ford in 1976.

According to Foreign Report of June 1981, the U.S. national intelligence estimate of Soviet strategic forces has projected as many as 23,000 Soviet strategic warheads by 1990, compared to only 10,000 to 11,900 much smaller warheads for the United States.

The Reagan strategic program will actually have fewer weapons than the Carter strategic program throughout the 1980's and into the early 1990's. Under Reagan there will be about 2,000 fewer ALCM's and 1,000 fewer MX warheads than planned by Carter, a total of about 3,000 fewer warheads in the mid to late 1980's.

This continued U.S. strategic decline under the Reagan administration is dangerous. As noted, even Dr. Henry Kissinger stated in a speech to a NATO conference in Brussels on September 1, 1979:

Our U.S. strategic doctrine has relied extraordinarily, perhaps exclusively, on our superior strategic power . . . The U.S. throughout the postwar period has been more dependent on its strategic forces than the Soviet Union has been on its own.

As I said, strategic forces are the cheapest military forces to procure and maintain, and they have the additional advantage of helping to deter war at all levels of violence.

At the same NATO conference in Brussels, Henry Kissinger stated to a stupified audience on September 1, 1979:

The amazing phenomenon about which historians will ponder is that all this [dramatic growth of Soviet strategic power since 1963] has happened without the United States attempting to make any significant effort to rectify that state of affairs . . . it can not have occurred often in history that it was considered an advantageous military doctrine to make your own country deliberately vulnerable.

One way out of the American decline to strategic inferiority is to develop strategic defenses. The United States currently has no strategic defenses. Project High Frontier, which would deploy an antiballistic missile defense in space, using conventional rockets without nuclear warheads, is the best hope for an otherwise bleak outlook. President Reagan on March 23, 1983 has himself embraced the concept of developing a U.S. space-based ABM defense.

In sum, Mr. President, now is not the time to be freezing U.S. strategic deployment. We must instead develop our strategic defenses to actually protect the American people. And we should try to modernize our strategic offensive forces to regain at least parity with the Soviets.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until 2 p.m.

Thereupon, at 1:07 p.m., the Senate recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. HECHT).

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business.

ORDER OF PROCEDURE

AGRICULTURAL TRADE BILL

Mr. BAKER. Mr. President, it is not likely, I gather, that we are going to get to the agricultural trade bill. I regret that. I had hoped it would be the pending business when we returned. I may say that if we do not do it this week, it is unlikely that we can do it next week. I am not at all sure we can do it this session.

SMALL BUSINESS BILL

Mr. President, I hope that we can do the small business bill, which is Calendar Order No. 40, this afternoon. I hope that parties who are interested in that bill will let the leadership know as soon as possible if they are prepared to proceed.

The time for the transaction of routine morning business under the order previously entered will expire not later than 2:30 p.m.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. I thank the Chair for his courtesy.

THE BUDGET

Mr. MOYNIHAN. Mr. President, although we are now in morning business, the actual hour of the day is 2 o'clock in the afternoon, and in a very short while the Budget Committee will attempt to meet.

As a member of the Budget Committee, and one of those who represent the Finance Committee on the committee, may I take this occasion to enter into the RECORD the concern of the minority Members of this body who, some 3 weeks ago, as the regular budget process commenced, found all of a sudden that we were requested by the President to postpone consideration of the fiscal year 1984 budget until following the Easter/Passover recess.

This was an unusual request—one without precedent, if I am not mistaken.

On the other hand, we wish to maintain the courtesies of our relationship with the President, and, of course, we abided by his request. The month of March went by, April began, and the recess came to an end only on Tuesday of this week.

Now, Mr. President, the statutes deadline for the first budget resolution to be reported by the Budget Committee is Friday of next week, April 15. We are now at Wednesday, with 9 days remaining.

The Budget Committee accordingly convened this morning, but only one member of the majority appeared. In any event, a quorum was not present; the committee was unable to proceed. We will meet this afternoon, and we will again see what happens.

Mr. President, during the recess, the administration embarked upon a very serious effort to change our minds about certain matters, certain areas of expenditures, particularly defense. Members may recall that, in the course of his televised address to the Nation on March 23, the President asked Americans to make telephone calls to their Representatives in Congress. He urged that they express their views about the administration's defense program.

I ask unanimous consent to have printed in the RECORD at this point a list of telephone calls received by my offices in response to the President's request.

There being no objection, the information was ordered to be printed in the RECORD, as follows:

REACTION OF NEW YORKERS TO THE PRESIDENT'S CALL FOR A NEW SPACE-BASED DEFENSE SYSTEM AGAINST NUCLEAR ATTACK, AS REFLECTED IN CONTACTS WITH THE OFFICE OF SENATOR DANIEL PATRICK MOYNIHAN

Washington: 7 phone calls in favor, 25 calls against.

Buffalo: 8 calls in favor, 2 against.

Oneonta: 3 calls in favor, 1 against.

New York City: 3 calls in favor, 5 against.

Mailgrams and telegrams: Approximately 40 mailgrams and telegrams have been received in favor of the President's proposal; approximately 25 opposed.

Mr. MOYNIHAN. In any event, I wish to raise two questions.

First of all, does the administration desire that there should be a first concurrent budget resolution? Does the administration indeed desire that the budget process proceed at full, or does it wish us to continue the recent practice of funding the Federal Government under continuing resolutions which give to the Appropriations Committees the power to make decisions that the law gives to the Budget Committees?

I see my distinguished friend from Ohio and fellow member of the Budget Committee is on the floor and I am happy to yield to him.

Mr. METZENBAUM. I appreciate my good friend from New York yielding to me. I wish to ask him a question.

Is it not a fact that he and I, and other members of the Budget Committee, Republicans and Democrats alike, were prepared to move forward on an accelerated program in dealing with the budget as set forth by the majority party in their indications that they wished to move rapidly on our budget deliberations?

Mr. MOYNIHAN. The Senator is entirely correct. When the request was made of us, we instantly agreed.

Mr. METZENBAUM. Is it not also the fact that the members of the Budget Committee were prepared to move forward on probably the most controversial aspect of the budget, that is, the one having to do with the defense number?

Mr. MOYNIHAN. That is entirely correct. We were willing to do that.

Mr. METZENBAUM. Is it not further the fact that the President of the United States called down the chairman of the committee, who, I might say, himself was prepared to go forward, and the ranking minority member, and made representations to them that he was prepared to be flexible and accommodating in connection with the defense figures, making it unequivocally clear that he was going to move and to compromise or attempt to accommodate the concerns of the members of the Budget Committee who were not willing to spend as much on defense as the President wanted to do, and that he assured them that if they would put the matter over until after the Easter/Passover recess that he indeed would be flexible and accommodating and that, in fact, he was just the opposite of that?

Mr. MOYNIHAN. I am sorry to have to say to my friend from Ohio that that is exactly my understanding. The President had asked for a 10-percent real increase in the defense budget for fiscal year 1984. The members of the majority of the Budget Committee were apparently not willing to go that far. The members of the minority were certainly not willing to go that far. We were willing to go to perhaps 5 percent. This would be more than the House Budget Committee did, but not what the President requested. That is the general view of the country.

The President said, in effect, "I would like to talk to you about this. I see you do not understand. You do not agree; perhaps you do not really understand. Give me a chance to talk to you."

That chance came yesterday. There were discussions held between the President and the Senate leadership. It came about the President was only ready to make an adjustment in the prices for petroleum. That was not exactly an open exchange of views with persons who had turned out to have quite serious differences of opinion with him on a wide range of issues relating to the defense budget and therefore wished to talk.

Mr. METZENBAUM. Mr. President, I do not know whether the Senator from New York would be willing to agree with the Senator from Ohio or not, but is it not the fact that when the President of the United States prevails upon a bipartisan group in the Senate to change their time of action and their course of action on the basis that there will be a bipartisan approach to the challenges facing all of us who have a responsibility in connection with matters of state in this Government, and then that President literally makes a 180-degree reversal, he makes it extremely difficult to develop that bipartisan relationship and also makes it extremely difficult for us to accept his representations to Members of the Congress in our future dealings with him?

Mr. MOYNIHAN. I entirely agree, Mr. President. May I offer the observation that it would be with some consternation that the White House staff would accept a request from the majority and minority leaders of the Senate that the President not send up to Congress his budget on the 15th day after the Congress convenes, the day it is scheduled to come up, because we would like to talk to him about it a bit. What would be the reaction if he then would put if off for 2 or 3 weeks in response to our request only to find out that we had nothing to talk with him about at all; that we just wanted to use that time to make people ask why did not the President get his work done, or why was he proposing to do such a bad job?

I do not propose to raise questions of good faith, but there is a matter of good form. I say this to the Senator and I ask him if he does not agree that if we do not get a final budget resolution passed this year, this would be the third year in a row that the budget system had collapsed?

The largest budget deficits in history persist, and they seem to grow larger every year. They get larger in considerable measure because of two things, interest on the public debt and defense.

The President does nothing about either but, rather, resorts to techniques which further the Federal deficit—by increasing real interest rates and by increasing real rates of defense growth.

Is there not likely to be consternation in the finance community?

Mr. METZENBAUM. I think there is absolutely no doubt about it. I think if this Congress does not meet its responsibility, as Congress is obviously prepared to do and as the House has already done and as the members of the Committee on the Budget are prepared to do—if we do not, then I think

the economic markets of this country and the world——

Mr. MOYNIHAN. And the world.

Mr. METZENBAUM [continuing]. Will not be able to comprehend it. And I think the net result will be more inflation, higher interest rates, higher unemployment. And I think we will have lost much of our stature as far as a government in relationship with the business community in our Nation and in the world.

I see the distinguished Senator from Arkansas on his feet.

Mr. PRYOR. I just walked into the Chamber and I heard my two good friends, the Senator from Ohio and the Senator from New York, discussing an issue that is dear to my heart. I feel right now that there is a presence moving through the Senate and possibly the House. How that movement is starting, I am not quite sure, but we first heard, as the Senator from New York just mentioned, of the 3-week delay, I believe, if I am correct, on the budget.

Mr. MOYNIHAN. That is correct.

Mr. PRYOR. That delays us another 3 weeks. Just in the last 3 hours, we have heard a discussion about the possibility of the Congess taking off during the month of July and during the month of August for no real reason except, in my mind right now, and maybe the two Senators could clear my mind up on that point—the reason I see is perhaps we are part of something that we have not recognized yet. That is, once again, to take us way up until almost Christmas Eve, as we were in 1982, just a few weeks ago, and at that point, adopting once again, as we have two or three times in the last several years, what we call a continuing resolution, which is an omnibus appropriations bill. That is no way to legislate and no way to meet our responsibilities.

I think the entire foreign aid debate was probably 5 minutes. Probably the Defense Department debate was only a matter of no more than 3 hours.

Mr. MOYNIHAN. That is right.

Mr. PRYOR. I think that the public really is getting extremely not only angry but frustrated. They are disappointed at the way we do business here. I see us once again not learning the lessons of the past, especially of the lameduck session in 1982. It is an absolutely horrible way to run this body and the Congress of the United States.

I think that we certainly should get on with our business. As both Senators have alluded, what it will do to the financial markets if we delay could be catastrophic.

I proposed, and I do not think anybody was on the floor that night at 2:30 a.m. except maybe a page or two and possibly one of the clerks, and maybe the Senators here—I suggested that if we do not meet the budget resolution, we not get paid.

(Applause from gallery.)

Mr. MOYNIHAN. I hear applause from the gallery, which though not allowed, Mr. President, but is understandable in the circumstances.

On the other hand, may I say to my good friend from Arkansas, I am supposed to make up a quorum, so I shall go to that Budget Committee now in hopes of doing so.

Mr. PRYOR. I thank my friend from New York and I thank my friend from Ohio.

Mr. METZENBAUM. Mr. President, I suggest the absense of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOUTH DAKOTA LEGISLATURE RECOGNIZES BAHA'I PLIGHT

Mr. PRESSLER. Mr. President, today I would like to bring to the attention of the Senate a resolution passed by the South Dakota Legislature. This resolution pertains to the persecution of the Baha'is in Iran. I spoke before the Senate 4 years ago in regard to the plight of the Baha'is and continue to be appalled at the treatment given them by the current Iranian regime. I commend the South Dakota Legislature for their recognition of this human rights tragedy and at this point I ask unanimous consent that their resolution be included in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

HOUSE CONCURRENT RESOLUTION No. 1041

Whereas over three hundred Baha'is are currently imprisoned or have disappeared; and

Whereas approximately one hundred twenty-five Baha'is have been executed in Iran since 1978; and

Whereas one hundred twenty-five Baha'is have been imprisoned in Shiraz, Iran; and

Whereas twenty-two Baha'is have been sentenced to death in Shiraz, Iran; and

Whereas during its session last year, the United Nations Human Rights Commission directed the Secretary-General of the United Nations to take steps to halt the persecution of the Baha'i minority in Iran; and

Whereas the Government of the United States has protested the persistent violations of human rights directed against the Baha'i community by the Iranian authorities: Now, therefore, be it

Resolved, by the House of Representatives of the Fifty-eighth Legislature of the State of South Dakota, (the Senate concurring therein), That the United States continue its support of the United Nations Human Rights Commission and its efforts to halt the persecution of the Baha'i minority in Iran; and be it further

Resolved, That the Chief Clerk of the House of Representatives of the State of South Dakota send copies of this document to each member of the South Dakota congressional delegation, the President of the United States, the Baha'i International Community and the local Spiritual Assembly Baha'is of Pierre.

CENTENNIAL OBSERVATION OF THE UNIVERSITY OF SOUTH DAKOTA

Mr. PRESSLER. Mr. President, the University of South Dakota was authorized in 1862 by the first Dakota territorial legislature as the University of the Territory of Dakota at Vermillion. Classes began in 1882 in the Clay County Courthouse. September 17, 1883, marked the beginning of classes on the present campus. From its modest beginning, with an enrollment of 69 students in one building, the University of South Dakota has expanded to 41 buildings and an enrollment of over 6,000 students serviced by 500 faculty and staff members. In the 100 years since its establishment, the University of South Dakota has achieved a reputation as an educational institution of the highest quality. This quality is reflected in its students, administrators, faculty, alumni, educational programs, and activities.

The original statutes establishing the university provided that:

The purpose of the University shall be to provide the best and most efficient means of imparting to young men and women on equal terms a liberal education and thorough knowledge of the different branches of literature, the arts and sciences, with their varied application.

In addition, the statutes further stated that the University shall include:

Collegiate, scientific, law, normal and such other departments or colleges and have such other courses of instruction and elective studies as the Board of Regents may determine.

Out of these statutes, the University of South Dakota has established academic units in the arts and sciences, law, medicine, education, business, fine arts, nursing, and allied health sciences. In 1971, the South Dakota Legislature merged Southern State College at Springfield, adding an outstanding technical and vocational college to the university. The multitude of academic options available, an outstanding educational environment, and a superior faculty have all contributed to making the University of South Dakota the excellent educational institution that it is today.

In addition to assisting its students in their vocational pursuits, the University of South Dakota also provides numerious services to the State of South Dakota. Agencies such as the South Dakota Geological Survey, the State Chemical Laboratory, the Business Research Bureau, the Govern-

ment Research Bureau, the Speech and Hearing Center, and the Educational Media Center are prominent in this crucial task. Another vital mission is performed by the statewide educational service through which college courses are offered in almost every area of the State.

Mr. President, South Dakota is extremely proud of this university and its century of achievements, and I am equally proud to claim it as my undergraduate alma mater. The school has successfully aided thousands of students in the attainment of intellectual and professional competence, as well as instilling in them a sense civic and social responsibility. The University of South Dakota has also offered opportunities for student personal growth through teachings in particular academic disciplines—and of equal importance, it has been instrumental in providing students with an educated perspective on life itself.

As the University of South Dakota celebrates its 100th anniversary, I believe its record of impressive accomplishments should be recognized. In doing this, we acclaim the university's first century of achievements and wish it well as it continues to provide students with outstanding educational opportunities.

EXTENSION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I think there may be a requirement for a little additional time for the transaction of routine morning business.

I ask unanimous consent that the time for the transaction of routine morning business be extended to 4 p.m. under the same terms and conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HEINZ (by request):

S. 979. A bill to amend and reauthorize the Export Administration Act of 1979; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WALLOP (for himself, Mr. SIMPSON, and Mrs. KASSEBAUM):

S. 980. A bill to amend the Federal Mine Safety and Health Amendments Act of 1977 to provide that the provisions of such act shall not apply to the surface mining of stone, clay, and sand work; to the Committee on Labor and Human Resources.

By Mr. WALLOP (for himself and Mr. SIMPSON):

S. 981. A bill to prohibit age discrimination in apprenticeship programs; to the Committee on Labor and Human Resources.

S. 982. A bill to amend the Fair Labor Standards Act of 1938 to permit an employee to take compensatory time off in lieu of compensation for overtime hours, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. THURMOND:

S. 983. A bill for the relief of Gerard P. O'Brien; to the Committee on the Judiciary.

By Mr. PERCY (by request):

S. 984. A bill to provide for increased participation by the United States in the Inter-American Development Bank and the Asian Development Bank; to the Committee on Foreign Relations.

By Mr. BENTSEN (for himself, Mrs. HAWKINS, Mr. CHILES, Mr. DECONCINI, Mr. NUNN, Mr. ROTH, and Mr. MELCHER):

S. 985. A bill to change the penalty provisions contained in section 401(b) of the Controlled Substances Act; to the Committee on the Judiciary.

By Mr. PRESSLER:

S. 986. A bill to repeal employer reporting requirements with respect to tips; to the Committee on Finance.

By Mr. STAFFORD (by request):

S. 987. A bill to authorize the imposition of entrance, admission, or additional user fees at certain water resources development areas administered by the Department of the Army; to the Committee on Environment and Public Works.

By Mr. STAFFORD:

S. 988. A bill for the relief of Henning Georg Lorenz; to the Committee on the Judiciary.

By Mr. JEPSEN:

S. 989. A bill to make changes in certain elements of military compensation and in certain personnel programs, and for other purposes; to the Committee on Armed Services.

By Mr. HEINZ (by request):

S. 990. A bill to extend the Export-Import Bank Act of 1945, as amended; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CRANSTON:

S. 991. A bill to amend title 38, United States Code, to require regulations providing for the resolution of Veterans' Administration benefits claims based on certain exposures to herbicides containing dioxin, to ionizing radiation from detonations of nuclear devices, and to certain other hazardous substances and for other purposes; to the Committee on Veterans' Affairs.

S. 992. A bill to amend title 38, United States Code, to establish an emergency job retraining and employment program for veterans; to the Committee on Veterans' Affairs.

By Mr. DURENBERGER:

S. 993. A bill to provide a program of unemployment compensation for areas experiencing high rates of unemployment; to the Committee on Finance.

By Mr. SYMMS:

S.J. Res. 75. Joint resolution to provide for the designation of June 12 through 18, 1983, as "National Scleroderma Week"; to the Committee on the Judiciary.

By Mr. HEINZ (for himself, Mr. DOLE, and Mr. LEAHY):

S.J. Res. 76. Joint resolution to designate World Food Day; to the Committee on the Judiciary.

By Mr. DOLE (for himself, Mr. HELMS, Mr. HUDDLESTON, Mr. JEPSEN, Mr. LUGAR, Mr. BOREN, Mr. WILSON, Mrs. HAWKINS, Mr. MELCHER, Mr. BOSCHWITZ, Mr. DIXON, Mr. COCHRAN, Mr. GORTON, and Mr. JACKSON):

S.J. Res. 77. Joint resolution designating "National Animal Agriculture Week"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HEINZ (by request):

S. 979. A bill to amend and reauthorize the Export Administration Act of 1979; to the Committee on Banking, Housing, and Urban Affairs.

EXTENSION AND REAUTHORIZATION OF THE EXPORT ADMINISTRATION ACT

● Mr. HEINZ. Mr. President, I am today introducing the administration's proposed extension and reauthorization of the Export Administration Act. The Subcommittee on International Finance and Monetary Policy will have one additional hearing on this matter, in part to hear administration witnesses present this bill. That hearing is now scheduled for April 14.

Mr. President, I am introducing this bill in my capacity as chairman of the subcommittee, even though I do not agree with all its provisions, and even though I have introduced my own reauthorization bill, S. 397. I do so because this is clearly a thorough, thoughtful effort to confront the issues raised by our export control problems. It is the product of considerable study and interagency discussion, with many of the final decisions resolved directly by the President. This effort to make some very difficult judgments between divergent goals of promoting exports and the economic growth that comes with it and protecting our national security interests deserves the Senate's close consideration.

I am pleased to note that a number of the proposals I first made in S. 397 have found their way into this bill—a contract sanctity provision, albeit a more modest one, authorization to impose import controls on foreign companies that violate U.S. export control laws, and several of the proposals to tighten enforcement of the act made by Senator NUNN and myself in our two bills. These are good ideas, and I will work with the administration to retain them in the final version of the Senate bill, but I will continue to work with Secretary Baldrige, Under Secretary Olmer, and the others responsible for this bill in an effort to persuade them of the merits of other provisions of my bill and of a number of suggestions made by private sector witnesses in our earlier hearings.

Mr. President, I ask that the text of the bill as well as a section-by-section analysis prepared by the administra-

tion be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 979

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

AMENDMENTS TO FINDINGS

SECTION 1. Section 2 of Public Law No. 96-72 is amended as follows:

(1) by striking in paragraph (3), "which would strengthen the Nation's economy.", and substituting in lieu thereof, "consistent with the economic, security, and foreign policy objectives of the United States.";

(2) by striking paragraph (5), redesignating paragraph (4) as paragraph (5), and redesignating paragraphs (7)-(9) as paragraphs (8)-(10), respectively; and

(3) by inserting after paragraph (3):

"(4) Availability from foreign sources of goods and technology that are controlled by the United States to protect its national security can adversely affect that security."; and

(4) by inserting after paragraph (6),

"(7) The transfer of critical commodities and technical data has made a significant contribution to the military potential of other countries that has been detrimental to the security of the United States, its allies, and other friendly nations, and has necessitated increases in the defense budgets of these nations.".

AMENDMENTS TO DECLARATION OF POLICY

SEC. 2. Section 3 of Public Law No. 96-72 is amended as follows:

(1) by striking in paragraph (3) the word "and";

(2) by deleting in paragraph (3) the period which ends the sentence, and adding in lieu thereof, ", and (C) to negotiate bilaterally or multilaterally to eliminate, whenever possible, the availability of goods and technology from foreign sources that are present in sufficient quantity and are of comparable quality with those controlled or proposed to be controlled for national security purposes in the United States so as to render the controls ineffective in achieving their purposes.".

(3) by redesignating paragraphs (10) and (11) as paragraphs (11) and (12), respectively, and inserting after paragraph (9):

"(10) It is the policy of the United States to seek arrangements with those countries not participating in the group known as the Coordinating Committee to restrict the export of U.S. goods and technology that are controlled for national security reasons."; and

(4) by adding new paragraphs (13) and (14) as follows:

"(13) It is the policy of the United States when imposing new foreign policy controls to minimize the impact on pre-existing contracts and on business activities in allied or other friendly countries to the extent consistent with the underlying purpose of the controls.

"(14) It is the policy of the United States to develop licensing mechanisms to minimize the burdens placed on U.S. export trade, particularly U.S. export trade with member countries of COCOM, Australia, and New Zealand.

AMENDMENTS TO GENERAL PROVISIONS

SEC. 3. Section 4 of Public Law No. 96-72 is amended as follows:

(1) by deleting in paragraph (2) in subsection (a). "A qualified general lincense," and substituting in lieu thereof "Licenses";

(2) by modifying subsection (b) to read as follows:

"(b) CONTROL LIST.—The Secretary shall establish and maintain a list (hereinafter in this Act referred to as the 'Control List') indicating license requirements for exports to various countries of destination subject to control under this Act."; and

(3) by deleting in subsection (c) "significant" and substituting in lieu thereof "sufficient", and inserting after "to those produced in the United States" the words "so as to render the controls ineffective in achieving their purposes".

AMENDMENTS TO NATIONAL SECURITY CONTROLS

SEC. 4. Section 5 of Public Law No. 96-72 is amended as follows:

(1) in paragraph (1) of subsection (a), by inserting after the first sentence, "This authority includes the power to prohibit or curtail the transfer of goods or technologies within the United States to embassies and affiliates of countries to which exports of these goods or technologies are controlled.";

(2) by deleting subparagraph (B) in paragraph (2) of subsection (a) and by striking "(A)" before the first sentence of paragraph (2) of subsection (a);

(3) by deleting the word "commodity" in the first sentence of paragraph (1) in section (c), and by deleting the second sentence in that paragraph and substituting in lieu thereof: "The Secretary shall clearly identify on the control list which goods and technical data and countries or destinations are subject to which types of controls under this section.";

(4) by modifying the heading of subsection (d) to read "Militarily Critical Goods and Technologies.";

(5) by modifying subparagraph (B) of paragraph (2) in subsection (d) to read "keystone materials and manufacturing, inspection, and test equipment, and";

(6) by deleting the word "commodity" in paragraph (5) of subsection (d);

(7) by redesignating paragraph (6) of subsection (d) as paragraph (7), and inserting after paragraph (5):

"(6) The establishment of adequate export controls for militarily critical technology and keystone equipment shall be accompanied by suitable reductions in the controls over the products of that technology and equipment.";

(8) by deleting subsection (e) in its entirety, and redesignating subsections (f)-(l) as (e)-(k), respectively;

(9) in paragraph (1) of subsection (e), as redesignated, by striking "sufficient quality" and substituting in lieu thereof "comparable quality";

(10) in paragraph (2) of subsection (e), as redesignated, by striking "sufficient quality" and substituting in lieu thereof "comparable quality";

(11) by redesignating paragraphs (3)-(6) in subsection (e), as redesignated, as (4)-(7), respectively, and adding a new paragraph (3) as follows:

"(3) The mere capacity of a foreign country to produce items in sufficient quantity and of comparable quality with those controlled by the United States, so as to render the controls ineffective in achieving their purposes, does not, in and of itself, constitute foreign availability";

(12) by striking in the first sentence of paragraph (5) of subsection (e), as redesignated, "take steps to initiate and substituting in lieu thereof "actively pursue";

(13) in section (f), as redesignated,

(a) by striking "and qualified general licenses" in the first sentence,

(b) by inserting at the end of the first sentence, "The regulations issued by the Secretary shall establish as one criterion for the removal of goods or technology the anticipated needs of the military of countries to which exports are controlled for national security purposes.", and

(c) by deleting from the existing second sentence "by the latest such increase" and substituting in lieu thereof "by the regulations";

(14) by striking in paragraph (6) of subsection (g), as redesignated, "(f)(1)", and substituting in lieu thereof "(e)(1)";

(15) by striking in paragraph (1) of subsection (h), as redesignated, "agreement of the Committee," where it appears the second time and substituting in lieu thereof "list,";

(16) by striking in paragraph (2) of subsection (h), as redesignated, "discussing export control policy issues and issueing policy guidance" and substituting in lieu thereof "providing guidance on export control policy issues";

(17) by striking in paragraph (3) of subsection (h), as redesignated, "reduce" and substituting in lieu thereof "modify";

(18) by inserting in paragraph (4) of subsection (h), as redesignated, after "effective procedures for" the words "administering and";

(19) by inserting after paragraph (4) of subsection (h), as redesignated, paragraphs (5) and (6) as follows:

"(5) Agreement to improve the International Control List and minimize the approval of exceptions to that list, strengthen enforcement and cooperation in enforcement efforts, provide sufficient funding for COCOM, and improve the structure and function of the COCOM Secretariat by upgrading professional staff, translation services, data base maintenance, communications and facilities.

"(6) Agreement to strengthen COCOM so that it functions effectively in controlling export trade in a manner that better protects the national security of each participant to the mutual benefit of all.";

(20) by inserting in subsection (j), as redesignated, after "other countries" the words ", including those countries not participating in the group known as the Coordinating Committee,", by striking "policy" and substituting in lieu thereof "policies", and by striking "section 3(9)" and inserting in lieu thereof "sections 3(9) and 3(10)"; and

(21) by inserting after "Munitions List" in paragraph (2) of subsection (k), as redesignated, "or the military use of any item on the COCOM List".

AMENDMENTS TO FOREIGN POLICY CONTROLS

SEC. 5. Section 6 of Public Law No. 96-72 is amended as follows:

(1) by deleting in subsection (c) "with such affected United States industries as the Secretary considers appropriate," and substituting in lieu thereof "as appropriate with affected United States industries";

(2) by inserting after the first sentence in subsection (f) "This section also does not authorize export controls on donations of articles, such as food and clothing, intended to be used to relieve human suffering, except to the extent that the President determines that such donations are in response to coercion against the proposed recipient or donor.";

(3) by striking in the first sentence of subsection (k) the word "commodity";

(4) by striking the second sentence of subsection (k) and substituting in lieu thereof "The Secretary shall clearly identify on the control list which goods and technical data and countries or destinations are subject to which types of controls under this section."; and

(5) by adding at the end of section 6 a new subsection as follows:

"(1) SANCTITY OF CONTRACT.—The President shall not prohibit or curtail the export of any good or technology that is controlled under this section if such good or technology is to be exported pursuant to a sales contract (1) entered into before the President places the export under control, and (2) the terms of which require delivery of the export within two hundred and seventy days after the control is imposed, except that the President may prohibit or curtail such export if he determines that not prohibiting or curtailing such export would prove detrimental to the overriding national interests of the United States.".

AMENDMENTS TO SHORT SUPPLY CONTROLS

SEC. 6. Section 7 of Public Law No. 96-72 is amended by deleting in their entirety subsections (c), (e), (f), (h), (i), and (j), by deleting paragraphs (1) and (2) of subsection (d), by redesignating paragraph (3) of subsection (d) as subsection (c), and by redesignating subsection (g) as subsection (d).

AMENDMENTS TO PROCEDURES FOR PROCESSING EXPORT LICENSE APPLICATIONS

SEC. 7. Section 10 of Public Law No. 96-72 is amended as follows:

(1) by striking in the first sentence of subsection (b) "10" and substituting in lieu thereof "14";

(2) by striking in subsection (c) "90" and substituting in lieu thereof "60"; and

(3) by inserting in paragraph (3) in subsection (f) after "the policies set forth in section 3 of the Act which would be furthered by denial," and before "and, to the extent consistent with the national security" the following: "what, if any, modifications in or restrictions on the goods or technology for which the license was sought would allow such export to be compatible with controls imposed under this Act,".

AMENDMENTS TO VIOLATIONS PROVISIONS

SEC. 8. Section 11 of Public Law No. 96-72 is amended as follows:

(1) by inserting in paragraph (a) after "violates" the following "or conspires to or attempts to violate";

(2) by deleting in paragraph (1) in subsection (b) "exports anything contrary to" and substituting in lieu thereof "violates or conspires to or attempts to violate";

(3) by inserting in paragraph (1) in subsection (b) after "benefit of" the following, "or that the destination or intended destination of the goods or technology involved is", and by striking "restricted" and substituting in lieu thereof "controlled";

(4) by adding at the end of paragraph (1) in subsection (b) the sentence "For purposes of this subsection, a country to which exports are controlled for national security purposes is one identified pursuant to the determinations made in accordance with subsection 5(b) of this Act.";

(5) by inserting after paragraph (2) in subsection (b) the following paragraphs:

"(3) Whoever possesses any goods or technology with the intent to export them contrary to this Act or any regulation, order, or license issued thereunder shall be subject to the penalties as provided in subsection 11(a), except for a national security violation which would be subject to the penalties as provided in subsection 11(b)(1).

* * * * *

"(f) FORFEITURE OF PROPERTY INTEREST AND PROCEEDS.—(1) Whoever has been convicted of a national security export control violation under subsection (a) or (b) shall, in addition to any other penalty, forfeit to the United States:

"(A) any of his interest in, security of, claim against, or property or contractual rights of any kind in the goods or technology that were the subject of the violation;

"(B) any of his interest in, security of, claim against, or property or contractual rights of any kind in property that was used to facilitate the commission of the violation; and

"(C) any of his property constituting, or derived from, any proceeds obtained directly or indirectly as a result of such violations.

"(2) The procedures in any criminal forfeiture under this section, and the duties and authority of the courts of the United States and the Attorney General with respect to any criminal forfeiture action under this section or with respect to any property that may be subject to forfeiture under this section, are to be governed by the provisions of section 1963 of Title 18, United States Code.";

(10) by inserting after subsection (g), as redesignated, the following paragraph:

"(h) PRIOR CONVICTIONS.—No person convicted of espionage under Title 18, United States Code, Section 793, 794, or 798, Title 50, United States Code, Section 783(b), or the Arms Export Control Act, Title 22, United States Code, Section 2778, shall be eligible, at the discretion of the Secretary, to apply for, or use, any export license during a period of up to 10 years from the date of conviction. Any outstanding export licenses in which such a person has an interest may be revoked, at the discretion of the Secretary, at the time of conviction."; and

(11) by striking "or" after "(d)," in the introductory language that precedes paragraph (1) in subsection (i), as redesignated, and inserting after "(f)", ", (g) or (h)".

AMENDMENTS TO ENFORCEMENT PROVISIONS

SEC. 9. Section 12 of Public Law No. 96-72 is amended as follows:

(1) by striking in subsection (e) "section 5(h)" and substituting in lieu thereof "section 5(g)"; and

(2) by striking in subsection (e) "commodity".

AMENDMENTS TO ANNUAL REPORT

SEC. 10. Section 14 of Public Law No. 96-72 is amended as follows:

(1) in subsection (a)—

(a) by deleting paragraph (6) in its entirety, and by redesignating paragraphs (7)-(20) as paragraphs (6)-(19), respectively;

(b) by striking "section 5(f)" in paragraph (6), as redesignated, and substituting in lieu thereof "section 5(e)";

(c) by striking "section 5(f)(5)" in paragraph (7), as redesignated, and substituting in lieu thereof "section 5(e)(6)";

(d) by striking "section 5(g)" in paragraph (8), as redesignated, and substituting in lieu thereof "section 5(f)";

(e) by striking "section 5(h)" in paragraph (9), as redesignated, and substituting in lieu thereof "section 5(g)";

(f) by striking "section 4(e)" in paragraph 15, as redesignated, and substituting in lieu thereof "section 4(d)"; and

(2) by striking "section 5(i)" in subsection (c) and substituting in lieu thereof "section 5(h)".

AMENDMENTS TO EFFECT ON OTHER ACTS

SEC. 11. Section 17 of Public Law No. 96-72 is amended

(1) by striking the last sentence in subsection (c) and substituting in lieu thereof: "For purposes of this subsection, the term 'controlled country' means any country to which exports are controlled under section 5 of this Act because of a finding that a significant contribution to the military potential of that country would prove detrimental to the national security of the United States."; and

(2) by deleting in paragraph (2) of subsection (d), "that they are consistent with such published procedures, except".

AMENDMENTS TO AUTHORIZATION OF APPROPRIATIONS

SEC. 12. 50 U.S.C. App. § 2417 is amended by striking paragraph (1) of section (b) and substituting in lieu thereof:

"(1) such sums as may be necessary for each of the fiscal years 1984, 1985, 1986, and 1987, and".

AMENDMENTS TO TERMINATION DATE

SEC. 13. Section 20 of Public Law No. 96-72 is amended by deleting "1983" and substituting "1987".

SECTION-BY-SECTION ANALYSIS AND JUSTIFICATION

SECTION 1

Paragraph (1) of this section amends section 2(3) of the Export Administration Act of 1979 (EAA or Act) to state that while both the private sector and the Federal Government should place a high priority on exports, this priority must be consistent with the economic, security, and foreign policy objectives of the United States. By contrast, the current Act states that it is important to the national interest of the U.S. that the private sector and the Government place a high priority on exports "which would strengthen the national economy". The current provision is inconsistent with the tone and concerns of the EAA because it implies that top priority should be given to exports, exclusive of other concerns. The amendment would clarify the importance of considering exports in the context of overall U.S. interests.

Paragraph (2) strikes a paragraph from the finding section, which is replaced with new paragraph (7), described below.

Paragraph (3) inserts a new paragraph in the EAA that describes the harmful effect foreign availability can have on U.S. national security interests. This finding focuses on the importance of eliminating foreign source availability of controlled goods and technology to make the export control system as effective as possible. This finding also provides a premise for the new corresponding policy declaration in section 3.

Paragraph (4) of Section 1 would insert new paragraph (7) into the EAA. This new paragraph notes that exporting goods and technology that contribute to the military capability of other countries has been detrimental to the security of the U.S. and its allies, and has led those nations to increase their defense budgets. This amendment highlights the consequences of failing to prevent or delay transfers of militarily sensitive technology. As such, it clarifies national security concerns and provides a better balance in the EAA findings between the advantages and disadvantages of export restrictions and export promotions.

SECTION 2

Section 2 of this bill would amend Section 3 of the EAA by modifying paragraph (3) and adding new paragraphs (10), (13), and (14).

The modification of section 3(3) adds that it is the policy of the U.S. to negotiate bilaterally or multilaterally to eliminate the foreign availability of controlled goods and technology. This amendment reflects the importance of negotiating to restrict the export by other countries of controlled goods to proscribed countries.

New paragraph (10) states that it is the policy of the United States to seek arrangements with countries not members of COCOM that would restrict the export or re-export of U.S. goods and technology that are controlled for national security purposes. This paragraph is needed to address concerns about the diversion of dual use items to proscribed countries from countries not members of COCOM, and the importance of negotiations as a tool to protect U.S. goods and technology from unlawful export and re-export.

New paragraph (13) states that it is the policy of the United States to minimize the impact of foreign policy controls on existing contracts and on business activities in allied countries. U.S. businesses have complained that the unpredictability of foreign policy controls have caused them business losses by prohibiting them from completing existing contracts as well as by damaging their reputations as reliable suppliers. Foreign allies have complained about the extraterritorial application of U.S. export laws. This policy statement notes that to the extent consistent with the underlying purpose of the foreign policy controls, the U.S. will attempt to minimize this impact. In addition, section 5(6) of this bill contains a sanctity of contract provision to provide the business community with additional protection.

New paragraph (14) recognizes that the Congress and the business community have urged the Commerce Department to develop new licensing mechanisms to ease trade controls for East-West trade. Under section 4 of the Act, the Secretary of Commerce already possesses the authority to require such licenses he believes will assist in the effective and efficient implementation of the Act. Thus, this policy would urge the Secretary to use that authority to develop new licenses for the situation described herein.

SECTION 3

Section 3 of this bill amends section 4 of the EAA. Paragraph (1) of section 3 modifies section 4(a)(2) of the EAA by deleting reference to the qualified general license. This license has proven to be impractical to administer, has caused confusion in the business community, and delays in processing applications. Hence, references to the qualified general license in section 4 and in other sections of the EAA are deleted. Nonetheless, the Secretary expressly retains authority under this paragraph to issue licenses authorizing multiple exports.

Paragraph (2) of section 3 amends section 4(b) by striking the word "commodity" from the term "commodity control list." This deletion clarifies that controls are imposed not only on commodities on the commodity control list, but also on technical data described in technical data regulations.

Paragraph (3) of section 3 modifies the foreign availability test in section 4(c) of the Act from "significant quantities and comparable in quality" to "sufficient quantities and comparable in quality". This definition is now made consistent throughout the Act.

SECTION 4

Section 4 amends section 5 of the EAA.

Paragraph (1) grants authority to the President to prohibit transfers of goods or technologies within the U.S. to embassies and affiliates of countries to which exports of these goods or technologies are controlled. This authority is necessary because sales within the U.S. to embassies may be rendering national security controls ineffective.

Paragraph (2) of section 4 deletes subsection 5(a)(2)(B); this provision is subsequently re-inserted in section 10(f)(3) of the EAA by section 7(4) of this bill. Section 5(a)(2)(B) refers to notification of applicants in connection with denials of licenses on national security grounds. Because the primary authority for export denial procedures is located in section 10 of the EAA, the provisions of section 5(a)(2)(B) more logically belong in section 10.

Paragraph (3) deletes the word "commodity" in the first sentence of section 5(c)(1). This clarifies that controls are imposed not only on commodities on the commodity control list, but also on technical data described in separate technical data regulations.

Paragraph (4) modifies the heading of section 5(d) to reflect the fact that this subsection refers to militarily critical goods as well as militarily critical technologies.

Paragraph (5) of this section modifies section 5(b)(2)(B) to include keystone materials. These materials properly belong on the militarily critical goods and technology list.

Paragraph (6) amends section 5(b)(5) by deleting the word "commodity" for reasons already explained.

Paragraph (7) provides that adequate export controls on militarily critical technology and keystone equipment shall be accompanied by a suitable reduction of controls on the products of that technology and equipment. It should not be necessary to maintain strict controls on those commodities which are not critical or integral to the process that has produced them. Thus, one constructive means of reducing export controls is to reduce those controls on the by-products of adequately controlled militarily critical technology and keystone equipment.

Paragraph (8) deletes subsection (e) of section 5. Subsection (e) refers to the qualified general license provision which was deleted earlier in this bill.

Paragraphs (9) and (10) amend the definition of foreign availability in sections 5(f)(1) and 5(f)(2) by substituting the words "comparable quality" for the words "sufficient quality." This change conforms the definition of foreign availability in section 5 to that contained in section 4. Moreover, it is difficult to determine what "sufficient quality" means in the context of the EAA, whereas "comparability" is intended to imply fungibility and is a better choice of words in the context of this provision.

Paragraph (11) of this bill clarifies that the mere capacity of a foreign country to produce items in sufficient quantity and of comparable quality to those controlled by the U.S. so as to render the controls ineffective does not in and of itself constitute foreign availability.

Paragraph (12) amends section 5(f)(4) by instructing the President actively to pursue negotiations rather than merely to take steps to initiate negotiations. This change is intended to emphasize the importance of negotiations.

Paragraph (13) amends the indexing section of the Act. Under present law the indexing section provides that regulations shall be issued permitting, where appropriate, annual increases in the performance levels of goods or technology subject to licensing requirements. Any good or technology no longer meeting the performance requirement is to be removed from the control list unless any agency objects, in which case the Secretary of Commerce shall consider that objection. Paragraph (13) modifies the indexing provisions by requiring the Secretary to consider as one factor in determining whether to remove a good or technology from control status the anticipated military needs of countries to which exports are controlled for national security purposes. Thus, the automatic nature of the indexing provision is modified by requiring the Secretary to take into account the anticipated military needs of potential adversaries.

Paragraph (14) makes a technical conforming amendment.

Paragraphs (15), (16) and (17) make minor editorial changes to section 5(i) in order to clarify existing ambiguities in the EAA.

Paragraphs (18) and (19) modify the section on multilateral export controls by strengthening the language relating to U.S. negotiations with COCOM governments. The President is urged, among other matters, to negotiate to make COCOM function more effectively in controlling export trade, to improve the International Control List, to upgrade the Secretariat, to strenthen enforcement, and to provide sufficient funding.

Paragraph (20) relates to the new policy expressed in section 3 regarding diversion from countries not belonging to COCOM by urging the Secretary of State to conduct negotiations with these countries to restrict the export of goods and technologies that are controlled for national security purposes.

Paragraph (21) amends section 5 by noting that a diversion to significant military use may include the diversion not only of weapons and military equipment but may also include diversion of a dual use item on the COCOM List.

SECTION 5

Section 5 amends section 6 of the EAA.

Paragraph (1) of section 5 amends section 6(c) of the EAA in a technical manner that eliminates ambiguity.

Paragraph (2) of section 5 amends section 6(f) of the EAA by inserting a new sentence that states that section 6(f) does not authorize export controls on donations of articles intended to be used to relieve human suffering, except to the extent that the President determines that such donations are in response to coercion of the proposed recipient or donor. This sentence is added to make the EAA consistent with the International Economic Emergency Powers Act.

Paragraphs (3) and (4) amend section 6(k) by deleting the word "commodity" in the phrase "commodity control list" and by striking the second sentence of section 6(k) and substituting in lieu thereof, "The Secretary shall clearly identify on the control list which goods and technical data and countries or destinations are subject to which types of controls under this section." This amendment clarifies that technical data are controlled under regulations that are separate from the commodity control list.

Paragraph (5) adds a new subsection to section 6 of the Act that provides for the sanctity of contracts already in existence at the time the President imposes export controls for reasons of foreign policy. This provision only applies to contracts the terms of

which require delivery of the good or technology that is the subject of control within 270 days after the control is imposed. This 270-day period is the same as that provided for agricultural commodities in the Futures Trading Act of 1982. The President may nonetheless prohibit or curtail exports if he determines that not prohibiting or curtailing these exports would prove detrimental to overriding national interests.

SECTION 6

Section 6 amends section 7 of the EAA by deleting subsections (c), (e), (f), (h), (i), and (j) of section 7 in their entirety, deleting paragraphs (1) and (2) from subsection (d), and redesignating the remaining sections accordingly. These deletions remove from the Short Supply section of the Act all special provisions that relate to particular items. Specifically, section 6 of this bill deletes those special provisions relating to refined petroleum products, domestically produced crude oil, horses, red cedar, and recyclable metals. The bill also deletes those provisions relating to barter agreements. The President retains general authority to impose controls for reason of short supply as he deems necessary. The bill also retains those provisions relating to trade controls on agricultural commodities, and the crude oil waiver provision that permits the President to export crude oil to meet U.S. supply obligations under the U.S.-Israeli supply agreement and the Agreement on an International Energy Program.

SECTION 7

Section 7 amends section 10 of the EAA. Paragraphs (1) and (2) modify the procedures for processing export license applications. These paragraphs reduce from 90 days to 60 days the time granted to the Commerce Department to process a license that does not require interagency review, and gives to the Department of Commerce 14 days rather than 10 days to process a license after its receipt by the Commerce Department. This last change is needed because 10 days are inadequate to (a) screen licenses, (b) send applicants acknowledgment, and (c) determine the need for further documentation interagency review or COCOM review.

Paragraph (3) inserts in section 10(f)(3) that portion of the EAA which was deleted in section 5(a)(2)(B). As noted earlier in this analysis, this provision more logically belongs in section 10 of the EAA than in section 5.

SECTION 8

Section 8 amends section 11 of the EAA. Paragraphs (1) and (2) of this section include "conspiring to violate the Act" or "attempting to violate the Act" in the category of violations subject to the punishments described in sections 11(a) and 11(b)(1) of the EAA.

Paragraph (3) simplifies the showing that the government must make to prove a willful violation in Section 11(b)(1) of the EAA. The amended version would require the government to either show that the goods were destined for a proscribed country, or show that the defendant knew that the goods were for the benefit of a country to which exports are controlled for national security or foreign policy purposes.

Paragraph (4) of this section clarifies that "countries to which exports are controlled for national security purposes" are, for purposes of this subsection, those countries designated pursuant ot section 5(b) of the EAA as proscribed destination.

Paragraph (5) provides statutory authority to punish a person in possession of goods or technologies that are intercepted by law enforcement officials before an illegal export occurs, if the person intends to export the goods or technologies contrary to law. This paragraph would also allow enforcement officials to charge a person who is not involved in the act of making an illegal export, but who knowingly participates in stages of the crime.

Paragraph (5) adds a new paragraph to the EAA that reaffirms the current regulatory authority of the Secretary to define by regulation violations under the EAA.

Paragraph (6) of this section authorizes the President to prohibit offenders of the national security provisions of the EAA from importing goods or technology into the United States. The section provides a strong new penalty that would serve to deter and punish export control violations.

Paragraph (7) provides that property or proceeds that are forfeited by violators of national security controls shall be deposited into the general receipts of the Department of Treasury.

Paragraph (8) redesignates subsections (f) and (g) as subsections (g) and (i), respectively, to conform to the additions and deletions in this bill.

Paragraph (9) inserts a new criminal forfeiture provision that requires the forfeiture of goods or technology that are the subject of a national security export control violation and property that is used to facilitate the commission of such violation. The forfeiture provision would also reach the property constituting or derived from, directly or indirectly, any proceeds obtained as a result of the violation. It is well established that monetary gain is a primary motivating force in serious national security control export violations. This amendment will enable prosecutors to recoup the gain that violators might otherwise be able to shelter.

Paragraph (10) adds new section (h) to Section 11 of the EAA. Section (h) corrects a major omission in the present export control program. There have been cases that involve dangerous, illegal technology transfers, but that include no violation of the Act. Under this amendment, at the discretion of the Secretary of Commerce persons convicted for espionage or under certain sections of the Arms Export Control Act could be barred from applying for or using export licenses for a period up to 10 years from date of conviction.

Paragraph (11) conforms redesignated subsection (i) to the additions and deletions in this bill.

SECTION 9

Section 9 amends section 12 of the EAA.

Paragraph (1) redesignates the paragraphs to conform to the additions and deletions in the EAA resulting from this bill.

Paragraph (2) deletes the word "commodity" to conform with changes made by section 3(2) of this bill.

SECTION 10

Section 10 amends section 14 of the Act. Paragraph (1) redesignates the paragraphs in the Act and effects one deletion to conform to the additions and deletions in other provisions of this bill. The other paragraphs redesignate paragraphs of the Act to conform with changes made by this bill.

SECTION 11

Section 11 amends section 17 of the EAA. Paragraph (1) redefines the term "controlled country" so that it is more appropriate for civil aircraft equipment than the existing definition, which relies on the definition contained in section 620(f) of the Foreign Assistance Act of 1961.

Paragraph (2) makes a technical change clarifying that, but for one exception, the procedures published pursuant to the Nuclear Non-Proliferation Act of 1978 (NNPA), rather than the EAA, govern export license applications referred to an interagency group pursuant to section 309(c) of the NNPA.

SECTION 12

Section 12 amends section 18 of the EAA, which provides the authorization for appropriations to carry out the purposes of the EAA, to authorize such sums as may be necessary for each of the fiscal years 1984, 1985, 1986, and 1987.

SECTION 13

Section 13 amends section 20 of the EAA to extend it for 4 years.●

By Mr. WALLOP (for himself, Mrs. KASSEBAUM, and Mr. SIMPSON):

S. 980. A bill to amend the Federal Mine Safety and Health Amendments Act of 1977 to provide that the provisions of such act shall not apply to the surface mining of stone, clay, and sand work; to the Committee on Labor and Human Resources.

By Mr. WALLOP (for himself and Mr. SIMPSON):

S. 981. A bill to prohibit age discrimination in apprenticeship programs; to the Committee on Labor and Human Resources.

S. 982. A bill to amend the Fair Labor Standards Act of 1938 to permit an employee to take compensatory time off in lieu of compensation for overtime hours, and for other purposes; to the Committee on Labor and Human Resources.

LABOR LEGISLATION

● Mr. WALLOP. Mr. President, I am reintroducing three bills which I sponsored in the 97th Congress dealing with various labor issues. The bills are in response to problems which were brought to my attention by my Wyoming constituents.

The first bill would transfer the surface sand, gravel, and stone mine operations from the Mine Safety and Health Administration to the Occupational Safety and Health Administration. The proposal would provide a more sensible method for regulating the surface mines. I would ask that a statement I made before the Labor Subcommittee during the last Congress be included in the RECORD at the conclusion of my remarks. The statement concisely explains the transfer bill.

The second bill would prohibit age discrimination in apprenticeship training programs. One of the major reasons for the recession from which we are finally recovering is the decline of our industrial base. Many sectors of our economy have become outmoded. We have begun to modernize our economy, but roadblocks still exist. As

some of my constituents have discovered, they are too old to participate in apprenticeship training to improve their job skills. This is a particular problem for women. Women are entering new occupations, but are encountering training problems. One obstacle is age limits for apprenticeship programs. My bill would remove this hindrance to job training.

The third bill allows a flexible compensation procedure for business. It is an attempt to bring labor laws passed in the 1930's up to date to reflect recent changes in the workplace. Worksharing, flexitime, and other innovations have restructured the workplace in recent years. This bill provides one additional improvement. It allows a company to offer leave to employees as compensation for working overtime. It replaces the overtime pay formula mandated by labor laws passed in the 1930's. Women with children are particularly interested in a compensation formula which allows them to spend more time with their families.

I would ask that the bills be printed in the RECORD at this point.

There being no objection, the bills and statement were ordered to be printed in the RECORD, as follows:

S. 980

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(h)(1) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 802(h)(1), as amended by the Federal Mine Safety and Health Amendments Act of 1977, is amended by inserting after "preparation facilities." the following new sentence: "Such term shall not include the surface mining of stone, clay, sand or gravel".

S. 981

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Age Discrimination in Apprenticeship Programs Act".

SEC. 2. The first section of the Act of August 16, 1937 (29 U.S.C. 50), popularly known as the National Apprenticeship Act, is amended by inserting "(a)" after the section designation and by adding at the end thereof the following new subsection:

"(b)(1) In promoting labor standards for the welfare of apprentices under subsection (a) of this section the Secretary shall assure that no program of apprenticeship discriminates against any individual because of his age in admission to, or employment in, any such program of apprenticeship.

"(2) For the purpose of this subsection, the prohibition contained in paragraph (1) of this subsection shall be limited to individuals who are at least eighteen years of age but less than forth-five years of age.".

S. 982

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the Fair Labor Standards Act of 1938 is amended by adding at the end thereof the following new subsection:

"(o) No employer shall be deemed to have violated subsection (a) by employing any employee for a workweek in excess of the maximum workweek applicable to such employee under subsection (a) if, pursuant to a contract made between the employer and the employee individually or an agreement made as a result of collective bargaining by representatives of employees entered into prior to the performance of the work, the employer at the written request of the employee grants the employee compensatory time off with pay in a subsequent workweek in lieu of payment of the number of hours worked in such current workweek in excess of the maximum workweek applicable to such employee under subsection (a), and the rate of pay due to the employee, compensatory time used by the employee shall be considered hours actually worked during the subsequent workweek in which actually used.".

SENATOR MALCOLM WALLOP STATEMENT ON S. 351

Mr. WALLOP. Mr. Chairman, I appreciate this opportunity to appear before the Labor Subcommittee to discuss problems resulting from the implementation of the Federal Mine Safety and Health Act of 1977. I am particularly concerned about the affect of the act on sand, gravel, and stone surface mining operations.

In 1977, the Congress approved the Federal Mine Safety and Health Act. This new law repealed the Metal and Non-Metallic Mine Safety Act and amended the Federal Coal Mine Safety and Health Act. All industries involved with mineral extraction were brought under the same law, mandating equal compliance with regulations, paperwork, and the payment of mandatory penalties. I did not vote for the Mine Safety and Health Act. Several reasons prompted me to vote against the bill. First, our disappointing experience with the administration of the Occupational Safety and Health Act had made me exceedingly wary of new safety and health programs. Once the bureaucrats get their hands on these programs, they seem to launch a life and soul of their own. A second reason for my vote was the obvious domination of coal mining in the program. Simply imposing an expensive safety and health program designed for coal mining on unrelated operations did not make sense. Lastly, I was concerned about implementation. There were not enough trained inspectors to properly enforce the program required by the act. Such a situation could only lead to frustration and confusion on the part of the mining industry and worker.

On August 7, 1978, I received the first complaint about the new Mine Safety and Health Administration from a small sand and gravel operator in Casper, Wyoming. More complaints soon followed. In response, I have sought to develop legislation which would provide a more sensible approach to safety and health problems of the sand, stone and gravel industries. On March 12, 1979, Senators Bumpers, Kassebaum, Pryor and I introduced a bill, S. 625, to transfer these industries from coverage under the Mine Safety and Health Act to the Occupational Safety and Health Act. Forty other members of the Senate joined us in cosponsoring this legislation.

Though hearings were never held on the subject of transfer by this Committee, the subject was raised during oversight hearings on the Mine Safety and Health Act in the spring of 1979. Industry, labor and MSHA administrators all had an opportunity to discuss the issue. Despite the support for the legislation in both the Senate and the House of Representatives—where 214 members cosponsored the Marlenee companion bill, no further action was taken on the bill by either the House or Senate Labor Committees. My frustration with the legislative process was rapidly approaching the level of frustration felt by the industry towards the administrative process.

This legislative inertia was temporarily overcome on July 29, 1980. I offered by bill as an amendment to the Multiemployer Pension Plan Amendments, and it was adopted by a vote of 52 to 37. The Conference Committee, which was conducted by the Labor Committees, subsequently dropped my amendment. However, we were successful in eliminating temporarily one of the onerous burdens of the program. The Bumpers Amendment to the Labor Appropriations Bill prohibits the Enforcement of the training provision for stone, gravel, and sand surface miners.

The hearing today reflects the new attitude in Washington. We have a responsibility to reduce and eliminate costly, ineffective and inappropriate regulations. That is exactly the purpose of my bill. The proposal was reintroduced as S. 351 on February 3. I hope that we can now fully explore the issues and move forward on this matter.

It would perhaps be useful to review issues, particularly for those members who are new to the Senate. A rather extensive record was developed in the last Congress during oversight hearings by both Labor Committees. The 96th Congress was dubbed the "Oversight Congress," and one major oversight for some members was a lack of response to problems presented during hearings such as the MSHA sessions. Most of those members are no longer with us.

The debate has become another classic Business and Labor confrontation. We are bombarded with lots of statistics, and the usual predictions of dire tragedy, bankruptcy and so forth by both sides. The actual issues are far less cosmic in nature.

The first is whether the sand, stone and gravel industries are mining operations. These industries are involved in the surface extraction of minerals. They use equipment similar to that employed by the surface mining of coal, metals, and other non-metallic resources.

In addition, these industries have always been considered mining enterprises as far as federal legislation has been concerned. I will concede to Labor on this point. A second concern is the level of hazard in these industries. It is argued that all mines are hazardous operations, and require a separate safety and health program. The following table, prepared by the Congressional Research Service, indicates that sand, stone and gravel surface mining has a better Nonfatal Disabling Injury rate than other mining industries. The Fatality Rate is somewhat higher than the average mining rate. So, in a partial concession to Labor, I agree that hazards do exist in the stone, gravel, and sand mining industries, as is true for many other occupations. Other testimony today will present data indicating that stone, gravel, and sand mining is not as hazardous as many other industries. I would urge the Subcommittee to undertake a review of injury statistics under MSHA and OSHA.

A third point of contention is that the Federal Mine Safety and Health Act merely added all other mining operations to the

Coal Mine Safety and Health Act. The result was to apply coal mining safety procedure and techniques to mining operations which had no relation to deep underground coal mining. It is argued that vertical safety standards respond to particular industry problems. However, as the hearing record states, effort have been made by MSHA to combine standards. Neither Business nor Labor have demonstrated the validity of their arguments on this point. This is another issue which I hope this Subcommittee would explore in greater detail.

While Labor and Business spokesmen have argued over these rather broad issues, specific requirements of the Mine Safety and Health Act have created real problems for the operators of stone, gravel and sand surface mines. For instance, the law clearly states that an independent contractor will be considered as an operator. Any violation of MSHA by the contractor or his crew will result in a citation and fine for the contractor. However, MSHA had established a policy of citing and fining the owner of the surface mine, not the contractor, for contractor violations. Business was certainly right in complaining about this absurd policy. Fortunately, it was recently changed.

Another fault with the program is mandatory penalties. Unlike OSHA, the mine safety program stresses only negative incentives for complying with the standards.

Operators are cited and fined for any and all violations. The quest for a fine results in penalties for the most minor violations, eliminates positive efforts at good faith compliance, and creates business mistrust due to subjective interpretation of standards by inspectors. Operators would regard the fines as a nuisance if they were not so expensive. Critics will argue that fines can be appealed. But, an appeal often costs more than the fine. One mine operator testified that an appeal of a $100 to $200 fine costs about $1,600. Only 5 percent of all citations are appealed. When one considers what a litigious society we live in, this rate of appeal is surprisingly low.

Unlike OSHA, there is no flexibility in the program. Violations under OSHA do not necessarily invoke a penalty, rather a citation is issued which requires prompt abatement. Maximum penalties under OSHA are one-tenth the amount under MSHA, though hazards are as serious under OSHA as they are under MSHA. It is encouraging that Congressman Gaydos, Chairman of the House Labor Subcommittee has recognized this problem, and has stated that mandatory penalty section may require revision.

A third problem with MSHA is the training requirement. As the hearing record clearly demonstrates, training, as required by the Act, is a costly burden with little benefit for surface sand, stone and gravel producers. The rigidity of the requirement prohibits more sensible alternatives.

During the Senate debate on my proposal last year, I cited a survey of Wyoming sand, stone, and gravel companies which sought to determine the total cost of training loss of production time and administration. The results were as follows:

1. Estimated number of employees to be trained (24 hour requirement), 869.

2. Estimated number of experienced employees to be trained (8 hours), 733.

3. Estimated number of instructors to be certified, 58.

4. Estimated Administrative Costs to implement MSHA's new health and safety training regulations, $220,486.

5. Estimated cost of production time lost due to MSHA's training requirements, $479,816.

6. Total estimated cost to these businesses in fulfilling all requirements of the health and safety training requirements mandated by Section 115 of the 1977 Mine Safety Amendments, $1,181,317.

7. Percentage increase in finished product costs resulting solely from above costs, 10 percent.

One last objection is the lack of on-site consultation. MSHA has created an adversary relation between government and business. Rather than cooperating with business and labor to create a safe and healthy workplace, MSHA is absorbed by the search for violations and penalties. Even the Steelworkers have conceded that consultation should be permitted.

Our inability to provide reasonable, simple and practical changes in MSHA, such as allowing consultation, has created a bad environment for this program. Unfortunately, it is a problem which permeates too many of our federal programs. That is why we now have a mandate for change.

The change I have proposed is to transfer surface sand, stone, and gravel operations from jurisdiction under MSHA to the Occupational Safety and Health Administration. Something has to be seriously wrong in a program for anyone to advocate transfer to coverage under OSHA, but that is precisely what I advocate. This is not a ploy to sacrifice the safety and health of workers. OSHA exists mainly through the efforts of Labor. It is a tough program, not without its faults. And, it is flexible, which is the one most glaring fault with MSHA. I would like to include with my testimony a comparison of the major provisions of the Mine Safety and Health Act and the Occupational Safety and Health Act prepared by the Library of Congress. The comparison is a graphic display of the rigidity/flexibility program.

There are other approaches to this problem. Chairman Gaydos, at the conclusion of his Labor Subcommittee hearings, expressed interest in amending MSHA to relieve some of the burdens of mandatory training and inspections. On February 26, Senator Armstrong introduced amendments to MSHA regarding mandatory penalties and State plans. We do have some very interesting proposals being developed.

After four years in Washington, I have become somewhat of an elder statesman due to the subsequent election results. I realize there are obstructionists who will use every tactic to frustrate needed reforms. Well, we now have two routes, transfer and amendment, to achieve necessary changes in our industrial safety and health programs. We will utilize every opportunity to pursue our goals in this Congress.

Thank you for allowing me to appear today.●

By Mr. PERCY (by request):

S. 984. A bill to provide for increased participation by the United States on the Inter-American Development Bank and the Asian Development Bank; to the Committee on Foreign Relations.

INCREASED PARTICIPATION IN DEVELOPMENT BANKS

● Mr. PERCY. Mr. President, by request, I introduce for appropriate reference a bill to provide for increased participation by the United States in the Inter-American Development Bank and the Asian Development Bank.

This legislation has been requested by the Treasury Department and I am introducing the proposed legislation in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the Secretary of the Treasury to the President of the Senate dated March 28, 1983.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 984

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—INTER-AMERICAN DEVELOPMENT BANK

SEC. 101. The Inter-American Development Bank Act (22 U.S.C. 283, *et seq.*) is amended by adding at the end thereof the following new section:

SEC. 31. (a) The United States Governor of the Bank is authorized to vote for resolutions which were proposed by the Governors at a special meeting in February 1983, which are pending before the Board of Governors of the Bank, and which provide for (1) an increase in the authorized capital stock of the Bank and subscriptions thereto, and (2) an increase in the resources of the Fund for Special Operations and contributions thereto. Upon adoption of these resolutions, the United States Governor is authorized on behalf of the United States [A] to subscribe to four hundred twenty-seven thousand, three hundred and ninety-six shares of the increase in the authorized capital stock of the Bank, and [B] to contribute to the Fund for Special Operations $290,000,000; *provided, however,* that any commitment to make such subscriptions to paid-in and callable capital stock and to make such contributions to the Fund for Special Operations shall be effective only to such extent or in such amounts as are provided in advance in appropriation Acts.

(b) In order to pay for the increase in the United States subscription and contribution provided for in this section, there are authorized to be appropriated, without fiscal year limitation, for payment by the Secretary of the Treasury (1) $5,155,862,744 for the United States subscriptions to the capital stock of the Bank, and (2) $290,000,000 for the United States share of the increase in the resources of the Fund for Special Operations."

TITLE II—ASIAN DEVELOPMENT BANK

SEC. 201. The Asian Development Bank Act (22 U.S.C. 285, *et seq.*) is amended by adding at the end thereof the following new sections:

SEC. 27. (a) The United States Governor of the Bank is authorized to subscribe on behalf of the United States to one hundred twenty-three thousand, three hundred and seventy-five additional shares of the capital

stock of the bank: *Provided, however,* That any subscription to the capital stock of the Bank shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

(b) In order to pay for the increase in the United States subscription to the Bank provided for in this section, there are hereby authorized to be appropriated, without fiscal year limitation, $1,322,999,476 for payment by the Secretary of the Treasury.

SEC. 28. (a) The United States Governor of the Bank is authorized to contribute on behalf of the United States $520,000,000 to the Asian Development Fund, a special fund of the Bank, except that any commitment to make such contribution shall be made subject to obtaining the necessary appropriations.

(b) In order to pay for the United States contribution to the Asian Development Fund provided for in this section, there are authorized to be appropriated, without fiscal year limitation, $520,000,000 for payment by the Secretary of the Treasury."

THE SECRETARY OF THE TREASURY,
Washington, D.C., March 28, 1983.

DEAR MR. PRESIDENT: Transmitted herewith is a draft bill, "To provide for increased participation by the United States in the Inter-American Development Bank and the Asian Development Bank."

Submission of a bill is required by Section 5 of the Inter-American Development Bank Act, 22 USC 283, et. seq., and by section 5 of the Asian Development Bank Act, 22 USC 285, et. seq.

The bill authorizes the U.S. Governor of the Inter-American Development Bank (IDB) to subscribe on behalf of the United States to four hundred twenty-seven thousand, three hundred and ninety-six (427,396) shares of the capital stock of the Bank. The bill also authorizes the appropriation of $5,155,862,744 to pay for the United States' subscriptions. However, it further requires that any commitment to subscribe of shares of the capital stock of the Bank shall be effective only to the extent or in the amounts as are provided in advance in appropriations Acts.

Secondly, the bill authorizes the U.S. Governor of the IDB to contribute on behalf of the United States $290,000,000 as the U.S. contribution to the replenishment of the resources of the Fund for Special Operations (FSO). It requires any commitment to make a contribution to the FSO be made subject to obtaining the necessary appropriations. It also authorizes the appropriation of $290,000,000 for payment of the contribution to the FSO.

Thirdly, the bill authorizes the U.S. Governor of the Asian Development Bank (ADB) to subscribe on behalf of the United States to one hundred twenty-three thousand, three hundred seventy-five (123,375) shares of the capital stock of the Bank. The bill also authorizes the appropriation of $1,322,999,476 to pay for the United States' subscriptions. However, it requires that any commitment to subscribe to shares of the capital stock of the Bank shall be effective only to the extent or in such amounts as are provided in advance in appropriations Acts.

Finally, the bill authorizes the U.S. Governor of the ADB to contribute on behalf of the United States $520,000,000 as the U.S. contribution to the replenishment of resources of the Asian Development Fund (ADF). It requires that any commitment to make a contribution to the ADF be made subject to obtaining the necessary appropriations. It also authorizes the appropriation of $520,000,000 for payment of the contribution to the ADF.

U.S. participation in the capital increases and concessional resource replenishments of the Inter-American and Asian Development Banks is a vital form of support for economic growth and development in these strategically important regions.

The countries which borrow from these Banks, in many cases, maintain close security relationships with the United States. Most of the borrowers from the IDB have important, longstanding mutual security ties with us through the Rio Treaty (TIAS 1838). We also have important security stakes in the Caribbean and Central America. Some of the largest ADB borrowers have long cooperated with the United States on security matters: Pakistan, Korea, Thailand and the Philippines. These Banks contribute to U.S. security by providing substantial financial resources and technical assistance to undergird economic growth and political stability in their regions.

The Administration's assessment of the multilateral development bank programs set forth an array of objectives which the United States should pursue in the banks. The agreements which underlie the proposed capital increases and resource replenishments for the Inter-American and Asian Development Banks are the vehicles for achieving several of these objectives:

The assessment calls for concentrating concessional resources on the poorest countries. The agreements focus concessional resources on such countries. The IDB agreement limits FSO resources to Bolivia, Ecuador and the poorest countries of the Caribbean and Central America, by reducing the number of IDB member countries eligible to borrow from the FSO. ADF resources will be concentrated on the poorest and least creditworthy countries of South Asia: Pakistan, Sri Lanka, Bangladesh, Nepal and Burma.

The assessment recommended that financial policies of the Banks should reflect their strong standing in global capital markets. In the agreements to increase the capital stock of the Banks, the requiremens for paid-in capital have been substantially reduced. The subscription to IDB capital will require only 4.5 percent to be paid-in, compared to 7.5 percent in the previous replenishment. Subscriptions to ADB capital will require 5 percent paid-in, rather than the previous 10 percent.

The assessment suggested reducing requirements for U.S. budgetary resources. The need for annual appropriations beginning in fiscal year 1984 for the programs proposed in the bill will be $273.7 million, compared to $358.6 million under the previous replenishments—a reduction of 23.7 percent.

The U.S. shares in these replenishment agreements are the same as, or close to shares in the previous replenishments. The IDB capital increase, which will finance the lending program from 1983 through 1986, will be $14.8 billion with a traditional U.S. share of 34.5 percent. The FSO replenishment is $702 million with a U.S. share of 41.3 percent. The ADB capital increase, which will finance lending from 1983 to 1987 will be about $8.1 billion, and the U.S. share will be 16.3 percent. The ADF replenishment is $3.2 billion, and the U.S. share is 16.2 percent.

It would be appreciated if you would lay this bill before the Senate. An identical bill has been submitted separately to the Speaker of the House.

The Office of Management and Budget advised that there is no objection to the presentation of these proposals to Congress and that enactment of this bill would be in accord with the President's program.

With best wishes.

Sincerely,

DONALD T. REGAN.●

By Mr. BENTSEN (for himself, Mrs. HAWKINS, Mr. CHILES, Mr. DECONCINI, Mr. NUNN, Mr. ROTH, and Mr. MELCHER):

S. 985. A bill to change the penalty provisions contained in section 401(b) of the Controlled Substances Act; to the Committee on the Judiciary.

CONTROLLED SUBSTANCES AMENDMENTS ACT OF 1983

● Mr. BENTSEN. Mr. President, I am introducing legislation today to amend the Controlled Substances Act in order to make it a more effective deterrent to traffickers in nonnarcotic drugs.

I would like to take a few minutes to explain why this legislation is necessary and what I am trying to accomplish. As currently written, the Controlled Substances Act lists dangerous substances in five schedules and proscribes trafficking in all of them. The most dangerous ones and the ones that are most subject to abuse are listed in schedules I and II. The act, however, distinguishes between narcotic and nonnarcotic drugs in regard to penalties for dealers. Trafficking in narcotic drugs is punishable by imprisonment for a term of up to 15 years or a fine of up to $25,000, or both. By way of contrast, the dealer in nonnarcotic drugs, listed in schedules I and II, is subject to a jail term of not more than 5 years or a fine of up to $15,000 or both.

Mr. President, this historical distinction between narcotic and nonnarcotic substances has lost most of its validity in light of present patterns of abuse. Heroin, for example, is clearly a narcotic; those who deal in it would be liable to severe punishment. But, in recent years we have seen the advent of widespread abuse of substances like LSD, PCP, and speed, which are at least as harmful and dangerous as narcotic drugs. I do not think I need remind my colleagues what this means in terms of destroyed lives and increased levels of crime.

Many of these dangerous and illicit nonnarcotic drugs are manufactured in domestic clandestine laboratories. The General Accounting Office recently looked into this matter. Citing statistics from the National Narcotics Intelligence Committee, the GAO concluded that these laboratories produced virtually all of the stimulant methamphetamine (speed), hallucinogens, such as phencyclindine (PCP), and lysergic acid diethylamide (LSD) available in this country. In addition, they churned out substantial quanti-

ties of amphetamines and methaqualone.

Nevertheless, at a time when we have an obvious increasing problem with drug abuse in America and a proliferation of illegal manufacturing centers, the effort to enforce the Controlled Substances Act has been a dismal failure. The GAO study, which I cited earlier, reviewed 68 closed clandestine laboratory cases at 13 Drug Enforcement Administration field offices. These cases involved 153 violators who were convicted in Federal courts for dealing in dangerous drugs. What happened to these individuals who are the source of much of the illegal mind-destroying substances that found its way to the streets during the 1978–80 period? Forty-four of them, or 29 percent, never went to prison; they were placed on probation, had their sentences suspended, or were simply fined. Fifty-six of them, or 37 percent, received prison sentences of 3 years or less. In other words, Mr. President, even when we catch and convict traffickers under the Controlled Substances Act, 2 out of 3 of them either get off on probation or serve less than 3 years in jail. I think this is an incredible and alarming statistic.

The legislation I am proposing today would eliminate the distinction between the penalties for dealing in narcotic and nonnarcotic substances listed in schedules I and II of the Controlled Substances Act. Dealing in PCP or LSD, for example, would be considered as serious—in terms of potential punishment—as trafficking in heroin.

My legislation would require that all traffickers in dangerous drugs listed under schedules I and II be punished by imprisonment of up to 15 years or a fine of up to $25,000, or both. Dealing in nonnarcotic substances would no longer be a bargain in terms of potential punishment. Second offenders would be subject to 30 years in jail or a fine of up to $50,000, or both. This legislation would also have the effect of increasing the penalty for trafficking in PCP from 10 to 15 years.

Crime, Mr. President, is a major concern of the American people. The importation, manufacture, and distribution of illegal substances creates much of the criminal activity in America these days. It is not enough to decry crime—we can and we must be prepared to do something about it. The legislation I am proposing today certainly will not eliminate the illegal manufacture of dangerous substances, but it will be a step in the right direction. It will put those persons who traffic in poisons by PCP, LSD, and speed, on notice that once apprehended, they will be liable for more than a slap on the wrist. It will provide an incentive for law enforcement officials to concentrate on putting these clandestine operations out of business. It will help focus attention on the abuse of nonnarcotic substances.

Mr. President, I hope the Senate will move quickly to approve this legislation. It follows recommendations made by the Comptroller General and has the support of the Department of Justice. I ask unanimous consent that the text of the bill be printed in the RECORD at the conclusion of these remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 985

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Controlled Substances Amendments Act of 1983."

SEC. 2. Subsection (b) of section 401 of the Controlled Substances Act (21 U.S.C. 841 (b)) is amended by—

(1) striking out the first sentence of subparagraph (A) of paragraph (1) and inserting in lieu thereof the following:

"In the case of a controlled substance in Schedule I or II, such person shall be sentenced to a term of imprisonment of not more than 15 years, a fine of not more than $25,000, or both.";

(2) striking out the first sentence of subparagraph (B) of paragraph (1) and inserting in lieu thereof the following:

"In the case of a controlled substance in schedule III, such person shall be sentenced to a term of imprisonment of not more than 5 years, a fine of not more than $15,000, or both.";

(3) striking out paragraph (5) and redesignating paragraph (6) as paragraph (5).

(4) striking out paragraph (4) and inserting in lieu thereof the following:

"Notwithstanding paragraph (1)(A) of this subsection, any person who violates subsection (a) of this section by distributing a small amount of marijuana for no remuneration shall be treated as provided in subsections (a) and (b) of section 844 of this title."●

By Mr. PRESSLER:

S. 986. A bill to repeal employer reporting requirements with respect to tips; to the Committee on Finance.

REPORTING OF TIPS

Mr. PRESSLER. Mr. President, today I am reintroducing my legislation to repeal the tip income reporting requirements contained in last year's Tax Equity and Fiscal Responsibility Act. I had previously introduced this legislation as part of my tax revision bill.

I have opposed the tip income reporting requirements since their initial consideration by the Senate. I continue to believe that these requirements set a bad precedent in our Nation's tax laws.

Under the new tip requirements, restaurant employees will be the only group of workers in America to have "assumed income" reported on their W-2 forms. In rural States like South Dakota where tipping is far below the national average, our restaurant employees will be forced to prove that they make less than the IRS's assumption of 8-percent tips. This places the burden of proof on the taxpayers and their employers rather than on the IRS where it rightfully belongs. I would advocate that targeted audits by the IRS be substituted for this bulky legislation.

I am in favor of cracking down on those individuals who evade their fair share of taxes. However, I believe that this confusing and unfair law is not the best way to tackle this problem. As a member of the Senate Small Business Committee's Subcommittee on Government Regulation and Paperwork, I am particularly concerned over this attempt to place the burden of tax compliance on our Nation's small businesses—many of whom are already struggling under enormous burdens.

My concern over these regulations has been fueled by the strong concern expressed by the waitresses of my State. They have organized an effective grassroots campaign to seek repeal. This campaign has already received wide attention by media and citizens alike, and I am pleased to say that their campaign is now spreading to other parts of the country.

This campaign reflects a deepening concern across America that our elected officials have ceased to listen to the problems of average citizens. If we do not begin to demonstrate that we do hear their voices, I believe our tax compliance will begin to further deteriorate rather than increase.

I hope that my colleagues will join me in supporting repeal of the tip income reporting requirements.

By Mr. STAFFORD (by request):

S. 987. A bill to authorize the imposition of entrance, admission or additional user fees at certain water resources development areas administered by the Department of the Army; to the Committee on Environment and Public Works.

USER FEES AT CERTAIN WATER RESOURCES DEVELOPMENT AREAS

● Mr. STAFFORD. Mr. President, at the request of the administration, I am introducing legislation to authorize the imposition of user fees at certain water resource development areas administered by the Corps of Engineers.

It is my understanding, Mr. President, that this legislation is designed only to remove existing legal impediments to the charging of fees at corps managed recreation areas—impediments which other Federal agencies, such as the National Park Service, do not confront. It is also my understanding, Mr. President, that the fees that would be charged would be no higher than those currently assessed at similar Park Service facilities, and that the funds generated from these charges would be transferred to the corps to

offset the costs of managing these recreation areas, costs currently being borne by the general taxpayer. The corps has estimated that receipts generated by this legislation in fiscal year 1984 would be $15 million.

Mr. President, I ask unanimous consent that the bill be printed at this point in the RECORD, along with the transmitted letter of the Assistant Secretary of the Army for Civil Works.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 987

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, section 4 of the Land and Water Conservation Fund Act of 1965, as amended (78 Stat. 897; 16 U.S.C. 4601-6a), is further amended by:

(a) inserting the words ", water resource development areas administered by the Department of the Army which are used in whole or in part for recreation purposes," after the words "the Department of the Interior" in the first sentence of subsection (a); and

(b) by deleting the next to the last sentence of subsection (b).

SEC. 2. Section 210 of the Flood Control Act of 1968 (82 Stat. 764; 16 U.S.C. 460d-3) is repealed.

DEPARTMENT OF THE ARMY,
Washington, D.C. March 3, 1983.

Hon. GEORGE BUSH,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of legislation "To authorize the imposition of entrance, admission, or additional user fees at certain water resources development areas administered by the Department of the Army."

This proposal is a part of the Department of the Army Civil Works legislative program for the First Session of the 98th Congress. The Office of Management and Budget advises that the enactment of the proposal by the Congress would be in accord with the program of the President. The Department of the Army strongly recommends that the proposal be enacted by the Congress.

PURPOSE OF THE LEGISLATION

The purpose of the proposed legislation is to authorize the collection of certain fees at water resources development areas administered by the Department of the Army which are used in whole or in part for recreational purposes. Enactment of the legislation would remove existing restrictions on the authority of the Department of the Army to impose reasonable charges for admission and use of recreation areas under its administration and would provide it with authority comparable to that which is available to other federal land and water resources development agencies.

The Department of the Army, through the Army Corps of Engineers, administers one of the largest systems for outdoor recreation in the entire federal government. In the past, the bulk of the cost of operating this extensive program has been borne by the general taxpayers even though an easily identifiable group, those who actually visited our recreation areas and used our facilities, derived a direct benefit at little or no cost to themselves. This is because the Department of the Army, unlike other land and water resources development agencies, is severely limited in the charges it may impose for admission to or use of recreation areas or facilities.

Certainly, the availability of federally subsidized outdoor recreation is of indirect benefit to all Americans. However, those who actually visit such areas derive greater benefit and should be expected to contribute a higher percentage of the costs of maintaining these areas and facilities. The draft bill which is enclosed is intended to remove existing restrictions on the authority of the Department of the Army to impose reasonable fees and to allow recovery of a larger percentage of the costs of maintenance from those who actually take advantage of these recreational opportunities. In this way, we can better insure the continued availability of funding needed to maintain our recreation areas during these times of fiscal restraint. Enactment of the legislation will also provide us with greater management capability to protect the areas which we administer.

Despite the fact that entrance and user fees are a fact of life at state and local recreation areas, previous proposals to increase fees at federal recreation areas have resulted in concerns being raised by many of our citizens. Unfortunately, the economic realities of the federal budget are forcing many of us in government to choose between reasonable cuts or alternative sources of funding for many popular programs. While we cannot be sure that all elements of the public will understand the difficult decisions confronting us in this area, we can assure the Congress and the public in general that any system of user fees which will be imposed will be designed to insure the continued availability of meaningful outdoor recreational opportunities to all of our citizens.

COST AND BUDGET DATA

The enactment of this proposal will allow the Department of the Army to increase the amounts collected from the users of recreation facilities which it administers. It is estimated that this will result in net receipts of $15 million in fiscal year 1984 with additional net receipts of approximately $18 million anticipated in subsequent years. These amounts would, in turn, be available for appropriation to fund the outdoor recreation program of the Corps of Engineers, reducing the burden on the General Fund of the Treasury. Receipts from collected fees will be credited to the already established special recreation user fees account and remain available until expended.

ENVIRONMENTAL AND CIVIL RIGHTS IMPACTS

Enactment of the enclosed legislation will not have any significant environmental or civil rights impacts.

Sincerely,

WILLIAM R. GIANELLI,
Assistant Secretary of the Army (Civil Works).●

By Mr. JEPSEN:

S. 989. A bill to make changes in certain elements of military compensation and in certain personnel programs, and for other purposes; to the Committee on Armed Services.

OMNIBUS MILITARY PERSONNEL ACT OF 1983

● Mr. JEPSEN. Mr. President, on September 21, 1983, the Senate Armed Services Committee reported out the Uniformed Services Pay Act of 1982. Unfortunately, a provision of the bill pertaining to section 138 of title 10, United States Code, created a problem, and as a result, the bill was not considered by the Senate prior to the adjournment of the 97th Congress. Most of the pay and benefit provisions in the legislation have been signed into law. They include the pay raise for fiscal 1983, extension of the enlistment and reenlistment authority through September 30, 1983, as well as the reinstatement of social security benefits for the families of service members killed in action. These compensation initiatives have been vital in sustaining the process of rebuilding our Armed Forces.

Today, recruiting and retention statistics are most encouraging. The services are experiencing great success in meeting their quantity and quality recruiting goals. Over 80 percent of the Army's new recruits are high school graduates and in the upper mental group categories. This represents a dramatic improvement over the levels experienced in previous years; in fact, these are some of the best results since the beginning of the All-Volunteer Force. Equally important, the skill shortages and imbalances in our career force are diminishing. The hemorrhage of experienced NCO's and petty officers has ceased to be a critical problem

A number of factors are responsible for this change: An enhanced national appreciation for military service; the current economic situation, and increased pay and benefits. The military pay raises of 1980 and 1981 had restored military pay to levels comparable with those in the private sector. Further, the targeted pay raises initiated by the Armed Services Committee in 1981 have been especially effective in reducing intergrade pay compression and stemming the alarming losses of midcareer and senior noncommissioned officers.

However, we cannot be certain that these trends will continue as the economy recovers and the male youth population declines by the mid-1980's. Based upon the experiences of the late 1970's, we must not forget how fragile the current recruiting and retention statistics may be. Therefore, it is essential to continue the momentum which began in 1980. I believe that we can do so in a positive and cost-effective manner.

Senator TOWER and I have jointly introduced a proposal which would provide a modest pay increase for our service men and women beginning in April 1984. But in this time of constrained budgets, we must look to innovative, low-cost initiatives to provide for improved management of our military personnel. For that reason, I have decided to reintroduce most of the provisions that were included in the Uniformed Services Pay Act of 1982, but were not acted upon by the Senate

before the adjournment of the 97th Congress.

It is my intention to include these provisions as part of the defense authorization for fiscal 1984 if they are not considered as separate legislation. I want to emphasize that these are not the only personnel management initiatives that I will try to include in the defense authorization bill. They are not. My subcommittee is now considering other proposals that have been raised during the hearings on the current defense authorization request.

I would like to highlight a few of the major provisions of the Omnibus Military Personnel Act of 1983.

MILITARY RETIREMENT CHANGES

This legislation contains two proposed changes to the method of computing military retired pay. After considering the administration's four proposals on this issue and the recent congressional actions to limit COLA increases for military retirees, the committee adopted the provision rounding down retired pay monthly annuities to the next lower dollar and elimination of the current 1-year "look back" provision. A save-pay clause would protect those service members who were eligible to retire on the date of enactment and choose to remain on active duty after the 3-year grace period expires.

RESERVE AND GUARD

Greater reliance on our Reserve and Guard Forces is a sure-fire way to improve our manpower readiness at a greatly reduced cost to the taxpayer. The Omnibus Military Personnel Act of 1983 continues to stress the importance of the Reserve and Guard to our total force. In order to assist the services in overcoming their shortage of pretrained manpower in the Selected Reserve and Individual Ready Reserve, the committee has recommended adoption of four initiatives as follows: First, extending the military service obligation from 6 years to a period of at least 6 years but not more than 8 years; second, a bonus for individuals enlisting or reenlisting in the combat or combat support skills of the IRR where critical skill shortages exist; third portal-to-portal medical coverage for reservists who are injured during transit associated with inactive duty for training drills; and, fourth, increasing the time limit from 90 to 180 days in which the current 100,000 Selected Reserve callup may be exercised and the emergency retention of critical skill personnel during that same 180-day period.

Additional Reserve and Guard management provisions concerning promotion, recall, and transfer to the Retired Reserve are also covered in the bill.

MILITARY MEDICINE

Today, we face a cost crisis in military medicine coupled with an inability to provide adequate medical care to those who fall in combat in defense of this country. This is an intolerable situation which must be corrected. The Subcommittee on Manpower and Personnel has held two hearings on these issues and has recommended a number of studies and projects on alternative methods to control medical-care costs, to improve the quality of care, and to insure medical readiness in the event of mobilization.

In summary, the provisions highlighted above, as well as the others contained in the bill, will provide for greatly improved management of our military personnel. I urge my colleagues to support this measure.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 989

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Omnibus Military Personnel Act of 1983".

TITLE I—SPECIAL PAY AND TRAVEL AND TRANSPORTATION MATTERS

EXTENSION OF SPECIAL PAY FOR AVIATION CAREER OFFICERS

SEC. 101. (a) Section 301b(e) of title 37, United States Code, is amended by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) During the period beginning on October 14, 1981, and ending on September 30, 1984, only agreements executed by officers of the Navy or Marine Corps may be accepted under this section.

"(3) During the period beginning on October 1, 1983, and ending on September 30, 1984, only an agreement—

"(A) that is executed by an officer who—

"(i) has at least six but less than eleven years of active duty;

"(ii) has completed the minimum service required for aviation training; and

"(iii) has not previously been paid special pay authorized by this section; and

"(B) that requires the officer to remain on active duty in aviation service for either three or four years;

may be accepted under this section. An officer from whom an agreement is accepted during such period may be paid an amount not to exceed $4,000 for each year covered by that agreement if that officer agrees to remain on active duty for three years or an amount not to exceed $6,000 for each year covered by that agreement if that officer agrees to remain on active duty for four years. An agreement that requires an officer to remain on active duty in aviation service for six years may also be accepted during such period if the officer meets the requirements of clause (A) of this paragraph and the officer has completed less than seven years of active duty. An officer from whom such an agreement is accepted may be paid an amount not to exceed $6,000 for each year covered by the agreement.

"(4) An officer may not receive incentive pay under section 301 of this title for the performance of hazardous duty for any period of service which the officer is obligated to serve pursuant to an agreement entered into under this section.".

(b) Section 301b(f) of title 37, United States Code, is amended by striking out "September 30, 1982" and inserting in lieu thereof "September 30, 1984".

(c) The amendments made by subsections (a) and (b) shall take effect on October 1, 1983.

(d)(1) It is the sense of the Congress that eligibility for special pay for aviation career officers under section 301b of title 37, United States Code, should be made available only to officers who will likely be induced to remain on active duty in aviation service by receipt of the special pay.

(2) The Secretary of the Navy shall submit to the Congress not later than July 1, 1984, a written report, approved by the Secretary of Defense, on the payment of special pay for aviation career officers under section 301b of title 37, United States Code, since October 1, 1983. Such report shall include—

(A) a list of the specific aviation specialties by aircraft type determined to be critical for purposes of the payment of special pay under such section since October 1, 1983;

(B) the number of officers within each critical aviation specialty who received the special pay under such section since October 1, 1983, by grade, years of prior active service, and amounts of special pay received under such section;

(C) an explanation and justification for the Secretary's designation of an aviation specialty as "critical" and for the payment of special pay under section 301b of such title to officers who have more than eight years of prior active service and who are serving in pay grade O–4 or above, if payment of such pay was made to such officers; and

(D) an evaluation of the progress made since October 1, 1983, toward eliminating shortages of aviators in the aviation specialties designated by the Secretary as critical.

ADVANCE TRAVEL AND TRANSPORTATION FOR EDUCATION PURPOSES FOR DEPENDENT CHILDREN OF MEMBERS STATIONED OVERSEAS

SEC. 102. (a)(1) Chapter 7 of title 37, United States Code, is amended by adding at the end thereof the following new section:

"§ 430. Travel and transportation allowances: advance travel from overseas for dependent children for education purposes

"(a) Under uniform regulations prescribed by the Secretaries concerned, a member of a uniformed service—

"(1) whose permanent duty station is outside the United States;

"(2) who is accompanied at or near that station by a dependent described in section 401(2) of this title who has been admitted for enrollment in a postsecondary educational institution in the United States; and

"(3) who would be entitled to the travel and transportation allowances provided for by section 406(a)(1) of this title for the dependent if the member were ordered to make a permanent change of station;

may be provided transportation in kind for the dependent, reimbursement therefor, or a monetary allowance in place of that transportation at a rate equal to the rate prescribed for a monetary allowance under section 406(a)(1) of this title from the member's duty station to a port of debarkation in the United States nearest the member's overseas duty station or to the member's

home of record, whichever point the member specifies.

"(b) If a member has been provided with the travel and transportation allowances authorized by subsection (a) of this section for a dependent, the member is not entitled to the travel and transportation allowances prescribed by section 406(a)(1) of this title for that dependent to which such member otherwise would be entitled when ordered to make a permanent change of station from the duty station referred to in subsection (a)(1) of this section.".

(2) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 429 the following new item:

"430. Travel and transportation allowances: advance travel from overseas for dependent children for education purposes.".

(b) The amendments made by subsection (a) shall take effect on October 1, 1983, or the date of the enactment of this Act, whichever is later, and shall apply only to travel and transportation of dependent children which commences on or after that date.

ADVANCE PAYMENT OF TRAVEL AND TRANSPORTATION ALLOWANCES FOR ESCORTS AND ATTENDANTS OF DEPENDENTS

SEC. 103. (a) Section 1036 of title 10, United States Code, is amended by adding at the end thereof the following new sentence: "The allowances authorized to be paid under this section may be paid in advance.".

(b) The last sentence of section 1040(a) of such title is amended by inserting "and may be paid in advance." after "attendants".

(c) The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act and shall apply to travel performed on or after that date by escorts or attendants of dependents.

REIMBURSEMENTS FOR ACCOMMODATIONS IN PLACE OF QUARTERS

SEC. 104. (a) Paragraph (3) of section 7572(b) of title 10, United States Code, is amended to read as follows:

"(3) The total amount of reimbursement under this subsection may not exceed $9,000,000 for fiscal year 1981, $6,300,000 for fiscal year 1982, $1,700,000 for fiscal year 1983, and $2,700,000 for fiscal year 1984.".

(b) Section 3 of Public Law 96-357 (94 Stat. 1182; 10 U.S.C. 7572 note) is amended by striking out "September 30, 1982" and inserting in lieu thereof "September 30, 1984".

(c) The amendments made by this section shall take effect on the date of the enactment of this Act.

FREEZE ON CERTAIN ALLOWANCES DURING FISCAL YEAR 1984

SEC. 105. During fiscal year 1984—

(1) the rates for dependents for the monetary allowance in lieu of transportation under section 404(d) of title 37, United States Code, may not exceed the rates in effect for such allowance on October 1, 1982;

(2) the weight allowances for transportation of baggage and household effects prescribed under section 406(b) of title 37, United States Code, may not exceed the allowances for such purpose in effect on October 1, 1982, except that the weight allowances for members in pay grades E-7, E-8, and E-9 may be increased by not more than 1,500 pounds above the weight allowances in effect for members in such pay grades on such date; and

(3) the regulations for determining when permission to mess separately may be granted for purposes of the basic allowance for subsistence paid under section 402(b) of title 37, United States Code, may not be revised so as to permit the granting of such permission to any category of members that was not eligible for such permission on October 1, 1982.

RESTRICTION ON ALLOWANCE FOR TRANSPORTATION OF MOTOR VEHICLE

SEC. 106. Section 406(b)(1) of title 37, United States Code, is amended—

(1) by inserting "(A)" before "Except as provided in paragraph (2)"; and

(2) by striking out the third and fourth sentences; and

(3) by adding at the end thereof the following:

"(B) Subject to uniform regulations prescribed by the Secretaries concerned, in the case of a permanent change of station in which the Secretary concerned has authorized transportation of a motor vehicle under section 2634 of title 10 (except when such transportation is authorized from the old duty station to the new duty station), the member is entitled to a monetary allowance for transportation of that motor vehicle—

"(i) from the old duty station to—

"(I) the customary port of embarkation which is nearest the old duty station if delivery of the motor vehicle to the port of embarkation is not made in conjunction with the member's travel to the member's port of embarkation; or

"(II) the customary port of embarkation which is nearest to the member's port of embarkation if delivery of the motor vehicle to the port of embarkation is made in conjunction with the member's travel to the member's port of embarkation;

whichever is most cost-effective for the Government considering all operational, travel, and transportation requirements incident to such change of station; and

"(ii) from the customary port of debarkation which has been designated by the Government as most cost-effective for the Government considering all operational, travel, and transportation requirements incident to such change of station to the new duty station.

Such monetary allowance shall be established at a rate per mile that does not exceed the rate established under section 404(d)(1) of this title.".

TITLE II—RETIRED PAY MATTERS

ROUNDING OF RETIRED PAY AND SURVIVOR ANNUITIES TO NEXT LOWER WHOLE DOLLAR AMOUNT

SEC. 201. (a)(1) Section 1401(a) of title 10, United States Code, is amended by inserting after the second sentence the following new sentence: "The amount computed, if not a multiple of $1, shall be rounded to the next lower multiple of $1.".

(2) Section 1401a of such title is amended by adding at the end thereof the following new subsection:

"(g) Retired or retainer pay of a member or former member of an armed force as adjusted under this section, if not a multiple of $1, shall be rounded to the next lower multiple of $1.".

(3) Section 1402(a) of such title is amended by striking out "as follows:" in the first sentence and inserting in lieu thereof "according to the following table. The amount recomputed, if not a multiple of $1, shall be rounded to the next lower multiple of $1.".

(4) Section 1402(d) of such title is amended by striking out "as follows:" in the first sentence and inserting in lieu thereof "according to the following table. The amount computed, if not a multiple of $1, shall be rounded to the next lower multiple of $1.".

(5) Section 1402a(a) of such title is amended by striking out "as follows:" and inserting in lieu thereof "according to the following table. The amount recomputed, if not a multiple of $1, shall be rounded to the next lower multiple of $1.".

(6) Section 1402a(d) of such title is amended by striking out "as follows:" and inserting in lieu thereof "according to the following table. The amount computed, if not a multiple of $1, shall be rounded to the next lower multiple of $1.".

(7) Section 3991 of such title is amended by inserting after the second sentence the following new sentence: "The amount computed, if not a multiple of $1, shall be rounded to the next lower multiple of $1.".

(8) Section 3992 of such title is amended by striking out "as follows:" and inserting in lieu thereof "according to the following table. The amount recomputed, if not a multiple of $1, shall be rounded to the next lower multiple of $1.".

(9) Section 6151 of such title is amended by adding at the end thereof the following new subsection:

"(e) Retired pay computed under subsection (b) or (c), if not a multiple of $1, shall be rounded to the next lower multiple of $1.".

(10)(A) Chapter 571 of such title is amended by adding at the end thereof the following new section:

"§ 6333. Treatment of fractions of dollar amounts in computing retired and retainer pay

"Retired or retainer pay computed under this chapter, if not a multiple of $1, shall be rounded to the next lower multiple of $1.".

(B) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"6333. Treatment of fractions of dollar amounts in computing retired and retainer pay.".

(11) Section 6383 of such title is amended by adding at the end thereof the following new subsection:

"(k) Retired pay computed under subsection (c), if not a multiple of $1, shall be rounded to the next lower multiple of $1.".

(12) Section 8991 of such title is amended by inserting after the second sentence the following new sentence: "The amount computed, if not a multiple of $1, shall be rounded to the next lower multiple of $1.".

(13) Section 8992 of such title is amended by striking out "as follows:" and inserting in lieu thereof "according to the following table. The amount recomputed, if not a multiple of $1, shall be rounded to the next lower multiple of $1.".

(14)(A) Section 1437(a) of such title is amended by adding at the end thereof the following new sentence: "The monthly amount of an annuity payable under this subchapter, if not a multiple of $1, shall be rounded to the next lower multiple of $1.".

(B) Section 1451 of such title is amended by adding at the end thereof the following new subsection:

"(e) The monthly amount of an annuity payable under this subchapter, if not a multiple of $1, shall be rounded to the next lower multiple of $1.".

(b) Section 423(a) of title 14, United States Code, is amended by adding at the end thereof the following new sentence: "Retired pay, if not a multiple of $1, shall

be rounded to the next lower multiple of $1.".

(c) Section 16(a) of the Coast and Geodetic Survey Commissioned Officers' Act of 1948 (33 U.S.C. 853o) is amended by adding at the end thereof the following new sentence: "Retired pay, if not a multiple of $1, shall be rounded to the next lower multiple of $1.".

(d) Section 211(a) of the Public Health Service Act (42 U.S.C. 212(a)) is amended by adding at the end thereof the following new paragraph:

"(7) Retired pay computed under section 210(g)(3) or under paragraph (4) or (5) of this subsection, if not a multiple of $1, shall be rounded to the next lower multiple of $1.".

(e) The amendments made by this section shall take effect on January 1, 1984, in the case of persons who first become entitled to retired or retainer pay on or after that date, and on April 1, 1984, in the case of all other persons entitled to retired or retainer pay.

LIMITATION ON APPLICABILITY OF ONE YEAR LOOK-BACK PROVISION

SEC. 202. (a)(1) Subsection (e) of section 1401a of title 10, United States Code, is repealed.

(2)(A) Notwithstanding the repeal of such subsection, the provisions of such subsection shall apply in the case of any member or former member of the Armed Forces eligible to retire on the date of the enactment of this Act for a period of three years after such date in the same manner such provisions would have applied had they not been repealed.

(B) The amount of retired or retainer pay of any member or former member of the Armed Forces who was eligible to retire on the date of the enactment of this Act and who becomes entitled to such pay at any time after the end of the three-year period beginning on the date of the enactment of this Act may not be less than it would have been had he become entitled to retired or retainer pay on the day before the end of such three-year period.

(b) Subsection (f) of such section is amended by striking out ", subject to subsection (e) of this section," in the second sentence.

TITLE III—PERSONNEL MANAGEMENT MATTERS

TEMPORARY INCREASE IN THE NUMBER OF GENERAL AND FLAG OFFICERS ON ACTIVE DUTY

SEC. 301. (a) Notwithstanding section 811(a)(1) of the Department of Defense Appropriation Authorization Act, 1978 (10 U.S.C. 131 note), during the fiscal year ending on September 30, 1984, the total number of commissioned officers on active duty in the Army, Air Force, and Marine Corps above the grade of colonel, and in the Navy above the grade of captain, may be a number in excess of 1,073, but not in excess of 1,100.

(b) Of the additional number of commissioned officers authorized by subsection (a) to be on active duty during the fiscal year ending on September 30, 1984, in the grades specified in such subsection, the Navy shall be entitled to not less than seven and the Marine Corps shall be entitled to not less than two.

TRANSFER OF PUBLIC HEALTH SERVICE OFFICERS TO OTHER UNIFORMED SERVICES

SEC. 302. (a)(1) Section 716 of title 10, United States Code, is amended to read as follows:

"§ 716. Commissioned officers: transfers among the Armed Forces, the National Oceanic and Atmospheric Administration, and the Public Health Service

"(a)(1) The President may, within authorized strengths and with the consent of the officer involved, transfer any commissioned officer of a uniformed service from his uniformed service to, and appoint him in, another uniformed service. The Secretary of Defense, the Secretary of the Department of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, the Secretary of Commerce, and the Secretary of Health and Human Services shall jointly establish, by regulations approved by the President, policies and procedures for such transfers and appointments.

"(2) In this section, 'uniformed service' means any of the Armed Forces, the Commissioned Corps of the National Oceanic and Atmospheric Administration, or the Commissioned Corps of the Public Health Service.

"(b) An officer transferred under this section may not be assigned precedence or relative rank higher than that which he held on the day before the transfer.

"(c)(1) An officer who previously served on active duty as a commissioned officer of the National Oceanic and Atmospheric Administration or the Public Health Service and who is appointed or reappointed as a commissioned officer in any other uniformed service shall be credited for purposes of computing such officer's eligibility to retire, and the amount of such officer's retired pay, with the number of years of service with which he was credited for such purposes on the day before the termination of his previous period of active duty.

"(2) For the purpose of determining the grade and rank within grade of a commissioned officer of the Public Health Service who transfers to, and is appointed as a commissioned officer in, an Armed Force, the Secretary concerned may, under regulations prescribed by the Secretary of Defense, credit such officer at the time of such appointment with any period of active commissioned service that such officer performed as a commissioned officer in the Public Health Service.".

(2) The item relating to such section in the table of sections at the beginning of chapter 41 of such title is amended to read as follows:

"716. Commissioned officers: transfers among the Armed Forces, the National Oceanic and Atmospheric Administration, and the Public Health Service.".

(b) Clause (13) of section 3(a) of the Act of August 10, 1956 (33 U.S.C. 857a(a)), is amended to read as follows:

"(13) Section 716, Commissioned officers: transfers among the Armed Forces, the National Oceanic and Atmospheric Administration, and the Public Health Service.".

EXTENSION OF PERIOD DURING WHICH CERTAIN ACCUMULATED LEAVE MAY BE USED

SEC. 303. (a) The last sentence of section 701(f) of title 10, United States Code, is amended by inserting "third" after "end of the".

(b)(1) The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to leave accumulated under section 701(f) of such title after September 30, 1980.

(2) A member of the Armed Forces who was authorized under section 701(f) of such title to accumulate ninety days' leave during fiscal year 1980, 1981, or 1982 and lost any leave at the end of fiscal year 1981, 1982, or 1983, respectively, because of the provisions of the last sentence of such section, as in effect on the day before the date of the enactment of this Act, shall be credited with such lost leave and may retain leave in excess of sixty days until (A) September 30, 1984, or (B) the end of the third fiscal year after the year in which such leave was accumulated, whichever is later, but in no case may such a member accumulate leave in excess of ninety days.

(3) Section 404 of the Department of Defense Authorization Act, 1983 (Public Law 97-252), is repealed.

AUTHORITY TO WAIVE AGE REQUIREMENT FOR ORIGINAL APPOINTMENT AS A COMMISSIONED OFFICER IN CERTAIN CASES

SEC. 304. Section 532 of title 10, United States Code, is amended by adding at the end thereof the following new subsection:

"(e) Under regulations prescribed by the Secretary of Defense, the Secretary concerned may waive the requirement of subsection (a)(2) in the case of any person if the Secretary concerned determines that the waiver should be made because of exceptional or unusual circumstances and because the person with respect to whom the waiver is being made has a particular skill needed by the Armed Force concerned.".

ASSISTANT SECRETARIES

SEC. 305. (a)(1) Section 136(a) of title 10, United States Code, is amended by striking out "seven" and inserting in lieu thereof "ten".

(2) Section 136(b) of such title is amended by inserting after the fifth sentence the following: "One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence. He shall have as his principal duty the overall supervision of command, control, communications, and intelligence affairs of the Department of Defense.".

(b) The first sentence of section 3013 of title 10, United States Code, is amended by striking out "four" and inserting in lieu thereof "five".

(c) The first sentence of section 5034(a) of such title is amended by striking out "three" and inserting in lieu thereof "four".

(d) Section 5315 of title 5, United States Code, is amended—

(1) by striking out "(7)" after "Assistant Secretaries of Defense" and inserting in lieu thereof "(10)";

(2) by striking out "(4)" after "Assistant Secretaries of the Army" and inserting in lieu thereof "(5)"; and

(3) by striking out "(3)" after "Assistant Secretaries of the Navy" and inserting in lieu thereof "(4)".

TITLE IV—RESERVE MATTERS

AUTHORITY TO INCREASE TOTAL TERM OF SERVICE IN THE ARMED FORCES

SEC. 401. (a)(1) Section 511 of title 10, United States Code, is amended—

(A) in subsection (b), by striking out "six years" and inserting in lieu thereof "not less than six years nor more than eight years"; and

(B) in subsection (d), by striking out "six years" and inserting in lieu thereof "not less than six years nor more than eight years".

(2) The amendments made by this section shall apply only with respect to persons who enlist under the authority of subsection (b) or (d) of section 511 of title 10, United

States Code, sixty or more days after the date of the enactment of this Act.

(b)(1) Subsection (a) of section 651 of title 10, United States Code, is amended to read as follows:

"(a) Each person who becomes a member of an armed force, other than a person deferred under the next to the last sentence of section 6(d)(1) of the Military Selective Service Act (50 U.S.C. App. 456(d)(1)) shall serve in the armed forces for a total period of not less than six years nor more than eight years, as provided in regulations prescribed by the Secretary of Defense for the armed forces under his jurisdiction and by the Secretary of Transportation for the Coast Guard when it is not operating as a service in the Navy, unless such person is sooner discharged under such regulations because of personal hardship. Any part of such service that is not active duty or that is active duty for training shall be performed in a reserve component.".

(2) The amendment made by paragraph (1) shall apply only with respect to persons who enter the Armed Forces sixty or more days after the date of the enactment of this Act.

BONUSES FOR ENLISTMENTS, REENLISTMENTS, AND VOLUNTARY EXTENSIONS OF SERVICE IN ELEMENTS OF THE READY RESERVE OTHER THAN THE SELECTED RESERVE

SEC. 402. (a) Chapter 5 of title 37, United States Code, is amended by inserting after section 308f the following new sections:

"§ 308g. Special pay: bonus for enlistment in elements of the Ready Reserve other than the Selected Reserve

"(a) An eligible person who enlists in a combat or combat support skill of an element (other than the Selected Reserve) of the Ready Reserve of an armed force for a term of enlistment of not less than six years, and who has not previously served in an armed force, may be paid a bonus as provided in subsection (b) of this section.

"(b) Eligibility for and the amount and method of payment of a bonus under this section shall be determined in accordance with regulations prescribed under subsection (g) of this section, except that the amount of such a bonus may not exceed $1,000.

"(c) A bonus may not be paid under this section for a term of enlistment to any person who fails to complete satisfactorily initial active duty for training or who, upon completion of initial active duty for training, elects to serve the remainder of the term of enlistment in the Selected Reserve or in an active component of an armed force.

"(d) A person who receives a bonus payment under this section and who fails during the period for which the bonus was paid to serve satisfactorily in the element of the Ready Reserve with respect to which the bonus was paid shall refund to the United States an amount which bears the same ratio to the amount of the bonus paid to such person as the period which such person failed to serve satisfactorily bears to the total period for which the bonus was paid.

"(e) An obligation to reimburse the United States imposed under subsection (d) of this section is, for all purposes, a debt owed to the United States.

"(f) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an enlistment for which a bonus was paid under this section does not discharge the person receiving such bonus payment from the debt arising under subsection (d) of this section. This subsection applies to any case commenced under title 11 after the date of the enactment of the Omnibus Military Personnel Act of 1983.

"(g) This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under his jurisdiction and by the Secretary of Transportation for the Coast Guard when it is not operating as a service in the Navy.

"(h) A bonus may not be paid under this section to any person for an enlistment after September 30, 1985.

"§ 308h. Special pay: bonus for reenlistment, enlistment, or voluntary extension of enlistment in elements of the Ready Reserve other than the Selected Reserve

"(a)(1) An eligible person who is or has been a member of an armed force and who reenlists, enlists, or voluntarily extends an enlistment in a combat or combat support skill of an element (other than the Selected Reserve) of the Ready Reserve of an armed force for a period of not less than three years beyond any other period the person is obligated to serve may be paid a bonus as provided in subsection (b) of this section.

"(2) A bonus may not be paid under this section to a person who has failed to complete satisfactorily any original term of enlistment in the armed forces.

"(b) Eligibility for and the amount and method of payment of a bonus under this section shall be determined under regulations to be prescribed under subsection (f) of this section, except that the amount of such a bonus may not exceed $900.

"(c) A person who receives a bonus payment under this section and who fails during the period for which the bonus was paid to serve satisfactorily in the Ready Reserve shall refund to the United States an amount which bears the same ratio to the amount of the bonus paid to such person as the period which such person failed to serve satisfactorily bears to the total period for which the bonus was paid.

"(d) An obligation to reimburse the United States imposed under subsection (c) of this section is, for all purposes, a debt owed to the United States.

"(e) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of a reenlistment, enlistment, or extension for which a bonus was paid under this section does not discharge the person receiving such bonus payment from the debt arising under subsection (c) of this section. This subsection applies to any case commenced under title 11 after the date of the enactment of the Omnibus Military Personnel Act of 1983.

"(f) This section shall be administered under regulations to be prescribed by the Secretary of Defense for the armed forces under his jurisdiction and by the Secretary of Transportation for the Coast Guard when it is not operating as a service in the Navy.

"(g) A bonus may not be paid under this section to any person for a reenlistment, enlistment, or voluntary extension of an enlistment after September 30, 1985.".

(b)(1) Section 308d of such title is repealed.

(2) The table of sections at the beginning of such chapter is amended—

(A) by striking out the item relating to item 308d; and

(B) by inserting after the item relating to section 308f the following new items:

"308g. Special pay: bonus for enlistment in elements of the Ready Reserve other than the Selected Reserve.

"308h. Special pay: bonus for reenlistment, enlistment, or voluntary extension of enlistment in elements of the Ready Reserve other than the Selected Reserve.".

EXTENDING MEDICAL AND DENTAL CARE FOR RESERVISTS IN CERTAIN CIRCUMSTANCES

SEC. 403. (a)(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1074 the following new section:

"§ 1074a. Medical and dental care for members of the uniformed services for injuries incurred or aggravated while traveling to and from inactive duty training and during certain other periods before and after the performance of such duty

"(a) Under joint regulations prescribed by the Secretary of Defense and the Secretary of Health and Human Services, a member of the uniformed services is entitled to the medical benefits described in subsection (b) for an injury incurred or aggravated—

"(1) while the member is traveling directly to or from the place at which he is to perform, or has performed, inactive duty training;

"(2) during a reasonable period after the member arrives at the place at which he is to perform inactive duty training and before he begins to perform the training;

"(3) during a reasonable period after the member has performed inactive duty training and before he begins travel from the place at which he performed the training;

"(4) during the period between two inactive duty training periods that are scheduled for the same day; and

"(5) during the period between inactive duty training periods if the training periods are scheduled for consecutive days and the member is authorized or required to occupy quarters on or in the vicinity of the place at which the training is performed and actually occupies such quarters or otherwise remains under military control.

"(b) A person described in subsection (a) is entitled to—

"(1) the hospitalization, rehospitalization, medical care (including outpatient medical care), and dental care appropriate for the treatment of his injury until the resulting disability cannot be materially improved by further hospitalization or treatment; and

"(2) subsistence during hospitalization or rehospitalization.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074 the following new item:

"1074a. Medical and dental care for members of the uniformed services for injuries incurred or aggravated while traveling to and from inactive duty training and during certain other periods before and after the performance of such duty.".

(b) Section 204 of title 37, United States Code, is amended by adding at the end thereof the following new subsection:

"(j) A member of the uniformed services who is entitled to hospitalization, medical, or dental care under section 1074a is entitled to travel and transportation allowances, or a monetary allowance in place thereof, for necessary travel incident to his hospitalization and medical care, and return to his home upon discharge from treatment.".

(c) The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act and shall apply

only in cases of injuries incurred or aggravated on or after that date.

AUTHORITY OF THE PRESIDENT TO ORDER MEMBERS OF THE SELECTED RESERVE TO ACTIVE DUTY

SEC. 404. (a) Section 673b(a) of title 10, United States Code, is amended by striking out "90 days" and inserting in lieu thereof "180 days".

(b) Section 673b of such title is further amended by adding at the end thereof the following new subsection:

"(h)(1) Notwithstanding any other provision of law, during a period members of the Selected Reserve are serving on active duty pursuant to an order to active duty under authority of this section, the President may suspend any provision of law relating to promotion, mandatory retirement, or separation applicable to any member of the armed forces who the President determines is essential to the national security of the United States.

"(2) A suspension made under authority of paragraph (1) shall terminate (A) upon release from active duty of members of the Selected Reserve ordered to active duty under authority of this section, or (B) at such time as the President determines the circumstances which required the action of ordering members of the Selected Reserve to active duty no longer exist, whichever is earlier.".

AUTHORITY TO RETAIN IN AN ACTIVE STATUS CERTAIN RESERVE OFFICERS WHO ARE SUBJECT TO ELIMINATION FROM ACTIVE STATUS BECAUSE OF FAILURE OF PROMOTION

SEC. 405. (a) Section 3846 of title 10, United States Code is amended—

(1) by striking out "Except as provided in" and inserting in lieu thereof "(a) Except as provided in subsection (b) and"; and

(2) by adding at the end thereof the following new subsection:

"(b) The Secretary of the Army may retain in an active status an officer described in subsection (a) who is in the reserve grade of first lieutenant or captain for such period as the Secretary prescribes or until such officer's removal from an active status is required by another provision of law.".

(b) Section 8846 of such title is amended—

(1) in subsections (a) and (b), by striking out "Except as provided in" and inserting in lieu thereof "Except as provided in subsection (c) and"; and

(2) by adding at the end thereof the following new subsection:

"(c) The Secretary of the Air Force may retain in an active status an officer described in subsection (a) or (b) who is in the reserve grade of first lieutenant or captain for such period as the Secretary prescribes or until such officer's removal from an active status is required by another provision of law.".

(c) The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act.

AUTHORITY TO ORDER RETIRED MEMBERS OF RESERVE COMPONENTS TO ACTIVE DUTY

SEC. 406. (a) Section 675 of title 10, United States Code, is amended by inserting "or 688" after "672(a)".

(b) Section 688 of such title is amended—

(1) in the first sentence of subsection (a)—

(A) by striking out "or" before "Regular Marine Corps"; and

(B) by inserting ", a retired member of a reserve component who has completed at least twenty years of active service, or a member of the Fleet Reserve or Fleet Marine Corps Reserve" after "Marine Corps"; and

(2) in subsection (b) by striking out "A retired member of the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps and inserting in lieu thereof "A member ordered to active duty under this section".

(c) The section heading of section 688 of such title is amended to read as follows:

"§ 688. Active duty: members entitled to retired or retainer pay".

(d) The table of sections at the beginning of chapter 39 of such title is amended by striking out the item relating to section 688 and inserting in lieu thereof the following:

"688. Active duty: members entitled to retired or retainer pay.".

(e) The amendments made by this section shall take effect on the date of the enactment of this Act.

PROMOTION OF RESERVE COMMISSIONED OFFICERS SERVING ON ACTIVE DUTY

SEC. 407. (a) Section 3380 of title 10, United States Code, is amended to read as follows:

"§ 3380. Commissioned officers: promotion of reserve officers on active duty

"(a) A reserve commissioned officer on active duty (other than for training), but not on the active duty list, who is recommended for promotion to a reserve grade higher than the reserve grade in which the officer was ordered to active duty may be promoted to that higher grade and ordered to active duty in that higher grade, subject to subsection (b), for the period of time remaining in the active duty tour to which the officer was ordered to active duty in the lower grade.

"(b) A reserve commissioned officer on active duty (other than for training) who is recommended for promotion to a reserve grade with a numerical limitation prescribed by section 524 of this title may not be promoted and ordered to active duty under subsection (a) unless a vacancy exists in the number of reserve commissioned officers permitted on active duty in the grade to which the officer is recommended for promotion. If no vacancy exists in the grade to which the officer is recommended for promotion, the officer shall continue to serve in the grade to which he was ordered to active duty until—

"(1) a vacancy occurs in the number of reserve commissioned officers permitted on active duty in the grade to which the reserve commissioned officer is recommended for promotion; or

"(2) the officer is released from active duty by the Secretary concerned or is released from active duty as a result of the completion of his active duty tour;

whichever is earlier. A reserve commissioned officer whose promotion is delayed because of the grade limitation of section 524 of this title and who later is promoted in accordance with this section, will be promoted with the date of rank that the officer would have had but for his active duty tour. Such an officer will be credited for promotion purposes with the service in the higher grade from the adjusted date of rank. An adjustment of date of rank under this section may not be the basis for an adjustment in pay and allowances earned during the period for which the adjustment was made.".

(b) The table of sections at the beginning of chapter 337 is amended by striking out the item relating to section 3380 and inserting in lieu thereof the following:

"3380. Commissioned officers: promotion of reserve officers on active duty.".

DETERMINING YEARS OF SERVICE FOR TRANSFER TO THE RETIRED RESERVE

SEC. 408. (a) Section 3853(l) of title 10, United States Code, is amended—

(1) by inserting "and" at the end of clause (A);

(2) by striking out the comma and "and" at the end of clause (B) and inserting in lieu thereof a period;

(3) by striking out clause (C); and

(4) by striking out the last sentence.

(b) Sections 3853, 3360(b) and 3360(c) of such title are each amended by striking out the last sentence.

(c) Section 8853 of such title is amended—

(1) by inserting "and" at the end of clause (1);

(2) by striking the semicolon and the word "and" at the end of clause (2) and inserting in lieu thereof a period; and

(3) by striking out clause (3).

TITLE V—HEALTH CARE AND RELATED MATTERS

AUTHORITY TO INCREASE THE PAY OF CONTRACT SURGEONS

SEC. 501. (a) Section 201(b) of title 37, United States Code, is amended by striking out "basic pay of a commissioned officer in the pay grade O-3 with over four, but not more than six," and inserting in lieu thereof "not more than the basic pay of a commissioned officer in the pay grade O-6 with more than twenty-six, but not more than thirty,".

(b) Subsection (a) of section 421 of such title is amended to read as follows:

"(a) A contract surgeon who is serving full time with a uniformed service may be paid not more than the basic allowances, and other allowances authorized by this chapter, of a commissioned officer in pay grade O-6 with twenty-six, but not more than thirty, years of service computed under section 205 of this title.".

(c)(1) Section 4022 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 373 of such title is amended by striking out the item relating to section 4022.

(d)(1) Section 9022 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 873 of such title is amended by striking out the item relating to section 9022.

STUDIES AND DEMONSTRATION PROJECTS ON HEALTH-CARE DELIVERY SYSTEMS AND REPORTS ON MALPRACTICE ACTIONS AND HOSPITAL ACCREDITATION STATUS

SEC. 502. (a)(1) Chapter 55 of title 10, United States Code, is amended by adding at the end thereof the following new sections:

"§ 1091. Studies and demonstration projects on health-care delivery systems

"(a)(1) The Secretary of Defense, in consultation with the Secretary of Health and Human Services, shall conduct studies and demonstration projects on the health-care delivery system of the uniformed services with a view to improving the quality, efficiency, convenience, and cost effectiveness of providing health care services (including dental care services) under this title to members and former members and their de-

pendents. Such studies and demonstration projects may include the following:

"(A) Alternative methods of payment for health and medical care services.

"(B) Cost-sharing by eligible beneficiaries.

"(C) Methods of encouraging efficient and economical delivery of health and medical care services.

"(D) Innovative approaches to delivery and financing of health and medical care services.

"(E) Alternative approaches to reimbursement for the administrative charges of health-care plans.

"(2) The Secretary of Defense shall include in the studies conducted under paragraph (1) alternative programs for the provision of dental care to the spouses and dependents of members of the uniformed services who are on active duty, including a program under which dental care would be provided the spouses and dependents of such members under insurance or dental plan contracts.

"(3) The Secretary of Defense shall submit to Congress from time to time written reports on the results of the studies and demonstration projects conducted under this subsection and shall include in such reports such recommendations for improving the health-care delivery systems of the uniformed services as the Secretary considers appropriate. The Secretary shall submit the first such report not later than March 1, 1984.

"(b) The Secretary of Defense may enter into contracts with public or private agencies, institutions, and organizations to conduct studies and demonstration projects under subsection (a).

"(c) The Secretary of Defense may obtain the advice and recommendations of such advisory committees as the Secretary considers appropriate. Each such committee consulted by the Secretary under this subsection shall evaluate the proposed study or demonstration project as to the soundness of the objectives of such study or demonstration project, the likelihood of obtaining productive results based on such study or demonstration project, the resources which were required to conduct such study or demonstration project, and the relationship of such study or demonstration project to other ongoing or completed studies and demonstration projects.

"(d) A demonstration project may not be conducted under this section that provides for the furnishing of dental care under an insurance or dental plan contract.

"§ 1092. Reports on malpractice actions and hospital accreditation status

"(a) The Secretary of Defense, in consultation with the Secretary of Health and Human Services, shall submit to Congress not later than December 1 of each year a report on malpractice claims made against medical personnel of the military departments during the previous fiscal year. Each such report shall include—

"(1) the number of such malpractice claims filed during such year;

"(2) the number of malpractice claims settled administratively by the Secretaries of the military departments and the amounts paid under the settlements during such year; and

"(3) the number of cases in litigation, the number of malpractice claims against medical personnel of the military departments settled by the Attorney General of the United States, the amounts of the settlements, and the amounts paid by the Attorney General as the result of judgments rendered against medical personnel of the military departments during such year.

"(b) The Secretary of Defense shall also include in each report required under subsection (a) the current accreditation status (as determined by the Joint Commission of Accreditation of Hospitals) of military hospitals and the viability and success of the quality assurance/risk management program of each military department.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"1091. Studies and demonstration projects on health-care delivery systems.
"1092. Reports on malpractice actions and hospital accreditation status.".

(b) The amendments made by subsection (a) shall take effect on October 1, 1983, or the date of the enactment of this Act, whichever is later.

FEASIBILITY STUDY OF A DEFENSE HEALTH AGENCY

SEC. 503. (a) The Secretary of Defense shall conduct a study of the feasibility and possible benefits of establishing within the Department of Defense a Defense Health Agency to function as the overall management element of the health-care facilities and services of the Department of Defense and to support, under all conditions and circumstances, the health-care missions of the military departments and the unified and specified commands of the Department of Defense.

(b) The Secretary of Defense shall submit the results of such study to the Committees on Armed Services of the Senate and House of Representatives not later than 180 days after the date of the enactment of this Act together with such recommendations as the Secretary considers appropriate.

TITLE VI—MISCELLANEOUS MATTERS

PROTECTION OF REPORTS OF MILITARY AIRCRAFT ACCIDENT SAFETY INVESTIGATIONS

SEC. 601. (a)(1) Part I of subtitle A of title 10, United States Code, is amended by adding at the end thereof the following new chapter:

"CHAPTER 19—AIRCRAFT ACCIDENTS

"Sec.
"391. Definition.
"392. Investigation reports: limitation on use.

"§ 391. Definition

"In this chapter, 'safety investigation' means an investigation conducted solely to determine the cause of an aircraft accident and to obtain information which may prevent the occurrence of similar accidents.

"§ 392. Investigation reports: limitation on use

"(a) The Secretary concerned may conduct a safety investigation of any accident involving an aircraft under the jurisdiction of the Secretary.

"(b) No part of any record or report of a safety investigation described in subsection (c) may—

"(1) be released outside of the armed force concerned, unless expressly authorized by the Secretary concerned to be released for safety purposes;

"(2) be subject to discovery in any judicial or administrative proceeding; or

"(3) be used as evidence, or to obtain evidence, in any disciplinary action or suit or other judicial or administrative proceeding.

"(c) Subsection (b) applies to any part of a record or report of a safety investigation relating to—

"(1) the deliberative portions of an investigation, including any discussion, analysis, opinion, conclusion, finding, or recommendation;

"(2) statements or information obtained under an express promise of confidentiality from a witness or manufacturer; and

"(3) life science reports.

"(d) This section does not limit or alter the authority of the National Transportation Safety Board under section 702(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1442(a)), section 304(a)(1)(A) of the Independent Safety Board Act of 1974 (49 U.S.C. 1903(a)(1)(A)), and section 6(d) of the Department of Transportation Act (49 U.S.C. 1655(d)).

"(e) The Secretary concerned shall prescribe regulations to carry out this section.".

(2) The table of chapters at the beginning of subtitle A, and the table of chapters at the beginning of part I of subtitle A, of title 10, United States Code, are each amended by adding the following new item after the item relating to chapter 18:

"19. Aircraft Accidents ..... 391".

(b) The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to safety investigations of accidents that occurred before that date and accidents that occur on or after that date.

EMPLOYMENT PROTECTION FOR CERTAIN NONAPPROPRIATED FUND INSTRUMENTALITY EMPLOYEES

SEC. 602. (a)(1) Chapter 81 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 1587. Employees of nonappropriated fund instrumentalities

"(a) In this section:

"(1) 'Nonappropriated fund instrumentality employee' means a civilian employee who is paid from nonappropriated funds of Army and Air Force Exchange Service, Navy Resale and Services Support Office, Marine Corps exchanges, or any other instrumentality of the United States under the jurisdiction of the armed forces which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the armed forces.

"(2) 'Civilian employee' has the meaning given the term 'employee' by section 2105(a) of title 5.

"(3) 'Personnel action', with respect to a nonappropriated fund instrumentality employee (or an applicant for a position as such an employee), means—

"(A) an appointment;

"(B) a promotion;

"(C) any disciplinary or corrective action;

"(D) a detail, transfer, or reassignment;

"(E) a reinstatement, restoration, or reemployment;

"(F) a decision concerning pay, benefits, or awards, or concerning education or training if the education or training may reasonably be expected to lead to an appointment, promotion, or other action described in this paragraph; and

"(G) any other significant change in duties or responsibilities that is inconsistent with the employee's salary or grade level.

"(b) Any civilian employee, nonappropriated fund instrumentality employee, or member of the armed forces who has authority to take, direct others to take, recommend, or approve any personnel action shall not, with respect to such authority, take or fail to take a personnel action with respect

to any nonappropriated fund instrumentality employee (or any applicant for a position as such an employee) as a reprisal for—

"(1) a disclosure of information by such an employee or applicant which the employee or applicant reasonably believes evidences—

"(A) a violation of any law, rule, or regulation; or

"(B) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;

if such disclosure is not specifically prohibited by law and if the information is not specifically required by or pursuant to executive order to be kept secret in the interest of national defense or the conduct of foreign affairs; or

"(2) a disclosure by such an employee or applicant to any civilian employee, nonappropriated fund instrumentality employee, or member of the armed forces designated by law or by the Secretary concerned to receive disclosures described in clause (1), of information which the employee or applicant believes evidences—

"(A) a violation of any law, rule, or regulation; or

"(B) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

"(c) This section does not apply to an employee in a position excluded from the coverage of this section by the President based upon a determination by the President that the exclusion is necessary and warranted by conditions of good administration.

"(d) The Secretary of Defense shall be responsible for the prevention of actions prohibited by subsection (b) and for the correction of any such actions that are taken. The authority of the Secretary to correct such actions may not be delegated to the Secretary of a military department or to the Assistant Secretary of Defense for Manpower, Reserve Affairs, and Logistics.

"(e) The Secretary of Defense, after consultation with the Director of the Office of Personnel Management and the Special Counsel of the Merit Systems Protection Board, shall prescribe regulations to carry out this section. Such regulations shall include provisions to protect the confidentiality of employees and applicants making disclosures described in clauses (1) and (2) of subsection (b).".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"1587. Employees of nonappropriated fund instrumentalities.".

(b) Section 1587 of such title, as added by subsection (a), shall apply with respect to any conduct prohibited by subsection (b) of such section which occurs after the date of the enactment of this Act.

COMPENSATION FOR INJURIES INCURRED IN THE PERFORMANCE OF DUTY BY MEMBERS OF THE CIVIL AIR PATROL

SEC. 603. (a) Section 8141 of title 5, United States Code, is amended—

(1) in subsection (a), by inserting "under 18 years of age" after "Civil Air Patrol Cadet"; and

(2) in subsection (b)(1), by striking out "$300" and inserting in lieu thereof "the rate of basic pay payable for step 1 of grade GS-9 in the General Schedule under section 5332 of this title".

(b)(1) The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

(2) The amendment made by subsection (a)(1) shall apply only to deaths or injuries occurring on or after the date of the enactment of this Act.

(3) The amendment made by subsection (a)(2) shall apply only to the computation of compensation payable for periods commencing on or after the date of the enactment of this Act.

TITLE VII—EFFECTIVE DATE

EFFECTIVE DATE

SEC. 701. Except as otherwise provided in this Act, the provisions of this Act and amendments made by this Act shall take effect on the date of the enactment of this Act or October 1, 1983, whichever is later.●

By Mr. HEINZ:

S. 990. A bill to extend the Export-Import Bank Act of 1945, as amended; to the Committee on Banking, Housing, and Urban Affairs.

EXTENSION OF EXPORT-IMPORT BANK ACT

● Mr. HEINZ. Mr. President, at the request of the administration, I am today introducing the President's proposed extension of the Export-Import Bank Act. The bill consists of only one provision—a 5-year extension of existing law.

In my judgment, this is insufficient, and on March 21 I introduced my own proposal (S. 869) which contains a number of changes in the Bank's charter as well as a 6-year extension of the act. I would refer Senators to my statement of March 21 for details of S. 869. On March 22 and 24 the Subcommittee on International Finance and Monetary Policy conducted hearings on the Bank, and I articipate we will mark up renewal legislation later this month.●

By Mr. CRANSTON:

S. 991. A bill to amend title 38, United States Code, to require regulations providing for the resolution of Veterans' Administration benefits claims based on certain exposures to herbicides containing dioxin, to ionizing radiation from detonations of nuclear devices, and to certain other hazardous substances and for other purposes; to the Committee on Veterans' Affairs.

ADJUDICATION OF VETERANS' AGENT ORANGE AND RADIATION CLAIMS

Mr. CRANSTON. Mr. President, I am introducing today legislation aimed at improving the resolution by the Veterans' Administration of claims for service-connected disability compensation as a result of a veteran's exposure in service to agent orange, ionizing radiation, or other hazardous substances used for military purposes.

SUMMARY OF THE BILL

This legislation will require the Administrator of Veterans' Affairs to issue, through a formal rulemaking process and subject to judicial review, regulations providing guidance for the resolution of VA benefit claims—including claims for compensation and other service-connected benefits—based on a disability resulting from exposure in Vietnam to agent orange or another herbicide containing dioxin, exposure to ionizing radiation from a nuclear detonation, or exposure to certain other hazardous substances.

The regulations would be expressly required—

First, to give full effect to a present title 38 provision, section 354(b), which, as interpreted by the VA, requires the Administrator to "resolve every reasonable doubt in the favor of the veteran."

Second, to contain guidelines, standards, and criteria for resolving the claims involved.

Third, to specify any presumptions regarding exposure and service-connection that the Administrator determines should be applied to the resolution of the claims.

Proposed regulations would be required to be published in the Federal Register and to undergo the public review and comment process established in the Administrative Procedure Act for certain rulemaking processes. This process includes requirements that a public hearing be conducted at which interested parties have the opportunity to present alternatives to the VA-proposed regulation and testimony and other evidence in support of their positions and that the agency make findings and conclusions available and state the basis and reasoning therefor.

The Administrator's actions pursuant to these requirements and, very importantly, the regulations themselves would be subject to judicial review in Federal court. Because the individual veteran's or survivor's claim is not subject to court review—although our bill, S. 636, would correct this inequity—it is particularly appropriate and important that the procedures for deciding these claims be made reviewable. In this way, groups concerned about agent orange and radiation issues would be afforded the opportunity to have their day in court if they were dissatisfied with and had grounds to challenge either the fairness of the administrative process or the adequacy of the evidentiary basis for the regulations.

With regard to the times at which the VA would be required to act, the bill would require—

The publication of proposed dioxin and radiation regulations not later than 120 days after enactment of the bill;

Repetition of the process with respect to the dioxin regulations within 90 days after the submission of each report required with respect to the Public Law 96-151-mandated epidemiological study on agency orange—the first of these reports is due 24 months after OTA approval of the protocol

and subsequent reports are due annually thereafter; and

Final regulations within 90 days after the end of each public review and comment period, each of which must be for at least 30 days.

Mr. President, no specific deadlines would be imposed with respect to hazardous substances other than dioxin or radiation. However, resort to court would be available to compel action if the Administrator were to refuse to develop and publish regulations with respect to other substances used for military purposes to which significant numbers of veterans were exposed and as to which the state of available medical and scientific evidence makes it impossible to determine whether their exposure has caused certain diseases.

PRECEDENT FOR THE LEGISLATION

Mr. President, the time for this legislation clearly has arrived. Many of my colleagues may recall that, in September 1980, the Senate passed somewhat similar legislation with respect only to agent orange that my friend and colleague from Pennsylvania (Mr. HEINZ) and I, together with eight of our colleagues, including the present, very able chairman of the Veterans' Affairs Committee (Mr. SIMPSON) sponsored—unprinted amendment No. 1550 to S. 1188. Thereafter, in 1981, under the chairmanship of the Senator from Wyoming (Mr. SIMPSON), the Veterans' Affairs Committee reported and the Senate passed on June 16, 1981, identical legislation as part of S. 921/H.R. 3499.

The only major distinction with respect to the agent orange issue between the 1980 and 1981 Senate-passed legislation and the bill I am introducing today is that the Administrator, under the proposed bill, would be required to develop regulations relating to the resolution of claims based on exposure to agent orange in advance of the results of the epidemiological study mandated by Public Law 96-151. The requirements once the results of that study become available, would be the same.

NEED FOR THE LEGISLATION

Mr. President, requiring the development of regulations before study results are available may be viewed as premature. As an earlier point, I would have agreed and I, in fact, did. However, the epidemiological study to determine the health of Vietnam veterans exposed to agent orange was mandated by law in December 1979. Now, nearly 3½ years later, the study still has not been started. Indeed, its protocol has not yet been approved. The Congress should not wait any longer to require the executive branch to make specific determinations—in a publicly accountable, judicially reviewable process—on guidelines to govern resolution of agent orange exposure claims.

I have reached the same conclusion in the area of radiation-exposure claims. Nearly 4 years ago, the VA agreed to develop guidelines for the resolution of these claims. In carrying out that commitment, however, the agency provided no opportunity for public participation. The agency's action was challenged in a lawsuit filed in 1980. The trial court ruled against the agency and the matter is presently before the U.S. Court of Appeals for the District of Columbia Circuit. During the pendency of this litigation, the status of the guidelines has not been clear, and the agency has maintained its opposition to public participation, a position that I find inexplicable. Enactment of the proposed measure would settle this dispute by requiring the VA, with public participation and in a publicly accountable process, to develop guidelines for the resolution of radiation-exposure claims.

Moreover, this morning's hearing on radiation-exposure issues before the Veterans' Affairs Committee demonstrated to all present, I believe, that the Veterans' Administration has no clear guidance or standards governing, or even practices routinely applied or followed in, the adjudication of radiation-exposure cases. The situation on this point can best be characterized as in a fundamental state of disarray, and clarifying regulations are urgently needed.

I believe this legislation is also an appropriate approach to the difficulties veterans encounter in their claims for disabilities resulting from exposure during military service to certain hazardous substances in connection with military purposes and as to which the state of medical and scientific evidence relating to the effects of exposure is unclear. The legislation, which reflects basic notions of fairness and evenhandedness by providing for similar treatment of all types of claims for service connection based on exposure to those kinds of environmental hazards—whether the hazard is dioxin, radiation, or some other hazard encountered as a result of military action—where a causal relationship between exposure and claimed disabilities cannot be established on the basis of available evidence, has several advantages.

First, the bill, by setting in motion a process that is designed to produce close scrutiny of available evidence regarding the effects of exposure to the various hazards and consideration of guidelines to govern the resolution of claims, would insure that the VA focuses clearly on these issues.

Second, it would make the process of adjudicating veterans' claims for benefits for such exposure an open one and invite public involvement. In cases involving exposure to these hazardous substances—in which causation is difficult to establish and in which the VA, because there is not judicial review of VA decisions, has the final say—the process of developing adjudication guidelines should be carried out in public view and with public participation.

Finally, the bill would transfer from Congress to a more appropriate arena some very technical judgments and analyses that Congress is ill-qualified to make and should undertake to make only after the executive branch has made clear, and clearly inequitable determinations.

FURTHER ACTION WITH REGARD TO VETERANS' RADIATION EXPOSURE

Mr. President, with further regard to veterans exposure to ionizing radiation, I would like to provide a brief update on the status of various concerns to veterans which were discussed at this morning's hearing before the Veterans' Affairs Committee, on which I serve as ranking Democrat.

In addition to being concerned about claims for compensation, many veterans exposed to ionizing radiation are in need of health care for conditions which may be related to this exposure. Public Law 97-72, enacted November 3, 1981, contained provisions, which I authored, authorizing the VA to provide health care to veterans for disabilities which may be related to their exposure to radiation or agent orange.

Unfortunately, although the VA guidelines for implementing those provisions carried out congressional intent appropriately with respect to agent orange, they were unduly restrictive with respect to veterans who were exposed to radiation. Having raised the concerns I had in this regard with the Chief Medical Director and both the previous and current Administrator's, I was gratified when Administrator Walters indicated in a February 18 letter to me that the discrepancy was going to be eliminated. The VA witness' prepared statement at this morning's hearing reiterated the VA's intent to "amend the guidelines to allow treatment of all conditions except for those which are known to have causes other than radiation exposure" just as the underlying law provides.

Indeed, the Deputy Chief Medical Director issued these guidelines just this morning.

But, there can hardly be euphoria over the VA's grudging agreement—17 months after the law was enacted and only after repeated urging—to carry out the law as Congress intended. Other concessions—such as consideration of a morbidity study, development of a radiation effects desk reference, and activating consultations with outside experts—have recently been hard won, but only under the pressure of these forthcoming hearings. This recent progress is, nonetheless, a trib-

ute to Harry Walters, and I want publicly to acknowledge that.

Mr. President, I ask unanimous consent that my exchanges of correspondence with the Chief Medical Director and the present and former Administrators of Veterans' Affairs on the subject of the implementation of Public Law 97-72 and other radiation—exposure issues, as well as the just-issued VA health-care guidlelines on this law, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION

Mr. CRANSTON. In my duties as a member of the Veterans' Affairs Committee over the last 12 years, serving for 4 years as chairman and now as ranking minority member, I have seen the many difficulties which veterans exposed during their service to agent orange and radiation have had. I sympathize greatly with these veterans and their loved ones and the anguish many of them have endured. Through various efforts—including writing laws to mandate scientific studies and provide them with health care, conducting oversight hearings and other monitoring activities, and assisting with individual cases—I have tried to help these veterans.

I believe that further steps need to be taken in this effort and taken now, and I urge my colleagues to support this legislation to see that that these steps are indeed taken.

Mr. President, I ask unanimous consent that the text of S. 991 be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 991

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) Section 354 of title 38, United States Code, is amended—

(1) in subsection (b)—

(A) by striking out all beginning with "In" through "expedition, the" and inserting in lieu thereof "The"; and

(B) by striking out "such service" the first place it occurs and inserting in lieu thereof "a veteran's service on active duty"; and

(2) by adding at the end the following new subsection:

"(c)(1)(A) The regulations required to be prescribed by subparagraph (B) of this paragraph shall—

"(i) establish guidelines, standards, and criteria for the resolution of claims for benefits under laws administered by the Veterans' Administration where the benefit eligibility criteria include a requirement that a death or disability be service connected and the claim of service-connection is based on a veteran's exposure during service on active duty—

"(I) in the Republic of Vietnam during the Vietnam era, to a herbicide containing dioxin,

"(II) in connection with the veteran's participation in the test of a nuclear device or with the American occupation of Hiroshima or Nagasaki, Japan, prior to July 1, 1946, to ionizing radiation from the detonation of a nuclear device, or

"(III) to another hazardous substance; and

"(ii) ensure that subsection (b) of this section is given full effect with respect to such claims.

"(B) The Administrator, in accordance with paragraph (2) (A) and (B) of this subsection, shall develop and publish regulations implementing this subsection. Promptly after each occasion on which the Administrator prescribes or amends the substance of any such regulations, the Administrator shall submit to the appropriate committees of the Congress a report containing any recommendations for legislative action, including proposed amendments to section 312 of this title, if any, that the Administrator considers appropriate in light of such guidelines, standards, and criteria.

"(C) Regulations developed and published pursuant to subparagraph (B) of this paragraph shall include specification of any presumptions (including any presumptions regarding exposure and service-connection) to be applied to the resolution of the claims to which the guidelines, standards, and criteria in such regulations apply.

"(2)(A)(i) The Administrator shall develop the regulations required by paragraph (1) of this subsection through a public review and comment process in accordance with the provisions of sections 553 (b) and (e), 556, and 557 of title 5.

"(ii) Not later than one hundred and twenty days after the date of the enactment of this subsection, the Administrator shall develop and publish in the Federal Register, for public review and comment for a period of not less than thirty days, a proposed version of the regulations required by such paragraph for the resolution of claims for service-connection based on exposures specified in subclauses (I) and (II) of subparagraph (A)(i) of such paragraph.

"(B) Not later than ninety days after the end of each such period of public review and comment, the Administrator shall publish in the Federal Register final regulations containing the guidelines, standards, and criteria (together with explanations of the bases for such guidelines, standards, and criteria) for resolving the claims involved.

"(C) The Administrator's compliance with the provisions of, and any regulations prescribed pursuant to, this subsection shall be subject to judicial review in accordance with the provisions of chapter 7 of title 5.

"(3) For the purposes of this subsection, the term 'hazardous substance' means a substance with respect to which the Administrator determines, pursuant to the regulations required by paragraph (1) of this subsection, that—

"(A) a significant number of veterans were exposed (i) while serving on active duty, and (ii) as the result of (I) the use of such substance by a branch of the Armed Forces for military purposes, including training and testing programs, or (II) the action of a hostile force; and

"(B) there is insufficient medical or scientific evidence (i) to determine whether exposure to the substance causes a disease which has resulted in a disability in the cases of a significant number of veterans, or (ii) to determine whether a level (or range of levels) of exposure experienced by significant numbers of veterans is sufficient to cause such disease.".

(b) Paragraph (3) of section 307(b) of the Veterans' Health Programs Extension and Improvement Act of 1979 (Public Law 96-151; 93 Stat. 1097), as added by section 401(b)(2) of the Veterans' Health Care, Training, and Small Business Loan Act of 1981 (Public Law 97-72; 95 Stat. 1061), is amended to read as follows:

"(3)(A) Not later than ninety days after the submission of each report under paragraph (2), the Administrator shall, based on the results described in such report and the comments and recommendations included therein and any other available pertinent information, develop and publish in the Federal Register, for public review and comment, a proposed version of the regulations required by paragraph (1) of subsection (c) of section 354 of title 38, United States Code, for the resolution of claims for service-connection based on the exposure specified in subparagraph (B)(i)(I) of such paragraph.

"(B) The Administrator's actions to comply with the provisions of subparagraph (A) shall be subject to the provisions of paragraph (2) of section 354(c) of such title as though such actions were required by such section.".

[Circular 10-83-61, Apr. 5, 1983]

VETERANS ADMINISTRATION,
Department of Medicine and Surgery,
Washington, D.C.

To: Regional Directors; Directors, VA Medical Center Activities, Domiciliary, Outpatient Clinics, and Regional Offices with Outpatient Clinics.

Information: Directors, Regional Offices; District Counsels.

Subject: Guidelines for Implementation of Legislation Related to the Provision of Health Services to Veterans Exposed to Ionizing Radiation As a Result of Detonation of Nuclear Devices.

1. The "Veterans Health Care, Training, and Small Business Loan Act of 1981" was signed into law on November 3, 1981. The Act, Public Law 97-72, authorizes the Veterans Administration to provide certain health care services, as described in paragraph 3, to veterans who, while serving on active military duty, were exposed to ionizing radiation from the detonation of nuclear device as a result of participation in either the testing of such a device between 1945 and 1962, or the American occupation of Hiroshima or Nagasaki, Japan, between September 11, 1945, and July 1, 1946. Verification of service at a site during the testing of nuclear devices, or in Hiroshima/Nagasaki during the occupation of Japan, during the times specified will be required. In the absence of affirmative evidence to the contrary, a veteran's contention of exposure at a nuclear device testing site, or in Hiroshima/Nagasaki will be accepted.

2. Health care services may not be provided under this law for the care of conditions which are found to have resulted from a cause other than the specified exposures.

3. Health care services authorized under this provision are limited to hospital and nursing home care in VA facilities and outpatient care in VA facilities on a pre- or post-hospitalization basis or to obviate a need for hospitalization. Such health care services will be provided without regard to the veteran's age, service connected status or the inability of the veteran to defray the expenses of such care. Veterans furnished outpatient care under this authority will be accorded priority ahead of other nonservice-connected veterans and equal to former Prisoners of War who are receiving care for nonservice-connected conditions. Congress

made it clear that this law provides for health care only, and that a determination that the veteran is eligible for such care does not constitute a basis for service connection or in any way affect determinations regarding service connection.

4. Each veteran who participated in the testing of a nuclear device or who participated in the occupation of Hiroshima or Nagasaki, Japan, between September 11, 1945, and July 1, 1946, and who requests VA medical care will be provided a physical examination and appropriate diagnostic studies in accordance with DM&S Circular 10-83-12. The examination and studies will be documented in the medical record. If such an examination has been completed within the prior six months, only those procedures which are medically indicated by the current circumstances need be repeated. Where the findings reveal a condition requiring treatment, the responsible staff physician shall made a determination as to whether that condition resulted from a cause other than the veteran's exposure to ionizing radiation.

Veterans who meet the criteria of this circular may be treated under this authority. In making this determination, the physician should consider that the following types of conditions are not ordinarily considered to be due to such exposure:

(a) Congenital or developmental conditions, e.g., spina bifida; scoliosis.

(b) Conditions which are known to have pre-existed military service.

(c) Conditions resulting from trauma, e.g., deformity or limitation of motion of an extremity.

(d) Conditions having a specific and well established etiology, e.g., tuberculosis; gout.

(e) Common conditions having a well recognized clinical course, e.g., inguinal hernia; acute appendicitis.

5. On occasion, the responsible staff physician may find that a veteran requires care for one or more of the conditions listed in paragrah 4, but that the case presents complicating circumstances that make the provision of care under this authority appropriate. In such instances, the physician should seek guidance from the Chief of Staff and the Environmental Physician regarding authorization for treatment. If treatment is so authorized, the reasons will be clearly documented in the medical record. Veterans who are not provided needed medical care under this circular may be furnished care if they are eligible under any other statutory authority.

6. In the event the responsible staff physician finds that a veteran has a condition not ordinarily considered to be due to the specified exposure and there are not complicating circumstances warranting the provision of care under this authority, the decision and its basis will be clearly documented in the medical record.

7. The provisions of this circular will not exclude any veteran who alleges exposure to ionizing radiation as described in paragraph 1 of this circular from being included in a VA Radiation Exposure Registry Program, under development.

8. These guidelines will be effective upon receipt. A copy of the pertinent guidelines should be made available to any veteran seeking care under this authority.

9. This circular rescinds DM&S Circular 10-82-246 dated December 21, 1982.

W. J. JACOBY, Jr., M.D.,
Deputy Chief Medical Director.

COMMITTEE ON VETERANS' AFFAIRS,
Washington, D.C., March 22, 1983.

Hon. HARRY N. WALTERS,
Administrator of Veterans' Affairs, Washington, D.C.

DEAR HARRY: I was very pleased to receive your responsive and forthcoming letter of February 18 regarding new initiatives you plan to take with respect to certain ionizing-radiation issues. As you know, I have long been deeply concerned about questions relating to the long-term health effects in veterans of their active-duty exposure to radiation from the detonation of nuclear devices, as well as the dificulties that some of them have had in obtaining VA health care for disabilities which may be related to their exposure. Likewise, I have been concerned about the difficulties faced by some of these veterans in pursuing claims for compensation and by the survivors of such veterans in pursuing claims for disability and indemnity compensation.

I have several follow-up thoughts to share with you arising out of your letter.

1. As the author of S. 11, which contains a provision to mandate a morbidity study of these veterans, I am particularly encouraged by your plan to explore with the Interagency Radiation Research Committee the feasibility of conducting such a study. I urge that you also consult with National Academy of Sciences staff members, such as Seymour Jablon and Dennis Robinette, on the feasibility of the study. As a result of NAS' long-standing involvement with various radiation-related efforts—including the U.S. participation in evaluating the experience of the Japanese survivors of Hiroshima and Nagasaki, the work of the Committee on the Biological Effects of Ionizing Radiation, and NAS' ongoing mortality study of some 55,000 veterans who participated in the atmospheric nuclear testing serious—NAS has developed perspectives and expertise that could be of substantial value to you in your consideration of undertaking such a study. In addition, some NAS staff members have given thought to possible means of studying birth defects in the offspring of exposed veterans, an issue that should constitute a crucial part of any morbidity study.

2. Your proposal to call upon experts in the field of nuclear effects to evaluate the National Library of Medicine's reports on the radiation literature and to consider the epidemiological recommendations of the IRRC is a useful step forward. However, I believe that such a collection of experts could, as an ongoing committee where views could be exchanged directly on a variety of issues, lend valuable expertise to the VA in more than these two limited areas. Such a committee could, for example, stimulate the development of and help to evaluate proposals for other radiation-related research relevant to veterans' concerns and provide ongoing advice on any morbidity study that is developed. I also believe that such a committee could serve as a valuable resource for the Board of Veterans' Appeals, the Chief Benefits Director, and the Chief Medical Director and would generally be a worthwhile, continuing supplement to the VA's admittedly small Central Office staff in this area. Thus, I urge that you reconsider your present position as stated in your earlier, February 4 letter to me and take steps to establish such an entity on a formal basis.

3. Having previously written the Chief Medical Director and the former Administrator regarding health-care eligibility under section 102 of Public Law 97-72 for veterans exposed to ionizing radiation on three occasions, I very much support the steps you are taking to ensure that the implementation of this provision does not reflect differing interpretations of the law for veterans exposed to Agent Orange and for those exposed to ionizing radiation. Under section 102, veterans who experienced certain exposure to Agent Orange or ionizing radiation are eligible for care for disabilities that cannot be determined to result from causes other than their exposure to Agent Organge or ionizing radiation.

As the Senate author of this provision of law, I have been concerned that the implementing guidelines issued by the VA treat the two groups of veterans differently. The Agent Orange guidelines reflect the proper approach of specifying the particular categories of disabilities that the VA has determined are not caused by Agent Orange exposure and which thus do not provide a basis for eligibility. The VA guidelines afford VA health-care eligibility for all other disabilities of Agent Orange-exposed Vietnam veterans. By contrast, the guidelines provide access to care for veterans who have been exposed to radiation only if they have certain specified types of disabilities, apparently those that the VA considers are likely to be caused by radiation. Thus, I am pleased that you have directed that the circulars pertaining to this authority be revised to "have comparable expression of policy"—apparently to bring the radiation policy into line with the Agent Orange policy—and I look forward to the issuance of the revisions.

As I have already indicated, Harry, I believe the initiatives you outlined in your February 18 letter are very positive, and I congratulate you on them. I look forward to learning your thoughts on the suggestions set forth above and to your carrying out efforts to address the important concerns of veterans exposed to ionizing radiation as a result of nuclear detonations.

With warm regards,
Cordially,

ALAN CRANSTON,
Ranking Minority Member.

VETERANS ADMINISTRATION, OFFICE OF THE ADMINISTRATOR OF VETERANS AFFAIRS,
Washington D.C., February 18, 1983.

Hon. ALAN CRANSTON,
Ranking Minority Member, Committee on Veterans' Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR CRANSTON: Regarding our programs concerning veterans exposed to ionizing radiation as a result of detonation of nuclear devices I am pleased to advise you of several new initiatives.

First, the Veterans Administration has requested the Interagency Radiation Research Committee to provide its advice on the feasibility of conducting a morbidity study of veterans exposed to radiation during active military duty.

Secondly, we have requested the National Library of Medicine to make available to the Veterans Administration their extensive literature reviews on the health effects of exposure to nuclear radiation. The Director of the National Library of Medicine, Dr. Martin M. Cummings, has charged his staff epidemiologist, Dr. Clifford Bachrach, and researcher, Miss Charlotte Kenton, with the responsibility of making available to the Veterans Administration their past extensive literature searches on the health effects of nuclear radiation and, beginning March 1, 1983, of supplying the Veterans

Administration with monthly reports of worldwide radiation research.

We also will call upon experts in the field of nuclear effects to evaluate the National Library of Medicine's reports, and to consider the epidemiological recommendations of the Interagency Radiation Research Committee. There will also be a periodically updated manual for the use of Veterans Administration physicians in the examining and treating of veterans exposed to ionizing radiation while in military service.

Finally, we have undertaken to revise the instructions to the various VA medical centers concerning the implementation of Public Law 97-72 relating to the provision of health care services to veterans exposed to ionizing radiation as a result of a detonation of nuclear devices. The revision is being made so as to have comparable expression of policy regarding radiation as now exists with respect to veterans exposed to dioxin.

Regarding the issue of the relationship between exposure to dioxin and the subsequent development of soft tissue sarcomas, the Veterans Administration is unable at present to find scientific proof that Agent Orange or its ingredients are causes of one or more of the group of diseases called soft-tissue sarcomas. We are continuing the undertaking of a detailed literature search, and data review on illnesses and death among Vietnam veterans, including the files of the Armed Forces Institute of Pathology.

I will, of course, keep you advised of further developments in this matter.

Sincerely,

HARRY N. WALTERS,
Administrator.

VETERANS' ADMINISTRATION,
Washington, D.C., February 3, 1983.

Hon. ALAN CRANSTON,
Ranking Minority Member, Committee on Veterans' Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR CRANSTON: A letter regarding ionizing radiation was forwarded to your office on January 12, 1983. The prudence of establishing a VA Committee on Ionizing Radiation was discussed in that letter.

It has come to my attention that the reference to that committee was misleading. Permit me to rectify the situation. In 1978 the agency developed an informal task group which functioned as a quasi committee. Consideration was given to establishing a formal advisory committee; however, it was decided not to do so at that time. It was the judgment of the agency that a less formal approach would be both responsive and cost effective in meeting agency needs in the area of ionizing radiation. It is acknowledged that this approach, albeit satisfactory in meeting the Veterans Administration's needs, does not address the broader concern about the need for a statutory committee raised in your October 15, 1982 letter. However, Dr. Curtis and I believe that the practice of using eminently qualified scientists and professionals as a consultant group does meet our program needs. A list of those individuals is included in Attachment A for your information.

Certainly we agree with the notion that ionizing radiation is a subject which holds a broad national concern. The broader national concern seems to cut across a more universal societal interest than the mission and constituency of the Veterans Administration. Therefore, we do not believe that a statutory or otherwise formally chartered committee on ionizing radiation for the Veterans Administration is indicated. Rather, the universality of the issue suggests that the establishment of a statutory committee within an agency having a more universal and primary mission associated with national health issues and problems would be more appropriate. We have highly skilled professionals who could contribute to such a committee should one be established; and, we would be pleased to participate together with other federal agencies, as a member of such a committee.

Again, I assure you of our concern with the adverse effects—real and perceived—of both agent orange and ionizing radiation. We remain fully committed to forthrightly addressing these issues as they relate to veteran health care concerns and serving America's veterans openly, honestly, and compassionately consistent with the intent of the Congress.

Sincerely,

HARRY N. WALTERS,
Administrator.

CONSULTANT GROUP ON NUCLEAR DEVICE TESTING AND RADIATION EFFECTS

Dr. John A. Auxier, Division Director, Industrial Safety and Applied Health Physics, Oak Ridge National Laboratories.

Dr. Gilbert W. Beebe, Clinical Epidemiology Branch, National Cancer Institute, NIH.

Dr. Eugene P. Cronkite, Chairman, Medical Department, Brookhaven National Laboratory.

Dr. Karl F. Hubner, Medical and Health Sciences Division, Oak Ridge Associated Universities, Oak Ridge, Tennessee.

Dr. John S. Laughlin, Chairman, Department of Medical Physics, Memorial Sloan Kettering Cancer Institute.

Dr. Takashi Makinodan, Director, GRECC, West Los Angeles, VAMC.

Dr. Klaus Mayer, Chief, Hematology, Memorial Sloan Kettering Cancer Institute.

Dr. Thomas G. Mitchell, Associate Professor of Radiology (Nuclear Medicine), Associate Professor of Environmental Health Sciences (Radiation Health Sciences), Johns Hopkins Medical Institutions.

Dr. William C. Moloney, Professor, Emeritus of Medicine, Harvard Medical School; Chief, Emeritus, Hematology Service, Peter Bent Brigham Hospital.

Dr. Robert C. Ricks, Medical and Health Sciences Division, Oak Ridge Associated Universities, Oak Ridge, Tennessee.

Dr. Henry N. Wagner, Jr., Professor of Medicine, Radiology, and Environmental Health Sciences; Director of Divisions of Nuclear Medicine and Radiation Health, Johns Hopkins Medical Institutions.

Dr. Rosalyn S. Yalow, Senior Medical Investigator, Bronx VAMC, N.Y., N.Y.; Chairman, Department of Clinical Sciences, Montefiore Hospital, Bronx, N.Y.; Distinguished Professor at Large, Albert Einstein College of Medicine, N.Y., N.Y.

VETERANS' ADMINISTRATION,
Washington, D.C, Jan. 12, 1983.

Hon. ALAN CRANSTON,
Ranking Minority Member, Committee on Veterans' Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR CRANSTON: I am pleased to respond to your October 15, 1982, letter to then Administrator Robert P. Nimmo on the subject of ionizing radiation.

Let me first state that as Administrator of Veterans Affairs I will be equally concerned with the adverse effects—real and perceived—of both Agent Orange and ionizing radiation on America's veterans. In that regard, I have directed my people to ensure that unexplainable inconsistencies in our handling of Agent Orange and ionizing radiation are removed so as to conform to the needs of our veterans and the intent of Congress.

The issue of ionizing radiation is a continuing one which has been discussed and researched for years. Agent Orange, on the other hand, is a more contemporary issue. Because less is known about its effects, the vast number of personnel exposed to the substance are fearful, and rightfully so. The VA has a long established Committee on Nuclear Device Testing and Radiation Effects, and participates in numerous meetings of other committees in the field of ionizing radiation. I cannot see, at this point, where the establishment of another VA Committee would be particularly beneficial. However, if you believe that a government-sponsored committee to examine the effects of radiation on humans—probably under the auspices of the Department of Health and Human Services—would be of value, the VA would be pleased to serve.

Discussions regarding a literature search and epidemiological studies are enclosed. I hope you find these helpful. Additionally, with regard to your question about DM&S Circular 10-81-250, it will be published in the near future.

Sincerely,

HARRY N. WALTERS,
Administrator.

LITERATURE SEARCH

The vast literature on the biological effects of ionizing radiation has been meticulously searched, evaluated, and summarized by qualified professionals in the earlier publications, Biological Effects of Ionizing Radiation (BEIR) United Nations Scientific Committee on the Effects of Atomic Radiation (UNSCEAR), as well as in such others as the 1981 report, Federal Research on the Biological and Health Effects of Ionizing Radiation (FREIR), which is the work of a 29-member committee aided by 123 outstanding consultants in the field of the biological effects of ionizing radiation.

The 1977 UNSCEAR report is about to be superseded by a new UNSCEAR report. In addition, the reports of the Intergency Radiation Research Committee (IRRC), together with those of the National Council on Radiation Protection (NCRP), and the International Commission on Radiological Protection (ICRP), are continually published and read by experts, including our VA scientists.

Beyond this, the VA maintains a current search of the literature on the biological effects of ionizing radiation through computer utilization of the National Library of Medicine and the monthly Cumulative Index of Medicine.

The literature on ionizing radiation has been, and continues to be, as thoroughly explored as any literature on any scientific topic in the world. It is the consensus of experts in the matter of ionizing radiation that the literature on this subject has been so thoroughly searched and researched that still another review would not only be redundant, but also would divert scientific effort and money from more profitable new directions such as investigations of the effect of low-level ionizing radiation at cellular and molecular levels.

EPIDEMIOLOGY

Because there may not be general awareness of the extensive epidemiological and human effects of ionizing radiation, the

most comprehensive total figures currently available, those in the 1981 FREIR report follow.

In Fiscal Year 1979, 17 Federal agencies, employing 601 investigators, spent $111,045,595 on studies of the bioeffects of ionizing radiation.

Of that total, $79,667,997 (72%) was devoted to epidemiological studies by 413 investigators.

The Veterans Administration, in matters of veteran health and radiation effects, correlates information obtained from pertinent literature, the opinions of its consultant group on radiation effects, the attendance of its experts at germane scientific and interagency meetings, data from the Defense Nuclear Agency and the Nuclear Test Personnel Review, and from opinions expressed at meetings with various veterans' groups and representatives of service organizations.

COMMITTEE ON VETERANS' AFFAIRS,
Washington, D.C., October 15, 1982.

Hon. ROBERT P. NIMMO,
Administrator of Veterans' Affairs,
Washington, D.C.

DEAR BOB: Last February I wrote Don Custis with specific comments on the Veterans' Administration's published guidelines—DM&S Circular 10-81-250, Interim Guidelines for Implementation of Legislation Related to the Provision of Health Care Services to Veterans Exposed to Ionizing Radiation as a Result of Detonation of Nuclear Devices"—issued on November 18, 1981, in implementation of section 102 of Public Law 97-72. In that letter, I stressed that the Guidelines as they pertained to radiation-related conditions were overly restrictive in two respects: First, they would exclude conditions which could not be shown to have resulted from a "cause other than exposure to radiation", the criterion in section 610(a)(1)(B) as added by section 102 of Public Law 97-72; and, second, they also might exclude conditions, such as thyroid disorders, as to which there is scientific evidence linking them to exposure to radiation.

In Dr. Custis' response of April 6, 1982, he indicated that the final Guidelines would include thyroid nodules as an addition to the class of disorders—otherwise limited to cancers—that would be considered as not having resulted from a cause other than exposure to radiation for purposes of establishing health-care eligibility under the new law.

Although I welcome this addition, I remain troubled by the agency's interpretation of Public Law 97-72 as it relates to veterans exposed to radiation. The approach adopted thus far suggests a fundamental inconsistency between the Guidelines applicable to those veterans exposed to Agent Orange and those exposed to radiation. In light of the paucity of knowledge on the health of each of these two populations and considering the ongoing controversy in the literature on the effects of radiation and of Agent Orange exposure on humans, I believe that, as a minimum, equal latitude for access to VA health care should be provided in the Guidelines for those exposed to radiation and those exposed to Agent Orange. To do otherwise on the basis of the current state of knowledge would be, in my view, unjust and not in conformity with the underlying intent of Congress.

On this point, a story (copy enclosed) carried on September 20, 1982, by United Press International relating to a press conference held that day by members of the National Association of Atomic Veterans, noted that John Hickman, speaking for the agency, had said that "anyone who believes he was exposed to radiation is getting free treatment at agency hospitals". Such a result, which comes much closer to the implementation of section 102 of Public Law 97-72 with respect to Agent Orange exposure, is not consistent with the approach in the interim Guidelines. I urge that this matter be clarified in the Guidelines; alternatively, but far less satisfactorily, the information provided by those representing the agency in public statements should be conformed to the Guidelines.

The differences in the Guidelines for implementing Public Law 97-72 are only one example of the differences in the way the VA responds to issues associated with veterans potentially exposed to herbicides in Vietnam and those exposed to low-level ionizing radiation. In general, the agency is devoting significant resources and attention to Agent Orange-related issues; a comparable level of activity is not present regarding radiation-related issues. I believe that this lack of attention to the radiation issue is not justified.

I have in the past urged greater attention to this issue and am writing to you today to recommend that, in order to help remedy this deficiency, the VA take the following concrete steps:

(1) Establish entities relating to radiation exposure analagous to the Agent Orange Policy Coordinating Committee—so that internal agency efforts to address these matters may be examined, compared, and coordinated, which should promote greater awareness within the VA—and the VA Advisory Committee on Health Related Effects of Herbicides—so that outside expertise, veterans organizations, and public interest groups can be brought together in a public forum.

(2) Conduct, directly or by contract, a comprehensive review of the scientific literature on the health effects of exposure to ionizing radiation.

(3) Give serious consideration to conducting or providing for the conduct of an epidemiological study, relating to morbidity and genetic damage, of veterans exposed to radiation resulting from nuclear detonations.

I have long believed that a literature review would be a worthwhile undertaking. The version of S. 971 passed by the Senate on July 24, 1981—a measure ultimately enacted as Public Law 97-66—contained a provision I authored that would have required the VA to conduct a review and analysis of literature relating to the long-term adverse health effects of human exposure to radiation and to consult with and actively coordinate with other Federal Government entities involved in radiation exposure-related activities. Although this provision was not accepted by the House, I have continued to urge that such a review be carried out, with or without a legislative mandate.

Such a review would serve to ensure that the VA is more fully informed regarding radiation exposure and would pull together available relevant scientific information on this issue. I believe that it would enhance the VA's ability to resolve fairly and consistently the very complex issues involved in radiation-related VA compensation and DIC claims.

The VA, in dealing with radiation-related claims, has relied heavily on comprehensive reviews, such as the 1972 and the 1980 reports of the Committee on Biological Effects of Ionizing Radiation (BEIR) of the National Academy of Sciences and the 1977 report of the United Nations Scientific Committee on the Effects of Atomic Radiation. Because these reviews were concerned primarily with determining minimum exposure levels that might be considered safe, because of the time that has elapsed and the studies that have been completed since these reviews were published, and because many individuals, including researchers and veterans' representatives, have advised me that the analagous Agent Orange literature review has been very useful, I believe that a literature review is warranted to update and consolidate information from the BEIR, UN, and other reports. Hence, I urge that you reconsider your decision not to conduct a literature review, as outlined in your August 13, 1981, letter to me.

Regarding an epidemiological study, I am aware that limited consideration of such a study has already been given by various governmental and non-governmental entities, including the National Academy of Sciences. The Academy is currently engaged in conducting a mortality study but not a morbidity study of veterans exposed at test sites. Its August 1981 report on the feasibility of an epidemiological study of those veterans who were present at Hiroshima and Nagasaki concluded that a morbidity study was not feasible and that a mortality study would not be cost effective. Because our troops' exposure levels in Hiroshima and Nagasaki are considered generally to have been lower than those received at the Pacific or U.S. test sites, the NAS' 1981 analysis and conclusion (which is not free from controversy) relating to a study of veterans exposed at Hiroshima or Nagasaki does not suggest that the same conclusions should be reached with respect to an epidemiological study of the morbidity of veterans exposed to radiation at the test sites. Thus, I believe that the subject of conducting a morbidity and a birth defects study to complement the NAS mortality study in progress merits further consideration by the VA.

I would appreciate your views on these most important matters as well as information on the current timetable for the issuance of the final Gudelines. I know that you share my concern that our Nation's veterans be treated fairly.

With warm regards,
Cordially,

ALAN CRANSTON,
Ranking Minority Member.

WASHINGTON.—Angry and scarred veterans who claim their problems are due to exposure to atomic test blasts in the 1950's won a pledge from Congress to hold hearings on the subject next year.

The National Association of Atomic Veterans; representing 250,000 men who were exposed to 235 above-ground atomic tests from 1945 to 1963 or who served in Hiroshima and Nagasaki after the Japanese cities were destroyed by atomic bombs, successfully lobbied Monday with chairmen of the House and Senate Veterans Committees.

At an earlier news conference, they expressed anger—in some cases they were near tears—at the Defense Department's and Veterans' Administration's refusal to certify the men as having service-connected disabilities.

"Our people are dying at an alarming rate from cancer and other diseases and Government agencies refuse to help," said John Smitherman of Fayetteville, Tenn., a legless veteran whose left hand is deformed by deterioration of his lymphatic system.

But VA spokesman John Hickman called the veterans' charges of a coverup "utter nonsense" and said anyone who believes he was exposed to radiation is getting free treatment at agency hospitals. He said 2,882 veterans have asked for treatment.

VETERANS' ADMINISTRATION,
Washington, D.C., April 6, 1982.

Hon. ALAN CRANSTON,
Committee on Veterans' Affairs,
U.S. Senate, Washington, D.C.

DEAR SENATOR CRANSTON: Thank you for your letter of February 23, 1982, commenting on DM&S Circular 10-81-250 "Interim Guidelines for Implementation of Legislation Related to the Provision of Health Care Services to Veterans Exposed to Ionizing Radiation as a Result of Detonation of Nuclear Devices." As you know, the "Guidelines" were published in the Federal Register of December 2, 1981 (Vol. 46, No. 231, page 58637) for the purpose of soliciting comments on the proposal.

Among the comments received was the suggestion that thyroid dysfunction be included with cancer in paragraph 4 as a consequence of exposure to ionizing radiation. My staff gave careful consideration to the matter and we are in the process of adding thyroid nodules as a consequence of exposure.

Hypothyroidism was considered with other dysfunctions and was not included because it seems extremely unlikely to result from the type of exposure sustained by military personnel at atmospheric or submarine nuclear tests. Hypothyroidism results from intense ionizing radiation to the neck or, as in the Marshallese, from ingestion of considerable amounts of iodine made radioactive by ionizing radiation. Veterans were not exposed to either hazard.

Much consideration has been given to disorders that might be considered late effects of low-level radiation. The "Report of the Interagency Task Force on the Health Effects of Ionizing Radiation" discussed the issue in the summary volume (pages 31 to 38) and in the "Report of the Work Group on Science" (pages 7 to 20). The "Federal Research on the Biological and Health Effects of Ionizing Radiation" (BEIR) report of 1981 (Chapter 4) discusses the entire question.

Further consideration is contained in the 1977 report of the United Nations Scientific Committee on the Effects of Atomic Radiation (UNSCEAR), "Sources and Effects of Ionizing Radiation" (pages 4 to 9).

The National Research Council convened a panel of experts which met in May 1981, with participants from various veterans organizations including the National Association of Atomic Veterans. Its report on "Feasibility and Desirability of Performing Epidemiological Studies on U.S. Veterans of Hiroshima and Nagasaki" deals less directly with the question of possible disorders. The report does conclude that it would be impossible to detect any disorders attributable to the radiation exposure.

The reported results indicate that some forms of cancer are the only treatable conditions likely to appear years after exposure to radiation and then usually after much larger doses. Inclusion of all cancers as possible treatable consequences of the veterans' experience reflects a liberal interpretation of the law, as you have urged.

The publications, excerpts from which are enclosed, confirm the conclusions arrived at during less formal contacts with experts from the National Academy of Sciences, the Centers for Disease Control and the National Cancer Institute. There is general agreement that the treatable late effects of low-level ionizing radiation are limited to carcinogenesis which includes the production of "blood cancers", chiefly leukemias. Thyroid nodules are included because they must be diagnosed further as to their possible malignancy.

As always, I appreciate your interest.

Sincerely,

DONALD L. CUSTIS, M.D.,
Chief Medical Director.

COMMITTEE ON VETERANS' AFFAIRS,
Washington, D.C., February 23, 1982.

Dr. DONALD L. CUSTIS,
Veterans' Administration,
Washington, D.C.

DEAR DON: I am writing to express certain concerns that I have about the radiation exposure part of the guidelines—DM&S Circular 10-81-250, "Interim Guidelines for Implementation of Legislation Related to the Provision of Health Care Services to Veterans Exposed to Ionizing Radiation as a Result of Detonation of Nuclear Devices"—issued on November 18, 1981, in implementation of section 102 of Public Law 97-72.

Section 102 provides certain VA healthcare eligibility to veterans who were exposed to ionizing radiation from nuclear detonations during their active-duty service. With the exception of a disability found, in accordance with guidelines issued by you, "to have resulted from a cause other than such exposure", Congress expressly provided that this new eligibility is for health care for any disability from which the veteran is suffering even though "there is insufficient medical evidence to conclude that such disability may be associated with . . . exposure [to such radiation]". Specifically, my concern is that the statement in paragraph four of the guidelines that "conditions other than cancer are usually considered to be due to causes other than exposure to radiation" may be overly restrictive in seeming to exclude treatment, pursuant to the new eligibility, for disabilities that may be, and in some cases disabilities that have been determined by apparently credible professionals to have been scientifically shown to be, related to exposure to ionizing radiation.

As discussed in the explanatory statement that was inserted in the record of the debates on final passage of this measure in both Houses (*Congressional Record* H6813, October 2, 1981, and S11573, October 16, 1981, (daily ed.)), the Veterans' Affairs Committees intended that the authority to issue guidelines providing for the exclusion of certain disabilities be used "so as to provide a basis for examining physicians to reach a medical judgment that the cause of the claimed disability is *clearly* something other than the exposure in question" (emphasis added). Thus, I believe that when there is conflicting evidence, or even merely suggestive evidence, of a relationship between a health disorder and exposure to ionizing radiation, you should exercise great caution in excluding that disorder from the category of disabilities for which treatment would consistently be made available under the new eligibility.

I recognize that paragraph five of the guidelines provides for individual case determinations, in situations of doubt, by the attending physician and the Chief of Staff of the facility concerned, and thereby allows for some degree of flexibility. However, I believe that too many disorders may have been relegated to this category, for which uniform guidance is not provided. Certain thyroid disorders other than cancer are a good example of such. The *Review of Medical Findings in a Marshallese Population Twenty-Six Years After Accidental Exposure to Radioactive Fallout* by Robert A. Conrad, M.D., *et al.*, of Brookhaven National Laboratory, states on page 53:

"It has been clearly demonstrated that the most serious effects of accidental exposure to fallout in the Marshallese residing on Rongelap and Utirik Atolls on March 1, 1954, has been related to radiation injury to the thyroid, as evidenced by development of nodularities and hypofunction of the gland."

That report further states that the principal effects of thyroid exposure in the Marshallese were development of nodules (benign and malignant) and hypofunction. Although malignant nodules in veterans exposed to radiation would be covered by paragraph four of the current guidelines, treatment of thyroid hypofunction and benign nodules would not.

In a similar vein, I note that Public Law 95-134, which authorized appropriations for compensation of Marshallese exposed to radiation as a result of the nuclear test program, clearly recognized the association between such exposure and thyroid disorders. That law required the Secretary of the Interior to "pay $25,000 to each such individual from whom the thyroid gland or a neurofibroma in the neck was surgically removed, or who has developed hypothyroidism, or who develops a radiation related malignancy, such as leukemia." Although the basic purposes of Public Law 95-134 and Public Law 97-72 differ, each recognizes the possibility of health effects in humans of exposure to ionizing radiation, and it seems inappropriate to me that VA health care would not be authorized under Public Law 97-72 for the same conditions for which exposed Marshallese are being compensated under Public Law 95-134. On this point, I realize that there is some controversy in the literature on radiation-related thyroid disorders regarding the relationship of both sex and age to increased risk of radiation-related thyroid disorders; however, Public Law 95-134 makes no distinction for the purposes of compensation between male and female or between persons exposed as adults and those exposed as children.

I am also concerned that paragraph four of the guidelines may exclude, or may impede appropriate recognition of, other possible health effects of ionizing radiation in veterans requesting health care under the new eligibility. Thus, I urge that in addition to the publication of guidelines in the Federal Register you specifically consult with a wide range of specialists and other interested and knowledgeable parties, such as the Centers for Disease Control, the National Academy of Sciences, Brookhaven National Laboratory, and the National Association of Atomic Veterans, on the possible adverse health effects of exposure to ionizing radiation. I would appreciate receiving a report on any such consultations that you have and any previous consultations that were had in formulating the interim guidelines, including the recommendations offered by each party consulted.

Don, I appreciate your continuing cooperation.

With warm regards,

Cordially,

ALAN CRANSTON,
Ranking Minority Member.

By Mr. CRANSTON:

S. 992. A bill to amend title 38, United States Code, to establish an emergency job retraining and employment program for veterans; to the Committee on Veterans' Affairs.

VETERANS EMERGENCY RETRAINING ACT OF 1983

Mr. CRANSTON. Mr. President, I am introducing today, as the ranking minority member of the Committee on Veterans' Affairs, S. 992, the proposed Veterans' Emergency Retraining Act of 1983. This measure would amend title 38, United States Code, to establish an emergency job retraining and employment program for veterans.

DESCRIPTION OF S. 992: "VERA"

Eligibility: The proposed Veterans Emergency Retraining Act—VERA—would focus on the needs of two categories of wartime veterans: those who are long-term unemployed—that is, those who have been out of work for 15 out of 20 weeks preceding application for the program—and veterans who have been laid off or terminated from a job to which they are unlikely to be able to return. These veterans would be entitled to participate in the program established by VERA for up to 12-month service-connected disabled veterans with disability ratings of 30 percent or more could have that 12-month period extended by an additional 6 months. All veterans who had ever obtained entitlement to GI bill training—under the World War II, Korean conflict, or post-Korea/Vietnam-era GI bill programs—would be eligible for the program.

Duration: The program established by VERA would be of a limited duration, similar to the fixed-time extension of the delimiting period of certain Vietnam-era veterans enacted by Public Law 97-72 in 1981—the so-called targeted delimiting date authority. Under VERA, no assistance could be made available on behalf of a veteran for a training program that does not start within 30 months following the month in which VERA is enacted.

Training programs: Training programs eligible for approval under VERA would be those in "sust[ai]ned-demand skill areas"—that is, a[re]as of the labor market determined by the Secretary of Labor to have a high potential for sustained growth or demand. These areas could include, but would not necessarily be limited to, high-technology-related sectors. It should be noted in this regard that many "sustained-demand" job training opportunities might be found in more traditional areas, depending on the locale and particular labor markets. That jobs would not be limited to so-called high tech areas is aptly illustrated by the following excerpt from a March 30, 1983, Wall Street Journal article describing an on-job training program in the Detroit, Mich., area that pays employers half of employee wages during training:

The agency combs the local job market for openings that require the newly learned skills. Michael White got a job maintaining apartments soon after completing a course in building management, and he has already gotten an offer for the type of management job that would restore the income he made as an auto worker.

Most of those who have retrained successfully have found jobs in traditional heartland industries working as machinists, welders and pipefitters. By contrast, high-technology jobs are proving elusive. Just four of 25 workers who completed a nine-month robotics course in December have found jobs.

Approvable training programs could be programs conducted by educational institutions under arrangements or agreements with employers as well as training programs, including on-the-job training, conducted by the employer directly. In addition, all programs that are VA-approved for apprenticeship or other on-job training purposes under the current GI bill, chapter 34, would be considered to be approved for this new program.

Payments: Under VERA, Mr. President, employers hiring and training eligible veterans in approved training programs would receive quarterly payments of "retraining assistance" on behalf of the veteran. These payments would be made after each 3 months of training was certified and be the lesser of the following amounts: 50 percent of the wages paid to the veteran by the employer or an amount based on an annual rate of $6,000—or, in the case of a 30-percent or more service-connected disabled veteran, on an annual rate of $9,000. These payments would be deemed to compensate the employer for the costs of training the veteran and for the reduced productivity of the veteran during the training period.

Protections: The criteria for approving training programs under VERA, Mr. President, as set forth in proposed new section 1950(b) of title 38, are designed to protect the integrity of the training while at the same time not to be onerous for potential employers. Protections have been incorporated to avoid "substitution"—that is, an employer creating an artificial vacancy by laying off a regular employee so as to take advantage of the retraining assistance payment—and to help insure that the training leads to a permanent job. Other standard prohibitions on certain types of training for jobs that are seasonal, religious, or political in nature and limitations on receipt of assistance under other programs are included in new sections 1952 and 1953, respectively. Liability for and recovery of overpayments have been provided for in new section 1955.

IMPLEMENTATION PROCEDURES

Mr. President, under the proposed VERA, the VA and the Department of Labor would have interrelated responsibilities for implementing the program. The VA would be responsible for the actual payment to employers of the quarterly retraining assistance after each 3 months of training. Together, the Administrator and the ASVE would be required to conduct public information and outreach initiatives to inform veterans and employers, as well as unions, trade associations, and educational institutions of opportunities made available by VERA and to stimulate business, union, and eligible veteran participation. Coordination with both the Small Business Administration and the Department of Education would also be required so that maximum training and employment opportunities could be made available for eligible veterans.

The Department of Labor would have responsibility for certifying that eligible veterans meet the criteria pertaining to unemployment and that the jobs are in "sustained-demand skill areas" and for assisting employers and eligible veterans in completing necessary certifications and applications for training. In carrying out these responsibilities, the Secretary, through the Assistant Secretary for Veterans' Employment—the ASVE—would be required to use the services of the State and assistant State directors for veterans' employment, disabled veterans' outreach program specialists, and local veterans employment representatives. The ASVE could also use resources available under title IV-C, veterans' employment programs, of the Job Training Partnership Act.

PRINCIPLES OF VERA

I want at this point, Mr. President, to stress that VERA would establish an entitlement program and not merely provide an authorization of appropriations. I believe that an authorization of appropriations would run a very significant risk of never being funded or being funded at a reduced level that would not permit all potentially eligible veterans or potential employers to take advantage of opportunities that VERA could stimulate in the private sector. An entitlement approach insures that, if enacted, this measure would not become a broken promise, but would be a real means of assisting veterans in a difficult and changing labor market.

In addition, I want to note that VERA has been developed with two other fundamental principles in mind. First, the program established has been designed to be relatively simple—both in terms of administration and in terms of facilitating the participation of both employers and veterans. Second, VERA has been designed to be competitive with other federally funded job training or retraining initiatives, such as those to be conducted under the Job Training Partnership Act. I believe that this is especially important to the success of the program;

a potential employer, when faced with a choice, should not be discouraged from selecting a veteran for training because training a welfare recipient or a disadvantaged youth will be more advantageous to the employer.

NEED FOR VERA

Based on extrapolations of labor market information, assuming that veterans comprise roughly 20 percent of the civilian labor force, it can be estimated that between 700,000 and 800,000 veterans could potentially be eligible for participation in the program that would be established by VERA. Of course, that does not mean that all or even most of these veterans would choose to take advantage of the program or that employers could be found who would offer training opportunities in sustained-demand skill areas for all the veterans eligible for and seeking to participate in the program. My best estimate at this point is that up to 50,000 veterans could be retrained during the first year.

There are no firm unemployment figures available for the target population that VERA would serve. There are figures available, however, for certain segments of the target population; that is, those veterans who served during the Vietnam era. In March of this year, the rate of unemployment for all Vietnam-era veterans age 25 and older was 10.7 percent. For Vietnam-era veterans 25 through 29 years of age, the rate was a devastatingly high 19.8 percent. There are also projections that unemployment rates among seriously disabled service-connected veterans are in excess of 50 percent.

Mr. President, the need for skill-retraining for many veterans is most critical. In the face of basic changes in industrial technology, equipment, and processes, even the experienced worker of today can easily become the unemployable jobseeker of tomorrow. The situation obviously is worse for those already unemployed, and especially the veteran who has been out of work for a prolonged period.

Structural changes in the labor market have already forced many Americans, including many veterans, out of jobs they have worked at for years. The robot, the computer, and other "high-tech" developments have made many traditional skills obsolete and useless.

The unemployed automobile assembly line worker, the coal miner, the steelworker, and others may not ever be able to return to their former jobs even when the economy once again is strong and healthy. The jobs may no longer exist.

But these same workers could well be retrained to master new skills in greater demand not only in "smokestack" industries, which will continue to form the foundation of the American economy, but also in the high-technology semiconductor industries.

The measure we are introducing today, Mr. President, represents one way in which we can assist these Americans—particularly those who served this country during time of war and who are now experiencing protracted difficulties in the labor market. Many of those veterans still have many productive working years ahead of them and need only a small measure of assistance to make the most ot their potential. The assistance available through VERA would represent an invaluable means of helping both the veterans participating in training and the employer.

COST

Mr. President, we have not yet received a cost estimate from the Congressional Budget Office for this proposal. However, it is my intent that this measure would be structured so as to fall within the $150 million budget recommendation approved unanimously by the Veterans' Affairs Committee on March 1. As with other GI bill expenditures, I believe that retraining outlays under this measure would be returned many fold to the Treasury in taxes paid directly by the retrained workers and generated indirectly by the contribution to GNP that their increased productivity would make.

CONCLUSION

Mr. President, I intend to pursue actively the enactment of the proposal I am introducing today. In my opinion, it represents a critical element in the broader retraining needs of our Nation and would make an important contribution to efforts in this area. I will, of course, work closely with the distinguished Chairman of the Veterans' Affairs Committee (Mr. SIMPSON), the members of the committee, and others who are interested in this area. I urge my colleagues to join with me in this initiative.

At this point, Mr. President, I ask unanimous consent that a copy of S. 992 be printed in the RECORD so that my colleagues may examine the details of the measure.

There being no objection, the bill and correspondence were ordered to be printed in the RECORD, as follows:

S. 992

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Veterans Emergency Retraining Act of 1983".

SEC. 2. (a) Part III of title 38, United States Code, is amended by inserting after chapter 39 the following new chapter:

"CHAPTER 40—EMERGENCY RETRAINING ASSISTANCE

"SUBCHAPTER I—PURPOSE; DEFINITIONS

"Sec.

"1920. Purpose.

"1921. Definitions.

"SUBCHAPTER II—ENTITLEMENT AND PERIODS OF ELIGIBILITY

"1930. Entitlement.

"1931. Time limitation.

"1932. Certifications; determinations.

"SUBCHAPTER III—PARTICIPATION AND PAYMENTS

"1940. Applications; approval.

"1941. Payments on behalf of eligible veterans.

"SUBCHAPTER IV—APPROVAL OF PROGRAMS

"1950. Approval of training programs.

"1951. Training establishment.

"1952. Non-qualifying programs of training.

"1953. Relationship to other programs of assistance.

"1954. Suspension of payments.

"1955. Recovery of overpayments.

"SUBCHAPTER V—COORDINATION WITH OTHER AGENCIES

"1960. Coordination with the Department of Labor.

"1961. Coordination with the Small Business Administration.

"1962. Coordination with the Department of Education.

"SUBCHAPTER I—PURPOSE; DEFINITIONS

"§ 1920. Purpose

"It is the purpose of this chapter to provide assistance to veterans who have been unemployed for long periods of time or have job skills that have been rendered obsolete by advances in technology or other industrial changes and who need retraining in sustained-demand skill areas in order to obtain and retain employment.

"§ 1921. Definitions

"For the purposes of this chapter—

"(1) The term 'Assistant Secretary' means the Assistant Secretary of Labor for Veterans' Employment.

"(2) The term 'educational institution' has the same meaning provided in section 1652(c) of this title.

"(3) The term 'eligible veteran' means a veteran who acquired entitlement to educational assistance benefits from the Veterans' Administration under a program enacted by the Servicemen's Readjustment Act of 1944, the Veterans' Readjustment Assistance Act of 1952, or the Veterans Readjustment Benefits Act of 1966 and who—

"(A) is unemployed and has been unemployed, as certified pursuant to section 1932(b) of this title, for at least fifteen of the twenty weeks immediately preceding the date on which application for participation in a training program under this chapter is made, as determined in accordance with criteria used by the Bureau of Labor Statistics of the Department of Labor in defining individuals as unemployed; or

"(B)(i) is unemployed and has been terminated or laid-off from employment and is eligible for or has exhausted entitlement to unemployment compensation; and

"(ii) has no realistic opportunity to return to employment in the same or a similar occupation in the geographical area where the veteran previously held employment.

"(4) The term 'Secretary' means the Secretary of Labor.

"(5) The term 'sustained-demand skill area' means an area of the labor market which, as determined pursuant to section 1932(a) of this title, has a high potential for sustained growth of demand.

"SUBCHAPTER II—ENTITLEMENT AND PERIODS OF ELIGIBILITY

"§ 1930. Entitlement

"(a) Except as provided in subsection (b) of this section, an eligible veteran shall be entitled to participate in a training program in a sustained-demand skill area for a period of up to twelve months.

"(b) A period of participation in a training program may be extended by the Administrator for a period of up to six additional months in the case of a veteran with a service-connected disability rated at 30-percent or more.

"§ 1931. Time limitation

"No retraining assistance shall be paid under this chapter for a training program that commences after the last day of the thirtieth month following the month in which this chapter is enacted.

"§ 1932. Certifications; determinations

"(a) The Secretary (notwithstanding the provisions of section 1960(a) of this title), after consultation with the Administrator, the Secretary of Commerce, the Assistant Secretary, and such other officials of the Department of Labor as the Secretary considers appropriate, shall determine areas in the various regions of the United States of the labor market that constitute sustained-demand skill areas. A list of such areas shall be submitted by the Secretary to the Administrator not later than 30 days after the date of enactment of this chapter and shall be updated by the Secretary as necessary from time to time. The list and any subsequent additions and deletions shall be promptly published by the Secretary in the Federal Register.

"(b) The Secretary shall have the responsibility for certifying that a veteran meets the criteria set forth in clauses (A) and (B) of section 1921(3).

"SUBCHAPTER III—PARTICIPATION AND PAYMENTS

"§ 1940. Applications; approval

"Any eligible veteran who desires to participate in a training program under this chapter shall submit an application to the Administrator which shall specify the training objective to be pursued and shall be in such form, and contain such information, as the Administrator shall prescribe. The Administrator shall approve such application unless the Administrator finds that (1) such veteran is not entitled to have retraining assistance paid on such veteran's behalf, (2) such veteran's selected training program fails to meet any requirement of this chapter, or (3) such veteran is already qualified by reason of previous education, employment, or training for the training objective.

"§ 1941. Payments on behalf of eligible veterans

"(a)(1) Subject to subsection (b) of this section, the Administrator shall make quarterly retraining assistance payments to an employer of an eligible veteran participating in an approved training program under this chapter. Except as provided in paragraph (2) of this subsection, the total amount of such payments shall, during the period of such veteran's training, equal 50 percent of the wages paid by the employer to such veteran or be calculated at an annual rate of $6,000, whichever is the lesser. Such quarterly payments shall be deemed to be in compensation for the extraordinary costs associated with training such veteran under this chapter and in compensation for the costs associated with the reduced productivity of such veteran during the training period.

"(2) Notwithstanding the second sentence of paragraph (1) of this subsection, in the case of an eligible veteran with a service-connected disability rated at 30-percent or more, the total amount of quarterly payments to an employer shall equal 50 percent of the wages paid by the employer to such veteran or be calculated at an annual rate of $9,000, whichever is the lesser.

"(b) Payment under this chapter may not be made on behalf of an eligible veteran to an employer for any quarter until the Administrator has received—

"(1) from the veteran, a certification as to the veteran's actual employment and training with the employer during the preceding quarter; and

"(2) from the employer, a certification as to the veteran's employment by and satisfactory pursuit of a training program provided by the employer during such quarter and the wages paid to the veteran by the employer during such quarter.

"SUBCHAPTER IV—TRAINING PROGRAMS

"§ 1950. Approval of training programs

"(a) A quarterly retraining assistance payment may be made on behalf of an eligible veteran to an employer only if such employer employs such veteran and such veteran is participating in a training program that is provided by such employer and is approved in accordance with the provisions of this chapter.

"(b)(1) Except as provided in paragraph (2) of this subsection, in order for a training program to be approved for the payment of retraining assistance, the employer offering such program shall submit a written application to the Administrator. Such application shall contain a certification—

"(A) of the training objective to be pursued, the total number of hours of training to be provided, and the content of the training program;

"(B) that the wages and benefits to be paid to an eligible veteran participating in such training program are not less than the wages and benefits normally paid by the employer to employees participating in such program;

"(C) that the employer has planned for the employment of the veteran in a position for which the veteran is to be trained and that the employer has no reason to expect that that position will not be available to such veteran at the end of the training period;

"(D) that no currently employed worker will be displaced (including partially displaced, such as through a reduction in non-overtime work hours, wages, or benefits), or laid-off workers prevented from recall, as a result of either the establishment of the training program and the participation of such veteran in such program or the subsequent employment of such veteran;

"(E) that the training content of the program is adequate to qualify an eligible veteran participating in such program generally for a job in the field for whi training is to be provided and specifically for the position for which the veteran is being trained;

"(F) that the field or job for which training is to be provided customarily requires full-time training for a period of not less than six months;

"(G) that the length of the training period under the program is not longer than the length of programs that employers in the community customarily require new employees to complete in order to be competent in such field or job; and

"(H) that records needed to determine compliance with the requirements of this chapter will be maintained by the employer and will be available at reasonable times for examination by authorized representatives of the Federal Government.

"(2) For the purposes of this subsection, approval of a program of apprenticeship or other on-job training for the purposes of section 1787 of this title shall meet all requirements for approval of such program under this chapter.

"§ 1951. Training establishments

"Any employer may enter into an arrangement or agreement with an educational institution that has been approved for the enrollment of veterans under chapter 34 of this title in order that such institution may provide the training program (or a portion thereof) under this chapter. When such an arrangement or agreement has been entered into, the application of the employer shall so state and set forth a description of the training to be so provided.

"§ 1952. Nonqualifying programs of training

"No assistance under this chapter may be paid on behalf of a veteran participating in a program of training—

"(1) for employment in a seasonal, intermittent, or temporary job;

"(2) for employment under which commissions are the primary source of income;

"(3) for employment which involves political or religious activities; or

"(4) if the training program will not be carried out in the United States.

"§ 1953. Relationship to other programs of assistance

"(a) No assistance under this chapter may be paid on behalf of an eligible veteran if—

"(1) such veteran is receiving a monthly training assistance allowance pursuant to section 1787 of this title; or

"(2) the employer is receiving any other form of assistance (including a tax credit) from the Federal Government on account of the training or employment of such veteran.

"(b) In the case of an eligible veteran participating in both a training program under this chapter and a vocational rehabilitation program under chapter 31 of this title, the provisions of section 1508(c)(1) of this title shall apply to the employer to which retraining assistance is payable under this chapter, and the wages and benefits paid to such veterans by such employer shall be considered income paid to the veteran for purposes of such provisions.

"(c) Assistance under chapter 34 or 36 of this title may not be paid to a veteran in connection with such veteran's participation in a training program under this chapter.

"§ 1954. Suspension of payments

"If the Administrator finds that a program of training approved under this chapter fails to meet any of the requirements of this chapter, the Administrator may immediately suspend the payment of retraining assistance on behalf of an eligible veteran participating in such program. The employer and any educational institution conducting, and each eligible veteran participating in, such program shall each be notified immediately of such suspension by a certified or registered letter (return receipt requested).

"§ 1955. Recovery of overpayments

"(a) Whenever the Administrator finds that an overpayment of retraining assistance under this chapter has been made to an employer on behalf of an eligible veteran as a result of the willful or negligent false certification by an employer, the amount of

such overpayment shall constitute a liability of the employer to the United States.

"(b) Whenever the Administrator finds that an overpayment of retraining assistance under this chapter has been made to an employer on behalf of an eligible veteran as a result of the willful or negligent false certification by a veteran, the amount of such overpayment shall constitute a liability of the veteran to the United States.

"(c)(1) Any overpayment referred to in subsection (a) or (b) of this section may be recovered in the same manner as any other debt due the United States.

"(2) Nothing in this section or any other provision of this title shall be construed as precluding the imposition of any civil or criminal liability under this title or any other law with respect to such an overpayment.

"SUBCHAPTER V—COORDINATION WITH OTHER AGENCIES

"§ 1960. Coordination with the Department of Labor

"(a) Except as otherwise permitted in section 1932(a) of this title, the Secretary shall carry out the Secretary's responsibilities under this chapter through the Assistant Secretary.

"(b) The Administrator shall carry out the provisions of this chapter in consultation and coordination with the Secretary, and the Administrator and the Secretary shall jointly conduct an outreach and public information program designed to—

"(1) inform eligible veterans about opportunities for training under this chapter; and

"(2) inform private industry and business concerns (including small business concerns), educational institutions, trade associations, and labor unions of opportunities under this chapter, and to encourage employers and unions to make training programs available for eligible veterans.

"(c) The Secretary, in consultation and cooperation with the Administrator, shall assist veterans and employers desiring to participate under this chapter in making application and completing necessary certifications. In carrying out this responsibility, the Secretary shall use the services of State and Assistant State Directors for Veterans' Employment, disabled veterans' outreach program specialists, and employees of local offices appointed pursuant to sections 2203, 2003A, and 2004 of this title. The Secretary shall also use such resources as are available under title IV-C of the Job Training Partnership Act.

"§ 1961. Coordination with the Small Business Administration

"The Administrator shall request and obtain from the Administrator of the Small Business Administration a listing of small business concerns, particularly new small business concerns in sectors of the economy which have a high potential for sustained demand or growth, and, on a regular basis, update such listings. Such listings shall be used to identify and promote possible training and employment opportunities for eligible veterans.

"§ 1962. Coordination with the Department of Education

"The Administrator, in consultation and cooperation with the Secretary of Education, shall take appropriate actions to advise educational institutions of the opportunities made available to veterans under this chapter and the opportunity for such institutions to enter into agreements or arrangements with employers pursuant to section 1951 of this title.".

(b) The table of chapters at the beginning of such title and at the beginning of part III of such title are each amended by inserting after the item relating to chapter 39 the following new item:

"40. Emergency Retraining Assistance..... 1920".

SEC. 3. The amendments made by this Act shall take effect on October 1, 1983.

By Mr. DURENBERGER:

S. 993. A bill to provide a program of emergency unemployment compensation for areas experiencing high rates of unemployment; to the Committee on Finance.

EMERGENCY UNEMPLOYMENT COMPENSATION ACT OF 1983

● Mr. DURENBERGER. Mr. President, Congress has an obligation to do everything it can to produce a rapid and sustained economic recovery. But while we work for that recovery, we have an equally important obligation to protect the millions of Americans who are out of work through no fault of their own. Last month in the jobs bill and the social security bill Congress took important steps toward putting people back to work and providing additional relief through the supplemental compensation program to those unable to find jobs.

Those actions, however, fail to address a major problem in the extended benefit part of our current unemployment compensation law. Current law treats a State as a single entity when determining eligibility for extended benefits. This ignores the fact that areas within a State—such as Minnesota's Iron Range—may suffer extremely high and prolonged unemployment, despite the fact that the State's overall unemployment rate may be below the "trigger rate" for extended benefits. I am introducing legislation today to correct this problem by permitting States to designate areas within a State as eligible for extended benefits if they meet certain criteria.

My bill would modify the requirements that trigger eligibility for extended unemployment compensation benefits. It would permit States to make high unemployment areas eligible for extended benefits even though the State as a whole does not qualify. To be eligible, an area would have to have an insured unemployment rate (IUR) of 6 percent or higher.

The Secretary of Labor would designate the areas, which generally would have a minimum population of 50,000. A person living or previously working in an area with a 6-percent IUR would be eligible to receive these extended benefits after his or her regular and supplemental benefits are exhausted. As with the present extended benefit program, the cost would be shared equally by the Federal Government and the State.

Minnesota's unemployment situation in the past 9 months dramatically illustrates the need for an area trigger. The State's February total unemployment level, the most recent data available, was 10.4 percent. The IUR was under 5 percent—below the trigger level for extended benefits.

Yet, the unemployment levels in a number of Minnesota counties are staggering. In Lake County the unemployment rate is 25.9 percent—2½ times the national average. In St. Louis County it is 23 percent, and in Itasca County 22.5 percent. Nor is the Iron Range the only part of the State with high unemployment. Elsewhere, the counties of Clearwater, Morrision, Red Lake, Marshall, Roseau, and Koochiching also have high jobless levels.

When I introduced this same bill last year the unemployment rates in these counties were nearly as high but the IUR was only 3.77 percent. Tragically, since that time the unemployment rate in the rest of the State has risen to the point where Minnesota has reached the 5-percent IUR rate for statewide extended benefits. But the simple fact that Minnesotans are now eligible for extended benefits does not obviate the need for this legislation. Areas of the country such as the Iron Range that are undergoing fundamental economic changes will still need protection when other areas are participating more fully in the burgeoning economic revival.

Mr. President, I am not asking the Federal Government to be the sole savior of the unemployed in Minnesota. This must be a concerted effort by all levels of government and the private sector as well. In fact, the State of Minnesota and the private sector have taken steps and are developing more programs to help deal with the Iron Range's crushing unemployment. a number of these programs are long term, designed to solve the problem of the displaced worker. But relocation, retraining, and economic recovery take time. Unless we help—these people will not have the time.

Chronic long-term unemployment is like the stone dropped into a calm pond. The ramifications of long-term unemployment expand like the ripples on the pond, and the cumulative effects are devastating—increased infant mortality, families going hungry, vital medical care foregone, increased child abuse, and battered spouses. These are only some of the ramifications of long-term unemployment.

Mr. President, the supplemental compensation program is providing essential temporary relief, but our system of unemployment compensation will never address the problem of high unemployment pockets without fundamental reform. The people of the Iron Range need it. The people in other high unemployment areas need it. This bill is a first step in the proc-

ess, and I urge its consideration in the near future.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 993

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Emergency Unemployment Compensation Act of 1983".

FEDERAL-STATE AGREEMENTS

SEC. 2. (a) Any State, the State unemployment compensation law of which is approved by the Secretary of Labor (hereinafter in this Act referred to as the "Secretary") under section 3324 of the Internal Revenue Code of 1954, may enter into and participate in an agreement with the Secretary under this Act, if such State law contains (as of the date such agreement is entered into) a requirement that extended compensation be payable thereunder as provided by the Federal-State Extended Unemployment Compensation Act of 1978. Any State which is a party to an agreement under this Act may, upon providing thirty days' written notice to the Secretary, terminate such agreement.

(b) Any such agreement shall provide that the State agency of the State will make payments of emergency compensation—

(1) to individuals who—

(A) have exhausted all rights to regular compensation under the State law and to Federal supplemental compensation under the Federal Supplemental Compensation Act of 1982;

(B) have no rights to compensation (including regular compensation, extending compensation, and Federal supplemental compensation) with respect to a week under such laws or any other State unemployment compensation law or under any other Federal law; and

(C) are not receiving compensation with respect to such week under the unemployment compensation law of Canada,

(2) for any week of unemployment which begins in—

(A) an emergency benefit period (as defined in subsection (c)(2)), and

(B) the individual's period of eligibility (as defined in section 5(a)(2));

except that no payment of emergency compensation shall be made to any individual for any week of unemployment which begins more than two years after the end of the benefit year for which he exhausted his rights to regular compensation.

(c)(1) For purposes of subsection (b)(1)(A), an individual shall be deemed to have exhausted his rights to regular compensation under a State law when—

(A) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to him based on employment or wages during his base period; or

(B) his rights to such compensation have best terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(2) For purposes of subsection (b)(1)(A), an individual shall be deemed to have exhausted his rights to Federal supplemental compensation under the Federal Supplemental Compensation Act of 1982 when—

(A) no payments can be made under such Act because such individual has received all the compensation available in his account established under section 602(e) of such Act;

(B) such individual's period of eligibility under such Act has expired; or

(C) compensation may not be paid under such Act because of the termination date set forth in section 602(f)(2) of such Act.

(3)(A)(i) For purposes of subsection (b)(2)(A), in the case of any area of a State, an emergency benefit period—

(I) shall begin with the third week after a week for which there is an area "emergency on" indicator; and

(II) shall end with the third week after the first week for which there is an area "emergency off" indicator.

(ii) In the case of any area of a State, no emergency benefit period shall last for a period of less than 13 consecutive weeks.

(iii) When a determination has been made that an emergency benefit period is beginning or ending with respect to any area of a State, the Secretary shall cause notice of such determination to be published in the Federal Register.

(B)(i) For purposes of subparagraph (A), there is an area "emergency on" indicator for a week if the rate of insured unemployment in such area for the period consisting of such week and the immediately preceding 13 weeks equaled or exceeded 6 percent.

(ii) For purposes of subparagraph (A), there is an area "emergency off" indicator for a week if the rate of insured unemployment in such area for the period consisting of such week and the immediately preceding 13 weeks is less than 6 percent.

(d) For purposes of any agreement under this Act—

(1) the amount of the emergency compensation which shall be payable to any individual for any week of total unemployment shall be equal to the amount of the regular compensation (including dependents' allowances) payable to him during his benefit year under the State law for a week of total unemployment; and

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall (except where inconsistent with the provisions of this Act or regulations of the Secretary promulgated to carry out this Act) apply to claims for emergency compensation and the payment thereof.

(e)(1) Any agreement under this Act with a State shall provide that the State will establish, for each eligible individual who files an application for emergency compensation, an emergency compensation account with respect to such individual's benefit year.

(2) The amount established in such account for any individual shall be equal to the lesser of—

(A) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to him with respect to the benefit year (as determined under the State law) on the basis of which he most recently received regular compensation; or

(B) 13 times his average weekly benefit amount (as determined for purposes of section 202(b)(1)(C) of the Federal-State Extended Unemployment Compensation Act of 1970) for his benefit year.

The total amount of emergency compensation payable under this Act to any individual shall not exceed the amount in such individual's account.

(f) No emergency compensation shall be payable to any individual under an agreement entered into under this Act for any week beginning before whichever of the following is the later:

(1) the week following the week in which such agreement is entered into, or

(2) the first week which begins after the date of the enactment of this Act.

PAYMENTS TO STATES HAVING AGREEMENTS FOR THE PAYMENT OF EMERGENCY COMPENSATION

SEC. 3. (a) There shall be paid to each State which has entered into an agreement under this Act an amount equal to 50 percent of the emergency compensation paid to individuals by the State pursuant to such agreement.

(b) No payment shall be made to any State under this section with respect to compensation to the extent the State is entitled to reimbursement with respect to such compensation under the provisions of any Federal law other than this Act.

(c) Sums payable to any State by reason of such State's having an agreement under this Act shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this Act for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that his estimates for any prior calendar month were greater or less than the amounts which would have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

FINANCING PROVISIONS

SEC. 4. (a) The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this Act. The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payments to the State in accordance with such certification, by transfers from the funds appropriated pursuant to subsection (b) to the account of such State in the Unemployment Trust Fund.

(b) There are hereby authorized to be appropriated from the general fund of the Treasury, without fiscal year limitation, such sums as may be necessary to carry out the purposes of this Act.

DEFINITIONS

SEC. 5. (a) For purposes of this Act—

(1) the terms "compensation", "regular compensation", "extended compensation", "base period", "benefit year", "State", "State agency", "State law", and "week" shall have the meaning assigned to them under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970;

(2) the term "period of eligibility" means, in the case of any individual, the weeks in his benefit year which begin in an emergency benefit period and, if his benefit year ends within such emergency benefit period, any weeks thereafter which begin in such emergency benefit period;

(3) the term "area" means, with respect to any State—

(A) a labor market area, or part of a labor market area which is located within such State, and

(B) all other parts of such State which are not located within any labor market area;

(4) the term "labor market area" means any area (determined without regard to paragraph (3)) designated by the Secretary

as being a continuous population center with a population of at least 50,000 individuals;

(5) the term "rate of insured unemployment" means the percentage arrived at by dividing—

(A) the average weekly number of individuals who are filing claims for regular compensation for weeks of unemployment with respect to the specified period and whose last employment during their base periods was in the area (as determined on the basis of the reports made by the State agency to the Secretary), by

(B) the average monthly covered employment in the area for the specified period;

(6) the rate of insured unemployment for any 13-week period shall be determined by reference to the average monthly covered employment in the area under the State law for the first four of the most recent six calendar quarters ending before the close of such period; and

(7) determinations with respect to the rate of insured unemployment in any area of a State shall be made by the State agency in accordance with regulations prescribed by the Secretary.

For purposes of any State law which refers to an extension under Federal law of the duration of benefits under the Federal-State Extended Unemployment Compensation Act of 1970, this Act shall be treated as amendatory of such Act.

(b) For purposes of this Act, to the extent that an emergency benefit; period is not in effect in all areas of a State, The determination of an individual's period of eligibility or of whether there is an emergency benefit period applicable to the individual shall be made by reference to the area in which the individual either resides or was last employed during the base period for the benefit year with respect to which such individual most recently received regular compensation.

FRAUD AND OVERPAYMENTS

SEC. 6. (a) If an individual knowingly has made, or caused to be made by another, a false statement of representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received an amount of emergency compensation under this Act to which he was not entitled, such individual—

(1) shall be ineligible for further emergency compensation under this Act in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for regular unemployment compensation; and

(2) shall to subject ot prosecution under section 1001 of title 18, United States Code.

(b)(1) In the case of individuals who have received amounts of emergency compensation under this Act to which they were not entitled, the State is authorized to require such individuals to repay the amounts of such emergency compensation to the State agency, except that the State agency may waive such repayment if it determines that—

(A) the payment of such emergency compensation was without fault on the part of any such individual, and

(B) such repayment would be contrary to equity and good conscience.

The State agency shall return to the Secretary an amount equal to 50 percent of the amount of such repayments.

(2) The State agency may recover the amount to be repaid, or any part thereof, by deductions from any emergency compensation payable to such individual under this Act or from any unemployment compensation payable to such individual under any Federal unemployment compensation law administered by the State agency or under any other Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the three-year period after the date such individuals received the payment of the emergency compensation to which they were not entitled, except that no single deduction may exceed 50 per centum of the weekly benefit amount from which such deduction is made.

(3) No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

c) Any determination by a State agency under subsection (a) or (b) shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.●

By Mr. SYMMS:

S.J. Res. 75. Joint resolution to provide for the designation of June 12 through 18, 1983, as "National Scleroderma Week"; to the Committee on the Judiciary.

NATIONAL SCLERODERMA WEEK

● Mr. SYMMS. Mr. President, I am today introducing a joint resolution authorizing the President to designate the week of June 12 through June 18, 1983, as "National Scleroderma Week."

In the 97th Congress I sponsored a resolution along with Congressman LEON PANETTA designating the week of February 7-13, 1982, as "National Scleroderma Week." That week was the first national recognition of this serious disease, and our resolution to designate a similar week in 1983 will again show concern and encourage further national recognition for better understanding of this problem.

Scleroderma is a painful and debilitating disease that attacks the skin and multiple organs of the body. In its most serious form, scleroderma can strike the esophagus, intestines, lungs, heart, or kidneys, causing fibrosis, inflammation, and atrophy of normal functioning tissues. Two major problems of scleroderma are decreased circulation and increased production of collagen. Localized scleroderma causes hardening and thickening of the skin, particularly of the hands and fingers, along with painful ulcerations.

This disease is estimated to affect 300,000 people in the United States. However, the actual number of cases may be higher because of misdiagnosed cases. Four times as many women as men develop scleroderma during early and middle age.

Unfortunately, the cause of scleroderma is unknown, and there is no permanent cure for the disease. But while there is no specific treatment for scleroderma, various medications and therapies can alleviate the patient's troubling symptoms. Research and studies are being conducted at medical centers throughout the United States, and the outlook is bright.

Lack of focus on this disease, one of the many forms of arthritis, has resulted in a shortage of funding for research into possible cures. At a time when public funding for many worthy causes is scarce, we need to encourage private funding, and I believe a National Scleroderma Week will bring the additional attention to the disease to boost public consciousness about scleroderma, as well as lend comfort to its hundreds of thousands of victims.

I think my colleagues will agree that enactment of this resolution will bring closer the day when a cure is actually found for scleroderma. I urge my colleagues to join me in sponsoring this important resolution.

Mr. President, I ask unanimous consent to have the joint resolution printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 75

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President shall issue a proclamation designating June 12 through 18, 1983, as "National Scleroderma Week", and calling upon the people of the United States to observe such week with appropriate ceremonies and activities.●

By Mr. HEINZ (for himself, Mr. DOLE, and Mr. LEAHY):

S.J. Res. 76. Joint resolution to designate World Food Day; to the Committee on the Judiciary.

WORLD FOOD DAY

● Mr. HEINZ. Mr. President, on behalf of Senator DOLE, Senator LEAHY, and myself, I would like to bring to Senators' attention a draft of the proposed World Food Day resolution for 1983. For the past 2 years, Congress has passed similar joint resolutions and each year this event grows in importance and recognition by Americans attempting to come to grips with the very serious problem of world hunger. In 1983, over 15 million persons will die of hunger in the world. One out of every four children in the developing world will die before the age of 5 due to hunger. A determined effort by the United States and other nations will be required before we can eradicate this terrible problem. Awareness and recognition of the problem, by both lawmakers and the general public, are the first steps toward its resolution. World Food Day, as it steadily becomes an American tradition, contributes to the continued heightening of everyone's awareness. I

hope that all Senators' will consider cosponsoring this important resolution.

Mr. President, I ask unanimous consent that the proposed joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 76

Whereas hunger and chronic malnutrition remain daily facts of life for hundreds of millions of people throughout the world;

Whereas the children of the world are those who are suffering the most serious effects of hunger and malnutrition, with millions of children dying each year from hunger-related illness and disease, and many others suffering permanent physical or mental impairment, including blindness, because of vitamin and protein deficiencies;

Whereas although progress has been made in reducing the incidence of hunger and malnutrition in the United States, certain groups, notably Native Americans, migrant workers, the elderly, and children, remain vulnerable to malnutrition and related diseases;

Whereas the danger posed by malnutrition and related diseases to these groups and to other people is intensified by unemployment and slow rates of economic growth;

Whereas national policies concerning food, farmland, and nutrition require continuing evaluation and should consider and strive for the well-being and protection of all residents of the United States and particularly those most at health risk;

Whereas there is widespread concern that the use and conservation of land and water resources required for food production throughout the United States insure care for the national patrimony we bequeath to future generations;

Whereas the United States has always supported the principle that the health of a nation depends on a strong agricultural foundation based on private enterprise and the primacy of the independent family farm;

Whereas a major global food supply crisis appears likely to occur within the next twenty years unless the level of world food production is significantly increased, and the means for the distribution of food and of the resources required for its production are improved;

Whereas the United States, as the world's largest producer and trader of food, has a key role to play in efforts to assist nations and peoples to improve their ability to feed themselves;

Whereas the United States has a long tradition of demonstrating its humanitarian concern for helping the hungry and malnourished;

Whereas efforts to resolve the world hunger problem are critical to the security of the United States and the international community;

Whereas the Congress of the United States is acutely conscious of the paradox of immense farm surpluses and rising farm foreclosures in America despite the desperate need for food by hundreds of millions of people around the world;

Whereas a key recommendation of the 1980 report of the Presidential Commission on World Hunger was that efforts be undertaken to increase public awareness of the world hunger problem;

Whereas the member nations of the Food and Agriculture Organization of the United Nations designated October 16 of each year as World Food Day because of the need to alert the public to the increasingly dangerous world food situation;

Whereas past observances of World Food Day have been supported by proclamations of the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, and other territories and possessions of the United States, by resolutions of Congress, by Presidential proclamations, by programs of the United States Department of Agriculture and other Government departments and agencies, and by the governments and peoples of many other nations; and

Whereas more than three hundred national private and voluntary organizations plan to participate in World Food Day observances this year: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 16, 1983, is designated "World Food Day". The President is requested to issue a proclamation calling upon the people of the United States to observe that day with appropriate activities to explore ways in which our Nation can further contribute to the elimination of hunger in the world.●

By Mr. DOLE (for himself, Mr. HELMS, Mr. HUDDLESTON, Mr. JEPSEN, Mr. LUGAR, Mr. BOREN, Mr. WILSON, Mrs. HAWKINS, Mr. MELCHER, Mr. BOSCHWITZ, Mr. DIXON, Mr. COCHRAN, Mr. GORTON, AND MR. JACKSON):

S.J. Res. 77. Joint resolution designating "National Animal Agriculture Week"; to the Committee on the Judiciary.

NATIONAL ANIMAL AGRICULTURE WEEK

● Mr. DOLE. Mr. President, the American Society of Animal Science (ASAS) will be celebrating its 75th anniversary at Washington State University from July 26 to 29, 1983. Today, I am pleased to be joined by Senators HELMS, HUDDLESTON, JEPSEN, LUGAR, BOREN, WILSON, HAWKINS, MELCHER, BOSCHWITZ, DIXON, COCHRAN, GORTON, and JACKSON in introducing a joint resolution urging the President of the United States to proclaim the week of July 24–31, 1983, as National Animal Agriculture Week. I understand that the distinguished Congressman from the State of Washington, Mr. FOLEY, is introducing a similar joint resolution in the House. This joint resolution honors the tremendous progress made during the past 75 years by applying scientific principles to the development of animal agriculture and the important role of animal products in our diet.

AMERICAN SOCIETY OF ANIMAL SCIENCE

Mr. President, the American Society of Animal Science was formed in 1908 consisting of 33 charter members for the purpose of disseminating information on research and extension. Today, the society has approximately 7,500 members and is the largest scientific organization serving animal agriculture in the United States and the world. The society provides information to members of the National Cattlemen's Association, the National Pork Producers Council, the National Wool Growers Association, the National Livestock and Meat Board and various other user and consumer organizations.

The ASAS has published the respected Journal of Animal Science since 1942 and was one of the leaders in organizing the Council for Agricultural Science and Technology (CAST). The society promotes several awards to its members in various fields of animal and meat science research, teaching, extension, and service endeavors.

ANIMALS AS FOOD PRODUCTS

The theme of the society's diamond jubilee celebration will be "serving human needs through animal agriculture." Through an outstanding system of research and extension programs, scientists have helped American farmers to provide consumers with nutritious animal-based food products at minimal cost. American consumers spend only 16 percent of their disposable income on food. Foods from animals supply 80 percent of the calcium, 70 percent of the protein, 60 percent of the phosphorus, 35 percent of the energy and important quantities of B vitamins and trace elements in the average consumer's diet. It is important to note that whenever a foreign country desires to improve its standard of living, it increases the amounts of animal proteins in the domestic diet.

It is difficult to imagine the problems that would confront both farmers and consumers without the steady stream of information which our researchers have provided over the past 75 years. We have been able to eradicate or control many diseases which would otherwise have limited our food supply or made food available at enormous cost. Over the past 50 years, farmers have been able to more than triple the amount of animal end products available to consumers. It is estimated that the average American consumes 76 pounds of beef, 56 pounds of pork and 62 pounds of poultry, as well as small amounts of other meats. Today, the 3 percent of our population classified as farmers can feed themselves and the remaining 97 percent of the population, making them the most efficient food producers in the world.

Mr. President, National Animal Agriculture Week will be a way for us to pay tribute to the many important contributions scientists have taken to assist farmers and others involved in animal production and marketing in assuring the public of a healthy, wholesome, and nutritious food supply. While their contributions may not receive the publicity of scientific advances in other fields, we highly value their efforts to increase our

margin of protection against world hunger and to improve our quality of life.

Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 77

Whereas the American Society of Animal Science is celebrating its 75th anniversary in July 1983; and

Whereas its 7,500 members comprise the largest scientific society which provides information through research, extension and teaching to all segments of animal agriculture in the United States and much of the world; and

Whereas the application of scientific information by beef cattle producers has markedly improved the efficiency of beef production and enhanced end-product desirability; and

Whereas foods from animal origin supply 70 percent of the protein, 35 percent of the energy, 80 percent of the calcium, 60 percent of the phosphorous, and important quantities of the "B" vitamins and trace minerals to the average American's diet: Now, therefore, be it

Resolved, That the President of the United States is hereby authorized and requested to issue a proclamation designating the week of July 24 to 31, 1983, as National Animal Agriculture Week to honor the tremendous progress made in the past 75 years by applying scientific principles to animal agriculture production and the role of animal products in our daily life.●

ADDITIONAL COSPONSORS

S. 57

At the request of Mr. SPECTER, the names of the Senator from West Virginia (Mr. BYRD), the Senator from South Dakota (Mr. ABDNOR), and the Senator from Kentucky (Mr. HUDDLESTON) were added as cosponsors of S. 57, a bill to amend title 18 of the United States Code relating to the sexual exploitation of children.

S. 62

At the request of Mr. SASSER, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 62, a bill to provide for the issuance of a commemorative stamp to honor the dedication of the Vietnam Veterans Memorial.

S. 65

At the request of Mr. RANDOLPH, the names of the Senator from Maryland (Mr. MATHIAS), and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 65, a bill to extend the Appalachian Regional Development Act to provide transitional assistance to the Appalachian region.

S. 109

At the request of Mr. SASSER, the name of the Senator from Mississippi (Mr. STENNIS) was added as a cosponsor of S. 109, a bill to amend title 18 of the United States Code to prohibit the robbery of a controlled substance from a pharmacy.

S. 137

At the request of Mr. ROTH, the names of the Senator from North Carolina (Mr. HELMS), the Senator from Texas (Mr. BENTSEN), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Maryland (Mr. MATHIAS), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Iowa (Mr. JEPSEN), and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 137, a bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued.

S. 209

At the request of Mr. INOUYE, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 209, a bill to amend the Controlled Substances Act to establish a temporary program under which heroin would be made available through qualified hospital pharmacies for the relief of pain of cancer patients.

S. 222

At the request of Mr. KASTEN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 222, a bill to repeal the withholding of tax from interest and dividends and to require statements to be filed by the taxpayer with respect to interest, dividends, and patronage dividends.

S. 371

At the request of Mr. SASSER, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 371, a bill to amend the Internal Revenue Code of 1954 to provide for a credit against tax with respect to the employment of certain unemployed individuals.

S. 453

At the request of Mr. BYRD, his name was added as a cosponsor of S. 453, a bill to amend the Tariff Schedules of the United States to impose a one-tenth of 1 percent duty on apple and pear juice.

S. 508

At the request of Mr. LAXALT, the names of the Senator from Utah (Mr. GARN), the Senator from Minnesota (Mr. BOSCHWITZ), and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 508, a bill to exempt entities receiving financial assistance from the Rural electrification Administration from fees under the Federal Land Policy and Management Act of 1976.

S. 533

At the request of Mr. DOMENICI, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 533, a bill to provide governmental units with the option of issuing taxable bonds to fund public investments.

S. 591

At the request of Mr. INOUYE, the names of the Senator from Nebraska (Mr. ZORINSKY), the Senator from Illinois (Mr. DIXON), and the Senator from Arkansas (Mr. BUMPERS) were added as cosponsors of S. 591, a bill to amend the Internal Revenue Code of 1954 to provide a mechanism for taxpayers to designate $1 of any overpayment of income tax, and to contribute other amounts, for use by the U.S. Olympic Committee.

S. 617

At the request of Mr. STENNIS, the name of the Senator from Michigan (Mr. RIEGLE) was added as a cosponsor of S. 617, a bill to promote the use of energy-conserving equipment and biofuels by the Department of Defense, and for other purposes.

S. 647

At the request of Mr. BYRD, the name of the Senator from Illinois (Mr. DIXON) was added as a cosponsor of S. 647, a bill to amend the Trade Act of 1974 to insure fair trade opportunities, and for other purposes.

S. 657

At the request of Mr. DOLE, the names of the Senator from Wisconsin (Mr. PROXMIRE), and the Senator from Minnesota (Mr. DURENBERGER) were added as cosponsors of S. 657, a bill to amend the Animal Welfare Act to insure the proper treatment of laboratory animals.

S. 663

At the request of Mr. ARMSTRONG, the name of the Senator from New Hampshire (Mr. RUDMAN) was added as a cosponsor of S. 663, a bill to prohibit the payment of certain agriculture incentives to persons who produce certain agricultural commodities on highly erodible land.

S. 733

At the request of Mr. DOMENICI, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 733, a bill to amend the Internal Revenue Code of 1954 to extend the period for issuance of qualified mortgage bonds through 1990.

S. 749

At the request of Mr. HEINZ, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 749, a bill to improve worker training under the Trade Act of 1974, and for other purposes.

S. 752

At the request of Mr. ARMSTRONG, the name of the Senator from Arizona (Mr. GOLDWATER) was added as a cosponsor of S. 752, a bill to authorize certain additional measures to assure accomplishment of the objectives of title II of the Colorado River Basin Salinity Control Act, and for other purposes.

S. 764

At the request of Mr. SASSER, the name of the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 764, a bill to assure the continued protection of the traveling public in the marketing of air transportation, and for other purposes.

S. 768

At the request of Mr. STAFFORD, the name of the Senator from Minnesota (Mr. BOSCHWITZ) was added as a cosponsor of S. 768, a bill to amend the Clean Air Act.

S. 771

At the request of Mr. HATCH, the names of the Senator from Maine (Mr. COHEN), the Senator from Indiana (Mr. QUAYLE), the Senator from North Dakota (Mr. ANDREWS), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Colorado (Mr. HART), and the Senator from Montana (Mr. MELCHER), were added as cosponsors of S. 771, a bill to revise and extend provisions of the Public Health Service Act relating to health promotion and disease prevention, to provide for the establishment of centers for research and demonstrations concerning health promotion and disease prevention, and for other purposes.

S. 772

At the request of Mr. HATCH, the name of the Senator from Massachusetts (Mr. TSONGAS) was added as a cosponsor of S. 772, a bill to promote public health by improving public awareness of the health consequences of smoking and to increase the effectiveness of Federal health officials in investigating and communicating to the public necessary health information, and for other purposes.

S. 870

At the request of Mr. ARMSTRONG, the names of the Senator from Georgia (Mr. MATTINGLY), the Senator from Florida (Mrs. HAWKINS), the Senator from Iowa (Mr. JEPSEN), the Senator from South Carolina (Mr. THURMOND), and the Senator from Minnesota (Mr. DURENBERGER) were added as cosponsors of S. 870, a bill entitled "The Federal Contractor Employees Flexitime Bill."

S. 880

At the request of Mr. PRESSLER, the name of the Senator from North Dakota (Mr. ANDREWS) was added as a cosponsor of S. 880, a bill to amend the Communications Act of 1934 to provide equity to daytime radio broadcasters.

S. 902

At the request of Mr. ROTH, the names of the Senator from Maine (Mr. COHEN), and the Senator from Tennessee (Mr. SASSER) were added as cosponsors of S. 902, a bill to amend title 31, United States Code, and section 1961 (1) of title 18, United States Code, to improve enforcement, and for other purposes.

S. 920

At the request of Mr. DOMENICI, the name of the Senator from Utah (Mr. GARN) was added as a cosponsor of S. 920, a bill to make the Grazing Advisory Boards established under the Federal Land Policy Management Act of 1976 permanent.

S. 964

At the request of Mr. HATCH, the names of the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Ohio (Mr. GLENN), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 964, a bill to require the Secretary of Health and Human Services to arrange for the conduct of a study with respect to the use of live animals in biomedical and behavorial research.

SENATE JOINT RESOLUTION 41

At the request of Mr. STAFFORD, the names of the Senator from South Dakota (Mr. ABDNOR), the Senator from Kentucky (Mr. FORD), the Senator from Virginia (Mr. TRIBLE), the Senator from California (Mr. WILSON), the Senator from Florida (Mrs. HAWKINS), the Senator from Maryland (Mr. SARBANES), the Senator from Texas (Mr. BENTSEN), and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of Senate Joint Resolution 41, a joint resolution to authorize and request the President to designate the week of April 10, 1983, through April 16, 1983, as "National Education for Business Week."

SENATE JOINT RESOLUTION 66

At the request of Mr. INOUYE, the names of the Senator from South Carolina (Mr. THURMOND), and the Senator from Hawaii (Mr. MATSUNAGA) were added as cosponsors of Senate Joint Resolution 66, a joint resolution to authorize and request the President to designate May 6, 1983, as "National Nurse Recognition Day."

SENATE JOINT RESOLUTION 69

At the request of Mr. PRESSLER, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of Senate Joint Resolution 69, a joint resolution to provide for the establishment of a cooperative effort between the U.S. Government and the U.S. Soccer Federation in bringing the World Cup to the United States in 1986.

SENATE JOINT RESOLUTION 73

At the request of Mr. THURMOND, the name of the Senator from North Carolina (Mr. EAST) was added as a cosponsor of Senate Joint Resolution 73, a joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer.

SENATE CONCURRENT RESOLUTION 11

At the request of Mr. MITCHELL, the names of the Senator from Rhode Island (Mr. PELL), the Senator from Delaware (Mr. BIDEN), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from Vermont (Mr. LEAHY), the Senator from New Jersey (Mr. BRADLEY), the Senator from New York (Mr. D'AMATO), the Senator from Kentucky (Mr. HUDDLESTON), and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of Senate Concurrent Resolution 11, a concurrent resolution expressing the sense of the Congress concerning the obligations of the Government of the Soviet Union under international law with respect to human rights.

SENATE RESOLUTION 72

At the request of Mr. KENNEDY, the name of the Senator from Texas (Mr. BENTSEN) was added as a cosponsor of Senate Resolution 72, a resolution to assure Israel's security, to oppose advance arms sales to Jordan, and to further peace in the Middle East.

SENATE RESOLUTION 95

At the request of Mr. DOLE, the names of the Senator from Nebraska (Mr. ZORINSKY), the Senator from Iowa (Mr. JEPSEN), the Senator from Oklahoma (Mr. BOREN), the Senator from North Carolina (Mr. HELMS), the Senator from Montana (Mr. MELCHER), the Senator from Indiana (Mr. LUGAR), the Senator from Illinois (Mr. DIXON), the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from Texas (Mr. BENTSEN), the Senator from South Dakota (Mr. ABDNOR), the Senator from Georgia (Mr. MATTINGLY), the Senator from Idaho (Mr. MCCLURE), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Montana (Mr. BAUCUS), the Senator from New Mexico (Mr. DOMENICI), the Senator from Nebraska (Mr. EXON), the Senator from North Dakota (Mr. ANDREWS), the Senator from Oklahoma (Mr. NICKLES), the Senator from South Dakota (Mr. PRESSLER), the Senator from Florida (Mrs. HAWKINS), the Senator from Washington (Mr. GORTON), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Texas (Mr. TOWER), and the Senator from Missouri (Mr. DANFORTH) were added as cosponsors of Senate Resolution 95, a resolution to express the sense of the Senate that the President should initiate negotiations on a new long-term agreement on agricultural trade with the Soviet Union.

STATEMENT BY SENATOR BOB DOLE

● Mr. DOLE. Mr. President, on March 21, the distinguished chairman of the Foreign Relations Committee, Senator PERCY, submitted Senate Resolution 95, calling for the President to initiate negotiations on a new long-term agreement on agricultural trade with the Soviet Union.

In the past 2 weeks, 25 of our colleagues have agreed to cosponsor Senate Resolution 95, which we hope to bring to the floor in mid-April. We greatly appreciate this strong and bipartisan support for a measure that

seeks to restore the United States as a principal supplier of farm products to the Soviet Union.

I ask unanimous consent that the following Members of the Senate be added as cosponsors of Senate Resolution 95: Senators ZORINSKY, JEPSEN, BOREN, HELMS, MELCHER, LUGAR, DIXON, BOSCHWITZ, BENTSEN, ABDNOR, MATTINGLY, MCCLURE, DURENBERGER, BAUCUS, DOMENICI, GRASSLEY, EXON, ANDREWS, NICKLES, PRESSLER, HAWKINS, GORTON, MATSUNAGA, TOWER, and DANFORTH.

Mr. President, I would also like to express my appreciation to Senators ZORINSKY, JEPSEN, and BOREN for their leadership in the Agriculture Committee on the issue of restoring United States-Soviet agricultural trade relations. Each of these Senators has worked diligently in the last 3 years to overcome the negative effects of past embargoes, and to restore the reputation of the United States as a reliable supplier to all foreign markets.

In February, a proposal by the Senator from Nebraska was included in the Agriculture Committee's export bill calling for immediate resumption of talks leading to a new long-term agreement. Senator JEPSEN sponsored similar language in the export bill last December, and has joined me on two occasions for talks with Soviet Ambassador Dobrynin on trade issues of mutual interest. My distinguished colleague on both the Agriculture and Finance Committees, Senator BOREN, has been persuasive in his support for initiatives to expand and maintain U.S. access to this key market.

Other Senators have also made valued contributions to this effort, as my distinguished colleague from Illinois is fully aware. We hope that, in addition to our fellow cosponsors, other Members will support Senate Resolution 95 in order to strengthen our commitment toward reestablishing agricultural trade between our country and the Soviet Union.●

AMENDMENTS SUBMITTED FOR PRINTING

DEPARTMENT OF STATE AUTHORIZATION

AMENDMENT NO. 543

(Ordered to be printed and referred to the Committee on Foreign Relations.)

Mr. PERCY (by request) submitted an amendment intended to be proposed by him to the bill (S. 660) to authorize appropriations for fiscal years 1984 and 1985 for the Department of State.

● Mr. PERCY. Mr. President, by request, I introduce for appropriate reference an amendment to S. 660, the State Department authorization bill, which would provide adequate security for diplomatic and consular officials of Foreign Missions within the United States.

This amendment was requested by the Department of State and I am introducing it in order that there may be a specific amendment to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this amendment when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the amendment be printed in the RECORD at this point, together with a section-by-section analysis of the amendment and the letter from the Acting Assistant Secretary of State for Congressional Relations to the President of the Senate dated March 31, 1983.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 543

Add the following:

PROTECTIVE SERVICES

SEC. 107. In addition to the amounts authorized to be appropriated by section 102 of this Act, there are authorized to be appropriated to the Secretary of State $6,000,000 for the fiscal year 1984 and $6,300,000 for the fiscal year 1985 for the provision of protective services directly or by contract in locations for which funds are not otherwise appropriated to provide such services, to the extent deemed necessary by the Secretary pursuant to the Foreign Missions Act of 1982, except that amounts authorized hereby will not be subject to the provisions of section 208(h) thereof.

U.S. DEPARTMENT OF STATE,
Washington, D.C., March 31, 1983.

Hon. GEORGE BUSH,
President of the Senate,
U.S. Senate

DEAR MR. PRESIDENT: There is transmitted herewith a proposed amendment to the Department of State authorization bill transmitted to the Congress on March 1. This amendment would authorize appropriations for fiscal years 1984 and 1985 for the Department of State to provide directly or by contract protective security for diplomatic and consular officials of Foreign Missions within the United States.

The United States Government has an obligation under existing international agreements to assure adequate security for foreign diplomatic and consular personnel and missions conducting official activities within the United States. Importantly, the provision of such security affects the ability of the United States to obtain adequate security for our personnel and missions abroad, in accordance with reciprocity between nations.

The increasing level of terrorism, and threats of terrorism, against foreign diplomatic and consular officials and missions in the United States is a matter of serious concern and has led the Department to propose that the Federal Government be authorized to take additional steps to carry out our obligations under the Vienna Conventions and other international agreements.

While it is the responsibility of the several states to provide equal protection of the law to all persons within their jurisdiction, including foreign officials, special levels of protection required for this purpose may in some cases exceed local police resources. The threats and attacks against foreign diplomatic and consular missions and officials in some cases have required extraordinary measures to protect them. When the Secretary of State decides that such extraordinary steps are necessary to meet our international obligations, it is important that the Federal Government be authorized to obtain urgently additional security protection or assist the several states to do so.

Congress has approved the Foreign Missions Act of 1982 (Public Law 97-241) which authorizes protective security measures for foreign diplomatic and consular missions. The Department has carefully reviewed that Act and has concluded that it provides adequate substantive authority to carry out the security obligations of the United States under the Vienna Conventions and other international agreements.

This Act does not, however, provide an authorization for funds to pay for protective services. Accordingly, the Department is requesting authorization of funds to permit payment for extraordinary protective security under the Foreign Missions Act. The budget submission for fiscal year 1984 already includes a request for $6 million to pay for protective security.

The Department has been informed by the Office of Management and Budget that there is no objection to the presentation of this proposed amendment to the Congress and that its enactment would be in accord with the program of the President.

Sincerely,

ALVIN PAUL DRISCHLER,
Acting Assistant Secretary
for Congressional Relations.

SECTION-BY-SECTION ANALYSIS

SECTION 107—PROTECTIVE SERVICES

Congress has approved the Foreign Missions Act of 1982 (Public Law 97-241) which authorizes protective security measures for the protection of foreign diplomatic and consular missions. The Department has carefully reviewed that Act and has concluded that it provides adequate substantive authority to carry out the security obligations of the United States under the Vienna Conventions and other international agreements.

This Act does not, however, provide an authorization for funds to pay for protective services. Accordingly, the Department is requesting authorization of funds for fiscal years 1984 and 1985 to permit payment for extraordinary protective security under the Foreign Missions Act. The budget submission for fiscal year 1984 already includes a request for $6 million to pay for protective security.●

IMMIGRATION REFORM

AMENDMENT NOS. 544 AND 545

(Ordered to be printed and referred to the Committee on the Judiciary.)

Mr. CHILES submitted two amendments intended to be proposed by him to the bill (S. 529) to revise and reform the Immigration and Nationality Act, and for other purposes.

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. WEICKER. Mr. President, I would like to announce that the Senate Small Business Committee will conduct a full committee hearing on S. 742, S. 743, S. 744, and S. 745, bills to amend the Small Business Act of 1958, on April 13, 1983, at 10 a.m., in room 428A, Senate Russell Office Building. For further information, please contact Bob Wilson of the committee staff at 224-5175.

Mr. President, I would like to announce that the Senate Small Business Committee will conduct a full committee hearing on the nomination of Mary F. Wieseman, to be Inspector General of the Small Business Administration, on April 13, 1983, at 2 p.m. in room 428A, Senate Russell Office Building. For further information, please contact Mike Haynes of the committee staff at 224-5175.

Mr. President, I would like to announce that the Senate Small Business Committee's Subcommittee on Urban and Rural Economic Development will conduct a hearing on "Proposals to Foster Jobs Creation Through Small Business" on April 20, 1983, at 9:30 a.m. in room 428A, Senate Russell Office Building. For further information, please contact Steve Williams of the committee staff at 224-5175. Senator D'AMATO will chair.

Mr. President, I would like to announce that the Senate Small Business Committee's Subcommittee on Small Business: Family Farm, will conduct a day-long meeting on "Critical Issues Facing Family Farm Owners" on April 27, 1983, beginning at 10:30 a.m. in room 428A, Senate Russell Office Building. For further information, please contact John McNamara of the committee staff at 224-5175.

ADDITIONAL STATEMENTS

ACTION NEEDED ON COAL PORT DEVELOPMENT

● Mr. RANDOLPH. Mr. President, changing economic conditions require new solutions to problems which have been with us for years. On March 21 I joined with Senators HATFIELD, BYRD, WARNER, THURMOND, MATTINGLY, FORD, and TRIBLE in introducing legislation to bring about needed harbor improvements in this country. Hearings have been requested before the Environment and Public Works Committee, of which I am the ranking minority member.

Other Senators are intensely concerned about port development. On April 5, Senator MOYNIHAN introduced legislation to authorize harbor improvements.

The legislation of which I am a sponsor provides assured funding for port maintenance and construction. Funds would come from user fees and customs revenues.

Many ports have found it necessary to delay important construction activities which would be designed to make more efficient use of the worldwide shipping fleet. A lack of adequate depth exists at many ports. Coal for export from West Virginia moving through the Port of Norfolk when worldwide demand increases could not be handled efficiently if the current dimensions of the port and its channels are not improved by the Corps of Engineers.

The measure calls for the establishment of a national port system trust fund from which funds could be drawn by the corps for all types of work. The revenue to this fund is based on a compromise which attempts to treat both large and small ports in an equitable manner.

With the present recession in our national economy and the severe funding constraints imposed on the Federal Government as a result, traditional general revenues for corps activities at our ports are no longer available. This legislation retains Federal involvement but increases the contribution of local port authorities for maintenance and construction activities.

Navigation improvements which will result from the passage of this measure will mean that American goods can move in a more effective and competitive manner. A modern port system is necessary for the continued growth of our exports and to reverse our serious import imbalance. This legislation will make American coal a viable force in the international market.●

IOWAN HEADS NATIONAL TRUCKING ASSOCIATION

● Mr. GRASSLEY. Mr. President, I am pleased to call to the attention of my colleagues in the Senate the fact that Mr. Robert J. Molinaro, president of Warren Transport in Waterloo, Iowa, was elected president last week of the Common Carrier Conference—irregular route. I have known Bob since we were college classmates together. He has literally worked his way to the top.

The conference, an affiliate of the American Trucking Associations, represents some 550 trucking companies and 75 supplier companies throughout the country.

The new president, who resides in Waterloo with his lovely wife, Mary Ellen, held numerous positions with Warren before becoming president of the company in 1976. Additionally, he has held many positions in the conference, the ATA, the Iowa Motor Truck Association and the Machinery Haulers Association.

In civic affairs, he has been a member of the Waterloo Airport Commission and a member of the boards of directors of St. Francis Hospital, the YMCA, the chamber of commerce and the People's Bank & Trust Co.

The conference has chosen well, and I am pleased that Mr. Molinaro's abilities have been recognized by his peers in the trucking industry. I am proud to call him a friend and wish him the best in his new leadership role.●

THE WAVERLY, NEBR., HIGH SCHOOL BAND

● Mr. ZORINSKY. Mr. President, a wise man once said that music is "the only language in which you cannot say a mean or sarcastic thing." I would like to draw my colleagues' attention to a group of young people for whom the language of music is not only that, but a ticket to the Nation's Capital as well.

I speak, Mr. President, of the 97 members of the Waverly, Nebr., High School Band. Along with 2 directors and 10 sponsors, the 97 students will be in Washington over the Memorial Day weekend to compete in the Festival of the Nations and also learn more about their Federal Government.

In the festival, sponsored by International Music Festivals, the Waverly group will compete against similar-sized units from across the country. And, if the past is any indication, the Waverly students will fare very well indeed. In recent years, they have won awards in competitions held everywhere from Lincoln, Nebr., to Winnipeg, Canada.

Still, the planned trip here is the most ambitious project ever undertaken by the band. The journey is costing each participant $400 and fundraising to cover the expenses has been under way for months.

Projects have included selling pizza kits, a soup supper and concert, raffles, a style show, key tag and wall poster sales and many other individual efforts. Bob Maag, in his 25th year as director of the band, reports that roughly $32,000 of the total $40,000 needed for the trip now is in hand and that more fundraising activities are planned this month and next.

"There will be high calibre competition (at the Festival) and it should be a real challenge," Bob told the Waverly News some time ago, adding that the trip also will give his students a better understanding of how their Government works; 3 days of the total 5 day trip have been set aside for sightseeing and tours around the city.

Mr. President, by combining their musical talents with the fundraising ingenuity needed to make their trip a reality, the members of the Waverly High School Band are a shining example to us all. Their enthusiasm, their spirit and their interest in their government are deserving of four highest

accolades. I know my colleagues will want to join me in congratulating these young people and wishing them well both in their remaining fundraising activities and during their trip here next month.●

S. 724—JOBS FOR AMERICA

● Mr. STAFFORD. Mr. President, the Committee on Environment and Public Works will hold hearings on April 11, 12, and 18 on S. 724, as well as three other important bills involving jobs and infrastructure—S. 23, S. 532, and S. 871.

Prior to the date Senator RANDOLPH and I introduced S. 724, the committee conducted 3 days of hearings on the infrastructure/jobs issue. Following those hearings, I asked the Congressional Research Service to prepare a brief summary of the testimony.

Mr. President, in an effort to keep my colleagues up to date on our work in the Committee on Environment and Public Works, I ask that a copy of that CRS summary, together with a copy of a recent column on our crumbling infrastructure by Jack Anderson, be printed at this point in the RECORD.

The material follows:

INFRASTRUCTURE NEEDS, POLICY OPTIONS AND PROPOSALS: SUMMARY AND REVIEW OF TESTIMONY BEFORE THE SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS HEARINGS ON INFRASTRUCTURE/JOBS JANUARY 28, FEBRUARY 2, FEBRUARY 3, 1983

(By Charlotte Breckenridge, Analyst in Regional Economics)

OPENING STATEMENT OF SENATOR ROBERT T. STAFFORD, COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS HEARING ON INFRASTRUCTURE/JOBS, JANUARY 28, 1983

The hearing will come to order.

It is a great honor to welcome this distinguished panel of Mayors to our hearing this afternoon.

This hearing is the first in a series that will be conducted by the Committee on Environment and Public Works on the issues of infrastructure and jobs. We have scheduled additional hearings next Wednesday and Thursday.

Following these preliminary hearings, it is my intention to draft legislation for introduction later in February. The Committee will resume hearings on that bill, and related legislation, as soon as possible, with the hope that we will be in a position to report legislation to the Senate around Easter.

Before turning to my colleagues, I want to recognize that some of our witnesses may, in the past, have been critical of some of the policies that members of this Committee have supported.

I do not believe that our witnesses today, or later, should be considered in any way hostile. If we are to solve problems confronting our nation, we must work together in a spirit of bipartisanship. Rural states must work with the big cities. The problems of Detroit relate directly to the problems of Tucson. Pittsburgh cannot solve its problems without the help of Peoria, and vise versa.

I say that in an effort to encourage each of our witnesses, as well as everyone interested in this issue, to be as constructive as possible. We must work together on solutions, not the casting of blame.

This Committee cannot establish defense spending levels or alter tax policy. But we are in a position to determine how to improve roads, dams, public buildings, sewers, and water systems in America—the taproot of urban life. We are also in a position to encourage and foster jobs programs, to help those among us who have been out of work to become productive again.

It is unlikely that we can accomplish this goal simply by throwing money at the problem. Rather, we must find better ways to spend the limited money we have to meet public works needs, while simultaneously cutting into the unemployment problem.

We look to our witnesses for help in finding those solutions, for discovering some practical answers to some very practical challenges.

Thank you.

WITNESS LIST, INFRASTRUCTURE/JOBS HEARING

Panel of mayors

1. Richard Caliguiri, Pittsburgh.
2. Hernan Padilla, San Juan.
3. Charles Royer, Seattle.
4. Kathy Whitmire, Houston.
5. Coleman A. Young, Detroit.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS FEBRUARY 2, 1983

Witness list

1. The Honorable William Donald Schaefer, Mayor of Baltimore.
2. Peter C. Goldmark, Jr., Executive Director of the The Port Authority of New York and New Jersey.
3. Nancy Neuman, First Vice President, League of Women Voters of the United States, accompanied by Jane Fleming, Betty Jean Hall, and Marcia Greenberger.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS, FEBRUARY 3, 1983

Witness list

1. The Honorable Thomas Kean, Governor of New Jersey.
2. The Honorable Arlen Specter, United States Senator.
3. Panel of Economists:

Richard P. Nathan, Professor of Public and International Affairs, Princeton, University.

George E. Peterson, Director, Public Finance Center, Urban Institute.

Robert J. Vaughan, Senior Fellow, Gallatin Institute.

INFRASTRUCTURE NEEDS' POLICY OPTIONS AND PROPOSALS: SUMMARY AND REVIEW OF TESTIMONY BEFORE THE SENATE COMMITTEE ON ENVIRONMENT

The following highlights present the major policy options mentioned in testimony before the Senate Committee on Environment and Public Works in its hearings on Infrastructure/Jobs, January 28 and February 2 and 3, 1983. Following the policy options, are arguments which were presented for selected options; summaries of testimony by the Mayors and other witnesses; and other relevant points. The testimony reflects differences of opinion as to the effectiveness of combining infrastructure and jobs programs, the job creation effects of infrastructure programs, and the usefulness of emergency public works programs. In general (but not unanimously) the Mayors believe emergency public works legislation to be helpful, whereas Messrs. Vaughn and Peterson question this approach.

Policy options to meet infrastructure needs

Reducing use of public funds to subsidize private sector investments, such as funds raised through public tax-exempt bonds for private purposes. (Vaughn.)

Shifting a larger share of the costs of public infrastructure onto private corporations, especially the costs of those facilities associated with large-scale projects. (Vaughn.)

Raising some taxes to increase the level of spending on public works. (Vaughn.)

Allowing State and local governments the option to issue taxable bonds for public infrastructure projects that would receive a direct Federal subsidy of 35 percent of the interest costs, from the U.S. Treasury. The net cost of this subsidy would be negligible because taxes on the bond holders would cover the cost. This option could be offered to States and localities as an entitlement, in exchange for increased State assumption of responsibilities. The subsidies must be funded from the proceeds of the sale of Federal bonds, not from direct budget appropriations which would make them vulnerable to the vagaries of the annual appropriation process. Reliance on Federal appropriations would create uncertainty and deter rational long-term planning by State and local governments. (Vaughn.) (Mayor Caliguri also favors long-term, low interest State and local bonds.)

Rationalizing allocation of capital financing responsibilities among Federal, State, and local governments, decentralization responsibility for public capital investments (accompanied by Federal assumption of income maintenance costs). Full Federal funding leads to poor project selection, and anticipation of Federal aid deters prudent maintenance. (Vaughn.)

Establishing State Infrastructure Banks that would pool State and Federal resources, especially for water and sewer and interstate highway projects. All Federal categorical grants related to water (including Corps of Engineers) should be available to these banks. A Federal Infrastructure Bank would only add another bureaucratic layer. (Vaughn.)

Making Federal grants available to establish state infrastructure banks. An amendment to the Clean Water Act has been drafted, which would allow States to make loans instead of grants with their annual funding allocations. New Federal public works/infrastructure legislation could include provisions to capitalize State institutions such as the New Jersey Infrastructure Bank, a proposed Bank which could serve as a prototype for other States. (Kean.)

Establishing a Federal Infrastructure Bank which could lend funds at subsidized rates. (Peterson.)

Encouraging States to conduct their own assessments of capital needs. A nation-wide inventory of local capital stock condition is beyond the capacity of the Federal government to carry out. Even if it were possible, it would be less valuable than creating and supporting the capacity of States to conduct their own assessments. (Peterson.)

Conducting a national public works inventory (provided for in the Surface Transportation Assistance Act of 1982 with $3 million authorized and appropriated), and preparing a national investment plan. (Goldmark.)

Establishing a Federal Capital Budget. (Goldmark.)

Federal coordinating of planning and budgeting procedures through the State governments. (Vaughn.)

Relying less on categorical grants, and more on block grants. (Peterson, Padilla.)

Streamlining Federal permit-issuing processes where State and local governments elect to complete capital programs without Federal assistance, such as dredging for port development. (Goldmark.)

Acceleration of pure infrastructure research in engineering, economics and finance. (Goldmark.)

"Pros" for a Federal capital budget (Goldmark):

The Capital Budget would: Facilitate setting goals and priorities on infrastructure programs; help determine responsibilities for infrastructure systems among the various levels of government; help promote the use of more capital planning at the State and local levels.

"Pros" for State infrastructure banks (Kean):

The Banks would: (1) leverage public financial resources; (2) provide the State with a reliable, continuing source of funds for long-term infrastructure investment; (3) minimize the local impact of changes in State funding procedures; (4) decrease the State's reliance on general obligation debt to finance capital expenditures.

"Pros" for Federal interest subsidies of taxable bonds (Vaughn):

Exemption of interest from personal income taxes is unnecessarily expensive. As much as one-third of the revenues lost to the Treasury are essentially subsidies to high-income individuals. A direct subsidy could be designed that would be cheaper in terms of revenues lost, and that would provide a greater borrowing subsidy to State and local governments.

A taxable bond would compete in a much broader capital market than a tax-exempt bond, and would therefore make it easier to market public debt.

The taxable bond market is more stable than the tax-exempt market, offering the public sector the opportunity for more stable long-term financing.

Highlights of testimony of mayors and other witnesses

Mayor Richard S. Caliguri, Pittsburgh—January 28, 1983:

There is no question we have to move quickly to get building before a disaster occurs. The Job creating effects of public works can be very significant in the long term. To accomplish this objective we must provide the financial foundation for a stable, predictable market for public works projects in the United States. Only the existence of such a market will encourage our basic industries to invest in new equipment and technology. These investments will yield jobs, lower prices for roads, bridges and pipes, and will reduce the potential inflationary impact of public works expenditures. A one-shot program is unlikely to yield the much needed private investment that a stable market would yield.

The city has identified bridge, street, and sewer system needs totaling $133.8 million. In addition, locks and dams in western Pennsylvania are deteriorating, with no relief in sight, although more tonnage passes along Point Park each year than travels through the Panama Canal. How do we address these needs?

(1) Lobby for appropriations of the Surface Transportation Act of 1982, authorized levels,

(2) Make available long-term low interest bond financing for State and local governments,

(3) Reduce the pressing back-log of public works quickly, to avoid crisis and facilitate economic recovery, through a temporary grant program,

(4) Find a simple allocation mechanism which enables each region to define its own priorities, and

(5) Cut across intergovernmental and jurisdictional boundaries when necessary. Programmatic barriers between different Federal and State programs may have to be broken down further.

Mayor Dianne Feinstein, San Francisco—January 28, 1983:

If funded by a Public Works Jobs bill, San Francisco has a project that could put 550 San Franciscans back to work soon, as well as spur economic development at Fisherman's Wharf and ultimately create 1,000 permanent jobs. The project is a breakwater to protect Fisherman's Wharf from the wave action generated by the ocean passageway at the Golden Gate Bridge. The San Francisco Port has expansive plans for revitalization of the Wharf but they depend on imminent construction of a breakwater.

Honorable Herman Padilla, Major of San Juan—January 28, 1983:

We estimate that in the short-term, the city of San Juan will require a minimum of $10 million of investment to merely maintain and repair current infrastructure. In addition, we estimate $30 million is needed over the next 5 to 10 years to support infrastructure for newly developing areas of the city.

To be most effective, I believe the limited Federal resources must be targeted directly to major urban centers with unemployment rates exceeding 10 percent. A block grant format similar to HUD's Community Development Block Grants—would be one way. It should allow maximum flexibility to local governments.

Funds should be granted directly to large cities without the impediments and delays caused by funneling funds through State governments. While enterprise zones have merit, alone they are not the answer.

Mayor Charles Royer, Seattle—January 28, 1983, (President, National League of Cities):

This discussion of infrastructure needs is necessary regardless of the unemployment situation. Over the last two years we have documented over $200 million in existing deficiencies in our roads, bridges, traffic signals, fire stations, office buildings, parks, and libraries. In addition, we face an additional $200–$300 million in improvements to provide new service for our changing economic base. (Revenue bonds are financing our utility systems.)

The maintenance, to prevent future backlogs, requires a commitment by Federal, State and local elected officials to dedicate funds for capital maintenance, repair, and replacement on an ongoing basis.

SOURCES OF SEATTLE'S CAPITAL IMPROVEMENT FUNDS

[Percent]

	Local	State	Federal
1970	75	19	2.9
1983	71	6	23.0

This fall we will ask for a bond issue of approximately $90 million for our highest priority renovation needs. We anticipate Federal and State assistance to fund the additional $120 million.

The $6 billion Local Public Works program is a good example of the type of public works program needed today. Disbursement of funds was relatively quick. Within three years, 90 percent of the funds had been disbursed, the funds were not spent by local jurisdictions as quickly as some critics would have liked. Today, Seattle is prepared to spend the funds almost immediately.

The Federal government could assist the cities with their infrastructure problems by providing additional manpower for routine maintenance and minor repairs. A Federal program which includes a reasonable wage ceiling of $13,500, plus local supplementation, coupled with a 20–25 percent allocation for supervision and materials could be implemented immediately. The long-term unemployed could be put to work if we can use our existing job classifications and if the Federal legislation is sensitive to local wage scales. Preferably, Federal funds for both public works and public employment would go directly to the cities.

We could also benefit from a reconstituted "701" type planning program for capital budgeting.

Mayor Coleman A. Young, Detroit—January 28, 1983, (President, United States Conference of Mayors):

Any program developed by this Committee should: encompass both infrastructure and jobs goals; and should go to the cities; start quickly; be essentially for rehabilitation; be flexible, allowing cities to adapt local programs; be targeted to distress; encourage long-term jobs in the private sector.

Mayor William Donald Schaefer, Baltimore—February 2, 1983:

Baltimore needs an investment of $607 million to repair or replace water mains, storm drains, sewers, streets, and bridges. This represents crisis management of our public facilities—the capital improvement plan is annually diverted by crisis.

The W.P.A.—the last Federal initiative worked—employed 2 million people each year, and created public works. Total cost today would be $30 billion a year.

EDA encourages private job creation; needs expansion.

We lost over $60 million in CETA funds used to train and employ the low-income, unemployed. We had to lay off 3,000 public service employees last year.

Tools: New targeted public works grants to cities; Federal low-interest loans to cities; job training and re-training; public service jobs.

Nancy Neuman, First Vice-President, League of Women Voters—February 2, 1983:

It is imperative that any new jobs legislation not only contain requirements for nondiscrimination and affirmative action, with attention to enforcement as well, but also that outreach programs and supportive services be provided so that women will have equal access to and fair treatment in all jobs created by new employment programs.

Senator Arlen Specter, Pennsylvania—February 3, 1983:

I urge the committee to include in its public works program several bills authorizing flood control and waterway measures in Pennsylvania, that will abate the deteriorization of our infrastructure and assist the many who are unemployed in Pennsylvania and throughout the Nation.

Richard Nathan, Princeton University—February 3, 1983:

Job creation can work—the Reagan "workfare" program shows this. Many people are required to accept jobs under this program that are precisely the same jobs that similar people had under CETA.

Current Federal policy for employment and training has swung away from job creation and now stresses training. Most experts think this will not be targeted to the underclass, but will end up "creaming"—providing jobs for relatively well qualified people.

Other relevant points

A public works initiative cannot be the mainstay of a comprehensive job creation strategy. We know relatively little about the specific skill requirements of different types of public capital projects. The Urban Institute and the American Society of Engineers will meet in March to discuss this question. (Peterson.)

The infrastructure problem will not be solved merely through the temporary infusion of Federal dollars. (Vaughn; Peterson, Caliguri.) Neither will jobs be created in the short run by increased spending on public works. (Vaughn.)

This region's (Port authority of New York and New Jersey) need to spend $40 billion over the next decade to restore its infrastructure could create 90,000 jobs in construction, retail services and manufacturing. (Goldmark.)

INFRASTRUCTURE REPAIR COSTS ARE STAGGERING

(By Jack Anderson)

The trendy new word "infrastructure" is being bandied about on all sides in Washington these days. It's a fancy term for foundation—the highways, bridges, dams, waterways, airports and sewage systems that underlie the greatest public-works network since the Roman Empire.

Unfortunately, America's infrastructure is crumbling just like Rome's. It hasn't reached the stage of Italy's picturesque ruins by any means, but the signs of decay and disrepair are everywhere.

Fixing up or replacing the wornout segments of the nation's infrastructure will cost a bundle, $20 billion in fiscal 1982 alone, according to an estimate by the authoritative Congressional Budget Office.

The federal government will handle most of the work, as it has done since World War II.

How did the country get into such bad shape? "The national concern with infrastructure is the current manifestation of a set of problems that have been building for years," a CBO report explains. "These include aging and in some cases technically obsolescent facilities; the cumulative effects of deferred maintenance, and inadequate capacity in some areas to serve projected population and economic growth."

In its still-unreleased report, seen by my reporter Rhonda Quagliana, the CBO lays out the bad news. The cost figures are numbing. For example:

It will cost the federal government $15 billion a year over the next four years to repair the nation's deteriorating highways. The typical interstate highways was designed to last for 20 years; many interstates have already slipped into their not-so-golden years. In fact, more than 41 percent of the interstate system is now 20 years old; by 1990, 75 percent of the federally funded highways will have reached the end of their planned life span. Overall, said an aide to Rep. William F. Clinger Jr. (R-Pa.), a member of the Public Works Committee, the nation's highways are deteriorating at a rate of 2,000 miles per year.

More than 30 percent of the nation's bridges are now structurally deficient, some of them frighteningly so. The bill for replacement or rehabilitation of these unsafe bridges will come to about $46 billion.

Mass-transit systems are also showing their age. The breakdowns and other serious mechanical failures that already plague bus and rails systems will increase substantially if something isn't done soon. To rescue mass transit, the federal government will have to spend about $5 billion a year over the next 10 years.

Last year alone, the government spent $410 million to ease air traffic congestion, which costs the airlines $1 billion a year in additional crew salaries, wastes more than 700 million gallons of fuel and causes a total passenger delay of 60 million hours.

The Federal Aviation Administration figures it will need about $1 billion a year to expand and upgrade the nation's airports; 66 are already hard-pressed to handle the increasing traffic demands, and 20 more will be in a similar fix by the end of the decade if improvements aren't made.

The Army Corps of Engineers estimates that it will take $6.8 billion to repair more than 3,000 dams that are considered unsafe. The problems include seepage, unstable or inoperable structural components and inadequate spillways.

The network of inland waterways is described by the CBO as "old and in need of systematic maintenance." Anywhere from $700 million to $1.2 billion will be needed between now and 1990 to repair and maintain locks, dams and harbors.

No comprehensive survey of the nation's sewers and treatment plants has been done. But recent surveys revealed that 13 to 21 percent of 746 major sewage plants discharge treated water that doesn't meet federal health standards.●

JOSEP L. SERT

● Mr. MOYNIHAN. Mr. President, I rise today in recognition of one of the great architects of our era, Josep L. Sert. The dean of the Harvard Graduate School of Design from 1953–59 and a colleague of mine while there, Dr. Sert died Tuesday, March 15.

His was a lifetime of constructive achievement. Born in Spain in 1902, he began his study of architecture in the twenties and later went on to reach the very pinnacle of his field. Just 3 years ago, he was awarded the Gold Medal of the American Institute of Architects—the highest tribute the institute pays one of its own.

It was Harvard's good fortune that he chose to make some of his greatest contributions to the advancement of architectural design while at the university. It was my good fortune to be there when he did. No other architect has made more of an impact on the design of that university in the post-World War II period. He is responsible for the construction of some of Harvard's more appealing structures, including its renowned Science Center. Indeed, it might well be said that he brought the university's design into the contemporary era through his imaginative use of glass, metal, and stone.

Those of us, in Europe and in this country, who are familiar with his work know how Dean Sert's passing diminishes us all. He leaves behind him a legacy of achievement as grand as the structures he designed. I will miss him dearly, as will all those who knew him or were touched by his ideas.

Mr. President, I ask unanimous consent that Dr. Sert's obituary which appeared in the New York Times be printed in the RECORD.

The obituary follows:

[From the New York Times, Mar. 17, 1983]

JOSEP L. SERT, 80, ARCHITECT, WAS HARVARD DEAN OF DESIGN

(By Paul Goldberger)

Josep Lluis Sert, the Spanish-born architect who served for 16 years as the dean of the Graduate School of Design at Harvard University and became one of America's most influential architects, died Tuesday of cancer in Barcelona, Spain. He was 80 years old.

Mr. Sert won the Gold Medal of the American Institute of Architects, the highest award the professional organization gives to any architect, in 1980. He was a short, soft-spoken man, whose manner was firm and dignified, but often so quiet as to belie his international stature. He had retired in the late 1970's from his firm, Sert, Jackson & Associates of Cambridge, Mass., and since last summer had been living in Spain.

Mr. Sert was among the most successful and long-lasting followers of Le Corbusier, the great French-Swiss architect who died in 1965, and his own work merged elements of Le Corbusier's style with his own more Mediterranean background. Sert buildings tended to combine a certain rigorous, geometric modernism with an air of casualness: frequently a dash of color or a dramatically set sunscreen would set them apart from the cooler, more austere designs of other modernists.

Mr. Sert's interests ranged afield from pure architecture to both city planning and art, and his work reflected his breadth of concern. He designed both the Foundation Maeght at Saint-Paul-de-Vence, France, and the Miro Museum in Barcelona, two sculptural buildings of masonry that are among Europe's best-known small museums, but he was also the primary architect for the Eastview housing complex on Roosevelt Island, for a large publicly assisted housing project in Yonkers, and for numerous large-scale academic complexes at both Harvard and Boston Universities.

BEGAN AS A PAINTER

Josep Lluis Sert was born on July 1, 1902, in Barcelona. He began his career as a painter, following his uncle, Jose Maria Sert, the painter best-known in the United States for his murals in the lobby of the RCA Building at Rockefeller Center in New York. He began to study architecture in the mid-1920's, and became particularly interested in the work of Le Corbusier.

Mr. Sert worked briefly under Le Corbusier in the preparation of a design for the League of Nations headquarters, and opened his own architectural practice in Barcelona in 1929. He quickly became the most prominent Spanish member of the growing group of architects throughout Europe committed to the modernist movement in architecture, and was eventually to serve as president of the International Congresses for Modern Architecture, an influential organization devoted to the dissemina-

tion of modernist theory, and which lasted until 1956.

Mr. Sert worked closely with the Republican Government of Spain, and in 1937 he designed the Spainish pavilion for the Paris Exposition, the building which provided the setting for Pablo Picasso's "Guernica." When the Government collapsed in 1939 he left Spain for the United States, where he first settled in New York as a partner in Town Planning Associates, an organization that concentrated on providing planning services for cities in Latin America.

MOST PROLIFIC ARCHITECT

In 1953, Mr. Sert was called to Cambridge to accept the deanship of the Harvard School of Design. Within a few years he had also become Harvard University's most prolific architect, designing the Peabody Terrace housing for married students, the Holyoke Center, the Center for the Study of World Religions, and the undergraduate science center. Collectively, these active, modern buildings, mixes of glass, metal and masonry, played almost as large a role in shaping the postwar Harvard campus as the Georgian buildings of the 1920's had played in an earlier era. Mr. Sert also was instrumental in bringing his former mentor, Le Corbusier, to Cambridge to complete his only American building, the Carpenter Center for the Visual Arts on the Harvard campus.

As he worked on large-scale projects through his firm, Mr. Sert continued throughout his career to design smaller buildings as well. He created a studio for the painter Joan Miró in Palma de Mallorca and a house for the painter Georges Braque in Saint-Paul-de-Vence, which led to the commissions to design both the Maeght and Miró museums. Both museums are fairly lively compositions, mixing concrete vaults and brick and concrete sections; their overall feel bears as much resemblance to the vernacular architecture of the Mediterranean area as to the highly technological and austere language of postwar modern architecture.●

CLINCH RIVER—FOREIGN CONTRIBUTIONS HIGHLY UNLIKELY

● Mr. HUMPHREY. Mr. President, on March 15 the Breeder Reactor Corp., which represents those utilities that have contributed to the Clinch River breeder reactor project, issued a report suggesting how the Department of Energy (DOE) might find new funds for the project. One of the six approaches the Breeder Reactor Corp. suggested was to secure "additional foreign R&D commitments." Unlike the other five options, though, this financing idea was not explained or detailed.

I believe this omission was no accident. Indeed, in a separate study recently done by the Congressional Research Service, the Office of Senior Specialists concluded that foreign cooperation in the funding of Clinch River was most unlikely.

Although one can get a better understanding of the Service's finding by reading its entire report, "Prospects for Future American, British and Japanese Cooperation on Fast Breeder Reactors: A Preliminary Analysis," the study's conclusion alone is quite forceful and suggests how foolish it is to think someone else is about to bail out the Clinch River project. Mr. President, I ask that the complete text of this conclusion be printed in the RECORD.

The material follows:

PROSPECTS FOR FUTURE AMERICAN, BRITISH, AND JAPANESE COOPERATION ON FAST BREEDER REACTORS: A PRELIMINARY ANALYSIS

PROSPECTS FOR FUTURE COOPERATION

On the basis of the preceding discussion, it is clear that there has been extensive cooperation among the American, British and Japanese breeder programs. However, this cooperation has largely been limited to exchanges of information and personnel, and to joint experiments primarily focused on fast reactor core design, fuel development and safety.

Cooperation at this level can be expected to be maintained, and perhaps increased in the foreseeable future. Moreover, despite numerous difficulties and potential problems, there appears to be considerable interest in Japan, the United Kingdom and the United States for higher levels of breeder cooperation, perhaps involving construction of a commercial-scale demonstration plant. As we have seen, such cooperation has been specifically discussed by the Americans and the British since the late 1970s. In addition to the reasons why each individual country may favor such cooperation, it would clearly stimulate the programs of all. Japan and the United Kingdom in particular could benefit from U.S. involvement, which would heighten the credibility of their breeder program by providing a U.S. imprimatur for their national nuclear paths.

Currently, bilateral negotiations are apparently going on between all three parties, albeit the alternatives they are considering and their status is not public. Higher levels of cooperation could be achieved between the United States and either the United Kingdom or Japan, or both. But this appears highly unlikely at this time. Before further cooperation could be achieved, a complex web of technical and financial difficulties would have to be resolved. Among other matters, the economic and technical contributions of each party would have to be determined, and a multitude of patent, proprietary, siting and licensing issues addressed. Moreover, domestic political conditions conducive to such a cooperative venture would have to be created. For, at this time, higher levels of cooperation would probably be intensely opposed by powerful anti-breeder coalitions within Congress and without, and possibly also by some breeder advocates.

The tasks confronting the proponents of further breeder cooperation are immense, and are complicated by divisions within each of the countries. It is not clear that the United States, for example, will develop a cohesive negotiating position on an interagency basis and implement it in a coordinated manner. There appears to be divisions within the U.S. Government on the potential impact of a cooperative venture on the Clinch River Breeder Reactor, with some proponents of CRBR fearing further cooperation could adversely affect its funding and completion, and others arguing that a cooperative breeder venture will instead be supportive of CRBR. It is not clear whether Japan and the United Kingdom would experience similar problems, but this is not unlikely.

Overall, then, the prospect for further breeder cooperation among the Japanese, British and American Governments is not great, despite mutual interests in, and ongoing efforts to realize, such cooperation.●

JOBS TAX CREDITS, S. 371

● Mr. SASSER. Mr. President, small businesses make great use of human resources. Studies done by Dun & Bradstreet and other national groups show that the vast majority of hiring within the private sector over the past several years has occurred in companies with 100 or fewer workers.

Yet, while our present tax system is loaded with incentives for capital investment, precious little is being done to provide incentives for investment in human assets, human resources. At a time when the Nation's jobless rate is still over 10 percent and the business failure rate is almost 600 a week, we must take steps to rectify this imbalance.

One thing we can do is provide additional tax credits to small businesses, helping them grow and prosper thereby furthering overall economic recovery. In the past, I have spoken out on the advantages to be gained through the use of jobs tax credits and have pointed out that small businesses have not been receiving their fair share of tax credits.

Along with several of my colleagues, I have introduced legislation, S. 371, which addresses this situation. This bill offers small businesses increased savings and provides them with a substantial employment incentive that does not currently exist.

Since introducing this measure, I have been contacted by numerous small business persons across the country who have indicated their interest in this measure. Typical of the correspondence and inquiries I have received is a letter from Leisure Development Corp. of America, Inc., located in Rutherford, N.J. This firm stressed the significant role that the availability of jobs tax credits plays in planning future development of their operations. With enactment of S. 371, this company and many others like it across America could step up plans to hire the unemployed and put people back to work.

Mr. President, I ask that the letter from Leisure Development Corp. be printed in the RECORD at this point.

The letter referred to follows:

MARCH 21, 1983.

Hon. JIM SASSER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SASSER: Leisure Development Corporation of America, Inc. is the owner and operator of Gadgets, a new family style restaurant chain. We expect to open numerous units throughout the country and eventually employ over 100 people

at each location. As with all new companies, start-up costs are often very high, and the restaurant industry is very much aware of this situation. The tax savings we hope to qualify for through the employment of Targeted Jobs Tax Credit eligible people may be a factor in influencing our future development.

As we understand it, TJTC was established to assist people who have the most difficulty finding employment. In our newest Gadgets approximately 10% of the employees qualify under the TJTC program. Your bill entitled, "The Targeted Jobs Tax Credit Amendments Act of 1983" would enable us to qualify for additional credits while we help alleviate the unemployment problem for an economically disadvantaged group of people.

We are pleased to help disadvantaged people find work at Gadgets and hope to give other TJTC eligible people the opportunity for employment in our forthcoming restaurants.

Yours truly,

SHELLY ROSENTHAL,
Manager of Special Projects.

Mr. SASSER. Mr. President, the legislation we have introduced recognizes the significant role that small business can play in providing employment and training opportunities which are so vital to creating and sustaining a true economic recovery. By making the effort to promote such activity in the small business sector through enactment of S. 371, the Federal Government can affirm its faith in the ability of small business to lead the way to a strong and enduring economic recovery.●

ELIMINATING DISCRIMINATION AGAINST WOMEN

● Mr. ARMSTRONG. Mr. President, since the introduction of the suffrage amendment by the 66th Congress in 1919, much progress has been made to eliminate discrimination against women. In recent years, legislation such as the Career Education Incentive Act (1977), the Women's Educational Equity Act (1978), legislation to eliminate prohibition of women in mines (1978), legislation allowing women to enter the U.S. military academies (1975) and the Federal Employees Flexible and Compressed Work Schedules Act (1978), have been enacted to promote and support women's full participation in the careers of their choice. Many other examples exist which eliminate barriers to equal economic benefits for women, and which intend to adequately award women for their accomplishments. Americans can be proud for such progress in the promotion of equal opportunities for women. But inequalities still exist.

On March 24, I introduced legislation which seeks to eliminate some of the specific economic inequalities which still exist. Various groups concerned with correcting these inequalities and in promoting women's and family issues, have submitted some of the ideas which are contained in this bill. I support the concept of this legislation but recognize that these proposals need to be subjected to the full legislative process of hearings and committee review to make certain that the essential goals of economic equality are achieved. I therefore seek the advice and comment of my colleagues and interested persons and groups about these proposals.

I realize that much legislation has already been introduced in this session that is intended, in some way, to benefit women. I am submitting these proposals with the intent of achieving solid economic progress and equity for women. I am not interested in "window dressing" legislation. Symbolic victories do not pay grocery bills or give real recognition to the contribution of women to our society. The women of this country will be best served if Congress and the State legislatures systematically work to eliminate inequities resulting from the attitudes and practices of an earlier age.

ANALYSIS OF PROVISIONS

Section 101 sets out the findings and purpose of this legislation.

Section 201 would amend section 219(c) of the Internal Revenue Code of 1954 to allow married individuals to establish individual retirement accounts (IRA's) and contribute up to $2,000 per year, either out of their own compensation income or out of their spouse's compensation income.

This amendment would allow a career homemaker whose compensation is less than $2,000 per year to contribute the full $2,000 from the spouse's earnings in an individual IRA, or joint IRA. A married couple could than have two IRA's and contribute a total of $4,000 per year even though only one spouse had compensation income.

This amendment would remedy the present $1,750 per year discrimination in the IRA section of the Internal Revenue Code under which couples where both husband and wife are in the work force can put $4,000 per year into IRA's, but couples where one spouse is a career homemaker are allowed to put only $2,250 into IRA's.

This amendment is a matter of simple equity. It should be)bvious that career homemakers will someday grow old and need retirement income just as much as men and women in the work force. Our Tax Code should not discriminate against an individual's choice to be a career homemaker.

Section 301 amends the General Education Provisions Act to prohibit career guidance materials published or funded by the Federal Government from discriminating against homemaking as a career. Career guidance should encourage women's free choice in all careers whether it be the more traditional career of homemaking or nontraditional careers. More and more women today and in the future will choose to enter in or drop out of the work force and therefore will alternate between both traditional and nontraditional careers at some time during their lives. Career guidance, therefore, should encourage flexibility in choice of careers as well as variety.

Section 401(a) would amend the Walsh-Healey Act and the Contract Work Hours and Safety Standards Act to remove the daily overtime restrictions placed on Federal contractors in the private sector. Private sector employees of contractors providing foods and services to the Federal Government are still subject to outdated and counterproductive laws that restrict their working habits to an 8-hour day. This section would bring these laws governing Federal contractors into conformance with the Fair Labor Standards Act and maintain the 40-hour workweek overtime standard.

Both the Federal and private sectors have effectively used compressed and flexible work schedules. Such schedules have been proven to increase productivity, reduce energy requirements, and to be more responsive to the desires of employees. Equally important is that the cost-savings which are realized by those Government contractors electing to use compressed workweeks would result in reductions in the cost of Federal procurements.

This change would allow women who fall within this category more flexibility in their work schedules to allow for family and child care commitments.

Sections 501 and 502 correct an inequity in the current social security benefit structure.

In section 501, a divorced dependent spouse who does not remarry qualifies for benefits at retirement based on either the individual's earnings record or one-half of the spouse's benefits (only if the marriage lasted 10 years), whichever is more. This choice may leave a divorced dependent spouse with few benefits because of the likelihood the dependent spouse has little or no earnings during the marriage. Upon divorce, the dependent spouse reenters the work force, possibly at an entry level position, and not only has low earnings, but also a large number of years in which there were no earnings, and suffers reduced benefits.

This proposal corrects this inequity by providing an additional dropout year for each year a dependent spouse was married, and who upon divorce enters the work force and does not subsequently remarry. The effect of this proposal is to reduce the time period on which benefits are calculated for this narrow class of citizens.

Section 502 allows for additional dropout years for child care, and was originally proposed as part of the social security reform bill.

Social security retirement benefits are based, in part, on the average earnings history of each wage earner. Under current law, a worker may disregard the 5 years in which the worker has the lowest income. The effect of dropping the 5 lowest years is to increase retirement benefits.

My original proposal called for providing three additional "dropout years" for spouses who leave the work force to care for young children at home. During markup of the social security reform bill, I agreed to reduce the proposal slightly and my amendment providing two additional dropout years for child care was accepted by the Senate. Unfortunately, it was deleted by the Conference Committee.

When social security was created, the growth of marriages where both husband and wife work was not anticipated. Today both spouses work in most marriages, but the social security benefit structure penalizes those who leave the work force to care for children at home. This section compensates for this inequity by providing 2 more dropout years for child care in addition to the 5 years available to any worker under current law.●

REGION'S 13 GOVERNORS SUPPORT CONTINUATION OF APPALACHIAN REGIONAL COMMISSION PROGRAMS

● Mr. RANDOLPH. Mr. President, last month the Appalachian Regional Commission met in Washington in conjunction with the winter meeting of the National Governors Association. At that time the Governors of the commission's 13 member States reaffirmed their unswerving support for the commission and its programs of vital importance to the 20 million people of the region.

I am gratified that the Governors, both Democratic and Republican, are maintaining their active involvement and commitment to the work of the commission. During this period of economic recession and the attendant personal distress and anxiety it brings, they know that we must continue this effort to bring economic diversity and stability to the region.

During the meeting the Governors unanimously approved a bipartisan resolution of continuing support for the commission and their request for funds to carry out its highway and area development programs in fiscal 1984. The motion was introduced by Gov. John D. Rockefeller IV, of West Virginia, and seconded by Gov. Dick Thornburgh of Pennsylvania. In addition to Governors Rockefeller and Thornburgh, those voting for the motion, either in person or by personal representative, were: Governors George C. Wallace, Alabama; Joe Frank Harris, Georgia; John Y. Brown, Jr., Kentucky; Harry Hughes, Maryland; William F. Winter, Mississippi, Mario M. Cuomo, New York; James B. Hunt, Jr., North Carolina; Richard F. Celeste, Ohio; Richard W. Riley, South Carolina; Lamar Alexander, Tennessee; and Charles S. Robb, Virginia. The text of their statement is as follows:

> We, the Governors of the 13 Appalachian States, hereby reaffirm our strong support for the Appalachian Regional Commission and for our fiscal year 1984 budget request of $215 million for highways and $83 million for area development, and we urge the Congress to consider the ARC as a vehicle for implementing appropriate aspects of any jobs-creation legislation which may be adopted during this session.●

THOSE "CARDIAC KIDS"

● Mr. EAST. Mr. President, I take this opportunity to recognize and congratulate the North Carolina State University Wolfpack basketball team on its come-from-behind 54-52 NCAA championship victory over Houston. Against overwhelming odds and the predictions of many who said it would be virtually impossible to defeat Houston, Coach Jim Valvano and his Wolfpack players believed they could win and never gave up.

This victory is exemplary of the very best in the American spirit. It teaches us once again that anyone in America can achieve greatness and success if he puts forth enough effort and has the iron will required to succeed against all odds.

And there are many others in Washington both pleased and proud of the Wolfpack win Monday night. One of them is Morgan Wooten, basketball coach at DeMatha High School, where two of the N.C. State players were taught the game. I am referring, of course, to Sidney Lowe and Dereck Wittenburg. N.C. State could not have won the championship without this pair of outstanding guards.

However, the win was very much a team victory. Others making a major contribution were: Thurl Bailey, Terry Gannon, and Cozell McQueen. And if it had not been for the last-second shot of Lorenzo Charles, N.C. State would have had to go into overtime before winning.

Finally, Mr. President, I want to make sure that other Senators understand that the N.C. State victory marks the second straight year that a school from North Carolina has been crowned the national champion. I remind Senators, especially the distinguished Senators from Texas, that the University of North Carolina at Chapel Hill won in 1982 at New Orleans.

But, today, my deepest congratulations to the N.C. State Wolfpack and to its thousands of loyal fans. Those "cardiac kids" are coming home to North Carolina with the title.●

PROPOSED 1984 CHILD NUTRITION CUTS SHOULD BE REJECTED

● Mr. SASSER. Mr. President, last Thursday, the U.S. Department of Agriculture released the results of their 2-year study of 7,000 families participating in USDA nutrition programs. The report found that:

> The national school lunch program is effective in safeguarding the health of the nation's school children by providing nutritious foods.

There are currently 23 million schoolchildren in over 90,000 schools participating in the program. The study noted that the participants in the school lunch program tend to be better nourished than those who get their lunches elsewhere. The study also noted that:

> The biggest single determinant of school lunch program participation is meal price * * * [and that] contrary to some speculation, families in general do not reduce their food expenditures when their children receive subsidized meals.

I am deeply concerned that the administration's 1984 budget proposals for the school lunch program may jeopardize the nutritional health and well-being of the Nation's children. During the last Congress, Federal support for child nutrition programs was reduced $1.5 billion and consequently some 3 million children and 2,000 schools were forced from participation in the school lunch program. Approximately one-third of these children, 1 million youngsters, had been receiving free or reduced-price lunches. The recently released USDA study reported that as a result of these program cutbacks, students from families with per capita incomes of $2,500 to $4,250 "received a much greater reduction in school lunch benefits than the general population." Furthermore, high school students who had been receiving free lunches were more likely to withdraw from the program entirely if they were charged for the food.

For fiscal year 1984, the administration is proposing three specific changes in the national school lunch program resulting in further budget reductions of $100 million. Probably the most significant change is the 6-month delay in adjusting the reimbursement rates. Contrary to popular belief, child nutrition programs have not been overindexed in recent years. Postponing the adjustment would result in schools losing money since they would be paying current prices for food supplies but would be reimbursed on prices 6 to 20 months in the past. Moreover, since schools with a high number of low-income students are reimbursed more, their losses due to the 6-month delay would be greater. In addition to this change, the administration is proposing a reduction in the reimbursement rate paid to

schools for reduced price lunches and a corresponding increase in the price of reduced-price lunches. We must not forget that the price increase of 1981 resulted in a 16-percent drop in the number of children receiving reduced-price lunches.

Mr. President, back in March 1981, I offered an amendment to Senate Concurrent Resolution 9 which would have reduced the cuts in the school lunch program by some $450 million without undercutting the ability of the Senate Agriculture Committee to modify the program to take out unessential elements in the program. Unfortunately, the amendment failed and as a result 1 million fewer children are receiving free and reduced-price lunches each day. It is a shame that these children are being denied one-third to one-half of their daily nutrients.

In conclusion, I feel it is imperative that we take a hard look at ways to enhance the child nutrition programs and reject counterproductive reductions in this essential program.

Mr. President, I ask that the position paper of the Tennessee School Food Service Association which addresses the effects of the 1984 budget proposal on child nutrition programs, be printed at this point in my remarks.

The paper referred to follows:

POSITION STATEMENT OF TENNESSEE SCHOOL FOOD SERVICE ASSOCIATION, MARCH 1983

1. The School Lunch and Breakfast Programs participants are not a special interest group because these programs are available to all public school children. The programs will become special interest when they are only within the economic bounds of the needy students.

The National School Lunch Act of 1946 provides financial assistance to help schools serve well-balanced, low-cost meals to children with an emphasis on safeguarding "the health and well-being of the nation's children". For thirty five years the School Lunch Program has been in existence for all the nation's children and not just for the financially needy children.

3. Our research has shown that no other program serves as many persons per day as the School Feeding Programs. In Tennessee the average daily participation is 537,965 for Lunch and 80,161 for Breakfast. Each parent who has children participating in the program receives daily benefit of his/her federal tax dollars.

4. The distribution of available tax funds on the basis of percentage free and reduced price would not be equitable between states, between school systems within states, nor between schools within school districts because there is not an even distribution of needy students but existence of poverty pockets.

5. TSFSA opposes repealing the School Breakfast Program, the Child Care Food Program, and the Summer Feeding Program and replacing them with a General Nutrition Assistance Grant at greatly reduced funding. These programs are an extremely important part of the Federal effort to protect the nutritional health and well being of the Nation's children. A Federal cut of more than $200 million in addition to the reductions enacted by the 97th Congress would jeopardize the continuation of these vital services to children. Furthermore, a bloc grant approach represents an abdication of Federal responsibility, which would result in many of these child nutrition services being terminated or drastically reduced.

The School Breakfast Program is the second largest child nutrition program serving some 4 million children daily. The overwhelming majority of the breakfast served are to children who qualify for a free breakfast. Cutbacks or elimination of the School Breakfast Program will leave children currently participating in the program without breakfast.

The need for the Child Care Food Program is increasing throughout the country in direct relationship to the increasing number of working mothers and single parent families. Decreased Federal support will ultimately increase the cost of child care services and, thereby, reduce the opportunity for many parents to work.

TSFSA also believes that the Federal government should support a child nutrition effort during the summer months, consistent with the approach used during the school year.

6. The federal funds coming to Tennessee for these programs act as seed money and generate twice the dollars in business and provide sizable activity in the food, labor, and services market place. At a time when there is a growing need for jobs and a continued volume of food and supply business for local communities, the elimination of financial support for school feeding programs cannot help but develop far reaching negative efforts.

7. TSFSA opposes requiring food stamp offices to make the eligibility determination for free and reduced-price school meals. Requiring parents to contact another agency will result in fewer eligible children participating in the program. The school meal program is an educational program and fragmented responsibility will create communication and accountability problems. All 12 million applications are reviewed and processed in the first month of the school year and food stamp offices would be required to hire and train additional personnel for a limited time or delay the timeliness of the approval. Local flexibility would be eliminated. The closer the school meal programs are tied to the Food Stamp Program the more difficult it is to maintain the health and education missions of the program.●

THE NEED TO CONTROL ACID RAIN

● Mr. STAFFORD. Mr. President, last week, the Senator from Minnesota (Mr. DURENBERGER) spoke to the Minnesota Conservation Federation on the issue of acid rain and acid rain control legislation.

As you know, the distinguished Senator from Minnesota (Mr. DURENBERGER) is a new and most valued member of the Senate Committee on Environment and Public Works, which I have the honor to chair. His views on the national problem of acid rain and the prospects that this Congress will approve legislation to control the causes of acid rain deserve broad attention and study in this body and across our Nation.

For that reason, I ask that the remarks of my friend and colleague, Senator DURENBERGER, be printed at this point in the RECORD.

The speech follows:

ACID RAIN LEGISLATION IN THE U.S. SENATE

(The following remarks were made by Senator Durenberger to the Minnesota Conservation Federation forum on "Acid Rain and the National Clean Air Act" on March 28, 1983, in Roseville, Minnesota.)

Thank you, ladies and gentlemen. I want to say a special thank you to those who put in the effort to make this conference possible.

We come together this evening because we share a concern—a deep concern for the problem of acid rain. It is not a new concern. The phrase "acid rain" was first con-1872 by Robert Angus Smith to describe precipitation near the industrial cities of Great Britain. More than one hundred years ago, Smith and others concluded that acid rain was caused by the combustion of coal.

But it is only in the last few years that we have come to understand the threat which acid rain poses to the entire North American continent and its people.

Throughout the eastern portion of Canada and the United States, rain falls with a ph of 4.3. That is ten to twenty times more acid than normal rainfall. This rain—and the pollutants which preceded or combined with it—threaten not only lakes and streams, but forests, crops, buildings and even human health. Some specifics:

Acid Rain and its precursor pollutants—sulfur dioxide, sulfates, oxides of nitrogen and nitrates—are estimated to cause as many as 50,000 excess deaths per year by themselves and in combination with other air pollutants.

Sulfur dioxide is a colorless gas which is particularly harmful to children and those with respiratory illinesses such as asthma. About 5 percent of our population suffer these diseases.

Sulphates—the extremely small particles to which sulfur dioxide is converted—lodge deep in the human lung where it may take years to clear the tissue. These particles also scatter light reducing visibility to as little as two or three miles.

The acid and acid-forming compounds fall to earth where they can directly cause damage by virtue of their acidity. Buildings, paints, statues are corroded. Leafy plants are blemished and the acid levels of lakes and streams are increased.

The acids cause damage indirectly, as well. Vital nutrients are leached from the soil reducing agriculture and forest productivity.

The leaching process also mobilizes toxic metals like aluminum, lead and copper which damage roots of plant life and retard the growth and interfere with the reproduction of fish and other aquatic organisms.

The impacts of acid rain on our environment are far-reaching and long-lasting. That Minnesotans would come together to share their concerns about acid rain and its impacts is natural. Few states have ecosystems—and economic systems—more at risk.

As a result of Minnesota's geologic history, much of northeastern Minnesota and parts of central Minnesota are sensitive—have low capacity to buffer—acid rain. Some 1,000 of Minnesota's 12,034 lakes are classified as extremely sensitive resources.

Rainfall in northeastern Minnesota has a ph of 4.6 on the average—ten times more acidic than normal.

Sport fishing contributes $346 million to the Minnesota economy annually and 85

percent of those dollars are spent in areas with sensitive lakes.

The forests of Minnesota are a significant element of our economic base. Located where the rainfall is more acid and the soils less resistant, our forests may become victims of acid rain over the long term.

As we heard at our hearing this morning, Minnesotans have come together to act on these concerns.

Sulfur dioxide emissions in Minnesota have been reduced by 37 percent since 1972. Current emission levels in Minnesota are low compared to those of other states. For instance, sulfur dioxide emissions per unit of energy production in Minnesota are only one-third the level of emissions in our neighboring State of Wisconsin.

Last year Minnesota became one of the first states in the Union to enact its own acid rain legislation. This bill, which establishes an acid deposition standard for sensitive areas by 1985 and a control plan one year later, promises some protection for our precious resources.

But as you know too well, Minnesotans acting alone—even when united in our goals—cannot solve the acid rain problem. We cannot—acting alone—even provide adequate protection for the resources within our own borders. 70 percent of the acid deposited on our forests and fields and lakes comes from sources outside our State. And outside our State, there is no consensus to take action against acid rain.

The common excuse for inaction is that we don't know enough. Don't know enough about the environmental hazard named and linked to coal combustion over a century ago.

We don't yet have precise measures of total acid deposition and trend lines stretching back over decades.

We don't know the precise atmospheric chemistry that converts sulfur dioxide and nitrogen oxides into sulfuric and nitric acids.

We don't know precisely how these acids are buffered by elements in the soil. Precisely how fish are killed. Precisely when cumulative damage to the forests will be permanent.

We cannot precisely predict how much emissions reductions are necessary at one point to increase rain ph at another.

And above all else—the economic bottom line—we don't know precisely how much an adequate control program will cost or who will pay the tab.

Well, I hear that line of reasoning—and I hear it often in Washington—and I ask what difference would it make, if we had precise answers to all those questions. I don't think we need to know the precise chain of chemical, physical and biological processes that carry a ton of sulfur from a powerplant in Ohio to a lake in New York, to know what to do about acid rain and to know that action is needed now.

We know that the atmosphere over our continent is loaded with millions of tons of sulfur and nitrogen oxides each year.

We know that the largest share of that loading—85% in the case of sulfur—is caused by man and his industrial activities. It is manmade pollution—harmful to our environment and harmful to our health.

We know where the pollution comes from. A very large share of the sulfur is produced by stationary sources that you can point to on a map, and in particular electric utilities burning coal.

We know how to reduce emissions. The several available strategies and technologies—from fuel switching to coal washing to least emissions dispatching to stack gas scrubbing to fluidized bed combustion—are effective in removing large percentages of the pollutants before discharge into the atmosphere.

We also know that it will add a few dollars to our electric bills. But we know that it is a few dollars that the American public would willingly pay. Put it on the electric bill as a separate line—acid rain mitigation $2.50—and people will pay it gladly knowing that something is finally being accomplished.

There is one final thing we know. We know it precisely. That is existing law will not significantly reduce sulfur and nitrogen oxide emissions in this century. In fact, emissions will grow by a fraction under the laws we have today. Those laws need amendment.

Bills have been introduced in the Congress. I am a cosponsor of two. Senator Stafford, Chairman of the Environment and Public Works Committee, has reintroduced the Clean Air Act amendments reported by that committee last year. The committee bill calls for a reduction of 8 million tons in sulfur dioxide emissions over the next 12 years. It effectively caps emissions in the interim by requiring that any new sources be offset by reductions of existing plants. Based on a bill that I sponsored last year, the committee legislation also gives the states and EPA new authority to force reductions on polluters who are damaging the environment in neighboring states.

Early in the Congress it was hoped that this legislation would move rapidly through the committee and to the Senate floor. Those hopes proved too optimistic. It appears that we will have to fight the battle on acid rain in committee all over again. To demonstrate our determination, and led once again by Senator Stafford, a second bill was introduced calling for 12 million tons of reduction over 10 years.

But even if the committee process were already behind us in the Senate, we'd be a long way from mandating reductions. At each stage in the many-stage Congressional process we will have to redraft the bill from the bottom up. The issues—issues decided in the committee and Stafford bills—will come up again and again. Let me run through one final list of these issues with you.

The first question is what kind of bill do we want? Only legislation that leads to signficant emissions reductions in the near-term is acceptable. We should accelerate the study authorized in the Energy Security Act. We should accelerate the study authorized in the Energy Security Act. We should give states additional legal remedies when their air pollution problems are caused by sources located in other states. We need to establish a satisfactory joint program with Canada.

But we can, and we must, take steps now to reduce sulfur dioxide and nitrogen oxide emissions. From a Minnesota perspective, I would like to see a much closer look at nitrogen oxide and its role as a precursor of acid rain.

Second, where will we make the reductions? The control bills before the Environment Committee affect only the 31 states east of or bordering the Mississippi River. I, for one, would support a national control program that includes significant action on nitrogen oxide emissions from mobile sources.

How? There are several ways that we can achieve the reductions. The Committee bill mandates reductions through amendment to state implementation plans. It also provides states and EPA with new powers to enforce reductions on those whose pollution is transported over long distances.

But other answers to the how question are reasonable. We could mandate across-the-board control technologies and strategies, as we do under the new source performance standards. A different approach considered in the Committee Bill is a tax and spend strategy much like superfund. We would tax sulfur and perhaps nitrogen oxide emissions, collect the tax in a fund and spend those dollars on emission control technology where emissions reductions would be maximized for each dollar spent.

A fourth question that will be raised at every step in the progress is who pays the tab? The Committee bill allocates the mandated 8 million ton reduction across the 31 states by a formula. The allocation formula is roughly based on a calculation of who is polluting at what level in relation to the other states of impact region. Minnesota is assigned 44,000 tons of annual reductions—about one-sixth of our current sulfur dioxide emissions.

It is important to realize that the allocation of reductions is highly dependent on the choices made in setting up the formula. For instance, had the formula used a different base year—1972 instead of 1980—Minnesota might already be credited with reductions in excess of those assigned under the bill. I believe that the methodology of allocating the reductions deserves further thought and attention as a control bill moves through the legislative process.

The final question is when. When will this legislation move through Congress and reach the President's desk? An acid rain bill, perfectly crafted, will not reduce sulfur emissions by one ounce unless it becomes the law of the land. And I think there is some danger that another Congress will come and go without amendments to the Clean Air Act or acid rain legislation. As your Senator—as a Minnesotan who shares your concern for the problem of acid rain—I find the political process the most frustrating part of the problem. I can follow the chemistry. I can choose among control strategies. I can write formulas fair and more fair. But unless we can find the will to agree on goals and shape the means, the whole effort goes for naught.

I see folks in this room from the environmental community, representatives of utility companies, business men and women, state officials. I call on each of you to work, not only for a good bill, not just for your bill, but for a bill in this Congress. I offer you my commitment, my efforts as a new member of the Environment Committee, to bring your concerns—the concerns of all of you—to the choices that shape acid rain legislation in the Senate. But let us shape that bill this year. Help the nation work its will.

Thank you.●

FOUNDING OF PRINCESS ANNE

● Mr. SARBANES. Mr. President, in less than 1 week, the town of Princess Anne, once a port for oceangoing vessels and prosperous tobacco-growing center, will begin a yearlong commemoration in recognition of its founding 250 years ago on April 12, 1733. To launch the celebration of this historic event, a reenactment ceremony—featuring a colonial pageant and a

special candle-lighting ceremony in which all citizens are invited to join by burning a candle in their homes for 1 hour—will be presented on Sunday evening, April 10. The rededication ceremony, in keeping with the town's rich historic and religious background, will take place on April 12 on the riverbank of the Manokin, the site of Princess Anne's founding.

The citizens of Maryland have always been proud of the fact that the shores of the Chesapeake Bay offered hospitality to early colonists who were seeking a land that was not only rich and fertile, but one that promised religious toleration as well. It was on this basis that Princess Anne Towne was established in 1733.

As county seat of Somerset County on Maryland's Eastern Shore, Princess Anne can also take pride in a number of other significant events in its past: Among these, the beginnings in 1672 and formal organization in 1683 of "Manokin," one of the first Presbyterian churches in America; the birthplace of Samuel Chase, one of Maryland's four signers of the Declaration of Independence and later an Associate Justice of the Supreme Court of the United States; the restoration—begun in the 1950's by groups of concerned citizens—of the Teakle house, built in 1801 by a friend of Thomas Jefferson, St. Andrew's Episcopal Church dating from 1770, and the Washington Hotel built in 1744; today, Princess Anne is also the home of the University of Maryland's Eastern Shore campus.

The preface to the "Walking Tour Guide of Olde Princess Anne" relates many interesting and little-known items about the founding of Princess Anne. I ask that it be reprinted at this point in the RECORD.

"OLDE PRINCESS ANNE"

From a peninsula rich in beauty and natural resources, Somerset County was born on August 22, 1666, by proclamation of "Cecil, Lord Baltimore, Lord Proprietary of the province of Maryland through the Honorable Charles Calvert, Governor of the province . . ." and originally encompassed the area of the two adjacent present-day counties of Wicomico and Worcester known before as the lower Eastern Shore. Early settlers, enticed to the area to help a Virginia-Maryland boundary dispute, made their homes along the Manokin (ma-No-kin) River. At the headwaters of this river grew Princess Anne Towne which was incorporated in 1733 and became the county seat in 1744. Oceangoing vessels could then come as far as the Somerset Avenue Bridge. Remains of the Customs House may yet be seen at the rear of C. H. Hayman's Hardware Store on Broad Street. Fire and modernization have permitted only a few buildings to remain but a number of colonial and Federal homes have survived.●

SMOOT-HAWLEY LIVES

● Mr. HEINZ. Mr. President, William Safire, the noted columnist recently published a noteworthy column on the need for balance in our trade policies to take the nationalism of other countries into account. He explains why a purely free trade system is unworkable in today's economic system, and what a reasonable American response to nationalism should be. I ask that a copy of this editorial be reprinted in the RECORD.

The editorial referred to is as follows:

SMOOT-HAWLEY LIVES

(By William Safire)

WASHINGTON.—Free trade is economic motherhood. Protectionism is economic evil incarnate. The Smoot-Hawley tariff brought on the Great Depression. Never should government interfere in the efficiency of international competition.

Since childhood, these have been the tenets of my faith. If it meant that certain businesses in this country went belly-up, so be it—sorry, Charlie, trade is trade. If it meant that Americans would be thrown out of work by overseas companies paying coolie wages, that was tough—served our greedy unionists right for pricing themselves out of the market.

The thing to keep in mind, I was taught, was the Big Picture and the Long Run. America, the great exporter, had far more to lose from free trade; attempts to protect inefficient industries here would ultimately cost more American jobs.

While playing with my David Ricardo doll and learning nursery rhymes about comparative advantage, I was listening to another laissez-fairy tale: government's role in the world of business should be limited to keeping business honest and competitive. In God we antitrusted. Let businesses operate in the free marketplace.

Today, the economic lobes of conservative brains are jangling with dissonance. The reason is that the train of free trade has crashed full-speed into the train of the free marketplace.

While the U.S. was raising its standard of living through capitalism free from government domination—with all the personal freedom that entailed—most of the other nations have been pushing an amalgamation of government, business and labor—with all the regimentation that their varieties of socialism entailed.

Now American businesses are no longer competing with foreign companies. They are competing with foreign governments who help their local businesses. That means the world arena no longer offers a free marketplace; instead, most other governments are pushing a policy that can be called *helpfulism.*

Helpfulism works like this: A government like Japan decides to get behind its baseball-bat industry. It pumps in capital, knocks off marginal operators, finds subtle ways to discourage imports of Louisville Sluggers, and selects target areas for export blitzes. Pretty soon, the favored Japanese companies are driving foreign competitors batty.

How do we compete with helpfulism? One way is to complain that it is unfair; that draws a horselaugh. Another way is to demand a "Reagan Round" of trade negotiations under GATT, the Gentleman's Agreement To Talk, which is equally laughable. Yet another way is to join the helpfuls by subsidizing our exports and permitting our companies to try monopolistic tricks abroad not permitted at home. But all that makes us feel guilty, with good reason—helpfulism undermines free enterprise by making it an arm of government policy.

The other way to deal with helpfulism is through—here comes the dreadful word—protection. Or, if you prefer a euphemism, retaliation. Or if that is still too severe, reciprocity. Whatever its name, it is a way of saying to the cutthroat cartelists we sweetly call our trading partners: "You have bent the rules out of shape. Change your practices to conform to the agreed-upon rules, or we will export a taste of your own medicine."

Now come the great questions that are tearing all of us laissez-fairies up inside. What does answering the new wave of combined protectionism-helpfulism with our own salvo of protection do to our philosophy? Would we be Smoot-Hawleying our way to a world of tariffs and inwardness, high costs and restricted markets, against all we have learned about Long Runs and Big Pictures? Or would a belated roar and reaction from Uncle Sam coerce the rest of the world into dropping its creeping protectionism and subversive helpfulism? Put bluntly, can a dose of protection save free trade?

Sure it can. While we have been singing the songs of interdependence, hailing the glories of one-worldliness and otherwise pretending to be part of a planetary daisy chain, we have failed to reckon with a political force that works as a brake on world trade. The force is nationalism.

Nationalism is not going to be wished away. Economists and businessmen who dismiss it as the wave of the past are certain to be fattened by it. People want to take care of their own, economic theory notwithstanding, and real people are affected by the Little Picture and the Short Run.

A little balance, then, from the free-trade theorists. The demand for what the Pentagon used to call "protective reaction" is not demagoguery, not shortsighted, not self-defeating, as we are being told ad nauseum.

On the contrary, the overseas pirates of protectionism and exemplars of helpfulism need to be taught the basic lesson in trade, which is: tit for tat.●

A DAY OF PEACE

● Mr. KENNEDY. Mr. President, I am pleased to join with my colleague from Massachusetts, Senator TSONGAS, in supporting the movement in our State for World Peace Day, which is the creation of three concerned police officers from Cape Cod: Patrolman Donald Moreland, Patrolman John Hodurski, and Dispatcher Cindy Zalesak. As law enforcement officers, each has a realistic and personal knowledge of the conflict, and it is this experience that has made them so dedicated to the cause of peace.

Today, violent conflict and war rage from Central America to the Middle East. Together, the United States and the Soviet Union have amassed destructive power that is equivalent to 4 tons of TNT for every man, women, and child on Earth. And every day, the sparks of conflict threaten to ignite a world conflagration that will end life as we know it on this planet.

But dedicated people like Donald Moreland, John Hodurski, and Cindy

Zalesak have not given up on the future of mankind.

A famous Chinese saying says that "The longest journey starts with a single step." Perhaps the modest proposal of three concerned Massachusetts citizens is one such step toward the greatest of human goals, world peace.

The idea of World Peace Day is very simple. It challenges governments "not to initiate the taking of human life for a period of 24 hours." For 1 day, governments are asked to instruct their soldiers, sailors, paramilitary forces, pilots—all the forces that are organized solely to wage war—to wage peace for just 1 day.

Mr. President, in order that my congressional colleagues can more fully understand the concept of World Peace Day, and so that they may know of the dedication and commitment of Patrolman Don Moreland, Patrolman John Hodurski, and Police Dispatcher Cindy Zalesak, I ask that the editorial "A Day of Peace," from the March 8 edition of the Cape Cod Times, be inserted in the RECORD at the conclusion of my remarks.

Mr. President, the Congress, this administration, and the world have been challenged by three concerned citizens who truly deserve the name "peace officers." Perhaps years from now, during some World Peace Day in the future, those arms will never be picked up again.

The editorial follows:

[From the Cape Cod Times, Mar. 6, 1983]

A DAY OF PEACE

"My Dear Mr. Ambassador, as a man sworn to maintain peace, I hereby challenge your government and the people of your country to participate in a brief exercise of humanity: a World Peace Day."—Patrolman Donald R. Moreland, Harwich Police Department.

There are more than 150 names on Donald Moreland's mailing list. Each recipient of Moreland's letter is being invited to participate in "a brief exercise of humanity." Each recipient is an ambassador of one of the member nations of the United Nations—and for all too many of their governments, officially sanctioned killing is a way of life.

Moreland, who as a "peace officer" is interested in peace and means to do something to make it happen, he is asking the United Nations member states—all of them—to declare Wednesday, April 6, as World Peace Day. Because of the wide variation in time zones, he proposes that for the 24 hours beginning at one minute after midnight, Greenwich Mean Time, each and every government on Earth vow to permit no government-sanctioned killing.

Given the high level of violence around the world, one has to wonder about the chances of success for Moreland's campaign. Consider, for example, that the government of Guatemala, headed by former Roman Catholic and now born-again Christian Efrain Rios Montt, executed six accused terrorists despite the pleas of Pope John Paul II from nearby Costa Rica that the sentences be commuted. If the pope cannot stay the hand of violence, can Donald R. Moreland of the Harwich Police Department?

We don't know, nor does he. Yet such a thing is *possible*, and absurdly so. All it would take is for each government to agree, and for the first time in countless centuries let the world bask in absolute peace—if only for a day.

Will each and every government agree to such a fanciful suggestion?

Again, we don't know.

But they *might*—especially if Patrolman Moreland's idea takes flight.

(Mightn't his idea have a better chance of taking flight if those who read these words spent some time asking themselves what they might do to help World Peace Day come to pass?)●

ORDERS FOR THURSDAY

ORDER FOR RECESS UNTIL TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 12 noon tomorrow.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER FOR RECOGNITION OF CERTAIN SENATORS TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that on tomorrow, after the recognition of the two leaders under the standing order, the following Senators be recognized on special order of not to exceed 15 minutes each and in the following order: Senators PRYOR, LEVIN, and PROXMIRE.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR SECRETARY OF SENATE TO RECEIVE AND REFER MESSAGES FROM THE PRESIDENT

Mr. BAKER. Mr. President, since we may go out early this afternoon and without much to show for our day in session, I have a request that the Secretary of the Senate be authorized to receive and refer messages from the President of the United States until 6 p.m. today. Mr. President, I make that request at this time.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

PROGRAM

Mr. BAKER. Mr. President, it would appear that we are not going to be able to take up the agriculture trade bill today, as I indicated somewhat plaintively a moment ago. If we cannot get it up today, I do not intend to go to it tomorrow or this week. I think it is unlikely that we can reach it next week. I think that is regrettable but it is true.

Mr. President, it also appears that we are not going to be able to get to the small business bill this afternoon, at least not by unanimous consent. And I understand that. I understand why Senators need to negotiate and get ready to proceed to a bill and prepare themselves to the maximum extent, but at some point we have to get the ball rolling. I do not mean what I am about to say to be taken in the wrong way. It certainly is not meant to be critical of any Senator. But I wish to announce, Mr. President, on tomorrow I will move to the consideration of Calendar Order No. 40, S. 499, in respect to the Small Business Administration. We have to have something to do. That is next on the calendar, and it is the intention of the leadership on this side to try to reach that item at the beginning of tomorrow.

Mr. President, I hope that early next week I will be able to report to the Senate a general view of the legislative business that the leadership on this side hopes the Senate will address before the July fourth recess. It will be a rather extensive list, but it will be eminently possible to transact that list. I am not in a position to do that tonight.

KASTEN AMENDMENT

However, certain items have already been arranged. As the Members of the Senate know, there is an order that provides for the Senate to proceed to the consideration of a bill which will carry the Kasten amendment dealing with dividend and interest withholding on April 15, which is a week from this coming Friday. It will be the intention of the leadership on this side, Mr. President, to ask the Senate to be in session then at least for part of the day on Saturday, April 16. I anticipate that it will take more than those 2 days to deal with that matter; it is a highly controversial issue, and I would suggest that at least the first 2 days of the following week, that is, Monday and Tuesday, which would be April 18 and 19, are probably going to have to be devoted to that as well.

BUDGET RESOLUTION

The budget resolution, Mr. President, I understand will be reported from our Budget Committee on or about April 15. As soon as it reaches the Senate calendar and we have complied with the 4-day rule in the case of the Budget Act, it would be the intention of the leadership to promptly call up that measure.

ADELMAN NOMINATION

There are a number of other matters, including the Adelman nomination, which are on the calendar and available, and it is the intention of the leadership on this side to try to reach that nomination and place it before the Senate in the next several days. I will advise Members of the Senate in advance, and I will consult with the minority leader before a decision is made on when to schedule the Adelman nomination and other matters as well.

Mr. President, there are two other matters that I wish to call to the attention of the Senate by way of early

warning: There is a bankruptcy measure that soon will be available. I should like to see that dealt with promptly. The Chief Justice of the United States has admonished Congress more than once to deal with this matter, and I believe it is urgently important that we do so.

There is an omnibus judgeship bill that is a part of that act, as reported by the Judiciary Committee.

There are other matters that will require our early attention.

As I said earlier, I will try to have a more exact listing sometime next week of measures that we may consider before the first of July.

Mr. BYRD. Mr. President, will the majority leader yield?

Mr. BAKER. I yield.

Mr. BYRD. I understand the problems of the majority leader. I am sure that the Senators on my side of the aisle would want to be absolutely sure that there are going to be votes on Saturday, the 16th, if the Senate is going to be in on the 16th.

Mr. BAKER. Mr. President, I cannot at this time assure Senators that there will be votes or that there will not be votes.

I will explain to the minority leader that which I am sure he surmises: Given the controversy that swirls around dividend and interest withholding, I will not be surprised if we have to have a cloture motion; and it may be necessary to be in on Saturday in order to qualify for such a vote on an early date.

As I say, I cannot say that no business will be transacted on Saturday, but I do not anticipate a full day on Saturday. I will try to have a better reading on that as we get closer to it.

Mr. BYRD. I am sure the majority leader will have a better reading by then. I am also confident that he will avoid having a Saturday session, if he can, unless it is absolutely necessary; and I presume that there would be no difficulty in obtaining consent to count Saturday as the interim day in order to qualify the cloture motion for a vote on Monday, the 18th, if that is the desire of the majority leader.

Mr. BAKER. I think that would be most helpful. If the minority leader will permit me, I will examine that possibility, and maybe we can avoid the Saturday session altogether, on some such basis.

Mr. BYRD. Mr. President, I have a couple of items that are cleared, if the majority leader wishes to proceed.

Mr. BAKER. I thank the minority leader. Yes, I would be pleased to proceed. I inquire of the minority leader as to the items with which he is prepared to proceed.

Mr. BYRD. I refer to Calendar No. 41, on page 12, and Calendar No. 70, on page 13.

Mr. BAKER. I thank the minority leader.

S. 1 INDEFINITELY POSTPONED

Mr. BAKER. Mr. President, I ask unanimous consent that Calendar No. 41, S. 1, a bill to implement the consensus recommendations of the National Commission on Social Security Reform, which has been dealt with, be indefinitely postponed.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

OFFICE OF GOVERNMENT ETHICS AUTHORIZATION ACT

Mr. BAKER. Mr. President, on the second item kindly brought to my attention by the minority leader, Calendar No. 70, S. 461, a bill to extend the authorization of appropriations for the Office of Government Ethics for 5 years, we are prepared on this side to consider and pass that bill. I inquire of the minority leader if he is prepared to proceed that far.

Mr. BYRD. Mr. President, we are.

Mr. BAKER. I thank the minority leader.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 70, S. 461.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 461) to extend the authorization of appropriations for the Office of Government Ethics for 5 years.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which has been reported from the Committee on Governmental Affairs with an amendment. To strike out all after the enacting clause, and insert the following:

AMENDMENTS TO ETHICS IN GOVERNMENT ACT OF 1978

SECTION 1. Except as otherwise expressly provided in this Act, whenever an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Ethics in Government Act of 1978.

FIVE YEAR TERM FOR DIRECTOR

SEC. 2. Section 401(b) is amended by striking out the period at the end thereof and inserting in lieu thereof the following: ", and who shall serve for a term of five years. The Director shall be removed from office only for good cause.".

UPGRADING DIRECTOR OF OFFICE OF GOVERNMENT ETHICS TO LEVEL III

SEC. 3. Section 406 is amended to read as follows:

"ANNUAL PAY

"SEC. 406. (a) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following:

" 'Director of the Office of Government Ethics.'.

"(b) Section 5316 of title 5, United States Code, is amended by striking out the item:

" 'Director of the Office of Government Ethics.'. ".

AUTHORITY TO ISSUE REGULATIONS

SEC. 4. (a) Section 402(a) is amended by striking out ", under the general supervision of the Office of Personnel Management,".

(b) Section 402(b) is amended—

(1) in clause (1)—

(A) by striking out "and recommending to the Office of Personnel Management"; and

(B) by striking out "President or the Office of Personnel Management" and inserting in lieu thereof "President or the Director";

(2) in clause (2)—

(A) by striking out "and recommending to the Office of Personnel Management"; and

(B) by striking out "President or the Office of Personnel Management" and inserting in lieu thereof "President or the Director";

(3) in clause (6) by striking out "Office of Personnel Management" and inserting in lieu thereof "Director";

(4) in clause (12) by striking out "Office of Personnel Management" and inserting in lieu thereof "Director"; and

(5) in clause (15) by striking out "and recommending for promulgation by the Office of Personnel Management" and inserting in lieu thereof "and promulgating".

(c) Section 404 is amended by striking out "Office of Personnel Management" and inserting in lieu thereof "Director".

SEPARATE LINE ITEM FOR OFFICE OF GOVERNMENT ETHICS

SEC. 5. (a)(1) Section 1105(a) of title 31, United States Code, is amended by adding at the end thereof the following new paragraph:

"(25) a separate statement specifying the estimated expenditures and proposed appropriations the President decides are necessary to support the Office of Government Ethics in the fiscal year for which the budget is submitted and the four fiscal years after that year.".

(2) The second sentence of section 1106(b) of such title is amended by inserting a comma and "(a)(25)," after "section 1105(a)(1)(14)".

(b)(1) Notwithstanding any other provision of law or of the Standing Rules of the Senate or the Rules of the House of Representatives, it shall not be in order in the Senate or the House of Representatives to consider any bill, resolution, amendment, or any conference report on any bill or resolution, which provides appropriations for the Office of Government Ethics unless such bill, resolution, or conference report contains a separate provision specifying, or such amendment amends a separate provision of a bill or resolution specifying, or inserts into a bill or resolution a separate provision specifying, the amount appropriated for such Office.

(2) The provisions of paragraph (1) are enacted by the Congress—

(A) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(B) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at

any time, in the same manner, and to the same extent as in the case of any other rule of such House.

USE OF INSPECTORS GENERAL

SEC. 6. Section 403 is amended by inserting at the end thereof the following: "The authority of the Director under this section includes the use of the Inspectors General to investigate possible conflicts of interest and to conduct audits at the request of the Director.".

REPLACEMENT OF AGENCY ETHICS OFFICIALS

SEC. 7. Section 402(b) is amended by—

(1) striking out "and" at the end of clause (14);

(2) striking out the period at the end of clause (15) and inserting in lieu thereof "; and"; and

(3) adding at the end thereof the following:

"(16) recommending the replacement of any agency ethics official where such official fails to properly and effectively perform his or her duties.".

OGE REVIEW OF FINANCIAL DISCLOSURE BY HIGH LEVEL WHITE HOUSE AIDES

SEC. 8. (a) Section 203(c) is amended by adding after "designated agency officials," the following: "employees of the White House Office who are compensated at or above a rate equivalent to level II of the Executive Schedule under section 5313 of title 5, United States Code,".

LIMIT ON OUTSIDE EARNED INCOME FOR TOP WHITE HOUSE AIDES

SEC. 9. Section 210 is amended by inserting after "consent of the Senate," the following: "and employees of the White House Office who are compensated at or above a rate equivalent to level II of the Executive Schedule under Section 5313 of title 5, United States Code.".

BLIND TRUST AMENDMENTS

SEC. 10. (a) Section 202(f)(4)(B) is amended by striking out "appointed to office by the President, by and with the consent of the Senate".

(b) Section 202(f)(7) is amended by—

(1) striking out clause (A);

(2) redesignating clause (B) as clause (A) and amending it to read as follows:

"(A) the trust is amended to comply with requirements of paragraph (3) or, if such trust instrument does not by its terms permit amendment, all parties to the trust instrument, including the reporting individual and the trustee, agree in writing that the trust shall be administered in accordance with the requirements of paragraph (3)(C) and a trustee is (or has been) appointed who meets the requirements of paragraph (3); and"; and

(3) redesignating clause (i) as clause (B).

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS

SEC. 11. Section 405 is amended in clause (2) by striking out "four" and inserting in lieu thereof "nine".

EFFECTIVE DATE

SEC. 12. The amendments made by this Act shall be effective on October 1, 1983.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, once again I find the cupboard bare, and I yield the floor.

Mr. LEVIN. Mr. President, I ask unanimous consent that I be allowed to proceed for 5 minutes as though in morning business.

The PRESIDING OFFICER. The Senator has that right.

THE DREAM OF LIDIYA VASHCHENKO

Mr. LEVIN. Mr. President, just a few hours ago, Lidiya Vashchenko arrived in Vienna, Austria, from Moscow, on the first leg of her journey to a new home. Today thus became perhaps the most important day in the life of Lidiya Vashchenko, as she has fulfilled her lifelong dream, a dream to emigrate from the Soviet Union.

It was nearly 5 years ago that the Western world became familiar with Lidiya's emigration case. On June 27, 1978, she went to the American Embassy in Moscow along with five members of her family and two members of the Chmykhalov family. They went at the invitation of Embassy officials to receive emigration advice. But because a young boy in their party—Lidiya's younger brother, John—was dragged away and beaten by Soviet guards, they decided they would have to remain in the Embassy to avoid a similar fate. They subsequently became known to the world as the "Siberian Seven"—seven Pentecostalists who wanted to be free to exercise their religious beliefs.

Numerous efforts were launched to try to secure exit visas for the seven, but the Soviets adamantly insisted that they return to their hometown in Siberia and apply for emigration at the local emigration office.

In late December 1981, after 3½ years of cramped living in a modest basement room in the American Embassy and waiting—always waiting—Lidiya went on a hunger strike to protest Soviet inaction. Her condition so deteriorated that she was removed to Moscow' Botkin Hospital. Upon her recovery, she wrote to me indicating her intention to return to Chernogorsk, her hometown, and there to reapply to emigrate.

In February 1982, Lidiya did return to Chernogorsk and joined other members of her family in filing another round of emigration papers. Those members of her family would remain in Chernogorsk.

We waited and hoped that the Soviets would in turn fulfill their commitment to let her leave. Now, 1 year and 2 months later, Lidiya is in Vienna, preparing to begin a new life. Hopefully, this is but the first paragraph in the closing chapter of the Vashchenko and Chmykhalov emigration saga. Hopefully, it is a sign that we can expect to see the others boarding planes in Moscow bound for Vienna.

Mr. President, this important event should not go without notice here in the Senate or anywhere in the free world. Support for the families has run high in this body. Last year, legislation I introduced on behalf of the families was cosponsored by 73 of my colleagues and was approved—and several of us have visited the families in the American Embassy.

Many groups and individuals throughout the United States have devoted immeasurable time and energy toward advancing their case and garnering public support. While news of Lidiya's emigration is appreciated and warmly welcomed, we must always remember that there are over two dozen members of the Vashchenko and Chmykhalov families still waiting to emigrate from the Soviet Union, and there are others, thousands of others, oh so many thousands of others, also still awaiting the right to emigrate from the Soviet Union.

So today as we hail the beginning of Lidiya's new life, we should recommit ourselves with an extra measure of energy to seeing that the last paragraph of the Vashchenkos and Chmykhalovs emigration saga is written, and that new emigration chapters are quickly added to the book which records the pursuit by Soviet citizens of their freedom to emigrate, which was supposedly guaranteed to them by the Helsinki accords.

Mr. President, I thank the Chair and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SBA BILL

Mr. BAKER. There is an old saying: What if you had a party and nobody came? We had a session of the Senate and almost nobody came. I do not mean to express my chagrin more often than seems appropriate, but I really am disappointed that we could not get anything going this week, and this week is almost over.

Tomorrow we will attempt to get to the SBA bill, and once again those who are interested should be aware that it is the intention of the leadership on this side to proceed either by unanimous consent or by motion on the SBA matter.

RECESS UNTIL TOMORROW

Mr. BAKER. Mr. President, I see no other Senator seeking recognition. Is there any Senator who wishes to speak in morning business? I see none.

Mr. President, I move, therefore, in accordance with the order previously entered, that the Senate now stand in recess until the hour of 12 noon tomorrow.

The motion was agreed to; and the Senate, at 3:47 p.m. recessed until Thursday, April 7, 1983 at 12 noon.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, April 7, 1983, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 8

8:30 a.m.
*Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Health Care Financing Administration, Department of Health and Human Services.
SD-116

9:30 a.m.
Banking, Housing, and Urban Affairs
Insurance Subcommittee
To hold hearings on S. 895, authorizing funds for fiscal years 1984 and 1985 for national flood insurance programs, and authorizing funds for fiscal year ending September 30, 1983 for crime and riot insurance programs.
SD-538
*Special on Aging
To continue hearings to discuss recent decisions affecting social security mentally disabled recipients.
SR-385

10:00 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the U.S. Customs Service, U.S. Secret Service, Bureau of Alcohol, Tobacco and Firearms, and the Federal Law Enforcement Training Center, all of the Department of the Treasury.
SD-138
Environment and Public Works
To resume oversight hearings on the implementation of the Hazardous Waste Containment Act (Public Law 96-510), providing for the safe and adequate treatment of hazardous substances released into the environment.
SD-406
Judiciary
Courts Subcommittee
To hold hearings on the proposed omnibus judgeship bill; and to resume hearings on S. 645, proposed Court Improvements Act.
SD-226

1:30 p.m.
*Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on S. 530, to provide Federal assistance to upgrade instruction in mathematics, science, computer technology and foreign languages in the Nation's elementary, secondary, and postsecondary institutions, and to provide assistance for employment-based vocational training programs, and related proposals.
SD-430

APRIL 11

8:30 a.m.
*Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Office of Human Development Services, and the Office of Community Services, Department of Health and Human Services.
SD-116

9:30 a.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 457, to require the protection, management, and control of wild, free-roaming horses and burros on public lands.
SD-366
Finance
Savings, Pensions and Investment Policy Subcommittee
To hold hearings on the effect of certain provisions contained in the Tax Equity and Fiscal Responsibility Act of 1982 on private pension plans.
SD-215

10:00 a.m.
Environment and Public Works
To resume hearings on infrastructure issues relating to job opportunities in public works, and related proposals, including S. 23, S. 532, S. 724, and S. 871.
SD-406
Judiciary
Constitution Subcommittee
To hold hearings on proposed legislation authorizing funds for the Commission on Civil Rights.
SD-226
Labor and Human Resources
Family and Human Services Subcommittee
To resume hearings on proposed legislation authorizing funds for child abuse prevention and treatment programs, focusing on causes and prevention of child abuse.
SD-430

APRIL 12

8:30 a.m.
*Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the National Institutes of Health, Department of Health and Human Services.
SD-116
*Commerce, Science, and Transportation
To hold hearings on S. 372, to promote interstate commerce by prohibiting discrimination in the writing and selling of insurance contracts.
SR-253

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Food and Drug Administration, Department of Health and Human Services, the Farm Credit Administration, and the Commodity Futures Trading Commission.
SD-138
Labor and Human Resources
To hold hearings on a radiation/epidemiology study.
SD-430
Select on Indian Affairs
To hold oversight hearings on the disbursement of funds by the Bureau of Indian Affairs to do a study of the irrigable acres on the Blackfeet Reservation in Montana.
SD-628
Joint Economic
To resume hearings to review the past and future impact of the administration's New Federalism proposals on the working poor and children.
2359 Rayburn Building

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366
Environment and Public Works
To continue hearings on infrastructure issues relating to job opportunities in public works, and related proposals, including S. 23, S. 532, S. 724, and S. 871.
SD-406

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Judiciary
Business meeting, to consider pending calendar business.
SD-226

Select on Intelligence
Closed briefing on intelligence matters.
S-407, Capitol

10:30 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Federal Aviation Administration, Department of Transportation.
SD-192

11:00 a.m.
Foreign Relations
Business meeting, to consider S. 873, proposed Soviet-Eastern European Research and Training Act, and Senate Concurrent Resolution 19, expressing the sense of the Congress on the occasion of the 150th anniversary of the opening of diplomatic relations between the United States and Thailand.
SD-419

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Bureau of Indian Affairs of the Department of the Interior.
SD-192

Armed Services
Preparedness Subcommittee
To resume hearings on S. 675, authorizing funds for fiscal year 1984 for military programs of the Department of Defense, focusing on readiness, operation, and maintenance programs of the Marine Corps, and reserve component status of the U.S. Army.
SR-222

Small Business
To meet with the National Advisory Council to discuss certain legislative issues related to small business practices.
SR-428A

Select on Intelligence
Budget Authorization Subcommittee
To hold closed hearings to review proposed legislation authorizing funds for fiscal year 1984 for the intelligence community.
S-407, Capitol

APRIL 13

8:30 a.m.
Appropriations
*Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for the National Institutes of Health, Department of Health and Human Services.
SD-116

9:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production, Marketing, and Stabilization of Prices Subcommittee
To hold hearings to review dairy prices support programs.
SR-328A

Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984, receiving testimony in behalf of funds for the Office of the Secretary of the Senate, Office of the Senate Sergeant at Arms, and the General Accounting Office.
S-128, Capitol

Special on Aging
To hold hearings on health insurance matters affecting the elderly.
SD-562

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for The Judiciary, Commission on Security and Cooperation in Europe, and the Commission on Civil Rights.
S-146, Capitol

Finance
To hold hearings on S. 544, to promote economic revitalization and facilitate expansion of economic opportunities in the Caribbean Basin region.
SD-215

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Foreign Relations
International Economic Policy Subcommittee
To resume hearings to examine worldwide economic problems.
SD-419

Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To hold hearings on proposed Office of Personnel Management regulations.
SD-342

Judiciary
Separation of Powers Subcommittee
To resume hearings to explore certain Federal court procedures relating to the exclusionary rule, habeas corpus, and related matters.
SD-226

Labor and Human Resources
To hold hearings on the nomination of Edward A. Knapp, of New Mexico, to be Director of the National Science Foundation.
SD-430

Small Business
To hold hearings on S. 742, S. 743, and S. 744, bills providing assistance to small business for job-creating programs, and S. 745, providing debentures to State development companies to assist the small business community in meeting its financial obligations.
SR-428A

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for the Bureau of Indian Affairs of the Department of the Interior.
SD-192

Judiciary
To hold hearings on pending nominations.
SD-226

Small Business
To hold hearings on the nomination of Mary F. Wieseman, of Maryland, to be Inspector General, Small Business Administration.
SR-428A

APRIL 14

8:30 a.m.
*Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Alcohol, Drug Abuse, and Mental Health Administration, and the Centers for Disease Control, Department of Health and Human Services.
SD-116

9:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production, Marketing, and Stabilization of Prices Subcommittee
To continue hearings to review dairy price support programs.
SR-328A

9:30 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on S. 125, authorizing funds for fiscal year 1984 for the maritime construction differential subsidy program of the Maritime Administration, Department of Transportation.
SR-253

Judiciary
Juvenile Justice Subcommittee
To hold hearings on S. 53, proposed Justice Assistance Act.
SD-226

Rules and Administration
To hold hearings on Senate Resolution 66, to establish regulations needed to implement television and radio coverage of proceedings of the Senate.
SR-301

10:00
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the National Science Foundation
SD—124

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Urban Mass Transportation Administration, Department of Transportation.
SD-192

Environment and Public Works
Environmental Pollution Subcommittee
To resume hearings on S. 431, authorizing funds for fiscal years 1983 through 1987 for clean water programs, and S. 432, extending the 1984 compliance date for certain requirements of the Clean Water Act.
SD-406

Foreign Relations
Business meeting, to consider pending calendar business.
SD-419

Governmental Affairs
To resume oversight hearings on the management policies of the Department of Defense.
SD-342

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
Business meeting, to mark up S. 530, to provide Federal assistance to upgrade instruction in mathematics, science, computer technology and foreign languages in the Nation's elementary, secondary, and postsecondary institutions, and to provide assistance for employment-based vocational training programs, S. 655, to authorize funds for fiscal years 1984, 1985, and 1986 for the national sea grant program, S. 112, to make technical amendments to improve implementation of the Education Consolidation and Improvement Act of 1981, and S. 564, to establish the U.S. Academy of Peace.
SD-430

Labor and Human Resources
Family and Human Services Subcommittee
To resume hearings on proposed legislation authorizing funds for child abuse prevention and treatment and adoption reform programs.
SD-628

Joint Economic
To resume hearings to review the past and future impact of the administration's New Federalism proposals on the private nonprofit sector.
2218 Rayburn Building

10:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the National Endowment for the Humanities, and the Office of Federal Inspector, Alaska Natural Gas Transportation System.
SD-192

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the General Services Administration, and to discuss the substance of S. 102, to allow State and local governments to continue to acquire surplus Federal lands for park and recreational use.
SD-124

Foreign Relations
To hold hearings to discuss the status of control over space weapons.
SD-419

Judiciary
Administrative Practice and Procedure Subcommittee
To hold hearings on S. 919, making certain revisions to the Equal Access to Justice Act (Public Law 96-481).
SD-226

APRIL 15

8:30 a.m.
*Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee.
To hold hearings on proposed budget estimates for fiscal year 1984 for the Office of Inspector General, Office for Civil Rights, policy research, departmental management, salaries and expenses, Department of Health and Human Services.
SD-116

9:00 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984, receiving testimony in behalf of funds for the Architect of the Capitol, Office of Technology Assessment, and the Congressional Budget Office.
S-128, Capitol

9:30 a.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 49, to redesignate public land in Alaska to allow hunting.
SD-366

Finance
Health Subcommittee
To hold hearings on consumer access to health benefits information under publicly and privately financed insurance programs.
SD-215

10:00 a.m.
Environment and Public Works
Nuclear Regulation Subcommittee
To hold hearings on the status of emergency planning and preparedness at commercial nuclear powerplants.
SD-406

Joint Economic
To hold hearings on the economics of natural gas deregulation, focusing on the present regulatory system and options for the future.
SD-138

APRIL 18

9:00 a.m.
Judiciary
Constitution Subcommittee
To hold hearings on S. 774, to revise certain provisions of the Freedom of Information Act by providing protectable interest in national security information, law enforcement investigations, business confidentiality, and personal property.
SD-226

9:30 a.m.
Small Business
To hold hearings to review the President's second annual report to Congress on small business and competition.
SR-428A

10:00 a.m.
Environment and Public Works
To resume hearings on infrastructure issues relating to job opportunities in public works, and related proposals, including S. 23, S. 532, S. 724, and S. 871.
SD-406

10:30 a.m.
Labor and Human Resources
To hold hearings to review science education programs.
SD-430

APRIL 19

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the U.S. Fish and Wildlife Service, Department of the Interior.
SD-124

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on S. 663, to prohibit payments to producers of certain agricultural commodities on highly erodible land.
SR-328A

Labor and Human Resources
To hold hearings on railroad retirement program.
SD-430

10:00 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984, receiving testimony in behalf of funds for the Government Printing Office, Library of Congress, and the Copyright Royalty Tribunal.
S-128, Capitol

Foreign Relations
Business meeting, to consider pending calendar business.
SD-419

Judiciary
Business meeting, to consider pending calendar business.
SD-226

*Select on Intelligence
Closed business meeting, to mark up proposed legislation authorizing funds for fiscal year 1984 for the intelligence community.
S-407, Capitol

APRIL 20

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Judiciary, U.S. International Trade Commission, and the Federal Maritime Administration.
S-146, Capitol

Commerce, Science, and Transportation
To hold hearings on nomination of Harry O'Connor, of California, to be a member of the Board of Directors of the Corporation for Public Broadcasting.
SR-253

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

Small Business
Urban and Rural Economic Development Subcommittee
To hold hearings on proposals to promote jobs through small business enterprise.
SR-428A

10:00 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Executive Office of the President, National Security Council, and the Property Review Board.
SD-124

Foreign Relations
Business meeting, to consider pending calendar business.
SD-419

Judiciary
Security and Terrorism Subcommittee
To hold hearings to examine matters relative to the attempted assassination of the Pope.
SD-226

*Labor and Human Resources
To hold oversight hearings on the investigation by the Department of Labor and the Department of Justice on the alleged involvement of certain union workers in organized crime.
SD-430

11:00 a.m.
Joint Economic
To hold hearings on the first quarter gross national product estimates and the economic outlook for 1983.
SD-342

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for fossil energy research and development programs of the Department of Energy.
SD-192

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Departments of Commerce, Justice, State, the Judiciary, and related agencies.
S-146, Capitol

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Department of the Treasury.
SD-124

Judiciary
To hold hearings on pending nominations.
SD-226

APRIL 21

9:30 a.m.
Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR-253

Energy and Natural Resources
Energy Research and Development Subcommittee
To resume hearings on the President's budget request for fiscal year 1984 for the Department of Energy's research and development programs, receiving testimony from public witnesses on energy research, conservation and renewable energy, nuclear energy, and nuclear waste activities.
SD-366

Labor and Human Resources
Employment and Productivity Subcommittee
Business meeting, to mark up S. 242, authorizing funds for fiscal year 1983 to provide additional employment opportunities in existing Federal or federally assisted labor intensive programs, to provide incentives for employers to hire the long-term unemployed, and to expand retraining opportunities for dislocated workers.
SD-342

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the National Aeronautics and Space Administration.
SD-124

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Department of State and certain international organizations.
S-146, Capitol

Foreign Relations
Business meeting, to consider pending calendar business.
SD-419

Governmental Affairs
To hold hearings on the nomination of Joseph H. Sherick, of Virginia, to be Inspector General, Department of Defense.
SD-342

Judiciary
Immigration and Refugee Policy Subcommittee
To hold hearings to review U.S. immigration quotas.
SD-226

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold oversight hearings on the implementation of bilingual education programs administered by the Department of Education.
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Indian Health Service, and the Office of Indian Education.
SD-192

Judiciary
Constitution Subcommittee
To resume hearings on S. 774, to revise certain provisions of the Freedom of Information Act by providing protectable interest in national security information, law enforcement investigations, business confidentiality, and personal property.
SD-226

APRIL 22

9:30 a.m.
Finance
To hold hearings on S. 98, S. 634, and S. 863, bills to provide tax incentives for businesses in economically depressed areas to stimulate job programs.
SD-215

10:00 a.m.
Judiciary
To resume hearings on organized crime in the United States.
SD-226

10:30 a.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 916 and S. 848, bills to provide for the termination, extension, or modification of certain contracts for the sale of Federal timber.
SD-366

APRIL 25

9:30 a.m.
Commerce, Science, and Transportation
To resume hearings on S. 372, to promote interstate commerce by prohibiting discrimination in the writing and selling of insurance contracts.
SR-253

Labor and Human Resources
To hold hearings on S. 771, authorizing funds for fiscal years 1983, 1984, 1985, and 1986 for health promotion and disease prevention programs of the Department of Health and Human Services.
SD-430

2:00 p.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for transportation related programs.
SD-192

APRIL 26

8:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the National Oceanic and Atmospheric Administration of the Department of Commerce, Marine Mammal Commission, and the Small Business Administration.
S-146, Capitol

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on S. 48, to establish the National Transportation Commission as an independent regulatory agency, and to eliminate existing statutory restrictions against common ownership and control of certain water carriers.
SR-253

Labor and Human Resources
To hold hearings on S. 772, to establish an Interagency Committee on Smoking and Health to coordinate Federal and private activities to educate the public about the health hazards of smoking.
SD-430

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for transportation related programs.
SD-124

Governmental Affairs
To resume hearings on S. 121, to establish a U.S. Department of Trade as an executive department of the Federal Government.
SD-342

Judiciary
Business meeting, to consider pending calendar business.
SD-226

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Department of the Interior.
SD-138

APRIL 27

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

9:30 a.m.
Commerce, Science, and Transportation
To continue hearings on S. 48, to establish the National Transportation Commission as an independent regulatory agency, and to eliminate existing statutory restrictions against common ownership and control of certain water carriers.
SR-253

Commerce, Science, and Transportation
Consumer Subcommittee
To resume hearings on S. 44, to establish uniform standards of product liability law.
SD-628

Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings on proposed legislation authorizing funds for the Office of Federal Procurement Policy within the Office of Management and Budget.
SD-538

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for transportation related programs.
SD-192

Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to investigate alleged involvement of organized crime and mismanagement of funds in the hotel and restaurant workers union (HEREIU).
SD-342

Labor and Human Resources
To hold hearings on disease prevention.
SD-430

10:30 a.m.
Small Business
Small Business: Family Farm Subcommittee
To hold hearings to discuss certain problems facing family farm owners.
SR-428A

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the land and water conservation fund.
SD-192

Judiciary
To hold hearings on pending nominations.
SD-226

APRIL 28

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

9:30 a.m.
Judiciary
Criminal Law Subcommittee
To hold hearings on S. 485, proposed Lawyers Duty of Disclosure Act.
SD-226

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Federal Emergency Management Agency, and the Neighborhood Reinvestment Corporation.
SD-124

Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings to investigate alleged involvement of organized crime and mismanagement of funds in the hotel and restaurant workers union (HEREIU).
SD-342

Judiciary
Constitution Subcommittee
To hold hearings with the Committee on Labor and Human Resources on S. 425, to provide equal access and opportunity to public school students who wish to meet voluntarily for religious purposes.
SD-430

Labor and Human Resources
To hold joint hearings with the Committee on the Judiciary's Subcommittee on Constitution on S. 425, to provide equal access and opportunity to public school students who wish to meet voluntarily for religious purposes.
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the strategic petroleum reserve, and the naval petroleum reserves, Department of Energy.
SD-138

2:30 p.m.
Governmental Affairs
To hold hearings on pending nominations.
SD-342

APRIL 29

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

10:00 a.m.
Judiciary
Constitution Subcommittee
To continue joint hearings with the Committee on Labor and Human Resources on S. 425, to provide equal access and opportunity to public school students who wish to meet voluntarily for religious purposes.
SD-430

Labor and Human Resources
To continue joint hearings with the Committee on the Judiciary's Subcommittee on Constitution on S. 425, to provide equal access and opportunity to public school students who wish to meet voluntarily for religious purposes.
SD-430

MAY 2

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

MAY 3

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for territorial affairs.
SD-138

9:30 a.m.
Labor and Human Resources
To hold hearings on proposed legislation authorizing funds for the Legal Services Corporation.
SD-430

10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

Judiciary
Business meeting, to consider pending calendar business.
SD-226

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for territorial affairs.
SD-138

MAY 4

9:30 a.m.
Labor and Human Resources
Business meeting, to consider proposed legislation relating to science education.
SD-430

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

MAY 5

9:30 a.m.
Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on copyright audio-visual rental.
SD-226
Labor and Human Resources
To hold hearings to discuss unemployment cycles.
SD-430

10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

11:00 a.m.
*Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Office of Revenue Sharing (New York City loan program), Federal Home Loan Bank Board, and the National Credit Union Administration.
SD-124

MAY 9

10:00 a.m.
Judiciary
Immigration and Refugee Policy Subcommittee
To hold hearings on proposed authorizations for refugee programs.
SD-226

MAY 10

9:30 a.m.
Labor and Human Resources
To hold hearings on home health care services.
SD-430

10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406
Judiciary
Business meeting, to consider pending calendar business.
SD-226

MAY 11

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Labor and Human Resources
To continue hearings on home health care services.
SD-430

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

MAY 12

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings on certain tragedies involving children.
SD-562
Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on computerization of criminal history.
SD-226
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Department of Housing and Urban Development.
SD-124
Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

MAY 13

9:30 a.m.
Labor and Human Resources
To hold hearings to examine fire safety issues.
SD-430

MAY 17

10:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
SD-226

MAY 18

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on activities of the Equal Employment Opportunity Commission.
SD-430

10:00 a.m.
Veterans' Affairs
To hold oversight hearings to review adverse health effects from exposure to agent orange, and other related matters.
SR-325

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226
Veterans' Affairs
To continue oversight hearings to review adverse health effects from exposure to agent orange, and other related matters.
SR-325

MAY 19

9:30 a.m.
Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on computer chips protection.
SD-226
Labor and Human Resources
To hold hearings on health care cost.
SD-430

MAY 23

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs under the subcommittee's jurisdiction.
SD-124

MAY 24

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs under the subcommittee's jurisdiction.
SD-124
Judiciary
Business meeting, to consider pending calendar business.
SD-226

MAY 25

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings on the problem of parental kidnaping.
SD-226
Labor and Human Resources
To continue hearings on health care cost.
SD-430

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

JUNE 8

9:30 a.m.
Labor and Human Resources
To hold hearings on food safety.
SD-430

10:00 a.m.
Veterans' Affairs
To hold hearings on proposed legislation providing for certain veterans' compensation.
SR-418

JUNE 9

9:30 a.m.
Labor and Human Resources
To continue hearings on food safety.
SD-430

JUNE 10

9:30 a.m.
Labor and Human Resources
To continue hearings on food safety.
SD-430

JUNE 14

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings on proposed legislation revising certain provisions of the Labor-Management Reporting and Disclosure Act (Landrum-Griffin Act).
SD-430

JUNE 15

9:30 a.m.
Judiciary
Patents, Copyrights and Trademarks Subcommittee
To resume oversight hearings on activities of the Patent and Trademark Office, Department of Commerce.
SD-226
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on the proposed Alien Education Assistance Act.
SD-430
Veterans' Affairs
To hold oversight hearings to review certain health care and other services provided Vietnam veterans.
SR-418

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

JUNE 16

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings on deinstitutionalization of certain status offenders.
SD-226
Labor and Human Resources
Labor Subcommittee
To resume hearings on proposed legislation revising certain provisions of the Labor-Management Reporting and Disclosure Act (Landrum-Griffin Act).
SD-430

JUNE 20

10:00 a.m.
Judiciary
Immigration and Refugee Policy Subcommittee
To resume hearings on proposed authorizations for refugee programs.
SD-226

JUNE 22

9:30 a.m.
Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on patent term restoration.
SD-226
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Veterans' Affairs
To hold oversight hearings on certain health care services for veterans.
SR-418

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

JUNE 27

10:00 a.m.
Judiciary
Immigration and Refugee Policy Subcommittee
To resume hearings on proposed authorizations for refugee programs.
SD-226

JUNE 29

9:30 a.m.
Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on Federal Government patent policy.
SD-226

10:00 a.m.
Veterans' Affairs
Business meeting, to consider proposed legislation providing for certain veterans' compensation.
SR-418

JUNE 30

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings on juvenile offenders of serious and violent crimes.
SD-226

JULY 6

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

JULY 13

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

JULY 20

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

JULY 27

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

CANCELLATIONS

APRIL 7

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Environmental Protection Agency.
SD-124

2:30 p.m.
Judiciary
Business meeting, to consider pending calendar business.
SD-226

APRIL 12

9:30 a.m.
Rules and Administration
To resume oversight hearings on the operation and possible modification of the current campaign finance laws governing Presidential and congressional campaigns.
SR-301

Veterans' Affairs
Business meeting, to mark up S. 11, S. 567, S. 578, S. 629, S. 664, bills to improve and extend certain veterans' health-care programs, S. 8, S. 9, S. 667, to improve educational assistance programs for veterans, and to repeal the termination date of the GI bill, and S. 636, to provide for judicial review of certain administrative decisions of the Veterans' Administration, and to provide for reasonable fees to attorneys serving as legal counsel for veterans.
SR-418

APRIL 14

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume oversight hearings on the implementation of vocational education programs administered by the Department of Education.
SD-430

HOUSE OF REPRESENTATIVES—*Thursday, April 7, 1983*

The House met at 11 a.m., and was called to order by the Speaker pro tempore (Mr. WRIGHT).

Rev. Lewis R. Rogers, D.D., honorably retired, Presbyterian Church, Ada, Okla., offered the following prayer:

Eternal and loving God, as we come blundering into these moments of prayer, remind us anew that this is the day which You have made and given to us. You know the difficulties our Representatives face, the decisions that must be made, here and in committees. Give to us all the faith that it is possible to know and to do Your will. Let the decisions that are made today reflect Your purpose. Give to each of us the feeling that You are watching, looking over our shoulder, as it were. Quiet our jangled nerves. Ease our tensed minds. Calm our explosive tempers. Fix our thoughts upon You that Your peace may be with us.

Not only for the Members of this body, but we also pray for all who are the support people—staff persons, secretaries, employees in whatever category and place of service.

Then when this day You have given us is over, may we be able really to rejoice and be glad in it and in what we will have done today. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 89. An act to amend the Saccharin Study and Labeling Act; and

S. 612. An act to amend the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701) to permit temporary use by Federal departments and agencies of public lands controlled by the Bureau of Land Management, Department of the Interior.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C., *April 7, 1983.*

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I have the honor to transmit herewith a copy of the official Abstract of Votes from the Honorable Natalie Meyer, Secretary of State of the State of Colorado, indicating that the Honorable Dan Schaefer is the apparent winner of the Special Election held on March 29, 1983, for the Office of Representative in Congress from the Sixth District of Colorado.

With kind regards, I am,

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

STATE OF COLORADO, DEPARTMENT OF STATE
UNITED STATES OF AMERICA,
State of Colorado, ss:

CERTIFICATE

I, Natalie Meyer, Secretary of State of the State of Colorado, do hereby certify that I have canvassed the "Abstract of Votes" cast in the Congressional Vacancy Election, Sixth Congressional District of March 29, 1983 in the State of Colorado and do state that, to the best of my knowledge and belief, the following list represents the votes cast for a Member of the United States House of Representatives at the Congressional Vacancy Election, Sixth Congressional District:

Steve Hogan, Democrat	27,779
Dan Schaefer, Republican	49,816
John Heckman, Concerns of People	1,112

STATE OF COLORADO, DEPARTMENT OF STATE
UNITED STATES OF AMERICA,
State of Colorado, ss:

CERTIFICATE

I, Natalie Meyer, Secretary of State of the State of Colorado, do hereby certify that I have canvassed the "Abstract of Votes" cast in the Congressional Vacancy Election, Sixth Congressional District of March 29, 1983 in the State of Colorado for a Member of the United States House of Representatives and that to the best of my knowledge and belief, Dan Schaefer, Republican, was duly elected by the qualified electors of the Sixth Congressional District, State of Colorado for the remainder of the term.

SWEARING IN OF HON. DAN SCHAEFER OF COLORADO AS A MEMBER OF THE HOUSE

Mr. MICHEL. Mr. Speaker, I ask unanimous consent that the gentleman from Colorado, Mr. DAN SCHAEFER, be permitted to take the oath of office today. His certificate of election has not arrived, but there is no contest, and no question has been raised with regard to his election.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. SCHAEFER appeared at the bar of the House and took the oath of office.

The SPEAKER pro tempore. Congratulations.

REV. DR. LEWIS R. ROGERS

(Mr. WATKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATKINS. Mr. Speaker, it is a special honor for me today to have the Reverend Dr. Lewis R. Rogers, a retired Presbyterian minister from my hometown in Ada, who has served churches in Oklahoma and Missouri, to serve as the Chaplain for the U.S. House of Representatives on this Thursday, April 7, 1983.

Dr. Rogers served in Oklahoma as pastor of Presbyterian Churches in Okemah and Anadarko before spending over 17 years as pastor for the First Presbyterian Church in Cushing. He then served for 15 years at the Southampton Presbyterian Church in St. Louis, Mo. After retiring in 1977, he served as assistant pastor (part time) for the First Presbyterian Church in Broken Arrow, Okla., and as interim pastor for the First Presbyterian Church in Ardmore.

From 1975 until 1977, Dr. Rogers served on the support agency board of the United Presbyterian Church in the United States of America; and he now serves as the treasurer of the Dwight Mission Agency board which operates Dwight Mission, a camp and conference facility in Oklahoma owned by the Presbyterian Church.

Dr. Rogers graduated from the Presbyterian-related College of the Ozarks in Clarksville, Ark., and from McCormick Theological Seminary in Chicago. He served for 10 years on the board of trustees of the College of the Ozarks which honored him in 1956 with an honorary doctor of divinity degree.

Dr. Rogers, who resides in Ada with his wife, Lora Beth Henry Rogers, is the father of Lou Watkins, wife of Oklahoma's Third District Congressman WES WATKINS.

"I am very proud to have my father-in-law serve as Chaplain to the House of Representatives," said WATKINS. "It is not only a high honor for him, but for me, too. I have great respect for my father-in-law and his many years of dedicated service to the ministry."

DIRECTING CLERK OF THE HOUSE TO MAKE CORRECTIONS IN ENROLLMENT OF H.R. 1900, THE SOCIAL SECURITY ACT AMENDMENTS OF 1983

Mr. PICKLE. Mr. Speaker, I send to the desk a concurrent resolution (H. Con. Res. 102) directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 1900, to assure the solvency of the social security trust funds, to reform the medicare reimbursement of hospitals, to extend the Federal supplemental compensation program, and for other purposes, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. CONABLE. Mr. Speaker, reserving the right to object, I have looked at this concurrent resolution and I would like to engage in a brief dialog with the distinguished gentleman from Texas about the resolution.

As I understand it, its purpose is to correct some provisions of the social security bill passed just before the Easter recess before its enrollment because under the pressure of time there were some typographical and other clerical errors made in the final preparation. Members, I believe, will recall that we were under considerable pressure at that time in that the conference ended a very short period of time before the House had to consider the conference report.

I have looked through this and find that while there were some significant clerical errors, they are all clerical errors and not changes in substance or in agreement among the conferees.

Now, is there anything further that should be said about this by the gentleman from Texas under my reservation of objection?

Mr. PICKLE. Mr. Speaker, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Texas.

Mr. PICKLE. I thank the gentleman for yielding.

Nothing further needs to be added. This concurrent resolution simply makes several technical and clerical corrections in the enrollment of the bill, H.R. 1900, the Social Security Act Amendments of 1983.

The bill was considered in a very short time and these are simply technical and clerical corrections that need to be made to accompany that bill. There are no substantive changes.

Mr. CONABLE. And this would be the time to make these corrections, as I understand it, Mr. Speaker, before the enrollment of the bill and its forwarding to the White House for such action as the President may take on it.

Mr. PICKLE. The gentleman is correct.

Mr. CONABLE. Mr. Speaker, I withdraw my reservation of objection.

That is my understanding about the concurrent resolution, and I think it should be supported by the Members.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas (Mr. PICKLE)?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 102

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H.R. 1900) to assure the solvency of the Social Security Trust Funds, to reform the medicare reimbursement of hospitals, to extend the Federal supplemental compensation program, and for other purposes, the Clerk of the House of Representatives shall make the corrections specified in the succeeding sections of this concurrent resolution.

SEC. 2. In title I of the bill, make the following corrections:

(1) In section 101 of the bill—

(A) in subsection (a)(1)—

(i) in the proposed subparagraph (B) of section 210(a)(5) of the Social Security Act, strike out "before or after" and insert in lieu thereof "before, on, or after", and

(ii) in the proposed clause (iii) of such section 210(a)(5), strike out "United States District Court" and insert in lieu thereof "United States district court"; and

(B) in subsection (b)(1), in the proposed subparagraph (B) of section 3121(b)(5) of the Internal Revenue Code of 1954, strike out "before or after" and insert in lieu thereof "before, on, or after".

(2) In section 102 of the bill, strike out "after January 1, 1984" in subsection (e)(1)(B) and insert in lieu thereof "after December 31, 1983".

(3) In section 112 of the bill—

(A) In subsection (a)(4)—

(i) in the proposed subparagraph (C)(i) of section 215(i)(1) of the Social Security Act, strike out "1985" and "1984" and insert in lieu thereof "1984" and "1983", respectively,

(ii) in the proposed subparagraph (C)(ii) of such section 215(i)(1), strike out "1984" and insert in lieu thereof "1983",

(iii) in the proposed subparagraph (F)(i) of such section 215(i)(1), strike out "as of the beginning of such year," the second place it appears, and

(iv) in the proposed subparagraph (G) of such section 215(i)(1), strike out "for the preceding calendar year";

(B) in subsection (d)(1), in the proposed clause (iii) of section 215(i)(2)(C) of the Social Security Act—

(i) insert "for the current calendar year" after "OASDI fund ratio",

(ii) strike out "each calendar year" and insert in lieu thereof "the preceding calendar year", and

(iii) strike out "that year" and insert in lieu thereof "the current calendar year";

(C) in subsection (d)(2), strike out "section 111(b)(1)", "section 111(b)(2)", and "sections 111(b)(2)" and insert in lieu thereof "section 111(c)", "section 111(a)(6) and (b)(2)", and "sections 111(a)(6), 111(b)(2),", respectively;

(D) in subsection (e), strike out "1984" and insert in lieu thereof "1983"; and

(E) in subsection (f), strike out "1985" and insert in lieu thereof "1984".

(4) In section 113 of the bill—

(A) in the proposed subparagraph (B)(i) of section 215(a)(7) of the Social Security Act (contained in subsection (a) of such section 113), strike out "the preceding paragraphs of this subsection" in both the first and second sentences and insert in lieu thereof "paragraph (1) of this subsection";

(B) in the proposed subparagraph (D) of such section 215(a)(7), strike out "24 years" and insert in lieu thereof "25 years";

(C) add quotation marks at the end of the proposed paragraph (5) of section 215(d) of the Social Security Act (contained in subsection (b) of such section 113); and

(D) in the proposed paragraph (9)(A) of section 215(f) of the Social Security Act (contained in subsection (c) of such section 113), insert "(notwithstanding paragraph (4) of this subsection)" after "shall be recomputed".

(5) In section 114 of the bill, after subsection (b), add the following new subsection:

(c)(1) Paragraphs (2)(A) and (3) of section 202(w) of such Act are each amended by striking out "age 72" and inserting in lieu thereof "age 70".

(2) The amendments made by paragraph (1) shall apply with respect to increment months in calendar years after 1983.

(6) In section 121 of the bill, in the proposed paragraph (1) of section 86(b) of the Internal Revenue Code of 1954 (contained in subsection (a) of such section 121), add a period at the end of subparagraph (B).

(7) In section 122 of the bill—

(A) in subsection (a), in the proposed paragraph (3) of section 37(c) of the Internal Revenue Code of 1954, indent the last (flush) sentence of subparagraph (A) 4 ems so as to align with subparagraph (B); and

(B) in subsection (c)(7), reset the quoted material in 10-point light-face type for table of contents.

(8)(A) In the first section 125 of the bill (treatment of certain faculty practice plans), strike out "medical schools" in subsection (a)(1)B)(ii) and insert in lieu thereof "medical school".

(B) Redesignate the second section 125 of the bill (allocations to disability insurance trust fund) as section 126.

(9) In section 132 of the bill, in subsection (b)(1)(B)(i)(I), strike out "excluding surviving spouses" and insert in lieu thereof "excluding divorced spouses".

(10) In section 142 of the bill—

(A) in subsection (a)(2)(A), strike out clause (iii) and insert in lieu thereof the following:

(iii) by inserting before the period at the end thereof the following: "(even if such an investment would earn interest at a rate different than the rate earned by investments redeemed by the lending fund in order to make the loan)";

(B) in the proposed subparagraph (B)(iii)(I) of section 201(l)(3) of the Social Security Act (contained in subsection (a)(3)(B) of such section 142), strike out "reduced" and all that follows down through "Hospital Insurance Trust Fund,";

(C) in subsection (b)(2)(A), strike out clause (iii) and insert in lieu thereof the following:

(iii) by inserting before the period at the end thereof the following: "(even if such an investment would earn interest at a rate different than the rate earned by investments redeemed by the lending fund in order to make the loan)";

and

(D) in the proposed subparagraph (B)(iii)(I) of section 1817(j)(3) of the Social

Security Act (contained in subsection (b)(3)(B) of such section 142), strike out "reduced" and all that follows down through "Disability Insurance Trust Fund,".

(11) In section 143 of the bill—

(A) in the proposed subsection (a) of section 709 of the Social Security Act—

(i) strike out "Fund," where it first appears and insert in lieu thereof "Fund and", and

(ii) insert "in the balance ratio" after "such inadequacy" where it first appears; and

(B) in the proposed subsection (b) of such section 709, strike out "section 201(1)" where it appears in paragraphs (1) and (2) and insert in lieu thereof "section 201(l) or 1817(j)".

(12) In section 151 of the bill—

(A) in the proposed paragraph (1) of section 217(g) of the Social Security Act (contained in subsection (a) of such section 151), strike out "Social Security Act Amendments" each place it appears (three places) and insert in lieu thereof "Social Security Amendments"; and

(B) in the last sentence of the proposed paragraph (2) of such section 217(g) (contained in subsection (a) of such section 151), strike out "compensate for" and insert in lieu thereof "take into account".

(13) Redesignate section 153 of the bill as section 152, and amend such section to read as follows:

ACCOUNTING FOR CERTAIN UNNEGOTIATED CHECKS FOR BENEFITS UNDER THE SOCIAL SECURITY PROGRAM

SEC. 152. (a) Section 201 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(m)(1) The Secretary of the Treasury shall implement procedures to permit the identification of each check issued for benefits under this title that has not been presented for payment by the close of the sixth month following the month of its issuance.

"(2) The Secretary of the Treasury shall, on a monthly basis, credit each of the Trust Funds for the amount of all benefit checks (including interest thereon) drawn on such Trust Fund more than 6 months previously but not presented for payment and not previously credited to such Trust Fund, to the extent provided in advance in appropriation Acts.

"(3) If a benefit check is presented for payment to the Treasury and the amount thereof has been previously credited pursuant to paragraph (2) to one of the Trust Funds, the Secretary of the Treasury shall nevertheless pay such check, if otherwise proper, recharge such Trust Fund, and notify the Secretary of Health and Human Services.

"(4) A benefit check bearing a current date may be issued to an individual who did not negotiate the original benefit check and who surrenders such check for cancellation if the Secretary of the Treasury determines it is necessary to effect proper payment of benefits.".

(b) The amendment made by subsection (a) shall apply with respect to all checks for benefits under title II of the Social Security Act which are issued on or after the first day of the twenty-fourth month following the month in which this Act is enacted.

(c)(1) The Secretary of the Treasury shall transfer from the general fund of the Treasury to the Federal Old-Age and Survivors Insurance Trust Fund and to the Federal Disability Insurance Trust Fund, in the month following the month in which this Act is enacted and in each of the succeeding 30 months, such sums as may be necessary to reimburse such Trust Funds in the total amount of all checks (including interest thereon) which he and the Secretary of Health and Human Services jointly determine to be unnegotiated benefit checks, to the extent provided in advance in appropriation Acts. After any amounts authorized by this subsection have been transferred to a Trust Fund with respect to any benefit check, the provisions of paragraphs (3) and (4) of section 201(m) of the Social Security Act (as added by subsection (a) of this section) shall be applicable to such check.

(2) As used in paragraph (1), the term "unnegotiated benefit checks" means checks for benefits under title II of the Social Security Act which are issued prior to the twenty-fourth month following the month in which this Act is enacted, which remain unnegotiated after the sixth month following the date on which they were issued, and with respect to which no transfers have previously been made in accordance with the first sentence of such paragraph.

(14) Redesignate section 154 of the bill as section 153.

On page 10, strike out lines 14 and 15 and insert in lieu thereof the following:

(15) Redesignate section 155 of the bill as section 154; and, in the matter proposed to be inserted in the matter proposed to be inserted by subsections (a), (b), and (c) of such section, insert after "reasonable" the following: ": *Provided,* That the certification shall not refer to economic assumptions underlying the Trustee's report".

SEC. 3. In title II of the bill, make the following corrections: in paragraphs (1)(B) and (2) of section 201(c), insert "(as amended by section 309(g) of this Act)" after "(c)".

SEC. 4. In title III of the bill, make the following corrections:

(1) In section 306 of the bill, strike out "section 301(b)(7)" in subsection (a)(9) and insert in lieu thereof "section 301(b)(6)".

(2) In section 309 of the bill, strike out "section 301(a)(6)" in subsection (a) and insert in lieu thereof "section 301(a)(7)".

(3) In section 321 of the bill, in the proposed clause (B) of section 210(a) of the Social Security Act (contained in subsection (b) of such section 321), strike out the final semicolon and insert in lieu thereof a comma.

(4) In section 322 of the bill, strike out "is amended" in subsection (a)(1) and insert in lieu thereof "(as amended by sections 321(b) and 323(a)(2) of this Act) is further amended".

(5) In section 323 of the bill—

(A) in subsection (b)(2)(A)—

(i) strike out "is amended" and insert in lieu thereof "(as amended by section 124(c)(3) of this Act) is further amended", and

(ii) in the proposed paragraph (10) of section 211(a) of the Social Security Act, strike out "the exclusion" and insert in lieu thereof "The exclusion", and strike out "and" immediately after the semicolon; and

(B) in subsection (b)(2)(B), in the proposed paragraph (10) of such section 211(a)—

(i) strike out "in the case" and insert in lieu thereof "In the case", and

(ii) strike out "and" immediately after the semicolon.

(6) In section 324(c)(1) of the bill—

(A) in subsection (c)(1), strike out "is amended" and insert in lieu thereof "(as amended by section 101(c)(1) of this Act) is further amended"; and

(B) in such subsection (c)(1), strike out "(as amended by this Act)".

(7) Redesignate sections 326 and 327 of the bill as sections 325 and 326, respectively.

(8) Redesignate section 328 of the bill as section 327; and—

(A) in subsection (a)(2) of such section, strike out "subsection (p)" and insert in lieu thereof "the subsection (p) which was added by Public Law 95-472"; and

(B) in both paragraph (1) and paragraph (2) of subsection (b) of such section—

(i) strike out "after" and insert in lieu thereof "after and below", and

(ii) reset the proposed new sentence to begin full measure flush.

(9) Redesignate section 329 of the bill as section 328; and in subsection (b) of such section strike out ", as amended by this Act, is" and insert in lieu thereof "(as amended by section 324(c)(2) of this Act) is further".

(10) In section 335 of the bill, after "existing under" in subsection (c), insert "the Social Security Act on or after the date of the enactment of this Act.".

(11) In section 336 of the bill (use of death certificates to prevent erroneous benefit payments to deceased individuals), in the proposed subsection (r) of section 205 of the Social Security Act—

(A) add "and" after the semicolon at the end of paragraph (1)(A); and

(B) strike out "(1)", "(2)", and "(3)" in paragraph (1)(B) and insert in lieu thereof "(i)", "(ii)", and "(iii)", respectively.

(12) In section 338(d) of the bill, strike out "filing" in the last sentence and insert in lieu thereof "submission".

(13) In section 339 of the bill, in the proposed subsection (x) of section 202 of the Social Security Act (contained in subsection (a) of such section 339)—

(A) strike out the comma after "under this section" in paragraph (1) of such subsection (x); and

(B) strike out "under this section" in paragraph (2) of such subsection (x) and insert in lieu thereof "under this section or section 223".

(14) In section 341 of the bill—

(A) in subsection (a)(1), strike out "by inserting before the period at the end of the first sentence the following: ', and" and insert in lieu thereof the following: "in the first sentence, by striking out 'Secretary of Health, Education, and Welfare, all ex officio' and inserting in lieu thereof 'Secretary of Health and Human Services, all ex officio, and'";

(B) in subsection (b)(1), strike out "by inserting before the period at the end of the first sentence the following: ', and" and insert in lieu thereof the following: "in the first sentence, by striking out 'Secretary of Health, Education, and Welfare, all ex officio' and inserting in lieu thereof 'Secretary of Health and Human Services, all ex officio, and'"; and

(C) in subsection (c)(1), strike out "by inserting before the period at the end of the first sentence the following: ', and" and insert in lieu thereof the following: "in the first sentence, by striking out 'Secretary of Health, Education, and Welfare, all ex officio' and inserting in lieu thereof 'Secretary of Health and Human Services, all ex officio, and'".

(15) Redesignate section 344 of the bill as section 343; and—

(A) reset the center heading of such section in small caps (striking out the subheading "report"); and

(B) in subsection (a) of such section, strike out "this Part" and "Senate Committee on

Finance" and insert in lieu thereof "this section" and "Committee on Finance of the Senate", respectively.

(16) Redesignate section 345 of the bill as section 344, and reset the center heading of such section in small caps (striking out the subheading "reorganization").

(17) Redesignate section 346 of the bill as section 345.

(18) Redesignate section 347 of the bill as section 346; and in paragraph (2) of the proposed section 710 of the Social Security Act (as contained in such section), strike out "(A)".

(19) Redesignate section 348 of the bill as section 347; and in subsection (b) of such section strike out all that follows "shall apply" and insert in lieu thereof "only with respect to taxable years beginning after December 1989, and only in the case of individuals who have attained retirement age (as defined in section 216(1) of the Social Security Act).".

SEC. 5. In title V of the bill, make the following correction: in section 522(a), in clause (ii) of paragraph (3)(A) of section 202(a) of the Federal-State Extended Unemployment Compensation Act of 1970 (as contained in such section 522(a)), strike out "; or" and insert in lieu thereof a period.

SEC. 6. In title VI of the bill, make the following corrections:

(1) In section 601(b)(9) of the bill—

(A) strike out "amending" and insert in lieu thereof "repealing", and

(B) strike out "to read as follows" and insert in lieu thereof "and by inserting after paragraph (5), effective with respect to cost reporting periods beginning on or after October 1, 1983, the following new paragraph (6)".

(2)(A) In section 601(c)(3) of the bill, in the proposed paragraph (4)(B) of section 1886(c) of the Social Security Act, strike out "Social Security Act Amendments" and insert in lieu thereof "Social Security Amendments".

(B) In section 601(e) of the bill, in subparagraphs (A)(ii) and (B)(ii) of the proposed subsection (e)(1) of section 1886 of the Social Security Act, strike out "Social Security Act Amendments" and insert in lieu thereof "Social Security Amendments" each place it appears.

(3) In section 601(e) of the bill, in proposed clause (ii) of subsection (d)(2)(C) of section 1886 of the Social Security Act, strike out "and region".

(4) In section 601(e) of the bill, in proposed subparagraph (H) of subsection (d)(2) of section 1886 of the Social Security Act, insert a comma after "proportion".

(5) In section 601(e) of the bill, in proposed subparagraph (C) of subsection (d)(4) of section 1886 of the Social Security Act, insert a comma after "thereafter".

(6) In section 601(e) of the bill, in proposed clause (ii) of subsection (d)(5)(C) of section 1886 of the Social Security Act, insert "with the target and DRG percentages determined under paragraph (1)(C)(i)" after "clause (i) of that paragraph".

(7) In section 601(e) of the bill, in proposed subsection (e) of section 1886 of the Social Security Act—

(A) strike out "hereafter" and insert in lieu thereof "hereinafter" both places it appears in paragraph (2);

(B) strike out "selected" in paragraph (2) and insert in lieu thereof "appointed"; and

(C) strike out "but not limited to" each place it appears in paragraph (6)(B).

(8) In section 602(e)(3) of the bill, in proposed paragraph (14) of section 1862(a) of the Social Security Act, insert "promulgated" before "specifically".

(9) In section 602(f)(1)(C) of the bill, in proposed subparagraph (F) of section 1866(a)(1) of the Social Security Act—

(A) insert "Federal Hospital Insurance" before "Trust Fund", and

(B) insert "of such reviews" before the comma at the end.

(10) In section 602(f)(2) of the bill, strike out "services)" and insert in lieu thereof "services".

(11) In section 602(g) of the bill, in proposed paragraph (4) of section 1876(g) of the Social Security Act, insert ", if applicable," after "section 1886, or" and strike out "or as applicable".

(12) In subparagraphs (A) and (C) of section 602(h)(1) of the bill, in the matters proposed to be inserted in section 1878(a) of the Social Security Act, strike out "section 1886(d)" and insert in lieu thereof "subsection (b) or (d) of section 1886" each place it appears.

(13) In section 602(h)(2)(A) of the bill, insert closing quotation marks after "located)".

(14) In section 602(k) of the bill, strike out "(other than physician services)" and insert in lieu thereof "(other than physicians' services)".

(15) In section 602(1)(2) of the bill, in the sentence proposed to be added at the end of section 1866(a)(1) of the Social Security Act, strike out "terminates" and insert in lieu thereof "is terminated".

(16) In section 603(a)(2)(A) of the bill, insert "on" before "classes of hospitals".

(17) In section 603(a)(3)(B) of the bill, strike out the comma after "title".

(18) In section 603(b)(2) of the bill, strike out "(or upon the request of a party to demonstration project agreement)" and insert "(or upon the request of another party to the demonstration project agreement)" after "August 1982".

(19) In section 605 of the bill, strike out "102" in subsection (a) insert in lieu thereof "102(b)".

(20) In section 606(a) of the bill—

(A) insert "(1)" after "Sec. 606. (a)",

(B) in proposed subsection (a)(1) and subsection (a)(3) of section 1839 of the Social Security Act, strike out "who have attained retirement age" and insert in lieu thereof "age 65 and over"; and

(C) amend subparagraph (C) of paragraph (3) of such section of the bill to read as follows:

(C) Section 1839(e) of such Act (as so redesignated) is amended—

(i) by striking out "(c)", "(c)(1)", and "(c)(3)" and inserting in lieu thereof "(a)", "(a)(1)", and "(a)(3)", respectively,

(ii) by striking out "June 1983" in paragraph (1) and inserting in lieu thereof "December 1983", and

(iii) by striking out "July 1985" and inserting in lieu thereof "January 1986" each place it appears.

(21) In section 607(d) of the bill, strike out "(z)" and insert in lieu thereof "(2)".

SEC. 7. Conform the table of contents in section 101 of the bill to reflect the changes made pursuant to the preceding provisions of this concurrent resolution.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

SECRETARY WATT AND THE BEACH BOYS

(Mr. DOWNEY of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOWNEY of New York. Mr. Speaker, I was deeply troubled, as I know other Members of Congress and people all across this country are, to learn that Secretary Watt has substituted Wayne Newton for the Beach Boys.

Mr. Speaker, the only reason that this could be is because Secretary Watt has not heard the Beach Boys. So I am today sending him my own copy of—somewhat scratched from overuse—"Good Vibrations, The Best of the Beach Boys." And it is my hope that he will recant and call them back, Mr. Speaker, because the idea of listening to "Danke Schön" over the Mall instead of "Sail On, Sailor," "Good Vibrations," and "Heroes and Villains" is deeply troubling to me.

And if Secretary Watt does not recant, it is my hope that he goes on a permanent surfing safari.

SALUTE TO WORLD WAR II WOMEN POW'S

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. SCHROEDER. Mr. Speaker, during the last 10 years of debate on the equal rights Amendment, the most popular argument against the amendment was the women and combat issue. The opponents claimed that if the ERA passed, women would have go go through all the hardships of war including being captured.

Well, as Judy Mann points out in the Washington Post, women do not need the ERA to be a POW. These women were not protected by the Constitution, they had no ERA, but their country called and they answered. It is their acts of heroism that is representative of the spirit of American women. I would like to salute these women for their courage and for reminding us that patriotism knows no gender.

[From the Washington Post, Mar. 6, 1983]

HEROINES

(By Judy Mann)

Mary Harrington Nelson was a Navy nurse stationed at an American base in the Philippines when it was attacked by the Japanese, the day after Pearl Harbor. Within a month, she was captured by the Japanese and spent the next three years in an internment camp, one of only 81 American military women to be taken prisoner of war.

The women—most of whom were Army and Navy nurses—were stationed in Bataan, Corregidor and other Philippine Islands when the war began, and America was

losing. Sixty of them are still living and several, including Mary Nelson of McLean and Ruby Bradley of Falls Church, live in the Washington area.

Thursday evening, some 25 to 30 of them will gather at Bolling Air Force Base for their first official reunion since American troops liberated the Philippines in February, 1945. The women are scheduled to be honored at a Pentagon ceremony and to be received at the White House Friday, which President Reagan has designated POW/MIA day. It is a day of recognition—coming better late than never—for the women, who continued to nurse the sick during their internment. It can also be a day for remembering a tragic but heroic chapter in American history that has been forgotten, or never learned, by later generations.

Nelson was interned at first in Santo Tomas, a huge prison camp populated mainly by American and British civilians who lived and worked in the Philippines. Later, the Navy nurses were transferred along with 800 men to Los Banos, another prison camp that eventually numbered 2,000 men, women and children. The nurses set up hospitals in the camps and assisted interned doctors in surgery and childbirth. At Los Banos, civilian internees fashioned basins and beds out of sheet metal. "We had nothing," says Nelson. They picked seeds out of kapok trees to stuff pillows for the hospital.

The story Nelson and Bradley tell is one of courage and ingenuity in the face of grave adversity. People in the camps were plagued by various forms of dysentery, jaundice and dengue fever, and by severe malnutrition. The internees kept contraband radios to hear news of the war. At Los Banos, they set up libraries and courses taught by interned university personnel. They gardened to supplement their meager rations.

"The hungrier you got, the more you smoked," says Nelson. "Dried eggplant leaves stretches tobacco quite nicely."

Bradley was one of the first nurses captured after the Japanese took an American military post called Baguio and set up a POW camp nearly. She helped set up a dispensary, and she and a doctor smuggled drugs and surgical instruments from the old base hospital to the new one. Among the drugs was morphine left over from World War I. "Three days after that, we had an appendectomy. The Japanese thought it was wonderful we could do all this without any instruments."

When a pregnant woman went into labor, she used a tea strainer, some gauze and ether to anesthetize her. The baby was the first of 13 she helped deliver during her internment and in 1954, when she was featured on "This Is Your Life," both that child and his mother appeared.

Bradley spent the second half of the war in Santo Tomas. "A lot of people died in the last few months. There were several deaths a day, mostly the older ones, who just couldn't take it."

Los Banos, which was 20 miles behind enemy lines, was liberated when American troops parachuted in and Filipino guerrillas surrounded the camp. Some 2,000 prisoners, including a number of elderly, walked two miles to a lake where they were ferried to safety. Santo Tomas was liberated by armored troops.

"I think most of us were worse than we knew," says Bradley. She went from 110 pounds to 84. "I couldn't shed a tear until a year later when my father died. It was shock. We pushed ourselves to the limit."

Mary Harrington married a U.S. government employee who was interned with her. She left the Navy after becoming pregnant. Bradley was one of the few interned nurses to remain in the Army, serving in Korea during most of that war. She was promoted to full colonel and when she retired in April, 1963, was the most highly decorated nurse in the Army.

Years later, she attended a reunion of internees in San Francisco. They had invited the Japanese camp commandant at Baguio—"He did all he could," says Bradley—to the reunion. He brought medallions to give them but had trouble getting them through customs.

The inspectors had never heard of Bataan and Corregidor.

THE MX MISSILE

(Mr. AuCOIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AuCOIN. Mr. Speaker, on Monday next, the Presidential Commission on the MX missile is expected to submit its findings and recommendations to the President on a basing mode for this new weapon system.

At that time, the President will receive the report and then the debate over this controversial weapon system will resume.

It has been rumored that one of the recommendations will be that the MX missile be placed, at least in part, in fixed silos, perhaps hardened silos. Personally, I am of the view that nothing could be more risky or dangerous than to put such a highly explosive weapon in a vulnerable basing mode.

Regardless of that, what I hope that the Members of Congress will do will be to focus on the framework of the discussion that will ensue. And I want to call my colleagues' attention to a letter to the President that I hope my colleagues will join me in sending, which sets out three criteria that we believe ought to be the focus of a decision on what kind of basing mode should be arrived at.

First, that such a mode must significantly do more to deter a Soviet first strike than to incite one;

Second, that it must offer positive deterrent value, not merely against the present Soviet threat, but against threats which could plausibly be deployed during the lifetime of the MX missile program; and

Third, that the duration of ICBM program's deterrent value must be comensurate with its costs.

I hope my colleagues will sign such a letter so that we can focus on the framework of this discussion, rather than on a needless discussion that just deals with the missile or missile system or basing mode, irrespective of what these criteria ought to be.

FUNDING SHOULD NOT GO TO MX MISSILE

(Mr. SABO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SABO. Mr. Speaker, as the House again deals with the question of the MX missile, I would hope that we would remain fixed and hardened in our position. I think it is clear that the House made the right decision 1 year ago and that if we reverse it today, we add nothing to the security of our people. If anything, we detract from the security and well-being and the peace of mind of the American people.

So I hope we retain our good judgment of 1 year ago and decide again in 1983 that appropriate funding should not go to the MX missile.

THE BEACH BOYS

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, no other issue has generated more phone calls to my office in the last 24 hours than Secrtary Watt's dictum to keep the Beach Boys off the Mall this July 4. Calls from thousands of "California girls," who were in their "little deuce coupes," on their way to a "surfin' safari" when they heard that James Watt charged that the Beach Boys attract the wrong element in our society and refused to let them perform on the Fourth.

I was sitting "in my room" all summer long saying, "Do you remember," Mr. Watt, "Do you remember" those "Good Vibrations" from the Fourth of July when all we did was "dance, dance, dance," all summer long to the Beach Boys in the "spirit of Americas?"

□ 1115

"I get around," and my son's girlfriend, "Wendy," gets around, and let me say to you, Mr. Watt, that these "California girls," "they get around," and they are not going to back down because they are "true to their schools" and they are going to "shut you down" like a "409" on "graduation day."

Mr. Watt, if you do not believe these "California girls," let me just tell you to wait and see.

But "help me, Ronald, help, help me Ronald," "don't let him run wild." And if you cannot do it alone, get help from "Barbara Ann."

As any geologist in the Geological Survey could have told Secretary Watt, "Rock lives!"

FAIRER WAYS SHOULD BE FOUND TO CUT BUDGET DEFICIT

(Mr. LEVINE of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVINE of California. Mr. Speaker, I rise today to register my deep disappointment that President Reagan appears ready to reclaim $1 billion of the $4.6 billion jobs bill he signed just 2 weeks ago.

At a time when more than 11 million Americans are unemployed, Government has a responsibility to do everything in its power to help the unemployed get back to work, not pursue policies to make the problem worse.

I would respectfully remind the President of two things at this time:

First, he supported the jobs bill and signed it into law. If he had doubts about the cost of the bill, he should not have signed it; and

Second, his policies are responsible for much of the unemployment which afflicts our economy today. Rather than trying to save money by gutting the jobs bill, he should be looking for ways to ease the misery of the unemployed and their families.

I do not believe this Congress will agree with President Reagan's efforts to balance the budget on the backs of the unemployed, the poor, the elderly, and the disabled. When he decides to cut his massive budget deficit, he should find fairer ways to do it.

CONTROLLING THE NUCLEAR ARMS RACE

(Mr. LOWRY of Washington asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOWRY of Washington. Mr. Speaker, I rise to express my concern about continuing efforts to produce and deploy destabilizing first-strike nuclear weapons. Until we have accomplished meaningful arms controls, the foremost objective of our nuclear policy must be to promote stability so that no nuclear weapons will be used. However, the United States is now taking steps that will make the continued accomplishment of this objective far more difficult. We must change those policies which are creating instability and threatening to bring about a new and dangerous escalation of the arms race.

Our nuclear policies have been driven by technology, with potentially disastrous results. In fact, many of our planned new missiles are offensive rather than defensive systems. The MX missile has been designed in the name of making certain that our land-based ICBM's can survive against attack, but this marvel of technology will increase the chances of war if it is deployed.

The MX—as well as the Trident II and the Pershing II missiles—will be accurate enough to destroy ICBM's in hardened silos. These weapons will enable us to launch a first strike. If we want to prevent the use of any nuclear weapons, we have no need for a first-strike capability. Moreover, this capability would eliminate the one stabilizing element that has existed, the assurance that each side can retaliate against an attack by the other. Without that assurance, the dangers of war through miscalculation or accident will increase substantially.

The MX, Trident II, and Pershing II are also time-urgent missiles; the 10 warheads on an MX would reach their targets in half an hour, and the Pershing II's payload would impact in 6 minutes. Should the Soviets believe they are being attacked by first-strike weapons, they will have very little time to decide what to do about it. Their likely responses to this situation would increase the chance that nuclear weapons may be used.

As Air Force Gen. Lew Allen said when testifying before Congress about first-strike weapons in May 1981:

> This poses a terrible problem, because we at that point, particularly with MX, would have a clear first-strike capability against their ICBMs, which would be devastating to them. They have to consider a U.S. first strike whether we think we would do that or not.

We should think long and hard before building weapons that will encourage the Soviet Union to adopt a launch-on-warning policy of firing their missiles at the first, possibly mistaken sign of attack. The most important thing we can do to enhance American security is to stop this trend that will end by putting our security, far more than today, in the hands of Soviet decisionmakers.

There is a widespread belief that we have lost an arms race with the Soviets or somehow failed a test of national will. It is even argued that we unilaterally disarmed during the past decade, even though we built 1,000 more new warheads than the Soviets did, and even though our strategic triad is less dependent on increasingly vulnerable land-based ICBM's.

These arguments miss the point. Nuclear weapons have raised the destructive potential of war to a level that the human mind cannot easily comprehend. When a single submarine has enough warheads to annihilate dozens of cities, concepts such as nuclear superiority lose all meaning. It is time for us to recognize that thousands of new nuclear weapons will not make us secure from attack, any more than the existing thousands have done. No nation can ever use these arms without destroying itself.

Instead, let us defend our country by doing everything possible to reduce the risks of war. Above all, we must say no to the deployment of the MX missile and other destabilizing first-strike weapons.

THE PRESIDENT'S DEFENSE BUDGET

(Mr. NELSON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NELSON of Florida. Mr. Speaker, I happen to agree with a good bit of the substance of the President's program for rearming America and his defense buildup. But I believe that the President has made a serious mistake. It simply is that, in the art of political persuasion, often we deal in the realm not of substance but of perception. And the President has, over the course of the last several months, given the perception to America that at any cost he would budget money for defense at the expense of human programs; and, therefore, all across America we are seeing a reaction, a whiplash effect, to the President's defense budget.

I would hope that this perception would be turned around, the President would be more conciliatory and more compromising as we approach these decisions on the budget with regard to all of the budgetary choices we must make.

LEGISLATION TO IMPLEMENT THE PROPOSAL OF THE U.S. GOLD COMMISSION

(Mr. PAUL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PAUL. Mr. Speaker, last year the Subcommittee on Consumer Affairs and Coinage of the Committee on Banking, Finance and Urban Affairs held hearings on the proposals of the U.S. Gold Commission for an American gold eagle coinage, to compete with the Krugerrand and similar coins from Mexico and Canada in the U.S. domestic market. Last year over 2½ million troy ounces of gold coins were imported to the United States from South Africa, Canada, and Mexico to satisfy the demands of our citizens for bullion coins.

I have introduced legislation, H.R. 1663, to implement the proposal of the U.S. Gold Commission, on which I was proud to serve as one of several members from the Congress. Another recommendation of the Gold Commission was for the Treasury to improve the marketing arrangements of the American Arts Medallions, which were created by title IV of Public Law 95-630. I am pleased to say that a nationwide advertising campaign and a dealer-distribution network will begin in a few

days for the 1-ounce and one-half-ounce gold medallions. This is a very timely development, because the demand for gold coins in the United States is increasing significantly.

I would like to share with my colleagues a news item that appeared in the April 6, 1983, issue of Coin World. The information supplied by this report should be considered carefully in conjunction with the testimony the Subcommittee on Consumer Affairs and Coinage heard last year from Mr. Luis Vigdor, vice president of the New York coin-wholesale firm of Manfra, Tordella & Brookes, Inc. This company is one of the largest dealers in gold coin in the world. Mr. Vigdor testified that an American gold eagle coinage could easily and rapidly take over about 75 percent of the U.S. bullion coin market.

In the light of the growing demand for precious metal invetments, and the concern many Members of this House have shown about foreign trade taking over domestic markets, it is about time that we move to enact the American gold eagle coin legislation and resume our rightful place in the international gold market.

Mr. Speaker, I submit the Coin World news item for the RECORD:

[From Coin World, Apr. 6, 1983]

KRUGERRAND SALES SOAR

Krugerrand sales across the United States increased an average of 100 percent as the price of gold dropped into the $400s, Michael F. Vigil, regional manager of the International Gold Corp., reported on March 14.

"According to the brokers and coin dealers we surveyed," Vigil said, "investors are viewing the current gold market as providing a definite buy opportunity. The record volume of Krugerrand sales confirms individual investors realize gold constitutes a stable long-term investment."

Lending a national perspective, Paul Sarnoff, corporate vice president of Paine Webber in New York, stated: "The American Gold Coin Exchange is experiencing record trading days, with sales volume nearly double compared with previous weeks. The Krugerrand's market share on the exchange is 70 percent—clearly indicating the high level of investor interest in this gold coin."

Reporting from the Midwest, Gene Hardman, senior vice president of the Chicago office of Deak-Perera, said: "Sales have risen 400 percent over last week. It is not only the traditional gold investor who recognizes the advantages offered by this market—25 percent of my sales are to first-time buyers."

Another Deak-Perera dealer, Bruce Hitchman in Los Angeles, boasts "an increase of 60 percent in Krugerrand sales over the previous week. Recognizing this fortuitous buying opportunity, gold investors are purchasing Krugerrands to average the cost of their investments."

In the South, Jonathan Kern, director of operations of the New Orleans-based Krugerrand Corp., a prominent retail outlet, noted: "This is a very active investment market. In three days alone, sales of Krugerrands equaled 50 percent of the net amount for the whole of last month. Further," he added, "new buyers constitute 25 percent of this demand."

"Looking ahead," Paul Sarnoff offered, "I believe the gold price will climb to $550–$600 later this year. If interest rates should keep falling with oil prices, it will create an economic climate propitious to industrial expansion. This, in turn, will boost the gold price."

NATIONAL ORGAN DONATION AWARENESS WEEK

(Mr. MORRISON of Washington asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORRISON of Washington. Mr. Speaker, today, I am privileged to introduce a joint resolution to authorize and request the President of the United States to issue a proclamation designating April 24 through April 30, 1983, as National Organ Donation Awareness Week.

Mr. Speaker, many people whose kidneys, eyes, skin, or other vital organs which are unable to sustain them can be helped or cured through organ transplants. For example, there are presently 4,800 kidney transplants performed each year but approximately 10,000 medically eligible patients do not receive transplants due to the lack of suitable donors.

Through organ donation, those who care and have foresight may, when they die, give the gift of life and living to those in need. Every State of the Union supports the organ donation program, in hopes that its citizens will make an anatomical gift upon death, as I have pledged to do. A donor may pledge any needed organs or parts, only specified organs or parts, or may donate his or her entire body for anatomical study.

I call upon my colleagues in both Houses to join me in this resolution for National Organ Donation Awareness Week, in order to create for the people of our Nation an awareness of the need and opportunity for organ donation; and I invite all citizens to consider giving this great gift of themselves to those who are less fortunate.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I have asked for this time for the purpose of inquiring of the acting majority leader the program for next week.

I might observe, also, Mr. Speaker, that the gentleman serving in that acting role is also the son-in-law of our visiting chaplain for the day. So having gotten ourselves prayed off to a good start, maybe the gentleman can conclude the proceedings with a very elucidating discourse on the program for next week.

Mr. WATKINS. Mr. Speaker, if the gentleman will yield, I would like to say that I appreciate the minority leader's remarks, and we will try to make it as easy on all of us as we can.

Mr. MICHEL. I appreciate that.

Mr. WATKINS. Mr. Speaker, the program for the House of Representatives for the week of April 11, 1983, is as follows:

On Monday, April 11, the House will meet at noon. There are two bills scheduled on the Suspension Calendar, H.R. 1035, Education Consolidation and Improvement Act amendments, and H.R. 1071, Kodiak National Wildlife Refuge in Alaska.

If there are any recorded votes, they will be postponed until Tuesday, April 12.

On Tuesday, April 12, the House will convene at noon. There are no bills scheduled on the Suspension Calendar, but there will be recorded votes if any are demanded on the suspension bills from Monday, April 11.

The House will also consider H.R. 1983, Emergency Housing Assistance Act of 1983, under an open rule, with 2 hours of general debate. On Tuesday we would do just the rule and general debate.

On Wednesday and the balance of the week, April 13, 14, and 15, the House will meet at 11 a.m., and will complete consideration of House Joint Resolution 13, mutual and verifiable nuclear weapons freeze and reductions. We would then complete consideration of H.R. 1983, Emergency Housing Assistance Act of 1983.

It is my intent to ask unanimous consent for the House to convene at 11 o'clock on Wednesday.

Mr. MICHEL. I appreciate the gentleman's comments, and I noted particularly the gentleman's last comment. I think there has been argument by both sides of the aisle that we would come in early on Wednesday to debate the so-called nuclear freeze legislation, and I am happy to see that the appointed hour is 11 a.m. and, as the gentleman suggests, with extended debate, hopefully, to still conclude action on that legislation on that day.

Mr. WATKINS. Yes, that is our intention. Also, Mr. Speaker, conference reports may be brought up at any time, and any further program will be announced later.

ADJOURNMENT TO MONDAY, APRIL 11, 1983

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore (Mr. KOGOVSEK). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

HOUR OF MEETING ON WEDNESDAY, APRIL 13, 1983

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday next it adjourn to meet at 11 a.m. on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C., *April 7, 1983.*

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from The White House at 5:00 p.m. on Wednesday, April 6, 1983 and said to contain a message from the President wherein he transmits proposed legislation entitled the "Civil Rights Commission Reauthorization Act of 1983".

With kind regards, I am,

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

CIVIL RIGHTS COMMISSION REAUTHORIZATION ACT OF 1983—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 98-39)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on the Judiciary and ordered to be printed:

(For message, see proceedings of the Senate of today, Thursday, April 7, 1983.)

COMMUNICATION FROM HON. PHILLIP BURTON

The SPEAKER pro tempore laid before the House the following communication from Hon. PHILLIP BURTON, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 25, 1983.

Re Mary Anne Kramer.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: In accordance with Rule 50 of the House Rules, I am hereby notifying you that the enclosed subpena in the above named matter was dropped on the front desk of my district office on March 24, 1983.

Sincerely,

PHILLIP BURTON,
Member of Congress.

□ 1130

AMERICAN GATHERING OF JEWISH HOLOCAUST SURVIVORS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. GREEN) is recognized for 60 minutes.

GENERAL LEAVE

Mr. GREEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include therein extraneous material on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GREEN. Mr. Speaker, it is with great admiration that I rise to recognize the unique event about to take place in Washington: The American Gathering of Jewish Holocaust Survivors. Between April 11 and 14 Washington will host the gathering of over 12,000 survivors of the Holocaust who come to remember, to share, and to celebrate life itself in their adopted land.

Benjamin Meed is the president of the gathering. He is, I am proud to say, from New York. He was a resister in the Warsaw ghetto, which, 40 years ago, finally succumbed to a horrible Nazi firestorm. The ghetto in Warsaw did not crumble as was expected. The valiant fighters of that ghetto held off vast Nazi hordes far longer than Hitler's forces expected. They have been and will continue to be a very special inspiration to the civilized world. The resistance fighters' acts of courage, dignity and incredible fortitude in the quest for freedom are examples to us all. Mr. Meed personally represents each of these traits.

Through Mr. Meed's vision and the support of his colleagues this gathering has been taking shape and now has a life of its own. We thought that 3,500 to 4,000 survivors might come when the idea was first proposed. Registrations are now running over 150 per day and 12,000 survivors are already expected. It is remarkable.

The program is diverse and unique. There will be commemoration of resistance starting with the remembrance of the 40th anniversary of the fall of the Warsaw ghetto. The survivors wish then to thank America for offering them safety and prosperity after the horror of the Holocaust. They will sign huge scrolls to be presented to the President and the Congress in appropriate ceremonies. There will be seminars at the Washington Convention Center to delve deeply into recollections of resistance, political life, geneology, history, liberation, and much more.

Then there will be the opportunity to search for family and friends. With enormous assistance of the Commodore Computer Co. of Pennsylvania, computer terminals and appropriate programing will allow survivors to enter where they were born, and where they were interned, including specific block information, and then match the data with that of others searching for long lost family and friends.

This event is being supported by thousands of local volunteers supplied through the work of the Washington Jewish Federation and the Washington Jewish Community Council. Jerry and Zelda Dick have been cochairing the housing efforts whereby over 1,000 local homes have been offered for lodging participants. Every aspect of this major undertaking is volunteer assisted. It is a remarkable example of what volunteers can do when motivated and organized.

The Government of Israel is providing special musical entertainment for the survivors at Constitution Hall and the Capital Center. Mr. Abe Pollin has shown extraordinary sensitivity in providing the Capital Center facility gratis. The House of Representatives and the Senate will greet the whole assemblage at a special ceremony at 11 a.m. next Wednesday, April 13, 1983, at the west front of the Capitol with the Speaker and the Vice President participating.

A "village" is being established at the Convention Center to feed the participants. Over 26,000 kosher meals are expected to be served during the course of the gathering.

We are indeed privileged to be able to witness this unique event and I would encourage every member of this body to allow his or her staff to participate. I also invite my colleagues' families to take part in as many events as possible.

As a member of the U.S. Holocaust Memorial Council, I am proud to join this body in paying tribute to the gathering and each of its participating survivors. It is for us to learn from their history of suffering, and, more importantly, to share in their wisdom and strength and to appreciate better

the bounteous freedoms we all share in this great Nation.

Mr. Speaker, I wish to insert the listing of the organizing committee of the American Gathering of Jewish Holocaust Survivors as well as the schedule of events as they have thus far been announced. They are as follows:

AMERICAN GATHERING OF JEWISH HOLOCAUST SURVIVORS

Honorary President: Elie Wiesel.

President: Benjamin Meed.

Senior Vice Presidents: Sam E. Bloch, Sol Goldstein, Eli Zborowski.

Honorary Chairman, National Executive Committee: Ernest W. Michel.

Chairman, National Executive Committee: Roman Kent.

Honorary Chairman, Advisory Board: Sigmund Strochlitz.

Vice Presidents: Aba Beer, Ludwik Brodzki, Freddy E. Diament, Jack P. Eisner, Abraham H. Foxman, Cantor Isaac Goodfriend, Miles Lerman, William J. Lowenberg, Irving Peters, Dr. Hadassah Rosensaft, David Schaecter, Rabbi Arthur Schneler, Abram Shnaper, Kalman Sultanik, Irving Teitelbaum, Joseph Tekulsky, Siggi B. Wilzig, Solomon Zynstein.

Chairperson, Cultural Committee: Vladka Meed.

Chairperson, Exhibits Committee: Lilly Bloch.

Chairman, Second Generation Committee: Menachem Z. Rosensaft.

Vice Chairman, Second Generation Committee: Nina Klein.

Treasurer: Norbert Wollheim.

Associate Treasurer: Sam Halpern.

Secretary: James Rapp.

Associate Secretary: Hirsch Altusky.

Associate Secretary: Dr. Nahum Gershwin.

N J R A C Representative: Abraham J. Bayer.

A D L Representative: Elliott Welles.

Regional Vice Presidents: Jack Beigelman, Cleveland; Leon Bergrin, Cleveland; Sydney Cynglser, Calgary, (Alberta); Lewis Ferman, St. John's (Newfoundland); Gary Frydman, Hamilton (Ontario); David Goldsilver, Toronto; Mendel Good, Ottawa; Frank Hardy, Montreal; Jacob Hennenberg, Cleveland; Sigmund Izakson, Houston; Michael Jacobs, Dallas; Sam Kaltman, Cincinnati; Gary J. Kapelus, Saskatoon (Saskatchewan); Dr. Robert Krell, Vancouver; Rubin Literman, Buffalo; Abraham Mainik, Washington; Celia Moneta, Boston; Herman Newman, Halifax (Nova Scotia); Sara Rozenberg, Edmonton (Alberta); Rabbi Charles H. Rosenzveig, Detroit; Leon Weinberg, Orange (Conn.); Philip Weiss, Winnipeg; Joseph Wilf, Hillside (New Jersey).

Executive Director: Dr. Samuel R. Mozes.

Assistant to the President: Rebecca Patt.

AMERICAN GATHERING OF JEWISH HOLOCAUST SURVIVORS

SCHEDULE OF EVENTS

The following is the tentative schedule of events for the April 11-14 American Gathering of Jewish Holocaust Survivors. It is followed by more details on each component.

Sunday, April 10, 1983

Noon-8:00 p.m.—Washington Convention Center: Registration and Check-In.

Monday, April 11, 1983

8:00 a.m.-6:00 p.m.—Washington Convention Center: Registration and Check-In, Opening of Exhibits, Computer Registry, Film Program.

8:00 p.m.-10:00 p.m.—Capital Centre: Opening General Assembly.

Tuesday, April 12, 1983

8:00 a.m.-9:00 p.m.—Washington Convention Center: Exhibits, Computer Registry, Film Program, Seminars, Programs of the Second Generation.

4:00 p.m. & 8:00 p.m. (Tentative)—DAR Constitution Hall: Cultural Event.

Wednesday, April 13, 1983

8:00 a.m.-9:00 p.m.—Washington Convention Center: (See Tuesday Activities).

11:00 a.m.-Noon—West Front Steps: Ceremony at U.S. Capitol.

4:30 p.m.—Dedication of Holocaust Memorial Site.

5:30 p.m.—Sylvan Theatre/Washington Monument: Closing Ceremony & Farewell.

Thursday, April 14, 1983

8:00 a.m.-Noon—Washington Convention Center: Exhibits/Computer Registry.

Several elements of the program will begin on Monday and continue through Wednesday. They include:

Exhibits—There will be 65 exhibits. The major ones are traveling exhibits from Yad Vashem (the Holocaust Museum in Jerusalem), the Museum of the Diaspora (Tel Aviv), and the Lochamei Haghettot (Israel). There will also be an exhibition set up by the U.S. Holocaust Memorial Council featuring facsimiles from the National Archives providing that the Holocaust was a German government supported and sponsored policy.

Computer Registry—A major part of the American Gathering will be the Computer Registery with multiple terminals and printers. The Registry will assist survivors in seeking reunion with family and friends. There are 40,000 entries of American Jewish Holocaust survivors in the computer bank.

Film Program—Throughout the Gathering, films will be shown detailing the European Jewish community before the war and the impact of the Holocaust on Jewish life. The films will emphasize the effects of the Holocaust on Jewish culture and society in Europe before, during, and after the war without detailing the actual atrocities of the Holocaust.

Seminars—Tuesday and Wednesday will also include a series of seminars, some of which will be sponsored by the Second Generation (children of Holocaust survivors).

Tuesday—Seminar subjects will include: Anti-semitism; Raoul Wallenberg; Jews in American Political Life; Nazi War Criminals (sponsored by the U.S. Department of Justice); Political & Social Integration of Children of Survivors (sponsored by the Second Generation); and Psycho-social Issues of Children of Survivors (sponsored by the Second Generation).

Wednesday—Seminar subjects will include: Jewish Genealogy; Documentation of Life Experiences of Survivors and Their Children (sponsored by the Second Generation); and Education of Children of Survivors (sponsored by the Second Generation).

Other Activities

Other activities taking place at the Washington Convention Center will include the taking of oral histories and videotaped histories taken by the Video Archive for Holocaust Testimonies at Yale University.

Events at Sites Other Than the Convention Center Opening General Assembly/Capital Centre (April 11)

Keynote Speaker: Elie Wiesel, Chairman, U.S. Holocaust Memorial Council.

Program: Multi-media presentation on Jewish life before the War, during the Holocaust and liberation, and survivors after the War.

Cultural performances by Israeli groups: A national Israeli dance ensemble, a national Israeli choir, and a children's choir.

Cultural Event/DAR Constitution Hall (April 12)

There will be two performances to accommodate all the registrants.

The program will be hosted by Theodore Bikel. Performers will include Roberta Peters, Mischa Raizen, the Shalom '83 dance troupe, Givapron Choir, and other entertainers.

U.S. Capitol Ceremony

Survivors will be joined by the leadership of the House and Senate at a symbolic ceremony on the steps at the West Front of the U.S. Capitol.

● Mr. LEHMAN of Florida. Mr. Speaker, the Days of Remembrance for the victims of the Holocaust, commemorated every year at this time, are observed every day and night in the hearts and minds of the Holocaust survivors. We are honored to have thousands of American survivors of the Holocaust leading us in our observances this week.

1983 marks anniversaries of world events that must never be forgotten—the 40th anniversary of the Warsaw ghetto uprising, the 50th year since Hitler's rise to power, and the kernel of hope rising out of the abyss—Israel's 35th year of statehood. So it is a time of remembrance of the loss and despair, and of renewal. Out of this dark period arose a synthesis, a community of victims who are survivors fused together by experiences that are diminished by retelling.

The Holocaust is unique to Jews. That is the theme of Yom Hashoa. Our commitment to memorializing the catastrophe is our unique legacy, and the Days of Remembrance are a yearning to universalize the lessons.

The special focus of these Days of Remembrance is the historic American gathering of Jewish Holocaust survivors here in our Nation's Capitol from April 11 through 14. In commemoration of this week's events, I am privileged to include in my remarks to my colleagues some moving excerpts from the work of the Honorable Elie Wiesel, chairman of the U.S. Holocaust Memorial Council, taken from his book, "A Plea for the Survivors."

It is also my privilege to bring to your attention the statement of the Honorable Mark E. Talisman, vice chairman of the U.S. Holocaust Memorial Council, to be presented at the national ceremony at our Capitol during these Days of Remembrance.

As a member of the U.S. Holocaust Memorial Council, I extend my greetings to our special guests this week, and my blessings in remembrance.

A PLEA FOR THE SURVIVORS

At first glance it seems insane: a plea for the survivors? Now, so many years after the event? For them the war has been over for a long time, just as it has for you. The gates of hell are shut. The executioner's laws abolished. For the survivors, as for everyone else, the nightmare belongs to the night and its mysterious kingdom. Death no longer lies in wait for them. The enemy no longer has a hold on them. The past? Carried away by the dead, entombed in what is already considered ancient history. For what possible reason would the survivors need to be defended?

And yet—they do need to be defended, as much as the victims long ago. With one difference: for the victims, it is too late.

For the survivors, too, it is getting late. Their number decreases. There are not many left, fewer and fewer. These days they most frequently meet at funerals. Their ranks are thinning rapidly. Surely, a matter of age. But there is something else as well. Is it possible to die more than once? Yes, it is. Those who have come out of Maidanek and Belzec die again and again, every time they join the silent processions they never really left. In this, in this as well, they constitute a separate, doomed, rapidly disappearing species. An isolated and tragically maligned species.

While it is fashionable these days to soothe the sensibilities of all minorities—ethnic, social, religious and others—few seem to worry about offending that particular minority. Its suffering is exploited, distorted, monopolized, embellished or debased, according to the need of the moment. And the helpless and distraught survivors have no alternative but to submit, let it happen—and say thank you.

I speak without bitterness and even without anger. I feel only sadness. For you, for all of us. Together we have bungled a story unlike any other. An event that by itself should have brought about a greater sense of awareness, an all-encompassing metamorphosis, was reduced to the level of anecdote. As for us, we were too numb, too weak, and perhaps too timid to object to what was happening before our eyes.

The Holocaust no longer evokes the mystery of the forbidden; it no longer arouses fear or trembling, or even outrage or compassion. For you, it is one calamity among so many others, slightly more morbid than the others. You enter it, you leave it, and you return to your ordinary occupations. You thought yourselves capable of imagining the unimaginable; you have seen nothing. You thought yourselves capable of discussing the unspeakable; you have understood nothing, you have retained nothing.

You have retained nothing of its blinding truth. You prefer imitation, embellishment. For you, all these horrors, all these atrocities undoubtedly are terrible but not extraordinary phenomena, possibly the result of mental aberration. Auschwitz? The decadence of an ideology. Treblinka? To be demystified, demythified. Dachau and Mauthausen? Nothing but a tremendous and tremendously convenient theme to bolster the theories of thinkers and the ambitions of politicians. Once robbed of its sacred aspect, the Holocaust became a fashionable subject: good to impress or shock. Recommended to anyone seeking a vehicle to climb, succeed, create a sensation. You thought that you could face the agony of a people; you have felt nothing.

One reaches the point of longing for the days when only a few people dared speak of it; now everybody does. Too much. And too lightly. Without any reticence. One disinters the dead in order to question, mutilate or silence them. No matter if it offends the survivors. No matter if it hurts them. Survivors are ordinary men, like all the others. And perhaps worse. No need to spare them, to censure oneself when talking to them or about them. The special consideration extended to them yesterday is gone. And if that displeases them, that is their problem. Why do they have to listen, why do they have to watch? Let them go away. If they ask questions, if they make trouble, you will have to still their voice and put them in their place. They are entitled to no privileges; their past no longer protects them.

During the turmoil the victims were naive enough to feel certain that the so-called civilized world knew nothing of their plight. If the killers could kill freely, it was only because the Allies were not informed.

"If only the Allies knew . . ." people said to one another in the ghettos and in the camps. If only Roosevelt knew. If only Churchill knew. If only the Pope knew. If only the American Jews knew and the English, the Palestinian, the Swedish, the Swiss Jews, if only they knew . . . The victims steadfastly believed that when they knew, the situation would change immediately. There was logic in their reasoning: Hitler and Himmler were operating the death factories without any interference because the Allies were not informed. If only the Allies were to know of Auschwitz, Auschwitz would cease to exist. They were wrong. The proof is definite, irrefutable. People knew—and kept silent. People knew—and did nothing.

At that time, as far as the Allies were concerned, the victims were already counted as dead. No effort was initiated, no political or military operation undertaken to save them. Among the thousands and tens of thousands of strategic and diplomatic plans elaborated in Allied headquarters, you will not find many designed to rescue the Jews from death: they were not considered worth the effort and surely not the risk. Not one commander shifted his troops in order to liberate this or that camp ahead of schedule.

True, the French returned to France and the Italians to Italy. But the great majority, those from Central Europe, the stateless of all descriptions, had no homes, no families to go to. All those broken, trampled men, those exhausted, humiliated women, those lonely adolescents for whom nobody was waiting in their little towns, in their little hamlets without Jews, where could they find refuge? Left to fend for themselves, they vegetated for years in camp barracks designated for "displaced persons.

The gates of Palestine, still under British mandate, were shut. The Western European governments grudgingly admitted small numbers of refugees. I shall not soon forget my frequent trips to the police station every time my "residence permit," my student card or my travel papers needed to be renewed; only rarely did I come across a clerk who did not make me feel my status of undesirable alien.

The refugees with the gravest problems, physical or other, those who needed help more than their comrades, were welcomed only by Norway. But Norway is a small country with limited resources. And so hundreds of thousands of "displaced persons" were forced to remain in the crowded camps.

The time may have come to tell you outright what we have been repeating to one another in whispers: that the survivors were considered intruders and treated everywhere without affection, and surely without love. There may have been pity, but no tenderness and particularly no brotherly warmth, which was what they needed most of all.

True, his survival imposes a duty on him: the duty to testify. Offered to him as a reprieve, his future must find its raison d'être as it relates to his past experience. But how is one to say, how is one to communicate that which by its very nature defies language? How is one to tell without betraying the dead, without betraying oneself? A dialectical trap which leaves no way out. Even if he were to succeed in expressing the unspeakable, his truth would not be whole.

And yet . . . In the very beginning, on a continent still in ruins, he forced himself to relent enough to at least lift the veil. Not to free himself of the past; on the contrary, to asset his loyalty. To him, to forget meant a victory for the enemy. The executioner often kills twice, the second time he tries to erase the traces of his crimes. Have you read the autobiographical documents of the Sonder Kommando members at Birkenau, Janowska and Treblinka? Those were the places where the dead were killed, where the corpses were disinterred to be burned, and their ashes dispersed. The purpose must have been to expel them from history. Worse, to deprive them of the history. To prevent their lives and deaths from becoming part of human memory. And so the survivor told himself that not to remember was equivalent to becoming the enemy's accomplice: whosoever contributes to oblivion finishes the killer's work. Hence the vital necessity to bear witness lest one find oneself in the enemy's camp.

The works that were published in the beginning? Witness accounts, individual stories, autobiographical documents—their restrained tone contrasts sharply with the atrocities they describe. One plunges into them as into a bad dream, with an odd sensation of loss and anguish. Obviously one is dealing not with literary creations but with a genre that transcends literature: with *something else.* And so one follows the protagonist into his madness, into his inevitable fall, trying as one goes along to share retroactively in his pain if not his solitude. That is all one can do, that is the only thing one can do.

For in those days the literature of testimony still commanded a certain respect. As yet, nobody was explaining to the dead how they should have gone to their deaths, or to the survivors how they should be living their lives. One did not pass judgment. Not yet.

As the years went by, the outlines became fuzzy, less defined. The Holocaust? A desanctified theme, or if you prefer, a theme robbed of its passion, its mystery. Eventually people lost all shame. Today anybody can say anything on the subject and not be called to order, and not be treated as imposter. Novelists use it to add a dimension to their fiction and politicians use it to please. Do they realize that they are cheapening the event? That they are emptying it of its substance? Are they aware of how the parodies of their experiences affect the survivors? To forestall any possible objections, they even deprive them of their wretched right to their "title." Suddenly everybody declares himself a "Holocaust survivor," reasoning that everybody *could* have become one. Today it is possible never to have had to confront the sadists of Mauthausen and

the overseers of Sachsenhausen, never to have suffered torture and agony, and yet to present oneself as a "camp survivor." Simply because Hitler and Eichmann waged war on *all* Jews, *all* liberals, *all* non-Aryans, *all* men and *all* women dedicated to justice, liberty and peace.

Let no one misunderstand me: in no way do I suggest that the concentration-camp phenomenon ought not to be studied. On the contrary, I say that it must be studied more and more, in all its forms and all its expressions.

There is no more urgent theme for this analytical and self-analytical generation. But it must be approached with fear and trembling. And above all, with humility. Some writers have shown that this is possible. The subject transformed them into more genuinely intense artists. They are few, but they are there. Thinkers, educators and novelists, they are there and their impact is real. Which proves that even those who have not experienced the event may learn to be worthy of it.

But then there are all those others who are recognizable by their self-righteous, arrogant demeanor; we resent them for having placed their stamp of vulgarity and obscenity on the victim's universe.

All those films, those works, those spectaculars that attract a wide audience by showing occupation, collaboration, deportation, martyrdom, slow death, instant death, all the sordidness of war. They may appear to prove that finally people are taking an interest, that they refuse to forget and want to know. Perhaps. But they also show something else—the need to think that the Holocaust was only an accident of history. Nothing more. The Holocaust—an imposing word, and so convenient to use as background for anecdotes in which Fascism and eroticism struggle for front stage.

The days when people held their breath at the mention of the Holocaust are gone. As are the days when the dead elicited meditation rather than profanation.

And to think that this is happening in a time when countless executioners are still alive, as are many witnesses and victims. What do the survivors feel, knowing that the murderers live among them in peace? How do the survivors react when they read that their past is nothing but sheer fabrication? What do they feel when you tell them their story? When you claim do know more about it than they?

Perhaps Adorno was right. After Auschwitz, poetry may no longer be possible. Or literature. Or friendship. Or hope. Or anything. Maidanek signifies the end. All that remains from the fire is the taste of ashes. Nothing more, nothing else. People will not understand the stammerings of the survivors, who thought they had taught mankind its most fiery lesson. They went unheeded. And they were punished for having tried.

For them, the Holocaust continued beyond the Holocaust.

A plea for the survivors? I know, it seems insane. It is not.

Because they are decreasing in numbers and because they themselves feel misunderstood and unloved, and also because they have locked themselves into their sorrow, I thought it important to make this plea for them—for all of us. And for our children. So that they shall know. So that they shall remember.

This, then, is their request: ignore them, don't speak of them, grant them some respite. If you cannot communicate with them on their level, do not try to bring them down to yours.

Accept the idea that you will never see what they have seen—and go on seeing now, that you will never know the faces that haunt their nights, that you will never hear the cries that rent their sleep. Accept the idea that you will never penetrate the cursed and spellbound universe they carry within themselves with unfailing loyalty.

And so I tell you: You who have not experienced their anguish, you who do not speak their language, you who do not mourn their dead, think before you offend them, before you betray them. Think before you substitute your memory for theirs. Wait until the last survivor, the last witness, has joined the long procession of silent ghosts whose judgment one day will resound and shake the earth and its Creator. Wait . . .

STATEMENT OF THE HONORABLE MARK E. TALISMAN, VICE CHAIRMAN, U.S. HOLOCAUST MEMORIAL COUNCIL

The Week of Rememberance which we observe throughout the United States, will this year emphasize the blessed survival of hundreds of thousands of loved ones who emerged from the ravages of the Holocaust. They are here by the thousands with us in Washington. We are remembering together the devastation and degradation of humanity perpetrated in every instance under the guise of "government, law, and order".

This year we will also be remembering the heroism, courage and fortitude of so many who resisted the behemouth governmental apparatus trying desparately to protect dignity and prevent suffering.

This year is the Fortieth Anniversary of the Warsaw Ghetto Uprising. Together we will retell and we will hear anew the history of this unprecendented period of courage against unbelievable odds, so that our children and theirs will not forget and will learn the story to tell to their children.

These Days of Rememberance are a vital link with civility. These days allow our nation to understand how governments can collapse, how sanity and reason can disolve, and that governments can go beserk setting up killing machinery against a whole people simply because of their origins and against millions of others in brutal acts of war. By not forgetting, we pay tribute to those who died, thus to assure that for those who live and are yet to be born that we consciously intend never to allow such an insanity to occur again.

The thousands of survivors now among us lead us in this righteous direction and will assure that we will not go astray.

Before these hallowed halls of our nation's government we know that what is being done here in these special Days of Rememberance must not and will not be lost as our nation's laws are written in the name of justice and decency in this great democracy. It will ultimately rest within the hands of the lawmakers and a vibrant, caring citizenry that the tenets of democracy will be nourished and will flourish, never, never to allow the horrors of the Holocaust to visit this earth again.

It is therefore a particular tribute to our democracy that we assemble by the thousands here at the West Front of the Capitol itself to remember, and to focus upon the desire to express gratitude to this great nation which is now the home to thousands who have survived.

Where else does a group of citizens meet to openly and in the spirit of oneness with the highest leaders of their government? America has truly been a land for enormous opportunity.

Before you, Mr. Vice President and Mr. Speaker, you have the great wonder of America—people who have survived tragedy beyond description, who have resisted efforts to be denied their very lives, their humanity, their souls. You have before you the very essence of the finest attributes of the human spirit, thousands of Americans who contribute, enormously to the greatness of America remembering what happened to them and affirming with one voice the true meaning of freedom, liberty and justice in the name of all humanity.

We pay tribute to the resilence of those who stand before this great symbol of American Democracy and in turn, pay homage to this great democracy which will guarantee the survival of freedom for each of its citizens and for those around the world who seek such shelter.●

Mr. WYDEN. Mr. Speaker, will the gentleman yield?

Mr. GREEN. I would be delighted to yield to my colleague, the gentleman from Oregon.

Mr. WYDEN. I very much appreciate the gentleman yielding.

Mr. Speaker, I want to commend the gentleman from New York for organizing this special order commemorating the Holocaust.

Ever since I was a little boy, I have heard the stories of how my family came from Germany in the late 1930s to the United States. Fortunately, they were very, very lucky.

All my family, except for one elderly aunt got out before Kristal Nacht, Crystal Night—in 1938—when it was really too late.

Some of my people fled to Holland, some to Great Britain, but most came to the United States. My parents started off in New York City in an apartment full of fleas and bed bugs, but everyone here surely can understand how glad they were to be in the United States of America.

They were overjoyed because ever since 1933 they had lived in fear of their lives. My mother's father was chief of staff at the municipal hospital in Berlin and was expelled from his position—totally deprived of his livelihood for being a Jew.

My father's father, who had a successful family textile business which employed 350 people, saw his business expropriated by the Nazis in 1938.

My father was expelled from public school along with all other Jewish kids in 1936, but he wasn't so sad to go because he used to be beaten by classmates for not giving the fascist salute during school assemblies where Hitler's speeches were broadcast on the radio.

It took my father's family 2 years to get their immigration papers with the help of distant relatives in New York who furnished the so-called affidavits of support to guarantee they would not become public charges in this country.

And speaking of charges, my father supported the whole family at the age of 13 in New York City by opening a stamp business. You might ask what my grandfather was doing during this time. Literally, his life fell apart in the United States because of his immigrant experience. He lost his identity and never really was able to work meaningfully again and never could learn English.

Luckily, he had a strong wife and its worth noting that as was the case in so many Jewish families, it was a strong woman who was willing to take the risk and cut the family lose in time from the established ways that the Nazis sought to destroy.

When it is all said and done, my father says that what was worst, even in the days before the death camps, was simply fear. Every Jewish family lived with the uncertainty of never knowing when the fatal knock was going to come on the door.

We who have never experienced this fear are here today to keep those memories alive. We cannot forget, and we should not forget, the atrocities of the Holocaust.

As the first Jewish Member of the U.S. House of Representatives from Oregon, I pledge to work to make sure we never forget.

Mr. KEMP. Mr. Speaker, will the gentleman yield?

Mr. GREEN. I will be happy to yield to my colleague, the gentleman from New York.

Mr. KEMP. I want to thank my colleage for yielding and congratulate not only him but all of those who are participating in this special order.

Edmund Burke at one time said that the only way in which evil can triumph is if good people do nothing. In the 1930's, when the Nuremberg laws were being passed and nazism was raising its ugly head in Europe, good people closed their eyes, did nothing, or were ignorant of what was happening. The results were devastating.

It seems to me that if we are to assure the world that something like the Holocaust will never happen again, it is more important than ever that good people all over the world remember and that we do speak out in memorializing this event in history in which anti-Semitism and racism reached its highest manifestation.

The gentleman in the well is reminding us that next week the Holocaust Memorial Council will be host in this Nation's Capitol of those men and women who survived that ugly blot of tragedy in the history of the world. The chairman of that council is Elie Wiesel, the great author, a Romanian Jew living in New York, for whom I and so many others have such tremendous regard. Elie is one of those Holocaust historians, one of those authors, and giant intellects who is doing so much to remind the world that the only way in which we can prevent a holocaust again is to make sure that the eyes and the ears of the world are open and alert to the possibility of history repeating itself unless we are on guard.

Hegel said the only thing that people have ever learned from history is that no one ever seems to learn anything from history.

I am much more optimistic than Hegel was. I believe that people do learn from history. We cannot afford the luxury of forgetting that tragedy.

In the early 1970's, when I first was elected to the Congress of the United States, my first trip, my first "junket" was to Poland, and on a day off during that trip someone suggested that I might go from Cracow to Auschwitz and see for myself. Never having been in Europe, much less having seen something as ugly as Auschwitz, it changed my life. Not being Jewish, but as a Christian, this issue affects us all. But be it Jew or Christian, the fact that an Auschwitz can happen in the world makes it absolutely obligatory to those who are willing, as the gentleman in the well has done today, to speak out and alert the world to that danger and to remind us that next week is not an attempt to focus attention solely on the problem; it is to make sure that from history we can draw a lesson which is, it seems to me, simple yet profound: Do not allow our eyes to be closed or our tongues to be silenced to the threat; to make sure that the voices of those Holocaust victims will not fall on deaf ears; to remind the world of the necessity of making sure that never again can something like that happen; and to those victims who are coming from all over the country and the world, to Mr. Wiesel who is going to speak Monday at the Press Club, to Republicans and Democrats alike, to men and women all over the country and the world who are reminding us that in the Soviet Union today Jews are being incarcerated simply because they happen to be Jewish, or Christians because they worship from the Bible, it is incredibly important that this special order and this Memorial Holocaust Council event take place and that the Mordecai Outcry Week of Christians all over the world speaking out on behalf of Shcharansky and prisoners of conscience again not be silenced because those events in the 1930's could have been prevented and the Holocaust could have been prevented. That is the lesson of this week.

It is not an attempt to memorialize evil; it is an attempt to make sure that evil does not triumph. That requires each and every one of us who have conscience and concern and compassion and an understanding of history to identify ourselves with those men and women who are going to be here next week.

So to the gentleman from New York, who is a friend of mine as well as a colleague, I want to thank him for standing up, because his voice is heard not only in these Chambers. I am sure as other voices join ours, we will be heard around the world.

Mr. GREEN. I want to thank my colleague for his contribution to this special order, and I think the emphasis he makes that the purpose of all this in the end is not merely to memorialize an awful tragedy of the past, but to learn for the future. It is an idea that is certainly in the forefront of the thinking of the U.S. Memorial Holocaust Council, of which I am one of the House Members, and of which our good friend, Elie Weisel is, as the gentleman pointed out, the chairman.

Mr. KEMP. Mr. Speaker, if the gentleman would yield just one brief moment further, one of the honors of my political career was having been recommended to be on the council by Elie Weisel with whom I had dinner last week in Florida and discussed these issues. That was a great honor and I appreciate it deeply. I consider him, as I said earlier, one of the giants of our day and age. Next week is going to be a particularly poignant time, not only for the survivors, but for those of us who care deeply that this type of tragedy never happens again.

Mr. GREEN. Again, I thank my colleague.

Mrs. BOXER. Mr. Speaker, will the gentleman yield?

Mr. GREEN. I yield to the gentlewoman from California.

□ 1145

Mrs. BOXER. I thank the gentleman for yielding.

Mr. Speaker, I want to thank my colleagues, the gentlemen from New York (Mr. GREEN and Mr. SOLARZ), who organized this special order. It has very personal meaning to me and to my family.

To speak about the unspeakable, to understand the ultimate institutionalized inhumanity of humankind toward humankind is one of the most difficult tasks this Member of Congress has had to face. That is why this commemoration of the Holocaust and tribute to its survivors is so important.

We must be made to think about what happened not so long ago; we must be forced to look within ourselves to try and deal with the unthinkable acts of one person against another. We must be forced to remember although we do not want to—although we are afraid to. And we should be afraid—afraid that the dark side of the human race is still capable of inflicting such pain on a fellow human being.

And during the humiliation, degradation, and near annihilation of a proud and ancient people there were

reasons given—words spoken—about how this people was responsible for all the ills of a society. Misery bred more than discontent. It bred unimagined cruelty and savagery.

And the people who survived this Holocaust—what can they derive from life? How can they see life as the sometimes beautiful experience it should be? I honestly do not know. But the fact is that they have. They are loving family members and active community members and leaders. This is what we must look at, as a way to find some message for today.

The human spirit lives within us and cannot be killed even by the most evil institutional system. This human spirit can only die when we as individuals become callous about the sanctity of each individual life. It can only die when we fail to speak out when we see prejudice of any kind toward any individual in society—whether it is the Jews in the Soviet Union, the nuns in El Salvador, the blacks in South Africa or in our own Nation. It can only die if we give up the principal upon which this country was founded—the principal of individual rights and freedom; if we become silent when within our own country dissent is muffled and debate stifled.

The unspeakable, unthinkable tragedy of the Holocaust of any annihilation of any people leaves a residue of stench and death. Not just death of the totally innocent men, women, and children who feel the unexplained and irrational wrath of an angry and vicious mob, but the death of the spirit of humanity that is within each and every one of us. This is the spirit that differentiates us from other living things—this is the spirit that we must nurture within ourselves, our children, our leaders of today and tomorrow. Every time we allow a violation of human rights to occur within our own life experience, every time we fail to speak up either as citizens, as elected officials and most of all as members of the human race, we damage this spirit. And if we learned anything from the Nazi murderers it must be that never again in our own lives will we allow the killing of the human spirit. To the survivors of the Holocaust you have taught us that lesson, and I am proud as a Member of Congress to salute you.

Mr. GREEN. I thank the gentlewoman for her contribution.

Mr. GEKAS. Mr. Speaker, will the gentleman yield?

Mr. GREEN. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. I thank the gentleman for yielding.

Mr. Speaker, this Member also is grateful for the opportunity to speak out on this particular issue.

I have had the opportunity over the years to participate in many, many different kinds of ceremonies in commemoration of the suffering of the people who underwent the terrors of the Holocaust and I have heard beautiful words, and beautiful hymns, and prayers that have accompanied those ceremonies. Each one was more beautiful than the other and each one more meaningful than the former.

And I trust that what we will be experiencing next week in Washington will be an amplification of those same niceties and celebrations and commemorations that we have witnessed before.

But I must say that over the years the single most poignant experience that I have had with respect to this particular issue was a discussion with a victim of the Holocaust, during which discussion there was displayed to me the concentration camp number that was branded on the body of that victim. To see that and then to visualize in one's mind the initial imprinting of that brand on the body of the victim puts the reality of what that victim will relate to us about the tragedies through which he was able to endure. That to me puts the final imprint on the importance of what the gentleman from New York (Mr. GREEN) has done for us today in allowing us to speak out on this issue and for the occasion that is forthcoming next week in Washington.

There is one other theme that is drawn from all of this which also comes out strongly when one talks to a victim of the Holocaust.

And that is what should be extremely important to Members of Congress that deep appreciation that each victim of the Holocaust feels in being in this country, in being able now today to relate his story and to propound what he feels is the lesson of the era through which he endured and to emphasize and reemphasize that only in America, and precisely in America, is there the opportunity to make certain through its actions in the leadership of the world that this shall never occur again.

Mr. Speaker, it is well known that the Jewish men, women, and children of Germany and other European nations were viciously exploited during the reign of Hitler. Many were sent to harsh labor camps and were forced to suffer imprisonment under inhumane conditions, physical violence, exile, mental suffering, and death. Starvation was too slow a process for the Nazis as a means for killing Jews. At Auschwitz alone, nearly 2 million people were exterminated by 1944.

Throughout the Holocaust, a total of 6 million Jews were systematically murdered by the Nazi bureaucracy and its collaborators as a central act of state during World War II. Not only in quantity of violence but as a mass criminal enterprise, these acts were unprecedented in human history.

Holocaust survivors live with a painful legacy filled with memories of personal tragedy. The victims were healthy, vital, intelligent people who suffered simply because of their religion. It is important to inform everyone, both Jews and non-Jews, of the serious impact the Holocaust and its aftereffects have had on today's society.

Because the Holocaust was a horrible event, its gruesome facts and details cannot be easily overlooked. However, we need to commemorate the Holocaust, so that ugly chapter of world history will not be repeated. Let me emphasize the importance of marking this occasion in each State legislature as well as here in Washington. We were honored to do so in the Pennsylvania Legislature in recent years. By so doing, vigilance will be further underscored, humanity protected, and democracy strengthened by the rule of morality and the law.

Mr. GREEN. I thank the gentleman for his contribution.

I am happy now to yield to my colleague, the gentleman from New York (Mr. MCHUGH).

Mr. MCHUGH. Mr. Speaker, it is my privilege to salute the participants in the remarkable reunion which will take place here in Washington in the coming week.

I speak of the American Gathering of Jewish Holocaust Survivors, who will come together in our Nation's Capital for several days of historical, cultural, and memorial programs. The gathering will, according to the Jewish calendar, coincide with the 40th anniversary of the uprising of the Warsaw ghetto.

One clear purpose of the gathering will be to remember—to remember the Holocaust as the most awful and awesome revelation of the darkness in human hearts. In every generation it is our duty to remember so that we may remain vigilant against that darkness and its power.

But another purpose of the gathering will be to celebrate—to celebrate the fact that so many were able to survive so overwhelming a destructive force. What a beautiful word that is: "Survivor"—one who has not merely lived through, but grown to a new and flourishing celebration of life in its wholeness and possibilities. In that sense the Holocaust survivors show forth in a unique way to the rest of humanity how precious our human capacity is to grow beyond the forces that threaten to destroy our bodies and our spirits. They show forth how true it is what William Faulkner said in his Nobel Prize acceptance speech, that "man will not merley endure; he will prevail."

Finally, Mr. Speaker, the purpose of the gathering will be to bless. Whenever human beings deeply feel and

freely acknowledge their need for each other, they become a blessing to each other. They become most fully human in their transcendence of individuality and in the exercise of their freedom to love and create a community of encouragement and support. That highest form of freedom is the blessing that the Holocaust survivors will share with us in the coming days. We are honored by their presence in our midst.

Mr. GREEN. I thank my colleague from New York.

Mr. Speaker, I yield now to the gentleman from Texas (Mr. BARTLETT).

Mr. BARTLETT. Mr. Speaker, I thank the gentleman for yielding.

I thank the gentleman from New York (Mr. GREEN) for organizing this special order which gives us all what we need which is a chance to remember. It is with a recurring sense of sadness, I think, and a sense of collective memory that I join with my colleagues in recognizing the American Gathering of Jewish Holocaust Survivors.

This event, as my colleague knows and has said, is the first national gathering together of Jewish survivors of the Holocaust since World War II.

This gathering represents more than a simple coming together of brave people who lived through this century's most horrible example of hatred, and ignorance, and oppression.

I hope this event stirs in all Americans and indeed throughout the world a reaffirmation of the strength of the human spirit to simply survive and to survive even the most severe oppression.

This week will refresh our memory, a memory so that this generation and future generations do not forget. This gathering of brave people here to contemplate the blessing of freedom and remind us of the tragic past. We should forget that people throughout the world continue to be subject to persecution and harassment. In particular, Jews today in the Soviet Union are under increasingly severe persecution. And I call on my colleagues who have joined with me, and others, and the American people to use this gathering of the survivors of Nazi oppression to keep alive their awareness of the current victims of Soviet oppression. Because Soviet Jews are continually subject to imprisonment, denials of the right to travel and emigrate, and the rights of religion, as well as basic other human rights obligations.

The fight against Jewish oppression and persecution is not over. The fight against oppression throughout the world, in Poland, Lithuania, Cambodia, and elsewhere is likewise not over.

But the bravery, the courage, the spiritual strength of the Holocaust survivors are as much examples of the human dignity, the will to survive, as it is an example of the Nazi death and concentration camps were grisly examples of man's inhumanity to man.

This week will remind us of the lesson of the Holocaust. The lesson that when one person anywhere in the world is persecuted, and oppressed, and killed, we are all persecuted. When one of us is a slave, we are all slaves. If there is one concentration camp in the world, we are all victims of that concentration camp. Pastor Niemöller in the 1930's said it best when he said:

> First they came for the Communists, but I didn't speak up because I wasn't Communist. And then they came for the Jews and I was silent because I wasn't Jewish. Then they came for the trade unionists, but I was not one of them so I didn't speak up. Then they came for the Catholics, but I was Protestant, so I was silent. And then, then they came for me and there was no one left to speak up.

I commend the gentleman for this special order.

Mr. GREEN. I thank our colleague from Texas (Mr. BARTLETT) for participating.

Mr. Speaker, I now yield to our colleague from Florida (Mr. SMITH).

Mr. SMITH of Florida. I thank the gentleman for yielding.

I am very appreciative of the gentleman from New York having instituted this special order today to allow the commemoration and allow all of Congress to speak out with a single voice on this issue.

Mr. Speaker, I stand here today as a person who has lost a great deal of family over the years because of persecution. My wife has lost a great deal of family. The world has lost family and we are all the worse for that as a result of what has happened by virtue of persecution.

On the 40th anniversary of the Warsaw ghetto uprising, it is our duty, our obligation to honor the memory and courage of Jews who took up arms against overwhelming numbers of Nazi invaders. We know the pain of remembering the Nazi genocide committed against our people, but only by recalling that sacrifice can we prevent this atrocity from happening again.

As an active member of the South Broward Jewish Federation and B'nai B'rith and the Jewish community in general, I have dedicated myself to many causes. Numbered among them are the plight of the Soviet and Ethiopian Jewry, peace, in the Middle East, and a safe and secure Israel.

As a new Member of Congress, I have cosponsored, along with many others in the Congress, many others, House Resolution 67 and House Concurrent Resolution 63, which call upon the Soviet Union to comply with the Helsinki Accords by pursuing a more humane emigration policy, and call for the release of Soviet dissident Anatoly Shcharansky from prison so that he may emigrate to Israel, along with other Soviet Jews and allow the emigration of Soviet citizens of all faiths.

□ 1200

Along with many of my distinguished colleagues, I am also cosponsoring House Joint Resolution 80, proclaiming the week of April 17 as Jewish Heritage Week, commemorating the anniversaries of the numerous significant dates in Jewish history: Passover, the Warsaw ghetto uprising, and Israel Independence Day.

I have cosponsored House Joint Resolution 183, which proclaims this week of April 10 through 16 as the Week of Remembrance for the Warsaw Ghetto.

It was not easy for many of the Holocaust survivors to be here for the first national gathering of American Holocaust survivors. The survivors and their families' dedication is the visible expression of commitment to the Jewish heritage: We shall never forget.

We know this message must be passed from generation to generation if we are to maintain a sense of Jewish unity and support for the continued survival of Israel.

The Jewish people need to fight the recent rise in anti-Semitism by educating present and future generations of the world. The Holocaust survivors and their families are to be commended for their efforts to preserve traditions. We want to remember the ghettos, the death camps, the concentration camps, the resistance, and the martyrs. We must remember, Mr. Speaker, so that the world will never forget, and that terrible tragedy will never again be visited on any single human being whose life crosses the face of this Earth.

I thank the gentleman from New York (Mr. GREEN) for his valuable contribution in instituting this special order.

Mr. GREEN. I thank the gentleman for his contribution.

Mr. LEACH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. GREEN. I yield to the gentleman from Iowa.

Mr. LEACH of Iowa. Mr. Speaker, I would like to join my colleagues in welcoming the American Gathering of Jewish Holocaust Survivors, which convenes here in Washington next Monday, April 11. The first commemoration of its kind in this country, the gathering is an occasion of immense moral significance and an occasion for us to pause and remember—with a profound sense of humility and sorrow—that the coming days also bring with them the observation of two of the most terrible milestones on the path of human history. This Sunday, the eve of the gathering, is Yom Hashoah, Holocaust Remembrance Day. Later this month, we mark the 40th anniversary of the he-

roic but doomed uprising of the Jewish fighters in the Warsaw ghetto.

The Holocaust was an incomparable expression of the evil and intolerance that lurks below the surface of civilized society. We must never again underestimate or ignore mankind's frightening ability to submerge its best and noblest instincts beneath a veneer of pseudo-ideological trappings. Wherever the flame of intolerance still flickers, it must be extinguished. The conflagration that consumed millions of innocent lives four decades ago must never be repeated.

But the gathering of more than 10,000 of our fellow citizens next week can also remind us of the equal capacity for human beings to surmount the most terrible obstacles. More than 40,000 Americans are among those who survived Hitler's death camps. With them, we bear witness to the worst and best in human nature. With them, we welcome the dedication on April 13 of the Holocaust Memorial site in our Nation's Capital.

As Members of Congress, we also face the profound responsibility to ask why there were not more survivors and why American policy, particularly in those months immediately preceding our involvement in the war in Europe, was not more sympathetic to immigrant acceptance. What our leaders knew and when they knew it is a subject carrying troubling moral implications. Remembrance of tragedy is important, not because of any desire to dwell on the awesome and awful, but for the lessons it imparts to peoples today as we deal in our personal and public lives with prejudice and intolerance. As Lincoln would have said, it is meet and proper to remember these events.

As the ranking minority member of the Human Rights Subcommittee of the House Foreign Affairs Committee, I therefore join in honoring those who suffered and died heroically in the past and those who will be assembling here in Washington to make sure that the memory of the Holocaust remains a living reminder to guide us away from inhumanity and intolerance.

Mr. GREEN. I thank the gentleman from Iowa for his comments.

Mr. SIMON. Mr. Speaker, will the gentleman yield?

Mr. GREEN. I yield to the gentleman from Illinois.

Mr. SIMON. I thank my colleague, the gentleman from New York (Mr. GREEN), and I appreciate his leadership on this.

Mr. Speaker, I think it is important that we as Americans, and not simply those Americans who happen to be of the Jewish faith or Jewish heritage, take a look at this.

Dr. Franklin Littell, of Temple University, many years ago put together a group that did some work and has done a great deal of work on the Holocaust, and I commend him. I was on the advisory committee, and I regret to say that I was not a very active member of that committee.

I think what our colleague, the gentleman from Iowa (Mr. LEACH), has just said is important, that we try to learn the lessons of history. One is that humanity can be very inhumane if restrictions are not placed; and a second lesson is that, at the very time that Hitler was persecuting the Jews, many refugees wanted to come to the United States. I regret to say that we were not a generous people in opening our doors to them.

Part of the tragedy of that era can rest right here on our shores. It is a lesson we ought to remember.

Third, we ought to stand up when there is a lack of compassion, a lack of humanity on the part of people anywhere, and we ought to stand up within our own borders. What happened to the Japanese Americans during World War II is a part and parcel of this very thing we are talking about.

There are other examples, unfortunately, in our own history that we cannot look back to with pride.

And speaking of standing up, it also means standing up on behalf of those of the Jewish faith or other faiths in the Soviet Union today who face special problems.

I happen to be one who believes we ought to be moving much more vigorously for an arms control agreement, and my sense is that if we could improve relations with the Soviet Union, we could probably have more immigration. But I would also say to our friends in the Soviet Union who monitor what happens on this floor that one of the ways you can build a better relationship in the United States and better public opinion is to be generous to people like Mr. Shcharansky, to be generous to people like Dr. Sakharov. And I would specifically like to mention a couple whom I visited on my last trip to the Soviet Union. You never see their names in the headlines. It is Professor and Mrs. Naum Meiman. Prof. Meiman is 71 years old. I do not know how old his wife is. He wants to emigrate to Israel. He has been part of the Helsinki Watch Committee there in Moscow.

I believe that the Soviet Union would be doing themselves a favor by letting people like Professor and Mrs. Meiman emigrate. And our friends in the Soviet Union ought to also know that people like the Meimans have friends here in Congress and in the United States. We are concerned. The great lesson of the Holocaust is: We cannot be unconcerned about the plight of humanity anywhere. I hope we learn that lesson.

I commend my colleague again for his leadership.

Mr. GREEN. I thank the gentleman from Illinois.

Mr. PHILIP M. CRANE. Mr. Speaker, will the gentleman yield?

Mr. GREEN. I yield to the gentleman from Illinois.

Mr. PHILIP M. CRANE. I thank the gentleman for yielding.

Mr. Speaker, I proudly join my colleagues in this special order to commemorate the heroic persons, living and dead, whose lives were unalterably influenced by the Holocaust and want to compliment my distinguished colleague from New York for taking this special order.

All America must remember the lessons of this tragic display of man's gross inhumanity to man. It is timely that many Jewish survivors of the Holocaust have come to Washington today—the 40th anniversary of the Warsaw ghetto uprising—to dedicate the Holocaust Memorial Museum as a permanent site in our Nation's Capital.

Those who survived the Holocaust speak a common language, regardless of the diverse European nations from which they came. Only they can pass on their knowledge of the unspeakable atrocities perpetrated against millions of Jews and others by the Nazis in towns and concentration camps under German occupation. These survivors can well remember the horrible scenes which occurred in those places. Dachau. Sobibor. Treblinka. Chelmno. And Oswiecim, the quiet and unblemished town of rural Poland which, under the German name of Auschwitz, would earn world infamy as the greatest charnel house this Earth has seen.

I wish I could stand here today and report that the nations of the world have learned something from that dismal experience. Sadly, this is not true. A whole new generation has matured since World War II. In too many cases these younger persons have taken freedom for granted. Some remember the Holocaust only as a page in history. Others doubt that the systematic slaughter occurred in such large proportion. Some have simply chosen to forget that the Holocaust took place at all.

The ultimate tragedy is that genocide has continued since World War II in the Soviet Union, in Uganda, Vietnam, and Cambodia and under the auspices of several other totalitarian regimes. It has occurred on an even wider scale in the People's Republic of China. That this statement should come as a surprise to many is a shocking indictment of our growing ignorance of and immunity to genocidal practices.

The clear lesson is that only the great democracies of the world have shown a consistent respect for the inalienable rights and sanctity of the human being. If nothing else, the

memory of the Holocaust must remind all of us that peace and freedom—the goals of a self-governing republic—cannot be gained or maintained cheaply. Our acknowledgment of this pristine truth offers Holocaust survivors comfort in knowing that their relatives and friends did not perish in vain.

We share citizenship in the most humane nation the world had ever known. Eternal vigilance is required to preserve the advancements we have made. We must be ever resistant to the totalitarian regimes which so cleverly utter vague sounding promises of goodness while continuing to act in the opposite direction.

This commemoration strikes close to home with me. My brother-in-law, Andrew B. Ross, is a Hungarian Jew by birth and a survivor of Belsen. While he had an aunt and uncle, who fled Budapest on the eve of the persecution, who survivied the war, they have since passed away leaving Andy as the sole surviving member of his family.

I first met Andy in the Army. I was impressed with the thoughtfulness, consideration, courtesy, and concern he demonstrated toward others—myself included. In the depersonalized environment of the military, these qualities stood out more than ever. As I got to know Andy better, I learned of his personal tragedy.

"If anyone has a right to say the world owes him a living," I told him once, "it surely is you."

But Andy is one of those people who gives more in this life than he takes. I asked him on one occasion what his personal beliefs were. "I believe in God," he replied, "and I believe that you should always help other people when you can and avoid hurting others to the best of your ability."

With this brief statement, Andy basically summarized both Old and New Testament themes. But it has stayed with me for 30 years and is a convenient daily guide for one and all.

So long as one man suffers persecution, all men do. The ongoing horrors perpetrated most especially by the Soviets against all who refuse to worship the state—Jews and Christians alike—must alert us to a recognition that the terrors of the Holocaust are not dead in this world, and that we must rededicate and reconsecrate ourselves to the elimination of such inhumanity worldwide. Anything less is to forget those who perished during World War II at the hands of dehumanizing agents of the sick ideology that insists government is a substitute for God and mortal divinities should be allowed to determine the damned and the elect.

Mr. GREEN. I thank my colleague, the gentleman from Illinois, for his participation.

Mr. LEVIN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. PHILIP M. CRANE. I yield to the gentleman from Michigan.

Mr. LEVIN of Michigan. I thank the gentleman for yielding.

Mr. Speaker, I am honored to join the gentleman from New York (Mr. GREEN) in saying a few words about the meaning of the coming event.

On Sunday, our house is going to be blessed by a visit from three people from the gentleman's State. We do not know them; we have not met them yet. They are coming here for the events next week.

Mr. Speaker, this event next week, the American Gathering of the Jewish Holocaust Survivors, is the centerpiece, as we know, of a nationwide observance of Holocaust Remembrance Day. There will be many similar ceremonies throughout the country. Indeed, I will be privileged on Sunday to join in remembrances in a Holocaust memorial service in the district that I represent at B'nai David Synagogue in Southfield, Mich.

This entire period, Mr. Speaker, is an occasion of many emotions and many lessons. Above all, it is a time to remember, to remember the 6 million Jews who were killed in the Holocaust, to remember the attempts of a government to exterminate a people, to remember the selfless efforts by nameless individuals who risked and sometimes sacrificed their lives in order to stop some small part of the horror.

This is also an occasion to be thankful and to be proud. Those Jews who managed to escape the Holocaust are thankful for the efforts of Americans to help them start new lives of freedom and of dignity. Americans can be proud of our help in resettling Holocaust survivors and of this country's support for the State of Israel.

But this is also an occasion to be watchful. The Holocaust embodied the ultimate peril of infringement on the sanctity of human rights. This country must continue to fight abuses of human rights and serve as a refuge for oppressed people everywhere.

But there are continuing signs that not all of the lessons of the Holocaust have been learned. For example, German schoolchildren show a frighteningly low level of awareness of the atrocities of the Holocaust. And there is the ironic fear that the trial of Klaus Barbie, by focusing attention on the role played by some French nationals in the extinction of countless persons, might fuel anti-Semitic feelings in that country. And then there are countries that are rewriting their histories to erase dishonorable periods in their pasts.

And so I am especially appreciative of this opportunity to join the gentleman from New York and of his initiative, because there are these dangerous signs—signs which show us that there is much remembering still to be done. If we want to prevent the past horror from ever happening again, it is essential that we never, never forget.

Mr. GREEN. I thank the gentleman from Michigan for his comments.

Mr. COUGHLIN. Mr. Speaker, will the gentleman yield?

Mr. GREEN. I yield to my colleague on the Appropriations Committee, the gentleman from Pennsylvania (Mr. COUGHLIN).

Mr. COUGHLIN. Mr. Speaker, I want to join in congratulating my colleague for holding this special order and all of my colleagues in calling attention to Holocaust Remembrance Day. It is the ultimate lesson in history, really, that this signifies. It is the horrible atrocities that can take place and do take place under tyrannical governments. It is the inhumanity of man to man that happens all too frequently under all forms of government. And certainly Holocaust Remembrance Day is a symbol of that in its most ultimate way.

Mr. Speaker, among the darkest pages in the history of mankind are those that tell of the Holocaust—the systematic slaughter of 6 million Jewish men, women, and children during World War II by Nazi Germany and its minions.

Would that the American Gathering of Jewish Holocaust Survivors in Washington D.C., be unnecessary. But, unfortunately, it is necessary. Moreover, it is necessary that we recall that unprecedented barbarism so today's generations and those yet to come understand what can happen when war overcomes reason.

There are those among us who would have us believe that there was no Holocaust—that the death camps and gas chambers are a gruesome hoax. Others would have us forget—blot out the horrible memories of incinerated bodies and gaunt frames of barely alive survivors.

To do either would be to betray our commitment to mankind.

The enormity of the Holocaust crimes tends to desensitize our feelings. The tableau is so unbelieving that it becomes only a surrealistic nightmare from the newspapers and news films of a past to be forgotten.

The death of an individual moves us. Yet, the Holocaust was so overpowering in numbers killed and depravities committed that it numbs the heart and the mind. We cannot let this happen and so we call attention to the Holocaust, lest history be permitted another atrocity equal or greater.

The Holocaust is remembered also so we do not forget that lesser slaughters of peoples because of religion, color, or ethic origin have been taking place around the globe since the end of World War II. Along with the rest of the civilized world, perhaps we in this country have looked the other way or

have not exerted enough effort to prevent future slaughters or to bring to account those responsible.

The civilized world can do better. We as a government and as a people can do better. We must do better.

I know that I shall be haunted constantly by memories recalled when I stood at the Martyrs' Shrine, Yad Vashem, in Jerusalem. In that cradle of Christianity and Judaism, Yad Vashem stands as an unforgiving reminder of how far we traveled from Bethlehem to Dachau, and how little we learned.

Lest we forget.

Mr. GREEN. I thank the gentleman from Pennsylvania for his comments.

● Mr. LEVITAS. Mr. Speaker, today, I want to focus attention to a mass genocide that happened over 40 years ago, but which is today as vivid a memory as if it had occurred yesterday. We must not forget.

The Holocaust, at the hands of Nazi Germany, and that is what I am speaking about today, was unprecedented; never before in human history had genocide been an all-pervasive, bureaucratic, government policy, unaffected by territorial or economic advantage and unchecked by moral or religious constraints. The Holocaust was the systematic extermination of 6 million Jews and countless other people by the Nazis and their collaborators as a central act of state during the Second World War. As darkness came over Europe, millions of other peoples were swept into this net of death. The overriding obsession of Adolf Hitler became the purpose of the Nazi state; transcending the cause of victory in the war. Even after the defeat of Nazi Germany on the Russian front, when it was evident that the Germans had lost the war, the killings were intensified in a last desperate attempt at complete annihilation of an entire culture. Adolf Hitler asked the Final Solution—the death of every Jew—and even after 40 years, the horror of his obsession and the fact that others carried out his orders to kill are too much for the human mind to comprehend, but we have to remember.

We have to remember! But, why? Why should we memorialize such a tragic and senseless dehumanization of any people? Forgetfulness would be easier because man's ability to cope with his condition was shattered in the Holocaust; he was pushed to his limits and beyond, and so, today, we cry out from the depths of our souls: "Why do you want us to remember and feel the pain and ache in our hearts again today"?

We have to remember so that we will not let it happen again. We must remember that, when one person is persecuted or enslaved, none of us are safer or free.

In Washington, next week, there will be approximately 12,000 survivors of the Holocaust, among them several hundered from the State of Georgia; some of whom I know well and count among my best and closest friends. I want to welcome each of the survivors to Washington. The stories of their lives during internment and their ultimate survival would be more moving, more horrifying, and more suspenseful than any novel ever written. Their lives since then have been a history of achievement, dedication, success and love for their fellowman that inspires and, at the same time, leaves one humbled and shaken with the knowledge of their courage and fortitude. They have made a new life in this land of freedom and have earned the respect of their follow citizens. We thank God that they survived and that they came to our great country.

We will not forget the Holocaust.●

● Mr. BROOMFIELD. Mr. Speaker, I eagerly support this special order which observes the occasion of the first American Gathering of Jewish Holocaust Survivors. It is important for all of us to pause and remember one of history's darkest periods.

As all of you know, the week of April 11 to 14 has been designated as "Days of Remembrance" of the Holocaust. The American Gathering of Holocaust Survivors is a special feature of "Days of Remembrance Week." Also included in this week's activities will be a special day for remembering the 40th anniversary of the epic Warsaw Ghetto Uprising. During the same week, the Holocaust Memorial Museum will be dedicated. Those who perished as a result of Nazi terror, millions of individual men, women, and children whose lives were taken so senselessly, must never be forgotten.

The coming together here in Washington is the first meeting of American survivors of the Holocaust. This assembly should touch the heart of every American. The purpose of the gathering is to express gratitude to the American Government and its people for providing the victims of the Holocaust with a home and new lives after the war.

The assembled survivors will also honor their martyred brothers. Over 12,000 Jewish American survivors are expected to attend. These victims will have an opportunity to gather together to seek lost family and friends and to talk of past sufferings and shattered lives. Also included will be expressions of American solidarity with Israel and discussions of the contributions which the survivors made to enrich America and its society. They will certainly come together before they go home to reflect and pray that the Holocaust will never happen again.

I believe that a coming together of this nature in Washington, the capital of the free world, is long overdue. It is most fitting that the few survivors of the great Jewish communities of Europe should gather together. They will mourn the 6 million Jews who perished and will remind the world of the dangers of hate and bigotry.

We Americans can be justly proud of our role. We put an end to Nazi tryanny and opened the gates of the death camps. The United States welcomed over 100,000 of those who returned from the ashes. America gave these survivors the opportunity to become proud and productive citizens. They met and exceeded our highest expectations. Let us all hope that man will learn from his past mistakes. Let us all join together to insure that such cruelty and horror can never happen again. The world can be better if we will make it so.

It is in this spirit of hope that I strongly support the special order.●

● Mr. ANNUNZIO. Mr. Speaker, I join with my colleagues in honoring the first American Gathering of Jewish Holocaust Survivors, which will convene in Washington on April 11 to 14, in a solemn and historic coming together of over 12,000 survivors and their families.

This event will provide a unique forum to bear witness against the barbaric atrocities committed by the Nazis during one of the darkest periods in the history of the world. By telling and retelling their painful stories during these "Days of Remembrance," these courageous men and women sanctify the victims of the Holocaust, and keep the lessons of this tragedy alive for all generations to follow them.

The world must never forget the unspeakable crimes systematically perpetrated against the Jewish people and against all humanity, and the American Gathering of Jewish Holocaust Survivors must be commended in its noble pursuit of preserving the memory of the 6 million who died, and in reuniting those who survived. For out of these efforts comes hope and renewal, culminating in an unwaivering determination to prevent future genocides and to defend liberty, self-determination, and religious freedom for all.

To inform those coming after the Holocaust generation, our country appropriately has established by law the United States Holocaust Memorial Council, which is currently planning a permanent living memorial museum to the victims of the Holocaust to be located on the National Mall. Our Government, as a leader of the free world, is committed to the principles of liberty and democracy, and we, as Americans, have a responsibility not only to learn from the events of the Holocaust but also to share our understanding with others.

Mr. Speaker, on this occasion of the first American Gathering of Jewish

Holocaust Survivors, I join hands with the many Holocaust survivors living in the 11th District of Illinois which I am honored to represent, and all Jews throughout the world, as we vow to carry in our hearts and minds for all our lives, and to pass on to our children, the words, "remember" and "never again," so that we insure that another Holocaust will not be repeated.●

● Mrs. SCHROEDER. Mr. Speaker, I would like to take a moment to encourage my colleagues to reflect upon the 40th anniversary of the Jewish uprising against the Nazis in Warsaw.

It is important to be reminded of the atrocities that took place not only in Warsaw but all over Europe so as to avoid their reoccurrence. Over 45,000 concentration camp survivors now live in the United States. They are joining with people from Canada to commemorate the tragedies of their families and friends. Their suffering and agony, now serve to educate the rest of the world.

The Holocaust is now part of the past but we cannot afford to falsify or trivialize it. Over 6 million people were senselessly murdered and the rest of the world stood still. A culture was literally destroyed by unexplainable hatred.

As the Holocaust survivors gather this week to talk, let the whole world turn and listen.●

● Mr. FRANK. Mr. Speaker, I am pleased to welcome the American gathering of Jewish Holocaust Survivors to Washington and to congratulate them for organizing such a worthwhile event.

Ten thousand survivors and their children are expected at the 4-day gathering beginning April 11. They are here to commemorate the memory of the Holocaust and its 6 million victims and to reunite survivors and their families.

Mr. Speaker, Holocaust survivors constitute a powerful moral force in our society. Their experience and their efforts on behalf of all those who suffer persecution, discrimination, and oppression in the world serve to prevent the reoccurrence of any future Holocausts.

American life has been enriched by survivors and their families. Next week's gathering is another contribution to the process of remembering the Holocaust, honoring the memory of the dead, and celebrating freedom and life. We must never forget this past tragedy if we are to protect human life and dignity in the future.●

● Mr. ADDABBO. Mr. Speaker, I would like to draw my colleagues' attention to the American Gathering of Jewish Holocaust Survivors to be held here next week. Twelve thousand individuals have chosen to take the time to focus our attention on the horrors of the Holocaust and to remind the world of the inhumanity men are capable of inflicting upon each other.

The trip these Americans are making may be painful to them. The memories resurrected must be beyond our worst imaginings. Many of these survivors witnessed the loss of their families and love ones and endured physical and mental torture. The serial numbers engraved in their arms merely denote that they suffered, but the memories they share will linger in their minds and in the blackest pages of our world's history.

Yet the Gathering of Jewish Holocaust Survivors is serving a vital mission. Their presence among us heightens our awareness of atrocities which took place about four decades ago and refutes the cowardly and morally repugnant claims of those who assert that the Holocaust never occured. The American Gathering of Jewish Holocaust Survivors is meeting here to insure that the world never forgets what happened to Jews and other victims of the Holocaust lest it be repeated.

Let us welcome these courageous individuals to our Nation's Capital. They bring valuable lessons and insights that we should note and reflect upon while conducting America's affairs.●

● Mr. ROE. Mr. Speaker, an historic meeting will take place next week when more than 12,000 survivors of the Holocaust, the greatest tragedy in modern history, meet here in Washington.

The highlight of that gathering of brave Jewish survivors of the Nazi onslaught will be the dedication of the Holocaust Memorial Museum. That shrine will serve as a lasting reminder to all mankind of the horrors of the Holocaust.

The gathering of the Holocaust survivors will also take place on the 40th anniversary of the Warsaw ghetto uprising, when thousands of Polish Jews revolted and fought to the death against Nazi rule.

I am most pleased to note that the famed Jewish historian and theologian, Elie Weisel, the chairman of the U.S. Holocaust Memorial Council will be the keynote speaker at the opening function of the event.

A major project at the Holocaust Gathering will be the registration of all the Holocaust survivors in a national computer register. Through the marvels of computer technology, Holocaust survivors attending the gathering will be able to locate and hopefully be reunited with family and friends from the same villages and towns in Europe. It is my understanding that there are already 40,000 entries of Holocaust survivors in the computer bank.

Mr. Speaker, it is most appropriate that the Holocaust survivors hold their reunion in our great country, which is indeed the symbol of freedom of liberty, religion, and free choice for all the world.

To further express our Nation's deep concern that the lessons of the Holocaust must never be forgotten, I have introduced House Joint Resolution 44 which designates May 1 through May 7, 1983, as "Days of Remembrance of Victims of the Holocaust."

That resolution states:

H.J. RES. 44

Whereas, less than forty years ago, six million Jews as well as millions of others were murdered in Nazi concentration camps as part of a planned program of extermination; and

Whereas the people of the United States of America should always remember the terrible atrocities committed by the Nazis so that they are never repeated; and

Whereas the people of the United States should continually rededicate themselves to the principle of equality; and

Whereas the people of the United States should remain eternally vigilant against all tyranny, recognizing that tyranny provides a breeding ground for bigotry to flourish; and

Whereas May 1 has been designated internationally as a day of remembrance of victims of the Nazi holocaust, knows as Yom Hoshoah; and

Whereas it is appropriate for the American people to join in the international commemoration: Now, therefore, be it—

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in memory of all the victims of the holocaust and in the hope that Americans will strive always to overcome cruelty and prejudice through vigilance and resistance, the days of May 1 through May 7, 1983, are hereby designated as the "Days of Remembrance of Victims of the Holocaust." The President is requested to issue a proclamation calling upon the people of the United States to remember the atrocities committed by the Nazis and to commemorate such days with appropriate ceremonies and activities.

Mr. Speaker, the Holocaust brutally testified to the fact that, in some instances, there are no limits on the evil that human beings can perpetrate on each other.

In my visit to Israel a few years ago I had the opportunity to visit Yad Vashem, the Jewish memorial to the Holocaust. The experience was devastating to say the least.

But my experiences with the Holocaust are even more personal. Near the end of World War II, I was assigned to an army division that was among the first to liberate the Nazi concentration camps. It was an event that will remain deeply embedded in my soul to the day I die.

We must never forget what happened in those death camps. All the people of the world must take note of those horrors that were directed against the Jewish people simply because they were Jews. Those events must be told to our children and our children's children. Because if they are forgotten, it can happen again.●

● Mr. ACKERMAN. Mr. Speaker, I rise today to express my highest admiration for a group of people who will be assembling in Washington on Monday, April 11. I am speaking of the American Gathering of Holocaust Survivors, about 12,000 survivors and their children—many from my own district in Queens—who are not afraid to remember or to remind the world.

No one could blame them for not wanting to remember the horrors of the Holocaust. Their stories are so incredible as to seem of a different world, a different time. It strikes me whenever I hear some of them that survivors must be a special breed to have been able to endure.

The survivors who are gathering here next week are special among the special. They willingly force up these memories of despair and defenselessness for a number of noble reasons. In the words of the gatherings' organizers, participants are attending in order to:

Thank the U.S. Government and its people for providing a place where survivors could rebuild their lives with dignity;

Honor the martyred Jews and others killed by the Nazis;

Emphasize Jews' physical and spiritual resistance to the Nazis on the 40th anniversary of the Warsaw ghetto uprising;

Personally retestify to the painful truths of the Holocaust; and

Familiarize the American public with the roles survivors and their families play in American life.

It will, of course, also be an opportunity for survivors to be reunited with friends, families, fellow townspeople. There will be many poignant scenes as, aided by our computer age, these survivors find and embrace people from their shtetls whom they had long thought dead.

It is very fitting that the gathering should be in Washington, D.C., the seat of government in our free and democratic country. Perhaps it will spur us to enact such legislation as House Resolution 50, declaring the United States a ratifier of the Convention on the Prevention and Punishment of the Crime of Genocide, or House Resolution 42, designating April 24, 1983, as "National Day of Remembrance of Man's Inhumanity to Man." But more important, as we consider legislation which affects human rights and lives all over the world, we will remember this gathering and what it stands for. And we will remember that we are our brothers' keepers. We must never be allowed to forget.●

● Mr. RINALDO. Mr. Speaker, I want to add my voice to those who have spoken today in memory of the victims of the Holocaust.

We shall never let future generations forget the horror and the genocide which engulfed millions of Jews just 40 years ago. This crime against God and against humanity points to the depths of behavior of which mankind are capable. Forever it warns us of the nihilism and destructiveness lying at the bottom of the human soul.

Two out of three European Jews, one-third of the world's Jewish population, died in the unimaginably gruesome concentration camps of Auschwitz, Dachau, Majdanek, Bergen-Belsen, and many others. These innocents where the victims of a dark inferno that swallowed Europe. The scars suffered by the Jewish people from that experience are shared by all civilized men today.

Forty years in the course of mankind is a very short timespan. Indeed, the millions of children slaughtered by the Nazis would be close in age to many of the people present in this Chamber today. Torah admonishes us to "zakhor", that is, remember. As we celebrate Passover or Easter in this season of joy, it is important to remember this great human tragedy.

But we remember not just the destruction but the heroism exhibited by the Warsaw ghetto fighters. Their gallant heroism in the face of hopeless odds in resisting the Nazi exterminators inspires all men who are in the least sensitive to human dignity. It serves as a paragon of conduct for their brethren and their children in Israel today. Even as their torturers disclosed the depths of the human soul, the Warsaw ghetto fighters demonstrated something of the finest actions to which men may aspire.

We must never forget the violence of that time. Nor can such evils be removed from our midst without an appeal to prayer. Yet we must also teach our children that man's fate is in his own hands, and by learning the lessons of history, a better future is indeed possible.●

● Mr. MORRISON of Connecticut. Mr. Speaker, I join my colleagues today in honoring the survivors, relatives, descendents, and friends of the 6 million Jews who were viciously and systematically slaughtered in Germany during the Nazi era of the thirties and forties. The Holocaust was an event so tragic and so senseless that even now, 40 years later, we find ourselves asking why it happened and, more importantly, how it could have happened. We are still not able to fully understand the incredible depravity of the Nazi planners and executioners and the shameful indifference of the rest of the world at that time.

The purpose of the special order, I believe, is not to dwell on the despair of the Holocaust, but to remember it well and to use its memory to strengthen us in never allowing such a thing to happen again. The Holocaust was not just a grotesque crime against Jews, but a crime against all of humanity. What happened in Auschwitz and Dachau could happen again elsewhere as long as there is tyranny among the powerful and silence among those able to prevent such crimes.

The burden is on all nations that value human life and share a belief in even the most basic human rights to keep the memory of the Holocaust alive and to never again allow such cruelty and barbarism to occur.●

● Mr. LENT. Mr. Speaker, I welcome to our Nation's capital a group of visitors arriving here on a very special mission.

For 3 days from April 11 through the 14th, 12,000 survivors of the Holocaust will gather in Washington to help us all reflect upon the dreadful years which they survived and the promising future which they are helping to build. Under the aegis of the American Gathering of Holocaust Survivors, these distinguished guests will participate in a variety of activities centering on the horrifying crimes against humanity perpetrated in Nazi Germany during World War II.

Few events of our time will touch as many deeply felt emotions as will this gathering. It is not a pleasant experience to look back to a time just 40 years ago, when an entire people almost perished under the Nazi tyranny. Six million Jews put to death. Six million. Almost all of Europe's Jewish population. Such a crime is as unspeakable as it is horrifying to contemplate.

But we must not, Mr. Speaker, let the sickening events of those years be forgotten. The horror of what took place must always be recalled. Those who survived have a heavy moral responsibility, which so often falls upon the Jewish people, to remind the world of what evil can do when it is allowed to take root. But all of us, Mr. Speaker, have an equal responsibility to assist those survivors in making certain we all understand the importance of recalling those terrifying years. Only in this way can we make less likely the possibility of this evil recurring.

By reminding us, and all of the world, of the Holocaust in their gathering here in Washington, the survivors do all of us a great service by inspiring us to pledge our efforts to insure a Holocaust never happens again. We must listen to the survivors and do our part to make sure such a human tragedy never again occurs—never again.

I plan to participate in this week's events, Mr. Speaker, and I urge all my colleagues to do the same: Meet with the survivors; listen to the speakers; observe the exhibits brought here, exhibits brought from Yad Vashem. And join me in renewing our determination

to prevent another Holocaust. Never again.●

● Mr. RATCHFORD. Mr. Speaker, I take this opportunity to welcome to Washington the men and women participating in the American Gathering of the Jewish Holocaust Survivors.

The thousands of Holocaust survivors and their children convening here for this first American gathering are coming at a particularly appropriate time. It was 40 years ago this month that Jews in the Warsaw ghetto revolted against their Nazi antagonists. That event dramatized the courage of so many people victimized by Nazi repression. Forty years later, the Warsaw ghetto uprising is still seen as an event contrasting the strength of individuals and the brutality of authoritarianism.

It is also important to note that a major event of the gathering will be the dedication of the Holocaust Memorial Museum a few blocks down the Mall from here. This museum will be an important addition to America's institutions of history, and it will serve as a reminder of an event which must never be repeated.

Mr. Speaker, I welcome the individuals and families who come to Washington for this gathering. I hope their experience here will be valuable to them and to us as well.●

● Mr. BORSKI. Mr. Speaker, this month marks the 40th anniversary of the Warsaw ghetto uprising, where the Jews of that city demonstrated great courage and heroism by revolting against the brutal Nazi occupation of their homeland. Although unsuccessful, the revolt was of enormous importance. It demonstrated the extent to which people will resist persecution in the face of overwhelming odds. Over 50,000 people perished in this resistance effort.

The Holocaust is one of history's most terrible events. Six million people were condemned for the single reason that they were Jewish. They were pressed into forced labor, tortured, and systematically killed in concentration camps.

America did not go untouched by the Holocaust. Many Americans experienced the loss of family. U.S. troops witnessed firsthand the results of Nazi terror when our armies liberated thousands from the concentration camps.

We must remember the Holocaust. We must remember the millions of innocent people who died. We must remember in order to prevent such atrocities from occurring in the future. For too many people, the Holocaust is increasingly a vague concept or distant memory. It has been said before that "those who cannot remember the past are condemned to repeat it." To forget the horrors of the Holocaust is to risk a return to the same complacency which sent so many people to their death. Even today, the atrocities in Cambodia and India remind us that this dark side of human nature has not been completely eliminated. We must continue our efforts to insure that basic human rights are never denied by the state because of race or religion.

This Sunday, April 10, 1983, the people of Philadelphia will gather at the monument to the 6 million Jewish Martyrs to remember the Holocaust. I join their effort to preserve the memory of this terrible tragedy to make certain that it never happens again.●

● Mr. HOYER. Mr. Speaker, today is a most solemn day ladened with bitterness and unbearable memories, as we in the House join with survivors of the Holocaust in commemorating the 40th anniversary of the Warsaw ghetto uprising and in the dedication of the Holocaust Memorial Museum site. All of us are aware of the circumstances surrounding the uprising in 1943. The Jewish people were being physically compressed into tenements that would later serve as coffins for many. Isolated and concentrated behind a wall, the inhabitants suffered starvation, disease, torture, humiliation and ritualistic abasement. The hunting games played by the SS guards transformed the streets, alleys and doorways of Warsaw into shooting galleries while the men, women and children became indiscriminate targets. The brutality escalated as did the deaths and daily terror. It has been estimated that one out of six Jews, that is approximately 85,000 of a total Jewish population of over half a million in Warsaw, died between September 1939 and July 1942. From July 1942 through September of that year it has been estimated that over 310,000 Jews were transported to extermination camps. The vacuous cold cynicism of the murderers assumed such depths to fill an abysm of horror.

It was on the first night of Passover in April 1943 that the revolt began. After 4 weeks of desperate struggling by the ill-equipped and sparsely armed Jewish insurgents, the valiant revolt was ruthlessly crushed. The Germans then decided to burn down the ghetto with the prisoners trapped inside. In her book, "Accounting for Genocide," Helen Fein states that "fewer than 2.5 percent of the 1939 Jewish population of Warsaw had remained alive upon, or returned alive to, Polish soil." It is difficult to conceive of such brutality; perhaps it exceeds human capacity for imagination, but obviously it did not exceed human capacity for action.

The Nuremburg International Court found that plans were made in the summer of 1941 for the "final solution" of the Jewish problem in Europe. The final solution was focused upon conventional targets, the Jews. Throughout history from captivity to exile the Jewish people have been targets of hatred, ridicule and discrimination. During the Middle Ages Jews were stripped of their civil rights and made into second-class citizens. Laws were common throughout the world under which Jews would not be permitted to settle, to carry on commerce or trade in certain provinces and such laws subjected citizens to fines for admitting Jews into their homes for any reason, commercial or otherwise. In Berlin in 1877 the Resolution of the Assembly of Anti-Semites resolved that "the Jew is about to strangle the native idealism of Old Germany; the Jew threatens to corrupt German character, German fidelity, German purity, German probity."

Banishment from Egypt, from Syria, and from Rome; expulsion from Western and Central Europe during the 12th through 14th centuries; the history of Jews is strewn with the corpses and ashes of the Diaspora. The tragic encounters that comprise Jewish history culminated in the years of the Holocaust and reached a degree of such demonical depths of inhumanity, of such staggering dimensions of inflicted agony, that one reels from this encounter with history.

Is it possible that man can perform such coldblooded teacherous acts upon others, acts carried out within the consensual framework of government, acts with a purpose that is the extermination of a race? History repeatedly and tragically answers yes. It has happened before. It happened in 1915 in the deserts of Western Asia when over a million Armenians were annihilated by the Turkish Government.

The years of the Holocaust did more than physically exterminate a people, it ravaged the soul of a people, extinguished all hope and trampled upon their dignity. A people's very survival hung in a precarious balance. The magnitude of the tragedy is without equal in history but as we have seen as in the case of the Armenians, its poignancy and its underlying causes are not without parallel.

The systematic killing of one-third of the world's Jewish people, that is 6 million which included over 1 million children, occurred within a period of history in which the world appears to have been stricken with moral paralysis and naive indifference. This silence and indecision by other nations and peoples at a time of such wretching inhumanity resounds through the deserted barracks, rooms and hallways of Auschwitz, Treblinka, and Dachau along with the haunting, plaintive cries of its victims.

Have we learned from the past?

In January of this year the statement of the U.S. Commission on Civil Rights in a publication entitled "Intimidation and Violence" reported that whereas the extent of the problem cannot be precisely measured,

since 1978 there has been a twentyfold increase in reported episodes of antisemitic vandalism. Such acts of vandalism increased from 49 in 1978 to 974 in 1981. The Commission noted that the significance of the problem does not lie exclusively in the existence and activity of particular organizations but that the problem is the continued presence and tenacious survival of deep-seated racism and antisemitism that surface in the acts of some individuals and compose the rhetoric of a number of extremist organizations.

Is it possible that a resurgence in antisemitism exists, that it is presently festering in silence but awaiting that moment when it can safely reemerge and further debase a people ravaged by history. The testimony of the past is more valid than any attempts to predict the future.

I am hopeful though that we as a people will yet rid ourselves of blinding prejudices that threaten the safekeeping of a democratic and pluralistic society of which we are all a part. I feel reinforced in that hope by the coming together of Jews and non-Jews, by their working together to make possible the gathering of Holocaust survivors over the next several days. Business people have donated facilities, computers and made available mass transportation. At a time when there is a great sadness, bitterness and remaining disbelief I am deeply moved by the volunteer efforts of so many and their coming together to share in and make possible the dedication of the Holocaust Memorial Museum site.

So as we honor the dead may we also honor the survivors. The Holocaust Memorial Museum shall serve not only as a reminder of the malevolence of our history, but also, as we join with those survivors of the Holocaust here in Washington to celebrate life, the beneficience of man.●

● Mr. SCHEUER. Mr. Speaker, I am pleased to join my distinguished colleagues in this special order commemorating Yom Hashoah, the "Days of Remembrance." I wish to thank my colleagues from both sides of the aisle for their participation today.

Next week, there will be a Gathering of Jewish Holocaust Survivors in Washington, D.C. It is fitting that we pause today to reflect on what the Holocaust means to us as Americans—to our past and for our future.

We honor the memory of those who perished in the flames of human hatred, unleashed as much by inaction and complacency as by the heinous ideology that spawned them. We must not forget the Holocaust because although its promulgators may be dead, their ghosts are still very much alive and walking among us throughout the world today. Now, more than ever, we must be on our guard against a growing trend of racial and religious intolerance—especially here in our own country.

In 1982, there were hundreds of anti-Semitic incidents reported nationwide. New York State, sadly, led the Nation with nearly 300 reported incidents of anti-Semitic acts. These incidents ranged from vandalism and cemetery desecrations to arson and bombings.

Of these more than one-third occurred in New York City alone. Nassau and Suffolk Counties reported 152 such incidents. In Nassau, these heinous acts prompted the district attorney to establish a tough policy of no plea bargaining for crimes involving racial or religious bigotry. As a result of the creation of special units to combat such crimes, Long Island saw a 16.9 percent decrease in anti-Semitic incidents in 1982. More than a dozen States have also passed new laws taking a harder line with crimes to bigotry.

While we may be grateful that American law enforcement agencies and concerned communities have taken a tougher attitude toward anti-Semitic vandalism, the fact that nearly 100 incidents did occur is a tragedy itself.

Furthermore, there has been an alarming increase in the number of anti-Semitic incidents—ranging from swastika graffiti to machinegun murders—in Western Europe. In 1982, there were 41 occurrences of terrorism against Jewish targets in six West European countries, compared to 15 in 1981 and 14 in 1980.

The most serious of these included:

The machinegunning of worshippers at a Rome Synagogue which injured dozens and killed a 2-year-old baby.

The massacre at a popular Jewish restaurant in Paris which killed 6 and seriously injured 22 others.

A car bomb explosion in Paris which killed one and injured two.

A bomb explosion at the El Al gate at the Munich Airport which injured six people.

Israel's Ambassador to Great Britain was gunned down in front of his family in London sustaining permanently disabling brain damage.

Sadly, anti-Semitism is nothing new for us. But even more tragic is the knowledge that these reprehensible crimes taking place today, like those committed during the Holocaust, are rooted in bigotry and prejudice. The Jews have always been persecuted, not for their actions, but for their beliefs—for simply existing.

Today is also a time for us to reflect on the events which bring us to this time and rememberance. For most of us, even those who lived through the fires themselves, the enormity and the totality of what the Nazis and their collaborators perpetrated defies comprehension. For the young, in particular, it is dim history learned as much from the grim statistics of history classes as from the unreality of commercial television comedies.

Keeping alive the memory of what happened to the 6 million and why it happened is our most important responsibility as Jews, as parents and as Americans.

Doubtless there were many in Germany who thought it could not happen to such a sophisticated, educated, and worldly nation. But they were wrong. We cannot afford to ever be wrong again.

We must reach out to our own children and to every one else's children and remind them. We must remind them that it was not only the Jews who perished in the flames of the Holocaust: hundreds of thousands of Poles, gypsies, Communists, and people considered social deviants were also killed.

As bizarre at it may sound there are actually people today who deny that the Holocaust itself even occurred. Just as the Nazis tried to exterminate our culture, our history, our institutions, and even our existence, there are those today who would also try to exterminate the torturous rememberance of this tragedy by denying its existence.

In a sense, this rememberance is as much for the living as it is for the victims, as much for the future as it is for the past.

We know the lessons—our task is to make sure that others know—and do not forget.●

● Mr. RODINO. Mr. Speaker, let us all set aside a few moments this weekend to recognize the national organization of Jewish Holocaust Survivors, meeting here in Washington for their first American gathering.

Occasions such as this stir those memories of the 6 million innocent victims of Hitler's genocide, and we are once again reminded of the tragedy of World War II. And yet we should not need a special occasion to remember them—we should carry their memories in our hearts at all times and never let them perish. If we are to be sure that the horror of the Holocaust is never repeated, we can never lose those memories or allow the Holocaust to be treated as a historical aberration.

Just recently, Klaus Barbie, the "Butcher of Lyons" was returned to France to face trial for war crimes. His exposure—as well as the allegations that he was involved with agents of the U.S. Government—have reopened painful wounds and made us even more aware of unanswered questions about events that took place during and after the war. The survivors and their families who have gathered here deserve answers to those questions. We owe it to them, to the memories of the 6 million slain, and to ourselves as decent human beings to find those answers.

At the first anniversary and unity dinner, which will be held this Sunday, the organization will honor Simon Weisenthal, the famed Nazi hunter, who has persistently worked to track down the Nazi murderers and bring them to justice. He is an example to all of us as one who refuses to forget. To Mr. Weisenthal, and all of the survivors, let us pledge that we too, will not forget.●

● Mr. IRELAND. Mr. Speaker, throughout history man has persisted in persecuting his fellow man. So often, one reads history with extreme sadness because of the large role which imaginative cruelty plays in it. The cries of suffering can be heard down through the ages.

Since the Renaissance, and particularly since the enlightenment, we of the western world liked to think of ourselves as having advanced, not only in scientific and material terms, but in moral and ethical ways as well. We made a distinction between advanced and primitive, civilized, and barbaric. We congratulated ourselves on how far we had come.

How tragic and false such thoughts seem after the immense horror of the Holocaust. The only thing that seemed to have advanced was our efficiency in carrying out cruelty and mass murder.

Let us never forget this tragedy. Let the Holocaust remind us always to remain vigilant against the evil within us and what can happen in the most advanced society.

We must keep the memory of the Holocaust alive in order to do our utmost to prevent such wickedness from happening again.●

● Mr. UDALL. Mr. Speaker, it is with a great measure of respect that I rise in tribute to the survivors of the Holocaust. Through bravery and faith, these people endured this senseless and heinous crime against humanity. We all have valuable lessons which we should learn from the Holocaust and its survivors—most importantly the need to prevent the recurrence of such a tragedy.

The Holocaust was one of the darkest events in human history. In World War II, the European Jews were singled out by the Nazis for annihilation. The Jewish people did not desire war, nor did they provoke their senseless massacre. Still 6 million Jews were killed in the name of a blind and contemptuous cause called nazism. The manner of their deaths was often slow and painful. The survivors also suffered, for they witnessed their families and friends starve and fall lifeless beside them; and they saw many others taken away, never to be seen again. The Holocaust was truly one of the darkest chapters of human history.

The Holocaust is an event we would all like to forget. However, the great pain and suffering of the Holocaust is the very reason we must remember. This chapter in human history must never be repeated. The people of the United States and the world must always remember the shocking lessons we learned from this event. I believe that if there is one thing the 6 million people who died in the Holocaust would ask of us, it would be that we never forget the Holocaust and never let another Holocaust occur.

Next week, a very special and brave group of people will visit the city of Washington. From April 11 to 14, the American Gathering of Jewish Holocaust Survivors will take place. These people endured the hardships and the physical and mental pain of the Holocaust. The survivors of this tragic event are an inspiration to us all; they deserve our recognition and support.●

● Mr. FORD of Tennessee. Mr. Speaker, on the 40th anniversary of the Warsaw ghetto uprising, it is fitting that the largest gathering of American Jews in our country's history come together to pay tribute to the Holocaust.

It is also fitting that America, the country with the second largest number of Jews, become the second nation to erect an inspiring memorial to the Holocaust.

This memorial is a living testimonial. It will comfort all who were there, it will educate all who were not, and most importantly, it will compel future generations to learn the bitter lessons of history.

The wisdom of the ages is often paid for by the suffering of human tragedy. So it is with the Holocaust. To the slain, there is eternal comfort in martyrdom. To the survivors, there is hope and promise. This memorial will capture both spirits.

Today a group of determined survivors stands before us to recount the facts, to still the doubts, and to intone the quiet dignity of remembrance. Today a second generation also carries on. How many more scientists, how many more humanitarians would we share had not the Holocaust destroyed their promise.

Some revisionists may doubt the truth, some skeptics may doubt the ability, and some negativists may doubt the benefit. But, the memorial will speak for itself, and for all of those who are not with us today.

We stand with them, the survivors and their children, to pay tribute. We can never know the depths of their suffering or the anguish of their survival. But we can place their memories in our hearts and their determination in our lives. For it is not enough to simply remember. We must never forget.●

● Mr. FORSYTHE. Mr. Speaker, I am pleased to witness our Government's contribution to the longstanding tradition of using symbols to remember important historical events. The 1983 national gathering of Holocaust Survivors, which will include the transfer of Federal buildings to the Holocaust Memorial Council for establishment of a Holocaust museum is a profound example of the need for symbolism in our civilization. Not only must we always remember the Holocaust, but we must portray its events in a manner that both present and future generations can understand and accept as the brutal reality they represent.

As we are about to enter these days of remembrance, it brings to mind the timeliness of the gathering in terms of other related symbols. The issues of liberation and freedom for humanity seem to tie in so well with springtime—a liberation for nature—as well as the recent Passover holiday—a festival that symbolizes the liberation of the Jewish people from slavery. The observance rituals that have evolved are what help us to acknowledge and recognize that it is our choice to gain strength from past experiences and awaken new life out of devastation.

By hosting the national gathering and housing a museum amidst our heritage of remembrance, the United States has the privilege of symbolizing a place of freedom where everyone can honor the memory of those who died and, at the same time, look toward a hopeful future for all humanity.●

● Mr. GLICKMAN. Mr. Speaker, the American Gathering of Jewish Holocaust Survivors scheduled to be held here in Washington next week should serve as a poignant reminder of the ghastly tragedies that can be perpetrated by one human being or group of humans against another. For each of those who will be participating, it is no doubt the most painful memory they have to live with. The very thought of those closest to them being tortured and, in all too many instances, destroyed, haunts them constantly. It is a responsibility which they best can carry out, however, to remind our country of the tragedy we must work to avoid. That is particularly important as more time passes and fewer and fewer of us were actually alive at the time that nightmare was endured.

Still, this gathering of survivors of the Holocaust should also signal a message that courage and forthrightness can overcome tyranny and oppression. These people are, after all, survivors. They fought for what they believed and prevailed over tyranny and oppression. Certainly, it was not an easy victory, but it was a necessary and meaningful one. It is one that we cannot allow to be jeopardized by forgetfulness.

Relatives of my wife and mine were among those held in Nazi concentration camps. Fortunately, some of those relatives survived, but still they have to live with the realization that many family members were annihilat-

ed. They also must live with the identification numbers which were literally branded onto their bodies. It is a tragedy that they could never forget.

It is a tragedy none of us should ever forget. The potential for this kind of holocaust occurring in the future is one that will never totally go away. The Nazi Holocaust was not the first; we can never be sure that there will not be others.

Those who are gathering here in Washington will be reminding us of what they endured, of what destroyed family members, of what tore their lives apart. They will also be reminding us of the importance of standing up against tyranny to sustain principles we believe in and freedom itself. It is up to us to continue that reminding process, so it is never forgotten. It is up to us to continue to stand up against oppression and in support of freedom so a holocaust never happens again.●

● Mr. THOMAS of Georgia. Mr. Speaker, thousands of citizens will come together in Washington next week in the American Gathering of Jewish Holocaust Survivors. It will be an event that holds special meaning to both the participants and to all of us who are dedicated to the commitment that the world shall never forget the 6 million Jewish men, women, and children who died at the hands of their Nazi oppressors.

I am honored to associate myself with this gathering and its objectives, and I look forward to working with my colleagues in the Congress who are also joining in this endeavor.

There could be no better time to bring the history of the Holocaust back to our memories. We are about to reach the 40th anniversary of the time when thousands of courageous Polish Jews revolted against Nazi rule in the Warsaw ghetto uprising.

Their heroism and determination wrote a new chapter in the story of human courage, and their bravery is a testament to the struggle against the blight of Nazi hatred.

With that date as our benchmark, the conscience of America will focus on the bitter lessons of the history of the Holocaust.

One purpose of this gathering will be to provide a means for Holocaust survivors and their children to stay in touch with each other through a special register. Another purpose is to dedicate the Holocaust Memorial Museum to be located on the Mall.

In both instances, our objective is to insure that all Americans will never forget the nightmare of that terrible stain on human history.

There are some in our country who believe that we should not stir the memories of the Holocaust—that we should put the nightmare behind us and look only to the future.

I share the view that we should look to the future, but we should be resolute in guaranteeing that our future will never be one that could again include the horrors of the Holocaust.

We will do that by working to erase the hatred of religious and racial prejudice against all peoples. We will do that by being constantly mindful of the terrible results that come when good men and women are silent in the face of persecution.

That is a lesson that we learned in World War II, and it was paid for with the blood of 6 million Jews. It is a lesson we must never forget.●

● Mr. HUGHES. Mr. Speaker, the occasion of an anniversary is a time to reflect upon events of the past, and to renew commitments for the future. On the 40th anniversary of the Warsaw ghetto uprising, and during the Days of Remembrance for victims of the Holocaust, the first American Gathering of Jewish Holocaust Survivors is taking place here in Washington.

Let us take this occasion to remember a world at war, and to reflect on the now-infamous words of the philosopher, George Santayana, that "Those who forget history are condemned to repeat it." We must be conscientious in our remembrance of the worst elements in ourselves, of the horrors that one people can commit against another. We must review the past so that we do not repeat it, so that we insure that no people is made to suffer at the misdirected will of another.

It is fitting that survivors of what may be the darkest chapter in human history are gathering to remember. Theirs has been a time of great sadness and immeasurable loss. It is fitting that the survivors join together, to remember a time—barely two generations past—when prevailing forces in our world were terrifying, barbaric forces, and when humanity was barely in evidence. We must never forget this history. The harsh truth of the Holocaust must continue to serve as a reminder of the frightening scope of cruelty.

But let us also take this occasion to begin anew, to recommit ourselves to what is just and good in human nature. Let us celebrate the human spirit and the light of hope, and let us commemorate on this anniversary the bravery of a people oppressed. As another winter passes into spring and the Earth fosters new life and growth, let us praise and glorify the spirit of survival and the strength which comes with experience. Let us remember, too, that to survive is to celebrate life and to continue to strive for betterment.

As the Jewish Holocaust survivors meet on the 40th anniversary of the Warsaw ghetto and commemorate Yom Hashoa, Holocaust Remembrance Day, I rise to praise and salute them. As victims, they bear witness to humanity's darkest hour, an hour we will remember and will never repeat. As survivors, they bear witness to the strength of goodness, and they nurture hope here and throughout the world for a brigher, better future.●

● Mr. GORE. Mr. Speaker, I am proud to join my distinguished colleagues today to honor the survivors of the Holocaust especially the many Tennesseans who were able to attend this extraordinary gathering.

It is man's nature to put aside unpleasant thoughts, but this cannot be done with the Holocaust. Over the years we have sought explanations of the Holocaust, but the atrocities committed against the Jews defy all human rationality.

The painful memory of the 6 million Jewish men, women, and children who died at the hands of the Nazi regime, should not and will not be forgotten. Today, this burden is eased somewhat as we honor 10,000 survivors of the Holocaust who gather in Washington. Their survival offers hope to many. We pay tribute to these Jews who have displayed unfailing bravery, courage and faith. Instead of converting their pain into more hatred and violence and instead of giving up on life, these survivors gather together to commemorate life and help ease the burden of the many family members and friends they lost in Europe. The death camp survivors have not stood idle and asked for our pity. Rather, they have overcome the obstacles and have gone on to raise families and become upstanding members of their communities. Despite the punishment invoked on them for being Jewish, they have not lost their faith in God or their Jewish identity.

These Holocaust survivors also stand to teach us an important lesson about humanity. We must remember the horror of the Holocaust to assure that this terrible tragedy will never again occur. The unfortunate truth is that prejudice and ignorance continues today. The forthcoming Holocaust museum in Washington affords a valuable opportunity for our generation and future generations to study and better understand the Holocaust.

Many of these survivors gathered here are still searching for answers as to how the Holocaust could ever occur. We must continue to admire their bravery, and strength and lend them our support. At the same time we must continue to mourn the loss of the many who perished. As we reflect on the meaning of this gathering it is apt to keep in mind the words of Ann Frank, who wrote in her diary a year before her death by the Nazis: "Whoever is happy will make others happy too. He who has courage and faith will never perish in misery!"●

● Mr. DOWNEY of New York. Mr. Speaker, it is a great honor to come before you at this time, on the 40th

anniversary of the Warsaw ghetto uprising, to commemorate the gathering of the survivors of this bitter Holocaust and their families.

In recognizing the significance of this noteworthy occasion, it is indeed painful for us to be reminded of the common experience of those who are gathering here; a tragic bond, which time only serves to strengthen.

The hardship they have endured is unimaginable for those of us whose lives have not been directly touched by this horror. As Americans, it is therefore only fitting that we should pay tribute to those among us for whom this experience is all too real. It is their bravery and valor which compels us, at this moment in history, to reiterate our indignation at this tragedy and reaffirm our commitment to establishing a world within which such atrocities can never be repeated.

Our reflections cannot heal the wounded or restore lives, and time only serves to distance us from the reality of this experience. It is therefore of the highest importance that generations to come are reminded of man's potential vulnerability and inhumanity in times of weakness. It is vital to our society that every generation be encouraged to take on such an introspection and reassessment.

For it is a society which acknowledges its blackest historical periods and openly admits to the heinousness of such weaknesses that is best able to forge ahead to a humane and positive future. It is only with a realistic recognition of our historical weaknesses, that we are then able to comprehend how far we have come and how far we still have to go.●

● Mr. SISISKY. Mr. Speaker, a group of unique men and women are gathering in Washington. They are all survivors of the Nazi Holocaust.

Little remains to be spoken or written about their experience. The facts are as clear and shocking today as they were when young American GI's liberated the camps in April and May, just 38 years ago.

Perhaps the most important thing these survivors can tell us is never to forget. Only by remembering the camps can we hope to insure that they will never be rebuilt.

Only by remembering the camps can we hope to insure that this dark vision of humanity's potential is never seen again. And only by remembering the camps can we hope to insure that the racism and terror they harbored is confined to what, in reality, was only a brief moment in history.

I wish I could say better things about our own moment in history. I wish I could say that nowhere in the world do camps or racism or terror exist.

The fact that these things do exist shows that the message of the survivors has not always been heard in the last 38 years. They have spoken clearly and we have not listened.

Mr. Speaker, I conclude with the hope that their presence, and the memory of those who did not survive these 40 years, will compel us to remember. The outcome of many of our decisions will depend on how well we remember what they have witnessed and how well we perceive the contrasting opportunities for repeating the past or building a future with respect for human dignity.●

● Mrs. COLLINS. Mr. Speaker, some question the value of purposely "reliving" the horrors of the Holocaust time and time again through our participation in various commemorative and educational activities. Many would feel more comfortable putting this dark chapter in man's history behind us. If we allow ourselves to forget this incredible example of man's inhumanity to man, however, we shall surely doom future generations. Elie Wiesel, noted Holocaust historian, asserts that we must remember the Holocaust "not only because of the dead; it is too late for them. Not only because of the survivors; it may even be too late for them. Our remembering is an act of generosity, aimed at saving men and women from apathy to evil, if not from evil itself."

We cannot comprehend, nor can our words express, the pain and suffering that European Jewry experienced under Hitler's reign of terror. The gas chambers and ovens seem so unreal, yet they were a reality to an entire race of men, women, and children selected to die.

This special order should not only be considered a memorial to those who perished without reason, but also a reaffirmation of life and hope that man will never again witness such atrocities.

But now, the tale of the Holocaust must be told in its entirety before the last witness leaves this Earth and takes his awesome testimony back to the dead.●

● Mr. DWYER of New Jersey. Mr. Speaker, our Nation's Capital is preparing for one of the most unique and compelling commemoratives in recent memory. It is fitting that we, as Representatives of the people who are embarking on this special journey, pause and take note of this event.

This gathering of more than 10,000 American suvivors of the Holocaust from throughout the country is an event which few have thought possible decades prior. Yet, this gathering, and the achievements it will be celebrating, stand as a powerful testament to the strength of its participants and the bond that they share—a bond based on experiences that only they can truly comprehend.

Among these achievements is an ambitious and really remarkable computer registry of the survivors of the Holocaust, designed to maintain the vital links which have provided the impetus for this gathering.

Another is the dedication of a site here in Washington for a permanent Holocaust memorial museum which, when completed, will stand as a tribute to all victims of the Holocaust.

It is the participants themselves, however, who deserve our special praise and humble tribute. On this 40th anniversary of the Warsaw ghetto uprising, we can look at the past and marvel at the strength and compassion that was so strikingly revealed during this resistance movement and so many others.

More importantly, this reunion celebrates the present. We should not attempt to recount the horrors of that darkest chapter in history amongst those who know it only too well.

This gathering does serve, however, to reinforce a need—worldwide—to be perenially vigilant against similar attacks. The Holocaust must never be construed as an event isolated and without vast implications for the future.

We know—and the thouands of survivors here in Washington this week shall remind us—that the implications of the Holocaust are many and must never be forgotten. The next few days are ones of great significance for all Americans, not just for those who are here to renew ties and reinforce the strength, compassion, and resolve that have brought them to this moment of relative peace.

We have much to learn from their example and are grateful for it. I know my colleagues join me in looking forward to our participation in the many special events that will be marking this occasion.

Participants and observers alike will have much to remember and carry forth from this American Gathering of the Jewish Holocaust Survivors, never completely secure, but totally steadfast, in our commitment that the tragedy of the Holocaust will not be repeated.●

● Mr. ERDREICH. Mr. Speaker, I join with my colleagues today to bring attention to the American Gathering of Jewish Holocaust Survivors which will be held in Washington April 11 to 14.

The Holocaust was truly one of the world's most shameful and horrible events of all times. We have read books about it, we have seen photographs depicting it, we have sat through hours of TV and movie adaptations, but we are never more cognizant of the reality of such horrors until we listen to those that survived it. Washington will be the gathering place of 10,000 Holocaust survivors and their families, many of whom will be sharing emotional memories, locating and reuniting with family and

friends and recalling heroic resistance to the Nazi oppressors particularly the Warsaw ghetto uprising which took place 40 years ago this month. The survivors, however, will also be there as a reminder—a reminder to this Nation and to the whole world of what mankind can do to one another, of how hatred and bigotry can turn into irrational horrors. Six million Jews were put to death along with several million other victims of the Nazi's heinous crimes.

It is a chapter of history we must never forget. That is why the highlight of the gathering will be the dedication of the Holocaust memorial site in Washington to show the world that this Nation will not forget the victims of the Holocaust both Jews and non-Jews alike.

The survivors of the Holocaust are growing small in number, but we must never let their spirits, their courage, their message to the world be forgotten.●

● Mr. GILMAN. Mr. Speaker, as we gather today to pay tribute to those men and women who have traveled to Washington to be a part of the American Gathering of Jewish Holocaust Survivors, I would like to take this opportunity to thank the gentlemen from New York, Mr. GREEN and Mr. SOLARZ, as well as my colleagues the gentlemen from Florida and Illinois, Messrs. LEHMAN and YATES, for arranging this special order today.

On Sunday, April 10, approximately 15,000 people are expected to arrive in our Nation's Capital for 4 days of reflection, reunion, and remembrance. Four days cannot adequately capture the deep-seated emotions of these men and women, who suffered extreme cruelty as a penalty for being Jewish in Hitler's Europe. Many years have passed since the abomination of Nazi domination. There is hardly a Jewish family which has not suffered the loss of a relative in the Nazi concentration camps. But the courageous men and women who will be attending this gathering of Holocaust survivors are living proof that their indomitable spirit cannot be broken, even under the most inhumane circumstances.

These 4 days of reflection will be both a time of joy and sorrow, as members of the same European communities come together after over 40 years of separation. Many will be searching for news of friends and relatives, and to achieve this purpose, a complex computer registry will be available to all participants. This Washington gathering of survivors reminds us of the 6 million who perished in the Holocaust. Their attendance at this American gathering is an awesome experience not only for the survivors but for all of us, as we recall this sad chapter in the world's history. Mr. Speaker, may this event serve as a cogent reminder that we should never forget, nor allow others to forget, the horrors committed by man against his fellow man. Let us all learn from this somber reminder of the Holocaust, for if we do not, history may very well repeat itself.●

● Mr. MINETA. Mr. Speaker, in a few days the American Gathering of Jewish Holocaust Survivors will take place in Washington. This is an important event for all of humanity. We should confront the reality of the Holocaust and never forget history's darkest moment.

Genocide is the ultimate expression of racism and the Holocaust was the ultimate expression of genocide. Awareness of the depths to which human behavior fell in this century must remain permanently etched on the collective consciousness of humanity. The Holocaust was the culmination of the disease of racism against Jews that was allowed to fester and grow uncontrollably. The Gathering of American Holocaust Survivors and the marking of the 40th anniversary of the Warsaw ghetto uprising provide a vivid reminder of what can happen when the forces of evil and hatred are not sufficiently resisted.

Let this gathering not only be a call to never forget but an exhortation to all of us to be active participants in efforts to insure that there will never be an opportunity for such a hideous act to occur again. This not only applies to a concern for actions against man's dignity throughout the world but also means a vigilance against racism in all its forms in the world immediately around us. We cannot be passive in the face of acts of hatred or prejudice, or fall prey to scapegoating. These were the evil seeds that preceded the Holocaust. Hopefully, our painful recognition of the horror of the Holocaust will lead us to work against indifference to the fate of others and make every effort to avoid taking part in a conspiracy of silence.

I want to thank the Survivors of the Holocaust for taking part in this gathering, which I know is a very painful experience for them. This personal sacrifice on their part is an important contribution to a better world. Their personal testimony to the horrors of the Holocaust is a vital contribution to our own learning process and efforts to improve the human condition. I am sure this will increase awareness among people that we must never forget and more importantly strengthen the commitment to actions which promote the vow we all should make concerning the Holocaust of never again.●

● Mr. REID. Mr. Speaker, I join my colleagues in commemorating the American Gathering of Jewish Holocaust Survivors. It is important that we all pause and remember the horror that was experienced and it is equally important that we pledge ourselves to the prevention of any recurrences of that horror. The preservation of human dignity is the core of civilization and a civilized world should not permit such an atrocity to reoccur.●

● Mr. BERMAN. Mr. Speaker, the Jewish people often say that our ideal is to serve as a light unto the nations. We strive to conduct our daily lives in an exemplary manner that will, one day, inspire all peoples to join together for peace on Earth.

This has been the hope of the Jewish people since ancient times, and so it continues today, in spite of the tremendous persecution and suffering that the Jews have had to endure. The Jewish people have always risen from the depths of despair to achieve new heights and make great contributions to their countries and to the world. This has been so since their enslavement by the ancient Egyptians, following the conquering by the Roman Empire, and today, in the aftermath of the Holocaust at the hand of the Nazis.

Next week, an event of great significance, the American Gathering of Jewish Holocaust Survivors, will take place here in our Nation's Capital. The gathering itself is, in essence, a light unto the nations. In bringing together over 10,000 survivors of the Holocaust and their children, the gathering will be a living symbol of the strength of the Jewish people, their perseverance, faith, and continuity, which I believe will set an example for the nations of the world. The gathering represents the new beginning which the Jewish people have always created for themselves, just as the theme of the gathering tells us: "Together From Holocaust to New Life."

Mr. Speaker, I take great pride in commending my fellow Jews, survivors of the Holocaust and their children who will be coming together next week, for the way in which they have rebuilt their lives here in the United States of America. Their contributions to our country have been of immeasurable importance, and they serve as an inspiration to us all. These people truly are a light unto the nations.●

● Mr. LANTOS. Mr. Speaker, first I want to thank my friends and colleagues from New York (Mr. SOLARZ and Mr. GREEN) for taking this special order today.

Next week Washington will have the distinct honor to host an unprecedented event: the American Gathering of Jewish Holocaust Survivors. The significance of this meeting is enormous—the United States and Israel are the only nations in the world that have formal and regular ceremonies commemorating the Holocaust. We cannot and should not allow anyone to forget that this nightmare existed.

The revisionist historians for several years have been trying to spread the

belief that the Holocaust did not happen and it is just a story Jews tell. Auschwitz existed; Treblinka existed; Majdanek, Birkenau, Buchenwald, and all the other death camps existed. This gathering in the capital of the Free World during our beautiful spring season with cherry blossoms in bloom heightens the witness which we, as survivors, bear: that during a season of desolation, where the human spirit was laid waste, the Holocaust existed and 6 million of our brothers, sisters, mothers, fathers, and friends perished.

Yet, in remembering the 6 million Jews who were killed we must not lose sight of the few righteous gentiles who risked their lives to save Jews. Thousands of Hungarian Jews survived the Holocaust because of one of these "Righteous Gentiles": Raoul Wallenberg. If it were not for Raoul Wallenberg, I may not be here in Congress today. He risked his life in Budapest every day he was there to save people he did not know.

Two years ago, Congress and the Nation honored Raoul Wallenberg by granting him honorary U.S. citizenship. In honoring Wallenberg, we honored ourselves as a Congress and a nation, and most of all, we honored the thousands of Jews who survived the Holocaust.

We must use this gathering as just the beginning of a nationwide effort to spread the message of the Holocaust—why we must not ever forget, and why we must remember saviors of the Jews like Raoul Wallenberg so that this evil never happens again.●

● Ms. FERRARO. Mr. Speaker, it would be easier and less painful for the survivors of the Nazi Holocaust and their children to forget the unprecedented horror of a period in history which resulted in the deaths of 6 million Jews.

It is to the lasting credit of the thousands who will gather here in Washington next week that they have deliberately chosen not to forget but to remember. For it is only through remembrance that the Holocausts of the future can be prevented.

The importance of remembrance was made clear to me when I visited Yad Vas Shem, Israel's memorial to the Holocaust victims, during my recent trip to the Middle East. The photographs of the Nazi criminals and their victims bore haunting witness to humankind's capacity both for extreme cruelty and for dignity, even in the face of death.

We all have short historical memories. Today, just 38 years after the liberation of the concentration camps and 40 years after the Warsaw ghetto uprising, there are those who would deny that genocide occurred there. They try to pretend the Holocaust did not happen. The survivors and their families know better. They have an eloquent message to deliver to all of us about humanity and inhumanity, remembrance of the past and hope for the future.

I have urged and will continue to urge that the Senate ratify the United Nations Genocide Convention as a clear sign of America's comitment to prevent future holocausts. I hope this gathering will give new impetus to this effort.

In America, the Holocaust survivors, their children and grandchildren, have built new lives of dignity and hope. As they gather to thank the people and Government of the United States for this opportunity, I thank them for giving us all the opportunity to remember.●

● Mr. COYNE. Mr. Speaker, this time of the year is one of festive celebration as well as somber remembrance for Jews: The joyous commemorations of Passover and the anniversary of the birth of the state of Israel are tempered by the sobering memories of the Warsaw uprisings and the observing of Yom Hashoah—or Days of Remembrance of the Holocaust.

The tragedy of the Holocaust—a systematically plotted and implemented policy of genocide against the Jewish people—left 6 million Jews, two-thirds of European and one-third of world Jewry dead. It also left us with obligations, which we avoid only at our peril, neither to forget the past, nor to permit a similar occurrence in the future. For though the Holocaust was a uniquely Jewish tragedy, its lessons and implications are universal.

This week we welcome the 12,000 participants in the first ever gathering in the United States of Jewish Holocaust Survivors for the dedication of the Holocaust Memorial site here in the Nation's Capital. While the participants seek out long lost friends or relatives, even someone who might have known or was at the same concentration camp as a friend or relative, we who have never experienced anything like the Holocaust, can seek only a better understanding.

Remembrance—the theme of the Israeli Holocaust Memorial at Yad Vashem—is also necessary so as to bear witness to the painful truths of the Holocaust, particularly at a time when there are those, even in this country, who deny the Holocaust, and who continue preaching racial, ethnic, or religious superiority. For though remembrance is necessary, it would be in vain if we were not to act upon the facts of history in preventing future genocides.

Remembrance is also required of this Nation. We certainly did not do all that we could have done as soon as we should have to prevent or to stop the Holocaust. How sadly paradoxical are the arguments that we were too busy fighting a war to save innocent lives.

These survivors of indescribable and incomprehensible crimes are truly heroes of our time. They have truned the hatred and prejudice aimed at them into sympathy and activism on behalf of others. They have left an indelible mark on American society—its politics, culture, and business—and America is better for it as a result.

We who live in freedom must never compromise in our advocacy on behalf of others who seek the same. The Holocaust, the all-too-clear example of man's capacity for inhumaneness towards his fellow man, has no historical parallel. The greatest tribute we can pay to those who perished and survived the Holocaust is to prevent it from happening again. This gathering, and the Holocaust Museum and Educational Center will be of immeasurable utility in the furtherance of this goal.

Also of immeasurable utility, but which we have thus far failed to utilize, is the Convention on the Prevention and Punishment of the Crime of Genocide. This Genocide Convention, unanimously passed by the U.N. General Assembly 35 years ago, was a direct response to the Nazi Holocaust, and seeks to strengthen international safeguards which would prevent another. Ratified by 88 nations, the convention outlaws genocide, labeling it an international crime, and provides for the punishment of perpetrators.

Though the United States plays a leading role in the advocacy of human rights, our ability, as well as credibility, to address and influence human rights practices is crippled by our failure to ratify this treaty. Genocide—the greatest crime of the 20th century—presents us with our greatest challenge. It is incumbent upon us to accept this challenge so as not to allow the costly lessons of history to be ignored. Ratifying the Genocide Convention would testify to our abhorrence of past genocides and to our commitment not to allow future ones.

As Elie Wiesel, himself a survivor and now chairman of the American Holocaust Commission, said:

"To remember the victims of the past is to save those of tomorrow."●

● Mr. AuCOIN. Mr. Speaker, I want to commend my colleagues for sponsoring this special order to pay tribute to the survivors of the Holocaust and to commemorate the Days of Remembrance and the Jewish resistance.

I extend a warm welcome to all who have gathered in Washington from across the Nation to share in this unique occasion. The American Gathering of Jewish Holocaust Survivors, 12,000 strong, marks the largest convening of American Jews since the end of World War II.

Each and every survivor is a living witness to the horror of the Holocaust—an event so tragic, so dangerous

and so evil that we must never forget that 50 years ago, a man by the name of Adolf Hitler came to power with a vision of the 1,000-year Reich and a dream of creating a so-called pure Arayan race in part through the eradication of the Jewish people. And, before it was all over, he and his war machine had succeeded in slaughtering 6 million innocent Jews.

Although the brick buildings of Auschwitz, Birkenau, and other concentration camps still stand as reminders, the painful truths of the Holocaust are best revealed by those who suffered behind the walls of these compounds.

A Holocaust survivor from my State of Oregon, Hannelore Wanderer, recalls that Jews at first were issued identification cards, then ordered to wear Jewish stars, then not allowed to sit on park benches or even go to the movies. And we all know how much worse it got.

Although she survived, many of her aunts, uncles, cousins, and friends were killed. Now, Hannelore talks to student groups about her experience because she believes it is important that people remember what happened.

Indeed, it is important that we remember. Congress by an act of law proclaimed April 10 as a Day of Remembrance for Victims of the Nazi Holocaust for that very reason.

It is a day to remember because we must never forget those—perhaps some of our own friends and relatives—who physically and spiritually held out against the brutal Nazi rule. It is a day to remember because no amount of human resolve can ever make up for the murderous Nazi campaign that killed half of the world's Jewish population.

And finally, it is a day to remember not just for the survivors of this Nazi reign of terror and, not just for Jews, but for all humanity.

My friend, Mark Talisman, vice chairman of the U.S. Holocaust Memorial Council, reminds us that "the consequences for all free societies, and the lessons to be learned by participants and by-standers alike, can and must be generalized."

In this respect, as columnist Richard Cohen recently pointed out, the Holocaust is "about what people have done to people and, by application of historical precedent, what people can do to people."

By the same token, we must recognize as Elie Wiesel, council chairman and a Holocaust survivor himself, wrote in his report of the President's Commission on the Holocaust, that "not every victim of the Holocaust was a Jew, but every Jew was a victim."

This is evident today in the plight of thousands of Soviet Jews. The Soviet Union has slammed the door on the emigration of Soviet Jews and from all indications anti-Semitism is on the rise.

When I read the pleas of Soviet refuseniks, I get a strange sense of deja vu telling me that we must do more than just call attention to the past. We must also call attention to the injustices being perpetuated upon the Jewish people today and make them a matter of international concern.

If we fail to take action, the words of a leading refusenik Yuri Tarnopolsky, may become all too true. In reflecting upon Soviet emigration policy, he wrote:

> If they deprive us of three years, they will deprive us of four. If four, than five is still easier to take away. If today we have no job, than tomorrow we will have no foreign mail and telephone calls. If tomorrow we have no mail, the day after tomorrow there will be no higher education for our children and no free access to other places in the country. They will start putting us into prison for the slightest protest. The noose around our neck will tighten step by step, and the world will be adapted to that process.

Mr. Speaker, we cannot ever let ourselves reach that point. The World Conference on Soviet Jewry, held last month in Jerusalem, called for increased public activism on behalf of Soviet Jews. I have authored a resolution in the House of Representatives which responds to that call. House Concurrent Resolution 63 expresses the sense of Congress that the Soviet Union should pursue a more humane emigration policy. I am encouraged by the strong bipartisan support its received from over 130 Members of this body.

I am pleased Congress has shown the wisdom to create a memorial to the Holocaust in the Nation's Capital to memorialize the victims of the Holocaust and to preserve, if you will, the sober lessons of the Holocaust so that may never fade from the minds of men.

It is my hope, as I know it is yours, that this coming together during the Days of Remembrance brings a renewed appreciation and recognition of the history and struggle of the Jewish people for freedom and human dignity.●

● Mr. McGRATH. Mr. Speaker, I am privileged to join with my colleagues in recognizing the American Gathering of Jewish Holocaust Survivors. There will be few special orders in this body which are more important or significant than this one.

The most important thing to remember about the Holocaust is that it was a crime unique in the annals of human history. It was different. There was massive violence, of course, but it was also an incredible criminal enterprise, organized by the state against a defenseless civilian population.

The Holocaust reveals a potential for sickness at the heart of Western civilization, along with the frightening consequences of the total exercise of power. Remembering the Holocaust can instill caution, fortify restraint, and protect against future evil or indifference. The declaration, "Never again!" aptly expresses our sense of outrage in the face of the Holocaust—but that outrage must be supported by an understanding of what happened—and how.

Of course, we have no guarantees that those who do remember history will not repeat. But the failure to remember the past makes repitition more likely.

To remember the Holocaust is to sensitize ourselves to its critical political lessons. Nazism was assisted by a number of factors: The breakdown of democracy, the collapse of social and economic cohesion, the decline of human solidarity, and an erosion of faith in the political leadership and in the ability of democratic governments to function. Recalling these danger signals intensifies our concerns for the body politic. It makes us aware of the processes of democracy, the forms of government, and the importance of human and social values.

By remembering the Holocaust, we can renew our appreciation for moral and philosophical guidelines—for the need to consider the human cost of scientific experimentation. We can strengthen our belief in individual rights. We can also come to understand that a belief system which does not respect other beliefs is ultimately tyrranical.

But remembering the Holocaust is not easy, either for the individual or the group. Confronting the Holocaust threatens to sear our souls and challenge our perceptions and our complacency. It introduces a tone of somberness and tragedy into our lives. It heightens our awareness of the vulnerability of life itself.

Remembering is, while painful, easiest for those who experienced the Holocaust in their own lives. It is hardest for those of us who did not experience it directly, and who cannot readily understand its magnitude. But remember we must. It may be our only means of survival.●

● Mr. FISH. Mr. Speaker, I join my colleagues today in recognition of the Jewish survivors of the Nazi Holocaust who have made new lives in America. The American Gathering of Jewish Holocaust Survivors will involve the largest convening of American Jews in our country's history. The reasons for this gathering are many. They come together—and we join them—to testify to their experiences as Jews in Europe during the domination of Nazi Germany. They come to share their experiences with each other and to create a permanent record of the events and circumstances of their persecution. They also come together to honor their brethren and others who were

killed by the Nazis. They come to emphasize the spirit of resistance, both physical and spiritual, as commemorated by the 40th anniversary of the Warsaw ghetto uprising.

And they come to affirm the rebuilding of their lives in America—to thank the Government and the people of the United States for providing a place where they could live in dignity as fully enfranchised members of a society founded upon the principle of human rights for every individual.

As Members of Congress, we join with the survivors and their children in affirming the truth of the horrors of Nazi Germany. We are proud to participate in the activities of the gathering, and to reinforce our commitment that such a Holocaust will never happen again. Toward that end, the U.S. Government is turning over the administration of two Federal buildings next to the Mall and in close proximity to our national monuments, for use as a Holocaust museum. Its purpose is to provide a factual record of the atrocities of that time and of the depths of inhumanity that man is capable of. It will stand both as a memorial to those who have suffered and died and as a perpetual reminder to future generations that we must never forget—and we must never allow—such an abomination to occur again.●

● Mr. FROST. Mr. Speaker, in a city where conventions are an almost daily occurrence, it is with great pride that I join my colleagues in welcoming a most unusual assembly to Washington—the American Gathering of Jewish Holocaust Survivors. This unprecedented event promises to be a unique blending of the public and private, the joyous and the sorrowful. Not only is it an opportunity for private reunions between the survivors, their families, and their friends, but we as a Nation are privileged to join with them in this historic event.

We join them in honoring all those martyred by the Nazis, including members of my own family, and in recalling those atrocities which destroyed an entire way of life. For these things we mourn, but we also celebrate. Thomas Paine said, "Tyranny, like hell, is not easily conquered; yet we have this consolation with us, that the harder the conflict the more glorious the triumph." On this 40th anniversity of the Warsaw ghetto uprising we join with the survivors in celebrating this most glorious victory of the human spirit over a most brutal tyranny.

The survivors, in meeting in the Nation's Capital, with—they say—to express their gratitude to the United States for the new lives that they have been given. It is, I think, we who should thank them. For these survivors were not given new lives; rather they built them with dignity and courage. Their strength is an inspiration to us all, and we are proud to have them as citizens of our Nation. It will be, I hope, one of the achievements of this gathering that the American public becomes better informed as to the roles that the survivors and their families play in American society.

In closing, I wish to again welcome the survivors to Washington and to ask my colleagues to take full advantage of the unique opportunity that this gathering affords us all. Let us not take this time merely to commiserate about the past; instead, let us look to the future and reaffirm our personal and public commitments that such a tragedy never be permitted to occur again. Thank you.●

● Mr. MAZZOLI. Mr. Speaker, I would like to join with my colleagues in commending the organizers and the participants of the American Gathering of the Jewish Holocaust Survivors.

Mr. Speaker, we must meet the Holocaust survivors and we must relive those most horrible and painful experiences in order that we and our children can never forget the monumental outrages which were perpetrated on innocent humans by the Nazis and their collaborators.

I therefore applaud the creation of a living memorial/museum to the victims of the Holocaust. I hope it succeeds in reminding us of a chapter of human history so gross and so vengeful that it can never be allowed to be reopened.

To the survivors of the Holocaust gathered here in Washington I extend my best wishes for health and happiness in the future. To them I say: "We will not forget."●

● Mr. McDADE. Mr. Speaker, it is hard to imagine the enormity of the Holocaust. The number of people killed by the Nazis was more than the entire population of the State of North Carolina. Clearly, it was one of the most despicable events in history.

Until recently, our Nation has not given this tragedy the attention it deserves. These events were so horrible that we tend to put them out of our mind. Unless a major effort such as the American Gathering of Jewish Holocaust Survivors is undertaken, we do not keep in mind the importance of the Holocaust. We forget the terror and suffering to which millions of European Jews were subjected. We forget the absolute cruelty which individuals imposed upon other human beings. We forget the trauma which all Jewish people feel even now, a generation later.

We should never be allowed to forget. If we do overlook the terror of the Holocaust, then we will forget mankind's capacity to be inhumane to itself. Instead, we must keep the Holocaust in mind as we individually and corporately establish our priorities. It is of paramount importance that we maintain social and governmental structures which will assure the sanctity of life and the rights of all individuals. We must do everything we can to prevent racial or ethnic prejudice. Whenever it does appear, we must oppose it quickly and firmly.

Mr. Speaker, I wish to express my gratitude to those who have organized the American Gathering of Jewish Holocaust Survivors to be held here next week. These days of remembrance should be a national event of major significance. In addition, I am pleased that local commemorations will be held throughout the Nation prior to the events in Washington. Of special interest to me is the Holocaust Memorial Day observance to be held by the Scranton Jewish Community Center in my congressional district on Sunday, April 10. This and other local gatherings will enable all Americans to participate and to reflect on the horrors of the Holocaust and the important lessons we must learn from it.●

● Mr. McCAIN. Mr. Speaker, I am today both saddened and uplifted to speak in praise of thousands of Jewish Holocaust survivors gathered in Washington to commemorate the spiritual and armed resistance against Nazi Germany and to illustrate to the rest of the world their commitment to remembering the past and their ongoing faith in the future.

Mr. Speaker, I am saddened because of the very reason we are paying tribute today. It will be 40 years ago this month that the Jews of the Warsaw ghetto took up arms against the Nazis. The 3 years following this uprising saw the most unconscionable, inhumane, and truly terrifying chapters in the history of Western civilization. However, today is also an uplifting one for me, personally, because of the deep compassion, empathy, and understanding I have for these men and women based on my own captivity in a prisoner of war camp in Hanoi for 6 years.

The stories I read of the Holocaust survivors seem so familiar. Although they are filled with pain and heartbreak, as well as mental and physical abuse, there is an underlying theme of hope and of an almost miraculous will to live. Yes, they lived, and they are gathered here in the Capital of the United States to meet and to bear witness to what happened 40 years ago. Another thing they will be doing, as I find myself doing almost daily, is to look at life and living in a very different manner.

When someone is stripped to the bone, degraded, and chastised, he or she has nothing left—nothing except self-respect and an overwhelming instinct to survive. These combined experiences bring the very act of living to such a basic level that the subsequent return to society brings a unique appreciation, love, and understanding of the most finite aspects of

life, and most importantly, a renewed and a strengthened faith in God.●

● Mr. BLILEY. Mr. Speaker, we are here today to honor some of the most important people in the world. The American Gathering of the Jewish Holocaust Survivors brings vividly to memory one of the most barbaric and inhuman episodes in the history of mankind. The people we have met today are the beacons of remembrance who will insure that we can neither ignore nor forget the atrocities of Hitler's Third Reich.

It is important to us as legislators and to all of the people of the world to remember and to understand that the unthinkable not only can happen, but in fact has happened. There is not, nor can there ever be, reason to believe that something is so horrible that it cannot occur. I remember very well the reactions to the first news reports describing the liberation of the Nazi concentration camps. Americans could not believe that a modern and supposedly civilized nation could treat anyone, much less an entire culture, in the way that Hitler had dealt with European Jews. The 12,000 men and women who have come to our Nation's Capital today are living proof that there was nothing unreal about the "final solution."

While we mourn the 6 million victims of the Holocaust, today's events pay homage to the spirit of the survivors. These people and the memorial to be erected remind us that the very real destructive potential of the human race must be acknowledged and fought. The presence of the Holocaust survivors is perfect evidence of the duality of our human nature. On one hand, we see that people can commit the most bizarre and heinous crimes known to mankind. On the other hand, we see that no matter how horrible the condition of the body, the human spirit and the will to live can overcome any attempt to defeat them.

Today we honor not only the 12,000 survivors gathered here, not only the millions who died—we honor also the human spirit that was displayed in the camps and at the innumerable Babi Yars where people were massacred solely because of their religion and their culture. We can all be proud of the spirit which enabled these people to persevere in the face of Nazi terror. At the same time, we must remember and vigilantly guard against any repetition of these events. As Jefferson reminds us: "The price of freedom is eternal vigilance."

Much more could be said about this gathering and its meaning to us. However, our words are not so important as the lesson we learn from these brave and courageous people. Our prayers and meditations are needed to honor these survivors and to pledge to them that the Holocaust will never occur again.●

● Mr. SHAW. Mr. Speaker, I am pleased that Congress is back in session in time to experience the American Gathering of the Jewish Holocaust Survivors in Washington.

This gathering will be wrought with emotion. For those survivors who participate, these few days will be a time to seek out information about friends and family and to sort out painful memories. It will be a time to review and commemorate the acts of resistance by the Jews against the Nazis in the Warsaw ghetto uprising. For the community, it is a time to honor the memories of those who lost their lives in this brutal, violent episode in history.

I am pleased that a more constant reminder, in the form of the Holocaust Museum, will soon take its place among the other memorials in our Nation's Capital. There certainly is no more appropriate location than our Nation's Capital, the pulse point of the country which stands for liberty and freedom.●

● Mr. MRAZEK. Mr. Speaker, the unspeakable tragedy represented by the Holocaust remains for all time a mark against humanity. As long as men and women walk this Earth, the knowledge of that time is with us, a grim reminder of the dangers of totalitarianism in its many forms.

The thousands of survivors gathering in Washington next week are irrefutable witnesses to the power of spirit and determination over madness. Against all odds, they perservered against the darkest forces of our age.

Yet if there is a single lesson to be learned from this gathering, that lesson is the importance of remembrance, not only for the living, but for future generations. On the occasion of submitting the report of the President's Commission on the Holocaust, Elie Weisel, a Holocaust survivor and perhaps the great writer of the Holocaust put this case most convincingly:

> Why remember, why remember at all? Is not human nature opposed to keeping alive memories that hurt and disturb? The more cruel the wound, the greater the effort to cover it, to hide it beneath other wounds, other scars. Why then cling to unbearable memories that may forever rob us of our sleep? Why not forget, turn the page, and proclaim: let it remain buried beneath the dark nightmares of our subconscious. Why not spare our children the weight of our collective burden and allow them to start their lives free of nocturnal obsessions and complexes, free of Auschwitz and its shadows?
>
> These questions, Mr. President, would not perhaps be devoid of merit if it were possible to extirpate the Holocaust from history and make believe we can forget. But it is not possible and we cannot. Like it or not, the Event must and will dominate future events.

If it is true that the Holocaust has taught us the truly radical nature of evil, then it is also true that through our words and through our actions we must never forget. It is in this light that the gathering of the survivors takes on a truly universal significance.

Mr. Speaker, the horror of 6 million dead can never be wiped away. But the resiliency and fortitude personified by the survivors is the legacy we will honor in the coming week. That we are privileged to have thousands of survivors counted among our citizens is a source of inspiration to our country. The United States has never known such horror on the scale represented by the Holocaust. The presence of these survivors serves as a source of spiritual and moral strength in our country as we seek to overcome the seemingly impossible.

The visit of the survivors is particularly fitting in view of some disturbing developments we have seen of late in our country and in other nations. Throughout Europe and parts of South America, in the Soviet Union and across our own Nation, the spirit of intolerance lives on. Acts of anti-Semitism and racism occur with distressing frequency, though most of us cannot begin to comprehend the state of mind which could lead to such violations of decency and basic human rights.

At this time, I ask my colleagues in this body to join with me in welcoming the survivors—not only as a means of commemorating their special place in human history, but as a repudiation of the hatred, insensitivity and intolerance which can plague our existence. Together we must pledge: never again.●

● Mr. WAXMAN. Mr. Speaker, on April 10 Jews and non-Jews will join in observing Yom Hashoa—a day set aside to honor the memory of the 6 million Jewish men, women, and children who died at the hands of the Nazis during the World War II era.

Though more than 40 years have passed, the world has yet to comprehend the dimensions of the Holocaust. The scope of the slaughter cannot be fully depicted in any medium. No poet, no novelist, no historian, no filmmaker has been able to convey to the finite human mind the infinite suffering of the Holocaust victims and their survivors.

The men who liberated the concentration camps were stunned by what they found. The most battle-hardened American soldiers wept in disbelief as they stared in horror at the mounds of corpses of every age and the pitiful survivors whom time had spared.

It would be convenient for the world to blame the Holocaust on one monstrous person—Adolph Hitler—or on one fanatical fringe group—the National Socialist Party. Evil as Hitler and the Nazis were, however, the blame is not theirs alone. They had many enthusiastic collaborators.

The accusing finger of history points at the many Germans who supported

Hitler and his slaughterers, and it points as well at others far beyond the boundaries of Germany. There were Frenchmen who participated in the puppet Vichy government and collaborated with the Nazis. And there is persuasive evidence that that historically anti-Semitic groups native to Poland, Latvia, the Ukraine, Hungary and Yugoslavia behaved as badly as the Nazi invaders as they murdered Jews and pillaged Jewish communities.

And what is there to say about our own bastion or morality and rectitude—the United States? It is with shame and sorrow that we must admit that the behavior of our own country was far from exemplary during the period of the Holocaust. Both the American Government and the American Jewish community did far less than they might have done to reduce the scope of the slaughter. Distinguished historians such as Arthur Morse and Walter Lacquer have effectively laid to rest the assorted rationalizations behind which so many of us hid.

We failed, not because we had too little information, not because the information was unreliable, not because we were preoccupied in winning the war, but simply because we cared too little.

One would think that a tragedy such as the Holocaust would imprint itself upon our minds and raise our consciousness and our sensitivity for all time. Unfortunately, this has not been the case.

In the years since World War II we have seen genocidal campaigns in Uganda, in Nigeria, and most recently in Cambodia.

Next week the important American Gathering of Holocaust Survivors will convene here in Washington. Survivors from all over the United States will ride an emotional roller coaster as they share memories of triumphant survival and recollections expressed in tears because they are too painful for words.

The survivors will not dwell exclusively on the past and neither should we. All of us must learn from the past, however, and dedicate ourselves to act against any new examples of man's inhumanity to man whether they take the form of genocide or the form of denying the rights of human beings wherever they may be.

The presence of the survivors in our Nation's Capital next week forces us to question who the next victims will be, how many of them will survive and what kinds of suffering and humiliation will they experience? Above all we must ask how history will judge the United States—surely the most powerful nation on Earth, but not always inbued with the strong moral convictions tragic times demand.●

● Mr. LEVINE of California. Mr. Speaker, we are here to mark the opening of the American Gathering of Jewish Holocaust Survivors in Washington on April 11.

The gathering is an important occasion marked by both solemnity and hope—solemnity because it is a reminder of one of the most heinous, hellish, and horrific eras in the history of the world, and hope because it is a reaffirmation of the lives of all those who survived, and of all those who are yet to come. The theme of the gathering is "Together from Holocaust to New Life."

This gathering is being held for many purposes, but in my mind one of the most important was summed up by Benjamin Meed, the moving force behind this event and himself a Holocaust survivor. He said:

> This will all be a very emotional experience. We will, I'm sure, have dramatic encounters. People will find each other after 30 or 40 years. People are still searching not only for survivors but for a bit of information about their parents, about their relations, about where they died.

And that is the essence of it: That because they are human, no matter how much time has gone by, no matter how many miles or worlds away, they do not—they cannot—forget all those who they once knew and loved and who once touched their lives. It is they who best understand the torment of separation, the numbing sadness of loss, and the importance of having even a bit of information about what became of the people in their past.

Neither do we forget, and our spirit will be with them during this most human of all gatherings. In the bittersweetness of life, our hearts mourn with them over their losses, and share their joy over their survival.●

● Mr. LONG of Louisiana. Mr. Speaker, I am pleased to rise with so many of my colleagues in remembrance of one of history's darkest hours. By keeping alive the horror of the events of the Holocaust, it is our hope that the world will never again bear witness to such hatred, bigotry, and genocide.

I have a vivid memory of many details of Holocaust, having ended my military service during the war attached to the Internal Security Detachment at the Nuremberg War Crimes Trials. Though painful, I believe that our memory is our greatest weapon against the doubt, ignorance, and apathy which allow the atrocities of mankind to occur.

Next week, the world's second Gathering of the Jewish Holocaust survivors begins in Washington. The event is intended to bring together the tens of thousands of Jewish survivors who found refuge in this country after the Nazi death camps were liberated.

The gathering coincides with the 40th anniversary of the tragic uprising of the Warsaw ghetto. Also next week, the new U.S. Holocaust Council will take possession of two buildings just off the Mall. These will become a Holocaust Museum—a symbol of the American people's commitment never to forget the victims of mass murder.

Mr. Speaker, I applaud our Government's commitment to a Holocaust Museum and I believe it is important that Congress also extend its moral support and sanction to the Gathering of Holocaust Survivors.

Like its prototype in Israel 2 years ago, the gathering is a summons to survivors to come and bear witness to those dark hours. A register of American survivors and their children will be made. The testimony of just one such witness refutes the despicable claim—spread today by a legion of bigots—that the Holocaust never happened.

Apart from adding to the historical record, the gathering serves more immediate purposes. Many survivors will come in hopes of being reunited with a friend or relative not seen in nearly 40 years. They will come to give thanks to the United States for the opportunity to begin life anew. And they will come to honor those millions who perished, and the resistance, physical and spiritual, of Jews who affirmed life in nightmarish circumstances.

The rising of the Warsaw ghetto epitomizes such resistance. Against a pitiless enemy, and with no hope of help from beyond the ghetto walls, starving Jews fought with desperate courage. Their defiance was an assertion of human dignity, even in death.

Those who survived the ordeal were sent to the death camps, where they faced a horror new in the world: systematic, bureaucratized murder. Camp survivors found it difficult to express their experiences to a disbelieving world. Even today, accounts of camp life still have a hallucinatory quality.

Mr. Speaker, the Nazi Holocaust has special meaning for Jews because they were singled out for genocide. Yet the insanity was not limited. It enveloped others: Gypsies, Poles, Russians, intellectuals, political dissidents. Thus, the Holocaust Museum in Washington is dedicated to 11 million victims of Nazi slaughter.

At first blush, it may seem unusual to place a Holocaust memorial alongside our national shrines on the Mall, far from the scene of these monstrous crimes. But in doing so, we Americans aline ourselves with the victims of oppression, bigotry, and hatred. We recognize that the tragedy of the Holocaust transcends national boundaries. Once it becomes conceivable to practice genocide against Jews in Europe, it becomes conceivable against anyone, anywhere.

Mr. Speaker, the transfer of the museum, the gathering of concentration camp survivors—these events remind us that ideas have conse-

quences, and that bad or warped ideas have terrible consequences. Such ideas flourish only in a vacuum; that is why it is terribly important to subject them to the rigors of free thought and free debate.

Because we cherish freedom, tolerance, and respect for individual rights, we Americans, in my view, have a special duty to speak out whenever human beings are sacrificed to one rigid doctrine or another.

Our determination to record and remember injustices constitutes a warning to comtemporary tyrants who use repression and murder as tools of political policy. To them, we say: the crimes you commit now cannot be hushed up indefinitely; those whom you persecute today will one day stand in judgment over you.

History teaches us, however, that moral sanctions and the fear of retribution sometimes are not enough to restrain power-mad idealogues. The more recent Holocaust in Cambodia is a sad example.

Therefore, Mr. Speaker, this Nation must never retreat from its insistence on freedom and human rights in any nation, regardless of its relation to us. We must exert all our power to stop abuses, providing of course that we do not precipitate something worse—like nuclear war. Where we cannot act, we must condemn and record.

I join my colleagues in Congress in welcoming the second Gathering of the Jewish Holocaust survivors to the Capitol. We join them in the conviction that the atrocities they and their families suffered must never be allowed to happen again.●

● Mr. SOLARZ. Mr. Speaker, next week here in Washington over 12,000 Americans will gather to commemorate the tragic destruction of over 6 million men, women, and children by the Nazis during World War II. I would like to take this opportunity to welcome them, and to congratulate them for caring enough to participate in this historic gathering in our Nation's Capital.

For me the Holocaust is the central existential fact in mankind's history. The systematic slaughter of millions of human beings—for no other reason than that they were Jewish—is a shocking indication of the depths of depravity to which the human spirit can sink, and a warning that mankind must constantly be on guard to prevent such an event from happening again.

The survivors of the Holocaust are a living testament that each of us bears some responsibility to protecting the lives and well-being of other people. None of us can ever afford to remain silent while others are persecuted because of their religion, their race, or their political beliefs.

For the beast in man, which ran rampant during the Holocaust, has the capacity to overwhelm us and civilization again—if we allow it. Yet it is not an easy task for survivors of the death camps and Nazi horrors to remember, or to speak out to remind us of what happened to the European Jewish community during the 1930's and 1940's. But it is extremely important that they do speak and that we listen to their stories, share their grief, and wonder at the tremendous suffering and pain which they have already undergone. I commend each survivor for their courage, and for their determination that this will "never again" happen.

At Yad Vashem there is a plaque which eloquently instructs us to remember the fate of those victims who were subject to some of the most unspeakable cruelties and barbarous executions ever devised by man.

Son of Man, keep not silent, forget not deeds of tyranny, cry out at the disaster of a people, recount it unto your children, and they unto theirs from generation unto generation, that hordes swept in, ran wild and savage and there was no deliverance.

I commend the organizers of the Gathering of Survivors and Elie Wiesel, their honorary chairman, for their heroic efforts to bring about this historical meeting which will dramatize the incredible courage of those who were persecuted during Hitler's reign of terror yet dared to rise up: the heroes of the Warsaw ghetto, the inmates who revolted at Treblinka, at Sibibor, at Auschwitz, those who rescued threatened peoples, or who provided refuge and sustenance.

Mr. Speaker, may the proceedings of this historic meeting cause each of us to pause and reflect on the importance of speaking out and opposing any who would violate the basic human rights of others or who would seek to debase or destroy a people because of their beliefs, or ancestry, or viewpoint. May the vigilance and determination of the survivors and those who gather with them renew our own commitment to preventing our world from slipping into another madness and horror like the Holocaust. In the words of Emerson, "the only thing which is necessary for the triumph of evil, is for good men to do nothing."●

● Mr. OWENS. Mr. Speaker, the American Gathering of the Holocaust Survivors serves to focus attention on the horror that must never be forgotten. As we recall the massive suffering that occurred during the Holocaust, we are reminded of the dangerous consequences of the irrational racial hatred which motivated such brutality. Unfortunately, that hatred survives the perpetrators of the Holocaust. Yesterday's victims may still be victims of racial hatred. Their fellow victims today may no longer be Poles or Gypsies in Europe but blacks in South Africa, Indians in Guatemala, and millions of other people throughout the world who are victimized by being born to a group that is singled out for hatred by other more powerful groups.

The present tension and hatred generated by the mayoral campaign in Chicago provides us with a well-publicized example of racism rearing its ugly head in civilized urban America. All decent people can only be saddened by any overt example of racism and prejudice here at home. The American Gathering of the Holocaust Survivors provides us with an important occasion for self-examination. In addition to condemning the past monstrous acts of Nazi murderers, we must also face the fact that racial hatred takes virulent forms other than death camps. The deadly disease of racism may begin with the condescending attitudes of those who would never scream out their hatred or burn a cross, but who effectively communicate their belief in their own superiority. The lethal poison may lurk in the whispers and taunts at those who dress differently or who have different customs. These are the little murders that bruise the soul and make both the victim and tormentor less than they could be. Our failure to work harder and utilize more resources to change the attitudes of dormant bigots too often sets the stage for death camps and gas chambers.

Today we are pleased to have the opportunity to proudly honor the Holocaust survivors, the victims who lived. But at the same time we automatically assume the sad task of paying tribute to all of the victims who died. Words cannot measure the intensity of the suffering of both the dead and the living. Speeches cannot describe the greatness of the souls who endured this scourge. Vengeance cannot honor them. Only renewed efforts to eliminate the evil which generated this hell on Earth is appropriate. Total commitment to sustained and vigorous action against racism is the only tribute that can truly honor those victims living and dead who have made a supreme sacrifice for humanity.●

● Mr. EVANS of Illinois. Mr. Speaker, the human spirit is a remarkable thing; a thing not easily broken, even among the worst of circumstances. The survivors of the Nazi Holocaust are perhaps the best example of the strength and determination of the human spirit, and it is fitting that we as Members of Congress commemorate them today.

No one can forget the unthinkable suffering and devastation imposed on millions of Jews during the Holocaust. No one can excuse these crimes against humanity.

But rather then dwell on this bleak moment of history, I would like to instead bring attention to these remarkable people—the Holocaust survivors

and their friends and family—who continue to cherish and celebrate life unlike any other people, despite their memories. They cannot forget their past. But they have learned to live with their past by maintaining an undying optimism and love of life.

Hopefully, we will never again see the day when man will so actively seek to destroy his fellow man simply on the basis of race, creed or religion. Yet we can all learn an invaluable lesson from the Holocaust survivors. When we learn, as they have, that life is the most cherished treasure on earth, we will have come a long way toward insuring that the events of the Holocaust are never again repeated.●

Mr. GREEN. Mr. Speaker, I want to thank all of my colleagues who have joined me in this special order today. The events of the Holocaust occurred four decades ago and, by definition, the survivors are moving on in years. There has been a real concern that this most important lesson in history will pass from the face of the Earth with them.

□ 1215

To deal with that problem, Mr. Speaker, back in 1978 President Carter appointed a Commission to see how the United States could memorialize the Holocaust, and I was privileged, by appointment of the Speaker, after nomination by the minority leader, to serve as one of the members of that Commission.

Essentially the Commission, in line with the thinking expressed by so many of the participants today, felt that the memorial to be developed here in Washington should be a living memorial, one which would have as a very important function not just the memorialization of past events but also carrying the lesson forever to the world that these kinds of events must not be permitted to happen anywhere in the world to any peoples.

By act of Congress, that Commission was succeeded by the U.S. Memorial Holocaust Council, which was charged with the mission of carrying out the plans for the memorial that had been created by the Commission. Again, I am pleased that the Speaker, on nomination by the minority leader, has appointed me to that Council.

That Council has had the full support of President Reagan who, in fact, met with the Council shortly after he became President. In his remarks to the Council, he told a very moving story about his experience when he was reviewing captured enemy film for intelligence purposes. The films showed what had gone on in the concentration camps and he expressed how deeply he felt as a human being, what a horrible thing this was and how the world must not be permitted to forget it. So he has certainly given the Council his strong support, as did President Carter before him. That effort is now moving forward, and I hope that with continued support from the Congress we can proceed to produce that kind of a living memorial to the Holocaust.

Again, let me thank all of my colleagues who have shared either their personal or family experiences or their other thoughts with us today on this most moving occasion.

SEXUAL EXPLOITATION OF CHILDREN ACT OF 1983

(Mr. HUTTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTTO. Mr. Speaker, nothing angers me more than the sexual abuse of children. It is estimated that as many as 1 million of our Nation's children are sexually molested and photographed for personal or commercial use every year. As reported in the April edition of Ladies Home Journal, babies less than 1 year old have been victims of this sickness. I find this travesty unconscionable. Sadly, the individuals who make up this multimillion-dollar industry go largely unpunished under present Federal law. To allow this national disgrace to continue would itself be no less than criminal.

I have, therefore, today introduced the Sexual Exploitation of Children Act of 1983. My bill, which is the House companion to S. 57 introduced by Senator ARLEN SPECTER, of Pennsylvania, will help to strengthen present law to justly punish those individuals who choose to sexually exploit children.

Since coming to Congress, I have taken a limited role in legislative matters which are typically considered to be out of my realm of committee responsibility. However, I strongly support the approach taken by Senator SPECTER in S. 57 and feel this legislation deserves to be introduced in the House as expeditiously as possible. I am sure you will find that it accomplishes our shared goal of strengthening present Federal statutes and, at the same time, protects the first amendment rights of our citizens.

The approach taken in the Sexual Exploitation of Children Act of 1983 addresses three existing shortfalls in present law. First, the bill increases present fines of $10,000 for first offenders to $75,000. Second and subsequent convictions are accompanied by fines up to $150,000, rather than the $15,000 allowed under current law. These repeat offenders will face a mandatory 2-year prison sentence, as well.

The second provision amends present law to delete the commercial limitation and instead provides that individuals involved in production or distribution of child pornography be convicted under the law.

Third, the bill addresses the obscenity question raised by the Supreme Court's ruling last summer in New York against Ferber. Simply stated, this legislation eliminates the obscenity requirement in the law as applied to child pornography cases. Instead, the bill places the responsibility on the defense in a court proceeding to disprove obscenity. In addition to this obscenity provision, these amendments to the Protection of Children Against Sexual Exploitation Act of 1977 make it unlawful to produce or distribute photographs which sexually exploit children under the age of 18.

I invite you to cosponsor and support this vital effort to protect our Nation's children.

SPACEMANSHIP OR STATESMANSHIP?

The SPEAKER pro tempore (Mr. LOWRY of Washington). Under a previous order of the House, the gentleman from Iowa (Mr. LEACH) is recognized for 30 minutes.

Mr. LEACH of Iowa. Mr. Speaker, in his speech to the Nation last week, President Reagan called upon the scientific community in our country to turn its great talents to the cause of mankind and world peace by developing space based antiballistic missile systems and thereby, in the President's judgment rendering nuclear weapons "impotent and obsolete."

Military strategists have for centuries stressed the need to occupy the "high ground." In the name of peace, the President asked the American people to lay down the technological gauntlet to the Soviet Union and launch what may prove to be the most exotic, expensive, and dangerous arms race yet, a race to dominate the ultimate "high ground"—outer space.

The concept of weapons in space has been a staple of popular entertainment from Jules Verne to George Lukas and Steven Spielberg. But Buck Rogers is no longer science fiction. Yesterday's comic book fantasia is today's reality. If the United States and the Soviet Union do not pull back from the madness of the arms race, the era of space soldiers could be less than a decade away.

Security in the nuclear age implies being technologically second to none. But skeptics of the President's proposal point to towering obstacles involved in reliance on space-based deterrence:

First, orbiting battle stations, for instance, would be sitting ducks for counterforce weaponry;

Second, at relatively little cost, decoys and counters could be developed to confuse targetting systems and reduce the reliability of space-based weaponry;

Third, to provide effective deterrence, space based weapons would have to be 100 percent reliable; if only 1 percent of the Soviet Union's current missile force survived a launching, up to four nuclear warheads, each with a destructive power 30 times that of the bomb that destroyed Hiroshima, could be available for targetting on each of the 50 States;

Fourth, even if laser and particle beam technology proves generally effective against missiles, the possibility of developing other relatively invulnerable delivery systems remains; nuclear weapons, after all, can be carried by hand or transported in sail boats; 10 years ago, in fact, an American missile was stolen from a West German defense site and after dismantlement, transferred by mail to the Soviet Union; while the postal service is an unlikely strategic force—nuclear weapons not being as easily delivered as junk mail—the potential remains, without sizeable investment, to clandestinely place a weapon in another country and maintain detonation control from without; and

Fifth, it is unlikely one side would allow the other to develop and put in place a weapons system without the other dedicating similar resources with similar effect.

Finally, and ironically, if one side appeared on the verge of establishing a fool-proof defense system, incentives for the other to launch a preemptive strike would increase. Rather than enhancing global stability, the development of an invulnerable antimissile umbrella could precipitate the ultimate in brinkmanship. Strategic breakthroughs in an era where weapons themselves are of civilization-destroying proportions destabilize the nuclear balance and thus generate Strangelovean calculations that defy normality and potentially morality.

Until Hiroshima, the history of warfare could be characterized as a vacillation between the preeminence of the forces of offense and those of defense. The castle, for instance, made the nation-state impossible; gunpowder made it inevitable. In the nuclear age, there is no such notion as perfect deterrence. Security demands reliance on collective restraint and the enhancement of international institutions of conflict resolution. Just as 16th century barons gave way to the kingship of nationalities, 20th century statesmen must come to understand the ineluctability of global responsibilities.

A maginot line mentality which refuses to recognize that there is no shield mightier than the nuclear sword undercuts any rationalization for arms control. It leads not only to questioning of the desirability of seeking future arms agreements, but to a reappraisal of past ones.

To date, arms control advocates have criticized the President for not pursuing new arms agreements as forthrightly as they would prefer. The President's avowed intention to launch a new arms race in space raises a more alarming specter: The possibility that an American President would renege on the only agreement legally in force between the superpowers.

The 1972 ABM treaty declares: "Each party undertakes not to develop, test, or deploy ABM systems or components which are sea based, space based, or mobile land based." The administration holds that merely conducting research of the type hinted in the President's speech does not violate SALT I, but clearly fulfillment of the President's loosely described "vision of the future" renders meaningless the terms of the agreement.

The President contends that only if the United States demonstrates a commitment to develop new weapons will the Soviet Union come to the bargaining table, and only by realistically appraising Soviet intent can we fashion appropriate foreign policy initiatives and responses. The President's two principal speeches of the past few weeks, however, may prove counterproductive. In his "Star Wars" speech, the President challenged the sanctity of past agreements and implicitly the word of the U.S. Government. In his "Darth Vader" pronouncements to Evangelical Christians in Orlando, he implied agreements might never be possible with the Soviet Union.

Describing the Soviet empire as "the focus of evil in the modern world," President Reagan imbued cold war rhetoric with holy war symbolism. If the Soviet Union is evil incarnate, any President who signs an arms control agreement presumably would put himself in the position of selling his country's soul to the Devil. It would perhaps be too harsh a judgment to conclude, as America's preeminent historian Henry Steele Commager recently did, that the Orlando speech was the worst speech ever delivered by an American President. But the implications for arms control must be considered worrisome.

Russians are a proud people. The Soviet system is repressive, but little good would seem to be served by political posturing. Now is the time to deescalate rhetoric and stop the nonsense of name calling. Global survival requires that at a minimum we posit sanity on the Soviet side and recognize that mutual self-interest demands a forthcoming approach to arms control.

Einstein once remarked that unleashing the power of the atom has changed everything except our way of thinking. Time is running out on our ability to control space-age weapons. If "Star Wars" is to remain fiction, statesmanship must catch up to the realities of modern science.

One of the foremost principles of arms control is that it is far easier and more manageable to make agreements prohibiting what has not taken place than to attempt to restrict weapons or troops deployments which have become a standardized part of a particular country's arsenal or which are current de facto military situations. In this regard, the Antarctic Treaty of 1961, which banned the militarization of the Antarctic continent and which was the earliest of the post-World War II arms limitation agreements, stands out as a classic example.

Likewise, SALT I restrictions on ABM systems were successfully developed precisely because they were agreed upon before, rather than after, significant deployment. The logic that led to the SALT I agreement prevails today. Security is better enhanced by arms control than by arms races. Space should be explored, not exploited.

Arms control is not only the profoundest issue of our age, but of any age. What distinguishes Americans and Russians today from any other group of people ever to inhabit the Earth is that through our governments we have the capacity to destroy life itself. What also distinguishes us is the time sensitivity of decisions confronting our leaders. A mistake may not be retractable. A decision may not be reversible. Nuclear weapons cannot be toyed with; nor can spacemanship be played like a video game. Unlike Earth-based systems, which can be dismantled with ease, space-based systems once put in orbit are likely to remain forever a fact of life, or death.

The time sensitivity of decisions that must be make by our leaders in Washington—and we have but one individual authorized under the Constitution to conduct American diplomacy—means that the American people cannot afford to make the arms control debate a subject of partisan diatribe.

Here, for all my concerns that a proper historical perspective is not lodged deeply in Washington today, two positive elements deserve to be stressed. First, in taking the "L" out of SALT and replacing it with an "R" (START), the President has legitimatized from a conservative perspective the notion of reducing rather than simply limiting arms. Second, by backing off this past week from his initial zero-option proposal in the INF talks, he has registered a degree of flexibility that has been absent to date from his negotiating posture. The Russians would be well advised to forget their pride and respond pragmatically. They have as much, if not more, to lose from ideological intransigence.

It has been noted by many that President Reagan has more potential to reach arms control agreements than a President perceived to be more liberal, because he commands the respect

of those who might be expected to object to serious arms control. Like Nixon going to China, Ronald Reagan can go to the Moon on arms control. The President's critics must understand that administration initiatives—the proposal of a one-third reduction in nuclear warheads; the zero-option INF position; the recent draft convention on chemical weapons; and, most importantly, the willingness to stay at the bargaining table—represent a first step. The President's supporters, however, must understand that the successful conclusion of any agreement will take greater flexibility and professionalism than has so far been evidenced. Perspective is demanded on all sides, but global patience is wearing thin.

Swords can no longer be blunted by shields. They must, as Scripture implores, be beaten into plowshares.

□ 1230

HOUSING FOR THE ELDERLY AND HANDICAPPED ACT OF 1983

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. LUNDINE) is recognized for 15 minutes.

● Mr. LUNDINE. Mr. Speaker, I have today introduced the Housing for the Elderly and Handicapped Act of 1983. This legislation seeks to modify and consolidate current Federal programs providing housing assistance for elderly and handicapped households and permits a significant expansion in assistance for new construction of housing specifically designed to meet the needs of the elderly and handicapped.

The Nation is emerging from its longest housing recession since the 1930's facing a tremendous demand for housing. There is significant pent-up demand for housing among young households that we will not come close to satisfying with the low level of construction forecast for the next few years. Even more critical, is the shortage of adequate and affordable housing for the elderly and the poor. This continuing problem has been seriously aggravated by the low levels of housing construction in recent years.

If February's housing statistics are any indication, recovery in the housing sector is clearly underway. However, the new construction anticipated this year is unlikely to be directed to the needs of persons with low or fixed incomes. Moreover, we cannot expect much help in this area from Federal housing programs, most of which have not been provided with any funds for new housing construction this year.

The elderly pose a particularly difficult problem for housing policy, both from the standpoint of their growing numbers and their special needs. The number of Americans over age 65 increased by nearly 28 percent during the past decade and is expected to grow by at least 20 percent in the 1980's. Today, more than 1 in every 5 American households is elderly or headed by an elderly adult.

Elderly households are generally poorer and more likely to live in substandard housing than the rest of the population. Nearly 16 percent of all elderly people live on incomes below the Nation's poverty level. Over half of all elderly households (54.3 percent) live on income at 50 percent or less of the Nation's median family income.

In addition, more than 40 percent of the elderly households live in housing that dates at least to the 1930's, with nearly half occupying units that have been identified as either inadequate or substandard.

An increasing number of the elderly are also living alone. Contrary to the popular conception, only 5 percent of persons over age 65 live in nursing homes or other institutions; while less than 15 percent live with children or other relatives. It is argued that the percentage of institutionalized elderly would be even lower if adequate housing and services were available. Today, nearly half of all elderly households consist of one person, and most of these are women.

Due to these factors, elderly households generally require housing units that are smaller, less costly and more easily maintained than those available in the private housing market. They also require special design features—such as access ramps, handrails, brighter lighting and wider doors—that serve either to minimize unnecessary effort or assist physical movement.

While homebuilders have begun to focus on smaller, less costly housing, most units continue to exceed both the needs and the finances of elderly people. A majority of the housing built to meet elderly needs continue to be provided through Government programs. Since 1960, the Federal Government has employed a variety of housing programs to assist the construction of elderly housing, using a number of financing mechanisms and employing a variety of public, private nonprofit and profitmaking sponsors.

Among the most successful of these has been the program authorized under section 202 of the Housing Act of 1959. This program provides low-interest construction financing loans, together with section 8 rental subsidies, to assist the construction and operation of housing projects for the elderly and the handicapped. This extremely popular and successful program has sought to provide housing specifically designed to meet the needs of elderly residents and to promote a general environment which enhances their independence and well-being.

Until recently, the section 202 program, together with new construction under the section 8, public housing and Farmers Home section 515 programs, have provided thousands of new housing opportunities for elderly people each year. In so doing, these programs also served the dual purpose of freeing existing housing for use by younger families. In many instances the elderly live in housing that is better suited to the needs of younger families. By providing housing better suited to elderly needs, we also promote turnover in our housing markets and make more efficient use of our existing housing stock.

Unfortunately, our capacity to promote new housing opportunities for the elderly has been seriously weakened by recent budget cuts. During the current fiscal year, the level of new construction under the section 202 program will decline to only 14,000 units. No new construction has been authorized under either the HUD's section 8 or public housing programs. In addition, the level of new construction under FmHA's section 515 program has declined, with the program targeted for elimination next year.

Congress thus finds itself in the extremely difficult position of attempting to maintain its prior commitment to provide decent housing for the poor and the elderly, while simultaneously working to make major reductions in long-term Federal spending. Given this problem, I believe it is important that we concentrate our efforts in those areas where some consensus does exist regarding a proper Federal role in housing. I think it is equally important that we develop new approaches to maintain or expand housing construction within the general limits of the current Federal budget.

My purpose in introducing this legislation is to reaffirm the bipartisan support that exists for the section 202 program and provide the means for substantially expanding new construction under the program within the funding limits of the current fiscal year 1983 budget.

The legislation seeks to amend current law to revise and expand the section 202 program and to consolidate current assistance to meet elderly housing needs within a single, more cost-effective program. My bill also seeks to provide supplementary housing assistance to the elderly under other Federal programs and coordinate these efforts under a central Office of Elderly Housing within HUD.

The key to this proposal is the revised financing and subsidy mechanism for the section 202 program. It replaces costly section 8 rental subsidies with a new system of construction advances and operating subsidies. It eliminates the unnecessary and expensive double accounting system in which the Government extends loans with one hand and pays itself back

with another. This has not only greatly inflated Government costs, but has imposed onerous and unnecessary financial and reporting requirements on program sponsors.

The proposal also employs new financial incentives designed to reduce project development and operating costs, as well as encourage the continued operation of projects for elderly residents long after the initial commitment period.

Under the proposal, 18,000 units would be provided each year under this revised section 202 program. An additional 18,000 units would also be available under a supplemental program involving partial funding and administrative support from State housing agencies. The financing and operating subsidy mechanism for the State program would be similar, but the level of Federal assistance would be reduced and the program would permit profitmaking as well as nonprofit sponsors.

Together, these two programs—the revised section 202 and the State housing component—would provide 36,000 units of new elderly and handicapped housing. It would do this with less long-term budget authority than currently provided in the fiscal year 1984 budget for only 14,000 units of section 202 housing.

This proposal was developed with the assistance of several national organizations representing the interest of the elderly, including the Ad Hoc Coalition for Housing for the Elderly, the American Association of Homes for the Aging and the National Housing Conference. These and other groups have reviewed the legislation and endorse its provisions.

Mr. Speaker, I strongly believe we must begin to reduce Federal spending if we are to bring interest rates down and stimulate economic recovery. However, this does not have to be done at the expense of essential programs for the poor and the elderly. I offer this proposal as an example of how it is possible to maintain, and even expand, our current commitments without necessarily increasing spending. In short, we can do more with less money and at the same time actually improve upon our current efforts.

I recommend this legislation to the House and include the following section-by-section summary in the RECORD:

HOUSING FOR THE ELDERLY AND HANDICAPPED ACT OF 1983

General Purpose: A bill to amend and reauthorize certain Federal laws to enhance housing opportunities for elderly and handicapped households by expanding assistance to meet the needs of the elderly and handicapped under a consolidated, more cost-effective Section 202 program and by providing supplemental assistance under other programs.

SECTION-BY-SECTION ANALYSIS

Section 1 provides that the bill may be cited as the "Housing for the Elderly and Handicapped Act of 1983".

Section 2 contains a statement of Congressional findings and purposes. The findings are that current programs for housing the elderly and handicapped need to be improved and consolidated; that in the context of an overall housing strategy, it makes the most sense to house the elderly and handicapped in new or substantially rehabilitated projects and to provide assistance to families in existing units (except in areas with severe shortages of decent rental housing); that providing new units for the elderly and handicapped frees up existing units for occupancy by lower income families, including homeownership opportunities suitable for such families; that housing opportunities for the growing population of moderate income elderly and handicapped should be enhanced as part of a program for the lower income elderly and handicapped; and that expansion of the section 202 program will promote the provision of supportive services for elderly and handicapped tenants. The purpose of the bill is to serve the needs of the elderly and handicapped primarily through a single, cost efficient program and supplementary assistance where appropriate.

Section 3 makes numerous amendments to the current section 202 loan program. Some of these changes will affect only loans made or to be made under section 202 with funds approved in appropriation Acts through fiscal year 1983, while other changes will be applicable to the revised program as well.

Subsection (a) amends section 202 to place a cap on the loan interest rate (plus allowances for administrative expenses and probable losses) of 9.25 percent. With this amendment the rate could not exceed the lesser of 9.25 percent or the average interest rate on outstanding obligations of the United States for the preceding year (plus the allowances mentioned above). A similar provision was contained in the Continuing Resolution enacted on December 21, 1982, for loans closed in fiscal year 1983. The cap on the rate would apply to all loans closed after September 30, 1983. This provision will not be relevant to the assistance provided under the revised program for which there are no interest charges or fees.

Subsection (b) makes several amendments to section 202 to provide statutory guidance to HUD. These amendments—

(1) Prohibit HUD from requiring more than 25 percent of the units in a 202 project to be efficiencies;

(2) Prohibit general limitations or preferences on the number of units in a project or the number of units developed by a single sponsor;

(3) Codify the current practice, with respect to a nonprofit organization, by requiring a minimum refundable capital investment of no more than $10,000 and by prohibiting any required equity participation by such entities;

(4) Permit the sponsor to voluntarily contribute its own funds for additional amenities in the project;

(5) Prevent the discontinuance of meals programs currently operating in many 202 facilities;

(6) Require that per unit development cost limits, which are administratively established, be determined taking into consideration the design features necessary to meet the needs of elderly and handicapped residents, and that these limits be adjusted at least annually to reflect changes in the general level of construction costs;

(7) Permit the project sponsor the flexibility as to how and when a general contractor is selected;

(8) Prohibit the sale or prepayment of a 202 loan unless the project will continue to serve its elderly and handicapped families on the same terms;

(9) Require HUD to publish eligibility requirements for 202 applicants at least 90 days prior to the application due date and to give applicants a reasonable opportunity to correct technical deficiencies in their application; and

(10) Provide applicants for 202 loans in the 1982 funding cycle that were rejected because of religious references in their articles of incorporation or bylaws the opportunity to apply for a comparable number of units in the fiscal year 1983 or 1984 funding cycles.

All the provisions of subsection (b), other than the provisions described in (5) and (8) above, will be applicable to both the current and revised programs.

Section 4 revises and expands the section 202 program with respect to funds approved in appropriation Acts for fiscal years beginning after September 30, 1983.

Subsection (a) provides for financial assistance to private nonprofit corporations, consumer cooperatives, and public bodies or agencies in amounts up to the total development costs of rental or cooperative housing and related facilities for elderly or handicapped families. Public housing authorities receiving assistance exclusively under the U.S. Housing Act of 1937 would also be eligible to develop and own a project under this program. The same entities plus limited profit sponsors would also be eligible for assistance covering up to 75 per cent of the development cost of such projects if a state or local housing agency provides part of the financing. The housing agency would administer the program to the maximum extent practicable. Construction of all projects would have to be undertaken in an economical manner and without elaborate or extravagant design or materials.

Instead of interest bearing, amortized loans currently used under the 202 program, assistance would be in the form of deferred payment, noninterest bearing advances. Under current law, the debt service on the loans is paid by HUD through the section 8 rental assistance program. The advances would be repayable by the owner after twenty years unless the project continued to serve a substantially similar population of elderly and handicapped families, in which case a portion of the advance could be forgiven each year and the entire advance could be forgiven by the end of forty years.

During the initial twenty-year period, at least 75 per cent of the units in any project must be made available to elderly or handicapped families that qualify as "lower income" (with incomes not in excess of 80 per cent of the median income for the area for the particular size family).

Subsection (b) authorizes income from outstanding 202 loans to be used to cover increases in loans, subject to approval in appropriation Acts. Under current law, both borrowing authority and fund income is available for such purposes.

Subsection (b) also authorizes appropriations for the revised 202 program for fiscal year 1984: $880,000,000 to sponsors eligible for assistance covering 100 per cent of development costs, and $660,000,000 to sponsors eligible for assistance covering 75 per cent

of development cost. These amounts would be sufficient to assist 18,000 units in each category or a total of 36,000 units. Appropriated funds would be available until expended.

Subsection (c) and (d) make conforming changes to eliminate references to "loans" in those provisions in section 202 that will be also applicable to the revised program of deferred payment advances.

Subsection (e) provides for additional assistance to projects financed under section 202 that may be necessary to maintain their lower income characteristics.

Rents (including utilities) paid by lower income residents would be based on the same ratios of income as apply to tenants in public housing and section 8 projects (currently the highest of 30 per cent of adjusted income, 10 per cent of gross income, or the amount of welfare assistance designated to meet housing expenses). In order to encourage economies or efficiencies in developing projects and in operating them, the Secretary could lower tenant rent-to-income ratios If development or operating costs were lower than various levels established by the Secretary for the area. These adjustments would be made in a manner that assure savings to the government as well as the tenants. Rents for elderly or handicapped families that are not lower income would be approved by the Secretary to assure that these families were paying rents that were fair and affordable to them but were also at levels that would serve to reduce the need for assistance under this subsection.

Operating assistance would be available over a twenty-year period in the event that total project income was insufficient to cover completely the costs attributable to units occupied (or available for occupancy as approved by the Secretary) by the lower income elderly or handicapped. The maximum assistance that would be available over the entire twenty-year period would be established at the outset. For projects eligible for assistance for 100 percent of development costs, the maximum operating assistance available over a twenty-year period equals 80 percent of initial annual operating costs of the project multiplied by twenty. Operating costs include all expenses, including any taxes, returns on equity, reserves, but do not include gas and electricity with respect to a unit or any individually metered utility expenses. For other projects, the maximum operating assistance available over a twenty-year period equals 50 percent of initial operating costs. The Secretary could increase these percentages for projects approved for lower tenant rent-to-income ratios. It is assumed that in the early years of a project, most of the operating assistance available will be unused and will be banked for that project for use in future years in the event that operating costs rise faster than tenant incomes (as was true in the 1970's) or unexpectedly large repair expenditures are necessary.

Authority to contract for annual payments of $41,500,000 for twenty years is provided, with an aggregate ceiling of $830,000,000.

Subsection (f) makes clear that obligations issued by public housing agencies under section 202 are tax-exempt to the same extent as obligations issued by these agencies under the United States Housing Act of 1937.

Subsection (g) provides that the provisions of this section are effective on October 1, 1983, except that the current provisions will continue to apply to projects with loans or loan reservations using authority in appropriation Acts for fiscal years prior to 1984.

Section 5 amends section 202 of the Housing Act of 1959 to facilitate the sale of homes owned by elderly or handicapped families moving to projects assisted under section 202. These homes would be sold to lower income families (income not in excess of 80 percent of median income for the area) with temporary assistance under this section. Assistance would be in the form of monthly homeownership expense payments that would not exceed the difference between 30 percent of the homeowner's income and the lesser of the actual homeownership expense (loan debt service, loan insurance premiums, taxes, hazard insurance, and reasonable allowances for utilities and maintenance estimated by the Secretary) or the estimated homeownership expense on a dwelling with a sales price not exceeding 60 percent of the median sales price of existing homes in the area.

Payments could be made for a period of up to five years, with further extensions up to another five years. Assistance payments would not be made to or continued if actual expenses could be met with less than 30 percent of the family's income.

Contract authority of $12,000,000 a year is provided, with an aggregate limit of $95,000,000. It is estimated that this funding level would assist the purchase of about 3,000 homes.

Section 6 makes projects financed under section 202 of the Housing Act of 1959 eligible for financial assistance available to meet repair or operating deficit needs that is currently available to projects developed under other programs. This amendment is primarily designed to assist older 202 projects.

Section 7 extends the Congregate Housing Services Act of 1978 for another three years and authorizes $10,000,000 a year in appropriations.

Section 8 authorizes assistance. under urban and rural housing programs and under the community development block grant program for shared housing facilities for the elderly.

Section 9 authorizes the formation of an Office of Housing for the Elderly within the Office of the Assistant Secretary for Housing in the Department of Housing and Urban Development. The Office is to be headed by a Special Assistant for Elderly Housing, designated by the Assistant Secretary, and given responsibility for coordinating all federal housing and housing-related programs for the elderly, making recommendations regarding legislation, policies and research programs involving elderly housing programs and convening meetings of a national Advisory Committee on Housing for the Elderly.●

HOW TO HELP EL SALVADOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 10 minutes

● Mr. ANNUNZIO. Mr. Speaker, I rise to day to voice my concern about the lack of any comprehensive strategy by our Government to solve the problems in Central America. Providing an additional $60 million in military aid for El Salvador is not the answer, for the political problems in El Salvador will not be solved by military means.

Instead our Government should work to eliminate poverty in the country, to put an end to the numerous human rights violations in the region, and most importantly, to take the initiative to achieve a negotiated settlement involving all parties. The final answer to the repression in El Salvador is free elections with the widest possible participation, and with the simultaneous withdrawal of all foreign influence. The United States should use its power to seek these results, and pouring more military aid into the country will not achieve this objective.

My colleagues might find of interest the following editorial from the March 28 edition of the New Republic entitled, "How To Help El Salvador," which calls for a seriously thought-out strategy for putting an end to the strife in that country:

[From the New Republic, Mar. 28, 1983]

How To Help El Salvador

Damn Vietnam. It is now entering its third decade of interference with America's perception of America's interest. In the 1960s it beckoned us into a blunder, which was to involve ourselves in a revolutionary situation that was of little consequence to the United States. In the 1980s it beckons us again into a blunder, which is to absent ourselves from a revolutionary situation that may be of considerable consequence to the United States. The President has asked for $60 million more in military aid to El Salvador. His request has provoked a debate that seems to be less about Central America than about Indochina. Mr. Reagan assures us that "there is no parallel whatsoever with Vietnam," while an unidentified member of the State Department says that "what we're talking about here . . . is a Vietnamization of the process." And the press and the pundits address themselves portentously to the collective memory. "Why Are We in Vietnam?" asks Anthony Lewis about El Salvador. (He also has the impertinence to write of the present Salvadoran government that it "shot its way in," when the only shots that were fired when this government came in were fired by guerrillas—and at voters.)

Well, we are not in Vietnam, and we are barely in El Salvador. Whether we should be in El Salvador—the how and the why or our relationship to Central America in general—is a great public question. It will not be answered by political necromancy. When the past is an obsession it gives no instruction. The differences between El Salvador and Vietnam are at least as important as the similarities. Among these differences are many thousands of miles. It is not irrational for the United States to want the Soviet Union out of its neighborhood, though it is irrational for the United States to believe that only guns will keep the Soviet Union out. Naturally it is difficult for us to escape the encrustations of the recent past. Vietnam will continue for many years to weigh like a nightmare upon the foreign policy of the living. But we must make our foreign policy in a waking state. The task before the American government is not simply to stay out of Vietnam. It is to provide security for the United States in a manner that will preclude social justice in El Salvador.

Unfortunately the Reagan Administration thinks of its task a little differently to the

extent that it can make up its mind. The problem posed by the President's request for aid is not the request itself. It is a bit of a bagatelle. The sum is not very great, and will merely raise the level of our military aid to the level it was in fiscal year 1982. (The $110 million figure that Caspar Weinberger laid on the leaders of Congress still falls far short of the military aid we rightly send to countries much, much farther away.) Nor need we be alarmed about the dimensions of American intervention in the Salvadoran war if we increase our large force of 37 military advisers to an even larger force of 55 military advisers. The problem posed by the President's request is more general. It is the absence of any seriously considered strategy for Central America. When the war goes well, we talk about social reform. When the war goes badly, we talk about military assistance. Like so many other areas of American foreign policy, our policy in this area consists mainly in the management of crises and the manipulation of public opinion. But anti-Sovietism is an idea, not a policy. Keeping the Russians out of El Salvador requires planning not for the Russians but for the Salvadorans. At present such planning—a consistent and constructive program for the elimination not only of the effects of the war but also of its causes—is not much in evidence.

What should the American objectives in El Salvador be? There are those who think that this is a great new opportunity for American isolationism, that all we should send to El Salvador are our regrets. There are others who think that there is nothing wrong with El Salvador that a military victory cannot cure. We disagree with both groups. Handing the country over to the Leninists along the Lempa would damage El Salvador and the United States, and so would destroying the country in the attempt to liquidate them. It seems obvious that El Salvador has both a military and a political problem, which require both a military and a political solution.

First, the military problem. The war in El Salvador has gone badly in recent weeks. The guerrillas swanked into the town of Berlin, scored a prodigious propaganda victory, and swanked out again. The morale of the Salvadoran army is bad, and so are its tactics. Nobody has won and nobody has lost. The endurance of the Salvadoran insurgency has persuaded many Americans, commentators and Congressmen, that it is time for negotiations. The most commonly espoused goal of such negotiations is "power-sharing." Now, if there is one thing in the world than Leninists do not do, it is share power. How many revolutions will have to ruin how many countries before this is clear? Nor is that all. Those who propose a political solution to the military problem assume that the military problem has a political basis. The revolutionaries of El Salvador, however, differ from other revolutionaries precisely in this respect. They have no political basis, The population of El Salvador—the wretched *campesinos* included—show no support for them. They represent nobody but themselves, and nothing but their own desire to rule. A political solution to this purely military problem would only make a present of El Salvador to totalitarians. (We would pull out, they would come in, and there you would have it—Vietnam!) The reconstruction and reform of the Salvadoran army is a worthy objective for the United States, because by setting ourselves against the revolution we would not be setting ourselves against the population.

Obviously there is a political problem in El Salvador, too, and it will not be solved by military means. The political problem is the result of fascism and poverty, of a right-wing repression and on oligarchic economic reality. The defeat of the guerrillas will remove neither. The Soviet threat is a bad excuse for both.

The answer to the repression in El Salvador is free elections with the widest possible paticipation, and the simultaneous withdrawal of any and all American support from the repressors themselves. The Reagan Administration appears to have disabused itself of the idea that Roberto D'Abuisson and his gang can represent our interests. We were edified by the Administration's backing of President Magaña and Defense Minister José Guillermo Garcia during their recent struggle with "Mr." D'Abuisson. Who, then, should the United States support? The center, we liberals say, and say again. But we must understand what a center is and who a center is. A center will not abandon the war against the guerrillas, it will not collectivize the economy, it will not secede from the competition between East and West, it will not set out to remake man. A center is a center, not a left. This is particularly true in El Salvador, where the center is constituted by the Christian Democrats. Since the 1960s, when Christian Democracy took root throughout Latin America, the Salvadoran moderates have developed a position characterized by constitutionalism, economic growth, trade unionism, a strong belief in property, anti-colonialism, anti-Castroism—all with a decidedly Catholic coloration.

The center has traditionally been a creation of the middle class, and the Christian Democrats of El Salvador are no exception. They came upon the scene as the political and intellectual corollary of the successful industrialization of some of the Salvadoran economy. (José Napoleón Duarte, who carries the flag, is an engineer.) This is the good news and the bad. The industrialization of the Salvadoran economy did not go very far; the economy remains overwhelmingly agricultural. Moreover, the urban middle class must be distinguished from the rural middle class, the "coffee bourgoisie" whose prosperity was based upon the unfair distribution of the land and the unjust treatment of the agricultural laborers. The Christian Democrats, in other words, are only a part of a small part of Salvadoran society. As in geometry, the center is the point around which things revolve, but it does not take up much space.

All is not lost, however. The institutions of democracy in Central America are uncertain, but the idea of democracy is not. The Salvadoran elections last March are proof. The Christian Democrats, furthermore, are not without possible allies in the attempt to hold a free election. There exists in El Salvador, as elsewhere, a coincidence of interests and ideals between the right wing of the left and the left wing of the right. José Napoleón Duarte has more in common with Guillermo Ungo than with Roberto D'Ambuisson. This is where "dialogue"—as it is gingerly known—comes in. While negotiations with the guerrillas for their admission to power must be ruled out, "dialogue" with the democrats among them must not. As U.N. Ambassador Jeane Kirkpatrick observed recently, whoever wishes to participate in the democratic process must be approached. (She might also have observed that the United States will do all it can to protect the safety of those who do.)

And Mrs. Kirkpatrick had another good idea—a Marshall Plan for Central America. "The Marshall Plan," she said, "constituted a response to a regional problem that was simultaneously economic and social and military." That is precisely what American policy in El Salvador should be—a policy on many tracks. A meaningful program for the redistribution of land will do more to keep Castro out than any White Paper we can produce. Recently the Salvadoran assembly voted to extend the present program by ten months—and over the objections of the right. It was a small thing, but it was a good thing. If the United States were to throw its weight behind it, it would be a great thing.

Free elections, "dialogue" with all of Salvador's democrats, military assistance, pressure for the observance of human rights, agricultural reform, economic renewal—and all in the middle of a civil war. Nobody said it was going to be simple. No, that is not correct. Almost everybody said it was going to be simple. The debate on El Salvador provides a perfect example of the deteriorated condition of public discourse in the United States. It consists in a lot of ideological hectoring. The left, and even some of our foremost liberal newspapers, turns out a sentimental portrait of the Salvadoran guerrilla, who "fights better" and is "better motivated" because he is willing to die for his cause. We have heard about the moral glamor of guerrillas before. The fact is that they "fight better" sometimes, but sometimes they do not; and they have won neither the war nor the people. (They left Berlin because they knew they could not hold it.) History reeks of men who were willing to die for false causes, and willing to die for a seizure of power.

The right, including officials of our government, turns out dominoes, and fantasies of a final showdown with Communism. We have heard this before, too. But global threats are made up of regional instabilities. Castro did not create the cracks in Central American society; he found them, and tried to make use of them. Heal these cracks—create the social and economic conditions in which democrats will not despair and make alliances with enemies of democracy—and destroy the death squads as you destroy the guerrilla cells—and the East will have lost another avenue to the West. Nobody is suggesting the use of American troops, because American troops are not necessary for the job. But some projection of American power is. American power may be used for good as well as for evil. It is not only imperialism that the United States can send south of the border. It can also send help.●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. MCKERNAN) to revise and extend his remarks and include extraneous material:)

Mr. LEACH of Iowa, for 30 minutes, today.

(The following Members (at the request of Mr. BOXER) to revise and extend their remarks and include extraneous material:)

Mr. SOLARZ, for 60 minutes, today.

Mr. RODINO, for 15 minutes, today.
Mr. LUNDINE, for 15 minutes, today.
Mr. MONTGOMERY, for 10 minutes, today.
Mr. ANNUNZIO, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MCKERNAN) and to include extraneous matter:)

Mr. GEKAS.
Mr. CORCORAN in two instances.
Mr. CLINGER in three instances.
Mr. BROOMFIELD in two instances.
Mr. GILMAN.
Mr. MOORHEAD.
Mr. LENT.
Mr. RUDD.
Mr. MCGRATH in two instances.
Mr. GREEN.
Mr. KRAMER.
Mr. PORTER.
Mr. MCKINNEY.
Mr. HUNTER.
Mr. MORRISON of Washington.
Mr. YOUNG of Alaska.
Mr. LUJAN.
Mr. DUNCAN.
Mr. WORTLEY.
Mr. PHILIP M. CRANE.

(The following Members (at the request of Mrs. BOXER) and to include extraneous matter:)

Mr. VALENTINE in two instances.
Mr. MATSUI.
Mr. LEHMAN of Florida in two instances.
Mr. RICHARDSON.
Mr. HARRISON.
Mr. FRANK in two instances.
Mr. CHAPPELL in two instances.
Mr. SOLARZ.
Mr. SKELTON in three instances.
Mr. FLORIO in two instances.
Mr. CLAY in two instances.
Mr. JACOBS.
Mr. BARNES.
Mr. ALBOSTA.
Mr. VENTO.
Mr. ROE.
Mr. LELAND.
Mr. LUNDINE.
Mr. EDGAR.
Mr. LEVITAS.
Mr. MARKEY.
Mr. BONER of Tennessee.
Mr. EVANS of Illinois.
Mr. BIAGGI in two instances.
Mr. CONYERS.
Mr. GEPHARDT.
Mr. GORE.

SENATE BILL REFERRED

A bill of the Senate of the following titles was taken from the Speaker's table and, under the rule, referred as follows:

S. 612. An Act to amend the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701) to permit temporary use by Federal departments and agencies of public lands controlled by the Bureau of Land Management, Department of the Interior; to the Committee on Interior and Insular Affairs.

ADJOURNMENT

Mr. LEVIN of Michigan. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 31 minutes p.m.) under its previous order, the House adjourned until Monday, April 11, 1983, at 12 o'clock noon.

CONTRACTUAL ACTIONS, CALENDAR YEAR 1982, TO FACILITATE NATIONAL DEFENSE

The Clerk of the House of Representatives submits the following report for printing in the CONGRESSIONAL RECORD pursuant to section 4(b) of Public Law 85-804:

OFFICE OF THE
ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., March 25, 1983.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: In compliance with Section 4(a) of Public Law 85-804, the calendar year 1982 report on *Extraordinary Contractual Actions to Facilitate the National Defense* is enclosed.

Section A, Department of Defense Summary, shows that 122 contractual actions were approved and that seven actions were disapproved. Included in the number of actions approved are 93 actions for which a potential Government liability cannot be estimated.

Sections B through D present those actions with an estimated or potential cost of $50,000 or more by the three military departments. The Defense Nuclear Agency and Defense Logistics Agency, sections E & F respectively, reported no actions above this threshold. A list of contingent liability claims is also included. Each section contains a summary table and an abstract of the decision and findings for each qualifying action.

Sincerely,

D. O. COOKE,
Deputy Assistant Secretary of Defense.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

803. A letter from the Acting Comptroller General of the United States, transmitting his review of the deferral and revised deferral of budget authority contained in the message from the President dated March 9, 1983 (H. Doc. No. 98-29), pursuant to section 1014(b) and (c) of Public Law 93-344 (H. Doc. No. 98-38); to the Committee on Appropriations and ordered to be printed.

804. A letter from the Secretary of Housing and Urban Development, transmitting a report on the cause of the decline in the selection of minority sponsors in the section 202 program, as requested in House Report No. 97-959; to the Committee on Appropriations.

805. A letter from the Acting General Counsel, U.S. General Accounting Office, transmitting a report on the status of budget authority that was proposed for rescission, but for which Congress failed to pass a rescission bill; to the Committee on Appropriations.

806. A letter from the Secretary of Defense, transmitting a supplemental report regarding contracts for the procurement of a major defense system, pursuant to 10 U.S.C. 139(b); to the Committee on Armed Services.

807. A letter from the Secretary of Defense, transmitting a supplemental report regarding a contract for the procurement of a major defense system, pursuant to 10 U.S.C. 139(b); to the Committee on Armed Services.

808. A letter from the Secretary of Defense, transmitting a supplemental report regarding a contract for the procurement of a major defense system, pursuant to 10 U.S.C. 1396; to the Committee on Armed Services.

809. A letter from the Secretary of Defense, transmitting a report on the technology transfer control program, pursuant to 10 U.S.C. 138(h); to the Committee on Armed Services.

810. A letter from the Deputy Assistant Secretary of Defense, transmitting the annual report for calendar year 1982 on extraordinary contractural actions to facilitate the national defense, pursuant to section 4(a) of Public Law 85-804; to the Committee on Armed Services.

811. A letter from the Assistant Secretary of the Army (Installations, Logistics and Financial Management, notice of the proposed conversion to contractor performance of the food service function at Fort Devens, Mass., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

812. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the decision by the Navy to study the conversion to contractor performance of the custodial services function at the Naval Regional Medical Center, Corpus Christi, Tex., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

813. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the decision by the Navy to study the conversion to contractor performance of the audiovisual services/audiovisual equipment maintenance function at the Naval Education and Training Support Center, Pacific, San Diego, Calif., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

814. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the decision by the Navy to study the conversion to contractor performance of the laundry and drycleaning function at the Naval Regional Medical Center, Oakland, Calif., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

815. A letter from the Deputy Asistant Secretary of the Air Force (Logistics and Communications), transmitting notice of the proposed conversion to contractor performance of the technical order and decal distribution function at Tinker Air Force Base, Okla., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

816. A letter from the Adjutant General, Veterans of Foreign Wars of the United States, transmitting the proceedings of the 83d National Convention of the Veterans of Foreign Wars of the United States, pursuant to section 8 of the act of May 28, 1936 (H. Doc. No. 98-42); to the Committee on Armed Services and ordered to be printed.

817. A letter from the Secretary of Housing and Urban Development, transmitting consolidated annual reports on the community development block grant, urban development action grant, rental rehabilitation demonstration, section 312 rehabilitation loan, and urban homesteading programs, pursuant to sections 113(a) and 810(e) of the Housing and Community Development Act of 1974, as amended, and section 312 of the Housing Act of 1964, as amended; to the Committee on Banking, Finance and Urban Affairs.

818. A letter from the Deputy Secretary of the Treasury, transmitting a draft of proposed legislation to authorize the back side of United States paper money of the denomination of $1 to be printed by a method other than the intaglio process; to the Committee on Banking, Finance and Urban Affairs.

819. A letter from the Comptroller General of the United States, transmitting a report, with comments, from the Retirement Board of the District of Columbia, concerning the Federal payment to the police officers and fire fighter's fund, pursuant to section 145(b) of Public Law 96-122; to the Committee on the District of Columbia.

820. A letter from the Secretary of Transportation, transmitting a report on the effects of mounted oscillating lights on leading railroad cars, pursuant to section 702(c)(j) of the Federal Railroad Safety Act of 1982; to the Committee on Energy and Commerce.

821. A letter from the Administrator of the Energy Information Administration, Department of Energy, transmitting the Administration's annual report, pursuant to section 57(a)(2) of the Federal Energy Administration Act, as amended; to the Committee on Energy and Commerce.

822. A communication from the President of the United States, transmitting a draft of proposed legislation to amend and reauthorize the Export Administration Act of 1979 (H. Doc. No. 98-40); to the Committee on Foreign Affairs and ordered to be printed.

823. A communication from the President of the United States, transmitting a report on progress toward conclusion of a negotiated solution of the Cyprus problem, pursuant to section 620C(c) of the Foreign Assistance Act of 1961, as amended (H. Doc. No. 98-41); to the Committee on Foreign Affairs and ordered to be printed.

824. A letter from the Secretary of State, transmitting the semiannual report for the periods April 1982-September 1982 on voluntary contributions made by the U.S. Government to international organizations, pursuant to section 306(b)(1) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

825. A letter from the Acting Assistant Secretary of State for Congressional Relations; transmitting a draft of proposed legislation to facilitate the adjudication of certain claims of U.S. nationals against Iran, to authorize the recovery of costs incurred by the United States in connection with the arbitration of claims of U.S. nationals against Iran, and for other purposes; to the Committee on Foreign Affairs.

826. A letter from the Acting Assistant Secretary of State for Congressional Relations, transmitting a draft of a proposed amendment to the Department of State authorization bill (Executive Communication No. 461), to authorize appropriations for fiscal years 1984-85 to provide directly or by contract protective security for diplomatic and consular officials of Foreign Missions within the United States; to the Committee on Foreign Affairs.

827. A letter from the Acting Assistant Secretary of State for Congressional Relations, transmitting a report on political contributions made by Ambassador-designee Malcolm R. Barnebey, and by members of his family, pursuant to section 304(b)(2) of Public Law 96-465; to the Committee on Foreign Affairs.

828. A letter from the Acting Assistant Secretary for Congressional Relations, Department of State, transmitting the texts of agreements between the American Institute in Taiwan and the Coordination Council for North American Affairs, pursuant to section 12(a) of Public Law 96-8; to the Committee on Foreign Affairs.

829. A letter from the Acting Assistant Legal Adviser for Treaty Affairs, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112(b); to the Committee on Foreign Affairs.

830. A letter from the Executive Officer, National Science Board, transmitting a report on the Board's activities under the Government in the Sunshine Act during calendar year 1982, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

831. A letter from the Director, Federal Mediation and Conciliation Service, transmitting a report on the agency's activities under the Freedom of Information Act during calendar year 1982, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

832. A letter from the Under Secretary of the Minerals Management Service, Department of the Interior, transmitting notice of the bidding systems to be used in oil and gas lease sale for the Middle Atlantic oil and gas lease offering, scheduled to be held on April 26, 1983; to the Committee on Interior and Insular Affairs.

833. A letter from the Secretary of Housing and Urban Development, transmitting draft of proposed legislation to amend provisions of the Bankruptcy Code governing the powers of a bankruptcy court and the effect of automatic stays as they relate to certain multifamily mortgages insured or held by the Secretary of Housing and Urban Development or by the Secretary of Agriculture, and for other purposes; to the Committee on the Judiciary.

834. A letter from the Director, Administrative Office of the United States Courts, transmitting a draft of proposed legislation to amend title 18 of the United States Code, and for other puposes; to the Committee on the Judiciary.

835. A letter from the Acting Assistant Secretary of State for Congressional Relations, transmitting a draft of proposed legislation to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

836. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation under the authority of section 244(a)(1) of the Immigration and Nationality Act, together with a list of the persons involved, pursuant to section 244(c) of the act; to the Committee on the Judiciary.

837. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to authorize the Secretary of Commerce to budget for medical and dental care for personnel of the National Oceanic and Atmospheric Administration entitled thereto, including commissioned officers, their dependents and survivors, ships' officers, and the members of the crews of vessels; to the Committee on Merchant Marine and Fisheries.

838. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's annual report for fiscal year 1982, pursuant to section 208 of the Merchant Marine Act, 1936, as amended; to the Committee on Merchant Marine and Fisheries.

839. A letter from the Special Counsel. U.S. Merit Systems Protection Board, transmitting a report in response to a complaint filed with the Secretary of Commerce, pursuant to 5 U.S.C. 1206(b)(5); to the Committee on Post Office and Civil Service.

840. A letter from Administrator, Federal Aviation Administration, transmitting a report on the national airspace system plan, pursuant to section 504(b)(1) of Public Law 97-248; to the Committee on Public Works and Transportation.

841. A letter from the Secretary, Council of the District of Columbia, transmitting Council resolution 5-11, "Nancy Hanks Center Resolution of 1983"; to the Committee on Public Works and Transportation.

842. A letter from the Assistant Secretary of the Army (Civil Works); transmitting a report on the status of local cooperation agreements on water resource projects, pursuant to section 221(e) of Public Law 91-611; to the Committee on Public Works and Transportation.

843. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a Corps of Engineers report on Tampa Harbor, East Bay Channel, Fla., in response to resolutions adopted on April 6, 1971, and June 23, 1971, by the Committees on Public Works of the U.S. Senate and House of Representatives; to the Committee on Public Works and Transportation.

844. A letter from the Administrator, U.S. Small Business Administration, transmitting a draft of proposed legislation to amend the Small Business Act; to the Committee on Small Business.

845. A letter from the Deputy Secretary of Agriculture, transmitting a draft of proposed legislation to improve programs for the stabilization of agricultural prices and production; jointly, to the Committees on Agriculture and Foreign Affairs.

846. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the eighth annual report of the Corporation's Office of Consumer and Compliance Programs, pursuant to section 18(f)(6) of the Federal Trade Commission Act, as amended; jointly, to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

847. A letter from the Fiscal Assistant Secretary of the Treasury, transmitting the fifth annual report on the financial condition and results of the operations of the Black Lung Disability Trust Fund, pursuant to section 3(c) of Public Law 95-227; jointly, to the Committees on Education and Labor and Ways and Means.

848. A letter from the Comptroller General of the United States, transmitting a

report on funds needed to develop a CPI quality control system (GAO/GGD-83-32, April 1, 1983); jointly, to the Committees on Government Operations and Education and Labor.

849. A letter from the Comptroller General of the United States, transmitting a report on legislative and administrative changes needed to improve the regulation of the drug industry (GAO/HRD-83-24, April 5, 1983); jointly, to the Committees on Government Operations and Energy and Commerce.

850. A letter from the Comptroller General of the United States, transmitting a report on inaccurate fund transfers between the Social Security Administration and the Railroad Retirement Board (GAO/HRD-83-2, April 4, 1983); jointly, to the Committees on Government Operations, Ways and Means, and Energy and Commerce.

851. A letter from the Acting Attorney General, transmitting a report of applications made for orders and extensions of orders approving electronic surveillance during calendar year 1982, pursuant to 50 U.S.C. 1807; jointly, to the Committees on the Judiciary and the Permanent Select Committee on Intelligence.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DE LA GARZA: Committee on Agriculture. H.R. 1190. A bill to provide emergency credit assistance to farmers, and for other purposes; with an amendment (Rept. No. 98-48). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. House Joint Resolution 158. Joint resolution to make technical corrections in the act of January 25, 1983 (Public Law 97-459); with amendments (Rept. No. 98-49). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 1102. A bill to provide for the designation of the Burns Paiute Indian Colony of Oregon as the beneficiary of a public domain allotment and to provide that all interests in public domain allotments in Harney County, Oreg., which are held by Indian allottees who die inestate and without heirs shall escheat to the United States to be held in trust for the benefit of the Burns Paiute Indian Colony of Oregon and added to the Burns Paiute Indian Reservation; (Rept. No. 98-50). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 1035. A bill to make certain technical amendments to improve implementation of the Education Consolidation and Improvement Act of 1981, and for other purposes; with an amendment (Rept. No. 98-51). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CLINGER:

H.R. 2419. A bill to amend the Public Works and Economic Development Act of 1965 to establish a National Public Works Corporation for purposes of providing financial assistance to States and local governments for the construction, rehabilitation, and repair of certain public facilities, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. VOLKMER (for himself, Mr. FOLEY, Mr. SYNAR, Mr. HARKIN, Mr. QUILLEN, Mr. AUCOIN, Mr. STANGELAND, Mr. SENSENBRENNER, Mr. MARLENEE, Mr. FLIPPO, Mr. MARRIOTT, Mr. KOGOVSEK, Mr. WILLIAMS of Montana, Mr. PATMAN, Mr. KRAMER, Mr. CRAIG, Mr. MCCURDY, Mr. BONER of Tennessee, Mr. ALBOSTA, Mr. CARNEY, Mr. ROBERTS, Mr. MOORE, Mr. BLILEY, Mr. WATKINS, Mr. MURTHA, Mr. PETRI, Mr. CORCORAN, Mr. CAMPBELL, Mr. SHELBY, Mr. GINGRICH, Mr. ROSE, Mr. HANSEN of Utah, Mr. SAM B. HALL, JR., Mr. CHENEY, Mr. FUQUA, Mr. SOLOMON, Mr. EMERSON, Mr. GAYDOS, Mr. PAUL, Mr. DYSON, Mr. YOUNG of Alaska, Mr. HANSEN of Idaho, Mr. CHAPPIE, Mr. SKELTON, Mr. DOWDY of Mississippi, Mr. MURPHY, Mr. IRELAND, Mrs. LLOYD, Mr. MCDONALD, Mr. BEVILL, Mr. HANCE, Mr. STUMP, Mr. THOMAS of California, Mrs. SMITH of Nebraska, Mrs. BYRON, Mr. WEBER, Mr. SHUSTER, Mr. YATRON, Mr. SPENCE, Mr. MYERS, Mr. SNYDER, and Mr. DUNCAN):

H.R. 2420. A bill to protect the rights of firearms owners; to the Committee on the Judiciary.

By Mr. ALBOSTA:

H.R. 2421. A bill to amend titles II and XVI of the Social Security Act to provide that an individual receiving child's insurance benefits on the basis of blindness or other disability shall not lose his or her entitlement to such benefits by reason of marriage, if such marriage is to a recipient of supplemental security income benefits; to the Committee on Ways and Means.

H.R. 2422. A bill to provide that each State must establish a jobfare program, and require participation therein by residents of the State who are receiving benefits or assistance under the AFDC, food stamp, and public housing programs, as a condition of the State's eligibility for Federal assistance in connection with those programs; jointly, to the Committees on Agriculture, Banking, Finance and Urban Affairs, Education and Labor, and Ways and Means.

By Mr. BIAGGI:

H.R. 2423. A bill to provide that surgical drapes will be subject to the flammability standards which must be met by articles of wearing apparel under the Flammable Fabrics Act; to the Committee on Energy and Commerce.

H.R. 2424. A bill to regulate and restrict the sale of body armor; to the Committee on the Judiciary.

By Mr. CORCORAN:

H.R. 2425. A bill to amend the Internal Revenue Code of 1954 to allow every individual to designate that $1 of his income tax payment shall be paid into the special account for the reduction of the public debt; to the Committee on Ways and Means.

By Mr. EDGAR:

H.R. 2426. A bill to amend title 38, United States Code, to authorize the Administrator of Veterans' Affairs to pay certain funeral expenses for former prisoners of war and for recipients of the Purple Heart Medal; to the Committee on Veterans' Affairs.

By Mr. ERLENBORN:

H.R. 2427. A bill to amend the Immigration and Nationality Act with respect to admission of nonimmigrant workers to the United States for temporary employment and for other purposes; jointly, to the Committees on the Judiciary and Education and Labor.

By Mr. EVANS of Iowa (for himself, Mr. ROBERTS, Mr. MORRISON of Washington, Mr. LEACH of Iowa, Mr. STENHOLM, Mrs. SMITH of Nebraska, Mr. BENNETT, Mr. STANGELAND, Mr. SIMON, Mr. SKEEN, and Mr. KINDNESS):

H.R. 2428. A bill to amend the Commodity Credit Corporation Act to promote the exchange of material produced abroad and needed in the United States for agricultural commodities produced in and exported from the United States through normal commercial trade channels; jointly, to the Committees on Agriculture, Armed Services, Energy and Commerce, and Foreign Affairs.

By Mr. FLORIO:

H.R. 2429. a bill to require Amtrak to accept commuter tickets for passage on certain rail lines; to the Committee on Energy and Commerce.

By Mr. FRANK:

H.R. 2430. A bill to amend the Home Owners' Loan Act of 1933 to authorize cooperative banks which receive a charter as a Federal savings and loan association to retain all powers which they were granted under their State charter; to the Committee on Banking, Finance and Urban Affairs.

H.R. 2431. A bill to authorize interstate banking among the New England States and to require a report to the Congress concerning the use of the authority conferred by this act; to the Committee on Banking, Finance and Urban Affairs.

By Mr. HUTTO:

H.R. 2432. A bill to amend title 18 of the United States Code relating to the sexual exploitation of children; to the Committee on the Judiciary.

By Mr. KRAMER:

H.R. 2433. A bill to name the Air Force Consolidated Space Operations Center in Colorado Springs, Colo., as the Jack Swigert Space Center; to the Committee on Armed Services.

By Mr. LUJAN:

H.R. 2434. A bill to amend the Mineral Leasing Act of 1920 to limit ownership of leases by citizens of another country where ownership of minerals in that country by citizens of this country is limited; to the Committee on Interior and Insular Affairs.

By Mr. LUNDINE (for himself, Mr. ROYBAL, Mr. MITCHELL, Mr. D'AMOURS, Mr. SCHUMER, and Mr. PATTERSON):

H.R. 2435. A bill to amend and extend certain Federal laws to improve housing opportunities for elderly and handicapped families; to the Committee on Banking, Finance and Urban Affairs.

By Mr. McCOLLUM:

H.R. 2436. A bill to reduce interest rates by limiting the rate of interest which the U.S. Government may pay on debt obligations issued by the United States and by establishing a national indexed usury ceiling; jointly, to the Committees on Banking, Finance and Urban Affairs and Ways and Means.

By Mr. McEWEN:

H.R. 2437. A bill to amend title 38, United States Code, to extend the delimiting period

within which a Vietnam-era veteran may use educational assistance under chapter 34 of that title upon discharge or release from active duty from the present 10 to 20 years, but not later than December 31, 1999; to the Committee on Veteran's Affairs.

By Mr. McKINNEY:

H.R. 2438. A bill to amend the Surface Transportation Assistance Act of 1982 to restore to the States the authority to prohibit the use of double-bottom trucks; to the Committee on Public Works and Transportation.

By Mr. OTTINGER (for himself and Mr. WYDEN):

H.R. 2439. A bill to increase funding for low-income home energy assistance, to improve accountability with respect to the use of funds under the Low-Income Home Energy Assistance Act of 1981, and for other purposes; jointly, to the Committees on Energy and Commerce and Education and Labor.

By Mr. PORTER:

H.R. 2440. A bill to increase the penalties for violations of the Taft-Hartley Act, to prohibit persons, upon their convictions of certain crimes, from holding offices in or certain positions related to labor organizations and employee benefit plans, and to clarify certain responsibilities of the Department of Labor; to the Committee on Education and Labor.

H.R. 2441. A bill to amend title 23, United States Code, to prohibit the use of Federal highway funds in any State in which the minimum age for the consumption of alcoholic beverages is less than 21; to the Committee on Public Works and Transportation.

By Mr. RINALDO:

H.R. 2442. A bill to prevent and discourage misrepresentations and deceptive omissions of material facts by used vehicle dealers concerning warranty coverage and the mechanical condition of used vehicles; to the Committee on Energy and Commerce.

H.R. 2443. A bill to amend the Federal Rules of Criminal Procedure and the Federal Rules of Appellate Procedure to provide for postconviction proceedings in certain criminal cases; to the Committee on the Judiciary.

H.R. 2444. A bill to amend the Internal Revenue Code of 1954 to increase to $150,00 the amount of group term life insurance which may be provided by an employer and excluded from the gross income of an employee; to the Committee on Ways and Means.

H.R. 2445. A bill to amend the Tariff Schedules of the United States by repealing item 807.00 relating to certain articles assembled abroad from fabricated components which are products of the United States; to the Committee on Ways and Means.

H.R. 2446. A bill to reform the laws relating to former Presidents; jointly, to the Committees on Government Operations, House Administration, the Judiciary, and Post Office and Civil Service.

By Mr. RODINO (for himself, Mr. EDWARDS of California, and Mr. FRANK):

H.R. 2447. A bill to amend title 18 of the United States Code to strengthen the laws against the counterfeiting of trademarks, and for other purposes; to the Committee on the Judiciary.

By Mr. SAWYER:

H.R. 2448. A bill to amend the Internal Revenue Code of 1954 to deny unemployment benefits to teachers during summer vacations or other periods between academic years or terms; to the Committee on Ways and Means.

By Mrs. SCHROEDER:

H.R. 2449. A bill to prohibit the implementation of certain regulations proposed by the Office of Personnel Management and published in the Federal Register on March 30, 1983; to the Committee on Post Office and Civil Service.

By Mr. YOUNG of Alaska:

H.R. 2450. A bill to provide for reports on the employment impact of legislation significantly affecting the multiple-use status of public lands and resources; to the Committee on Rules.

By Mr. FOLEY (for himself, Mr. BONKER, Mr. CHANDLER, Mr. PRITCHARD, Mr. SWIFT, Mrs. SMITH of Nebraska, Mr. JONES of North Carolina, Mr. JONES of Tennessee, Mr. BROWN of California, Mr. ROSE, Mr. HARKIN, Mr. ENGLISH, Mr. STENHOLM, Mr. HATCHER, Mr. OLIN, Mr. ROBERTS, Mr. GUNDERSON, Mr. FRANKLIN, and Mr. LOWRY of Washington):

H.J. Res. 228. Joint resolution to designate the week of July 24 through July 31, 1983, as "National Animal Agriculture Week"; to the Committee on Post Office and Civil Service.

By Mr. MORRISON of Washington (for himself, Mr. BEILENSON, Mr. BERMAN, Mr. CHANDLER, Mr. CORRADA, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. FORD of Tennessee, Mr. FRENZEL, Mr. GORE, Mr. GUARINI, Mrs. HOLT, Mr. HORTON, Mr. HYDE, Mr. KASICH, Mr. KOGOVSEK, Mr. LAGOMARSINO, Mr. LELAND, Mr. MCGRATH, Ms. MIKULSKI, Mr. MURPHY, Mr. NEAL, Mr. O'BRIEN, Mr. ORTIZ, Mr. OTTINGER, Mr. PRITCHARD, Mr. RATCHFORD, Mr. ROE, Mr. SCHEUER, Mr. SHELBY, Mr. SHUMWAY, Mr. SIMON, Mr. STENHOLM, Mr. STOKES, Mr. SUNIA, Mr. WAXMAN, Mr. WINN, and Mr. WORTLEY):

H.J. Res. 229. Joint resolution to authorize and request the President to issue a proclamation designating April 24 through April 30, 1983 as "National Organ Donation Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. NELSON of Florida:

H.J. Res. 230. Joint resolution proposing an amendment to the Constitution relating to equal rights for men and women; to the Committee on the Judiciary.

By Mr. PICKLE:

H. Con. Res. 102. Concurrent resolution directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 1900; considered and agreed to.

By Mr. DUNCAN:

H. Con. Res. 103. Concurrent resolution expressing the sense of the Congress that studies should be undertaken immediately into possible alternative methods for financing annuities provided under the Railroad Retirement Act of 1974; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. RINALDO:

H. Con. Res. 104. Concurrent resolution expressing the sense of the Congress that any member of the United Nations that fails to pay its assessed contribution for 2 consecutive years should be denied the right to vote in the General Assembly, the Security Council, and any other organ or organization of the United Nations; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

66. The Speaker presented a memorial of the Legislature of the State of Minnesota, relative to milk producer payments; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. GEPHARDT introduced a bill (H.R. 2451) relating to the duty-free entry of certain scientific equipment imported for the use of the Ellis Fischel State Cancer Hospital, Columbia, Mo.; which was referred to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. HORTON, Mr. HARKIN, Mr. BIAGGI, Mr. ADDABBO, Mr. MARKEY, Mr. LEWIS of Florida, Mr. SMITH of New Jersey, and Mr. YATRON.

H.R. 135: Mr. SILJANDER.

H.R. 554: Mr. CONABLE.

H.R. 555: Mr. STAGGERS, Mrs. COLLINS, Mr. SIKORSKI, Mr. GEKAS, Mr. GLICKMAN, Mr. ASPIN, Mr. HERTEL of Michigan, Mr. BARNES, Mrs. BOXER, Mr. WISE, Mr. APPLEGATE, Mr. MURPHY, Mr. DONNELLY, Mr. VOLKMER, Mr. ENGLISH, and Mr. MORRISON of Connecticut.

H.R. 595: Mr. OXLEY.

H.R. 618: Mr. PAUL, Mr. DAVIS, Mr. PACKARD, and Mr. DEWINE.

H.R. 850: Mr. BROWN of California, Mrs. HALL of Indiana, Mr. KOGOVSEK, Mr. STOKES, Mr. WASHINGTON, Mr. WILSON, and Mr. WON PAT.

H.R. 944: Mr. STUMP.

H.R. 1015: Mr. MINETA.

H.R. 1016: Mr. PRITCHARD, Mr. DUNCAN, Mr. MCDADE, and Mr. MINETA.

H.R. 1035: Mr. HEFTEL of Hawaii and Mr. ANDERSON.

H.R. 1092: Mr. LENT, Mr. IRELAND, Mr. YOUNG of Florida, Mr. MCNULTY, Mr. LEATH of Texas, and Mr. EDWARDS of Oklahoma.

H.R. 1137: Mr. MCGRATH, Mr. MORRISON of Connecticut, Mr. WORTLEY, Mrs. SCHROEDER, Mr. OBERSTAR, Mr. TORRICELLI, Mr. FORD of Tennessee, Mr. HOYER, Mr. MACKAY, Mr. MCKERNAN, Mr. MATSUI, Mr. GUARINI, Mr. HERTEL of Michigan, Mr. BOUCHER, Mr. MINETA, Mr. HARKIN, Mr. DOWNEY of New York, Mr. CORRADA, Mr. LEVIN of Michigan, and Mr. BATES.

H.R. 1142: Mr. SKEEN, Mr. STENHOLM, Mr. APPLEGATE, Mr. MCGRATH, Mr. MRAZEK, Mr. SHELBY, Mr. FROST, Mrs. SNOWE, Mr. SUNIA, Mr. SOLOMON, Mr. TAYLOR, Mr. GRAMM, Mr. CHANDLER, Mr. WILSON, Mr. MURPHY, Mr. CARNEY, Mr. DEWINE, Mr. LOWRY of Washington, Mr. FRENZEL, Mr. LOEFFLER, Mr. FAZIO, Mr. BEVILL, Mr. LIVINGSTON, Mr. SMITH of Florida, and Mr. WINN.

H.R. 1190: Mr. NICHOLS and Mr. SPRATT.

H.R. 1250: Mr. ROYBAL, Mrs. KENNELLY, Mr. YATES, Mr. CONYERS, Mr. TORRES, Mr. SIKORSKI, Mr. LENT, Mr. CLINGER, Mr. DOWDY of Mississippi, Mr. MORRISON of Connecticut, Mrs. SNOWE, Mr. RITTER, Mr. MOAKLEY, Mr. FASCELL, Mrs. COLLINS, Mr. LONG of Louisiana, Mr. CHAPPIE, Mr. FORD of Tennessee, Mr. PARRIS, Mr. FOWLER, Mr. GOODLING, Mr. BATES, Mr. RICHARDSON, Mr. BROWN of California, Mr. LEACH of Iowa, Mr. CORCORAN, Mr. PRITCHARD, Mr. QUILLEN,

Mr. BORSKI, Mr. DE LUGO, Mr. GRAY, Mr. O'BRIEN, Mr. HOWARD, Mr. BURTON of California, Mr. GORE, Mr. WHEAT, Mrs. BOXER, Mr. REGULA, Mr. SIMON, Mr. CORRADA, Mr. MARTINEZ, Mr. BIAGGI, Mr. HUGHES, and Mr. KOSTMAYER.

H.R. 1255: Mr. GEPHARDT, Mr. DENNY SMITH, Mr. CAMPBELL, Mr. RITTER, Mr. TAUZIN, Mr. LEATH of Texas, Mr. VOLKMER, Mr. ROTH, Mr. TOWNS, Mr. NOWAK, Mr. MOLINARI, Mr. CONTE, Mr. BADHAM, Mr. GRAMM, Mr. BILIRAKIS, Mr. ROBERT F. SMITH, Mr. LOEFFLER, Mr. KASICH, Mr. HARKIN, Mr. KINDNESS, Mr. LONG of Maryland, and Mr. SILJANDER.

H.R. 1276: Ms. OAKAR.

H.R. 1390: Mr. SHANNON.

H.R. 1436: Mr. DURBIN.

H.R. 1511: Mr. FIELDS.

H.R. 1603: Mr. ACKERMAN, Mr. BARNES, Mrs. BOXER, Mr. CROCKETT, Mr. DE LUGO, Mr. DWYER of New Jersey, Mr. FAUNTROY, Mr. FEIGHAN, Mr. GRAY, Mr. GUARINI, Mr. HOWARD, Ms. KAPTUR, Mr. LEHMAN of Florida, Mr. LELAND, Mr. LONG of Maryland, Ms. MIKULSKI, Mr. MITCHELL, Mr. NOWAK, Ms. OAKAR, Mr. OBERSTAR, Mr. OTTINGER, Mr. RICHARDSON, Mr. SABO, Mrs. SCHROEDER, Mr. SCHUMER, Mr. SMITH of Florida, Mr. SOLARZ, Mr. STOKES, Mr. SUNIA, Mr. WASHINGTON, Mr. WEISS, Mr. WILLIAMS of Montana, Mr. FORD of Tennessee, Mr. FRANK, and Mr. WON PAT.

H.R. 1646: Mr. HUBBARD, Mr. ROE, and Mr. SAM B. HALL, JR.

H.R. 1658: Mrs. MARTIN of Illinois.

H.R. 1671: Mr. KEMP, Mr. ROE, and Mr. OWENS.

H.R. 1796: Mr. DWYER of New Jersey, Mr. FRANK, Mrs. HALL of Indiana, Mr. LELAND, Mr. MCKINNEY, Mr. ORTIZ, Mr. OWENS, Mr. RICHARDSON, Mr. SMITH of Florida, Mr. SUNIA, Mr. WEISS, and Mr. YATES.

H.R. 1823: Mr. APPLEGATE, Mr. BARNES, Mr. BONIOR of Michigan, Mr. CROCKETT, Mr. DE LUGO, Mr. DWYER of New Jersey, Mr. FISH, Mr. FRANK, Mr. KILDEE, Mr. LAFALCE, Mr. LEHMAN of Florida, Mr. MARKEY, Ms. MIKULSKI, Mr. MOLLOHAN, Mr. OBERSTAR, Mr. OTTINGER, Mr. RAHALL, Mr. RICHARDSON, Mr. SEIBERLING, Mr. STOKES, Mr. SUNIA, Mr. TRAXLER, Mr. VENTO, Mr. WON PAT, Mr. ACKERMAN, Mr. BORSKI, Mr. FORD of Michigan, and Mr. HERTEL of Michigan.

H.R. 1877: Mr. ACKERMAN, Mr. BARNES, Mrs. BOXER, Mr. CROCKETT, Mr. DIXON, Mr. DYMALLY, Mr. ECKART, Mr. EDGAR, Mr. EDWARDS of California, Mr. EVANS of Illinois, Mr. FAZIO, Mr. FEIGHAN, Mr. FRANK, Mr. FROST, Ms. KAPTUR, Mr. LEHMAN of California, Mr. MCNULTY, Mr. MARKEY, Mr. MRAZEK, Mr. OTTINGER, Mr. OWENS, Mr. RATCHFORD, Mr. SCHUMER, Mr. SMITH of Florida, Mr. STOKES, Mr. WASHINGTON, and Mr. WAXMAN.

H.R. 1899: Mr. RATCHFORD, Mr. MINETA, Mr. FAZIO, Mr. CROCKETT, Mr. MARKEY, Mr. STUDDS, Mr. LELAND, Mr. SCHUMER, and Mr. BERMAN.

H.R. 1918: Mr. GEJDENSON.

H.R. 2053: Mr. COELHO, Mr. HOYER, Mr. GLICKMAN, Mr. KOGOVSEK, Mr. MARRIOTT, Mr. SUNDQUIST, and Mr. IRELAND.

H.R. 2151: Mr. SOLOMON, Mr. LIVINGSTON, Mr. STUMP, Mr. KASICH, Mr. FIELDS, Mr. GINGRICH, Mr. MARRIOTT, Mr. HAMMERSCHMIDT, and Mrs. HOLT.

H.R. 2154: Mr. ACKERMAN, Mr. BEILENSON, Mr. BONIOR of Michigan, Mr. BOSCO, Mrs. BOXER, Mr. COYNE, Mr. CROCKETT, Mr. DASCHLE, Mr. EDWARDS of California, Mr. FORD of Michigan, Mr. LANTOS, Mr. LEVIN of Michigan, Mr. MAVROULES, Mr. MILLER of California, Mr. MRAZEK, Mr. RATCHFORD, Mr. RUSSO, Mr. ST GERMAIN, Mr. WYLIE, Mr. YATES, Mr. SAWYER, and Mr. HAWKINS.

H.R. 2193: Mr. HUBBARD, Mr. GREEN, Mr. IRELAND, Mr. GILMAN, Mrs. MARTIN of Illinois, and Mr. ENGLISH.

H.J. Res. 44: Mr. TORRICELLI and Mr. ACKERMAN.

H.J. Res. 89: Mrs. SCHROEDER, Mr. MARKEY, Mr. FOGLIETTA, Mr. WASHINGTON, and Mr. BATES.

H.J. Res. 121: Mr. HUCKABY, Mr. DAUB, Mr. GORE, Mr. OWENS, Mr. MAZZOLI, Mr. FEIGHAN, Mr. MCNULTY, Mr. BILIRAKIS, Mr. SIMON, Mr. DURBIN, Mr. D'AMOURS, Mr. WATKINS, Mr. SPRATT, and Mr. KAZEN.

H.J. Res. 139: Mr. MOLLOHAN, Mr. FOGLIETTA, Mr. TORRICELLI, Mr. MOORE, Mr. FEIGHAN, Mr. DIXON, Mr. MATSUI, Mr. LEHMAN of California, Mr. LAGOMARSINO, Mr. DYMALLY, Mr. FORD of Michigan, Mr. FORSYTHE, Mr. PATTERSON, and Mr. MCKINNEY.

H.J. Res. 140: Mr. DE LA GARZA.

H.J. Res. 162: Mr. WALGREN, Mr. BILIRAKIS, Mr. MURPHY, Mr. FORSYTHE, Mr. ROE, Mr. BIAGGI, Mr. OWENS, Mr. ROSE, Mr. FEIGHAN, Mr. WEAVER, Mr. VENTO, Mr. ACKERMAN, Mr. MAVROULES, Ms. FERRARO, Mr. BATES, and Mr. MRAZEK.

H.J. Res. 176: Mr. SIMON, Mr. RICHARDSON, Mr. PARRIS, Mr. DAVIS, Mr. BOEHLERT, Mr. MADIGAN, Mr. KEMP, Mr. MINETA, Ms. MIKULSKI, Mr. PRITCHARD, Mr. DURBIN, Mr. FOLEY, Mr. CARR, Mr. LEWIS of Florida, Mr. HANSEN of Utah, Mr. YOUNG of Missouri, Mr. LEHMAN of Florida, Mr. HOYER, Mr. BROOKS, Mr. HOWARD, Mr. LONG of Louisiana, Mr. WEAVER, Mr. BROWN of California, Mr. HUGHES, Mr. HAMMERSCHMIDT, Mr. LANTOS, Mr. DAUB, Mr. NICHOLS, and Mr. ROBINSON.

H.J. Res. 184: Mr. WHITEHURST, Mr. HOPKINS, Mr. STUMP, Mr. BATEMAN, Mr. LAGOMARSINO, Mr. ROBINSON, Mr. NATCHER, Mr. DYMALLY, Mr. HUBBARD, Mr. STARK, Mr. MYERS, Mr. LONG of Maryland, Mr. PERKINS, Mr. STRATTON, and Mr. WOLF.

H.J. Res. 186: Mr. LAFALCE, Mr. DIXON, Mr. HERTEL of Michigan, Mr. NICHOLS, Mr. BOEHLERT, Mr. ECKART, Mr. MORRISON of Connecticut, Mr. COELHO, Ms. KAPTUR, Mr. FOGLIETTA, Mr. FROST, Mr. IRELAND, Mr. ACKERMAN, Mr. EDWARDS of Alabama, Mr. COLEMAN of Texas, Mr. HUCKABY, Mr. BEREUTER, Mr. ANDREWS of Texas, Mr. SAM B. HALL, JR., Mr. BROOKS, Mr. BILIRAKIS, Mr. BROWN of California, Mr. NIELSON of Utah, Mr. NOWAK, Mr. ANTHONY, Mr. APPLEGATE, Mr. NEAL, Mr. CARR, Mr. MURPHY, Mr. LEVINE of California, Mr. CHAPPELL, Mr. RUSSO, Mr. PICKLE, Mrs. HALL of Indiana, Mr. CONABLE, Mr. MARKEY, Mr. DONNELLY, Mr. GEPHARDT, Mr. RINALDO, Mr. MOORE, Mr. PERKINS, Mrs. LLOYD, Mr. CONYERS, Mr. LATTA, Mr. DANIEL, Mr. BATEMAN, Mr. PATTERSON, Mr. GRADISON, Mr. TORRICELLI, Mr. PRICE, Mr. SNYDER, Mr. DELLUMS, Mr. LONG of Louisiana, Mr. ROBINSON, Mr. GILMAN, Mr. KASTENMEIER, Mr. DUNCAN, Mr. ERDREICH, Mr. FUQUA, Mr. ANNUNZIO, Mr. EMERSON, Mr. LEVIN of Michigan, Mr. RAY, Mr. HIGHTOWER, Mr. MARRIOTT, Mr. ROYBAL, Mr. MRAZEK, Mr. LIVINGSTON, Mr. CHENEY, Mrs. SMITH of Nebraska, Mr. HARKIN, Mr. MURTHA, Mr. DE LUGO, Mr. GEJDENSON, Mr. HANSEN of Utah Mr. ARCHER, Mr. ASPIN, Mr. HATCHER, Mr. HARTNETT, Mr. BEDELL, Mr. MOAKLEY, Mr. WYLIE, Mr. AUCOIN, Mr. SCHEUER, Mr. SHUMWAY, Mr. PORTER, Mr. BERMAN, Mr. HOPKINS, Mr. EARLY, Mr. WALGREN, Mr. COUGHLIN, Mr. ROEMER, Mr. PURSELL, Mr. BOLAND, Mr. RODINO, Mr. MINETA, Mr. CHANDLER, Mr. MCGRATH, Mr. EVANS of Iowa, Mr. RICHARDSON, Mr. SIKORSKI, Mr. RITTER, Mr. HILER, Mr. MYERS, Mr. DORGAN, Mr. BATES, Mr. OBERSTAR, Mr. LONG of Maryland, Mr. DEWINE, Mr. ANDERSON, Mr. ALBOSTA, Mr. STARK, Mr. OTTINGER, Mr. MAZZOLI, Mr. BIAGGI, Mr. VANDERGRIFF, Mr. WHITTAKER, Mr. SKELTON, Mr. WOLPE, Mr. MARTIN of North Carolina, Mr. ANDREWS of North Carolina, Mr. SPENCE, Mr. KOSTMAYER, Mr. GORE, Mr. YATRON, Mrs. BOGGS, Mr. WYDEN, Mr. PASHAYAN, Mr. MCCLOSKEY, Mr. TAUZIN, Mr. OXLEY, Mr. VALENTINE, and Mr. BROOMFIELD.

H.J. Res. 190: Mr. DAUB, Mr. YOUNG of Alaska, Mr. BOSCO, Mr. TAUZIN, Mr. O'BRIEN, Mr. WEAVER, Mr. MATSUI, Mrs. SCHNEIDER, Mr. FOLEY, Mr. MURPHY, Mr. DYMALLY, Mr. MARRIOTT, Mr. HUBBARD, Mr. ROE, Mr. WON PAT, Mr. JACOBS, Ms. KAPTUR, Mr. RAHALL, Mr. HORTON, Mr. RATCHFORD, Mr. STOKES, and Mr. LELAND.

H.J. Res. 208: Mr. SCHUMER, Mr. COOPER, Mr. LOWRY of Washington, Mr. HUBBARD, Mr. FRANK, Mr. PATMAN, Mr. LAFALCE, Mr. MINISH, Mr. LUNDINE, Mr. TORRES, Ms. KAPTUR, Mr. D'AMOURS, Mr. GARCIA, Mr. RICHARDSON, Mr. MCKINNEY, Mr. LEVITAS, Mr. MORRISON of Connecticut, Mr. COYNE, Mr. DWYER of New Jersey, Mr. VENTO, Mr. SMITH of Florida, Mr. FAZIO, and Mr. SUNIA.

H.J. Res. 218: Mr. HUGHES, Mr. JONES of Tennessee, Mr. BEVILL, Mr. WAXMAN, and Mr. GUARINI.

H. Con. Res. 90: Mr. MCCAIN, Mrs. BOXER, Mr. LIPINSKI, Mr. MCGRATH, Mr. ROE, Mr. LONG of Maryland, Mr. KASICH, Mr. APPLEGATE, Mr. SCHULZE, Mr. MOLLOHAN, Mr. FORSYTHE, Mr. EVANS of Illinois, Mr. MURPHY, Mr. FAUNTROY, Mr. DELLUMS, Mr. MACKAY, Mr. VANDERGRIFF, Mr. FROST, Mr. RICHARDSON, Mr. STENHOLM, Mr. MARKEY, Mr. MCCOLLUM, Mr. LAGOMARSINO, Mr. LELAND, Mrs. SCHROEDER, Mr. JACOBS, Mr. STOKES, Mr. RATCHFORD, Mr. FRANK, Mr. YATRON, Mr. MINETA, and Mr. HOYER.

H. Con. Res. 98: Mr. WINN, Mr. SKEEN, Mr. FRANKLIN, and Mr. RUDD.

H. Res. 50: Mr. ACKERMAN, Mr. BARNES, Mrs. BOXER, Mrs. COLLINS, Mr. EDGAR, Mr. GEJDENSON, Ms. KAPTUR, Mr. KILDEE, Mr. LEHMAN of Florida, Mr. MCNULTY, Mr. PEASE, Mr. PEPPER, Mr. SIMON, Mr. STUDDS, Mr. WAXMAN, Mr. LELAND, Mr. LEVINE of California, and Mr. GLICKMAN.

H. Res. 52: Mr. GUARINI, Mr. ADDABBO, and Mr. COURTER.

H. Res. 103: Mr. WOLPE.

H. Res. 112: Mr. BARNES.

H. Res. 119: Mr. DELLUMS.

H. Res. 135: Mr. GEJDENSON, Mr. SUNIA, Mr. SHANNON, Mr. ECKART, Mr. WEISS, Mr. ROYBAL, Mrs. KENNELLY, Mr. MCCURDY, Mr. OBERSTAR, Mr. DYMALLY, and Mr. DUNCAN.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

62. By the SPEAKER: Petition of City Council of Plainfield, N.J., relative to a freeze of nuclear weapons; to the Committee on Foreign Affairs.

63. Also, petition of the city commission, Miami, Fla., relative to purchasing materials made in the United States; to the Committee on Government Operations.

64. Also, petition of the Western States Land Commissioners Association, Tex., relative to indemnity land selections; to the Committee on Interior and Insular Affairs.

65. Also, petition of the city commission, Miami, Fla., relative to Cuban intelligence activities in the United States; to the Committee on the Judiciary.

66. Petition of the General Council of the Assemblies of God, relative to the designation of 1983 as "The Year of the Bible"; to the Committee on Post Office and Civil Service.

67. Petition of the City Council, Cleveland, Ohio, relative to the St. Lawrence Seaway; to the Committee on Public Works and Transportation.

68. By Mr. WORTLEY: Petition of the county legislature, Onondaga County, N.Y., relative to H.R. 715, repeal of withholding of savings interest; to the Committee on Ways and Means.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.J. RES. 13

By Mr. KRAMER:

—Page 5, after line 13, insert the following:

"(7) Discussing the impact that the development of comprehensive defensive systems would have on the reduction and eventual obsolescence of nuclear weapons.".

—In the preamble, strike out "and" and the end of the fourth Whereas clause, strike out ": Now, therefore, be it" at the end of the fifth Whereas clause and insert in lieu thereof "; and", and insert after such clause the following:

"Whereas the President has called for the development of defensive systems that may ultimately make nuclear weapons obsolete: Now, therefore, be it".

—In the preamble, strike out "and" at the end of the fourth Whereas clause, strike out ": Now, therefore, be it" at the end of the fifth Whereas clause and insert in lieu thereof "; and", and insert after such clause the following:

"Whereas the President has called for the development of defensive systems that may ultimately make nuclear weapons obsolete: Now, therefore, be it".

In the first section, strike out "and" at the end of paragraph (4), strike out "be it further" at the end of paragraph (5), and insert after paragraph (5) the following:

"(6) urges both powers to discuss the impact that the development of comprehensive defensive systems would have on the reduction and eventual obsolescence of nuclear weapons; and be it further".

—Strike out the period at the end of the matter proposed to be inserted by the Levitas amendment and insert in lieu thereof the following:

", and should propose discussions with the Government of the Union of Soviet Socialist Republics concerning the impact that the development of comprehensive defensive systems would have on the reduction and eventual obsolescence of nuclear weapons.".

By Mr. LEVITAS:

—Page 5, line 19, immediately after "SEC. 2." insert "(a)"; and immediately after line 23, add the following new subsection to section 2:

(b)(1) The Congress—

(A) recognizes that arms control negotiations will require conscientious effort over a reasonable period;

(B) believes that interim restraints are needed to prevent the possible expansion of nuclear forces during such negotiations; and

(C) concludes that such modernization as may take place in the strategic forces of the United States and the Union of Soviet Socialist Republics should be regulated in the interest of more far-reaching arms control measures.

(2) The Congress declares that—

(A) strategic stability is essential to the security and well-being of the United States and of the Union of Soviet Socialist Republics;

(B) force survivability is indispensable to stability at the strategic nuclear level;

(C) strategic stability requires the periodic replacement of vulnerable strategic nuclear weapons with more survivable weapon systems;

(D) both the Government of the United States and the Government of the Union of Soviet Socialist Republics have pledged themselves to seek major reductions in strategic nuclear forces;

(E) the goal of strategic stability thus requires a balanced blend of force modernization and force reduction by both the Government of the United States and the Government of the Union of Soviet Socialist Republics;

(F) that goal could be served by a mutual guaranteed build-down of nuclear forces, under which the Government of the United States and the Government of the Union of Soviet Socialist Republics would each eliminate from its operational forces two nuclear warheads for each newly deployed nuclear warhead;

(G) the principle of a guaranteed build-down is compatible with other proposals to reduce nuclear forces already advanced by the Government of the United States and the Government of the Union of Soviet Socialist Republics; and

(H) the principle of a guaranteed build-down could be inaugurated immediately and remain in effect as a step toward achievement of such equal and lower levels of forces as may be agreed to by the two Governments.

(3) It is, therefore, the sense of Congress that the President should propose to the Government of the Union of Soviet Socialist Republics, in the context of the relevant negotiations, immediate adherence by the Government of the United States and the Government of the Union of Soviet Socialist Republics to the principle of a guaranteed strategic build-down of nuclear forces, subject to agreed procedures of verification and compliance.

SENATE—*Thursday, April 7, 1983*

(Legislative day of Tuesday, April 5, 1983)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Where there is no vision, the people perish.—Proverbs 29: 18.

Almighty God, sovereign Lord of history and the nations, give to the Senators a vision of their immeasurable potential in unity. Free them from attitudes which short-circuit deliberations and frustrate decisiveness. Imbue them with the spirit of our Founding Fathers who risked lives, fortunes, and sacred honor for the sake of a united people. Help them to realize their almost unlimited power to address crisis, despite their diversity, when they are united in purpose.

Loving Father, infuse them with a passion for truth and justice. Give them grace to devote their energy and intelligence toward consensus and cooperation. Heal raw wounds and vindictive spirits, fill them with love and respect for their peers. With all their legitimate differences, empower them with Thy wisdom. We pray this for the glory of God, for the sake of a united people and a world at peace, in the name of the Prince of Peace. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

SENATE SCHEDULE

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, today after the recognition of the two leaders under the standing order, three Senators will be recognized on special orders of not to exceed 15 minutes each.

Mr. President, I ask unanimous consent that after the execution of special orders, that there be a time for the transaction of routine morning business of not longer than 30 minutes in length in which Senators may speak for not more than 5 minutes each.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the time allocated to the minority leader under the standing order may be reserved for his use at any time during this day.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE SBA BILL

Mr. BAKER. Mr. President, after the time for the transaction of routine morning business has expired or no further need for morning business appears to the Chair, it is the intention of the leadership on this side to attempt to proceed to the consideration of the SBA bill, which I identified on yesterday. I understand, Mr. President, that there may be debate on the motion to proceed, but in any event it is the intention of this Senator to move to the consideration of Calendar Order No. 40, S. 499, immediately after the expiration of the time for transaction of routine morning business.

Mr. President, I reserve the remainder of my time. I ask unanimous consent that I may utilize it at any other time during the course of this day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HUMPHREY). Without objection, it is so ordered.

Mr. BAKER. Mr. President, will the Chair advise me how much time I have remaining under the standing order?

The PRESIDING OFFICER. The majority leader has 8 minutes 7 seconds remaining.

Mr. BAKER. I thank the Chair.

THE ADELMAN NOMINATION

Mr. BAKER. Mr. President, I indicated on yesterday that I hoped we could take up the Adelman nomination next week, on Monday. It is a matter that must be dealt with, and it is a matter that is highly controversial.

Could I inquire of my friend and colleague, the minority leader, if he anticipates that there will be opposition to the effort of the leadership on this side to proceed to the consideration of that nomination on Monday?

Mr. BYRD. Mr. President, I doubt that there will be much, if any, opposition to proceeding to the consideration of the nomination.

Mr. BAKER. Mr. President, I thank the minority leader.

May I say by way of reciprocation, that there is nothing sacred about Monday. Next week we have a bankruptcy bill to deal with; we have the interest and dividend withholding matter that will become the pending business on Friday; and the Adelman nomination. I wonder if the minority leader could indicate to me whether he would be willing to negotiate or discuss with me and others the possibility of establishing a time certain for the consideration and disposition of the Adelman nomination next week.

Mr. BYRD. Mr. President, I have been proceeding along these lines. I personally am going to vote against the Adelman nomination, but I have no desire to delay; I do desire to have a time certain to vote. I hope that we can work out an agreement. I have not run this by all by colleagues, but I hope that we can work out an agreement whereby we shall have a certain amount of time to discuss the matter—2 hours, 4 hours, 6 hours, whatever may be a reasonable length of time—then vote. As of now, I would like to see the vote occur at some point on next Thursday.

My choice of Thursday is dictated by the fact that the minority whip will be here Thursday. He is very much involved in the matter. I would like to accommodate him in that respect. He is on the committee that has jurisdiction. Also, Thursday generally is a day when Senators do count on being here and are even prepared for late sessions.

So, I am endeavoring to see if we on our side can come up with a proposal whereby there would be ample controlled time for debate on the matter and a time set for the vote and let the Senate vote on the nomination.

As the Senator will recall, if I may digress for a moment, as a member of the Judiciary Committee, I voted to report out the Kleindienst nomination some years ago and stated at that time that I thought the Senate ought to have final say on that matter but that I intended to vote against Kleindienst in the Senate. I was among the few dissenters on that vote. I now feel on this one that we ought to have a chance to vote up or down. If the Senate wants to turn it down, that is the Senate's prerogative. If the Senate approves the nomination, it will do so without my vote. I do not intend to delay it and, as I said in my caucus on

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

two occasions, I do not expect this to be a partisan matter.

I think I have said all I need to say.

Mr. BAKER. Mr. President, the Senator has said a great deal. I am very grateful. I think I should say in return that I do not wish to proceed with my previously announced intention of going to the Adelman nomination on Monday. If indeed there is a chance, as the minority leader suggests, that we can work out a time certain to take it up and a time in which debate will occur, then a time for the vote up or down, it is certainly worth our time to pursue that. I would like to retract the statement I made earlier that we shall proceed to Adelman Monday. It is my hope, however, that we can do it next week. I can assure the minority leader that I shall be most cooperative in trying to work that out if possible.

Mr. BYRD. If the majority leader will yield——

Mr. BAKER. Yes, Mr. President, I yield.

Mr. BYRD. I had heard early on that there might be some inclination on the part of a Senator or some Senators to filibuster the nomination. I shall do all I can in discussing with those Senators that there be no filibuster on the nomination. Hopefully, they will be of such a mind as I am, that we ought to set the time for the debate and vote. The majority leader is always very lenient and considerate of the minority in regard to time required. If my colleagues want 6 hours, or 8, or 2, or 4, I shall be happy to present this proposal to the majority leader. I shall do what I can to discourage any filibuster.

Of course, it is the right of any Senator to speak as long as he wants. The majority leader and I both recognize that. I shall be very happy to try to work out a time for debate and a time for a vote. I shall be back with the majority leader on that.

Mr. BAKER. Mr. President, I am grateful to the minority leader.

Mr. President, on that, I hope to have a further statement to make on the Adelman nomination later but Senators should be advised that it is no longer the intention of the leadership on this side to try to reach the Adelman nomination on Monday.

MESSAGES FROM THE HOUSE

At 12:26 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 102. Concurrent resolution directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 1900.

The message also announced that pursuant to the provisions of 22 U.S.C. 276a-1, as amended by Public Law 95-45, the Speaker pro tempore appoints as additional members of the delegation to attend the Conference of the Interparliamentary Union to be held in Helsinki, Finland, on April 25 through April 29, 1983, the following Members on the part of the House: Mr. HAWKINS, Mr. DE LA GARZA, Mrs. BOGGS, Ms. OAKAR, Mr. FEIGHAN, Mr. HYDE, Mr. MCGRATH, Mr. BATEMAN, and Mr. BOEHLERT.

CORRECTION IN ENROLLMENT OF H.R. 1900

Mr. BAKER. Mr. President, there apparently is a need to make a technical correction in the concurrent resolutions passed in respect to the Social Security Act Amendments of 1983. I believe this has been cleared with the minority. I shall now state the request for the consideration of the minority leader and other Senators.

I ask unanimous consent that the Senate turn to the consideration of House Concurrent Resolution 102, a concurrent resolution making technical corrections in the Social Security Act Amendments of 1983, H.R. 1900.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Reserving the right to object, Mr. President, I shall not object. It is my understanding that the matter has been cleared by the Finance Committee and, indeed, does constitute technical corrections.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A House concurrent resolution (H. Con. Res. 102) directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 1900.

The PRESIDING OFFICER. Without objection, the concurrent resolution is considered and agreed to.

Mr. BAKER. I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE CALENDAR

Mr. BAKER. Mr. President, there are certain bills that appear to be cleared for action by unanimous consent. I inquire of the minority leader if he is in a position to similarly clear for action at this time all or any part of the following: Calendar Order No. 71, S. 809; Calendar Order 72, S. 820; Calendar Order 73, S. 967; Calendar Order No. 75, S. 589; Calendar Order No. 76, S. 808; and Calendar Order No. 77, S. 821.

Mr. BYRD. Mr. President, I am pleased to announce to the majority leader that these measures have been cleared on this side of the aisle. I have no objection to doing them en bloc with the understanding that they will be spread on the RECORD separately and that appropriate language from the committee reports, where there are committee reports, be inserted in explanation of the measures.

Mr. BAKER. I thank the minority leader.

AUTHORIZATION OF APPROPRIATIONS UNDER THE FEDERAL FIRE PREVENTION AND CONTROL ACT OF 1974

The bill (S. 809) to authorize appropriations under the Federal Fire Prevention and Control Act of 1974, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 809

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 17 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216) is amended by adding at the end thereof the following:

"(e) Except as otherwise specifically provided with respect to the payment of claims under section 11 of this Act, there is authorized to be appropriated an amount not to exceed—

"(1) $14,720,000 for the fiscal year ending September 30, 1984; and

"(2) $15,500,000 for the fiscal year ending September 30, 1985.

The funds authorized under this subsection shall be in addition to funds authorized in any other law for research and development at the Center for Fire Research of the National Bureau of Standards.".

Mr. BAKER. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 98-41), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF BILL

This legislation extends the authorization of the U.S. Fire Administration (USFA) and the National Fire Academy (NFA) in the Federal Emergency Management Agency (FEMA) for 2 years at the following levels: $14,720,000 for fiscal year 1984; and $15,500,000 for fiscal year 1985.

BACKGROUND AND NEEDS

In 1973 the National Fire Prevention and Control Commission issued its report, "America Burning". Subsequent to this report, the Federal Fire Prevention and Control Act of 1974 was enacted. This legislation created the USFA, the NFA and the Center for Fire Research in the National Bureau of Standards (NBS). In 1978, the USFA and NFA were placed under the aegis of the FEMA.

Fire is still a major cause of property damage, injury and death in the United States. Thus, while fire is considered to be

primarily a State and local concern, the role of the Federal Government in the prevention and control of both residential and commercial fires remains an issue of significant national importance.

The USA undertakes a variety of activities to reduce these fire losses. Recently, the USFA was reorganized to reflect the needs of the fire service community. Activities are now organized into four offices:

OFFICE OF FIRE POLICY AND COORDINATION

The Office of Fire Policy and Coordination will be responsible for oversight and management of the USFA. Among the new initiatives to be undertaken by this office are: improving the efficiency and accessibility of the fire data collection system; updating and expanding the program of public education through the "Fire Library" system in FEMA regional offices; documenting public-private sector partnerships that address fire prevention related problems; using these arrangements as models for expansion of the concept; and developing a new 5-year program plan for the USFA.

OFFICE OF FIREFIGHTER HEALTH AND SAFETY

Firefighting is one of the most dangerous professions in the United States. The Office of Firefighter Health and Safety focuses on research into, and the development and testing of, improved firefighting equipment and tools. The office is currently working on an improved type of protective suit and on a low-profile, long-duration breathing apparatus. The prototype of the new protective gear will be fieldtested and further refined in cooperation with the fire chiefs and with the firefighters. The USFA will continue to work with the U.S. Bureau of Mines and U.S. Divers Corporation on the breathing apparatus. It is anticipated that a prototype could be certified by the National Institute for Occupational Safety and Health (NIOSH) for testing prior to 1984. The USFA will also continue its efforts to assist in technology and information transfer to State, local firefighters, and associated emergency personnel.

FIRE PREVENTION AND ARSON CONTROL

Arson is a growing problem in the United States. The USFA has a leadership role in coordinating Federal anti-arson programs and in supporting a variety of anti-arson activities of State, local fire service, and law enforcement agencies. The Federal Arson Task Force consisting of representatives of various Federal agencies and chaired by FEMA serves as a forum for information exchange through its regular meetings and seminars featuring experts in the field. In conjunction with the Task Force, FEMA plans to improve its computerized arson information system, explore teleconferencing as an information transfer technique and set up an Arson Resource Center at the National Emergency Training Center (NETC). Initiatives and ongoing projects in fire prevention include a multiyear residential sprinkler program, a planned survey on the use, effectiveness and efficiency of smoke detectors, and a review of the various State/local laws mandating use of smoke detector's.

OFFICE OF FIRE DATA AND ANALYSIS

The accurate collection and anaylsis of a variety of different kinds of data on fires, such as causes, estimated losses, and cost of control, are very important to the overall effectiveness of USFA's programs. Working with FEMA's information resources management group, USFA will improve both the quality and accessibility of its National Fire Incident Reporting System. Efforts will concentrate on developing an improved standard collection from and on enhancing and expanding the feedback to State and local participants. USFA will continue its analysis of major or unusual fires, in partnership with the private sector, and will initiate two projects, long needed, and kerosene heaters and firefighter mortality.

THE NATIONAL FIRE ACADEMY

The NFA offers training to fire service personnel from across the country. Courses range from advanced concepts of fire department management to techniques of handling hazardous waste to arson detection. The NFA also provides training to other professionals such as architects, code enforcers, city managers, and planners, who are interested in matters of fire safety. In addition to providing courses at the NFA's residential campus at Emmittsburg, Md., the NFA provides "outreach" courses to State and local fire departments. The outreach courses are aimed primarily at the volunteer firefighters who comprise the bulk of the Nation's firefighting force. One of the most effective approaches used by NFA is the "train-the-trainer" program. In this program, selected State and local fire service personnel are given intensive training at the Academy's residential campus. These "trainers" then return to their home fire departments with prepackaged and field-tested courses, for training of their colleagues.

COMMITTEE VIEWS AND RECOMMENDATIONS

The Committee generally concurs with the administration's total budget request and proposed level of effort in each program. However, the Committee continues to be concerned that FEMA should remain committed to the concept of a Federal focus on fire prevention and control as exemplified in the USFA. The Committee encourages FEMA to continue its recent and productive interaction with the Joint Council of National Fire Service Organizations so as to remain sensitive to the needs of the Nation's fire service community. The Committee also urges FEMA to identify and nominate as soon as possible a U.S. Fire Administrator to head the USFA. The Committee believes that nomination of an Administrator would improve the overall effectiveness of the USFA's programs.

The Committee believes that the fire data collection and analysis and public education activities of the USFA represent one of the most effective and efficient ways to reduce fire losses in the United States. Therefore, the Committee encourages the USFA to continue to critically examine the budget allocation for its total program and to commit additional resources to the above activities if an examination warrants such an action.

AUTHORIZATION OF APPROPRIATIONS UNDER THE EARTHQUAKE HAZARDS REDUCTION ACT

The bill (S. 820) to amend section 7 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706) to extend authorizations for appropriations, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7(a)(4) of the Earthquake Hazards Reduction Act of 1977 (hereinafter referred to as the "Act") (42 U.S.C. 7706) is amended by striking out the period at the end thereof and by inserting in lieu "; for the fiscal year ending September 30, 1984, $3,705,000; for the fiscal year ending September 30, 1985, $4,400,000; and for the fiscal year ending September 30, 1986, $5,200,000."

SEC. 2. Section 7(b) of the Act is amended by striking out "and" after "1982;" and by inserting "; $29,524,000 for the fiscal year ending September 30, 1984; $31,000,000 for the fiscal year ending September 30, 1985; and, $32,500,000 for the fiscal year ending September 30, 1986" before the period at the end thereof.

SEC. 3. Section 7(c) of the Act is amended by striking out "and" after "1982;" and by inserting "; $27,300,000 for the fiscal year ending September 30, 1984; $29,800,000 for the fiscal year ending September 30, 1985; and, $32,500,000 for the fiscal year ending September 30, 1986" before the period at the end thereof.

SEC. 4. Section 7(d) of the Act is amended by striking out "and" after "1982;" and by inserting "; $475,000 for the fiscal year ending September 30, 1984; $500,000 for the fiscal year ending September 30, 1985; and, $530,000 for the fiscal year ending September 30, 1986" before the period at the end thereof.

Mr. BAKER. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 98-42), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF BILL

The purpose of the bill is to authorize appropriations for fiscal year 1984, 1985 and 1986 to the Federal Emergency Management Agency (FEMA), the U.S. Geological Survey (USGS), the National Science Foundation (NSF), and the National Bureau of Standards (NBS) to carry out provisions of the Earthquake Hazards Reduction Act of 1977. The bill authorizes appropriations to FEMA of $3,705,000 for fiscal year 1984, $4,400,000 for 1985, and $5,200,000 for 1986; to USGS $29,524,000 for fiscal year 1984, $31 million for 1985 and $32,500,000 for 1986; to NSF $27,300,000 for fiscal year 1984, $29,800,000 for 1985, and $32,500,000 for 1986; and to NBS $475,000 for fiscal year 1984, $500,000 for 1985, and $530,000 for 1986.

PROBLEM

Each year more than 1,000 earthquakes are detected in the United States. Although most are quite small and cause little or no damage, the potential exists for catastrophic effects in urban areas, with heavy loss of life and many injuries and with billions of dollars in economic and property losses.

The United States has been relatively unscathed by earthquakes in recent years. With extensive population growth and settlement in numerous large cities located over seismically active zones, it appears only a matter of time before this Nation experiences another major event and quite possibly a catastrophic one.

In 1981 the USGS issued a report which stated:

"If a (severe) earthquake should occur today on the Newport-Inglewood fault near Los Angeles, it would probably cause losses

of about $45 billion to buildings and as many as 23,000 deaths. . . . A repeat of the 1811-12 New Madrid, Mo. earthquake has been estimated to cause (roughly) comparable losses." Footnote: Hays, W. W., ed., 1981 Facing Geologic and Hydrologic Hazards: Earth-Science Considerations. U.S. Geological Survey Professional Paper 1240-B, p. B12)

The popular conception that earthquakes in the United States occur predominantly in California is not accurate. Major earthquakes in the United States have occurred in all regions and there are 39 States subject to major or moderate seismic risk.

According to a recent unpublished estimate from USGS, a large earthquake in the Puget Sound area (an area which has experienced severe earthquakes in the past) could cause property losses of up to $200-300 million, inflict as many as 10,000 casualties, and leave 20,000 people homeless.

BACKGROUND AND NEEDS

In 1977 the Congress, recognizing the problems posed by earthquakes, enacted the Earthquake Hazards Reduction Act of 1977 to reduce the risks to life and property from future earthquakes. The emphasis of the act is on prevention and preparedness as distinct from disaster relief. To achieve this, the act specifies several objectives: (1) development of an earthquake prediction capability along with an understanding of the economic, legal, political and social implications of such a capability; (2) preparation of model codes for construction and landuse decisions; (3) employment of modern design and construction methods to make new and existing structures earthquake resistant; (4) education of the public and decisionmakers concerning measures that could be taken to reduce hazards from future earthquakes; and (5) a basic and applied research program to advance the science and engineering aspects of earthquakes mitigation.

The act established the National Earthquake Hazards Reduction Program (NEHRP), a multiagency effort to meet the congressional mandated objectives. The agencies involved are FEMA, USGA, NSF, and NBS. The roles and reponsibilities of these agencies are described in the following section.

The Committee accepts the recommendation of funding of the administration on the USGS for fiscal year 1984. The Committee has provided for a 5 percent increase in authorization for fiscal years 1985 and 1986.

AUTHORIZATION OF APPROPRIATIONS FOR THE INDEPENDENT SAFETY BOARD

The bill (S. 967) to amend the Independent Safety Board Act of 1974 to authorize appropriations for fiscal years 1984, 1985, and 1986, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 309 of the Independent Safety Board Act of 1974 (49 U.S.C. 1907) is amended by adding at the end thereof the following new sentence: "There are authorized to be appropriated for the purposes of this Act not to exceed $22,600,000 for the fiscal year ending September 30, 1984, $24,500,000 for the fiscal year ending September 30, 1985, and $26,100,000 for the fiscal year ending September 30, 1986, such sums to remain available until expended."

Mr. BAKER. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 98-43), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF BILL

The bill authorizes the National Transportation Safety Board (NTSB) for 3 fiscal years, 1984-86.

BACKGROUND AND SUMMARY

The NTSB was made an independent Federal Agency by statute in 1974. Its duties and responsibilities include the investigation and determination of probable cause of transportation and pipeline accidents, the conduct of special studies and special investigations relating to transportation safety, review, and evaluation of operations and performance of other agencies with regard to their impact on transportation safety, the formulation of recommendations to prevent accidents or minimize resulting harm, and the review on appeal of decisions of the Secretary of Transportation pursuant to the Federal Aviation Act and of the Commandant of the Coast Guard with respect to certificates and licenses.

In recent years, the NTSB has focused primarily on aviation accidents. Highway, railroad, marine and pipeline accidents are also investigated. In the coming years the NTSB will, and is anxious to, spend more time on these other areas of transportation safety, particularly highway safety issues, including measures to reduce drunk driving and to require child restraints.

Once the NTSB has completed its investigation of an accident, it makes recommendations to the regulatory agency in charge of the mode. The rate of acceptance of these recommendations by the agencies in 1982 averaged over 80 percent. It should be noted that the Board has no regulatory authority. Rather, it relies solely on its reputation for excellence in accident investigations and its ability to persuade others to accept its safety recommendations.

In fiscal 1982, the level of appropriations for the NTSB was reduced by over 10 percent, from $19.1 million to $17.1 million. This severe cut caused a total manpower reduction of 27 percent, which translates into the loss of 85 full-time employees and the majority of the Board's temporary personnel. Before the year was over, however, it became apparent that an emergency supplemental appropriation was necessary to keep personnel training, equipment repair, purchases and travel expenditures at reasonable levels.

The Committee believes it imperative that the NTSB have adequate funds to ensure that there is sufficient and competent staff. This Committee does not want to see the Board's budget fall to a level which would either reduce the quality of the work or be at a level which would not allow the Board to fulfill its many missions.

The Committee has authorized the NTSB for fiscal years 1984-86 at levels which guarantee that if the number of accidents that occur during that time are greater than are now anticipated, or if several major accidents occur at once, the NTSB will be able to respond immediately and responsibly.

CAPITAL IMPROVEMENTS ON GUAM

The Senate proceeded to consider the bill (S. 589) to amend section 1(a)(1) of Public Law 95-348 (92 Stat. 487) to authorize the appropriation of $4,038,000 for capital improvement projects on Guam for fiscal year 1984, which had been reported from the Committee on Energy and Natural Resources with amendments, as follows:

On page 2, line 3, strike "$4,038,000 for fiscal year 1984", and insert "effective October 1, 1983, $15,500,000"; and

On page 2, after line 3, insert the following:

SEC. 2. Funds authorized to be appropriated for the construction of a hydroelectric facility in Ponape pursuant to section 101 of Public Law 96-205 (94 Stat. 84), as amended, may be appropriated directly to the Secretary of the Army for expenditure by the Chief of Engineers on such construction.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1(a)(1) of Public Law 95-348 (92 Stat. 487) as amended by Public Law 97-357 (96 Stat. 1705) is amended by deleting the word "and" where it last appears, and inserting after the words "fiscal year 1983," the words "and effective October 1, 1983, $15,500,000,".

SEC. 2. Funds authorized to be appropriated for the construction of a hydroelectric facility in Ponape pursuant to section 101 of Public Law 96-205 (94 Stat. 84), as amended, may be appropriated directly to the Secretary of the Army for expenditure by the Chief of Engineers on such construction.

Amend the title so as to read: "A bill to authorize $15,500,000 for capital improvement projects on Guam, and for other purposes.".

Mr. WEICKER. Mr. President, the legislation that the Senate is considering today, S. 589, would authorize funds for water and sewer construction along Tumon Bay in Guam for related drainage system and road repair. It would also authorize additional funding for the completion of the Guam Penitentiary.

Tourism is the major private sector industry in Guam, and the Tumon Bay area contains 11 hotels serving 85 percent of the tourists who come to the country. Since 1970, tourism has expanded considerably. The existing water, sewer, and drainage system is inadequate for present demand or proposed expansion, and the road is unsafe. The condition of the present storm drain system is such that hotel effluent makes its way into the bay. Both the administration and the government of Guam view this project as a priority item with a total project cost of $11.4 million.

During the hearing which the Subcommittee on Energy Conservation and Supply conducted on S. 589, the Governor of Guam requested an additional authorization of $4.1 million to complete the Guam Penitentiary, for which partial funding of $6.5 million was appropriated in fiscal year 1980.

The original plan was for a facility to house 261 inmates, a halfway house, and an administration building. Because of a shortage of funds, the facility now under construction will house only 84 inmates, even though the department of corrections has responsibility for 159 persons at this time. The Governor's justification indicates that $4.1 million would provide for a larger facility which would meet Federal standards.

S. 589, as amended in committee would increase the authorization level from $4,038,000 to $15,500,000 and make the authorization effective October 1, 1983. This would permit full funding of the Tumon Bay project ($11.4 million) and allow for the additional $4.1 million to complete the penitentiary.

The legislation as amended would also allow funds authorized by Public Law 96-205 to be provided directly to the Corps of Engineers to complete work already in progress on a hydroelectric facility in Ponape. This section does not authorize any new funding, nor does it alter the responsibility or authority of the High Commissioner or the Secretary of the Interior over construction activities in the trust territory. This section only provides discretion to make available already authorized funding directly to the Corps of Engineers so that work may continue without delay or interruption.

Mr. President, I urge my colleagues to support this legislation.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize $15,500,000 for capital improvement projects on Guam, and for other purposes."

Mr. BAKER. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 98-46), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

As introduced S. 589 would authorize funds for water and sewer construction along Tumon Bay in Guam and partial funding for related drainage system and road repair.

BACKGROUND

Tourism is the major private sector industry in Guam and the Tumon Bay area contains 11 hotels serving 85 percent of the tourists in Guam. Since 1970, tourism has expanded from 73,000 visitors generating $11 million in expenditures to 300,767 visitors spending $117.9 million in 1980. The existing water, sewer, and drainage system is inadequate for present demand or proposed expansion and the road is unsafe. Both the Administration and the Government of Guam view this project as a priority item with a total project cost of $11.4 million.

During the hearing which the Subcommittee on Energy Conservation and Supply conducted on S. 589, the Governor of Guam requested an additional authorization of $4.1 million to complete the Guam penitentiary for which partial funding of $6.5 million was appropriated in fiscal year 1980. The facility under construction will house only 84 inmates while the Department of Correction has responsibility for 159 persons at this time. The original plan was for a facility to house 261 inmates with segregated facilities for female inmates, a halfway house, and administration building.

THE TECHNICAL INFORMATION CLEARINGHOUSE FUND ACT OF 1983

The bill (S. 808) to enhance the transfer of technical information to industry, business, and the general public by amending the act of September 9, 1950 (15 U.S.C. 1151 et seq.) to establish a Technical Information Clearinghouse Fund, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Technical Information Clearinghouse Fund Act of 1983".

SEC. 2. The Act of September 9, 1950 (15 U.S.C. 1151 et seq.), is amended by adding at the end thereof the following:

"TECHNICAL INFORMATION CLEARINGHOUSE FUND

"SEC. 8. (a)(1) There is established in the Treasury of the United States the Technical Information Clearinghouse Fund (hereinafter referred to as the 'Fund'). The Fund shall be available to the Secretary, without fiscal year limitation, for use as a revolving fund to carry out clearinghouse activities.

"(2) For purposes of this section, the term 'clearinghouse activities' means the activities authorized in this Act and any other activities lawfully assigned by the Secretary to the clearinghouse established under section 2 of this Act.

"(b) There shall be deposited or included in the Fund—

"(1) all fees, advances, and reimbursements received from any source for products and services furnished, or to be furnished, by the clearinghouse;

"(2) all receipts from the sale, rental, or exchange of property used by the clearinghouse and all receipts in payment for any loss or damage to such property;

"(3) all receivables, inventories, and other assets associated with clearinghouse activities; and

"(4) any sums appropriated by law for the conduct of clearinghouse activities.

"(c)(1) The Fund shall be available to the Secretary for the payment of all costs of conducting clearinghouse activities, including the payment of any financial obligations related to clearinghouse activities which were undertaken by the Secretary prior to the establishment of the Fund or which are subsequently transferred to the Fund by law or in conjunction with any reorganization authorized by law.

"(2) As used in this subsection, the term 'cost' or 'costs' shall include all directly related expenses and appropriate charges for indirect and administrative expenses, including: accrued leave; uncollectible accounts; cost of sales; developmental costs; depreciation; inventory obsolescence; and financial obligations related to clearinghouse activities undertaken before the establishment of the Fund or subsequently transferred to the Fund by law or in conjunction with any reorganization authorized by law.

"(d) The Secretary may refund from the Fund any fee paid by mistake or in excess of a required fee.

"(e) At the close of each fiscal year, the Secretary shall transfer to the general fund of the Treasury any amount in the Fund that exceeds any present and reasonable future requirements of the Fund.

"(f) There is authorized to be appropriated to the Secretary not to exceed $5,000,000 for working capital for the Fund."

SEC. 3. Section 3 of the Act of September 9, 1950 (15 U.S.C. 1153), is amended by adding at the end of the first paragraph the following: "Such schedule or schedules shall, to the fullest extent feasible, reflect the costs of the products and services offered.".

Mr. BAKER. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 98-48), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

This legislation establishes a revolving fund, without fiscal year limitation, in the Department of the Treasury, to carry out the technical information clearinghouse activities of the National Technical Information Service. The bill also authorizes a one-time appropriation of $5 million to provide working capital for the revolving fund.

BACKGROUND AND NEED

The National Technical Information Service (NTIS) was created in 1970 by the Secretary of Commerce. At that time, the Clearinghouse for Federal Scientific and Technical Information, mandated by the act of September 9, 1950 (15 U.S.C. 1151 *et seq.*), and located at the National Bureau of Standards, was reassigned to NTIS. The Department of the Treasury assigned a trust fund to account for NTIS activities.

NTIS is the central source for the public sale of research, development and engineering reports by governmental agencies and contractors as well as for Government-generated computer-processable data files. NTIS sells its products and services on a self-sustaining basis with annual gross revenues of about $22 million.

The Department of Commerce, the General Accounting Office (GAO) and the Office of Management and Budget (OMB) examined the use of the trust fund and concluded it was not adequate for NTIS's needs. Since NTIS cannot retain earnings, it cannot develop a reservoir of working capital to finance operations during low cash periods. In addition, the trust fund mechanism provides no authority to purchase capital assets, thus, appropriations are constantly required to replace old equipment or to provide new services and equipment.

The proposed legislation would establish a revolving fund in the Treasury to fund the activities of NTIS, and authorize a one-time appropriation of $5 million as a reservoir of working capital for the fund. This $5 million would essentially serve as a "line of credit."

During low-cash periods, NTIS would draw on this capital to finance operations. During high-cash periods, this capital would be replaced from revenues; thus, no net budget outlay would occur. The bill also authorizes NTIS to retain earnings to replace capital and assets and inventories.

NATIONAL BUREAU OF STANDARDS AUTHORIZATION ACT FOR FISCAL YEAR 1984

The Senate proceeded to consider the bill (S. 821) to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal year 1984, and for other purposes, which had been reported from the Committee on Commerce, Science, and Transportation with an amendment to strike out all after the enacting clause, and insert the following:

That this Act may be cited as the "National Bureau of Standards Authorization Act for Fiscal Year 1984".

AUTHORIZATION FOR PROGRAM ACTIVITIES

SEC. 2. There are authorized to be appropriated to the Secretary of Commerce to carry out activities performed by the National Bureau of Standards the sums set forth in the following items:

(1) Measurement Research and Standards, $48,709,000 for fiscal year 1984.

(2) Engineering Measurements and Standards, $21,681,000 for fiscal year 1984.

(3) Computer Science and Technology, $10,000,000 for fiscal year 1984.

(4) Center for Fire Research, $5,886,000 for fiscal year 1984.

(5) Core Measurement Research for New Technologies, $12,407,000 for fiscal year 1984.

(6) Technical Competence Fund, $7,672,000 for fiscal year 1984.

(7) Central Technical Support, $8,405,000 for fiscal year 1984.

EXCESS FOREIGN CURRENCY

SEC. 3. In addition to the sums authorized to be appropriated by section 2 of this Act, there are authorized to be appropriated to the Secretary of Commerce $700,000 for fiscal year 1984 for expenses of the National Bureau of Standards incurred outside the United States, to be paid for in foreign currencies that the Secretary of the Treasury determines to be excess to the normal requirements of the United States.

OFFICE OF PRODUCTIVITY, TECHNOLOGY AND INNOVATION

SEC. 4. In addition to the sums authorized to be appropriated by sections 2 and 3 of this Act, there are authorized to be appropriated to the Secretary of Commerce, $4,752,000 for fiscal year 1984 for the activities of the Office of Productivity, Technology and Innovation, of which $1,000,000 shall be utilized for planning for a program to enhance manufacturing sciences and technologies.

SALARY ADJUSTMENTS

SEC. 5. In addition to the sums authorized to be appropriated by sections 2, 3, and 4 of this Act, there are authorized to be appropriated to the Secretary of Commerce for fiscal year 1984 such additional sums as may be necessary to make any adjustments in salary, pay, retirement, and other employee benefits which may be provided for by law.

AVAILABILITY OF APPROPRIATIONS

SEC. 6. Appropriations made under the authority provided in this Act shall remain available for obligation, for expenditure, or for obligation and expenditure for such period or periods as may be specified in the Acts making such appropriations.

COST RECOVERY AUTHORITY

SEC. 7. Section 12(f) of the Act of March 3, 1901 (15 U.S.C. 278b(f)) is amended—

(1) by striking "first"; and

(2) by inserting immediately before the period at the end thereof the following: ", and to ensure the availability of working capital necessary to replace equipment and inventories".

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BAKER. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 98-49), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF BILL

The purposes of the bill as reported are to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards (NBS), including certain special statutory programs, and to assist NBS in carrying out its responsibilities under the Organic Act of 1901. The bill as reported authorizes appropriations of $114.8 million for fiscal year 1984 for the NBS and $4.752 million for fiscal year 1984 for the Office of Productivity, Technology and Innovation.

BACKGROUND AND NEED

NBS, the Nation's oldest national laboratory, was established by Congress in 1901. The NBS Organic Act of 1901 (Public Law 56-177), as amended in 1950, sets forth the primary NBS mission, which is to develop national standards of measurement for use in scientific research, engineering, manufacturing and commerce. These standards provide the basis for the exchange of goods, accurate specification and compatibility of products, and quality control methods for production. NBS is authorized to: (1) develop, maintain and disseminate standards of physical and chemical measurements; (2) determine the properties of physical materials; (3) develop test methods for materials, mechanisms and structures; (4) establish standard practices in cooperation with other government agencies and the private sector; and (5) provide technical advisory services on a reimbursable basis to other Federal agencies. In addition to its primary responsibilities under the NBS Organic Act, NBS has direct or implied responsibilities under an additional seventeen statutes.

NBS is unique as a Federal agency in having an extremely broad mission which is relevant to nearly every national problem area and economic sector. The capabilities of NBS can be applied to a wide range of problems that affect economic development, enhanced innovation and productivity, and the use of energy and material resources. In addition, NBS has an important role in facilitating the transfer of technology between government, industry and academia.

Mr. BAKER. I move to reconsider the vote by which the several bills were passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I thank the distinguished Senator from Arkansas (Mr. PRYOR) for forbearing to claim his time under the special order. We have kept him waiting so long he may have disappeared.

RECOGNITION OF SENATOR PRYOR

The PRESIDING OFFICER. The Senator from Arkansas (Mr. PRYOR) under the previous order is recognized for not to exceed 15 minutes.

PROCUREMENT OF BINARY CHEMICAL EQUIPMENT AND MUNITIONS

Mr. PRYOR. Mr. President, the administration has requested in its fiscal year 1984 defense budget approximately $157.2 million for the procurement of binary chemical equipment and munitions. Of this $157.2 million, about $40 million—or 25 percent—represents funds that were requested and denied in the fiscal year 1983 budget request.

It is clear to me that this administration is intent on pursuing the production of binary chemical weapons, despite the fact that Congress rejected this program last year. The Pentagon is pursuing this course, even though the United States has not produced chemical weapons since 1969, when it ceased production as a matter of policy. In spite of a lapse of 14 years, we find ourselves back in the business of producing nerve gas.

I support efforts to maintain our existing stockpile and to continue defensive measures. Our present supply is more than adequate, with thousands of tons of chemical weapons stored across the country and in other parts of the world. These stockpiles should be good for many years to come.

But, Mr. President, it is wrong at this time to produce new binary weapons. And I say this for the following reasons:

First, it is an unnecessary expenditure of scarce national resources. Although the fiscal year 1984 request is for, as they say, only $157.2 million, funding for chemical weapons in outyears could cost several billions of dollars and will unnecessarily swell our defense budget denying funds for other more critical defense needs. The proposed production of binary chemical weapons does not represent thoughtful defense decisionmaking.

Second, the production of new chemical weapons adds nothing to our national security. What the Pentagon calls mutual deterrence I call madness. The fact is that an array of existing

weapons systems, which includes our current stockpile of chemical weapons, provides a formidable deterrent. It is not necessary to produce new binary weapons that could become unstable, as well as increasingly difficult and expensive to store and maintain.

Third, the production of new chemical weapons could begin a new arms race that would undermine chances for a verifiable chemical and toxin weapons treaty. In February of this year, Vice President BUSH made a trip to Europe and addressed the Committee on Disarmament concerning chemical weapons. Then on the 10th of February the United States presented to the 40-nation Committee on Disarmament our detailed views on the content of a complete and verifiable chemical weapons convention. In presenting this initiative, we have again stressed our commitment to banning the use and production of chemical weapons.

Mr. President, this new beginning in Geneva last month could initiate bilateral negotiations with the Soviet Union. The argument that the United States needs new chemical weapons as a bargaining chip has little foundation in fact. Such bargaining chips rarely work to encourage arms reductions, and this is no time to up the ante or change the rules of the game on such potentially dangerous weapons.

Mr. President, Western Europe would be a major potential battlefield for chemical weapons. But our allies that have become increasingly restive about plans to produce new chemical weapons and almost certainly will not allow them to be stored on their soil. Germany, in particular, has made it very clear that it will not harbor additional supplies, and that they will not train their people to use it. Virtually all chemical weapons, in other words, would have to be stored in the United States, far from where they are most likely to be used.

I join my colleagues—Senator HATFIELD, Senator HART, Senator COCHRAN and Senator LAUTENBERG—in sponsoring a bill today to delete all funding for binary chemical munitions and equipment as requested in the fiscal year 1984 defense budget and call upon the President to continue our discussions with the Soviet Union in this area. Our aims and goals in this legislation are hardly new ones:

We believe that the President should continue and intensify the recently begun efforts in the Committee for Disarmament in Geneva.

We hope that the President will continue to keep the Congress informed on the progress of discussions in Geneva.

We fully support the recommendations of the United Nations General Assembly to hold a special conference to establish effective procedures for compliance with the 1972 Biological and Toxin Weapons Convention.

And we support the United Nations General Assembly's request to establish procedures to investigate promptly any possible violations of the 1925 Geneva Protocol.

The time has come, Mr. President, to put an end to these hateful and indiscriminate weapons whose main victims are innocent civilians. As a rule, gas does not kill soldiers. Soldiers are equipped with masks and protective clothing that make them invulnerable. It kills civilians who have no protection from aerosol clouds that cause fatalities many miles from their detonation points.

World opinion is on our side. It would be in our best interests, and those of the Soviets, to move ahead and reach an agreement to once and for all ban these weapons. We must do all that we can to create the right kind of environment for this agreement, and we must be very careful about the message that we send to the Soviets and to the rest of the world.

Mr. President, I ask unanimous consent that the text of the bill sponsored by myself, Senators HATFIELD, HART, COCHRAN, and LAUTENBERG, along with a statement by Mr. COCHRAN and, should they be submitted, statements by other cosponsors, be printed immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the bill follows:

S. 994

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding any other provision of law, no agency of the Government may obligate or expend appropriated funds after the date of the enactment of this Act for the production of lethal binary chemical munitions.

(b) For the purposes of this section, the term "lethal binary chemical munitions" means (1) any toxic chemical (solid, liquid, or gas) which is intended to be used to produce injury or death to human beings through its chemical properties, and (2) any device, instrument, apparatus, or contrivance, including any components or accessories thereof, intended to be used only to disperse or otherwise disseminate any such toxic chemical.

SEC. 2. It is the sense of Congress that the President should immediately continue and intensify the recently begun efforts in the Committee on Disarmament with the Government of the Union of Soviet Socialist Republics, and other countries, to achieve an agreement establishing a mutual, verifiable ban on the production and stockpiling of chemical weapons.

LEGISLATION TO BAN THE PRODUCTION OF BINARY CHEMICAL WEAPONS

Mr. COCHRAN. Mr. President, I am pleased to join with my colleagues, Senators PRYOR, HATFIELD, and HART in introducing legislation to prohibit funding in fiscal year 1984 for the production of binary chemical munitions and equipment. This bill also calls upon the President to continue our discussions with the Soviet Union toward reaching an agreement to establish a mutual, verifiable ban on the production and stockpiling of chemical weapons.

I believe we must continue to press hard for a verifiable ban on chemical weapons, and I am pleased that the administration has in recent weeks indicated its desire to reach such an agreement. As reported by UPI on February 11, our negotiators at Geneva proposed that both nations destroy their chemical weapons and facilities over a 10-year period. However, the Soviets have continued to have reservations over verification through onsite inspection.

I hope the administration will continue to push hard for a treaty, and perhaps develop a method of verification that will satisfy both sides. This legislation would encourage the President to continue and intensify U.S. efforts.

In my view, the production of the new binary munitions as proposed in the fiscal year 1984 budget would be counterproductive to our efforts to convince the Soviets and other nations that we are indeed serious about banning chemical weapons. Therefore, I also support this legislation's intent to prohibit funding for production of binary chemical munitions.

The ongoing efforts to bring about verifiable arms reductions have been difficult, and I realize that reaching an agreement on chemical weapons will be difficult. However, I believe the Congress should do all it can to express to the President our support and encouragement for his efforts.

● Mr. HATFIELD. Mr. President, I am pleased to stand, once again, with my good friend, Senator PRYOR, to ban the production of chemical weapons. The resumption of nerve gas production is indefensible from moral, economic, and military standpoints. These are weapons of mass and indiscriminate destruction. Yet we are relying on the same bankrupt assumptions about the value of "bargaining chips" to control chemical weapons that we have used, unsuccessfully, to control nuclear weapons. The international community looks to us, not to imitate the Soviet Union, but to provide constructive leadership to eliminate these vile and militarily useless weapons. We should not be sending a signal to the world that nerve gas is a viable and attractive instrument of destruction.

We have no illusions. It is only prudent to assume that the Soviet Union is ready and willing to engage in chemical warfare. The question is how to best respond to the threat. Our current stockpile of chemical weapons exceeds any reasonable definition of sufficiency for a deterrent. For every chemical weapon we use in battle, a more effective, conventional weapon is

sacrificed. An enemy's chemical warfare capability is not destroyed by a chemical response; it is destroyed by a conventional response. Of course, we must remain steadfast in our pursuit of improved protective clothing for our men and women in uniform. This is our most effective insurance against chemical weapons.

But clearly, the initiation of a new technology which will ultimately cost this Nation many billions of dollars and which could shatter the prospects for arms control is not a sound response. It is an irrational response and I believe the public knows this. Chemical weapons do not kill soldiers, who are protected, they only kill civilians.

Last year, Mr. President, I held extensive hearings in the Appropriations Committee on this issue. For every point the administration raised in defense of this program, expert witnesses from diplomatic, scientific, and military fields offered a cogent rebuttal. Regardless of what one believes about the adequacy of the current stockpile or the viability of new binary weapons, to produce them now without having given arms control a thorough opportunity would not only be unjustifiable, it would be unconscionable.

Mr. President, my colleagues and I will have more to say about this program as time goes on. Let it suffice to say at this juncture that the production of new chemical weapons will diminish our national security rather than enhance it.●

● Mr. LAUTENBERG. Mr. President, the danger posed to our society by toxic chemicals is severe and growing. Each year we learn more about the threats posed by new and exotic substances that have become ever present in our lives and commerce. Each year we learn more about the need to devise safeguards for our people or to forgo the manufacture or use of certain substances. Undoubtedly, we will learn even more in the future.

This general concern about toxic substances becomes specific and pressing in the case of toxic chemicals purposely held by governments as weapons of war. The more than 1 million casualties, including 90,000 deaths and 100,000 permanent disabilities, from the use of chemical weapons in World War I, should give us pause in contemplating the resumption of production or use of chemical weapons.

International efforts since World War I to control the use of chemical weapons, including the signing of the 1925 Geneva Protocol, and to seek a total ban on their production and stockpiling are a testament to the horrors attendant to the use of such weapons during that war.

Mr. President, I am pleased to join in cosponsoring S. 994, which would prohibit the expenditure of funds for the production of chemical weapons and call on the President to intensify efforts to achieve a ban on such production. In doing so, I am associating myself with those of my colleagues who have been most active in informing this body as to the shortcomings and dangers of U.S. plans to resume production of chemical weapons.

Mr. President, the United States halted the production of chemical weapons on its own in 1969, convinced that the tens of thousands of munitions already stockpiled were adequate to deter the use of such weapons by others and that international agreements limiting or banning chemical weapons would serve the national security interest better than simply adding tens of thousands more artillery shells, bombs or spray tanks.

Those who would overturn this prior decision argue that a resumption of chemical weapons production is necessary to modernize and present a more credible deterrent.

In cosponsoring this bill, I take a different approach. I believe a sounder and more logical course is to reduce the threat of chemical weapons use and proliferation, to concentrate on improving our defensive equipment and capabilities and to intensify our efforts to achieve a total ban on the production, possession, and use of chemical weapons.

It was not by accident that the Congress, in 1982, decided this was the preferred course. The Congress found renewed production of chemical weapons marginal at best, given the long list of real defense needs that must be addressed. It also felt that the risks posed by these weapons were not worth the potential hazards they could occasion. However small initial investments in weapons may seem, they eventually lead to major expenditures.

I am not prepared to endorse potentially multibillion dollar programs that are only marginal, particularly in a time of record deficits. I also believe we should be working to eliminate these weapons, not encourage their production and use. A verifiable ban on chemical weapons has been a national security objective for 14 years. Efforts are going forward at the Geneva-based Committee on Disarmament. We should support these efforts and not rush into unnecessary production.

No one is under any illusion about the ease with which such negotiations may be concluded. Questions about verification, the place for legitimate commercial facilities, and many other complex issues must be resolved.

Some are skeptical that an acceptable agreement is possible and are prepared to move quickly to renew chemical weapons production. Certainly we must move carefully, but we cannot allow skepticism to blind us to the opportunities for progress that do exist.

We maintain a chemical weapons stockpile now that is neither obsolete nor deteriorating. We are making significant strikes in modernizing our defense capabilities and we are pursuing an agreement that would eliminate the threat of chemical weapons and the proliferation of such weapons in other national stockpiles.

Renewed production of chemical weapons costing billions of dollars through the rest of this decade would add nothing to our national security and would only increase the risks posed by these horrible weapons.●

RECOGNITION OF SENATOR LEVIN

The PRESIDING OFFICER. Under the previous order, the Senator from Michigan is recognized for not to exceed 15 minutes.

Mr. LEVIN. I thank the Chair.

UNITED STATES, ALLIED, AND SOVIET NAVAL ACQUISITIONS

Mr. LEVIN. Mr. President, it is an understatement to say that the administration's request for defense spending in fiscal 1984 has generated extreme controversy. Throughout the Nation, Americans are asking why the Defense Department needs 10 percent growth in outlays and budget authority, after inflation, while the programs and services of the rest of the Federal Government suffer net decreases.

The administration has been unable to provide a convincing response. Instead, this administration has resorted to extreme and exaggerated statements about Soviet strengths and American and allied weaknesses to sell its defense program.

The President has been a flagrant offender in this regard, even though many of his statements are contradicted by both the historical record and indeed our Nation's highest military leaders.

In his "Star Wars" speech just 2 weeks ago, the President said that "a decade of neglecting our military forces has called into question our ability to 'keep the peace'." Last November, he declared that "in virtually every measure of military power, the Soviet Union enjoys a decided advantage," a statement contradicted by the Library of Congress.

In fact, in a moment, I shall present the results of a special Library of Congress study I requested which shows that, during the 1970's—the supposed decade of neglect—the United States alone acquired almost twice as many major, conventional combat surface ships, aircraft carriers, and large amphibious ships as did the Soviet Union.

When you add the naval acquisitions of our major allies and the Soviet's allies to these totals, the disparity in

our favor becomes even greater, according to this study. As far as the naval balance is concerned, the claims that there was a decade of neglect, or that we have somehow lost our maritime superiority, are groundless, based on a careful reading of this special analysis.

To justify his claims, the President resorts to selective comparisons of the military equipment inventories and production rates of the United States and the Soviet Union. Two weeks ago, for example, we were told that the Soviet Union had produced 61 attack submarines between 1974 and 1982, while the United States had produced only 27. In armored vehicles, including tanks, we were told we have been outproduced 54,000 to 11,200.

The list of misleading comparisons also included statements about our strategic nuclear deterrent forces, which the President declared are "increasingly obsolete." He repeated this theme before the Los Angeles World Affairs Council when he said, "Our B-52 strategic bombers are older than many of the pilots who fly them; if they were automobiles, they would qualify as antiques."

What the President did not give us in these speeches is a full and balanced presentation of the military strengths and weaknesses of ourselves and the Soviets—both qualitatively and quantitatively. Nor did he address the relative capabilities of our allies and the Soviets' allies, and these are crucial factors in assessing the overall military balance.

And the President certainly did not tell us what some of our top military leaders have been saying recently about the state of this balance.

The President did not mention that Gen. Frederick Kroesen, the commander of all U.S. Army troops in Europe as well as of some allied West German and Canadian forces, has said:

> It disappoints me to hear people talk about the overwhelming Soviet conventional military strength. We can defend the borders of Western Europe with what we have. I've never asked for a larger force.

This is the military leader who will face many of those armored vehicles to which the President referred.

The President did not mention that Adm. M. Staser Holcomb, the commander of our Navy's 7th Fleet, which is forward deployed in the Western Pacific and Indian Oceans against many of those Soviet attack submarines, has said he thinks his forces would defeat the large Soviet Pacific Fleet if war ever came.

The President also did not report what the commander of the Air Force's Strategic Air Command, which includes most of our nuclear forces, had to say about his supposedly obsolete and antique bombers. Gen. Bennie Davis said:

> SAC can perform its mission today. We maintain two very potent legs of the Triad. The B-52 and FB-111 are still very effective bombers—we have not let them atrophy, but have implemented modifications that have kept pace with the expanding, improving Soviet threat.

The continued unwillingness to temper its defense budget justifications with military and fiscal reality and continued use of extreme exaggerated rhetoric are fast eroding whatever remains of the public consensus to strengthen our defense capabilities in needed areas.

A prime example of the administration's misguided defense budget priorities, and of the way it tries to sell them to the American people, is its overly ambitious naval expansion program. The 600-ship Navy it proposes to build, centered around 15 carrier battle groups, would be the wrong Navy for any future war with the Soviet Union because it would concentrate our precious sea-based strike aircraft on too few ships of increasing vulnerability.

This administration has emphasized two themes in trying to justify this Navy shipbuilding program—that our Navy has lost its thin edge of maritime superiority against the Soviet Navy, and that the 1970's was a "decade of neglect" in the U.S. military shipbuilding program.

Navy Secretary John F. Lehman, Jr., established the outlines of this argument 2 years ago, when he declared on February 5, 1981, before the Senate Armed Services Committee:

> In the last few years, while we endlessly rebalanced our cost effectiveness equations, the Soviet Union has built almost three times as many major warships as we. So after more than a decade of these adverse trends, I believe that our former narrow margin of superiority is gone.

Early last year, I asked the Library of Congress to examine the shipbuilding programs of the United States and its major allies. I wanted to find out whether the historical record supported this assessment.

The Library of Congress recently delivered its report to me entitled "United States, Allied, and Soviet Naval Ship Acquisitions, 1970-1979." Its findings provide a far different perspective on this period than Secretary Lehman would have you believe, and I want to present those findings for the Congress and the American people to consider.

A close analysis of this report shows that during the decade of supposed neglect, the United States and its allies outbuilt the Soviets and their allies, 200 ships to 109, in the major categories of ships directly related to an ability to wage a conventional war on the high seas. In some categories, the margin of Western superiority has been almost 2 to 1.

In terms of numbers of ships and total tonnage delivered during the 1970's the Soviets are only close to the West because they built significant numbers of ships in categories which have limited, if any relationship to the ability to fight an open-ocean, global, conventional naval campaign. Those ships include strategic ballistic missile submarines, small surface combatants for coastal patrol and with limited open ocean capabilities, small amphibious ships and large auxiliary/support ships.

In one of the ship classes most publicized by our Navy as an overwhelming Soviet threat—attack submarines—the United States and its allies actually outbuilt the Soviets and their allies in both nuclear and conventionally powered vessels 87 to 70.

Based on their 1970's building rates for large amphibious ships, the Soviets' allegedly vaunted capability to intervene militarily in far away locations such as the Persian Gulf becomes much more manageable. The United States alone had an overwhelming edge in this category during the 1970's, including the construction of five large multipurpose amphibious assault ships which also could be considered light aircraft carriers. Our edge in numbers was 34 to 24, and our margin in tonnage, which is a clear measure of the capacity to transport and land troops and equipment, virtually eclipsed the U.S.S.R., 335,600 to 89,850.

The United States alone built 2 large aircraft carriers for a total of 163,200 tons; the Soviets built none, although they did deliver two medium carriers totaling only 64,000 tons.

In major surface combatants, the United States alone outbuilt the Soviets by almost a 3-to-1 numbers and tonnage margin in destroyers—25 to 9 and 145,750 tons to 54,000 tons. The numbers/tonnage margin in frigates is almost 2-to-1—43 to 21 ships and 130,661 tons to 72,450 tons. Our allies add another 37 ships and 144,897 tons to the frigate equation.

In only two categories of surface combatants did the Soviets and their allies outbuild the United States and its allies: Cruisers (7 to 5 and 57,400 tons to 49,122 tons) and smaller frigates/patrol boats (85 to 67 and 118,150 tons to 117,462 tons). The latter are hardly the scourge of the high seas and are much more suited to inland sea/coastal operations.

The greatest difference between the Western and Soviet naval shipbuilding programs according to the Library of Congress comes in the strategic nuclear arena, where the Soviets built 56 missile submarines (SSBN's) and our French allies built 4. The United States delivered no such vessels in the 1970's, but that is because we did not need to, having finished our major SSBN program in the previous decade. It was the Soviets who were so far

behind in this category and who had to catch up, which accounts for their large SSBN program. The United States did begin construction of nine new Trident missile submarines during the last decade, however, so our own missile submarine fleet would be maintained in the 1980's and beyond.

Mr. President, the Library of Congress report answers the administration's argument that we lost our maritime superiority during the last decade. The historical facts just do not support such a conclusion.

These facts also demonstrate that our Navy should stop minimizing the contributions of our major allies when it describes the naval balance worldwide. We would not fight alone against the Soviets and their allies, and it is misleading to eliminate our own allies from any assessment of the strengths and weaknesses of both sides.

Mr. President, there is no question that we need to have a vigorous Navy shipbuilding program each year. Maintaining a proper maritime balance between the West and the Soviet Union and its allies requires appropriate maintenance and modernization of our fleets.

However, this does not mean that we have to make budget decisions regarding the Navy based on one-sided data any more than we should throw money at any other Government program—military or domestic. If the Navy cannot justify its expansion program on the basis of a more balanced presentation of the comparative strengths and weaknesses of ourselves and our adversaries including our respective allies—something I am skeptical it can do—then Congress must restrain the administration's more grandiose plans.

Congress should rescind its approval of one, if not both, of the nuclear aircraft carriers it authorized last year, Mr. President. That money could be better spent on other Navy programs or programs for the other services, or it could not be spent at all to help reduce our budget outlays and deficits during the next 5 years.

Mr. President, I ask unanimous consent to have printed in the RECORD a summary chart I have prepared on the Library of Congress report as well as a copy of the report itself.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES, SOVIET AND ALLIED SHIP ACQUISITIONS, 1970–79

	United States/allies		U.S.S.R./allies	
	Number	Tons	Number	Tons
Key conventional ship classes for open ocean combat:				
Surface combatants:				
3,000 to 5,500 tons; mainly frigates	80	275,558	21	72,450
5,500 to 8,000 tons; mainly destroyers	26	151,850	9	54,000
8,000 plus tons; mainly cruisers	5	49,122	7	57,400
Large aircraft carriers (60,000 plus tons)	2	163,200	0	0
Medium aircraft carriers (30,000 to 60,000 tons)	0	0	2	64,000
Attack submarines	87	214,323	70	216,400
Nuclear (SSN/SSGN)	38	166,213	34	142,600
Conventional (SS)	49	48,110	36	73,800
Total	200	854,053	109	464,250
Long-range amphibious warfare ships:				
Small carriers/largest multipurpose amphibious ships	5	105,000	0	0
Large amphibious ships (3,000 plus tons)	29	230,600	24	89,850
Total	34	335,600	24	89,850
Coastal amphibious ships: Small amphibious ships (750 to 3,000 tons)	11	15,300	35	45,000
Coastal patrol/limited open ocean ships: Surface combatants (750 to 3,000 tons)	67	117,462	85	118,150
Other ships:				
Large auxiliary/support ships (all types)	33	313,837	58	399,403
Strategic ballistic missile submarines	4	30,000	56	468,400

UNITED STATES, ALLIED, AND SOVIET NAVAL SHIP ACQUISITIONS, 1970–79

INTRODUCTION

This paper is an analysis of the U.S., U.S.-allied, and Soviet naval ship acquisitions during the 1970's.[1] In part, it expands and amends the CRS report entitled "Comparison of U.S. and U.S.S.R. Naval Shipbuilding", authored by Alva M. Bowen in March 1976. Basic information for the report was drawn from Jane's Fighting Ships for the years in question, especially the 1980–1981 edition. In addition, information from Michael Mccgwire (of the Brooking Institution) and Joel Wit (an independent military analyst) was significant in tabulating Soviet naval ship acquisitions. Only warships of over 750 tons standard displacement were considered.[2] Small aircraft/helicopter carriers configured as amphibious/vertical assault ships, however, were treated separately (as small aircraft carriers). A section tabulating auxiliary and support ships has been included. While these ships are not, in themselves, warships, they contribute to the effectiveness of gun, missile and aircraft platforms. In addition, they consume shipbuilding resources. The analysis does not address the ship conversion programs executed by all of the navies during the 10-year period considered.

Analysis of a 10-year period shows trends of naval construction in terms of numbers of ships and gross tonnage, even if those ships procured during the period do not reflect the actual distribution of ship types in the fleet. Thus, for example, analysis of information contained in the appendix to this report shows that the Soviet Union could sustain a fleet of 1101 ships (of all types) if the 1970–1979 building rates were maintained. The force in being at the end of 1982 was about 900. Likewise, the United States could sustain a navy of 480 ships (including certain Coast Guard assets). The 1982 force (including Coast Guard cutters and icebreakers) numbered 538. (Many of these are older destroyers and Coast Guard cutters which will be retired without a "one-for-one" replacement by new construction vessels.) When Western ally shipbuilding is added to U.S. shipbuilding, the sustainable number rises to 1047 ships. However, it should be understood that a 10-year period is too short a horizon to predict future fleet compositions. For example, the U.S. Navy acquired no ballistic missile submarines during the period encompassed by this report while the Soviet Navy acquired 56. Yet both navies are expected to maintain SSBN fleets for the foreseeable future. The analysis in this report is useful in showing the relative size of the shipbuilding efforts and some indication of the priority given the various ship types, but must be considered in relation to other factors such as the age of the various ship classes. Ship service life is a major component (along with annual building rate) in determining the size fleet that any navy can sustain over several decades, Thus for example, if a navy constructs 10 ships every year, each with a service life of 30 years, at the end of 30 years the fleet will number 300 ships. Thereafter, each annual increment of 10 ships only replaces those aging ships that retire from the fleet, thus sustaining a 300-ship navy. The following table summarizes ship acquisitions by the Eastern and Western blocs.

TABLE 1.—SUMMARY OF NAVAL SHIP ACQUISITIONS, 1970–79, BY THE UNITED STATES, NATO (INCLUDING FRANCE), AND PACIFIC ALLIES, AND THE SOVIET UNION

Category	United States [1]		NATO [2]		PAC [3]		U.S.S.R. [4]	
	Number	Tons	Number	Tons	Number	Tons	Number	Tons
1. Surface combatants (750 to 3,000 tons)	3	6,750	46	79,182	18	31,530	85	118,150
2. Surface combatants (3,000 to 5,500 tons)	43	130,661	32	124,597	5	20,300	21	72,450
3. Surface combatants (5,500 to 8,000 tons)	25	145,750	1	6,100	0	0	9	54,000
4. Surface combatants (8,000 tons and up)	5	49,122	0	0	0	0	7	57,400
5. Small carriers (under 30,000 tons)	5	105,000	0	0	0	0	0	0
6. Medium carriers (30,000 to 60,000 tons)	0	0	0	0	0	0	2	64,000
7. Large carriers (over 60,000 tons)	2	163,200	0	0	0	0	0	0

[1] Soviet-allied Naval shipbuilding for their own navies was minor and was included in Soviet shipbuilding in this report.

[2] According to Jane's Dictionary of Naval Terms, standard displacement is defined as the "theoretical but accurate weight of vessel fully manned and equipped, with stores and ammunition but without fuel or reserve feed-water.

TABLE 1.—SUMMARY OF NAVAL SHIP ACQUISITIONS, 1970–79, BY THE UNITED STATES, NATO (INCLUDING FRANCE), AND PACIFIC ALLIES, AND THE SOVIET UNION—Continued

Category	United States [1]		NATO [2]		PAC [3]		U.S.S.R. [4]	
	Number	Tons	Number	Tons	Number	Tons	Number	Tons
8. Large amphibious ships (over 3,000 tons)	29	230,600	0	0	0	0	24	89,850
9. Small amphibious ships (750 to 3000 tons)	0	0	5	4,840	6	10,460	35	45,000
10. SSBN's (all)	0	0	4	30,000	0	0	56	468,400
11. SSN's/SSGN's (all)	30	132,613	8	33,600	0	0	34	142,600
12. SS (all)	0	0	41	33,550	8	14,560	36	73,800
13. Large auxiliary/support ships (all types)	18	227,940	14	80,897	1	5,000	58	399,403
Total	160	1,191,636	151	392,766	38	81,850	367	1,585,053

[1] Naval and Coast Guard ships expressed in number of ships and standard displacement.
[2] NATO acquisitions include France; exclude United States.
[3] Pacific allies include Australia, New Zealand, and Japan.
[4] Soviet acquisitions include those from Warsaw Pact allies and from Finnish shipyards.

ANALYSIS

Table I permits comparison of both numbers and displacements of ships delivered. Neither comparison is adequate by itself, but taken together an informed judgment of the relative resource expenditure and resulting capability is possible when comparing displacements of similar ships. Care should be exercised in comparing displacements of dissimilar ships, since, for example, an escort will probably be more costly and have entirely different capabilities than a much larger cargo-type ship. Likewise, a nuclear submarine is more costly to procure and is on the whole more capable than a conventionally-powered submarine of the same displacement, in terms of endurance and underwater speed. Since the data reflect composites in the case of the United States and its allies, international political implications (especially those involving specific allies with the Soviet Union) which affect naval planning must be considered. Thus, should a NATO ally opt for neutrality during an East-West conflict outside the NATO region, those fighting ships would not be available to engage the enemy. Likewise, many NATO-Warsaw Pact conflict scenarios envision a war limited to the European theater. In such an event, assets of Pacific allies might not be available. With these limitations in mind, the following observations on the data contained in table 1 are made.

Comparison of ship deliveries, 1970–79

For the period studied, the Soviet Union outbuilt the United States in numbers of ships by 129%. Total Soviet tonnage exceeded United States tonnage by 33% during the period. When NATO allies (including France) are included in the calculations, Soviet ship acquisitions exceed total NATO acquisitions by 18%. Total Soviet tonnage acquisition, however, exceeds NATO levels by less than 1%. If Pacific allies' acquisitions are added to these totals, Soviet acquisitions exceed U.S. and Allied ship acquisitions by 5%, but total allied tonnage acquired exceeds Soviet construction by 5%.

Emphasis of shipbuilding programs

During the period studied, the four groups considered acquired naval ships in a manner emphasizing differing naval strategies. Soviet, U.S., and NATO (specifically British and French) navies started, or continued, building nuclear submarine forces to take advantage of the revolution in underseas warfare conveyed by nuclear power technology. (However, both Soviet and NATO navies also continued to procure conventionally-powered submarines. The United States did not.) The United States Navy acquired several nuclear-powered surface combatants (large aircraft carriers and cruisers). The Soviet Navy restricted surface ship nuclear applications to large icebreakers during the decade.[3] The NATO and Pacific allies' navies have eschewed nuclear-powered surface ships, considering them too expensive. The following table illustrates some basic differences in emphasis between the various navies, expressing percentage of tonnage acquired during the 1970–1979 time frame for various categories of ships.

TABLE 2.—PERCENT OF TOTAL NAVAL TONNAGE ACQUIRED (1970–79) BY NAVIES UNDER CONSIDERATION, DISTRIBUTED BY MAJOR CATEGORY [1]

Category	United States	NATO	PAC	Combined average	U.S.S.R.
Surface combatants [2]	70	54	76	66	32
All submarines	11	25	18	15	43
All auxiliaries/support ships	19	21	6	19	25

[1] Each navy's totals equal 100 percent.
[2] For the purpose of this table, this category includes aircraft carriers and amphibious assault ships.

Table 2 illustrates the greater emphasis that the Soviet Union placed on the procurement of submarines, compared to U.S. and allied efforts. By the same token, the allies concentrated substantially on procurement of surface ships. At least in relative effort, the Soviets did not.

Average displacement of all ships delivered

Table 3 shows that average displacement of ships delivered to each group during the 1970–1979 time period.

TABLE 3.—AVERAGE DISPLACEMENT IN TONS

Navy	Displacement
United States	7,448
NATO	2,601
PAC allies	2,154
U.S.S.R	4,319

To a considerable extent, the high U.S. figure reflects the naval construction program to modernize the auxiliary support fleet and construct a 20-knot-capable amphibious force.

Average number of ships delivered per year

Table 4 shows the size navy that could be sustained if the building rates of the 1970–1979 time period were maintained, assuming an average service life of 30 years.

[3] The Soviet Navy is believed to have constructed a nuclear powered cruiser, which may have commenced sea trials in 1980. Whether this presages a major effort to construct a surface nuclear navy by the Soviets is still a matter of conjecture and debate.

TABLE 4.—SUSTAINABLE NAVIES IN TERMS OF 1970–79 BUILDING RATES

Navy	Sustainable numbers	Sustainable tonnage
United States	480	3,574,908
NATO	453	1,178,298
PAC	114	245,550
U.S.S.R.	1,101	4,755,159
Allies (all)	1,047	4,998,756
U.S.S.R.	1,101	4,755,159

As table 4 indicates, the sustainable Soviet Navy substantially outnumbers the sustainable U.S. Navy. NATO including U.S. equals Warsaw Pact sustainable tonnage, but falls short in numbers (by 15%). When Pacific ally shipbuilding is added, the sustainable number of ships built in the west almost equals that of the Soviet Bloc. Western sustainable tonnage exceeds Soviet Bloc sustainable tonnage by 5%.

Analyses of specific ship categories

The following section discusses the 13 categories delineated in table 1.

Category 1: Surface Combatants (750–3,000 Tons)

The lower tonnage figure was selected to permit inclusion of the very capable Soviet Tarantul- and Nanuchka-class missile corvettes and the Grisha-class gun corvette, as well as the 950-ton French Type A69-class missile/gun corvette, now building. Ships of these classes have a limited range. While primarily designed for inshore operations, the Soviet corvettes have been spotted in the Mediterranean and the North Sea. The Nanuchka-class is armed with the SS–N–9 anti-shipping missile (range: 60 miles), indicating that it could be used to interdict allied shipping during a NATO war. By the same token, the French Type A69 is capable of being fitted with the Exocet anti-shipping missile, thus giving it some capability against large surface combatants.

NATO allies have procured category 1 ships for a variety of reasons, reflecting different mission requirements (antisubmarine warfare [ASW], limited antiair warfare [AAW], coastal area sea-control, and inshore warfare). Weapons suites (i.e., the ship's array of weapons) reflect mission criteria. They usually carry an ASW helicopter or surface-to-surface missiles (SSMs) as the "main battery". They are usually armed with one dual purpose cannon (often 3"/76mm). Radius-of-action and sea-keeping qualities of category 1 ships at the lower end of the tonnage spectrum are often limited. Beyond the Type A69 French corvettes discussed above, NATO navies have procured a significant number of category 1 ships. For example, Britain and France (both of which still maintain sizeable, multi-

purpose navies) procured, respectively, 13 and 10 of these ships.

The British ships, displacing over 2,000 tons, are capable of supporting a range of naval activities (screening carriers, amphibious groups, and convoys; conducting limited independent ASW operations). On the other hand, the 10 corvettes constructed by Portugal during the early 1970s are of more limited capability, designed primarily to police Portugal's former colonies in Africa. The four Belgian Weilingen-class frigates represent a departure by that country from traditional naval policy. Despite the fact that Belgium had no prior naval requirement beyond coastal defense, the Belgian Navy has acquired ships with significant sea-keeping capabilities (almost certainly for a strictly NATO application).

Most of the category 1 ships constructed by Pacific allies were built in Japan. The 11 Chikugo-class frigates, while reasonably well-armed, are of limited endurance.

The three category 1 ships acquired by the United States during the 1970s were Hamilton-class high endurance Coast Guard cutters. These ships have significant ASW and AAW capabilities and could function, to some extent, as naval warships during wartime. The successor class of Coast Guard ships, the 270-foot medium endurance cutters now building are much closer in configuration to the European category 1 ships. Given limited range and endurance, these ships appear more suited for the inshore warfare role.

Table 5 shows the average number and tonnage of ships delivered per year to each group during the 1970–1979 time period.

TABLE 5.—AVERAGE NUMBER OF CATEGORY 1 SHIPS DELIVERED PER YEAR

Navy	Number of ships	Average tonnage/year
USA	0.3	675
NATO	4.6	7,918
PAC	1.8	3,153
U.S.S.R.	8.5	11,815

Category 2: Surface Combatants (3,000–5,500 Tons)

Ships in this category are capable of sustained performance, operating either independently or in conjunction with other warships. These ships are usually constructed by governments whose navies have traditionally responded to a wide range of naval requirements.

Among NATO allies, category 2 acquisitions have been most prominent in the cases of Britain (9), France (6), Spain (6), Canada (4), and the Netherlands (4). Italy and Germany also acquired ships in this displacement range (respectively, 2 and 1). Current planning factors by NATO allies anticipate continued procurement of category 2 ships. The Netherlands is constructing a total of 12 Kortenaer frigates (3,500 tons displacement). This building program will finish in 1983 or 1984. Britain has two category 2 construction programs: (1) a total of 6 Type 22 (Battleaxe) frigates, and (2) a total of 14 Type 42 (Sheffield) destroyers. Both of these programs are expected to complete in the 1980s. France is proceeding with the Type C–70 (Georges Leygues) destroyer program that is now programmed at 9 ships, to be completed by the end of the 1980s. Canadian planning anticipated a new class of destroyers. These, however, have not yet been authorized, have been subjected to repeated delays (largely associated with program definition and rising unit cost), and, as of now, have been postponed indefinitely. Spain plans to construct three American-designed frigates (FFG–7-class). This class is discussed below.

The major American program to modernize the category 2 ship fleet is the FFG–7 (Oliver Hazard Perry) program, now planned to number 55 ships, which will complete building by the end of the 1980s. FFG–7 frigates have capabilities extending beyond those associated with the predecessor destroyer escorts (DEs), which were designed primarily for convoy protection. FFG–7s are more versatile, permitting participation in a range of naval missions beyond ASW. The FFG–7s' follow-on, the FFX, if procured, would probably have a more austere weapons suite, lending that ship primarily to the ASW/convoy protection role.

The FFG–7-class has attracted interest outside the United States. Australia is procuring four (building at Todd Shipyards, Seattle). These ships will significantly increase Australian sea control/ASW capabilities in home waters.

The Soviet Union has been updating its frigate fleet with the Krivak I and Krivak II ocean escorts. In series production since 1970, 26 of these ships have been produced. Building continues and they are expected to replace the aging Skory-class destroyers which completed construction in 1954 (many of which have been placed in reserve).

Table 6 shows the average number of ships delivered per year to each group during the 1970–1979 time period.

TABLE 6.—AVERAGE NUMBER OF CATEGORY 2 SHIPS DELIVERED PER YEAR

Navy	Number of ships	Average tonnage/year
U.S.A.	4.3	13,066
NATO	3.2	12,460
PAC	0.5	2,030
U.S.S.R.	2.1	7,245

As table 6 indicates, allied navies built significantly more category 2 ships than the Soviet Union (almost four times as many).

Category 3: Surface Combatants (5,500–8,000 Tons)

Aside from the British light cruiser, Bristol, all category 3 ships are either Soviet- or U.S.-built. (The remaining ships of the Bristol class were cancelled: (1) as costs rose, and (2) as the aircraft carriers they were designed to escort were deleted from the British shipbuilding program.) Other allied navies have not built category 3 ships and no plans for their construction now exist.

The United States built 25 of the originally projected 30 Spruance (DD–963) class destroyers during the latter 1970s. (The remaining five ships were delivered in 1980.) Four ships of similar hull and engineering design but with significantly greater firepower, originally constructed for Iran, were recently delivered to the U.S. Navy.

A 31st ship of the Spruance-class is now building. Whether any further ships of this class will be built in the future is undetermined. Current planning factors anticipate that a new class of guided missile destroyer (DDG–51) embodying hull and machinery design similar to the Spruance-class will enter the fleet in the latter 1980s. These ships will probably have a fleet air defense capability so as to augment the CG–47 Aegis cruisers, now under construction, in carrier battle group air defense. (The CG–47 program is discussed below.)

The Soviet Union completed the last 9 of 10 Kresta II guided missile cruisers (although the Soviet Navy refers to these as "large anti-submarine ships") in 1977. No further ships of this class are under construction. Two new classes of Category 3 destroyers are in production (Udaloy and Sovremennyy). The total number of ships planned for these classes is unknown.

The following table shows the average number of ships delivered per year to each group during the 1970–1979 time period.

TABLE 7.—AVERAGE NUMBER OF CATEGORY 3 SHIPS DELIVERED PER YEAR

Navy	Number of ships	Average tonnage/year
U.S.A.	2.5	14,575
NATO	.1	610
U.S.S.R.	.9	5,400

As table 7 indicates, the United States built significantly more category 3 ships than the Soviet Union (almost three times as many.)

Category 4: Surface Combatants (8,000 Tons and up)

Only the U.S. and Soviet Navies acquired surface combatants displacing over 8,000 tons during the 1970s. (This section does not discuss aircraft carriers or air-capable ships.)

The United States completed construction of the first three (of four) Virginia (CGN–38) class nuclear powered guided missile cruisers. (The last ship of the class entered service in late 1980.) Two California (CGN–36) class cruisers entered service in the mid-1970s. However, the U.S. Navy plans to acquire 28 Ticonderoga (CG–47) class conventionally-powered cruisers during the 1980s and 1990s. These ships have the same basic hull and machinery spaces as the Spruance-class but are much better armed and carry the Aegis fleet air defense system.

The Soviet Union completed construction of the seven ship Kara-class (8,200 tons) guided missile cruisers in 1978. Three cruisers of larger design (12,000 tons FL) dubbed "Balcom 1" by NATO, are now being constructed. The full extent of this building program is unknown. Finally, in 1980 the Soviet Union completed the first Kirov-class (30,000 ton) battle cruiser, evidently a nuclear-powered, very heavily-armed ship that could perform either as the nucleus of a surface action group or the principal defensive unit of a carrier battle group. A second Kirov is now building; however, the extent of the class building program is unknown.

The following table describes the average number of category 4 ships delivered per year to the United States and the Soviet Union during the 1970–1979 time period.

TABLE 8.—AVERAGE NUMBER OF CATEGORY 4 SHIPS DELIVERED PER YEAR

Navy	Number of ships	Average tonnage/year
USA	0.5	4,912
U.S.S.R.	0.7	5,740

As Table 8 indicates, the Soviet Navy built significantly more category 4 ships than the U.S. Navy (40%).

Category 5: Small Carriers (Under 30,000 Tons)

The United States acquired five amphibious ships during the 1970s that are designated "small carriers" for the purposes of this report. These ships were the first four (of five) amphibious assault ships of the Tarawa-class and the last ship (of seven) of the Iwo Jima-class. The fifth Tarawa-class was commissioned in 1980. A new air-capable ship (now designated LHD may be procured in the latter 1980s or early 1990s.

Britain acquired no carriers during the 1970s. However, construction was initiated on three light carriers (16,000 tons). The first of these (Invincible) entered the fleet in June 1980. The two remaining ships are expected to be commissioned in 1982 and 1985, respectively. However, rising costs have clouded the British naval construction picture and so these ships may not be completed.

Italy plans to build a light helicopter carrier (possibly capable of operating fixed-wing aircraft). If constructed, this ship would be available in the mid-1980s. Australia may construct a carrier to replace one now approaching retirement.

Category 6: Medium Carriers (30,000 to 60,000 Tons)

The Soviet Union completed the first two of a planned four medium carriers of the Kiev class (32,000 tons). While these ships are designated "anti-submarine cruisers", they have some air-superiority, sea-control and ground-attack capability inherent in organic aircraft.

Category 7: Large Carriers (Over 60,000 Tons)

The United States completed the first two of a projected seven or more Nimitz-class nuclear-powered aircraft carriers during the 1970s.

To date, no other navy has constructed nuclear-powered aircraft carriers. However, there is evidence that the Soviet Union may be constructing such a carrier (75,000 tons). The extent of the Soviet program remains unknown.

Category 8: Large Amphibious Warfare Ships (Over 3,000 Tons)

Both the United States and the Soviet Union made concerted efforts to expand and modernize their amphibious warfare capabilities. The United States acquired 29 large amphibious warfare ships (2 command ships, 5 transport docks, 4 dock landing ships, and 18 tank landing ships). A new class of dock landing ships (LSD-41) is projected to replace the Thomaston (LSD-28) class, now nearing the end of its 30-year service life.

The Soviet Union acquired 24 ships during the 1970s (1 dock landing ship [Ivan Rogov], 13 Ropucha-class tank landing ships [constructed in Poland], and 10 Alligator-class tank landing ships). This construction effort does not reflect the large civilian shipbuilding program which included many vessels that could supplement the amphibious force. Western civilian shipbuilding is not as directly tied to military requirements as Soviet shipbuilding, but does produce some tonnage usable in amphibious operations.

The following table shows the average number of large amphibious warfare ships delivered to each navy during the 1970-1979 time period.[4]

TABLE 9.—AVERAGE NUMBER OF CATEGORY 8 SHIPS DELIVERED PER YEAR

Navy	Number of ships	Average tonnage/year
USA	2.9	23,060
U.S.S.R.	2.4	8,985

As table 9 indicates, the United States built significantly more large amphibious warfare ships than the Soviet Union (21%).

Category 9: Small Amphibious Warfare Ships (750-3,000 Tons)

Designation of a lower tonnage amphibious warfare ships class incorporates into the analysis a variety of ships small in size but significant in their contribution to tactical mobility in coastal regions. For the most part, this category includes ships designed to deliver small numbers of tanks, armored personnel carriers, troops, and cargo over short distances to the battlefield.

The ships of this category from the NATO and Pacific Allies (France, Turkey, U.K., and Japan), although largely the same as those of the Warsaw Pact countries and the Soviet Union in terms of size, characteristics, and mission, all come from a line of ships introduced in the 1970s (1974, 1979, 1977, and 1972 respectively).

The East German ships were, similarly, acquired between 1976 and 1979. The remaining ships of this category acquired by Poland and the Soviet Union, on the other hand, represent ships built at the end of a production line begun in 1961 at a shipyard, in Gdansk, Poland.

The U.S. did not build or acquire ships of this type during the 1970s.

Category 10: Ballistic Missile Submarines

While Britain, France, the United States and the Soviet Union have all constructed ballistic missile submarines (SSBNs), only France and the Soviet Union acquired them during the 1970s.

The United States is now proceeding with construction of the Ohio class SSBNs of which 20-22 are projected. A building program of this magnitude would extend well into the 1990s.

Britain completed construction of four SSBNs in 1969. The government has announced their intention to upgrade their SSBN force to Trident missiles. This may require replacement of these older submarines.

France completed the first four of five SSBNs during the 1970s. The last ship of this class was commissioned in 1980. Current planning anticipates construction of the first of (possibly) two SSBNs of a more modern class. These latter submarines would be available in the latter 1980s.

The Soviet Union constructed a total of 56 SSBNs during the 1970s, a monumental shipbuilding program involving submarines of various designs. The Soviets are currently proceeding with construction of more Delta IIIs as well as with a new SSBN designated "Typhoon" by Western analysts which will apparently be the world's largest submarine.

Category 11: Nuclear Powered Attack Submarines

Nuclear-powered attack submarines (SSNs) and similar submarines armed with cruise missiles (SSGNs) have been constructed by Britain, the United States, and the Soviet Union. While these submarines have different characteristics involving different levels of effort in construction, they are considered together for the purposes of this report.

Britain completed construction of eight SSNs (3 Churchill-class and 5 Swiftsure-class). A sixth Swiftsure-class SSN (the last) entered service in late 1980. Current planning anticipates construction of three new SSNs (Trafalgar-class), which should become available in the 1980s.

France is now constructing its first three SSNs, to be delivered to the French Navy during the 1980s. Several more ships may be acquired, although current planning is uncertain. (Since these submarines are to be armed with a submarine-launched variant of the Exocet anti-shipping missile, they may be designated SSGNs.)

The United States acquired 30 SSNs during the 1970s (20 Sturgeon-class, 1 Lipscomb-class, and 9 Los Angeles-class). The Los Angeles-class is continuing construction and a total of 40 such submarines is anticipated. This involves a building effort extending at least to the end of the 1980s.

The Soviet Union acquired 34 SSNs and SSGNs of several different classes during the 1970s. Construction of the Charlie II-class SSGN continues at a modest rate. The Victor-class SSN is now building at a rate of approximately one per year. A new Oscar class SSN has been reported. Alfa-class SSNs, with hulls of titanium alloy and thus capable of very high speed at very great depths, are building at the rate of approximately one every two years. Given the industrial problems inherent in titanium alloy manufacture and subsequent hull fabrication, any large-scale effort to build Alfa-class SSNs would represent a significant departure from past Soviet SSN construction practices.

The following table shows the average number of nuclear-powered attack submarines delivered to each navy during the 1970-1979 time period.

TABLE 10.—AVERAGE NUMBER OF CATEGORY 11 SHIPS DELIVERED PER YEAR

Navy	Number of ships	Average tonnage/year
USA	3.0	13,261
NATO	0.8	3,360
U.S.S.R.	3.4	14,260

As table 10 indicates, the combined NATO allies built somewhat more nuclear-powered attack submarines than the Soviet Navy (12 percent).

Category 12: Conventionally Powered Submarines

While the United States has not constructed a diesel-electric-powered submarine since 1959, these ships provide the mainstay of submersible fighting capability for the great majority of the world's navies. NATO and Pacific allies procured, respectively 41 and 8 of these submarines. The Soviet Union, despite ongoing SSN and SSGN construction programs, acquired 36. The Soviet

[4] Ship service life for amphibious ships varies with the class of the ship. Discussions with Navy Department specialists elicited the view that future large amphibians could have service lives substantially greater than 30 years. This, however, is a function of initial construction effort, periodic maintenance and overhauls, and the extent to which the ships are operated.

ships are primarily intended for coastal defense since such submarines operate very effectively in the shallow waters that surround the USSR. Also, when operating on electric power, they are virtually silent, thus reducing the effectiveness of enemy acoustic detectors. For these reasons, as well as their lower cost compared to SSNs, suggestions have been made for their procurement by the United States.

The following table shows the average number of conventional submarines delivered to each navy during the 1970–1979 time period.

TABLE 11.—AVERAGE NUMBER OF CATEGORY 12 SHIPS DELIVERED PER YEAR

Navy	Number of ships	Average tonnage/year
NATO	4.1	3,355
PAC	0.8	1,456
U.S.S.R.	3.6	7,380

As table 11 indicates, the Western allies' construction rate for conventional submarines exceeded the Soviet rate by 36 percent. However, Soviet tonnage in this category exceeded the allied effort by 53 percent.

Category 13: Large Auxiliary/Support Ships (All Types)

All groups considered in this report acquired support ships.[5] While these ships do not, in themselves, provide a fighting capability, they extend and/or expand the fighting capabilities of warships.

Table 12 below describes the different types of large auxiliary/support ships procured by the navies in question. The table does not reflect the large number of civilian ships that could easily supplement naval forces for both sides in time of war. For example, merchant oilers can be readily equipped to provide underway replenishment to warships.

Table 13 on the following page shows the average number of auxiliary/support ships delivered to each navy during the 1970–1979 time period. As table 13 indicates, the Soviet Navy built significantly more support ships than the Western Allies (76%).

TABLE 12.—AUXILIARY/SUPPORT SHIPS PROCURED BY VARIOUS NAVIES, 1970–79

Type ship [1]	USA	NATO	PAC	U.S.S.R.
Ammunition Ships (AE)	6			
Combat Stores Ships (AFS)	1			
Icebreakers (AGB/AGBN)	2			[2] 7
Intelligence Collection Ships (AGI)				6
Missile Support/Stores Ships (AKM)				3
Oilers (AO)		4		8
Fast Combat Support Ships (AOE)	1	1	1	7
Replenishment Oilers (AOR)	5	8		
Repair Ships (AR)		1		[3] 17
Submarine Tenders (AS)	3			10
Total	18	14	1	58

[1] Ship type designations, in certain cases, are arbitrary and a certain latitude of definition is necessary to permit comparisons.

[2] The five conventionally powered icebreakers were constructed in Finland. The remaining two nuclear-powered ships were constructed in the U.S.S.R.

[3] These 17 repair ships were built in Poland.

[5] Ships of this category include a wide variety of auxiliary and support vessels (e.g., underway replenishment ships, repair ships, icebreakers). They are procured to meet the differing operational demands of the navies in question. Thus, for example, Pacific allies, having no operational requirement for icebreaking, have constructed no ships of that particular capability. The Soviet Union, on the other hand, has operational requirements in polar regions and thus has acquired many icebreakers.

TABLE 13.—AVERAGE NUMBER OF CATEGORY 13 SHIPS DELIVERED PER YEAR

Navy	Number of ships	Average tonnage/year
USA	1.8	22,794
NATO	1.4	8,090
PAC	0.1	500
U.S.S.R.	5.8	39,940

APPENDIX A

The following are lists of the specific ships received by the navies in question during the 1970–1979 time period. NATO and Pacific allies' ships are listed by country. The ships are classified by the categories established for the purposes of this report.

CATEGORY 1.—SURFACE COMBATANTS (750–3,000 TONS)

Navy	Ship class	Number	Displacement	Total tonnage
	United States:			
United States	WHEC Hamilton	3	2,250	6,750
	NATO (including France)			
Belgium	FF Weilingen	4	1,880	7,520
Denmark	FF Beskytteren	1	1,650	1,650
France	FF Balny	1	1,750	1,750
Do	FF 'Estienne D 'Orves.	9	950	8,550
Italy	FF Lupo	3	2,208	6,624
Portugal	FF Baptiste de Andrade.	4	1,250	5,000
Do	FF Joao Coutinho	6	1,203	7,218
Spain	FF Descubierta	3	1,270	3,810
Turkey	FF Berk	2	1,405	2,810
United Kingdom	FF Amazon	8	2,750	22,000
Do	FF Leander	5	2,450	12,250
	Pacific Allies			
Australia	FF River	2	2,100	4,200
New Zealand	FF Canterbury	1	2,450	2,450
Japan	DD Yamagumo	3	2,150	6,450
Do	DD Minegumo	1	2,150	2,150
Do	FF Chikugo	11	1,480	16,280
	Soviet Union			
U.S.S.R.	DD Kotlin	3	2,850	8,550
Do	FF Krivak I	18	2,900	52,200
Do	FF Petya	6	950	5,700
Do	PG Tarantul	2	780	1,560
Do	PG Grisha	38	950	36,100
Do	PG Nanuchka	18	780	14,040

CATEGORY 2.—SURFACE COMBATANTS (3,000–5,500 TONS)

Navy	Ship class	Number	Displacement	Total tonnage
	United States			
United States	FF Oliver Hazard Perry.	2	3,605	7,210
Do	FF Knox	41	3,011	123,451
	NATO (including France)			
Canada	DDH Iroquois	4	4,700	18,800
France	DDG Georges Leygues.	1	3,830	3,830
Do	DDG Suffren	1	5,090	5,090
Do	DDG Tourville	3	4,580	13,740
Do	DD Aconit	1	3,500	3,500
Germany	DDG Lutjens	1	3,370	3,370
Italy	DDG Audace	2	3,600	7,200
Netherlands	DDG Tromp	2	4,300	8,600
Do	FFG Kortenaer	2	3,500	7,000
Spain	FF Baleares	5	3,015	15,075
Do	DD Rober De Lauria.	1	3,012	3,012
United Kingdom	DD Sheffield	6	3,500	21,000
Do	DD Broadsword	1	3,500	3,500
Do	DDG County	2	5,440	10,880
	Pacific Alliess			
Japan	DD Haruna	2	4,700	9,400
Do	DDG Tachikaze	2	3,900	7,800
Do	DD Takatsuki	1	3,100	3,100
	Soviet Union			
U.S.S.R.	FFG Krivak II	8	3,000	24,000
Do	DDG Kanin	6	3,700	22,200
Do	DDG Kashin	7	3,750	26,250

CATEGORY 3.—SURFACE COMBATANTS (5,500–8,000 TONS)

Navy	Ship class	Number	Displacement	Total tonnage
	United States			
United States	DD Spruance	25	5,830	145,750
	NATO (including France)			
United Kingdom	DDG Bristol	1	6,100	6,100
	Soviet Union			
U.S.S.R.	CG Kresta II	9	6,000	54,000

CATEGORY 4.—SURFACE COMBATANTS (8,000 TONS AND UP)

Navy	Ship class	Number	Displacement	Total tonnage
	United States			
United States	CGN Virginia	3	10,000	30,000
Do	CGN California	2	9,561	19,122
	Soviet Union			
U.S.S.R.	CG Kara	7	8,200	57,400

CATEGORY 5.—SMALL AIRCRAFT CARRIERS (UNDER 30,000 TONS)

Navy	Ship class	Number	Displacement	Total tonnage
	United States			
United States	LHA Tarawa	4	23,000	92,000
Do	LPH Iwo Jima	1	13,000	13,000

CATEGORY 6.—MEDIUM AIRCRAFT CARRIERS (30,000–60,000 TONS)

Navy	Ship class	Number	Displacement	Total tonnage
	Soviet Union			
U.S.S.R.	CVS Kiev	2	32,000	64,000

CATEGORY 7.—LARGE AIRCRAFT CARRIERS (OVER 60,000 TONS)

Navy	Ship class	Number	Displacement	Total tonnage
	United States			
United States	CVN Nimitz	2	81,600	163,200

CATEGORY 8.—LARGE AMPHIBIOUS WARFARE SHIPS (OVER 3,000 TONS)

Navy	Ship class	Number	Displacement	Total tonnage
	United States			
United States	LCC Blue Ridge	2	19,100	38,200
Do	LPD Austin	5	10,000	50,000
Do	LSD Anchorage	4	8,600	34,400
Do	LST Newport	18	6,000	108,000
	Soviet Union			
U.S.S.R.	LPD Ivan Rogov	1	11,000	11,000
Do	LST Ropucha (built in Poland).	13	3,450	44,850
Do	LST Alligator	10	3,400	34,000

CATEGORY 9.—SMALL AMPHIBIOUS WARFARE SHIPS

Navy	Ship class	Number	Displacement	Total tonnage
	NATO			
France	L Champlain	2	750	1,500
Turkey	L Cakabey	1	1,600	1,600
United Kingdom	L Ardennes	2	870	1,740
	Pacific Allies			
Japan	LST	3	2,000	6,000
Do	LST Atsumi	3	1,480–1,500	4,460

CATEGORY 9.—SMALL AMPHIBIOUS WARFARE SHIPS—Continued

Navy	Ship class	Number	Displacement	Total tonnage
	Warsaw Pact			
East Germany	LST Frosch	10	2,000	20,000
Poland	LSMR Polocny	7	800–1,150	7,000
	Soviet Union			
U.S.S.R.	LSMR Polocny (built in Poland).	18	800–1,150	18,000

CATEGORY 10.—NUCLEAR-POWERED BALLISTIC MISSILE FIRING SUBMARINES (SSBN)

Navy	Ship class	Number	Displacement	Total tonnage
	NATO (including France)			
France	SSBN Le Foudroyant.	4	7,500	30,000
	Soviet Union			
U.S.S.R.	SSBN Delta III	10	9,350	93,500
Do	SSBN Delta II	4	9,350	37,400
Do	SSBN Delta I	18	8,350	150,300
Do	SSBN Yankee	24	7,800	187,200

CATEGORY 11.—NUCLEAR POWERED ATTACK AND CRUISE MISSILE SUBMARINES (SSN AND SSGN)

Navy	Ship class	Number	Displacement	Total tonnage
	United States			
United States	SSN Los Angeles	9	6,000	54,000
Do	SSN Sturgeon	20	3,640	72,800
Do	SSN Glenard Lipscomb.	1	5,813	5,813
	NATO (including France)			
United Kingdom	SSN Churchill	3	4,200	12,600
Do	SSN Swiftsure	5	4,200	21,000
	Soviet Union			
U.S.S.R.	SSN Papa	1	6,700	6,700
Do	SSN Charlie I	6	3,900	23,400
Do	SSN Charlie II	4	4,300	17,200
Do	SSN Alfa	4	2,800	11,200
Do	SSN Victor I	11	4,300	47,300
Do	SSN Victor II	6	4,600	27,600
Do	SSN Victor III	2	4,600	9,200

CATEGORY 12.—CONVENTIONALLY-POWERED SUBMARINES (SS)

Navy	Ship class	Number	Displacement	Total tonnage
	NATO (including France)			
Denmark	SS Narhval	2	370	740
France	SS Agosta	4	1,200	4,800
Do	SS Daphne	1	700	700
Germany	SS Type 206	18	450	8,100
Greece	SS Glavkos	7	1,100	7,700
Netherlands	SS Zwaardvis	2	2,350	4,700
Spain	SS Daphne	4	870	3,840
Turkey	SS Atilay	3	990	2,970
	Pacific Allies			
Australia	SS Oxley	1	1,610	1,610
Japan	SS Uzushio	7	1,850	12,950
	Soviet Union			
U.S.S.R.	SS Tango	12	2,100	25,200
Do	SS Bravo	4	2,400	9,600
Do	SS Foxtrot	20	1,950	39,000

CATEGORY 13.—AUXILIARY/SUPPORT SHIPS

Navy	Ship class	Number	Displacement	Total tonnage
	United States			
United States	AE Kilauea	6	12,000	72,000
Do	AFS San Jose	1	11,900	11,900
Do	AOE Detroit	1	19,200	19,200
Do	AOR Wichita	5	13,000	65,000
Do	AS L Y Spear	2	13,000	26,000
Do	AS E.S. Land	1	13,840	13,840
Do	AGB Polar Star	2	10,000	20,000
	NATO (including France)			
Canada	AOR Protecteur	1	8,380	8,380
France	AOR Durance	1	7,000	7,000

CATEGORY 13.—AUXILIARY/SUPPORT SHIPS—Continued

Navy	Ship class	Number	Displacement	Total tonnage
Do	AR Jules Verne	1	6,485	6,485
Germany	AOR Type 704	2	3,400	6,800
Italy	AOR Stromboli	2	3,556	7,112
Netherlands	AOE Poolster	1	10,000	10,000
United Kingdom	AO Rover	4	4,700	18,800
Do	AOR Fort Grange	2	8,160	16,320
	Pacific Allies			
Japan	AOE Sagami	1	5,000	5,000
	Soviet Union			
U.S.S.R.	AS Ugra	4	6,780	27,120
Do	AS Amga	2	4,800	9,600
Do	AS Tomba	4	3,500	14,000
Do	AR Amur (P)	15	5,000	75,000
Do	AR Oskol (P)	2	2,500	5,000
Do	AKM Lama	3	5,000	15,000
Do	AGI Primorye	6	3,400	20,400
Do	AOE Berezina	1	15,000	15,000
Do	AOE Boris Chilikin.	6	9,200	55,200
Do	AO Dubna (F)	4	2,990	11,960
Do	AO Altay (F)	4	5,500	22,000
Do	AGBN Arktika	2	19,300	38,600
Do	AGB Yermak (F)	3	20,241	60,723
Do	AGB Kapitan Sorokin (F).	2	14,900	29,800

Note.—"P" indicates construction in Poland; "F" indicates construction in Finland.

Mr. LEVIN. Mr. President, I also wish to say a few words of praise about one of the Library of Congress experts who worked on this report—Capt. Alva M. Bowen, Jr., U.S. Navy (retired). Captain Bowen is a specialist in national defense for the Congressional Research Service and an acknowledged authority on naval matters. Although his name does not appear on the cover of this report, his guidance and research were invaluable in its production. This report could not have been produced without his efforts, and he deserves this public recognition.

Mr. PROXMIRE. Mr. President, will the Senator from Michigan yield briefly?

Mr. LEVIN. I am happy to yield.

Mr. PROXMIRE. Mr. President, I congratulate my good friend from Michigan on the speech he just made.

We need exactly this kind of documented inventory of a comparison between the Soviet Navy and the U.S. Navy.

The Secretary of the Navy and the Chief of Naval Command appeared before the Appropriations Subcommittee on Defense about 3 weeks ago, and at that time the Secretary of the Navy and the Navy Chief both agreed not only is our submarine fleet invulnerable from any attack they could conceive the Soviet Union could make but it would be increasingly invulnerable throughout the century.

I am so happy the Senator from Michigan who is an expert in these areas and who serves on the Armed Services Committee has made the presentation he has made today. It is very useful. I hope our colleagues will study it. I am certainly going to clip it out, keep it and use it as a point of reference.

Mr. LEVIN. I thank my friend, the Senator from Wisconsin, for his comments.

The Secretary of the Navy testified in a similar way in front of the Armed Services Committee where I believe he used the word that the oceans are becoming more opague, a way of dramatically stating that our submarine fleet is becoming less vulnerable with time rather than more vulnerable with time.

Again I thank my friend my Wisconsin for his comments.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin (Mr. PROXMIRE) is recognized for not to exceed 15 minutes.

HOW NEW YORK, CHICAGO, WASHINGTON, AND FIVE OTHER AMERICAN CITIES COULD DIE IN A NUCLEAR CATASTROPHE

Mr. PROXMIRE. Mr. President, I am going to speak this morning on a scenario that could take place and I think that very likely will take place unless we act. It starts this way:

Sunday morning December 14, 1998—15 years from now—at 11:30 a.m.—five successive, immense nuclear explosions wrack New York City within a 15-minute period. More than 1½ million persons are killed from the stunning concussions of the blasts. Intense, blazing fires consume the lives of 3½ million more. Radioactive fallout fatally sickens millions of others; 12 hours later at midnight that same night three nuclear bombs blow up in Chicago killing 2 million more Americans within a radius of 25 miles of Chicago's loop. Within the next 48 hours the Nation's Capital at Washington and five other major cities suffer similar nuclear explosions. In and near the 8 cities 20 million Americans die.

Mr. President, is that scenario an exaggeration? Now, right now, today, not 15 years from now but today, it is possible to load a 20-megaton bomb on a truck. Few have speculated on what such a bomb exploded at ground level would do. In his "The Fate of the Earth," Jonathon Schell describes the effect if such a bomb were dropped on the Empire State Building as follows:

People caught in the open 23 miles away from ground zero, in Long Island, New Jersey and southern New York State would be burned to death. The mushroom cloud would be 70 miles in diameter. New York City and its suburbs would be transformed into a lifeless, scorched desert in a few weeks.

A ground explosion from a truck would dig a deeper hole, throw up more intense radioactive dust, but the concussion and the intense 600° heat would cover a smaller area than Schell describes. Five trucks, strategically

placed would do quite a job on New York City.

Here is why:

Out to 4.1 miles, winds would be 500 mph. There would be total destruction of concrete reinforced buildings of all sizes. No life.

Out to 7.8 miles, winds to 300 mph with third degree flash burns and spontaneous ignition of all flammable materials. Leveling of most buildings.

Out to 11.4 miles, brick and frame houses destroyed. Winds to 160 mph.

Out to 14 miles, fires spreading within the area. Burn out buildings complete.

Out to 20 miles, 100 percent of exposed skin would suffer third degree burns.

Is this scenario I have just sketched out World War III, the terrible and tragic war we anticipate between the Soviet Union and the United States? No. What I describe is one of a series of possible scenarios one of which, in my judgment, will probably occur sometime in the next 20 years or so unless we crack down hard and fast on the nuclear arms race. Today at least six nations have the capability of inflicting the kind of terrible destruction I have just described. Within the next few years—if we go along as we have been doing—some 20 or 25 nations will have that kind of destructive capability. Nations such as Libya, dominated by dictator Qadhafi, and Iran, under the thumb of Ayatollah Khomeini both of whom have dramatically shown their contempt for the value of human life, will have this capability.

Not only nations but very possibly terrorist organizations will secure this lethal nuclear black magic.

How would they use it? A few terrorists would park nuclear packed trucks within our big cities. Would our nuclear deterrent protect us? You tell me how! Our President, sits in the White House, with our immense nuclear arsenal literally at his fingertips.

He can press a button that lies under the tip of his index finger, say a few words and he has a destructive power that could tear any other country on Earth apart.

He can command any or all of our 36 strategic submarines to attack. Anyone of them could deliver a nuclear payload that could kill tens of millions of people. He can order our massive bomber fleet, our intercontinental ballistic missiles to fire. Our arsenal could in a few minutes destroy most of civilization. But where would we fire? Russia? The strong likelihood is that the kind of devastation of our cities that I have just described would not come from Russia. If they did strike—they would hit our weapons and hit far more massively at our cities. The junior grade devastation I have described could well be initiated from anywhere. Within a few years that terrible, destructive nuclear power could come from a couple of dozen countries or from no country at all. It could very possibly come from a Native American terrorist group.

Five years ago a Princeton University undergraduate student named John Philips showed precisely how, with a little plutonium, he could build his own nuclear bomb. I know because after his feat was reported in the New York Times he was approached by Pakistani officials with aggressive inquiries about his work. He wrote me asking for help and advice. I asked the FBI and CIA to check out his story. They did and they confirmed that foreign powers had expressed interest in his work. Since that time we have made timid, pitifully small progress in stopping the spread of nuclear materials and the necessary equipment to other countries. The hour is growing late. We must act. If a Princeton undergraduate could build such a device 5 years ago we know, in fact, that before the century is out many countries will have it. That is why stopping the spread of nuclear weapons is vital.

Mr. President, when I started the speech, I described a catastrophe that could occur in this country any time. I picked 1998 at random.

Terrible as that catastrophe may seem, it means little until we tie it in with a human dimension. So let us do that. Most of us in the Congress have children. Some of us have grandchildren. And we love them dearly, more indeed than life itself. When I think about my 4-year-old and my 2-year-old and my 1-year-old grandsons: Each one laughing, playing, hugging his mother, and when I dream about the full, American life, of fun and struggle, of victories and disappointments, of the first time each one falls in love, of the joy when he holds his own firstborn, when I think of that little boy blasted into eternity by a nuclear explosion, then I start to understand what the onrush of nuclear weapons technology means.

Every one of us can look at just one of our children and know the terrible heartbreak if that one child should die. Well, Mr. President, with the kind of catastrophe I am talking about you can multiply the agony over and over and over again. Even worse you can look at your own little child, just that one dead forever dead.

The nuclear terror I have described would not bring a sudden swift ending. It would for most of the casualties kill cruelly very painfully indeed. Our children would die in agony. The hospitals and the doctors and the nurses would be among the first to go. Forget about pain-killing medicines. They would disappear with the hospitals and as I have pointed out most of the casualties would be burned, would suffer the horrible, terrible, cruel, painful, agonizing death of dying from first-degree burns, and there is nothing, but nothing, on Earth more painful.

Mr. President, we must recognize that we in the Congress of the United States can have no more urgent, imperative duty as long as we serve in this body than to stop the nuclear arms race. We have been warned by our most thoughtful leaders and yet as George Kennan has said:

> Over all these years the competition in the development of nuclear weaponry has proceeded steadily, relentlessly, without the faintest regard for all these warning voices. We have gone on piling weapon upon weapon, missile upon missile, new levels of destructiveness upon old ones. We have done this helplessly, almost involuntarily: like the victims of some sort of hypnotism, like men in a dream, like lemmings heading for the sea, like the children of Hamlin marching blindly along behind their Pied Piper.

Mr. President, how do we stop? The idea of 8 million or 80 million dead will not stop us. The vision of every American city lying flattened like the desert, a steaming radioactive garbage dump will not stop us. We cannot believe that huge, global, end-of-the-world vision.

Well, we can believe something else. We can look at our own children, not millions of people, but one little child, just one, alive, healthy with the remarkable future before him that only a 20th-century child can expect. And for that child, that one child, we can resolve that, whatever it takes, we will stop this madness.

Mr. President, I ask unanimous consent that an article by David Shribman in the June 29, 1982, Chicago Tribune entitled "How Unpredictable Events Could Start a Nuclear War," be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, June 29, 1982]

HOW UNPREDICTABLE EVENTS COULD START A NUCLEAR WAR

(By David Shribman)

WASHINGTON.—Time and again, the people who are engaged in the grim exercise of speculating how nuclear war might begin allude to the summer of 1914, when the nations of Europe slipped into a world war after a relatively minor incident.

That incident, the shooting of the Archduke Francis Ferdinand of Austria-Hungary in the Bosnian city of Sarajevo, set in motion a series of events that the world's most powerful leaders could not stop, and it has suddenly emerged at the heart of the discussion over the possibility of nuclear war in this age.

Military planners, government officials and foreign policy scholars stress that they do not believe a nuclear war is likely, but many add that they fear that one could grow out of the countless unpredictable events that occur each year.

"You can think of a hundred ways in which nuclear war might start, and it could still start in a thoroughly unpredictable way," said Jerome B. Wiesner, a former

presidential science adviser and an architect of America's air defense system.

Until recently such discussion was confined to planners in the Pentagon and the State Department and to a handful of experts in universities and policy institutes. But as the movement for a freeze on nuclear arms has gathered momentum, speculation about the events that might set off a nuclear war has been increasingly conducted publicly.

The question is made even more timely by the 10-week war over the Falkland Islands, in which one party, Britain, possessed nuclear weapons, and by the United Nations disarmament session now underway.

Although both the number of nations with nuclear weapons and the nuclear arsenals have grown since the dawning of the atomic age, the scenarios for nuclear war have changed remarkably little. Planners, strategists and scholars still agree that a nuclear war is most likely to begin in Europe, and even those who speculate that the impetus for war may occur elsewhere believe that the conflict will escalate and spill over to Europe before nuclear weapons are used.

"Europe is still the tinderbox," said Jeremy J. Stone, director of the Federation of American Scientists and a respected figure among strategic thinkers.

"That's where all the weapons are, and that's where the confrontation is."

One common scenario begins with a bloody uprising in the Soviet bloc, perhaps in East Germany. Such an uprising, many specialists believe, might lead West German sympathizers to try to aid the uprising.

If, according to this scenario, troops from the North Atlantic Treaty Organization [NATO] became involved and if either side found itself at a disadvantage, the temptation to use nuclear arms might be irresistible.

"The number of weapons, the variety and the deployment are such that what begins as a conventional conflict is extremely likely to change over into a nuclear conflict," said George B. Kistiakowski, the former head of the explosives division of the Los Alamos Laboratory and science adviser to President Eisenhower. "There is ample reason to worry."

Pentagon officials also speak of the possibility that the Soviet Union might launch a sudden, unprovoked attack if they were to conclude that one planned in great stealth might disarm the United States of its retaliatory force.

"There's no way intellectually to say which potential risk of nuclear attack is most likely," Fred C. Ikle, undersecretary of defense for policy, said in an interview.

In recent years, however, increased attention has been focused on the Middle East, which high tensions and a wealth of oil resources make a natural setting for conflict. These scenarios almost always involve Israel, a longstanding American ally and a potential nuclear power; Saudi Arabia, which holds great oil reserves; and Iran, a traditional intersection between East and West.

"Because we do not have comparable conventional capacity in the area, the temptation might be strong to compensate by relying on tactical nuclear weapons," said Marshall D. Shulman, director of the Russian Institute at Columbia University and a Carter administration specialist in Soviet affairs.

The Reagan administration's military program is designed in part to build up American ability to engage in conventional warfare and thus to avoid the possibility that conventional forces will be overwhelmed and that military leaders will have no alternative but to turn to the nuclear arsenal.

Some analysts focus on the possibility that a minor power would drag the superpowers into a nuclear war, perhaps in the Middle East. These analysts believe that a "catalytic war" could occur if, for instance, Israel was about to be overrun and threatened to use nuclear weapons against an Arab nation or a number of Arab nations. Then, according to a scenario offered by Stone, the head of the scientists' federation, the Soviet Union might threaten to use nuclear weapons against Israel or might make such weapons available to their Arab proxies.

While many of these foreign policy and military experts warn that the greatest danger is from an accident that could grow into a war, there is less agreement over whether a nuclear war is likely to be caused by a technological accident or by miscalculation.

At the heart of nuclear weapons safeguards is the "permissive action link," which provides that a code or a combination of keys, and not just the action of a single individual, is required to launch an attack.

Many analysts still fear, however, that a nuclear war could begin by miscalculation. A number of members of Congress—including Senators Henry M. Jackson (D., Wash.), Gary Hart (D., Colo.), and Sam Nunn (D., Ga.)—have expressed fears the failure of a computer chip, for instance, might cause one side to believe it is being attacked and might prompt it to counterattack.

False information has been fed into North American Air Defense (NORAD) computers three times, and nuclear warning systems have been set off, according to a specialist, "probably dozens of times over the last 10 years."

Jackson has called for the establishment of a permanent joint American-Soviet communications and information center to supplement the current communications system between the White House and the Kremlin, a teletype system that has become known as the "hotline." This new system would permit senior officials of the superpowers to confer quickly and would, Jackson said, "provide what could be a literally life-saving arrangement for instant information exchange and consultation when incidents occurred that could be misinterpreted as harbingers of an imminent nuclear assault by one power against the other."

Most analysts believe that whatever the circumstances, the decision to use nuclear weapons would not be taken hastily.

"I think that governments on both sides have thought about this enough so there will be deep consideration," said Wiesner, the former president of the Massachusetts Institute of Technology. "The people in the front lines today are the women and the children. Every man goes to war this time with his family strapped to his back."

(David Shribman is a reporter for The New York Times)

(Mr. WARNER assumed the chair.)

THE CONTINUING THREAT OF GENOCIDE

Mr. PROXMIRE. Mr. President, each day I receive letters from my constituents asking me to take measures against the escalating number of human rights violations occurring worldwide. While some letters come from those who have relatives in such oppressed countries as Iran, Russia, and El Salvador, the vast majority are written by people with no immediate ties to these regions. These are people who believe that we must not tolerate the needless murder, torture, and abuse which have befallen millions of victims in just the last decade. These are people who uphold the principle that no one should be denied their fundamental human rights. In short, these are the voices of those who rightly insist that every person on this Earth is entitled to at least one basic right, the right to live free from oppression and fear.

Mr. President, I know that I am not the only Senator receiving messages from the American people urging an end to the horrible abuse of human rights which plagues the modern world. Americans understand that we must maintain and strengthen our commitment to international human rights. And that is why, Mr. President, I earnestly hope the Senate will consider the Genocide Convention and at long last give its advice and consent to that treaty.

The United States has historically championed the rights of individuals to be protected from oppression. Indeed, our country has been a leader of the movement which seeks to preserve the sanctity and quality of human life.

It is therefore a near national disgrace that we have failed to ratify the first Human Rights Convention of the post World War II era . . . a disgrace that has persisted for the 33 years this treaty has been before the Senate.

In country after country—Uganda, East Timor, Cambodia, El Salvador, Nicaragua, Guatemala, Russia, and Iran—arrests, torture, and killing of innocent people occur daily. This increase in violence to resolve disputes signifies that now more than ever this body must take action to safeguard fundamental human rights. We cannot stand idly by while millions of human lives are prone to imminent endangerment. I urge my colleagues to join with me in seeking Senate ratification of the Genocide Convention.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not longer than 30 minutes, wherein Senators may speak for a period of time not to exceed 5 minutes each.

Mr. EXON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

Mr. BRADLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

25TH ANNIVERSARY OF RCA ASTRO-ELECTRONICS

Mr. BRADLEY. Mr. President, I rise today to join with my constituents in commemorating the 25th anniversary of our Nation's first company owned space center. The Astro-Electronics Unit of RCA has brought honor and prestige to my home State of New Jersey and, in a larger sense, to the entire United States.

RCA Astro was established on March 28, 1958, a few months after the launch of Sputnik I. In that year of existence, RCA Astro-built radio equipment broadcast the first recorded message from outer space to Earth. It was a Christmas message of peace from President Dwight D. Eisenhower. Since that date, RCA Astro has designed and constructed more than 100 satellites and subsystems which have logged more than 1,259 years of orbiting time, traveled over 183 billion miles, and circled the Earth more than 6 million times.

It has been my privilege to work with the RCA Astro-Electronics Unit, located in Princeton, N.J. On April 12, 1981, the people of the United States thrilled to the Space Shuttle *Columbia's* successful maiden voyage, and it was a closed circuit television system built by RCA Astro which transmitted the live broadcast back to Earth. RCA communications equipment has also given America live coverage of a lunar liftoff, and the first glimpses of the Martian surface. For 25 years, RCA Astro has established itself as a successful pioneer of space, and I am proud of their past accomplishments. We all look forward to the future accomplishments of the men and women at RCA Astro.

We are constantly reminded of the enormous economic potential of satellite technology. During a period in which funding for space exploration was sharply curtailed, RCA Astro has demonstrated that we can ill afford technological stagnation. They have developed meteorological, navigational, and communications satellites that have yielded impressive economic returns. Clearly, RCA has set the standard for satellite reliability and longevity by which future technology will be judged.

RCA Astro has brought honor to the United States' space effort for 25 years, and today I am proud to join with the people of New Jersey on congratulating them.

EL SALVADOR

Mr. MITCHELL. Mr. President, During the congressional Easter recess I traveled throughout Maine meeting, talking with, and listening to people from every walk of life. Based on their comments to me, one foreign policy subject deeply concerns Maine people.

It is the question of U.S. policy in El Salvador. More specifically, it is whether the United States should, as the President proposes, increase significantly military aid to the Government of El Salvador.

I am opposed to and will vote against this increase. In explaining why, I will try to put the conflict there in its historical perspective, an essential perspective but one totally absent from the current public dialog.

Unfortunately, the debate over El Salvador shows every sign of turning into a national referendum on Vietnam. I hope that does not occur, because the differences between El Salvador and Vietnam are far more important than the superficial similarities.

Vietnam is 9,000 miles away from U.S. territory. El Salvador is not only a near neighbor in this hemisphere but it is close to the Panama Canal, with all its implications for our security needs.

Vietnam's conflict was the outcome of a century-long colonization brutally disrupted by the World War II Japanese invasion and subsequent defeat. El Salvador's colonial history ended in 1821, when the Central American nations gained independence from Spain.

Until our first faltering steps into Indochina in 1954, there was no history of American involvement, influence, or interest there. By contrast, the United States has had a military mission in El Salvador since 1948 to train the Salvadoran Armed Forces. Direct U.S. involvement in Central America pre-dates that military mission by half a century.

From our overt support for the breakaway province which became the nation of Panama at the turn of the century, through the use of marines in Honduras in 1903 and 1923, through our 20-year occupation of Nicaragua from 1912 until 1933, U.S. activity and influence in Central America has been consistent and continuous.

Our support for American corporations—notably United Brands in Honduras and United Fruit in Nicaragua—is remembered by Central Americans as the sole source of U.S. interest in their region. And the fact that U.S. concern so frequently manifested itself in military action has created a background against which we must consider relations today. No similar situation existed in Vietnam.

At the same time, there is one very substantial aspect of our experience in Vietnam which is echoed in the current debate over El Salvador. That is in the apparent unwillingness of the administration to recognize that each country has its own history, its own culture, its own economic relationships, and its own legacy of friendships and animosities. We ignored those facts in Vietnam at great cost. We ignore them in El Salvador at great risk.

This administration entered office in 1981 proclaiming that the conflict in El Salvador was a simple case of "Us" against "Them," West against East, democracy against communism. In other words, it said, the war in El Salvador was simply the most recent outbreak of United States-Soviet hostilities and should be approached that way.

Although as it relates to El Salvador, the administration's East-West rhetoric has moderated since 1981, there is no evidence that the realities of El Salvador are being given any more weight today than they were 2 years ago.

What are those realities?

Fundamentally, El Salvador is a nation which for more than a century has endured an uneasy and unpeaceful coexistence between a small group of large plantation owners and the mass of the people. Ninety-four percent of the population of El Salvador is Mestizo, a Hispanic-Indian ethnic group, made up mostly of landless laborers, tenant farmers, and, more recently urban dwellers and refugees. The bulk of the income in the country has been largely concentrated in the hands of a few families which have made up the El Salvadoran elite since the turn of the century.

That income and land distribution pattern has been changing in very recent years. But the pace of change is very slow, and the extent to which that change may be permanent is questionable.

For example, although the Reagan administration and the El Salvadoran leadership now claim that some 50,000 land titles have been granted to the peasants known in El Salvador as campesinos, the crucial fact is that these are provisional titles. Last May, when the newly elected government voted to terminate the land-reform program, almost 4,000 holders of such provisional titles were evicted from their land. Only a congressional threat of an immediate aid cutoff forced the retraction of that decision. And even today, almost a year later, exactly 837 titles to land have been sold and formally transferred to their new owners.

In a nation with a work force of 1½ million, of whom almost two-thirds are landless workers, 837 firm land titles after 3 years of escalating violence does not represent a good faith effort by the ruling class to come to terms with the cause of peasant unrest.

We should not be misled into believing, as the administration would have us believe, that the recent outbreak of violence represents a new departure in El Salvadoran experience.

Peasant resistance to the land takeover by the original 14 families has been a source of violence since 1870. That resistance required military intervention several times by the turn of the century. In 1932, a peasant rebellion was harshly suppressed at a cost of more than 15,000 campesino lives. The intervening decades have been marked by military regimes, wars with neighboring nations, and the institutionalization of a system of death squads in the countryside whose primary function was to take reprisals against dissatisfied peasants so as to maintain the condition that El Salvador has known as peace for the last century.

The recent history of El Salvador is comprised of a series of military dictatorships interspersed with elections whose outcome was ultimately determined by the military, not the voters. In 1972, Jose Napoleon Duarte was cheated of his election victory by a military regime, which then continued to enjoy the support of the United States.

Its successor regime in 1979 was overthrown by a reformist military coup which itself succumbed to a rightwing takeover the following year. Duarte returned to take part in one of the successive juntas, and then was ousted from leadership as a result of last year's election.

The ironic fact is that today, the United States would prefer to see Duarte win the Presidential election in December, a fact which is a clear indication of the lack of considered policy we have followed in Central America for many years.

The other proof of the bankruptcy of our policy is the continued and unrelenting human rights violations in El Salvador, which our influence has been unable to halt.

The administration's human rights certifications, on which Congress has insisted, do not represent a credible demonstration that any serious improvement is taking place in the willingness of the El Salvadoran security forces to respect the physical or property rights of El Salvadoran civilians.

Human rights groups report that 5,500 civilians lost their lives in the past year. The American Embassy in San Salvador no longer makes a daily body count of abandoned corpses in the town dumps, but that is more a reflection of policy change than of the lack of corpses to count. There is, in fact, no credence to the claim that discipline or training is taking hold in the El Salvadoran forces.

We have been training those forces since 1948, after all.

The overriding effect of the human rights certifications, as now performed, is to grant a U.S. seal of approval to the violation of human rights. It simply provides the El Salvadoran elite with grounds for the unwarranted and untenable assumption that American aid will continue regardless of human rights violations, because the American administration cares more about a victory over subversives than it does over the creation of decent conditions in Central America.

Our concern about human rights may mask an equally serious problem in El Salvador—a problem to which our current policy offers neither recognition nor solution.

In the last 3 years, El Salvador has experienced a capital flight of proportions rarely seen outside war zones. The El Salvadoran Minister of Planning estimated last year that a billion and a half dollars in capital had been exported from the country to safer havens—including American banks in Miami.

That capital flight has occurred because people with wealth in El Salvador clearly fear for the future of their country. Although the export of capital may, from the point of view of the individual El Salvadoran businessman, make a great deal of sense in terms of personal safety and future well-being, from the point of view of American policy, I am forced to question the basis on which American taxpayers are being asked to support the economy of a country whose own economic leadership is bailing out.

In 1981, our Agency for International Development poured $45 million into the economic infrastructure of El Salvador. In 1983, that sum is slated to rise to $77 million; $26 million will be the first phase of the industrial recovery program, whose principal goal to is reopen factories and industries closed since the esclation of the war.

El Salvador has a nationalized banking system. Like other Central American countries, it has the power to impose effective currency controls if its government is willing to do so. Yet, despite the massive capital flight, it has failed to do so, even though neighboring nations, including Honduras, have not hesitated to protect their own currencies and their own economies by imposing such controls.

It is difficult to see why the American taxpayer should be asked to bail out a nation whose own economic elite—the people who have prospered most from past conditions in that country—are manifestly unwilling to do so.

And in these circumstances it is even more difficult to see the justification for military aid to a country whose leadership is prepared to procrastinate and undermine essential domestic reforms, to evade responsibility for its own security forces, and to avoid even minimal exercise of its power to protect the economic basis of the country.

Yet, it is precisely a policy of military victory which the administration is pursuing and for which it is now asking for additional money. The administration seems unwilling to recognize either the current conditions in El Salvador or the historical background which created them. Its policy is to aim for a military victory and a total defeat of the insurgents.

But throughout the history of the country, neither the ruling elite nor the campesinos have ever been able to win such a victory. There is no evidence that American arms will enable one side to achieve today what neither side has been able to achieve in over a century of violent struggle.

The only realistic prospect for an end to the killing and a peaceful future for the people of El Salvador lies in negotiations involving all segments of that society.

And the suggestion to involve other Central American or Latin nations in setting up the conditions in which such a dialog could take place makes the most sense.

Those Latin countries whose policies are not inextricably bound to either East or West retain relative freedom of movement and need not be hamstrung by overtly political considerations nor by past history. Mexico, Ecuador, and Venezuela are neither U.S. clients nor Soviet clients. They have the independence and the incentive to play a mediating role. And our Government should help provide them that opportunity.

Rather than chasing the mirage of a military solution—which would be neither cheap nor permanent—the administration should focus on a political resolution. That can only begin with negotiations.

There is now no incentive for the government to negotiate because it is assured of a continuing stream of American aid, regardless of the actions it takes or fails to take to protect the civilian population.

Neither do the insurgents have any incentive to negotiate. The arrests and "disappearances" of 17 opposition leaders in the past month can give no opposition figure any assurance of his personal physical safety. And the official U.S. rhetoric about insurgencies in the area, apparent U.S. willingness to countenance any degree of repression so long as it is right-wing repression, offers little hope for good-faith negotiations.

Contrary to administration rhetoric, negotiations do not mean giving to the insurgents at the bargaining table what they would not win on the battlefield. Negotiations mean providing assurances of physical safety for opposition political leaders, so that elec-

tions are not marred by assassinations and their outcome is not a mandate for the winners to exterminate the losers. Negotiations are the only forum in which moderates on both sides can be strengthened.

Military action—especially long-term, inconclusive military action—polarizes any society in which it occurs. U.S. involvement in military action in Central America is a particularly polarizing because of the historic pattern of which it appears to be a continuation.

The United States has a long history of backing right-wing regimes in this hemisphere. Whether that reputation is consonant with current realities is beside the point. The fact is that most of the people of the region believe it, and have what they regard as sound reasons for believing it. And they resent it.

Continued and escalating military action of the kind the administration appears to be proposing will not eliminate that resentment. It will not alleviate regional fears of U.S. power. It will intensify, not reduce, the automatic opposition to any U.S. initiative which is a sad legacy of our history. And continued military action will ultimately force moderates to the polarized extremes, where irrational hatred of the United States wars with irrational fear of the political left.

As the wealthiest and most powerful nation in the hemisphere, the United States has a continuing and central role to play in the future of all of the Americas. If we want that future role to be a rational, sustainable one, we have to take into account the perceptions of our neighbors, acknowledge when those perceptions—even if painful for us—are reasonable, and seek to persuade them when they are wrong.

We do not have to endorse left-wing regimes or terrorists to persuade Central Americans of our good faith. But we do have to do more than we have so far been willing to do in El Salvador to fulfill in practice, as well as in words the American commitment to human rights, the rule of law, and the sanctity of individual life.

More than 100 years of intermittent civil war have not solved El Salvador's problem. It is unlikely that more war will. The only meaningful solution is a negotiated settlement which ends all outside interference and permits the people of El Salvador to decide their future by themselves and for themselves. If we can help make that possible, our policy there will have been successful.

OFFICE OF SPECIAL COUNSEL OF MSBP COMMENDED

Mr. STEVENS. Mr. President, I applaud the efforts of the Office of the Special Counsel of the Merit Systems Protection Board (MSPB) in the recent decision on the case involving a Senior Executive Service employee at the Department of Energy here in Washington, who was terminated from her position for failure to accept an assignment in Colorado. That employee is currently appealing this decision through the MSPB. The Office of the Special Counsel, the Board's prosecutoral arm, recently recommended that DOE reinstate the employee.

I am not taking sides, nor should I, in this extremely controversial matter. I think we should keep politics out of this issue and let the case run its course through MSPB and the Office of the Special Counsel. Any case brought before the Office of the Special Counsel is bound to be controversial. This case is an example of how the system is supposed to operate, and the commitment this administration has to protect Federal employees from wrongful personnel action. The special counsel has a particularly difficult job in reviewing these matters, and he should be free to do so without regard to politics.

For the first time in its history, the Office of the Special Counsel appears to be fully assuming its role as the shield of the Federal employee, and this administration deserves credit for not only selecting an official of the caliber of Bill O'Connor but foreseeing to it that the system works the way Congress intended.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The acting legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 3 P.M.

Mr. BAKER. Mr President, there are two things going on in the Senate right now which are occurring at places other than on the Senate floor. As anyone who is here and is looking can tell, there is nothing going on on the Senate floor. But the two things that are occurring elsewhere are extraordinarily important, and I think it would serve the Senate well to recess so that those matters may continue without competition from any effort by the leadership to proceed to any other matter on the Legislative Calendar. One of those is a briefing by representatives of the so-called MX Commission which is occurring in the secured briefing room of this building, and the other is the continuing markup session of the Budget Committee. Both of them require a great number of Senators; both of them are important; neither can be postponed.

Therefore, Mr. President, I ask unanimous consent that the Senate now stand in recess until 3 p.m. today.

There being no objection, the Senate, at 1:42 p.m. recessed until 3 p.m. The Senate reassembled at 3:02 p.m. when called to order by the Presiding Officer (Mr. D'AMATO).

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276, as amended, appoints the Senator from Iowa (Mr. GRASSLEY) as a Member of the Senate delegation to the Interparliamentary Union Conference to be held in Helsinki, Finland, on April 25 through April 29, 1983.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, in a moment, I expect that the principals involved in the small business bill will be available to examine that situation. The minority leader is not yet in the Chamber; I expect him shortly. While we round up the players, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PRESSLER). Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT

THE ADELMAN NOMINATION AND THE ORDER OF PROCEDURE

Mr. BAKER. Mr. President, in a colloquy earlier today with the distinguished minority leader, we examined the possibility of setting a time certain for the consideration and disposition of the Adelman nomination. I had indicated previously that it was my hope that the Senate would turn to that measure on Monday next. When the minority leader indicated there was some possibility we might be able to get a time certain I indicated, of course, that I would be willing to withdraw that suggestion that the Senate proceed with the nomination on Monday and to entertain any suggestions for any other day next week.

It appears now that we may have an agreement in that respect, and I would like to put a series of unanimous-consent requests that will lead up to that point.

Let me explain first if this unanimous-consent agreement is granted there will be no need, Mr. President, for the Senate to be in session on Monday.

Mr. BYRD. Mr. President, will the majority leader yield?

Mr. BAKER. Yes, I yield.

Mr. BYRD. I like his way of extending the carrot before the stick.

Mr. BAKER. I learned what I know from the distinguished minority leader when he was in another incarnation.

Mr. BYRD. I am glad I have done some good.

Mr. BAKER. Mr. President, if we get the agreement on Adelman then there will be no need for there to be a session on Monday. Indeed, the cupboard is bare, so to speak. There are almost no matters on the Calendar of General Orders we can deal with. There is one matter I will attempt to reach this afternoon, but other than that we have before us the bankruptcy bill which will not qualify until the report is filed and the rules which have to be complied with are waived. That also includes the omnibus judgeship decision. We have the interest and dividend withholding provision which is already ordered for Friday the 15 and which will recur as the pending business, and the pending queston that will recur at that time will be the Kasten admendment.

I may say parenthetically we will not finish that on Friday the 15, and I fully expect to go over to the following week. So there really is not much on the calendar in the early part of the session with which we can deal.

Mr. President, this request will be in several parts put as one request because they interdepend on each other.

ORDER FOR RECESS UNTIL TOMORROW AND ADJOURNMENT UNTIL TUESDAY, APRIL 12

First, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 12 noon tomorrow, and on tomorrow the session be a pro forma session; the Chair will open the Senate, and without any other intervening business of any kind being transacted that the Chair place the Senate then in adjournment until Tuesday at noon, April 12.

ORDER OF PROCEDURE ON TUESDAY, APRIL 12

I further ask unanimous consent, Mr. President, that when the Senate does reconvene on the 12th day of April, 1983, that the reading of the Journal be dispensed with, that no resolution come over under the rule, that the call of the calendar be dispensed with, and that following the time allocated to the two leaders under the standing order, and any special orders that may be ordered, there be a period for the transaction of routine morning business not to exceed 30 minutes in length with Senators permitted to speak therein for not more than 5 minutes each; and provided further that the morning hour be deemed to have expired.

ADELMAN NOMINATION

Further, Mr. President, I ask unanimous consent that on Wednesday, the 13th of April, at the hour of 1:30 p.m., the Senate go into executive session for the purpose of considering the nomination of Kenneth L. Adelman, of Virginia, to be Director of the U.S. Arms Control and Disarmament Agency vice Eugene Victor Rostow, resigned.

I further ask unanimous consent, Mr. President, that on Thursday, the 14th of April, at the hour of 2 p.m. that the Senate then proceed to vote on that nomination.

Mr. President, I want to amend the request in this respect: At the hour of 2 p.m. on Tuesday, the Senate go into executive session for the purpose of considering the nomination of Adelman. That is a correction as to the day, that is Tuesday instead of Wednesday.

Mr. President, before the Chair puts the request, the net effect of this request will be as follows: When the Senate completes its business today it will go out in recess until tomorrow at noon, when there will be a pro forma session of the Senate.

After the Senate concludes the pro forma proceedings on Friday, the Senate will stand in adjournment until Tuesday.

On Tuesday, at the hour of 2 p.m. the Senate will go into executive session for the purpose of considering the nomination of Kenneth L. Adelman. Debate will continue on the Adelman nomination on Tuesday, on Wednesday, and Thursday, and on Thursday at 2 p.m. the Senate will vote on the Adelman nomination.

Mr. President, I think I left out one ingredient.

ORDER FOR RECESS FROM TUESDAY NEXT UNTIL 10 A.M. ON WEDNESDAY

Mr. President, I make this additional request: I ask unanimous consent when the Senate completes its business on Tuesday next, that it stand in recess until the hour of 10 a.m. on Wednesday; and that after the recognition of the two leaders under the standing order and any special orders that may be ordered, if any time remains before the hour of 11 a.m. that it be devoted to a period for the transaction of routine morning business in which Senators may speak for not more than 2 minutes each.

I further ask unanimous consent that at 11 a.m. on Wednesday the Senate will resume consideration of the Adelman nomination in executive session.

ORDER FOR RECESS FROM WEDNESDAY NEXT UNTIL THURSDAY AT 10 A.M.

Mr. President, I further ask unanimous consent that on Wednesday, after the Senate completes its business, it stand in recess until the hour of 10 a.m. on Thursday; and that after the recognition of the two leaders under the standing order and any special orders if any time remains prior to the hour of 11 a.m. that it be devoted to a period for the transaction of routine morning business in which Senators may speak for not more than 2 minutes each, and that at 11 a.m., the Senate resume consideration of the Adelman nomination.

Mr. BYRD. Mr. President, reserving the right to object, I have been asked to make this proposal, that this agreement not preclude a motion to recommit.

MOTION TO RECOMMIT THE NOMINATION IN ORDER

Mr. BAKER. Very well. Mr. President, there is no provision in the request at this time that would do so, and I acknowledge to the minority leader that it is my understanding if the order is granted that a motion to recommit would be in order.

The PRESIDING OFFICER. A motion to recommit would not be in order under this agreement.

Mr. BAKER. Then, Mr. President, I add to the request that such a motion would be in order.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Before that, one other request in deference to our friends, the officers and employees of the Senate.

ORDER FOR CONVENING TIME OF SENATE AT 9 A.M. TOMORROW

I change the request for the convening time on Friday from 12 noon until 9 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, to review the bidding——

Mr. BYRD. Did the Chair put the question on the entire request?

The PRESIDING OFFICER. Is there objection to the entire request? The Chair hears none.

Mr. BAKER. The request is now granted?

The PRESIDING OFFICER. The request is now granted.

Mr. BAKER. I thank the Chair. I wish to express my deep appreciation to Senators, particularly the minority leader, for arranging this schedule of the Senate. The Adelman nomination has been and continues to be a highly controversial matter. There will be extensive debate. We have now provided an ample opportunity for that debate and I assure every Senator on both sides of the aisle that I will cooperate to see that each Member has an opportunity to fully express their views and opinions.

We have made special provisions, Mr. President, for the filing of a motion to recommit and for a time certain to vote on final passage if the motion to recommit does not prevail.

Mr. President, what that means is, we will complete our business today, be out tomorrow, with only a pro forma session tomorrow, the Senate will not be in session on Monday, and

on Tuesday at 2 p.m. we will go into executive session.

Could I inquire of the Chair, is there an order for the Senate to convene on Tuesday? Was it at 12 noon?

The PRESIDING OFFICER. At 12 noon on Tuesday the Senate will convene.

ORDER FOR SENATE TO CONVENE AT 10 A.M. TUESDAY, APRIL 12

Mr. BAKER. Mr. President, I want to change that. I wish now to ask unanimous consent that the agreement be changed so that on Tuesday the Senate will reconvene at 10 a.m. instead of 12 noon.

The PRESIDING OFFICER. Is there objection to the change of the majority leader? The Chair hears none. The Senate will convene at 10 a.m. on Tuesday. The motion is agreed to.

Mr. BAKER. Mr. President, I would further advise Senators that on Tuesdays regularly both parties have caucuses of their Members off the floor. Those caucuses are of a semiofficial nature and much of the business of the Senate is transacted during those meetings. Of late, we have begun recessing the Senate for a period of 2 hours so that Senators may attend those meetings.

Therefore, Mr. President, I ask unanimous consent that on Tuesday next, after the Senate convenes and after the recognition of the two leaders under the standing order and the execution of any special orders, any time remaining before 11 a.m. be devoted to the transaction of routine morning business, in which Senators may speak for not more than 2 mintues each, and that at 11 a.m. the Senate go into executive session for the purpose of consideration of the Adelman nomination. I think that is duplicative, but I want to make it clear.

I further ask unanimous consent that, at 12 noon, the Senate then stand in recess until the hour of 2 p.m., at which time it will resume executive session and continue the consideration of the Adelman nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I further ask unanimous consent that, during the Adelman nomination, the time provided for shall be under the control of the distinguished chairman of the Foreign Relations Committee, Mr. PERCY, and the distinguished minority member, Mr. PELL, equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, once again, I express my appreciation to all Senators for their cooperation.

Mr. METZENBAUM. Mr. President, if the distinguished majority leader and minority leader have concluded their deliberations in connection with this matter, I will suggest the absence of a quorum. If they have not, then I would not do that.

Mr. BAKER. Mr. President, I ask the Senator to forbear for just a moment.

Mr. METZENBAUM. Certainly, without my losing my right to the floor.

Mr. BAKER. I promise the Senator I will not try to push him out of the opportunity to suggest the absence of a quorum. I see the glint and gleam in his eye.

Mr. METZENBAUM. I am just trying to get back to the Budget Committee.

Mr. BAKER. I think I am better off with the Senator being here.

Mr. BYRD. Mr. President, may I say that the glint and gleam are going to be there a long time because the Senator has a new granddaughter.

Mr. BAKER. I wish to congratulate the Senator.

Mr. METZENBAUM. I thank you both.

Mr. BAKER. Having a new grandson, I keep track of things like that.

Mr. BYRD. I expect to escort her down the aisle as a Member of the U.S. Senate in the year 2020.

Mr. BAKER. And well she may be.

SBA CERTIFIED DEVELOPMENT COMPANY PROGRAM

Mr. BAKER. Mr. President, I announced earlier that I wanted to go to the small business bill today. The Senator from New York is the principal sponsor of that measure and is on the floor. The Senator from Ohio, I understand, has some difference of opinion with the Senator from New York on that point.

Before the Senator from Ohio suggests the absence of a quorum, which he might object to calling off if I interpret the gleam in his eye properly——

Mr. METZENBAUM. That is very perceptive of the leader.

Mr. BAKER [continuing]. I wonder if we could have a little bit of a colloquy here on the situation because I know that my friend and colleague from New York is very anxious to get this matter up. I have represented to him that I will move to that measure today, but I may be locked out of that possibility if the Senator persists at this point in suggesting the absence of a quorum.

Once again, as I understand it, the Senator from Ohio has the floor. He has yielded to me without losing his right to the floor. I acknowledge that. But, with that condition, I wonder if the Senator would yield so that the Senator from New York may proceed.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Senator from New York and the Senator from Ohio be permitted to address themselves for not more than 5 minutes each to their respective positions in connection with S. 499 without the Senator from Ohio losing his right to the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, the matter that my good friend—and he is a good friend of mine—from New York wishes to move on is known as S. 499. Now, S. 499 would permit the Federal guarantee of tax-exempt obligations under the Small Business Administration section 503 guaranteed debenture and pollution control bond programs.

There are several reasons to be opposed to this matter. I am now reading from a letter from the Executive Office of the President, signed by Donald T. Regan, Secretary of the Treasury, and David Stockman, Director of the Office of Management and Budget. The letter reads as follows:

> There are several reasons for the Administration's opposition. S. 499 runs directly counter to the Administration's general policy against Federal guarantees of tax-exempt obligations. Federal guarantees of tax-exempt securities add an additional implicit subsidy to the subsidy created by the tax-exempt status. The creation of such a subsidy would take place outside the budget process and the subsidy would be uncontrollable for the life of the guarantee.

Put in simple language, let us face it, a small business company can now get an industrial revenue bond and a small business company can now get a Small Business Administration-guaranteed loan from the bank. What the effort is that is being made is to combine these two subsidies. The Senator from Ohio does not think that is right and the Reagan administration does not think that is right. But I am willing to go along with that, in spite of the fact that I think it is the wrong approach.

Having said that, what is it that I am insisting upon? I am insisting upon the fact that, if the SBA comes up with 60 percent of the dollars and the private investors or the banks come up with 40 percent, the SBA be protected in the event of a liquidation or in the event of a default to the extent of that 60 percent.

But, oh, no, what everybody wants is for "Big Daddy" to come in and again dig into the Federal trough—$75 million; not a fantastic amount of money. But when are we going to start to recognize the need for some economies and some efficiencies, when are we going to recognize that we cannot give away all the Federal Treasury dollars?

I should be at the Budget Committee now trying to assist in balancing the budget, but instead, I am out here

on the floor arguing about $75 million that should not be given away.

But this is indicative of what we do day in and day out here on the floor of the Senate.

I would be pleased to hear from my colleague from New York.

Mr. D'AMATO. I thank my colleague from Ohio. Indeed, the fact that we share deep interests with regard to this issue does not detract from my esteem for my colleague, the Senator from Ohio.

The fact of the matter is that by way of legislation the 503 program we have today provides for the SBA to participate with the use of industrial revenue bonds for small users. That is the law.

What we are attempting to do is to be able to deal with an impediment which the OMB, Mr. Stockman, has placed in the way of this program being utilized. It does not make sense to authorize and then to appropriate $250 million for SBA applications and have only $99 million utilized, not when small businesses are desperate for loans at lower interest rates.

One of the great problems that we have had in terms of the economy deteriorating to the extent it has, particularly among small businesses, is the fact that small businesses cannot afford to borrow money at the prevailing interest rate. So what are we doing here? What are we saying? Are we saying to big business, "we are going to give you interest free money or lower interest rates"? No, we are saying to only those who qualify, the small business people, that we will utilize industrial revenue bonds to lower interest rates.

Why do we want to lower interest rates for small business people? Because they have the toughest time getting loans from banks. Banks will loan you money if you do not need it. If you need it, forget about it. Do not go. Do not show up.

My gosh, we have seen the tragic consequences of staggering interest rates, so the Congress has passed legislation that cleared the way for the SBA to utilize industrial revenue bonds for small businesses: not for General Motors, not for the giants, for the mom-and-pop stores, for small manufacturing plants, the backbone of America that is going out of business.

But, no, Mr. Stockman says that is not a good enough purpose. Do you know why? Because these people should go out and pay the prevailing interest rate.

Sure, that is why, when they were charging 22 and 23 percent, not only corporate America but all the small businesses in this country, and the small farmers, were going out of business.

What have we done? All this legislation seeks, all I am asking for, is to prevent OMB from thwarting the will of the Congress. It is the law now.

If this law is so bad, it is interesting to note, very interesting, that it is the law now that SBA must make industrial revenue bonds available as a result of the jobs bill. But the tragedy is SBA is now only compelled to grant the use of industrial revenue bonds to small businesses through September 1983. Thereafter we will be right back in the same situation we are now with the will of Congress being thwarted by OMB.

So, Mr. President, this legislation is intended to see to it that with the law that we passed the moneys will be made available, because, tragically, when small businesses needed it most, in 1982, only $99 million was utilized of the existing $250 million.

Let me tell you what has been estimated by SBA and others. It has been estimated that up to 75,000 new private sector jobs will be created if section 503 is utilized to its fullest potential. What is the cost? Five million dollars this year. If we took the worst case scenario, the very worst case, that given by Treasury, which does not calculate any new jobs being created, does not give any credit for up to 75,000 new jobs and the taxes that the people will be paying, State, Federal, and local taxes, they say it will cost $75 million over 5 years.

This is a pretty good jobs bill. I do not think there will be any cost. I think that the income taxes raised as a result of new jobs and new economic stimulation will far outweigh that $75 million over 5 years. But that is the best kind of jobs bill you can have.

You are telling me we can create up to 75,000 new private sector jobs at a cost of no more than $75 million. That is better than the jobs program we passed. It is much better, much cheaper.

The Senator from Ohio brings up a legitimate point. Do we want to encourage people to default? The default rate in this program is less than 1 percent, less than 1 percent. It has created almost 29,000 new jobs. It works. It is a good program.

I recognize the concern that my distinguished colleague has in regard to the fact that we do not want big brother coming up and bailing out, or taking the place of, the banks.

Mr. President, as I stated, we recently passed the jobs bill, but that is not the only jobs bill. Being discussed today is S. 499, the Certified Development Company Improvement Act. This, too, is very much a jobs bill. Tens of thousands of new jobs have been created by the section 503 loan program in its first 2 years of existence, but that is only the start. By passing S. 499, we can insure that hundreds of thousands more new jobs will follow.

On September 28, 1982, the Small Business Committee held an oversight hearing on the small business administration section 503 loan program. The testimony at that hearing was unanimous: The 503 loan program is a good program, in fact, it is a potentially excellent program, except that it has been plagued by one major glaring defect—the refusal of the SBA to participate in any 503 loan where other parts of the financing package include, or are collateralized by, tax-exempt industrial development bonds.

It is this defect that S. 499 corrects. It is specifically designed to prohibit the SBA from discriminating against industrial development bonds when making decisions on applications for funding under the 503 loan program. It is my hope that we can pass this bill today and get it through the House and to the President for signature in the very near future. Jobs bills of this magnitude should not be delayed.

Section 503 of the Small Business Investment Company Act is designed to make SBA an active partner with State and local governments and the private sector in making long-term capital available for small business expansion and job creation. The 503 program can plan an important role in revitalizing local communities across the Nation. Under 503, banks are encouraged to make long-term loans to small businesses under favorable terms. Without Federal guarantee programs such as 503, banks are reluctant to make such loans.

Section 503 authorizes SBA to guarantee debentures issued by certified development companies (CDC's) to finance the acquisition of land, plant, and equipment for small business expansion. The creation of a substantial number of new jobs is a requirement before any such loan can be made. SBA guarantees 40 percent of the project costs, 10 percent comes from the small business itself, and 50 percent comes from a private sector, third party lender, such as a bank.

SBA began certifying CDC's in late 1980. As of January 31, 1983, 352 had been so certified. Another 32 applications were pending. A majority of these development companies are just getting off the ground, but 150 of them had made a loan by the end of 1982 and 90 of them had made more than one loan. All told, 833 loans had been made. The 40 percent of the project costs put up by CDC's for these loans totaled $150.3 million. By October 1, 1982, 28,846 documented jobs had been created as a result of 503 loans, with an average SBA investment per job of only $3,990. The current SBA estimate of the number of jobs created approaches 40,000 and the average investment per job has been steadily dropping since the inception of the 503 program. The vast ma-

jority of jobs created are in the manufacturing and wholesale/retail industries.

However, as I said at the beginning of my remarks, all is not perfect with the 503 program. There is one great problem in desperate need of legislative action. This is the fact that SBA, in complete and total contradiction of clearly expressed congressional intent, has refused to guarantee or participate in 503 loans for projects in which IDB financing is used. This action is part of the administration's overall policy of discouraging use of small issue industrial development bonds, even if the policy impedes economic recovery and hampers the creation of new jobs.

The conference report on Public Law 96-302 states:

SBA should not disapprove the guarantee of any debenture, or any loan made with the proceeds of a debenture issue, solely because the proceeds would be used in a project whose other sources of financing include, or are collateralized by, tax-exempt industrial revenue or development bonds.

This seems pretty clear to me, yet SBA has refused to participate in any such project. A 1965 OMB circular, No. A-70, which states that it is not Government policy to provide a guarantee of a tax-exempt issue, is cited as the reason for this intransigence. Never mind that under 503 the Government guarantees only the CDC portion of the project costs and provides no guarantee, direct or indirect, to any portion financed or collateralized by an IDB. Never mind that a 1980 expression of congressional intend should clearly supercede an outdated bureaucratic memorandum. Never mind that our economy desperately needs the new jobs that would result from more 503 projects. SBA still refuses to participate in such loans and, as a result, over 60 percent of the loan guarantee authority provided for the 503 program has gone unused.

This SBA policy has been condemned by every private sector witness who has appeared before the Small Business Committee. The point was made repeatedly that we are running a good program—a potentially excellent program—at less than half speed because SBA has refused to honor clearly expressed congressional intent. Loans which should be made are not being made. Loan authority is going unused. And, most importantly, new jobs which could be created are not being created.

Thus, the legislation which we are considering today comes in direct response to this widely perceived need for congressional action. The bill itself is simple. It merely requires that SBA process section 503 loan applications without regard to whether or not other parts of the financing package include, or are collateralized by, an IDB. S. 499 simply raises existing conference report language to the status of legislation. S. 499 also contains a similar amendment added during committee markup, that requires the small business pollution loan guarantee program to receive the same fair treatment which we are here mandating for the section 503 program.

No other solution has worked. Despite concentrated efforts negotiations have broken down. Thus, the Congress must act. The 503 program must be allowed to achieve its full potential. The majority of the loan authority granted by Congress must not continue to go unused. The authorized guarantee authority for 503 is $250 million annually. That is what we should be using, not the mere $99.6 million used in fiscal 1982. There is a great demand for this program in the small business community which has been artificially squelched by SBA's policy on IDB involvement. We must eliminate that policy. We must increase the number of 503 loans made. We need the vast number of new jobs that will result. The time to act is now.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, every time I come out here on the floor somebody has a new idea, whether it is an agriculture bill, a small business bill, a $750 billion tax bill. No matter what the bill is, it is going to create more jobs. I would like to have them walk the streets of Cleveland, Youngstown, Toledo, and tell the 12-percent unemployed in Ohio why they are getting no jobs.

Last night one of the things I heard about was to build a parking garage to bring about new jobs. The Stauffer Corp., owned by a British company, was going to create some jobs by building a restaurant.

Some IRB's are justified for industrial needs. I have no objections, and I support them. But the use of IRB's has been totally abused in the past. I have no objection to small business using them. I will go along with the idea of the IRB's and small business loans being combined, but I do insist that the small business funds be protected on a pro rata basis.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I want to express my support for S. 499, which would require the Small Business Administration to permit the use of tax-exempt industrial revenue bonds in conjunction with SBA's guarantees. I also want to commend Senator D'AMATO for his leadership on this issue.

This legislation is necessary because of a Reagan administration policy decision which has restricted the SBA from issuing guarantees in connection with tax-exempt IRB's. I believe the administration's decision is contrary to the needs of small business.

Two important programs administered by SBA have been affected by this decision: The section 503 certified development company program and the pollution control financing guarantee program. Certified development companies represent a unique cooperative effort which joins the Federal Government, State, and local governments, and the private sector in promoting economic development by providing long-term capital to small firms to finance business expansion and job creation. Under the program, the SBA is authorized to guarantee debentures issued by certified development companies, which in turn use the proceeds to assist small business concerns finance long-term fixed-asset projects. The guaranteed debentures may constitute no more than 50 percent of any given project. The remaining 50 percent of the financing is derived from the small business concern, a bank, or from the proceeds of a tax-exempt IRB issued by a State or local government.

SBA's pollution control financing guarantee program guarantees 100 percent of the financing for small business that are required by Government mandated standards to install pollution control equipment. Most of the financing used by small business throughout the program's history has come from the proceeds of the sale of tax-exempt IRB's.

However, as a result of the administration's policy decision, the goals of the section 503 program have been hampered, and the pollution control guarantee program has been virtually shut down. Since implementation of this decision in January 1982, SBA used a mere $99.6 million of the $250 million in guarantee authority provided to the section 503 program in fiscal 1982. In the pollution control program, SBA has guaranteed approximately $13 million in taxable financing, compared to approximately $41 million in tax-exempt financing in the fiscal quarter prior to implementation.

At a time when we should be providing as much help as we can to small business to expand and create jobs in our local communities, and to assist small business meet Government pollution control requirements, this policy decision is thwarting these objectives.

The legislation which we are considering here today would remove the administration's policy as an impediment to the operation of the section 503 certified development company program and the pollution control financing guarantee program as Congress intended. S. 499 would direct that SBA could not refuse to guarantee debentures issued by certified development companies where all or a portion of the other financing for a project is derived from tax-exempt IRB's. I am also pleased the Small Business Committee adopted my amendment that made a similar change with respect to the pollution control guarantee program. That amendment directs that SBA shall not decline to issue a guarantee where an eligible small business has obtained financing for the purchase and installation of pollution control equipment from the proceeds of tax-exempt IRB's.

However, there is another issue here which goes beyond the substance of the administration's efforts to restrict the use of IRB's in connection with SBA guarantees. Of more importance, I believe, is that the administration's decision is in direct contravention of explicit congressional intent established in law.

When the section 503 certified development company program and pollution control financing guarantee program were established, Congress specifically intended that the SBA have the authority to guarantee tax-exempt obligations.

That goes to the heart of the issue that is before the Senate today.

I want to repeat. When these programs were established, Congress specifically intended that the SBA have authority to guarantee these tax-exempt obligations.

In the conference report accompanying Public Law 96-302, which established the section 503 program, it states:

SBA should not disapprove the guarantee of any debenture or any loan made with the proceeds of a debenture issue, solely because the proceeds would be used in a project whose other sources of financing include, or are collaterized by, tax-exempt industrial revenue or development bonds.

That is what our intention was then. Moreover, SBA's regulations, at 13 CFR 108.503-4(c), state:

• • • SBA may participate in projects whose other sources of financing include, or are collaterized by tax-exempt obligations. Further, loans made with the proceeds of 503 debentures may be subordinated to such obligations.

In other words, we in our law and the regulations that were promulgated pursuant to our law permitted the SBA to enter into these guarantees and to subordinate these debentures. But the problem was that what the Congress gaveth, the OMB tooketh away. That is the problem that we have to resolve today. Who is the lawmaker in the country? Is it the Congress in the intention that we set forth when we created these laws or is it the OMB which can countermand the specific congressional intent?

Public Law 94-305, which established the pollution control bond guarantee program, contains specific statutory authority on this point. The Small business Investment Act of 1958, as amended by Public Law 94-305, at section 404(b)(1) states:

Notwithstanding any other law, rule, or regulation or fiscal policy to the contrary, the guarantee authorized in the case of pollution control facilities or property may be issued when such property is acquired by the use of proceeds from industrial revenue bonds which provide the holders interest which is exempt from Federal income tax.

That is what we said. We should not be here today, Mr. President. There should be no need for this bill, but there is. And so the issue is not the wisdom of providing direct or indirect guarantees of tax-exempt industrial revenue bonds. That decision was made with the passage of the two laws which created these programs. I happen to believe it was a good decision.

The issue here is the decision of the OMB to countermand the authority which this Congress gave to the SBA. That is the issue.

Congress has said to the SBA, "You may guarantee tax-exempt IRB's." OMB told SBA they may not. Who is making the laws? That becomes the question, and it is a critical issue in this democracy of ours because at stake is the role of Congress as lawmakers elected by the people vis-a-vis a portion of the executive branch as executors of those laws. OMB's decision and resulting SBA noncompliance with clear congressional intent is a situation that we as Members of Congress should not tolerate. It is a situation we should never have to face. It is a situation we should not be in, but being in now it is a situation which we should resolve to carry out our intent as previously expressed on two occasions.

In the near future, Mr. President, I will be offering legislation to address another area where I believe our authority has been usurped by a portion of the executive branch. That legislation will address the administration's unilateral reductions in congressionally authorized loan guarantee authority. There are other areas that I intend to address where the executive branch has acted contrary to explicit congressional intent or is otherwise unaccountable to the Congress.

For example, last summer the OMB vetoed a marketing order for cherries. This was after the producers and handlers of cherries had agreed to the marketing order and the Secretary of Agriculture had determined that the marketing order was in the national interest. The OMB had already modified the guidelines under which marketing orders could be issued and the Agriculture Department determined that the cherry marketing order was consistent with those now OMB-sanctioned guidelines.

And yet, after the entire process that we had approved was completed, the OMB torpedoed that marketing order, and it raises the fundamental question: Who is the lawmaker in this country, is it the Congress or the OMB?

Again, it is an issue we should not have to face today. It is an issue that was resolved in the Constitution of this country, but yet we are forced to resolve it today because you have the OMB countermanding the clear authority of the Congress to the Small Business Administration.

Mr. President, I hope that we will pass S. 499. I want to compliment the work of my friend from New York. This legislation again should not be necessary, but it is. And similar legislation in other areas will likely be necessary until we address the critical underlying issues which I have outlined.

I thank the Chair and I note the absence of a quorum.

Mr. D'AMATO. Mr. President——

Mr. METZENBAUM. Mr. President, the Senator suggested the absence of a quorum. He was recognized.

Mr. LEVIN. Mr. President, I did discuss making these remarks with the Senator from Ohio. I agreed with him at that time that after I was finished with my remarks, I would again put in a quorum call. In keeping with that commitment, I now suggest the absence of a quorum.

Mr. METZENBAUM. I thank the Senator.

The PRESIDING OFFICER (Mr. RUDMAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. METZENBAUM. Objection.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue the call of the roll.

The assistant legislative clerk continued the call of the roll.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. METZENBAUM. Objection.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue calling the roll.

The assistant legislative clerk resumed the call of the roll.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Will the Senator yield?

Mr. D'AMATO. Certainly.

Mr. BYRD. I made the objection not because of any feeling on my part, but Mr. METZENBAUM, who had to go to a meeting of the Budget Committee to attend a vote there, left the floor on the understanding that I would protect him. So I am carrying out my duties in that respect.

Mr. D'AMATO. I understand.

Mr. President, I would feel remiss if I did not say something at this point. I understand the great tradition of the Senate and the rules—those rules which are designed to protect the interests of the minority, those rules which are designed to protect the interests of individual Senators so that they can give the best representation to their States, to their legitimate feelings, whether they be national interests or whether they be local interests.

But, Mr. President, when that right impedes the business of the Senate, impedes consideration of legitimate requests, when that right is used so indiscriminately that it can forestall the business of the Senate and even legitimate consideration of bills reports by committees, then that right becomes abused.

I certainly respect any Member's right to object. I certainly respect any Member's right to take difference or to fight for his or her feelings. But I do not believe that making an objection and not even staying to defend the floor, particularly during the dire economic times that we have today is a legitimate use of senatorial prerogative. I would suggest that maybe if the SBA could make some more loans to small business people in Cleveland at lower interest rates that maybe some of that 11- or 12-percent unemployment which my colleague from Ohio mentioned would be diminished.

I would suggest that the specter of being concerned about the Treasury is inaccurate. The fact of the matter is that this bill will not cost the Treasury any money, but will be a revenue enhancer. The fact is it is one of the best investments we can possibly use to bring down and keep down interest rates for those who desperately need that. And that is the small businessman, not the corporate giant. And when we have a success—and this program has been a success, the 503 small business program, with a default rate of less than 1 percent—to come forth and say, "Well, I do not want the Treasury to bail out the banks" is a specious argument. That is pandering to people, pandering, going around and saying "Why should Uncle Sam take care of the big, rich bankers?"

I might add that during this time when many projects could start and there are many applications, it is the right time to put people back to work, and not in make-work jobs, not in Government subsidized jobs, but in the private sector. That is exactly what this bill does.

I am saddened that we have a situation which permits a person to lodge an objection when probably there would be 85 or more Senators who would support this bill, which is already the law for this fiscal year and which simply says that Mr. Stockman and OMB cannot thwart the law—and that is what the essence of this bill is—that we have a system that gives protection to that Senator so that he can impede the Senate, hold people here and go about his business.

I might say how strongly I feel. There is an old song. I think it goes something like, "There will come a day." And I might say to those who are here and those who may read the RECORD, "There will come a day."

There may come a day when there are some Senators who want to leave and I will feel strongly on a matter. There may come a day when some people want to go home and I will feel strongly on a matter. There may come a day when I feel so strongly on a matter of principle that then I will use that same senatorial prerogative, which I have not used to date, to impede the business and not to allow a legitimate vote on a question.

I think this is an abuse to those people who lose jobs because the situation is not rectified. Maybe they can look toward the fact that on this day the Senate could not even have a vote with respect to whether or not we should see congressional intent reaffirmed with legislation that will aid people and small businesses. This congressional intent has been time and time again interfered with by OMB. Now the Congress wants to reassert itself in this area and is not able to do so because of one voice, and that voice has now walked off the floor.

So, Mr. President, I think there will come a day when we will get this legislation passed, in spite of those who would seek to deprive people of a vote. But let it not be said that the Senator from New York does not keep his promises, because that day will come when the Senator from New York rises to make a point of order or an objection, calls quorum calls, and keeps the Senate from doing its business.

I believe very strongly that that is exactly what took place all day today and is still taking place now. The business of the people is being thwarted. That is a very sad situation, Mr. President.

THE NEED FOR A NEW FEDERAL EMPLOYEE PENSION SYSTEM

Mr. STEVENS. Mr. President, Federal employees hired after January 1, 1984, will begin paying the social security tax. Without some change, Federal employees will be subject to both the civil service retirement system and the social security system. Obviously, a new pension system for Federal employees needs to be developed to coordinate with the social security system.

The Federal Bar Journal asked Jamie Cowen of my Civil Service Subcommittee staff to write an article about social security coverge of Federal employees. Although originally written in February prior to the enactment of the social security bill, the article assumes new Federal employees will be covered by social security and then thoroughly discusses the options to be considered in developing a new supplemental pension plan. I believe this article can begin to educate us as to what will be required in developing such a pension program. I ask unanimous consent that the text of this article be inserted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Federal Bar News & Journal, April 1983]

SOCIAL SECURITY COVERAGE OF FEDERAL WORKERS—THE REAL ISSUES

(By Jamie Cowen)

To whisper the phrase "social security coverage" around most federal employees is to send chills up most of their spines. The picture envisioned is an insatiable money-starved Social Security System gobbling up a reasonably stable federal retirement fund, leaving a skeleton of the current retirement system for its current and future beneficiaries. Not only is that an absurd reflection, but also it obscures the far more fundamental issue of civil service retirement reform.

No proposals to remedy the ills of the Social Security System recommend tapping the Civil Service Retirement Fund for additional monies. The sole economic benefit to the Social Security System is the infusion of new money to its trust fund from additional participants. Since federal employment is not covered by the system, the inclusion of a group of federal employees, whether current or new, will add a new source of revenue to the starving system through the payroll taxes. In the long run, the inclusion of federal workers will have a marginally positive effect upon the social security trust fund balance.[1]

The National Commission for Social Security Reform has recommended covering all newly hired federal and postal employees beginning in January of 1984 under the Social Security system. Irrespective of one's position on that recommendation, a number of related and more important issues must be considered. The federal workforce needs to be aware of these issues so it can recommend to its representatives how it wants them decided. This article will assume that new federal employees will be covered by social security and thus will focus on relevant issues in developing a new civil service pension plan which will be integrated with social security.

As a caveat, the establishment of a new plan will not in any way affect the financial

[1] Report of the National Commission on Social Security Reform, January, 1983, pp. 2-5.

stability of the current system. Most of the current system's financing results from direct transfers from the general treasury. This will continue regardless of the existence of a new plan.

AN INTRODUCTION TO SOCIAL SECURITY AND CIVIL SERVICE RETIREMENT

The Social Security System was established because of the aging of the American population and the devastation sustained particularly by the elderly during the Depression. It was intended as a social insurance program to replace a worker's lost earnings during retirement. It originally only covered wage earning and salaried workers in commerce and industry. Over the years, however, coverage was extended to approximately 90 percent of the American workforce. Only federal, certain state and local government, and non-profit employees remain uncovered by the Social Security System.[2]

Today, social security provides a host of benefits. The main benefit is the Old Age Survivor and Disability Insurance benefit. This benefit is a function of average career wages adjusted for inflation. An eligible beneficiary can begin to draw a full old age benefit at age 65 or a reduced one at age 62. A married beneficiary's spouse and dependent children are entitled to a benefit as well.

The spouse and children can receive one half of the basic benefit while the beneficiary is alive. If the beneficiary is dead and the spouse is of retirement age or has dependent children, the spouse is entitled to 100% of the benefit; children are entitled to 75%. Disability benefits are similar to the basic benefits except the family benefit is usually somewhat less.

Table I [3] is a rough example of the basic benefit for three individual employees who retire at different salary levels. The family benefit would be added to this.

TABLE I

	Employee:		
	A	B	C
Final year's salary	$15,000	$30,000	$45,000
Social security benefit	6,000	8,200	8,400

Fifteen years prior to the enactment of the Social Security Act, the Civil Service Retirement System (CSRS) was established. Unlike the intent underlying the establishment of the Social Security System, CSRS was established to retire extremely old civil servants to enable younger ones to move through the ranks.[4]

The original act provided for mandatory retirement at age 70. The benefit was computed as a percentage of the employee's average salary for his last ten years of service. Only disabled employees could retire with a benefit before age 70 if they had served fifteen years.

Today, retirement eligibility for most federal employees is age 55 with 30 years of service, age 60 with 20 years of service, and age 62 with 5 years of service. The benefit is calculated as a percentage of one's high three years of salary.

Benefits under both systems have substantially increased since the enactment of these separate acts. Still, though, the purposes of each act and their effect on employees are very different. Social security payments were always intended to provide the elderly with a base of income. There are two components to these payments.

The social security benefit was intended, and does to some extent, to bear a direct relationship to earnings over a worker's career. In other words, the higher the earnings (up to a point) the greater the benefit. On the other hand, it also redistributes wealth from the higher income to the lower income to ensure a minimum standard of living. Therefore, while the higher income still receives back more in a benefit than the lower income, the higher income receives a lower percentage of salary. Thus, the Social Security System assumes the dual role of an economic and social program.

The Civil Service Retirement System very simply replaces a certain percentage of an employee's preretirement earnings at all income levels. To give an example of how the two systems treat the same employee, assume Employees A, B, and C work for 30 years and retire at different salary levels. Table II [5] is a rough calculation of how the two systems replace earnings.

TABLE II

	Employee:		
	A	B	C
Final year's salary	$15,000	$30,000	$45,000
Civil service benefit	8,000	16,200	24,300
(In percent)	54	54	54
Social security benefit	6,000	8,200	8,400
(In percent)	40	27	19

Note that Employee C receives a greater dollar amount than Employee A in social security benefits. However, as a proportion of his final salary, Employee C receives far less. This exemplifies the redistributive nature of the Social Security System. The same employees under the Civil Service System, though, receive the same percentage of preretirement earnings regardless of salary level.

The different treatment of employees can be attributed to the different nature of the systems. Again, the Social Security System is in part a social insurance program, while the Civil Service retirement System is in reality a form of deferred compensation. Thus, the government, as an employer through the Civil Service System, treats all of its employees similarly—each will receive a certain percentage of his salary at retirement. This does not mean, though, that the systems are mutually exclusive.

INTEGRATING SOCIAL SECURITY WITH A CIVIL SERVICE PENSION

During consideration of the original Social Security Act, one of the more controversial issues was the question of covering employers who already offered a pension plan for their employees. It was ultimately decided that since pensions varied so greatly, even within a particular business, and since so many of them were wiped out during the Depression, these employers should indeed be covered.[6] These Factors obviously did not apply to the Civil Service Retirement System and thus federal employment remained outside of the Act.

At that time, there were approximately 750 pension plans in operation. Now, there are 696,000.[7] Most of them are integrated with social security. In other words, social security serves as the base for most pension programs in the nation.

The dilemma for employers, and soon the government, is how to integrate their pension plans with a social security program whose aim is somewhat different. Employers are usually concerned about employee turnover, age of retirement, and rewarding long term employees. Retirement benefits are viewed as deferred compensation and hence bear a direct relationship to earnings. Social security's social policy of redistributing income to the lower income conflicts in part with the underlying policy of employers' pension programs.

Thus, most employers compensate for the redistributive nature of the social security benefit, in a sense, by redistributing the pension in the opposite direction. Table III [8] is an example where the pension benefit simply overlays the social security benefit with no integration.

TABLE III

	Employee:		
	A	B	C
Final year's salary	$15,000	$30,000	$45,000
Social security benefit	6,000	8,200	8,400
Pension benefit (1.5% times service)	6,100	12,200	18,200
Total income	12,100	20,400	26,600
(As percent)	80	68	55

Note that without integrating the retirement benefit with the social security benefit, Employee A receives a far greater proportional benefit than Employee C.

As an alternative, the pension benefit can recognize the level of the social security benefit and offset it to some degree.[9] This is the approach most offen used in the private sector. In Table IV [10] the pension benefit is reduced by one half of the amount of the social security benefit.

TABLE IV

	Employee:		
	A	B	C
Final year's salary	$15,000	$30,000	$45,000
Social security benefit	6,000	8,200	8,400
Pension benefits gross benefits (2% times service)	8,100	16,200	24,300
Half social security	3,000	4,100	4,200
Net benefit	5,100	12,100	20,100
Total income (pension and social security)	11,100	20,300	28,500
(As percent)	74	68	63

Note that while Employee C is still receiving a lower percentage of his final salary than Employee A, the difference is not as great as the example shown in Table III. In this case, Employee A's *pension* benefit is smaller as a percentage of salary than Employee C's. This offsets the opposite effect of the social security benefit. Again, the

[2] Schieber, Sylvester, "Social Security: Perspectives on Preserving the System" (Washington, D.C.: Employee Benefit Research Institute, 1982), pp. 17-19.

[3] Hustead, Edwin, Hay Associates.

[4] Congressional Research Service, "Restructuring the Civil Service Retirement System: Analysis of Options to Control Costs and Maintain Retirement Income Security" (Washington, D.C.: U.S. Government Printing Office, 1982), pp. 7-9.

[5] Hustead, Edwin, Hay Associates.

[6] Schieber, pp. 14-16.

[7] Ibid, p. 47.

[8] Hustead, Edwin, Hay Associates.

[9] Section 401 of the Internal Revenue Code of 1954 prohibits an employer's pension from fully offseting the redistributive formula in the social security benefit. It does allow the social security benefit to be partially offset, however.

[10] Hustead, Edwin, Hay Associates.

reason for doing this is to treat retirement as deferred compensation and thus align employees' benefits more closely to salary.

As legislation is likely to be considered later this year to provide a supplemental pension for federal workers covered by social security, the question of how to apportion the pension benefits will be critical. Should the government plan compensate for social security's redistributive formula as most private plans do, or should the government as employer and policymaker be consistent and maintain the redistributive tilt in the pension plan? Notwithstanding the requirements in the Tax Code spelled out in note nine, Congress could completely offset the skew in the social security benefit and replace a straight level percentage of salary such as CSRS.

One other factor to consider is that any offset in a pension plan could negatively impact the lower income if an option exists for early retirement. Recall that a pension designed to offset the redistributive bias of the social security benefit is skewed in the opposite direction. If entitlement to that pension benefit is available prior to the social security age, a lower income worker may receive a smaller percentage of salary than a higher income employee until social security payments begin.

DEFINED BENEFIT VERSUS DEFINED CONTRIBUTION

The Social Security and Civil Service Retirement Systems are retirement plans known as defined benefit plans. Both systems promise a certain benefit calculated as a percentage of salary and in some measure are dependent upon length of service.

There is another common retirement plan known as a defined contribution plan. In this case, the employer, and occasionally the employee as well, contributes a specified percentage of salary to an employee account in a trust fund which is then invested in various types of interest-bearing instruments. The employee's retirement benefit consists of the accumulated contributions in his account plus their earnings over time.

In such a case, an arrangement is normally made with a retiring employee to transform his account into a lifetime annuity. The amount of the annuity is determined by the employee's projected mortality, the amount of money currently held in his account, and the expected returns that the account will continue to earn while it is being disbursed.

Both types of retirement plans, defined benefit and defined contribution, have certain advantages and disadvantages. The decision as to which plan will serve as the new civil service pension is probably the most significant issue facing the federal workforce.

Defined benefit plans are more prevalent in older, unionized industries. In recent years, however, contribution plans have been used more frequently.[11] The more frequent use of contribution plans can be attributed to the tax advantages afforded to employers through the use of modified contribution plans, and to difficult economic times.

For a government system, obviously, the tax treatment of a plan is immaterial. However, the impact on the federal budget of an unpredictable and expensive defined benefit plan is what is causing the current attack on the Civil Service Retirement System and thus is important when consideration is being given to devising a new government plan.

The most significant difference between a benefit and a contribution plan is in the security or certainty of the benefit.[12] A benefit plan promises a specific benefit regardless of the economic climate. Poor economic conditions do not affect that benefit especially if, as in the case of the Civil Service Retirement System, the benefit is adjusted for inflation. In a sense, the government bears the risks and the cost of an inflation-adjusted defined benefit plan.

An important caveat to this is the assumption that during difficult economic times an employer will not reduce the level of benefits under a defined benefit plan. ERISA prohibits reductions in benefits once employees are vested.[13] ERISA does not cover the Civil Service Retirement System, though, and thus changes are not prohibited. For example, Congress has reduced benefit levels often in recent years. In fact, it is unlikely that a government benefit plan can ever be fully insulated from subsequent acts of Congress.

In a contribution plan, the employee owns the account and thus the risk falls on the employee. If investments do well, the employee's account gains. Obviously, the reverse is equally true. Rather than providing for a certain benefit, a contribution plan ensures a certain cost which is advantageous to the employer. A well invested contribution plan, though, can provide employees with good benefits while not increasing the cost to the employer.

The certainty for the employee is through the ownership of the account. Normally, annual statements are provided to the employees showing their accumulations. These account statements keep the employees involved in their own retirement planning and assist them in determing when they could feasibly retire.[14]

In most situations, however, the benefit plan provides certainty for the employee while the contribution plan provides the same for the employer.

The greatest advantage of a contribution plan is its portability features. Because an employee in a sense owns his account, when he leaves employment most plans permit the employee to take his account with him, allowing the employee to roll over the amount into an IRA and thus to continue to receive investment growth from those contributions. In other words, he loses nothing by changing jobs. This provides the employee with a great deal of flexibility in his career planning.

Most benefit plans in effect penalize less than full career employees. A departing employee rarely can take any benefit with him. Instead, if he is vested he is entitled to receive the benefit at retirement age. However, the benefit is not adjusted for inflation after he leaves employment, at least not until he begins receiving the benefit. Thus, the real level of the benefit will be greatly reduced due to the intervening period.

The Civil Service Retirement System is a case in point:

"Even the federal government, which is in most respects exceptionally liberal in paying benefits to its retired employees, excludes vested terminated employees from inflation protection. They are barred from cost-of-living increases between their time of departure from federal employment until retirement at age sixty-two. Although those terminating from federal employment can withdraw their account balances (their own contributions with little or no interest), they cannot roll them over into IRAs. This ungenerous policy has kept the federal government filled with disgruntled employees who know that exact day they are eligible to retire. Their situation is worse than that of private employees for whom Social Security continues to be indexed even if they change jobs. Many would look for another job if they could afford to leave, but the necessary sacrifice of their retirement security makes such an option impossible."[15]

Another important factor to consider is the entry age of an employee into the plan. A contribution plan is more advantageous for an employee beginning his job at a relatively young age. This gives his account time to accumulate contributions and to take advantage of compounding interest.[16] For example, an early participant in the Teacher's Insurance and Annuity Association and College Retirement Equities Fund, the nation's largest defined contribution plan, would have seen his 1952 stock unit valued at $10.50 increase to $120.00 today when the compounding effect is considered.

For an employee who joins a new employer at middle age, the defined benefit plan is better.[17] As noted previously, the employee will receive a specified benefit which is not dependent upon accumulating contributions. Obviously, the account in a contribution plan of an older entry employee will not have sufficient time to fully accumulate unless the employee is permitted to roll over a cashed out account of another plan into his present one.

For employees who plan to work beyond retirement age, the contribution plan will be more attractive.[18] While benefits under both types of plans increase as one works longer, the rate of increase in benefits under a contribution plan accelerates in later years due to the compounding phenomenon.

Finally, the better plan to hedge against inflation after retirement will depend upon the extent of the cost-of-living adjustment available in a defined benefit plan. In most cases, in the private sector, a contribution plan more adequately protects against inflation than a benefit plan. Even while being disbursed through an annuity, the account in a contribution plan is being reinvested. Thus, the earnings on the disbursing account can be used to provide inflationary protection

Very few defined benefit plans in the private sector incorporate automatic cost-of-living adjustments. Those that do cap the adjustments at three or four percent. Most companies will provide cost-of-living adjustments on an ad hoc basis depending on the companies' ability to pay for them.[19] The

[11] Schieber, pp. 46-54.

[12] Charles Lombert Trowbridge, "Defined Benefit and Defined Contribution Plans: An Overview," in Dallas L. Salisbury (ed.), "Economic Survival in Retirement: Which Pension Is For You?" (Washington, D.C.: Employee Benefit Research Institute, 1982) pp. 4-7.

[13] § 203 of the Employee Retirement Income Security Act. The Act covers all private employers who offer pensions.

[14] William C. Greenough, Speech to the Conference on the *"Design Restructure of Public Pensions In An ERA of Financial Distress"* sponsored by Edward H. Friend and Company, Washington, D.C., 1982.

[15] Edith V. Fierst, "Defined Benefit and Defined Contribution Plans: "A Participant's Perspective," *Economic Survival in Retirement: Which Pension Is For You?" pp. 93-94.*

[16] Ibid, p. 90.

[17] Ibid, pp. 90-91.

[18] Ibid, p. 92.

[19] Ibid, pp. 92-93.

lack of any regular adjustment in private plans, though, must be seen in light of the fact that these same employees receive social security benefits which are adjusted for inflation.

If a cost-of-living adjustment is included in a plan which is comparable to that provided for in the Civil Service Retirement System, the benefit plan would clearly be preferable. However, note that the full and automatic cost-of-living adjustments currently applied to federal retirement programs is one of the budgetary items most under attack. It may be very difficult to establish a new pension system with that feature during the current economic climate.

Towards the end of the 97th Congress, Senator Ted Stevens (R-AK), Chairman of the Subcommittee on Civil Service, Post Office, and General Services of the Senate Governmental Affairs Committee, introduced legislation establishing a new supplemental civil service pension plan integrated with the Social Security System. The bill, S. 2905,[20] would establish a three-tiered retirement program for new federal employees with an option for current employees to join.

The main pension is a defined contribution plan. In addition to the significant change to a contribution plan from the current civil service benefit plan, the legislation authorizes gradual private investment of employee accounts. The bill has not yet been reintroduced in the 98th Congress.

One of the Chairman's motives behind the legislation is to put the Civil Service Retirement System on the same footing as private plans in that once an employee is vested, the system's benefits cannot be subsequently reduced for that individual. As was noted previously, ERISA prohibits changes in a private plan's design which would result in a reduction of benefits for a vested employee. Since the government is the employer in the Civil Service Retirement System, such protection is nonexistent since one Congress cannot bind another Congress from subsequent action.

Quoting from a report on the Stevens bill:

"The courts have consistently upheld Congress' authority to modify government pensions. The Supreme Court has held that a pension granted by the federal government confers no rights which cannot be 'revised, modified or recalled' by subsequent legislation. Additionally, the court has ruled that until a pension is due, an employee's right is not contractual but a mere expectancy which can be revoked at any time. Hence, there is little certainty in the current system." [21]

Apparently, the Senator is arguing that the normal security and certainty of a defined benefit plan is actually not available in a government plan. He contends that the inherent nature of a contribution plan actually affords more security than a benefit plan in a governmental setting since an employee's account in a contribution plan could not be tampered with due to the employee's ownership of the account.

Private investment of the government contributions strengthens the ownership premise of the accounts and hence the security of the system according to Stevens.

"Any private investment would enhance the contractual nature of the pension system. Although we agree that a property right devolves from the nature of a defined contribution plan, even if the money is invested solely in government securities, distributing employee monies through various private firms and into the economy strengthens the contractual and property concepts. The government would no longer be guaranteeing a benefit: not only would that be strong grounds for considering the employee's account sacrosanct, but any private investment would assure that accumulated contributions plus investment earnings could not even be reached by government action." [22]

A government contribution plan still places the risk of investment performance on the employees, but the ability of the government to be able to subsequently reduce benefit levels in a benefit plan (most likely to occur during difficult economic times) diminishes the normal security of the benefit plan.

Clearly, the biggest issue facing the federal workforce vis-a-vis a new pension system is whether the design should be a traditional benefit plan or a contribution plan. A contribution plan offers more variation and flexibility; a benefit plan more security and certainty. One possibility is a hybrid system—a minimum benefit plan with a contribution plan design so as to afford protection against a disaster while providing the many opportunities available through a contribution plan.[23]

SUPPLEMENTS TO THE BASIC PENSION

Many employers offer a variety of additional benefits to further supplement their basic pension. Normally, these benefits are offered on a voluntary arrangement. Typical supplements are thrift plans, stock options, profit sharing, and deferred compensation plans.[24]

The government, as an employer, is obviously limited in what it can offer. However, that should not preclude it from availing itself of certain opportunities. In fact, two government agencies, the Federal Reserve Board and the Tennessee Valley Authority, offer thrift plan participation to their employees.

A thrift or savings plan is a vehicle to encourage savings, and thereby increase retirement income, by an employee which is rewarded by an employer matching contribution. Often, the employer arranges for employee loans from the thrift plan for the purchase of a home or a college education.

Again, the Stevens bill incorporates this concept. It allows an employee to contribute up to sixteen percent of pay with the government to match the first three percent. Under the Stevens proposal, the thrift plan overlays a defined contribution plan. Under the Reserve Board and TVA systems, the thrift plan overlays a defined benefit package.

In addition, the Internal Revenue Service recently issued regulations providing for what is called deferred compensation.[25] Deferred compensation allows an employee to set aside for retirement a portion of his salary thereby avoiding tax liability on that amount of salary until he receives it back at retirement age. Interest earned on that compensation is also sheltered from taxes until the employee begins to receive it back.

Finally, with the availability of Individual Retirement Accounts (IRAs), employees already have an additional option for retirement. IRAs, however, do not proportionately benefit the lower income. Their greatest asset is their tax shelter, which obviously benefits the higher income more than the low.

A whole variety of new retirement tools have sprung up in recent years. Since a new federal pension plan will probably need to be developed, careful consideration should be given to providing some of these options.

BUYING OUT CURRENT EMPLOYEES

The last subject to be discussed in this article is what is termed a buyout option. Although presumably any legislation establishing a new federal retirement program will be designed for new employees, current employees should ensure that an option exists for them to join it. Since the current workforce will be the ones assisting in the new program's development, they should further ensure that the option to join the new program is attractive.

Presumably, a new plan will have certain advantages and disadvantages over the current retirement system. Many current federal employees may find the advantages of participation in the new system to be appealing. Assuredly, those developing the new legislation will find it in their interests to lure current federal employees to join. An attractive buyout option can meet both interests.

In 1980, a new retirement system was established for new employees of the State of Maryland.[26] The impetus behind the development of the new system was the increasing cost of the old one. Prior to the establishment of the new system, state employees participated in a full state retirement system plus social security. The combined benefits under both systems were extremely good and very costly.[27]

The new system was integrated with social security and in effect, while reducing overall employee contributions, the eventual retirement benfits were significantly reduced. However, an attractive buyout option was provided to current employees. For those joining the new system, service in the old system was automatically credited to the new one, plus a substantial refund of previous employee contributions with interest was provided to current employees.

While current employees were fully apprised of the reduction in benefits they were opting to receive by virtue of transferring systems, many were eager to receive the refund of previous contributions. Over thirty percent of the current workforce transferred.

The Stevens bill also provides a lucrative buyout option for current federal employees. Because an employee would be transferring from a defined benefit to a defined contribution plan, the options are more complex. Actually, the Stevens legislation affords employees two buyout options.

"In the first option, the government would match dollar for dollar the employee's total contributions to the current system, and apply a factor of five percent to represent interest compounded for all of his

[20] Introduced in the U.S. Senate on September 14, 1982.

[21] Subcommittee on Civil Service, Post Office and General Services of the Committee on Governmental Affairs, United States Senate, "Civil Service Pension Reform Act" (Washington, D.C.: U.S. Government Printing Office, 1983), p. 8.

[22] *Ibid*, p. 16.

[23] Trowbridge, p. 22.

[24] Schieber, pp. 62-66.

[25] § 1.401(K) of the regulations under the Internal Revenue Code of 1954.

[26] Article 73B, Section 111, Annotated Code of Maryland.

[27] Pension Study Committee, Report to the 1978 Session of the Maryland General Assembly, p. X.

years of employment. This sum would be transferred to the new system.

"In the second option, the present value of accumulated future benefits is computed, using an inflation factor of six percent. As in the first option, this new sum would be transferred to the new system to the employee's account. The first option is more beneficial to those with less than about thirteen years of service; the second option is more beneficial to workers with service greater than thirteen years. Here's an example:

"Assume an employee entered government at age 25 with a starting salary of $10,000 and received annual pay increases of six percent. At age 30 the first option would yield him $9,100; the second option, $4,400. At age 45 the first option would yield him $81,400; the second option, $125,000."

In either case, according to the Committee's report, many federal workers will find it advantageous to transfer to the new system due to the sizeable lump sum contributions made to their accounts. An attractive feature of the Stevens bill permits employees to leave government and withdraw their account after participating in the new system for five years. This could be very appealing to current employees considering leaving government in the near future.

Developing and passing legislation that establishes a new civil service pension system will be a monumental task. The federal workforce needs to be involved in this process. As can be seen from this article, the decisions to be made will have far-reaching effects not only on the retirement plans of the workforce but on the future makeup of the workforce itself. It will also have reverberations throughout the pension field, possibly serving as a model or at least influencing other pension systems.

Federal employees must direct their efforts where they will be most effective. Developing a new pension system integrated with social security is the task at hand.

THE FCC AND THE UNIVERSAL SERVICE FUND

Mr. PRESSLER. Mr. President, Government officials frequently make decisions which are not noticed outside of Washington but which have far-reaching and long-term effects on every single American. Nowhere is this more evident than the issue of telephone rate regulation.

For the past several months, the Federal Communications Commission has been working on a proposal to replace the existing telephone rate structure and carrier reimbursement system with an access charge mechanism. This change, the result of the imminent AT&T divestiture, will encourage competition in the telecommunications industry. However, any change in the telephone rate structure must be based on the continued commitment to universal telephone service, especially in rural America.

The FCC has proposed a universal service fund to assist in covering expenses for high-cost telephone service provided in rural areas like my home State of South Dakota. The Commission, in conjunction with the Federal/State joint board, is currently debating which expenses will be reimbursed by this fund and which telephone companies will qualify for this reimbursement.

I urge my colleagues to join with me in carefully monitoring the Commission's decisions to insure that all Americans will continue to have access to the finest telephone system on Earth.

I have recently written to the Commission on this matter, and I ask unanimous consent that this correspondence be printed in the RECORD immediately following my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON COMMERCE,
SCIENCE, AND TRANSPORTATION,
Washington, D.C., April 6, 1983.

MARK FOWLER,
Chairman, Federal Communications Commission, 1919 M Street, Washington, D.C.

DEAR CHAIRMAN FOWLER: As a member of the Senate Commerce Committee's Subcommittee on Communications, I have expressed concern over the effects of the Commission's action on interstate access charges in CC Docket 78-72. I remain concerned about the proposed increases in charges to rural telephone customers in my state and would like to comment on the Universal Service Fund proposal which the Commission adopted on December 22, 1982.

Under the Commission's decision, the cost of non-traffic sensitive exchange plant used in placing or receiving interstate telephone calls will be passed on directly to telephone subscribers in the form of a monthly charge. This charge will be added to basic monthly local service rates and to usage-sensitive charges for long-distance phone calls. By the end of the 7-year transition period, all of these costs will be assessed to all phone customers in the nation. These increased costs will be highest for those customers living in areas that are expensive to serve, such as rural states like South Dakota.

The Commission is to be commended for past efforts to reduce the burden of access charges on rural customers. Removing some traffic sensitive equipment from the list of costs to be recovered from local subscribers will prove helpful. Another important decision is the establishment of the Universal Service Fund (USF) intended to maintain reasonable rates for customers of high cost companies. I am aware that many of the operative details of the USF are to be decided by the Federal/State Joint Board, perhaps at its April meeting.

The impact of the Docket 78-72 decision on rural customers clearly depends on the design of the USF. The criteria established to determine high cost companies and the level of payments to such companies are important factors in the effectiveness of the Fund. Another crucial issue, identifying those high costs to be recovered under the USF mechanism, is also to be considered by the Joint Board.

The Senate, in its 1981 debate of S. 898, the Telecommunications Competition and Deregulation Act, also considered the issue of allocation of costs among regulatory jurisdictions. At that time, the Senate decided to set a limit on the increases in rural telephone rates compared to those in urban areas. That limit was set at 110 percent of the national average. I understand that the Joint Board is now considering utilizing the 110 percent standard to determine the level above which local loop costs may be covered by funds from the USF.

I would like to commend the Joint Board for considering a standard which has prior Congressional approval. However, it is important to note that the Senate, in S. 898, anticipated that all costs above the 110 percent standard would be covered.

Some parties involved in this issue have proposed that only a portion of the high costs of qualifying companies should be reimbursed by the USF. However, I believe that incorporating such a principle would be misguided. Under such a plan, rural rate protection, identified as one of the Commission's goals, will be considerably reduced. I urge you, as Chairman of the Joint Board, to take action to mitigate the negative effects of a change to access charges on rural areas and assure the USF mechanism adopted is targeted to achieve that goal most effectively.

I will continue to monitor the Joint Board's activities and I look forward to hearing from you as this matter progresses. Rural America must retain its universal telephone service and rural customers must not be asked to bear an unwarranted burden under any access charge system.

Sincerely,

LARRY PRESSLER,
U.S. Senator.

CIVIL RIGHTS COMMISSION REAUTHORIZATION ACT—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE RECESS—PM 36

Under the authority of the order of the Senate of April 6, 1983, the Secretary of the Senate, on April 6, 1983, during the recess of the Senate, received the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on the Judiciary:

To the Congress of the United States:

I am transmitting herewith the "Civil Rights Commission Reauthorization Act of 1983".

We Americans have come to share a vision of the Nation we want to be: A Nation in which sex, race, religion, color, national origin, age, or condition of disability do not determine an individual's worth. We can be justly proud both of the progress we have made toward realizing that ideal—and of our recognition that progress remains to be made.

In my State of the Union Address on January 25 of this year, I emphasized the important role the Commission can play in assuring that we, as a Nation, keep our statutory commitments to fairness and equity for all Americans—and the necessity that the Commission not be allowed to expire, as current law provides, at the end of 1983. In recognition of these goals, the legislation I am transmitting would

continue the Commission's important work through 2003.

The twenty-year extension I propose today would be the longest in the Commission's history. I believe we must assure the continuity of the Commission's mission, while preserving the original Congressional intent that the Commission have a specified purpose and duration.

I am also proposing that future members of the Commission be appointed for specified terms, as is currently the case with the Equal Employment Opportunity Commission and similar agencies. This will assure that the Commission's membership is reviewed at specified intervals and provide for the introduction of new perspectives to the Commission's work.

Finally, I am proposing that the Commission's current authorities and procedures be continued intact. Since the Commission's founding, the existing statutory provisions have enabled the Commission to fulfill its unique function while avoiding duplication of activities performed by the EEOC, Department of Justice, and other line agencies.

I ask that this legislation be adopted quickly to avoid any uncertainty regarding the Commission's status and any resulting disruption in its important work.

RONALD REAGAN.

THE WHITE HOUSE, *April 6, 1983.*

MESSAGES FROM THE HOUSE

At 12:26 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 102. Concurrent resolution directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 1900.

The message also announced that pursuant to the provisions of 22 U.S.C. 276a-1, as amended by Public Law 95-45, the Speaker pro tempore appoints as additional members of the delegation to attend the Conference of the Interparliamentary Union to be held in Helsinki, Finland, on April 25 through April 29, 1983, the following Members on the part of the House: Mr. HAWKINS, Mr. DE LA GARZA, Mrs. BOGGS, Ms. OAKAR, Mr. FEIGHAN, Mr. HYDE, Mr. MCGRATH, Mr. BATEMAN, and Mr. BOEHLERT.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-678. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the annual report of the Solar Energy and Energy Conservation Bank for fiscal year 1982; to the Committee on Banking, Housing, and Urban Affairs.

EC-679. A communication from the Secretary of Transportation, transmitting, pursuant to law, the seventh annual report on the Automotive Fuel Economy Program covering fiscal year 1982; to the Committee on Commerce, Science, and Transportation.

EC-680. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, a boundary description as required under the Alaska National Interest Lands Conservation Act; to the Committee on Energy and Natural Resources.

EC-681. A communication from the Secretary of the Interior, transmitting, a draft of proposed legislation to extend until October 1, 1993, the authorization for appropriations to the migratory bird conservation fund, and for other purposes; to the Committee on Environment and Public Works.

EC-682. A communication from the Acting Director of the Environment Protection Agency, transmitting a draft of proposed legislation to amend and extend Title I of the Marine Protection, Research, and Sanctuaries Act, as amended, for two years; to the Committee on Environment and Public Works.

EC-683. A communication from the Secretary of Transportation, transmitting, pursuant to law, the seventh report on railroad-highway demonstration projects; to the Committee on Environment and Public Works.

EC-684. A communication from the Deputy Assistant Secretary of Defense (Administration), transmitting, pursuant to law, the 1982 calendar year report on Extraordinary Contractural Actions to Facilitate the National Defense; to the Committee on Armed Services.

EC-685. A communication from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, a report on the conversion of the food service function at the Naval Aerospace regional Medical Center, Pensacola, Florida to performance by contract; to the Committee on Armed Services.

EC-686. A communication from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, a report on the conversion of the laundry services function at the Naval Medical Command, Bethesda, Maryland, to performance by contract; to the Committee on Armed Services.

EC-687. A communication from the Acting Assistant Secretary of the Army (Manpower and Reserve Affairs), transmitting a draft of proposed legislation to amend title 10, United States Code, to revise and standardize the provisions of law relating to the authority of the Secretaries of the Military Departments to order certain retired and other similarly situated members of the armed forces to active duty; to the Committee on Armed Services.

EC-688. A communication from the Acting Assistant Secretary of the Army (Manpower and Reserve Affairs), transmitting a draft of proposed legislation to amend section 4349(a) of title 10, United States Code, to provide that the companies of the Corps of Cadets at the United States Military Academy may be commanded by commissioned officers of the Army, Navy, Air Force, or Marine Corps; to the Committee on Armed Services.

EC-689. A communication from the Acting Assistant Secretary of the Army (Manpower and Reserve Affairs), transmitting a draft of proposed legislation to repeal section 4351(b) of title 10, United States Code, relating to the reexamination and readmission of cadets of the United States Military Academy who fail to pass a required examination; to the Committee on Armed Services.

EC-690. A communication from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, a report on the conversion of the custodial service function at the Naval regional Medical Center, Portsmouth, Virginia, to performance by contract; to the Committee on Armed Services.

EC-691. A communication from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, a report on the conversion of the Food Services function at the Naval Regional Medical Center, Portsmouth, Virginia, to performance by contract; to the Committee on Armed Services.

EC-692. A communication from the Deputy Assistant Secretary of Defense (Installations), transmitting, pursuant to law, the annual Department of Defense Design and Construction Report; to the Committee on Armed Services.

EC-693. A communication from the Secretary of the Army, transmitting, pursuant to law, a report of voluntary agreements (Army Industry Integration Committees) as of September 1982; to the Committee on Banking, Housing, and Urban Affairs.

EC-694. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report entitled "The Cause of the Decline in the Selection of Minority Sponsors in the Section 202 Program"; to the Committee on Banking, Housing, and Urban Affairs.

EC-695. A communication from the Chairman of the Federal Financial Institutions Examination Council, transmitting, pursuant to law, the recommendations of the Council on the previously submitted study entitled "Section 340 Fair Housing Lending Study", after reviewing public comments on the study; to the Committee on Banking, Housing, and Urban Affairs.

EC-696. A communication from the Secretary of Commerce, transmitting a draft of proposed legislation to authorize the Secretary of Commerce to budget for medical and dental care for personnel of the National Oceanic and Atmospheric Administration entitled thereto, including commissioned officers, their dependents and survivors, ships' officers, and the members of the crews of vessels; to the Committee on Commerce, Science, and Transportation.

EC-697. A communication from the Chairman and Chief Executive Officer of CONRAIL, transmitting, pursuant to law, the Consolidated Rail Corporation's 1982 Annual Report; to the Committee on Commerce, Science, and Transportation.

EC-698. A communication from the Administrator of the Federal Aviation Administration, transmitting, pursuant to law, the revised National Airspace System Plan; to the Committee on Commerce, Science, and Transportation.

EC-699. A communication from the Chairman of the Board of the Synthetic Fuels Corporation, transmitting, pursuant to law the quarterly report of the Corporation for the quarter ended December 31, 1982; to the

Committee on Energy and Natural Resources.

EC-700. A communication from the Secretary of the Interior, transmitting, pursuant to law, a project proposal under the Small Reclamation Projects Act from the Oakdale Irrigation District, California; to the Committee on Energy and Natural Resources.

EC-701. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting a draft of proposed legislation to authorize the Federal Energy Regulatory Commission to collect fees and charges for services, benefits, privileges, and authorizations granted in administering its regulatory programs, and for other purposes; to the Committee on Energy and Natural Resources.

EC-702. A communication from the Secretary of the Interior, transmitting, pursuant to law, a project proposal under the Small Reclamation Projects Act from Douglas County, Oreg.; to the Committee on Energy and Natural Resources.

EC-703. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Inaccurate Fund Transfers Between Social Security Administration and Railroad Retirement Board"; to the Committee on Finance.

EC-704. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Issues Concerning Social Security Benefits Paid to Aliens"; to the Committee on Finance.

EC-705. A communication from the Fiscal Assistant Secretary of the Treasury, transmitting, pursuant to law, the Report on Inventory of Nonpurchased Foreign Currencies as of September 30, 1982; to the Committee on Foreign Relations.

EC-706. A communication from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the 60-day period prior to March 16, 1983; to the Committee on Foreign Relations.

EC-707. A communication from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the 60-day period prior to March 22, 1983; to the Committee on Foreign Relations.

EC-708. A communication from the Inspector General, Department of Energy, transmitting, pursuant to law, the annual report of the Office of Inspector General, Department of Energy for 1982; to the Committee on Governmental Affairs.

EC-709. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the annual report on the activities of the Board under the Government in the Sunshine Act during calendar year 1982; to the Committee on Governmental Affairs.

EC-710. A communication from the Executive Officer of the National Science Board, transmitting, pursuant to law, the annual report of the Board on activities under the Government in the Sunshine Act for calendar year 1982; to the Committee on Governmental Affairs.

EC-711. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the annual report on activities of the Board under the Government in the Sunshine Act for calendar year 1982; to the Committee on Governmental Affairs.

EC-712. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Analysis of the FY 1984 Operating Budget Submitted by the Board of Education"; to the Committee on Governmental Affairs.

EC-713. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Annual Audit of the D.C. Lottery and Charitable Games Board"; to the Committee on Governmental Affairs.

EC-714. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-18, adopted by the Council on March 15, 1983; to the Committee on Governmental Affairs.

EC-715. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-19, adopted by the Council on March 15, 1983; to the Committee on Governmental Affairs.

EC-716. A communication from the Secretary to the Council of the District of Columbia, transmitting, pursuant to law, copies of Council Resolution 5-11, adopted by the Council on February 1, 1983; to the Committee on Governmental Affairs.

EC-717. A communication from the President of the Mortgage Corporation, transmitting, pursuant to law, the annual report on the activities of the Corporation under the Government in the Sunshine Act for calendar year 1982; to the Committee on Governmental Affairs.

EC-718. A communication from the Acting Director of the Equal Employment Opportunity Commission, transmitting, pursuant to law, the annual report of the Corporation on activities under the Government in the Sunshine Act for calendar year 1982; to the Committee on Governmental Affairs.

EC-719. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the annual report of the Office on Administration of the Freedom of Information Act for calendar year 1982; to the Committee on the Judiciary.

EC-720. A communication from the Director of the Administrative Office of the United States Courts, transmitting a draft of proposed legislation to amend title 18 of the United States Code, and for other purposes; to the Committee on the Judiciary.

EC-721. A communication from the Administrator of the U.S. Small Business Adminstration, transmitting, pursuant to law, the annual report of the Adminstration on activities under the Freedom of Information Act for calendar year 1982; to the Committee on the Judiciary.

EC-722. A communication from the Chairman of the Federal Home Loan Bank Board, transmitting, pursuant to law, the annual report of the Board on activities under the Freedom of Information Act for calendar year 1982; to the Committee on the Judiciary.

EC-723. A communication from the Director of the Office of Administration, Executive Office of the President, transmitting, pursuant to law, the annual report of the Office on activities under the Freedom of Information Act during calendar year 1982; to the Committee on the Judiciary.

EC-724. A communication from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation to amend provisions of the Bankruptcy Code governing the powers of a bankruptcy court and the effect of automatic stays as they relate to certain multifamily mortgages insured or held by the Secretary of Housing and Urban Development or the Secretary of Agriculture, and for other purposes; to the Committee on the Judiciary.

EC-725. A communication from the Secretary of Labor, transmitting, pursuant to law, the fourth report of the Secretary on groups with historically high incidents of unemployment; to the Committee on Labor and Human Resources.

EC-726. A communication from the Chairman of the President's Commission on the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research transmitting, pursuant to law, a report entitled "Deciding to Forego Life-Sustaining Treatment"; to the Committee on Labor and Human Resources.

EC-727. A communication from the Public Printer transmitting, pursuant to law, the 1982 annual report of the Government Printing Office; to the Committee on Rules and Administration.

EC-728. A communication from the Administrator of the Small Business Administration transmitting a draft of proposed legislation to provide certain assistance to profitmaking organizations; to the Committee on Small Business.

EC-729. A communication from the Acting Secretary of Agriculture transmitting a draft of proposed legislation to recover costs associated with certain Federal agricultural programs; to the Committee on Agriculture, Nutrition, and Forestry.

EC-730. A communication from the Deputy Secretary of Agriculture transmitting a draft of proposed legislation relating to the stabilization of agricultural prices and production; to the Committee on Agriculture, Nutrition, and Forestry.

EC-731. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Changes are Needed to Assure Accurate and Valid Wheat Deficiency Payments"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-732. A communication from the Acting General Counsel of the Department of Energy transmitting a draft of proposed legislation authorizing appropriations for the operation of the naval petroleum reserves for fiscal 1984 and 1985; to the Committee on Armed Services.

EC-733. A communication from the Deputy Assistant Secretary of Defense for Administration transmitting, pursuant to law, a report on the financial condition and operating results of Working Capital Funds of the Department of Defense for fiscal 1982; to the Committee on Armed Services.

EC-734. A communication from the Secretary of Defense transmitting, pursuant to law, a report on the Technology Transfer Control Program; to the Committee on Armed Services.

EC-735. A communication from the Chairman of the Federal Deposit Insurance Corporation transmitting, pursuant to law, the annual report of the Corporation's Office of Consumer Programs; to the Committee on Banking, Housing, and Urban Affairs.

EC-736. A communication from the Chairman of the Federal Home Loan Bank Board transmitting, pursuant to law, the Board's annual report on efforts to prevent unfair and deceptive trade practices in the savings and loan industry; to the Committee on Banking, Housing, and Urban Affairs.

EC-737. A communication from the President and Chairman of the Export-Import Bank transmitting, pursuant to law, a report on transactions with communist countries during February 1983; to the Committee on Banking, Housing, and Urban Affairs.

EC-738. A communication from the Chairman of the National Credit Union Administration transmitting, pursuant to law, the 1982 annual report on the operations of the National Credit Union Administration; to the Committee on Banking, Housing, and Urban Affairs.

EC-739. A communication from the Secretary of Commerce transmitting, a draft of proposed legislation to authorize appropriations under the International Travel Act; to the Committee on Commerce, Science, and Transportation.

EC-740. A communication from the Chairman of the Pennsylvania Avenue Development Corporation transmitting, pursuant to law, the 1982 annual report of the Corporation; to the Committee on Energy and Natural Resources.

EC-741. A communication from the Under Secretary of the Interior transmitting, pursuant to law, notice of the Mid-Atlantic Oil and Gas Lease Offering to be held on April 26, 1983; to the Committee on Energy and Natural Resources.

EC-742. A communication from the Secretary of the Interior transmitting, pursuant to law, a report on the 3-year pilot Visitor Access Transportation Program; to the Committee on Energy and Natural Resources.

EC-743. A communication from the General Counsel of the Department of Energy transmitting, pursuant to law, notice of a meeting related to the International Energy Program; to the Committee on Energy and Natural Resources.

EC-744. A communication from the Assistant Secretary of the Interior transmitting a draft of proposed legislation entitled the "Digital Cartography Fund Act of 1983"; to the Committee on Energy and Natural Resources.

EC-745. A communication from the U.S. Trade Representative transmitting, pursuant to law, a report on enforcement of U.S. rights under trade agreements and on U.S. response to unfair foreign trade practices; to the Committee on Finance.

EC-746. A communication from the Fiscal Assistant Secretary of the Treasury transmitting, pursuant to law, the annual report on the financial condition and results of operations of the Black Lung Disability Trust Fund; to the Committee on Finance.

EC-747. A communication from the Secretary of the Treasury transmitting a draft of proposed legislation providing for increased U.S. participation in the Inter-American Development Bank and in the Asian Development Bank; to the Committee on Foreign Relations.

EC-748. A communication from the Acting Assistant Secretary of State for Congressional Relations transmitting a draft of proposed legislation amending the Department of State authorization bill transmitted to Congress on March 1, 1983; to the Committee on Foreign Relations.

EC-749. A communication from the Acting Assistant Secretary of State for Congressional Relations transmitting, pursuant to law, a copy of an international agreement between the American Institute in Taiwan and the Coordination Council for North American Affairs; to the Committee on Foreign Relations.

EC-750. A communication from the Vice President of the Federal Land Bank of Columbia and Federal Intermediate Credit Bank of Columbia (S.C.) transmitting, pursuant to law, the annual report of the Farm Credit Retirement Plan; to the Committee on Governmental Affairs.

EC-751. A communication from the Acting Assistant Secretary of State for Congressional Relations transmitting a draft of proposed legislation to modify the definition of consular officer; to the Committee on the Judiciary.

EC-752. A communication from the Chairperson of the National Council on the Handicapped transmitting, pursuant to law, the annual report of the Council; to the Committee on Labor and Human Resources.

EC-753. A communication from the Chairman of the Railroad Retirement Board transmitting a draft of proposed legislation preserving rail industry pension and social security cost-of-living adjustments; to the Committee on Labor and Human Resources.

EC-754. A communication from the Administrator of the Veterans' Administration transmitting a draft of proposed legislation relative to substitution of a veteran's housing loan entitlement; to the Committee on Veterans' Affairs.

EC-755. A communication from the Administrator of Veterans' Administration, transmitting a draft of proposed legislation to amend subsection 1008(a)(2) of title 38, United States Code, to authorize to be appropriated such sums as deemed appropriate for fiscal year 1985 and for each of the four succeeding fiscal years; to the Committee on Veterans' Affairs.

EC-756. A communication from the Secretary of Defense transmitting, pursuant to law, certification of certain matters relative to the Copperhead weapons program; to the Committee on Armed Services.

EC-757. A communication from the Secretary of Defense transmitting, pursuant to law, certain certifications relative to the HARM weapons program; to the Committee on Armed Services.

EC-758. A communication from the Secretary of Defense transmitting, pursuant to law, certain certifications relative to the Tomahawk, LAMPS MK III, Sparrow, and IIR Maverick weapons programs; to the Committee on Armed Services.

EC-759. A communication from the Assistant Secretary of the Navy for Shipbuilding and Logistics transmitting, pursuant to law, a report on a decision to convert the Data Entry Function at the Naval Shipyard, Pearl Harbor, Hawaii to performance under contract; to the Committee on Armed Services.

EC-760. A communication from the Secretary of Housing and Urban Development transmitting, pursuant to law, the annual report of the Department on its major community development programs; to the Committee on Banking, Housing, and Urban Development.

EC-761. A communication from the Chairman of the Federal Financial Institutions Examination Council transmitting, pursuant to law, the annual report of the Council for 1982; to the Committee on Banking, Housing, and Urban Affairs.

EC-762. A communication from the President of the United States transmitting a draft of proposed legislation amending and reauthorizing the Export Administration Act; to the Committee on Banking, Housing, and Urban Affairs.

EC-763. A communication from the Chairman of the Federal Maritime Commission transmitting, pursuant to law, the annual report of the Commission for 1982; to the Committee on Commerce, Science, and Transportation.

EC-764. A communication from the Deputy Secretary of the Treasury transmitting a draft of proposed legislation to authorize appropriations for the U.S. Customs Service for fiscal years 1984 and 1985; to the Committee on Finance.

EC-765. A communication from the Secretary of State transmitting, pursuant to law, the semi-annual reports on voluntary contributions made by the U.S. Government to international organizations; to the Committee on Foreign Relations.

EC-766. A communication from the Comptroller General of the United States transmitting, pursuant to law, the monthly listing for February 1983 of General Accounting Office reports; to the Committee on Governmental Affairs.

EC-767. A communication from the Chief Planning Officer of the Navajo and Hopi Indian Relocation Commission transmitting, pursuant to law, the Commission's 7th annual report; to the Select Committee on Indian Affairs.

EC-768. A communication from the Chairman of the National Labor Relations Board transmitting, pursuant to law, its 1982 Freedom of Information report; to the Committee on the Judiciary.

EC-769. A communication from the Commissioner of the Immigration and Naturalization Service transmitting, pursuant to law, orders suspending deportation of persons under sec. 244(a)(1) of the Immigration and Nationality Act; to the Committee on the Judiciary.

EC-770. A communication from the Superintendent of the Maryland School for the Blind transmitting, pursuant to law, the 1982 annual report of the School; to the Committee on Labor and Human Resources.

EC-771. A communication from the Acting Comptroller General of the United States transmitting, pursuant to law, a report on 19 proposed rescissions of budget authority, 30 deferrals of budget authority, and 9 revisions of previous deferrals; jointly, pursuant to the order of January 30, 1975, to the Committees on the Budget, Appropriations, Agriculture, Nutrition, and Forestry, Labor and Human Resources, Banking, Housing, and Urban Affairs, Commerce, Science, and Transportation, Energy and Natural Resources, Environment and Public Works, Armed Services, Foreign Relations, the Judiciary, Small Business, and Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:

S. 1013. An original bill to amend title 28 of the United States Code regarding jurisdiction in bankruptcy proceedings, and to establish new Federal judicial positions (with additional and minority views) (Rept. No. 98-55).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. PRYOR (for himself, Mr. HATFIELD, Mr. HART, Mr. COCHRAN, and Mr. LAUTENBERG):

S. 994. A bill to prohibit the production of lethal binary chemical munitions by the United States and to call on the President to continue and intensify recently begun efforts in the Committee on Disarmament with the Government of the Union of Soviet Socialists Republics and other countries to achieve an agreement establishing a mutual, verifiable ban on the production and stockpiling of chemical weapons; to the Committee on Armed Services.

By Mr. EXON:

S. 995. A bill to amend title 38, United States Code, to modify the rule for the commencement of the period of payment of certain adjustments in compensation in the case of hospitalized veterans; to the Committee on Veterans Affairs.

By Mrs. KASSEBAUM (for herself, Mr. DANFORTH, Mr. EAGLETON, Mr. LEVIN, Mr. ANDREWS, Mr. METZENBAUM, Mr. D'AMATO, Mr. SASSER, Mr. RIEGLE, Mr. CRANSTON, Mr. PROXMIRE, Mr. SARBANES, Mr. BIDEN, and Mr. TSONGAS):

S. 996. A bill to amend the Natural Gas Policy Act of 1978 to limit natural gas prices and to improve natural gas pricing and marketing practices, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. EXON:

S. 997. A bill to authorize and direct the Secretary of the Interior to engage in a special study of the potential for ground water recharge in the High Plains States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BOREN (for himself, Mr. COCHRAN, Mr. ZORINSKY, Mr. ANDREWS, and Mr. HUDDLESTON):

S. 998. A bill to authorize the Secretary of Agriculture to establish a special cropland conservation program for erosion-prone cropland whereby the Secretary of Agriculture will assist the owners and operators of such land to make an orderly change in their cropping and land use systems and to implement the conservation treatment needed to conserve the soil and water resources of the cropland; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BAKER (for Mr. GOLDWATER) (for himself, Mr. PRESSLER, and Mr. HOLLINGS):

S. 999. A bill to amend the Communications Act of 1934 to provide for improved international telecommunications, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. TRIBLE (for himself, Mr. LONG, Mr. INOUYE, Mr. MATHIAS, Mr. SARBANES, Mr. MATSUNAGA, and Mr. MITCHELL):

S. 1000. A bill to promote increased ocean transportation of bulk commodities in the foreign commerce of the United States in United States flagships, to strengthen the defense industrial base, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. COHEN (for himself and Mr. ROTH):

S. 1001. A bill to authorize appropriations for the Office of Federal Procurement Policy for an additional 5 fiscal years; to the Committee on Governmental Affairs.

By Mr. TSONGAS:

S. 1002. A bill to authorize interstate banking among the New England States and to require a report to the Congress concerning the use of the authority conferred by this act; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DENTON (for himself and Mr. HATCH):

S. 1003. A bill to extend and revise the provisions of the Child Abuse Prevention and Treatment Act and the Child Abuse Prevention Treatment and Adoption Reform Act of 1978; to the Committee on Labor and Human Resources.

By Mr. D'AMATO (for himself, Mr. SARBANES, Mrs. HAWKINS, and Mr. STAFFORD):

S. 1004. A bill to amend the Federal employees health benefits plan provisions of chapter 89, title 5, United States Code, to assure adequate mental health benefit levels and otherwise limit benefit reductions; to the Committee on Governmental Affairs.

By Mr. D'AMATO (for himself, Mrs. HAWKINS, and Mr. SPECTER):

S. 1005. A bill to provide assistance for the construction, acquisition, and renovation of State and local correctional facilities; to the Committee on the Judiciary.

By Mr. SPECTER:

S. 1006. A bill to amend the Internal Revenue Code of 1954 to repeal the 15-percent reduction in percentage depletion for iron ore and coal; to the Committee on Finance.

By Mr. D'AMATO:

S. 1007. A bill to authorize the Secretary of the Interior to enter into a cooperative agreement to maintain the gravesite of Samuel "Uncle Sam" Wilson and to erect and maintain tablets or markers at such gravesite in commemoration of the progenitor of the national symbol of the United States; to the Committee on Energy and Natural Resources.

By Mr. HATCH (for himself and Mr. STAFFORD):

S. 1008. A bill to make certain technical amendments to improve implementation of the Education Consolidation and Improvement Act of 1981, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. MATHIAS (for himself and Mr. STEVENS):

S. 1009. A bill to authorize Federal physicians comparability allowances; to the Committee on Governmental Affairs.

By Mr. MATHIAS:

S. 1010. A bill to amend the District of Columbia Self-Government and Governmental Reorganization Act to increase the amount authorized to be appropriated as the annual Federal payment to the District of Columbia; to the Committee on Governmental Affairs.

By Mr. STEVENS (for Mr. HATFIELD) (for himself and Mr. PACKWOOD):

S. 1011. A bill to amend the Federal Deposit Insurance Act to provide for the issuance of income capital certificates; read the first time.

By Mr. CHILES:

S. 1012. A bill to amend the Internal Revenue Code of 1954 to exempt from rules relating to foreign conventions all conventions, and so forth, held on domestic cruise ships and on certain foreign cruise ships which port in qualified Caribbean Basin countries; to the Committee on Finance.

By Mr. THURMOND, from the Committee on the Judiciary:

S. 1013. An original bill to amend title 28 of the United States Code regarding jurisdiction in bankruptcy proceedings, and to establish new Federal judicial positions; placed on the calendar.

By Mr. GORTON (for himself, Mr. DURENBERGER, Mr. LUGAR, Mr. BURDICK, Mr. STEVENS, Mr. HEFLIN, Mr. BUMPERS, Mr. D'AMATO, Mr. GLENN, Mrs. KASSEBAUM, and Mr. RANDOLPH):

S.J. Res. 78. Joint resolution to authorize and request the President to issue a proclamation designating April 24 through April 30, 1983, as "National Organ Donation Awareness Week"; to the Committee on the Judiciary.

By Mr. D'AMATO (for himself, Mr. MOYNIHAN, Mr. RIEGLE, Mr. DURENBERGER, Mr. BOSCHWITZ, Mr. CHILES, Mrs. HAWKINS, Mr. INOUYE, Mr. HEFLIN, Mr. BENTSEN, Mr. DODD, Mr. LEVIN, Mr. TSONGAS, Mr. JACKSON, Mr. CRANSTON, Mr. QUAYLE, Mr. GRASSLEY, Mr. PERCY, Mr. HEINZ, Mr. METZENBAUM, Mr. SPECTER, Mr. PACKWOOD, Mr. HOLLINGS, Mr. PELL, Mr. SARBANES, Mr. SASSER, Mr. RANDOLPH, Mr. COHEN, Mr. JEPSEN, Mr. LAUTENBERG, Mr. HECHT, Mr. STEVENS, Mr. JOHNSTON, and Mr. PRESSLER):

S.J. Res. 79. Joint resolution to authorize and request the President to issue a proclamation designating April 17 through April 24, 1983, as "Jewish Heritage Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LUGAR (for himself, Mr. LAXALT, and Mr. HUMPHREY):

S. Res. 104. Resolution to disapprove of the regulations proposed by the Federal Election Commission relating to contributions and activities by corporations and labor organizations; to the Committee on Rules and Administration.

By Mr. SARBANES (for himself and Mr. MATHIAS):

S. Res. 105. Resolution to extend congratulations on the 175th anniversary of the founding of Mount St. Mary's College; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PRYOR (for himself, Mr. HATFIELD, Mr. HART, Mr. COCHRAN, and Mr. LAUTENBERG);

S. 994. A bill to prohibit the production of lethal binary chemical munitions by the United States and to call on the President to continue and intensify recently begun efforts in the Committee on Disarmament with the Government of the Union of Soviet Socialist Republics and other countries to achieve an agreement establishing a mutual verifiable ban on the production and stockpiling of chemical weapons; to the Committee on Armed Services.

(The remarks of Mr. PRYOR on this legislation appear earlier in today's RECORD.)

By Mr. EXON:

S. 995. A bill to amend title 38, United States Code, to modify the rule

for the commencement of the period of payment of certain adjustments in compensation in the case of hospitalized veterans; to the Committee on Veterans' Affairs.

ADJUSTMENT IN COMPENSATION OF CERTAIN HOSPITALIZED VETERANS

Mr. EXON. Mr. President, today I am introducing legislation which will relieve a hardship which was imposed on our Nation's disabled veterans last year.

Public Law 97-253, the Omnibus Budget Reconciliation Act of 1982, changed, for payment purposes, the effective date of original or increased awards of VA compensations and pensions to the first day of the first full calendar month of entitlement. Before this change in law, a disabled veteran's increase in compensation took effect as soon as he or she was entitled to it. The change was made as a cost-cutting measure.

Mr. President, I am not attempting to overturn that entire provision. However, the legislation I bring before the Senate today will rectify what I consider to be an unacceptable disparity which this law created when it comes to hospitalized veterans.

When a veteran enters the hospital for a period greater than 21 days for a service-connected disability, he or she may be assigned a temporary 100-percent disability rating as of the date of entry. Before last year's Reconciliation Act, the veteran would have been compensated at the 100-percent disability rate for every day he or she was in the hospital. However, after reconciliation, payment for that 100-percent temporary disability rating will not begin until the first day of the first full calendar month following hospitalization.

These revised criteria cause a genuine inequity. A good illustration of this inequity can be made by taking the cases of two veterans who are hospitalized for an identical number of days for treatment of an identical service-connected disability. If one veteran enters the hospital on the 31st day of a month for 28 days of care, he or she suffers no loss of benefits. However, if the second veteran enters the hospital on the 2d day of a month for 28 days, no benefits are received because the change in law last year does not permit payment until the first day of the following month.

Mr. President, at a time of personal financial stress and hardship created by having to enter the hospital, I do not believe that some of our disabled veterans should be denied their temporary 100-percent disability rating. Many of these veterans have limited incomes before their hospitalization begins. This disparity becomes especially apparent when the deciding factor is simply the day of the month which a veteran happens to begin his hospitalization. I do not think we should be placing disabled veterans in a situation where they will be forced to delay their hospitalization solely to become eligible for their benefits. Nor should we continue a situation which creates an incentive to stay in the hospital any longer than necessary for the same reason.

We must remove this inequity by providing that the beginning date of temporary, total disability ratings due to hospitalization for longer than 21 days would be effective the date of hospitalization, rather than the first day of the following month. The legislation I am introducing today will accomplish this necessary goal. I want to remind my colleagues that I am not proposing to overturn the entire reconciliation provision relating to the change of payment to the first full calendar month of entitlement. My bill only relates to the effect of this provision as it pertains to periods of hospitalization of service-connected disabled veterans.

The cost savings associated with the entire reconciliation provision regarding the change of payment date is $56.3 million in 1984. My proposal would eliminate only $7.8 million of those savings annually, according to the Congressional Budget Office, and I believe this cost is affordable. The inequity which was created for hospitalized veterans is important to them and should be to us as well. The first concurrent budget resolution passed by the House of Representatives last month assumes enactment of this legislation.

Mr. President, the disabled American Veterans has been most helpful in the formulation of this legislation. The Nebraska DVA first brought this situation to my attention and the national DVA headquarters has provided me with valuable assistance in formulating this bill, which I appreciate greatly. The DVA has received more than 500 referrals of veterans claims which have been adversely impacted by last year's Reconciliation Act. I hope that the Veterans Affairs Committee will be able to support this legislation and report it favorably to the Senate or incorporate it into one of its major pieces of veterans legislation this year. Additionally, I welcome any of my colleagues who would like to become cosponsors.

I believe it is important for this legislation to be enacted as soon as possible to remove the type of unequal treatment I have described today. If there is any group of Americans who deserve fair treatment, it is our disabled veterans who have given so much for their country.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 995

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 3011 of title 38, United States Code, is amended—

(1) by inserting "(1)" after "(c)"; and

(2) This section shall not apply to the payment of an increased award of compensation to a veteran if the increase in the award is a result of a temporary increase in the disability rating of the veteran by reason of the hospitalizaton or treatment of the veteran.".

By Mrs. KASSEBAUM (for herself, Mr. DANFORTH, Mr. EAGLETON, Mr. LEVIN, Mr. ANDREWS, Mr. METZENBAUM, Mr. D'AMATO, Mr. SASSER, Mr. RIEGLE, Mr. CRANSTON, Mr. PROXMIRE, Mr. SARBANES, Mr. BIDEN, and Mr. TSONGAS):

S. 996. A bill to amend the Natural Gas Policy Act of 1978 to limit natural gas prices and to improve natural gas pricing and marketing practices, and for other purposes; to the Committee on Energy and Natural Resources.

NATURAL GAS CONSUMER RELIEF ACT

Mrs. KASSEBAUM. Mr. President, today I am introducing, on behalf of myself, Mr. DANFORTH, Mr. EAGLETON, Mr. LEVIN, Mr. ANDREWS, Mr. METZENBAUM, Mr. D'AMATO, Mr. SASSER, Mr. RIEGLE, Mr. CRANSTON, Mr. PROXMIRE, Mr. SARBANES, Mr. BIDEN, and Mr. TSONGAS legislation aimed at providing relief for consumers and for the natural gas industry after one of the most troubling winters on record.

The problem of the past few months was not the weather; we were blessed in most parts of the Nation with an unusually mild winter. Nor were we plagued by the kind of natural gas shortages that were so critical just a few years ago.

Instead, the problem is a deliverability surplus of natural gas, and—most troubling of all—sharp increases in natural gas prices for homeowners, small businessmen, farmers and industry.

No one—including the best experts in the natural gas industry—can rationally explain or justify what has occurred. Yet the problem continues.

What has become clear to everyone is that Federal natural gas policy now is a major part of the problem. A few years ago we established so-called ceiling prices for natural gas. Now we find that the ceilings have become floors that hold prices up during a surplus and force them even higher regardless of what is happening in the market.

This is clearly a flawed system that must be changed. A few weeks ago the President offered his plan to deal with this problem. I personally believe that major parts of the President's plan have considerable merit. But the plan also has an important flaw: the total decontrol of all gas prices, including

low-cost "old" gas, in a period of 2 years.

I think we can all agree that this is a bold and innovative proposal. It might work. But it also might aggravate the very problems it is supposed to solve.

Those of us who have joined in introducing this bill firmly believe that this is not the time to gamble with consumers' dollars and with the future of the natural gas industry. We believe it is time to straighten out the severe distortions that now exist in the market. For that reason we are offering an alternative to the administration's bill.

We believe our approach is a balanced and reasonable compromise. In drafting it we have been guided by two primary goals. The first is to provide relief to consumers who have received heating bills that are 35 to 50 percent—or even more—above their bills of 1 year ago. The second goal has been to give the natural gas industry a clear set of rules for the future so that it can regain stability. The first goal is achieved largely by placing a 3-year limit on take-or-pay clauses of 50 percent and by rolling back ceiling prices to their August 1, 1982, levels. The second goal is addressed by directing the Federal Energy Regulatory Commission to devise a generic rate design procedure which would encourage responsible purchasing practices by the pipelines.

No one will be well served by legislation that reduces gas prices today and creates supply shortages in the next 3 to 5 years. We believe our approach avoids that pitfall.

I think you can see from the Senators who are cosponsoring this bill—many of whom will be adding their own statements to mine—that this bill enjoys broad-based, bipartisan support. Our interest in solving the natural gas problem cuts across party lines, ideology and geography. We are united by one clear concern: That this problem be addressed this year by the Congress and resolved. The citizens of this country deserve fair gas prices and it is our duty to take steps to see that they get them.

Mr. President, I ask that a section-by-section analysis of the bill appear at this point in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS OF THE NATURAL GAS CONSUMER RELIEF ACT

Section 1 of the bill provides that the short title is the "Natural Gas Consumer Relief Act."

FINDINGS AND PURPOSES

Section 2 of the bill sets out the Congressional findings and purposes supporting the legislation. Congress finds that prices for natural gas are presently excessively high and that the Congress did not anticipate price increases of the magnitude which have occurred under the Natural Gas Policy Act of 1978 ("NGPA"). Congress also finds that current wellhead pricing problems stem at least in part from the institutional barriers to competition erected by certain contract provisions. Congress considers an extension of ceiling prices necessary to permit the needed modifications in regulatory oversight and contracting practices to be put in place.

The Natural Gas Consumer Relief Act has three principal purposes. They are (1) to protect natural gas consumers against excessive wellhead prices for natural gas, (2) to ensure adequate supplies of natural gas and (3) to make more certain that wellhead prices accurately reflect end-use market conditions.

TITLE I.—CONTRACTING AND MARKETING PRACTICES TAKE-OR-PAY CLAUSES

Section 101 of the bill temporarily restricts the operation of unreasonable take-or-pay clauses in contracts between pipelines and producers covering new and high-cost supplies of natural gas. These clauses have forced pipelines to purchase natural gas at high prices when other, lower-priced supplies have been readily available. As a result, many pipelines are unable to manage their natural gas purchases in a manner which is cost-effective for their customers. The high prices paid for gas purchases only because of the presence of take-or-pay clauses are passed on directly to the pipelines' customers, including local distribution companies. Local distribution companies in turn have been forced to pass on these prices to their residential, commercial and industrial customers. These natural gas consumers, who ultimately pay these unjustifiably high prices, are not parties to the contracts containing the take-or-pay clauses and have not otherwise been able to obtain relief from their effects.

Section 101 adds a new Section 316 to the NGPA. This section applies to contracts covering new natural gas (Section 102 of the NGPA), new, onshore production wells (Section 103), high-cost natural gas (Section 107) and stripper well natural gas (Section 108), for a three-year period beginning on the effective date of new Section 316. It imposes two limitations on take-or-pay clauses. First, any such clause is declared against public policy and unenforceable to the extent it requires a pipeline to take-or-pay for more than 50 percent of the maximum annual volume which it is entitled to take under its contract. Second, a take-or-pay clause is also unenforceable to the extent it does not allow a pipeline at least one year after payment to receive deliveries of volumes of natural gas covered by such payment.

The limitations placed on the operation of certain take-or-pay clauses for three years by new Section 316 do not affect any pipeline's right to renegotiate any contract or to exercise the market-out option under new Section 317 of the NGPA. In addition, any existing rights a pipeline may have to delivery of natural gas under a take-or-pay clause are expressly preserved.

RENEGOTIATION AND MARKET-OUT PROVISIONS

Section 102 gives a pipeline an opportunity to renegotiate any natural gas contract with a producer and to decline delivery of any volumes of natural gas if the pipeline is unable to market such volumes. The contracts between pipelines and producers have helped insulate wellhead natural gas prices from normal competitive pressures. New Section 317 will permit pipelines to adapt their natural gas purchasing practices to market conditions. The presence of the market-out provisions should help to make wellhead prices more sensitive to end-use market conditions.

To exercise its right to renegotiate, a pipeline must make a written request to the producer to renegotiate the terms of a natural gas contract. This request is to indicate that the pipeline intends to exercise its market-out option 90 days from the date of notice. If the contract is not renegotiated within 90 days, the pipeline may refuse to take delivery under the contract of any volumes it determines that it would be unable to market. The pipeline is to incur no obligation to pay any fee or charge with respect to volumes of natural gas not delivered as a result of the exercise of this market-out option.

A pipeline's exercise of the market-out option granted by new Section 317 is subject to three limitations. First, the pipeline cannot exercise this option with respect to volumes covered by any natural gas contract unless it has first exercised its option to reduce deliveries of higher priced supplies. Second, the pipeline must first reduce deliveries from affiliated producers which would be made at prices equal to or higher than prices for deliveries under any contract with a non-affiliated producer before the pipeline can exercise its market-out option with respect to the latter contract. Third, a pipeline cannot enter into any new or renegotiated contract for the delivery of additional volumes of natural gas unless the pipeline first offers to purchase additional volumes from any producers which have been subjected to the pipeline's exercise of its statutory market-out option. The pipeline must offer to purchase volumes equal to additional volumes the pipeline seeks to purchase or the volumes with respect to which it has exercised its market-out option, whichever is less. The pipeline must also offer to purchase these volumes previouly subject to the market-out option (1) at the same price as the price offered to the new seller or the applicable ceiling price, whichever is lower, and (2) on substantially the same terms and conditions. The pipeline's offers to purchase from individual producers volumes of natural gas previously subject to market-out options must be made in the same order as it exercised its market-out options. This final limitation protects against arbitrary exercise of the pipeline's statutory market-out option and assures that suppliers whose sales might be reduced by the exercise of this option will have the opportunity to resume sales of the affected volumes when demand for natural gas justifies additional pipeline purchases.

Once the pipeline has exercised its market-out option with respect to volumes of natural gas, the producer is free to offer such volumes of natural gas to other purchasers. If, however, the producer reaches an agreement in principle with another purchaser, the pipeline must be given the right to purchase such volumes under the same terms and conditions as those offered such other purchaser. If the pipeline fails to exercise its right of first refusal, the producer has the right to sell the volumes of natural gas to the other purchaser. If the pipeline exercises its right of first refusal, it is barred from again exercising its market-out option with respect to such volumes of natural gas for two years.

If a pipeline exercises its market-out option and fails to exercise its right of first refusal under new Section 317, it must provide the purchaser transportation with respect to volumes affected by the exercise of the market-out option under the same

terms and conditions as those set out in new Section 319 of the NGPA. New Section 319 deals with the obligations of interstate pipelines to provide natural gas transportation by contract. Pipeline transportation required by new Section 317 is, pursuant to Commission regulations, to receive priority over contract transportation provided under new Section 319.

INDEFINITE PRICE ESCALATORS

Section 103 amends Section 313 of the NGPA to make all indefinite price escalators unenforceable. These contract provisions are widespread and, if permitted to continue to operate, will guarantee that natural gas prices will not respond to competitive forces for the foreseeable future. The definition of indefinite price escalators is broad and is intended to reach all forms of favored nation provisions and provisions which link natural gas prices to oil or oil product prices or prices of any other commodity.

The provisions of Section 105 of the NGPA, dealing with indefinite price escalators in contracts between intrastate pipelines and producers, are repealed because the bill's treatment of indefinite price escalators makes them unnecessary.

LIMITATION ON GUARANTEED PASSTHROUGH

Section 104 amends Section 601(c)(2) to limit a pipeline's right to passs through to its customers increased purchased gas costs. Under the Federal Energy Regulatory Commission's current construction of the language now in Section 601(c)(2) arguably limiting a pipeline's passthrough right, a pipeline is entitled to recover all amounts paid for natural gas even though such amounts are excessive because of the pipeline's failure to follow sound, business-like purchasing practices. As a result, the pipeline's customers—not the pipeline itself—are penalized for poor management on the part of the pipeline. Section 104 remedies this situation by adding "imprudency" to the grounds requiring limitation of a pipeline's passthrough right. This express statutory language will require the Commission to limit passthrough of purchased gas costs to the extent it determines the pipeline has failed to adopt and follow natural gas purchasing practices which are prudent. The prudence concept gives due regard to the pipeline's legitimate need to secure adequate long-term supplies at reasonable prices. The market-out option in Section 102 and other provisions of the bill give pipelines substantial opportunity to pursue business practices which will minimize purchased gas costs under this standard.

MINIMUM COMMODITY BILL REQUIREMENTS

Section 105 adds a new Section 318 to the NGPA which restricts the operation of minimum bill requirements imposed by pipelines on their customers. Minimum bills require pipeline customers to pay for certain volumes of natural gas whether or not the customers receive delivery. Some minimum bills now in effect require customers to purchase volumes of natural gas which exceed the amounts warranted by the reasonable business needs of the pipelines. These excessive minimum bill requirements serve to further insulate the pipelines and producers from end-use market conditions.

New Section 318 places two limitations on minimum bills. First, a minimum bill is declared to be against public policy and unenforceable to the extent it requires a pipeline customer to take or to pay for more than 50 percent of the maximum annual volume it is entitled to take under its contract. Second, a minimum bill is also unenforceable to the extent it does not allow a pipeline customer to receive deliveries of natural gas for which it has paid. If a pipeline customer's right to subsequently take deliveries of natural gas it has paid for has a time limitation of any length, the pipeline is in effect allowed to sell the same volume of natural gas twice. Any contract provision that permits this is plainly inequitable to pipeline customers and, in the case of local distribution companies, to thieir customers.

CONTRACT CARRIER AUTHORIZATION

Section 106 adds a new Section 319 to the NGPA granting the Commission authority to order any interstate pipeline to transport natural gas on behalf of a producer or a purchaser on a contract basis. The Commission may exercise this authority only if it finds that, among other things, such transportation would not impair the pipeline's ability to serve customers existing at the time contract transportation begins and noninterruptable customers it may subsequently acquire. The pipeline's charges for such transportation must be just and reasonable with the meaning of Natural Gas Act.

Section 106 also makes clear that an intrastate pipeline or local distribution company does not submit itself to the Commission's jurisdiction under the Natural Gas Act simply by exercising its right to secure transportation of natural gas under new Section 319.

COMMISSION RATES AND RATE DESIGN

Section 107 adds a new subsection (d) to Section 601 of the NGPA to require the Commission to carry out a rulemaking concerning pipeline rate design. Effective rate design standards can serve to transmit appropriate market signals from natural gas end-users to pipelines and producers. The absence of such standards today is an important reason why wellhead prices, particularly for new and high-cost supplies, fail to reflect market realities. The Commission is given one year to promulgate new rate design standards. Once these standards are promulgated, the Commission has one year to review tariffs on file and require modification if necessary to conform to the new standards. All new tariff filings must conform to the new standards.

FIRST SALE CONTRACTS REQUIRED TO BE FILED

Section 108 amends Section 315(c) of the NGPA to require that all natural gas contracts covering any sale of natural gas occuring after enactment be filed with the Commission, together with any ancillary agreements. To assure effective enforcement of the other provisions of the bill, it is necessary for the Commission and other interested parties to have ready access to contracts.

TITLE II.—WELLHEAD PRICE PROVISIONS—CEILING PRICES TO BE BASED ON AUGUST 1982 PRICES WITH LIMITED ADJUSTMENTS FOR INFLATION

Section 201 rolls back the increases in NGPA price ceilings for all categories of natural gas except Section 107 which have occurred since August, 1982. On the date of enactment, the new ceiling prices will be those in effect in August, 1982 under the NGPA. Since that time, the NGPA ceiling prices have increased while overall energy prices have dropped. This rollback merely cancels increases in ceiling prices which did not reflect the actual conditions in the energy market. Like the NGPA in its present form, the bill merely sets maximum lawful prices; if market forces dictate prices below the ceiling prices; nothing in the bill discourages sales of natural gas at prices below the ceiling prices.

Section 201 also amends Section 101(a) of the NGPA to set out a new modified price adjustment factor to be applied to the January, 1982 NGPA prices to determine the ceiling prices for the month after the month beginning on the effective date of the bill and for each month thereafter. The ceiling prices are to be adjusted each month to reflect 75 percent of the monthly change in GMP implicit price deflator or the monthly change in the Department of Labor's energy index. Whichever of these two price indices produces the smaller increase or the larger decrease in ceiling prices in a particular month will be used.

HIGH COST NATURAL GAS

Section 202 amends Section 107 to place ceilings on prices for deregulated categories of natural gas and to lower the ceiling prices the Commission has applied to certain categories of natural gas pursuant to Section 107(c)(5). For all Section 107 categories of natural gas, the Commission is to prescribe a maximum lawful price necessary to provide reasonable incentives for production of such gas; unless the Commission orders pursuant to petition by a producer, however, this price is not to exceed 150 percent of the Section 103 price. The Commission is given authority in Section 202 to permit an individual producer to seek a price, in excess of this new ceiling price if it finds that such price is just and reasonable under the Natural Gas Act and is necessary to allow the producer to earn a just and reasonable return. In addition, the Commission is given limited authority in Section 205 of the bill to permit, by order, prices above these ceiling prices for high-cost natural gas from any well the surface drilling of which commenced before August 1, 1982, if necessary to allow a producer to recover the costs of exploration, development and production plus a just and reasonable rate of return. The bill, however, in no way guarantees that the producer will be able to market its natural gas at prices above (or, for that matter, below) the generally applicable ceiling prices.

Section 202 also amends Section 107(c)(5) to prevent the Commission from adding any new categories of high-cost natural gas.

ADJUSTED CEILING PRICE PERMITTED FOR WELLS DRILLED ON OR AFTER AUGUST 1, 1982, AND BEFORE ENACTMENT.

Section 203 adds a new Section 111 to the NGPA to give the Commission authority to permit an individual producer of any category of natural gas to charge a price higher than the new ceiling price under the bill. It can do so only if it finds such higher price is just and reasonable under the NGPA; that is, a higher price is necessary to permit the producer to recover its costs, including no more than a reasonable rate of return on its investment. The Commission, however, may not permit any price higher than the applicable NGPA price on the date surface drilling of the well in question commenced, as adjusted since the date of enactment by the modified price adjustment factor.

ELIMINATION OF COMMISSION AUTHORITY TO INCREASE CERTAIN CATEGORIES ABOVE STATUTORY MAXIMUM LAWFUL PRICE

Section 204 repeals those provisions of the NGPA which arguably gave the Commission authority to increase the maximum lawful prices for certain categories of natural gas,

including so-called "old" gas, above statutorily prescribed levels.

CEILING PRICES TO BE INCLUSIVE OF AMOUNTS FOR RECOVERY OF PRODUCTION RELATED COSTS

Section 205 amends Section 110 of the NGPA to make clear that producers not be permitted to recover production-related and other costs in addition to the maximum lawful price except to the extent such additional recovery is necessary to permit the producer to earn a just and reasonable return. In determning the amount of consideration paid the producer, the Commission is to include all forms of consideration received by the producer, including in-kind compensation such as free or low-cost transportation service for non-gaseous hydrocarbons owned by the producer.

As previously mentioned, Section 205 also permits the Commission, on petition of an individual producer of Section 107 natural gas, to allow prices above the new ceiling prices for gas from wells the surface drilling of which commenced before August 1, 1982, if necessary for the producer to earn a just and reasonable return.

IMPORTED NATURAL GAS

Section 206 amends Section 3 of the Natural Gas Act to limit the price for imported gas from any country other than Mexico or Canada to 150 percent of the price for Section 103 natural gas under the NGPA.

Section 206 also requires the President to report to Congress within 60 days concerning the status of negotiations regarding modification of the border prices for Canadian natural gas.

EXTENSION OF NATURAL GAS CONTROLS

Section 207 delays by two years decontrol of the prices for certain categories of natural gas now scheduled to occur under the NGPA on January 1, 1985 and for July 1, 1987. The timetables for the President and Congress to exercise their authority to reimpose controls are similarly extended.

EFFECTIVE DATE

Unless expressly provided elsewhere in the bill, the effective date of these amendments is the first day of the first calendar month beginning more than 10 days after the date of enactment. The amendments apply to all deliveries on or after the first day of such calendar month.

Mr. PROXMIRE. Mr. President, today the distinguished junior Senator from Kansas (Mrs. KASSEBAUM) has introduced a Natural Gas Consumer Relief Act, which I am pleased to cosponsor.

This bill should reduce if not reverse the galloping natural gas price increases of the last few years. It would permanently freeze the price of 40 percent of gas supplies at the August 1, 1982 level, adjusted for inflation and continue price controls on the rest until 1987.

In contrast, the administration would lift controls from some gas prices by January 1, 1985 and decontrol all gas by January 1, 1986. Although the administration bill does provide for some weak consumer protection, it would still cause enormous price increases while giving windfalls to the large oil companies which own most of the low cost gas.

In addition, this bill would reduce the harmful contract terms which have caused most of the recent price hikes. For example, it severely limits take-or-pay contracts which require gas pipelines to pay for high cost gas they do not want and cannot use. It also eliminates clauses which push up existing contract prices to the highest new contract prices negotiated in a geographical area.

The Consumer Relief Gas Act also puts a limit on the highest price that can be paid for expensive imported Algerian gas and gives the Federal Energy Regulatory Commission more power to clamp down on high gas prices.

Finally, the bill allows local gas distributors to make their best deals for gas and forces pipelines to carry it if they have the room. Under the current system, gas distributors are captives to the pipelines, which buy and transport the gas and have no incentives to keep gas prices low.

Gas producers do not need the bonanza they would get under decontrol. According to a recent Congressional Research Service report, the 26 largest energy companies gas revenues climbed from $8.2 billion in 1977 to $17.8 billion by 1981, although their sales volume increased by less than 1 percent. Even worse, the congressional Joint Committee on Taxation found that crude oil producers (including gas producers) paid an effective rate of corporate income tax of just 3 percent; not 46 percent; 3 percent.

The 58 percent of Wisconsin households which heat with gas need help now. The Natural Gas Consumer Relief Act is a good start.

● Mr. DANFORTH. Mr. President, natural gas prices have been rising in Missouri at an intolerable rate. Consumers in much of the State are paying three times as much for their gas as they did in 1978, when the Natural Gas Policy Act was passed. In one case, involving Columbia, Mo., the price of 100 cubic feet of gas has jumped from 33.61 cents on March 1, 1982, to 62.77 cents on March 15, 1983—an increase of 86.8 percent in a single year. Such dramatic changes have devastating impacts on consumers.

The Natural Gas Policy Act was designed to smooth the path to free-market pricing for natural gas. Controls on new gas were to be lifted gradually; controls on old gas were to be retained. But the price path has been anything but gradual, and we must act to restore the consumer protection features that the Natural Gas Policy Act was intended to provide.

Our legislation would roll back price ceilings to their August 1982 levels, limit or eliminate restrictive contract clauses that are keeping prices artificially high despite conditions of excess supply, limit the price paid for deep gas and Algerian liquefied natural gas, and allow pipelines to break their contracts with producers if they cannot agree on price.

Price controls on old gas would be retained permanently. Removal of these controls would not result in the discovery of one more cubic foot of gas—it would simply enrich the major oil companies that control more than 70 percent of the supply. Indeed, the supply effects would be negative: Low old gas prices enable pipeline companies to pay higher prices than they otherwise would for new supplies. We need those supplies, and it makes sense to pay an incentive to get them. These conditions have encouraged producers to search for gas, confident that they could sell it under the price structure that has been created. Without price controls on old gas, that ability would be severely diminished or destroyed. Clearly, the benefit to be gained from deregulating old gas in no way compares to the damage that would be done.

Our legislation would keep old gas under price controls until the supply is exhausted in the next 10 or 20 years. This natural diminution of supply would serve to ease the transition to free-market pricing after decades of regulation.

Mr. President, we were fortunate this year to have had an extrordinarily mild winter, and now the cherry blossoms have returned to Washington. But as we enjoy this warm weather, let us not forget the suffering that was caused by natural gas prices this winter—suffering that could return with even greater intensity just 6 months from now. We in the Congress must act—quickly, responsibly, and compassionately—to avert a crisis of major proportions. I urge my colleagues to study this legislation and join with us in offering an alternative approach to the natural gas policy dilemma that we face.●

● Mr. SASSER. Mr. President, today I am cosponsoring S. 996, the Natural Gas Consumer Relief Act of 1983. Rising natural gas prices are an urgent national problem For the poor and elderly natural gas consumers, the current conditions in the natural gas market represent an economic nightmare. It is time that we provided natural gas consumers with some much needed and long overdue relief.

Mr. President, the poor and the elderly of this Nation have become economic captives of a distorted natural gas market. Congressional inaction during the lameduck session has only exacerbated the plight of low-income Americans. Even though natural gas supplies are now in a surplus, the cost of natural gas to residential consumers has nonetheless skyrocketed some 60 percent. The irony for low-income natural gas consumers is that while they consume far less energy than other income levels, they nonetheless have

been forced to spend in some cases from 30 percent to 50 percent of their meager budgets on direct energy expenditures.

Since 1972, low-income families have seen their natural gas bills rise by 419 percent. Low-income households represent the poorest 13 percent of our population. Yet, low-income families have watched helplessly as their budgets have dwindled an estimated $75 billion as a result of rapidly escalating natural gas prices. For the poor and the elderly of this Nation, the price shock has already arrived. Mr. President, at this point in my remarks, I ask that an article from the Memphis Commercial Appeal be printed in the RECORD. This article vividly depicts the human misery which has accompanied rising natural gas prices.

The article follows:

[From the Memphis Commercial Appeal, Feb. 26, 1983]

JUST GETTING BY GETS HARDER DAY-BY-DAY

(By Charles Bernsen)

The woman, small and confused and very old, wandered into the press office at City Hall.

"Mister, you got to listen to me," she said, apparently believing the reporter she was talking to held some authority with the city. "I've been taking care of myself my whole life. I don't owe them nothing. But I just can't pay this."

She held out a utility bill for $100.42.

"It just ain't right. Somebody's got to do something about these prices," she said.

She is 78 and a widow. She lives in a house in Orange Mound. She worked her whole life, first as a maid, then as a nurse. Now she is too old to work any more and her Social Security check is her only income. She lives on $252 a month. No food stamps. No welfare check.

She pointed to the old, scuffed pair of black lace-up shoes she was wearing.

"I used to have nice shoes. I used to make myself look good. But I don't worry about clothes any more or about how I look. I just try to get by.

"It's these prices," she said, rummaging through her huge purse and finally pulling out a paper bag. "Look at this. Four tiny pieces of chocolate. You know what they cost? $1.14. Now is that right?"

Then she held out the utility bill again.

"Don't they know I've got to eat, too? And the one last month was even more. $103.01. Now why would they put that 1 cent on there like that? What good does that do?"

Earlier in the day, she had taken the bus downtown and walked to the offices of Memphis Light, Gas and Water.

"I asked them if maybe they could take a little off the price but they said they can't do it. This manager, he said they were buying gas from Texas and that Texas went up on the price so they had to go up on theirs. That's the way they talk to you there."

So she walked the length of the Mid-America Mall to City Hall.

"I came to see the mayor to see if he knows just how much they're charging people. Maybe he can do something about these prices."

But it was lunchtime and the mayor and all his administrative aides were out. So she walked across the hall to the press room, found someone she thought to be a city official and demanded that he listen to her. She stood in front of the stranger and cried.

"I don't mean to cry, but I can't face this every time I get a bill," she said.

Mr. SASSER. Mr. President, a review of the administration's proposed natural gas decontrol bill indicates that it will offer little fiscal relief for natural gas consumers. The administration's bill purports to offer hope. But, the administration's bill will, in fact, raise gas prices by 94 percent. The administration's bill will cost the American people an additional $50 billion.

A recent article in the Washington Post, "The Perverse Effect of Deregulation of Natural Gas Prices," supports this conclusion. In that article, the Hobart Rowen economic analysis stated that—

The natural gas market can never be a truly "free market" because of the need to pipe it directly into the home or business. A homeowner with a gas furnace who doesn't like the prices he's being charged by a utility company can't go down the block and find a competing utility company.

Mr. President, I ask that the full text of the Hobart Rowen article be printed at this point in my remarks.

The article follows:

THE PERVERSE EFFECT OF DEREGULATION OF NATURAL GAS PRICES

(By Hobart Rowen)

How ironic it is that at the very moment the Reagan administration applauds the potential beneficial economic impact of cheaper oil prices, it has set in motion a deregulation plan that will mean higher, not lower, natural gas prices.

The usual rationale for deregulation is that it will at once stimulate new production. Then, as the new supplies become available, market forces will act to reduce prices.

It's a neat theory, but it doesn't always work. In the case of natural gas, there already exists a glut, and despite the oversupply of gas, natural gas prices have soared and stayed high under the "phased" deregulation that has been in effect since 1977 when the Natural Gas Policy Act was passed.

President Reagan's proposal would totally decontrol so-called "old gas" on Jan. 1, 1985—although there is no logic, no economic benefit, no potential increase in production—just a profit bonanza to producers.

Competitive market forces don't work for natural gas: a homeowner with a gas furnace who doesn't like the prices he's being charged by a utility company can't go down the block and find a competing utility company. He's stuck—in his local area, the utility company has a monopoly.

Similarly, the utilities, for the most part, have little power over the price of natural gas set by the producers and the pipelines, which have been sitting on a huge supply of "old gas," the price of which is still controlled and forcing the utilities to take gas for which there is no price ceiling.

Administration officials claim that producers and pipelines will renegotiate such contracts that keep prices high, even with lower-priced gas available. But there would be nothing mandatory about such negotiations, and, if past history is any guide, the producing industry will take care of itself, not its utility customers or the ultimate individual consuming businesses or individuals.

Producers and the pipelines would still manage the market, and the only option available to natural gas consumers is the expensive—and often impossible—process of typing to convert to another fuel.

The cost of natural gas already has soared beyond all reasonable levels. Supporters of the existing "phased" deregulation bill confess they thought that there would be a chronic shortage of natural gas. But there is the worst of all worlds under present law; a glut and rising prices.

This has created untold burdens for poor people, small businesses, hospitals, farmers and local communities. The Citizen/Labor Energy Coalition estimates that under present law, gas prices will rise by 70 percent between 1982 and 1986, at a cost to users of $135 billion.

Today, it is not at all unusual for a family with a moderate income to find that its monthly gas bill exceeds its mortgage payment—even in an era of double-digit mortgage rates. According to the coalition, more than 300,000 gas-heating households will be disconnected this winter because they can't afford to pay their gas bills.

If Congress goes ahead and accelerates decontrol, as Reagan asks, prices overall will go up 94 percent, adding another $50 billion to natural gas costs. Robert Brandon, director of the consumer lobby, scoffs at administration promises of consumer protection through the Federal Energy Regulatory Commission. "Under Reagan, FERC has completly failed to protect consumers or police producer-pipeline behavior," Brandon says.

"Last year, FERC was prepared to circumvent Congress and push through regulatory proposals that would have effectively decontrolled old gas prices. Mike Butler, the FERC chairman, is a former oil company lawyer, and an outspoken advocate of full decontrol. Like other Reagan bureaucrates, he was brought on to frustrate rather than enforce the law," according to Brandon.

It's not too late for consumers to have a voice in this issue. They can urge their congressmen and senators to join with numerous labor, farmer and citizens groups in support of the Natural Gas Consumers Relief Act, which would roll back prices to the Jan. 1, 1982 levels, and strip the FERC of its discretionary powers—which it has been using to raise natural gas costs to consumers.

Natural gas can never be a truly "free market," because of the need to pipe it directly into the home or business. But the Consumers Relief Act would introduce some semblance of consumer pressure to make suppliers sensitive to demand, instead of enhancing their monopoly as Reagan proposes to do.

Mr. SASSER. In addition, Mr. President, a recent study by the Consumer Federation of America indicates that 20 major energy producers stand to gain over $56.9 billion if "old" gas is decontrolled as provided under the administration's proposed natural gas decontrol bill.

Mr. President, at this point, in my remarks, I ask that an article which appeared in the Energy User News, which indicates who would stand to lose, and who would benefit under the

administration's bill, be printed in the RECORD.

The article follows:

[From the Energy User News, Sept. 27, 1982]

GAS: WHO'D PAY WHOM?

(By Paul Schaffer)

NEW YORK.—The Consumer Federation of America, which opposes gas price decontrol, has worked up a company-level portrait of decontrol's financial impact.

CFA foresees 15 gas pipelines paying $56.9 billion extra to 20 major gas producers from 1963 to 1990 under phased-in decontrol of "old" gas. That's in addition to the payments likely under current law, using estimates based on records at the Federal Energy Regulatory Commission (FERC).

CFA says decontrol would force non-residential users to cut capital spending to pay for their gas.

The organization acknowledges current problems of unequal competition between interstate and single-state pipelines, and of producers going after hard-to-produce gas before easy-to-get gas because of federal regulations. But CFA wants the price rules changed, not abolished.

The larger market-ordering problem is the underconsumption and underinvestment in the non-energy sectors of the economy that could well result from the transfer of large amounts of money from consumers and industrial users to producers," CFA argues. CFA's backers include labor unions and the American Public Power Association.

CFA used Energy Information Administration assumptions about how fast old gas will wane, combined with individual pipelines' semiannual regulatory filings.

To put the $56.9 billion in perspective, keep in mind that it is spread over 8 years. The same 15 pipelines had 1980 gas revenues totaling $28 billion. All U.S. gas producers in 1981 received $40.3 billion at the wellhead.

The figures below are in billions of dollars.

Whose customers would pay the $56.9 billion?:

Tenneco Inc	8.7
El Paso Natural Gas Co	6.9
Natural Gas P. Co. of America	6.3
Texas Eastern Transmission	5.2
Northern Natural Gas Co	4.5
Michigan-Wisconsin Pipe Line	3.6
Trunkline Gas Co	3.5
Texas Gas Transmission Corp	3.2
United Gas Pipeline Co	3.2
Transcontinental Gas Pipe	2.5
Southern Natural Gas Co	2.5
Columbia Gas Transmission	2.3
Cities Service Gas Co	1.9
Panhandle Eastern Pipeline	1.8
Colorado Interstate Corp	0.8
Total	56.9

Who would get the $56.9 billion?:

Gulf	5.7
Mobil	5.2
Texaco	5.0
Exxon	4.8
Shell	4.2
Standard of Indiana	3.9
Tenneco	3.4
Standard of California	3.1
Phillips	3.1
Atlantic Richfield	2.7
Cities Service	2.6
Getty	2.4
Union	1.9
Superior	1.9
Sun	1.7
El Paso	1.7
Conoco	1.4
Pennzoil	0.9
Marathon	.7
Columbia	.5
Total	56.9

Four of the pipelines are affiliated with companies on the producer list. These firms account for $19.8 billion of the payments and $8.2 billion of the receipts.

The summary report. "The Powerful Twenty and Old Gas," costs $5 from CFA, 1314 14th St., N.W., Washington, D.C. 20005. The detailed tables cost $250.

In arguing that certain producers will benefit disproportionately from decontrol, CFA says these 20 firms account for 51 percent of U.S. gas production but for 72 percent of old-vintage interstate gas that would get the major price hikes under decontrol.

Even without a windfall from gas decontrol, the major producers seem bound to boost their gas role. They are the key players in undersea wells, which provided 27 percent of domestic gas in 1981, up from 22 percent in 1976.

The Department of Energy has a list of big energy producers similar to CFA's. The majors natural gas role in 1979, DOE says, was 49 percent of U.S. production, 51 percent of onshore reserves and 65 percent of offshore reserves.

Mr. SASSER. Mr. President, we need to insure an adequate supply of natural gas at prices consumers can afford. I recently introduced legislation, S. 740, which recognizes that market conditions should respond to the needs of natural gas consumers and not the contrary. I believe that my legislation is a balanced approach to the take-or-pay situation.

I am supporting the Natural Gas Consumer Relief Act of 1983, S. 996, as a comprehensive step toward reversing the spiraling price trend in the natural gas market. The purpose behind the Natural Gas Policy Act of 1983, and S. 740, is to insure the availability of adequate supplies of natural gas at prices that consumers can afford. I believe that S. 996 is a crucial step in the right direction.

The most important provision in S. 996 is the continuation of controls on the remaining supplies of "old" gas. "Old" gas continues to be the single-most important cushion protecting natural gas consumers from wholly unrestrained natural gas price increases. Consumers, during the last few months, have already faced steady price increases. Absent the roughly 40 percent cushion of "old gas, these increases would have been even more far reaching.

Mr. President, congressional action which limits the deliverability of natural gas under take-or-pay contracts is also warranted. The current natural gas market has been distorted by the steady influx of higher priced volumes of natural gas which the pipelines cannot sell and consumers cannot afford. Limitations placed upon the volumes of high-priced gas entering the market will, first, lower the cost of natural gas to the consumer, and second, maintain an adequate supply of natural gas on the market which more accurately reflects consumer demand. Indeed, recent citizen/labor energy coalition studies indicate that the renegotiation of these contract provisions could reduce consumer prices by over $71 billion.

It is also very important that pipeline companies adopt more realistic purchasing practices. The helter-skelter atmosphere which led to these long-term purchase gas agreements in the 1970's must not be repeated in the 1980's. I believe that the addition of an "imprudence" standard under S. 996 will help to prevent these dubious forms of contracts in the future.

Mr. President, consumer relief from escalating natural gas prices depends, in large part, on the diligent efforts of the Federal Energy Regulatory Administration. It is high time that FERC began to recognize its responsibility to assure adequate supplies of gas at the lowest costs possible. FERC must be unyielding in its scrutiny of purchase gas adjustments. I believe that the repeal of FERC's authority to raise ceiling prices is crucial to setting that agency on the course of consumer protection. It is my hope that FERC will heed the congressional message of S. 996 and get about the task of assuring that producers and pipelines seek the cheapest supplies of natural gas possible.

Mr. President, natural gas consumers need relief from rapidly increasing natural gas prices and they need it now. The choices before us are clear. I urge my colleagues to join me in supporting S. 996, in the Natural Gas Consumer Relief Act of 1983.●

NATURAL GAS LEGISLATION

● Mr. D'AMATO. Mr. President, I rise in order to bring to the Senate's attention a problem which has caused great suffering and hardship—the dramatic rise in the price of natural gas, a fuel which many in my State depend upon for the basic necessities of life. Gas prices in western New York have risen drastically over the last 6 months, in spite of an unusually mild winter. Many homeowners have cut their fuel use dramatically only to find their gas bills rising nonetheless. We in Congress bear a great deal of the responsibility for this rise. The Natural Gas Policy Act has proved to be a cumbersome and unworkable piece of legislation. It has virtually divorced the workings of the industry from the marketplace and allowed the price of gas to rise at a time when there is an oversupply. Clearly, we must address this situation and in so doing avoid the pitfalls of earlier legislative remedies which assumed that we could accu-

rately project the directions of the volatile energy markets.

Two pieces of legislation that the Senate is considering would accomplish this end. I refer to S. 689, introduced by Senator HEINZ, and the bill that Senator KASSEBAUM is introducing today. Both would incorporate provisions that retain controls on the price of old gas and reduce to 50 percent the legal limit in take-or-pay provisions in contracts that obligate the pipeline to either take the gas contracted for or pay for it anyway. These two aspects of the bills offer the prospect of real consumer protection while establishing a fair balance between the interests of the producers and users of this commodity. For this reason, I am cosponsoring both pieces of legislation.

There are provisions in each of the bills which merit our support. But the thrust of each is very similar. Both would retain the controls on old gas and, thereby, provide a cushion of low-cost gas when controls are lifted on new gas. This is an equitable provision producers who invested in wells when controls were in place did so with the expectation that the revenue from the controlled gas would provide a sufficient return on their investment. We should not give them a windfall profit at the expense of already hard-pressed consumers. The 50-percent limit on the take-or-pay provisions in contracts is one which will insure a market for the gas sufficient to encourage drilling while protecting consumers from the prospect of having to pay for gas that they cannot use.

I have a letter from Mark Kulwicki, an engineering student in my State, which I would like to share with Senators. It is representative of the volumes of mail I have received on this topic:

DEAR SENATOR: I am deeply concerned about the rapid rise of "Natural gas Fuel". I agree that part of the problem with natural gas prices has been due to deregulation of the natural gas industry. I understand that deregulation has been done in stages. The price of new sources of natural gas being deregulated while the price of existing deposits of natural gas have remained under control. I fear that complete deregulation of natural gas will bring about extraordinary price hikes. The gas companies will be allowed to simply pass on the cost of gas to consumers, because there is no incentive for them to even attempt to find lower priced gas. They are a monopoly. We as consumers of natural gas have no one else to turn to, to purchase the product. We are forced to buy from the local company.

My parents, now retired, have had an increase of over 32 percent, over the last year in their fuel bills. This is a rising rate of nearly 3 percent a month. They have taken measures to minimize their gas use, through extra insulation, energy efficient windows and furnace, and the lowering of the thermostat, only to be penalized in the end by higher monthly fuel bills.

I also am concerned for myself, a student enrolled in Engineering. I find local industries, closing or moving due to the fuel costs. This problem is rampant in the "Frost-Belt States". This means I have to move out of an area that has been my life long home to seek employment elsewhere.

I urge you to encourage Congress in their fight to turn down President Reagan's plan to decontrol natural gas prices. I know decontrol would escalate home heating bills.

We have witnessed for too long the inequitable workings of the NGPA. By keeping the controls on old gas and adopting contractual requirements which will properly regulate the marketplace to insure genuine competition, we can make the gradual transition to an unregulated market without the drastic effects I fear would accompany the administration's proposal. I urge the Senate's swift consideration of legislation which will protect the consumers of natural gas while moving the United States further along the path to energy independence.●

● Mr. CRANSTON. Mr. President, I am pleased to join with my colleagues here in the Senate in introducing this comprehensive legislation designed to bring some relief to the sorely pressed American consumers of this essential fuel.

This past year has seen a startling and unprecedented situation—sharply rising prices in a market glutted with overflowing supplies of natural gas.

Several weeks ago I introduced a resolution, Senate Joint Resolution 46, that called upon the Federal Energy Regulatory Commission (FERC) to provide administrative relief for consumers by permitting utilities to refuse to buy high priced gas. If FERC would exercise the power it already has, some leverage could be brought to bear on unnecessarily high prices. But I see no evidence that FERC, under the Reagan administration, plans to exercise its responsibility to the public in this way. And so, more comprehensive legislation is called for.

President Reagan's proposal to decontrol old gas makes no sense. There is no economic justification for lifting price controls on gas discovered before 1978 when the Natural Gas Policy Act was enacted. Taking the lid off old gas prices could raise the cost to the consumer as much as 67 percent over the next 4 years, despite the claims of the administration to the contrary. The major beneficiaries of old gas decontrol would be the top 20 producers, who own 70 percent of old gas supplies. They would reap a bonanza while the consumers reap a disaster.

This carefully worked out legislation, which has the support of consumer groups, farmers, unions, senior citizens, and a number of utility companies, would continue price control of old gas.

It has broad bipartisan support. That is apparent from the sponsors you see here today. And it was apparent in the House of Representatives on March 16 when a coalition of 74 Republicans and Democrats introduced very similar legislation.

This bill has support in every section of the country from the far west to the eastern seaboard.

Mr. President, I have received hundreds of letters full of shock, dismay, and disbelief at the skyrocketing cost of natural gas. We all know of Americans who are paying more for natural gas than for rent—and even worse, of desperate people whose gas supplies have been or soon will be cut off because they cannot afford to pay their tremendously—and unexpectedly—high bills.

This terrible situation must be corrected.

I urge the chairman of the Senate Energy and Natural Resources Committee and my colleagues who serve on that committee to consider this legislation soon. The consumers of America must have some relief before next winter arrives.●

● Mr. BIDEN. Mr. President, I am today joing with several of my colleagues in introducing the Natural Gas Consumer Relief Act. In contrast to the administration's proposal, S. 615, which cloaks substantial additional natural gas costs in the promise of consumer relief, I believe our bill really and truly provides the consumer with relief from the prospect of further climbing prices and acts in their best short- and long-term interests.

Mr. President, the residents of Delaware who heat and/or cook and heat their water with natural gas—some 76,000 households altogether—have not been strangers to high natural gas prices. In fact, Delawareans have paid consistently more than the national average for their natural gas. In 1981, for example, the cost of natural gas to Delawareans exceeded the national average by nearly 18 percent.

In essence, Mr. President, Delawareans have paid the prices I knew they would when I strongly opposed the enactment of the Natural Gas Policy Act back in 1978. We were told at that time that natural gas prices would rise slowly and steadily until much of the supply was in fact decontrolled. I do not need to spend a lot of time reminding everyone that the average yearly price increase of the raw material has in fact risen at a rate higher than 25 percent per year. It does not take me by surprise, now that the rest of the country is beginning to experience the high costs we have known for several years, that so many people are outraged.

Mr. President, it is clear that NGPA has been a failure. The administration proposes to correct many of the problems of the natural gas marketplace with legislation which, while it would address some of the problems that have developed in natural gas contracts and the like, would also set the

gas producers free to charge several dollars for the so-called old gas they brought to the market years ago for pennies. How much this would ultimately cost the consumer is anybody's guess, and there are widely varying estimates, but it would certainly exacerbate the problem.

Our bill, in contrast, keeps the lid on old gas prices; rolls back gas prices to August 1982 levels until 1987, allowing increases to cover inflation; limits and adjusts the unreasonable so-called take-or-pay provisions of natural gas contracts; forces the Federal Energy Regulatory Commission to exercise its judgment much more on behalf of the consumer and forces them to give every gas pipeline purchase exacting scrutiny; and caps the price of the so-called high-cost gas at a rate sufficient to provide more than adequate incentive to search for new supplies. In sum, this bill is a sensible, realistic way to deal with the natural gas pricing problem. It protects consumers from the harsh price increases we have experienced in recent years, provides adequate incentive to continue the search for new gas supplies and allows producers and suppliers a fair profit.

Mr. President, we in Delaware, as in many parts of the country, were fortunate to have experienced a relatively mild winter this year, helping to hold heating costs down. Next year we may not be so fortunate. The economic and personal damage that will be done if natural gas prices continue to skyrocket would be significant. Our bill presents the best alternative to correct the serious flaws of the Natural Gas Policy Act and give consumers in Delaware and throughout the Nation some long overdue relief.●

● Mr. RIEGLE. Mr. President, I am pleased to join my distinguished colleagues in sponsoring this critical legislation. I feel that this measure will bring true relief to natural gas consumers throughout the country, and will resolve the major problems that have arisen since the passage of the Natural Gas Policy Act.

This is a comprehensive bill which addresses current market conditions: where prices are not related to supply or demand; where contract provisions, in spite of a worldwide glut still force unwanted gas on pipelines and distribution companies; where there is a need to preserve incentives for additional exploration and development; and where there must be a mechanism to deal with the present problem of exhorbitantly priced foreign gas.

The legislation that has been proposed by the administration is simply unacceptable to the consumers in Michigan. The only clear beneficiaries of that measure are the large oil and gas companies, which have huge reserves of "old" gas. In Michigan, over 70 percent of our homes are heated with natural gas, 8 percent of the national total. This represents almost $1.4 billion that our consumers send to the producing States. To ask them to pay even more is unfair and will only serve to inhibit our economic recovery. The effects of higher prices on our industrial users is even more dramatic. Our largest distribution company has lost over 50 percent of its industrial load. Some of these losses can be attributed to the depressed economy. The majority, however, is due to the ability of industrial users to burn several fuels in their boilers; typically fuel oil replaces natural gas. The net effects of a market where industrial customers are lost are even higher prices for those people, the homeowners, who do not have the ability to switch fuels according to price conditions. In Detroit, for example, prices have risen 34 percent since 1982, and if current law continues, they will continue to escalate.

The legislation introduced today is endorsed by a wide spectrum of interests ranging from labor unions, senior citizens, and farmers to gas distributors and public utility commissions. I am also pleased to note that this issue is not divided along partisan lines. Most of my colleagues are seeing consumers forced to swallow higher and higher prices at a time when reserves are larger than ever and demand is down.

Mr. President, I believe that the market should operate in an equitable fashion. Price and market signals must be transmitted from end users to the producers, something that is impossible today under current law and regulation. Everyone in the marketplace must assume a share of the risks: producers, pipelines and distribution companies. Today, these risks are not equally shared. I urge all of my colleagues to closely examine this legislation and hope that the Senate will consider it in the near future.●

● Mr. EAGLETON. Mr. President, I am proud to join today with 13 colleagues in offering to the Senate the Natural Gas Consumer Relief Act.

The Consumer Relief Act is a comprehensive response to runaway natural gas prices that have resulted from the gas market's inherent inability to self-regulate and from the weaknesses in the present regulatory apparatus. This bill recognizes the ills that beset the gas market and sets forth an aggressive plan that would stop, if not reverse, the present upward gas price spiral.

In addition to granting immediate price relief to consumers, our bill would insure an adequate future gas supply and more than fair profits for gas producers.

Our bill stands as a clear and sensible alternative to President Reagan's natural gas legislation. The President's bill has a distinct producer bias and would commit the ultimate injustice against gas consumers: the decontrol of all natural gas including low-cost old gas—the consumer's last protection against a gas industry hungry for higher prices. The President's approach to gas pricing is unfair. It would place an even greater economic burden on our citizens and industries, and line the pockets of the energy giants who own most of the old gas.

A similar version of the Natural Gas Consumer Relief Act was recently introduced by a large bipartisan coalition in the House of Representatives. Hearings on the bill have been favorable and have demonstrated the widespread support for this type of legislation.

The principles of our approach have been endorsed by senior citizen, consumer, farmer, and labor organizations, and major distribution companies. A listing of the major supporters of the Natural Gas Consumer Relief Act will follow the conclusion of my statement.

Mr. President, the measure we are introducing today builds on the foundation laid last Decembe during the lameduck session when Senators KASSEBAUM, DANFORTH, and I brought to the Senate floor legislation to freeze gas prices for 2 years and to abrogate take-or-pay contracts. In drafting today's comprehensive gas legislation, we made a conscious effort to bring in new support by tempering some of our December positons. I believe that our efforts have been successful.

The Natural Gas consumer Relief Act contains a new gas ceiling price rollback to the same August 1982 levels that were evident in our December freeze legislation. However, the new legislation accommodates producer interests with the sweetener of an equitable escalator formula that allows ceiling prices to track just below the inflation rate.

The take-or-pay legislation that Senator DANFORTH and I introduced last December would have abrogated all present contracts containing take-or-pay clauses and outlawed such clauses in the future. Again, in the interests of healthy compromise, we moderated our position in the Consumer Relief Act so that "take" levels are limited to 50 percent for 3 years. Although the 50-percent level may seem somewhat generous to producers, it is a level that a number of gas industry groups, including the American Gas Association, have indicated would be an acceptable middle ground.

As was pointed out by our opponents last year, take-or-pay contract clauses are just one of many problems haunting the gas market. A General Accounting Office study of gas contracts highlighted this point by quantifying the extent to which other more harm-

ful and less justifiable contract provisions exist.

Accordingly, the Consumer Relief Act contains sections that permanently outlaw the worst of these clauses which are the indefinite price escalator and most-favored-nation contract clauses.

There are many other inadequacies in the gas regulation structure that have forced gas prices higher. Most of those problems are addressed in our new bill. Certain provisions will lower gas prices in the short term, such as the cap on the price of expensive Algerian gas and domestic "deep" gas; and other provisions will form the basis for consumer protection far into the future, such as the strict pipeline purchase passthrough standard, the pipeline rate design requirement, and the limited pipeline market-out capability.

Before concluding, I will pass along a caveat to the industrial sector of the gas-consuming community. Some industrial consumers appear to be embracing the administration's theory that old gas decontrol will assure an adequate future gas supply. These industries are understandably still shell-shocked by the gas curtailments of the mid-1970's but that should not preclude them from perceiving the irrationality of the adminsitration's red herring old gas argument.

Simply put, old gas decontrol will cause a massive transfer of wealth from producers who expend capital on exploring and drilling for new gas reserves, to producers who expend little capital in the collection of gas from low-cost old gas reserves. The production incentive would switch from new production to the depletion of high profit margin old gas reserves.

The real entrepreneurs in the gas market, the new drillers and explorers, the businessmen on whom our future gas supply relies, will get the short end of the stick under total decontrol and so, too, will the low priority industrial users of natural gas.

The Natural Gas Consumer Relief Act retains the Natural Gas Policy Act tenet of higher prices for new supplies that is not present in the President's decontrol legislation. This flies in the face of the President's insistence that ample gas supplies can only result from higher prices.

Our legislation offers the best from all alternatives: Lower consumer gas prices and fair incentives for the production of new gas.

Ours is a coalition approach to gas pricing policy. We will continue to attempt to accommodate the legitimate concerns of others and we hope that more Senators will join our effort in the weeks to come.

GROUPS SUPPORTING THE PRINCIPLES OF THE NATURAL GAS CONSUMER RELIEF ACT

AFL–CIO.
Allied Industrial Workers.
Amalgamated Clothing and Textile Workers Union.
American Federation of State, County and Municipal Employees.
American Federation of Teachers.
American Public Gas Association
Bakery, Confectionery and Tobacco Workers.
Bricklayers and Allied Trades.
California Citizen/Labor Energy Coalition.
Citizens Action Coalition of Indiana.
Citizen/Labor Energy Coalition.
Coalition for Black Trade Unionists.
Colorado Citizen/Labor Energy Coalition.
Communication Workers of America.
Concerned Seniors for Better Government.
Connecticut Citizen Action Group.
Consumer Energy Council of America.
Consumer Federation of America.
Florida Consumer Federation.
Food and Beverage Trades Department, AFL–CIO.
Illinois Farm Alliance
Illinois Public Action Council.
International Association of Machinists and Aerospace Workers.
International Brotherhood of Electrical Workers.
International Ladies Garment Workers Union.
International Union of Electrical, Radio and Machine Workers.
International Union of Operating Engineers.
Iowa Citizen/Labor Energy Coalition.
Maryland C/LEC.
Massachusetts Fair Share.
Minnesota Citizen/Labor/Senior/Farmer Energy Coalition.
Missouri Citizen/Labor Energy Coalition.
National Association of Letter Carriers.
National Council of Senior Citizens.
National Farmers Organization.
New Hampshire Peoples Alliance.
New Jersey Citizen Action.
New York Citizen/Labor Energy Coalition.
Ohio Public Interest Campaign.
Oil, Chemical and Atomic Workers.
Oregon Fair Share.
Pennsylvania Public Interest Coalition.
Public Citizen/Congress Watch.
Rhode Island Community Labor Organizing Coalition.
Rural America.
Service Employees International Union.
Sheet Metal Workers International Union.
Stone, Glass and Clay Coordinating Committee.
International Brotherhood of Teamsters.
United Auto Workers.
United Distribution Companies.
United Electrical, Radio, and Machine Workers of America.
United Food and Commercial Workers International Union.
United Mine Workers.
United Paperworkers.
United Rubberworkers.
United Steelworkers of America.
Virginia Action.
Wisconsin Action Coalition.●

● Mr. METZENBAUM. Mr. President, this Nation has a crisis on its hands. The price of natural gas is driving millions of people into poverty. The Senate will remember that 5 years ago I filibustered a bill that I said would drive gas prices up by 15 percent annually. I was wrong. Rates have gone up even faster. According to GAO, between 1978 and 1981, prices went up by 22 percent annually. This last year, the increase was even worse. In some cities, prices have gone up more than 40 percent.

The administration's response to this crisis has been outrageous and callous. As if the gas industry was not already ravaging consumers, the administration is recommending that gas prices be decontrolled. The logic of this proposal escapes me, as it does most of my colleagues. It can only mean further price increases and deprivation.

Mr. President, something needs to be done now about gas prices. The President's plan is not a solution. The bill which Senator KASSEBAUM has introduced, and which I have joined in sponsoring, is a solution. This bill promises important, badly needed relief. It would roll back wellhead prices, eliminate and defuse contract clauses which have compelled pipelines to purchase expensive gas while shutting in cheap gas, and it would increase the responsibility of pipelines and the FERC to minimize their gas costs. I recommend its expeditious consideration and passage by the Senate.

Mr. President, 4½ years ago, the Senate responded to a grave national problem by making an even more grave mistake. The problem was that one of America's most important domestic resources—natural gas—was being diverted for private gain. A few gas producers in control of this Nation's gas supply had seized upon a regulatory loophole, one which prevented the Federal regulation of gas sold within the State of production. This loophole created a so-called dual market—an intrastate market located primarily in Texas and Louisiana, and an interstate market.

Producers were attracted to the intrastate market by profit. Large industrial customers were attracted by the proximity and certainty of supply, Increasingly, gas supplies flowed into these local industrial transactions.

Meanwhile, elsewhere in the country, consumers suffered under an ever more uncertain supply. An economical supply of heat for millions of homes and businesses across the country was being drained away and burned for the use of a few industrial consumers, and to enhance the profits of a few oil companies.

In retrospect, it is obvious that the natural gas problem of the 1970's was a problem of access to these diverted supplies. An appropriate solution would have been to close the statutory loophole that permitted intrastate gas sales to go unregulated.

Instead, Congress responded as if there were a fundamental problem with the concept and application of

cost-based regulation. It bowed to the gas industry's claim that a statutory scheme which merely guaranteed a just and reasonable return was not enough, and additional incentives and profit were necessary to promote an adequate level of production. Eventually, they said only decontrol would guarantee an adequate supply of gas. Competition would guarantee reasonable prices. Congress bought that argument and passed the Natural Gas Policy Act.

I am proud to say that I opposed the NGPA. Four years of experience with that law have revealed its flawed premises. Between 1978 and 1981, according to GAO, consumer rates increased at a rate of 22 percent annually, far above the rate of inflation. In 1978, the average wellhead price was about 90 cents per million cubic feet. It is now approaching $3. Pipeline companies have paid as much as $8 to $10 for unregulated gas, and passed those prices through to consumers.

The exorbitant increases in gas prices allowed under the NGPA have had a terrible impact on citizens and businesses already ravaged by recession and unemployment.

With typical callousness to the plight of low- and middle-income families, and basic misconceptions about the economics of the gas industry, the administration has responded with a proposal that defies commonsense. Despite evidence that the industry has been unable to manage its own affairs, and the existence of privately established prices that disprove claims of a competitive market, the administration blames the Government, and it asserts that we should place even greater trust and reliance on private decisionmaking. Though the NGPA establishes price ceilings, it argues that these ceilings have become floors. It does not mention that there is nothing in the NGPA which prevents prices below the ceilings, and that the industry has the power to negotiate lower prices. It simply recommends further and faster decontrol.

The administration has yet to advance a plausible rationale for its proposal for gas decontrol. It seems to stem from its central ideology: Industry is good; Government is bad. There is no such thing as wise Government, only Government interference. I do not accept that. It seems to me a self-serving and circular rationale for an abdication of leadership and responsibility.

The administration has also been unable to offer a convincing prediction of what decontrol would do to prices. It admits that its projection of lower prices under decontrol is based on a variety of questionable assumptions regarding the economy and the price of oil.

Yet another assumption is that the administration's bill will be swallowed whole, including its provision for a temporary gas cap, for a temporary freeze on the gas costs that pipelines can pass through, and for provisions that allow the industry to abrogate its existing contracts. Although it is becoming obvious that changes will have to be made to one or more of these elements of the package in order to gain the industry support that would give it a chance of passage, the administration has recognized that significant changes of this kind would undermine the price scenario it has projected. It has criticized decontrol price projections which are not based exactly on the administration package.

According to FERC Chairman Butler, an advocate of the administration's bill, Congress should simply "Hold its nose and jump."

In fact, the only predictable consequence of the administration's proposal is that it would create a windfall for the producers of old, cheaply produced gas—primarily large oil companies. No one can explain how consumers might benefit from such a giveaway. The administration maintains that it will force pipeline companies to pay less to the producers of high-cost gas, which is probably true, and of course upsets the producers of that expensive gas.

It is also claimed that under decontrol the cheapest gas first. This may also be true. But what is not stated by the administration is that under decontrol, the gas will be sold at the highest possible price, and without any relation to the cost of production. The benefit of low production costs will go to the producer, not to the consumer.

Mr. President, it is apparent that something must be done about the incredible and unjustified increases in gas prices that have already occurred, and will occur without legislative action. It is just as clear that the administration's plan is the wrong plan. It is a blatant attempt to hold consumer relief hostage to an ideological commitment to decontrol gas prices.

In contrast, the bill which I sponsor here today, together with a bipartisan coalition of my colleagues, represents a conscientious effort to provide consumer relief quickly. It is based on the principle that consumers, not the gas industry, should obtain the primary benefits of low cost gas production. By rolling back wellhead price ceilings, by bringing unregulated gas under price controls, by limiting take-or-pay and minimum bill commitments to reasonable levels, by invalidating indefinite price escalator clauses, it places human need above the unnecessary profiteering of several large corporations.

By authorizing pipelines to market out of burdensome gas purchase contracts and by requiring them to exercise prudence in their gas purchase practices, the bill improves the tools and increases the pipeline's responsibility to protect the ratepayer.

By requiring FERC to increase its scrutiny of the gas costs which pipelines pass through to ratepayers, and by requiring FERC to establish rules for rate design which will cause pipelines to minimize their gas costs, the bill seeks to invigorate the primary instrument of consumer protection at the Federal level.

And by requiring pipelines to conduct themselves as contract carriers, transporting gas on behalf of producers, distributors, and other shippers, the bill establishes a safety valve, a means for customers to avoid the monopolistic practices and imprudence of the pipelines that serve them.

Mr. President, having been an opponent of the NGPA and having fought that bill as strenously as I did, it has been a difficult decision for me to support legislation which would only correct the NGPA and not undo it. In my opinion, this bill does not go far enough. Inevitably, I believe we must return to cost-based regulation. Circumstances, however, demand immediate and straightforward solutions to obvious and serious problems. Circumstances demand compromise. The broad support which this bill has, has been a major factor convincing me that it should have my sponsorship.●

● Mr. SARBANES. Mr. President, I am pleased to join my distinguished colleague, Mrs. KASSEBAUM, and a bipartisan group of Senators in offering the Natural Gas Consumer Relief Act. The situation with respect to the natural gas market is one of utmost urgency. The perception of natural gas prices out of control is very real. Despite increased supply of natural gas, despite a greatly reduced demand because of the disasterous recession, and despite the best efforts of residential users and industry to adopt energy conservation measures, the price of natural gas has continued to spiral ever upward at an alarming rate.

During this last year alone, the price of natural gas to residential customers in Maryland rose over 27 percent. In some areas of the country the increase has been even greater. There is no sign that this spiral is abating. As the price of natural gas now exceeds the price of other fuels in many areas, utility customers who have the ability to switch from gas to another fuel are doing so, further increasing the price to those for whom this is not an option—those who depend upon natural gas to heat their homes and cook their food.

In Maryland, 46 percent of our households heat with gas. Maryland's largest utilities are served primarily by Columbia Gas System. As demand for gas fell and the volume of gas Columbia was able to sell decreased, Columbia took a higher proportion of expen-

sive gas because of the "take or pay" provisions in their contracts. This increased the proportion of high cost gas in their gas mix and thus increased the average price per unit. As the price climbed higher, customers were lost to competing fuels, increasing the share of the fixed costs which had to be borne by those customers who did not have the ability to switch fuels—residential households for the most part.

Baltimore Gas & Electric Co. receives all of its gas from Columbia. The Baltimore Sun reported on March 20, 1983, that Baltimore Gas & Electric Co. had lost 20 percent of its industrial gas sales to fuel oil. Since industrial sales made up approximately 55 percent of the volume of BG&E's sales in 1981, you can readily see what an impact this loss will have on BG&E's other customers as they are forced to bear an increased share of the fixed costs of delivery and distribution, as well as the higher cost of the gas.

The plight of the residential customer in many areas of the country is dire. For example, Baltimore Gas & Electric Co. estimates that as many as 48,000 customers are seriously in arrears and are in danger of having their utility service terminated now that the cold weather moratorium on cutoffs is no longer in effect. The Citizen/Labor Energy Coalition estimates that 300,000 people nationwide may lose utility service this spring. We are coming to a situation where an unprecedented number of people will face next winter without heat. This is not the result of natural gas prices alone, but the combined effects of the economic recession we have been enduring for too long. However, clearly the rising cost of natural gas has been the factor which has pushed many of these customers over the edge as energy consumed an increasing share of their income.

Mr. President, we must act to provide relief before the winter is upon us again. In the last Congress and again earlier this year, I joined with my distinguished colleagues from Missouri, Senator DANFORTH and Senator EAGLETON, in offering two bills to provide temporary relief by freezing prices and dealing with the more odious contract problems while providing time for the Congress to deal with the situation in a more comprehensive and permanent way.

The bill we introduce today is comprehensive legislation designed to address the major problems in today's natural gas market. The major features of this proposal include a rollback of maximum lawful prices for regulated categories of natural gas to those in effect in August 1982, and an extension of controls for these categories until 1987, 2 years beyond the date controls are now scheduled to expire. Also included is a cap on the price of section 107 high-cost gas and Algerian liquefied natural gas, limitations on the take-or-pay contract provisions, elimination of other pernicious contract provisions such as indefinite price escalators and most-favored-nation clauses, a mandate that the Federal Energy Regulatory Commission require pipelines to meet a strict standard of prudence before gas purchase costs may be passed through to the pipelines' customers, and a provision to insure that FERC cannot increase rates above the newly established ceilings or decontrol old gas. In short, all provisions to insure that the vicious price spiral we have experienced does not continue and that order and rationality are restored to the natural gas market.

It is my firm view that the approach of the administration to the natural gas crisis—that of complete decontrol—goes in the wrong direction and will result in even higher prices, with producers in complete control of the market. I have consistently opposed decontrol of natural gas prices, and the experience of the years since the 1978 Natural Gas Policy Act, which I did not support, has shown that the gas market did not respond to decontrol as proponents of that measure predicted. The administration's plan to rely on FERC to protect the consumer against unwarranted price increases and on pipelines and producers to renegotiate contracts to respond to market conditions is clearly inadequate. There is nothing in the law today which would prevent pipelines and producers from voluntarily renegotiating their contracts and lowering prices. Nevertheless there is precious little evidence that this is occurring.

The Natural Gas Consumer Relief Act which we introduce today is a compromise measure designed to meet the needs of the American consumer for energy at reasonable cost and the needs of the producer to insure an adequate supply. Complete decontrol will not resolve the natural gas market problem. The economic arguments against such decontrol are laid out clearly in an excellent piece by Hobart Rowen in the Washington Post of March 20, 1983, and I recommend it to my colleagues. I ask that this article be inserted in the RECORD as part of my statement.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE PERVERSE EFFECT OF DEREGULATION OF NATURAL GAS PRICES

(By Hobart Rowen)

How ironic it is that at the very moment the Reagan administration applauds the potential beneficial economic impact of cheaper oil prices, it has set in motion a deregulation plan that will mean higher, not lower, natural gas prices.

The usual rationale for deregulation is that it will at once stimulate new production. Then, as the new supplies become available, market forces will act to reduce prices.

It's a neat theory, but it doesn't always work. In the case of natural gas, there already exists a glut, and despite the oversupply of gas, natural gas prices have soared and stayed high under the "phased" deregulation that has been in effect since 1977 when the Natural Gas Policy Act was passed.

President Reagan's proposal would totally decontrol so-called "old gas" on Jan. 1, 1985—although there is no logic, no economic benefit, no potential increase in production—just a profit bonanza to producers.

Competitive market forces don't work for natural gas: a homeowner with a gas furnace who doesn't like the prices he's being charged by a utility company can't go down the block and find a competing utility company. He's stuck—in his local area, the utility company has a monopoly.

Similarly, the utilities, for the most part, have little power over the price of natural gas set by the producers and the pipelines, which have been sitting on a huge supply of "old gas," the price of which is still controlled and forcing the utilities to take gas for which there is no price ceiling.

Administration officials claim that producers and pipelines will renegotiate such contracts that keep prices high, even with lower-priced gas available. But there would be nothing mandatory about such negotiations, and, if past history is any guide, the producing industry will take care of itself, not its utility customers or the ultimate individual consuming businesses or individuals.

Producers and the pipelines would still manage the market, and the only option available to natural gas consumers is the expensive—and often impossible—process of trying to convert to another fuel.

The cost of natural gas already has soared beyond all reasonable levels. Supporters of the existing "phased" deregulation bill confess they thought that there would be a chronic shortage of natural gas. But there is the worst of all worlds under present law; a glut and rising prices.

This has created untold burdens for poor people, small businesses, hospitals, farmers and local communities. The Citizens/Labor Energy Coalition estimates that under present law, gas prices will rise by 70 percent between 1982 and 1986, at a cost to users of $135 billion.

Today, it is not at all unusual for a family with a moderate income to find that its monthly gas bill exceeds its mortgage payment—even in an era of double-digit mortgage rates. According to the coalition, more than 300,000 gas-heating households will be disconnected this winter because they can't afford to pay their gas bills.

If Congress goes ahead and accelerates decontrol, as Reagan asks, prices overall will go up 94 percent, adding another $50 billion to natural gas costs. Robert Brandon, director of the consumer lobby, scoffs at administration promises of consumer protection through the Federal Energy Regulatory Commission. "Under Reagan, FERC has completely failed to protect consumers or police producer-pipeline behavior," Brandon says.

"Last year, FERC was prepared to circumvent Congress and push through regulatory proposals that would have effectively decontrolled old gas prices. Mike Butler, the FERC chairman, is a former oil company lawyer, and an outspoken advocate of full

decontrol. Like other Reagan bureaucrats, he was brought on to frustrate rather than enforce the law," according to Brandon.

It's not too late for consumers to have a voice in this issue. They can urge their congressmen and senators to join with numerous labor, farmer and citizens groups in support of the Natural Gas Consumers Relief Act, which would roll back prices to the Jan. 1, 1982 levels, and strip the FERC of its discretionary powers—which it has been using to raise natural gas costs to consumers.

Natural gas can never be a truly "free market," because of the need to pipe it directly into the home or business. But the Consumers Relief Act would introduce some semblance of consumer pressure to make suppliers sensitive to demand, instead of enhancing their monopoly as Reagan proposes to do.●

By Mr. EXON:

S. 997. A bill to authorize and direct the Secretary of the Interior to engage in a special study of the potential for ground water recharge in the High Plains States, and for other purposes; to the Committee on Energy and Natural Resources.

HIGH PLAINS STATES GROUND WATER DEMONSTRATION PROGRAM ACT OF 1983

Mr. EXON. Mr. President, I am today introducing the High Plains States Ground Water Demonstration Program Act of 1982. This measure is designed to authorize the Secretary of the Interior to engage in a special study of the potential for ground water recharge in the eight-State region of the High Plains which depend upon the Ogallala aquifer.

This legislation would authorize the Bureau of Reclamation to design and construct at least 12 projects to demonstrate the concept of artificial ground water recharge. In addition, the bill would provide the Bureau with specific authority to add ground water recharge to existing projects and the design and construct future projects using this concept. Finally, the bill would require the development of methods of assessing the benefits and costs of ground water recharge to project beneficiaries.

Enactment of this proposal would bring the Bureau of Reclamation into current thinking with the water community regarding the importance of ground water recharge. Present-day Bureau water development has emphasized the diversion and impoundment of surface waters for irrigation development. Reliance upon ground water resources to support irrigated agriculture has escalated in recent years, in addition to increased reliance upon ground water for domestic and industrial uses emphasizes the need for Federal water policy to recognize the important interrelationship of ground water to the hydrologic cycle.

The recent report of six-State High Plains Ogallala aquifer regional resources study discusses the problem of ground water overdraft where ground water is being removed at a rate faster than it can be recharged through the normal hydrologic cycle. By 2020, significant aquifer depletions are projected to occur in each of the States relying upon the Ogallala aquifer. In Colorado, aquifer depletions are expected to result in a 51-percent decline in ground water resources from 1977 storage figures. In Kansas, this decline is 25 percent; in Nebraska, 16 percent; in New Mexico, 60 percent; in Oklahoma, 52 percent; in Texas, 69 percent.

These aquifer depletions will directly affect agricultural production and, according to the High Plains study, will result in 5.1 million acres of land being taken out of irrigated production by the year 2020. These lost irrigated acres are distributed as follows among the High Plains States: Colorado would lose 261,000 irrigated acres; Kansas, 1.6 million acres; Nebraska, 1.5 million acres; New Mexico, 224,000 acres; Oklahoma, 330,000 acres; and finally, Texas, 1.2 million acres.

Mr. President, this legislation is important to the future of our Nation's water supply. As I noted earlier, not only will further depletion affect agricultural production, but domestic and industrial uses as well. Introducing ground water recharge into the Federal water development program will be a significant step forward in providing the Nation with a comprehensive water policy which more adequately considers the full hydrologic cycle of our precious water supply.

I would ask the Senate's consideration of this proposal and request prompt committee review of the measure, and I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 997

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "High Plains States Groundwater Demonstration Program Act of 1982".

SEC. 2. Section 2 of the Act of June 17, 1902, commonly referred to as the Reclamation Act of 1902 (32 Stat. 366; 43 U.S.C. 411), is amended by inserting "(including groundwater recharge)" after "storage".

SEC. 3. The Secretary of the Interior (hereinafter referred to as the "Secretary"), acting through the Bureau of Reclamation (hereinafter referred to as the "Bureau"), shall, in two phases, conduct and investigation of and establish demonstration projects for groundwater recharge of aquifers in the States of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming (such States to be hereinafter referred to as the "High Plains States") and in the other States referred to in section 1 of the Reclamation Act of 1902 (hereinafter referred to as "other Reclamation Act States"), as provided by this Act. The Bureau shall consult with the United States Geological Survey and other appropriate agencies and departments of the United States and of the High Plains States and other Reclamation Act States in order to carry out this Act.

SEC. 4. (a) During phase I, the Bureau, in consultation with the High Plains States and other Reclamation Act States and other appropriate departments and agencies of the United States, including the United States Geological Survey, shall develop a detailed plan of demonstration projects the purpose of which is to determine whether various recharge technologies may be applied to diverse geologic and hydrologic conditions represented in the High Plains States and other Reclamation Act States. This plan shall contain the selection of not less than a total of twelve demonstration project sites in High Plains States and not more than a total of nine demonstration project sites in other Reclamation Act States. Demonstration project sites shall be confined to areas having a declining water table, an available surface water supply, and a high probability of physical, chemical, and economic feasibility for recharge of the groundwater reservoir. The plan shall provide for demonstration of the application of recharge technology and the selection of water sources, determination of necessary physical works and the operation of water replacement systems, formulation of a monitoring program, identification of any economic, legal, intergovernmental, and environmental issues and projection of planning problems associated with such systems, and recommendation of legislative and administrative actions as may be necessary to carry out phase II.

(b) During phase I the Bureau is authorized and directed to recommend demonstration projects to be designed, constructed, and operated during phase II.

(c) Within eighteen months after the date of enactment of an appropriation Act to carry out phase I, the Secretary shall transmit a report to Congress containing the recommendation made pursuant to subsection (b) and a detailed statement of his findings and conclusions.

SEC. 5. (a) During phase II, and subject to State water laws and interstate water compacts, the Bureau is authorized and directed to design, construct, and operate demonstration projects in the High Plains States and other Reclamation Act States to recharge groundwater systems as recommended in the report referred to in section 4(c).

(b) During phase II the Secretary, acting through the Bureau, shall contract with the various High Plains States and other Reclamation Act States to conduct a study to identify and evaluate alternative means by which the costs of groundwater recharge projects could be allocated among the beneficiaries of the projects within the respective states and identify and evaluate the economic feasibility of and the legal authority for utilizing groundwater recharge in water resource development projects.

(c)(1) Within twelve months after the initiation of phase II, and at annual intervals thereafter, the Secretary shall submit interim reports to Congress. Each report shall contain a detailed statement of his findings and progress respecting the design, construction, and operation of the demonstration projects referred to in subsection (a) and the study referred to in subsection (b).

(2) Within five years after the initiation of phase II, the Secretary shall submit a final report to Congress. The final report shall contain—

(A) a detailed evaluation of the demonstration projects referred to in subsection (a);

(B) the results of the studies referred to in subsection (b);

(C) specific recommendations regarding the location, scope, and feasibility of operational groundwater recharge projects to be constructed and maintained by the Bureau; and

(D) an evaluation of the feasibility of integrating these groundwater recharge projects into existing reclamation projects.

SEC. 6. There is authorized to be appropriated $500,000 for fiscal years beginning after September 30, 1983, to carry out phase I. Amounts shall be made available pursuant to the authorization contained in this section in a single sum for all demonstration project sites, and it shall be within the discretion of the Secretary to apportion such sum among such sites.

SEC. 7. There is authorized to be appropriated for fiscal years beginning after September 30, 1983, such sums as may be necessary to carry out phase II. Amounts shall be made available pursuant to the authorization contained in this section in a single sum for all demonstration project sites, and it shall be within the discretion of the Secretary to apportion such sum among such sites.

SEC. 8. The funds authorized to be appropriated pursuant to section 7 may match on a four-for-one basis funds made available by non-Federal sources to meet the cost of phase II. The Secretary is authorized to enter into memoranda of agreement with any appropriate agencies or departments of the High Plains States and other Reclamation Act States to share the costs of phase II.

SEC. 9. Any new spending authority described in subsection (c)(2) (A) or (B) of section 401 of the Congressional Budget Act of 1974 which is provided under this Act (or under any amendment made by this Act) shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

By Mr. BOREN (for himself, Mr. COCHRAN, Mr. ZORINSKY, Mr. ANDREWS, and Mr. HUDDLESTON):

S. 998. A bill to authorize the Secretary of Agriculture to establish a special cropland conservation program for erosion-prone cropland whereby the Secretary of Agriculture will assist the owners and operators of such land to make an orderly change in their cropping and land use systems and to implement the conservation treatment needed to conserve the soil and water resources of the cropland; to the Committee on Agriculture, Nutrition, and Forestry.

SPECIAL CROPLAND CONSERVATION ACT

Mr. BOREN. Mr. President, on behalf of Senator COCHRAN, Senator HUDDLESTON, Senator ZORINSKY, Senator ANDREWS, and myself, I am introducing legislation today which will authorize the Secretary of Agriculture to implement a special soil and water conservation program for erosion-prone cropland. I included a similar provision in S. 575, the Emergency Agricultural Adjustment Act of 1983. Since that time, we have made some technical corrections which should improve the administration of the program.

An integral part of our food and agricultural policies must be the conservation and wise use of our land and water resources. By far, the most serious threat to soil productivity is erosion. The 1980 RCA appraisal indicated that our agricultural productive capacity is threatened by conservation problems. A decline in productive capacity will translate into an increase in production costs. The most critical resource problem identified in the RCA appraisal was soil erosion occurring at rates that could reduce the sustained productive capacity of agricultural lands.

According to the national agricultural lands study (NALS), we are losing the equivalent of 1.01 million acres of cropland annually to erosion. In the 10 Great Plains States, wind erosion results in the loss of an additional 240,000 acre-equivalents.

Soil erosion by water and wind is reducing the productivity on 141 million acres; that is, 1 out of every 4 acres. Nearly 3 billion tons of soil erode from the Nation's cropland each year. Over the next 50 years, productivity losses could equal the output of 25 to 62 million acres of cropland, or production of 50 to 75 million metric tons of grain annually.

USDA estimates that more than a third of the Nation's cropland is eroding at an unacceptable rate, at a rate that reduces the long-term productivity of the land. An acceptable rate is one that can be tolerated indefinitely without reducing the soil's productive capacity. For most cropland soils, this annual rate ranges from 3 to 5 tons per acre. At this rate, 1 inch of topsoil is lost every 30 to 50 years.

Combined water and wind erosion exceeds tolerable levels for maintaining soil resources on almost 300 million acres of non-Federal cropland, pastureland, forest land, and rangeland. For cropland, the combined wind and water erosion totals 2.8 billion tons each year, for a per-acre average of 6.8 tons annually.

Each year, water alone causes 1.9 billion tons of soil to erode from our cropland. Sheet and rill erosion exceeds the average tolerance rate of 5 tons annually on 94 million acres of cropland. Fifty-four percent of all sheet and rill erosion and 89 percent of the excessive sheet and rill erosion occurs on 10 percent of the Nation's cropland—41 million acres. On this land, erosion annually exceeds 10 tons per acre.

Even if the lands eroding annually at over 10 tons per acre were adequately protected, erosion at 5 to 10 tons per acre would continue to threaten our long-term agricultural productivity on another 53 million acres—13 percent of all cropland.

In my home State of Oklahoma, sheet, rill, and wind erosion is more than 5 tons per acre per year on 43 percent of the cultivated cropland. On an average, all Oklahoma cropland annually loses more than 7 tons per acre—an average of 4 tons erode due to water and an average of 3.43 tons erode due to wind erosion. Wind alone causes over 35 million tons per year to erode from Oklahoma cropland.

Mr. President, the conservation programs that we have in place today have helped to reduce erosion over the past years. Yet, it is obvious there is a need for more to be done. It is estimated that 40 percent of the conservation job remains to be done in Oklahoma in all aspects, including watershed protection and land treatment. Approximately 5.9 million acres of Oklahoma cropland needs conservation treatment. I would imagine that similar situations are true for many other States.

The current programs simply have not been able to meet the need for conservation treatments. The Great Plains program provided $1,206,722 in fiscal year 1982 for 125 new contracts in Oklahoma. Yet, 347 applications were not approved because of a lack of funding. Right now, we have a 3-year backlog for this one program. For each year the land is not brought into approved conservation uses or under approved conservation treatment, we continue to lose valuable soil at an alarming rate. Resources that go unprotected today will be unavailable to produce commodities tomorrow. Uncontrolled, erosion continues to degrade natural soil productivity.

Mr. President, we have just experienced 3 years of declining net farm income and it is still possible that we will see an unprecedented fourth year of declining net farm income this year. In today's economic climate, many farmers simply lack the resources necessary to implement needed conservation treatments. On some highly erodible land, the only way to correct the problem is to remove the land from cultivation. Yet, converting the land to a less intensive use can reduce the owner's income. Given the cash-flow problems our farmers are facing, they simply cannot afford to lose any income. The costs incurred, or income foregone, in soil and water conservation investments are rarely recovered in the short-term cash flow of farm businesses.

The conservation of our soil is in the public interest. In a poll conducted by Louis Harris and Associates, conservation was viewed as a joint public and private responsibility in which the burden should be shared. It is important to remember that many of the benefits of soil and water conservation go to society at large, yet, it is usually the landowner or operator, alone, who

must apply the practices and bear the costs, unless he is lucky enough to have his application for cost sharing with the Government approved.

The legislation I am introducing today will give the Secretary of Agriculture another tool to share the cost of the implementation of conservation treatment. This legislation gives the Secretary the authority to implement a special conservation program for erosion-prone cropland. Under the program, the Secretary would provide technical and financial assistance to the owners and operators of erosion-prone cropland. Essentially, the program is patterned after the Great Plains conservation program which has been so successful in the Great Plains area.

Several weeks ago, I joined Senator COCHRAN in introducing S. 843, a conservation program for idled acres. S. 843 was designed to complement the payment-in-kind (PIK) acreage reduction program. The conservation treatment that would be applied under that program will be of a more temporary nature. The conservation program for idled acres restricts eligibility to acreage that is temporarily idled as part of an acreage reduction program.

The legislation I am introducing today is designed to complement the conservation program for idled acres. The special cropland conservation program is targeted to erosion-prone cropland and eligibility for the program is not dependent upon participation in an acreage reduction program. Further, this program is designed to allow for conversion of erosion-prone cropland to permanent cover and other treatments which require a number of years.

Lands eligible for the special cropland conservation program are those croplands in classes IIIe, IVe, VI, VII, and VIII under the land capability classification system used by the Soil Conservation Service. The Secretary does have the authority to include land that is not in these classes upon a demonstration by the owner or operator that a serious soil erosion problem exists on the land or that the land is an integral part of the erosion-prone cropland. Primarily, the program is directed at land which in most cases require a number of years of treatment.

The special cropland conservation program is designed to give the Secretary of Agriculture some flexibility in the financing of the program as the Secretary could make the payments in cash or in-kind commodities. At times when Government surpluses of commodities are high, this will allow the Secretary to use the commodities for payments under this program.

In the past, some farmers have participated in conservation programs only to find that they lost their acreage base as a result of their participation. Under this legislation, the acreage that is diverted for conservation treatment under the program would be considered as active cropping acres for the purposes of any Federal commodity program. Further, the diverted acreage would be considered as part of the base history for as long as the permanent cover is maintained.

Mr. President, we must protect and maintain the productivity of agricultural lands through actions that prevent gradual degradation caused by excessive soil erosion. If we are to produce an adequate supply of food for home and exports, we simply must maintain high-quality soil resources. Now is the time to increase the effectiveness of our conservation efforts, while the damage can be controlled.

I urge my colleagues to join me in support of this legislation and ask unanimous consent that the bill and a staff summary of the bill be included in the RECORD.

There being no objection, the bill and summary were ordered to be printed in the RECORD, as follows:

S. 998

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Special Cropland Conservation Act".

DEFINITIONS

SEC. 2. As used in this Act—

(1) the term "erosion-prone cropland" means land classified as Class IIIe, IVe, VI, VII, or VIII under the Land Capability Classification System used by the Soil Conservation Service and on which cultivated or rotation crops have been grown in three out of the past five years;

(2) the term "Secretary" means the Secretary of Agriculture;

(3) the phrase "owner or operator" means the owner or operator of erosion-prone land; and

(4) the phrase "in-kind commodities" means commodities that normally are produced on land that is the subject of agreements under this Act.

SPECIAL CROPLAND CONSERVATION PROGRAM

SEC. 3. (a) Notwithstanding any other provision of law, the Secretary may formulate and carry out a conservation program, in cooperation with owners and operators of erosion-prone cropland, to assist such owners and operators in an orderly change in their cropping or land use systems and to implement the conservation treatment needed to conserve the soil and water resources of cropland managed under such changed systems. The Secretary may approve inclusion of other than erosion-prone cropland in the program on a demonstration by the owner or operator involved that a serious soil erosion problem exists on such land or that such land is an integral part of the field and the conservation system needed for the erosion-prone cropland. The Secretary shall provide technical and financial assistance to participating owners and operators to accomplish the objective of this Act.

(b) The Secretary may enter into agreements of not more than ten years with owners or operators to carry out the changes in cropping or land use and conservation treatment described under subsection (a) of this section. By entering into the agreement with the Secretary, the owner or operator shall agree (1) to effectuate a plan, approved by the appropriate soil conservation district, for the cropland substantially in accordance with the schedule outlined therein unless any requirement thereof is waived or modified by the Secretary; (2) to forfeit all rights to further payments under the agreement or refund to the Secretary all payments, with interest, received thereunder on violation of the agreement at any stage during the time the owner or operator has control of the land if the Secretary, after considering the recommendations of the soil conservation district and the Chief of the Soil Conservation Service, determines that the violation warrants refund or termination of the agreement; (3) upon transfer of the owner or operator's rights and interest in the cropland during the agreement period, to forfeit all rights to further payments under the agreement and to refund to the Secretary all payments received thereunder, unless the transferee of any such land agrees with the Secretary to assume all obligations under the agreement; (4) not to adopt any practice that would tend to defeat the purposes of the agreement; and (5) to such additional provisions as the Secretary determines are desirable and are included in the agreement to effectuate the purposes of the program under this Act or to facilitate the practical administration thereof.

(c) In return for such agreement by an owner or operator, the Secretary shall agree to provide technical assistance and to share the cost of carrying out the changes in cropping or land use conversions and conservation treatments set forth in the agreement for which the Secretary determines that cost sharing is appropriate and in the public interest. The portion of such cost (including labor and maintenance costs) to be shared shall be that part the Secretary determines is necessary and appropriate to effectuate the changes in cropping or land use conversions and the installation and maintenance of the conservation treatment for a normally-expected life of such treatment.

(d) Payments made under this section shall be made in accordance with a formula developed by the Secretary. In developing such formula, the Secretary shall take into consideration (1) the costs of establishing and maintaining the agreed-upon conservation treatments for the normally-expected life of such treatment; (2) the severity of the erosion hazard involved; and (3) other factors the Secretary determines necessary to encourage participation in the program under this Act.

(e) Notwithstanding any other provision of law, payments under this section shall be made in cash or in in-kind commodities in such amounts as agreed upon and specified in the agreement. However, the use of any Commodity Credit Corporation commodity in making payment under this section shall be subject to a finding by the Secretary that payments in kind of such commodity will not displace to any significant degree the usual marketings of such commodity. If the payment is made with in-kind commodities, the payments shall be made by delivery by the Commodity Credit Corporation of the commodity involved to the owner or operator at a warehouse or other similar facility located in the county in which the cropland is located or such other location as agreed to by the Secretary and the owner or operator, by the transfer of negotiable warehouse receipts, or by such other method, including sale of the commodity in commercial markets, determined by the Secretary to be ap-

propriate to enable the owner or operator to receive efficiently and expeditiously possession of the commodity. If Commodity Credit Corporation stocks of the commodity are not readily available to effect full payment in kind to the owner or operator, the Secretary may substitute fully or partially payment in cash for payment in kind.

(f) The Secretary shall provide the owner or operator the option of receiving payments as the agreement items are completed or, where appropriate, the Secretary may provide for payment in advance of the performance of the planned conservation treatment.

(g) The Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers, including provision for sharing, on a fair and equitable basis, in payments under the program.

(h) The Secretary shall take steps to ensure that acreage diverted from the production of crops to permanent conservation cover under an agreement are considered as active cropping acres (also known by such titles as cropland acreage base or normal crop acreage) for any Federal commodity program, including, but not limited to, production control and adjustment programs, that uses cropping history in the operation of the program. The diverted acreage shall be considered as part of the base history for as long as the permanent cover established under the agreement is maintained.

(i) The Secretary shall, within 60 days after the enactment of this Act, publish in the Federal Register regulations implementing this Act, including those describing erosion-prone land.

(j) In carrying out the program authorized by this Act, the Secretary may use the funds, facilities, and authorities of the Commodity Credit Corporation.

ADDITIONAL AUTHORITY

SEC. 4. The authority provided by this Act shall be in addition to and not in place of other authorities available to the Secretary and Commodity Credit Corporation for carrying out soil and water conservation programs.

SPECIAL CROPLAND CONSERVATION PROGRAM—STAFF SUMMARY OF THE MAJOR PROVISIONS

1. The land eligible for the program would be restricted to Class IIIe, IVe, VI, VII, or VIII cropland, unless the Secretary determines, upon a demonstration by the owner or operator of other land, that a serious soil erosion problem exists on the land or that the land is an integral part of the erosion-prone cropland.

2. The Secretary would enter into agreements lasting no more than 10 years with the participants of the program. The participant would agree (1) to effectuate a plan for the cropland; (2) to forfeit all rights to further payments or refund to the Secretary all payments if the participant violates the agreement while he has control of the land if the Secretary determines that the violation warrants a refund or termination of the agreement; (3) to forfeit all rights to further payments and to refund all the payments received if the participant transfers his rights and interest in the cropland, unless the transferee agrees to assume all obligations under the agreement; (4) not to adopt practices that would tend to defeat the purposes of the agreement; and (5) to such other provisions as the Secretary determines necessary.

3. The Secretary would agree to provide technical assistance and to share the cost of carrying out the necessary conservation treatments. The portion of the cost to be shared will be that part the Secretary determines to be necessary to effectuate the conservation treatment.

4. Payments would be made according to a formula, developed by the Secretary. The Secretary, in developing the formula, shall take into consideration the costs of establishing and maintaining the conservation treatment and the severity of the erosion hazard involved.

5. Payments would be in cash or in-kind commodities. Before making payment by in-kind commodities, the Secretary would have to determine that making the in-kind payment would not displace to any significant degree the usual marketings of the commodity.

6. The Secretary would be required to make payments as the agreement items are completed, or where appropriate, in advance of the performance of the treatment.

7. The Secretary will be required to safeguard the interests of tenants and sharecroppers.

8. The acreage diverted from production of crops under this program would be considered as active cropping acres for the purposes of any Federal commodity program. The diverted acreage will be considered as part of the base history for as long as the permanent cover is maintained.

Mr. COCHRAN. Mr. President, I am pleased to join my distinguished colleague from Oklahoma in cosponsoring this legislation. It is basically the same payment in kind or conservation PIK concept for sharing the cost of carrying our conservation on cropland acres as was in the bill I introduced in March. My bill was designed to promote conservation on all cropland acres idled through an acreage reduction program. It authorized a conservation program to work in conjunction with any ongoing PIK and diverted acres program allowing the Secretary of Agriculture to defray part of the cost through use of surplus commodity stocks or cash.

The bill being introduced today is an expansion of this concept. It authorizes the Secretary of Agriculture to direct additional emphasis to conservation of those cropland soils which are most susceptible to wind or water erosion. By targeting on these acres, the program is addressing the cropland acreage with the highest soil loss rates. The erosion prone croplands specified in this bill are approximately 30 percent of the total crop acreage, but account for 52 percent of the total soil loss from cropland.

The Secretary is provided the permanent authority to use cash or commodity to share the cost of applying approved conservation practices on erosion prone croplands. It is intended to complement ongoing conservation programs like the Great Plains conservation program and the agricultural conservation program at a minimum outlay of appropriated funds.

Once the owner or operator of the eligible lands, assisted with technical assistance from USDA, decide what conservation treatment is needed on the cropland, they can enter into a long-term agreement with the Secretary. This will assure all the conservation work is carried out and payment in commodities or cash is available when the work is completed.

Several safeguards are included and I would like to emphasize two which I feel are quite sound. The first one protects the public investment in conservation. A participant shall not carry out any farming or other practice which would tend to defeat the conservation purposes of the agreement he has with the Secretary of Agriculture.

The second safeguard is the protection of the participant's crop acreage base for use in future commodity production control programs. If the participant plants cropland acreage to a permanent conservation cover under the agreement, they would not lose credit for this base. This will help offset the growing resistance many conservation farmers are developing because new commodity programs have not given conservation credit for cropland seeded down through a USDA conservation program. We cannot afford this type of disincentive to alienate our farmers who work diligently to be good conservation farmers. The Government's investment in conservation will become much more effective and encourage the retention of the conservation for a much longer period as a result of this safeguard.

This bill, if enacted, will help provide scarce resources that many owners or operators often need to apply costly conservation needed to be a true steward of our land resource—the Nation's productivity base.

I believe the PIK program taking an additional 82 million crop acres out of production offers an excellent opportunity to show rapid progress on curtailing the erosion problem on this cropland. I urge my colleagues to support enactment of this bill.

By Mr. BAKER (for Mr. GOLDWATER) (for himself, Mr. PRESSLER, and Mr. HOLLINGS):

S. 999. A bill to amend the Communications Act of 1934 to provide for improved international telecommunications, and for other purposes; to the Committee on Commerce, Science, and Transportation.

INTERNATIONAL TELECOMMUNICATIONS ACT OF 1983

Mr. GOLDWATER. Mr. President, I am very pleased to introduce the International Telecommunications Act of 1983. This bill has as its purpose the extension of our procompetitive domestic communications policies to the provision of international telecommunications services.

Mr. President, even though we attempt, through this legislation, to extend procompetitive U.S. policies into the international arena, the bill

recognizes that both international services and the facilities by which they are delivered are provided jointly with foreign nations. Hence, the United States cannot unilaterally deregulate the provision of international services and facilities. As such, the bill provides the FCC the authority to deregulate the provision of services in the context of international comity and the joint ownership of international facilities.

The bill also recognizes the essential role of the International Telecommunications Satellite Organization (Intelsat) in the provision of global satellite telecommunications services and the United States strong commitment to that organization.

With respect to interconnection, if carriers provide both domestic and international services, they must file separate tariffs for each, and cannot unjustly discriminate against any other carrier with respect to interconnection terms and conditions.

Also, the bill states that U.S. policy shall be to promote the unemcumbered resale and shared use of facilities.

This measure recognizes that carriers should be granted access to monopoly facilities at rates based on cost. It anticipates that the Federal Communications Commission will develop appropriate procedures to address the issue of cost-based access to monopoly facilities.

The legislation also addresses the appropriate role of the FCC in planning for facilities by which international messages are transmitted.

The bill, in seeking to improve longstanding problems of a lack of coordinated policymaking in international telecommunications, establishes an Office of the Special Representative (and Deputy) for Telecommunications and Information with the rank of Ambassador. It also establishes an international task force for telecommunications, mandating some concerted activities among U.S. entities with responsibility for international telecommunications policymaking. These provisions will take us far in achieving our goals in the international telecommunications arenas.

Mr. President, I ask that the bill and its summary be printed in the RECORD.

There being no objection, the bill and summary were ordered to be printed in the RECORD, as follows:

S. 999

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "International Telecommunications Act of 1983".

FINDINGS

SEC. 2. The Congress hereby finds and declares that—

(1) rapid advances in international telecommunications technologies are making possible increased competition among providers of international telecommunications services;

(2) competition is a more efficient regulator than Government of the provision of diverse international telecommunications services and, as competition continues to develop, deregulation of international telecommunications carriers and services should occur;

(3) it is essential to encourage the entry of new carriers in the offering of international telecommunications services and facilities; and

(4) the Nation's international telecommunications carriers, facilities, and services are vital to meeting the needs of national defense and emergency preparedness and to maintaining the economic competitiveness and technological leadership of the United States.

TITLE I—GENERAL

PURPOSES—FEDERAL COMMUNICATIONS COMMISSION; INTERNATIONAL TELECOMMUNICATIONS

SEC. 101. The Communications Act of 1934, as amended (47 U.S.C. 151), is amended by inserting immediately after title V the following new title:

"TITLE VI—INTERNATIONAL TELECOMMUNICATIONS

"DEFINITIONS

"SEC. 601. For the purposes of this title, unless the context otherwise requires, the term—

"(1) 'foreign or international telecommunications', 'foreign or international telecommunications service' means telecommunications or transmission from or to any place in the United States to or from a foreign country, or between a station in the United States and mobile station located outside the United States;

"(2) 'information service' means the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information which may be conveyed via telecommunications, except that such service does not include any use of any such capability for the management, control, or operation of an international telecommunications system or the management of an international telecommunications service;

"(3) 'National Communications System' means a confederation of specified agencies and departments of the Federal Government established to ensure the provision of necessary telecommunications to the Federal Government under all conditions through the linking together of the telecommunications facilities, components, and services of each specified agency;

"(4) 'regulated telecommunications service' or 'regulated service' means any international telecommunications service designated by the Commission pursuant to this Act and which the Commission determines shall be regulated pursuant to this Act, and any international telecommunications service or facilities not subject to effective competition as determined by the Commission pursuant to section 604(b) of this title;

"(5) 'resale' means the reoffering, with or without adding value, by any person for a profit of any international telecommunications service which has been obtained from a carrier;

"(6) 'sharing' or 'shared use' means the collective use of telecommunications services or facilities with each user paying the telecommunications-related costs associated with subscription to and collective use of the telecommunications services or facilities according to its pro rata usage of such services or facilities;

"(7) 'telecommunications' means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information, by means of electromagnetic transmission, with or without benefit of any closed transmission medium, including all instrumentalities, facilities, apparatus, and services (including the collection, storage, forwarding, switching, and delivery of such information) essential to such transmission;

"(8) 'international telecommunications carrier' or 'carrier' means any person, including any government or independent government entity, which offers any international telecommunications service. A person engaged in any nontelecommunications activities, in providing any information service or information software, in producing or marketing equipment, or a person engaged in broadcasting, or in providing any cable service, shall not, insofar as such person is so engaged, be deemed a carrier. The shared use of telecommunications equipment, facilities or services among Government agencies, or the provision of telecommunications equipment facilities or services by any Government agency to any other Government agency, shall not be sufficient to deem such Government agencies to be a carrier;

"(9) 'transmission facilities' or 'telecommunications facilities' means equipment (including wire, cable, microwave, satellite, and fiber optics) which transmit information by electromagnetic means or which directly support such transmission, but does not include customer-premise equipment; and

"(10) 'United States' means the several States and territories, the District of Columbia, and the possessions of the United States.

"STATEMENT OF POLICY

"SEC. 602. (a) It is the policy of the United States to rely wherever and whenever possible on marketplace competition and on the private sector to provide international telecommunications services, and to reduce and eliminate unnecessary regulations and to encourage entry by new carriers into the international telecommunications marketplace. Marketplace competition will result in technological innovation, operating efficiencies, and availability of a wide variety of telecommunications technologies that are now or may become available in the future, and will promote the equitable and efficient use of such technologies to provide international telecommunications services. Where effective competition does not now exist, it is the policy of the United States to encourage the development of such competition. Whenever the Commission finds it necessary to regulate international telecommunications services or facilities which are not subject to effective competition, such regulation shall be the minimum needed to accomplish the purposes of this Act. It shall be presumed that there are no basic technological, operational, or economic factors which would necessarily preclude the provision of any international telecommunications service under conditions of competition.

"(b) The Congress recognizes that the provision of international telecommunications services, and the planning, construction, and ownership of international telecommunications facilities, are necessarily joint undertakings between United States persons and

representatives of numerous sovereign nations. Accordingly, the interests of those sovereign nations are to be considered in the implementation of United States policy.

"(c) It shall be the policy of the United States to promote, including through meetings with foreign telecommunications entities, the deregulation of the resale or shared use of any international telecommunications service.

"(d) It shall be the policy of the United States to promote the interconnection of international telecommunications facilities based upon the cost of providing such facilities.

"AUTHORITY OF THE COMMISSION

"SEC. 603. (a) The Commission shall exercise only so much of the powers conferred upon it under this Act as is essential to the purposes of this title. The Commission shall revise, reduce, or eliminate any rule or regulation prescribed pursuant to this Act, and exempt any person in whole or in part from the requirements of this Act with respect to any international telecommunications service or any carrier operating in any market or a geographic area as competition develops unless such revision, reduction, or elimination thereof may result in a significant adverse impact upon the national defense and security or emergency preparedness or upon the economic competitiveness and viability of United States suppliers of telecommunications equipment and international telecommunications services relative to competing foreign suppliers and their United States affiliates.

"(b) The Commission shall have continuing authority over the provision of regulated international telecommunications service.

"CLASSIFICATION OF SERVICES

"SEC. 604. (a) Not later than 30 days after the date of enactment of this title, the Commission shall identify, and cause to be published in the Federal Register, a list of those international telecommunications services which are regulated by the Commission on the date of enactment of this title.

"(b)(1) The Commission may classify or reclassify as a regulated international telecommunications service any international telecommunications services or facilities where it determines after a hearing that—

"(A) such services or facilities are not subject to effective competition;

"(B) Federal regulation of such services is required to accomplish the purposes of this title; and

"(C) the benefits of such regulation outweigh the costs.

"(2) In making such a determination under paragraph (1) the Commission shall consider—

"(A) the number and size of unaffiliated providers of service or facilities;

"(B) the extent to which service or facilities are available from unaffiliated providers in the relevant geographic area or market;

"(C) the ability of such unaffiliated providers to make such service or facilities readily available at comparable rates, terms, and conditions;

"(D) whether the service of facilities are necessary to the Nation during a state of public peril or disaster or other national emergency;

"(E) the extent to which United States carriers are accorded fair access to or interconnection in foreign markets in the provision of international telecommunications service or facilities; and

"(F) other indicators of the extent of competition.

"TRANSITIONAL PROVISIONS OF CERTAIN SERVICES

"SEC. 605. (a) Each international telecommunications service which is being provided under tariff on the date of the enactment of this title shall continue to be provided under tariff for a period of not less that 1 year from such date.

"(b) Not later than 1 year after the date of enactment of this title, the Commission shall determine, after an expedited hearing in which any interested party may join, which of the international telecommunications services described in subsection 604(a) must continue to be regulated pursuant to subsection 604(b)(1).

"(c)(1) Any international telecommunications service for which the Commission fails to make the determination specified in section 604(b) shall be deregulated.

"(2) Upon its own motion, or upon petition, the Commission shall revise at least once every 2 years any determination that any international telecommunications service is to be regulated pursuant to section 604(b). Upon making a determination that a service is subject to effective competition, the Commission shall deregulate such service.

"INTERCONNECTION

"SEC. 606. (a) In addition to that interconnection required under section 609(a), every international telecommunications carrier—

"(1) shall, if a reasonable request is made, establish interconnection of its regulated service or facilities—

"(A) with any telecommunications carrier;

"(B) with any telecommunications facility or private or Government telecommunications system; and

"(C) with any customer premise equipment which is owned or leased by a customer of such carrier;

"(2) may not discriminate in an unreasonable or unjust manner with respect to the charges, terms, and conditions for interconnection of its regulated service or facilities; and

"(3) such charges, terms or conditions for interconnection shall be based on cost of such services or facilities provided for such interconnection.

"(b) For purposes of subsection (a)(1)(A), the Commission shall require that—

"(1) if any telecommunications carrier engages both in the offering for hire of international telecommunications services and in the offering for hire of domestic communications services, then such telecommunications carrier shall be treated as a separate domestic telecommunications carrier and a separate international telecommunications carrier for purposes of administering interconnection requirements;

"(2) in any case where such separate domestic telecommunications carrier furnishes interconnection to such separate international telecommunications carrier, any interconnection which such separate domestic telecommunications carrier furnishes to other international telecommunications carriers shall be (A) equal in type and quality; and (B) made available at the same rates and upon the same terms and conditions; and

"(3) in any case in which such separate international telecommunications carrier furnishes interconnection to such separate domestic telecommunications carrier, any interconnection which such separate international telecommunications carrier furnishes to other domestic telecommunications carriers shall be (A) equal in type and quality; and (B) made available at the same rates and upon the same terms and conditions.

"(c) Any person who violates any provision of this section or any rule or order promulgated thereunder shall be liable to the United States for an amount not to exceed $250,000 in an action commenced by the Attorney General.

"CARRIER CONTRACTS

"SEC. 607. (a) The Commission shall have authority to vacate or require modification, in whole or in part, any contract, agreement, or arrangement entered into after the date of enactment of this title between or among United States carriers related to any regulated international telecommunications service filed with the Commission under this Act, if the Commission determines that such contract, agreement, or arrangement is not consistent with this Act, or such contract, agreement, or arrangement unjustly or unreasonably discriminates against any carrier.

"(b) The Commission shall have authority to declare any contract, agreement or arrangement, or any portion thereof, or any practice or act required thereby, between United States and foreign carriers related to any regulated international telecommunications service filed with the Commission under this Act, to be unlawful if the Commission determines that such contract, agreement, arrangement, or any portion thereof, or such practice or act violates any provision of this Act.

"INTERNATIONAL TELECOMMUNICATIONS FACILITIES

"SEC. 608. (a)(1) The Commission may assess United States carriers' proposals for the construction and utilization of international telecommunications facilities.

"(2) In assessing United States carriers' proposals, the Commission shall consult with affected United States carriers, including persons seeking to participate in ownership and operation of international telecommunications facilities, and appropriate Federal agencies.

"(b) The Commission or any Commissioners may meet with representatives of foreign telecommunications entities to exchange information, except that—

"(1) proper notice shall be given to all interested parties prior to any such meeting and such parties shall be given an opportunity to comment on the subjects to be discussed;

"(2) to the maximum extent feasible any meetings with such representatives shall be public, and a report of such proceedings shall be made part of the public record; and

"(3) any data the Commission obtained during such meetings and used by the Commission must be made available to the public. In any such decision, the Commission must explain the manner in which such data was used.

"(c) It shall not be unlawful for United States carriers jointly to meet together or with foreign telecommunications entities for the purposes of planning or agreeing to international facilities plans developed pursuant to this section: Provided, however, That this subsection shall not exempt any carrier from the provisions of the antitrust laws for any action taken by such carrier which is a violation of such laws when taken by a single carrier.

"APPLICABILITY OF TITLE

"SEC. 609. The provisions of this title shall be applicable only to international telecommunications services. Except to the extent otherwise provided in this title and by the International Telecommunications Act of 1982, the provisions of this Act which, immediately prior to the date of the enactment of the International Telecommunications Act of 1982, were applicable to international telecommunications services, including facilities used in connection therewith, shall continue to be applicable to such services and facilities.".

TITLE II—INTERNATIONAL TELECOMMUNICATIONS

SHORT TITLE

SEC. 201. This title may be cited as the "International Telecommunications and Information Coordination Act of 1982".

FINDINGS AND PURPOSE

SEC. 202. (a) The Congress finds that—

(1) the United States telecommunications and information industries make an important contribution to international commerce and are vital to the economy, national defense, security, and emergency preparedness of the United States;

(2) although many governments of the world have recognized the strategic importance of their telecommunications and information industries and have developed policies to promote those industries, the United States has no coordinated international telecommunications and information policies;

(3) the authority and responsibility to develop such policies is divided among Federal agencies on a conflicting and often confusing basis; and

(4) the United States must have an effective mechanism for the development of telecommunications and information policies. The mechanism must coordinate within the Federal Government and between the Federal Government and the private sector.

(b) The Congress declares that it is the policy of the United States—

(1) to maintain and promote a viable, strong, and technologically competitive telecommunications industry;

(2) to encourage and assist the competitive provision of telecommunications and information goods and services in international commerce;

(3) to ensure the preservation and enhancement of the principles of the free flow of telecommunications services and information throughout the world;

(4) to ensure the existence of effective non-political international telecommunications organizations and other entities;

(5) to ensure the equitable treatment of United States and foreign enterprises in all international markets of telecommunications and information goods and services; and

(6) to ensure the effective coordination and representation of United States interests in international forums.

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TELECOMMUNICATIONS AND INFORMATION

SEC. 203. (a) There is established within the Executive Office of the President the Office of the Special Representative for Telecommunications and Information (hereinafter in this section referred to as the "Office").

(b)(1) The Office shall be headed by the Special Representative for Telecommunications and Information who shall be appointed by the President, by and with the advice and consent of the Senate. Any nomination of the Special Representative for Telecommunications and Information submitted to the Senate for confirmation, and referred to a committee, shall be referred to the Committee on Commerce, Science and Transportation. The Special Representative for Telecommunications and Information shall hold office at the pleasure of the President and shall have the rank of Ambassador.

(2) There shall be in the Office a Deputy Special Representative for Telecommunications and Information who shall be appointed by the President, by and with the advice and consent of the Senate. Any nomination of a Deputy Special Representative submitted to the Senate for confirmation, and referred to a committee, shall be referred to the Committee on Commerce, Science and Transportation. The Deputy Special Representative for Telecommunications and Information shall hold office at the pleasure of the President.

(3) The Special Representative for Telecommunications and Information shall—

(A) be the chief representative of the United States at international telecommunications and information conferences;

(B) advise the President and Congress with respect to international telecommunications and information policies and shall coordinate executive branch development of such policies;

(C) be responsible for making reports to Congress with respect to the matter set forth in subparagraphs (A) and (B);

(D) be chairman of the task force established pursuant to section 204 of this Act; and

(E) be responsible for such other functions as the President may direct.

(4) The Deputy Special Representative for Telecommunications and Information shall have as its principal function the coordination of telecommunications and information policymaking in the executive branch as the Special Representative for Trade Negotiations may direct.

(c) The Special Representative for Telecommunications and Information may, for the purpose of carrying out his functions under this section—

(1) subject to the civil service and classification laws, select, appoint, employ, and fix the compensation of such officers and employees as are necessary and prescribe their authority and duties;

(2) employ experts and consultants in accordance with section 3109 of title 5, United States Code, and compensate individuals so employed for each day (including traveltime) at rates not in excess of the maximum rate of pay for grade GS-18 as provided in section 5332 of title 5, United States Code, and while such experts and consultants are so serving away from their homes or regular place of business, to pay such employees travel expenses and per diem in lieu of subsistence at rates authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently;

(3) promulgate such rules and regulations as may be necessary to carry out the functions vested in the Office;

(4) utilize, with their consent, the services, personnel, and facilities of other Federal agencies; and

(5) enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of the work of the Office and on such terms as the Special Representative for Telecommunications and Information may deem appropriate, with any agency or instrumentality of the United States, or with any public or private person, firm, association, corporation, or institution.

(d) The Special Representative for Telecommunications and Information shall, to the extent he deems it necessary for the proper administration and execution of the trade agreements programs of the United States, draw upon the resources of the Department of State, the Department of Commerce, the International Communications Agency, and the United States Trade Representative, and consult with Federal agencies in connection with the performance of his functions.

(e) There are authorized to be appropriated to the Office of Special Representative for Telecommunications and Information such amounts as may be necessary for the purpose of carrying out its functions for fiscal year 1983 and each fiscal year thereafter, any part of which is within the 5-year period beginning on the date of the enactment of this Act.

ESTABLISHMENT OF THE TASK FORCE

SEC. 204. (a) There is established in the executive branch an International Telecommunications and Information Task Force (hereinafter in this title referred to as the "Task Force"). The Task Force shall be the principal coordinating body for the development of United States telecommunications and information policies.

(b) The membership of the Task Force shall consist of—

(1) the Special Representative for Telecommunications and Information; the Deputy Special Representative for Telecommunications and Information; the Secretary of Commerce, the Secretary of State, the Secretary of Defense, the Attorney General, the United States Trade Representative, the Chairman of the Federal Communications Commission, the Deputy Assistant Secretary of State for Transportation and Telecommunications Affairs, and the Director of the International Communications Agency; and

(2) the members of the Task Force designated in paragraph (1) may appoint a representative to serve in their place. The representative shall be an official of a rank no lower than that of Assistant Secretary or its statutory equivalent. In the case of the Federal Communications Commission, the Chairman may designate another Commissioner and the Director of the International Communications Agency may designate the Deputy Director of that agency. In the event that the Secretary of Commerce designates a representative, it shall be the Assistant Secretary for Telecommunications and Information.

(c) The Chairman of the Task Force shall be the Special Representative for Telecommunications and Information.

(d) Whenever the Task Force considers matters that affect the interests of Federal agencies not represented on the Task Force, the Special Representative may invite the heads of such agencies to designate representatives to participate in the relevant deliberations of the Task Force.

(e) Members of the Task Force shall serve without additional compensation, but shall be reimbursed for actual and necessary expenses, including travel expenses, incurred by them in carrying out the duties of the Task Force.

(f) The Task Force shall terminate upon the expiration of the 36-month period following the date of the enactment of this

title, except that the President may, at any time during the 6-month period preceding the expiration of the term of authority of the Task Force, extend the existence of the Task Force for a period of not more than 3 years. Any extension shall be made by Executive order. If the President chooses not to extend the Task Force, he shall, by Executive order, assign the responsibilities and authorities of the Task Force to one department or agency.

POWERS OF THE TASK FORCE

SEC. 205. (a) The Task Force shall assist the Special Representative in the development of consistent and comprehensive United States international telecommunications and information policies and shall advise the President with respect to those policies. In order to avoid duplicative and conflicting policies among Federal agencies, and to assure the greatest possible cooperation among such agencies, the Task Force shall—

(1) recommend to the Special Representative procedures for coordinating the policies of all Federal agencies involved in international telecommunications and information; and

(2) review all significant policy determinations of Federal agencies, and all proposed statements of United States policy by such agencies, relating to international telecommunications and information, and approve, disapprove, or modify any such policy, determination, or proposed statement where necessary; and

(3) conduct a comprehensive study of the feasibility and desirability of alternatives to the International Telecommunications Unions (ITU), and assess the alternatives which are reasonably available. The results of such study shall be reported to the Congress within the 180 day period following the date of the enactment of this Act.

The Task Force shall make recommendations to appropriate Federal agencies in accordance with the findings of this review. Those recommendations shall also be provided to the President and the appropriate committees of the Congress.

(b) The provisions of subsection (a)(2) shall not apply to any action or determination of an independent regulatory agency made pursuant to the rulemaking or adjudicatory procedures set forth in section 553, 554, 556, or 557 of title 5, United States Code, or pursuant to comparable statutory rulemaking or adjudicatory procedures.

(c) The Task Force shall make recommendations and reports to the President and the Congress on a regular basis.

TRANSFER OF FUNCTIONS

SEC. 206. (a) All functions vested in the Secretary of State by section 5-201 of Executive Order 12046 of March 27, 1978, to the extent that they relate to the determination of policies and positions, are transferred to the Office of the Special Representative for Telecommunications and Information.

(b) All functions vested in the Secretary of Commerce by section 2-404 of Executive Order 12046 of March 27, 1978, to the extent that they relate to the determination and coordination of plans and policies, and, to the extent its provisions relate to international telecommunications and information, by section 2-501 of Executive Order 12046 of March 27, 1978, are transferred to the Special Representative for Telecommunications and Information.

(c) All functions vested in the Director of the International Communications Agency by section 6 of Executive Order 12048 of March 27, 1978, to the extent that its provisions relate to responsibility for advising the President, are transferred to the Task Force.

ADMINISTRATIVE POWERS

SEC. 207. (a) For the purpose of carrying out its functions under this Act, the Task Force may—

(1) utilize those services, personnel, and facilities of the Department of State, the Department of Commerce, the International Communications Agency, and the United States Trade Representative, that are used for international telecommunications and information activities;

(2) utilize, with their consent, the services, personnel, and facilities of any other Federal agency; and

(3) accept voluntary and uncompensated services, notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

(b) The Secretary of Commerce and the Secretary of State shall designate such employees as are necessary to serve as staff to the Task Force. The Special Representative for Telecommunications and Information shall designate a director for the staff of the Task Force.

ADVISORY COMMITTEE

SEC. 208. (a) The Task Force shall establish an Advisory Committee on International Telecommunications and Information (hereinafter in this title referred to as the "Committee") to provide overall policy advice to the Task Force with respect to the functions of the Task Force. The Committee shall be composed of not more than 30 individuals and shall include representatives of labor, manufacturers of telecommunications, information, data processing equipment, other affected manufacturers, providers of telecommunications, information, and data processing services, other affected service industries, financial institutions, journalists, broadcasters, consumer interests, the legal profession, users of telecommunications services and equipment, and small business.

(b) The members of the Committee shall designate a Chairman and a Vice Chairman, who shall preside at meetings in the absence of the Chairman.

(c) The Committee shall meet at the call of the Chairman to provide policy advice, technical advice and information, and advice on other factors relevant to the activities of the Task Force. A meeting of the Committee shall be held at least once each calendar quarter.

(d) The Task Force shall, before approving under this Act any statement of new United States policy relating to international telecommunications and information, consult with the Committee for the purpose of obtaining the views of the Committee on the effect of the proposed submission on the social and economic interests of the United States.

(e) The Task Force shall make available to the Committee such staff, information, personnel, and administrative services and assistance as may reasonably be required to carry out the activities of the Committee.

(f) The Task Force shall adopt procedures for consulting with and obtaining information and advice from the Committee on a continuing and timely basis. Such consultation shall include the provision of information to the Committee as to (1) significant issues and developments, and (2) overall objectives and positions of the United States with respect to the development of telecommunications and information policies. The Task Force shall not be bound by the advice or recommendations of the Committee but the Task Force shall inform the Committee of failures to accept such advice or recommendations. The Task Force shall submit an annual report to the appropriate committees of the Congress on consultations with the Committee, issues involved in such consultations, and the reasons for not accepting any advice or recommendations of the Committee.

TITLE III—MISCELLANEOUS

TRANSITION OF COMMISSION AUTHORITY

SEC. 301. All orders, determinations, rules, regulations, permits, contracts, certificates, and privileges, which, pursuant to the provisions of titles II and III of the Communications Act of 1934, as amended—

(1) have been issued, made, granted, or allowed to become effective by the Federal Communications Commission; and

(2) were in effect prior to the enactment of this Act,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Commission, by any court of competent jurisdiction, or by operation of law.

INTERNATIONAL TELECOMMUNICATIONS

SEC. 302. The provisions of this Act, and the amendments made thereby, shall apply only to the provision of international telecommunications services or facilities. For the purposes of this section, the term—

(1) "international telecommunications services" shall have the same meaning as that provided in section 601(1) of the Communications Act of 1934, and

(2) "international telecommunications facilities" means those facilities intended for the provision of international telecommunications.

INTERNATIONAL ECONOMIC COMPETITION

SEC. 303. The Secretary of Commerce is authorized to collect information on the competitiveness of United States suppliers of telecommunications equipment and services, foreign direct investment in the United States telecommunications industry, foreign laws and administrative controls on access of United States persons to foreign markets, the degree of equitable access to foreign markets by United States persons, United States share of global markets, and such other information as the Secretary deems necessary, and shall report any findings to the Congress on a periodic basis.

COMMUNICATIONS SATELLITE ACT OF 1962

SEC. 304. (a) Section 102(d) of the Communications Satellite Act of 1962 is amended to read as follows:

"(d) It is not the intent of Congress by this Act to preclude the use of the communications satellite system for domestic communication services where consistent with the provisions of this Act nor to preclude the creation of additional domestic and international communications satellite systems, if required to meet unique governmental needs or if otherwise required in the national interest or if such other communications satellite systems will otherwise serve the public interest, convenience and necessity.".

(b) Paragraph (8) of subsection (c) of section 201 of the Communications Satellite Act of 1962, as amended (47 U.S.C. 721(c)(8)), is repealed.

(c) Section 301 of the Communications Satellite Act of 1962, as amended (47 U.S.C.

731), is amended by deleting "to the District of Columbia Business Corporation Act" and inserting in lieu thereof "to the laws governing corporations in the jurisdiction within the United States in which it is incorporated".

(d) Section 303(a) of the Communications Satellite Act of 1962, as amended (47 U.S.C. 733(a)), is amended to read as follows:

"(a) The corporation shall have a board of directors who shall be elected annually by the stockholders. All board members shall be citizens of the United States, and one board member shall be elected annually by the board to serve as chairman: *Provided, however*, That effective 1 year after this Act takes effect no directors incumbent shall be eligible to hold office as members of the board unless elected in accordance with this section. The articles of incorporation of the corporation shall provide for cumulative voting and, in the manner prescribed by the laws governing corporations in the jurisdiction in which the corporation is incorporated, may be amended, altered, changed, or repealed by a vote of the outstanding shares of the voting capital stock of the corporation owned by stockholders who are communications common carriers and by stockholders who are not communications common carriers, voting together, if such vote complies with all other requirements of this chapter and of the articles of incorporation of the corporation with respect to the amendment, alteration, change, or repeal of such articles. The corporation may adopt such bylaws as shall, notwithstanding the provisions of the law of any State or of the District of Columbia, provide for the continued ability of the board to transact business under such circumstances of national emergency as the President of the United States, or the officer designated by him, may determine, after February 18, 1969, would not permit a prompt meeting of a majority of the board to transact business.".

(e) Section 304(a) of the Communications Satellite Act of 1962, as amended (47 U.S.C. 734(a)), is amended by inserting immediately before "without" the following: "with or".

(f) Section 304(e) of the Communications Satellite Act of 1962, as amended (47 U.S.C. 734(e)), is amended to read as follows:

"(e) Any record holder of the stock of the corporation, without regard to the percentage of stock so held, shall have the right to examine, in person, or by agent or attorney, at any reasonable time or times, for any proper purpose, the corporation's record of shareholders and to make extracts therefrom.".

(g) Section 305(b) of the Communications Satellite Act of 1962 is amended to read as follows:

"(6) to provide international services directly to the public. *Provided, however*, That the Commission shall have the authority to require that such common carrier services be provided by a fully separate corporate subsidiary of the corporation if the Commission determines such action is required by the public interest, convenience and necessity.".

(h) Section 305(c) of the Communications Satellite Act of 1962, as amended (47 U.S.C. 735(c)), is amended to read as follows:

"(c) To carry out the foregoing purposes, the corporation shall have the usual powers conferred upon a stock corporation by the laws of the jurisdiction in which it is incorporated.".

(i) Section 201(c)(7) of the Communications Satellite Act of 1962 is amended to read:

"(7) grant appropriate authorization for the construction and operation of each satellite terminal station to: the corporation; one or more authorized carriers; the corporation and one or more such carriers jointly; or to persons other than the corporation or authorized carriers, as will best serve the public interest, convenience and necessity;".

(j) Section 103 of the Communications Satellite Act of 1962 (47 U.S.C. 702) is amended—

(1) by striking "and" at the end of paragraph (9);

(2) by striking the period at the end of paragraph (10) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following:

"(11) the terms 'authorized user' and 'authorized entity' mean a user or entity, other than an authorized carrier, which has been authorized by the Commission to obtain channels of communications in the communications satellite directly from the corporation.".

(k) Section 201(c) of the Communications Satellite Act of 1962 (47 U.S.C. 721(c)) is amended—

(1) by striking "and" at the end of paragraph (10);

(2) by striking the period at the end of paragraph (11) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following:

"(12) authorize users and entities other than authorized carriers to acquire channels of communications in the communications satellite system directly from the corporation whenever the Commission finds such acquisition will serve the public interest.".

EXECUTIVE SUPERVISION OF FOREIGN RELATIONS AND ACTIVITIES

SEC. 305. (a) The President, through the Special Representative for Telecommunications and Information, shall exercise such supervision over, and issue such instructions to, the corporation in connection with its relationships and activities with foreign governments, international entities, and the International Telecommunications Satellite Organization (INTELSAT) as may be necessary to ensure that such relationships and activities are consistent with the national interest and foreign policy of the United States.

(b) The Commission is authorized to issue instructions to the corporation with respect to regulatory matters within the jurisdiction of the Commission. In the event an instruction of the Commission conflicts with an instruction of the President pursuant to subsection (a) of this section, the instructions issued by the President shall prevail.

ASSISTANT SECRETARY OF STATE

SEC. 306. (a) There shall be within the Department of State an "Assistant Secretary of State for Telecommunications Affairs". Such Assistant Secretary of State shall be appointed by the President, with the advice and consent of the Senate, and shall serve at the pleasure of the President and shall have the rank of Ambassador. Such Assistant Secretary shall perform such duties as shall be prescribed by the Secretary of State, including the formulation and implementation of policy regarding foreign economic matters in the area of telecommunications, and advising the Secretary of State with respect thereto.

(b) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following:

"Assistant Secretary of State for Telecommunications Affairs.".

REDESIGNATION OF TITLE VI OF THE COMMUNICATIONS ACT OF 1934 AND NATIONAL DEFENSE AND EMERGENCY PREPAREDNESS

SEC. 307. The provisions of title VI of the Communications Act of 1934 as such title existed on the date immediately preceding the date of the enactment of this Act are hereby redesignated as title VII and sections 601 through 606 thereof are redesignated as sections 701 through 706, respectively, sections 607, 608, and 609 thereof are redesignated as sections 708, 709, and 710, respectively, and the following new section is inserted after the newly designated section 706:

"NATIONAL DEFENSE AND EMERGENCY PREPAREDNESS

"SEC. 707. (a) The President may establish a plan to ensure the availability of communications services, facilities, and equipment necessary to meet the national defense and emergency preparedness needs of the United States and to ensure the continuity and prompt initiation or restoration of communications essential to national defense or emergency preparedness.

"(b) Pursuant to any plan established under subsection (a), the President may request carriers to engage in meetings for the purpose of assuring the establishment and maintenance of networks of communications services and facilities adequate to maintain the national defense and emergency preparedness of the United States: *Provided*, That this subsection shall not exempt any carrier from the provisions of the antitrust laws for any action taken by such carrier which is a violation of such laws when taken by a single carrier.

"(c) The President shall appoint an advisory council of not to exceed 30 members to examine the structure, policy, and needs of Federal telecommunications management for national security and emergency preparedness to ensure that the United States shall have a technologically advanced and economically viable telecommunications industry for the purposes of the national defense and economic advancement.".

SUMMARY—THE INTERNATIONAL TELECOMMUNICATIONS DEREGULATION ACT OF 1983

1. Findings: Advances in technology are making possible competition among providers of international telecommunications services; competition is a more efficient regulator than government.

2. Applicability: Act applies to the provision of international telecommunications services—those telecommunications transmissions that originate or terminate outside the United States.

3. Transition Plan: The bill requires the FCC to establish a plan to carry out the provisions of the Act—carrier and service classification; establishment of an accounting system; and action on petitions related to the formation of separate subsidiaries. Time periods are specified in the bill for implementation of these requirements.

4. Degree of Regulation: The FCC is ordered to reduce regulation as competition develops in the provision of services, facilities, or access to or interconnection in foreign markets.

5. Classification: Within 30 days after enactment, the FCC must determine which international telecommunications services are regulated. Thereafter, the FCC may deregulate services as they become subject to effective competition. The Commission will

have continuing authority to classify and unclassify the services provided.

6. Resale and Shared-Use: The U.S. should promote the removal of restrictions on the resale (the reoffering with or without adding value, by any person for a profit of any telecommunications service which has been obtained from a carrier) or shared-use (collective use of telecommunications services or facilities with each user paying its pro rata telecommunications-related usage) of international telecommunications services.

7. Interconnection: Any carrier providing a regulated international telecommunications service is required to interconnect with any carrier, facility, equipment, or private system upon reasonable request and pursuant to non-discriminatory terms and conditions.

8. International Telecommunications Facilities: The Commission may adopt procedures to assess U.S. carriers' proposals for the construction and utilization of international telecommunications facilities.

9. Office of the Special Representative (and Deputy) for Telecommunications and Information: Established in the Executive Branch as the principal coordinating body for international telecommunications and information policymaking.

10. International Telecommunications and Information Task Force: Established in the Executive Branch and chaired by the Special Representative as a coordinating body for the U.S. telecommunications or information policies.

11. Comsat: Comsat is relieved of statutory limitations contained in the Communications Satellite Act of 1962, i.e., Board of Directors, place of incorporation, voting procedures, issuance of stock.

By Mr. TRIBLE (for himself, Mr. LONG, Mr. INOUYE, Mr. MATHIAS, Mr. SARBANES, Mr. MATSUNAGA, and Mr. MITCHELL):

S. 1000. A bill to promote increased ocean transportation of bulk commodities on the foreign commerce of the United States on U.S.-flag ships, to strengthen the defense industrial base, and for other purposes; to the Committee on Commerce, Science, and Transportation.

COMPETITIVE SHIPPING AND SHIPBUILDING ACT OF 1983

Mr. TRIBLE. Mr. President, today the U.S. bulk cargo fleet is on the brink of disaster. Our fleet, which carried 42 percent of our ocean-going commerce 30 years ago, today carries less than 4 percent. In 1970, the U.S. bulk fleet engaged in international commerce totaled 81 vessels; today we have only 40 vessels, and many of these are approaching obsolescence.

The picture in our shipyards is equally bleak. The number of new commercial starts has plummeted from 30 in 1978 to 3 in 1982. No new contracts are expected in 1983. Several of the shipyards which are essential to our defense base are teetering on the edge of bankruptcy.

Our merchant marine and our shipbuilding base are essential to a strong national defense. Without sufficient merchant vessels in our fleet, and without the ability to construct and repair large numbers of these vessels quickly, our ability to resupply our defense efforts in times of conflict will be lacking. The security of our Nation depends on our maritime industries.

History shows us that the Merchant Marine Act of 1936 and the emergency liberty ship program prepared us for the huge shipping losses the Allies suffered at the beginning of World War II. Our national security requires that we take equally bold and innovative steps today to revitalize our merchant marine.

Today, the Senator from Louisiana, Mr. LONG, and I are introducing the Competitive Shipping Act of 1983. Joining us as cosponsors are: Senators INOUYE, MATHIAS, SARBANES, MATSUNAGA, and MITCHELL.

This bill represents the innovative approach that today's problems demand. It would require all exporters and importers of bulk commodities in the foreign commerce of the United States to ship 5 percent of their cargoes on U.S.-flag, U.S.-built vessels. This requirement would increase by 1 percent each year until 20 percent of all U.S. bulk cargoes are carried on American ships. The innovative feature of this bill is that it requires American ship operators and shipyards to each reduce their costs by 15 percent in real terms.

These cost reductions would be achievable because passage of this legislation will permit American shipyards to begin "series construction" of several vessels.

Such a stable workload would permit shipyards to dedicate specific facilities, work force and management to a bulk ship construction program. In addition, the one-time front-end costs of design, engineering, and facilities preparation will be spread over the cost of several ships, rather than one as we see today. More than half of total ship construction costs are due to material and equipment; with series construction, significant savings can be accomplished through quantity discounts in this area. Also, a reliable, stable, long-time workload will increase shipyard labor productivity, and prevent costly fluctuations in the work force, as well as create the necessary stability for increased capital improvements in shipyard facilities.

Since today's state-of-the-art ships require a far smaller crew than the vessels now in our fleet, operating costs will be greatly reduced as well. Representatives of maritime labor unions have pledged these reductions in vessel manning scales, as well as other initiatives, to reduce vessel operating costs by at least 15 percent in real terms.

Passage of this bill will result in real economic benefits for the United States. It is projected that this bill will result in the construction of 158 120,000-ton bulk vessels by 1998. This will result in tens of thousands of jobs in America's shipyards and support industries, as well as thousands of jobs on board American ships. These employment opportunities will disproportionally benefit minority workers, those who have felt the brunt of recession the hardest. Approximately 28 percent of the American shipyard work force and 17.5 percent of the shipboard work force are minorities.

I would also point out that many of our trading partners, recognizing the valid commercial and national goals, have provided powerful incentives to bolster their maritime and shipbuilding industries. America must recognize this world situation and act accordingly before it is too late.

Mr. President, finally I would point out that our bill would require no Government subsidy. In the past our maritime policies have required billions of dollars in construction and operational differential subsidies. There will no longer be a need for these subsidies if this bill passes.

This bill will revitalize our merchant marine, and strengthen our defense shipbuilding base. It will put thousands of Americans back to work. I urge its favorable consideration and ask unanimous consent that the text of S. 1000 and section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1000

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Competitive Shipping and Shipbuilding Act of 1983."

FINDINGS, PURPOSES, AND POLICY

SEC. 2. (a) The Congress finds and declares the following:

(1) The United States is totally dependent upon foreign flag bulk shipping services in that United States-flag vessels now carry less than 4 per centum of its bulk import and export cargoes in international trade.

(2) Virtually all bulk imports of the United States are critical to American industrial production or to the maintenance of adequate energy supplies.

(3) Bulk exports of the United States contribute substantially to the United States balance of trade, provide major sources of employment in the United States, and contribute to the food supply and other essential requirements on a worldwide basis.

(4) The United States cannot afford to rely heavily upon foreign sources to provide the transportation services needed to maintain the flow of essential bulk imports and exports if it is to ensure its economic and political independence.

(5) The United States is continuing to lose the major portion of revenues generated by the carriage of its bulk imports and exports in international trade.

(b) It is therefore declared to be the purpose and policy of the Congress in this Act—

(1) to take immediate and positive steps to promote the orderly and rapid growth of the bulk cargo carrying capability of the United States merchant marine in order to transport at least 20 per centum of our bulk

imports and exports in United States-flag ships within fifteen years;

(2) to assist and cooperate with the importers and exporters of bulk commodities so that they will be able to ship their goods in United States-flag ships in a commercially practicable manner; and

(3) to encourage the construction in United States shipyards of new, efficient, and environmentally safe bulk cargo carrying merchant vessels.

DEFINITIONS

SEC. 3. As used in this Act—

(a) The term "United States-flag ship" means a bulk cargo carrying vessel that meets each of the following conditions:

(A) The vessel was built in the United States;

(B) The vessel is documented under the Vessel Documentation Act (94 Stat. 3453);

(C) Each member of the crew of the vessel is a United States citizen; and

(D) Not more than 50 per centum of the main propulsion machinery, other machinery, articles and components of the vessel, which are not an integral part of the hull or superstructure, are of foreign manufacture. This percentage shall be computed on the basis of cost, determined separately for each item of machinery or equipment.

(b) The term "bulk cargo" means cargo transported in bulk without mark or count by a vessel engaged in the foreign commerce of the United States.

(c) The term "Secretary" means the Secretary of Transportation.

CARRIAGE OF BULK CARGOES ON UNITED STATES-FLAG SHIPS

SEC. 4. (a) In the calendar year following the year of enactment of this Act, each importer or exporter of bulk cargoes shall transport at least 5 per centum of these bulk cargoes in United States-flag ships. In each calendar year thereafter the percentage of bulk cargoes required to be transported in United States-flag ships shall increase by 1 per centum until the percentage of the bulk cargoes required to be transported in United States-flag ships during each calendar year is at least 20 per centum.

(b) The requirements imposed in subsection (a) of this section are obligations of the importer and exporter of bulk cargoes, and may not be avoided by the terms of sale of those bulk cargoes.

(c) Each importer and exporter subject to the requirements of this Act shall, upon acceptable documentation, be granted credit on a ton-for-ton basis, for the employment of United States-flag ships in the transportation of bulk cargoes between foreign ports, against the volume of bulk cargoes which otherwise would be required to be transported in United States-flag ships pursuant to this Act.

(d) Beginning in the first calendar year after enactment, the Secretary may relieve any importer, exporter, shipper, or receiver, from the requirements of this Act, upon application, to the extent he determines necessary, upon a finding that United States-flag ships are not available or are not available within guideline rates pursuant to section 5. In determining the extent of relief to be granted in terms of aggregate tonnage of bulk cargoes, numbers of vessels, and duration of relief, the Secretary shall take into account the timeliness of the application for waiver, the vessels on order, under construction, coming off-hire and such other factors as he deems appropriate. In no event shall relief be granted for a period beyond the calendar year in which application is made. No relief may be granted under this subsection if the Secretary determines that cargo is being diverted to avoid compliance with this Act.

(e) For the purposes of this Act, any percentage of bulk cargo shall be measured by the aggregate tonnage of all bulk cargoes shipped on account of an importer or exporter in the foreign commerce of the United States.

ESTABLISHMENT OF GUIDELINE RATES

SEC. 5. (a) The Secretary shall establish and publish guideline rates for the carriage of bulk cargoes subject to this Act. In establishing the guideline rates, the Secretary must assure that the rate takes into account the following objectives:

(1) the development and maintenance of a modern, efficient United States-flag bulk cargo fleet;

(2) the availability of a United States-flag bulk cargo fleet to meet United States strategic requirements in time of international crisis;

(3) the maintenance of international markets for United States bulk exports and the development of new market opportunities; and

(4) the continued access by American industry to essential bulk imports.

(b)(1) In order to establish the guideline rates, the Secretary shall estimate the current cost, including reasonable profit, of operating various classes of United States-flag ships in the foreign bulk trades of the United States and the current cost, including reasonable profit, of constructing various classes of United States-flag ships in United States shipyards.

(2) These current cost estimates shall be promulgated within six months after enactment of this Act. Thereafter these estimated costs shall be revised annually to reflect the annual gross national product deflator, as determined by the Bureau of Labor Statistics, and any other factors the Secretary deems appropriate.

(3) In the second year following the commencement of the required percentage of United States-flag ship transportation, as set forth in section 4, United States-flag ship operating costs and United States shipyard construction costs, such construction costs based upon a ten-ship series in a United States shipyard, must each reflect cost reductions of at least 15 per centum below the Secretary's initial estimated costs, as set forth in subsection (b)(1).

(4) In the second year and in each succeeding year following commencement of required United States-flag ship transportation, as set forth in section 4, the Secretary shall employ these cost estimates, as adjusted pursuant to subsection (b)(2), as the primary basis for establishing guideline rates as required by this section.

(c)(1) Guideline rates shall be separately established for voyage, time, and bareboat charter, by class of vessel, by commodity and trade, as necessary, and shall be based upon recognized international charter market indices, adjusted to reflect the Secretary's estimated costs, pursuant to subsection (b). In the absence of such recognized indices the Secretary shall utilize the best available information. The Secretary shall promulgate by regulation the indices or other information he will rely upon and the methodology and criteria he shall employ in adjusting such indices to achieve the purposes of this Act.

(2) These guideline rates shall be reviewed and adjusted periodically, as circumstances require, but not less frequently than annually.

(3) These rates, as established by the Secretary, may not reflect costs greater than the adjusted costs as set forth in subsection (b).

(4) Guideline rates shall be the maximum rates which may be charged for the charter of United States-flag ships for the transportation of those bulk cargoes that are required to be transported under this Act.

(d) In the first calendar year following enactment of this Act, the Secretary, in consultation with the advisory committee established in subsection (e), shall establish and publish interim guideline rates. These interim rates shall be based upon a fair and reasonable rate for the transportation of bulk cargoes on existing United States-flag bulk cargo carrying vessels; the specific charters, voyages, bulk commodities, and trades concerned; the objectives of this Act; and any other factors the Secretary deems appropriate. These interim rates shall be the maximum rates which may be charged for the charter of United States-flag ships until guideline rates have been established and published pursuant to subsections (b) and (c).

(e) The Secretary shall appoint and consult on a regular basis with an advisory committee, composed of importers, exporters, charter brokers, United States-flag ship operators, shipbuilders, labor unions, and management and labor organizations, to advise and assist him in the establishment and review of United States-flag ship operating cost and United States shipyard construction costs, guideline rates, and regulations. The advisory committee may be divided into panels as the Secretary deems appropriate. Members shall be appointed for terms of three years and may be reappointed to succeeding terms. Members shall serve without compensation.

REPORTING OF AMOUNT SHIPPED ON UNITED STATES-FLAG SHIPS

SEC. 6. (a) Each person, corporation, partnership, or other business entity that imports or exports bulk cargoes in the foreign commerce of the United States, and whose volume of business exceeds $1 million annually (in imports or exports or any combination thereof) shall submit to the Secretary, on or before January 31 of each year, a sworn statement certifying that the percentages of its imports and exports carried on United States-flag ships in the preceding year were at least the percentage required to be transported in United States-flag ships under section 4 of this Act. The Secretary shall prescribe by regulation the documentation required to be submitted with the sworn statement in order to verify its accuracy.

(b) Each importer, exporter, shipper, or receiver, who fails to use United States-flag ships to transport the required percentage of imports or exports required by this Act, and who has not applied for and received timely relief pursuant to section 4(d), shall use exclusively United States-flag ships for the transportation of bulk cargoes until the percentage deficiency has been recouped. Any such failure shall not constitute grounds for Secretarial relief from the requirements of this Act.

CIVIL PENALTY PROVISION

SEC. 7. (a) It is unlawful for any importer or exporter to violate any provision of this Act or any regulation issued pursuant to this Act. Any person who is found by the Secretary, after notice and an opportunity

11-059 O-87-35 (Pt. 6)

for a hearing in accordance with section 554 of title 5, United States Code (5 U.S.C. 554), to have violated this Act, or any regulation issued under it, shall be liable to the United States for a civil penalty. The amount of the civil penalty shall not exceed $100,000 for each violation. Each day of a continuing violation shall constitute a separate offense. The amount of the civil penalty shall be assessed by the Secretary by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the act committed and, with respect to the violator, the degree of culpability, any history of prior offenses, and such other matters as justice may require.

(b) Any person against whom a civil penalty is assessed under subsection (a) may obtain review thereof in the appropriate district court of the United States by filing notice of appeal in the court within thirty days from the date of the order and by simultaneously sending a copy of the notice by certified mail to the Secretary. The Secretary shall promptly file in the court a certified copy of the record upon which the violation was founded or the penalty imposed, as provided in section 2112 of title 28, United States Code (28 U.S.C. 2112). The findings and order of the Secretary shall be set aside by the court if they are not found to be supported by substantial evidence, as provided in section 706(2) of title 5, United States Code (5 U.S.C. 706(2)).

(c) If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order, or after the appropriate court has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General of the United States, who shall recover the amount assessed in any appropriate district court of the United States. In such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

REGULATIONS

SEC. 8. The Secretary of Transportation may issue such regulations as are necessary to carry out this Act.

EFFECTIVE DATE

SEC. 9. This Act shall become effective upon enactment.

COMPETITIVE SHIPPING AND SHIPBUILDING ACT OF 1983.

SECTION-BY-SECTION ANALYSIS

Section 1. This section states that the Act may be cited as the "Competitive Shipping and Shipbuilding Act of 1983".

Section 2. Findings, Purposes, and Policy.—In section 2(a) the Congress finds and declares that: the United States is dependent upon foreign-flag bulk shipping services; U.S.-flag vessels now carry less than four percent of its bulk import and export commodities; virtually all bulk imports are critical to American industrial production or maintenance of energy supplies; bulk exports contribute substantially to the U.S. balance of trade, provide major sources of employment, and contribute to the food supply on a worldwide basis; the United States cannot rely upon foreign sources to provide transportation services in times of national emergency; and, the United States is continuing to lose the major portion of revenues generated by the carriage of its bulk imports and exports in international trade.

In Section 2(b) the Congress declares that the purposes and policy of the Act are to: take immediate and positive steps so as to transport at least 20 percent of U.S. bulk imports and exports in U.S.-flag ships within 15 years; make it possible for importers and exporters to be able to ship their goods in U.S.-flag ships in a commercially practicable manner; and, encourage the construction of bulk cargo carrying merchant vessels in U.S. shipyards.

Section 3. Definitions.—Section 3(a) defines "United States-flag ship" as a bulk cargo carrying ship having U.S. citizen crews and built in, and documented under, the laws of the United States. In addition, no more than 50 percent of the total materials and components of the vessel can be attributed to foreign manufacture.

Section 3(b) defines the term "bulk cargo" as cargo transported in bulk without mark or count by a vessel engaged in the foreign commerce of the United States.

Section 3(c) defines "Secretary" as used throughout the Act to mean the Secretary of Transportation.

Section 4. Carriage of Bulk Cargoes on United States-flag Ships.—Section 4(a) requires that in the calendar year following the year of enactment of this Act, at least five percent of all bulk cargoes moved by water and imported to or exported from the United States must be carried on U.S.-flag ships. In each calendar year following, an additional one percent of the bulk cargoes are to be shipped in U.S.-flag vessels until a minimum of 20 percent is reached. Thus, in 15 years at least 20 percent of all U.S. bulk imports and exports will be transported on U.S.-flag ships.

Section 4(b) places the obligation of complying with the requirements of the Act on the importer and exporter of bulk cargoes. In addition, this section makes it clear that an importer or exporter cannot avoid the requirements of the Act by altering the terms of sale of the bulk cargoes.

Section 4(c) specifies that any importer or exporter who is subject to this Act, shall be granted credit on a ton for ton basis, for employing the use of U.S.-flag ships in the transportation of bulk cargoes between foreign ports.

Section 4(d) is a waiver provision whereby the Secretary of Transportation may relieve any importer, exporter, shipper, or receiver, from the requirements of the Act when it is determined that United States-flag ships are not available or are not available within guideline rates as set forth in Section 5. In determining the extent of any relief to be granted, the Secretary is required to take into consideration the timeliness of the waiver application, the number of vessels on order, under construction, coming off-hire and any other factors he deems relevant. However, no relief can be granted for a period beyond the calendar year in which the application is made. In addition, no relief will be granted where the Secretary determines that cargo is being diverted to avoid compliance with the Act.

Section 4(e) makes it clear that when bulk cargoes are expressed as a percentage, that percentage shall be measured by adding the tonnage of all bulk cargoes shipped by each importer or exporter in the foreign commerce of the United States. In other words, in determining whether an importer or exporter has carried the required percentage of cargo on U.S.-flag ships in any given year, the Secretary of Transportation shall look at the total tonnage of all bulk cargoes shipped by that importer or exporter in that year.

Section 5. Establishment of Guideline Rates.—Section 5(a) requires the Secretary of Transportation to publish guideline rates for the carriage of bulk cargoes on U.S.-flag ships. In establishing the guideline rates, the Secretary must assure that the rate takes into account the following objectives:

(1) the development and maintenance of a modern, efficient United States flag bulk cargo fleet;

(2) the availability of such a fleet to meet U.S. strategic requirements in time of international crisis;

(3) the maintenance of international markets for United States bulk exports and development of new market opportunities; and

(4) the continued access by American industry to essential bulk imports.

Section 5(b) requires the Secretary in establishing the guideline rates, to estimate the current cost, including reasonable profit, of operating various classes of United States-flag ships in the foreign bulk trades of the United States and the current cost, including reasonable profit, of constructing various classes of United States-flag ships in U.S. shipyards. These cost estimates must be established within six months after the Act is signed into law. These estimated costs must be revised annually in order to reflect the current year's inflation rate and such other factors as the Secretary deems appropriate.

Two years after the commencement of the required percentage of cargo to be transported on U.S.-flag ships becomes effective, the cost of operating a United States-flag vessel in the foreign commerce of the United States and the cost of constructing a bulk cargo carrying vessel in a U.S. shipyard must be at least 15 percent below the Secretary's initial cost estimates. These cost estimates, as adjusted for inflation each year, will then be used as the primary basis for establishing the guideline rates.

Section 5(c) requires that the guideline rates be established individually to reflect the specific type of cargo movement (for example, the type of vessel, commodity and voyage). These guideline rates will be based upon internationally accepted charter market rate quotations (for example, London Brokers Panel) which will be adjusted upward or downward to reflect the Secretary's estimated costs, as outlined in Section 5(b). If an international market rate quotation is unavailable for a specific type of cargo movement, the Secretary is directed to utilize the best available information in determining an appropriate rate.

The Secretary must issue regulations, which explain the particular quotations or other information he will rely upon, and the methodology and critieria he will use in adjusting the charter market rates. The Secretary must review and adjust the guideline rates on at least an annual basis. Any adjustments to these rates may not reflect costs greater than the adjusted costs set forth in Section 5(b). These guideline rates shall be the maximum rates that a U.S.-flag ship operator may charge for the transportation of bulk cargoes subject to the Act.

Section 5(d) states that in the first calendar year following enactment of this Act, the Secretary, in consultation with the advisory committee established in Section 5(e), shall establish and publish interim guideline rates. These interim rates shall be based upon a fair and reasonable rate for the transportation of bulk cargoes on existing United States-flag bulk cargo carrying vessels. These interim rates shall be separately established for specific charters, voyages, bulk commodities and trades concerned, taking into account the objectives of this

Act, and any other factors the Secretary deems appropriate. These interim rates shall be the maximum rates which may be charged for the charter of United States-flag ships until guideline rates have been established and published pursuant to Section 5 (b) and (c).

Section 5(e) requires the Secretary of Transportation to appoint and consult with an advisory committee to advise and assist him in the establishment and review of United States-flag ship operating and construction costs, guideline rates and regulations. The advisory panel shall be composed of importers, exporters, charter brokers, United States-flag ship operators, shipbuilders, labor unions, and management and labor organizations.

Section 6. Reporting of Amount Shipped on United States-flag Ships.—Section 6(a) sets forth the reporting requirements for determining whether or not the importer or exporter has met the required percentage of trade reserved for U.S.-flag ships. The provisions and reporting requirements of the Act are applicable to any U.S. business entity that imports or exports bulk cargoes in the foreign commerce of the United States, and whose volume of business exceeds $1 million annually.

Section 6(b) requires that any importer, exporter, shipper, or receiver, who fails to carry his required percentage of cargo on U.S.-flag ships, shall, in the next year, use exclusively U.S.-flag ships to carry all shipments until he has recouped the deficiency from the preceding year.

Section 7. Civil Penalty Provision.—Section 7 specifies the Civil penalty to be imposed on any importer or exporter who violates any provision of the Act. The maximum penalty for each violation is $100,000 and each day of a continuing violation is to be considered a separate offense. The amount of the penalty to be assessed is to be determined by the Secretary of Transportation, taking into account the nature, circumstances, extent, and gravity of the act committed, and with respect to the violator, the degree of culpability, history of prior offenses, and any other matters deemed appropriate. The latter half of Section 7 sets out the judicial review procedures available to the violator and the enforcement procedures to be used in collecting the penalty assessed.

Section 8. Regulations.—Section 8 authorizes the Secretary of Transportation to issue such regulations as may be necessary to carry out the provisions of the Act.

Section 9. Effective Date.—Section 9 establishes that the effective date is the date of enactment of the Act.

By Mr. COHEN (for himself and Mr. ROTH):

S. 1001. A bill to authorize appropriations for the Office of Federal Procurement Policy for an additional five fiscal years; to the Committee on Governmental Affairs.

OFFICE OF FEDERAL PROCUREMENT AUTHORIZATION ACT

● Mr. COHEN. Mr. President, today I am introducing legislation to reauthorize the Office of Federal Procurement Policy (OFPP) for an additional 5 years. The OFPP, which was established in 1974 to provide overall direction and leadership in Federal procurement policymaking, serves as the critical link between the Congress and the executive branch in the continuing effort to improve the Federal procurement process. This legislation, cosponsored by Senator ROTH, will maintain that link.

The Commission on Government Procurement recommended in its 1972 report to Congress that a central Office of Federal Procurement Policy was urgently needed. Effective management of the procurement process, according to the Commission, required a high degree of direction and control of basic policy. Prior to the creation of the OFPP, there was no central office in the executive branch prepared to provide the Congress with recommendations for improving the procurement process, and there was no arbiter to reconcile agency disagreements on procurement policy.

For these reasons, the Commission recommended that an OFPP—statutorily based with the directive, rather than advisory, authority—be established to fill this void. Congress implemented the Commission's recommendation in 1974 by creating the OFPP, high in competence and small in size, within the Office of Management and Budget to provide the direction needed in procurement policy. Within this authority, however, the OFPP is statutorily prohibited from interfering in the daily management of an agency's procurement operation, which properly is the responsibility of an agency's procurement officials.

As chairman of the Governmental Affairs Subcommittee on Oversight of Government Management, I have had the opportunity to work with the OFPP on numerous contracting issues. In 1979 and 1980, the Oversight Subcommittee held a series of hearings on "hurry-up" spending in which we found that agencies rush to spend all their available funds at the end of the fiscal year for fear of not receiving full funding the next year. As followup, the Oversight Subcommittee worked with the Office of Federal Procurement Policy on a policy letter which required all Federal agencies to develop procurement agendas in advance of each fiscal year.

In 1981, the Oversight Subcommittee examined the adequacy of Federal debarment and suspension procedures, which are used to protect the Government from doing business with fraudulent or otherwise irresponsible contractors. The Oversight Subcommittee found problems, such as inaction by some agencies in debarring or suspending contractors known to be fraudulent as well as failure of many agencies to honor the debarments and suspensions of the initiating agency, and worked with the OFPP to develop new, Government-wide procedures. The improved standards for debarment and suspension were included in a June 1982 OFPP policy letter.

Most recently, the OFPP assisted the Oversight Subcommittee in drafting S. 338, the Competition in Contracting Act, which is designed to increase the use of competitive contracting and restrict noncompetitive—sole-source—contracting to only those circumstances when it is truly necessary. The OFPP was helpful in providing the needed expertise and technical assistance. Without the OFPP's help, it is unlikely that the Oversight Subcommittee's efforts would have been as effective.

The OFPP has exercised leadership in many other procurement activities, not the least of which is overseeing the implementation of the Executive Order 12352 of March 17, 1982, on Federal procurement reforms. The OFPP is responsible for providing leadership, policy guidance, and coordination necessary to facilitate agency implementation. This procurement reform effort has been selected by the administration as one of the eight major initiatives which are being pursued under the "Reform 88" program to improve resource management. Other major OFPP projects include the continuing development of the Federal acquisition regulations and the revision of OMB circulars A-76 on contracting out and A-109 on major systems acquisition.

Any action on our part short of reauthorization would surely threaten the continuation of these projects and undermine the administration's procurement reform efforts. I recognize the value of a strong OFPP—independent of any agency having procurement responsibility, empowered with directive rather than merely advisory authority, responsive to Congress, and consisting of a small, highly competent cadre of seasoned procurement experts—and have joined with members of the contracting community, the American Bar Association, the chamber of commerce, and others, in supporting reauthorization.

While I believe that a central procurement policy office is still needed in the executive branch, with all the major attributes envisioned by the Commission, there is some question as to what specific authority the OFPP should have, what functions it should serve, and where it should be located. The Oversight of Government Management Subcommittee has scheduled a hearing on the reauthorization of the OFPP to consider these and other issues on April 27. The legislation I have introduced today along with Senator ROTH represents the committee's starting point on reauthorization and will serve as the basis for discussion during the hearing.●

By Mr. TSONGAS:

S. 1002. A bill to authorize interstate banking among the New England

States and to require a report to the Congress concerning the use of the authority conferred by this act; to the Committee on Banking, Housing, and Urban Affairs.

NEW ENGLAND INTERSTATE BANKING ACT OF 1983

● Mr. TSONGAS. Mr. President, today I am introducing the New England Interstate Banking Act of 1983. Companion legislation is being introduced in the House by my colleague from Massachusetts, BARNEY FRANK, a member of the House Committee on Banking, Finance and Urban Affairs.

In December of last year, the Commonwealth of Massachusetts enacted legislation authorizing interstate banking between Massachusetts and other New England States which choose to enact similar reciprocal legislation. In passing this legislation, Massachusetts became the second State in New England, joining the State of Maine, to permit interstate banking operations on a reciprocal basis. The legislatures of other New England States are currently considering similar proposals.

The purpose of this legislation is to place a Federal imprimatur on New England interstate banking laws. It makes changes in Federal law to acknowledge such changes in State law, and directs Federal regulators to give effect to these State laws in considering applications for interstate branching, merging, or acquisitions within New England.

These changes in State law by New England legislatures have been occasioned by rapid changes in the financial services industry. New communications capabilities and marketing arrangements have produced a variety of financial services which are now offered on a national basis. These include credit card operations, finance company services, and electronic funds transfer.

These capabilities have brought new competition into the financial services market like Sears with its acquisition of Dean Witter, or the many consumer services offered by Merrill Lynch.

Many States in New England are finding that a relaxation of geographical barriers in banking is called for to allow banks to compete vigorously with these new competitors. Such a relaxation should also hasten the extension of new services to consumers.

While encouraging increased competition, the laws passed by the Massachusetts and Maine State Legislatures call for reciprocal treatment from participating States. This insures that the banking institutions of each State have an equal opportunity to open new markets.

Further, the Massachusetts law extends reciprocal interstate banking authority only within the New England region. This regional consideration underscores the concern with preserving a banking system with a strong sense of community identity and commitment to community service.

Some have argued that such a national distinction is unfair to those outside the region. I believe the regional approach simply reflects the legitimate purpose of maintaining regional identity and encouraging a commitment to servicing the needs of the region.

It is important to emphasize that the legislation introduced today is truly a States rights measure. It simply acknowledges and gives full authority to those steps that have already been taken by New England States to best serve their financial needs as they see them.

This legislation has no effect on States outside of New England who may have passed or will pass similar interstate banking legislation.

It is only effective on those States within the region which affirmatively pass legislation to allow such interstate banking operations. A State which chooses not to participate in interstate banking or does not act would not in any way be affected by this legislation. This bill is intended to effectuate the desires of those States who choose to be involved.

The bill provides for the following:

First, it permits banks and thrift institutions to engage in interstate banking subject to the same locational restrictions imposed by the New England States on State-chartered banks. New England States include Massachusetts, Connecticut, Rhode Island, Vermont, New Hampshire, and Maine.

Second, it directs the Federal Reserve Board and the Federal Home Loan Bank Board in considering applications from holding companies located in a New England State to acquire institutions located in another New England State, to give effect to any State laws allowing such acquisitions.

Third, it would direct the relevant Federal regulators, in reviewing merger transactions involving a New England bank, savings bank, or savings and loan to give effect to the laws of New England States which authorize mergers of financial institutions across State lines.

Fourth, it automatically expires after 5 years to allow for reconsideration in light of the experience gained. It calls upon the President, in consultation with the Attorney General, the Secretary of the Treasury, the Federal Reserve, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation to submit a report to Congress on the effect, if any, that this law has had on the financial, economic, and banking environment of New England and on the particular banks in those States.

Mr. President, I ask unanimous consent that the bill be printed in its entirety at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1002

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "New England Interstate Banking Act of 1983".

SEC. 2. The first sentence of subsection (c) of section 5155 of the Revised Statutes (12 U.S.C. 36) is amended—

(1) by striking out "and" before "(2)"; and

(2) by inserting before the period the following: "; and

(3) in the case of a national banking association the main office of which is located in Massachusetts, Connecticut, Rhode Island, Maine, Vermont, or New Hampshire, within any of such States in which such establishment and operation are at the time authorized to State banks by the statute law of both States by language specifically granting such authority affirmatively and not merely by implication or recognition, and subject to any restriction as to location imposed by the laws of the States on State banks".

SEC. 3. Section 7 of the Bank Holding Company Act of 1956 (12 U.S.C. 1846) is amended by inserting "(a)" after "Sec. 7." and by adding at the end thereof the following:

"(b) In considering an application filed pursuant to section 3 of this Act, the Board shall give effect to any laws of Massachusetts, Connecticut, Rhode Island, Maine, Vermont, or New Hampshire which permit a bank holding company whose banking operations are principally conducted in any of such States to acquire, directly or indirectly, any voting shares of, interest in, or all or substantially all of the assets of any additional bank located in any other of those States.".

SEC. 4. Section 5(r) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(r)) is amended by adding at the end thereof the following:

"(4) An association the home office of which is located in Massachusetts, Connecticut, Rhode Island, Maine, Vermont, or New Hampshire may establish and operate a branch in any of such States where the establishment and operation of a branch by an out-of-State association are authorized by statute in language specifically granting such authority affirmatively and not merely by implication or recognition, and subject to any restriction as to location imposed by the laws of the State on State associations.".

SEC. 5. Section 408(e)(3)(B) of the National Housing Act (12 U.S.C. 1730a(e)(3)(B)) is amended by inserting before the period at the end thereof the following: ", except that the Corporation shall give effect to any laws of Massachusetts, Connecticut, Rhode Island, Maine, Vermont, or New Hampshire which permit a savings and loan holding company whose operations are principally conducted in any of such States to acquire, directly or indirectly any voting shares of, interest in, or all or substantially all of the assets of any additional association located in any other of those States.".

SEC. 6. Section 18(d) of the Federal Deposit Insurance Act (12 U.S.C. 1828(d)) is amended by adding at the end thereof the following:

"(3) In considering the application of any State nonmember bank whose main office is located in Massachusetts, Connecticut,

Rhode Island, Maine, Vermont, or New Hampshire to establish a branch in any other of such States, the Corporation shall give effect to any laws of such States under which the establishment and operation of a branch by an out-of-State nonmember bank are authorized by statute in language specifically granting such authority affirmatively and not merely by implication or recognition and subject to the restrictions as to location imposed by the laws of the State on nonmember insured banks.".

SEC. 7. Section 18(c)(5) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)(5)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by inserting "(A)" after "(5)"; and

(3) by adding at the end thereof the following:

"(B) In reviewing any merger transaction involving a bank the main office of which is located in Massachusetts, Connecticut, Rhode Island, Maine, Vermont, or New Hampshire, the responsible agency shall give effect to the laws of such States under which a merger transaction involving a bank from one such State and a bank from another such State is authorized by statute in language specifically granting such authority affirmatively and not merely by implication or recognition and subject to any restriction as to location imposed by the laws of the States in question.".

SEC. 8. Section 5(d)(11) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(d)(11)) is amended—

(1) by inserting "(A)" after "(11)"; and

(2) by adding at the end thereof the following:

"(B) In considering any reorganization or merger involving an association whose home office is located in Massachusetts, Connecticut, Rhode Island, Maine, Vermont, or New Hampshire, the Board shall give effect to the laws of such States under which a reorganization or merger involving an association from one such State and an association or other financial institution from another such State is authorized by statute in language specifically granting such authority affirmatively and not merely by implication or recognition and subject to any restriction as to location imposed by the laws of the States in question.".

SEC. 9. (a) Effective upon the expiration of five years after the date of enactment of this Act—

(1) section 5155(c)(3) of the Revised Statutes, as added by section 2 of this Act, is repealed;

(2) section 7(b) of the Bank Holding Company Act of 1956, as added by section 3 of this Act, is repealed;

(3) section 5(r)(4) of the home Owners' Loan Act of 1933, as added by section 4 of this Act, is repealed;

(4) that part of section 408(e)(3) of the National Housing Act which was added by section 5 of this Act is repealed;

(5) section 18(d)(3) of the Federal Deposit Insurance Act, as added by section 6 of this Act, is repealed;

(6) section 18(c)(5)(B) of the Federal Deposit Insurance Act, as added by section 7 of this Act, is repealed; and

(7) section 5(d)(11)(B) of the Home Owners' Loan Act of 1933, as added by section 8 of this Act, is repealed.

(b) The repeal or termination by subsection (a) of any amendment made by this Act shall have no effect on any action taken or authorized while such amendment was in effect. Any bank or other institution the shares or assets of which are acquired in reliance upon the amendments made by this Act shall after repeal of the amendments made by this Act have the same powers with respect to the establishment of branch offices and merger or consolidation with other institutions, as it would have had its shares or assets not been so acquired.

SEC. 10. (a) The President, in consultation with the Attorney General, the Secretary of the Treasury, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, shall transmit a report to the Congress concerning the effect, if any, that this Act has had on the financial, economic, and banking environment of Massachusetts, Connecticut, Rhode Island, Maine, Vermont, and New Hampshire and on particular banks, bank holding companies, savings and loan associations, and savings banks in those States. There shall be included in this report legislative recommendations as to whether the sunset provisions of section 4 should be allowed to take effect.

(b) The report required by subsection (a) shall be transmitted to the Congress not later than four years after the date of enactment of this Act.●

By Mr. DENTON (for himself and Mr. HATCH):

S. 1003. A bill to extend and revise the provisions of the Child Abuse Prevention and Treatment Act and the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978; to the Committee on Labor and Human Resources.

CHILD ABUSE PREVENTION AND TREATMENT AND ADOPTION REFORM ACT AMENDMENTS OF 1983

Mr. DENTON. Mr. President, today I am introducing for myself and Senator HATCH a bill to amend and extend the Child Abuse Prevention and Treatment and Adoption Reform Act through fiscal year 1986.

Enactment of this legislation will enable the Department of Health and Human Services to continue to fund programs that assist States in combating child abuse. It will also allow continued funding for the Federal program that facilitates the adoption into loving homes of hard-to-place children.

The most significant change the bill makes in current law is the addition of language that addresses the issue of providing nutrition and medical care to infants born with mental and physical handicaps. The change is in direct response to the tragic and shocking "Infant Doe" incident, which took place last April in Bloomington, Ind., where a 6-day-old baby born with Down's syndrome and an incomplete esophagus was allowed to die after his parents refused to permit an operation that could have saved his life; the Indiana courts upheld the parents' right to withhold treatment. The tragedy was compounded by the fact that several couples had offered to adopt Infant Doe and allow the operation. It is my fervent hope that the language contained in this bill, in conjunction with the HHS regulations on the subject that have recently taken effect, will prevent future Infant Doe incidents.

Specifically, the bill would require States, as a condition of eligibility for a State grant under the program, to establish a procedure for interested persons to report known or suspected cases in which an infant has been denied nutrition or medically indicated treatment. The States would be required to have in place, within 2 years of enactment of this legislation, procedures to be followed by appropriate State agencies to insure that nutrition, medically indicated treatment, general care, and appropriate social services are provided to infants at risk with life-threatening congenital impairments. Other than providing States a 2- rather than a 1-year implementation period, this language is identical to language in the House bill.

The reauthorization bill I am introducing today would also require the National Center for Child Abuse and Neglect to study and investigate the national incidence of child abuse and neglect, including those cases in which treatment was withheld from handicapped infants. Furthermore, it would require the National Center for Child Abuse and Neglect to provide training and technical assistance to encourage and assist the States in developing and implementing new procedures or improving existing procedures to be followed by appropriate State agencies to insure that treatment is provided to infants at risk with life-threatening congenital impairments.

The bill would also repeal provisions barring for-profit organizations from receiving technical assistance and demonstration and service grants under the act.

In the area of adoption reform, the bill includes several amendments designed to promote and enhance the adoption of hard to place children, including infants with life-threatening congenital defects and children confined to foster homes. The bill would encourage private businesses to establish adoption benefit programs for their employees. It would include among the findings of Congress a statement that the welfare of infants at risk with life-threatening congenital impairments may be in jeopardy and that some such children are in need of adoptive homes. The bill states that such children should not become victims of denial of nutrition or treatment and includes those children in the special needs category.

It requires the Secretary of Health and Human Services to review model adoption legislation developed under the Adoption Opportunities Act and make any changes deemed necessary to facilitate, where necessary, adoption of infants at risk with life-threatening congenital impairments.

To correct a minor deficiency in the current act, the bill allows the Department of Health and Human Services to coordinate with the Bureau of Census to contribute to the national adoption and foster care information data-gathering and analysis system mandated under the original act.

Finally, the bill would require the Secretary to continue to study unlicensed adoptions, including the legal status of surrogate parenting. Surrogate parenting often involves a type of unlicensed adoption by the nonnatural parent who contracts for the child. Very little is known about the operation or enforceability of these contracts, and several States are considering legislation dealing with the issue.

Mr. President, the bill I am introducing would authorize appropriations of $19 million for the programs under the act, which is the same as the current authorization ceiling. That is consistent with President Reagan's call for a freeze on domestic spending, and consonant with my own belief and the belief of many of my colleagues that we cannot at this time afford increases in domestic spending.

Mr. President, I believe that the authorized funding level, together with the voluntary and private sector efforts now taking place to address similar problems, will enable us to make significant inroads in the fight against child abuse.

I look forward to the hearings scheduled by the Subcommittee on Family and Human Services on the reauthorization of the Child Abuse Prevention and Treatment and Adoption Reform Act. I am sure that they will provide a useful forum for comment on the bill, and will also bring to the public's attention some of the promising non-Federal programs that are helping in the fight against child abuse.

By D'AMATO (for himself, Mr. SARBANES, Mrs. HAWKINS, and Mr. STAFFORD):

S. 1004. A bill to amend the Federal employees health benefits plan provisions of chapter 89, title 5, United States Code to assure adequate mental health benefit levels and otherwise limit reductions; to the Committee on Governmental Affairs.

FEDERAL EMPLOYEES HEALTH BENEFITS PLAN AMENDMENTS OF 1983

Mr. D'AMATO. Mr. President, 2 years ago I offered an amendment to the 1982 Postal/Treasury appropriations bill which sought to prohibit the Federal employee health benefits plan—the Blue-Cross/Blue Shield Federal health plan, then covering over 60 percent of all Federal workers—from arbitrarily discriminating against one class of patients by unilaterally reducing the benefits for treatment of mental illness, alcoholism, and drug abuse under that program.

At that time, my colleague, Mr. STEVENS, chairman of the Civil Service Post Office and General Services Subcommittee of the Senate Governmental Affairs Committee expressed his shared concern, noting that he was "prepared to support adequate coverage for mental health benefits. Mental health care should be treated the same as other forms of health care. If reductions in Federal employee health care should become necessary, no form, including the mental health benefit, should be forced to bear a greater share of the reductions."

Regrettably, beneficiaries of the FEHBP program did suffer cutbacks in their 1982 contract notwithstanding expressions of concern from the mental health community as well as from the Senate and the House. The mental health and substance abuse benefit was reduced to a level substantially below that provided for other health care. The Office of Personnel Management established, without regard to medical necessity, an arbitrary limit on all outpatient mental health treatment and further caused an increase in patient-borne cost for outpatient treatment of nervous, mental and emotional disorders. It imposed a limitation on inpatient psychiatric coverage. At the same time, the alcoholism treatment benefit was eliminated altogether. Those arbitrary restrictions continue to apply today.

To correct the benefit reduction in mental health, alcoholism, and substance abuse coverage, I am pleased to introduce the Federal Employee Health Benefits Plan Amendments of 1983.

Specifically, my legislation would require—as Mr. STEVENS agreed: "Mental health care should be treated the same as other forms of health care"—that Federal health plans provide copayments and deductibles for the treatment of nervous, mental, or emotional disorders at the same level as is required for the treatment of physical illnesses. In response to his view that there needs to be "adequate coverage for mental health benefits," my bill provides for 50 outpatient visits and 60 inpatient visits for the treatment of mental illness and two 28-day alcoholism treatment and rehabilitation benefits. Where an established peer review mechanism determines such limited treatment to be further medically or psychologically necessary and appropriate, such limitations could be waived. Additionally, the legislation requires catastrophic coverage against the threat of the onset of severe or chronic mental illness, with a stop-loss against excessive patient-borne costs.

The need to provide medically or psychologically necessary health insurance protection for Federal employees and their dependents against the high, unbudgetable and therefore financially burdensome costs of medical services has not changed since FEHBP was enacted in 1959. Such health care protection is a foregone conclusion in private sector employment. Indeed, a most recent February 28, 1983, report from the General Accounting Office, "Financial and Other Problems Facing the Federal Employees Health Insurance Program" has stated:

> The private sector plans studied appeared to provide better coverage of inpatient mental health expenses than FEHBP. Most (87 percent) of the Federal plans offered between 30 and 90 days of inpatient mental health care at 100 percent. About 31 percent of these Federal plans offered additional days of care under major medical benefits. In comparison, about one-third of the private plans covered inpatient mental health expenses at 100 percent for 30 to 70 days, usually with additional days covered under major medical benefits. Another third covered inpatient mental health expenses at 100 percent for 120 days or more, usually with additional days covered under major medical benefits. The remaining third of the private plans covered these expenses at 80 to 100 percent for an unlimited number of days, subject to a dollar maximum. In addition, about 50 percent of the private plans offered some kind of catastrophic protection for inpatient mental health expenses; however, none of the Federal plans offered this benefit.
>
> Private sector outpatient mental health benefits also appear slightly better than those offered by Federal plans. Outpatient mental health expenses were generally covered under major medical benefits by both private and Federal plans. Although the copayment factor was generally reduced to 50 percent by both types of plans, the private sector plan deductibles tended to be lower, as previously discussed. In addition, over half of the Federal plans had a limit on the number of outpatient mental health visits that the plan would cover, while only 3 percent of the private sector plans had a visit maximum. Finally, 28 percent of the private sector plans offered catastrophic protection for outpatient mental health benefits. None of the Federal plans studied offered this benefit.

To single out the mentally ill and substance abusers for restrictive coverage is imprudent in both human and economic terms. I am pleased to note that in my own State of New York, starting this year, payment for mental illness outpatient treatment will be on an equal footing with that for other medical illnesses under the New York State employees health insurance program. Psychiatrists, psychologists, and psychiatric social workers licensed or registered with the State will be reimbursed their customary fees under the State's new 2-year plan. The plan covers some 1.5 million State employees and dependents, as well as local government employees who opt for the coverage. Treatment for mental illness will be subject to the same $100 deductible and 20 percent copayment that apply to any medical treatment. Furthermore, under the new plan, once a beneficiary has incurred $500 in out-of-pocket expenses for the treat-

ment of mental illness, the plan's catastrophic provisions reimburse for all additional costs above that level.

Mr. President, I cannot believe that what has been established for the State employees of New York cannot be similarly accomplished for the Nation's Federal employees.

I believe it is important to recognize that we are speaking of Federal workers and their families who are in genuine need of treatment—schizophrenics, those suffering from profound depressive disorders, organic psychoses, alcoholism and substance abuse, and other disabling psychiatric illnesses. I am speaking of dependent children who have serious emotional disorders. I am not speaking for those who would abuse the health insurance coverage.

I want to emphasize that I am speaking of a disease—mental illness—not the achievement of potential, happiness or social well being. I am speaking of treatments as aggressive as physical health care techniques and not programs which seek to expand the consciousness or raise the awareness of the individual in society. I am confident that curbing any potential abuse of this health insurance coverage will be accomplished by an effective peer review mechanism, set in place by my legislation which provides both a responsible means of reducing unnecessary utilization of the benefit, and allows continued intervention beyond the legislatively established limits in cases of medical or psychological necessity. It is interesting to note that based on the results of the American Psychiatric Association's contracts with a substantial number of third-party carriers for peer review, including the Federal Department of Defense's CHAMPUS program—for which the American Psychological Association also provides a peer review service—costs have been managed while critical treatment has been assured.

Study after study has demonstrated that there is a positive cost-benefit associated with the provision of services to the mentally ill—both in terms of worker productivity and in terms of lower costs for the treatment of physical disorders. Regrettably, the stigma which still surrounds mental illness often leads people to ignore its potential. As all health problems, mental illness strikes most often in a random fashion, and should be insured against.

Mr. President, I ask unanimous consent that the text and bibliography of an article entitled "The Case for Equitable Psychiatric Benefits in Health Insurance," describing the cost effectiveness of providing treatment for mental illness be included in the RECORD at the conclusion of my remarks along with the full text of my bill.

The bill is supported by the American Psychiatric Association, American Psychological Association, Alcohol and Drug Problems Association, American Nurses Association, Association for the Advancement of Psychology, Health and Medical Council of Washington, National Alliance of Chairpersons of State Advisory Councils for Alcohol and Drug Abuse, National Association of Alcoholism Treatment Programs, National Association of Private Psychiatric Hospitals, National Association of Social Workers, National Coalition for Adequate Alcoholism Programs, National Council of Alcoholism, National Federation of Societies for Clinical Social Workers, Inc., National Mental Health Association, Psychiatric Institute of Washington, Psychiatric Institute of America, the Washington Area Council on Alcoholism and Drug Abuse, and the Washington Psychiatric Society.

I urge my colleagues to join me in support of the Federal Employee Health Benefits Program Amendments of 1983.

There being no objective, the material was ordered to be printed in the RECORD, as follows:

THE CASE OF EQUITABLE PSYCHIATRIC BENEFITS IN HEALTH INSURANCE

The human and economic costs associated with untreated mental illness have been well established. As early as 1974, the National Institute of Mental Health estimated that the indirect costs of mental illness were close to $20 billion. The study noted that "Indirect costs are the income or income-equivalent losses which result from deaths due to mental illness, total disability due to mental illness and the loss of productive time to those individual . . . ."(1) Moreover, such costs do not reflect "all losses associated with partial disabilities, with pain and suffering not fully reflected by lost earnings, with homicides in the population not treated for mental illness and with the excess death incidence among those who have a history of mental illness but received no care."(2) Indeed, NIMH noted that the cost might well have doubled to $40 billion, in one year alone, if such above-mentioned factors had been included.

The American Psychiatric Association argues that the cost-benefit and medical effectiveness of psychiatric services for patients with mental disorders in the general health sector are demonstrated in a substantial body or research(3) and show that notwithstanding other arguments to the contrary, psychiatric benefits are insurable; that they save other health care costs; and that they help make up the lost dollars of productivity.

Among those studies are the following:

Blue Cross of Western Pennsylvania studied the medical/surgical services utilization of a group of subscribers to whom mental health services were made available and that of a comparable group to whom they were not. The findings showed a significant reduction in the medical/surgical utilization for the group with psychiatric benefits as compared to the group without these benefits. The monthly cost per patient for all medical services was more than halved—dropping from $16.47 to $7.06. This cost savings substantially exceeded the costs of providing the psychiatric care.(4)

A longitudinal study carried out in a single Texas county from 1973 to 1977 showed that access to treatment for mental illness in inpatients over age 65 resulted in a reduction in mean length of stay from 111 days to 53 days and a cost savings of more than $1.1 million.(5)

A Kaiser Permanente study compared two matched groups of 152 patients each, one of whom received psychiatric intervention (study group) and one of whom did not (control group). Both groups initially were similar in their rates of general health care services utilization. Over a five-year period, the control group showed essentially no change in general health care utilization while, in sharp contrast, the study group experienced a reduction in its non-psychiatric outpatient visits by 62 percent, and in its inpatient days by 68 percent.(6,7)

The Group Health Association of Washington reported that patients treated by mental health providers reduced non-psychiatric physician usage within the HMO by 30.7 percent in the year after referral for mental health care was made available, compared to the previous year. In addition, there was a 29 percent decrease in laboratory and x-ray services.(8)

The Kennecott Corporation found that in a study of 150 men who received needed psychotherapeutic services, there was an estimated 6 to 1 benefit-to-cost ratio as a result of the program, and recorded a 52 percent attendance improvement and a 74.6 percent decrease in medical/surgical utilization costs after the psychotherapeutic services.(9)

In a West German study involving more than 1,000 patients with primarily chronic symptoms, it was found that in the five years following the availability of psychiatric services, the average annual number of hospital days per patient declined from an estimated 5.3 days to 0.8 days. (10)

A recently completed study compared over the period of a year the post-operative course of a group of 24 elderly patients who had undergone surgery for repair of hip fractures and who had available liaison psychiatric services with a similar group of 26 patients who had the same kind of surgery but did not receive the liaison services. The group receiving psychiatric liaison care required an average of 12 days less hospitalization (30 versus 42 days—a 28.6 percent reduction), resulting in estimated savings of $193,000 over the course of one year (the psychiatric liaison services cost $10,000 for the same year). Moreover, twice as many patients who had psychiatric liaison services were able to return home (rather than to nursing homes or other less cost-effective institutional settings.) (11)

The introduction of lithium as a medically indicated psychiatric treatment of manic depression, now often used in lieu of more costly hospitalization, alone, has accounted over the past ten years for a $2.88 billion savings in direct mental health costs and an additional $1.28 billion in productivity. Figures were arrived at by comparing the costs of lithium treatment to the cost of the usual (and generally less effective) treatment of former years. (12)

These "offset" studies, demonstrating the savings which can be attributed to timely, appropriate psychiatric intervention, whether in organized care setting, in inpatient facilities, whether through the use of psychopharmacologic advances or more traditional "talking" therapy, point to the building body of literature articulating the

benefit of appropriate psychiatric treatment.

BIBLIOGRAPHY

1 National Institute of Mental Health, 1976. Statistical Note No. 125. Division of Biometry and Epidemiology. Department of Health and Human Services.

2 *Ibid.*

3 Jones, K. R. and Vischi, T. R. Impact of Alcohol, Drug Abuse and Mental Health Treatment on Medical Care Utilization: A Review of the Research Literature. Supplement to *Medical Care: 17.* December 1979.

4 Jameson, J., Schuman L. J., and Young W. W. The Effects of Outpatient Psychiatric Utilization on the Costs of Providing Third-Party Coverage. Blue Cross of Western Pennsylvania, Research Series 18, December, 1976. Also in: *Medical Care, 16* 383, 1978.

5 Texas Research Institute of Mental Sciences, Geriatric Services. Houston, Texas. December, 1977. (Departmental Memorandum.)

6 Follette, W. T. and Commings, N. A. Psychiatric Services and Medical Utilization in a Prepaid Health Plan Setting. *Medical Care, 5:* 25, 1967.

7 Cummings, N.A. and Follette, W.T. Brief Psychotherapy and Medical Utilization. In: *The Professional Psychologist Today: New Developments in Law, Health Insurance and Health Practice.* H. Dorkin, Ed. San Francisco, Jossey-Bass Publishing, 1976.

8 American Psychiatric Association. Testimony on Health Maintenance Organizations, presented before the Committee on Labor and Human Resources, U.S. Senate, April 22, 1981.

9 Washington Business Group on Health. Testimony on Federal Employee Health Benefits, presented before the Subcommittee on Compensation, U.S. House of Representatives, June 4, 1981.

10 Duehrssen, A Katamnestiche ergebnisse bei 1004 patienten nacht analytischer psychotherapie. *Zschr. Psychosom. Med., 8:* No. 2, 1962.

11 Levitan, S.J. and Kornfeld, D.S. A study of Liaison Psychiatry Effectiveness: Clinical and Cost Benefits. *Am. J. Psychiatry,* 138: 790-793, June, 1981.

12 Reifman, A and Wyatt, R.J. Lithium: A Break in the Rising Cost of Mental Illness. *Archives of General Psychiatry,* 37:385-388, April, 1980.

S. 1004

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Federal Employees Health Benefits Plan Amendments of 1983".

SEC. 2. (a) The first sentence of section 8904 of title 5, United States Code, is amended by striking out "may" and inserting in lieu thereof "shall".

(b) Paragraphs (1) and (2) of section 8904 of title 5, United States Code, are amended by adding at the end of each such paragraph the following:

"(G) Nervous and mental disorder benefits.

"(H) Alcoholism and substance abuse treatment and rehabilitation benefits".

(c) Section 8904 of title 5, United States Code, is amended by adding after paragraph (4) the following:

"(5) No health benefits plan described in paragraph (1), (2), or (3) of this section shall be contracted for or approved which does not provide, without discrimination as to the coinsurance ratio or the deductible, for 50 outpatient visits and 60 inpatient days of nervous and mental disorder benefits, and two 28-day alcoholism and/or substance abuse treatment and rehabilitation benefits, but such alcoholism and/or substance abuse benefits are only required to the extent that an individual has not previously been enrolled in a program of similar duration for which benefits were provided.

"(6) Whenever benefits of the type described in paragraph (1)(G) or (2)(G) of this section under any plan contracted for or approved hereunder are limited, such limits shall be exceeded on a case-by-case basis and only to the extent that an established peer review mechanism determines such treatment to be medically or psychologically necessary and appropriate.

"(7) The catastrophic benefits provided for in paragraph (6) of this section shall be paid out of the stop-loss fund established by section 8909(a)(3) of this title to the extent of 80 percent of the part of each outpatient claim that exceeds 50 visits annually and 80 percent of the part of each inpatient claim resulting from a period of hospitalization in excess of 60 days".

(d) Section 8909(a) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking out "and";

(2) in paragraph (2), by striking out the period and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following:

"(3) to pay the catastrophic benefits described in paragraphs (6) and (7) of section 8904 of this title.".

(e) Section 8909(b)(1) of title 5, United States Code, is amended to read as follows:

"(1) One percent of all contributions made available by subsection (a) of this section out of which is to be allocated that part determined by the Office to be reasonably adequate to pay the administrative expenses referred to in subsection (a)(2) of this section with the balance to be used to pay the catastrophic benefits referred to in subsection (a)(3) of this section.".

(f) The first sentence following paragraph (2) in section 8909(b) of title 5, United States Code, is amended by inserting "expenses" after "and for catastrophic benefits".

(g) The amendments made by this section shall become effective with respect to contracts entered into or renewed for calendar year 1984 or thereafter.

By Mr. D'AMATO (for himself, Mr. SPECTER, and Mrs. HAWKINS):

S. 1005. A bill to provide assistance for the construction, acquisition, and renovation of State and local correctional facilities; to the Committee on the Judiciary.

CORRECTIONAL FACILITY DEVELOPMENT ACT

● Mr. D'AMATO. Mr. President, today I am introducing the Correctional Facility Development Act. Under this act the National Institute of Corrections will be authorized to make grants to the States to help them deal with the national emergency of prison overcrowding. The institute will be authorized to make grants to the States totaling $1 million per year for 3 years. These funds will finance up to one-third of the total construction costs, excluding land acquisition, for State prisons.

The Criminal Justice Committee of the National Governors' Association has called Federal assistance for capital construction the Nation's No. 1 criminal justice priority. According to the final report of the Attorney General's Task Force on Violent Crime:

> The problem of available space in state prisons to keep dangerous criminals off the street is one of the most important violent crime issues in the nation. Almost all states are in a crisis situation.

More than a year and a half ago, in August 1981, the task force recommended legislation calling for $2 billion over 4 years to aid the States in their efforts to construct new correctional facilities.

Unfortunately, no such legislation has been forthcoming. Attorney General Smith, appearing before the Senate Subcommittee on Criminal Law in October 1981, testified that we do not have the funds for that purpose. He referred to a clearinghouse of surplus Federal property that could be transferred to the States for correctional purposes. In reply to a question from Senator DOLE, Attorney General Smith stated:

> I think the program we have adopted may, at least for the short term, be more valuable than money itself.

I am willing to grant that, on a short-term basis, the transfer of Federal property can be very beneficial. The transfer of the Watertown facility in New York in 1981 demonstrates the soundness of the Attorney General's point. However, an attempted transfer of another property in New York State demonstrates clearly its limitations. I refer to the attempt to transfer the Lockport Air Force Base in western New York. That transfer has yet to take place because the neighboring town sued to prevent the transfer. By the Attorney General's own admission, a significant number of Federal properties inventoried for possible transfer are not now suitable for this purpose. The Lockport case demonstrates that even those which may theoretically be suitable may inspire so much local opposition that the short-term benefit disappears.

The final point I would like to make in reply to the Attorney General's focus on the short term is that it so obviously fails to address the long-term problem of overcrowding.

Long-term planning is necessary for a number of reasons. The first is that our prisons are aging rapidly. This Congress has recently enacted legislation to address the problem of our aging interstate highways. I urge the Congress to face with the same realism the fact that our prison infrastructure is also in need of renovation, repair and, in many cases, replacement. Forty-three percent of the Na-

tion's prisoners are being housed in facilities built before 1925. There are 25 State prisons in 20 States built before 1875. There are 76 prisons in 37 States built between 1875 and 1924. Among the materials I have asked to be added at the end of my remarks is a table showing by individual State the number and age of Federal and State facilities. This chart is from a 1978 Survey of State and Federal Adult Correctional Institutions by the National Institute of Corrections. Fully two-thirds of the local correctional facilities in my own State of New York were built prior to 1940. Three were built prior to 1875. Seventy percent of prison cells fall short of Federal standards for square footage.

According to the January 1982 Bureau of Justice Statistics Bulletin entitled, "Prisons and Prisoners":

> If 60 square feet per person is used as a standard, then 58 percent of all one-person cells, 90 percent of all two-person cells, and 20 percent of all larger living units in traditional prisons are overcrowded.

In 1981, the rated capacity of the New York prison system was 22,935. It had 2,664 more prisoners than its rated capacity for a 12-percent overcrowding rate. By the end of 1982 New York State's prison population had grown to 27,910. California's prison population rose from 19,764 in 1973 to 34,459 in 1982. The Nation's prison population grew from 204,000 in 1973 to 412,000 in 1982. This of course does not include the hundreds of thousands more who are in jail.

Mr. President, perhaps not everyone will see the problem of an aging and deteriorating infrastructure as cause for immediate alarm. After all, the prisons, deteriorated as they may be, are still standing. They can still house prisoners, if perhaps in less than comfortable accommodations. Mr. President, I am not speaking here today on behalf of prisoner comfort. I am speaking here on behalf of society. I speak on behalf of the protection which we, as citizens, so desperately need from the criminal element.

I urge the Members of the Senate to support the Correctional Facility Development Act to prevent three related horrors. The first is the release of criminals from prison because we have simply run out of space to house them. This has, in fact, already begun to occur. Overcrowding emergency procedures were repeatedly instituted last year in Michigan. Four times in 1982 an unresolved prison overcrowding problem forced the reduction of prisoner sentences by 90 days under the mandatory provisions of the State's Prison Overcrowding Emergency Powers Act. In Minnesota, the Commissioner of Corrections was given responsibility for parole of first-degree murder cases and other inmates serving life sentences. One murderer was actually granted work release.

The second horror we must act to prevent is the negative impact that lack of prison space will have on our criminal justice system as law enforcement officials allow their efforts to slacken and languish because they know that even those felons they do catch and successfully prosecute will not be incarcerated for long, if at all. One illustration of this threat to our safety is what happened last year in Texas. On May 10, 1982, the Texas Board of Corrections voted unanimously to stop admitting inmates. Although this restraint was lifted May 16, a controlled admissions policy was not lifted until July 27.

The third kind of horror I seek to prevent is the kind of prisoner revolt that has taken place in prisons like Attica and Santa Fe, and that have been narrowly averted again more recently in Ossining. Early last year there was a 75-woman sit down strike protesting overcrowding at the Middle Georgia Correctional Institution. Inmates at the Queensburg, N.Y. prison last August blocked the entrances to rooms to prevent the placement of additional beds. There were two sitdowns of inmates in two Nebraska facilities late last year protesting living conditions. Each of these protests was peaceful. However, any one of them could have turned violent.

Mr. President, one of the papers I am asking to have printed in the RECORD at the end of my remarks demonstrates a clear relationship between prison overcrowding and violence in our prisons. Inmate on inmate assaults without weapons in that study increased until the facility was 30 to 50 percent overcrowded, and then began to increase more rapidly. Inmate on inmate assaults with weapons also increased as crowding increased. Inmate on staff assaults without weapons increased along with crowding, leveling out to a constant rate of assaults on staff only after crowding exceeded 60 to 70 percent.

In August, October, and November last year I chaired a series of hearings on the impact of crime on small business in New York and California as chairman of the Subcommittee on Rural and Economic Development of the Senate Small Business Committee.

In addition to testimony about the monstrous injuries inflicted by violent criminals on individuals and small businesses, we heard testimony from police, district attorneys, U.S. attorneys and other law enforcement professionals. We learned of some very successful anticrime initiatives that are actually reducing the crime rate in some categories.

It should not be suprising that in going from a 200,000-prisoner population in 1972 to a 400,000-prisoner population in 1982, we have succeeded in making a dent in the crime statistics.

Two hundred thousand more criminals who would otherwise be out on the street preying on our citizens are now behind bars, where they belong.

We have, however, surpassed the physical limits of our decade-long anticrime drive. On January 1, 1982, 23 States were under court order to limit their inmate populations. We were holding 9,138 inmates in local jails because there was not enough room in our prisons. By the end of last year there were 39 States under court order to reduce prison overcrowding.

Now there are three ways to comply with those orders. You either add prison space, or you limit your intake of prisoners as they did in Texas, or you release criminals early as they have been forced to do in Michigan, Oregon, and Minnesota. To illustrate the danger posed by the latter two courses of action, let me quote from some of the witnesses at the hearings we conducted.

Robert McGuire, police commissioner of the city of New York said:

> We absolutely need more prisons if we are going to incarcerate people. If we do not have that deterrent out there, then we are a paper tiger.

The Honorable Thomas A. Coughlin III, commissioner, New York State Department of Corrections said:

> If you look at the growth of crime in the State of Michigan, for example, and the State of Oregon, which had early release programs, crime increased in those States some 10 to 11 percent last year.

Mr. President, I would also like to call your attention to a brief exchange I had with Mr. Rudy Nothenberg, the deputy mayor of San Francisco:

> Senator D'AMATO. We find, unfortunately, that parole in many cases has become another word for early release due to overcrowding.
>
> Mr. NOTHENBERG. Yes.
>
> Senator D'AMATO. No one wants to admit it in State after State, but it is a fact.
>
> Mr. NOTHENBERG. It is absolutely a fact. The very next point the mayor wanted me to address is precisely that. If we are going to make a commitment to longer sentences or a different kind of parole indicia we will have to make a commitment to expand the capacity of our jails . . . We cannot expect anything but the worst of results if we allow incarceration to continue in the conditions in which we now incarcerate people.

I think the documentation of the need for the legislation I submit is clear and persuasive. At the conclusion of my remarks, Mr. President, I ask unanimous consent that a number of statements by government officials, law enforcement professionals, and researchers, which are filled with important data relevant to the issue of prison overcrowding be printed in the RECORD.

I firmly believe that, after reviewing the data, most will agree on the need for Federal assistance to State prison construction efforts.

In 1981, the cost of building a maximum security facility was in many jurisdictions over $70,000 per bed. In Alaska the average cost was $130,000 per cell. In Massachusetts and New York the cost was $100,000. Costs for medium security cells range from somewhere below $30,000 to as high as $80,000 per bed in California and $70,000 in Hawaii and New York. Even minimum security facilities are expensive. In Connecticut the price is $57,000 per bed.

To meet the problem of mounting costs, the legislation would provide for a technical advisory committee that would report the Bureau of Prisons' Advisory Board regarding innovative methods for construction of new correctional facilities.

It would authorize the National Institute of Corrections to encourage States and local governments to develop innovative solutions to the problems of delay and excessive cost involved in construction of correctional facilities. The Institute would also be authorized to make grants to States and local governments to enable them to develop plans for those purposes.

The Institute would be authorized to make grants up to one-third of the total construction cost—excluding land acquisition—of correctional facilities and facility improvements.

Mr. President, I must also call to your attention and to the attention of this Congress the fact that our national crisis of prison overcrowding is now a much more severe crisis than even the Attorney General's Task Force was aware. The States are now facing a veritable flood of criminals who came over on the Mariel boatlift in 1980. Current estimates by law enforcement officials are that between 25,000 and 35,000 criminals were among the so-called Marielitos. Untold thousands of other criminals are included among the aliens we have let in and continue to let into this country.

Tuesday morning I chaired a hearing in New York City on the Marielito problem. I was shocked to learn how extensive this problem is. It was made abundantly clear to me that our archaic prison system cannot withstand the onslaught of this new criminal element thrust upon us 3 years ago. We desperately need additional prison space if we are to protect ourselves against that portion of the refugees who arrived in the Mariel boatlift who were sent to us for no other reason than to relieve Fidel Castro's prison overcrowding problem.

To provide much needed Federal assistance and leadership in the task of long-term prison construction and planning, to continue our war on crime and to prevent more Attica's.

I today introduce the Correctional Facility Development Act, and ask that the text of the bill be printed in the RECORD following the additional statements which I am sending to the desk.

Mr. President, before concluding I would like to share with you one horror story that resulted from our failure to protect our citizens. I learned of this case while holding a hearing in Albany in October of 1982. On October 31, 1980, a 35-year-old mother of four children was coming home from kindergarten with her 5-year-old daughter and her 2½-year-old daughter in hand. As she walked up the steps to her home in Albany, a man grabbed at her purse and dragged her and her 2½-year-old daughter down a flight of concrete steps. As a result of that incident the woman is permanently disabled. The man had been out on parole about 2 months when he attacked her. Within 12 hours of that attack, he raped and sodomized an 11-year-old boy. Three days after that, he was involved in the rape and sodomy of a 13-year-old girl. That is just one example of the risk we take with the safety of our people when we release criminals from our overcrowded prisons. I, for one, Mr. President, look forward to the day when we have enough prison space for all such criminals, and when every citizen, as a result, will be safer. It is time to make certain that the repeat felony offenders are in the inside of our prisons looking out, rather than on the outside of our citizens' homes, looking in.

There being no objection, the bill and articles mentioned were ordered to be printed in the RECORD, as follows:

S. 1005

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Correctional Facility Development Act".

SEC. 2. (a) The Congress finds that—

(1) the correctional facilities operated by State and local governments in this Nation are seriously overcrowded, outmoded, and too often in badly deteriorated condition;

(2) the present state of affairs with respect to these facilities is causing a situation where courts are reluctant to sentence additional criminals to jail or to impose pretrial detention upon dangerous person, and parole boards as well as courts are ordering early release to our communities of convicted and sentenced criminals who should be retained under incarceration for public safety and security;

(3) State and local governments are strained to find resources to expand and improve correctional capacity; and

(4) the present outmoded, inordinately expensive design concepts for correctional facilities constitute a major impediment to expansion, renovation, and improvement of the nation's resources for incarcerating adult and juvenile criminal offenders.

(b) It is therefore the purpose of this Act to—

(1) provide a mechanism for creation of new designs and technology for development of additional correctional facilities as well as renovation of existing facilities;

(2) encourage State and local governments to take advantage of such innovations; and

(3) assist State and local governments to meet the financial burden involved in moving ahead with expansion and improvement of their correctional facilities through the use of innovative technology.

SEC. 3. Section 4351 (f) of title 18, United States Code, is amended in the first sentence by striking out "The Board is" and inserting in lieu thereof the following: "The Board is authorized to appoint, without regard to the civil service laws, a technical advisory committee qualified to advise it on development of innovative methods for construction of new correctional facilities for long and short term sentenced adults, for juvenile delinquents, and for persons held in detention pending court disposition. The Board is further".

SEC. 4. Section 4352 of title 18, United States Code, is amended—

(1) in subsection (a) by—

(A) redesignating clauses (2) through (14) as (3) through (15), respectively; and

(B) inserting after clause (1) the following:

"(2) to encourage States and units of local government to develop and implement programs and projects for construction, acquisition, renovation, and improvement of correctional facilities through use of new, innovative designs, and methods aided at avoiding the delay and excessive costs presently involved in construction of correctional facilities;

(2) by redesignating subsections (b) through (e) as (c) through (f), respectively; and

(3) by adding after subsection (a) the following:

"(b) The Institute shall have authority to make grants to States to develop plans for the purposes set forth in subsection (a)(2). The Institute shall also have authority to make grants to finance up to one-third of the total construction costs (excluding land acquisition) of correctional facilities and correctional facility improvements it finds to be prototypes of new methods and designs that will stand as examples of technology for avoiding the delay and excessive costs in correctional facility design and improvement.".

SEC. 5. Section 4353 of title 18, United States Code, is amended by—

(1) inserting "(a)" before "There is"; and

(2) by adding at the end thereof the following:

"(b) There are hereby authorized to be appropriated for planning and grants set forth in section 4352(b) not to exceed $1,000,000,000 per year for three years.

ATTORNEY GENERAL'S TASK FORCE ON VIOLENT CRIME

(Final Report, August 17, 1981)

Recomendation 54: The Attorney General should seek legislation calling for $2 billion over 4 years to be made available to the states for construction of correctional facilities. Criteria for a state's obtaining federal assistance under this program include (1) demonstration of need for the construction; (2) contribution of 25 percent of the overall cost of the construction: and (3) assurance of the availability of operational funds upon completion of constitution. Funds should be allocated by a formula which measures a state's need for prison construction relative to all states.[1]

---

[1] Footnotes at end of article.

COMMENTARY

The problem of available space in state prisons to keep dangerous criminals off the street is one of the most important violent crime issues in the nation. Almost all states are in a crisis situation. As has been continuously documented in public testimony and reports, many states are experiencing alarming rates of violent crime. The higher crime rate has produced a higher prosecution and conviction rate, which combined with the public's demand (frequently via statute) for harsher, longer sentences for the perpetrators of these crimes has resulted in correctional systems facing unprecedented increases in populations which they are not prepared to accommodate. One state correctional administrator recently commented that based on that state's current incarceration rate, one 400-bed prison per month could be filled. The crisis for many metropolitan jails is of similar proportion, with one sheriff testifying before his state legislature that he has 300 inmates sleeping on the floor of the county jail.

Between 1978 and 1981, the number of state prisoners increased from 268,189 to 329,122, according to the Bureau of Justice Statistics. Thus, state systems have over the past few years had to accommodate an increase of 60,000 beds. With 39 states involved in litigation or under court order relating to conditions of confinement in state prisons, jails were forced to take 6,000 state prisoners in 1980 as a means of easing overcrowding.[2] However, they too are crowded and face lawsuits similar to those filed by inmates in state institutions. In response to this crisis, by July 1980, state correctional agencies had begun new construction of more than 60 institutions or additions at a projected cost in excess of $700 million.[3]

The problem of overcrowding goes beyond corrections. It leads to a circumvention of the overall public and criminal justice system's intent to deal with the violent offender in a manner consistent with the gravity of the offense. Thus, a substantial number of defendants who should be incarcerated might receive probation instead simply because the judges are aware that there is currently no space available for them in prison. Such action may then have the unintended consequence of endangering the community. Clearly, judges must feel free to use incarceration as a sentencing option; it therefore becomes imperative to better understand the range of issues related to overcrowding and carefully assess proposed means of coping with this problem.

In our Phase I Recommendation 3, we acknowledged the current overpopulation problem in corrections, and now must consider the extent to which the federal government can provide assistance in alleviating crowding. The overriding concern remains the safety of the community, which is secured by ensuring that those offenders, i.e., serious, violent offenders, who need to be incapacitated are incarcerated.

More than two-thirds of the states have proposed to build or have under construction at least one major correctional facility. Some states have found the process so costly that they cannot complete their efforts or have vacant facilities because they cannot afford staffing and operation. Between July 1979 and July 1980, 23 new institutions were opened by state correctional systems, at a cost of over $100 million. Fifty million additional dollars were spent on additions to existing buildings. These expenditures resulted in 7,100 new bedspaces.[4]

The cost of building a maximum security facility is over $70,000 per bed in many jurisdictions as diverse as California, Minnesota, or Rhode Island. Alaska reported a staggering $130,000 for the average cost of prison construction per cell. Medium security institutional costs are considerably lower, high estimates being around $50,000 per bed, with several states estimating a range below $30,000. Minimum security housing may be even less. New jail construction similarly is costing $50,000 per cell in metropolitan areas. Expenditures for yearly operating costs are generally cited as being between $10,000 and $20,000 per cell.[5] Precise estimates are not really feasible without addressing the particular facility's locale and purpose. Whatever the figures, it is clear that the financial burden on the states and counties to renovate or construct correctional institutions is extraordinary.

It therefore becomes particularly important to ensure that any decision to build be one that carefully considers the makeup of the inmate population and the security requirements of the correctional system. It has been suggested by national corrections leaders, for example, that perhaps only 15 to 20 percent of inmates in state prisons require costly, maximum security institutions, though 70 percent of the facilities fall into the high security category. A rational classification system to decide what type of confinement is necessary for a given prisoner is of critical importance in freeing up maximum security space and containing costs.

DIRECT FEDERAL ASSISTANCE FOR PRISON CONSTRUCTION [6]

Given the fact that 43 percent of prisoners are being housed in facilities built before 1925, 70 percent of prison cells fall short of federal standards for square footage, and over one-half of the state correctional systems have one or more institutions declared to be unconstitutional by federal courts, we are of the opinion that assistance leading to the replacement or renovation of outmoded or substandard correctional facilities is essential. In fact, the Criminal Justice Committee of the National Governors' Association has called federal assistance for capital construction the number-one criminal justice priority. We agree. Clearly, a federal role in this area is necessary; and, in light of the enormity of such an undertaking, we have given special consideration to a number of issues.

The provision of assistance in building or renovating correctional facilities need not necessarily mean that the total capacity of institutions be increased; but rather that there be the most appropriate use of available space. Even if more violent or serious offenders are confined, the number of high security bedspaces need not necessarily rise, as offenders in need of a less secure environment could be moved from maximum to medium security facilities. With resource limitations at all levels of government, any federal grant program should be confined to those criminal justice areas exhibiting greatest need. If this means construction and renovation of detention and corrections facilities, the focus should be on those for the most serious offenders, in maximum security facilities, which are typically the oldest and most in need of replacement or repair. However, in order not to penalize states which have already appropriated funds for maximum security space but do not have sufficient less restrictive space for nonserious offenders, federal dollars could be used for these building/renovation efforts as well, though priority would be given to the needs related to serious offenders.

Another outcome of resource limitations is that the federal government cannot effectively meet the construction needs of both states and local governments. There are simply not enough dollars to go around. Consequently, we have determined that available monies should be given to the states, as we perceive them to exhibit the greatest need. In addition, with the creation of new state facilities, some of the overcrowding at the local level will be alleviated. We do believe, however, that the needs of local correctional agencies should continue to be examined so that the appropriate public officials can continue to make the most appropriate use of resources in this area.

In consideration of the policy decisions described above, and in order to be responsive to the immediate needs of correctional agencies, it is important that any federal support program be carried out in a manner that is both equitable and expeditious. Thus, we believe it would not be desirable to require states to develop long-range comprehensive plans which are updated annually or establish a cumbersome review process requiring a separate administration within the Department of Justice. Such requirements might significantly hamper states and local jurisdictions in their efforts to improve correctional programs and practices, alleviate stress on their corrections systems, or comply with judicial decrees.

Federal requirements should not operate so that they have the unintended effect of keeping jurisdictions from responding to their own needs; and federal dollars need not be so great that jurisdictions merely apply without considering the extent of their actual problem. Thus, the application process should not be so complicated that states are reluctant to take advantage of the assistance, but neither should there be no strings attached, thereby condoning possible inadequately designed facilities both in terms of inmate and staff needs and the needs of the community. Therefore, for purposes of demonstrating this balance and a commitment to accepted standards of correctional planning and practice, we recommend the federal contribution to the proposed construction effort be limited to 75 percent of that effort. In addition, we believe that the federal support program should be limited in time and level of expenditure; there is no need to create a long-term federal operation with states receiving grants for a number of years. We deem an initial 4-year authorization and appropriation to be sufficient. Given differing needs and costs in the various states, we believe that the immediate objectives of the construction program can be met with a $2 billion appropriation.

Monies for construction should be allocated on a formula basis relating to the general population, violent offender population, and corrections expenditures of the state, with demonstrated need being a prerequisite for funding. Included in the total appropriation would be administrative costs and a modest technical assistance effort. The National Institute of Corrections (NIC) would also develop models for correctional facilities from which states would select the one(s) best suited to their respective needs.

With the adoption of any federal effort to provide massive infusion of dollars, with as few strings attached as possible, we believe it would be useful and in the best interest of federal and state governments to offer a

technical assistance program along with money for actual construction and related activities. Thus, technical assistance, on the request of correctional agencies, would be available through NIC in the areas of inmate classification, planning for development and operation of new institutions, architectural design considerations, and operation and staffing costs . . .

FOOTNOTES

[1] We also address the easing of overcrowding in state and local correctional facilities in Phase I Recommendation 3.

[2] U.S. Department of Justice, Bureau of Justice Statistics, "Prisoners in 1980" (Washington: Government Printing Office, 1981).

[3] Hicks, "The corrections yearbook" (New York: Criminal Justice Institute, Inc., 1981).

[4] Ibid.

[5] Ibid.; National Institute of Corrections National Information Survey, March 1981; and Institute for Economic and Policy Studies (Alexandria, Va., 1981).

[6] The term "construction" includes the preparation of drawings and specifications for correctional facilities; erecting, building, acquiring, altering, remodeling, improving, or extending such facilities; and the inspection and supervision of the construction of such facilities.

American Prisons: The Crisis in Corrections

(By the Committee on Criminal Justice and Public Protection)

FOREWORD

In the 1980's, states will be forced to deal with increased pressures on the criminal justice system brought about by a variety of forces. The courts continue to rule that prison populations must be reduced substantially in order to comply with consitutional standards. Interest groups such as the American Bar Association and the American Medical Association continue to press for the adoption of certain standards in the different criminal institutions. And the public demands lengthy sentences as punishment, while voting down any tax proposals to build new prisons.

As Governors, we cannot blind ourselves to these problems. There will be crime and subsequently criminals in our society. Our criminal justice services have been given the unpleasant task of dealing with these problems. They must allocate resources to handle them in a humane way, respecting the fact that the public wants an efficient and effective criminal justice system which protects them from the evils of criminal behavior and makes them feel secure. This of course is the overall responsibility of government, but the criminal justice system has the unique responsibility for seeing that it is realized.

When I became Chairman of the National Governors' Association's Committee on Criminal Justice and Public Protection, I requested the staff to begin a special inquiry into the problems of corrections. With over half of our states under court order to reduce prison populations, I wanted this committee to examine how Governors could deal with this problem.

Last winter (February 1981), we were given a review of the prison problem and its possible future consequences by several scholars and practitioners. We were told that at present, the problem is serious and would probably get worse.

At our meeting last summer (August 1981), we were given a review of a major study entitled *American Prisons and Jails* which examined the specific problems in different prisons in the individual states. There were some unique regional and specific state differences. But most were reflective of the fact that there just was not enough space available for the number of people being incarcerated.

After our annual meeting in Atlantic City, I asked the staff to develop some more specific responses to Governors' needs in corrections. What could we as Governors do about this continuous matter?

The Committee staff worked with the National Institute of Corrections in developing a response for Governors. The nation's Governors were surveyed for their individual priorities relating to the prison problem. Thirty-eight (38) Governors responded.

After analyzing these responses, it was revealed that the top four priority prison problems faced by governors were: (1) overcrowding, (2) cost of corrections, (3) prison construction and remodeling, and (4) legal issues and recent court decisions.

Based on these priorities, the Committee organized a special work session at the Winter 1982 NGA Meeting to explore how we Governors could get a handle on prison problems.

Furthermore, I asked the staff to put together a notebook for each Governor which deals with ways to handle some of these prison problems. You will note a section on prison industries and some specific programs in different states and how they work; there is a section on classification, which will aid in understanding which offenders should be placed in alternatives to prisons. These two sections will help us develop a better and more positive use of our prisons. We realize that our prison space is a valuable resource that must be used for the most serious offenders.

There is also a section on riots and disturbances, designs for prison construction, and prison accreditation. The sections are short with a listing of resource persons to be contacted for further information.

I urge each Governor to make use of this notebook. And if any further details are needed, please contact the staff for the Committee on Criminal Justice and Public Protection at the National Governors' Association.—Governor Robert List

NUMBER OF FEDERAL AND STATE FACILITIES BY AGE OF FACILITY, SIZE OF THE INMATE POPULATION, FACILITY SECURITY CLASSIFICATION, SEX DESIGNATION, REGION, AND STATE, 1978

Region and State	Total number of facilities	Facility security classification			Size of inmate population			Age of facility					Sex designation of facility	
		Maximum	Medium	Mimimum	Less than 500	500–900	1,000 or more	before 1875	1875–1924	1925–1959	1960–1969	1970–1978	Female	Co-ed
United States	559	153	224	182	376	38	85	25	79	141	164	150	42	26
Federal, total	38	13	17	8	10	18	10	0	3	16	8	11	2	5
State, total	521	140	207	174	366	80	75	25	76	125	156	139	40	21
Northeast	77	24	30	23	50	15	12	7	20	14	15	21	3	5
Maine	3	1	1	1	3	0	0	0	2	0	0	1	0	1
New Hampshire	1	1	0	0	1	0	0	0	1	0	0	0	0	0
Vermont	2	0	1	1	2	0	0	0	0	0	1	1	0	0
Massachusetts	13	5	2	6	11	2	0	0	3	1	3	6	0	1
Rhode Island	5	1	2	2	5	0	0	1	1	1	2	0	1	0
Connecticut	10	6	2	2	9	1	0	2	1	2	2	3	1	0
New York	27	6	13	8	15	5	7	3	5	6	4	9	1	1
New Jersey	8	2	5	1	2	4	2	1	3	2	1	1	0	1
Pennsylvania	8	2	4	2	2	3	3	0	4	2	2	0	0	1
North Central	90	30	27	33	53	18	19	9	24	13	30	14	9	4
Ohio	11	2	6	3	3	1	7	1	3	3	3	1	1	0
Indiana	9	5	4	0	6	1	2	1	3	0	3	2	1	1
Illinois	10	5	4	1	4	2	4	2	3	2	1	2	1	0
Michigan	23	6	4	13	17	4	2	0	2	4	11	6	1	0
Wisconsin	8	2	3	3	5	2	1	1	3	0	3	1	1	0
Minnesota	5	2	0	3	3	2	0	0	3	0	2	0	1	0
Iowa	5	2	1	2	3	2	0	2	1	0	2	0	1	0
Missouri	8	2	2	4	5	1	2	1	0	3	3	1	0	1
North Dakota	2	1	0	1	2	0	0	0	1	1	0	0	0	1
South Dakota	1	0	1	0	0	1	0	0	1	0	0	0	0	1
Nebraska	2	0	2	0	1	0	1	0	2	0	0	0	1	0
Kansas	6	3	0	3	4	2	0	1	2	0	2	1	1	0
South	284	75	108	101	220	34	30	6	22	93	81	82	18	3
Delaware	5	0	4	1	4	1	0	0	0	1	0	4	1	0
Maryland	14	3	4	7	10	2	2	1	1	3	5	4	1	0
District of Columbia	5	1	3	1	4	0	1	0	0	2	2	1	0	0
Virginia	36	3	33	0	33	2	1	1	3	6	22	4	1	0
West Virginia	6	1	2	3	5	1	0	1	0	2	1	2	1	0
North Carolina	79	3	29	47	73	5	1	0	3	64	8	4	1	0
South Carolina	23	5	2	16	21	1	1	1	1	0	6	15	1	0

NUMBER OF FEDERAL AND STATE FACILITIES BY AGE OF FACILITY, SIZE OF THE INMATE POPULATION, FACILITY SECURITY CLASSIFICATION, SEX DESIGNATION, REGION, AND STATE, 1978—Continued

Region and State	Total number of facilities	Facility security classification			Size of inmate population			Age of facility					Sex designation of facility	
		Maximum	Medium	Mimimum	Less than 500	500–900	1,000 or more	before 1875	1875–1924	1925–1959	1960–1969	1970–1978	Female	Co-ed
Georgia	17	14	3	0	13	1	3	0	0	1	9	7	1	0
Florida	35	19	13	3	22	7	6	0	1	3	16	15	2	0
Kentucky	11	1	2	8	9	0	2	0	1	2	1	7	1	1
Tennessee	7	2	5	0	4	2	1	1	0	1	1	4	1	0
Alabama	8	2	3	3	5	3	0	0	0	4	1	3	1	0
Mississippi	1	0	1	0	0	0	1	0	1	0	0	0	0	1
Arkansas	5	2	1	2	3	1	1	0	0	2	1	2	1	0
Louisiana	7	1	1	5	4	2	1	0	1	1	2	3	1	0
Oklahoma	10	4	1	5	9	0	1	0	2	0	2	6	2	1
Texas	15	14	1	0	1	6	8	1	8	1	4	1	2	0
West	70	11	42	17	43	13	14	3	10	5	30	22	10	9
Montana	2	0	1	1	1	1	0	0	0	0	1	1	0	0
Idaho	3	0	2	1	2	1	0	0	0	0	0	3	0	1
Wyoming	2	0	2	0	2	0	0	0	1	0	0	1	1	0
Colorado	8	1	3	4	5	3	0	1	1	0	5	1	1	0
New Mexico	4	0	1	3	3	0	1	0	1	1	2	0	1	1
Arizona	5	1	2	2	3	1	1	0	1	0	0	4	1	0
Utah	1	0	1	0	0	1	0	0	0	0	1	0	0	1
Navada	5	1	4	0	4	1	0	1	0	0	2	2	1	0
Washington	9	3	2	4	6	2	1	0	2	0	3	4	1	0
Oregon	3	0	3	0	1	1	1	0	1	0	2	0	1	0
California	12	1	10	1	0	2	10	1	1	2	8	0	1	1
Alaska	9	3	5	1	9	0	0	0	0	1	5	3	1	4
Hawaii	7	1	6	0	7	0	0	0	2	1	1	3	1	1

Source: Survey of State and Federal adult correctional institutions (PC–2) March 31, 1978.

EXECUTIVE SUMMARY: PRISON CROWDING LEVELS AND ASSAULTS

(By Gerry Gaes and William G. Saylor)

INTRODUCTION

The relationship between prison crowding and assault rates was ascertained using Federal Prison System data from nineteen institutions for a thirty-three month period (October 1975 to June 1978). During that time period, the Federal Prison System underwent a large population increase similar to its current growth. The data show there is a significant relationship between the level of crowding and the assault rate at an institution.

METHOD

For each month of the thirty-three month interval, data was collected on each of the following FPS institutions: Ashland, Englewood, El Reno, Lompoc, Milan, Petersburg, Seagoville, Tallahassee, Oxford, Leavenworth, Lewisburg, McNeil Island, Terre Haute, Danbury, La Tuna, Sandstone, Texarkana, Alderson and Marion. The monthly data included the following measures:

1. assaults against inmates with a weapon.
2. assaults against inmates without a weapon.
3. assaults against staff with a weapon.
4. assaults against staff without a weapon.
5. the ratio of an institution's population to its capacity.
6. the size or capacity of the institution.
7. the staff to inmate ratio.
8. the percentage of staff who were Correctional Officers.
9. the number of program participations per inmate.
10. the number of program participations which were UNICOR.
11. the percentage of the inmate population which changes in a given month.
12. the average age of the population.
13. the percentage of the population which was nonwhite.
14. the percentage of the population having a current offense which was a crime against the person.
15. the percentage of the population which had a record of alcohol or drug abuse.
16. the average number of commitments per inmate.
17. the average percentage of time remaining on their sentences.

Measures 1–4 were considered the important criteria in determining the effects of crowding. In a previous paper presented to Executive Staff by Gaes, he reported that the individual sizes of an inmate's cell or cube had no consequences on health impairment. Since incidents and especially assaults are relatively rare events among most inmates, data relating the space an individual is allotted and his assault rate are practically impossible to trace. Even with aggregated data, such as those on which the findings reported here are based, such events are relatively rare occurrences. Considering all assaults the rate is only 2.2 per 100 inmates per year. Moreover, none of the events observed during this time period resulted in the death of a staff member. Breaking this overall rate down to the individual measures indicated in Measures 1–4 above, per 10,000 inmates per month there were: 8.5 inmate on inmate assaults without weapons; 5.0 inmate on inmate assaults with weapons; 1.9 inmate on staff assaults without weapons; and, 4.8 inmate on staff assaults with weapons.

Previous research has indicated age as the most important determinant of assault levels. Although it is true that younger inmates are more likely to assault, this is different from the effect of age composition on assault rates. The latter measure examines the effect of blending younger and older inmates. All previous studies have had two basic flaws. They either had very crude measures of assault rates and crowding, or had very few other measures to compare or equate different institutions, such as Measures 5 to 17 above.

RESULTS

The relationship between each of the assault categories and the other set of variables was examined to see if certain kinds of assaults were more prevalent in certain types of institutions. For each of the four assault categories, crowding was the most influential variable of those listed (Measures 5–17).

Against Inmates—The data revealed that inmate on inmate assaults without weapons increases as crowding inceases in an institution until it is approximately 30% to 50% overcrowded, and then begins to increase more rapidly. Inmate on inmate assaults with weapons also increase as crowding increases.

Against Staff—Inmate on staff assaults without weapons increase along with crowding but begin to wane, leveling out to a constant rate of assaults after institutions exceed 60% to 70% overcrowding. Inmate on staff assaults with a weapon decline as crowding levels increase, although this decline is not abrupt.

Other Affects on Assaults—Age was influential in only inmate on staff assaults without weapon. The higher the average age of the population, the less likely staff were assaulted. Program activity, especially UNICOR participation and particularly among the young, decreased the likelihood of inmate on inmate assaults with weapons. Racial homogeneity only affected inmate on inmate assaults without weapons. The more homogeneous the population in any given month, the less likely an assault occurred.

Counterintuitive Findings—There were also some counterintuitive results. As the percentage of staff who were Correctional Officers increased, the inmate on inmate assaults without weapons increased. It may be that institutions with higher percentages of Correctional Officers are institutions where assaults are more likely to take place (e.g., institutions of a higher security level); or it may be that there are simply more observers available to detect and report this kind of misconduct. Another surprising observation was the failure to find a relationship between the size of an institution and its assault rates. The staff to inmate ratio also had no effect. This may be explained by the fact that there is very little discrepancy among FPS institutions in their staffing ratios once an institution is fully operational.

SUMMARY

During this time period, institutions averaged 35% overcrowding. For the thirty-three months of this data set, most institutions typically were from 5% to 65% overcrowded. This resulted in higher assault rates involving inmates against other inmates with or without a weapon, and higher

assault rates against staff without a weapon. Only inmate assaults against staff declined slightly. Inmate age and assaults against staff without weapons are inversely related. Institution size and assault rates were not associated.

DEPARTMENT OF JUSTICE

The number of state and federal prisoners rose by 11,055 inmates during the third quarter of 1982 to reach 405,371 on September 30, the Bureau of Justice Statistics announced today.

The bureau, a Department of Justice agency, said there was a 9.9 percent increase in prisoners during the first nine months of 1982, compared to an 8.6 percent increase during the first nine months of 1981.

There were 29,403 federal prisoners on September 30, including 1,234 unsentenced prisoners under the jurisdiction of the U.S. Immigration and Naturalization Service.

The number of women in prison grew at almost twice the rate for men during the third quarter, but females, numbering 17,839, accounted for only 4 percent of the total prison population.

Prison population increased in 41 states and the District of Columbia and decreased in nine. The two states with the largest percent increases were Oregon (12.1 percent) and Alaska (11.3 percent). The largest percent decrease (4.4 percent) occurred in Kentucky when officials there stopped counting those state prisoners who are held in local jails because of prison overcrowding. The four states with the largest prison population were Florida (26,986), New York (27,572), California (33,502) and Texas (35,354).

The Bureau of Justice Statistics also announced the release of its bulletin "Prisoners 1925-81," which presents trends in the prison population during the last 57 years. Since 1925 the average annual U.S. population growth rate was 1.2 percent, whereas the prison population grew at an average rate of 2.4 percent. The bulletin may be obtained from the National Criminal Justice Reference Service, P.O. Box 6000, Rockville, Md. 20850, telephone 301-251-5500.

TABLE 1.—PRISONERS UNDER JURISDICTION OF STATE AND FEDERAL CORRECTIONAL AUTHORITIES, BY REGION AND STATE, YEAREND 1981 AND SECOND AND THIRD QUARTER, 1982

Region and State	Total prisoner population			Percent change from		Number of sentenced prisoners per 100,000 population Sept. 30, 1982
	Dec. 31, 1981	June 30, 1982	Sept. 30, 1982	Dec. 31, 1981 to Sept. 30, 1982	June 30, 1982 to Sept. 30, 1982	
United States	368,772	394,316	405,371	9.9	2.8	168
Male	353,335	377,199	387,532	9.7	2.7	331
Female	15,437	17,117	17,839	15.6	4.2	14
Federal institutions[2]	28,133	29,033	29,403	4.5	1.3	10
State institutions	340,639	365,283	375,968	10.4	2.9	157
Northeast	53,397	57,526	58,556	9.7	1.8	112
Maine	992	941	939	−5.3	−0.2	64
New Hampshire	398	418	414	4.0	−1.0	44
Vermont[3]	534	631	615	15.2	−2.5	88
Massachusetts	3,889	4,164	4,283	10.1	2.9	74
Rhode Island[3]	962	1,034	1,038	7.9	.4	80
Connecticut[3]	4,647	5,412	5,615	20.8	3.8	104
New York	25,599	27,117	27,572	7.7	1.7	156
New Jersey[3]	7,011	7,698	7,805	11.3	1.4	102
Pennsylvania	9,365	10,111	10,275	9.7	1.6	86
North Central	72,348	74,891	76,253	5.4	1.8	127
Ohio	14,968	16,319	16,905	12.9	3.6	157
Indiana	8,022	8,464	8,696	8.4	2.7	150
Illinois	13,206	13,361	13,710	3.8	2.6	117
Michigan	15,157	14,935	14,606	−3.6	−2.2	159
Wisconsin[3]	4,416	4,544	4,610	4.4	1.5	97
Minnesota	2,024	2,031	2,054	1.5	1.1	50
Iowa[7]	2,670	2,774	2,786	4.3	.4	91
Missouri	6,489	6,639	7,030	8.3	5.9	142
North Dakota[3]	280	370	378	35.0	2.2	46
South Dakota	693	742	733	5.8	−1.2	104
Nebraska	1,653	1,707	1,664	.7	−2.5	95
Kansas	2,770	3,005	3,081	11.2	2.5	129
South	159,712	172,025	177,660	11.2	3.3	221
Delaware[3]	1,712	1,937	2,053	19.9	6.0	241
Maryland	9,335	10,377	10,750	15.2	3.6	238
District of Columbia[3]	3,479	3,790	4,123	18.5	8.8	523
Virginia	9,388	9,648	9,947	6.0	3.1	176
West Virginia	1,565	1,433	1,449	−7.4	1.1	74
North Carolina[3]	15,791	16,562	17,107	8.3	3.3	264
South Carolina	8,538	9,011	9,151	7.2	1.6	270
Georgia[3]	12,444	14,053	14,016	12.6	−.3	244
Florida	23,589	26,466	26,986	14.4	2.0	248
Kentucky[3]	4,167	4,358	4,168	(x)	−4.4	114
Tennessee	7,897	8,156	8,405	6.4	3.1	182
Alabama	7,657	8,168	8,409	9.8	3.0	209
Mississippi	4,624	5,158	5,315	14.9	3.0	204
Arkansas	3,328	3,607	3,685	10.7	2.2	159
Louisiana	9,415	10,084	10,563	12.2	4.8	243
Oklahoma	5,281	5,924	6,179	17.0	4.3	197
Texas[7]	31,502	33,293	35,354	12.2	6.2	236
West	55,182	60,841	63,499	15.1	4.4	137
Montana	831	875	861	3.6	−1.6	108
Idaho	957	1,026	1,030	7.6	.4	107
Wyoming	587	654	661	12.6	1.1	132
Colorado[3]	2,772	3,026	3,126	12.8	3.3	104
New Mexico	1,497	1,717	1,864	24.5	8.6	123
Arizona	5,223	5,641	5,771	10.5	2.3	204
Utah	1,140	1,189	1,194	4.7	.4	76
Nevada	2,116	2,552	2,686	26.9	5.3	311
Washington	5,336	5,896	6,115	14.6	3.7	144
Oregon	3,295	3,593	4,028	22.2	12.1	151
California	29,202	32,182	33,502	14.7	4.1	132
Alaska[3]	1,019	1,172	1,304	28.0	11.3	197
Hawaii [3,8]	1,207	1,318	1,357	12.4	3.0	86

[1] Unpublished Bureau of the Census estimates for the resident population on Dec. 31, 1981, were used to calculate rates of incarceration. Sentenced prisoners are defined as those serving sentences of more than one year.
[2] Federal Bureau of Prisons data include the following number of persons held under jurisdiction of the Immigration and Naturalization Service: 1,921 on Dec. 31, 1981; 1,925 on June 30, 1982; and 1,234 on Sept. 30, 1982.
[3] Figures include both jail and prison inmates; jails and prisons are combined into one system.

[4] Massachusetts cannot distinguish inmates by sentence length; therefore, the incarceration rate is based on the total prisoner population.
[5] Figures for Georgia, Kentucky, and New Jersey exclude State prisoners held in local jails.
[6] Wisconsin's latest population counts are for Aug. 31, 1982.
[7] Iowa's and Texas' population counts are for prisoners in custody only.
[8] The following population counts for Sept. 30, 1982 are estimates: Colorado, Hawaii, North Carolina, and North Dakota.

Note: Prisoner counts may differ from those reported in previous publications and are subject to revision as updated figures become available.

PRISONS AND PRISONERS

Inmates of State prisons are predominantly poor young adult males with less than a high school education. Prison is not a new experience for them; they have been incarcerated before, many first as juveniles. The offense that brought them to prison was a violent crime or a burglary. On the average, they have already served 1½ years on a maximum sentence of 8½ years. Along with a criminal history, they have a history of drug abuse and are also likely to have a history of alcohol abuse. They are typically housed in a maximum or medium security prison where they are likely to be sharing their living space with at least one other person.

1979 PRISON CENSUS AND INMATE SURVEY

This sketch of State prison inmates is drawn from information collected during a census of each of the 791 correctional facilities operated by the 50 States and the District of Columbia and a sample survey conducted by a personal interview with more than 12,000 State prison inmates across the country. The Census of State Correctional Facilities and the Survey of Inmates were both conducted for the Bureau of Justice Statistics by the U.S. Bureau of the Census in late 1979. These studies, in general, confirm the findings of similar studies conducted 5 years earlier, while at the same time identifying certain changes in the characteristics of prison populations that have taken place in the intervening years.

The basic consistency in the findings for 1974 and 1979 suggest that these data represent a reasonably accurate portrait of State prisoners in 1982. The picture of confinement and crowding is a less accurate portrayal of the situation in early 1982. State prison populations have risen 18% since the 1979 study was conducted without a commensurate increase in prison space. Consequently, space shortages in State prisons are considerably more acute than the 1979 data indicate.

PRISONER CHARACTERISTICS NOT TYPICAL OF GENERAL POPULATION

The racial composition of State prison populations in 1979 had not changed significantly from that recorded 5 years earlier. Blacks, who made up 12% of the total U.S. population, accounted for 48% of the prison population; whites accounted for 50%; other racial groups, 2%. The number of Hispanic prisoners, however, doubled during the 5 years and in 1979 they represented 9% of all State prisoners. The rate of growth for females was substantially higher than males, yet females represented only 4% of the prisoners, about the same as in 1974.

The largest group of the inmates, young people from 18 to 29 years of age, accounted for 63% of the population. Less than 1% of the inmates were under 18; only 4% were over 50. In 1979 as in 1974, the median age of inmates was 27.

EDUCATION AND INCOME LOW

The 1979 inmates were somewhat better educated than their 1974 counterparts, but nearly 3 out of every 5 had not completed high school. As a group, they average 11.2 years of schooling. The lack of a high school diploma undoubtedly contributed to their employment problems and low income during the year prior to the arrest that led to incarceration. Only 60% had been working full time. Among the 30% who had no job, full- or part-time, half were not looking for work. Among inmates admitted to prison after November 1977, one-fifth had no income in the 12 months prior to arrest and another fifth had earned less than $3,000./[1] For this group as a whole, the median annual income for the year prior to arrest was $6,660, far lower than the 1979 national median for males, $10,972.

MOST OFFENDERS VIOLENT

In 1979, 57% of the of State prisoners had been convicted of violent crimes compared with 52% 5 years earlier. Among the violent offenders, 30% had committed murder, attempted murder, or manslaughter and 45%, robbery. Roughly a third of all inmates were convicted of property crimes; more than half of these were burglars. Three-fourths of the State prison inmates had used drugs, but 7% were in prison because of a drug offense, compared with 10% in 1974. This slight drop may be attributable to decriminalization of certain marijuana offenses by some jurisdictions as well as to increased prosecutorial attention to violent crime cases.

SELECTED CHARACTERISTICS OF STATE INMATES, NOVEMBER 1979

Characteristic	Number	Percent
Total	274,564	100.0
Age at survey:		
Under 30	173,093	63.0
30 and over	101,471	37.0
Median	27.3	NA
Sex:		
Male	263,484	96.0
Female	11,080	4.0
Race:		
White	136,296	49.6
Black	131,329	47.8
Other	6,939	2.5
Ethnicity:		
Hispanic	25,816	9.4
Non-Hispanic	248,748	90.6
Prior incarceration record:		
With prior incarceration	175,473	63.9
Juvenile only	21,666	7.9
Adult only	79,652	29.0
Both	62,476	22.8
Not available	11,680	4.3
Without prior incarceration	97,866	35.6
Not available	1,225	0.4
Current offense:		
Violent	157,742	57.5
Murder & attempted murder	37,352	13.6
Manslaughter	10,941	4.0
Sexual assault	17,053	6.2
Robbery	68,324	24.9
Assault	17,554	6.4
Other	6,517	2.4
Property	85,562	31.1
Burglary	49,687	18.1
Larceny	13,018	4.7
Auto theft	5,138	1.9
Forgery, fraud, embezzlement	11,894	4.3
Other	5,825	2.1
Drug	19,420	7.1
Public order	10,982	4.0
Unspecified	859	0.3
Maximum sentence length:		
Less than 5 years	56,517	20.6
5 to 9 years	63,775	23.2
10 to 14 years	39,062	14.2
15 to 19 years	24,211	8.8
20 to 97 years	46,015	16.8
98 years or more	2,143	0.8
Median	103.6	NA
Life	27,740	10.1

[1] Income data were restricted to persons admitted to prison after November 1977 in order to minimize the extent to which inflation distorts the comparability of incomes earned in different years.

SELECTED CHARACTERISTICS OF STATE INMATES, NOVEMBER 1979—Continued

Characteristic	Number	Percent
Death	1,270	0.5
Not available	13,832	5.0
Time served on current offense:		
Less than 1 year	95,634	34.8
1 to 1.9 years	63,595	23.2
2 to 2.9 years	40,133	14.6
3 to 3.9 years	24,273	8.8
4 to 4.9 years	16,338	6.0
5 to 9.9 years	27,344	10.0
10 years or more	6,057	2.2
Median (in months)	18.0	NA
Not available	1,191	0.4
Education:		
Less than 12 years	159,340	58.0
12 years or more	115,224	42.0
Median	11.2	NA
Prearrest employment status:		
Employed	192,800	70.2
Full-time	165,577	60.3
Part-time	27,223	9.9
Not employed	81,005	29.5
Looking for work	38,230	13.9
Not looking for work	42,433	15.5
Not available	342	0.1
Not available	759	0.3
Prearrest annual income:		
Total [1]	25,940	100.0
With income	20,172	77.8
Less than $3,000	4,982	19.2
$3,000–$9,999	7,834	30.2
$10,000 or more	6,457	24.9
Don't know	899	3.5
Median	$6,660	NA
Without income	5,768	22.2

[1] Includes only persons admitted after November 1977.
NA: Not applicable.
Note.—Detail may add to totals shown because of rounding.

Reflecting the more serious nature of their crimes, prisoners in 1979 were serving somewhat longer sentences than those in 1974. In 1979, 54% of those reporting sentence length had received a maximum sentence of 10 years or more compared to 50% in 1974. Ten percent of the 1979 inmates were serving life sentences. Only 1 inmate in 3 had not served time previously. Of those with a record of prior incarceration, half began that record while still legally a juvenile and over a third had prior incarcerations as both juveniles and adults. The proportion of inmates who were recidivists was the same in 1979 as in 1974, specifically 64%.

DRUG AND ALCOHOL ABUSE COMMON

More than half of the State inmates had been regular users sometime in their lives. Among drug users 40% had been heroin addicts; most of the others had been habitual users of marijuana. Among prisoners who said they had used drugs only occasionally (23%), most were marijuana users, but 8% of all inmates said they had used heroin occasionally. About half the inmates drank daily or almost daily in the year before their arrest. Most had done so heavily, consuming the equivalent of 8 cans of beer, 7 glasses of wine, or 10 ounces of hard liquor. Another 26% drank weekly. Some 18% said they did not drink at all. About half of all inmates admitted to drinking, most of them heavily, just prior to the offense that brought them to prison.

MOST HELD IN SECURE PRISONS

Almost all the inmates were held in traditional, secure-confinement institutions; only 4% were in relatively open facilities providing access to community resources.[2] Of the

[2] In the 1979 census, a correctional facility was considered a community-based residence rather

total 223 community-based facilities in the United States, Florida accounted for more than twice as many (38) as any other State. In some States, however, such residences may be operated through agencies other than the Department of Corrections. Of the Nation's 568 confinement facilities, the largest single group (73) was in North Carolina; on the average, however, that State's facilities had a lower capacity than those in most other jurisdictions.[3] Texas held the largest number of inmates (26,290), followed by California (22,745) and Florida (19,554).

CONFINEMENT CONDITIONS VARY

The largest group of inmates in confinement institutions (42%) was held under maximum security conditions; 37% under medium security; 19% under minimum security; and 2% either not classified or categorized in a different manner. The proportion of inmates held in maximum security facilities, which have extremely high operating cost, ranged from 94% in Texas to less than 10% in New Hampshire, North Carolina, and Wyoming. In 14 States more than half of all prisoners were confined in maximum security institutions.

If 60 square feet per person is used as a standard, then 58% of all one-person cells, 90% of all two-person cells, and 20% of all larger living units in traditional prisons were overcrowded. No State avoided placing at least some of its inmates into space that was less than 60 square feet per person. The 39 States with community-based facilities generally did not have as severe a problem with overcrowding in these facilities as they did among their secure institutions.

The most common confinement unit in each State was the one-person cell. Overcrowding occurs in these units when the cell contains less than 60 square feet or more than one person. Two States, Arkansas and South Dakota, had no overcrowded one-person cells, but at least 97% of the one-person cells were overcrowded in Mississippi, North Dakota, Texas, West Virginia, and Wyoming.

Slightly more than 97,000 persons were employed in State correctional facilities in 1979; more than 97% of them were employed full time. The total number of correctional personnel increased by some 60% during 1974–79, with a resultant decline from 3.2 to 2.9 in the number of inmates per full-time staff member. Among traditional confinement units, there were 58,700 full-time employees with direct responsibility for inmate supervision. On the average, each of these employees was responsible for 4.5 inmates, but the number ranged from 2.1 in Rhode Island to 13.7 in Texas.

FURTHER READING

The first release of data from the November 1979 Survey of Inmates of State Correctional Facilities and its companion Census of State Correctional Facilities was the *Veterans in Prison* bulletin, October 1981, NCJ-79232. The most recent prison population data was released in the *Prisoners at Midyear 1981* bulletin, September 1981, NCJ-78756.

NUMBER OF FACILITIES AND INMATES, BY TYPE OF FACILITY, SECURITY LEVEL, REGION, AND STATE, NOVEMBER 1979

Region and State	All facilities		Confinement facilities							Community-based facilities	
				Inmates							
	Facilities	Inmates	Facilities	Total	Maximum	Medium	Minimum	Not classified	Other	Facilities	Inmates
United States	791	274,563	568	263,553	109,738	98,189	51,193	3,616	817	223	11,010
Northeast	115	41,620	85	40,700	19,630	14,933	4,869	1,040	228	30	920
Maine	5	684	3	637	382	168	87	0	0	2	47
New Hampshire	3	299	1	281	20	233	28	0	0	2	18
Vermont	6	376	6	376	95	132	113	36	0	0	0
Massachusetts	19	2,712	13	2,453	798	1,209	386	13	47	6	259
Rhode Island	6	741	5	673	285	108	123	119	38	1	68
Connecticut	10	3,831	10	3,831	1,065	2,664	102	0	0	0	0
New York	33	19,426	30	19,199	10,233	7,589	1,377	0	0	3	227
New Jersey	9	5,919	8	5,890	3,504	239	1,369	778	0	1	29
Pennsylvania	24	7,632	9	7,360	3,248	2,591	1,284	94	143	15	272
North Central	157	61,682	101	59,399	23,080	23,787	11,340	1,183	9	56	2,283
Ohio	13	13,362	10	13,278	3,119	7,935	1,531	693	0	3	84
Indiana	16	5,672	10	5,431	2,947	1,645	736	103	0	6	241
Illinois	21	11,627	12	11,219	3,565	5,158	2,128	368	0	9	408
Michigan	40	14,018	25	13,347	6,022	3,550	3,775	0	0	15	671
Wisconsin	16	3,353	10	3,168	1,402	1,168	588	1	9	6	185
Minnesota	7	2,030	5	1,987	1,016	827	144	0	0	2	43
Iowa	15	2,202	8	1,960	828	936	196	0	0	7	242
Missouri	9	5,189	7	5,012	2,342	1,427	1,232	11	0	2	177
North Dakota	2	235	2	235	186	40	9	0	0	0	0
South Dakota	2	587	2	587	411	175	1	0	0	0	0
Nebraska	8	1,193	4	1,029	352	255	415	7	0	4	164
Kansas	8	2,214	6	2,146	890	671	585	0	0	2	68
South	405	128,753	292	121,708	54,711	42,049	23,642	728	578	113	7,045
Delaware	6	1,370	5	1,325	193	794	143	187	8	1	45
Maryland	18	7,961	13	7,429	2,086	3,913	1,427	0	3	5	532
District of Columbia	8	2,245	5	2,070	809	1,089	167	0	5	3	175
Virginia	42	8,296	38	8,050	2,609	3,976	1,454	11	0	4	246
West Virginia	7	1,263	4	1,211	144	907	124	36	0	3	52
North Carolina	84	14,732	73	13,931	1,304	6,664	5,866	97	0	11	801
South Carolina	32	7,061	23	6,220	1,383	2,117	2,573	147	0	9	841
Georgia	25	9,451	18	9,033	4,153	3,263	979	77	561	7	418
Florida	77	19,554	39	17,681	8,516	5,234	3,866	64	1	38	1,873
Kentucky	10	3,680	10	3,680	780	2,133	767	0	0	0	0
Tennessee	13	6,522	8	6,024	1,346	3,936	736	6	0	5	498
Alabama	21	3,832	9	3,215	426	1,825	958	6	0	12	617
Mississippi	10	2,389	7	2,310	1,278	0	1,032	0	0	3	79
Arkansas	7	3,015	5	2,805	2,445	265	95	0	0	2	210
Louisiana	7	6,611	7	6,611	1,129	3,213	2,172	97	0	0	0
Oklahoma	21	4,481	11	3,823	1,331	1,668	824	0	0	10	658
Texas	17	26,290	17	26,290	24,779	1,052	459	0	0	0	0
West	114	42,508	90	41,746	12,317	17,420	11,342	665	2	24	762
Montana	2	703	2	703	335	187	138	43	0	0	0
Idaho	3	801	3	801	407	201	193	0	0	0	0
Wyoming	3	482	3	482	33	309	140	0	0	0	0
Colorado	9	2,241	7	2,189	1,129	442	496	122	0	2	52
New Mexico	5	1,511	2	1,299	164	898	237	0	0	3	212
Arizona	9	3,277	5	3,197	1,413	758	1,026	0	0	4	80
Utah	5	993	2	917	169	224	490	34	0	3	76
Nevada	6	1,547	5	1,532	305	929	298	0	0	1	15
Washington	12	3,884	9	3,781	2,204	632	945	0	0	3	103
Oregon	10	2,975	6	2,879	2,143	57	679	0	0	4	96
California	32	22,745	30	22,645	3,654	12,315	6,465	211	0	2	100
Alaska	9	592	9	592	256	200	130	5	1	0	0
Hawaii	9	757	7	729	105	268	105	250	1	2	28

than a confinement institution if at least half the residents were regularly permitted (or eligible) to depart unaccompanied for the daily use of community resources, such as schools or treatment programs, or for seeking or holding employment.

[3] Details on facility capacity will be presented in a subsequent report.

[From the Bureau of Justice Statistics Bulletin]

PRISONERS IN 1981

During 1981, the Nation's prison population grew by almost 40,000—by far the largest increase in a single year since data became available in 1925. This huge 12.1 percent influx pushed the number of Federal and State prisoners up to 369,099 and surpassed the record 10.5 percent annual growth rate set in 1975. Between 1980 and 1981 the incarceration rate of sentenced prisoners rose from 139 to 154 per 100,000 U.S. resident population.

The sharp increase can be attributed in part to sentencing laws enacted by many States during the past 5 years, notably mandatory imprisonment for certain crimes, usually those of a violent nature, and determinate sentencing, which, in general, precludes the possibility of parole.

During 1981, the number of States under court orders to reduce overcrowding rose from 28 to 31, while the number involved in litigation about overall prison conditions increased from 32 to 37. Moreover, dependence on local jails for substitute housing grew substantially.

The 1981 prison population increase affected both Federal and State correctional systems, as well as both sentenced and unsentenced prison inmates. The number of prisoners under Federal jurisdiction grew by nearly 3,800, or 16 percent, reversing a 3-year decline begun in 1978 that had reduced the Federal prison population by one-fourth. Federal authorities linked the 1981 growth to increased attention to bank robbery and drug offenses.

The bulk of the increase in prisoners occurred in State institutions, which held an additional 36,000 inmates at yearend. Behind this growth were measures reflecting a sterner public attitude toward crime and criminals. During the past 5 years 37 States have passed mandatory sentencing laws and 11 States have passed determinate sentencing laws, both of which frequently result in a longer average time served than indeterminate sentences. Many States have adopted more stringent regulations on the use of parole, and four States have abolished it altogether.

During 1981, prison populations increased in 49 States and the District of Columbia. Only Michigan, which released prisoners under its new emergency "rollback" law, reported a decline (1 percent). Increases of less than 5 percent occurred in only seven States (Maine, Minnesota, New Mexico, North Carolina, Oregon, West Virginia, and Wyoming).

TABLE 1.—PRISONERS UNDER JURISDICTION OF STATE AND FEDERAL CORRECTIONAL AUTHORITIES, BY REGION AND STATE, YEAREND 1980 and 1981

Region and State	Total	1981		Sentenced to a year or less or unsentenced			Number of sentenced prisoners per 100,000 population Dec. 31, 1981 [1]
		1980	Percent change	1981	1980	Percent change	
United States	369,009	329,207	12.1	16,533	14,497	14.0	154
Male	353,482	315,838	11.9	15,314	13,378	14.5	303
Female	15,527	13,369	16.1	1,219	1,119	8.9	12
Federal institutions	[2] 28,133	24,363	15.5	[2] 5,964	3,752	59.0	10
State institutions	340,876	304,844	11.8	10,569	10,745	−1.6	144
Northeast	53,145	45,842	15.9	2,661	3,281	−18.9	102
Maine	866	829	4.5	132	143	−7.7	65
New Hampshire	384	326	17.8	0	0		41
Vermont [3]	534	480	11.2	138	138	0	77
Massachusetts	3,779	3,191	18.4	[4]	35		65
Rhode Island [3]	962	813	18.3	274	202	35.6	72
Connecticut [3]	4,647	4,308	7.9	1,652	2,192	−24.6	96
New York	25,658	21,829	17.5	118	176	−33.0	145
New Jersey [5]	6,958	5,884	18.3	267	320	−16.6	90
Pennsylvania	9,357	8,182	14.4	[6] 80	75	6.7	78
North Central	72,228	66,041	9.4	1,111	1,717	−35.3	121
Ohio	14,968	13,489	11.0	0	0		139
Indiana	8,054	6,683	20.5	495	402	23.1	138
Illinois	13,499	11,899	13.4	405	1,175	−65.5	114
Michigan	[7] 14,992	15,124	−.9	0	0		163
Wisconsin	[7] 4,378	3,980	10.0	0	0		92
Minnesota	2,024	2,001	1.1	0	0		49
Iowa	2,713	2,513	8.0	3	2	50.0	94
Missouri	6,154	5,524	11.4	0	0		125
North Dakota	308	253	21.7	66	68	−2.9	37
South Dakota	693	635	9.1	31	26	19.2	97
Nebraska	1,633	1,446	12.9	111	44	152.3	97
Kansas	2,812	2,494	12.8	0	0		118
South	160,259	145,711	10.0	4,621	3,708	24.6	202
Delaware [3]	1,716	1,474	16.4	434	387	12.1	214
Maryland	9,335	7,731	20.7	[6] 423	0		209
District of Columbia [3]	3,543	3,145	12.7	611	426	43.4	461
Virginia	9,388	8,920	5.2	375	339	10.6	166
West Virginia	1,312	1,257	4.4	0	0		67
North Carolina	15,761	15,382	2.7	937	1,057	−11.4	250
South Carolina	8,527	7,862	8.5	529	435	21.6	253
Georgia	14,030	12,210	14.9	337	256	31.6	246
Florida	23,238	20,735	12.1	672	524	28.2	222
Kentucky	3,993	3,608	10.7	0	0		109
Tennessee	7,883	7,022	12.3	0	0		171
Alabama	7,441	5,961	24.8	141	175	−19.4	186
Mississippi	4,624	3,902	18.5	130	109	19.3	178
Arkansas	3,283	2,925	12.2	32	0		142
Louisiana	9,405	8,889	5.8	0	0		218
Oklahoma	5,248	4,796	9.4	0	0		169
Texas	31,502	29,892	5.4	0	0		214
West	55,244	47,250	16.9	2,176	2,039	6.7	120
Montana	798	738	8.1	0	1	−100.0	101
Idaho	[8] 994	817	21.7	0	0		104
Wyoming	558	534	4.5	0	0		113
Colorado	2,772	2,629	5.4	2	20	−90.0	93
New Mexico	1,524	[10] 1,461	4.3	101	80	26.2	107
Arizona	[6] 5,211	4,372	19.2	5	12	−58.3	186
Utah	1,140	932	22.3	14	4	250.0	74
Nevada	2,141	1,839	16.4	0	0		253
Washington	5,336	[5] 4,382	21.8	0	0		127
Oregon	3,282	3,170	3.5	3	5	−40.0	124
California [11]	29,267	24,569	19.1	1,290	1,305	−1.1	116
Alaska [3]	1,019	822	24.0	311	251	23.9	172
Hawaii [3]	1,202	985	22.0	450	361	24.7	77

[1] Unpublished Bureau of the Census estimates for the resident population on July 1, 1981, were used to calculate sentenced prisoners per 100,000 persons for both the States and the nation as a whole. Sentenced prisoners are defined as persons serving sentences longer than a year.
[2] Figure includes 1,921 persons held under jurisdiction of the Immigration and Naturalization Service rather than the Bureau of Prisons.
[3] Figure includes both jail and prison inmates; jails and prisons are combined into 1 system.
[4] Not available.
[5] Official prison population counts exclude State prisoners held in local jails.
[6] Estimate.

[7] Figure is for Nov. 30, 1981.
[8] Figure for inmates under State jurisdiction but not in State custody are not available.
[9] Figure includes 7 escapees.
[10] Figure may be understated due to a recordkeeping backlog.
[11] Figures exclude adult inmates under the jurisdiction of the California Youth Authority.

Note.—Yearend 1980 prisoner counts may differ from those in "Prisoners in State and Federal Institutions on December 31, 1980," because reporting officials are given the opportunity to update NPS records. Similarly, yearend 1981 data are preliminary and subject to revision.

Nearly half the growth in the number of State prisoners occurred in the seven States that added more than 1,600 inmates each during the year. Almost a third of the nationwide growth occurred in the three largest State prison systems, California, New York, and Florida, which experienced gains of 4,698, 3,829, and 2,503 respectively. California officials attributed their 19 percent increase to legislation enacted in 1980 requiring mandatory imprisonment of violent offenders, as well as to a rise in reported crime and a "get tough" attitude among law enforcement personnel. New York officials attributed their large increase to legislation requiring mandatory sentencing for violent offenders and the allocation of greater resources to the prosecution of felonies. Florida's 12 percent growth was linked by officials there to a larger number of convictions and high unemployment. The other States with gains of more than 1,600 each were Georgia, Texas, Maryland, and Illinois. Reasons variously cited for increases in these States were longer sentences, increased admissions, and the opening of new facilities.

Along with growth in the absolute number of prisoners were unprecedented percentage increases. Nine States recorded increases of 20 percent or more, including five States under court order to reduce overcrowding. Alabama, whose inmate population grew by 25 percent, attributes its increase to a sharp rise in the crime rate, curtailed use of probation, and the exclusion of certain types of felony offenders from the opportunity to earn good-time credits. Washington, with a 22 percent rise, links its growth to increased admissions, longer sentences, and the mandatory imprisonment of violent offenders, mainly those using a weapon. Correctional officials in Indiana attribute that State's 21 percent population rise to an increase in the amount of crime committed, the elimination of parole, and the incarceration of more short-term offenders.

TABLE 2.—STATES WITH PRISON POPULATION INCREASES OF 20 PERCENT OR MORE DURING 1981

State	Dec. 31, 1981	Dec. 31, 1980	Percent change
Alabama	7,441	5,961	24.8
Alaska	1,019	822	24.0
Utah	1,140	932	22.3
Hawaii	1,202	985	22.0
Washington	5,336	4,382	21.8
Idaho	994	817	21.7
North Dakota	306	253	21.7
Maryland	9,335	7,731	20.7
Indiana	8,054	6,683	20.5

TABLE 3.—STATE PRISONERS HELD IN LOCAL JAILS BECAUSE OF OVERCROWDING

	1981	1982
Total	8,576	7,130
Alabama	1,485	1,410
Florida	288	285
Georgia	1,729	770
Kentucky	104	94
Louisiana	793	1,267
Maine	23	6
Maryland	71	277
Massachusetts		125
Michigan	162	75
Mississippi	1,172	1,243
Montana	1	1

TABLE 3.—STATE PRISONERS HELD IN LOCAL JAILS BECAUSE OF OVERCROWDING—Continued

	1981	1982
New Hampshire	19	
New Jersey	[1] 945	[1] 200
New Mexico	18	13
New York	39	
Oklahoma	72	124
South Carolina	544	609
Tennessee	212	178
Utah	29	
Virginia	[2] 846	368
Washington	24	[1] 85

[1] Not included in this State's official prison count.
[2] Includes some persons held for reasons other than overcrowding.

Alaska, Hawaii, Idaho, North Dakota, and Utah, all States with relatively small prison populations, also recorded increases of 20 percent or more. Chief among explanations advanced for growth in these States were mandatory sentencing, increase in crime, and a rise in public demand for the incarceration of offenders.

To cope with growing inmate populations, States have used various forms of early release, commutation, and extended furlough to make room for new admissions. Usually, such releases are granted to nonviolent offenders and those inmates with good conduct records. During 1981, Michigan and Iowa passed laws that define the point at which crowding becomes an emergency and that establish procedures for early release. When the population of institutions exceeds rated capacity for a specified time—30 days in Michigan and 45 days in Iowa—certain prisoners due to leave within 90 days, preferably nonviolent offenders, become eligible for early release. This "rollback" procedure remains in effect until the confined population has been reduced to rated capacity. In Minnesota, sentencing is used to assure that the number of inmates remains 5 percent below rated capacity.

Measures taken to control the size of incarcerated populations through increased use of probation and early release have had a relatively small impact on the overall problem of overcrowding. Various States have employed emergency confinement facilities such as trailers, tents, prison hospitals, prefabricated buildings, and military stockades. Many have assigned two or even three inmates to cells designed for only one. In some institutions inmates sleep in hallways or on floors. Although data on recent prison construction are incomplete, new or expanded facilities are known to have opened in Arkansas, Maryland, New Mexico, Ohio, and Washington during 1981.

TABLE 4.—STATES HOLDING PRISONERS IN LOCAL JAILS BECAUSE OF OVERCROWDING

	Number of States	Number of prisoners
1981	20	8,576
1980	18	7,130
1979	15	6,497
1978	12	6,774
1977	10	7,048
1976	10	7,725

Throughout the year, correctional authorities continued to rely on local jail facilities to house excess State prisoners. In all, 20 States had prisoners backlogged in local jails, up from 18 in 1980 and twice as many as in 1976, when such data were first collected. At yearend, 8,600 State inmates were confined in local jails, 1,446 more than a year earlier. During the year, this method of housing State prisoners met increasing resistance from local authorities.

Unsentenced prisoners and prisoners sentenced to a year or less comprised 4 percent of the inmate population in 1981. Generally, these inmates were disproportionately female and disproportionately under Federal rather than State jurisdiction. More than half of all such inmates were confined in 9 jurisdictions—California and North Carolina plus the seven with combined jail/prison systems (Alaska, Connecticut, Delaware, the District of Columbia, Hawaii, Rhode Island, and Vermont). Those in California were for the most part confined under civil narcotics statutes. In North Carolina, persons sentenced to a maximum of 181 days serve their time in State facilities. Five other States with more than 400 such prisoners each—Illinois, Indiana, Maryland, South Carolina, and Florida—accounted for another quarter. Federal authorities were holding nearly 6,000 inmates with no sentences or short sentences at yearend. Of these nearly a third were Cuban and Haitian refugees detained by the Immigration and Naturalization Service (INS), awaiting immigration proceedings to determine whether they should be deported. Most INS detainees are confined outside the Federal prison system, however, and are not included in the total prisoner count.

The large rate of increase for female prisoners may represent the acceleration of a trend that spans a decade. Between 1971 and 1981 the number of women sentenced to more than a year increased by over 100 percent; the number of men, by 75 percent. In both cases, the increase in the inmate population substantially exceeded the increase in persons arrested for violent crimes and serious property crimes combined—47 percent for men and 68 percent for women between 1971 and 1980.

The number of women in prison rose by 16.1 percent in 1981, more than the increase for males and much more than the increase for women a year earlier. Despite their large increase, women still account for only 4.2 percent of the prison population, a proportion that has not changed substantially over the past 5 years.

The large gain in female prisoners was distributed widely across the United States. Only six States—Arkansas, Michigan, Minnesota, Missouri, Rhode Island, and Wyoming—showed decreases in female inmates, and these tended to be quite small.

The prison population also grew substantially faster than the general population during the 1971–81 decade. In 1971, 96 persons were imprisoned for more than a year for every 100,000 persons in the general population. Ten years later the incarceration rate had risen to 154 inmates per 100,000 population. States with incarceration rates above 200 were all located in the South except for Nevada. States with the lowest incarceration rates were located primarily in the Northeast. Incarceration rates

for men and women were 303 and 12 respectively.

FURTHER READING

Data in this report are preliminary and subject to revision. A final report on the prison population in 1981 will be published later under the title *Prisoners in State and Federal Institutions on December 31, 1981.* To obtain reports for the years 1971 through 1980 or to be added to the bulletin mailing list, write to the Bureau of Justice Statistics, Washington, D.C. 20531.●

By Mr. SPECTER:

S. 1006. A bill to amend the Internal Revenue Code of 1954 to repeal the 15-percent reduction in percentage depletion for iron ore and coal; to the Committee on Finance.

DEPLETION FOR IRON ORE AND COAL

Mr. SPECTER. Mr. President, during consideration of the Tax Equity and Fiscal Responsibility Act of 1982, an amendment which I introduced resulted in a 1-year delay in the scheduled 15-percent reduction in the depletion allowance for coal and iron ore. The purpose of this amendment, which passed the Senate and prevailed in conference, was to facilitate the recovery of these two industries from a severe recession.

Unfortunately, the anticipated recovery has not yet materialized. For example, in July 1982, when the Senate considered the deferral of the 15-percent reduction, the coal industry was operating at 80 pecent of capacity. Recent calculations by the National Coal Association put its present capacity utilization at 67 percent. Metallurgical coal, which is a crucial ingredient in the production of steel, is now operating at only 48 percent of capacity. These figures do not augur well for any rejuvenation of the steel industry.

In the first quarter of 1983, the unemployment level in the coal industry was at 75,000, compared to the 40,000 unemployed in July last year. This brings the national unemployment rate for this depressed industry to 31.6 percent. This jump in the number of layoffs only adds to the continuing spiral of national unemployment, which the Congress and the administration are trying to bring under control.

In the case of the iron ore industry, when the deferral of the 15-percent reduction in percentage depletion was debated in July 1982, the iron ore industry was operating at less than 11 percent of its estimated capacity of production. Since then, the situation has improved only marginally. During the last quarter of 1982, the iron ore producers operated at roughly 31 percent of the aggregate national capacity, a rate which approximates that of the Great Depression.

The unemployment crisis in the iron ore industry has hardly abated at all. At the time of consideration of the Tax Equity Act, total employment in the iron ore industry had declined, from the previous year, by approximately 15,000, or 70 percent of its total work force. Recent estimates of the number of unemployed hourly rated iron ore workers have been as high as 11,300, which includes only those in mines and plants, and not clerical and managerial personnel. Thus, this is an industry with over two-thirds of its work force laid off, and precious little relief in sight.

The obvious slump of these two industries would appear to mandate not just a deferral of the scheduled 15-percent reduction in percentage depletion allowances, but their elimination as well. As I noted in my floor statement of July 22, 1982, the original Finance Committee proposal intended to reduce percentage depletion allowances by 15 percent for all hard rock minerals. This idea was altered in markup to eliminate all proposed reductions in percentage depletion allowances except for coal and iron ore. This action effectively singled out the coal and iron ore industries, which have been just as depressed as other mining industries. To initiate what is tantamount to an increase in taxes for these industries would not only cripple the efforts of coal and iron ore to recover, but would actually curb any recovery activity in the badly depressed steel industry. This would be counterproductive and ultimately more costly in the long run, given the loss in tax revenues and the increased transfer payments that would have to be made to unemployed workers.

Mr. President, the reduction in depletion allowances is not only poor economic policy, it is also based upon false assumptions concerning the tax treatment of mined coal and iron ore. Furthermore, it is a fundamental misconception to think that corporations operating in these two industries have been enriched through the Tax Code by the designation of corporate percentage depletion as a preference item. The Finance Committee proposal was justified on the grounds that the coal and iron ore industries received special treatment under section 631 of the Internal Revenue Code, which permits a capital-gains-type treatment for the royalties received by a mineowner from the operator of that mine. Section 631 is of doubtful relevance to depletion allowances, because the benefits of the capital gains treatment accrue to owners, while the provisions of the finance bill affect operators.

The increased tax benefits and cash flow resulting from section 631 do not necessarily accrue to iron ore and coal companies. Therefore, many companies will be as adversely affected by the reduced depletion allowances as the other mining companies would have been. The coal and iron ore industries do not receive special treatment—as some have asserted—under section 631; their depletion allowances are treated in the same manner as any other mining industry.

With the coal and iron ore industries barely able to remain solvent, I urge my colleagues to not aggravate an already dire cash flow situation. Not only are these two industries responsible for the rehiring and well-being of their laidoff employees, they are important cornerstones of our Nation's industrial infrastructure and defense capability. Without coal and iron ore, it is difficult to envision either a speedy economic recovery or a credible national security posture. These critical industries must not be penalized by the Tax Code at a time when their very survival is so questionable. I urge the Finance Committee to take prompt action on this bill.

By Mr. D'AMATO:

S. 1007. A bill to authorize the Secretary of the Interior to enter into a cooperative agreement to maintain the gravesite of Samuel "Uncle Sam" Wilson and to erect and maintain tablets or markers at such gravesite in commemoration of the progenitor of the national symbol of the United States; to the Committee on Energy and Natural Resources.

MAINTENANCE OF A MARKER ON THE GRAVE OF SAMUEL "UNCLE SAM" WILSON

● Mr. D'AMATO. Mr. President, I rise today to introduce legislation to maintain the gravesite of Samuel "Uncle Sam" Wilson and to erect and maintain tablets or markers at such gravesite in commemoration of the progenitor of the national symbol of the United States.

Uncle Sam has taken the leading role in every major event in American history for the past 150 years. The symbol "Uncle Sam" is known, recognized, and respected by every country in the world and what it stands for, "democracy". He survives through times of war and peace, times of plenty and lean, and times of great expectation and dismal outlook to represent the American ideal.

Uncle Sam really lived and his nickname was given as the new symbol of the United States during his lifetime. As few men become legends in their own time, it would be a travesty to fail to honor a man who became his country's symbol while he lived after he has died. I urge the Senate to favorably consider this legislation.●

By Mr. HATCH (for himself and Mr. STAFFORD):

S. 1008. A bill to make certain technical amendments to improve implementation of the Education Consolidation and Improvement Act of 1981, and for other purposes; to the Committee on Labor and Human Resources.

EDUCATION CONSOLIDATION AND IMPROVEMENT ACT AMENDMENTS

Mr. HATCH. Mr. President, I am today introducing a bill intended to replace S. 112, which I sponsored earlier in the session. Again joining me as cosponsor is my esteemed colleague, Senator ROBERT T. STAFFORD. S. 112 is a set of technical amendments intended to clarify and conform to congressional intent certain provisions of the Omnibus Budget Reconciliation Act of 1981, particularly that portion known as the Education Consolidation and Improvement Act of 1981. As will often happen, since the introduction of S. 112 additional desirable amendments have been fielded in various quarters and the continuing process of legislative review has revealed some alterations to S. 112 to be warranted. The extent of these changes, developed by Senator STAFFORD and myself, are significant enough that we felt it best to introduce a substitute bill for consideration by the Senate.

I would like to comment briefly on the key differences between this measure and S. 112. A new paragraph has been added to section 2 which makes plain the congressional intent that children who have the greatest need for special services be included among those selected by local educational agencies for participation in chapter I programs. The statute as presently drafted is not clear on whether this participation is required or simply authorized, and we squarely make it a requirement with this amendment. However, in keeping with ECIA's emphasis on local flexibility and responsibility, we leave to the local agency the determination of how those in greatest need are to be determined and of how they are to be served, consistent with the general purposes of the ECIA.

We have deleted section 3"(d)(1)" and 3"(d)(6)" of S. 112. Thorough analysis has convinced us that local agencies already have under the ECIA the flexibility to designate school attendance areas with down to a 25-percent concentration of children from low-income families, and indeed below that figure if they are serving areas with the highest concentrations of low-income children. The 25-percent figure was intended as an exception to a more stringent rule in the old title I programs under the Elementary and Secondary Education Act of 1965, and it is superfluous in the ECIA context. Likewise, we felt it unnecessary to retain section 3"(d)(6)" since section 555(c) and section 556(b)(2) of ECIA already provide clearly that any educationally deprived child may participate in the chapter I program if selected, and section 3"(d)(6)" states no more than that for a particular subset of educationally deprived children, those who were formerly in greatest need of special services.

The substitute bill includes a new section 4, similar to a concept advanced by Representative KILDEE in the House, requiring school districts to provide chapter I parents an opportunity to meet with school officials to discuss the chapter I programs and activities. I stress that this requirement is, congruent with the thrust of ECIA, general and nonprescriptive in its administration. The local educational agency has the responsibility and the discretion to determine how, when, and where this meeting should take place, and the weight to be given partental comments. The meeting could, at the agency's discretion, take place at one time and place, or there could be many meetings, one for each school or class, for example.

S. 112 repeals section 406A of the General Education Provisions Act, requiring the States and local agencies to furnish certain information to the Department of Education. While some of these information requirements were quite burdensome and not very useful, others were unobjectionable and should be retained. The present bill, therefore, confines the repealer to paragraphs 3 and 4 of section 406A, and preserves the rest.

The new bill also contains a new section 19, which attempts to correct a problem experienced by some of the more urban districts. The Omnibus Budget Reconciliation Act of 1981 included a "hold harmless" provision for the concentration grant program based on its proportion of title I ESEA funding in fiscal year 1980. Because of the districts' difficulty in obtaining proper funding for this program, we are strengthening the language by inserting it directly into the authorizing statute, the Education Consolidation and Improvement Act of 1981. Holding total funds for chapter I constant, full funding for the concentration grant program would, however, cause changes in the amount of funds each State receives and might shift somewhat the allocation of funds within States. I understand that in my own State of Utah, this amendment would likely cause small decreases in chapter I funding for rural districts. Because my policy has been to resist further budget decreases in education, I have spoken with Senator STAFFORD and we have agreed to press for additional funds for chapter I to minimize the effect of any shift in allocations resulting from this amendment.

Finally, this revised measure adds to section 19 of S. 112 a new paragraph (c), allowing Hawaii, the only State with a single Statewide school district, to have its individual administrative school districts considered as local educational agencies for the purpose of calculating impact aid eligibility if legislation with a minimum concentration formula is enacted. Under the "Super A" and "Super B" proposals of recent years, Hawaii has been unfairly disadvantaged. While some of its individual subdistricts would qualify if standing on their own, they could not obtain these "heavily impacted district" funds because they had to be averaged together with other lightly impacted subdistricts. This new paragraph will allow them to be treated for funding purposes as similar districts would be in other States.

In conclusion, Mr. President, I feel this new bill to be an improved version of S. 112, and feel its added merits recommend it even more highly for the prompt and favorable consideration of the Senate. I ask unanimous consent that the text of the bill be placed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1008

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

STATE PROGRAM DESIGN

SECTION 1. Section 555(b) of the Education Consolidation and Improvement Act of 1981 (Public Law 97-35; 20 U.S.C. 3801 et seq.) (hereafter in this Act referred to as "the Act") is amended to read as follows:

"(b) PROGRAM DESIGN.—State agency programs shall be designed to serve migratory children of migratory agricultural workers or of migratory fishermen, handicapped children, and neglected and delinquent children (as described in subparts 1, 2, and 3, respectively, of part B of title I of the Elementary and Secondary Education Act of 1965) in accordance with section 554(a)(2) and the other applicable requirements of this chapter. The Secretary shall continue to use the definition of 'currently migratory child' which was in effect on June 30, 1982, in regulations prescribed under subpart 1 of part B of title I of the Elementary and Secondary Education Act of 1965.".

APPLICATIONS

SEC. 2. (a) Section 556(b) of the Act is amended by inserting "or" at the end of paragraph (1)(A) and by striking out "or" at the end of paragraph (1)(B) and by striking out paragraph (1)(C).

(b) Section 556 of the Act is amended by adding at the end thereof the following:

"(C) EXEMPTION FROM TARGETING.—The requirements of subsection (b)(1) shall not apply in the case of a local educational agency with a total enrollment of less than one thousand children, but this subsection does not relieve such an agency from the responsibility to serve children under the assurances set forth in subsection (b) (2).".

(C) Clause (2) of section 556 (b) of the Act is amended by striking all that follows "areas," in such clause and inserting in lieu thereof "requires, among the educationally deprived children selected, the inclusion of those children who have the greatest need for special assistance, and determines the needs of participating children with sufficient specificity to ensure concentration on those needs;".

FLEXIBILITY TO CONTINUE TITLE I TYPE EXPENDITURES

SEC. 3. Section 556 of the Act is further amended by adding at the end thereof the following new subsection:

"(d) LOCAL EDUCATIONAL AGENCY DISCRETION.—Notwithstanding subsection (b)(1) of this section, a local education agency shall have discretion to make educational decisions which are consistent with achieving the purposes of this chapter as set forth in this subsection, as follows:

"(1) A local educational agency may, with the approval of the State educational agency, designate as eligible (and serve) school attendance areas with substantially higher numbers or percentages of educationally deprived children before school attendance areas with higher concentrations of children from low-income families, but this provision shall not permit the provision of services to more school attendance areas than could approve such a preposal only if the State educational agency finds that the proposal will not substantially impair the delivery of compensatory education services to educationally deprived children from low-income families in project areas served by the local educational agency.

"(2) Funds received under this chapter may be used for educationally deprived children who are in a school which is not located in an eligible school attendance area when the proportion of children from low-income families in average daily attendance in such school is substantially equal to the proportion of such children in an eligible school attendance area of such agency.

"(3) If an eligible school attendance area or eligible school was so designated in accordance with section 556(b)(1)(A) in either of two preceding fiscal years, it may continue to be so designated for a single additional fiscal year even though it does not qualify in accordance with section 556(b)(1)(A).

"(4) With approval of the State educational agency, eligible school attendance areas or eligible schools which have higher proportions of children from low-income families may be skipped if they are receiving, from non-Federal funds, services of the same nature and scope as would otherwise be provided under this chapter, but (a) the number of children attending private elementary and secondary schools who receive services under this chapter shall be determined without regard to non-Federal compensatory education funds which serve eligible children in public elementary and secondary schools, and (B) children attending private elementary and secondary schools who receive assistance under this chapter shall be identified in accordance with this section and without regard to skipping public school attendance areas or schools under this paragraph.

"(5) Educationally deprived children who begin participation in a program or project assisted under this chapter who, in the same school, are transferred to a school attendance area or a school not receiving funds under this chapter, may continue to participate in a program or project funded under this chapter for the remainder of such year.

"(6) The local educational agency is not required to use funds under this chapter to serve educationally deprived children in greatest need of assistance if such children are receiving, from non-Federal sources, services of the same nature and scope as would otherwise be provided under this chapter.

"(7) In the case of any school serving an attendance area that is eligible to receive services under this chapter and in which not less than 75 per centum of the children are from low-income families, funds received under this chapter may be used for a project designed to upgrade the entire educational program in that school in the same manner and only to the same extent as permitted under section 133(b) of the Elementary and Secondary Education Act of 1965 (but without regard to paragraph (4) of such section).

"(8) Public school personnel paid entirely by funds made available under this chapter may be assigned limited, rotating, supervisory duties which are assigned to similarly situated personnel who are not paid with such funds, and such duties need not be limited to classroom instruction or to the benefit of children participating in programs or projects funded under this chapter. Such duties may not exceed the same proportion of total time as is the case with similarly situated personnel at the same school site, or 10 per centum of the total time, whichever is less.".

PARENTAL INVOLVEMENT

SEC. 4. Section 556 of the Act is further amended by adding at the end thereof the following new subsection:

"(e) PARENTAL CONSULTATION.—For the purpose of complying with the assurances given pursuant to subsection (b)(3) with respect to consultation with parents of participating children, a local educational agency shall—

"(1) provide on an annual basis the opportunity for the parents of all eligible students to meet with appropriate school officials in order to discuss the programs and activities provided with funds under this chapter; and

"(2) determine the procedures for complying with this requirement.

In addition, a local educational agency may provide reasonable support for such activities if requested by the parents of eligible children.".

AREAS FOR SERVICES TO PRIVATE SCHOOL CHILDREN

SEC. 5. Section 557(a) of the Act is amended by inserting "(1)," immediately after "556(b)".

APPLICATION OF NONSUPPLANTING RULE TO STATES

SEC. 6. Section 558(b) of the Act is amended—

(1) by inserting "State educational agency or other State agency in operating its State level programs or a" before "local educational agency" in the first sentence; and

(2) by striking out "a local educational agency shall not be required" in the second sentence and inserting in lieu thereof "no State educational agency, other State agency, or local educational agency shall be required".

EXCLUSIONS OF SPECIAL PROGRAM FUNDS

SEC. 7. Section 558(d) of the Act is amended—

(1) by striking out "if such programs are consistent with the purposes of this chapter" and inserting in lieu thereof "including compensatory education for educationally deprived children (which meets the requirements of section 131(c) of the Elementary and Secondary Education Act of 1965)"; and

(2) by adding at the end thereof the following new sentence:

"For the purpose of determining compliance with the requirements of subsection (c), a local educational agency may exclude State and local funds expended for—

"(1) bilingual education for children of limited English proficiency,

"(2) special education for handicapped children or children with specific learning disabilities, and

"(3) certain State phase-in programs as described in section 131(d) of the Elementary and Secondary Education Act of 1965.".

OVERLAP IN COUNTY BOUNDARIES

SEC. 8. Section 558(e) of the Act is amended by striking out "In any State" and inserting in lieu thereof "Notwithstanding section 111(a)(3)(C) of the Elementary and Secondary Education Act of 1965, in any State".

PHASEOUT AND TRANSITION EXPENSES

SEC. 9. Section 562(c) of the Act is amended by adding at the end thereof the following: "Until September 30, 1983, such funds may also be used to assist in phasing out programs described in section 561(a) and in promoting an orderly transition to operations under this chapter.".

STATE ALLOTMENTS

SEC. 10. The first sentence of section 563(a) is amended by striking out "not to exceed".

AUDIT REQUIREMENT OF SMALL LEA'S

SEC. 11. Section 564(a) of the Act is amended by inserting after paragraph (7) the following new sentence: "Notwithstanding section 1745 of this Act, local educational agencies receiving less than an average $5,000 each year under this chapter shall be audited at least once each five years.".

REQUIREMENT FOR STATE CERTIFICATION OF LEA APPLICATIONS

SEC. 12. Section 566(a) of the Act is amended by striking out everything preceding paragraph (1) and inserting in lieu thereof the following:

"SEC. 566. (a) A local educational agency may receive its allocation of funds under this chapter for any year for which its application to the State educational agency has been certified to meet the requirements of this subsection. The State educational agency shall certify any such application if such application—".

SCHOOL LEVEL PROGRAMS

SEC. 13. Section 573(a) of the Act is amended by striking out "chapter" in the first sentence and inserting in lieu thereof "subchapter".

STATE RULEMAKING

SEC. 14. Section 591 of the Act is amended by adding at the end thereof the following new subsection:

"(d) Nothing in this subtitle shall be interpreted (1) to authorize State regulations, issued pursuant to procedures as established by State law, applicable to local educational agency programs or projects funded under this subtitle, except as related to State audit and financial responsibilities, or (2) to encourage, preempt, or prohibit regulations issued pursuant to State law which are not in conflict with the provisions of this subtitle. The imposition of any State rule or policy relating to the administration and operation of programs funded by this subtitle (including those based on State interpretation of any Federal law, regulation, or guideline) shall be identified as a State imposed requirement.".

WITHHOLDING OF PAYMENTS

SEC. 15. Section 592(a) of the Act is amended—

(1) by striking out "on the record" in the first sentence; and

(2) by adding at the end thereof the following new sentence: "A transcript or recording shall be made of any hearing conducted under this subsection and shall be available for inspection by any person.".

JUDICIAL REVIEW

SEC. 16. Section 593(b) of the Act is amended by inserting "and a local educational agency" after "A State educational agency".

APPLICATION OF GEPA

SEC. 17. (a) Section 596 of the Act is amended to read as follows:

"APPLICATION OF OTHER LAWS

"SEC. 596. (a) Except as otherwise specifically provided by this section, the General Education Provisions Act shall apply to the programs authorized by this subtitle.

"(b) The following provisions of the General Education Provisions Act shall be superseded by the specified provisions of this subtitle with respect to the programs authorized by this subtitle:

"(1) Section 408(a)(1) of the General Education Provisions Act is superseded by section 591(a) of this subtitle.

"(2) Section 426(a) of such Act is superseded by section 591(b) of this subtitle.

"(3) Section 427 of such Act is superseded by section 556(b)(3) of this subtitle.

"(4) Section 430 of such Act is superseded by sections 556(a) and 564(b) of this subtitle.

"(5) Section 431A of such Act is superseded by section 558(a) of this subtitle.

"(6) Section 453 of such Act is superseded by section 592 of this subtitle.

"(7) Section 455 of such Act is superseded by section 593 of this subtitle with respect to judicial review of withholding of payments.

"(c) Sections 434, 435, and 436 of the General Education Provisions Act, except to the extent that such sections relate to fiscal control and fund accounting procedures, shall not apply to the programs authorized by this subtitle and shall not be construed to authorize the Secretary to require any reports or take any actions not specifically authorized by this subtitle.".

(b) Section 406A(a) of the General Education Provisions Act, as added by the Education Amendments of 1974, (relating to responsibility of States to furnish information) is amended—

(1) by striking out paragraphs (3) and (4);

(2) by inserting "and" at the end of paragraph (2); and

(3) by redesignating paragraph (5) as paragraph (3).

CONFORMING AND TECHNICAL AMENDMENTS TO TITLE I ESEA

SEC. 18. (a) Title I of the Elementary and Secondary Education Act of 1965 is amended—

(1) in section 142(a)—

(A) by striking out "subpart 3 of part A, other than sections 122, 123, and 126(d) thereof" in paragraph (3) and inserting in lieu thereof "section 556 (other than subsection (b)(1)) and section 558 (other than subsection (c)) of the Education Consolidation and Improvement Act of 1981"; and

(B) by striking out "parent advisory councils established in accordance with regulations of the Commissioner (consistent with the requirements of section 125(a))" in paragraph (4) and inserting in lieu thereof "parents and teachers of children participating in such programs and projects;"; and

(2) in sections 147 and 152(a), by striking out "subpart 3 of part A, other than sections 122, 123, 125, 126(d), and 126(e) thereof" and inserting in lieu thereof "section 556 (other than subsection (b)(1)) and section 558 (other than subsection (c)) of the Education Consolidation and Improvement Act of 1981".

(b) The amendments made by subsection (a) shall apply only with respect to funds for use under the Education Consolidation and Improvement Act of 1981.

AVAILABILITY OF TITLE I APPROPRIATIONS

SEC. 19. (a) Section 553 of the Act is amended—

(1) by inserting "(a)" after "SEC. 553."; and

(2) by adding at the end thereof the following new subsection:

"(b) From the amount appropriated to carry out this chapter, not more than 14.6 percent of such amount for each of the fiscal years 1983 and 1984 shall be available to carry out programs described in sections 141, 146, and 151 of the Elementary and Secondary Education Act of 1965. After the allocations for programs operated by State agencies, the Secretary shall assure that the amount available for allocation under section 117 of such Act bears the same ratio to the amount appropriated in each such fiscal year for this chapter as the amount available for such section in fiscal year 1980 bore to the total amount appropriated for title I of such Act in fiscal year 1980.".

(b)(1) Section 514(a)(2) of the Act is repealed.

(2) Section 514(a) of the Act is amended by striking out "(1)".

CONFORMING AMENDMENT

SEC. 20. Section 565(a) of the Act is amended by striking out "nonpublic" and inserting in lieu thereof "private, nonprofit".

IMPACT AID

SEC. 21. (a) Section 505(a)(1) of the Omnibus Education Reconciliation Act of 1981 is amended by striking out "section 2" the second place it appears and inserting in lieu thereof "section 7".

(b) Section 3(d)(2)(E) of the Act of September 30, 1950 (Public Law 874, 81st Congress) is amended—

(1) by inserting "or 1984" after "fiscal year 1983" in clause (ii); and

(2) by striking out "1984" in clause (iii) and inserting in lieu thereof "1985".

(c) Section 5(c) of such Act is amended by adding at the end thereof the following: "In the determination of amounts of payments made on the basis of entitlements established under sections 2, 3, and 4 after March 31, 1983, by reason of any provision of law other than this Act which places any additional restriction on payments based on the concentration of children counted under subsection (a) or (b) of section 3 in the schools of the local educational agency, such restriction shall be applied, in the case of any State (other than a territory or possession of the United States) within which there is only one local educational agency, by treating each administrative school district within such State as a local educational agency (solely for the purpose of computing the amount of such payments). Treating such an administrative school district as a local educational agency under the preceding sentence shall not result, during fiscal year 1984, 1985, or 1986, in an increase of more than 10 percent in the amount of funds paid to such State above the amount paid to such State in the preceding fiscal year.".

EFFECTIVE DATE

SEC. 22. (a) Except as provided in subsection (b), the amendments made by this Act to the Education Consolidation and Improvement Act of 1981 and title I of the Elementary and Secondary Education Act of 1965 shall be effective July 1, 1983.

(b) With respect to the period beginning July 1, 1982, and ending June 30, 1983, no recipient of funds under the Education Consolidation and Improvement Act of 1981 shall be held to have expended such funds in violation of the requirements of such Act if such funds are expended either in accordance with such Act as in effect prior to the date of enactment of this Act or in accordance with such Act as amended by this Act.

By Mr. MATHIAS (for himself and Mr. STEVENS):

S. 1009. A bill to reauthorize Federal physicians comparability allowances; to the Committee on Governmental Affairs.

FEDERAL PHYSICIANS COMPARABILITY ALLOWANCES

Mr. MATHIAS. Mr. President, I am today introducing, along with the Senator from Alaska, Mr. STEVENS, legislation to reauthorize permanently Federal physicians comparability allowances. This legislation will extend the authority of Federal agencies to enter into service agreements with Federal physicians for the purpose of granting comparability allowances, in certain situations.

It is essential that the Federal Government be able to attract and retain highly qualified physicians. This has become increasingly difficult in the face of continually rising private sector salaries, coupled with pay caps, pay freezes, and the like in the Federal sector. Since 1978, when the Federal Physicians Comparability Allowances Act was put into place, Federal agencies with recruitment and retention problems have had the means to encourage physicians to come into and remain in the Federal service, through the use of service contracts which grant up to $10,000 in comparability allowances.

The Federal Physicians Comparability Allowances Act appears to have been successful in improving the ability of Federal agencies to recruit and retain highly qualified physicians. And, inasmuch as the private sector is likely to continue to be more lucrative for physicians, the need to continue this comparability program is clear. For this reason, Senator STEVENS and I are introducing this legislation, which permanently grants the authority to physician-employing Federal agencies to enter into the service contracts which have proven so successful to date. I urge my colleagues to join with me in supporting this effort.

Mr. STEVENS. Mr. President, I am joining with my colleague from Maryland to introduce a bill today amending title 5 to permanently authorize executive agencies to offer service agreements to certain categories of Federal physicians. The Federal Physicians Comparability Allowance Act of 1978, and subsequent amendments, permits agencies to pay an allowance to a physician in exchange for a speci-

fied period of service with that agency. Under current law, the authority to enter into these agreements expires September 30, 1983.

The purpose of the physicians comparability allowance program is to aid recruitment and retention of highly qualified Government physicians for a specified period of service in a particular agency. In return for this benefit to the Government, the physician receives an allowance in an amount determined by the agency head, not to exceed $10,000. This program has significantly benefited the Government in recruiting and retaining physicians.

Agencies employing physicians have reported to OPM that the program is instrumental in improving their ability to recruit much needed physicians. Additionally, agencies have reported reduced physician turnover rates since the enactment of the program. When coupled with the fact that private sector salaries for physicians have continued to remain higher than those offered by the Federal Government, it is evident that not only has the program been successful but is also still needed.

Mr. President, we must therefore assure that agencies are authorized to continue the physicians comparability allowance program. As a result, we are introducing this bill today to permanently authorize agencies to enter into these service agreements with physicians.

By Mr. GORTON (for himself, Mr. DURENBERGER, Mr. LUGAR, Mr. BURDICK, Mr. STEVENS, Mr. HEFLIN, Mr. BUMPERS, Mr. D'AMATO, Mr. GLENN, Mrs. KASSEBAUM, and Mr. RANDOLPH):

S.J. Res. 78. Joint resolution to authorize and request the President to issue a proclamation designating April 24 through April 30, 1983, as "National Organ Donation Awareness Week"; to the Committee on the Judiciary.

NATIONAL ORGAN DONATION AWARENESS WEEK

Mr. GORTON. Mr. President, I am privileged to introduce a joint resolution to authorize and request the President to issue a proclamation designating April 24 through April 30, 1983, as "National Organ Donation Awareness Week."

Mr. President, many people whose kidneys, eyes, skin, or human growth are unable to sustain them can be helped or cured through organ transplants. For example, there are presently 4,800 kidney transplants performed each year but approximately 10,000 medically eligible patients do not receive one because of a lack of suitable donors.

Through organ donation, those who care and have foresight may, when they die, give the gift of life and living to those in need. Every State of the Union supports the organ donation program, in hopes that its citizens will make an anatomical gift upon death, as Mrs. Gorton and I have pledged to do. A donor may pledge any needed organs or parts; only specified organs or parts; or may donate his or her body for anatomical study.

I call upon my colleagues in both Houses to join me in this resolution for "National Organ Donation Awareness Week," in order to create for the people of our Nation an awareness of the need and opportunity for organ donation; and I invite all citizens to consider giving this great gift of themselves to those who are less fortunate.

Mr. President, I ask unanimaus consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 78

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating April 24 through April 30, 1983 as "National Organ Donation Awareness Week."

Mr. D'AMATO (for himself, Mr. MOYNIHAN, Mr. RIEGLE, Mr. DURENBERGER, Mr. BOSCHWITZ, Mr. CHILES, Mrs. HAWKINS, Mr. INOUYE, Mr. HEFLIN, Mr. BENTSEN, Mr. DODD, Mr. LEVIN, Mr. TSONGAS, Mr. JACKSON, Mr. CRANSTON, Mr. QUAYLE, Mr. GRASSLEY, Mr. PERCY, Mr. HEINZ, Mr. METZENBAUM, Mr. SPECTER, Mr. PACKWOOD, Mr. HOLLINGS, Mr. PELL, Mr. SARBANES, Mr. SASSER, Mr. RANDOLPH, Mr. COHEN, Mr. JEPSEN, Mr. LAUTENBERG, Mr. HECHT, Mr. STEVENS, Mr. JOHNSTON, and Mr. PRESSLER):

S.J. Res. 79. Joint resolution to authorize and request the President to issue a proclamation designating April 17 through 24, 1983, as "Jewish Heritage Week"; to the Committee on the Judiciary.

JEWISH HERITAGE WEEK

● Mr. D'AMATO. Mr. President, as Americans, we can be proud of the diverse culture which we share. The richness of our cultural heritage results from the ideals and values brought to our shores by people of many races and religions.

Among these immigrants, members of the Jewish community contribute significantly to the spiritual and cultural growth of our Nation. These individuals, along with their descendents have brought distinction and honor to every field of endeavor including the arts, humanities, and sciences. Our Jewish citizens have fought and died to preserve and protect the freedoms which this great country stands for.

The Jewish people cherish a tradition and culture which spans the course of many thousands of years, reaching back to the dawn of civilization.

During each spring, Jews throughout the United States and around the world observe a number of significant dates. Beginning with the observance of Passover, which commemorates their passage from bondage to freedom, along with the observance of the anniversary of the Warsaw ghetto uprising and concluding with the celebration of Israeli Independence Day, American Jews rededicate themselves to the concepts of liberty, equality, and democracy.

In recognition of the untold contributions of Jews, who have become an integral part of the American heritage, I am introducing the following resolution requesting that the President designate April 17 through April 24, 1983, as "Jewish Heritage Week."

Mr. President, I request that my joint resolution be printed in its entirety in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 79

Whereas the Congress recognizes that an understanding of the heritage of all American ethnic groups contributes to the unity of our country; and

Whereas intergroup understanding can be further fostered through an appreciation of the culture, history, and traditions of the Jewish community and the contributions of Jews to our country and society; and

Whereas the months of March, April, and May contain events of major significance in the Jewish calendar—Passover, the anniversary of the Warsaw Ghetto Uprising, Israeli Independence Day, Solidarity Sunday for Soviet Jewry, and Jerusalem Day: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating April 17 through April 24, 1983, as "Jewish Heritage Week" and calling upon the people of the United States, State and local government agencies, and interested organizations to observe that week with appropriate ceremonies, activities, and programs.●

● Mr. PERCY. Mr. President, I am pleased to join in cosponsoring this resolution which designates April 17–24, 1983, as Jewish Heritage Week. It is fitting that this should follow a week of commemoration of the 40th anniversary of the Warsaw ghetto uprising, and I am delighted that the Senate passed a resolution introduced by Senator PELL and myself which marks April 10–16 as a week of commemoration for that historic event.

It is important for the Senate to take this positive action to commemorate Jewish heritage which has been a significant part of the religious and philosophical heritage of many lands. In this country, the Jewish people have always been an integral part of the American heritage. Jewish Americans played an important role in the Revolutionary War and since then have excelled in all walks of life. They have helped to make the United States a stronger and more compassionate nation, grounded in law and dedicated to equal rights and justice.

This commemorative resolution recognizes the pride that Jews have in their heritage and the appreciation of all Americans for what Jews have done for this country. They are wonderful, devoted, and patriotic Americans.●

ADDITIONAL COSPONSORS

S. 32

At the request of Mr. MATHIAS, the names of the Senator from Wyoming (Mr. SIMPSON), the Senator from Utah (Mr. HATCH), and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 32, a bill to amend title 17 of the United States Code with respect to rental, lease or lending of sound recordings.

S. 33

At the request of Mr. MATHIAS, the name of the Senator from Wyoming (Mr. SIMPSON) was added as a cosponsor of S. 33, a bill to amend title 17 of the United States Code with respect to rental, lease or lending of motion pictures and other audiovisual works.

S. 49

At the request of Mr. STEVENS, the name of the Senator from North Carolina (Mr. EAST) was added as a cosponsor of S. 49, a bill to reopen hunting and trapping lands in Alaska.

S. 212

At the request of Mr. PRESSLER, the name of the Senator from Colorado (Mr. HART) was added as a cosponsor of S. 212, a bill to authorize funds for the U.S. Travel and Tourism Administration.

S. 371

At the request of Mr. SASSER, the name of the Senator from Massachusetts (Mr. TSONGAS) was added as a cosponsor of S. 371, a bill to amend the Internal Revenue Code of 1954 to provide for a credit against tax with respect to the employment of certain unemployed individuals.

S. 445

At the request of Mr. DOLE, the names of the Senator from Arkansas (Mr. PRYOR), and the Senator from Louisiana (Mr. JOHNSTON) were added as cosponsors of S. 445, a bill to amend title 11, United States Code, and for other purposes.

S. 450

At the request of Mr. STEVENS, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 450, a bill to amend title 39, United States Code, to strengthen the investigatory and enforcement powers of the Postal Service by authorizing certain inspection authority and by providing for civil penalties for violations of orders under section 3005 of such title (pertaining to schemes for obtaining money by false representation or lotteries), and for other purposes.

S. 499

At the request of Mr. D'AMATO, the name of the Senator from Delaware (Mr. ROTH) was added as a cosponsor of S. 499, a bill to require the usage of tax-exempt financing in connection with the Small Business Administration section 503 loan program.

S. 510

At the request of Mr. EXON, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 510, a bill to amend the Export-Import Bank Act of 1945 to establish a program for the financing of agricultural exports.

S. 540

At the request of Mr. GOLDWATER, the names of the Senator from North Carolina (Mr. HELMS), the Senator from Colorado (Mr. HART), and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of S. 540, a bill to amend the Public Health Service Act to establish a National Institute of Arthritis and Musculoskeletal and Skin Diseases, and for other purposes.

S. 563

At the request of Mr. CHILES, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 563, a bill to reform the laws relating to former Presidents.

S. 567

At the request of Mr. THURMOND, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 567, a bill to amend title 38, United States Code, to authorize reimbursement for the reasonable charge for chiropractic services provided to certain veterans.

S. 647

At the request of Mr. BYRD, the names of the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Kentucky (Mr. FORD) were added as cosponsors of S. 647, a bill to amend the Trade Act of 1974 to insure fair trade opportunities, and for other purposes.

S. 655

At the request of Mr. PELL, the names of the Senator from South Carolina (Mr. THURMOND), and the Senator from Delaware (Mr. ROTH) were added as cosponsors of S. 655, a bill to authorize appropriations to carry out the national sea grant program for fiscal years 1984, 1985, and 1986, and for other purposes.

S. 657

At the request of Mr. DOLE, the name of the Senator from Maine (Mr. COHEN) was added as a cosponsor of S. 657, a bill to amend the Animal Welfare Act to insure the proper treatment of laboratory animals.

S. 693

At the request of Mr. HUMPHREY, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 693, a bill to amend title 23, United States Code, to remove the limitation on the use of materials produced by convict labor in construction of the Federal-aid highway system.

S. 764

At the request of Mr. SASSER, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 764, a bill to assure the continued protection of the traveling public in the marketing of air transportation, and for other purposes.

S. 858

At the request of Mr. THURMOND, the names of the Senator from Illinois (Mr. DIXON), the Senator from Mississippi (Mr. COCHRAN), the Senator from Georgia (Mr. MATTINGLY), and the Senator from Wisconsin (Mr. KASTEN) were added as cosponsors of S. 858, a bill to recognize the organization known as the National Association of State Directors of Veterans Affairs, Incorporated.

S. 859

At the request of Mr. THURMOND, the names of the Senator from Oklahoma (Mr. NICKLES), and the Senator from Nebraska (Mr. ZORINSKY) were added as cosponsors of S. 859, a bill to amend title 38, United States Code, to require the continued payment of disability compensation at an unreduced rate pending review and appeal of a determination to reduce or discontinue such compensation by reason of a change in service-connected or employability status or in physical condition in the case of any veteran whose disability has been rated as total for a period of at least 10 years ending on the date such determination was made, who files a statement of disagreement with such determination, and who requests such continued payment, and for other purposes.

S. 873

At the request of Mr. LUGAR, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 873, a bill to help insure the Nation's independent factual knowledge of the Soviet Union and Eastern European countries, to help maintain the national capability for advanced research and training on which that knowledge depends, and to provide partial financial support for national programs to serve both purposes.

S. 880

At the request of Mr. PRESSLER, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 880, a bill to amend the Communications Act of 1934 to provide equity to daytime radio broadcasters.

S. 906

At the request of Mr. DANFORTH, the name of the Senator from Virginia (Mr. TRIBLE) was added as a cosponsor of S. 906, a bill to extend the duty re-

duction on certain unwrought lead for a period of 5 years.

S. 923

At the request of Mr. HUDDLESTON, the name of the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 923, a bill to provide financial assistance for the improvement of instruction in mathematics and science, and for other purposes.

SENATE JOINT RESOLUTION 11

At the request of Mr. ROTH, the name of the Senator from Idaho (Mr. MCCLURE) was added as a cosponsor of Senate Joint Resolution 11, a joint resolution entitled "National Safety in the Workplace Week."

SENATE JOINT RESOLUTION 51

At the request of Mr. MOYNIHAN, the names of the Senator from New Jersey (Mr. BRADLEY), the Senator from Kansas (Mrs. KASSEBAUM), and the Senator from Georgia (Mr. MATTINGLY) were added as cosponsors of Senate Joint Resolution 51, a joint resolution designating May 21, 1983, as "Andrei Sakharov Day."

SENATE CONCURRENT RESOLUTION 14

At the request of Mr. LUGAR, the names of the Senator from Rhode Island (Mr. CHAFEE), and the Senator from Kansas (Mr. DOLE) were added as cosponsors of Senate Concurrent Resolution 14, a concurrent resolution in commemoration of the bicentennial of the birth of Simon Bolivar, hero of the independence of the Americas.

SENATE RESOLUTION 104—DISAPPROVING CERTAIN FEC REGULATIONS

Mr. LUGAR (for himself, Mr. LAXALT, and Mr. HUMPHREY) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. Res. 104

Resolved, That the regulations proposed by the Federal Election Commission pertaining to contributions and activities by corporations and labor organizations, revising sections 114.5(g)(2) and 114.5(l) of the Code of Federal Regulations (11 C.F.R. 114.5(g)(2) and 114.5(l)), which were submitted to the Senate pursuant to section 311(d) of the Federal Election Campaign Act of 1971, and were transmitted to the Senate under date of March 1, 1983, are disapproved.

SEC. 2. The Secretary of the Senate is directed to transmit a copy of this resolution to the Chairman of the Federal Election Commission.

SENATE RESOLUTION 105—RELATING TO THE 175TH ANNIVERSARY OF THE FOUNDING OF MOUNT ST. MARY'S COLLEGE

Mr. SARBANES (for himself and Mr. MATHIAS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. Res. 105

Whereas Mount St. Mary's College is celebrating the one hundred seventy-fifth anniversary of the founding of the college in 1808;

Whereas Mount St. Mary's College is the oldest independent Catholic college in the United States;

Whereas Mount St. Mary's College was a symbol of religious freedom in the early nineteenth century by serving as a haven for Catholics from Europe and America to receive a quality education;

Whereas Mount St. Mary's College has graduated many distinguished alumni who have made great contributions in religion, government, and the arts and sciences;

Whereas Mount St. Mary's College has continued a tradition of academic excellence to the present: Now, therefore, be it

Resolved, That the United States Senate congratulates Mount St. Mary's College on the occasion of its one hundred seventy-fifth anniversary.

SEC. 2. The Secretary of the Senate is directed to transmit a copy of this resolution to the president of Mount St. Mary's College.

● Mr. SARBANES. Mr. President, I am submitting today with Senator MATHIAS legislation to honor Mount St. Mary's College in Emmitsburg, Md., America's oldest independent Catholic college, which is celebrating its 175th anniversary this year. Since its founding in 1808, Mount St. Mary's has been a highly respected Catholic institution committed to a liberal education. In keeping with this tradition, Mount St. Mary's has chosen a celebration of values as its motto for this important milestone in its history.

Though the foresight and vision of Father John Du Bois 175 years ago, an emigre from the French Revolution, Mount St. Mary's was established on the side of a mountain in the Emmitsburg area, where Catholics had settled in order to avoid religious restrictions imposed on them in other areas of the country. At the beginning most students boarded off campus, some sharing Father Du Bois' own cabin. By the end of the summer of 1809, there were more than 40 students at Mount St. Mary's. There were few Catholic institutions in the first decades of the 19th century, and students came to Mount St. Mary's from all across the United States. Others came from as far as South America and Europe.

Since those first growing years, Mount St. Mary's has expanded greatly in size, becoming coeducational in 1974 and gaining a reputation for academic excellence. In its 175 years, Mount St. Mary's has made an enormous contribution to the State of Maryland. Its graduates include such notables as: Francisco Madero, President of Mexico in 1913; John La Farge, noted artist, poet, and lawyer; Father Charles Constantine Pise, chaplain of the U.S. Senate; Father Edward Joseph Flanagan, the founder of Boys Town; Hugo Winterhalter, noted composer and orchestra leader; George A. Miles, author; Edward Douglas White, Chief Justice of the U.S. Supreme Court; John McCloskey, the first North American cardinal; John Hughes, the first archbishop of New York, who was sent by Abraham Lincoln as his special emissary to France during the Civil War, and who began the construction of St. Patrick's Cathedral in New York; James McSherry, chief judge of the Maryland Court of Appeals; John Lawrence Laconte, who served in the Spanish-American War; and Dr. William Whelan, surgeon general in the U.S. Navy. Maryland's Gov. Harry Hughes also attended Mount St. Mary's College before graduating from the University of Maryland.

I wish to congratulate Mount St. Mary's, its president, Dr. Robert J. Wickenheiser, and its faculty, staff, and graduates on the 175th anniversary of a remarkable American institution with a history linked closely to that of Maryland and the Nation and a historic and continuing dedication to the principles of quality education.●

NOTICES OF HEARINGS

COMMITTEE ON THE BUDGET

Mr. DOMENICI. Mr. President, the Senate Budget Committee will continue markup of the first concurrent budget resolution for fiscal year 1984 on Thursday, April 7, at 10 a.m. and 2 p.m. in 608, Dirksen Senate Office Building. The subject of Thursday's session will be the defense budget.

The committee will not hold markup on Friday, April 8.

The committee will reconvene on Monday, April 11, and continue deliberations each day through Wednesday, April 13. Sessions will be held at 10 a.m. and 2 p.m. each day in 608, Dirksen Senate Office Building. Evening sessions are possible.

Nondefense spending functions and revenues will be considered during those sessions.

For further information, contact Nancy Moore of the Senate Budget Committee at 224-4129.

SUBCOMMITTEE ON DEFENSE APPROPRIATIONS

Mr. STEVENS. Mr. President, I wish to announce the Defense Appropriations Subcommittee will hold hearings for nongovernment witnesses this year on April 19 and 20. Outside witnesses will be heard both days in room SD-192—formerly room 1114 of the Dirksen Senate Office Building.

I make this announcement at this time so that any interested members of the public will have time to contact the subcommittee if they desire to appear and testify on defense and military spending issues in the context of the President's fiscal year 1984 budget request and fiscal year 1983 supplemental proposal. There are no plans to schedule any additional hearings for outside witnesses this session.

Anyone wishing to testify may write to me as chairman of the Subcommittee on Defense, Committee on Appropriations, or telephone the subcommittee staff directly at 224-7255.

GOVERNMENTAL AFFAIRS SUBCOMMITTEE ON GOVERNMENTAL EFFICIENCY AND THE DISTRICT OF COLUMBIA

Mr. MATHIAS. Mr. President, I would like to announce that the Subcommittee on Governmental Efficiency and the District of Columbia of the Governmental Affairs Committee will be holding its second hearing on emergency preparedness in the Washington metropolitan area.

The hearing will be held on Wednesday, May 18, from 9:30 a.m. to 12 noon in room SD-562 of the Dirksen Senate Office Building.

Anyone needing further information is invited to contact Monica Healy at 224-8873.

SUBCOMMITTEE ON AGRICULTURAL PRODUCTION, MARKETING, AND STABILIZATION OF PRICES

Mr. COCHRAN. Mr. President, I wish to announce that the Senate Agriculture Subcommittee on Agricultural Production, Marketing, and Stabilization of Prices will hold hearings to review the dairy price support program on Wednesday and Thursday, April 13 and 14.

Public witnesses will testify on Wednesday, April 13, and congressional and administration representatives will be heard on Thursday, April 14.

The hearings will begin both days at 9 a.m. in room 328-A, Russell Building.

Anyone wishing further information should contact Denise Alexander of the Agriculture Committee staff at 224-2035.

ADDITIONAL STATEMENTS

LONG-TERM GRAIN AGREEMENT WITH THE SOVIET UNION—SENATE RESOLUTION 95

● Mr. TOWER. Mr. President, yesterday I was pleased to join in cosponsoring the resolution of my distinguished colleagues from Illinois and Kansas urging the President to begin negotiations with the Soviet Union on a new long-term grain agreement. This action is a crucial step toward reestablishing the United States as a reliable supplier of agricultural commodities to the Soviet Union as well as easing the downward pressure on farm prices caused by our large surpluses.

While our own exportable food surplus has been increasing over the past years, the Soviet Union's dependence on imported foods has been growing. For the past 4 years, Soviet agricultural production has increasingly fallen short of the level necessary to sufficiently feed its people and livestock. This year, the Soviet Union is expected to import more than 40 million tons of grain, or nearly one-fourth of all the grain fed to the Soviet people and livestock.

The Soviet Union represents a market for our agricultural commodities that has great potential, and it is crucial that we take advantage of the superior efficiency of the U.S. farmer to regain part of our past market share. The Soviet Union has in the past bought as much as 15.5 million metric tons of U.S. corn and wheat per year and has depended on the United States for up to 70 percent of its total needs of these commodities. Last year, the Soviets purchased only the minimum level of corn and wheat from the United States under a 1-year extension of the previous grain agreement. The Soviets have recently signed long-term grain agreements with five other nations that have filled the void created by the declining U.S. share of the market. With this recently increased use of bilateral supply agreements, the need for a similar, renegotiated long-term agreement between the U.S.S.R. and the United States has taken on a greater importance.

Recovering the agricultural trade relationship with this market, which at one time was the largest importer of U.S. wheat, is an important step toward restoring the health of U.S. agricultural exports. Increasing and expanding export markets for U.S. farm goods should be our first priority in restoring economic health to our farmers and rural communities. The efficiency of the U.S. farmer has allowed us to enjoy a comparative advantage in many agricultural commodities, establishing the United States as the world's leading exporter of agricultural goods. Taking advantage of this efficiency by retaining established markets, developing new ones, and recovering past market shares is crucial to long-term stability in American agriculture.

Negotiation of a new long-term agreement is a necessary step in the continuing effort toward recovering this important Soviet market.

In my view, a renegotiated long-term agreement with Russia would be in line with the direction the President has established. His decision in April 1981 to lift the previous Soviet grain embargo, combined with his recent signing of contract sanctity legislation last year demonstrates a wisely cautious, yet firm move to recover our market position in the Soviet Union. The President has reaffirmed repeatedly his deep commitment to our Nation's agricultural sector, without jeopardizing our commitment to national security. I feel a renegotiated long-term contract is a natural step in continuing to reestablish this valuable agricultural market and does not in any way indicate that we have lessened our resolve against Soviet actions in Poland. We stand firm behind our commitment to the Polish people. We also stand firm behind our Nation's farmers and remain committed to establishing long-term health to our agricultural economy. The quick removal of the earlier grain embargo by President Reagan early in his term clearly showed us that the Soviet Union is not dependent on the United States for its grain. Our failure to compete with the full force of our highly efficient agriculture combined with a renegotiated long-term grain agreement, would only hurt American farmers and encourage the Soviet Union to continue to seek other suppliers. This commitment to renegotiate the current long-term agreement will provide a base for reestablishing this key market for U.S. farm goods.●

OFFICE OF GOVERNMENT ETHICS

● Mr. SASSER. Mr. President, yesterday's unanimous approval of S. 461, legislation reauthorizing the Office of Government Ethics (OGE) for another 5 years is an important and necessary step for all concerned with maintaining proper ethical standards among high-level officials throughout the Federal Government.

Many of us in this Chamber fought vigorously for passage of the 1978 Ethics in Government Act and its title IV, which established the Office of Government Ethics, and we were proud to support the extension of this provision, as amended and reported by the Governmental Affairs Committee.

I, for one, am pleased with the improvements incorporated into S. 461; they are a reflection of the thorough work on the bill by the chairman and by the ranking member of the Governmental Affairs Subcommittee on Oversight of Government Management, Senators COHEN and LEVIN.

These improvements satisfy the concerns which I raised during the subcommittee's February 24, 1983 hearing on S. 461.

As introduced, S. 461 called merely for a 5-year reauthorization of OGE. This in itself would have been insufficient. The application of the act over the past several years, as well as problems in the executive branch of Government since then, made it clear that problems exist.

Indeed, consider the recent developments at the U.S. Environmental Protection Agency, where top-level officers have had their numbers decimated through dismissals and resignations wrought by allegations of improper and unethical behavior.

Earlier this year, the Washington Post published an article in which it asserted that in the Reagan administration there was "slippery behavior * * * in the highest reaches of government." And at the February 24, 1983, subcommittee hearing on S. 461, a

Common Cause spokesperson described the administration's record in matters of Government ethics as "far from stellar."

In this context, it is imperative that Congress make a legislative statement reemphasizing the importance of the need for high ethical standards in Government. The strengthening and reauthorization of OGE is the perfect vehicle to serve as such a statement.

The major problem with the Office of Government Ethics is that its director does not now have sufficient independence in order to conduct his duties properly.

David Scott, the acting director of OGE, told the subcommittee at its February 24, 1983 hearing that he had to clear his official testimony with the White House. To his credit, Mr. Scott made it clear that such an arrangement was not his preference.

As Senator LEVIN pointed out at that time, such an arrangement, such a control on the part of the White House, creates a bad appearance, an appearance that "is quite bad when it's an office whose head is appointed by the President."

The amendment calling for a 5-year term of appointment in which the OGE Director is removable only for cause is a sound answer to this arrangement.

Second, there is the problem of OGE's budgetary independence. The office's budget is not now a line item; rather, it is enveloped in the budget request of the Office of Personnel Management (OPM), of which it is a part. This, too, creates a bad arrangement.

As Acting Director Scott pointed out in his February 24 testimony:

> When President Reagan directed a personnel freeze upon taking office in 1981, OGE was swept into it because it was treated like any other OPM entity. Had OGE been considered a separate agency for hiring purposes it could have escaped an unnecessary hardship, because the freeze directive itself exempted small agencies with less than 100 employees. * * * Because of OGE's small staff and budget a small ripple in OPM's budget and staffing becomes a tidal wave when it impacts on OGE.

As amended by the subcommittee, S. 461 contains the language necessary to make OGE's budget an independent line item in the Federal budget.

Senators COHEN and LEVIN have also incorporated several other perfecting amendments, all of which merit the support of the full Senate.

There is one addendum to the discussion on this legislation, as reported by committee, which ought to be underscored as emphatically as possible, in light of all the recent reports of questionable and marginal behavior by high-level Federal officials: That is, a reauthorized and revitalized Office of Government Ethics should take it upon itself to pursue more aggressively its statutory mandate of "promoting understanding of ethical standards in executive agencies."

It is probable that we will never eliminate completely unethical behavior in every reach of the Government, but I believe that many ethical questions and conflicts may be avoided in the future if there is a greater consciousness and awareness of ethical standards throughout Government.

In this spirit, I believe that passage of S. 461, as reported by the Governmental Affairs Committee, makes a statement which needs urgently to be made about ethics in Government, and it will serve to reinforce the commitment on the part of the Congress to a strong order of ethical behavior in Government—a commitment and an order we first heralded 5 years ago when we established the Office of Government Ethics.●

AN AUTHORITATIVE VIEW OF THE IMF BAILOUT

● Mr. HUMPHREY. Mr. President, yesterday's edition of the Wall Street Journal contained a column written by William E. Simon, the distinguished former Secretary of the Treasury, which I believe makes an invaluable contribution to the debate surrounding the proposed increase in our Nation's commitment to the International Monetary Fund.

Mr. Simon, for whom I know many of my colleagues have a great deal of respect, draws upon his wealth of experience in finance and economics, both domestic and international, in arriving at a conclusion that I hope will not escape the attention of one Member of this distinguished body: namely, that a decision to turn over another 8.5 billion American dollars to the IMF would be unsound from the standpoint of international economics, world trade, our country's world position, our Federal budget deficit, or any other rational point of view.

I ask that this thoughtful and well-reasoned article be printed in the RECORD at this point.

The article follows:

[From the Wall Street Journal, Wednesday, Apr. 6, 1983]

CUT OFF THE INTERNATIONAL LOAN LUSHES

(By Willam E. Simon)

Don't be fooled by all the political talk about Washington's concern with deficits. The government is $200 billion short of the ability to pay its bills this year. But that's not stopping politicians from borrowing $8.4 billion more so that the International Monetary Fund can lend more to foreigners who cannot pay their bills. We are witnessing the tragic spectacle of the deficit-ridden rescuing the bankrupt with an outpouring of more American red ink—and the taxpayer is left holding the bag.

Little thought is being given to the $8.4 billion off-budget appropriation for the IMF, because it is mistakenly seen as necessary to avoid a banking crisis. Some policymakers fear that without increased lending by the IMF, heavily indebted foreign governments might default, with serious consequences for U.S. banks that are overexposed in lending abroad.

But when fear comes in, reason departs, and piling debt upon debt cannot ultimately succeed. It not only delays the day of reckoning but exacts a high price: By extending credit to countries beyond their ability to repay, the final bankruptcy is worse; and by trying to bail out the irredeemable, we risk turning important institutions like the IMF into welfare agencies.

SHOULD ONLY BE TEMPORARY AID

Historically, the IMF's function has been to provide short-term liquidity to help countries over temporary balance-of-payments problems. Longer-term projects or structural loans are, under the 1944 Bretton Woods agreement, the preserve of the World Bank. However, by pressuring for wealth transfers from "North" to "South," the Third World is attempting to turn both institutions into agencies through which the industrial democracies make international transfer payments.

Now, in the guise of avoiding default, we are about to take another step toward turning the IMF into an aid agency. The deeper the IMF gets involved in propping up old loans with new ones, the more likely the IMF will eventually assume the debt itself or permanently underwrite country deficits. In fact, so-called banking lifeboat schemes, under which some international institution would buy banks' loans to developing countries and then greatly extend their maturities, are popping up this year faster than spring crocuses. To protect the integrity of the international institutions we must face the indebtedness problem squarely.

George Champion, former chairman of Chase Manhattan Bank, has proposed a sensible alternative to piling debt upon debt. The banks should write down the face value of their nonconforming loans and set aside larger reserves against their foreign loans. Indeed, the regulatory authorities charged with protecting the soundness of the baking system should require compulsory loan-loss reserves tied to those foreign loans that have not been repaid on time.

There is no point to a bailout that increases world debt when the problem is too much indebtedness already. Countries are in trouble because they cannot service their current obligations. The strain on them is not eased by a bailout that loads them up with more.

The same holds for the private banks. The IMF-led bailout packages require banks that are already overexposed to get in deeper by lending more. For example, the $5.5 billion IMF loan to Brazil requires Brazil's commercial bank creditors to roll over $4 billion in existing debt, to make $4.4 billion in new medium-term loans, to provide $10 billion in new trade credits and to keep $7.5 billion on deposit with Brazilian financial institutions. Government officials seem to think that this policy is sound because it bails the banks in rather than out.

The deeper the IMF, the banks, the State Department, the Treasury, the Federal Reserve, Congress and the White House get involved in building a mountain of debt, the greater the stake they all acquire in the resurgence of world inflation. Rapidly rising commodity and oil prices would provide rising revenues with which to service a depreciating debt, and the American consumer would be the big loser.

It is bad enough when the U.S. Treasury repays its own obligations by issuing new

ones, but to do this for the likes of Tanzania, Romania and oil-rich Mexico indicates that we have taken leave of our senses.

The politicians have a good line to hide the increased borrowing that Uncle Sam uses to pay his own bills—"we owe it all to ourselves." But they have an even better one to hide the debt Uncle Sap issues to finance an IMF quota increase in order to bail out the world. That debt, they say, is no debt at all, but an "asset swap."

When the Treasury gives the IMF 25 percent of our quota increase in hard cash and the remainder in a line of credit that is drawn on U.S. financial markets, the IMF certainly acquires real liquid assets. What it "swaps" with us is much less definite. We acquire a "claim" on the IMF denominated in Special Drawing Rights (SDRs), but it isn't a claim that we can cash in and spend. Indeed, if it were a real asset swap, instead of an accounting sleight of hand that disguises an international transfer payment, what would be the point of the quota increase?

When we agree to add to the IMF till, we transfer our resources to a supranational organization that we do not control, to be disbursed by an international bureaucracy. The multilateral approach has the advantage of dragging others into the aid process, and the U.S. isn't left alone holding the bag. But the disadvantages are great. It is hard to hold multilateral middlemen accountable, and we get in the habit of subsidizing every socialist government in the Third World.

A bilateral approach to aid-giving lets us avoid undercutting our own interests with our own money. Instead, the aid is directed to where it can best advance U.S. interests. Bilateral aid also lets us control the decision when to give more, whereas the multilateral approach subjects our diplomacy to endless demands by the bloc of aid-receiving countries.

An IMF quota increase is equivalent to a larger federal deficit because the Treasury has to finance it by borrowing in the credit markets. This borrowing offsets dollar for dollar any reductions in federal borrowing achieved by gaining control over our own budget. Proposals for authorizing the IMF to circumvent Congress and borrow directly in private markets would have the same effect. Congress is less likely to accept the pain of cutting spending when the gain from doing so is offset by the process of floating debt to fund the IMF.

ANOTHER WELFARE PROGRAM

Since the end of World War II governments have attempted to "solve" problems and to buy prosperity through the leverage of debt finance. But if debt solved problems, the Third World and Eastern Europe—and the U.S. itself—would be riding the waves of prosperity. The problems aren't without their irony. For example, Brazil, which is currently undergoing a bailout, is itself a creditor to insolvent Poland. The current efforts to wash out insolvency with more red ink will multiply such absurdities of indiscriminate lending.

Proponents of the bailout claim that it is in our interest, because providing foreigners with more money will enable them to buy more of our goods, thus spurring our economy. This is like arguing that a shopkeeper can increase his sales by giving away money in the streets in the hope that some of it will be spent in his shop. Trade must be based on competition, not subsidies, or it becomes another welfare program.

As usual, leadership is scarce, Sen. Gordon Humphrey, Reps. Jerry Lewis and Jack Kemp, and former Assistant Treasury Secretary Paul Craig Roberts have begun to ask questions. Let's hope they keep on asking questions and that others join them. The U.S. taxpayer cannot afford the bills run up by our own spendthrift politicians. He shouldn't be expected to cover the debts of foreign governments too.●

THE AMERICAN LEGION'S VIEW

● Mr. COHEN. Mr. President, Daniel Lambert, State adjutant for the American Legion, Department of Maine, occasionally provides me with testimony offered to the Senate Veterans' Affairs Committee by key American Legion personnel on subjects of importance to the veterans of Maine and the Nation.

I am not a member of the Veterans' Affairs Committee, although I am vitally interested in the concerns of our veterans, and I appreciate the efforts of veterans' representatives like Dan Lambert who help to keep me informed of the issues which are before the committee.

Recently, Dan provided me with the statement of John F. Sommer, Jr., deputy director of the National Veterans Affairs and Rehabilitation Commission of the American Legion, in support of legislation relating to the health care of veterans.

I commend the statement to my colleagues and ask that the statement be printed in the RECORD immediately following my remarks.

The statement referred to follows:

STATEMENT OF JOHN F. SOMMER, JR., DEPUTY DIRECTOR, NATIONAL VETERANS AFFAIRS AND REHABILITATION COMMISSION THE AMERICAN LEGION BEFORE THE COMMITTEE ON VETERANS AFFAIRS, MARCH 10, 1983

Mr. Chairman and Members of the Committee: We thank you for this opportunity to present The American Legion's views on the legislative measures under the Committee's consideration today, most of which pertain to various issues relating to the health care of veterans. We shall address the bills in numerical sequence.

S. 11—section 201 would amend title 38, United States Code to establish an Advisory Committee on Women Veterans, the members of which would include women veteran representatives; individuals who are recognized authorities in fields pertinent to the needs of women veterans, including gender-specific health care needs; and male and female veterans with service-connected disabilities. Included as ex-officio members of the Committee would be the Chief Medical Director and the Chief Benefits Director or their designees; and a public and military member of the Department of Defense Advisory Committee on Women in the Services. The Administrator may also invite representatives of other departments and agencies of the United States, as he considers appropriate to participate with the Committee. The purpose of the Committee would be to regularly advise the Administrator on the administration of VA benefits for women veterans, and the needs of women veterans with respect to compensation, health care and rehabilitation.

It is further provided that the Committee shall submit a report to the Administrator not later than July 1, 1984, and not later then July 1 annually thereafter, on the programs and activities of the Veterans Administration insofar as they pertain to women veterans; including an assessment of their needs with respect to compensation, health care, and rehabilitation. The report would also include a review of the VA's activities designed to meet such needs, and the Committee's recommendations, including those calling for administrative and legislative actions, which the Committee consider to be appropriate.

The American Legion is supportive of the establishment of an Advisory Committee on Women Veterans within the Veterans Administration. Our experience with Congressionally mandated advisory panels, the Geriatric and Gerontology Advisory Committee and the Advisory Committee on Former Prisoners of War, established within VA, has been most favorable. Both of these committees' members are to be commended for their perseverence, hard work and intense deliberation on the important issues under their respective jurisdictions. We realize the value of the input of such advisory groups to both their veteran constituencies and the VA. And the Legion firmly believes that an Advisory Committee on Women Veterans would provide equally important data on which to determine the needs of female veterans, and whether or not these needs are being totally addressed by the Veterans Administration.

Section 202 would amend section 601(4)(C)(iv) of the title to provide outpatient fee-basis treatment of nonservice-connected gender related conditions of female veterans, if such conditions preclude treatment in VA medical care facilities.

The American Legion would support the provision of such fee-basis care to the extent that it is necessary. Subsequent to the September 24, 1982 GAO report entitled "Actions Needed to Insure That Female Veterans Have Equal Access to VA Benefits", and the introduction of this legislation, the VA Department of Medicine and Surgery has taken steps toward improving the provision of specialized medical care to female veterans. Dr. Susan Mather was recently appointed to develop and supervise the changes necessary to ensure the provisions of care for the gender-related problems of female veterans at all VA health care facilities. We have reviewed Department of Medicine and Surgery Circular 10-83-14, dated January 28, 1983, which provides that each medical center and outpatient clinic will review their current method of providing outpatient gynecologic services for female veterans and upgrade those needing improvement by June 1, 1983. The circular also provides that each facility must prepare a written report by June 1, to be submitted to VA Central Office, addressing among other things, improvements in the provision of inpatient gynecologic services for hospitalized female veterans as well as those in VA nursing homes and domiciliaries. Dr. Mather has stated that the staff of each medical facility is being sensitized with respect to the treatment of women.

The American Legion will be closely monitoring this program to ensure that male and female veterans ultimately will have equal access to VA medical care.

Section 301 of S. 11 would amend section 612A of the title by providing a one-year extension, until September 30, 1985, of the period in which an eligible veteran can make an initial request for readjustment counseling through the VA Vet Center pro-

gram; and a six-month extension, until October 1, 1984, of the date by which the Veterans Administration must report to the Congress on plans for continuing to provide readjustment counseling after the expiration of this program.

Mr. Chairman, The American Legion is convinced that the Vet Center program as established under Public Law 96-22, and extended under Public Law 97-72, is accomplishing the purpose for which it was designed, within the limits of the framework of the program. To expand on that statement, the reasons for which Vietnam Veterans visit the Vet Centers seeking assistance have been categorized into sixteen definite problems. The problems expressed by a large number of veterans seeking assistance are vocational in nature—employment and employment training—and in many cases the Vet Center teams are not prepared to deal with this problem, which is understandable, since the primary mission on the Vet Centers is to provide readjustment counseling. However, we understand that there has been some increased involvement in employment problems.

Our Field Service Representatives visit the Vet Centers during site visits to VA medical centers throughout the country, and we report their findings to the officials responsible for the management of the program. These reports, for the most part, contain positive comments and are complimentary of the program.

Figures available to the Legion on September 15, 1982 reflected a total of 128,909 veterans having been seen at the Vet Centers during 541,481 visits. As of March 1, the total number of veterans seen had risen to 162,682 during 722,446 visits—an increase of nearly 34,000 veterans and 181,000 visits in a six month period.

This continuing influx of Vietnam veterans, the fact that there have been recent changes in the leadership of the readjustment counseling program which have led to the improvement of services, and that some of the Vet Centers have been operational for less than a year, as well as the findings by some mental health professionals that a much higher number of Vietnam veterans than originally estimated are suffering some symptoms of Post-Traumatic Stress Disorder, would lead the Legion to believe that a one-year extension of this program is in order.

Section 302 of the measure would amend sections 661 and 663 of title 38, USC, to change the authority to provide preventive health care services from a pilot program to a permanent authority and require that VA provide the preventive health care services it considers feasible and appropriate to veterans with service-connected disabilities rated 50 percent or more disabling and to those veterans who are receiving VA treatment for a service-connected disability.

The American Legion would not oppose a program of preventative health care provided to these service-connected veterans by the VA. The benefit derived from preventative treatment programs in the statistical reduction in mortality and disability is well supported by research. It could be considered as the ideal practice of medicine. We would offer one recommendation, that a determination be made as to whether or not other VA medical care programs would suffer as a result of having to absorb the additional cost of providing preventative health care.

Sections 401 thru 410 of this proposal would amend Chapter 73 of title 38, to include among those VA health care personnel employed under the DM&S personnel system licensed practical or vocational nurses, physical therapists, and certified or registered respiratory therapists. Individuals employed in these occupations at VA medical facilities are currently employed in the civil service system under title 5, United States Code.

Section 411 would provide that not later than January 1, 1984, the Administrator of Veterans Affairs and the Director of the Office of Personnel Management shall submit a joint report to the Committees on Veterans Affairs regarding the status of efforts to carry out the recommendations made in the report prepared by the Veterans Administration, pursuant to section 117 of Public Law 96-330, transmitted to the Committees on Veterans Affairs on September 1, 1982, entitled "Study of the Feasibility and Desirability of Converting Selected Health Care Occupations to title 38, United States Code."

Such report would contain: (1) with respect to each such recommendation, information on the decision that has been made as to whether the recommendation is being implemented in the manner described in the report and, if not, as to whether it is to be implemented in a modified form or not implemented and a statement of the reasons for such a decision; (2) a timetable for the actions planned for the implementation of each recommendation that is being implemented either in its original form or as modified; (3) any further recommendations of the Administrator or Director or both for legislative or administrative action or both relating to the subject matter of the report; and (4) such other information relating to the subject matter of the report as the Administrator or the Director or both consider appropriate.

The American Legion would support the enactment of these provisions, with the proviso that any eligible individuals would retain their Veterans Preference rights in a conversion from employment under title 5 to title 38.

Section 501 would express the sense of the Congress that the Administrator of Veterans Affairs should be designated by the President as a member of, and full participant in all activities of, the Cabinet and as the President's principal adviser on all matters relating to veterans and their dependents.

Mr. Chairman, the purpose of this provision parallels a position long held by The American Legion; that the Administrator of Veterans Affairs should have Cabinet status. Our most recent policy on this issue is set forth in Resolution No. 284 (Georgia) approved by the Delegates to our 1982 National Convention. Resolution No. 284 mandates the Legion to support legislation so as to make the Veterans Administration an Executive Department of the Federal Government. As an independent agency within the Executive Branch, the Veterans Administration does not always receive the recognition that an agency of the size and importance of VA should receive. The designation of the Administrator as a member of the President's Cabinet would enhance the status of the Veterans Administration and ensure greater access to the President and top White House officials by the Administrator. The American Legion is fully supportive of this provision.

Section 601 would require that the VA, through contract, conduct an epidemiological study of the long-term adverse health effects of ionizing radiation on those veterans who were exposed to it while on active duty during nuclear weapons testing, or during service with the occupation forces in Hiroshima and Nagasaki following World War II. Further, VA would be required to conduct a comprehensive review and analysis of the literature covering studies which have been completed, or are currently underway relating to the long-term adverse health effects in humans of exposure to radiation, including nuclear device, medical, and occupational exposures. This section also sets specific deadlines, by which certain actions relative to the study and literature review are to be completed.

The American Legion realizes the need for such a study and supports the enactment of section 601. It has come to public attention that a significant number of veterans who were present during nuclear weapons tests during the period 1945-1962, have subsequently developed leukemia and other similar diseases which may be linked to their exposure to radiation. There is a difference of opinion, among the scientific community as to how much radiation is dangerous. Further, the Legion has found that many times exposure data is meager or non-existent in the cases of some veterans, and the Veterans Administration is hesitant to demonstrate any degree of flexibility when considering the evidence of record in radiation claims. The results of the study and literature review could be substantially helpful in eliminating many problems with these cases.

Section 602 states that in order to provide a basis for evaluation by the Congress of the merits of various alternative approaches to providing Federal benefits and services, either through the Veterans Administration or otherwise, the Administrator, within 180 days following enactment of this section, shall submit to the Veterans Affairs Committees, a report setting forth possible alternative approaches to providing Federal benefits and services to veterans exposed during active duty to ionizing radition from nuclear weapons tests, dioxin contained in herbicides used in Vietnam, or other hazardous substances, as well as possible alternative approaches to providing Federal benefits and services to the natural children of such veterans, in the event it is determined that such exposure caused genetic or congenital disabilities.

It is our understanding that the purpose of such a report is to provide the Congress a basis for addressing these issues in the future, subsequent to receiving evidence from appropriate studies. The American Legion supports such an effort to obtain information relative to establishing a mechanism for compensating those individuals who incurred health problems as a result of exposure to toxic substances. Resolution No. 410 of the 1982 National Convention mandates the Legion to support legislation of this nature as far as dioxin exposure is concerned.

The next bill under the Committee's consideration, *S. 567*, would amend title 38, United States Code, to authorize reimbursement for the reasonable charge for chiropractic services provided to certain veterans. The measure would amend Subchapter III of Chapter 17 of the title by establishing a new section which would authorize the Administrator to reimburse a veteran eligible for medical services under this chapter for the reasonable charge for chiropractic services for which the veteran has made payment if the chiropractic services were for

the treatment of a service-connected neuromusculoskeletal condition of the spine; the veteran has been furnished hospital care by the Veterans Administration for a neuromusculoskeletal condition of the spine within a twelve-month period prior to the provision of such chiropractic services; or to any veteran who has a service-connected disability rated at 50 per centum or more and has been furnished hospital care or medical services by VA for a neuromusculoskeletal condition of the spine, to the extent that the veteran is not entitled to the chiropractic services or reimbursement for the expense of such services under an insurance policy or contract, medical or hospital service agreeement, membership or subscription contract, or similar arrangement for the purpose of providing, paying for, or reimbursing expenses for such services. The proposal would also provide for the establishment of a schedule of reasonable charges for chiropractic services; limit the amount payable under the new section for chiropractic services to an amount not to exceed $600 in any twelve-month period in the case of any veteran; provide that total expenditures for chiropractic services under the new section would not exceed $2 million in any fiscal year, and no reimbursement or payment would be made under the new section for chiropractic services furnished after September 30, 1987.

The American Legion's policy on establishing chiropractic as a health care alternative to veterans was formed as the result of a study conducted by a Subcommittee on Chiropractic of our Veterans Affairs and Rehabilitation Commission. The Subcommittee inquired into the question of whether veterans should have greater access to chiropractic through programs administered by the Veterans Administration. The Subcommittee concluded that legislation to statutorily strengthen veterans access to chiropractic, in seeking care from VA to which they are legally entitled, is not presently required, and it was recommended that The American Legion should neither sponsor nor support such legislation at this juncture. Therefore, the Legion does not view S. 567 favorably.

Mr. Chairman, we shall now address S. 578, "Veterans' Health Care and Programs Improvements Amendments of 1983."

Section 101 of this measure would amend Chapter 17 of title 38, USC, by establishing a new Subchapter VIII, entitled "Adult Day Health Care Services Pilot Program." The purpose of the pilot program is to provide an alternative to institutionalization in a VA medical center, nursing home, or domiciliary, in the form of certain day health care services which would enable veterans to reside in a supportive home environment while receiving the most appropriate and best possible health care during daytime hours when their families may be unavailable to afford the necessary care and attention; and to determine the medical efficacy and cost-effectiveness of these services.

For the purposes of this provision, the term "adult day health care services" includes ambulatory medical care provided by physicians, nurses and/or other health-care personnel, and may include physical therapy and speech therapy; social work; recreational therapy; midday meals; and other such medical or rehabilitative services as the Administrator may determine to be necessary to provide an effective and economical alternative to extended or long-term institutional care.

The Administrator, in order to carry out the purposes of this proposal, in accordance with regulations which the Administrator shall prescribe, may furnish, in a congregate ambulatory setting at Veterans Administration medical facilities during normal daytime working hours, adult day health care services to any veteran eligible for hospital or nursing home care under section 610 of the title. The pilot program, as previously stated, shall be planned, designed and conducted so as to demonstrate any medical efficacy and cost-effectiveness that may result from furnishing services through adult day health care programs rather than through inpatient care in a Veterans Administration hospital, nursing home or domiciliary.

In carrying out the pilot program, the Administrator may not furnish adult day health care services after September 30, 1987. For the purpose of leasing of facilities, or construction or or conversion of VA medical facilities as the Administrator may find necessary in furnishing these services, the Administrator may expend not more than $35 million in each of the fiscal years 1984 through 1987.

The American Legion has strongly advocated the value of this concept of daytime ambulatory services, and our efforts culminated in the establishment of "Operation Post Home" in 1977. Operation Post Home became an official program of The American Legion in early 1978, with pilot programs being established in Duluth and Minneapolis, Minnesota. Representatives of the VA Department of Medicine and Surgery were extremely cooperative in providing technical assistance in the initial development of this program.

There are approximately 2100 American Legion Posts involved to some extent in providing educational, recreational, social and health care activities to the elderly citizens, especially veterans in their respective communities. An example of a highly structured day health care program is the Day Ambulatory Service for Health (DASH) program operated by American Legion Post 426 in Yucaipa, California. It is a medically-oriented daytime program designed to restore or maintain independence, and to provide a low cost alternative to nursing home care or other institutionalization. Care and services are provided by a team of qualified professionals. There are currently 15 clients in the program, 60 percent of whom are veterans. Some veterans are referred from the VA Medical Center, Loma Linda.

Not only is such a program cost-effective, but the mortality rate for those individuals in an institutionalized atmosphere is greater than those involved in adult day care services. The American Legion strongly supports the establishment of such a program within the Veterans Administration.

Section 201 of S. 578 would amend Chapter 17 of the title by authorizing a program of community residential care under which veterans who wish to participate and who are being furnished care by VA may be assisted by the Veterans Administration in their return to the community residential facilities, and to ensure that such facilities provide a safe and healthful environment at a reasonable cost to the veteran.

For the purpose of this program, the term "residential care facility" means any dwelling or other facility which provides at a minimum, room, board, limited personal care, and limited supervision.

The Administrator shall promulgate regulations to ensure the health, welfare, and safety of veterans in those residential care facilities that elect to participate in this program.

If enacted, the Administrator may assist any veteran who is being furnished VA hospital, domiciliary, nursing home care, or medical services on an outpatient basis by referring the veteran for placement in a residential care facility. The cost of any care or services provided under this program would be the obligation of the veteran pursuant to an agreement with the residential care facility, and such cost of care would not exceed the reasonable rate determined by the Administrator.

No veteran would be provided assistance in obtaining placement in any residential care facility unless the facility was approved by the Administrator as being capable of providing adequate personal home care and services to the veteran. The Administrator's approval would be based upon standards prescribed by the Administrator which would provide: (1) health and safety criteria; (2) guidelines by which reasonable rates for community residential care may be determined, giving consideration to such factors as the level of care, supervision, and other services to be provided, the cost of goods and services in the geographical area in which the facility is located, and comparability with other facilities providing similar services; (3) criteria for determining the necessary resources for a residential care facility to provide an appropriate level of personal services to veterans; and (4) such other criteria as the Administrator determines are appropriate to ensure the well-being of veterans placed in residential care facilities pursuant to this section. The Administrator would be given the discretion, upon advice of the Chief Medical Director, to delegate authority to VA Medical Center Directors to promulgate local standards necessary to meet requirements of State law or local ordinance in addition to the foregoing standards.

The Administrator would provide for periodic inspection of the facilities. If it is determined that any facility is not in compliance with the regulations, the Administrator may cease to refer veterans to the noncomplying facility, and assist in removing a veteran from a noncomplying facility, with the permission of the veteran, or the person or entity authorized by law to make that decision.

The American Legion is aware that this residential care program is currently being implemented by a large number of the VA medical centers, and from all indications is working well. The enactment of section 201 would establish the program under title 38, giving explicit authority to the Administrator in setting standards which the residential care facilities must meet, and in establishing a reasonable rate for the cost of care, and the Legion is in support of such action.

Section 301 of S. 578 would amend 38, USC, 312(b) by including among the diseases, which may be determined to be service-connected if they become manifest to a degree of 10 per centum or more anytime following active duty, in the case of a former prisoner of war who was detained or interned for not less than thirty days, the disease of dysthymic disorder (or depressive neurosis).

During the legislative process that preceded the enactment of Public Law 97-37, the Legion strongly supported the inclusion of depressive neurosis among those diseases with an open-ended presumption for former prisoners of war. This position was based upon the findings of studies conducted by the National Academy of Sciences—Nation-

al Reserach Council, and the study mandated by PL 95-479.

The position of the Legion remains the same on this issue, and we support the provisions contained in section 301.

Section 401 of this measure would amend section 111 of title 38, to provide, in the case of a veteran receiving or eligible to receive nonservice-connected disability pension, or a veteran whose annual income does not exceed the maximum annual rate of pension if the veteran were eligible for pension, that in no event shall payment be provided for the first $10 (or such lesser amount as the Administrator shall by regulations prescribe in order to minimize hardship in cases of veterans whose disabilities necessitate frequent travel to a VA facility for care) of the cost of travel to and from VA facilities when the veteran receives medical care at such facilities.

The American Legion is opposed to this limitation of payment of Beneficiary Travel to the poorest of Veterans Administration beneficiaries. The individuals that would have to bear this loss or reimbursement are the veterans who, because of their disabilities and economic circumstances are much in need of this benefit.

Mr. Chairman, the last legislative proposal, which is in draft form, would amend title 38, USC, to extend the authority of the Administrator of Veterans Affairs to provide certain contract hospital care in Puerto Rico, and the Virgin Islands to September 30, 1986.

The American Legion has recognized, identified, and attempted to deal with the problems that exist in the provision of health care to veterans in Puerto Rico for close to twenty years. Site visits have been conducted on three occasions, 1967, 1971, and 1978, by our Field Representatives and other American Legion officials, for the purpose of assessing the inherent problems of health care delivery to veterans, and reiterating the urgency of this situation to the Veterans Adminstration.

Mr. Chairman, at the request of the Congress, the Veterans Aministration has conducted a study of these health care delivery problems and has prepared a report entitled "A Plan for the Delivery of Health Care to Veterans in Puerto Rico and the Virgin Islands." Without going into great detail at this time, we would like to point out that the VA study describes the foregoing problems, and contains recommendations which if initiated would alleviate many of the difficulties, and go far in accomplishing a comprehensive plan for providing appropriate and cost-effective health care to the veterans in Puerto Rico and the Virgin Islands.

The American Legion supports the extension of the VA's authority to provide contract care and fee-basis medical services until September 30, 1986. However, we would urge that the Congress and the Veterans Administration consider the data and recommendations contained in the VA study. The problems that exist in Puerto Rico are real, and they need to be addressed.

Mr. Chairman, that concludes our statement.●

STATUS REPORT ON THE BUDGET

● Mr. DOMENICI. Mr. President, I hereby submit to the Senate a status report on the budget for fiscal year 1983 pursuant to section 311 of the Congressional Budget Act. Since my last report the President has signed the supplemental jobs bill (Public Law 98-8) and Congress has completed action on H.R. 1900, the Social Security Act Amendments of 1983.

The report follows:

REPORT TO THE PRESIDENT OF THE U.S. SENATE FROM THE COMMITTEE ON THE BUDGET: STATUS OF THE FISCAL YEAR 1983 CONGRESSIONAL BUDGET ADOPTED IN SENATE CONCURRENT RESOLUTION 92, REFLECTING COMPLETED ACTION AS OF APRIL 5, 1983

[In millions of dollars]

	Budget authority	Outlays	Revenues
Second budget resolution level	822,390	769,818	665,900
Current level	868,492	783,003	665,298
Amount remaining	0	0	0

BUDGET AUTHORITY

Any measure providing budget or entitlement authority which is not included in the current level estimate and which exceeds $0 million for fiscal year 1983, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in S. Con. Res. 92 to be exceeded.

OUTLAYS

Any measure providing budget or entitlement authority which is not included in the current level estimate and which would result in outlays exceeding $0 million for fiscal year 1983, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in S. Con. Res. 92 to be exceeded.

REVENUES

Any measure that would result in revenue loss exceeding $0 million for fiscal year 1983, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in S. Con. Res. 92.●

TRIBUTE TO JAMES F. (BUCK) BURSHEARS

● Mr. ARMSTRONG. Mr. President, what this country needs is a good definition of success. In the American culture, we too often define success only in terms of wealth and power. Successful living, however, cannot be accomplished without fidelity to the enduring values that sustain all successful human societies.

The life of James F. (Buck) Burshears provides an eloquent definition of success as it should be understood. Buck Burshears grew up in southeastern Colorado in the midst of the Great Depression with scant chance of success as it is ordinarily perceived. But, he has demonstrated with vivid clarity what one individual can achieve and contribute to his society with dedication and tenacity to an idea.

Buck's life also is a living demonstration of the value of Boy Scouts to this country. It was through Scouting that Buck found a consuming interest that would last a lifetime and enrich the lives of thousands.

He was the first Eagle Scout in his area and his Scouting interests intersected with an interest in the centuries old Indian folklore of the West. Buck Burshears' interest blossomed into a passion that enlisted the local LaJunta Scout troop as a vehicle to learn, understand and preserve the Indian heritage. He formed the Koshare Indian Dancers which, over the past 50 years, has grown into a unique organization combining research, preservation, and demonstration of the Indian culture.

The Koshare Dancers of Explorer Post No. 2230 in LaJunta have become world famous for their efforts to learn and accurately perform the traditional dances of the American Indians. Coupled with the Indian dances has been the building of the Kiva and Museum in LaJunta which now makes a permanent contribution to our understanding and appreciation of America's first inhabitants.

The Koshare Kiva now has a $10 million collection of Indian art and one of the largest Indian lore collections in the world. The Kiva has been visited by over 1 million people and every year some 5,000 Scouts stay in the Kiva on their way to the national Scout ranch.

Buck has become one of the world's foremost authorities on Indian dance. He has been accorded many honors: He has been named Colorado Citizen of the Year in 1982 by Governor Lamm and the State legislature; he is the recipient of the Silver Buffalo—Scouting's highest award; he has been made Blood Brother of the Chippewa and an honorary member of the Blackfoot tribe; and he has been honored by the people of Japan as a human treasure for his efforts to pass on to future generations knowledge and skill that otherwise would be lost. There have been many other honors that reflect the national and international stature of the Koshare Dancers program. But Buck's crowning achievement is that under his leadership over 525 boys have attained the rank of Eagle Scout—far above the national average. There is nothing that could be a more eloquent statement of the character of a man than that.

On the occasion of the 50th anniversary of the founding of the Koshare Indian Dancers it is appropriate to pay tribute to James Francis (Buck) Burshears for what has become a priceless contribution to the preservation of the heritage of the American Indians. Beyond that, we should pay tribute to an American who has achieved success in the finest meaning of the term. Working with resources available to him in his local community, he transformed an ordinary Scout troop in an average American community into an extraordinary institution that has made a singular contribution to American life. Most important of all, his sense of integrity and commitment

have been transmitted to the lives of the thousands of boys who have become Koshare Dancers down through the years.

The free society is nourished and sustained by individuals like Buck Burshears.●

GIRL SCOUTS OBSERVE 71ST ANNIVERSARY

● Mr. SASSER. Mr. President, I am pleased to comment on the 71st anniversary of the Girl Scouts of the United States of America. The Girl Scouts have become a delightful and constructive part of the American scene. Each year we are reminded of the fine work of this organization by the Girl Scout cookie sale throughout the Nation.

But the Girl Scouts do far more than sell cookies. They participate in a constructive, well-planned program to develop their God-given potential, to make friends and to become a vital part of the community.

The Girl Scouts constitute the largest voluntary organization for girls and women in the world. The girls work with adult volunteers who help them relate the world to ethical values.

Since 1912 some 44 million American girls, women and men have participated in the program. As times have changed, the program has changed. Girl scouting is uniquely qualified to help today's girls become productive, self-confident and socially responsible women.

The theme of the Girls Scouts today is service—and as a part of that service they are performing work in their home communities. In Tennessee, for example, Girl Scouts engaged in various tasks related to the international water decade, the 1980's, along with other girls throughout the country.

Recently, Girl Scout representatives from Tennessee joined those from other States in observing the 71st anniversary in Washington. We certainly commend them and all other Girl Scouts for their contributions to a better America and a happier world.●

DERECOGNIZE RED CHINA

(By request of Mr. BAKER, the following statement was ordered to be printed in the RECORD:)

● Mr. GOLDWATER. Mr. President, it is time to derecognize Red China. The American people are getting sick and tired of the constant tirades of the totalitarian regime of the Chinese mainland. We have endured enough of their threats and harangues.

What have we gotten out of formal relations with Communist China? Nothing. Nothing, that is but abuse and criticism of every action our Government takes, and endless demands for concessions piled upon concessions.

There have been no strategic gains from our relationship with Red China. The first thing the Chinese Communist officials did after the United States agreed to sign a joint communique last August was to establish new contacts with Russia, which was exactly what we thought we were preventing with the communique.

What did the Communists do after Secretary of State Shultz left mainland China in early February? Just hours after he departed Peking, the official Communist press agency attacked U.S. officials for distorting the joint communique and for failing to strictly observe Communist interpretations of that agreement.

Then, in late February and early March, Red China made repeated personal attacks on President Reagan because of statements he had made in an interview with Human Events. U.S. Ambassador Arthur Hummell was summoned to the Communist Chinese Foreign Ministry to receive a verbal complaint about the President's remarks. All the President had done was say that he expects Red China to act peacefully toward Taiwan.

Next, we have the spectacle of almost daily weeping and wailing by various Communist officials who cannot abide the fact that the United States has granted the appeal of Miss Hu Na, a 19-year-old Chinese tennis player, for political amnesty. Being accustomed to dictating every aspect of life of its citizens, and having anticipated U.S. capitulation at their slightest beck and call, the Communist Chinese are put in a state of shock at the commonsense decision by Attorney General William French Smith, who granted Miss Hu's petition for admission as a political refugee on Tuesday.

Now, we have the latest outburst from mainland China. Today, the Communist Chinese announced they are suspending cultural exchanges with the United States for the remainder of this year.

My response is that the United States should derecognize mainland China. It is time to cross Red China off of the list of governments that receive formal U.S. diplomatic recognition.

This young lady has merely decided to exercise her political conscience by seeking freedom from an oppressive government. By refusing to acknowledge her human rights, Red China has proved it is not a civilized government and is no friend of the United States.

There is only one China and that China is a free China. The United States should correct the mistake it made in 1979 and restore official recognition of the Government of the Republic of China on Taiwan, a government which has remained loyal and helpful to our people and country.●

NEW YORK'S TALENTED YOUNG SCIENTISTS

● Mr. MOYNIHAN. Mr. President, I wish to bring to the attention of my colleagues the splendid accomplishment of several New York State students.

Each year, the Westinghouse Science Talent Search awards scholarships to aspiring young scientists. These Westinghouse prizes are considered to be among the most prestigious in the Nation. Nineteen New York State high school seniors placed among the 40 finalists in the most recent competition. In the final round of the contest, eight went on to finish among the top 10: Paul Ning, first place; Eric Arkira Koide, third; Caroline Gomez, fifth; Elihu Hassell McMahon 2d, sixth; Alexandra Kroeger, seventh; Gina Levy, eighth; Jeannie Pui Ching Lo, ninth; and Janet Lin Pan, 10th.

This truly remarkable achievement highlights the fact that New York State has not only an enviable educational system, but an exceptionally large cadre of dedicated science teachers and professionals at its schools and advanced facilities.

Nevertheless, our efforts to provide quality math and science education must be strengthened. To this end, I have joined a bipartisan coalition of my colleagues in introducing legislation (S. 530) aimed at increasing and refining our instructional capabilities. S. 530 would earmark $400 million to improve teacher training programs, laboratory research facilities, and curriculum development.

Such funds are urgently needed. Our country was in many ways built by the creative imagination of those who dared to experiment and think of new ways to perform tasks. Today, as perhaps never before, many are questioning America's standing in the sciences. The achievement of these New Yorkers demonstrates, however, that American ingenuity is alive and well. It remains for us to provide the necessary resources for that ingenuity to flourish.

Mr. President, I ask that a New York Times article describing the achievement of these young men and women be printed in the RECORD.

The article referred to follows:

[From the New York Times, Mar. 8, 1983]

NEW YORK DOMINATES IN SCIENCE TALENT HUNT

(By Jane Perlez)

WASHINGTON, March 7.—New York State won 8 of the top 10 awards tonight in the annual Westinghouse Talent Search.

A 16-year-old student from the Bronx High School of Science, Paul Ning of Washington Heights, won the first prize, for a project in advanced number theory.

One of the judges said that Mr. Ning's project, for which he received a $12,000 prize, showed "a very sophisticated understanding of number theory not commonly

found in one so young." The Westinghouse prizes are considered among the most prestigious in the nation for aspiring scientists.

Besides Mr. Ning, two other students from Bronx Science were in the top 10. The other New York State winners were from Stuyvesant High School in Manhattan, Dobbs Ferry and New Rochelle High Schools in Westchester County, Shoreham-Wading River High School on Long Island and Shaker High School in Latham.

The top 10 were selected from 40 national finalists who gathered here over the weekend for intensive interviewing by a panel of judges and a display of their experiments.

President Reagan met with the students in the White House this afternoon and used the occasion to emphasize his support of a bill in Congress to increase Federal funds for science and mathematics instruction.

The other winners from New York City were Elihu Hassell McMahon 2d, 17, from the Bronx High School of Science, sixth place, with a design of a lightweight wind turbine; Jeannie Pui Ching Lo, 17, of Stuyvesant High School, ninth place, with a demonstration of genetic techniques, and Janet Lin Pan, 16, of the Bronx High School of Science, 10th place, with a project on "Divisibility of Sums of Powers of Integers."

Dr. David Axelrod, New York State's Commissioner of Health and chairman of the Westinghouse panel of judges, said he thought the strong showing by New York City and its suburbs was largely due to the dedication of science teachers at the top schools and the presence of advanced facilities.

"New York City has a lot of universities and a whole cadre of people willing to help high school students," Dr. Axelrod said. "Many of these students have sought contact with scientists who have given of their time."

Mr. Ning's winning project was one of the few on exhibit at the National Academy of Sciences here over the weekend that did not require complicated equipment or supervision in a laboratory.

"I did it at home," he said, standing in front of large sheets of yellow cardboard on which he had written in oversized script the solution to his problem worked out over two months. "With a math paper, all you need is paper and pencil."

"The two months were very concentrated," he said. "I set aside days. I'd finish all my homework in half an hour and then go onto this. I often worked into the wee hours."

Mr. Ning came to the United States at the age of 3 from Taiwan with his parents and is a permanent resident. He was pleased, he said, that an official visiting the show from the National Security Agency had jotted down his results. "Perhaps he can use it in a code," he said.

Mr. McMahon, said he had been considering developing his wind turbine to generate electrical power in rural communities and hoped to get a patent. He said he had built the model at home in the Northeast Bronx from balsa wood.

Eric Akira Koide, 17, of Dobbs Ferry, spent last summer at Michigan State University's department of microbiology, comparing the genes of two proteins: Thy-1 glycoprotein and immunoglobulin. He said he had concluded that Thy-1 came from the same ancestral genes as immunoglobulin.

"It's a big perhaps, but maybe Thy-1, which is present in large amounts in the brain, has something to do with the aging of the brain," Mr. Koide said.

The student who finished in eighth place, Gina Levy of New Rochelle High School, used a sea slug known as Aplyson to study the cellular and molecular basis of learning. "The hope is that from what happens in an Aplysia, we can learn what happens in humans when they learn," Miss Levy said.

She did her work at the College of Physicians and Surgeons at Columbia University in a special Columbia honors program for gifted high school students.

The other winners from New York are Caroline Gomez, 17, of Shaker High School in Latham, upstate New York, fifth place, for an anatomy project conducted last summer at the Albany Medical College, and Alexandra Kroeger, 17, of Shoreham-Wading River High School, Shoreham, L.I., seventh place, for investigating the structure and function of actin, a protein crucial for the function of muscles.

The second and third place finishers each received $10,000; fourth, fifth and sixth place $7,500; and seventh through 10th places $5,000.

Michael Hyman, 18, of Centennial High School, Ellicott City, Md., won second prize, and Larry Gene Spears, 17, of Cypress Creek High School, Houston, won fourth prize.

"Made in New York" advertising had helped the campaign of Mario M. Cuomo, the Democratic candidate.

Asked if this was appropriate, Mr. Carey replied that it was Mr. Lehrman who had done something wrong by using campaign advertisements that in Mr. Carey's view overstated the difficulties of doing business of New York.

Mr. Lehrman's campaign relied heavily on his claims that New York was overtaxed.

The use of the state commercials was attacked at the committee hearing today by Richard V. Horan, president of The Citizens Public Expenditure Survey, a private watchdog group financed largely by businesses. He called for a "full investigation" of the "misuse of taxpayers' money by the state's Commerce Department."

The chairman of the Commerce Committee, Senator Walter J. Floss, said he would decide in April whether to turn the issue over to the Senate Investigations Committee.

Mr. Dempster said that originally the Commerce Department had not intended to advertise on television during the two weeks preceding the election, out of concern that the advertising would become lost in the volume of campaign advertising.

But after a telephone conversation with Governor Carey in late September or early October, Mr. Dempster said that he reversed this decision and ordered $228,000 in advertising in the three weeks before the election.

Mr. Dempster said there was fear that the Lehrman campaign advertising would undo the improvement in the state image produced by the "Made in New York" commercials.●

A FRANK APPRAISAL OF THE IMF BAILOUT

● Mr. HUMPHREY. Mr. President, Dr. Paul Craig Roberts, a former Assistant Secretary of the Treasury for Economic Policy, has spent a good deal of time on Capitol Hill recently attempting to inject rational analysis into the discussion surrounding the proposed $8.5 billion increase in our Nation's commitment to the International Monetary Fund. In the April 9, 1983, issue of Human Events, Dr. Roberts discusses frankly the implications of this proposal on our economy, our banks and, most importantly, our position as a once-respected leader of the free world.

Mr. President, congressional approval of the quota increase would sanction an irrevocable transfer of precious American resources—as well as the political and economic leverage which accompanies them—to an organization which is in large measure accountable only to its own interests. The IMF has far outlived its original mission as a source of temporary balance-of-payment financing in a world of fixed exchange rates. In search of a new mission to justify its continued existence and growth, the IMF has set its sights on the development of the Third World—a mission to which our Nation has traditionally responded with bilateral, not multilateral, assistance. As Dr. Roberts so astutely warns, "the IMF could become a de facto international IRS through which the Third World taxes us."

A boosting of the Fund's resources will serve only to fan the flames of the debt squeeze, to draw our already overexposed banks more deeply into the morass, and to encourage the continued pursuit of counterproductive economic policies by Third World and Communist nations the world over. We can afford to do none of these things, Mr. President. I respectfully urge my colleagues to weigh carefully Dr. Roberts' unsightful appraisal of this situation before the crucial vote is cast.

I ask that the article appear in the RECORD at this point. The article follows:

EXCLUSIVE INTERVIEW WITH PAUL CRAIG ROBERTS—IMF LOANS: BAILING THE BANKS IN DEEPER

(Prof. Roberts, former assistant secretary of the treasury for economic policy in the Reagan Administration, is William E. Simons Professor of Political Economy at the Center for Strategic and International Studies at Georgetown University.)

Question. Mr. Roberts, Federal Reserve Chairman Paul Volcker recently told the Congress that the threat of default by foreign governments on their loans to our banks poses "a threat to the recovery, the jobs, and the prosperity of our own country, a threat essentially without parallel in the postwar period." What is your opinion of the situation?

Answer. I believe that Mr. Volcker's rhetoric is excessive and that the atmosphere of crisis has prevented prudent and careful thinking about the situation. As a result the Congress is about to go along with a "solution" that will: (1) impose substantial costs on the U.S. economy that are being ignored; (2) worsen the international debt problem; (3) enfeeble U.S. diplomacy; and (4) transform the International Monetary Fund from an agency that provides temporary li-

quidity in the event of balance-of-payments problems into an aid-giving agency.

Question. What are the costs to the U.S. economy of participating in the eighth quota increase for the IMF?

Answer. There are several costs. One is that the Treasury has to finance the $8.4 billion that we are due to turn over to the IMF by borrowing in the credit markets.

In other words, the IMF quota increase is the same as a larger federal deficit. It offsets dollar for dollar any reduction in the budget deficit achieved by cutting defense spending, reducing Social Security benefits, and raising taxes. The total impact on our credit markets is greater than the $8.4-billion figure, because the IMF bailout packages require additional foreign lending by U.S. banks, thus reducing their ability to purchase U.S. government and corporate bonds at home.

According to Secretary of the Treasury Donald Regan's testimony before Congress, from 1977 to mid-1982 our private banks lent $4.30 abroad for every dollar in IMF loans. If that ratio continues to hold, our participation in the IMF-led bailout will drain $44.5 billion from our capital market ($8.4 billion + 4.3 × $8.4 billion).

In testimony before the Joint Economic Committee Mr. Volcker warned that there is not enough credit to go around and that unless Treasury borrowing is reduced, higher U.S. interest rates will work against the economic recovery at home.

Clearly, in Mr. Volcker's mind, the cost to the U.S. of a larger IMF quota is either higher interest rates and a weaker recovery or higher taxes or reduced defense and social spending. These costs are being ignored by the same U.S. policymakers who are responding to the federal deficit by trying to force President Reagan to abandon his supply-side tax policy and to cut his defense program.

There is a great deal of talk about how the International Monetary Fund forces troubled borrowers to retrench in order to straigthen out their economies. However, if Congress goes along with the quota increase, we have to retrench too. We have to give up the use of $8.4 billion of our resources. Either the private capital markets or the Treasury or the taxpayers or the military or Social Security recipients—somebody has to do without the $8.4 billion because it is a real resource transfer. There is no way to disguise that fact. It is a transfer of $8.4 billion of our resources from our purposes to other countries purposes on a permanent basis, and as such is equivalent to a higher tax on American incomes.

Question. Why does the IMF bailout of the foreign loans worsen the international debt problem?

Answer. The problem is that the Third World and Eastern European governments that are the troubled foreign borrowers already have more debt than they can service, and some of our large banks have more exposure in loans to these countries than the risk justifies. The IMF bailout loads up the debtor countries with more debt and forces more exposure on our banks.

In defending the Administration against the charge that it is using taxpayer money to bail out big bankers, government spokesmen like Secretary of State George Shultz have described the policy as one of bailing the banks in deeper.

Consider, for example, the Brazilian bailout. The $5.5-billion IMF loan to Brazil is conditional upon the private banks that are Brazil's creditors rolling over $4 billion in existing loans, making $4.4 billion in new loans, providing $10 billion in new trade credits and maintaining billions of dollars on deposit with Brazilian financial institutions. It is, in other words, piling debt on debt, so the risk of ultimate default worsens.

This brings us back to the cost to the U.S. consumer. The more our government and our banks get involved in propping up old loans with new ones, the greater the stake they acquire in the resurgence of world inflation. Rapidly rising oil and commodity prices would provide Third World countries with rising revenues to service a depreciating debt. It would be a shame if the one benefit—lower inflation—of the recession that the Federal Reserve has put the American people through was sacrificed to an inflationary bailout of a mountain of foreign debt.

Question. But what about the present crisis? Do you agree that there is one, and how would you address it?

Answer. I believe that the approach that is being taken to deal with the international debt problem is a greater danger than the "crisis" itself, if that is what it is. I would call it a problem that is in danger of being turned into a crisis by the solution that is being adopted.

I agree with George Champion, former chairman of Chase Manhattan Bank, that the best approach to the current problem is not to pile debt upon debt, but to allow the banks to build up larger tax-deductible loan loss reserves against their questionable foreign loans and require the banks to write down the value of the loans to what they can reasonably expect to collect. My solution would be to reduce the foreign exposure of our banks and to reduce the debt burden on the debtor countries.

Question. You said that by participating in the IMF bailout we run the risk of enfeebling our diplomacy. Would you explain what you mean? Many people believe that we need to go along with an enlarged IMF quota in order to help important countries like Mexico and Brazil in our back yard.

Answer. It does not help countries to load them up with more debt when they can't pay off what they already have. Loans are different from grants. If we want to give aid, we should do so bilaterally. When you give aid through a multilateral middleman, you lose control over whom the aid goes to and end up subsidizing Socialist and Communist governments. Also, when aid passes through a middleman, the donor country cannot extract a quid pro quo. The ultimate result is to divorce foreign aid from our foreign policy interests.

I agree with former Treasury Secretary Bill Simon that bilateral aid lets us control the decision whom to give to and when to give more, whereas the multilateral approach subjects our diplomacy to endless demands by the bloc of aid-receiving countries. Indeed, in a multilateral setting like the IMF, Third World countries can put pressure on our European allies to pressure us to enlarge the IMF's resources.

Question. Is that what you mean by the International Monetary Fund being turned into an aid-giving agency?

Answer. Yes, and there is an even greater threat to the integrity of the IMF. There is a danger that the pressure for wealth transfers from the West to the Third World will turn the IMF and other international financial organizations into agencies through which the West makes international transfer payments.

The IMF is supposed to make short-term loans to provide liquidity to tide over countries with temporary balance-of-payments problems, but as the international debt mounts up, the IMF is in danger of having to permanently underwrite deficits in the Third World's balance of payments. In other words, the IMF could become a de facto international IRS through which the Third World taxes us.

Question. But what if the alternative to turning the IMF into an aid-giving agency or even a tax man is the collapse of our banking system as a result of foreign governments defaulting on their loans? Which is worse?

Answer. The alternative to an IMF-led bailout is not default, but a partial write-down of the loans. Bank profits would be down temporarily as well as would management bonuses, and a few banking reputations would be bruised. But everyone would survive it and come out strengthened. Even in the event of default, it would not bring down our banking system unless the Federal Reserve was derelict. The Federal Reserve would provide reserves to the banking system and prevent a default from causing a contraction.

Question. But wouldn't this be inflationary?

Answer. No. The Federal Reserve would provide new reserves to offset the contraction of reserves caused by default. It would be a wash. The danger of inflation comes from getting everyone's prestige involved in the success of a bailout that piles debt on debt until it has to be inflated away. We are heading for trouble when we lend money to pay interest.

Question. What about the argument that by lending more abroad we will experience a rise in demand for our exports, thereby helping to reduce our unemployment rate?

Answer. Our exports would go up, but not dollar for dollar, because some of the money will be spent in other countries.

For example, say we lend $10 abroad instead of spending it at home and that $6 comes back and $4 is spent in other countries. The results is less spending on our goods and a rise in unemployment. Also, U.S. exports have high value added but they are relatively low in labor intensity, so the result of lending abroad is to direct demand toward capital-intensive goods. The IMF-led bailouts cannot be described as a domestic jobs program.

Question. What about the conditions that the IMF imposes on troubled borrowers? Does the IMF make them reduce the size of the public sector and adopt free market principles?

Answer. The International Monetary Fund usually requires countries to take actions to reduce their imports and increase their exports in order to build up their foreign exchange holdings. In other words, the IMF requires troubled borrowers to reduce domestic consumption. Most often this means a tax increase, so the result of IMF conditionality is to cut back the private sector.

Rep. Jack Kemp has led the fight to convince the IMF that the higher taxes hurt incentives in the private sector, thereby further weakening the economy of the troubled country.

The IMF conditions were designed to pull a single country around. But today there are a large number of troubled countries. It is not possible for them all to increase exports and reduce imports at the same time. If no one is importing, who can export? In

the current situation it means that the West is expected to import more and export less—which is another reason the IMF quota increase cannot be seen as a jobs program.

Question. How much control do we have over the IMF?

Answer. We have just under 20 per cent of the vote—enough to veto any changes to the IMF charter, but not enough to run the show. Based on our contribution to the IMF we should have about 40 per cent of the vote. However, the way the IMF is set up, countries can pay 75 per cent of their quota in their own currencies. Since the currencies of most countries are not convertible, that is, they are not acceptable as means of payment in international settlements, many of the IMF's members are not paying in anything real when they subscribe to a quota increase.

In other words, they are allowed to buy their share of the vote with play money. Most of the IMF's resources come from the U.S. and its allies. That is why a majority of the IMF's members favor a quota increase.

The quota increase was in the works prior to the threat of default, but the U.S. Treasury and President Reagan were resisting a 50 per cent increase in the quota. The alleged international banking crisis served as a tool to break down the resistance of the Treasury and the President. They were frightened by the threat of a banking crisis into coughing up more money, but as I have said, the alternative to a bailout is not default, and the solution that is being adopted is more likely to lead to a crisis than the problem itself.

If there really is a crisis requiring a bailout, we should do if by setting up a temporary revolving fund. Then when the crisis is over the donor countries could withdraw their funds for their own use.

What is happening is that in the name of a temporary liquidity crisis we are being pushed into making a permanent transfer of our resources to the IMF. The quota increase was having trouble when its case was argued in its own name. Now it is sailing through in the guise of a bank bailout. I think this a political mistake for the banks as well as for the government, because people will resent having their Social Security benefits reduced in order that the government can bailout the banks and foreign governments. The resentment spreads across the society.

For example, the military hears the government talk about pay freezes and bank bailouts. Farmers are losing their farms, people's cars are being repossessed, and the government is bailing out foreigners. I think we have to find a way to help the banks and foreign debtors without demoralizing our own population.

Question. If you were still in the Treasury, what would you advise the President to do?

Answer. He should tell the Treasury and the Federal Reserve to find out what percentage of the loans have to be written down in order to make the remainder good. If it is a reasonable amount, and I believe it would be, it would let the crisis be solved rather than prolonged, worsened and perhaps turned into a lever for extracting international transfer payments from the U.S. and its allies to the rest of the world.

It wasn't that long ago that the U.S. stood astride the world like a colossus. Our financial and diplomatic power was respected, and countries sought to be in our good graces. We even managed to conduct our diplomacy through our own institutions. But today, after subordinating our interests to international organizations, we stand before the world as Uncle Sap who antes up for foreigners while the President's tax cuts and defense buildup fall under the budgetary knife.

The world has serious problems that require U.S. leadership, but the U.S. cannot lead as long as it acquiesces to demands. We must strongly resist the notion that foreign debtors have our banks over a barrel or they will take advantage of the situation to extract ever more American resources through the International Monetary Fund.●

HIGH TECHNOLOGY AND SMOKESTACK INDUSTRIES

● Mr. BIDEN. Mr. President, on March 4, I conducted a field hearing of the Senate Budget Committee in Wilmington, Del. The purpose of this hearing was to review the multitude of budget problems that the Senate faces this year.

One of the early witnesses at this hearing was Mr. E. G. Jefferson, the chairman of the board, E. I. du Pont de Nemours & Co. As a part of his testimony, Mr. Jefferson raised the issue of the industrial future of this country and the health of its smokestack industries. As he put it:

We should be striving for leadership in the production of basic materials such as steel, chemicals, automobiles and appliances. While the services sector of the economy is growing, it cannot survive with an eroding industrial base.

During that Budget Committee hearing, Mr. Jefferson and I had the opportunity to discuss this issue which is of such great importance to the future economic health of this country, and the world. On Sunday, March 20, his views were set forth in an article in the Washington Post entitled: "Du Pont's Jefferson Doesn't See High Tech Replacing 'Smokestack' Industries of Past," by Martha M. Hamilton. In this article Mr. Jefferson is quoted as saying:

I start off with two questions. If you have service industries but lack a healthy agricultural or industrial economy, who are they going to serve?

Mr. Jefferson's answer is a merger of high technology with the basic smokestack industries that have in the past contributed so much to our economy. His comments in the Post contribute much light to the present debate on the future of American industry. I commend it to my colleagues and ask that the full article be printed in the RECORD.

The article follows:

DU PONT'S JEFFERSON DOESN'T SEE HIGH TECH REPLACING 'SMOKESTACK' INDUSTRIES OF PAST

(By Martha M. Hamilton)

In the public debate stoking up over the course of America's industrial future, the antagonists represent the high-tech, "Buck Rogers" school of industrial planning or those who want to cling to the heavy "smokestack industries" of the past.

E. G. Jefferson, chairman of one of the larger and elder industries of the "smokestack" category—E. I. du Pont de Nemours & Co.—and a relatively new entrant into the debate, sees a better path between the two.

In a series of recent speeches and in an interview last week, Jefferson made clear that he believes America's core industries can become high tech and provide the basis for new job creation in services or in emerging industries.

"I start off with two questions. If you have service industries but lack a healthy agricultural or industrial economy, who are they going to serve? It's like that old expression, 'They earned a precarious living taking in one another's laundry,'" he said, using a line from former AFL-CIO president George Meany.

"Then I think about the concept of high technology, and I ask myself, what is that? For instance, is a steel plant that is highly automated, with the most modern instrumentation, data reduction, controls, use of robots for product handling, is that high tech? I suspect it is."

Science and engineering propelled U.S. industries in the years they were growing and exporting, Jefferson maintains. "It was know-how, the better mousetrap.

"That hasn't gone forever at all. In many areas it still exists, and the potential ability in some of the areas where, for the moment, we have fallen behind, still remains."

Jefferson said he believes that the national defense, job considerations and the need to provide a basis for more advanced industries all require the nurturing of basic industries in the United States. "I strongly believe we have a national stake in protecting them."

The worst choice for the nation, he said, would be to remain "just a captive of recent history" or "to give up," when it is entirely possible "to restore" heavy industries to their position of dominance.

"What I'm saying is that a steel plant can be as high tech as anything there is. I would go a step further and say it should be, because it's only [those] industries that have really ensured their international competitive position."

Above all, he said, "we're talking about jobs." To the extent that the movement of people away from the core industries is a product of operating those industries more efficiently, "I say three cheers. That is exactly what you want to do. That says you are the most productive."

In that situation, moving workers into other activities "makes all kinds of sense," said Jefferson. "But to discard a core industry and have the people who were engaged in that industry with no place to go bothers me. Maybe something will come along and maybe it won't."

The analogy that Jefferson uses most frequently is American agriculture when the country was becoming industrialized. Agriculture was not abandoned but became more productive and less labor intensive. The workers leaving farming were made available for industrial jobs.

During the three decades when the technological revolution was shrinking the ranks of agricultural workers, nonfarm jobs increased by 77 percent, absorbing much of the displaced work force.

He says that the way to bring people from the present core industries into service activities or to new types of industries is not to shut them down, but to increase the productivity in those industries through re-

search, engineering and investment in modernization.

"People say, what are you going to do about an industry that is sick?" Jefferson said. "I think the answer to that is we have to react to that just as we've reacted to problems in agriculture over the years. We've been unwilling to say, well, if agriculture's sick, let it go to the wall and we'll buy our food from someplace else."

There are industries so basic to the nation's economic health, including steel and other heavy metal manufacturing, heavy chemicals and energy, he said, that "if you have a piece of this that's ailing, I think you have to be prepared to take extraordinary steps to ensure its restoration." Du Pont is in two of those businesses, as a manufacturer of bulk chemicals and the operator of Conoco.

Jefferson uses Du Pont as an example of the ability to fuse basic industrial manufacturing and high technology.

"We've been making nylon since the World's Fair back before World War II," he said. "The product has developed, has been improved in many ways over the years, but it is a long established business of ours. It has been for well over 40 years.

"The facilities to make it have been through many, many modernizations since we first started to make it, and, just the beginning of this year, we started up a new plant in Victoria, Texas, to make one of the main ingredients of nylon," he said.

The plant is run by modern electronic controls with computer data reduction and involves modern materials handling by robots. Although nylon fibers are maybe 40 to 45 years old, the plants that are making the ingredients and are making the fiber are high tech.

With modernization, Du Pont's fiber production is "about double what it was 10 years ago, and we have only 5 percent more people," he said. "That's the kind of modernization I'm talking about."

The future of the U.S. petrochemical industry lies in high technology specialty products, according to most analysts.

Kevlar, which is used for bullet-proof vests, helmets, ropes for securing offshore platforms and tire reinforcement, is one of the company's newest specialty products. "It's a high technology specialty fiber in one sense, but in another sense, we've put in a large plant to make it," Jefferson said. He expects a multitude of uses to be discovered for the product.

Although Jefferson balks at protectionism, he said he favors a tougher negotiating stance on the question of nontariff barriers because "the rules of the road should be fair." He favors a government policy of encouraging investment overseas, which he said can help build demand for U.S. manufactured products.

About a third of Du Pont's business (with the exception of its Conoco operations) is conducted overseas, he said. About half of that is exports from the United States. "The positive balance of trade for the chemical industry for the past half-dozen years has been greater than $10 billion a year, and that is one favorable—very, very favorable—balance of trade."

Jefferson linked that to research. "Of all the basic research done by industries, the chemical industry has been doing about 35 percent of it," he said.

Jefferson said the more proper role for the government is to encourage research and development, including greater cooperation between the nation's universities and business, to encourage international trade, to provide predictability in the areas of taxation, regulation and interest rates, to cooperate with business in providing job training and to boost modernization by encouraging capital expenditures.

Improving the nation's position in international trade will take time, "just as it took some time to go the other direction," he said.

"I don't see the likelihood of a world in which the only employment here is in the very latest thing that has come out of the laboratory, and if it's been around very long, it's fugitive and goes somewhere else," he said. "That doesn't make much sense to me, and it's certainly not a very secure world."●

THE SECRET OF JAPANS SUCCESS

● Mr. ARMSTRONG. Mr. President, one of the greatest challenges of the information age is keeping one's perspective. In all the tumult and criticism surrounding the recession, it is easy to lose sight of reality.

A recent article by the U.S. Chamber of Commerce puts our present economic situation in perspective. The United States is still the world's productive giant—by a large margin. Our overall productivity is 50-percent higher than Japan's.

The concern is that Japan's productivity, while substantially below the United States at present, is gaining at a faster rate. The article points out that a key difference between the two nations is tax policy. Japan has been slashing tax rates and realizing economic growth and increased revenues as a result, while the U.S. Government has been pursuing an opposite policy.

When we view the economic picture in perspective, we see a strong validation of the Reagan administration's objectives of reducing taxes to stimulate growth and productivity. As we approach the awesome problems of this year's budget, it is important to realize that tax levels in the United States have become so burdensome that new taxes are counterproductive.

I hope my colleagues will read the article carefully. I ask that it be printed in the RECORD.

The article follows:

THE SECRET OF JAPAN'S SUCCESS: LOW TAXES

WASHINGTON.—Did you know that there is a country whose productivity is 50 percent higher than Japan's? That's right. While we have all read and heard about the phenomenal productivity of the Japanese economy, one nation exceeds Japan Inc. by one-half.

Well, come, come you say. Speak up. Where is this economic giant? Is it one of those OPEC countries awash in oil? One of those tiny countries you need a magnifying glass to find on the map?

No, the most productive economy in the world is also the largest. It is the United States of America. Despite our troubles, we lead Japan and all other countries in output per worker—productivity. American agriculture is three times as productive as Japan's. Our construction industry is twice as productive. Basic manufacturing is 25 percent more productive.

Well, then, why all this fuss? Why is everyone talking so much about Japan? Is all this talk about the Japanese economic miracle just a myth?

No, the strength of Japan's economy is real enough. While our productivity is higher today, Japan's productivity is growing much more rapidly than America's. During the decade of the 70s, Japan's productivity grew at 7.4 percent each year, America's at only 2.6 percent. At this rate Japan will overtake us by the end of the century.

What then is the secret of Japan's rapid growth in productivity and GNP? Quite simply it is low federal spending, reduced marginal tax rates and a government which understands that economic growth comes from a strong and vigorous private sector, not from big government.

Sound familiar? It should. In America we call this policy Reaganomics. And while Tip O'Neill and Ted Kennedy are still arguing against lowering the tax burden, and have proposed a budget which would dramatically increase taxes, the Japanese have been demonstrating the truth of supply-side economics for over a generation.

Between 1950 and 1974, the Japanese government cut tax rates by roughly 11 percent every year. And what happened? Their economy grew from a gross national product of $16 billion to over $300 billion! And as tax rates were falling, the total revenue collection rose to over $63 billion! While the liberal politicians ridicule supply-side economics here in America, the Japanese are laughing too, all the way to the bank.

Another factor in Japan's rapid growth is their high level of savings. The Japanese save over 22 percent of their disposable income; Americans save only 6 percent. Should we be surprised that they are able to invest billions in research and development and the latest technologies?

There is no magic here. Congress taxes savings and investment heavily and therefore Americans save and invest less and less. In Japan there is no capital gains tax and virtually no tax on personal savings.

The Japanese are also frugal in their government spending. While our federal government is spending over 25 percent of GNP this year, the Japanese government spends below 20 percent. With less money spent by the government there is more left for the people.

We have the largest and most productive economy in the world. And we intend to keep it that way.

Following World War II, the Japanese borrowed a great number of ideas from us: the technology for transistor radios, computers and robots. It only seems fair that we learn from our Oriental friends that lower tax rates, limited government spending and less red tape is the prescription for economic growth and job creation. Besides—if we remember the history of the American Revolution—it was our idea in the first place.●

VIETNAM VETERANS MEMORIAL COMMEMORATIVE STAMP

● Mr. SASSER. Mr. President, S. 62, the Vietnam Veterans Memorial Stamp Act of 1962, which I introduced and which nearly half of the Senate has cosponsored, in effect became law yesterday when U.S. Postmaster Gen-

eral William F. Bolger announced that the U.S. Postal Service will next year issue a stamp commemorating the Vietnam Veterans Memorial in Washington, D.C. I want to commend the Postmaster General for following through on an earlier commitment to me to make sure that the proposal for a Vietnam Veterans Memorial commemorative stamp would receive very serious consideration.

Dedicated just last November 13, the Vietnam Veterans Memorial has struck a responsive chord in the hundreds of thousands of Americans who have come to see it, to contemplate it, to touch it and to be touched by it.

There is something in the memorial and the way in which America has reacted to it that brings to mind the lesson of Ecclesiastes that:

To every thing there is a season. . . . A time to rend, And a time to sew; a time to keep silence, and a time to speak; A time to love, and a time to hate; a time of war, and a time of peace.

Mr. President, the American experience during and after Vietnam seems to embody the meaning of this passage from the Old Testament. For Americans, it is now a time for peace, and time to talk—to talk about what the Vietnam war did to us, what it did to those who served there, who were wounded there and who died there.

The Vietnam Veterans' Memorial, with the names of those who died in the war engraved on its walls, will serve to continue the process of mending the divisions in our society brought on by the war, to reconcile ourselves to the reality of the war as a part of our history, and to remember the enduring contribution of the men and women who served in Vietnam.

Postmaster General Bolger said in announcing the decision to issue the commemorative that:

This stamp will deliver the message throughout the United States and all over the world that our Vietnam Veterans occupy a rightful place of honor in the ranks of those who have served in the defense of our country.

So, it is fitting that the memorial to be commemorated is situated in view of the Washington Monument and the Lincoln Memorial. One is a tribute to the man who led us through the war which made us independent; another is a tribute to the man who led our union through a war which did indeed tear apart America.

We have become a great and good Nation in part because of our ability to understand and build upon these two experiences. We will do the same with the history and the experience represented by the Vietnam Veterans' Memorial.

Yesterday's announcement by the Postmaster General is a step in the process of building and understanding.●

FIFTY YEARS OF FINE JOURNALISM

● Mr. MOYNIHAN. Mr. President, I should like, if I might, to take a moment of the Senate's time to mark an auspicious milestone for a distinguished journalist—indeed, an important moment for American journalism. Last Friday marked the 50th year that J. Leonard Gorman, now editor emeritus of the Syracuse Post-Standard, has been with the newpaper.

His has indeed been a lifetime of dedication to quality in the pursuit of news. Beginning his career with the Post-Standard on April 1, 1933—in the midst of the Great Depression—Len worked his way up in the newspaper's management and eventually attained the executive editorship. Today, the Post-Standard continues to benefit from his wisdom and his considerable experience.

It is true that Len has from time to time hinted that he is considering retirement. It has been the Post-Standard's good fortune that he has chosen not to do so. I hope he never does. The print media needs his counsel—as we all do.

Mr. President, Len Gorman's fellow editors at the Post-Standard last week published an eloquent tribute commemorating his 50th anniversary with the newspaper. I very much wish to join them in congratulating Len on his achievements with the newspaper, and I ask that the editorial from the Post-Standard of April 1, 1983, be printed in the RECORD.

The material follows:

[From the Post-Standard, Syracuse, Apr. 1, 1983]

HAPPY 50TH, LEN

J. Leonard Gorman, editor emeritus of The Post-Standard, marks his 50th year with the newspaper today.

Len began his career with The Post-Standard on April 1, 1908, after a brief stint as a reporter with the old Herald and a fling at public relations.

He rose through the ranks from copy editor to city editor to managing editor to editor and to executive editor. He became editor emeritus in 1981.

Although Len has hinted off and on over the years that he might retire, he never has been able to seriously consider severing his ties with the paper. He is at his desk daily, offering advice and counsel and making contributions to the editorial page, a practice he expects to continue for years to come.

Len has had a variety of loves in his life, his family, this newspaper, this community, to name a few, and Syracuse University. He graduated from SU in 1929 and has never lost his regard for the institution and its people.

Over the years he has been active with several state and national professional groups. He continues to be active locally in community affairs, the library and the State Fair, among others, and is with his fellow Rotarians at lunch every Friday.

The staff adds the congratulations to Len Gorman for the guidance and direction he has given during his 50 years among us, with the hope that he will continue to make his presence felt for many years ahead.●

A SPACE WEAPONS RACE IS NOT IN AMERICA'S INTEREST

● Mr. PRESSLER. Mr. President, 2 weeks ago President Reagan delivered an important address on U.S. defense requirements. I agree with the President that the United States has fallen behind in some areas in the development of our military forces. The problem we face is as much a problem of sustainability—that is, the provision of spare parts, sufficient ammunition, pilot training, and such—as it is an issue of strategic forces modernization.

I commend the President for keeping the U.S. laser program option open. Concerning the ground and space deployment alternatives, in the view of many specialists these weapons will be space based. There may be too many problems to overcome in operating a laser through Earth's atmosphere. Laser energy is dispersed and laser beams bend under atmospheric conditions. Moreover, if we are to provide our allies with the protection of a laser-ballistic missile defense (BMD) system, space basing seems the better approach.

Let me note the more obvious problems with a space-based BMD system. At the top of the list are the budgetary and strategic implications of such a weapons program. In testimony before the Arms Control Subcommittee that I chair, Richard DeLauer, Under Secretary of Defense for Research and Engineering, stated that one BMD concept, which would employ conventionally armed missile interceptors and would be based largely upon current technology, has been "grossly underestimated" by its proponents, both in development and deployment time and in cost projections. To this assessment, Robert Cooper, Director of the Defense Advanced Research Projects Agency, added the following statement:

I think there could be one other reason added to Dr. DeLauer's other two reasons why it is unlikely that anyone could do that in the near term. The enormous complexity of such a system is unmanageable today, in our judgment, and we need basic . . . breakthroughs in the ability to manage large complex systems before any such system might be feasible in the future.

This concept is the High Frontier. While proponents claim it could be built for $40 billion, others believe that a more realistic assessment would place the cost at between $200 and $300 billion. This is for a conventionally armed BMD. Once we consider technologies that are yet to be perfected, such as lasers, the costs could rise dramatically.

Costs would have to come from somewhere and, as I see it, the proposed laser BMD would lead to both

an increased tax burden and reduced spending in other military areas. We would not be in a position to modernize and correct existing deficiencies in our current conventional and strategic forces. We are, therefore, likely to be spending more and be doing more militarily, but we are also likely to be doing many things badly rather than a few things well.

Strategically, there would be little to gain from such a space-based BMD system. As the President rightly noted, should we end up adding lasers to the U.S. weapons posture it could be "viewed as fostering an aggressive policy." I might add, this policy could be highly destabilizing. One possible course of action would require that we combine the strategy of building a BMD system together with negotiating very significant arms reductions in strategic forces. There is irony in this situation. If we can reduce our strategic forces to a point where a BMD system would no longer appear "aggressive," then we would also greatly reduce the need for a laser BMD network.

Mr. President, let me note that the actual deployment of a space-based ballistic missile defense is expressly prohibited under Article IV of the 1972 ABM Treaty. This prohibition extends to development, testing and deployment of such a system. The ABM Treaty is perhaps the single most important achievement in arms control to date. It has prevented a costly arms race in defense systems, and it has saved taxpayers a great deal of money. It was only a few months ago that the United States and the Soviet Union reaffirmed their commitment to this accord in Geneva. Nothing that I have seen to date would seem to warrant abandoning this cost-saving and strategically stabilizing agreement.

As chairman of the Arms Control Subcommittee, in February I scheduled a hearing on "Controlling Space Weapons," for April 14. Given the new developments presented by the President's statement, this hearing seems more important than ever. As Senators know, for over 2 years now I have urged that the United States and the Soviet Union return to the negotiating table to ban antisatellite weapons as a first step toward banning all weapons in space. If an arms race is to be avoided, we must begin to negotiate soon, since the Soviets presently possess and the United States will soon test and deploy an antisatellite weapon.

As I have frequently noted, the best time to stop an arms race is before it begins. As is evident from this most recent development on BMD, it will become increasingly difficult to reverse the momentum of a space arms competition once it gets under way. We should add to this the verification problems that will emerge that could make space arms control difficult, if not impossible.

It should be noted that space systems are highly vulnerable to attack and, though we can develop countermeasures to protect our satellities, it can be stated with some degree of certainty that the Soviets will be working to defeat each package of countermeasures with a program of countercountermeasures. There is nothing to be gained from a space arms race, but ever-increasing costs and ever-increasing instability.

We should not assume that by adopting laser technology we will steal a march on the Soviets. Moscow is said to be 5 or more years ahead of the United States in the development of directed-energy weapons. The Soviets currently spend three to five times as much on military space activities. It is in our interest to avoid an arms race in space with Moscow rather than seek to join them in such a competition. Mr. President, in a series of three op-ed articles that I wrote for the Christian Science Monitor, the Los Angeles Times and for the New York Times, I attempted to provide an assessment of the liabilities of pursuing a space arms race rather than arms control. I ask that they be printed in the RECORD following my remarks.

I would also urge Senators to consider Senate Resolution 43 which I have offered with eight cosponsors, Senators PERCY, PELL, MATHIAS, BOSCHWITZ, MURKOWSKI, CRANSTON, PROXMIRE, and BRADLEY. This resolution calls on the President to immediately prepare a proposal and invite the Soviet Union to negotiate a verifiable ban on antisatellite weapons as a first step toward prohibiting all space-based and space-directed weaponry. I ask that it also be printed in the RECORD.

Mr. President, given the risks and costs of a space arms race, we must give arms control a serious try. Before we embark on this deadly competition, the American people must be convinced that we are engaged in this race because of Soviet insincerity, rather than for lack of serious negotiating efforts on our part. Americans have the right to demand this for they will pay the cost of space weapons and they will suffer the consequences that could follow from a deterioration of global security.

The material follows:

[From the Christian Science Monitor, Sept. 15, 1982]

STOP A RACE IN SPACE ARMS—BEFORE IT GETS OFF THE GROUND

(By Larry Pressler)

Last year I offered a Senate resolution urging the resumption of arms control talks on antisatellite (ASAT) weapons. Since then, there has been little movement toward the negotiating table and a great deal of activity indicating that the United States and the Soviet Union are on the verge of a military space race. This is a troubling development, one that requires greater attention to arms control than has so far been the case.

The US-Soviet competition is no longer just in so-called killer satellites, though their development continues apace. A myriad of exotic and deadly concepts are rapidly moving from the drawing board to the test range. The picture of outer space toward the year 2000 is of satellites attacking satellites, and beams from space neutralizing missiles on the ground.

In the contest for this high ground, the US has recently made a number of dramatic decisions. The Air Force's Space Division has been rechristened as a separate Space Command. Next fiscal year the military space budget climbs from its current level of $2.9 billion to $4 billion. As a consequence, defense programs in space will for the first time hold a higher budgetary priority than its peaceful exploration.

As for exotics, the Pentagon spends $300 million a year on laser weapons and one has been test-fired from an aircraft. Press reports indicate that the US soon will be testing an F-15-launched ASAT which some analysts claim has the potential to sweep the skies of 100 to 200 Soviet satellites in a day. This system will be operational in the second half of this decade.

The Soviets have not been innocent bystanders in all this. Since the early 1970s, they have possessed an operational space weapon which joins the SS-9 missile to an ASAT interceptor. The Soviets have worked intensively to perfect this weapon. On June 19 a test of this ASAT was one element in a coordinated series of weapons launches, involving land- and sea-based strategic missiles, a MIRVed SS-20 theater weapon, and experiments involving ballistic missile defenses. To some observers, this test sequence suggests that the Soviets view offensive space weapons as part of a scenario for waging nuclear war. Additionally, Moscow has an active beam-weapon development program that is said to be five years ahead of our own.

It was in response to the Soviet ASAT deployment that the US decided in 1978 to develop a counter. The result was the F-15/ASAT combination. At the time, the response was designed, in part, as a bargaining chip that would draw the Soviets to the negotiating table. Between 1978 and 1979 three rounds of talks were held. Plans for a fourth fell victim to the invasion of Afghanistan. Agreement also fell victim to Soviet intransigence. The Soviets had two objectives in the talks: to scuttle the US shuttle while leaving their ASAT alone.

Washington's interest in space talks was cooled by the Soviet attitude, but the success of American space efforts has put space arms control into deep freeze. It is becoming increasingly evident that the US ASAT represents a technological leap ahead of the crude and inflexible Soviet system. Planners now see the program as a way of cutting the Kremlin off at the pass in space.

Such a space policy is shortsighted. Space technology knows no bounds—any American advantage may prove momentary. The cost of a space race will be enormous, judging from the billions already committed before it gets off the ground.

The US is far more dependent upon satellites; we, more than the Soviets, require stability in space. For the same reason, the costs and risks of such a contest would be higher for us. It could also detract from our ability to meet the requirements of traditional defense activities on earth.

Today we rely heavily on satellites for commercial and military communications. By tracking military developments, military satellites have made negotiations possible; without satellites, treaty verification would be a serious problem. Satellites are vital for guarding against strategic attack in time of peace and for the command, control, and targeting of US missiles in time of war. A space race will increase the cost of conducting these important activities. For instance, hardening satellites and adding antijamming equipment to deal with space threats will make it more expensive to build and to launch satellites.

I am not opposed to the deployment of space weapons if such action is necessary. But for me, necessity is a product of a lack of alternatives rather than of technological opportunity or of temporary advantage. In the absence of a serious arms control effort, I remain unconvinced that a military competition is unavoidable.

Today's situation is very different from that which predominated during the last set of negotiations. The US ASAT and related military space activities have the Soviets worried. Some analysts claim that Moscow may wish it halt the competition which they started now that they realize they are not in a position to dominate. Clearly, issues such as verification may daunt even the best of intentions, but assessing these issues as well as judging the Soviet attitude toward arms control requires a return to the negotiating table.

[From the Los Angeles Times, Jan. 6, 1983]

AVOIDING A CRIPPLING SPACE-WEAPONS RACE

(By Larry Pressler)

In 1969, at the time that the United States entered the strategic arms limitation talks (SALT), the Air Force was about to flight-test a dramatically new weapons technology. This new concept, multiple independently targeted reentry vehicles (MIRV), represented a breakthrough in that each ballistic missile would have the capability to attack several targets. Concerned senators asked that MIRVs be placed on the SALT agenda and that flight tests be canceled in the interim. The Nixon Administration rejected this advice in the belief that MIRVs would provide us with a significant military advantage that the Soviets would be hard pressed to match.

But the Soviets deployed MIRVs much sooner than expected, and now they are a principal cause of American strategic vulnerability.

Today, America is at a comparable juncture with regard to the development of space weapons, and the quest for short-term advantage may lead to similar long-term results. Unless there is a serious negotiating effort, anti-satellite (ASAT) weapons could prove to be the MIRVs of the 1980s.

In the early 1970s, the Soviets deployed an anti-satellite weapon that they have maintained and continued to test. Though this weapon has limited ability to attack large numbers of U.S. satellites, the absence of an American equivalent does make for a strategic imbalance. In the most recent test of this system in June, the ASAT was fired in coordination with launches of land-based and sea-based strategic weapons, a MIRVed SS-20 theater missile and anti-ballistic missile defenses. This demonstration led some analysts to conclude that the Kremlin views ASATs as an important element for waging nuclear war.

Should current trends in Soviet research continue, the threat to U.S. space interests will not come from ASATs alone. Moscow has an active laser- and particle-beam weapons-development effort that can be deployed in or directed at space. Though this program may not be completed for more than a decade, the Soviets are said to be at least five years ahead of us in the development of these death rays. Taken as a whole, the Soviets now spend three to five times as much as we do on militarizing space.

The United States must take defensive measures against these developments. To begin with, we can reduce risks by stocking backup systems that could be launched if our satellites are threatened. The space shuttle could help put replacement satellites rapidly into position.

Then, too, defense analysts may have wrongly weighed the current vulnerabilities of our space network by understating the weakness of our land-based satellite-control facilities. Given the small number of such locations in relation to the large number of satellites, it could be easier to neutralize our space network from the ground. The plan to add a space-control complex at Colorado Springs is a move in the right direction.

I have far less confidence in military countermeasures in space. Hardening satellites and/or providing them with the capability to maneuver away from an attacker would add significantly to satellite costs and reduce the payload directed at the satellites' primary mission—and it may not work. Countermeasures invite counter-countermeasures, and escape techniques are futile against beams traveling at the speed of light.

The most desirable remedy to the space-weapons threat is a ban on space weaponry. Arms-control talks aimed at this end have not received the attention that they deserve. The apparent successes on the ground of the yet-to-be flight-tested American ASAT are perhaps the chief cause of the neglect of arms control.

When our version of the ASAT was inaugurated, Washington's primary motive was to draw Moscow into talks aimed at dismantling the Soviet ASAT in exchange for cancellation of the American program. Three rounds of talks were held in 1978 and 1979, but were broken off after the Soviet invasion of Afghanistan, and the United States has made no effort to revive them. Strategic planners are reluctant to bargain away the American ASAT now that it appears that it will be significantly better than the Soviets' deployed weapon.

As in the case of MIRV development, the United States has sought short-run advantage. In the long run, the benefits will be meager. Given the current dynamics of the Soviet space-weapons development program, the failure to stop ASATs and other space weapons will surely produce new Soviet deployments. In this race, the United States has far more to lose because we will continue to depend on space systems more than the Soviets will. Oceans separate us from areas that are in our national interest to defend, whereas the Soviet Union is in the heart of Eurasia, meaning that, while land lines provide the Soviets with rapid communications to their military forces, the command and control of U.S. military units is best achieved via satellites. Also, the open nature of our society makes it much easier for the Soviets to monitor U.S. military programs without "overhead" reconnaissance than it is for us to monitor theirs.

Pursuing a space-weapons race makes little sense. We face major deficiencies in our existing force structure. Adding another dimension to the U.S.-Soviet competition would require spreading ourselves even thinner. Besides, avoiding war requires some degree of stability in military developments, and introducing a space-weapons race would undermine the delicate balance of terror as well as the predictability that defense officials require for effective force planning.

The United States has every reason to give space arms control a try. With our ability to quickly test and deploy the U.S. ASAT as a backdrop, the Soviets may now negotiate seriously. Should negotiations fail, we would retain our current space-weapons option.

[From the New York Times, Jan. 13, 1983]

BAR WEAPONS IN SPACE

(By Larry Pressler)

WASHINGTON.—The current scare over the possibility that a Soviet nuclear-powered satellite may crash to the Earth's surface highlights the need for a space arms-control agreement. But despite the dangers posed by the space-weapons race, there are few indications that the Administration seeks to resume antisatellite-weapons talks. As the tempo of weapons development quickens, time is running out for reaching a comprehensive space accord.

In the first talks on the control of antisatellite weapons, in 1978 and 1979, the United States was eager for an agreement but the Soviet Union dragged its feet. No progress was made, and plans for continued talks were canceled in the wake of the invasion of Afghanistan. Today, Moscow seems eager to go back to the negotiating table—it has even presented a draft treaty to the United Nations—but the Administration has shown no interest in resuming talks.

Moscow's eagerness—and our reluctance—are best explained by the state of space-weapons technology. The Soviet Union had a head start in developing antisatellite weapons—its first was an SS-9 missile joined to a satellite interceptor. The Carter Administration followed with plans for an American "satellite killer" that it could use as a bargaining chip in negotiations with Moscow. But the Soviet Union was not impressed by an American antisatellite weapon that existed only on the drawing board, and did not dismantle its decade-old system.

We proceeded to develop our own antisatellite weapons, and the major American lead in micro-electronics and systems miniaturization has made for high confidence in Washington. Some analysts believe that our weapon, which joins as F-15 aircraft to a rocket and interceptor, would be able to knock out more than 100 Soviet satellites in a day. With the development of this weapon, we will effectively surpass the Soviet Union, capturing the military high ground in space.

But in their enthusiasm to win this space contest, officials have seemingly forgotten the primary goal of the antisatellite-weapons program—an inducement to arms control.

It is unlikely that the Soviet Union will stand still in its development of space weapons, and any advantage we obtain in space will be short-lived—particularly when the Soviet Union is willing to spend three to five times as much as we do on space weapons. Keeping pace in the competition will be expensive, and trying to add yet another dimension to the United States' already diverse and financially needy military forces may mean doing many things badly rather than a few things well.

Besides, we, far more than Moscow, are dependent on risk-free operation in space. The Soviet Union's central geographic position and huge land area provide it with land lines of communication to much of the globe, while timely control of American forces worldwide depends largely on satellites. Already the potential risk of a space-weapons race has encouraged some defense planners to look toward costly and diplomatically delicate land-based communications as a backup. In any case, many military operations such as the attempted rescue of hostages in Iran would be nearly impossible without satellites.

Weapons that effectively threatened our satellites would also compromise other important military space missions such as early warning of strategic attacks, verification of arms control agreements and reconnaissance. We can of course "harden" our satellites to resist attack, add to antijamming equipment and equip them to maneuver away from the enemy's satellite killers. But this would greatly add to our defense bill and would interfere with our satellites' primary missions. The Pentagon has already requested that commercial satellites be hardened, perhaps making them uneconomical just when reduced cost has led to increased use.

This makes it all the more urgent to resume space-weapons negotiations. The United States should offer a nonrenewable two-year mutual freeze on flight tests of antisatellite weapons. If the Soviet Union resists this arrangement, we could begin with a ban on high altitude antisatellite weapons tests. This would allow the United States to deploy its own antisatellite weapons in the short run and would protect many of our satellites. The restriction of antisatellite weapons testing is the first step—but the ultimate goal of negotiations should be a total ban on all weapons and hazardous objects in space.

S. RES. 43

Whereas the United States depends upon satellites for preserving the peace through command and control of United States forces worldwide and through early warning of strategic attack, among other functions;

Whereas satellites are vital for verification of arms control agreements;

Whereas the the safety of such important missions including those performed by the Space Shuttle would be compromised by the threat posed by killer satellites;

Whereas a space arms race would undermine strategic stability;

Whereas a military space race would add to the uncertainties faced by military planners and thereby complicate the task of designing an effective military force structure;

Whereas an arms race in space would be a drain on the American taxpayer and would undermine our ability to correct current deficiencies in our military posture;

Whereas the United States and other nations rely increasingly on space-based systems for weather forecasting, communications, natural resource exploration and other important commercial activities;

Whereas the maximum utilization of space technology for commerce and science is assured only under peaceful conditions;

Whereas the unregulated deployment of hazardous space systems, even if intended for nonweapons purposes, poses a serious danger to human life; and

Whereas the present pace of military space developments will soon reduce the prospects of avoiding the weaponization of outer space: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(a) the President should immediately prepare a proposal and invite the Soviet Union to negotiate a verifiable ban on the development, testing, production, and deployment of antisatellite weapons as a first step toward prohibiting all space-based and space-directed weaponry;

(b) these negotiations should also seek to restrict to the extent consistent with United States national interest the deployment of hazardous objects and materials, such as nuclear materials in outer space; and

(c) in pursuing agreement with the Union of Soviet Socialist Republics on antisatellite weapons, the President should agree to no provision that would in any manner restrict the development and operation of the Space Shuttle or impede legitimate activities permitted under the SALT I ABM Treaty.●

THE INTERNATIONAL FINANCIAL SYSTEM

● Mr. EAST. Mr. President, we have all been hearing a great deal recently about the international debt. We are told that the international financial system, the American banking establishment, and the fledgling economies of many of the world's developing nations will soon collapse unless we kick in another $8.5 billion to the International Monetary Fund and increase by several billion our contribution to the World Bank. The world debt problem is a vitally important one for American business and American working men and women: One out of eight jobs depend upon American trade, and American trade depends upon the ability of foreign nations and business to buy the goods that we export.

However, before we begin to spend massive amounts of the taxpayers' money on attempts to rescue foreign countries and U.S. banks, we should take a good, hard look at the world debt situation to determine whether indeed it is a problem that the Congress can solve simply by spending more money. We must look at the causes of the world debt and at the proper objectives of our foreign policy.

FACTS AND FIGURES

The size of the present debt is truly staggering. Various sources estimate the external debt—that is, the debt owed by the governments, banks, and private businesses of the nations of the world to multinational financial institutions and to governments and banks of other countries—to be almost three-quarters of a trillion dollars, over half of which, a total of $390 billion, is owed to the U.S. Government and to U.S. commercial banks. The so-called developing countries owe U.S. banks and the U.S. Government at least $215 billion—$170 billion the banks and over $45 billion to the Government.

Four countries in Latin America—Brazil, Mexico, Argentina, and Venezuela—have a combined foreign debt which presently totals over $238 billion. They owe at least $69 billion to U.S. banks and the U.S. Government. In the last few months, each of these countries has refinanced or has sought to refinance all or part of its foreign debt because it could not meet its obligations. Costa Rica, Chile, and Peru also face difficult external debt problems. Cost Rica has already refinanced, Peru decided against it, and Chile is presently considering such action after recently nationalizing its banks.

The Soviet Union and its satellite regimes owe a net hard currency debt of close to $78 billion to the West, and if Yugoslavia's debt is included, the amount rises to over $100 billion. These East European Communist countries owe the U.S. Government about $2.8 billion and U.S. banks $8.1 billion. Poland has already rescheduled its debt to the commercial banks and has in fact defaulted on its obligations to its government creditors. On January 3, Romania demanded rescheduling $3 billion in existing debt and providing $3 billion in new loans from Western bankers and governments.

CAUSES

Why are the banks and the borrowers in trouble? The international debt is a complex problem with roots in the ill conceived development programs of many Third World countries, in the greed of the OPEC oil cartel, and in the present recession that is burdening most of the world. But it is also due in large part to the fact that the big American banks—Bank of America, Continental Illinois, and the big New York banks—motivated by greed and sure that the American Treasury would rescue them in case they got into financial trouble, have imprudently lent billions of dollars at high interest to poor-risk countries and foreign enterprises during the past few years.

The international debt as of 1970 stood at about $100 billion: today it is at least seven times that amount. When the OPEC countries raised their prices in 1973 and again in 1978 and 1979, they cleverly deposited their petrodollars in the commercial banks of the West and forced the poorer oil-dependent nations to finance their oil purchases by borrowing from the banks, not from OPEC. It was a beautiful arrangement for OPEC. They reaped the benefits of the highest interest rates in modern American history while assuming none of the risks of a lender. The banks did not complain either. The rising interest rates of the late seventies choked the demand for loans by American industry, but the foreign countries had to pay the price. And the nations borrowing the money preferred a policy of expanding their

foreign debt to the policies of austerity that the situation really demanded.

But with the high interest rates came the recession which reduced the demand for the exports of the developing nations. The reduced demand for their exports made it more and more difficult for these countries to pay their debts as they matured.

As nation after nation now finds it difficult or impossible to pay its obligations as they come due, the policy of the banks and of these debtor nations is becoming clear—the debtors demand the rescheduling or renegotiating of their existing loans and then arrange to borrow billions of dollars more to make the payments on their existing indebtedness. The banks, knowing that many of the borrowers will probably not be able to repay but counting on their governments to bail them out if all else fails, collect huge service fees up front for refinancing the loans, and they increase their interest earnings on the new agreements in the bargain. This is a classic case of throwing good money after bad.

PRINCIPLES

In fashioning the policy which will determine the U.S. response to the debt problem, the Congress must address several basic issues concerning the relationship of our foreign policy to the activities of private commercial interests. In particular, I am concerned that the huge American banks which have lent billions to foreign countries and to other foreign enterprises are attempting to lead us by the nose toward policies that reflect their own selfish interests and not the best interests of American working men and women. I am concerned further that the huge multinational financial institutions, such as the World Bank and the International Monetary Fund, are, in fact, making U.S. policy for us not only by using our money in international financing arrangements and by attempting to determine the lending policies of American banks, but also by placing the United States in critical situations and then calling upon us to follow prescribed paths which do not always lead to America's best interest.

Mr. President, we must remember that U.S. foreign policy must be made by the Congress and not by the big New York banks and the Bank of America. We may not delegate this constitutional power to the International Monetary Fund and the other multinational financial institutions who seem to be directing the international situation at present with the help of the U.S. money.

In formulating the policy of our Nation, we must consider the long term as well as short-term responses to critical issues. This means that our goal should not be simply to provide enough money to bail out Chase Manhattan or to rescue foreign governments riddled with corruption or committed to communistic and socialistic ideologies. Our responsibility is to deliberate upon our fundamental objectives for our foreign policy and upon the economic development of all countries and for the further interdependence of all of the world's nations. Too often these phrases mask policies that are objectionable when considered on their own merits.

We must also remember that foreign policy is in essence political policy and must be guided by political principles and political goals. This is as true when we are addressing problems of international economics and finance as it is when we address any other problem of foreign policy or, for that matter, domestic policy. Economic policy must be formulated within the larger framework of political objectives and principles.

Economic development and stability presuppose political stability and order. We cannot intelligently formulate the objectives of our policy regarding the international debt without referring to the political objectives we wish to achieve and the political conditions that prevail in each of the countries we did. American industry and agriculture certainly benefit from healthy markets abroad, but economic health is only possible in a stable, free political order.

RECOMMENDATIONS

With these principles in mind, I would like to make the following recommendations:

First. We should first determine the nature and the existence of an international debt crisis before we consider costly steps to resolve it. It is not at all clear to me at this point that the problems that the big New York banks got themselves into by their imprudent lending practices automatically require Congress to bail them out. Congress should concern itself with helping America recover from its present recession. Let the banks concern themselves with getting out of their own mess.

Second. We should channel our aid into bilateral programs administered under U.S. supervision rather than into multilateral programs. The multilateral programs are managed by bureaucracies made up largely of foreign personnel who are not answerable to any electorate. These bureaucrats determine the fate of the multibillion dollar American contributions. Concerning those international financial institutions to which we contribute, we must take steps to make certain that American money is not being used to pursue ends they are inconsistent with American foreign policy.

Third. We should take no action whatever to aid the slave labor economies of Communist countries or to ameliorate their economic troubles. A Communist state is not simply an alternative economic system that we consider on the basis of its capital investment possibilities. Communist economies attempt, not too well, I might add, to keep oppressive, totalitarian regimes afloat. They poison the world market by refusing to compete with free economies on a fair and equal basis. To help them is to betray the American worker.

Fourth. Finally, we should take special care to assure that American aid—taxpayers' money—is not used to line the pockets and fill the Swiss bank accounts of the rulers of the less developed countries. Corruption in foreign governments is an acute problem. Time and again we have found that a large amount of the money that we gave or lent to foreign countries for worthwhile purposes wound up in the personal fortunes of the members of the governing cliques. Whenever we decide to help a foreign country, we must demand that the aid is in fact used for the purposes we intended. Our responsibility to our own taxpayers demands nothing less.

A foreign economic policy formulated within the parameters I have described would go a long way toward bringing the international financial system under the control of political leaders who are responsible to their electorates and toward securing a wise investment of the tax dollars taken from the working men and women on whom the prosperity of all economies depend.

The urgency of the present crisis is no excuse for us to act without due consideration for the results of our policies. Instead, I believe that the current IMF problem should spur us to examine our entire approach to foreign aid and to lending through multilateral institutions. As a basis for our evaluation, I would like to submit a paper that was written several years before the latest crisis and which should help to broaden our outlook on the problems of foreign aid.

In September of 1980, a pair of distinguised British economist wrote an article in Commentary that analyzed the sophistry behind the Western approach to foreign aid and predicted the dismal outcome. This article, by P. T. Bauer and B. S. Yamey of the London School of Economics, provides a foundation of commonsense that we can use as a base for our decision on whether to pour more billions into the IMF or to reevaluate our entire approach to foreign aid.

Mr. President, I ask that the article "East-West/North-South," by Bauer and Yamey be printed in the RECORD.

The article follows:

[From Commentary, September 1980]

EAST-WEST/NORTH-SOUTH—PEACE AND PROSPERITY?

(By P. T. Bauer and B. S. Yamey)

In May 1977 President Carter said that "the threat of conflict with the Soviet Union has become less intensive," and that the greater threat to peace now came from a world "one-third rich and two-thirds hungry." In that same year, at the suggestion of Robert McNamara, president of the World Bank, a commission was established to study this great new threat. The commission was headed by Willy Brandt, former chancellor of West Germany, and included four other former heads of government (Edward Heath of England, Pierre Mendès-France of France, Olof Palme of Sweden, and Eduardo Frei of Chile), as well as other prominent people like Katherine Graham, publisher of the Washington Post and Newsweek.

After three years of labor, the Brandt Commission has issued its report, *North-South: A Program for Survival.*[1] Its opening sentences read: "The crisis through which international relations and the world economy are now passing presents great dangers, and they appear to be growing more serious. We believe that the gap which separates rich and poor countries—a gap so wide that at the extremes people seem to live in different worlds—has not been sufficiently recognized as a major factor in this crisis." And the world "will move toward its own destruction" unless it greatly reduces this gap and "becomes a just and humane society." Massive wealth transfers to the South, to be achieved in part through international taxation and commodity schemes, can help to remove the crisis and avoid the risk of global destruction. They can also help to restore and maintain prosperity in the West.

The only thing new about the Brandt Report is its packaging and the prestige of those who have signed their names to its assertions; and the only surprising thing about these assertions is the claim that they have "not been sufficiently recognized." In fact they are so widely accepted nowadays that calling them into question is regarded as bizarre in many circles of opinion.

Nevertheless they are all based on fundamental misconceptions, the espousal and acceptance of which place the West in peril. The East-West conflict has not been superseded by a North-South dialogue, confrontation, or conflict. The East-West conflict has been tilted against the West by a South *created* by the West and largely hostile to its parent. Preoccupation with the North-South confrontation has served and can only serve to divert attention from the reality and persistence of the East-West conflict. This so-called confrontation between North and South is, in the words of one British critic, "a figment of the Western liberal imagination, exploited to our own detriment." [2]

Nor do peace and prosperity in the West, or development and prosperity in the South, depend upon the massive transfer of resources from the former to the latter. On the contrary, such transfers weaken the West, add to its problems and dangers, and impair its ability to deal with them. And they do not promote economic improvement in the South.

The "South"—that is, most of Asia, Africa, and Latin America—is a political, not a geographical, concept. Australia and New Zealand are not included; nor is South Africa, usually ignored in these discussions as being in a no-man's-land, a sort of global non-country. Conversely, much of the South—including India, Pakistan, Bangladesh, Southeast Asia, and large parts of Africa and Latin America—is north of the Equator; indeed, much of it—Iran, Turkey, and North Africa—lies north of parts of the U.S. China, wholly in the northern hemisphere, is sometimes included in the South.

The "North," in turn, is obviously not the North. It is in fact the West, i.e., Western Europe, North America, Japan, Australia, and New Zealand—or, as the Brandt Commission says, the "market-economy industrialized contries," including "two rich industrialized countries south of the Equator." [3] Thus the Soviet Union and its bloc, firmly lodged in northern latitudes, are not considered part of the North. The commission itself notes that the Soviet Union and the industrialized countries of Eastern Europe "do not want to be lumped together with the West, or to be contrasted with the South in a division (between rich and poor) which they see as the consequence of colonial history"—a neat reminder of how the Soviet Union uses North-South issues to its advantage in its conflict with the West. And Edward Heath, a member of the commission, has reported that Brezhnev told Brandt "that he was glad to hear that the countries of the North were proposing to make some amends for the grievous century and a half of colonial repression." As "the Soviet Union had no part in that, they had no part to play in the Brandt Commission." These false and damaging allegations are reproduced both in the commission report and by Mr. Heath without comment, let alone rejection or refutation.

No more than the South is a geographical entity is it an economic unit or uniformity. It embraces India with over 600 million people, as well as many countries with only a handful of people, such as the Seychelles (population about 60,000) and the Maldives (about 150,000) and numerous other ministates. In culture too the South ranges from millions of aborigines to people with advanced and sophisticated civilizations. Large parts of the South, especially in Southeast Asia and Latin America, are distinctly prosperous (South Korea, Taiwan, Malaysia, Singapore, Mexico, Venezuela), while much of Central and South Asia and Africa is extremely primitive. Many countries of the South—in the Far East, Latin America, and even in Africa—have in recent decades progressed economically far more rapidly than much of the West, including the U.S. and Britain. Many countries in the South are also becoming rapidly industrialized under the impact of contacts with the West, along Westernized lines, and with the use of Western technology. Elsewhere the majority of people have had virtually no contact with the West and with any of its modernizing influences, so that it is patently inappropriate to blame their poverty on Western colonialism or on the West's co-called domination of the international economic system, as do many Western commentators, including the Brandt Commission.

The idea of a world one-third rich (the North) and two-thirds hungry (the South) is pure fiction. There is a continuous range in incomes in the world, both between and within countries. It makes no sense to lump together and average out the incomes of societies comprising two-thirds of mankind who live in widely different physical and social environments, who display radically different attitudes and modes of conduct, and whose governments pursue very different policies, most of which inhibit economic development in varying degrees, and often even impoverish their own peoples.

Heterogeneous as they are, the components making up the South do indeed share one common characteristic. This, however, is not hunger, poverty, stagnation, exploitation, or color: it is official foreign aid. The South is in practice the collection of countries whose governments, with a few exceptions, demand and receive official transfers from the West.

Official foreign aid has been the unifying characteristic of this huge, variegated, and utterly diverse collectivity ever since its components began to be lumped together from the late 1940's onward as, successively, the "underdeveloped world," the "less developed world," the "nonaligned world," the developing world," the "Third World," and now, the "South." These expressions never made any sense except as references to a collectivity of past, present, or prospective aid recipients.

Indeed, without foreign aid initiated and organized by the West, there would be no Third World or South. The outstanding result of foreign aid is to have created the South. The principal milestones have been President Truman's Point Four Program of 1949; the United Nations Report, *Measures for the Development of Underdeveloped Countries* (1951); the First United Nations Conference on Trade and Development (1964); the Pearson Report (1969); the UN Declaration on the Establishment of a New International Economic Order (1974); and finally, the Brandt Commission Report, the high-water mark to date of the insistence on massive transfers of wealth, direct as well as indirect, from the "market-economy industrialized countries" to the spurious collectivity now known as the South.

The main change which has taken place over the years is in the language of discourse. In the early days aid was advocated almost *sotto voce* as helpful or necessary to assist the recipients. Twenty years later, Third World governments were insisting on their *right* to large transfers as restitution for Western misconduct or to insure a more "equitable" worldwide distribution of wealth. They insisted also that the transfers must take place without questioning official policies or social mores or the recipient people's conduct. Today, thirty years after the idea was born, massive wealth transfers are demanded as necessary to avoid global catastrophe.

Thus as the international position of the West—and especially that of the U.S.—has declined and as its loss of poise and self-assurance has become increasingly evident, the emphasis has shifted steadily from requests to demands, and from demands to threats.

Yet the South is no threat to the West. Many Asian and African countries, including some of the largest, are mutually antagonistic or are even in open conflict; and there are also intermittent civil wars and acute internal tensions, especially in multiracial countries. The military resources of the Third World are meager. When the Tanzanian army mutinied in the 1960s, the

[1] MIT Press, 304 pp., $4.95.

[2] Cranley Onslow, *House of Commons Official Report*, June 16, 1980.

[3] If unindustrialized Greenland, with its poor Eskimo population, were to secede from Denmark, it would presumably be transferred to the South.

country's ruler, Julius Nyerere, appealed to Britain for help, and a handful of British troops quelled the mutiny. Liberia, often referred to as an African power, has an army of 2,000 men, whose cohesion is impaired by tribal divisions.

Even if they had the military resources and the will to cooperate, the vast majority of Third World countries do not have the contacts with each other required for effective concerted action. (For instance, many African states still depend entirely on railways and airlines established and maintained from outside.) It is not accidental that the two world wars were fought out among industrial countries: only advanced countries can effectively inflict serious injury on other advanced countries. Consequently, the ability of the South to inflict harm on the West will increase to the extent that large-scale transfers of resources weaken the West and improve the material base of the South (although, as we shall see, the latter result is highly improbable).

In another version of the threat theory and its relation to foreign aid, resource transfers are often represented as necessary to keep the South out of the clutches of the East. The Brandt Commission and the international agencies do not deploy this argument, but it is one much emphasized by aid advocates in the U.S. like Secretary of State Edmund Muskie. A recent example of this position concerns Afghanistan. Dr. Shridath Ramphal, a member of the Brandt Commission, has suggested that Afghanistan might have been able to resist Soviet pressure more effectively if the West had given it much more aid, thus enabling Afghanistan, "to stand on it own feet economically, to grow as a nation with economic, social, and political institutions stablized against the erosions of poverty and so against pressures from without." This was reported in the London Times, under the heading "West Measured and Found Wanting in Afghanistan." How would Dr. Ramphal explain the inability of more advanced countries like Czechoslovakia and Hungary to resist Soviet forces in the postwar period?

But in any case, foreign aid has more often than not helped to bring to the fore governments hostile to the market system and sympathetic to the Soviet bloc. Moreover, about one-third of all Western aid is now channeled through international agencies which are not permitted to take into account the political interests of the donor. Further, the Soviet bloc is represented in the United Nations and can thus influence the allocation of substantial multilateral transfers even though its own financial contribution is small.

But Western political interests are largely ignored also in bilateral aid, as this is given regardless of the political conduct of the recipients. Aid also often arouses the resentment of the recipients, who do not receive as much as they want or feel entitled to have. Many recipients insult and thwart the Western donors, especially the U.S., as best they can. The familiar Third World themes are economic domination by the West, the resulting inequality of world income distribution, and Western responsibility for Third World poverty and even starvation. These opinions are usually uttered by spokesmen supported by the West and on platforms it provides.[4]

The South cannot present an effective economic threat to the West any more than it can pose a military threat. It cannot damage the West by economic boycotts. In general, collective sanctions have been a series of failures even when applied by major powers, major in the real economic sense. Moreover, economic interdependence between North and South, a cliché repeated *ad nouseam* in the "North-South dialogue," cuts both ways. Governments of prominent Third World countries often depend heavily on imported supplies from the West for maintaining their power, for carrying out their economic plans and projects, and for placating their supporters. And as the net flow of goods and services is from West to South, the latter is in a sense more dependent on the West than the other way around. This is especially true of the more advanced Third World countries which have the most active and extensive commercial contacts with the West.

The West does of course depend heavily on the South for some commodities. But with the exception of OPEC, Third World commodity cartels have invariably failed without Western organization, participation, or finance. This is recognized by the advocates of such schemes who demand that the West or Western-financed international agencies should assist in the establishment, finance, and operation of commodity agreements—agreements which are designed to transfer resources from the West to the South (although often dressed up as instruments for reducing price fluctuations).

The forces of self-destruction in the West, reinforced by influential sectional interests, are already active in promoting a wide range of commodity schemes. Yet these are schemes which raise the cost of living in the West, benefit the relatively better off in the South, and damage the poor in the South. They also heighten political tensions both within and among Third World countries.

Thus in the economic sphere, as in the diplomatic and military spheres, the only danger to the West is that of self-inflicted wounds.

But if large-scale official aid to the South is neither necessary nor helpful for Western peace and security, will it create jobs and promote economic growth in the West?

"Above all," says the Brandt Report, "we believe that a large-scale transfer of resources to the South can make a major impact on growth in both the South and the North and help to revive the flagging world economy." And again:

"The large-scale transfers we will propose are seen therefore as measures both to support growth in developing countries directly, and to permit a significant expansion of world trade. It is in this sense that we view them as contributing to growth and employment in the North as well as the South."

The reasoning is simple. Aid promotes growth in the South. This growth expands international trade, and so creates opportunities for exporters in the West. These opportunities in turn entail new jobs in the West, and cumulative expansion. The "South can be said to be an 'engine of growth' for the North"; it is "a new economic frontier," whose opening-up cannot but serve to promote prosperity in the West.

Although this language appears in a report signed by no fewer than five former heads of state and prime ministers, and welcomed by the recent Venice summit meeting of Western leaders, it stems entirely from a series of misconceptions. It is the West, not the South, which is the "economic frontier" in the world economy. It is the West that has pioneered the major advances which have raised standards of living throughout the world, and from which can be expected further developments of the same kind. Similarly, it is the West which has been and still is the engine of growth for the South, and not the reverse. This is evident in the more pronounced and sustained economic advance achieved in those less developed countries which have the widest range of commercial contacts with the West.

In this respect contemporary developments repeat historical precedents. The more advanced and prosperous economies have always presented opportunities for the people of those less advanced economies best able to take advantage of them. And they have, of course, been the source of ideas, knowledge, skills, enterprise, and capital in the development of those poorer economies which have the characteristics favorable to growth.

The Brandt Report itself recognizes these relationships when it observes that "the poorest people in the world will remain for some time to come outside the reach of normal trade and communications"—that is, cut off from the West. The Report does not, however, attempt to reconcile this apt observation with its more general tendency to blame poverty in the South on the supposed domination by the West of the international economic system.

It is economic sophistry to assert that those who give away some of their wealth to others must necessarily be better off simply because those whom they have helped will be better off and so be able to have more trade with them. A storekeeper does not flourish by giving his cash to people some of whom later spend some of it in his store. And it is little comfort for a burgled storekeeper to know that the burglars may spend some of the contents of his cash register in his store.

It is modish for aid advocates, including the Brandt Commission, to try to connect aid-giving with the relief of economic recession in the West. But if it were really possible to cure or alleviate recession by more government spending—itself a questionable proposition—this could be done more effectively by Western countries at home, as for instance by financing the modernization of industrial plant and the improvement of infrastructure facilities on their own doorsteps.

In short, the prosperity of the economies of the West will not depend on large-scale transfers of resources to the South. It will depend overwhelmingly on appropriate policies and attitudes within the West itself. Unrequired transfers reduce total world income, because quite apart from the disincentive effects of the taxation to finance them, they transfer resources from more productive to less productive people. The suggestion that aid helps donors ignores the alternative use of the resources given away—that is, their cost to the donors.

The most durable of the arguments for resource transfers is that they are indispensable for the development of the poorer countries. In fact, of course, large parts of the South progressed rapidly long before official aid. The argument patronizes the

[4] A typical selection of such utterances will be found in various articles in COMMENTARY since 1975: Daniel Patrick Moynihan, "The United States in Opposition" (March 1975); P.T. Bauer, "Western Guilt and Third World Poverty" (January 1976); P.T. Bauer and B.S Yamey, "Against the New Economic Order" (April 1977).

people of the South by suggesting that they crave material progress but, unlike the West, cannot achieve it without external doles.

The emergence of hundreds of millions of people, both in the South and in the West, from poverty to prosperity has not depended on external gifts. Economic achievement has depended, and still depends, on people's own abilities, mores, and values, and on their institutions and the policies of their rulers. The determinants of economic achievement have rarely been set out so effectively as they were by Tocqueville almost a century and a half ago:

"Looking at the turn given to the human spirit in England by political life; seeing the Englishman, certain of the support of his laws, relying on himself and unaware of any obstacle except the limit of his own powers, acting without constraint; seeing him, inspired by the sense that he can do anything, look restlessly at what now is, always in search of the best; seeing him like that, I am in no hurry to inquire whether nature has scooped out ports for him, and given him coal and iron. The reason for his commercial prosperity is not there at all: it is in himself."

To insist that economic development depends critically on external donations is to divert attention from the determinants of economic achievement and from policies which could encourage instead of obstructing it. Indeed, such insistence leads to policies which can turn the poor into paupers—that is, people permanently dependent on doles. At the same time these policies simultaneously remove resources from others who are more productive. Yet contrary to what is suggested by the central thrust of the "North-South dialogue," it is not true that to make the rich poorer makes the poor richer. Possessing money is the result of economic achievement, not its precondition.

Official transfers cannot significantly promote development. Governments or enterprises in the South which are capable of using funds productively can borrow abroad. Therefore the maximum contribution to development of official transfers cannot exceed the avoided cost of borrowing. As a percentage of the national income of large Third World countries, this maximum contribution is at best minute, far too small to register in national-income statistics.[5]

Any marginal benefit from the reduction of the cost of investible funds is likely to be much more than offset by the adverse repercussions of official aid. Such aid accelerates and aggravates the disastrous politicization of life in the Third World and intensifies the struggle for political power. It increases the money, patronage, and power of the recipient governments, and thereby their grip over the rest of society, which in turn exacerbates conflict, especially in the multiracial societies of most Third World countries. This sequence diverts energy and attention from productive activity to the political arena, because people's livelihoods or even their economic and physical survival come to depend on political and administrative decisions. Foreign aid promotes state-controlled economies in various other ways as well, and this again leads to politicization, restricts external contacts and domestic mobility, and retards the spread of new ideas and methods.

There are other adverse consequences of foreign aid. For example, official transfers tend to encourage imprudent financial policies, because failure, as reflected in the inability to make external payments, itself becomes an effective ground of appeal for aid. Transfers also enable governments to pursue policies which patently retard growth and increase poverty. Such policies include restrictions of the economic activities of productive minorities (and sometimes their expulsion); controls on the inflow of foreign capital, enterprise, and skills; restraints on the activities of traders and the destruction of distributive networks; and price policies which discourage the production of food and other farm products.

Without aid, governments would not so readily be able to persist with their adverse policies or to mask their effects. Tanzania provides an apt illustration. It is a country much favored by Robert McNamara, and which for many years has been heavily supported by the World Bank and other donors. We quote from a paper by W. David Hopper of the World Bank:

"Government efforts to bring about a social transformation by building large cooperative villages have been responsible for a major decline in national food output. The uprooting and resettlement of rural people, often far from their traditional lands, has caused farm production to drop to a point where the nation must import large quantities of food. In this case, the ideology of social reform has fully replaced any drive for economic growth. As long as food aid (or long-term loans for food purchases) is supplied to Tanzania by the industrial nations, the social experiment will continue"[6]

Thus official transfers to the South are much more likely to retard than to promote development there. This adverse presumption is supported by the plight of many recipients after decades of large-scale aid. It is supported further by their difficulties in servicing even very soft loans, the modest burden of which has in any case been reduced by inflation and earlier partial defaults. And these difficulties, to repeat, serve to reinforce the clamor for increased aid.

Such consideration, dispose of the currently popular talk about aid to the South as a new Marshall Plan. According to this suggestion, large official wealth transfers to the South would, like Marshall aid to Western Europe, insure the prosperity of the South for the benefit both of its own peoples and that of the West. But the analogy fails completely. In postwar Europe the task was not development but reconstruction. The societies of Western Europe did not have to be modernized or transformed. The people had the faculties, motivations, habits, institutions, and political arrangements required for sustained material prosperity. This is why Marshall aid could be terminated in four years and West Germany could soon become an exporter of capital. Contrast this with the position of many Third World aid recipients, and with the advocacy of prolonged or even indefinite continuation of official wealth transfers to the South.

To be sure, when the political survival of a country such as Taiwan or Israel is widely doubted, it may not be able to raise capital even if it can use the capital productively. But these apparent exceptions to the rule that development cannot be promoted by external aid are plainly irrelevant to the case for global transfers to the South.

To sum up, then: the primary result of official Western aid has been the creation of the Third World as a collectivity confronting the West, and one which as a collectivity is hostile to it. Intensifying the politicization of life in the Third World has been the second major consequence. These are wide, far-reaching results. They will continue as long as foreign aid continues.

Conversely, straightforward observation and examination of readily available evidence lead to the inescapable conclusion that large-scale transfers of resources from the West to the South cannot achieve their declared objectives, and in fact obstruct the achievement of those objectives. Further, they gravely damage the political, social, and economic interests both of the West and of ordinary people in the South as distinct from the interests of their rulers.

What is to be done? Far from accepting the proposals for massive wealth transfers, both direct and indirect, we should work toward their early demise. Ideally they should be terminated promptly. But this is impracticable in view of the immensely powerful vested interests behind them and also of the momentum of existing commitments. While early termination should be the aim, the immediate task is to reform the policy so as to remove the worst anomalies.

Humanitarian relief of need should be left to voluntary agencies, notably to non-politicized charities. Many of them already operate successfully in the poorer countries. They could do much more if it were recognized that relief of need belongs to their sphere rather than to official transfers. In this realm, the international comity between countries calls for such gifts to meet unforeseeable and exceptional disasters.

As for economic development, the West can best promote this by reduction of its often severe barriers to imports from poor countries. They inhibit development, investment, and employment in many poor countries. These barriers therefore diminish the benefit which such countries derive from external contacts and from access to the major "economic frontier" in the world.

External commerce is an effective stimulus to economic progress. The people and the finance involved are far more responsive and better adjusted to local realities than are official transfers and their dispensers. Accordingly, commercial intercourse with the West has transformed economic life in the Far East, Southeast Asia, parts of Africa and Latin America. Relaxation of trade restrictions could extend and accelerate this process.

Commercial contacts are not only economically more effective; they are also much less likely to provoke social and political upheaval than attempted forcible modernizations, transformations, or large-scale confiscations, so often supported by official transfers and espoused and welcomed by many of their advocates. External commerce also brings to the fore local traders, entrepreneurs, and other self-reliant groups interested in improvement through market processes. They are far more likely to be friendly to the West than the rulers of socialist economies or of other closely con-

[5] We may mention in passing that the Brandt Commission uses national income statistics and comparisons without any recognition of the large margins of error involved. The World Bank, for example, in its *World Development Report, 1978*, estimates that the official figure of per-capita income for India should be raised by a factor of more than three to make it more nearly comparable with the corresponding figure for the U.S.

[6] In Theodore W. Schultz, ed *Distortions of Agricultural Incentives* (Indiana University Press, 1978), p. 76.

trolled economies encouraged by official transfers.

Reduction of trade barriers is apt to be resisted by those in the West threatened by it. Some aid funds might be diverted to compensate them. This also is open to various objections. But if practicable, it might be the lesser of evils compared to ever higher trade barriers coupled with continuing or even increasing aid.

Official transfers are, however, certain to go on. How can they be reformed? To begin with, they should take a form which would make it possible to identify their costs and benefits. This rules out indirect methods of resource transfers such as commodity agreements. Not only are their results perverse, but their overall impact cannot be assessed. Nor are such schemes subject to any form of congressional or parliamentary control. The transfers should be untied cash grants. Tied aid confuses subsidies to exporters with gifts to the recipients, besides suggesting that such transfers are instruments for dumping otherwise unsalable goods. Soft loans conceal their usually very large grant element and confuse investment with handouts. Again, the donors are apt to see them as gifts while the recipients see them as burdens. Cash grants should also be bilateral to enable a modicum of control by the elected representatives of the taxpayers—i.e., of the real donor. Inhuman policies or policies utterly hostile to the donors can also be checked somewhat more easily under a bilateral system.

It should in addition be made clear that the grants are in effect straight gifts from the Western donors to the recipient governments, and not amends for past or present wrongs or instruments of global egalitarianism. Unless restitution and redistribution are specifically rejected, the West will find itself subjected to indefinite blackmail.

For all these reasons it is important to resist attempts to internationalize aid transfers even further and to make them even more automatic by introducing systems of international taxation. Such taxation is among the recommendations in the Brandt Report, to enlarge the "flow of official development finance." (The proposals include "an international system of universal revenue mobilization, based on a sliding scale related to national income," and "automatic revenue transfers through international levies on some of the following: international trade; arms production or exports; international travel; the global commons, expecially sea-bed minerals.")

Aid should go only to governments genuinely interested in the welfare of their subjects and that promote it by effective administration, the performance of the essential tasks of government, and the pursuit of liberal economic policies. This would reduce the effect of aid in politicizing life and would be more likely to promote prosperity and dampen conflict.

Unless reformed along these lines, international wealth transfers will continue to promote collectivist and often totalitarian systems. As operated heretofore, they will continue to disappoint and frustrate the objectives of many generous and compassionate supporters of help to the less fortunate. Moreover, unless reformed along these lines, the policy of resource transfers will be seen by spokesmen for the South as an open-ended and unlimited commitment by the West. Perhaps most important, official aid will continue to tilt the East-West conflict against the West—this in spite of the meager military and economic resources of the South (which make its threats empty) and of the friendly feelings toward the West in at least some countries of the South.●

THE 75TH ANNIVERSARY OF THE NEW YORK COUNTY LAWYERS' ASSOCIATION

● Mr. D'AMATO. Mr. President, on the occasion of the 75th anniversary of the New York County Lawyers' Association, I would like to extend these special greetings and congratulations to its membership. On April 21, 1908, 143 "attorneys or counselors of the Supreme Court of New York State in active practice, residing or having our offices in New York County" officially incorporated the New York County Lawyers' Association (NYCLA). Thus began an association whose devotion to the service of the bar, the bench and the public has been, in the words of President Eisenhower on the occasion of its 50th anniversary, "in the highest traditions of their profession." President Eisenhower's words are equally true today.

As a New Yorker, I take great pride and satisfaction in knowing that well over 10,000 NYCLA members choose to continue that tradition of service. NYCLA contributions in four areas are especially deserving of public recognition on this occasion. First, NYCLA was among the earliest bar associations in the country to sweep away all barriers to membership based on race, creed, color, or sex. Second, NYCLA has been a leader among bar associations in undertaking serious study of the issue of professional ethics. Third, from its inception NYCLA has recognized a responsibility to serve the profession, so that cost-effective legal services, determined by ability to pay, may be made available to the public. Fourth, NYCLA has consistently cooperated with the judiciary in developing sound and effective methods of ameliorating the congestion and backlog in our court calendars.

As we in New York look to the future of legal services in our communities we see great cause for optimism in the leadership exercised by the New York County Lawyers Association. We know that NYCLA will not only continue its tradition of service but that it will also find new ways of meeting the challenges that lie ahead.

Not only is NYCLA attracting large numbers of newly admitted attorneys (40 percent of the membership is composed of younger lawyers, those in the first 10 years of professional practice), NYCLA has also instituted one of the most comprehensive continuing legal education programs in the country. Its PLE (for practical legal education) series began in 1974. Courses range from the basic, general practice for the newly admitted attorney to specialty courses which help attorneys stay current in fields such as trusts and estates, bankruptcy, taxation, immigration, real estate and family law. Nor is that all. With a well-developed committee system, including 51 standing and 14 special committees, NYCLA manages to devote itself to the coverage and examination of virtually every aspect of the law.

In conclusion, I would like to wish the membership of NYCLA, again, a happy jubilee anniversary. May you all be around for the NYCLA centennial.●

ORDER FOR RECOGNITION OF CERTAIN SENATORS ON APRIL 12, 1983

Mr. STEVENS. Mr. President, I ask unanimous consent that there be special orders entered on behalf of Senators BAKER and BOSCHWITZ for April 12 for a period not to exceed 15 minutes.

Mr. BYRD. Mr. President, will the distinguished acting leader yield?

Mr. STEVENS. I am happy to yield to my good friend.

Mr. BYRD. Would he add 15 minutes for me, which I might not use but which I may need?

Mr. STEVENS. I am happy to make that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the Senator.

AUTHORIZATION FOR COMMITTEES TO FILE REPORTS

Mr. STEVENS. Mr. President, I ask unanimous consent that all committees may have permission to file reports until 5 p.m. this evening.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Judiciary Committee may have until 8 p.m. this evening to file a report to accompany the bankruptcy judge bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ISSUANCE OF INCOME CAPITAL CERTIFICATES

Mr. STEVENS. Mr. President, I send a bill (S. 1011) to the desk on behalf of Senators HATFIELD and PACKWOOD and ask unanimous consent that it be placed on the calendar.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. STEVENS. Does my good friend have any additional business that we might conduct?

Mr. BYRD. Mr. President, I thank my good friend, the distinguished and able Senator from Alaska. I can think of nothing further on this side.

RECESS UNTIL 9 A.M. TOMORROW

Mr. STEVENS. Mr. President, if there be no further business, I ask unanimous consent that the Senate stand in recess in accordance with the previous order.

There being no objection, the Senate, at 4:49 p.m., recessed until 9 a.m., Friday, April 8, 1983.

EXTENSIONS OF REMARKS

AURORA TOWNSHIP—REVENUE SHARING AT WORK

HON. TOM CORCORAN
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. CORCORAN. Mr. Speaker, recently, general purpose and special purpose agencies in Aurora Township, Ill., put together for my review a compendium of reports on their uses of general revenue-sharing funds for both governmental and private agencies.

I am extremely impressed with their successful use of revenue-sharing funds, and wish to share with my colleagues how a well-administrated program of revenue sharing can provide essential services to many people in need.

If we could get the same kind of accountability with money at the Federal level as Aurora Township has provided on general revenue-sharing funds, I believe we would not only have better accountability of the use of Federal dollars but would provide better services to our people as well.

Federal revenue sharing allocations made by the Aurora Township board have resulted in the furtherance of the programs as described in the following:

KANE-KENDALL MENTAL HEALTH CENTER

The Kane-Kendall Mental Health Center in Aurora houses administrative and outpatient services for 1,500 mentally disturbed adults and children from southern Kane and Kendall Counties who cannot afford private psychiatric services.

It also maintains Opportunity House, a live-in facility for recovering male alcoholics, and the Candle Day Care Center, where mental patients learn living skills in preparation for return to community life.

Total Aurora Township revenue-sharing funding since 1973 amounts to $582,130.

Mentally and physically handicapped area residents receive training in educational and living skills at the Kennedy Rehabilitation Center. Aurora Township contributed $250,000 in revenue-sharing funds to construction costs. Aurora Township's dial-a-ride program transports 25 township residents to the center daily.

VISITING NURSE ASSOCIATION OF AURORA

Because the city of Aurora has no health department, the visiting nurse association has assumed health department responsibilities. The home health unit brings skilled nursing care to the Aurora Township area.

The school nurse unit conducts vision testing as part of health screening, assessment, education, and direct care in 13 parochial schools.

At the health center a venereal disease clinic and laboratory provides patient services, counseling, referral, and treatment. The health center also provides medication, innoculations, and physical checkups to low-income children. High-risk pregnant women, nursing mothers, and high-risk infants receive supplemental food, nutrition counseling, and followup care through the U.S. Department of Agriculture WIC program, which the visiting nurses association administers.

Aurora Township revenue-sharing funds, distributed yearly, total $301,000 to date. Loss of revenue-sharing funds will cause curtailment or abandonment of many of these life-supportive programs which are increasingly necessary.

COMMUNITY CONTACTS, INC.

Community Contacts, Inc., originated in 1974 as a project of the Aurora area United Way. It was designed to plan for and meet the needs of area seniors.

One of the programs, the county-wide homemaker program, developed from a detailed study of senior needs. Community Contacts helps 90 Aurora seniors remain independent residents in their own homes providing light housekeeping aid, meal preparation, and assistance with personal care such as bathing and shampooing.

Since 1975, Aurora Township revenue-sharing funds allocated to Community Contacts have totaled $68,547, which the agency has used for education, planning, and program development.

SECOND HORIZON CENTER

The Salvation Army's Second Horizon Center is a drop-in senior facility. Senior activities include crafts, recreation, nutrition, legal aid, counseling, educational, and employment aid. The nutrition program supplies seniors with a daily hot meal, as well as delivery of meals to the homebound. An average of 80 hot meals were served daily in fiscal year 1981.

From 1976 on, Aurora Township revenue-sharing contributions totaled $60,000, which was used to support homemaker home health aid, and more recently, the Second Horizon Center.

DIAL-A-RIDE

Aurora Township dial-a-ride began door-to-door transportation for township seniors and the handicapped of any age in 1976. Medical and therapeutic transportation is prioritized. Dial-a-ride aids those who are unable to use public transportation and allows them to remain independent and free of institutional care.

Dial-a-ride is the only revenue-sharing operation to originate in and be operated by Aurora Township. Revenue sharing, totaling $386,000 since 1976, supports a 9-passenger station wagon, two 9-passenger vans equipped with wheelchair lifts, and a 15-passenger minibus. A total of approximately 150,000 units of transportation has been delivered.

EASTER SEALS REHABILITATION CENTER

The Easter Seals Rehabilitation Center provides therapy to physically, developmentally, speech, and learning disabled residents in the Aurora Township region. The revenue-sharing funding to Easter Seals since 1976 totals $60,000. Funds are used to maintain and expand services that equip the handicapped with basic living skills. Examples are walking, adult therapy, including stroke rehabilitation, speech therapy, and parental tranining.

Without funding, including revenue sharing, Easter Seals faces the prospect of curtailing or terminating its programs, thus sharply limiting the number of clients served.

SPECIAL OLYMPICS

Northeastern Illinois special olympics brings sports training and competition to over 1,200 athletes of all ages and all degrees of disability. Athletes participate or compete in basketball, track, gymnastics, swimming, riding, snow sports, wheelchair events, softball, soccer, tennis, and bowling. Winners compete against other Illinois special olympics athletes at State meets.

Aurora Township's revenue-sharing contribution of $1,170 to the Northeastern special olympics helps defray transportation and participation costs for 60 local athletes.

MARIE WILKINSON CHILD DEVELOPMENT CENTER

The Marie Wilkinson Child Development Center provides day care for preschool children from low-income families, so parents can become or remained employed, or enroll in training that will lead to jobs and removal from public assistance rolls. The developmental program includes supervised play and developmental learning, as

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

well as hot meals, oral hygiene, and parent conferences.

Aurora Township's revenue-sharing contribution since 1977 has been $20,000, which the center has used to renovate the building it occupies, and to pay a cook's salary, and maintain services. The center has lost nine slots through funding cutbacks, and faces additional service cuts if revenue sharing is reduced.

PEOPLE FOR CHILD CARE

People for child care is an after-school program for children of low-income parents who are employed or who are involved in preemployment training.

One hundred and fifty children from kindergarten through fifth grade are transported by bus to three sites within the city of Aurora. At the sites they receive snacks and are occupied with arts and crafts, physical education, reading homework help, field trips, music, and recreational games. The agency is establishing a basic curriculum for all grades, and interacts with teachers, students, and parents to strengthen the program.

Aurora Township's revenue-sharing contributions to people for child care have amounted to $30,016 since 1976. Funds were used to expand day-to-day operations and helped open new sites. Most recently, funding aided the purchase of a bus.

FAMILY SUPPORT CENTER AND FAMILY COUNSELING SERVICE

Aurora Township's revenue-sharing contribution to the Family Support Center since 1976 has been $64,375. The center has used the funds to supply a variety of services to families undergoing stress.

Family therapy involves parental understanding of the child's point of view, as well as adult participation in group sessions aimed at understanding of child-parent relationships in stress situations.

The Family Counseling Service of Aurora grew from its founding in 1924 as a civilian volunteer group into the agency it is today. Aurora Township began revenue-sharing contributions, which totaled $151,438, in 1975. These contributions helped the agency begin a debt management program and the youth guidance division.

AURORA AREA URBAN LEAGUE

The Aurora area urban league recruits and refers minorities and low-income people who need employment and training. It researches housing, health, and educational needs, sponsors a senior citizen telephone reassurance program, and a summer-work program for low-income youth.

Revenue sharing from Aurora Township totals $48,840. Funds pay for salaries, program maintenance, and match money for the senior reassurance program.

Revenue sharing in those areas enables the agency to begin the youth-work program independently and reward participants with a privately funded outing.

CENTRO PAN-AMERICANO

Centro Pan-Americano works for the socioeconomic welfare of Aurora's hispanic residents who do not use the existing social-service network because of linguistic, cultural, or other barriers.

Aurora Township's revenue-sharing contributions to Centro total $57,377. Centro uses revenue sharing to expand and maintain information and referral, family counseling, and labor relations services, and to promote community integration of the growing Hispanic population.

WOMEN AGAINST RAPE

The hotline is an important liaison device for Fox Valley Women Against Rape. Besides giving rape victims and their families access to immediate counseling and emotional support, the line keeps the agency in direct contact with both Aurora hospitals, area police departments, and other agencies that might be involved. Aurora Township began funding Fox Valley Women Against Rape in 1981 with $8,000, which keeps the hotline in operation.

DRUG ABUSE CITIZEN'S COUNCIL

The Drug Abuse Citizen's Council of Aurora area works to prevent and treat drug abuse among children and adolescents. Last year, approximately 1,600 young people participated in prevention and treatment programs. The revenue-sharing contribution to date is $91,000. The council has supported and expanded professional services and made necessary plumbing and heating repairs to the headquarters with revenue-sharing funds.

Funding curtailment will result in loss of volume and quality in treatment and prevention of drug abuse, which is an increasing problem among young people.

OAKHURST LAKE DRAINAGE PROJECT

Work is in progress on the Oakhurst Lake drainage project, toward which Aurora Township has pledged $200,000 in revenue-sharing funds.

The drainage project is a cooperative effort by the city of Aurora, the Kane County forest preserve, the Fox Valley park district and Aurora Township to improve living conditions in the area. Aurora Township participates in the project because township lands will benefit from drainage of 800 acres.

Mr. Speaker, in summary, I would like to share with you the words of Aurora Township Supervisor Dennis P. Wiggins:

We hope you will discover in this presentation cogent reasons to support our statement that revenue sharing is necessary to maintain community services at the present level, as they could not be, were they dependent on regular tax dollars. We hope you will share our concern for the future of revenue sharing, and will regard its continuance with sympathetic and favorable attention.●

MILITARY PERSON OF THE YEAR AWARD

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 1983

● Mr. LEWIS of California. Mr. Speaker, on April 9, 1983 an inaugural banquet will be held in Victorville to honor the Military Person of the Year. This event represents the culmination of efforts by the Civilian-Military Affairs Committee.

The Civilian-Military Affairs Committee (CMAC) was formed with top representatives from the five military bases: Edwards, George, China Lake, Fort Irwin, and Barstow Marine Depot and local city governments or unincorporated areas such as Apple Valley. The purpose of this fine group is to promote mutual cooperation between the military bases in my district and their civilian neighbors. This event reflects the degree of cooperation this group has achieved. The spirit of this group, once again, reaffirms our faith in the spirit of selfless community service.

The Military Person of the Year Award will affect about 34,000 military personnel, not counting the supporting civilian communities, and should gain rapidly in stature and importance in years to come. The winner of this award will be selected from the top candidates from each of the bases concerned. The winner will be chosen based upon standards utilized by and agreed upon by representatives from the bases. The award will be presented by Dr. Lawrence Korb, Assistant Secretary of Defense, who is responsible for personnel, logistics, and manpower reserves.

Mr. Speaker, I take great pride in commending to my colleagues the Civilian-Military Affairs Committee and their 1983 selection for the Military Person of the Year. In addition, I would like to recognize the extra efforts of Barbara Little, Del Ulrick, John Hart, and Tom Dworshak, who worked so hard to make this event possible.●

OUR FECKLESS UNIVERSITIES

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. RUDD. Mr. Speaker, it appears as though some of our respected American universities have become lost in their own preachings of idealism; they have sacrificed honest principles for irresponsible behavior lately.

Recently, our distinguished Ambassador to the United Nations, Jeane

Kirkpatrick, has been booed off college campuses or prevented from speaking. School administrators have offered little, if any, defense on her behalf. Apparently, the principle of freedom of speech loses its relevance when it applies to speakers not in line with the "progressive" tongue of today's demonstrators.

Equally disturbing is the attitude of certain university officials who defy the spirit of the law when it comes to tying simple registration for the draft to Federal education "entitlements." Some college administrators have complained of the burden of verifying draft registration, saying they are not in the business of enforcing social policies, while at the same time they are abiding by hundreds of other Federal requirements more in tune with their thinking. In fact, these administrators are making excuses for avoiding their responsibilities—the same lame excuses being propagated by the minority of youths who refuse to supply their names to the Selective Service as the law requires.

George F. Will addresses these disturbing trends among our more prestigious schools in his recent column, "Our Feckless Universities," which I urge my colleagues to read.

[From Newsweek, Mar. 28, 1983]

OUR FECKLESS UNIVERSITIES

(By George F. Will)

Ah, spring. The sap is rising and so is what passes for idealism on campuses where love of justice is expressed by shouting down conservative speakers. Mobs at Berkeley and Minnesota have disrupted speeches by Ambassador Jeane Kirkpatrick, and Jill Conway, president of Smith College, has, in effect, disinvited Kirkpatrick, who had been invited to deliver the commencement address this spring. Conway said Smith could not guarantee order. Rubbish. To guarantee order Conway had only to say that disruptive students would not graduate, disruptive faculty would be fired and police would attend to outsiders.

Conway probably (and Berkeley certainly) would have used napalm to prevent conservatives from silencing a liberal speaker. Conway did not act strongly because she did not feel strongly about keeping order for Kirkpatrick. Conway's assertion that Smith could not do what it certainly could do is an example of exertion apportioned according to political persuasions. It is a timely example. It comes as many academic administrators are saying that it would be unbearably burdensome (and contrary to their exacting principles) to help enforce the law linking student aid with compliance with draft registration.

Last year Congress voted to deny education aid to men who do not comply with the law requiring them to register. To register, a man merely fills out a short form at any post office. Conscientious objectors do not compromise their case because registration is not held to be a declaration of willingness to serve. About 96 percent of all men required to do so have complied. Most of the 500,000 who have not probably just do not understand the requirements. However, a judge can almost always be found to block a government action that is not congruent with the liberal agenda. A judge has held that the law linking aid and registration probably is unconstitutional.

CRITICS

He says it may be a bill of attainder, imposing punishment by legislation, rather than judicial process. But is it "punishment" to restrict access to a federal benefit to persons in compliance with the law? And what, then, of the routine practice of making federal aid or tax-exempt status for institutions conditional on compliance with civil-rights laws? The judge also thinks the law may violate the Fifth Amendment guarantee that no person "shall be compelled . . . to be a witness against himself." But where is the compulsion? No one is compelled to break the law or apply for aid.

Critics of the law say that persons who are "unable to prove their innocence are automatically found guilty." But no one is unable to prove innocence in this matter. Some persons are unwilling to be innocent. Besides, the law does not assign guilt. It just adds one more eligibility requirement that students must meet.

Critics say the law violates the "equal protection" clause because it "discriminates" on the basis of wealth (it does not affect the very rich) and has a "disparate impact" on blacks and other minority students because of high proportion of them receive aid. But federal aid for students is principally a subsidy for the middle and upper-middle classes. A student from a family with an income of more than $60,000 can be eligible. And if we are supposed to purge American law of all provisions that have a "disparate impact" on the poor and minorities, we can begin with the deductibility of mortgage-interest payments and charitable contributions, sales taxes and the new gasoline-tax increase. Social security, too, is flawed because lower-income people start working younger and die younger than others, so they work longer and receive benefits for a shorter period.

Such "disparate" impacts are an inescapable facet of life in a complex society. Persons who want to worry about fairness might try worrying about why a 19-year-old construction worker who complies with the draft-registration law should see his taxes subsidize college education for a privileged few who will not comply.

Some academicians have suddenly developed a new scruple: educational institutions should not be involved in enforcement of social policies. But their scrupulosity is selective: they do not object to being enforcement agents for "affirmative action" requirements. Federal regulations applicable to postsecondary schools fill 635 pages of small print—272 pages about how colleges must comply with federal-aid measures, 86 pages concerning compliance with anti-discrimination laws. But now some academicians say: the burden of verifying draft registration—the burden of asking an applicant for the letter he receives from the Selective Service System—is intolerable.

"I'M ENTITLED"

What is going on? What went on at Smith, in this sense: colleges have no enthusiasm for doing something that is unpopular with an aggressive and trendy minority, so the colleges are saying they cannot do it.

One of the nation's principal problems is the cost of entitlement programs. But a bigger problem is the "I'm entitled" mood, the mood of those who say that simply because they are alive they are entitled to all society's privileges and it would be repressive to connect a privilege with a responsibility. That means there are no privileges, properly speaking; there are only unconditioned rights. Where do people get such ideas? Perhaps in school.

Yale's president, A. Bartlett Giamatti, is praised as "outspoken." In 1981 he spoke out to warn Yale's entering freshmen. Young persons about to spend four years at Yale need to be warned about many things. Giamatti chose to warn them about the menace of . . . Jerry Falwell. Such outspokenness is not brave. In January, in an action now emulated elsewhere, Yale announced that it would subsidize defiance of the law by arranging grants or loans for students whose tender consciences will not permit them to register. It is not brave for Yale to teach, as its policy does, that a person's enjoyment of society's generosity does not even entail an obligation to obey the law.

Teaching that to America's most privileged young men is a betrayal of the university's civilizing mission. Remember this axiom: you can argue about exactly what hospitals should do, but surely they should not spread disease.●

TO HONOR DENNIS R. PINE

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 1983

● Mr. LEWIS of California. Mr. Speaker, on April 7, 1983, the Chino Valley Chamber of Commerce board of directors will be honoring their outgoing president, Mr. Dennis R. Pine, at the Annual Awards and Installation Dinner. This event will begin at 6 p.m. at the Red Lion Inn in Ontario. I would like to take this opportunity to recognize and commend Dennis for his outstanding leadership during his term as president.

Before being elected as the 1982–83 president of the Chino Valley Chamber of Commerce, Dennis served on the board of directors for 4 years. During his term as president, he helped design and organize a new program to recognize business beautification. Four of these Pride in Business Awards were given to outstanding Chino businesses. Another of his major accomplishments was his effort which resulted in an increase in membership to an all-time high of 425, which is the largest number of members in the chamber's history.

After completing his undergraduate studies at California Polytechnic, Dennis served for 4 years in the U.S. Navy. He was an insurance agent in Chino for 9 years and has been a partner of the Ed Pine Insurance Co. for the past 5 years. Dennis has served in many leadership capacities. He was the vice president of the West End Insurance Agents Association, chairman of the Chino Family YMCA Advisory Board, and served on the board of di-

rectors of the Chino Rancho Ride Association.

Dennis' leadership and service to the community will not end since he has been elected to the position of president-elect for the Chino Rotary Club.

Mr. Speaker, it is with great pride that I recognize and commend Dennis R. Pine for his outstanding leadership and his dedicated service not only to the Chino Chamber of Commerce but also to the entire community of Chino. I know his efforts and enthusiasm have helped to make our community a better place in which to live.●

PROSECUTING LABOR EXTORTION: AMENDING THE HOBBS ACT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. PHILIP M. CRANE. Mr. Speaker, I have introduced legislation, H.R. 1514, to amend the Hobbs Act, the Federal criminal statute which prohibits interference with commerce through threats or violence. The purpose of this bill is to clarify the use of the term "extortion." This clarification will prevent further unfair judicial interpretations of the act in its application to labor strike interferences.

The necessity for such clarification became apparent with the Supreme Court's decision in *U.S.* v. *Enmons*, 410 U.S. 396 (1973). That decision held that the Hobbs Act does not proscribe violence committed during a lawful strike for the purposes of inducing an employer to agree to legitimate collective bargaining demands.

In the incident that led to the Enmons decision, the striking union members who sought an agreement with a utility company, fired rifles at three company transformers, drained oil from another transformer, and blew up a substation owned by the company. The indictment charged a wrongful use of force in violation of the Hobbs Act. The Government lost the case.

The controversy over the case centers around the Government's contention that the language in the statute prohibited interference by extortion. The Justice Department, in prosecuting the case, defined extortion as "the obtaining of property from another by threats or violence." They contended that the wages sought in the collective bargaining agreement were the property of the employer and that the strike violence to obtain the higher wages could be prosecuted as extortion under the Hobbs Act.

The Supreme Court, however, defined extortion as only the "wrongful" use of actual or threatened force, violence or fear. That definition effectively limiting the act's coverage to cases where the alleged extortionist has no claim to the property. The rationale for this interpretation is confusing. A commonsense of fairness would assume that any actual or threatened use of force or violence to take away someone else's property is a "wrongful" act and therefore constitutes extortion. There are certainly many other lawful means of asserting such property claims without resorting to sabotage or violence.

The original intent of the 1946 Hobbs Act was to insure that any use of violence for coercive purposes be covered by the statute. According to its author, Congressman Samuel Hobbs, the original legislation was based on the principle that "a crime is a crime, no matter who commits it; and robbery is robbery and extortion, extortion—whether or not the perpetrator has a union card." Apparently the final language was not explicit enough for the Supreme Court. Since the Enmons decision, union violence can be prosecuted only if it can be proven that it had been used to obtain personal payoffs, or to exact wages in return for "imposed, unwanted, superfluous or fictitious service." The decision also opened the way for union officials to use whatever violent means they think necessary to insure that rank-and-file union members obey the dictates of the union hierarchy.

Since 1975, public records reveal the occurrence of over 3,350 separate cases of union-inspired violence—violence against both employers and individual workers. The pervasiveness of this compulsory unionism violence further underscores the need for evenhanded Federal jurisdiction.

The Supreme Court's conclusion that "it would require statutory language much more explicit than that before us here to lead to the conclusion that Congress intended to put the Federal Government in the business of policing the orderly conduct of strikes" shows that the wording of the act is ambiguous and needs to be clairified. If the precedent set down in Enmons is not corrected by statute, union officials will continue to engage in grossly unfair labor practices against employers. Businesses will continue to have virtually no protection for their property should they become involved in labor disputes.

Union officials should be treated as ordinary citizens, and as such they should be subject to prosecution for committing, or threatening to commit felonies such as murder, manslaughter, arson, aggravated property destruction—even in the name of "legitimate union objectives."

H.R. 1514 will make clear that the Federal law against extortion applies to all forms of coercion and violence. A copy of the bill follows:

H.R. 1514

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1951 of title 18 of the United States Code is amended as follows:

(a) Subsection (b)(2) is amended to read as follows:

"(2) The term 'extortion' means the obtaining of property from another, with his or her consent, induced by use of actual or threatened force, violence, or fear thereof, or wrongful use of fear not involving force or violence, or under color of official right.".

(b) Subsection (c) is amended to read as follows:

"(c) Nothing in this section shall be construed as indicating an intent on the part of the Congress—

"(1) to repeal, modify, or affect section 17 of title 15, sections 52, 101-115, and 151-166 of title 29, or sections 151-188 of title 45; or

"(2) to exclude Federal jurisdiction over the offenses defined in this section on the ground that the conduct is also a violation of State or local law, or that the conduct, if it involves force, violence, or fear thereof, takes place in the course of a legitimate business or labor dispute or in pursuit of a legitimate business or labor objective.".

(c) A new subsection (d) is added to read as follows:

"(d) It is an affirmative defense to a prosecution under this section that the defendant's conduct—

"(1) was incidental to peaceful picketing in the course of a legitimate labor dispute, as defined in section 2(9) of the National Labor Relations Act, as amended (29 U.S.C. 152(9)); and

"(2) consisted solely of minor bodily injury, or minor damage to property not exceeding a value of $2,500, or a threat of such minor injury or damage; or

"(3) was not intended to extort property.".●

BILLY TUTEN

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. CHAPPELL. Mr. Speaker, I am proud that a friend and constituent from my Fourth Congressional District of Florida has recently been selected to represent the United States of America on the U.S. Walker Cup golfing team.

Our own Billy Tuten from Palatka, Fla., was one of 10 amateur golfers named to represent his country in the 29th Walker Cup Match against a team representing Britain and Ireland. It is with pride that I ask to be read into the CONGRESSIONAL RECORD at this time, an item from the Palatka Daily News, datelined Far Hills, N.J., which describes this proud achievement in detail.

I know that my colleagues join with me in taking great pride in the U.S. Walker Cup team and that we unifiedly wish them a victorious day in May, when the Walker Cup match will be held in Hoylake, England.

PALATKA'S TUTENS SELECTED FOR U.S. WALKER CUP TEAM

FAR HILLS, N.J.—Palatka's Billy Tuten was one of 10 amateur golfers named to represent the United States in the 29th Walker Cup Match against a team representing Britain and Ireland, the United States Golf Association announced yesterday.

Tuten won the Public Links Championship last July when he defeated Brad Heninger of San Jose, Calif., 6-and-5. The 21-year-old Tuten was a member of the University of Houston's NCAA championship team last year.

Tuten's Public Links title came after his third trip to a national final. He made his way into the finals of the USGA Junior in 1979 and lost, then dropped the 1981 National Public Links 3-and-2 over 32 holes to former Georgia Southern star Jodie Mudd, amateur medalist at the Masters last April.

The Walker Cup match will be played May 25-26 at the Royal Liverpool Golf Club at Hoylake, England. The United States leads the series 25-2-1.

Joining him on the team will be Team Captain Jay Sigel, 39, of Berwyn, Pa.; 1981 U.S. Amateur champion Nathaniel Crosby, 21, Hillsborough, Calif.; Brad Faxon, 21, Somerset, Mass.; Rick Fehr, 20, Seattle; William Hoffer, 33, Elgin, Ill.; Jim Holtgrieve, 35, St. Louis; Bob Lewis Jr., 37, Warren, Ohio; David Tentis, 20, White Bear Lake, Minn.; and Willie Wood, 22, of Stillwater, Okla.

Serving as alternates, in order, are Chris Perry, 21, Edina, Minn.; James Hallet, 22, South Yarmouth, Mass., and Tommy Moore, 20, New Orleans.●

THE 60TH ANNIVERSARY OF THE MAILEADER

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. McGRATH. Mr. Speaker, I rise to call the attention of my colleagues to the passage of a milestone in my congressional district. Exactly 60 years ago, in 1923, a weekly newspaper was born in my hometown—The Village of Valley Stream.

The newspaper began with the implausible name of the Outlaw, which perhaps fit the irascible editor who ran the paper at the time. His motto, which was emblazoned on the front page was: "Justice to All and Malice Toward None—If We Like 'Em."

However, the Outlaw editor soon gave up and was followed by a publisher of a more conventional vein. The newspaper's name was changed to the Valley Stream Mail.

During the post World War II housing boom era, Long Island was transformed virtually overnight from a rural countryside into a burgeoning suburb of nearby New York City. To better serve the sudden population surge, the small newspaper expanded its coverage and distribution. It again changed its name—this time to the Valley Stream Mail and Gibson Herald.

The housing boom continued through the 1950's and into the 1960's. The village of Valley Stream stretched its borders so that for many years until just recently, it was the most populated incorporated village in the United States. The Valley Stream Mail and Gibson Herald strained to meet the needs of its longtime and newfound residents and never missed a deadline.

In 1964 the newspaper merged with the Tri-Town Leader, a newspaper published in the adjacent village of Lynbrook to become the Maileader—a name it still holds today.

The Maileader is a newspaper the villages of Valley Stream and Lynbrook have come to depend upon. It is a newspaper that gives meaning to the term hometown. It is the tie that binds a community together, that recognizes public good and freely condemns that it believes detrimental.

And so on its 60th birthday, I salute the Maileader and ask my colleagues to do likewise. It is a true part of Americana.●

OIL SPILL LIABILITY AND COMPENSATION THROUGH A PRIVATE FUND

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. YOUNG of Alaska. Mr. Speaker, for nearly a decade I and others in Congress have been striving for legislation which would establish a comprehensive system of liability and compensation for damages caused by oil pollution. As many of us are aware, the need for a uniform law to provide a comprehensive system of liability and compensation for damage caused by oil pollution is well recognized. The dramatic incidents of the *Torrey Canyon*, Santa Barbara platform blowout, *Argo Merchant*, and *Amoco Cadiz* demonstrate the potential for extensive damage to the property and natural resources, particularly along the coastline of our Nation.

I can assure you that this is of critical concern to my State of Alaska, which has more coastline than the lower 48. The Merchant Marine and Fisheries Committee, of which I am a member, has recommended legislation in the past to prevent pollution damage of our coastal and marine environment which Congress ultimately adopted. This oil spill legislation is a logical compliment to these preventive measures so that cleanup is facilitated and innocently victimized and damaged parties are compensated. Last Congress we worked on legislation which would accomplish these goals and included provisions important to the States. These included no preemption of the use of a State cleanup fund, recovery for natural resource damage and loss of their subsistence use, cleanup to an acceptable standard, and proper transition between the various current Federal laws and the new comprehensive law.

On March 24, 1983, I introduced H.R. 2368, the Comprehensive Oil Pollution Liability and Compensation Act, which incorporates those goals and concepts from last Congress. The legislation I have introduced:

Applies to spills from vessels, and onshore and offshore facilities;

Contains a comprehensive innumeration of the scope of damages and claims to insure adequate and just coverage;

Sets appropriate limits of liability for vessels and facilities;

Avoids funding duplication by preempting State laws;

Permits States, even with preemption, to retain and use their own funds;

Clarifies the law as it applies to the offshore industry;

Creates a private corporation rather than a public fund in the Treasury to administer claims and cleanup responsibilities;

Removes the restrictions in existing law for cleanup to an acceptable standard;

Implements international oil pollution liability conventions when ratified by the United States; and

Consolidates various existing Federal oil spill laws.

This bill is identical in purpose to H.R. 2116 and H.R. 2222 which were introduced earlier by my colleagues, Hon. MARIO BIAGGI of New York and the Hon. GERRY STUDDS of Massachusetts, respectively. The three bills differ in various ways regarding the completeness in coverage of types of oil spills, the level of limits of liability and financial responsibility, the nature of the defenses to liability, the breadth of the scope of damages, clarification of offshore provisions, the date when State laws would be preempted, the fund establishment and administration, and implementation of international conventions.

The major difference in H.R. 2368, however, is that it establishes a corporate entity to administer the liability and cleanup fund rather than a public fund in the Treasury administered by the Department of Transportation. This is modeled after the existing private fund in the Trans-Alaska Pipeline Act which has been so successful. The private fund would pay for the same damages and cleanup as under the public fund.

The private trust fund would be administered by a board of directors consisting of nine directors appointed by the Secretary. At least four of the directors will be representatives of per-

sons who are liable for the fees imposed under the bill to build up the fund. In appointing the directors, the Secretary must insure that all types of vessels and facilities are represented. The administration of the fund would be under regulations prescribed by the Secretary of Transportation. However, the private trust fund would have all the lawful powers needed to administer this fund and carry out its functions and duties. The legislation contains other restrictions and safeguards regarding the fund, including the requirement for an annual audit to be reviewed by the General Accounting Office.

The fund created by H.R. 2368 would be raised through a fee of 1.3 cents a barrel on oil. This fee would only be in effect when the fund falls below $100 million. The money in the fund could be invested to increase the fund to $200 million. Any excess investment income after that point would be rebated on a pro rata basis to the private individuals who contributed to the fund. The fund would be available to pay for claims, the cost of administration, and the initial and annual contributions to an international fund if adopted by the United States.

I believe that the creation of a corporation to manage the fund outside of the Treasury will provide for an efficient and cost-effective manner to carry out the purposes of this legislation. It would not require the creation of a large and expensive bureaucracy needed to run a public fund and would insure that the general fund of the Treasury would not be footing the bill for oil spill liability and cleanup.

Final adoption of comprehensive oil spill legislation has been delayed for too long. The legislation is needed to unify and simplify the law in this area and to provide a greater benefit to those who would be victimized by oil spills while easing the burden of those who would be regulated by any number of Federal and State statutes.

Mr. Speaker, it is my hope by the conclusion of this Congress that we have in place a comprehensive oil pollution liability and compensation law.●

A DISTINGUISHED PUBLIC SERVANT

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. GEPHARDT. Mr. Speaker, things change so quickly these days that we tend to ignore those who put in long years of public service and provide the cement that holds our government together. Today I want to pay tribute to someone who has done this on the local level in St. Louis.

Albert "Red" Villa, the alderman representing the city's 11th ward, will be honored on April 21, 1983, for 30 years of service on the St. Louis Board of Aldermen.

I was his colleague on the board for 5 years and know firsthand of his many contributions. That is why I am joining the chorus of accolades on this special occasion.

Red Villa is the definition of public service. He is a model for the younger generation. No public servant I have ever known cares more for his constituents or does more for his constituents than Red Villa does. In an era when many Americans are complaining about isolation, Red Villa has managed to stay close to his constituents and they are the better for it.

His integrity is legend. His patience with others and compassion for others is exemplary.

The fact that he has spent 30 years on the board of aldermen is not important in itself. What does merit recognition and praise are his 30 years of extraordinary public service.

Everyone in St. Louis says "thank you" to Red Villa for giving so much of his time and talents to his fellow citizens. Our city is a better place because of his service.●

EDWARD ELLISON

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. FRANK. Mr. Speaker, one of our State's most distinguished citizens, former Gov. Foster Furcolo, a former Member of this Chamber, recently called to my attention the impressive record of Edward Ellison, of Dover. I would like to share with the Members Judge Furcolo's words about Mr. Ellison:

A young Massachusetts man, Edward M. Ellison of Dover, has just won extraordinary honors in the Officers Candidate School of the Marine Corps. In addition to the Director's Education Center Academic Certificate, he won both the Commandant of the Marine Corps trophy and the Daughters of the American Revolution award. It is the first time in history that anyone has won those three awards.

The Commandant's trophy is presented to the candidate in each of the Platoon Leaders Class progams who achieves the highest composite average in leadership, academics and physical training. The principal trophy is presented to the college attended by the winning candidate, with the candidate receiving a miniature replica.

The honor graduate of the Platoon Leaders Class (Senior) receives an engraved wristwatch from the National Society Daughters of the American Revolution.

The candidate in each program achieving the highest average in academics receives a certificate of special achievement from the Director, Education Center, MCDEC.

Eddie, who is in his 4th year of Tufts University, is an outstanding athlete, being a member of the Tufts Cross Country team, the Tufts indoor and outdoor track teams, and Captain of the Tufts indoor track team. He is one of 10 children of prominent insurance leader George Ellison, who is a Regent of Higher Education of Massachusetts.

All of us in my Congressional District are proud of Eddie Ellison and congratulate him for his extraordinary achievements.●

SACRAMENTO PRIVATE PROPERTY WEEK

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. MATSUI. Mr. Speaker, since the earliest days of our Nation, private property ownership has been a cornerstone of democracy. It was not without good reason that the first voters in the townships of New England and Virginia were property owners. This was clear recognition that the ownership of property reflected a long-term interest and concern in the needs of the local community.

For that reason, I am pleased to recognize Private Property Week in my district of Sacramento, Calif., during April 10–16, and to share with you some of the thoughts of Mr. Mack Powell, president of the Sacramento Board of Realtors.

Our nation is the land of liberty, where freedom has reigned for more than 200 years. Political and economic freedom have made the United States a nation unlike any other on earth, with more wealth enjoyed by more individuals. Individual freedom to build and grow has given us our beautiful city of Sacramento with its many fine homes and thriving industry and commerce.

I ask all residents of Sacramento to join the Sacramento Board of Realtors and the National Association of Realtors in celebration of the rights of real property ownership.●

NATIONAL PUBLIC WORKS CORPORATION

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. CLINGER. Mr. Speaker, the legislation that I introduced today is one important answer to the growing need for a mechanism to finance public facilities with a minimum drain on Federal spending and a high degree of capital leveraging. The Nation's ability to encourage the expansion of businesses and the development of new industries is constrained by the difficulty of delivering public services. Economic productivity cannot increase if our public facilities are unable to support growth.

Just to maintain our current level of public services over the next 20 years—without any major new expansion in the economy—it is estimated that we would need to spend between $1 and $3 trillion. We would have a much better understanding of the total scope of our public needs with a capital budget. In the meantime, however, State and local governments are in the best position for determining project priorities that address the most serious and immediate challenges confronting their economic development.

The Federal Government dominates public works investment policy by financing about half the outlays on our country's civilian infrastructure. Unfortunately, the assistance is usually in the form of rigid categorical grants that are funded and designed according to national priorities, with very little money available from flexible sources. Once a project is completed with categorical grant funding, no recoupment of Federal funds is possible unless the funds were misspent. Trust funds that generate user fees are the exception to this rule. Mr. Speaker, I propose a new legislative approach that combines the flexibility of block-grant funding with the advantages of a guaranteed stream of revenue.

ESTABLISHMENT OF A CORPORATION

The bill establishes a National Public Works Corporation that could leverage up to $50 billion in capital for public facilities when fully funded by Federal and State governments. The Corporation is to be composed of a bipartisan board of directors. The revenues from a fraction of the interest on loans to State and local governments would be used to pay for administrative costs and salaries. The quasi-independent Corporation's review of projects would be limited to: First, financial matters of integrity on the institution's reserves and loan portfolio, and second, the technical and competitive aspects of projects. The determination of investment levels and priorities rests with the States.

CAPITALIZATION AND RESERVE FUND

The initial capitalization of the Corporation authorizes $2.5 billion from the Federal Government, to be matched by $2.5 billion from participating States. The combined amount of actual appropriations and State contributions constitutes a 10-percent reserve requirement for the Corporation. The total amount of outstanding loans may not exceed 10 times the amount of reserves. These loans will be financed through the issuance of bonds with the full faith and credit of the Federal Government as a guarantee.

Although States must initially match the Federal contribution on a dollar-for-dollar basis, they ultimately would be permitted to leverage 20 times that amount in project loan funds. Moreover, the States could determine their own contribution schedules, because their fiscal capabilities may vary.

Participation in the Corporation is voluntary. The State chooses the amount and time of contributions. The maximum contribution is limited to the amount that bears the same ratio to $2.5 billion as the State's population bears to the national population. For example, a State with 10 percent of the country's population may contribute up to $250 million. The Federal Government matches the contribution with an equal amount. If fully capitalized, the State is then entitled to loans of up to $5 billion, depending upon the State's contribution. As the loans are repaid, the States are entitled to second generation funds for further loans—an advantage over categorical grant programs.

LOANS TO STATES AND LOCAL GOVERNMENTS

The Corporation is authorized to make loans to participating States and to units of government within those States. The loan may be less than the total cost of the project if other sources of funds are committed from Federal and State grants, local contributions and private donations. The funds are generally available for the construction, reconstruction, rehabilitation, or repair of any public facility. However, the repayment of the loan and the operation, maintenance, and replacement costs of the project must be tied to a guaranteed stream of revenues for the use of the facility.

The interest rate on the loan is based upon the cost of borrowing funds and the Corporation's administrative costs. Interest rates may be reduced across the board through a direct appropriation by Congress. This authority is to be used when high interest rates would make the cost of loans from the Corporation an inordinate burden on borrowers.

The Corporation may only approve loans that have the approval of the Governor of a participating State. The Board shall insure that the project is technically feasible and that awards are made on the basis of competitive bidding. The Corporation is granted further powers to audit the borrower's compliance with the loan requirements and to take remedial actions.

DEFAULTS

In the event of a default on the loan by a State and local government, half of the amount of the default would be charged against the State's reserves. A State may replenish its reserves within 2 years, but after that time, the amount of potential loans in the future would be substantially reduced. The reserves are vitally important for maintaining the credit worthiness of the Corporation.

Mr. Speaker, this bill is not intended to be a complete answer to the financing or our infrastructure needs, but, it can be an important step in addressing a large part of the problem. The setting of priorities rests with the States. Although the Federal Government will be engaging in a new credit lending activity, several provisions in the bill contain strong assurances that loan guarantees to bond investors carry as little risk as possible against loan defaults. I believe that this legislation will provide Congress with an opportunity to address the growing infrastructure crisis in the years ahead in a cost effective manner.●

FEDERAL LAND JOB SECURITY ACT OF 1983

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. YOUNG of Alaska. Mr. Speaker, I introduce today legislation long overdue in this Nation. For too long, the Congress has engaged itself in the task of making land-use decisions for the Nation without the slightest benefit of any empirical data upon which to judge the employment impact of our actions. This has led to a fractured body that lacks the knowledge to assess potential job loss or gain due to the way we manage the 760 million acres owned by all the American people. It is in the spirit of the search for greater information for the Congress that I introduce this legislation today, recognizing the timeliness of this measure in relationship to the employment needs of millions of Americans. If Congress can better arm itself with the facts on employment impacts of the actions we take, we can better represent the interests of our constituents and the Nation.

Mr. Speaker, my legislation is simple and straightforward. Modeled after the requirement that the Congressional Budget Office supply us with a reasonable estimate of a bill's cost to the taxpayer, the Federal Land Job Security Act would simply require that the Department of Labor supply us with similar information relative to employment impacts of Federal land management decisions. The Department would be required to assess: First, the immediate impact on current Federal, State, local, and private employment directly attributable to the bill or resolution; second, the long-term economic effects of enactment of the bill or resolution; and third, the extent and nature of any employment opportunities created by enactment of the bill or resolution and its possible economic effects.

Through this disclosure, the Department of Labor would furnish Congress with the requisite information necessary to make the hard choices relative to land management. Further, it

would extinguish the ongoing controversies surrounding Federal lands and their relationship to jobs, by removing the claims and counterclaims that so often confuse this body. It is time, Mr. Speaker, that the Congress answer the questions of the local people affected by a given land management decision when they ask, "How will my job be affected?"

This is acutely important in the Western United States, where the Federal Government owns substantial amounts of the land within a State's borders, and the people find themselves many times feeling as though Washington knows not or cares not about their ability to make a living either in the extractive industries or the industries relating to tourism and recreation.

This is legislation we owe ourselves, Mr. Speaker, and I ask the Members to embrace its tenets without hesitation. This legislation, if acted upon promptly, could possibly add to the Congress wisdom in decisionmaking, thus providing us with the necessary tools to create, save, and perpetuate employment opportunities for tens of thousands of Americans. Thank you, Mr. Speaker.●

POLISH WOMEN'S ALLIANCE 17TH ANNUAL BAL POLONAISE

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. HARRISON. Mr. Speaker, on Friday, April 8, the Polish Women's Alliance of America, Council 4–A, will conduct its 17th Annual Bal Polonaise.

This event, Mr. Speaker, has for many years been a highlight of the Luzerne County social season but, even more importantly, it has raised funds which provide scholarships to enable young men and women to attend the college of their choice. This year, 26 students have been awarded scholarships through the efforts of Polish Women's Alliance Council 4–A and the National Alliance General Office in Park Ridge, Ill.

Mr. Speaker, it is a great pleasure for me to join with our entire community in congratulating Polish Women's Alliance Council 4–A on their many achievements and in wishing them many more years of success in their good work.●

A FEW WORDS FROM THE SILENT MAJORITY ON THE NUCLEAR FREEZE QUESTION

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. BROOMFIELD. Mr. Speaker, the recent April issue of the American Legion magazine had a brief article on the nuclear freeze issue by the Legion's National Commander, Mr. Al Keller, Jr. The article presents a view of the freeze debate which is both insightful and clear. It is also a perspective which is shared by many concerned Americans who seriously think about the defense posture of America and how a nuclear weapons freeze would affect our Nation's security in the future.

Mr. Keller speaks for a select group of Americans who have answered their Nation's call in a time of need. From the frozen battlefields of Europe in the past world wars to the steamy jungles of Southeast Asia in more recent years, members of the American Legion know from firsthand experience what war is like and how important it is for America to maintain a sound defense posture. Many of them can recount bitter tales of how inadequate training or poor equipment nearly cost them their lives. Our Nation has paid dearly for misreading the intentions of our adversaries, or underestimating their abilities from a military point of view.

Let us all study the freeze issue carefully so that we will understand the national security implications of a true nuclear freeze. Misunderstandings of what a freeze means, or hazy thinking about what constitutes delivery systems, could doom our Nation in future years. Handing the strategic advantage to the Soviets is a decision which we and future generations will live to regret.

With these concerns in mind, I believe that Al Keller is to be commended for sharing his thoughts with us. He is correct in saying that the administration's approach of having nuclear weapons reductions now, followed by a freeze at reduced levels of destruction, is the only sane way to avoid a nuclear holocaust and bring peace to the world.

The editorial follows:

[From the American Legion, April 1983]

WHY NOT A NUCLEAR FREEZE?

In this country and in other Free World nations, we have witnessed organized and highly visible support for an immediate end to the nuclear arms race. This call for a change in defense strategy comes from sincere people who predict that if the superpowers do not freeze nuclear weapons' proliferation then the world will be plunged into a nuclear Armageddon. We of The American Legion understand such concerns and share them. We, perhaps even more than non-veterans, earnestly desire that the world be purged of any threat of war or destruction. Yet, having been a part of the history of conflict, we also know that freedom cannot be purchased with appeasement, nor can be protected without strength.

The Soviet Union, a strong supporter of the so-called Peace Movement, is a vocal advocate of such a change in our defense strategy and would like nothing better than to have the Free World agree to an immediate nuclear freeze. Whenever I hear of the Soviets pleading for nuclear disarmament and arms negotiations—especially in view of their disregard of past agreements—I am reminded of a story I heard about an attacking bear that suddenly found itself within the gunsights of a hunter.

"Now wait a minute," the bear pleaded in conciliatory tones, "why don't we just sit down together and talk this whole nasty situation over? You set your gun down alongside that tree over there and sit down here with me where we can be comfortable."

Well, that's exactly what the hunter did. He told the bear all he really wanted was a nice warm fur coat. The bear, in turn, told him that all it really wanted was a full stomach.

Later the bear got up and departed . . . alone. It had a full stomach and the hunter had a fur coat.

And that, my friends, is exactly the scenario this country will face if it ever drops its guard and agrees to an immediate nuclear freeze under present conditions. The Soviet bear would like nothing better than to see us lay down our arms, thus giving it a permanent position of superiority—a posture which, judging from its past record, it would not hesitate to take advantage of.

During the past decade, when detente largely replaced containment as the basis of U.S. policy, the United States experienced a precipitate decline in its strategic balance with the Soviet Union. Throughout that period, the Soviets developed and deployed an alarming number of new strategic weapons as part of the largest military buildup in the history of mankind. Former Secretary of Defense Harold Brown aptly characterized this asymmetry: "When we build, they build; when we don't build, they build."

The Communists' massive arms buildup has also been accompanied by frequent direct or indirect aggression in Angola, Ethiopia, Afghanistan and Poland. Furthermore, this totalitarian police state, which described itself as a "peace-loving nation," has violated provisions of the ratified SALT I agreement and of the unratified SALT II proposal, and there is convincing evidence that the Soviet Union has violated chemical and biological warfare agreements as well in their use of "yellow rain" in Afghanistan, Cambodia and Laos.

Knowing the character of the adversary with which we are dealing, it becomes imperative that any American nuclear strategy recognize that deterrence as a defense policy has worked extremely well for almost 40 years. Superpower conflict has been avoided, thereby allowing the United States, Western Europe, Japan, Korea and some other nations of the Free World to achieve unparalleled economic growth—growth that in some instances has been matched by the development of democracy.

Despite the success of a deterrence policy, this country—as an offering to the false god of detente—allowed its nuclear deterrent capability to slip far behind that which is required if the world balance of power is to be

kept in check. Therefore, in order to restore and maintain a credible nuclear deterrent while working toward reduced levels of armament, four sequential steps are required:

First, the U.S. must modernize its nuclear force to restore its effectiveness as a deterrent. This modernization will require that we develop an invulnerable ICBM force, upgrade the nuclear bomber fleet, and complete the Trident submarine program.

Second, the United States must offset the Soviet SS-20 missile threat to NATO Europe, preferably through arms negotiations, but through deployment of the Pershing II and Tomahawk I missiles, if necessary. We prefer the U.S. "zero option" proposal at the Intermediate-Range Nuclear Forces Talks (INF) because it would eliminate a new class of theater missiles on both sides.

Third, having restored a credible nuclear deterrent force and having offset the Soviet SS-20 ploy, the United States would be in a sound position to negotiate significant, mutual, equitable, verifiable reductions in nuclear forces. Such reductions, as are currently set forth in the U.S. START proposals, would mark the first time that offensive nuclear weapons would actually be eliminated and not merely replaced.

And finally, after achieving mutual reductions, a nuclear freeze would serve to prevent subsequent expansion of nuclear forces by either side. This nuclear freeze would be one arrived at from a position of equality between superpowers, therefore the likelihood of cheating by either side would be reduced. Nevertheless, in all arms control agreements, The American Legion urges absolute insistence on the strictest measures to ensure compliance by both sides, including the fullest consideration of on-site inspection.

In the Legion's view, a nuclear freeze only makes sense if it freezes equal Soviet and U.S. nuclear forces and is arrived at through the four-step strategy outlined here.

An immediate nuclear freeze would lock-in current Soviet advantages by preventing necessary modernizations of U.S. nuclear forces and the vulnerability of our ICBMs would continue. It would also undercut U.S. leadership in NATO because: Soviet SS-20s would be left in place aiming at the heart of Europe; it would negate any Soviet incentive to negotiate nuclear force reductions; and it would create opportunities for further turmoil in the superpowers' strategic relationship by freezing offensive weapons, but not defensive systems such as air defense and submarine detection. Technological breakthroughs in either of these areas by the Soviets would put part of the U.S. nuclear deterrent triad at risk.

Although current proposals in the U.S. for an immediate nuclear freeze do not advocate adoption of a unilateral freeze by the U.S., they tend in that direction. After all, what would be a quicker way to end the nuclear arms race than for the United States to simply unilaterally freeze its nuclear arms program? We must remember, however, that the U.S. tried such an approach to a limited extent in the 1970s and met a Soviet response, not of moderation, but of massive excalation of weaponry.

The four-step nuclear arms strategy we advocate will be lengthy, complicated and expensive, yet it's time we quit fooling ourselves about the veracity of the Soviet Union and accept the fact we're going to have to spend money to maintain our freedom. Despite the time involved and the cost, this four-step approach offers the best hope to preserve nuclear deterrence while working toward eventual reduction of nuclear armaments.

Either immediate nuclear freeze or unilateral disarmament will put this nation and, indeed, the entire Free World in much the same position of that hunter who tossed away his rifle thinking the bear was also unarmed.

Up to this point the vocal advocates of an immediate nuclear freeze have been successful in drowning out those who support a responsible four-step approach to nuclear arms strategy. Congress must be made aware of the views of the silent majority of its constituents, not only the vocal few. The dangers of an immediate nuclear freeze are clear, the advantages nonexistent. Legionnares must shoulder the responsibility of assuring that these dangers are averted and that a strategic advantage not be simply handed to the Soviet Union by well-meaning but misguided segments of the American public.●

INTRODUCTION OF LOW-INCOME ENERGY ASSISTANCE BILL

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. WYDEN. Mr. Speaker, I am pleased to join my colleague and distinguished chairman Mr. OTTINGER in introducing a bill to authorize $3 billion for the low-income energy assistance program in fiscal year 1984.

The bill would increase funding for the energy program by nearly $1.7 billion over what the administration has requested for fiscal year 1984.

This program has a history of strong, bipartisan support in the Congress, as evidenced by the fact that Congress has twice increased the appropriation level recommended by President Reagan.

By any measures, the low-income fuel assistance program is of enormous importance to the poor and to those on fixed incomes facing rapidly escalating fuel costs. Yet, in this time of high unemployment, the program funding levels have not kept pace with the burgeoning demand.

Statistics compiled by the Health and Human Services Department, indicate that only 7 million of an estimated 21 million eligible households are presently receiving assistance.

Add to this the fact that the poor and the elderly expend at least 35 percent of their income directly on energy, and one realizes that there are a lot of people out there with little or no way to provide for other necessities.

The track record of the States indicates that—as Congress originally intended when enacting this program under the Crude Oil Windfall Profits Tax Act—funding levels of the magnitude authorized in our bill are necessary.

Indeed, a recent HHS telephone survey of States indicates 64 percent of low-income energy assistance funds for fiscal 1983 have been used by States as of March 1. My own State of Oregon is one of only four States to have obligated all available energy assistance funding by March 1-2 months sooner than the State had anticipated running out of funds.

Independent studies and those performed under the aegis of the Department of Energy have, in fact, recommended funding levels closer to the $5 billion level.

Our bill will insure the States have the money to provide those in need a payment consistent with the rapidly escalating costs of energy.

As a veteran of the low-income energy assistance debates—from getting the OMB to release funds already appropriated, in a timely manner, to statutorily blocking the administration's effort to count supplemental security income payments as income in determining eligibility for low income energy payments—I have learned that Congress must pay close attention to the implementation of this program.

Our bill will better enable Congress to do so by increasing the accountability of the program through improved data collection and reporting requirements that insure Congress will be able to make informed judgments regarding the true measure of need and the appropriate level of funding.

I look forward to early markup of this bill in the Energy and Commerce Committee and ultimate enactment.●

GREEN COMMEMORATES ISRAELI INDEPENDENCE DAY

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. GREEN. Mr. Speaker, I rise to call to my colleagues' attention the 35th anniversary of the sovereign State of Israel and to announce proudly New York City's celebration of Israeli Independence Week on April 11-18.

I am honored to have the opportunity to commemorate this occasion before my colleagues and hope that the birthday of this remarkable country serves as an inspiration to those of us who regard freedom and democracy as a privilege in this day and age. This anniversary reminds us that the United States and Israel must continue the close alliance that began when President Truman recognized the newly born country within minutes of David Ben-Gurion announcing its independence on May 14, 1948. At a time when our alliance with Israel is severely scrutinized by many, it is important to recognize that Israel is one of our

strongest allies not just in the troubled Mideast but throughout the world.

This innovative nation can rightfully boast an astounding record of political, economic, and social accomplishments. Its Knesset, the democratically elected, proportionally representative body, is successfully modeled after the British parliamentary system. Its progress and expansion in agriculture and industry have reached proportions that are comparable to those of the advanced nations of Western Europe. Even the number of accomplished artists and Nobel Prize-winning authors rates quite well for a country so young.

I am proud to announce that on April 17 in my own district in New York, a cultural event entitled "Opportunities in Israel" will take place at the Minskoff Cultural Center in Manhattan. This full-scale travel, trade, and cultural show sponsored by the American Zionist Federation will be held in honor of Israel's 35th year of independence. This unique event will provide an enlightening exposure to significant cultural accomplishments of the Israeli people.

The United States and Israel share a great deal in common. Both nations consist of a mixture of people from different lands and govern their people under a democratic system. We have created a bond as allies founded upon our common principles and based on trust and friendship. It is important that on this important occasion of Israeli independence we acknowledge our similarities as democratic nations and our 35-year-old friendship by reaffirming the United States commitment to Israel's security. We see in Israel a worthy partner and a good friend whose success as a nation is a continuing source of inspiration to the free people of the world.●

THE CONCEPT OF ROAD MOBILE SYSTEM

HON. ALBERT GORE, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. GORE. Mr. Speaker, judging from the press, it appears likely that the Scowcroft Commission will recommend that the United States begin to develop a small single warhead ICBM, designed to be a road-mobile system. The purpose of my intervention today is not to begin a debate about the virtues of either element in this concept. I wish, rather, to call the attention of Members to an issue which will surely rise in connection with the concept of road mobile system: Its compatability with verification in an arms control agreement.

It has long been accepted wisdom that road mobile systems are inherently estranged from arms control, because they would be impossible to count or keep track of with adequate precision and confidence. There is considerable truth to this observation—but not necessarily an absolute truth.

Mr. Speaker, we will need to bring to bear our best thinking on decisions ahead of us in the nuclear weapons field; insisting on rational analysis to displace opinion and conjecture as much as is humanly possible.

With that thought in mind, I am introducing into the RECORD a recent study, done as directed writing by the Congressional Research Service, which breaks new ground on the issue of the verifiability of mobile ICBM's.

The proposal outlined in this paper may not be a perfect solution, and in any event provides no illumination as to the desirability of mobile systems. But it does perform a vital service: Introducing an idea to fill a conceptual void.

The following material was submitted by the Congressional Research Service and the Library of Congress.

The material follows:

VERIFICATION OF ARMS CONTROL LIMITS ON LAND-MOBILE ICBM LAUNCHERS BY LOUIS C. FINCH, SPECIALIST, INTERNATIONAL AFFAIRS AND ASSISTANT CHIEF, FOREIGN AFFAIRS AND NATIONAL DEFENSE DIVISION, MARCH 22, 1983

The ability to verify adequately an arms control agreement which limits numbers of land-mobile ICBM launchers would depend in part on specific details of how these launchers were based. The discussion below considers possible approaches to verification of two methods of basing—one involving unrestricted operating areas and one involving restricted operating areas.

UNRESTRICTED OPERATING AREA

Under this concept, small ICBMs would be mounted on truck and/or rail car launchers. These launchers would be relatively vulnerable to destruction if a nuclear weapon detonated in their vicinity (i.e., they would be "soft" targets). Thus these launchers, in order to survive an attack would need to operate on roads and/or railways throughout large portions of the continental U.S. (and USSR if the Soviets adopted this approach). The wide dispersion of launchers under this concept would make it difficult for enemy targeters to locate and attack specific targets, and the operating area would be so large as to render ineffective a massive barrage attack using nuclear weapons.

Verification of the number of launchers under this basing concept by "national technical means" (i.e., satellite photography) would be difficult in two respects. First, because of the large areas involved, we would probably not be able to get coverage of the whole area at one time (for example, part of the area might be covered by clouds or darkness). Thus counting the number of launchers would be a matter of sampling some part of the whole area and then drawing inferences to determine what the total number would be. Such a process might, in some cases, provide accurate counts on numbers of launchers. In other circumstances (e.g., when only a small part of the total area could be sampled) the error in estimating the number of launchers could be large.

Another factor making verification of numbers of launchers difficult under this concept is as follows. In all likelihood, the large operating areas involved would contain many structures which could hide small ICBM launches. For example, any depot, warehouse, garage, or factory with floor area sufficient to house a tractor-trailer or rail car could also hide an ICBM launcher. Launchers housed in this way would be virtually undetectable by satellites and thus their numbers could not be verified.

While use of national technical means seems inadequate to verify the number of land-mobile, small ICBM launchers, other means might be devised. These would most likely involve posting on-sight inspectors at plants where ICBM launchers were manufactured to count launchers as they were produced. This approach could give very accurate estimates on numbers of launchers, but rests on assumptions that:

Both we and the Soviets would agree to allow each other to have access to our ICBM launcher manufacturing plants; and

In addition to the plants where we had inspectors, we would need to be confident that there were no other plants secretly producing launchers.

RESTRICTED OPERATING AREA

In this concept, small mobile ICBMs would again be mounted on track and/or rail car launchers. One difference from the previous concept, however, would be that the launchers would be "hardened" to some degree to make them less vulnerable to a nuclear detonation.

As this hardening increases, then in principle the operating area needed for the launchers to achieve a given level of survivability decreases. It may be possible (as some in the defense community claim) to increase hardening to the point where the needed operating areas would be small enough to keep them within the bounds of existing U.S. military bases.

If operating areas could be shrunk to this size while maintaining ICBM survivability, then a complementary arms control regime might be negotiated along the following lines to assist in verification of the number of launchers:

Each side would be limited to a maximum area in which they could operate mobile small ICBM launchers.

The amount of area would be that needed to insure adequate survivability and be based on, inter alia, the number of warheads each side would have under an agreement and estimates of the lethality of those warheads.

Each side would declare, before an agreement went into effect, the specific boundaries of its mobile ICBM operating areas.

All mobile ICBM launchers would be prohibited from operating outside their designated operating areas.

Within the designated operating areas, the only buildings allowed whose floor areas would be big enough to contain mobile ICBM launchers would be garages designed to house these launchers.

Each launcher garage would have a sliding roof which would be opened at agreed times to allow surveillance by satellites.

Mobile ICBM launchers, when out of their garages, would be prohibited from operating in ways to avoid satellite detection (e.g., they could not park in dense forests).

Final assembly of mobile launchers would occur within the designated operating areas

(thus leaving no excuse for a launcher being outside a designated area).

Mobile ICBM launchers would have functionally related observable differences from vehicles normally found outside designated operating areas (e.g., commercial trucks and/or trains).

By allowing intelligence gathering assets to concentrate largely on limited areas, and by making activities within these areas less ambiguous, the regime just presented would seem to improve the accuracy with which limits on mobile ICBM launchers could be verified. It would also have advantages in that, in the absence of an agreement (either before one were negotiated or in the event the Soviets broke out of an agreement), we could expand the size of our operating areas to the extent necessary to insure ICBM survivability. Also if subsequent arms control agreements resulted in shrinking the number of permissible warheads, then less land might be needed to be set aside for operating areas, making more of it potentially available for other uses.

The principal concern this regime raises is whether we could verify adequately that there were no mobile ICBM launchers outside the designated areas. It rests on the assumption that, while the Soviets could theoretically hide mobile ICBM launchers outside the designated operating areas, it would be likely that we would detect at least one violation if the Soviets kept very many of them hidden outside these areas over a period of time. This is an assumption similar to one proposed for vertification that the Soviets were complying with the "zero option" prohibiting SS-20 deployments. (One way to express the analogy is that the verification regime outlined above provides for a "zero option" on mobile ICBMs outside their designated operating areas.) Analysis of whether or not this key assumption is correct goes beyond the scope of this paper. While the approach would appear at first glance to have merit, it would require close scrutiny by the intelligence community before definitive conclusions could be drawn.●

THE 60TH ANNIVERSARY OF TEMPLE BETH EL

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. McGRATH. Mr. Speaker, I want to take this opportunity to pay tribute to Temple Beth El of Cedarhurst, N.Y., on the occasion of its 60th anniversary. Founded in 1923 by a small group of citizens of the villages of Cedarhurst and Woodmere, Temple Beth El has long been in the forefront of religious and communal affairs in the Cedarhurst/Five Towns area of Nassau County. I would also add that Temple Beth El has a well-deserved reputation in this country and abroad for its philantropic efforts.

It goes without saying that no organization—religious, social, or political—can be more effective than the sum total of its members. On Saturday, April 9, Temple Beth El will be honoring at a luncheon its nine living past presidents, individuals who have been temple members for more than 36 years, and families whose members span three generations. The nine past presidents include Joel W. Schenker, Leo Fine, Philip Wiesel, Meyer Robinson, William Alpert, George Pittel, Howard Breener, Paul Samuels, and Allan Rodolitz.

To all the honorees, current president Maurice Weingold and Rabbi Gilbert S. Rosenthal, I want to offer my sincere congratulations and my appreciation for all they have done to make our community a better place.●

THE FEDERAL JOBFARE ACT

HON. DONALD JOSEPH ALBOSTA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. ALBOSTA. Mr. Speaker, I am reintroducing today by bill, the Federal Jobfare Act, which calls for a fundamental reform of the Federal welfare program by requiring recipients to work in order to continue to receive benefits. Such action would authorize the various States to establish its own "workfare" programs.

This legislation requires the States to set up a "jobfare" program that would assign work to able-bodied welfare recipients from age 18 to 62 who are not responsible for the care of infant children. This work would be a condition for receiving aid under the aid for families with dependent children program, the food stamp program and public housing assistance. The work done would be credited for the value of their benefits at least at the minimum wage rate. Primarily public and community service work would be assigned to recipients.

Jobfare is very similar to many of the workfare bills circulating in Congress and the recent proposal made by the administration. The major difference between my bill and others like it deals with the scope of recipients included in the program and the way jobfare would be perceived by the participants and the general public.

The Department of Health and Human Services would prescribe and promulgate guidelines, consistent with this act, for the development, organization, operation and administration of the State jobfare programs. Each State will develop its jobfare program in light of guidelines and will submit its plan to the appropriate Federal agency for approval. The Federal regulations would be subject to legislative veto.

There have been a number of exceptions written into this bill. They include: One, people under age 18 or over 62; two, disabled people; three, people who are regularly employed; four, people who are primarily responsible for the care of a child less than 3 years old or for the care of a child older than 3 but less than 6, if suitable child care is not available at reasonable cost; five, people who are receiving unemployment compensation; six, people who are receiving trade adjustment assistance; seven, people unemployed due to a strike called by a labor organization of which they are a member; and eight, people who are receiving Federal educational assistance for the purpose of obtaining a skill or trade.

Finally, enactment of this legislation would benefit our towns and communities from the work that is done by participants in the jobfare program. In addition, it is important to note that this bill will serve as motivation for participants to enter the job market outside of the program by including a provision for job counseling to assist individuals in obtaining suitable employment outside of the program. This would ultimately lead to a reduction in the welfare rolls.

Clearly, jobfare is a concept whose time has come. I encourage my colleagues in the House who are serious about welfare reform to join me in cosponsoring the Federal Jobfare Act.●

H.R. 1661

HON. HARRY M. REID

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. REID. Mr. Speaker, I would like to inform my colleagues that I have withdrawn my cosponsorship of H.R. 1661. After discussing the problem of violence committed against a pharmacist with law enforcement officials in my district, including Clark County District Attorney Bob Miller, I have concluded that this is a problem which should be handled at the State level. However, if there is no improvement in local prosecution of these crimes, then there will be no alternative but to reintroduce this Federal legislation.●

RESULTS OF CONSTITUENT SURVEY IN THE FOURTH DISTRICT OF GEORGIA

HON. ELLIOTT H. LEVITAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. LEVITAS. Mr. Speaker, it is my practice to send out periodic newsletters to my constituents informing them of current issues before the Congress. Along with the newsletter, I also send a questionnaire in order to learn how my constituents feel about various issues.

The citizen opinion questionnaire which went out with our Fourth District newsletter for February/March addressed itself to social security and to a number of economic concerns and individual priorities relating to the Federal budget and its impact.

I have the initial results of this newsletter/questionnaire and I want to take this opportunity to place them in the CONGRESSIONAL RECORD and share with my colleagues and the administration, the views of the citizens of the Fourth District of Georgia.

As of the end of March, we have tabulated a total of 10,642 responses—somewhat higher than the average response rate in the past and, to me, clearly indicative of constituent awareness of fiscal and economic questions facing us today.

By a 68-to-32-percent margin, respondents favored an across-the-board freeze in Federal budget spending even though, according to the terms of the question, such a freeze would also curtail new tax cuts scheduled to go into effect next July. It is significant to me that such a large number of taxpayers are willing to forego personal tax cuts if doing so would help the Government get its financial affairs in order.

Of course, there is never unanimity on such questions, and 6.5 percent of those responding to this question indicated a desire that the tax cut remain in place while freezing expenditures.

Question 2 assumed that Federal budget cuts were to be made on a selective basis within various enumerated categories of Federal spending and asked constituents to state their priorities in the matter of budget cuts.

Significantly, the category of military spending was the first choice for spending cuts, slightly edging out public housing and public transportation. From the frequency of constituent remarks appended to this particular question, I believe that the emphasis on cuts in military spending does not reflect a basic antistrong military posture but reflects a desire for cost effectiveness in military spending—a feeling shared by many Members of Congress who also advocate a strong military posture vis-a-vis the Soviet Union.

Question 3 sought opinions on the often proposed idea of extending, over a period of years, the retirement age of workers for social security purposes. By a 58.4-to-41.6-percent margin, constituents agree with the prevailing consensus in Congress in favor of such an extension.

The following chart gives a detailed breakdown of the results of this survey of my constituents in the Fourth District:

1. Would you favor an across-the-board freeze on the budget, which would apply to all federal spending increases and the additional, new tax cuts scheduled to go into effect in July, 1983?

Yes: 7,237 (68.0%).

No: 3,405 (32.0%).

470 (6.5%) wanted spending freeze, but wanted tax cut.

2. If the federal budget is to be cut on selective basis, where would you make the cuts? Please list your top three choices of cuts in order, numbers 1, 2, and 3 respectively.

Categories	1st choice to cut		2d choice		3d choice	
	Number	Percent	Number	Percent	Number	Percent
a. Social security retirement and survivors program	713	6.7	670	6.3	734	6.9
b. Nutritional, medical, child care and other social services	1,171	11.0	1,139	10.7	1,181	11.1
c. Military spending	3,746	35.2	1,373	10.7	862	8.1
d. New energy research and development	585	5.5	1,203	11.3	788	7.4
e. Housing, public and private	1,820	17.1	1,990	18.7	1,777	16.7
f. Public transportation	851	8.0	1,447	13.6	1,650	15.5
g. Aid to education programs	639	6.0	1,160	10.9	1,405	13.2
h. Environmental improvement	713	6.7	1,064	10.0	1,266	11.9
i. Public work programs, such as repair and construction of highways, bridges, wastewater treatment facilities and others	404	3.8	596	5.6	979	9.2

Note.—Total frequencies of categories chosen for cuts: (c) 18.7 percent, (e) 17.5 percent, (f) 12.4 percent, (b) 10.9 percent, (g) 10.0 percent, (h) 9.5 percent, (d) 8.1 percent, (a) 6.6 percent, (i) 6.2 percent.

3. To insure the integrity of the Social Security System, do you favor a gradual increase, over a period of years, in the retirement age?

Yes: 6,215 (58.4%).

No: 4,427 (41.6%).

MOST FREQUENTLY CITED AGES

	Number	Percent
Years of age:		
67	1,400	33.9
68	1,128	27.3
70	1,128	27.3
Other	475	11.5

I will continue to seek input from my constituents and hope that you will join me in working to address the budget issues in a way which responds to the needs and concerns of citizens throughout our country. The results of my questionnaire indicate that there is great concern over our economic problems and willingness by citizens to share in the sacrifice to set our financial house in order, provided that sharing is equitable and fair. It is our responsibility to deal with these concerns in a realistic and effective manner.●

UNSELFISH HEROISM

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. DUNCAN. Mr. Speaker, a heroic act is the result of that rare combination of impulse and unselfishness. Such an act serves as a reminder of the great qualities which lie below the surface of our mortality. It is an inspiration that others can draw upon for their own strength. Heroes are rare, however, and we must take those we find and place them on a pedestal for all to see.

Mr. James E. Williamson, of Maryville, and Mr. Larry M. Duggan, of Englewood, Tenn., are two such heroes. Braving freezing temperatures and icy waters the reserve engineer and brakeman saved the lives of a man and his son last January. The father and son were crossing a railroad trestle the morning of the 21st. The engineer of the Seaboard systems train locked the brakes and sounded the whistle when he spotted the two, but they were too far from the end of the bridge to reach safety. Finally, in desperation, the father took his son's hand and they jumped 30 feet into the icy waters of Fort Loudon Lake.

Williamson and Duggan ran to the lake after the train had stopped 600 feet from the end of the bridge. Duggean could not swim. Williamson's only training had been a beginning swimmer's course, but he began shedding his outer garments as he dashed to the bank. Other thoughts were also on Williamson's mind as he prepared to make his rescue attempt. He recalled his wife's brother who had drowned 1½ years earlier in the same lake. Naturally he was also concerned about his own safety, and particularly so since his father-in-law had died only a few days earlier, and he would be needed at home.

These thoughts did not deter him from going ahead with the rescue. Williamson and Duggan spotted the boy in the water clawing at the icy column of the trestle as his father tried to keep his head out of the water. The 7-year-old child whimpered as he would slide off the column and into the water. Williamson jumped into the lake grabbed the boy's arm and hauled him to the bank. By now he was losing the feeling in his hands and legs. The two trainmen tried to talk the man into swimming toward the bank, but he too was numb.

The two found a limb. Duggan waded into the water until it covered his knees. He held on to Williamson who stretched out with the limb in water up to his neck. The man's hands slipped off as he tried to grasp the branch, but finally he was able to hold

on and was towed to the bank. The train's engineer backed the train up closer to the site and helped haul the man up the bank. Father and son were safely reunited at the train.

Such efforts and bravery deserve our attention. Only through such heroic acts can we come to know our own potential and qualities.●

EL SALVADOR

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mrs. SCHROEDER. Mr. Speaker, I would like to share with my colleagues an article written by Colorado State Representative Richard Castro regarding the slaying of Archbishop Oscar Romero.

SALVADORAN MARTYR WON'T BE FORGOTTEN

(By Richard Castro)

Today marks three years since Archbishop Oscar Romero of El Salvador was assassinated while celebrating Mass. The day before his assassination, Romero had denounced the "unscrupulous military," which continues to be supported by the United States, and had called on rank-and-file government troops to disobey their commanders.

Romero, an outspoken critic of the right-wing military junta, knew before his assassination that his life was in danger, but he continued to criticize the regime.

The month before his assassination, Archbishop Romero had written a letter to President Jimmy Carter demanding a stop in U.S. military, economic and diplomatic intervention. He wrote, "The United States is not supported by any right to interfere in the destiny of El Salvador in order to determine its future and still less to support militarily the current government."

He concluded, "It would be unjust and deplorable if, because of the interference of foreign powers, the Salvadoran people were to be frustrated, were to be repressed and prevented from deciding autonomously the economic and political course which our nation must follow."

Romero, before his death, had been nominated for the Nobel Peace Prize by 132 members of the British Parliament and 16 U.S. congressmen. He joined with many voices from across the world and especially with the declarations of bishops, priests and Christians of the United States to demand that our government not interfere in El Salvador.

President Reagan's speech on March 10 to the National Association of Manufacturers has rekindled the fiery debate over military aid to El Salvador. In calling for an additional $110 million in assistance, the president argued the defense of El Salvador was in our national security interest. Invoking the domino theory popularized during the Vietnam conflict, the president said, "If the guerrillas win in El Salvador, it will threaten other Central American nations and even Mexico. . . ."

The president, in his speech and in several comments made since, is sending confusing messages to the American public. First, he has stated that he will not Americanize the El Salvador conflict, either with U.S. combat advisers or soldiers. At the same time, he argues that the Salvadorans' biggest need is for more military training. And his comments seem to suggest that the self-imposed limit of 55 U.S. military trainers working in El Salvador might be lifted if Congress doesn't appropriate enough aid for Salvadorans to be trained on a more expensive basis outside El Salvador.

To give the president all the money he is requesting would signal to the right wing in El Salvador and Guatemala that anything they do is all right with the U.S. There have already been over 40,000 civilians killed in this civil war, and most observer groups attribute the majority of those deaths to government troops.

I concur with U.S. Sen. Gary Hart, who said on NBC's "Meet the Press," "It is not possible to achieve democracy out of the barrels of guns." Hart rightly pointed out that the Salvadoran government is not supporting democratic principles and human rights.

Last year, I traveled to Tucson and met with leaders of a modern day "underground railroad." These religious people informed me that an estimated 400,000 El Salvadorans have come to the United States fleeing the very regime our country is supporting. They told me of the "death flights" sponsored by the U.S. government that ship these refugees back to El Salvador when they are caught.

Thomas Enders, assistant secretary of state for inter-American affairs, said at a gathering of Hispanic leaders in Washington last year that the U.S. cannot grant political asylum to these El Salvadorans because they cannot demonstrate that their lives are in danger in their own country. The truth of the matter is that the U.S. chooses not to grant political asylum because to do so would be an admission that we are backing the very forces that are killing innocent people.

There can be no resolution to the conflict in El Salvador until elections are held involving all factions. The last elections that placed Robert D'Aubuisson, who is called "Colonel Blowtorch," at the head of the government, was a farce. While it is true millions voted in the elections, Salvadorans were forced to vote for only right-wing candidates. The military oversaw the elections and if civilians did not vote and get a stamp placed on their national I.D., then they could be charged with being left-wing sympathizers.

Additionally, a candidate had to secure a thousand signatures to get on the ballot. Left-wing candidates would have committed suicide to announce and run under such circumstances.

El Salvador's neighbors, according to Sen. Hart, are willing to form an international regional consortium for a negotiating base. U.S. military intervention and continued support for the right wing are not a means of seeking a peaceful resolution to the problems of El Salvador. Elections must be held involving all factions and there must be guarantees of the safety and participation of rebels in the process.●

RECOGNIZING CLYDESDALES 50TH ANNIVERSARY

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. GEPHARDT. Mr. Speaker, 50 years ago today—April 7, 1933—the world-famous Budweiser Clydesdale hitch was introduced, and embarked on the first of what has become hundreds of nationwide promotional tours for Anheuser-Busch of St. Louis. In their 50-year history, this magnificent team of champions has become a genuine American tradition, thrilling all who experience their majesty, in big cities and small towns alike. The Clydesdale hitch was first introduced by August A. Busch, Jr.—now Anheuser-Busch honorary board chairman—as a surprise to his father to commemorate the repeal of prohibition. The original hitch first visited New York City and former Gov. Al Smith, and then made a stop at the White House. Since that time, the Clydesdales—through their 300 annual appearances—have become one of this country's most recognizable symbols of international goodwill, lending their unique presence to parades large and small and such traditional American events as Fourth of July celebrations, rodeos, World's Fairs, State fairs, and the World Series. Therefore, I heartily propose that this day, April 7, 1983, be officially recognized by the Congress of the United States of America as the 50th anniversary of an American tradition—the Clydesdales.●

WHIZZO TO PERFORM AT THE WHITE HOUSE

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. SKELTON. Mr. Speaker, it gives me pleasure to enclose the following article on Frank Wizarde, which appeared in the Kansas City Times on March 25, 1983. Mr. Wizarde, better known to most in the Kansas City area as Whizzo the Clown, was here in Washington this past weekend to participate in the annual Easter egg roll at the White House. Mr. Wizarde has been performing as a clown since he was 5 years old, when he acted with his parents in a small circus. He has since become a regular feature on Saturday morning television shows for several generations of children. It was my pleasure to help Mr. Wizarde in obtaining an invitation from the White House, and I am sure that the presence of Whizzo the Clown was an even greater pleasure to the children

who attended the Easter egg roll this weekend.

WHIZZO TO PERFORM AT THE WHITE HOUSE

Frank Wizarde, who has been a fixture in the Kansas City area for 28 years as Whizzo the Clown, has been invited by President Reagan to demonstrate his clowning talents at the annual Easter egg fete on the White House lawn the day after Easter.

Mr. Wizarde, who started out as a clown at the age of 5 in a small circus with his parents, who were wire walkers, said the invitation to perform at the prestigious White House event was largely due to the efforts of Ike Skelton, a U.S. representative from Missouri whose district includes Independence and part of Kansas City.

"I consider it a real honor to have been invited to participate," Mr. Wizarde said, "The event is going to be televised, and it represents a real opportunity to get some national exposure for me and the Kansas City area."

Mr. Wizarde began appearing as Whizzo on a children's television show on KMBC-TV 28 years ago. He was then a senior television director at KMBC. He moved to KCMO-TV for a time and still does the show Saturday mornings from Topeka on WIBW-TV. Through cable television, the show is available to a whole new generation of children in the Kansas City area.

"I worked with a women on the White House staff, Carol McCain, who is director of the White House Visitor's Bureau, in getting everything cleared, including all the props I intend to use while I am at the White House," Mr. Wizarde said.

Incidentally, if you have not seen Whizzo for a while, you might be interested in taking your children to watch him during the 35th annual Home Show, which opens today at Bartle Hall and runs through April 2.

Whizzo will do shows at 4 and 6 p.m. on Saturdays and Sundays and at 6 p.m. on weekdays, including today, as a part of the show.

Mr. Wizarde plans to leave at noon April 3 to fly to Washington to take part in the White House event.●

THE 532D MASONIC DISTRICT PUBLIC SCHOOLS WEEK

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. MOORHEAD. Mr. Speaker, the Masons of Pasadena are sponsoring a poster art contest and an essay contest for the students of the Pasadena Unified Schools District during Public Schools Week.

This laudable effort is not unusual as the Masonic organizations of California have been vigorous and active supporters of public education since 1920.

As a longtime member of the Masons, I have long been proud of the many community charities of this fine group. The art and essay contest is just one of these activities.

The efforts on behalf of Pasadena students by the 532d Masonic District are especially timely as many public school districts like many government entities are having a difficult time finding adequate funds for extra programs and classes.

By volunteering their time, energies, and resources, the Masons are responding to the needs of the students and school district by organizing and underwriting this exciting contest.

The theme of the essay contest is "Public Schools—A Torch of Freedom." The contest is open to all high school and junior high school students. Cash awards totaling $200 will be given to three winners from each level.

The poster contest is open for youngsters from grades K through 8. The theme and awards are the same.

As designed by the Masons and the school district, the contest reaches every grade level in the Pasadena Unified School District and allows every interested youngster the opportunity to participate, to be creative, and to be recognized for his creativity.

Mr. Speaker, I wish to bring to the attention of my colleagues in the House of Representatives this fine, volunteer community effort and to proclaim the week of April 25 as Public Schools Week in Pasadena.●

GILMAN SEEKS TO BAN FLAMMABLE GARMENTS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. GILMAN. Mr. Speaker, today I am introducing along with my colleague, the gentleman from New York (Mr. BIAGGI) legislation designed to provide greater safety for hospital patients. Unknown to most of us, there are no Federal standards now in effect to regulate the flammability of surgical gowns or drapes.

This week yesterday, the Subcommittee on Health held hearings on the Consumer Product Safety Act amendments authorization, and invited Dr. Ralph Milliken to testify. Dr. Milliken is adjunct associate professor of anesthesiology at New York Medical College, located in Valhalla, part of the 22d Congressional District, and is eminently qualified to discuss operating room procedures and practices. Dr. Milliken reported the hazardous condition as it exists today, citing known cases of injury, but acknowledged that often fires occur in the operating room that do not become a part of either medical literature or litigation. The need for action on this was brought to my attention by Dr. Milliken, after careful and thorough study on his part. I then contacted the Consumer Product Safety Commission in November 1982, and did not receive any response from them until last month, a copy of which I am setting forth at this point in the RECORD.

CONSUMER PRODUCT SAFETY COMMISSION,
Washington, D.C., March 2, 1983.

Hon. BENJAMIN A. GILMAN,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE GILMAN: This is in response to your referral dated November 17, 1982, of the correspondence which you received from Ralph A. Milliken, M.D., M.B.A., urging the Consumer Product Safety Commission to review flammability standards for operating room garments and surgical barriers (sterile drapes) with a view toward increasing the stringency of their requirements. Dr. Milliken expressed his concern that the heat produced by various high-energy devices now used in operating rooms may exceed the combustion temperatures of operating room garments and surgical barriers.

As Dr. Milliken states in his letter, several years ago a flammability hazard arose in operating rooms due to the presence of flammable anesthetic gases or vapors. Because of this hazard, garments manufactured from man-made fibers (such as polyester or nylon), while more resistant to ignition than cotton, were not used in operating rooms since they might produce static electricity which could ignite the flammable anesthetics.

The Commission was petitioned to exempt children's hospital gowns intended for use in operating rooms and intensive care units from the requirements of the children's sleepwear flammability standards (16 CFR Parts 1615 and 1616). These standards require that children's sleepwear self-extinguish after the ignition source has been removed. They afford greater protection from accidental ignition of clothing than does the flammability standard for clothing textiles (16 CFR Part 1610), which is generally applicable to garments (other than children's sleepwear) and to fabrics and related materials intended for use in such garments. (All three standards are published in the enclosed reprint from the Code of Federal Regulations.)

In 1982, the commission denied the petition to exempt children's surgical gowns from the children's sleepwear standards. One of the reasons for this denial was that disposable surgical gowns are available which meet the flammability requirements of the children's sleepwear standards, as well as the provisions of NFPA Standard 56A, which prescribes anti-static requirements for items used in operating rooms where flammable anesthetics are present.

Materials are available which could provide increased resistance to ignition for such garments and barriers. Dr. Milliken states in his letter that use of flammable anesthetics has declined to the point where few hospitals utilize them today. If the danger of fire from flammable anesthetics is not a problem, several other fabrics are available which meet the requirements of the children's sleepwear standards, including those made from polyester, nylon, and modacrylic fiber.

Even with the reported decline in use of flammable anesthetics, the articles which accompanied Dr. Milliken's letter indicate that the operating room continues to present a complex mixture of many materials which may contribute to flammability hazards.

While materials are available which may reduce flammability of operating room garments and surgical barriers, increased resistance to ignition is undoubtedly only one of the attributes required for such a specialized application. Because of the specialized knowledge needed to evaluate safety and utility of items to be used in an operating room, a voluntary approach, involving surgeons and other medical personnel familiar with operating rooms, representatives of firms which manufacture operating from garments and surgical barriers, and hospital purchasing agents, would appear to be the best and most efficient method of resolving the problem which is the subject of Dr. Milliken's letter. Surgeons and medical personnel could provide information about operating room requirements; representatives of firms which manufacture operating room garments and surgical barriers could furnish information about flammability characteristics and other attributes of available materials. Hospital purchasing agents would then have the relevant information needed for purchasing decisions.

Dr. Milliken might also consider approaching such organizations as the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269, or Committee D-13 of the American Society for Testing and Materials, 1911 Race Street, Philadelphia, Pennsylvania 09013, to see if those groups would undertake the development of voluntary flammability standards for operating room garments and surgical barriers.

I hope this information is helpful. If I can be of further assisance, please let me know.

Sincerely,

EDWARD D. HARRILL,
Director of Congressional Relations.

As you can note, Mr. Speaker, the Commission denied the petition to exempt certain surgical gowns from the safety of children's sleepwear standards. It is because this serious problem has not yet been resolved satisfactorily that I feel our legislation is so clearly needed.

Because of recent advances in technology, surgeons are using more high energy devices during surgery. These include electrocauteries, lasers, high-output light emitting boxes used with fiber-optic devices, and electrosurgical units. And because the surgical gowns and barriers used are essentially paper, there have been instances when they have ignited during surgery, causing injury to the anesthesized patient.

Furthermore, these gowns and accessories are water-resistant, so that efforts to douse the flames with water only serve to spread the fire. I find it hard to believe that in this day and age, nothing has been done to regulate the content of these materials, or at the very least, to clearly label the packages with regard to their flammability.

Mr. Speaker, our legislation would simply require that surgical drapes and accessories be subject to the flammability standards met by articles of wearing apparel under the Flammable Fabrics Act, and classified as wearing apparel by the Consumer Product Safety Commission. It is my contention that an anesthesized patient in the operating room has no control over his surroundings, and indeed, is not even aware of what is going on. This individual is in the operating room because he requires treatment by a surgeon, and it is to provide safety for both the patient and the medical staff that this legislation is so vitally needed.

I urge my colleagues to join us in passing this most important measure.●

THE 150TH ANNIVERSARY OF LOCK HAVEN, PA.

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. CLINGER. Mr. Speaker, I would like to take this opportunity to note the 150th anniversary of the founding of Lock Haven, Pa. In 1773, the haven on the West Branch of the Susquehanna served as a way station for pioneer raftsmen. Today, it is the home of Piper Aircraft. Throughout the town's history, it has served as a home for pioneer spirit and American ingenuity.

The construction of a 3-mile long series of connected piers aided the area's emergence as the 19th century's leading producer of pine and hemlock lumber. Lock Haven boasts of a number of historic sites, ranging from Fort Reed, the last of a series of pioneer forts on the West Branch of the Susquehanna, to such architectural landmarks as the Fallon, James White, and W. A. Simpson Houses.

Lock Haven was the home of John Sloan, one of the greatest figures in American art. It is the only fitting, then, that Lock Haven's Ross Library should be noted for its collection of Sloan etchings, drawings, and mementoes.

Lock Haven's status as a cultural center of Clinton County and Pennsylvania is further established by the Lock Haven State College. This college, founded in 1870, is noted for the lecture programs which bring prominent artists, musicians, writers, and statesmen to campus to meet and instruct Lock Haven students. These students also benefit from excellent degree programs in arts, science, and teacher education.

Lock Haven's Labor Day festival is one of the largest, and certainly the most enjoyable, Labor Day celebrations in the country. This 3-day celebration features arts and crafts shows, block festivals, and live entertainment, not to mention the motorboat races which annually bring the Nation's top competition to Lock Haven.

I am proud to represent Lock Haven in Congress and am confident that the same pioneering spirit which characterized Lock Haven's first century and a half will bring further achievements in its second.●

ANDROPOV'S PSYCHIATRY WEAPON

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April, 7, 1983

● Mr. McDONALD. Mr. Speaker, the defeat of the policies of General Secretary CPSU Yuriy Andropov in the West German elections of March 6 created a very strong response from the Soviet Union.

In a highly unusual move, the Chief of Staff of the Soviet Armed Forces, Marshal Nikolay V. Ogarkov, called a press conference on March 8 in which he plainly threatened that if in consequence of the German elections the U.S. missiles were deployed in Western Europe, the use of these missiles against the Soviet Union would automatically trigger Soviet retaliation against the United States. Ogarkov's interview was published the next morning in the New York Times and was obviously directed as an intimidation attempt toward the American people inasmuch as the Germans, unaffected by previous similar actions from Moscow, reelected the CDU/CSU-FDP coalition on March 6. The deliberate use of his military establishment by Andropov in his political confrontation with the United States is rather unprecedented. He selected Marshal Ogarkov as his spokesman for very specific reasons. Ogarkov was part of the original military component in the disarmament talks when they started in Helsinki in 1969. Only a three-star (colonel general) at that time, N. V. Ogarkov was at the threshold of a big career which gave him the top military rank of marshal and made him the highest professional military authority today as the Chief of Staff of the Armed Forces and First Deputy Minister. His only military superior, Minister of Defense D. F. Ustinov, is not a professional soldier but a military-industrial expert who spent all his life as manager and administrator of military equipment and weapons plants and agencies. In his March 8 interview, Ogarkov said that the deployment of the Pershing II and cruise missiles in Western Europe will create "negative consequences for peace and security" in the world.

In a well-timed team operation, the Ogarkov interview was followed on March 15 by an article in Pravda by Gorgi Arbatov, Director of the Institute for Study of the United States and Canada, and a close associate of Andropov for years. In extremely arrogant KGB-style language, Arbatov

stated that some of the U.S. disarmament officials are in need of "medical attention." Arbatov's wish of placing some American arms control experts in the psychiatric hospital is not as bizarre as it first appears. It may be even less unusual than Marshal Ogarkov's press interivew. The confinement to psychiatric cells of people with opinions disagreeable to Yuriy Andropov is a regular occurrence in the Soviet Union. As a matter of fact, the need for space for such "patients" in recent years grew so much that the number of hospitals treating political dissidents as "paranoic schizophrenics" increased from 11 in 1967—when Andropov became Chairman of the KGB—to 35 in 1982. In a typical recent case, publicized on March 16 by a letter of Vasiliy Tyurichev on behalf of his son Valeriy, the young economist who has been confined to psychiatric treatment only because he expressed opinions about economic performance in the Soviet Union in fundamental disagreement with the officially accepted ones by the Communist Party. In the letter addressed to the World Psychiatric Association, Tyurichev, the father describes that his son, an economist from the city of Dnepropetrovsk, wrote a report suggesting economic reform in the Soviet Union. In March 1981, Valeriy Tyurichev was arrested, diagnosed as a paranoid schizophrenic and committed to the mental institution in Smolensk, where he is now. Tyurichev, the father, did not know that the Soviet Union quit the World Psychiatric Association about a month before he wrote his letter. At its Sixth Congress in Honolulu in 1977, the Association adopted a resolution condemning "the systematic abuse of psychiatry for political purposes in the U.S.S.R." At the forthcoming Seventh Congress to be held in Vienna later this year, the Association intends to investigate further the misuse of psychiatry in the Soviet Union. To avoid the embarrassment, Andropov ordered the withdrawal of the Soviet agency, the All-Union Society of Psychiatrists and Neuropathologists, from the international organization.

In a similar procedure, according to recent reports from Moscow, six young Soviet intellectuals from an important research institute were arrested on charges of "anti-Soviet activities." These young men, from the Institute of World Economics and International Relations (IMEMO), coincidentally a Soviet "think-tank" competing with Arbatov's institute, attempted to form a "socialist discussion group" and, if convicted by the court, could be imprisoned for up to 7 years for their "criminal activities" against the Soviet state.

Andropov characterized the dissidents in his 1976 speech as "mentally ill" and, thus, he fully justified their treatment in psychiatric hospitals. Arbatov went further in his recent Pravda article and said the many U.S. administration officials, not excluding the President himself, are engaged in "pure propaganda" and that the U.S. positions presented in the disarmament talks in Geneva are "plainly dishonest." He did not describe how such "symptoms" are diagonosed from the psychiatric point of view and how many years of hospitalization would be required for a complete cure. He sounded disappointed that the jurisdiction of Soviet psychiatric hospitals does not cover such cases in Washington and Geneva.●

COMPUTER ABUSE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. CONYERS. Mr. Speaker, computer technology has shown immense technical and economic value in accelerating the transmission of information, organizing information for more efficient production, and in creating new goods and services. It also has spurred fraud and crime. Of late computers have raised serious questions about individual liberty—our freedom to protect our privacy, to move about at ease, and to communicate freely with others.

In its March 1983 issue, Omni magazine has published a very provocative article, "The Keeper of Secrets: Why the New Face of Computing is not a Friendly One," which explores the implications of computer technolgy on civil and individual liberty. Written by Peter Ognibene, I strongly recommend the article to my colleagues. The article follows.

[From Omni, March 1983]

THE KEEPER OF SECRETS

(By Peter Ognibene)

The State Department official was worried. He had done everything by the book when the department installed a new computer, one designed to store top-secret cables and other sensitive documents. He made sure that there were no telephones near the console to serve as inadvertent antennas and that all the wires connecting the seventh-floor complex to the central processing unit had been shielded with lead. But that was not good enough for the National Security Agency (NSA). A call from the NSA's Fort Meade headquarters curtly informed the State official that the agency was about to conduct a special test of the new system. The NSA was dispatching a special team to see whether they could steal any secrets from Foggy Bottom.

In newspaper stories the agency is almost always referred to as the "suspersecret NSA." But these reports rarely deal with specifics. What exactly does the agency do? Even President Harry Truman's 1952 directive that established the agency remains classified 30 years later. After congressional hearings in the mid-1970s revealed that the agency had engaged in domestic spying, the attorney general issued a special set of guidelines governing the NSA's responsibilities; these, too, have remained classified.

What is known is that the NSA uses an estimated eight acres of computers to break the ciphers of foreign governments—allies as well as adversaries. The agency also routinely intercepts and records telephone and cable communications between the United States and other countries. At home the NSA sometimes runs "black hat" operations under the code name TEMPEST to test the security of computers used for military and diplomatic communications. It was that sort of operation that the agency's special team mounted against the State Department.

Eavesdropping on a computer is not very difficult. Computer-security experts, for example, routinely impress potential clients by showing how a cheap cassette tape recording of the sounds of a computer's transmission signal over a telephone line can be translated into words and numbers. It is somewhat analogous to counting the clicks made by an old-fashioned dial phone to learn the number a person has dialed. For its raid on the State Department, the NSA used more exacting methods.

The State official was expecting the NSA team to arrive in a small, specially equipped van, instead, he saw a tractor-trailer jammed full of concealed antennas and sophisticated electronic listening equipment. Parked conspicuously on the street, the NSA experts were ready to snoop on the department's new computer.

Whenever something is typed on a computer keyboard and displayed on a cathode-ray tube (CRT), the TV-like screen attached to the computer, electromagnetic signals radiate into the atmosphere. Even shielding the computer and the cable with lead will not block out those keyboard signals, which were precisely what the NSA's gear was trying to pick up.

State's new computer passed the test—but for the wrong reason. As it turned out, the console was not properly shielded. Yet there was so much radiation emanating from the building that the computer's electronic pulsations were lost amid the flurry of other signals State was unintentionally broadcasting to the outside world.

A decade ago most of us naively assumed that computers and other elements of high technology were the servants of mankind—the delivery boys of the Information Age. Now we are beginning to realize that computers may also be used as weapons to assault our right to privacy. Today only the NSA and other well-equipped and well-financed organizations can steal computerized secrets from behind closed doors. But technology is advancing so rapidly that what is now available only to a handful of government agencies eventually will wind up in private hands.

"Technology races ahead so quickly," says Leonard Adleman. "What is breakable by the NSA today will be breakable by the kid with equipment from Radio Shack five years from now." With his modishly long hair, open shirt, and jeans, Adleman looks more like a graduate student than a professor of computer science and one of the country's leading experts in the mathematics of cryptography. But as he strolls the sun-drenched campus of the University of Southern California, he has a lot more on his mind than ciphers and machines.

"In the future," he says, "we'll be leaving electronic traces everywhere we go with each financial transaction and each attempt

to communicate over the telephone system. A trace on you will essentially be available in real time [that is, instantly]. And I think it will undermine our whole sense of freedom—our freedom to move, to be anonymous if we'd like, to communicate with one another."

It is such a beautiful day as we walk across the campus that it's hard to focus on so dark a vision of the future. Yet Adleman is seeing clearly.

Take something as essential to modern life as the telephone system. About 70 percent of all long-distance calls are transmitted by line-of-sight microwave repeaters that can carry nearly 15,000 voice channels. Because microwave signals fan out, they can be intercepted at nearly any point along the way with the right kind of antenna. Ten years ago outfitting a vehicle to intercept microwave transmissions would have cost over $1 million. Today an enterprising individual could do it with off-the-shelf electronics for about $50,000.

What would it take? I put this question to Thomas Magill, associate director of the Telecommunications Science Center at SRI International a well-known California think tank. He ran a hand through his gray-flecked, sandy hair and smiled. Then, in a casual, rambling style, he described how a well-financed individual or group could assemble the equipment necessary to sweep up hundreds of phone calls.

"Well, to start, you'd probably have to go out and buy a Hewlett-Packard spectrum analyzer for about ten thousand dollars to see whether there is a signal being put out, and maybe another few thousand for a multichannel analog tape recorder to tape what you pick up." He leaned back in his chair and put his sneakers on the desk. "Oh, then, I'd guess you'd need a van and an antenna. It wouldn't need to be very fancy. You could use a small dish and cover it with a radome, a little plastic cover—so no one could tell what you were up to—and then point it at the [microwave] tower. . . . Then you'd need something to translate its [the microwave's] frequency to a standard frequency."

Where would you get all this equipment? "Just look in a few communications-systems catalogs," he replied.

Of course, not everyone could make such a system work. "You'd have to have a communications engineer behind it," Magill said. And it would become considerably more expensive for someone who wanted to do highly sophisticated eavesdropping. Tracing a call to its origin, for instance, would be both difficult and costly. Yet it is well within the state of the art.

Computers would be required parts of such systems. A machine could be programmed to read the phone numbers—technically known as digital headers—that precede a call and then automatically record only those calls going to specific numbers or exchanges.

With a device called a dial pulse decoder, which reads these digital headers, a foreign agent gathering political intelligence in Washington, D.C., could, for example, program his computers to record all incoming phone calls to numbers beginning with 456 (White House), 224 (Senate), or 225 (House of Representatives). By coincidence—if not downright stupidity—the United States allowed the Soviet Union to build its new embassy on one of Washington's most prominent hills, where its antennas can easily intercept the microwave transmissions not only of Ma Bell but of a special Pentagon channel as well.

Satellite transmissions are even more vulnerable, because when they are beamed down, they cast an enormous electronic footprint on the surface of the earth. A well-equipped electronic snoop could intercept and record thousands of data streams or conversations.

All that would be necessary. Magill explained, is an Earth terminal consisting of a dish antenna and ancillary equipment. "How big a dish depends on how many channels are multiplexed [combined] together, because you have to have sufficient signal strength to demodulate [sort out] the channels. If they've got a whole bunch of them tied together, then you've got to have a pretty big dish." With a dish a listener would simply take in a large number of transmissions beamed to Earth.

In the intelligence trade, this is known as the vacuum-cleaner method, so called because it sucks in every transmission in its path. The NSA routinely uses this method to record phone and cable traffic between the United States and other countries; it even has speech-recognition computers that can sort through recorded conversations to single out those in which certain key words or names are spoken. Apparently it was just such an operation that led to the discovery of Billy Carter's behind-the-scenes dealings with the government of Muammar Qaddafi in 1979 and triggered a Justice Department investigation.

The specialized capabilities of computers have also made other kinds of theft much easier. A substantial body of digitized data stored in a computer can be skimmed for information quickly and inexpensively. "If I gave you a thousand-page document and asked you to read it and locate every occurrence of a particular character string [a group of numbers or letters], it would take you hours to do it," says Martin Hellman, an electrical engineer and cryptography expert on the faculty of Stanford University. "But if it were in computer-readable form, it would take only a few seconds." One form of communication particularly vulnerable to this sort of interception is electronic mail.

With electronic mail a message can be sent from one computer over a special network to one or more terminals, where it will be stored until the recipients use their personal electronic key (usually a password typed into the terminal) to gain access to the message. With this system users can communicate instantly with one individual or with hundreds. Several corporatons are already developing electronic mail. A leader in this rapidly growing field is GTE-Telenet, which links more than 125 companies and 6,000 subscribers in some 275 cities.

Left unprotected, electronic mail would be easy to scan for valuable information, such as a firm's research data or marketing plans. I asked Hellman what it would cost to do this. The bearded, dark-haired engineer leaned forward. "I've made a very rough estimate that with special-purpose equipment that sorts electronic mail for key words you could search a billion words for one dollar. You could then record all the interesting stuff on a cassette tape recorder," he said. "So, you see, the cost of spying on computerized data is very, very low. And because the United States is the most computerized country in the world, we stand to lose the most if that information is not protected."

But protecting information as it travels between computers is only part of the security problem. Sometimes it is the computer itself—specifically, its main, or operating program—that is most vulnerable.

No one knows this better than Robert Abbott, who spends most of his waking hours trying to make operating programs more secure. He does this by subjecting the programs to attack, though he prefers the word *audit*. A large man, with an easy laugh and a powerful baritone voice, Abbott is the president of EDP Audit Controls, a computer-security outfit in Oakland, California. He believes that he and his staff of 30 could steal information from almost any computer in use today.

Nearly every computer has quirks that make it possible for clever programmers—as well as dull but persistent hackers—to use the operating program in ways the designer never intended. Shig Tokubo, a vice-president in Abbott's firm, described one method.

In most programs, he explained, the end of each distinct block of data, known as a "file," is signaled by an "end of file mark." it is to a block of data what a period is to a sentence. But with some computers, according to Tokubo, if you stop abruptly while you are writing something new into a file—by turning off the machine, for instance—the computer will lengthen that file by adding data from another file. So, by shutting down and starting up his machine over and over, a computer operator could siphon more and more information from the system's memory, which he could then read or even change.

Usually the operator has little control over what data get appended to his file. Imagine letting the stylus of a turntable skip across the surface of a record, and you will have some idea of the haphazard way this works. "In most cases," Tokubo indicated, "you're just randomly scavenging data. But once you know where data are being stored and how big the records are, you can position yourself to go to data that don't belong to you, and you may be able to skip up the file and read things you're not supposed to read."

The task of keeping up with computer criminals can only get harder. To date, most have relied on deception, conning gullible employees into giving them passwords and account numbers, for example. As computer security improves, the opportunities for small-time crooks will diminish. In the future, however, more ingenious individuals may find ways to crack even some of the best-guarded systems.

Experts emphasize that there is no such thing as a closed computer. Or, as Donn Parker, a computer-crime specialist at SRI International, puts it, "The perfectly secure computer is one you can't use." Any computer that has been programmed can also be reprogrammed or deprogrammed, if you know how to gain access.

One specific danger is that the diagnosing computer could implant subversive instructions into its patient. It could search out a crucial bit of information, for example, and hold it for an infiltrator until the next time he returned to do maintenance.

For these and other security reasons, the Pentagon prohibits remote diagnosis on any of its computers that handle classified information. Machines that process top-secret data must be housed in special rooms completely lined with copper. For power, either they must tap an inside source or technicians must prepare a commercial line so that the electric circuit does not inadvertently transmit information outside the room. No telecommunication links of any kind are allowed; all data must be carried into and out of the computer room by hand. As a further precaution, the machine's

memory must be purged three times after a classified program has run to be sure no secret data remain in the system.

The NSA and the Pentagon can afford the luxury of security measures like copper-lined rooms. but what can the rest of us do to protect our data and our privacy?

Adleman believes cryptography holds the answer. Indeed he foresees a day when encryption will be absolutely indispensable in protecting our freedom of speech. "But," he adds, "the control of that encryption must be in the hands of the user."

Public-key cryptography is still in the conceptual stage where new schemes are being suggested and old ones are being tested, and sometimes broken. Last year for instance, one mathematical formula for public-key cryptography advanced by Hellman in 1976 was cracked by Israeli mathematician Adi Shamir with some assistance from Adleman. Former NSA director Admiral Bobby Inman also revealed his agency had similar success in finding the flaws in it. Though disappointed, Hellman was philosophical. "It only helps to emphasize what I've said before when people were calling my system unbreakable. The important thing we have to do with new systems is test them.

This discovery did not invalidate the public-key approach. Inman himself has said there are public-key systems that the NSA still considers "very secure."

Will encryption be enough? Abbott reflected for a moment, then said, "So you encrypt your file to keep me from stealing it. Well, it turns out that I don't have to steal it. All I have to do is get in there and encrypt the data all over again." He was grinning now. "Then I'll offer to sell you the key—maybe for a million dollars."

BANK OF AMERICA OPPOSES WEAKENING OF FTC JURISDICTION OVER THE BUSINESS PRACTICES OF HEALTH PROFESSIONALS

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. FLORIO. Mr. Speaker, this year the legislative debate is continuing over the authority of the Federal Trade Commission to monitor the business practices of professionals. This issue will arise in the context of the FTC reauthorization bill that is under consideration by the Energy and Commerce Committee.

This year, as last year, I will be working with the other members of the committee to develop a reasonable approach to this issue that will confirm the responsibility of the States for the licensing of professionals, but which will preserve the jurisdiction of the FTC over commercial abuses.

It is important to note that the debate on this issue is of interest to many groups other than professionals. For example, it would be an obvious detriment to the interests of employers if special shelter from the laws relating to competition allowed health professionals to inflate the cost to business of employee health plans. Business representatives made this point forcefully to my subcommittee this year in our FTC reauthorization hearings. A recent letter from the Bank of America also makes that point, and I insert a copy of that letter in the RECORD for the information of all Members.

BANK OF AMERICA,
San Francisco, Calif., March 16, 1983.

Congressman JAMES FLORIO,
Chairman, House Subcommittee on Commerce, Transportation and Tourism, Washington, D.C.

DEAR CONGRESSMAN FLORIO: The management of Bank of America believes that the Federal Trade Commission's jurisdiction over the business practices of health professionals is appropriate and needed, and should not be weakened.

Bank of America, like other major employers, is striving to contain the rise in employee medical plan costs. Introducing more competition into the health care system is an important element in our efforts.

The Federal Trade Commission assists these efforts by ensuring the free flow of information about health care prices and services, and preventing possible anti-competitive practices in the health field. In its watchdog role, the F.T.C. has ruled in the past against such anti-competitive practices as physician boycotts of group health plans and prohibitions against advertising the price of medical services.

We feel that if the F.T.C.'s jurisdiction over the business practices of health professionals is compromised, our own efforts to contain health care costs would be hindered.

Sincerely,

ROBERT N. BECK,
Executive Vice President.●

CRISIS AND OPPORTUNITY IN MEXICAN AGRICULTURE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. BROWN of California. Mr. Speaker, today, when the slowing down of world trade is worsening the commodity surplus situation here in the United States, effective programs to increase the sales of U.S. crops abroad are essential. Increases in per capita income in other countries, especially in the Third World, lead to increases in demand for imported food. Although it may appear somewhat paradoxical, one way this can be accomplished is through improvements in agriculture in developing countries. Raising incomes through greater agricultural productivity is as beneficial to our farmers as it is to theirs. In the long run, our hopes for a revitalization of world trade will depend on these nations' success in revitalizing their farm economies.

A recent report in Science magazine provides an example of the problems and the opportunities. It describes the plight of Mexico, short on foreign exchange, but forced to import corn because its own crop is insufficient. If Mexico succeeds in increasing the productivity of its small corn growers, it will conserve foreign exchange and raise per capita income. If these peasant farmers can begin to produce a surplus, that cash income will probably go first to improving their diet. This is the source of the demand for the high value food products that are the key to U.S. farm exports. I commend this article to my colleagues.

[From the Science Magazine, Feb. 18, 1983]

MEXICAN AGRICULTURE: CRISIS WITHIN CRISIS—POOR CORN HARVEST SHOWS NEED TO IMPROVE RAINFED FARMING BY APPLYING RIGHT TECHNOLOGY, ALTERING RURAL POLICIES

(By John Walsh)

Drought has added to Mexico's economic woes by causing a sharp drop in the country's corn production. The U.S. Department of Agriculture estimates that the recent harvest is 40 percent below the previous year's for the crop that provides the major staple in the Mexican diet.

As a result, Mexico's grain imports from the United States are expected to rise from 2.6 million tons last year to over 9 million this year, two thirds of it corn. At current prices the cost would be well over $1 billion.

The shortfall in corn underlines problems in Mexican agriculture that pose serious long-term difficulties for Mexican economic development. In basic terms, the demand for food created by rapid population growth is outpacing increases in agricultural production. This requires higher expenditures of scarce foreign exchange for food at a time when inflation, the leveling off of oil revenues, and devaluation of the peso are hampering the country's ability to service its heavy foreign debt and finance development.

Failure of the corn crop exposes the major weak spot in Mexican agriculture, which in many ways made remarkable advances in efficiency and productivity over the past four decades. Corn, known in Mexico as *maiz*, is grown throughout the country and, in the form of tortillas, is the basic constituent of the Mexican diet. An estimated half of the arable land in the country is devoted to the growing of corn and beans, but for the most part, corn is grown by the poorest farmers on the least productive land. Most corn is also raised under rainfed conditions and is therefore vulnerable to the extreme vagaries of the Mexican climate.

In effect, two clearly defined agriculture sectors have emerged in Mexico. One is comprised of commercial farms producing for an internal, urban market and for export; these farms are centered, primarily, in the irrigated lands in the Northwest, particularly in the states of Sinaloa and Sonora.

The other sector is dominated by subsistence farmers concentrating on growing basic foods, notably corn and beans. Peasant farmers operate in an almost infinite variety of conditions from semi-arid to tropical. Many, for example, farm in mountainous terrain where soil erosion and early frost are chronic hazards.

A common view is that these peasant farmers were largely bypassed by the government programs supporting the expansion of agriculture. Attention was centered on those areas where application of modern technology and farming techniques would produce high yields. By the standards of de-

veloping nations, Mexico has a well-established agricultural education, research, and extension system and farm credit and marketing apparatus. And the government supports agriculture through a system of price guarantees for basic crops. But these programs primarily benefit the private farmers and members of cooperative ejidos who engage in commercial farming for the urban market and export trade.

Government concern about the underdeveloped sector increased during the 1970's as the unfavorable trends in agriculture at large became clear. Under President Lopez Portillo, whose 6-year term ended last year, a comprehensive program to attain self-sufficiency in food (sistema alimentario mexicano, dubbed SAM) was launched with loud fanfare. SAM gave unprecedented attention to development of rainfed farming and set 1982 as a target year for self-sufficiency in corn and beans. Drought, of course, intervened.

If the capital-intensive, market-oriented commercial agricultural sector is bumping against limits to growth, can the rainfed farming sector be made to close the food gap? The challenge is formidable.

Many rainfed farming areas are inaccessible and share handicaps common in developing nations. Transportation and marketing services are inadequate and storage facilities are lacking so that losses after harvest are often heavy. Credit is unavailable and many corn farmers cannot afford the supplies of hybrid seed which must be bought each year. They therefore use indigenous open-pollinated varieties that produce low yields.

Government researchers and plant breeders are criticized for failing to provide plant varieties adapted specifically to the great variety of growing conditions in Mexico. Corn, however, is not a particularly adaptable plant. Experts here say that efforts to breed drought tolerance into corn, for example, are unpromising because the plant is so highly sensitive to moisture and soil fertility. The International Center for the Improvement of Maize and Wheat (CIMMYT) near Mexico City, which developed the "Green Revolution" dwarf wheat strains widely used in Mexico and other developing nations, is working on corn varieties suitable for rainfed farming. The major effort for conditions like those prevailing in much of Mexico is to develop corn requiring a shorter growth period, perhaps 3 to 4 months rather than the 6 to 9 months now required.

Nevertheless, experiments aimed at improving the performance of small-scale farms offer encouragement. Bruce Johnston of Stanford University's Food Research Institute says that informed people hold "a reasonably optimistic view of the potential for rainfed agriculture in Mexico."

Johnston notes that Mexican government officials show "a growing appreciation of the policies and programs required to develop that potential." He also finds that there is "a significant increase in the numbers of professionals required to carry out that kind of program."

An example is a new training program at the graduate level in the state of Puebla and which is administered by the school of agriculture at Chapingo near Mexico City. Applied researchers and extension workers are being trained to give assistance that is "technically appropriate for small-scale farming."

The large international development institutions, which have served as godparents to Mexican agriculture, are also focusing on rainfed agriculture. In the 1960's and 1970's much of the World Bank's support of Mexican agriculture went into large-scale irrigation projects. As the costs per acre of new irrigated land rose steeply, however, the bank began to shift emphasis to the rehabilitation and maintenance of existing irrigation projects. After the government in 1976–1977 initiated a national program for development of rainfed districts the bank became a participant. Currently, a $280-million loan over 1½ years is providing major support for the project.

A bank staff member says that the division of rainfed areas into districts similar to irrigation districts is providing a mechanism which makes it easier to improve marketing services, make credit available, and provide such things as crop storage facilities and deep wells.

The reduction of the corn harvest increases the political pressure on the government to take measures to benefit rural areas. For many peasant families, the corn crop is the major source of food and, if there is a surplus, provides their only cash income. In many areas, drought damage was so severe that fields were not even harvested. The subsistence farming areas have the highest rate of population growth and largest migration to the cities and thence to the United States. Because of the fall in employment in the domestic oil industry and construction, workers are said to be returning to rural areas in significant numbers. Political unrest in such areas is reported to be increasing as a number of takeovers of town halls by protesters appear to attest.

A major question now is whether the new administration of President Miguel de la Madrid will judge the improvement of rainfed farming as deserving of a high priority at a time of general economic stress. A policy aimed at national self-sufficiency in food which offers to lessen the country's foreign exchange problems holds obvious appeal. And a bolstering of the rural economy at a time of political unease should also be attractive. But real change will not come easily for reasons suggested by P. Lamartine Yates in a book that provides a comprehensive assessment of Mexico's agricultural predicament and has attracted attention and controversy in Mexico. In a key passage, Yates, a British-born economist who worked in the U.N. Food and Agriculture Organization and more recently as a bank adviser in Mexico, says, "Mexico indeed faces an agricultural dilemma at the present time, because her agricultural needs and agrarian institutions are at cross purposes."●

BULLETPROOF VESTS SAVE POLICE LIVES

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. BIAGGI. Mr. Speaker, as a 23-year veteran of the New York City Police Department, I am very pleased that a growing number of law enforcement officers are being furnished with bullet resistant body armor. Approximately 250,000—or about half of all police officers in America—wear body armor on a daily basis and a Justice Department report states that at least 400 police lives have been saved by this body armor since it first started being used in the mid-1970's.

I am proud to report that every New York City police officer has been furnished with a bullet resistant vest thanks to a private fundraising campaign and a substantial city government contribution.

At the present time, I am working closely with the MPDC (Metropolitan Police District of Columbia) Vest Fund Committee to raise $500,000 for the purchase of some 3,000 bullet resistant vests for D.C. police officers.

Although the soft body armor that police now wear was a major breakthrough in the effort to better protect our Nation's law enforcement officers, it is not the perfect solution. Additional protective measures can and should be taken as soon as possible.

For example, earlier this year I reintroduced a bill (H.R. 953) to outlaw so-called cop killer bullets—armor-piercing handgun ammunition that can penetrate the body armor worn by police officers. Tests have revealed that the most powerful of these armor-piercing handgun bullets can penetrate the equivalent of four bullet resistant vests in a single shot. I am encouraged by the fact that seven States have already enacted laws against these bullets and many more are moving in that direction. It should be noted that these armor-piercing handgun bullets are not used for legitimate purposes, but they have been used by criminals to shoot and kill police officers.

Mr. Speaker, at this time I wish to insert an article that appeared in yesterday's New York Post, entitled, "Bulletproof Vest Saves Shot Cop From Death":

BULLETPROOF VEST SAVES SHOT COP FROM DEATH

(By Maralyn Matlick and Joseph P. Cotter)

A COP chasing a stolen car survived a gunshot blast to the heart yesterday—thanks to his bulletproof vest.

Port Authority officer William Sullivan was hit twice after a fleeing driver and an accomplice stopped in a deserted area of Staten Island and started shooting.

One blast hit Sullivan in the leg and went right through his knee.

A second bullet would have hit Sullivan's heart but stopped dead after hitting his bulletproof vest.

Three other shots ripped through the open door of his car as he ducked to escape the gunfire.

Sullivan, 40, of Bayonne, N.J., was taken by ambulance to Staten Island Hospital, where he was listed in satisfactory condition.

The drama began at 5 a.m. on the Outerbridge Crossing while Sullivan was patrolling the bridge in his radio car.

He spotted a late-model black Pontiac Firebird going the wrong way on the Staten Island-to-New Jersey span.

He radioed for a license check and ordered the driver to pull over.

But the driver hit the gas pedal instead.

As Sullivan gave chase, PA police headquarters notified him that the fleeing car had been stolen.

After a mile-long chase at speeds up to 70 mph, the car stopped at Veterans Rd. West and Tyrellan Av.

"The car pulled over in a deserted area," said PA deputy inspector Edward Forker. "We feel they did this on purpose."

As Sullivan pulled up behind the car, two men "exited at the same time and started walking back."

The the passenger "said something" and the driver "pulled a weapon and fired a volley of about five shots," Forker said.

Sullivan, hit by two blasts and dodging others, pulled out his revolver and fired three rounds.

He believes he hit one of the two men as well as the car. Then, as he radioed for help, the two men jumped back into the stolen car and escaped.

They were described as black, in their 30s and very tall—one of them about 6-4.

The New York license plate on the car, 869-JNK, had been stolen from another auto, according to police.

The weapon, a small-caliber handgun, was not recovered.

Officials said Sullivan, a 12-year PA police veteran who is married and has two children, will not require surgery.

They said the bullet to his heart bruised his chest and tore his shirt, but was stopped by the metal plate of his bulletproof vest.●

ELECTIONS IN URUGUAY

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. LELAND. Mr. Speaker, I would like to call the attention of my colleagues to the New York Times op-ed piece by Wilson Ferreira Aldunate which I am inserting in the RECORD. Mr. Ferreira is the leader of the Uruguayan National Blanco Party. He has been in exile for the last 9 years.

Mr. Ferreira analyzes the significance of the November 28, 1982, internal election in Uruguay, in which 82.8 percent of the electorate supported candidates in opposition to the military government. It is significant that this rejection of military rule resulted despite the questonable "democratic" nature of these elections: Opposition newspapers were closed, only three parties were allowed to participate, selected democratic opposition leaders—such as Mr. Ferreira—were not allowed to present their candidacy. Nonetheless, the Uruguayan people reaffirmed the "vote of no confidence" in its military rulers that had been expressed in a plebiscite 2 years ago.

There is a lesson in Mr. Ferreira's words which this Nation should heed:

If the United States' foreign policy is truly inspired by national self-interest, it is the 82.8 percent, not the 17.2 percent who should be cultivated.

I hope my colleagues will take a moment to read this piece.

[From the New York Times, Jan. 1, 1983]

IN URUGUAY, A DEMOCRATIC STEP. MAYBE

(By Wilson Ferreira Aldunate)

WASHINGTON.—Handed the opportunity, Uruguayans told off their military Government.

Dictators do not tend to call elections they may lose. But on Nov. 28, beset by cataclysmic econonic conditions, under pressure by national and international public opinion, to begin democratization, and hoping to get an approving nod from the State Department's report on human rights practices, which must be submitted to Congress each year, the regime permitted elections.

No member of the Government was chosen. Rather, the electorate was asked to designate some 500 officials of the three political parties that the regime has not banned, who in turn would name boards of directors; the directors are to select each party's candidate for president in the promised November 1984 elections. Of more than 2 million voters, 1.2 million cast ballots. The result, miraculous under a dictatorship, was that 82.8 percent of the voters chose figures representing opposition to the regime. The outcome may have surprised the regime but not the people, who filled the streets for hours, singing and laughing.

Opposition candidates in my party, the liberal-progressive National Blanco Party, won 44.25 percent of the overall vote; proregime candidates won 5.15 percent. The centrist-liberal Colorado Party's oppostion candidates got 30.29 percent; the others 12.01 percent. The conservative but opposition Civic Union Party got 1.2 percent of the overall vote. In addition, 7.06 percent of the ballots were left blank in support of a leftist coalition—the Socialist and Communist Parties are banned (as is the Christian Democratic Party.)

Ever since independence, in 1825, Uruguay has managed to create and consolidate one of the world's most stable, lasting democracies. It was so open to free discussion that dissenters, instead of being repressed, were almost desperately asked to contribute their criticism to public debate. There were, of course, good and bad governments, and state institutions were not always a model of efficiency. The desire for social and economic justice was so great that the welfare system and other public-spending programs distributed wealth that had not yet been generated. But these problems were tolerated because Uruguyans lived in freedom. If budget deficits did not disappear, what did were beggars and illiteracy, which plague so many other third world countries.

In 1973, a military dictatorship interrupted this tradition. There is no need to denounce its tyranny and its human rights violations once again. Rather than mourn the past, it is better to look to the future, which the elections make more promising. Yet that future remains uncertain.

The State Department, commenting that "reports indicate the vote was peaceful and orderly," welcomed the elections as "another important step in Uruguay's return to democracy." Uruguayans would not necessarily agree with this assessment; after all, the conditions surrounding the election were hardly democratic. Nonetheless, they celebrated a triumph—the triumph of the whole country, of the civilians, and thus the triumph of civilization.

While the result was democratic, the electoral process was lamentably restricted. Only three parties were allowed to participate; not all citizens were allowed to vote. The climate of terror never abated. During the campaign, the Government forbade references to itself and did not allow its actions to be publicly judged, and candidates who dared disobey were jailed, submitted to military tribunals and eliminated from the lists of candidates. The opposition's few newspapers were closed, some for good, others until after the elections, and their editors were jailed. A law was even decreed that made the public mention of my name, or that of any citizen deprived of his civil rights, punishable by six months' incarceration.

What the voters said was crystal clear. They disputed the proposition, often heard in official circles in Montevideo, and Washington, that the sole alternative to the military Government is terrorism and chaos. The alternative, they declared, is popular sovereignty.

The far-off 1984 elections that the State Department envisions and that may eventually lead to the process of democratization in 1985 under who-knows-what further restrictions are simply unacceptable to most Uruguayans. In effect, they have said, by their 82.8 percent to 17.2 percent vote, that the military regime should remain in power for the shortest time necessary to return the country to freely elected civilians.

If the United States' foreign policy is truly inspired by national self-interest, it is the 82.8 percent, not the 17.2 percent, who should be cultivated.●

DISTINGUISHED STUDENTS

HON. BOB CARR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. CARR. Mr. Speaker, the future belongs to those who value education and are willing to work for it. High on the list of those who are doing so are 13 honor students at Pontiac High School in Pontiac, Mich. I offer these students my congratulations, and insert their names into the CONGRESSIONAL RECORD. They are the hope of America's future, and I know they will continue their outstanding work.

LIST OF HONOR STUDENTS

Students from Pontiac Central High School who have attained and maintained a 3.0 or better GPA:

Cynthia Watkins, Michael Watkins, Michael Johnson, Dan Sckski, Calvin Hall, James Esnault, Keith Christmon, Anglely Bolin, Theodore Matirne, Pat Carter, Anthony Hirch, Shawn Smith, and Eric Young.

Their teacher is Gary Ledsinger.●

TOMMY THOMAS

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. CHAPPELL. Mr. Speaker, it is with great pride and humility that I call attention this day to an individual from the Fourth Congressional District of Florida who has distinguished himself through a life of upright and

contributory civic involvement, culminated by over a decade and a half of immediate past community service.

All too often we have a tendency to perfunctorily pass up opportunities to serve our fellow citizens. Not so, however, in the case of Mr. Tommy Thomas, a resident of Penney Farms, a retirement community located in the northwestern quadrant of my congressional district.

Just recently Mr. Thomas was honored by his fellow residents at Penney Farms for his outstanding record of leadership and assumption of public duties.

Mr. Thomas was the subject of a laudatory news article which appeared in Clay Today, a local newspaper serving that area of my district. It is with great satisfaction that I can submit this article in its entirety so that others may be inspired by the outstanding example set by the community service of Mr. Tommy Thomas.

The article follows:

[From the Clay Today (Orange Park, Fla.), Mar. 24, 1983]

PENNEY FARMS TO HONOR THOMAS

(By Barbara Bradshaw)

Tommy Thomas will be honored Saturday by the citizens of Penney Farms.

Thomas, who calls himself the town "gofer", will be honored for his services to the town and its citizens.

"I will give you the statistics on Tommy Thomas," he said, "but I am not important; the town is."

Sixty-nine-year-old Thomas served the town as councilman and town manager for 11 years, the largest portion of the time without pay.

He was appointed to the council in 1972 to fill a vacant seat. He served four years as councilman and accepted the town managers position, with the urging of the townpeople.

In November of 1982 he presented his resignation which became effective in February of 1983.

"That is enough about me," Thomas said, as he gave his background information. "Let me introduce you to Penney Farms."

Penney Farms, known as a retirement community, is located on Highway 16 west of Green Cove Springs. The community has a population of 630. Thomas knows almost everyone there.

Our first stop was the local post office and a chance to meet Post Master Mildred Polatty.

"Hi there," she said as she walked to the post office window with a friendly smile on her face.

Smiles are something very noticeable in the town. Everyone smiles.

As we walked from the post office Thomas looked up at the flag whipping in the breeze.

"I just bought a new flag. That one is looking tattered," he said.

Our next stop, just up the block and within walking distance, was the local grocery store, owned and operated by the town mayor, James Saunders.

Everyone in the store seemed concerned about a neighbor who is a little under the weather.

"She is doing just fine," one customer said answering another's question about their mutual friend.

Saunders was busy ringing up food items on the store's cash register.

"Is it always this busy?" someone asked.

"No, sometimes it is busier," he said.

Posted outside, near the sidewalk, in the middle of town, the agenda for the next town meeting is posted.

"If we meet for over an hour we are in trouble," Thomas said as we passed the notice.

"If it starts on time at 8 p.m. and is not over by 9 p.m., then it is past our bedtime," he said laughing.

Thomas said he and his wife, Elizabeth, lived in 32 different towns during their 48-years of married life.

"This is the greatest place in the world to live," he said.

The Thomas' have lived in Penney Farms for over 16 years.

Next we visited the retirement community.

As we drove down the winding tree-lined roads he pointed to each home, naming each family member and explained what they did before retiring and moving to Penney Farms.

Everyone we passed while driving would wave and call to him.

"I would say about 50 percent of the people here are retired ministers," he said.

Every Sunday the church services are conducted by a different minister.

"We never run out of preachers," Thomas said with a smile.

As we walked through the community everyone seemed busy.

When we arrived at the hobby shop we met 74-year-old Lee Dale, 72-year-old Tom Henry and 75-year-old Jerry Hollauer. They were busy in the woodwork shop. Each one stopped and took time to chat with Thomas.

We were shown through the woodwork, weaving and arts and crafts shops.

Everywhere you looked, displays of paintings, wood carving, and many more beautiful pieces of handmade items created by the people in the community, could be seen.

As we left the quiet town with those glowing faces and bright shiny eyes of it's citizens, Thomas said, "You see I'm not important. The town is and it's the people that make it."●

HITLER'S DEBT TO LENIN

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. McDONALD. Mr. Speaker, history gets rewritten so often on the television networks that it gets difficult to know where to start to correct the record. However, Albert L. Weeks has written an excellent critique on Dan Rather and the CBS attempt to rewrite history on the occasion of the 50th anniversary of Hitler. Mr. Weeks points out what those on the liberal and left flanks of the arguments today want to forget how close Hitler and Stalin were in their treatment and tactics they adopted against their own people. Mr. Week's column from the Washington Times of February 14, 1983, follows:

HITLER'S DEBT TO LENIN

(By Albert L. Weeks)

One of the biggest anniversaries this year is the half-century mark since the militarist Adolf Hitler came to power in Germany. His 1933 coup d'etat in Berlin was a bold imitation of Vladimir Lenin's coup of November 1917 in Petrograd.

Yet this parallelism, not to mention Hitler's admitted "indebtedness," as he called it, to Bolshevist revolutionary tactics and strategy, was conveniently ignored in a recent three-minute commemoration on CBS network news of the Nazi seizure of power.

More than that, Dan Rather, reading the CBS script-writer's version of modern history off his teleprompter, had a "message" to impart on the 50th anniversary of the third totalitarian regime (after, respectively, Soviet Russia and Fascist Italy) of the 20th century: It must not happen again . . . but it may.

Thereupon, CBS field reporters in West Germany interviewed certain types of Germans. The bottom line in their opinion was: "It" could well happen again in today's (West) Germany. So, the American televiewer was left with the impression that this is the meaning of the Nazi semicentennial: Neo-Nazism is a principal threat in the Federal Republic.

Had objective-minded producers and scenarists been assigned to this story, I am sure they would have used the few allotted minutes quite differently. They would have blocked out the commemoration of Hitler's coming to power this way.

HITLER'S CREED (IDEOLOGY)

A direct steal from the Marxist-Leninists of Soviet Russia. Hitler: "I have learned a good deal from Marxism. I admit that without hesitation." As Joachim Fest points out in the best available Hitler biography: "Hitler borrowed freely . . . well-tested Bolshevik and Fascist formulas for the coup d'etat." As Hitler explains in "Mein Kampf," his Nazis even borrowed minute details from Lenin's Communists: the red color on the banners; "agitation and propaganda" (Agitprop); Lenin's "international world-view" (as embodied in the Third International); the single permitted doctrine; the Communists' "activistic brutality"—all quotes are from "Mein Kampf." No wonder that Benito Mussolini, the "second dictator" (after Lenin) of this century, called Stalin a "crypto-Fascist," or as Goebbels put it, "one of ours."

Hitler's military tactics/strategy: British Sandhurst analyst P. H. Vigor notes in the book, "Russian Military Power," that during and after World War II the Soviets "continually pondered over the lessons" of the war, and particularly what the Germans—strategists such as Generals Manstein and Guderian—had "taught" them. Thus, all those Wehrmacht innovations—blitzkrieg, panzers, air force-ground troop coordination, surprise, deception, et al.—were simply incorporated into Red Army tactics/strategy as early as 1943. They have been updated in recent years. Yet, by the same token, the Soviets had taught the Germans a few things, too—before and at the time of Hitler's coming to power in 1933.

For instance, after the Rapallo Treaty between Weimar Germany and Soviet Russia (1922), active German-Soviet military collaboration took the form of joint testing of new weaponry, such as military rockets, on proving grounds in the expanses of the Russian steppes. (This is told in revealing detail

in two recent books: Nikolai Tolstoy's "Stalin's Secret War" and James E. Oberg's "Red Star in Orbit.") Once in power, Hitler said in a speech on March 23, 1933, that the "fight against communism in Germany is our *internal* affair." However, "our political relations with other powers specifically, Soviet Russia to whom we are bound by common interests will not be affected thereby." "Friendly relations" between Nazi Germany and the U.S.S.R. said the Fuhrer, are "profitable to both parties." The Soviets agreed; hence, the Nazi-Soviet Pact of six years later and the secret protocols attached to it by which Berlin and Moscow jointly would carve up the world. . . .

German people's "guilt": How can a whole people be made guilty for the acts of a tiny minority of revolutionary radicals, such as the Nazis or Communists? Hitler's coup d'etat 50 years ago is the clearest example of a Robespierre-Lenin-type seizure of power over the heads of the people. According to many scholars, not even German businessmen could stop Hitler, although they surely wished to. (Joachim Fest exposes the Marxist myth of "big business" subsidization of the Nazis—there was no such thing.) One of the principal lessons learned by the Nazis from Lenin's Bolsheviks was the Marxist-Leninist idea of using violence "at the crucial time and place." Without Himmler's SS thugs (copied from Lenin's Chekist political police), threats and use of labor colonies (borrowed from Lenin's camps), wholesale massacres, taking of hostages and other acts of intimidation of the populace (learned from Lenin, later Stalin), the German people surely would not have been cowed into submission. As scholars on German history point out, not even anti-Semitism was a "German characteristic;" this bigotry was far rarer in Germany than in a number of other countries.

Thus, the CBS scriptwriters' attempt to implicate the whole (West) German population in the Nazi past and as if Nazism had one, its future, is as ignorant as it is unfair.

Subliminally, another "message" was imparted by the TV news commemoration of Hitler's rise to power. Namely, that on this coming March 6, the German people will participate, in their usual large numbers, in an election at least as crucial as the rigged election of March 5, 1933, which, although accompanied by Nazi intimidation of voters, gave Hitler's National Socialists only 43.9 percent of the vote. (All the later Nazi elections, of course, imitated the Soviet one party "elections" in which the Communist Party gets more than 99 percent of the vote.) The free election of March 6, 1983, will determine whether the German people consider an armed-to-the-teeth U.S.S.R. more of a danger to their security than the agreed deployment of Pershing 2-rocket artillery, which helps partly to offset Soviet SS-20 rocket power. To judge by the CBS slanted interviews of selected Germans, any kind of German military defense looks like "Nazism-reborn." Is that so?●

RECENT CASES SHOW IMPORTANCE OF CONTINUED FTC JURISDICTION OVER PROFESSIONAL CONDUCT

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. FLORIO. Mr. Speaker, the Energy and Commerce Committee is engaged again this year in an effort to report a bill to reauthorize the Federal Trade Commission. A controversial aspect of that effort continues to be the attempt by some professional groups to obtain special treatment to immunize professional conduct from the competition and consumer protection laws that apply to other businesses.

The debate on this subject sometimes takes on an abstract quality, with those who advocate special treatment citing apprehensions about hypothetical, potentially inappropriate FTC enforcement. When one looks at the cases, however, one finds that the FTC has undertaken enforcement with respect to the professions to prohibit garden-variety commercial abuses that no one would condone in any occupation or business.

Recently the commission decided two cases which dramatically demonstrate this point and the continued importance of FTC monitoring of professional conduct. Both cases involved alleged efforts by professional societies to inhibit health care cost containment efforts by insurers. In a time of exploding health care costs, it is inconceivable that the public would be deprived of the protection afforded by the FTC oversight evidenced by these cases. For the information of all Members, I insert in the RECORD press releases describing the FTC action:

INDIANA FEDERATION OF DENTISTS MAY NOT ORGANIZE ITS MEMBERS TO BOYCOTT DENTAL INSURERS, FEDERAL TRADE COMMISSION RULES

FTC OVERTURNS JUDGE'S ORDER FOR GROUP'S DISSOLUTION

The Indiana Federation of Dentists may not require or urge its members to refuse to deal with dental insurers, the Federal Trade Commission has ruled. The case grew out of Commission charges of organized efforts by dentists in Indiana to restrict submission of X-rays to insurance companies. But the Commission, in a unanimous opinion written by Commissioner Michael Pertschuk, overturned a 1980 FTC administrative law judge's order to dissolve the Federation.

FTC Administrative Law Judge Paul R. Teetor had ruled in 1980 that the Federation "was formed for the purpose of adopting or continuing . . . [a] conspiracy to keep Indiana dentists from submitting X-rays to dental insurers," and he ordered the dissolution of the group. The Commission overturned that part of the judge's order, saying "we note that . . . [the Federation]'s constitution and bylaws contain objectives other than coercing dental insurers." The order issued today does not prevent the Federation from pursuing those objectives.

The order also does not prohibit members of the Federation, "acting individually and not at the encouragement of inducement" of the Federation, from dealing with dental insurers as the members see fit; nor does it prohibit the Federation from adopting guidelines concerning the exposure of dental patients to radiation.

According to the FTC opinion, the Federation "susbstantially limited competition among dentists in their willingness to cooperate with dental insurance cost-containment programs." In 1977, the Federation adopted a Work Rule directing its members to prevent anyone who had not performed a complete dental examination for determining a patient's condition. "The clear understanding of this rule was that insurance company use of X-rays (without an examination of the patient) was a form of 'determination' of the patient's condition that the dentist was obliged to prevent," the decision says.

As a method of reducing insurance costs, dental insurers offer policies with coverage limited to the least expensive adequate course of treatment for dental conditions. These insurers may ask for a copy of the diagnostic X-rays taken by a patient's dentist, as an aid in determining whether a particular claim for payment is covered under such a policy. If the insurer's consulting dentist concludes that good dental care can be provided by a treatment that is less expensive than the treatment chosen by the patient's dentist, the insurer may pay only the cost of the less expensive care.

The practical effect of the Federation's Work Rule was a coordinated refusal to submit X-rays for claims review, the Commission found. This not only reduced competition among dentists to cooperate with dental reimbursement plans, the FTC noted, but also thwarted the efforts of individual insurance companies to contain the costs of dental insurance.

The Commission rejected the argument of the Federation and the state of Indiana, which intervened as a party in the proceeding, that its activities were protected by Indiana law. The Indiana legislature did not authorize, or even contemplate, private agreements among dentists not to cooperate with dental insurers, the Commission found. The Commission stated that "the authority of the state of Indiana has not been questioned by the Commission in this case [and] the Commission's order does not impinge on the ability of the state of Indiana, acting as sovereign, to regulate the practice of dentistry in the manner the state sees fit."

The Commission's order prohibits the Federation from telling its member dentists they should refuse to submit X-rays in response to a request for use in determining benefits. Nor can the Federation tell its members to "refuse to deal in any particular way" with insurers, under the order.

The order also prohibits the Federation from coercing insurers to run their dental care benefits programs in any particular way. The Commission found, for example, that Connecticut General Life Insurance had a "gentlemen's agreement" with the Federation, under which the company's claim forms would continue to require X-rays, but the insuror would not insist on dentists providing the X-rays. And Aetna Life and Casualty Insurance Co. at one time had to send consultants to dentists' offices in order to view the X-rays. This evidence, the opinion notes, illustrates insurance com-

panies, "confronted by the economic power of united dentists, responding to that economic power."

In addition, the order prohibits the Federation "from collectively attempting to influence patients not to choose particular dentists," based on the dentists' willingness to cooperate with dental insurers.

The Federation must also follow specified procedures for informing members about the order provisions.

The Indiana Federation of Dentists is based in Anderson, Ind.

The Commission voted 4-0 to issue the order, Commissioner George W. Douglas not participating.

FTC ISSUES FINAL ORDER IN MICHIGAN STATE MEDICAL SOCIETY CASE

COMMISSION NARROWS JUDGE'S ORDER

The Federal Trade Commission upheld a 1981 administrative law judge's finding that the Michigan State Medical Society (MSMS) had unlawfully conspired to boycott cost-containment and reimbursement policies of Blue Cross/Blue Shield of Michigan and the state's Medicaid program. Commissioner David A. Clanton wrote the unanimous Commission decision, which found the society's practices "unreasonably restrained competition, in violation of [federal antitrust laws]."

According to a 1979 FTC complaint, MSMS attempted to fix fees and influence Blue Cross/Blue Shield and Medicaid policies by negotiating collective agreements with the insurers, and by using or threatening to use coercive means such as group boycotts against insurers.

Judge Thomas F. Howder had issued an order with his 1981 decision that would have prohibited the medical society from initiating any communication with insurers about reimbursement. The medical society argued this would prevent it from adequately representing its members. In response to this concern, the Commission issued a less stringent order, permitting the society to discuss reimbursement and other issues, provided such discussions fall short of actually entering into agreements on behalf of members.

The Commission also narrowed the judge's order by stating specifically that the society is not prevented from providing information to private insurance companies, or from participating in government and judicial proceedings, including those dealing with Medicaid reimbursement issues. The order also does not prevent the society from participating in peer review of physicians' fees.

The FTC told the Michigan society, which represents 80 percent of the state's doctors, it could no longer attempt to control health insurance companies' reimbursement policies. In addition, the society was told it could not negotiate agreements concerning acceptable fees on behalf of its members.

The Commission rejected the Michigan society's position that it was merely disseminating information, rather than organizing a boycott or conspiring. The Commission found MSMS practices reduced competition among physicians, and the restraints were overbroad for the purposes they wre supposed to serve. The Commission also determined that the society, despite its arguments to the contrary, is subject to FTC jurisdiction and antitrust enforcement.

The Commission also rejected arguments that MSMS was merely attempting to influence government policy concerning Medicaid, and that the practices were therefore exempt from antitrust enforcement as an exercise of First Amendment rights. The Commission ruled that MSMS had gone beyond mere lobbying by agreeing not to compete and threatening to boycott the Medicaid program if changes in the physician reimbursement system were not withdrawn.

MSMS may not, under the final order, enter into agreements with its members that would regulate the amount or terms of reimbursement for physician services. In addition, it may not urge members to enter into such agreements with insurers.

Prohibited agreements include collectively cancelling or refusing to participate in insurance programs, and collectively refusing to complete insurance claim forms in an attempt to influence reimbursement. In addition, the order bans agreements to participate in insurance programs only on terms acceptable to the society, and agreements giving the society power to cancel participation in insurance programs on behalf of individual doctors.

The Michigan State Medical Society must also follow specified procedures for informing current and future members about the order provisions.

The medical society had 8,700 physician members in 1978. County medical societies are also members.

The Commission voted 4-0 to issue the order, Commissioner George W. Douglas not participating. Commissioners Michael Pertschuk and Patricia P. Bailey, in separate concurring statements, argued that, because the medical society engaged in conduct that amounts to price fixing, its practices should have been found *per se* illegal.●

AGRICULTURAL TRADE

HON. GEORGE C. WORTLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. WORTLEY. Mr. Speaker, printed in the April 5 CONGRESSIONAL RECORD under the title, "United States Must Act To Reduce Unfair European Subsidies," Senator JESSE HELMS reiterates his desire to have Congress act quickly on legislation designed to expand our agricultural exports and impress upon our European competitors the idea that agriculture surpluses are a worldwide problem.

Our country is facing a tremendous budgetary problem due to the strain of agriculture surpluses. Not only have we seen a substantial drain on the Treasury; we have also witnessed the threatened extinction of small family farmers—the bread and butter of the farming community. Agriculture is a major industry in my congressional district. There are 1,789 farms covering 447,000 acres in just two counties. The annual value of agricultural products sold is $86 million. There are 49,723 farms covering 9.9 million acres in New York State. The State's No. 1 industry brings in $2 billion a year.

I have just returned from the Easter district work period. I spend those days meeting with constituents and talking with farmers. While I was in central New York, I was fortunate enough to read Senator MACK MATTINGLY's article titled, "No One Would Blame Europe—If Europe Played Fair," published in the March 29 Washington Post. I also read the Post editorial, "This Time the U.S. Is Right," carried on the same date.

Disparities do exist between the way the United States handles agricultural trade and the way the Europeans deal with the issue. The contrast is startling. We are suffering from blatant discrimination in trading policies. Until we rectify the disparities and make the Europeans change their ways, we are doing a grave disservice to our farmers and taxpayers. I urge my colleagues to read both Senator MATTINGLY's excellent article and the Post's editorial. Both were reprinted in the April 5, 1983, RECORD.

I have introduced H.R. 1677, the Agriculture Export Equity Act, legislation similar to the Senate bill, which will be debated in the near future by the other body. This legislation is a vehicle to expand our agricultural exports and to impress upon Europe the seriousness of this issue. I also look forward to the outcome of the joint hearings conducted by the Foreign Affairs and Agriculture Committees that began on April 7 to discuss our agricultural export policy. The gravity of the situation is unquestionable.●

IMMIGRATION LEGISLATION

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. FRANK. Mr. Speaker, one of the most important issues that we must deal with in this session of Congress is the problem of immigration. We are fortunate enough to live in a country which has an enormous attraction to millions of people elsewhere in the world who understandably would like to live here as well. Our job is to fashion legislation which will continue the tradition that has helped build this Nation by allowing a reasonable level of immigration while we simultaneously take effective and human steps to curtail illegal immigration.

Recently, the chairman of the Judiciary Committee, PETER RODINO, testified before the Subcommittee on Immigration on this matter. Chairman RODINO's testimony was helpful, thoughtful, and comprehensive. I believe he answered in a very persuasive manner many of the legitimate questions that have been raised about the approach to immigration embodied in the legislation which the Judiciary Committee passed last year under the leadership of Chairman RODINO and Subcommittee Chairman MAZZOLI.

From my own conversations with Members on this subject, I know that the questions the chairman addresses in this testimony are those that are troubling to many Members and I suggest to my colleagues that many of them will find this testimony very helpful in resolving some of the doubts which they have about legislation in this area.

Mr. Speaker, I believe that Chairman RODINO's cogent and careful discussion of the issues involved in immigration legislation is a very useful document and I ask that it be printed in the RECORD so that it will be easily available to all of the Members who will be asked soon to deal with this important question.

TESTIMONY OF HON. PETER W. RODINO, JR., ON H.R. 1510

Mr. Chairman and Members of the Subcommittee, I am pleased to be here today to express my support for H.R. 1510, the Immigration Reform and Control Act of 1983, and to make some observations concerning specific provisions of the legislation. I believe that similar legislation would have been enacted as the Immigration Reform and Control Act of 1982 had not the clock been running against us in the waning days of the 97th Congress. I want to commend the Chairman of the Subcommittee for moving quickly this Congress, and for scheduling a full set of hearings on this important legislation.

I do not need to tell the Members of this Subcommittee that this is controversial legislation. It is essential that it receive a full hearing, and that we then act as expeditiously as possible in this session.

Twelve years ago, on May 5, 1971, this Subcommittee under my Chairmanship began a series of hearings into the problem of illegal aliens. Altogether, we held 16 days of hearings across the country (Los Angeles, Denver, El Paso, New York, Chicago, and Detroit) with final days of hearings in Washington. Based on these hearings, we drafted employer sanctions legislation which passed the House by wide margins in 1972 and again in 1973, but was not enacted due to Senate inaction.

We estimated at that time that illegal aliens numbered between one and two million, that the number entering had been increasing since 1965, and that the number apprehended annually was greater than the number of aliens admitted as lawful permanent residents. Now, 12 years later, the number of undocumented aliens has increased and apprehensions far exceed the number of aliens entering legally. The resident undocumented alien population was estimated at between 3.5 million and 6 million in 1978.

We concluded in the early 1970's that the economic imbalance between the United States and the countries from which illegal aliens come, coupled with the easy availability of employment here, accounted in large part for the undocumented alien phenomenon, along with the shortage of INS personnel. This remains true today.

We can do little in the Judiciary Committee about the economic imbalance between the United States and the developing countries. Yet, this problem cannot be ignored by the Congress and the Executive Branch and long-term solutions to this difficult problem must be actively explored.

We also found in the early 1970's that the undocumented alien problem was no longer limited to the Southwest, but that it extended to most of our major metropolitan areas. Similarly, it was no longer limited to agriculture; considerable numbers of such aliens were found in industry. We also found that the so called "illegal aliens" displaced American workers, particularly in the lower-wage occupations. These findings are even more valid today than they were then.

In fact, my good friend, Althea Simmons, Director of the Washington Bureau of NAACP, recently testified that, "the continued influx of undocumented workers has a disparate impact on blacks, many of whom, are marginally employed or unemployed. Many blacks are forced from employment rolls by the undocumented worker who is usually hired at a subminimum wage and without the protection of organized labor". This is indeed very troubling and with black youth unemployment at almost 50%, we must move quickly to eliminate this unfair job competition.

The undocumented alien problem has deepened and intensified, both geographically and occupationally. We found that, apart from their violation of the immigration law, undocumented aliens were not generally involved in criminal or drug-related behavior. We also found that, by virtue of their illegal status, such aliens were subject to exploitation in the form, for instance, of substandard wages and working conditions, and denial of fringe benefits and vacations.

My purpose in cataloguing these findings of more than ten years ago is to underscore how little things have changed. The major change we see is in the numbers, which have increased and will continue to do so unless we act. Immigration to this country is increasingly coming to mean illegal immigration. According to INS, 5.4 million (5,381,107) legal aliens registered with the alien address report program in January 1980, and of that number 4.5 million (4,532,647) are permanent resident aliens, or immigrants. In all probability, they are outnumbered by the resident undocumented alien population. This is a sad commentary on U.S. immigration policy.

There is coinsiderable concern in discussions of illegal immigration about the need to control our borders, a concern that I myself share, but there is another cause for concern. We are proud of our long tradition as a nation of immigrants, a land of opportunity for the ambitious and asylum for the oppressed. This is all part of the American dream. Illegal immigration represents the underside of the American dream—the opportunity to come here and work and better oneself, but without the protection of the law, without the guarantee of justice, and without the promise of freedom. Unlike lawful immigration, which is beneficial to our society, illegal immigration is harmful to our society and the institutions on which it is based. We are permitting the development and perpetuation of an underclass of people who live here but are fearful of law enforcement authorities, do not seek necessary medical care, and are subject to every kind of exploitation in the work place.

With this as background, I want to express my support for the legislation before this Subcommittee, H.R. 1510. The bill is substantively identical to the legislation reported out of the House Judiciary Committee last Congress. As such, it leaves the preference system in the existing law unchanged. In my opinion, this is one of the primary reasons it is a good bill. As I said when I offered the amendment striking the proposed changes in the preference system during full Committee markup in the last Congress, we need to know the impact and consequences of legalization before we embark on any major adjustment of the preference system. We must not put "the cart before the horse" and while I agree that legal immigration issues should be considered, there will be sufficient time to do so once the legalization program has been completed.

At that point, when we have some idea of what we're talking about in terms of numbers, countries of origin, and potential relatives, it may be appropriate to undertake a study of the existing numerical limits and preference system with the thought, perhaps, of adopting a more flexible system which could be adjusted in response to both domestic and foreign needs. I was intrigued by a discussion of this issue in a recent United Nations report surveying international migration policies and programs. Let me quote briefly from the report:

"The United States is somewhat different from the other immigration countries, in that no other nation appears to have adopted numerical limits as a migration control mechanism, something that has been a feature of United States immigration policy since 1921. The United States system relies on the utilization of numerical limits—a worldwide ceiling of 270,000 (excluding refugees), and a per country limit of 20,000—that are largely based on precedent rather than on any recent assessment of national needs. The overall ceiling—which, as previously noted, does not apply to refugees—remains fixed, regardless of changing international circumstances." (United Nations, International Migration Policies and Programmes: A World Survey, 1982, p. 5.)

We may at some point wish to undertake a revision of the law which makes our immigrant admission policy more responsive to national needs and international circumstances. One possible way of doing this was explored by the Select Commission on Immigration and Refugee Policy. For example, the Commission considered the creation of a council of experts with ongoing responsibility for studying domestic and international conditions and for making periodic recommendations regarding the adjustment of immigrations levels and the revision of immigration policy.

This concept, despite the strong support of several Members of the Commission, including Father Hesburgh and me, was not ultimately adopted. I would recommend that the Subcommittee seriously consider the need for flexible immigration ceilings.

Further, I reiterate my strong view that the existing preference system not be tampered with at this time. It is working reasonably well according to those who administer the program—The Departments of State and Justice—and its modification is in no way integral to the purpose of this bill, which is the control of illegal immigration.

Ambassador Asencio, the Assistant Secretary of State for Consular Affairs, has often remarked "if it ain't broke, don't fix it." I would add that this matter is as "politically-charged" as the issue of employer sanctions. Undoubtedly, changes to the preference system could generate substantial opposition from the Asian, Hispanic, Italian, Jewish and Catholic communities. I do not believe this legislation should contain additional controversial and emotional issues and for this reason, I urge the Subcommit-

tee to avoid any modification to our system of legal immigration.

The centerpiece, the heart, the linchpin of H.R. 1510, is the employer sanctions provisions. Quite simply, the bill would make it unlawful to hire, recruit, or refer to employers for a fee aliens who are unauthorized to accept employment in the United States. The bill provides for a graduated series of penalties intended to guarantee that employers acting in good faith will not be penalized. It also includes crafted verification requirements which have the dual purpose of providing an affirmative defense for employers and of protecting those who look foreign from possible discrimination. I am well aware of the concern that employer sanctions will result in discrimination, particularly against Hispanics, but I believe that those who read the bill carefully will clearly recognize that the Judiciary Committee made every effort to respond to these serious civil rights concerns. For example, in addition to the verification requirements, which pertain to all new hires, amendments were adopted during full Committee consideration requiring the President, the Civil Rights Commission, and an Executive Branch Task Force to monitor any discrimination problems that result from employer sanctions.

It is clear that employer sanctions are neither the answer to unemployment nor the civil rights nightmare supporters and opponents sometimes portray them as being. They are, however, the necessary solution to a serious immigration problem which has been allowed to fester far too long.

In large part because of the years of neglect, it is absolutely essential that employer sanctions be accompanied by a generous and straightforward legalization program. I myself would also prefer that it be as simple a program as possible. I would prefer a one-date, one-tier program to the overly elaborate legalization provisions in H.R. 1510. The primary objective of the program should be to bring this "shadow population" into the open and the more understandable the program is the more participation we can expect. In my opinion, the use of a single eligibility date would also make the program more effective and easier to administer—not an insignificant concern when considering the monumental manpower problems confronting INS. I would also recommend that the Subcommittee carefully review the provisions of H.R. 1510, which exclude legalized aliens from various public assistance programs. Alternative approaches, such as tightening the "public charge" provisions or requiring a demonstration of employability or a record of consistent employment should be explored in greater detail.

Whatever is decided on that, I cannot overemphasize the importance I attach to a meaningful legalization program. I have said before, and I repeat, without legalization I would not support this measure. There are two alternatives to legalization: accepting the status quo of a massive underclass of undocumented workers, or massive roundups and deportations. We do no one a favor by accepting the status quo, which is as harmful to our society as it is to the aliens in undocumented status. And surely we have learned our lesson from the 1950s regarding massive roundups and deportations. Operation Wetback is not something we would wish to repeat today.

Legalization is the only acceptable option, and it is an appropriate one, one with which I am personally comfortable. I am convinced that, given employer sanctions and increased INS enforcement—and that is essential—we will not have a recurrence of this problem again. I am convinced, in short, that a legalization program would be a one-shot occurrence aimed at a specific program which we would be remedying.

Finally, I want to comment briefly on the adjudication and asylum provisions in H.R. 1510. I believe that the provisions in this bill have struck a delicate balance between advocates in favor of streamlining the adjudication process and those in favor of providing a full measure of due process. The provisions, in my judgment, are objective, fair, humanitarian, and above all, recognize our responsibilities under our international agreements relating to refugees.

Thank you for this opportunity to testify. Again, I commend you for your early and comprehensive action on this vitally important legislation. I look forward to its early passage.●

BISCAYNE BOULEVARD WIDENING GETS HIGHER PRIORITY

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. LEHMAN of Florida. The bureaucratic logjam that for years has held up funds for the widening of Biscayne Boulevard to six lanes has finally been broken.

U.S. 1, which is Biscayne Boulevard in north Dade County, has been overloaded with motor vehicles since the condominium building boom of the 1960's. Today, traffic barely creeps along, especially during peak hours.

Ten years ago, I traveled to Tallahassee with citizens groups to meet with then-Governor Askew about this problem. We also held conferences with State highway officials in Dade County and met with many civic groups in an effort to find a solution. Yet after all this time and effort, at the beginning of this year funds for the widening of Biscayne Boulevard were still apparently many years away.

For our congressional office the problem was difficult because the State government in Tallahassee, and not the Federal Government here in Washington, is responsible for setting priorities for the construction of noninterstate highways such as U.S. 1. However, as chairman of the Appropriations Transportation Subcommittee in the House, I was able to exert some leverage because the State department of transportation needs Federal funds for airports, interstate highways, road repairs, and mass transit assistance. But a Congressman alone in such situations is not enough.

We had to organize a group that, including State legislators such as State Representative Ron Silver, who is a member of the transportation committee in the Florida House of Representatives and State Senator Gwen Margolis, a driving force in the senate on the recently passed transportation package. We also enlisted the aid of community leaders such as Rubin Steiner of Aventura and Annie Ackerman of Point East. The purpose of this effort was to convince the secretary of the Florida Department of Transportation, Paul Pappas, Bill Taylor, Florida DOT's Washington representative, and Dr. John Goodnight, Florida DOT's district engineer for Dade and Monroe Counties of the overriding need for this essential project. After years of effort, we have been successful in moving the construction schedule ahead by almost 4 years.

If there is a message in this story for my colleagues in Congress, it is that many local problems can be solved at the congressional level—but only with the full support and cooperation of elected State and local officials, of State and local government agencies and most of all of committed, determined citizen activists. In this case, we all worked together to achieve something of lasting importance to the community.

Our coalition became unstoppable, and a long-neglected problem is finally getting the attention it deserves. The following story from the Miami Herald "Neighbors" section describes this decision.

The article follows:

[From the Miami Herald "Neighbors Section," Mar. 27, 1983]

STATE OFFICIALS AGREE TO WIDEN BOULEVARD

(By Lisa Getter)

The state has agreed to solve one of Northeast Dade's longstanding traffic problems, but motorists are going to have to wait one more year for the solution.

The state Department of Transportation last week agreed to put a plan to widen Biscayne Boulevard to six lanes between NE 176th and 192nd streets on its priority list. State officials said construction would begin in the spring of 1984.

The decision to widen the road came at the urging of several North Dade representatives, including Rep. William Lehman (D., North Dade), state Sen. Gwen Margolis (D., N. Miami) and state Rep. Ron Silver (D., North Miami Beach).

"We just did a full-court press," said Lehman. "And boy, it worked. We finally broke the log jam."

Weeks of heavy rains and flooding along the boulevard brought a storm of requests from his constituency, Lehman said. The congressman wrote a March 18 letter to Paul Pappas, the State Department of Transportation (DOT) Secretary.

"This project is as urgent, if not more so, than any other project in which you and I are involved anywhere in this state," wrote Lehman, chairman of the House Transportation Subcommittee.

He urged an end to the delay in widening the road. Thursday, the state agreed that the project was a priority. Until this year, the state didn't have money for the project.

Widening will begin just north of the entrance to the Point East Condominium Complex by the Oleta River. Once complete, Biscayne Boulevard will be a six-lane

road from South of Point East Drive to 203rd Street.

The cost of widening the 12 blocks from NE 176th Street to 192nd Street will be $3 to $4 million, estimated DOT district engineer John Goodknight.

Funds for the project will come from increased state revenue made available by higher gasoline and license plates taxes.

The state has begun widening the road between 192nd Street and 203rd Street. That $1.5 million project is to be completed in the fall.

"I was in the position where I could not do any more for Florida unless I got something done on Biscayne Boulevard," Lehman said.●

SPACE-BASED MISSILE DEFENSE TOO RISKY AND COSTLY

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. GREEN. Mr. Speaker, in his March 23 televised address, the President offered the country the hope that some day technology will make nuclear warfare obsolete. All of us would welcome elimination of the specter of nuclear war, but I fear the President's hope is illusory, at least far into the foreseeable future.

The basic weakness of any missile defense system is that, in the present state of nuclear technology, any increment of defense can be wiped out by a much cheaper increment of offense. That is, it is much easier and cheaper to destroy or overcome a missile defense system than it is to build it and maintain its invulnerability. To date, we know of no technological fix to this rule.

Two articles published in the New York Times last week describe the phantom reality of the systems President Reagan contemplates. The first, "Space Lasers Might Stop Half of Missile Attack," Expert Says, highlights Pentagon testimony to Congress this year and in 1981 suggesting a damage denial system of space-based ballistic missile defense would cost some $500 billion. Even a program of such staggering cost is likely to stop only half of incoming missiles. Moreover, a space-based defensive system can be assumed to present a high-value target, and would severely disrupt the strategic balance. The presence of such a target could provoke confrontation, for * * * it is easier to develop threats to the laser than to solve them, said a Pentagon official in 1981. Last, such a system would have to be autonomous, that is, computer controlled, because, for various reasons, a laser satellite would probably have to detect and attack an enemy missile within 5 minutes of its launch, too short a time to permit human decisionmaking. This feature could be catastrophic.

The second article, "Reagan's Riskiness," is written by a physicist eminently qualified to assess the benefits to our country of moving to space-based missile defense. The author, Dr. Richard L. Garwin, says:

The Reagan initiative on space-age defense is likely to go the way of his early choice of individual superhardened silos for survivable basing of the MX missile. But it is a far more dangerous misconception.

Garwin deplores the administration's undermining of deterrence, saying that doctrine has worked and will continue to provide basic stability if we do not continually denigrate its effectiveness because we long for an alternative, because we want to justify military expenditures or because we are in love with technology.

I believe these articles provide a basis for measuring whether replacing our current doctrine of deterrence with Star Wars technology will fix the nuclear peril. To my mind, this notion is far-fetched, its attractions illusory, and likely to detract from constructive discussion of ways to lessen the threat of nuclear war today. I recommend them to my colleagues, and that they be printed in the RECORD at this time:

[From the New York Times, Mar. 31, 1983]

SPACE LASERS MIGHT STOP HALF OF MISSILE ATTACK, EXPERT SAYS

(By Charles Mohr)

WASHINGTON, March 30.—The head of directed-energy weapons programs in the Pentagon has testified that a "constellation of space laser platforms" might be able to stop only half of a large intercontinental missile attack against the United States.

The weapons official, Maj. Gen Donald L. Lamberson of the Air Force, gave that assessment to a Senate Armed Services subcommittee a week ago, a few hours before President Reagan, in a nationally televised speech, called for an "intensive" effort to build a defense against missile attack.

The same group, the Subcommittee of Strategic and Theater Nuclear Forces, heard a long appraisal by Defense Department experts on "strategic defense" and space warfare in 1981 in which the department estimated the cost of a "damage denial" system of defense against missiles at $500 billion. That panel of experts said the system would suffer much the same "leakage" of incoming missiles foreseen by General Lamberson.

HE SEES AUTONOMOUS SYSTEM

Dr. George Millburn, an assistant to the Under Secretary for Research and Development, said in the 1981 testimony that a space-based antimissile system would probably have to be "autonomous," not controlled by people, and added, "We would have to delegate the decision-making to the weapon system itself and we have had no experience in that type of operational system."

Other scientists have in recent days explained the problem posed by Dr. Millburn. Experts generally assume that laser weapons, which use highly focused light, would have to attack enemy missiles in the initial period of flight. In most cases that phase would not take more than five minutes, and the laser satellite would have to detect the launching of the missile and execute the attack. This period, scientists said, would be too short to permit humans on the ground to order, or withhold, action by the space station.

The Pentagon estimates of costs of various kinds of space-based laser defense systems were deleted in the transcript of testimony before the subcommitee on March 4, 1981. But, apparently by inadvertence, the cost estimates appeared in a table entitled "Space based lasers, summary of missions."

ESTIMATES ON VARIOUS PLANS

That table said $500 billion was the estimated cost of what was printed as a "damage denial" system. Systems with less ambitious missions, such as an antisatellite laser system and a laser system meant to attack aircraft, were estimated to cost $50 billion. A system to provide what was called "limited" defense against missiles was estimated at $100 billion.

A large body of testimony in recent years has indicated that many experts believe a limited defense of United States strategic forces, such as missile silo fields, might be possible even in the near future. Such systems, however, would in most cases destroy only the first one or two re-entry vehicles aimed at a silo and force an attacker to expend more warheads, experts testified.

As outlined by President Reagan and Defense Secretary Caspar W. Weinberger, the concept of a total defense of American population, industry and weapons has excited much more controversy. Mr. Weinberger said this week that "I don't have any doubts" it would be practical. Scientists and former officials not part of this Administration were more skeptical.

A more skeptical tone was also taken in the appraisal sought by the Senate in 1981. The expert witnesses, many of whom still work for the Defense Department, said that land- or space-based defensive systems against missiles might be a valuable addition to ways of maintaining strategic balance. They seemed less optimistic about protecting the country as a whole.

In his testimony last week, General Lamberson also said that directed-energy weapons, which range from lasers to beams of subatomic particles, offered "promise of making major contributions to the U.S. defense posture." But he cited as possible roles the defeat of "limited nuclear strikes" and of selectively thinning out attacking missiles to disrupt a "disarming first strike."

The Administration witnesses in the 1981 hearings said that in the case of a national antimissile system they believed enough weapons would get through to do "significant damage" to the United States.

Experts have commented on the possible technical difficulties in developing equipment that would pick up, track and point laser-style weapons at rapidly moving targets such as missiles.

SURVIVAL OF SYSTEM IS QUESTION

However, the panel of experts who testified in 1981 also dwelled on the problem of the survivability of any missile defense system, particularly one in space. For more than a decade United States officials have worried about the survivability of United States land-based missiles, and that concern in part seemed to bring about President Reagan's speech last week.

James P. Wade, Deputy Under Secretary of Defense, who is a weapon expert, testified that it might be possible someday to defend a space-based defense system against a nuclear missile directed against the space laser "but we cannot do it now." The Penta-

gon experts also expressed concern about non-nuclear attacks on space equipment.

Verne L. Lynn, who was then director of defensive systems in the office of research and engineering, saw "enormous uncertainties" in a defensive system. He said: "The laser in this case could threaten the strategic balance. It would be an extremely high value target. Again, there are no returns in on that but it is easier to develop threats to the laser than it is to solve them."

Dr. Millburn, in a written reply to the subcommittee, later said, "It is indeed difficult to imagine a situation where either superpower would tolerate significant quantities of laser stations which might threaten its aircraft or missiles and hence the strategic balance."

[From the New York Times, Mar. 30, 1983]

REAGAN'S RISKINESS

(By Richard L. Garwin)

YORKTOWN HEIGHTS, N.Y.—President Reagan startled the world when he called on the "scientific community in our country, those who gave us nuclear weapons," to provide a means of rendering "nuclear weapons impotent and obsolete." As one of those scientists, I do not share Mr. Reagan's optimism.

In 1981, Edward Teller characterized my contribution to the first hydrogen bomb, exploded November 1952, this way: "In the end, the shot was fired almost precisely according to Garwin's design, and it worked as expected." Unlike nature, which does not cunningly place roadblocks in the way of invention, the Soviet Union will exploit every opportunity to blind, render dumb, decoy or attack proposed defenses that threaten to disarm it. Of almost 10,000 Soviet strategic nuclear warheads, only a few dozen or a hundred need penetrate our defenses to destroy our nation. A defense requires a system of unprecedented effectiveness.

The United States has long studied the prospects for destroying intercontinental ballistic missiles and submarine launched ballistic missiles as they re-enter the atmosphere or as they travel above the atmosphere. But prospects continue to be dim for defense against nuclear weapons at these stages because defense itself is vulnerable and because it is easy to provide many look-alikes (decoys) for warheads in space. Destroying missiles early in their flight is more attractive. Compared with the problem posed by defending against multiple warheads, the missiles themselves in the boost phase are fewer, more fragile and much more visible because of the large rocket flame. The boost phase, however, lasts only about three minutes, making early defense very difficult. Surely satellite-based systems or boost-phase interception would soon be accompanied by Soviet "space mines" coasting close by, ready to be detonated at any time. An attempt to destroy such mines would predictably lead to war in space as a prelude to war on earth.

Then how about a ground-based defensive system—ready to be launched high enough and fast enough to "see" the missiles still in the boost phase and to destroy each of them with a laser or particle beam at a distance of 5,000 miles or so? But huge aerodynamic forces would act on such a superfast interceptor, which is likely to have to be much bigger than the missiles it is supposed to counter. And—totally aside from the problems of beam-weapon technology—such a system could not be made sufficiently effective, reliable and secure against jamming and other countermeasures.

President Reagan states: "As we pursue our goal of defensive technologies, we recognize that our allies rely upon our strategic offensive power to deter attacks against them . . . their safety and ours are one." If we move toward one form of defense for ourselves and another for our allies, maintaining common interests and good will in the alliance will become harder.

Mr. Reagan's question, "Wouldn't it be better to save lives than to avenge them?", does not go far enough. Far better than saving some unknowable number of the 150 million or more Americans who might die in a nuclear war is saving all of them by preventing that war, through "deterrence of aggression by promise of retaliation." The President notes that "this approach to stability through offensive threat has worked." It will continue to work if we do not continually denigrate its effectiveness because we long for an alternative, because we want to justify military expenditures or because we are in love with technology. We should accept the reality of deterrence by threat of retaliation, make a strong effort to reduce the number of warheads from some 20,000 on each side to 1,000 each and seek a total ban on nuclear tests. We need a ban on all weapons in space and on damaging or destroying satellites. The contribution of satellite systems to our national economy, especially to our military capability, is too valuable to risk for a will-o'-the-wisp far more likely to lead to increased Soviet offensive forces than to a reduction of the threat to our lives.

Secretary of Defense Caspar W. Weinberger says, "I would hope and assume that the Soviets . . . would develop about the same time we did the same kind of effective defense. . . ." Here is a question for those favoring leak-proof defenses: If the world will be a better place with high-technology boost-phase ballistic-missile defense, why don't we immediately open our space-age ballistic-missile defense program to the Soviet Union, if not to the entire world?

The Reagan initiative on space-age defense is likely to go the way of his early choice of individual superhardened silos for survivable basing of the MX missile. But it is a far more dangerous misconception.●

VALLEY OF THE SHADOW

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. McDONALD. Mr. Speaker, now that Zimbabwe is safely in Marxian hands, the media does not appear to be interested in the subject of human rights in that unhappy land. However, the suffering goes on, as vividly reported by Father Arthur Lewis in his newsletter for March 1983, which he entitled: "Valley of the Shadow." I commend it to the attention of my colleagues.

THE VALLEY OF THE SHADOW

Pat and Grace are both out of Zimbabwe now. Their story can be told, and they can speak for themselves.

It happened at Stops Camp, Bulawayo, after their arrest by Zipolis. (Zipolis is the secret police of Comrade Ushewokunze, Minister of Home Affairs.) Pat was led barefoot into an interrogation room to sit opposite Grace. His captors were drinking and laughing in another room, to which he himself was called. The men began beating and abusing him, kicking him when he fell. Grace's screams reached him from another interrogation room: he pleaded for her, but the kicking and the beating went on. He told his tormentors he himself had had a spinal operation—they could cripple him for life—but the kicking and the beating continued.

After about four hours of maltreatment he was thrown into a small cell with half a dozen black men, all Matabele. There was no furniture, and not even a blanket each. The floor was concrete and the winter night bitterly cold.

One young Ndebele told Pat to lie down next to him lest he freeze to death. This he did. The men told him they had been in the cell three to six months, and were regularly beaten and sometimes tortured.

The assaults continued for three days and two nights. Grace's hands and feet were blistered with burns: she was badly bruised and her face became a mass of yellow and blue welts.

In the middle of the third day, during a particularly severe beating, the telephone rang. Someone had made the point that there was no case, no charge, no evidence. This was the beginning of the pair's release a week later, though the immediate result was more beating. They were ultimately handed over to their lawyer, who cared for them in his home. At night Zipolis men walked round the house shrieking: "White kaffir, we will get you yet!"

Practically the whole world—certainly most of the Church world—united to destroy Rhodesia and replace it with Zimbabwe. Where are the leaders with the courage to face the consequences of their triumph? Philip Hartlebury and Colin Evans (formerly of the Central Intelligence Organization) were detained for a year and sadistically interrogated. At their recent trial they were acquitted on all charges, and immediately re-detained by comrade Ushewokunze. Is this liberation?

THE ZIMBABWE GULAG

The tortured Air Force officers have been detained since August, apparently no longer maltreated. There is talk of a trial in the middle of the year, the "evidence," as far as is known, being their confessions under duress. It is reported that Mrs. Thatcher has vetoed the sale to the Zimbabwe Air Force of four new BAC Hawks, but has sanctioned the purchase of six of the more elderly Hawker Hunters. (Hawker Hunters were destroyed in the July attack on Thornhill airbase for which the officers are, absurdly, presumed guilty.)

As I write there is still no news of Mr. Stanley Malumisa and his two companions, re-detained after telling the truth in court about Mr. Wally Stuttaford. New detainees are picked up almost daily: General Hickman (former commander of the Rhodesian army), Trevor Ashburner (ex-Rhodesian policeman, returning on holiday) and Robert Palmer are three whose names we know. John Cowan, shot and wounded by Zipolis, was released on the orders of Prime Minister Mugabe. Dr. Frank Bertrand, his son Stephen and Allen Cauvin remain in gaol, as does Mr. Victor Radmore, reported to be so sick that he is unlikely to survive his sentence. Mr. Ian Smith has been spared detention so far, but continues to experience a nightmare of harassment. He has been de-

prived of his passport and of the means to defend himsel from armed attack.

"Detention and Torture in Zimbabwe" is the title of a factual memorandum issued by our Group in January, and obtainable from this office.

The Psalmist writes: "Though I walk through the valley of the shadow of death, I will fear no evil" (Psalm 23). One who has approached the valley of the shadow is Pastor Ndabezinhle Musa, converted terrorist and perhaps Zimbabwe's most courageous black evangelist. During the war years he would brave every danger to take relief, as well as the Gospel, to villages in inaccessible parts of the country. Today he is a diabetic of fragile health, though this did not deter him from accepting the invitation of his friends and preaching in Europe after an exhausting tour of the US. Following his return (when he was questioned at Harare airport) he fell very sick indeed, and there was widespread dismay when, on leaving the hospital, he was arrested. At one time he was in leg-irons, and after a week he was transferred to Chikurubi Maximum Security Gaol. "Ndaba" preaches a simple, uncompromising Biblical gospel, and it was plain that the era of open persecution of Christians in Zimbabwe had begun. But he feared no evil.

His friends spent a day in prayer, waiting to see if he would be released after questioning. Then, within hours, news of his arrest was flashed to many countries. Thousands of Christians were praying for him, and representations were made by politicians. Wise counsels prevailed in Harare, and he was freed after ten days. His own messages were simple. From gaol: "The angels are ministering." After his release: "We serve a wonderful God." The danger remains, of course, and we need not only to pray but to keep our eyes open for any further move against him or any other outspoken believer. Watch to see if he is granted a new passport. If there is to be overt persecution of Christians in Zimbabwe, as in Mozambique, the world must know. At each hostile step Zimbabwe embassies must be flooded with protests, and the governments of free nations must be pressed to act fast and firmly.

On Christmas Eve three people were killed by "dissidents" in an ambush on a busy Matabeleland highway, and 21 were injured. Two buses filled with black Christmas shoppers were stopped and the occupants ordered to set them alight, with all their luggage. The attackers fired on a group which did not obey quickly enough. A wounded man was trapped in a blazing bus and burned to death. On New Year's Eve a 74-year-old white farmer and his grandson were kidnapped; the old man was hacked to death. The same day another farmer was killed in an ambush with his children aged two and four, his brother-in-law, a friend and a black employee. Trains have been attacked and passengers killed by unidentified gunmen. In 32 months 35 white farmers and their dependents have been killed. In the year since Joshua Nkomo's dismissal from the cabinet the total number of black people murdered in political strife has run into hundreds.

Most hideous of all are the atrocities committed by the national security forces, especially Mugabe's own North Korean-trained Shona Fifth Brigade. (The 74-year-old farmer was apparently the victim of the latter, posing as Matabele dissidents.) Eyewitness reports abound. "People are being killed daily like chickens," claimed Comrade Kona in Parliament. A white-haired old man insisted he had seen a pregnant woman shot and bayoneted to death by soldiers "because you have a dissident in your stomach." This is the "legal independence" demanded by statesmen and churchmen and imposed on an unwilling country by East and West through an "election" which proved only that power grows from the barrel of a gun. Yet Zimbabwe is boosted by vast international aid—$162 million from the US alone—and "sold" as the example to be emulated by South West Africa and South Africa!●

BULLDOGS CAPTURE NIT; RED WAVE CAPTURES NEW YORK

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. LEHMAN of California. Mr. Speaker, last week at Madison Square Garden in New York, the "Battlin' Bulldogs" of California State University, Fresno, supported by approximately 2,500 rabid and rousing "Red Wave" fans, won the 46th Annual National Invitational Tournament, the Nation's longest running postseason collegiate basketball tournament.

The Bulldogs defeated perennial basketball powerhouse De Paul University by a score of 69 to 60 and won their first NIT and national basketball championship. In addition, they became the first Pacific Coast Athletic Association school to win the NIT and a national basketball championship, the first west coast school to win the NIT since 1949, and the only west coast school to survive either postseason collegiate basketball tournament in 1983.

In winning the NIT, the Bulldogs were able to garner several individual awards including: Ron Anderson, NIT Most Valuable Player; Bernard Thompson, and Tyrone Bradley, All Tournament Team selections; and Boyd Grant, NIT Coach of the Year.

The NIT championship culminates another outstanding year for Coach Grant and the Bulldogs, who won 25 games and lost only 10. Their 25 victories for the season is topped only by their school record 27 wins during the 1981–82 season, with Coach Grant entering the 1982–83 season with the third highest percentage for career won-lost records among active college coaches. During the season, Bernard Thompson was named to the PCAA all-league squad and was an honorable mention All-American selection by both UPI and Sporting News.

For the past 6 years, the Bulldog athletic program has been supported by the famed Red Wave, a community-wide group of fans whose sole purpose has been to be the extra man on the field, whether at home or visiting as in New York and the Madison Square Garden. They have become distinguished by their wearing of red clothing, including red hats and shoes and the waving of red pom-poms and towels. During the course of this past year, they have been responsible for driving the Bulldogs to victory, not only in basketball, but also the PCAA football championship and a victory in the California Bowl.

Their presence at the NIT in New York and the success of the Bulldog basketball team in the tournament is testimony to the university and community of Fresno and worthy of salute. Congratulations to the 1983 National Invitational Tournament champions and the Red Wave from Fresno, Calif.●

DENY CRIMINALS ACCESS TO BULLETPROOF VESTS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. BIAGGI. Mr. Speaker, together with my distinguished colleague from New York, Senator MOYNIHAN, I am introducing a bill today that would place tighter controls on the sale of bulletproof vests and would impose tough new penalties on criminals who wear them.

This measure is being introduced only 1 week after a New York City Police Department memo cited "over 50 cases" where bulletproof vests were being worn by criminals at the time of their arrest. It documented 12 specific cases from May 1982 to March 1983, including a criminal arrested for murder on March 27 who was wearing a bulletproof vest with "NYPD" stamped on it, indicating it belonged to the New York City Police Department.

Simply put, this bill is aimed at saving police lives by cracking down on the increasing use of bulletproof vests by criminals.

Under my bill, the dealers, manufacturers, and importers of bullet resistant body armor would have to be federally licensed. In addition, those persons who order a vest would have to wait 21 days to pick them up so that law enforcement authorities could check the accuracy of basic information the purchasers would be required to provide. It would be unlawful for a felon, a fugitive, a drug addict, or anyone under the age of 18 to buy a bulletproof vest.

The bill would also impose stiff new penalties on any person wearing a bulletproof vest during the commission of a crime. These penalties of 1 to 10 years for the first offense, and a mandatory 2 to 25 years for the second or subsequent offense, would be in addition to any sentence imposed for the original crime. Any licensed dealer who illegally sells a vest would be sub-

ject to a maximum 5-year prison sentence, or up to a $5,000 fine, or both.

Other evidence of the increased use of bulletproof vests by criminals includes a January 27, 1983, Metropolitan Police District of Columbia (MPDC) memo. It states:

Over the past two months (D.C. Police) have arrested about 12 narcotics dealers who were found to be wearing bulletproof vests under their street attire . . . The vests we have seized have been of a superior quality with two panels in the front and rear which cover the body entirely from the neck down to the waist.

It should be noted that the vests described in this memo offer double the protection of most police vests, which have only a single panel in the front and rear.

I first introduced similar legislation last Congress in response to the 1981 Nyack, N.Y., Brink's robbery. During that incident one of the robbers was wearing a bulletproof vest that stopped a police bullet, allowing him time to return the fire and kill two law enforcement officers.

In fact, on the very same day that I introduced last year's bill, one of the FBI's most wanted killers was arrested wearing a bulletproof vest. At the time, I expressed outrage that a career criminal like Joseph "Mad Dog" Sullivan, who police say has murdered as many as 20 people, might have been aided in his reign of terror by the added security a bulletproof vest provides.

I became increasingly concerned about the problem last year when a company introduced a new line of "designer body armor apparel" in New York, which was targeted toward civilian customers.

Mr. Speaker, as one who was wounded 10 times during my 23 years as a New York City police officer, I fully recognize the valuable protection bulletproof vests offer police. In fact, a Justice Department report shows that over 400 police lives have been saved by soft body armor, since it first started being used in the mid-1970's.

However, the situation is totally reversed when these vests get into the wrong hands. My bill is designed to prevent such potentially tragic occurrences, and I urge its prompt and favorable consideration.

We have an obligation to protect our Nation's law enforcement officers, not the criminals.●

AN AMERICAN HERITAGE IS BEING SOLD ON THE AUCTION BLOCK DAILY

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. ALEXANDER. Mr. Speaker, the crisis that is currently faced by the American farmer affects not only the farmer himself, but also his family, friends, and neighbors. Because of this, the wives of the American farmers have played an all important role in shaping our cultural heritage and political foundations. Throughout our history, whenever she has felt that our leaders have failed to take the necessary steps to insure peace and prosperity, the farm woman has banded with others to take action.

As the following letter indicates, this willingness to take the initiative has not diminished. The letter, from the Arkansas WIFE (Women Involved in Farm Economics) organizations to this body, eloquently describes the plight of our farmers and suggests the steps we must take to alleviate it.

There is no more important issue before Congress than the well-being of the American farm economy. The very essence of our national wealth is our agricultural land and the men and women who work it. I sincerely hope that this message from a small but representative group of these people does not fall on deaf ears.

The letter follows:

AN AMERICAN HERITAGE IS BEING SOLD ON THE AUCTION BLOCK DAILY

The American farm family of today and our agricultural heritage is threatened with extinction because of the economic hardships of the past three years. Daily, across America, farm families stand helpless and watch their homes, farms and equipment auctioned off.

Because the farmer of America is suffering, many other industries, homes, businesses, and individual wage earners are facing bankruptcy and foreclosures. It can best be summed up by saying, As goes the American farmer, so goes America. The economic suffering inflicted upon the American farmer either has or will ultimately affect all of America.

Action to help the farmer is urgently needed to avert a total collapse of the agricultural community, of America and Arkansas. The time has come for Party differences and political debate to end and the development of a sound and realistic, bi-partisan agriculture program begin.

It is our belief that the following actions will assist greatly the American farmer:

1. Establish within the State Department an Undersecretary for Agricultural Affairs to analyze the impact of foreign policy upon agriculture to protect the interests of American farmers and assist in the sales of agricultural products overseas at the diplomatic level.

2. Create a council of agriculture export advisors to work with the Departments of Commerce, Agriculture, and State to more adequately coordinate America's agriculture policy and to promote sales of agricultural products overseas.

3. Examine the long processing procedures of the FmHA so as to more expeditiously meet loan demands.

4. Make available economic disaster loans for the duration of the present economic crisis.

5. Make available low interest loans to less developed countries to help reduce the grain surplus in America. The feeding of the poor and hungry around the world is a moral issue and should not be a diplomatic and political tool.

Only by all Americans working together and praying together for a common goal can a suffering America once again become a prosperous, healthy America. The heritage of America—American agriculture.●

BLOCK OPM REGULATIONS

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mrs. SCHROEDER. Mr. Speaker, today I am introducing legislation to stop the regulatory proposals made by the Office of Personnel Management (OPM) on March 30, 1983. The four proposals—concerning reduction-in-force, with-in-grade pay increases, scope of bargaining in labor-management negotiations, and overtime pay—have been greeted with consternation and opposition by public administrators, agency managers, veterans groups, labor unions, and civil servants. As far as I can tell, OPM Director Donald J. Devine has the support of no responsible party in pushing for these fundamental changes in the merit system.

I am proposing this legislation for a number of reasons:

One, these regulations represent a major policy change in the way the Federal work force is managed. In our democracy, basic policy is set by the legislative branch. Executive regulations should be used only to implement congressionally mandated policy, not to usurp this authority. I continue to urge Dr. Devine to withdraw these regulations and submit them as proposed legislation.

Two, these regulations run counter to a number of clear congressional decisions. In the Civil Service Reform Act of 1978, Congress decided to apply the concept of pay for performance only to managers and executives at the GS-13 level and above. These regulations would apply this concept government-wide. Also, in the Reform Act, we decided that the field of labor-management relations should be regulated by an independent agency, the Federal Labor Relations Authority, through case decisions and should not be regulated by the central personnel management agency, OPM. In these regulations, OPM arrogates the role of Government-wide labor-management regulator. In the Veterans Preference Act of 1944 and in subsequent amendments, Congress decided to give veterans strong preference in reductions-in-force (RIF's). These regulations would dilute that preference. And, the list of statutory incursions goes on.

Three, these regulations attempt to base a number of personnel decisions, concerning retention and pay, on the

performance appraisal system, which has been operational for less than 2 years. As chairwoman of the Subcommittee on Civil Service, I have closely studied the development of the performance appraisal system. I hope that one day it will be strong to support these decisions. Right now, however, it is not. Performance appraisal is as often used to reward loyalty to the Reagan administration as it is used to reward increases in productivity and efficiency. Many agencies have informal quota systems to force lower performance ratings. There are tremendous differences in the quality of the systems between and within agencies. To use this immature and fragile system as the bedrock for crucial personnel decisions is bad personnel management.

Four, these regulations fundamentally alter the role of personnel management within Federal agencies. One of the thrusts of the Civil Service Reform Act was to give agency managers the tools to better manage their own work forces. The Reform Act was an attempt to loosen the regulatory hammerlock which the old Civil Service Commission had on the agencies. These regulations abandon this central purpose of the Reform Act and reimpose the Office of Personnel Management as Big Brother over agencies.

Five, these regulations are another slap at Federal workers. Their basic purpose is to cut the benefits and rights of civil servants. I say enough is enough. We have cut the pay, reduced the health benefits, slashed retirement benefits, and fired 4 percent of the work force over the last 2 years. What we need in order to provide efficient and responsible government to the American people is a few years of stability. These regulations just escalate the Reagan administration's war against the civil service.

I urge my colleagues to cosponsor this legislation.●

TRIBUTE TO ROBERT CRANSTON

HON. TIM VALENTINE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. VALENTINE. Mr. Speaker, I want to pay tribute to Robert Cranston, director of the American Forces Information Service (AFIS), Department of Defense, upon the occasion of his retirement, April 1, 1983, after 42 years of exceptional service to his country.

When servicemen and women and their families overseas hear their favorite recordings and up-to-the-minute news on the radio, or watch a popular television program on an Armed Forces Radio and Television Service (AFRTS) station, it has for many years been largely due to the work of Robert Cranston, and the close relationship he has established for the Department of Defense with the communication industry.

Through discussions with leading executives of the entertainment industry, he has made major breakthroughs in securing the release of first-rate, current broadcast fare for airing by 1,100 AFRTS stations on Army posts, Marine and Air Force bases, and on Navy ships around the world. His initiation of a satellite network for providing the best American programs to remote military bases and locations overseas has been a remarkable success.

Soon it will be possible for American troops, no matter where they may be stationed around the world, to watch live American programs from back home—the same programs we enjoy each day.

During his tenure as director of AFIS, Robert Cranston has been responsible for the development of the DOD-wide newspaper, Soldier, Sailor, Airman, Marine (SSAM). This highly successful feature publication packages internal information in an unconventional and innovative format, targeted at our younger service members. SSAM's no-nonsense, tell-it-like-it-is style puts out the straight word on a variety of subjects of interest and relevance to the men and women of the Armed Forces.

He has also directed the development of Defense magazine, which conveys information on strategy, policy, operations and planning from the Secretary of Defense and other high level DOD managers and service leaders to the senior civilian and military members of the Department of Defense throughout the world.

In addition, Robert Cranston has been a leader in eliminating unnecessary DOD periodicals and pamphlets. He revitalized DOD's periodicals control program, and nearly $4 million has been saved in the last 2 fiscal years. Over 300 periodicals have been eliminated.

Early in his tenure, the Pacific Stars and Stripes newspaper, which provides world news and command coverage for our forces in the Pacific area, encountered severe financial difficulties. Robert Cranston led DOD-wide efforts which ended the financial crisis and put the Pacific Stars and Stripes back on the road to financial health.

Robert Cranston was responsible for oversight of the education and training of DOD public affairs personnel through the Defense Information School at Fort Benjamin Harrison, Ind. His leadership resulted in improved cooperation between the Office of the Assistant Secretary of Defense, Public Affairs, and the Army, Navy, Marines, and Air Force, whose public affairs specialists are trained at the school. The school achieved accreditation which makes it possible to grant college credits to its graduates, many of whom are pursuing further higher education in order to better serve their country. He spearheaded the introduction of new courses—including broadcast management, electronic journalism, and a course for senior enlisted public affairs supervisors.

Because of Robert Cranston's leadership, DOD public affairs personnel now and in the future will do a better job of keeping the American public and DOD internal audiences well informed on the operation and capabilities of their Department of Defense.

As a colonel in the U.S. Army, prior to his service as the civilian director of AFIS, Robert Cranston was commander of the Armed Forces Radio and Television Service in Los Angeles from January 1966 to February 1967 and again from November 1968 to March 1973.

While stationed in the Los Angeles area, Col. Robert Cranston was very active in the radio and television industry, serving as a board member of the Pacific Pioneer Broadcasters' Association. He was also awarded the Distinguished Service Award in 1971 by the Los Angeles Area United Service Organization.

The Cranston name is well known in the radio and television industry, as Robert Cranston's father was general manager of WBAP (AM-FM-TV), Fort Worth, Tex., for 30 years, and his sister is a professor in the School of Communications at the University of Washington.

In addition to serving as commander of the Armed Forces Radio and Television Service in Los Angeles, some other military assignments held by Robert Cranston include: The Army's first television officer; combat radio reporter during the Korean conflict; Chief, Radio-TV-Pictorial Branch of Supreme Headquarters, Allied Powers (SHAPE), Europe, under General Eisenhower; liaison and technical adviser for the Army to numerous commercial radio and television programs and motion pictures; and commanding officer, American Forces Network-Europe, the largest radio broadcasting complex within the Department of Defense.

He is a member of the Pacific Pioneer Broadcasters and the Radio and Television News Directors Association and is a founder of the Armed Forces Broadcasters Association.

A London-born Texan, Robert Cranston was called to active duty in November 1940 with the 56th Cavalry Brigade, Texas National Guard, and retired in March 1973 with more than 30 years of active duty. Among his many decorations and awards are the Distinguished Service Medal, the Bronze Star, the Purple Heart, the

Joint Service Commendation Medal, and the Army Commendation Medal.

Upon his retirement after 42 years of dedicated service as an Army officer and as a civil servant, Robert Cranston is viewed with high esteem by his colleagues in the Department of Defense. But, perhaps even more impressive is the high regard in which he is held by key figures in the professional communication industry throughout the world.

He is a rare man—a retired Army colonel and a compassionate civil servant—tough enough to cut through redtape in order to get quality radio and television programs provided to young soldiers and military families overseas. I congratulate Robert Cranston for all he has done. I am confident that his future endeavors will prove fruitful as well. Thank you, Robert Cranston, for a job well done.●

SECRETARY WATT'S MUSICAL MORALS

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. RICHARDSON. Mr. Speaker, I am concerned that Interior Secretary James Watt may be taking the snap, crackle, and pop out of this year's Fourth of July celebrations on the Mall by banning rock music. Secretary Watt is concerned that rock music will attract the wrong element. I do not have a problem with the National Symphony Orchestra performing or the U.S. Army Blues Band playing or even with Las Vegas singer Wayne Newton crooning a tune. Inviting Mr. Newton may be the first and last time that Secretary Watt has promoted someone of American Indian descent—I like that. But, Mr. Speaker, I happen to like rock music and I do not drink or take drugs when I attend the Fourth of July celebrations on the Mall. What is more American than the Beach Boys, Merl Haggard, Lawrence Welk, Diana Ross, or a Blue Grass band? Why should Secretary Watt impose his musical morals on the thousands of Americans who flock to Washington for the Mall's Fourth of July celebrations? By banning rock music on the Fourth of July, Secretary Watt will be turning a deaf ear to millions of Americans. So what else is new? He turns a deaf ear to protecting our environment, to the problems our Native Americans face, to the Congress. Maybe we should all chip in and buy Secretary Watt a hearing aid.●

AMERICAN LEGION DEGREE TEAM FROM LINGLESTOWN WILL PERFORM AT NATIONAL CONVENTION

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. GEKAS. Mr. Speaker, recently I learned that the talents of an American Legion degree team in my district have been nationally recognized. The members of the unit from Post 272 in Linglestown, Pa., have been invited to perform their memorial service at the American Legion national convention this August in Seattle, Wash. It is only the second time in the Legion's 65-year history that a degree team has been so honored. The first such occurrence was in 1978 at the national convention in New Orleans, and also featured the Linglestown team.

The primary purpose of the degree team is to honor their deceased comrades of the American Legion. However, these persons have raised to the highest possible level the ritual of paying respect to the fallen, with an impressive and emotional ceremony. In addition to a chaplain and a narrator, the degree team includes a bugler and a male vocalist. Several others are involved with the process both on the stage and behind the scenes. They all deserve praise for the quality of the team's planning and performance.

For some time, the Pennsylvania legionaires have greatly appreciated the degree team's participation at memorial services for their fellow veterans. The Linglestown team has performed at posts and conventions throughout the State. I am pleased that they will have the opportunity, once again, to show legionaires from across the United States their moving tribute to the brave men and women who helped defend our country in the armed services. I am sure that American Legion members throughout Pennsylvania will share my pride for Linglestown, as will Congress, when the national convention meets in August.●

AMERICAN CONCRETE PIPE ASSOCIATION

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. CLINGER. Mr. Speaker, I wish to call to the attention of my colleagues the 75th Anniversary of the American Concrete Pipe Association which was recently celebrated here in Washington.

The American Concrete Pipe Association was founded in Ames, Iowa, by a group of farm-drain-tile manufacturers who sought to exchange ideas toward establishing a high-quality, standardized product. It was apparent that research, standard specifications, technical development, and product promotion would be difficult to achieve by producers acting individually. The association rapidly expanded and now includes concrete culvert and sewer pipe manufacturers in the United States, Canada, and 42 other countries, accomplishing collectively what they cannot achieve individually.

Currently, 400 plants are operated by ACPA members, and the past 30 years witnessed a 300-percent increase in tonnage sales of concrete pipe to the point where annual production in recent years has exceeded 13 million tons.

This milestone is significant in that it marks the contributions made by the concrete pipe industry toward our Nation's growth and environment, and deserves our congratulations.●

VERIFICATION—REQUIRED MEASURES OF CONFIDENCE

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. MARKEY. Mr. Speaker, many critics of the nuclear arms freeze movement want us to believe that a freeze agreement could not be verified. This is simply not the case. The sophisticated technical means already available for verification make it unlikely that the Soviets would gain any military advantage if they tried to break the agreement. This view was supported recently by Adm. Eugene J. Carroll, Jr., Deputy Director of the Center for Defense Information. Admiral Carroll acknowledges that we need not trust the Russians in order to verify a freeze agreement.

I recommend to my colleagues the following statement by Admiral Carroll:

VERIFICATION—REQUIRED MEASURES OF CONFIDENCE

(By Adm. Eugene J. Carroll, Jr.)

"Nothing would be done at all if a man waited till he could do it so well that no one could find fault with it."—Cardinal Newman.

These words were given a modern context when Admiral Bobby Inman, then Deputy Director of the CIA, testified:

"If you insist on absolute certainty, if you insist on the capacity to detect every violation, you'll never have an arms control process. You have to take some risks. The key is being confident that you will detect any serious cheating."

A similar view was put forward by Mr. William Colby, former Director of the Central Intelligence Agency, in his testimony:

"The purpose of verification is not the accumulation of legal evidence for a court of law. It is to protect our nation against

Soviet forces and weaponry. If we protect our nation against the threat of another generation of Soviet nuclear weapons through a freeze, we would be substantially ahead even if the Soviets were to successfully cheat in a minute and marginal program. Any program which offered the prospect of a strategic advantage to the Soviets by definition would have to be of a size and consequent visibility that we could identify it long before it became a direct threat and take defensive action against it. . . . We do not have to, nor should we, 'trust' the Russians."

Thus, we have authoritative testimony that the measure of confidence required to verify compliance with arms control agreements is that we can detect significant violations. What is significant? The history of nuclear competition makes it clear that all technological advances in weapons and delivery systems have evolved from series of tests. A single test only confirms that that scientific principles embodied in a new design are valid and that the engineering is sound.

In order to move from principle to combat ready weapons and delivery systems, series of tests are required in order to reach required levels of reliability and accuracy; and, to develop operational procedures for employment. No competent military commander would ever initiate use of new weapons without high confidence in their destructive capabilities based on a rigorous test program.

It is obvious, then, that the need is to be able to detect one or more events in a series, not single random events. Our present verification capabilities and our record of detecting developmental efforts well in advance of the deployment of new systems suggests that we have a very high probability of detecting test events. But if one assumes a near worst case capability of 50 percent probability of detecting a single event, an interesting fact emerges when that probability is applied to a series of events.

There is an overall probability greater than 93 percent of detecting illegal activity by the 4th event in a test series and a 75 percent probability of having detected two of the events, strong evidence of a treaty violation.

If one assumes that the other party may intend to cheat on the agreement—an assumption often made by the present administration—it is clear that his problem of avoiding detection is acute. It is illogical that he would risk the political and military benefits of a freely accepted agreement as well as possible punitive action by the other party or parties unless he has a very high probability of concealing his actions. To create a low risk situtation he would have to limit his illegal activity to very low visibility actions and thus would automatically restrict his efforts to actions having minimal military significance.

Furthermore, the need to minimize the number of tests in order to avoid detection would seriously degrade his validation of new weapons systems. For example, assuming that he was willing to proceed if the risk of detection of a single event was 10 percent, his risk factor would grow rapidly as his tests proceeded. By the 4th trial there would be a cummulative risk of detection of approximately 35 percent. Given the rapid growth of risk, the limited military value of the clandestine actions, and the high cost of being exposed, there is little incentive for a party to embark on a program of deliberate violations.

In summary, carefully crafted verification agreements which provide even 50 percent probability of detection of a single significant illegal event seem to provide powerful deterrents to violations. A willful violation may be deterred by a risk of detection as low as 10 percent. In order to preclude detection completely, a violater would have to limit his illegal actions to events of only marginal military significance.●

ESTABLISHING 21 AS THE NATIONAL DRINKING AGE

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. PORTER. Mr. Speaker, today I am introducing a bill to prohibit the use of Federal highway funds in any State in which the minimum age is less than 21 for the consumption of alcoholic beverages.

Tremendous public outcry has made us all aware of the problems posed by drunk drivers. Statistics demonstrate that there are 25,000 deaths annually on the Nation's highways as a result of accidents caused by drunk drivers. It is tragic that teenagers represent 25 percent of that amount although they constitute less than 8 percent of the total number of licensed drivers.

Research shows that by raising the drinking age States can reduce the alcohol-related accident rate among the age group of drivers to whom the law applies. For example, the State of Illinois raised its drinking age from 19 to 21 for the consumption of beer and wine in 1980 and, following that change, saw a 12-percent reduction in alcohol-related accidents for youths 19 and 20 years of age.

Currently 15 States have established 21 years as their minimum drinking age; I am hopeful that this legislation will provide incentive to the remaining States to raise the drinking age by establishing this as a criteria for receiving Federal highway funds. This is similar to the strategy used in the past for adopting 55 miles per hour as the nationwide speed limit in order to encourage energy conservation and reduce highway fatalities.

I hope that my colleagues will join me in supporting this legislation.●

WEST BLOOMFIELD TOWNSHIP, MICH., CELEBRATES ITS SESQUICENTENNIAL ANNIVERSARY

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. BROOMFIELD. Mr. Speaker, today the township of West Bloomfield in southeastern Michigan is celebrating its 150th anniversary, and I wish to extend my heartiest congratulations and best wishes to its people.

It was not until the early 1820's that the area north of Detroit was considered fit for human habitation. Until then an erroneous Government survey pictured the area as an endless swamp.

It was through reports of explorers and surveyors and the public relations work of Michigan's Governor, Lewis Cass, that the word spread quickly that contrary to popular notion, the land north of Detroit was rich and fertile and dotted with beautiful lakes and ponds.

Responding to this call, John Huff of Orleans County, N.Y., moved west and became in 1824 the first settler in what is now West Bloomfield Township.

Many others soon followed Mr. Huff, and in 1833, the residents were organized into the township of West Bloomfield.

As in many other areas of the country, the township began as a primarily agricultural community. However, because 14 percent of the township is comprised of small lakes and ponds, West Bloomfield soon became a popular site for weekenders from Detroit and the city of Pontiac who came to enjoy the swimming, boating, and picnicking facilties.

With the ease of transportation provided by the automobile, the nature of West Bloomfield gradually began to change. Farms and summer-home-type communities became suburban communities with year-round houses.

Today, Mr. Speaker, West Bloomfield Township is a modern, suburban community that has retained much of its natural beauty. It offers its residents a responsive local government and a full range of amenities from exceptional schools to a great diversity of recreational programs.

Communities such as West Bloomfield exemplify all that makes our way of life the envy and the goal of so many around the world. The people of the township have much in their history of which they can justly be proud. They have made the township an excellent place to live, raise a family, work, learn, and relax.

Again, on this, the sesquicentennial anniversary of the founding of West Bloomfield Township, Mich. I offer to it and its people my very best wishes for continued success.●

THE 50TH ANNIVERSARY OF THE BUDWEISER CLYDESDALES: A TRIBUTE

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. CLAY. Mr. Speaker, when the first hitch of the now famous Bud-

weiser Clydesdales was introduced—50 years ago today—it was to celebrate the termination of what had been a rather bleak period in American history: Prohibition.

Since that time, the Clydesdales have become a treasured institution in American life. Since their introduction to American life 50 years ago by August A. Busch, Jr., as a gift to his father, they have thrilled and exhilarated countless Americans.

The Clydesdales, since their beginning in Scotland over a century ago, have lived up to high Grecian ideas: The good, the true, the beautiful. The sight of the Anheuser-Busch Clydesdales hitch is not soon forgotten, and it has thrilled millions of Americans—young and old, rich and poor—for a half century. The various Clydesdales hitches located in the Midwest, in the East, and the far West have become, as have the Clydesdales through their extraordinary performances, a solid and enduring part of America. Our Nation has been enriched and vitalized by the Budweiser Clydesdales.

The Clydesdales, awe inspiring performances at Fourth of July celebrations, State fairs, Superbowls, world's fairs, World Series and other special exhibitions have served as a reconciling and inspirational force in American life.

As traveling ambassadors for Anheuser-Busch of St. Louis, the Clydesdales have become unmistakable symbols of a company's commitment to quality and have come to represent international good will in the purest sense.

Mr. Speaker, I am extremely honored to convey sincere congratulations and warmest personal best wishes to the Anheuser-Busch Clydesdales on their 50th anniversary in American life. All of America, North, South, East, and West have been stirred, enriched, and inspired by their remarkable beauty, grace, and elegance. The Clydesdales represent a truth and beauty which have endured for 50 years in American life and history.

Mr. Speaker, I submit that the Congress of the United States of America recognize this day as the 50th anniversary of an American institution: The Clydesdales.●

NONIMMIGRATION WORKER AMENDMENTS OF 1983

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. ERLENBORN. Mr. Speaker, today I am introducing the Nonimmigrant Worker Amendments of 1983. This legislation is designed to improve the H-2 worker program of the Immigration Reform and Control Act of 1983. The bill is being introduced now so that its provisions can be considered as the Education and Labor Committee begins legislative hearings on the H-2 worker provisions of the immigration bill.

There are a number of provisions in my bill that are similar to the provisions in the immigration bill now being marked up in the Judiciary Committee. However, there are important improvements in my bill to protect the labor standards for domestic and foreign workers. For instance, my bill requires that the Secretary of Labor establish employment standards which are at least comparable to those under the current regulations. By requiring these labor standards protections in regulations, my bill allows for the administrative flexibility needed while at the same time offering already established and known worker protection.

My bill requires that the Department of Labor have 45 days as a recruitment period to locate domestic workers before certifying the need for foreign workers. The Judiciary bill probably does not provide enough time for an adequate search for domestic workers.

My bill gives the Secretary of Labor regulatory writing authority. Although the Secretary is to consult with the Department of Justice and the Department of Agriculture, I believe that the Labor Department is the proper authority to more adequately protect the rights of workers.

These are a few of the more important changes from the bill being marked up in Judiciary. They are not harsh requirements nor are they harmful to either growers or workers. They are reasoned changes which I offered in the last Congress at committee level. They are changes which amount to a compromise between grower concerns and worker concerns.

Let me briefly describe the provisions of my bill:

First, allows H-2 certification only if unemployed domestic workers cannot be found in this country;

Second, defines "agricultural employment" as it is defined in the Fair Labor Standards Act and the Internal Revenue Code, without allowing regulatory authority to define that term since it is already spelled out in law;

Third, prohibits the employment of H-2 workers for longer than 9 months, except for "grandfathered" occupations or if there are extenuating circumstances in the public interest;

Fourth, requires the Secretary of Labor, in consultation with the Attorney General and the Secretary of Agriculture, to establish employment standards which are at least comparable to those under current regulations, but removes the Secretary of Agriculture from consultation in determining certification and admission of H-2 workers;

Fifth, requires a fee for processing applications for certification (although the bill does not require fees to be applied toward reimbursement for the cost of processing application for certification, I would have no objection to having those fees used in such a manner);

Sixth, allows an employer to pay a penalty where the employer has not complied with the terms of a labor certification, thereby qualifying the employer for future certification;

Seventh, establishes a standard that domestic workers must be "able, willing and qualified" to work before foreign workers can be denied;

Eighth, allows the Secretary of Labor to define what is a "strike or lockout in the course of a labor dispute;"

Ninth, requires an application for foreign workers to be filed no more than 65 days before the date they are needed, and allows the Secretary of Labor 45 days to recruit domestic workers;

Tenth, allows a certification of foreign workers to remain effective only if the employer continues to accept domestic workers up until the time the aliens depart for work with the employer;

Eleventh, recognizes that an association can act as an employer and requires the association to demonstrate financial responsibility; and

Twelfth, permits flexibility by both the Attorney General and the Secretary of Labor in their administration of the act.

I hope my proposal is given serious consideration as we move toward enactment of needed immigration reform. Where my bill does not agree with the concerns of those affected, I hope they will tell me so, and why. I fully support the efforts of my colleague, Mr. MAZZOLI, of Kentucky, to move the Immigration Reform and Control Act of 1983 as quickly as possible to enactment. The sooner we can work out the provisions of the H-2 program, the sooner we can begin to control immigration.●

LENNA McCARBERY—OUTGOING PRESIDENT OF SOUTH BAY AREA ZONTA CLUB

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. ANDERSON. Mr. Speaker, I would like to take this opportunity to pay tribute to Lenna V. McCarbery, who is not only a respected businesswoman, but a leader who has used her many talents, and much hard work, to make her community a better place.

On May 7, at the club's installation banquet at Ports O'Call Restaurant in San Pedro, Lenna McCarbery will be honored for the completion of her second term as president of the Zonta Club of South Bay Area.

Lenna McCarbery was charter vice president when the South Bay Area Club of Zonta International, a classified service organization for executive women in business and the professions, and one of more than 850 Zonta Clubs in 50 countries, was chartered on March 18, 1981. Some months later, Lenna became president of the club, which, during the time of her presidency, has been increasingly active in both the local area, and through its worldwide ties with other Zonta groups.

During Lenna's two terms, the club has participated in the Riviera Village Frontier Days in Redondo Beach; hosted the 1981 Zonta Area Four Fall Seminar; incorporated the club as a nonprofit organization; participated in the 1982 Zonta International Convention in San Diego; held several special membership programs; participated in the Fisherman's Fiesta in San Pedro; and in the Super Bowl Sunday Ten Kilometer Run in Redondo Beach. In addition, the club has participated in the Amelia Earhart Fellowship Awards; Columbian Urban Project; and Sri Lanka Fresh Water Wells program; as well coordinated a demonstration for VIP's of the Kurzwell reading machine for the blind at California State University, Dominguez Hills. The club has also been represented at the Zonta District IX Annual Conference in Oakland, a reception for visiting Japanese Zontians, and Zonta training seminars. The South Bay Zonta Club also has donated equipment for the Switzer Foundation for Educationally and Emotionally Handicapped Children, located in Torrance.

As if presiding over such a busy organization were not enough, Lenna McCarbery has also been involved in many other activities. She was Worthy Matron of San Pedro Harbor chapter No. 174 of the Order of the Eastern Star in 1982, treasurer of the San Pedro Business and Professional Women's club in 1981, and an active member of both the Salvation Army Auxiliary and Las Angelinas. And, when she is not volunteering her time for these groups, she is president of Communications Unlimited public relations consultants.

Every community should be fortunate enough to have concerned business people like Lenna McCarbery to promote their concerns. I can only hope that Lenna, and the South Bay Area Zonta Club, continue in the same fine manner in which they have so enthusiastically pursued their work for the past 2 years. My wife, Lee, joins me in wishing Lenna McCarbery, her husband Dennis, their children Cynthia, Michael, and Margaret, their grandchildren Monique and Tiffany, and the South Bay Area Zonta Club, all the best in the many years ahead.●

HILL-MURRAY PIONEERS—1983 MINNESOTA HIGH SCHOOL HOCKEY CHAMPIONS

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. VENTO. Mr. Speaker, just prior to our Easter district work period one of the premier high school sporting events in America was held in St. Paul, Minn. The Minnesota State High School League Hockey Tournament is nationally recognized for its high caliber of play, and has been the subject of recent feature articles in Sports Illustrated and USA Today.

Minnesota's tradition of hockey excellence was carried on this year with the crowning of a new tournament champion, the Hill-Murray High School Pioneers of Maplewood, Minn. Hill-Murray, a Roman Catholic school in my district, won the coveted honor by topping a tournament field of outstanding hockey teams from all regions representing both public and private high schools in the State of Minnesota. Under the leadership of Coach Terry Skrypek, Hill-Murray capped a perfect 28 to 0 season record in winning the 1983 tournament.

As a lifetime resident of St. Paul's East Side, which includes the Hill-Murray area, I can attest to the strong enthusiasm for hockey of residents in the area. The support of parents and fellow students was surely a motivating factor in Hill-Murray's successful season. Hockey rivalries in Minnesota are intense and add a spirited measure of healthy competition that has contributed to the overall success of Minnesota's high school hockey program. Given these good-natured rivalries, the citizens of the St. Paul area, which I represent, can take an added measure of pride in the fact that Hill-Murray, this year, became the first St. Paul City Conference team since 1963 to win the annual hockey tournament.

Hill-Murray's championship season serves as an example of the achievements that can be attained through team play and support. Since the success of the past hockey season was a cooperative team effort, all team members deserve mention for their contributions. The team includes Coach Terry Skrypek and Assistant Coach Bill Lechner. Players: Mike Schwietz, Mark Stonich, Mark Nowicki, Pat Heffernan, Bob Leier, Todd Norman, Nick Belde, Tom Follmer, Mark Krois, Tony Curella, Tom Graske, Jeff Thomas, Paul Syfko, Jeff Borndale, Mark Horvath, Mike Roth, Jim Jirale, Scott Faust, Jim Boryczka, and Tim Galash. Student managers: John Rather and Joe Giannini.

Hockey is a fast-action sport allowing little margin for error. That the Hill-Murray team was able to go through the season undefeated is a tribute to their excellence in mastering the fundamentals of hockey necessary for successful play. In all aspects, the Hill-Murray Pioneers have proved themselves to be worthy Minnesota State champions.●

PRIVATE SECTOR COOPERATION IN EDUCATION WORKS

HON. SID MORRISON

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. MORRISON of Washington. Mr. Speaker, private sector cooperation in education is critical to successful education, and I am pleased to highlight the work of a group involved in pursuing excellence in education. HOSTS—an acronym for Help One Student to Succeed—is headquartered in Vancouver, Wash., and has as its goal improving student performance in basic skills by involving parents as tutors and utilizing business, industry, and computer technology in supportive roles. HOSTS currently has reading and math programs functioning in 300 schools in 17 States.

The Assistant Secretary of Education for Educational Research and Improvement, Dr. Donald J. Senese, recently spoke to more than 400 educators in a HOSTS conference. I would like to share his remarks by submitting excerpts from his speech for the RECORD:

EXCELLENCE AND TECHNOLOGY IN EDUCATION: PATTERNS FOR SUCCESS

(Speech by Dr. Donald J. Senese)

It is a pleasure to be here in one of the most exciting, and beautiful sections of our country—the historic Northwest. I am visiting in an area where the Vancouver school system has many new and innovative programs to enhance education. And I am especially pleased to have the opportunity to address all of you and be part of the HOSTS Math and Reading Projects Conference. I congratulate you on your positive theme: HOSTS—Partnership in Excellence—"Sharing More Success."

I would like to explore with you today some of the initiatives and work of the U.S. Department of Education especially the Office of Educational Research and Improvement. I would particularly like to focus on a topic which holds a high priority in the administration of President Reagan—Excellence in Education.

* * * * *

In his State of the Union address this year, President Ronald Reagan focused on this very issue.

* * * * *

You who are here today, and are associated with the HOSTS Reading and Math Programs, have in your efforts to improve student achievement in these subject areas demonstrated a concern for excellence. You have already recognized the part that individual student achievement plays in the total educational picture. Two of the most important elements of education you are addressing—reading and math. If a student cannot master reading—to make sense and to understand the meaning of the letters on a page—all other subjects become dull and meaningless because the key to mastering other subjects has not been obtained.

In the HOSTS reading program, I have been impressed with your efforts to enlist citizen and business participation—I understand over 30,000 nationally—in addition to computer technology to improve student reading achievement. Your computerized data base involving the cross-referencing of materials for teaching as well as indexing of materials to the learning objectives in the mastery of reading skills is most impressive.

The HOSTS Math program deserves recognition in its approach to improve math skills, the emphasis on mastering one skill before the next is attempted, the tutoring to remedy deficiencies and the precise assessment, recording keeping, and review of materials all contribute to the comprehensiveness of your approach. Recognizing one of the great changes in education, your program is especially useful and relevant since it is available in paper and/or computerized format.

It is dedicated individuals like all of you who can bring these programs to thousands of students as a means to improve learning and responding to the President's call for excellence in education.

* * * * *

Over the past decade or two, many people, both within and outside the educational community, have come to question the quality of the education being provided by most of our schools, and their concerns are not without foundation. Unfortunately, certain factors indicate that the education being offered to most young people is not what it should be.

* * * * *

For the past decade, Scholastic Aptitude Test scores have shown a decline. Last year for the first time since the decline began, there was a very slight upturn. A number of individuals would like to believe that the scores have bottomed out, that improvement is already here. Hopefully, such an assessment is correct. But whether or not the upturn is just a one time improvement or the beginning of a definite turn around that will show increases in future years as well, the low level which these scores have reached nationwide indicate a long uphill battle to really signify any real improvement in the schools.

It has taken some courage to acknowledge and confront the fact that something is wrong with our schools. Most of us have always accepted, without question, that our nation's schools were engaged in the business of education and that students were being taught in a superior fashion reading, writing, and arithmetic with proper doses of history and other academic disciplines as part of a rigorous curriculum.

* * * * *

Given the opportunity, most young people want to learn; their education should be a rewarding experience. Every single student enrolled in school should have the opportunity to receive an excellent education, one which provides them with the tools necessary for further education, gainful employment, and a fulfilling lifestyle.

* * * * *

A major difficulty in attempting to remedy current problems in the schools is that of understanding just what it is that schools aren't doing. What are they failing? What is wrong with the educational programs that they offer?

In order to do this, and consequently improve the educational atmosphere within such schools, we need to identify what it is that constitutes an effective school. There are such schools. Schools which go beyond the average in motivating and academically preparing their students.

* * * * *

As part of a program to identify schools which have programs that could be identified as excellent, U.S. Secretary of Education, Terrel H. Bell, is implementing a program to acknowledge outstanding public secondary schools throughout the county. A separate program will be initiated for recognition of outstanding private schools.

* * * * *

The attributes for an effective school which will be judged by the panel include: clear academic and behavior goals; order and discipline; high expectations for students; teacher efficacy; rewards and incentives for teachers and students; positive school environment; administrative leadership; community support; extent of concentration on academic learning time; frequent and monitored homework; regular and frequent monitoring of student progress; well-coordinated curriculum; variety of teaching strategies; and opportunities for student responsibility.

* * * * *

Also very much concerned with the issue of what makes a good school is the Secretary's National Commission on Excellence in Education. Hard at work for over a year its work will be completed by the end of March. The Commission is providing what is probably one of the most comprehensive, intensive looks at education throughout the country that has ever been done.

It would be against the policies of the Reagan Administration, which strongly supports each state's authority to operate and administer its own school system, for the Commission to attempt to set any type of national standards. It will not. What it will do, as charged by Secretary Bell, is to make "practical recommendations for action" to public officials, educators, parents, and others who set school policies.

I wish to again call attention to the work all of you are doing to promote excellence in education. Those of you who are affiliated with HOSTS are part of an organization which is providing important, vital services to the students in many of our schools.

Private sector initiatives are extremely important at the present time. The money and the resources that the business/industry sector makes available for use in educational programs is important. They are providing for programs that taxpayers' money can not do alone. With assistance education can be upgraded, equipment purchased, things that might not be otherwise available can be secured. All of this is of extreme importance toward improving American education.

* * * * *

The results that you have with students is, I am sure, sometime, but not always dramatic. It is, however, always important. The work that you do with students is important to you as well as to the community at large. Most significantly it is important to the individual students with whom you work; you are having a profound effect on the lives of young people—a very positive influence.

The impact that this could have on education in America causes me to stop and think. Imagine how few problems we would have if every one of our citizens would take the time, make the effort to Help One Student to Succeed—and every one that is helped is important.

* * * * *

Our country—even the world—is undergoing a shift where the emphasis will be moving from an industrial economy to an information-service economy. The "technological revolution" is not in the future, it is here now. From videogames to the microcomputer to additional uses of the silicon chip, technology is changing our way of life and our society.

* * * * *

The National Diffusion Network in implementing Secretary Bell's goals in technology has recognized "Lighthouse Schools" projects in an attempt to focus on outstanding applications of technology to classroom and educational needs. The "Lighthouse Schools" are hosting visitors from all over the country and providing material on their adaptations of technology to individual school use. We have received a great response and I've had the opportunity to visit three of our four "Lighthouse" projects. So far, there are four programs which have been so designated.

* * * * *

I know that those of you associated with HOSTS have been involved in combining and adapting technology to the reading and math projects. In doing so you have shown the foresight and adaptability characteristic of HOSTS throughout its successful history.

I am pleased to be able to be here in person to inform you of the selection of HOSTS as the fifth National Diffusion Network Lighthouse project. You have been designated as a Lighthouse because of your ability to utilize technology in an outstanding way to enhance education. This designation places you in a position of leadership; others will be looking to you for guidance.

My very best to you as you embark upon this new and challenging endeavor and every success in your great work to improve American education.●

REMEMBERING OUR POW'S AND MIA'S

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. HUNTER. Mr. Speaker, 8 years after the fall of South Vietnam, the families of 2,494 Americans still await some confirmation of their loved ones' location, condition, and status. April 9, 1983, has been proclaimed National Recognition Day by President Reagan in honor of these prisoners of war and missing in action who remain unaccounted for in Southeast Asia. While

we do not know where they are or even if they survive, America has not stopped searching for or remembering them.

All Americans share the President's and the Nation's desire to bring the POW's and MIA's home and end for these families uncertainty and anguish. For those of us who served our country in Indochina, the continued doubt concerning our friends who were left behind has an especially painful meaning.

Since the conclusion of the Vietnam war, the Vietnamese Government has returned the remains of 79 American service men and women. We find it hard to believe that Vietnam has no knowledge of any of the nearly 2,500 Americans still missing. The governments of Laos and Kampuchea have proved even more intransigent on the issue of missing American personnel. It is the moral responsibility of the United States to continue pursuing all possible avenues to obtain an accurate accounting for these men and women.

Last fall, America's troops were symbolically "brought home" from Southeast Asia with the dedication of the Vietnam Veteran's Memorial in Washington and accompanying ceremonies. We should not forget, however, that the war continues for 2,494 American families from every part of our country. Today we honor and remember them and pledge to continue our work to bring a conclusion to their years of doubt.

WHAT HOOSIERS THINK OF GOVERNMENT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, March 6, 1983, into the CONGRESSIONAL RECORD:

WHAT HOOSIERS THINK ABOUT GOVERNMENT

More than once I have left public meetings in southern Indiana scratching my head and asking myself how Hoosiers really feel about government and what they really want government to do. It just does not seem to me that any of the conventional ways of thinking about the role of government—liberal or conservative, left or right—catch the mood of individual Hoosiers today. That mood does not square neatly with any of the stereotypes.

In some ways, Hoosiers' observations on government are what all of us would expect. Constituents tell me that government is too big, too powerful, too intrusive, and too wasteful. They say that it is the chief cause of inflation and a dozen other domestic and international ills. One Hoosier summed up his view for me the other day when he said that government causes more problems than it solves. My guess is that many Hoosiers would readily adopt this view as their own. Such a view is predictable in a sense and is totally in line with Indiana's image.

After strongly denouncing government in general terms, however, Hoosiers are quick to mention plenty of roles for government to play. It should defend our borders and direct our relations with foreign countries. It should protect the environment and support education. It should help everyone enjoy a good standard of living and a few of the finer things in life. It should provide medical care and legal counsel for people who cannot afford such services. A surprising number of Hoosiers will say that they do not believe government has gone too far in the last two decades in its effort to help the poor; at least, they do not want to see a retreat from the programs enacted so far to help the poor.

Thus, the same Hoosiers are voicing both criticism and support of government, arguing that while it is deficient in many respects, it is nonetheless a good vehicle to deliver a wide variety of services. Of course, Hoosiers can be found who fit comfortably and consistently into the pro- or anti-government mold, but it does stike me that they are the exceptions and that probing almost never reveals a prevailing pro- or anti-government bias among Hoosiers. On the contrary, a hard-headed pragmatism and a clear-eyed realism are the attitudes I usually come across. When they consider a role for government, my constituents are most likely to ask whether a program will work and whether government is capable of administering it efficiently. Their concerns are more practical than theoretical.

I suppose that a Hoosier politician should not be too impressed by these apparently contradictory attitudes toward government or by the plainly practical cast of his constituents' thinking. Historians and political scientists tell us that such ambivalence—this strange mixture of pro- and anti-government sentiment—is a legacy from the earliest days of the Republic. Nowadays, there is even more reason for it. Like everyone else, Hoosiers have an abundance of information thrust upon them, and it is only natural for them to begin to pick and choose among various ideas as the ones they have held to in the past are challenged. Like everyone else, Hoosiers have long lists of goals for their country and their communities—improved security, better health, safer streets, more education, a higher standard of living, and a cleaner environment, to name a few. They are upset with government's failure to help them reach their goals, but they are aware that there is no good alternative to government as a national decision-making mechanism in a country as big and diverse as ours, and they know that government will simply have to play a role in helping them reach many of their goals. At the same time, Hoosiers see other decision-making mechanisms at work in state and local governments, businesses, trade unions, churches, professional bodies, and other groups. They believe that these other organizations and groups can and must have a role in helping them reach their goals as well.

I find staunch support among Hoosiers for traditional values. They want reading, writing, and arithmetic taught to school children in an atmosphere of discipline and respect for authority. They like the idea of daily prayers in school as well as at home. They are deeply committed both to the family as the key social institution and to individual rights as the building blocks of our democratic society. Hoosiers seem to draw great strength and derive much pleasure from these traditional values. The values serve as markers against which shifting attitudes toward government may be evaluated and understood.

I suspect it is possible to generalize many of the points I have been making about Hoosiers. A politician today must constantly deal with people who are firmly in favor of a problem-solving role for government, but who are also profoundly troubled by the way government often conducts its business. The politician of the 1980's, unlike his predecessors, does not find his constituents (at least, not for the most part) solidly liberal or conservative. He finds political conflict and contending impulses not only among social groups, but also in individuals themselves. The public supports or opposes governmental involvement in an issue not out of ideological commitment, but as the result of a pragmatic assessment of the likely effectiveness of governmental action. Voters are keenly aware of the problems and are prepared to listen attentively when serious solutions are proposed. They will not summarily reject proposals which do not conform to an ideological standard. They understand that the problems faced by government are incredibly complex and resistant to ideologically perfect resolution.

In a sense, today's public climate frees the politician. He can make his arguments on the merits and be assured that the people will hear him out and judge him, not on ideology, but on substance. A politician really cannot ask for more.●

THE JACK SWIGERT SPACE CENTER

HON. KEN KRAMER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. KRAMER. Mr. Speaker, I am introducing a bill today to rename the Air Force Consolidated Space Operations Center in Colorado Springs, Colo., The "Jack Swigert Space Center," in honor of an extraordinary and courageous man who served his Nation so well.

I believe this is a fitting tribute to Jack and a recognition of his contribution to our Nation's space program. This man's career as an astronaut and as a man who sought a role in our Nation's political life demonstrated strengths of character that one finds only in great people.

Jack, of course, was elected to Congress last November from the new Sixth District of Colorado. During his campaign for Congress, Jack also fought another courageous struggle—against cancer. But he refused to call it quits, convinced that he could beat this disease. Tragically, he won the election but passed away only 1 week before he was to be sworn in.

Those of us who knew Jack had always known that he was a fighter, one who could win against almost impossible circumstances. In April 1970, Jack was a crew member of the Apollo 13, which experienced an explosion while on the way to the Moon. The ex-

plosion wiped out almost all the crew's life support and power systems. Against great odds, Jack and his fellow crewmen patched together a new oxygen supply, managed to navigate and perform critical engine burns under extremely difficult circumstances, and finally brought their spacecraft back to Earth in a safe reentry. I am sure many of us remember that long week, so long ago, when the Nation was united in its hopes and prayers for these men.

But Jack was also a visionary. He understood the new frontiers of space in a way that few men have been privileged to do. As a strong promoter of the space program, he recognized the role that space plays in our national security and pushed hard for a new approach to space among our services. The Air Force center in Colorado, which I here propose to rename in his honor, will control defense satellites and military shuttle flights that are critical to our Nation's security. I believe that it will be a fitting tribute to Jack and to his vision for space. I ask for your support and am glad to have this occasion to recognize this man.●

ROBERT E. OLNEY, BURBANK CITY COUNCIL, 1979–83

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. MOORHEAD. Mr. Speaker, I would like to take a moment to commend Robert E. Olney as he leaves the Burbank City Council after a 4-year term.

Mr. Olney was elected to the city council in 1979 and was the mayor of the fine city of Burbank from May 1981 to May 1982.

He has long been active in the civic and business affairs of the community, giving generously of his time, insight and energies.

Naming a few of his associations, Robert Olney is a former member and chairman of the Planning Commission and the Parks and Recreation Commission. He is a past president of the Magnolia Park Optimist Club, a past vice president of the Magnolia Park Chamber of Commerce, and a member of the board of directors of the Burbank Chamber of Commerce.

As a local elected official, his dealings with his constituents have always been reasoned and thoughtful. He has dealt with touchy community issues with aplomb and intelligence.

Bob Olney is a credit to his family, his community, and his country, each of which has benefited from his good works. I am delighted to call him a friend and to be a part in honoring an exemplary citizen.●

OUR RESPONSIBILITY TO FEDERAL WORKERS

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. McKINNEY. Mr. Speaker, under the provisions of the Social Security Amendments of 1983 (H.R. 1900) just enacted by Congress, workers entering the Federal work force on or after January 1, 1984, will be required to pay into the social security system. Provided that we enact follow-up legislation creating a supplemental pension for these new workers, no new employee will join the civil service retirement system (CSRS) after the end of the year. Despite claims to the contrary, this change will not prejudice the adequate funding of the CSRS. Funding for the CSRS will continue to come from the Federal Treasury, the source of the vast majority of the system's funding. As in the past, Congress has complete authority to determine the level of benefits, and thus, the cost of the program. Today I want to remind my colleagues that it is the responsibility of Congress to insure that Federal workers and retirees receive the fair treatment they deserve.

Federal workers, dependent on the CSRS for retirement and disability protection, have a legitimate fear. This fear is not concerning funding, for civil service retirement will be adequately funded as long as Congress continues to levy taxes. Rather, the fear is that CSRS beneficiaries will loose the political strength to protect their benefits as the size of their constituency shrinks over time. These workers expect that Congress will reduce benefits, as the cost of the CSRS grows. This could happen, but it must not. First, Congress must continue to recognize that Federal workers deserve adequate pension coverage. Second, Federal workers must remain unified. There is no reason for the Federal work force to become divided over pension coverage. Issues of importance to any group of Federal workers should be important to all Federal workers.

In the development of a "wrap around" pension to supplement social security, Congress should address the desirability of creating parity between benefits payable under the CSRS and the social security/supplemental pension package. This will provide a common link between workers under both retirement systems. I would also like to see a provision developed which would allow current Government employees—under the CSRS—to shift into the new system. This would assist those workers who feel they would benefit more from the new pension than from the old. For example, a worker planning a short tenure in civil service might prefer the portability of social security coverage.

In closing, I want to remind my colleagues of the personal contract we have with those workers who have chosen public service. These men and women both need and deserve our support. I encourage every Member of Congress to reaffirm this contract at a time when many of these men and women are concerned about the future.●

FOREIGN INVESTMENT IN U.S. MINERAL AND OIL DEVELOPMENT

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. LUJAN. Mr. Speaker, for the past several years we have been concerned with increasing foreign investment in U.S. mineral and oil development; 2 years ago there were attempted takeovers of American companies by Canadian companies. Most recently we have been concerned following the takeover of a company by the Government of Kuwait. The reason for concern is the mandate of law in the Mineral Leasing Act, passed by the Congress in 1920.

Section 1 of the Mineral Leasing Act provides:

> Citizens of another country, the laws, customs, or regulations of which deny similar or like privileges to citizens or corporations of this country, shall not by stock ownership, stock holding, or stock control, own any interest in any lease acquired under the provisions of this Act.

When a company owned by the Government of Kuwait applied for leases on public lands, the Secretary of the Interior was obliged to decide if Kuwait was a reciprocal nation as defined by the law. Because of conflicting legal opinions over the years, it was not an easy decision to reach. He ruled, last month, that Kuwait is not a reciprocal nation. Kuwait does not reciprocate in mineral investment.

I agree with the original intent of the law. But over the years it has been subjected to a variety of interpretations. Some legal opinions have actually gone so far as to state that if a foreign nation discriminates equally against its own citizens and against American citizens, then there is no discrimination. Secretary James Watt himself called this thinking "the contorted reasoning of a lawyer."

In order to avoid such confusion as to the intent of the Congress in requiring true reciprocity, I have reviewed the language of the law and I am today introducing legislation to eliminate any confusion. There can be no doubt that Congress did not intend to allow investment in U.S. minerals by a

foreign Government that provides no opportunity for American investment in its minerals. Therefore, the amendment that I am introducing to the law will restore the original intent of the bill so that any country that allows American investment in its minerals will be allowed to invest here. And any country that does not cannot.

Because the interpretation of the law has not been clear over the years, this amendment does not penalize those countries such as Great Britain, Canada, the Netherlands, Kuwait, and others for leases and applications for leases already in place. But from this day forward it will clarify our policy and make the rules fair for everyone.

The result of this legislation is simple, clear, and fair. If a foreign country prohibits American investment, then we will prohibit their investment here. If they limit American investment, then we limit their investment. If they allow open investment, then we allow the same. Nobody objects to the game of free enterprise, as long as the rules are the same for all of the players.●

TRIBUTE TO MRS. DeVERNE LEE CALLOWAY

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. CLAY. Mr. Speaker, with the greatest of pleasure, I rise today in order to join the citizens fo St. Louis, Mo., in honoring Mrs. DeVerne Calloway, one of Missouri's most distinguished citizens.

Mrs. Calloway was the first black woman to be elected to the Missouri General Assembly, and served in that capacity for 10 terms and became its senior female member. Legislatively she was particularly active in the areas of education, public welfare, prison reform, and women issues. She was the first sponsor of a fair housing law for Missouri, and played a major role in the battle for a congressional district from which a black could win.

Mrs. Calloway and her husband Ernest are a dedicated team. Both have, through the years, served on numerous community organizations boards and have played strong roles to improve the lives of St. Louisans.

Mrs. Calloway has completed her term of office in the Missouri legislature, but she continues to serve our fair city in the same fashion she has in the past. As she begins her retirement, Mrs. DeVerne Lee Calloway has much to be proud of.●

SOVIETS SET UP "ANTI-ZIONIST COMMITTEE"

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. BARNES. Mr. Speaker, I was appalled to learn over the weekend that the Soviets are employing yet another tactic designed to reinforce the Soviet Government's terrible and worsening record on Jewish emigration. The desired effect of an "Anti-Zionist Committee" is undoubtedly to scare Soviet Jews from making emigration applications and to increase the pressure on refuseniks.

The Soviet Government is trying to make us believe that there is no problem, but the facts speak for themselves. In February 1983, only 123 Soviet Jews were allowed to emigrate, and only 81 in January. Since 1970, over ¾ million invitation letters have been written on behalf of Soviet Jews making emigration applications. Of these applicants, only 260,000 have been permitted to emigrate.

The Soviet Government is trying to reinforce a blatantly discriminatory emigration policy, one that violates human rights by giving official support to anti-Semitism. This is a very serious problem, one which human rights advocates around the world protest vociferously.

I want to recommend to my colleagues the following article, which appeared in the Washington Post on April 2:

TOUGHER SOVIET POLICY ON JEWISH EXITS SEEN

(By Dusko Doder)

Moscow, April 1—Western diplomats here expressed serious concern today about Soviet intentions to set up a national "anti-Zionist committee," saying that the plan could reflect a determination to continue to enforce a recent sharp reduction in Jewish emigration.

A group of prominent Soviet Jews called yesterday for creating such a committee to coordinate an anti-Zionist campaign and combat the influence of Israel and foreign Jewish organizations in the Soviet Union.

A senior diplomat said that the officially sponsored appeal, published prominently in today's editions of the Communist Party newspaper Pravda, may constitute an effort "to build a wall between Soviet Jews and the Jews in the West." He said, "We are very concerned."

The proposal also suggested that the authorities may intend to restrict private Jewish religious and cultural activities that have become widespread since the early 1970s. At that time, the Russians agreed to allow large numbers of Soviet Jews to emigrate in exchange for promised U.S. trade concessions.

Jewish cultural and religious activism apparently now is regarded as one of the important elements in sustaining the emigration drive. The establishment of an "anti-Zionist committee" is seen by observers as foreshadowing a government-backed drive to persuade Jews waiting for exit visas to withdraw their applications and at the same time dissuade others from applying.

[In Washington, the State Department issued a sharply worded statement condemning the Soviet appeal as anti-Jewish and anti-Israeli propaganda. "The basic thrust of this and other 'anti-Zionist' propaganda is anti-Semitic," it said.]

There are indications here that the authorities have decided virtually to cut all Jewish emigration despite efforts by American and Israeli organizations to put pressure on Moscow to ease its policies.

From its peak in 1979, when about 50,000 Soviet Jews were allowed to leave, the rate of emigration has slowed to a trickle. In 1982, according to figures provided by the British National Council on Soviet Jewry, only 2,692 Jews left the Soviet Union for Israel.

During the past six months, the number of departures has continued to drop and has been far lower even than the 1982 average of 224 exits a month. According to figures supplied by Jewish organizations, only 81 Jews were allowed to leave the Soviet Union in January.

In previous years, the authorities sought to cut the flow of emigrants by introducing a number of bureaucratic practices that reduced the chances of gaining permission to emigrate. At some time last summer, the authorities apparently decided that such bureaucratic steps were not sufficient to deter potential applicants.

The eight prominent Soviet Jews who signed the appeal, including decorated hero Col. Gen. David Dragunsky, said that an "anti-Zionist" national committee should be established to conduct "a decisive struggle" against western and Israeli Zionists who purport to campaign on behalf of Soviet Jewish citiznes.

Their statement said that Soviet Jews were a fully integrated part of Soviet society and that only foreign Zionists were making "slanderous" claims that Jews suffered problems here. Addressed to the entire Soviet people, the appeal called on all organizations and individuals to take part in mounting a "decisive resistance" to the "machinations" of "Zionist forces."

Preceding yesterday's appeal was a series of articles in recent days focusing on Jewish emigres who had returned to the Soviet Union or those who had obtained exit visas but nevertheless had decided to remain here.●

COMMERCIAL COUNTERFEITING

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. RODINO. Mr. Speaker, today I am introducing legislation to control the seamy and sometimes dangerous fraud of commercial counterfeiting.

This counterfeiting—this trafficking in fake and shoddy brand-name products—has many victims. It victimizes legitimate and respected manufacturers, stealing their sales and their good name. It victimizes consumers who are stuck with a wide range of inferior goods: clothing, cosmetics, watches, pens, perfumes, fashion accessories, to

name a few. More troubling, counterfeiting has thrust into the market products dangerous to safety and health: phony spare parts for the aircraft and automotive industries, electronic components, drugs, agricultural chemicals and—most grisly of all—heart pacemakers.

This trafficking in the end is a fraud on us all. The counterfeiters, I'm sure, do not report their huge, illicit profits, thus leaving honest taxpayers to shoulder their share of the cost of government.

In brief, this legislation calls for severe criminal penalties for those who traffic in counterfeit brand-name goods: a maximum $250,000 fine and five years in prison for an individual and a maximum million-dollar fine for a corporation. As a companion deterrent, the bill would mandate treble damages for trademark owners who are successful plaintiffs against counterfeiters in civil actions.

While this legislation would protect trademark products, it would not impede the efforts of other legitimate firms to compete fairly and aggressively for a share of markets that might be dominated by brand-name merchandise.

Existing Federal criminal statutes are inadequate in this area. Enactment of this bill would provide law enforcement with a valuable tool for countering commercial counterfeiting, a practice that is lucrative and relatively risk-free for the cheats, costly to honest citizens and dangerous to the health and safety of the unsuspecting who rely on brand-name products.●

TRIBUTE TO LEONARD JOE FARR

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. SKELTON. Mr. Speaker, it was with great sadness that I learned of the death of Leonard Joe Farr, a man from the small town of Creighton, Mo., who was known to the community as Joe. With the death of Joe, Creighton lost its mayor, its district fire director, its former police chief, and its unofficial street grader.

With the exception of a 4-year period, Joe Farr served as the mayor of Creighton from 1964 until the time of his death. He was the backbone of the Creighton community, responsible for many of the towns achievements and activities. Joe is responsible for the building of the fire station, for the towns street signs, for the park across from city hall, the city sewer lines which are about to be put in place, and the 1976 Bicentennial parade. He did everything for the community, no project was too big or too small. If someone in Creighton had a problem they would call Joe Farr for help.

Even in his death Joe was working for his community. Joe collapsed on March 1 while fighting a house fire as a volunteer fireman. He was 46. Creighton will never quite be the same place without Joe, yet his impact on the town will never be foregotton. It is rare to find a situation where a community and a man are one and the same, yet in Leonard Joe Farr we have such a situation. I ask my colleagues to join me in extending our sympathies to Mrs. Farr and her three sons, yet also adding our praise to a man who earned a special place in the heart of his community by his dedication, hard work, and love for the town in which he lived.●

POW/MIA RECOGNITION DAY—A MEANINGFUL TRIBUTE

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. EDGAR. Mr. Speaker, April 9, 1983, has been designated National POW/MIA Recognition Day to honor the service and unique sacrifice of thousands of American service men and women interned as prisoners of war or still listed as missing in action.

At the present time there are almost 91,000 American former prisoners of war who suffered greatly at the hands of our enemies during four armed conflicts over the past 65 years. They each paid a special price, whether in the German camps, the death marches, or Korean or Vietnamese cells. Special recognition will also be paid this year for the first time to the women who were also interned alongside their comrades. At ceremonies at the Pentagon today 25 to 30 women will also be honored representing 60 of the 81 women taken prisoner in 1942 when the Japanese completed their takeover of the Philippines.

Too often we have forgotten the service and sacrifice of the thousands of women who have shared the burden of national defense right alongside their male counterparts. As recent hearings before the House Veterans' Affairs Subcommittee on Hospitals and Health Care, which I chair, concluded, much needs to be done to heighten the awareness of the Nation and the Veterans' Administration to those women who have served in our Armed Forces in the past. Likewise, with increasing numbers of women entering military service, the Veterans' Administration must be prepared to be sensitive to their medical, compensation, and total benefit needs. For that reason, Congressman DON EDWARDS and I have introduced legislation, H.R. 1137 to establish a Women's Advisory Committee, by law, within the VA to insure that equal service is matched by equal recognition from the Federal Government. This is a first and important step.

In the meantime, on April 9, 1983, the Nation will pause to recognize all those, men and women, who served as prisoners of war. We acknowledge their service, while at the same time, call for a complete accounting of those still listed as missing in action. No greater tribute could be paid to former prisoners of war than to pursue this goal to its fullest.

During the 97th Congress the House and Senate Veterans' Affairs Committees approved legislation, now law, which expanded certain medical and compensation benefits for all former prisoners of war. Through my subcommittee we intend to continue oversight on this legislation to see that these veterans are informed of their eligibility for these services and that these benefits be provided fairly and compassionately to this veteran population. But I believe that more must still be done.

During the 97th Congress as well, the President approved, through the Omnibus Budget Reconciliation Act, a cost-saving measure which denied across-the-board burial benefits to all but the survivors of service-connected disabled veterans. The effect of this provision denied thousands of deserving veterans the final recognition of their government in terms of assistance to their families to help defray burial and funeral expenses. Recognizing that fact, last year, our committee approved legislation, now law, which restored the burial benefit for certain indigent veterans or veterans whose remains are unclaimed.

Today, I am introducing legislation which would restore and expand that benefit further. I believe it is only fitting, as we pause this week to pay special tribute to those who served as former prisoners of war to recognize that sacrifice and the sacrifice paid by their families to extend the burial benefit authorized by the VA to them as well. The bill I am introducing would extend these benefits for all former prisoners of war and those who have likewise paid a very tangible price in service to this country, recipients of the Purple Heart.

Mr. Speaker, too often we only look at the value of government in terms of costs. Certainly, those of us who serve on the House Committee on Veterans' Affairs are only too aware of those costs and the need for securing adequate budgets to meet the increasing health care needs and benefit costs of our Nation's 30 million veterans. Our Committee and the Congress have been forced to make budget sacrifices, enact cost savings, improve efficiency and to cut corners wherever we could.

But certainly, the minimal costs involved in restoring this burial benefit to this most deserving group of veterans are surely more than overcompensated by the recognition these veterans and their families so justly deserve. I urge my colleagues support for this legislation.●

MILTON GLAZER AND THE GHOSTS OF PATTON'S ARMY

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. LEVINE of California. Mr. Speaker, I rise today to honor Milton Glazer on the occasion of his 50th anninversary with the 2d Calvary.

Mr. Glazer joined the Army in January 1943 and served in Gen. George Patton's 2d Army. His company, which became known as the Ghosts of Patton's Army because of their incredible ability to elude the German Army, were given some of the most important and dangerous assignments of the war in France.

Operating behind enemy lines, and surrounded by enemy guns, the 2d Calvary nevertheless covered more than 3,000 miles in its sweep through France. Gen. George S. Patton said of these remarkable men:

By all rules of logic these unsung heros should have been annihilated on numerous occasions. However, they've used up all their tricks, and now each day they invent new ones.

After the fierce battle for Luneville in France, Mr. Glazer had the honor of being the first American GI to enter the city after its liberation. The entire unit was accorded a heros welcome as they followed Mr. Glazer into the first French city to be liberated after the Allied invasion. This battle helped pave the way for the Allies smashing victory over the German Army in France.

Following their victory at Luneville the 2d Calvary continued their sweep through France into Austria where they freed the famous Lippizaner stallions and then continued on into Germany.

Mr. Glazer was wounded in action twice, the second time in France near the German border on October 21, 1944. Following this he was sent home to recuperate in a hospital in Durham, N.C.

The valor which Milton Glazed displayed during this military career should serve as an example to all of us. It is because of courageous men like him that we were victorious in the Second World War.

I know that my colleagues join with me today in honoring Milton Glazer for his service to our country and the role he played in the allied victory in Europe.●

VOTING RECORD

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. LEHMAN. Mr. Speaker, between February 1, 1983, and March 25, 1983, I underwent a series of radiation treatments as followup therapy to surgery I had last year.

Because of these treatments at George Washington University Hospital, I unavoidably had to miss some votes and quorum calls. During this period, I missed five votes and two quorum calls, and I want to make my colleagues aware of the reason for my absences.●

SHELTER ROCK JEWISH CENTER TO PERFORM A SERVICE FOR US ALL

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. LENT. Mr. Speaker, I rise today to bring to the attention of my colleagues a very special event that will take place on Sunday, April 10, in Roslyn, N.Y.

Under the leadership of Rabbi Myron Fenster and Dr. Eva Pallay, the Shelter Rock Jewish Center and the education department of the New York Metropolitan Region of the United Synagogues of America are sponsoring a ceremony of vital significance to us all called a student remembrance of the Holocaust.

Mr. Speaker, it is of tremendous importance that all of us, and our young people in particular, know and understand the utter horror of the Holocaust. An entire people almost perished under the Nazi tyranny. Six million Jews put to death. Six million. Almost all of Europe's Jewish population. Such a crime is as unspeakable as it is horrifying to contemplate.

But we must not, Mr. Speaker, let the sickening events of those years be forgotten. The horror of what took place must always be kept fresh in our memories. Although those terrible times are now almost 40 years behind us, we must never forget what evil can do when it is allowed to take root. That is why the student remembrance of the Holocaust in Roslyn, N.Y., is so important to us all. Only by recalling those terrifying years can we make less likely the possibility of this evil recurring.

I am sure my colleagues join me in saluting Rabbi Myron Fenster, Dr. Eva Pallay, the Shelter Rock Jewish Center, and the education department of the New York Metropolitan Region of the United Synagogues of America for their sponsorhsip of this important event. May the student remembrance of the Holocaust inspire us all to pledge to do our utmost to make certain such a crime against humanity will never again occur.●

POW-MIA RECOGNITION DAY

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. SOLARZ. Mr. Speaker, Congress has designated April 8 as POW-MIA Recognition Day. I want to salute all the good people who continue to devote themselves to determining the fate of the 2,500 Americans in Southeast Asia who today are not accounted for. I especially want to recognize the contribution made by the families of our prisoners of war and missing in action in Vietnam, Laos, and Cambodia in keeping this issue alive and in the forefront of America's interests.

Despite sustained and substantial efforts, we have not yet been able to confirm the validity of any report of an American held against his will. Nonetheless, as long as reports continue to come in suggesting that Americans may be alive and in captivity, the U.S. Government has an obligation to continue its efforts to obtain a full accounting of the fate of our MIA's and POW's.

We certainly owe that to our soldiers who risked their lives and to their grieving families. We owe it to the men and women in today's Armed Forces. They all should know that our country will never abandon them.

I and my colleagues on the House Subcommittee on Asian and Pacific Affairs are determined that no stone be left unturned which might reveal significant data on Americans held against their will in Indochina. The subcommittee has a responsibility to see that every effort is made to determine the facts. If persuasive evidence is established indicating that missing Americans are alive, it clearly would be incumbent upon the Government of the United States to make every effort to secure their safe return. But at the same time, the subcommittee also has a responsibility not to raise false hopes and expectations among the loved ones of these unaccounted for Americans.

We all have been waiting a long time since the end of the war to determine the fate of our MIA's and POW's. We have not lost patience or diminished in the slightest way our commitment to these brave people, their wonderful families and everyone working to resolve the issue. It is fitting and proper that this Congress recognize our rededication to all these good people by

honoring them with this special day, POW-MIA Recognition Day.●

PRESIDENT REAGAN NEEDS TO REAFFIRM COMMITMENT TO CIVIL RIGHTS

HON. WILLIAM HILL BONER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. BONER of Tennessee. Mr. Speaker, this past week, our Nation observed the 15th anniversary of the assassination of Dr. Martin Luther King.

Dr. King will always be honored for his courageous and undaunted leadership of efforts to secure racial equality for all the members of our society. Certainly, his efforts resulted in breaking historical and social barriers to equal treatment for blacks and other minorities. But, because of his tragic murder, we will never know how much more Dr. King could have achieved as leader of the civil rights movement. That effort is left to us.

As such, I have been greatly disturbed by reports that the present administration is retreating from the goals set forth by Dr. King and previous Presidents and Congresses. Nearly each week we read of efforts by administration officials to undermine the Government's programs to achieve racial equality. Just this morning, the Chairman of the U.S. Civil Rights Commission accused Agriculture Secretary John Block and his department of scuttling civil rights enforcement programs and intensifying discrimination against black farmers. My colleagues will recall that the Agriculture Department's Minority Affairs Director was dismissed after she wrote a memorandum proposing elimination of minority hiring goals and relaxation of civil rights enforcement programs.

Also in this morning's Washington Post is an article describing the resignation of the Department of Transportation's Director of the Office of Civil Rights. While this official resigned amidst allegation of misappropriation of Federal resources, his departure nonetheless brings to mind the question of whether he took the time to enforce the responsibilities entrusted to him as Director of this important office.

Last, in this morning's paper is an article describing now the Department of Justice succeeded in pressuring the Equal Employment Opportunity Commission into withdrawing a "friend of the court" brief that sharply criticized the administration's position on affirmative action and racial quotas.

These most recent incidents, when combined with such administration policies as reversing the Government's position on the tax status of private educational institutions that discriminate, suggest that the United States is retreating in its effort to achieve racial equality. Clearly, there is considerable discrimination and segregation remaining in our country. The Government's leadership, in fact the President's leadership, is essential to eradicating them. All Americans must be convinced that the President will reaffirm the Government's commitment to civil rights.

The memory of Dr. King and the many thousands of Americans who joined him in the civil rights movement cannot be forgotten. I respectfully urge my colleagues to join me in calling on the President to reaffirm our Government's effort to achieve equality for all Americans. As the President so frequently states, "actions speak louder than words." I hope the President will reverse recent administration actions that contradict his own public statements in support of civil rights efforts.●

DR. GALE BARTOW

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. SKELTON. Mr. Speaker, on Saturday, March 19, a constituent of mine was installed as president of the American Association of School Administrators. Dr. Gale Bartow, superintendent of the Blue Springs, Mo., school district, was honored as he accepted the presidency of the 18,000 member organization.

In his new role Dr. Bartow will become a familiar face to many of the Members of this body. He is well-known in Blue Springs and in the State of Missouri as a hard worker who brings considerable talent and enthusiasm to his job of improving the quality of education. I am sure we will feel his presence here in Washington in the coming year.

Dr. Bartow believes in a team effort to pursue the goal of quality education. In his community he has worked to forge a successful bond between educators, parents, and public officials which serves the interest of education. In accepting his new, expanded, role he is calling for the formation of national coalitions, with the States and communities to support the best possible education for tomorrow's citizens. To quote him:

> Now is the time to form partnerships. Now is the time to make everyone a member of the educational team.

As the head of the national organization, Dr. Bartow will be working here in Washington. It is my pleasure to recommend him to you and to ask you to welcome him and cooperate with him in pursuit for his most worthwhile goals.●

IN RECOGNITION OF THE 162D ANNIVERSARY OF GREEK INDEPENDENCE DAY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1983

● Mr. BIAGGI. Mr. Speaker, I am proud to join with my colleagues to note the commemoration of the 162d anniversary of the Greek war of independence from the Ottoman Empire. This is a most noteworthy event which is not only hailed by citizens of Greece, but also by Greek-Americans who share the American passion for freedom. Just as our Fourth of July celebration notes a landmark struggle and subsequent attainment of freedom by Americans and for Americans—so does Greek Independence Day signify a similar success to the Greek people.

The challenge to the powerful Ottoman Empire was undertaken by a small, but courageous group of brave men and women who thirsted for their freedom and liberty. For over 1,000 years, until 1453, the Byzantine Empire was the beacon of the eastern civilization. In 1453, this civilization which prized freedom, intellect and the arts, was brutally subjugated by the Turkish Empire, a yoke of oppression which was to last 400 long years.

One hundred and sixty-four years ago tomorrow, March 25, Alexzandre Ypsilantis proclaimed Greek independence from the empire which began a long bloody battle which was waged by Greek peasants and farmers for 8 long, arduous years, until September 14, 1829, when the Ottomans were forced into defeat and subsequent recognition of Greek sovereignty.

It seems difficult for us today to appreciate the importance of this act: the act reinforced and underscored the value which the Greek Empire and its citizens placed upon the twin principles of freedom and democracy. These principles were upheld time and time again over the course of Greek history—from the convening of the first modern Greek Assembly in 1822 to the threat of Mussolini's demand for Greek surrender during World War II in 1940. At the end of World War II Greece again was forced to battle for its freedom in the face of civil war again the Communists, who were ultimately expelled from the country. The cornerstone of Western democracy, this small, tiny peninsula in Southeastern Europe, spawned the honored values of equality, freedom and democracy. We must be ever cognizant of the fact that the birth of our own Nation was in fact, based upon these

values which the Greeks advanced centuries ago.

I offer my congratulations and best wishes to the many Americans of Greek heritage not only in my own city of New York, but also nationwide. Let us rededicate ourselves to protecting the sacred principles of freedom and democracy which were formed by the Greeks and remain a common thread in our American heritage and history today.●

THE DEPARTMENT OF WATT'S NEXT

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. JACOBS. Mr. Speaker, Secretary James Watt believes that rock music attracts "the wrong element."

So Mr. Watt, a well-known expert on the elements, has arranged for Wayne Newton to entertain on the Fourth of July on the Mall and on the theory that he will attract the right element—by far.●

IN RECOGNITION OF DEE DeBAUN—PRESIDENT OF THE CALIFORNIA CONTRACT CITIES ASSOCIATION

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. ANDERSON. Mr. Speaker, before Hon. G. C. "Dee" DeBaun steps down as president of the California Contract Cities Association, I would like to share with you and our colleagues some of the outstanding accomplishments of this very honorable man.

Dee is a veteran of World War II, having served in the U.S. Navy. He is 1 of but 17 servicemen decorated by the Government of the Soviet Union with the "Order of Glory" as a result of his valor and participation during the Murmansk convoys. Since that time, Dee has devoted his time to education, government, and private enterprise.

Dee has loaned his expertise as the president of the Artesia Chamber of Commerce, as chairman of the Lakewood Planning Commission, and also as a member of Lakewood's Environmental Committee. He founded Lakewood's Volunteers in Action (VIA), and Third Friday Forum. He taught 9 years at Wilson High School in Long Beach, and for 6 years was a volunteer coach with the Lakewood Parks and Recreation program. His active participation in our communities has fostered the deep admiration and respect of our residents, who elected Dee to the Lakewood City Council in 1976.

The interest in our communities demonstrated by Dee throughout the years has been far more beneficial than he will ever realize. This is true because Dee, being the selfless leader that he is, continues to look forward rather than pausing even momentarily to bask in the glory of all he has done for those of us who reside in or may visit our great State of California. I hope that, after stepping down as president of the California Contract Cities Association, Dee will choose to devote some time to reflect on just how much he has meant to us.

My wife, Lee, joins me in extending this tribute of appreciation to "Dee" DeBaun. We wish him and his wife, Virginia, and their five sons, John, James, Joseph, Jay, and Jack, a future of purpose, excitement, and continued fulfillment.●

SALUTE TO CALIFORNIA MARINE AFFAIRS OFFICIAL ROBERT H. LANGNER

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. BEVILL. Mr. Speaker, longevity in office and constance in performance are attributes sought by many and appreciated by many more. This week, in an annual appearance testifying before the Appropriations Committee's Subcommittee on Energy and Water Development on April 7, is a real gentleman who has succeeded in both of these aspects of his performance. His name is Robert H. Langner. He is the executive secretary of the California Marine Affairs and Navigation Conference. This week marks his 25th annual testimony before the subcommittee and its predecessors. Such a record is certainly extraordinary and should not go unnoticed. His presentations through the years have stressed the national issues that are important to this prestigious California group. His organization and management of the multiple witnesses that have appeared to represent the conference have allowed the group to make maximum input into the subcommittee's deliberations without requiring a large amount of time. The people of California are indeed fortunate to have a man like this represent them over such a long period of time.

In no way should this recognition of Mr. Langner indicate that he is intending to retire from his position and from his representation after this year. On the contrary, it is expected that he will continue to lead the California navigation and ports interests in their annual testimony for many years to come. Sincere congratulations to him and to the members of the California delegation from the Marine Affairs and Navigation Conference on his performance on their behalf.●

NATIONAL DEBT REDUCTION ACT OF 1983

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. CORCORAN. Mr. Speaker, I am introducing the National Debt Reduction Act of 1983 today, legislation which would enable individuals to contribute $1 of their Federal income tax payment toward retirement of the national debt. This contribution would come from income tax funds that would otherwise have gone toward the support of more Federal spending programs. Citizens would have a choice of whether this $1 would pay off outstanding Government debts or fund further program growth.

The statistics on the national debt are frightening. The gross Federal debt in 1982 was $1,147 billion—over $1 trillion. The Federal Government borrowed $143,046 million in fiscal year 1982 alone, and this is expected to increase to $236,757 million in fiscal 1983. This is an increase over 1982 of $93,711 million—65.5 percent in 1 year.

The figures on the interest we pay on this incredible outstanding debt are equally stunning and horrifying. The interest on the debt is, in fact, rising faster than the debt itself because of recent high interest rates, and the interest was a record 3.2 percent of GNP in fiscal year 1982. We paid $117.5 billion in interest in 1982, and this is projected to reach $128.4 billion in 1983—for interest alone. Interest on the national debt is the third largest item in the Federal budget, consuming 12 percent of the Federal budget—a very big piece of the pie.

We cannot allow this trend toward even more debt to continue. In attempting to control growth in expenditures, we have taken the first step. We must also begin to pay off our outstanding national debt. Uncle Sam is in hock up to his graying sideburns. If we do not begin digging out of this debt, we are writing a recipe for hyperinflation due to monetization of the debt.

Mr. Speaker, if we cannot take appropriate action in Congress to begin to reduce this debt, at least we ought to give our people this opportunity by passing my debt checkoff bill. I urge my colleagues to pass this long overdue legislation.●

CONGRESSIONAL SALUTE TO JOSEPH AND MARION PIZZA OF PATERSON, N.J., RECIPIENTS, 1983 DISTINGUISHED COMMUNITY SERVICE AWARD OF NINETEEN HEARTS SOCIETY OF THE FEDERATION OF ITALIAN SOCIETIES

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. ROE. Mr. Speaker, on Sunday, April 24, the residents of the city of Paterson, my congressional district, and State of New Jersey will join with the membership of one of our most prestigious Italian-American organizations, the Nineteen Hearts Society of the Federation of Italian Societies, in testimony to the good works of two distinguished citizens, community leaders and good friends to all—the Honorable Joseph Pizza and the Honorable Marion Pizza, a husband and wife team of distinction, whose personal commitment and lifetime of good deeds in service to the people of the city of Paterson have earned them the highly coveted annual award of the Nineteen Hearts Society of the Federation of Italian Societies.

Mr. Speaker, I know that you and our colleagues here in the Congress will want to join with me in extending our warmest greetings and felicitations to Marion and Joe Pizza and share the pride of their children: sons Leonard, Ernest, and Joseph; and daughter Marion, as they celebrate a milestone of achievement in their family endeavors.

Mr. and Mrs. Pizza have, by their example and many accomplishments in civic, community, and charitable endeavors, personified a quality of leadership, dedication, and sincerity of purpose that have truly enriched the cultural endeavors of our community, State, and Nation.

Joe, with the inspiration and assistance of his first lady Marion, and vice versa, together have provided outstanding and responsible service to our people. Their personal commitment to the economic, social, and cultural renewal of the community and State of their residence is applauded by all of us.

Mr. Speaker, Joe and Marion have been actively involved in the business community as the proprietors of the Ritz Tailor Shop in Paterson. The Pizzas have demonstrated their devotion to their family, children, and grandchildren, yet always finding time to serve a larger family, the Paterson area community. This community involvement reflects their sincere concern for their city and its people and includes the following activities in community affairs:

Knights of Columbus Council No. 240;

Order of the Alhambra Aurora Caravan No. 55;

The Merchants Association;

President, Peoples Park Neighborhood Association/Preservation Project;

Chairman, the Paterson News Flood Fund (1968);

Commissioner, the Paterson Housing Authority (1969); and

Hotel, Multiple Dwelling and Safety State Board of New Jersey (1976).

Mr. Speaker, in presenting its distinguished community service awards to Joe and Marion Pizza, the Nineteen Hearts Society of the Federation of Italian Societies wishes to particularly commend their many years in service to the entire Paterson area community.

Marion and Joe Pizza have achieved in their lifetime the respect and esteem of all of us who have had the good fortune to know them. It is to their modesty in their achievements, their outstanding expertise in their chosen field of endeavor, the warmth of their friendship, and sincerity of purpose in the American way of life that I join with the Nineteen Hearts Society of the Federation of Italian Societies in seeking this national recognition of their service to our community and fellowman.

Mr. Speaker, we are especially appreciative of their many contributions to the quality of life and well-being of our of our citizenry. For their personal commitment and lifetime of good deeds in service to our people we do indeed salute two outstanding individuals, good friends, and great Americans—the 1983 Community Service Award honorees of the Nineteen Hearts Society of the Federation of Italian Societies—the Honorable Joseph Pizza and the Honorable Marion Pizza of Paterson. N.J.●

SENATE—*Friday, April 8, 1983*

(Legislative day of Tuesday, April 5, 1983)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

The PRESIDENT pro tempore. Under the previous order, the Senate will stand in adjournment until 10 a.m., Tuesday, April 12, 1983.

ADJOURNMENT UNTIL 10 A.M. TUESDAY, APRIL 12, 1983

Thereupon (at 9 o'clock and 8 seconds a.m.), the Senate adjourned until Tuesday, April 12, 1983, at 10 a.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

HOUSE OF REPRESENTATIVES—*Monday, April 11, 1983*

The House met at 12 o'clock noon.

Rabbi Isaac Neuman, Sinai Temple, Champaign, Ill., offered the following prayer:

God of our fathers, our God, humbly a survivor of Auschwitz stands in Thy presence amid the chosen servants of a great people, a generous people, who opened their gates to homeless victims of totalitarianism.

We raise our voices in gratitude to Thee that on this day 38 years ago, the U.S. Armed Forces entered Buchenwald Concentration Camp and freed the prisoners from the Nazi gas chambers.

I raise my voice in gratitude to Thee because on this day, 33 years ago, I first set foot on these blessed shores.

May our country hold true to its traditions, and remain a refuge for the homeless and oppressed, as it has been for us and for all our forefathers.

O Sovereign of the World, may this our land retain its zeal for justice. Awaken its compassion and mercy for the hungry and the homeless.

Strengthen in Thy law the endeavors of these, our Representatives, and the hands of all those who labor for peace, for justice, and for freedom, at home and abroad.

Praised art Thou, O Lord our God, who freest the captives. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 126. An act to remedy alcohol and drug abuse;

S. 461. An act to extend the authorization of appropriations for the Office of Government Ethics for 5 years;

S. 589. An act to authorize $15,500,000 for capital improvement projects on Guam, and for other purposes;

S. 808. An act to enhance the transfer of technical information to industry, business, and the general public by amending the act of September 9, 1950 (15 U.S.C. 1151 et seq.), to establish a Technical Information Clearinghouse Fund, and for other purposes;

S. 809. An act to authorize appropriations for activities under the Federal Fire Prevention and Control Act of 1974, and for other purposes;

S. 820. An act to amend section 7 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706) to extend authorizations for appropriations, and for other purposes;

S. 821. An act to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal year 1984, and for other purposes; and

S. 967. An act to amend the Independent Safety Board Act of 1974 to authorize appropriations for fiscal years 1984, 1985, and 1986.

The message also announced that the Vice President, pursuant to the provisions of section 276 of title 22, United States Code, as amended, appointed Mr. GRASSLEY as a member of the Senate delegation to the Interparliamentary Union Conference to be held in Helsinki, Finland, on April 25 through April 29, 1983.

RABBI ISAAC NEUMAN

(Mr. DANIEL B. CRANE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL B. CRANE. Mr. Speaker, the prayer opening today's session of Congress was delivered by Rabbi Isaac Neuman of the Sinai Temple in Champaign, Ill.

He also is the father of two fine sons. As a young man, Isaac Neuman perhaps had more experiences than most as he matured. For immediately following the completion of his education in Warsaw, war erupted in Europe, World War II, as we all know it today.

We cannot begin to imagine what went through his mind as he spent the war years in the camps of Auschwitz and other Nazi concentration camps. Doubtless he would try to forget, if remembering was not so important to the entire world.

Perhaps in part because it was the United States that crushed his captors, Isaac Neuman came to this country, the land of the free and the home of the brave, on April 11, 1950, exactly 33 years ago today.

Quickly mastering his studies at the University of Cincinnati and Hebrew Union College, he completed his studies in 1958 and served in Panama, traveling throughout South America to recruit Jewish Latin American students.

Mr. Speaker, it is a great honor for me and this House to host a man of the stature of Rabbi Neuman, who truly knows the difference between a slave state and a free state.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C., *April 7, 1983.*

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, the Clerk received at 2:30 p.m. on Thursday, April 7, 1983, the following message from the Secretary of the Senate: That the Senate passed without amendment H. Con. Res. 102.

With kind regards, I am,
Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

A TRIBUTE TO HON. PHILLIP BURTON

(Mr. EDWARDS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of California. Mr. Speaker, our colleague and dear friend, PHILLIP BURTON, died yesterday morning in San Francisco.

We all will miss him very much. He was truly one of the great men of our time.

Through his inspired legislative skills, many millions of tomorrow's Americans will enjoy the outdoors, Americans living in Samoa, Guam, and the American Virgin Islands have representation in Congress. Coal miners suffering from black lung are entitled to compensation. Working men and women everywhere have laws protecting their rights. PHIL BURTON's list of accomplishments is almost endless.

The funeral services will be in San Francisco on Thursday, and transportation will be furnished to Members and their husbands and their wives. Members desiring to go to California should get in touch with the Sergeant at Arms.

I am going to reserve time tomorrow, Tuesday, after legislative business is over for all of us to speak to the House about what PHIL meant to us and to our country.

All of us send a message of deep sympathy to PHIL's widow, Sala, and to all the members of the bereaved family.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

THE LATE HONORABLE PHILLIP BURTON

Mr. EDWARDS of California. Mr. Speaker, I offer a privileged resolution (H. Res. 157) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 157

Resolved, That the House has heard with profound sorrow of the death of the Honorable Phillip Burton, a Representative from the State of California.

Resolved, That a committee of such Members of the House as the Speaker may designate, together with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased.

The resolution was agreed to.

A motion to reconsider was laid on the table.

A TRIBUTE TO PHILLIP BURTON

(Mr. AuCOIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous matter.)

Mr. AuCOIN. Mr. Speaker, it is so strange how things sometimes happen. Last night as I was flying back from Oregon to Washington, I was reading an article en route in the Wilderness Magazine written by PHIL BURTON, our departed colleague.

And that article vividly demonstrated his passion for the preservation of our parks and our wilderness and our public lands. And as I read the article, I reflected on my friend, who I fully expected to see this week as we returned to the vigorous schedule before us, reflected how this issue was only one of his many causes.

He had many causes. And he was one of those rare power brokers on Capitol Hill who had as beneficiaries of their use of power those who so very often are powerless, those who are not able to lobby for themselves, those who are poor, those who are dispossessed, those who need a better break.

Today, I was shocked when I woke up and learned on the radio that my friend had died overnight. This House has lost a great leader, a man who was tough, a fighter, a man who was not always loved, but a man who was respected and a man who was unwilling to compromise very much on those things that he held dear.

Those of us who pass this House hope, all of us, to make a mark on the people and events that surround us. Some of us succeed and others do not succeed. PHIL BURTON was not only a success, he was a giant. His work on the floor, in committee, within the Democratic Party, and perhaps more importantly in those places in his district where cameras and reporters seldom go, made him a compassionate and skillful leader who certainly has left a mark on the people and events that he has touched.

I am saddened by the loss of this friend and this colleague of ours. He wasted not a minute of his life in the pursuit of his goals. It was that courage, that heart of a lion that those of us who knew him respected so much.

Mr. Speaker, I will insert in the RECORD the article I read last night, written by our departed colleague.

The article follows:

[From the Wilderness Spring, 1983]

CLEAR AND PRESENT DANGERS—ASSAULTS FROM WITHIN AND WITHOUT

(By Phillip Burton)

Horror story. The year is 2001. In the Santa Monica Mountains National Recreation Area, the National Park Service has borrowed an idea from the Japanese. Scattered along the trails and roads of the park, spaced no more than two miles apart, are narrow, glass-enclosed cubicles not unlike structures found on the streets of downtown Tokyo. They look like telephone booths. But the instruments inside are not telephones; they are oxygen units. They are there for the emergency use of those park visitors with cardiovascular and pulmonary problems aggravated by the ever-increasing presence of smog creeping up into the mountains from the Los Angeles Basin, a phenomenon so common that smog alerts have become a regular part of the park experience.

In Yosemite National Park, ground is broken for a shopping mall on a privately owned three-acre "inholders" plot in the shadow of Half Dome. The plot's owner justifies construction of the complex on the grounds that the National Park Service has removed so many commercial shops from the floor of the valley that park visitors are seriously inconvenienced.

At Page, Arizona, just below Glen Canyon National Recreation Area on the Colorado River, hydrologists test the water released into the river from behind Glen Canyon Dam and discover radiation levels high enough to pose a threat to human life; already, there have been major fish kills in Lake Powell. The likely source of the radiation is a high-level nuclear waste disposal site at the Gibson Salt Dome upriver near the edge of Canyonlands National Park. Apparently, the radiation has seeped into the groundwater table and from thence to streams feeding the river, the principal source of water for irrigation and municipal needs for most of the Southwest.

At Yovimpa Point in Bryce Canyon National Park, visitors pause to look out upon a once-spectacular landscape of up-and-down desert country. What they see (and hear) now, about four miles away, is a 7,000-ton, 200-foot-high mechanical brontosaurus strip-mining the earth for coal, throwing up a pall of black dust, growling like a beast in anger.

Visitation at Yellowstone National Park, the first such park in American history, has fallen off to a fraction of the numbers that once inundated it through much of the twentieth century. This might be a salutary development, given the overcrowding in most parks, if it were not for the reason behind it: expansive development of geothermal sites just west of the park for power generation has drained off the steam and hot springs which fed Yellowstone's geysers and bubbling-hot pools and waterfalls, the park's main visitor attractions. Old Faithful, a postcard standard for generations, has not erupted for several years; Mammoth Hot Springs, only slightly less popular than Old Faithful, is now nothing but a collection of brittle geyser cones.

Two thousands miles to the southeast, at the very tip of Florida, Everglades National Park is deteriorating at an alarming rate. Subdivisions and industrial parks spreading southwest of Miami with the random inexorability of spilled milk have seriously depleted the natural flow of fresh water in the park. Periods of severely depleted water levels are interspersed with destructive flooding. Saltwater intrusion is at a crisis level. The natural cover of sawgrass has been replaced in most areas by the exotic Brazilian pepper. The Everglades kite, once a prime addition to any birder's life list, has not been seen in nearly a decade. The last alligator was spotted by a park ranger five years before . . .

This dark fantasy, more nightmare than dream, is not yet a reality. Neither is it an impossibility. The National Park System, one of the major talismans of the United States as a civilized community, is in trouble. Desperate trouble. Trouble so desperate that if we do not take steps right now to make needed changes we will be standing on the edge of a situation that will make the idea of the national parks a grim and bitter jest.

It is not as if we hadn't been warned. In 1978, the National Parks and Conservation Association, a national environmental organization, did a survey of park superintendents to determine the environmental status of the parks. Sixty-six percent of the superintendents reported that their parks were suffering some sort of resource threat from within or without park boundaries, and 64 percent declared that some of these threats had the capability of permanently damaging the quality of their parks. This survey was augmented in 1979 by a more comprehensive study undertaken by the National Park Service's Office of Science and Technology in response to a bipartisan request by myself and former Congressman Keith Sebelius (R-Kansas). Its conclusions were published the following year as State of the Parks, 1980. While the report made clear the fact that threats of one kind or another affected all national park units—for an overall average of twenty-three threats per park—those units with 30,000 acres or more—including many of our oldest and best-loved parks—were shown to have a startling twice as many threats as the average. Writing in the October 1982 issue of Environment magazine, Gundar Rudzitis and Jeffrey Schwartz glumly analyzed the NPS report's implications: " . . . the NPS concluded that no parks are immune to internal and external threats, and that these threats are causing significant damage. Furthermore, these threats would continue to degrade and destroy irreplaceable park resources until such time as mitigation measures are implemented. In many cases . . . such degradation

or loss of resources is irreversible. The irreversibility represents a sacrifice by a public that is, for the most part, unaware that such a price is being paid."

The threats of which the report spoke are still with us and are, if anything, worse than they were in 1979. They are too numerous and complex to be dealt with in detail in the space allotted to me here (the NPS report cataloged no fewer than seventy-three individual *types* of threats), but they can be broken down into some general categories. These would include aesthetic degradation from resource extraction and commercial, residential, and road development near (and sometimes in) the parks; air pollution from sulfur dioxide and hydrocarbon emissions and water pollution from toxic waste disposal, oil spills, dredging materials, and sewage effluents; ecological damage through the loss of wildlife, the introduction of exotic species, overcrowding, and internal mismanagement; and the disruptive effect of private inholdings on the integrity of individual park units.

With those general categories, the following summary of specific problems, however partial, however brief, should give some idea of the dimensions of the clear an present dangers facing the National Park System:

Under provisions of the Clean Air Act Amendments of 1977 (renewed in 1982), most major national park units have been classified as mandatory Class I areas—areas in which any deterioration of air quality must be viewed as significant. Nevertheless, the air quality in many parks has degenerated badly in recent years. For example, in the so-called Golden Circle of the Southwest—a region encompassing such park units as Grand Canyon, Canyonlands, Bryce Canyon, Capitol Reef, and Arches national parks and Lake Mead and Glen Canyon national recreation areas—visbility has been reduced on an average from sixty miles to forty. At Grand Canyon, visibility is sometimes as little as fifteen miles, the canyon's opposite rim lost in a sea of murk. Visibility at Glen Canyon has been whittled down by 25 to 50 percent in less than ten years, and all park units have had obscurity inflicted on them to one degree or another. The great bulk of this pollution comes from the twenty operating power plants in the Golden Circle, including the notorious Four Corners power plant near Farmington, New Mexico, which alone spews 80,000 tons of sulfur dioxide into the region every year (it is an irony of history that in 1965 the only signs of human life the orbiting astronauts of Gemini III could detect were the westward-moving plumes of aerial garbage issuing from the Four Corners plant). As many as ten additional power plants have been proposed for this region in recent years.

The Department of Energy is investigating two sites near Canyonlands National Park in Utah as possible repositories of nuclear waste with high-level radiation. One site is Davis Canyon, less than a mile from the park; the other is Lavender Canyon, only a little more than two miles away. Even with the most sophisticated disposal technology, there is no absolute guarantee that radiation from such deposits would not leak into the local ground-water system, with potential impact on the Colorado River. Aside from that, the site chosen would also include a coal-fired power plant, a railroad line for the transport of both coal and nuclear wastes, transmission lines, and support facilities—all within minutes of the edge of one of the most beautifully primitive and undeveloped parks in the country.

During the Carter administration, Interior Secretary Cecil Andrus ruled that strip-mining 9,000 acres of the Alton Coal Field just four miles from Bryce Canyon National Park would be unsuitable because the resulting development would all but destroy the splendid view from the park's Yovimpa Point. In fact, the Clean Air Act requires the protection of what it calls "integral vistas," which are defined as "the perception from within the federal Class I area of the specific historical, cultural, or scenic landmark panorama which is located outside the boundary of a park and which vista is important to the visitor experience of the park." Interior Secretary James Watt has refused even to list any integral vistas, and beyond that has sought (unsuccessfully, so far) to reverse the Andrus ruling in the courts, and has proposed changes in the law to allow such activities.

Perhaps the most overwhelmingly threatened national park in the entire system is Everglades. The increasing use of Florida's water resources by agriculture and urban and industrial growth in and around Dade County have seriously interfered with the region's natural seasonal flow of water, a cycle necessary for the maintenance of the park's ecological integrity. The impact on wildlife and its habitat already has been enormous—the population of some species of wading birds, for instance, has declined by 90 percent in the last fifty years, and salt-water intrusion increases every year, changing the balance of the ecosystem. "The natural variation in the water tables," park superintendent Jack Moorhead has said (as quoted by Robert Cahn in the Christian Science Monitor for June 15, 1982), "is what made the Everglades so great. But if this keeps up, the people coming to Everglades in the year 2000 might see a cover of Brazilian pepper instead of sawgrass, and few birds and no gators or any of the eleven species that are endangered or threatened and need the park habitat."

In the 488,031 acres of federal land comprising the Island Park Geothermal Area, some thirteen miles west of the border of Yellowstone National Park, more than seventy industries and utility companies have filed 200 lease applications for the exploration and development of geothermal resources. No one knows how this might affect the hot-water geysers and springs of the Yellowstone Geothermal Basin, phenomena of such extraordinary beauty and wonder that they inspired the creation of our first national park in 1872. Past experience around the world suggests the definite possibility that nothing but great harm could result from such development. Three of the world's top ten natural geyser areas have been destroyed already, and four more significantly damaged. Yellowstone is the only remaining natural geyser system in North America that remains undisturbed. Are we willing to exchange Old Faithful forever for probably no more than twenty-five years of locally produced geothermal energy? There are those who would take the chance.

In the words of The Wilderness Society's executive director, William Turnage, the still-unresolved question of privately held "inholdings" is "the gravest threat to the integrity of the National Park System in its entire history." The threat is both complex and insidious, and covers a broad spectrum of national parks. These pockets and parcels of land, left in private ownership when many parks were created, are a constant thorn in the side of the National Park Service, because until they can be incorporated into the individual parks as part of the system, they are a perpetual menace to both the meaning of the parks and the ecosystems they were designed to perpetuate. The danger is real, for in many instances the Park Service has been all but helpless to prevent damaging industrial and commercial development on such inholdings. Old-growth timber has been clearcut in parts of Glacier Bay and Yosemite national parks. Strip-mining has occurred in Shenandoah National Park; a mine was begun in Capitol Reef National Park within a stone's throw of the park's visitor center; the rim of Grand Canyon National Park sports a uranium mine; part of Death Valley National Monument has been gouged out by a borax mine; residential developments have popped up within the boundaries of Santa Monica Mountains National Recreation Area and roads for similar developments have been laid down in Olympic and Yosemite national parks.

It is a threat that has been with us for some time. In 1967, Park Service Director George Hartzog eloquently outlined the problem: "Inholdings are like the worm in the apple. They may not take up much of the total park area, but they tend to cluster around the prime scenic attractions. . . . On private lands within parks you will find lumberyards, pig farms, gravel pits, logging operations, and sheep and cattle ranches, plus power plants and mine shafts, auto junkyards, garbage dumps, private plane landing strips, and proliferating residential subdivisions."

The Park Service has the legal means to put an end to such inappropriate uses within the parks, by outright purchase of the inholdings, by condemnation proceedings, by issuing "scenic easements" to minimize impact, or by a simple declaration of taking. The money for all this—for inholders must by law be compensated—is provided by the Land and Water Conservation Fund. Unfortunately, first by declaring a "moratorium" on parkland purchases in 1981, then by simply evading his responsibility to spend the LWCF money that Congress has allocated his department, Interior Secretary James Watt has severely crippled the ability of the Park Service to resolve the situation—which is not simple in the first place: there are 34,000 private owners of national park inholdings.

Strip-mining in Capitol Reef National Park . . . a new power plant near Zion National Park . . . tar sand development in Glen Canyon National Recreational Area . . . feral hog damage in Great Smokies National Park . . . wholesale cactus poaching in Organ Pipe Cactus National Monument . . . vandalism and petroglyph desecration in Chaco Canyon National Monument . . . offroad vehicle damage at Cape Lookout National Seashore . . . dredging in Gulf Islands National Seashore . . . possible land sales in Apostle Islands National Lakeshore . . .

All of these and many, many more are either chipping away right now at the security of the National Park System or may soon be doing so. And they are not long-term threats awaiting us some distance down the road to the twenty-first century; they face us now—today, tomorrow, the day after tomorrow. Our response must be geared to that imminence. We must swiftly pass, in this session of Congress, a parks protection bill that challenges the inexorability of park degradation, that recognizes our responsibility to the future, that reaf-

firms our commitment to—and indeed our love for—these precious enclaves whose preservation goes a long way toward illuminating what the great experiment of America was all about.

(Congressman Phillip Burton is ranking member of the House Interior and Insular Affairs Committee. As chair of this committee's National Parks and Insular Affairs Subcommittee from 1977 to 1980, he set an unprecedented record for establishing and protecting parks, wilderness areas, trails and wild and scenic rivers, including the Omnibus Parks Act of 1978—one of the most sweeping pieces of environmental legislation ever to pass the Congress.)

A TRIBUTE TO PHIL BURTON

(Mr. SEIBERLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SEIBERLING. Mr. Speaker, I am sure you are all as shocked as I am at the news of our brother PHILLIP BURTON's departure from this world. His dedication to people, especially to working people, the poor, the underprivileged, and minorities, was not surpassed by anyone in the House of Representatives. His dedication to the protection of our environment, particularly our wilderness areas and our national parks, is well known to all the world.

But many people do not know the quiet, unpublicized things that PHIL BURTON constantly did to help his colleagues and to help his fellow human beings. He was truly a magnificent human being.

Not only was he dedicated to these things, but he was a master of the art of how to achieve them legislatively. I do not think there is a person in this House who knew better how to make this system work, and who had the values and priorities to see that it worked in the right direction more than PHILLIP BURTON.

It will be a long, long time before we have filled the gap caused by his passing. But each of us will cherish memories of our association with him over the years. May they inspire us to carry on in his spirit and deepen our own commitment to the cause of humanity.

COTTON BLENDED CREDIT PROGRAM FOR KOREA SHOULD BE APPROVED

(Mr. HUCKABY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HUCKABY. Mr. Speaker, recently I and 130 of my colleagues sent a letter to President Reagan, expressing our concern about the recent Cabinet Council's denial of $20 million in direct credit for a cotton-blended credit program for Korea.

Until recently, virtually all of Korea's cotton was purchased from the United States. As late as last July, U.S. cotton's market share in Korea amounted to 95 percent of that market. In the past 9 months, however, that market share has declined to 79 percent. Moreover, it is estimated that our share will drop to 60 percent by 1985 unless action is taken to halt this decline.

Mr. Speaker, the Korean market is one of the largest export markets for U.S. cotton, accounting for approximately 25 percent of our cotton exports. During the last 6 months, we have suffered a competitive loss of nearly 200,000 bales. Unless this trend is reversed, the annual loss could approach 600,000 bales. Key to reversing this decline is approval of the request for $20 million in direct credit. At a time when we have an 8-million-bale surplus of cotton in this country, and cotton prices have been severely depressed, it is essential that we continue aggressive export promotion programs in an effort to retain our share of world markets.

Reduced export potential for U.S. cotton will undoubtedly have an adverse impact on cotton prices, which could well lead to greater outlays under the target price program through which deficiency payments are made to farmers. Each 1-cent increase in deficiency payments translates into approximately $50 million in budget outlays.

It is my sincere hope that the President will see fit to reverse this decision and approve the cotton-blended credit program for Korea. I am glad to have the support of so many of my colleagues in seeking this goal, and I submit the letter to President Reagan for printing in the RECORD, as follows:

COMMITTEE ON AGRICULTURE, SUBCOMMITTEE ON COTTON, RICE, AND SUGAR,
Washington, D.C., March 22, 1983.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The 1.4 million bale U.S. cotton market in Korea has deteriorated dramatically in recent months because Korea's request for $20 million in direct credit under the blended credit program has not been approved.

This is a market that we vitally need to retain in today's climate of excess supply. This one market, if held, would consume nearly 12 percent of U.S. production and would account for more than a fourth of U.S. cotton exports.

In the first six months of the current crop year, we have already seen our share of the Korean market fall from 95 to 79.8 percent. The slippage so far amounts to an annual loss of $73.5 million.

Korean officials project that U.S. cotton's share will drop to 60 percent of the country's purchases by 1985 unless blended credit is made available to them. This would result in a $170 million annual revenue loss at today's prices. Judging from our shares of other Far Eastern markets, there is every reason to expect that projection to materialize.

We respectfully urge your prompt action to reverse the Senior Inter-Governmental level decision which denied the U.S. cotton industry's request for Korean credit.

Respectfully,

JERRY HUCKABY
(and 130 others.)

LEGISLATION DESIGNATING CERTAIN LANDS IN ARKANSAS AND OKLAHOMA AS WILDERNESS

(Mr. ANTHONY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANTHONY. Mr. Speaker, I rise to address the House today to announce that I am introducing a piece of legislation to designate certain lands within the Ozark and Washita National Forests in the State of Arkansas and Oklahoma as wilderness areas and to release other lands within such national forests for uses other than wilderness and for other purposes.

Mr. Speaker, the process of having the wilderness bills go through as a block appears that it is not going to be done. I think it is important that each State move forward to resolve this critical area.

Therefore, I am introducing this piece of legislation so that we can designate certain areas within the State of Arkansas as wilderness, but also to turn back or put release language in those other areas so that there will be some finality to that particular study known as RARE II.

□ 1215

TRIBUTE TO MARY LOU REYNOLDS UPON HER RETIREMENT AS EXECUTIVE DIRECTOR OF AUGUSTA CHAPTER OF AMERICAN RED CROSS

(Mr. BARNARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARNARD. Mr. Speaker, many of my friends and constituents are gathering on April 13, 1983, for a testimonial dinner to honor a great Augustan and a great American, Miss Mary Lou Reynolds.

Miss Reynolds is retiring as executive director of the Augusta Chapter of the American Red Cross. She has served in this position with distinction since 1954. The Augusta chapter has had great success under her leadership.

Miss Reynolds came to Augusta when the local chapter was in a time of turmoil. I understand that three different people served as the executive director during the 12 months prior to her coming. She brought stability, she brought efficiency and she moved forward into new areas. It was

under her leadership that a program was begun in an Augusta hospital for training and using high school students as volunteer helpers. This grew into a national program which we now know as candy-strippers. The Augusta Red Cross now recruits and uses a veritable army of volunteers in many different areas. Last year 85,000 hours of volunteer service was given by volunteers working with the Augusta chapter.

Miss Reynolds is a talented and well-educated lady. She grew up in South Carolina, getting her undergraduate education at Columbia College and, later, a masters degree in social work. She taught French as a school teacher, and then worked with Indians in Oklahoma through the Methodist Church before beginning her career with Red Cross.

During World War II, Miss Reynolds served nobly as a Red Cross worker at Oliver General Army Hospital. She was on call 24 hours a day, 7 days a week, to meet the needs of wounded American soldiers arriving from overseas for care and treatment at the hospital.

Following the war, she rendered great service as a career Red Cross worker at a number of Army hospitals. This service continued until she was called back to Augusta to serve as executive director of our local Red Cross chapter.

Miss Reynolds is a bright and capable woman. She has dedicated her life to Red Cross and the good of our local chapter to the exclusion of other activities and interests, much as a minister may dedicate himself to the work of his church.

She is well known in the Augusta area and in Red Cross circles throughout our land. She is highly regarded for her efforts.

Miss Mary Lou Reynolds has not sought fame or fortune, but she is without doubt a great American. Her life presents a fine example for us all.

We congratulate her for distinguished service to the people of Augusta. We wish her well as she goes forward into a new stage of her life.

THE LATE HONORABLE PHILLIP BURTON

(Mr. HEFTEL of Hawaii asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFTEL of Hawaii. Mr. Speaker, the passing of PHIL BURTON is the passing of a very great Member of this body, the passing of a man who cared very deeply about people. His image was one of a hard driving, aggressive, pursuing, knowledgeable Member of this body who knew better than most how to make it work. But if it was in his capacity to make it work better than most, it was only so that he could make it work better for people—the people who primarily need help and are not thought of very much in the process that we go through. He thought of them. He cared about them. He gave every ounce of his energy and, ultimately, of his life, to those people he cared about in America.

For Hawaii, for the Nation, his passing will be a great loss, a loss that will not easily be replaced, if ever to be replaced, in one human being.

LIBERAL DEMOCRATIC BUDGET CONTAINS PROVISION FOR POTENTIAL PAY INCREASE FOR MEMBERS OF CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WALKER) is recognized for 30 minutes.

Mr. WALKER. Mr. Speaker, back before the Easter holiday, when we left this body for recess, we passed a budget, we passed the liberal Democratic budget, a budget that had a number of things wrong with it. But one of the worst provisions of that budget was that it made provision for yet another congressional pay increase beginning on October 1 of this year.

The Washington Times, the newspaper here in this town, when it reported our action on that budget, reported that we had passed that budget that included an $8,700 pay increase potential for Members of Congress.

Later, during the recess, the U.S. News & World Report came out and indicated in a paragraph in that magazine that this provision was buried down in the budget resolution.

I found constitutents of mine at home, as I talked during this recess period, who are extremely concerned that Congress has done it to them again, that here again Congress has buried down in the midst of a bill a provision which the vast majority of Americans cannot agree with. They realize that Congress just passed itself about a $9,000 pay increase back in December, and then to come along, only 3 months later, with another bill, with another provision in it that may lead to another $8,700 increase for Members of Congress, was just completely unacceptable to them.

Now, I raised this point on the House floor back before we went home on recess. I pointed out that everyone who had voted for that budget the day before voted to provide for a new congressional pay increase beginning on October 1 of this year. And that caused a little bit of a flurry of activity. In fact, the Democratic Study Group, one of our task force groups around here, came out with a sheet of paper in which they called that outright demagoguery, to contend that there was a congressional pay increase in that bill, and yet we had pointed out that the Congressional Budget Office had said in its analysis that, in fact, there was room for a congressional pay increase in the bill and that the figures would indicate that the bill meant to provide for a congressional pay increase and, indeed, when you analyze the report on the bill, it went into great detail about all of the things that were down in the bill, but it left out any discussion of the fact that there was money in there for that congressional pay increase.

So I have a feeling that the American people are properly worried, particularly when they looked further down in that little sheet from the Democratic Study Committee and found out that one of the things they said down in there was that Representative WALKER, who is complaining about this, voted for a budget last year that had the same provision in it.

Well, Representative WALKER also remembers that we ended up with a congressional pay increase out of that, too, and that is the problem, and that is what we want to make certain does not happen again in this Congress.

So, therefore, Mr. Speaker, I am introducing today a sense of the Congress resolution, just to allow us to make clear what that bill means or what it does not mean. I have a sense of the Congress resolution which says that nothing in House Concurrent Resolution 91, which is the budget bill, shall be interpreted as providing for a pay increase for Members of Congress.

It goes on to say that House Concurrent Resolution 91 shall not be interpreted to provide or define in any other way to provide a pay increase for Members of Congress.

It also says: "Nor should anything in House Concurrent Resolution 91 be construed as initiating the process of providing a pay increase for Members of Congress."

I would hope that a number of the Members of this body will see the need for this resolution, will agree to cosponsor it. I certainly open it for cosponsorship. But, more importantly, I think it deserves action.

If there is some possibility—and a number of different people, in analyzing the language of the budget resolution, indicated that there might be such a possibility—if such a possibility exists, I think Congress should act to clear up the question right now. If this body is unwilling to act, I think that will demonstrate that they knew exactly what they were doing in that budget resolution, that they knew exactly they were starting the process once again, they were opening the door for another congressional pay increase, that the way that they can cure it is by passing this resolution and passing it quickly so that there can be no mistake, for the lack of action on this resolution will be a lack

of action on something that the American people will feel very much is not in their best interest.

So, Mr. Speaker, I would ask that any Members who are interested in cosponsoring the resolution be in touch with my office, and I would also ask that the leadership act quickly on the resolution, to clear up any questions that might exist.

THE ONGOING HOLOCAUST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. BEREUTER) is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, this week's activities here in Washington and across the Nation in observing the "Days of Remembrance" of the Holocaust are indeed a very important occasion to remember, upon which to reflect and to renew a commitment that it shall never happen again.

Today, however, I want to speak about another holocaust going on now—too largely unnoticed, unlamented, and unchecked. There indeed is another holocaust in Cambodia about which few of us hear and about which some of our citizens wish not to hear.

Although smaller in scale than the terrible Nazi programs for extermination in the Second World War, the ongoing holocaust in Cambodia is equally horrible and devasting.

As all of you know, the Pol Pot regime took over control of Cambodia in 1975 and began its unprecedented reign of terror on the peace-loving Cambodian people. After thousands were killed or tortured to death as part of Pol Pot's purge of his own Communist Party, the Cambodians who opposed his regime were often imprisoned in camps which were so primitive that few prisoners survived. Other opponents to Pol Pot's ways were brutally executed or tortured to death. In recent years, the world press has reported gruesome stories of the recently uncovered mass graves and the bones of thousands of innocent Cambodians. Over 300,000 Cambodians were reportedly killed in the purge.

In more recent days, the suffering of the Cambodian people has continued. After the fall of Vietnam, the Communist regime solidified its power and began expanding outward into adjoining countries with the aid of their Soviet mentors. In 1978, over 100,000 firstline Vietnamese soldiers crossed the border and invaded Cambodia. By 1979, the Pol Pot regime fled to the western border near Thailand, and the Vietnamese Communists took over the capital, Phnom Phen.

In all too typical a pattern among Communist governments, any opposition to the advancing Vietnamese units was brutally crushed by overwhelming manpower and firepower. There are now over 180,000 Vietnamese troops in Cambodia. Chemical and biological weapons are reportedly being routinely used to suppress the opposition.

The fighting continues as the Vietnamese units attempt to take Pol Pot camps in the western sector of the country. The Cambodian peasants who are not killed in the frequent military engagements are often forced to flee from their villages or become refugees. It is estimated that over 500,000 Cambodians have fled from their country to seek refuge in Thailand. Those who voice any opposition to the new coalition government are sent to reeducation camps.

Although our Government has repeatedly called this terrible situation to the attention of the United Nations and other appropriate international bodies, the problems continue. The tragedy of Cambodia is a crime against the poor peasants who bear the brunt of Communist influence and aggression in Southeast Asia. It is genocide on a massive scale. It, too, is a crime against mankind on an incredible scale.

As all Americans listen again to the accounts of the survivors of the European Holocaust, let us also not forget that today's holocaust is unfolding before our eyes in Cambodia. It is an intolerable crime against mankind that mankind must somehow stop.

□ 1230

CENTRAL AMERICA

The SPEAKER pro tempore (Mr. MOAKLEY). Under a previous order of the House, the gentleman from Iowa (Mr. LEACH) is recognized for 30 minutes.

Mr. LEACH of Iowa. Mr. Speaker, while the attention of the Congress and the media has focused in recent months on events in El Salvador and Nicaragua, it should be noted that one presumably unintended side effect of the administration's policies in the region may be the undermining of the fragile democratic institution of Honduras.

The irony of the so-called domino theory is that it may very well be the administration's own clumsy attempts to use Honduras as a pawn in its single-minded effort to impose military solutions to Central American problems that may cause the Honduran domino to topple. The slow and painful efforts of the Hondurans themselves to forge a democratic and representative system appear to be of secondary concern to policymakers in Washington who treat this small Central American republic as a base from which to carry out its various cloak-and-dagger schemes in other nations in the region.

It is from Honduras that the anti-Sandinista "contras" began their campaign to destabilize and overthrow the current Nicaraguan Government, a campaign encouraged and financed in direct violation of legislation passed unanimously by this House. Now we hear of plans to use Honduras as a place to train Salvadoran troops as part of the administration's continuing attempt to seek a military, rather than a political, resolution of the Salvadoran civil war. Last year, the United States entered into an agreement with Honduras to upgrade military airfields in that country. This year, one of the largely overlooked components of the military and economic aid package for Central America that the President unveiled in his March 10 speech to the National Association of Manufacturers is $17 million in military assistance for Honduras.

Mr. Speaker, the best thing we could do for Honduras would be to support its developing process, provide it with economic and humanitarian assistance through AID and the Peace Corps, and seek to isolate it from the turmoil around it. Instead, we seem intent upon drawing Honduras into the maelstrom of a regional conflict from which neither it nor we can profit. The administration's desire to train Salvadoran soldiers in Honduras shows little or no sensitivity for the history of strained relations between those two countries, which not long ago fought a war against each other.

Mr. Speaker, Central America is a healthy potpourri of independent states and people. It should not be treated as an amorphous group of interchangeable banana republics. The mistakes our Government made in Guatemala in 1954 and Cuba in 1961 must not be repeated.

When I visited Honduras and the other countries of Central America last January, I was deeply impressed by the sincerity of Honduran President Suazo Cordova and the progress toward democratic government that has taken place in a very brief span of time. But it was also clear that Honduras is unable or unwilling to resist the pressures being exerted upon it by our own Government. The American Ambassador in Tegucigalpa is the closest approximation we have to a proconsul in any country today. In our desire to convert Honduras into a staging area for U.S. intervention in Central America, we are contributing to the very conditions that prevent Honduran democracy from solidifying. Building up the Honduran military jeopardizes the democratic political institutions in the country. Widening and militarizing the political rivalries in Central America prevents the stability necessary for democracy to prosper. Arming and encouraging Nicaraguan exiles creates the possibility that in the not-too-distant future defeated or abandoned forces could be let loose within Honduras. The anger of the Contras might

just as easily be directed at the Hondurans as at the Sandinistas. In addition, the veiled threats of Sandinista leadership that leftist forces within Honduras can be expected to spawn countervailing anarchy cannot be lightly dismissed. A broader regional conflict, anarchy and insurrection are hardly the best prescriptions for fostering democratic reforms.

Honduras and Costa Rica are oases of relative tranquility on the otherwise bloody map of Central America. In its shortsighted pursuit of military victories, the administration may be undercutting the only real chances for democracy to thrive in the region. We are doing our friends and our ideals a major disservice by dragging the Hondurans into a conflict that neither they nor we can control.

NATIONAL POW-MIA RECOGNITION DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. MONTGOMERY) is recognized for 5 minutes.

● Mr. MONTGOMERY. Mr. Speaker, according to a congressional resolution passed last year, the President proclaimed April 9, 1983, "National POW-MIA Recognition Day" in honor of two very special and unique groups of American soldiers. Last Saturday the Nation shared an excellent opportunity to offer a true and meaningful tribute to the American men and women who suffered in enemy prison camps, as well as those who gave their lives on foreign soil and whose remains have not been found.

I know many of my colleagues participated in ceremonies and activities around the country in tribute to the 142,307 Americans who have been subjected to prisoner of war captivity during the four wars this country has fought in this century. Many heard firsthand accounts of the cruel and inhumane treatment suffered at the hands of their captors.

In the 97th Congress, Public Law 97-37, the Former Prisoner of War Benefits Act of 1981, was enacted to address this issue. This major legislation allows compensation benefits for psychosis and anxiety neurosis, provides eligibility for inpatient and outpatient treatment for former POW's, and reduces from 6 months to 30 days the required period of captivity for presumption of malnutrition.

Since enactment of this law, VA has been making a special effort to advise the surviving 90,801 American former prisoners of war about the special benefits extended to them. With the help of veterans' service organizations, VA has made contact with a large percentage of surviving POW's, including 60 women, most of whom were military nurses held prisoner by the Japanese during World War II.

All Americans ought to recognize the debt we owe these unsung and silent heroes and heroines. These valiant men and women relinquished their freedom in order that we might enjoy the blessings of peace.●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. EDWARDS of California, for 60 minutes, Tuesday, April 12, 1983.

Mrs. BOXER, for 60 minutes, Tuesday, April 12, 1983.

(The following Members (at the request of Mr. PACKARD) to revise and extend their remarks and include extraneous material:)

Mr. WALKER, today, for 30 minutes.

Mr. BEREUTER, today, for 5 minutes.

Mr. LEACH of Iowa, today, for 30 minutes.

(The following Members (at the request of Mr. DICKS) to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ, today, for 30 minutes.

Mr. ANNUNZIO, today, for 5 minutes.

Mr. MONTGOMERY, today, for 5 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PACKARD) and to include extraneous matter:)

Mr. YOUNG of Alaska.

Mr. WINN.

Mr. BADHAM.

Mrs. JOHNSON in two instances.

Mr. FISH.

Mr. PARRIS.

Mr. MICHEL.

Mr. PORTER.

Mr. LUJAN.

Mr. BROOMFIELD.

Mr. KEMP.

(The following Members (at the request of Mr. DICKS) and to include extraneous matter:)

Mr. LEVINE of California.

Mr. PEPPER.

Mr. KILDEE in two instances.

Mr. MARKEY in two instances.

Mr. RICHARDSON.

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mrs. LLOYD in five instances.

Mr. HAMILTON in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. MURTHA.

Mr. LONG of Maryland.

Mr. MARTINEZ.

Mr. STARK in two instances.

Mr. FASCELL in two instances.

Mr. UDALL.

Mr. FORD of Tennessee in three instances.

Mr. ENGLISH.

Mr. GEJDENSON.

Mr. FRANK.

Mr. JONES of Oklahoma.

Mr. COELHO.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 461. An act to extend the authorization of appropriations for the Office of Government Ethics for 5 years; to the Committee on the Judiciary and the Committee on Post Office and Civil Service.

S. 589. An act to authorize $15,500,000 for capital improvement projects on Guam, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 809. An act to authorize appropriations for activities under the Federal Fire Prevention and Control Act of 1974, and for other purposes; to the Committee on Science and Technology.

S. 820. An act to amend section 7 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706) to extend authorizations for appropriations, and for other purposes; to the Committee on Science and Technology and the Committee on Interior and Insular Affairs.

S. 821. An act to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal year 1984, and for other purposes; to the Committee on Science and Technology.

ENROLLED BILL SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1900. An act to assure the solvency of the social security trust funds, to reform the medicare reimbursement of hospitals, to extend the Federal supplemental compensation program, and for other purposes.

ADJOURNMENT

Mr. DICKS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 35 minutes p.m.), pursuant to House Resolution 157, the House adjourned until tomorrow, Tuesday, April 12, 1983, at 12 o'clock noon in memory of the late Honorable PHILLIP BURTON of California.

11-059 O-87-38 (Pt. 6)

OATH OF OFFICE, MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> "I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 98th Congress, pursuant to the provisions of 2 U.S.C. 25:

DAN SCHAEFER, Sixth District, Colorado.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports of various House committees and delegations traveling under authorizations from the Speaker concerning the foreign currencies and U.S. dollars utilized by them during the fourth quarter of calendar year 1982 and first quarter of calendar year 1983 in connection with foreign travel pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON AGING, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1982

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Louise Bracknell	11/14	11/18	Montreal, Canada	458.47	375.00					458.47	375.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1982

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Bill Frenzel	11/14	11/15	Germany	216.72	84.00						84.00
	11/15	11/19	Soviet Union		178.00						178.00
	11/19	11/22	France	1,653.00	228.00		19.74		17.93		265.67
	11/22	11/27	Switzerland	889.60	405.00						405.00
Transportation by Department of Defense							5,693.06				5,693.06
Committee total					895.00		5,712.80		17.93		6,625.73

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAN ROSTENKOWSKI, Chairman, Mar. 16, 1983.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1982

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Thomas E. Mooney, staff	10/10	10/14	Switzerland		132.00						132.00
	10/14	10/17	Germany		99.00						99.00
	10/17	10/20	Italy		132.00						132.00
Commercial transportation							260.00				260.00
Tom Railsback, MC	10/11	10/14	Switzerland		99.00						99.00
	10/14	10/16	France		66.00						66.00
	10/16	10/19	Italy		99.00						99.00
	10/19	10/20	England		33.00						33.00
Committee total					660.00		260.00				920.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PETER W. RODINO, JR., Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, STEPHEN I. JACOBS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 13 AND MAR. 18, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Stephen I. Jacobs	3/14	3/15	Great Britain	65.30	98.00		2,753.74				3,100.74
	3/15	3/18	Belgium	11,728	249.00						

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

STEPHEN I. JACOBS, Mar. 30, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, ELEANOR KELLEY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 9 AND JAN. 20, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Eleanor Kelley	1/9	1/11	Venezuela	1,515.10	354.00		(3)			1,515.10	354.00
	1/12	1/13	Uruguay	3,825	150.00					3,825	150.00
	1/14	1/17	Brazil	105,953	408.00					105,953	408.00
	1/18	1/20	U.S. Virgin Islands	0						0	0
Committee totals					921.00						912.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] USAF, no individual cost figures available.

ELEANOR KELLEY, Feb. 8, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO BRAZIL, SOUTH AFRICA, ZIMBABWE, KENYA, GREECE, AND ITALY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 7 AND JAN. 22, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Frank Godfrey	1/7	1/9	Brazil		270.00						270.00
	1/9	1/12	South Africa		324.00						324.00
	1/12	1/14	Zimbabwe		216.00						216.00
	1/14	1/17	Kenya		324.00						324.00
	1/17	1/20	Greece		324.00						324.00
	1/20	1/22	Italy		238.00						238.00
Military transportation							8,019.90				8,019.90
Committee totals					1,696.00		8,019.90				9,715.90
Rita H. Hankins	1/7	1/9	Brazil		195.00						195.00
	1/9	1/12	South Africa		324.00						324.00
	1/12	1/14	Zimbabwe		141.00						141.00
	1/14	1/17	Kenya		249.00						249.00
	1/17	1/20	Greece		324.00						324.00
	1/20	1/22	Italy		238.00						238.00
Military transportation							8,019.90				8,019.90
Committee totals					1,471.00		8,019.90				9,490.90

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

FRANK GODFREY, RITA H. HANKINS, Feb. 18, 1983.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

852. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a cumulative report on rescissions and deferrals of budget authority as of April 1, 1983, pursuant to section 1014(e) of Public Law 93-344 (H. Doc. No. 95-43); to the Committee on Appropriations and ordered to be printed.

853. A letter from the Secretary of State, transmitting a report, covering the month of March, on the manner in which the national interest of the United States has been served by the payments made by the Commodity Credit Corporation to the U.S. creditors on credits guaranteed by the CCC on which payments had not been received from the Polish People's Republic, pursuant to section 306 of Public Law 97-257; to the Committee on Appropriations.

854. A letter from the Acting Assistant Secretary of State for Congressional Relations, transmitting a copy of Presidential determination No. 83-5, certifying assurances that proposed foreign military sales or agreements will not cause the transfer of sensitive U.S. equipment or technology in violation of the Arms Control Act, pursuant to section 163 of Public Law 97-377; to the Committee on Appropriations.

855. A letter from the General Counsel, Federal Emergency Management Agency, transmitting a draft of proposed legislation to amend section 1333 and 1341 of the National Flood Insurance Act of 1968, as amended; to the Committee on Banking, Finance and Urban Affairs.

856. A letter from the Mayor of the District of Columbia, transmitting a draft of proposed legislation to amend the District of Columbia Retirement Reform Act; to the Committee on the District of Columbia.

857. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-20, Closing of a Portion of First Street, Northwest, Act of 1983, pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

858. A letter from the Chairman, Council of the District of Columbia, D.C. Act 5-21, Closing of an Unimproved Public Alley in

Square 5189 Act of 1983, pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

859. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-22, Real Property Tax Sale Regulations Amendment Act of 1982, pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

860. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-23, Cable Television Communications Act of 1981 Temporary Amendment Act of 1983, pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

861. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-24, District of Columbia Municipal Regulations Publication Temporary Act of 1983, pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

862. A letter from the Vice President for Government Affairs, National Railroad Passenger Corporation, transmitting a report covering the period of January and February 1983 on the average number of passengers per day on board each train operated, and the on-time performance at the final destination of each train operated, by route and by railroad, pursuant to section 308(a)(2) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Energy and Commerce.

863. A letter from the Acting Assistant Secretary of Congressional Relations, transmitting reports on political contributions by various ambassadorial nominees and by members of their families, pursuant to section 304(b)(2) of Public Law 96-465; to the Committee on Foreign Affairs.

864. A letter from the Secretary of Housing and Urban Development, transmitting a report on the Department's activities under the Freedom of Information Act during calendar year 1982, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

865. A letter from the Comptroller General of the United States, transmitting a report on the review of basic corporate control laws (GAO/PAD-83-3, April 6, 1983); to the Committee on Government Operations.

866. A letter from the Chairman, Interstate Commerce Commission, transmitting a report on the Commission's activities under the Government in the Sunshine Act during calendar year 1982, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

867. A letter from the Acting Secretary, Federal Trade Commission, transmitting a report on the Commission's activities under the Freedom of Information Act during calendar year 1982, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

868. A letter from the Deputy Secretary of the Treasury, transmitting a draft of proposed legislation to amend chapter 25 of title 18, United States Code to provide penalties for the forging of endorsements on, or fraudulently negotiating, U.S. checks or bonds or securities, and for other purposes; to the Committee on the Judiciary.

869. A letter from the Deputy Secretary of the Transportation, transmitting a draft of proposed legislation to amend the Merchant Marine Act 1936, and for other purposes; to the Committee on Merchant Marine and Fisheries.

870. A letter from the Administrator of the Federal Aviation Administration, the semiannual report on the effectiveness of the civil aviation security program, covering the period ending December 31, 1982, pursuant to section 315(a) of the Federal Aviation Act; to the Committee on Public Works and Transportation.

871. A letter from the Administrator of General Services, transmitting four prospectuses for Federal construction projects, pursuant to section 7 of the Public Buildings Act of 1959, as amended; to the Committee on Public Works and Transportation.

872. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a report from the Chief of Engineers on the Russian River Basin, Calif., together with other pertinent reports, pursuant to a resolution adopted by the House Committee on Public Works and Transportation on October 12, 1972; to the Committee on Public Works and Transportation.

873. A letter from the Comptroller General of the United States, transmitting a report on the status of the Great Plains coal gasification project (GAO/RCED-83-112, April 8, 1983); jointly, to the Committees on Banking, Finance and Urban Affairs; Energy and Commerce; and Science and Technology.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X, the following action was taken by the Speaker:

[Submitted April 8, 1983]

The Committee on Merchant Marine and Fisheries discharged from the further consideration of H.R. 1071; H.R. 1071 referred to the Union Calendar and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANTHONY:

H.R. 2452. A bill to designate certain lands within the Ozark and Ouachita National Forests in the States of Arkansas and Oklahoma as wilderness areas, to release other lands within such National Forests for uses other than wilderness, and for other purposes; jointly, to the Committees on Agriculture and Interior and Insular Affairs.

By Mr. FASCELL (for himself, Mr. PEPPER, Mr. BROOMFIELD, Mr. GILMAN, Mr. RINALDO, Mr. IRELAND, Mr. MICA, Mr. SMITH of Florida, Mr. BROYHILL, Mr. CORCORAN, and Mr. CORRADA):

H.R. 2453. A bill to amend the Board for International Broadcasting Act of 1973 to provide for radio broadcasting to Cuba; to the Committee on Foreign Affairs.

By Mr. LENT:

H.R. 2454. A bill to amend title II of the Social Security Act to provide increases in primary insurance amounts to account for depressed replacement rates; to the Committee on Ways and Means.

By Mrs. LLOYD:

H.R. 2455. A bill to authorize appropriations to the Department of Energy for the Clinch River breeder reactor research and development project for fiscal years 1984-90; to the Committee on Science and Technology.

By Mr. LUJAN:

H.R. 2456. A bill to amend the Railroad Retirement Act of 1974 with respect to benefits payable to certain individuals who on December 31, 1974, had at least 10 years of railroad service and also were fully insured under the Social Security Act; to the Committee on Energy and Commerce.

H.R. 2457. A bill to provide that members of all commissions, councils, and similar bodies in the executive branch of the Government appointed from private life shall serve without any remuneration for their services other than travel, subsistence, and other necessary expenses; to the Committee on Post Office and Civil Service.

H.R. 2458. A bill to amend the Internal Revenue Code of 1954 to exclude life insurance proceeds from the gross estate for purposes of the Federal estate tax; to the Committee on Ways and Means.

H.R. 2459. A bill to amend the Internal Revenue Code of 1954 to repeal the estate and gift taxes and the tax on generation-skipping transfers; to the Committee on Ways and Means.

H.R. 2460. A bill to reduce unemployment by providing that unemployment insurance funds may be used pursuant to State laws establishing programs for payments to employers who hire the unemployed; to the Committee on Ways and Means.

By Mr. MURPHY (for himself, Mr. PERKINS, Mr. MILLER of California, Mr. BIAGGI, Mr. SIMON, Mr. GAYDOS, Mr. WILLIAMS of Montana, and Mr. CORRADA):

H.R. 2461. A bill to extend and improve the Rehabilitation Act of 1973 and to provide for the operation of the Helen Keller National Center for Deaf-Blind Youths and Adults; to the Committee on Education and Labor.

By Mr. MURPHY (for himself, Mr. FORD of Tennessee, Mr. DANIEL, Mr. ROE, Mr. MCNULTY, and Mr. BARNARD):

H.R. 2462. A bill to provide for the placement of an appropriate statue or other memorial in Arlington National Cemetery to honor individuals who were combat glider pilots during World War II; to the Committee on Veterans' Affairs.

By Mr. SEIBERLING:

H.R. 2463. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1954 to exclude from wages, for purposes of computing benefits and taxes under the old-age, survivors, and disability insurance program, the quarterly cash remuneration for the services of a domestic employee in a private home of the employer if such quarterly cash remuneration is less than $200 or the employee has not attained age 19 before the beginning of the quarter; to the Committee on Ways and Means.

By Mr. SEIBERLING (for himself and Mr. HORTON):

H.R. 2464. A bill to recognize the Army and Navy Union of the United States of America; to the Committee on the Judiciary.

By Mr. WALGREN (for himself, Mr. FUQUA, Mr. BROWN of California, Mr. DYMALLY, Mr. TORRICELLI, and Mr. BOEHLERT):

H.R. 2465. A bill to authorize appropriations for the Earthquake Hazards Reduction Act of 1977 and the Federal Fire Prevention and Control Act of 1974 for fiscal year 1984 and fiscal year 1985, and for other purposes; jointly, to the Committees on Science and Technology and Interior and Insular Affairs.

By Mr. RINALDO:

H.J. Res. 231. Joint resolution proposing an amendment to the Constitution of the United States relative to contributions and expenditures intended to affect congressional, Presidential, and State elections; to the Committee on the Judiciary.

By Mr. LENT:

H. Con. Res. 105. Concurrent resolution directing the Commissioner of Social Security and the Secretary of Health and Human Services to immediately conduct a study and report to Congress on steps which can be taken to correct the benefit disparity known as the notch problem, in order to insure equitable and fair treatment for those who have based their retirement plans on benefit levels which have existed for the past decade; to the Committee on Ways and Means.

By Mr. WALKER:

H. Con. Res. 106. Concurrent resolution expressing the sense of the Congress that nothing in House Concurrent Resolution 91 shall be interpreted as providing a pay increase for Members of Congress; to the Committee on Post Office and Civil Service.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 2: Mr. HARKIN, Mr. HALL of Ohio, Mr. FEIGHAN, Mrs. BOXER, and Mr. PATTERSON.

H.R. 42: Mr. HERTEL of Michigan.

H.R. 204: Mr. STOKES.

H.R. 216: Mr. STAGGERS.

H.R. 223: Mr. RALPH M. HALL.

H.R. 237: Mr. HARTNETT.

H.R. 245: Mr. CARR.

H.R. 337: Mr. HOWARD.

H.R. 338: Mr. HOWARD.

H.R. 991: Ms. MIKULSKI and Mr. RATCHFORD.

H.R. 1077: Mr. GLICKMAN, Mr. EVANS of Iowa, Mr. ROBERTS, Mr. SKEEN, Mr. WEAVER, Mr. LUJAN, Mr. DAVIS, Mr. D'AMOURS, Mr. DASCHLE, and Mr. GREGG.

H.R. 1144: Mr. GORE and Mr. ANDERSON.

H.R. 1145: Mr. WILSON, Mr. HARKIN, Mr. STAGGERS, Mr. WISE, Mr. DYSON, Mr. DWYER of New Jersey, Mr. WHITTAKER, and Mr. SMITH of Florida.

H.R. 1266: Mr. FORD of Tennessee, Mr. CONYERS, Mr. MOODY, Mr. FRANK, Mrs. BOXER, and Mr. SMITH of Florida.

H.R. 1272: Mr. ENGLISH, Mr. DANIEL B. CRANE, and Mr. SIMON.

H.R. 1299: Mr. FOGLIETTA, Mr. ROE, Mr. DIXON, Mr. BEDELL, Mr. TORRICELLI, and Mr. AKAKA.

H.R. 1300: Mr. FOGLIETTA, Mr. ROE, Mr. DIXON, Mr. BEDELL, Mr. TORRICELLI, and Mr. AKAKA.

H.R. 1350: Mr. CONTE, Mr. SIMON, Mr. GOODLING, and Mr. LUKEN.

H.R. 1531: Mr. CONYERS, Mr. DIXON, Mr. DYSON, Mr. FAZIO, Mr. HARKIN, and Mr. MORRISON of Connecticut.

H.R. 1661: Mr. BEDELL, Mr. OXLEY, Mr. CHAPPIE, Mr. WASHINGTON, Mr. KOGOVSEK, Mr. ROE, and Mrs. BOXER.

H.R. 1691: Mr. NIELSON of Utah.

H.R. 1797: Mr. FRANK, Mr. ACKERMAN, Mr. STUDDS, Mr. MARRIOTT, Mr. DE LUGO, Ms. OAKAR, and Mr. LEACH of Iowa.

H.R. 1873: Mr. OBERSTAR, Mr. GEJDENSON, Mr. FAUNTROY, Mr. STUDDS, Mr. GARCIA, Mr. BONIOR of Michigan, Mr. FEIGHAN, Mr. TORRICELLI, Mr. CLAY, Mr. DELLUMS, Mr. MILLER of California, Mr. OTTINGER, Mr. MCHUGH, Mr. KOSTMAYER, Mr. CONYERS, Mr. MINETA, and Mr. DORGAN.

H.R. 1875: Mr. MICA, Mr. IRELAND, Mr. FASCELL, Mr. YOUNG of Florida, Mr. HUTTO, Mr. BILIRAKIS, Mr. CHAPPELL, and Mr. NELSON of Florida.

H.R. 1905: Mr. PATMAN, Mr. DE LUGO, Mr. ORTIZ, Mr. DYSON, Mr. BARNARD, Mr. BADHAM, Mr. ROWLAND, and Mr. TAYLOR.

H.R. 1937: Mr. FORD of Michigan, Mrs. LLOYD, Mr. IRELAND, Mr. DICKS, and Mr. DAVIS.

H.R. 1998: Mr. BATES.

H.R. 2118: Mr. DYMALLY, Mr. RATCHFORD, and Mr. WORTLEY.

H.R. 2188: Mr. WEISS.

H.R. 2355: Mr. BRYANT.

H.R. 2359: Mr. FASCELL and Mr. LEHMAN of Florida.

H.R. 2377: Mr. FRANK.

H.J. Res. 61: Mrs. MARTIN of Illinois, Mr. TAUKE, Mr. HORTON, Mr. FORD of Michigan, Mr. WASHINGTON, Mr. LAFALCE, Mr. GINGRICH, and Mr. PATTERSON.

H.J. Res. 62: Mr. JENKINS, Mr. STRATTON, Mr. BENNETT, Mr. LONG of Maryland, Mr. BEILENSON, Mr. LONG of Louisiana, Mr. MCKERNAN, and Mr. PANETTA.

H.J. Res. 184: Mr. EDWARDS of Alabama, Mr. CONABLE, Mr. MOLLOHAN, Mr. BERMAN, Mr. SAWYER, Ms. KAPTUR, Mr. MCCOLLUM, Mr. SISISKY, Mr. LOWRY of Washington, Mr. PARRIS, Mr. FOWLER, and Mr. LUJAN.

H.J. Res. 186: Mr. SYNAR, Mr. ALEXANDER, Mr. ROWLAND, Mr. DANNEMEYER, Mr. GOODLING, Mr. ROBERTS, Mr. SWIFT, and Mr. COURTER.

H.J. Res. 187: Mr. OBERSTAR, Mr. FAUNTROY, Mr. HUGHES, Mr. FRENZEL, Mr. SHUMWAY, and Mr. MAZZOLI.

H.J. Res. 215: Mr. SMITH of Florida, Mr. DONNELLY, Mr. FAZIO, Ms. MIKULSKI, Mr. MCGRATH, Mr. SHELBY, Mr. ROSE, Mr. PATTERSON, Mr. VANDERGRIFF, Mr. LEWIS of California, Mr. WEISS, Mr. OWENS, Mr. NICHOLS, Mr. CHAPPIE, Mr. HUGHES, Mr. CHANDLER, Mr. FRENZEL, Mr. MURPHY, Mr. GOODLING, Mr. HOYER, Mr. SIMON, Mr. HERTEL of Michigan, Mr. OXLEY, Mr. BONIOR of Michigan, Mr. ANDERSON, and Mr. CORCORAN.

H. Res. 17: Mr. AUCOIN, Mr. DONNELLY, Mr. DWYER of New Jersey, Mr. GIBBONS, Mr. GREEN, Mr. HANCE, Mr. KOSTMAYER, Mr. ROBERTS, and Mr. VALENTINE.

H. Res. 53: Mr. DANIEL B. CRANE, Mr. EDWARDS of Oklahoma, Mr. KINDNESS, Mr. RUDD, Mr. HILER, Mr. NIELSON of Utah, Mr. WALKER, Mr. CRAIG, and Mr. PAUL.

PETITIONS, ETC.

Under clause 1 of rule XXII,

69. The SPEAKER presented a petition of council of the city of New York, relative to copyright law; which was referred to the Committee on the Judiciary.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1983

By Mr. DREIER of California:

—On page 9, after line 3, insert the following new paragraph:

"(5) such mortgagor has cooperated with such mortgagee in attempting to establish a plan for the making of partial payments of the amounts due under such mortgage or any other plan to correct the mortgage delinquency of such mortgagor without financial assistance under this title.".

Redesignate the subsequent paragraphs, and any references to such paragraphs, accordingly.

H.J. Res. 13

By Mr. KRAMER:

—Page 5, after line 13, insert the following:

"(7) Discussing the impact that the development of comprehensive defensive systems would have on the reduction and eventual obsolescence of nuclear weapons.".

—In the preamble, strike out "and" at the end of the fourth whereas clause, strike out ": Now, therefore, be it" at the end of the fifth whereas clause and insert in lieu thereof "; and", and insert after such clause the following:

"Whereas the President has called for the development of defensive systems that may ultimately make nuclear weapons obsolete: Now, therefore, be it".

(Amendment to the amendment by Mr. BROOMFIELD.)

—In the preamble, strike out "and" at the end of the fourth whereas clause, strike out ": Now, therefore, be it" at the end of the fifth whereas clause and insert in lieu thereof "; and", and insert after such clause the following:

"Whereas the President has called for the development of defensive systems that may ultimately make nuclear weapons obsolete: Now, therefore, be it".

In the first section, strike out "and" at the end of paragraph (4), strike out "be it further" at the end of paragraph (5), and insert after paragraph (5) the following:

"(6) urges both powers to discuss the impact that the development of comprehensive defensive systems would have on the reduction and eventual obsolescence of nuclear weapons; and be it further".

(Amendment to the amendment by Mr. LEVITAS.)

—Strike out the period at the end of the matter proposed to be inserted by the Levitas amendment and insert in lieu thereof the following:

", and should propose discussions with the Government of the Union of Soviet Socialist Republics concerning the impact that the development of comprehensive defensive systems would have on the reduction and eventual obsolescence of nuclear weapons.".

By Mr. LEWIS of California:

On page 4, line 18, after the word freeze strike out the period and insert "at equal levels of capabilities."

On page 4, line 20, after the word freeze insert "at equal levels of capabilities".

On page 4, line 24, after the word freeze insert "at equal levels of capabilities".

On page 5, line 5, after the word freeze insert "at equal levels of capabilities".

On page 5, line 6, after the word reductions insert "to equal levels of capabilities".

On page 5, line 21, after the word freeze insert "at equal levels of capabilities".

By Mr. McDONALD:

—Page 5, after line 23, insert the following new section:

SEC. 3. Resolve further that it is the sense of Congress that no provision of the resolution shall be carried out if, in the opinion of the executors, it fails to provide for the common defense, as required by the Constitution of the United States, or fails to provide adequate defense against all enemies as provided for in the oath of office.

By Mr. MARTIN of North Carolina:

—Page 4, beginning in line 21, strike out ", missiles, and other delivery systems" and insert in lieu thereof "and missiles".

—Page 5, after line 23, insert the following:

SEC. 3. Nothing in this resolution shall be construed to commit the United States, in pursuit of the negotiating objectives set forth in this resolution, to any unilateral steps suspending, deferring, or deciding against testing, production, or deployment of nuclear weapons.

—Page 5, after line 23, insert the following:

SEC. 3. Nothing in this resolution shall be construed to commit the United States, in pursuit of the negotiating objectives set forth in this resolution, to any unilateral steps in the authorization or appropriation process suspending, deferring, or deciding against testing, production, or deployment of nuclear weapons.

—Page 5, after line 23, insert the following:

SEC. 5. Nothing in this resolution shall be construed to commit the United States, in pursuit of the negotiating objectives set forth in this resolution, to any steps suspending, deferring, or deciding against research and development, testing, production or deployment of nuclear warheads, missiles, or delivery systems, unless agreed upon in negotiations with the Soviet Union.

—Page 5, after line 23, insert the following:

SEC. 5. Nothing in this resolution shall be construed to commit the United States, in pursuit of the negotiating objectives set forth in this resolution, to any steps in the authorization or appropriation process suspending, deferring, or deciding against research and development, testing, production or deployment of nuclear warheads, missiles, or delivery systems, unless agreed upon in negotiations with the Soviet Union.

EXTENSIONS OF REMARKS

VIETNAM ERA GI BILL EDUCATIONAL BENEFITS

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, April 11, 1983

● Mr. FORD of Tennessee. Mr. Speaker, on March 21, 1983, I introduced H.R. 2204, which would extend the 10-year time period for which Vietnam-era veterans with Vietnam theater service may use educational benefits. Under this bill the expiration date of benefits, to those Vietnam theater service veterans who were separated from the service between January 1, 1966, and December 31, 1975, would be extended from the present 10 years to 20 years post discharge. Current law requires veterans to use their educational benefits within 10 years following discharge or by December 31, 1989, whichever is earlier.

The need for this legislation was brought to my attention by many of the federally chartered and nationally recognized veterans organizations, such as the Veterans of Foreign Wars for example. These organizations have passed resolutions at their conventions calling for Congress to introduce legislation extending GI bill educational benefits. Also, the need for this legislation was brought to my attention by the Operation Outreach Readjustment Vet Center in my congressional district in Memphis, Tenn. I have been in close communication with this vet center and others across the country, and these centers report that our veterans are begging for a second chance to enter the classroom or training shop and utilize those benefits accrued from their months and years in the military, but were not emotionally prepared 10 to 15 years ago.

A major national study of Vietnam veterans, by the Center for Policy Research in New York reported, "while 70 percent of the veterans as a whole went back to school after leaving the service, only 20 percent of those who served in Vietnam completed college. Only 7 percent of black veterans did so." The report specifically recommended extending the period of eligibility for GI educational and training benefits. In addition, the Veterans' Administration reported that two-fifths (1.08 million) of the Nation's 2.8 million veterans with Vietnam theater service had their eligibility for educational benefits under the GI bill run out at the end of 1982.

As you know, in the early 1970's, many of the Vietnam veterans were not ready for college because of the mental and physical problems that followed them home after the war, but through time, therapy or maturity, many of them have overcome these problems, and they are ready to enter the classroom, however, they are cut off from further school benefits due to the 10-year legislated expiration date.

Since unemployment is soaring and the job picture gets bleaker, education for these men and women, is a viable and practical answer. In January 1983, over 883,000 veterans were looking for work. The younger Vietnam veterans age 25 to 29 were suffering a rate of unemployment of 21.8 percent compared to nonveterans in the same age group who are unemployed at the rate of 13.7 percent. Also, approximately 217,000 Vietnam veterans between the ages of 25 and 34 have been unemployed for 15 weeks or longer.

An extension of 10 more years time from date of discharge to reenter school—what better way could the Congress and the Nation show their gratitude to Vietnam veterans than quick passage of this legislation. For example, a veteran who was discharged in 1966, would have an extension of time to 1986 to complete his education depending on his months of service.

I am sure you will agree that Vietnam veterans, today more than ever, need education, job training, and the chance to succeed. With the expiration of the GI bill and its educational benefits, many veterans, especially Vietnam veterans, will not have that chance.

H.R. 2204, will give our veterans the boost they need to travel the road to a secure life and future, and will help resolve the veteran unemployment situation, by allowing Vietnam vets to be trained in skills for which there is opportunity for long-term or lifelong employment.

With this in mind, I hope my colleagues will join me in cosponsoring this bill. I would also like to share with the Members a letter from the Las Vegas chapter of Vietnam Veterans of America on this subject. The letter will impart to you, better than I ever could, what extension of educational benefits could easily mean to some very deserving people. Following that, I ask that the bill be printed in the RECORD.

VIETNAM VETERANS OF AMERICA,
Las Vegas, Nev., July 21, 1982.

Congressman JAMES SANTINI,
300 Las Vegas Boulevard South,
Las Vegas, Nev.

DEAR CONGRESSMAN SANTINI: The Southern Nevada Chapter of Vietnam Veterans of America strongly supports the Harold Ford Bill to extend GI educational benefits. With this bill the time period that Vietnam era veterans have to use their educational benefits would change from 10 years to 20 years. We feel the change is justified for the following reasons:

1. Rather than a new program to help veterans, with the accompanying bureaucratic growth, the proposed bill simply changes the existing law to read 20 years instead of 10 years. The already existing program has proven its worth over the past 20 years. The mechanism and regulations are already in place and operating.

2. Veterans are not being given any more educational benefits than they have already earned. They would simply be given a longer time period in which to use these educational benefits.

As requested by Congressman Santini the following are scenarios of various veterans who could benefit from the Ford bill:

a. Veteran "A" returned home from Vietnam in 1969. He started attending a Junior College hoping to become an architect. Anti-war activity on campus made him uncomfortable. He had a hard time concentrating on studies. He found himself thinking a great deal about his friends who were still in Vietnam. He dropped out of school and went to work, in construction, got married and forgot about school.

He continued to dream and dwell on Vietnam in ensuing years. It was not until recently did he identify that he suffered from symptoms of post-traumatic stress disorder. The guilt that he felt about his Vietnam experience had fostered self-destructive behaviors. He had been through two marriages and numerous jobs. After over a year of counseling at the local Vet Center he feels ready to make a new start. He knows he has the ability to become an architect. He has almost all of his educational benefits left—but time has run out and the door is closed due to the delimiting date.

b. Veterans "B" returned from Vietnam in 1971. He went to school under the GI bill while working part-time to support his family.

He completed two years of college in 1975. In that same year he began working full-time in a manufacturing plant due to financial need. He gave up his dream of an electrical engineering degree.

In the fall of 1981, he was laid off due to economic conditions, and a lack of seniority. Other employees who had worked there when he was in Vietnam retained their position.

He is presently working in an auto parts store. He has approximately 2½ years of educational benefits left but again the ten year time limit was in 1981.

An extension would give him the opportunity to return to school on a part-time basis to pursue his educational goal.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

c. Veteran "C" is a 33 year old black combat veteran. He has had many readjustment difficulties. He has an erratic job history, two failed marriages including three children.

After many months of intensive counseling and hard work on his part, he has begun to set some realistic goals for his life. One of these include becoming a draftsman. He has shown talent in this area since childhood.

Although he has never used any of his educational benefits, he is ineligible due to the ten year delimiting date.

d. Veteran "D" is a 35 year old Marine combat veteran who came to Las Vegas from Detroit about two years ago. He was a victim of the auto manufacturing layoffs and came to Nevada to seek a new career in gaming. He presently works as a waiter and due to family commitments has been unable to afford the cost of tuition to a local gaming school. Although he has used but one semester of his GI bill he again is ineligible due to the ten year delimiting date.

e. Veteran "E" is a 34 year old Vietnam in-country veteran with a mild service-connected disability. He has had difficulties since Vietnam. These difficulties have manifested themselves in chronic unemployment, social isolation and corresponding family difficulties. In the past two years, he has become an integral of Vietnam Veterans of America. This has facilitated his feelings of worth and strengthened his pride in being a Vietnam veteran. He has received counseling at the local Vet Center. He finally feels ready to begin a career and has interests in refrigeration and air conditioning repair. If he were eligible, he would like to use his GI bill to go to this school.

We hope these short histories will give you a better picture of the many thousands of Vietnam veterans who could benefit from a change in this law. We feel that HR 5762, if passed, will have major impact on the readjustment efforts of Vietnam veterans.

We appreciate your interest in this bill and would be happy to assist you in any way in promoting its passage.

Sincerely,

CHESTER NEVILLE,
President, Southern Nevada Chapter,
Vietnam Veterans of America.

H.R. 2204

A bill to amend title 38, United States Code, to extend the period of eligibility for GI bill educational benefits for certain veterans of the Vietnam era

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1662 of title 38 United States Code, is amended—

(1) by adding at the end of subsection (a) the following new paragraph:

"(4) In the case of an eligible veteran who served in the Vietnam theater of operations during the Vietnam era and who was discharged or released from active duty during the period beginning on January 1, 1966, and ending on December 31, 1975, the delimiting period applicable to such veteran for purposes of this section shall be 20 years.";

(2) by striking out "10-year" delimiting period" each place it appears in subsections (b) and (c) and inserting in lieu thereof "applicable delimiting period";

(3) by striking out "10-year in subsection (d); and

(4) by striking out the period at the end of subsection (e) and inserting in lieu thereof ", except that a veteran to whom subsection (a)(4) of this section applies may be afforded such assistance until December 31, 1995.".●

SMITHTOWN FIRE DEPARTMENT 75TH ANNIVERSARY

HON. WILLIAM CARNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 11, 1983

● Mr. CARNEY. Mr. Speaker, on February 26 of this year, the Smithtown, Long Island, Fire Department marked its 75th anniversary. It was on this date in 1908 that the decision was made to organize this volunteer fire fighting unit. The Smithtown Volunteer Hook and Ladder Company began with 30 members and the first fire house was dedicated on March 2, 1909.

A fire district was formed in 1928 and a fire tax was levied on the people of Smithtown to help obtain the necessary funds to support the department and modernize equipment. A telephone was first installed in the fire house in 1930 and portable communications radios were first used in the 1950's. The present headquarters of the department was dedicated in 1956.

From its first $75 hook and ladder vehicle and fire alarm made from the rim of one of the drive wheels of an old locomotive, the Smithtown Fire Department has evolved into a well-equipped modern fire fighting organization, with a sophisticated communications system, a comprehensive training program, and a variety of fire fighting and rescue equipment in the main headquarters and in two substations.

The people of Smithtown can take justifiable pride in the dedication and professionalism of their firefighters who promise, in their oath, to do their jobs "to the best of our ability, so help us God." I would like to take this opportunity to add my congratulations on a job well done and my best wishes for a prosperous and successful future to Chief Richard D. Keller, First Assistant Chief Robert M. Luttmann, Second Assistant Chief Thomas A. Buffa, Third Assistant Chief Matthew B. Kondenar, Jr., Secretary Richard W. Gehrt, and Treasurer Andrew Conticelli, and all the members of the 75th anniversary committee.●

REMEMBERING THE HOLOCAUST

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. GEJDENSON. Mr. Speaker, as a child of survivors of the Holocaust, I have many personal feelings about the American gathering in Washington this week. The gathering awakens memories inherited from my parents of family and friends exterminated by Hitler's atrocities, family I will never know, whose fates were determined by a conspiracy of silence.

The gathering, however, carries far more purpose than simply reuniting those who experienced the incomprehensible, important as this may be. The deeper goal of this event is to preserve the collective memory of the Holocaust and, by doing so, to prevent humanity from ever again turning on itself.

When we gather next week to remember the deaths of 6 million Jews, we deny Hitler and his cohorts—both past and current—yet another victory. Nazism sought not only to exterminate all of the Jews in the world, but to erase even the memory of their existence.

The Nazi crime, which came frighteningly close to complete fulfillment in a callously indifferent world, is thwarted by our memory. Though we cannot undo their deeds, we can at least transmit the memory of their victims through our collective recollection.

The Holocaust represents a specific type of evil, a systematic and bureaucratically organized evil, sponsored by the state and using all of the power and the mechanisms available to a modern government. The magnitude and the impersonal nature of the crime is impossible to grasp fully.

Only by preserving the testimony of the survivors do we realize that the distance between a threat and its realization can be short. Hitler's promise, regarded as ludicrous in 1939, became a reality in two short years as the world stood by in disbelief.

The Holocaust is the source of many lessons, not only to the Jewish people, but to the entire human race. While no event, thankfully, has equaled the Holocaust in its magnitude or intentionality, just within the past few years we have witnessed genocides in Cambodia, Somalia, Iran, Guatemala, and gross violations of human rights in numerous other nations.

When Hitler first advanced his "final solution," his advisers cautioned him that the world would not stand idly by during such a mass murder. Hitler silenced his opposition by asking, "Who remembers the Armenians?" The world's inaction signaled tacit consent with the processes of destruction.

We can learn from the bleakness of the Holocaust to care, to remember, and to assume responsibility. We must pledge to speak out against all manifestations of intolerance, no matter against whom they are directed.

In my office, near my desk, I keep the following quote by Pastor Martin Niemoeller, which, I believe, embodies

the most important lesson of the Holocaust:

In Germany, they came first for the Communists, and I didn't speak up because I wasn't a Communist. Then they came for the Jews, and I didn't speak up because I wasn't a Jew. Then they came for the trade unionists, and I didn't speak up because I wasn't a trade unionist. Then they came for the Catholics, and I didn't speak up because I was Protestant. Then they came for me, and by that time no one was left to speak up.●

AMERICAN GATHERING OF HOLOCAUST SURVIVORS

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. MARKEY. Mr. Speaker, today we honor those who survived one of the darkest periods in history. Today we honor the survivors to the Holocaust. The word "survival" is bittersweet—tasting as much of the terrible threat that made survival a desperate goal—as it does of the survivors' ultimate success. To honor those who survived is to recognize how difficult that survival was. To celebrate survival is to remember how few survived. We cannot divorce our celebration of the living from our mourning for the dead.

Survival means something different to every man, woman, and child threatened with extermination by the Nazis. Survival came from strength, wits, craft, luck, patience, hope, and fear. Survival pulled families together and tore them apart. Survival was found in a dark cellar, a thick woods, behind the barrel of a gun and deep within the soul. Survival was an instinct, an obligation, a desire. Survival left the scars of loneliness, suffering, guilt, and painful memories.

Although we who were not victims can never fully comprehend the horrors of the Holocaust, it is our duty to come as close to comprehension as we can. We must try, as upholders of democracy and freedom, to understand to what depths of evil human action can sink. To that end, the survivors offer us a precious gift: A vivid memory of the facts. Too often we recall our obligation to "remember the past so as not to repeat it" only to confine our memory to the distant, general fact that 6 million Jews were killed during World War II. Too often we refuse to let our memory stray over the more grizzly details that were facts of life in the concentration camps. We allow ourselves to forget the disease, filth and famine, the ovens and the "showers." But the survivors saw and heard of these gruesome sights. These were the facts which they fought to escape and from which they struggled to shield loved ones and strangers. These are the facts branded on their arms and filling the void left by lost family members.

Let us not, today, let that number, 6 million, simply become another casualty figure for our history books. Let it leap from the page as 6 million individuals crying out against anti-semitism, oppression, murder, depravity, and apathy. The survivors, armed with their memories and facts, can help release the dead from that page.

In seeking the aid of their memories, we ask survivors to the Holocaust to endure even more than they have already endured. They have accepted the painful responsibility of remembering what many would like desperately to forget. Therefore, we honor these survivors doubly: For their strength to survive and for their courage to recall that survival. Let them not suffer twice in vain. Let us commit ourselves to protecting human rights throughout the world with the heavy weight on our conscience of all those, living and dead, who were denied that protection.●

OKLAHOMANS EXPRESS THEIR VIEWS

HON. JAMES R. JONES

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 11, 1983

● Mr. JONES of Oklahoma. Mr. Speaker, since entering Congress, I have distributed a questionnaire annually among the citizens of Oklahoma's First District, and Oklahomans have responded enthusiastically to the opportunity to participate in the decisionmaking process. This year was no exception as over 10,000 citizens completed and returned their questionnaires to me. We have now finished compiling the results of the 1983 questionnaire, and I am pleased to make the views of these Oklahomans a part of the CONGRESSIONAL RECORD:

1983 QUESTIONNAIRE AND RESULTS

(1) The success or failure of any economic program depends on the confidence Americans have in the future. In determining what corrective changes are needed to insure success of this economic program, your feelings about economic conditions are very important. Do you agree with the following statements?

[In percent]

	Agree	Disagree
People like you were better off in 1982 than they were in 1981	44	56
People like you will be better off this year than they were last year	42	58
People like you will be better off this year than they were 10 years ago	54	46
It will cost less (interest rates) to borrow money by the end of this year	61	39
Unemployment will still be a major problem at the end of this year	88	12
Farmers will be better off this year than they were last year	23	77
The present economic program favors the wealthy	63	37
The economy will be healthy by the end of this year	27	73
Consumers like you are likely to start spending, such as buying an automobile or a major appliance for your home, by the end of the year	41	59
The elderly, the poor, and the handicapped will be especially hard hit economically this year	73	27
Inflation is now sufficiently under control	33	67

(2) The President's economic advisors estimate that the Federal deficit will be about $200 billion under the President's current policies without changes. What would you tell the President and the Congress about the size of the deficit.

	Percent
The deficit is all right in today's economy	8
The deficit should be reduced	91
The deficit should be increased	1

(3) Even with cuts of $107 in domestic programs which the last Congress approved, most experts agree that the President's deficit will approach $200 billion because of the rapid buildup of defense/Pentagon spending and the reduction of Federal taxes which were a part of his economic program. The Republican leadership in the Senate says there is not enough money in domestic discretionary programs to cut the budget significantly. They have made many other suggestions to cut those deficits. Please indicate your preference below:

	Percent
Reduce defense spending increases to 5 percent real growth, but leave taxes alone	60
Increase taxes to pay for the defense buildup	9
Slow down defense spending and raise taxes to close the deficit gap	22
Do nothing about the deficits, and leave defense spending and taxes alone	9

(4) Unemployment is at its highest level since the Great Depression. There is significant disagreement over what the Government should do about it. Please indicate which one of these suggestions comes closest to your views:

	Percent
Do nothing, and let things stand as they are	7
Increase funding for federal training job programs to help people develop new jobs skills	11
Create jobs funded by the government	11
Continue to cut federal jobs and job training programs	10
Create jobs by stimulating business activity through reducing budget deficits and more expansive Federal Reserve monetary policy	61

The social security program, which protects 32 million Americans in their retirement years, is in financial difficulty. Due primarily to high inflation and high unemployment, the trust fund has been depleted at a rate that jeopardizes the timely payment of basic benefits to current retirees as early as July, 1983. Which of the following approaches would you recommend to the President and Congress to insure that the elderly receive their benefits, now and in the future?

[In percent]

	Agree	Disagree
Reduce the basic benefits current retirees receive	15	85
Slow down the cost of living adjustments (COLA) on benefits	66	34
Increase or move up the payroll tax	27	73
Impose a higher alcohol/tobacco tax for the trust fund	78	22
Use general revenues for social security	44	56
Include new Federal employees in social security	81	19

Preliminary reports from the Administration indicate that the President is going to recommend further cuts of $30 billion in social programs for 1983. If you were advising him, which of the following programs would you say should be increased, reduced, or remain the same?

	Percent
Higher education, scholarships, and loans:	
Increased	11
Reduced	56
Same	33
Education for the handicapped:	
Increased	25
Reduced	18
Same	57
Child nutrition programs:	
Increased	16
Decreased	32
Same	52
Food and shelter for the needy:	
Increased	26
Reduced	25
Same	49
Medical care for the elderly and disabled:	
Increased	34
Reduced	14
Same	52
Unemployment compensation:	
Increased	10
Reduced	36
Same	54

●

IN MEMORY OF MILTON FIRESTONE

HON. LARRY WINN, JR

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 11, 1983

● Mr. WINN. Mr. Speaker, I would like to take this opportunity to note with sadness the passing of Milton Firestone, who for nearly 20 years had been the editor and president of the Kansas City Jewish Chronicle. Not only was Mr. Firestone a fine newspaperman, but he was a leader in numerous community and service organizations in the Kansas City area. The March 11 edition of the Kansas City Jewish Chronicle contained the following article in his honor, which I would like to insert into the official RECORD:

Milton Firestone, who guided The Kansas City Jewish Chronicle through two decades of change and growth, died Sunday after an apparent heart attack. He was 55.

Mr. Firestone had reported feeling ill on Sunday morning, and shortly after 1 p.m. was taken to Menorah Medical Center, where he died about 90 minutes later. Services were held Wednesday at the Louis Memorial Chapel; burial was in Mount Carmel Cemetery.

He had been editor of The Jewish Chronicle since 1963 and president since 1964, having purchased the paper from the late Victor Slone. Under his direction, The Chronicle became one of the country's leading Anglo-Jewish weeklies. Mr. Firestone's first issue of The Chronicle, dated June 7, 1963, contained a statement of principles that continued to be the paper's goal through the following years:

"It is our earnest desire that The Kansas City Jewish Chronicle continue to be a unifying influence in our Jewish community," he wrote, "thereby helping to counteract the centrifugal forces that tend to divide us. We shall not render criticism for its own sake, yet we reserve the right to dissent editorially when we believe such non-concurrence essential. . . . With the help of Almighty G-d, we pledge our wholehearted, sincere efforts to the continuing vitality and development of our community, our country, and the Jewish people."

The turbulent course of the State of Israel and the American Jewish community was well-documented under his editorship, and he publicly stated his refusal to shy away from issues on which many of his readers disagreed. A debate over whether to report intermarriages lasted for weeks in 1964, and a controversial decision to reject a stipend from the Jewish Federation was made in 1965.

Shortly before the outbreak of the Six-Day War in 1967, Mr. Firestone and his wife Bea made their first reporting trip to Israel. He returned to Israel for five subsequent trips, the last in July of 1982, during Israel's invasion of Lebanon. Mr. Firestone accompanied Israeli troops to Beirut, and filed several weeks' worth of dispatches including the following:

"We saw an Israeli Army that has accomplished a new series of miracles, defeating a mountainous quantity of Soviet-made planes, tanks and ultra-modern armaments, while maintaining the highest standards of Jewish respect for human life and property—yet an army which has been branded by much of the world as aggressors, brutal militarists, and oppressors. We saw an Israeli people which has endured years of calculated terrorism and killing by an unprincipled PLO, financed and supplied by Arab extremists and Soviet arms factories—until that Israeli people, goaded and deeply hurt, struck back with great power, skill and bravery, only to find the propaganda tables turned by the vicious and malicious world media which promote the 'big lie' techniques into an art, which depict the victims as the villians, which turn David into Goliath, and turn a people which truly loves peace into a bloodthirsty horde bent on destruction and death."

Mr. Firestone was also deeply concerned about the physical appearance and production details of the newspaper, and spent many hours each week ensuring that photographs were well-placed and headlines well-written. In 1964, he changed the printing process of The Chronicle from letterpress to offset, resulting in better reproduction and legibility. He moved the paper's offices several times, from its original location at 10th and Main to its present office in the Sun Publications Building at I-435 and Metcalf.

"Mid-America's Promise," a history of the Kansas City Jewish community edited by Dr. Joseph Schultz and published in 1982, described Mr. Firestone's contribution as "a sense of we, a sense of experience shared with others. Each week the readers of the Kansas City Jewish Chronicle get a feeling of kelal Yisrael, of a shared Jewish community and a common Jewish destiny."

Mr. Firestone was born in New York City in 1927, and moved with his family to Kansas City the next year. He attended Kansas City public schools, graduating from Central High School in 1943, and attended the religious school of Beth Shalom Synagogue.

In 1947 he was graduated from the University of Kansas with a bachelor's degree in economics, and was elected to membership in Phi Beta Kappa. At K.U. he was president of the Jewish Students Union.

During the Korean War he served in the Adjutant General Corps, and in 1954 he married the former Miss Bea Blumenthal. He worked as comptroller and office manager of the Columbia Glass and Window Co. until his purchase of the Chronicle in 1963.

In 1966, Mr. Firestone and his wife were one of a handful of families that helped establish the Hebrew Academy of Greater Kansas City, now known as the Hyman Brand Hebrew Academy. Mr. Firestone used the news columns of The Chronicle to help fight considerable community opposition to the day school, which has since become a major educational institution in the area. He served on the schools executive board and on its board of trustees.

He was active in the American Jewish Press Association, attending its yearly conventions and serving as national treasurer and vice-president. He was also a member of the World Federation of Jewish Journalists, the Society of Professional Journalists, and several other professional organizations.

Mr. Firestone was a member of Beth Shalom Synagogue, serving on its board of directors, its school and ritual committees. He was an associate member of Beth Israel Abraham and Voliner Synagogue.

He was a member of the Beth Shalom Men's Club, B'nai B'rith Lodge No. 184, the Jewish Community Center, the Jewish Education Council, Friends of Shalom Plaza, the National Association for the Advancement of Colored People, and the Congress of Racial Equality.

In 1965, he was named Man of the Year by the Heart of America chapter of B'nai B'rith Women. He received the Community Service Award of the Heart of America B'nai B'rith Lodge in 1964.●

TO RECOGNIZE THE NAVY WIVES CLUBS OF AMERICA

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, April 11, 1983

● Mr. FORD of Tennessee. Mr. Speaker, today I would like to call attention to the outstanding work of the Navy Wives Clubs of America. This nonprofit organization has long been making fine contributions to our society, through its efforts in a wide variety of charitable activities. In recognition of their excellence, I have introduced H.R. 2372, a bill which would grant a Federal charter to the Navy Wives Clubs of America (NWCA).

The membership of this organization is composed of the wives of enlisted men in the U.S. Navy, the U.S. Marine Corps, and the U.S. Coast Guard. The purpose of the NWCA is

to uphold the Constitution, perform charitable activities, and promote a friendly relationship among the wives of enlisted men. NWCA has not only been upholding these standards, but also building upon them ever since its establishment in 1935.

As a nonprofit service organization, NWCA works wholly for charitable and educational purposes. In addition to sponsoring its own activities and fundraisers, NWCA also works in cooperation with other nonprofit organizations and institutions, including the Salvation Army, the March of Dimes, and the Boys Clubs of America, to name but a few.

NWCA has recently been involved with activities ranging from organizing Christmas parties at orphanages to assisting with Red Cross bloodmobiles. NWCA's longstanding record of responding to our public needs, whether in the military or civilian world, is truly exceptional.

In addition, this organization works to promote strong educational values by maintaining a scholarship foundation. Since the foundation's establishment in 1952, NWCA has been granting 20 scholarships each year to the sons and daughters of enlisted men.

NWCA's outstanding record of worthy public service is truly deserving our recognition by the granting of a Federal charter. I invite my colleagues to join me in support of this measure.●

THE SOVIETS: ANY MEANS TO JUSTIFY THE END?

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 11, 1983

● Mr. BROOMFIELD. Mr. Speaker, I want to call to the attention of my colleagues in the House an excellent and informative article which Lawrence S. Eagleburger, Under Secretary of State for Political Affairs, at the Department of State, has written about the use of chemical and toxic weapons in Afghanistan and in Southeast Asia. The article appeared in the Washington Post of April 11, 1983.

As all of you know, Mr. Eagleburger is a respected veteran Foreign Service officer who has served both in the Department and overseas. Mr. Eagleburger served with distinction as the American Ambassador to Yugoslavia and has held numerous high-level positions in the Department of State. He served as the executive assistant to former Secretary of State Kissinger and later as the Under Secretary of State for Management.

What concerns me in reading this insightful overview of the Soviets and their use of these deadly chemical and toxic weapons is that our country has signed agreements with the U.S.S.R. prohibiting the use of these agents.

I am confident that our Government has complied with both the letter and the spirit of the Biological Weapons Convention and the Geneva protocol which prohibits the use of these weapons in war.

I would seriously question the trustworthiness of a nation which signs accords and then feels free to violate them as if they did not exist.

Another equally frightening aspect of this question is that the Soviets appear willing to resort to any trick or weapon to win. If they are willing to resort to using these agents in a relatively small conflict, what might they be willing to do to win a major confrontation with the free world?

I believe that all of us who will shortly cast our votes regarding the nuclear freeze issue must carefully think about Soviet past performance and their future intentions. Let us not forget that America respects signed agreements. We assume that the other signatories are equally trustworthy. If the other side intentionally violates agreements behind our back, the future security of our country and the free world could be put into jeopardy. Trust is the key word in international agreements.

Let us all pause before casting our vote and again look at this situation. It is more than a significant decision. It is the future of the free world.

THE YELLOW RAIN IS NO HOAX

(By Lawrence S. Eagleburger)

People are dying in Southeast Asia and Afghanistan from chemical and toxin weapons. Most of us thought such inhumane warfare was outlawed. It was—some 58 years ago. But to the innocent victims and eyewitnesses to the death and suffering caused by Yellow Rain, this offers little solace. Neither is their plight lessened by debate in the West over the significance of results of the analysis of a single set of samples.

On March 6 and March 20, The Washington Post ran articles on a report prepared by an Australian government laboratory. The report describes tests conducted by Australian scientists on a set of suspected Yellow Rain samples from Southeast Asia. These scientists concluded that ". . . The yellow spots [on the samples] were formed from the pollen of rainforest trees. No significant toxicity could be found. The items were fakes."

But the articles failed to emphasize the final conclusion contained in the report. Namely, that the analysis of these particular samples ". . . sheds no light at all on the main question as to whether mycotoxins have been used as warfare agents in Laos and Kampuchea." This is an important conclusion. It alerts the reader that conclusions about Yellow Rain have to be based on a broad range of information and evidence. That is exactly how the United States has addressed the question. And the public is entitled to be aware of that and of what the United States is doing about it.

Information provided by sample analysis—and that is what the recent Post articles relied on—is only one part of the much broader body of evidence that has been weighed by the United States in reaching its conclusion. Evaluation of the overall evidence is done carefully and systematically. Each piece is checked and cross-checked against each other piece. Report from victims and eyewitnesses, medical and relief workers, journalists, defectors, private U.S. and foreign citizens, and government officials are collected, studied and assessed. Intelligence information on military activities, on troops, and on equipment in the areas of the attacks is scrutinized. Medical data from examinations and interviews with victims, from autopsy reports and from medical and scientific studies are compiled and evaluated. Analysis of a wide variety of samples, e.g., soil, vegetation, agent residue, human blood and tissue, is factored into the larger equation, as are other relevant data, such as information about weather conditions and material from scientific and other open-source literature.

Much of this work is done by U.S. government analysts and scientists. Non-governmental scientists and consultants have also contributed to the analysis of data and the review of the evidence and conclusions presented by the United States in its two detailed special reports to Congress and the United Nations. Additionally, a number of scientists, physicians and other individuals in other countries are conducting their own independent investigations of this problem. This work must be evaluated, as well, as part of the overall body of evidence.

On the basis of thousands of pieces of mutually corroborative evidence, the United States has concluded that chemical and toxin weapons are being used by the Soviets, the Vietnamese and the Lao against innocent men, women and children in Afghanistan, Kampuchea and Laos. The evidence for this conclusion has been publicized in extensive detail.

What we are witnessing today in Southeast Asia and Afghanistan cannot be attributed to natural phenomena. Neither can it be stopped by the efforts of a single country. This does not mean, though, that the problem should just be ignored. Then what can be done?

First, individuals and governments can undertake their own investigations of Yellow Rain. The United States fully supports and encourages such efforts. We do so because this is an issue of international importance and concern.

Second, people and organizations, as well as governments, can and should speak out on this issue. We must not be passive, else we invite further mockery of the rule of law, and graver violations of human rights.

Third, it is not sufficient merely to exhort the world to condemn those who supply and use these weapons. Rather, nations must work together to find a way to ensure that these weapons are effectively and totally abolished.

In 1925, the Geneva Protocol prohibited the first use in war of chemical, biological and poison weapons. Fifty years later, the Biological and Toxin Weapons Convention entered into force, making it illegal to develop, produce, possess or transfer biological and toxin weapons. Unfortunately, however, both of these treaties have two basic flaws: neither contains arrangements to verify that others are not violating the agreements. Nor do the agreements provide any effective mechanism for resolving concerns relating to suspected violations.

The United States is seeking, with others, to remedy these shortcomings. Only two

months ago, the United States proposed that negotiations begin on a comprehensive ban on chemical weapons—a ban that would eliminate these terrible weapons from the arsenals of the world forever; a ban that would thereby eliminate any possibility that chemical weapons would be used.

The United States also put forward its detailed views as to what such a total chemical weapons ban should contain in the 40-nation Committee on Disarmament in Geneva. Among other things, the United States emphasized the crucial importance of mandatory on-site inspections. The United States did so because it believes an independent, impartial verification system, which is observed by and responsive to all parties, is absolutely essential if there is to be confidence that the provisions of the ban are being faithfully observed.

The United States is eager to proceed with working out an effective chemical weapons ban that takes account of the legitimate interests of all. It is now up to the Soviet Union to show whether it wishes as well to work constructively to ban chemical weapons completely and forever. It is up to the Soviet Union to demonstrate whether it will accept effective arms control in place of its massive chemical warfare capability. Above all, it is up to Soviet Union to cease using chemical and toxin weapons on defenseless people.

The answer to Yellow Rain is not to turn our backs on the plight of the victims or to ignore the illegal actions of the Soviet Union and its allies. Neither is it for us to turn our backs on arms control, as some have suggested. In the near term, the answer lies in having the civilized world demonstrate, first, its concern for today's victims of chemical warfare and, second, its contempt for actions that violate long-established and accepted practices and precepts of international law and agreements.

Countries must also seek in the near term, and urgently, to negotiate truly effective arms control constraints on these weapons. Arms control treaties must be concluded that have real teeth in them. These treaties must provide for full and effective verification that countries are abiding by the terms of the agreement. And the treaties must provide the right to challenge a suspected violator and the means to resolve such concerns in a way that will safeguard the security of all the parties to the agreement. In the end, we must effectively eliminate this entire class of weapons.●

EXEMPTING PART-TIME BABYSITTERS FROM THE PAYROLL TAX

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 11, 1983

● Mr. SEIBERLING. Mr. Speaker, I am reintroducing today a bill I first introduced late last year. Its purpose is to increase the wages an employer can pay a part-time babysitter without having to withhold and match social security payroll taxes on the value of those services.

My interest in this legislation was prompted by a letter from a constituent pointing out that the existing $50 per quarter exemption, established in the 1950's, is too low in light of today's wage levels. He and many others who hire babysitters must comply with onerous payroll tax withholding and matching procedures intended to apply to domestic employees who work many more hours.

I recognize that most employers in similar situations simply ignore the payroll tax withholding and matching requirement, but that is not a habit we should encourage by failing to raise the threshold to more realistic levels. In addition, it is my understanding that the IRS has in fact brought some enforcement actions when violations in this area have come to light during the course of examinations in other areas.

The legislation I am introducing increases the wage threshold from $50 per quarter to $200 per quarter. Once that threshold is breached, all income for the quarter, not simply the increment above $200, is subject to withholding and matching. While the $200 limit itself may seem somewhat low, it ensures that full-time domestic workers who work for more than one employer are fully covered for the work done for each employer.

In addition, the bill contains a blanket exemption from withholding and matching in the case of babysitters under the age of 19. No withholding is required for such babysitters, whatever amount of wages is received. This provision will permit most teenage babysitters to work through the summer after their senior year in high school before being affected by the $200 per quarter limit.

This problem is insignificant in relation to the difficult social security problems Congress must grapple with in the coming months. But I am hopeful that such an improvement can be included in legislation which we will consider.●

THE VOTING RECORD OF MORRIS K. UDALL

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 11, 1983

● Mr. UDALL. Mr. Speaker, it has become my practice from time to time to list my votes in the House of Representatives here in the CONGRESSIONAL RECORD. I strongly believe that the people of Arizona have a right to know where I stand on the issues decided by the House, and I have found that printing my record here is the best way to provide that information.

This is not an all-inclusive list. I have omitted noncontroversial votes such as quorum calls, motions to resolve into the Committee of the Whole House, and motions to approve the Journal of the previous day.

The descriptions are necessarily somewhat short, and I am sure that some of my constituents will have additional questions about the issues described here. So I invite them to write me for specifics, or to visit my district office at 300 North Main in Tucson or 1419 North Third Street, Suite 103, in Phoenix.

The list is arranged as follows:

KEY

1. Official rollcall number;
2. Number of the bill or resolution;
3. Title of the bill or resolution;
4. A description of issue being voted on;
5. The date of the action;
6. My vote, in the form Y=yeas. N=no, and NV=not voting.
7. The vote of the entire Arizona delegation, in the form (Yes-No-Not voting);
8. An indication whether the motion or amendment was passed or rejected; and
9. The total vote.

409. HR 5133. Automobile Domestic Content Requirements. Amendment to permit the secretary of transportation to adjust domestic content requirements if the adjustments would prevent the closing of, or encourage the construction of, foreign automobile plants in the United States. Rejected 11-331: N(0-2-2), December 10.

410. S 2355. Telecommunications for the Disabled. Motion to suspend the rules and pass the bill to require that coin-operated and emergency telephones be usable by persons with hearing aids. Motion agreed to 365-14: Y(1-2-1), December 13.

411. HJ Res 429. State Commissions on Teacher Excellence. Motion to suspend the rules and pass the joint resolution calling on states to establish commissions to study the quality of teaching in the schools. Motion rejected 225-153: Y(1-2-1), December 13.

412. HR 4281. Critical Materials Act. Motion to suspend the rules and pass the bill to establish a Council on Critical Materials, within the Office of the President, to coordinate federal policies aimed at ensuring a safe, stable supply of essential minerals and other products. Motion rejected 215-164: Y(2-1-1), December 13.

413. HR 7044. Mail Order Consumer Protection. Motion to suspend the rules and pass the bill to strengthen the authority of the U.S. Postal Service to crack down on mail fraud. Motion agreed to 320-61: Y(2-1-1), December 13.

414. S 2059. Ethics in Government Act of 1982. Motion to suspend the rules and pass the bill to revise and extend for five years a law allowing for the appointment of an independent counsel to investigate matters involving high government and political party campaign officials. Motion agreed to 347-37: Y(3-0-1), December 13.

415. S 1621. Southern Nevada Water Project. Motion to suspend the rules and pass the bill to authorize $1.5 million for federal purchase, on a non-reimbursable basis, of certain new parts for pumping stations of the southern Nevada water project. Motion rejected 67-315: Y(3-0-1), December 13.

416. HR 3191. North American Convention Tax. Motion to suspend the rules and pass the bill to allow certain tax deductions for business conventions held on North American cruise ships. Motion rejected 219-164: Y(1-2-1), December 13.

417. HJ Res 553. Indian Tribes Legal Claims. Motion to suspend the rules and pass the joint resolution to extend the time

limit for American Indian Tribes to bring legal damage suits in cases arising prior to 1966. Motion rejected 228-153: Y(1-2-1), December 13.

418. HJ Res 631. Continuing Appropriations, Fiscal 1983. Adoption of the rule (H. Res. 626) providing for House floor consideration of the joint resolution to provide temporary funding for various government agencies and to provide $5.4 billion for jobs programs. Adopted 223-163: Y(2-2-0-), December 14.

419. HJ Res 631. Continuing Appropriations, Fiscal 1983. Amendment to require that at least 50 percent of Agency for International Development bilateral assistance funds be used to finance projects that benefit those living in absolute poverty. Adopted 227-184: Y(1-3-0), December 14.

420. HJ Res 631. Continuing Appropriations, Fiscal 1983/Pay Raise. Amendment to increase pay for members of Congress by 15 percent, to $69,800, and to provide pay increases of varying percentages for senior-level federal officials and employees. Adopted 303-109: Y(3-1-0), December 14.

421. HJ Res 631. Continuing Appropriations, Fiscal 1983/Pay Raise. Amendment to retain the existing cap on salaries of members of Congress at $60,662.50 a year. Rejected 208-208: N(2-2-0), December 14.

422. HJ Res 631. Continuing Appropriations, Fiscal 1983/Clinch River. Amendment to bar use of funds provided by the joint resolution for research and development, design or construction of the Clinch River breeder reactor. Adopted 217-196: Y(1-2-1), December 14.

423. HJ Res 631. Continuing Appropriations, Fiscal 1983. Amendment to bar use of funds in the resolution for construction of the O'Neill irrigation unit in Nebraska. Adopted 245-144: Y(1-2-1), December 14.

424. HJ Res 631. Continuing Appropriations, Fiscal 1983. Amendment to bar use of funds in the resolution for the Garrison Diversion water project in North Dakota. Adopted 252-152: Y(1-2-1), December 14.

425. HJ Res 631. Continuing Appropriations, Fiscal 1983/Jobs. Motion to recommit the joint resolution to the Appropriations Committee with instructions to delete jobs program funding (Title II) and add $44 million in funding for Radio Liberty. Motion rejected 191-215: N(2-1-1), December 14.

426. HJ Res 631. Continuing Appropriations, Fiscal 1983. Passage of the joint resolution to provide continued funding, through March 15, 1983, for government agencies whose regular fiscal 1983 appropriations bills had not been enacted, and to provide $5.4 billion for jobs programs. Passed 204-200: Y(1-2-1), December 14.

429. HR 7340. Oregon Wilderness Act. Motion to suspend the rules and pass the bill to designate as federally protected wilderness 1,006,000 acres of Oregon national forest land and to designate another 112,000 acres for further wilderness study. Motion rejected 247-141: Y(1-3-0), December 15.

430. S 1965. Paddy Creek Wilderness Act. Motion to suspend the rules and pass the bill to designate as federally protected wilderness some 6,888 acres in the Mark Twain National Forest in Missouri. Motion rejected 250-143: Y(1-3-0), December 15.

431. HR 7072. Agriculture Appropriations, Fiscal 1983. Adoption of the conference report on the bill to appropriate $31,733,548,000 in fiscal 1983 for the Agriculture Department, the Food and Drug Administration and the Commodity Futures Trading Commission. Adopted 324-73: NV(0-2-2), December 15.

432. HR 5133. Automobile Domestic Content Requirements. Amendment to rename the bill the "Smoot-Hawley Trade Barriers Act of 1982," and state that its purpose is "to reduce competition in the automobile industry, protect jobs in one industry to the detriment of the jobs in other industries, and to increase the price of automobiles to consumers." Rejected 92-301: N(2-2-0) December 15.

433. HR 5133. Automobile Domestic Content Requirements. Amendment to eliminate penalties for Japanese automakers who fail to meet domestic content requirements if Japan's trade surplus falls by specified percentages over the next four years. Rejected 88-310: N(1-3-0), December 15.

434. HR 5133. Automobile Domestic Content Requirements. Amendment to stipulate that the provisions of the bill do not supersede the requirements of international treaties, conventions or agreements on tariffs and trade. Adopted 195-194: NV(2-0-2), December 15.

435. HR 5133. Automobile Domestic Content Requirements. Passage of the bill to require automakers to use set percentages of U.S. labor and parts in automobiles they sell in the United States. Passed 215-188: Y(1-2-1), December 15.

436. HR 3191. North American Convention Tax. Adoption of the rule (H Res 630) providing for House floor consideration of the bill to allow certain tax deductions for business conventions held on North American cruise ships. Adopted 236-146: Y(1-3-0), December 16.

437. S 1965. Paddy Creek Wilderness Act. Adoption of the rule (H Res 631) providing for House floor consideration of the bill to designate 6,888 acres in the Mark Twain National Forest, Missouri, as the Paddy Creek Wilderness Area. Adopted 217-179: Y(1-3-0), December 16.

438. S 1964. Irish Wilderness Act. Adoption of the rule (H Res 628) providing for House floor consideration of the bill to designate 17,562 acres in the Mark Twain National Forest, Missouri, as the Irish Wilderness. Rejected 186-191: Y(1-3-0), December 16.

439. HR 7357. Immigration Reform and Control Act of 1982. Adoption of the rule (H Res 623) providing for House consideration of the bill to revise immigration law by providing for sanctions against employers who knowingly hire illegal aliens; granting legal status to undocumented aliens already in the United States; broadening an existing temporary worker program; and revising current procedures for handling asylum, deportion and exclusion cases. Adopted 257-137: Y(2-2-0), December 16.

440. HR 3191. North American Convention Tax. Motion that the House resolve itself into the Committee of the Whole for consideration of the bill to allow certain business tax deductions for conventions held on North American cruise ships. Motion agreed to 326-26: NV(3-0-1), December 16.

441. HR 3191. North American Convention Tax. Passage of the bill to allow certain business tax deductions for conventions held on North American cruise ships. Passed 227-172: Y(1-3-0), December 16.

442. S 1965. Paddy Creek Wilderness Act. Passage of the bill to designate 6,888 acres in the Mark Twain National Forest, Missouri, as the Paddy Creek Wilderness Area. Passed 367-23: Y(3-1-0), December 16.

443. HR 7019. Transportation Appropriations, Fiscal 1983. Motion that the House recede from its disagreement to the Senate amendment to cancel the St. Lawrence Seaway's federal debt for original construction costs. Motion agreed to 298-77: Y(1-2-1), December 16.

444. H Res 632. Contempt of Congress Proceedings Against Anne M. Gorsuch. Adoption of the resolution to cite Environmental Protection Agency Administrator Anne M. Gorsuch for contempt of Congress for refusing to furnish certain documents under subpoena to the House Public Works and Transportation Subcommittee on Investigations and Oversight. Adopted 259-105: Y(1-2-1), December 16.

445. HR 7357. Immigration Reform and Control Act of 1982. Motion that the House resolve itself into the Committee of the Whole for consideration of the bill to revise immigration law by providing for sanctions against employers who knowingly hire illegal aliens; granting legal status to undocumented aliens already in the United States; broadening an existing temporary worker program; and revising current procedures for handling asylum, deportation and exclusion cases. Motion agreed to 212-65: NV(1-1-2), December 16.

446. HR 7397. Caribbean Basin Initiative. Amendment to put a quota on duty-free rum from Caribbean nations allowed to enter the United States. Rejected 171-226: Y(1-2-1), December 17.

447. HR 7397. Caribbean Basin Initiative. Passage of the bill to provide duty-free entry into the United States of certain products from most Caribbean nations and to allow tax deductions for the expenses of conventions held in the Caribbean. Passed 260-142: Y(2-0-2), December 17.

448. HR 7144. District of Columbia Appropriations, Fiscal 1983. Adoption of the conference report on the bill to appropriate $524,180,100 in federal funds for the District of Columbia in fiscal 1983, and $1,998,841,900 in funds from the District's own treasury. Adopted 288-79: Y(1-1-2), December 17.

449. HR 7144. District of Columbia Appropriations, Fiscal 1983. Motion that the House recede from its disagreement with the Senate on the amendment to authorize the mayor of the District of Columbia to set the salary of the city administrator at a rate not to exceed the maximum established for level IV of the Federal Executive Schedule. Motion agreed to 236-122: Y(1-1-2), December 17.

450. H Res 621. House Historian. Adoption of the resolution to create a House Office for the Bicentennial to prepare for the 200th anniversary of Congress. Authority for the office would expire in 1989. Adopted 230-97: Y(1-1-2), December 17.

451. HR 7357. Immigration Reform and Control Act of 1982. Motion that the House resolve itself into the Committee of the Whole for reconsideration of the bill to revise immigration law by providing for sanctions against employers who knowingly hire illegal aliens; granting legal status to undocumented aliens already in the United States; broadening an existing temporary worker program; and revising current procedures for handling asylum, deportation and exclusion cases. Motion agreed to 148-113: NV(0-1-3), December17.

453. HR 7356. Interior Appropriations, Fiscal 1983. Adoption of the conference report on the bill to appropriate $7,500,025,000 in fiscal 1983 for the Department of Interior and certain related agencies. Adopted 282-63: Y(1-1-2), December18.

454. HR 7357. Immigration Reform and Control Act of 1982. Education and Labor Committee amendment, offered by Haw-

kins, D-Calif., to require employers to compile and retain job applicant data, including the names and addresses of all individuals who apply for a position in writing at least 90 days before the date on which the job is filled. Rejected 110-213: Y(1-1-2), December 18.

455. HR 3963. Contract Services for Drug Department Federal Offenders Act Amendment. Demand for a second on the Hughes, D-N.J., motion to suspend the rules and recede from disagreement to the Senate amendment and concur in the Senate amendment with an amendment to provide stiff new penalties for drug trafficking, a new crime aid program for states, a new federal offense to curb tampering with drugs and other consumer products, new protections for U.S. intelligence officials, federal authority to try certain repeat violators of state law, and a new Cabinet-level office to coordinate anti-drug operations. Second ordered 275-15: Y(2-0-2), December 18.

456. HR 3963. Contract Services for Drug Dependent Federal Offenders Act Amendment. Motion to suspend the rules and recede from disagreement to the Senate amendment and concur in the Senate amendment with an amendment to provide stiff new penalties for drug trafficking, new crime aid program for states, new federal offense to curb tampering with drugs and other consumer products, new protections for U.S. intelligence officals, federal authority to try certain repeat violators of state law, and new Cabinet-level office to coordinate anti-drug operations. Motion agreed to 271-27: Y(1-1-2), December 20.

457. HR 3809. Nuclear Waste Policy Act. Adoption of the rule (H Res 636) providing for consideration of the bill to establish a federal program for the interim storage and eventual permanent disposal of highly radioactive nuclear waste and spent (burned) fuel from civilian nuclear reactors, The rule provided that the bill, as amended by the Senate, would be passed upon adoption of the rule. Adopted 256-32: Y(2-0-2), December 20.

458. HR 7093. Virgin Islands Tax Reduction/Disability Insurance. Adoption of the conference report on the bill to allow the Virgin Islands to reduce taxes on certain investment income earned from sources within the Virgin Islands and paid to individuals in the United States; to provide disability insurance payments and Medicare coverage to individuals appealing their termination from the disability rolls before Oct. 1, 1983, and to make other changes in the disability review process. Adopted 259-0: Y(2-0-2), December 21.

459. HR 6211. Transportation Assistance Act of 1982. Adoption of the conference report on the bill to authorize $71.3 billion in fiscal 1983-1986 for highway construction and repairs and mass transit, and to increase gasoline and other highway taxes. Adopted 180-87: Y(1-1-2), December 21.●

BLACK UNITED SERVICE CLUBS HONOR EIGHT FOR OUTSTANDING COMMUNITY SERVICE

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 11, 1983

● Mr. MURTHA. Mr. Speaker, on Saturday, April 16 the Black United Service Clubs of Johnstown will hold their fourth annual spring premiere awards banquet.

It is my pleasure to join in the recognition of the individuals and groups being honored that night. The Black United Service Clubs has set an outstanding example of honoring individuals and groups that have worked to pull the Johnstown community together. Certainly, our area has experienced more than its share of difficult times in recent years, and it is very fitting that this community organization join in recognizing some of those individuals and organizations who have contributed to the community spirit that has helped the area to remain strong.

Please let me mention the persons and groups being honored.

MRS. MABLE JOHNSON

Mrs. Johnson is most familiar to me through her 33-year membership in the Talus Rock Girl Scout Council where she also served as a board member. In addition, she was the first black member of the YWCA board of directors and has been very active on its volunteer service and world fellowship committees. She has a lifetime record of community service including the NAACP, Elizabeth Lindsay Davis Club, Cambria AME Zion Church, and Community Chest.

MR. PAUL BENNETT

This award is being presented posthumously as Mr. Bennett died in February 1980. He led a distinguished life of service, having helped found the Johnstown Affirmative Action Council, and serving as the agency's first chairman of the board. He was extremely active at the Mount Sinai Baptist Church, and among a host of community groups he served on, I would particularly mention his work on the 1977 Flood Relief Center Committee, and his work as vice president of the Cambria County Community Action Council. His was truly a life of service.

MR. HERSHEL DONALD

As coordinator of the expedited arbitration procedure for the United Steelworkers of America arbitration department, Mr. Donald is responsible for hiring and maintaining panels of arbitration in regions throughout the United States. In addition to that responsibility, he has found time to serve on the board of the Community Chest and Blue Shield. He is a trustee of the Mount Sinai Baptist Church and past president of the Cambria County Easter Seal Society. Community progress has been a hallmark of Mr. Donald's public service.

MRS. RITA GLOSSER

I have worked with Mrs. Glosser on a number of community projects, and would particularly mention her work as a director of the Johnstown Symphony Orchestra, JARI, and the David A. Glosser Memorial Library. She is an executive board member of the Pennsylvania Humanities Council and has served as chairperson of the United Fund campaign, and secretary at the 1977 Flood Relief Center. The entire community has benefited from the tireless public service work of Mrs. Glosser.

MRS. MYRTLE HERRING

A former executive board member of the NAACP and Young Christians Association, Mrs. Herring has worked as a volunteer for the Red Cross, Memorial Hospital, and senior citizens. Mrs. Herring has been particularly active at the Shiloh Baptist Church where she has been active in the choir, joined as an adult teacher, and been past president of the Missionary Society. Her life shows the strength of a Christian philosophy joining in community service.

MR. T. T. METZGER

Mr. Metzger has been active throughout his life in Cambria County Community projects including past president of United Cerebral Palsy, and has been very active in the American Legion, Lions Club, Shrine Club, Tall Cedars of Lebanon, and was chairman of the fund-raising committee to construct the new YMCA Building. Mr. Metzger has devoted a lifetime to service to Cambria County organizations.

MR. JOSEPH ROBERTS

Another man who has devoted a lifetime of service to Cambria County is Joe Roberts. He has been extremely active in Boy and Girl Scout activities, plus the Pennsylvania Association for Retarded Citizens, American Red Cross, and Goodwill Industries. Through his work on the Central Labor Council, Muscular Dystrophy Association, Community Action Council, Home Health Services, and United Cerebral Palsy, he has enriched the entire community through his service. Mr. Roberts has served the community diligently and with compassion.

MR. ROBERT SUTT

Mr. Sutt has worked at Bethlehem Steel for some 45 years and has been active in the labor movement and an advocate for steelworkers. In congruence with his fourth-degree rank in the Knights of Columbus, he has also served as a member of the Johnstown branch of the NAACP, and has been active in the American Civil Liberties Union. The number of national labor and community public service awards Mr. Sutt has received are clear indications of the effort he has made on behalf of the entire community.

It is a pleasure to honor all of these individuals for their service. Their lives are examples to all of us; our community is stronger because of them. I congratulate Allen Andrews, chairperson of the Black United Serv-

ice Clubs of Johnstown, for his leadership in this very deserved recognition of these committed citizens of our community.●

HOUSE JOINT RESOLUTION 105—NATIONAL HISTORICALLY BLACK COLLEGES DAY

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, April 11, 1983

● Mr. FORD of Tennessee. Mr. Speaker, on January 27, 1983, Congressman CARROLL CAMPBELL and myself jointly introduced House Joint Resolution 105. This resolution authorizes the President to declare September 21, 1983, as "National Historically Black Colleges Day." This bill recognizes the achievements and goals of the black colleges and universities in America.

There are 103 black colleges and universities located across the Nation. These institutions have a rich heritage and have played a prominent role in American history. These institutions are also a vital national resource and the backbone of black American leadership. They have produced upward of 70 percent of all the black graduates of colleges since the inception of this Nation. In the future, they will produce in excess of 300,000 college graduates every 10 years. More than 50 percent of the Nation's black business executives and elected officials are graduates of black colleges, as are 75 percent of black Americans with Ph. D. degrees, 75 percent of black military officers, 80 percent of black Federal judges, and 85 percent of black physicians. These graduates attest to the quality education they received and many have attained recognition for accomplishments in their chosen professions. Black colleges, founded to serve those who had been severely crippled by slavery and poverty, have continued through the years to elevate disadvantaged youth to creative citizenship.

These institutions continue to be of vital importance. They have championed the cause of equal opportunity and quality education and have provided this opportunity to those who were denied it, or could not afford it; assumed leadership in the development of techniques for overcoming handicaps of the educationally disadvantaged; served as custodians of archives of black Americans and as centers for the study of the rich cultural contributions of blacks to America; and developed and expanded programs of educational and occupational retraining for minority adults.

I hope my colleagues will join Mr. CAMPBELL and myself in cosponsoring this bill. We believe that historically black colleges deserve this day of recognition, which is a small tribute in comparison to their longstanding contributions to this Nation.●

WHY DID THE DEMOCRATIC BUDGET ATTACK FAIRNESS IN TAXATION?

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 11, 1983

● Mr. KEMP. Mr. Speaker, indexing personal tax rates to protect workers against inflation-caused "bracket creep" has emerged as the central tax issue of 1983. One of the interesting points in this debate is that indexing protects the wages of the working man and woman, indeed the working poor, but does little for the rich, because people already in the top tax brackets cannot be pushed higher by bracket creep. For that reason, "it is surprising the liberals are opposed to indexing," as Rudy Penner of the American Enterprise Institute has pointed out.

In fact, two of the cardinal provisions of the 1981 Economic Recovery Tax Act are designed to help working men and women—indexing—and to collect more revenue from wealthy taxpayers. According to Forbes magazine this second reform, lowering the top tax rate from 70 to 50 percent, has already brought in 10 percent more revenue to the Treasury from wealthy taxpayers in fiscal year 1982 than in fiscal 1981.

Mr. Wendell Wilkie Gunn, a friend and special assistant to President Reagan, addressed the issues of fairness, taxes, and the American dream in a recent speech to students at the University of Mississippi. I commend this excellent speech to my colleagues and urge them to support fairness in taxation by retaining indexing in our tax code and reverse the poor judgment as outlined in their budget.

The remarks follow:

THE FIGHT FOR ECONOMIC FREEDOM TAX INDEXING—A CASE IN POINT

(Remarks by Wendell Wilkie Gunn, Special Assistant to the President)

It is a special pleasure for me to be here today and as we get farther along into my prepared remarks, you will see how very special it is.

I must admit, however, to being more than a little surprised to hear of such an unusual celebration.

This year marks the 20th anniversary of an event which characterized a very painful period in the history of America.

But by the same token, today is a day to celebrate freedom—and that's what I want to spend the next few minutes talking about.

But first, I should tell you that there is another reason why I am particularly honored to be your speaker today.

Twenty years ago next September, I entered Florence State College in Florence, Alabama under federal court order over the objections of Governor Wallace and the State Board of Education.

I am sure that many will ask if it was such a painful experience, why bring it up now and run the risk of stirring up old feelings of animosity?

I think that it is necessary to understand our history if we are truly to take control of our future.

Sometimes it is just as important to understand what was not happening as it is to know what was.

This is one of those times.

The event that we celebrate today occurred in the midst of a period characterized by social upheavals affecting cities and towns across America.

It is possible that some people may have misinterpreted our struggle, thinking that it was a demand by Black Americans for an immediate and equal share in America's wealth.

Rather, it was a demand by Black Americans for equal access to America's promise.

Prior to the mid-1960's it was an accepted, and often legal, practice to discriminate against Blacks in housing, education, public accommodations, and most importantly, in employment.

We watched White Americans living the American dream while discriminatory practices prevented us from achieving our full economical potential.

The task before us was simple.

We had to fight for the alleviation of the legal barriers to our participation in the American economy and, at the same time, sustain ourselves until the battle was won.

It should therefore come as no surprise to anyone here that prior to the lifting of the burdensome tax of discrimination, Black Americans tended to gravitate toward those forces that promised a forced dividing of America's wealth.

The events of the 1960's in large measure brought about the repeal of this unjust tax.

Discrimination hurts all of us in that it stifles the economic opportunities of those discriminated against and the society at large loses the benefit of their ingenuity and drive.

It also adds new impetus to massive income redistribution schemes, which further drains our resources.

It is clear therefore that we all have a stake in its eventual elimination.

This struggle must and will continue.

But the more successful we are at alleviating the peculiarly Black tax of discrimination, the more energy and attention we can focus on those burdens and problems which face all Americans, regardless of color.

Today, we have an opportunity to join forces in order to tackle our mutual problems.

But first, in order to define our mutual problems we must look first at our mutual interest.

It has been said that America is a melting pot—a complex combination of diverse interests and backgrounds.

But there is a tie that binds us all and that tie is the beacon of light that is the essence of America—the concept of individual liberty.

Since the beginning of America's brief and colorful history, people have come to these shores from all over the world in search of freedom. Freedom of speech, freedom of religion, freedom of the press, and so on.

But most of all they sought the freedom of each individual to choose his or her own field of economic endeavor.

The freedom to produce and contribute to society, reaping rewards from society commensurate with those contributions.

The freedom to enjoy a reasonable portion of what one produces.

The freedom to trade one's product for a product of another, with a minimum of government interference.

The freedom legitimately to accumulate wealth and own property.

The last three are worth repeating.

The freedom to enjoy a reasonable portion of what one produces—freedom from oppressive levels of taxation.

The freedom to trade one's product for a product of another, with a minimum of interference—freedom from undue regulations and barriers to trade.

The freedom to accumulate and own property—reasonable assurance that private property will not be confiscated—at least not by the government—without due process.

These are the freedoms that people have come to America in search of and that we in America are determined to protect.

Unfortunately freedom is not something that can be won for once and for all at any point in time.

Rather, it must be fought for and protected every day.

At times, America has had to send her young fighting men to shores far away from our own to protect the freedom that we hold dear.

That is because, as Harry Truman once said, "In the cause of freedom, we have to battle for rights of people with whom we do not agree, and whom, in many cases, we may not like. These people test the strength of the freedoms which protect all of us. If we do not defend their rights, we endanger our own."

Now, the freedom of which I speak is not simply an abstract concept, amounting simply to the satisfaction of doing what one wants to do.

It is the very engine on which our economic system has been built.

It is the key ingredient that has caused America, in 200 short years, to become the strongest nation on earth.

Albert Einstein once said, "Everything that is really great and inspiring is created by individuals who labor in freedom."

Freedom is literally the stuff that economic growth is made of.

Therefore the struggle for economic growth and the fight to preserve and protect individual economic freedom are one and the same fight.

When economic freedom flourishes, so does prosperity—and this is no coincidence.

No government planner decided that Alexander Bell should invent the telephone.

The automobile was invented and developed without government subsidies.

And heaven only knows what would have happened—or, better yet, would not have happened—if Orville and Wilbur Wright had had to wait for government approval.

Yet the economic benefits that have flowed from these and similar entreprenurial activities have been enormous.

Not only did benefits flow to the entrepreneurs themselves, but to workers, other entrepreneurs and people all over the world who have the need to communicate and travel.

On the other hand, where freedom is stifled, scarcity and poverty abound.

Freedom, ladies and gentleman, is worth fighting for.

Threats to our freedom do not always come from outside aggressors.

Sometimes the most effective threats come from those who mean us well.

People who want to help us; People who want to think for us;

People who want to decide for us;

And people who want to spend our money for us.

Some of our most devoted public servants fit this description.

As Justice Brandeis once put it "Experience teaches us to be most on our guard in protecting liberty when the government's purposes are beneficient. Men born to freedom are naturally alert to repel invasion of their liberty by evil-minded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well meaning but without understanding."

If these people succeed in helping us, then the only progress we will have made in the last 150 years—let alone the last 20—will be that the plantation is now bigger, the big house is now in Washington and Black folks aren't the only ones who are slaves.

But the government has many way to encroaching upon individual freedom and confiscating private property.

One such method is the subject of a very intense debate in Washington, D.C. even as we speak.

It is the battle between the President on the one hand and the Congress on the other over the matter of tax indexing.

Tax indexing is an important provision in the Economy Recovery Tax Act of 1981.

And there are those in Congress who seek to repeal it.

The first time I heard the term tax indexing I thought they were talking about an index to the Internal Revenue Code.

But if that were the case, it ought to be a pretty easy thing to do.

All a fella has to do is look up anything he wants in the index, turn to the indicated page and there find the words: "Pay Up—or we will take your wife and kids."

But that isn't what indexing is.

If you will bear with me for a moment, I will try to explain to you how it works and why the President is fighting so hard for it.

But first, I have to explain the graduated income tax and how it operates in the face of inflation.

Just imagine that this year the price level goes up by ten percent over last year.

What used to cost a dollar now costs $1.10.

Rent last year was $100 a month, this year is $110 a month—don't we wish?

If you don't get a raise in pay, you would be roughly 10% worse off because now your salary doesn't go as far as it used to.

Now let's suppose that all prices are moving together including the prices at which your employer can sell his output.

And if all of his costs are also up ten percent then perhaps he can afford to give you a 10% raise.

Now let's further suppose your boss is a nice fellow and he does in fact give you a 10% raise.

Now everything is OK—You break even. Right?

Wrong!!

You see, the government in its infinite wisdom, decided that those who earned once upon a time more could afford to pay more.

Not simply more in absolute terms, but a higher proportion of their income.

So now that you have gotten your 10% raise, the government increases your tax rate, under the false assumption that you are now richer.

So now, after paying taxes at the higher rate, you are actually able to buy less now on your new, higher pay than you were last year at your old rate of pay.

And this is in spite of the fact that you received a so-called cost-of-living adjustment.

The simple purpose of indexing is to stop this from happening.

Tax indexing simply adjusts the tax tables to reflect a raise in the cost of living.

Simply stated, it means that if prices go up by 10% and you get a cost of living adjustment of 10%, your purchasing power after taxes is restored to last year's level.

In the past, indexing's opponents claimed that indexing would remove an "automatic stabilizer" from the U.S. tax code, and even weaken the public's fight against inflation.

The interesting thing, however, is that the current debate over indexing did not arise out of a concern over inflation or stablization.

Inflation at the moment is way down, you know. But there has been a lot on newly found zeal about closing the budget deficit and this is the context out of which the current debate arises.

Clearly, then, what they really want to do is raise your taxes?

But I'm here to say that they would have us believe that we can tax our way out of a recession. Recessions are caused by oppressive government taxing policies, government debasement of the currency and other government practices that forcibly divert private resources away from private productive enterprise.

A press release of several years ago by the Teamsters Council of New York sums it up nicely—at least from the worker's point of view.

"There is no question that government taxing policy can and does nullify private sector union power."

The government taxes the employer and he has less to offer the worker in wages.

The government taxes the worker and he has less food and shelter to share with his family.

Having no other place to turn to, the worker increases his wage demands, knowing full well that it will result in fewer employment opportunities.

The irony is that the tax collector, who pays no union dues and walks no picket lines, is the first beneficiary of any wage increase so extracted.

The point is that is the final analysis, recession is the bitter fruit of oppression.

It follows, therefore, that sustained recovery will come only when a measure of freedom is restored.

More freedom is needed—not less.

These well-meaning people are eager to eliminate indexing from the tax code.

If successful, they will increase taxes not just for the next few years, but for every year from now on.

And they will do this in the night, while the taxpayer sleeps, because the inflation-induced tax increases will never have to be voted upon.

Contrary to popular opinion, indexing would benefit wealthy tax payers very little if at all.

That is because these people already pay the maximum rate and cannot be forced into a higher tax bracket.

So, if someone tells you that this is a rich man's tax provision, be wary—he is up to something and its not to your benefit.

To the extent that indexing discourages inflation, it helps those who are most vulnerable to rapid price increases—low and middle income taxpayers.

But it also benefits lower and middle income persons directly.

Because it is they who face a whole ladder of closely-spaced tax brackets and suffer the full impact of bracket creep.

If politicians think that higher taxes are in the public interest, they should make that case honestly and openly and accept the responsibility for their decisions.

Having said so many good things about indexing, I don't want to leave you with the impression that it protects you from inflation.

Rather, it protects your cost-of-living adjustment—for those of you who are lucky enough to extract one from your employers hide—from bracket creep caused by inflation.

I can't think of anything that can protect the private sector as a whole from inflation except stopping the government from doing it.

Our government prints little pieces of paper—called dollars—that find their way into the market place to lay legal claim on your property and mine.

Yet when these pieces of paper return to the issuer, they are a claim for nothing—except new little pieces of paper.

If you or I did this it would be known as grand larceny.

When the government does it, it is called increasing M-1.

When this happens the value of every dollar in circulation and of all assets denominated in dollars declines.

Economists call this inflation—I call it the midnight tax.

Because inflation is not, as some may think, a simple evaporation in the value of a dollar caused by greedy merchants, obstinate labor unions, and hungry oil sheiks.

Rather, it is a direct transfer of real resources from the private sector to the public sector.

Indexing alone cannot solve this problem. It can be solved, but that is the subject of another speech.

But indexing must be retained for the simple reason that it changes the rules of the tax game.

No longer will politicians be able to increase taxes without explicitly voting for tax increases.

You see, inflation is itself a tax imposed by the government without due process.

Pushing low- and middle-income taxpayers into higher tax brackets at the same time simply adds insult to this injury.

The American people deserve better.

The President, in taking up this fight, is simply fighting for the restoration of a reasonable measure of individual freedom.

As we celebrate freedom here today it would be to our benefit to join the President in this fight.

Thomas Wolfe once said, "To every man his chance, to every man regardless of his birth, his shining golden opportunity. To every man the right to live, and work and be himself and to become whatever thing his manhood and his vision can combine to make him. This is the promise of America."

Ladies and gentlemen, the promise of America is under seige.

And we must join the fight to protect it.

Thank you.●

A FEDERAL CHARTER FOR THE ARMY AND NAVY UNION

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 11, 1983

● Mr. SEIBERLING. Mr. Speaker, I am pleased to reintroduce legislation to grant a Federal charter to the Army and Navy Union of the United States of America. During last year's lame-duck session this legislation was approved by the House Subcommittee on Administrative Law, but there was insufficient time to bring the bill to the floor before the end of the session.

Founded in 1886, the Army and Navy Union is the oldest veterans' organization of its type in the United States. It is the only veterans' organization in which membership is not limited to any specific form, date, branch, place, or nature of the military service performed.

Incorporated in Ohio in 1888, the Army and Navy Union is dedicated to the preservation of a free and independent United States, and to providing assistance to veterans and their dependents. Since its earliest days, the Army and Navy Union has worked for the enactment of equitable laws to provide pensions, medical care, and other benefits to veterans.

The Army and Navy Union is headed by a national commander and his staff. The National Corps is administered by officers elected at an annual convention. Any member in good standing is eligible to hold any office in the Army and Navy Union.

The Army and Navy Union has a long and illustrious record of service to veterans and their dependents. Forty-one recipients of the Congressional Medal of Honor, including Eddie Rickenbacker and Douglas MacArthur, have held membership in the Army and Navy Union. Other members include President William McKinley, Supreme Court Justice Harold Burton, and Senator Charles Dick of Ohio.

A Federal charter for the Army and Navy Union will provide this worthy organization with the national status it so richly deserves.●

MRS. ETHEL "SISSY" BUTTS

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 11, 1983

● Mr. CHAPPELL. Mr. Speaker, it is with a great deal of personal pride that I take the opportunity today to bring before this honored body of American leaders the accomplishments of a dear and sweet friend of mine from the Fourth Congressional District of Florida. Her name is Mrs. Ethel "Sissy" Butts of Welaka, Fla.

Her name is synonymous with volunteerism and community involvement. Her spirit is one of loving interest in her fellow Americans. Her energy is boundless and her will to observe the Golden Rule is manifest in every day that she continues to bring joy to others.

"Sissy," as we lovingly call her, has recently had her times of trials and tribulations suffering the loss of her beloved husband and severe damage to her home during a tornado. But my esteemed colleagues, the indomitable spirit of this grand lady is such that she continues to serve her Lord and her fellow friends and neighbors.

It is a privilege to offer, for inclusion in the CONGRESSIONAL RECORD, these letters of commendation and the news article that touch upon just a part of this fine lady's good works.

They read as follows:

PALATKA, FLA., *November 10, 1982.*

Mrs. ETHEL "SISSY" BUTTS,
P.O. Box 396,
Welaka, Fla.

DEAR SISSY: On behalf of the staff and myself, let me take this opportunity to thank you for the many hours of voluntary service you have contributed to the elections office over the years. Your help with the voter drives and preparing for the elections have been a great benefit to our office and a great service to the people of Putnam County.

Having people like yourself that are willing to contribute their time to help others makes Putnam County a better place to live for all of us.

Yours truly,

DONALD L. HERSEY, Sr.,
Supervisor of Elections.

PUTNAM COUNTY PROPERTY APPRAISER,
Palatka, Fla.

Mrs. ETHEL "SISSY" BUTTS,
P.O. Box 396,
Welaka, Fla.

DEAR SISSY: Thank you, again, for your many weeks of service to the Putnam County Property Appraiser's Office. I know I am speaking for our entire staff, when I say how much we all appreciate the way you came in and assisted us during our busy Homestead Exemption season.

Sissy, in this day and age it seems commonplace for people to criticize their local county government. However, it is a rare person who will walk up and volunteer their services to help a shorthanded office run better.

In the time you were here, you expressed an interest in just about every job responsibility in this office. We found you to be the kind of person who wanted to work and wanted to learn. I believe that if you had been able to stay a little longer, you would have mastered "running-out" metes and bounds legal descriptions and computer data entry.

You have an unusual degree of "public spiritedness" and I hope one day you can be recognized for the benefits you have provided to Putnam County.

Respectfully your friend,

W. L. PRITCHETT, Jr., CFA,
Property Appraiser.

ELECTIONS OFFICE VOLUNTEER GIVES TIME TO HELP VOTERS

(By Mary Doan)

In August, 1980, Sissy Butts walked into the Putnam County Supervisor of Elections office, looked at the volume of work to be done by a limited staff in that presidential election year, and decided to help out—as a volunteer.

Since then, the homemaker from Georgetown has donated roughly seven months of her time assisting Elections Supervisor Don Hersey and his staff.

This election year, she started her volunteer work in July, driving five and sometimes six days a week from her Georgetown home to the Elections Office at the Putnam courthouse, to work without pay from 8:30 a.m. to 5 p.m.

"She's been very loyal and dedicated to serving in this capacity," said Hersey. "There's no way to pay her for what she's done."

What she's done includes helping with voter registrations, issuing absentee ballots, filing and most anything else that needs doing, explained Hersey. Between elections, he said, she also helped with voter registration drives.

Mrs. Butts was familiar with the routine from the beginning, he added, because she had worked previously as a volunteer in Escambia County's election office.

In 1980, she worked through the November general election. This year, she plans to do the same.

Hersey estimates Mrs. Butts is providing volunteer work that would have cost about $4,500 for this year alone if he had to pay for it—which he can't because, he said, there's not enough money in his budget. He hopes, however, to have enough to put Mrs. Butts on the payroll for at least one week at minimum wage to compensate her in part for the gas it takes to get her to her volunteer job. But, he added, that is still an "if."

Mrs. Butts, who moved to Putnam County from Pensacola in 1971, doesn't confine her volunteer work to the Elections Office either. She has served as a volunteer in the Cancer Drive, helped raise more than $400 for Muscular Dystrophy and worked as a volunteer in the schools.●

NATIONAL ENERGY POLICY PREPARED BY THE DAY JUNIOR HIGH SCHOOL

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 11, 1983

● Mr. FRANK. Mr. Speaker, two classes of students at Day Junior High School in Newton recently collaborated to produce a statement on national energy policy. This statement, prepared under the direction of teachers Marjorie Montgomery and John Start, is an outstanding example of thoughtful and serious work. The young people who produced this work are to be congratulated. Their work reflects a great deal of intelligence and research, and I ask that the paper on national energy policy prepared by the Day Junior High School students be printed here in the RECORD so that others may benefit from reading it.

To the formulators of national energy policy:

We, the eighth graders of Day Junior High School, Newtonville, Massachusetts, feel that the government needs a clear energy plan because it is in a state of discord concerning energy policies. Our thoughts and ideas as discussed in this proposal are needed for helping the government through an energy crisis in the United States.

Our feelings concerning this proposal are thus: a strong, dependable basis for the energy needs of the country is desperately needed. To advance in technology and to keep the United States running safely it is necessary to have a strong country. This proposal will fit these needs and will do so safely, economically and completely.

Our first topic is conservation of electricity. The cost of using appliances should be reduced in three ways. The first is using more efficient appliances. The second is making buildings more efficient so that the amount of electricity needed for heating and cooling is reduced, The last is substituting other heat sources for electric resistance heat in new construction.

Other recommendations that we propose for conservation in individual homes and buildings include:

To adopt the principle that utilities should invest in conservation whenever it is cost efficient compared to the energy supply;

To encourage the use of efficient appliances by utility rebates for the purchase of very efficient models which approximate the incremental cost involved. This mechanism is particularly important because the federal government has abandoned a lengthy effort to develop appliance efficiency standards for refrigerators. The cost of such a program was estimated at less than $.01 per kwh saved;

To develop a governmental low interest financing program for weatherizing residential buildings with particular emphasis given to reaching renters and low-income persons;

To expand programs for providing low cost residential conservation services such as audits, wrapping water heaters, weather stripping and caulking;

To strengthen companies' standards for energy conservation by amending the building code or by adopting utility tariff requirements for gas and electrically heated buildings;

To discourage the use of electric resistance heat in new construction by an absolute governmental ban or by a hook up charge which assesses the increased costs to the utility system;

To provide energy audits through the government and to offer financial incentives for commercial and industrial customers; and

To continue governmental emphasis on the development of cogeneration facilities, including consideration of utility or public ownership.

In dealing with the conservation of energy relevant to cars we think there should be improvement on all American cars so they are able to accept gas substitutes like gasahol. No more cars over twenty feet should be built. Restrictions should be put on how fast a car can travel limiting each to no more than seventy-five miles per hour. There should be an increased tax on gasoline which would discourage consumers, with a rebate ticket available for truckers. The increased revenue could go to building more major roads and highways, and making public transportation more efficient and less costly.

All people should be aware of the advantages and disadvantages of all energy sources, including the health hazards and waste products, through pamphlets and other free information written and distributed by an energy committee made up of impartial government energy experts.

The first energy source we will discuss is nuclear power. Waste and safety are major disadvantages and the government must fund the research of nuclear safety such as recycling waste, getting rid of waste easily and safely, and keeping nuclear power plants safe. There will also have to be government funding for new areas of nuclear power, such as nuclear fusion, to a point where nuclear power is considered safe and profitable. Until nuclear power is deemed safe, all construction of nuclear power plants will be stopped.

If we do this the rate of research will increase, because nuclear investors who have put great amounts of money into the nuclear industry will jump in and help in the research so as not to lose their money.

When all nuclear power is considered safe and building and construction of plants is continued, the government will regulate prices and quantity. This is to make sure that prices do not differ greatly or plants produce beyond need. The plants, however, will make enough decisions so as not to reach a dictatorship concerning nuclear power.

There will be government paid inspectors supplied by state energy boards who will have announced visits to plants in their states, not to exceed one visit per month. These people will check plants to ensure safety. If plants are found to be unsafe, they will be closed immediately and will not reopen until repaired to the satisfaction of the inspectors.

Concerning oil, our conclusions were that every three years the United States will decrease their demands on OPEC nations by 1/10. This will do two things; it will decrease our dependency on foreign oil, and it might make the OPEC nations nervous about losing a big buyer. Consequently they might even lower prices.

Private companies should continue to fund research and development of oil. As we do not have great amounts of oil in the United States, we feel that oil does not have a gigantic expandibility here and is not worth the government's funding and trouble.

The companies which spend a certain fixed amount of money on developing conservation methods for oil should get tax breaks according to gross development.

Inspectors should be placed with each state board of energy to inspect the safety and efficiency of oil plants and make sure the health, safety, and environmental standards are kept high according to the surroundings. Officials near the coast should also be involved in taking care of such regional problems as oil spills.

In dealing with natural gas there will be a committee made up of corporate representatives of natural gas companies and Representatives to decide on the price of natural gas for a given year. Allowances for economic changes will be made. This will keep prices down, so all can use natural gas.

Because natural gas might be useful in places where it is not presently being used, government aid will be given to energy poor states that are interested in converting to natural gas. The government should also in-

volve itself with states lacking the necessary money to undergo a large scale change. Such help should include special subsidies to poor states and people who have natural gas but lack the money to fund it. However, subsidies should not go to natural gas poor states. Funding for them should be given by private companies and the federal government.

To establish a firm energy independent state, coal is vitally essential. The federal government's role in the expansion of the use of coal will be to fund research, research mainly on safety both for miners and in mines, more efficent ways of removing coal from the ground without harming that ground, and ways of making the usage of coal less hazardous to civilians and the environment. This research will be done by coal experts. These measures will give United States citizens the safety needed to use the land as productively as possible.

Due to the size of this nation, and the fact that different states have different types of coal, the government should involve itself with states that do not have the coal needed for a large scale change. Such help would include special subsidies to poor states having available coal but not enough money to develop it. However, money should not be given to coal poor states. Funding programs should be supplied by the private companies.

The government must supply tax rebates on fuel conserving products and enforce temperature controls.

Once these federal measures are enacted they should be enforced by special bureaus and energy experts. Those companies breaking any rule should be punished by increased taxes. This can also serve as a threat to companies to keep in top shape.

Solar could be a major part of the United States' energy policy. Mass production of solar appliances and parts should be promoted by government funds under financial contracts.

All of the solar divisions should be researched, because different areas need different types of solar energy to get the most energy provided. In general, funding by the government should be in order of these priorities: Sun power, wind power, hydroelectric, O.T.E.C., tidal power, small amounts of biomass, and regulated geothermal.

This funding should be done through government funding to labs and private companies.

Tax breaks or deductions from federal taxes should be given to civilians and companies converting to solar energy. For all successful funding the government supplies, an equal payback will be refunded to the government by those companies. This will give companies an incentive to get more business as well as providing a fund to promote further research.

A joint congressional committee will research solar and post their results to each individual state. The state will then develop the most beneficial solar energy to the state with federal government funds, so they can decide which form of solar energy is best suited for their state.

Our eighth grade class has learned a tremendous amount about how Senate hearings operate and energy resources. We have begun to appreciate the complexity of the issue of energy.

As introduced in the proposal we feel that there should be a use of a variety of energy sources, organized in a long term plan until we can depend on a set way of using the best source of renewable energy, until we research and learn enough to find a plan for a longer period of time.

We need a strong energy policy to stop our slide into energy oblivion.

Submitted by the Green Team M Class and Blue Team B Class:

The Senators: Deirdre Cohen, Bill Crowley, John DeVito, Claudia Haudenschild, Rebecca Korn, Jenny Margulis, Becca Steinberg, Chris Travers.

The Editors: Lisa Darviche, Kristina Hammer, Ruth Schmidt.●

AGRICULTURE: THE THIRD WORLD'S QUIET REVOLUTION

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 11, 1983

● Mr. BROWN of California. Mr. Speaker, a few days ago, I submitted for my colleagues' consideration a Science magazine article describing the problems and opportunities facing Mexico in raising incomes through greater productivity of small, noncommercial farmers. I pointed out how our hopes for a revitalization of world trade will depend on their success in revitalizing their farm economy.

Recently, Richard Critchfield, who has studied development in Third World villages for over two decades, has called our attention to the quiet revolution taking place there. He points to the giant strides made in crop yields in many countries through the application of genetics. He points out the potential for further advances, supported by the new global network of scientific research centers, and the need to finance these centers more generously. In his view, progress in these nations depends on the continued flow, not of dollars, but of scientific, technical, and managerial knowledge from the developed world. He quite properly praises the Reagan administration for its understanding of how the stimulus of increased individual income can spur improvements in agriculture. Even more important, he recognizes that the benefits of such improvements must accrue directly to the small farmers, peasants, and villagers, if demand for imported goods is to rise.

Support, in the form of technology transfer, for small-scale enterprise is most essential. I wish that I were as confident as Mr. Critchfield that the administration is on the right track here; to date, I am not sure its actions match its words, and I am distressed by the lukewarm commitment to basic research in agriculture and to foreign agricultural development. Nevertheless, I find his views refreshing, and I commend Mr. Critchfield's article, which appeared in the Christian Science Monitor, to my colleagues.

[From the Christian Science Monitor, Feb. 14, 1983]

POOR FARMERS: THE KEY TO GROWTH IN THE THIRD WORLD

(By Richard Critchfield)

Are we in the West doing what we can, in tune with hard times and budget austerity, to hasten the third world's quiet agricultural revolution?

Farming matters because it is the main element in any lasting solution to the world's economic crisis. Bigger wheat, rice, and corn harvests on the tiny plots of some 2 billion people just may be the only way to reduce the growing pile of poor nations' IOUs.

Maybe so.

Steady progress depends upon (a) the prospect ahead for new agricultural technology and (b) whether enough governments become economically efficient enough to put that technology into productive effect. Both depend more on brains than money, something the Reagan administration, with its eye peeled for funding bargains, has been quick to see.

Take agricultural research. The $5.7 billion in American aid pumped into India since the 1950s did not triple India's wheat production to 33 million tons in 1967-79. Nor did $2.5 billion to Indonesia double its rice output to an amazing 22 million tons of milled rice last year.

The giant strides in Asia's cereal yields and production came because plant breeders, at relatively little cost, spent years and years patiently applying Mendel's 1865 law of genetic inheritance to agriculture, first in cold climates and, from the 1940's on, to tropical farming. It took exactly 100 years for Mendelian techniques to pay off, at last, in Asia's peasant villages.

A new global scientific network of 13 agricultural research centers, set up mostly during the 1970's, now exists to seize upon new scientific discoveries anywhere in the world and at once try to apply them as tropical farm technology. Scientists from every nation on earth pool knowledge and genetic material on every crop grown today.

Important as it is, the whole setup is incredibly cheap to run: the overall budget for all 13 centers was $20 million in 1972, $150 million last year. As scientific knowledge grows, so should in their modest fashion, the centers researching techniques to apply it to grow more food.

The United States pays 25 percent the World Bank 10 percent. Last November the Reagan administration, showing a readiness to invest when the payoff is this big, proposed increasing its share to expand the total budget to $176 million. Several European governments refused to increase their shares, which means the centers have to curtail some of their research just as the need and demand for it is growing.

If we seek world economic recovery, priority must be given to the transfer of the most sophisticated Western science. This all takes money not to be had from private sources at market terms. It requires government spending and, since we in the West have the science, some foreign aid.

But the other side of the equation, economic efficiency to apply the new farm technology once you have it, works better the more you let free market forces have full play. Successful agriculture and public ownership and management don't mix, whether in Russia, China, Vietnam, or some hippie commune in Oregon. Even government distribution of an input like fertilizer

can get bogged down in inefficiency and corruption, as in Mexico and dozens of countries one could name. Agricultural advance depends too much on a free market, adequate incentives and the stimulus of gain and private ownership.

Institutions like the World Bank and Agency for International Development (AID), perhaps because they are staffed by well-paid bureaucrats and technicians, tend to display an antimarket bias. The Reagan administration's conservative Republican pro-market bias seems to give it a better grasp of markets, prices, and the distribution of inputs.

For example, AID's new Bureau of Private Enterprise, a $30 million pilot project set up 18 months ago, is conducting some interesting experiments to provide a better investment climate, encourage agricultural firms and private banks, and create financing mechanisms so that a small amount of AID money can bring in local and foreign private investment.

Perhaps AID's most successful experiment in demonstrating the virtues of the free market has been in Bangladesh. Here the government was helped to replace its old, corrupt and inefficient public fertilizer distribution system with a new nationwide grid of private wholesalers and retailers. It took just a little AID seed money to get things going. The new system has been a big success, supplying farmers at lower cost. A whole new class of entrepreneurs has emerged and the government of Bangladesh is looking for new ways to collaborate with them.

At bottom, the third world doesn't need money so much as scientific, managerial, organizational, and technical skill to speed the spread of things like higher-yielding crops, rural electrification, small-scale agri-industry, and other enterprises that will get economic growth in stride.●

MISS ROSE

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 11, 1983

● Mr. CHAPPELL. Mr. Speaker, only rarely does one have the opportunity to call to the attention of his distinguished and honored colleagues the degree of delight in representing one's district that I bring before this body today.

In the Fourth Congressional District we have a constituent to whom we refer belovedly as "Miss Rose."

It is to mark the occasion of the 97th birthday of this distinguished constituent that I proudly refer the following newspaper article, which appeared just 5 days ago in the Daytona Beach Evening News.

Gentlemen, I will let the news article introduce you to a grand lady, our own "Miss Rose."

The article follows:

[From the Daytona Beach Evening News, Apr. 7, 1983]

97TH BIRTHDAY MARKED: STAYING ACTIVE KEEPS "MISS ROSE" YOUNG

(By Judy Liberi)

It promises to be quite a weekend for Rose Lowenstein, better known throughout the community as simply "Miss Rose."

The delightful retiree will be the guest of honor at a number of celebrations marking her 97th birthday—an age you'd never guess from her vitality.

She's obviously looking forward to her many parties—the first of which is a dinner meeting tonight of the Business and Professional Women. Since coming to Daytona Beach in 1925, Miss Rose has made her mark in organizations such as the BPW and Hadassah, in both of which she is an honorary life member. She has also been very active in B'nai B'rith, League of Women Voters and the Democratic Women, and is past president of Temple Israel Sisterhood. She was also recently honored by Gov. Robert Graham for many years of Democratic Party support.

Friday will find Miss Rose heading for Temple Beth El, where the youth organization and B'nai B'rith Girls will honor her with an Oneg Shabat, a reception following services at the temple. Miss Rose, who helped found the youth group, also has been an ardent supporter of the Daytona Playhouse over the years, helped at the Rehabilitation Center for the Blind, and was a regular volunteer and contributor for the Salvation Army, American Red Cross and Easter Seals, to name a few.

Miss Rose's busy years, may be part of the reason for her long life, she noted. Born in Latvia on April 10, 1886, she and her family arrived in the United States when she was 18. Six years later she met Joseph Lowenstein, and the couple married a year later. She's been a widow for 53 years.

Never a stay at home person. Miss Rose operated her own sewing and alteration business in town for 40 years, not retiring until the age of 89.

She is celebrating her special day with daughter, Elaine Huttner, 1510 N. Peninsula Drive, and son, Paul, of New York, in town with his wife, Muriel, for the annual celebration. There are also three grandchildren and seven great grandchildren.

A small party is planned Saturday for close friends and family members and on Sunday, Miss Rose will greet guests at her traditional Open House from 2 to 6 p.m. at her home at 419 N. Oleander Ave. "And no gifts, please!" she insisted.

"Everyone is invited: I have a whole town of friends," she beamed, adding, "I've had a wonderful life—but it's a life I created. I thank the Lord every morning that I can get out of bed on my own two feet."●

DEADBEAT DADS

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, April 11, 1983

● Mr. LONG of Maryland. Mr. Speaker, failure to pay child support is a serious problem that affects all of us. When absent parents do not support their children, in many cases, taxpayers have to do this instead—through welfare and other related programs. In fact, 80 percent of welfare recipients are on welfare because their exspouses will not pay child support.

Many nonpayers—mostly fathers—are people of means who could afford to provide child support—but do not—forcing their own children and former spouses to either resort to welfare or live in near poverty on the mother's earnings. An estimated 2 million fathers fail to comply with court-ordered child support.

Although Federal and State laws have been enacted to assist in the collection of child support, huge gaps and inequities still exist in these laws and their enforcement. In January, I introduced legislation to fill one of these gaps. My bill, H.R. 216, will help nonwelfare families collect past-due child support from absent parents.

In the 1981 Budget Reconciliation Act, Congress gave IRS the authority to grab income tax refunds of those who skipped out on child support responsibilities—but only for welfare (AFDC) families.

This effort, known as the tax refund offset program, has been a great success, collecting $167 million in child support payments from nearly 267,000 absent parents in the 1981 tax year alone. The money recovered has been used to reduce welfare costs or sent to the family if the child support payment exceeded the monthly AFDC payment.

My bill, which now has 44 cosponsors, would simply extend this successful program to nonwelfare families.

The advantages?

It would stop parents from getting away with abandoning their responsibility to their children and shifting the cost to the taxpayer.

Millions of Federal and State welfare dollars that might otherwise be spent to support the custodial parent and her or his children could be saved.

It would be cost effective, since the program is already in place and any added expense would be paid for by fees charged to the nonwelfare parent—not the taxpayer.

The critical need for this legislation and other efforts to improve the enforcement of child support is cogently expressed by Patricia Avery in a recent U.S. News & World Report article.

I would like to share this article with my colleagues:

ON THE TRAIL OF THOSE DEADBEAT DADS

WITHOUT CHILD-SUPPORT PAYMENTS, MANY FAMILIES ARE GOING FROM AFFLUENCE TO POVERTY—ALMOST OVERNIGHT

A Pennsylvania man wins 4.6 million dollars in the state lottery only to end up in legal negotiations with two states over nonpayment of child support.

A Michigan mother had to go to court when her former husband, a judge earning $52,000 a year, fell more than $6,600 in arrears on support payments for their two children.

An Arizona woman reports her child is suffering from malnutrition because she has only $10 a week for food and her ex-husband isn't sending money.

These are a few of the distressing stories behind figures showing that an estimated 2 million fathers do not honor agreements to support children of broken marriages. In fact, government figures show that more than half of all fathers who should be paying child support give less than required—or nothing at all. Fathers represent 95 percent of the parents who fall behind on support.

So serious is the problem that Congress and state legislatures are seeking new ways to track down deadbeat dads and make them pay.

In most cases, when a father stops payment, his children and former wife quickly find themselves at the bottom of the economic ladder. The result: The financial responsibility of the father is shifted to the taxpayer.

FORCED MOVE

An example is a 27-year-old woman who had lived with her husband and three children in a wealthy suburb of Flint, Mich. After the divorce, the man paid only a fraction of his support payments, although he was earning $50,000 a year. His family soon was living in an inner-city subsidized-housing project.

"It was a nightmare," the woman says. "My children and I went from a typically middle-class existence to poverty practically overnight."

A study in California shows that there is little relationship between income and the father's failure to comply with court-ordered child support. Says researcher Lenore J. Weitzman of Stanford University: "Men with incomes between $30,000 and $50,000 were as likely to fail to comply as those with incomes of under $10,000."

The delinquent parent often can escape local supervision of court-ordered support payments simply by moving out of state. In Florida and Texas, just moving to another county makes a new court proceeding necessary. Only 11 states have mandatory wage withholding for child support. While some states will jail a parent for nonsupport, in most cases the penalties are slight.

"Trying to achieve a legal remedy was a total farce and a failure," says a 37-year-old Tallahassee, Fla., mother who had to sell her three-bedroom ranch house and has battled her former husband across state lines over support for their three children. "States and judges simply do not cooperate," she says. "Uniformity in laws and enforcement is desperately needed."

Why do men—even successful, middle-class professionals—turn their backs on their own children? David Chambers, a law professor at the University of Michigan, lists a number of reasons:

Some are angry at ex-wives and the courts for what they see as an unfair financial burden.

Writing a support check can be a painful reminder of happier times, bringing on depression and remorse.

Men separated from their children sometimes have only weak emotional attachments to them.

Remarriage can mean a new family and additional financial burdens.

Whatever the reason, the women and children these men neglect often feel isolated. "I thought my case was unique and that I had been unlucky enough to marry a totally irresponsible guy," says a Maryland woman abandoned with one child while pregnant with another. "But then I found there were great numbers of women going through this."

REMEDIES SOUGHT

So many women face the problem that nearly a dozen child-support advocacy groups have been formed to lobby for stiffer laws against runaway parents. In Arizona, one group is asking the Legislature to have neglect of support payments noted on credit reports.

Federal law provides for garnishing of federal tax refunds of delinquent parents when the children are on welfare, but Congress is being asked to expand this provision to all runaway parents and to order wage withholding for federal employees owing child support.

New York State officials in early March said that up to 60,000 New Yorkers could have state-income-tax refunds withheld this spring for failure to pay child support.

One aid in finding such parents is the Federal Parent Locator service. This computer system uses records of the Internal Revenue Service and other agencies to trace those whose support payments are in arrears.

However, since the federal government wants to reduce welfare spending, the priority still is given to tracking down fathers whose families receive such federal benefits. Nonwelfare mothers have to pay a fee to use the service—and, in many states, must pay an application fee to enlist the aid of the local child-support agency.

Because of this, women's groups are pushing for a federal income-withholding system for child support or a wage-attachment provision that would follow a person from job to job.

"This isn't a matter of camp fees and expensive vacations," says Patricia Kelly of KINDER, a Michigan group focusing on the problem. "It's a matter of shoes and food for children. We will continue to seek remedies for as long as it takes."●

A NATIONAL DRINKING AGE OF 21

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 11, 1983

● Mr. PORTER. Mr. Speaker, I would like to enter into the RECORD a recent article from the Chicago Tribune which advocates the establishment of 21 years as the national drinking age. During the 1970's many States lowered their drinking ages below 21, an act that was followed by a tragic increase in driving deaths and accidents in the under-20 age group. In support of raising the drinking age to lower the accident rate, this article points out that the State of Illinois raised its drinking age to 21 in 1980, which resulted in a 16 percent decrease in auto fatalities for youths under age 20. The article suggests that although legislative efforts to raise the drinking age will not totally eliminate the problem of drunk driving, it will lessen this problem.

The article follows:

[From the Chicago Tribune]

A NATIONAL DRINKING AGE OF 21

(By Gary Graham)

Drinking and driving don't mix—especially in young people. Want proof? Try this: The death rate for all age groups in America is decreasing, except for one—the teenager. Our healthiest, most vigorous citizens have an increasing death rate. And, alcohol-related traffic deaths are the major reason.

The leading cause of death among teens is accidents. Motor vehicle accidents account for a majority of these deaths. On a national basis, more than 10,000 people under 20 years of age may be killed this year in traffic accidents. Seventy to 80 percent of these accidents will involve alcohol misuse.

And there are more statistics—impersonal, but nonetheless chilling. The Insurance Institute for Highway Safety, a Washington-based research organization, did a study on teenage driving. Here's some of what they found:

Teenage drivers kill other people more often then themselves. For example, more than half of the persons killed by teenage drivers in 1978 were passengers in their cars or drivers or passengers in other vehicles. In contrast, the majority of persons killed by drivers aged 21 or older were the drivers themselves.

Young drivers up to about age 25, especially the 16- and 17-years-olds, are more often responsible for their fatal crashes and resulting deaths than are older drivers.

Teenage drivers are responsible for more deaths per license holder than drivers in other age groups; teenage drivers are responsible for about five times as many crash deaths per license holder as are drivers aged 35 to 64.

The insurance institute researchers suggest that young male drivers are more responsible for fatal crashes because they are more aggressive drivers than are females and they are more likely to drive after drinking or taking other drugs.

No legislation can prevent all of these deaths, but I am convinced that raising the legal drinking age to 21 will reduce their number. Such action will disrupt the link-up of two learning experiences, drinking and driving, that, like it or not, are part of growing up in this country.

Here's how I see it: Acquiring driving skills involves learning, for example, that cars behave differently around curves on wet roads than they do on straight, dry stretches. It takes a lot of time on the road to develop the split-second judgmental skills necessary to make those infrequent, life-or-death decisions most drivers face. The young driver, even after a driver's education course, continues to learn by experience.

Likewise, using mind-altering drugs, particularly a sedative drug such as alcohol, is a learning experience. One learns how much is "too much" by experimentation. Unfortunately, alcohol affects one's judgment, though the degree of impairment is often not recognized.

When the learning experiences of driving and drinking are combined in the 16-, 17-, or 18-year-old, tragic consequences can result.

To understand the current status of drinking age legislation, a brief history is necessary. In the early 1970s, when this country went through many social upheavals, 26 states lowered the minimum drinking age from 21 years. States that kept records on such things soon had some sobering second thoughts about that action, as increases in driving deaths and injuries in the under-20

age group mounted. Since 1976, 18 states have passed legislation increasing the minimum drinking age.

Eight of nine states that raised their legal minimum drinking age have experienced a significant decrease in nighttime fatal crashes involving young drivers, the insurance institute reported. The decrease averaged 28 percent.

Illinois increased the purchase age to 21 years in 1980. The last two years have shown a 16 percent reduction in auto fatalities in the under-20 age group. This surpassed the 3 percent decline in the over-21 population during the same period. In 1982, 68 percent of the 19- and 20-year-olds involved in fatal crashes had been drinking. In 1979, before the age limit was increased, 83 percent had been drinking.

Unfortunately, our state borders two others with lower drinking ages, Iowa and Wisconsin. Counties bordering these states have seen a smaller fatality reduction since the drinking age was raised. Wisconsin has been much in the news lately as Illinois citizen groups and police step up patrols of frequently traveled highways to and from bars there.

There are some who argue that drinking, like voting, is a right. It isn't; it's a privilege. And I submit that poor judgment in voting is not nearly as dangerous as it is in driving.

Again, raising the legal drinking age will not solve the problems of alcohol and teenagers. And we shouldn't forget the parental responsibility in this matter. But let's not kid ourselves. Alcohol is responsible for enough of society's ills without letting it kill our young people in droves. Let's make 21 the national drinking age.●

A JOB WELL DONE

HON. KENT HANCE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 11, 1983

● Mr. HANCE. Mr. Speaker, today I would like to bring to the attention of this distinguished body a most deserving organization and a most deserving young man.

Since 1958, the Veterans of Foreign Wars of the United States and its ladies auxiliary have conducted a "Voice of Democracy" contest for secondary school students. During this past year, more than a quarter-million students participated representing more than 8,000 schools across the country.

The contest theme this year was "Youth—America's Strength" and the winner of the State of Texas contest was Lowell A. Deo of Lubbock, Tex., and the 19th Congressional District.

At this time, Mr. Speaker, I would like to have the winning speech of Lowell Deo entered into the RECORD and would offer my congratulations to both Lowell and the VFW for a job well done.

The speech follows:

LOWELL A. DEO, TEXAS WINNER, 1982-83 VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM

Young people: those hideous creatures of adolescence—living totally in worn blue denim jeans and buried beneath mound upon mound of greasy, oily hair.

The typical teen is synonymous with poor grades, promiscuity, marijuana, fast cars, and frustrating cases of acne. This is the image of the teen-ager—at least as defined by the television and motion picture industry—all in the name of humor, but is this image of our youth truly accurate? The answer to this question depends on whom one chooses to ask.

Youth to many is a sudden age of complications and the sudden functioning of glands never known to have existed before. To others youth is that free-spirited age of fun, first love, happiness, and freedom from responsibility.

The American youth of today is no longer that same spirited, care-free individual of before. Now many more influences threaten to affect the fundamental basis of the youth structure. The teen-ager of today is harassed by a more frequent incidence of glamorized violence and decadent morals via television and movies. He is often urged to conform to the actions of others, while simultaneously growing up under the threat of nuclear war.

The American youth of today has also experienced an early introduction to the family leadership role as many parents simply abandon responsibilities therefore dividing the youth between school, work, and the maintenance of the familial structure.

Despite the many burdens placed on the teen, the youth of today has proven him or herself by coping with these problems at such an early age.

Today's youth is not a talker, but he is an achiever. Today's youth possess the extraordinary imagination to dream big dreams and the uncanny ability to make these dreams come true.

America's youth perpetuate the patriotism that made our nation great through organizations such as: Boy and Girl Scouts and Explorers. They show leadership capabilities through student government and Boys and Girls State.

Youth are intelligent as illustrated by the National Honor Society, National Merit, National Achievement, and Who's Who Among American High School Students programs, but most importantly, youth are dependable. An example that many won't soon forget being the heroic salvation of Fort Wayne, Indiana when that town's youth took initiative action against rapid floodwaters which threatened to destroy the city.

Our youth serve to inspire hope for a united world through V.I.S.T.A. or Volunteers in Service to America, Youth for Christ International, Young Men's Hebrew Association, Youth Against Cancer, The Peace Corps, and Up with People—a touring production which stresses the importance of a united human race.

While the media seldom ceases to publicize the happenings of a few less than noble teens in favor of those teens who are really credits to their communities, the youth realize that the true reward isn't in the recognition of achievement, but in the realization that they are the hope of the modern world.

Youth is a turbulent, fast paced age, but our future, our youth, promises to be one of security and of strength.

By initiating the variance of programs for our youth, our nation has insured a bright future because teen-agers are a resilient breed who learn from the experiences of the past. They have shown their dependability in times of crisis, and they have shown that if they are given a principle, they are given a reason to fight.

Youth—they truly are America's strength.●

WHICH SIDE ARE YOU ON BOYS?

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 11, 1983

● Mr. RICHARDSON. Mr. Speaker, I want to draw my colleagues' attention to an editorial entitled, "Which side are you on boys," which recently appeared in the Sandoval County Times-Independent, a weekly newspaper in my district.

The editorial's author, Mary Beth Acuff, points out that there are no easy answers to solve the present economic, political, and military situation confronting our neighbors in El Salvador.

I hope my colleagues will take the time to read this thoughtful piece before the House considers the administration's request for further military aid to this troubled nation.

[From the Sandoval County Times-Independent, Mar. 11, 1983]

WHICH SIDE ARE YOU ON BOYS?

(By Mary Beth Acuff)

We are hearing the impassioned pleas not to let El Salvador go the way of Cuba or Vietnam or Nicaragua. The great savior of democracy must step in with funds and troops to fend off the enemy (invincible save for U.S. help). Without U.S. help, communists will be on our borders, communism will strike at the heart of the western hemisphere, etc.

Why is it that Mexico and Venezuela, the two major countries closest to the trouble are not panicked? Mexico, for all its economic troubles and political corruption has had a revolution and can at least pay lip service to the great question of land reform. Venezuela has one of the few democracies in Latin American and, buoyed by oil revenues, has made some progress in economic redistribution.

What we are experiencing is the propaganda result, at least, of nearly 100 years of U.S. exploitation in Central and Latin America. We see the fruits of the harvest of dictators we have supported in the name of "stability" so that U.S. economic activity could take place undisturbed.

We cannot stop the revolutions in Central America nor the ones coming in South America. We cannot stop them unless we take the kind of action the Vietnam apologists are now saying could have stopped that war "between 3 and 5 any afternoon". We could create a new Atlantic/Pacific canal across Central America with a few strikes which would wash the problem out to sea. South America will be harder.

The United States is in an admittedly difficult position in its foreign policy decisions. We are "damned if we do and damned if we don't." We have an influence on the outcome of a power struggle if we support one side over another or if we don't support one side over another. Basically we can only choose to support or not to support a government or a revolutionary movement. From experience we should have learned that supporting oligarchs or military dicta-

tors doesn't work. For all our blustering, they have not learned democracy, they are just better liars.

Except for a few instances, the left wing popular revolutionary movements don't care about democracy either. They seem just as totalitarian at heart as the tyrants they battle. Our position is not an easy choice. Clearly supporting dictators of any persuasion is not in our interest. Maybe we should train and field a Democratic People's Party which with one or two cleverly placed people could claim the propaganda value of any victory by the rebels and hold up the oligarchs to public ridicule.●

THE NEED FOR A MULTIYEAR FEDERAL PROGRAM TO PROVIDE FUNDS TO SHELTER THE HOMELESS

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 11, 1983

● Mr. STARK. Mr. Speaker, the present recession has created a new class of homeless people in this country which this Congress must assist.

Although we recently appropriated money for these unfortunate victims of the recession in the jobs bill, this will not solve the problem nor provide enough help. There are two major reasons why this is true. First, because the problem of the homeless will not disappear this year and therefore there is a need for a more permanent program to aid these people. Second, at present there is not a single Federal program whose paramount purpose is to provide funds to shelter the homeless.

Mr. Speaker, because of this void I introduced legislation on January 25 (H.R. 927) which would establish a Federal program to provide $50 million for emergency shelter and related assistance. As I have pointed out, existing social service programs and charities, already hard pressed by the recent cutbacks in Federal funding, are without the resources to keep pace with the growing problem of the homeless.

I would like to share with my colleagues an editorial from the Washington Post which points out all too painfully the lack of funding this administration has provided for the unemployed and why there is a need for a more permanent program to fund emergency shelters.

Mr. Speaker, this is truly an emergency situation and we must act quickly. There are now nearly 50 cosponsors of my bill H.R. 927. I hope more of my colleagues will join me in this effort to secure a Federal program to aid the homeless.

The editorial follows:

[From the Washington Post, Apr. 10, 1983]

WHY THERE ARE FOOD LINES

The most striking feature of this economic downturn has been the reappearance of those relics of the Depression era—the bread line and the makeshift shelters of the homeless. While most people have weathered the recession reasonably well—and the better-off have flourished—many of the unemployed appear to have suffered far more severely than in other post-war recessions. Why is that so?

The fact that the current slump has been both prolonged and deep accounts for much of the hardship. But, as the Brookings Institution's annual budget study suggests, another major factor has been that the government has provided far less help for the unemployed than in the last severe recession. In 1976, almost two-thirds of the 7.6 million people unemployed in an average week received regular or extended unemployment benefits. In 1982, with an average of 10 million unemployed, only slightly move than one-third got benefits.

Other sources of help were similarly diminished. If you lump together all forms of direct help for the down-and-out—unemployment benefits, welfare (including aid for the aged and disabled) and food assistance—you will find a striking reduction in the purchasing power of such help. Adjusting for inflation, federal aid for these programs was $10 billion lower in 1982 than in 1976 while the number of unemployed people was almost one-third higher. No wonder there are food lines.

Unsurprisingly, the welfare caseload has been growing again despite the strict rules introduced by the Reagan administration. That's too bad, and not only because welfare is unpopular with taxpayers and recipients alike. It also means that more people have been forced down into the ranks of the long-term dependent. Many of the unemployed can't get even this kind of help, however, because they don't have young children or because they aren't willing to do the unpleasant things that welfare now requires—sell off almost all assets, relinquish low-paying jobs held by family members or, in many states, desert their family.

More emergency help will soon be on the way. The federal government is starting to distribute the relatively small amount of money ($100 million out of $4.65 billion) earmarked for humanitarian aid in the recently passed "jobs" bill. Localities may also be able to direct some of the $1 billion in community development funds to projects that will help the hardest hit of the unemployed. But with unemployment remaining stubbornly high, the food and shelter lines may be part of the urban scene for many months to come.●

A RESOLUTION ON NUCLEAR ARMS: PASSED UNANIMOUSLY BY THE PLENARY SESSION OF THE AMERICAN ACADEMY OF RELIGION AT ITS ANNUAL MEETING IN NEW YORK CITY, DECEMBER 18-22, 1982

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 11, 1983

● Mr. MARKEY. Mr. Speaker, President Reagan's recent appeal to the National Association of Evangelicals to oppose the nuclear arms freeze was a fortunate attempt to polarize the religious community on this issue. With this in mind, I ask that the following statement endorsed unanimously by the American Academy of Religion at its meeting in New York in December 1982, be reprinted in today's CONGRESSIONAL RECORD. The academy is the most broadly based professional society of religious educators in the country, including nearly 4,000 professors of religion in colleges, universities, and seminaries. I urge my colleagues to read the following statement as they approach a vote this week on the freeze resolution.

The resolution follows:

A RESOLUTION ON NUCLEAR ARMS: PASSED UNANIMOUSLY BY THE PLENARY SESSION OF THE AMERICAN ACADEMY OF RELIGION AT ITS ANNUAL MEETING IN NEW YORK CITY, DECEMBER 18-22, 1982

We the members of the American Academy of Religion wish to state publicly our conviction that the use of nuclear weapons, under any circumstances, is contrary to the faith and fundamental moral values of the religious traditions of humankind. While there may have been just wars in the past, the inability to place traditional constraints on nuclear war now makes any moral justification for the use of nuclear weapons impossible.

As scholars of religion and religious educators in universities, colleges, and theological seminaries, we condemn nuclear war in any form. We call for an immediate halt to the production and deployment of first-strike weapons, a world-wide freeze on the production of all nuclear weapons, a staged reduction of present nuclear arsenals, and the eventual abolition of all nuclear arms.

We urge all our colleagues in universities, seminaries, and communities of faith to join us in re-thinking those assumptions about friend and enemy, peace and war, security and danger, life and death that have brought us to our present peril, and to move boldly with us in re-shaping our common public vision in the light of the religious and moral traditions which we affirm. Together let us speak out now, lest our silence once again make us accomplices to holocaust, this one threatening the very existence of humankind.●

GRAND BLANC TOWNSHIP CELEBRATES ITS SESQUICENTENNIAL

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 11, 1983

● Mr. KILDEE. Mr. Speaker, this year the township of Grand Blanc, Mich., is celebrating its 150th anniversary, and it is with great pleasure that I draw this sesquicentennial celebration to the attention of my colleagues in the Congress.

Grand Blanc Township has the distinction of being the first formally organized government in what is now Genesee County. The area of the Saginaw Valley was not open to settlement until the early 1820's, when the very first settlers began to filter through

the forests between Detroit and Saginaw Bay. The Chippewa Indians sold the Saginaw Valley lands to the territory of Michigan in 1819, and it was that year that Jacob Smith set up a trading post on the Flint River north of Grand Blanc Township. But the first settlers arrived not in Flint but in the Grand Blanc area, and by 1824 Jacob Stevens already had moved his family to Grand Blanc Township and other settlers were following. In those early days, the area was known as Granblaw or Grumlaw. Those hardy pioneer families came mostly from Genesee County, N.Y., and as their numbers grew they very gradually transformed a wilderness into a prosperous farming community. By 1828 there was a small sawmill on Thread Creek in the Grand Blanc area operated by Rowland Perry and E. H. Spencer.

Formal organization of the area's government occurred on April 1, 1833, when the few settlers of the area convened the first meeting of Grand Blanc Township, electing Norman Davison as the first township officer and also electing the other officers. The formation of Grand Blanc Township marked the creation of the first formal unit of government between Pontiac and Saginaw.

Today, Mr. Speaker, Grand Blanc Township is a modern community with strong agricultural, manufacturing and retail components to its economy. It has retained much of its original natural beauty. Communities such as Grand Blanc Township exemplify all that makes our way of life the envy and goal of so many around the world. The people of the township can indeed be proud of their community, for it is they who have made Grand Blanc Township an excellent place to live, raise a family, work and relax.●

ANTITRUST AGENDA FOR THE 98TH CONGRESS

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 11, 1983

● Mr. RODINO. Mr. Speaker, the antitrust agenda for the 98th Congress is one of the most stimulating and challenging I have seen in all my 34 years in Washington.

The first item on the agenda for the Judiciary Committee will be H.R. 2244, the Antitrust Fairness Amendments of 1983. This bill addresses three areas that have been the subject of extensive hearings in the last three Congresses: First, adjustment in the Supreme Court's holding in Illinois Brick to allow redress for consumer antitrust injury; second, fine tuning of the principle of joint and several liability to allow reduction or allocation of antitrust judgments that would be unjust as to individual defendants; and, third, improvements in the Tunney Act procedures by which the Government, with the consent of the opposing party, disposes of antitrust litigation.

The Subcommittee on Monopolies and Commercial Law will soon begin hearings on H.R. 2244. Upon completion of committee action on this legislation, we will address other antitrust issues, including proposals for modifying treble damage remedies, for reducing costs and delays in litigation, and for redefining the limits of mergers and acquisitions among large corporations.

I welcome the proposals for treble damage changes that the administration has circulated to the Congress. These suggestions will provide a basis for discussions with the Department of Justice and among interested parties. As I indicated during hearings on damage allocation legislation in the last Congress, the issue of treble damages is ripe for hearings. Indeed, prior to receipt of the administration's proposals, the committee had already planned to hire a consultant to survey the record and analyze proposals for reform. Upon completion of the study, the committee should be in a position to schedule hearings on this topic.

Treble damage changes cannot, however, be viewed in isolation from other major antitrust problems. The most severe and vexing of these is the expense and delay in both private and Government litigation. The National Commission for the Review of Antitrust Laws and Procedures recommended in 1979 that prejudgment interest be assessed on judgments to eliminate a defendant's incentive to delay the litigation. I am pleased that the administration's proposals address this issue. But this alone is not sufficient. We must search for new ways to minimize cost and delay. For example, Congress may wish to consider changing the procedural rules governing litigation and providing special training for judges, or special selection of judges, who hear such cases.

Finally, there is the issue of mergers and acquisitions. The American economy does not benefit from, and the American people will not tolerate, continued selfish resource-straining takeover battles among our corporate giants. Here, too, the committee must scan the horizon for an appropriate legislative solution during forthcoming hearings.

Major legislative initiatives must be undertaken only after careful scrutiny of the underlying problems and the appropriateness of the proposed solutions. And these initiatives must balance all the interests and aims affected by antitrust law and policy. Just as the Illinois Brick amendment is an essential part of legislation dealing with damage allocation, so too must initiatives on treble damage changes reflect a balancing of all concerns and goals of antitrust enforcement.●

THE PATIENCE—AND WISDOM—OF JOHNSTOWN, PA.

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 11, 1983

● Mr. MICHEL. Mr. Speaker, every now and then we come across an article in the newspapers that reaffirms our belief in the strength and resiliency of the American people. No matter how tough times might be—and times have been really tough recently for many American communities—there is always a reservoir of common sense, common decency, and patience among the American people. It is not the weary patience of resignation or despair—it is a fundamental trust in America and in President Reagan.

I believe that this underlying patience has been one of President Reagan's greatest strengths as he moves forward, against partisan sniping, to put the American economy on sound footing after the disastrous economic policies of the past. He knows that the American people—quite understandably angry at current economic problems—still realize that we cannot go back to the discredited policies of the past if we are going to come out of this economic mess.

Johnstown, Pa., apparently has more than its share of Americans who, while recognizing that times are bad, still have not fallen victim to the demagoguery and political partisanship that would drag us back to the inflationary policies that caused most of our problems.

At this point I wish to insert in the RECORD, "Mill Town's Steely Patience With the President," by Norman C. Miller, in the Wall Street Journal, March 24, 1983:

[From the Wall Street Journal, Mar. 24, 1983]

A MILL TOWN'S STEELY PATIENCE WITH THE PRESIDENT

(By Norman C. Miller)

JOHNSTOWN, PA.—Visiting a town with the nation's highest unemployment rate—24.8 percent—a reporter expects to encounter bitterness toward President Reagan's economic policies and demands for more federal aid to create jobs.

But that's not the way it is, for the most part. Long talks with 24 persons from all walks of life turn up a surprising amount of support for Mr. Reagan's economic policies, despite depressed conditions in this small steel town.

There are critics, of course. "Reagan just seems to ignore the unemployment problem," says Ronald Davies, a 45-year-old unemployed steelworker with a wife and three children.

Charles Kunkle Jr., one of Johnstown's leading businessmen, generally supports the president. But like many others here, he is upset by the administration's unwillingness to restrict sharply imports of steel and autos. People here believe imports are devastating the domestic steel industry. Yet "the administration seems almost afraid to take action against Japan," Mr. Kunkle says.

But criticism is far outweighed by support for Mr. Reagan and his policies. It is remarkable considering the hard times here. Only 1,900 people are working at the large Bethlehem steel mill, the town's biggest employer. The mill employed 14,000 in its heyday. Now, parts of it are closed forever. Even a healthy recovery would produce only about 3,000 more jobs, Bethlehem officials said.

Like Mr. Davies, most idled steelworkers are marking time, collecting unemployment benefits, hoping they'll be recalled to work sometime. At the Johnstown Vocational-Technical School, however, small numbers of unemployed steelworkers are trying to learn new trades in evening classes. In hour-long interviews with seven of them, most express strong support for Mr. Reagan and his policies.

"I think Reagan is a heckuva good guy and I think his ideas are good, although I am worse off now than I've ever been in my life," says Wayne Wyar, a 28-year-old former Bethlehem worker who was laid off 18 months ago.

Dennis Fisher, 27, agrees. "We studied supply-side economics at school (at a nearby junior college) and I really think what Reagan wants to do can work. We have inflation and unemployment together, and you cannot hit both at the same time. I think he is doing the right thing by getting rid of inflation and after he gets that under control, then he'll work on unemployment."

"We've been overspending and overearning for years, and now is the time we've got to pay for it," Mr. Fisher continues. "It just so happens that we're the ones who are paying, but someone has to."

John Daloni dissents. "I don't see how you make things better by giving people less. And I think less is really the motto of this administration."

But the 28-year-old Mr. Daloni, who was laid off 11 months ago, doesn't favor "make-work" federal jobs programs. "That's just throwing money at the problem and it doesn't seem to resolve anything."

Robert Schellhammer agrees, even though he hasn't been able to find regular work for over five years since Bethlehem laid him off. "Public works might be good but for how long? It it's only temporary, it really wouldn't benefit us, because it's like getting the people's hopes up for nothing."

George Poraczky, 35 takes a philosophical view of economic forces that 10 months ago cost him his job after 17 years in the Bethlehem mill. "Reagan inherited a problem that was coming for a long time," he says. "It's just the transition between the industrial, powerful nation we once were until, hopefully, we become a technological nation. I just happened to be in line to get hit as the end came."

Some of the former steelworkers blame their union as much as the companies for the industry's plight. "I'm pro-union and always have been," says Cecil Lucas, 34 years old. "Yet I see unions getting the upper hand to such a point that they're hurting union people. They're demanding too much . . . and in that sense they're destroying themselves and their people."

Joseph O'Donnell, 37, thinks controlling inflation is more important than reducing unemployment, even though he lost his Bethlehem job two years ago. "If Reagan can handle inflation, he's done something," he says. "If it takes laying people off, I guess that's what it takes."

Welfare irks all these unemployed workers, some of whom will pay as much as $1,200 for 18 months of training in a new trade. "Don't give people welfare for nothing, make them work for it," says Mr. Fisher. "If you do that, you'll see a lot of people trying to get off welfare because a lot of them don't want to work."

These men surely do want to work, and they doubtless are representative of the vast majority of unemployed persons in that respect. Mr. Fisher, for example drives a bread truck and attends junior-college and trade-school classes, schooling himself to become a computer programmer. His wife, who will have a second child soon, works as a nurse.

These, then, are among the people here who continue to support President Reagan despite their own adversity. One can only hope that their faith in the president and his economic policies will be rewarded. They deserve it.●

IN REMEMBRANCE OF THE HOLOCAUST

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 11, 1983

● Mr. MRAZEK. Mr. Speaker, this past weekend I was honored to attend an important event held in my district. I would like to extend my thanks to Rabbi Myron Fenster, Dr. Eva Pallay, the Shelter Rock Jewish Center, the congregation and religious school and the education department of the New York Metropolitan Region of the United Synagogue of America for inviting me to participate in a ceremony of student remembrance of the Holocaust.

To those of us who were born after the Holocaust, its history and its horrors serve as a permanent reminder of the limits and the possibilities of the human spirit. We have learned from the Holocaust the infinite capacity for evil in the human soul. But we have also learned from the example set by thousands of survivors, the human capacity for resiliency and strength.

Mr. Speaker, perhaps the most important lessons of the Holocaust are those we pass onto our children. Through remembrance and understanding of this darkest of times, we hold open the promise that never again will the forces of genocide and war be unleashed against any one people. Whether we speak of Jews, Armenians, or any other group, this lesson must not be forgotten.

The centrality of memory has been stressed time and again by the survivors and the witnesses of the Holocaust. On the occasion of submitting the report of the President's Commission on the Holocaust, Elie Wiesel, theologian and perhaps the greatest writer of the Holocaust remarked, "Our remembering is an act of generosity, aimed at saving men and women from the apathy to evil, if not from evil itself." If it is true that the Holocaust has taught us the truly radical nature of evil, then it is also true that through our words and through our actions we must never let this memory die. It is in this light that the Holocaust takes on a truly universal significance.

Mr. Speaker, as Americans, the Holocaust holds a unique place in our own history. Millions of young Americans served and a nation mobilized to fight the forces of Nazism and totalitarianism. Our servicemen liberated many of the camps and were among the first witnesses to the atrocities yet unknown to the rest of the world.

Still, the United States did not emerge from these times untarnished. One can only imagine what might have happened had we opened our doors earlier or spoken up more forcefully against the atrocities being committed across the ocean. Sadly, restrictive immigration laws and a lack of resolve or courage on the part of some of our highest elected officials prevented swifter action from occuring.

The United States did eventually open its doors to thousands of survivors, some of whom settled in Israel and many of whom have made their homes here. This week in Washington, some 12,000 survivors are gathering in Washington to thank the Government for providing them with a place to live and for allowing them to rebuild their lives with dignity. That we are privileged to have thousands of survivors among our citizens is a source of inspiration and strength to our country.

This student remembrance of the Holocaust takes on a special significance on this anniversary of the Warsaw uprising. Forty years ago this month, the Jews of the Warsaw Ghetto took up arms against Nazism in what was the first organized armed rebellion against the Nazi occupation. Their courage and their sacrifices leave a legacy and example of the meaning of resistance against all forms of tyranny.

Mr. Speaker, the student remembrance of the Holocaust serves as an important means of commemorating the special place in history of the Holocaust. It is an important reminder of the dangers of totalitarianism in all its forms. And it serves as a repudiation of the hatred, insensitivity, and intolerance which can plague our existence.●

A TRIBUTE TO KEN DUDDRIDGE

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 11, 1983

● Mr. BADHAM. Mr. Speaker, there are thousands of fine, dedicated Americans throughout this land who devote their lives to our young people and today I would like to call the attention of this body to Ken Duddridge, who will be honored on April 27, 1983, for his 33 years in public education in the Huntington Beach and Fountain Valley areas, which I have the honor to represent in the Congress of the United States.

More than 1,000 of Ken's friends, students, and athletes whom he has coached will gather on that occasion to wish him well as he retires following a lifetime of selfless public service.

Ken Duddridge has been a football, baseball, basketball, wrestling, tennis, and track coach, he has been a physical education instructor and athletic director of Fountain Valley High School, the position from which he will retire at the end of this academic year.

Ken came to his profession from the ranks of outstanding high school and collegiate athletes in California. At Claremont High School in California he earned 10 varsity letters and received a football scholarship at the University of California at Santa Barbara, a career which was interrupted by World War II.

During the war, Ken Duddridge played football for the renowed Paul Brown at the Great Lakes Naval Training Center and on two other occasions played for other nationally known coaches, Weeb Eubank and Nick Pappas.

Upon completion of his wartime duties for the U.S. Navy and his education, Ken began his coaching career at Campbell High School, from there coming to the Huntington Beach Union High School District, where he served at Huntington Beach, Westminster, and Fountain Valley High Schools.

As a physical educator and coach Ken taught by example. A nondrinker and nonsmoker, Ken never asked a student or athlete to do something which he could not do himself. After suffering a serious back injury and surgery, he was forced into a regime of rehabilitation few of us could equal.

Even as Ken contemplates retirement, he plans to do what he can to prepare a training program for walk-on coaches, those people who volunteer their time to teach and coach young athletes.

In the meantime, it is my pleasure to wish Ken, his wife, Dorothy, their children Ken, Dee, Dan, and Julie, plus their two grandchildren, the best retirement in the years ahead. People like Ken Duddridge do not come by this way too often and we all are better off for the services to our young people performed by such fine men as he.●

REPORT FROM GRIMES CREEK: SOCIAL SECURITY

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 11, 1983

● Mr. PEPPER. Mr. Speaker, for many of the Members of this body, social security has been a "given"—a fact of life preexisting their own birth, and for the great majority of this body, social security existed before they came to maturity.

But there are many millions of Americans who vividly remember life in this country before the enactment of social security. This was a time when life for the elderly poor all too frequently meant the "County Poor Farm" or a back bedroom in the home of a son or daughter or other more fortunate relative.

Nancy Stringfellow, of Grimes Creek, Idaho, who received her first social security payments a year ago, speaks for those who remember. In her short but poignant and evocative "Report from Grimes Creek," Nancy Stringfellow paints the human dimensions of the meaning of social security, and especially what this program means in terms of preserving the spiritual integrity and independence of the elderly.

I commend this sensitive and perceptive article to the attention of my colleagues, as well as to those who would seek to lower the benefits to the elderly.

REPORT FROM GRIMES CREEK: SOCIAL SECURITY

(By Nancy Stringfellow)

(Excerpted from Up Grimes Creek Without A Paddle)

April is the month my Social Security payments begin. Such a lovely little brown paper envelope, meaning, indeed, security. I remember other days. In the raw, new land of South Idaho it was shove and scrape, and if you had bad luck or lost your strength you were done for. I was raised in a mortal fear of disability or of some natural disaster. We walked a thin tight-rope with no net. Two years of crop failures could wipe out the savings of ten years. That of course was part of the reason for large families, more hands to work the land. Someone to help you when your strength was going. Children were sometimes your only security against dying in a ditch. There was no cushion.

I remember the bewildered old ladies, widows who had lost their husbands, and whose small hoard of savings had been swept away by illness and death. Sometimes they had no one left to turn to, and then it was the County Poor Farm, with bare endless corridors and echoing board floors. Cheerless Charity. Sometimes they had children or relatives who took them in and sheltered them, but the extra mouth was a burden, and they knew it. Old ladies who sat in the far corner of the room when company came, thinning hair dragged back into a tight bun. Knobby hands folded in aproned laps. Soft list slippers slit to ease the painful bunions. Apologetic, silent, arthritically awkward or drudging from one task to another, pathetically anxious to please a harried daughter-in-law. Relics, they called them—flotsam from an earlier culture, bleached and dry, juiceless and helpless. Women who had once been strong and beautiful, and suffered from that memory.

And there were the ones who still had a measure of strength but were trapped in that dreadful bind that women were trapped in so little time ago: not enough education to teach, too old to be a clerk or a waitress. There was a little other opportunity. Poverty was a sandpit, and they could not scale the walls. They fought, sometimes gallantly, sometimes bitterly, but mostly they lost. Their lives subsided into an empty endless waiting. Even when their families cared for them and kept them safe they still lacked their independence. For as much as your people care for you, and you for them, absolute financial dependence is a terrible, a crippling thing. Social Security helped change that. It gave the elderly a measure of dignity. Not to have to ask for little things, the silly little things that made you remember you were still a woman. To able to buy a lipstick, to ease your drying skin with a pot of cream. And a small but solid contribution to the monthly bills. Enough so that you could have a room of your own—with luck a place of your own.

Here in my mountains I am remarkably fortunate. Living is cheap. I have seven acres of room. Room for dignity and freedom, privacy to cry when I am sad and dance when I am gay. It all comes in that little brown paper wrapper, and it lets me spit in anybody's eye.●

A WELCOME TO THE SURVIVORS OF THE HOLOCAUST

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 11, 1983

● Mr. KILDEE. Mr. Speaker, in respect and admiration for the courage, perseverance, strength, and faith that they represent, I wish to welcome the suvivors of the Holocaust to Washington, D.C. today as they mark a nationwide observance of Holocaust Remembrance Day. The reunion this week in our capital of the survivors of the horrible Nazi crime against humanity is to thank the American Government and its people for providing so many Holocaust survivors with a new home and new lives and to pay tribute to the 6 million who perished only because they were Jewish. The depravity of the crime committed against the Jewish people, and against all humanity, must never be forgotten. The American Gathering of Jewish Holocaust Survivors here is an inspiration to us all of how the enduring finest qualities of individuals provide the

strength and faith needed to overcome the worst onslaught of a brutal and insane hatred.

I have listened to the recollections of Holocaust survivors who live today in my congressional district. Their experiences, and their perseverance in the face of terrors I can only begin to imagine, have always moved me deeply and reinforced my commitment to human rights and an understanding of others so that such a horror is never repeated. Let us welcome these courageous men and women to our Nation's capital. They bring valuable lessons and insights we should note and reflect on as we conduct America's affairs. We can never know their anguish and suffering, but we can assure them of our lasting recognition and support and of our determination to do our utmost to prevent such a human tragedy from ever happening again.●

AMERICAN GATHERING OF JEWISH HOLOCAUST SURVIVORS

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 11, 1983

● Mr. FASCELL. Mr. Speaker, I wish to extend my warmest welcome to the 12,000 persons, and their families, who will be here in Washington April 11–14 for the first American Gathering of Jewish Holocaust Survivors. They will meet to share their experiences at the hands of the Nazis, and their lives since then, but also to remember the 6 million who were lost.

Theirs is a story of great loss and sadness but also of great strength and love in the face of the most horrible adversity. These 12,000 very special individuals are survivors of Nazi genocide. They have witnessed the horrors of man's inhumanity toward his fellow man and yet, they have kept and nurtured their own humanity and dignity. Theirs is an inspirational story, one which we must continue to tell our children and our children's children, in order that we might prevent such a tragedy from ever happening again.

I urge our colleagues to join me in celebrating the lives, dreams, and collective spirit of this special group, but also to remember the many who were lost to the Nazi terror. Through this gathering, and others like it, their memories and the spirit of hope will live on.

I am honored to welcome the American Gathering of Jewish Holocaust Survivors. Their special strength, warmth, and determination to triumph in adversity is, and will always be, an inspiration to us all.●

COMMENDATION IN RECOGNITION OF FORMER CONGRESSMAN HOLIFIELD'S RECEIPT OF THE BEVERLY HOSPITAL FOUNDATION'S HUMANITARIAN AWARD

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 11, 1983

● Mr. MARTINEZ. Mr. Speaker, I would like to take this opportunity to draw the attention of my colleagues to the fact that a former Member of the House, Chet Holifield, will receive the Beverly Hospital Foundation's coveted Humanitarian Service Award.

Congressman Holifield was selected to receive this prestigious award because of his leadership and relentless support for better health care and improved research methods. He could always be counted as a positive vote for any Federal legislative proposal that would improve health care services or provide the necessary scientific research to make important health care discoveries or advancements.

It is an honor for me to commend my former colleague, Chet Holifield, who represented the heart of what is now the 30th Congressional District which I now represent. I am sure my colleagues who have worked with Congressman Holifield know of his distinguished record of 32 years of continuous service in the House, a tenure of active membership which allowed Mr. Holifield to serve under seven Presidents beginning with President Roosevelt and retiring during the Ford administration.

He was a humanitarian while in Congress and to this day continues to support causes which seek improvements in medical care, the environment, and energy.

Throughout the 26-year span of his involvement and leadership on the Joint House and Senate Committee on Atomic Energy, Congressman Holifield insisted on civilian control of the atom rather than leaving it in sole control of the military. The end result of his efforts are evident in every American hospital's extensive use of atomic radioisotopes for diagnostic and therapeutic treatment.

It is not only proper that I commend a colleague that I admire and respect, but a duty that I bring his achievement and accomplishments to the attention of newer Members of the House.●

MR. MAYOR: CHUCK CORICA

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 11, 1983

● Mr. STARK. Mr. Speaker, on April 20, the citizens of Alameda, Calif., will gather at the Alameda Naval Air Station Officer's Club to honor their mayor, Chuck Corica, as he receives the Citizen of the Year Award from the South Shore Merchants Council.

Mayor Corica was first elected to the Alameda City Council in 1973. He was elected mayor in 1975 and was reelected to a second term in 1979.

He has dedicated his life serving his community, and his busy civic career includes membership in the Alameda County Mayors' Conference, the Alameda County Solid Waste Management Authority, the County Local Agency Formation Commission, the U.S. Conference of Mayors, and the Association of Bay Area Governments.

Corica's accomplishments have been long recognized and have brought him awards from the Alameda Head Start program, the Alameda Jaycees, Naval Air Station-Alameda, and a Patriotic Citizen Award from the U.S. Army. He is the holder of a California PTA Honorary Service for service to children and youth, and was a recipient of the Outstanding Immigrant from Italy Award from the International Institute of the East Bay.

I join Mayor Corica's friends in congratulating him on his recent award as Alameda's Citizen of the Year. It is well deserved recognition for his tireless community service.●

AMERICAN GATHERING OF JEWISH HOLOCAUST SURVIVORS

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 11, 1983

● Mr. WEISS. Mr. Speaker, this week Washington will host the first American Gathering of Jewish Survivors of the Holocaust. Over 12,000 survivors are expected to attend.

This gathering arouses deep feelings within me. I escaped the Holocaust by emigrating to this country from Hungary in 1938. Other members of my family were not as fortunate. The memories of that time are difficult for those who survived. A certain act of courage is required simply to confront the reality of what occurred and to acknowledge that one was a part of it. Like the event it commemorates, this gathering will not be without pain for those who attend.

Then why do they come?

They come to affirm their own existence and the reality of what they experienced. They come to remind us all of what humankind is capable. They come to implore the world never again to permit such an occurrence. They come to seek out those who shared their experience, whose number now is dwindling. They come to commemorate those who were lost.

One can only be humbled by such a gathering. It is a fitting prelude to the dedication of a Holocaust Memorial on the Capitol Mall. We are honored by their presence.●

IN HONOR OF THE 25TH ANNIVERSARY OF THE CORNWALL HOSPITAL AUXILIARY

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 11, 1983

● Mr. FISH. Mr. Speaker, I am proud to pay tribute to the Cornwall Hospital Auxiliary in their 25th year of existence. The Cornwall Hospital Auxiliary held its first official meeting in January 1958 with a membership of 100 ladies. At present there are 150 active and associate members of which 20 are men.

The functions of the volunteers include greeting and escorting new patients to their rooms, transporting patients within the hospital, delivering mail, newspapers, flowers, and messages, and generally assisting the nurses with most aspects of patient care. In addition, they prepare tray favors for various holidays, provide information to visitors, and offer clerical help in various administrative areas. They have maintained a gift shop, coffee shop, and provide a gift cart service to patients.

Since 1958, the Cornwall Hospital Auxiliary has given over 500,000 hours of their time to providing these vital services to the patients of the Cornwall Hospital. Through annual dinner dances, charity balls, bazaars, marathon runs, and cocktail parties, they have contributed more than $500,000 for the purchase of several pieces of medical equipment. Their contribution has also helped to provide air-conditioning for hospital rooms and the replacement of kitchen equipment.

Outside of the immediate boundaries of the hospital, the auxiliary sponsors community health lectures and provides a "Vial of Life" program to residents of the community.

Mr. Speaker, I am honored to represent these men and women in the newest addition to my district, Orange County. They have selflessly devoted a great percentage of their time to alleviating the pain and discomfort of others. I salute them on their 25th anniversary and congratulate them on their success.●

THAT CHAMPIONSHIP SEASON

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 11, 1983

● Mr. McDADE. Mr. Speaker, perhaps modesty should prevent me from declaring Scranton as the championship city. But the facts speak for themselves. Please witness last summer's filming of the critically acclaimed movie, That Championship Season, and last week's world championship heavyweight fight between Larry Holmes and Lucien Rodriguez.

And now Scranton boasts its very own homegrown champions—the Royals of the University of Scranton, winners of the NCAA Division III basketball title. Their final triumph came in a hard-fought 64-to-63 victory over Wittenberg College that proved a showcase of the skill and spirit that had carried the University of Scranton through their 29 and 3 season and their 19-game win streak. The first half had ended with the Royals trailing by only five points, thanks to the defensive play of Mark Hutchinson. At the half, Coach Bob Bessoir demonstrated once again why the National Association of Basketball Coaches had named him as one of its coaches of the year. A few adjustments by Bessoir were enough to allow the players to concentrate on erasing the Wittenberg lead.

Todd Bailey started things off with breakaway baskets started with steals. Then, from 18-feet out, sophomore sharpshooter Billy Bessoir hit for two of his game-high 27 points to place the Royals ahead with 2 minutes remaining in the game. Continuing to play their season-long role as the team's sixth man, Royals' fans turned the Grand Rapids arena into a virtual Scranton West. Their cheers only grew louder in the final second of the game as Dan Polcheck, Todd Bailey, and Mickey Banas hit foul shots to make the Royals the NCAA Division III basketball champions.

That Championship Season—the University of Scranton players had taken the movie seriously, and made those of us Royals fans proud. Jones, Bessoir, Banas, Bailey, Hutchinson, Kosin, Polacheck, Maile, Coach Bessoir, and the whole University of Scranton community. I salute them all for proving once again that life imitates art.●

NATIONAL INVITATIONAL TOURNAMENT CHAMPS

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 11, 1983

● Mr. COELHO. Mr. Speaker, I would like to take this opportunity to extend my heartiest congratulations to the Fresno State University basketball team for winning the National Invitational Tournament championship last month. The team demonstrated its overwhelming capabilities on the court and its mastery of the game to its fans from Fresno, also known as the Red Wave, as well as to the whole Nation. Although this was the team's first bid to the tournament, there was no stopping the mighty powerful Bulldogs once they began tournament play. And they did not stop until the job was done!

I am certain that this team will be long remembered for its outstanding leadership by Coach Boyd Grant as well as for its teamwork among the players. With hard work and skill, the Fresno State University basketball team has proven to be a real winner.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, April 12, 1983, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 13

8:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1984

for the National Institutes of Health, Department of Health and Human Services.
SD-116

9:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production, Marketing, and Stabilization of Prices Subcommittee
To hold hearings to review dairy price support programs.
SR-328A

Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984, receiving testimony in behalf of funds for the Office of the Secretary of the Senate, Office of the Senate Sergeant at Arms, and the General Accounting Office.
S-128, Capitol

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Judiciary, Commission on Security and Cooperation in Europe, and the Commission on Civil Rights.
S-146, Capitol

Banking, Housing, and Urban Affairs
Business meeting, to mark up S. 644, authorizing funds through fiscal year 1986 for housing, community, and neighborhood development, and related programs.
SD-538

Finance
To hold hearings on S. 544, to promote economic revitalization and facilitate expansion of economic opportunities in the Caribbean Basin region.
SD-215

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

Special on Aging
To hold hearings on health insurance matters affecting the elderly.
SD-562

10:00 a.m.
Budget
To continue markup of the first concurrent resolution on the fiscal year 1984 Congressional Budget.
SD-608

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Foreign Relations
International Economic Policy Subcommittee
To resume hearings to examine worldwide economic problems.
SD-419

Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To hold hearings on Office of Personnel Management proposals on Civil Service reform.
SD-342

Labor and Human Resources
To hold hearings on the nomination of Edward A. Knapp, of New Mexico, to be Director of the National Science Foundation.
SD-430

Small Business
To hold hearings on S. 742, S. 743, and S. 744, bills providing assistance to small business for job-creating programs, and S. 745, providing debentures to State development companies to assist the small business community in meeting its financial obligations.
SR-428A

2:00 p. m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for non-education programs of the Bureau of Indian Affairs, Department of the Interior.
SD-192

Appropriations
Energy and Water Development Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for energy and water development projects, focusing on the Nuclear Regulatory Commission, and the Federal Energy Regulatory Commission.
SD-124

Budget
To continue markup of the first concurrent resolution on the fiscal year 1984 congressional budget.
SD-608

Judiciary
To hold hearings on pending nominations.
SD-226

Small Business
To hold hearings on the nomination of Mary F. Wieseman, of Maryland, to be Inspector General, Small Business Administration.
SR-428A

3:00 p.m.
Select on Indian Affairs
Business meeting, to mark up S. 726, authorizing funds for fiscal years 1985, 1986, and 1987 for the tribally controlled community college assistance program to establish educational grant programs for planning, construction of new facilities, and endowments.
S-221, Capitol

APRIL 14

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Alcohol, Drug Abuse, and Mental Health Administration, and the Centers for Disease Control, Department of Health and Human Services.
SD-116

9:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production, Marketing, and Stabilization of Prices Subcommittee
To continue hearings to review dairy price support programs.
SR-328A

9:30 a.m.
Banking, Housing and Urban Affairs
International Finance and Monetary Policy Subcommittee
To resume hearings on S. 397, S. 407, and S. 434, bills to improve the enforcement of export administration laws.
SD-538

Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on S. 125, authorizing funds for fiscal year 1984 for the maritime construction differential subsidy program of the Maritime Administration, Department of Transportation, and proposed legislation relating to maritime promotional programs.
SR-253

Finance
To hold hearings on the National Research Council report on international competition in advanced technology.
SD-215

Governmental Affairs
To resume oversight hearings on the management policies of the Department of Defense.
SD-342

Judiciary
Juvenile Justice Subcommittee
To hold hearings on S. 53, proposed Justice Assistance Act.
SD-226

Rules and Administration
To hold hearings on Senate Resolution 66, to establish regulations needed to implement television and radio coverage of proceedings of the Senate.
SD-106

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the National Science Foundation.
SD-124

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Urban Mass Transportation Administration, Department of Transportation.
SD-192

Environment and Public Works
Environmental Pollution Subcommittee
To resume hearings on S. 431, authorizing funds for fiscal years 1983 through 1987 for clean water programs, and S. 432, extending the 1984 compliance date for certain requirements of the Clean Water Act.
SD-406

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
Business meeting, to mark up S. 530, to provide Federal assistance to upgrade instruction in mathematics, science, computer technology and foreign languages in the Nation's elementary, secondary, and postsecondary institutions, and to provide assistance for employment-based vocational training programs, S. 655, to authorize funds for fiscal years 1984, 1985, and 1986 for the national sea grant program, S. 112, to make technical amendments to improve implementation of the Education Consolidation and Improvement Act of 1981, and S. 564, to establish the U.S. Academy of Peace.
SD-430

Labor and Human Resources
Family and Human Services Subcommittee
To resume hearings on proposed legislation authorizing funds for child abuse

prevention and treatment and adoption reform programs.
SD-628

Joint Economic
To resume hearings to review the past and future impact of the administration's New Federalism proposals on the private nonprofit sector.
2247 Rayburn Building

10:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the National Endowment for the Humanities, and the Office of Federal Inspector, Alaska Natural Gas Transportation System.
SD-192

Foreign Relations
To hold hearings to discuss the status of control over space weapons.
SD-419

Judiciary
Administrative Practice and Procedure Subcommittee
To hold hearings on S. 919, making certain revisions to the Equal Access to Justice Act (P.L. 96-481).
SD-226

APRIL 15

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Office of Inspector General, Office for Civil Rights, policy research, departmental management, salaries and expenses, Department of Health and Human Services.
SD-116

9:00 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984, receiving testimony in behalf of funds for the Architect of the Capitol, Office of Technology Assessment, and the Congressional Budget Office.
S-128, Capitol

9:30 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on S. 42, proposed American Gold Eagle Coin Act, and S. 269, to provide for the disposal of silver from the national defense stockpile through the issuance of silver coins.
SD-538

Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 49, to redesignate public land in Alaska to allow hunting.
SD-366

10:00 a.m.
Environment and Public Works
Nuclear Regulation Subcommittee
To hold hearings on the status of emergency planning and preparedness at commercial nuclear powerplants.
SD-406

Joint Economic
To hold hearings on the economics of natural gas deregulation, focusing on the present regulatory system and options for the future.
SD-138

APRIL 18

9:00 a.m.
Judiciary
Constitution Subcommittee
To hold hearings on S. 774, to revise certain provisions of the Freedom of Information Act by providing protectable interest in national security information, law enforcement investigations, business confidentiality, and personal property.
SD-226

9:30 a.m.
Small Business
To hold hearings to review the President's second annual report to Congress on small business and competition.
SR-428A

10:00 a.m.
Environment and Public Works
To resume hearings on infrastructure issues relating to job opportunities in public works, and related proposals, including S. 23, S. 532, S. 724, and S. 871.
SD-406

10:30 a.m.
Labor and Human Resources
To hold hearings to review science education programs.
SD-430

APRIL 19

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the U.S. Fish and Wildlife Service, Department of the Interior.
SD-124

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on S. 663, to prohibit payments to producers of certain agricultural commodities on highly erodible land.
SR-328A

Labor and Human Resources
To hold hearings on railroad retirement program.
SD-430

10:00 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984, receiving testimony in behalf of funds for the Government Printing Office, Library of Congress, and the Copyright Royalty Tribunal.
S-128, Capitol

Foreign Relations
Business meeting, to consider pending calendar business.
SD-419

Judiciary
Business meeting, to consider pending calendar business.
SD-226

Select on Intelligence
Closed business meeting, to mark up proposed legislation authorizing funds for fiscal year 1984 for the intelligence community.
S-407, Capitol

10:30 a.m.
Energy and Natural Resources
Business meeting, on pending calendar business.
SD-366

2:30 p.m.
Select on Indian Affairs
To hold hearings on S. 856, authorizing funds for fiscal years 1984 through 1987 for Indian housing programs.
SR-253

APRIL 20

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Judiciary, U.S. International Trade Commission, and the Federal Maritime Administration.
S-146, Capitol

Commerce, Science, and Transportation
To hold hearings on the nomination of Harry O'Connor, of California, to be a member of the Board of Directors of the Corporation for Public Broadcasting.
SR-253

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

Small Business
Urban and Rural Economic Development Subcommittee
To hold hearings on proposals to promote jobs through small business enterprise.
SR-428A

10:00 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Executive Office of the President, National Security Council, and the Property Review Board.
SD-124

Energy and Natural Resources
Business meeting, on pending calendar business.
SD-366

Foreign Relations
Business meeting, to consider pending calendar business.
SD-419

Judiciary
Security and Terrorism Subcommittee
To hold hearings to examine matters relative to the attempted assassination of the Pope.
SD-226

11:00 a.m.
Joint Economic
To hold hearings on the first quarter gross national product estimates and the economic outlook for 1983.
SD-342

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for fossil energy research and development programs of the Department of Energy.
SD-192

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Departments of Commerce, Justice, State, the Judiciary, and related agencies.
S-146, Capitol

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Department of the Treasury.
SD-124

Foreign Relations
Business meeting, to consider pending calendar business.
SD-419

Judiciary
To hold hearings on pending nominations.
SD-226

APRIL 21

9:30 a.m.
Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR-253

Energy and Natural Resources
Energy Research and Development Subcommittee
To resume hearings on the President's budget request for fiscal year 1984 for the Department of Energy's research and development programs, receiving testimony from public witnesses on energy research, conservation and renewable energy, nuclear energy, and nuclear waste activities.
SD-366

Labor and Human Resources
Employment and Productivity Subcommittee
Business meeting, to mark up S. 242, authorizing funds for fiscal year 1983 to provide additional employment opportunities in existing Federal or federally assisted labor intensive programs, to provide incentives for employers to hire the long-term unemployed, and to expand retraining opportunities for dislocated workers.
SR-428A

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the National Aeronautics and Space Administration.
SD-124

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Department of State, and certain international organizations.
S-146, Capitol

Foreign Relations
Business meeting, to consider pending calendar business.
SD-419

Governmental Affairs
To hold hearings on the nomination of Joseph H. Sherick, of Virginia, to be Inspector General, Department of Defense.
SD-342

Judiciary
Immigration and Refugee Policy Subcommittee
To hold hearings to review U.S. immigration quotas.
SD-226

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold oversight hearings on the implementation of bilingual education programs administered by the Department of Education.
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Indian Health Service, and the Office of Indian Education.
SD-192

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Department of the Treasury.
SD-124

Judiciary
Constitution Subcommittee
To resume hearings on S. 744, to revise certain provisions of the Freedom of Information Act by providing protectable interest in national security information, law enforcement investigations, business confidentiality, and personal property.
SD-226

APRIL 22

9:30 a.m.
Finance
To hold hearings on S. 98, S. 634, and S. 863, bills to provide tax incentives for businesses in economically depressed areas to stimulate job programs.
SD-215

Joint Economic
To hold hearings on the Consumer Price Index figures for March.
SD-138

10:00 a.m.
Judiciary
To resume hearings on organized crime in the United States.
SD-226

Labor and Human Resources
Family and Human Services Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Domestic Volunteer Service Act of 1973.
SD-430

10:30 a.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 916 and S. 848, bills to provide for the termination, extension, or modification of certain contracts for the sale of Federal timber.
SD-366

APRIL 25

9:30 a.m.
Commerce, Science, and Transportation
To resume hearings on S. 372, to promote interstate commerce by prohibiting discrimination in the writing and selling of insurance contracts.
SR-253

2:00 p.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for transportation related programs.
SD-192

APRIL 26

8:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the National Oceanic and Atmospheric Administration of the Department of Commerce, Marine Mammal Commission, and the Small Business Administration.
S-146, Capitol

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on S. 48, to establish the National Transportation Commission as an independent regulatory agency, and to eliminate existing statutory restrictions against common ownership and control of certain water carriers.
SR-253

*Labor and Human Resources
To hold hearings on S. 771, authorizing funds for fiscal years 1983, 1984, 1985, and 1986 for health promotion and disease prevention programs of the Department of Health and Human Services.
SD-430

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for transportation related programs.
SD-124

Energy and Natural Resources
Business meeting, on pending calendar business.
SD-366

Governmental Affairs
To resume hearings on S. 121, to establish a U.S. Department of Trade as an executive department of the Federal Government.
SD-342

Judiciary
Business meeting, to consider pending calendar business.
SD-226

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Department of the Interior.
SD-138

APRIL 27

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Departments of

Labor, Health and Human Services, Education, and related agencies.
SD-116

9:30 a.m.
Commerce, Science, and Transportation
To continue hearings on S. 48, to establish the National Transportation Commission as an independent regulatory agency, and to eliminate existing statutory restrictions against common ownership and control of certain water carriers.
SR-253

Commerce, Science, and Transportation
Consumer Subcommittee
To resume hearings on S. 44, to establish uniform standards of product liability law.
SD-628

Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings on proposed legislation authorizing funds for the Office of Federal Procurement Policy within the Office of Management and Budget.
SD-538

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for transportation related programs.
SD-192

Energy and Natural Resources
Business meeting, on pending calendar business.
SD-366

Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to investigate alleged involvement of organized crime and mismanagement of funds in the hotel and restaurant workers union (HEREIU).
SD-342

Labor and Human Resources
To hold hearings on disease prevention.
SD-430

10:30 a.m.
Small Business
Small Business: Family Farm Subcommittee
To hold hearings to discuss certain problems facing family farm owners.
SR-428A

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the land and water conservation fund.
SD-192

Judiciary
To hold hearings on pending nominations.
SD-226

APRIL 28

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

9:30 a.m.
Judiciary
Criminal Law Subcommittee
To hold hearings on S. 485, proposed Lawyers Duty of Disclosure Act.
SD-226

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Federal Emergency Management Agency, and the Neighborhood Reinvestment Corporation.
SD-124

Energy and Natural Resources
Business meeting, on pending calendar business.
SD-366

Foreign Relations
Business meeting, to consider pending calendar business.
SD-419

Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings to investigate alleged involvement of organized crime and mismanagement of funds in the hotel and restaurant workers union (HEREIU).
SD-342

Judiciary
Constitution Subcommittee
To hold joint hearings with the Committee on Labor and Human Resources on S. 425, to provide equal access and opportunity to public school students who wish to meet voluntarily for religious purposes.
SD-430

Labor and Human Resources
To hold joint hearings with the Committee on the Judiciary's Subcommittee on Constitution on S. 425, to provide equal access and opportunity to public school students who wish to meet voluntarily for religious purposes.
SD-430

Select on Indian Affairs
To hold hearings on S. 727, to authorize the Secretary of the Interior to set-aside certain judgment funds of the Three Affiliated Tribes of Fort Berthold Reservation in North Dakota, S. 884, to provide for the use and distribution of certain funds awarded the Red Lake Band of Chippewa Indians, and S. 973, to make technical amendments to the Indian Self-Determination Act.
SD-106

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Strategic Petroleum Reserve, and the Naval Petroleum Reserves, Department of Energy.
SD-138

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the General Services Administration, and to discuss the substance of S. 102, to allow State and local governments to continue to acquire surplus Federal lands for park and recreational use.
SD-116

2:30 p.m.
Governmental Affairs
To hold hearings on the nominations of John L. Ryan, of Indiana, to be a Governor of the U.S. Postal Service, and Maria L. Johnson, of Alaska, to be a member of the Merit Systems Protection Board.
SD-342

APRIL 29

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

9:30 a.m.
Finance
Taxation and Debt Management Subcommittee
To hold hearings on S. 249, proposed Employee Educational Assistance Extension Act, and S. 825, to revise certain IRS provisions with respect to the unrelated business taxable income of certain nonprofit charitable organizations.
SD-215

10:00 a.m.
Judiciary
Constitution Subcommittee
To continue joint hearings with the Committee on Labor and Human Resources on S. 425, to provide equal access and opportunity to public school students who wish to meet voluntarily for religious purposes.
SD-430

Labor and Human Resources
To continue joint hearings with the Committee on the Judiciary's Subcommittee on Constitution on S. 425, to provide equal access and opportunity to public school students who wish to meet voluntarily for religious purposes.
SD-430

MAY 2

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

MAY 3

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for territorial affairs.
SD-138

9:30 a.m.
Labor and Human Resources
To hold hearings on proposed legislation authorizing funds for the Legal Services Corporation.
SD-430

10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

Judiciary
Business meeting, to consider pending calendar business.
SD-226

2:00 pm.
Appropriations
Interior and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for territorial affairs.
SD-138

MAY 4

9:30 a.m.
Labor and Human Resources
Business meeting, to consider proposed legislation relating to science education.
SD-430

2:00 p.m.
Judiciary
To hold hearings on pending nominations
SD-226

MAY 5

9:30 a.m.
Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on copyright audiovisual rental.
SD-226

10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

Foreign Relations
Business meeting, to consider pending calendar business.
SD-419

11:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Office of Revenue Sharing (New York City loan program), Federal Home Loan Bank Board, and the National Credit Union Administration.
SD-124

2:00 p.m.
Foreign Relations
Business meeting, to consider pending calendar business.
SD-419

MAY 9

10:00 a.m.
Judiciary
Immigration and Refugee Policy Subcommittee
To hold hearings on proposed authorizations for refugee programs.
SD-226

MAY 10

9:30 a.m.
Labor and Human Resources
To hold hearings on home health care services.
SD-430

10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

Judiciary
Business meeting, to consider pending calendar business.
SD-226

MAY 11

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Labor and Human Resources
To continue hearings on home health care services.
SD-430

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

MAY 12

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings on certain tragedies involving children.
SD-562

Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on computerization of criminal history.
SD-226

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Department of Housing and Urban Development.
SD-124

Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

MAY 13

9:30 a.m.
Labor and Human Resources
To hold hearings to examine fire safety issues.
SD-430

MAY 17

10:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
SD-226

MAY 18

9:30 a.m.
Governmental Affairs
Governmental Efficiency and the District of Columbia Subcommittee
To resume hearings on the status of emergency preparedness in the Washington, D.C., metropolitan area.
SD-562

Labor and Human Resources
To hold oversight hearings on activities of the Equal Employment Opportunity Commission.
SD-430

10:00 a.m.
Veterans' Affairs
To hold oversight hearings to review adverse health effects from exposure to agent orange, and other related matters.
SR-325

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

Veterans' Affairs
To continue oversight hearings to review adverse health effects from exposure to agent orange, and other related matters.
SR-325

MAY 19

9:30 a.m.
Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on computer chips protection.
SD-226

Labor and Human Resources
To hold hearings on health care cost.
SD-430

10:00 a.m.
Commerce, Science, and Transportation
To resume hearings on S. 372, to promote interstate commerce by prohibiting discrimination in the writing and selling of insurance contracts.
SR-253

MAY 23

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain

programs under the subcommittee's jurisdiction.
SD-124

MAY 24

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs under the subcommittee's jurisdiction.
SD-124
Judiciary
Business meeting, to consider pending calendar business.
SD-226

MAY 25

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings on the problem of parental kidnaping.
SD-226
Labor and Human Resources
To continue hearings on health care cost.
SD-430
2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

JUNE 8

9:30 a.m.
Labor and Human Resources
To hold hearings on food safety.
SD-430
10:00 a.m.
Veterans' Affairs
To hold hearings on proposed legislation providing for certain veterans' compensation.
SR-418

JUNE 9

9:30 a.m.
Labor and Human Resources
To continue hearings on food safety.
SD-430

JUNE 10

9:30 a.m.
Labor and Human Resources
To continue hearings on food safety.
SD-430

JUNE 14

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings on proposed legislation revising certain provisions of the Labor-Management Reporting and Disclosure Act (Landrum-Griffin Act).
SD-430

JUNE 15

9:30 a.m.
Judiciary
Patents, Copyrights and Trademarks Subcommittee
To resume oversight hearings on activities of the Patent and Trademark Office, Department of Commerce.
SD-226
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430
10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on the proposed Alien Education Assistance Act.
SD-430
Veterans' Affairs
To hold oversight hearings to review certain health care and other services provided Vietnam veterans.
SR-418
2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

JUNE 16

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings on deinstitutionalization of certain status offenders.
SD-226
Labor and Human Resources
Labor Subcommittee
To resume hearings on proposed legislation revising certain provisions of the Labor-Management Reporting and Disclosure Act (Landrum-Griffin Act).
SD-430

JUNE 20

10:00 a.m.
Judiciary
Immigration and Refugee Policy Subcommittee
To resume hearings on proposed authorizations for refugee programs.
SD-226

JUNE 22

9:30 a.m.
Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on patent term restoration.
SD-226
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430
10:00 a.m.
Veterans' Affairs
To hold oversight hearings on certain health care services for veterans.
SR-418
2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

JUNE 27

10:00 a.m.
Judiciary
Immigration and Refugee Policy Subcommittee
To resume hearings on proposed authorizations for refugee programs.
SD-226

JUNE 29

9:30 a.m.
Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on Federal Government patent policy.
SD-226
10:00 a.m.
Veterans Affairs
Business meeting, to consider proposed legislation providing for certain veterans' compensation.
SR-418

JUNE 30

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings on juvenile offenders of serious and violent crimes.
SD-226

JULY 6

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

JULY 13

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

JULY 20

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

JULY 27

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

CANCELLATIONS

APRIL 12

9:30 a.m.
Rules and Administration
To resume oversight hearings on the operation and possible modification of the current campaign finance laws governing Presidential and congressional campaigns.
SR-301

APRIL 14

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume oversight hearings on the implementation of vocational education programs administered by the Department of Education.
SD-430

APRIL 15

9:30 a.m.
Finance
Health Subcommittee
To hold hearings on consumer access to health benefits information under publicly and privately financed insurance programs.
SD-215

APRIL 20

10:00 a.m.
Labor and Human Resources
To hold oversight hearings on the investigation by the Department of Labor and the Department of Justice on the alleged involvement of certain union workers in organized crime.
SD-430

MAY 5

9:30 a.m.
Labor and Human Resources
To hold hearings on S. 772, to establish an Interagency Committee on Smoking and Health to coordinate Federal and private activities to educate the public about the health hazards of smoking.
SD-430

SENATE—*Tuesday, April 12, 1983*

The Senate met at 10 a.m., and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Gracious Father in Heaven, we thank Thee for the perennial comfort, assurance and hope which the Shepherd Psalm has given to a hundred generations. May its words speak their rich and abiding truth to us today.

The Lord is my shepherd; I shall not want.

He maketh me to lie down in green pastures: He leadeth me beside the still waters.

He restoreth my soul: He leadeth me in the paths of righteousness for His name's sake.

Yea, though I walk through the valley of the shadow of death, I will fear no evil: for Thou art with me; Thy rod and Thy staff they comfort me.

Thou preparest a table before me in the presence of mine enemies: Thou anointest my head with oil; my cup runneth over.

Surely goodness and mercy shall follow me all the days of my life: and I will dwell in the house of the Lord for ever. Amen.—Psalm 23.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

THE JOURNAL

Mr. STEVENS. Mr. President, I ask unanimous consent that the Journal of the proceedings of the Senate be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. STEVENS. Mr. President, I ask unanimous consent that the time allocated to the distinguished majority leader be transferred to the Senator from Minnesota (Mr. BOSCHWITZ) for his control under the special order.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE SCHEDULE

Mr. STEVENS. Mr. President, I see my good friend from West Virginia is here. I want to make certain that we have an understanding concerning the calendar for the Senate.

At 11 a.m. today, the Senate will go into executive session for the purpose of considering the nomination of Kenneth L. Adelman to be Director of the Arms Control and Disarmament Agency. We expect debate on that nomination today and tomorrow. The Senate is scheduled to convene at 10 a.m. each day, and debate on the Adelman nomination is scheduled to begin at 11 a.m. on Wednesday and Thursday. A final vote on the Adelman nomination is scheduled for 2 p.m. on Thursday.

In addition, if it is possible, the Senate may consider the omnibus judgeship-bankruptcy bill sometime during this week.

On Friday, under a previous order, the Senate will take up S. 144, the reciprocity bill, and pending will be the Kasten amendment relating to withholding of interest and dividends.

The majority leader has indicated the possibility of a Saturday session and Senators should be on notice of that possibility.

The Senate may also consider items on the legislative and executive calendars as they are cleared.

Mr. President, would the distinguished Democratic leader like to have the remainder of my time?

Mr. BYRD. I thank the acting majority leader.

Mr. STEVENS. Mr. President, I yield to the distinguished minority leader the remainder of the majority leader's time with the reservation that time not used may be reserved until later in the day in the event the majority leader might need it.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the distinguished acting majority leader.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The distinguished minority leader is recognized.

EULOGY FOR MICHAEL

Mr. BYRD. Mr. President:

I watched a sail until it dropped from sight
Over the rounding sea. A gleam of white,
A last far-flashed farewell, and, like a thought
Slipt out of mind, it vanished and was not.
Yet to the helmsman standing at the wheel
Broad seas still stretched beneath the gliding keel.
Disaster? Change? He felt no slightest sign,
Nor dreamed he of that far horizon line.
So may it be, perchance, when down the tide
Our dear ones vanish. Peacefully they glide
On level seas, nor mark the unknown bound.
We call it death—to them 'tis life beyond.

Death visits every man, but death is an inconsiderate guest. His arrival is never timely, and seldom, even when we think ourselves most prepared for his coming, does death find us ready.

But death's most onerous blows sometimes fall when one close to us dies in a mindless, inexplicable accident. And if that loved one is young, death's arrival leaves us the greater with questions, emptiness, and hurt.

Such has been my own experience over the last year. My grandson, Jon Michael Moore, who died in an accident 1 year ago this morning, embodied for me so many traits that I admired, and to which I have aspired, for myself and for my family. Michael had, in only 17 years, captured in his personality, mind, spirit, heart, and body, qualities that drew people infectiously toward him. And, after a fashion, my teenaged grandson was almost a transparency through which one could see the man that he was meant to become. In his own unique way, my grandson was a paradigm of the words of Ralph Waldo Emerson:

Born to success he seemed,
With grace to win, with heart to hold,
With shining gifts that took all eyes.

But Michael's intended success was more than just the usual, average, or necessarily materialistic kind, for Michael most loved the outdoors, and felt most at home there. As if mindful of that affection, nature endowed Michael with specifications more than adequate to challenge and endure the wild. He was 6½ feet tall and beautifully built and powerful—all man.

That size was mostly muscle, because Michael loved to confront his own body—to test his arms and legs and chest against the world—to lift weights, to chop wood, to work in the forest, and push back the boundaries of his own physical limitations, further and further.

Paradoxically, however, that wellhewn body was possessed by the soul of gentleness, caring, and empathy. Michael liked people and instinctively went out of his way to instill confidence in those around him, to soothe the hurt feelings of others, or to share an almost never-fading smile with those he met every day. Michael seemed precociously to understand Helen Steiner Rice's short verse:

Time is not measured by the years that you live,
But by the deeds that you do and the joy that you give.

In that attitude, perhaps, Michael wanted to be a horticulturalist—to work with the natural world that he so loved for the benefit of those for whom he so cared. He had a plan for his life and a direction, and his graduation last spring from high school would have allowed him to make his first strides to fulfill that goal.

But he did not live to see that graduation. So those strides will not ever be. Michael is gone, and those who loved him most—that large number with whom he shared so much of his own strength, courage, and compassion—are now left with a throbbing loss and a host of memories. All of us—Michael's family and friends alike—now face, have faced, and will continue to face an experience that is distinctively human and one that many of our Senate colleagues have endured. We are now seeking to etch in the void left by Michael's death—to give significance to a life that meant so much to us, and to find words of gratitude to God for sharing Michael's life with us, even if for only 17 years.

That grief process, that effort to carve out a lasting memorial to someone whom we loved, is almost universal. My family and I sincerely appreciated and we still appreciate the efforts of our friends to make easier our grief. I have been deeply moved by the kindness and thoughtfulness of so many Senators in the condolences that they have offered and in the time that they have taken to express their regrets and sorrow to me and to my family. I have been likewise moved by the considerate messages that I have received from all over the country and from every corner of West Virginia. That outpouring let us know that we were not alone at a time when one truly feels most lonely.

No balm can totally relieve the responsibility that grief lays on every man or woman who cherishes someone, and then loses that loved one. Indeed, such an analgesic would cheat us of one of life's most bittersweet duties—the privilege and need of focusing our love on one who, even in his absence, will forever be part of our lives and our consciousness.

And Michael will be with us forever. We will remember him in the impressively large shoes that still stand in his room.

I saw them last night as I saw them 1 year ago today. They will stand unoccupied and, henceforth, unscuffed. We will hear his laughter and his voice at Christmastime. We will welcome him home again and again in the cheerful greetings that will reach our mind's ear only with the opening of the front door. An innumerable series of shared moments, shared laughter, and shared triumphs will forever link Michael to his family and friends.

Perhaps in that sharing, we may find the herb to soothe the hurt that we now feel most acutely. For God is loving, and He does not allow tragedy to snatch away His most precious gifts without recompense and healing. As Henry Wadsworth Longfellow wrote:

Time has laid his hand
Upon my heart, gently, not smiting it,
But as a harper lays his open palm
Upon his harp to deaden its vibrations.

So, time and love and grace will gently conspire together to blend an elixir to outlast the pains that we now feel. But, more than endurance perhaps, that merciful potion may offer each of Michael's family and friends new possibilities in their own lives and an enlarged awareness of the gracious mystery in which we all find ourselves.

I especially want to thank Dr. Richard C. Halverson, the Chaplain of the Senate, who has been so kind to me and to all of Michael's family from that day 1 year ago until this day. I thank him for his recitation of the 23d Psalm in the opening prayer today, for that was Michael's favorite passage of Scripture. And on behalf of my wife and our family, I thank my colleagues, my staff, and the many West Virginians and other friends who have been so kind to us at a time of great suffering and loss.

The flying arrow, knowing its path is made,
Goes singing softly at the bow's behest,
Taking its destined journey unafraid—
In every moment of flight at rest.
So speed, O Soul, to your divine abode:
Go singing through the shadow and the light—
Go bravely on your high-appointed road,
At rest in every moment of your flight.

The PRESIDING OFFICER (Mr. DANFORTH). The Senator from Minnesota is recognized.

Mr. BOSCHWITZ. Mr. President, I cannot listen to the distinguished minority leader without commenting on the feeling that he has displayed and the loss that he still endures a year after. Once again I express my condolences to him and his family on this special day. It is, as we say in the Jewish tradition, the yahrzeit, the day of the year on which it is particularly felt. I have great sympathy and understanding for the minority leader.

Mr. BYRD. I thank my friend.

Mr. BOSCHWITZ. I remember the day, Mr. Minority Leader, when it happened and the shock we felt to hear that such a young person had been taken from among us.

RECOGNITION OF SENATOR BOSCHWITZ

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

THE HOLOCAUST

Mr. BOSCHWITZ. Mr. President, it is perhaps appropriate that I have my time this morning, after the leader has spoken, to speak about another tragedy that occurred during the forties, the tragedy that is called the Holocaust. Too often, a single death, about which as the minority leader has spoken, is considered a very close tragedy. One of the fears that many of us have is that the scope of the tragedy of the Holocaust was so immense, so gross, that it would just become a statistic, as it could well do. As one observes that the death of a single person or the death of a hundred people is a tragedy; the death of a million becomes a statistic.

It is in the hope that that not happen that we speak this morning to remember the Holocaust. Only by remembering will we guard against its happening again.

It has, Mr. President, happened again in our lifetime, in recent years in a place not in Europe, not to Jews, but in Kampuchea where approximately 2 million people were mercilously slaughtered for no reason other than the politics that have driven people from age to age.

Mr. President, I yield to the Senator from Missouri.

(Mr. BOSCHWITZ assumed the chair.)

REMEMBRANCE OF THE WARSAW GHETTO UPRISING

Mr. DANFORTH. Mr. President, I thank the Senator from Minnesota for yielding to me.

Last month the Senate adopted Senate Joint Resolution 49, which authorized the President to proclaim "A Week of Remembrance for the Fortieth Anniversary of the Warsaw Ghetto Uprising." This week also marks the First American Gathering of Jewish Holocaust Survivors. It is a time to remember, a time to reflect, and an occasion to insure that the world never forgets—never takes for granted—the darkest single period in human history.

We in Congress represent a nation of many faiths and beliefs. Yet, we observe this occasion with intense meaning for Jews throughout America and the world. There are fundamental reasons why all Americans—Christian and Jew, black and white, old and young—need to remember and reflect upon the Holocaust.

While the Holocaust stands alone in history, the ingredients that brought it about are not unique. Those ingredients—total rejection of the value of human life, persecution based on beliefs and bigotry to the extreme—can have no place in American society. This country must stand firm for the human values we hold so dear.

Therefore, remembrance of the Holocaust is an opportunity to rekindle

the values for which America stands. Respect for people and their value as human beings is part of our national identity. Abhorrence of persecution and bigotry lies at the very foundation of this great nation.

The contrasts between these values and the unspeakable horror of the Holocaust are sharp, and sweeping, and painful. But their observance is necessary—no, vital—to insure that such events never repeat themselves.

We articulate our national identity by keeping before us the Holocaust. We celebrate all that our country stands for by honoring the survivors who came to this country. We reaffirm the value we place on human life by commemorating those freedom fighters in the Warsaw ghetto who, against utterly impossible odds, chose to die like human beings.

The Holocaust was no brief episode, planned and carried out in secret by a few demented individuals. It was an enormous undertaking, spanning 12 years, involving thousands, if not hundreds of thousands of participants. Yet, in spite of the magnitude—almost impossible to comprehend—we must never forget that each arrest, each beating, each confiscation, and each murder was an act, committed at a single moment by one or a handful of thinking individuals.

That any individual, or group of individuals, or nation of individuals could have committed such crimes against humankind forces us to reexamine every value and every professed belief we call our own. It is only by the constant reaffirmation of those values that America claims as its own that we can hope to insure that history never repeats itself.

(Mr. DANFORTH assumed the chair.)

Mr. BOSCHWITZ. Mr. President, I thank the Senator from Missouri for his statement. I know of the strength and feeling that he has expressed to me about these and other matters of humanity on any number of occasions.

I was at the Holocaust gathering last evening. It was, indeed, an emotional experience, an experience where many people got together for the first time since the Holocaust and found people that they have not seen for many years. Many shared experiences, some too horrible to contemplate, that have been in their consciousness for these many years. Hopefully, this meeting will lead to the washing away of some of that consciousness and these many memories.

I yield now to the Senator from Washington.

UNDERSTANDING THE HOLOCAUST

Mr. JACKSON. Mr. President, I came to Buchenwald just after it had been liberated. I was part of a congressional delegation which visited the camps. We were, of course, numbed by what we saw. Bodies were stacked up on flatbed trucks like cordwood. Those still alive were in their beds, too weak to get out. As we walked down a sort of roadway, with barracks on both sides, there was a crash—and a body came through the window. Someone had died in one of the barracks, and they just threw out the body. We went over to the laboratories where the medical experiments were conducted, and I saw the lampshades that Ilsa Koch had had made of human skin.

I guess the truth that really struck me was that if this could happen in what had been the most advanced country on the continent, in terms of science and technology, and, in years past, in culture, in music, art, and all the other things that are supposed to add up to a good society, I said to myself it can happen anywhere—the eruption of primitivism in the heart of modern civilization.

I have learned that you cannot take for granted that just because a terrible tragedy has befallen one generation, the lesson of that tragedy will necessarily be transmitted to the following generation or be learned for all time. That is why I think the work of the Holocaust Memorial Council, of which I am a member, is so essential. We have to teach the important lessons to new generations.

The story of the Holocaust must be told, not to create division but, on the contrary, to foster reconciliation and cooperation; not just to recall the furies of the past, but also to fortify ethical standards in the present which exclude anti-Semitism, racism, and genocide.

As we teach the Holocaust and its lessons, it is important—especially for the children—that the stories of persons who maintained their humanity be emphasized—persons like Anne Frank, who did not survive, and the heroic survivors with the courage to affirm life and compassionate values, in the face of the dreadful memory they carry with them.

Mr. BOSCHWITZ. Mr. President, I thank the Senator from Washington. I thank him for his emphasis on the thought that many people stood up to tyranny—perhaps not enough, but many people did.

An entire village in the mountains of Italy stood up and sheltered 300 Jews during the course of the war. Many individuals did.

Last night, at the Holocaust gathering, the President spoke about one family that sheltered three children, and that story was told and retold. The Danes sheltered their entire Jewish population and eventually shifted most of them to Sweden.

So there are many bright lights, but there are many sad ones as well.

I thank the Senator from Washington particularly for his meaningful statement about his own experience.

I yield to the Senator from Michigan.

Mr. LEVIN. Mr. President, I thank the Senator from Minnesota.

Elie Wiesel's words, as quoted in last Sunday's Washington Post, are as follows:

The Holocaust no longer evokes the mystery of the forbidden; it no longer arouses fear or trembling, or even outrage or compassion. For you, it is one calamity among so many others, slightly more morbid than the others. You enter it, you leave it, and you return to your ordinary occupations. You thought yourselves capable of imagining the unimaginable; you have seen nothing. You thought yourselves capable of discussing the unspeakable; you have understood nothing, you have retained nothing.

You have retained nothing of its blinding truth. You prefer imitation, embellishment. For you, all these horrors, all these atrocities undoubtedly are terrible but not extraordinary phenomena, possibly the result of mental aberration. Auschwitz? The decadence of an ideology. Treblinka? To be demystified, demythified. Dachau and Mauthausen? Nothing but a tremendous and tremendously convenient theme to bolster the theories of thinkers and the ambitions of politicians. Once robbed of its sacred aspect, the Holocaust became a fashionable subject: good to impress or shock. Recommended to anyone seeking a vehicle to climb, succeed, create a sensation. You thought that you could face the agony of a people; you have felt nothing.

One reaches the point of longing for the days when only a few people dared speak of it; now everybody does. Too much. And too lightly. Without any reticence. One disinters the dead in order to question, mutilate or silence them.

Those are bitter and devastating words from an incredibly perceptive book by Elie Wiesel.

Today, we try, in our painful ways, to remember the Warsaw ghetto.

It was in April 1943 that the Jews of the Warsaw ghetto—tremendously outnumbered and facing insurmountable odds—took up arms against the tyranny of Nazi Germany. For nearly a month, the Jewish inhabitants of the Warsaw ghetto rebelled against the Nazi occupiers of Poland in an act that will forever symbolize Jewish resistance to Nazi tyranny and of human resistance to all forms of tyranny.

Although it is painful to recall this event, it is important that we honor those Jews who perished in that valiant struggle for freedom, that we look back on April 1943 and remember the horror, that we recognize and understand what happened there.

In an area of 100 square city blocks, less than one-twentieth the size of Warsaw, the Nazis squeezed approximately 450,000 Jews, sealed it off and called the segregated area, the ghetto. Inside the ghetto, living conditions were atrocious—starvation was widespread, epidemics ravaged the population due to lack of sanitation facilities and congestion, and people lived in the midst of the pervading smell of death.

The Nazis were soon dissatisfied with the results of their campaign against the Jews by segregation and starvation. In the summer of 1942, they instituted more drastic measures—the extermination of all the Jews in Poland and the liquidation of the Warsaw ghetto. For 2 terror-filled months, 5,000 Jews were deported daily to the German death camps of Auschwitz and Treblinka. As September reached a close, the number of Jews deported or shot while still in the ghetto had reached 300,000.

Between 40,000 and 60,000 Jews were left in Warsaw when in January 1943 the Nazis began the second deportation action. After 3 days, however, the action halted because of concerted, armed resistance by the Jews.

In late July 1942, the Jewish resistance was organized into the Jewish fighter organization. The unity of air resistance was limited by the lack of arms and time to organize effectively. Throughout the first deportation action the Jewish fighter organization desperately attempted to secure arms. Greatly underarmed, yet aware that the purpose of the German deportation was death, the Jewish fighter organization's aim was to resist the Germans at any costs, and the cost was dear—the lives of over 40,000 men, women, and children.

The Jewish resistors had not had time to adequately prepare when the second action began on January 18. Even so, the Germans encountered the unexpected. The Jewish defenders inflicted a surprising number of German casualties and forced the Germans to stop the action.

The defenders realized that the Nazis would not accept defeat and would return soon in greater force to attempt final liquidation of the ghetto. Accordingly, the Jewish fighter organization feverishly turned their energies to organizing the ghetto into districts, each with its own commander, and to increasing the ghetto's arms supply.

At 2:15 a.m., on April 19, 1943, the attack began. For 12 hours the battle raged intensely, then—a long awaited and greatly welcomed quiet. The attackers had been repulsed—not a single Nazi remained alive in the ghetto area. But the struggle continued. The Germans reinforced their attack with tanks and planes seeking out the bunkers and garrison posts of the defenders. The Jewish fighters fought a well-coordinated battle for nearly 1 week until the Nazis changed their tactics. They began to use fire to destroy the chief resistance points. The Jews were forced to give ground as organized resistance gave way to guerrilla warfare. On May 8, the Nazis discovered and destroyed the main operational bunker of the Jewish fighter organization. The formal end of the uprising of the Warsaw ghetto occurred on May 16, when the Nazis, in a symbolic and almost ceremonial act, dynamited the Great Jewish Synagogue.

Even this, though, did not see the end of the resistance. In the rubble that was once the ghetto, some defenders survived and continued to fight. Consequently, the resistance was never totally beaten down—it survived then and it survives now in our hearts and minds.

We have come to recognize and honor the resistance movement in the Warsaw ghetto not just as a struggle against Nazi Germany in the late 1930's and early 1940's, but as a symbol of the universal opposition against oppression. It is vital that we continue to keep this history alive in honor of those who fought, as well as a reminder of the circumstances that they were forced to fight.

Accordingly, I am pleased that the Senate approved Senate Joint Resolution 49 authorizing the President to proclaim the week of April 10-16, 1983, as the "Week of Remembrance for the Fortieth Anniversary of the Warsaw Ghetto Uprising." And I am pleased that cities and organizations across the Nation will be holding events to commemorate this historic week. It is important that we honor the strength, resoluteness, and courage of the Jews who were crushed by the Nazi war machine and that we remember the abominations of Nazi Germany—as we pray and plead and resolutely determine, "Never again."

Mr. President, one of the persons who was in the Warsaw ghetto, who briefly survived it after the fight, who then, for 1 week or so, was able to survive in the so-called Aryan districts of Warsaw, was a great Jewish scholar named Emanuel Ringelblum. During that period, being a historian, he wrote his memoirs, as well as taking part in the fighting.

During the week following the Warsaw ghetto uprising, in which he participated, on March 1, 1944, a week before his capture and shortly before his murder by the Nazis, Ringelblum wrote a letter to the Yiddish Scientific Institute (YIVO) about what was happening, about the Warsaw ghetto, about the gas chambers, and about the tortures in the camps. This letter is reprinted in the April 8 Detroit Jewish News. He wrote:

> Perhaps there will survive a small group of Jews who are hidden in the "Aryan districts" in the constant fear of death or who wander through the woods like hunted animals. That any of us, the community workers, who carry on under conditions of twofold secrecy, will outlive the war, we greatly doubt. We, therefore, want to take this means to tell you in brief about those activities which link us most closely to you.

Then he described the efforts of the Jews in Warsaw to help themselves. He then wrote the following:

> When the period of murderous deportations began, the slogan of self-help was abandoned for the idea of active resistance. Our youth of all the movements, especially of the pro-Palestine organizations, revealed its indomitable courage; it was the onset of the colossal epic by the armed Jewish battle in Poland; the heroic defense of the Warsaw ghetto, the illustrious battle in Bialystock, the destruction of the extermination dens in Treblinka and Sobibor, the battles in Tarnow, Bendzin, Czestochowa and other places.
>
> The Jews showed the world that they could fight, weapon in hand, that they know how to die honorably in the battle against the deadly enemy of the Jewish nation and of all humanity.
>
> This is all we wanted to tell you, dear friends. Not many of us survived.

One week after that letter was written, Emanuel Ringelblum was put to death by the Nazis in Warsaw's Pawiak prison. His work, and the work of an extraordinary number of people who wanted to chronicle what was happening, survives. The rest of us are privileged to read it and to remember it the best we can, to say what those events mean to us.

Mr. PERCY. Mr. President, this week there are some remarkable people in Washington. They are here from all across the country. They are Jewish survivors of the Holocaust, the greatest tragedy in human history. Yesterday, I met with the group of Jewish Holocaust survivors from my State of Illinois. They came to Washington for many reasons. Some are looking for family and friends from whom they were separated during and after the Holocaust. Some are in Washington for the first time. All of them share a common desire to keep the memory of the Holocaust alive so that never, never again can such a monstrous tragedy be allowed to occur.

We should take pride in the fact that here in the United States these brave people found refuge after the war. Here in the United States they found safety and security. That is why an audience of 15,000 which gathered at a ceremony last night cheered President Reagan when he promised that "the security of your safe havens, here and in Israel, will never be compromised."

Mr. President, this month also marks the 40th anniversary of the Warsaw Ghetto Uprising. I am very pleased that 43 Senators joined Senator PELL and myself in cosponsoring a resolution setting April 10-16, 1983 as a week of commemoration for the Warsaw Ghetto Uprising, and that the Senate passed the resolution unanimously on March 18. Let us never forget the Holocaust.

DAYS OF REMEMBRANCE

● Mr. SARBANES. Mr. President, these are our days of remembrance. It was April 1945, that the liberation of the camps began, with Buchenwald on

April 4, Bergen-Belsen on April 18, Dachau on April 29, and step by step, the others. A tragedy of dimensions so vast as to be virtually beyond human comprehension of such magnitude as to escape human definition was revealed to the world.

Four years ago, Elie Wiesel asked those assembled at the Holocaust Commemoration Ceremony in the U.S. Capitol, "What does one do with such memories of fire—with so many fragments of despair?" The answer lies in part in these days of remembrance.

We pay tribute this week to the millions who died, to those who survived and to their children; our tribute is not simply to their suffering and death, but to the courage and hope and affirmation of life which they represent. This year we welcome here the first American Gathering of Jewish Holocaust Survivors, and we join those assembled not only in a memorial to the past but in a pledge to the future: We will never permit the tragedy of the Holocaust to be repeated.

Our tribute to the victims and survivors of the Holocaust is not simply to their suffering and death, but to the courage and hope and affirmation of life which they represent. We recall that the month of April this year marks the 40th anniversary of the uprising of the Warsaw ghetto. That uprising held out for weeks against all odds. It broke out on the first night of Passover and its heroes—and they were all heroes—bequeathed to us an 11th commandment. Scrawled on the ghetto walls, the graffiti of the Warsaw ghetto, it read: "Thou Shalt Not Despair." It shall not be forgotten.

Mr. President, no one has better summed up the meaning of the days of remembrance that Elsie Wiesel in remarks made in the U.S. Capitol on April 20, 1982. I ask unanimous consent that those remarks be reprinted here in their entirety.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY ELIE WIESEL

Mr. Speaker, Members of the Senate and the House of Representatives—Friends,

On behalf of the Holocaust Memorial Council, it is my honor and privilege to thank you for joining us at this solemn assembly of remembrance. With the sole exception of the State of Israel, ours is the only nation that has chosen to annually commemorate the victims of the Holocaust at a national ceremony—and we are grateful to both nations.

One day, when the Memorial will be completed, we hope to be able to tell you, our friends in the Senate and the House, how much we owe you: for us, survivors, gratitude is the most human of virtues. We know how to say thank you. Having been spared—for reasons we do not comprehend—we realize that every minute means grace: we must be grateful for every day we live—and for every friend who is willing to share our awesome responsibilities.

So—thank you, Mr. Speaker: you have been with us from the first day. My friend Sidney Yates—thank you for your tireless and gracious efforts on our behalf. We thank all of you.

On behalf of the Council, I would also like to commend this Administration for its investigation and prosecution of Nazi war criminals who have been living in this country. Under the leadership of Allan Ryan, the Office of Special Investigations of the Department of Justice has done exceptional work in prosecuting these perpetrators of crimes against humanity. We, of the Council, urge our government to continue its pursuit of justice.

Let us remember that what Nazism did to its Jewish victims was considered to be legal. It was legal to imprison political adversaries, it was legal to practice euthanasia on mentally retarded patients, it was legal to hunt down and execute resistance-fighters, it was legal—and commendable—to push Jews into ghettos to torment them, to torture them, to gas them, to burn them: everything was done with so-called due process, according to German law. That means: the Nazis had corrupted the law itself. They made it into a weapon against humanity. Remember that it can be done—for they did it. The law itself became immoral. Inhuman.

The same applies to culture, Mr. Speaker. When culture lacks the necessary ethical dimension, it ceases to be a shield against evil. Quite the contrary: it attracts it.

Why, Auschwitz? Why, Majdanek? How is one to explain that these monuments of evil and death dominated the heart of European civilization and Christendom? The killers did not come from the underworld; they were highly educated persons, and some of them had college-degrees and PhD's in medicine, physics, and liberal arts . . .

On January 20, a secret meeting took place in Wansee, near Berlin, to discuss the definitive plans for the "Final Solution" of the Jewish program—in other words: for the extermination of all Jews everywhere.

Read the list of the participants: high officials from all the ministries—and most of them had doctorates in jurisprudence and philosophy.

I remember: a young Yeshiva-student arrived in Birkenau. In less than one hour he lost sight of his sisters. Of his mother. He saw the barbed-wire. The death-producing machinery. It all worked. No chaos, no confusion. The system worked: there seemed to have been some weird logic to it. It seemed rational. We were in a different world, a different universe, in a different time: we belonged to a new species. Death seemed natural and life did not. Cruelty was the rule, not the exception.

What hurt and pained us more: the cruelty of the executioner or the indifference of the bystander? True, there was a war going on—a world war. The Allies fought for the honor of mankind and sacrificed their best youth in battle. Morally, this nation has never attained such heights as when it led the free world in combat against fascism and nazism. And we are grateful to its people.

But, from the viewpoint of the Jewish victims in the ghettos, in the camps, on the way to the mass graves, it seemed that they had been forgotten. Abandoned. There had been opportunities to speak up; to make gestures; to issue warnings. To save some lives. To save some children. And . . .

We all know what happened, or rather: what did not happen. Everybody was busy with the war, and the Jews—only the enemy remembered the Jews.

That they did not despair, that they had not given up on mankind and its illusions, is something that escapes me. They were alone—the loneliest in the world. And yet, they found strength and courage—and faith—to resist the onslaught: some with weapons, others with prayers, and both are equally worthy of our compassion and melancholy admiration. Just remember: the uprising in the Warsaw ghetto was the first civil insurrection in all of Nazi-occupied Europe. And there were others, in other ghettos—there were uprisings in the death-camps; Sobibor, Treblinka, Birkenau . . . How did they do it? The Warsaw ghetto High Command was mainly composed of youngsters, teenagers, who had no military background. No weapons. No allies. Every underground of every occupied nation had resources sent from London, Washington or Moscow—except the Jewish underground. Its gallant, brave fighters felt betrayed. And they were.

And yet, and yet: they all wished to bear witness for the sake of other people, for the sake of future generations.

This is our duty as well: to bear witness.

For six million Jews who perished in the Holocaust and millions of other victims of Nazism. For the Holocaust was a Jewish tragedy with universal implications. "When a Jew is beaten down," said Franz Kafka, "it is mankind that falls to the ground." In murdering Jews, the Nazis maimed humanity itself. Thus, in remembering the Jewish victims, we remember those who tried to save them—and those who fought their common enemy in the Resistance, with the Partisans in France, Poland and—of course—in Denmark.

But our memories include more than our own lives—more than our own dreams. We chose to tell the tale not for our own sake, but for mankind's. We chose to speak because we believe that this Event should and will sensitize all people to injustice and humiliation and war. Only if we remember what was done to one people, will we prevent the world from becoming victim to its own possible and seemingly inevitable insanity.

That is why we are all so traumatized. Especially, we who survived the Event. We are like strings exposed to the wind; we capture sounds and signals. We have special antennas—we serve as warning-systems. Before everyone else, we feel when things are about to go wrong for Jews—and therefore for mankind.

And they are going wrong. Tensions. Racial conflicts. Hunger. Fear. Terrorism. Nuclear proliferation. And—how can I not mention some Jews who still suffer for their Jewishness? The refuseniks in Russia: Ida Nudel, Vladimir Slepak, Anatoly Sheransky? or the 28 thousand Falashas in Ethiopia? Or the Jews in Syria who live in constant terror? And—collectively—the State of Israel to whom all Jews, all men and women of conscience and goodwill, are so totally attached: We must all help Israel in her solitude, we must stand by her. Jews should not feel alone again—anywhere.

In conclusion, I would like to tell you a story: It happened late September 1941 in Kiev. At Babi-Yar. The story was told by an eyewitness named B. A. Libman and reported in the stunning volume of chronicles "The Black Book": Having hidden in a basement for several days, in a basement, a Jewish mother took her two children and left for the countryside. Drunken Germans

stopped them at the Galitzky Market. Before the mother's eyes—laughing—they decapitated one child. Then the other. Insane with grief, the woman seized her two dead children, clasped them to her breast and began to dance . . .

We owe it to the mother and her dead children not to allow the killer to go on laughing.●

Mr. COHEN. Mr. President, 40 years have passed since the uprising staged by Warsaw Jews against Nazi repression in that city's ghetto. Many of us have joined in a resolution commemorating that valiant collective act. But resolutions are not enough. We must do more to pay tribute to the courageous souls who participated in the ghetto uprising—we must remind ourselves daily of what this action represents.

Over the course of 40 years, many things are forgotten. For those who were not yet born during the time when the Nazis were spreading their horror and showing that man's inhumanity to man seemingly knows no bounds, it is essential that the story of what happened in Warsaw 40 years ago be told again and again. Some things must never be forgotten, and this is paramount among them.

Just 2 months ago, I had the opportunity to participate in a ceremony honoring the victims of the Holocaust at Yad Vashem, Israel's memorial to the 6 million Jews who lost their lives at the hands of the Nazis. It is hard to comprehend a more powerful and moving experience than the one I had that day.

That, in essence, is what we must try to share with those who have not lived with such terror, with such total insensitivity to fellow humankind. When people hear of 6 million dead, of Auschwitz and Dachau, the massiveness of it all makes what happened difficult to grasp, to fully comprehend. But a brief time at Yad Vashem, or at the planned Holocaust memorial here in the United States, can, I hope, have an impact, make a difference, in the lives of those who experience it.

The Warsaw ghetto uprising may have failed, on an earthly level, for the brave, the heroic, men, women, and children who resisted their Nazi tormenters. But it succeeded, to a perhaps unparalleled level, as a triumph of the human spirit.

We must never forget their courage or the atrocity they resisted.

● Mr. MATTINGLY. Mr. President, it is fitting and proper that the Senate take time during this week of reflection and remembrance to recall the heroic effort of the Warsaw ghetto Jews during the uprising that took place 40 years ago this month.

The valiant efforts made by a small, poorly armed, and ill-equipped force against the might of the German Armies continues to serve as an eloquent testimony to the courage of those who resisted against such overwhelming odds. The acts of valor that took place in the Warsaw ghetto 40 years ago describe better than any words the efforts that the forces of freedom and liberty have always made and will always continue to make against tyranny and subjugation.

The barbed wire and the brick walls that sealed the Jewish ghetto in Warsaw was no more able to seal the spirit of the inhabitants than the barbed wire and the bricks in today's Berlin Wall have been able to seal the thirst for freedom of those that the wall imprisons.

Or any more than the Iron Curtain that encircles Eastern Europe has been able to subjugate the millions within its boundary.

The uprising in the Warsaw ghetto was not only a battle of heroic Jews against a Nazi aggressor, it was also another page in history's chapter on liberty overcoming coercion.

In many ways, in many lands, in many times we have seen this battle take place. It continues today in many parts of our world.

During this solemn week, we should not only pause to remember those who died and celebrate the courage of those who fought so valiantly but also insure that the lessons imparted by the totalitarian horror of 40 years ago are not ignored or discarded as we turn to meet today's challenge to freedom and tomorrow's threats to liberty.●

THE WARSAW GHETTO UPRISING

Mr. MOYNIHAN. Mr. President, it is altogether appropriate that this week marking the 40th anniversary of the heroic resistance in the Warsaw ghetto has, at the request of Congress, been designated by the President of the United States as "a week of remembrance for the 40th anniversary of the Warsaw ghetto uprising."

I speak today as a Senator from New York State, which counts among its citizens the single largest concentration of Holocaust survivors in any community on Earth. I rise also as one who believes that the lessons learned from the calculated destruction of European Jewry are of paramount and enduring importance to all of us who cherish human freedom and value human dignity.

Even as we speak, two gatherings are taking place that underscore, each in its own way, two of the profound lessons that we must learn from the horrible events that swept Europe within the lifetime of most of us in this Chamber.

In one gathering this week here in Washington, D.C., thousands of survivors of the Nazi death camps have come together to bear emphatic living witness to the utter failure of Hitler's "Final Solution." Their very presence in our Nation's Capital dramatically reaffirms the unconquerable spirit of humanity at its best—a spirit that allowed the martyrs in the burning ghetto to fight on against impossible odds—and a spirit that allowed these survivors to rebuild their lives and families after unimaginable suffering and travail. This gathering likewise reaffirms the remarkable and enduring spirit of the Jewish people, a group that has contributed so very much to human civilization and, in particular, to the pluralist vitality in which the United States of America quite justly glories.

There is a story frequently told about an incident in one of the Nazi death camps that dramatically reflects the nobility of the spirit to which I just referred. Perhaps the story is apocryphal. It is no less accurate an illustration of that spirit:

As a group of starving, naked Chassidic teenage boys were being led to the gas ovens at Auschwitz, they suddenly burst into joyous song and began dancing a happy Chassidic dance.

The Nazi guard marching these youngsters to their imminent death was astonished by this behavior and asked the oldest of the youngsters why they, they who were about to die, were rejoicing.

"We are dancing and singing," the youngsters replied, "and thanking Almighty God that—in a world where some kill without reason, in a world where some murder without cause, and some are murdered without cause—Almighty God loved us so much that He allowed us to choose to be killed without reason and be murdered without cause, rather than to kill without reason or murder without cause."

Yet even as this reaffirmation of human nobility and courage unfolds here in Washington, there is another gathering underway in Warsaw itself; a gathering that demonstrates the capacity of evil men cravenly to pervert the lessons of history for their own ugly purposes.

For over a decade now, the Soviet Union and its client states have been busy spreading a monstrous lie—a lie that confuses victim with villain, a lie that allows its perpetrators to continue the Nazi effort to destroy the Jewish people first of all by delegitimizing them. In this Moscow-directed revision of history the Jews are the architects of the Holocaust and a nameless mass of peasants and workers are the victims of this "Zionist Plot."

Recall that when the President's Commission on the Holocaust visited Babi Yar—a Ukranian ravine where more than 120,000 Jews were butchered by the Nazis—they were shocked to discover that the monument marking this infamous murdering ground makes no mention of the irrefutable fact that the victims were Jewish. They should not of course have been surprised by this, for how could the Soviets identify the victims as those whom their obscene propaganda gleefully protrays as villians responsible for just atrocities?

It is thus particularly outrageous, if not surprising, that the second Government-sponsored conference being held to commemorate the Warsaw ghetto uprising is being held in Warsaw, under the auspices of a regime that, in its virulent anti-Semitism and callous disdain for human freedom, well reflects the noxious views of its Soviet masters.

Yet there is another Poland—a Poland that yearns to breathe free—under the jackboot of those who would subjugate this proud people on behalf of Moscow. If official Poland is personified by those who would confuse the victims of the Holocaust with the villians of that dreadful tragedy, the other Poland is reflected in the acts of sublime courage by those who risked everything to help rescue their Jewish neighbors during and after the Second World War.

Nowhere is this more vividly or poignantly illustrated than in the tale of kindness extended to one young Holocaust survivor by a Polish family and a young Polish priest during the war. Related by the venerable Bluzchover Rebbi, the story appears in the recent book, "Chassidic Tales of the Holocaust" by Dr. Yaffa Eliach of Brooklyn College. I would like to paraphrase that story, and urge my colleagues to read it in full.

In 1942, as the Jews of Krakow were being deported to the death camps, a Jewish family turned to their Polish Catholic neighbors and begged for assistance to save their 4-year-old child. At the risk of their own lives, the family took the child into their home as its parents were taken away to their deaths. Before they left, the parents asked the neighbor family to try to contact relatives in Montreal, in case they did not return after the war.

Years went by, the little boy was raised as a Catholic, taken to Mass, and everyone in the community presumed he was the orphan of another Polish Catholic family. When the war ended, and the child's parents did not return to claim him, his protectors—who loved him dearly and treated him as their own child—took him to the local priest. They confided in him the true origins of the child, and asked him to baptize the boy so he could become a true member of the Catholic Church.

Yet when the priest heard the full story, not only did he refuse to convert the child, but he insisted on leading the effort to discover if the child indeed had these relatives living in Montreal about whom the parents had spoken so long ago, before being deported. After great effort the priest not only located the relatives, but arranged the child to be brought to Canada to live with them.

That child is today a successful Chassidic businessman in Brooklyn, N.Y. The young priest who is responsible for reuniting him with his family and his people is today His Holiness Pope John Paul II.

REMEMBRANCE OF THE HOLOCAUST

Mr. KENNEDY. Mr. President, we join together today in the Senate to commemorate the haunting memory of the Holocaust. Thousands of survivors have gathered with their families this week in Washington to relive the pain and suffering and to renew the endless hope that some loved one, somewhere, has also survived.

On this day, we also call attention to the courage and faith of the Jewish people. The martyrdom of millions of innocent men, women, and children is a memorial to the indestructible spirit of the Jewish people. We remember how, 40 years ago, the inhabitants of the Warsaw ghetto rose up in defiance of their impending fate, fighting against all odds, struggling for themselves, for their families already gone, and for their dignity as human beings.

At the end of World War II, between 100,000 and 200,000 survivors of the Holocaust came to the United States seeking haven from their nightmares and a home for the future. We must never forget their horror and their suffering. We must rededicate ourselves to end for all time the bitter roots of religious and racial prejudice wherever they exist. In some small measure, the Holocaust Memorial to be established in this city will help us all to remember this dark fight in the soul of humanity.

Mr. TSONGAS. Mr. President, I am proud to join my colleagues today in commemorating the courageous resistance by the thousands of Jews in the Warsaw ghetto 40 years ago.

The Warsaw uprising stands first as a testament to individual courage. the residents of the Warsaw ghetto faced the full and brutal force of the occupying German Army. They fought for their lives and their families, rather than surrender to despair. Some escaped. Many died. But the example of all of them will live always as a tribute to man's will to survive.

The events in Warsaw are not only a reminder of the horrors of which governments and men are capable, but of the price which we must always be prepared to pay in defense of freedom and human dignity.

Forty years ago, Nazism was an awesome power. Its twisted and ugly ideology spawned the death camps and the systematic obliteration of millions of people. Yet time and time again, people in those camps affirmed their dignity through hope and prayer and through their compassion for each other. How those prisoners must have wondered if anyone outside of those prison walls knew of their existence. Did anyone care for their suffering? Would their horrendous sacrifice ultimately serve any redeeming purpose?

Today we have an obligation to the millions of people who did not survive those camps. We must not forget their sacrifice. We must think of those who today wait in cells and behind walls, enduring torture and humiliation. We must do all within our power to assist those who fight injustice and oppression today. We must stand up again and again and again in defense of human rights everywhere.

Lastly, Mr. President, we remember those who survived those death camps of 40 years ago. They are an inspiration to us all, a tribute to the human spirit and will to survive.

REMEMBERING THE HOLOCAUST

Mr. RIEGLE. Mr. President, during this week, we pause to recall the horrors of the Holocaust 40 years ago, and to reflect on the lessons of that tragic event which took the lives of over 6 million Jews.

As part of the American Gathering of Jewish Holocaust Survivors, over 100,000 individuals have come together in Washington to commemorate the Holocaust and its victims. The survivors have come here to remind us that, unless we remain alert to the lessons of the Holocaust, and unless we make it clear that the violation of the human rights of any individual or group of individuals will not be tolerated, the threat of a second Holocaust will continue to haunt us.

Mr. President, the week of April 10 to 16 marks the 40th anniversary of the Warsaw ghetto uprising. I am pleased to join my colleagues in commemorating that event with the introduction of Senate Joint Resolution 49.

Mr. Benjamin Meed, principal organizer of the American Gathering of Jewish Holocaust Survivors, was a former resident of the Warsaw ghetto and witnessed the rebellion of the ghetto's Jewish inhabitants against Nazi domination.

Following the Nazi invasion of Poland in 1939, the Jews in that country were denied many of their basic rights, including freedom of religion and speech. Although they were greatly out-numbered and faced seemingly overwhelming odds, the Jewish inhabitants of the Warsaw ghetto united and fought against their oppressors. For nearly a month, in April of 1943, the strength and determination of the Jews was shown as they rebelled against Nazi occupation. Forty thousand Jewish lives were sacrificed in that heroic effort which ultimately fell to the merciless Nazi machine.

In the words of Mr. Meed, the purpose of the gathering of the Jewish Holocaust survivors in Washington this week is to "keep the memory alive—and to warn the world again and again—don't let this happen again."

Mr. President, the Warsaw ghetto uprising represents only one of the

many struggles which the Jewish people have endured throughout the ages. Even today, many Jews continue to suffer from deprivation of the most basic of human rights. The grim news that the door to freedom has all but been closed on Jews seeking to emigrate from the Soviet Union reminds us that the struggle for international human rights is far from over.

The Warsaw Jews shall be remembered for their strong commitment to liberty and individual freedoms. Their heroism and courage in the battle to preserve their basic human rights continues to inspire hope among people still suffering from oppression and tyranny in our world.

Today we pay tribute to those who courageously fought against Nazi oppression in the Warsaw ghetto, as well as to those survivors of the Holocaust and to the memory of those who died. We must take this time of remembrance to renew and strengthen our commitment to continue the fight against discrimination and the denial of human rights all around the globe.

IN REMEMBRANCE OF THE HOLOCAUST

Mr. PELL. Mr. President, pursuant to Senate Joint Resolution 49, which I cosponsored, the President proclaimed this week as "A Week of Remembrance for the 40th Anniversary of the Warsaw Ghetto Uprising." During this week, an estimated 10,000 Jewish Holocaust survivors from the United States and Canada will gather in Washington to pay tribute to the Polish Jews who courageously rebelled against their Nazi oppressors, to honor the martyred Jews and non-Jews who were killed by the Nazis, and to remember the suffering, the pain and the lessons of the Holocaust.

The United States is a nation founded on the principles of liberty and equality for all human beings. Yet, during the Holocaust, we allowed our commitment to these cherished values to waver and, thus, stood by while scores of Jews were killed at the hands of the Nazi aggressors. For instance, in April of 1938, an international conference was convened at Evian, Switzerland with the professed purpose of reaching agreement on the granting of asylum to Jews being persecuted in Germany and Austria. Although this conference was requested by the United States, in the end none of the participants, including the United States, was willing to do anything meaningful to take in the Jews while it was still possible for them to leave. Failure to act undoubtedly led the German Reich, which had observers at this conference, to conclude that no one really cared about the fate of the Jews and that, in fact, the world was giving tacit approval to the Nazi anti-Jewish campaign.

During the war, when the nature and extent of the German atrocities were evident, our Government remained insensitive to the tragic fate of the victims of Nazi oppression. Moreover, in 1943 the State Department opposed the efforts made by my father, as the U.S. Representative to the United Nations War Crimes Commission, to have genocide declared a war crime. Faced with my father's relentless efforts, the State Department finally reversed its position, although reluctantly. During this week of remembrance, it is our duty, as a nation, to recall our failure to act during the Holocaust and to reflect upon the lessons to be learned from this tragic episode.

We must remember the 70,000 Polish Jews who heroicly engaged their Nazi oppressors in battle in April 1943. Armed with homemade weapons and knowing full well that they had no hope of success, these inhabitants of the Warsaw ghetto struggled for nearly a month against the Nazi soldiers. When the rebellion was over and the area was razed, some 40,000 Jews, who were fighting not only for freedom but also for dignity and honor, were slaughtered. Similarly, we must never forget the 33,000 Ukrainian Jews who were murdered at Babi Yar in 1941. In contemplating our failure to help those who were tortured and killed at the hands of the Nazis, we must remember how one man, the Swedish diplomat, Raoul Wallenberg, courageously and selflessly risked his own life to save thousands of Hungarians, Jewish and non-Jewish alike, from death at the hands of Nazis. To be sure, the United States, through its War Refugee Board, financed Wallenberg's efforts. But this monetary contribution pales in the wake of Wallenberg's deed and in the magnitude of the tragedy that was occurring at the time. Because the world stood by and watched in silence, some 6 million innocent Jews were killed during the Holocaust.

We must never again repeat this crime of silence or forget our commitment to freedom and human dignity. We must support the efforts of brave men and women such as Anatoly Shcharansky, Ida Nudel, and others in the Soviet Union and elsewhere who have endured unjust and inhumane treatment to secure human rights and fundamental freedoms not only for themselves but also for their fellow citizens—Jewish and non-Jewish alike. The Holocaust is the darkest period of the history of mankind in the 20th century. It is our duty and our responsibility to keep the memories and lessons of this period alive in our minds in order that history may never repeat itself.

LESSONS FROM THE WARSAW GHETTO UPRISING

● Mr. PRESSLER. Mr. President, 40 years after the Warsaw ghetto uprising, I join with the American people, President Reagan, and my colleagues in the Senate in paying tribute to the thousands who died and the few who survived.

The Warsaw Ghetto Uprising was a small part of that much larger and terrible mosaic of the Holocaust in which over 6 million Jews were systematically murdered. The only crime committed by these unfortunate people was the fact that they had been born Jewish. And unbelievable as this situation may seem to many today, it is an undeniable fact that under the criminal reign of Nazism, newborn children, the aged, and men and women of all walks of life were condemned to death by reason of their Jewishness. We must do all we can to prevent this situation from ever happening again.

In preventing a repetition of the Holocaust we have a great deal to learn from those who fought and died in Warsaw's ghetto. The uprising was an aberration in the Nazis' attempt to exterminate Jews as a race and Jewishness as one of the world's greatest cultures and religions. I say that it was an aberration not in order to limit its significance, but rather to highlight its significance.

The uprising was the most significant attempt by Jews and by others who opposed nazism in Europe to fight nazism, despite the consequences. For the brave men and women of the Warsaw ghetto the consequence was death, and tens of thousands died.

As I have mentioned, the ghetto uprising was an aberration. This fact perhaps more than anything else explains why the Nazis were able to seize power, corrupt it and then seek to gain control of the world, thus ending civilization as we know it. As Hitler and his henchmen rose to power in the late 1920's and the early 1930's, many decent people in Germany and elsewhere took the view that the Nazis were just another group of fanatics who would pass away if they were just ignored. Ignored they were and, in 1933, Hitler's techniques of terror and intimidation found him in control of the German Government. This pattern continued as Hitler consolidated his hold over Germany and as he promulgated law after law reducing the rights of Jews. Still, men of good will continued to hope that the Nazis would just go away. Many innocent and good people rationalized the Nazis' excesses. Jews were no exception. Some came to believe that Hitler's measures were temporary or that they would not touch them personally.

Governments elsewhere were complacent and they, too, engaged in wishful thinking. Some, like Neville Chamberlain, came to believe that Hitler could somehow be placated. The invasion of the Rhineland was ignored and the occupation of Czechoslovakia's Sudetenland was aided and abetted.

When the murder of Jews and opponents of nazism began, those in Germany and elsewhere treated reports of these atrocities with disbelief. Few could accept the idea that a civilized culture like that in Germany could ever produce or tolerate such acts of inhumanity. Jews were themselves subject to this wishful thinking and thereby became the next victims of the Holocaust—hoping against hope that somehow they would avoid deportation and extermination. Even as victims were led to the gas chambers many seemed to accept the idea that the gas chambers were showers as the SS claimed. Many of those who suspected their real fate were emotionally beyond resistance and had come to accept the inhuman conditions forced upon them in the death camps. Some even believed that with cooperation and nonresistance to Nazi brutality there was still a chance for survival.

The Warsaw ghetto uprising marked a halt to cooperation and of the delusion that somehow ignoring or accepting the conditions of life imposed by the Nazis was the only path to follow. Those who fought the Nazis in the ghetto, using molotov cocktails against tanks, knew that they faced near-certain death. But resist they did until their last stride and last breath. Their fight and even their death served a most important purpose for it extracted from the Nazis a price. In fighting as they did, these brave men and women served a purpose. They did not die in vain.

These men, women, and children are a lesson for us all. Had the civilized world reacted with but a fraction of the bravery of these fighters during the days when the Nazis rose to power, the death of the ghetto fighters and of the 6 million other Jews could have been avoided. Ignoring extremists in no way assures that they will go away. Indeed, allowing extremists to operate beyond the law may have just the opposite effect. In Germany it made the rise of Hitler possible.

We must remember the example set by the Warsaw ghetto uprising as we deal with fanaticism, extremism, bigotry, and racism today. Hitler was not a unique occurrence in history. There may be potential Hitlers alive today. But if we are to prevent the Holocaust from ever happening again, we cannot ignore or tolerate those who have no respect for the rights of all people to freedom and justice.●

● Mr. JEPSEN. Mr. President, it is on the occasion of a gathering as solemn yet encouraging as that of a U.S. reunion of Nazi Germany's concentration camp survivors that the Senate commemorates with them the anniversary of the Warsaw ghetto uprising. The fact that these camps ever existed makes this a solemn occasion. However, it is also encouraging to see these witnesses willingly open old wounds in order to prevent suffering by future generations. This is truly a testimony of unselfishness.

We must recognize at the start that no human being can truly feel another's suffering. Certainly all of us present here must say that we cannot truly know the pain and suffering these survivors experienced. What we can say, however, is that we know what happened to them. We will never forget it. We are committed to doing everything in our power to prevent such an event from ever occurring again by joining with them to insure that generations to come will never forget the dehumanizing experience of the concentration camps.

When Hitler's final solution was first made public, the world recoiled with shock. While all the recent TV movies, documentaries, and news items were intended to remind us of the horror of this solution, in some ways they serve only to make the Holocaust a common topic of conversation—still horrible, still heartbreaking, but somehow not as shocking, as it should be, every time we think of it.

Our effort as a nation to make the Holocaust touch our lives will be evident when the Museum of the Holocaust is completed. This will be much more than a memorial. It will be a permanent witness and reminder to the destructive potential of man's nature that can only be prevented by eternal vigilance—vigilance by these solemn witnesses who so diligently encourage the world to remember.●

Mr. BOSCHWITZ. Mr. President, I ask unanimous consent that the RECORD be kept open during the course of the day for any other Senators who wish to submit remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOSCHWITZ. Mr. President, I am very pleased to yield to the distinguished senior Senator from Wisconsin, who has spoken on this floor every morning for two decades, I believe, about the Genocide Convention, a treaty yet to be ratified by the Senate. It is really a shame upon this Nation that the treaty has not yet been ratified.

I yield to the Senator from Wisconsin.

Mr. LEVIN. Mr. President, will the Senator from Wisconsin yield for one moment?

Mr. PROXMIRE. I yield.

Mr. LEVIN. Mr. President, I wish to add my words to those of our friend from Minnesota about the Senator from Wisconsin.

He stands on this floor I think almost every day and talks about that Genocide Convention that this country almost alone has not ratified—this country of all countries—and I simply wish to add my thanks on behalf of my people in Michigan for his courage, his steadfastness, his discipline, and his compelling reminder day after day from his seat in this Chamber that we have not done what history commands that we do.

Mr. PROXMIRE. Mr. President, I thank my good friends from Michigan and Minnesota for their good words. I do hope we can act on the genocide treaty, and I really hope we act on it this year. I think we can. There is no reason why we should not. I think there are indications that we have the support in the Foreign Relations Committee and in the State Department. I certainly hope so.

Mr. President, I congratulate my good friend from Minnesota on organizing this expression.

THE MEETING OF HOLOCAUST SURVIVORS

Mr. President, this week—beginning last Sunday and continuing through Wednesday—Washington is the site of an historic event: The second gathering of Jewish survivors of the Holocaust. An estimated 12,000 survivors, as well as their spouses and children, have come here to remember and honor those who have died, to seek out lost friends and to thank the United States for accepting so many victims of humanity's most brutal and painful moments.

According to Benjamin Mead, the president of the group which is sponsoring this gathering, its main purpose is to teach "a lesson to the world that (a holocaust) can happen again if we are not watchful."

Mr. President, if we are to be watchful, as Mr. Mead counsels, we must do two things.

First, we must never let the memory of the Holocaust, and other instances of man's inhumanity to man, be forgotten. As Walter Burghardt, resident theologian of Georgetown University, has observed, "To forget is an insult to both memory and to justice."

Second, we must take active, concrete steps to thwart those who would commit such heinous acts at every opportunity. We have an obligation to the victims of the past and generations yet to be born to use every means at our disposal to see that the path of violence is not open to those who would tread it.

One such action which we, here in the Senate, can take is ratification of the Genocide Convention. This is the one international treaty which attempts to address this very question by establishing as a firm principle of international law, the boundaries of acceptable behavior by governments and their accomplices in dealing with ethnic, racial, religious, and national minorities.

This treaty is not a panacea. It is not a cure-all for the human rights violations of the world. But it is a step toward world recognition that there are boundaries, recognized by all na-

tions, which no individual, and no nation, can transgress.

Mr. President, with the exception of the Senator from Minnesota (Mr. BOSCHWITZ), few if any of us has shared in the experience of the Holocaust survivors who are meeting in Washington this week. Senator BOSCHWITZ knows better than most of us why ratification of this treaty is so important.

I hope that as a result of this colloquy today, the media presentations on the Holocaust that are taking place this week, and, most importantly, the moving testimonials of those who have survived the most heinous crime of our lifetime through all of these, my colleagues will come to understand the need for prompt and decisive action on the Genocide Convention.

Mr. President, it is time for us to offer some small sliver of hope that our high words of concern will be backed by meaningful actions.

Mr. President, I ask unanimous consent to have printed in the RECORD, the Washington Post article describing this historic gathering.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE HOLOCAUST: A GATHERING OF SURVIVORS

(By Caryle Murphy)

For the first time since they began arriving in this country more than 35 years ago from Adolf Hitler's death camps, thousands of Jewish Holocaust survivors will gather next week to recall their sufferings, search for lost friends and relatives and make a plea that one of humankind's darkest hours not be forgotten.

An estimated 10,000 survivors from the United States and Canada, along with their spouses and children, are expected here for four days of seminars, reunions and cultural events. These will include an address by President Reagan and a ceremony Wednesday morning on the west steps of the Capitol at which Vice President Bush will present the keys of two government buildings on the Mall that will house a permanent Holocaust Memorial and Museum.

In its size and level of official recognition, the gathering represents an unprecedented observance in this country of the events before and during World War II that led to the death of six million European Jews. The only comparable gathering took place in Jeruselem in 1981, and was attended by an estimated 8,000 survivors and their relatives.

"We have a tremendous story to tell the world not for our sake, but for the sake of the world, that is should never be repeated," said Benjamin Meed, president of the American Gathering of Jewish Holocaust Survivors, the sponsors of next week's events.

The most important aspect of the gathering, he said, will be "a collective message of the survivors to the world. A lesson to the world that it can happen again if we will not be watchful. If we will not pay attention to small incidents. Years ago they used to call it anti-Semitism; today they call it anti-Zionism, but actually it's the same thing."

The organizers of the gathering say they have several other purposes in holding the event: to thank the U.S. government for accepting so many Jewish survivors after the war and giving them an opportunity to reconstruct their lives; to provide living testimony that Jews resisted Nazi brutality as much as they could and that the Holocaust was real and not, as some revisionist historians have postulated, an exaggeration or the product of someone's imagination.

During and after the war an estimated 150,000 Jewish refugees came to this country, giving it the second largest survivor population in the world, after Israel. About 30 percent of those are believed to be dead.

"These people are very conscious of the passage of time and they want to speak about it before it's too late," said Lawrence Y. Goldberg, Washington director of the American Gathering of Jewish Holocaust Survivors.

"It's 40 years after the Holocaust and people have gone about their businesses and lived their lives and they have had their consciousness raised that time is going by and if we don't bear witness now, how will we do it tomorrow and who will pass it on to the next generation," said Rebecca Patt, another organization official.

The organizers also hope the gathering, which begins Sunday, will provoke a reevaluation of the image of those who survived the 2,351 Nazi concentration camps. For most people the term "holocaust survivor" conjures up harrowing pictures of shaven, starving people in striped suits. But "that is a 40-year old image," said Goldberg. "What have they done since then? They have become rabbis, doctors."

Next week's events are primarily the brainchild of Meed, a Polish-born Jew who fought in the 1943 Warsaw Ghetto uprising and has been active in various Holocaust survivor organizations in this country. Two years ago, spurred by the gathering in Jerusalem, he began compiling a National Register of Jewish Holocaust Survivors, seeking names through a network of locally based survivor organizations. The register now has 40,000 entries, of which about 80 percent are survivors, according to Patt. The rest are their children.

Goldberg stressed that the gathering will be a strictly nonpolitical affair as far as domestic politics and Israeli-U.S. relations are concerned. "There is no legislative agenda, no head table, the message will come through on a personal basis," said Goldberg, who added that this was explained to the government of Israel. The country whose existence is a result of the Holocaust.

Israel's only formal involvement in the gathering is cultural. It has sent over an 85-member dance and orchestral ensemble called "Anachnu Kahn" ("We are Here") and Dov Shilanskay, Israeli deputy minister without portfolio who is a survivor and who will speak at the opening assembly Monday night at the Capital Center at which Reagan and Jewish Holocaust theologian Elie Wiesel are also scheduled to speak. Members of Congress also have been invited to attend the event.

Wiesel is chairman of the presidentially appointed U.S. Holocaust Memorial Council that is overseeing construction of the Holocaust museum. He will receive the keys to the two government buildings that will be its home from Bush. The council has endorsed the American gathering but is not organizing it, Goldberg said.

A ceremony is scheduled Wednesday at Arlington National Cemetery to thank the American military forces that liberated the Nazi concentration camps at the end of the war. There will also be continuous cultural and historical exhibitions in the Washington Convention Center and a program by those most directly affected by the survivors' experiences, their children.

The first-time reunion of so many people who share such traumatic memories is expected to make the gathering an extremely emotional affair. Many of those who come will be seeking someone who can provide details about the fate of their friends and loved ones lost without trace during the Holocaust.

"Still people are searching for each other," Meed said, explaining why they want to know about the last days of lost relatives. "Were they put to the gas chamber? . . . We have no cemeteries, we have no places, we really don't know. . . . You will see people looking in each others' eyes searching, searching for friends."

The names of all survivors, along with their spouses, children and grandchildren who register for the gathering, will be put into a master computer. Requests for specific persons or for information will also be programmed into a computer and then displayed continuously on television monitors.

By watching these television screens, organizers hope people will discover if someone is looking for them or is seeking information they have. They can then go to the computer center where they will be told how to contact the person who made the request.

In addition, signs with the names of over 200 cities, towns and villages in European countries that were under Nazi occupation will be posted on the pillars of the Convention Center so that survivors who share prewar roots can meet each other, Goldberg said.

The gathering will be paid for by the registration fees of those attending: $75 for each survivor and $50 for a spouse or child. "There is no corporation, no government, no foundation money," supporting the gathering, Goldberg said. About $125,000 was donated by the United Jewish Appeal Federation.

The local Jewish community has showed its support by offering volunteers to work at the gathering and more than 2,200 beds for those who are coming but cannot afford a hotel. The Capital Centre's fees were waived by owner Abe Pollin, while office space for the planners and the computers that will be used at the gathering were donated, Goldberg said.

"I have never seen a cause, except if Israel were threatened, a cause which could bring out the Jewish community like this one," Goldberg said, adding that some of the volunteers helping organize the event are Christians who walked in to offer unsolicited help.

The response of survivors exceeded the planners' expectations and even caused them some embarrassment. A few months ago the local Jewish community was told it would be more welcome at all the events because the organizers were expecting only about 8,000 survivors. "But as we watched the response from the survivors mount we realized we could not accommodate everyone," said Barbara Morgenstern, a volunteer from Mclean. "We never expected 12,000 people."

Admission to the Monday night assembly will be by invitation only.

"These people are not bitter, though they have the right to be bitter . . . but this meeting is bittersweet," said Goldberg. "This is not a college or a camp reunion. To come is difficult. For many people it conjures up difficult memories. But they are not doing it defensively. Dignity is a very

big word with them. They think of those who are not here."

Mr. PROXMIRE. I thank my good friend from Minnesota and yield the floor.

Mr. BOSCHWITZ. I thank the Senator from Wisconsin, and I yield to the Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the distinguished Senator from Minnesota for yielding, and I commend him for organizing the colloquy on the Holocaust observance this morning.

I join my colleagues in commending the distinguished Senator from Wisconsin for his continuing efforts to secure ratification of the Genocide Convention. I associate myself with his continuing efforts in his remarks, and there can be no more fitting occasion for the renewal of those efforts than on this occasion when we pause on reflection and remembrance on the deaths of some 6 million Jews who were exterminated during the travail occasioned by Nazi Germany during World War II.

This is an occasion where men of good will should stand up and speak out about the injustice of one man to other men or one group of men to other groups of men.

Although the Nazis systematically sought to destroy the Jewish people, even the most barbaric of regimes could not destroy the Jewish culture and tradition. Those who died, died fighting: Fighting against tyranny; fighting for convictions; fighting for their heritage. The 6 million who died, died fighting so that their children and grandchildren—and the rest of mankind—could live freely and without fear.

Today, I hope that all of us will set aside a few moments to listen to the silenced memories of those millions who lost their lives in the Holocaust. In their memory, let us rededicate ourselves to insuring that such a tragedy never again scars the course of human progress.

While we remember those who died in the Holocaust, let us also however, remember those who survived. Now gathered in Washington for a 4-day observance of the Holocaust are 12,000 Jewish survivors. It is fitting at this time to honor these good men and women who wrote the brighter but often unread, chapter in human history. These courageous people upheld the standards of moral decency in a world rendered unfit for human beings. They elected to live, when that right was removed. They endured the pain inflicted by Nazi terror. They chose to hang on. These people saw the light at the end of occupation. They knew that in the end, good would prevail. The Jews of the Warsaw ghetto were an example.

By 1943, most of the Jews in the Warsaw ghetto had been sent to extermination camps. However, those remaining in the ghetto, despite insurmountable odds, rebelled against the Nazis occupying Poland and held their ground for 1 month. Over one-half of those remaining in the ghetto lost their lives in the uprising. This heroic act must not be forgotten. Rather, it is to inspire all freedom-loving peoples to continue opposing tyranny and oppression wherever and whenever they occur.

The Jews who survived the Holocaust had hope—hope that in a better place and at a better time—life would be worth living. The State of Israel is the embodiment of that hope. In the United States we can respect this hope for a life of freedom. After liberating the concentration camps of Europe, we opened our borders to these courageous individuals. Today we proudly call them our fellow citizens.

That extermination of some 6 million Jews is the event which will live in infamy as being the most uniquely destructive and most massive destruction of life yet recorded in the history of the world.

It is an illustration of the importance of people speaking out when such acts do occur. History has recorded that there were warning signs, that there was notice for those in positions of power throughout the world, including the United States of America, where we had traditionally prided ourselves as being insistent upon the promotion of human rights. Notwithstanding the knowledge of the extermination of countless numbers of Jews, later known to be some 6 million, people in power, including people in government in the United States, and other groups stood silently by.

It may be that people, men and women, may think there are good reasons to be silent, but those in positions of authority have to undertake the risk to speak out, and there is no more telling lesson, no more bitter lesson than the experience of the Holocaust.

The survivors of the Holocaust are a living lesson. A lesson that, however painful, must be taught. But the survivors are getting old. And once they are gone, who will read their chapter in history? We will. We must. For if we don't, we risk seeing the darkest pages of human history repeated in the future.

Mr. BOSCHWITZ. Mr. President, I thank the Senator from Pennsylvania. I thank him for his remarks.

It was indeed a bitter time, and perhaps the bitterest moment of those times was when the Jews who came to the free world went to the allies and said that they should bomb the camps, they should bomb the railroads leading into the camps so that while it would cause the deaths of people who were there and cause the deaths of people who might be on their way to that carnage at least it would stop the carnage.

At that point the countries of the free world decided not to help for reasons that mystify me, and they did not bomb the ingress and the access to those death camps, and that perhaps was the lowest moment of those days.

It is fitting that we here in the Senate should speak about the Holocaust on the the 40th anniversary of the uprising in the Warsaw ghetto.

Recently I spoke about my own experience which luckily because of the foresight of my father did not occur in the concentration camp. We came here before that period.

But in any case I appreciate the time of the Senate today, appreciate the statements of the Senators who have spoken about the Holocaust and the feelings that they have, and particularly appreciate the continued emphasis that the Senator from Wisconsin gives the Genocide Convention, and I hope also with him that a slim glimmer of hope exists that it will indeed be passed.

I yield the floor.

The PRESIDING OFFICER (Mr. BOSCHWITZ). The Senator from Montana is recognized.

INTEREST RATES KEY TO ECONOMIC RECOVERY

Mr. BAUCUS. Mr. President, as you know, last week the Senate Budget Committee began its work on the first budget resolution. This debate comes at a critical time.

The economic forecasters here finally are optimistic. Just recently, the Reagan administration issued a new, rosier forecast for 1983.

Unemployment has stopped rising. Factory orders are increasing. Houses are beginning to sell. Inflation continues to fall.

It appears that at long last, economic recovery has arrived. Now the real issue is how long it will stay.

The key to a long-term, sustained recovery is interest rates. Unless interest rates continue to drop and stabilize at reasonable levels, the recovery will not live up to its advance billing.

I do not have a quick fix that will keep interest rates down. But there are some things Congress can do that will help.

We have an opportunity during the next few weeks to begin that task.

In my view, the place to start is with the budget. We need a plan of steady, long-term and realistic cuts in the Federal deficit.

I support a $20 billion a year reduction in the Federal deficit. That would be the kind of signal needed to prove that deficits are heading down.

It is easy for us to talk about cutting Federal budget deficits. Getting the job done is another story.

But we have the opportunity to get that job done when the Senate votes on the first budget resolution. There is a way to achieve real savings:

First, the social security reform package will cut the deficit by $11 billion a year for the next 5 years.

Second, Congress must do a better job of getting the most bang for every defense buck. I support increased military spending. We must maintain and strengthen our national defense.

But I believe a 5-percent-a-year increase in the defense budget allows us to accomplish that goal, without wasting money. A 5-percent growth rate would cut the deficit by $9 billion a year over the next 5 years.

Third, we must make some adjustments in the third year of the President's tax package. Last week the Budget Committee voted to repeal this year's 10-percent income tax cut. I oppose such an action.

The third year of the tax cut is the one that is most beneficial to middle income taxpayers. In my view, the responsible and fair action is to cap the benefits granted under the third year.

I would limit the tax cut to $700. Couples earning $35,000 or less would receive the full 10 percent. Above $35,000, the tax cut would decrease. This proposal would save about $7 billion a year.

Finally, a modest program of closing loopholes in the Tax Code could raise about $6 billion a year.

This list alone would cut the current projected deficits by $21 billion in 1984, $28 billion in 1985, and $45 billion in 1986. This amounts only to a portion of what I think needs to be done, but it is an important beginning.

Reducing deficits by $20 billion a year would send a clear signal to business that Congress is serious about regaining control over Federal spending.

OTHER ACTIONS

Cutting the deficit by itself will not insure continued low interest rates. Other actions are needed.

We need to require balanced budgets in the future. The Federal budget now is out of control. We need new tools to encourage balanced budgets.

Soon, I will introduce a bill that would permit Congress and the administration to operate in the red only if three-fifths of Congress vote to permit deficit spending.

Congress also must get tough with the Federal Reserve. Chairman Volcker's term expires this summer. This is an opportunity to put pressure on the Fed to lower interest rates. As a member of the Finance Committee I look forward to that opportunity.

Finally, we must reform the Fed. We must not be held hostage by the myth of an independent Federal Reserve. Congress should play a greater role in setting monetary goals.

Interest rate goals should be coordinated with the economic goals set by Congress and the President. No one benefits if the Fed is operating like a totally independent agency.

CONCLUSION

This is not an exhaustive program. But I believe it starts us in the right direction.

The high interest rate has nearly bankrupted many Americans. Today farmers are in debt to the tune of $215 billion. Small businesses face similar difficulties.

These are businesses that depend heavily on credit. But at today's interest rates, farmers are forced to set aside more than 20 percent of their budget to pay interest charges.

Farms and businesses in Montana cannot afford to stay in business in the face of such high costs. Montana is not unique.

The steps I have outlined today—cutting deficits, requiring balanced budgets in the future, getting tough with the Fed, and reforming the Fed itself—are essential. They would ease the credit crunch that is helping keep interest rates high.

These steps would insure that the economic recovery is not throttled before it gets started.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. BAUCUS. I would be happy to yield whatever time the Senator from Wisconsin requires.

Mr. PROXMIRE. I thank my good friend from Montana. I want to congratulate him personally on what he just said. I agree with a great deal of what he said. Certainly he is right. The deficit is our principal problem here, and that is the element that is holding up interest rates and is likely to make interest rates go even higher.

The fact is that we will have a deficit this current year of $200 billion. We have never had anything like that before. The biggest deficit before 1982 was some $66 billion. All that has to be borrowed. When you borrow on credit, the price of credit goes up. The price of credit is interest.

The Senator is absolutely right in calling for a reduction of that deficit. I join him in what he has proposed. I think it is completely sound. I would go a little farther. I think we can cut military spending down perhaps a little bit below the 5-percent rate of increase, but I think he is close to being on target.

I think he is also right in calling for an increase in revenues, as painful as that is and as difficult as it is. The fact is, he is not calling for an increase in taxes. What he is doing is he is calling for the elimination of a cut, or at least the reduction in a cut in taxes that will otherwise take effect on July 1.

I would go a little farther than that. I am not sure if he called also for the elimination of the indexing, but I would do that. If you eliminate both of those, each would save about $40 billion a year. You add that $80 billion there and over the years I think we can save $20 billion in defense spending, and that is a $100 billion deduction in this colossal deficit.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. PROXMIRE. Yes. The Senator from Montana has the floor.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, there is an 11 a.m. order for the Senate to go into executive session. I ask unanimous consent that the time for that be delayed by not to exceed 3 minutes so that the Senator may continue with his presentation and so there may be 30 seconds or so for the Senator from New Jersey.

Mr. PROXMIRE. Will the Senator make that 4 minutes?

Mr. BAKER. Five minutes, Mr. President.

Mr. PROXMIRE. Wonderful.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, at any rate, I wish to thank my good friend from Montana.

DO WE HAVE TO THROW IN THE SPONGE ON THE NUCLEAR FREEZE?

Mr. PROXMIRE. Mr. President, in recent weeks I have called the attention of the Senate to a series of attacks on the wisdom of a nuclear freeze by such thoughtful and prestigious newspapers as the New York Times and the Washington Post. Now the current issue of Time magazine puts that widely read publication on record against the freeze with a short, opinion piece headline, "Freeze No, Deployment Yes."

Something mighty serious for our future is going on among opinion leaders in our country since last fall. In September, in my State, our voters voted better than three to one in favor of calling on our Government to negotiate a mutual, verifiable freeze on nuclear weapons with the Soviet Government. And last November similar referenda carried in seven of eight other States that submitted the issue to their people. So a few months ago the people in this democracy seemed, wherever they had the opportunity to say so, to favor the freeze. This Senator believes the people were right last fall and are still right and that the usually wise pundits for the Times, the Post and Time magazine are wrong.

Time magazine expresses the freeze opposition as well as anyone. They oppose the freeze for two reasons: First, the United States has an open society with all kinds of investigative reporters, whistleblowers and congres-

sional watchdogs who would expose any U.S. cheating on the freeze. But the U.S.S.R. has a closed society, and any Russian who would expose Soviet cheating would quietly disappear and whatever he would reveal would never see the light of day. The second objection Time calls "a far greater problem." The trouble, says Time, is that the freeze is too simple to solve the U.S.-Soviet complexities. Time admits that the United States and the Soviet Union are in a relationship of "parity, rough equivalence of 'offsetting asymmetries.'" That sounds like a strong argument for the freeze to me. Not so, says Time. Why? Because parity is not a static condition; it is dynamic. And then they try to clinch their argument with this:

(Parity) is subject to shifting trends in areas that on the Soviet side could not, and on the American side should not, be frozen.

Mr. President, at this point, Time, like the New York Times and the Washington Post earlier, simply throws in the sponge on the freeze. The U.S.S.R. has a big jump on us in medium range missiles in Europe. The freeze would prevent us from catching up. So no freeze.

Now what is wrong with these two arguments? First, would the Russians cheat? If so should we forget the freeze? Within the next week or so, I intend to devote a much longer speech to the contention voiced by many that the Russians never keep their word on international treaties—especially nuclear treaties. But let me simply say today that the Russians may very well cheat if they can get away with it or if it is to their interest to cheat, even if they are caught. I submit that we can put into place an onsite inspection system, a close monitoring system that will in all likelihood detect cheating, and make it clearly against the Russian interest to try to cheat. Such an enforcement mechanism should be an absolute condition to any freeze agreement. If we do that, on the basis of all our past experience, the Russians will abide by the agreement. If we do not, they will not.

Second, Time concedes that the U.S. and the U.S.S.R. have rough equivalence now. Ah, says Time but this is not enough—why? Because parity is not a static condition. It is shifting. Well, of one thing we can be sure—if we do not freeze the condition will be shifting indeed, shifting towards hair trigger responses, shifting towards constantly advancing technology in the possession of more and more countries. Yes, indeed, we can made a strong case against a freeze. Trouble is we can make a stronger case against any alternative. the clinching argument in my book for a freeze is that there simply is no alternative.

To some others, there is an alternative. It is to give the administration's arms control plan a chance. A few months ago that kind of a plea might have had some appeal. Today it does not. Virtually every informed observer now tells us that the arms control talks have broken down—that they are going nowhere; that the arms race will go on and on.

So the alternative to the freeze is a nuclear war, probably starting within the next 20 years and certainly starting shortly after that, as more and more countries have the immense decisive, and overwhelming power. In simplest terms we have a choice between a freeze or absolute catastrophe, a freeze or death. Sure, it will be extremely hard to make the freeze work, but mankind has never faced a more rewarding challenge.

Mr. President, I ask unanimous consent that the brief article from Time magazine entitled "Freeze No, Deployment Yes" be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FREEZE NO, DEPLOYMENT YES

In an extraordinary burst of democratic brainstorming, the American political system has generated hundreds of plans for a nuclear arms freeze, including the one that is before the House. While vague in their details and varying in their language, all convey the same message: enough is enough.

The freeze movement reflects a populist impatience both with the arms race and with the traditional arms control that has failed to stop "the madness." Rather than running faster or haggling over rules for the next lap, say the freeze advocates, the superpowers should simply stop where they are. No more new nuclear weapons on either side, period.

The sentiment is understandable, but in the view of many nuclear experts, the proposed solution is impractical and unwise. While most freeze resolutions call for measures that are "mutual and verifiable," a comprehensive freeze, almost by definition, would meet neither of those criteria. If the U.S. agreed to suspend all production of new nuclear weapons, then congressional watchdogs, Pentagon whistle blowers and investigative reporters would make sure that the ban was observed. There would be no similar self-policing in the secrecy-shrouded, security-obsessed U.S.S.R. Also, it would be extremely difficult for American intelligence agencies to monitor Soviet compliance with a ban on production, as opposed to deployment, of new weapons.

But the far greater problem would be reconciling the simplicity of the freeze concept with the complexities of maintaining true mutuality and stability in the U.S.-Soviet nuclear competition. Despite President Reagan's alarmism about the Soviets' supposed across-the-board "margin of superiority," the U.S. and the Soviet Union are in a relationship variously described as parity, rough equivalence, or "offsetting asymmetries." The Soviets are ahead in some categories, while the U.S. is ahead in others. But parity is not a static condition: it is dynamic. It is subject to shifting trends in areas that on the Soviet side could not, and on the American side should not be frozen.

For some years, the Soviets have been building up a sizable, potentially destabilizing advantage in land-based, highly accurate, highly destructive ballistic warheads. The U.S. is seeking to preserve a balance by modernizing the land- and sea-based legs of its strategic triad with the MX and the submarine-launched Trident II missiles. The Soviets are constantly improving their formidable antiaircraft defenses. That makes it harder for U.S. bombers, the airborne leg of the triad, to be sure of getting to their targets. That, in turn, makes it all the more important that the U.S. develop two types of weapons: a new, faster, "penetrating" bomber, like the B-1 or Stealth; and cruise missiles, which can sneak in under Soviet air defenses.

Yet the new American weapons—the MX, the Trident II, new bombers and cruise missiles—would all be canceled by a freeze, while the Soviet offensive inventory and defensive network would not be affected.

An even more pertinent flaw in the freeze idea has to do with the prospective deployment of new American missiles in Europe. The Soviet Union brought about an asymmetry with its SS-20 program, and that must now be offset by the United States. NATO has been committed since 1979 to installing 572 Pershing II ballistic and Tomahawk cruise missiles later this year.

There is room for argument over whether the Pershing II and the Tomahawk are the best military answer to the problem, and whether NATO leaders three years ago should have linked their deployment, in carrot-and-stick fashion, to the Geneva arms-control negotiations. But the balance of power includes an element of political resolve as well as military might. The political imperative of following through on the 1979 decision ought to override historical second-guessing, technical quibbles and protest posters in the streets about the deployment. The freeze movement, if it had its way, would probably prevent the Euromissiles from going in—much to the satisfaction of Moscow and to the detriment of East-West stability.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business of 1 minute. I yield the floor.

A TRIBUTE TO WILLIAM LIGHT KINNEY OF BENNETTSVILLE, S.C.

Mr. THURMOND. Mr. President, I rise today to pay tribute to my good friend, William Light Kinney of Bennettsville, S.C., who passed away on February 14, at the age of 80. To his devoted wife, Annie Laurie, loyal son, William Jr., and other family, all of who I know well, I offer my deepest sympathy.

This life-long resident of Bennettsville was well-respected in the community and is perhaps best known as cofounder, former editor and publisher of the Marlboro Herald-Advocate newspaper. Bill Kinney was a man of vision and initiative who, together with his lovely wife, weathered the Depression, defying all olds to create one of my State's finest weekly news-

papers. Today, thanks to the invaluable efforts of Bill Kinney, the Herald-Advocate is recognized as a dependable source of news and information in the Pee Dee section of South Carolina.

Not only was Bill Kinney a journalistic leader, but he was also active in numerous church, civic, and community organizations. He possessed the unique ability of devoting all of his energies to these causes with the same degree of commitment, enthusiasm and excellance.

Mr. President, though words cannot adequately express the sense of loss felt by the passing of this special individual, the Kinney family can take great comfort in knowing that his contributions in society will not be forgotten. William Light Kinney may best be remembered for the four qualities that summarize his life—commitment to God and church; devotion to family; service to the community; and compassion for his fellow man. Always a gentleman, he was admired by many and will be missed by a large circle of friends.

William Light Kinney knew that he would leave behind not only a business, but a tradition of excellence to be carried on by his able and dedicated son, William, Jr. In his own right, William, Jr. has already made his mark on the community through his involvement with many organizations and activities. Recently, I had the privilege of appointing him to serve on the board of trustees of the American Folk Life Center of the Library of Congress. In this, and all capacities, William, Jr. is proving that he is following in his father's footsteps. I am confident that William Light Kinney would be very proud of the achievements of his devoted son.

Mr. President, I ask unanimous consent that several articles which appeared in the newspaper which William Light Kinney cofounded, as well as his pastor's eulogy, be included in the RECORD at the conclusion of my remarks. I would call special attention to a touching article written by his son, entitled, "He Was More Than a Father." I know that my colleagues in the Senate join me in saluting this fine South Carolinian.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Marlboro Herald-Advocate, Feb. 17, 1983]

WILLIAM LIGHT KINNEY, 80, MH-A COFOUNDER, DIES

William Light Kinney, 80, veteran journalist and civic leader, died Monday, February 14, 1983, at McLeod Regional Medical Center, Florence, after a two months' illness.

The lifelong resident of Bennettsville was editor and publisher emeritus of the *Marlboro Herald-Advocate* and *McColl Messenger* and former president of Marlboro Publishing Co., Inc.

He was a past president of the South Carolina Press Association and former governor of Rotary District 777.

He is survived by his wife, the former Annie Laurie Mayer, of their home at 807 Covington St., Bennettsville; their son, William Light Kinney Jr.; two grandchildren, Elisabeth Mayer Kinney and William Light Kinney III; and sister, Miss Annie Florence Kinney, all of Bennettsville.

Three brothers predeceased him, the late Judge of Probate John Frank Kinney Jr., Dr. Prentiss McLeod Kinney, and Dr. Clarence Alexander Kinney, all of Bennettsville.

Mr. Kinney, born in Bennettsville on September 22, 1902, was a son of the late Dr. John Frank and Florence Alexandra McLeod Kinney.

A graduate of Bennettsville High School, he received his B.A. degree from Wofford College, Spartanburg, in 1925.

Returning to Bennettsville, he became editor of the *Pee Dee Advocate* from 1926-1931.

After their marriage June 18, 1931, on September 1, Mr. and Mrs. Kinney founded the *Marlboro County Herald* newspaper, and established Marlboro Publishing Co., Inc. In 1951, they purchased the *Pee Dee Advocate*, a weekly, and combined both newspapers in the semi-weekly *Marlboro Herald-Advocate*. In November, 1952, he purchased the *McColl Messenger* and was editor and publisher of both until his son, William L. Kinney Jr., purchased his parents' interest in 1972. He remained active in the business, which includes commercial printing, until his last illness.

As a journalist, he was a member and past president of the South Carolina Press Association (1952-1953) and its Weekly Division the previous year. He had been a member of the National Editorial Association. The National Newspaper Association and Delta Sigma Chi professional journalism fraternity. He represented South Carolina on the U.S. Editor's Goodwill Tour of Ontario in 1952.

Mr. Kinney was active in both local and state civic and church endeavors, having served in 1961 and 1962 as Governor of S. C. District 777, Rotary International, as well as president and secretary of the Bennettsville Rotary Club, of which he was the last surviving charter member with 42½ years perfect attendance, before his final illness. He was a Paul Harris Fellow.

As a member of First United Methodist Church, he had held many offices, including membership on the Administrative Board and Board of Trustees and president of the Men's Club. He had been lay leader and, at the time of his death, was a church school teacher for the Men's Bible Class, having taught there and in the high school department, earlier, for 57 years.

Always interested in education, he served for 15 years as member and chairman of the Bennettsville Area Public Schools Board of Trustees. He was also a member of the Board of Visitors of S. C. Opportunity School, West Columbia.

Mr. Kinney served as a member of Bennettsville City Council from 1929-1931. He was also a past president of Bennettsville Merchants Association and past executive secretary of the Bennettsville Chamber of Commerce. He served as treasurer of Marlboro Industrial Corp. Also, he was charter president of the Mutual Concert Association of Marlboro County and was a patron of the Marlboro Players.

He was a life board member of the Easter Seal Society for Crippled Children and Adults of S. C., Inc., having served that organization for many years locally and at the state level. Mr. Kinney was also Marlboro County chairman for United States Savings Bonds for 40 years.

As a Wofford College alumnus he served as president of the Marlboro-Chesterfield-Dillon division of the Alumni Association. For his loyal support, he was the first recipient of the Wofford College Alumni Citation.

He was a member of the Saint David's Society and was a charter member of Marlborough Historical Society.

He is listed in *S. C. Lives and Who's Who in the South and Southwest.*

The funeral was at 3 p.m. Wednesday at First United Methodist Church. Interment was at Sunset Memorial Park.

[February 21, 1983]

HE WAS MORE THAN A FATHER

(By William Light Kinney, Jr.)

February 14, 1983, Saint Valentine's Day, will be a date etched in my mind for the rest of my life.

About 3:10 p.m., in Florence, in one brief sigh, my father, Herald-Advocate co-founder and former editor and publisher William Light Kinney, slipped away to this eternal reward. At his side was my mother, his loving wife and devoted co-worker of 51½ years, Annie Laurie.

I was 40 miles away at my desk in Bennettsville, hurrying last minute instructions to dash to his bedside.

Until that moment, my life had been blessed with having both loving parents with me for more than 49 years, a blessing I recognized long before.

What a happy family we had been: only three of us until Peggy and I married in 1964. Elisabeth came aboard in 1967 and Light in 1969. We all loved deeply, which explains why we hurt deeply at losing him.

He loved "home" and spent almost all of his life at only three addresses: his childhood home at 123 S. Marlboro St., his present home at 807 Covington St., and his beloved "Magnolia" at 508 E. Main St.

He was the clan patriarch, the tease, the head of the family, "Pop Pop" to his grandchildren, the tonesetter, the entertainer, the hard worker, the encourager, the buffer, the grand joke teller the family high priest, the heritage chronicler, the political conservative, the genealogist, the hometown booster, the truth seeker, the lie hater, the raconteur, the lovalist, the involver, and best friend.

To our family he was all of these, and, yet, he was much more!

He was an inspiration, rising above crippledness which preceded my birth, always hurting, seldom complaining, only asking for small acts of assistance and a shoulder to lean on when descending stairs. While crippled, he never considered himself a cripple and at times could show his ire when a less physically handicapped individual attempted to seek pity or charity because of such handicaps.

Witty, good-natured and genial, Daddy was definite when it came to manners and courtesy. He used "ma'am" and "sir'" and insisted that we use them too! "Thank you" and "please" were his oft used golden keys as well. Though it hurt, he almost always rose when a lady entered the room in our office, at home, or while a guest elsewhere. No physical pain was great enough to deter these inbred privileges and duties which he hopefully instilled in me and mine.

Because of his physical limitations, he was extremely grateful for assistance whenever it was offered or required. Through his more than eight weeks' hospital stay, he was forever thanking nurses, doctors and technicians for all their efforts. His pleasantness amid critical illness won for him the accolade of "the best patient we've ever had" from dozens of those who nursed him in Florence.

A happy childhood in a happy home as the middle child of five was the perfect preparation for his lifetime of laughing and loving his native Marlboro County and her people. As a lad, he would accompany his "country doctor" father on calls throughout the county and when old enough, he became his driver, first in a horse and buggy, later in an early model automobile. Through wide and historic family connections and through these journeys into all parts of Marlboro, Daddy learned much of this area's historic past and shared this knowledged and these experiences with us at home and with others elsewhere who showed an interest. Gifted with an elephantine memory, his mind was a living encyclopedia of knowledge, legend, tradition and anecdote about his native heath and her people. Countless newcomers learned that he was a viable source of information about past and present life here and they often called upon him for fact and fable. This love of the South, hometown and county he planted and nurtured in us.

"The Lord doesn't love ugly," was only one of dozens of moral principles he learned at his mother's knee and enunciated throughout his life to family members and friends.

His love of God and for his church were on a par with his great love of family as exemplified by his more than 57 years of teaching Sunday School in his beloved First Methodist Church, where he and his brothers and sister followed their father's example of working for and supporting "the church." How fitting that his two ministers, the Rev. Jim Hyatt and the Rev. T. J. Lewis, who had helped support him throughout his last illness, should be the ones to have the final words about him and to him at his funeral.

Likewise appropriate was the pallbearers' representation of the organizations in which he had taken leadership roles and had given freely of himself to support: First Methodist Church, Tracy Kea, vice chairman of the Administrative Board; Men's Bible Class, Kenny Bennett, president; Rotary Club, Jimmy Todd, Jr., president; South Carolina Press Association, Dr. Reid Montgomery, Columbia, secretary-manager; City of Bennettsville, Mayor Wade R. Crow; Bennettsville Public Schools Board of trustees, Gordon Hamilton, chairman; Bennettsville Merchants Association, Roger Griggs, president; and Marlboro County Chamber of Commerce, Otis Patton, president.

Daddy was always interested in seeing his home community put its best foot forward and contributed his time, efforts, and talents towards this end. He believed the telephone call that righted a wrong was preferable to a lambasting editorial. He believed in fairness, justice and ethics. He believed that no town of comparable size offered the quality of living available here, and, again, he gave of himself to accomplish these ends. "Marlboro people deserve the best," he'd say.

God's gift of an inquiring and alert mind was not wasted in him. He was an intellectual and an inveterate reader, devouring at least three newspapers each day and capping this with constant reading of periodicals, church literature, and the Bible. He conducted daily devotions in his home and grace before eating was just as important as the sweets he thought should conclude each meal.

In addition to reading, he loved music, liked to sing, and had a keen appreciation for all kinds of music from classical to country. I believe he would have thoroughly enjoyed Faye Griggs Bell's organ and carillon selections at his funeral Wednesday and believe that the hymn, "The Strife Is O'er," was as fitting for his last song as it was for King George VI of Great Britain. During the hour of the funeral, WBSC devoted a 30-minute radio program of religious music as a tribute to him, for which we are so grateful.

Because of his incapacity due to his crippled leg, he was unable to pursue active sports as a hobby; nonetheless, he was an avid fan particularly of his alma mater, Wofford College (where he, his three brothers, their father and I all graduated) and kept up to date through the mass media. This inability to actively pursue golf, tennis, etc., opened for him a wonderful window which would blow fresh air his way for more than 42 years—Rotary.

In 1940, he was among the handful of Bennettsvillians who met with a delegation from Hartsville, who were interested in sponsoring the formation of a Rotary Club here. When our Bennettsville club was chartered in 1940, Daddy was a charter member and the club's secretary. The next year, he was club president.

Until his last illness, he had an unblemished perfect attendance record, which was the longest in the club, as having never missed a meeting during his entire Rotary Club career, which began May 16, 1940.

During the next 42 years, he would also become the only District Governor for Rotary International District 777 that the Bennettsville club produced. He had dozens of Rotary friends all over lower South Carolina, whose acquaintance he made during his year in this position of responsibility and honor. Many fondly called him "Mr. Rotary."

In his chosen profession, newspaper journalism, he was popular and respected, as witnessed by his presidency of the S.C. Press Association and by the editorialized obituaries appearing this past week in the *Florence Morning News*, *The State*, *The Charlotte Observer*, and *The News and Courier*, and a number of weeklies. These newspaper friends described him as "an archetype of the smalltown editor and publisher," "representative of a vanishing breed of journalist," the "quintessential Southern Gentleman," a "promoter of his community," and "a pillar of integrity."

Retired from the pressures of deadlines since 1972, Daddy enjoyed keeping his "finger in the pie" by manning his front office desk where he received news items, priced commercial printing orders and assisted us in dozens of ways. Here, he could continue to enjoy seeing his friends and meeting new ones, as well as enjoy remaining in constant touch with our staff, his and our "newspaper family." Only our immediate family will miss him more than these, our close associates and coworkers.

As I ponder his death and the end of my 49-plus years' association with him, I have only one regret: perhaps I took this rare individual with his unusual talents and his great love of people for granted. Truly, he was a "people person."

During his illness and at his passing, numerous individuals have told in person or paused to write in notes and letters the varied ways Daddy influenced their lives:

A transplanted Pennsylvanian said that upon getting to know him she knew what a true Southern Gentleman was.

A young wife of a newspaper editor nearby recalled her fear and insecurity at attending her first S. C. Press Association convention until she met my parents and found in them new friends.

A successful Cheraw businessman wrote that he never entered the Herald-Advocate office that he was not made to feel important by my father's welcome, warm greetings and friendly conversation.

An unhappy divorcee recalled how "much brighter he made the days" when she came to our office to bring news to us.

A student who says he'll never forget the encouraging words Dad's letter brought to him during his first few weeks of college.

A black church leader who says his encouragement helped her replace her late husband in assuming his church responsibilities.

The Rev. Hyatt said in his remarks at the funeral, "The unwritten and unknown private ways he encouraged hundreds and, yes, thousands of individuals during his lifetime speak eloquently of the great inner faith in God he possessed . . . 'Willie' was brother to all who allowed him that relationship and friend to many who did not . . . his influence and affirmation were a blessing to all people."

It is, perhaps, this legacy of a life lived in harmony with God and man that makes his passing tolerable. When told he must undergo major surgery in December, I remarked to a friend, "I hate he has to undergo this, but there's one thing for sure—he can't lose! We can. But, he can't."

How pleased and honored Daddy must have been on Ash Wednesday as he looked on to see a churchful of grieving friends and relatives, who came to pay their respects to his life, happily, richly and unselfishly lived.

Some drove half a day to be here. Others flew in. Still others raced to be with us briefly between meetings in opposite parts of the state.

For these expressions of affection, for their presence, for the beautiful flowers, visits and calls at home, countless cards and meaningful memorials, we will always be sincerely and humbly grateful

As we go forward and try to take up the gauntlet he was forced to lay down, we will try to be guided by the words of Micah, which the Rev. Hyatt used to describe my father, "What does the Lord require of you but to do justice, and to love kindness, and to walk humbly with your God?"

There's a huge challenge in filling my father's shoes. His were size 12 and mine are only size nine.

He has helped prepare us for such a task and for such a trip. With God's help, we will strive to follow.

[From the Marlboro Herald-Advocate, Feb. 24, 1983 and Mar. 3, 1983]

EDITORIALS HONOR KINNEY

(NOTE.—The following editorials honoring the late Wm. L. Kinney have appeared during the past week.)

TWO JOURNALISTS DIE

Two men who contributed in two widely contrasted facets of journalism died recent-

ly, both leaving many positive memories among their former colleagues.

William Light Kinney Sr., 80, a community newspaper editor in Bennettsville, so impressed his colleagues that he was elected president of the S.C. Press Association. The other newsman, Deling Booth, lived in the more frenetic world of wire service journalism, serving for years as correspondent for the Associated Press, the news disseminating cooperative owned by the media.

Mr. Kinney, a graduate of Wofford College and the editor and publisher emeritus of The Marlboro Herald-Advocate and The McColl Messenger, was a kindly but powerful force in his community in concerns outside his first love, journalism. Among his many interests was the Rotary Club, which he served as district governor, boasting 42 years of perfect attendance.

Del Booth had a more cosmopolitan background. The son of a playwright father and a novelist mother, he attended Harvard College, Western Reserve University and the University of South Carolina before he joined the worldwide news service in 1941.

South Carolina journalism was made better by the unique contributions that each man made from widely varying perspectives.—The State, Sun., Feb. 20, 1983.

WILLIAM L. KINNEY, SR.

William Light Kinney, Sr., the Bennettsville newspaper editor and publisher emeritus who died Monday, was first of all a genial and warm person. He was the kind of person that one likes immediately and automatically upon meeting, the kind that is regarded as an instant friend.

Almost all of his 80 years was spent in Bennettsville, where in the midst of the Great Depression he and his new wife launched a new weekly newspaper, the Marlboro Herald. Later it merged with another Bennettsville paper, the Pee Dee Advocate, to become the Marlboro Herald-Advocate. Published twice weekly, it became one of the state's better weekly newspapers.

Mr. Kinney's life was one of involvement. He served on City Council, as a school trustee for 15 years, as president of the S.C. Press Association, and on the board of the S.C. Opportunity School. He was active in his church and civic activities.

In many ways, Mr. Kinney was the archetype of the smalltown editor-publisher. Being deeply involved in community activities, taking up community causes, and promoting community endeavors go with the territory. Mr. Kinney covered the territory well, and in doing so was a vital and constructive force in his community and state.

He was representative of a vanishing breed of journalist. That's unfortunate for journalism, and for small towns.—Florence Morning News, Feb. 17, 1983.

MR. BILL KINNEY

Weekly newspapering in South Carolina was the richer of having been influenced by Bill Kinney. As editor and publisher of the Marlboro Herald-Advocate in Bennettsville, Mr. Kinney was active in the affairs of the state press association, having served as its president. He also vigorously supported regional and national press groups in their efforts to serve the public.

In his career and community life, Mr. Kinney's activities were exemplary. He served on city council, helped the chamber, was a district governor in Rotary International, served in his Methodist church and promoted a concert association in his native Marlboro County.

In his later years, he stepped aside as editor and publisher emeritus to allow his son, Bill Kinney Jr., to take charge of the paper. The junior Kinney, whom Pawleys Islanders may claim as a parttime resident, furthered the work of his father on a good community newspaper.

The passing of Bill Kinney at age 80 is a sad occasion. He was the essence of what a community newspaper publisher and editor should be.—The Georgetown Times, Feb. 22, 1983.

WILLIAM L. KINNEY, SR.

The long and useful life of William L. Kinney Sr. was spent mostly in the rural Pee Dee county of Marlboro, but it reached into practically every part of South Carolina in at least two fields—journalism and adult education.

Kinney was editor and publisher of newspapers in Bennettsville and McColl until his retirement about 11 years ago.

A past president of the South Carolina Press Association, he was one of a number of publishers who joined with the late J. Rion McKissick shortly before World War II to strengthen both the association and the University of South Carolina journalism school. That effort launched years of continuing progress which has made the USC College of Journalism one of the nation's finest.

Kinney was intensely interested in adult education, and was an active supporter of the widely-known state Opportunity School, which has given second chances to thousands of South Carolinians. He remained on the school's advisory board after his retirement from other activities.

The death of William L. Kinney Sr. at age 80 saddens numerous friends in newspaper circles and many other South Carolinians helped by his work in education.—The Greenville News, Feb. 21, 1983.

South Carolina's Fourth Estate last week lost one of its most able leaders in the death of William L. Kinney Sr. of Bennettsville.

Born into a prominent Pee Dee family liberally sprinkled with professional men, Mr. Kinney nevertheless made his way on his own merits and in true Horatio Alger fashion built one of the state's more successful newspapers.

The timing could not have been less propitious, because it was during the depths of the depression and just one day before his marriage that Mr. Kinney lost his job with the old Pee Dee Advocate, Bennettsville's only newspaper. Undaunted, he and the new Mrs. Kinney borrowed five hundred dollars and began a second newspaper, the Marlboro Herald. So successful were they as a publishing team that after twenty years they were able to purchase the competition, forming today's Marlboro Herald-Advocate which is published twice a week.

It was not all newspaper work for Mr. Kinney, though, because he was an exemplary citizen who contributed freely of his talent and time to many causes: his church for which he taught a Sunday School class for fifty-seven years; Wofford College which as an alumnus he served in various capacities; the Rotary Club which claimed his attention on a district-wide basis; the South Carolina Press Association which benefited from his term as president; Bennettsville city government and schools and businesses. The list goes on and on.

Prominent and successful as he was, however, it is as a warm and caring human being that those of us who were privileged to know this man will remember Bill Kinney.—Darlington News and Press, Feb. 17, 1983.

HE CAST A LONG SHADOW

(NOTE.—A tribute given by J. Douglas Donahue, Charleston, at 108th Annual Banquet of South Carolina Press Association Mid-Winter Institute in Columbia Friday night, Feb. 25, 1983.)

William L. Kinney, Sr., was a man greatly loved and respected by many of us here tonight. He was Editor Emeritus of the Marlboro Herald-Advocate in his home town of Bennettsville.

He died on Valentine's Day earlier this month after a period of declining health. But even as his health was deteriorating, his spirit remained undaunted. It was the same spirit which brought him to the levels of success he enjoyed as a businessman, newspaper editor, husband, father, community leader and involved citizen.

Mr. Kinney was a man unafraid, and not the least bit reluctant, to invest his mental and physical energy, as well as his financial resources in community projects he considered worthwhile. Thus, his newspaper enterprises thrived . . . his reputation as a businessman was enhanced. His community ultimately benefited from his unselfish concerns for improvements in the quality of all the lives that touched his own.

And he touched many lives during his enviably long years as one of South Carolina's leading weekly newspaper editors. He enjoyed a warm friendship of people of all ages . . . a fact that in itself is a tribute to his longevity as a newspaperman. His good-natured conversation and counsel were enjoyed and sought after by many of us assembled here tonight.

William L. Kinney, Sr., was a big man who cast a long shadow. His influence on this organization will continue to be felt for as long as journalists strive to perfect their profession.

FUNERAL REMARKS BY REV. JIM HYATT, FOR WILLIAM LIGHT KINNEY, JR.

We heard the Psalmist again today as he talked to us down through the centuries about how blessed is the man . . . or O How Happy is the person who knows God and delights in his law(ways) . . . William Light Kinney, Sr., was blessed and shared with us this kind of happiness.

We heard also as he wrote of the valley of the shadow of death . . . We have all known something of that valley . . . William Light Kinney, Sr., has been walking it for so long a time, and those who loved him have walked with him.

Both in his life and ours, there have been other valleys, but the valley of the shadow of death is a different kind. Humankind is never prepared to walk it, nor to endure it. And so it is a testimony to love, to life and to faith that you have journeyed into this valley to walk it with his family. Just as we have shared parts of his life these 80 years . . . a life that is best expressed in Micah 6:8 "What does the Lord require of you but to do justice, and to love kindness, and to walk humbly with your God?" We have known one of the last of a breed of men who with a keen wit, affirming and loving way was always firm in his beliefs for his family, community and church.

His private and public life were filled with years of service. He was known as: Mr. Rotary; Mr. Easter Seal; Mr. U.S. Savings Bonds; Mr. Chamber of Commerce; Mr. Wofford Alumnus; . . . Who's Who . . . and the list goes on to include Mr. Bennettsville and Mr. Marlboro County.

His professional life as a journalist was one of honor and recognition at every level from local to national. The reading from Ecclesiasticus, we heard earlier was not only a favorite of his personally but also a testimony to his own life.

But we must not forget that his life also includes the title of churchman as well as Christian teacher. The unwritten and unknown private ways he encouraged hundreds and yes thousands of individuals during his lifetime speak eloquently of the great inner faith in God he possessed. A word to a young student in a rough time through a letter of encouragement . . . the wisdom shared with a black brother . . . a word of support to a minister friend . . . a kind chastisement in the midst of petty discussions . . . a recommendation that gave hope in the midst of hopelessness . . . and the list goes on and on. Willie was brother to all who allowed him that relationship and friend to many who did not. . . . His influence and affirmation was a blessing to all people.

And so we come to this Ash Wednesday to worship a God who shared life with us in William Light Kinney, Sr., and says to us "Dust you are and to dust you will return . . ." a reminder that life has its limits and ends in death. But the true purpose of it all and of Lent is to gain in our appreciation of what God has done for us . . . because He does not just leave us in the ashes of death . . . but raises us to victory in the resurrection of His Son. We are not just marked with ashes and death but we are, through Christ, resurrected from our dust and ashes to become new creatures that live forever . . . and that's the good news for this day . . . for this journalist who was always searching for good news . . . the final editorial ends . . . I live forever in the fellowship with God! The best is yet to be . . . Let each of us open our hearts to this Good News!

A MOMENT TO REMEMBER

Mr. RANDOLPH. Mr. President, former President Franklin Roosevelt died 38 years ago today at 3:35 p.m., at the age of 63, at Warm Springs, Ga.

I recall that the Nation was in mourning for our gallant leader who was inaugurated President on March 4, 1933.

On this day, 38 years ago I left Washington, D.C., by plane for Dayton, Ohio, en route from that point by automobile to the city of Lima, Ohio. That evening I was to address the annual chamber of commerce dinner. Arriving in that community I went to a hotel for a brief rest and to have a shower before our participation, with several hundred citizens, for a festive occasion.

I was awakened by the ringing of the telephone. When I lifted the receiver to take the call there was a sobbing on the line. Marie Lantz, my devoted secretary, was attempting to control her voice as she said, "Mr. Randolph, our President has died."

I recall my words to her: "Marie, I can understand your crying because a nation will be crying, too."

The leader of our Republic and a world leader had completed his earthly career in the service of humankind.

My colleagues will understand that our dinner speech that evening was in many ways a most difficult one for me. I now recall that my tribute to the President was coupled with my appeal to all citizens to be active in the use of the ballot and to participate in the processes of our system of rights and responsibilities.

DEPARTURE OF RICHARD PAGE AS GENERAL MANAGER OF METRO

Mr. ANDREWS. Mr. President, I want to pay tribute today to Richard S. Page, general manager of the Washington Metropolitan Area Transit Authority, who has announced that he will leave his position on May 31 after 4 years to return to his home State of Washington.

As an editorial in the Washington Post of April 5 points out:

If he performs half as well as president of the Washington State Business Roundtable as he did answering with competence and diplomacy to a politically charged Metro board of regionally divergent politicans, two State legislatures, a D.C. Mayor and Council, both Houses of Congress and the White House, then Seattle will have done just fine.

As chairman of the Subcommittee on Transportation of the Committee on Appropriations, which has jurisdiction over Metro's budget, I have had an opportunity to get to know Dick Page well over the past 3 years and can attest to his considerable managerial skills and wisdom.

I recall vividly the tragic subway accident that occurred last year. Following the accident, Metro moved quickly under Dick Page's direction to investigate its causes and to revise its procedures to avert any possible recurrence in the future. This was a very trying time for Metro and Dick Page, but both emerged with the renewed respect of the public they serve.

Dick has been a fine public servant first at the Department of Transportation and then at Metro. And I wish him well in his new position.

I ask unanimous consent that the entire editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 5, 1983]

FAREWELL TO METRO'S MR. PAGE

There's no official yardstick, but four years as general manager of Washington's Metro transit system is the equivalent of a career lifetime in public service. No wonder, then, that Richard S. Page is trading in his stake in the Red, Blue, Orange and Yellow lines for greener pastures in another Washington. If he performs half as well as president of the Washington State Business Roundtable as he did answering with competence and diplomacy to a politically charged Metro board of regionally divergent politicians, two state legislatures, a D.C. mayor and council, both houses of Congress and the White House, then Seattle will have done just fine.

Mr. Page would be the first to acknowledge that Metro's riders—and nonriding sponsors, the taxpayers—have more than a few legitimate beefs. The buses and trains are hardly clockwork-perfect, and a tragic accident last year was one of the most difficult episodes to despoil an otherwise unusually good safety record. And fares go up faster than service, and the outlook for future financing looks as bleak as the ends of the tunnels on those unfinished subway lines.

But that description could apply to almost any urban transit system in the country—and it overlooks significant progress during, and thanks to, Mr. Page's administration. In that time, three new subway lines have been opened; construction for two more important openings has been completed and still other construction is proceeding according to its last schedule.

But Metro's primary emphasis is changing significantly, moving away from construction to operations; new buses will be arriving this summer and fall; there have been fewer subway interruptions (even if they always seem to occur on your commute); and instead of making excuses for accidents, Mr. Page moved with candor and dispatch to improve safety training, preventive measures and inspections. There have been important changes, too, that are not so readily detected by riders, but that are starting to pay off: procurement, auditing and the team of top managers have been improved markedly under Mr. Page.

Still, Mr. Page's successor will have a new full plate of challenges. Financial pressures, too, have shifted from construction to operations and they have made the local politicians on Metro's board more assertive, more argumentative and less likely to reach consensus—the last fare debates being a classic example. Until some changes in the composition of Metro management are made, and until there is some dependable regional tax structure to ease and equalize the financial contributions of the local jurisdictions, any general manager is in for grueling times.

DEATH OF CONGRESSMAN PHILLIP BURTON

Mr. JOHNSTON. Mr. President, like many of my colleagues in the Senate and House of Representatives, I was shocked and saddened to learn of the death of Congressman PHILLIP BURTON.

PHIL BURTON was one of the most effective and hard-working Members of the House. PHIL devoted his public life to helping the disadvantaged, minorities, and those in our society least able to fend for themselves. One facet of this concern was evidenced by his efforts on behalf of the people of our territories in the Pacific and the Caribbean.

PHIL was a tireless and vocal supporter of our Nation's park system. His contributions in this regard will prove of inestimable value to future generations. His efforts to make park and recreation opportunities available to all Americans and his dedication to the preservation of wild places are well known to all of us who have had the

privilege of working and serving with him over the years.

Make no mistake about it. PHIL BURTON always drove a hard legislative bargain. He skillfully pursued his legislative agenda in the Congress with a zeal and gusto that few have ever matched. And yet, Congressman PHILLIP BURTON was an honorable and forthright legislator who was driven not by thoughts of personal gain and satisfaction but by a consuming desire to honestly and effectively represent the people of his district and the Nation.

All of us who worked on an issue with PHIL could not help but be impressed with the force and conviction with which he expressed his views. None of us who knew PHIL could help but be saddened by his passing. We will all miss him very much.

F-16'S AND ISRAEL

Mr. PACKWOOD. Mr. President, I rise today to voice my concern and to express my sorrow regarding President Reagan's recent decision not to send F-16's to Israel as scheduled. As I understand it, this decision was made because the Israelis have not, to date, removed all of their armed forces from Lebanon. Mr. President, this is one Senator who considers this decision very, very regrettable.

Let us examine the facts here. First, Israel went into Lebanon to protect itself from PLO terrorists who were using that country as a military base to attack and destroy Israeli settlements and to kill Israeli citizens. In doing so, Israel helped the Government of Lebanon which, until Israel came to its rescue, was being held hostage in its own country. Further, it is a known fact that the PLO was terrorizing Lebanese citizens—forcing families to feed and house them and, in some instances, raping Lebanese women for pleasure. It is hard to believe that any American could condemn Israel for ridding a nation of terrorists of this kind.

Unfortunately, not all of the PLO terrorists have been expelled from Lebanon. For this reason, the Israeli Army remains in that country. Mr. President, let us make it clear why the Israelis remain there—they are there to protect Israel from any further attacks. Until Israel is satisfied that the Army of Lebanon is strong enough to protect itself and that the Lebanese Government will sign a peace treaty with them, I do not believe it is in America's or Israel's best interest to pull her troops out. Israel cannot afford to make such a move only to find that northern Israel is again being attacked by terrorists living in Lebanon.

Knowing this, I cannot understand why the President continues to try and pressure Israel into an untenable position. If the President is trying to demonstrate to the Jordanians and the PLO that the United States is willing to pressure Israel by not delivering the F-16's, or that the United States is not afraid to be tough with Israel, I question the President's assessment of how to achieve peace in the Middle East.

Mr. President, why is it always Israel who must give up this or that? What kinds of concessions is King Hussein of Jordan willing to make? This question has apparently been answered by the King's refusal to enter into direct negotiations with Israel.

This decision is a deep disappointment for all of us who seek to advance the peace process in the Middle East. But, it also demonstrates the vacillation of King Hussein. This should indicate to the administration that they invested too much in some Arab leaders, while concurrently trying to appease others.

The administration has done everything possible to encourage the illusion that U.S. pressures and sanctions can and will deliver Israel on Arab terms. This not only weakens those in the Arab world who are prepared to make some concessions necessary for peace, but also strengthens the hands of those who oppose all concessions and insist upon unrealistic solutions that would satisfy each and every Arab demand.

The best opportunity for negotiations collapsed when moderate Arabs were afraid to move without the approval of the most radical. The administration's policy of appeasement to the Arabs at Israel's expense has once again failed. With the Arab rejectionists exercising such a veto over peace initiatives, it becomes more imperative that Israel maintain her deterrent strength and that the United States recommit itself to helping assure Israel's security.

Mr. President, if the administration continues its policy of sanctions against Israel, it will have no positive effect. We cannot continue a policy of trying to woo every Arab rejectionist; instead we need to have a Middle East strategy which spells out the role of the United States in the Middle East—a policy which goes beyond achieving peace.

The obstacle to peace in the Middle East remains what it has always been—the refusal of any Arab state, with the exception of Egypt, to negotiate peace with Israel. Until this occurs, peace under any condition will not be achieved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the hour of 11 a.m. having arrived, the Senate will now go into executive session to consider the nomination of Kenneth L. Adelman, of Virginia, to be Director of the U.S. Arms Control and Disarmament Agency.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WILSON). Without objection, it is so ordered.

NOMINATION OF KENNETH L. ADELMAN TO BE DIRECTOR OF THE U.S. ARMS CONTROL AND DISARMAMENT AGENCY

Mr. BAKER. Now, Mr. President, under the previous order the Chair will lay before the Senate the nomination of Kenneth L. Adelman, is that correct?

The PRESIDING OFFICER. That is correct. The nomination will be stated.

The acting assistant legislative clerk read the nomination of Kenneth L. Adelman, of Virginia, to be Director of the U.S. Arms Control and Disarmament Agency.

Mr. BAKER. Mr. President, I had hoped, by delaying the presentation of the nomination, that it might afford time for the chairman and the ranking minority member of the Foreign Relations Committee to reach the floor. They are both, however, involved in a hearing and have sent word that it would be extremely difficult for them to break away at this particular moment.

Since the Senate had already ordered that this nomination would be presented at this time, I asked the Chair to proceed as it has now done. The nomination is now pending before the Senate.

As Members will recall, a final vote on this nomination will occur at 2 p.m. on Thursday next.

Mr. President, since no member is available from the committee to present statements at this time, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I announced earlier that neither the chairman nor the ranking minority member of the Foreign Relations Committee could come to the floor at this moment because they are actively engaged in a hearing before that committee. I have now received word that it is unlikely that they can break away in time to conduct a meaningful debate or make a statement prior to the hour of 12 noon, which is the hour assigned by the Senate for recess until 2 p.m. I may say parenthetically that the recess of 2 hours from 12 to 2 on Tuesdays, is for the accommodation of Senators who must attend meetings of a semiofficial type off the floor of the Senate. They are party caucuses in which business is transacted. Although it is not part of the Senate procedure, it is part of the functioning of the Senate. Therefore, Mr. President, it appears that no active work on the Adelman nomination can occur prior to 2 p.m.

ORDER FOR RECESS TOMORROW FROM 12 NOON UNTIL 2 P.M.

Mr. BAKER. I am advised, Mr. President, that there will be a caucus of Democratic Senators tomorrow between 12 noon and 2 p.m. As I indicated earlier, they are of extraordinary importance, not only to Members involved in the caucus, but to Senators as a whole. Therefore, Mr. President, I ask unanimous consent that, on tomorrow, the Senate stand in recess between the hours of 12 noon and 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 2 P.M.

Mr. BAKER. Mr. President, since neither the chairman nor the ranking member can be here to make opening statements on the Adelman nomination, I ask unanimous consent that the Senate now stand in recess, instead of at 12 noon, from this moment until the hour of 2 p.m. today.

There being no objection, the Senate, at 11:28 a.m., recessed until 2 p.m.; whereupon, it reconvened when called to order by the Presiding Officer (Mr. LUGAR).

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

VISIT TO THE SENATE BY MEMBERS OF THE NATO ASSEMBLY'S SPECIAL COMMITTEE ON NUCLEAR WEAPONS IN EUROPE

Mr. BAKER. Mr. President, the Senate is in executive session, and in a moment the nomination of Kenneth L. Adelman will be before us for debate.

Before doing that I am advised by the distinguished Senator from Maryland (Mr. MATHIAS) that a group of fellow parliamentarians, is here in the Chamber. I yield to Senator MATHIAS so that he may speak on that subject. At the conclusion of the remarks by the Senator from Maryland I ask unanimous consent that the Senate stand in recess for 5 minutes in order to greet our distinguished visitors.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maryland.

Mr. MATHIAS. I am pleased to draw the Senate's attention to the presence today in this Chamber of a distinguished committee of NATO parliamentarians on which Senator BIDEN serves as chairman. This group is the Special Committee on Nuclear Weapons in Europe, created by the North Atlantic Assembly some 2 years ago, as it was becoming increasingly clear that NATO's dual-track decision of December 1979—to modernize its intermediate-range nuclear forces (INF) while seeking negotiated East-West limits on such weaponry—would prove to be a subject of major controversy within the Atlantic Alliance.

NATO's history is, of course, replete with instances of internal dispute. But by early 1981, debate over INF appeared to be expanding into the realm of citizen discussion far more than had previous issues. Because this growth in grass roots concern had obvious implications for the solidarity of an alliance that depends upon political consensus, the North Atlantic Assembly—which serves as NATO's interparliamentary arm—determined to establish the Special Committee to study the politicial and military aspects of INF modernization and arms control. The guiding premise was that a group of Parliamentarians representing a cross-section of views from NATO's 15—now 16—member-nations could contribute to both governmental and public understanding of the complexities surrounding the INF issue.

Since its creation, the Special Committee has conducted extensive interviews in Bonn, London, Brussels, The Hague, Rome, Paris, SHAPE headquarters in Belgium—and the Special Committee is now here on its third trip to Washington. Those interviewed by the Special Committee include officials from current and past governments involved in the NATO decision, groups of Parliamentarians, experts on strategic issues, and leaders of European and American citizen groups opposing new nuclear deployments.

The initial result of these efforts was a first interim report, drafted by the Special Committee's rapporteurs and presented at the Assembly's 27th annual session, held in Munich during October 1981. Through the subsequent year, the Special Committee continued its work, which led to the presentation of a second interim report at the Assembly's 28th annual session, held in London last November. Each of the reports was subsequently published by the Senate Foreign Relations Committee.

At both Assembly sessions—1981 and 1982—the Special Committee initiated a Resolution on Nuclear Weapons in Europe, which is each case won overwhelming support during the Assembly's formal plenary voting. The essence of the Assembly's 1981 resolution was to affirm the validity of NATO's December 1979 two-track decision. The 1982 resolution, passed in November, reaffirmed support for the dual-track approach, but also called attention to the military and political advantages of a prompt modernization of the Alliance's short-range nuclear posture.

Because of the cogency of the arguments favoring unilateral NATO action on short-range—or tactical—nuclear weaponry, Senator BIDEN drafted a 3-page letter to the President last month calling for American leadership in this area.

As chairman of the Senate delegation to the North Atlantic Assembly, I cosigned the letter, along with Senators PERCY and PELL, the chairman and ranking member of the Foreign Relations Committee; Senators COHEN and NUNN, the authors of the innovative nuclear build-down proposal; Senator LUGAR, chairman of the Senate European Affairs Subcommittee; and Senators GLENN, HART, TSONGAS, BRADLEY, BUMPERS SPECTER, DODD, and LEVIN—each a serious student of defense and foreign affairs.

Rather than taking the Senate's time to detail the arguments contained in that letter, I ask unanimous consent that the entire text appear at the end of my remarks. I shall confine myself here to expressing sincere hope that the President will respond to the political and military opportunity first identified by the Special Committee last year and underscored by the senatorial letter sent to him 2 weeks ago. NATO needs a strong and effective response.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. MATHIAS. I shall now have the pleasure of identifying those of my Special Committee colleagues who are here with us today:

Mr. Klaus Francke of Germany, who serves as vice chairman;

Mr. John Cartwright and Mr. Julian Critchley, both of the United Kingdom, who serve as the Special Committee's rapporteurs;

Mr. Lasse Budtz of Denmark;

Mr. Jacques Chaumont of France;

Mr. Marc Verdon of France;

Mr. Severino Fallucchi of Italy;

Mr. Abraham Stemmerdink of Holland;

Mr. Einar Forde of Norway; and

Mr. Peter Corterier, my friend from Germany who is now President of the North Atlantic Assembly and has served that organization long and well.

I know my colleagues join with me in welcoming our distinguished guests, who are making a valuable contribution to the solidarity of the North Atlantic Alliance.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C., March 25, 1983.

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: In December 1979, the member-states of the North Atlantic Alliance agreed on a decision of far-reaching consequence: to modernize NATO's long-range theater nuclear force posture while seeking, on a second track, to negotiate East-West limits on such weaponry at the lowest possible level. The NATO allies reached that decision after months of deliberation and for a combination of cogent reasons. First, the attainment of parity in intercontinental nuclear forces had brought added import to East-West military force disparities within Europe itself. Second, NATO's long-range theater nuclear force capabilities had begun to erode seriously, due both to aging and to improving Soviet air defenses. Third, against this background the Soviet Union had undertaken an expansive efforts to modernize its own theater nuclear force capabilities through deployments of the SS-20 missile. It was thus that the NATO allies determined to respond in kind—by planning to deploy 572 cruise and Pershing II missiles—but with hope of attracting the Soviet government to the bargaining table.

Unfortunately, the three-year period since December 1979 has been marked by a deterioration in East-West relations that has impeded successful negotiation on nuclear arms. We thus find, as the date approaches for the initial deployments in NATO's modernization, that the absence of negotiating progress has contributed, in both Western Europe and the United States, to a restive public concern about nuclear weapons and their seemingly unrestrained proliferation. Even after the March 6th German election result, there is reason to fear that such concern in Europe could still generate political and social turmoil as NATO proceeds toward scheduled deployments. In any event, however, we confront a clear and pressing need to fortify public confidence throughout the Alliance in the rational basis of NATO's deterrent posture.

In November 1982 this problem was specifically addressed by NATO's interparliamentary arm, the North Atlantic Assembly. Meeting in London and acting on the report of a Special Committee established by the Assembly in 1981, NATO parliamentarians agreed with virtual unanimity of the need to maintain "firm adherence to both elements of the 1979 decision." The Assembly's resolution (text enclosed) appropriately urged NATO governments to "continue efforts to explain clearly and persuasively the role of nuclear weapons in Alliance strategy." But more significantly, the Assembly identified an important substantive step through which the Alliance could, during 1983, achieve both a timely boost in public support for NATO nuclear policy and also a needed improvement in NATO defenses. As reflected in the Assembly's vote, it was the judgment of Alliance parliamentarians representing a broad diversity of European constituencies that such a valuable twin benefit could be obtained by commencing immediately long-deferred improvements in NATO's short-range or tactical nuclear posture.

A military justification for overhauling NATO's short-range nuclear posture has been recognized for more than a decade. In the case of certain weapons, such justification has lain in the absence of a truly practical concept of usage and the danger of accident, theft, or misuse. In other cases, advances in technology have created expanding possibilities to substitute modern conventional weapons in roles previously assigned to short-range nuclear systems.

For many years, the merits of such a military justification were eclipsed by the political concern that any reduction in total nuclear warheads from Europe, even if warranted by up-dated defense capabilities and doctrine, might be misinterpreted in public opinion to imply a diminished American commitment to Europe's defense. Today, however, any such concern has become an anachronism, like many of the weapons themselves. Indeed, it was the overwhelming conclusion of NATO parliamentarians that such a change at this point would have an extremely positive effect on public confidence—by showing NATO to be engaged in a well-conceived revision of its nuclear defenses and not the inexorable escalation of armaments that many citizens rightly fear.

The concept of an adjusted, rather than expanded, nuclear posture was in fact an integral part of the NATO decision in 1979. Soon thereafter, NATO removed some 1000 warheads from Europe and has been engaged subsequently, through discussions in its High Level Group, in identifying at least 572 additional short-range systems to be removed in the context of the forthcoming intermediate-range deployments. Regrettably, however, this aspect of NATO planning has not made an impact on public opinion, which continues to be susceptible to the perception that NATO is about to embark on a major nuclear build-up.

Accordingly, we wish to underscore the potential significance of current High Level Group deliberations, which have now been underway for many months but without yet reaching a conclusion. Today, NATO's tactical nuclear arsenal—an assortment of artillery pieces, short-range missiles, dual-capable aircraft, anti-submarine charges, and atomic demolition mines—comprises some 5000–6000 nuclear devices. And while Alliance officials may reasonably disagree as to the relative or absolute value of these various systems, there is apparently a near-consensus that NATO would be militarily justified in reducing the total warhead count by considerably more than the minimum of 572 already agreed on in principle. Herein lies an important opportunity for American leadership. For were the High Level Group to act promptly to reach such a decision, it would be possible for NATO to announce this year a sizable, militarily-sound net reduction in nuclear weapons, notwithstanding planned deployments of the longer-range cruise and Pershing missiles. Once this announcement were made, the inevitably reassuring effect on public opinion would, we believe, be compounded by a recognition that NATO was improving its deterrent posture by shifting away from weapons that could only be used on West European soil.

It has been a troubling irony of NATO's December 1979 decision that while intended to induce serious East-West negotiations on intermediate-range weapons, it resulted instead in an intense Western debate which has surely encouraged the Soviets to believe that negotiation may not be necessary. Fortunately, the recent German election has helped to disabuse the Soviet side of any such notion. But the question of public confidence remains. We therefore recommend that you consider carefully the opportunity now available: to generate, through American initiative, a NATO modernization (through replacement and reduction) of short-range nuclear systems not subject to negotiation, and thereby to fortify public support behind NATO policy on longer-range systems, which are under negotiation. We urge such action out of a belief, which we know you share, that a clear political will to implement the two-track approach is the one effective bargaining chip the West can bring to Geneva.

Sincerely,

Charles McC. Mathias, Jr., Chairman, Senate Delegation, North Atlantic Assembly; Joseph R. Biden, Jr., Chairman, Special Committee on Nuclear Weapons in Europe; William S. Cohen, U.S. Senator; Sam Nunn, U.S. Senator.

Claiborne Pell, Vice Chairman, Senate Delegation, North Atlantic Assembly; Charles H. Percy, Chairman, Committee on Foreign Relations; Gary W. Hart, U.S. Senator; Dale Bumpers, U.S. Senator; Arlen Specter, U.S. Senator; John Glenn, U.S. Senator; Christopher J. Dodd, U.S. Senator; Paul Tsongas, U.S. Senator; Bill Bradley, U.S. Senator; Carl Levin, U.S. Senator; Richard G. Lugar, U.S. Senator.

RESOLUTION ON NUCLEAR WEAPONS IN EUROPE

(Adopted by the North Atlantic Assembly on November 18, 1982)

The Assembly,

Recalling its 1981 Resolution on Nuclear Weapons in Europe, which stressed the far-reaching significance of NATO's 1979 decision to achieve a modernisation of its theatre nuclear forces while seeking negotiated East-West limits on such forces;

Re-emphasising the importance of sustaining a public consensus behind this dual-track decision;

Expressing concern about ongoing Soviet deployments of the SS-20 and other Soviet improvements in theatre nuclear forces;

Welcoming the Intermediate Nuclear Force (INF) negotiations and Strategic Arms Reductions Talks (START) in Geneva;

Convinced that NATO's firm determination to modernise is essential to progress in such negotiations;

Aware that public opposition to scheduled theatre nuclear force deployments may increase in the absence of progress in the INF negotiations;

Supporting strongly a "zero-zero" outcome of these negotiations, as proposed by President Reagan, as the best possible outcome; but

Concerned that this or another acceptable outcome of the INF talks may not be forthcoming prior to the first NATO deployments scheduled for late 1983;

Noting the need for NATO to promote public understanding of and support for its nuclear strategy of deterrence through flexible response and, in this respect,

Welcoming the review of short-range nuclear systems by NATO's High Level Group aimed at rationalising and, if possible, reducing NATO's reliance on short-range nuclear weapons;

Urges member governments of the North Atlantic Alliance:

1. to maintain firm adherence to both elements of the 1979 decision with equal emphasis;

2. to continue efforts to explain clearly and persuasively the role of nuclear weapons in Alliance strategy, and, more specifically, to promote public understanding of current negotiations by—calling attention to the "zero-zero" proposal adopted by the Alliance as sound and reasonable, while emphasising NATO's willingness to consider other mutually acceptable outcomes; —explaining more clearly the complexities involved in such negotiations and the realistic prospects for early agreement;

3. to encourage appropriate High Level Group studies and implement the conclusions thereof, directed towards reducing the Alliance's reliance on short-range nuclear weapons in order both to strengthen the credibility of Alliance military policy, and—to fortify public confidence in the rational basis of NATO's deterrent posture.

CONGRESSMAN PHIL BURTON

Mr. MATHIAS. Mr. President, having introduced this group of visitors from the North Atlantic Assembly, I am also saddened to point out that this week the Assembly suffered a tragic loss, with the death of Congressman PHIL BURTON of California. PHIL was an adroit legislator by any standard, and he brought those skills in recent years to the service of the Atlantic Alliance, through his service as chairman of the NATO Assembly's Political Committee. He chaired that sometimes contentious group with a gruff affability that kept the trains moving and got the committee's business done. I know our European visitors here today join me in expressing deep appreciation for PHIL's service and sorrow at his passing. He will be missed by his constituents, his colleagues and by our allies.

The PRESIDING OFFICER. In accordance with the previous order, the Senate will stand in recess for 5 minutes.

RECESS

The Senate, at 2:02 p.m. recessed until 2:07 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. LUGAR).

The PRESIDING OFFICER. The majority leader is recognized.

EXTENSION OF PERIOD FOR ROUTINE MORNING BUSINESS

Mr. BAKER. I thank the Chair.

It has been brought to my attention that at least one Senator wishes to speak in morning business. I ask, as in legislative session, unanimous consent that there now be an additional period for the transaction of routine morning business not to extend beyond the hour of 2:10 p.m. in which Senators may speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

LYDIYA VASHCHENKO'S 5 YEAR ORDEAL

Mr. PERCY. Mr. President, at long last, one of the "Siberian Seven" Pentecostalist Christians who took refuge in the American Embassy in Moscow 5 years ago has been allowed to emigrate. Lydiya Vashchenko flew last week to freedom in Vienna, Austria. This may be the beginning of the end of the stalemate which has caused so much anguish for the Vashchenko and Chmykhalov families and their friends around the world.

Millions of Americans have followed their ordeal closely since they burst into the Embassy compound in 1978 after the Soviets repeatedly denied them permission to emigrate. I visited them in 1980 in the basement of the American Embassy, and learned firsthand of the strength of their religious faith and their hope that some day they would be allowed to emigrate. In January, 1982, Parade magazine's cover story on their plight raised a tremendous public outcry, and my office delivered 14,000 letters to the Soviet Embassy in Washington from Americans who urged the Soviets to allow their emigration.

A year ago, Lydiya went on a hunger strike and was hospitalized outside the Embassy. Once she recovered, she was permitted to return to her home in Chernigorsk, Siberia, where she applied again for emigration.

I welcome this action by the Soviet Government, and I fervently hope that her emigration will portend the speedy emigration of the other six members of the Vashchenko and Chmykhalov families.

Mr. President, I have just learned that the press is reporting that the remaining six members of the Vashchenko and Chmykhalov families have been allowed to leave the Embassy in Moscow on flights to their home in Chernigorsk, Siberia. We can only hope and pray that their applications for emigration will likewise be approved and that they will soon follow in Lydiya's footsteps.

ASSISTANT SECRETARY OF STATE THOMAS O. ENDERS' TESTIMONY BEFORE THE SENATE FOREIGN RELATIONS COMMITTEE ON TUESDAY, APRIL 12, 1983

Mr. PERCY. Mr. President, this morning the Foreign Relations Committee held an open briefing on the situation in Nicaragua and United States policy toward Central America. This briefing by the administration was called in part in response to recent reporting of United States involvement in Nicaragua, as well as recent committee discussion of efforts to bring about dialog in El Salvador. It was also called in order to permit the Members to explore with the administration the broad framework of U.S. policies in Central America.

The briefing was held in open session because I believe that there continues to be uncertainty among the public as to the direction and purpose of a number of the programs the administration has undertaken in Central America. It is important that the discussion of U.S. policy in this area be available to the American people.

Ambassador Thomas O. Enders, Assistant Secretary of State for Inter-American Affairs, provided the committee with a very detailed and thorough analysis of the background to the current situation in Nicaragua and of the various groups and actors involved in the political debate about that country. He discussed the current situation in Nicaragua, the range of actors involved in the debate over the political direction the country will take in the future, and our own and other countries' efforts to bring about serious discussions with the Nicaraguan Government on a whole list of items of concern to us and to other countries in Central America.

Mr. President, Ambassador Enders' statement should be required reading for everyone concerned about current events in Central America and about our policies toward that troubled region. For this reason, I ask unanimous consent that the statement be printed in the CONGRESSIONAL RECORD in its entirety.

Thank you.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF THOMAS O. ENDERS

Since the Somoza government collapsed and the Sandinistas came to power, U.S. policy toward Nicaragua has focussed on attempting to convince Nicaragua to: Renounce support for insurgency in neighboring countries; abandon its pursuit of dominant military power in Central America; and come to terms with its own society through the creation of democratic institutions.

In July 1979, the soon-to-be governing Junta of Nicaragua pledged formally to the Organization of American States that its goals were democratic and peaceful. The United States, indeed the entire international community, accepted this pledge and embarked on programs of peaceful reconstruction that typically included substantial appropriations of assistance outside annual budget processes.

As the months passed, however, it became increasingly apparent that the Sandinistas saw themselves as the armed vanguard of an isthmus-wide movement.

Nicaragua's new regular army, the Ejercito Popular Sandinista (EPS), was founded in 1979. By the end of last year, according to its commander, it had grown to be "four

times as big and eight times as strong" as Somoza's Guardia Nacional.[1] The EPS reached an estimated strength of 20,000, backed up by militias and reserves 80,000 strong. During that period Nicaragua received an estimated $125 million of military equipment and supplies from the Soviet Union alone.[2] It obtained by far the heaviest tanks in Central America, heavy artillery, anti-aircraft weapons, assault helicopters, rocket launchers, and patrol boats. While military pilots and crews trained in Bulgaria and other Eastern European locations, airfields were prepared for advanced jet fighters. More significant, large numbers of foreign military and security advisors were introduced. Currently no less than 2,000 Cubans, 50 Soviets, 35 East Germans, and 50 PLO and Libyan personnel are estimated to be stationed in Nicaragua on security missions. That is roughly one foreign military advisor for every 1,000 Nicaraguans.

In 1980 (just as in 1978 Castro had brought the three main Sandinista factions together in Havana), Cuban agents brought five guerrilla factions from El Salvador together in Managua, worked out a unity pact among them then set up a joint command and control apparatus in the Managua area and organized logistic and training support on Nicaraguan soil. Since that time, the great bulk of the arms and munitions used by the insurgents in El Salvador have flowed through Nicaragua.[3]

Meanwhile the Sandinistas moved to assert a monopoly of power inside Nicaragua. Elections were ridiculed and postponed. One by one the elements of the broad anti-Somoza coalition were shorn off. The famous newspaper La Prensa was censored, independent radio and TV stations curbed, the labor unions intimidated, the private sector neutralized, the Catholic Church subjected to repeated provocation and attempts at division, the Miskitos and other Nicaraguan Indian minorities persecuted.

Now, Nicaragua's southern border is 300 miles from the Panama Canal, separated only by Costa Rica, a democracy that for almost 35 years has had no army. Its northern border is 300 miles from Mexico. In between are two states, El Salvador and Guatemala, already torn by guerrilla violence, and Honduras, whose fledgling democracy is under daily pressure from Nicaragua.

It does not take very much imagination to understand how the Sandinistas' "revolution without frontiers" might spread. Nor how its spread might affect our security. Half our trade flows through the Caribbean. And we depend on the stability of our neighbors to avoid what in certain circumstances could become an unprecedented flow of refugees nortward to this country. Especially now, when a troubled world economy invites unrest, we must safeguard democracy and stability in our immediate neighborhood.

We have all seen predatory dictatorships of the right and the left. Germany under Hitler. The Soviet Union under Stalin and since. Yet, there is a school that attributes the expansionism of left-wing dictatorships to pressures from without. According to this proposition, Soviet aggressiveness is but a reaction to the creation of a network of alliances around it, Castro was made a Communist by U.S. confrontation, and Vietnam was radicalized by foreign armies.

Whatever the merits or defects of these arguments, let me point out that the Nicaraguan case provides ample data to test the policy that usually flows from this proposition—that left-wing radicalization and aggressiveness can be prevented by the political support and economic assistance of the democracies.

Nicaragua is a country of some 2½ million people. Since 1979 it has received from the democracies and multilateral agencies $1.6 billion in economic assistance, or $640 for every man, woman and child. The U.S. supplied $125 million. Politically, such democratic states as Mexico and the parties belonging to the Socialist International have provided consistent support.

Yet this same period marks the big build-up of the EPS, direct support for violence in El Salvador and the consolidation of internal repression.

It is clear that constructive engagement has not worked in Nicaragua.

So far, negotiation has not worked any better. There have been many efforts. Some continue to this day.

I was involved in a first such effort, travelling to Managua in August 1981 to listen to Sandinista concerns. They told me that they remembered the U.S. Marine occupation in the first decades of the century, that they feared a U.S. invasion and thus needed a big army, and that we should understand that the Salvadoran guerrillas were important as a "shield" to protect Nicaragua.

So we said OK, let's address your concerns. Let's enter into a bilateral non-aggression agreement. The U.S. could use its influence to encourage Nicaraguan exiles in this country to moderate their behavior. And the U.S. could renew its economic assistance. In return we asked the Sandinistas to stop training and supplying Salvadoran guerrillas, to give pluralism a chance in their own country—as they had promised to the OAS in 1979—and to limit their military build-up, perhaps through agreement with other Central American countries.

We made these proposals in writing. In October 1981, Managua formally rejected them as "sterile". At the same time, they lied about their ongoing arms supplies to the Salvadoran guerrillas and said they would never limit their military build-up.

A second attempt at negotiation occurred in the spring of 1982, this time at the suggestion of Mexican President Lopez Portillo.

Once again we presented concrete proposals in writing, this time elaborated in eight points presented through our Ambassador in Managua. Once again, there was no concrete response, and no receptivity on issues. Nicaragua simply replied that, before it could respond there would have to be a meeting at a higher level in Mexico. This time, it seemed to us, the Sandinistas wanted to appear to negotiate without actually doing so.

We decided to try a third time. Under Costa Rican leadership, a group of democratic states got together in San Jose in October 1982 to work out a comprehensive set of peace proposals for Central America as a whole. Let me speak a moment about these proposals, because they continue to represent the essence of what we, like Nicaragua's democratic neighbors, are trying to do.

First, the San Jose group agreed the area should be freed from East-West competition. The way to do that, the democracies concluded, is to get all foreign military advisors and trainers out of Central America—Cuba's, the Soviet Union's, Bulgaria's, East Germany's, the PLO's, and ours.

Second, the Central American countries must find a way to live with each other without fear. To this end, the San Jose group proposed mutual and verifiable accords banning the import of heavy offensive weapons, renouncing the support for insurgency on neighbors' territory, and providing for international surveillance of frontiers.

Third, each Central American country must find a way to establish democratic institutions, open to opposition elements. Central American democrats, led by Costa Rica, are particularly clear on the need for democratization. Only in this way could they be confident they will not have to face sometime in the future an aggressive neighbor unconstrained by the limits democracy imposes.

Representing the San Jose group, Costa Rica attempted to contact Nicaragua to ask whether it would enter into a dialogue on these principles. The Sandinistas refused even to receive the proposal, arguing that they had not participated in its formulation, and so were not bound to address it.

So a fourth attempt at negotiations is now being made. In January 1983, Mexico, Colombia, Venezuela and Panama met on the island of Contadora to propose an effort at mediation of Central America's conflict. Honduras, Costa Rica and El Salvador responded by proposing that the five Central American countries—including Nicaragua—meet in the presence of the Contadora group. This would enable Nicaragua to take part in developing the proposals, as it had not in San Jose. And, to maximize the chances that Nicaragua would participate, they suggested that the U.S. not be present. That would also take care of charges that the conference would be U.S.-dominated.

But still Nicaragua was not receptive. Instead, it went to the UN Security Council, claiming that it wants to meet bilaterally with the U.S. and with Honduras, not regionally. In effect, Nicaragua is saying it wants to discuss Nicaragua's charges against Honduras and the U.S.—but not its neighbors concerns about Nicaragua's militarization, dictatorship, and intervention in El Salvador.

I have described this history at some length to give you some idea of the extraordinary difficulty of dealing with the Sandinista leadership.

The Sandinistas have made their contempt for genuine dialogue—for real negotiations—quite clear. A month ago, we all saw them interrupt the Pope in a calculated attempt at intimidation—and the Sandinistas followed this up by banning broadcasts of Easter services. Last week, Interior Minister Tomas Borge, in an interview for Cuban television, stressed the subjects his country would not negotiate: Nicaragua, he said would not discuss the principles of the Sandinista Revolution; it would not enter into a dialogue about the overall Central American situation; and it would not talk about "counter-revolutionaries". He might have added that the Sandinistas are afraid to deal with these issues in any kind of open way—either with their own people or with Nicaragua's increasingly concerned neighbors. So it is sad, rather than surprising, that Borge tells his Cuban TV audience that the proposed meeting of Central American Foreign Ministers is "diplomatic demagogy".

Despite this record, we are not going to give up. The Sandinistas are obviously not yet persuaded that they have to negotiate on substance with either their neighbors or their internal critics. Perhaps they still think that if they bob and weave enough, something will change—that the U.S. will end or weaken its support for democratic

[1]Footnotes at end of article.

governments in Costa Rica, El Salvador and Honduras—and that the way will again be open for the "revolution without frontiers." We must convince them that that is not the case, that the U.S. will not abandon its friends in Central America. At the same time, we must go on probing, proposing ways to talk that overcome the old objections—until the Sandinistas tell us they are ready to move to a fair and equitable dialogue.

Meanwhile, Nicaraguans have taken matters into their own hands. Sandinista intransigence has sparked an insurgency that the Sandinistas themselves claim is a threat.

Several thousand guerrillas are now active in Nicaragua. Disillusioned Miskito Indians operate in much of their homeland in the Atlantic lowlands. In the eastern and northern border departments of Jinotega, Nueva Segovia, Madriz, Esteli and Zelaya, significant insurgents forces are attacking government outposts and ambushing military convoys. Guerrilla activity is reported in the central coffee-growing province of Matagalpa. This month for the first time armed dissidence has been reported in the south. Wherever the opposition groups show up, they seem to attract local support, and their numbers grow.

In light of recent allegations in the media, you will ask me right off whether this insurgency has been created or supported by the United States. No American administration has ever discussed this kind of allegation—other than in the Senate and House committees created expressly for the purpose—and this one will not break precedent. But I will describe the Nicaraguan opposition movements; it should be clear to you that it has appeared and expanded in response to deep grievances against the Sandinistas.

Who are the people who have dared challenge Managua's ideologues? What do they want? Based on what we know, several things can be said. Most importantly, they are Nicaraguans to the core. There are two major groups.

One, the larger, is the Frente Democratico Nacional (FDN). Although its main strength is inside Nicaragua, Sandinista repression has driven most of its leaders to Honduras and Costa Rica. The FDN's directorate is made up of Lucia Salazar, the widow of Jorge Salazar, an anti-Somoza businessman murdered by the Sandinistas in 1980; Alfonso Callejas, a former vice-president of Nicaragua who broke cleanly with Somoza in a 1978 attempt to oust Somoza; Edgar Chamorro, an appolitical private sector leader; Indalecio rodriguez, former vice-rector of the Central American University (UCA); Enrique Bermudez, a former National Guard colonel whom Somoza removed from Nicaragua by sending him as military attache to Washington form 1975 to 1979 (and whom the Sandinistas themselves have acknowledged played no part in Somoza regime repression); Marco Zeledon, a respected private sector leader with no ties to the Somozas; and Adolfo Calero, a life-long opponent of the Somozas who was jailed by Somoza in 1978. They have publicly stated that their objective is to bring democracy to Nicaragua, not a return to Somocismo. Indeed, several FDN leaders were jailed for their activities against Somoza. In sociological terms, these leaders represent members of the professions and teachers, plus small businessmen and farmers. Their followers include disaffected peasants, former small farmers, Miskito Indians, and other groups displaced or simply repressed by Managua's ideologies. We estimate that the FDN's ranks include over a thousand guerrillas. Former National Guardsmen—mostly non-commissioned officers—lead many of these guerrilla units, but most of the members are peasants and former small farmers.

FDN pronouncements repudiate the Somoza past and affirm the nationalistic and patriotic principles of Sandino. As I am sure the Committee is aware, the FDN proposed a peace of plan on January 13, 1983, in which they offered to cease hostilities if among other points in GRN held internationally supervised elections by September 1983, revoked the state of siege in Nicaragua, and separated public administration from partisan political and ideological activities.

The second major group, led by the anti-Somoza hero Eden Pastora, is ARDE—the Alianza Revolucionaria Democratica. ARDE's leaders include such well-known figures as former post Somoza junta leader Alfonso Robelo, Miskito Indian leader Brooklyn Rivera, and former anti-Somoza fighter Fernando "Negro" Chamorro. Pastora, who was the original Sandinista Vice-Minister of Defense, has repeatedly denounced the revolution's betrayal, which he argues was motivated by Cuban agents enforcing a sellout to the Soviet Union. Most of ARDE's statements have been issued from Costa Rica. ARDE's February 2 peace proposal calls for elections of a constituent assembly by June 1983 to fulfill the promise of the Sandinista revolution

Caught off balance by the scope of the opposition it has brought upon itself, the Nicaraguan Government has sought to discredit its opponents as "Somocistas"—attempting to associate them with the crimes of the former government. The Sandinistas' current propaganda plan—we have seen the March 24 SFLN memorandum—instructs its political cadres to blame "U.S. imperialism" for the country's problems, to smear Adolfo Calero—a Democratic Conservative Party leader with who they have negotiated, and Alfonso Robelo—a former member of their own Junta, as "traitors", and to portray opposition as aimed against Nicaragua rather than against its current rulers.

Now the Comandantes have not accepted our proposals before, but I would urge them, before they get too far calling Calero of the FDN and Robelo of ARDE "traitors," to recall that last year they failed to convince their own people that Eden Pastora, a man who is still proud to call himself "a true Sandinista", could be a traitor to the Nicaraguan people or to the original ideals of the Sandinista revolution.

The Sandinistas assert that the only alternative to what they've created is "Somocismo". Nothing could be more simplistic or more false. "Somocismo" was a highly personal traditional dictatorship that died with Somoza. It could not be recreated even if one wished to do so. The Sandinistas know that most Nicaraguans want democracy, peace and an end to Cuban influence. Indeed, that is the program promised the Nicaraguan people in 1979. And that is the program the Sandinistas are today always trying to sweep under the rug they call "Somocismo". The Nicaraguan people remember their history. So should we.

It is not clear what the course of the struggle in Nicaragua will be. What is certain is that, as long as Nicaragua forces legitimate dissent at home to follow violent means and persists in threatening and destabilizing its neighbors, it will never be stable, nor will Central America.

It is conceivable that Cuba or the Soviet Union could be tempted to escalate the conflict, introducing modern fighter aircraft or even Cuban combat troops. Clearly a dangerous situation would then develop, unacceptable not only to Central America but to the American nations as a whole. We have communicated to Moscow and Havana how dangerous such a move would be.

It is also conceivable that, in an effort to distract attention from their internal problems, the Sandinistas might lash out at their neighbors, attacking Costa Rica or Honduras. For over a year, Managua has already been running terrorist operations in San Jose and infiltrating guerrillas into northern Costa Rican provinces. And there have been frequent border incidents with Honduras. Although journalists who have visited the area report no activity on the Honduran side, Nicaragua has recently reinforced military units on the border. Again, I believe the Sandinistas understand that they could not gain by attacking their neighbors. It is also important to stress that every resource of inter-American diplomacy, including of course that of this country, would be available to prevent such an outburst.

But there is a better way. It is through dialogue and negotiation.

We ask the Sandinistas to think of the Nicaraguan people. Despite all that foreign aid, Nicaraguans in city and countryside are much less well off than before the revolution. They resent the pressures on their churches and their clergy. They distrust and dislike the Sandinista monopoly of power—they have lived under such a system before.

We ask the Sandinistas to consider the insurgency in their own country. Despite—or is it because?—of the presence of all those armed Cubans, popular resistance is spreading. They may conclude that the dialogue they have so many times spurned is preferable to widening civil strife.

We ask the Sandinistas to consider the insurgency they are supporting in El Salvador. If it has legitimate grievances, let them be pursued through democratic institutions. The international community is willing and able to provide security and other guarantees for elections as the answer there as well.

Each element of the Central American problem is related to the other. No amount of land reforms or open elections, or improvement in human rights will end the conflict in El Salvador if Nicaragua continues to fuel it. Democracy will not prosper in Nicaragua's neighbors unless it is practiced in Nicaragua as well. Nicaragua will not be free of the hostility of its own people and of its neighbors, until it begins to address their concerns for democracy and security.

So the answer is democratization and dialogue among neighbors. The purpose of U.S. policy in the area is to create conditions in which the area can be removed from East-West conflict, the import of offensive weapons and mutual support for insurgencies ended, and the democratic transformation of each society achieved. Negotiations among all the Central American countries and negotiations within countries can provide the opportunity for all groups to compete in the voting booth rather than on the battlefield.

FOOTNOTES

[1] EPS Chief of Staff Joaquin Cuadra to U.S. Army Assistant Chief of Staff for Intelligence, Major General William E. Odom in November 1982.

[2] By way of comparison, El Salvador received $121 million from the U.S. during the same period.

[3] Nicaragua's Sandinistas aid the guerrillas in El Salvador by supply arms, training, financial aid, and by allowing the guerrillas' command and control center to operate near Managua.

ARMS SUPPLY

Arms and ammunition destined for clandestind delivery to El Salvador reach Nicaragua by ship and by direct flights from Havana to Nicaragua. The arms remain stockpiled near Managua until their use by the guerrillas.

Several "smoking guns" have revealed Nicaraguan arms shipments to El Salvador. Nicaragua's Papalonal airfield was used for direct supply flights to the Salvadoran guerrillas for the January 1981 "final offensive"; two overland shipments from Nicaragua through Honduras discovered in 1981 contained weapons originally shipped to American units in Vietnam (similar caches of arms were discovered in Guatemala City in mid-1981, apparently destined for the Gutemalan insurgents); a captured Salvadoran guerrilla leader, Lopez-Arriola, confirmed that the Sandinistas control weapons delivered from Vietnam to Nicaragua for the Salvadoran insurgents.

The Sandinistas use a variety of routes (overland, air drop and sea) to furnish arms and, increasingly, vitally needed ammunition. In 1982, these supply operations have included increased quantities of heavier weapons including M-60 machine guns, M-79 grenade launchers, and M-72 antitank weapons.

A Salvadoran guerrilla, Alejandro Montenegro, captured during a raid on a guerrilla safehouse in Honduras in August 1982, confirmed that Nicaragua remains the primary source of insurgent weapons and ammunition, although the guerrillas capture some weapons and ammunition from the Salvadoran military. One of the guerrillas captured with Montenegro had made five trips to Managua in 1982 to pick up arms.

TRAINING

Since mid-1980 Salvadoran guerrillas have trained in Nicaragua and Cuba in military tactics, weapons, and explosives. Cubans and other foreign advisors are involved in the training.

One Salvadoran guerrilla who defected to Honduras in September 1981 reported that he and 12 others went from Nicaragua to Cuba for extensive military training in Cuba where over 900 Salvadorans were receiving training.

Several terrorists captured in a safehouse raid in Tegucigalpa in November 1981 told authorities that the Nicaraguan government had provided them with funds for travel and explosives.

Two weeks ago, responding to a local citizen's tip, Honduran security officials surprised a group of Salvadoran guerrillas in transit through Honduras to El Salvador from training camps in Nicaragua. The anti-socials escaped after a firefight, but left behind documents identifying infiltration routes.

COMMAND AND CONTROL

After two years of combat, the FMLN headquarters near Managua has evolved into a sophisticated command and control center which guides operations. Cuban and Nicaraguan officers are present at this headquarters. The headquarters coordinates logistical support, including clothes, money, and ammunition.

Intelligence agencies have provided a mass of classified information on arms supply, training and command and control to the relevant Congressional committees. In a report dated September 22, 1982 the House Intelligence Oversight Committee noted that "intelligence has been able to establish beyond doubt the involvement of communist countries in the insurgency." The Chairman of the Committee issued a statement on March 4, 1982 stating in part that:

The insurgents are well-trained, well-equipped with modern weapons and supplies, and rely on the use of sites in Nicaragua for command and control and for logistical support. The intelligence supporting these judgements is convincing.

There is further persuasive evidence that the Sandinista government of Nicaragua is helping train insurgents and is transferring arms and support from and through Nicaragua to the insurgents. They are further providing the insurgents with bases of operation in Nicaragua. Cuban involvement in providing arms—is also evident.

MR. GROMYKO'S EXPLANATIONS

Mr. PERCY. Mr. President, on April 7, Joseph Harsch wrote an incisive and perceptive article commenting on Soviet Foreign Minister Andrei Gromyko's statements in response to President Reagan's new initiative in the Intermediate-Range Nuclear Forces (INF) negotiations. As Mr. Harsch observes, the intensity of the Soviet reaction reflects their near-desperate realization that the President's proposal appropriately shifts the burden of responsibility onto their shoulders for demonstrating flexibility in these talks. Mr. Harsch writes that the new U.S. offer proves that the United States is "ready and willing to negotiate for a downward limit on these weapons."

I am very pleased that the President has taken this initiative, which I had urged on March 12 in a speech at a defense symposium in Chicago. The U.S. proposal for an interim INF accord is sound, fair, and based on the closest consultations with our allies. It is now time—past time—for the Soviets to begin to negotiate in good faith so an interim agreement can be concluded by the end of the year. Once we obtain this agreement, we should then press on in the negotiations toward our ultimate objective, the elimination of all weapons of this type from the face of the Earth. In time, I hope that we can eliminate all nuclear weapons from the globe.

Mr. President, I ask unanimous consent that the article by Mr. Harsch published in the Christian Science Monitor be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, Apr. 7, 1983]

MR. GROMYKO'S EXPLANATIONS

(By Joseph C. Harsch)

President Reagan can be pleased by the fact that Andrei Gromyko went to such remarkable and unusual lengths to try to counter the offer which the President had made three days earlier on intermediate-range nuclear weapons. The Gromyko performance stands out as a tribute, albeit unintentional, to the skill and soundness of the American President's proposals and timing.

To get the two operations into perspective, notice that it is a rare event for any high official of the Soviet Union to deliver an hour-long speech live on Soviet television and submit for another hour to questions from reporters, also on television before the entire Soviet TV audience.

There are plenty of longer Soviet speeches, but not to the general audience, and not followed by extemporaneous answers to voiced questions.

Notice also that the Gromyko performance followed by three days the President's announcement that he was ready and willing to negotiate an "interim" agreement with the Soviets to limit, on a basis of equality in warheads, Soviet and American intermediate-range nuclear weapons in the European theater.

Up until the President's statement on March 30 the Soviets had been enjoying the propaganda advantage with public opinion in Western Europe and much of the rest of the world. Moscow had succeeded in appearing to be more interested in peace and in weapons control than had Washington. Moscow had mounted a sustained and skillful "peace offensive" from shortly after the suppression of Solidarity in Poland.

The more President Reagan and his lieutenants talked weapons and the possibility of winning nuclear wars the more allied and friendly opinion began to pull away from the US and to look with rising hope toward Moscow.

Mr. Reagan's "zero-zero" proposal for Europe was no help in the propaganda war. The elimination of all Soviet and US intermediate-range weapons from Europe is desirable and would restore the balance of weapons in the European theater to what it was before the Soviets began deploying their new SS-20 missiles, but the Soviets have by now planted over 200 of these weapons in Europe. It is not in the habit of the Russian bear to give up an advantage like this without getting something in return.

Thus, so long as the President stood on his "zero-zero" position there was not going to be any progress toward arms control and the Soviets would continue to enjoy the propaganda advantage. That advantage was bound to show up in the antinuclear demonstrations which come with spring and the Easter season and which make it difficult for the NATO governments in Europe to proceed with their plans for accepting the new US weapons.

The contrast between the alleged (no matter how fraudulent) flexibility in the Soviet position on weapons and the inflexibility of the Washington position assured more recruits for the peace demonstrations.

It was at this point that the President made his new offer on the weapons for the European theater. The purpose was to prove that Washington is ready and willing to negotiate for a downward limit on these weapons.

If the new Washington offer had been specious there would have been no need for anyone in Moscow to worry about it. A routine editorial in Pravda would have been sufficient to keep Moscow in the favorable propaganda position.

Therefore the reaction in Moscow was watched with greatest interest.

The answer was bound to be a no. At this stage of play there is no certainty that the European members of NATO will be politically able to accept the new American weapons they asked for. So long as there is a possibility that Europe will refuse to take the weapons, or take them with acute political pain, Moscow has nothing to gain and something to lose by going to the bargaining table.

The time for serious negotiation will come when and if the deployment of the new American weapons has actually begun. Let a few of the Pershing IIs be actually planted in West Germany and a few of the new cruise missiles start appearing on British airfields and the reason for Soviet delay will decline. But any diplomat can tell you that you don't start negotiating as long as you think you can gain an advantage from waiting.

So what did happen?

Mr. Gromyko was put before Soviet television on April 2, just three days after the

President. And Mr. Gromyko launched into a brilliant, almost tear-jerking explanation of Moscow's unreadiness to go now to the bargaining table. We used to think of him as a cold fish. Mr. Reagan could not have played the role better than Mr. Gromyko did. Unless you knew the nuclear facts you could have watched that performance and concluded that the Soviets were the "good guys" being cheated by the mean Americans.

But note that it consisted exclusively of explanations for not doing something and therefore was not good enough to regain the propaganda advantage for Moscow.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? There being no further morning business, morning business is closed.

EXECUTIVE SESSION—NOMINATION OF KENNETH L. ADELMAN, TO BE DIRECTOR OF THE U.S. ARMS CONTROL AND DISARMAMENT AGENCY

The PRESIDING OFFICER. The question now recurs on the nomination of Kenneth L. Adelman, to be Director of the U.S. Arms Control and Disarmament Agency.

Mr. PERCY. Mr. President, today the Senate begins its consideration of the nomination of Kenneth Adelman to be the Director of the Arms Control and Disarmament Agency. More than 2 months have passed since the nominee first appeared before the Committee on Foreign Relations to testify in his own behalf. Three full days of exhaustive hearings were conducted, producing more than 200 printed pages of testimony and discussion. In that time, the nominee answered the questions of committee members on the entire spectrum of arms control issues. I urge my colleagues to review the hearing record, especially Ambassador Adelman's testimony, before making a decision on this nomination. It is a far better source of information on the nominee's views than press reports about the nomination which have often been incomplete or even inaccurate.

When Ambassador Adelman first testified on his nomination, I remarked that the committee's responsibility was to assess whether the nominee possessed the experience, capability, and commitment to arms control envisioned by Congress when it created the Arms Control and Disarmament Agency. Today, as I speak in favor of the nomination, I am satisfied that Ambassador Adelman has the qualities necessary to be an effective and dedicated Director of the ACDA.

By tradition and precedent, the Senate has placed great weight on the President's right to select senior officials whom he believes can offer him sound counsel and carry out effectively the policies and decisions of his administration. There can be no doubt that President Reagan has the utmost confidence in Ambassador Adelman and wants him to be the next ACDA Director. On repeated occasions since his nomination, the President has reiterated his complete support and confidence in Ambassador Adelman. Those of us who support Ambassador Adelman believe the President considers the arms control process to be an essential element of our national security, and he has obviously determined that Ambassador Adelman will be an effective advocate for that process. While Ambassador Adelman's previous foreign policy experience has been broad based and not concentrated exclusively on arms control, he has devoted considerable time and study to the subject of arms control.

The President knows Ambassador Adelman personally and has worked closely with him on a number of occasions. Ambassador Adelman was a foreign policy adviser to Governor Reagan during the 1980 Presidential campaign and was a member of the President's transition team. He also served as his personal representative during the release of the U.S. hostages from Iran. He first came before the committee to be confirmed as the second-ranking U.S. official at the United Nations. As Deputy Representative, the nominee headed the U.S. delegation to the First Committee, which deals with disarmament matters; coordinated, as principal American diplomat, the U.S. delegation to the Second Special Session on Disarmament; and represented Ambassador Kirkpatrick in National Security Council meetings on START and INF.

Prior to serving at the U.S. mission to the United Nations, Dr. Adelman was employed at the Departments of Defense, State, and Commerce and worked as a senior political analyst at the Stanford Research Institute. At the Department of Defense, he served as a special assistant to Secretary Rumsfeld, thereby gaining a firsthand knowledge of the national security decision making process.

On several occasions, I have discussed his qualifications personally with Secretary Rumsfeld, who assures me that he has total and complete confidence in Ambassador Adelman based upon his own intimate working experience with him. In fact, Secretary Rumsfeld asked the State Department to make available Ambassador Adelman to him when he was asked to assume the responsibility by the President as a special ambassador for the Law of the Sea. He took Ambassador Adelman with him in order to work with our allies and friends around the world in working on the Amercian position on the Law of the Sea.

In his career outside Government, Dr. Adelman published widely on foreign affairs, defense, and arms control topics, including several critiques of the SALT II Treaty and the SALT process.

Ambassador Adelman has received an impressive list of high-level endorsements. Ambassador Kirkpatrick wrote to me on February 1 stating that Ambassador Adelman had done a first-class job as her principal deputy. Secretary of State Shultz, on February 15, assured the committee that he has absolute confidence in Ambassador Adelman's abilities. At a press conference in Boston on February 18, Dr. Eugene Rostow, the previous ACDA Director, noted his high regard for Ambassador Adelman. Dr. Rostow has also stated that in 1981 he had enthusiastically invited Ambassador Adelman to take a senior job at ACDA.

Before the committee vote on February 24, I was contacted by President Ford, former Secretary of State Kissinger, former Secretary of Defense Rumsfeld, Dr. Robert Goldwin, a former aide to President Ford, who has worked closely with Ambassador Adelman, and other prominent Americans who conveyed their full support for the nominee.

I wish to indicate that Dr. Robert Goldwin and I have been friends for many decades. Through the years he has been a political mentor to me as a political scientist at the University of Chicago and the former head of the conference center at the University of Chicago. I have had intimate and long talks with Dr. Goldwin about the capacity and capability of Ambassador Adelman. They know each other well because they actually had adjoining offices at the Department of Defense. Dr. Goldwin, whose judgment I have great faith in, has assured me from his own personal knowledge of the brillance, the competence, and the capability of Ambassador Adelman.

In the light of these strong recommendations from officials and former officials, many of whom have dealt directly with Ambassador Adelman in various capacities, I concluded, as did seven other members of the committee, that the nominee is qualified to be the director of ACDA.

I might add also that at some point in the next day or so Senator DOLE, undoubtedly, will speak on behalf of Ambassador Adelman because he knows him intimately from firsthand knowledge because he worked with him closely in his capacity in the Senate. Why then, given his impressive background of public service and widespread support, is there so much concern over Ambassador Adelman's ability to serve well as ACDA Director? For that answer, it is instructive to review the nominee's initial testimony. In his own words, he was "too cautious" in declining to offer opinions on a range of important questions perti-

nent to arms control and national security. However, his testimony at the second and third hearings demonstrated a broad and comprehensive understanding of the arms control process—its history, its problems, and its future. A number of committee members publicly commended the nominee following these subsequent appearances.

Another principal objection on the part of those committee members who voted against the nomination concerns Ambassador Adelman's alleged lack of personal commitment to the arms control process. Certainly, if it were true that Ambassador Adelman does not believe in arms control, he should not be confirmed. But based on his testimony, extensive writings, and record of public service, it is apparent that he believes that meaningful arms control is an extremely important national objective. As Ambassador Adelman testified:

> If confirmed by the Senate, my overriding obligation would be to serve as an advocate of arms control to the President, and to tell him that this is a very important subject, and to tell him that it is an objectively important subject in the world.

In response to a question by Senator TSONGAS, regarding his commitment to arms control and the circumstances under which he could not serve the President, Ambassador Adelman noted:

> If confirmed, I will be a vigorous advocate and proponent of arms control agreements that are equitable, verifiable, and militarily significant. I intend to fulfill these obligations to the best of my ability. However, as a general proposition, it is my belief that if any public official finds that his values and principles are in fundamental conflict with administration policy and he has concluded that his capacity to change those policies have been exhausted, resignation is an appropriate recourse.

Certainly, Mr. President, Ambassador Adelman has made his position clear. His role as a committed advocate of arms control will take priority over his personal allegiance to the administration. I believe that this is the only right and just way for the Director of the ACDA to carry out his mission.

Some confusion over Ambassador Adelman's commitment to arms control has resulted from his various criticisms of the SALT II treaty. In this regard, however, Ambassador Adelman simply shares reservations expressed by President Reagan, some members of the committee, and many other Americans in and out of the administration. It is simply not accurate to interpret his criticisms of the SALT treaties as indicating a lack of support for arms control. Indeed his strong advocacy of meaningful reductions in nuclear weapons suggest just the opposite.

Certainly, we know ourselves that there are many Senators in this body who took strong positions against SALT II, but we would be aghast if anyone accused them of being against arms control. Senator after Senator on the Foreign Relations Committee who did vote against SALT II indicated sometimes that they did so because SALT II did not go deep enough and did not actually call for reductions in nuclear weapons.

I happened to have voted for SALT II, but I respect those who voted against it because it did not go deep enough, did not go far enough, did not have adequate verification, or whatever their reason might have been. But certainly, to criticize SALT II is in no way, by no stretch of the imagination, justification for not calling Dr. Adelman qualified to serve as the head of ACDA.

Evidence of his long held belief in the importance of arms control is readily available. For example, Ambassador Adelman's 1978 article in the Wall Street Journal entitled, "Can There Be a SALT III?" is revealing. Ambassador Adelman testified that he is as comfortable today with the views expressed in the August 1978 Wall Street Journal article as he was when he wrote it. In the article, Ambassador Adelman wrote: "Technological and political forces compel a new generation of nuclear arms negotiations, one quite distinct from SALT II in three key respects."

First, Dr. Adelman recommended that rather than just limiting missile launchers and bombers, arms control must take on other destabilizing problems, such as missile accuracy, killer satellites, and increased warhead fractionalization. Contrary to his critics' assertions, this is the voice of a person who really believes in the full process of arms control.

Second, Dr. Adelman suggested that the type of weapons included in negotiations should be expanded to encompass intermediate-range nuclear systems based in Europe. In this sense, Ambassador Adelman anticipated the INF negotiations that the United States, in consultation with its NATO allies, launched 2 years later. Lastly, Dr. Adelman stated that "The number of actors on the stage of nuclear arms negotiations must likewise be enlarged." To the degree that our NATO allies are closely consulted before and after each INF negotiating round, this recommendation has also been implemented.

Since 1978, Ambassador Adelman has reiterated his support for arms control in other writings including "The Seven Lessons of SALT," and "Rafshooning the Armageddon," and in a statement to the U.N. First Committee on "U.S. Arms Control Objectives." Undoubtedly, Ambassador Adelman's written views may differ from those of some arms control advocates. Nevertheless, they reveal a basic belief in the need for arms control, and acknowledge that past approaches to achieving real arms control are not sacrosanct and should be subject to close examination.

Therefore, based upon Ambassador Adelman's testimony to the committee expressing his views on arms control, and taking into account his published writings on arms control over the past 5 years, as well as his record of public service, I concluded that Ambassador Adelman has a sincere belief in the need for arms control and will be an effective advocate as the ACDA Director of achieving real arms reductions.

Mr. President, for some of my colleagues the vote on Ambassador Adelman's nomination has apparently become a referendum on President Reagan's overall arms control policy. I do not believe that it is productive for the cause of arms control to establish this linkage, but for those who have or may be considering the nomination by this criterion, I would argue that this administration has indeed put forward a comprehensive, far-reaching, and flexible set of arms control proposals.

In START, our negotiations have drawn from the Soviets a proposal that goes well beyond the position the Soviets were willing to take 2 years ago. The Soviet START proposal, which would require a 25-percent reduction in their strategic forces, offers cuts far deeper than those negotiated in SALT II and, we might add, far deeper than might be achieved where a nuclear freeze agreement to be negotiated.

In INF, President Reagan announced on March 30 that the United States had made a new proposal for an interim agreement. Under the proposal, which I believe is sound and fair, the United States would scale back its planned deployment of 572 Cruise and Pershing II missiles if the Soviets would agree to reduce their INF missiles to an equal level. The President's initiative shows that we will leave no stone unturned in our search for a negotiated solution to the massive threat posed by the continuing deployment of SS-20 missiles. The burden of responsibility now rests on the Soviets to demonstrate flexibility and begin to negotiate in good faith.

Last month in Geneva, the United States submitted a draft treaty for the global destruction of all chemical weapons stockpiles and production facilities over a 10-year period.

The administration also decided last month to move ahead with the Threshold Test Ban and Peaceful Nuclear Explosions Treaties. President Reagan has decided that the United States should ratify these treaties as soon as a new protocol strengthening verification can be negotiated. If we can overcome initial Soviet objections, these negotiations can be underway in a matter of weeks.

Thus, we believe that the administration is moving with determination to establish a constructive and stabilizing arms control framework with the Soviet Union. We are particularly pleased to know that Secretary Shultz and Deputy Secretary Dam have committed themselves to be actively involved in arms control. This encouraging approach was confirmed by Secretary Shultz on January 13, 1983, when he said that "within the framework"—of ACDA—the President had asked him to exercise increased authority and control over U.S. arms control policy. Ambassador Adelman, backed by the able staff at ACDA, will thus be joining a very accomplished team.

Turning to other matters, much attention has recently been generated by two issues tangentially related to Ambassador Adelman's nomination. These are a May 24, 1981, article written by Mr. Ken Auletta of the New York Daily News entitled "Ron's Foreign Policy: The Posturing Is the Policy," and the so-called Rowny memorandum dealing with ACDA and START delegation personnel matters. I do not believe that either the article or the so-called memorandum should be a controlling factor in Ambassador Adelman's confirmation. However, because of the extensive coverage given to these matters, it is important to set the record straight.

Regarding the Auletta article, on February 24 the committee heard testimony from Ambassador Adelman and from Mr. Auletta. The hearing was held at the request of Senators PELL and CRANSTON after they became aware of the Auletta article, which purported to quote Ambassador Adelman on his arms control views. In this article, Mr. Auletta wrote that Ambassador Adelman told him that arms control negotiations with the Soviets are a "sham."

During the course of his testimony on February 24, Ambassador Adelman maintained consistently under oath that he had no recollection of having been interviewed about arms control in May 1981 by Kenneth Auletta nor of having used the word "sham" in that purported interview.

He testified that he did not learn of the existence of the Auletta article until January 23, 1983, approximately 21 months after its publication and that had he known of its existence when published he would have denied that the alleged quotes reflected his opinions on arms control. He specifically testified that he does not consider arms control a sham.

Under questioning by committee members, Mr. Auletta admitted that this same May 23, 1981, article did not quote Ambassador Adelman's full views on arms control as they were purportedly expressed to him. Mr. Auletta admitted that, although the notes of his telephone interview with Ambassador Adelman included the work "sham," Ambassador Adelman had said twice during the purported interview, "We are willing to have a meaningful reduction in nuclear weapons." Unfortunately, Mr. Auletta did not include this information in the May 14, 1981, article, though I commend Mr. Auletta for volunteering this information to the committee to complete the record.

Ambassador Adelman testified during the February 24, 1983, hearing that his views on arms control are well known and have been consistent in supporting the principle of arms control. He noted that, although he felt SALT II was inadequate, this should not be interpreted to mean he does not support arms control. On this point, Ambassador Adelman testified:

> I have written extensively that I did not think SALT II was a real arms control package that reduced weapons, that increased stability, that saved money, that were thoroughly verifiable, and that was the statement I have written, I have discussed, and I feel strongly about.

He added that even Kenneth Auletta's notes of the purported May 1981 interview quote him as saying that he would be willing to "go into negotiations ready to give up a great deal—a real reduction in nuclear weapons if the Soviets are willing to."

Regarding the so-called Rowny memorandum, in late January, shortly after the President announced his intention to nominate Ambassador Adelman to be the new ACDA Director, Ambassador Rowny met with Ambassador Adelman. During that 15-minute meeting, a staff aide handed Ambassador Rowny a set of talking points prepared on a variety of matters including START, the interagency process, and ACDA and START delegation personnel matters. Ambassador Rowny testified that he had not seen the talking points prior to the meeting and that he simply handed them to Ambassador Adelman before they parted. I have said many times that I regard the talking points as "extremely unfortunate." But, the only relevant question with respect to Ambassador Adelman's nomination is whether by accepting the talking points from Ambassador Rowny, he somehow was addressing ACDA personnel matters. Ambassador Adelman testified that he had not and would not make any personnel decisions until after his confirmation.

Having fully reviewed the entire record of this matter, I am convinced that Ambassador Adelman acted in a perfectly proper manner with respect to the treatment of the talking points. What Ambassador Adelman did do was establish a procedure for handling unsolicited suggestions and advice on personnel that might be made to him. Consequently, he asked Robin West, an Assistant Secretary of the Interior and expert on governmental administration and personnel matters, to act as a repository of personnel papers and information provided to him. To my knowledge, Ambassador Adelman took no other action that in any way related to personnel decisions.

In fact, I think the way he handled this matter was impeccable, beyond reproach, and highly commendable.

As for the so-called Rowny memo, immediately after Ambassador Rowny handed him the talking points, Ambassador Adelman looked at them briefly without careful study. He transmitted the talking points, on or about January 15, 1983, to Mr. West under the assumption that these "represent the real views of Rowny." As already noted, Ambassador Rowny has stated for the record that the talking points were prepared by his staff and did not and do not accurately represent his views. He has also indicated that, after he learned Ambassador Adelman believed the talking points represented his views, he telephoned Ambassador Adelman on February 22, 1983, from Geneva to say that he had reviewed the talking points and that they did not accurately represent his views. In summary, I find Ambassador Adelman's explanation of this matter credible.

Mr. President, in concluding my statement, I ask my colleagues to consider the psychology enveloping Ambassador Adelman's nomination.

For those Senators who really are aiming for arms control, and effective arms control, now and in the immediate future, before the first term of the Reagan administration ends, I urge that they look at the psychological framework in which we now are considering this nomination. We are not considering this nomination as if it were the first day it was proposed. A great deal has happened. A great deal is revealed by 200 pages of testimony. A great deal has happened through the personal conversations that Ambassador Adelman has had with Senators and the personal commitment he has given to us. I ask, in the interest of effective arms control soon, that we give consideration to these matters.

We cannot put an exact timeframe on it, but we can render judgment as to whether the process will be speeded up or will be impeded if we turn down this nomination. My own judgment is that if we turn him down, we shall impede the process. If we confirm him, we shall speed up the process and make it more effective.

Due to concerns raised during the confirmation process about his commitment to arms control, Ambassador Adelman will bear the burden of proof that he actually is a very strong advocate of arms control and that he can be effective in achieving substantial results in this field. The administra-

tion must also realize that it will pay a heavy price in public and congressional disapproval if progress on arms control is blocked or if Ambassador Adelman fails to infuse our efforts with imagination and initiative. In brief, we have created a strong climate of positive expectations and placed a tremendous burden of responsibility upon the President, upon the Reagan administration, to prove that if this nomination is confirmed, their faith will be fully justified. It will be justified not in words, but in deeds, in actions, and in effective measures that will bring to this Senate treaties for ratification in this first term of the Reagan administration. This is a goal I know is shared not only by President Reagan but by Secretary Shultz, Deputy Secretary Ken Dam, and Ambassador Adelman.

If we confirm Ambassador Adelman, he will take office with the administration having agreed to some very important undertakings and conditions which make it possible for me to give strong support to the nominee. If we do not confirm him, they are relieved of the responsibility of those commitments which have taken many months now to obtain and which we have obtained to my full satisfaction.

First, Ambassador Adelman has gone on public record that he will be a committed advocate of arms control. Second, Secretary Shultz and Deputy Secretary Dam will play a much more decisive role in arms control. Third, priority will be given to removing the last obstacles blocking ratification of the Threshold Test Ban and Peaceful Nuclear Explosions Treaties. Finally, the personnel problems and unfilled vacancies that have plagued ACDA for 2 years will be put behind us as the Agency staffs up to throw its full weight into securing much-needed arms control accords.

If we reject this nomination, we undercut the commitments obtained, and the Agency will flounder without top leadership while the nomination and confirmation process goes back to square one. Those voting against Ambassador Adelman will bear a burden of responsibility themselves for progress or lack of progress on arms control. I feel that we have an able nominee now and that we should confirm him. I urge my colleagues to approve the nomination of Kenneth Adelman to be the Director of the Arms Control and Disarmament Agency.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, we have heard the view of the minority of the Foreign Relations Committee and I now rise to express the majority's view and my own opposition to the nomination of Kenneth Adelman to be the Director of the ACDA. I do so reluctantly because I believe that, ordinarily, the President is entitled to the benefit of the doubt when choosing his nominees. Moreover, I personally like Mr. Adelman. In this case, however, I believe that there are compelling reasons to reject the nomination.

The majority of the members of the Committee on Foreign Relations voted on February 24 to report the nomination unfavorably. This decision came after three lengthy hearings with Mr. Adelman and extensive committee discussion. It was not a decision taken lightly. In only one other instance since 1925 has the committee formally rejected a nomination, and in that instance the nomination was withdrawn almost instantly.

In its earlier consideration of the nomination, it was clear that the committee was closely divided, but that unfavorable action was likely if a vote was held. Accordingly, by a 15 to 2 vote, the committee delayed action for a week to allow the President to reconsider the nomination. Following this bipartisan committee decision, the President made clear his continued support for the nomination, his desire to go the course. Reluctantly the committee then proceeded to recommend rejection.

The committee considered the nomination in terms of congressional intent in establishing ACDA in 1961 and in terms of Mr. Adelman's suitability for the position. The committee weighed very carefully his background and experience and attempted to ascertain his degree of commitment to arms control, his zeal for arms control. In addition to his testimony, Mr. Adelman's writings and public statements and government service all were taken into account.

Mr. President, I participated in the original enactment of the legislation creating ACDA. Senators Humphrey, Clark, and I persuaded Arthur Schlesinger and, through him, President Kennedy, to make it a statutory agency and not one set up by Executive order. What we in Congress intended some 22 years ago was for ACDA to play the role of an advocate for arms control. We wanted an agency that would serve as a counterbalance to the Pentagon. The last thing that we wanted was for ACDA to be an echo chamber for policies developed in the Pentagon.

In its report on the legislation creating ACDA, the committee stated that its purpose was "to give impetus to the U.S. goals of a world which is free from the scourge of war and the dangers and burdens of armaments, in which the use of force has been subordinated to the rule of law and in which international adjustments to a changing world are achieved peacefully." That was a laudable and valid purpose then, and it remains so.

Congress intended that the Director of ACDA—in terms both of statutory position and qualifications—should be one of the most senior officials in Government and headed by an individual who could hold his own with the Secretary of Defense in any contest or dispute. The Director's post is at the executive level 2 rank—the equivalent of Deputy Secretary of State of Defense. According to the Arms Control and Disarmament Act of 1961:

Sec. 22. The Agency shall be headed by a Director, who shall serve as the principal adviser to the Secretary of State, the National Security Council, and the President on arms control and disarmament matters. In carrying out his duties under this Act the Director shall, under the direction of the Secretary of State, have primary responsibility within the Government for arms control and disarmament matters, as defined in this Act. He shall be appointed by the President, by and with the advice and consent of the Senate. No person serving on active duty as a commissioned officer of the Armed Forces of the United States may be appointed Director.

In the past 20 years, the achievements of the Agency and its directors have been impressive. ACDA has had a vital role in:

The Limited Test Ban Treaty of 1963, which has spared the world from further radioactive pollution of the Earth's surface, waters, and atmosphere by the parties—the United States, Soviet Union, and Great Britain;

The 1968 Nonproliferation Treaty, which proves the good intent of more than 100 nations to forgo nuclear weapons;

The Seabed Arms Control Treaty, the Outer Space Treaty, the Antarctic Treaty, and the Treaty of Tlatelolco, which promote nuclear-weapons-free oceans and outer space, Antarctica, and Latin America;

The Antiballistic Missile Treaty, the SALT I interim agreement, and SALT II, all of which encourage nuclear stability and a safer world.

These accomplishments are a credit to Democratic and Republican administrations alike, and to a succession of able and distinguished Americans who served their Nation well.

In the course of its deliberations, our committee attempted to ascertain whether Mr. Adelman possessed the necessary background, experience, stature, and understanding of the field of arms control to meet the exacting standards of the statute and to build upon the record of achievement of the Agency and its directors. The majority of our committee found Mr. Adelman to be unqualified.

Mr. Adelman has served less than 2 years as Deputy Permanent Representative of the United States to the United Nations. In that capacity he has coordinated the U.S. delegation to the United Nations second special session on disarmament and headed the U.S. delegation to the first committee, which deals with arms control matters.

At the United Nations, arms control is one of many activities. As the committee report notes, Mr. Adelman's duties related to arms control involved less the development of arms control policies than their explanation and defense. Neither the Second Special Session on Disarmament nor the First Committee is a forum for the formulation of arms control policy. In fact, the principal U.N. forum for arms control policy is the U.N. Committee on Disarmament in Geneva, and the U.S. delegation there is headed by a different ambassador.

None of Mr. Adelman's earlier Government service during the Nixon and Ford administrations related directly to arms control. He has been an African affairs specialist and writer in his years of non-government employment. His writings are largely in fields removed from arms control, and those articles suggest a greater concern with the politics of arms control than with its substance.

Mr. Adelman failed to demonstrate an understanding of arms control issues in the committee hearings. At the first hearing, Mr. Adelman astonished Members when he professed, when asked about key arms control questions, not to have thought or to know about them.

When I asked him whether nuclear war could be limited, he told me he had "no thoughts" on the matter. He told me he had "no strong opinion" when I asked him whether our societies could survive a nuclear war. When the Senator from North Carolina (Mr. HELMS) asked what our response would be if the Soviets offered to have a verifiable elimination of nuclear weapons, Mr. Adelman responded that it was something "I just have never thought about in my life, and I would really have to look at that and explore it."

He told the Senator from California (Mr. CRANSTON) that he had not looked into whether the Soviets are violating the terms of SALT II. When pressed, he indicated that he was not familiar with what the treaty requires in order to reach such a judgment.

At the second hearing, he tried to remedy the negative impression he had left. For instance, he told me that in any nuclear exchange, the tendency would be toward escalation, that such an exchange would be horrendous and that there would be no winners. He modified his previous answer on the elimination of nuclear weapons by saying he had been puzzled how that could be done bilaterally. Although he was willing to say that no President had found the Soviets in clear violation of SALT II, he avoided offering any judgment of his own.

Throughout both sessions, he refused to discuss the degree of his support for arms control treaties and negotiations. He offered no evidence of any commitment to new initiatives. He did talk about the need for deep reductions, but he left Members to wonder whether this professed support would merely justify his opposition to less ambitious but still beneficial arms control endeavors.

Mr. Adelman has a much too limited view of what his own role will be if confirmed, indicating that he would be a contact point rather than a focal point for negotiations. When asked about ACDA staffing, he provided little reassurance about the future of the Agency's professional staff. He denied that there would be a housecleaning or purge, but he indicated that final decisions on key personnel would not be in his hands.

The third and final committee hearing was held to clarify Mr. Adelman's views, with particular reference to statements attributed to him in a May 24, 1981, article by Mr. Kenneth Auletta in the New York Daily News. The interview raised a number of questions, including whether Mr. Adelman would avoid rushing into negotiations lest they discourage money for defense programs, and whether he believes arms control negotiations should be a sham, conducted for political purposes.

All of us who participated in the third and final hearing were left with questions. The subsequent public disclosure and discussion of the so-called Rowny memorandum have raised still more questions.

Mr. President, all told the majority of our committee concluded that it was established in the hearings that Mr. Adelman is simply not qualified to hold the important post of Director of the Arms Control and Disarmament Agency. His interest in arms control is general and not specific. He has only limited familiarity with the broad range of arms control issues. His background is shallow. His approach is political, rather than substantive. He gives no indication that he has the necessary burning commitment to achievement in arms control.

I would remind my colleagues that the Committee on Foreign Relations reached its judgment only after the most careful and thorough consideration. Never in almost 60 years has the committee reported a nominee unfavorably. Only once in that time has the committee voted down a nominee, and, in that case, the nominee withdrew almost immediately. We gave the President every chance to withdraw the nomination before we reached this stage, but he was not willing to do so.

The nomination of Kenneth L. Adelman is thus before the full Senate for its judgment. I can see no reason for the Senate to question that Mr. Adelman has been given a fair test and has failed that test.

Accordingly, I urge strongly and firmly, Mr. President, that the full Senate sustain the committee in the conclusion it reached in carrying out its responsibilities. The nomination should be defeated. That would provide the President with the opportunity to nominate someone of real stature who would provide credibility to the President's often professed commitment to arms control.

Mr. HELMS. Mr. President, the debate today is not really a debate about the qualifications of the nominee for Director of the Arms Control and Disarmament Agency. The debate today actually addresses the question, whether the opponents of Mr. Adelman are serious about arms control.

If the opponents of Mr. Adelman were serious about arms control, I am obliged to believe that they would have dropped this charade long ago. They would have stopped manufacturing false issues about whether or not Mr. Adelman curtseyed and bobbed properly before them during the hearings on his nomination, and whether or not he misled them down a hopeless maze of their own construction.

What we are here to discuss is the kind of arms control this Nation should have. For 22 years, we have had an arms control agency that has failed to control arms. For 22 years, we have had one failure after another, a crescendo of disasters culminating in the failure of the Carter administration to bring its three alleged achievements in the field of arms control to fruition. We had a SALT II Treaty that was so fatally flawed that even President Carter would not bring it to the Senate floor. We had a Threshold Test Ban Treaty that even President Carter would not bring to the Senate floor. We had a Peaceful Nuclear Explosions Treaty that even President Carter would not bring to the Senate floor.

The question is relevant, Mr. President: Why have these treaties never been brought before the Senate? The answer is clear. The fact is that these are bad treaties; these are dangerous treaties because of their structural flaws; and the Soviet Union has already been violating the spirit and intent of these treaties without compunction. Mr. President, I say that it is a good thing that these treaties were never ratified, because we would then be locked into a highly dangerous threat to our national security. Even though the United States has been adhering unilaterally to the restraints in these treaties, even though they are unratified, we still have the opportunity to seek treaties of genuine mutual equality, negotiated on the principle of obtaining real reductions.

For 22 years we have had an arms control establishment that has been more interested in treaties than in arms control. They have been more interested in the process than in stop-

ping what they call the arms race. They have not seemed to be interested in diminishing the nuclear threat to mankind. They appear to have sought agreements full of fine sounding words—words which we are punctilious to observe, but which the Soviets interpret to their own advantage.

The result, Mr. President, is that the arms control process has allowed the Soviets to catch up with and surpass us in critical areas. Even the SALT I Treaty, often touted as a success, actually allowed the Soviets to exploit their quantitative advantages with qualitative improvements, while the United States maintained its status quo.

At the same time, the Soviets continued a tremendous buildup in conventional weapons and in numbers of personnel under arms, so that today the Soviet Union has the mightiest conventional forces in the world.

Yet the SALT II Treaty was so fatally flawed that everyone in this city knew that it could never gather the necessary two-thirds vote for ratification. The fact that the Soviets moved into Afghanistan provided the chilling context which dispelled the notion that the Soviets had abandoned their goal of aggression. The march into Afghanistan punctured the euphoria generated by the arms control process, so that there could be an objective analysis of the merits of the SALT II Treaty.

Now, Mr. President, why is it that the professional arms control establishment could negotiate treaties which threatened, instead of enhancing, the security of the United States? The answer, Mr. President, is that the conventional wisdom of the arms control establishment is not wisdom at all. It is a kind of false theology, complete with accusations of deviationism and heresy. Anyone who at all questions the effectiveness of the arms control establishment's assumptions and postulates is greeted with hysterical attacks.

The attitude of those conducting our arms control policy for the past 22 years—in all administrations, Republican and Democrat—has been what might be called the Peter Pan theory of arms contol. If we all just hold hands, and wish with all our might, then maybe Tinker Bell or SALT II will flicker back into life.

Mr. President, the fact of the matter is that arms control under the direction of ACDA is a sham. There has been no arms control, except that control which the United States has voluntarily and unilaterally imposed on itself. The Soviet Union accepts restraints only in areas which have already reached the practical limits of exploitation. The Soviets want treaties which prevent the United States from developing those areas in which we have the greatest advantage.

What this Nation wants, Mr. President, is a theory of arms control where the emphasis is on control. We have not controlled nuclear weapons. We have not reduced nuclear weapons. If we want to stop the production of nuclear weapons, then we should go after real reductions, and real verification. Anyone serious about arms control must be serious about real verification, and that includes onsite inspection.

The incremental theory of arms control has been a failure. We should not call additional restraints an achievement unless the final result has been to enhance our security. We should not call additional restraints an achievement unless we can verify that the Soviet are keeping to their agreement.

Yet we know that the Soviets are not keeping to their agreements, even to the tacit agreements of the unratified treaties.

It is plain that the Soviets have been violating the restraints of SALT II. Several times in the past few months, the President has indicated to the press that this is the case.

For example, on February 23 of this year, the President, in a meeting with the press, was commenting on the Soviet flight testing of a second new type ICBM in violation of SALT II.

He said:

"This last one comes the closest to indicating that it is a violation. . . .

On March 31, the President said in a speech:

And I am sorry to say, there have been increasingly serious grounds for questioning their compliance with the arms control agreements that have already been signed and that we have both pledged to uphold. I may have more to say on this in the near future.

On April 1, the Washington Post reported:

Administration officials said the President was referring to reported Soviet deployment of the SS-6 missile and the testing of two types of missiles, instead of one, in violation of the SALT II treaty.

And on April 3, the Post noted:

An interagency study group is likely to report to President Reagan that the Soviet Union has violated the terms of the unratified SALT II Treaty limiting nuclear arms. Administration sources said last night . . . in the panel's thinking, that test is a violation.

Mr. President, the SALT II agreement is not the only agreement that the Soviets have violated. I have already said on the Senate floor that reliable information has come to us that the Soviets have violated the Kennedy-Khrushchev agreement of 1962 by placing offensive Bear bombers in Cuba. But even a year ago, President Reagan was saying, "You know, there have been other things we think are violations also of the 1962 agreement."

And on March 28, President Reagan pointed to Soviet violations of the Threshold Test Ban Treaty, also unratified. He said: "We have reason to believe there have been numerous violations * * *" of the TTB.

Of course, the Soviets have also been violating the Biological and Chemical Warfare Conventions of 1925 and 1972. The President has said that there is overwhelming evidence of these violations.

Indeed, it is quite clear that the Soviets have been using the arms control process to undermine our security, rather than to strengthen the security of the world. On May 9, 1982, the President said:

So far, the Soviet Union has used arms control negotiations primarily as an instrument to restrict U.S. defense programs and in conjunction with their own arms buildup, as a means to enhance Soviet power and prestige. Unfortunately, for some time suspicions have grown that the Soviet Union has not been living up to its obligations under existing arms control treaties.

Mr. President, that is the statement of the President of the United States.

It is perfectly evident, therefore, that what we need at ACDA is some new blood, new ideas, new creative energy if we are ever to achieve our goal of a reduction of arms. I had hoped that, when the Reagan administration came into power, we would have had that new blood, those new ideas. I would have thought that everyone who wants an end to the threatened horrors of nuclear war would have been earnestly working for a new page in the history of ACDA, a page that would have brought workable and verifiable treaties.

I had hopes that Dr. Eugene Rostow would have helped to turn that new page when he was appointed Director. But unfortunately, what actually happened is that the key policymaking jobs in ACDA went to retreads from the bureaucracy, experts in the failed policies of the past 22 years. I like Dr. Rostow, and I enjoy his company. Dr. Rostow's rhetoric was fine, but ACDA failed to put into practice the things that had been hoped for and which are sorely needed.

Mr. Adelman, however, has the opportunity to turn that new page, to bring in a workable practice of arms control that dispels the illusions and false presumptions of the past. He has been schooled in the effective school of diplomacy established by our Ambassador to the United Nations. Everyone knows that Ambassador Kirkpatrick is serious about the United Nations, perhaps the most serious Ambassador to the U.N. that the United States has ever had. Certainly the member nations of the United Nations know that Ambassador Kirkpatrick is serious and that she has brought new respect for our Nation to that body. In the same way, Ambassador Adelman is serious about arms control, and I can only conclude that his opponents may

not all be. He will certainly bring a new seriousness to ACDA.

Mr. President, I support Mr. Adelman's nomination.

Mr. PELL. Mr. President, I yield now such time as he may desire to the Senator from Maryland.

Mr. MATHIAS. I thank the distinguished Senator from Rhode Island.

Mr. President, on Monday, March 28, the Washington Post's lead editorial entitled "The Adelman Inquiry" argued:

> From the start, the inquiry into Kenneth Adelman's fitness to be arms control director has focused not on his thinking about the theory and practice of arms control, but on his presumed state of mind.

The editorial concluded by saying:

> The nomination, having received a bruising adverse recommendation from the Foreign Relations Committee, goes to the Senate floor after the Easter recess. It would be good if the Senate could turn to the question of whether Ambassador Adelman is fit for the post.

They conclude by saying:

> We still think he is.

It seems to me that the Washington Post is correct in its definition of the issue as one of qualifications.

The judgment of a majority of the members of the committee was made precisely with respect to Kenneth Adelman's qualifications to be Director of the Arms Control and Disarmament Agency, and I think that the Senate debate should be framed on that issue. Is he qualified?

On February 24, the Foreign Relations Committee voted to report Mr. Adelman's nomination unfavorably with the recommendation that he not be confirmed by the full Senate.

This was not an easy decision. It was a very difficult decision for the members of the committee.

The committee has voted on only one other occasion to reject a nominee submitted to the Senate by President Reagan. That was in the case of the nomination of Ernest LeFever to be Assistant Secretary of State for Human Rights and Humanitarian Affairs, and as Senators will recall, he was subsequently replaced by Elliott Abrams, who has performed in that office with distinction.

Members of the committee, I am sure, in every single instance were mindful of the special responsibility entailed in rejecting a Presidential nominee and particularly the nominee for the post of Director of Arms Control and Disarmament at the very moment that United States-Soviet arms control negotiations were in process.

That has been a troubling question not only for members of the Foreign Relations Committee but, I think, for all Members of the Senate who have a particular interest in arms control.

It seemed to me and I think it is relevant to our debate today and to the decision which we will make this week that the long-range interest of securing a fully qualified individual to be the Director of the Arms Control and Disarmament Agency outweighed then and outweighs now any possible negative repercussion arising from rejecting this particular nominee.

I do not believe that the position of the President of the United States in the world is going to be much affected if we reject this nominee.

I do believe that the development of a sound, reasonable, prudent arms control policy by the United States will be very much affected.

The Washington Post, as I noted, was right in focusing on the issue of qualifications. The committee report on the nominee concentrates on exactly this question and concludes by saying:

> However capable and accomplished a citizen Mr. Adelman may be, we have concluded that he is not qualified, in the words of the statute, to be "the principal adviser to the Secretary of State, the National Security Council, and the President on arms control and disarmament matters" and, under the director of the Secretary of State, to have "primary responsibility within the Government for arms control and disarmament matters." We urge the Senate to sustain this judgment. Republicans and Democrats alike must be concerned to ensure that our nation has the leadership to carry forward the continuing efforts to achieve arms control and arms agreements that truly serve the national interests.

That really is the issue. The editors of the Post are right. Does this man have those qualifications?

There are, of course, some Members of the Senate who do not agree with the Post. There are Members of the Senate who think that a President of the United States is entitled to any nominee he wants. They might be willing to make a reservation in the case of a convicted felon or an adjudicated lunatic but other than a convicted felon or an adjudicated lunatic they say let the President have his choice, let the President make the choice.

Well, I do not believe that is what our Constitution contemplated. It is sometimes difficult to be sure just what the Constitution contemplated. But in this instance we have some fairly objective evidence. I call the attention of the Senate to the Federalist papers.

(Mr. HELMS assumed the chair.)

Mr. MATHIAS. The Federalist No. 76 which is assumed to have been written by Alexander Hamilton, a man who knew a good deal about this subject, and quoting from Federalist No. 76, Hamilton asked the rhetorical question:

> To what purpose then require the cooperation of the Senate?

Having asked the question he provides his own answer and I quote. He says:

> I answer that the necessity of their concurrence would have a powerful though in general a silent operation. It would be an excellent check upon the spirit of favoritism in the President and would tend greatly to prevent the appointment of unfit characters from State prejudice, from family connection, from personal attachment or from a view to popularity. In addition to this it would be an efficacious sort of stability in the administration.

That is the view of the founders of this Republic; that is the view of the authors of the Constitution that the Senate has a duty to go beyond the question of whether a nominee is a convicted felon or an adjudicated lunatic and look at all of his qualifications, all of his experience, all of the surrounding circumstances.

It is a comprehensive commission which is entrusted to us. It seems to me that is the commission that we must discharge.

In addressing Kenneth Adelman's nomination for the job for which he has been nominated, I think first we want to say that he has many friends in the world. They are high in his praise. I myself have spoken to Don Rumsfeld, a close personal friend of mine over many years, a man who has not only been a Member of the Congress but has held the highest posts in Government including that of Secretary of Defense. He says "Ken Adelman was the best assistant I ever had." I have no doubt that he thinks that. But this job is not being an assistant to anybody. This job is being Director of the Arms Control and Disarmanent Agency, and so if we are going to judge the man's qualifications maybe we had better take a minute and look at the job.

The Arms Control and Disarmament Act describes the Director's position as follows in section 22:

> The agency shall be headed by a director who shall serve as the principal adviser to the Secretary of State, to the National Security Council and the President on arms control and disarmament matters.
>
> In carrying out his duties under this act, the Director shall, under the direction of the Secretary of State, have primary responsibility within the Government for arms control and disarmament matters as defined in this act.
>
> Shall have primary responsibility within the Government for arms control and disarmament matters.

That is a serious charge, more serious today than it was when the act was passed; more serious today than at any time in our history. It is precisely because the responsibilities are significant that the position of the Director of Arms Control has been filled in the past by distinguished, qualified Americans.

The first Director, William Foster, who served from 1961 to 1968, had prior to his appointment served as Deputy Secretary of Defense in the Truman administration. He was suc-

ceeded by Gerard Smith, who had been Special Assistant to the Secretary of State for Atomic Affairs, and Director of the Policy Planning Staff in the Eisenhower administration.

He was followed by Frederick Ickle who, prior to that, headed the social science department of the Rand Corp.

He in turn was followed by Paul Warnke whose prior Government services included 2 years as Assistant Secretary of Defense.

His successor, Lt. Gen. George Seignious, retired, had directed the JCS joint staff organization and been a delegate at large to the SALT talks prior to being confirmed as ACDA Director.

Ralph Earle came to the job after having served as ACDA representative to SALT from 1973 to 1977; and finally Eugene Rostow, whom President Reagan appointed to be ACDA Director in 1981, had served as Under Secretary of State for Political Affairs in the Johnson administration.

I think it is inevitable that it is against this list that any nominee for the ACDA Director's position must be judged, not only this list of distinguished Americans, but I think we also want to look at how some of our allies treat the question of arms control.

In the Federal Republic of Germany, for example, they have a director of arms control, and they treat that job so seriously that they have maintained in the post a distinguished civil servant because they know there must be an institutional memory, there must be a continuity, there must be a consistency, which cannot be maintained by frequent rotation in office. In other words, they treat it somewhat as in this country we treat posts such as Director of the Federal Bureau of Investigation or Chairman of the Board of Governors of the Federal Reserve System, posts which also require an institutional memory and continuity of leadership.

I say that it is inevitable that any nominee for the position of Director should be judged in the light of history of arms control but, of course, a nominee must also be judged on his qualifications to deal with the special circumstances of the moment.

President Nixon, President Ford, President Carter each negotiated and signed arms control treaties with the Soviet Union which remain unratified to this day. We have not in the past 2 years been successful in negotiating an arms control agreement or in ratifying those previously negotiated.

Meanwhile, the nuclear weapons arsenals of the superpowers continue to expand at a frightening pace. To cite only one example, in 1977 there were no Soviet SS-20 intermediate range missiles deployed. Today there are about 350.

The ACDA Director must be qualified and ready to play a vigorous role in developing and pressing for arms control policies which further the national security interests of the United States. This is a job of prime importance. This is a position of responsibility, of great significance. It is not a job for anyone who is not experienced, knowledgeable, and committed.

This is particularly the case because we have been thrown on the defensive by a sustained and effective propaganda campaign mounted by the Soviet Union and targeted at public opinion in Western Europe and, to some extent, in the United States. The twin purposes of this campaign are to divide us from our allies and to block deployment of U.S. ground-launched cruise and Pershing II missiles in Europe.

If we are to be successful in combating this Soviet campaign we must be credible, but more than that we must be perceived as credible in our search for arms control solutions to our national security problems. The burden of sustaining that credibility inevitably falls with enormous weight on the shoulders of the Director of the Arms Control and Disarmament Agency.

(Mr. PRESSLER assumed the chair.)

Mr. EXON. Mr. President, will the Senator yield for a question?

Mr. MATHIAS. I am happy to yield for a question without losing my right to the floor.

Mr. EXON. I thank my friend and colleague from Maryland.

Mr. President, I would like to ask a question or two of my colleague. I apologize for not being here. I have, because of our system, two other duties, committee assignments, that are going on right now, and I have taken time away from that to come up and try to become better informed on this matter that I understand will face a vote in the Senate on Thursday next.

I say that because I have the perception, the feeling, that this may be one of the most important votes that I will ever cast while I have the opportunity of serving my State of Nebraska in this body.

Before I ask the question, I would like to say that the good people of Nebraska made it possible for me for 8 years to serve as their Governor. A Governor, like a President, appoints a great number of individuals to critically important positions. Like the Constitution of the United States, the constitution of Nebraska provides for the Nebraska Legislature to confirm a substantial number of the appointments that are made by the executive.

During those 8 years, I believe that I only had one individual turned down for reasons that the members of the legislature thought were appropriate. I always felt, I suppose, as Presidents of the United States do, that once I selected someone then automatically the process should put their stamp of approval on him unless he fell into the two categories that the Senator from Maryland mentioned a few moments ago.

However, I believe that I recognize and realize that if the legislature in Nebraska were to carry out their legitimate duties and functions and not be a rubberstamp that indeed they had a place under our constitution with regard to looking critically at the appointments I made and if, for any reason, they felt someone was not qualified they should not go along.

During my 4 previous years and the beginning of this the fifth year, as I have served Nebraska in here in this body, I believe that in each and every case of a Presidential nominee, by either President Carter or President Reagan, I have given the President the benefit of the doubt. And I think in most instances it would be agreed that the U.S. Senate would not be picky, that we would indeed give the President every benefit of the doubt.

I am in favor of giving the President of the United States the benefit of the doubt on the Adelman nomination. But this is one Senator that has not decided which way I will vote. I consider this probably the most critical and crucial vote in this area that I will ever cast and therefore I want to be better informed than I think I am right now.

I certainly emphasize that I hope that we would not hear in debate, particularly on a nominee as important as this one, that we should just go along with the President of the United States because in this case and others he knows what is best. If we do that, I think that we do indeed fault the responsibilities that I think we, each and every one of us, collectively and individually, have a duty to discharge; indeed, it is part of the oath that we all stood there on several occasions and accepted when we became Members of this great institution.

I frame this question in the context that I am sure that we are all very much concerned and we all very much realize that the whole arms control process must be made to work because if it does not work, then whatever we do here, however we build up our defenses, whatever alliances we are able to develop around the world, that in the end the United States and mankind have a possibility of facing a catastrophe that our mind simply cannot absorb or really think about intelligently. I say that only, Mr. President, to try and place emphasis on how important I think this nomination is.

Looking back over the nominees that I have voted for recommended by the President of the United States, I think the only place where I now would concede that I did not give enough attention to the nominee—although I stood on the floor of the Senate and indicat-

ed when that particular nominee was up that I had serious reservations about him and I hoped that he would be a better Secretary of the Interior than I thought he would be, but I voted for him. I was wrong in that case. I do not think I should have voted for Mr. James Watt to be Secretary of the Interior. That is one of the reasons I am standing here today making a few remarks about this particular individual.

I do not know how I am going to vote, but I hope that if Mr. Adelman is confirmed with or without my vote, I hope that in my good conscience 6 weeks or 6 months or 6 years from now I can say, "Senator, you did the right thing in your mind on this particular individual."

It is so important, though, that I want to get in on as much of the debate as I can.

The members of the Foreign Relations Committee held indepth hearings on this. The fact that the nomination was not reported out favorably had a considerable initial influence on this Senator.

Let me ask this question first: In this particular most important nomination, did the President or any of his associates come to the individual members of the Foreign Relations Committee or the leadership and say, "We are thinking about so-and-so, and so-and-so, and Mr. Adelman with regard to this position. What is your view on his experience and background?"

What I am saying is, was there a consultation with either the Senator from Maryland or any of the other members on the Foreign Relations Committee to your knowledge?

Mr. MATHIAS. I can only answer with absolute certainty with respect to the Senator from Maryland. Other members of the committee will have to answer for themselves. But it is my understanding there was no such consultation.

I might make a comment. The Senator has raised the question that this is a rather unusual circumstance in which we find ourselves. He is exactly correct about that. This is only the 13th time in this century that a committee of the Senate has recommended that a nomination be rejected by the full Senate. There have only been 12 instances in the past.

Mr. EXON. That is in all the committees?

Mr. MATHIAS. All the committees. And of the 12 in the past who have been reported unfavorably by some committee, only three have ultimately been confirmed by the Senate. Henry A. Wallace to be Secretary of Commerce in 1945; Ray McKeough, to become a member of the Maritime Commission in 1945; and Sumner T. Pike, to be a member of the Atomic Energy Commission in 1950.

But with those exceptions, all of the nominations reported unfavorably by some committee have failed or fell by the wayside in some way.

Mr. EXON. That would be nine, then. Were they all turned down in a vote of the Senate or were the nominations withdrawn by the President?

Mr. MATHIAS, I do not think the record is uniform on that. In some cases the Senate may not have even considered the nominations once an unfavorable report came in.

Mr. EXON. Could I ask my friend from Maryland what his attitudes were specifically with regard to, I believe, the two occasions that Mr. Adelman came before the Foreign Relations Committee. I have read some of the testimony from that committee. I know from experience that sometimes reading the written text does not give you the same impression as it does in hearing it in person. I got the impression that in the first instance, the first time Mr. Adelman was before the committee, that his answers had to be described, at best, as being either evasive or he did not seem familiar with the facts. I took it, though, that in his second appearance before the committee he did somewhat better, if not a great deal of improvement, over his first appearance before the committee. Do I surmise correctly?

Do I surmise——

Mr. MATHIAS. I was just about to turn my attention to that area. If the distinguished Senator will bear with me for just a minute, let me spell out how I do that, and I will do it as quickly as I can.

Mr. TSONGAS. Will the Senator yield on the first two questions that he raised?

Mr. MATHIAS. If the Senator will permit me to finish my statement, I will then be happy to yield.

Mr. EXON. I thank my friend for the courtesy of responding to my questions.

Mr. MATHIAS. At the time that the distinguished Senator asked his question, I was pointing out that there are certain circumstances which, today, place particular responsibility on the shoulders of the Director of the Arms Control Agency. Before turning, as the Senator from Nebraska has suggested, to Mr. Adelman's qualifications, I think there is one additional point that needs to be made, and it is a particularly sensitive point at a time when we are all looking for budgetary savings. But I do not think that any search for savings can justify putting ACDA through a shredder. I do not see how you can logically describe what has happened in ACDA in any other way.

In 1979, ACDA had a permanent onboard complement of 199 people. By 1983, this had been cut over 23 percent, to 154 people.

The budget request for ACDA for fiscal year 1981 was $20,034,000. In the meantime, the request for continuing ACDA programs has also been cut by 23 percent, to a low of $15,443,000 in fiscal year 1983.

So both personnel and budget have been cut by about 23 percent. And that is not adjusted for inflation. If those were constant dollars, the comparison would look even worse.

One of the functions of ACDA which is carried on through contracts with think tanks and other outside agencies is external research. The fiscal year 1982 request for external research was $4,206,000. The current request for fiscal year 1984 is only $1,100,000, a cut of 75 percent.

That goes to the ability of ACDA to make analytical judgments.

The ACDA Rosslyn facility, which housed a library and the operations analysis office, has been closed down. The library and the books are not there.

Some of the critics of ACDA have said, "Well, they are not any good at analysis any more." Of course they are not, because the books have all been carted away to George Washington University.

The operations/analysis office which, in the past, was called upon to do 20 to 30 studies a year, has been reduced to a skeleton staff, a staff so small that it probably cannot do any serious study.

I do think there is a human element here that has to be recognized. That is, that agency morale has been undermined by turnover at the top and by speculation as to what is going to happen at the bottom, the so-called hit list.

So the new ACDA Director, whoever it is, has to be capable of dealing with an agency that has been crippled by budget cuts and by plummeting staff morale, and this, of course, is the significant position for which the President of the United States has nominated Kenneth Adelman.

It is a critically important position and it urgently requires an individual who, by virtue of experience, stature, and knowledge, can direct this country's arms control efforts in a way that both furthers our national security interests and demonstrates to our allies that we are serious in our pursuit of effective arms control policies which will reduce the risk of war.

In the judgment of the Foreign Relations Committee, Mr. Adelman is not such an individual. He lacks the stature and the experience to fill this position at this time. The committee's judgment was based primarily on two factors: Mr. Adelman's responses to questions put to him in several days of hearings and its assessment of his prior experience.

It is important to note that a majority of the committee—and this addresses a point that has come up earlier in the debate today—was ready to vote against Mr. Adelman prior to the testimony of Ken Aleutta and, indeed, prior to the public disclosure of the Rowny memo.

Instead, the committee focused on the quality and extent of Mr. Adelman's arms control experience.

Mr. President, at this point I ask unanimous consent to insert portions of the committee report in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

Mr. Adelman has served for the past year and a half as Deputy Permanent Representative of the United States to the United Nations. In that capacity he has coordinated the United States Delegation to the United Nations Second Special Session on Disarmament and headed the United States Delegation to the First Committee, which deals with arms control matters.

At the United Nations, his duties involved less the development of arms control politics than their explanation and defense. Neither the Second Special Session on Disarmament nor the First Committee can be considered forums for the formulation of serious arms control policy. The First Committee engages largely in political debates.

In fact, the United Nations Committee on Disarmament in Geneva is the primary United Nations forum for arms control activities, and the U.S. delegation is headed by a different ambassador.

* * * * *

Mr. Adelman also pointed to his writings as demonstration of his background in arms control issues. Review of the 116 articles in 52 different journals which he cited to the Committee reveal, however, that most of his published work deals with other issues such as Southern Africa. Of the relatively few that bear directly on arms control or national security, two are critiques of SALT II; two criticize the tactics used by SALT II supporters in bolstering ratification (one is a condensation of the other), one focuses on U.S. strategic policy and posture; and a number deal with issues involving U.S. allies.

* * * * *

Furthermore, in none of the earlier periods of his government service did Mr. Adelman have responsibility directly related to arms control policy. In 1976-1977, he was an assistant to Secretary of Defense Rumsfeld and supervised preparation of the Secretary's annual report to Congress. In 1975 he worked briefly in congressional relations at the Agency for International Development. Earlier, in 1968-1972, he served with the Department of Commerce and various parts of the domestic poverty agencies. In his years of non-government employment, Mr. Adelman has been a scholar and a writer. In 1972-1975 he lived and studied in Zaire, returning to the United States to complete his doctorate. In 1977-1981, he was associated with the Stanford Research Institute.

Mr. MATHIAS. Mr. Adelman's responses to questions during the course of the hearings confirmed to a majority of the members of the committee that he was not familiar with the issues managed by the Director of ACDA. Two examples on this point will satisfy the questions of the Senator from Nebraska. The Senator from Rhode Island (Mr. PELL) asked:

I think my question to you is, do you think once we go nuclear, if we go nuclear, is there any way—do you believe that war can be limited, or do you then think both sides would then use their total arsenals?

Mr. Adelman replied:

Senate Pell, I just have no thoughts in that area, and I will tell you why. I think it would be such a time of extreme human stress and extreme conditions that I think predictions on what leaders around the world would do in that kind of situation would just not be accurate or not be based on anything that I know.

Senator PELL went on:

But, in your own view, do you have an opinion?

This is a man who has been nominated to be Director of the Arms Control and Disarmament Agency.

Do you have an opinion? As I understand it, when I asked that question, you do not have an opinion. I know my present opinion is that if one side uses nuclear weapons and the other side finds itself being defeated they will escalate until the total armaments have been used. Would you agree with that view, would you disagree, or do you not have an opinion?

That is Senator PELL's question. Mr. Adelman responds:

Senator, really, that is an area that I have not gone into. It is an area of, I might say, of just speculation of what men would do in those kinds of conditions and I don't have a strong opinion. In any case, as you know, in the administration today there are those who believe we can have a limited war.

Senator PELL:

And you do not necessarily agree or disagree with them, is that correct?

Ambassador Adelman:

This is not an area I have ever gone into in any depth, and it is not an area that I have any strong feeling.

Mind you, this is the man who is supposed to be the advocate, the expert:

I have never gone into it. I have never had a strong feeling. I have been known, as you know, Senator Pell, at the UN for being frank, and open, and having strong feelings about certain things, and this is not one of them.

One of the things that the Director of the Arms Control and Disarmament Agency is supposed to have strong feelings about is arms control.

They have strong feelings about arms at the Pentagon and they are supposed to. They are our experts. The Director of the Arms Control Agency is supposed to have strong feelings about arms control and nuclear weapons. It is only fair to the President, who might, in most situations, be the ultimate arbiter, to have within the U.S. Government two ardent views within which he can look for a compromise in sound national policy.

Senator CRANSTON asked, "Do you believe that the Soviets are violating the terms of SALT?"

Mr. Adelman said:

Senator, this is not an area I have looked into. It is not an area I am knowledgeable about at all.

Senator BOSCHWITZ said:

That is another answer that surprises me. Here is the man who is going to be the head of ACDA and has not looked into whether or not the Soviets are complying with SALT II.

Ambassador ADELMAN. Senator Boschwitz, let me just say that my obligations for the last 2 years, because of the action of this committee, and the action of the U.S. Senate, has been to represent the United States at the United Nations.

Mr. President, I do not want to prolong this. Let me say that, in the end, it was the judgment of a majority of the committee not that Kenneth Adelman is not competent, intelligent, amiable, and friendly, but that he simply is the wrong person to be Director of ACDA.

I noted at the beginning of my remarks that this was not a decision that we came to easily or indeed one which the committee has exercised frequently in the past.

Most of us are persuaded that only under exceptional circumstances should the President of the United States be denied his choice of advisors.

But in those exceptional circumstances, the Senate has both the constitutional right and the duty to withhold its consent to the confirmation of a Presidential nominee.

The Senate Foreign Relations Committee has done so in the case of Mr. Adelman, and is hopeful that the full Senate will sustain this judgment.

To adequately fulfill the role of Director of the Arms Control and Disarmament Agency demands, at this critical time in the history of the world, this critical time for United States, this criticial time for the Arms Control Agency itself, demands an individual of stature, an individual of experience in the field of arms control. With no disrespect to Mr. Adelman, who has substantial accomplishments in other fields, I have to conclude that he lacks it in this field. I urge the Senate to reject his nomination.

Mr. TOWER addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. Mr. President, I yield to the Senator from Texas.

Mr. PERCY. Mr. President, will the Senator suspend for just 1 moment?

Mr. HELMS. Yes, Mr. President.

VISIT TO THE SENATE BY THE SPEAKER OF THE SWEDISH PARLIAMENT

Mr. PERCY. Mr. President, we are very honored indeed to have the

highly respected Speaker of the Swedish Parliament, Mr. Ingemund Bengtsson, present with us today. He is here in connection with the 200th anniversary of the signing in Paris of the Treaty of Amity and Commerce between the United States and Sweden.

I wish to pay tribute to him. As President of the Senate, the Vice President has honored us by visiting the Foreign Relations Committee room and speaking with the distinguished Speaker and with Ambassador Wachtmeister, who is a great friend of ours. Unfortunately, Ambassador Wachtmeister cannot come to the floor right now.

We pay great tribute to him and I ask my colleagues to join me in welcoming warmly a distinguished parliamentarian and a representative of a great friend of the United States, the people of Sweden. We pay great tribute to him as a parliamentarian.

Like our President, he was at one time the president of a labor union. For the first time in our history, we have as the President of the United States a former president of a labor union. Unlike our distinguished visitor, he began work in a bicycle factory. I began work in a camera factory. The Senate does own a Hasselblad camera, made in Sweden. We took the official picture with that camera.

Mr. Speaker, we warmly welcome you.

(Applause, Senators rising).

Mr. PERCY. Mr. President, I ask unanimous consent for a 3-minute recess of the Senate to greet our visitor.

There being no objection, the Senate, at 3:46 p.m., recessed until 3:49 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. PRESSLER).

NOMINATION OF KENNETH L. ADELMAN TO BE DIRECTOR OF THE U.S. ARMS CONTROL AND DISARMAMENT AGENCY

The Senate continued with consideration of the nomination.

Mr. TOWER. Mr. President, I wish to express my support for the nomination of Mr. Adelman. I shall not attempt at this time to expunge from the record the many unfortunate and demeaning remarks that have been made in the press and elsewhere about Mr. Adelman and his qualifications for this position. I believe it is sufficient to say that the native ability brought by Mr. Adelman to this position gives me confidence that he will be able to satisfy fully the duties with which he is charged.

My distinguished friend from Maryland, Mr. MATHIAS, noted with approval the nomination of Paul Warnke to head the Arms Control and Disarmament Agency. That seems to me to be an indication of the line of thinking of those that oppose Mr. Adelman's nomination. They believe the head of the Agency should be someone who subordinates national security considerations to arms control.

I have always been of the view that arms control should be an essential element in national security policy; that we should not seek to reach an agreement just for agreement's sake but, rather, to secure one that enhances the safety and security of the United States and, indeed, that of our friends and allies throughout the world.

Mr. MATHIAS suggests that Mr. Warnke was qualified. We hear Mr. Warnke going around the country now advocating that we make concessions to the Soviet Union that even the Soviets have not asked for.

Is that the kind of person that we want to entrust arms control negotiations to?

Mr. MATHIAS believes that Warnke was a highly qualified arms control Director. This man opposed the modernization of American strategic and theater nuclear weapons systems. He has said that the cruise missile was little better than a nuclear-tipped arrow fired from a crossbow. And as I noted earlier, he would have us make concessions that even the Soviets have not tried to exact from us. Is that the kind of man we want to head the Arms Control and Disarmament Agency?

Our ultimate objective is not just the limitation of our own arms but the limitation of the arms of the potential adversary. Can we not understand that? Do we really believe that making unilateral concessions on our part is going to result in some comparable move by the Soviet Union? Where historically can you prove that that is the case? It has never happened. It never will happen.

Now I would like to address myself to the larger issue which, it is suggested underlies this debate: the dissatisfaction being expressed by opponents of the Adelman nomination with the direction, purpose and conduct of the President's arms control policy. The thrust of this dissatisfaction, whether it is intended or not, is to undermine the negotiating position of the President. Lord help us if we ever dictate or try to dictate in this body what the negotiating position of the United States is going to be.

In my view, the Reagan administration has done more than any other to lay a solid groundwork for the negotiation of arms control measures aimed at reducing the risks and consequences of war between the United States and the Soviet Union. As recently as this morning, an important initiative intended to enhance crisis stability was submitted to the President for his consideration.

I ask unanimous consent that the unclassified version of the report submitted to the Congress by the Secretary of Defense containing this recommendation be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. TOWER. President Reagan has, with imaginative and far-reaching proposals, cleared the way for a comprehensive set of mutually reinforcing arms reduction agreements.

We talk about arms control. The object should be arms reduction. If the Soviets will enter into such agreements, there is real reason to hope the threat of nuclear and/or chemical warfare could be substantially reduced.

In his quest for a negotiated lessening of the dangers of war between the United States and the Soviet Union, the President has in effect enunciated three fundamental principles common to all of his administration's arms control initiatives. The first is the principle of equality, a requirement mandated by the Congress of the United States in 1972 by the Jackson amendment to SALT I.

The second is verifiability. Clearly, this must be an indispensible part of any treaty with a nation that has shown its willingness to ignore solemn international commitments undertaken in agreements lacking strict verification mechanisms. Does anybody here contend the Soviets have never ignored an international commitment? If so, let him start with Yalta and Tehran and go from there.

More recent evidence of this behavior may be found in the use of yellow rain in Southeast Asia, poison gas in Afghanistan. There are a lot of people that do not want to believe that the Russians are doing this. I am sure we would all prefer to believe that they did not, but the evidence is quite strong to the contrary. Are we going to close our eyes to this and pretend that they will never violate commitments? Shall we rely on their good will? Is there anything in history that demonstrates that we can do so with complete safety and confidence?

Third, the substance of, not the atmospherics accompanying, arms control accords must serve U.S. national interests. No longer can flawed treaties be sold to the American people and the Senate on the ground that the military risks entailed would be offset by a perceived improvement in United States/Soviet relations, ephemeral though such an improvement may be.

Let me note something about the period of détente, the late, lamented period of détente, which all of us willingly embraced. After all, we wanted a better relationship, a more relaxed relationship with the Soviets. It was during that period that they relentlessly built an enormous military capa-

bility beyond what was required to defend the Russian homeland, a capability that threatened the stability, peace and security of the world. That is what they did during détente.

Mr. SPECTER assumed the chair.

Mr. TOWER. Now, many Senators debating the Adelman nomination have contended that in voting against the confirmation of Mr. Reagan's nominee they intend to send a signal to the administration concerning its arms control policy. That is the most overworked, overused thing that we do in the Senate. We are always sending a signal. We are sending a signal to the administration; we are sending a signal to the Soviets; we are sending a signal to our allies; we are always sending signals. The signals that emanate from this body are so confused it is unbelievable.

Of course, historically, every time Congress has tried to second-guess the administration on a vital national security or foreign policy issue, we have made a total muck of it.

Domestic policy is made by shifting coalitions of people in Congress, shifting interests. Today's ally may be tomorrow's adversary, or vice versa. That is fine. That is the way domestic policy should be made. It is probably the best way to arrive at the greatest good for the greatest number. But when 535 of us start second-guessing the executive branch on national security and foreign policy, sometimes prompted by constituent political considerations rather than the national interest, we are treading on a very great mine field, indeed. Somebody has characterized it as 535 people on a raft, and each one thinks he is steering, when we become involved in foreign policy issues.

It is the function of the executive branch to formulate foreign policy and to implement it, a policy that resides in the executive branch, even in the absence of any specific delegation of that authority by the Constitution, according to the ruling of the Supreme Court of the United States in the Curtiss-Wright case.

Are we competent to follow the detailed intelligence and to read all the cables that come in from the various embassies abroad, to follow all the various developments in the world, to negotiate on a day-to-day basis with other countries? No, we are not competent to do it. I think we engage too often in dangerous meddling, sometimes mischievous and capricious meddling, in foreign policy matters.

Many Members of Congress now are advocating a freeze resolution: We are told:

Take this out of the hands of the negotiators. Let us not leave these matters to the negotiators. Let us pass a resolution mandating a freeze. Let us not bother to negotiate it; let us just do it."

Of course, those who advocate that have called for rejection of the Reagan arms control agenda, which does not call for a freeze, which wants to go far beyond that and reduce arms—not freeze them at present levels, reduce them.

Well, these calls beg the question: Precisely what changes in administration arms control policy should be effected? Should the President no longer seek equality in arms control measures? Is the principle of effective verification to be ignored? Or should we return to the discredited policies of negotiating for the sake of negotiations; should we cease our striving for sounds arms control accords that substantively contribute to our national security interests in favor of beguiling, but ultimately unbalanced, agreements whose net effect is the erosion of America's defense posture?

Evidence of Soviet intrasigence at the bargaining table should not be viewed incessantly as a justification for modifying or capitulating in our negotiating positions. If we fail to show by our patience, our steadfastness and our adherence to sound principles of arms control that we will settle for nothing less than an equitable, verifiable and solid agreement, we shall jeopardize and imperil our ability to negotiate. Instead, we shall be left with little option but to sue for whatever terms the Soviets may be willing to give us.

I do not believe that a vote against the President's nominee to head the Arms Control and Disarmament Agency—any more than a vote for a nuclear freeze resolution—can be credibly characterized as a vote for arms control. The only "signal" that will be sent to our adversaries by such action is one of disarray and weakness.

No one should be under any illusion that such conditions improve the prospects for sound, verifiable and equitable arms control agreements. To the contrary, a signal of this kind spells the certain undoing of President Reagan's arms control initiatives and eliminates the necessary incentives for Soviet cooperation in negotiating stabilizing agreements.

I will tell you the message you send if you reject this nomination. The message you send to the Soviet negotiators will be: "Hold out for anything you want, and ultimately the Congress of the United States will guarantee that you get it." That is the message we will send—an agreement for agreement's sake.

Why is it the attitude of so many toward arms control that those in charge of arms control should be hostile to national security interests; that those who favor arms control should be hostile to a strong defense; that those who favor arms control should be adversaries of the State Department, the Defense Department; that those who favor arms control should be prepared to concede almost anything to get an agreement?

Sometimes I have been criticized for drawing historical analogies. Some of my colleagues say, "John, you know that does not apply now. Quit raising these old analogies from the 1930's. You know they are not applicable now."

These are some of the same people who say, "Let us do nothing in Central America, because it may become another Vietnam." Historical analogies are used as a matter of convenience.

Well, I know that it seems hackneyed to do so, but I cannot resist the temptation to do it, because I think the lesson is very clear, very clear indeed.

After the negotiations in Munich in 1938, where Chamberlain arrived at an agreement, he got off the airplane in London, waved a piece of paper, and said, "Peace in our time." Within 6 years, millions of people were dead, from a devastating global war, the likes of which the world had never seen.

Do not tell me there is no lesson to be learned there. They got an agreement in Munich. Chamberlain was prepared to concede almost anything—the rape of Czechoslovakia, for example.

Let us repair to the words of Sir Samuel Hoare. Sir Samuel Hoare was present with Chamberlain at these negotiations, was a member of Chamberlain's Cabinet. Let us look at his memoirs. He said:

> Like [Chamberlain], I had been caught up in the toils of a critical negotiation. The longer it went on and the more serious the issue became, the more anxious I grew to see it succeed. This is almost always the course of negotiations. As they proceed, the parties in them become increasingly obsessed with the need to prevent their final failure. If they are to continue, it is necessary to make concessions and one concession almost invariably leads to another.
>
> The time comes when the question has to be faced: Is the substance being sacrificed to the negotiation, and is it not better to admit failure rather than to make further proposals and concessions? Throughout the Munich discussions, I often asked myself whether the slide into surrender had not started.

What we are confronting here today, my friends, is not really the question of Mr. Adelman's nomination. It is whether or not, because it seems to be the comfortable thing to do, we are not beginning to slide into surrender to whatever terms the Soviets want to exact from us.

We must recall that. It is not we, it is not the United States of America that started this confrontation with the Soviets. We did not seek it. We were very generous allies to them in World War II. We virtually conceded to them influence over Eastern Europe. We demobilized our Armed

Forces. When they mobilized, violated the agreements of World War II, occupied Eastern Europe, engaged in provocative acts, we acted with great restraint.

We had absolute military superiority in strategic terms. We had a nuclear monopoly, and we did not use it. We have acted with restraint.

And I do not suggest now that we should not act always with a modicum of restraint and good judgment, but that does not mean we must make unilateral concessions and that does not mean that we must subordinate the security of the free world to the objective of getting an agreement regardless of what that agreement contains.

Who has precipitated the confrontation in this world? It has been the Soviets, not us. Anyone who says the United States has done it, that we are equally guilty, is not looking at the facts.

We gave the Philippines their independence. We gave Okinawa back to Japan. We relinquished territory we occupied.

Have the Soviets ever done that? No. The Soviets have been engaged in a campaign of political and territorial aggrandizement since World War II.

My God, can we not recognize that?

Who is it that started this confrontation? Not the United States. But when confronted with an adversary with that mentality we had better be tough. We had better be prepared to negotiate from a position that secures the vital interests of the United States. We do not want some milquetoast in charge of the Arms Control Agency. At least I do not think the American people do. I think some of my colleagues do.

That is what is at issue here.

[Exhibit 1]

REPORT TO THE CONGRESS

(By Secretary of Defense, Caspar W. Weinberger)

DIRECT COMMUNICATIONS LINKS AND OTHER MEASURES TO ENHANCE STABILITY

THE SECRETARY OF DEFENSE,
Washington, the District of Columbia.
To the Congress of the United States:

I am pleased to submit, in accordance with Public Law 97-252, the Department of Defense evaluation of possible initiatives for improving the containment and control of nuclear weapons, particularly during crises.

I share with the Congress the conviction that we must make every effort to ensure against nuclear war ever occurring between the United States and the Soviet Union. I am equally persuaded that we can and should improve existing mechanisms to control crises which might lead to the use of nuclear weapons as a result of accident, miscalculation, or misinterpretation. Of course we should be aware that measures toward these ends, no matter how attractive at first glance, in certain cases, could entail unacceptable risks to our security and that of our allies. The Department of Defense has therefore carefully assessed the potential advantages and disadvantages of each possible new initiative intended to lower the danger of an accident or miscalculation which could lead to the use of nuclear weapons.

That evaluation has led me to propose to the President several important measures:

The addition of a high-speed facsimile capability to the Hotline.

The creation of a Joint Military Communications Link between the U.S. and USSR.

The establishment by the U.S. and Soviet governments of high rate data links with their embassies in the capital of the other.

Agreement among the world's nations to consult in the event of a nuclear incident involving a terrorist group.

Each of those measures would increase our ability to resolve crisis situations and to prevent the escalation of military incidents. Taken together, they would mark significant progress toward eliminating the danger that accident or misinterpretation could lead to nuclear war.

We also have proposed for further study several possible new technical and procedural measures which might enhance our ability to verify treaty compliance and thereby further our goal of effective, significant arms control. These measures, which are outlined in the study, will be further analyzed by the Administration in the context of the development of verification measures for specific arms control treaties.

I. INTRODUCTION

A. Purpose

Section 1123(a) of Public Law 97-252, dated 8 September 1982 (Department of Defense Authorization Act 1983), directs the Secretary of Defense to conduct a full and complete study and evaluation of possible initiatives for improving the containment and control of the use of nuclear weapons, particularly during crises. It also specifies that the report should address:

Establishment of a multi-national military crisis control center for monitoring and containing the use or potential use of nuclear weapons by third parties or terrorist groups.

Development of a forum through which the United States and the Soviet Union could exchange information pertaining to nuclear weapons that could potentially be used by third parties or terrorist groups.

Development of other measures for building confidence between the United States and the Soviet Union in order to further crisis stability and arms control, including:

An improved United States-Soviet Union communications hotline for crisis control;

Improved procedures for verification of any arms control agreements;

Measures to reduce the vulnerability of command, control, and communications (C^3) systems of both nations; and

Measures to lengthen the warning time each nation would have of potential nuclear attack.

This report responds to that tasking. In addition, it describes ongoing U.S. initiatives already undertaken by President Reagan to reduce the risk of accidental or unintended nuclear war.

B. Agreements in force designed to reduce the risk of war

There is a long history of U.S. and Soviet efforts to reduce the threat of nuclear war between them. In fact, from the very beginning of the nuclear era, experts and government leaders expressed concern that nuclear war between the two nations could erupt unintentionally, by accident or miscalculation.

As a result, various arrangements for U.S.-Soviet cooperation and consultation have been proposed and negotiated, designed to reduce the risk of misinterpretation and accidential conflict. The United States and the Soviet Union have reached agreement on several such measures.

The Memorandum of Understanding between the United States of America and the Union of Soviet Socialist Republics Regarding the Establishment of a Direct Communications Link (Hotline Agreement), signed in 1963, established a direct communications link, or Hotline, between Washington and Moscow.

The Agreement on Measures to Reduce the Risk of Outbreak of Nuclear War Between the United States of America and the Union of Soviet Socialist Republics (Accident Measures Agreement), signed in 1971, requires each side: to maintain and improve organizational and technical arrangements to guard against the accidental or unauthorized use of nuclear weapons; to notify the other side in advance of planned missile launches beyond the territory of the launching party and in the direction of the other party; and to notify the other immediately in the event of an accidential, unauthorized, or unexplained incident involving a possible detonation of a nuclear weapon which could create a risk of outbreak of nuclear war; and in the event of any unexplained nuclear incident to act in such a way as to reduce the possibility of its actions being misinterpreted by the other party.

The Agreement Between the United States of America and the Union of Soviet Socialist Republics on Measures to Improve the US-USSR Direct Communications Link, signed in 1971, provided for the upgrading of the Hotline by the installation of two satellite communications circuits.

The Agreement Between the United States of America and the Union of Soviet Socialist Republics on the Prevention of Incidents on and over the High Seas (Incidents at Sea Agreement), signed in 1972, enjoins the two sides: to observe strictly the letter and the spirit of the International Regulations for Prevening Collisions at Sea; to refrain from provocative acts at sea that could increase the risk of war; and to provide advance notice to mariners of actions on the high seas which represent a danger to navigation or to aircraft in flight.

The Agreement Between the United States of America and the Union of Soviet Socialist Republics on the Prevention of Nuclear War, signed in 1973, requires that the two sides refrain from acts that could exacerbate relations between them, lead to military confrontations and/or lead to nuclear war between them or between one of them and another country.

It also recognizes that each party must refrain from the threat or use of force against the other party, its allies, or other countries and to consult with the other in the event of heightened risk of nuclear war.

C. Current initiatives

On 18 November 1981, President Reagan delivered the first in a series of major speeches outlining his program for preserving peace. He stated that one of the main elements of his program is to engage the Soviet Union ". . . in a dialogue about mutual restraint and arms limitations, hoping to reduce the risk of war and the burden of armaments and to lower the barriers that divide East from West." He also took that occasion to present the general framework of his major arms control initiatives and to express his commitment to re-

ducing the risk of surprise attack and the chance of war arising out of uncertainty or miscalculation.

President Reagan returned to this theme in his Berlin speech of 11 June 1982, and at the United Nations on 17 June 1982. He announced that we would approach the Soviet Union with proposals for reciprocal measures in such areas as advance notification of major strategic exercises, advance notification of missile launches within as well as beyond national boundaries, and an expanded exchange of strategic forces data.

On 22 November 1982, President Reagan announced to the American people that he had proposed several Confidence Building Measures (CBMs) in a letter to the Soviet leadership. He also instructed our START and INF negotiators in Geneva to discuss those proposals with their Soviet counterparts. The President's proposals reflect his belief that we must take every step possible to ensure that nuclear war cannot break out as a result of an accident, miscalculation or misunderstanding.

The measures not only include, but go beyond, the suggestions he made in Berlin and at the U.N. Thus the President proposed advance notification not only of ICBM launches but also of all launches of U.S. and Soviet submarine-launched ballistic missiles and of intermediate-range, land-based ballistic missiles of the type being negotiated in the INF talks. Additionally, he proposed an expanded exchange of data on intermediate-range nuclear forces as well as strategic forces and extended his proposal for advance notice of major strategic exercises to cover all major military exercises which might cause concern. Further, to illustrate the value of this measure, the U.S. voluntarily notified the Soviet Union in advance of its plans to begin the major military exercise named "Global Shield".

D. The "third party" danger

Most of the U.S. efforts in this area have concentrated on the interaction of Soviet and U.S. forces and systems, and possible risks of nuclear war through accident, miscalculation or misunderstanding from this interaction. However, we have also paid attention to the risks that might arise from the use of nuclear weapons by a third country or subnational group.

Six nations are known to have detonated nuclear explosive devices, and a number of additional countries currently have, or could achieve, the technological and industrial capacity to develop and produce nuclear weapons. A decision to "go nuclear" could occur quickly, once a nation with the necessary technology came to regard nuclear weapons as a desirable means to respond to perceived threats, to acquire international prestige, to salvage national honor, or to compensate for loss of confidence in outside security assurances or nuclear guarantees. Compounding the problem is the possibility that a terrorist group might acquire a nuclear weapon by fabricating a crude device or by stealing one from an existing stockpile.

E. Approach of this study

The United States and the USSR have a common interest in averting unintended or accidental nuclear war between them, and in preventing use of nuclear weapons by third nations or by terrorists that could trigger such a war. However, we must recognize that many fundamental differences between the United States and the Soviet Union complicate any effort to further that common interest through jointly agreed measures. The United States seeks to establish a stable balance of military forces and a world order based, not on the use of force, but on respect for the territorial integrity of nations. It perceives arms control measures, including CBMs, as means to help achieve these ends. While the Soviet Union professes to seek the same objectives, it encourages and takes advantage of political and military instabilities throughout the world, and is likely to exploit any ambiguities in a negotiated agreement.

The political and military interests of the United States and the Soviet Union conflict with respect to many specific nations and situations. The USSR also has a deep interest in weakening the bonds between the United States and its many friends and allies throughout the world.

Moreover, the United States and the Soviet Union differ in fundamental geographic and societal characteristics. The United States is preeminently an open society, whose government must freely share vital information about national security with the public—and thereby automatically with foreign governments. The leaders of the closed Soviet society, in contrast, maintain a heavy veil of security over their political and military activities. In addition, the Soviet Union is a large land power, contiguous to many of its allies and client states, and a short distance from many of our allies. The United States, on the other hand, is geographically distant from most of its friends and must, therefore, devote special effort to ensuring access to them.

All of those differences mean that the United States must approach prudently any effort to devise joint U.S.-Soviet measures to reduce the risk of war or to contain and control the threat of use of nuclear weapons by third countries or terrorists. In this regard, it is important not to lose sight of the fact that most of the CBMs which the USSR has proposed in the past have sought to create or to solidify Soviet geopolitical or strategic advantages. Some Soviet CBM proposals have tried to restrict our ability to come to the aid of our allies or to defend other U.S. interests. Others have aimed at ensuring Soviet conventional and/or nuclear superiority. Such proposals are, of course, unacceptable, whether they are presented on their own or as the price for Soviet agreement to measures we advocate.

We must also carefully examine any suggestions for U.S. CBM proposals to ensure that they would not inadvertently offer the Soviet Union some important unilateral benefit at our expense. We also must be alert to the possibility that any agreement could unduly restrict our ability to come to the aid of our allies, or directly harm their interests in another way. Indeed, our efforts must not only protect the interests of our allies, but must also take into account our relations with all those nations which conduct themselves in accordance with the UN Charter and other international agreements.

Finally, we must avert the possibility that the USSR could use CBMs for deception or unilateral intelligence purposes. The closed nature of Soviet society permits the Soviet government to use disinformation and deception as foreign policy tools in a way that is not acceptable—let alone feasible—for any democratic government. The fundamental purpose of CBMs could be undermined if the Soviet Union was permitted to turn them into propaganda or deception opportunities. Exceptional care must be taken to ensure that the very procedures agreed upon to reduce the risk of accidental nuclear war would not themselves become the means for the deception which would allow a premeditated surprise attack. Moreover, the United States needs to weigh carefully the possibility that measures designed to increase understanding and reduce the risk of misinterpretation could provide the Soviets with valuable, unique insights into U.S. military programs and intelligence operations, without necessarily providing the United States with comparable information or advantages.

Despite these potential drawbacks, the United States must still pursue every possible avenue to reduce the risk that war could break out between it and the Soviet Union because of accident, miscalculation, or misinterpretation. We must also try to cooperate with the USSR to limit the threat that a third party might use nuclear weapons. In so doing, however, we must be realistic about possible outcomes, approach initiatives with care, and insist that, for any new efforts undertaken, the potential benefits outweigh the risks.

II. CURRENT PROPOSALS TO REDUCE THE RISK OF WAR

The confidence building measures which the President proposed to the Soviets last November would significantly add to the range and importance of existing means to improve communication, and thus to lessen the likelihood of misinterpretation, between the United States and the Soviet Union. As the President stated in Berlin in June 1982, "Taken together, these steps would represent a qualitative improvement in the nuclear environment."

A. Notification of ballistic missile launches

The President proposed to the Soviet leadership that the United States and the Soviet Union should announce in advance all launches of intercontinental ballistic missiles (ICBM's), submarine-launched ballistic missiles (SLBM's) and intermediate-range, land-based ballistic missiles of the type the U.S. and USSR are currently negotiating in Geneva. Because ballistic missiles combine high-yield warheads, accuracy, and short flight times, both sides consider them to be the most destabilizing and dangerous elements in the nuclear arsenal. Consequently, these steps to reduce the uncertainty associated with the launching of these missiles would significantly lower the risk of accidental nuclear war.

1. Intercontinental Ballistic Missile Lunches

A number of previous U.S.-USSR agreements have provided for advance notification of some ICBM launches:

The 1971 "Accident Measures" Agreement requires each side to notify the other in advance of any planned missile launches which will extend beyond its national territory in the direction of the other party. Both sides have understood the Agreement to apply to land—rather than submarine-based ballistic missiles. A protocol to the Agreement requires immediate notification of an "unsuccessful" or malfunctioning launch of an unarmed missile when the trajectory of the missile extends beyond national territory in a direction that could be misinterpreted by the other side.

The 1973 Incidents at Sea agreement requires both sides to issue Notices to Airmen and Mariners (NOTAM's) for missile launches which will impact in international waters. The NOTAM's mention only the projected impact areas of the launch vehicle and associated debris. They do not specifiy launch point or area, the type of vehicle, or

the purpose of the launch. Moreover, relatively few Soviet launches are covered by the agreement, whereas virtually all U.S. ICBM and SLBM launches are directed to the open ocean.

The SALT II Treaty would have obligated each party to notify the other well in advance of any multiple ICBM launches or of single ICBM launches which would extend beyond its national territory. Unlike the NOTAMs required under the Incidents at Seas Agreement, the SALT notifications we sought would have included detailed information (e.g., launch locations, test range) and would have been provided directly to the other side. The U.S. began providing notifications in July 1979, consistent with its desire that the two countries act in accord with appropriate provisions of the SALT II Treaty even though it was not ratified. The Soviets also have provided notifications, albeit not as detailed as the U.S. notifications.

None of the previous agreements provides total coverage of all ICBM launches. In particular, they do not cover single launches which impact within the territory of the launching nation. Because any launch can create some uncertainty and ambiguity, the U.S. has proposed in the START negotiations that the sides provide notice of all ICBM launches, whether they occur singly or in multiples, whether their flights remain within national boundaries or extend beyond them. This proposal would carry the additional benefits of equalizing the current obligations on each side for advance notification and of discouraging the use of missile launches for geopolitical purposes such as a "show-of-force."

2. Submarine-Launched Ballistic Missile Launches

The United States and the USSR do not now notify each other directly or specifically of SLBM launches. They only issue standard NOTAMs which announce air space and ocean "closure areas" if they expect an SLBM to impact in international waters. They do not, however, specify the reason for the closures. The President has, therefore, proposed that the two sides provide specific advance notification of all SLBM launches, including any which impact within national territory. This, combined with the ICBM notification proposal, would mean that for the first time, advance notice would be required for all launches of strategic ballistic misslies in the arsenals of either side.

3. LRINF Ballistic Missile Launches

Finally, the United States has proposed that both sides provide advance notification of all launches of land-based longer-range intermediate-range nuclear force (LRINF) ballistic missiles. These include the Soviet Union's SS-20, SS-4, and SS-5 missiles, and the US PERSHING II. We continue to seek the elimination of all land-based American and Soviet LRINF missiles. While we are negotiationg that ban, however, we believe that notification of all LRINF ballistic missile launches would have some net benefits.

Soviet LRINF missiles are already deployed in large numbers. Our PERSHING II system is in an advanced stage of development. Unless prior notification is given, launches of any of those missiles could lead to misperceptions concerning military or political intent.

B. Advance notification of major military exercises

Each year the United States and the USSR conduct military exercises intended to provide training, to assess operational readiness, or to develop, perfect or refine plans, procedures, or operations related to nuclear forces. Such exercises, involving a nation's major nuclear forces, could be misinterpreted and evoke an unintended response from the other side. The President has proposed that each side provide advance notice of major military exercises involving nuclear forces which are of such a scope as to raise the concerns of the other side.

The United States currently provides advance notice of many field exercises via embassy notifications and news releases. For example, last year we gave advance notice of Global Shield, our largest and most significant exercise for strategic nuclear forces. The USSR provides no advance notification, except in conformance with the voluntary procedures of the 1975 Helsinki Final Act, which call for advance notice of exercises involving 25,000 or more troops.

C. Expanded data exchanges

The third main element of the President's proposal calls for a broad-ranging exchange of basic data about each side's nuclear forces. The U.S. START and INF delegations are now pursuing such an agreement in Geneva.

The data exchange we envisage would go far beyond that contained in the SALT accords. SALT II provided for reciprocal information only on the numbers of strategic nuclear delivery vehicles—ICBMs, SLBMs, and heavy bombers. The President has proposed a much wider and more detailed exchange of data on both strategic and intermediate-range ballistic missiles, which would provide essential information on the make-up of each side's forces.

The exchange of detailed information about each side's forces might help verification and could facilitate future arms control negotiations. It would also enhance the understanding which each side has of the capabilities and limitations of the other. Such exchanges would be essential for the implementation of any START or INF Agreement.

III. POSSIBLE NEW MEASURES TO ENHANCE COMMUNICATION

One of the most effective ways to further the effort already begun by President Reagan to ensure against unintended nuclear conflict between the United States and the Soviet Union would be to improve the ability of the two to communicate about crises and military incidents. In examining possible new initiatives for reducing the threat of nuclear weapons use, the Department of Defense has therefore focused on ways of increasing the speed, reliability, accuracy, and completeness of direct communication between the United States and the Soviet Union. In addition, we have studied whether improved communications with other countries could lower the risk of war.

A. Hotline improvements

A priority measure to enhance communications is to improve the Direct Communications Link (DCL, or "Hotline") between the U.S. and Soviet heads of government. The Hotline is, and should remain, for use only in severe emergencies. It would degrade the system, and reduce its impact in major crises, if it were used in cases that could be handled effectively through routine or lower-level bilateral channels.

In keeping with the Hotline mission, the precise number of times that the two heads of state have used it has not been disclosed. It is known that it has been used sparingly during its twenty-year existence, but it has proved invaluable in major crises. U.S. Presidents have cited its use during the 1967 Arab-Israeli War to prevent possible Soviet misunderstanding of U.S. fleet movements in the Mediterranean and during the 1973 Arab-Israeli War.

The United States and the Soviet Union have significantly upgraded the DCL once since its creation. The system originally consisted of two terminal points with teletype equipment, one full-time duplex wire telegraph circuit (routed Washington-London-Copenhagen-Stockholm-Helsinki-Moscow), and for back-up, one full-time duplex radiotelegraph circuit (routed Washington-Tangier-Moscow). In 1971, the two governments agreed to establish two satellite communication circuits for the DCL, with a system of multiple terminals in each country. When those became operational in 1978, the DCL achieved almost 100 percent technical reliability. The original radio circuit was terminated, while the wire telegraph circuit remains as a back-up.

1. Facsimile Transmission Capability

The Department of Defense has now proposed for consideration by the President the addition of a high-speed facsimile capability to the system. This improvement would increase the DCL's ability for conveying information by enabling the two sides to transmit more, and more complex, data more quickly and reliably. The time saved—even though limited by the slowness of the translation process—could be used to send more messages or for increased deliberation and consultation on each side. In addition, a facsimile transmission capability would minimize or entirely eliminate the need for keyboarding and therefore the possibility of operator error.

More important, facsimile equipment would endow the Hotline with a capability which it does not now possess: the ability to exchange graphic information. The precise, detailed, and often easily interpreted information offered by maps, charts, and drawings could be essential in resolving an ongoing military crisis. Because graphic information requires little or no translation, the total time saved through this improvement could actually be much greater than that implied simply by the increase in the transmission rate. Translation is the slowest step in the direct communication process. A highly proficient Russian language specialist can produce a full translation at the rate of only 1,000 words per hour, and do a cursory review at the rate of 6,000 words per hour.

2. Voice and Video Capability

The Department of Defense has also considered the possibility of adding a secure voice or video capability to the DCL. We have concluded, however, that this step would carry many more disadvantages than advantages. The United States and the Soviet Union explicitly decided not to include voice capability when they negotiated the original Hotline agreement and its subsequent improvement. On both occasions, they concluded that printed communication would be more private, more precise, and more reliable. The studies leading to this report reinforce that conclusion.

Because voice communication is more difficult than written material to translate, it is far more subject to misunderstanding. In addition, a direct conversation could encourage instant response, thereby denying the head of state the necessary opportunity to consult with advisors and prepare a thoughtful and measured response. For

both reasons, emergency voice communications between the two leaders could reduce, rather than heighten, their ability to resolve a crisis. The same considerations apply, in heightened fashion, to the installation of video conferencing capability.

B. Possible new communications mechanisms

1. Bilateral Joint Military Communications Link

One measure which we are now considering would create a Joint Military Communications Link (JMCL), paralleling the DCL, between the United States and the Soviet Union. A JMCL would provide a direct facsimile transmission capability between the two national crisis control centers (in the United States, the National Military Command Center in the Pentagon). It would supplement, but not supplant, existing diplomatic channels.

Placing a JMCL in the national military command centers would enable us to build on and strengthen the existing rapid communications system, and reduce requirements for additional personnel, training, etc. Also, it would allow rapid exchange of highly technical information that could be essential to understanding and therefore resolving a nuclear or other military crisis. No existing communication channel between the United States and the USSR has a similar capability.

A JMCL could be used to implement agreements on the sharing of military information that is time urgent. It could, for example, be the mechanism for the consultation on terrorist nuclear activity that we discuss later in this report. It could also be the designated vehicle for the ballistic missile launch and military exercise notifications proposed by the President.

A JMCL could also have a crisis control function. It could be used in the event of any military incident that required urgent communication between the United States and the USSR, but did not warrant direct contact between the two heads of government.

A JMCL could also be used for cooperation—rather than avoidance of confrontation—between the two countries in certain urgent situations. For example, if a military craft of the one side were lost or disabled, a JMCL would facilitate assistance by the other. Similarly, it could ensure proper handling of any space objects with nuclear components which threatened to impact on land.

We believe that exercises of a JMCL and its regular use for implementing information-sharing agreements would go far toward ensuring that the system would work well in any crisis.

The information-sharing function of a JMCL would provide both sides with a series of opportunities—in time-sensitive, but not emergency, situations—to increase their familiarity with the system and to identify any procedural changes which would heighten its usefulness in a military crisis.

Joint U.S.-Soviet exercises of a JCML could also offer an important vehicle for refining and building each side's confidence in the system.

2. Multilateral Military Communications Link

While the bilateral JMCL concept could enhance communication and reduce the risk of war arising from miscalculation or misinterpretation, we believe that a multilateral MCL would not be desirable. It would be extremely difficult to determine which states to include in a multilateral network. The addition of too many states would threaten to make a MCL so unwieldly that it would never function effectively.

3. Embassy-Capital High Rate Data Communication Link

Another promising method of improving crisis communications between the United States and the Soviet Union could be for each to establish high rate data links between its head of government and its embassy in the other's capital. We believe that such a system could provide an important supplement to the DCL and to a JMCL.

Each government would install and control its own system, using its own technology. Nevertheless, introduction of the system would require consent pursuant to the 1961 Vienna Convention on Diplomatic Privileges and Immunities. A bilateral agreement would also be essential to ensure that each government agreed to allow the other to bring in the necessary equipment freely and without interference.

4. Crisis Control Center

We have also carefully considered the suggestions for a U.S.-Soviet or multinational crisis control center, but have concluded that it would not be desirable to establish such an institution at this time. Over time, our experience with operating a JMCL might allow us to pursue the idea of a crisis control center, by indicating ways in which we could reduce the risks involved in it to an acceptable level. We doubt, however, that a multilateral crisis control center located in a neutral country will ever be feasible. We expect that the use of a JMCL would be more likely to point the way to a bilateral mechanism linking separate crisis control bodies located in Washington and Moscow.

A crisis control center located in a neutral country would be far removed from the national capitals where crisis decisions would have to be made. This separation would present several serious drawbacks. It is most likely that a center would be completely bypassed in national crisis decisionmaking. If not, a center would create a cumbersome extra layer in the national and international decision processes, retarding action just when speed was most imperative. Moreover, flexibility in deciding when to communicate, which would be an important feature of a JMCL, would be difficult to achieve in an institutionalized U.S.-Soviet crisis control center. The institution would provide a clear and legitimate channel for automatic consideration of any crisis—including those in which Soviet participation would serve to heighten, rather than reduce, tensions.

A multilateral crisis control center would suffer from even more problems. The more members in a center, the less likely that they would all share a common interest in preventing the outbreak or escalation of conflict. Even if that were not the case, the decisionmaking process in a multinational center would easily become bogged down, and inhibit timely, concerted actions to avert a serious crisis. Indeed, there would be a general risk that the facility would evolve from a confidential tool for crisis management into a forum for waging propaganda warfare over sensitive crises.

Finally, the expansion of the number of recipients of shared information would increase the danger that a member government might use the facility to spread disinformation or misuse gathered information. With unrestricted membership, it would be impossible by definition to exchange intelligence data. Any shared information would immediately be in the public domain.

5. Information Sharing Facility

A U.S.-Soviet institution for sharing information on nuclear activities by third countries or terrorists would present many of the problems associated with a crisis control center and add new ones. Since such a body would concentrate on information exchange, the risks would increase that the Soviets could transform it into a new source of sensitive intelligence data or attempt to exploit it for disinformation purposes. Those risks would be compounded if an effort was made to endow the institution with a general data bank or if it was made a multilateral rather than bilateral forum.

Although an information-sharing institution therefore does not seem feasible, we are considering a multilateral agreement providing for consultations during particular nuclear crises.

Nations party to the agreement would, when they deemed appropriate, consult with each other on nuclear explosions or acquisition of nuclear weapons by terrorist groups. By limiting the consultation to an aspect of the nuclear proliferation problem that is of particular concern to virtually all states, the agreement would minimize the risk that a nation would use it for disinformation purposes.

IV. ADDITIONAL MEASURES TO REDUCE AMBIGUITY AND MISINTERPRETATION

In addition to the enhanced communication mechanisms discussed in the previous section, the Department of Defense has considered a number of other measures which might reduce ambiguity surrounding military incidents, and thus lessen the possibility of misinterpretation. These fall into three general categories: improved arms control verification procedures; improved warning of nuclear attack; and reduced vulnerability of command, control, and communication systems.

A. Enhanced verification procedures for nuclear arms control agreements

Effective verification is essential to effective arms control. The first requirement for effective verification is possession of satisfactory monitoring capability. Towards this end, the United States maintains an extensive intelligence capability for monitoring treaty-limited activities and invests heavily in new technologies which may improve our ability to monitor activity related to treaty compliance.

Effective verification depends on satisfying a series of non-technical conditions as well. Our verification efforts cannot rely solely on intelligence community monitoring of the other side to evade detection, and our own ability to counter cheating. We must assess the incentive of the other side to cheat, We must also assess the political and military significance of potential violations, recognizing that charges of treaty violation are not easily made nor easily accepted, especially when evidence based upon the most sensitive intelligence sources and methods is involved. Enforcement of compliance under these circumstances is even more difficult.

The verification provisions of US-USSR arms control treaties vary widely. Some agreements, such as the Biological Weapons Convention, do not include express verifications measures, but instead simply provide for consultations about compliance. Other agreements, like the SALT I Interim Agreement and the ABM Treaty, explicitly refer to national technical means of verification (NTM), and provide supplements to NTM

through counting rules and collateral measures such as dismantlement and destruction procedures. The SALT II verification provisions appeared to go further by including telemetry encryption under measures that could be defined as deliberate concealment measures. In fact, however, some SALT II provisions were ambiguous and provided an inadequate basis for judging compliance.

The information needed by the West for effective verification of arms control agreements generally requires disclosure of what the Soviet Union considers to be state secrets—even though it may involve information normally made public in the West. Consequently, except for such collateral measures as dismantlement and destruction procedures, the Soviet Union typically prefers caveated or ambiguous wording which makes it difficult to challenge its compliance with verification rules.

The Soviet Union's callous disregard of the 1972 Biological Weapons Convention by producing deadly toxins and of the 1925 Geneva Protocol by using and encouraging the use of deadly toxins against combatants and innocent civilians in Southeast Asia provides the most compelling explanation of why, in the future, the U.S. must insist that arms control agreements with the USSR contain effective verification provisions.

We have examined several technical and procedural measures which could enhance verification capabilities and thereby contribute to mutual confidence between the United States and the Soviet Union. These include the use of combined consultative commissions, international verification bodies, data exchanges and other measures beyond National Technical Means of verification. All, however, require further analysis in the context of specific treaty requirements.

B. Measures to lengthen warning time of potential attack

Many of the initiatives discussed earlier in this report—the President's proposals for ballistic missile launch notifications, the Joint Military Communications Link the high rate data link between each side's capital and its embassy in the other country, the agreement to consult during crises involving terrorist nuclear activity—would heighten U.S. and Soviet awareness of—and thereby ability to divert—any near-term danger of a nuclear accident or attack. We have also examined more technical measures which might enhance U.S. and Soviet warning capabilities, whether the threat comes from the other party, from a third country, or from a terrorist or subnational group. After careful study, however, we have concluded that none of the possible bilateral U.S.-Soviet measures available for increasing warning time would have enough utility to warrant its continued consideration.

C. Measures to reduce vulnerability of command, control and communications (C^3) on both sides

Finally, we have examined possible bilateral U.S.-Soviet and unilateral approaches to reduce the vulnerability of our command, control and communications (C^3) systems—the systems necessary to communicate with and direct strategic forces.

The strategic C^3 system is vital to insure that strategic forces can respond to attack, and is therefore an essential element of deterrence. The system also guarantees that the ultimate control over nuclear weapons resides at the highest national decision-making level. The C^3 system provides the essential intermediary between our nuclear attack warning system and the decision-makers who would determine a response to a nuclear attack. Thus, it must be capable of performing its functions both during and after attacks.

Shortly after President Reagan took office in 1981, he directed that a thorough review be conducted of the stategic C^3 system and its ability to function under and survive attack. When the President announced his Strategic Modernization Program, he gave the highest priority to correcting strategic deficiencies. Major initiatives for achieving these C^3 corrections are now under way. President Reagan's decision was made in response to ten years of neglect of U.S. C^3 capability and survivability, as well as a sustained Soviet C^3 improvement program. That Soviet effort has not only strengthened the Soviet strategic C^3 system but also increased its ability to target and destroy U.S. strategic forces and associated C^3.

The modernizations program for strategic C^3 calls for balanced improvements in essential capabilities, including upgrading of the survivability and endurance of the alert warning and attack assessment sensors, increasing mobility and endurance of command decision-making functions, extensively improving communications, and assuring means for recovery and reconstitution of U.S. strategic forces following a major nuclear attack.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Mr. President, I yield such time as he may need to the Senator from Massachusetts.

Mr. TSONGAS. Mr. President, before the Senator from Texas leaves the Chamber, could I propose a question?

Mr. TOWER. I would be delighted. Fire away.

Mr. TSONGAS. The Senator made a very strong statement to the effect that Congress cannot and should not second guess the President on national security issues, and I thought he made a very compelling argument in that regard.

If the Senator could correct my memory, sometime ago the President announced that he was going to put the MX in Minuteman silos and I distinctly recall turning on the television and watching someone who resembled the Senator from Texas blasting the President for that decision and was going to lead the fight against it. Did I misremember that?

Mr. TOWER. No, the Senator certainly did not. I was strongly critical of the decision to abandon the MPS system. But once that decision was made by the President I moved to try to accommodate that decision and to help look for other means of basing the MX system, and it is my intention to review very carefully whatever recommendation the President makes subsequent to the Commission's report and do my best to support it. I think the high probability is that I will support it.

Mr. TSONGAS. The Senator from Texas found it in the national interest to indicate strong vehement opposition to the original Presidential decision, did he not?

Mr. TOWER. The point is I criticized his abandonment of the MPS basing mode. I did nothing in Congress to try to turn it around. Therein lies the difference.

Now do not misunderstand me. I think we should be critical. I think we should be careful. But I do not think we should narrowly circumscribe the President's freedom of action in the foreign policy arena.

Let me be the first to say that sometimes I pass judgment on foreign policy issues here. As a matter of fact, I offered an amendment one time in the Senate to proscribe any aid to Indonesia. That was when Sukarno was the dictator of Indonesia. I was counseled against it by others who were wiser than I was, but I was young then, as is the Senator from Massachusetts now, and I thought it was a good idea. I think it was not a month after I had successfully gotten through the Senate a resolution proscribing any assistance to Indonesia that Sukarno was overthrown and was replaced by the Suharto government.

I made a mistake, Senator. I have made several mistakes in the 22 years I have been here. I hope I will not repeat them.

Mr. TSONGAS. It is my understanding, after the Senator's statement on the MX basing mode, that the committee decision, led by the Senator, on zero production as an alternative was forthcoming.

Mr. TOWER. That is right. In that instance we did not impose our decision on the administration on a permanent basing mode for the MX. We withheld the funds until such time as the administration made a recommendation on such permanent basing, recognizing that the initiative should come from the administration.

Mr. TSONGAS. The Senator from Texas second-guessed his President and made sure the President's decision would not be carried out. The moral of the story is very clear. It is all right when the Senator does it; it is not all right when someone else does it, and age is not the issue.

Mr. TOWER. It is not that clear, Senator, What I am saying is that we zeroed the funds in the Senate committee. It had the desired effect, that is to get the administration to make a decision on permanent basing of the MX.

Mr. TSONGAS. They made a decision.

Mr. TOWER. Wait, Senator. You raised the question. When the decision was made, once the decision was made——

Mr. TSONGAS. But, Senator——

Mr. TOWER. I ask the Senator not to ask a question of me and cut me off

before I can answer it. Once the decision to select a permanent basing mode was made by the administration, then the Senate receded to the House in conference on MX production funding. The objective was to get the administration to make a decision, and I think there is nothing wrong with that, whether it be a decision in foreign policy matters or in domestic matters. I think we ought to prod the administration from time to time. I do not believe in blindly supporting the administration. I did not support the 5-cent per gallon gasoline tax, and I think it is unfortunate it was adopted.

But on a matter of the kind we are discussing today, where key personnel are concerned, that is those who are responsible for implementing the President's policy, I think we had better be very careful about what we do.

Mr. TSONGAS. Just to make the record complete, the original policy by the President was rejected by the Senator from Texas, and that is the reason why it has been changed.

The Senator says it is all right to prod the President as to policy. That is merely what we are trying to do here on another matter.

Mr. TOWER. I hate to say the Senator from Massachusetts does not know what he is talking about. The fact of the matter is——

The PRESIDING OFFICER. Will the Senator desist? The Senator from Massachusetts has the floor.

Mr. TSONGAS. I will request a copy of the Senator's press remarks on this issue and send it back to the Senator for his review.

I do not think anyone here resents what the Senator from Texas has said. I hope we can now get past subjects like unilateral concessions, surrender, unilateral disarmament and Munich, and talk about Kenneth Adelman. That is, I think, what we are here to discuss.

Before I begin, since the majority leader and the ranking members of the committee on Foreign Relations are on the floor, the Senator from Nebraska raised the question as to whether either of the three gentleman on the floor was consulted prior to the Adelman nomination being made public. My understanding is that they were not.

Would anybody care to correct that impression?

Mr. BAKER. Mr. President, I am sorry but my attention was diverted for the moment. Will the Senator repeat his question?

Mr. TSONGAS. The Senator from Nebraska (Mr. EXON) asked the question of Senator MATHIAS as to whether anyone had been consulted as to the Adelman nomination. My understanding from press reports is that neither the majority leader nor the chairman nor the ranking minority member of the committee was consulted as to the nominee prior to that announcement.

Mr. BAKER. Was I consulted before the nomination was announced?

Mr. TSONGAS. Yes.

Mr. BAKER. No. But, Mr. President, you know that is not something that I am offended by or disappointed about. I do not know how many thousands of appointments there are in the Government and I am not always consulted. I am seldom consulted except when they are of a cabinet level sometimes. I was notified shortly after the President made his decision that the Adelman nomination would be forth coming. But I know of no particular reason why the President should have indicated to me in advance that he intended to support him.

As the Senator knows, I intend to support the nominee. I have had an opportunity to meet with him more than once. I have gone over a great deal of material with him both before, during, and after the hearings held by the Committee on Foreign Relations.

I am convinced he is a good nominee. I did not know him beforehand and I was not consulted about him beforehand, but I think he will perform his job very well indeed.

But the answer to the Senator's question, the question of the Senator from Nebraska, was I consulted before, I was not.

Mr. TSONGAS. I appreciate the response.

Mr. PELL. Mr. President, if the Senator will yield, I was not consulted.

Mr. TSONGAS. Does the chairman of the committee want to comment on whether he was consulted prior to the nominee being made public?

Mr. PERCY. No; there was no consultation. The staff did know. We were on recess at the time, the Senate was. The staff did know very shortly before the announcement came out of the White House. It was confirmed through the staff that the nomination would be made. There was no consultation, as there sometimes has been with nominations that might be looked upon as somewhat controversial.

Mr. TSONGAS. I thank the Senator.

Mr. President, I would like to begin by reading an item that appeared in the U.S. News & World Report. This is yesterday's publication, and I quote:

> If Kenneth Adelman fails to win Senate approval as Director of the Arms Control Agency, a group of White House officials and key Republican lawmakers stand ready to push another candidate likely to be confirmed quickly, retired Air Force Lt. Gen. Brent Scowcroft, head of the Presidential Commission on the MX missile, and a former National Security Adviser to President Ford.

The advantage of that brief report in the magazine is that it does not raise the issue in a very practical sense in that the choice before us is not confined to Kenneth Adelman or not Kenneth Adelman. The issue is would you rather have Kenneth Adelman or would you rather have somebody else? How does Brent Scowcroft sound to you? How about William Hyland? How about Malcolm Toon? How about Andrew Goodpaster? Is there any Member of this body who would not be more comfortable with people of that caliber in the position? That is, in fact, the choice.

Why do I say this? One of the 13 nominees that was rejected by a Senate committee, going back to the beginning of this century, was one Ernest Lefever. Now Ernest Lefever is a name out of the past because the issue of human rights has gone away.

To refresh my colleagues' memory, Ernest Lefever was the President's initial choice as the Human Rights Director, and I believe in that case as well there was no prior consultation with the committee or the leadership.

It turned out to be a bad appointment, and every President has made bad appointments, and all those Presidents who come after will do the same thing.

The same arguments we are hearing here today about letting the President have whomever he nominates applied in the case of Ernest Lefever, the difference being we were discussing human rights not arms control.

By the time hearings ended in the committee, the vote, if I recall correctly, was 13 to 4 in opposition to the nominee. I also believe that a majority of the Republicans on the committee voted against the nominee as well. The committee rejected the nominee.

What happened? The President stated he was supporting Ernest Lefever. But as it turned out Ernest Lefever had the good sense and grace to withdraw. There was a lot of mumbling and grumbling that took place, but eventually cooler heads prevailed, and Elliott Abrams was appointed as the Human Rights Assistant Secretary. He went through the committee unanimously. He passed the full Senate, if I remember correctly, unanimously. The human rights issue has not been heard of since. It has been well managed.

From President Reagan's perspective would anybody here argue that President Reagan is worse off with Elliott Abrams than he would have been with Ernest Lefever? No. The fact is that if Ernest Lefever had remained as Human Rights Assistant Secretary the human rights issue would have festered and festered, and hurt both this President and the United States.

Those 13 members of the committee, Democrat and Republican, who voted down Ernest Lefever did a favor to the President, and those 4 who defended Ernest Lefever, in my mind, did the President no good whatsoever.

As a Democrat, talking strictly partisanly now, it would have been in my interest as a partisan to have Ernest Lefever still there, very much like it is in my interest to have James Watt still there. But by defeating Ernest Lefever because we felt that human rights was more important than partisan advantage, we also served the interests of the President of the United States.

Today is round 2. Same thing; bad appointment, no consultation, committee votes the nominee down and now it comes to the Senate floor.

Another analogy would be Anne Gorsuch Burford. Again, speaking from a partisan perspective, it was in the interest of the Democrats, speaking as Democrats as opposed to Americans, to have Anne Gorsuch Burford remain as EPA Administrator. She has been removed and a very good candidate has taken her place, Mr. Ruckelshaus. The President has been served by that transition.

I submit that, if I were President Reagan, for a whole host of reasons which I will go into subsequently, I would want a Brent Scowcroft as my Arms Control Director because that nomination would fly through this Senate and would be applauded on both sides of the Atlantic—William Hyland, the same thing. The list is endless.

So the President is faced with a rather ironic situation; that is, if he wins this, on this appointment, he loses because all of the antagonists of the President, be they Democrats or be they Soviets, will have a field day with Kenneth Adelman. An Arms Control Director who feels that arms control is a sham is not the person you want in there.

I, as a member of the opposition, am in the strange position of trying to, in essence, save the President from a nomination that if confirmed would serve my interests speaking partisanly. I happen to think that arms control is the most important issue this country faces, indeed mankind, and I would hope at some point that those partisan considerations would not be there. The fact that we have taken the lead to try on a bipartisan nature to suggest that maybe a different nominee is preferable would support that view.

I would also make reference to the history of the committee. The day we had the vote or was supposed to have the vote, I walked into the committee convinced we were going to lose. And it was in the course of the various members talking about the nominee when I finally realized, to my surprise, that we, in fact, had the votes, 9 to 8. Senator CRANSTON and I at that point were involved with this. Senator CRANSTON had a motion, if I recall correctly, to bring the nominee back in and attempt to try to further flesh out the nominee's views. I turned to Senator CRANSTON and I sent a note to him saying, "We have the votes. Let's vote."

After he finished and others made their comments, it struck me that even though we had the votes, that there were other considerations in that, as I had privately urged the State Department to withdraw the nomination previously, I decided that it would be the better part of discretion to delay the vote, give the President a chance to pull down the nomination, or in the alternative hope that Kenneth Adelman would show the same kind of grace that Ernest Lefever demonstrated. I turned to ALAN CRANSTON and I said, "ALAN, we have the votes. I think we should delay this and give the President the chance to withdraw it. But since you had taken the lead on this, I will not do so without your concurrence."

He said to me, "I think you are right. It is the best thing to do." Therefore, no motion was made and the committee gave the President some time to think.

What we were trying to do, although it was not interpreted as that by the White House, was to say to the President: "Mr. President, it is in everyone's interest to have an Arms Control Director with standing. This happens not to be that person. Rather than an up-or-down vote and putting ourselves in a face-saving situation, we are going to step back and give you a chance to reconsider."

The response by the administration was swift and sure that their interpretation of our intent was that we were looking to embarrass the President rather than vice versa. And that was where the matter lay until the next session came and we had the inevitable 9-to-8 vote.

So there has been a history, both privately expressed and publicly voted upon by the members of the committee on both sides of the aisle, to try to resolve this without the events we are having to go through today, tomorrow, and Thursday.

If, indeed, the nomination had been withdrawn and a Scowcroft-type name had been submitted to us, there would not be this debate. You would not have the kind of concern which I will speak to and you would not have the Adelman name become the kind of household shorthand that questions a President's commitment on arms control.

And I say to my friends who have to return to their constituencies, if a mother, who was concerned about the survival of her children—and indeed the whole arms control initiative is, in fact, fueled by that parent-child bond—says, "Senator, there is no progress in arms control. I am worried about the survival of my children. The President provided a nominee who said that arms control was a sham and you voted for him," what are you going to say? Because, by definition, if you vote for someone who believes that, you believe it. It is not my albatross, it is going to be yours.

"Arms control negotiations are a sham." I do not happen to share that view and I submit to you, if you look at the public opinion polls, most Americans do not either.

The President has had 1,200 names go through this Senate. I have voted for 99.3 percent of them. But on the issue of this one, whether he is confirmed or not, it would be without my vote.

I frankly do not care whether it is Republican or Democrat. If the Democrats sent up the same name, I would feel exactly the same way. At some point we are supposed to believe in things.

We all make nice speeches about peace. There is no way to have peace without arms control. You are about to have an opportunity on Thursday to, in a very real way, prove where you are coming from. If a phone call from the Vice President or the President is enough to make someone endorse the notion of arms control as a sham, we may be a lot of things but we are not the greatest deliberative body in the world.

I wish we were voting on Scowcroft, but we are not. What I am trying to do today is to give you that opportunity. Because if that is the opportunity you have, you will not have to worry about that mother or that father or those children who worry about whether they are going to grow old.

It has become a very heated debate. It did not take long to get to Munich. I believe it took 2 hours before someone invoked Munich. Even the SST cannot get you to Munich that quickly. And the specter of Neville Chamberlain has been raised in the U.S. Senate. Bully. Is that the issue, if you want to vote on a Scowcroft as opposed to an Adelman as opposed to a Neville Chamberlain?

It has become fashionable to say that the Adelman nomination is hostage to a larger debate on arms control. The nominee, according to that portrayal, is unfairly assailed by unprincipled partisans on the eve of a Presidential campaign. Even in that, Adelman is seen as the guiltless, but unlucky, sacrificial lamb.

Like most cliches, "Mr. Adelman as innocent victim" is not all wrong. He has, in fact, served in Government. He has, in fact, written prodigiously, and, in fact, he has some expertise. He has come under enormous pressure and has become the focus of unrelenting criticism and inquiry. As the individual described in his résumé, he probably does not deserve all this controversy.

Indeed, had he been nominated as ambassador to Australia or whatever, we would not be here today.

But the nomination was not, however, made in a vacuum. History, and especially the last couple of months, has elevated arms control and the Arms Control Agency far above its traditional role of accessory to our national security.

There is, if you have been reading the papers, a crisis in the Western Alliance. There is the growth of the Soviet nuclear arsenal, and the emergence here and in Europe of a new political phenomenon, the so-called arms control populism, and all of these developments have converged in our time, making arms control a pivotal political and security issue not only in the U.S. Senate, not only in the town meetings in Vermont and New Hampshire, in the referendums around the country in November, but particularly in the Western World. That, I believe, is the underlying reason to reject the nominee.

Put yourself in a position of a West European being propagandized by Yuriy Andropov and look at the Adelman nomination.

Two American negotiators, Paul Nitze and Ed Rowny, sit in Geneva with their Soviet counterparts, achieving little more than stalemate. The committee briefing we had last week confirmed that conclusion.

With deployment of the American euromissiles scheduled for the fall and with the Soviet deployment of SS20's proceeding without pause, the world faces rapid escalation of a European theater nuclear arms race. How have the Europeans reacted? Civil disobedience, which we read about in the papers this past week, by the arms control populists threatens to further rend the fabric of the NATO consensus.

This administration, unable, apparently, to dampen its rhetorical and provocative approach to the Soviet-American relations, adds to the "nuclear fear" in Europe and fuels a fire of protest and anxiety already burning white hot—among whom? Not our adversaries, no, but our allies.

The Soviet Union, for its part, is content in Geneva to observe the unraveling of Western unity and to exploit the windfall tactical advantage placed before them by an unlikely confluence of events.

The conclusion, at least as I read it or heard it, was that the Soviets do not want to negotiate. Why should they? Their major objective is to break Europe off from the United States. If they can accomplish that, that will be their greatest triumph since World War II.

So the deployment of the Pershing II and the cruise missile, which would ordinarily be of concern to them, is not, because in the context of the larger objective the Pershing II becomes meaningless.

If the Soviets succeed in breaking off Europe from the United States, we are in real trouble. I believe that the administration's position is correct, that part of the reason for going nowhere in Geneva is not only for the reason that they would not subscribe to the United States, but the fact is that the Soviets have no particular interest because things are going their way.

The issue, in fact, is much more European than either American or Russian. In the center of that acute dilemma, the administration has served the Soviet propaganda interests by introducing Kenneth Adelman as the Arms Control Director.

In desperate need of arms control credibility, the administration has chosen a neophyte with little stature in the field and with little standing in Europe. Under such circumstances, the furor over this nomination seems restrained and inadequate.

Put yourself in Andropov's shoes. What you are trying to do, more than anything else, is to break off Europe from NATO. The President of the United States, Democrat or Republican, is going to appoint an Arms Control Director. Ask yourself the question: Is it in the Soviet interest to have an Arms Control Director who is viewed credibly in Europe or one who is viewed without credibility in Europe?

The answer is pretty obvious. If you are Andropov, you do not want Scowcroft. You want Adelman. And, lo and behold, you have him.

The Senator from Georgia (Mr. NUNN) was on television recently and has phrased our arms control dilemma as a battle for the hearts and minds of Europe. I repeat his remarks here because I believe they have merit:

> Arms control in 1983 is one of the most important foreign policy objectives we have. If we don't keep the European public with us, then the European political leaders are not going to be able to deploy the missiles (Pershing II and GLCM). If they are not going to be able to generate enough public support to deploy these missiles, we won't reach an intermediate nuclear force agreement. If we don't reach an INF agreement, I think the prospects of START go way down. This is enormously important, and we are in a battle for the hearts and minds of the European public as well as the American public * * *

That short response during the David Brinkley show, I think, better than anything else I read, raises the fundamental issue and that is very simple: Nothing is happening with START because everyone is looking at INF; nothing is happening with INF because the Soviets believe they can win the hearts and minds battle in Europe.

So our focus should be on hearts and minds in Europe and on what we have to do to win that battle. What do we get? We get the Adelman nomination, which aggravates this very difficult problem. What we need as Americans in the European mind is a nominee of credibility and stature, one who can speak for our arms control policy with eloquence and impact.

We need a strong voice which will be heard and respected in Europe.

The President has, to his credit, a reasonable compromise proposal for the Euromissile talks. He has, in fact, an expert negotiator in Paul Nitze. That compromise proposal, however, will not exert the necessary pressure on the Soviets unless it is championed consistently and artfully by an established and senior Director of the Arms Control Agency. Kenneth Adelman is not the correct choice for that sensitive and exacting task.

Let me say parenthetically that I have met Kenneth Adelman and I must admit that I like him. That does not often happen with people that I am in opposition to. I find him to be a decent person, with sensitivity. But the fact is that, although he would be qualified for other positions, this is not one of them.

It is worth looking more closely at what is happening in Europe, where this battle for hearts and minds is being lost. I commend to my colleagues the possibility of perhaps traveling to Europe, as I shall be doing in 10 days, and talking to them about their concerns and the concerns of the political leaders as to where the European public opinion is going.

The Easter weekend saw the revival of public antinuclear weapons protests which were so prominent last fall. Some 500,000 marchers in 90 different European locales paraded before the cameras and promised much more in the summer and fall.

In Germany, the Green Party, although failing to capture a cabinet post, won 27 Parliamentary seats in Germany's Federal elections. The Euromissile deployment was, of course, a highly publicized issue in the March elections. The Social Democratic candidate for Chancellor, Hans-Jochen Vogel, traveled to the Soviet Union and publicly solicited Soviet concessions in the Euromissile talks. Most observers have concluded that the decisive issue was more economic than nuclear, but the Euromissile issue has moved the nuclear weapons dialog in Germany decidedly to the left.

The government of Chancellor Helmut Kohl supports deployment of the missiles later this year, but the resolve is tenuous. Kohl and other European leaders requested and then applauded the President's step back from his zero-zero proposal in Geneva. That important and timely shift in the talks must be followed by a strong U.S. campaign to apply pressure on the Soviets to moderate their negotiating position

as well. It is perhaps redundant to express the idea that the Euromissile talks in Geneva are a grassroots political issue in Europe. Success in these talks will require a grand strategy, incorporating technical, tactical, and political strategies.

Under such conditions, Europe scrutinizes every nuance in our security policy. Any change in tone or substance in the U.S. posture is magnified and analyzed by the European press.

I think it is fair to say that most people in the United States, by Thursday, will know who Kenneth Adelman is. It is also fair to say that, in the first couple of weeks of this tempest in a teapot, no one knew who Kenneth Adelman was or what he stood for. That is not true in Europe. The Adelman nomination has received its share of European attention, most of it decidely unfavorable. Let me read from some of the European publications. The following excerpts are taken from the USIA document entitled "Special Report: Foreign Media Reaction. Adelman Nomination As Director of ACDA. March 7, 1983."

Independent General-Anzeiger of Bonn on January 14 commented that Rostow's successor is considered a hardliner. 'It would be deplorable if people like Adelman got the upperhand,' a member of the U.N. Disarmament Commission from a developing country said . . . A Western diplomat called the news . . .'shattering' and criticized Washington for 'changing horses in midstream.' Socialist Chancellor candidate Hans-Jochen Vogel expressed the hope that this development will not delay the negotiations with Moscow.

Can you not hear the applause in Moscow?

Right center Algmeen Dagblad of Rotterdam on January 14 asserted that "the hawks in the Republican Party are well on their way to taking over the helm from President Reagan . . . Moreover, the fact that Rostow, himself not a liberal, made way for Kenneth Adelman, a tactless conservative, has seriously damaged Reagan's credibility."

Can you imagine their saying that about the other potential candidates that might be if Adelman were defeated? No.

BRT, the Belgian Dutch-language television, on January 14 asserted that "Europe was vexed." The station carried a clip showing ACDA Director-designate Kenneth Adelman and described him as a "tough negotiator but one without arms control experience."

The Times of London on February 16 ran Washington correspondent Bailey Morris' report that "an embattled President Reagan has vowed to press ahead with the nomination of Kenneth Adelman as his chief arms negotiator, despite criticism in Congress that he is ill-prepared for the job that has become a 'propaganda' coup for anti-nuclear forces in Europe * * *"

Both Le Monde and the London Times have carried stories detailing with quotes the first Adelman hearing at which the nominee professed his ignorance of a number of key arms control issues. These two stories were not carried in the USIA "Morning Digest."

The clips, however, go on and on in this U.S. Information Agency press summary.

If anybody wants a copy of that, Mr. President, I shall be glad to make it available. In fact, it might be better to simply insert it in the RECORD at the conclusion of my remarks. I ask unanimous consent that that be done, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. TSONGAS. At each juncture of the Adelman nomination, the European press covers the story generously, providing Europeans with a full, if not always accurate, account of this controversial nomination.

Why and how can this serve our interests? If Europeans are looking at this nominee as a litmus test of the U.S. commitment to arms control, then we have problems, and the major beneficiaries sit in the Kremlin.

This same pattern is repeated for any prominent story on U.S. security policy. Even the publication here of the second edition of "Soviet Military Power" received wide coverage. The Pentagon booklet documents the Soviet buildup with graphics and photos.

The President's speech in Orlando also attracted attention. Headlines in Europe used such language as "Reagan's Extremely Violent Diatribe" in La Croix, a liberal Paris paper, or "Reagan Laying It On Too Thick," the Independent Die Press in Austria, or "Communism 'Evil Focus in Modern World' says Reagan" in the Daily Telegraph, in London, or "Reagan Calls Moscow an Evil Empire" in the London Times.

There were circumstances in times in our history when the European reaction was not taken into account, at least not taken into account a great deal. That is not true today. As Senator NUNN pointed out in that interview which parallels what Paul Nitze said in our briefing, the battle is for the European heart and mind, and that battle we are losing.

Mr. President, this is, I acknowledge, a somewhat tedious exercise, reading press clips and headlines from European newspapers. But it is essential that we understand how intimate the Euro-American relationship is. Every step we take on security issues echoes loudly and clearly in Europe.

The clips which I have read today are taken from a special USIA report drawing on the USIA entitled "Morning Digest of Foreign Media Reaction." This document is compiled daily from USIA mission reports dispatched to Washington from our Embassies abroad. I do not believe that the USIA regards Morning Digest as a scientific sampling, but there is a clear attempt to achieve balance and reflect accurately the overall tone of the foreign press on any given issue. As a measure of European press reaction prepared for this administration's decisionmakers, I think it is about as good a source as one can find in Washington.

Reading the European press is instructive. Certain themes emerge and repeat themselves on this question of NATO and nuclear security. The most familiar to my colleagues will be the European fear of strategic decoupling; that is, in the event of a European conflict with the Soviet bloc, a nuclear war will be fought within the confines of Europe with intercontinental missile forces of the United States and the Soviets held in reserve.

In other words, we have our fight and they get zapped. The peace movement has focused on this concern and used it to argue against deployment of the Pershing II and cruise missiles.

Try to think of yourself as a European, as I said earlier on, trying to get through each day with some harmony and you look at the specter of the United States and the Soviets increasing the cold war rhetoric, engaged in an arms race and making all the moves on both sides to suggest that, indeed, it may come down to a nuclear confrontation. You would not be too far from accurate to presume that one possibility is that they will try it out in Europe. That is an obvious fact and a fact not lost upon the Europeans.

And so what happens in Moscow and Washington becomes very important because the long-term survival of your children is much more a function of what happens in the United States and the Soviet capitals than what happens in your own.

Mr. President, I would submit to you that when you talk to these people, there is a certain anger about having your whole world obliterated by nations of which you are not a member. You remember the human chain in England of people who were scattered over, I believe, a 14-mile road indicating their objection to the deployment of the Pershing II. The antinuclear deployment movement in Europe and, I would submit, the nuclear freeze movement in the United States is not your traditional Vietnam-type movement. It is fueled by various different instincts, and he or she who underestimates how intensely people feel about that I think errs.

Another theme seen in press accounts is a persistent fear that cold war rhetoric and policies are finding their way back into United States-Soviet relations. Statements by both sides are scrutinized for evidence of rigidity, anger, hostility, you name it. In Europe, détente has always had a firm popular base, particularly in Germany. The pipeline sanctions imposed by the United States were seen as a major threat to commercial and economic

ties with the Soviets, which in Europe rank high on the list of détente accomplishments. Contacts between relatives and friends living in Eastern and Western Europe are another cherished foundation of détente in Europe.

A third idea appearing regularly in the European press is the growing Euro-American split. Le Monde referred to it as half of the "Soviet-American and American-European double divorce." Vice President BUSH's trip to Europe in early February was widely interpreted as an attempt to heal that growing rift. The Euromissile controversy has provided the Soviets with an opportunity to widen the split, but the fundamental problem predates the missile deployment decision of 1979. Vice President BUSH's remarks in Europe reveal the large dimensions of this problem and its deep historical roots. The breakdown in détente, the failure of SALT II, the bitter dispute over the neutron bomb have all contributed in their way. Competing economic interests, persisting trade and monetary disputes, and above all a corrosive whittling away of the post-World War II anti-Soviet consensus have made Europe a fertile ground for those sowing neturalism and anti-Americanism.

I find it strange, and it would be humorous if it were not so serious, that you have the Soviets crushing resistance in Afghanistan, crushing resistance of Solidarity in Poland, engaged in an arms buildup, tied to the attempted assassination of the Pope, deploying SS-20's beyond any reasonable need, and who are the bad guys? We are. It takes a lot, given the outrageous Soviet example, for the United States to lose the propaganda battle and yet we seem to be managing to do it.

Our discussion of the European context should probably end with a recent article by Christophe Bertram in the Hamburg paper Die Zeit. Bertram is the former director of the prestigious London International Institute for Strategic Studies. His article deals with the President's "Star Wars" speech. I have read that speech. I have serious reservations about space-based ballistic missile defense, but I do not question the President's essentially peaceful intent in the proposal. Bertram's article takes a harsher view—it reveals in its way how volatile the European environment can be in response to shifts in American security policy.

Bertram begins by recognizing the merits of the President's INF compromise proposal and then continues:

> However, almost in the same breath, the President jeopardized this political gain. In an attempt to point the way out of the dangers of nuclear weapons, on March 23 he demanded in a televised speech that gigantic technological efforts be made to provide the United States with an effective defense system against intercontinental missiles in 20 years.
>
> It cannot be implemented technically and financially in the foreseeable future.
>
> Reagan's initiative is bound to increase doubts in Moscow about whether the Soviet Union should engage in serious negotiations with the current Administration.
>
> Reagan's concept also weakens support for NATO's dual decision in our country, and thus prospects for negotiations in Geneva as well.

Bertram makes the same argument Senator SAM NUNN made 10 days ago in a televised interview.

I continue with Bertram's commentary:

> The opponents of counterarmament might ask: Doesn't this prove that America, which will be secure behind its defensive wall, actually wants to confine nuclear war to Europe? In doing so, they certainly will pass off Reagan's concept as reality. The Soviets will add grist to the mills. Washington, Andropov said in Pravda, wanted to turn the European countries into "nuclear hostages."
>
> With his idle talk, the American President has thus once again burdened the sensitive fabric of security [obtained] through deterrence and negotiations. He has undermined the European countries' consensus for deployment under the dual decision—a consensus which was tenuous to begin and which actually was supposed to be strengthened by his new readiness for compromise in Geneva. He has also further clouded the already gloomy prospects for sensible negotiation results.

Let me repeat one line:

> He has undermined the European countries' consensus for deployment under the dual decision.

You undermine that consensus, you undermine the possibility of deployment in Europe, you give the Soviets every reason not to negotiate in Geneva, and that is exactly what is happening today.

One well-intentioned speech from the President inspired the respected Bertram to write that sort of article. This illustrates the perils of forging an effective arms control policy when Europe is so sensitive to the nuclear issue. Generally, the press response to the "Star Wars" speech was critical. The Social Democratic paper in West Berlin, Volksblatt Berlin, called the proposal "another devilish armament spiral." West German TV carried a discussion about the many critics of the President's concept. The conservative French paper, Figaro, said, "in an effort to reassure (public opinion) about the risks of a nuclear war, he might instead increase anxiety."

Kenneth Adelman is the President's choice to pilot our arms control efforts through these very troubled waters. If confirmed, Mr. Adelman would spend most of his time attempting to establish credentials and develop effectiveness with a constituency which, in Europe at least, regards him as living proof that the Reagan arms control team is at best second rate.

Again, when one discusses with people in the Third World the position of the United States on human rights, are we not better off with Elliot Abrams than Ernest Lefever? When was the last time you read in the newspaper about human rights? If Kenneth Adelman survives the test on Thursday, you will be reading about arms control and arms control credibility for a very, very, very long time. That does not serve the interests of the United States nor of its President.

The qualifications for the Director of the Arms Control and Disarmament Agency are rigorous. As Senator PERCY explained in his opening statement, the Director of ACDA is one of the key appointments of any administration. The Director plays a leading role in the moral, political, and intellectual struggle to devise a means to prevent nuclear holocaust. The Director must have the expertise and intellectual prowess to formulate arms control policies, but the one quality as Senator PERCY expressed it, which should most distinguish the individual who fills the office is the determination to aggressively represent the cause of arms control at the highest level of decisionmaking in our Government.

That is the test.

The Foreign Relations Committee majority which opposes this nomination was at first skeptical but not hostile on the nominee's qualifications.

I use myself as an example. People have said that I was gunning for this nominee. Let me ask a question. The first day of the hearings, which was the most publicized, in the morning, I was in Boston, delivering a speech to 50 members of the Boston Engineers Society. With all due respect to the Boston Engineers Society, it was not a major commitment, the kind of thing that normally gets canceled when there are other responsibilities and higher priorities. The fact that I felt it was more important to deliver that speech than to be in Washington for the morning round of the Adelman nomination conclusively shows, I think, that even though I was not enthusiastic about the nominee, I certainly was not hostile to him.

There was no doubt that the nominee was bright and articulate. If you read his publications, you will arrive at the same conclusion. The concern centered on the lack of high level arms control experience and the lack of stature in the arms control community. The nominee cited his U.N. responsibilities in coordinating the U.S. delegation to the United Nations Second Special Session on Disarmament and his work with the U.N. First Committee on Disarmament. But as the committee report states, the U.N. Committee on Disarmament in Geneva is the primary U.N. forum for arms control activities and the U.S. delegation to

that Committee is headed by a different Ambassador.

Nonetheless, Mr. Adelman certainly was in a position to win the committee to his side at the first hearing on January 27. His performance accomplished just the opposite.

He was asked the usual round of questions pertaining to various key arms control issues, and to my surprise was unable again and again to answer such questions.

A few examples out of the dozen or so instances will suffice.

Senator PELL asked if nuclear war can be limited or would both sides use their total arsenals. Adelman replied, "I just have no thoughts in that area." Pressed to reply more concretely, Mr. Adelman said: "Senator, really that is an area that I have not gone into."

Does that make you comfortable?

On the issue of one side prevailing in a nuclear war, Mr. Adelman said he had seen the word "prevail" appear in newspapers, but added that he couldn't define the term because it had not been an area of responsibility of mine at the U.N.

He was also asked, for example, whether the deployment of the MX in the suggested basing mode scheme violates SALT II, a fundamental primary question. The response was the same, that he had no judgment.

These examples go on and on, and on Thursday I will go into them once again.

This striking lack of knowledge on central arms control questions continued throughout the first hearing.

I will not go into them, as I said, because I intend to do so on Thursday.

Mr. Adelman returned on February 3, a week later, and was asked many of these same questions on which 1 week earlier he had professed his ignorance. In answer to the question on limited nuclear war, the nominee now recited that "In my personal judgment, the impulse, the pressures would be toward escalation. It would be a very dangerous situation . . ." Asked now if either side could prevail in a nuclear war Ambassador Adelman answered crisply: "There would be no winners in any kind of nuclear conflict. There would be only losers." Eight questions fumbled by the nominee in the first hearing were reasked in the second. In each case, the reply was concise and satisfactory.

Question: There are only two possibilities. On the first day Kenneth Adelman told the truth or on the first day Kenneth Adelman did not tell the truth. There are no other alternatives, I think most would agree. Now if he told the truth on the first day that he has no expertise; if he did not tell the truth, he was lying. You can make up your mind as to which of those two alternatives is the most likely, but I will suggest that either of them disqualifies the nominee.

The change from the first to the second week prompts me to ask what sort of transformation had occurred in the capabilities of the nominee. Most people do not go through 36 years of their life with no opinion on limited nuclear war and then develop one concisely 7 days later. There may be people who do it but they are not named Arms Control Director.

Ambassador Adelman told me that he was overly cautious in the first hearing and misinterpreted some of the questions as technical. I asked if he had been briefed on those questions during the 1 week interval between hearings. His reply was: "I would have to think. I cannot think of one briefing that I have had on any of those subjects today that have come up that I had over the last week."

I asked again, "How much time was spent with you by State Department officials, ACDA officials, White House officials in the past week on the issue of the hearings and the confirmation?"

He said, "Very little. Most of the time I have been reading by myself at an apartment in town. I cannot think of briefings."

That afternoon, Senator BOSCHWITZ posed the question again and Dr. Adelman admitted that he had gone through 4 hours of "murder boards" or mock confirmation hearings with State Department personnel.

When he answered me he either told the truth or he did not, and what he said to me and what he said to Senator BOSCHWITZ are inconsistent.

Maybe some Members of the Senate do not mind that. I happen to object.

There is no point to having committees if we are not going to be told the truth and subsequently on Thursday we will go into the whole issue of the Rowny memorandum, and so forth, and so forth, but we will leave that for Thursday.

Aside from the frustration of having to coax information from Mr. Adelman with such difficulty, I was struck by the fact that he did in fact need to be briefed or coached on how to answer these questions in the second hearing. I remain, Mr. President, profoundly dubious of Mr. Adelman's expert knowledge of the arms control field.

His performance in the hearings has been widely reported in Europe, and of course the Soviets are all too aware of this nomination. I have read in Le Monde and the London Times extensive excerpts from the transcript illustrating Mr. Adelman's inability to answer basic arms control questions. It is not secret around the world that a relative novice has been nominated to lead our arms control efforts.

In the Kremlin they are all smiles.

In evaluating a nominee to be Director of the Arms Control and Disarmament Agency, the nominee's qualifications are equal in importance to what may be termed his level of commitment to arms control. Senator PERCY has phrased it well: "Does the nominee believe with genuine conviction that the struggle to control arms is one that can and must be waged?" This is a specific requirement of the ACDA directorship. It emanates from the act creating ACDA in which the Director is described as "the principal adviser to the Secretary of State, the National Security Council, and the President on arms control and disarmament matters." This requirement imposes on the nominee an unusual but specific criteria—is he committed to the cause of arms control?

His published writings were a first source of concern to many of us on the committee. Several of his articles dealt with SALT II and the SALT process. They contained sweeping condemnations which in tone and substance suggested a certain skepticism about the efficacy of arms control.

In a Wall Street Journal article in 1978, he wrote:

> The burial of SALT would resurrect U.S. strategic programs as first and foremost a matter of national security and primarily one of arms control. It would awaken Americans from their torpor to the stark fact that SALT, or any variant thereof, is simply incapable of halting the Soviet strategic buildup—

Any variant thereof.

A year later, he wrote in the American Spectator:

> A formerly creeping consciousness has been galloping. The "SALT process" may not be worth it. It has not saved money for either side, and is unlikely to ever do so; it has not reduced the destruction power of either side, and is unlikely to ever do so; and it has not enhanced strategic stability (quite the contrary), and is unlikely ever to do so.

There is a commitment.

In Policy Review, he wrote flippantly about the effects of nuclear war in describing one Senator's approach to SALT. The Senator turns out to have been John Culver, our former distinguished colleague.

> An indefatigable truth seeker, the Senator furnished a major dollop of the needed "horror and anguish"—details of pain akin to burns from boiling oil of children screaming for their mother, of scalded babies, and so on, in what has to be the most sickening description this side of Guyana.

You all served with John Culver, or most of you, and I am sure you, as did I, respected John Culver. That description of his approach is inconsistent with my experience with him, and I submit all of us as well.

These and other examples were, much like his background and experience, troubled signals, but not decisive evidence of a lack of commitment. During the hearings, however, an article which was published in 1981 in the New York Daily News ascribed to Mr. Adelman a series of quotes reflecting a

profound lack of interest if not contempt, for arms control.

This was a very upsetting piece. The members of the committee requested that Mr. Adelman and the author of that article, Mr. Ken Auletta, appear before the committee, and they did. Testimony was taken. The controversy focused on whether Mr. Auletta heard Mr. Adelman say in regard to arms control, "I think it's a sham." Mr. Adelman denied recollecting the interview with Auletta. He did not say, "We had the interview, I remember that, but I did not say that." He said, and I quote, "I deny remembering that I ever had that interview; yes, sir."

It is worth noting that beyond the issue of whether Mr. Adelman said "shame" or "sham" are a series of quotes, clearly visible in Mr. Auletta's handwritten notes of his conversation.

One person, the nominee, who obviously had a self-interest, says he never had the interview. The other has notes and a record of the New York Telephone Co. of the bill for the telephone conversation between New York and Mr. Adelman's office. The question is whom do you believe?

I have indicated previously some of the cases where Mr. Adelman changed his position, and on Thursday we will go into the whole issue of the Rowny memorandum, and so forth. People can make up their own minds.

But is it possible to believe that a reporter who has notes from the interview, and a record of the telephone company billing of the conversation, who writes an article about an individual, that the individual quoted in the article never comments back to the author? How many times do you believe the average nonpublic official has a story written about him in the New York newspapers, the New York Daily News which, as you know, is the largest circulation newspaper in New York. Most Members of the Senate know every word that has been written about them, and we get written about every day. Are we to believe that Mr. Adelman did not have that conversation and that he never saw that article?

The first suggestion that that was not what he said was after he became the nominee and long after it became public.

From Mr. Auletta's notes, for example, Mr. Adelman is reported to have said on the subject of arms control negotiations with the Soviets, "One reason not to rush into negotiations is that in a democracy, these negotiations tend to discourage money for defense programs." The second reason he cited was that there "really is no frank appraisal that these things do any good. I think it's a fair assessment. I'm not saying we shouldn't try, but I'm skeptical of anything coming along * * *. My policy would be to do it for political reasons."

How can you read that and arrive at the conclusion he did not say the word "sham," and how can you then sign on to it? To vote for Mr. Adelman is to vote for these quotations.

Advise and consent: I have given my advice and I, for one, will not consent.

The issue of Mr. Adelman's candor before the committee has been a subject of intense media attraction since the hearings. Every Senator must draw his own conclusion from the now public information regarding Mr. Adelman's involvement in personnel matters prior to the hearings and his oft-repeated denial during the hearings that he was not involved in personnel matters at all. As I said, I will submit—in fact, what I should do is submit—for the RECORD today a chronology which sets forth this issue in a balanced and objective fashion, and then we will deal with it on Thursday after Members have had a chance to review the public record.

Mr. President, I ask unanimous consent that the document be printed at the conclusion of my remarks. I would urge Senators to examine it at their leisure.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. TSONGAS. The objections to the Adelman nomination are not lodged in one overriding concern. The case against this nominee is cumulative. There are no strong reasons to support the nomination on one hand, and a host of serious flaws in his qualifications, his commitment, and his candor before the committee on the other hand.

In a less troubled time of harmonious trans-Atlantic relations and restraint in the nuclear arms race, a nominee burdened with such failings might win approval, simply because the ordeal required to illuminate the shortcomings would cost too much and yield too little.

Today, the situation is far more demanding, the challenge to U.S. policymakers enormous, and the mandate for arms control almost overwhelming. As I have already argued, the nominee, if confirmed, will be compelled to deal with a trans-Atlantic crisis whose origins and resolution are deeply enmeshed in this country's arms control policies. To be honest, we need a stronger candidate. If the Senate must reject the current nominee in order to get one, then I have reached the sober and distressing conclusion, so be it.

What we are attempting to do is to give the President a second chance in order to give us a nominee of whom we can be proud, whom we can support, and that will serve his interests and ours in the current and future battle for the hearts and minds of our European allies. If we do that we have served him and we have served our Nation.

Most of all I am troubled by what might happen on Thursday. I do not know how this is going to come out. The vote counts are very close, but I believe if Kenneth Adelman is confirmed on Thursday President Reagan will be pleased. I also believe that Yuri Andropov will be pleased for exactly the opposite reasons.

I believe if he is rejected and we get a credible nominee instead that when we confirm that nominee President Reagan will be pleased and Yuri Andropov will be very unhappy. That to me seems like a much more desirable conclusion of this debate. I will have more to say on this on Thursday.

Finally, I say that I had originally intended to conduct a filibuster on this nomination. After much reflection I have decided not to, although today might have seemed to be a filibuster to anyone sitting here and listening to me. But I think the Senate should have a right to vote on this nomination, and for that reason, in consultation with others, I decided last week to forgo the originally stated intent to filibuster, and I believe that the right decision was made.

I very much thank Senator PELL. To Senator PERCY I say this has been a troubling matter for our committee, but you have been very gracious and fair in your conduct of the committee, even though we end up on opposite sides of it, but I just want you to know that I appreciate the way you have conducted the committee.

EXHIBIT 1

ADELMAN NOMINATION AS DIRECTOR OF ACDA

SUMMARY

First reaction to Kenneth Adelman's nomination came on January 14 soon after President Reagan announced his intention to name him director of the Arms Control and Disarmament Agency.

A West German paper wrote that "Rostow's successor . . . is considered a hardliner" and the Belgian Dutch-language television asserted that "Europe is vexed."

At the same time the liberal London Guardian's New York correspondent said that "on second thought . . . many diplomats now believe the new arrangement might turn out to be most hopeful development in U.S. arms control policy since the Reagan Administration took office" because the President had made plain he wants the Secretary of State to supervise arms control policies and Mr. Adelman "will accept orders from the State Department."

In the middle of February the appointment was again in the headlines with reports that the Senate Foreign Relations Committee offered the White House an opportunity to withdraw its nomination of Mr. Adelman.

An Italian paper ran its correspondent's report that "President Reagan suffered an unexpected and serious defeat" while the correspondent for another paper judged "the consequences" of Mr. Adelman's "failed confirmation" as "embarrassing for the White House."

West European media following these developments reported that President Reagan would stand by Mr. Adelman, in addition to

sticking to a "tough foreign policy, unswayed by murmurings of domestic criticism."

On February 25 headlines told of Senate Foreign Relations Committee's 8-9 vote against Mr. Adelman but also of its decision by 14 votes to three to send the nomination to the full Senate for a vote.

The liberal London Guardian's Washington correspondent called this "another embarrassing setback for President Reagan." Another British paper characterized the vote as "a stinging defeat" suffered by the President.

However, the New York correspondent of an Italian paper said that Mr. Adelman had "become a pawn in a political game" and that is was "obvious that this case has little to do with the man's competence. It is part of the battle for control of the disarmament policy."

MATERIAL AVAILABLE JANUARY 14-15

Vogel hopes this will not delay negotiations

Independent General-Anzeiger of Bonn on January 14 commented that "Rostow's successor . . . is considered a hardliner. 'It would be deplorable if people like Adelman got the upper hand,' a member of the U.N. Disarmament Commission from a developing country said . . . A Western diplomat called the news . . . 'shattering' and criticized Washington for 'changing horses in midstream.'

"Socialist chancellor-candidate Hans-Jochen Vogel expressed the hope that this development will not delay the negotiations with Moscow . . ."

Europe vexed

BRT, the Belgian Dutch-language television, on January 14 asserted that "Europe was vexed." The station carried a clip showing ACDA Director-designate Kenneth Adelman and described him as a "tough negotiator but one without arms control experience."

Reagan's credibility damaged

Right-center Algemeen Dagblad of Rotterdam on January 14 asserted that "the hawks in the Republican Party are well on their way to taking over the helm from President Reagan . . . Moreover, the fact that Rostow, himself not a liberal, made way for Kenneth Adelman, a tactless conservative, has seriously damaged Reagan's credibility.

Diplomats now see ACDA changes as most hopeful

On the ACDA personnel shifts, New York correspondent Jane Rosen wrote January 14 in the liberal London Guardian that "when President Reagan announced his decision last week to appoint . . . Mr. Kenneth Adelman as his arms control director, U.N. disarmament specialists expressed surprise and criticism.

"On second thought, however, many diplomats now believe that the new arrangement might turn out to be the most hopeful development in U.S. arms control policy since the Reagan Administration took office . . .

"The President has made it plain that he wants the Secretary of State . . . to supervise and pull together arms control policies . . .

"Mr. Adelman has been so informed, and it is assumed that regardless of his personal opinions, he will accept orders from the State Department."

Adelman a specialist in verifying treaties

Washington correspondent Thomas Kielinger wrote in conservative Die Welt of Bonn on January 15 that "the greatest asset of the U.S. political system is that it has a huge reservoir of gifted people." Kielinger said of Adelman that "at his U.N. post, he specialized in problems of verifying treaties. . . .The conservative Congressmen who toppled Rostow will be glad to hear that he will be succeeded by a man who is determined to substantiate suspicion that the Soviets habitually break treaties . . ."

Australia: Some concerned about Adelman appointment

The Melbourne Age on January 15 ran Washington correspondent Peter Cole-Adams' report that "the President's capitulation to Mr. Rostow's critics and his selection of the even more hardline Kenneth Adelman as his replacement is thought by some arms control advocates not to augur well for their use . . .

"One senior NATO official said a hardliner at the head of the arms control agency could have more influence with the right-wingers in Congress in pushing through compromises favored in Europe . . ."

MATERIAL AVAILABLE FEBRUARY 3

U.S. starting to act on two long-dormant pacts

The conservative Daily Telegraph reported on February 3 that "the Reagan Administration is finally starting to act on two long-dormant nuclear testing pacts . . .

"This appears to be in response to pressure from Senators due to vote today on the nomination of Mr. Kenneth Adelman . . . although the White House denies such a connection . . ."

Move on two treaties on eve of Adelman vote

The liberal Guardian on February 3 ran Washington correspondent Alex Brummer's report that "under pressure from the Senate Foreign Relations Committee, President Reagan is to seek talks with the Soviet Union on amending two nuclear test treaties which have been signed but never ratified by Congress.

"The move came at the insistence of the Committee's chairman, Senator Charles Percy, and is designed to draw Republican fire on the eve of the vote in the Committee on the nomination of Mr. Kenneth Adelman as the new head of the Arms Control Agency . . ."

MATERIAL AVAILABLE FEBRUARY 17

Reagan ready to drop Adelman

London headlines on February 17 included "Reagan Ready to Drop Adelman" (Guardian).

Adelman the President's choice

The liberal London Guardian's Washington correspondent Alex Brummer wrote on February 17, "Seeking to avert an embarrassing foreign policy setback for President Reagan, the Senate Foreign Relations Committee yesterday offered the White House its opportunity to withdraw its nomination of Mr. Kenneth Adelman . . .

"But a White House spokesman said, "He's the President's choice. We're sticking with him all the way.'. . ."

Adelman vote postponement a serious defeat

Some Italian papers February 17 reported the decision by the Senate Foreign Relations Committee again to postpone a vote on the confirmation of Kenneth Adelman as ACDA Director as a setback for the White House.

Centrist La Stampa of Turin ran the report of New York correspondent Ennio Caretto that "just before his 15th news conference, President Reagan suffered an unexpected and serious defeat.

"It is certain, however, that this stumbling block will not make Reagan modify his military policy. The U.S. intelligence services gave him good ammunition for his news conference by revealing that the USSR has tested a new intercontinental missile, perhaps in violation of the SALT II agreement.

"The President stands firm in his determination to proceed with nuclear rearmament even though (U.N. Secretary General) Perez de Cuellar has appealed to him as well as to Andropov . . ."

Adelman's failed confirmation embarrasses White House

New York correspondent Gaetano Scardocchia of Rome's influential leftist La Repubblica on February 17 judged: "The consequences of Adelman's failed confirmation are embarrassing for the White House.

"By rejecting Adelman the (Congressional) opposition expresses the hope that Reagan will show more concern and interest for arms control negotiations.

"According to leaks, the maneuver against Adelman was favored by Secretary Shultz who wants as head of the disarmament agency a more experienced and sophisticated person than the one selected by the White House."

Soviet Union: Action on Adelman a blow to administration

TASS English service on February 16 ran a Washington-datelined report that "the U.S. Senate Foreign Relations Committee has put off 'indefinitely' a vote on the nomination of Kenneth Adelman. . . . The Committee also requested Ronald Reagan to withdraw the nomination.

"Members of the Committee decided to postpone voting after it became apparent that Adelman's nomination would be rejected . . .

"This move by the legislators is assessed here as a tangible blow to the Administration's prestige. At two hearings at the Senate Committee Adelman stunned everybody by his openly hostile attitude to problems of arms control and total ignorance in this area . . ."

MATERIAL AVAILABLE FEBRUARY 16

President stands by Adelman

London headlines on February 16 included "Reagan Is Determined to Defy Criticism in Appointment Dispute" (Times), "President Stands by Adelman" (Guardian) and "Reagan's Nominee on Arms 'Should Give Up'" (Daily Telegraph).

Embattled President presses ahead on nomination

The Times of London on February 16 ran Washington correspondent Bailey Morris' report that "an embattled President Reagan has vowed to press ahead with the nomination of Mr. Kenneth Adelman as his chief arms negotiator, despite criticism in Congress that he is ill-prepared for the job that has become a 'propaganda coup' for anti-nuclear forces in Europe . . .

"The controversies surrounding the nomination of Mr. Adelman . . . have become great political embarrassments for Mr. Reagan . . ."

Will face uphill struggle in the Senate

Correspondent Alex Brummer in Washington for the liberal Guardian wrote that "President Reagan will face an uphill struggle on the floor of the Senate to win confirmation of the appointment of Kenneth Adelman . . ."

Brummer said of the Senate Foreign Relations Committee tactic of delaying its recommendation to allow the President to withdraw the nomination that "Mr. Reagan attempted to turn this argument on its head at the news conference. Arms control was 'too serious' to be 'a political problem on the Hill,' he said."

The conservative Daily Telegraph on February 16 ran a Washington correspondent's report that "well-placed U.S. Senate sources suggested yesterday that Mr. Kenneth Adelman should withdraw his candidacy . . ."

Sticking to a tough foreign policy

The Financial Times U.S. editor Reginald Dale said, "President Ronald Reagan and his Administration have made it clear again this week that they are sticking to a tough foreign policy, unswayed by murmurings of domestic criticism.

"In the past two days the Administration has confirmed that it . . . declined to withdraw the nomination of the controversial right-winger Mr. Kenneth Adelman."

MATERIAL AVAILABLE FEBRUARY 18

Many disappointed by remarks on INF

Washington correspondent Emil Boelte wrote in independent General-Anzeiger of Bonn: "Many people are bound to be disappointed by President Reagan's remarks on the INF issue . . . He seems to insist on the zero option and to draw away from recent indications of flexibility. This negative impression was enhanced by his insisting on the nomination of Kenneth Adelman for the position of Director of the Arms Control and Disarmament Agency."

Doubtful to stand by Adelman

Pro-Christian Democratic Bonner Rundschau reported that "at his press conference the President declared that now as before he considers Adelman a close to ideal ACDA director, and that he is sure that he can get (the Senate) to confirm him . . . Whether such loyalty to an aide who has got into muddy waters is advisable appears doubtful . . .

"Friendly countries might suspect that Adelman's views are shared by his master in the White House . . ."

He expects a lot of Adelman

West German TV Two on February 17 carried Washington correspondent Horst Kalbus's observation that "the main topic of the press conference was the disarmament issue . . .

"President Reagan made it clear that he did not intend to reconsider this (the Adelman) appointment and that he expects a lot of Adelman . . .

"The President also made it clear that he considered this issue is having a negative effect on the European allies and that Capitol Hill should not create additional problems within the disarmament issue . . . especially after the great success of the visit of George Bush to Europe . . ."

Reaffirmed his political strategy

Conservative Correio da Manha of Lisbon on February 18 reported, "Reagan reaffirmed his political strategy at a time when there is growing opposition from the Senate Foreign Relations Committee to the ratification of Kenneth Adelman . . ."

Senate reluctant to test strength

Influential leftist La Repubblica of Rome on February 18 ran correspondent Andreas Robilant's report from New York that "Reagan defended Adelman's nomination. He obviously trusts his capacity to persuade the recalcitrant Senators.

"The Senators are reluctant to test their strength in a dispute with the Administration because they fear that this may increase the confusion and the uncertainty at the top of the Disarmament Agency while negotiations with Europe are going through a delicate phase."

Australia: Remarks on Adelman nomination

The Melbourne Age on February 18 reported, "At (his) news conference, Mr. Reagan mounted a stubborn rearguard action in defesne of Mr. Kenneth Adelman, his embattled nominee to head the U.S. Arms Control and Disarmament Agency. . ."

Soviet Union: Adelman hostile to checking arms race

Moscow TASS in English on February 17 called the postponement of the Senate Foreign Relations vote on Kenneth Adelman a "scandalous development" which "has epitomized what is typical of the incumbent Administration by providing further confirmation of the fact that it is appointing incompetent persons to high offices . . .

"One has to speak not only about the incompetence of Reagan Administration officials. It is important to note also that they are opposed to the resolution of those problems which they have been appointed to cope with.

"Adelman has demonstrated on many occasions his hostile attitude to the problem of checking the arms race . . ."

MATERIAL AVAILABLE ON FEBRUARY 25

Setback for Adelman

London headlines February 25 on the Adelman hearing included "Committee Setback for Adelman" (Times), "Adelman Rejected as Arms Chief" (Guardian), "Reagan's Control Chief Blocked" (Daily Telegraph) and "Rebuff for Reagan's Arms Control Nominee" (Financial Times).

Unfavorable recommendation to full Senate

The independent London Times on February 25 ran Washington correspondent Mohsin Ali's report that "the Senate Foreign Relations Committee yesterday voted nine to eight against confirming President Reagan's controversial nomination of Mr. Kenneth Adelman . . . as director of the Arms Control and Disarmament Agency.

"But the Committee agreed by 14 votes to three to send the nomination to the full Senate for a vote, although with an unfavorable recommendation.

"President Reagan has made it clear that he will fight for the nomination and political analysts think it is likely to be approved in the full Senate, which has a Republican majority."

Embarrassing setback for Reagan

The liberal Guardian's Washington correspondent, Harold Jackson, on February 25 declared: "In another embarrassing setback for President Reagan, the Senate Foreign Relations Committee last night voted to reject his controversial choice of Mr. Kenneth Adelman as head of the Arms Control and Disarmament Agency. . . .

"The Committee's decision came after members had questioned Mr. Adelman for the third time in as many weeks and it carried a strong implication that it did not find him either a satisfactory or a credible witness. . . ."

"The principal point of controversy at yesterday's hearing sprang from an interview Mr. Adelman gave two years ago to the New York Daily News. It quoted him as saying that America's arms control talks with the Russians were a 'sham' which the Administration only undertook to placate its own and allied public opinion."

A stinging defeat for U.S. President

The conservative London Daily Telegraph's Washington staff noted today: "President Reagan suffered a stinging defeat in Congress yesterday when the Senate Foreign Relations Committee came out against his nomination of Mr. Kenneth Adelman as Director of the U.S. Arms Control and Disarmament Agency . . ."

Outcome means continuing uncertainty

London's independent Financial Times today carried the report of U.S. editor Reginald Dale that "Mr. Kenneth Adelman, President Reagan's controversial choice as U.S. arms control director, has suffered a serious rebuff at the hands of a major Congressional committee last night.

"The outcome means there will be continuing uncertainty over the appointment of the conservative Mr. Adelman—and therefore over the Administration's arms control policies as a whole—until the issue is resolved by a floor vote of the full 100-strong Senate.

"From the point of view of Capitol Hill tactics, it gives Mr. Reagan another chance to save the day by putting pressure on the Senate's 54-strong Republican majority to approve Mr. Adelman, the 36-year-old Deputy U.S. Ambassador to the United Nations.

"The main question last night was whether Mr. Adelman's credibility had been irreparably damaged by the three hearings that he has been obliged to attend before the Committee.

"He was at the hearings accused of indifference to arms control issues, cynicism, lack of experience and even lying under oath."

MATERIAL AVAILABLE ON FEBRUARY 26

U.S. arms and Adelman

London headlines included "U.S. Arms and Adelman" (Sunday Times).

Reagan faces brusing fight on Adelman

Washington correspondent Henry Brandon judged in the Sunday Times that "President Reagan faces a bruising fight on the floor of the Senate over his controversial nomination of Kenneth Adelman. . . .

"The grilling he must face . . . will do little for his credibility with Congress, Reagan's European allies, the Russians and the public . . ."

A slap for Reagan

Weekend papers in Paris ran stories on the third appearance of ACDA director-nominee Kenneth Adelman before the Senate Foreign Relations Committee.

Headlines included "A Slap for Reagan" (Le Monde) and "New Setback for Reagan in Senate" (Le Matin).

Adelman affair at worse possible time

Influential liberal Le Monde of Paris ran Washington correspondent Robert Sole's report that "the 'Adelman affair' occurs at the worst possible time—at the beginning of a crucial year for the deployment of the NATO missiles in Europe and on the eve of the West German elections.

"After appointing this diplomat and then acknowledging the Senate's protests, Reagan's options were threefold: to withdraw the nomination, to suffer a veto, or to 'extract' an approval.

"He chose the last solution, which risks being the worst one. Although Adelman will likely play a very limited role, his Senate

hearing has already been exploited by adversaries of the Administration's policies and by the Kremlin.

"It uselessly worried the Europeans and diverted attention from Washington's recent flexible and coherent proposals."

Adelman's untimely declarations

Pro-Socialists Le Matin of the same city wrote in its weekend edition: "Reagan has a hard time imposing his policy in disarmament matters. The Senate Foreign Relations Committee refused to confirm the nomination of Kenneth Adelman. . . . Now the debate will take place before the full Senate.

"Adelman . . . was the target of opposition Senators who feel he is not competent and who criticize his untimely declarations on the uselessness of disarmament negotiations."

Opposition to Adelman is symbolic

In Milan, conservation II Giornale on February 28 carried New York correspondent Mauro Lucentini's report that "the opposition to Adelman's appointment is symbolic of a general opposition to Reagan's disarmament policy.

"It is also an attempt to compel the President to be more flexible. . . . President Reagan believes he has already scored a good strategic success by compelling the Russians to negotiate the reduction of armaments, something that Carter was not able to obtain. Therefore, he believes he has the right to continue to negotiate in the best possible way, through people such as Adelman in whom he has confidence."

Battle has little to do with the man's competence

New York correspondent Marino de Medici observed February 28 in conservative Il Tempo of Rome that the vote of the Senate committee on Adelman "has confirmed the worst fears of the Administration, i.e. the possibility that the appointment might be rejected by the Senate at the end of a public discussion that would damage the President's disarmament policy.

"Adelman has become a pawn in a political game. It is obvious that this case has little to do with the man's competence. It is part of the battle for control of the negotiating policy."

A rather grim picture of Geneva negotiations

Helsinki's leading independent Helsingin Sanomat on February 28 ran an editorial on the Adelman hearing stating that the entire affair "does not offer a very nice picture of the U.S. attitude toward arms control issues . . .

"Adelman, too, is certain to seek an agreement, but on conditions which can't be accepted by the Soviet Union or understood by America's West European allies.

"This combination projects a rather grim picture of the future of INF negotiations because, in the end, Adelman's nomination will certainly be confirmed . . .

"It is to be hoped . . . that Adelman will only be used as a scarecrow, the way some of the Soviet marshals are used, while competent civil servants pilot the INF negotiations into the harbor."

EXHIBIT 2

CHRONOLOGY OF ADELMAN AND THE ROWNY MEMO.

Date, event, and citation.

January 12, 1983, Rostow fired.

January 12, 1983, Adelman selected to head ACDA subject to Senate confirmation. James L. George named Acting Director.

January 13, 1983, Discussion between Adelman, Dam and Schultz. "Following our discussion with you and Secretary Shultz on Thursday evening, nothing whatsoever will be done or even hinted on personnel matters before the hearings. For this reason, I have chosen someone in IO, per your suggestion, to handle my personnel schedule and arrangements, Jon Gunderson. For the same reason, I have asked Robin West, Assistant Secretary of the Interior Policy, Budget and Administration to investigate the ACDA personnel situation." (Adelman memo to Dam dated January 17, 1983.)

January 13, 1983, More on Adelman discussion of personnel w/Shultz. (Washington Post, March 20, 1983.)

Adelman has told other administration officials that in early meetings with Shultz he expressed discomfort with personnel administration and indicated that "he was not good at changing a lot of people around," one official said.

Moreover, this official said Kenneth W. Dam, Shultz's deputy, told several ACDA senior staffers that Adelman "might make a few changes" but would not in any way want to break up the senior staff."

January 14, 1983, West letter to Mr. Percy confirms Adelman received memo from Rowny. "At the request of Kenneth L. Adelman, the President's nominee for Director of the Arms Control and Disarmament Agency, I am forwarding to you the original copy of a transmittal sent to me by Mr. Adelman, which includes the talking points that he received from General Rowny at their meeting on January 14, 1983." (West memo to Mr. Percy, dated March 14, 1983.)

January 14, 1983, Adelman maintains he did not read the memo, but wrote a cover note to Robin West. (Washington Post, March 20, 1983.)

Rowny personally delivered the controversial memo to Adelman here Jan. 14, according to information given to the Senate committee, Adelman thereafter turned it over to Robin West, an assistant interior secretary designated by Adelman to study ACDA personnel issues while Adelman's nomination was pending.

Adelman maintains that he did not read the Rowny memo at the time but, in a covering note to West, he described the memo as "Ed Rowny's very confidential views on people."

January 14, 1983, Adelman's handwritten note attached to Rowny memo. (Attached to Rowny memo.)

January 15, 1983, in memo to West, Adelman discusses timing of appointments, kinds of appointments, and kinds of people for ACDA. (Adelman memo to West, dated January 15, 1983.)

The first appointments in ACDA will be the critical ones and will be the most important ones as well. They should give the signal that we will have people far more qualified than the job demands and far higher caliber people than one would normally expect in these positions. They should be very carefully done and really sensational kinds of appointments to please everyone right away. The first appointments are the most important.

Remember, Ed Rowny said we'll need two kinds of people: (A) policy analysis people, which have been lacking in ACDA and (B) verification people, which have been sorely missed. Those are the two types Rowny thinks we should start looking for right away.

* * * in the Defense Department was really well thought of by Frank Carlucci and might be good to get him into the act in some capacity or maybe we can yank him over here. Marybel Batcher can help you with names, there are well as Richard Perle, Bing West, etc. They are all fine people and they would love to help me.

It might also be good to check with Jim Roche who was Paul Wolfowitz' deputy and is now going to be Scoop Jackson's assistant on the Armed Services Committee.

Paul Wolfowitz tells me * * * at the Policy Planning Office of State is very good and knowledgeable on these issues. He also tells me that * * * who just went to work for Bill Clark is super; he might be yankable or maybe we have to get his ideas.

I am just throwing you all kinds of ideas as they are thrown at me and do hope you can make sense out of it, as I know you will.

January 24, 1983, Adelman meets with conservative hill staffers and reportedly discusses personnel. (Washington Post, March 30, 1983).

A personnel purge at the Arms Control and Disarmament Agency was discussed with Kenneth L. Adelman, President Reagan's nominee to head the agency, at two private meetings on Capitol Hill several days before his first confirmation hearing Jan. 27, according to a conservative congressional source who supports Adelman's nomination.

In one meeting, held in the office of Rep. Jack Kemp (R-N.Y.), this source said, Adelman assured conservative staffers that he would "take care of" concerns they voiced about several ACDA officials described during the session as too liberal, uncooperative or overly concerned with reaching an arms control agreement with the Soviet Union.

Two of the eight participants in the meeting insisted in interviews Friday and yesterday that such a conversation had not taken place.

Adelman's meetings with conservative Capitol Hill staffers before his first confirmation hearing were part of an exercise to prepare him for questioning by the Foreign Relations Committee.

The meeting in Kemp's office was organized by Kemp aide Michelle Van Cleave and was attended by David Sullivan, a staffer for Sen. Steve Symms (R-Idaho); David Hoppe, staff aide to Rep. Trent Lott (R-Miss.), and others including a lobbyist for Rockwell International, according to sources.

One congressional source said that during the drill session, Sullivan, who had been on the ACDA transition team for Reagan, urged Adelman to take action against several current ACDA officials, many of whom were also on the Rowny "hit list."

Sullivan confirmed Friday that the meeting took place but denied that he had proposed names of ACDA officials to be purged. Van Cleave, reached yesterday, acknowledged that the meeting took place but said there was "absolutely no" discussion about personnel.

The conservative congressional source said that, after questions were raised about alleged personnel discussions at the meeting, staffers who participated agreed among themselves to deny occurrence of a discussion with Adelman about a personnel purge.

At a second meeting with Michael Pillsbury, staff director for the Republican Senate Steering Committee, Adelman reportedly solicited suggestions for personnel changes, saying "there will be plenty of va-

cancies," Pillsbury later told several colleagues. Pillsbury would not comment Friday.

March 24, 1983, Adelman's reply to accounts of two Capitol Hill meetings. (Statement of Adelman, March 24, 1983.)

Since this matter began, there have been a number of articles containing factual errors or misleading statements. For example, the March 20 Washington Post article by Walter Pincus and Patrick E. Tyler says that "a personnel purge at the Arms Control and Disarmament Agency was discussed with" me "at two private meetings on Capitol Hill several days before his first confirmation hearing January 27." This allegation is untrue.

The first meeting the article referred to was a gathering on Capitol Hill three days before my first hearing convened to ensure that I would be responsive to questions and to concerns that Senators might pose during my confirmation hearings. There were approximately eight participants, including a career Foreign Service Officer in the State Department. There was absolutely no "Talking of Purge at ACDA" (in the words of the article's title) whatsoever.

The article's references to personnel discussions are attributed to only one source, who is never identified as having actually attended the session; while the article states that two actual participants "insisted" that "such a conversation had not taken place." No person at the gathering could reasonably have walked away with any other view. The allegations contained in the article are false.

With respect to the second alleged meeting, since my nomination I have had only a brief hallway conversation with Michael Pillsbury and that did not touch upon personnel matters. I had no "private" meetings with Michael Pillsbury.

January 27, 1983, Adelman statement lauds ACDA personnel. (Opening statement by Amb. Adelman, confirmation hearings before Senate Foreign Relations Committee, January 27, 1983.)

I am personally convinced that all his time and energy, all the efforts of Secretary Shultz, of our excellent negotiations—knowledgeable, experienced, skillful men—and of the dedicated professionals in ACDA can work toward arms control results that make us, that make the Nation, proud, that make the world more stable and more peaceful, with fewer weapons of destruction.

Again, may I express my profound appreciation to this distinguished committee for considering my nomination so expeditiously and with such sincere interest.

January 27, 1983, Adelman denies discussion of personnel with Shultz, denies addressing personnel situation. (Hearing transcript, Percy-Adelman, p. 16.)

The CHAIRMAN. From your discussion with the President and Secretary Shultz, is it clearly established that you will serve under the direction of the Secretary of State? Do you anticipate making major changes in the staff or the organization of ACDA and, if so, would you outline what changes you might intend to make? Have you discussed any of those with the Secretary of State?

Ambassador ADELMAN. Mr. Chairman, I have not discussed any of those with the Secretary of State. We have spent considerable hours since the announcement of my nomination talking about arms control and talking about the proposals, the visions of the future, the problems we are going to face. The Secretary is very interested in this area and we have not gotten into structural reform or personnel changes or anything like that.

The CHAIRMAN. Have you selected or are you in the process of trying to select names for assistant directors? We have a team that has not been put together for some time. What qualifications are you looking for in your assistant directors?

Ambassador ADELMAN. Mr. Chairman, I have not addressed the personnel situation at all. I thought it was premature before the Senate voted on this matter, and I was considering the issues involved.

January 27, 1983, Adelman asserts he has "not thought" about the personnel situation at all. (Hearing transcript, p. 55-56.)

Senator PELL. As you know, ACDA is being subjected to a rapid turnover in staff and there have been rumors recently of an even further far-reaching purge. What are your own plans in this regard? Do you plan to pretty well keep the staff as is, or do you plan to have another purge?

Ambassador ADELMAN. I would think that the demands—what we have to do in ACDA, and hopefully do it quickly—is to get at the task of organizing the arms control effort in as good a way as we could possibly do. I would think that purges would just be a confusion of time, it would be an exercise in futility.

Senator PELL. Not reorganization. We often reward those who have done the best job by way of Presidential citations. You must have some ideas along these and other lines as to what you could do.

Ambassador ADELMAN. I have really not thought about that. I have not thought about the personnel situation at all, Senator, and I say that with all sincerity. I have thought about the question of the low morale in ACDA. That has been a prospect that very much depresses me.

February 3, 1983, Adelman exchange with Mathias. (Second hearing, p. 96.)

Senator MATHIAS. I will leave that subject for the moment, but I think there is still a little bit hanging by your statement.

Ambassador ADELMAN. Well, let me just clarify it right now, Senator. I have heard the rumor and it come as a very big surprise to me that there were thoughts of a purge or a big departure from ACDA. That is the furthest thing from my mind. I think there have been too many changes in personnel in ACDA.

I have always had very high esteem for the people in ACDA and have never heard the Secretary of State, the President or anyone in the Personnel Office, in the White House or anyone else talk in those terms. And they have been personally distressing to me because I think they are just rumors to make this situation more difficult than it is.

After February 3, 1983, Adelman says he will rely on ACDA professionals. (Adelman responses to additional questions submitted by Sen. Pressler, February 3, 1983, p. 134.)

ADELMAN'S RESPONSES TO ADDITIONAL QUESTIONS SUBMITTED BY SENATOR PRESSLER

Question 1. Should you be confirmed as ACDA Director, will you rely on ACDA's corps of senior professionals who have the Government's corporate memory on arms control?

Answer. My answer to this question is an unequivocable yes. My testimony on both January 27 and February 3 makes this completely clear.

February 16, 1983, Business meeting—Auletta materials discussed.

February 24, 1983, Auletta appears, last Adelman hearing; Committee votes 9-8 to report Adelman nomination unfavorably.

March 9, 1983, Accounts of the (Rowny) document began to appear (Wednesday) from the Hearst News Service.

March 11, 1983 (Friday), Closed hearing with Dam.

March 14, 1983 (Monday), Rowny memo and documents turned over to Committee.

March 23, 1983, 9:15 a.m. closed Committee meeting with Shultz on Rowny memo

March 23, 1983, Committee votes to release Rowny memo (without names) and documents by a vote of 11-6.

March 23, 1983, Rowny memo and documents released, 4 p.m.

March 24, 1983, Adelman issues statement defending his nomination.

The PRESIDING OFFICER (Mr. PRESSLER). Who yields time?

Mr. PERCY. Mr. President, while Senator TSONGAS is still on the floor, I would like to make a statement and then I will be happy to yield immediately to Senator GOLDWATER. Senator GOLDWATER will make a statement in just a moment.

Mr. President, I wish to point out the fact that the Senator from Massachusetts has pointed out several cases in which administration statements have created concern and alarm in Europe. He has stated that we are losing the battle for the hearts and minds of our allies.

I wish to point out to my distinguished colleague from Massachusetts that the interim INF proposal that was made by the President on March 30 has been extraordinarily well received. Many of us had urged the administration—I know I certainly did—to undertake this initiative I feel that the best option is the zero option, to just eliminate all those weapons, but if the Soviets are not responding to that, then I think it appropriate that we have taken the initiative and offered something somewhat in between.

I feel also that I should point out to my distinguished colleague that this morning Secretary Weinberger released the results of a 6-month study of ways to increase crisis stability between the United States and the Soviet Union. The Secretary has today proposed to President Reagan that we undertake several important measures to improve international communications during times of crisis and nuclear incidents.

These would include the creation of a joint military communication link between the United States and the U.S.S.R.; the upgrading of the hotline; and an agreement among the world's nations to consult in the event of a nuclear incident involving a terrorist group.

The unclassified version of the DOD report outlining these measures was inserted in the RECORD earlier today by Senator TOWER.

I commend the Secretary for his initiative in proposing these constructive measures and trust that they will be welcomed by our allies, as the INF ini-

tiative of the President several weeks ago was welcomed by our allies.

Mr. President, I am happy to yield at this time to my distinguished colleague from Arizona. I appreciate his very great patience and forbearance this afternoon because we had hoped he would be scheduled to speak sometime ago. But I know the Senator feels this matter is an important matter and has been patiently waiting all afternoon to speak.

Mr. GOLDWATER. I thank my friend from Illinois.

Mr. President, I support the nomination of Kenneth L. Adelman, to be Director of the Arms Control and Disarmament Agency. I am amazed that anyone would oppose his nomination.

In fact, Mr. President, I have come to the conclusion that Dr. Adelman's critics are now engaged in opposing for the sake of opposing, rather than having any serious grounds for challenging his qualifications. They are undermining the very cause they profess to serve, progress toward an arms reduction agreement.

Kenneth Adelman is obviously qualified to serve in the position of Arms Control Director. He is a man of high character.

He is a scholar.

He is a brilliant analyst, with professional experience in the area of national security and arms control.

Dr. Adelman's background in government covers 10 years of service, ranging from the Commerce, State, and Defense Departments, to the second ranking position representing our Government at the United Nations.

In his private activities, Kenneth Adelman has achieved a master's degree in foreign service and a doctor's degree in political theory, both from Georgetown University. From 1977 to 1981, Dr. Adelman served with the Strategic Studies Center of Stanford Research Institute.

In 1981, he was appointed as our Government's Deputy Permanent Representative to the United Nations, with the title of Ambassador. In this capacity, he handled day-to-day affairs of U.S. negotiating teams at U.N. meetings that were concerned with every kind of disarmament issues. Also, as Ambassador, Dr. Adelman became the principal American diplomat with responsibilities for our country's participation in the United Nations' Second Special Session on Disarmament.

Mr. President, I have read the report by the majority of the Committee on Foreign Relations, which reported Dr. Adelman's nomination negatively, and I cannot recognize him as being the same individual whom the President nominated. The committee report does not even give the nominee credit for having earned his doctorate. The majority persists in referring to him as "Mr. Adelman" and not "Doctor" or "Ambassador Adelman," as normal courtesy and proper protocol would dictate.

This unnecessary slight of Dr. Adelman reveals the open bias and unconcern for facts which mark much of his opposition.

Mr. President, the committee report attempts to downplay Ambassador Adleman's duties at the United Nations as constituting a mere "explanation and defense" of arms control policies, rather than "the formulation" of policy, as if this responsibility would not provide him with any useful experience and insight in the field of arms control.

Surely the fact that a person has represented his Government with the rank of ambassador and has been charged with coordinating his Nation's participation in a special session on disarmament at the United Nations, and has also headed the U.S. delegation to one of those arms control sessions, is a positive contribution toward building his knowledge and overall understanding of the subject of arms control. Does this activity not give him a special grasp of the subject which he would not otherwise possess? And yet, his opponents act is if the fact that Dr. Adelman worked directly in the area of arms control should be a ground for condemning him.

This nonsense is continued in the committee report with an attack on the integrity of his voluminous writings on public policy. The committee majority wrongly charges that Dr. Adelman's writings offer "few ideas" and lack "fresh new concepts."

Mr. President, this kind of criticism reveals that much of the opposition to Dr. Adelman is not based on his personal abilities and experience; it stems from a blatant attempt to overturn the results of the last Presidential election.

Dr. Adleman's intellectual qualities cannot be challenged by anyone. His writings are filled with penetrating analyses of difficult matters. He propounds many original concepts in his papers and displays a thoughtful ability to organize his subjects logically and clearly. These qualities will enable him to develop the fresh ideas his opponents seek from the Arms Control Director.

What his critics are really objecting to is not that Dr. Adleman is incapable of thinking new concepts, but that he may not adopt their particular idea or view of negotiating strategy.

Mr. President, I find this to be a rather common kind of criticism emanating from people who really do not know much about foreign policy or, as far as that goes, know much about many things going on in this Chamber. They take it on themselves to criticize a man because he may not agree with their particular concept of what to do even though the man's background speaks volumes for his ability to do so.

Dr. Adelman's record shows that he supports arms control negotiations in which we will press for acceptance, on a mutual basis, of appropriate verification measures to enhance mutual confidence, credibility and trust. His writings reveal a deep attachment to the cause of peace, to the values of human life and to the survival of humanity.

For example, in a paper on strategic power published by "policy review," Dr. Adelman refrains from arguing for an overwhelming U.S. advantage of strategic power. Instead he contends that the problem pressing the Reagan administration is not the development of a margin of safety by increased power, but the removal of the Soviet's "margin."

I may say that is an exceptional paper, Mr. President. I think it is one that everybody in this Congress should read. I think it is one that Americans should read.

What we are trying to do is to get the Soviet's margin to more coincide with us.

I hear constant arguments and I have listened to debates on television about the overwhelming number of warheads that we have.

Well, Mr. President, speaking as one who has been in this particular field for many, many, many years, I do not care if we have a million warheads. It takes time to reload a silo. You just do not load a missile like you load a .30 caliber rifle. It takes at least 8 hours to assemble the thing. It takes probably 24 hours at the quickest to put the instrument in the hole and to properly orient it as to its trajectory. So having more warheads than the Russians to me is just something that happened to us more or less by accident.

I like Dr. Adelman's approach. Let us quit worrying about what we can do and let us worry about what the Soviets can do and what we can do to convince the Soviets that their whole concept is just as wrong as the whole concepts of international nuclear weapons and intercontinental ballistic missiles are at the present time.

I feel that Dr. Adelman's concepts fit well with the administration's arms control initiatives.

I think it is time that our people and the media recognize that President Reagan has made the most far-reaching arms control and arms reduction proposals in this century.

I repeat that. Those critics of Dr. Adelman must remember that the sole purpose of our President is foreign policy and the fact that he has a host of other duties piled on him does not eliminate the fact that his primary concern is the institution and the production of and the providing of a for-

eign policy that will protect the freedoms of our country.

What is the threat to those freedoms today, outside of a people in the United States who would, for some reason or another, like to destroy our own concepts? The biggest threat would be the military might of the Soviet Union, now stretched not just across most of Europe and the continent of Africa, but now beginning to infiltrate Central America just south of us.

So the President's proposals that he has made and will make to the Soviets are the most far reaching, the most thoughtful we have had ever since the instrument of destruction known as the ICBM has been invented.

President Reagan has proved that he is serious about comprehensive arms control. He has proposed cutting the number of ballistic missiles by one-half and the number of warheads by one-third. He has proposed an interim agreement aimed at reducing the deployment of intermediate range missiles in Europe while we continue to strive for a zero goal eliminating these weapons entirely. Also, the United States has presented a draft treaty for the global destruction of all chemical weapons stockpiles and production facilities. And, our Government has indicated that it is willing to ratify the threshold test ban and peaceful nuclear explosions treaties as soon as verifications can be negotiated.

Mr. President, any further delay of action on Dr. Adelman's nomination, or the rejection of his nomination, would hamper progress on these initiatives. It would play into the hands of those elements in the world who want no true arms control agreements.

Opposition to his nomination for no good reason suits the traditional Soviet tactic of seeking to undermine American domestic support for any policy it fears. The constant quarreling and sniping within our country at the administration's arms reduction efforts does not contribute to improved policies. It only creates a major source of weakness and the appearance of weakness in the eyes of our adversaries.

I would remind my colleagues that we went into World War II because we were in precisely the same position we are getting ourselves into today, precisely. We were not ready for war. We did not have an air force. We did not have a navy. We had an army that used brooms for guns and cardboard tanks. We did not have enough men to beat a good Boy Scout troop on a Sunday afternoon. Hitler, knowing that, and knowing that this country was filled, as we are filled today, with people who speak openly against the arming of our country, took it onto himself to capture the world.

I have always held, as a participant in that war, that had we at any time in the 1930's spent the money to arm ourselves, and told Hitler that if he put one foot on the soil of one of our friends we would go to war, there never would have been a World War II.

This is all that we are talking about today. Yet, I hear around this country some of the same talk I heard back in the 1930's as a young man. It took 4 years in the 1930's to buy the B-17 bomber and yet today we have people who want to cut out, discontinue, the B-1 bomber, the only new airplane in that field we have had in 22 years. The same voices, Mr. President, are sounding off in our country.

Sometimes, when I drive past the Archives Building and read the inscription there, "What is past is prolog, study the past," I wonder what has happened to the American people's understanding of history. I wonder why they do not read. Are they plagued by the media junk we have to look at, but the—I will not use the word—that we have to read in the papers? Why can they not read for themselves? Why can they not reason for themselves? Why can they not understand why there is objection to a man like Dr. Adleman?

There is objection because here is a chance to appoint this man to be able to sit down with our enemies because they will gain a little more respect for us, sit down with them and reason out some way that we can discontinue the manufacture of these weapons that none of us like, that we can even approach multilateral disarmament throughout the world, which all of us would love.

But they are never going to sit down with the United States as we continue to show weakness, as we continue to show the willingness to laugh at the President of the United States, to flaunt him, as he wants to appoint people to positions that only he is responsible for.

We are not responsible for what these appointed officials do. It is the President of the United States that history will judge as being right or wrong, not us.

As we travel down the dusty road of our life and that dust collects on us as we go, we can pray at least that having made a mistake will not be one of the curses descending upon us.

We can pray, at the least, that having made a mistake will not be one of the curses descending upon us.

Mr. President, many opponents of Dr. Adelman's nomination refuse to recognize the fact that any negotiated agreement on arms control requires national unity in the United States behind at least a minimum negotiating program. A nation's capacity to act is based on its reputation and strength and commitment to principle, all of which are qualities requiring political and moral authority backed by public confidence.

Without the impression of authority, and without some minimal public consensus behind the President's negotiating position, no foreign negotiator, least of all the ideological tyrants in the Kremlin, will settle on a reasonable agreement. In fact, exactly the opposite impression is given, that the United States will be prevented from sticking to any position, and will have to engage in an endless series of negotiations with itself.

We shall have to argue with ourselves before we can do anything if constantly escalating domestic pressures are mounted against current administration policy, whatever it may be.

Mr. President, I call on my colleagues to join with the President in moving forward with a quest for peace which relects a sense of reason and justice. We should not allow this effort to be distorted into a stampede of unilateral concessions which are counter-productive to any stable, long-term arms control settlement and to our Nation's true interests.

Mr. President, I urge that the Senate approve the nomination of Dr. Adelman and let the President get about the task of reaching an equitable and lasting arms reduction agreement.

Mr. President, I thank my friend from Illinios and I yield the floor.

Mr. PERCY. Mr. President, I thank my friend from Arizona for his statement. His analysis and judgment in this case will mean a great deal to his colleagues than to all of those who feel that the President, in this case, should be supported. I very much appreciate his thoughtfulness.

Mr. GOLDWATER. Mr. President, may I just add that we Westerners learn patience early in life. Living 2,000 miles away and getting back here for a Monday session, only to find there is no session, made me feel—it is the only time maybe—no, I never wished I lived in the East. I am happy to live where I do.

Mr. PERCY. Mr. President, I yield to the distinguished Senator from Kansas, a distinguished member of our committee.

Mrs. KASSEBAUM. Mr. President, I thank the Senator from Illinois.

Mr. President, I believe the question before the Senate today is a straightforward one: Is Ambassador Adelman qualified to head the Arms Control and Disarmament Agency? We have spent an inordinate amount of time on this question.

In most such confirmation proceedings, the Senate, like any jury, offers a presumption of innocence until proven guilty. However, in Ambassador Adelman's case some of the jurors began arguing among themselves before the

first witness was called. As if that were not enough to confuse the issue, Mr. Adelman himself has seemed uncertain at times about his seriousness of purpose.

The result, it seems to me, has been the present brew of major and perfectly valid issues that have no real relevance to the question of the moment and small side issues that have no real relevance to anything.

It seems to me that despite Mr. Adelman's flippancy at times in answering serious questions, there is no compelling evidence that the Ambassador is unqualified for this important position. In fact, a good case can be made for his qualifications. He is an experienced diplomat with extensive background in arms control issues.

More important than that, Ambassador Adelman is clearly and unequivocally the choice of the President. In the delicate task that lies before Mr. Adelman if he is confirmed by the Senate, it seems to me that no qualification could be more crucial than to have the confidence and the ear of the President. If we are to be successful in our negotiations with the Soviets—as we absolutely must—the President must have people he trusts and can depend on to help shape his views and to carry out his decisions.

A number of my colleagues argue that there are other eminently qualified Americans who would be stronger candidates for this post. I myself can think of a couple that I would prefer for this job. But it is not my preference that is critical in this appointment; it is the President's preference that is most important. I cannot name any other person who combines Ambassador Adelman's background with the President's personal seal of approval.

To some of my colleagues, the issue in this nomination is not Mr. Adelman's qualifications but the whole issue of arms control and this administration's lack of progress in negotiations with the Soviets. Many of my colleagues note the obvious disarray in our arms control effort and voice worries about whether the President is flexible enough to succeed at the negotiating table.

Let me say that I share many of those concerns and believe they are legitimate issues for the Senate to debate. But I fail to see how a vote to reject Ambassador Adelman's nomination would in any way resolve such concerns. In fact, I believe such concerns, and the underlying problems that they represent, would be aggravated by such a vote. If we are concerned about disarray at the Arms Control Agency, why add to it by refusing to give the President the person he wants to head it? If we are worried by little progress in negotiations, why slow the process further with personality battles?

Many of my colleagues disagree deeply with the President's approach to arms control. To demonstrate that disagreement, they seem intent on making Ambassador Adelman's confirmation a symbol for their dissent. That is their right, but I do not give much importance to symbols. It frequently only causes us headaches and heartaches further down the road. I much prefer direct action. Therefore, I shall vote for Mr. Adelman's nomination.

It seems to me very important that, barring evidence that a nominee clearly is unable to effectively administer an office, I believe we must give the President the people he requests to carry out his policies. In doing so, we clearly place upon him the responsibility for making his policies work.

I thank the Senator from Illinois for yielding.

Mr. PERCY. I thank my distinguished colleague for speaking on behalf of Ambassador Adelman. Her judgment, the intensity with which she approaches looking at a problem, the study she gives to it, will carry, I think, great weight with our colleagues.

Mr. PERCY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PERCY). Without objection, it is so ordered.

Mr. PRESSLER. Mr. President, in my view, arms control is the paramount issue before the world today. If we cannot reduce the risks of nuclear war, solving other problems will ultimately be irrelevant. It is for this reason that we must have the most highly qualified and statesman-like officials heading our arms control efforts. In regard to the Director of ACDA, these requirements are especially stringent. The ACDA Director must be a statesman in every sense of the word and must be perceived as a statesman if he is to be credible in dealing with the Soviet Union and in meeting the concerns of the American public.

I believe that under most circumstances the Senate should follow the advice of the President in selecting his nominees and give our consent to his choices. After all, he will have to work with the officials confirmed by the Senate, and the President must have a team in whom he has confidence.

As chairman of the Senate Arms Control Subcommittee, I have frequently chaired hearings on the President's nominees and have moved them toward confirmation on the Senate floor. I have worked closely with these Presidential nominees and, indeed, have had a close relationship with Eugene Rostow, the previous ACDA Director.

This is background to my consideration of Kenneth Adelman's nomination. The Foreign Relations Committee took its task very seriously. After hearing Mr. Adelman's testimony, reviewing his background, and reading his writings, I was regrettably forced to conclude that I cannot support this nominee. My reasons for this decision are explained in my closing statement before the Foreign Relations Committee. As my colleagues consider this nomination, I hope they will consider and find my assessment useful.

At that time, I read from a brief exchange that occurred on the first day of testimony, on this nomination, January 27, 1983. It presents the essential problem I had with the nominee, and it went as follows:

Senator PRESSLER. I am going to try to clarify some areas here that I do not feel are completely clear. First of all, do you support ratification of the TTB (Threshold Test Ban) and the PNE (Peaceful Nuclear Explosions) accords, and will you fight for the ratification within the Administration?

Mr. ADELMAN. I have discussed this with several members of the Committee. My views are that, like Chairman Percy, I think that it is a very positive element to sign the treaties, to show the United States follow-on on the treaties negotiated by two Presidents of the United States.

Senator PRESSLER. Do you support their ratification and will you fight for their ratification within the Administration?

Mr. ADELMAN. Yes.

Senator PRESSLER. The answer is yes?

Mr. ADELMAN. No, Senator. Let me say that I believe the verification provisions have to be tightened up. As you know, there is a factor of two.

Senator PRESSLER. So you do not support them in their present form?

Mr. ADELMAN. I think what we need to do is tighten up the verification provisions. I do not think that that is a burdensome or time-consuming element on that, and once we have adequate verification, because of the principle that you should not submit a treaty to the Senate that does not have adequate verification provisions . . .

Senator PRESSLER. So you do not support them in their present form?

Mr. ADELMAN. That is true.

Mr. President, as this exchange shows, the committee could not get an answer that seemed straightforward on this and on other issues. As a Senator sitting day after day listening to this and similar answers of which this is illustrative, it became very confusing, indeed.

Another area that I questioned the nominee involved the renewal of talks on space arms control, a subject in which I am interested.

In the hearings, I asked if the nominee would support reopening the talks between the Soviet Union and the United States that had broken off at the time of the Soviet invasion of Afghanistan. As I recall, the nominee

said, "Well, we are handling that in Geneva in the 40-nation Committee on Disarmament." But he disingenuously did not include in his answer that the United States had made efforts not to have the space treaties discussed in Geneva only a few months earlier.

When I found out about the U.S. resistance a few months earlier, not to have the space treaties discussed, I again felt that I had not been told the complete truth.

Here, in Europe, in Japan, and throughout the world, arms control has become perhaps the foremost issue of our time. People are right in demanding action on arms control. Nuclear war would be a disaster for all humanity. With long-range missiles and bombers, there are no safe havens from the consequences of a nuclear war.

President Reagan has made much progress over the past 2 years in moving toward significant and verifiable arms reductions. In both the INF talks and in START, the Soviets are somewhat more responsive in meeting some of our concerns. There is, however, still a long way to go before we and the Soviet Union will have resolved serious differences that today block the path toward first agreements in START and INF.

Thus, while not minimizing the difficulties ahead, given sufficient negotiation skill and a willingness to compromise—on both sides—we are at least half way toward reducing the serious threat posed by nuclear weapons. President Reagan has the ideal qualifications to complete this important task. Just as Richard Nixon could open the door to China, it takes a realist like Ronald Reagan to produce a break-through in arms control with the hardliners in the Kremlin. In this, he requires a core of wise and skillful advisers.

A few months ago, Eugene Rostow resigned as Director of the Arms Control and Disarmament Agency. At that time, I indicated my disappointment with this turn of events, for it is unwise to change ACDA's leadership at midstream in both these important negotiations. Getting any new Director up to speed on these negotiations would be a formidable task, and it would slow the process of moving toward arms reductions at a critical point. This problem would exist even if a person with extensive arms control and negotiating experience were picked for the job.

There is another issue which this administration faces in dealing with arms control. Aside from the efficient management of the arms control process, the ACDA Director should be actively involved in an important public affairs mission. We must realize that we are in a public opinion war with the Soviet Union.

In Europe, public opinion seems to side with the views of the men in the Kremlin that their missiles are somehow less threatening than are American missiles. This is why the Soviets are in a position to continue weapons deployments—deployments which are so far unmatched by the United States and NATO—while Moscow continues to profess only peaceful intentions toward the West.

It is difficult to believe that the United States is losing this battle overseas as well as here at home. The right and moral position is, and should be, ours. It is the Soviet Union's missiles that now threatens Europe, not those of the United States; it is the Soviet Union that has invaded Afghanistan and brought about suppression of human rights in Poland; and, it is the Soviet Union that is engaged in the use of inhumane and illegal chemical weapons in Afghanistan and Southeast Asia.

We must be doing something wrong if the Soviets are allowed a free ride with world opinion and public opinion in the United States. In my view, the problem is one that relates as much to who speaks on the administration's behalf as it is a problem of what administration spokesman say.

The credibility of U.S. arms control policy is closely linked to the stature of the ACDA Director. In Europe, for instance, the ACDA Director is viewed as America's key arms control spokesman and is akin to a Cabinet-level official. In that position, we must have someone who can stand shoulder-to-shoulder with men of the high caliber of Secretary of State George Shultz. In addition, the ACDA Director must demonstrate a deep commitment to arms control, and he must have extensive knowledge of arms control issues, negotiations and the Soviet Union.

I am not sure that the testimony received before the Foreign Relations Committee has reassured skeptics. From the standpoint of a concern that I have repeatedly voiced over the past 2 years—the need to immediately resume bilateral talks on antisatellite weapons—Mr. Adelman's replies were especially troubling. This is not an appropriate issue for debate at the 40 nation Committee on Disarmament in Geneva, as Mr. Adelman contends, since only the Soviets currently possess—and the United States will soon test—ASAT weapons. Moreover, it somewhat disingenuous for the nominee to suggest that we are actively negotiating ASAT's in Geneva, when, only last summer, the United States resisted efforts to create a space arms control working group in Geneva.

With regard to two modest but nevertheless important arms control accords, the threshold test ban and the peaceful nuclear explosions treaties, I do not support the contention that these should be first renegotiated before they are submitted for ratification.

Strong verification measures are a central element for successful arms control arrangements. It is for this very reason that I have supported the ratification of these two signed treaties in their current form. The TTB provides for data-exchange, and the PNE provides for onsite inspection. This is the very first time that the Sovets have signed accords that recognize the need for onsite inspection. We should not endanger these advances on verification by seeking a perfect accord at this time. In reopening this issue, we could lose the precedents that these accords will provide our INF and START negotiators in Geneva.

The administration does not accept this viewpoint, as Mr. Adelman made clear to the Foreign Relation Committee. But it is my view that the ACDA Director must be out in front of the administration in pushing for arms control accords. There are more than enough officials in other deparments who will certainly urge a policy of not proceeding with these and other arms control agreements. The ACDA Director, however, must be a strong and forceful advocate of significant arms control.

The administration's arms control advocate, the Director of ACDA, must take a lead in urging that these accords be ratified and that verification enhancements be the subject of a separate negotiation which should immediately follow ratification. Half a loaf is occasionally better than no bread at all. By not ratifying these agreements, we do not gain any of the verification improvements already in the TTB and the PNE treaties. This is clearly a major source of the uncertainty that we face in verifying compliance at the present time.

The ACDA Director must have this long-term perspective, a view of arms control as an ongoing and evolutionary process. Only then can we hope to rid the world of nuclear weapons in the long run. I am, therefore, disappointed with the perspective that the nominee brings to this important issue.

On these and on other issues, I am unconvinced that the nominee will be the forceful voice for arms control that is demanded by the ACDA statute. For these reasons, I must regrettably vote against this nominee.

Mr. President, I have many times said that I believe Ronald Reagan can very well negotiate an arms control agreement, and that it can very well be one of the major achievements of his administration. I have early on drawn a parallel between Richard Nixon going to China and Ronald Reagan working successfully for arms control.

I have also told the White House that I think this area is so important that we should get Jerry Ford or some of equal statute to work on arms control talks at least on a part-time basis, to go to Europe and negotiate for the United States.

I believe that reducing the risk of war is one of the most important tasks before our society. If the arms control process fails, it should not be for lack of our trying or for lack of our seeking every possible alternative to a risky and costly arms race.

I am distressed that about ACDA's personnel situation and the state in which ACDA finds itself. I believe this whole episode could have been avoided had there been a dialog.

I am told that there have been two nominations that have come before the Foreign Relations Committee in the past 2 or 3 years on which the leadership was not consulted. One was Ernest Lefever and the other was Kenneth Adelman. I hope all of us will learn lessons from this episode. There are no winners, however the vote comes out on Thursday.

Mr. President, I ask unanimous consent to have printed in the RECORD, at the conclusion of my remarks, two editorials on this subject from South Dakota newspapers. One is from the Brookings Daily Register, captioned "Adelman Not Everyone's Choice"; the other is from the Mitchell Daily Republic, captioned "Pressler Stand on Adelman Commendable."

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit No. 1.)

Mr. PRESSLER. Mr. President, this matter has caused a great amount of debate in this Chamber and in our committee. I commend the chairman and the ranking majority member of the committee for the fairness they have displayed in conducting these hearings.

EXHIBIT 1

[From the Brookings (S.D.) Register, Feb. 18, 1983]

ADELMAN NOT EVERYONE'S CHOICE

President Reagan addressed a variety of subjects during a news conference Wednesday night, including his choice for a U.S. arms negotiator.

His nomination of Kenneth Adelman has been put on hold by the Senate. The president said repudiation of the nomination would hurt this country's efforts to establish arms control policies throughout the world.

One reporter asked the president if by the denial of the nomination, wasn't this just a way of stating the Senate did not agree with the choice, (rather than that the committee was voting against the president personally.)

The president replied that either way he would lose, and that was something he did not intend to do. He still intends to pressure the Senate to accept Adelman as the best person for the job.

There are many times when a president makes a popular (or unpopular) nomination for a high federal position. And the public has the right to expect its leaders in Congress to vote the way they believe best represents the concerns of the constituents.

The vote of the Senate Foreign Relations Committee was 15 to 2, which means that several Republicans voted against Adelman. When votes are closer, it is an indication that there are some doubts in the nominee's ability, but these may be answered by further testimony or discussion.

The vote margin in this instance was not close. The position of arms negotiator is extremely important to our country. While the president says that Adelman has the experience, apparently it is not enough to warrant acceptance.

It may be in the best interests of this country for the president to reconsider his nomination, and come up with a different choice. We need arms control, but to have effective negotiations we need a spokesman who has the confidence of both the president and the Congress.

Adelman apparently has only the president's confidence.

[From the Mitchell Daily Republic, Feb. 19, 1983]

PRESSLER STAND ON ADELMAN COMMENDABLE

The administration's bid to get confirmation for Kenneth Adelman on the Senate Foreign Relations Committee got a setback dealt from Sen. Larry Pressler this week.

Adelman is the nominee to be the president's arm negotiator, but the senate panel didn't see Reagan's choice as a sound one.

We believe Pressler and Sen. Mac Mathias took a courageous position on the nominee who didn't show many moments of brilliance during his senate confirmation hearings.

The key issue was Adelman's stance toward arms control, something he really never left committee members who want some sort of pact, at ease with.

In addition, his apparent lack of understanding of some of the questions asked of him on issues that should be relevent to the position he is to assume were disappointing.

We applaud Pressler for standing up to the president in a case where he believed the nominee was not qualified for the job.

When a person nominated to deal with arms control isn't certain about his stance on the subject.

Pressler has been vocally supportive of a move to pass a resolution opposing a space arms race, but Adelman, on this count, didn't take a position.

The pressure from President Reagan, Vice President Bush and Sec. of State Shultz was all there for the Senate Foreign Relations Committee to feel, but the resistence by Republicans and Democrats alike to that lobby is commendable.

Reagan has surrounded himself with the likes of unqualified administrators like Ray Donovan, James Watt, his EPA personnel and a few more. It is time, some resistence was applied.

Mr. PRESSLER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

● Mr. LAXALT. Mr. President, I would like to insert a collection of articles and speeches by Ambassador Kenneth Adelman which, in my opinion, give an accurate picture of his qualifications to head the U.S. Arms Control and Disarmament Agency. I believe this collection would be of use to Senators in the upcoming floor consideration on his confirmation as Director of that agency.

The material follows:

[From the American Spectator, December 1979]

THE SEVEN LESSONS OF SALT

(By Kenneth L. Adelman)

(With or without the treaty, America may or may not be defended.)

SALT is stultifying stuff. Seldom has such a critical issue induced such public somnolence. Yet historical events often generate "lessons" more captivating than the episodes themselves. Though dangerously distant from past realities—as Ernest May shows[1]—such lessons prove useful to policymakers. If lucky, SALT II will soon take its rightful place beside "Munich," "Vietnam," and "Watergate"—whether ratified by the Senate or not. Here presented are the "Seven Lessons of SALT."

1. *U.S. Strategic Might Is Dwindling Mightily.* During the Foreign Relations Committee hearings, Senator Jacob Javits pressed witnesses as to how it happened that America "goofed off" (his words) for 15 years in the strategic realm. How indeed. Partly because frazzled senators (like Javits) never gave the matter any thought, until the treaty's submission demanded that they do so.

Our representatives and reporters dozed, lulling the public on security concerns. SALT II—for all its innumerable failings—has awakened Americans from their torpor to the coming strategic inferiority. History may judge the treaty's prime contribution as setting into motion pressures which, over time, redressed the strategic imbalance (regardless of ratification). Perhaps unwittingly, Secretary Vance may have started the ball rolling; time after time throughout the hearings he promoted SALT II *first* because it "will permit, and in fact aid, the necessary modernization of our strategic forces" and only *second* because it "will slow the momentum of Soviet strategic programs."

2. *Defense Efforts Should Be Augmented Across-the-Board.* It is no coincidence that senators, boning up on defense because of the pending SALT tally, recently voted 55–42 for 5 percent real defense spending increases in the next two years' budgets—something inconceivable before the SALT debate and a sharp rebuff to the administration (keen to stick with 3 percent). Nor is it a coincidence that the Senate passed $3 billion more for defense this year (fiscal 1980) than the House—a startling turnabout since my Pentagon days and earlier, when the House was more hawkish.

It's nothing new that the U.S. is falling behind the Soviet Union militarily. This has been happening for years. What's new is that the U.S. is now *seen* as falling behind militarily. Soviet military expenditures have become 25–45 percent greater than ours,

[1] Ernest R. May, "Lessons of the Past: The Use and Misuse of History," in *American Foreign Policy* (Oxford University Press, 1973).

and the Russians now spend three times more on strategic arms and one-third more on general purpose forces than we do. And there's no relief in sight. Moscow's military infrastructure, upon which future arms programs are mounted, is nearly double ours. The Soviet military, already consuming more than half the nation's R&D scientists and engineers, is increasing its share of scarce skilled labor and scarce rubles. All this signals a wish in Moscow to persist in acquiring larger and more sophisticated forces.

Since these facts can't be disputed, interpretation of them is. Fervent SALT-seller Representative Bob Carr wrote in a House Armed Services Committee report: "The important perception is not how the Soviets perceive us but how they perceive us perceiving them." The American people may not get his point, but no matter. They get the main point; only one-tenth of the public now considers the U.S. militarily superior to the USSR while one-half believes the Russians have forged ahead. This swiftly sliding sentiment has made defense once again nearly sacrosanct. No candidate in 1980 (not even Kennedy) can run promising to slash the defense budget, *à la* Carter in 1976.

3. *Linkage Cannot Be Denied.* The tiresome parlor discussions of "linkage" can now be relegated to weighty tomes on international political theory (where they belong). Superpower negotiations (on SALT or whatever) simply cannot be separated from superpower relations, at least in our system of government. The Russians may do so—they greeted Nixon and signed SALT I on the heels of the U.S. mining of Haiphong harbor—but American is not a totalitarian state.

Senator Frank Church, so staunch an opponent of linkage in theory, forced it in practice. He fouled up the administration's ratification strategy by insisting at a press conference in Idaho that SALT II had to await removal of the Soviet combat brigade from Cuba. Who better to subvert the SALT-sellers than one of their own?

Church's behavior was matched only by that of the Russians. Their cavalier manner in handling our self-inflicted "crisis" unavoidably dampened enthusiasm for the "SALT process." Even after the latest *Jane's Fighting Ships* announced that Russia had launched Cuba "in a new naval league," far outpacing its Latin American neighbors, Moscow dispatched a 205-ton gunboat to Cuba precisely as Secretary Vance and Ambassador Dobrynin were conferring hourly on the brigade issue. If the Soviets take such brazen measures now—in the heat of public debate on their troops in Cuba and in the midst of Senate deliberations on SALT II—they will be yet bolder later (especially after acquiring strategic superiority in the early 1980s).

Due to nefarious Soviet activity around the world—not to the Cuban brigade or recondite calculations of technical SALT experts—public support for SALT is ebbing. Polls had been showing three-fourths of Americans supporting arms limitations agreements. Now a clear plurality opposes SALT II. Such a politically potent shift cannot but enshrine linkage as a permanent factor of superpower negotiations.

4. *We Should Expect Nothing Much From the "SALT Process."* A formerly creeping consciousness has become galloping: The "SALT process" may not be worth it. It has not saved money for either side, and is unlikely ever to do so; it has not reduced the destructive power of either side, and is unlikely ever to do so; and it has not enhanced strategic stability (quite the contrary), and is unlikely ever to do so. Nor is SALT capable of slowing the Soviet strategic swell. Indeed, since SALT I the USSR has deployed four new ICBMs, two new SLBMs (with two more under development), and a new bomber. (Meanwhile, the U.S. tested and cancelled a new bomber, finished deploying one new SLBM, and began testing another.)

That treaties cannot compel nations to reduce arms and embrace peace startles only the naive, historical know-nothings. Despite all the fanfare, the Covenant of the League of Nations (with or without the U.S.) could not have prevented World War II, the Washington Naval Treaty of 1922 in many ways contributed to Pearl Harbor, and the Kellogg-Briand Pact of 1929 did not long keep war renounced.

SALT II, like SALT I, primarily places fences around what the Soviets intended to do anyway. This point has finally dawned on Senator George McGovern, who calls SALT II an "arms control hoax," and even on the Carterites. The White House is now circulating a draft policy—"Presidential Decision 50"—which downplays the role of arms control: The U.S. would refuse to enter into arms negotiations unless our position accords with existing defense goals and militarily restrains adversaries.

The high-sounding "Presidential Decision 50" appears awfully mundane, but compared to the early Carter administration's missionary zeal for arms control—on strategic systems, nuclear weapons testing, conventional arms transfers, in the Indian Ocean, Central European, space, etc.—it is positively startling. Recall the pride with which SALT negotiator Paul Warnke addressed his final press conference in October 1978. Speaking of "the difficulties [the U.S.] had at the U.N. Special Session on Disarmament back last May and June," Warnke said, "We tried to think of things we ought to come out for. And the real problem was that we were *doing* most of them." The U.S. was disarming itself so fast—cancelling the B-1, shelving MX, delaying cruise missiles, deferring the neutron bomb, forestalling Tridents—that nothing new was left for Mr. Warnke to propose to the UN disarmament crowd. The Carterites have come a long way from Mr. Warnke to "President Decision 50."

5. *European Security Must Be Tied to SALT.* SALT proponents and opponents both agree that the former DMZ between "strategic" and "Euro-strategic" systems no longer holds. SALT I and II covered only U.S.- and Soviet-based systems capable of striking each other, but technology has produced a myriad of "grey area" nuclear weapons—Soviet systems aimed at Europe (Backfire and SS-20) and Europe-based systems targeting the USSR (air-launched cruise missiles, aircraft carriers in the Mediterranean, and nuclear missiles for European deployment now under serious NATO consideration). The systems to be negotiated, and the negotiators, in SALT III will have to be revised accordingly.

6. *Intelligence Verifies Adequately But Doesn't Forecast Well.* The SALT debate has brought to light staggering CIA errors compounded year after year over the last 15 years or so. Since the 1960s, the intelligence community has consistently *under* estimated the Soviet ICBM buildup, missing the mark by wide margins and with strategic forecasts becoming progressively worse on the low side.

Likewise for the overall Soviet military effort. Three years ago, the CIA overnight (and retroactively) doubled the percentage of GNP it reckoned the Soviets called to arms: from 5-7 percent (or a nick above our level of effort) to 11-13 percent (nearly three times ours). The causes of such gross intelligence failures, all lulling the government and the public since none *over* estimated the Soviet buildup, are manifold.[2]

Regardless of causes, the SALT controversy has hammered home how superb U.S. intelligence can be in verifying Soviet strategic systems (often of meager military meaning) and how dreadful it has been on forecasting the pace of the overall Soviet buildup (knowledge of which is critically important for U.S. weapons procurement decisions and force planning).

7. *The Foreign Policy "Progressives" Are Being Discredited.* The SALT debate has punctured the new foreign policy perspective of those rushing into office under Mr. Carter. "It will never be known what acts of cowardice have been motivated by the fear of not looking sufficiently progressive," Charles Péguy wrote 70 years ago. But his "progressive" crowd—and their intellectual mentors back in the Council on Foreign Relations and the Ford Foundation—has generated more foolishness (and future danger) than cowardice. For they believed that today's world was on the verge of escaping the conflict-ridden history of the first two-thirds of this century, that mankind was now prepared to cooperate on transnational problems (more critical than international ones): human rights, malnutrition, overpopulation, pollution, etc. They sensed a new historical force marching and felt the U.S. should join the vanguard.

History and repentance demanded it. America was viewed, with a profound sense of guilt about past evils abroad, as a deeply flawed superpower, a proven threat to world peace. The Soviets, viewed sympathetically (often), were only compensating for past American military superiority; or, viewed unsympathetically (rarely), were only wasting resources. The Marxist septuagenarians in the Kremlin were too dull-witted to grasp that history had bypassed the utility of arms. Maybe they'd catch on later, as they learned from the Americans. While waiting, we had no need to fret. For the Russians would never employ military power against the U.S. Any clash would automatically escalate to all-out nuclear war, suicidal for both sides. So even wide differences between the superpowers' military capabilities were deemed essentially meaningless.

Gurus of the state, church, and academia still cling to these fashionable canons, but now people openly laugh. In government, the President climaxed his televised "Combat Brigade" performance by comparing Lincoln's Civil War, which served to "preserve the nation," to his own SALT II, which serves to "preserve the world." People chortled at the sappy ending. Those who didn't—the SALT-sellers with something serious at stake—cringed, since Carter continues to be their greatest strategic liability for ratification. In the church, William Sloane Coffin urges the U.S. to "press not only for SALT II, but for SALT III, IV, V, and VI. We have to be meek, or there will be no one left to inherit the earth." There

[2] Spelled out at excruciating length in Robert Ellsworth and Kenneth Adelman, "Foolish Intelligence," *Foreign Policy*, No. 36 (Fall 1979), pp. 147-159.

always the Russians, though, as most folks now know. In academia, an exalted Professor Hedley Bull of the exalted Council on Foreign Relations writes in *Foreign Affairs* lead piece for its 1978 year-end wrap-up how "it is important that some state or group of states should undertake the task of balancing the power of the U.S. For the present, this can only be the Soviet Union." How grateful we should be to the Soviet Union for picking up the mantle, for assuming the burdensome "task of balancing the power of the U.S."

As the lessons of SALT sink deeper into American consciousness, such statements will appear even more ludicrous, nay outrageous, than they do today. More people will laugh. Or more people will cry.

[From the Wall Street Journal, June 16, 1981]

TWO BOOKS ON THE DEBATE OVER DEFENSE STRATEGY

(By Kenneth L. Adelman)

Testifying before a Senate committee in 1967, the then-Secretary of Defense, Robert McNamara, was asked just how long the U.S. could afford "the gigantic financial cost [of] this major ground war in Asia without its economy becoming nonviable." His reply was direct: "I think forever."

The quotation, from James Fallows's "National Defense" (Random House, 204 pages, $12.95), brings to mind a musing of George Orwell: Some opinions are so stupid that only intellectuals could hold them.

Mr. Fallows is an intellectual of a smarter vintage. So is James Chace, author of "Solvency: The Price of Survival" (Random House, 115 pages, $9.95). They have written expanded essays which are wonderfully readable, laced with personal vignettes, and thought-provoking. Both men show their talents as gifted editors; Mr. Fallows is Washington editor of Atlantic and Mr. Chace is managing editor of Foreign Affairs. Reagan officials will find plenty in both books to keep their minds churning and to get their blood boiling. For both authors display keen insights in their thoughts and cogency in their arguments. It's only some of their arguments that cause me problems.

Both believe that an increasingly gorged Pentagon is eating up resources better fed elsewhere. To Mr. Chace, this is central. To Mr. Fallows, it is tangential. Mr. Fallows writes: "The truly urgent military questions have little to do with how much money we spend." Rather they have to do with the type of equipment the U.S should build (weaponry), how it should be deployed (strategy) and who deploys it (soldiery and leadership).

Mr. Fallows is best in his criticism of the Pentagon's infatuation with gadgetry and high technology. The problems arose in part from Mr. McNamara's "fixed force structure": Limiting the overall size of forces gave the military services incentive to buy at the top of the line. If the Navy, for example, can have only 13 carriers, no matter what, then it naturally stacks them with every imaginable accessory.

Since Mr. McNamara, as Mr. Fallows shows in two superb case studies, weapons have continued to grow increasingly complex, indeed oversophisticated. The result, he correctly apprises, is that weapons are too costly (thereby limiting the quantity affordable), too inflexible in their missions, too difficult to keep in good repair and too valuable to be used in true-life training.

In a recent interview Secretary of Defense Caspar Weinberger said that he too would like simpler and cheaper weapons but doubted the possibility of a big change in this regard any time soon. His predecessor, Harold Brown, experienced firsthand just how difficult such reforms are to implement.

In challenging current Pentagon thinking on strategy and tactics, Mr. Fallows joins a flock of hawkish reformers who deem contemporary war plans to be either anachronistic—assuming a no longer present U.S. advantage in resources over the Soviet Union—or to be unrealistic, discounting the human element in warfare.

Mr. Fallows, like other reformers of this stripe, rebuffs a strategy of attrition and instead embraces a strategy of maneuver, deception and surprise. This is the stuff, they rightly contend, that wins wars. This is the stuff to drill into the new crop of officers, molding them into supple strategists like General MacArthur.

Today's military leadership, Mr. Fallows argues, is too hung up on career advancement and managerial proficiency. Officers are not building "the bonds of trust, shared sacrifice and recognized leadership that give coherence to the forces who use the weapons." For Mr. Fallows, the military has sadly become just another bureaucracy, soldiering just another nine-to-five job and military leadership just another form of bureaucratic management. Many of the top brass in the service recognize this problem and are trying to address it, as quotations throughout the book show.

Mr. Fallows argues for restoring the draft, again something most hawks favor. He also takes flight into the never-never land of strategic theory, or, more accurately, theology. Here all to him is speculative; none is empirical. Crushed by an overwhelming sense of the unknowable, he is skeptical of the military and political importance of strategic weapons in general and of land-based missiles (ICBMs) in particular. To me, he grossly underrates the importance of strategic strength in daily dealings of world politics and of deterrence across-the-board.

Mr. Fallows is skeptical of the whole strategic bag, except that most deserving of skepticism: arms control. The U.S. should, he believes, negotiate hard, especially on a new test ban treaty. But it should not build weapons in order to negotiate since "nowhere in the record of arms negotiations is there an instance of either side giving up a significant workable system after it was built. Unless they are arrested beforehand, the weapons continue to grow." But alas, I would submit, nowhere in the record of arms control negotiations is there an instance of arresting beforehand "a significant workable system" either.

Mr. Chace focuses more on foreign policy than on defense matters per se, and urges a sharper definiton of U.S. vital interest, something simple in concept but difficult (hardly possible, in fact) in practice. He helped form the now-commonplace critique of Reagan policy: "A foreign policy centered simply on anti-Sovietism makes no sense for the United States." Unlike others in this camp, Mr. Chace proceeds to offer sensible reasons why: The U.S. faces problems having little to do with Moscow or actually beckoning cooperation with it; besides, not every Soviet move is aimed at a U.S. vital interest.

Fair enough. Still, arguments of this genre—and expounding them has become something of a cottage industry in Washington since January—confuse totality with primacy. Soviet aggression, direct or indirect, is admittedly not the sole problem the U.S. faces. But surely it is the primary one; all the others would be quite manageable absent this one.

Both Messrs. Chace and Fallows open wide possibilities for a higher level of defense debate than evident in the pooh-pooh-the-military '60s, or the rah-rah-defense '80s. Mr. Fallows correctly points out that rational discourse is difficult on sex, race or military might. These two books will never sell as well as those on sex or even on race, but they deserve to be read. They are fine works.

FOOLISH INTELLIGENCE

(By Robert F. Ellsworth and Kenneth L. Adelman)

The intelligence community should brace itself for a new wave of castigation that widens its past sea of woes. The looming storm will arise from accusations that it inadequately warned the United States of Soviet military capabilities and technological breakthroughs during the 1970s and early 1980s. These inevitable accusations, originating from the center-right, will diffuse throughout the body politic and will focus on the competence of American intelligence analysis. For the Central Intelligence Agency elite—those in the Operations Directorate—has catered for years to America's foreign policy establishment view that the biggest game in town is at least collaboration and at most condominium with Russia. This has led to a process of discounting data that portray the Soviet Union as a genuine threat rather than as a potential partner.

Past hubris has brought on present nemesis. The CIA's (and military intelligence's) attempts at political assassinations, covert shenanigans, illegal spying on American citizens, and free-wheeling operations have reaped their reprisals. The now receding accusations, originating from the center-left, focused on these intelligence excesses. As a result, the reins of the covert operators were pulled in, as the five-year-old investigations and presidential Executive Orders scaled down the CIA's activities.

The limitations were perhaps overdue, though the fanfare was overblown. The CIA was never as nefarious as strident critics contend, and few of its members indulged in offensive deportment. Even if every official investigated for illegal practices were found guilty, the culprits would still add up to a tiny percentage of all intelligence personnel. Executive and congressional investigators have highlighted the sensational at the expense of the more significant.

President Carter aimed at the right target—inadequate performance rather than overzealousness—on Armistice Day 1978, when he fired off a handwritten memo to his top security advisers. It opened pungently. "I am not satisfied with the quality of political intelligence." The president was justifiably distraught by the crumbling of the shah's reign in Iran. He resented that American intelligence officers, long stationed in Tehran, had failed to tell him what General Ludendorff told the kaiser after a brief visit with the Austrian army on the eve of World War I: "We are allied to a corpse."

The much touted intelligence failure in Iran was due to a massive failure of imagination. Similar human frailty led the British ambassador in Berlin, two days before the onset of World War I, to report that war was out of the question. The syndrome also

afflicted American leaders on the eve of Pearl Harbor, Stalin at the outset of Operation Barbarossa (Hitler's 1941 invasion of Russia), and the Israelis immediately before the 1973 Yom Kippur war—the three most celebrated intelligence failures of recent times.

But no such failure of imagination can account for staggering CIA errors, compounded over 15 years, in estimating Soviet forces and intentions in strategic weaponry and overall military effort. Beginning in the 1960s, the CIA embarked upon a consistent underestimation of the Soviet ICBM buildup, missing the mark by wide margins; its estimates became progressively worse, on the low side. In the mid-1970s the intelligence community underestimated the scale and effectiveness of the Soviets' multiple independently targetable reentry vehicle (MIRV) programs. Even more important, Soviet warhead accuracies that have already been achieved—and that have equaled U.S. accuracies—had been estimated by American intelligence to be unattainable by Moscow before the mid-1980s.

U.S. intelligence also committed a gross error by underestimating the overall Soviet military effort. In 1976 the CIA suddenly and retroactively doubled the percentage of gross national product it figured the Soviets had been and were devoting to defense—from between 5 and 7 per cent (only slightly higher than the U.S. level) to between 11 and 13 per cent (up to nearly three times the U.S. level). Such flawed CIA estimates helped form national security policy for the past 15 years. In the mid-1960s the United States began its decade-long strategic stall, basically adjuring new strategic initiatives. It was then that Secretary of Defense Robert McNamara informed the public that "Soviets have decided that they have lost the quantitative" strategic arms race and "are not seeking to engage us in that contest." Lest the point be missed, he added, "There is no indication that the Soviets are seeking to develop a strategic nuclear force as large as ours."

LEGACY OF FAILURES

The same American errors in anticipating the Soviet strategic build-up linger on. The latest flaws can be gleaned simply by comparing a series of charts measuring the superpowers' relative strategic capabilities. The charts published in the fiscal year 1980 annual report by the secretary of defense, when compared to those of last year, show a worsening forecast of the strategic situation in the early 1980s. Instead of enjoying an edge over the Soviets, as predicted only last year, it now seems the United States will be substantially inferior until about 1986, one year after the scheduled expiration of SALT II. This means the United States will be negotiating SALT III from a weak position.

The change in estimates between 1978 and 1979 is not due to American revisions of force posture. Rather, the changes in the charts reflect 1979's correction of 1978's underestimation of the drive and momentum of Soviet strategic improvements. Specifically, U.S. intelligence last year did not imagine the scope of recent Soviet improvements in fractionization or number of warheads per missile, accuracy (which gave them a 180 per cent improvement over the current generation of Soviet intercontinental ballistic missiles), and overall force reliability (the percentage of times their missiles launch when triggered). Also, estimates of Soviet Backfire bomber production rates has been too low.

The same problem has dogged U.S. intelligence at the regional level. Defense Secretary Harold Brown informed the Congress last February that the Soviets "ability to move their forces speedily into position for an attack" in Europe was "estimated to be greater" than was thought a year ago. At about the same time, the intelligence community found its previous estimates of North Korea's military might palpably low. Therefore, the CIA and others suddenly had to boost their estimates of Pyongyang's ground forces by some 25 per cent, even though U.S. estimates of the North's tanks had previously been increased by nearly one-third. Again, nothing much had actually occurred on that volatile peninsula: North Korea's military build-up had been boringly steady since 1970–1971. But U.S. intelligence failed to note that North Korea had amassed the fifth largest ground army in the world. Today major conflict involving the United States may be more likely there than anywhere else.

This string of recent intelligence estimates on the low side disproves a recurrent notion within liberal circles that the Pentagon and the CIA are in cahoots to overestimate the Russians for their own budgetary and ideological motivations. The fact that the legacy of such failures reaches back over 15 years and four presidents likewise disproves a recurrent notion within conservative circles that the recent underestimates of Soviet power can be ascribed solely to the Carter administration's infatuation with arms control.

The real source of the problem lies deeper, within the bowels of the intelligence bureaucracy itself. American intelligence has long been stultified by the domination of a clique. The CIA has suffered from an encrustation of leadership as its directors over virtually all of its history have been linked—by shared experience, psychological inclination, and profession—to the CIA's Operations Directorate (which is responsible for covert activities). This link began under William Donovan in the World War II Office of Strategic Services and was carried forward by CIA Director Allen Dulles, who came out of World War II thrilled by his covert operational successes in Switzerland. His brother, Secretary of State John Foster Dulles, according to former CIA official Kermit Roosevelt, was "licking his chops" to rerun the dazzling covert operation in Iran (which had in 1953 reinstalled the Shah) in sundry spots scattered throughout the Third World.

FIRESTORM OF CRITICISM

The Operations Directorate reigned supreme even after the Dulles era: Two-thirds of the highest CIA executive positions were filled by officers whose careers had blossomed in covert activities, and for years after the Dulleses departed, the covert side still consumed more than half the agency budget. The clandestine clan planned and executed the reckless Bay of Pigs invasion while keeping intelligence analysts in the dark. President Kennedy was thus denied the opportunity for a detached evaluation of the scheme. Covert operations are spectacular when they succeed but hideous when they do not: the Bay of Pigs did not, as intelligence analysts could have forecast had they been given a chance. In another show of strength, the Directorate handled much of the CIA's liaison with State, Defense, and other key agencies until the mid-1970s, thus spreading its own perspective beyond CIA headquarters.

Admiral Stansfield Turner, the current director of central intelligence, has weathered a firestorm of criticism for "gutting American intelligence." In fact, he has simply accelerated the task begun under predecessors James Schlesinger, William Colby, and George Bush to pare down the overstaffed but powerful Operations Directorate. The CIA is not synonymous with the Operations Directorate, though the Directorate's partisans contend otherwise. Turner has taken care not to stack the top with old clandestine hands. Just the opposite, in fact, since he is surrounded by individuals who generally lack experience as national intelligence producers or users.

Though Turner has trimmed Operations sails, he has yet to launch a successful program to boost the capabilities of the National Foreign Assessment Center, the agency's analysis side. In the past, it has focused far too much on current intelligence and has been content with a lack of professionalism on the part of country and regional specialists. This became clear in the early 1970s after the National Security Council ordered the CIA to address an age-old topic: Yugoslavia after Tito. The report was more superficial than those written in German and Swiss daily newspapers. It turned out that the agency analysts who wrote it averaged less than two years' experience with the country and had not tapped outside expertise.

Nor does Turner have control over all the actions of the Operations crew. Two years ago, for instance, the leadership of the analytic branch of the CIA realized that it could not achieve from within the needed upgrading in breadth of expertise and perspective on world affairs. They sought to find a way to gain access to the best minds in the nation for help in analyzing intelligence information. A strategy was developed to find and focus the talents of people from academia, business, private research groups, and others to assist the agency and to be available as a resource for selected agency analysts on momentous matters.

But the effort was soon sabotaged by those inside the agency who stood to lose most—the Operations crew and their alumni within the administration, the inspectorate general, and current intelligence reporting offices. They recognized that outside help, however well intentioned in trying to build up rather than tear down the intelligence capability, would weaken their hold by forcing other opinions to be considered or even incorporated. Better, they figured, to nip the budding threat. So they objected to the outsiders' access to classified material and charged financial falsification of government accounts and sloppy management to specific projects. Those standing accused heard the abounding innuendos but were not permitted to see the specific allegations. Yet a protracted struggle ensued until those organizing the new initiative were worn down, and it was abandoned.

POOR PRECONCEPTIONS

Intelligence forecasts for Iran were also victims of this infighting. At the close of 1978, a congressional intelligence committee requested a full briefing on the situation in Iran. The CIA responded by sending its Operations—not its Analysis—people who, of course, testified from their own limited perspective. They lacked the imagination to see that a massive, popular counterrevolution had been launched against the shah's modernization revolution. These covert officers had treasures within Iran, not only the

shah on the Peacock Throne, but also the now-famous listening posts on the Soviet border. These men swayed the entire intelligence community to report that the shah's opponents were numerically insignificant and politically impotent.

The prominence of cloak-and-dagger traditionalists casts a shadow beyond slanted country or regional reports. Their supremacy affects strategic issues and can be related to the dangerous underestimation of the Soviet military build-up. As a group, these members of the CIA have long subscribed to an essentially optimistic world view. First, they assumed that smooth superpower relations are critical to America's survival and welfare, and that the United States and the Soviet Union are winding their way toward a modicum of cooperation, if not collaboration. They felt their vocation was to work out the rules of the global game for the new era. Dedication to this vocation led to projection of similar purposes upon the essential partner—the Soviet Union—even if that projection also led to screening out data that clearly suggested another vision of the future.

Second, they assumed that the Third World lacks the wit and wherewithal to influence decisively the great game of world politics. They cherished the developing world as a playground for covert operations, not as a participant in world affairs worthy of serious and sustained analysis. Thus, the CIA displayed a shocking failure of imagination in 1973 when it explicitly discounted the Yom Kippur war (although the head of the State Department's Bureau of Intelligence and Research wrote in April 1973 that war was highly likely there before the year's end), the Arab oil embargo, and the oil price hike.

The Operationists' preconceptions are widely shared among academics, journalists, and even government officials. Yet in Langley these preconceptions have screened out data that, if properly quested and digested, should have prevented strategic intelligence failures. Such perspectives have pervaded U.S. strategic behavior over the past 15 years and helped ease the Soviet Union into a relatively more assertive role on the world stage. This is a risky trend, one that has increased the possibility of superpower confrontation. It could be fostered by Soviet cockiness over what Moscow perceives to be strategic and historic imperatives flowing as much from U.S. permissiveness as from Soviet military prowess.

The United States desperately needs to know not just what the Soviets have done or are doing, but what they will be doing years from now. Most weapons systems take somewhere between two and 12 years to research and develop and have a lifespan of five to 20 years. Thus, today's defense planning must be based on estimates of a far tomorrow's adversary capabilities. Even if future arms control agreements hold down or reduce weapons more effectively than SALT I and II, the United States will nonetheless have to anticipate the trends in weapons development allowed under their terms.

To do so, the traditional intelligence-gathering methods must yield to the advanced technique of signals intelligence (SIGINT). Historically, human espionage has reaped bountiful harvests for world powers, radiating an image of might and beauty—the British Empire between 1815 and the close of the nineteenth century, and the United States between World War II and the Kennedy assassination. But such luster has now dimmed. Besides, human espionage is of limited value in trying to penetrate a closed, compartmentalized society like the Soviet Union. It can occasionally confirm data, but can rarely furnish reliable original information.

ANSWERING THE UNANSWERABLE

The deficiencies of human espionage must be compensated for by SIGINT, which can best help the United States learn and predict what the Soviets are up to in terms of weapons research and development. This was potently demonstrated by the furor over the loss of two listening posts in northern Iran by which the United States learned the results of Soviet missile tests. Turner publicly bristled over their loss, particularly since the green-eye-shade types in the Office of Management and Budget (OMB) had made savage cuts last December in funds for SIGINT in favor of other intelligence accounts. Espionage received its fair share, but OMB lavished funds upon today's most enchanting intelligence technique—photographic equipment.

OMB's error was grave and was made all the riskier by the fact that the U.S. technological superiority in weaponry is swiftly fading. The U.S. Navy was agape last May, for instance, when the Soviets launched a nuclear-powered submarine that steams faster (40 knots) and dives deeper (more than 2,000 feet) than anything the United States has.

Such tremors constitute an early warning signal of sliding American technological supremacy. For the Soviet Union is charging ahead both in terms of military production (it now spends three times as much as the United States on strategic forces and one-third more on general purpose forces) and in terms of military infrastructure, upon which future arms programs are to be mounted (where it spends 80 per cent more than the United States). According to the Defense Department, the Soviet military is increasing its share of highly skilled labor, even though more than half its research and development scientists and engineers are already thought to be working on military projects. Their impressive efforts, marshaling increasingly scarce roubles, signal a wish to persist in acquiring larger and more capable military forces. Such activities also propel the Soviet society and economy into additional military endeavors, thereby seeding arms-related institutions and spawning military-oriented activities that, over time, gather a momentum of their own.

Advanced signals and photographic sensors are now able to monitor every major construction activity in the Soviet Union and virtually every major Soviet weapons test. The verification debate that is building up over the SALT II agreement will make many Americans realize that U.S. security depends as much upon strategic intelligence as it does upon the size and nature of U.S. offensive strategic weapons. The Carter administration will be explaining each of the provisions of SALT II in terms of specific American strategic reconnaissance capabilities.

But even strategic reconnaissance, as promising as it now seems, cannot provide the answer to U.S. intelligence needs. Traditionally, presidents have turned to their advisers to answer the unanswerable—the singular solution to a perplexing problem or the definitive analyis of any happening. Woodrow Wilson was extreme in degree, though characteristic in kind when commanding his advisers aboard the *George Washington* on the way to Versailles: "Tell me what's right to do and I'll do it."

In the vain hope of telling a president "what's right to do," intelligence was centralized by the National Security Act of 1947. The new intelligence system thereby became different from that of Britain, which has at least five separate organizations responsible for intelligence: France, which has four; and West Germany with three. In contrast, the American structure, headed by a director of central intelligence (DCI), has lumped a veritable array of responsibilities—for paramilitary operations, technological collection, military order-of-battle estimates, and political and economic analysis—into one institutional framework. This consolidation exposes the entire intelligence community to the same political and cultural pressures, and reinforces the tendency of all elements to sway together with the mood of the movement. It has fostered a type of "groupthink" where the pressures for unanimity override individual mental faculties—somewhat analogous to what occurs in a jury room.

This problem could be relieved by loosening the 1947 act in order to promote fiercely independent, keenly competitive centers of intelligence collection and analysis. Carter's Executive Order of January 24, 1978, moved in quite the opposite direction. Responsibilities laid on the DCI were specified to include: acting as chief of the CIA itself; exercising full and exclusive authority for approving the CIA's budget, as well as those of all intelligence units in the departments of Defense, State, Treasury, and Energy, and the FBI and Drug Enforcement Administration: and shouldering responsibility for the accuracy and value of all intelligence appraisals. The Carter Executive Order has also assigned dual roles to the CIA's own National Foreign Assessment Center and Directorate for Administration.

The two functions—head of national intelligence in terms of both budget and estimates, and operating chief of the CIA—should be separated. Such a move, which can only be made by Congress, would eliminate considerable confusion. Far more important, it would improve the caliber of reporting by divorcing America's main intelligence chief from concerns for the immediate agency and its activities. The new, liberated DCI could coordinate all intelligence programs without special responsibility for any one segment. In case of a conflict between the DCI's sense of national intelligence needs and the desires of one agency, the presumption would be that the national perspective would prevail.

Nonetheless, the new DCI should stay clear of the traditional sand trap and not try to coordinate intelligence estimates or analyses. The president should be presented with the conflicting evidence and opposing views that well up from the newly dispersed intelligence network, and the DCI should avoid placing a distinctive stamp on the product. The president must grapple with alternative interpretations of events and the risks and costs of adopting one policy view over another.

The Congress, meanwhile, wrestles with the question of an overall charter for American intelligence. If enacted, such a charter would give Congress a set of responsibilities roughly commensurate with its traditional privileges of ex post facto criticism of intelligence. More important, it would cloak the sundry components of the intelligence community in a robe of congressional and even constitutional legitimacy they presently lack and, in this way, help redeem and justify the intelligence agencies to the public. If

sagacious enough to legislate a clear separation between the head of the CIA and the DCI, the charter would go a long way toward improving the quality of U.S. information on foreign activities and intentions.

It is time to reissue Shakespeare's "warnings and portents of evils imminent," as well as prescriptions to avoid them. What the nation requires is national intelligence that is so tough, shrewd, and ruthless that no trend or fashion will ever again screen data or warp perception. What is required is such realistic and icily penetrating national intelligence that no degree of conformity—with the press or with academia or with political fashion—will force such blunders in the future. It is a tall order.

[From the Policy Review, Summer 1981]

BEYOND MAD-NESS

(By Kenneth Adelman)

A new consensus on strategic policy seems to have emerged in the dying days of the Carter administration and the opening days of the Reagan administration. That new consensus is as misunderstood as it is momentous.

This new consensus arose ironically from the nation's deliberations over SALT II. SALT II proved most valuable in highlighting America's worsening strategic posture in the early 1980s. Without a treaty to debate, few would have noticed or cared. The nature of the American government, culture, and media dictates that attention be paid to singular, usually cataclysmic, events rather than continual processes which lack a neat beginning and end. Just as it took maddening gas lines to spur action on the problems of energy supply limitations and demand excesses, so it took SALT II to spur thought—and later action—on the looming strategic imbalance. History will judge SALT II's main contribution in such terms: as setting in motion pressures which, over time, could redress the strategic balance.

Any adverse shift in the strategic nuclear balance would have political and diplomatic consequences in the future, as the past illustrates. Paul Nitze has pointed out how during the 1961 Berlin Crisis, local U.S. conventional forces in Germany were clearly inferior to those of the Soviet Union; yet the mere existence of overwhelming U.S. strategic superiority played a key role in a favorable resolution of that affair. During the 1962 Cuban Missile Crisis, the U.S. had superiority in both local conventional and strategic forces; this crisis, too, worked out well from our standpoint. During the 1973 Middle East crisis, the superpowers' local and strategic forces were more evenly matched; the result was a compromise.

It would certainly be guileless to expect the Soviet Union to be the first nation in history to achieve deployed military superiority and not try to exploit it for political purposes. Moscow considers strategic power the fulcrum upon which all other levers of influence—military, economic, and political—rest. Immediately after the Cuban Missile Crisis, Soviet Deputy Foreign Minister Kuznetsov told President Kennedy's advisor, John McCloy, that the U.S. had won this round. But he warned, "Never will we be caught like this again." Almost immediately, the Soviets began a sustained and impressive buildup of offensive strategic missiles. By 1969, there was widespread recognition that the U.S. was in the autumn of its strategic superiority. Today, Americans can hope for strategic equality at best.

In restrospect, the logic of American leaders on strategic matters is most peculiar. At first there was a prevailing belief that the United States would never lose strategic nuclear superiority—not because of any actions on our part but because of inaction on the part of the Soviets. They would most conveniently cop out. In 1965, sitting right in the Pentagon, Secretary of Defense Robert Strange McNamara waxed eloquent on how "the Soviets have decided that they have lost the quantitative" strategic arms race and, better still, "are not seeking to engage us in that contest." Lest the audience somehow miss the point, he added, "There is no indication that the Soviets are seeking to develop a strategic nuclear force as large as ours."

Sadly, the Soviets did not cop out. So the tune was changed. Secretary McNamara and others then maintained that strategic stability was possible only on the basis of *equality* between the two superpowers. Since the U.S. had clear strategic superiority at that time, the policy was for America to remain fairly static in strategic arms (with Vietnam eating up defense increases in any case) while the Soviets built up their arsenal. When Moscow had at last caught up—so the argument went—then an equitable and durable arms control treaty—one freezing this equivalence—was possible.

This belief was so powerful that it infected the hardline Republicans as well, even years later. In 1971, President Richard Nixon's foreign policy message to Congress told how "the United States in 1969 regarded the Soviet's drawing abreast to the U.S. in strategic capabilities as an opportunity . . . an opportunity to establish meaningful strategic arms limitation objectives."

All such notions are less peculiar when considered as part of an intellectual package on strategic matters, which was fashionable for a time. Surely this is not the place to review the whole history of changes in U.S. strategic doctrine, which has responded to shifts in the American political current as well as changes in the technical U.S.-Soviet miltiary balance. But the MAD doctrine, that of mutually assured destruction, is so central to the emergence of the new strategic policy consensus that it would be delinquent not to mention it.

Basically, that doctrine, enunciated by Secretary McNamara in the mid-1960s, held that the superpowers' nuclear weapons deterred each other since their population centers were open to devastating retaliation. Offensive weapons, especially those that could survive a surprise first strike by the enemy, were encouraged. Defensive weapons, which protected population centers, were discouraged.

THE DECLINE OF MAD

As time passed, this doctrine became less and less credible. This strategic policy served to deter American officials, perhaps even more than Soviet officials. With growing Soviet strategic power and no American defenses, our cities lay fully open to Soviet attack or even to threats issued during any type of conflict.

Second, the doctrine slowly lost support since Moscow seemed unenamored of its logic. The obvious Soviet drive to acquire a first-strike capability against U.S. land-based missiles—something unexpected in the McNamara scheme—inevitably led to the conclusion that Moscow was working hard on the capability to fight a limited nuclear war. The truth is simply that the Soviets do not accept the prospect of mutual vulnerability, as shown by their emphasis on large and redundant air defense and civil defense systems. Rather, they seem convinced of the political and military utility of strategic arms, particularly of strategic superiority. The latest edition of the Soviet military encyclopedia bears this out. The Soviet Chief of Staff writes therein: "Should the Soviet Union be thrust into a nuclear war, the Soviet people and armed forces need to be prepared for the most severe and protracted trials." Soviet forces "will have definite advantages" in such a war, which "creates objective possibilities for them to achieve victory." This type of talk is quite incongruous with any variant of MAD.

Third, and related, MAD was thought to narrow an American president's options in time of crisis too severely; the Soviets' doctrine provided far more options for its leadership. This was key. A critical element of military doctrine and force planning aims is to provide political leaders with the widest possible range of options for future contingencies. By persistently expanding their strategic nuclear capabilities in a war-fighting mode, the Kremlin leaders were assuring a wide range of options for future actions. By cancelling and deferring U.S. strategic nuclear capabilities, American leaders have been narrowing their own range of alternatives.

Fourth, MAD was rendered impractical by technological advances. The country's previous and existing nuclear forces—land- and sea-based missiles and B-52's—were developed more than twenty years ago and lacked the accuracy to threaten small and/or hard Soviet military targets such as missile silos. Systems now coming on stream (such as the Navy's Trident submarine-launched missile and the MK 12A warhead for the land-based Minuteman III force) are better able to hit military targets. This will be even more true with the advant of future systems, such as the MX missile system and the cruise missiles, both able to undertake very precise attacks. Hence attack on an opponent's cities and economic centers was not the only strategic option.

This disenchantment with the MAD doctrine led into the new consensus. In the fall of 1980 (before his election defeat), President Carter signed secret Presidential Directives (PD) 57 and (PD) 58, which dealt with improved planning for crisis mobilization and better protection of U.S. leadership during a nuclear attack. They were soon overshadowed by a Presidential Directive (PD) 59 on nuclear strategy, which produced banner headlines around the world.

PD 59: A PIVOTAL CHANGE

PD 59 had long been in conception. In his 1979 Posture Statement, Defense Secretary Harold Brown called for forces capable of precision attacks against Soviet military targets as well as all-out retaliatory blows against cities, whereas during 1976 and 1977 both Secretary Brown and President Carter had expressed doubts about equipping American forces for limited nuclear attacks. While President Carter long remained skeptical about theories of limited nuclear war, Secretary Brown questioned the wisdom of threatening all-out retaliation against Soviet cities. "A strategy based on assured destruction alone no longer is wholly credible," he wrote. Therefore Secretary Brown had declared a new "countervailing strategy: designed to deny gains to Moscow at any level of nuclear conflict, ranging from small-scale missile attacks to major retaliatory blows." The Secretary spoke of the American strategic arsenal in terms of its military effectiveness to threaten military targets,

and of the need to find "countervailing strategy; and seek to plan and provide for use of nuclear weapons, if necessary, in militarily effective, controlled, and flexible ways." This indeed, is the nub of PD 59.

This directive moved U.S. strategic doctrine away from emphasis upon targeting the Soviet recovery economy toward more emphasis on targeting Soviet political and military entities. Their destruction could cripple the Soviets' ability to wage and win—and not just to recover from—a nuclear war. These targets include national and regional political command centers, military command posts and communications centers, and nuclear and conventional forces themselves. This change was made inrecognition of the fact that Soviet leaders cherish most dearly not the cities, or the economic base, but the levers of control—keeping the political system, the military forces, and the military-related economy intact and functioning at their command. A successful strike against military and political control targets would reduce the Soviets' ability to project military power abroad and to sustain political authority at home.

Regardless of causes or comparisons with previous doctrines. PD 59 has important consequences. First and foremost, its issuance gives official blessing to existing reality in the world. This is important in itself, for it bolsters those forces in the bureaucracy responsible for limited-war planning and procurement. Before PD 59, many of them were working on the sly; now they can conduct their affairs in broad daylight with full backing when obstacles arise.

Second, the presidential blessing has the same effect in Congress and among the public. This is particularly true with PD 59, since it was leaked at a time (right before the Democratic National Convention) which gave the document enormous press coverage. Such publicity helped resolve a primary problem in United States strategic affairs: the continuing lure of the MAD doctrine on the minds of those in academe, in local and state politics, and in Congress.

Third, PD 59 provides reassurance to prime U.S. allies around the world. While there have been no hearty cheers from European capitals, the allies did display a modicum of contentment (if not relief) over the whole affair of issuing the directive. As well they should. Colin Gray and Keith Payne have pointed out that those planners who had championed the MAD doctrine and espoused the option of massive retaliation after a Soviet nuclear attack had nothing relevant to tell a president facing a conventional defeat in Europe or in the Persian Gulf. Their strategic environment existed only in peacetime. They could recommend some limited, symbolic options, but nothing truly effective on how to deter a large Soviet conventional thrust.

And this is absolutely critical. For the credibility of extended U.S. deterence depends on the Soviet belief that the U.S. would indeed risk nuclear escalation on behalf of foreign commitments. In other words, U.S. strategic forces do not exist solely to deter a Soviet nuclear attack or an attack against the United States itself. Rather they are intended to support a range of U.S. foreign policy goals, including the commitment to preserve Western Europe and even parts of the Persian Gulf against overt aggression.

Fourth, the new doctrine will spur and spawn newer and better offensive nuclear weapons. Foremost among these will be the MX, or some other form of land-based missile based in a fashion which is not vulnerable to a Soviet first strike. Also spurred will be the case for a new submarine-launched missile and follow-on manned bomber, be that a revived B-1 or the "Stealth" bomber now in an early R&D phase.

NEW NEEDS FOR WEAPONRY

These needed programs, and suggestions for more needed programs, encounter the prime objection to PD 59: that the new doctrine cannot be implemented with given U.S. technology and given Soviet defenses. Indeed, sources in the Strategic Air Command (SAC) contend that selective targeting cannot be implemented with acceptable chances of success until 1986 at the earliest. All the more reason to plunge ahead with the latest strategic offensive weapons, PD 59's proponents will claim.

Furthermore, PD 59 will give an enormous boost to the development of communications gear to allow a president to engage in precision nuclear war. Essential for U.S. strategic posture is an assured command, control, and communications (C3) system—a system which is currently in rather poor shape.

Fifth, PD 59 will give impetus to more intelligence equipment and even to the resurrection of defensive systems. In order to carry out this new strategy with a likelihood of success, the U.S. would have to know the location of likely targets, including leadership bunkers, in the midst of undoubted chaos. This would require more sophisticated spy satellites and other kinds of intelligence-gathering systems.

The most politically volatile issue will be the push for defensive strategic systems. At present, the U.S. has no ballistic missile defense and effectively no civil defense. U.S. air defense is capable of guarding American airspace only in peacetime. Largely because of the MAD doctrine, the strategic case for ballistic missile defense and civil defense has not been considered on its merits for more than a decade.

With the fall of MAD will come the correction of this oversight. Proponents of missile and civil defense advocate that the U.S. match the Soviet efforts to acquire the capacity to fight a prolonged nuclear conflict. Some experts contend that in the early 1990s, the U.S. can have a new generation of interceptor rockets with non-nuclear warheads. Others say the R&D points toward a nuclear-armed antiballistic missile system which could protect the MX against a first strike.

A reinvigorated ABM program is seen by many as a means to address and redress the primary strategic problem of the 1980s, namely the vulnerability of U.S. land-based missiles. It is ironic that the 1970s opened with high hopes for strategic arms control, which soon culminated in the ABM treaty. The decade ended with low expectations for arms control and serious consideration of scrapping the ABM treaty.

But many persons argue that the primary strategic problem is not the vulnerability of U.S. land-based missiles at all. These thinkers contend that the strategic triad—of air-, sea-, and land-based missiles respectively on manned bombers, submarines, and ICBMs—which has been in existence since the dawn of the nulcear age—has now become anachronistic. The most reasonable among them advocate a dyad, or an air- and sea-based nuclear posture. In essence, they wish to push the U.S. deterrent out to sea.

This line of argument is wayward. Submarine-launched missiles (SLBMs), even the Trident II missiles, are no substitute for a land-based ICBM force. SLBMs cannot achieve the degree of accuracy, nor the rapid retargetting capability, of land-based missiles. Both factors are critical for an effective deterrent force in the 1980s and 1990s, since it is high accuracy and virtually instantaneous retargetting that will enable the U.S. to threaten individual Soviet missile silos. Submarines, in the present state of the art, are also relatively unreliable in command, control, and communications. The President's instructions in a time of an actual crisis may be lengthy and complicated. They must not be interrupted, as could well happen when they are transmitted via radio out to sea, especially to submerged submarines. Such interruption is virtually foreclosed by using cables and back-up systems on land, to command the land-based ICBM force.

In a nutshell, a submarine missile force is capable enough for city-busting in an all-out nuclear exchange—obviously the only type a MAD approach envisions. But it is not adequate for threatening a missile silo in a limited exchange against hardened military targets—the type of capability a PD 59 approach dictates. Moreover, scrapping the land-based leg of the U.S. deterrence would send a powerful signal and change perceptions. In a realm so dependent upon perceptions as the strategic balance, this is a risky venture. A decision not to modernize the ICBM force may well be perceived by the Soviets and others as a U.S. acceptance of strategic inferiority—at the very last, inferiority in the one major area of Soviet strategic power.

The triad's longevity is not reason enough for its prolongation. However, it has endured for all these years for good reason. The existence of three mostly independent systems means redundancy, diversity, and flexibility in U.S. strategic power. It vastly complicates Soviet defense planning and leaves elements of the U.S. nuclear force as a reserve force in time of conflict.

MARGINS OF SAFETY

President Reagan has advocated a "margin of safety" for the United States, including of course the overall strategic balance. But the problem pressing his Administration is not the development of such a "margin" but in fact the removal of the Soviets' looming "margin," For the nuclear balance has tipped decisively since the 1950s and 1960s when the U.S. led the U.S.S.R. in almost every measure of strategic power, including numbers of missiles and bombers, warhead totals, and overall weapons performance. That day has ended, and decisively.

In March of 1980 the U.S. intelligence community concluded that the Soviets will have an edge over the U.S. in every major measure of strategic nuclear power over the next several years, if not until the end of this decade. This conclusion is not as stunning as it may initially appear. In the 1970s, the Soviets acquired an advantage in such measures as numbers of missiles and total payload. The United States long held the lead in the number of warheads—in January of 1980 Secretary Brown's Posture Statement placed the U.S. total at 8,000 and Soviet total at 6,000—but this lead is due to fade. According to U.S. intelligence, the U.S. total is likely to remain steady at 8,000 until mid-decade while the Soviets will push ahead with an anticipated 16,000 by 1985.

It should be pointed out that these latest CIA estimates come against the backdrop of staggering CIA errors, compounded over fif-

teen years, in estimating Soviet forces and intentions in strategic weaponry. As explained in detail elsewhere, beginning in the 1960s, the CIA embarked upon a consistent underestimation of the Soviet ICBM buildup, missing the mark by wide margins. Its estimates became progressively worse on the low side. In the mid-1970s the intelligence community underestimated the scale and effectiveness of the Soviets' multiple independently targetable re-entry vehicle (MIRV) programs. Even more important, Soviet warhead accuracies that have already been achieved—and that have equaled U.S. accuracies—had previously been estimated by American intelligence to be unattainable before the mid-1980s.

The errors apparently continued. William J. Perry, formerly the top Pentagon research and development official, told the Washington Post how the Soviets surprised the U.S. intelligence community by demonstrating in late 1970s that they were improving the accuracies of their heavy missiles (SS18s and SS19s) even before they had deployed the next generation of missiles. "I have to admit I was quite surprised" and this new finding "gave us a new sense of urgency, told us we were caught short," Dr. Perry said.

One hopes that the revitalized CIA under William Casey will nevermore allow U.S. policy-makers to be "caught short." And one hopes that the emerging consensus over strategic policy will allow the U.S. president to have measured and rational options for U.S. national security and foreign policy measures. The less varied and competent U.S. strategic forces are, the less flexible becomes the planning and execution of American deterrence. The U.S. should be prepared (and be seen to be prepared) to put our strategic forces into limited play in limited crises that may arise in the wider world, such as the Berlin Crisis of 1961 and the Middle East War of 1973. U.S. forces should not be fashioned solely for the most remote crisis of all: that of an all-out U.S.-U.S.S.R. nuclear conflict. Unless the United States has (and is seen to have) strategic forces supple enough to respond in balanced measure, key allies can only discount the nuclear umbrella. That, needless to emphasize, would be a most unwelcome development.

STATEMENT BY AMBASSADOR KENNETH L. ADELMAN

(December 8, 1982)

Mr. Chairman: Ypres, April 22, 1915: Just before dusk a greenish cloud of chlorine gas dirfted over the allied lines causing burning, panic and for many lingering death of unspeakable agony. Most survivors of that first gas attack are now gone, yet their cries were heard and echo still through this century. Their suffering led after the war to signature of the 1925 Geneva Gas Protocol banning the use in war of chemical and bacteriological weapons.

Lowghar Province, Afghanistan, September 13, 1982: Soviet soldiers pumped toxic gas into an underground passageway killing 60 Afghan adults and 13 children. The victims of that attack decomposed immediately with flesh peeling from the bone and blue-black skin. Yet, unlike casualties of Ypres, their agonies have been ignored by a world grown used to the unspeakable.

The continuing use of chemical weapons, responsible for the death of at least 10,000 persons in Afghanistan and Southeast Asia, is a major humanitarian issue of our times and is in stark contrast to the progress all nations seek toward real and verifiable disarmament. Violation of the oldest arms control agreements have implications for all arms control and disarmament agreements which cannot be ignored. How then can we maintain the credibility of international agreements or believe pledges to respect human rights?

The 1925 Geneva Gas Protocol, one of the oldest arms control agreements still in force, prohibits the use of chemical weapons in warfare. It was followed in 1972 by the Biological and Toxin Weapons Convention, which forbids the production, stockpiling, or transfer of biological or toxin weapons. Yet each of these has been violated by the Soviet Union. As President Reagan stated on November 22:

"The whole world remains outraged by the Soviets' and their allies' use of biological and chemical weapons against defenseless people in Afghanistan, Cambodia and Laos. This experience makes ironclad verification all the more essential for arms control."

How, despite all these agreements, has the world regressed from Ypres to Southeast Asia and Afghanistan through three successively more lethal generations of chemical weapons? The gases of World War I, like phosgene, chlorine and mustard gave way to nerve gases, developed but not used in World War II. Today, a third generation of chemical weapons in the form of lethal toxins has been developed and is in use by the Soviet Union. These new killing agents, which can be produced in large quantities, were until recently unknown to warfare.

For over five decades all of these weapons have been successfully eliminated from the battlefields of the industrialized world. In World War II fear of retaliation was an effective deterrent to use of nerve gas. Yet in the Third World, protocols alone have not prevented use of these deadly substances. In Ethiopia many thousands died from chemicals in the 1930's. Today, there is conclusive evidence that they are again in widespread use against people of the Third World.

In 1975, when reports of chemical warfare began to come from the most inaccessible corners of Laos, there was a tendency to disbelieve, even to seek explanations in nature. Yet in those poisonous vapors sprayed from aircraft, a hilltribe, too remote for the outside world to notice, was being exposed to the same horrors as trench warfare. In 1976, more reports of chemical destruction came from the remote highland villages of the Hmong. The victims were inhabitants of these villages, men, women and children, particularly the children who were least able to resist the lethal effects of toxic agents. As time passed, the reports multiplied from many sources. There was no longer doubt that the Hmong were being victimized, not by any identifiable nerve gas but by chemicals until then unknown to warfare. They were the products of laboratories with long experience in development of chemical warfare. In 1978, the same reports began to come from Kampuchea and in 1979 from Afghanistan. In 1980, the US along with other nations took the responsible course of bringing the issue to the United Nations. The 1925 Protocol had made no provision for investigation of complaints, verification or enforcement of compliance, and an investigation was set in motion by a resolution of the General Assembly.

While the sophistication of Soviet chemical compounds and the remoteness of the areas in which they were used continued to stand in the way of scientific analysis, evidence was nonetheless mounting. It came from:

Testimony of those who saw and suffered from the attacks;

Testimony of doctors, refugee workers, journalists and others who questioned survivors of chemical use;

Testimony from defectors who carried out the actual attacks;

Preliminary analysis of physical samples from the attack sites;

Documentary evidence from open sources and intelligence from "national technical means."

Taken together, it was possible to conclude in the words of a US report circulated as United Nations Document A/37/157 of March 24, 1982 that:

"Lao and Vietnamese forces, operating under Soviet supervision, have, since 1975, employed lethal chemical and toxin weapons in Laos; that Vietnamese forces, since 1978, used lethal chemical and toxin agents in Kampuchea; and that Soviet forces have used a variety of lethal chemical warfare agents, including nerve gases, in Afghanistan since the Soviet invasion of that country in 1979."

Now, it is possible to state with certainty, including positive scientific evidence from each country, that toxin weapons of Soviet origin are in use in Afghanistan, Kampuchea and Laos. A comprehensive report on this evidence from Secretary of State George Shultz has been circulated as United Nations Document A/C.1/37/10 of December 1, 1982. Secretary Shultz' report concludes:

Reports of chemical attacks from February through October 1982 indicate that Soviet forces continue their selective use of chemicals and toxins against the resistance in Afghanistan. Moreover, new evidence collected in 1982 on Soviet and Afghan government forces' use of chemical weapons from 1979 through 1981 reinforces the previous judgement that lethal chemical agents were used on the Afghan resistance. Physical samples from Afghanistan also provides new evidence of mycotoxin use.

Vietnamese and Lao troops, under direct Soviet supervision, have continued to use lethal and incapacitating chemical agents and toxins against the Hmong resistance in Laos through at least June 1982.

Trichothecene toxins were found in the urine, blood and tissue of victims of "yellow rain" attacks in Laos and Kampuchea and in samples of residue collected after attacks.

A common factor in the evidence is Soviet involvment in the use of these weapons in all three countries. Continued analysis of prior data and newly-acquired information about Soviet mycotoxin research and development, chemical warfare training in Vietnam, the presence of Soviet chemical warfare advisors in Laos and Vietnam, and the presence of the same unusual trichothecene toxins in samples collected from all three countries reinforce our earlier conclusion about the complicity of the Soviet Union and about its extent.

So that there is no mistaking the extent of evidence or the gravity of these charges, I should like now to briefly review the situation in each country. In Afghanistan, Soviet forces are known to have used lethal chemical agents against Mujahidin resistance forces and Afghan villages at least since the Soviet invasion in December 1979. We now have evidence of at least 60 separate attacks through October 1982. New evidence indicates that the Soviets have continued selective use of toxic agents in Afghanistan up to the present. For the first time, we have obtained scientific evidence of the use of

mycotoxins by the Soviets through analyses of two contaminated Soviet gas masks acquired in Afghanistan, one directly from the body of a Soviet soldier. Analysis of material taken from the outside surface of one mask has shown the presence of trichothecene mycotoxin. Analysis of a hose from the second Soviet mask showed the presence of several mycotoxins. In addition, a vegetation sample from Afghanistan shows preliminary evidence of the presence of mycotoxins.

Our hypothesis that mycotoxins have been used in Afghanistan has now been confirmed. Reports during 1980 and 1981 described a yellow-brown mist delivered in attacks which caused blistering, nausea, vomiting, and other symptons similar to those described by "yellow rain" victims in Southeast Asia. Initially, it was difficult to prove that trichothecene mycotoxin was being used, but we are now in a position to do so.

These scientific findings are corroborated by testimony from Soviet and Afghan personnel directly involved in chemical attacks. A captured Soviet soldier, Anatoly Sakharov, has testified on the use of three chemical agents. Soviet chemical specialist Yuriy Povarnitsyn has provided details on his mission to examine Afghan villages following a chemical attack. An Afghan pathologist has described accompanying Soviet chemical warfare personnel into contaminated areas following Soviet chemical attacks, and a number of former Afghan military officers have pinpointed storage sites for lethal agents in Afghanistan.

In Laos, reports of chemical attacks against Hmong villages and guerrilla strongholds date from mid-1975 and describe over 240 separate incidents. Hmong refugees, who have recounted the familiar details of attack by toxic agents and exhibited the same severe medical symptoms, entered Thailand each month from January through June of this year. They brought with them more samples of "yellow rain" dropped by aircraft and helicopters on their villages and crops. Analysis of these samples, some as recent as October 1982, show that the material used in Laos contains trichothecene toxins which cause vomiting, bleeding, blistering, severe skin lesions and other symptoms observed by qualified doctors. Experts have concluded that the Hmong have been exposed to a toxic agent and that no disease, plant or chemical occuring in nature could have caused such unique physical effects.

As in Afghanistan, physical evidence—including blood samples and biological specimens—has been corroborated by eyewitness accounts and testimony from many sources including some responsible for the attacks. A complete description of chemical warfare in Laos between 1976-78 was provided by a former pilot of the Lao People's Liberation Army who flew aircraft equipped to dispense toxic chemical agents on Hmong villages in the Phou Bia area of Northern Laos. He confirmed that the LPLA, in cooperation with the Vietnamese Army, has conducted chemical warfare in Laos at least since April 1976. Since that time, descriptions of the attacks have been remarkably consistent and usually involve aircraft or helicopters spraying yellow rain on Hmong villages and crops.

Finally, in Kampuchea, we have evidence of over 140 separate chemical attacks. Since October 1978, the Government of Democratic Kampuchea has regularly accused Vietnam and its clients in Kampuchea of using Soviet-made chemical agents against guerrilla forces and civilians alike. In the past year, most of these attacks have occurred near the Thai border, facilitating collection of samples and other evidence of toxin use. Analysis of blood, tissue, urine and other samples from victims of such attacks during February and March has been performed in three countries. While results differed according to techniques used, all concluded that illness has been provoked by toxic agents.

Again in Kampuchea, the perpetrators themselves have provided details on the attacks. A Vietnamese army soldier reports that during operations in the Phom Melai region he observed two Soviet personnel firing hand-held chemical weapons. Three hundred persons died in the attack he cited. Mr. Chairman, this carnage is continuing and we have reports of chemical warfare in Kampuchea as recently as November 1982.

I have attempted here to summarize our findings with respect to each country as briefly as possible. These conclusions rest on a large body of evidence assembled with the full resources of the US Government. Hundreds of samples have now been collected from Southeast Asia since mid-1979 and from Afghanistan since May 1980. Tissue specimens and body fluids from attack victims have been analyzed both by the US Government laboratories and by those of independent American universities. Positive findings have also been presented before the internationally respected Society of Toxicology, the International Mycotoxin Symposium in Vienna and the Association of Analytical Chemistry. Nor are these findings limited to the US. A comprehensive toxicological study was carried out by Dr. Bruno Schiefer of the University of Saskatchewan and submitted as United Nations Document A/37/308 of June 21, 1982. An epidemiological study was initiated by the Surgeon General of the Canadian Armed Forces and made available to the Secretary-General on August 25, 1982. Research conducted in the laboratories of Thailand has also found evidence of toxic chemicals not naturally present in Southeast Asia.

I would like to suggest, Mr. Chairman, that it is easy to discount individual bits of evidence. One can dismiss eyewitness testimony as biased or photographs as doctored or laboratory analysis as inconclusive or testimony by other persons as hearsay. But when a body of evidence accumulates, as it has in Afghanistan and Southeast Asia, with the various components independently confirming chemical warfare, it is no longer possible to do so. Consider, for example, the composite picture that emerges from testimony and evidence of chemical warfare in Laos:

A Lao pilot has testified to dropping chemical agents from a specially equipped aircraft;

The Hmong victims have given their version of the plane and cloud of yellow rain falling to the ground;

Separate sources have confirmed the presence in the area of an aircraft of the type described by the pilot and the victims;

Subsequent medical examination of victims reveals symptons caused by toxic agents;

Starting in 1981 evidence from defectors and eyewitnesses was supported by blood and tissue analysis from victims showing high levels of trichothecene mycotoxin.

Faced with massive evidence of chemical warfare, the Soviet response has been cynical denial. The Soviet Permanent Representative has attempted to deliberately obfuscate the issue by circulating to the General Assembly three documents with elaborate denials and counter-charges. He dismisses the excruciating deaths caused by chemical weapons of well over 6,000 Lao, 1,000 Kampucheans and more than 3,000 Afghans as "malicious fabrication," "unconfirmed hearsay," and "a noisy propaganda campaign." The Soviet Union has even claimed in documents submitted to the General Assembly that the toxin which eyewitnesses report is distributed by Mikoyan-24 helicopters, Antonov-2 bi-planes, Ilyushin-28 bombers or special artillery shells is the result of herbicides used by the US in Vietnam.

To date, the Soviets have issued such denials confident in the knowledge that the chemical compounds involved would not be detected by the West. We are now, however, able to isolate the components of yellow rain. They are trichothecene mycotoxins at strengths many times higher than found in nature. There is good evidence for the presence of commercially-produced pollen as a carrier and to help ensure the retention of toxins in the human body. There is further evidence of an added chemical to give the mixture adhesiveness. These toxins do not exist together in nature under any circumstances nor separately in the strengths found in yellow rain. They are derived from sophisticated production of lethal toxins within the Soviet Union.

It is a matter of record that the Soviet Union has developed a capacity for multiton production of lethal toxins such as these. Evidence accumulated since World War II shows that the Soviets have made extensive preparation for large scale offensive and defensive chemical warfare. Toxic agents and delivery systems have been identified, along with production and storage areas within the Soviet Union and continuing research, development and testing of new agents at the major Soviet chemical proving grounds. Chemical warfare battalions are part of the standard table of organization for Soviet Armed divisions including those deployed in Afghanistan today. While the Soviets label these units as "defensive," I submit that the ill-equipped Majahidin resistance forces pose no chemical warfare threat to Soviet occupation forces.

The Soviet response to evidence of their own brutality in Afghanistan and Southeast Asia is the classic totalitarian technique of accusing others of precisely their own crimes. The Soviet Union in submissions to the United Nations, makes the same tired charges about American use of herbicides in the Vietnam War. Mr. Chairman, the Vietnam War ended almost ten years ago. Let no one forget, however, that the chemicals in Agent Orange were in widespread commercial use, aimed at plants, not people. More has been sprayed along US state highways that in all of Vietnam, and are still in commercial use on a restricted basis in the US and elsewhere. There is, in any case, no connection between use of a commercial herbicide against plants and deliberate use of lethal chemicals by the Soviet Union against human beings.

It has been easy for some to dismiss Southeast Asia and Afghanistan as remote areas, subject to strife for generations. Yet, what is occurring there may become the pattern of the future if we continue to avoid the facts, preferring not to call those responsible to account. Chemical warfare is first and foremost a global issue with greatest significance for those least able to

defend against chemical and biological weapons.

Speaking before the League of Nations, Haile Selassie of Ethiopia described how "special sprayers were installed in aircraft so that they could vaporize over vast areas of territory a fine death-dealing rain. It was thus that as from the end of January 1935, soldiers, women, children, cattle, rivers, lakes, and pastures were drenched continuously with this deadly rain." Today there are again reports of chemical warfare in Ethiopia at Turukruk near the Sudanese border on February 15 and, more recently, an attack 37 survivors of which were found by a Western-trained doctor to exhibit persuasive symptoms of nerve gas. We believe these allegations, as yet unproven, deserve investigation. They are disturbing harbingers of possible repetition elsewhere of the pattern we see today in Afghanistan and Southeast Asia. Chemical warfare, conducted by proxy in the Third World, as it is today by Vietnam in Laos and Kampuchea, is a frightening possibility.

The protocols and conventions to limit these insidious weapons are for the protection of all nations. The prohibition on the use of chemical weapons has, by reason of the practice and affirmations of states, become a part of the rules of customary international law which are binding on all states. As biologically-produced chemical substances, the toxins whose use I have described fall within the prohibitions of both the 1925 Protocol and the 1972 Biological and Toxin Weapons Convention. Violation of these basic agreements by use of sophisticated toxins against defenseless populations of the Third World is in cynical contempt of international law and human decency.

The facts are grim. Chemical weapons provoke fear, revulsion and an unwillingness to face the reality of their use. On such matters, to paraphrase William James, the will to disbelieve is palpably strong. Yet the United Nations Experts Group has now concluded that "it could not disregard the circumstantial evidence suggestive of the possible use of some sort of toxic chemical substance in some instances." This qualified language is not surprising. The team was repeatedly denied access to each of the three countries—Laos, Kampuchea, and Afghanistan—where it was supposed to investigate reports of chemical warfare. In words from their report, "due to circumstances beyond its control, the group was not in a position to proceed to the territories where chemical attacks had allegedly occurred and it was, therefore, unable to conduct any on-site investigations on those territories."

It is, of course, disappointing that, after two years of investigation, the United Nations Experts Group was unable to reach more definitive conclusions. Nonetheless, the material compiled by the United Nations team and documented in their report supports our finding that trichothecene toxins have been identified in samples. Furthermore, the team notes evidence that these toxin agents have been used.

The United Nations experts do not rule out the possibility of natural contamination, although they admit it is unlikely. It has been shown scientifically, however, that this is not the case. This leaves as the explanation the only other possibility offered in the United Nations report: namely, that chemical and toxin agents are being used. We also note that the Soviet explanation for the presence of these lethal toxins in Southeast Asia, as submitted in their scientific report to the United Nations, was dismissed by the United Nations experts as scientifically unsound.

It is not surprising that the United Nations report is less definitive than those of the United States. The U.N. team was subject to severe restrictions of both time and resources. In two years the team was able to meet only six times and carry out three brief trips to Pakistan and Thailand.

It is ironic, therefore, that the Soviet Union has chosen to emphasize the ambiguities in the United Nations report, as reflected in Pravda on December 2, 1982, even before the United Nations report was issued. What Pravda did not report is that the unwillingness of the USSR and its clients to cooperate with the United Nations team crippled the investigation.

Let us not be misled by denials. The strength of international law, Mr. Chairman, depends in large part on prompt international reaction to its violation. A treaty that when broken causes no outcry is without strength. The evidence is now in. Let it not be said of us here that the jury was indifferent. In the words of Secretary of State George Shultz:

"The world cannot be silent in the face of such human suffering and such cynical regard for international law and agreements. The use of chemical and toxic weapons must be stopped. Respect for existing agreements must be restored and the agreements themselves strengthened. Respect for the dignity of humanity must be restored. Failure to achieve these goals can only have serious implications for the security of smaller nations, like those whose people are being attacked. If such basic elements of human rights can be so fundamentally ignored, how can we believe any pledges to respect human rights? All who would seek to promote human rights, and all who would seek to maintain the credibility of international agreements, have a duty to call world attention to the continuing use of chemical and toxin weapons, and to seek a halt to their use."

Mr. Chairman, eight years ago the world was deaf to reports of chemical warfare from Laos. Today, we have the first indication that use of these noxious weapons may have spread into Africa as well. We cannot afford to lose another eight years and countless lives. The international community must act and act now to build pressure to stop this continuing outrage. Thank you, Mr. Chairman.

STATEMENT BY AMBASSADOR KENNETH L. ADELMAN

(December 9, 1982)

Mr. Chairman, I want to make a brief statement with regard to the vote of the U.S. Delegation on the resolution which was just adopted by the General Assembly "Cessation of All Test Explosions of Nuclear Weapons." The resolution urges immediate negotiation by the Committee on Disarmament of "a treaty for the prohibition of all nuclear weapon tests . . ."

As stated during the general debate in the First Committee, the United States has set in motion during the last year a series of major initiatives in the field of arms control and disarmament aimed at strengthening international stability while reducing dependence on nuclear weapons. Our goal is strengthened deterrence, and a more stable balance at significantly lower levels of armament. While a prohibition on all nuclear explosions remains a long-term United States objective, the United States does not believe that, under present circumstances, a comprehensive nuclear test ban would reduce the threat implicit in the existing stockpile of nuclear weapons. Furthermore, the issue of verification of a CTB remains a serious problem.

The resolution urges the prohibition of nuclear-weapon tests rather then a comprehensive ban on all nuclear explosions. This formulation ignores the fact that weapon-related benefits are derived from any nuclear explosion. The resolution calls for a trilateral test moratorium, which would not be subject to agreed verification measures. Also, it ignores entirely the decision of the Committee on Disarmament in 1982—a decision which has yet to be implemented—to discuss CTB verification and compliance issues. The resolution also deals with the method of work in the CD and is thus inconsistent with the arrangement recorded in paragraph 120 of the final document of the Tenth Special Session of the General Assembly. The United States regards it as inappropriate for the General Assembly to specify how the committee should conduct its work.

The United States also voted against the USSR resolution on an immediate cessation and prohibition of nuclear weapon tests which contains a number of additional provisions which the United States finds objectionable.

The resolution on "Implementation of General Assembly Resolution 36/85" in our view appropriately requests the CD to "continue" its consideration of CTB verification and compliance issues, as agreed in 1982, but unfortunately it also requests the CD to initiate negotiations on a comprehensive test ban.

The CD working group, far from having completed work under its present mandate, as the Soviet Union has suggested, has not in fact even begun. The important questions relating to verification compliance remain to be resolved. As is well known, the United States believes that negotiations would be inappropiate now, and that efforts in the CD should now be focused on a full discussion of issues relating to verification and compliance. Consequently, the United States has found it necessary to oppose this resolution. This was a difficult decision. We sincerely hope it will serve to underscore the importance we place upon addressing the fundamental problems of verification and compliance in a serious manner.

STATEMENT BY AMBASSADOR KENNETH L. ADELMAN

(November 4, 1982)

Mr. Chairman: I speak today to Agenda Item 22d concerning the World Disarmament Campaign. The United States supports the achievement of a truly universal, comprehensive and objective world-wide discussion of disarmament.

Over and over again in this century wars have been started by governments opposed to the principle of free expression or which deny their people a true voice in their governance and instead purport to speak on their behalf. Free nations do not want or choose war. Free speech leads them towards justice; freedom of opportunity offers progress without recourse to violence; and political freedom ensures that governments reflect the views and concerns of their people.

Throughout this troubled century, the United States has never been at war with another country committed to democracy and the free expansion of ideas, whatever

their content. Indeed, it has supported the process of democratic change from its inception as a nation, and it champions peaceful change today. In the contemporary world, it has always been, and remains today, the least free and most repressive countries which are the main instigators of international tension and conflict. It is Soviet troops which are in Afghanistan; Vietnamese troops which are in Laos and Cambodia; and Cuban troops which are in Angola and Ethiopia. And it is Soviet weaponry, introduced through Cuba and Nicaragua, which is playing so active a destabilizing role in Latin America and fuels the ambitions of such irresponsible dictatorships as Libya.

As you know, Mr. Chairman, the Second Special Session on Disarmament (SSOD II) Working Group last summer produced a consensus document for a truly universal and effective World Disarmament Campaign. The language of this document is clear and unequivocal, It stipulates:

That the campaign "should be carried out in all regions of the world in a balanced, factual and objective manner";

That its universality should be "guaranteed by the cooperation and participation of all states and by the widest possible dissemination of information and opinions on questions of arms limitation and disarmament and the damages relating to all aspects of the arms race and war, in particular nuclear war"; and

That it should provide an "opportunity for discussion and debate in all countries on all points of view relating to disarmament issues, objectives and conditions."

These are admirable goals. Now it is up to all governments of the world to put these clear principles into practice, to realize in concrete deeds and in their day by day actions what all member states of the United Nations have already endorsed in words.

Mr. Chairman, in the United States and in all open, democratic societies, the workings of a free, multi-sided media ensure that essential information about security and disarmament in readily available to the public. Scores of public and private institutions are working actively to propagate their views on arms control and security issues. No censors nor commissars imped the flow of public information. Demonstrations are not staged, nor is participation in them restricted to those invited by the government.

Unfortunately, this is not the case everywhere. In the Soviet Union, and in other countries following similar domestic repressive policies, only that information which supports official government positions can circulate freely and be openly and publicly discussed, even when it affects the most profound issues for mankind. And those who do demonstrate for peace and disarmament without permission run the risk of prison or internal exile.

It is particularly ironic, Mr. Chairman, that the Soviet Union's domestic actions contrast so sharply with its rhetorical support for peace movements in free countries. While it cynically seeks to exploit the noble aspirations of the peach movement in other states, the Soviet Union simultaneously inveighs against pacificism and arrests those who take part in unauthorized peace activities in its own country. The message is clear: for the Soviet Union, peace and disarmament are issues for propagandistic exploitation abroad, but not for free discussion at home.

And if the Soviet delegate speaks, as he did yesterday, of 20,000 demonstrations with over 60 million participants, the question is not one of peace, but only whether these persons had the option of not participating, or of expressing their views freely. Mr. Chairman, they had no such choice, because freedom of expression—much less spontaneous demonstration—does not exist in the Soviet Union.

Let me cite a few examples—all recent, some continuing—from a dismal Soviet and Eastern European record in the treatment of their own incipient, authentic peace movements.

In contravention to the Helsinki Accords, the Soviet Union regularly jams Western radio broadcasts and strictly limits the circulation of foreign books and newspapers to keep its citizens from hearing about or discussing disarmament as well as other topics with foreigners. Ordinary Soviet citizens are admonished not to be in contact with foreigners and KGB surveillance of foreigners generally intimidates Soviet citizens from contacting outsiders.

In the German Democratic Republic, we even witness the remarkable spectacle of government repression of peace movements which use symbolic arm patches showing the beating of ideals of the UN Charter itself and a symbol similar to the monument that the Soviet Union presented as a gift to the UN. These patches were denounced by a frightened East German regime that considered such a pacifist image "the expression of a mentality hostile to the state and proof of membership in an illegal political association." Students and workers wearing "swords into plowshares" patches faced expulsion from school or their jobs.

In Czechoslovakia, members of Charter 77, a reformist group dedicated to the upholding of the letter and spirit of the Helsinki Accords and the UN Charter, have been harassed, arrested, and told not to discuss disarmament as well as other topics.

During August, the Polish authorities cynically sought to manipulate the Pugwash Conference in Warsaw to legitimize the Jaruzelski regime. To their credit, the American contingent voted beforehand at Boston not to participate as an official group and many individual European scientists chose to boycott the Conference. An open letter to the Conference from Nobel Peace Prize laureate Andrei Sakharov, dealing with issues of the arms race and condemning the closed nature of the USSR and other "socialists" countries, was never put on the agenda—nor was the destabilizing and repressive situation outside the halls of the Pugwash Conference in Poland itself.

In regard to the arms race, the Sakharov letter reads: "In the last decade there has been a very substantial increase in the Soviet army, navy, missile arsenal and air force, while the countries of the West, Europe especially, have weakened their defense efforts. The SS-20 missiles have changed the strategic equilibrium in Europe, although those who take part in pacifist demonstrations seem not to notice this fact." Sakharov concludes his letter by urging that, "there must be international efforts, efforts made by all honest people, to defend human rights, to overcome the closed nature of the USSR and other socialist countries." Mr. Chairman, it is incumbent upon all countries in the United Nations to heed Sakharov's plea.

In January, the official Soviet newspaper Pravda carried an enthusiastic editorial hailing the anti-war movement in Western Europe as "the vital cause of the peoples." The same paper had earlier declared that Soviet internal "propaganda must decisively rid itself of the traces of pacifism that are occasionally to be found in some instructional or propaganda materials." And, in February, on the occasion of Soviet Army-Navy Day, the Soviet Chief of Staff, Marshall Ogarkov, published a booklet deploring "elements of pacifism" among citizens of the Soviet Union.

Last spring, seven people attempted to unfurl a little hand-lettered banner in Red Square in Moscow with the Russian words for "Bread, Life and Disarmament." They were immediately arrested by the Soviet State Security Police. One wonders which of these three words was considered so dangerous that it had to be hidden from the people of Moscow.

In early summer, an international group of peace advocates were towed out from Leningrad harbor after releasing 2,000 ballons carrying messages which read, "USSR Stop Nuclear Testing Now". The Soviet explanation: "The peace advocates' vessel 'Greenpeace' was polluting the harbor." In reality, it seems clear that the Soviet authorities regard spontaneous peace movements as the most dangerous pollutant of them all.

In July, a group of several hundred Scandinavians who visited several Soviet cities on a peace march—billed in the Soviet press as the counterpart of similar marches in the West—learned that their marches had to be done the Soviet way. Soviet speakers, ignoring previous agreements, introduced Soviet political themes and disarmament proposals; marching was cut to a minimum and, where permitted, was tightly controlled; discussions were orchestrated and translations of speeches falsified; and two members of an independent Soviet peace group seeking contact with the marchers were sentenced to fifteen days detention to keep them away from the marchers. So much for the international walks for peace, cited yesterday by the Soviet delegate.

Also this past summer, just after one of the largest peaceful disarmament rallies in American history took place in New York, Soviet police moved against 11 Soviet citizens who had announced the formation of a fledgling, independent disarmament group called the "Group to Establish Trust Between the USA and the USSR". The group appealed—very much in the spirit of the Second Special Session on disarmament Working Group that same month—for the widest possible access to information on questions relating to disarmament and arms limitation. They called on my government—as the Soviet Government has called—to ratify the SALT II treaty. They called for a "four-sided dialogue", to include the Soviet and American publics along with their governments, on the issue of peace. They asked for permission to hold a real demonstration—one not planned, sponsored and orchestrated by the Soviet Government—in Moscow in support of disarmament.

As a result of these activities, several members of the group were arrested and charged with "hooliganism". And on August 6, the spokesman of the group, 25 year old Sergei Batovrin, the son of a Soviet diplomat attached to the Soviet U.N. Mission from 1965 to 1970, was confined for a month in a psychiatric institute, where he was forcibly treated with powerful debilitating drugs. His main sin seems to have been that in a country where suspicion is all-pervasive, he was notable for his openess and lack of suspicion. Perhaps like anyone who had grown up in the US, he had taken freedom for granted.

Just this week—on Monday November 1—Soviet authorities once again prevented a news conference by Batovrin's battered group of peace advocates, barring both members and Western reporters from the building where the meeting was to take place. Batovrin, who would have been making his first public appearance since his release from detention, was prevented by Soviet security agents from even leaving his apartment. The meeting was to have dealt with Oleg Radzinsky, a young linguist, arrested last week for anti-Soviet agitation. Before this arrest, Radzinsky had had the temerity to call for an international observance of ten minutes of peace during which all work would be stopped in the name of disarmament.

Mr. Chairman, the very virulence with which these peace advocates have been harassed and suppressed illustrates the utter intolerance of the Soviet and Eastern Bloc authorities to any challenge to the official Soviet policy of "peace" or to its carefully nurtured official image of a nation totally supportive of the ruling Communist Party's peace initiatives and policies. The Soviet Union yesterday pledged 1.5 million rubles to the disarmament campaign, a gesture of rich irony from a country where no true disarmament movements are allowed.

The governments of the free world cannot and do not persecute or stifle their critics, whether we like them or not. We know that much of the progress of mankind—in the arts and sciences; in the mastery of disease or the conquest of space; in the persistent assertion of human dignity and the rights of man—is due to the work of courageous individuals who challenge falsehood in the name of truth, who speak for justice in the face of repression. We know better than to condemn critics to psychiatric wards, and we will not recoil if the passion for truth leads people to question our weaknesses or expose our wrongs.

We have welcomed dissidents from the inception of the American republic, beginning, in fact, with those who landed at Plymouth Rock in 1620. Nor have these dissidents come only from Western Europe. Russians, Poles, Hungarians, Czechs, and people subjected to totalitarian governments elsewhere have flocked to these shores in search of self-expression and the right of individuals to shape their own lives. Those seeking freedom of intellectual and artistic expression have not threatened, but vastly enriched the quality of thought and fabric of our culture. Each, whether Solzhenitsyn, Rostroprovich, Baryshnikov, General Grigorenko, or lesser known figures, have made a unique impact.

STATEMENT BY AMBASSADOR KENNETH ADELMAN

(December 9, 1981)

Mr. Chairman, this assembly has just adopted one of the most important, perhaps the most important, resolution before the 36th United Nations General Assembly. Though this simple, procedural resolution merely extends the mandate of the United Nations group of experts to complete its investigation into allegations of the use of chemical and biological weapons, the implications of this move and this subject are incalculable. For the use of these weapons—which have inflicted so much harm—in Laos, Kampuchea and, according to growing evidence, also in Afghanistan—which cause an early onset of violent itching, vomiting, dizziness, and distorted vision, eventually ending in the victim choking on his own blood, a most painful death—is an ominous sign of barbaric practices loose in the world.

This world body has recognized the repercussions of such a development. For this reason, the resolution was passed by an overwhelming number of countries, including an overwhelming number of non-aligned countries.

This is altogether fitting and proper, since this is a topic of primary concern to small, non-aligned nations. These are the nations today who are the victims of this inhumane practice. The poorest, the most desperate people in these non-aligned nations are precisely the ones suffering. For these weapons, outlawed by mankind and successfully banned from the battlefields of the industrialized world for over five decades, have been and are being used against unsophisticated and defenseless people, in campaigns of mounting extermination in Laos, Kampuchea and, more recently, in Afghanistan.

Of these facts, the world has taken note, and the United Nations took note just now by extending the United Nations experts group.

By so doing, this General Assembly also placed before the experts group and the United Nations itself a significant challenge. Many groups and individuals around the world are watching carefully to see how this issue, of such profound importance, is handled by the world organization. To illustrate the breadth and depth of feeling on this score, allow me to quote from three of the leading newspapers in the United States.

All three newspapers ran editorials about the United Nations' handling of the "yellow rain" issue, and all three editorials voiced concern about the way the issue was being and would be handled here.

First, the Wall Street Journal ran an editorial entitled, "Whitewashing Yellow Rain," on November 23, 1981, which ended:

"The U.N. investigation was stalled for months and finally sabotaged by the refusal of the Soviet Union and its partners to allow the investigators appointed by the civilized world to go to the scene of the crime. Now, as the obstructionists no doubt planned, a soon-to-expire mandate for the investigation team threatens to lay U.N. involvement in the matter to rest with nothing more useful than the team's cursory findings. We indeed expected this but we know as well that the U.N. has more need than it may think to carry this investigation further. If it doesn't, it will have suffered one more black mark against whatever reputation it has left for contributing to world order. We're not sure it can stand many more."

Second, the Washington Post ran an editorial aptly entitled, "Crucial Test for the United Nations," on November 27, which ended:

"The United Nations group has so far not accomplished much of anything. Secretary-General Waldheim must also see to it that the group gets where it has to go, despite Soviet objections. The charges being investigated, after all, go beyond whether this or that chemical has been used. They engage nothing less than what the united nations is all about—the international rule of law. The integrity of the international system demand that they be conclusively proved or refuted."

Third, Newsday ran an editorial on November 30, 1981 entitled, "The United Nations' Impotence in the 'Yellow Rain' Case." This editorial pointed out that the—

"USSR and its allies blocked an essential ingredient of the investigation—access to sites where the attacks are said to have occurred. A Soviet under-secretary general is the official who would have had to okay the United Nations team's movement into war zones and arrange for its security. He did neither . . .

"An unsatisfactory investigation and an inconclusive report must not be allowed to end the matter. The General Assembly should continue the inquiry, not only to spare peasants in Indochina and Afghanistan, but also rescue the United Nations itself from unalloyed impotence."

These three leading newspapers recognize the serious challenge before the United Nations and many others do also. For the use of toxins as warfare agents in Southeast Asia has grave implications for present and future arms control arrangements. As biologically produced chemical substances, toxins fall within the prohibitions of both the 1925 Geneva protocol, forbidding the use of chemical weapons in warfare, and the 1972 Biological Weapons Convention, which forbids the production, stockpiling, or transfer of toxic weapons. These agreements, signed by both the Soviet Union and Vietnam, and the customary international law which has developed out of the former, are being flagrantly violated.

As the world became aware of these horrors, the United States cooperated fully over the past year with the Secretary-General and with his group of experts in this investigation of chemical weapons use. We have provided three formal submissions, answered questions from the group, provided further details about those submissions. Our medical and technical experts appeared before the group of experts to respond to questions and provide background information and further clarification of our submissions of clear evidence. In this manner, Mr. President, the United States has turned over its evidence on this matter to the U.N. experts group. That group, like the United States, now has physical evidence.

Nonetheless, for years before the actual physical evidence was obtained, several countries, including our own, were awakening to the startling reality that the Hmong tribes people of Laos had become targets of a calculated campaign of death and terror. There were reports from refugees and others about attacks in the remote hills and villages of Laos—reports that aircraft passing overhead would disperse a sometimes yellow cloud, a "yellow rain" as it came to be called, which settled to the ground and brought with it inexplicable sickness and death. These reports persisted and increased in frequency. They were amazingly consistent, whether given by farmers from Laos of Cambodia or tribesmen from remote parts of Afghanistan. Refugees fleeing Cambodia recounted the same horrors, experienced the same attacks as those reported by the Hmong. Over the past two years, there have been increasing reports of the use of lethal and incapacitating chemical weapons in Afghanistan.

By 1980, Mr. President, the evidence was too massive, too compelling and too disturbing for the world community to ignore. Last year, this body, in keeping with the central purposes of this organization, accepted the responsibility to conduct an immediate, impartial investigation of the use of chemcial weapons. This year, with further evidence accumulated, that responsibility has again been accepted by this assembly.

Our objective, Mr. President, is to stop these attacks. We will keep this issue before the world community and on the international agenda because we believe this is the

most effective way of stopping these attacks. We believe that if the facts of chemical weapons use are exposed to the world, the national now using them may be deterred from continuing such an abhorrent practice. We are striving to avoid any appearance of engaging in a propaganda campaign, since our efforts—if they are to be effective—must be credible. Others must take this information as seriously as do we, and others are in fact beginning to do so.

There is every reason why this should be the case. For over fifty years, as I stated, chemical weapons have been successfully banned from the battlefields of the industrialized world. What is happening today to the innocent people of Afghanistan and Southeast Asia is not, Mr. President, an East-West issue. It is an issue of universal importance, with particular consequences for those countries least prepared to defend themselves against the use of chemical and biological weapons.

It is the response of the United Nations and nations around the world which will help determine whether these attacks continue and proliferate, or are halted forever.

Thank you, Mr. President.

STATEMENT BY AMBASSADOR KENNETH ADELMAN

(October 27, 1981)

Thank you, Mr. Chairman, on October 21st, Mr. Rostow presented the views of the United States in a most positive, realistic manner on the critical arms control issues before this committee and the Committee on Disarmament, on October 23rd, the Soviet delegate made his country's positions known.

As you will see, the United States will be most positive here, as elsewhere. These issues are too important for empty polemics and tired rhetoric.

We agree with the Soviet delegate's statement last Friday that this committee must not be a "shop for second-hand goods." For this very reason, the United States representative stated in general committee on October 6, 1981 that the Soviet so-called initiative on the "prevention of nuclear catastrophe" was a matter that "the Soviets ritualistically introduced" which has "ritualistically been met eith the same response . . . we feel disappointed that the Soviets return to the same tired proposals—however dressed up as 'new'—instead of more seriouis and practicial proposals for real, effective, and verifiable arms control."

Our sentiment remains the same. This Soviets items is not, Mr. Chairman, a "second-hand good." Not even third or fourth-hand good, for this issue has been introduced into the United Nations off and on over the past twenty years or even more.

Mr. Chairman, one of the most important features of United States policy is the conviction that we must introduce realism into our endeavors if we are to have any hope of success. Arms control and disarmament objectives are inseparable from national and international security objectives, and cannot be pursued in a vacuum. As the international situation changes, some arms control objectives may have to be modified, and may even lose their validity, at least in the short term. This presents us with a real challenge to search for new approaches, approaches that will make a real contribution to international security. It is not useful to waste time in this committee, or in any other forum, on empty propagandistic proposals, proposals which are no longer relevant, or proposals which have been rendered invalid by the aggressive actions of some states. Arms control is a seriouis matter which should not be treated as political theater. To do so shows a contempt for the work of this committee. Let us have no more of that. We have had enough already, during our opening week.

In his statement before this committee last Friday, the Soviet representative saw fit to treat us to such an approach. His proposals for arms control initiatives included many of the same shopworn propaganda items that have been served up to the committee for years, albeit sometimes dressed up in new finery. His assertions about the Soviet Union's devotion to disarmament—especially in the nuclear realm—belie the facts.

For the Soviet Union has concentrated on nuclear weapons improvements steadily over the past ten years, despite the fact that the United States, in the mid-1960's, began a decade-long strategic stall, basically abjuring new strategic initiatives. On this, the record is clear. Since 1970, the USSR has introduced at least eleven new or modified ICBMs, compared to one for the United States. The USSR, since then, has introduced nine new or modified submarine-launched ballistic missiles, compared to two for the United States. Today, the Soviets have an open production line on both land-based missiles and manned bombers. The United States has an open production line today on neither.

Last Friday, the Soviet representative accused the United States of preparing for nuclear war. Although the closed nature of Soviet society does not permit us the luxury of reading about strategic planning in that country, occasional articles emerge which cast a disturbing light on how Soviet military planners approach their task. As early as 1962, the publication, Soviet Military Strategy, stated: "The basic means for armed combat in land theaters in a future world war will be the nuclear weapon used primarily with operative tactical missiles and also frontal aviation (bombers, fighter bombers and fighters). In addition, the strategic rocket troops and long-range aviation will deliver nuclear strikes against important objectives in the zone of offensive fronts . . . on the battlefields the decisive role will be played by fire of nuclear weapons. The other means of armed combat will utilize the results of nuclear attacks for the final defeat of the enemy."

Other articles on this subject from time to time since then have continued to echo a similar theme. And just recently, in May of this year, writing in the Communist Party's theoretical journal, Kommunist Lt. General P. Zhilin, referring to the Marxist/Leninist division of wars into just and unjust wars, rejected the idea that nuclear war was of itself unjust. He wrote: "War was and is a continuation of policy, policy entirely, irrespective of the level of development and the means of armed struggle."

These writings are not the idle musings of private individuals. They were written by high-level Soviet military figures and appeared in official publication. As such, they provide insights into past and current thinking of key Soviet military strategists, and there emerges from them a frightening picture of Soviet intentions.

Faced with this evidence, and the reality of Soviet actions, any reasoning person must conclude that the Soviet Union is now, and has been for some time, following a policy which does not exclude the use of nuclear force to achieve its goals. Moreover, they clearly indicated that the Soviet Union, despite its protestations, does not accept the concept of mutual assured destruction in a nuclear conflict, but rather believes that it can win a nuclear war, and that such a war could be limited.

Mr. Chairman, the United States does not share these dangerous views. As President Reagan said on October 21st: "As all Presidents have acknowledged, any use of nuclear weapons would have the most profound consequences. In a nuclear war, all mankind would lose, indeed, the awful and incalculable risks associated with any use of nuclear weapons themselves serve to deter their use."

The Soviet initiative on non-first use should be judged in light of the considerations I have just outlined. It is instructive to note that the Soviet proposal does not reject the use of nuclear weapons. We should not be misled. The establishment of peace will come about only as the result of hard bargaining and mutual agreement on concrete measures which limit the manufacture and use of arms. Empty words have no utility in achieving the results which we all seek.

Mr. Chairman, I am sure most of us in this room will appreciate that it is essential for true and effective arms control that both sides in any negotiations must know the facts and figures of where they are—in terms of military budgets and armaments—in order to know from what level to reduce or disarm.

In the United States, we publish extensive data from the Defense Secretary's report to the Congress, and report of the Chairman of the Joint Chiefs of Staff, and a multitude of other documents. We make public the endless congressional budgetary data on military equipment, voluminous testimonies in open session by our highest military and civilian leaders, professional studies by the Congressional Budget Office, General Accounting Office, etc. All these are available to the American people, to the first committee, and to the world at large.

Where, one must ask, are the similiar military documents from the Soviet Union? Where is the open material on future defense spending, on current armaments or military doctrine, on intentions and performances? There are none. Precisely the lack of such information has hobbled arms control efforts over the past thirty years.

This closed nature of the Soviet Union also seems to contribute most heavily to the Soviet penchant for sweeping but meaningless arms control and disarmament proposals designed to obfuscate the real issues, and for opposing modest but concrete measures that could be the building blocks for real progress. For example, over the past few years the Soviets have opposed resolutions calling for the establishment of a standardized reporting system for military expenditures, while the United States has supported and promoted this effort. Without a common data base no progress can be made toward coming to grips with the problem of controlling spiralling military expenditures. As I have stated, the United States has long made information on its military budget and activities in other military areas, including research and development, available to the world at large. If the Soviet Union would do the same, we would be much closer to establishing the basis for enduring agreements in the arms control field. Instead, the Soviets trot out such propagandistic proposals as their initiative for a ban on new weapons of mass destruction, a meaningless proposal

which addresses undefined and non-existent weapons and which would, in any event, be impossible to implement or verify.

Another basic philosophical difference distinguishes the approaches of the United States and the Soviet Union to these issues. The United States, along with most countries, recognizes that the complexity of modern arms and armaments requires cooperative arrangements in furnishing verifiable data on the arms being limited or controlled. The Soviet Union apparently does not share this view. Or if it does, the statements made by its representative here suggest otherwise.

To propose a dialogue on the general problem of verification, which is applicable to many types of situations, does not in any way compromise the principle that verification arrangements should be tailored to the particular agreement at hand. To say, as the Soviet representative did, that the United States is using the issue of verification to paralyze the work of the international community on arms control is to suggest that this committee and the other multilateral organs dealing with arms control and disarmament should not deal with this vital issue. We must deal with it.

All delegations in this chamber have recognized the vital role of effective verification in constructing enduring arms control agreements. This recognition was embodied in the final document of the first special session of the general assembly devoted to disarmament.

The Soviet representatives, in claiming that arms control negotiations in the 1970's have been undermined or blocked by the United States, conveniently ignores the threats to the continued viability of the biological warfare convention, as well as the Geneva Protocol of 1925, which most assuredly did not come from the United States. I was surprised that the Soviet representative even mentioned chemical weapons at all. While he stated that the Soviet Union would like to accelerate negotiations on chemical weapons, the people of Asia would like to stop the use of chemical weapons. This will be a topic for careful deliberation later in the first committee.

One wonders why the USSR is so sensitive to the investigation by the United Nations experts of reports of the use of chemical weapons. If those reports are without foundation, there is nothing to fear. If those reports are, as the Soviet representative suggested, "Irresponsible gossip," why should the Soviet Union not wish that to be firmly established? Our interest is in bringing the true facts to light, and this body, I am sure, will not ignore the urgency of this issue.

The Soviet representative's statement also ignores the USSR's rejection of the 1977 United States proposals for deep cuts in nuclear arsenals on both sides and the current United States administration's approach to strategic arms reduction.

These negotiations will take place against the background of Soviet rhetoric on these matters. Having deployed 250 of its highly mobile, MIRV'd long-range SS-20 missiles targeted at Western Europe—and continuing to deploy a new SS-20 missile at the frightening pace of more than one a week—the Soviet Union now attempts to prevent NATO from adopting the necessary counter-measures to safeguard the security of democratic states. We do hope that these negotiations succeed.

Mr. Chairman, there is a strange silence from the Soviet side about the practical work that this committee has undertaken in several fields. The studies on confidence building measures and regional arms control are two such examples. The United States has given its full support to these efforts which it hopes will lead to further consideration by governments and cooperative arrangements that will reduce tensions in various parts of the globe.

Contrary to what the Soviet representative stated, Mr. Rostow dealt concretely with the United States position on some of the important issues before this committee. He made clear our support for the continuing efforts in the committee on disarmament to advance its work on chemical weapons. He explained our views on a CTB. He stated our hope that an RW convention could soon be achieved and suggested that the Committee on Disarmament might wish to take up the question of arms control in outer space.

While the Soviets are silent on a number of important matters, they are quite busy in terms of their relentless military buildup—now and in the future. Not only is the Soviet Union moving most assertively in terms of military production—as it currently spends three times as much as the United States on strategic forces and one-third more on general purpose forces—but it is also most active in terms of military infrastructure, upon which future arms programs are to be mounted, where it spends some eighty percent more than the United States.

According to various evaluations, the Soviet military is increasing its share of highly skilled labor, even though perhaps more than half its research and development scientists and engineers are already thought to be working on military projects. Their impressive efforts, marshalling increasingly scarce rubles, signal a wish to persist in acquiring larger and more capable military forces. Such activities also propel the Soviet society and economy into additional military endeavors, thereby seeding arms-related institutions and spawning military-oriented activities that, over time, gain a momentum of their own.

Despite these facts in the world, the United States looks forward to a continuing dialogue on issues before this committee later in the session. Let us not be diverted by the charges emanating from the Soviet delegation that the United States is standing in the way of achieving progress towards arms control. In that regard, I would like to reiterate what Mr. Rostow said here last week. After referring to President Reagan's hope that the bilateral nuclear arms control negotiations, which will soon enter their more formal stage in Geneva, would contribute to the restoration of world public order, he said: "Our work here and in the Committee on Disarmament is equally important, and if conducted in a spirit of realism, can contribute greatly to that end."●

IS HOPE FOR PEACE DEAD?

Mr. PERCY. Mr. President, I wish to note for the RECORD an item from USA Today of April 11.

SELF-SERVING PLO KILLS HOPE OF PEACE

. . . King Hussein had done his best, but he cannot act alone. If moderate Arab leaders really want progress—as they say the do—they must reject Yasser Arafat's brand of self-preservation, stop bankrolling the PLO and start looking after the interests of their brothers.

Mr. President, it is extraordinarily difficult to conceive, if the headline is correct, that they have killed the hopes for peace, but I agree with the sentiments of the editorial, I cannot believe that 4.5 million Palestinians will have their hopes for a homeland—that all of the Arab world and Israel, those who have yearned for peace, will find it possible for this very small element of radical members of the PLO to kill the hopes for peace which have been looked to by all mankind, really. So I do feel that our leadership should continue to be exercised; our creativity should continue to go forward, the kind of creativity that brought forward the proposal made by President Reagan on the Jordanian option, and that we will continue to persist in working with moderate Arab States to find a formula for peace in the Middle East. I do not believe that there is cause for our despairing at this particular time.

HAPPY 95TH BIRTHDAY, LAVERN McDAVITT

Mr. PERCY. Mr. President, I would like to take this opportunity to pay tribute to an extraordinary man, Mr. Lavern McDavitt of Knoxville, Ill., who celebrated his 95th birthday earlier this year. Lavern McDavitt ran for Congress in 1951 and, although defeated, he persisted in his determination to serve his community of Knoxville. The following year he embarked on what has become a 31-year career as Knox Township Clerk. On the occasion of his 95th birthday, the Illinois House of Representatives presented him with a house resolution, offered by the distinguished Illinois Representative Clarence E. Neff my long time valued friend, congratulating and commending him for his long record of service. I feel this is a fitting tribute to a man who has given so selflessly of himself for the betterment of his community.

I ask unanimous consent to have printed in the RECORD the State of Illinois House of Representatives House Resolution No. 1330.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

HOUSE RESOLUTION No. 1330

Whereas, Lavern McDavitt of Knoxville recently celebrated his 95th birthday; and

Whereas, He was born in LaPlata, Missouri, graduated for the University of Nebraska in 1911, and after several years of church work, purchased the Virden Recorder newspaper in Sangamon County in 1916; and

Whereas, In 1918 McDavitt joined the staff of the Illinois State Register in Springfield, and later purchased the Knox County Republican newspaper in Knoxville; and

Whereas, His varied experiences include running for Congress in 1951, and operating a general store for five years; and

Whereas, This years marks McDavitt's 31st year of service as Knox Township Clerk; therefore, be it

Resolved, by the House of Representatives of the Eighty-Second General Assembly of the State of Illinois, That we commend and congratulate Lavern McDavitt on the occasion of his 95th birthday, and express our sincere appreciation for his long record of service; and be it further

Resolved, That a suitable copy of this preamble and resolution be presented to him with our best wishes for many more years of health and happiness.

AN ALTERNATIVE FEDERAL BUDGET PROPOSAL

Mr. CHAFEE. Mr. President, on April 8, 1983, four of my Republican colleagues and I unveiled an alternative Federal budget proposal. We believe that this spending plan, which increases revenues, lowers the rate of defense spending and restores money for many necessary social programs, will protect the economic recovery and provide new jobs. I ask that the summary of this budget proposal be entered into the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CHAFEE. Mr. President, the most important task before Congress is to take the budget actions necessary to assure economic recovery and jobs for Americans.

I was pleased to join with four of my colleagues (Senator HATFIELD, Senator MATHIAS, Senator STAFFORD, and Senator WEICKER) on Friday to announce our comprehensive budget alternative that would have the effect of reducing the budget deficit by 1988 to about $100 billion, or about 2.1 percent of the GNP.

The objective we seek is to redirect the Federal Budget in such a way that it is fair to all Americans while bringing down interest rates, which is the surest way to reduce unemployment.

Our budget plan will assure adequate growth for a strong defense, sensible outlays for domestic social programs, and sufficient revenue to reduce dramatically the Federal deficit over the course of the next several years. Under our proposal the administration's deficit is cut by $209 billion over the next 5 years.

Our budget assumes 5-percent real growth in military spending through 1988, an amount we feel is sufficient to provide a strong national defense. It should be noted that some among us would be prepared to support a lower rate of growth. My own feeling is that the 5-percent target should be exclusive of amounts required for military pay increases.

With regard to domestic spending, our budget assumes prudent increases over the amounts recommended by the administration for health, education, energy, other social programs, and for civilian Federal pay increases.

Getting the deficit down even to $100 billion was very difficult. It required many hours of consideration, during which we tested a number of options.

It became inescapably clear during our discussions that in order to lower the deficit we had to increase revenues. We discussed a number of ways to do that, and my colleagues will attest that it was with reluctance that this Senator particularly decided that it was necessary to repeal the third-year of the tax cut scheduled for July. One suggestion we considered was to cap the benefits of the cut at $300 or $500, in order to permit lower and middle income taxpayers to benefit from it. But there finally became no alternative but to conclude that in order to reduce deficits, and thus to sustain the recovery and create jobs, we had to repeal the third-year as well as tax bracket indexing.

I know that there is some suggestion that the effect of our proposal is to set back the President's program. My colleagues will be quick to join me in assuring that this is not our intention. Our decision on the third-year was driven by the logical observation that we simply cannot afford it. Our purpose in repealing it is identical to the President's purpose: economic recovery.

Ours is a prudent, sensible, fair and responsible budget proposal that I hope will provide the basis for a bipartisan consensus as the Senate begins its debate on the 1984 budget.

Mr. WEICKER. Mr. President, the budget alternative we five Republicans introduced April 8, 1983, was drafted with the needs and aspirations of all Americans in mind. The American people clearly want a Federal budget that is both fair and fiscally responsible, and this document meets those two tests.

It is fiscally responsible because it would shave $200 billion more from the projected Federal deficit for the next 5 years than would the President's proposals. Lower deficits will promote lower interest rates and give our economic recovery room to grow in.

The realinement in spending which this budget envisions is fair because it balances our need for a strong defense with other strategic investments we must continue to make on behalf of our people. A maximum 5-percent real growth rate for defense would more than compensate for the zero-growth years of the 1970's and have the added beneficial effect of forcing the Pentagon to craft a genuine defense policy complete with spending priorities.

Savings accruing from the lower rate of growth for defense would be redirected to a select group of discretionary programs in the areas of health care, education, child nutrition, energy conservation and the like. Under the President's proposals, the funding for these programs would shrink to an unacceptably small sliver of the Federal budget.

Finally, our alternative budget would repeal two costly and ineffective features of current tax policy—indexing and the third phase of the individual tax cuts due this July.

I might add that I believe that our proposal responds to the real concerns of our constituents. I do not hear repeated pleas for guaranteeing the third year of the tax cut or for the need to index personal income taxes. However, each and every time I visit Connecticut, I do hear about the need to lower personal interest rates and create jobs. This proposed budget responds directly to these key concerns by lowering the proposed budget deficit. Two years of cuts have failed to stimulate the economy. I believe lower deficits will.

It is my sincere belief that this alternative offers options for spending and tax policy that are worthy of the most serious consideration by our colleagues. Although it is the work of five Republicans, I believe it to be the real will of the people.

Mr. MATHIAS. Mr. President, the imperative for the American economy is growth. In order to create jobs and restore the productivity of our Nation we must resume the progress that we have sustained since World War II.

It seems clear to me that we cannot have growth or jobs while interest rates remain high. Interest rates will not decline while the Federal deficit remains at an historic level.

Therefore, I have concluded that we have no alternative to serious sacrifice to reduce the deficit.

My four Republican colleagues and I have examined all the options. The only practical course that remains is the program we recommend:

First, cancel the July tax cut;

Second, repeal indexing; and

Third, moderate the rate of growth of military expenditures.

The alternative budget we are presenting strikes an appropriate balance between military and domestic programs, while cutting down the deficit. It reflects and addresses the vital security needs of the Nation.

It is important to remember that national security does not rest on military strength alone, or even primarily on military strength. Our national security rests on the minds, talents, energies and spirit of our people.

We cannot afford to misuse these precious assets or to neglect them. If economic stagnation and unemployment destroy the hope for the future of the working men and women of America, no army in the world can save a society destabilized by despair. The foundations for real security rest

in a healthy society, in a productive economy and in an educated citizenry.

The alternative budget proposes a tough but realistic fiscal policy, a prudent investment in health, education, and research and an equitable spending program. These steps should help us to find the right road again.

Mr. HATFIELD. Mr. President, it is a distinct pleasure for me to speak on behalf of this effective symbol and product of consensus with my colleagues CHAFEE, MATHIAS, STAFFORD, and WEICKER. We are proposing a $92 billion decrease in the administration's defense budget over the next 5 years, and a redistribution of the savings to various human services and jobs-producing programs which have been cut over the last several years to fund military increases. As well, we are suggesting a decrease in Federal spending by a 5-year total of $206 billion.

Our proposal provides an alternative for those in this body who cannot in good conscience stand by while funds for human needs and rebuilding America are raided to finance the arms race. The cost of neglecting the health, education and welfare of our people is incalculable. True security is not wrapped up in military might alone, but in a strong economy and a sturdy moral and spiritual infrastructure. Misappropriating resources for machines of war at the expense of human services shows up eventually on the Federal balance sheet. Low productivity, poor trade, diseases that go uncured, and young minds that are not sufficiently challenged, are not the characteristics of a health and vibrant and secure nation.

If it were in my power to place the ceiling on defense lower than the 5-percent real growth ceiling, I would do it. The trillion five hundred billion dollars that will still be spent if this figure is adopted is still far more than a moral nation in a needy world should allow. But I am encouraged by the fact that this figure would force cuts in exotic weapons systems while still maintaining a pay increase for our service personnel. As far as I am concerned, the 5-percent ceiling is merely a starting point from which to bring about even deeper cuts in unnecessary defense expenditures. The MX missile, chemical weapons, space lasers, and other destabilizing weapons should, and hopefully will, be defeated by Congress in addition to the suggested cuts by our group. It is my sincere hope that the Appropriations Committee can help to perform this additional surgery.

Further, while I support the package of revenue measures which we have endorsed in this alternative budget, I personally favor postponement, rather than repeal, of the indexing of our tax laws. As far as low- and middle-income earners are concerned, indexing was the fairest provision enacted in the Reagan tax cut. But in the interest of closing the deficit gap we all must indicate willingness to make compromises. We as a Congress simply cannot give the President his way without challenge, and I trust that our willingness as five Republicans to form a consensus will inspire a similar desire among other Members as well as officials in the administration. None of us are happy about every single component of this, or any, proposal. For me, the most significant aspect of our effort is that it is a foundation. We hold the potential to be a united and cohesive force of reason in the Congress.

If we can hold together on the essentials of defense cuts, human services increases, revenue enhancement, and deficit reduction, we may well be able to bridge the gap between conflicting factions in Congress and get Federal spending under control.

EXHIBIT 1

FACT SHEET ON ALTERNATIVE REPUBLICAN BUDGET

DEFICIT

The alternative budget reduces the total federal deficit over 1984–88 to $610 billion, compared to the Administration projected deficit of $819 billion. The House 5-year deficit would be $713 billion. If no action is taken, the deficit would total $1152 billion over this period.

The alternative budget reduces the deficit by 1988 to 2.1 percent of GNP from the current rate of 5.5 percent. The Administration budget would reduce the deficit to 3.3 percent of GNP by 1988.

The alternative budget deficit reduces the drain on net private savings to less than 50 percent in the "out" years, compared to 90 percent if no corrective action is taken.

OUTLAYS

The alternative budget saves $93 billion in defense spending over 5 years. It adds back $56 billion of this saving to high-priority domestic programs. Therefore, it cuts outlays by $37 billion more than does the President's proposed budget.

REVENUES

The alternative budget gains a total of $337 billion in additional revenues mainly by eliminating (or "freezing") two provisions of law that have not yet taken effect: The third year of the tax cut, and bracket indexing.

The House Budget resolution calls for aggregate 5-year revenue increases of $315 billion. The Administration proposes increases of $201 billion for the same period.

The alternative budget puts in place revenue increases now in the hope of assuring financial markets that deficits will be reduced in "out" years.

SUMMARY OF ALTERNATIVE BUDGET PROPOSED BY SENATORS CHAFEE, HATFIELD, MATHIAS, STAFFORD AND WEICKER

PURPOSE

The purpose of this proposal is to apply a more equitable and balanced set of priorities to the national budget, and at the same time reduce the projected deficit. Our first objective is met by slowing the rate of defense growth below that proposed by the Administration and by reallocating these savings to a number of important "social infrastructure" and other "discretionary" programs. This budget then raises revenues to reduce the deficit below the levels projected by the Administration.

REVENUE PROPOSALS

This alternative budget raises revenues in two key ways. First, it repeals the indexing of individual taxes, now scheduled to take effect in 1985. Second, our proposal repeals the third year of the scheduled 1983 tax cut. In addition, this budget accepts several of the Administration's projected tax increases, including the taxes now included in the bipartisan Social Security legislation.

OUTLAY PROPOSALS

This alternative budget proposes a fairer set of budget priorities by substantially increasing spending for education, social services, health, energy assistance and conservation, and civilian pay. Conversely, it reduces the amounts the Administration proposes to spend on defense to a "real" growth rate of five percent. In the aggregate, this budget adds only $2.8 billion to outlays for 1984.

DEFENSE

The defense budget would allow for an increase at a "real" rate of five percent rather than at the Administration's projected rate of about ten percent. We believe that it is important that cuts in the rate of defense increases be made this year; otherwise major procurements will have progressed too far to offer any significant budget savings.

This alternative budget does not identify specific weapons systems for these cuts. Rather it assumes that specific cuts from the Administration's request can best be determined by the Department of Defense. However, this proposal assumes that the Defense Department will take these cuts in budget authority primarily from its procurement account.

EDUCATION

The proposal generally maintains "real" outlays for all education programs—1983 current services adjusted upwards for inflation in the out years. Programs in this category include Title I elementary and secondary education programs, handicapped education, and student financial assistance for higher education.

HEALTH CARE

With respect to appropriated programs, the proposal provides $600 million in addition to the President's FY 1984 request for NIH research grants for construction of health research facilities and for health planning and training activities.

SOCIAL INFRASTRUCTURE

This budget would increase funding for a number of programs that are believed to be essential to maintain a fair balance among spending priorities. They include preventive health and child nutrition programs, elderly assistance programs, community and legal services, and income support for the disabled and the poor. We strongly believe that these programs must be maintained at a 1983 current service level, adjusted upward for inflation in the out years.

CIVIL SERVICE PAY

The proposal permits one-half of the COLA to be paid as a civil service salary increase in FY 1984, four percent in FY 1985, and the full COLA salary increase each year thereafter.

PROPOSED DEFICIT

This alternative budget projects substantially lower deficits than those proposed by

the Administration and lower deficits than those projected by the budget resolution which recently passed in the House.

ALTERNATIVE BUDGET SUMMARY

[In billions of dollars]

	Fiscal year—				
	1984	1985	1986	1987	1988
A. Revenues:					
Elim. 3d year	30	33	35	38	40
Elim. indexing	0	6	17	28	40
Admin. increases	2	3	4	5	6
Social security	8	5	8	9	20
Total revenue increase	40	47	64	80	106
CBO baseline	654	718	774	827	882
Rev. in alter. budget	694	765	838	907	987
B. Total outlays (+ or − admin. request):					
Cuts; Defense	−4.3	−14.5	−23.4	−26.3	−24.8
Add-ons:					
Health	+1.1	+1.7	+2.2	+2.9	+3.7
Education	1.3	2.2	3.3	4.0	4.6
Social infrastructure	2.1	2.7	2.7	2.8	2.8
Energy	.9	1.1	1.3	1.4	1.4
Civilian pay	1.7	2.0	2.0	2.1	2.2
Total	+7.1	+9.7	+13.5	+13.2	+14.7
Net change	+2.8	−4.8	−11.9	−13.1	−10.1
CBO re-estimate	841	905	972	1,043	1,112
Alter. budget outlays	844	900	960	1,030	1,102
C. Total deficit:					
Revenues—Outlays	150	135	122	123	115
Interest savings	−1	−4	−8	−10	−12
Alter. budget deficit	149	131	114	113	103
Administration deficit	176	177	147	160	159
Net improvement over administration deficit	27	46	33	47	56

Note.—Total net improvement over administration deficit 1984–88: $209 billion.

ALTERNATIVE BUDGET PROPOSAL [1]

[Oulays, billions of dollars]

	Fiscal year—				
	1984	1985	1986	1987	1988
Defense reductions: 5 percent real growth	−4.3	−14.5	−23.4	−26.3	−24.8
Health care:					
Appropriated	0.6	0.6	0.7	0.7	0.7
Medicaid/Medicare	0.5	1.1	1.5	2.2	3.0
Education	1.3	2.2	3.3	4.0	4.6
Social infrastructure:					
Child nutrition	0.3	0.4	0.4	0.5	0.5
AFDC/SSI	0.7	1.0	1.0	1.0	1.0
WIN	0.3	0.3	0.3	0.3	0.3
Community services (CSBG)	0.4	0.4	0.4	0.4	0.4
Legal services	0.3	0.3	0.3	0.3	0.3
Older Americans program	0.1	0.3	0.3	0.3	0.3
Energy:					
LIEA	0.5	0.5	0.5	0.6	0.6
Weatherization	0.1	0.1	0.2	0.2	0.2
Conservation	0.3	0.5	0.6	0.6	0.6
Civil service pay: ½ CPI in 1984, 4 percent 1985, CPI 1986–88	1.7	2.0	2.0	2.1	2.2

[1] Detail of outlays (plus or minus administration request).

SWEDISH-AMERICAN RELATIONS

Mr. PELL. Mr. President, April 3, 1983, marked the 200th anniversary of the signing of the Treaty of Amity and Commerce between the United States and Sweden. Sweden was not only one of the first countries to recognize the newly created American Government in 1776 but also the first nation that did not participate in the Revolutionary War to extend an offer of friendship and negotiate a commercial treaty with the United States. Subsequent to the conclusion of this treaty, the United States and Sweden exchanged diplomatic representatives. I am proud to say that the first American Minister to Sweden was Jonathan Russell of Rhode Island.

Traditionally, relations between the United States and Sweden have been warm and friendly. The American and Swedish peoples are drawn together by a shared commitment to human dignity and democratic values. The strength of this commitment is well illustrated by the humanitarian work of the Swedish diplomat, Raoul Wallenberg. At the behest of the U.S. Government and with funds supplied by the American War Refugee Board, Wallenberg courageously and selflessly risked his life to save thousands of Hungarian Jews and non-Jews as well from death at the hands of the Nazis during World War II. In appreciation of his heroic and unprecedented efforts, in 1981 Congress passed a joint resolution, which I introduced in the Senate, proclaiming Raoul Wallenberg an honorary U.S. citizen. When President Reagan signed it on October 5, 1981, Wallenberg became the second person in this history of the United States to be granted honorary American citizenship, the first being Winston Churchill. The United States and Sweden have also been brought together by the development of a sizable Swedish-American community in the United States. Today, nearly 5 million Americans are of Swedish ancestry including many in my own State of Rhode Island.

I must add that a very real reason for the present excellent state of Swedish-American relations is directly attributable to the ability and success of Sweden's Ambassador to the United States. Wilhelm Wachtmeister. He and his lovely wife have done and are doing a truly magnificent job representing their country. Last month in commemoration of the 200th anniversary of United States-Swedish relations, Congress passed S.J. Res. 64, which I cosponsored, designating April 4, 1983, as "Swedish-American Friendship Day." A copy of this resolution will be presented today to Mr. Ingemund Bengtsson, Speaker of the Swedish Parliament, who is here to join us in celebrating this important anniversary. It is a pleasure and an honor to have Speaker Bengtsson with us for this memorable occasion.

ALLEGED COVERT ACTION BEING CONDUCTED IN CENTRAL AMERICA

Mr. GOLDWATER. Mr. President, over the past several weeks the media has been filled with stories regarding alleged U.S covert action in Central America. It has been said that the United States is supporting an effort to overthrow the Sandinista's Marxist-inspired military dictatorship in Nicaragua.

High administration officials, Members of Congress, and others have apparently been talking freely about these matters. The New York Times even published what it claims is a top secret National Security Council document relating to these allegations. Now, this is deplorable, Mr. President, that what would appear to be the Nation's secrets are so little regarded and so poorly protected that they daily become grist for the media mill.

In the past, I have often spoken in these Chambers on the issue of leaks and proper security. We all know too well that, "It is the ship of state which leaks at the top." Nonetheless, as chairman of the Senate Select Committee on Intelligence, I feel a responsibility to remind my colleagues of their obligation to protect the legitimate secrets of this Nation regardless of the apparent importance of an issue or the heat of debate. The unauthorized disclosure of classified information may give one or the other of us a short-term advantage in debates of this sort, but the long-term beneficiaries of this practice are usually the enemies of the United States. I believe there can be free debate without a free-for-all, and I urge my colleagues to use restraint when discussing alleged covert action activities in public.

CRISIS OF CONFIDENCE

Last week, one of my colleagues on the Senate Select Committee on Intelligence stated publicly that there was a crisis of confidence between our committee and the intelligence community. He went on to say that this crisis had come about over reporting on alleged covert action activities directed against the Sandinista government in Nicaragua, and he suggested that we had not been kept fully informed on these matters.

Mr. President, I want to make it perfectly clear that I believe we have been kept fully and currently informed with respect to all intelligence activities currently being conducted in Central America. We have had more hearings and briefings on this part of the world over the past 2 years than on any other single subject. As our distinguished vice chairman, Senator MOYNIHAN pointed out last week, we have spent a full 25 percent of our time on these matters. Members of the committee and committee staff have traveled in Central America at my request, our questions have been answered and our concerns have been heard.

Mr. President, this talk of a crisis of confidence is a throwback to the rhetoric of the 1970's when the Church and Pike committees were crawling into the headlines on the backs of the intelligence community. I see no need and no value to digging up all this old

rhetoric. I think that we can make a lot more sense out of what is going on in Central America if we leave these old ghosts in the closet where they belong.

VIOLATION OF THE LAW?

Another member of the Senate Intelligence Committee has wondered aloud whether alleged covert action activities directed against Nicaragua violate the law. Now, I do not think that anyone questions the President's legal authority to conduct covert action. Under the provisions of title 22, United States Code, section 2422, Presidential findings constitute both the legal authority and the policy framework for covert action programs. These programs are routinely briefed to the House and Senate Intelligence Committees which, in turn, report authorization legislation to fund them. Occasionally, covert action proposals are not authorized by the Congress, and funds are withheld accordingly.

What is really at issue here is whether the U.S. Government is doing anything in Central America which would violate the so-called Boland amendment. This amendment, which was passed last December by a vote of 411 0 in the House of Representatives, states:

SEC. 794. None of the funds provided in this Act may be used by the Central Intelligence Agency or the Department of Defense to furnish military equipment, military training or advice, or other support for military activities, to any group or individual, not part of a country's armes forces, for the purpose of overthrowing the Government of Nicaragua or provoking a military exchange between Nicaragua and Honduras.

Mr. President, I am constrained from discussing this matter in any useful detail in an open forum of the U.S. Senate. Nonetheless, the Senate Intelligence Committee has met in full committee session several times since the Boland amendment became law specifically to address the question of whether it was being observed. Transcripts of these sessions are available to all Members of the Senate under the provisions of Senate Resolution 400. In fact, a great deal of material on this subject is available to Members who are interested in seeing it.

I believe that most Members of the Senate will be satisfied that the intelligence community is living up to its obligations under the law. The Secretary of State and our Ambassador to the United Nations have said, "The United States Government is not breaking the law, and the United States Government would not break the law." I concur with this point of view in the context of alleged covert action directed against the Marxist regime in Nicaragua.

MARXIST MILITARY MIGHT

It seems to me that the crux of this debate involves whether or not the U.S. Government is trying to overthrow the Marxist military regime in Managua, Nicaragua. Most of my colleagues will remember that when the Sandinista forces took control in Nicaragua in 1979, they enjoyed the support of almost all political groups on their country. They had a force of over 15,000 well-armed and trained guerillas. Both the Carter administration and Castro's Cuba supported the ouster of President Somoza, who eventually fled with his palace guard to an estate in Florda. Later, he was murdered by a Sandinista death squad in Paraguay.

Since 1979, the Marxist Sandinista government in Nicaragua has developed the largest military force in Central America. They have improved a dozen of their existing bases, and have constructed almost 40 new military bases. They have built up a regular military force of over 20,000 troops, with reserves of over 20,000 and a militia of almost 30,000. With this force, the Nicaraguans can field over 90 infantry battalions of varied combat efficiency.

Obviously, Cuba has played an important role in the success of Nicaragua's militarization program. Their military forces are patterned after Cuba's, and thousands of Cubans serve in a variety of roles in Nicaragua. Substantial amounts of Soviet military supplies flow into Nicaragua every day by way of Cuba.

Now, Mr. President, do any of my colleagues seriously believe that this Marxist military machine is going to be brought to its knees by several thousand Nicaraguan and Moskito Indian freedom-fighters? I believe that the Soviet-supported Sandinista government is fully capable of defending itself from anti-Sandinista insurgents operating out of the territory of any of its neighbors. Furthermore, Nicaragua is capable of launching strikes against El Salvador, Honduras and Costa Rica. After all, El Salvador is in the throes of a Nicaraguan-supported insurgency, Costa Rica maintains no standing Army at all and Honduras is left pretty much alone against the largest military force in Central America.

Mr. President, I will not labor the point. Winston Churchill once said, "You cannot argue against arithmetic." The arithmetic in Central America simply does not support the thesis that a relatively small band of anti-Sandinistas is going to overthrow the Sandinista regime in Nicaragua. Unfortunately, Mr. President, the odds all seem to favor Nicaragua's Marxist military machine doing all the overthrowing, now and into the future. So let us not be deceived into worrying about whether there is any purpose or intention to overthrow the Marxist government in Nicaragua when there is no apparent capability to do so.

POWER OF THE PURSE

Mr. President, I have been out of Washington for almost 2 weeks now. On my return, it seems that the dam has burst with regard to concern about U.S. policy and programs in Central America. We have a real old-fashioned cat fight here. Secrets are spilling out into the public domain, we have talk about a crisis of confidence, charges are made that the U.S. Government is breaking the law, and there is talk of overthrowing the most powerful military machine in Central America. On the House side, there is apparently serious discussion of introducing legislation which would give the Congress the power to veto covert action programs proposed by the President of the United States.

Now, I am not a lawyer and maybe I am missing something here, but I always thought that the Founding Fathers gave the Congress substantial powers over Executive action through what has come to be known as the power of the purse. Are my colleagues suggesting that, somehow, the Carter and Reagan administrations have been implementing a policy and running a program that has not been authorized by and paid for by the Congress? If this is the case, Mr. President, then we really have a problem here. But, I believe this is not the case. Again, we cannot review all of this in public session. But, I would like my colleagues to show me what the Carter and Reagan administrations have been doing that we, the Congress, have not paid for. In short, Mr. President, we already have the mechanisms and the power to shut off any programs which we deem to be contrary to the best interest of the United States.

SHOOT THE MESSENGER

In many cultures of the world, including our own, there is a tendency to blame the bearer of bad news. While this is perfectly understandable it is, nonetheless, unfair to shoot the messenger just because he carries an unpopular message.

It is my experience, Mr. President, that the conduct of covert action carries with it the same risks as carrying bad news. If the action is successful, only a very few people are aware of the success. After all, covert action must by definition remain secret. When covert action becomes public, by contrast, it automatically fails to serve its intended purpose and everyone involved tends to step away from the agents of the action. It does not matter that the National Security Council makes a recommendation to the President, who then signs a finding. It does not matter that the State Department provides policy support for the action, or that the Congress provides the funds. All that matters is that the intelligence community, which is almost always called upon to

implement covert action, is left holding the bag.

Mr. President, this is just damn unfair and this kind of cowardice makes me mad as hell. Here we all are pointing our fingers at the instrument of policy rather than debating the policy itself. Let us not shoot the messenger. Let us not cut off the so-called invisible hand. This approach will not solve this problem or any problem like it that we may have in the future. It is essential that we face up to our own responsibilities in these matters—to our own involvement—and not run out of the kitchen just when it is beginning to get hot.

CONGRESSIONAL COURAGE

When the Senate Select Committee was established in the spring of 1976, it was given the mission of overseeing the intelligence community. As well, the committee was given the responsibility of keeping the Senate informed on intelligence activities. This is why Senate Resolution 400, which established the committee, required that we have two crossover members from the Foreign Relations, Armed Services, Appropriations, and Judiciary Committees. This is also why section 8.(c)(2) of Senate Resolution 400 states:

The Select Committee may, under such regulations as the Committee shall prescribe to protect the confidentiality of such information, make any information described in paragraph (1) available to any other Committee or any other Member of the Senate. Whenever the Select Committee makes such information available, the Committee shall keep a written record showing, in the case of any particular information, which Committee or which Members of the Senate received such information. No Member of the Senate who, and no Committee which, receives any information under this subsection, shall disclose such information except in closed session of the Senate.

Mr. President, I am proud of the job that our committee has done over the past 7 years. I will defend our record of performance with anyone who wants to argue with me. But the simple fact is that no committee can pursue issues which not raised. One week ago, two members of our committee went on the floor of the Senate to say that documentary materials relating to alleged covert action programs in Central America were available in the committee offices. To date, not one Member of this body has asked to see these materials. At the same time, a good many Members of Congress are taking it upon themselves to speak publicly on this issue. How do they know what they are talking about?

I think it is time that the Congress stopped trying to make political brownie points with the media and got down to the important business of being a deliberative body. If we do not like what the press says is going on in Central America, then let us get to the facts of the matter and act. If funds are being spent for actions which we do not support, then let us cut the funds. We are not in the midst of the budget process, and no time could be better for exercising the power of the purse.

In closing, Mr. President, I would like to say that I have been a Member of the U.S. Senate since 1952—almost 30 years ago. During that time, I have seen this body make a lot of difficult decisions. I have also seen the Senate make a lot of bad choices. It seems to me that many of the worst choices were made in the absence of facts when the rhetoric was hottest, and good common sense was driven from this Chamber by clouds of partisanship and bias. I am concerned that we might now be headed in this direction. There can be no question that a great deal of what is going on in Central America today will have a profound effect on our future as a nation and on the lives of our children. It is my sincere hope that we have the courage to face up to this challenge and meet it head on, and not be lost in the distracting partisan rhetoric of the last few weeks.

RECOGNITION OF THE NARRAGANSETT TRIBE

Mr. PELL. Mr. President, I am proud to inform my colleagues that the Federal Government officially recognized the Narragansett Indian Tribe of Rhode Island earlier this week. Official recognition of the Narragansetts is the culmination of a decade's long struggle to undo the governmental abolition of this tribe over 100 years ago.

The Narragansetts are a people rich in culture and tradition, predating by centuries the founding of the State of Rhode Island and Providence Plantations by Roger Williams. The tribe took a giant step toward regaining its historic stature in Rhode Island 5 years ago through congressional passage of the Narragansett Indian Land Claim Settlement Act. This landmark legislation, which I had the pleasure of sponsoring in the Senate, was the first settlement of an Indian land claim by a consensus among the tribe, landowners, and local government officials. The legislation granted the Narragansetts, under a trust arrangement, several thousand acres of their ancient tribal lands. Despite this major step, the Narragansetts still did not have the official recognition of the Department of the Interior, an omission which has now been remedied thanks to the diligence and persistence of tribal leaders and historians.

I would like to share with my colleagues an article portraying the Narragansetts' struggle for Federal recognition. This article entitled "Tribal Status Finally Within Reach of Rhode Island's 2,000 Narragansetts," by Greg Krupa and John Fitzgerald, appeared in the Providence Journal of April 11, 1983.

Mr. President, I ask unanimous consent that the text of the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Providence Journal, Apr. 11, 1983]

TRIBAL STATUS FINALLY WITHIN REACH OF RHODE ISLAND'S 2,000 NARRAGANSETTS

(By Gregg Krupa and John Fitzgerald)

CHARLESTOWN.—The native Americans who have lived in and around this town since long before Dutch explorers first sailed off the coast, and who, until the late 17th Century, inhabited the area from Naragansett Bay west into Connecticut, have always believed they are members of a tribe.

More than a century after the General Assembly "detribalized" them and after decades of struggle to retain their heritage, the United States again will recognize the authority of the Narragansett tribe to govern themselves.

Today is the 60th day that a decision by the federal government to give tribal status to the area's 2,000 Narragansetts has been advertised in the Federal Register. Barring objection by U.S. Interior Secretary James G. Watt, an action no one in the Indian Affairs division of the Department of the Interior anticipated last week, the Narragansetts' long struggle to erase an 103-year-old mistake will end.

With the assistance of the Bureau of Indian Affairs, they will become eligible for a host of federal programs aimed at enhancing the quality their lives. For a people existing near the poverty line, only 25 percent of whom own housing, programs for health, education, housing and job training will be available. The list of such programs occupies 340 pages of a federal government publication entitled "Federal Programs of Assistance to American Indians."

But for Lloyd Wilcox and other members of the Narragansett Tribal Council, this day passes with a mixture of emotions.

"In 1880, the powers that be, with a flourish of their pens, proclaimed that the tribe no longer existed," said Wilcox, tribal medicine man who is also known by his Indian name, Running Wolf. "But we never agreed with it, or felt that we'd stopped being a tribe. We never stopped electing chiefs or coordinating our affairs.

"I don't see anyone else in this land that has had to go through that kind of recognition process to give them their rights."

Hundreds of years before Roger Williams settled in Providence in 1636, the Narragansett were here. Over the years their authority as a tribe became recognized by the state.

By the 19th Century, some 3,000 acres was all that remained of their tribal lands in Washington County. The land was coveted, marriage to non-Indians, black and white, became an issue, and the State Assembly noted that few full-blooded Indians remained.

In 1880, the Assembly adopted a law abolishing the tribal authority and links with the state that provided for their ownership of land. The Narragansetts became citizens. Only two acres of land near the Narragansett Tribal Church remained theirs.

"There were those who began to work immediately to preserve these things," Wilcox said, sitting in the basement of the Narragansett Indian Longhouse last week with other members of the Tribal Council and Chief Sachem George Watson, "Red Fox."

"It was a terrible mistake. The error of judgment was on the part of the white man," Wilcox said, "There are people at this table whose families have never moved more than 10 miles from this place."

In the early 1970's, Ella Thomas-Sekatau, tribal coordinator, and other Narragansetts began researching their heritage, trying to piece together the manifestations of nation. Upon that evidence they based their claim for the return of their land and for recognition as a tribe.

In 1979, they carted 15 volumes of tribal history, standing chest high to a grown man, to the Department of the Interior.

"They just scratch the surface of the Narragansetts' history," Mrs. Sekatau said.

According to Interior spokesmen, documents from the "detribalization" of 1880 were the "primary source" that traced a link between today's residents of Charlestown and their tribal ancestors. In 1880, the state collected an extensive list of Narragansett landholders so that they could be paid $15.43 each for their property.

"Essentially all of the Narragansetts now living in the area are able to trace to at least one member documented on the detribalization rolls," Interior historian Quinn said.

Within weeks, staff members of the Bureau of Indian Affairs will travel here to decide which of the Narragansetts are eligible for federal programs. Timothy C. Woodcock, a consultant for the Senate Select Committee on Indian Affairs, said the amount of financing and other assistance coming to the tribe will depend on the availability of financing, but that there is little doubt that the quality of life will improve.

"What the Narragansett are doing," Wilcox said, "is trying to bring the tribe to the point where we can enjoy the benefits of the 20th Century, without relinquishing our history or traditions."

"We put the system to the wall, and it did groan. But it did work," he said. "I'm encouraged.

"I don't think any of us would be sitting here if we didn't think this was a great moment."

"And," Mrs. Sekatau said, "we speak for our grandfathers and great-grandfathers, from whom the reservation land was taken."

A REMARKABLE WOMAN

Mr. PELL. Mr. President, I would like to call your attention to a remarkably dedicated woman who has been an outstanding example of a citizen committed to the democratic process.

Mrs. Margaret Hazard, from North Kingstown, R.I., has been involved with the Democratic Party for over 43 years. She started in 1948 when she was a delegate to the National Democratic Convention in Philadelphia and has been a delegate to each one ever since. I expect to be with her at the 1984 Democratic Convention.

I bring this up because we are seeing a lot of dissatisfaction and disinterest in Government due to the frustration of many citizens. There are many who do not even bother to register to vote. Mrs. Hazard should stand as an example to these people.

She will be celebrating her 100th birthday on April 29 and, during these 100 years, she has seen this country evolve and has always been a loyal, hard-working, and patriotic citizen. Any person who has lived through the Great Depression and two world wars and maintains her strong commitment to the democratic process the way Margaret Hazard has deserves the recognition of her fellow Americans.

All who have had the privilege to know this remarkable woman can speak of her with great pride. The community in which she lives will be celebrating her birthday, along with her fellow Democrats, her son, and all others she holds dear. It is an honor to be able to salute Mrs. Hazard on this very special occasion and to give her a special show of thanks and appreciation for her excellent work and outstanding dedication to the national and Rhode Island Democratic Party.

TO SEEK A NEWER WORLD

Mr. PELL. Mr. President, I wish to bring to the attention of my colleagues a thought-provoking piece written by my good friend, Stephen B. Roman, an outstanding Canadian industrialist.

Stephen is a product of two worlds, European and American. He was born in the Slovak part of Czechoslovakia, an area I know well from my days as a consular officer in its capital city, Bratislava, where I served in the late 1940's. When Stephen was 16, he emigrated to Canada, where he has lived for over four decades, while developing a record of extraordinary accomplishment in the world of business.

But Stephen has also been active in a wide variety of other activities, in which he has displayed a great humanitarianism. One such interest has been his dedication to the peaceful resolution of international conflict. It was on that subject that he wrote, for last month's Slovak World Congress, a statement entitled "To Seek a Newer World," which I ask unanimous consent be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

TO SEEK A NEWER WORLD: A STRATEGY FOR FREEDOM AND PEACE

Over the course of time many species of creatures have become extinct, either through an inability to adopt to a changing environment or as the result of predators. In all instances, the factors leading to the destruction of a species were beyond its power to control. Mankind, however, is unique in that he has developed the capacity for self-extinction. The technological virtuosity displayed by science, while a triumph of creative genius, has fashioned an awesome spectre that hovers like the sword of Damocles over this shuddering world. The East and the West resemble nothing so much as the two scorpions in a bottle in which neither can survive should hostilities occur.

Given this situation, is it not time to "seize history by the lapels," to act decisively to rid the world of this looming shadow of self-destruction? What can be done to avoid this lemming-like rush of the nations towards the abyss? To answer these questions, we should examine the evolution of this tragic scenario to determine where rationality has gone.

THE ROOTS

On August 14, 1941, President Roosevelt of the United States and Prime Minister Churchill of Great Britain proclaimed the Atlantic Charter in which they envisaged a post war world in which "all the men in all the lands may live out their lives in freedom from fear and want", and expressed in the first three articles of this Charter the principles on which such a world must be based, as well as their commitment to these principles.

First: "Their countries (the subscribers of the Charter) seek no aggrandizement, territorial or other.

Second: They desire to see no territorial changes that do not accord with the fully expressed wishes of the peoples concerned.

Third: They respect the rights of all peoples to choose the form of government under which they will live; and they wish to see sovereign rights and self-government restored to those who have been forcibly deprived of them."

When Stalin signed this Charter he committed the Soviet Union to abide by it.

These principles, embodied in the Charter of the United Nations, have become an international commitment on the part of all members of the United Nations. However, the signatories of the Atlantic Charter violated their commitment in Yalta and afterwards by basing their foreign policy, not on the right of self-determination of all nations, but on the principle of spheres of interest. This pattern of regional hegemony has brought the world to the slope of disaster.

As a consequence of the spheres of interest policy, the nations of Central and Eastern Europe were forced into the Soviet sphere. The West perceived this territory as a potential corridor of aggression against Western Europe. To counter this possibility, it established NATO. The East claimed this area to be a buffer zone against Western imperialism and established its antidote to NATO, the Warsaw Pact. Thus, two military blocs have been established that have created a multiple of overkill for the entire world. Does it not seem ironic that the nations that were allies in defeating fascism should now be such bitter adversaries?

At this point in history, it would be futile to argue who is to be blamed. That approach would not change anything! What seems to be vitally important is to see that, but for the concept of spheres of interest or to be more precise, the violation of the international commitment to respect the right of self-determination, neither NATO nor the Warsaw Pact would have been established and consequently mankind would not face the mortal danger that is posed by the confrontation of these two military blocs.

"Self-determination" is such a simple phrase, yet, if truly followed, and not just paid lip-service, its ramifications are profound. Indeed, it is the lever by which to lift

the world out of its approaching date with doom. Self-determination is reciprocal in its effect. By leaving others alone, you are left alone. If all nations practised this policy, weaponry would only be needed to ensure internal order. There would be no need, therefore, for nuclear deterrence because there would be no external threat to counter.

THE AVENUE OF FREEDOM AND PEACE

The restoration of the principles and the Atlantic Charter should begin in this way. Both the East and the West would declare that they will not interfere in the internal affairs of the Central and Eastern European nations, once they have determined the forms of their socio-economic systems in open, democratic elections.

The East and the West would declare that, after such elections, they will dismantle NATO and the Warsaw Pact and start massive disarmament. An agreement on extended trade would follow as a natural consequence of these measures.

In this way the root of the problem would be eliminated and replaced by the concept of freedom and peace as a mutual goal and a common strategy. A strategy for freedom and peace must by its very nature become a common strategy. Even a peace movement, as long as it is unilateral, increases the danger of war in that it changes the power relationship and invites and induces military action. To try to solve anything by tinkering with the consequences and leaving the cause untouched may create illusions that will only enhance the danger.

IS A COMMON STRATEGY FOR FREEDOM AND PEACE REALISTIC

Politics has been defined as the art of the possible. This strategy can work! It is not some rarefied scheme of utopian social engineering that would require a thaumaturgist, a worker in wonders or miracles. It is a common sense formula that is so beautiful in its simplicity.

The danger of war would be eliminated and life under conditions of peace would flourish. The massive disarmament that is implicit in this strategy would immediately bring a boon to all nations. Let us imagine the expenditures on armaments reduced by one-half! What tremendous wealth would then be free to serve real human needs.

This strategy would bring an end to the mutual accusation that fills the media. If one of the blocs should refuse to pay tribute to the commitment that it accepted in the Atlantic or United Nations Charters, it would admit to its own population and to the world at large that it is opposed to freedom and peace. How long could such a policy prevail?

This formula does not imply that all differences between the East and the West have to be resolved first. It does not assume that our troubled world would immediately turn into a world of harmony. A worldwide consensus is to be achieved only so far as those issues are concerned that are pregnant with the possibility of military confrontation. Once the first step in this new direction has been taken, and the roots of the basic conflict of our time have been severed, we would then be able to cope with the metastasis or transformation of this world. The deadly cancer threatening life on this planet would then be eliminated.

THE IRRECONCILABLE DIFFERENCES THAT WILL REMAIN

There are irreconcilable differences between Western civilization and its world view and the Marxist world view and systems which are based on Marxism. Even if we believe that Marx foresaw the eventual - 'withering away of the state" followed by a classless society full of fraternal good-will, the reality is a monstrous, officially atheistic state that has no soul and that regards people as dispensable. The strategy of freedom and peace does not assume any form of ideological compromise with a state that denies the existence of a Supreme Being. However, ideological conflict should be dealt with on an intellectual plane.

Differences in world view, however, do not always lead to conflict, just as similar outlooks do not always prevent it. World War I was waged between nations that accepted the same world view, but had conflicting economic interest. The United States and the Soviet Union with all their differences became allies to defeat fascism and Nazism.

While détente exists to some degree between the United States and the Soviet Union, the Soviet Union and China, two communist nations, find themselves incompatible.

The present conflict emerged not because of the deep philosophical differences between the East and the West but, ironically, because in the realm of foreign policy, both have accepted the outdated, discredited and inhuman philosophy of spheres of interest. In abandoning the concept of self-determination, the West has violated one of the basic tenets of its civilization. If the Judeo-Christian philosophy of man, with its firm belief in human dignity, freedom and responsibility, was to be projected in foreign policy, it would ensure the self-determination of nations.

The Judeo-Christian tradition rightly considers man as the crown of God's creation. Governments, therefore, should secure the inalienable rights of man to life, liberty and the pursuit of happiness rather than usurping this birthright as totalitarian regimes do. While we wholeheartedly identify ourselves with Western civilization, we feel disturbed to see that the principles of human dignity, freedom and responsibility, are far from being fully projected and applied in our socioeconomic theories.

CONCLUSION

It must be remembered that the faults of nations are the compounded faults of men. Our sons are still the sons of men with a capacity for both good and evil in varying degrees. When a disordered personality gains control of the state apparatus as in Russia in 1917 or Germany in the 1930's, the entire body politic is infected and the consequences are terrible. This could happen again and, if the particular nation has a nuclear arsenal, the world is placed in grave danger.

Now is the time for the superpowers to rededicate themselves to the principles they have hitherto endorsed. The self-perpetuating menace of a spiralling arms race must be stopped or this generation could very well be living in the last syllable of recorded time.

The words of the poet Tennyson can give encouragement to us all.

"It is not too late to seek a newer world."

EUROPEAN SPACE WEAPONS CONFERENCE

Mr. PRESSLER. Mr. President, I ask unanimous consent that the April 11, 1983, New York Times article entitled, "Warning: Danger in Space," by Flora Lewis be printed in the RECORD following my remarks.

This article underscores a point I have been making for almost 2 years—that the age of space weapons is already upon us and little time remains to prevent a costly and dangerous space weapons race through negotiations.

As the article points out, Senate Resolution 43, which I introduced with several cosponsors on February 2, 1983, provides an opportunity to encourage movement toward such negotiations. I urge Senators who share our concern on this issue to join as cosponsors of Senate Resolution 43.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 11, 1983]

WARNING: DANGER IN SPACE

(By Flora Lewis)

LONDON, April 10.—A small group of people, including some top experts on space war, just finished a conference near here on the military use of space.

Their chilling conclusion was that the military space age has already arrived and it can't be revoked. The questions remaining are whether there will be weapons in space and war in space. Even more chilling is the fact that they don't agree whether the possibility is good or bad for the United States.

There is, the experts said, remarkably little time left to make policy decisions that will lead America toward the "new high ground," as advocates call space in the military sense of seeking dominance, or away from it toward arms control.

The little-noticed establishment of an Air Force Space Command last year was more important that President Reagan's recent call to seek an antimissile weapon in space. It created an organizational base for those who want to challenge the Russians out yonder because they think there is a chance of breaking out of military balance to decisive superiority.

They argue, as Fred Iklé, Undersecretary of Defense, has put it, that this would move war "out there where the people aren't." They speak in terms of a more secure defense, but it is clear they think this would also reduce inhibitions on forceful pursuit of American interest on earth.

They don't discuss what wars are about or what they are supposed to solve. They seem to take it for granted that competition with the Russians is bound to bring conflict somewhere, so they suggest space not only because it's distant but because they believe the U.S. can permanently hold the lead.

Richard L. Garwin, who helped build the H-bomb and has worked for 32 years on exotic weapons and defense developments, warned a Senate committee against these beliefs last fall. "Space wars are not an alternative to war on earth," he said. "In my view, they are a prelude to war on earth." And he added that "we are on the verge of war in space" because of weapons the Soviet Union has tested and better ones the U.S. is preparing.

It is true that the space-based laser or electronic beam Mr. Reagan had in mind to shoot down earth-based nuclear missiles is 20 or 30 years away, if it ever proves feasible. But the risk of space war is no longer science fiction because of the development

of antisatellite weapons, ASAT's in the jargon.

Studies of defense against missiles and attacks on satellites are conducted separately, but the link is inescapable. An antimissile space ray would have to be stationed on a satellite, and it would only be as secure as that satellite's invulnerability to ASAT's, including the minuscule "space mines" that Mr. Garwin's fertile brain has envisaged in quite practical terms.

Work on ASAT's is forging ahead now in both the U.S.S.R. and the U.S. Space is already militarized, not with weapons yet, but with surveillance, communications and guidance systems that warn of a potential enemy's activity in peace and direct earthly weapons to precise targets in war.

"Sweeping the skies," as military planners call destruction or incapacitation of these satellites, would give the side that managed it such an advantage that the other side would probably consider it the first step to war and might well retaliate on earth. The U.S. is well ahead of the Russians in these satellite systems. That's a plus so long as they function, but also a weakness because the U.S. relies on them and could be struck dumb and blind if they were ruined.

Many kinds of countermeasures are possible, but it will also be possible to leapfrog them with new offensive devices. The story of MIRV's, the multiple-missile warheads that were supposed to put the U.S. far in the lead in the 1960's but spurred Soviet programs endangering the U.S. Minutemen now, is regularly cited by those experts who are convinced there isn't any kind of scientific wizardry to assure long-term U.S. superiority. On the contrary, the lesson of MIRV's is that another cycle in the arms race only assures soaring costs and greater risk of war.

Does that mean President Reagan's glint-in-the-eye vision of a defense against nuclear weapons must be totally rejected? Not necessarily. The history of weaponry is a swing between preponderance for defensive and offensive arms. But it does mean the effort must not be allowed to be a race and that the need for negotiated agreements is more urgent than ever.

The Russians proposed a treaty to ban certain kinds of ASAT's in 1981 after preliminary Soviet-American negotiations broke down because of the invasion of Afghanistan. None of the American experts find the draft acceptable as is, but those who wisely fear space war urge a counterproposal now.

A Senate bipartisan resolution asks the President to start talks again for "a verifiable ban on antisatellite weapons as a first step toward prohibiting all space-based and space-directed weapons." Anyone who realizes that war in the sky is far nearer than pie in the sky should urge the Senate to pass pending Resolution 43.

SENATOR JESSE HELMS

Mr. THURMOND. Mr. President, I have noticed that some recent articles in the press have been highly critical of the distinguished senior Senator from North Carolina, JESSE HELMS.

I, for one, feel that this criticism of our Senate colleague is unwarranted. He is one of the most dedicated and capable legislators to have served in this body, as well as a fine patriot. All of us who have worked with him know that he is a man who is not deterred from taking a stand in support of his beliefs and principles, even though his stance may be highly controversial and politically damaging.

Critics of Senator HELMS disagree with his philosophy and decry his tactics, but no doubt many of his detractors envy his mastery over Senate rules and procedure. No one can question, however, his integrity and courage in representing the people of North Carolina here in this Chamber. While I do not agree with every legislative position the senior Senator from North Carolina may take or with the tactics he may pursue in certain situations, I view Senator HELMS as extremely sincere and I hold him in high esteem.

Mr. President, I recently came across an editorial in the Augusta Chronicle newspaper of Augusta, Ga., which expressed approval of Senator HELMS' service in the Senate. I found the tone of the editorial refreshing and worthy of review by my colleagues and other readers of the CONGRESSIONAL RECORD. Accordingly, I ask unanimous consent that this editorial be included in the RECORD at the conclusion of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DEMO MEAN STREAK

A March 12 "Southern Democrat" Atlanta dinner, a fund-raiser to defeat—horrors!—North Carolina GOP Sen. Jesse Helms, was a real blowout.

A "who's who" of Southern Democrats—including such luminaries as North Carolina Gov. Jim Hunt (who wants to run for Helms' seat in 1984), Georgians Bert Lance and Hamilton Jordan and South Carolina Gov. Dick Riley, among others, fell all over themselves to, as Hunt said, "strike a blow (against Helms) that will be felt across this nation."

Opines Hunt: "The South wants to see its senators as people who believe in progress."

Believe in progress? Let's analyze this nice-sounding phrase.

Why isn't Sen. Jesse Helms, a courteous, Christian man who takes pride in a near-perfect Senate attendance, "progressive"? Is it because he is somehow too right-of-center politically, even though North Carolinians elected him to his seat in 1972 and re-elected him in 1978? Is it because he filibusters quite a bit—just like a lot of Southern Democrats used to do, and occasionally still do? Is it because he's an uncompromising champion of such "non-progressive" bills like the one permitting voluntary prayer in schools?

Hunt and some of the other pious party leaders never do really explain why Helms is such an "embarrassment." But we have a hunch why those Atlanta folks, presided over by dinner chairman Anne Cox Chambers of Atlanta, seem to hate the man.

Like him or dislike him, he—unlike them—takes strong stands that are, well, "controversial." That is not "progress" in their eyes.

Excuse us, but if taking a strong stand is supposed to be so "unpopular" and "unprogressive," why are some of these Democrats so worried about Helms getting re-elected? And why would most of these non-North Carolinians want to meddle in that state's political arena?

Jesse Helms, granted, is not a "bring home the bacon" pork-barrel politician like most of the Democrats at the Atlanta dinner. His main function is not to be just a simple federal procurement agent who is supposed to bring back chunks of the federal treasury to throw all around his state. Nor does the U.S. Constitution stipulate that a U.S. senator be such a procurement agent, like Hunt apparently styles himself to be. Because Helms has a record of trying to cut wasteful spending, and trying to give more federal responsibilities back to states, he is the target of the Hunt pack of baying hounds.

One more point. You would think Mr. Hunt is broad-minded enough to subscribe to the thoroughly American credo that there should be a free and open exchange of all ideas and opinions.

Are Hunt and his Atlanta dinner friends so intolerant of certain points of view that they believe they should be censored at all costs?

There's a streak of meanness and intolerance in the campaign to "get" Helms that has no place in American politics—and that should be disturbing to all regardless of party labels or ideology.

ROUTINE MORNING BUSINESS

(During the day routine business was transacted and additional statements were submitted as follows:)

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

1984 BUDGET OF THE DISTRICT OF COLUMBIA—MESSAGE FROM THE PRESIDENT—PM 37

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Governmental Affairs:

To The Congress of the United States:

In accordance with the District of Columbia Self-Government and Governmental Reorganization Act, I am transmitting the 1984 Budget of the District of Columbia.

I am informed that the proposals for Federal payments to the District of Columbia reflected in this document are consistent with those shown in the

1984 Budget of the United States submitted to the Congress on January 31, 1983.

RONALD REAGAN.

THE WHITE HOUSE, *April 12, 1983.*

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 11:07 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1900. An act to assure the solvency of the Social Security Trust Funds, to reform the medicare reimbursement of hospitals, to extend the Federal supplemental compensation program, and for other purposes.

The enrolled bill was subsequently signed by the Vice President.

At 2:12 p.m., a message from the House of Representatives, delivered by Mr. Berry, announced that the House has agreed to the following concurrent resolution:

H. Res. 157. A resolution relative to the death of the Honorable Phillip Burton, a Representative from the State of California.

At 3:29 p.m., a message from the House of Representatives, delivered by Mr. Gregory, one of its reading clerks, announced that the House insists upon its amendments to the bill (S. 273) to amend section 8(a)(1) of the Small Business Act, disagreed to by the Senate; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. MITCHELL, Mr. SMITH of Iowa, Mr. ADDABBO, Mr. LAFALCE, Mr. WYDEN, Mr. ECKART, Mr. SAVAGE, Mr. LUKEN, Mr. MCDADE, Mr. CONTE, Mr. BROOMFIELD, and Mr. WILLIAMS of Ohio as managers of the conference on the part of the Senate.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-772. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Analysis of DOD's Claimed Budgetary Savings Through Management Reforms"; to the Committee on Armed Services.

EC-773. A communication from the Secretary of Transportation transmitting, pursuant to law, a report entitled "The Effects of Mounted Oscillating Lights on Leading Railroad Cars"; to the Committee on Commerce, Science, and Transportation.

EC-774. A communication from the Chairman of the Board of the United States Railway Association transmitting, pursuant to law, a report entitled "Comparison of Conrail With Ten Class I Railroads, 1977-1981"; to the Committee on Commerce, Science, and Transportation.

EC-775. A communication from the Administrator of the Energy Information Administration transmitting, pursuant to law, the 1982 Annual Report of the Administration; to the Committee on Energy and Natural Resources.

EC-776. A communication from the Assistant Secretary of the Army for Civil Works transmitting, pursuant to law, a report on the status of local cooperation agreements on water resource projects; to the Committee on Environment and Public Works.

EC-777. A communication from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, copies of international agreements, other than treaties, entered into within the previous sixty days; to the Committee on Foreign Relations.

EC-778. A communication from the Chairman of the Federal Maritime Commission transmitting, pursuant to law, a report under the Government in the Sunshine Act; to the Committee on Governmental Affairs.

EC-779. A communication from the Director of the Federal Mediation and Conciliation Service, transmitting, pursuant to law, a report under the Freedom of Information Act; to the Committee on the Judiciary.

EC-780. A communication from the Acting Secretary of Education transmitting, pursuant to law, a report on implementation of the Control of Paperwork Amendments of 1978; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:

S.J. Res. 51. Joint resolution designating May 21, 1983, as "Andrei Sakharov Day"; and

S.J. Res. 62. Joint resolution to provide for the designation of the week beginning on May 15, 1983, as "National Parkinson's Disease Week".

By Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. Res. 108. An original resolution waiving section 402(a) of the Congressional Budget Act with respect to the consideration of S. 24; referred to the Committee on the Budget.

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute and an amendment to the title:

S. 46. A bill to consolidate and reenact certain of the marine safety and seamen's welfare laws of the United States (Rept. No. 98-56).

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 861. A bill to amend the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) to provide authorization of appropriations, and for other purposes (Rept. No. 98-57).

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1024. An original bill to authorize appropriations for the National Science Foundation for fiscal year 1984, and for other purposes (Rept. No. 98-58).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary:

Steven Roger Schlesinger, of Maryland, to be Director of the Bureau of Justice Statistics;

Daniel A. Bent, of Hawaii, to be United States Attorney for the District of Hawaii for the term of four years; and

Eugene M. Corr, of Washington, to be United States Marshal for the Western District of Washington for the term of four years.

By Mr. HATCH, from the Committee on Labor and Human Resources:

Diana Powers Evans, of Oregon, to be a Member of the National Advisory Council on Women's Educational Programs for the term expiring May 8, 1984.

(The above nomination was reported from the Committee on Labor and Human Resources with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DANFORTH (for himself and Mr. EAGLETON):

S. 1014. A bill to authorize the implementation of a plan for Trimble Wildlife Area replacement, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LEVIN (for himself and Mr. RIEGLE):

S. 1015. A bill to clear certain impediments to the licensing of the vessel *LaJolie* for employment in the coastwise trade; to the Committee on Commerce, Science, and Transportation.

By Mr. McCLURE:

S. 1016. A bill to amend the Pennsylvania Avenue Development Corporation Act of 1972 to authorize appropriations and further borrowings for implementation of the development plan for Pennsylvania Avenue between the Capitol and the White House, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BRADLEY:

S. 1017. A bill entitled the "Natural Gas Competition Act of 1983."; to the Committee on Energy and Natural Resources.

By Mr. ARMSTRONG:

S. 1018. A bill to rename the Consolidated Space Operations Center in Colorado Springs the "Jack Swigert Space Center"; to the Committee on Commerce, Science, and Transportation.

By Mr. McCLURE (by request):

S. 1019. A bill to establish a revolving fund in the Department of the Interior, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. STENNIS:

S. 1020. A bill for the relief of John Calvin Smith; to the Committee on the Judiciary.

By Mr. MOYNIHAN:

S. 1021. A bill entitled the "Prevention of Criminal Use of Body Armor Act of 1983"; to the Committee on the Judiciary.

By Mr. ANDREWS (for himself, Mr. NICKLES, Mr. MELCHER, Mr. BURDICK,

Mr. DOMENICI, Mr. COCHRAN, Mr. GOLDWATER, Mr. BAUCUS, Mr. ABDNOR, Mr. DECONCINI, Mr. D'AMATO, Mr. STEVENS, Mr. COHEN, Mr. HATFIELD, Mr. MITCHELL, Mr. HATCH, and Mr. BINGAMAN):

S. 1022. A bill to amend section 8(a) of the Small Business Act to treat businesses owned by Indian Tribes as socially and economically disadvantaged small business concerns; to the Select Committee on Indian Affairs.

By Mr. DOLE (by request):

S. 1023. A bill to provide for modification of the Federal supplemental compensation program and a voucher system to encourage employment of individuals eligible for Federal supplemental compensation, a youth opportunity wage, to authorize use of State unemployment funds to finance retraining and relocation assistance for unemployment compensation claimants, and for other purposes; to the Committee on Finance.

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation:

S. 1024. An original bill to authorize appropriations for the National Science Foundation for fiscal year 1984, and for other purposes; placed on the calendar.

By Mr. HATFIELD:

S. 1025. A bill to establish in the Federal Government a global foresight capability with respect to natural resources, the environment, and population; to establish a national population policy; to establish an interagency Council on Global Resources, Environment, and Population, and for other purposes; to the Committee on Governmental Affairs.

By Mr. MOYNIHAN (for himself, Mr. DODD, Mr. RANDOLPH, Mr. HART, and Mr. INOUYE):

S. 1026. A bill to provide for national public improvements; to the Committee on Governmental Affairs.

By Mr. GORTON (for himself and Mr. JACKSON):

S. 1027. A bill to amend Public Law 96-162; to the Committee on Energy and Natural Resources.

By Mr. GORTON (for himself and Mr. JACKSON):

S. 1028. A bill to modify the navigation project on the Cowlitz River, Washington, to authorize the Secretary of the Army to implement interim measures to control floods in the lower Cowlitz River area and improve navigation on the Columbia River; to the Committee on Environment and Public Works.

By Mr. SASSER:

S. 1029. A bill to amend the Equal Access to Justice Act to include appeals to a board of contract appeals; to the committee on the Judiciary.

By Mr. STAFFORD (for himself and Mr. SYMMS) (by request):

S. 1030. A bill to transfer the Appalachian Development Highway System to the Secretary of Transportation; to the Committee on Environment and Public Works.

By Mr. STAFFORD:

S. 1031. A bill to authorize an equitable sharing of costs on projects of the U.S. Army Corps of Engineers in order to encourage a more orderly development of the nation's water resources; to the Committee on Environment and Public Works.

By Mr. LEVIN (for himself and Mr. COHEN):

S. 1032. A bill to amend the Internal Revenue Code of 1954 to limit the amount of any tax lien, to provide taxpayers a cause of action for wrongful levy on property, and for other purposes; to the Committee on Finance.

By Mr. SIMPSON:

S. 1033. A bill to amend title 38, United States Code, to establish an emergency job training program for wartime veterans; to the Committee on Veterans Affairs.

By Mr. LEAHY:

S. 1034. A bill to amend the Freedom of Information Act; to the Committee on the Judiciary.

By Mr. BENTSEN (for himself and Mr. TOWER):

S. 1035. A bill to provide for the enforcement of a trade agreement between the United States and the Commission of the European Communities concerning imports of steel pipe and tube products; to the Committee on Finance.

By Mr. DECONCINI (for himself, Mr. LONG, Mr. HEFLIN, Mr. TOWER, Mr. HEINZ, Mr. BENTSEN, Mr. BOREN, Mr. QUAYLE, and Mr. JOHNSTON):

S. 1036. A bill to clarify the application of the antitrust laws to professional team sports leagues, to protect the public interest in maintaining the stability of professional team sports leagues, and for other purposes; to the Committee on the Judiciary.

By Mr. STEVENS (by request):

S. 1037. A bill to authorize appropriations for the fiscal years 1984 and 1985 for certain maritime programs of the Department of Transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

S. 1038. A bill to amend the Merchant Marine Act, 1936, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HEINZ (for himself and Mr. SPECTER):

S.J. Res. 80. A joint resolution to grant posthumously full rights of citizenship to William Penn and to Hannah Callowhill Penn; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. THURMOND:

S. Res. 106. Resolution to commemorate the tenth anniversary of the United States Product Safety Commission by designating the week of May 8, 1983, through May 14, 1983, as "National Product Safety Week"; to the Committee on the Judiciary.

By Mr. SPECTER:

S. Res. 107. Resolution relating to nuclear arms reduction negotiations; to the Committee on Foreign Relations.

By Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry:

S. Res. 108. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 24; to the Committee on the Budget.

By Mr. BAKER (for himself and Mr. BYRD):

S. Res. 109. Resolution relative to the death of Representative Phillip Burton, of California; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DANFORTH (for himself and Mr. EAGLETON):

S. 1014. A bill to authorize the implementation of a plan for Trimble Wildlife Area replacement, and for other purposes; to the Committee on Environment and Public Works.

TRIMBLE WILDLIFE AREA REPLACEMENT

● Mr. DANFORTH. Mr. President, I join today with my colleague from Missouri (Mr. EAGLETON) in introducing urgently needed legislation to authorize replacement of the Trimble Wildlife Area in Missouri.

The Trimble Wildlife Area consists of 1,209 acres in northwest Missouri, with a 160-acre lake and 189 acres of marsh. The area was purchased in 1949 and was the first major wildlife area acquired and constructed by the Missouri Department of Conservation. The cost of the project consumed more than 50 percent of the department's total capital improvement budget for several years.

As well as being a key waterfowl management area, Trimble was the major facility responsible for restoration of the giant Canada goose—branta canadensis maxima—a subspecies once thought to be extinct. Over 700 acres were intensively cultivated and managed to sustain the resident goose flock and provide a resting area for large numbers of migrating waterfowl. Geese from Trimble have been transported to other wildlife areas in Missouri and other States for propagation. Stocking efforts have been sufficiently successful to demonstrate that this rare bird can once again become a part of the life cycle of Missouri's ponds, rivers, lakes, and marshes.

Construction of Smithville Dam, a Corps of Engineers flood control project, and the consequent filling of Smithville Lake last year led to the partial inundation of the Trimble Wildlife Area, making the facility unusable. Its replacement is a major conservation priority in Missouri.

Trimble was established through the use of Federal aid in wildlife restoration funds under the Pittman-Robertson Act. Under provisions of this act, the department must be in a position to own and operate the Trimble Wildlife Area, or be provided a replacement site to carry out the established purposes of wildlife management. If a replacement area is not provided, Federal aid funding for the Missouri Department of Conservation would be in jeopardy, because nonreplacement of the facility would be considered a diversion of Federal aid funds. Indeed, on December 3, 1982, the Fish and Wildlife Service formally notified the department that it now is considered to be in a state of diversion. If Trimble is not replaced by December 3, 1985, the department will become ineligible

for further funding under the Pittman-Robertson Act, which provides almost $2 million annually for the department.

The Fish and Wildlife Coordination Act requires that the Corps of Engineers obtain specific authority from Congress in order to acquire lands for fish and wildlife purposes. The legislation we are proposing today would do just that. This project, at an estimated Federal cost of $7.77 million, would authorize the acquisition of approximately 2,500 acres on the Missouri River and turn this land over to the State of Missouri as a replacement for the Trimble area. It thus would not authorize a new water project, but would rectify the consequences of construction of Smithville Dam and preserve more than 30 years of dedicated conservation and wildlife research effort in Missouri. I am hopeful that we can act quickly to provide the corps with the necessary authority to proceed.●

● Mr. EAGLETON. Mr. President, I am pleased to introduce this legislation that will authorize a replacement site for the Trimble Wildlife Area which has been lost to the Smithville Lake project in northwest Missouri.

The Trimble Wildlife Area was purchased in 1949 by the Missouri Department of Conservation which developed and managed this key waterfowl refuge. The facility has been largely responsible for restoring the giant Canada goose, a subspecies once thought to be extinct. Over the years, geese from Trimble have been transported to other wildlife refuges in the State, demonstrating that this rare bird could once again become part of Missouri's waterfowl population.

Trimble was developed with Federal aid in wildlife restoration funds under the Pittman-Robertson Act. The act provides that if the Missouri Department of Conservation loses control of the wildlife refuge, a replacement site must be found, or the department forfeits eligibility for any further wildlife restoration funds. The Missouri Department of Conservation currently receives an estimated $1.7 million annually under the Pittman-Robertson Act. On December 3, 1982, State conservation officials were notified by the U.S. Department of the Interior that they had 3 years to replace Trimble or lose their Federal aid in wildlife restoration funds. The loss of these funds would place an untenable financial strain on the conservation department's budget.

When Smithville Lake was authorized in 1965, the Corps of Engineers was required to find a replacement site for the Trimble Wildlife Area. In cooperation with the U.S. Fish and Wildlife Service and Missouri Department of Conservation, the corps spent several years studying some 30 potential replacement sites. The corps' feasibility report, dated September 1976, recommended replacement land known as Jackass Bend on the Missouri River. The replacement plan calls for the Corps of Engineers to acquire a base area of 2,510 acres; 100 additional acres for headquarters, access, and management efficiency purposes; and to reimburse the Missouri Department of Conservation $1,569,000 for capital improvements, other losses and expenses. The total Federal replacement cost is estimated at $7,769,000—October 1981 price levels.

The replacement site was endorsed by the Governor of Missouri in 1977, and efforts to secure congressional approval have been underway since then. Time is of the essence, however, now that the clock has started running on the conservation department's grace period to replace the Trimble site.

The Trimble Wildlife Area was sold to the United States in 1979 at a negotiated price of $2,750,000. This money would be returned to the Federal Government when funds to acquire the Jackass Bend replacement site are appropriated. The Trimble Wildlife Area was inundated when Smithville Lake opened last summer. Thus, Missouri has already lost this valuable wildlife habitat.

However, we need to move expeditiously to authorize the replacement site so that Missouri is not further jeopardized by the loss of Federal conservation funds. I would, therefore, urge my colleagues to support enactment of this legislation.●

By Mr. McCLURE (by request):

S. 1016. A bill to amend the Pennsylvania Avenue Development Corporation Act of 1972 to authorize appropriations and further borrowings for implementation of the development plan for Pennsylvania Avenue between the Capitol and the White House, and for other purposes; to the Committee on Energy and Natural Resources.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION AUTHORIZATION ACT

● Mr. McCLURE. Mr. President, at the request of the Pennsylvania Avenue Development Corporation, I send to the desk for appropriate reference a bill to amend the Pennsylvania Avenue Development Corporation Act of 1972 to authorize appropriations and further borrowings for implementation of the development plan for Pennsylvania Avenue between the Capitol and the White House, and for other purposes.

Mr. President, this draft legislation was submitted and recommended by the Chairman of the Pennsylvania Avenue Development Corporation, and I ask unanimous consent that the bill, and the letter of transmittal which accompanied the proposal be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1016

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Pennsylvania Avenue Development Corporation Act of 1972 (86 Stat. 1266, as amended, 40 U.S.C. 871), is amended further as follows:

1. By striking in paragraph (10) of section 6, the figure "100,000,000" and inserting in lieu thereof "120,000,000".

2. By adding at the end of section 17(a), "There are further authorized to be appropriated for operating and administrative expenses of the Corporation sums not to exceed $2,275,000 each for fiscal year ending September 30, 1984, and such sums as may be necessary for each of the fiscal years ending September 30, 1985, September 30, 1986, September 30, 1987, and September 30, 1988."

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION,
Washington, D.C., February 2, 1983.

Hon. GEORGE BUSH,
President of the Senate, Washington, D.C.

DEAR MR. PRESIDENT: Two of the three appropriation requests for the Pennsylvania Avenue Development Corporation presented in the President's Budget Appendix for FY 1984 will require an additional authorization for funding. The enclosed draft authorization bill is respectfully submitted for your consideration and support in order that the PADC may be able to receive the additional budget authority it requires for land acquisition and salaries and expenses in FY 1984 and subsequent years.

The Corporation's authorized level of borrowing from the U.S. Treasury for Land Acquisition and Development is presently $100,000,000; to date over $99,900,000 in borrowing authority has been appropriated. The proposed bill would increase the authorization by $20,000,000.

Additionally, the Corporation's authorization for Salaries and Expenses' appropriations expires at the end of FY 1983.

The Office of Management and Budget has advised us that there is no objection from the standpoint of the administration's program to the submission of this draft legislation to the Congress and that its enactment would be in accord with the President's program.

Thank you.

Sincerely,

MAX N. BERRY,
Chairman.●

By Mr. BRADLEY:

S. 1017. A bill entitled the "Natural Gas Competition Act of 1983"; to the Committee on Energy and Natural Resources.

NATURAL GAS COMPETITION ACT OF 1983

Mr. BRADLEY. Mr. President, today I am introducing the Natural Gas Competition Act of 1983. This bill is compatible with any of the broad legislative proposals that the Senate Energy Committee is now considering and would enhance the effectiveness of each of them. This bill would introduce competition into a segment of the natural gas industry that up to

now has not been forced to compete: the interstate pipelines. Whether enacted as a component of a broad natural gas bill or as a freestanding measure, this bill will have an immediate and significant downward effect on natural gas consumers' bills.

The debate on natural gas policy is now focused primarily on two problems: old gas and contracts. These are indeed difficult problems, but they are essentially short-term or transitional problems. I want to shift the focus, for a moment, to a problem that is more structural; a problem that, if solved, could provide more lasting benefits to consumers and the Nation than any solution we might come up with on old gas and contracts. Again, this proposal does not solve these two transitional problems; it does, however, enable any solution finally adopted to work more effectively in the consumers' interest.

Before I list the provisions of the bill, let me describe the problem this bill is designed to address. I believe that most of the participants in the natural gas debate would agree that the principal problem in the natural gas industry has been a lack of competition. Some will argue that the industry will never be competitive and should be forever controlled. Others argue that Government regulation has kept it from competing and it should be unshackled. Clearly, there are elements of truth to both views. But we must be more specific about competition within each segment of the industry.

Of the three segments of the natural gas industry—producers, pipelines, and consumers—the producers are most likely to be competitive: there are more than 12,000 of them. Congress recognized this in 1978 when it passed the Natural Gas Policy Act which started a gradual movement toward partial decontrol of natural gas producers.

At the opposite end of the pipelines from the producers are the natural gas consumers—primarily natural gas utility companies. By and large, a homeowner has access to only one gas utility and therefore the State public utility commissions regulate these natural monopolies. The gas utilities passively distribute the gas to businesses and firms, generally passing through the cost of the gas they buy from the interstate pipelines. Until recently, the utilities had no trouble selling their gas because the price was low and controlled. Recently, however, the rising cost of gas has forced gas to compete with other fuels, such as oil and coal, and with conservation. Homeowners and commercial enterprises have been insulating their buildings and industrial users have begun shifting in startling numbers to other fuels, primarily oil. The American Gas Association estimates that last year alone saw industrial customers switch 330 billion cubic feet of gas demand to oil.

So, at the two ends of the interstate pipelines, competition is at work. The gas-producing sector is competitive and the gas consuming sector is regulated by the States; gas itself is beginning to compete with oil and conservation.

The real problem for competition in the natural gas industry is with the interstate pipelines that connect producers with consumers. Because pipelines are expensive to build, usually only one pipeline comes into a producing area in, say, Louisiana or Oklahoma. This means that the producers in the area have no choice but to sell to that one pipeline, giving the pipeline extra leverage in contract negotiations; the pipeline thus enjoys what economists call monopsony powers. This bargaining power has not led to lower prices, however; it has only led to a lack of competition at the wellhead. The pipeline has the ability to pick and choose among producers; some pipelines own gas-producing affiliates. For contractural reasons, other pipelines choose not to buy the least expensive gas. In an April 1983 report, CBO found that the regulated nature of the pipelines has served to limit the incentive for transmission companies to engage in competitive bidding for gas supplies from producers. As a consequence, gas prices to pipelines have been higher than would have been the case in a more competitive market.

At the consuming end of the pipe, the local gas utility often has only one or two pipelines serving its area. The gas utility has little ability to bargain because of the near monopoly powers enjoyed by the pipeline. Because of the lack of competition, the Federal Energy Regulatory Commission regulates the rate of return of interstate pipelines. The FERC allows the pipelines a regulated profit based on the pipelines' capital equipment. But without competition, pipelines are tempted to add unnecessary equipment and staff. The same April 1983 CBO report found that the incentive to minimize costs (for interstate pipelines) is considerably weaker than the incentives faced by firms in conventional competitive industries.

This situation wherein the pipeline is a monopsony at the producing end and a monopoly at the consuming end has led to the current distorted state of the market. The monopsonist pipeline does not purchase the least expensive gas. On one hand we see natural gas prices rising high enough to make industrial customers switch to oil thus increasing the unit cost of gas for remaining residential and commercial customers; on the other hand we hear of 1.4 trillion cubic feet of gas that could be delivered today at prices below the national average. How can this be?

The explanation is simple: Pipelines have an interest in transporting their own gas. In many cases the pipelines have signed take-or-pay contracts that obligate them to pay for new, high-cost gas, even if they cannot sell it. Hence, these pipelines have no interest whatsoever in transporting lower cost gas owned by someone else. This would only increase the pipelines' already painful take-or-pay exposure.

The monopolist pipeline does not minimize costs. This means that consumers pay higher prices than necessary. The FERC studied these unnecessarily higher prices and found that between 1971 and 1980, the pipelines' margin—that is, the price of gas sold to local gas utilities less the cost of the gas—increased from 22 cents per thousand cubic feet to 77 cents per thousand cubic feet, an increase of 250 percent. Of that 55-cent increase, 16 cents was due to inflation and another 20 cents was due to forced cost increases such as taxes and the cost of fuel. This leaves 19 cents per thousand cubic feet, FERC calls unexplained. FERC Chairman Butler describes this portion of the increase in pipelines' margins as "chiefly operating cost increases, which were larger than can be explained by inflation or other special inflationary factors." This is what CBO calls a lack of incentive to minimize costs.

Now 19 cents per thousand cubic feet may not sound like too much. But at an annual use rate of 20 trillion cubic feet, this means that U.S. consumers are paying $3.8 billion in gas bills each year that FERC calls unexplained.

Mr. President, how can we remedy this problem caused by a lack of competition at both ends of the pipe? If many buyers could bid for gas at the wellhead, then the cheap gas would be produced and sold first. Consumers could get access to lower cost shut-in gas. How can we introduce competition at the production end of the pipe?

Further, if buyers—local gas utilities or industrial customers—could buy gas from many sources of gas, they could force all their suppliers to compete with one another to provide the lowest cost gas. How can we introduce competition at the consuming end of the pipe?

We can introduce competition at both ends of the pipe quite simply: Require pipelines to transport gas for other parties whenever the pipelines have any capacity available to do so.

That is precisely what the Natural Gas Competition Act of 1983 does. Producers or consumers could contract with interstate pipelines to transport their gas; this is called contract carriage. The major provisions are these:

Requires an interstate pipeline to transport gas at the request of another party unless the pipeline can convince FERC that it does not have the capacity available to do so;

Provides a 5 cents per thousand cubic feet incentive for interstate pipelines to transport gas under the contract carriage provisions;

Provides protection for high priority uses, such as residential and agricultural customers, in the event that capacity constraints or demand conditions require natural gas curtailments;

Provides protection for local distribution companies—local gas utilities—to reduce the risk of load loss by granting them the right of first refusal to certain gas supplies;

Provides local gas distribution companies preferential access to gas by removing price controls from gas transported by a contract carrier for a local distribution company. For example, if a producer can identify a local gas utility willing to buy some of his old cheaper gas, the two parties can both benefit: The producer gets out of price controls and the local distribution company gets gas below its normal acquisition price.

Mr. President, the administration's natural gas bill includes a limited version of contract carriage. However, as written, the administration's version is unlikely to work. Under their provisions, producers or consumers wanting to use contract carriage must petition FERC to ask the pipeline to perform the service. The producer or consumer must convince FERC that the pipeline should transport the gas. Since the pipeline has little incentive to move the gas today, there is little reason to think that the pipeline will willingly agree. Hence, under the administration's bill, the regulatory roadblocks will frustrate contract carriage. Under our bill, if the pipeline does not wish to move the gas, it must convince FERC that it does not have the capacity.

On the other hand some have proposed to go beyond contract carriage to full common carriage status. Our bill does not go this far. We allow the pipeline to continue to transport its own gas without interruption; we merely require a pipeline to make any excess capacity available to others.

Mr. President, we should be clear about the benefits of contract carriage: greater competition at both ends of the pipe. It will not by itself solve the old gas problem; nor will it fix the contracts problem. Congress must still decide how best to solve these short-term, transitional problems.

This bill will, however, provide immediate and, as importantly, lasting benefits to all natural gas consumers. Because, for the first time, consumers will be able to join pipelines in seeking out the cheapest gas; consumer prices are likely to come down. Producers will be able to sell the low-cost shut-in gas that pipelines now have no interest in buying.

Second, for the first time local distribution companies will have someone other than their friendly interstate pipeline to purchase from. This alternate optional source of supply will keep pipelines from inflating their costs as they have in the past.

Finally, if industrial customers switch off gas onto oil the pipelines' fixed costs will be spread over fewer customers causing the unit cost of gas to rise. If gas customers can find their own sources of low-cost gas, they will not switch to oil; contract carriage will maintain the utilitization of the pipeline's capacity. Consumers receive the benefit.

Mr. President, all three sectors of the natural gas market should favor contract carriage. Producers will receive broader marketing opportunities and additional means of transporting gas to their prospective customers. At the other end, local gas utilities and their customers will reap the benefits of competition: lower prices. These groups should enthusiastically support this legislation.

What about the pipelines themselves? Some pipeline companies will, of course, oppose any changes to the way they operate. This is understandable in this mature industry. However, the managers of some of the more innovative pipeline companies are likely to see in this legislation a real opportunity to improve their companies performance. The economic incentives to provide transportation services included in this bill are not inconsequential.

Indeed, at least one company, Transco, that provides the largest portion of gas to New Jersey, has already begun to think about transporting gas for certain classes of customers. Transco has recognized the advantages of maintaining as close to full capacity utilization as possible: Their unit costs of gas are kept down. Transco, its system customers, and its contract customers all benefit. The legislation I am introducing today would insure that all categories of gas customers are able to take advantage of contract carriage.

Some interstate pipelines are beginning to recognize that the gas transportation business is riskier than they had thought. One way to help them out of their current difficulties is for Congress to void some of their less advisable contracts. This is an option the Energy Committee is now considering. An alternative—or even a complement—is to encourage pipelines to share some of the risk with natural gas customers. This bill affords natural gas customers that option in return for lower prices.

Mr. President, I believe this proposal has the potential to make a lasting improvement in the natural gas market and in the U.S. economy. The increased competition and the threat of contract carriage will provide direct benefits for all natural gas customers, whether or not the provision is widely used. I intend to offer this provision to the Energy Committee as it marks up natural gas legislation this week. I welcome any suggestions and I urge my colleagues to support the measure.

I ask that the bill and a section-by-section description of the bill be printed in the RECORD following my statement.

S. 1017

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Natural Gas Competition Act of 1983".

SEC. 2. FINDINGS AND PURPOSES.—The Congress finds that—

(a) a national market for natural gas is necessary to promote lower natural gas prices and reliable supplies;

(b) a national market for natural gas does not now exist; and

(c) transportation of natural gas by interstate pipelines is an essential element in establishing a national market for natural gas.

The purposes of this Act are to—

(a) promote development of a national market for natural gas;

(b) provide lower natural gas prices to consumers by providing competitive alternatives to purchases from interstate pipelines; and

(c) provide an economic incentive to interstate pipelines to transport natural gas for other owners of natural gas.

CONTRACT CARRIER REQUIREMENT

SEC. 3. (a) Title III of the Natural Gas Policy Act of 1978 is amended by adding at the end thereof the following new section:

"SEC. 316. CONTRACT CARRIERS.

"(a) GENERAL RULE.—If—

"(1) a seller or a purchaser of natural gas requests an interstate pipeline to transport natural gas,

"(2) such request is received by such interstate and filed with the Federal Energy Regulatory Commission more than 90 days before the date such natural gas is requested to be transported, and

"(3) such pipeline has available capacity, such interstate pipeline shall transport such natural gas.

The Commission shall implement this section by rule or order.

"(b) AVAILABLE CAPACITY.—

"(1) REBUTTABLE PRESUMPTION.—An interstate pipeline shall be presumed to have available capacity unless the Commission has received notice protesting such transportation and the Commission has determined within such 90 day period, under regulations prescribed by the Commission, that the pipeline's total capacity is to be used at all times to fulfill the current requirements of its existing customers.

"(A) DEFINITIONS.—'Total Capacity' means that capacity to transport natural gas that can be made available consistent with accepted engineering principles to deliver a given volume of natural gas to a given location through all means, including but not limited to, direct haul, discharge from storage, increased compression, flow reversal or transportation by displacement.

"(B) 'Current Requirements of Existing Customers' shall be the volume of natural gas actually delivered to all customers of a pipeline rather than any amounts which may be specified in contracts.

"(2) PARTIAL CAPACITY.—If the Commission finds that an interstate pipeline has available capacity to transport only a portion of the natural gas requested to be transported under subsection (a), the Commission shall require such interstate available capacity, upon the request of the purchaser of such natural gas.

"(c) INTERIM AUTHORIZATION.—The Commission may by rule or order establish conditions under which contract carriage shall be authorized prior to the expiration of the 90-day period.

"(d) PROTECTION FOR HIGH PRIORITY USERS.—Whenever an interstate pipeline does not have sufficient available capacity to satisfy both transportation obligations that have been undertaken pursuant to this section and its other transmission and sales obligations, such interstate pipeline shall curtail transportation and sales of natural gas in a manner that shall be prescribed by the Commission by regulation and that shall give priority to essential agricultural and high priority uses of natural gas as set forth in section 401(f) and to essential industrial process or feedstock uses as defined in Section 403(d)(1) pursuant to regulations, which shall be issued by the Secretary of Energy within 90 days after enactment.

"(e) CONTRACT CARRIAGE COMPENSATION.—

"(1) INCENTIVE ALLOWANCE.—Any interstate pipeline that voluntarily agrees to transport natural gas under this section shall be permitted to impose an incentive allowance of up to $0.05 per million Btu's (in excess of the just and reasonable rate for such transportation as established by the Commission) unless and until the Commission determines by rule or order that some other amount is appropriate as an incentive in the public interest. The Commission shall not require any portion of such incentive allowance to be credited and flowed back to customers of such interstate pipeline.

"(2) REQUIRED CONTRACT CARRIAGE COMPENSATION ALLOWANCE.—Any interstate pipeline that protested the transportation of natural gas under this section and that is ordered to transport such natural gas by rule or other of the Commission shall impose a contract carriage compensation allowance of $0.05 per million Btu's (in excess of the just and reasonable rate for such transportation as established by the Commission) which shall be credited and flowed back to customers of such interstate pipeline in accordance with regulations prescribed by the Commission.

"(3) TRANSPORTATION BY MULTIPLE PIPELINES.—If transportation of natural gas is provided under this section by more than one interstate pipeline, the allowance per million Btu's determined under this subsection shall be the total allowance allowed for the transaction, and that amount shall be allocated by contract among all interstate pipelines providing transportation under this section for a particular transaction unless the Commission determines that a different allocation is necessary in the public interest.

"(4) CONSUMER PROTECTION RATE DESIGNS.—Within 90 days after enactment the Commission shall promulgate regulations which require that the just and reasonable rates for the transportation of natural gas under this section include an equitable percentage of the fixed costs of the transporting interstate pipeline in order to protect all classes of customers, but particularly residential and commercial customers.

"(f) CONSTRUCTION OF NEW FACILITIES.—

"(1) CONSTRUCTION BY PIPELINE.—Upon request of a local distribution company requesting transportation of natural gas under subsection (a), the Commission may order an interstate pipeline which does not have available capacity to construct or extend facilities or purchase and install compressors, with reimbursement to such pipeline for its actual net costs.

"(2) CONSTRUCTION BY LOCAL DISTRIBUTION COMPANY.—The local distribution company requesting transportation of natural gas under subsection (a) may construct or extend facilities or purchase and install compressors for the transportation of natural gas under this section.

"(g) MINIMUM COMMODITY BILL REQUIREMENTS.—

"(1) GENERAL RULE.—In the case of a contract for the purchase of natural gas which has a minimum commodity bill requirement with any interstate pipeline, if natural gas under such contract is not taken because natural gas is to be purchased and is to be transported under this section by such pipeline or any other pipeline, such minimum commodity bill requirement shall be reduced by the volume of natural gas so purchased and transported.

"(h) RIGHT OF FIRST REFUSAL AVAILABLE TO LOCAL DISTRIBUTION COMPANIES.—

"(1) GENERAL RULE.—Whenever any interstate pipeline reduces its takes of natural gas from any producer, or from another interstate pipeline, to a level below 60% of the contract volume for daily deliverability through the exercise of a contract right to market-out, the claim of "force majeure", or a right to breach a contractual obligation granted by Act of Congress, such available production may not be sold to any other person until the expiration of a period of 30 days during which time each local distribution company served by such interstate pipeline shall be entitled a right of first refusal to acquire a pro rata share of such production. The Commission shall prescribe regulations to implement this provision within 90 days after enactment.

"(2) TRANSFERABILITY OF RIGHT OF FIRST REFUSAL.—Any local distribution company which does not exercise its right of first refusal to acquire a pro rata share of such available production may transfer such right of first refusal to any other person and may charge, to the extent authorized by the appropriate State regulatory body, a fee of up to $.01 per million Btu's. Disposition of such fee shall be pursuant to regulations prescribed by the appropriate State regulatory body.

"(i) PROTECTION OF STATE REGULATORY JURISDICTION.—Nothing in this section shall be construed as imposing any obligations to transport natural gas upon any local distribution company, or any intrastate natural gas pipeline.

"(j) TABLE OF CONTENTS.—The table of contents for such Act is amended by inserting after the item relating to section 315 the following new item:

"Sec. 316. Contract Carrier Transportation.".

EXPANSION OF SUPPLY OF NATURAL GAS AVAILABLE TO BE PURCHASED BY LOCAL DISTRIBUTION COMPANY AND TRANSPORTED BY CONTRACT CARRIER

SEC. 4. Section 121 of the Natural Gas Policy Act of 1978 (relating to elimination of price controls for certain natural gas sales) is amended by adding at the end thereof the following new subsection:

"(f) TRANSPORTATION BY CONTRACT CARRIER OF PURCHASES BY LOCAL DISTRIBUTION COMPANY.—At the option of a local distribution company the provisions of subtitle A respecting the maximum lawful price for the first sale of natural gas shall not apply to natural gas transported under section 316 by a contract carrier and purchased by such local distribution company.".

EFFECTIVE DATE

SEC. 5. The amendments made by this Act shall apply to the transportation of natural gas pursuant to requests made 120 days after enactment.

SECTION-BY-SECTION ANALYSIS OF NATURAL GAS COMPETITION ACT OF 1983

Section 1 states that the Act may be cited as the "Natural Gas Competition Act of 1983."

Section 2 sets forth Congressional findings and purposes based upon testimony presented to Congress in hearings over the past year, information submitted to Congressional Committees by gas producers, pipeline companies, utilities and consumers, and studies issued by governmental bodies and private parties.

Section 3 would add a new Section 316 to Title III of the Natural Gas Policy Act of 1978 ("NGPA").

Section 316(a) would establish a new general rule which would require interstate natural gas pipelines to transport natural gas upon request by either a seller or purchaser, if (1) such a request is received by an interstate pipeline and filed with the Federal Energy Regulatory Commission ("FERC") at least 90 days before the date transportation is requested to begin, and (2) the pipeline has available capacity.

Section 316(b) would create a rebuttable presumption that an interstate pipeline has available capacity unless the FERC received notice of a protest to the proposed transportation and the FERC determined within a 90-day period that the pipeline's total capacity is to be used at all times to fulfill the current requirements of existing customers. For purposes of this section, "total capacity" is defined to mean capacity to transport natural gas that can be made available under pipeline operating practices, including withdrawals from storage, increased compression and transportation by displacement. Also, "current requirements of existing customers" is defined to mean the volume of natural gas actually delivered to all customers of a pipeline rather than any amounts which may be specified in contracts. If the Commission finds that only partial capacity, rather than the requested total capacity, is available the Commission shall require the interstate pipeline to transport natural gas to the extent of such available partial capacity.

Section 316(c) would permit the Commission to establish by rule or order conditions under which contract carriage shall be authorized on an interim basis prior to expiration of the 90-day period.

Section 316(d) would provide procedures for curtailments when an interstate pipeline does not have sufficient available capacity to meet its transportation and sales obligations. In the case of necessary capacity curtailments, the pipeline shall follow regulations issued by the FERC which would provide a priority for residential users, agricultural users and essential industrial process

and feedstock users as set forth in Title IV of the NGPA.

Section 316(e) would provide an incentive allowance of $.05 per MBtu in excess of the just and reasonable rate for transportation (as established by the FERC). Subsection 1 would prohibit the FERC from requiring that any portion of the incentive allowance be credited or flowed back to customers of the interstate pipeline. The FERC is provided with authority to establish an appropriate incentive allowance other than the initially-specified $.05 per MBtu.

Subsection 2 would provide that if an interstate pipeline protests a request to transport natural gas and the FERC subsequently orders such transportation, the pipeline would not be permitted to retain the incentive allowance but instead this amount would be credited and flowed back to the customers of the interstate pipeline.

Subsection 3 would provide that if natural gas transportation under this section is provided by more than one pipeline, the incentive allowance will be allocated among all pipelines providing transportation unless the FERC determines a different allocation is necessary in the public interest.

Subsection 4 would require that the FERC promulgate regulations specifying the just and reasonable rates for transportation of natural gas under Section 316. These rates shall include an equitable percentage of fixed costs in order to protect all classes of natural gas customers, and particularly residential and commercial customers.

Section 316(f) would provide that the FERC may order an interstate pipeline that does not have available capacity to construct or extend its facilities upon request of a local distribution company requesting transportation of natural gas. The interstate pipeline would be reimbursed for the actual net costs of construction. In the alternative, the local distribution company requesting transportation may construct or extend facilities in order to accomplish the transportation.

Section 316(g) would provide that the minimum commodity bill requirement shall be reduced by the volume of natural gas purchased or transported under Section 316. This general rule would apply to minimum bill requirements set forth in interstate natural gas pipeline contracts or FERC tariffs.

Section 316(h) would provide that whenever an interstate pipeline reduces its takes from a natural gas producer or from another interstate pipeline to a level below 60 percent of contract volume for daily deliverability, the available production may not be sold to any other person until the expiration of a 30-day period during which local distribution companies served by the interstate pipeline shall be entitled to a right of first refusal to acquire a pro rata share of such production under regulations prescribed by the FERC. A local distribution company which does not exercise its right of first refusal may transfer such right (to the extent permitted by the appropriate state regulatory body) for a fee up to $.01 per MBtu.

Section 316(i) makes clear that Section 316 shall not be construed as imposing any obligations to transport natural gas upon any local distribution company or any intrastate natural gas pipeline.

Section 4 would amend Section 121 of the NGPA by adding a new Subsection (f), which would provide that, at the option of the local distribution company purchasing natural gas and having it transported under Section 316, the transported natural gas would not be subject to well-head price controls under Title I of the NGPA.

Section 5 provides that the terms of this Act shall apply to the transportation of natural gas pursuant to requests made 120 days after enactment.

By Mr. McCLURE (by request):

S. 1019. A bill to establish a revolving fund in the Department of the Interior, and for other purposes; to the Committee on Energy and Natural Resources.

DIGITAL CARTOGRAPHY FUND ACT OF 1983

● Mr. McCLURE. Mr. President, at the request of the administration, I send to the desk for appropriate reference a bill to establish a revolving fund in the Department of the Interior, and for other purposes.

Mr. President, this draft legislation was submitted and recommended by the Department of the Interior, and I ask unanimous consent that the bill, a section-by-section analysis, and the executive communication which accompanied the proposal from the Assistant Secretary of the Department of the Interior be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1019

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Digital Cartography Fund Act of 1983."

SEC. 2. DIGITAL CARTOGRAPHY FUND.—(a) There is hereby established, in the Treasury of the United States, a revolving fund to be known as "Digital Cartography Fund" (hereinafter referred to as the "Fund"). The Fund shall be available, without fiscal year limitation, for financing the production and distribution of digital cartographic data of uniform standards developed by the United States Geological Survey under the direction of the Secretary of the Interior.

(b) The Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to capitalize in the Fund, at acquisition cost less depreciation, any real and personal property which the Secretary determines is currently being used in connection with the functions to be carried out by the Fund.

(c) The Fund shall be credited with any appropriation made for the purpose of providing or increasing capital, and notwithstanding the provisions of Public Law 31 U.S.C. 3302(b), with all collections from users of digital cartographic data, including any refunds, advance payments made for specific products and services, or other amounts received in connection with activities of the Fund. Amounts received excess of those amounts which, in the opinion of the Secretary, are necessary to the effective operation of the Fund shall be covered into miscellaneous receipts of the Treasury.

SEC. 3. DATA USERS' FEES.—(a) Notwithstanding the provisions of section 552 of title 5, United States Code, and 31 U.S.C. 330(b), the Secretary is authorized to charge all users amounts sufficient to cover the cost of production and distribution of digital cartographic data, including depreciation of equipment and accrued annual level.

(b) Notwithstanding the provisions of section 552 of title 5, United States Code, digital cartographic data shall be available only under the provisions of this Act. The Secretary is authorized to sell such data subject to agreements which preclude reproduction or further dissemination of the data.

SEC. 4. REGULATIONS FOR CARRYING OUT PROVISIONS.—The Secretary is authorized to prescribe such rules and regulations as the Secretary deems necessary and proper for the purpose of carrying out the provisions of this Act.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $6,028,000 for the fiscal year ending September 30, 1984, and such amounts as may be necessary in subsequent years for capitalization of the Fund until such time as the Fund becomes self-sustaining.

SECTION-BY-SECTION ANALYSIS

SEC. 1. Cites a short title, "Digital Cartography Fund Act of 1983", for the Act.

SEC. 2. Digital Cartography Fund: Establishes the Fund without fiscal year limitation; allows assets to be capitalized in the Fund; establishes means by which monies can be credited to the Fund; allows receipts to be paid into the Fund; and provides for deposit of excess monies to the miscellaneous receipts of the Treasury

SEC. 3. Data Users' Fees: Requires that pricing of data be designed to recover costs; and authorizes the sale of the data subject to agreements which preclude reproduction or further dissemination of the data.

SEC. 4. Regulations for Carrying Out Provisions: Allows rules and regulations to be promulgated, as necessary, to carry out provisions of the Act.

SEC. 5. Authorization of Appropriations: Authorizes appropriations of $6,028,000 for initial capital of the Fund for the fiscal year ending September 30, 1984, and such amounts as may be necessary in subsequent years for capitalization of the Fund until such time as the Fund becomes self-sustaining.

DEPARTMENT OF THE INTERIOR,
Washington, D.C., March 18, 1983.

Hon. GEORGE BUSH,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is enclosed a draft bill, the "Digital Cartography Fund Act of 1983."

We recommend that the draft bill be introduced, referred to the appropriate committee for consideration, and enacted.

This proposal would establish a revolving fund, the Digital Cartography Fund (Fund), which would be available without fiscal year limitation for financing the production and distribution of digital cartographic data of uniform standards developed by the United States Geological Survey. Establishment of the Fund would enable the Department of the Interior, acting through the Geological Survey, to manage the costs and income related to the conduct of its ongoing Digital Mapping Program, which produces digital cartographic data from the Geological Survey's maps and related products in formats suitable for computer-based analysis. The resulting Digital Cartographic Data Base includes categories of data common to many users' needs, such as elevation data, hydrography, transportation networks, and other base features. We note that thematic cartographic data developed by other agencies, which is specifically related to their missions, would not be affected by this legislation.

Throughout its history, cartographic surveys have been an integral part of the Geological Survey's activities for carrying out its basic mission. The Geological Survey's activities have previously been expanded by the Congress through annual appropriations for topographic surveys and mapping, and through specific assignments made by the Office of Management and Budget.

We believe that through establishment of a revolving funds, this proposal will ensure that the full costs of the Digital Mapping Program will be recovered. To that end, the proposal also authorizes the Secretary to charge all users of the digital cartographic data, and to preclude unauthorized use of that data. Appropriations will be needed only for initial capital of the Fund or to increase capitalization until the Fund is self-sustaining. A section-by-section analysis of this proposal is enclosed.

We urge early and favorable consideration of this proposal, which we believe is in the public interest of the Unites States.

The Office of Management and Budget has advised that this legislative proposal is in accord with the program of the President.

Sincerely,

DANIEL N. MILLER, Jr.,
Assistant Secretary.●

By Mr. MOYNIHAN:

S. 1021. A bill entitled the "Prevention of Criminal Use of Body Armor Act of 1983"; to the Committee on the Judiciary.

PREVENTION OF CRIMINAL USE OF BODY ARMOR

● Mr. MOYNIHAN. Mr. President, I rise today to introduce a bill to address the criminal use of body armor. It is indeed true that bulletproof vests are an effective tool of law enforcement, for the number of law enforcement officials killed in the line of duty has dramatically dropped since these vests first became available to police departments in the mid-1970's. But bulletproof vests can also be a dangerous and even lethal instrument of crime when they fall into the hands of those who would use them to break the law.

The legislation I now propose is similar to a bill (S. 1815) I introduced in the 97th Congress after having consulted with Philip Caruso, president of the New York City Patrolmen's Benevolent Association. Patrolman Caruso told me that bulletproof vests frequently give criminals added protection in the commission of a crime—an assertion that has all too often been borne out by events.

On October 20, 1981, for example, one armored car guard and two police officers were killed in a robbery in New York's Rockland County during which at least one of the holdup gang was wearing a bulletproof vest. The vest allowed the assailant, who later was found to have a spent bullet from the policeman's gun in his pocket, additional time to inflict a fatal wound on one of the officers.

Regrettably, such attacks on policemen are not isolated incidents. According to Federal Bureau of Investigation statistics, there were 560 assaults with a firearm on law enforcement officials in New York State in 1981 alone. Six of these assaults resulted in the death of an officer. Nationally, 3,330 law enforcement officials were assaulted by firearms and 86 were killed during the same year. Clearly, we cannot tolerate a situation where those who would kill or maim police officers hide behind the protection of bulletproof vests.

My bill would make it harder for such individuals to obtain and use body armor for criminal purposes by amending current Federal law in three ways. First, it would restrict the importation, manufacture, interstate commerce, or dealing in body armor to those who have obtained proper licenses, as Federal law already does for other firearms. Second, the bill would mandate a 21-day waiting period before the sale of body armor during which the Attorney General would verify that the prospective buyer is not a felon, a fugitive, a drug addict, or someone who has been committed to a mental institution. Violation of these two provisions would be penalized by a term of imprisonment not to exceed 5 years, a fine of not more than $5,000, or both.

Finally, my bill would include body armor in the Federal statute making it a separate Federal offense to use or carry a firearm in the commission of a felony under Federal law. Those who violate this provision would be given a sentence of 1 to 10 years for the first offense and 2 to 25 years for a second or subsequent offense. These sentences would be served consecutively to those imposed for the underlying felony.

It is not my intention in introducing this bill to deny bulletproof vests to law-abiding citizens who seek them to protect themselves and their families. To the contrary, the sole purpose of this bill is to make it far more difficult to sell these vests to individuals who will use them to commit crimes and to make those who use them for criminal purposes pay a heavy price.

We entrust law enforcement officers with the responsibility of protecting us from crime—a responsibility that often puts them in life-threatening situations. It is our duty, in return, to take reasonable measures to insure their safety. One of best ways that we could do so is to make certain that bulletproof vests do not fall into the wrong hands.

Mr. President, the gravity of the problem of the use of body armor for criminal purposes was eloquently underscored in a report by Ms. Susan King that recently aired on WRC-TV evening news. I asked that the text of that report and the text of my bill be printed in the RECORD.

Thee being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1021

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 921(a)(3) of title 18, United States Code, is amended by—

(1) striking out "or" after the semicolon in subclause (C); and

(2) striking out the period at the end of the first sentence and inserting in lieu thereof "; or (E) any body armor."

SEC. 2. Section 921(a) of title 18, United States Code, is amended by inserting after paragraph (20) the following new paragraph:

"(21) The term 'body armor' means any material designed to provide bullet penetration resistance."

SEC. 3. Section 922 of title 18, United States Code, is amended by adding at the end thereof the following:

"(n) It shall be unlawful for a licensed dealer in body armor to sell, deliver, or otherwise transfer body armor to an individual who is not licensed under section 923 of this title unless—

"(1) the transferee appears in person at the business premises of a licensed dealer in body armor;

"(2) the transferee submits to the dealer a sworn statement on a form prescribed by the Attorney General which states—

"(A) the transferee's name and residence;

"(B) that the transferee's receipt, purchase, or possession of body armor will not be in violation of Federal law, or of a State or local law applicable to the transferee's place of residence and that the transferee does not intend to resell or retransfer the body armor to a person who is barred from purchasing, owning, or possessing such body armor by Federal, State, or local law applicable to the place of the residence of the retransferee; and

"(C) the title, name, and address of the chief law enforcement officer of the place of the transferee's residence;

"(3) in the event that a State or local law applicable at the place of the residence of the transferee requires that an individual must have a permit to own, carry, purchase, or possess body armor, a true copy of such permit is attached to the sworn statement, and any other information required to be supplied to purchase, acquire, possess, own, or carry body armor under such State or local law is also attached to the sworn statement;

"(4) the transferee provides identification sufficient to establish, under rules prescribed by the Attorney General, reasonable grounds to believe that the individual named on the sworn statement is the transferee, and that the residence of the transferee is at the address stated in such sworn statement;

"(5) the dealer, has before delivery of the body armor, forwarded immediately by registered or certified mail (return receipt requested), to the chief law enforcement officer of the place of residence of the transferee and to the Federal Bureau of Investigation a copy of the sworn statement (with the attached copy of any State permit), in a form prescribed by the Attorney General, for the purpose of—

"(A) notifying such officer of the proposed transaction, and permitting such officer to check the identity and record of the transferee, and to determine and report to the dealer whether ownership or possession of the body armor by the transferee would be in violation of Federal law or of State or

local law of the residence of the transferee; and

"(B) permitting an identity and record check by the Federal Bureau of Investigation which shall, within fifteen days of receipt of the sworn statement from the dealer, transmit to the dealer a report whether the transferee is prohibited by law from receiving body armor:

"(6) the dealer—

"(A) has received the report of the Federal Bureau of Investigation;

"(B) has received the report of the chief law enforcement officer of the place of residence of the transferee; and

"(C) has not received information from the Federal Bureau of Investigation of the chief law enforcement officer that the transferee is prohibited from shipping, possessing, transporting, or receiving body armor under subsection (g) of this section, or that the transferee is less than eighteen years of age, or that the receipt, purchase, or possession of the body armor by the transferee would be a violation of State or local law applicable at the place of residence; and

"(7) twenty-one days have elapsed after the licenses submitted the sworn statement of the transferee. A copy of the sworn statement, a copy of any State license or permit to purchase or carry, and a copy of any notification to the Federal Bureau of Investigation and the appropriate chief law enforcement officer, together with the report received from the Federal Bureau of Investigation and the law enforcement officer under this subsection, shall be retained by the licensee as part of the records required to be kept under section 923(g) of this title.".

INTERVIEW BY SUSAN KING, WRC-TV 4 EVENING NEWS, MARCH 10

At least a half dozen criminals, mostly well heeled drug pushers, have been arrested with bullet proof gear in Washington. The War in the Streets has become sophisticated, and DC Police are behind the times, the reason for their fundraising efforts for bullet-proof vests. Selling body armor has become big business because the stakes are high.

(Natural sound gunfire over pictures of bullet-proof vest tests.]

Bullet-proof vests save lives. 400 officers nationwide claim vests are the reason they are alive. FBI tests prove layers of Kevlar, a stronger than steel fabric, can protect against normal bullets. Kevlar, a Dupont fabric discovered in the 1960's was not mass produced until 1975. That opened up the market for what they call the body armor business, mostly bullet proof vests for police and law enforcement agents. It's now estimated to be a 22 million dollar a year business, which becomes a more sophisticated one each year.

This women looks ready for a trip to the grocery store. This executive enroute to a plane. These weekenders a hike along the Blue Ridge Mountains. But all are prepared for an attack. All are wearing bullet proof clothing. Sold by the leader in this industry, Fairfax County's Progressive Apparel. Since 1973 Progressive has grown from four employees to ten, sales 20% each year. In the 1980's fashionable but bullet-proof clothing is on demand by executives and politicians. Also by criminals. The reason Progressive will not sell on the open market.

Rick Coppage, Progressive Apparal.

"I don't want to read in the newspaper or receive a telephone call that they just arrested somebody for robbing a bank wearing one of my vests."

Because about 300,000 police officers, half the force nationwide have bullet-proof vests, the market is not expected to boom as it has. Some manufacturers are hoping to mass distribute bullet-proof gear in retail outlets. Police admit dealers along the 14th Street Corridor are an eager market.

Gary Hankins, DC FOP—

"A bullet-proof vest cost 250 to 300 dollars retail, and as a business person in a really warped sense, its worth the investment to increase the chances of not being apprehended and reduce the chances of being wounded in exchange of gunfire."

There may be little police can do to stop the criminal element from buying protection. But as a result of the memo documenting the number of criminals wearing bullet-proof clothing, DC police have modified training. Officers had been told when faced with an armed criminal in a shootout aim for the chest. But now they are told after two shots at the chest, aim at the head. The criminal is probably wearing a vest.●

By Mr. ANDREWS (for himself, Mr. NICKLES, Mr. MELCHER, Mr. BURDICK, Mr. DOMENICI, Mr. COCHRAN, Mr. GOLDWATER, Mr. BAUCUS, Mr. ABDNOR, Mr. DECONCINI, Mr. D'AMATO, Mr. STEVENS, Mr. COHEN, Mr. HATFIELD, Mr. MITCHELL, Mr. HATCH, and Mr. BINGAMAN):

S. 1022. A bill to amend section 8(a) of the Small Business Act to treat businesses owned by Indian Tribes as socially and economically disadvantaged small business concerns; to the Select Committee on Indian Affairs.

TREATMENT OF INDIAN BUSINESSES UNDER THE SMALL BUSINESS ACT

Mr. ANDREWS. Mr. President, I rise today to introduce a bill that will amend and clarify section 8(a) of the Small Business Act. This action will benefit a group in our country, the native Americans, who have experienced dramatic economic and social improvement because of the 8(a) program.

Some of you may recall that I introduced a similar bill toward the tail end of the 97th Congress. Due to a number of factors, none of which concerned the intent or language of the bill, the bill did not make it to the Senate floor before Congress adjourned.

Tribal eligibility for participation in the 8(a) has never been completely clear. There is no clear expression of Congress in the act or in the legislative history of the 8(a) provision. SBA, by administrative practice, has permitted tribally owned businesses to participate in the program. This administrative practice was this past October sustained in an SBA general counsel's opinion affirming the eligibility of tribally owned businesses for the 8(a) program.

While I am pleased that the SBA has bolstered its longstanding practice of allowing tribes to participate in the program with a general counsel's opinion, I feel that it is time for Congress to clarify the law, once and for all.

The tribally owned businesses currently participating in the 8(a) program are doing a fine job. These businesses know the meaning of minority economic development. The businesses employ a good number of people, the majority of whom are tribal members, and form the base for the beginning of a stable economy in otherwise economically isolated and disadvantaged areas.

While the concept of tribal ownership is foreign to many of us in Washington, I personally know of the success that such a business can achieve. In my home State of North Dakota, two tribes are successfully participating in the 8(a) program.

The Devils Lake Sioux Manufacturing Corp. (DLSMC), because of the assistance through 8(a), has been responsible for great progress among the tribal members, including a dramatic increase in employment. This company alone, without Federal help, has put over 120 young people to work for the summer months. The educational and social environments on this reservation have provided incentives for the tribal members. The college-educated members are now returning to the reservation and running the company, using their skills and knowledge to make DLSMC a success story.

Another example, Mr. President, is the Turtle Mountain Manufacturing Co. (TMMC). Through the SBA, the Turtle Mountain Band of Chippewa Indians obtained an 8(a) contract which is bringing similar good results to the Belcourt area. TMMC is currently expanding its physical plant and updating its production methods to meet the needs of today's market. It uses both 8(a) and Bureau of Indian Affairs programs.

These two examples show that economic growth begets more economic growth. As people are employed, local markets and businesses grow to meet their needs, and more local people become self-sufficient.

Because the Government benefits double from the tribes' involvement in the 8(a) program, by first, getting a good solid product at minimal cost and by, second, saving moneys that would otherwise go to the unemployed, I urge my fellow Senators to support this amendment.

Mr. President, not to support this bill would be akin to turning our backs on a group that is building an enviable record of success. This amendment makes sense at any time, but especially in these times of fiscal austerity.

Mr. Burdick. Mr. President, I am pleased to join my colleague from North Dakota, Senator MARK ANDREWS, by cosponsoring his bill amending the Small Business Act. The bill clarifies congressional intent that trib-

ally owned businesses are eligible for the 8(a) program designed to assist minority small businesses in procuring contracts with Government agencies.

In the past, SBA has allowed tribes to participate in the 8(a) program, but last year it reversed its interpretation of the existing act which may not only keep new Indian companies from entering the program but also force out tribal firms currently participating in the program.

Both the Devils Lake Sioux and Turtle Mountain Reservations in North Dakota are doing an outstanding job in providing employment and management opportunities and extra-tribal revenues under their 8(a) Department of Defense contracts. I would like to see these companies and others continue because they are very important to the Government's goal of making minority groups self-sufficient.

Mr. D'AMATO. Mr. President, I rise in support of legislation which will give the force of law to the administrative changes that allow tribally owned businesses to benefit from the provisions of the Small Business Act that are designed to meet the needs of socially and economically disadvantaged small business concerns. It is self-evident that the Native Americans need the full benefits available under this act. This bill would require no new Federal expenditures and would ratify the decisions that have already been made by the administration.

It was obviously the intent of Congress that Indian tribes not be exempted from the benefits that are given by this act. The Native American population is one of the most disadvantaged in the country. Their inclusion in this act is the only equitable resolution to this situation. We must encourage the entrepreneurial initiatives within the tribal structure if the gross injustices to which the Native American population has been subjected are to be redressed. I urge the immediate consideration of this bill.

Mr. MELCHER. Mr. President, I am pleased to join my colleague from North Dakota, Senator ANDREWS, as cosponsor of the bill S. 1022, to insure that Indian tribal businesses are treated as minority enterprises by the Small Business Administration.

In 1974, the Assiniboine and Sioux Tribes of the Fort Peck Reservation in Montana established A & S Industries, a wholly owned tribal business. A & S is a dynamic example of the positive benefits of the 8(a) program. With the aid of 8(a), the business was able to contract with the Department of Defense for sale of camouflage equipment and deep draw metal-formed chests. The number of employees has gone from 27 in 1975 to over 280 people, most of whom are Indian. A & S is also moving into competitive markets for its products where there is a demand for camouflage screens by photographers and hunters. A & S is clearly a success story that would not have happened but for the 8(a) program.

The 8(a) program is not a make-work program but a program that puts Indian people to work in stable, productive jobs. The obvious side effects are the economic enhancement of the reservation itself. The pride and self-esteem that come from a steady paycheck and producing a good product are hard to measure but A & S Industries is proof that pride and self-esteem are achievable goals on Indian reservations. The 8(a) program is vital if the A & S story is to be repeated on other economically depressed Indian reservations throughout this country.

By Mr. DOLE (by request):

S. 1023. A bill to provide for modification of the Federal supplemental compensation program and a voucher system to encourage employment of individuals eligible for Federal supplemental compensation, a youth opportunity wage, to authorize use of State unemployment funds to finance retraining and relocation assistance for unemployment compensation claimants, and for other purposes; to the Committee on Finance.

EMPLOYMENT ACT OF 1983

● Mr. DOLE. Mr. President, I am today introducing, by request, the administration's Employment Act of 1983. This bill contains a number of initiatives to deal with the high rate of unemployment the Nation is currently experiencing, as well as an extension of the emergency unemployment benefits program established by Congress in September 1982. It is my understanding that identical legislation has been introduced in the House of Representatives.

As my colleagues know, one of the major provisions of the bill was included in the Social Security Amendments of 1983 awaiting the President's signature. That provision extends the temporary Federal supplemental compensation (FSC) program which was scheduled to expire on March 31, 1983. Although the program agreed to by the House and Senate conferees and passed by the Congress differs from that proposed in this bill, it does extend the life of the FSC program through September 30, 1983, providing much-needed benefits for an estimated 2 million individuals.

Other provisions of the Employment Act of 1983 are designed to address the Nation's long-term unemployment program. They would:

Establish a job voucher program that allows FSC recipients to receive the equivalent of their benefits in the form of weekly vouchers to be given to new employers as a hiring incentive;

Permit the States to use up to 2 percent of the State unemployment compensation tax receipts to provide assistance to displaced workers in the form of retraining and relocation; and

Establish a youth opportunity wage for at least $2.50 per hour from May 1 through September 30 for persons under the age of 22.

Attached is a brief summary of the provisions mentioned above, as well as a more detailed explanation of the administration's bill, and I ask unanimous consent that the material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AN EXPLANATION OF PROVISIONS IN THE EMPLOYMENT ACT OF 1983

A. JOB VOUCHER SYSTEM

1. *Period of coverage:* Employment periods from May 1, 1983 through March 31, 1984.

2. *Eligibility requirements for claimant:*

If claimant is eligible under FSC III or would be if so extended through March 31, 1984;

Elects to use the voucher system; and

Re-eligible for UI if subsequent lay off.

3. *Eligibility requirements for employer:*

Employment must be for at least 32 hours per week;

Related individuals under the Internal Revenue Code (IRC) would not be eligible; and

Base period employees under FUTA would not be eligible.

4. *Entitlement period:* A 52-week period from May 1, 1983 through March 31, 1984.

5. *Amount and number of vouchers:* The value of a weekly voucher to which an employer is entitled will be one-half of the amount of the individual's weekly benefit amount for a week of total unemployment throughout the remainder of the individual's entitlement period.

6. *Employer claims:*

The employer must notify the state agency within 3 weeks of the first day of work and provide the date of the individual's first day of work, the name, address, SS#, and the intent to claim the voucher;

The employer must file with the state within two weeks after the week for which the voucher is claimed;

The employer must verify that the individual was employed during that week for at least 32 hours and was not a 'related individual' or base period employee; and

The state will determine the validity of each claim filed.

7. *Safeguards against misuse:*

Employers who abuse the system will be barred from further eligibility; and

Employers will be prosecuted under the fraud statutes of the Justice Department.

8. *Credit use of certified vouchers:*

Credit for vouchers will be given for: (a) state UI, (b) federal UI, and (c) federal income tax;

Credit may also be carried forward for federal UI and income tax for 15 years and carried back for federal income tax for 3 years; and

Targeted jobs tax credit (TJTC) will be denied for the same voucher individual.

B. YOUTH OPPORTUNITY WAGE

1. *Period of coverage:* From May 1 through September 30 each year.

2. *Eligibility requirement:* For individuals from ages 14 to 22.

3. *Wage rate:*

At least $2.50 per hour;

Applies to references in other federal laws which refer to section 6(a)(1) of the Fair Labor Standards Act (FLSA) if the individuals also meet the criteria for this provision; and

Wages are excluded from UI coverage, both for federal and state, and employment is excluded for UI purposes.

4. *Safeguards against misues:*

Youths employed at anytime during the 90-day period prior to May 1 will not be covered by the Act; thus, there should not be substitution;

Employees will be protected from discriminatory discharge;

Employees will be provided a private right of action under section 15(a)(3) against employers who misuse system; and

The bill does not affect compliance with child labor laws or record-keeping requirements.

C. RETRAINING AND RELOCATION ASSISTANCE

1. *Eligibility:*

Use of the system will be the choice of each state; and

Only workers eligible for UI would be affected.

2. *Maximum amount used:*

Two percent of the total receipts from employers contributing to the state UI fund; and

Advances under Title XII of the Social Security Act (SSA) may be used.

3. *Administrative costs:*

Would not be allowed as administrative expenses under the Social Security Act; and

Expenditure limitations of SSA will apply.

D. OTHER PROVISIONS

1. *Technical and conforming amendments to:*

Job Training and Partnership Act (JTPA);
Social Security Act (SSA); and
Internal Revenue Code (IRC).

STATEMENT IN EXPLANATION OF THE EMPLOYMENT ACT OF 1983

The Employment Act of 1983 includes some initiatives designed to address the Nation's unemployment problem. The bill would:

Extend a modified Federal Supplemental Compensation (FSC) program through the end of FY 1983 and tighten FSC eligibility;

Establish a related job voucher program that allows FSC recipients to receive the equivalent of their benefits in the form of weekly vouchers to be given to new employers who hire them;

Permit the states to use up to two percent of the State unemployment compensation tax receipts to provide assistance to displaced workers in the form of retraining and relocation; and

Establish a youth opportunity wage during the summer months for persons under the age of 22.

TITLE I: MODIFICATION OF THE FEDERAL SUPPLEMENTAL COMPENSATION PROGRAM

FSC modification

Subtitle A of title VI of the Tax Equity and Fiscal Responsibility Act of 1982 (Public Law 97-248) enacted the Federal Supplemental Compensation Act of 1982. The Federal Supplemental Compensation program was extended by section 544 of the Surface Transportation Assistance Act of 1982 (Public Law 97-424). The Employment Act of 1983 provides for a modified Federal Supplemental Compensation program for an additional six months, through September 30, 1983.

Eligibility for benefits under the extension would be revised to reflect the third-tier character of FSC—following on regular benefits and extended benefits. Administration of the proposed legislation would be simplified by reducing the five different State-wide benefit levels under the present FSC program to three. To reflect the third-tier concept of FSC, individuals must have had employment in their base period of at least 30 weeks of work, or the equivalent in wages, in order to qualify for benefits under the revised FSC program. For extended benefits it is 20 weeks of work or the equivalent in wages. Finally, claimants would be ineligible if they became unemployed for any reason other than being separated for lack of work or physical disability. This will make ineligible those leaving work voluntarily or who were discharged for any other reason.

Claimants' weekly benefit amounts will be the same as their weekly benefit amounts under the current Federal Supplemental Compensation program. The maximum amount payable to a claimant during the period of modification (the period of the revised program from April 1 to September 30, 1983) will be the lesser of sixty-five percent of the total amount of regular compensation payable during the most recent unemployment benefit period or a multiple of the weekly benefit amount. That multiple will be calculated in accordance with unemployment levels in that State. A higher level of unemployment within a State would result in a claimant receiving a greater maximum amount of benefits. When unemployment levels in a State change, the State would move from one unemployment period to another unemployment period. Such movement would change the maximum amount of a claimant's potential entitlement.

Finally, individual claimants who move from the State in which their claim for unemployment compensation arose, and file interstate claims in another State during their FSC period shall have their maximum amount payable reduced if the second State is in a lower unemployment period than the State from which they came.

A "high unemployment period" (up to 16 weeks of FSC payable) would begin in a State when that State had an insured unemployment rate of 6.0 percent or higher. The period would end after the insured unemployment rate in that State dropped below 6.0 percent. An "intermediate unemployment period" (up to 12 weeks of FSC payable) would begin in a State when that State had an insured unemployment rate of 4.5 percent but less than 6.0 percent. That period would end when the State met the trigger rates for either a high or low unemployment period. A "low unemployment period" (up to 8 weeks of FSC payable) shall begin with the first week in which the State is not in a period of high or intermediate unemployment and end with the week preceding the week in which a State begins a period of high or intermediate unemployment. Notwithstanding a State meeting the trigger requirements for unemployment, periods will last for a minimum of four weeks.

We estimate that for the period of modification 400,000 claimants will be affected by the changed requirements at a cost of approximately $550 million less than a straight extension of the current program.

Job voucher system

The bill also permits a claimant eligible for FSC and an individual who would have become eligible for FSC from September 30, 1983 to March 31, 1984, if FSC were in effect, to elect to use entitlement to Federal supplemental compensation in the form of a voucher redeemable by an employer who hires the individual. Individual elections to use the voucher system will be permitted for the period from May 1, 1983 to March 31, 1984.

The employer who hires the individual will be entitled to a voucher for each week he employs the claimant for at least 32 hours. The employer will not be permitted to claim a voucher for individuals related to the employer. The definition of a "related individual" is provided in the Internal Revenue Code. A voucher will also be denied if the employer employed the individual in the base period of his most recent unemployment benefit year.

The voucher amount would be one-half of the individual's weekly benefit amount for a week of total unemployment. The maximum number of vouchers to which an employer will be entitled with respect to any individual is determined by a mathematical formula which utilizes the claimant's weekly benefit amount and the duration of that claimant's entitlement to compensation. The employer's claim for a voucher must be presented to the State agency and must contain a verification by the employer that the individual was employed by the employer, that the hours of employment met the basic criteria of the voucher program, and that the employer is not ineligible. The State must also determine that the other criteria of the law have been met and thereby certify the voucher.

If a claimant elects to use the voucher system and is laid off by an employer for a reason which does not disqualify the claimant under State law, the claimant would be entitled during the period of modification to any remaining Federal supplemental compensation. The claimant would also be protected in leaving employment for which the voucher is claimed due to a subsequent reduction in hours or wages.

Any employer who misuses a voucher will be ineligible for any further vouchers and liable to repay the value of any vouchers he was not entitled to receive. The employer would further be subject to prosecution under the fraud provisions of Federal law.

The voucher credits may be used by employers first to satisfy their State unemployment tax liability, second to satisfy their Federal unemployment tax liability, or third against any Federal income tax liability. In the event an employer has vouchers in excess of these tax liabilities in any one year, they may be carried forward for up to 15 years to satisfy first Federal unemployment tax liability and second Federal income tax liability. The vouchers may also be carried back against Federal income tax liability for up to three years. The tax credit is non-refundable. If the employer uses the voucher credit to satisfy any of these tax liabilities, that employer will not be entitled to a targeted jobs tax credit for wages paid to that employee during the same period a voucher is claimed.

We estimate that 700,000 individuals will use the job voucher system.

TITLE II: YOUTH OPPORTUNITY WAGE AND COVERAGE

Under current law, the basic Federal minimum wage of $3.35 an hour exists for most American workers. The purpose of title II is to provide an incentive for employers to expand job opportunities for young people during the period from May 1 through September 30 each year by permitting them to pay a wage that is less than the basic wage rate that is required by existing Federal law.

Specifically, this provision would amend the Fair Labor Standards Act to permit an employer to employ a youth under 22 years of age from May 1 through September 30 at a wage of either 75 percent of the otherwise applicable minimum wage or $2.50 per hour, whichever is less. The provision also states that any references in other Federal laws to the Federal minimum wage under section 6(a)(1) shall be interpreted to refer to this subsection with respect to this type of youth employment. The provision also states that the subsection shall not be applicable to any person who has been employed by the employer at any time during the 90-day period before May 1. This is to provide protection for young workers who are already employed by a particular employer. The provision also states that no employer shall discharge or discriminate against any employee of such employer who is ineligible for the wage established by this subsection on the basis of such ineligibility. This is designed to protect older workers from possible displacement by the youth eligible for the youth opportunity wage. A discriminatory discharge violation shall be deemed a violation of section 15(a)(3) of the Fair Labor Standards Act (FLSA) and thus these violations would be enforceable with the remedies under the FLSA. The provision would also exclude from Federal and State unemployment compensation coverage the employment of such individuals and their wages.

TITLE III: USE OF STATE UNEMPLOYMENT FUNDS FOR RETRAINING AND RELOCATION ASSISTANCE

The bill would permit the use of State unemployment funds for retraining and relocation assistance of workers eligible for unemployment compensation under State law. Job search allowances and relocation allowances may also be furnished to workers.

The amount of funds a State may use for retraining and relocation assistance in a year shall not exceed two percent of the total receipts from employers to the State's unemployment fund in the preceding calendar year. Funds granted to a State for the administration of State and Federal unemployment compensation laws may not be used for the costs of administering the retraining and relocation assistance programs, nor may State unemployment funds be used for administrative costs.

This proposal provides a means whereby States can encourage individuals who have been permanently separated from their jobs to obtain retraining. States could tailor their assistance to the specific needs of long-term, structurally unemployed.

If all States took advantage of this provision, we estimate the total amount of funds available would be $374 million based on estimated tax receipts for fiscal year 1984.

TITLE IV: ADDITIONAL PROVISIONS

The bill would amend the Job Training Partnership Act to provide that individuals who receive wages pursuant to programs under the Job Training and Partnership Act or the Comprehensive Employment and Training Act who have not attained age 22 by May 1 shall, for the period from May 1 through September 30, be paid the minimum wage established in section 6(g) of the Fair Labor Standards Act or the minimum wage under State or local law.

The bill would provide for technical and conforming amendments to the Social Security Act and the Internal Revenue Code.

By Mr. HATFIELD:

S. 1025. A bill to establish in the Federal Government a global foresight capability with respect to natural resources, the environment, and population; to establish a national population policy; to establish an Interagency Council on Global Resources, Environment, and Population, and for other purposes; to the Committee on Governmental Affairs.

GLOBAL RESOURCES, ENVIRONMENT, AND POPULATION ACT OF 1983

Mr. HATFIELD. Mr. President, today, I am introducing legislation designed to bring about institutional change and improve the global foresight capability of the U.S. Government. This bill requires that there be established an Interagency Council on Global Resources, Environmental, and Population which would be mandated to develop a national population policy. This policy would include a declaration encouraging voluntary national population stabilization in the long term.

It is time that our country face the stark realities of geometric population growth, resource depletion, environmental degradation, and their link to our national security interests. It should come as no surprise that our current Government policies and capabilities to address such significant problems is grossly deficient and disjointed. This legislation provides crucial direction to our Government to begin focusing on the wide range of demographic trends and problems that affect us all. Population change has tremendous impacts on our Nation's problems involving energy conservation, hunger, education, housing, and employment. We can no longer ignore such tendencies.

We must adopt the flexible policy called for in this bill to capably respond to the monumental demographic concerns that presently confront us.

Several unexpected and uncontrolled events in our history have led to resource shortages, scarcity of manufactured goods and heightened world tensions. The most prevalent illustration of such an occurrence is the post-World War II baby boom which clearly demonstrates our Government's weakness in collecting and wisely utilizing demographic data. The population bulge that ensued because of the large number of babies born between 1948 and 1968 first crowded the maternity wards of our hospitals, then further crowded our schools and universities.

The decade of the fifties saw school enrollment jump almost 50 percent. Following graduation, this generation has flooded the job and housing markets. Some demographers are predicting the children of the baby boom will produce another bulge in numbers and our country will again be unprepared. When the baby boom generation reaches retirement age, great demands will be put on health care and retirement systems.

Another demographic pattern which has impacted our Nation has been the internal migratory shifts in our population caused by economic, political, and cultural factors. A recent illustration of this trend can be noted in the industrial towns of the northern Midwest which have depended heavily on the auto and steel industries for their very existence. The fall in the auto and steel employment has resulted in a large internal migration to the more prosperous cities in the Sun Belt where better opportunity exists for the skilled unemployed of the North.

The hunger problem we are witnessing in the world sharpens our understanding and defines the magnitude of geometric population expansion. Today, 800 million people are suffering from starvation. Worldwide, 12 million people die of starvation each year before they reach the age of 5. In Latin America, El Salvador has the highest rate of malnutrition of any nation in the hemisphere, and we have seen not only the suffering and instability which this creates, but the opening which it gives to extremist ideology. One does not have to utilize great intelligence to realize a spiraling world population has brought an exponential erosion of our finite resource base and substantial increase in human sacrifice.

As Americans, we can no longer afford to stand by and remain spectators of this calamity. We must take responsible actions and confront this dilemma head-on.

There have been several attempts on behalf of the U.S. Government to address pressing global issues during our two previous administrations. In 1975, President Ford recognized the significance of such global problems and originated an ad hoc group on population policy within the National Security Council. A more visible effort was carried out under President Carter's direction and completed in the summer of 1980. This multiagency study was entitled: "The Global 2000 Report to the President." The follow-up document to the report, "The Global Future: Time to Act", strongly recommends that a single government center is needed to insure availability of adequate demographic data to U.S. decision makers.

President Reagan has also indicated his interest in global issues and has instructed the Council on Environmental Quality to begin conferring with other Government agencies to develop a response to some of the most critical global problems. In addition, several academic studies have been completed which point to the need to establish national population policy. Two such efforts have been issued by the Boston

College Environmental Law Center and Stanford University, respectively.

Mr. President, this legislation, as I mentioned previously, establishes an Interagency Council on Global Resources, Environment and Population. The Council, comprised of representatives from existing Federal agencies and Cabinet level departments, will project short- and long-term national and global trends on population, the environment, and the availability of natural resources. This council, by directing, monitoring, and coordinating ongoing assessments of these relationships, will enable the Federal Government and its agencies and departments to tailor its policies and programs to suit shifting demographic patterns. The Council will not cost the taxpayers any additional expense and will not add to the Federal work force. In this manner, we can prudently establish the institutional base necessary to address this vital task and not add to the Federal deficit.

This legislation declares the goal of population stabilization, by voluntary means, as the keystone of a national policy of planning for demographic change. I want to emphasize that this legislation does not mandate intensive solutions to population control. It does not become involved in controversial birth control issues.

Mr. President, for many years during my tenure here in the Senate I have tried to advance the notion that we are not the owners of the natural resources and treasures of the Earth, but rather its stewards, entrusted with its temporary use. We as a nation must live and act in ways that demonstrate this stewardship. The benefits to be realized—reduced human suffering and strife for future generations—will certainly be worth the cost.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1025

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Global Resources, Environment, and Population Act of 1983".

DEFINITIONS

SEC. 2. For the purposes of this Act, the term—

(1) "agency" shall have the same meaning provided in section 551(1) of title 5, United States Code;

(2) "Chairman" means the Chairman of the Council on Global Resources, the Environment, and Population established by section 7 of this Act;

(3) "Council" means the Council on Global Resources, the Environment, and Population established by section 7 of this Act;

(4) "global population stabilization" means the stage in the change in world population when the number of human births approximately equals the number of human deaths;

(5) "long term", when used with respect to trends or impacts means a period of twenty or more years;

(6) "national population stabilization" means the stage in the change in national population when the sum of the number of human births and the number of individuals immigrating approximately equals the sum of the number of human deaths and the number of individuals emigrating;

(7) "person" shall have the same meaning provided in section 551(2) of title 5, United States Code;

(8) "population characteristics" means the number of individuals in the population, and the fertility, mortality, immigration, emigration, internal migration, age structure, and geographic distribution of the population, and the health, education, employment, income, and natural resources needs of the population; and

(9) "short term", when used with respect to trends or impacts, means a period of less than twenty years.

FINDINGS AND POLICY

SEC. 3. (a) The Congress finds and declares that—

(1) population growth directly affects the availability of natural resources, the environment, economic development, and national security;

(2) continued unplanned changes in population characteristics affect the ability of the Nation—

(A) to fulfill the needs of the people for education, training, jobs, health care, housing, and transportation;

(B) to maintain adequate energy supplies;

(C) to conserve natural resources;

(D) to produce food and agricultural products;

(E) to protect the environment;

(F) to provide income maintenance for retired and disabled individuals; and

(G) to control Government expenditures;

(3) there are economic, social, governmental, and environmental advantages to the attainment of national population stabilization in the United States;

(4) the Federal Government has the responsibility for coordinating planning for charges in population characteristics;

(5) the Federal Government is presently unable effectively to derive internally consistent projections or long-term national and global trends in population, characteristics, the availability of natural resources, and environment change, to analyze the effects of such trends on Federal policies and programs, and to consider such trends in planning and modifying Federal policies and programs appropriately; and

(6) the Federal Government must improve its capability—

(A) to coordinate research and analysis with respect to, and prepared projections of, national and global trends in population characteristics, the availability of natural resources, and environmental change, and

(B) to assess the impact of such trends on the national security and the economic well-being of the people of the United States.

(b) It is the public policy of the United States that—

(1) the Federal Government use all practicable means, including financial and technical assistance, to establish and maintain conditions which (A) promote the achievement, at the earliest possible time, of national population stablization in the United States at a level which is consisted with the maintenance of a high standard of living and conservation of natural resources and the environment, and (B) do not cause major social or economic dislocations in the national population;

(2) the Federal government cooperate with State and local governments and other pertsons to promote national population stabilization in the United States;

(3) the Federal Government encourage the nations of the world to achieve national population stabilization and a balance between population characteristics, the use of natural resources, and environmental change; and

(4) The Federal Government develop and maintain the capability—

(A) to coordinate research and analysis with respect to, and to prepare projections of, national and global trends in population characteristics, the availability of natural resources, and environmental change,

(B) to assess the impact of such trends on the Nation, and

(C) to coordinate national planning and decisionmaking based on such projections.

PURPOSES

SEC. 4. The purposes of this Act are—

(1) to provide for coordinated national planning for changes in national population characteristics;

(2) to facilitate the attainment of a balance, both nationally and, through cooperation with other nations, globally, between population characteristics, the use of natural resources, and environmental change;

(3) to encourage national population stabilization and to encourage voluntary family planning in accordance with the World Population Plan of Action adopted in Bucharest in 1974 by the United States and 136 other nations, which provides in part that "all couples and individuals have the basic right to decide freely and responsibly the number and spacing of their children and to have the information, education and means to do so; the responsibility of couples and individuals in the exercise of this right takes into account the needs of their living and future children, and their responsibilities towards the community";

(4) to assure that, in the interpretation and administration of Federal laws, regulations, and policies, and the planning and administration of the programs of the Federal Government, the goal of national population stabilization and projections on national and global trends in population characteristics will be considered;

(5) to establish an interagency council to improve the capability of the Federal Government to provide the President, the agencies, and the Congress with accurate, timely and internally consistent projections of short-term and long-term national and global trends in population characteristics, the availability of natural resources, and environmental change; and

(6) to assure coordination of the activities of all agencies which assess the effects of the national and global trends referred to in clause (5) on the national security and the economic well-being of the people of the United States, and on Federal, State, and local policies and programs relating to education, employment, housing, agriculture, commerce, energy, the environment, transportation, communications, and services to senior citizens.

INTERPRETATION AND ADMINISTRATION OF POLICIES, REGULATIONS AND PUBLIC LAWS; AGENCY ACTION

SEC. 5. The Congress authorizes and directs that, to the fullest extent possible—

(1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act; and

(2) all agencies of the Federal Government shall—

(A) use reliable demographic research in planning and decisionmaking which affect national and global population characteristics, the impact of national and global population characteristics on the availability of natural resources, the environment, the security of the United States, and the attainment of national and global population stabilization;

(B) identify and develop, in consultation with the Council on Global Resources, the Environment, and Population established by section 7 of this Act, methods and procedure which will insure that national and global population characteristics and the promotion of national and global population stabilization will be considered, along with environmental, economic, natural resource, and technical considerations, in planning and decisionmaking in such agencies; and

(C) make available to State and local governments and to other persons such advice and information as may be useful for planning for changes in population characteristics and national population stabilization in the United States.

POLICY REVIEW

SEC. 6. The head of each agency shall review the statutory authority, administrative regulations, and policies and procedures of the agency for the purpose of determining whether there are any deficiencies or inconsistencies which limit or prevent compliance with the purposes, policies, and provisions of this Act. The head of each agency shall, within one year after the enactment of this Act, take such action as the head of the agency considers necessary to eliminate any such deficiencies or inconsistencies and recommend to the President such administrative actions and to the Congress such legislative actions as the head of the agency considers necessary to eliminate any such deficiencies or inconsistencies.

COUNCIL ON GLOBAL RESOURCES, THE ENVIRONMENT, AND POPULATION

SEC. 7. (a) There is established a Council on Global Resources, the Environment, and Population. The Council shall be composed of the Secretaries of Agriculture, Commerce, Defense, Energy, Health and Human Services, the Interior, State, and Transportation, the Attorney General, the Director of the Office of Management and Budget, the Director of Central Intelligence, the Chairman of the Council on Environmental Quality, the Administrator of the Environmental Protection Agency, the Director of the United States International Development Cooperation Agency, the Director of the National Science Foundation, the Assistant to the President for National Security Affairs, the Director of the Office of Policy Development of the Executive Office of the President, the Director of the Office of Science and Technology Policy of the Executive Office of the President, and the United States Trade Representative, or their designees.

(b) The Chairman of the Council on Environmental Quality shall be Chairman of the Council. The Council shall elect a Vice Chairman from among its members. In the absence or disability of the Chairman, the Vice Chairman shall act as Chairman.

(c) The Chairman shall preside at all meetings of the Council. At least seven members of the Council shall constitute a quorum. Each member of the Council, including the Chairman, shall have one vote. Decisions of the Council shall be determined by a majority vote of the members present.

FUNCTIONS OF THE COUNCIL

SEC. 8. (a) The Council shall—

(1) assist and advise the President in the preparation of the national population change and planning report required by section 10 of this Act;

(2)(A) coordinate population research by agencies and compile information on the current and foreseeable trends in United States and global population characteristics and on the conditions causing such trends;

(B) analyze and interpret such information to determine the probability that such trends and conditions will limit the achievement of the policies set forth in this Act; and

(C) compile and submit to the President and Congress such studies as the Council considers appropriate to promote the achievement and implementation of the purposes of this Act and policies of this Act;

(3) review the laws, regulations, programs, and activities of the Federal Government to determine the extent to which such laws, regulations, programs, and activities limit or promote the achievement and implementation of the purposes and policies of this Act, and make recommendations to the President for such administrative actions and the Congress for such legislative actions as the Council considers necessary to eliminate any provisions of such laws or regulations or to modify any such programs or activities which limit the achievement or implementation of the purposes and policies of this Act;

(4) develop and recommend to the President and the Congress a national population policy, including a national policy on immigration, which will facilitate planning for changes in population characteristics and promote national population stabilization in the United States;

(5) conduct investigations, surveys, and research, and prepare studies and analyses relating to national population characteristics and the impact of the population characteristics on the availability of natural resources, the environment, and achievement of national population stabilization;

(6) prepare and revise projections and analyses of short-term and long-term global trends in population characteristics, availability of natural resources, and environmental change, including the impact of such trends on the Nation, and report such projections and analyses to the President at least every two years;

(7) develop and recommend to the President policies and programs which will encourage global population stabilization at a level which is consistent with the highest possible standard of living and does not deplete the natural resources of the world or degrade the global environment; and

(8) make such recommendations with respect to matters of policy and legislation as the President or the Congress may request.

(b) In carrying out its functions under this Act, the Council shall consult with appropriate officials and representatives of State and local governments, and other persons, including persons interested in population, science, industry, health, education, agriculture, labor, conservation, social welfare, and international affairs, to obtain information, opinions, and advice without compensation or reimbursement.

ADMINISTRATIVE PROVISIONS

SEC. 9. (a) The Chairman is responsible for the executive and administrative operation of the Council in carrying out the provisions of this Act. The Chairman is authorized—

(1) to use, pursuant to appropriate agreements, the services, equipment, personnel, and facilities of other agencies and of State, local, and private instrumentalities, without reimbursement therefor;

(2) to enter into agreements with the heads of such other agencies and the heads of any State, local, and private instrumentalities as may be appropriate; and

(3) to request such information, data, and reports from any agency or person as the Council may require to carry out the purposes and provisions of this act.

(b) The head of each agency represented on the Council shall promptly furnish necessary services, equipment, personnel, and facilities to the Council.

(c) The head of each agency shall, to the extent permitted by law, provide the Council with information of the agency requested by the Council, including suggestions, estimates, and statistics.

(d) The expenses of the Council shall be paid of appropriations available for the payment of the administrative expenses of the Executive Office of the President.

ANNUAL REPORT

SEC. 10. Within one year after the date of enforcement of this Act, and annually thereafter, the President shall prepare and transmit to the Congress a national population change and planning report which shall include—

(1) the current and foreseeable trends in national and global population characteristics;

(2) an evaluation of the adequacy of available natural resources for fulfilling the human and economic requirements of the United States and the world based on such current and foreseeable trends;

(3) an evaluation of the short-term and long-term impact which national and global trends in population * * *.

By Mr. MOYNIHAN (for himself, Mr. DODD, Mr. RANDOLPH, Mr. HART, and Mr. INOUYE):

S. 1026. A bill to provide for national public improvements; to the Committee on Governmental Affairs.

FEDERAL CAPITAL INVESTMENT ACT OF 1983

● Mr. MOYNIHAN. Mr. President. I am introducing today, along with Senators DODD, HART, INOUYE, and RANDOLPH, the Federal Capital Investment Act of 1983. This bill combines the key points of legislation Senator DODD and I introduced separately last year. Senator DODD's bill, S. 2630, the Capital Investment Budget Act of 1982, was introduced on June 15, 1982; my bill, S. 2926, the Rebuilding of America Act, was introduced on September 17, 1982; and again as S. 23 on January 26, 1983.

The new bill would establish an independent Commission on Public Improvements to compile a comprehensive inventory of public works on a State-by-State basis, and further would direct the Federal Government to prepare a capital investment budget within the unified budget.

In a most surprising way the subject of public works has risen from obscurity to respectability over the last year. Not just because of the invention of a new word—"infrastructure"—did this occur. Against the background of record unemployment, most Americans can plainly see that the road, bridges, mass transit, water supply, and sewer systems on which they depend are falling apart faster than they are being repaired or rebuilt. There is obviously work to be done and workers to do it.

Public works spending by all levels of government has declined nearly 30 percent over the last decade—but no one seemed to realize this was occurring. Neither the Congress, the Office of Management and Budget, nor the State and local governments made a conscious decision to collectively spend less to maintain the existing public works systems that sustain our economy.

States and local governments for their part have been strapped for funds, crowded out of the bond market by high interest rates, and saddled with increased administrative responsibilities by the Federal Government. Deferred maintenance or postponed development of essential public works—particularly those below the ground— is a politically expedient, and in the short term, a fiscally attractive solution. Furthermore, Federal grant and loan programs for public works tend to encourage new construction at the expense of maintenance and rehabilitation.

At the Federal level, the decline in investment is largely a consequence of haphazard and diffuse decisionmaking. We have failed to organize budgetary information on long-term capital spending projects in any meaningful and useful form. Fully one-half of all public works investment in the United States derives directly or indirectly—through grants-in-aid—from the Federal Government. Yet, the Federal Government lacks both the institutional structure and the data to set spending priorities, assure consistency among the many different programs and agencies, and achieve fiscal equity among the regions of our Nation.

The purpose of our bill is to provide the institutional structure and the budgetary format to make rational, long-term decisionmaking on public works possible at the Federal level. Our bill would amend the Budget Act to require the preparation of a Federal capital investment budget to be submitted by the President in each fiscal year. The capital investment budget would be a part of the unified budget.

In addition to the capital budget, our bill would establish an independent Commission on Public Improvements composed of 13 public and private representatives. The Commission would conduct an inventory of existing major public improvements by region, State, and metropolitan area. Over its 2-year life, the Commission would develop a national public improvement plan which would establish national and regional priorities in construction, rehabilitation and repair projects. The plan would examine various means of public and private financing of such projects and recommend necessary changes in Federal laws and regulations to reverse the pattern of disinvestment in public works.

The Commission will be staffed by the Army Corps of Engineers and other appropriate agencies. We feel strongly that the expertise to maintain a workable and effective inventory and to develop the details of a capital investment plan within the unified budget should reside in the Federal Government and not be delegated to outside consultants. This is emphatically a function of government that should not be abdicated.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1026

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Federal Capital Investment Act of 1983".

FINDINGS

SEC. 2. The Congress finds and declares that—

(1) the Nation's inventory of public improvements are vital to national development and prosperity;

(2) public capital investment in the United States has declined at an alarming rate over the last decade and has resulted in the poor condition of much of our public improvements;

(3) the national costs of deteriorated or inadequate public improvements are significantly higher than the costs of constructing new or rehabilitating or replacing existing facilities;

(4) the Federal Government is responsible for one-half of all public capital investment in the United States through grants-in-aid and direct investment; and

(5) the Federal Government has no institutional means of formulating a comprehensive national public improvements plan and ordering national priorities.

PURPOSES

SEC. 3. The purposes of this Act are—

(1) to provide basic information of the system of national public improvements of the Nation in an organized and rational manner;

(2) to identify serious deficiencies in national public improvements that are deteriorating and beyond rehabilitation and to identify those that are constraining national growth;

(3) to allocate limited funding for national public improvements in a cost-effective and orderly manner by providing for the establishment of reasonable and regionally balanced priorities in capital investment;

(4) to distinguish between Federal, State, and local responsibilities in order to reduce fragmentation and duplication of effort while retaining the primacy of State and local governments on decisions affecting the use of land and water within their jurisdictions;

(5) to improve legislative oversight over public capital investments; and

(6) to mitigate disincentives for the construction, rehabilitation and repair of deteriorating national public improvements that now exist in Federal laws and regulations to encourage the most economically efficient pattern of investment in public improvements by the Federal Government.

DEFINITIONS

SEC. 4. For the purposes of this Act—

(1) the term "national public improvement" means but shall not be limited to the Nation's systems of highways, roads, bridges, mass transit, main water supply and distribution systems, and sewer systems;

(2) the term "facility" means any physical structure such as a highway, road, bridge, transit line or structure related to a mass transit system, water supply storage, treatment, and distribution system or sewage treatment and collection system which is owned and operated by the Federal Government, a State, municipality, or other public agency or authority organized pursuant to State or local law;

(3) the term "construction" means the erection or acquisition of new structures and the acquisition and installation of initial equipment therefor;

(4) the term "rehabilitation" means the alteration or reconstruction of an existing structure and the acquisition and installation of initial equipment or modernization or replacement of such equipment;

(5) the term "repair" means the maintenance and operation activities on an existing structure to ensure the continuing functioning of the structure;

(6) the term "life-cycle cost" means the total cost of constructing, operating, and maintaining a facility, including the interest on any borrowed funds, over the design engineered life of the facility;

(7) the term "State" means any State of the United States, the District of Columbia, Puerto Rico, Guam, American Samoa, the Northern Marianas Trust Territories, or the Virgin Islands; and

(8) the term "region" means one of the nine geographical groups of States defined by the Bureau of the Census in the Statistical Abstract of the United States.

NATIONAL INVENTORY OF PUBLIC IMPROVEMENTS

SEC. 5. The National Commission on Capital Investment established pursuant to section 8 (hereinafter referred to as the "Commission") shall conduct an inventory of existing major national public improvements by region, State, and major metropolitan areas of the United States and by type of facility, surveying especially—

(1) age and condition of the facility;

(2) trends in the condition of the facility over time and the relation of those trends to usage and repair schedules;

(3) means of financing the rehabilitation, repair, and construction of facilities;

(4) comparisons of condition of public improvements within a region, State, or major metropolitan area and the pattern of economic development in such areas over time; and

(5) trends in public expenditures for rehabilitation, repair, and new construction of public improvements by region, State, a major metropolitan area and by level of government.

DEVELOPMENT OF A NATIONAL PUBLIC IMPROVEMENTS PLAN

SEC. 6. (a) The Commission shall develop a National Public Improvements Plan (hereinafter referred to as the "Plan") listing in priority order, needed construction, rehabilitation, or repair of public improvements in each region, for such time periods as the Commission may deem appropriate, to sustain regionally balanced national economic development. Priorities shall be listed by type of facility for the Nation as a whole and for each region, and shall further consider the relative priorities among the various types of facilities. The Plan shall include recommended means of financing the needed construction, rehabilitation and repair taking into account the lowest life-cycle costs of developing and maintaining national public improvements and the appropriate mix of Federal, State, local and private resources to implement the Plan. The Commission shall consider prior Federal involvement, level of prior repair expenditures and regional equity in its recommendations on financing the Plan.

(b) As an integral part of the Plan, the Commission shall suggest specific revisions in Federal laws, regulations, and policies and further suggest alterations in the current responsibilities of Federal, State, and local governments that may be necessary to reverse the pattern of disinvestment in national public improvements and sustain economic development. The Commission shall include analyses and recommendations in accordance with the purposes of this Act concerning—

(1) the information the President has submitted to the Congress pursuant to section 201(k) of the Budget and Accounting Act, 1921 identifying Federal civilian national public improvements in the unified Federal budget;

(2) changes in the imposition or allocation of excise taxes, user fees, other sources of public revenue, and borrowing authorities;

(3) statutory or regulatory revisions in grants-in-aid, direct construction, or subsidy programs that would eliminate duplication, waste, and delay; that would encourage consideration of lowest life-cycle costs in developing and maintaining facilities; and that would correct regional imbalances and disincentives for repair of facilities in Federal programs; and

(4) the desirability and feasibility of scheduling public improvements construction and major rehabilitation work in a manner counter to national or regional economic cycles in order to reduce the cost of such work and to dampen economic fluctuations.

PROCEDURES

SEC. 7. (a) The Commission shall submit to Congress and the President, not later than one year from the date of enactment of this Act, the national inventory of public improvements required pursuant to section 5.

(b) Not later than eighteen months after the enactment of this Act, the Commission shall submit to Congress and the President a draft Plan required pursuant to section 6. For purposes of soliciting and considering public comment, the Commission shall further distribute the draft Plan to affected Federal agencies, all Members of Congress, major public interest groups, the Governors of the States, local officials, and make the report generally available to the public. All affected Federal agencies shall submit written comments to the Commission within thirty days.

(c) Not later than twenty-four months after the enactment of this Act, the Commission shall submit to the Congress and the President the final version of the Plan pursuant to section 6.

(d) Unless the Congress enacts a joint resolution of disapproval of that portion of the Plan required pursuant to section 6(a) within one hundred and twenty calendar days of receipt of the final Plan, that portion of the Plan shall be deemed to be approved by the Congress and shall be the policy of the Federal Government. No statute or regulation of the Federal Government, of a State or political subdivision thereof shall be in any way altered by congressional approval of that portion of the Plan pursuant to section 6(a).

(e) The Senate Environment and Public Works Committee and House Public Works and Transportation Committee shall hold hearings on the proposed changes in existing law pursuant to section 6 and shall report legislative proposals to the Senate and House of Representatives regarding such changes within one hundred and eighty days of receipt of the Plan to permit full Federal implementation of the Plan.

ESTABLISHMENT OF THE COMMISSION

SEC. 8. (a) There is hereby established a National Commission on Capital Investment which shall assess the condition of the national infrastructure of national public improvements, analyze causes of disinvestment in such improvements, and evaluate the need to rehabilitate, repair, replace, and expand national public improvements to support balanced development of the national economy.

(b) The Commission shall be composed of—

(1) the Secretary of the Army, the Secretary of Transportation, and the Secretary of Commerce;

(2) one representative from each of the following organizations: the National Governors Association, the National Conference of State Legislatures, the National League of Cities, United States Conference of Mayors, and the National Association of Counties; and

(3) five individuals from the private sector selected by the President who among them have experience in and knowledge of public investment financing, civil engineering, State and local budgeting practices, and regional planning.

If a Secretary serving under clause (1) is unable to attend a meeting of the Commission, he may designate a representative, but in no case may the designee be of a rank lower than Assistant Secretary.

(c) The President shall designate one of the five individuals to be Chairman of the Commission at the time of appointment. The Chairman shall be an individual of national recognition with experience in both public affairs and private enterprise. The Chairman shall be appointed by and with the advice and consent of the Senate.

(d) The Secretary of Housing and Urban Development, the Secretary of Labor, the Secretary of Agriculture, the Secretary of the Interior, and the Administrator of the Environmental Protection Agency or their designees shall attend the meetings of the Commission as nonvoting members.

(e) The Commission shall be convened within thirty days of enactment of this Act.

FEDERAL CAPITAL INVESTMENT BUDGET

SEC. 9. Section 201 of the Budget and Accounting Act, 1921 (31 U.S.C. 11) is amended by adding at the end thereof the following new subsection:

"(K)(1) The President shall include with each Budget submitted under subsection (a) on or after January 1, 1984, a special analysis, for the ensuing fiscal year, which shall identify for each function, agency, and program the amount of appropriations and expenditures which may be classified as national public improvements, and shall contain appropriate summaries of the total amount of such appropriations and expenditures. In addition, the special analysis under this paragraph shall contain—

"(A) an estimate of current aggregate national public inprovements investments;

"(B) an estimate of current aggregate repair investments;

"(C) an identification explaining the relationship of the proposed annual capital expenditures contained in the proposed Budget to the Nation's longer term needs and the Federal Government's longer term national public improvements strategies;

"(D) a 5-year projection on anticipated capital and related repair expenditures; and

"(E) identification of surplus Federal facilities in these categories.

"(2) In addition to the information required by paragraph (1), the President shall include with each Budget submitted under subsection (a) on or after January 1, 1985, a capital investment budget which shall identify by State the amount of appropriations and expenditures which may be classified as national public improvements, and shall contain—

"(A) an estimate of construction, rehabilitation, and repair investments;

"(B) an estimate of the costs to continue specific present levels of service;

"(C) an assessment of the levels of service being produced by public infrastructure capital; and

"(D) a 5-year projection of appropriate amounts for the capital investment budget.

"(3) for the purposes of this subsection, any appropriation or expenditure shall be classified as a national public improvement to the extent that funds so appropriated or expended will be used for the construction, rehabilitation, or repair of any civilian public facility in the United States.

"(4) For the purpose of this subsection—

"(A) the term 'national public improvement' means but shall not be limited to the Nation's systems of highways, roads, bridges, mass transit, main water supply and distribution systems, and sewer systems;

"(B) the term 'facility' means any physical structure such as a highway, road, bridge, transit line, or structure related to a mass transit system, water supply storage, treatment, and distributrion system or sewage treatment and collection system which is owned and operated by the Federal Government, a State, municipality, or other public agency or authority organized pursuant to State or local law;

"(C) the term 'construction' means the erection or acquisition of new structures and the acquisition and installation of initial equipment therefor;

"(D) the term 'rehabilitation' means the alteration or reconstruction of an existing structure and the acquisition and installation of initial equipment or modernization or replacement of such equipment; and

"(E) the term 'repair' means the maintenance and operation activities on an exist-

ing structure to ensure the continuing functioning of the structure; and

"(F) the term 'State' means any State of the United States, the District of Columbia, Puerto Rico, Guam, American Samoa, the Northern Marianas Trust Territories, or the Virgin Islands.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 10. (a) The Commission may employ a staff consisting of no more than thirty full-time employees of the Federal Government, who shall be detailed by the various agencies upon request of the Chairman of the Commission. Nothing in this section shall be construed to permit an increase in the level of total Federal employment.

(b) The Secretary of the Army shall assign an employee of the Army Corps of Engineers as staff director for the Commission, with the concurrence of the Chairman of the Commission, and shall also provide office space, supplies, equipment, and necessary contracting and other support services to the Commission and its staff.

(c) The heads of all Federal agencies shall cooperate with the Commission to the maximum extent possible, and to provide, on a timely basis, such information as the Commission may request.

(d) There is hereby authorized to be transferred or reprogramed from appropriations otherwise available to the Army Corps of Engineers, the Department of Transportation, and the Department of Commerce, the total of $5,000,000 to carry out the duties of the Commission during its tenure, said sum to be exclusive of salaries of staff.

(e) The private members of the Commission shall be compensated for their time engaged on Commission business at the daily rate established for employees at grade 18 of the General Schedule.●

● Mr. DODD. Mr. President, I am pleased to join the distinguished Senator from New York (Mr. MOYNIHAN) as a principal cosponsor of the "Federal Capital Investment Act of 1983," which will begin the process of defining and addressing our Nation's massive public facility needs.

My own involvement in this issue traces back to September 23, 1981, when I introduced legislation to establish a national public investment requirement analysis (S. 1658). This analysis would have provided an inventory and assessment of the adequacy of the Nation's inventory of basic public facilities. On June 15, 1982, I introduced a bill to establish a Federal capital investment budget which incorporated the concept of an inventory and needs assessment and included provisions to establish infrastructure investment priorities within the Federal budget. The bill we are introducing today would establish an independent Commission on Public Improvements to compile a comprehensive inventory of public works and would direct the Federal Government to prepare a capital budget within the unified Federal budget.

I would like to thank my friend from New York for his part in the establishment of this bill. Last year, Senator MOYNIHAN and I each introduced separate bills which recognized the great neglect represented by the deterioration and inadequacy of our Nation's infrastructure. I feel that each of these bills had components which are needed. Unfortunately, neither proposal was acted upon. This session the Senator and I worked together to form one bill which incorporates the best qualities of each of our proposals. I am extremely enthusiastic about this product, and I feel that it is significantly better than either of its predecessors.

Mr. President, I am sure that my colleagues are aware of the overwhelming national problem caused by the deterioration of our public facilities. Despite its recent popularity as a political issue, the infrastructure problem is neither a new concern nor one which lends itself to expedient, short-term solutions. The deterioration of roads, bridges, water supply, and sewer systems, and mass transit systems is a long-term problem which has not arisen overnight. The need is evident and the danger clear. By continuing to neglect our public facilities and failing to provide for needed upkeep, we are merely deferring the inevitable expense. While it may be fiscally attractive to postpone maintenance and rehabilitation costs, we must realize that we are only postponing, not avoiding, the expense.

Over the past decade, public works spending by all levels of government has declined by nearly 30 percent. State and local governments, priced out of bond markets by high interest rates and forced to absorb rising administrative costs, have been unable to devote funds to this end. The failure of the Federal Government is more perplexing. Due to our haphazard and diffuse decisionmaking process, we have been unable to produce a comprehensive list of projects and goals. Considering our great involvement in public works investment, the need to provide a consistent, sensible, coherent policy is urgent.

This bill will establish a 2-year independent Commission of Public Improvements, which will be composed of 13 representatives of the public and private sectors. The Commission will conduct an inventory of needed major improvements on regional, State, and metropolitan levels. At the end of the 2-year period, the Commission will produce a national public improvements plan which will establish national and regional priorities for construction, rehabilitation, and repair projects. Furthermore, the Commission will examine means of combining public and private financing for projects as well as possible changes in Federal laws and regulations to reverse the alarming trend of disinvestment in public works.

Additionally, this bill will modify Federal budget procedures so as to allow long-term decisions to be made on public works. This will be done by requiring the President to submit, within the unified budget, a capital investment budget which will identify both the long-term needs, with relevant improvement strategies, and investments to be made in the ensuing fiscal year.

Mr. President, the infrastructure problem facing the Nation can no longer be ignored, and it is not a problem that can be solved by throwing in money without a national plan. This bill will permit us to establish such a plan. It will yield a more efficient use of dollars committed to public works and will guarantee that national priorities will be fulfilled. I urge my colleagues to give serious consideration to this initiative.●

By Mr. GORTON (for himself and Mr. JACKSON):

S. 1027. A bill to amend Public Law 96-162; to the Committee on Energy and Natural Resources.

YAKIMA RIVER BASIN WATER ENHANCEMENT PROJECT

Mr. GORTON. Mr. President, today I am pleased to introduce with Senator JACKSON legislation relating to the proposed Yakima River basin water enhancement project.

The Bureau of Reclamation was given the authority during the 96th Congress to conduct a major feasibility study of water resources enhancement in the Yakima River basin in Washington State. Phase I of the study was completed in August of 1982. Phase II is currently underway to formulate a development plan to present to Congress and to Washington State for implementation. One of the recommendations from the phase I study was the construction of the East Selah Reregulation Dam. Washington State would like to proceed with the construction of the dam with its own funds. This project is seen as a first step toward solving the conflicting claims for water from the Yakima River and it shows the State's willingness to share in the costs associated with the overall enhancement project.

The legislation we are introducing today provides that any State investments that are made prior to congressional authorization of the Yakima enhancement project, may be credited toward any future cost-sharing requirements that Congress may impose at the time of authorization. An identical bill has been introduced in the House of Representatives by the entire Washington State House delegation.

I applaud the efforts of the State of Washington to move forward on this major water enhancement project, and I urge my colleagues to join me in supporting this important legislation, and ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1027

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 96-162 (relating to the Yakima River Basin Water Enhancement Project-feasibility study) (93 Stat. 1241) is amended by adding a new section at the end thereof:

"SEC. 2. If the State of Washington, prior to an authorization (or the providing of an appropriation of funds to the Department of the Interior) to construct the Yakima River Basin Water Enhancement Project, constructs any physical element of that project, including any reregulation dam or fish passage facility, the costs incurred by the State in construction of such elements shall be credited to the total amount of any costs to be borne by the State as contributions toward payment for cost of the project; except that, no such credit shall be given to any element contructed by the State unless the element was approved by the Commissioner of the Bureau of Reclamation prior to its construction. The Commissioner shall grant such an approval, when requested by the State of Washington, if it appears the element proposed for construction is an integral part of the project. All approved elements constructed by the State, as provided in this section, shall be included as a part of the project previously directed for feasiblity determination study by the first section of this Act.".

● Mr. JACKSON. Mr. President, I am pleased to cosponsor with Senator GORTON this legislation regarding the proposed Yakima River basin water enhancement project. The bill provides that if the State of Washington constructs a portion of the project prior to the date that Congress authorizes the project, the costs of such construction shall be credited toward the State's share of any cost-sharing arrangement that Congress may impose at the time of authorization. An identical bill, H.R. 653, has been introduced by the entire House delegation from Washington State.

As my colleagues may recall, Congress authorized a feasibility study of the proposed Yakima project in 1979. The Bureau of Reclamation has not completed Phase I of the feasibility study, and the State of Washington is eager to begin construction of a $12 billion reregulation dam with its own funds. The purpose of the bill is to assure the State that if Congress ever authorizes the project, and if Congress requires that the State contribute to the payment of project costs, that construction money already expended by the State will be credited.

I commend the State of Washington for its willingness to take the initiative on this important water project, and I urge my colleagues to join me in supporting prompt enactment of this measure.●

By Mr. GORTON (for himself and Mr. JACKSON):

S. 1028. A bill to modify the navigation project on the Cowlitz River, Wash., to authorize the Secretary of the Army to implement interim measures to control floods in the lower Cowlitz River area and improve navigation on the Columbia River; to the Committee on Environment and Public Works.

FLOOD CONTROL PROJECTS ON CERTAIN RIVERS IN WASHINGTON

Mr. GORTON. Mr. President, today I am pleased to introduce with Senator JACKSON legislation authorizing the U.S. Army Corps of Engineers to implement interim measures to control floods in the lower Cowlitz River area in Washington State. This legislation is needed to protect developed areas along the Cowlitz and Toutle Rivers which face serious flood threats from the buildup of sedimentation from the Mount St. Helens eruption.

At the request of President Reagan, the Corps of Engineers is currently conducting a comprehensive study which addresses flood control issues on the Cowlitz and Toutle Rivers. The study, due for release in November of this year, will make recommendations for solving the flood control problems on these rivers. This legislation provides that interim measures be undertaken by the corps until the recommendations from the comprehensive study can be fully implemented. The bill directs the corps to maintain flood protection against the 100-year storm event.

In the past, the corps' authority to dredge the Cowlitz and Toutle Rivers and to use other flood prevention measures has come from Public Law 84-99, which authorizes emergency action to prevent imminent flooding. During the past year, questions arose about whether or not an emergency situation still existed on these rivers and, as a result, whether or not the corps had the authority to spend Public Law 84-99 funds to continue flood protection work. Recent eruptions of Mount St. Helens and the continuing volume of sediment being carried down from the mountain clearly indicate the serious flood danger that still exists for residents living in the developed areas along these two rivers. This legislation will insure that lives and property will be protected until the recommendations from the corps' comprehensive flood protection plan can be implemented.

Mr. President, I urge my colleagues to join me in supporting the prompt enactment of this important legislation, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1028

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That to assure adequate flood protection for developed areas in the vicinity of the Cowlitz and Toutle Rivers, Washington, and to improve navigation in the Colombia River, the navigation project on the Cowlitz River, Washington, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved June 25, 1910 (36 Stat. 665), is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to implement and maintain flood control measures on the Cowlitz and Toutle Rivers by dredging or other means determined by the Secretary to be necessary to assure flood protection for developed areas in the vicinity of such rivers against a 100-year flood on the lower Cowlitz River and to reduce sedimentation flow and the chance of blockage on the Columbia River.

SEC. 2. The authorization provided in the first section of this Act shall remain in effect until such time as permanent solutions and measures for flood control and navigation as identified in the chief of Engineers' Cowlitz and Toutle Rivers final feasibility report, to be submitted to the President and the Congress by the Secretary of the Army, are fully implemented.

● Mr. JACKSON. Mr. President, I am pleased to join Senator GORTON in introducing legislation that provides interim authority for the U.S. Army Corps of Engineers to perform flood protection work in the Cowlitz River area.

Mr. President, the corps is presently conducting a comprehensive study which will recommend a permanent solution to the flood control problems along the Cowlitz and Toutle Rivers. Recent eruptions of Mount St. Helens, however, indicate that the mountain is truly not dormant, and it is extremely critical that a margin of safety be maintained with continued dredging and rehabilitative work. This legislation, therefore, would give the corps authority to maintain 100-year flood protection while we wait for the corps comprehensive study to be fully implemented.

We have, in the past, funded flood preventive work on the Cowlitz in the corps' flood control and coastal emergencies account. This has been difficult because OMB believes that Mount St. Helens work no longer qualifies as an emergency. This legislation would resolve the continuing emergency problem.

Therefore, Mr. President, I urge the Senate Committee on Public Works to move quickly on this legislation which will allow the corps to proceed with the necessary work immediately.●

By Mr. SASSER (for himself, Mr. BAUCUS, and Mr. DIXON):

S. 1029. A bill to amend the Equal Access to Justice Act to include appeals to a board of contract appeals; to the Committee on the Judiciary.

BOARD OF CONTRACT APPEALS

Mr. SASSER. Mr. President, today along with Senators BAUCUS and DIXON I am introducing S. 1029 which will allow individuals who prevail on claims before contract appeals boards to the awarded attorney fees under the Equal Access to Justice Act. This bill will clear up an area of uncertainty that has plagued this important piece of legislation since its inception.

As my colleagues will recall, the Equal Access to Justice Act (EAJA) grew partially out of congressional concern that all too often individuals or small business owners facing unfair Government action would accept an inequitable out-of-court settlement simply because they could not meet litigation expenses. Realizing the cost of contesting unfair Government action would often exceed the amount in issue, small business owners and other individuals would simply forgo vindicating their rights.

Congress took a large step toward rectifying this situation with enactment of the Equal Access to Justice Act. This act provides that when an individual or small business person litigates against the Federal Government and prevails, the citizen is entitled to be paid legal expenses provided the Government is unable to substantially justify its purpose in pursuing the litigation. Thus, although payment of attorney fees is not absolute, the Equal Access to Justice Act removes the disincentive to litigate most unfair Government and agency action.

However, since enactment of that measure there has been continued uncertainty over applying the act to hearings before contract appeals boards. Indeed, small business owners would often find themselves in the anomolous situation of one contract appeals board granting attorney fees while another would declare that it had no authority to award such fees.

A recent court opinion handed down in the U.S. Court of Appeals for the Federal circuit clarified the application of the Equal Access to Justice Act to contract appeals boards. Unfortunately, in Fidelity Construction Co., against the United States, the court held that the provisions of the EAJA do not apply to such hearings.

While judicially sound, this ruling perpetuates the disincentive to litigate that the Equal Access to Justice Act sought to eradicate. Small businesses with contractual disputes with the Federal Government are chilled from hiring an attorney to air their grievances. Unfair Government actions in performance of contractual obligations may go unabated.

The Washington Post ran an article on March 21, which outlined some of the difficulties generated by the Fidelity opinion. I ask unanimous consent that the contents of this article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 21, 1983]

CONTRACTORS FIND LAW A CATCH 22" IN SEEKING COURT COSTS FROM U.S.

(By Daniel B. Moskowitz)

Some companies locked in litigation with the federal government have found a 1980 law to be a bonanza, but a recent ruling from the Federal Circuit Court of Appeals severly limits the usefulness of the statute for government contractors.

The law, the Equal Access to Justice Act, lets companies shift to the Treasury their lawyers' bills when they beat the government in a court battle. Related costs of winning—such as expert witness fees and economic or engineering analyses—also can be repaid.

The rub for government contractors is that they have to go to court to take advantage of the law, according to the new appellate ruling. In fact, most disputes between the government and those who do business with it are settled out of court by contract appeals boards within the individual agencies.

These boards routinely hear requests from companies that, because of increases in component prices or other unforseeable expenses, they should get more for fulfilling a government contract than the price originally agreed upon.

The situation that brought on the new ruling is typical: Fidelity Construction Co. contracted with the Federal Aviation Administration to put in a new signal light system at Bradley International Airport (serving Hartford, Conn.) for $176,999.99.

Both parties knew that was merely an estimate, since 13 of the 20 items making up the final bid were merely guesses about the quantity that finally would be needed on the job.

Fidelity late asked for more than $300,000 for the work, and the contract appeals board at the Department of Transportation agreed that the construction firm had the money coming.

That victory may have cost Fidelity money, because its attempt to invoke the Equal Access to Justice Act to get paid for the expense of the appeal was turned back by the circuit court. "We hold that the board of contract appeals is without jurisdiction to award fees under this act," Judge Philip Nichols Jr. said flatly.

The irony is, had Fidelity lost before the board, it might later have gotten the government to pay the costs of that proceeding. That would have happened had it then taken the dispute to court and won there.

That's the case, Nichols said, because the way the judges read the statute, "the court may award fees for service before a board only when it also awards fees for service before itself."

Maurice J. Mountain, Fidelity's lawyer, argued that such a policy—making winners lose and holding out the hope that losers can win—makes so little sense that it could not conceivably be what Congress meant in writing the 1980 law.

But the circuit court notes that the law does not mention contract appeals boards when it outlines who can stick the government with the other side's legal bills, and so there's no way for judges to read them into the statute.

Besides, the anomoly is not totally senseless: "It is at least possible." Nichols mused, "that Congress wrote this provision in this manner in order to deter the government from appealing board decisions adverse to it."

Even though the government won in the Fidelity Construction case on the issue of lawyers' fees, it is not ready to concede that the usual appeals route for contract disputes can lead to a demand for it to pick up the other party's costs if the claim is upheld. That's because the Justice Department thinks that the new Claims Court, which came into existence last October, does not have authority to award fees under the equal access law.

That issue has yet to be litigated, and the court in the Fidelity case was careful to leave that controversy to another day.

The authority to award fees, of course, does not translate automatically into an award of fees. The law applies only to small companies, although its definition of a small company—one with a net worth of less than $5 million—includes most businesses.

More importantly, the law tells judges not to make the government pay up if doing so would be unfair, or if the government's position in the litigation was "substantially justified," even if it finally proved unsuccessful. Justice has racked up a fair amount of success in using those exceptions to fight off demands on the Treasury.

The Administrative Office of the U.S. Courts is going to report on how the fee-shifting law is working each June 30. Its first report covers only nine months, since the statute went into effect Oct. 1, 1981. Thirty cases were disposed of in that time, and in 17 of them, the government got out of paying. Most often Justice attorneys persuaded the judges that their position in the litigation was "substantially justified," but the fairness loophole come into play, too.

One court turned down the bid for lawyers' fees because it had taken too long in settling the case; had it worked more efficiently, the court decided, it would have gotten rid of the case before the new law went into effect.

But for those litigants who got the government to pay their bills, the awards were worth the efforts. On the average, the judges set the figures at 89.4 percent of the amount the parties asked for—a very high ratio. And at least some of the dollar amounts are impressive: In one case against the Defense Department, they came to $200,000, and in one complex case involving three cabinet departments and one independent regulatory agency, the government was told to pay $435,999 for lawyers and related expenses.

The awards in less complicated cases came to a lot less—one was just $5,901—but in all it is a lucrative enough pot for government contractors to be distressed that it's now so hard for them to tap into it.

Mr. SASSER. Mr. President, this ruling will have a severe detrimental effect on our Nation's small businesses. Through prior hearings and debate on this issue, it became clear that some Federal agencies target small businesses for agency action because they know these small firms do not have the ability to contest a particular action. Small business owners and advocates raised their voices against this practice and the disadvantage they were working under when litigating against the Government as the 1980 White House Conference on Small

Business included reimbursement of attorney fees as 1 of the 15 issues seen as most important for addressing the problems of small business.

Mr. President, many of these same points were raised when this body considered the Equal Access to Justice Act. We responded at that time with a resounding vote of support for allowing small business the necessary tools to fight city hall when such a fight was justified.

The ability to have one's day in court, so to speak, which is central to the provisions of the Equal Access to Justice Act, should not be denied our Nation's small businesses simply because they are appearing before a contract appeals board. Extending coverage under the EAJA is not a novel idea, it has the support of the American Bar Association and the Small Business Administration. No, it is not a new idea, only an equitable one.

Given the recent judicial interpretation of the Equal Access to Justice Act I feel it is imperative that Congress speak with a clear voice on this matter of great importance to our Nation's small businesses. S. 1029 provides the specific language necessary to allow small business to stand up to unfair Government action rather than knuckling in to the fears of high litigation expenses. I urge my colleagues to again show their support for small business and individual rights through supporting this measure. Mr. President, I ask unanimous consent that the text of S. 1029 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1029

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 504(b)(1)(C) of title 5, United States Code, is amended by—

(1) inserting "(i)" after "means"; and

(2) inserting before the semicolon the following: ", and (ii) any appeal of a decision made pursuant to section 6 of the Contract Disputes Act of 1978 (41 U.S.C. 605) before an agency board of contract appeals as provided in section 8 of such Act (41 U.S.C. 607)".

SEC. 2. Section 504(d)(2) of title 5, United States Code, is amended by striking out "1982, 1983, and 1984," and inserting in lieu thereof "1982 through 1988,".

SEC. 3. Section 2412(d)(4)(B) of title 28, United States Code, is amended by striking out "1982, 1983, and 1984," and inserting in lieu thereof "1982 through 1988,".

SEC. 4. Section 203(c) and section 204(c) of the Equal Access to Justice Act are repealed.

By Mr. STAFFORD (for himself and Mr. SYMMS) (by request):

S. 1030. A bill to transfer the Appalachian Development Highway System to the Secretary of Transportation; to the Committee on Environment and Public Works.

APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM AMENDMENTS OF 1983

● Mr. STAFFORD. Mr. President, I ask unanimous consent that the bill and a section-by-section analysis of the Appalachian Development Highway System Amendments of 1983 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1030

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SEC. 101. This Act may be cited as the "Appalachian Development Highway System Amendments of 1983."

TRANSFER OF FUNCTIONS

SEC. 102. There are hereby transferred to and vested in the Secretary of Transportation all functions, powers, and duties of the Appalachian Regional Commission that relate to the Appalachian Development Highway System, provided for in section 201 of the Appalachian Regional Development Act of 1965, as amended.

TRANSFER PROVISIONS

SEC. 103. (a) The Director of the Office of Management and Budget shall determine what personnel, assets, liabilities, contracts, properties, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available in connection with the functions, powers, and duties transferred by this Act shall be transferred to the Secretary of Transportation.

(b) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges which have been issued, made, granted, or allowed to become effective in the exercise of duties, powers, or functions which are transferred by this Act which are in effect at the time this Act takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Secretary of Transportation or by operation of law.

(c) The provisions of this Act shall not affect any proceedings pending, at the time this Act takes effect, before the Appalachian Regional Commission; except that proceedings relating to functions transferred shall be continued before the Department of Transportation. Such proceedings shall be continued where they were pending at the time of such transfer. In either case, orders shall be taken therefrom, and payments shall be made pursuant to such order, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the Secretary of Transportation, or by operation of law.

(d)(1) Except as provided in paragraph (2), the provisions of this Act shall not affect suits commenced prior to the date this Act takes effect, and in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the manner and effect as if this Act had not been enacted.

(2) No suit, action, or other proceeding commenced by or against an officer of the Appalachian Regional Commission in that officer's official capacity shall abate by reason of enactment of this Act. No cause of action by or against any department or agency, functions of which are transferred by this Act or by or against any officer thereof in that officer's official capacity, shall abate by reason of the enactment of this Act. Causes of action, suits, or other proceedings may be asserted by or against the United States or such official of the Department of Transportation as may be appropriate and, in any litigation pending when this Act takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this Act.

(3) If before the date on which this Act takes effect, the Appalachian Regional Commission, or officer thereof in official capacity, is a party to a suit, then such suit shall be continued by the Secretary of Transportation (except in the case of a suit not involving functions transferred to the Secretary).

(e) With respect to any function, power, or duty transferred by this Act and exercised after the effective date of this Act, reference in any other Federal law to the Appalachian Regional Commission shall be deemed to mean the Secretary of Transportation.

AUTHORIZATIONS

SEC. 104. Subsection (g) of section 201 of the Appalachian Regional Development Act of 1965, as amended, is amended by adding at the end the following:

"To carry out this section there is authorized to be appropriated out of the Highway Trust Fund, $80,000,000 per fiscal year for each of the fiscal years ending September 30, 1984, and September 30, 1985, and $60,000,000 for the fiscal year ending September 30, 1986. Sums authorized herein out of the Highway Trust Fund for fiscal years 1984, 1985, and 1986 are authorized for the development of projects on the Appalachian Development Highway System subject to the approval of the Secretary of Transportation and are authorized in the place of any other authorization for such fiscal years. Sums authorized herein shall be available for obligation when appropriated."

FEDERAL SHARE

SEC. 105. Subsection (h) of section 201 of the Appalachian Regional Development Act of 1965 is amended by striking "70 per centum" and inserting in lieu thereof "80 per centum" and by adding at the end the following: "Projects approved after March 31, 1979, may be adjusted to receive a Federal share not greater than 80 per centum.".

EFFECTIVE DATE

SEC. 106. This Act shall become effective on October 1, 1983.

SECTION-BY-SECTION ANALYSIS

SECTION 101. SHORT TITLE

The section cites the Act as the Appalachian Development Highway System Amendments of 1983.

SECTION 102. TRANSFER OF FUNCTIONS

This section would transfer the functions, powers, and duties of the Appalachian Regional Commission related to the Appalachian Development Highway System to the Secretary of Transportation.

SECTION 103. TRANSFER PROVISIONS

This section contains technical transfer provisions and savings provisions.

SECTION 104. AUTHORIZATIONS

This section provides authorizations for appropriations out of the Highway Trust

Fund for the Appalachian Development Highway System of $80 million for each of the fiscal years 1984 and 1985, and $60 million for FY 1986. Contract authority is not provided; rather, sums authorized are available for obligation when appropriated. Sums authorized are to be expended, when appropriated, for repayment of advanced construction projects and, to the extent possible, for the completion of other projects.

SECTION 105. FEDERAL SHARE

This section changes the Federal share of the prefinanced Appalachian highway projects approved after March 31, 1979, from 70 percent to 80 percent.

SECTION 106. EFFECTIVE DATE

This section provides that this Act shall become effective on October 1, 1983.●

By Mr. STAFFORD:

S. 1031. A bill to authorize an equitable sharing of costs on projects of the U.S. Corps of Engineers in order to encourage a more orderly development of the Nation's water resources; to the Committee on Environment and Public Works.

WATER RESOURCES POLICY ACT OF 1983

● Mr. STAFFORD. Mr. President, one of the more difficult issues before the Committee on Environment and Public Works involves the development of our Nation's water resources and the question of how to share equitably the costs of new projects.

The Reagan administration has proposed, both as an amendment to the fiscal year 1983 budget and as a part of its fiscal year 1984 budget, new cost-sharing formulas on various types of water projects undertaken by the U.S. Army Corps of Engineers.

The Committee on Environment and Public Works twice examined these proposals in hearings. And twice the committee voted to support these new cost-sharing formulas, which require a hgher non-Federal commitment than in the past.

Unfortunately, the issue remains unresolved. No action has occurred on these projects or on cost sharing, possibly because we lack an overall direction.

In an effort to help move this issue off dead center, and to give the administration and our colleagues on the Appropriations Committees some guidance, I am pleased to introduce legislation that would require these new levels of cost-sharing on all water development projects on which construction is initiated by the Corps of Engineers after enactment of this act.

My intent is to help to move the debate forward, to work toward a resolution of these issues.

Mr. President, this is a sound and reasonable proposal. We must act to develop a sound national water resources policy. This bill represents a step toward that goal.

Mr. President, I ask unanimous consent that a copy of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1031

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, That this Act be cited as the "Water Resources Policy Act of 1983."

SEC. 2. After the date of enactment of this Act, the Secretary of the Army, acting through the Chief of Engineers, shall not initiate construction on any project, or separable component of a project, until a non-Federal public interest agrees to provide, during the period of construction of the project or component, the following percentages of the cost, depending on the purpose of the project or component:

(a) Flood control: 35 per centum;

(b) Hydroelectric power: 100 per centum;

(c) Municipal and industrial water: 100 per centum;

(d) Recreation: 50 per centum;

(e) Agricultural water: 35 per centum, and

(f) Beach Erosion Control: Initial Construction and Periodic Nourishment: 50 per centum.

SEC. 3. (a) No project or component of a project constructed under the terms of this Act shall be initiated by the Secretary until the Secretary agrees in writing with a non-Federal public interest to the cost-sharing arrangement described under the terms of Section 2 of this Act.

(b) The Secretary is authorized to accept payments in kind toward the non-Federal share of the cost of any project or component of a project under the terms of the Act, provided that at least 10 per centum of the costs are provided in cash during the period of project construction. At the request of the appropriate non-Federal public interest, the Secretary may delay, for up to one year after the date when construction is initiated on a project or component of a project, the initial payment to be made by the non-Federal public interest under the terms of this Act.●

By Mr. LEVIN (for himself and Mr. COHEN):

S. 1032. A bill to amend the Internal Revenue Code of 1954 to limit the amount of any tax lien, to provide taxpayers a cause of action for wrongful levy on property, and for other purposes; to the Committee on Finance.

LIMITATION OF AMOUNT OF TAX LIENS

● Mr. LEVIN. Mr. President, I am introducing today along with Senator COHEN a taxpayer bill of rights, a bill very similar to the one we introduced in the 97th Congress. It would establish a limit to the amount of property that could be liened by the IRS, prohibit no equity seizures, require the IRS to abide by installment pay plans entered into with delinquent taxpayers, and create a cause of action against the United States for any intentional wrongful lien or levy issued by the IRS. It does not solve all the procedural problems in the present tax system, but it is a step in that direction and is based on a well-documented record resulting from a hearing by the Senate Subcommittee on Oversight of Government Management in 1980. Senator COHEN is the chairman of that subcommittee.

On July 31, 1980, I chaired that hearing which was called to study the collection practices of the IRS and their impact on small businesses. The investigation began as a result of reports from small businesses of what appeared to be unnecessary and heavy-handed IRS use of its broad lien, levy and seizure authority to collect delinquent taxes. Similarly, a number of IRS revenue officers had contacted the subcommittee with criticisms of internal managerial pressure mandating arbitrary liens, levies, and seizures even though inappropriate and where the tax delinquency could have been better recovered for the Treasury with less harsh methods.

The subcommittee made, among others, the following findings:

That the IRS violates its own formal policy by taking excessive and harsh enforcement actions against small businesses without considering all its available collection alternatives.

That liens are imposed against property with value grossly in excess of the amount of the tax delinquency and that the liens frequently remain even after the delinquency is satisfied and the lien is no longer necessary to protect the Government's interest.

That levies are issued precipitously against taxpayer bank accounts and receivables even where Revenue Officers and the taxpayer have agreed to an installment pay plan to satisfy the tax delinquency and have complied with the agreement.

That seizures had increased dramatically in 1980, were being effected without adequate consideration of all available collection alternatives, and continue to be made on taxpayer property that has no net salable value.

The Tax Equity and Fiscal Responsibility Act of 1982 addressed two of these problems. It requires the release of liens within 30 days of payment and prior notice to the taxpayer of any levy. The other problems, which were identified, however, remain uncorrected.

The rate of seizures, liens, and levies for fiscal year 1982 has increased. For fiscal year 1981, the rate of seizures, liens, and levies per case disposition was 4.1, 231, and 341, respectively. For fiscal year 1982, the rate was 4.7, 266, and 474, respectively. The provisions of this bill identified as necessary in 1980 are still relevant. With the continued increase use of liens, levies, and seizures, the concern for fairness and necessity in their application remains pressing.

The Congress has conferred powerful, forcible collection powers on the IRS, including its authority to summarily lien, levy, or seize and sell taxpayer property and rights to property. These powers play an important

role in the IRS collection effort and are necessary to insure that taxpayers will not play fast and loose with the Federal tax system. However, when the use of these powers is abused or arbitrarily applied, then what was created as a necessary tool turns into a deadly weapon.

The bill we are introducing today is not intended to compromise or diminish the needed authority we have vested in the IRS. Rather, it simply attempts to shield taxpayers from the drastic financial consequences of an excessive or unlawful levy, lien, or seizure.

Mr. President, I ask that the bill be printed in full immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1032

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LIEN FOR TAXES.

(a) IN GENERAL.—Section 6321 of the Internal Revenue Code of 1954 (relating to lien for taxes) is amended to read as follows:

"SEC. 6321. LIEN FOR TAXES.

"(a) IN GENERAL.—If any person liable to pay any tax neglects or refuses to pay the same after demand, the United States shall have a lien in its favor upon the qualified property of such person in an amount not to exceed the amount of such tax, together with any interest, assessable penalty, or costs.

"(b) QUALIFIED PROPERTY.—For purposes of this section, the term 'qualified property' means those items of property and rights to property (identified by the Secretary), whether real or personal, belonging to a person which have a total fair market value that approximately equals (but is not less than) the sum of—

"(1) the amount of the lien imposed under subsection (a), plus

"(2) the total amount of all other liens on such items of property, or rights to property, having priority over the lien imposed under subsection (a).

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to liens imposed after the date of enactment of this Act.

SEC. 2. DISCHARGE OF LIEN ON PROPERTY.

(a) Paragraphs (1) and (2) of section 6325(b) of such Code (relating to discharge of property) are amended to read as follows:

"(1) PROPERTY IN EXCESS OF THE LIABILITY.—Upon request from the taxpayer, The Secretary shall promptly issue a certificate of discharge of any part of the property subject to any lien imposed under this chapter if the Secretary finds that such discharge is legally feasible and that the fair market value of that part of such property remaining subject to the lien is approximately equal to the sum of—

"(A) the amount of the unsatisfied liability secured by such lien, plus

"(B) the total amount of all other liens which have priority over such lien, plus

"(C) any interest, assessable penalty, or costs.

"(2) PART PAYMENT; INTEREST OF THE UNITED STATES VALUELESS.—Upon request from the taxpayer, the Secretary shall issue a certificate of discharge of any part of the property subject to the lien where partial discharge is legally feasible and where—

"(A) there is paid over to the Secretary in partial satisfaction of the liability secured by the lien an amount determined by the Secretary, which shall not be less than the value, as determined by the Secretary, of the interest of the United States in the part to be so discharged, or

"(B) the Secretary determines at any time that the interest of the United States in the part to be so discharged has no value. In determining the value of the interest of the United States in the part to be so discharged, the Secretary shall give consideration to the value of such part and to such liens thereof as have priority over the lien of the United States."

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

SEC. 3. LEVY AND DISTRAINT.

(a) LEVY DEFINED.—Subsection (b) of Section 6331 of the Internal Revenue Code of 1954 (relating to seizure and sale of property) is amended to read as follows:

"(b) SEIZURE AND SALE OF PROPERTY.—The term 'levy' as used in this title includes the power of distraint and seizure by any means. Except as otherwise provided in subsection (d)(3), a levy shall extend only to property possessed and obligations existing at the time thereof, and shall not extend to property which has no value (other than a value peculiar to the owner). In any case in which the Secretary may levy upon property or rights to property, he may seize and sell such property or rights to property (whether real or personal, tangible or intangible).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to levies made on property after the date of enactment of this Act.

SEC. 4. INSTALLMENT PAY PLANS.

(a) IN GENERAL.—Section 6331 of the Internal Revenue Code of 1954 (relating to levy and distraint) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

"(e) INSTALLMENT PAY PLANS.—Where an installment pay plan has been entered into between the taxpayer and the Service, the Secretary shall not levy upon or seize any property or rights to property belonging to that taxpayer for the specified duration of the agreement, unless the terms of the agreement are violated."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to any installment pay plan made on or after the date of the enactment of this Act.

SEC. 5. CIVIL ACTION BY TAXPAYER FOR VIOLATION OF CERTAIN PROCEDURES.

(a) IN GENERAL.—Paragraph (1) of Section 7426(a) of the Internal Revenue Code of 1954 (relating to civil actions by persons other than taxpayers) is amended to read as follows:

"(1) WRONGFUL LIEN OR LEVY.—

"(A) ACTION BY TAXPAYER.—If a lien has been imposed or a levy made, on property, the person against whom the tax (with respect to which such lien or levy arose) is assessed may bring a civil action against the United States in a district court of the United States on a claim that such lien was imposed or maintained, or such levy made, knowingly in violation of the procedures provided in sections 6325 or 6331 (or any regulations prescribed under such sections) or knowingly in violation of any agreement entered into between the Secretary and such person. Such action may be brought without regard to whether such property has been surrendered to, or sold by, the Secretary.

"(B) ACTION BY THIRD PARTY.—If a levy has been made on property or property has been sold pursuant to a levy, any person (other than the person against whom the tax with respect to which such levy arose is assessed) who claims an interest in or lien on such property and that such property was wrongfully levied upon may bring a civil action against the United States in a district court of the United States. Such action may be brought without regard to whether such property has been surrendered to or sold by the Secretary.

"(C) WRONGFUL LIEN OR LEVY ACTION BY TAXPAYER.—The district court shall have jurisdiction to grant whatever form of relief may be appropriate under the circumstances in a cause of action brought under subsection (a) (1) (A).".".

(b) CONFORMING AMENDMENTS.—

(1) Section 7426 of such Code is amended—

(A) by striking out the heading thereof and inserting in lieu thereof the following:

"SEC. 7426. CIVIL ACTIONS RELATING TO COLLECTION OF TAX."

(2) The table of contents of subchapter B of chapter 76 of such Code is amended by striking out the item relating to section 7426 and inserting in lieu thereof the following:

"Sec. 7426. Civil actions relating to the collection of tax.".

(3) Subsection (c) of section 6532 of such Code (relating to periods of limitations on suits) is amended—

(A) by striking out "the levy" in paragraph (1) and inserting in lieu thereof "the lien, the levy,", and

(B) by striking out the caption thereof and inserting in lieu thereof the following:

"(c) SUITS RELATING TO COLLECTION OF TAX.—".

(4) Subsection (f) of section 6503 of such Code (relating to suspension of running of period of limitation) is amended—

(A) by striking out "of a third party", and

(B) by striking out "of Third Party" in the caption thereof.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.●

By Mr. SIMPSON:

S. 1033. A bill to amend title 38, United States Code, to establish an emergency job training program for wartime veterans; to the Committee on Veterans' Affairs.

VETERANS' EMERGENCY JOB TRAINING ACT

Mr. SIMPSON. Mr. President, I am introducing today S. 1033, the Veterans' Emergency Job Training Act of 1983. This bill would provide for payments to employers to assist in covering the cost of training veterans for jobs that are likely to develop into permanent positions.

On March 1 of this year, the Senate Veterans' Affairs Committee, which I have the privilege to chair, met to mark up its budget views and estimates for fiscal year 1984. At that meeting, an amendment was offered by my good friend from California, the

ranking minority member of the committee (Mr. CRANSTON), to provide $150 million above the administration's budget request, in order to permit consideration of various legislative initiatives such as a jobs bill for veterans.

I supported this amendment, although I did so with certain reservations, contained in the record of the meeting. There can be no doubt that employment problems of veterans—particularly wartime veterans and disabled veterans—are and ought to be a very high priority concern of the Veterans Affairs Committee and of the Congress. Nevertheless, until this amendment was offered at our March 1 committee meeting, there had been universal agreement among the veterans' organizations and in the veteran community that the President's fiscal year 1984 budget request was a fair and adequate one, and the committee had received not one single letter or request asking for money for a new jobs bill. Just last year, we enacted the Jobs Training Partnership Act, Public Law 97-300, which has not yet gone into effect, providing for expanded training opportunities for targeted portions of the unemployed population, and with a specific grant of authority under title IV(C) for the Secretary of Labor to conduct programs to meet the employment and training needs of service-connected disabled veterans, Vietnam-era veterans, and veterans who are recently separated from military service. I also expressed concern about the possibility of employer abuse of a program of payments made to employers who hire veterans. How secure would the veterans' jobs be once the payment ran out?

Despite these and other expressed concerns, I do feel that the concept of jobs legislation specifically targeted to veterans is an issue deserving of a sincere and thorough inquiry. If it is possible and appropriate to create legislation which will substantially address the very compelling employment problems of veterans, consistent with the equally compelling problems confronting our national economy and the federal budget, I believe that such legislation would require the careful drafting attention of every member of this body, and should indeed be passed.

The Veterans' Affairs Committee will be holding hearings next Wednesday morning to review jobs legislation for veterans. It is my hope that the legislation I am introducing today will assist in encouraging a full and responsible debate on the many issues involved.

The focus of this legislation is on providing job training opportunities for veterans in three areas: First industries experiencinag relatively rapid and sustained growth; second, occupations requiring new technological skills; and third, other more traditional occupations where demand for trained personnel exceeds supply. The purpose is to give veterans a competitive advantage in entry into promising new fields or careers, and to provide employers incentives to hire workers who have performed valued service in the defense of their country and who have been the most cruelly and hardest hit by the present national unemployment crisis.

A veteran would be eligible for training under this act if the veteran has served during a period of war, and had been unemployed for 15 weeks or more. Recent statistics from the Department of Labor indicate that in February of this year, unemployment among war veterans rose to its highest level since the end of World War II—a level 2.2 percent higher than the rate posted 12 months earlier.

Job training payments would be available to eligible veterans for up to 12 months in the case of a veteran with a service-connected disability rated at 30 percent or more, and for up to 6 months in the case of any other eligible veteran. The program would start on the first day of fiscal year 1984, and eligible veterans could apply for certification in the program at any time until the start of fiscal year 1985. They would then have until the end of fiscal year 1985 to utilize their benefits.

A job training program offered by an employer would be selected according to very carefully circumscribed standards and criteria. First, the employer would be required to make a certification as to the probability of stable permanent employment at the conclusion of the training program, and would have to guarantee continuing employment at the rate of 3 weeks of work for each 1 week of training—unless at any time the veteran's progress or performance became substantially unsatisfactory. In addition, the Department of Labor would have to find that the program of training to be offered is adequate—but no more than is necessary—to accomplish the training objective of the program.

The amount of the payments to be made on behalf of an eligible veteran would be the lesser of 25 percent of the wages paid to the veteran by the employer during the period of job training, the actual cost of the training, or a flat amount—$6,000 in the case of a veteran with a service-connected disability of 30 percent or more, or $3,000 in the case of any other eligible veteran. Payments would be made in a lump sum at the end of the period of training, except that certain small business employers would be paid on a monthly basis, in recognition of the significant cash flow problems often experienced by such small business enterprises. Payments on behalf of a veteran would be discontinued if the veteran's training progress became unsatisfactory.

As I have mentioned, Mr. President, a primary concern of mine in considering any legislation of this kind, is with the possibility of employer abuses of the program. Accordingly, I have endeavored in developing this legislation to build in certain controls aimed at insuring responsible, good faith compliance by employers under the purposes of this act. It is not my intention to establish a program of subsidized veteran labor for the benefit of business and industry, but rather to confer a very substantial benefit upon veterans—the prospect of stable, long-term employment—in a manner that will also confer a substantial benefit upon employers who use the program responsibly. This bill would further this purpose in the following ways: An approved employer who ceases to meet the requirements of the bill, or who is discovered to have filed a false or clearly unsupportable certification, will immediately be disapproved and eliminated from further participation in the program. Payments made to such an unqualified employer shall be treated as an overpayment and shall be recoverable through the normal debt collection processes of the Federal Government. In the event that an employer, willfully or with reckless disregard of the facts, files an incorrect certification, makes incorrect statements, or otherwise wrongfully obtains the approval of the employer's job training program, the act authorizes a civil penalty of up to $1,000—in addition to the overpayment remedy—for each veteran employed as a result of the employer's wrongful action.

The job training program provided under this bill would be administered by the Secretary of Labor through the Assistant Secretary of Labor for Veterans' Employment, in consultation and cooperation with the Administrator of Veterans Affairs. It is expected that the Assistant Secretary will accomplish these duties through the broad range of existing Labor Department personnel under the Assistant Secretary's jurisdiction. The VA Administrator would be given very specific duties, to be performed in consultation and cooperation with the Secretary of Labor, with respect to a program of information and outreach to both veterans and employers.

The bill contains an authorization of appropriations in the amount of $75 million. The original figure of $150 had been arrived at and agreed to by the Veterans' Affairs Committee without regard to the $75 million which was recently added to the budget function for veterans benefits and services in the emergency supplemental jobs bill for fiscal year 1983, by Public Law 98-8. This money will provide jobs at VA medical facilities, and will benefit

veterans by funding maintenance and repair projects at those facilities. Its purpose overlaps somewhat the purpose of the present legislation, so we would wish to consider $150 million as being the total figure to aim for in all jobs programs to benefit veterans.

Mr. President, I should stress that this bill does not create a new entitlement. It is a stopgap, one shot effort to assist in alleviating a drastic unemployment situation that we all trust will be short lived. It also does not require the establishment of any new bureaucratic machinery, but operates through the existing administrative management of the Office of the Assistant Secretary for Veterans' Employment.

I would ask that the text of the bill be printed in the RECORD at the conclusion of my remarks.

Mr. President, I would strongly urge my colleagues to join me in this very important search for a possible solution to the serious and pressing national problem of unemployment among veterans.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1033

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Veterans' Emergency Job Training Act".

SEC. 2. (a) Title 38, United States Code, is amended by inserting after chapter 43 the following new chapter:

"CHAPTER 44—VETERANS' EMERGENCY JOB TRAINING PROGRAM

"Sec.
"2101. Purpose.
"2102. Establishment of program.
"2103. Eligibility; application; certification.
"2104. Employer job training programs.
"2105. Approval of programs.
"2106. Payments to employers.
"2107. Discontinuance of payments for unsatisfactory conduct or progress.
"2108. Discontinuance of approval of employer programs; recoupment; penalties.
"2109. Duties of the Secretary of Labor.
"2110. Veterans information and outreach.
"2111. Inspection of records.
"2112. Termination of program.

"§ 2101. Purpose

"The purpose of this chapter is to address the increasingly severe problem of unemployment among veterans by providing incentives to employers, in the form of partial defrayal of the costs of training, to hire veterans who served during a period of hostilities, for positions that involve significant training or retraining.

"§ 2102. Establishment of program

"The Secretary of Labor and the Administrator shall carry out a program in accordance with the provisions of this chapter to assist eligible veterans in obtaining employment in jobs providing significant training opportunities. Assistance under the program shall be in the form of payments to employers employing eligible veterans in jobs involving significant training in order to assist such employers in partially defraying the cost of the training.

"§ 2103. Eligibility; application; certification

"(a) For the purposes of this chapter, an eligible veteran is a veteran who—

"(1) meets the service requirements of section 521(j) of this title;

"(2) has been unemployed for fifteen or more consecutive weeks at the time of applying for participation in a program under subsection (d) of this section. For the purposes of this paragraph, a veteran shall be considered unemployed when the veteran is without a job and wants and is available for work. The determination of whether a veteran is without a job shall be made in accordance with the criteria used by the Bureau of Labor Statistics of the Department of Labor in defining individuals as unemployed.

"(b) A veteran may not receive assistance under this chapter and under either chapter 31, 32, or 34 of this title, or the Job Training Partnership Act (96 Stat. 1322; 29 U.S.C. 1501 et seq.), for the same period.

"(c) An eligible veteran who desires to undertake a program of job training under this chapter shall submit an application to the Secretary of Labor in such form and containing such information as the Secretary of Labor shall prescribe. The Secretary of Labor shall not approve such an application if the Secretary of Labor finds that the veteran is already qualified in the field for which the training would be provided or that the veteran's opportunities for employment would not be increased or advanced by such training.

"(d) A veteran who has been determined to be eligible under this section shall be certified as such by the Secretary of Labor, and the Secretary of Labor shall furnish such veteran with a copy of such certification for presentation to an employer offering a job training program under this chapter.

"§ 2104. Employer job training programs

"(a) In order to qualify as a job training program under this chapter, a job training program of an employer must provide to eligible veterans training approved under this chapter for a period of not less than six months.

"(b) The maximum period of training for which assistance may be provided on behalf of a veteran under this chapter is—

"(1) 12 months in the case of a veteran with a service-connected disability rated at 30 percent or more; and

"(2) 6 months in the case of any other eligible veteran.

"(c) Subject to the provisions of this chapter, an eligible veteran approved for participation in a program under this chapter may select an approved program of job training with any private employer.

"§ 2105. Approval of programs

"(a) An eligible employer may be paid assistance under section 2106 of this title on behalf of an eligible veteran employed by such employer and participating in a job training program offered by that employer only if the program is approved in accordance with such procedures as the Secretary of Labor may by regulation prescribe and if the program meets the other requirements of this chapter.

"(b) An employer offering a program of training that the employer desires to have approved for the purposes of this chapter shall submit a written application for such approval according to guidelines issued by the Secretary of Labor. Any such application shall contain a certification—

"(1) that such employer, in good faith and according to circumstances known or reasonably foreseeable at the time such certification is made, believes it probable that a position of the type for which the veteran is to be trained will be available on a stable permanent basis at the end of the training period;

"(2) that, when a veteran completes training for which payments are made under this chapter, such employer will provide not less than three weeks of continuing regular employment to such veteran for each week of training of such veteran under this chapter, unless payments are discontinued under section 2107 of this title or the veteran is dismissed for cause after the period of training;

"(3) that the wages and benefits to be paid to a veteran participating in the employer's program of training will be not less than the wages and benefits normally paid to other employees participating in a comparable program of training;

"(4) of the total number of hours of training to be offered for each participating eligible veteran, the training content of the program, and the objective of the training; and

"(5) that the employment of a veteran under this chapter—

"(A) will not result in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of nonovertime work, wages, or employment benefits); or

"(B) will not result in hiring such a veteran to fill a job opening created by the action of the employer in laying off or terminating the employment of any regular employee.

"(c) The Secretary of Labor shall not approve a program of training under this chapter unless, upon investigation, the Secretary of Labor finds that the following conditions are or will be met by the employer:

"(1) The training content of the program is adequate, in light of the nature of the occupation for which training is to be provided and comparable training opportunities in such occupation, to accomplish the training objective certified under subsection (b)(3) of this section.

"(2) The occupation or job for which training is to be provided customarily requires full-time training for a period of not less than six months.

"(3) The length of the training period under the proposed program is not longer than that customarily required by employers in the community to provide an individual with the skills and knowledge needed in order to become competent in the occupation or job for which training is to be provided.

"(4) There is in the training establishment or place of employment adequate space, equipment, instructional material, and instructor personnel to provide satisfactory training.

"(5) Adequate records will be kept by the employer to show the progress made by each veteran participating in the program.

"(6) The program of training will not be given to veterans who are already qualified by training and experience for the job for which training is to be provided.

"(7) There is a reasonable probability that a position of the type for which a veteran will be trained will be available with the employer on a stable, long term basis for the veteran at the end of the period of training.

"(8) The program meets such other criteria as may be established by the Secretary of Labor.

"(d) In approving a program of training, the Secretary of Labor shall—

"(1) give preference to programs of training in growth industries, in occupations requiring the use of new technological skills, and in occupations for which demand exceeds supply; and

"(2) endeavor to achieve an equitable regional distribution of training opportunities, based on a comparison of regional data concerning the rate of unemployment among veterans of a period of war.

"§ 2106. Payments to employers

"(a) Except as provided in subsection (c), the Secretary of Labor shall pay to an employer of a veteran participating in an approved job training program under this chapter, upon completion of such program or termination of such veteran's eligibility for assistance under this chapter, an amount to defray, in part, the costs of the veteran's training. The amount paid to an employer on behalf of a veteran may not exceed the lesser of—

"(1) 25 percent of the wages paid to the veteran by the employer during the period of job training.

"(2) the actual cost to the employer of such training; or

"(3) $6,000 in the case of an eligible veteran with a service-connected disability rated at 30 percent or more, or $3,000 in the case of any other eligible veteran.

"(b) If an employer to which payments are made under this chapter is a small-business concern participating in an assistance program under the Small Business Act (15 U.S.C. 631 et seq.) or the Small Business Investment Act of 1958 (15 U.S.C. 661 et seq.), the Secretary of Labor shall make such payments on a monthly basis, and the computation required in subsection (a)(1) of this section shall be made on the basis of the average projected monthly wage paid to the veteran by the employer during the first six months of the training period.

"(c) Payment may not be made to an employer for a period of training under this chapter on behalf of a veteran until the Secretary of Labor has received—

"(1) from the veteran, a certification as to the veteran's actual employment and training with the employer during that period; and

"(2) from the employer, a certification—

"(A) that the veteran was employed and progressing satisfactorily while pursuing a program of training during that period.

"(B) as to the date on which the employment of such veteran began; and

"(C) that the veteran has been employed by the employer for an average of thirty hours a week for the period for which the payment is made.

"§ 2107. Discontinuance of payments for unsatisfactory conduct or progress

"The Secretary of Labor shall discontinue the payment of assistance on behalf of a veteran under this chapter if the Secretary of Labor finds that, according to standards that the Secretary of Labor may prescribe or the regularly prescribed standards of the employer, the conduct or progress of the veteran is unsatisfactory. Unless the Secretary of Labor finds that there are mitigating circumstances, progress will be considered unsatisfactory at any time that the veteran is not progressing at a rate that will permit the veteran to achieve the training objective within the training period.

"§ 2108. Discontinuance of approval of employer programs; recoupment; penalties

"(a) If the Secretary of Labor finds at any time that a program of training previously approved by the Secretary of Labor for the purposes of this chapter thereafter fails to meet any of the requirements of this chapter, the Secretary of Labor shall immediately disapprove further participation by eligible veterans under that program. An eligible employer whose program is disapproved under this section shall be notified of such disapproval by a certified or registered letter, and a return receipt shall be secured.

"(b) If the Secretary of Labor finds at any time that an employer's certification under section 2105(b) or section 2106(c)(2) of this title was false or clearly unsupportable in any material respect, the Secretary of Labor shall immediately disapprove further participation in the training program of such employer under that chapter. Such disapproval shall be effective with respect to payments made after the date of such certification. The total amount of such payments shall be a liability of such employer to the United States and shall be recoverable in the same manner as any other debt due the United States.

"(c) Whoever willfully or with reckless disregard of the facts, violates any provision of section 2105 of this title, or any regulation issued thereunder, or causes the Secretary of Labor to make a certification or give approval contrary to such section, section 2106(c)(2) or such regulation, shall be subject to a civil penalty of not to exceed $1000 for each such violation. Such violation shall constitute a separate violation with respect to each individual employed by reason of such wrongful certification or approval.

"§ 2109. Duties of the Secretary of Labor

"(a) Except as otherwise expressly provided in this chapter, the Secretary of Labor through the Assistant Secretary of Labor for Veterans' Employment, shall administer the program established by this chapter. In carrying out this responsibility, the Secretary of Labor shall consult with the Administrator and keep the Administrator fully advised of activities carried out pursuant to this chapter to ensure maximum cooperation and coordination between the Department of Labor and the Veterans' Administration.

"(b) The Secretary of Labor shall make special efforts to inform eligible veterans and employers of the training opportunities available under this chapter, and to coordinate such efforts with those job counseling, placement and job development services authorized under chapters 41 and 42 of this title, and other similar services offered by other public agencies and organizations. In making such efforts, maximum use should be made of disabled veterans outreach specialists appointed under section 2003A of this title. Efforts to inform employers of the program under this chapter shall be coordinated with programs under the jurisdiction of the Administrator of the Small Business Administration.

"§ 2110. Veterans' information and outreach

"The Administrator (in consultation and cooperation with the Secretary of Labor) shall provide for an outreach and public information program—

"(a) to inform eligible veterans about the employment and job training opportunities for veterans under this chapter, the other provisions of this title, and other provisions of law targeted to veterans; and

"(b) to inform employers of their responsibilities and opportunities with respect to such veterans.

"§ 2111. Inspection of records

"The records and accounts of employers pertaining to veterans who have received job training assistance under this chapter, as well as other records which the Secretary of Labor determines necessary to ascertain compliance with the requirements of this chapter, shall be available at a reasonable time for examination by authorized representatives of the Government.

"§ 2112. Termination of program

"A veteran may not apply for a program of job training under this chapter after September 30, 1984. Assistance may not be paid to an employer under this chapter for any period after September 30, 1985."

(b) The table of chapters at the beginning of such title and at the beginning of part III of such title are each amended by inserting after the item relating to chapter 43 the following new item:

"44. Veterans' Emergency Job Training Program ..... 2101."

SEC. 3. Section 2002A is amended—

(1) by striking out "and chapter 43" in the first sentence and inserting in lieu thereof "chapter 43, and chapter 44"; and

(2) by striking out "chapter 43" in the second sentence and inserting in lieu thereof "chapter 43 or 44".

SEC. 4. Subsection (c) of section 2003 is amended by—

(1) striking out "and" at the end of clause (11);

(2) striking out the period at the end of clause (12) and inserting in lieu thereof a semicolon and "and"; and

(3) adding at the end thereof the following new clause:

"(13) be functionally responsible for processing applications and approving certifications under chapter 44 of this title.".

SEC. 5. There is authorized to be appropriated $75 million to carry out the program established under this chapter, for purposes including payments to employers, information and training for eligible veterans and employers, and such salaries, rents, printing and binding, travel and communications expenses as are reasonably attributable to the operation of the program.

SEC. 6. The amendments made by this Act shall take effect October 1, 1983.

By Mr. LEAHY:

S. 1034. A bill to amend the Freedom of Information Act to the Committee on the Judiciary.

FREEDOM OF INFORMATION ACT IMPROVEMENT ACT OF 1983

● Mr. LEAHY. Mr. President, I am today introducing the Freedom of Information Improvement Act of 1983. The improvements to the FOIA in this bill are all important ones and all have one common aim: To make this historic legislation fairer, faster, and more effective.

We are facing a year when it will become something of a cliché to discuss whether the government and technology will prevail over the individual mind and human spirit.

I can note with satisfaction that 1984 will not mark the beginning of Big Brother and the end of free ex-

pression, but rather the 10th anniversary of amendments to FOIA securing in practice rights that had been established in theory 8 years earlier.

So important has the Freedom of Information Act become in an age when complexity can make secrecy pose as a virtue, that it is difficult for me to remember that FOIA is only a statute and not a part of the Constitution. But the act is only another statute on the books, and the current administration has given ample warning that it is one statue it would like to see weakened or even crippled.

FOIA, more than any other law on the books, maintains the faith of the American people in a government that is so large and necessarily so complex that no individual can pass judgment on its integrity or the wisdom of its policies. The availability of the documents and records that convey the essence of government has helped dramatically to fill this void in understanding and communications. Press conferences and news releases—manicured versions of reality—are no substitute for primary materials.

FOIA has led to public disclosure of government waste and wrongdoing, as well as expanding public knowledge of health, safety, and environmental matters. Through FOIA, the press has revealed discrimination in the administration of Federal contracts, major medicare fraud by private health organizations, defective and unsafe consumer products, and harmful drugs and medical devices.

But the full benefits of the act are much more than the sum of these and many other specific achievements. A government that operates in public is accountable to the electorate in a manner that is very different from a government operating in secrecy. The mere idea that a decision will be subject to public review and the documents underlying that decision to public scrutiny creates an atmosphere of accountability.

In this context I find the current administration uneasy with the legacy of FOIA since 1966 and hostile to the presumption of openness. To be specific:

On March 11, the administration announced a new Presidential directive that comes close to paranoia over leaks. All Government employees with access to classified information—even if the classification is low—could be compelled to sign agreements enforceable by the Justice Department that will keep them from discussing or writing about anything even remotely connected with their work without prior clearance even years after leaving Government service. Up to now only the employees of the CIA and equally sensitive agencies have been required to enter such agreements. The agreements will be policed with lie detector tests.

The Department of Justice recently adopted a stringent—perhaps I should say stingy—policy on fee waivers, after the Senate Judiciary Committee rejected in the last Congress a similar proposal in the administration's bill.

EPA has undertaken a policy to restrict the release of industry data that would help expose pesticide threats to workers and others, after the House and the Senate Agriculture Committees rejected a similar proposal.

President Reagan's Executive order on classification has swept away a trend of nearly three decades aimed at better informing the American public about national defense and foreign policy issues. Agency officials are not required to consider the public right to know in classifying information. Doubts are resolved by classifying information at the highest, not the lowest, level of secrecy, despite abundant evidence that classification is often sloppy and unnecessarily restrictive. There is no longer a requirement that an agency find identifiable potential harm to national security before material is classified.

More than any one of these examples, I am concerned that all of them together reflect a policy that promotes secrecy as the norm dominating transactions with the Government.

It is at least in part to restore the norm and reverse the current decline in the spirit of openness that I am presenting this bill today. Ironically the genesis of this bill was the debate in the Judiciary Committee a year ago on the administration's FOIA proposal, which in its original form, would have devastated the act as we have come to know it.

Through reasoned discussion and compromise, the committee unanimously accepted a substitute for the bill which left the essential features of the law intact. Senator HATCH has introduced a bill, S. 774, which contains the essence of that compromise. S. 774 primarily considers the problems Government is having in administering the act. While I intend to work with Senator HATCH on those problems, I think we also must address the problems that requesters of information are having with the Government.

The bill I am presenting today addresses some of the major concerns of both submitters and requesters about the functioning of the act. It does not purport to deal with proposed changes in the language of FOIA exemptions, an area that is covered in Senator HATCH's FOIA bill. Most notable among these is the Judiciary Committee compromise on the law enforcement exemption, which I helped to craft. I fully support its adoption in S. 774 and will lend my voice in its support when it comes up for debate in its current language. Since the focus of my bill is on requester and submitter problems, I did not seek to include similar language in my bill.

Another item on my own Senate agenda which is omitted from this bill is the language Senator DURENBERGER and I and four of our colleagues from the Senate Select Committee on Intelligence introduced last April to restore the FOIA exemption for national defense and foreign policy matters to its former meaning requiring "identifiable damage" before an agency could withhold information. The President's 1982 Executive order on national security had reversed the presumption of openness that had prevailed with Presidents of both parties for more than 15 years.

Senator DURENBERGER and I plan to reintroduce this important component of FOIA reform at a later date.

In summary, my bill would do the following:

The fee waiver standard is strengthened for members of the news media, nonprofit groups who intend to make the information available to the public, and persons engaged in noncommerical scholarly research. Other needed changes are made concerning fees.

Requesters will be able to challenge a denial of a fee waiver in court under a standard which permits the court to take a fresh look at whether the waiver standard has been met.

Agency time limits under FOIA would be made more realistic and enforced more vigorously.

Time limits will be made enforceable by creating economic penalties for an agency that does not meet the time limits, while giving economic incentives for timely compliance.

The tide of specific statutory agency exemptions we have seen recently will be stemmed by requiring that exemption bills come before the Senate Judiciary Committee and House Government Operations Committee, which have legislative jurisdiction over FOIA.

Fair procedures to allow submitters of information a reasonable opportunity to object to release of data are established.

Commerical users, who account for two-thirds of the costs to the Government in processing FOIA requests, would bear their fair share for access.

FEE WAIVERS AND OTHER FEE PROVISIONS

Access to information can be scuttled as effectively by the barriers of cost as by overly broad exceptions. As a result of an extensive report by the House Government Operations Committee in 1972, Congress was well aware of the use of excessive charges to deny access when FOIA was amended in 1974. In that year the fee waiver provision was enacted, and the Senate report made it clear that the section was to be liberally construed by the agencies to promote access.

Contrary to that congressional intent, evidence on agency fee practices supports oversight findings that:

[M]ost agencies have been too restrictive with regard to granting fee waivers for the indigent, news media, scholars, and nonprofit public interest groups.

Report on oversight hearings by the staff of the Subcommittee on Administrative Practice and Procedure of the Senate Committee on the Judiciary, "Agency Implementation of the 1974 Amendments to the Freedom of Information Act," 95th Congress, 2d session (March 1980) (committee print).

These problems were exacerbated on January 7, 1983, when the Department of Justice issued new guidelines on the administration of the fee waiver provisions of FOIA. The Department guidelines fail to mention the principle of liberal construction, but even more ominous is its seeming reversal of the fundamental presumption of openness that is supposed to infuse every corner of the act. It is worth mentioning the five criteria that the Justice Department directs agencies to consider in meeting fee waiver determinations:

First, genuine public interest in the subject matter of the documents,

Second, value to the public of records themselves,

Third, availability of the requested information in the public domain,

Fourth, identity and qualifications of the requester, and

Fifth, personal interest of the requester.

These guidelines are a far cry from the fee waiver language in the act, which simply states that a fee waiver or reduction are to be granted in the public interest where "furnishing the information can be considered as primarily benefiting the general public," as opposed to a narrow, private interest. Not a single word in the long legislative history of the FOIA ever suggested that an agency could ask whether the recipient really needed the information—whether the "benefit" was substantial enough to warrant the inconvenience of honoring the request. In this context the phrase "benefiting the general public" might have read "going to the general public."

The fee waiver criteria in the 1974 amendments only asked who was benefiting from access. The Reagan administration has shifted the focus to asking what is being requested—is it really something the public wants and needs? The shift is crucial. Once the government is the decider of what is and is not important to know, the freedom of information departs completely. Criteria (1) and (2) of the Justice Department, through dealing only with fee waivers, are strong echoes of the paternalism that characterized government's relationship to citizens seeking information before the enactment of the act in 1966. The same criteria are also the watchcry of governments that control all information and suppress all criticism.

If a reporter or a scholar seeks information, there is no part whatsoever that an agency should play in deciding whether the news story or research project should be undertaken or whether the public will really benefit from the requester's undertaking. The sharp criticisms of the press by this and other Administrations are convincing evidence that government frequently and ardently believes that unimportant items are covered, while legitimate news is ignored. Only history will reliably judge when and if these criticisms are valid. The point that is immediately important is that no access statute can be effective that turns on such subjective criteria.

My bill would replace these subjective criteria with a simpler and fairer system. Section 3 of the bill would amend the FOIA to specifically require that documents shall be furnished without charge when the information is not requested for a commercial use, and the request is being made by or on behalf of first, any individual, or any educational or noncommercial scientific institution, whose purpose is scholarly or scientific research, second, a person engaged in a journalistic activity, or third, a nonprofit group that intends to make the information available to the general public.

In the face of unduly narrow agency interpretations of the "public interest" fee waiver standard, this provision would constitute a dispositive congressional finding of qualification for waiver of fees in these categories of requests.

Section 3 of my bill would also amend the fee waiver provision of the FOIA to require that documents shall be furnished without charge or at a reduced charge when the agency determines that the waiver or reduction of the fee is in the public interest because furnishing the information is "primarily benefiting the general public rather than the commercial or other private interests of the requester."

This language is completely consistent with the historic purposes of the FOIA. It not only establishes the interests of the general public as paramount, but it bolsters the efforts the agencies should be making to collect full fees from requesters whose interests are commercial and who should pay their own way. Commercial requests account for about 60 percent of total agency costs under the FOIA.

I know that there are some difficult distinctions implicit in the fee-waiver language. We intend to create a fee waiver right for journalistic activity, and we are aware that determining who is a journalist is not as easy as checking a driver's license. It would be easy to say that journalists are people who have regular positions with an established newspaper, but that would discriminate against freelance journalists, and particularly those who are just starting out in their carrers. At the same time, we do not want to define a journalist as anyone who wants information but has only a vague and generalized hope of writing something some day. In the overwhelming number of cases journalists will be able to prove their status, either because they work for a broadcaster, newspaper, or other periodical or because they are engaged in a project that is clearly being undertaken with public dissemination in mind, even though the audience may not be large.

It may sometimes be equally difficult to define a commercial use. Newspapers must be "commercial" if they are to survive, but they are organizations whose commercial motives are outweighed, at least for purposes of the FOIA, by their function of benefiting the general public. That is why their entitlement to a fee waiver is absolute. At the other end of the scale are organizations which are much more like the research arms for industry and which are in the business of retrieving information that is not readily available otherwise. Both these kinds of companies and newspapers will be able to say they are disseminating information. But I believe that the agencies will have little trouble distinguishing what is essentially commercial research from publications that are principally engaged in informing the public.

UNIFORM FEE SCHEDULES

Variations in fee schedules from one agency to another have confused members of the public, and have created the impression that different agencies do not charge comparable fees for comparable efforts in responding to requests. Although there may be some differences in the actual costs of agency services, greater uniformity in fees would be possible and would be desirable in most cases.

Section 3 of my bill would accordingly authorize the Office of Management and Budget to promulgate guidelines providing a uniform schedule of FOIA fees for all agencies. Each agency would be subject to these guidelines in establishing its schedule of fees and would be required to justify through rulemaking any fees higher than the uniform schedule. This provision would promote uniformity in fees throughout the Government, but would preserve the flexibility of agencies that needed to address higher costs.

REVIEW COSTS

One of the perennial debates over the FOIA has concerned just which agency costs should be recoverable through fees. Under the present law costs related to the examination and

review of records cannot be charged to requesters. Reflecting the experience of nearly two decades, the new bill would permit recovery of the costs of reviewing responsive records—true processing costs. The time spent in reviewing legal or policy issues surrounding the request would not be recoverable, nor the cost of agency reviews conducted on an appeal of an initial agency denial of a request. Also excluded would be administrative overhead costs, like personnel, supplies, postage, and the like.

This compromise on costs would alleviate the most excessive cost burdens that agencies have experienced as FOIA requests have burgeoned over the years, with only 5 to 10 percent of all costs being recovered. But subjective factors—such as the intensity of an agency's research of the law—are eliminated, so that fees cannot be used to discourage requests under the act.

FEE ASSESSMENT THRESHOLD

In cases where the routine costs of collecting fees from a requester would equal or exceed the amount of the fees to be collected, most agency fee schedules provide that the fees should not be charged at all. This commonsense principle would be codified and made mandatory by section 3 of my bill.

STANDARDIZED CHARGES

Some agencies may find it useful to develop standardized charges for categories of requests having similar processing costs, Section 3 of my bill would allow agencies, in their discretion, to provide for such standardized charges in their fee schedules.

TIME LIMITS

A constant tension between requesters and agencies has been the time limit provisions of the FOIA. Often delay can be equivalent to denial. On the other hand, complex and voluminous requests cannot be answered overnight. Always the question boils down to the standards to be applied by the agency.

The present time limit provisions of the FOIA were established by Congress in 1974, in response to substantial evidence that agency delay in the handling of FOIA requests was a major problem. Although most agencies are complying with the deadlines enacted in 1974, excessive delay persists at a number of agencies, including the FBI, the CIA, and the Department of Justice. These agencies have complained of the unreasonableness of the deadlines in light of the unexpectedly large number of FOIA requests filed since 1974 and the special difficulties that some requests present.

My bill would retain the essential structure of the act's deadlines—10 working days for a response to an initial request and 20 working days for response to an appeal. At the same time, the bill would provide agencies with authority for extensions of time limits of up to 30 days, upon written notice citing one or more unusual circumstances set forth in the statute.

In the past, some time limits have been grossly unrealistic. As a result, there has been only a perfunctory attempt at enforcement, expecially where the law appeared to mandate the impossible. This bill seeks to establish realistic time limits, and then to provide a basis for enforcement in fact, rather than theory. If agencies violate time limits, the court may assess reasonable costs, including attorney's fees, incurred by a requester after the failure of the agency to comply with the time limits, even if the agency prevails and access is ultimately denied. The point is that time limits should be fair to everyone, but should not be an indirect means of denying access.

The bill also adds a provision recognizing that, in compelling circumstances, a FOIA request should be processed on an expedited basis. This should be especially helpful to the press, which often labors under particularly severe time constraints.

DISPOSITION OF COLLECTED FEES

Some agencies have complained about the seeming injustice of requiring them to absorb the costs of FOIA compliance while prohibiting them from retaining fees collected from the requesters they serve. Collected fees are now turned over to the Treasury Department's miscellaneous fund, without providing any offset to the funds drawn from the agency's budget to support its FOIA activities.

Section 3 of my bill would permit an agency which complies with applicable time limits to retain one-half of the fees collected as a result of FOIA requests. The fee retention provisions of the bill would reward agencies that meet the time limits specified in the bill and would tend to diminish the burdens of agencies with particularly heavy FOIA workloads. It will be very important to structure the compliance criteria so that the reward system operates effectively and without favoring any class of requesters over any other class. During consideration of the bill we will explore which agency—the Office of Management and Budget, the Administrative Conference of the United States, the General Accounting Office, for example—will monitor compliance, and just which specific criteria for determining timely compliance would be fairest and most workable.

BUSINESS CONFIDENTIALITY PROCEDURES

When Congress enacted the FOIA in 1966, it expressly sought to protect legitimate confidentiality interests of the private business sector by exempting trade secrets and confidential commercial or financial information from the mandatory disclosure requirements of the act. But Congress did not provide submitters of such information with procedural rights that would insure that their confidentiality interests would be adequately considered by an agency facing a FOIA request.

The absence of any statutory requirements for an agency to give submitters notice and an opportunity to oppose disclosure left the protection of business confidentiality interests entirely in the hands of agency personnel, to handle on a case-by-case basis. This situation is in large part responsible for the doubts that have been voiced within the business community about the Government's ability to protect business confidentiality interests.

Section 6 of my bill would amend subsection 552(A) of the FOIA to require agencies to promulgate regulations specifying procedures that would permit submitters of trade secrets or confidential commercial or financial information to present claims of confidentiality to an agency before submitted information is released in response to a FOIA request. In order to cut down on fruitless administrative work under these regulations, an agency will be able to designate certain classes of documents that are unlikely to contain exempt information. The agency will be exempt from the requirement that it notify submitters of requests for documents within this class, but it must provide the submitter with the opportunity to file written objections to the release of any information in the documents at the time they are submitted.

It would also insure that submitters would be notified of the agency's final determination with respect to the release of submitted information. Submitters objecting to disclosure would be able to seek judicial relief to prevent it.

Submitter actions to enjoin disclosure must be brought prior to release of the documents, and usually would be commenced within 10 days after the final agency decision. If the submitter has not been given notification but learns of the pending disclosure, suit could be brought in the same manner as if such notice had been given.

Under the bill district courts would have jurisdiction over both submitters and requesters. Agencies would be required to notify requesters and submitters whenever a suit was brought by either over a particular request or submission. Appeals from agency decisions would be heard de novo by the court.

In order to avoid an undue advantage in favor of a well-financed submitter seeking to obstruct access through lengthy litigation, the bill provides that the court may in its discretion award attorney's fees and costs to a requester who has substantially prevailed. Fees are allowed against an

agency as well, as under current case law.

STATUTE OF LIMITATIONS

The present act contains no time limit for a requester to initiate a judicial action after an agency's final denial of a request. The bill would require that suits by requesters must be brought within 180 days of the agency's final administrative action. This is the same period as that set forth in title VII of the Civil Rights Act of 1964, the Age Discrimination in the Employment Act, and the Fair Housing Act of 1963.

The bill would not set a specific limitations period for action by submitters, but it would require that the submitter file a complaint before the information is disclosed.

The provision should promote judicial economy and ease administrative burdens without prejudice to requesters of information. Agency personnel would be able to close files instead of holding a requester's file indefinitely, and yet requesters could simply file an identical request to reinitiate the process.

INDIVIDUAL AGENCY EXEMPTION

In addition to the attempts to weaken or repeal the FOIA directly over the years, there have been increasing numbers of exceptions to the act written into other legislation. Exemption (b)(3) of the FOIA excludes from the mandatory disclosure requirement information "specifically exempted from disclosure by statute." Despite Congress efforts in 1976 to narrow the scope of section (b)(3) more and more information has been put beyond the reach of the public through these special exemptions.

One of the problems has been that many (b)(3) exemptions are not reviewed by the congressional committees that generally oversee the FOIA. Sometimes the exemptions are attached as riders to authorization or appropriations bills. Agencies like the Nuclear Regulatory Commission, the Consumer Product Safety Commission, and others have obtained (b)(3) exemptions.

In order to prevent ill-considered exemptions to the access mandate of the FOIA, section 8 of my bill would place specific limitations on an agency's ability to rely on the authority of (b)(3) exemption statutes when they have not passed through prescribed legislative channels and have not been previously brought to public attention through publication in the Federal Register.

This will not stop agencies from trying to limit access, and in some cases there will be legitimate reasons to withhold information. But what the bill will prevent, if enacted, is the passage of (b)(3) statutes without substantiation of their need and without the scrutiny of the committees in both Houses that have the FOIA high on their agendas and the experience to weigh each proposal on its merits.

OVERALL PURPOSE

In summary, this bill does not seek to revolutionize the Freedom of Information Act, but rather to conform its requirements to practical experience. If adopted, my bill would allow the FOIA to work with greater certainty and facility for requesters, would be fairer to submitters, and would ease the costs and burdens to the agencies that must respond under the act.

It is my hope that in time openness in government will become a routine expectation for everyone, so strongly rooted in law and practice that efforts to dampen it by an administration will necessarily fail. Any bill that makes the FOIA work more smoothly will hasten the arrival of that day.

I sense in my discussions with my colleagues on the Judiciary Committee that our efforts on behalf of freedom of information in the 97th Congress were not misspent. We had many differences but we learned to narrow them, and as a result of that hard work, there is a very new spirit in this body aobut the future of FOIA. Senator HATCH's bill and the bill I am introducing here pepresent a fresh start in a new Congress. I look forward to working together with him and my other committee colleagues toward what I know to be our common goal: a government that is open to its people.●

By Mr. BENTSEN (for himself and Mr. TOWER):

S. 1035. A bill to provide for the enforcement of a trade agreement between the United States and the Commission of European Communities concerning imports of steel pipe and tube products; to the Committee on Finance.

FAIR TRADE IN STEEL PIPE AND TUBE PRODUCTS ACT OF 1983

● Mr. BENTSEN. Mr. President, I am today introducing S. 1035, a bill to enforce the steel pipe and tube trade arrangement negotiated between the Reagan administration and the Commission of the European Community (EC) with the approval of companies on both sides of the Atlantic last fall. The legislation, which has been introduced as H.R. 2299 on the House side by 21 Members of the Texas delegation, is designed to provide a mechanism for enforcing the arrangement.

Mr. President, last July there were pending in the U.S. Department of Commerce a number of antidumping and countervailing duty petitions alleging unfair trade practices in the importation and sale of European steel into the United States. At that time, it was a well publicized fact that the Department of Commerce was attempting to negotiate an arrangement with the EC and producers such that the antidumping and countervailing duty petitions would be withdrawn in return for limitations on European exports to the United States.

Since those negotiations appeared at one point likely to pertain exclusively to basic steel products, and since Texas is a principal producer of the more advanced pipe and tube steel products, I wrote to both the Secretary of Commerce and the President that summer urging them to assure in the agreements they negotiated that the European governments and producers would not be able under the agreements to divert subsidies and other unfair trade practices from basic steel to pipe and tube exports to the United States. I was assured then by the Secretary of Commerce that he would "carefully consider the effects of any proposed settlement on all parts of the domestic industry, including the Texas oil country tubular goods industry." OCTG is a principal pipe and tube product, used in various high specification applications around and in oilfields. The close relationship between basic steel and pipe and tube, and the ability of foreign producers to divert from one to the other has been recognized for some time: For example, OCTG were for sometime covered by the so-called trigger price mechanism (TPM), a device designed to deter dumping of steel products.

Subsequently, of course, the European Commission and the United States did agree in October 1982 to restrain the export of basic carbon steel to the United States to an average of about 5.5 percent of the U.S. market in 10 separate categories. Simultaneously, the Secretary of Commerce and the Vice President of the EC signed a letter agreement on October 21, 1982, that for the duration of the basic carbon steel arrangement, diversions from those products toward pipe and tube "should be avoided." The measure of this diversion was agreed to be whether annual exports from the EC to the United States exceeded the 1979–81 average share of annual U.S. apparent consumption.

The agreement relating to carbon steel provides for its own enforcement, and when linked with American law, effectively constitutes a quota on steel exports to the United States for the 3-year duration of that agreement. Under the agreement, the communities are required to control their own exports by means of issuing export licenses. Under U.S. law; namely, a provision of the 1982 reconciliation Act, Public Law 97-276, the Secretary of the Treasury may require the presentation of those export licenses as a condition for customs entry. The power to require presentation of licenses extends to any international arrangement with the United States that went into effect prior to January 1, 1983. Thus, under current law, the

United States now prevents entry of basic steel products in excess of the percentages set forth in the basic steel agreement.

By contrast, the letter agreement with regard to pipe and tube does not provide for an EC export license procedure, and, therefore, it is not within the scope of the Reconciliation Act provision I have referred to above. The United States does not presently enforce by quotas the provision of the letter agreement on pipe and tubes. Rather, the agreement provides that if estimates based on information provided by the EC show that the 1979–81 average percentage of U.S. apparent consumption of pipes and tubes is exceeded or that a distortion of the pattern of U.S.-EC trade is occurring within the pipe and tube sector, then consultations would take place "in order to find an appropriate solution." If no solution is found, then each party can take such legal measures as it considers necessary, but they are to act in a complementary fashion to prevent diversion.

Mr. President, what this means is that the basic steel agreement is enforceable, but the pipe and tube arrangement is not. All I propose with this legislation is that the pipe and tube arrangement be as enforceable as the basic steel arrangement consistent with its stated underlying purpose, to prevent diversion.

Specifically, this is what this bill would do: First, it requires the Secretary of Commerce annually to establish the amounts of steel pipe and tube that may be imported into the United States from the EC for seven recognized categories of pipe and tube, based upon the reference period set forth in the U.S.-EC agreement, the 1979–81 EC share of U.S. apparent domestic consumption.

Senators will please note that the percentage of EC imports obtained of U.S. consumption of all pipes and tubes in the reference period was about 5.9 percent, but that the share obtained varies greatly between the various categories of steel pipe and tube. For example, the EC had 1.34 percent of U.S. apparent consumption of structural and other pipe in the reference period, but 9.37 percent of the U.S. market in pressure tubing during that period. In one of the markets for pipe and tubes I am most concerned about, the domestic market for OCTG, EC imports had almost 9 percent import penetration during this period.

The bill provides separate percentages for each of the seven recognized major categories of pipe and tube to prevent diversion from the lowest value added pipe and tube products to the highest value added pipe and tube products. For example, I would rather accept a limit under the U.S.-EC arrangement of 8.76 percent of domestic apparent consumption in OCTG than an overall limit for pipe and tube of 5.9 percent of consumption, if it were possible that all of the latter imports could be OCTG.

Second, the agreement requires the Secretary to project annually total U.S. apparent consumption in each of the seven categories and the amount by which imports in each of those categories exceeds the import ceilings. Finally, in the event the Secretary determines that the quota for any product is likely to be exceeded or—in the language of the arrangement—a distortion of the pattern of trade between the United States and the EC is occurring with respect to such products, he is required to enter into consultations with the EC and if those have not succeeded in 60 days in compliance by the EC with the import ceilings established under the bill, then he shall direct the Secretary of the Treasury to enforce the arrangement levels through import quotas.

Senators will also please note that while the "findings" of the bill contain a finding in terms of article XIX of the GATT, this finding does not prejudge any determination that might be sought—such as a determination under section 201 of the Trade Act of 1974—because it does not use the language of current domestic U.S. law. The bill would expire by operation of law when the arrangement does, December 31, 1985.

In sum, then, Mr. President, the bill provides the same opportunity the arrangement does—namely, a 60-day period for consultation—to resolve actions inconsistent with the agreement.

Mr. President, the Texas pipe and tube industry is among the most efficient in the world. It is doing what we constantly complain American business does not do enough of. One Texas company, Lone Star Steel, has invested over one-half billion dollars since 1975 to build new advanced electric arc furnaces, a continuous caster and extrusion presses. The world's largest draw bench for producing large diameter mechanical tubing is now in operation in Texas. In 1982, Lone Star completed a modern liquid iron desulfurization facility and the most modern hot blast cupola in the Nation. In the current vernacular, these modern Texas steel companies are "winners."

Yet thousands of hard-working east Texans are now laid off while imports of OCTG and other pipe and tube products are increasing as a percentage of domestic consumption. In 1979, total imports were about 35 percent of domestic consumption, and EC imports were less than 2.5 percent. By contrast, in the 9-month period from January 1 to September 30, 1982, total imports were nearly 60 percent of apparent domestic consumption, and EC imports were 19.96 percent of domestic consumption.

Mr. President, I do not contend that the EC is violating the October 1982 arrangement; I assume the communities will abide by it. But now that an arrangement has been put in place, I do not believe it ought to be just an agreement to talk. Huge investments and lifetime decisions depend on the reliability of this international arrangement. I have been assured by the administration since last summer that it would take account of the diversion problem. Yet unless this agreement is rendered enforceable as a matter of law, that promise, and the promise of this agreement, are open to question by the people of Texas.

I hope that the International Trade Subcommittee, of which I am the ranking minority member, will observe carefully the action in the House on the companion measure to this legislation and be prepared quickly to hold hearings and take action with regard to the House bill or this S.-numbered version at an appropriate time.

I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1035

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Fair Trade in Steel Pipe and Tube Products Act of 1983".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress hereby finds that—

(1) a strong domestic steel pipe and tube products industry is vital to the Nation's energy security and independence;

(2) steel pipe and tube products have been imported into the customs territory of the United States in such increased quantities and under such conditions as to cause or threaten serious injury to workers and producers in the domestic steel pipe and tube industry;

(3) this injury will be increased by (A) the diversion of steel imports from the European Community to pipe and tube products, and (B) the upgrading of steel pipe and tube imports from basic pipe and tube products to oil country tubular goods; and

(4) the recently negotiated Arrangement between the United States and the European Community concerning steel pipe and tube products will help stabilize domestic markets and reduce injury to United States producers but will require strict enforcement to achieve its full objectives.

(b) Purpose.—It is the purpose of this Act to mitigate injury to the domestic steel pipe and tube products industry by providing the necessary authorities to the Secretary of Commerce and the Secretary of the Treasury to enforce the terms of the Steel Pipe and Tube Arrangement.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) The term "annual import ceiling" means, for each calendar year within the term of the Arrangement, the aggregate quantity of EC articles in a steel pipe and tube product category that constitutes the following percent of the United States ap-

parent consumption of articles in that category during that year:

Steel pipe and tube product category	Percent of United States apparent consumption
(A) Line pipe	5.88
(B) Oil country tubular goods	8.76
(C) Mechanical tubing	3.20
(D) Pressure tubing	9.37
(E) Stainless pipe and tubing	6.35
(F) Standard pipe	2.78
(G) Structural and other pipe	1.34

(2) The term "Arrangement" means the Arrangement on EC Export of Pipes and Tubes to the United States of America, contained in an exchange of letters, dated October 21, 1982, between the United States and the Commission of the European Communities.

(3) The term "EC articles" means steel pipe and tube articles that are the products of member nations of the European Community.

(4) The term "entered" means entered, or withdrawn from warehouse for consumption, within the customs territory of the United States.

(5) The term "Secretary" means the Secretary of Commerce.

(6) The term "steel pipe and tube articles" means those articles described in the steel pipe and tube product categories provided for in paragraph (7).

(7) The term "steel pipe and tube product category" means each of the following categories:

(A) Line pipe, which includes articles described in items 610.3208, 610.3909, 610.3211, 610.3251, 610.3711, 610.3712, 610.3713, 610.4931, 610.4933, 610.4936, 610.4965, 610.4970, 610.5211, 610.5214, and 610.5216 of the TSUS.

(B) Oil country tubular goods, which includes articles described in items 610.3216, 610.3219, 610.3721, 610.3722, 610.3920, 610.4020, 610.4220, 610.4320, 610.4942, 610.4944, 610.4946, 610.4965, 610.4970, 610.5221, 610.5222, 610.5226, 610.5241, 610.5246, and 610.5247 of the TSUS.

(C) Mechanical tubing, which includes articles described in items 610.3221, 610.3227, 610.3244, 610.3728, 610.3732, 610.4503, 610.4600, 610.4948, 610.4965, 610.4970, 610.4975, 610.5229, 610.5241, 610.5246, and 610.5247 of the TSUS.

(D) Pressure tubing, which includes articles described in items 610.3000, 610.3100, 610.3205, 610.3500, 610.3600, 610.3704, 610.4920, 610.5209, 610.5241, 610.5246, and 610.5247 of the TSUS.

(E) Stainless pipe and tubing, which includes articles described in items 610.3701, 610.3727, 610.3731, 610.3741, 610.3742, 610.5205, 610.5230, 610.5231, 610.5234, and 610.5236 of the TSUS.

(F) Standard pipe, which includes articles described in items 610.3231, 610.3232, 610.3241, 610.3244, 610.3247, 610.3251, 610.3751, 610.4951, 610.4952, 610.4960, 610.4961, 610.4965, and 610.4970 of the TSUS.

(G) Structural and other pipe, which includes articles described in items 610.3241, 610.3244, 610.3251, 610.3945, 610.3955, 610.4045, 610.4055, 610.4245, 610.4255, 610.4345, 610.4355, and 610.4975 of the TSUS.

The Secretary may by regulation make (i) such adjustments regarding the articles included within such categories as may be required by the Arrangement, and (ii) such modification to the TSUS references in such categories as may be required by changes made to the TSUS.

(8) The term "TSUS" means the Tariff Schedules of the United States, Annotated, as prepared by the United States International Trade Commission.

(9) The term "United States apparent consumption" means, with respect to articles in each steel pipe and tube product category, the domestic shipments of such articles less exports, plus imports, thereof.

SEC. 4. COMPUTATION OF ANNUAL IMPORT CEILINGS FOR EC ARTICLES.

(a) INITIAL COMPUTATION.—For each of the calendar years within the term of the Arrangement, the Secretary, not later than October 1 before such year (or as soon as practicable after the date of the enactment of this Act in the case of calendar year 1983), shall—

(1) make a projection of the United States apparent consumption during that year of articles in each steel tube and pipe product category; and

(2) on the basis of such projections, compute, in accordance with section 3(1), the annual import ceilings for EC articles in each such category for that year.

(b) INTRA-ANNUAL ADJUSTMENTS OF ANNUAL IMPORT CEILINGS.—Each annual import ceiling computed under subsection (a) for EC articles in a steel tube and pipe product category for a calendar year shall be subject to the following adjustments:

(1) During February of such calendar year (except 1983), the Secretary shall determine the United States apparent consumption during the immediately preceding calendar year of articles in that category, and, on the basis of that determination, compute a final annual import ceiling for EC articles in that category for the preceding year. If the aggregate quantity of EC articles in that category that was entered during the preceding year exceeded, or was less than, such final annual import ceiling, the Secretary shall reduce or increase, as the case may be, the annual import ceiling for the current year for that category by a quantity equal to such excess or shortfall.

(2) During February, May, August, and October of such calendar year (or such of these months in 1983 as are applicable), the Secretary shall, on the basis of the latest available data, make a new projection of the United States apparent consumption of the articles in that category for the year and shall recompute the annual import ceiling for EC articles in that category as necessary (subject to such adjustments as may be required by paragraph (1) or (3), or both).

(3) Adjustment of the annual import ceiling by the Secretary under section 5(a) as a result of the increases in domestic demand.

SEC. 5. MONITORING AND ENFORCEMENT.

(a) MONITORING.—The Secretary shall continuously monitor the ex-mill shipments of EC articles and the quantities of EC articles that are entered.

(b) CONSULTATION.—If, during any calendar year within the term of the Arrangement, the Secretary has reason to believe, based on information resulting from monitoring under subsection (a) and on the projections of the United States apparent consumption required under section 4(b), that the annual import ceiling on EC articles in any steel pipe and tube product category is likely to be exceeded, or that a distortion of the pattern of trade between the United States and the European Community is occurring with respect to articles in any category, he shall immediately enter into consultations with the European Community.

(c) ENFORCEMENT.—If consultations are commenced under subsection (b) based upon the belief of the Secretary that the annual import ceiling for EC articles in steel pipe and tube product category is likely to be exceeded, he shall seek to obtain an agreement with the European Community which will result in compliance by the Community with the annual import ceilings for the category for the remainder of the term of the Arrangement. If such an agreement is not obtained by the end of 60 days after such consultations are commenced, the Secretary shall notify the Secretary of the Treasury of that fact and the Secretary of the Treasury shall take such action as is necessary to assure that the aggregate quantity of EC articles in the steel pipe and tube product category concerned that are entered during each year within the remainder of the term of the Arrangement does not exceed the annual import ceiling that applies during each such year.

(d) ADJUSTMENT IN CASE OF INCREASE IN DOMESTIC DEMAND.—If the Secretary determines that United States manufacturers will be unable to meet in any calendar year during the term of the Arrangement the demand in the United States for one or more kinds of articles included within a steel tube and pipe product category, the Secretary may, after consultations under subsection (b) and without regard to the percentage of United States apparent consumption applicable to that category under section 3 (1), allow to be entered during such year such additional quantities of EC articles as the Secretary determines to be necessary to meet such demand.

SEC. 6. ADMINISTRATION.

The Secretary of Commerce shall promulgate such regulations as may be necessary to carry out the purposes of this act.

SEC. 7. EFFECTIVE PERIOD OF ACT.

The provisions of this act shall cease to have force and effect after December 31, 1985.●

● Mr. TOWER. Mr. President, I am pleased today to cosponsor the "Fair Trade in Steel Pipe and Tube Products Act of 1983."

This legislation addresses the severe problems currently facing our domestic steel pipe and tube industry as a result of vastly increased imports. Since 1981, domestic steel pipe and tube production has fallen by more than 50 percent. Although a substantial part of this reduction can be attributed to a decline in world demand, aggressive import practices by European and other foreign producers have contributed to a significant inventory buildup which will take many months to work down at presently forecasted levels of demand. The resulting slowdown in domestic production has caused most domestic mills to cut back substantially on production and has led to thousands of employee layoffs.

Last fall, the administration negotiated an arrangement with the European Community relative to the importation of steel pipe and tube products into the United States. The negotiations grew out of a series of trade cases filed against the Europeans by U.S. producers alleging unlawful subsidies and other unfair trade practices. Under the terms of the arrangement,

the Europeans agreed to limit steel pipe and tube exports to the United States based on the average European share of the U.S. market between 1979 and 1981, as well as to avoid "distortions" in the pattern of trade. In exchange for these concessions, U.S. steel producers agreed to withdraw pending unfair trade cases and to refrain from filing new allegations so long as the commitments made by the Europeans were respected.

The legislation which I am cosponsoring today builds upon these negotiations by providing a means of enforcing the commitments assumed by the parties. Although the arrangement provides for "consultations" between the United States and the European Community in the event that imports threaten to exceed the agreed upon limits, it provides no system of direct controls to assure compliance. This legislation provides U.S. producers an alternative to risking termination of the arrangement by the Europeans by refiling the unfair trade cases which were withdrawn as a result of the negotiations last fall.

I have long been an advocate of free international trade and strongly support the administration's commitment to these principles. However, I am also committed to "fair" trade and believe strongly that where a commitment is made, it ought to be honored. If U.S. producers are to be expected to rely on the arrangement for protection against unfair trading practices by the Europeans, they deserve the assurance that its terms will be effectively enforced.

I hope that my colleagues will study this legislation carefully. It is not a quota bill. It merely builds upon the obligations mutually assumed by the United States and the European Community through the steel pipe and tube arrangement. It does not change those obligations, but provides a mechanism for their enforcement.

I urge the Senate to move quickly to consider and pass this important legislation.●

By Mr. DECONCINI (for himself, Mr. LONG, Mr. HEFLIN, Mr. TOWER, Mr. HEINZ, Mr. BENTSEN, Mr. BOREN, Mr. QUAYLE, and Mr. JOHNSTON):

S. 1036. A bill to clarify the application of the antitrust laws to professional team sports leagues, to protect the public interest in maintaining the stability of professional team sports leagues, and for other purposes; to the Committee on the Judiciary.

SPORT COMMUNITY PROTECTION AND STABILITY ACT OF 1983

● Mr. DECONCINI. Mr. President, today I am pleased to join with Senators LONG, HEFLIN, TOWER, HEINZ, BENTSEN, BOREN, QUAYLE, and JOHNSTON in introducing the Sports Community Protection and Stability Act of 1983. This bill is designed to restore fairness and stability to the relationship between sports teams and their communities. Everyone who has an interest in preserving the emotional and economic investment of sports fans and communities in their teams should support this bill.

Mr. President, S. 1036 is very similar to the Major League Sports Community Protection Act of 1982, S. 2784, which I introduced in the 97th Congress. Like last year's bill, S. 1036 is limited in scope. It simply reaffirms longstanding congressional policies favoring geographic and competitive balance within major sports leagues by confirming the authority of professional sports leagues under the antitrust laws to do two things: One, enforce a league decision preventing an owner's attempt to abandon a community; and two, provide for revenue sharing among member clubs so that teams in small- and medium-sized sports communities will be assured the financial strength to continue operations.

In its simplest terms, this bill merely bolsters those league actions that are unquestionably in the public interest. When a league decides to stop an owner from abandoning a community, can anyone doubt that it is acting in the public interest? When a league acts to divide its revenue so that the Green Bays and Buffalos of the sports world can compete on an equal basis with the New Yorks and Chicagos, can anyone deny that the public has been served? I think not. Nevertheless, in confirming a league's prerogatives in the areas of team relocation and revenue sharing, my colleagues and I have been careful to avoid broadening the legislation beyond the narrow area of proven public interest. As with the bill I introduced last year, this bill is specific in disclaiming its inapplicability to a whole range of matters.

First, the bill specifically avoids affecting any aspect of our labor laws or player employment matters.

Second, the bill explicitly states that it does not exempt from the antitrust laws any agreement to fix the prices of admission to sports events.

Third, the bill plainly avoids condoning or otherwise affecting the application of our antitrust laws to sports league activities regarding competing sports leagues.

Fourth, the bill has absolutely no impact on the applicability or the nonapplicability of the antitrust laws or communications laws to the practices of sports leagues with respect to the sale of their entertainment product to any form of television. In fact, we have strengthened the language with regard to television to insure that the bill does not affect the broadcast, cable, or subscription television practices of sports leagues under current Federal law.

I have made a number of other improvements in the bill based to a large extent upon the extensive hearings held before the Senate Judiciary Committee on S. 2784 in the last Congress. For example, I have spelled out in the legislation that it leaves intact the right of a municipality or other public authority to challenge under the antitrust laws the relocation of a club from its league-franchised home area. Also, the legislation has been narrowed so that it can be applied to a pending action in Federal court only when such an action involves a team abandoning a stadium built with tax-exempt, still outstanding, public or governmental bonds, and the relocation is the subject of multiple and conflicting lawsuits.

Finally, I have added a new provision to the bill to deal with the venue of civil actions challenging the relocation of a member club of a league. Before the hearings I expected that cases of this type has to be brought in neutral districts outside the obvious local pressures present where a member club is located or where it might seek to be located. I have found that this is not always true. Therefore, to insure a fair trial on the issues, my bill now bars the bringing of these suits in any district where a member club is located or to which such member club proposes to move. I believe these provisions further evidence the bill's primary goal of protecting the community that could be abandoned by a shortsighted team owner or harmed if league revenue sharing rules are not enforceable in a manner that is fair to all parties.

Moreover, I think it is clear from the description of the legislation that the bill is as narrow as it can be and still accomplish this goal. In fact, more words are devoted to stating what the bill does not do than are used to clarify the laws in question.

Let me briefly recount why I feel enactment of this bill is so long overdue. It is perhaps easiest to describe the current state of affairs in this field of antitrust law by explaining a number of quite plausible, yet regrettable, scenes in the sports area which could unfold in the next few years unless Congress acts.

Unless Congress acts, it is possible for a team owner to put a franchise up for auction at the end of the season to the highest bidder who could then move the franchise anywhere in the country. Unless Congress acts, teams in small and mid-sized communities would be left to wither on the vine, cut off from their fair share of league-generated revenues due to the demands of an owner located in a large media market. Unless Congress acts, leagues may be unable to expand due to instability in team location policies and uncertainty as to revenue distribution. If

Congress does not act, the tragedy of the abandonment of the city of Oakland, its publicly funded stadium, and its sports fans by the Oakland Raiders will not only stand uncorrected, but it could be duplicated.

It is important, Mr. President, that we act to protect the city of Oakland and other sports communities that might be unfairly deprived of their sports team franchises. That is precisely what this legislation is designed to do by permitting professional sports leagues to determine that a member club will not be relocated without being exposed to challenge under the provisions of the Sherman Act. As I noted when S. 2784 was introduced in the 97th Congress, experience has shown that leagues can be expected to assure that member clubs will stay in communities that have supported them through the years. The legislation I am introducing today would once again give sports leagues the ability to keep successful teams in their home areas.

A few additional points should be noted about this legislation. First, it has been argued that it is unfair to apply sports community protection legislation to the Oakland Raiders situation since an initial decision by a Los Angeles district court has been rendered. I respectfully disagree. When Mr. Davis secured an ownership interest in the Oakland Raiders, he agreed to abide by league rules regarding both the division of profits and team location. In fact, it was the NFL's rules requiring equal division of network television revenues that helped Al Davis' Oakland-based team fare so well financially. I strongly endorse the purpose of section 1 of the Sherman Act to bar trade restraining agreements among independent parties, but members of a professional sports league, like Mr. Davis, should not be considered independent business competitors in relation to the matters covered by the legislation. As many courts have noted, sports team owners are joint venturers who must work together to produce a common product—professional sports entertainment. Such cooperation of necessity requires establishment and maintenance of operating rules, rules which for years benefited Al Davis but which he now wishes to render meaningless when they no longer suit his purposes.

But beyond this, there are substantial public interests which argue in favor of making this legislation applicable to the Oakland Raiders case. The Raiders are important to the Oakland area economy, and if the team is permitted to move, Oakland area taxpayers could be required to meet the remaining debt obligations on the Oakland stadium. Moreover, the Raiders case itself is currently the subject of conflicting court decisions which this legislation could help resolve. Last year, for example, the California Supreme Court held that the city of Oakland could condemn the team in eminent domain to prevent it from moving to Los Angeles. And just a few months ago, the California State courts held that the Raiders must return to Oakland in 1983 pending a final determination of the city of Oakland's proposal to purchase the Raiders by eminent domain. I believe these recent State court actions, causing the parties to return to their respective positions prior to the litigation, have removed any remaining doubt as to the fairness of applying this legislation to the Raiders situation. Apparently, Mr. Davis also believes this to be true since he is now seeking retroactive legislation in the California State Legislature that would eliminate the city of Oakland's eminent domain suit. Davis' Sacramento efforts are well documented in an August 25, 1982, Oakland Tribune story and other stories which were reprinted in the September 14, 1982, CONGRESSIONAL RECORD beginning at 23486. I ask unanimous consent that these articles again be reprinted in the RECORD following my remarks, and I urge my colleagues to study them.

Second, Mr. President, it has been argued that legislation in this area should include standards under which the courts would determine whether a sports team franchise should be relocated. Under such an approach, standards would be established which typically would provide that a league may not change the territory of a team unless there has been a significant breach of the team's lease with the stadium, the team's stadium is inadequate, or the team has incurred 3 years of continuous losses. In this manner, according to supporters of this approach, a check would be placed on the discretion of professional sports leagues to determine team locations, and the public thereby afforded greater protection. In my view, the use of standards in this context is both unnecessary and unworkable.

Standards are unnecessary because, as I have already noted, professional sports leagues do a good job of keeping teams in the metropolitan areas they serve. In the history of the NFL, for example, no well-supported and successful team has been permitted to move out of its home area in the post World War II period. In the case of Oakland, Congress insisted that the NFL insure that as long as the Raiders were supported in Oakland the team would remain there. In fact, it was in fulfillment of that promise that the NFL opposed the Oakland transfer. For those who are reluctant to continue to entrust location decisions to sports leagues, however, my legislation would permit suits challenging such decisions by parties such as municipalities or other public authorities.

As to the workability of team location standards, I think it is enough to say that the fixing in law of relocation standards would cause more problems than it would resolve. There are too many variables that must be considered in making a team relocation decision for such variables to be memorialized in law. For example, assume that a team would have an automatic right to move based upon 3 consecutive years of losses, as some have proposed. Even in a league as healthy as the NFL, a number of clubs could periodically satisfy that standard. As another example, why should a breach of a stadium lease be a basis for moving a team out of a community? A community may be supporting such a team very well, and lease breaches can be remedied under State law. And how can it be determined whether a team's problems are due to an "inadequate" stadium, rather than from a lack of revenue sharing, or poor coaching or management. A standard so subjective is likely to create more problems than it resolves.

Equally important, a league and a community must be able to consider all relevant factors bearing upon a team's proposed move, not merely a limited number of prefixed standards. These may include investments of public funds in the stadium, the record of community support, the performance of the team's management in operating the club, the bona fides of lease negotiations, the potential for stadium expansion or improvement, the terms on which such expansion or improvement could be accomplished, alternative stadiums in the same home area, any commitments made by a league to a community, the future economic prospects of the team or even of its league as a whole and other such factors.

I am not alone in expressing these fears concerning the appropriateness of a standards approach. One knowledgeable observer, Professor John Weistart of Duke University Law School, has suggested in recent testimony before the House Antitrust Subcommittee that there are significant problems with such an approach:

> Any inquiry into the need for regulation should focus on problems raised by unprofitable or marginally profitable franchises. When the focus is on these cases, a second point concerning proper legislative objectives emerges. . . . Thus, the area of main concern would be for cases in which one could question whether the decision to move was 'reasonable' in light of the financial experiences of the club and the extent of prior local support. . . . However, a fundamental point to be made is that such a standard is disarming in its simplicity and would not necessarily insure that credible results were obtained by the institution designated to administer the regulation. There are a great many subsidiary regulatory problems that would have to be addressed. Some of these are of such complexity that one might

doubt whether adequate solutions can be derived. . . .

In short, I do not believe it would be in the best interest of professional sports communities for this Congress to embark upon such a complicated regulatory path. Aside from the practical problems with this approach, any demand for standards assumes that league policies should be viewed as the problem. The problem is not with sports leagues but with the owners who would ignore sound league rules that further public policies.

Mr. President, I believe it is important to note that the approach I am advocating as reflected in last year's bill, S. 2784, received widespread support both within and outside of the Congress. Over 20 Senators cosponsored last year's Senate bill, and over 160 Congressmen endorsed the House version of the legislation. Outside the Congress, the legislation was supported by Governors, and approximately 50 mayors representing such diverse and different sized cities as Gary, Ind.; Houston, Tex.; San Diego, Calif.; Pittsburgh, Pa.; and Green Bay and Milwaukee, Wis. In addition, newspapers such as the Detroit News, the San Diego Union, and the USA Today also endorsed the legislation. This support reflected the widespread belief that we must not allow our antitrust laws to be manipulated for the purpose of crippling our sports communities and abusing the trust of sports fans.

I strongly urge my colleagues to join me in cosponsoring S. 1036 and seeking its swift and favorable consideration in the Senate.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill and articles previously mentioned were ordered to be printed in the RECORD, as follows:

S. 1036

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that this Act may be cited as the "Sports Community Protection and Stability Act of 1983."

FINDINGS AND DECLARATIONS

SEC. 2. The Congress finds and declares that the public has an interest in preserving stability in the relationship between professional sports teams and the communities in which they operate and in encouraging professional team sports leagues to promote the economic and geographic stability of their member clubs: Therefore, be it enacted, that—

(1) It shall not be unlawful by reason of any provision of the antitrust laws for a professional team sports league and its member clubs—

(a) to enforce rules or agreements authorizing the membership of the league to decide that a member club of such league shall not be relocated from its league-franchised home area provided that nothing in this subsection shall otherwise affect the applicability or nonapplicability of the antitrust laws to any action instituted by a municipality or other public authority challenging the relocation of a club from its league-franchised home area; or

(b) to enforce rules or agreements for the division of league or member club revenues that tend to promote comparable economic opportunities for the member clubs of such a league;

(2) Subject to the terms of subsection 1(a) of this section, any civil action under the antitrust laws to challenge a league decision granting permission to a member club to relocate must be commenced in a United States district court having jurisdiction under title 28, United States Code, section 1331, except that no such action may be brought in any district wherein such member club is located or to which such member club proposes to relocate.

INAPPLICABILITY TO CERTAIN MATTERS

SEC. 3. Nothing contained in this Act shall—

(a) be deemed to change, determine, or otherwise affect the applicability or nonapplicability of the labor laws, the antitrust laws, or any other provision of law to the wages, hours, or other terms and conditions of player employment within any sports league, to any player employment matter within any sports league, or to any collective bargaining rights and privileges of any player union within any sports league;

(b) exempt from the antitrust laws any agreement to fix the prices of admission to sports contests;

(c) exempt from the antitrust laws any predatory practice or other conduct with respect to competing sports leagues which would otherwise be unlawful under the antitrust laws; or

(d) modify any existing Federal statutes relating to the television practices of sports leagues, or change, determine, or otherwise affect the applicability or nonapplicability of the antitrust laws or communications laws to any form of joint dealing practices by sports leagues with respect to the sale of any form of television.

FEDERAL PREEMPTION

SEC. 4. Notwithstanding any other provision of law, no State or political subdivision thereof shall establish, maintain, or enforce any regulation of commerce that imposes any limitation on the collective conduct of professional team sports leagues or their member clubs authorized by this Act.

APPLICABILITY TO PENDING ACTIONS

SEC. 5. This Act shall apply to any action commenced after the date of enactment of this Act and to any pending action involving the relocation of a member club of a professional team sports league from its league-franchised home area if such club is leaving a municipal or other public stadium or arena constructed with funds obtained through the sale of public or governmental bonds, the interest on which is exempt from income tax under title 26 and which are not fully retired, and the relocation is the subject of one or more lawsuits commenced in any state or federal court by a municipality, a public authority, or any other public party.

DEFINITIONS

SEC. 6. For purposes of this Act, the term "professional team sports league" means the organized professional team sports of basketball, football, hockey, or soccer.

[From the San Francisco Examiner, Nov. 19, 1982]

AL DAVIS STANDS TO REAP MILLIONS ON OLYMPICS

LOS ANGELES.—Raiders owner Al Davis could make millions of dollars during the 1984 Olympics because the Coliseum Commission gave him exclusive control over luxury boxes he plans to build at the Coliseum, it was reported today.

The disputed agreement with Davis, made to lure his NFL franchise from Oakland, apparently conflicts with a pact signed earlier with organizers of the 1984 Olympics, the Los Angeles Times said.

Twenty months prior to reaching the agreement with Davis, the commission signed a contract with the Los Angeles Olympic Organizing Committee that gave it use of "all of the facilities at the Coliseum" during the games and providing the committee with control "over the sales of tickets for all events."

The latest estimates say the luxury seats could bring in between $6 million and $15 million in ticket sales during the games.

"There are mistakes we made," M. J. Frankovich, president of the Coliseum Commission, told the Times. He said the contract signed July 7 to bring the Raiders to the Coliseum, vacated when the Rams moved to suburban Anaheim "may be . . . in violation" of the earlier contract the commission signed with the Olympic committee.

The agreement, which has yet to be put in its final technical form, gave Davis complete control over 174 luxury boxes with 12 seats each that he plans to construct at his expense on the Coliseum rim before the 1984 games. The estimate cost of the 2,088 seats is $12 million.

Davis controls the seats for all events staged at the Coliseum, but is obligated to give the commission 25 percent of whatever he collects for Olympic events.

Under the agreement reached with Olympic organizers, the organizing committee was to keep 90 percent of the revenue and the Coliseum Commission was to get the other 10 percent as a rental fee.

Consequently, only the Olympic committee can sell tickets for the games, while Davis controls the best seats available at the Coliseum.

Frankovich said Davis has proposed "a fair deal" in talks with Olympic officials that would leave the Raiders' owner with 50 percent of the revenue from the boxes, with the Olympic committee and the Coliseum Commission evenly splitting the rest.

Olympics President Peter Ueberroth has turned down the proposal, but talks are continuing. Frankovich said, adding, "Both Ueberroth and Davis understand they must settle or someone will go to a lawsuit."

Meanwhile, a state auditor is looking into the finances of the Coliseum to determine if the traditionally self-sustaining complex will need a public bailout to meet its $2.5 million budget. The deal bringing the Raiders to Los Angeles was among the matters being looked into.

[From the Oakland Tribune, Nov. 19, 1982]

OLYMPICS PROFIT FOR AL DAVIS?

(By Kenneth Reich)

LOS ANGELES.—Raiders owner Al Davis stands to make several million dollars from the 1984 Olympics if his disputed contract with the Los Angeles Coliseum Commission—giving him exclusive control over

luxury boxes that he plans to build at the Coliseum—is allowed to stand.

The agreement, in effect, gives Davis control over the most valuable seats during the Olympic Games, seats which according to the latest estimates could bring in between $6 million and $15 million in ticket sales during the games.

But Los Angeles Olympic Organizing Committee objections to this arrangement have been stated more and more forcefully in the four months since the Coliseum Commission signed with Davis July 7, and even leaders of the commission have grown uneasy.

Coliseum Commission President M. J. Frankovich, acknowledging in an interview this week that "there are mistakes we've made," conceded that the contract bringing the raiders to the Coliseum "may be . . . in violation" of the earlier contract the commission signed with the Olympic committee.

The commission's July agreement with Davis, which has not yet been put in final technical form, gave him total control over 174 luxury boxes with 12 seats each, a total of 2,088 seats, that he plans to construct at his expense on the Coliseum rim before the 1984 games. Their estimated cost is $12 million.

Davis' control includes all events staged at the Coliseum, not just Raiders games, although he is obligated to give the commission 25 percent of whatever he collects for Olympic events.

But 20 months prior to the Davis agreement, the commission signed a contract with the Los Angeles Olympic Committee giving the committee use of "all of the facilities at the Coliseum" during the Olympics and providing that the Olympic committee "shall retain control over the sale of tickets for the (Olympic) events."

Under this agreement, the Olympic committee was to keep 90 percent of the revenue and the Coliseum Commission was to get the other 10 percent as a rental fee.

Frankovich conceded this week that the Olympic committee has legal control over the tickets.

So, as it now stands, only the Olympic committee can sell tickets to the games, but only Davis can offer the best seats in the house.

But this impasse cannot last indefinitely.

In a memo to Coliseum General Manager Jim Hardy, Joel R. Bennett, a special assistant Los Angeles County counsel, said that objections from the Olympic committee to the pact with Davis are valid insofar as distribution of the Olympic revenues from the luxury boxes is concerned.

"Do you think that (Los Angeles Olympics President Peter V.) Ueberroth . . . will plead a constructive breach of contract and move to the Rose Bowl? Bennett asked in his memo.

"That might hit Al Davis where it hurts, because of the loan provision of the Raiders' contract giving him a hold on the Olympic rentals."

The loan provision Bennett referred to contains clauses giving Davis loans and credit totaling $6.7 million over the next five years, some of which presumably would be used to help pay for the boxes. And part of the money for the loans may come out of rent the Olympics committee pays for use of the Coliseum during the Games.

Suggestions that the Olympics Committee may move some events irritates some Coliseum Commission members who had a hand in working out the deal with Davis.

Defending the agreement this week, Stanley Sanders, who sat on the commission's three-man negotiating committee, remarked, "The Coliseum Commission can't be held to make a series of different lease agreements completely consistent with each other."

And Sanders added, that if the Olympic committee does not like the deal with Davis, it has only two options: It can either refuse to sell tickets to the luxury boxes, leaving them dark during the games, or it can move the Olympics out of the Coliseum.

[From the Los Angeles Times, Nov. 19, 1982]

RAIDERS' DAVIS MAY WIN GOLD FROM OLYMPICS

(By Kenneth Reich)

Raiders owner Al Davis stands to make several million dollars from the 1984 Olympics if his disputed contract with the Coliseum Commission—giving him exclusive control over luxury boxes he plans to build at the Coliseum—is allowed to stand.

The agreement, in effect, gives Davis control over the most valuable seats during the Olympic Games—seats which according to the latest estimates could bring in between $6 million and $15 million in ticket sales during the games.

But Los Angeles Olympics Organizing Committee objections to this arrangement have been stated more and more forcefully in the four months since the Coliseum Commission signed with Davis on July 7, and even leaders of the commission have grown uneasy.

THERE ARE MISTAKES

Coliseum Commission President M. J. Frankovich—acknowledging in an interview this week that "there are mistakes we've made"—conceded that the contract bringing the Raiders to the Coliseum "may be . . . in violation" of the earlier contract the commission signed with the Olympics committee.

The commission's July agreement with Davis—which has not yet been put in final technical form—gave him total control over 174 luxury boxes with 12 seats each, a total of 2,088 seats, that he plans to construct at his expense on the Coliseum rim before the 1984 games. Their estimates cost is $12 million.

Davis' control includes all events staged at the Coliseum, not just Raider games, although he is obligated to give the commission 25 percent of whatever he collects for Olympic events.

But 20 months before the Davis agreement, the commission signed a contract with the Los Angeles Olympic Committee giving the committee use of "all of the facilities at the Coliseum" during the Olympics and providing that the Olympic committee "shall retain control over the sale of tickets for the (Olympic) events."

Under this agreement, the Olympic committee was to keep 90 percent of the revenue and the Coliseum Commission was to get the other 10 percent as a rental fee.

Frankovich conceded this week that the Olympic committee has legal control over the tickets.

So, as it now stands, only the Olympic committee can sell tickets to the games, but only Davis can offer the best seats in the house.

But this impasse cannot last indefinitely.

In a memo to Coliseum General Manager Jim Hardy, Joel R. Bennett, a special assistant Los Angeles county counsel, said that objections from the Olympic committee to the pact with Davis are valid insofar as distribution of the Olympic revenues from the luxury boxes is concerned.

"Do you think that (Los Angeles Olympics President Peter V.) Ueberroth * * * will plead a construction breach of contract and move to the Rose Bowl?" Bennett asked in his memo.

"That might hit Al Davis where it hurts, because of the loan provision of the Raiders' contract giving him a hold on the Olympic rentals."

The loan provision Bennett referred to contains clauses giving Davis loans and credit totaling $6.7 million over the next five years, some of which presumably would be used to help pay for the boxes. And part of the money for the loans may come out of rent the Olympic committee pays for use of the Coliseum during the games.

Suggestions that the Olympic committee may move some events irritates some Coliseum Commission members who had a hand to working out the deal with Davis.

Defending the agreement this week, Stanley Sanders, who sat on the commission's three-man negotiating committee, remarked, "The Coliseum Commission can't be held to make a series of different lease agreements completely consistent with each other."

And Sanders added that if the Olympic committee does not like the deal with Davis, it has only two options: It can either refuse to sell tickets to the luxury boxes, leaving them dark during the games, or it can move the Olympics out of the Coliseum.

Commission President Frankovich agreed that the Olympic committee has some gripes coming, but he insisted that the way to settle the matter is for the committee to agree to split the revenue with Davis.

Indeed, he said, Davis has already proposed what Frankovich describes as "a fair deal."

Frankovich said that he and Davis had met privately with Ueberroth and his top aide, Olympics General Manager Harry Usher, at the Bel-Air Country Club the night of Nov. 11 and that Davis had suggested that he take 50 percent of the revenue from the boxes, the Olympic committee 25 percent and the Coliseum Commission 25 percent.

Frankovich said that Ueberroth had turned down the proposal but he said further talks are in prospect. "Both Ueberroth and Davis understand they must settle or someone will go to a lawsuit," he remarked.

Usher, speaking for the Olympic committee, responded that while Davis had "thrown some numbers up in the air" during the meeting, he did not believe that a formal proposal had been made. "There's talk, there's always talk sitting in a two-hour meeting, but I think it would not be proper to say there was an offer," he said.

But, he and Ueberroth both reported, Davis had made it plain that he rejected "totally" the Olympic committee's position that the committee's original contract with the Coliseum Commission ought to be enforced and that the committee should receive 90 percent of all ticket revenue at the Coliseum, including revenue from the boxes.

"As far as (our) alternatives are concerned," Usher said, "we've had discussions with our legal counsel as to our avenues of legal relief, including the ability to move parts of the things that are planned for the Coliseum area."

However, Ueberroth and Usher both indicated that they are by no means anxious to do this. They fear any move from the Coliseum would alienate both the black commu-

nity near the facility and high officials at City Hall.

They declined to discuss their options—if agreement cannot be reached—in any greater detail. But they said that they do not intend to give in to what they regard as a breach of their contract. That contract they noted, will bring the Coliseum Commission at least $2 million to $3 million in rental fees and more than $5 million in Olympics-financed refurbishments.

In a brief telephone conversation, Davis declined to comment on the details of the dispute, other than to ask pointedly: "Who's going to build the boxes?"

Coliseum Commission officials emphasized that they feel that the commission had little choice but to give Davis a good deal, even if it contradicted their pact with the Olympic Committee.

Frankovich said, "We were sitting there knowing it was going to be difficult to get an agreement that would coincide with our other agreements."

But the fact of the matter, he explained, was that the commission no longer had the financing it had in 1980—when it first started dealing with Davis—to put in the luxury boxes on its own.

Frankovich said that once it became clear that only Davis could build the boxes, then there was little choice but to give him total control.

And the Coliseum Commission's public relations chief, Glenn Mon, said it is important to appreciate what a tough bargaining situation the negotiators faced in dealing with a professional team executive.

"Al Davis is not unique among professional football owners," Mon said. "They've got to be some of the most greedy piranhas anywhere."

The difficulty the Coliseum Commission faced was also referred to in a memo Asst. County Counsel Bennett wrote to state Deputy Atty. Gen. Norman Flette on the Commission-Davis agreement.

"Presumably, the July agreement might be justified on the ground that Los Angeles is willing to pay or do most anything to get and keep the Raiders," Bennett wrote.

Comment from the Raiders organization came mostly from Irv Kaze, a top assistant to Davis.

He said, "Al signed the lease without knowing anything at all relative to the Olympic lease."

Upon reading the two agreements, however, Kaze said it was obvious that the same attorneys were not used in the two negotiations, since, he said, "a single lawyer would not get involved in such discrepancies."

In fact, the Coliseum Commission did use private attorneys in its talks with Davis but public attorneys, from the state, county and city, in its earlier talks with Olympic officials. Frankovich said that in trying to put the July 7 agreement with Davis in final form, the commission is once again using public attorneys in an attempt to reconcile the two arrangements.

At the Olympic committee, officials estimate that if Davis wins, he could get a $6 million windfall.

Sanders, speaking for the Coliseum Commission, said he thinks Davis' profit will be on the order of $6 million or $8 million.●

By Mr. STEVENS (by request):

S. 1037. A bill to authorize appropriations for the fiscal years 1984 and 1985 for certain maritime programs of the Department of Transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

S. 1038. A bill to amend the Merchant Marine Act, 1936, and for other purposes; to the Committee on Commerce, Science, and Transportation.

REAUTHORIZATION OF MARITIME PROGRAMS

Mr. STEVENS. Mr. President, this coming Thursday, April 14, the Merchant Marine Subcommittee of the Commerce Committee will conduct a hearing on the reauthorization of maritime programs and the implementation of new maritime promotional programs. As a basis for discussion, I am introducing 2 maritime bills prepared by the administration. In addition, the committee will be hearing testimony concerning S. 125 which would reauthorize funding for the construction differential subsidy (CDS) program.

The first bill is to reauthorize appropriations for fiscal years 1984 and 1985 for the various maritime programs administered by the Department of Transportation through the Maritime Administration. Specifically, the administration is requesting $401,294,000 for the payment of contractual obligations under the operating differential subsidy (ODS) program. For research and development, the administration is requesting $11,500,000. For operations and training, including the Merchant Marine Academy and financial assistance to State maritime academies, reserved fleet expenses, national security support capabilities, and emergency planning the administration seeks $71,013,000.

I expect that the State maritime academies will seek additional funding for fuel expenses for the operation of their training vessels.

The second bill, which will also be a subject of the Merchant Marine hearings this coming Thursday, April 14, constitutes the administration's maritime promotional programs. I would like to stress that many of the administration's proposals are highly controversial. However, now that the Ocean Shipping Act has passed the Senate, it is incumbent that we move forward and attempt to resolve the difficult issues confronting Congress is its efforts to revitalize U.S. merchant marine. I look forward to a complete discussion of these issues during our hearings this Thursday, and ask that the administration's statement of purpose and need explaining its promotional package be inserted in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF PURPOSE AND NEED

(For a Draft Bill "To Amend the Merchant Marine Act, 1936, and for other purposes.")

The draft bill provides the legislation to implement promotional elements of President Reagan's program to revitalize the U.S.-flag merchant marine. The cornerstone of this revitalization program is the authority to permit subsidized U.S.-flag operators to acquire modern and efficient vessels outside the United States. In order to enhance the ability of U.S.-flag carriers to profitably operate this foreign tonnage, the President's program encourages the investment of funds in such vessels, and removes obstacles to the carriage of certain reserved cargoes. The draft bill also encourages foreign investment in U.S.-flag shipping by authorizing the permissible foreign ownership in certain programs under the Merchant Marine Act, 1936, to be increased from 49 percent to 75 percent, and permits tax-deferred monies in Capital Construction Funds to be used to acquire ships outside the United States. In addition, the draft bill would amend the Cargo Preference Act of 1954, so that certain reflagged foreign-built tonnage would no longer be required to wait three years before being eligible to transport the substantial cargoes subject to that Act. Finally, the draft bill would relieve all U.S.-flag ships of the current 50 percent ad valorem duty on repairs performed abroad, in order to provide flexibility to ship operators in making such repairs and to reduce the amount of subsidy paid for repair work.

Section 101 of the draft bill would amend the Merchant Marine Act, 1936, to provide authority for subsidized U.S.-flag ship operators to construct or acquire vessels outside the United States and still be eligible to receive operating-differential subsidies (ODS). Since the enactment of the Merchant Marine Act in 1936, ODS vessels have been required to be constructed in the United States. Such vessels were generally built with the aid of construction differential subsidy (CDS). In order to assist subsidized operators in meeting their contractual obligations to replace overaged ships, Public Law 97-35 (approved August 13, 1981) added a section 615 to the Merchant Marine Act that authorizes the payment of ODS for the operation of foreign-built, U.S.-flag vessels in the absence of available CDS until the end of fiscal year 1983. However, restrictions placed on this authority for fiscal year 1983 mean that, for all practical purposes, the authority provided by section 615 was available only in fiscal year 1982. The draft bill would amend section 615 to continue to authorize U.S.-flag operators to construct or acquire vessels outside the United States and still be eligible to receive ODS. It would also clarify current authority under section 615 to acquire existing vessels outside the United States to be reflagged and made eligible to receive ODS. Section 615 authority would be effective upon a determination by the Secretary that the foreign built vessel is over 5,000 DWT and would be suitable for use by the Federal government for national defense or military purposes in time of war or national emergency. This provision would allow replacement of overaged vessels to continue on schedule and thus avert a decline in the size of the U.S. flag liner fleet, which is the primary U.S. source of military sealift capability.

Section 102 of the draft bill would amend the Merchant Marine Act, 1936, to provide immediate eligibility for reflagged vessels for the carriage of Government-impelled cargoes under section 901(b)(1) of that Act, commonly referred to as the Cargo Preference Act of 1954. Cargoes covered by the Cargo Preference Act of 1954 are a major source of revenue for virtually all U.S. Liner operators and many U.S. bulk operators. However, that Act now requires that foreign-built or rebuilt vessels must be documented under U.S. laws for three years

before they can carry such cargoes. This requirement is at variance with the thrust of sections 101 and 201 of the draft bill which seek to eliminate barriers to the acquisition of vessels constructed outside the United States. The U.S.-flag vessels constructed or acquired pursuant to these proposals cannot be denied immediate access to such important cargoes if we are to have a strong U.S.-flag merchant marine. Therefore, section 102 of the draft bill would amend the Cargo Preference Act of 1954 to provide immediate eligibility for certain reflagged vessels for the carriage of Government-impelled cargoes. In order to promote a strong, modern and efficient merchant marine, the Secretary of Transportation would have to find any such vessel to be less than five years of age on the date of current registry under the U.S.-flag. A vessel older than five years but less than ten years of age on the date of current registry could be given immediate eligibility if the Secretary determined, upon consultation with the Secretary of Defense, that the particular ship was necessary for the security of the national defense. Vessels currently authorized to carry Government-impelled cargoes would not be required to meet proposed eligibility criteria.

Section 103 of the draft bill would amend the merchant Marine Act, 1936, to encourage foreign investment in U.S.-flag shipping and permit the current 49 percent foreign ownership in U.S.-flag vessels to be increased to 75 percent. This would attract needed capital to the industry, but still retain U.S. management control.

There currently are no U.S. Ownership requirements for a U.S. corporation to operate U.S.-flag vessels in the foreign trade of the United States. Section 104(3) of the Vessel Documentation Act, as amended (46 U.S.C. 65b(3), requires that such a corporation be a U.S. corporation within the meaning of the Act, that the president or other chief executive officer and chairman of the board of directors of such corporation be citizens of the United States, and that no more of its directors be noncitizens than a minority of the number necessary to constitute a quorum. As long as these requirements are met, such a corporation may be wholly owned by noncitizens of the United States.

However, a problem arises with respect to the citizenship requirements for a U.S. corporation which avails itself of one or more of the promotional programs provided by the Merchant Marine Act, 1936. Subsection 905(c) of that Act (46 U.S.C. 1244(c)) mandates the use of the citizenship definition set forth in section 2 of the Shipping Act, 1916, as amended (46 U.S.C. 802, 803)). This section 2 definition requires that the controlling interest of a U.S. corporation be owned by citizens of the United States. Since the fundamental purpose of the Merchant Marine Act, 1936, is to assist U.S.-flag vessels to compete in the foreign trade of the United States, and all U.S. corporations who operate such vessels have therefore benefited by one or more of the programs provided by that Act, the section 2 citizenship definition controls. As a result, foreign ownership in U.S. corporations operating U.S.-flag vessels in the foreign commerce of the United States is currently limited to 49 percent.

Revitalization and expansion of the foreign trade segment of the U.S.-flag fleet will require substantial capital investment. Therefore, section 103 of the draft bill would authorize an increase in the amount of foreign investment in such U.S. corporations from 49 percent to 75 percent. This relaxation of existing citizenship reqyirements would provide additional potential sources of capital for investment in U.S.-flag shipping that will be necessary to construct new vessels and to purchase and reflag used foreign-built tonnage

Section 104 of the draft bill makes conforming changes to section 9 of the Shipping Act, 1916, which requires the Secretary's approval where a U.S. citizen charters or transfers a U.S.-flag vessel to any non-citizen. The provision would extend this approval process to any situation where a U.S.-flag vessel is transferred to foreign registry, even where the vessel is not owned by a U.S. citizen. This change will allow the Secretary to prevent operators from placing vessels under U.S. flag on a temporary basis only to take advantage of promotional benefits under the Merchant Marine Act, 1936.

Section 201 of the draft bill would amend the Merchant Marine Act, 1936, to permit U.S.-flag vessel operators to use existing and newly deposited tax-deferred monies in Capital Construction Funds (CCF) to construct or acquire foreign-built vessels.

Section 607 of the Merchant Marine Act, 1936, authorizes the Secretary of Transportation to permit a citizen of the United States owning or leasing vessels to defer the tax on certain funds generated by "eligible" vessels when such funds are deposited into a CCF, and subsequently used for the acquisition (including construction or reconstruction) of "qualified" vessels. An "eligible" vessel must be constructed or reconstructed in the United States, documented under U.S. law, and operated in the foreign or domestic commerce or fisheries of the United States. A "qualified" vessel, for which CCF funds may be expended, must be constructed or reconstructed in the United States, documented under U.S. law, and generally operated in the foreign, Great Lakes, fisheries or noncontiguous domestic trades of the United States.

The tax-deferred funds from a CCF are an important source of capital for the construction of U.S. flag vessels, particularly for subsidized operators engaged in foreign commerce. Present law, however, requires that CCF funds may be used only in connection with vessels constructed in the United States. Thus, subsidized operators who acquire foreign built ships under section 101 of the Act would be deprived of this important source of capital for the acquisition of their vessels. Non-subsidized U.S. flag operators who acquire tonnage abroad all are in the same difficult position with regard to the availability of CCF funds to assist in their capital programs. Section 201 of the draft bill would amend section 607 of the Merchant Marine Act to authorize a U.S. flag operator engaged in foreign commerce to use CCF funds in connection with foreign-built vessels.

Section 202 would amend the Merchant Marine Act, 1936, to conform section 615 of that Act to the amendments made by section 201 of the bill.

Sections 203 and 204 of the draft bill would amend the Tariff Act of 1930, and the Merchant Marine Act, 1936, to relieve all U.S.-flag operators of the current 50 percent ad valorem duty on repairs performed abroad. These actions would also permit subsidized operators who are eligible for repair subsidy to perform such repairs outside the United States without subsidy or within the United States with subsidy.

Pursuant to the Tariff Act of 1930, a 50 percent tariff is currently levied on the cost of non-emergency foreign repairs that have been made on U.S.-flag merchant vessels. This ad valorem duty adversely affects the ability of U.S.-flag vessels to compete with foreign-flag vessels in the international commerce of the United States. By requiring U.S.-flag vessels to return to the United States for such repairs, this ad valorem duty limits the flexibility of our liner operators, places undue hardship on our bulk carriers operating in foreign-to-foreign trades, and results in the interruption of service with the loss of operating revenues. Additionally, this duty places the U.S.-flag operator at a cost disadvantage with foreign competitors who are not subject to such a measure. Section 203 of the draft bill would repeal section 466 of the Tariff Act of 1930, as amended (19 U.S.C. 1466), so that the current 50 percent ad valorem duty would no longer apply to foreign repairs made to U.S.-flag vessels. This would help put U.S.-flag vessel operators on a par with foreign-flag competitors.

Section 606 of the Merchant Marine Act, 1936, currently requires subsidized operators to perform repairs in the United States or the Commonwealth of Puerto Rico. Section 204 of the draft bill would amend this section to permit subsidized operators who are eligible for repair subsidy to perform such repairs in foreign shipyards without subsidy, or within the United States and the Commonwealth of Puerto Rico with subsidy. As maintenance and repair costs currently account for about 5 percent of all ODS outlays, and the average differential for these costs is approximately 30 percent, allowing foreign repairs for subsidized vessels would result in significant ODS savings.

By Mr. HEINZ (for himself and Mr. SPECTER):

S.J. Res. 80. Joint resolution to grant posthumously full rights of citizenship to William Penn and to Hannah Callowhill Penn; to the Committee on the Judiciary.

GRANTING OF CITIZENSHIP TO WILLIAM PENN AND HANNAH CALLOWHILL PENN

● Mr. HEINZ. Mr. President, on behalf of myself and Senator SPECTER, today I am introducing a joint resolution to grant posthumous citizenship rights to William and Hannah Callowhill Penn. I am pleased to say that my friend, the distinguished Congressman from Pennsylvania (Mr. GOODLING), is today introducing similar legislation in the House of Representatives.

Mr. President, both Mr. and Mrs. Penn made significant contributions not only to Pennsylvania but to all of the American colonies. As founder of Pennsylvania, William Penn developed a State based upon essential human freedoms, the freedom of speech and religion, ideals which were later embraced by our founding fathers as cornerstones for the U.S. Constitution. In addition, Mr. Penn campaigned for honest representative government, for carefully planned cities including adequate housing, for adequate education for all citizens, and for far reaching judicial and prison reform.

In Mr. Penn's view the greatest challenge facing man was to eliminate the monstrous evil of war, and he worked much of his life advocating the peace-

ful settlement of both local and international disputes, through an organization built on the same fundamental principals as our present day United Nations. In all, William Penn dedicated himself toward pursuing ideals which hold as much meaning today as they did nearly 300 years ago.

Mr. President, Hannah Penn was a remarkable person as well, whose achievements are often deleted from modern history books. In an era when women were often subordinates to men, Hannah worked as William's partner in both the business and political spheres. Upon Mr. Penn's debilitating stroke in 1712, Hannah Callowhill Penn served for 6 years as Pennsylvania's chief executive, unofficially becoming the first woman Governor in North America.

And so Mr. President, I believe that Congress should recognize the important achievements of these two outstanding individuals. Granting them posthumous citizenship rights would be an expression of appreciation and gratitude for two persons who devoted their lives to the pursuit of peace and justice. I urge my colleagues to join me in support of this legislation and I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 80

Whereas William Penn, as a British citizen, founded the Commonwealth of Pennsylvania in order to carry out an experiment based upon faith in divine guidance, representative government, public education without regard to race, creed, sex or ability to pay, and respect for the civil liberties of all persons;

Whereas William Penn, as a far-sighted reformer, established a judicial system including public trials, trial by a jury of peers, limitations on the imposition of capital punishment, and the substitution of workhouses for prisons;

Whereas William Penn worked to protect rights concerning personal conscience and freedom of religion consistent with the principles of the first amendment of the Constitution;

Whereas William Penn was conscientiously opposed to war as a means of settling international disputes and worked toward the elimination of war by proposing the establishment of a Parliament of Nations, not unlike the present-day United Nations; and

Whereas Hannah Callowhill Penn, wife of William Penn, for six years effectively administered the Province of Pennsylvania and like her husband devoted her life to the pursuit of peace and justice: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, the President is hereby authorized and requested to declare by proclamation that William Penn, founder of the Commonwealth of Pennsylvania, and his wife, Hannah Callowhill Penn, are honorary citizens of the United States of America.●

● Mr. SPECTER. Mr. President, today I am joining my distinguished colleague, Senator HEINZ, in introducing a resolution that will posthumously grant full U.S. citizenship to William and Hannah Callowhill Penn. This is a fitting tribute to founders of Philadelphia and Pennsylvania that is made timely by the celebration of Philadelphia's 300th anniversary in 1982.

Penn's belief in freedom of religion inspired him to seek a new land where religious tolerance was the rule, not the exception. After receiving substantial territory in the New World from King Charles II as payment for a debt owed to his father, Penn and 100 Quakers left England for the New World in 1682 aboard the ship *Welcome.* Penn and his Pilgrims landed at a site along the Delaware River they called Philadelphia, the City of Brotherly Love.

I wish to honor William Penn not only as founder of the great State of Pennsylvania and the historic city of Philadelphia but also for his role in establishing an important legal precedent still followed in American courts: The right of juries to reach independent decisions without intimidation. The precedent was established during Penn's trial for a trumped-up charge of inciting to riot. The jury was ordered by the presiding judge to bring in a guilty verdict but refused. The judge then attempted to change the jury's verdict by threatening jury members and locking them up without food or drink until they agreed to a guilty verdict. The jury insisted on its verdict of not guilty and the judge finally had to accept the verdict. Thus was established a cornerstone of our jury system.

Hannah Callowhill Penn was Pennsylvania's first first lady. Indeed, during William Penn's absence from the colony and his long illness, Hannah Penn became the first female administrator of a colony in the New World. Her position of responsibility required tact and graciousness to both enemies and friends.

In Pennsylvania, William Penn's ideas of liberty and brotherhood attracted those who desired freedom. The representative government that Penn established in Pennsylvania is reflected in the U.S. Constitution and other State constitutions. The religious freedom and civil liberties stressed in what Penn termed his "holy experiment" remain the foundation of our society.

Thomas Jefferson considered William Penn to be one of the great lawmakers of all times. Let us give him and his remarkable wife the honor they so richly deserve. I ask my colleagues to join me in conferring posthumously full U.S. citizenship on William and Hannah Callowhill Penn.●

ADDITIONAL COSPONSORS

S. 44

At the request of Mr. KASTEN, the names of the Senator from Colorado (Mr. ARMSTRONG), and the Senator from Connecticut (Mr. WEICKER) were added as cosponsors of S. 44, a bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

S. 49

At the request of Mr. STEVENS, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 49, a bill to reopen hunting and trapping lands in Alaska.

S. 57

At the request of Mr. SPECTER, the names of the Senator from Delaware (Mr. ROTH), the Senator from Idaho (Mr. MCCLURE), the Senator from Vermont (Mr. LEAHY), the Senator from Nebraska (Mr. EXON), the Senator from New Jersey (Mr. BRADLEY), and the Senator from Michigan (Mr. RIEGLE) were added as cosponsors of S. 57, a bill to amend title 18 of the United States Code relating to the sexual exploitation of children.

S. 137

At the request of Mr. ROTH, the names of the Senator from Florida (Mrs. HAWKINS), and the Senator from Oklahoma (Mr. BOREN) were added as cosponsors of S. 137, a bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage to be issued.

S. 152

At the request of Mr. JEPSEN, the names of the Senator from North Dakota (Mr. BURDICK), the Senator from North Dakota (Mr. ANDREWS), and the Senator from Arkansas (Mr. BUMPERS) were added as cosponsors of S. 152, a bill to amend the Internal Revenue Code of 1954 to provide an investment tax credit for certain soil and water conservation expenditures.

S. 212

At the request of Mr. PRESSLER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 212, a bill to authorize funds for the U.S. Travel and Tourism Administration.

S. 249

At the request of Mr. PACKWOOD, the name of the Senator from Michigan (Mr. RIEGLE) was added as a cosponsor of S. 249, a bill entitled the "Employee Educational Assistance Extension Act."

S. 289

At the request of Mr. GLENN, the names of the Senator from Illinois (Mr. DIXON), and the Senator from North Dakota (Mr. ANDREWS) were added as cosponsors of S. 289, a bill to authorize an educational assistance program which will provide low-cost loans to college students who pursue

mathematics and science baccalaureate degrees and enter the precollege mathematics and science teaching profession, and for other purposes.

S. 290

At the request of Mr. GLENN, the names of the Senator from North Dakota (Mr. ANDREWS), and the Senator from Illinois (Mr. DIXON) were added as cosponsors of S. 290, a bill to amend the Internal Revenue Code of 1954 to allow a credit to certain employers for compensation paid to employees with precollege mathematics or science teaching certificates who are employed for the summer months by such employers or who are employees who teach a limited number of hours.

S. 337

At the request of Mr. PACKWOOD, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 337, a bill to amend the Internal Revenue Code of 1954 to make permanent the deduction for charitable contributions by nonitemizers.

S. 371

At the request of Mr. SASSER, the name of the Senator from Oklahoma (Mr. BOREN) was added as a cosponsor of S. 371, a bill to amend the Internal Revenue Code of 1954 to provide for a credit against tax with respect to the employment of certain unemployed individuals.

S. 402

At the request of Mr. MOYNIHAN, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 402, a bill to reenact the Emergency School Aid Act.

S. 422

At the request of Mr. JEPSEN, the names of the Senator from Iowa (Mr. GRASSLEY) the Senator from Alaska (Mr. STEVENS), the Senator from Oklahoma (Mr. BOREN), the Senator from Illinois (Mr. DIXON), the Senator from Virginia (Mr. WARNER), the Senator from Hawaii (Mr. INOUYE), the Senator from Utah (Mr. HATCH), the Senator from Pennsylvania (Mr. HEINZ), the Senator from New Jersey (Mr. BRADLEY), and the Senator from Texas (Mr. TOWER) were added as cosponsors of S. 422, a bill to amend title 18 of the United States Code to provide a criminal penalty for robbery of a controlled substance.

S. 517

At the request of Mr. HATCH, the name of the Senator from Utah (Mr. GARN) was added as a cosponsor of S. 517, a bill for the relief of Doan Van Toai.

S. 578

At the request of Mr. SIMPSON, the name of the Senator from Alabama (Mr. DENTON) was added as a cosponsor of S. 578, a bill to amend title 38, United States Code, to provide for adult day health care services for veterans, to authorize the Veterans' Administration to administer a community residential care program, to establish a presumption of service-connection for former prisoners of war suffering from dysthymic disorder and to revise and clarify eligibility for reimbursement of expenses of travel for Veterans' Administration health care.

S. 602

At the request of Mrs. HAWKINS, the names of the Senator from Maine (Mr. COHEN), the Senator from Pennsylvania (Mr. HEINZ), the Senator from Utah (Mr. HATCH), the Senator from Washington (Mr. JACKSON), and the Senator from Texas (Mr. BENTSEN) were added as cosponsors of S. 602, a bill to provide for the broadcasting of accurate information to the people of Cuba, and for other purposes.

S. 618

At the request of Mr. PERCY, the name of the Senator from Michigan (Mr. RIEGLE) was added as a cosponsor of S. 618, a bill to revise certain Federal training and economic development programs to create jobs and develop skills in renewable energy and energy conservation industries, and for other purposes.

S. 657

At the request of Mr. DOLE, the name of the Senator from Delaware (Mr. ROTH) was added as a cosponsor of S. 657, a bill to amend the Animal Welfare Act to insure the proper treatment of laboratory animals.

S. 658

At the request of Mrs. HAWKINS, the names of the Senator from South Carolina (Mr. THURMOND), the Senator from Indiana (Mr. LUGAR), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from New Hampshire (Mr. HUMPHREY) were added as cosponsors of S. 658, a bill to amend the Agricultural Act of 1949 to modify the dairy price support-program for the 1983 through 1985 fiscal years, and for other purposes.

S. 668

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. BRADLEY) was added as a cosponsor of S. 668, a bill to reform Federal criminal sentencing procedures.

S. 693

At the request of Mr. HUMPHREY, the name of the Senator from New Hampshire (Mr. RUDMAN) was added as a cosponsor of S. 693, a bill to amend title 23, United States Code, to remove the limitation on the use of materials produced by convict labor in construction of the Federal-aid highway system.

S. 707

At the request of Mr. RIEGLE, the names of the Senator from Massachusetts (Mr. TSONGAS) and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of S. 707, a bill to establish domestic content requirements for motor vehicles sold or distributed in interstate commerce in the United States.

S. 786

At the request of Mr. PRESSLER, the names of the Senator from Oregon (Mr. HATFIELD) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 786, a bill to amend title 38, United States Code, to establish a service-connection presumption for certain diseases caused by exposure to herbicides or other environmental hazards or conditions in veterans who served in Southeast Asia during the Vietnam era.

S. 866

At the request of Mr. LEAHY, the name of the Senator from Vermont (Mr. STAFFORD) was added as a cosponsor of S. 866, a bill to improve the operation of the milk price support program, and for other purposes.

S. 888

At the request of Mr. PACKWOOD, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 888, a bill entitled "The Economic Equity Act".

S. 890

At the request of Mr. PRESSLER, the name of the Senator from Wyoming (Mr. SIMPSON) was added as a cosponsor of S. 890, a bill to establish objective criteria and procedures for closing and consolidating weather stations.

S. 964

At the request of Mr. HATCH, the names of the Senator from Minnesota (Mr. DURENBERGER), the Senator from Pennsylvania (Mr. HEINZ), the Senator from Nebraska (Mr. ZORINSKY), and the Senator from Connecticut (Mr. DODD), were added as cosponsors of S. 964, a bill to require the Secretary of Health and Human Services to arrange for the conduct of a study with respect to the use of live animals in biomedical and behavioral research.

SENATE JOINT RESOLUTION 51

At the request of Mr. MOYNIHAN, the name of the Senator from Ohio (Mr. GLENN) was added as a cosponsor of Senate Joint Resolution 51, a joint resolution designating May 21, 1983, as "Andrei Sakharov Day".

SENATE JOINT RESOLUTION 77

At the request of Mr. DOLE, the name of the Senator from Texas (Mr. BENTSEN) was added as a cosponsor of Senate Joint Resolution 77, a joint resolution designating "National Animal Agriculture Week."

SENATE JOINT RESOLUTION 78

At the request of Mr. GORTON, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Mississippi (Mr. STENNIS), the Senator from Illinois (Mr. DIXON), the Senator from North Carolina (Mr. HELMS), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from Michigan

(Mr. LEVIN), the Senator from Idaho (Mr. MCCLURE), the Senator from Nevada (Mr. LAXALT), the Senator from Georgia (Mr. NUNN), the Senator from North Carolina (Mr. EAST), the Senator from South Dakota (Mr. ABDNOR), the Senator from New Mexico (Mr. DOMENICI), the Senator from Pennsylvania (Mr. HEINZ), the Senator from Michigan (Mr. RIEGLE), the Senator from Idaho (Mr. SYMMS), and the Senator from Indiana (Mr. QUAYLE) were added as cosponsors of Senate Joint Resolution 78, a joint resolution to authorize and request the President to issue a proclamation designating April 24, through April 30, 1983, as "National Organ Donation Awareness Week."

SENATE CONCURRENT RESOLUTION 11

At the request of Mr. MITCHELL, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Kansas (Mr. DOLE), the Senator from Oklahoma (Mr. NICKLES), the Senator from West Virginia (Mr. BYRD), and the Senator from Missouri (Mr. EAGLETON) were added as cosponsors of Senate Concurrent Resolution 11, a concurrent resolution expressing the sense of the Congress concerning the obligations of the Government of the Soviet Union under international law with respect to human rights.

SENATE RESOLUTION 75

At the request of Mr. PERCY, the name of the Senator from Pennsylvania (Mr. HEINZ) was added as a cosponsor of Senate Resolution 75, a resolution to ask for international negotiations on natural gas.

SENATE RESOLUTION 90

At the request of Mr. LEVIN, the names of the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Maine (Mr. COHEN) were added as cosponsors of Senate Resolution 90, a resolution expressing the sense of the Senate that the Soviet Government should immediately release Anatoly Shcharansky and allow him to emigrate.

SENATE RESOLUTION 106—DESIGNATING NATIONAL PRODUCT SAFETY WEEK

Mr. THURMOND submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 106

Whereas there were approximately 34,150,000 accidental injuries and 27,500 deaths associated with consumer products in the United States last year;

Whereas accidental injuries and deaths associated with consumer products, although reduced in recent years, continue to occur in the United States;

Whereas the effort to prevent accidents associated with consumer products is a shared responsibility of industry, consumer, and government;

Whereas heightened awareness of accident prevention programs provides greater opportunities for communities, consumer groups, trade associations, and government to continue reducing these consumer product accidents; and

Whereas the week of May 8, 1983, is the tenth anniversary of the United States Consumer Product Safety Commission which has been a leader in protecting the public against unreasonable risks of injury associated with consumer products: Now, therefore, be it

Resolved, That it is the sense of the Senate that in order to heighten awareness among the American people of hazards associated with consumer product use, together with means by which those hazards may be lessened, the week of May 8, 1983, through May 14, 1983, be designated as "National Product Safety Week" in commemoration of the tenth anniversary of the United States Consumer Product Safety Commission, and that the President be requested to issue a proclamation calling upon the American people to observe the week with appropriate programs, ceremonies, and activities.

SEC. 2. The Secretary of the Senate is directed to transmit a copy of this resolution to the President.

Mr. THURMOND. Mr. President, I am today submitting a sense of the Senate resolution commemorating the 10th anniversary of the U.S. Consumer Product Safety Commission and calling upon the President to designate the week of May 8–14, 1983, as National Product Safety Week.

Each of us as consumers use a variety of household and other products during the course of a typical day with too little thought given to product safety. Yet, last year alone there were approximately 34 million accidental injuries and over 27,000 deaths associated with consumer products. Although these numbers have been declining in recent years, they are still at an unacceptable level.

It is though the combined efforts of the Consumer Product Safety Commission, organized consumer groups, industry trade associations, and more careful product selection and use by consumers that the number of injuries and deaths has been and, hopefully will continue to be reduced. The celebration of the week of May 8–14, 1983, as National Product Safety Week will focus attention on an issue that affects every citizen.

Mr. President, the continuing serious problem of product-related injuries and deaths is one that can be substantially alleviated through improved product design, more effective warnings and instructions to consumer users, and enhanced public education efforts aimed at making consumers more informed and cautious in product use. Thus, it is fitting for the Senate to take note of National Product Safety Week as a means of directing the attention of the American people to the hazards associated with use of consumer products and to ways of lessening those hazards.

Mr. President, I invite other Senators to join me as cosponsors.

SENATE RESOLUTION 107—RELATING TO NUCLEAR ARMS REDUCTION NEGOTIATIONS

Mr. SPECTER submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 107

Whereas, nuclear arms reduction negotiations that have been conducted between representatives of the United States and the Soviet Union in Geneva for 16 and 10 months, respectively, and have been known as I.N.F. (Intermediate Range Nuclear Forces) and START (Strategic Arms Reduction Talks), appear at an impasse;

Whereas, leaders of both countries have publicly and categorically rejected all proposals of the other side;

Whereas, rhetoric employed publicly by both sides has recently become harsh, personal and unconstructive to an unprecedented degree with the President of the United States referring to the Soviet Union as the "evil empire" and the Premier of the Soviet Union calling the President a "liar" and "insane;"

Whereas, with Pershing II and ground-launched cruise missiles scheduled to be deployed in Great Britain and West Germany in December, 1983, considerable concern has been expressed by citizens of those and other NATO countries, including demonstrators, over the lack of progress in the above negotiations;

Whereas, such unrest has not been calmed by the "interim agreement" recently proposed by President Reagan, which was promptly rejected by Deputy Premier Andrei Gromyko;

Whereas, the NATO nations approved deployment of the missiles as part of a "two-track plan" which included all out efforts to conclude a missile reduction agreement that would make any deployment unnecessary;

Whereas, without a new agreement to reduce missiles, the United States and the Soviet Union may discontinue compliance with earlier agreements, including the SALT II treaty, which both countries have informally undertaken to observe even though not obligated to since it was never ratified by the United States;

Whereas, accordingly, there appears to have recently arisen a substantial risk of a new, dangerous, unlimited and expensive arms race;

Whereas, such an arms race could be highly destabilizing and could increase the risk of nuclear war;

Whereas, such an arms race might well extend to space and include positioning nuclear and other weapons in space for the first time;

Whereas, nearly one year ago, the Senate passed a sense of the Senate Resolution urging a nuclear summit by near unanimous vote of 92-6, but the President, who had initially opposed the Resolution, chose to defer any summit meeting in order to give ambassadorial negotiators opportunity to complete necessary preliminary work and perhaps reach tentative agreement;

Whereas, 10 and 16 months of intensive negotiations have produced no result and little if any progress in Geneva but has enabled each side to fully explain its positions and obtain complete clarifications of those of the other side;

Whereas, the time of maximum opportunity to achieve agreement is after final decisions by the host NATO nations to deploy

but before actual deployment in December, 1983;

Whereas, once the American Presidential Campaign has begun in 1984 when numerous primary elections occur, the risk of delay to await the outcome of the General Election in November increases drastically, and the capability of the President to conclude an agreement and obtain Senate ratification decreases;

Whereas, President Reagan is widely known for his unusual skills as a communicator and negotiator;

Whereas, Premier Andropov and his predecessor publicly have offered to attend a summit on nuclear arms reductions;

Whereas, the sincerity of the President to reduce nuclear arms and the efficacy of his strategy to negotiate such reductions have been questioned by some observers, including many citizens of NATO nations;

Whereas, the most convincing demonstration of the President's serious and realistic intentions would be his proposing and participating in a nuclear summit;

Whereas, it is believed that some officials appointed by the Administration advocate relying almost exclusively on arms construction rather than a combination of arms construction and arms control and their influence may appear greater than it may be, in part by reason of the absence of observable participation by the President in the negotiating process;

Whereas, it is difficult to conceive of any way in which proposing and holding a summit could harm the prospects of nuclear arms reductions even if such summit did not result ultimately in an agreement being concluded;

Whereas, at the very least, agreement to hold a summit, coming at a time when the United States and the Soviet Union seem unable to agree on anything and at a time of high and growing tension, would offer hope to all and lessen tensions, thereby reducing the risk of nuclear war;

Resolved, that it is the sense of the Senate that the President of the United States and the Premier of the Union of Soviet Socialist Republics should meet as soon as practicable and not later than November, 1983, when intermediate range ballistic and cruise missiles are scheduled to be deployed in several Westen European countries. This meeting, at a mutually agreed upon location, would be for the purpose of negotiating significant, mutual, equal and verifiable reductions at least in strategic and intermediate-range nuclear missiles and related warheads and, if possible, also in other nuclear weapons and delivery systems. It should result in agreement on fundamental terms that could then be incorporated into a draft treaty, with further details to be negotiated as soon as possible thereafter between Soviet and American representatives in Geneva as a continuation of the I.N.F. and START talks.

Mr. SPECTER. Mr. President, I propose that the Senate express its support for a nuclear summit meeting between President Reagan and Premier Andropov on arms reduction to revive the stalled negotiations. I offer a sense of the Senate resolution to that effect. There is no more important issue in the world today, and we in the Senate bear an obligation not to neglect it in attending to other issues.

Today we begin debate on the nomination of Ambassador Adelman as Director of the Arms Control and Disarmament Agency. Our decision could have important consequences, our choice is difficult. My own decision has not yet been made pending the debate.

What I have firmly concluded, however, is that the Senate needs to exercise its right and constitutional duty to advise as well as consent. Beyond assuring sound leadership for the arms control agency lies the task of assuring sound prospects for the arms control negotiations. With both the INF and START negotiations deadlocked, I believe an historic opportunity to reduce the growing threat of nuclear war is in danger of being lost; and with the proposed deployment of Pershing II and cruise missiles later this year there may be a higher danger of conflict or, at least, of materially accelerating the arms race. Extraordinary action is needed now.

In President Reagan the United States has an extraordinary spokesman and an extraordinary negotiator. In his meetings with world leaders at the many conferences to date, he has frequently, if not uniformly, established a special relationship with those world leaders which has promoted trust and confidence, and markedly improved the relationships between other nations and the United States.

The President's talents should now be applied in a direct and forcible way with respect to our relationship with the Soviet Union.

From firsthand experience I can attest to the difference it makes to deal with the President in person compared to reading about his positions in the newspapers. From direct contact with the President there is an immediate sense of his sincerity, of his commonsense, of his wisdom, and of the weightiness of the views which he transmits in person in a very special way.

There is no more important subject for President Reagan's talents today than arms reduction. We may never again have such a propitious occasion for the use of those talents.

In 1984 he will be either a candidate or a President about to retire. While, perhaps minimal, there is at least some risk that President Reagan's talents may not be available in 1985. Therefore, this year, 1983, is the time to utilize those special talents.

The resolution I propose today is not new but the situation is. Nearly a year ago the Senate passed such a resolution which I had offered to try to breathe life into the negotiations then about to commence. The resolution passed 92 to 6 after a motion to table was defeated 60 to 32. The administration initially opposed the resolution, arguing for the need to give ambassadorial negotiators time. Time has now passed—16 months for INF and almost a year for START. There has not been any real progress. In fact, all proposals by both sides have been firmly and publicly rejected.

Instead of negotiating, leaders of both countries have begun name calling. President Reagan referred to the Soviet Union as the "focus of evil" and Premier Andropov called the President "a liar" and "insane." Exchanging epithets will not control arms.

If we fail to control the arms race, the arms race will control us. Without a new arms control agreement, the arms race inevitably will accelerate, burdening our economy, before it can even complete its recovery, with ever more enormous defense expenditures. The race could be endless, unless it ends in nuclear holocaust. On a recent visit to the Air Force Space Division, I was told that there were so many potential space weapons and systems and they were so expensive that, potentially, we could spend our entire defense budget—$250 billion—just on space. Without doubt, an all-out arms race could bankrupt the Treasury.

In addition, a wide-open arms race would be destabilizing. It would endanger the world by increasing the risk of nuclear war. Most cruelly, such uncontrolled spending would necessarily come at the expense of important social programs. Worse, because it would soon be matched by the Soviet Union, such spending would, as in the past, ultimately prove futile.

In negotiations, timing is crucial. Once the Pershing II and cruise missiles are deployed in Europe late this year, and the Presidential campaign begins, the window of opportunity for arms control will have shut.

I believe that with a summit an arms control agreement of real usefulness could be achieved. After all, a bidding competition over which country can spend more for strategic weapons in an illusory quest for strategic superiority would strain the Soviet Union as it would this country. While the Soviets are very difficult to deal with and are not motivated by altruism, their very self-interest makes arms control possible now as in the past.

Last October I attended a conference discussing arms control with a group of Soviet and American defense scholars sponsored by the Foreign Policy Research Institute at Valley Forge, Pa. The sense I got was that it was possible to frame an agreement that would be beneficial to the security of both sides and still reduce the risk of nuclear devastation. It might not be the best agreement. I think the President's proposals for START reductions and zero-zero option in Europe would be best. But we should not allow wanting the best to defeat achieving the good.

Some administration officials argue that it would be easy to conclude a bad agreement—one unduly favorable to Soviet interests. That is probably so.

That a bad agreement would be easy does not mean a good agreement would be impossible.

Ambassadors Nitze and Rowny are skillful, experienced negotiators. I myself have met with them both here and in Geneva. I believe they have done the best that could be done under instructions issued from Washington. They themselves have advised the Foreign Relations Committee that the prospects for an agreement are poor.

No one has suggested any way to negotiate an agreement. I suggest that the way to start is with the President personally presenting a new proposal that is negotiable. By definition, that means one which, with modifications, both countries would agree to. With the President himself at the bargaining table, the modifications could be negotiated swiftly.

We no longer can afford the delays inherent in a negotiating process in which many months are spent by Washington officials formulating each change in position and the talks themselves are held for 2 months, then recessed for 2 months. The time to regain momentum is just too short.

The American people are dissatisfied with the prosecution of the negotiations. A recent Harris poll indicated 64 percent to 29 percent that Americans thought that the administration was not handling arms control well. In addition we are witnessing a decline in public and congressional support for new weapons such as the MX which are intended in part to show U.S. resolve to modernize our strategic systems and thereby induce the Soviets to reach agreement in Geneva. I believe the support remains contingent on confidence that arms control is being pursued as vigorously as arms modernization.

My sense is that arms control, unlike modernization, is not enthusiastically supported by all factions in the administration. That is all the more reason only President Reagan can break the impasse.

Finally, we should have enough confidence in ourselves to realize that the risks of failing to have a well-prepared summit outweigh the risk of a summit failing.

A summit is also needed to retain public support in NATO countries where the Pershing II and cruise missiles are to be deployed. Unrest in those nations is growing. Yet firm resolve to deploy is essential to progress in INF which in turn is essential to progress in START. Continued propaganda by the Soviets can only convince those who harbor doubts, that I do not, about President Reagan's sincerity to control arms. What more conclusive proof could be offered than his suggesting a prompt summit? Who can better explain the President's views than the President himself?

If the Russians refuse or will not negotiate on the new proposal, then any reasonable doubt will be removed as to which country stands in the way of arms control. If that is all that happens at the summit, it will be worthwhile. If more happens, as I expect it would, the world will become safer.

Like President Nixon recognizing Red China, President Reagan brings special credibility and credentials to concluding an arms control agreement. In addition, President Reagan has great skill as a communicator and some experience as a negotiator. His advisers may be too embarrassed or too divided to tell him a summit is needed. The U.S. Senate should not be.

SENATE RESOLUTION 108—WAIVING THE CONGRESSIONAL BUDGET ACT

Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry, reported the following original resolution; which was referred to the Committee on the Budget:

S. RES. 108

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such act are waived with respect to the consideration of S. 24, a bill to provide emergency credit assistance to farmers, and for other purposes.

The waiver of section 402(a) would permit consideration of provisions providing for deferral of principal and interest payments on certain Farmers Home Administration farmer loans to borrowers who meet specified requirements.

NOTICES OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. ANDREWS. Mr. President, I would like to announce that the Select Committee on Indian Affairs has set a hearing on three bills on April 28, 1983, at 2:30 p.m., in Senate Dirksen 538. The committee will receive testimony on S. 973, a bill to make technical amendments to the Indian Self-Determination and Education Assistance Act (Public Law 93-638) and three other acts enacted in the last Congress. In addition to the amendments of Public Law 93-638, this bill will correct land descriptions contained in Public Law 97-344 relating to lands in the State of Kansas, and Public Law 97-386 relating to lands taken in trust for the Pascua-Yaqui Tribe in Arizona and will correct references in Public Law 97-394 to the Indian Claims Limitation Act.

The committee will also receive testimony on S. 727, a bill to authorize the Secretary of the Interior to set aside certain judgment funds of the three affiliated tribes of the Fort Berthold Reservation in North Dakota; and S. 884, a bill to provide for the use and distribution of judgment funds awarded by the Court of Claims to the Red Lake Band of Chippewa Indians in docket No. 15-72.

Persons wishing further information should contact Paul Alexander, staff director, or Peter Taylor, general counsel at 202/224-2251.

Mr. ANDREWS. Mr. President, I would like to announce for the information of the public that the Select Committee on Indian Affairs will hold a business meeting on Wednesday, April 13, 1983, to mark up S. 726, the Tribally Controlled Community College Assistance Act, and to consider amendments to Senate Resolution 333, section 21, 97th Congress, and Senate Resolution 76, section 21, 98th Congress.

The meeting will be held in S-224, Capitol, and will begin at 3 p.m. For further information, please contact Paul Alexander, staff director, at 4-2251.

Mr. President, I would like to announce that the Select Committee on Indian Affairs has set a hearing on April 19, 1983, at 2:30 p.m., in room 253, Russell Senate Office Building, on S. 856, a bill to provide for an Indian housing program for construction and financing of housing for Indians, and for other purposes.

Persons wishing further information should contact Michael Mahsetky, professional staff member, at 202/224-2251.

SUBCOMMITTEE ON WATER RESOURCES

Mr. ABDNOR. Mr. President, I want to announce today that the Subcommittee on Water Resources of the Environment and Public Works Committee will hold a hearing on April 22, 1983, on the 101 water resource development projects proposed for authorization in S. 947, which I introduced on March 24.

Personally, I believe we must begin with the assumption the Army Corps of Engineers knows what it is doing. Therefore, at this initial hearing, the subcommittee will hear from persons opposed to specific projects in S. 947. Project proponents will be given the opportunity to testify later, if opposition to a particular project occurs. In the event a specific project receives no adverse comments, it is my intention, Mr. President, to assume that the project is noncontroversial and therefore worthy of the subcommittee's support.

Written comments or testimony on any of the projects in S. 947 will, of course, be most welcome.

Mr. President, it has been 7 years since the Congress enacted an omnibus water resources bill. Moving forward quickly on new project authorizations is only part of the task before the Subcommittee on Water Resources, of which I am proud to serve as chairman. On the 18th and 19th of May we will hold further, detailed

hearings on those issues which must be addressed in the context of an omnibus bill, including cost-sharing and user fee policy issues.

Mr. President, these will not be easy issues to resolve. I believe that if new water resource development is to move ahead, they must be resolved, and I want to assure my Senate colleagues that the Water Resources Subcommittee will work diligently in a spirit of bipartisan cooperation to resolve these issues this year and remove the obstructions to further water resource development.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROTH. Mr. President, the Senate Committee on Governmental Affairs will hold a hearing on management of the Department of Defense on Thursday, April 14, at 9:30 a.m. in room SD-342 of the Dirksen Senate Office Building. For further information, please contact Mr. Link Hoewing at 224-4751.

Mr. President, the Senate Committee on Governmental Affairs will hold a nomination hearing for Inspector General for the Department of Defense on Thursday, April 21, at 10 a.m. in room SD-342 of the Dirksen Senate Office Building. For further information, please contact Ms. Margaret Hecht at 224-4751.

Mr. President, the Senate Committee on Governmental Affairs will hold a continuation of hearings on trade reorganization on Tuesday, April 26, at 10 a.m. in room SD-342 of the Dirksen Senate Office Building. For further information, please contact Mr. Mike Mitchell at 224-4751.

Mr. President, the Senate Committee on Governmental Affairs will hold a nomination hearing for Maria Lucia Johnsen and Mr. John Ryan to be members of the Board of Governors of the U.S. Postal Service on Thursday, April 28, at 2:30 p.m. in room SD-342 of the Dirksen Senate Office Building. For further information, please contact Ms. Margaret Hecht at 224-4751.

SUBCOMMITTEE ON ENERGY AND DEVELOPMENT

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that the Subcommittee on Energy Research and Development's hearing to receive testimony from outside witnesses on the President's proposed budget for the Department of Energy's research and development programs previously scheduled for Thursday, April 21 has been postponed until Tuesday, May 3 at 9:30 a.m. in room SD-366.

In addition, I would like to announce that the subcommittee has scheduled a hearing for Monday, May 2, beginning at 10 a.m. in room SD-366 to receive testimony on the President's proposed budget for the Department of Energy's nuclear waste activities program.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Subcommittee on Energy Research and Development, Committee on Energy and Natural Resources, room SD-360, Washington, D.C.

For further information regarding these hearings you may wish to contact Mr. Paul Gilman of the subcommittee staff at 224-4431.

SUBCOMMITTEE ON ENERGY AND MINERAL RESOURCES

Mr. WARNER. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of public hearings before the Subcommittee on Energy and Mineral Resources.

On Monday, May 2, beginning at 10 a.m. in room SD-562, the subcommittee will hold a hearing on S. 883 and S. 558, to amend the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) to expedite exploration and development of geothermal resources.

On Friday, May 6, beginning at 10 a.m. in room SD-366, the subcommittee will hold an oversight hearing on the strategic petroleum reserve to review financing mechanisms, interim storage, fill capacity, and others.

Those wishing to testify at either of these hearings or who wish to submit written statements for the hearing record should write to the Subcommittee on Energy and Mineral Resources, Committee on Energy and Natural Resources, room SD-360, Washington, D.C.

For further information regarding these hearings you may wish to contact Mr. Roger Sindelar of the subcommittee staff at 224-5205.

SUBCOMMITTEE ON WATER RESOURCES

Mr. ABDNOR. Mr. President, I want to announce today that the Subcommittee on Water Resources of the Environment and Public Works Committee will hold a hearing on April 22, 1983 on the 101 water resource development projects proposed for authorization in S. 947, which I introduced on March 24.

Personally, I believe we must begin with the assumption the Army Corps of Engineers knows what it is doing. Therefore, at this initial hearing, the subcommittee will hear from persons opposed to specific projects in S. 947. Project proponents will be given the opportunity to testify later, if opposition to a particular project occurs. In the event a specific project receives no adverse comments, it is my intention, Mr. President, to assume that the project is noncontroversial and therefore worthy of the subcommittee's support.

Written comments or testimony on any of the projects in S. 947 will, of course, be most welcome.

Mr. President, it has been 7 years since the Congress enacted an omnibus water resources bill. Moving forward quickly on new project authorizations is only part of the task before the Subcommittee on Water Resources, of which I am proud to serve as chairman. On the 17th and 18th of May we will tentatively hold further, detailed hearings on those issues which must be addressed in the context of an omnibus bill, including cost sharing and user fee policy issues.

Mr. President, these will not be easy issues to resolve. I believe that if new water resources development is to move ahead, they must be resolved, and I want to assure my Senate colleagues that the Water Resources Subcommittee will work diligently in a spirit of bipartisan cooperation to resolve these issues this year and remove the obstructions to further water resource development.

ADDITIONAL STATEMENTS

COCAINE—THROWING IT ALL AWAY

● Mrs. HAWKINS. As chairman of the Senate Drug Enforcement Caucus, I have had my worst fears about the future of our children confirmed: Drug abuse is indeed undermining the future of America by poisoning our children. I also discovered—to my shock and dismay—that youth drug abuse cannot be legislated away.

Over the past two decades, the use of illegal drugs in the United States has continued to grow and now pervades every community. More than 22 million Americans—nearly one-tenth of our population—are marihuana users. According to a recent survey, 1 out of 14 high school seniors are daily users of marihuana. Over 4 million people, two-thirds of whom are between the ages of 18 and 25, use cocaine on a regular basis. Approximately one-half million Americans are heroin addicts.

The impact of youth drug abuse is devastating. During the past 20 years, the health of all Americans has been improving, with one notable exception: The death rate for young Americans is higher than it was 20 years ago. Drug abuse has been the major factor in this frightening trend. Our society also pays a heavy toll for drug abuse—suffering economic loss and an increase in violent crime in their communities—not to mention the misery of seeing the young people of this country destroy themselves.

Too many children have been left emotionally and functionally crippled by illegal drugs. Only through education can we effectively prevent youth drug abuse. It is vital that TV and radio public service announcements be produced and widely distributed to provide children with solid informa-

tion on the health hazards of illegal drugs.

I wish to share with my colleagues and submit for the RECORD an excellent editorial from the April 11, 1983 Newsweek by Pete Axthelm entitled "Throwing It All Away" which discusses the tragic loss of Billy Ylvisaker.

The editorial follows:

THROWING IT ALL AWAY

(By Pete Axthelm)

On Saturday night, Billy Ylvisaker danced with his girlfriend at the Cartier Ball, on the splendid grounds of the Palm Beach Polo and Country Club. The party tent was as reasonable a facsimile of the Place Vendome as a few hundred thousand dollars' worth of carpentry could achieve. The fun also felt vaguely sculpted, ordered, manmade. Revelers arrived on time, ate the masterfully catered courses on schedule, left shortly after midnight. After all, there would be polo the next day. Most would watch, some would play.

Billy Ylvisaker played very well Sunday afternoon. His five-goal handicap, on a scale on which 10 is perfection, placed him among the 56 best Americans in the sport. Sunday he looked even better than that, meshing his horsemanship smoothly with the headlong rushes of his team's 10-goal Argentine star Gonzalo Tanoira and the fierce thrusts of his father and teammate, Bill Sr. The Ylvisakers' team lost narrowly, but Billy scored three goals and accepted hugs and congratulations amid the traditional post-match champagne sipping.

NO DILETTANTE

Billy had other reasons for the broad smile and dancing eyes beneath his tousled blond hair. He had just signed on to play this summer with Tommy Wayman, the Oklahoma-born hero who is one of only two American 10-goalers. There was also plans for a campaign in England, where Billy had already beaten Prince Charles and met the queen. Perhaps most satisfying of all, Billy sold a pony that day for a lot of money. In the delicate pro-amateur balance of high-style international polo, the development and sale of top horses are among the qualities that distinguish the pros. Bill Ylvisaker Sr. happens to be a hugely successful business entrepreneur as well as the major force behind polo in America. But son Billy was no idle-rich dilettante. Sunday's events confirmed him as horseman, athlete, pro. He told friends he was planning to do some celebrating.

The party began at sundown at the Players' Club. It ended less than 12 hours later, in the bathroom of Billy's home on the ambitious Wellington sports and housing complex that his father has carved out of a vast barren tract west of Palm Beach. Sarah Port, Billy's girlfriend, found his body. He had snorted a large amount of cocaine and injected more intravenously. Friends recalled that he had struggled with a drug problem some years ago, but they thought he had licked it. They were wrong. Billy was 27 when he died last week.

The funeral took place Wednesday in modest church called St. David's in the Pines. Billy's favorite pony stood under tack outside. His dog Brandy romped nearby. The mourners sat on folding chairs and listened to a service said by Father John Mangrum, known as the "polo priest." Then Bill Ylvisaker Sr. rose and spoke with sad and savage eloquence. "I guess you all know my son died of an overdose of cocaine. What a waste. I can only hope that there will be a lesson in this terrible occurrence for some young people somewhere."

The lesson has been cried out and unheard depressingly often in sports as in life. We have sorrowed for the needle-tracked wizards of the ghetto hoops, the naive and cocky kids who figured that all the big stars dabbled in coke, the faded shells who played too long at a high-stakes game that they hollowly labeled "recreational." But for those of us who knew Billy and his world, his demise is worth crying out once more. This was a high-spirited young man with almost everything. His death is a grim tribute to the lure of white lines and smooth mirrors on the path toward nothingness.

Bill Ylvisaker Sr., a man of sweeping vision and fiery intensity, never dreamt of such a turn to darkness. He is chairman and chief executive officer of Gould Inc., a $2 billion conglomerate. It has more than a hundred subsidiaries worldwide. Palm Beach Polo, which is merely the most opulent sports venue imaginable, is one of the smallest Gould holdings. But it is Bill's best-loved project. His boiling energies have shaped both the place and the entire game of polo.

The Ylvisaker children were hardly spoiled. One daughter is a jewelry designer, another a college student. The eldest, Laurie, is an effective publicity director who has helped spur the expanding interest in polo. Like his father, Billy asked no favors and took pride in toughness and challenges. A poor student, he was struggling at junior college when he decided he would like to play polo at the University of Virginia. The school demanded that he fashion a straight-A semester in JC to earn that. Billy did it.

ACHIEVEMENT

Similarly, he was not satisfied to be one of the wealthy patrons who pay the feed and tack bills for the privilege of riding with the 10-goal stars. His game improved steadily in recent years, and the elite of international polo respected him as a peer and a friend. Under the peculiar code of the polo life, the achievement was considerable.

"A player must be judged by all his conduct, on and off the fields," explains Memo Gracida, the second American 10-goaler. "He can lose respect not just by playing poorly or dirty, but by behaving rudely at a party or putting a pony's bandages on sloppily." Tommy Wayman's wife, Rosemary, adds: "Polo is a passport to the whole world, but you have to keep earning it."

By all accounts, Billy Ylvisaker earned it. Perhaps that memory will fortify his father as he reaches down for a toughness that not even more than 100 subsidiaries ever demanded. Maybe, under some striped party tent after the pain is dulled by time, it will even allow Billy's friends to raise stemmed glasses to recall the best and boldest days of his fast, brief life. As the polo goes on this month and for winters and springs to come, there will probably be tournaments or trophies honoring his name or reflecting his image. Billy's father knew a better way, as he said at the funeral. The truest honor would be to remember all that a young man can erase with a jab of a needle into a vein.●

IGNORED TRUTHS ABOUT THE VIETNAM WAR

● Mr. ARMSTRONG. Mr. President, it has long been an article of faith among those who opposed U.S. involvement in Vietnam that the Communist guerrilla movement in South Vietnam was a spontaneous peoples' uprising and that the United States was involving itself in what was, for all practical purposes, a civil war.

Now no less an authority than Gen. Vo Nguyen Giap, the North Vietnamese military commander, and his colleague, Gen. Vo Vo Bam, have demolished this hoary myth. According to General Bam, the Communist government in North Vietnam decided to unleash armed aggression against the Saigon government in 1959, a full year before the National Liberation Front in South Vietnam was formed. Work on the Ho Chi Minh Trail, which funneled Communist soldiers and military supplies from North Vietnam to the South also began that year, 2 years before President Kennedy sent the first 685 U.S. military advisers to South Vietnam.

I ask that the Economist's account of the remarkable interview that Generals Giap and Bam gave a French television crew of these and other long ignored truths about the Vietnam war be printed at this point in the RECORD.

The article follows:

[From the Economist, Feb. 28, 1983]

VIETNAM—WE LIED TO YOU

Vietnam has at last come clean. In half a dozen sentences in a French television documentary, the North Vietnamese military commander, General Vo Nguyen Giap, and his colleague, General Vo Bam, have demolished some of the myths which helped to swell the anti-Vietnam-war movement from San Francisco to Stockholm.

According to General Bam, the decision to unleash an armed revolt against the Saigon government was taken by a North Vietnamese communist party plenum in 1959. This was a year before the National Liberation Front was set up in South Vietnam. The aim, General Bam added, was "to reunite the country". So much for that myth that the Vietcong was an autonomous southern force which spontaneously decided to rise against the oppression of the Diem regime. And General Bam should know. As a result of the decision, he was given the job of opening up an infiltration trail in the south.

The year was still 1959. That was two years before President Kennedy stepped up American support for Diem by sending 685 advisers to South Vietnam. So much for the story that the Ho Chi Minh trail was established only to counteract the American military build-up. From what General Giap told the television reporter, Mr. Jérôme Kanapa, it is clear that the North Vietnamese had been trying to infiltrate men and supplies into the south even earlier, but had been stopped by the blockade of the frontier.

General Bam got his orders on May 19, 1959. "Absolute secrecy, absolute security, were our watchwords", he recalled. Given the long life of doubts about the very existence of the trail, he succeeded. The North Vietnamese army worked its way across the demilitarised zone between the two Vietnams in June, 1959. It was, according to General Giap, "a modest track". Still, the North Vietnamese told Mr. Kanapa, 20,000 men, including thousands of political cadres, moved along it into the south in its early

years. So much for the legend that the trail handled only supplies, and that the North Vietnamese left the Vietcong to do their own fighting.

In 1961, four years before the first American marines splashed ashore at Danang, North Vietnam decided to open a bigger trail to the west of the original route. This cut through Laos and Cambodia, with dozens of spurs running off the main trail. It ended at An Loc, 75 miles west of Saigon, and was linked by secret routes to the main Vietcong base at Cu Chi nearer the capital.

According to army officers who worked on the main trail, 30,000 men were involved in building it. Fully developed, it contained several thousand kilometres of surfaced roads which could carry artillery and tanks. There were air-raid shelters every 100 yards. One of the chief officers on the trail, Colonel Hoang Zuan Dien, said the subsequent raids by American B-52 bombers were less of a problem than they might have been because they came in the same patterns at the same time each day, "so we knew when to shelter".

When the first trail opened, it took six months to travel from one end to the other. In 1975, when Saigon fell, the journey lasted a week. By then, the trail had taken on an international character. "It was not only for Vietnam but for the war theatre of our brother peoples", General Giap told Mr. Kanapa. So much for the North Vietnamese protestations that they never intervened in Laos or Cambodia.

The French film, broadcast on February 16th, showed Mr. Kanapa and his crew taking the long jeep ride down the trail, the first westerners to do so. Everyone he spoke to seemed quite relaxed about overturning some of Hanoi's pet fictions. General Giap, in his four-star general's uniform, was particularly at ease. A quarter of a century after the original events, Hanoi's men evidently feel that the west's desire to forget all about the war is strong enough to allow them to come clean at last.●

THE PROBLEM OF SOCIAL SECURITY

● Mr. HELMS. Mr. President, over the weekend, I had occasion to read the text of a forthright address delivered at Campbell University in North Carolina by George Marotta, senior research fellow of Stanford University's Hoover Institution.

I realize, Mr. President, that Mr. Marotta's assessment of the social security problem may be controversial. And, needless to say, Congress has already enacted legislation for the most recent bailout of the social security system. But Congress did not solve the problem, and scarcely anyone doubts that within a few years the issue will be back for further consideration.

In that frame of reference, it is essential that all of us consider all points of view, regardless of whether we agree with them totally or in part.

To establish Mr. Marotta's credentials, I ask that a brief biographical sketch be printed in the RECORD at this point.

The material referred to follows:

George Marotta is responsible for the public affairs program at the Hoover Institution. In addition, he gives a seminar on U.S. foreign policy and is pursuing research on U.S. relations with developing countries of the Third World.

He joined the Hoover Institution at Stanford University in 1975 after twenty-six years of service with the federal government in foreign affairs in Washington, D.C. and several overseas assignments. Marotta served with the Department of State's Agency for International Development from 1967 until 1975. As Executive Secretary of the AID mission in Vietnam in 1968, he earned a Meritorious Honor Award for service during the Viet Cong offensive in the city of Saigon.

Included in his government career was a period of service on the White House staff as Deputy Director of the Public Affairs Staff of the President's Federal Property Council. For that service during 1972-1973, he received a Presidential Certificate of Appreciation.

From 1962 through 1966, Marotta worked in the office of the Secretary of Defense on international security policy matters. In 1966, he was selected to participate in the federal government's highest training program on international affairs—conducted by the Foreign Service Institute of the Department of State.

At the beginning of the Kennedy Administration, he helped to launch the Peace Corps program. Marotta also saw service in the administration areas of the U.S. Information Agency. During the entire eight-year period of the Eisenhower Administration, he served on the National Security Council, specializing in the coordination of U.S. programs in the Middle East, Africa, and Latin America.

Marotta was born in Scotia, N.Y., in 1926. He received a B.A. degree in political science from Syracuse University. In 1951, he received an M.A. in Public Administration from the Maxwell Graduate School of Citizenship and Public Affairs, at Syracuse University. Memberships include the World Affairs Council, the American Political Science Association and accreditation in the Public Relations Society of America.

Mr. HELMS. Now, Mr. President, I ask unanimous consent that the text of Mr. Marotta's address at Campbell University be printed in the RECORD at the conclusion of my remarks.

The text referred to follows:

THE GROWING POWER OF SENIOR CITIZENS AND THE PROBLEM OF SOCIAL SECURITY

(An address by George Marotta, Senior Research Fellow of Stanford University's Hoover Institution at The Adam Smith Club, Campbell University, Buies Creek, N.C., Mar. 1, 1983, under the auspices of the Intercollegiate Studies Institute.)

You might ask, with justification, why young people should be interested in the subject of senior citizens and social security. The answer is that with the passage of sufficient time, you will automatically become senior citizens, but the benefits you will collect from social security will automatically decrease—unless you do something about it now.

Everyone knows that the social security program lacks sufficient funding for future benefit payments. Many young people suspect that there will not be sufficient money in the system for them to receive their payments when they reach retirement age. In order to solve this problem, a bi-partisan commission has proposed reforms which are currently being considered by Congress. The recommendations have two major flaws: first, they do not go far enough in solving the long-term financial problem and second, Congress may not put even these modest changes into effect.

The basic problem is that senior citizens represent such a powerful political group in our society that few senators and congressmen have the statesmanship to vote for the revisions that they know are needed to maintain the integrity of the system.

Because the number of older Americans is growing faster than other age groups, their political power will increase. Therefore, I would like to examine with you the current status of the aged in America in relation to the social security problem, as a study in what we may expect in solving other problems involving senior citizens.

Using the age of 65 as a definition for "elderly," we find that there are 26 million Americans over this traditional retirement age. The actual figure is less important than the trend of aging. The elderly now represent one in nine of the total population. They were only one of fifteen in 1940. By the year 2020, the elderly will number one in five. Since a much higher proportion of older people vote than younger people, it is evident that the political clout of older people will increase significantly.

Contrary to popular conception, the majority of elderly are not poor. Only 15 percent live below poverty level—compared to 13 percent of the rest of the population. The number living in poverty was significantly higher in 1959—33 percent of the aged.

Of course the average income of the elderly is less than others because only 18 percent of the men and 8 percent of the women are still working. However their needs are fewer too. Their children are grown and most own their homes. According to the Census Bureau, over 70 percent of household heads in the age group 65 and over are homeowners. What's more, three out of four of the single-family homes are mortgage free. Because housing is a person's largest financial expenditure, this represents a big advantage for senior citizens.

Contrary to popular belief, most old people are not sick. The majority of elderly are active and independent. In fact, 81 percent are physically capable of getting around with no assistance.

"What does all this have to do with social security," you ask. The myth of massive poverty within the senior citizen age group is preventing the political process from making needed reforms in social security programs.

Exactly what is wrong with social security? The problem can be stated several ways: (1) benefits are too high; (2) payroll taxes are too low; (3) benefit recipients are living too long; and (4) too many secondary social objectives have been added to the original goal of the program. In summary, the government will soon be paying out more in benefits than it is receiving in payroll taxes. We are now at the crisis stage since we have already reduced the trust fund reserves and borrowed from the medicare and disability insurance trust funds.

When FDR signed the original act, the objective was "to give some measure of protection to the average citizen and his family . . . against poverty ridden old age." Note it said "some" not "total" protection. It was always intended as a partial payment—a foundation for retirement planning. The individual and his family were expected to provide some self-help.

We have already examined how increased longevity has burdened the financial solvency of the system. Life expectancy today at birth is 73 years; in 1930 it was 60 years; yet all during that period the social security retirement age has been held at 65!

Increasingly, beneficiaries are receiving a large component of welfare-type assistance and not strictly pension-type payments.

The problem could be stated in terms of inadequate level of payroll taxes. However, a greater number of people now pay more in Social Security tax than they do in income taxes. In 1970, the maximum Social Security tax was $374; in 1982, $2,170; and in 1990 it will be $4,600. In 1968, the taxpayers in California "revolted" against rapidly increasing property taxes. It does not require much stretch of the imagination to foresee a youth revolt against oppressive social security payroll taxes.

Another way of looking at the problem is that benefits are too high. There is no doubt that this is true—when the total cost of benefits are viewed in relation to the amount of taxes levied. For the first 30 years, the benefit payments were set at a level of one-third of the average workers' final year of salary. Because of a series of mistakes during the past decade, this "wage replacement ratio" has now soared to 56 percent. In fact, today many retirees receive more in retirement than they did in salary during the year before they retired.

Let me summarize the problem of social security as seen from a current male retiree in Boca Raton, Florida: (a) From 1940 to 1971, he paid total social security taxes of $2,654; (b) after retirement, the first year's benefits received by him and his wife were $4,322; (c) because of cost-of-living increases, his benefits this year will total $9,336. In the ten years since he retired, this man has received over $67,000. This is not an atypical example, and there is no way the system can continue to take in $2,654 and pay out $67,000.

Let's look at another example. Take the case of a wage earner who paid the maximum in payroll taxes since the system first began collecting in 1937. If that person retired at age 65 at the end of 1981, he would have paid $14,700 into the system. That is the absolute most anyone could have put in during that period. Now comes the problem: that person would get back every penny of the $14,700 in about 19 months. If he or she had a spouse who had never worked, the payback would be completed within 13 months.

As for the future and tomorrow's worker, you students will be interested in these statistics. An average worker, starting out today as a 20-year-old, and paying only the average tax over a lifetime, will probably pay more than $335,000 into the system. You can be assured that the bargain days of social security are past. You will never receive the terrific payback ratios received by the early recipients. Whether you will even get back all that you have put in depends on the current debate.

I am advising my children and I would recommend that you plan to supplement your social security with a private pension and personal savings to the greatest extent possible. This is only prudent. As I stated before, social security was never intended to be a complete retirement program.

I know you have many better things to do than worry about how you will support yourself in retirement, but I would urge you to get involved in the current bail out of the social security system. We desperately need the input of the future generation, because current senior citizens and adult taypayers have been acting in a very irresponsible manner at your expense. Senior citizens through lobbying organizations such as the American Association of Retired Persons, the National Association of Retired Teachers, the National Association of Retired Federal Employees, etc., are pressuring our representatives for more, more and more of practically everthing these days. They are passing the bill for all of this to you because they are not taxing themselves sufficiently to pay for all of these demands.

I have been accused by my fellow senior citizens for being insensitive to the requirements of the needy poor. That is not true—we should be compassionate to the needs of the poor. However, that's no excuse to abandon reason or the principle of individual responsibility.

Too many government programs serve to collect from Peter to pay Paul without regard to need or personal responsibility. The result is big government and a bloated bureaucracy.

There are so many remedies to correct the social security program that it's difficult to know where to begin. A bi-partisan Social Security Reform Commission has studied the problem for months to find a solution. I'm afraid they were not statesmanlike enough because their proposals are short-term palliatives at best.

As expected, they took the easy way out. Once given, it is very difficult to reduce benefits. Of their $169 billion rescue program, only $40 billion in savings are in the form of reduced benefits—they actually only slowed down benefit increases. Most of the remaining $129 billion shortfall would come from tax increases.

For the first time, $40 billion would support the program from general tax revenues. Many (myself included) fear that once this dike is breached there will be no end to dipping into this ocean. Scheduled increased taxes will be accelerated to bring in $40 billion.

The reform also includes taxing benefits for the first time. One half of social security payments would be taxed: if an individual has other income of $20,000 a year or $25,000 for a married couple. This means test addition moves the system even further away from an insurance concept toward just another welfare-type program.

The recommendation to include federal employees in the social security system and to stop the withdrawal by state and local government and non-profit organization employees is a sound one. These are usually high paid employees who should pay their fair share of the ever-increasing welfare component of the program.

However, all federal employees should have been phased in and not just the new employees. The fact that some groups are opting out of the system is irrefutable evidence that other private pensions schemes are now a better retirement planning alternative.

This story is not over because Congress has yet to act on the reform proposals. You can be certain that the senior citizen lobby will be active and probably successful. That means that benefits will not be cut in any significant way. It seems likely that taxes will be increased and that the residual deficit will be made up by tapping general revenues.

My proposals to rescue the system would include gradually increasing the retirement age to 68 and entirely eliminating early retirement at reduced benefits. I would also completely remove all of the other welfare type of goals from the program such as disability and medical care. I also would require that everyone be included in this system. I would keep the program as an actuarially sound system.

The important point I want to make, however, is that the political power of senior citizens will continue to grow, that you need to be aware of this, and that we need to hear from you in the politicial process. If the selfish "Grey Panthers" are allowed to go unchecked or if they do not exhibit some self-restraint, the proportion of our national resources devoted to government will continue to grow. Despite the best efforts of President Reagan, the share of the Gross National Product eaten up by the federal bureaucracy has already grown from 21 percent to about 23 percent. Another danger is that public social spending will expand so much that it will "crowd out" the resources we need for defense purposes.

The senior citizens will listen to you. All you need to do is speak out. There isn't anything that they wouldn't do for their children. You need to point out to them the damage they have done and are doing to the younger generation through runaway government deficit spending.●

VETERANS' ADMINISTRATION MEDICAL CARE

● Mr. MITCHELL. Mr. President, I call the attention of my colleagues to recent testimony by John F. Sommer, Jr., deputy director, National Veterans Affairs and Rehabilitation Commission of the American Legion. Mr. Sommer's testimony was given before the House Veterans' Affairs Committee's Subcommittee on Hospitals and Health Care on March 16, 1983.

The subject of Mr. Sommer's testimony was the Veterans' Administration medical construction program for fiscal year 1984 and related matters. The construction program portion of the VA's fiscal year 1984 budget is $868 million.

As a member of the Veterans' Affairs Committee, I was especially interested in Mr. Sommer's remarks concerning the need to expedite the development and completion of VA construction projects.

Mr. Sommer's testimony has great importance to the veterans of this country. I ask that his testimony be printed in the RECORD.

STATEMENT OF JOHN F. SOMMER, JR., DEPUTY DIRECTOR, NATIONAL VETERANS AFFAIRS AND REHABILITATION COMMISSION, THE AMERICAN LEGION

Mr. Chairman and Members of the Subcommittee, the American Legion is appreciative of this opportunity to present its views on the Veterans Administration medical construction program for fiscal year 1984, and related matters.

It must be said that the American Legion is gratified for the manner in which the Administration has responded to the ongoing need for renovation and replacement of facilities within the VA medical care system in its fiscal year 1984 Budget proposal, by recommending an increase of $319 million in

the construction programs for a total of $868 million. Most of this is allocated to the medical care program.

Mr. Chairman, we are extremely pleased to see that $254 million of the budgeted construction funds are earmarked for the Minneapolis replacement hospital, as originally proposed, with 725 acute care and 120 nursing home care beds. The American Legion has continually espoused the urgency of this badly needed and long overdue project, and we look forward to its progression.

The Veterans Administration Facility Planning and Construction Committee has completed its study and revalidation process of the major construction projects for fiscal year 1984, and for the most part, as we expected, it was determined that there is ample justification for the projects, although further development was required in some cases.

As you are aware Mr. Chairman, in response to the revalidation initiative, The American Legion provided VA with information relating to construction needs at the identified projects that was extracted from the site visit reports of our Field Representatives, updated where necessary, and developed into exhibits for each of the projects. This Subcommittee was provided copies of the reports. The information indicated that in nearly every single instance, the projects were reflective of the actual needs within the VA medical care system.

An area of the VA medical construction program that concerns The American Legion is the amount of time between the conception of a project, once the need has been determined, and the completion of construction. It is apparent to us that there is a definite need for steps to be taken to abbreviate the construction planning timetable.

In reviewing the fiscal year 1984 Budget proposal, it was noted that for the first time, authorization was requested to expend appropriated funds to accomplish working drawing designs on five projects which are to be given high priority consideration for the Administration's fiscal year 1985 Budget proposal. By preparing the working drawings during fiscal year 1984, it is acknowledged that construction on the five projects can begin early in 1985, provided they are approved and funds are appropriated. To The American Legion this is a sensible approach to shortening the time span.

In addition, the General Accounting Office report entitled "Opportunity to Reduce the Cost of Building VA Medical Facilities", that was prepared at the request of this Subcommittee, pointed out that an extension of the Advanced Planning Fund to allow VA to contract for final designs while Congress reviews the projects could reduce overall costs. GAO stated that the time it takes to complete medical facility construction projects could be reduced by up to 15 months by extending the fund, which would necessitate Congressional action to amend VA's construction authority under 38 USC 5001.

The ability to expedite the development and completion of VA construction projects by 15 months, in the Legion's thinking, would result in substantial cost savings when compared to the lengthy course of proceedings that the projects currently undergo, and we feel that such a concept is worthy of consideration, provided VA controls the number of change orders to the construction contracts. Modifications to contracts lead to slippage on completion time and result in increased construction costs.

The VA medical care system consisting of 172 hospitals and 225 outpatient clinics represents a multi-billion dollar capital investment of the Federal Government in the most comprehensive health care delivery program in existence in this country, and probably in the world. It is an aging and deteriorating system that includes hospitals built before World War II, and uses some buildings much older than that. These aging structures were not configured to adapt to the practice of modern medicine. Therefore there is an immediate and ongoing need for renovation and replacement of facilities within the VA system.

The Medical District Initiated Program Planning Project implemented by the Department of Medicine and Surgery has produced some initial findings as a result of each Medical District's reassessment of its current and future needs. More likely than not, judging from our review of available MEDIPP data, mission changes at some VA medical centers will lead to some changes in future facility construction plans. And The American Legion will be watching this situation closely, as a consumer advocate for the nation's veterans.

Mr. Chairman, as was stated at the outset, The American Legion is pleased with the much needed increase in the Medical Construction Program proposed in the Administration's fiscal year 1984 VA Budget request. We have been extremely concerned in past years when proposed construction funding has been reduced during budget negotiations in Congress.

The justification for each of the construction plans contained in the budget proposal has been substantially documented, and The American Legion urges full funding for each of these projects.

We again thank the Subcommittee for the opportunity to present our views on these important matters.●

KGB TACTICS TO INFLUENCE PUBLIC OPINION

● Mr. ARMSTRONG. Mr. President, on February 14, the German magazine Der Spiegel published a remarkable interview with a former KGB major, Stanislav Levchenko, whose job, prior to his defection to the West in 1979, was to infiltrate peace groups, political parties, and the news media in Japan to manipulate these groups and opinion leaders to take positions which benefit Soviet foreign policy goals. Mr. Levchenko sheds considerable light on the tactics the KGB uses to influence public opinion in the West. I urge all of my colleagues to read carefully what Mr. Levchenko has to say. I ask that the Congressional Research Service's translation of Mr. Levchenko's interview in Der Spiegel be printed at this point in the RECORD.

The translation follows:

INTERVIEW OF KGB DEFECTOR LEVCHENKO

(Interview with former KGB Major Stanislav Levchenko by Der Spiegel editors Heinz P. Lohfeldt and Fritjof Meyer in Washington, D.C.; date not given: "Andropov Is the Boss.")

Question. Moscow's Literaturnaya Gazeta recently reported that "Soviet citizen L" who suddenly disappeared in Tokyo in 1979 has just as suddenly reappeared in Washington to testify before the Permanent House Committee on Intelligence. Mr. Levchenko, are you the "Soviet citizen L" referred to in that article?

Answer. My name does start with an "L", that is correct. For another thing, I did in fact quit my job as a major in the KGB in Tokyo and did in fact recently testify before a Congressional committee. Nonetheless, they cannot have been referring to me.

Question. Why is that?

Answer. Because the Soviet citizen "L" referred to by the journal was characterized as a womanizer, a drunkard, a psychiatric case. That man is not identical with me.

Question. What did you do as a KGB agent in Tokyo?

Answer. I was a member of the so-called PR (politicheskaya razvedka) line. In other words, I belonged to political intelligence. My cover was that I was Tokyo correspondent of New Times.

Question. Did you use this cover to infiltrate the Japanese media and political parties?

Answer. Shortly after I arrived in February 1975, I took over a promising contact from my predecessor. He was a leading figure in the Japanese socialist party, the major opposition party. Later on, I ran a number of KGB agents in Japan and recruited new ones.

Question. How many agents were you in charge of?

Answer. By 1979, there were 10 agents and potential contacts I would secretly meet 20 to 25 times each month. Four of the agents were leading journalists who had contacts right up to the top of the Liberal Democratic Party or to top government officials.

Question. And these agents provided you with information?

Answer. That was one thing they did. They were also used for so-called active measures: they were supposed to infiltrate political parties and organizations and influence Japanese political life.

Question. To what end?

Answer. The goal was to prevent a broadening of Japanese relations with the United States or China and to promote closer ties with the Soviet Union.

Question. Why is it that you have waited until now to go public, Mr. Levchenko?

Answer. I had kept on hoping that I would get my wife and my son out of the Soviet Union. They had nothing to do with my decision to defect to the West. They are entirely innocent; but they are being persecuted by the Soviet authorities. Last year, however, I learned that I had been sentenced to death in absentia for treason.

Question. How long did you work for the KGB?

Answer. 9 years.

Question. During that time your boss was Yuri Andropov, the present CPSU general secretary. There are those who say that Andropov turned the KGB from a terrorist organization into a kind of public relations agency. And the PR line you just described is scarcely different from PR—public relations—in the Western sense.

Answer. I can only speak for KGB main department I which I belonged to and which is responsible for foreign intelligence operations. Other departments are responsible for secret police operations inside the Soviet Union. In fact, I did get into public relations—but not on behalf of some detergent but on behalf of a criminal political system.

Question. In other words, no more assassination attempts in foreign countries?

Answer. After all, department I also includes the "V" branch which is responsible for illegal activities.

Question. Where "V" stands for vypolnenie—execution?

Answer. Nobody ever explained to us what the ominous letter stands for. At any rate, the "V" branch is in the business of recruiting foreign nationals to commit sabotage, to perform executions and carry out special operations in case of a serious deterioration of the world situation. These agents wait for their signal; then they have to blow up a specific bridge or communications system. The country desks of department I had nothing to do with these things, however. The "V" branch has its own people and everything is kept extremely secret—even more so since the defection of Oleg Lyalin in London in 1971. He was a leading figure in the "V" branch.

Question. So there still is a division that deals with dirty tricks. But intelligence methods did change under Andropov, didn't they?

Answer. The KGB really has changed over the past 10 years. There were certain problems that changed quite drastically and the KGB adapted to the new situation, as it were. 20 years ago, after all, KGB officers in some Western movies looked like teddybears in weird clothes. But more recently, the KGB turned into a very professional organization.

Question. Then there is a new crop of KGB officers?

Answer. Almost all the officers can speak the language of the country to which they are posted. Recruitment of agents has also changed in certain ways. In times past, an attempt was made to take advantage of the so-called ideological base. Nowadays, they employ all sorts of methods: they buy people; they set political traps for them. The range of KGB activities, at any rate, is expanding appreciable.

Question. Is that only due to the new methods being employed?

Answer. One impetus for the expansion of KGB activities in Europe came from the Helsinki accords. You know, for the first time in history the free world had openly acknowledged, as it were, that this Soviet socialist system might be altogether democratic.

Question. In what ways did the KGB take advantage of that?

Answer. I myself was present when an official of the CPSU central committee gave a talk immediately after the accords were signed in 1975 in which he spoke of the whole agreement in a very cynical way. The KGB immediately took advantage of the relaxed atmosphere in Europe and of the relaxed way in which certain political groups and prominent figures began to act. Active Measures, particularly in Europe, were sharply intensified. Their effect can be seen in Europe; it was visible yesterday and is so today. There were two cases at least which became public knowledge. There was the Pathe case in France and the Petersen case in Denmark. Before they were found out, they were classical influence agents. But the ideal agent of course was someone like Guillaume in Bonn. He provided information and exercised political influence. It was one of the rare instances of an influence agent being arrested in the free world.

Question. But in the post-Helsinki era, the West was also able to exercise greater influence on East Europe as well.

Answer. That is true. But even before the Helsinki Final Act was signed—including the so-called human rights basket—the Soviet leadership had already decided on deception and on never opening a door to Western Europe to permit real exchange of information, of journalists, tourists and so on.

Question. But didn't the Soviets at least for a time * * *

Answer. * * * yes, they were a little more accommodating. That was purely for propaganda purposes. More accommodating meant permitting a greater number of Jews to leave the Soviet Union. That is a thing of the past. Then they said Western newspapers and magazines would be sold at Moscow newsstands but then they were only available in the hotels for foreigners. They never really intended opening any door in the Iron Curtain.

Question. How does the KGB actually mount campaigns and start movements in the West—leaving aside blank checks or bundles of banknotes?

Answer. The simplest thing for the Soviets to do is to have the European communist parties and pro-communist organizations work for them. That is the easiest way. They have been doing it for many, many years.

Question. But in countries like the FRG, for example, such groups are virtually nonexistent. In other countries, there are profound differences between them and Moscow.

Answer. I am speaking of the communist parties and of front organizations with innocuous-sounding names like "Young Women for Peace" or something like it. For that matter, most members of these front organizations do not even know that the organizations are affiliated with or being steered by the communist party. One of the jobs the CPSU central committee's international division has is to issue guidelines on how to influence the Western world and how to infiltrate it with the help of front organizations such as the WPC, the AAPSO, the WFTU, the WIDF and so on. All these front organizations are very busily working on the seduction of certain liberal, totally innocent persons who are dissatisfied with specific political or military policies of their governments. When these front organizations hold conferences they do not spend their time reading the works of Lenin or discussing how well Andropov dances the tango. What they do talk about is possible ways of resolving national issues, using as their point of departure positions which would be very advantageous to the Soviet Union and its policies vis-a-vis the NATO countries and the United States.

Question. But as soon as it becomes known that they are communist front organizations or that they have been infiltrated by Soviet agents, they tend to lose their influence, don't they?

Answer. That is why I mentioned it in the first place.

Question. What role does the KGB play in these organizations?

Answer. The KGB recruits people; it keeps an eye out for people who attend all sorts of meetings. There may be an interesting young German belonging to some organization no one has ever heard of and which may just be representative of a small group at some university. The KGB will try to get him to become an influence agent for them in Germany.

Question. What influence could someone like that really have?

Answer. One or two agents would be in a position to have an impact on the political platform, the public relations activities, the publications and a lot of other things connected with such organizations. Of course they would have nothing to do normally with communist countries or with communism as such. Politically, they could take any stand whatever; but they could organize a demonstration, for example. Of course it would be wrong to say that the Soviets are capable of getting 300,000 people to join in a demonstration. The goal is to exert an influence on public opinion and on specific members of parliament in the West.

Question. Do you really think that hundreds of thousands of demonstrators can be led by the nose by a handful of agents?

Answer. 99.99 percent of the members of these organizations are completely honorable, innocent people. Unfortunately, they do not see what third or fourth parties are indirectly influencing them.

Question. Mr. Levchenko, can you tell us how one becomes a KGB officer?

Answer. The personnel division of Department I employs a large number of advisers at many Soviet institutions of higher learning and universities—posing as heads of personnel for example—who keep an eye on the young people from the moment they enter the university. When the time comes to recruit certain students who appear to have the necessary qualifications, an interview is arranged and a serious conversation begins. If the person concerned is prepared to join the KGB, he undergoes a complete physical examination to make sure he is healthy enough to carry out the difficult assignment. Then there is a clearance procedure which takes 8 months during which time every potential candidate is investigated thoroughly.

Question. How does that work?

Answer. Department II, counter-intelligence inside the Soviet Union, surrounds him, as it were, with secret informers who regularly report on him. Some of them even are his own friends or fellow students. They go out to bars together, meet girls and so on and whatever is politically relevant is collected by the KGB. If the outcome is positive, the candidate is sent either to an intelligence school for one year or to a school of engineering for 3 years. That applies to candidates who do not know any foreign language and are slated to work for scientific and technological intelligence.

Question. Did you learn Japanese at Moscow University?

Answer. Yes. After my final examination, I worked for about a year at the fishery and oceanographic research institute. Then the CPSU international department showed an interest in me and offered me a job as secretary and interpreter for the Moscow correspondent of the part organ of the Japanese Communist Party. In this position, I was to help this journalist meet with Soviet citizens, to maintain connections between him and the international department, and at the same time to keep a check on his political views and report on everything he did.

Question. With whom did you deal in the international department?

Answer. With Mr. Romanov, a leading official, and with Mr. Kovalenko, who subsequently became a deputy chief of the international department.

Question. What did you think of Kovalenko?

Answer. He is one of those aggressive party functionaries whose opinions have not changed since the days of Stalin. He is a hardliner; but he is very energetic and very competent. He speaks excellent Japanese

and is without a doubt one of the Soviet Union's top experts in Japan. He is also a dangerous man.

Question. Did you ever meet Vadim Zagladin, first deputy chief of the department?

Answer. Who could say he had never met him? Zagladin is one of the two men who keep the shop running; one of the department's outstanding brains. His primary specialty is European affairs—active Soviet measures or overt Soviet propaganda campaigns in Europe. Such a man has to be damned intelligent because without his ideas or his agreement to certain ideas of other people or groups, the Soviets would not have achieved the successes they have had in Europe. The credit for this must go to Zagladin. Since he is younger than his superior, Boris Ponomarev, it is quite conceivable that he will succeed him some day.

Question. Is he a dove or a hawk?

Answer. Such labels do not mean very much. But you could certainly say that some of the leading functionaries are somewhat more moderate and flexible than he.

Question. How did your career proceed from then on?

Answer. In 1965—I was 24 years old at the time—I began writing my doctoral dissertation on "The History of the Japanese Peace Movement." Unfortunately, this coincided with the split of the huge Japanese peace movement into two larger and one smaller group. This played havoc with my outline and I was unable to complete my dissertation. At that time, the Soviet peace committee used me now and then as an interpreter whenever Japanese delegations visited the Soviet Union. I also accompanied Soviet groups to Japan on orders from the international department. There, I would meet with top functionaries of the peace movement and would get my instructions prior to each trip from the international department on the Old Square in Moscow.

Question. When did you get your instructions from the KGB?

Answer. For 7 years, I worked for the Soviet section of AAPSO and ultimately even became one of its spokesmen. But then, in 1971, the KGB approached me in a very circumspect manner and offered me a job. At that time, I was going through a crisis of conscience. I was deeply disappointed and kind of disgusted with everything that was going on in the Soviet Union. I felt a growing revulsion against socialism as such although I did not turn into an out-and-out dissident . . .

Question. Was the KGB aware of these feelings of yours?

Answer. I don't know—but they approached me at that very juncture and used a very skillful officer to do it. What he stressed was what a challenge this type of work was and whatever frustrations I felt I should simply forget them because the work would be very hard and I would have lots to do. It was a highly interesting and, I suppose, cynical conversation we had. At length, I said yes. I was given a year of training and ultimately got the job as New Times correspondent in Japan.

Question. Your colleagues—the New Times correspondents in the FRG—were they KGB officers, too?

Answer. I know Lev Besymenski who is back in the FRG now and Karen Karagesian only in passing. Besymenski is a highly intelligent man. He speaks German very well and knows Germany well; he is a historian. He is primarily doing work for the international department.

Question. Not for the KGB?

Answer. He no doubt maintains contact with the KGB. Most of these people work as KGB informants as well; but in the main, he works for the international department. People like Besymenski who are talented and experienced—he must be about 60 by now; he is no youngster any more—can exert quite a bit of political influence in the country in which they are stationed. And he does.

Question. Is that the main job a KGB officer is called on to do in a foreign country: to exert political influence? Or is he expected to recruit agents?

Answer. Recruit and collect secret information about the plans of foreign governments. Conduct political operations—but covert operations with the help of agents. In order to exert influence, one must not only recruit people but also disseminate this or that type of information and launch this or that type of operation.

Question. Suppose for a moment you were going to recruit us. How would you go about it?

Answer. Everyone knows that you are peace lovers * * *

Question. * * * and constant supporters of friendly relations with the Soviet Union—though by no means communists.

Answer. Under normal conditions, I would not just become aware of you by chance. I would contact you because the KGB already had specific information on you—that you are experts on the ruling party or the opposition and that you have good personal relations with one or several major personalities in these parties. That in itself would be interesting. Then I would do my homework. I would read your articles and call your office to say I want to talk to you about some problem that I cannot work out by myself. I would say I don't know whether I have this right; I am writing an article just now and couldn't you and I meet as colleagues to talk it over. Don't forget that I am posing as a journalist.

Question. All right. Then let's say we meet.

Answer. I come very well prepared. You probably will not like me but you will admit that this fellow knows what he is talking about. In this way, I have sown the first seed for something like respect in the sense of your thinking 'he is not such a dumb Russian after all.' The grapevine has it that they are all dumb and can only spout their propaganda line. But this one really knows what's what. At the same time, you will get the impression that I consider you of greater importance than myself; that I need your help because I value you as top specialists and so on. That then is the beginning of a relationship.

Question. And then we get turned around?

Answer. That does not mean we will recruit you the very next day. We may meet 50 or 60 times, perhaps even 150 times and I will take it step by step working on you very carefully and gently. I will ask innocuous questions about your career, about your financial condition. I will find out whether you are satisfied with your job or not; what your views are; what plans you have for the future. Everything. Then I will try to get you to become my friend so that you will need me in certain ways.

Question. We often go out together to eat at a good restaurant * * *

Answer. * * * with lots of drinks and girls and so on, yes. 2 or 3 months after that I will probably say 'you know, I have a very influential friend in the international department. He is a man who has access to the Polituro. You know that Soviet-German relations are very important for both countries.' Then I will tell you that we must work hard so that the hawks and doves theory is proven correct and the doves get the right idea about your country. I need your advice about what goes on inside the ruling party; I need to get an objective picture. You will go along with that once or twice and then I will say to you 'you know, I have been given a bit of money. I would like to defray your costs * * *'

Question. * * * for the time spent?

Answer. Yes. It is a lengthy process that sometimes takes 3, 4 or 5 years. That is why many of the agents recruited in foreign countries become so deeply involved. When they were recruited openly they were well aware of the espionage aspect of things depending on the type of agents concerned. But some of the Soviet agents do not even know that they are in fact Soviet agents.

Question. You are talking about those who feel they have only done you a personal favor and that your newspaper provides you with a large enough expense account to let you compensate them for their time.

Answer. Exactly. And that is why I now feel morally obligated to call people's attention to the fact that many Soviet agents are not even aware of their working for the KGB. But the KGB still keeps a file on them and the KGB pays them. Many would be quite stunned, if they realized 'now wait a minute, I was recruited by the KGB.' But if they merely feel they are helping to provide the Soviet Union with a view of international affairs, that takes a load off their minds. But in the final analysis, it comes down to the same thing.

Question. As a KGB major, did you have any contact with army general Andropov, the head of the entire organization?

Answer. I had no personal or official contact with him because the office of the KGB first main administration is located some distance from headquarters * * *

Question. * * * From the Lubyanka Prison in the heart of Moscow where Andropov was working at the time.

Answer. Our new building is located outside Moscow, some 30 kilometers from the center of the city, close to Teplyi Stan.

Question. But in any event, you worked under Andropov . . .

Answer. While I was working for the KGB, Andropov more or less tried to remain in the background. In other words, the approximately 200,000 KGB officers and soldiers knew that he existed but that they could not get close to him.

Question. A gray eminence?

Answer. Exactly. The people you normally saw at conferences, staff meetings or on similar occasions were either his deputies or the heads of the individual services or departments. He rarely ventured out to see his people personally. He is clearly a very cautious man. He was cautious then and he certainly was cautious during his final months as KGB chief. Since he was obviously in line to replace Brezhnev, he had to be careful in every respect. This cautious man also played a major role in the balance of power within the Politburo.

Question. What kind of a person is he?

Answer. He did not want people to make out whether he was particularly tough or not. He would leave it to his deputies to do what was necessary. They signed the orders and did everything to make life difficult for the officers. He himself did not bother with any of that. So you cannot really say he was particularly well liked by the officers or he

was not; he stayed in the background. At the same time, however, he was very interested in international issues, particularly regarding active measures. Almost every KGB resident in the larger countries was normally received personally by Andropov before going out on assignment for a 1½-hour interview. But there were a number of fairly high-ranking officers in the first main administration who did not think that Andropov really was an expert—despite his interest in foreign affairs. He simply tried to show an interest, that is all.

Question. How did he run the KGB—with a firm hand or in a more relaxed fashion?

Answer. He instituted some procedures to improve the flow of intelligence material from foreign KGB residents to headquarters and the Politburo and to cut down on the bureaucracy. In many instances, he was undoubtedly involved personally in the planning of large-scale measures abroad. There is no doubt about the fact that he has a special liking for things like that.

Question. Do reports from foreign KGB residents reflect the facts? Are they objective or slanted?

Answer. The KGB receives more or less reliable information on the more important countries. That is why I can never agree with certain Western experts who say that 'the Soviets simply do not understand how our political system works.' They have a very clear understanding of it. Otherwise, they would not be in a position to manipulate entire political groupings as they sometimes do.

Question. If that is so, Andropov should be getting a rather reliable picture of the West. But under those circumstances, is it still possible for him to believe in the final victory of socialism?

Answer. The drama or the tragedy—whichever you prefer—played out by some Soviet leaders is that one sometimes tend to believe certain things, if one is involved in churning out propaganda throughout one's life. The Soviet Union is an expansionist state and whatever happens; whatever news they read, they read only from the point of view of how they can bring their influence to bear on other areas or maintain their own position, if it ever became insecure some day. They read everything mainly from this point of view.

Question. In other words, they get the right information but it is not evaluated objectively?

Answer. They do not use this correct information to educate themselves but to detect weak points.

Question. That applies to the top functionaries. But what about the hundreds of KGB officers stationed throughout the world? They can see the real world just as you did, Mr. Levchenko. They can experience the real world in the FRG, here in the United States or wherever else they operate. Nonetheless, only a very few are prepared to make the move you made.

Answer. Most of them still are party fanatics. At least they think they are on the right side and are doing the right thing. They are very cultured individuals with really good manners; they are well dressed and sometimes extremely cautious. But it has become a part of them. That is the way they have been programmed.

Question. Are most of them nationalists rather than socialists?

Answer. Exactly. In addition to that, there is a group of cynics who do not believe in anything. If you are an intelligence officer in the first main department of the KGB, you are a member of the elite. Your pay is what it should be; you can travel abroad and so on. A very small minority really has any doubts about what they are doing. But 99 percent of that tiny minority are probably incapable of doing what I did. I certainly am not a hero but the penalties are very severe and everyone knows it. The automatic penalty for desertion is death. Family members are persecuted. The KGB reacts very viciously; it tries to take revenge. The people therefore are afraid—physicaly so.

Question. You yourself left your family behind * * *

Answer. My wife was interrogated twice a week for 3 years, at Lubyanka Prison and elsewhere. They wanted to force her to cooperate and declare that I was an evil person. She steadfastly refused. I have been told that she was beaten up by a gang of people on her way home about 3 months ago. She had to go to the hospital for 5 days. Without a doubt the KGB was behind it. Now they have started to do her physical harm—and that is not all. They have also tried to make my son toe the line.

Question. How old is he?

Answer. 18. In school, he was asked to write compositions about people who leave their homeland and things like that. He refused and was forced to change schools. One of the more ridiculous things is that article in Literaturnaya Gazeta which says that Mr. L fell victim to an injection with a poisonous substance by the CIA.

Question. Can you detect any signs pointing to a turnaround in the Soviet Union; a return to the Stalin era?

Answer. Of course they cannot really return to Stalinism; that is impossible. But Andropov has adopted a tough line inside the country. Toward the outside, he is laying stress on good publicity. You already know that he likes to drink whisky and to dance the tango. He certainly is a very cultured man. But inside the country he is very much a hardliner. He has initiated this crusade against corruption and in the Politburo, the top party directorate, he is slowly assembling his former KGB friends. To start with, he brought in his former KGB colleague Aliyev. Things like that were not done even in Stalin's time; this is a first in Soviet history.

Question. And what does these people's program look like?

Answer. Ideological controls are getting even stricter; the number of permits for travel abroad is being reduced; organized dissidents are either in jail or are sent off into exile. I can see very clearly the game he is playing. He is taking advantage of the fact that many Soviet citizens are simply tired of living the way they do; of the shortage of consumer goods they would like to buy and of foodstuffs; of total corruption; of cynicism. And when times are bad, a large number of people in the Soviet Union unfortunately start pining for a boss figure, a master of the house.[1] They look for a new Tsar, a strongman who will really do something for them.

Question. Do you think Andropov himself will be that strongman?

Answer. He is taking advantage of the trend. Without a doubt, he is the strongman now because whatever happens in the Soviet Union these days—even the Soviet peasant who can hardly read or write knows that it is the master of the house who is responsible for it and that his name is Andropov.

Question. Do you believe that the Soviet Union will try to carry out the death sentence on you?

Answer. Certainly. Perhaps they will try. We all have to die some day. But in practical terms, it would be a very complicated business because they cannot simply gun people down on the street in Boston or in Washington. But they do have their killers; department "V" is as active as ever. Most of the time, they try to do the job in a much less obvious way—by administering poison or by using * * *

Question. * * * an umbrella?

Answer. An umbrella from Bulgaria.[2] Maybe they will try that; quite possibly.

Question. Would department "V" also try to kill the Pope on Andropov's orders?

Answer. Let me put it this way. If we assume that the Italian government comes up with evidence that Bulgarians were immediately involved in the assassination attempt, then one could deduct from that the Soviets were immediately involved.

Question. As an expert, you do not think the Bulgarians would do it on their own?

Answer. No. Bulgaria is far too small to get involved in wild schemes like that.

Mr. Levchenko, we want to thank you for this interview.●

[1] Nickname given to Stalin.

[2] In 1978, A Bulgarian agent killed a Bulgarian immigrant in London with the aid of a specially prepared umbrella equipped to fire a tiny metal pellet containing poison.

CONGRESSMAN RON PAUL: A LEADING GOLD STANDARD ADVOCATE

● Mr. HELMS. Mr. President, in its March/April issue, the periodical, Mother Earth News published a thought-provoking interview with Representative RON PAUL of Houston. The subject of the interview was gold, and Dr. PAUL is the House of Representatives leading advocate of a gold coin standard.

Most recently he authored "The Case for Gold" and "Ten Myths About Paper Money." Congressman PAUL also served with distinction last year on the U.S. Gold Commission. He was one of the few members of that Commission who understood the importance of a gold standard.

The Commission recommended that Treasury issue a new American gold coin, and Congressman PAUL and I have introduced legislation to implement that proposal. The remedy that Dr. PAUL prescribes for our economic ills—and one in which I heartily concur—is the adoption of the gold standard. Only such a monetary reform will end the political manipulation of our monetary system, and allow rapid and sustained economic growth to occur once again. I urge my colleagues to read this interview carefully.

Mr. President, I ask that the interview and the accompanying introduction be printed in the RECORD at the conclusion of my remarks.

The material follows:

GOLD: THE MONEY OF THE PEOPLE

[Interview with Representative Ron Paul]

(As this issue of the Mother Earth News approaches deadline, over 12 million men and women in the United States are unemployed, and our cities are filled with thousands of homeless, hungry people. As of the end of 1982, production had dropped for 17 months in a row, the longest consecutive fall since the Great Depression. And our national debt has exceeded $1 trillion. Furthermore, such tragedies are compounded by the fact that eastern-bloc Communist and Third World nations owe over $850 billion on loans . . . which, if not repaid, could cause some of our nation's biggest banks—and perhaps even the international banking system itself—to collapse. And all this is happening in a country that just a short time ago had the world's highest living standard and its strongest economy.

(The blame for this disastrous state of affairs has been laid at many doors: OPEC, the World Bank, Japanese imports, high interest rates, Reaganomics, and so on. But Ron Paul—a gentleman who has served in the House of Representatives in the 94th, 96th, 97th, and now the 98th Congress and is also a member of the House Banking Committee—thinks that these "causes" are all just symptoms of a much greater evil, and he's been predicting our present economic chaos for years. Unlike most doomsayers, however, Paul claims to have a solution to our fiscal woes.

(Recently, staffer Sara Pacher went to Washington, D.C. to talk to the Congressman, a gracious and articulate doctor who studied internal medicine at Detroit's Henry Ford Hospital, and obstetrics and gynecology at the University of Pittsburgh . . . served as a flight surgeon in the U.S. Air Force . . . and has a private medical practice in Lake Jackson, Texas, where he lives with his wife Carol and their five children.

(After spending a few hours with this advocate of individual freedom and sound currency, Sara concluded that it's probably no coincidence that "In God We Trust" first appeared on American money in 1864, at the end of the Civil War . . . which was another period in our history when the government tried to pass off worthless "greenbacks" as valuable currency.)

PLOWBOY. Most Americans are aware—many because the truth has touched their very lives—that our economy is facing its worst crisis in 50 years. Just how did we manage to get *into* such a mess?

PAUL. Well, in some ways, the story is a complicated one, but a major factor in our economic downfall—if not the *most* influential—has been the deliberate destruction of our money. You simply cannot have a healthy economy without a sound currency. Consider, if you will, how difficult it would be to build a house if your yardstick were to change its length each day: Can you imagine what kind of structure would result if a carpenter used a "standard" measure that was 16" one day, 32" the next, then 56", then 43"? And that's essentially what we're trying to do . . . run an economy using a value measurement that continually fluctuates.

In the 1784 debate concerning the handling of our country's currency, Thomas Jefferson said, "If we determine that a dollar shall be our unit, we must then say with precision what a dollar is." But now, just like that poor carpenter with a changing yardstick, we don't know from day to day what a dollar will be worth. And this lack of knowledge keeps us from projecting realistic economic calculations. You have to have a unit of measure if you're to make such calculations, and we've destroyed the necessary system of measurement: *our money.*

PLOWBOY. And you believe the solution is to back our currency with gold?

PAUL. It's very clear—at least to those of us who advocate hard money—that if you have something *real,* such as an ounce of gold, it remains the same from day to day . . . year to year . . . century to century. As we've seen—particularly in the past few years—gold's value in terms of the dollar fluctuates, but that's the *dollar* fluctuating, rather than the gold itself.

Karl Marx, in his 1848 *Communist Manifesto,* urged the "centralization of credit in the hands of the state, by means of a national bank with state capital and an exclusive monopoly". Sixty-five years later, the United States *followed* his advice and passed the Federal Reserve Act of 1913, which made possible the massive inflation necessary to finance our entrance into World War I.

Since 1913, we've gone on to destroy our money . . . to the point that in 1971—when Nixon "closed the gold window"—we totally separated the dollar from gold. And ever since then we've had very, very chaotic conditions . . . marked by a tripling of the money supply and a deterioration of the economy.

PLOWBOY. When Nixon took that step—that is, made it impossible for *anyone* to cash in U.S. dollars for gold—a number of people predicted just such an outcome. So why *was* the gold window closed? Were we bankrupt?

PAUL. In effect, yes . . . but it wasn't quite the same thing as, say, Mexico's going bankrupt today. You see, in 1944 the U.S. attended an international conference and helped draw up the Bretton Woods Agreement. We said, "We're rich. We have 745 million ounces of gold. We're so rich, in fact, and we have so much gold backing our dollar, that there's no way we could *ever* print too much money. Therefore, our dollar is as good as gold. From now on, just trust us. The metal is here, but it's old-fashioned to swap it back and forth."

That agreement, of course, allowed U.S. politicians to print unlimited supplies of paper money. In fact, they did just that for years . . . in order to finance such things as the Great Society and the Vietnam War. Finally, though—in 1971—other countries called our bluff and started cashing in their dollars . . . to the point that our gold supplies dropped to 263 million ounces. It was then that we had to renege on our promises. When Nixon closed the gold window, it was an admission that the 1944 Bretton Woods Agreement was dead, and that the gold standard was dead . . . and at that point the dollar took one more step toward its final destruction.

Still, we weren't bankrupt then in the same sense that Mexico is today . . . but that's coming. That last stage—when you have *no* redeemability of money—is the result of a total loss of trust. During one weekend last year, everyone lost trust in the Mexican peso and dumped it.

Back in 1979, though, as we moved into an age of runaway inflation, the United States did come close to experiencing what has happened in Mexico . . . that is, the rampant dumping of currency. That's why our government had to change the rules, and cut back on the money supply and raise interest rates to save the dollar. Although we do have some remaining public trust in our currency, I claim it's a false trust, and I'm afraid it won't last. Sure, the government says it'll protect your money, and a lot of people don't really understand what's been happening, so the system still works. But in a moral sense, at least, 1971 was the year we completely destroyed our currency.

In summary, then, the dollar still functions in the economic sense . . . but it may be that some weekend, some day in this decade, the world will finally reject our worthless paper and dump it. Then you could see gold go up to $5,000 an ounce in a very short time and silver to $100 to $200, and total chaos would follow. It'd be a real calamity, even worse than Mexico's crisis. There, you see, we were able to go in and bail that country out, because—in terms of pesos—our dollar was still strong and could be used to prop up the Mexican currency. But if the dollar fails, no one else will be able to do that for us.

PLOWBOY. I've heard that, under the Monetary Control Act of 1980, our government can actually use such currency bailouts to back our own money. Maybe you could explain how that law works.

PAUL. OK. The Monetary Control Act was the most significant change in the Federal Reserve System since 1913. It allowed reserve requirements to drop to zero, if desired . . . which means that a massive expansion of money became possible. It also put 15,000 institutions (instead of 3,000) under the Federal Reserve System . . . which, in effect, lets them go to the discount window and borrow from the government in case of emergencies. And most important, it permitted the Federal Reserve to use foreign bonds as backing for our own currency. And where does the Fed get these bonds? Well, believe it or not, it usually creates Federal Reserve notes out of thin air . . . exchanges them for foreign currencies . . . buys the bonds . . . puts them in the bank and calls them assets . . . and then prints more Federal Reserve notes that are "backed" by those deposits!

The Fed used to give me information on all that, and I'd keep tabs on what it was doing. But after the Mexico crisis, the agency's people quit answering my questions. Finally, they did admit that we've purchased Mexican pesos with dollars, and—under the law—we can monetize those . . . that is, use them as backing for our currency. So there we sit, talking about backing our money with gold . . . while the Fed backs our currency with next-to-worthless Mexican pesos! It's actually able to do that!

PLOWBOY. I'm sure the Monetary Control Act hasn't alleviated any international anxiety.

PAUL. No, there's a growing worldwide loss of confidence in the international banking system. In fact, Secretary of the Treasury Regan has been talking about getting together with all the larger countries to try to come up with a new Bretton Woods-type agreement. And when officials start talking about convening international conferences, you know darn well they're a little scared. They're also afraid to tell *you* the truth . . . but there are already signs of concern among the public, despite the fact that much is being kept from them. We've seen gold and silver prices jumping up again . . . and who knows what tomorrow will bring? I have to hope the "tricks" that the government is using will work for a little while . . . mainly to give us more time. But even if the current reinflation seems to improve our economy, we shouldn't be deceived . . . be-

cause it will be only a *temporary* solution. Let's say interest rates and unemployment go down in 1983. It's all going to be the result of deception, and will have occurred because we've inflated the money supply some more.

PLOWBOY. But we *have* seen the dollar strengthen on the world market over the last two years.

PAUL. Yes, that was a result of the 1979 scare, when we cut back on the money supply and caused the highest real rates of interest seen in the last 2,000 years. The government, you see, tried to control the crisis by introducing the concept of *monetarism.* This is the view that the federal government should manage the nation's money system and supply by limiting the increase in the number of dollars printed each year to between 3% and 5%. But that's been a complete failure, and the administration has now totally rejected those limits. Last August, it switched tactics and went back to the old method of trying to get out of trouble by printing more and more greenbacks.

The plain truth is that the only thing that creates real wealth is hard work and effort. You can't create wealth by printing money. After all, if you want a house, you have to build it, and if you want something to eat, you have to raise crops . . . or at least you have to produce something you can exchange for those things. Right now, though, the U.S. government requires Americans to accept paper money—cash without any intrinsic value—in payment for real work and real products.

PLOWBOY. So each time the Federal Reserve increases the money supply, it actually lowers the value of the dollars in our pockets and savings accounts.

PAUL. That's right. I've likened it to diluting milk with water, and it might not be an accident that I use that analogy, since I was raised on a dairy farm. As we brought milk in from all the different farmers, you see, we'd run across somebody once in a while who'd try to rob us by diluting the milk with 5% to 10% water.

And I think that can be compared to what's been done to our money . . . the moral nature of both actions is the same. If a farmer tries to steal by diluting milk, that person is a thief. And if you have a savings account, and a politician up here in Washington, in order to stay in office, votes for programs with no means to finance them other than printing up more money, that person—by lowering the value of the money you've saved—is stealing from you.

Of course, a lot of politicians who do such things don't quite understand the nature of money, but the outcome is just as bad, regardless of whether the act results from ignorance or evil intent. Most public servants, in fact, avoid thinking too seriously about the whole question, because it's very nice for them to have the tool of inflation to use in paying for the programs that keep them in office.

But, I guess, as despicable as debasing the currency is (and I honestly feel it's the most immoral action a government can take, short of deliberate warfare), I would at least concede that many who participate are not doing harm intentionally. There are economists who actually think they can control the economy, and some people see inflation as a legitimate means of helping the poor . . . what they don't see are the long-term consequences. But such actions are still immoral, even though there might be various motives among those who are responsible for them.

PLOWBOY. You say that politicians vote for inflationary programs in order to be reelected. Yet you fight such programs—in fact, the National Taxpayers Union named you "The Taxpayers' Best Friend in Congress" for your work in cutting taxes and spending—and you seem to have no trouble being reelected.

PAUL. True, and that shocks a lot of people. My colleagues can't believe it! Many of them worry about future elections on a day-to-day basis, and fight and struggle to keep their seats. Such individuals can't see where I have a constituency, yet my opponent actually dropped out in the middle of the last election.

PLOWBOY. Since you endorse the gold standard, aren't you automatically labeled as a right-wing conservative?

PAUL. By some people, maybe, but that's not totally accurate. It's true that many of our votes up here are economic market votes, and I vote for the free market, which puts me on the conservative side of the question. However, I consider myself a classical liberal—that is, a Jefferson type, and Andrew Jackson—who is not in favor of any special interest. I'm here to stand up for our freedom and to protect our individual liberties . . . and that platform is about as liberal as you can get.

And certainly, I don't keep any *secrets* about how I vote. I oppose boondoggles and advocate the gold standard. Everybody in my district knows exactly where I stand on spending, social issues, military issues, welfare for business, and gold. So I think the American people—at least those in my constituency—are a little more attuned to what's happening than some politicians realize.

PLOWBOY. But politicians, obviously, aren't the only ones who benefit from inflated money.

PAUL. No, *anyone* who's on the receiving end benefits, whether he or she is an industrialist who gets a military contract or someone on welfare who can and won't work . . . because both such individuals are recipients of this inflated currency. It's the person still working for a living, or saving for his or her retirement, who's getting robbed. These people are already being taxed . . . but the government can't tax without limits, because there's a point where people usually rebel. So the politicians and the special interest groups resort to this very, very convenient tool of inflation to take a little *more* from the pockets of working Americans.

And it's got to be tempting to use this tool, because—in the early stages, at least—the public can't quite see what's happening. People are being robbed, and they don't know it, because the ill effects aren't obvious right away. But in the long run, as more and more people become increasingly dependent upon receiving from the government, the monetary system will be destroyed. Those who are still producing will lose their incentive, and—toward the end—production will drop off rapidly.

You can compare an inflationary society to an alcoholic who needs that next drink in order to feel good. The new money makes everybody feel good at first. It may temporarily lower interest rates, for instance . . . but as soon as its effects wear off, the country will have to have another "shot" of inflation, or it'll begin to go through painful withdrawal symptoms. So there's absolutely no easy way to get out of the predicament we're in.

PLOWBOY. I've heard some economists say that we face an "inflate or die" situation, and they talk about needing an inflation rate of 25% or 30% to turn the economy around effectively.

PAUL. Yes . . . in each cycle you have to inflate more in order to convince people that there's enough money. In each cycle since World War II, the inflation rate, interest rates, and unemployment rates have been progressively higher. But who can say how much inflation we'll end up with? We might go into a sustained period of 30% or 40% inflation for several years. And we should never forget that Richard Nixon imposed price and wage controls in 1971 because the government was panicking at a 4.5%-per-annum rate of inflation. Now, we'd probably consider returning to that rate tantamount to reaching a state of nirvana, and ten years from now we can expect cheering in the media when the inflation rate falls below 50%. And our ever-worsening problems are all a result of our having printed too much paper money.

PLOWBOY. Psychologically, we're already living as though inflation is a fact of life. Yet as you've often pointed out, from 1833 to 1933 wholesale prices increased only nine-tenths of 1%, while since 1971 they've gone up 148%!

PAUL. Those figures should give you a very strong message. In fact, if I ever had to use just one chart to try to demonstrate to the American people the danger we face, I'd choose the one [accompanying this interview] that traces and parallels gold and the dollar. There were, as you'll notice, some separations and dips between the two in the past—such as during the Civil War—because we had an imperfect gold standard. But for the most part, the dollar and gold either stuck together or paralleled each other. They separated for a bit in 1933, when private ownership of gold was unconstitutionally prohibited. But our currency still had some connection with the metal . . . until 1971. And that's the point at which you see the dramatic change, because all of a sudden the purchasing value of gold went straight up, and the purchasing power of the dollar went straight down.

In fact, since 1971 we've been sailing uncharted economic waters, because this is the first time in 1,500 years that the world economy has had to function without a single nation operating on a gold standard. We're facing conditions that we've never experienced before. . . not since we've had our Constitution. Our present crisis is actually worse than the Civil War situation, and similar to the runaway inflation that hit this nation in colonial times. And it's all due to the fact that we're disobeying the constitutional law that nothing other than silver and gold can be legal tender. We're finally approaching the climax. We don't have to wonder whether or not a collapse will come, because economic law dictates that it *will* come. Between 1944 and 1971—when we said, "We'll honor the dollar, but we'll print all we want"—we defied economic law.

PLOWBOY. Aside from designating silver and gold as legal tender, didn't our Founding Fathers also pass a law stating that anyone who debased the currency could be put to death?

PAUL. Yes, and that piece of legislation is still on the books. It was a reflection of how strongly those men felt about the question of debasing money. You see, between 1781 and 1787—after we won our independence—we were loosely held together by the Articles of Confederation. . . and there was a depression, because all the different states had different money, and it was *all* paper

and *all* inflated. So two of the most important jobs for the Federal Constitutional Convention (the body that wrote our present Constitution) were to create sound money and to pass an interstate commerce clause. . . not to regulate commerce, but to *deregulate* it, so nobody could put up trade barriers between states. And in 1792, when our forefathers passed the first Coinage Act, they ruled that nobody be allowed to mess with the money by diluting the metal, upon penalty of death. . . and that law has never been repealed. Now, of course, we're more sophisticated about *methods* of debasing our currency: We have computers that can do it very rapidly!

PLOWBOY. Since the Constitution already seems to *require* hard money, why do you think we need to add an amendment in order to return to a gold standard?

PAUL. Well, even though the Constitution is very clear on the subject, the point has been abused, and we haven't lived up to that law. It needs to be restated in the form of a precise amendment so that nobody can confuse its meaning.

PLOWBOY. And you believe that the distruction of our money was deliberate?

PAUL: Yes, it *was* deliberate on the part of those who stood to benefit . . . even though they constitute a very small minority. There may be only 15 members of Congress who really know how the monetary system operates. But most of those who benefit from the inflationary policy understand it, as do many intellectuals. You see, there's considerable intellectual support for paper money. Some individuals look at the inflation of the money supply as a legitimate way to stimulate business. After all, if we "counterfeit" the money and throw it into circulation, nobody knows it's counterfeit. It looks as if it's stimulating things, because people are spending that money, and business picks up. But eventually people come to realize that the *value* of the currency drops as the supply increases.

And both conservatives and liberals are to blame for this state of affairs, although each group supports it for a different reason. The liberal needs to get rid of the sound dollar because he or she wants government to spend to do good for everybody. And a lot of basically well-motivated people think that this is a legitimate risk. They don't realize that in the long run they're going to destroy the poor people as well as the middle class.

On the other side, the conservative isn't really quite ready for pay-as-you-go building of the military machine that's needed to police the world. So you'll find both conservatives and liberals endorsing foreign aid programs, propping up banking institutions and Third World nations, and so on. Such individuals are all in favor of destroying sound money, because that action gives them the power to do what they *want* to do.

The men and women who will be the strongest supporters of the gold standard will be average Americans who are willing to work for a living and take the responsibility of caring for themselves. In fact, during the few times in our history when gold has become the key issue, it has been the ordinary workers who championed gold . . . not the industrialists, not the welfare people, not the bankers, not the government. It's always the average person who's willing to work and save who supports hard currency.

PLOWBOY. Isn't gold sometimes called "the people's money"?

PAUL. It is. And it will always win out when people understand the issues. Events are moving more quickly in that direction every day, too. In this decade, I'm convinced, gold will again be the great issue . . . just as soon as the American people realize that their friend is honest money, something the government can't merely print as needed.

PLOWBOY. Yet a lot of people still don't understand why we can't rely on paper.

PAUL. And I tell them paper currency will work—on a long-term basis—as soon as we can get people to cherish paper jewelry. People do cherish gold, and if something is cherished, it can serve as money. This isn't an idea that I, or a few economists, have concocted . . . history has demonstrated it over the centuries. The human being cherishes precious metals, and that's a fact of life. It's about as authentic a fact as that we need red corpuscles to carry oxygen in our blood. We need gold to circulate as money in an economy that requires money.

Now we can bring that about only if we have enough people in this country who will assume self-responsibility. If we want to live off the dole, we can't support gold. But with a gold standard, we wouldn't even have to have a balanced-budget amendment, because we can't print gold, and people will accept only so much taxation . . . so limited government and sound money go together.

Actually, the gold standard is related to a freedom philosophy, to the free market, and to honesty in government. Paper money is the weapon that's used by the people who want power . . . who want to be kingmakers and to control others, and who—in turn—are generally manipulated by special interest groups.

Economic controls, you see, are actually people controls, because as inflation gets worse, governments resort to such things as wage and price fixing to hide the effects. And I expect that before this crisis is over, wage/price controls will come in again, and the scapegoats will be the workers who are seeing their real spendable income diminish, and the honest business people who are trying the make a profit. Of course, such controls limit our freedom. That's the great threat. The loss of sound money really boils down to a loss of liberty. The overriding issue here is freedom.

PLOWBOY. In your book The Case for Gold, you documented a comparison of the last ten years with the decade from 1880 to 1890, when the dollar was strongly connected to gold. That pairing-off makes a very impressive case for hard money!

PAUL. I thought so, too. I kept looking at that gold/dollar chart I mentioned earlier and seeing how badly things have gone for us, economically, in these past ten years . . . and then comparing the last decade to the ten years following the 1880 resumption of the gold standard. As you may recall, because of the Civil War we were off gold from 1861 to 1879. Then we reestablished the standard, and in the following decade economic growth was up . . . production was up . . . production was up . . . employment was up . . . the number of new farms was up . . . and price levels were down.

Many people are under the impression that if we go to a gold standard, we'll befaced with years and years of chaos, and that we'll have a great depression . . . but that's not true. Naturally, there would have to be an adjustment period, but I believe we could see a revitalization of the economy within six months.

Unfortunately, I don't think government will revert to gold swiftly and cleanly under today's conditions, because not enough people endorse changing the whole role of the welfare state *or* the international role that allows us to protect other countries from themselves. So the government is likely to come up with a partial gold solution . . . and that's very dangerous, because it probably won't work, and it will discredit the whole idea of gold-backed currency.

However, if we supported our currency 100% with gold, limited the government, balanced our budget, and allowed the economy to operate freely . . . everything would be all right in a short period of time. At least that's the lesson history teaches.

PLOWBOY. But the 1880's were years of tremendous westward expansion, and we don't have that new territory to explore now.

PAUL. Geographically, no. But we have all the frontiers we need. Just look at computers! I think the frontier ahead of us is a thousandfold richer than it was in colonial times or in the nineteenth century. We have all kinds of things we could develop, including hydroelectric and solar power.

In the same vein, as an example of how government interferes with the frontier, look at the history of wind power. Farms had windplants when there were no wires out in rural areas. But what did government do? It mandated that utility companies send electricity to the farmer at a discount rate. He or she couldn't afford to pay for those lines, so the city people had to defray the cost of sending long lines way out in the country, and they said, "Isn't it wonderful that the farmer now has electricity!" But what did it do to the market for wind-generating systems? It destroyed the incentive to develop it! *[Editor's Note: See "Wind Chargers: Building Tools From the Nation's Past" on Page 116 of this issue.]* I think that if the market had been allowed to mature, wind power would have developed wonderfully by this time. Instead, we killed the market, and now—decades later—the government has to build windplants, run by bureaucrats, which are probably too big to be practical.

The same thing happened with solar power. People in Florida and California were using solar heat in the 1920's. And again, the government interfered by mandating that natural gas prices be lower than the market value of the energy the fuel produced . . . making it advantageous for folks to shift from solar heat to natural gas.

The government has also, of course, subsidized the development of nuclear power. It does all the research, pays for the insurance, and has even become responsible for waste disposal. Nuclear power was imposed upon the nation . . . we've never seen whether there's actually a market for it.

So I think the frontiers are available, but a government that's not responsible enough to give us good money can hardly be counted on to develop those frontiers. It's just a matter of getting the government out of the way and letting people take care of their *own* needs.

PLOWBOY. What *are* the chances of getting an honest currency?

PAUL. Well, politicians rarely do what they should do in a responsible manner. They live only for the next election. Also, they are under the influence of the economic intellectual community, and the conventional economist is still an enemy of gold.

PLOWBOY. Why is that?

PAUL. I think it's sometimes, at least, the result of an ego trip. Many economists like to believe—just as Communists do—they can plan an economy that'll work better than

one that simply adjusts itself to supply and demand. I'm inclined to think that in a polite, academic way they're little dictators. They figure that if they design an economy and control the money, they have some superiority over others . . . while the person who really believes in freedom has no desire to feel above anybody else.

Besides, bad ideas have a way of lasting a really long time. In the 1920's, practically every economist in the country endorsed gold. When the Great Depression came, however, many said that the gold standard and the free market *caused* it . . . though what actually caused and prepetuated that tragedy was Federal Reserve inflation, combined with economic intervention on the part of both Republican and Democratic administrations. Yet the economists, flocking together just like sheep, all became Keynesians.

Now, the market is proving that Keynesianism (the advocacy of governmental management of currency and budgeting to stabilize the economy and maintain higher employment) doesn't work, and that paper won't work. Therefore, you *could* see an equally rapid change in the other direction . . . and we must eventually have an intellectual endorsement of gold. Right now, it's hard for the average person out there, who *knows* something's wrong, to get information and to be reassured that he or she isn't a kook. That's the reason I've established the Foundation for Rational Economics and Education. I think its work is probably more important than my little political activities up here in Washington.

Under today's conditions—which are the conditions that always exist when you have inflation—we can't get adequate support for hard currency. I think, then, that the chances of our government's opting for gold right now are nil. An educational effort that could turn things around might be possible . . . say, in 1985, when things become a lot worse than they are now but are not yet totally chaotic. Even that's a slim chance, however.

The most likely time to restore sound money would be during or following a collapse . . . and that's very dangerous. After Germany experienced its 1921 collapse, the nation quickly restored its currency. In fact, by 1924 the money was pretty good again. But the social consequences of that trauma were so great that they created a fertile field for Hitler. Within ten years, resentment and hatred had built up for those individuals in the business community who had protected themselves from the crash . . . especially the Jews. Of course, the hatred was turned in the wrong direction, because the real evil was inflation. The destruction of the wealth of the middle class was a result of an inflationary government policy, not of any actions taken by Jewish business people. But that feeling led, as you know, to the rise of Nazism.

Again, we've never before lived under monetary conditions similar to those we're experiencing today . . . so we could encounter political conditions that we've never faced before, either. We really live in great danger, and yet we're not supposed to talk about it. We're allowed to say—under our breath—only that the economy is in a hell of a mess. We aren't permitted to get on the air and tell the nation the truth, though I think a lot of people would accept the truth if they could hear it.

PLOWBOY. Meanwhile, we've become a nation of speculators.

PAUL. Yes, we live in an age of speculation instead of true investment. And interestingly enough, governments often turn on the speculator and say that he or she creates the problem . . . when federal policy actually creates the speculator, who's simply trying to survive. If government hadn't destroyed the system and the money, we would invest. We'd be buying and building plants instead of speculating and earning interest on government securities.

Of course, if we did go back to the gold standard, all that speculation would come to a halt, and some people would be hurt. For example, let's say you're buying land, expecting it to go up 20 percent a year so that you can sell it at a profit. If we return to a hard currency, the property's value will not go up 20 percent . . . real estate will probably be very stable after that. So you'd want to buy land to make use of it . . . not to speculate on it.

PLOWBOY. I've heard it argued that if our dollars were backed by gold, the Common Market countries combined would have about twice as much of the precious metal in reserve as we do, and they could use that to buy dollars and control the U.S. economy.

PAUL. But we wouldn't have to think about dollars and gold as being different! On a 100% gold standard, they're one and the same thing. And if those countries wanted to spend their gold in this country, they could put it in our treasury, and we would issue them Federal Reserve notes. Now those nations would have to *spend* the currency, so the whole exchange would be a boon to our economy. We'd have more gold, and other nations could purchase our products.

PLOWBOY. Another argument is that South Africa and Russia could keep us hostage . . . that if we needed gold to increase our economic growth, they might hold it back.

PAUL. Well, that's a fallacy, too. You don't *need* an increase in money to have economic growth. With a gold dollar, a car might cost $600 instead of $6,000, but the exact amount of the medium of exchange used wouldn't matter. Let's say you had a fixed amount of gold, and production went up 10 percent . . . then prices would drop somewhat. But any amount of gold will work, as long as you allow the *prices* to adjust. That's why you wouldn't want rigid prices, because you don't know exactly what the gold level might be.

Others fear that South Africa or Russian might dump their gold. But suppose the Russians did try to do that. It would take them 100 years to produce and save enough gold to double our money supply. And they're not going to do it, because they want to sell their gold gradually . . . they need to spend it for goods.

The very real danger, of course, is much closer to home . . . in the form of the Federal Reserve, which *tripled* our money supply in the 1970's. That's where the real risk is! With a tripled money supply, you're holding a piece of paper that nobody trusts. The Russians' gold wouldn't be any danger at all, because it would still have *value*. People would just use it, and the prices would adjust.

PLOWBOY. You keep talking about prices adjusting, but I've always thought the main purpose of establishing a gold standard would be to create stable prices.

PAUL. No, even though gold does tend to stabilize prices, that's not why we want a gold standard. What we want is a freely adjusting market, which means that prices can go up and down according to the supply and demand status of particular products. If there's good economic growth, prices will drop. So you never want to aim at some preconceived notion that prices should be at a certain level.

In fact, this is the single biggest difference between hard-money advocates and the Keynesians/monetarists, who seek a goal of stable prices but—instead—create the most vicious upswings and distortions. Our goal is to have honest, trustworthy money . . . which would result in economic growth and relatively stable prices. Currency has to have quality . . . whereas paper money can only react to the money supply and the interest rates. Under the gold standard, interest rates traditionally range between 3 per and 5 percent.

PLOWBOY. And how would this change affect banking? I understand that you believe there should be a separation of banking and the state.

PAUL. My ultimate goal would be to allow the marketplace to handle banking. The government would be involved only in prohibiting fraud. That is, you couldn't really deceive your depositors. If you claimed to be holding their deposits, you'd have to do so. But the marketplace should handle the amount of credit that's extended. Such a system would be very competitive, though, and today's big bankers wouldn't welcome that competition.

PLOWBOY. It seems, then, that you're up against some very powerful forces.

PAUL. Oh, yes, but I believe I have the people and truth on my side, so I feel very confident.

PLOWBOY. But if we do adopt the gold standard—which you seem to think is inevitable, though it may be some years away—how would this transition be handled?

PAUL. Well, it's not likely to come about in a deliberate way, and we'll certainly have to be on our toes if there's a total collapse. But let's not be so negative. Let's think about what we could and should do right now. First, we should immediately take steps toward reducing the size of the government by 50 percent.

PLOWBOY. Wasn't a similar cutback accomplished once before?

PAUL. Yes, after World War II we reduced spending, over a period of three years, by 75 percent. We'd also have to balance the budget immediately and make it illegal to monetize debt . . . that is, if the government spends more than it takes in, it can't print the money. It would have to *borrow* it.

In addition to that, we'd have to reduce taxes drastically, including those on savings and dividends. If you have sound money, you want to encourage people to save and invest. Instead, we're now withholding taxes on savings and making it more and more *disadvantageous* for people to save. As a result, the level of savings is very low right now, but there's no reason in the world why we can't have a 20 percent to 25 percent savings rate. And that's where true capital comes from . . . not out of a printing press.

So if we reduce the size of government . . . eliminate taxes on savings . . . and—then—establish a gold standard so that all of our paper is 100 percent redeemable, we'd rapidly get out of this dangerous situation. There's no doubt in my mind whatsoever.

Now when we talk in generalities, people are inclined to *agree* that, yes, we ought to reduce the size of government. But let me give you a more specific idea of what I'm talking about: I'm saying—for instance—that we should have no more government farm programs . . . *period*. I mean no subsidies whatsoever. After all, today we're subsi-

dizing tobacco, and then turning around and spending millions of dollars to advertise how terrible smoking is . . . that kind of nonsense! And we pay farmers millions of dollars *not* to grow wheat, and if they do grow too much, we artificially keep the price up so people have to pay more for it. It's absurd!

I think we'd have to get rid of all such programs in order to get back to a sound currency. But as I've said, we're just not quite ready to do that, so we're back to the risky alternative of waiting for the collapse and hoping we have enough votes to turn the tide *then*.

There is, however, another option, and that's to introduce *competition* . . . by allowing another currency to be developed in parallel to our paper money.

PLOWBOY. How would that work?

PAUL. Look at it this way: If we wanted to get rid of the U.S. Postal Service, we wouldn't have to abolish it tomorrow. We could simply legalize more competition, so that private industry could massively compete with that institution in delivering first class mail inexpensively and efficiently. What would likely happen is that the Postal Service would gradually dwindle, and private industry would take over. It wouldn't be a radical abolition . . . we'd probably go through a transition of maybe one to five years, during which the present post office system would be phased out.

It's the same with money. Politically and economically, it would be very difficult just to cut off today's system and have a perfect one in place tomorrow. But we *can* pass some laws that will introduce competition and allow another currency to be used.

Some people think such a move would result in total chaos, but we're dealing with different currencies internationally all the time. We have fluctuating rates that are measured every minute. It's amazing how it all works!

And we are also well able to adjust to two currencies! It doesn't take the average American tourist long to figure out another country's exchange rate . . . and it would be the same if we had two *internal* currencies.

In fact, we had this situation during the Civil War years, We went off the gold standard and printed greenbacks, but gold still circulated. Today, however, it's illegal to have a competing currency, so we need to pass a law that would let people really *deal* in gold and silver. Then if someone owed a debt that was determined in ounces, he or she would have to *pay* it in ounces. In order to do that, though, we'd have to repeal the legal tender laws. They would be the biggest obstacle.

PLOWBOY. I don't think all of our readers are aware of what those laws involve.

PAUL. Put simply, legal tender laws protect the government's money monopoly. One was passed during the Civil War, guaranteeing that, when the government began to pay its debts, it could do so in greenbacks. Now some of its creditors had gold-clause contracts, which specified repayment in gold. And such individuals wanted to be paid in the precious metal, of course, since it had gone up tremendously in value against the paper dollars . . . so the government's legal tender law was declared unconstitutional by the Supreme Court. At that point, though the administration stacked the deck by changing Supreme Court justices . . . tried the same suit all over again . . . and got the ruling reversed to say that the government *could* pay off all of its debts with greenbacks. And ever since that time we've had legal tender laws, insuring that nobody has the protection of the gold standard. So those laws would have to be repealed.

In the meantime, there's one very practical step that could be taken . . . and it's something that might even be accomplished this year. If one out of every two of your subscribers would write to Washington, we could probably get a law called the American Eagle Gold Coin Act passed, and I think that piece of legislation would be very helpful. It was the *only* recommendation made by the recent U.S. Gold Commission that was favorable to gold. *[Editor's Note: The United States Gold Commission was created by Act of Congress in 1980. It studied, and rejected, the case of the gold standard.]*

Essentially, this act would authorize the U.S. Treasury to mint one-ounce and half-ounce gold coins to compete with the South African Krugerrand and such. It even goes one step further and says that if these gold coins are to serve as money someday, they shouldn't be taxed. So if you were to exchange an American gold coin for dollars, and if it had gone up in value since you first purchased it, you wouldn't have to pay taxes on the profit! That fact alone would be a real encouragement for people to purchase our coins instead of Canadian Maple Leaves, Krugerrands, and Mexican gold pesos. I think Americans would like to have that option.

At present, the politicians here don't feel that there are enough people who really care about the act, but if a member of Congress were to get 500 letters on this subject, he or she would be totally convinced that there was a real movement going on.

Now the American Eagle Gold Coin Act is *not* the same as a gold standard, you realize . . . far from it! But it *would* be a transition, introducing a lot more people to the idea of holding gold. The coins could provide an emergency medium of exchange during a time of crisis, too, and be a tremendous aid in getting the American people to understand what hard money is.

PLOWBOY. Is that act coming up in this session of Congress?

PAUL. It's been introduced in the Senate, and I've introduced it in the House, and we've already had hearings on it. But not enough pressure is being exerted for it right now. And that's why I'm saying that all we need is public demand, because we *can* get across-the-board support for it. The pro-gold people would say it's good for gold . . . the anti-gold people say we don't need gold anymore, so we might as well get it out of the Treasury . . . and those who despise the policies of South Africa would be glad to be able to purchase American coins. So the act is attractive to a lot of people across the political spectrum . . . but we do need a little more pressure if we're to get it through.

PLOWBOY. Aside from writing to their Senators and Representatives about the American Eagle Gold Coin Act and/or about going back on the gold standard, what else should citizens do?

PAUL. Oh, there's a lot they have to do. First, they ought to know what's happening economically and politically. If half of what I say is true, we're in for big trouble! I hope I'm *all wrong*, but I'm scared to death that I'm right. Americans have to educate themselves about economics . . . there's plenty to learn! And they need to know why a free market is better than a controlled economy . . . and why freedom is better than slavery . . . and why gold is better than paper. Then, once they're well informed, they should inform others . . . their family and friends.

Then they must all take the steps necessary to protect themselves. . . with knowledge *and* survival goods. They need to know how to feed, clothe, and house themselves and how to continue trading if the system breaks down.

In addition, people *have to* get involved in politics. A lot of individuals are turned off by the system, and I am sometimes, too! It's a terrible business. . . except that I'm very thankful that I can still play the game. Frankly, I didn't expect that I'd find enough people who would endorse my views to send me here. But I'm grateful that I've had the opportunity to speak out and that others can have their views represented through what I do. It's quite different from living in Poland, where I wouldn't *have* this chance.

In short, as bad as U.S. politics may seem on the surface, we can still educate ourselves, be concerned, be involved, run for office, and write letters that can influence Congress. We still have freedoms left, and that's very important. If we neglect them, we could lose them. After all, as we destroy our monetary system, we may well also lose other rights. There's a lot more at stake than our monetary assets. In fact, I could probably protect my financial future better than I'm doing now by concentrating on the practice of medicine, but I happen to value the system I live under much more than that.

Do you realize that probably fewer than 1 percent of the people in the U.S. *ever* write their Congressman or -woman? Yet if just 3 percent of those who believe in hard money would take some action, we could get a gold standard established. . . and still restore some sanity to the world's economy.

Official gold holdings, September 30, 1979

	Tons
United States	8,227
Canada	657
Austria	657
Belgium	1,063
France	2,546
German Federal Republic	2,961
Italy	2,074
Japan	754
Netherlands	1,367
Portugal	689
South Africa	374
Switzerland	2,590
United Kingdom	584
OPEC	1,207
Other Asia	607
Other Europe	1,209
Other Middle East	461
Other Western Hemisphere	654
Rest of World	320
Unspecified	113
Total	29,114
International Monetary Fund	3,217
European Monetary Cooperation Fund	2,664

The Soviet Union's alleged 60 million ounces is less than 1,900 tons, less than one-fourth of the U.S. official gold holdings. Even the alleged 250 million ounces of "unmined reserves" are less than the United States has in Fort Knox and in our other bullion depositories.●

CLINCH RIVER—NOW THE PRESIDENT'S OWN SURVEY SAYS NO

● Mr. HUMPHREY. Mr. President, on April 5 the President's private sector survey on cost control, a blue ribbon survey that tapped private business' top economic and research and development minds, issued its report on Federal energy policy. Chaired by the President's friend, Mr. J. Peter Grace, of the W. R. Grace Corp., the survey concluded after careful study that it was inappropriate for the Federal Government to fund demonstrations of existing technology. As the survey's report made clear:

Federal R&D responsibilities do not call for the demonstration of existing technology as a major step toward commercialization, because that step should be taken by the private sector whenever it deems the time is ripe.

Why were such demonstration projects inappropriate for Federal backing? The survey explained:

Government laboratories have neither experience nor any special capability in commercializing products or technologies. Without guidanace, it may be difficult for them to determine the point at which private sector payoffs are close enough to justify yielding entirely to free-market forces; yet there is a natural inclination to continue programs once they have been undertaken.

The President's survey, though, went beyond generalizations. It offered two key examples: The Clinch River breeder reactor project and the gaseous centrifuge enrichment project (GCEP). Of these projects the survey noted, "Each involves the prospective investment of additional billions within the next few years, and each should be reviewed." Indeed, cutting each of these projects would make it "possible over the next several years to reduce budget outlays dramatically and/or to redirect Federal research expenditures into more appropriate and broadly productive areas."

More important, neither project, according to the President's survey, truly falls within President's "implicit guidelines for justification as R&D programs." Certainly, the Clinch River breeder reactor project could "only be regarded as a facility to prove commercial feasibility." And GCEP, which "represents a scale-up of existing technology to commercial operation . . . needs to be considered on economic grounds." The survey emphasized:

From the domestic private sector standpoint, the timing does not appear right for commercialization in either case.

Indeed, the President's survey rejected the Department of Energy's contention that the Clinch River breeder reactor project is truly research and development:

The status of CRBR as a research and development project is rendered somewhat suspect by proponent claims that the revenue from the sale of electricity will more than offset its construction cost if the plant is completed and continues to operate through the year 2020; the implication that it could somehow become a money-maker is denied by independent analysis.

This then brings us to the survey's conclusion:

If scale-up for the purpose of demonstrating commercial feasibility is to be managed and financed primarily by the private sector, such projects as the CRBR and the GCEP fall outside the realm of R&D projects, and—if pursued at all—should be funded by other means.

The President has gotten good advice here. Now the question is whether or not we are capable of taking such advice ourselves. It is essential that we do. Terminating the Clinch River breeder reactor project is long overdue.●

APPALLING CONDITIONS IN VIETNAM

● Mr. ARMSTRONG. Mr. President, in February of this year, the French magazine Le Figaro published a photo story which graphically depicted the appalling conditions that prevail in Vietnam today. I ask that an English translation of the Le Figaro article be printed at this point in the RECORD.

The translation follows:

[From Le Figaro, February 1983]

CLANDESTINE PICTURES OF THE UNDERGROUND FORCES FROM THE MAQUIS IN SOUTH VIETNAM

In order to destroy the underground army of South Vietnam, the communists utilize chemical warfare. This is just one of the crimes against humanity which make up the long list inflicted on the "boat people."

The year has barely begun. Ho Chi Minh City, formerly Saigon, looks desperately sad, reflecting the mood of all Vietnam. The entire country under communist rule is near bankruptcy. The warehouses are empty; the stores run by the government are empty of their supplies left from the abundance of "pre-liberation times." The rations are not honored because the food goes to the north, but nothing comes down.

More than one million Vietnamese have tried to escape. Of the 800,000 who have left, 60 percent have died at sea after being robbed of everything. Nonetheless, the exodus continues! Tens of thousands of men and women are lingering in concentration camps, rebaptized by the Ho Chi Minh followers as "reeducation camps" and more recently as the "school of new culture."

Thrown out of their homes, completely destitute, thousands upon thousands of families are sent to the "new economic zones," which is tantamount to massive deportation.

Alone, the amount of money allocated daily by the Soviet Union to Vietnam should suffice to help the country. But it is swallowed by the cost of war and occupation of Laos and Cambodia. To repay the Moscow lenders, hundreds of thousands of "volunteers" are sent to the construction sites of Siberia. Their salary is paid directly to the Vietnamese government, which gives the "volunteers" one-third of their salary, the other two-thirds being used to expunge the enormous national debt.

It was in January, 1973, in the huge International Conference Room of the Avenue Kleber in Paris, that the Vietnam peace treaty was signed. The Paris accords, as they were called, were supposed to have everything under control. North Vietnam didn't hesitate to give all the guarantees to the government of Saigon, as well as to the United States. Everything was written in black and white! Article 9 of the above accords reads as follows:

"The right of South Vietnamese people to self-determination is sacred and inalienable and will be respected by all countries . . . the people of South Vietnam will decide their political destiny through free and democratic elections. The election process will be free of any meddling and will be monitored by an international body."

The two other former countries of Indochina were not forgotten. Article 20 is specifically written for them:

"The parties involved in signing the peace accords will respect the sovereignty of Laos and Cambodia. The integrity, dignity, and independence of their people is not to be infringed upon."

Those accords were signed by thirteen countries and the Secretary General of the United Nations. The last paragraph reads:

"And this agreement is designed to guarantee the end of the war, to maintain peace in Vietnam and the right for the populations of South Vietnam to self-government, as well as to contribute, be part of, and guarantee the peace in Indochina."

In January, 1983—ten years later—several international news agencies are reporting heavy fighting along the borders of Vietnam, where the partisans have taken up position. The media also has reported the North Vietnamese Air Force's use of chemical bombs against the partisans.

The fact remains that no South Vietnamese guns were turned against Saigon; South Vietnam didn't want to become a communist satellite. But the ink was not even dry on the Paris accords when General Giap was organizing the attack on the South.

The indifference shown by Washington while the violations of the accords became increasingly numerous and the problems engendered by Watergate indicated to North Vietnam that they could act with impunity. And when Richard Nixon was thrown out of office in the summer of 1974, the huge armored force of the North—presented as a guerrilla army—was able to achieve full strength, thanks to a massive injection of arms from the Soviet Union.

As the T-54 Russian tanks were rolling down on Saigon in April, 1975, the communists, hidden behind the screen of "Le Gouvernement Revolutionnaire Provisoire" (G.P.R.) which was created to front the invasion, clamored:

"We demand the application of the Paris accords, the abandonment of the policies of the fascist warmongers of oppression, and the abolition of all anti-democratic laws."

Neither the United Nations nor the countries who guaranteed the peace treaty intervened. When Giap entered Saigon on April 30, 1975, after waiting eight days for a hypothetical uprising in favor of the communists, almost 100 foreign journalists stranded in Saigon came to the conclusion that the G.P.R. didn't exist and that the people of South Vietnam were loyal to their own government.

Despite 30 years of war, a still happy South Vietnamese people were thrown defenseless into the gulag trap.●

COOPERATIVE RESEARCH UNITS

● Mr. MITCHELL. Mr. President, once again the administration has failed to request funds for the U.S. Fish and Wildlife Service cooperative research units. In addition, I have been informed by the Director of the Fish and Wildlife Service that if Congress should restore funds for the units, it is the intention of the administration to eliminate an integral component of the program, Federal employees. I urge the administration to give additional thought to the success of the cooperative research units and reconsider its policy on this important wildlife management program.

Under the co-op units program U.S. Fish and Wildlife Service biologists serve as members of the faculties at 31 State universities, insuring close coordination between the Fish and Wildlife Service, the States, universities, and private organizations on fisheries and wildlife research. In addition, the program has provided needed training for wildlife managers and biologists.

The cooperative research units continue to be very important to State wildlife management activities. Projects in Maine, for example, include Atlantic salmon, bald eagle, and acid rain research. A number of Western States are devising strategies for mitigating the impact of energy development on wildlife habitat. These are just a few of a wide variety of top priority fish and wildlife problems being addressed by co-op units throughout the country.

Federal wildlife management also benefits from the co-op units program. The expertise of the States in wildlife management is well recognized and respected and coordination with them provides important knowledge and information for Federal management activities. It also helps eliminate duplication of research efforts, something which has become increasingly important as Federal funds for many of these activities have become increasingly scarce.

Ironically, by eliminating the co-op units the administration focuses its budget cutting on a very cost effective program. The units attract approximately $6.5 million of contract funds each year while State and university support for the program totals $2.5 million. This represents $2 matched for every Federal dollar invested.

In their 48 year history the co-op units have proven to be a time tested and effective means of providing important wildlife management and research training. Once again I urge the administration to reconsider its opposition to the program and continue to provide it with Federal funds and Federal personnel.

I ask at this time that resolutions, testimony, and letters, from the International Association of Fish and Wildlife Agencies, the National Association of State Universities and Land-Grant Colleges, and the commissioner of Maine's Department of Inland Fisheries and Wildlife be printed in the RECORD as testament to the respect and continued support the cooperative units continue to receive.

The material follows:

DEPARTMENT OF INLAND
FISHERIES AND WILDLIFE,
Augusta, Maine, March 8, 1983.

Senator GEORGE J. MITCHELL,
Russell Building,
Washington, D.C.

DEAR SENATOR MITCHELL: I am writing to express my concern over a recent U.S. Fish and Wildlife Service decision to eliminate the Cooperative Research Unit program from its fiscal year 1984 budget, and to ask your assistance in ensuring that the current program and all federal positions are maintained.

Not only has the Service announced that it will not fund the program, Robert Jantzen has notified me in a letter dated February 23, 1983, that, even if funding is restored by Congress, he will not allow federal personnel to be involved. He further suggests that we renegotiate new agreements to continue what has been done in Maine by the Cooperative Units since 1935.

This simply won't work. By its very nature, the Unit Program is a cooperative program, requiring the personnel and support of all four agencies involved (U.S. Fish and Wildlife Service; Maine Department of Inland Fisheries and Wildlife; University of Maine at Orono, and the Wildlife Management Institute). This is not a simple federal aid program.

For 48 years, the Maine Cooperative Wildlife Research Unit has been providing much needed training for wildlife students, wardens, and biologists. Joined in 1962 by the Cooperative Fishery Unit, this program has carried out vital research on important resources problems such as the Bald Eagle, acid rain, spruce budworm, Atlantic salmon, and the effects of forestry practices on wildlife. Throughout this period, the program has been headed by U.S. Fish and Wildlife Service professional biologists assigned to the Maine Units. In fact, for the first 14–15 years, the only wildlife research and training program Maine had was the Cooperative Wildlife Research Unit.

We cannot afford to lose this program. Our financial resources are too limited to maintain the existing program. The Maine Cooperative Units generate nearly $900,000 annually for research and training from a federal base of approximately $160,000, better than a 5:1 ratio. I do not feel the grant approach proposed by Interior can match this.

Congressional restoration for this important program is necessary. Equally critical are both the restoration of funds ($4.5 million at current level) and of position ceilings within the U.S. Fish and Wildlife Service for Unit personnel. Over 75 graduate students, technicians, undergraduate students and professional bioligists in Maine will be affected by the loss of the Units either through loss of jobs or elimination of research and training funds.

I urge you to take immediate and requisite steps to ensure restoration of the Cooperative Wildlife and Fisheries Units in Interior's fiscal year 1984 budget. The funding level is not great, but this program is critically important to Maine's wildlife and fisheries resources.

Sincerely,

GLENN H. MANUEL,
Commissioner.

STATEMENT OF THE NASULGC COMMITTEE ON FISH AND WILDLIFE RESOURCES

My name is Jay Barton. I am president of the University of Alaska. I am here as a representative of the National Association of State Universities and Land Grant Colleges to ask for your support for the Cooperative Fish and Wildlife Research Unit Program of the U.S. Fish and Wildlife Service.

Last year, as well as in fiscal year 1982, the unit was not included in the services' budget, but widespread public support lead to restoration of funds for the Unit. Again this year, the Units are not in the budget. First, on behalf of the universities I represent, I want to express appreciation for the congressional support given the Units in past years. Second, I ask for your support to restore funding for the Units in fiscal year 1984—at the level of $4.5 million, or higher. Third, I ask you to give serious consideration to the option of requesting congressional oversight review for the Cooperative Fish and Wildlife Research Unit Program. We believe this last step to be in the best long-term interests of the units and the fish and wildlife resources of the nation.

The Cooperative Unit Program has provided an enviable track record of accomplishment in its 48-year history. It is the only time-tested fish and wildlife research structure that has three active partners—the U.S. Fish and Wildlife Service, the State Fish and Wildlife Agency, and the university. The in-place capability of the 45 cooperative units, located at 31 universities in 29 states, has proven time-and-again the value of the units in solving priority state, regional and national problems associated with the conservation and management of this nation's fish and wildlife resources.

Allow me to briefly identify some of the accomplishments of the units in my home state of Alaska. The long-term experience of the Alaskan Wildlife Unit in caribou research has provided the foundation for the development of an international caribou management program between the U.S. and Canada. Also, the research on the seasonal patterns of habitat use of migratory birds in the Arctic has yielded information that is being used to schedule oil and gas development at those times that are least disruptive to breeding and nesting. Studies of the inland Chena river by the Alaskan Fish Unit will provide a model for the management of the fishes and habitats of Alaska's many interior streams that transcend federal, state, and private land. In Alaska, we strive to seek development without disruption of the vital ecosystems that support our fish and wildlife. The Cooperative Fish and Wildlife Research Unit play a key role in enabling us to do that in Alaska.

The successes of the Alaskan Unit are not unique. Let me cite other Unit accomplishments across the country. Units in the pacific northwest have joined forces to address a complex multi-state management problem with salmon and steelheads; these units now are the focal point for technical advisement for the management of anadramous salmonid stocks. Units in the northern Rocky Mountains—Colorada, Montana, and Wyoming—are devising management strategy for mitigating the impact of energy development on wildlife habitat. In the mid-west,

the Unit program has been at the forefront of management program for the Mississippi Valley population of Canada geese—this effort impacts Wisconsin, Illinois, Minnesota, Indiana, Iowa, Missouri, Kentucky, and Tennessee. In the northeast, Units are developing new research initiative for studying the increasingly complex problems of acid-rain. And, in the southeast, a Unit thrust has been directed toward evaluating and mitigating the widespread preservation of critical wetland habitat in the unique and fragile subtropical ecosystems. In short, the Unit program is not short-sighted and sight specific. Rather, the Unit program is an effective research network that addresses priority fish and wildlife problems at state, regional, national and international levels.

Failure to fund the Cooperative Fish and Wildlife Research Unit in the FY 84 budget would dismantle one of our country's most effective and productive education and research programs. The program could not be duplicated if the federal government were to withdraw its support. It is the tripartite relationship that has made the Unit program such a success.

I can assure you that land grant university presidents throughout the country share my concern for the Cooperative Unit Program. Thus, on behalf of the National Association of State Universities and Land Grant Colleges, I ask for your support in restoring funds to ensure the continuation of the Cooperative Fish and Wildlife Research Unit Program of the U.S. Fish and Wildlife Service. Finally, I ask you to consider an oversight review of the Unit programs so that the merit of the programs become a matter of public record and public support.

RESOLUTION OF FISH AND WILDLIFE COOPERATIVE RESEARCH UNITS

Whereas, the U.S. Department of the Interior has deleted funds in its fiscal year 1984 budget request for the Fish and Wildlife Service to operate the Cooperative Research Units, and has reduced the Unit personnel ceilings to zero, and

Whereas, the same position on funding in the 2 previous fiscal years was reversed by the U.S. Congress by restoration of funds for the Cooperative Unit Program, and

Whereas, the 23 February 1983 letter from the Director, U.S. Fish and Wildlife Service, indicated the intention of the agency to terminate the Federal employees of the Units regardless of appropriations by Congress, and

Whereas, the U.S. Fish and Wildlife Service has developed this action without consultation with the Unit Cooperators or with Congress, and

Whereas, the University Cooperators gathered here, 19 March 1983, believe this cooperative partnership to be productive and essential to the furtherance of high-quality fisheries and wildlife research, extension and education for the wise-use and management of fish and wildlife resources,

Therefore, be it resolved that we find the conditions and proposed actions of the Director's letter and proposed new cooperative agreement to be unacceptable. Moreover, we ask that the Director, Fish and Wildlife Service initiate promptly negotiations with the representatives of the cooperative parties of the Cooperative Research Units to seek a mutually acceptable solution.

Furthermore, be advised that this resolution has the endorsement of the National Association of State Universities and Land-Grant Colleges, Association of University Fisheries and Wildlife Program Coordinators, and National Fish and Wildlife Resources Research Council, and

Also, that copies of this resolution will be forwarded immediately to the Secretary of the Interior, James Watt, and to all members of the House and Senate Appropriations Committees of the U.S. Congress.

Resolution of Fish and Wildlife Cooperative Research Units

Whereas, the U.S. Department of the Interior has determined that no funds will be included in its fiscal year 1984 budget for the Fish and Wildlife Service to operate the Cooperative Research Units and that personnel ceilings will be reduced to zero, and

Whereas, the same position on funding in two previous fiscal years was reversed by the U.S. Congress by restoration of funds for this program, and

Whereas, the International Association of Fish and Wildlife Agencies has consistently supported the Cooperative Research Unit program and asked for restoration of funds for this purpose, now,

Therefore, Be It Resolved, that the International Association of Fish and Wildlife Agencies' Executive Committee, meeting this 19th day of March, 1983, in Kansas City, Missouri, reaffirms this position by requesting continuation of the current level of funding for the Units in fiscal year 1984 at the $4.5 million level, together with appropriate restoration of personnel ceilings, and,

Further, that copies of this resolution be forwarded immediately to Senator James McClure and Congressman Sidney Yates, chairmen of the Congressional Subcommittees considering this issue, and to all other appropriate Members of Congress, respectfully requesting their continued support of this important program by restoring $4.5 million and personnel ceilings.●

SENATOR DENTON AND REPRESENTATIVE MCCAIN, MODERN HEROES

● Mr. HAWKINS. Mr. President, the history of our Nation in many ways is a history of our heroes. In fact, the United States is a Nation founded by heroes. Our heritage was forged by the endurance of patriotic men and women who fought and triumphed over impossible odds. From the frozen camps at Valley Forge, through the pounding sea and gunfire at Normandy, to hostile jungles of Vietnam, Americans have sacrificed and endured, not to conquer, but to free people from tyranny.

No group has demonstrated this unyielding spirit of faith and hope more dramatically that those Americans who endured the horrors of prisoner-of-war camps. Ten years ago, two American heroes who bravely upheld our tradition of patriotism despite years of torture and deprivation as POW's were freed from their Vietnamese captors. I am proud and honored to serve in the Congress that contains these two fine heroes and would like to say a few remarks about each.

To all of us in the Senate, JEREMIAH DENTON is know as a courageous fighter for causes he believes will advance the prospects for peace and prosperity throughout the free world. Our view of Senator DENTON is reaffirmed in his book "When Hell Was in Session," when he praises those who are "willing to sacrifice to protect America and who patiently tolerate her imperfections." Those thoughts are a measure of the man.

Seven and a half years as a prisoner of the North Vietnamese, Senator DENTON knows what sacrifice and courage are. At first hand, he experienced man's inhumanity to man. Yet, he never lost faith in God nor abandoned his feeling that there is a streak of decency in all people. And he never lost faith in our country. JEREMIAH DENTON knows that we must sacrifice from time to time to conserve those values we hold dear, and from that sacrifice we gain strength and renewed commitment.

In January, a new hero entered the House of Representatives, Representative JOHN MCCAIN. JOHN carries with him an honorable name from a proud and honorable Navy family. As an aviator, he had a distinguished record in the Vietnam war. Shot down over Vietnam, he spent 6 agonizing years in a prison camp in Hanoi. He had the will to live, to survive, and that kept him going, that inner strength. One might describe it as an iron will that seems to give us the power to hold on against overwhelming odds.

Admiral MCCAIN, after a period of hospitalization, served his country in several Navy posts, at the War College, and on Capital Hill. Not content to spend his time telling sea stories, he again entered Government service and is a distinguished Congressman from Arizona. The people of that great State could not have made a finer choice.

At a time when some proclaim that America has lost its ability to produce heroes, because a materialistic spirit has snuffed out the desire to defend great truths, we who believe them wrong can and should point with pride to Senator DENTON and Representative MCCAIN as living proof they are wrong.●

PERMANENT TRIBUNAL OF THE PEOPLE

● Mr. ARMSTRONG. Mr. President, on December 16–20 of last year, the Permanent Tribunal of the People, a private, international human rights organization met in Paris to consider evidence of Soviet atrocities in Afghanistan. After hearing 4 days of testimony from eyewitnesses and from expert witnesses, the Permanent Tribunal of the People found the Soviet Union guilty of war crimes on a massive scale. Among the crimes documented by the tribunal were Soviet use of chemical and biological weapons; torture of prisoners; indiscriminate violence against civilians; pillag-

ing of mosques and other religious shrines, and the burning and poisoning of crops and destruction of farm animals.

I asked the Library of Congress to translate the report of the Permanent Tribunal of the People from French into English. I ask that it be printed at this point in the RECORD.

The report follows:

PERMANENT TRIBUNAL OF THE PEOPLE

Founder: Lelio Basso.

President: Francois Rigaux (Belgium).

Vice-Presidents: Ruth First (South Africa), Makoto Oda (Japan), Armando Uribe (Chile), and George Wald (USA).

Secretary General: Gianni Tognoni (Italy).

General Secretariat: Via Della Dogana Vecchia, 00186 Rome, Tel: 654-7516, 654-3529, 659-9953.

SECOND SESSION ON AFGHANISTAN, PARIS, DECEMBER 16-20, 1982

President: Francois Rigaux, professor of private international law, Catholic University of Bouvain, Belgium.

Richard Baumlin, professor of institutional law at the University of Berne, member of the Federal Parliament, Switzerland.

Vladimir Dedijer, historian, Yugoslavia.

Francois Houtart, sociologist, professor at the Catholic University of Louvain, Belgium.

Edmond Jouve, professor of Third World international relations at the Sorbonne, France.

Jan Kulakowski, General Secretary of the World Labor Confederation.

Leo Matarasso, lawyer, France.

Sergio Mendez Arceo, bishop of Cuernavaca, Mexico.

Ajit Roy, economist and journalist, India.

Laurent Schwartz, mathematician, professor at the University of Paris VII, member of the Academy of Sciences, France.

Salvatore Seese, magistrate, Italy.

Considering its first judgment on Afghanistan, rendered in Stockholm on May 3, 1981,

Considering the United Nations Charter of June 26, 1945,

Considering Law No. 10 of December 20, 1945 establishing the International Military Tribunal of Nuremberg,

Considering the Universal Declaration of Human Rights of December 10, 1984,

Considering the on principles of international law with respect to friendly relations and cooperation among States, according to the United Nations Charter, of December 14, 1974,

Considering the conventions of The Hague of October 18, 1907,

Considering the protocol of Geneva of June 17, 1925,

Considering the conventions of Geneva of August 12, 1949,

Considering the convention of The Hague of May 14, 1954 on the protection of cultural property,

Considering the convention of April 10, 1972, on the prohibition of the developing, manufacturing and stockpiling of bacteriological (biological) weapons or toxants,

Considering the additional protocols of Geneva of June 10, 1977,

Considering the convention of April 10, 1981 on the prohibition or limitation of the use of those classical weapons which could be considered as producing excessive traumatic effects or as striking with discrimination,

Considering the resolution on community assistance to Afghan refugees in Pakistan, adopted by the European Parliament on April 9, 1981,

Considering the resolution on the situation in Afghanistan adopted by the European Parliament June 16, 1982,

Considering the Universal Declaration of Human Rights adopted in Algiers on July 4, 1976,

Considering the sentences rendered by the Russell I Tribunal in 1967,

Considering the statute of the Permanent Tribunal of the People of June 24, 1979.

Considering the sentences rendered by the Permanent Tribunal of the people in its sessions:

On the Western Sahara (Brussels, November 11, 1979), on Argentina (Geneva, May 4, 1980), on Erithrea (Milan, October 3, 1980), on the Philippines and the Bangsa Moro people (Antwerp, November 3, 1980), on El Salvador (Mexico, February 11, 1981), on Timor (Lisbon, June 21, 1981), on Zaire (Rotterdam, September 20, 1982).

Considering the copious written and photographic documentation and the exhibits furnished to the members of the Tribunal,

Having heard in the Richelieu Amphitheater of the Sorbonne on December 16, 1982:

The preliminary speech by Laurent Schwartz, President of the session;

The information furnished by Gianni Tognoni, Secretary General of the Permanent Tribunal of the People, noting the procedures adopted to insure the exercise of the rights to defense, and especially, the notification of the holding of this Session to the governments of the USSR and Afghanistan and the responses obtained through official channels;

The report on "The Evolution of the Situation since the Judgment of Stockholm (May 1981)" by Michel Verron, former UNESCO official in Kabul from 1977 to 1981;

The report on "The Rules of the Laws of War," by Joe Verhoeven, professor of the Law School of the Catholic University of Louvain;

Having heard, on December 17, 1982, at the Pantheon Conference Center in Paris:

The paper on "The Geography of the War in and around Afghanistan," by Michel Foucher, Professor of Geography at the University of Lyon II;

The paper presented by Antoine Crouan, doctor, on the Special Inquiry Commission established by the Permanent Tribunal of the People in its session on Afghanistan held in Stockholm March 1-3, 1981;

The report on the in situ inspection held in Afghanistan by the Inquiry Commission, accompanied by photographic documents and exhibits, presented by Ricardo Fraile, Secretary General of the Center for Studies and Research on Disarmament, of the Sorbonne (University of Paris I);

The report on "The Prisoners of War and all other Captured or Detained Persons," by Bernard Dupaigne, Conservator of the Museum of Man, Paris;

The summary report on "Weapons and Methods of War," by Ricardo Fraile;

The testimony of Dr. Zikria, Professor of Chemistry at Columbia University in New York;

The testimony, accompanied by photographic documents, of Aziz Zikria;

The testimony of a physician of "International Medical Assistance" (Aide médicale internationale), having asked that his identity not be revealed in public;

The testimony of Dutch journalist Bernd de Bruin,

The testimony of Khazan Gul, military commander of the Moslem Front, which dedicates its activities to the cause of the liberation of Afghanistan in the Paktia region;

The testimony of Hossein Gholan, coming from the interior of Afghanistan;

The testimony of Christian Sterlet, journalist of the Federal Republic of Germany.

Having heard at the Sorbonne, in the Richelieu Amphitheater, on December 18, 1982:

The testimony of General Gholam Dastaguir Wardak (land forces);

The report of Pol Hougen, town councilman, city of Oslo (Norway);

The speech of Carlo Ripa di Meana, Vice-President of the International Support Committee for the Afghan People;

The testimony of Ahmed Khan Hydezi;

The testimony of Claude Malhuret, physician, president of "Doctors without Frontiers" (Médecins sans frontières);

The testimony of Laurence Lemonier, physician, president of "International Medical Assistance;

The paper by Edward Girardet, journalist;

The reports of Alfred Janata of Austria Relief Committee and of Bishop Arne Rudvin (Norway), head of the Inter-Aid Committee, on the problem of Afghan refugees;

The testimony of Nazeri Abdul Rab, engineer;

A set of information furnished by Ricardo Fraile, Dr. Zikria and Commander Ishaq Guilani;

The testimony of Daoud Farani, former announcer on Afghan radio and television;

The testimony of Mike Barry, journalist and ethnologist;

And finally, the testimonies of:

Habib-ur-Rahman Hashemi, mayor of Padlahwab-e-Shana,

Sayyed Mortaza, nun from the same village,

Gol Mohammad, from the same village,

Farida Ahmadi, student of medicine, tortured by the secret police (Khad),

Omar Babrak Zai, judge,

Ghafour Yousouf Zai, commander,

Azizullal Loodin, politician, formerly detained at the Poul-e-Charki prison.

Having taken note of:

The 1982 report of Amnesty International;

The proposed resolution submitted to the Human Rights Commission of the United Nations Social and Economics Council, August 31, 1982;

The report of Francois Houtart, entitled, "Afghanistan Between Two Worlds. Life in Kabul; the Chances for a Political Solution," of February 1982 (23 pages plus appendices), accompanied by a note of December 15, 1982;

The paper of the Commission to the European Community Council on "Emergency Aid for Refugees . . . of Afghanistan," June 4, 1982 (11 pages);

The report of the U.S. Secretary of State, A. M. Haig, "Chemical Warfare in Southeast Asia and Afghanistan," March 22, 1982 (32 pages);

The report of the U.S. Secretary of State, G. P. Shultz, "Chemical Warfare in Southeast Asia and Afghanistan. An Update," November 1982 (10 pages);

The report of the U.N. Secretary General on chemical and bacteriological (biological) weapons of December 1, 1982;

The detailed file prepared by the Secretariat based on what was published in the

press with respect to Afghanistan in the years 1980-82.

Notably in Le Monde (3 volumes), Far Eastern Economic Review (1 volume), selections from the French press extracts from the English language press.

The summary report on the Soviet Press prepared by Nina Mouravina (5 pages); wireless file of the U.S Embassy in Paris.

Testimonies; of Assadullah Assefi, physician (14 pages), of Hassan Sherdil (3 pages), of an Afghan student whose identity has been communicated to the Tribunal (2 pages).

Reports and testimonies of journalists and experts who visited Afghanistan in the period 1980-82: Anna Layla (5 pages), Olivier Roy (2 pages), Anthony Hyman (7 pages), Borje Almqvist (9 pages), Francoise Gousset-Gouin (1 page), Alain Guillo (3 pages), Alain Chevalerias (6 pages), Jean-Jose Puig (3 pages).

Testimonies of 59 doctors of different French associations as well as the report of Doctors without Frontiers, "Afghanistan, Situation in Hazaradjat," (25 pages);

The note of information by S.Q. Reshtie, journalist and historian on behalf of the Association of Afghans in Switzerland;

The text of Jean-Pierre Perrin, on his stay in Afghanistan from August 17 to October 5, 1982 (6 pages);

The text of Dominique Vergas on various stays in Afghanistan after June 1980;

The file from an official source made up of various documents and brochures on the position of the Kabul government (including the brochure "Afghanistan, Facts and Realities," published by the Information Service of the Embassy of the Democratic Republic of Afghanistan in France; On December 20, 1982, adopted the following judgment:

At the end of the first session that took place on Afghanistan in Stockholm, from May 1-3, 1981, the Tribunal in particular decided on the first question that:

"The penetration and the keeping of Soviet troops in Afghan territory is, in the context of international law, aggression prohibited by Article 2, No. 4, of the United Nations Charter, defined as such by resolution 3314 (XXIX) of the United Nations General Assembly."

On the second question submitted to the Tribunal, a question worded as follows:

"Is there, on the part of the Soviet forces in Afghanistan, a violation of the rules of humanitarian laws of war, particularly with respect to the fate of civilian populations?"

The Tribunal established in its first judgment on Afghanistan that there "were presumptions and even some proof of grave and repeated violations of humanitarian laws of war," and it desired "more ample and detailed information on these violations before making a definitive pronouncement."

To this end, the Tribunal established a Special Inquiry Commission, whose mission was to gather on the spot and in other places all complementary information, as detailed as possible, on the violations of humanitarian laws of war, in Afghanistan, by the Soviet and government forces.

Made up of Michel Barry, journalist, Antoine Cruoan, doctor, and Ricardo Fraile, jurist, accompanied by Michel Barret, photographer, the Inquiry Commission surveyed the Afghan refugees in Pakistan and the international authorities who attended to the refugees between November 18 and December 18, 1982, and during this period it traveled to Afghanistan, to the zones controlled by the resistance movements from November 26 to December 4.

Since the first session the military situation has worsened considerably.

The military operations map for 1982, drawn up by geographer Michel Foucher from a cross-checking of various sources (Radio Kabul, Kabul New Times, press agencies, journalists, doctors, Afghan Information Center, groups of resisters, etc.) compared to those of the two preceding years, illustrates the increase in both the *frequency* and the *extension* of the military operations, especially in strategic regions (border regions, large cities and surrounding areas, access routes, rich and inhabited provinces).

A new strategy appears, utilizing military and tactical means adapted for anti-guerrilla warfare: combined land and air operations, intensive use of polyvalent MI 24 air means, transportation of commandos by helicopter, operations of a prolonged length with often imposing troop strength (45 days in Pandjshir in May 1982, 12,000 men engaged).

In all of these operations, the observers indicate a more and more direct engagement of the Soviet Army, due essentially to the weakness of the government army. The measures with respect to the extension and the prolongation of conscription have resulted in an increase in the number of desertions.

The testimonies of direct witnesses (doctors, journalists) on the recent operations in Pandjshir (May-September 1982) and Logar (June 1982) make it clear that these new land/air operations more and more directly affect the civilian populations, the lives of persons, without distinction as to age or sex, and their possessions (destruction of homes, crops and livestock).

EVIDENCE

The oral and written testimonies received by the Tribunal make it possible to classify the facts into four large headings: Methods and means of war, treatment of wounded or captured persons and practice of torture, exactions against civilian persons, actions against the populations.

1. Methods and Means of War: Some witnesses have noted the utilization of fragmentation bullets, deflected trajectory bullets and poison bullets.

Many witnesses have stated that they had known of the use of toys, pens, and watches causing explosions and which involved in at least one case the death of a child. At the same time, they have indicated the existence of corpses to which explosives had been attached.

It follows from information furnished and testimonies received that these boobytraps seem to have mainly but not exclusively affected civilians.

Testimonies have been gathered on the use of substances such as gases, from the fact of their manifestation of smoke of various colors (yellow, white, red, green, blue or black). These substances had the effect of either causing a state of prolonged unconsciousness, wounds difficult to heal, or death. References have also been made to the use of tear and incapacitating gas.

2. Treatment of Wounded or Captured Persons and Practice of Torture: There has been note of wounded combatants who have been finished off, as well as combatants captured who have been eliminated on the spot, or executed later, at times in the presence of Soviet advisors, at times by Soviet soldiers.

There have been numerous testimonies on torture inflicted on combatants and civilians. They are indicated as being a common practice, in particular, of Pul-i-Charki in Kabul. This includes bad treatment, beating, privation of sleep and—especially—the use of electric shocks.

Women there are also subjected to this and some have been raped. It has been indicated, repeatedly, that Soviets have either been the perpetrators or witnesses. The Tribunal has, in particular, received the direct testimony of Melle Farida Ahmadi, student of medicine, who was arrested and held in detention in Kabul between April 24 and September 20, 1981. She has told the Tribunal that she herself was subjected to various forms of torture: privation of sleep for one week, standing up for 15 days, electric shocks . . . She has also stated that she had witnessed the torturing of other prisoners, including in particular grave mutilations (eyes pulled out, limbs cut). This testimony, gathered directly by the tribunal is, with respect to the nature of the acts, confirmed by written documents submitted to the jury.

3. Exactions Against Civilian Persons: Several types of mines have been described—cubical, circular, with thread, parachuted, thrown. Similar testimonies have established that "anti-personnel" weapons, samples of which have been submitted to the tribunal, have been widespread on roads, footpaths, meadows, fields and inside villages. These weapons—because of their indiscriminate usage—have affected at the same time the combatants and the civilian population.

The killing of the elderly, of women and children, has been noted and attributed to Soviet troops. Several methods have been utilized. In this respect, it has been mentioned that persons have been crushed by wagons of the occupation army.

4. Actions Against Populations: According to several witnesses, wheat and corn crops have been burned, in particular by helicopters. Cattle, horses and mules have been wounded or killed in great numbers, most frequently from the use of the "anti-personnel" mines. Also indicated, repeatedly, has been the destruction of irrigation canals.

Note has also been made of poisoned wheat (samples have been submitted to the Tribunal) and cases of water poisoning. In these two cases, it has been principally a matter of allegations. On the other hand, it has been emphasized that these calculations contribute notably to the formation of a climate of fear involving supplementary difficulties with respect to the provisioning of the population.

The destruction of non-military buildings has been described. One should note in particular the bombardment of hospital facilities. Five cases of this nature observed during a two-month period have been described by French doctors. One of these buildings had been marked by a red cross.

The destruction of mosques has been noted before the Tribunal. Scenes of pillaging have taken place inside these buildings, and Korans have been destroyed.

Numerous testimonies point to the destruction of entire villages by bombing, in the same way that in numerous other villages there has been destruction of previously identified buildings.

The goal of these operations undertaken throughout the country, particularly close to the large routes, seems to be to intimidate the population and to cause those subjected to procedures aimed at terrorizing them to flee.

Massacres of populations have been committed repeatedly. The Tribunal has noted a detailed report of the Inquiry Commission

prepared on the spot and that has been able to confirm through these verifications the statements of the witnesses.

One is the village of Padlawa-e-Shana, in Logar Province.

Soviet tanks in search of Mujaheddin encircled the village on September 13, 1982 at 8 a.m. Some combatants and villagers, including children, took refuge in a "karez" (covered irrigation canal). Soviet soldiers told two old men to enter the canal to invite the people to come out of it. In view of the refusal of the latter, the old men said that no persons were inside.

According to the testimony gathered by the Tribunal from an old man, an eye witness, a tank truck was sent to discharge a liquid resembling petroleum in three holes of the "karez" respectively. From another tank truck they discharged a whitish liquid to which were added the contents of a sack of some 50 kilos of white powder. The fire set at the three entrances with the aid of "kalachnikov" shots caused violent explosions.

The Tribunal has also heard from another Mujaheddin chief witness who was in the vicinity, as well as the mayor of the village who proceeded to the identification of 62 bodies. A total of 105 bodies were removed from the irrigation canal, whose walls were deeply blackened.

The other victims were Mujaheddin, refugees and migrant agricultural workers.

The mayor of the village sent the Tribunal the list of the names of all the victims identified, accompanied by their age and if possible their profession.

According to witnesses, the Soviet troops withdrew at 3 p.m.

This type of attack against the civilian population and persons is not an isolated case, as other witnesses have testified.

The behavior of the Soviet troops, as well as the means they utilize, leads one to believe in premeditated practice.

The multiplication of actions of this nature has as a consequence the engendering of a climate of terror which, independent of its direct effects on the hostilities, has caused the phenomenon of an unprecedented exodus.

Two million five hundred thousand refugees are in Pakistan and several hundred thousand in Iran (which represents the largest concentration of refugees in the world.).

If one takes into account the total population of Afghanistan at the beginning of the conflict (15 million) and the number (unknown but certainly high) of those killed and wounded, it is between a fourth and a fifth of the population that has been excluded from its territory.

Repeatedly, references have been made to the use of napalm and phosphorus in the bombing of villages.

On the evaluation of the facts relative to the use of chemical and bacteriological (biological) weapons a specific observation deserves mention with respect to the evaluation that can or that should be given to the testimonies and all other documentary evidence on the existence and use of chemical and bacteriological weapons. All of the evidence placed at the disposal of the Tribunal—whether directly by the witnesses that it has heard, or other evidence gathered by the Inquiry Commission or coming from the reports given by doctors, or indirectly in the two reports of the U.S. Secretary of State of March and November 1982, and the report of the United Nations Inquiry Commission of December 1, 1982—does not contain more than a positive presumption based on suggestive and convergent elements.

The Tribunal finds itself faced with a difficulty that it has not been able to overcome, that of dealing with information whose volume and qualitative reliability are not great enough to make a scientifically based judgment possible.

In view of this, it is possible to choose between two very different positions: To agree that the insufficiency of evidence equals, in fact, negative proof, or the need to abstain from any judgment; and to examine more closely the reasons for the small amount and the inadequate quality of the evidence.

The first position is the one that seems to be taken by the report of the U.N. Commission and, to express the same views, although by exploring the other side of the problem, by the reports of the U.S. Secretary of State which take the small amount of information and give it a definitive value of evidence. The examination of the conditions of information gathering, of selections, of the evaluation of testimonies and of samples used to prove or refute the use of chemical and bacteriological weapons seems at the same time to suggest a very different interpretation. The international community, to the extent that it expresses itself in the U.N. Inquiry Commission, seems to accept a vicious circle by not ensuring the conditions that would be necessary for a truly scientific investigation and at one time the non-reliability of the results is inferred, but at another the same results are used for ends other than the search for the truth on the violation of the rights of peoples by the use of illegal methods and means of war.

One cannot help but criticize in this sense the approach adopted by the U.N. Commission, which restricts itself to examining indirect evidence, outside of the land, although it is known that the scientific evidence of the use of toxic, chemical or bacteriological materials would demand a set of conditions of information-gathering and observation, analytical, clinical and well-controlled, which would imply direct inspection, real time, repeated, of the material and persons affected.

The act of renouncing *a priori* this strategy of investigation that would directly implicate the power suspected cannot be interpreted as other than a sign that the Community of Nations does not want to get to the heart of the problem. The Soviet Union has indeed formally denied any usage of these weapons, so that the absence of negative documentation could be interpreted only as a supplementary element supported by a real although sporadic use of illegal means. In the heart of the international community one would thus find that the argument on chemical and bacteriological weapons is rather confused in order to hide the real problem, which is the logic of putting into operation and using methods and means of war aimed at avoiding more and more the possibility of an effective control and even dealing acceptably with the denunciation of the people attacked through recourse to the level of international authorities.

THE LAW

On the nature of the conflict in Afghanistan, in order to determine which rules of nations are applicable to the conflict in which the Soviet troops are engaged, it is important to first define such a conflict. It comes in this respect from the judgment rendered in Stockholm by the Tribunal, that the Soviet intervention in Afghanistan constitutes aggression in the sense of the law of nations. As a result, the conflict caused by such an intervention is an international conflict, since aggression is, by hypothesis, a relationship between States, whatever arguments may have been advanced to try to ligitimize it. No consideration, in the eyes of the Tribunal, seems to justify changing the judgment rendered in Stockholm or the *res judicata* from which it benefits in virtue of generous principles of international law.

It is therefore to the set of rules of the laws of war that it is important to refer in order to assess the legality of the conduct of the Soviet troops in Afghanistan, since the conflict cannot, whatever its particularities, be compared to a non-international conflict. It is in this respect of little interest, since the conflict is *per se* international, to verify if the struggle of the Afghan people against the Soviet Union can be considered a struggle "against colonial domination and foreign occupation and against racist regimes through the exercise of the right of peoples to self-determination," in the sense of Article 1.4 of the Additional Protocol of the Conventions of Geneva of August 12, 1949, signed in Geneva on June 10, 1977.

On the obligations of the Soviet Union, the rules of the laws of war come from international custom as well as from several international treaties.

Among these treaties, one must mention first of all the Conventions of The Hague of October 18, 1907 and the Conventions of Geneva of August 12, 1949; in addition, one should mention in particular the Protocol of Geneva of June 17, 1925, on the prohibition of the use in war of poisonous, asphyxiating or similar gas and of bacteriological means, the Convention of The Hague of May 14, 1954 on the protection of cultural possessions in cases of armed conflict, the Convention of Geneva of May 18, 1977 on the prohibition of the use of techniques to modify the environment for military or other hostile purposes, Protocol I to the Conventions of Geneva of August 12, 1949 mentioned above, as well as the Convention of April 10, 1981 on the prohibition or limitation of the use of certain classical weapons that could be considered to produce excessive traumatic effects or which strike indiscriminately.

It is also necessary to take into account the prohibitions implicitly formulated in the Convention of April 10, 1972 on the prohibition of the use of, manufacture or stockpiling of bacteriological (biological) weapons or toxins.

The Soviet Union is a party to all of these treaties, with the exception of the Protocol of June 10, 1977, which to this day it still has not ratified; the Convention of April 10, 1981 still has not been put into effect and therefore cannot bind the signators.

Afghanistan ratified the Conventions of Geneva of August 12, 1949 and the Convention of April 10, 1972; it is not formally a party to any of the other previously-mentioned treaties.

Examinations of international practice, jurisprudence and doctrine show that the fundamental prohibitions enounced in Protocol I of June 10, 1977 and the Convention of April 10, 1981 can be considered as common law, the above-mentioned instruments specifying the terms without ambiguity; no State will therefore have the right to escape from these rules on the pretext that it had not ratified the conventional instruments that codify them.

The fact that most of these instruments explicitly have that they are only applicable to conflicts coming between two or more of their contracting parties, and that the Soviet Union has made an express reserva-

tion in this area with respect to its accession to the Protocol of Geneva of June 17, 1925 should not therefore authorize them to not respect the provisions.

In effect, as the Tribunal has already emphasized, it is necessary to examine the evidence of international practice, jurisprudence and doctrine that were or that have substantially become common law, most of the fundamental provisions being contained in the treaties relating to the laws of war. These provisions obligate all member states of the international community; taking into account questions submitted to the Tribunal, it is useless to specify further which among these treaties cannot be considered as declaratory of common law.

In addition, the Tribunal cannot agree that the State guilty of a clear aggression is exempt from respecting the obligations of the laws of war on the pretext that the victim of this aggression had not formally ratified the treaties that enounce them. A minimal sanction for this interference of an extreme gravity with the very principles of international society should force the perpetrator of the aggression to respect the objective rules that the law of nations imposes in order to reduce, as much as possible, the horrors of war. This sanction cannot, however, lead to refusing the aggressor the protection that the laws of war set up.

Finally, if there is a need, the Tribunal recalls that it is a fundamental principle of the law of nations according to which the basic needs of humanity must be respected in any conflict, whatever it is. This clause is expressed as follows, in Article 1, no. 2 of Protocol I of June 10, 1977: "in cases unforeseen by this Protocol or by other international agreements, civilian persons and combatants remain under the protection and the domain of the principles of the laws of nations as they exist from established usage, from the principles of humanity and the requirements of public conscience." Applicable "in the cases unforeseen" by an agreement, this rule should be a fortiori in the cases foreseen by agreements that would not be in effect between belligerants; in this latter case, a long conventional practice is the most appropriate objective criterion for the determination of the concrete context "of the principles of humanity and the requirements of the public conscience."

Under the reservations that there may be, should the case arise, instead of evaluating the conformity of the action of the Soviet troops in Afghanistan with the rules of the laws of war, it is therefore, by reference to all of the treaties mentioned above that this conformity should be substantially verified.

On the violations by the Soviet Union of the rules of the laws of war with respect to the rules of evidence in the application of a general principle of law, it is up to the one who denounces a violation of the laws of war to supply the evidence.

In the application of the general principles that govern the jurisdictional function in the law of nations, it is up to the Tribunal concerned to freely evaluate the admissibility and authority of the proof presented before it.

Without in any way questioning the severity from which it is important not to depart in the proof of practicies of which the Soviet Union has been accused in Afghanistan, the Tribunal, in application of well-established jurisprudence in the law of nations, is nevertheless justified in adapting the burden of the proof to the vary nature of the actions involved and, to the context of belligerance, sometimes particularly atrocious as it was, in which they are registered.

The Tribunal deeply deplores in this respect the fact that the Soviet Union has refused to lend it any assistance in the search for the truth of the acts denounced before it; this shirking of obligations is all the more regrettable as the disturbing indications that lead one to believe in the violation of completely fundamental rules should have encouraged the Soviet Union to contribute in good faith to denying them if necessary.

For these reasons the Tribunal appeals to the international community so that the verification of some practices whose evidence has not been totally verified to it can be properly pursued; this obligation is particularly imperative since at stake are the elementary rights of individuals and peoples.

With respect to the imputability of the Soviet Union for the practices denounced, it is clear that no violations of the laws of war arise from persons whose acts meet their responsibilities.

In virtue of the elementary rules of the laws of nations, the actions committed by its military forces are ipso jure imputable to the Soviet Union, whatever the precise office or authority of those among them had the actions carried out.

It also appears from different elements submitted to the Tribunal and particularly from testimonies collected by it, that the civilian and military authorities in power in Kabul are under an effective and constant dependence on the Soviet Union; in the application of the elementary rules of the law of nations, it is therefore appropriate to blame the Soviet Union for the actions carried out by persons strictly strangers to them since it appears that these persons are in fact totally controlled by the Soviet Union.

With respect to the persistent and constant nature of the practices of the Soviet Union, the Soviet Union should assume the responsibility for all the actions carried out in violation of the laws of war where it is established that they are to blame for them.

The isolated or exceptional nature of these violations will not serve to excuse or attenuate them.

It nevertheless appears in the case in point in the examination of the evidence submitted to the Tribunal that constant practices of violations of laws of war are knowingly committed in Afghanistan by the Soviet troops. This evidence in some respects leads one to believe in a systematic and deliberate policy of violations of fundamental rights of peoples and individuals.

The persistent and systematic nature of these violations increases the responsibility of the Soviet Union.

With respect to acts constituting a violation of the laws of war, several pieces of evidence produced before the Tribunal lead to three categories of violations of laws of war that the Soviet Union can be accused of, which concern respectively: the methods and means of war used (A), the fate of the wounded, the dead, and of prisoners (B), as well as the treatment reserved for civilians and civilian populations (C).

A. Methods and Means of War.—Both some methods and some means of war adopted by the Soviet Union in Afghanistan have been denounced before the Tribunal.

After having deliberated over them, the Tribunal, which remembers well the uncontested rule according to which the means of injuring the enemy are not unlimited (Article 22 of the regulation attached to the Convention of The Hague of July 29, 1899 and Convention IV of October 18, 1907, Article 31.1 of Protocol I of June 10, 1977) was agreed on these points for the following conclusions:

Among the illegal means, of whose use in Afgahnistan the Soviet Union has been accused, has been particularly the use of prohibited projectiles, traps or other similar devices and chemical or bacteriological weapons.

(a) Prohibited projectiles: Agreeing testimonies as well as pieces submitted to the Tribunal show that bullets whose effects are equivalent to "DUM DUM" bullets have been used by the Soviet army in Afghanistan.

The Tribunal condemns this use as contrary to the undisputed regulation that prohibits inflicting "unnecessary injury" on combatants. (Article 23e of the Conventions of The Hague mentioned above and Article 35.2, Protocol I). It recalls that DUM DUM bullets have been prohibited by Declaration IV of The Hague of July 29, 1899, today ratified by the Soviet Union, whose provisions should also be considered as general law. With respect to this declaration, it is necessary to consider that all projectiles are prohibited where by explosion or fragmentation the effect is equivalent to the bullets envisaged in the Declaration of 1899. It matters little in this regard that, according to verious sources, these arms are found largely in the equipment of contemporary armies.

For the same reasons, the use of deflected trajectory weapons should also be prohibited. The proof of their use has nevertheless not been properly furnished, even if numerous statements have noted it. Poison projectiles should be even more condemned (Article 23.a, Convention of The Hague). On this point, nevertheless, the Tribunal is not in a position to verify, in the case in question, a violation of the laws of war.

(b) Traps and similar devices: As a basis of the conventions of the Hague (Article 23.b) and Protocol I (Article 37), all treacherous acts are prohibited in the conducting of hostilities. The rule is also in common law, taking into account the development of international practice, article 6 of the convention of April 10, 1981, having noted the meaning. Even if the testimonies diverge with respect to the exact extent of the action taken in the Afghan conflict with treacherous and dangerous weapons, some use of these arms seems established in the eyes of the Tribunal, which condemns it without reservations as contrary to the laws of war.

(c) Chemical and bacteriological (biological) weapons: Taking into account the general prohibitions formulated by the laws of war (prohibition of unnecessary harm and indiscriminate attacks), by the protocol of Geneva of June 17, 1925, where it is agreed to recognize that the provisions have become common law (see in particular resolution 26/03/XXIV of the U.N. General Assembly), by the convention of April 10, 1972, and the negotiations underway aimed at prohibiting any manufacturing or stockpiling of such arms, which implies that their use is thereby prohibited, the Tribunal states that the use of bacteriological or chemical weapons is contrary to the rules of the laws of war.

Various testimonies, oral and written, point in this matter to serious occurrences that lead one to presume that sporadically such arms have been used in Afghanistan.

However strong they may be, the presumptions nevertheless do not make it pos-

sible to establish with certainty the existence of a particularly grave infraction with respect to the rules of international law. Giving the Soviet Union the entire benefit of the doubt, the Tribunal nevertheless believes that it must:

Recall the principle according to which private conflicts cannot serve as an experimental ground for future hostile ends;

Regret the lightness with which, under the cover of falacious scientific evidence, the U.N. has to date discharged its fundamental mission of information and inquiry in a domain that is vital for the future of humanity;

Appeal insistently to the international community and the Soviet Union for all measures to be taken in order to throw a full light on the practices which, if they were to be proven, would justify a unanimous and unreserved condemnation;

B. Persons wounded, killed or captured.—From various elements of evidence submitted to the Tribunal it appears possible without a doubt:

That persons wounded in combat have been eliminated relentlessly and that, in addition, operations have been undertaken as if orders had been given not to leave any survivors;

That various practices have been used for the purpose of degrading or compromising in the mind of the living the dignity of persons who have died in the hostilities;

That the persons captured have been subjected to treatment analagous or even inferior to that of the common law prisoners

The Tribunal states that these practices are contrary to basic rules:

Which, from the resolutions of the Conference of Geneva of October 26-29, 1883 to Convention III of Geneva of August 12, 1949 and articles 34ss of Protocol I of June 10, 1977, obligate belligerants to respect and protect the wounded;

Which prohibit ordering that there be no survivors or behaving as if that were the case (article 23d of the conventions of The Hague; article 40 of Protocol I);

That obligate belligerants to grant the prisoners of war a privileged treatment, implying minimally that they be at all times treated with humanity (Convention III of Geneva of August 12, 1949, article 44ss of Protocol I). The Tribunal refuses to admit in this respect that the absence among the Afghan combatants of a distinctive insignia, "Fixed and recognizable at a distance," in the sense of Article 4 of the Convention of Geneva, justifies the treatment reserved by the Soviet troops for Afghan prisoners; to imagine that even if Article 44 of Protocol I is not considered as declaratory of human law it remains operative and that Afghan combatants are distinguished from the civilian population, which safeguards the ratio of the particular insignias of identification imposed by the laws of war, and that, in any hypothesis, the elementary rights of the human person should be protected, even regarding irregular combatants;

That impose respect for the dead because they are still human beings, both respect for what their life was and respect for those around them who connect death and life according to the particularities of their religion and culture (Article 130 of Convention IV of Geneva and article 34 of Protocol 1).

C. Fate of civilian persons and civilian populations.—From all of the facts gathered and without prejudice to more specific violations of laws and customs of war already mentioned, the Tribunal concludes that in numberous points of the Afghan territory the Soviet occupation forces, assisted by Afghan government troops, are trying to reduce the population to submission and that to this end they are directing their attacks:

Against villages or groups of the population suspected of containing resisters;

Against isolated groups of persons clearly identifiable as noncombatants (women, elderly, children);

Against villages temporarily abandoned by their inhabitants;

Against the means of subsistence of the civilian population by the systematic destruction of crops and livestock; and

Against possessions and objects of worship.

These statements allow the conclusion that the methods of war pursued by the USSR in Afghanistan do not discriminate between the combatants and non-combatants, between military objectives and the property of the civilian population, in truth cultural possessions, fundamental distinctions imposed by the laws and customs of war. Added to the popular nature of the resistance that the foreign occupation is trying to eliminate are the many means of war put into practice and the application which is made in all sectors of the population.

Independently of these practices pursued against the civilian populations, the testimonies gathered by the Tribunal attest that numerous civilian persons, where nothing makes it possible to believe that they were participating directly in the hostilities, have been the object of mistreatment, torture, murders and other bad treatment, attributable to the Soviet forces.

On the basis of the previously mentioned conventions, the Tribunal firmly condemns these practices which are incompatible with the rules of war:

Which prohibit directly attacking the civilian population or infusing terror into it;

Which only accept as legal the attacks directed against military objectives, by prohibiting any attack exercised without discrimination. The regulation is, it is necessary to emphasize this, undisputably customary, as has been emphasized, for example, by the resolutions of the U.N. General Assembly (see for example rule 2675 (XXV) or the work of the International Law Institute (see the resolution adopted in 1969 in Edinburgh and its preparatory work). It matters little in this regard whether the means of war utilized is or not legal per se.

The Tribunal cannot in this regard accept either that on the pretext of total war the combatants refuse to use the elementary distinctions imposed by the law of nations, nor that only the effectiveness of a weapon suffices to establish it with legitimacy. It strongly reaffirms that it should always be what is necessary to protect and not what has the means to destroy that should constitute the basis for differentiations that are legally obligatory and materially possible, whatever the confusion in which arms or methods are used that dishonor those who employ them as well as those who make them;

That they protect in particular cultural possessions, which reflect the deep identity of a people protected by the convention of The Hague of May 14, 1954, as well as the goods indispensable for the survival of the civilian population;

That they protect, even in time of war, the basic rights of persons who are not directly taking part in the fighting;

That they grant the health facilities a special protection. Testimonies gathered by the Tribunal show that the Soviet Union could not have been unaware of these facilities, even in the absence of particular signs of identification. After all, it has been established that even where such signs were undisputably present, these installations were the object of direct attacks by the Soviet Union, contrary to the rules of the laws of war.

The Tribunal condemns in this respect the scorn against persons or populations which the behavior of the Soviet troops in Afghanistan shows. It also brings attention to the correlation that appears between the systematic destruction of villages and means of subsistence and terror practiced against the civilian population on the one hand, and the exodus of millions of refugees on the other, whose magnitude has grown considerably since 1980, or in other words, since the Soviet aggression. This practice of expelling Afghan people from some parts of the territory which the occupation forces are unable to control not only shows a failure to recognize the clear rules of the laws of war; it translates in addition into a flagrant violation of the elementary rights of people, as they are enounced in particular in Article 3 of the Declaration of Algiers.

On the relationship between the laws of war and the law of nations, the conclusions given above on the specific problem that was the object of this session cannot conclude the mission of the Tribunal, which draws its legitimacy from the Universal Declaration of Human Rights proclaimed in Algiers on July 4, 1976. The mission of the Tribunal itself is to promote the universal and effective respect for the fundamental rights of peoples, by deciding when these rights are violated, by evaluating the causes of such violations and by denouncing to international public opinion those responsible for these violations.

It is up to the tribunal then to report the violations of laws and customs of war that it has declared established, of principles that are the bases of the rights of peoples.

In this regard two points deserve particular attention.

In the first place, the war conducted by the Soviet Union in Afghanistan is, essentially directed against the people of that country. At stake is the right of these people to self-determination, a right that prohibits the people from being subjected to interference and a fortiori to foreign aggressions that prevent them from following the difficult route of their development and liberation.

This conclusion has already been made by the judgment pronounced in Stockholm and has been reinforced by the facts submitted to the Tribunal during this session. It is the people of Afghanistan who are the true adversary of the Soviet Union. Such aggression is incompatible with the idea and the very prestige of socialism.

The second observation comes from laws and customs of war that show the efforts of international law to make war less barbaric, by setting limits on the methods and means of war used by belligerents. One of the principles of these laws of war is that of prohibiting belligerents from inflicting suffering and unnecessary destruction for the sole purpose of vanquishing the adversary. War cannot be allowed to involve the devastation of the environment or the destruction of human values. Beyond the protection due to persons, it is important to restore peaceful relations between men.

Now, in our era more than in any other, war—any war—is conducted by a reasoning

that leads it to exceed the limits that the law assigns to it and to turn it into total war. That comes on the one hand from the enormous progress of science and technology, which today provide men with unlimited possibilities of destruction, going to the extreme of self-destruction and all humanity. Another factor is the inevitable insertion of all conflicts, however limited they may seem, in a system of planetary relations, such as the North-South confrontation and the tension between the blocs that oppose each other; this tension involves the distortion of the terms of the North-South confrontation and the tendency to convert them into instruments of the geopolitical strategy of blocs, thus preventing any solution. With respect to the North-South confrontations in particular, one must point to the growth inside each of the two camps that divide the industrialized world, of enormous military-industrial complexes, which involves a progressive integration of war and its techniques of extermination in the productive apparatus of the industrialized area, as stemming from economic growth in the capitalist world and, in all cases as an essential element of the industrial system. This factor of economic supremacy over developing countries aggravates the imbalances between the North and the South.

In such a context, any local war resorts directly to one or the other of the military-industrial complexes and even to one and the other; it offers them the opportunity to experiment with still new techniques, arms unceasingly more elaborate, decisive, irresistible, and by taking role of a laboratory of the military-industrial complex, it leads to exceeding the limits of the law.

There is more: a rapid glance at the local conflicts that are developing more and more indicates that these conflicts relate directly or indirectly to a systematic negation of the right of peoples to self-determination, to build their own history, to follow the difficult path on which they will show themselves to be subjects of the international community. Such a nature of local conflicts is verified in all the colonial liberation wars since the Second World War; it is particularly evident in the case of the Vietnam War, as well as in all the conflicts with which the Tribunal has been occupied since that time.

Now the obstinate will of resistance of peoples, the growing determination to not let their fundamental and inalienable rights be trampled upon, have become a general situation in our era. Legendary struggles such as those of the Algerian and Vietnamese people have entered the consicience of humanity and have become an essential factor in the awakening of peoples. From this the process of the awakening of consciousness of peoples is stimulated at the very moment when forces are being deployed to crush them. That is what seems to be happening in the case of Afghanistan, the resistance to the aggressor having as an effect making the national consciousness more acute.

When a war tries to combat the right of a people to self-determination the reasoning of this objective leads to identifying it with the destruction of the people themselves. It is because the affirmation of this fundamental principle of the right of peoples to self-determination, the need formulated by international public opinion for the respect for the laws and customs of war, and the checking by organs such as the Tribunal of the People are indispensable in order to counterbalance such an evolution.

It follows from these considerations that war today—any war—contains elements that put it dangerously in contradiction with the laws of wars, transforming it into a criminal war. The reality of war is such that today it seems to deprive the conventions and international protocols on the laws of war of their effectiveness.

This conclusion can only seem discouraging if one limits oneself to a superficial examination. Far from denying in any manner the importance of the laws of war, it reinforces their function and specifies their meaning. More precisely, it places the laws of war on a level where they are related to the rights of peoples, the first becoming an instrument of affirmation of the effectiveness of the second, and revealing its deep inspiration, which is not to make war acceptable but on the contrary to surmount it in conformance with the fundamental principle of the U.N. Charter which prohibits war as a means for solution of conflicts.

In truth, the efforts of the international community and of States to elaborate a law of war unceasingly more advanced and more open are experiencing the growing adherence of the international community to the value of peace. They are the result of the direct or indirect pressures that the peoples of all countries, even of those which have the most powerful military/industrial complex, impose on their respective government so that it will participate in the building of peace. Caught between the demands of Realpolitik and a politics of power, between egotism and the myopia of dominant power groups, between the conditioning of their productive apparatus, the governments are not succeeding in laying the foundation for an authentic peace and eliminating the deep causes of instability and insecurity which feed the fires of war and even risk setting off a nuclear catastrophe. In any case, they cannot ignore the intense need for peace that is growing in the world. They express it in the conclusion of treaties that assign limits to war and its destruction. But these agreements, precisely because they are obligatory, because a violation can be verified and reported as concrete facts that anyone—as this tribunal has done—can determine and denounce, introduce an element of contradiction between the politics of power of a country and the desire for peace that it proclaims, between the action of a government and the aspirations of the people that it represents. The same agreements permit a verification of the coherence of the policies of a government with respect to the objective of peace. In brief, they make it possible to disclose immediately the dangers to peace brought about by actions of governments.

Such a contradiction seems evident in the relations between the Soviet Union and Afghanistan, such as they have appeared in the labors of the Tribunal. Since the Soviet Union has been one of the most active agents in the development of laws of war, led by its politics of power, in confrontation with other powers, to commit grave violations of a system of rules for the adoption of which it has made great efforts. The illustration according to which the politics of power can be led without putting in danger the values of peace is definitively contradicted by the existence of rules of laws of war and the verification of their violations.

But beyond this judgment on the Soviet Union's policy in Afghanistan, the labors of this session of the Tribunal make it possible to take one more step toward the objective of peace and progress of the rights of peoples. They even lead to affirming a close tie between the humanitarian laws of war and the right of peoples, in the sense that the negation of the fundamental and inalienable rights of a people by the armed intervention of a foreign country inevitably includes a series of violations of the laws of war, which classifies such war as criminal. In return, the respect for the fundamental rights of peoples constitutes today a *sine qua non* condition for the respect for elementary human values that are entered as ius cogens in international law on armed conflicts.

The Tribunal has already affirmed the very close tie between human rights and the rights of peoples. At the end of this session an analagous tiew was shown between the laws of war and the law of peoples.

For these reasons, the Tribunal condems the Soviet Union for the violations of the rules of the laws of war declared established above; declares that such violations are closely linked with the violation of the inalienable rights of the Afghan people and that the respect for the fundamental rights of peoples constitutes a sina qua non condition for elementary human values inherent in the laws of war.

(Translated by Deanna Hammond, CRS Language Services, March 18, 1983).●

A VALUABLE DONATION

● Mr. MOYNIHAN. Mr. President, I should like to take a moment of the Senate's time, if I might, to recognize an act of great patriotism and benevolence. On February 1 of this year, two fine medical organizations, the Medical Society of the County of Kings and the Academy of Medicine of Brooklyn, graciously presented the kit of medical instructions used during the autopsy of Abraham Lincoln to the Smithsonian Institution's National Museum of American History.

The donation will grace the permanent collection of the political history division of the museum and is now being displayed as part of an exhibition entitled "1876". I know the kit will be of great interest not only to those who study the historical development of surgical procedures, but also to all of us who enjoy learning more about American political culture.

Mr. President, we are fortunate indeed to have benefactors, such as these two organizations, who unselfishly provide significant, authentic additions to national collections for the public to view and appreciate. I ask that a related press release by the Smithsonian Institution, articles by New York Times and the Brooklyn Daily Eagle concerning the donation, and an informative article by Dr. Leslie L. Alexander describing the historical importance of the kit be printed in the RECORD at this point.

The material follows:

NATIONAL MUSEUM OF AMERICAN HISTORY RECEIVES MEDICAL KIT USED IN LINCOLN'S AUTOPSY

The kit of medical instruments used during the autopsy on Abraham Lincoln's body on April 15, 1865, was placed permanently in the collections of the National

Museum of American History, Smithsonian Institution, today (Tuesday, Feb. 1).

The kit, consisting of approximately 25 medical instruments in a mahogany case, is a gift of the Medical Society of the County of Kings (Brooklyn, N.Y.) and The Academy of Medicine of Brooklyn Inc. Museum Director Roger G. Kennedy accepted the gift from Dr. Joseph R. Brennan, president of both organizations, during a presentation ceremony held at the museum today.

The kit will be installed on Feb. 2 with other Lincolniana in the Illinois case of "1876," an exhibition in the Smithsonian's Arts and Industries building. Measuring 10 inches by 5 inches by 3½ inches, the medical kit includes scalpels, probes, forceps, shears, bone cutters, a saw and a magnifying glass. Already on display in the Illinois case are the hat worn by the 16th president to Ford's Theatre on April 14, 1865, one of his suits, and pieces of furniture he used in Illinois.

The medical kit joins one of the largest and most comprehensive collections of objects associated with Lincoln's life and death, a collection under the care of the museum's division of political history. The kit also has significance for the museum's division of medical sciences.

The kit's authenticity has been fully documented. It was given to the Kings County Medical Society's collection of historic memorabilia in 1935 by Dr. William Browning, who stipulated that the kit automatically would become the property of the Smithsonian if the medical society desired to dispose of it. Dr. Browning received the kit from the sisters of Dr. Archibald Murray, who had been given the kit in the early 1900s by Dr. Ezra H. Wilson. Dr. Wilson had inherited the kit in 1875 from his uncle, Dr. Alfred D. Wilson, who had served as an attendant at the autopsy. An unidentified member of a group of physicians who attended Lincoln and performed the autopsy had given the kit to Alfred Wilson.

The presentation ceremony today also included Dr. Martin Markowitz, chairman of the board of trustees that governs both the medical society and the academy; Dr. Norman S. Blackman, editor of the Bulletin, the organizations' joint publication, and Hazel Spadafora, executive director of both organizations.

The National Museum of American History is devoted to the collection, care, study and exhibition of objects with which Americans have developed and sustained their civilization. The museum is located at 14th Street and Constitution Avenue N.W. The Arts and Industries building is located on the National Mall at 900 Jefferson Drive S.W. Both are open from 10 a.m. to 5:30 p.m. daily, except Christmas. Admission is free.

[From the New York Times, May 22, 1935]

HISTORIC MEMORABILIA AT MSCK—MEDICAL SOCIETY GETS LINCOLN RELIC

LONG HELD IN SECRET

For the last two decades collectors have been seeking a case of medical instruments used at the autopsy on the body of President Lincoln, believed to be held secretly by prominent Brooklyn doctors. The existence of these instruments became known to the public for the first time last night when Dr. William Browning presented the case, with its written history, to the Kings County Medical Society at its monthly meeting at 1313 Bedford Avenue, Brooklyn.

Three generations of doctors had kept the treasure from the eyes of the public until its complete history had been pieced together.

AUTOPSY KNOWN TO FEW

They were aided in this because the autopsy had not been planned, and when it was decided upon seven or eight hours after Lincoln's death, a private practitioner was called and the fact that an autopsy had been performed was known only to intimate friends of the family.

However, Dr. Browning's record shows that C. S. Taft, an acting assistant to the Surgeon General, noted in *The Philadelphia Reporter* on April 22, 1865, that the autopsy had been performed on April 15, 1865.

The value of the instruments lie in their authenticity, although Dr. Browning pointed to another value when he said: "Such an exhibit is gruesome to many persons and belongs to a medical, not a general museum. To us, however, it has lasting value in another direction as the best-preserved surgeon's portable operative kit of the antiseptic period."

Dr. Browning, who lives at 54 Lefferts Place, Brooklyn, is librarian emeritus of the Society's Library. He studied at the University of Pennsylvania, was graduated from Yale and received the degree of Doctor of Philosophy at the University of Leipzig. For about thirty years he was Professor of Neurology at the Long Island College of Medicine, and retired from active service in 1926.

ATTENDANT GETS INSTRUMENTS

The doctor, whose name was not learned, was leaving the Surgeon General's office after he had performed the autopsy when Dr. Alfred D. Wilson, an attendant, asked him for the instruments, Dr. Browning said. The surgeon gave them to Dr. Wilson, who kept them in his desk until his death in 1875, when they were left to his nephew, Ezra H. Wilson.

Ezra H. Wilson was the only bacteriologist of the Department of Health of the old city of Brooklyn. He was head bacteriologist at the Hoagland Hospital, Pacific and Henry Streets, Brooklyn, until 1905. He gave the case to his successor at the Hoagland, Dr. Archibald Murray, who now is an instructor in bacteriology at Norwalk, Conn.

Dr. Murray in turn, gave them to Dr. Browning, and it was agreed that the instruments would be held secretly until their history could be prepared.

In 1931 one of Dr. Browning's associates let out the secret. Collectors and reporters called on Dr. Browning; one paper carried the news that Lincoln's autopsy instruments were believed to be in New York, but Dr. Browning never verified the reports. Collectors called for several months, and gave up the quest.

The case is of mahogany and weighs four and one-half pounds. It contains about twenty-five instruments including twelve scalpels, probes, forceps, shears, bone cutters, a saw and a magnifying glass.

Dr. Browning presented the set to the Historic Memorabilia of the Kings County Medical Society, with the stipulation that if the society desires to dispose of it, it automatically would become the property of the Smithsonian Institution.

[From the Brooklyn Daily Eagle, May 22, 1935]

LINCOLN AUTOPSY INSTRUMENTS GO TO KINGS MEDICAL SOCIETY

The case of instruments used at the autopsy on the body of Abraham Lincoln, April 15, 1865, was presented to the Historic Memorabilia of the Kings County Medical Society last night by Dr. William Browning, librarian emeritus of the Society's library.

Dr. Browning presented the case to Dr. Edwin P. Maynard, Jr., curator of the Society, and told its history before about 500 members who were present at a meeting of the group at 1313 Bedford Ave. Dr. Browning explained that, while the original owner of the instruments is not known, he had definite proof that Dr. Alfred D. Wilson, a major in the 3d N.Y. Artillery, who was in Washington at the time of the autopsy, was presented the case by the doctor who performed the autopsy.

Upon the death of Dr. Wilson in 1875 the historic case went to his nephew, Dr. Ezrah H. Wilson, a resident of Long Island, who was a bacteriologist of the Health Department of the City of Brooklyn, Dr. Browning further explained.

Two sisters of Dr. Ezrah Wilson, who were identified by Dr. Browning as Mrs. Douglass and Mrs. Kelly, received the set of instruments when their brother died in 1905. They in turn turned it over to Dr. Browning.

The case contains 24 instruments, including scalpels, bone shears and bone forceps, bullet forceps, a bone saw and a pocket magnifying glass.

[From the Medical Society of the County of Kings Bulletin, January 1982]

INSTRUMENTS USED AT PRESIDENT ABRAHAM LINCOLN'S AUTOPSY

(By Leslie L. Alexander, M.D.)

Few of our members are aware of the priceless historic memorabilia that are preserved within the archives of the Medical Society of the County of Kings. One of these mementos is the mahogany case of fine surgical instruments used at the secret autopsy of the body of President Abraham Lincoln some seven or eight hours after his death on April 15, 1865.

These original instruments, 24 in number, were presented to the Society's Collection of Medical Memorabilia at a meeting of the Society on May 20, 1935 by William Browning, M.D. In addition to his verbal presentation at that time a written history of the instruments also was included.

Dr. William Browning was professor emeritus of neurology at Long Island College Hospital. He had been given these instruments by the sisters of Dr. Ezra H. Wilson, chief bacteriologist on the Board of Health of the City of Brooklyn, and head of the Bacteriological Department at the Hoagland Laboratory, after his death in 1905.

Dr. Wilson had been willed the instruments by his uncle Dr. Alfred D. Wilson, assistant surgeon, Third New York Artillery, U.S. Army, who died in 1875.

The latter Dr. Wilson is said to have guarded the door of the room in which the postmortem examination of President Lincoln's brain was performed. The instruments were presented to him by the unknown doctor who performed the limited autopsy.

Present at the autopsy were Dr. James Crane of New Jersey, Colonel Charles Henry Crane (later to become Surgeon General) of Rhode Island, Edward Curtis, M.D. of Washington and New York, Surgeon General Joseph K. Barnes of Philadelphia, assistant surgeon Joseph J. Woodward of Philadelphia, assistant surgeon Notson, acting assistant surgeon general C. S. Taft, and the family physician, Dr. Robert K. Stone. Because the instruments were manu-

factured in Philadelphia between 1850 and 1865 by one H. G. Kern at 25 North 6th Street, near Jefferson Medical College, and by Lentz of Philadelphia it has been presumed that Dr. Notson may have been the owner of the instruments.

The Lincoln autopsy instruments may be described as an authentic surgeon's portable operative kit of the pre-antiseptic period. They are made of steel and are in excellent condition. The mahogany cabinet contains three compartments and weighs four and a half pounds. Spaces for 26 instruments contain twelve scalpels, three probes, two retractors, bone shears and saw, a bone forceps, a bullet probe and a pocket magnifying glass. From the photograph one can note that only the original scissors and a tissue clamp are missing from the center compartment.

According to the May 22, 1935 editions of the Brooklyn Times Union and the Brooklyn Daily Eagle these relics of national medico-historical interest were accepted by Dr. Edwin P. Maynard, Jr., Associate Directing Librarian and Curator of the Society. Dr. J. Sturdivant Read was president. The Society voted that if it should disperse, the instrument would be given to the Federal Collection of Lincoln Memorabilia in Washington, D.C.

We trust that the interest of the members of the Medical Society of the County of Kings always will keep this priceless treasure among us.●

WORLD DEBT: DRAWING THE BANKS IN DEEPER

● Mr. HUMPHREY. Mr. President, the lending practice of many of our Nation's largest banks have undergone sharp scrutiny lately, as it has become increasingly apparent that an everincreasing debt burden has pushed many Third World nations to the brink of, if not effectively into, outright default. In that our Nation's banks have been closely regulated throughout the post-Depression era, how could this state of affairs come to pass?

In a recent issue of Human Events, columnist M. Stanton Evans probes this and many related questions. He suggests that regulatory authorities have stood idly by and watched billions of dollars in questionable loans flow into countries who are currently unable to repay even interest, let alone principal. More gravely, it is apparent that the current regulatory environment favors still more lending by these same banks. In fact, if we in Congress vote to provide an additional $8.5 billion to the International Monetary Fund, which this Senator sincerely hopes we will not, the IMF will make the provision of its assistance contingent upon greater lending by private banks. At a time when many of the original loans have plainly turned sour, it makes no sense to this Senator to push the banks still more deeply into the hole.

It has been suggested that additional banking regulation, designed to protect individual banks from overexposing their assets in any one country, is the solution to the problem. Mr. President, before we decide to muddy the waters further with more rules and regulations, I think it would be wise to take Mr. Evans' advice and examine the extent to which existing regulations and responsibilities are being enforced or ignored.

I request that the article be printed in the RECORD.

The article follows:

[From Human Events, April 2, 1983]

TIME FOR CONGRESS TO LOOK INTO "VOLCKERGATE"

(By M. Stanton Evans)

A major theme of the recent uproar against Anne Burford at the EPA was that, in some fashion or another, she was not abiding by the purpose of the law concerning the environment.

Waiving for the moment the particular charges against Mrs. Burford (which have yet to be proved), we can at least assent to the general principle involved: A federal official should seek to execute, in faithful manner, the law entrusted to his stewardship. If there is some question about that stewardship, either in general spirit or in detail, the Congress is right to look into the matter.

With that broad principle in mind, consider the recent performance of Paul Volcker, chairman of the Federal Reserve Board. Among other duties, he is supposed to help insure that U.S. banks are following sound practice—that they maintain themselves on solid footing, don't engage in reckless policies, and take reasonable care of depositors' money. If banks play fast and loose with their resources, the Fed has investigative and regulatory powers with which to bring them into line.

As is by now well known, a number of U.S. banks in recent years have been engaged in very unsound practices indeed—lending billions of dollars to insolvent nations such as Communist Poland, Mexico and Brazil. Lured by premium rates of interest, the banks ignored the credit-worthiness of the recipients. They simply assumed that "sovereign" debt would never be defaulted—and the high carrying charges looked good on banking ledger sheets. It all seemed simple enough, in theory.

Unfortunately, the assumptions behind this reckless lending turned out to be completely wrong. Poland, Mexico and others have shown that they are perfectly ready to default in fact if not in name—confessing that they can't even pay the interest on their debts, much less retire the principal. This revelation has touched off a frantic effort to bail out the banks, get more dollars for global lending through the International Monetary Fund, and otherwise recruit more money for the foreign deadbeats.

What all this says about the policies of the banks in question is summed up by financial analyst David Cates, as quoted in the *Wall Street Journal:* "The very big banks have engaged in unsound lending practices. They let the money pour out witout evaluating the risks. Somehow you have to give them a warning that they can't make these high-risk loans to governments without paying a price."

While all this is going on, where are Paul Volcker and the Fed? Where were they when some of the country's biggest banks were making suspect loans? What did they do to head off this reckless practice? And, even more to the point, what are they doing now to prevent still more such irresponsibility in the future?

The answer is that, far from seeking to restrain this sort of lending, Chairman Volcker is hard at work to encorage it. The Federal Reserve chief has been the leading figure in promoting a further allocation of American funds to IMF, and by all accounts is also the major U.S. strategist on this issue. ("Volcker comes in with a package," says one official, "everybody else agrees to it, and it's done.")

Moreover, Volcker and other officials at the Fed have been urging private bankers to keep the dollars flowing to the deadbeats. Alarmed by the Polish and Mexican fiascoes, a number of banks want to cut back their exposure in such countries. Volcker and the Fed, however, are telling the banks to send good money after bad—and, according to reports in the financial press, bringing pressure to bear to make them do it.

Much of this is occurring behind the scenes, but some of it is quite overt. In a November speech, for example, Volcker made the astonishing statement that new loans by U.S. banks to help bail out developing countries "should not be subject to supervisory criticism. "In other words, the Fed will not apply strict standards of accountability in such cases.

Regional bankers complain, indeed, that the Fed is actively pressing them to make such loans. According to a report in the *New York Times*, banks that don't cooperate will be subjected to intensive scrutiny by Fed examiners. At a meeting on the international debt problem, said the *Times*, Prof. Allan Meltzer charged that Volcker "had written the presidents of the 12 regional Federal Reserve banks instructing them to urge bankers in their districts to follow [this] approach. . . ."

Meltzer added that the pressure from the Fed was being aimed specifically at smaller banks which had developed cold feet on foreign loans, and were afraid that they could be sued for reckless lending. This scenario is confirmed by the *Journal*, which quotes one high Administration official as saying: "The Fed is twisting these guys' arms off."

In other words, Paul Volcker is supposed to use the powers of his office to promote sound banking practice in the United States. Instead, he's using those powers to pressure banks into unsound practice. Why isn't some committee of the Congress investigating that?

TAX INDEXING

● Mr. ARMSTRONG. Mr. President, as the clamour for the repeal of tax indexing mounts, I hope my colleagues will give close attention to a thoughful editorial from the April issue of Nation's Business.

Nation's Business is right: Income tax indexing must be preserved.

The editorial follows:

INCOME TAX INDEXING MUST BE PRESERVED

The big spenders in Congress have virtually conceded defeat on attempts to cancel, delay or modify the 10 percent income tax cut scheduled this July 1 but have targeted tax indexing instead.

They want Congress to renege on its promise, embodied in the 1981 tax law, that taxpayers at long last will no longer be penalized by bracket creep resulting from inflation. In adding that provision to the 1981 law, Congress finally faced up to one of the

most unfair aspects of the current tax system—the extent to which taxpayers who receive wage increases that offset inflation wind up with less purchasing power because the added income falls within higher tax brackets.

Tax brackets and personal exemptions are now scheduled to be adjusted automatically, beginning with the 1985 tax year, to reflect increases in the consumer price index. This is no windfall to upper-income taxpayers, as critics of indexing allege.

It not only will protect individuals at all taxable income levels from a flagrant unfairness, but it will also deny the government use of inflation-generated income tax revenue, which is actually an unlegislated tax increase.

Congress' long refusal to do something about the taxing away of pay gains that merely counter inflation was irresponsible, It would be even more irresponsible to reverse the corrective action that has been taken.●

NATIVE AMERICAN HUMAN RIGHTS

● Mr. GOLDWATER. Mr. President, on March 31, I cochaired an Indian health care oversight hearing in Phoenix with Congressman Mo UDALL. I came away from the hearing more convinced than ever that there is tremendous neglect of the basic needs and necessities of our native Americans. I am talking about basic rights such as adequate medical care, education, shelter. These are not luxuries. These are rightful entitlements of each citizen. Some critics may say that there is already a tremendous amount of money going to the Indian reservations and I say that those critics should go out to the reservations and see for themselves the unbuilt hospitals, the unclothed and hungry children, the lack of school facilities, and the washed out dirt roads.

Maybe we ought to stop and think about what we are and are not doing for the American Indian, and while we are doing that, we should find out what the native American wants to do for himself. And, without education, health, shelter, what can he hope to achieve for his family and his tribe? While we are voting on millions and millions of dollars for economic aid going to countries around the world, and while we are talking about human rights in other countries, it would behoove us to think about what examples we are setting in our country.

Mr. President, I ask that my letter to the President of the United States on this very subject be printed in the CONGRESSIONAL RECORD.

The letter follows:

U.S. SENATE,
Washington, D.C., April 11, 1983.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Hardly an hour goes by, that somebody doesn't berate some group, the government, corporations, labor unions, you name it, for not being sensitive to human rights. Mr. President, I don't think I have heard this term applied to the most grossly abused people in this field that I know of—the American Indian. Now, I am not addressing this letter to you as just another Senator; I represent a state that has about one-third of all the Indians living in the lower 48 states. Sixteen tribes living on 20 reservations, almost 30 percent of our total land area. I'm not appealing to you in this letter from the standpoint of human rights, I'm talking to you about moral obligations that our government has, not just to my Indians but, to the Indians of the entire nation.

These Indians, whether they live on reservations created by treaties or by Executive Order, live under agreements made with tribes that have all the solemn obligations that the Constitution calls for in relations to other countries.

But, let's forget all of that. In over the 207 years that we have had a government, in well over a hundred years of our relationship with our Indians, we have never, I repeat, never, lived up to the moral obligations that we owe these people. We owe any person moral decency; we owe them all that we can do. In the words of Abraham Lincoln, "we have the obligation to take care of those who cannot well take care of themselves, not take care of themselves at all."

I'm going to quote you a few statistics gathered at a hearing I attended just a few days ago before the Indian tribes of my state because these items of neglect can be multiplied by every state who have Indians and the same sad story can be told every place we go. I think we pay far more attention to the human rights of people living in the countries of South Africa, or Central America, or you name it, than we pay to the human rights of Indians living within our states. But, let me go on with these shameful statistics. Let me cite you just a few indications to prove what I am telling you is true. The Papago Indian Tribe occupies three different reservations, but the main one is over 5,000 square miles in extent and has about 13 thousand people with one hospital having x number of hospital beds. A number of years ago, this hospital burned down and believe it or not, it took ten years to reconstruct it. These people live in a rather isolated situation; in other words, there are very few communities on this vast reservation and very poor communications, so if somebody is badly hurt it's a question of communications and finding transportation to the small community of Sells. They have the highest rate of people on dialysis of any group in the country; but yet the Indian Health Service has threatened to halt treatment of new end-stage renal dialysis patients.

As for eligibility of Federal Indian Health Services and Bureau of Indian Affairs programs, there never has been a determining point that could be used to judge who is an Indian. Most of my tribes would like to see eligibility for services under the BIA and IHS limited to those who are at least one-fourth Indian blood but today, anybody can testify that they have even the remotest amount of Indian blood and they are entitled to services and this accounts for a large, large number of the Indian demands on the badly stretched services. Another Indian leader at the hearing testified and I quote him, "In all of my years as Tribal leader, I've never seen such inconsistency in Indian policy. The Congressional committees must exert more control over the federal agencies responsible for delivering services or there will simply be no services left." This comes from one of our best equipped, highly educated Tribal leaders but it is typical of the feelings of all Tribal leaders.

Now, a look at what is probably the oldest tribe living on the continental United States: the Hopis, who have lived on their mesas and in their villages for probably close to 3,000 years. They bring much of the color, much of the culture to this part of the United States; but, look at their problems. We talk about decentralization. In 1979, there were 67 positions in the Phoenix Indian Health Service Area offices. In 1982, it had gone up to 139 positions. The Hopi tribe has one hospital at Keams Canyon; they also do not have a high schoool, never have had; but, there is money in the Jobs Bill to at least start a high school. Through the Hopi Health Professions Program there were 59 students in 1982 and in 1983 there was one graduated with a MSW. These people are isolated from nearby towns; there is no communication system, although the Indian Health Service have been asking for one for years and years. Imagine, that in this land of sophisticated communications, there is no high frequency radios available for the vast Navajo Reservation and the Hopi Reservation to call into the Indian Health Centers for medical aid. Communications is done by isolated telephones and there is no way for the person who is sending the message to know whether they need a doctor, two doctors, nurses or what and after the Indian Health Service has received the information, they don't have fast, rapid transportation to get to the patient or get the patient to whatever aid they can offer. Let's take another look. Eight hospital beds were closed at Keams Canyon due to shortage of nurses. It's been reduced to being open only three days a week, resulting in a decrease in the available and accessability of primary care and preventive health services to 67 percent of the Hopis living more than 20 miles from the hospital. Non-prescription drugs are no longer provided and patients must purchase them at reservation trading posts prices, which are more than 2½ times the price at stores located 100 miles away in Flagstaff or Winslow. There has been the elimination of one physician position and the elimination of training and educational opportunities of employees.

The vast Navajo Reservation, the largest that we have, and the largest population of any Indian tribe, does not need any detailed description by me as to their lack of health and education facilities, decent roads running north and south, communications and on down the list. These people have the highest unemployment rate in the United States and suffer along with the other Indians.

Our Senate Select Committee on Indian Affairs staff has been informally advised that the Department of Health and Human Services no longer intends to engage in the construction of hospitals serving Indian people.

As a matter of fact, the Indian Health Service has refused to release funds appropriated by the Congress in Fiscal Years 1982 and 83 for the planning and design of hospitals, particularly one at Sacaton which serves the Gila Indian Community.

And so it goes, Mr. President, on and on and on, and yet all we hear about human rights in Washington are the abuses heaped upon people living in countries thousands of miles away from us. Of course, we hear about the abuses heaped upon some of our people within the United States, but I am talking about Indians, Mr. President, people

who were here long before our forefathers ever heard of this part of the world or thought of comming here. I'm not speaking about "lo, the poor Indian and what we have done to him in taking his lands." That is beside the point. What we are talking about is the moral question; what do we do about being decent to these people? What are we doing about educating them; what do we do about providing health for them? What do we do about living up to the obligations we have established for ourselves in dealing with countries around this world? The Navajo Tribe, for example, represents 17½ percent of the national Indian population but receives only 13 percent of the total Indian budget.

I am making this personal plea to you, Mr. President, and I am including it in a letter to Secretary Watt, who I know understands this problem, to Secretary Heckler, and I'm also putting it in the CONGRESSIONAL RECORD and making it available to the Select Committee on Indian Affairs, because as a member of the United States Senate, as an American citizen, who has lived most of his life with these Indians, I'm just plain fed up, sick and tired of the neglect of these people while at the same time you are asking us for millions, hundreds of millions, yes billions of dollars, to give to people scattered around this world to help in establishing human rights. Please, Mr. President, let's establish something in our own backyard that we can begin to be proud of before we wander around this earth trying to teach other people how to live and how to act toward each other. Let's act toward each other in this country like we really meant what we talk about.

With respect and best wishes,

BARRY GOLDWATER.●

THE ECONOMIC EQUITY ACT

● Mr. GLENN. Mr. President, until the equal rights amendment becomes a part of our Constitution, we must make every effort to end discrimination against women through legislation. That is why I am pleased to cosponsor the Economic Equity Act, and urge my colleagues to give it their support.

American women are devoting more of their adult years to the labor force, and laws and programs designed years ago need to be updated to respond to the demographic and social changes of the last decade. Even though women are contributing more to the American economy, women, and children in households headed by women, now constitute the bulk of our poor population—and the feminization of poverty is even more pronounced among our elderly population.

The fact that older women represent the fastest growing poverty group in America is of special concern to me as ranking minority member of the Senate Aging Committee. One of six older Americans lives in poverty; but for elderly women, the situation is even worse. One of two American women over the age of 65 lives in poverty or near poverty, and women over the age of 65 living alone account for 85 percent of all Americans who are poor. For aged black women, the statistics are even more alarming, with 82 percent living below the poverty line.

The EEA's provisions with regard to pensions and retirement programs help remedy this problem and will assure that younger women escape some of the economic problems currently facing many older women today.

Currently, homemakers cannot establish an individual retirement account because they lack earnings income. The Economic Equity Act would end sexual discrimination in IRA's by allowing those without earnings income to establish accounts. Married couples with one income earner could almost double the amount of income they set aside for their retirement years. The EEA rectified similar inequities in private pension plans governed by the Employee Retirement Income Security Act, and by making these changes, the EEA enacts many of the 1980 recommendations of the President's Commission on Pension Policy.

The EEA would also insure that surviving and divorced spouses receive any pension benefits they are promised. Under current law, if a worker covered by a pension dies before retiring, the surviving spouse may lose the right to receive any benefits.

The EEA reduces other inequalities in the pensions of workingwomen. Women often enter the work force earlier than men, and the EEA would lower the minimum age for participation in pension plans. The EEA would modify current "break-in-service" rules by allowing employees to take up to 1 year in employer-approved maternity or paternity leave without losing any time toward vesting requirements in their pensions.

The EEA makes similar changes in public pension programs to end discrimination. Before benefits can be waived for surviving spouses of those who participated in the civil service retirement system, the EEA would require written consent. It would also insure that women who marry civil service employees for 10 years or more share any benefits that accrue during marriage.

The EEA's pension and retirement provisions take important steps toward guaranteeing women a secure and dignified retirement, but it does not address several other important issues. Current low rates of pension coverage for workingwomen, as compared to workingmen, can be attributed to several factors, including women's lower incomes and the use of sex-based actuarial tables. In addition, any comprehensive approach to the economic needs of elderly women must include a reform of our social security system. Social security should reflect the fact that marriage is an equal partnership by providing fair benefits to nonworking spouses. Recommendations on an earnings sharing concept will be received next year, and the issue deserves our serious consideration.

Apart from the Economic Equity Act's provisions for elderly women and women planning for retirement, the bill proposes a number of other reforms to end discrimination against women.

The EEA would prohibit discrimination on the basis of sex in insurance. Insurance benefit premiums are blind to race and religion, and sex should be treated the same way.

Under the EEA, employes hiring displaced homemakers would be eligible to receive the targeted jobs tax credit. The inclusion of displaced homemakers as a disadvantaged group will give employers an incentive to hire and train displaced homemakers so they can gain marketable skills and become self-sufficient.

The Economic Equity Act also liberalizes tax credits for child care expenditures and makes child care expenses refundable for those whose incomes are too low to take advantage of the credit. The bill assists in establishing child care information and referral services so workingwomen can find adequate child care facilities. As women become a greater part of our labor force, these provisions are especially important and useful.

Today, more than half the women in America between the ages of 16 and 65 work outside the home, many out of necessity to support themselves and their families. Nowhere is sexual discrimination more evident than in women's paychecks, as women earn an average of 59 cents for every dollar earned by men, and most earn less than $10,000 a year. To change these facts, we will need to do more to end sexual discrimination; but the Economic Equity Act represents a solid step toward insuring fair treatment and equal opportunities for women.●

THE NUCLEAR FREEZE DEBATE

● Mr. LAXALT. Mr. President, Richard D. Sellers, president of the Alabama-based National Forum Foundation and cochairman for the Coalition for Peace Through Strength, debated Congressman STEPHEN SOLARZ on a national news program on March 13, 1983.

Rick has been a leader in the peace through strength movement for most of the last 10 years. He is also an active supporter of President Reagan and I would like to bring his comments to the attention of my colleagues.

The material follows:

"NEWSMAKER—SUNDAY"

Air date: Sunday, March 13, 1983 at 10:30 a.m. & 5:30 p.m.

Origination: Washington, D.C. and New York.

Guests: Representative STEPHEN SOLARZ, D-New York, in N.Y. Bureau; RICHARD SELLERS, Co-Chairman, Coalition for Peace Through Strength, Washington.

Correspondents: Mark Walton, Cable News Network; Margot Hornblower, Washington Post.

Producer: Elissa Free.

Associate producer: Olivia Sellers.

Editor: Newspapers and periodicals are permitted to reprint this transcript with credit given to Newsmaker—Sunday, Cable News Network. For further information, please contact Elissa Free or Olivia Sellers at 202/298-7400.

SEGMENT I

Mr. WALTON. Welcome to this edition of "Newsmaker-Sunday". I'm Mark Walton in Washington. The House of Representatives this coming week is scheduled to vote on a resolution calling for a mutual Soviet and American freeze on nuclear weapons. That proposal was overwhelmingly approved by a bipartisan, 27 to 9, vote in a House committee last Tuesday, and as the committee voted, several thousand people on both sides of the freeze issue demonstrated at the Capitol and marched on Congressional offices. To some it was reminescent, they said, of the Vietnam rallies more than a decade ago.

Our guests today on "Newsmaker-Sunday" come from both camps: the pro-freeze and the anti-freeze camps. In New York with us is Democratic Congressman Stephen Solarz of Brooklyn, and here in Washington, Mr. Richard Sellers, who is Co-chairman of the Coaltion for Peace Through Strength. Joining me in the questioning today, Margot Hornblower of the Washington Post.

Mr. Solarz, good morning. Welcome.

Mr. SOLARZ. Nice to be here.

Mr. WALTON. President Reagan, the day after you passed your freeze resolution, called it folly and a very dangerous fraud. What did you think of that?

Mr. SOLARZ. I think that the folly, if there is any, lies with the policy of the Reagan Administration rather than with the freeze resolution reported out by the Foreign Affairs Committee. It seems to me that this continuous and endless and mindless building up of nuclear weapons by the United States and the Soviet Union, long after they serve any real utility, not only constitutes an enormous waste of scarce resources which could be used much more productively for other purposes, but also objectively increases the possibilities of nuclear war.

The freeze resolution reported out by our committee was based on the profound conviction that unless we bring the arms race in nuclear weapons to an end, sooner or later the arms race will end us.

Mr. WALTON. Mr. Sellers, are you concerned that what we're talking about here is a unilateral freeze? That seems to be what the White House is arguing, that——

Mr. SELLERS. I don't think there's any question about the effect. The actual detailed goals of the freeze movement are for U.S. disarmament. I was in St. Louis during the National Nuclear Weapons Freeze Campaign Conference and they passed a resolution calling for a stop in all deployment and development of U.S. nuclear weapon systems, while calling on the Soviets to do likewise. That's U.S. disarmament. And even if there was a bilateral freeze at this point, it would still be only U.S. disarmament.

You'll notice that the demonstrations were only in this country and in Western Europe. They are not in the Soviet Union. They have no effect on the Soviet Union, and I think the results are very dangerous to the American people.

Ms. HORNBLOWER. Mr. Solarz, do you agree with that?

Mr. SOLARZ. I fundamentally disagree. The freeze resolution makes it very clear, explicitly, that what we're talking about is a mutual and verifiable freeze between the United States and Soviet Union on the further production, testing and deployment of nuclear weapons. If it isn't mutual, in other words, if the Soviet Union doesn't agree, and if it isn't verifiable, then there won't be any agreement.

I'm not here to speak on behalf of whatever resolutions may or may not have been adopted by some conference in St. Louis. I'm here to speak about the resolution that was reported out by the Foreign Affairs Committee and which enjoys the support, I think, of a majority of the members of the House of Representatives.

It was made clear over and over again during the course of the debate on this resolution that what we are calling for is not a unilateral freeze, not a freeze based on trust that the Soviet Union will abide by its commitments. There's no one in Congress who trusts the Soviet Union. If we can't have agreed upon methods of verifying the undertaking given us by the Soviet Union, then we don't want an agreement.

Mr. WALTON. Mr. Solarz, why do you think that the Soviet Union would go along with something like this if, in fact, they are not ahead?

Mr. SOLARZ. Well, I think the Soviet Union might go along with it for the same reason that many of us in the United States believe that we should go along with it, and that is because we have today what many of the analysts have called the central equivalence in terms of the nuclear balance of power between the United States and the Soviet Union. In other words, the bottom line is that they have the capacity to destroy us, and we have the capacity to destroy them, and therefore, it makes sense to lock in the existing balance of nuclear power, and then work for substantial reductions in a number of nuclear arms both superpowers have rather than to continue an unlimited nuclear arms race in which one side might one day achieve a breakthrough which would destroy the nuclear balance of power and create a very real possibility of nuclear war.

Ms. HORNBLOWER. I'd like to ask both gentlemen whether they think this vote is really a symbolic vote because it won't force President Reagan to change his arms control policy no matter what the House and Senate tell him to do. Would you agree with that, Mr. Sellers?

Mr. SELLERS. I think it's a symbolic vote in the sense of I would hope that in order to protect the national security position of this country that he (President Reagan) would not go along with the freeze resolution, but it has two very important aspects of its success. One is that it would be almost totally impossible for the President in the START negotiations to have any kind of agreement with the Soviet Union with such tremendous domestic pressures in this country. If you don't doubt their interest in Western European politics, just look at the front page of your paper and others before and after the elections in West Germany. They are very actively involved in the domestic policies of western countries. If they can achieve their goals without a nuclear confrontation, then I am sure that's what they'll be pursuing.

The real question here in this debate is how do you achieve peace. Until I announced the efforts of March 7 and 8 against the nuclear freeze movement, they have gone unchalleneged. They made the cover of Newsweek and the other networks around the country. They have not been challenged as a movement.

Well, the Peace Through Strength movement is made up of 138 groups. The resolution that I authored and that we've been working on in the last three Congresses, we've had a majority of Co-sponsors. However, the Democratic controlled House of Representatives has refused to report this from committee. Peace Through Strength is very strong in this country.

Mr. WALTON. We're going to take a minute, Mr. Solarz, and we'll be right back with you. Stay with us, please.

SEGMENT II

Mr. WALTON. All right. Welcome back. Our subject again today: the nuclear freeze resolution. Margot.

Ms. HORNBLOWER. Mr. Solarz, do you think that this freeze vote is symbolic? Many people say that the real issues will be when the defense budget comes up for cutting.

Mr. SOLARZ. Well, the freeze resolution, even if it's adopted by the Congress, would not bind the President. In that sense it does have a symbolic character. It's primary purpose is to send a message to the Administration that the American people want the President to begin negotiating with the Soviet Union a mutual and verifiable freeze on the production, testing and deployment of nuclear weapons. We want to bring the arms race to an end, if at all possible, and then once a freeze is agreed to, begin to work for substantial reductions on a mutual and equal and verifiable basis with the Soviet Union, as well.

I'm hopeful that if this resolution is adopted that it may have an impact on the position of the President in the arms control negotiations with the Soviet Union.

Mr. WALTON. Would you want the Congress, Mr. Solarz, to go ahead and begin a unilateral program of nuclear disarmament?

Mr. SOLARZ. I would be 110 percent against any kind of unilateral disarmament on the part of the United States, and so would virtually all of my colleagues in the Congress. I don't think anybody in Washington views the Soviet Union as a benign power. We recognize that the Soviet Union does pose a threat to world peace. We also understand that the Soviet Union isn't exactly that kind of country which can be trusted to keep its commitments without adequate means of verification. But we do believe that the Soviet Union, like the United States, does have an interest in avoiding nuclear war, which would mean the destruction of civilization, and therefore, we think the Soviet Union does have an interest, as the United States does also, in reaching agreements which would enable both of us to freeze the arms race in nuclear weapons, thereby saving billions and billions of dollars that could be used for development at home and setting the stage for further agreements that would enable us not only to reduce the number of nuclear weapons in the arsenals of both superpowers, but hopefully, to eventually eliminate them as well.

Mr. WALTON. Mr. Sellers, if this is all just an objective, in other words, a moral commitment on the part of the United States, why does a freeze scare you as much as it does?

Mr. SELLERS. It scares me because when Mr. Solarz and others talk about how they're not for unilateral disarmament, that's just not the case. Most of those who have led the freeze effort have voted against nearly every weapon system, and they have continously voted against the Defense budget during the entire decade of the 1970's. In fact, the U.S. has had a unilateral freeze since 1967. We have not produced any new major strategic weapon system whereas the Soviet weapons have skyrocketed. They have taken an opportunity of American neglect to our systems to build and build and build. Low estimates of their expenditures in just the last ten years are that they have spent $140 billion more than the United States.

The thing that bothers me the most is that we're not talking about bankrupting the American economy to build strategic weapons. We're talking about less than one percent of the GNP, only four percent of the federal Defense budget, of about two percent of all public spending if you include local and state. It is well worth it to protect American lives.

There's a possibility of 140 million Americans being killed in a nuclear war, and those for a freeze are willing to take a chance that they know what Andropov is planning. I don't know, and I don't think we should take a chance.

Mr. WALTON. Well, let me ask you this question. Do you share the contention with some, including Senator Denton, who is part of your organization, that the Soviet Union is somehow inspiring or manipulating the freeze movement?

Mr. SELLERS. You know, I almost hate to handle that question because I would think, and know, that Mr. Solarz and no other member of Congress with their perspective of peace, is involved. But we do know that the Soviet Union has this as one of their number one goals, and when the Soviet Union has an issue like this in a Western democracy as their number one goal, you can bet the KGB is involved.

Ms. HORNBLOWER. Why do you think that the freeze issue has suddenly become so controversial? Before Ronald Reagan was elected, arms control was not a hot public issue After he was elected it's become a very hot issue. Why do you think that's true?

Mr. SELLERS. Well, Margot, you've been around here long enough. You know that's not the case. We've been debating the arms control issue since 1968. There was a major battle over the SALT I and ABM Treaty and over the SALT II Treaty, there was so much controversy it was pulled from the floor.

The present freeze movement started when Carter announced in 1979 that he was going to deploy ground-launched cruise missiles and Pershing II's. That's when the Western European freeze movement started and Randall Forsberg authored the freeze resolution. There was a meeting in Washington in January 1980. That's when the movement started.

Ms. HORNBLOWER. Well, I would say that this is the second year that there has been a freeze resolution before Congress. There was never any freeze resolution before Congress, and there certainly was nothing like the controversy that there is now up until Ronald Reagan was elected.

Mr. SELLERS. There is a reason for that. The freeze movement existed. The difference is President Ronald Reagan. He has had the guts and the stamina to take on all of the anti-defense groups in this country almost single-handedly in order to protect American citizens.

Ms. HORNBLOWER. Mr. Solarz, how would you like to explain the issue?

Mr. SOLARZ. I think the reason this issue has captured the imagination of millions of Americans is largely a result of the fact that we have someone in the White House who, throughout his entire career in public life, has consistently opposed every effort on the part of previous administrations to reach agreements with the Soviet Union limiting or reducing the number of nuclear weapons which both sides have. He was opposed to SALT I. He was opposed to SALT II. He was opposed to the comprehensive Test Ban Treaty. He has been opposed to literally every effort in the past to bring the arms race under control.

After he was sworn in as President, he began to engage in loose talk about the possibility of fighting limited nuclear wars in Europe. We began to hear strange Lovean statements emanating from the White House and from the Department of Defense about how nuclear war might not be that unacceptable after all, and I think that millions of Americans began to conclude that unless they spoke out on this issue, peacefully but forcefully, that the Administration might not give it the attention which it requires.

Mr. WALTON. Let me stop you right there. We'll be right back with you. Stay with us, please.

SEGMENT III

Mr. WALTON. Welcome back to "Newsmaker-Sunday". Our topic again today is the nuclear freeze movement. In New York with us is Congressman Stephen Solarz of Brooklyn. In Washington with us, Richard Sellers of the Coalition for Peace Through Strength.

I'd like to ask both of you gentlemen what kind of political power you think your organizations have at this point. Mr. Solarz, the freeze movement was pretty successful in the '82 polls, and now you're talking about 1984 is that not right?

Mr. SOLARZ. I think that the freeze movement has demonstrated that it has the support of literally millions and millions of Americans. In states and localities all across the country last November, referendums on the question of the freeze were, without exception, adopted. Over 11 million Americans voted for them. I believe that this coming week when the freeze resolution comes up on the floor of the House, it will be adopted by a substantial majority.

And the reason I think it's going to be adopted by a substantial majority is that most Members of Congress recognize that right now an adequate nuclear balance of power exists. To be sure, there are some dimensions of the balance in which the Soviet Union is ahead. They have greater throw rate; they have greater megatonnage; they have more land-based ICBM's than we do. But there are other dimensions of the nuclear balance where the United States is clearly ahead. We have far more warheads; we have more bombers; we have more submarine-launched ballistic missiles. The bottom line is that we have the capacity to destroy them, and they have the capacity to destroy us. Therefore, it is in our interest to freeze the existing nuclear balance of power at the present levels, and then from there work for real reductions and eventually the elimination of these weapons.

Mr. WALTON. Rick Sellers, with the White House, with the Pentagon, with the government's, the Administration's information machinery behind your movement ideologically, why is it that you're not able to convince the public more that the freeze movement appears to that a freeze is not a good idea?

Mr. SELLERS. Well, there are two major reasons. One reason is the balance of strategic weapons, in my opinion and experts on the subject believe that the Soviets are ahead as far as the balance. But there's a bigger question. This country will not attack the Soviet Union first. The most likely scenario is at the escalation of a political crisis similiar to Berlin, the Middle East War or the Cuban Missile Crisis, the Soviets would attack this country. If they launched a surprise first strike, they would knock out 90 percent of our land-based systems, most of our submarines, which would be in port, and most of our bombers. Why give the Soviets an incentive to take the risk.

If I could say one thing about what the real issue is here. How do you prove who's right, Rick Sellers or Mr. Solarz? To me there is only one way. You look at history. The 1930's proved, as the "Winds of War" television series showed, that Winston Churchill fought as hard as he could with adequate information about the threat of Hitler, but there were those who said, "That's not the way to peace. We have to appease. We have to do it through arms control." It didn't work and that is why World War II was called the "unnecessary war" by Churchill.

In the U.S. Congress on December 4, 1941, there was a debate very similiar to the debate today made concerning the issue of giving money to the Pentagon with a blank check. They said that President Roosevelt was the cause of the war hysteria, just like Mr. Solarz says Reagan is now. Congressman Lambertson ended his speech on the House floor in 1941 by saying that he was for defense although he wasn't for this particular defense budget. He said "we don't have to worry about Hitler attacking this country, we don't have to worry about Japan attacking this country." Three days later he was proven wrong. I don't wish to see Mr. Solarz proven wrong. All I want to do is spend one percent of GNP and assure peace.

Mr. SOLARZ. Well, if I could make a point here, I believe in a strong America. I believe in the need for an adequate balance of power with the Soviet Union, but it seems to me that mutual and verifiable arms control agreements between the United States and the Soviet Union can contribute very significantly to our national security. I think we're far better off if we can reach an agreement with the Soviet Union to freeze the further production, testing and deployment of nuclear weapons thereby locking in the existing and adequate balance of power, than continuing an unrestrained competition in nuclear weapons which leaves open the possibility that the Soviet Union may one day achieve a real breakthrough which would put the survival of our society at risk.

Mr. SELLERS. Mr. Solarz, there's no question in my mind that if the decision for nuclear war were left to you or I, there would be no nuclear war. Unfortunately, it's not a decision for you to make. Mr. Premier Andropov and his tight circle of Communist leaders will determine whether we have nuclear war. You don't know what he thinks and I don't know what he thinks. But I can guess that if he's powerful, he may take the risk.

Mr. SOLARZ. Well, one thing I can tell you about Mr. Andropov, and that is that it's ex-

tremely unlikely that he's going to launch a nuclear attack against the United States so long as only one of our nuclear submarines has enough nuclear warheads on it to destroy literally every major city in the Soviety Union. Even if a Soviet surprise attack could eliminate in one blow all of our land-based ICBM's our nuclear submarines would remain at sea. They have over 250 nuclear warheads on them. He's not going to risk the destruction of the Soviet Union for some marginal advantages because of a first strike against the United States.

Mr. WALTON. All right. We have about one minute now. I'd like to ask you both to give me a Jimmy "the Greek" odds on this resolution. You're expecting it to pass in the House of Representatives; is that not correct?

Mr. SOLARZ. I think it will pass by somewhere between 40 to 50 votes in the House. I think in the Senate it's much more problematic, but I am confident of a substantial victory and margin when it comes up for consideration this week.

Mr. WALTON. Mr. Sellers, do you think there's anything you can do to change any of that in the next couple of days?

Mr. SELLERS. Like I said, our head-to-head confrontation only started last week, but I would like to tell Members, in fact, warn Members of Congress who are undecided that there is a tremendous constituency for Peace through Strength, and if they are temporarily led to believe that the freeze is a good idea, they'll feel it in '84.

Mr. WALTON. Okay, Thank you both very much. Thank you for joining us on "Nwesmaker-Sunday".●

AIRCRAFT SAFETY

● Mr. DENTON. Mr. President, many Members of the Congress and many of our citizens are concerned about the safety of the aircraft flown by the men and women of our Armed Forces. Several recent accidents to aging B-52 bombers have heightened that concern. A letter I recently received from constituents in Montgomery, Ala., highlights the extent to which the parents, wives, and children of our aviation personnel are justly worried about the safety of their loved ones.

Mr. President, I ask that the letter from C. D. and Sherlin, and the news clipping enclosed with it, be printed in their entirety in the RECORD.

The material follows:

MONTGOMERY, ALA., *March 23, 1983.*

Senator JEREMIAH DENTON,
Dirksen Senate Office Building,
Washington, D.C.

DEAR SENATOR DENTON: In recent weeks there have been several instances of B-52 crashes in the newspaper. The article attached is another proof that something needs to be done about our B-52 bomber. Having a son who is an EWO Officer on a B-52, naturally every time we read or hear news of a B-52, our hearts stand still until we know for sure that he was not on the fatal flight. Even so, our hearts go out to the families of those men who lose their lives in these tragic accidents.

We urge you to please, take a long hard look at our B-52 forces and don't let our young fathers, husbands and sons continue to die needlessly.

Sincerely,

C. D. and SARAH SHERLIN.

BOMBER LOSES WING ON RUNWAY

SACRAMENTO, CALIF.—Most of one wing fell off a B-52 bomber Thursday after it cracked near the fuselage as the plane was being refueled on a runway at Mather Air Force Base.

Some fuel spilled but there was no fire and no one was hurt, the Air Force said.

A spokesman said 85 percent of the left wing fell off, breaking between the fuselage and the inboard engine pod. The eight-engined bomber has two pods containing two engines each on each wing.●

THE PHILADELPHIA PHILLIES

● Mr. SPECTER. Mr. President, the Philadelphia Phillies will play the New York Mets today in the home opener of their centennial year. Over the course of 100 years, through 1 world championship, 3 pennants, and 23 worst records in baseball, Phillies fans have cheered at their successes, and occasionally, booed at their disappointments. But win or lose, the Phillies have become a wonderful part of our lives and devoted fans celebrate this milestone of a truly great baseball franchise.

Much baseball history has been made in Philadelphia since Col. John Rogers and Alfred Reach brought us the Phillies in 1883 from a franchise that had been in Worcester, Mass. Through many frustrating seasons, Phillies fans have found solace in hall of fame performances, determined team efforts, and occasional outbursts of winning.

In seven memorable seasons with the Phillies, Grover Cleveland Alexander never won less than 19 games, three times winning 30 games or more. In 1915, a year Alexander went 31 and 5, he led the Phillies to the World's Series, only to lose 4 games to 1.

In 1930, Chuck Klein gave Philadelphia a triple crown winning season on a team that finished dead last.

The Whiz Kids of 1950 thrilled the city with its second pennant, winning on the final day of the season. Led by Robin Roberts, who would win 20 games or more for six straight seasons, Jim Konstanty, the first reliever to win the MVP award, and smooth hitting Richie Ashburn and Del Ennis, the Whiz Kids fell to the Yankees in four straight.

In 1964, Jim Bunning, Chris Short, Johnny Callison, and rookie Dick Allen, again roused Philadelphia as they led the league by 6½ games with 12 games to go; only to lose in the final days of the season.

Through the 1970's, the Phillies were blessed with the best pitcher in baseball, the still incomparable Steve Carlton, and probably the game's best all-around player, Mike Schmidt. In 1980, with hall of famer Pete Rose, the Phillies finally brought a world championship home to its ecstatic, long-suffering, but ever loyal fans. It was a fitting reward for Philadelphia and for the Carpenter family, which had dreamed of this victory since it bought the team in 1943.

The Phillies begin the 1983 season with high hopes. The roster, which I include in the RECORD, is an especially fine one. Phillies fans look forward to another 100 years of baseball, continuing a very special love affair between a city and its team.

Steve Carlton, Tug McGraw, John Denny, Dick Ruthven, Marty Bystrom, Al Holland, Porfirio Altimirano, Larry Christenson, Ron Reed, Ed Farmer, Sid Monge, Mike Schmidt, Pete Rose, Garry Matthews, Joe Morgan, Bo Diaz, Bill Robinson, Dave Roberts, Von Hayes, Tony Perez, Bob Dernier, Ozzie Virgil, Greg Gross, Bob Molinaro, Garry Maddox, Len Matuzak, Ivan DeJesus, Larry Milbourne, and Alejandro Sanchez.●

URGING SUPPORT FOR NATIONAL BUILDING SAFETY WEEK AND SENATE JOINT RESOLUTION 70

● Mr. GARN. Mr. President, important work in being done throughout this Nation by competent, professional building code administrative and enforcement personnel to assure our citizens' safety in the buildings in which we live and work.

BUILDING SAFETY DESERVES OUR ATTENTION AND SUPPORT

The development of modern, model building codes and their increased adoption and professional enforcement by trained employees of our States, counties, cities, and towns is enabling government to better provide for our citizens' health and welfare. Our colleagues at all levels of government in this Nation are becoming increasingly more aware of these vital health and life safety services which are being provided by their building code departments.

Working together with the building design and construction community, building departments enforce a wide range of safety provisions for new and existing buildings. Among these are provisions covering: structural, mechanical, elevator, plumbing, fire, seismic, and electrical safety in buildings. In addition, building departments are also responsible for the enforcement of provisions providing for barrier-free access to buildings for disabled individuals, consumer cost-saving energy conservation, and solar energy provisions for new and existing structures.

In States which have adopted uniform statewide building codes and safety requirements, modern, model building costs also are actually helping to reduce construction costs for builders by requiring them to only have to build homes and other structures to one set of technical requirements.

Last month, I introduced together with Senators JOHN TOWER, DONALD RIEGLE, JR., and RICHARD LUGAR, Senate Joint Resolution 70, designat-

ing the third week of April 1983, as National Building Safety Week. The purpose of that week is to focus public awareness on these and other important health and safety services which are available to them from their state and local professional building departments.

Later this month, State and local building departments across this country will be holding open houses, exhibits, and safety training programs for their local residents. Some of the safety information which will be highlighted will include: The importance of the proper installation and maintenance of energy-saving devices and smoke detectors, structure and safety features that should be looked for when purchasing a home, and the importance to a consumer's safety of obtaining building permits and proper inspections of any new construction or rehabilitation projects which they may undertake.

I urge those of my colleagues here in the Senate who have not already done so, to join in cosponsorship of Senate Joint Resolution 70. I further encourage my colleagues in the House to likewise support their companion House Joint Resolution 163 introduced last month by Congressman FERNAND J. ST GERMAIN on behalf of himself and Congressmen CHALMERS P. WYLIE of Ohio and HENRY B. GONZALEZ of Texas.

Making our constituents more aware of and encouraging their increased participation in the building safety process is an important concern to all of us in Congress. I ask your support in this endeavor.●

NATIONAL POW/MIA RECOGNITION DAY

● Mr. MATTINGLY. Mr. President, I would like to take a moment to remind my colleagues that this past Saturday, April 9, 1983, was National POW/MIA Recognition Day as designated by Congress and proclaimed by President Reagan.

This day honored the POW's and MIA's from both World Wars, the Korean conflict, and the Vietnam war. It served as a fitting reminder of this Nation's continuing debt to those Americans who have suffered at the hands of foreign enemies, and to their families.

The activities in Georgia and through the Nation vividly remind us of those who sacrificed their freedom so that ours would continue. There should never be a time when the freedom for which they fought is not felt and appreciated. President Kennedy once said,

> A nation reveals itself not only by the men it produces, but also by the men it honors and the men it remembers.

It has been 10 years since the signing of the peace accords in Paris which were to have brought about the end of the Vietnam war. But the war has not ended for the families of 2,500 Americans who remain unaccounted for in Southeast Asia, 50 of whom are from Georgia. Our country is acutely aware of the suffering experienced by the families of servicemen held captive or missing in action.

I am pleased with the renewed commitment this administration and the Congress has brought to this problem. Progress is being made, but we must continue to strive for the fullest possible accounting for our missing men, and the repatriation of the remains of those who died serving our Nation. Resolution of the fate of these servicemen is, and must remain, a matter of highest national priority.●

SUPPORT FOR S. 402—RESTORATION OF SEPARATE FUNDING FOR ESAA PROGRAM

● Mr. D'AMATO. Mr. President, today I am cosponsoring S. 402, a bill introduced by my colleague from New York, Senator MOYNIHAN. The purpose of this bill is to restore separate funding for the Emergency School Aid Act (ESAA) program.

In 1972, the Congress passed ESAA which was designed to encourage communities to voluntarily desegregate their schools. In fiscal year 1981, school districts in 43 States received $149.2 million in ESAA aid. However, the Omnibus Reconciliation Act of 1981 rolled the ESAA program and 28 other education programs into a block grant. This has resulted in severe reductions in the amount of funding which local school districts have available for ESAA activities. For example, Buffalo public schools received some $6.6 million in ESAA funding in 1981. Under the block grant, in fiscal year 1982, this school system received only $956,867, an 86-percent reduction over the prior year.

New York received some $20.35 million in ESAA funding in fiscal year 1981, or 14 percent of the total Federal funding under this program. Local school districts in Buffalo, New York City, Rochester, Newburgh, and other areas used this funding for voluntary desegregation. Today, their funding has been substantially reduced.

Mr. President, I urge the Senate Labor and Human Resources Committee to conduct hearings on this important matter and further urge the Congress to adopt this legislation.●

EMIGRATION OF SOVIET JEWS

● Mr. RIEGLE. Mr. President, I would like to take this opportunity to join my colleagues in cosponsoring Senate Concurrent Resolution 11, urging the Soviet Union to pursue a more humane emigration policy with respect to its Jewish citizens. I commend Senator MITCHELL for his initiative in introducing this important piece of legislation.

Mr. President, March 28 of this year marked the 30th anniversary of the death of Josef Stalin. Few public statements accompanied the passing of this anniversary; no epitaphs were necessary. The continuing struggles of the many people still subjected to Soviet oppression stand as a living memorial to the life and works of Josef Stalin. The plight of Soviet Jews is but one example of the legacy left by the self-proclaimed "Man of Steel."

That the basic human rights of Soviet Jews are being denied is evidenced by the declining numbers of those permitted to emigrate over the past few years. Only 125 Soviet Jews emigrated in February 1983—fewer than would have left on an average day in 1979. The implications of these denials for visas are ominous. Naum Meimann, a distinguished physicist and human rights activist, is quoted in the March 20 issue of the New York Times as saying "The total freeze on emigration only proves that Jews are seen as a commodity."

I would like to take this opportunity to mention the plight of one of my constituents who has felt the pain of the inhumane Soviet emigration policy. Mr. Semyon Livshits, currently living and working as an engineer in Taylor, Mich., has, since 1978, been seeking permission for his wife Tamara to join him in the United States. Over the past 5 years, Tamara has made four applications to the Soviet authorities to emigrate to the United States, along with two applications to emigrate to Israel. Each has been denied for reasons not fully explained by the Soviet authorities. The tragedy of Mr. Livshits and his wife extends also to their young son Mark, who has never seen his father. Yet, the Livshits are just three of the "commodities," three of the over 10,000 individuals whose applications for visas have been denied or ignored by the Soviet officials.

Mr. President, I need not say how the plight of Semyon Livshits and his family, as well as that of other Jews who wish to emigrate from Russia, stirs my conscience. If this resolution I am cosponsoring today can in any way help their family and others to become reunited, I would count it as one of the most important pieces of legislation I have sponsored. We must work hard to insure that to Semyon, Tamara, and Mark Livshits, and the thousands of others struggling against Soviet tyranny, the legacy of Josef Stalin is but a bitter memory, and nothing more.●

A NEW TRANSLATION OF THE HOLY SCRIPTURES

● Mr. SPECTER. Mr. President, yesterday I had the distinct pleasure of escorting to the Oval Office, members of the Jewish Publication Society of America who presented President Reagan with a document of immense spiritual and historical significance. A fully revised publication of the Holy Scriptures, complete with facts and passages compiled from recent archeological findings, such as the Dead Sea Scrolls, was given to President Reagan as a personal gift from the society. The specially bound, engraved volumes were presented by the society's president, Dr. Muriel Berman, the distinguished author Chaim Potok, and the following society members: Judge Charles Wiener, Robert Rifkind, Dr. Norma Furst, Dr. Norman Oler, Joseph Mendelsohn, and Stuart Eisenstat.

Mr. President, the completion of a new translation of a religious work is not usually the cause for sounding the trumpets, or the shofars, of our Nation. However, this updated translation of the Bible represents the result of a quarter of a century's worth of constant, painstaking scholastic research and interpretation by the most renowned scholars in each sect of Judaism. The newly translated and refined Holy Scriptures given to President Reagan today are the product of work which was simply impossible to conduct for 2,000 years. This Bible is perhaps, the most spiritual text produced since Israel became a nation, and the hidden treasures of our Judeo-Christian past became available to the academic world.

This revised Biblical text is the product of centuries of rich culture and civilization, and it pleases me greatly to announce to this body that the President of the United States can now share in this testimony to piety.

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS

● Mr. STEVENS. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD this notice of a Senate employee who proposes to participate in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The Select Committee has received a request for a determination under rule 35 which would permit Ms. Christine Briand-Naylor, of the staff of Senator PAUL TSONGAS, to participate in a program sponsored by Soochow University, in Taipei, Taiwan, from March 25 to April 2, 1983.

The committee has determined that participation by Ms. Briand-Naylor in the program in Taipei, at the expense of Soochow University, to discuss U.S.-Taiwan relations is in the interest of the Senate and the United States.●

DEATH OF CONGRESSMAN PHILLIP BURTON

● Mr. DODD. Mr. President, the sudden and untimely death of PHIL BURTON this weekend leaves the Congress a less vibrant institution. California's Sixth District has lost an able Representative, the House of Representatives a remarkably effective legislator, and poor, hungry, and disadvantaged Americans perhaps their single most ardent and dedicated champion.

PHIL BURTON had a complex character that combined very different, even contradictory, qualities and which resisted easy capsulization.

He was a man of lofty principle, tactical wizardry, and nuts-and-bolts know-how. No one I met during my service in the House was more uncompromising in his goals and ideals or more ingenious at crafting compromises to achieve them. He could speak with profane bluntness or rarified subtlety. As a friend he was fiercely loyal; as an adversary, implacable and abrasive—and that was on one of his milder days. But if a poll were taken among both his friends and foes, he would be near the top of everyone's list.

In our memory of him, however, two things will stand out among all these complexities as stark and unambiguous.

The first was his solid record of accomplishment as a legislator. He deserved considerable credit for the reforms that made the House a more open and Democratic body in the seventies, an abiding love for the physical beauty of this Nation lay behind the landmark parks legislation that is part of his legacy. The very shape of the legislative map of California bears the imprint of his mastery of detail and political savvy in two major redistricting fights. The nature of our public laws dealing with welfare, food stamps, black lung benefits, social security, and the environment would be very different if PHIL BURTON had not devoted to them his considerable intellect, sound instincts and force of personality over the past 18 years.

The second quality which cuts through the contradictions was his passionate, unswerving commitment to those Americans whom power and prosperity had passed by. If you were poor or old or disabled or disenfranchised, if you could not afford a high-powered lobbyist to nurture your interests and causes in Washington, you could take comfort from the fact that PHIL BURTON was there working, arguing, fighting on your behalf, putting together the coalitions and forging the understandings that would make this society a fairer place in which to live.

Hubert Humphrey once wrote that the moral test of a government was not how it dealt with the privileged and the powerful; they after all could generally look out for themselves. Instead a government would be judged by "how it treats those who are in the dawn of life, the children, those who are in the twilight of life, the elderly, and those who are in life's shadows, the sick, the needy and the handicapped."

That is a fair measure for a public man as well.

For almost two decades in Congress, those were PHIL BURTON'S special constituents. Of course, his family, his friends, and his colleagues all deeply mourn his loss. but in those other groups, too, there will be many, most of whom he never met, by whom he will be sorely missed.

DEATH OF AUDREY BECK

● Mr. DODD. Mr. President, several weeks ago one of Connecticut's most dedicated State senators, Audrey Beck, died. I wanted to take this opportunity to share with you some thoughts I had about Audrey that were delivered in my absence at her memorial service.

IN MEMORY OF AUDREY BECK

It is with great sorrow and regret that I am not able to join with you at this service to mourn the death of Audrey Beck.

With a vital jobs bill pending before the Senate, my presence in Washington is necessary. But Audrey, of all people, would understand my absence. With her deep commitment to public service, she would know that even at times of grief like this the business of politics and of the Senate must continue.

There are many thoughts I had wanted to share with you today, many pictures of Audrey I had wanted to paint. She was a very special friend, and a very close colleague. And the temptation in remembering her at her death is to focus on her legislative contributions.

But there is another memory I have of Audrey that I want to share with you, a memory of the woman inside the legislator. Of all the people I have ever known in politics, Audrey was the least comfortable with many of its demands. She was a shy person, a person for whom parades and picnics and other political appearances were difficult. She was not comfortable with the social demands made on a politician.

But the beauty of Audrey was that she went to these events no matter how difficult it was for her. She knew that every political event was vital to helping her constituents, and ultimately the State of Connecticut. No matter what the personal sacrifice, Audrey knew that to make a difference in this world, politics was the place to be.

Al Lowenstein said when Bobby Kennedy died that accepting his death grew harder with time. For those of us who knew Audrey, her death is difficult—and it will grow more so. Life will be harder for all of Audrey's fellow politicians who knew in her they had an ally, a person of deep principle.

It will be harder for the people that she represented who will miss her voice in the legislature on their behalf. It will be harder for the poor, for women, for minorities, who knew in Audrey they had a champion in their cause. It will be harder for the University of Connecticut, which never had a better advocate. And it will be harder for all of her friends who will miss her special warmth, her knowing friendship.

There is no denying that I will miss Audrey greatly, and these words and thoughts barely express our loss. She was a special person, a unique woman whose absence has left a deep void which we can never fill.

But part of Audrey will live on. Here contributions to politics, her friendships, her thoughts and her deeds will survive. Audrey leaves to all of us the legacy of her presence. The poet Wordsworth expressed this best:

"Thou has left behind
Powers that will work for thee; air
Earth and skies;
There's not a breathing of the common wind
That will forget thee; thou has great allies;
Thy friends are exultations, agonies,
And love, and man's unconquerable mind."●

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, there is already an order for the Senate to convene tomorrow at 10 a.m., is there not?

The PRESIDING OFFICER. The majority leader is correct.

ORDER FOR THE RECOGNITION OF CERTAIN SENATORS ON TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that after the recognition of the two leaders under the standing order two Senators be recognized on special orders of not to exceed 15 minutes each in this order: Senators QUAYLE and HART.

The PRESIDING OFFICER (Mr. PRESSLER). Without objection, it is so ordered.

RESOLUTION RELATIVE TO THE DEATH OF REPRESENTATIVE PHILLIP BURTON OF CALIFORNIA

Mr. BAKER. Mr. President, I send to the desk a resolution for myself and the distinguished minority leader and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read as follows:

S. RES. 109

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Honorable Phillip Burton, late a Representative from the State of California.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Representative.

The PRESIDING OFFICER. Is there any objection to the request of the Senator from Tennessee?

There being no objection, the Senate proceeded to the consideration of the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 109) was agreed to.

RECESS UNTIL 10 A.M. TOMORROW

Mr. BAKER. Mr. President, I move, in accordance with the previous order, and pursuant to Senate Resolution 109, as a further mark of respect to the memory of the deceased Honorable PHILLIP BURTON, late a Representative from the State of California, that the Senate now stand in recess until 10 a.m. tomorrow.

The motion was agreed to; and at 6:31 p.m., the Senate recessed until tomorrow, Wednesday, April 13, 1983, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate April 12, 1983:

AFRICAN DEVELOPMENT FOUNDATION

William F. Pickard, or Michigan, to be a member of the Board of Directors of the African Development Foundation for a term of 6 years (new position).

1984 LOUISIANA WORLD EXPOSITION

John Giffen Weinmann, of Louisiana, to be Commissioner General of the U.S. Government for the 1984 Louisiana World Exposition (new position).

THE JUDICIARY

Julia Smith Gibbons, of Tennessee, to be U.S. district judge for the western district of Tennessee vice Harry W. Wellford, elevated.

Ricardo H. Hinojosa, of Texas, to be U.S. district judge for the southern district of Texas vice Woodrow B. Seals, retired.

DEPARTMENT OF JUSTICE

Edward S. G. Dennis, Jr., of Pennsylvania, to be U.S. attorney for the eastern district of Pennsylvania for the term of 4 years vice Peter F. Vaira, Jr., term expired.

Rudolph W. Giuliani, of New York, to be U.S. attorney for the southern district of New York for the term of 4 years vice John S. Martin, Jr.

Ronald A. Donell, of West Virginia, to be U.S. Marshal for the northern district of West Virginia for the term of 4 years vice Hubert T. Taylor, term expired.

Charles F. Goggin III, of Tennessee, to be U.S. Marshal for the middle district of Tennessee for the term of 4 years vice William J. Evins, Jr., term expired.

FEDERAL MARITIME COMMISSION

Robert Setrakian, of California, to be a Federal Maritime Commissioner for the term expiring June 30, 1987, vice Richard J. Daschbach, resigned.

DEPARTMENT OF DEFENSE

Chapman Beecher Cox, of Virginia, to be an Assistant Secretary of the Navy, vice John S. Herrington, resigned.

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Robert M. Elton, [redacted] U.S. Army.

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. John F. Forrest, [redacted] age 55, U.S. Army.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Robert L. Wetzel, [redacted] U.S. Army.

IN THE NAVY

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be admiral

Vice Adm. Steven A. White, [redacted] 1120, U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 5137, to be appointed as Chief of the Bureau of Medicine and Surgery and Surgeon General:

To be surgeon general

Rear Adm. Lewis H. Seaton, Medical Corps, [redacted] 2100, U.S. Navy.

IN THE AIR FORCE

The following Air National Guard of the United States officers for promotion in the Reserve of the Air Force under the provisions of section 593(a) title 10 of the United States Code, as amended:

LINE OF THE AIR FORCE

To be lieutenant colonel

Maj. John G. Aldous, [redacted]
Maj. Robert K. Armour, [redacted]
Maj. Gary L. Cloninger, [redacted]
Maj. Danny E. Davidson, [redacted]
Maj. Walter W. Grant, [redacted]
Maj. Eric R. Hagelthorn, [redacted]
Maj. Richard C. Hastings, Jr., [redacted]
Maj. Duane L. Kratz, [redacted]
Maj. Larry C. Lovett, [redacted]
Maj. Lawrence A. Maciariello, [redacted]
Maj. Larry W. Martin, [redacted]
Maj. Robert M. McCoy, [redacted]
Maj. Gene W. Quick, [redacted]
Maj. John B. Renton, [redacted]
Maj. Jerry H. Risher, [redacted]
Maj. William J. Shondel, [redacted]
Maj. Jon N. Swift, [redacted]
Maj. Andrew Zeck, [redacted]

NURSE CORPS

Maj. Lina S. Ruppel, [redacted]

IN THE ARMY

The following-named officer as permanent professor at the U.S. Military Academy, under the provisions of title 10, United States Code, sections 4331 through 4333:

To be permanent professor and deputy head of the Department of Foreign Languages

Thomas, Edward J. F., xxx-xx-xxxx

The following-named officers for appointment in the Regular Army of the United States, in their active duty grades, under the provisions of title 10, United States Code:

To be second lieutenant

Burgess, Roger D., xxx-xx-xxxx
Dent, Scott F., xxx-xx-xxxx
Karnes, Fred W., xxx-xx-xxxx
Parker, Michael N., Jr., xxx-xx-xxxx
Rogers, Jack B., xxx-xx-xxxx
Wyler, Russel E., xxx-xx-xxxx

To be first lieutenant

Lapham, John E., xxx-xx-xxxx

To be captain

Alvarado, Mario, xxx-xx-xxxx

To be major

Ball, Marvin J., xxx-xx-xxxx
Keith, David A., xxx-xx-xxxx
Lemons, Gerald W., xxx-xx-xxxx
Vogelsgesang, Walter P., xxx-xx-xxxx
Wright, Mary A., xxx-xx-xxxx

To be lieutenant colonel

Dicks, James C., xxx-xx-xxxx
Fragala, James J., Jr., xxx-xx-xxxx
Lewis, Gerald R., xxx-xx-xxxx
Sanderson, Richard L., xxx-xx-xxxx
Sluka, Sylvester D., xxx-xx-xxxx
Van Hoose, Dallas, Jr., xxx-xx-xxxx

IN THE ARMY

The following-named Reserve Officers' Training Corps cadets for appointment in the Regular Army of the United States in the grade of second lieutenant, under the provisions of title 10, United States Code:

Abernathy, George B., xxx-xx-xxxx
Abrams, Lawrence J., xxx-xx-xxxx
Accinelli, Michael, xxx-xx-xxxx
Acevedo, Pedro J., xxx-xx-xxxx
Acker, Bradley E., xxx-xx-xxxx
Adams, Dan L., Jr., xxx-xx-xxxx
Adams, Daren L., xxx-xx-xxxx
Adams, John A., xxx-xx-xxxx
Adams, Scott M., xxx-xx-xxxx
Adams, Timothy C., xxx-xx-xxxx
Adcock, Travis L., xxx-xx-xxxx
Adkinson, Richard L., xxx-xx-xxxx
Adler, Peter G., xxx-xx-xxxx
Agostini, Lawrence, xxx-xx-xxxx
Akers, Carolyn E., xxx-xx-xxxx
Allen, Henry C., Jr., xxx-xx-xxxx
Allen, John T., xxx-xx-xxxx
Aller, C. M., xxx-xx-xxxx
Allison, Patrick S., xxx-xx-xxxx
Alvarez, Julio L., Jr., xxx-xx-xxxx
Ament, Jerome D., xxx-xx-xxxx
Amerson, Tarolyn B., xxx-xx-xxxx
Anderson, Anthony L., xxx-xx-xxxx
Anderson, Earideth, xxx-xx-xxxx
Anderson, Jack W., xxx-xx-xxxx
Anderson, James B., xxx-xx-xxxx
Anderson, Julia F., xxx-xx-xxxx
Anderson, Michael R., xxx-xx-xxxx
Andris, Andrew G., xxx-xx-xxxx
Angevine, John E., xxx-xx-xxxx
Apodaca, Michael E., xxx-xx-xxxx
Arauco, Oscar T., xxx-xx-xxxx
Archibald, Donald F., xxx-xx-xxxx
Armentrout, Douglas, xxx-xx-xxxx
Armiger, James G., xxx-xx-xxxx
Armstrong, Angela, xxx-xx-xxxx
Armstrong, Beverly, xxx-xx-xxxx
Armstrong, William, xxx-xx-xxxx
Arnold, Cynthia G., xxx-xx-xxxx
Arp, James W., xxx-xx-xxxx
Arredondo, Stefan, xxx-xx-xxxx
Arsenault, Elizabeth, xxx-xx-xxxx
Arthur, Norman A., xxx-xx-xxxx
Asher, Jeffrey R., xxx-xx-xxxx
Attaway, Gregory S., xxx-xx-xxxx
Atwood, Earl E., Jr., xxx-xx-xxxx
Augus, Yvette J., xxx-xx-xxxx
Austin, Trudy A., xxx-xx-xxxx
Avery, Alan M., xxx-xx-xxxx
Avery, Kenneth R., xxx-xx-xxxx
Avery, Michael D., xxx-xx-xxxx
Aviles, Ivonne Y., xxx-xx-xxxx
Ayala, Jose A., xxx-xx-xxxx
Ayers, Carl G., xxx-xx-xxxx
Azemar, Jacques A., xxx-xx-xxxx
Babenco, Henry D., xxx-xx-xxxx
Babineau, Mark A., xxx-xx-xxxx
Bachelor, David L., xxx-xx-xxxx
Bacon, Danny R., xxx-xx-xxxx
Bacon, Ronald A., xxx-xx-xxxx
Baehr, Robert B., xxx-xx-xxxx
Bagent, Arlene S., xxx-xx-xxxx
Baggio, Daniel L., xxx-xx-xxxx
Bailey, Arthur L., xxx-xx-xxxx
Bakalar, Scott A., xxx-xx-xxxx
Baker, Bernard R., xxx-xx-xxxx
Baker, Bonnie A., xxx-xx-xxxx
Baker, Brian L., xxx-xx-xxxx
Baker, Deborah A., xxx-xx-xxxx
Baker, George W., xxx-xx-xxxx
Baker, Leonard L., xxx-xx-xxxx
Baker, Peter R., xxx-xx-xxxx
Baldus, Deborah M., xxx-xx-xxxx
Baldwin, Theldene, xxx-xx-xxxx
Ball, Carman A., xxx-xx-xxxx
Ball, David E., xxx-xx-xxxx
Ballard, Sharon Y., xxx-xx-xxxx
Ballway, William L., xxx-xx-xxxx
Banach, Ludwig D., xxx-xx-xxxx
Banach, Stefan, xxx-xx-xxxx
Banks, L. J., xxx-xx-xxxx
Barber, David W., xxx-xx-xxxx
Barber, Gary P., xxx-xx-xxxx
Barbieri, Thomas E., xxx-xx-xxxx
Barbour, Steven W., xxx-xx-xxxx
Barfield, Harvey C., xxx-xx-xxxx
Barga, Elizabeth A., xxx-xx-xxxx
Barlow, Karen L., xxx-xx-xxxx
Barlow, Susan M., xxx-xx-xxxx
Barnes, Robert M., xxx-xx-xxxx
Barnett, Douglas L., xxx-xx-xxxx
Barnett, Marcus K., xxx-xx-xxxx
Barnett, William D., xxx-xx-xxxx
Barr, Karen S., xxx-xx-xxxx
Barr, Matthew J., xxx-xx-xxxx
Barrett, James G., xxx-xx-xxxx
Barrick, Phillip C., xxx-xx-xxxx
Barrineau, James E., xxx-xx-xxxx
Barszcz, Kevin, xxx-xx-xxxx
Bartenstein, Joseph, xxx-xx-xxxx
Bartl, Bruce D., xxx-xx-xxxx
Bartolomei, R. J., Jr., xxx-xx-xxxx
Bartolotto, John K., xxx-xx-xxxx
Basehore, Karen L., xxx-xx-xxxx
Bass, Joseph L., xxx-xx-xxxx
Batschelet, Allen W., xxx-xx-xxxx
Batten, Richard E., xxx-xx-xxxx
Battschinger, Glenn, xxx-xx-xxxx
Bauer, John J., xxx-xx-xxxx
Baumgartner, M. D., xxx-xx-xxxx
Baute, Sarah F., xxx-xx-xxxx
Baxter, Robert M., Jr., xxx-xx-xxxx
Bayer, Daniel K., Jr., xxx-xx-xxxx
Beale, Mary H., xxx-xx-xxxx
Beard, Ronald K., xxx-xx-xxxx
Beasley, Samuel C., xxx-xx-xxxx
Beauchamp, Mark A., xxx-xx-xxxx
Becerra, Rafael W., xxx-xx-xxxx
Becker, Deborah A., xxx-xx-xxxx
Beckman, Steven A., xxx-xx-xxxx
Beckmann, James P., xxx-xx-xxxx
Beer, Elaine, xxx-xx-xxxx
Beha, George T., Jr., xxx-xx-xxxx
Beha, Lori M., xxx-xx-xxxx
Behler, Carl D., xxx-xx-xxxx
Belk, JR J., xxx-xx-xxxx
Bell, Anthony E., xxx-xx-xxxx
Belle, Norman P., xxx-xx-xxxx
Belva, David G., xxx-xx-xxxx
Benecke, Michelle M., xxx-xx-xxxx
Benjamin, Charles C., xxx-xx-xxxx
Bennett, John A., xxx-xx-xxxx
Bennett, Margaret E., xxx-xx-xxxx
Bennett, Robert M., xxx-xx-xxxx
Bequette, Bryan W., xxx-xx-xxxx
Berenz, James G., xxx-xx-xxxx
Berger, Jere S., xxx-xx-xxxx
Berrigan, Michael J., xxx-xx-xxxx
Berry, Alan B., xxx-xx-xxxx
Berry, Kurt M., xxx-xx-xxxx
Bess, Jeffery S., xxx-xx-xxxx
Bethel, Antoine B., xxx-xx-xxxx
Beyer, Eric J., xxx-xx-xxxx
Beynon, Terry W., xxx-xx-xxxx
Bianchi, John E., xxx-xx-xxxx
Bicknell, Van L., xxx-xx-xxxx
Biega, Michael J., xxx-xx-xxxx
Billings, Mary L., xxx-xx-xxxx
Bills, Michael, xxx-xx-xxxx
Birong, Gundula D., xxx-xx-xxxx
Bishop, Sue M., xxx-xx-xxxx
Bissett, Stephen G., xxx-xx-xxxx
Bizer, Mark R., xxx-xx-xxxx
Black, Christopher, xxx-xx-xxxx
Blackburn, David M., xxx-xx-xxxx
Blaesing, David J., xxx-xx-xxxx
Blair, John H., Jr., xxx-xx-xxxx
Blais, Matthew S., xxx-xx-xxxx
Blake, Christopher, xxx-xx-xxxx
Blake, Geoffery N., xxx-xx-xxxx
Blanchard, Carol A., xxx-xx-xxxx
Blank, Michael A., xxx-xx-xxxx
Blanton, Curtis L., xxx-xx-xxxx
Blanton, Jeffrey A., xxx-xx-xxxx
Blaylock, C., xxx-xx-xxxx
Block, William D., xxx-xx-xxxx
Boardman, Chase H., xxx-xx-xxxx
Boardman, Deborah P., xxx-xx-xxxx
Bodison, Marlin, xxx-xx-xxxx
Boerner, Erich V., xxx-xx-xxxx
Bofill, Guillermo A., xxx-xx-xxxx
Boggs, Richard P., xxx-xx-xxxx
Bolan, Brett A., xxx-xx-xxxx
Bolds, Avery D., xxx-xx-xxxx
Bolint, Steven G., xxx-xx-xxxx
Boller, Michael L., xxx-xx-xxxx
Bollinger, William, xxx-xx-xxxx
Bolster, Kent R., xxx-xx-xxxx
Boneta, Otto F., xxx-xx-xxxx
Boone, David L., xxx-xx-xxxx
Borgardts, Allen L., xxx-xx-xxxx
Bosbyshell, W., Jr., xxx-xx-xxxx
Bosley, David E., xxx-xx-xxxx
Bossart, Bonnie B., xxx-xx-xxxx
Bostancic, Marc J., xxx-xx-xxxx
Bothwell, Don V., xxx-xx-xxxx
Botton, Cynthia J., xxx-xx-xxxx
Bouie, Michael E., xxx-xx-xxxx
Bowe, Timothy L., xxx-xx-xxxx
Bowers, James M., Jr., xxx-xx-xxxx
Bowman, Sherry L., xxx-xx-xxxx
Bowman, Theron, xxx-xx-xxxx
Bowman, Timothy S., xxx-xx-xxxx
Boyd, Johnny L., xxx-xx-xxxx
Boykins, Ronald K., xxx-xx-xxxx
Boyster, Debbie L., xxx-xx-xxxx
Braddock, Kenneth C., xxx-xx-xxxx
Bradin, James W., Jr., xxx-xx-xxxx
Bradley, John W., III, xxx-xx-xxxx
Brantley, David L., xxx-xx-xxxx
Brantley, Michael D., xxx-xx-xxxx
Braswell, Baron P., xxx-xx-xxxx
Braun, Christopher, xxx-xx-xxxx
Breazeale, Christopher, xxx-xx-xxxx
Bredesen, William P., xxx-xx-xxxx
Brehm, Norman R., xxx-xx-xxxx
Brekke, Norman A., xxx-xx-xxxx
Brennan, Christophe, xxx-xx-xxxx
Brennan, Terrence J., xxx-xx-xxxx
Bretzin, Randall H., xxx-xx-xxxx
Brewer, Erwin D., xxx-xx-xxxx

Brierly, Carol M., xxx-xx-xxxx
Briggs, Stephen M., xxx-xx-xxxx
Brock, Marsha E., xxx-xx-xxxx
Brode, Brian L., xxx-xx-xxxx
Brodersen, C., xxx-xx-xxxx
Broekhoven, Dave P., xxx-xx-xxxx
Bromwell, Reginald, xxx-xx-xxxx
Brophy, Elizabeth M., xxx-xx-xxxx
Brown, David A., xxx-xx-xxxx
Brown, Dwayne E., xxx-xx-xxxx
Brown, Gary B., xxx-xx-xxxx
Brown, Glenn R., Jr., xxx-xx-xxxx
Brown, Jerry L., xxx-xx-xxxx
Brown, Kevin A., xxx-xx-xxxx
Brown, Michael R., xxx-xx-xxxx
Brown, Otis L., xxx-xx-xxxx
Brown, Stephan C., xxx-xx-xxxx
Brown, Timothy L., xxx-xx-xxxx
Brown, Todd M., xxx-xx-xxxx
Brown, Tyrone K., xxx-xx-xxxx
Brown, Verne W., xxx-xx-xxxx
Browning, Alan M., xxx-xx-xxxx
Brozetti, John J., xxx-xx-xxxx
Brunner, Earl E., xxx-xx-xxxx
Brunner, Thomas A., xxx-xx-xxxx
Brunt, John A., Jr., xxx-xx-xxxx
Bryant, Thomas H., xxx-xx-xxxx
Bryar, Richard D., xxx-xx-xxxx
Brynsvold, Richard, xxx-xx-xxxx
Buchleitner, Thomas, xxx-xx-xxxx
Buchnowski, Randy P., xxx-xx-xxxx
Buckles, Brent T., xxx-xx-xxxx
Buckley, Patrick E., xxx-xx-xxxx
Bukartek, John V., xxx-xx-xxxx
Bula, James E., xxx-xx-xxxx
Bullard, Sharon F., xxx-xx-xxxx
Bullinger, James R., xxx-xx-xxxx
Bunker, Carey A., III, xxx-xx-xxxx
Bunting, Barry C., xxx-xx-xxxx
Burbules, George A., xxx-xx-xxxx
Burch, Raymond E., xxx-xx-xxxx
Burg, Steven W., xxx-xx-xxxx
Burkes, Gregory L., xxx-xx-xxxx
Burklow, Thomas R., xxx-xx-xxxx
Burley, Edward G., xxx-xx-xxxx
Burns, Thresa, xxx-xx-xxxx
Burns, Joseph E., xxx-xx-xxxx
Burns, Michael S., xxx-xx-xxxx
Burr, Gerald R., xxx-xx-xxxx
Burrus, Randall B., xxx-xx-xxxx
Burton, James B., xxx-xx-xxxx
Burton, James K., xxx-xx-xxxx
Burwell, Lynn M., xxx-xx-xxxx
Bushyhead, John E., xxx-xx-xxxx
Butler, David L., Jr., xxx-xx-xxxx
Butrico, Robert J., xxx-xx-xxxx
Butts, Robert S., xxx-xx-xxxx
Byrd, Craig A., xxx-xx-xxxx
Byron, Paul G., xxx-xx-xxxx
Cahoon, Colin P., xxx-xx-xxxx
Cain, David S., xxx-xx-xxxx
Caldwell, Stephen C., xxx-xx-xxxx
Callewaert, Peter E., xxx-xx-xxxx
Calliott, Renee P., xxx-xx-xxxx
Calvert, Mark E., xxx-xx-xxxx
Calvin, Gregory E., xxx-xx-xxxx
Campbell, Altrus D., xxx-xx-xxxx
Campbell, Barry A., xxx-xx-xxxx
Campbell, Steven L., xxx-xx-xxxx
Campeau, Kelly A., xxx-xx-xxxx
Campion, Guy F., xxx-xx-xxxx
Canales, Reyes A., xxx-xx-xxxx
Cancian, Maria S., xxx-xx-xxxx
Canestrini, Kenneth, xxx-xx-xxxx
Cantrell, Roy R., Jr., xxx-xx-xxxx
Cantu, Daniel G., xxx-xx-xxxx
Capparelli, James V., xxx-xx-xxxx
Carballosa, L., xxx-xx-xxxx
Carey, James F., xxx-xx-xxxx
Carney, Joseph F., xxx-xx-xxxx
Carothers, John K., xxx-xx-xxxx
Carroll, Bruce H., xxx-xx-xxxx
Carroll, Jamie B., xxx-xx-xxxx
Carson, Robert J., xxx-xx-xxxx
Carter, Charles B., xxx-xx-xxxx
Carter, David B., xxx-xx-xxxx
Carter, John M., xxx-xx-xxxx
Casalnova, Charles, xxx-xx-xxxx
Cass, Scott F., xxx-xx-xxxx
Castillo, Hector R., xxx-xx-xxxx
Cato, Vernice, xxx-xx-xxxx
Caton, Tony M., xxx-xx-xxxx
Caylor, Donna M., xxx-xx-xxxx
Cecil, John D., xxx-xx-xxxx
Cellini, Joseph A., xxx-xx-xxxx
Cepak, Bennett M., xxx-xx-xxxx
Chamberlin, Danette, xxx-xx-xxxx
Chambliss, Johm G., xxx-xx-xxxx
Champion, Pamela J., xxx-xx-xxxx
Chang, Domingo J., xxx-xx-xxxx
Chapman, James R., xxx-xx-xxxx
Chatham, Brian K., xxx-xx-xxxx
Cheatham, Antoine, xxx-xx-xxxx
Chesser, David E., xxx-xx-xxxx
Chin, Bennett B., xxx-xx-xxxx
Cho, Young S., xxx-xx-xxxx
Chong, Yoo J., xxx-xx-xxxx
Christensen, Reed K., xxx-xx-xxxx
Christie, Kevin A., xxx-xx-xxxx
Chritton, Kenneth C., xxx-xx-xxxx
Chung, Christopher, xxx-xx-xxxx
Church, Jason K., xxx-xx-xxxx
Cipriano, Eric D., xxx-xx-xxxx
Ciucci, Robert N., xxx-xx-xxxx
Claeys, Ronald P., xxx-xx-xxxx
Clancy, Siobhan M., xxx-xx-xxxx
Clark, Arthur L., xxx-xx-xxxx
Clark, Dane E., xxx-xx-xxxx
Clark, David J., xxx-xx-xxxx
Clark, Kevin D., xxx-xx-xxxx
Clarke, Arlen R., xxx-xx-xxxx
Clarke, Robert L., Jr., xxx-xx-xxxx
Clary, Ferald A., xxx-xx-xxxx
Clawson, Michael D., xxx-xx-xxxx
Clement, Mark A., xxx-xx-xxxx
Cliett, Christopher, xxx-xx-xxxx
Cluxton, David T., xxx-xx-xxxx
Coby, Henry M., xxx-xx-xxxx
Coby, Jonathan D., xxx-xx-xxxx
Cockerill, Mark L., xxx-xx-xxxx
Cody, Alan G., xxx-xx-xxxx
Cohen, Steven E., xxx-xx-xxxx
Colar, Linda M., xxx-xx-xxxx
Cole, David L., Jr., xxx-xx-xxxx
Cole, Scott G., xxx-xx-xxxx
Cole, Terry H., xxx-xx-xxxx
Coles, David J., xxx-xx-xxxx
College, Cynthia E., xxx-xx-xxxx
Colocousis, Chris J., xxx-xx-xxxx
Colvin, Sylvester, xxx-xx-xxxx
Comer, Larry D., xxx-xx-xxxx
Compton, David M., xxx-xx-xxxx
Conaway, Andrew E., xxx-xx-xxxx
Concepcion, Jorge R., xxx-xx-xxxx
Condon, Paul B., Jr., xxx-xx-xxxx
Conklin, George E., xxx-xx-xxxx
Conn, David L., xxx-xx-xxxx
Connell, Michael A., xxx-xx-xxxx
Connelly, Merle A., xxx-xx-xxxx
Connelly, Timothy M., xxx-xx-xxxx
Conners, Brian D., xxx-xx-xxxx
Convery, Joseph P., xxx-xx-xxxx
Cook, Dwight L., xxx-xx-xxxx
Cook, James C., xxx-xx-xxxx
Cook, Robert T., xxx-xx-xxxx
Coon, Richard E., xxx-xx-xxxx
Cooper, Hugh G., xxx-xx-xxxx
Corley, Thomas P., xxx-xx-xxxx
Cornell, Kevin J., xxx-xx-xxxx
Coronel, Mario, xxx-xx-xxxx
Corson, Mark W., xxx-xx-xxxx
Cote, Lise A., xxx-xx-xxxx
Cotter, Brian W., xxx-xx-xxxx
Cotto, Juan E., xxx-xx-xxxx
Cottrell, Chris L., xxx-xx-xxxx
Cottrell, Daniel T., xxx-xx-xxxx
Courtney, James D., xxx-xx-xxxx
Coxson, David D., xxx-xx-xxxx
Cozby, Richard S., xxx-xx-xxxx
Crabtree, Thomas G., xxx-xx-xxxx
Cramer, Christopher, xxx-xx-xxxx
Craven, Eric W., xxx-xx-xxxx
Crawford, Brian A., xxx-xx-xxxx
Crawford, Kenneth P., xxx-xx-xxxx
Crawford, Wendell L., xxx-xx-xxxx
Crea, Thomas M., xxx-xx-xxxx
Cregan, Joseph M., xxx-xx-xxxx
Crenshaw, Mark L., xxx-xx-xxxx
Cresci, Anthony B., xxx-xx-xxxx
Crews, Charles E., xxx-xx-xxxx
Crihfield, Charles, xxx-xx-xxxx
Crocker, David F., xxx-xx-xxxx
Cross, Fred H., xxx-xx-xxxx
Cross, Gary S., xxx-xx-xxxx
Crow, Jason P., xxx-xx-xxxx
Crowell, David M., xxx-xx-xxxx
Crudup, Timothy, xxx-xx-xxxx
Cruz, Elvys O., xxx-xx-xxxx
Culbert, Debra C., xxx-xx-xxxx
Culp, Mattie L., xxx-xx-xxxx
Cummings, Darryl L., xxx-xx-xxxx
Cummings, James C., xxx-xx-xxxx
Cunningham, Thoma F., xxx-xx-xxxx
Currie, Donald S., xxx-xx-xxxx
Curry, Martin P., xxx-xx-xxxx
Curry, Peter E., xxx-xx-xxxx
Curry, Randall C., xxx-xx-xxxx
Curtis, Marsha G., xxx-xx-xxxx
Curto, Michael B., xxx-xx-xxxx
Cutajar, Robert C., xxx-xx-xxxx
Czerw, Russell J., xxx-xx-xxxx
Daczkowski, Thomas, xxx-xx-xxxx
Dalen, Peter N., xxx-xx-xxxx
Dalessandro, J. R., xxx-xx-xxxx
Dalton, Gary L., xxx-xx-xxxx
Damon, Steven P., xxx-xx-xxxx
Dangerfield, Marily, xxx-xx-xxxx
Daniel, Gordon R., xxx-xx-xxxx
Daniel, Patricia L., xxx-xx-xxxx
Daniels, Jody J., xxx-xx-xxxx
Daniels, Jon B., xxx-xx-xxxx
Daniels, Paul M., xxx-xx-xxxx
Daniels, Stephen G., xxx-xx-xxxx
Danielson, John C., xxx-xx-xxxx
Dantzler, John F., xxx-xx-xxxx
Danussi, Garry E., xxx-xx-xxxx
Darden, Charles R., xxx-xx-xxxx
Darden, Lola J., xxx-xx-xxxx
Darnall, David W., xxx-xx-xxxx
Daskevich, Anthony, xxx-xx-xxxx
Davies, Elizabeth H., xxx-xx-xxxx
Davies, Joseph E., xxx-xx-xxxx
Davis, Alexander D., xxx-xx-xxxx
Davis, Andre M., xxx-xx-xxxx
Davis, Darrell R., xxx-xx-xxxx
Davis, Dennis A., xxx-xx-xxxx
Davis, Edwin L., xxx-xx-xxxx
Davis, Gregory D., xxx-xx-xxxx
Davis, Kirk A., xxx-xx-xxxx
Davis, Lyndal R., xxx-xx-xxxx
Davis, Mark E., xxx-xx-xxxx
Davis, Marylou A., xxx-xx-xxxx
Davis, Rickey R., xxx-xx-xxxx
Davis, Russell E., xxx-xx-xxxx
Davis, Thomas B., xxx-xx-xxxx
Davis, Timothy, xxx-xx-xxxx
Dawson, Carl L., xxx-xx-xxxx
Day, Tim L., xxx-xx-xxxx
Dean, Frank S., Jr., xxx-xx-xxxx
Deeds, Ronald L., xxx-xx-xxxx
Degelos, Perry J., xxx-xx-xxxx
Delaney, Matthew W., xxx-xx-xxxx
Delgado, Ana O., xxx-xx-xxxx
Delgrippo, Lori A., xxx-xx-xxxx
Dell, Thomas A., xxx-xx-xxxx
Delossantos, Arturo, xxx-xx-xxxx
Deluca, Peter A., xxx-xx-xxxx
Demassey, David B., xxx-xx-xxxx
Deneff, Wayne S., xxx-xx-xxxx
Denike, Elizabeth A., xxx-xx-xxxx
Dennis, Darryl E., xxx-xx-xxxx
Dennis, Yolanda C., xxx-xx-xxxx

Dermer, Philip J., xxx-xx-xxxx
Desilva, David M., xxx-xx-xxxx
Despain, Michael J., xxx-xx-xxxx
Devens, Michael W., xxx-xx-xxxx
Devoy, David D., II, xxx-xx-xxxx
Devries, David G., II, xxx-xx-xxxx
Diaz, Veronica M., xxx-xx-xxxx
Dickerson, Diana, M., xxx-xx-xxxx
Dickerson, Jerry, D., xxx-xx-xxxx
Diebold, Carroll J., xxx-xx-xxxx
Dieckmann, Nancy L., xxx-xx-xxxx
Diekman, Linda M., xxx-xx-xxxx
Dietz, Donald E., xxx-xx-xxxx
Dillow, Daniel J., xxx-xx-xxxx
Dishman, Addison V., xxx-xx-xxxx
Divecchio, Elixa, xxx-xx-xxxx
Dixon, Anthony J., xxx-xx-xxxx
Dixon, Lawrence G., xxx-xx-xxxx
Dixon, Tiki, xxx-xx-xxxx
Doak, Victor E., xxx-xx-xxxx
Dobbs, Jerry E., Jr., xxx-xx-xxxx
Dolgoff, Scott J., xxx-xx-xxxx
Dolloff, Scott C., xxx-xx-xxxx
Dolph, David P., xxx-xx-xxxx
Domaas, Erik A., xxx-xx-xxxx
Domenici, Robert L., xxx-xx-xxxx
Donahue, Michael J., xxx-xx-xxxx
Donahue, Scott F., xxx-xx-xxxx
Donaldson, Bruce A., xxx-xx-xxxx
Dopp, Charles W., xxx-xx-xxxx
Dornblaser, David W., xxx-xx-xxxx
Dougherty, John A., xxx-xx-xxxx
Dougherty, William, xxx-xx-xxxx
Douglas, James L., xxx-xx-xxxx
Douglass, Laurel B., xxx-xx-xxxx
Dowdy, Michael P., xxx-xx-xxxx
Doyen, Michael P., xxx-xx-xxxx
Draeger, David R., xxx-xx-xxxx
Draper, Jimmie D., xxx-xx-xxxx
Dreby, Conrad A., xxx-xx-xxxx
Dreier, Jeffrey E., xxx-xx-xxxx
Driver, Donna S., xxx-xx-xxxx
Dudley, Nathan S., xxx-xx-xxxx
Dufresne, Kathleen, xxx-xx-xxxx
Dull, Eric M., xxx-xx-xxxx
Dulling, James O., xxx-xx-xxxx
Duncan, Robert, Jr., xxx-xx-xxxx
Dundorf, Thomas E., xxx-xx-xxxx
Duppler, Lawrence P., xxx-xx-xxxx
Durham, Carl E., xxx-xx-xxxx
Durr, Charles W., Jr., xxx-xx-xxxx
Durtschi, Michael S., xxx-xx-xxxx
Duttlinger, Norbert, xxx-xx-xxxx
Dutton, Dale S., xxx-xx-xxxx
Dye, David L., xxx-xx-xxxx
Dykes, Daryl G., xxx-xx-xxxx
Dzincielewski, Stephen, xxx-xx-xxxx
Earles, Rockne G., xxx-xx-xxxx
Easterling, Harry R., xxx-xx-xxxx
Eaton, Bradley G., xxx-xx-xxxx
Ebel, Kathryn M., xxx-xx-xxxx
Eckert, Lawrence W., xxx-xx-xxxx
Edwards, John D., xxx-xx-xxxx
Edwards, Richard T., xxx-xx-xxxx
Edwards, Robert J., xxx-xx-xxxx
Edwards, Theodore M., xxx-xx-xxxx
Egbert, Jerry L., xxx-xx-xxxx
Egeland, Marjean R., xxx-xx-xxxx
Eichberger, Barbara, xxx-xx-xxxx
Elam, John J., xxx-xx-xxxx
Elam, Mark G., xxx-xx-xxxx
Elinson, William W., xxx-xx-xxxx
Elliott, Kevin F., xxx-xx-xxxx
Elberston, Brand L., xxx-xx-xxxx
Englebreth, W., xxx-xx-xxxx
Erickson, Gregory E., xxx-xx-xxxx
Ericson, Jon V., xxx-xx-xxxx
Ericson, Peter B., xxx-xx-xxxx
Ermert, Michael D., xxx-xx-xxxx
Ernest, Harold L., xxx-xx-xxxx
Ethridge, Joe E., Jr., xxx-xx-xxxx
Eubank, David A., xxx-xx-xxxx
Evans, Bruce C., xxx-xx-xxxx
Evans, Christopher, xxx-xx-xxxx
Evans, Ricahrd A., xxx-xx-xxxx
Evans, Thomas H., xxx-xx-xxxx
Everett, Keith A., xxx-xx-xxxx
Ewing, James M., xxx-xx-xxxx
Exparza, Stephen J., xxx-xx-xxxx
Eyre, David C., xxx-xx-xxxx
Fagerstrom, Bruce R., xxx-xx-xxxx
Fahey, Brendan J., xxx-xx-xxxx
Fair, Martin L., xxx-xx-xxxx
Falcone, Stephen J., xxx-xx-xxxx
Farrell, Christophe, xxx-xx-xxxx
Fatzinger, Eric W., xxx-xx-xxxx
Favors, Willie J., xxx-xx-xxxx
Featherstone, S., xxx-xx-xxxx
Feddeler, Douglas J., xxx-xx-xxxx
Felkel, Robert A., xxx-xx-xxxx
Ferguson, Darry, xxx-xx-xxxx
Ferguson, Donald S., xxx-xx-xxxx
Ferguson, Howard R., xxx-xx-xxxx
Ferreiro, Garrett V., xxx-xx-xxxx
Ferrell, Robert S., xxx-xx-xxxx
Fiato, Thomas J., xxx-xx-xxxx
Fichter, Sandra, xxx-xx-xxxx
Fields, Patricia A., xxx-xx-xxxx
Fierko, Francis X., xxx-xx-xxxx
Finfrock, Chancy S., xxx-xx-xxxx
Finger, Michael J., xxx-xx-xxxx
Finn, Deirdre A., xxx-xx-xxxx
Fischlschweiger, H., xxx-xx-xxxx
Fishbain, Joel T., xxx-xx-xxxx
Fisher, Anthony P., xxx-xx-xxxx
Fisher, James S., xxx-xx-xxxx
Fisher, John R., xxx-xx-xxxx
Flaherty, Michael B., xxx-xx-xxxx
Flaherty, Patrick M., xxx-xx-xxxx
Flanery, Mark T., xxx-xx-xxxx
Fleischauer, Rich, xxx-xx-xxxx
Fletcher, James K., xxx-xx-xxxx
Flowers, Jonathan D., xxx-xx-xxxx
Floyd, Carter W., Jr., xxx-xx-xxxx
Flynn, Timothy J., xxx-xx-xxxx
Flynt, William C., xxx-xx-xxxx
Fogarty, Stephen G., xxx-xx-xxxx
Fogli, Paul L., xxx-xx-xxxx
Foley, Kenneth W., xxx-xx-xxxx
Folger, David L., xxx-xx-xxxx
Ford, Jeanette L., xxx-xx-xxxx
Forrester, P. E., xxx-xx-xxxx
Forseth, Leonard A., xxx-xx-xxxx
Fossa, Timothy A., xxx-xx-xxxx
Foster, Eric L., xxx-xx-xxxx
Fowler, Jerry S., xxx-xx-xxxx
Fowler, Norman G., xxx-xx-xxxx
Fowler, Stephen M., xxx-xx-xxxx
Fowler, William H., xxx-xx-xxxx
Fox, Roy W., xxx-xx-xxxx
Foy, Stephen D., xxx-xx-xxxx
Fragale, Frank T., xxx-xx-xxxx
Fraley, James B., xxx-xx-xxxx
Frame, John E., xxx-xx-xxxx
Francis, Tony R., xxx-xx-xxxx
Frank, Trent T., xxx-xx-xxxx
Franke, David G., xxx-xx-xxxx
Franke, Michael J., xxx-xx-xxxx
Franklin, Marvalene, xxx-xx-xxxx
Franklin, Patrick S., xxx-xx-xxxx
Franks, Eldon E., xxx-xx-xxxx
Fraser, Carol E., xxx-xx-xxxx
Frazier, Douglas K., xxx-xx-xxxx
Fredrickson, Craig, xxx-xx-xxxx
Freelon, Timothy A., xxx-xx-xxxx
Freeman, David B., xxx-xx-xxxx
Freeman, David S., xxx-xx-xxxx
Freeman, Guy L., xxx-xx-xxxx
French, Felicia, xxx-xx-xxxx
French, Kevin B., xxx-xx-xxxx
French, Stephen B., xxx-xx-xxxx
French, Timothy N., xxx-xx-xxxx
Fretz, Stuart J., Jr., xxx-xx-xxxx
Frohbieter, Gregory, xxx-xx-xxxx
Frushour, Cara L., xxx-xx-xxxx
Fuata, Benedict L., xxx-xx-xxxx
Fucella, Joseph E., xxx-xx-xxxx
Fucik, Timothy J., xxx-xx-xxxx
Fuller, William S., xxx-xx-xxxx
Funderburk, Keith E., xxx-xx-xxxx
Funk, Robin W., xxx-xx-xxxx
Gabaldon, Estanisla, xxx-xx-xxxx
Gaige, Barbara A., xxx-xx-xxxx
Gajewski, Joseph L., xxx-xx-xxxx
Galing, Gregory A., xxx-xx-xxxx
Gall, Joseph F., xxx-xx-xxxx
Gallagher, John E., xxx-xx-xxxx
Gallirio, Gina M., xxx-xx-xxxx
Gallop, Tanya L., xxx-xx-xxxx
Galvagno, Steven M., xxx-xx-xxxx
Gamalinda, Enrico D., xxx-xx-xxxx
Gange, Steven N., xxx-xx-xxxx
Garcia, Ruth S., xxx-xx-xxxx
Garman, John L., II, xxx-xx-xxxx
Garner, William E., xxx-xx-xxxx
Garris, Rosemary K., xxx-xx-xxxx
Garrison, Douglas K., xxx-xx-xxxx
Gates, Philip E., xxx-xx-xxxx
Gatje, Michael, A., xxx-xx-xxxx
Gaud, Reynaldo, xxx-xx-xxxx
Gaumer, David R., Jr., xxx-xx-xxxx
Gearhart, Scott W., xxx-xx-xxxx
Gerbhardt, Lisa M., xxx-xx-xxxx
Gee, Benny T., xxx-xx-xxxx
George, Keith A., xxx-xx-xxxx
Gibbard, Bob O., xxx-xx-xxxx
Gibson, Larry T., xxx-xx-xxxx
Gienapp, Ronald O., xxx-xx-xxxx
Gierl, Jonathan L., xxx-xx-xxxx
Gilbertson, David G., xxx-xx-xxxx
Gillen, Michele, xxx-xx-xxxx
Gillis, Patrick F., xxx-xx-xxxx
Gilmartin, E., xxx-xx-xxxx
Glover, William C., xxx-xx-xxxx
Gneiser, Douglas T., xxx-xx-xxxx
Gnemi, Nicki T., xxx-xx-xxxx
Goddard, David R., xxx-xx-xxxx
Godston, Peter P., xxx-xx-xxxx
Goehring, David W., xxx-xx-xxxx
Goetzke, Kenneth H., xxx-xx-xxxx
Goewey, Josh H., xxx-xx-xxxx
Golczewski, Frederi, xxx-xx-xxxx
Goldsborough, John, xxx-xx-xxxx
Gonnering, Leo P., xxx-xx-xxxx
Gonzalez, Michael E., xxx-xx-xxxx
Gonzalez, Steven M., xxx-xx-xxxx
Gonzalez, Anibal, xxx-xx-xxxx
Gonzalez, Osvaldo, xxx-xx-xxxx
Gonzalez, Ralph L., xxx-xx-xxxx
Goodale, Diane K., xxx-xx-xxxx
Goodwin, Edwin W., xxx-xx-xxxx
Goold, Jeffrey S., xxx-xx-xxxx
Gora, Brian S., xxx-xx-xxxx
Gorden, Timothy C., xxx-xx-xxxx
Gordon, Walter C., xxx-xx-xxxx
Gorman, Alfred C., xxx-xx-xxxx
Gross, Nellie L., xxx-xx-xxxx
Gott, Kendall D., xxx-xx-xxxx
Goulart, Mark E., xxx-xx-xxxx
Grady, Edward J., xxx-xx-xxxx
Grande, Marie L., xxx-xx-xxxx
Grant, Carl B., xxx-xx-xxxx
Gray, Elton P., Jr., xxx-xx-xxxx
Green, David L., xxx-xx-xxxx
Green, Dwayne S., xxx-xx-xxxx
Green, Jesse L., Jr., xxx-xx-xxxx
Green, Robert L., xxx-xx-xxxx
Greenland, Brenda K., xxx-xx-xxxx
Greer, Jess C., xxx-xx-xxxx
Grier, James E., xxx-xx-xxxx
Griffin, Jonathan N., xxx-xx-xxxx
Griffin, Michelle O., xxx-xx-xxxx
Griffin, Randall L., xxx-xx-xxxx
Griffin, Terri L., xxx-xx-xxxx
Griffith, Charles J., xxx-xx-xxxx
Griffith, Paul B., xxx-xx-xxxx
Grigley, Erogies, Jr., xxx-xx-xxxx
Grimes, Donn A., xxx-xx-xxxx
Grimes, Gary A., xxx-xx-xxxx
Grimes, Vernon E., Jr., xxx-xx-xxxx
Groetken, Susan J., xxx-xx-xxxx
Gross, Gregg E., xxx-xx-xxxx

Gross, Steven L., xxx-xx-xxxx
Grove, Steven R., xxx-xx-xxxx
Gruenwald, David L., xxx-xx-xxxx
Grundman, Steven C., xxx-xx-xxxx
Guest, Gregory, xxx-xx-xxxx
Guillot, Mark J., xxx-xx-xxxx
Gutierrez, Eduardo, xxx-xx-xxxx
Gutierrez, John S., xxx-xx-xxxx
Guyant, Maurice L., xxx-xx-xxxx
Guzik, Matthew J., xxx-xx-xxxx
Haasenritter, David, xxx-xx-xxxx
Habel, Douglas P., Jr., xxx-xx-xxxx
Hablitzel, Carolyn, xxx-xx-xxxx
Hahn, Andrew T., xxx-xx-xxxx
Hair, Andrew A., xxx-xx-xxxx
Hakala, Gregg A., xxx-xx-xxxx
Halder, Matthew P., xxx-xx-xxxx
Hale, Peter P., Jr., xxx-xx-xxxx
Hale, Stephen J., xxx-xx-xxxx
Haley, Thomas V., xxx-xx-xxxx
Hall, Jeffrey D., xxx-xx-xxxx
Hall, Jennie N., xxx-xx-xxxx
Hall, Michael J., xxx-xx-xxxx
Hall, Robert B., xxx-xx-xxxx
Hall, Roger L., xxx-xx-xxxx
Hall, William B., xxx-xx-xxxx
Halse, Peter R., xxx-xx-xxxx
Hamilton, Mary K., xxx-xx-xxxx
Hamlet, Edward K., xxx-xx-xxxx
Hamlin, Cheryl L., xxx-xx-xxxx
Hamman, Mary K., xxx-xx-xxxx
Hanf, Darrell J., xxx-xx-xxxx
Hannah, John M., xxx-xx-xxxx
Hansen, Anthon R., xxx-xx-xxxx
Hansen, Karen M., xxx-xx-xxxx
Hansen, Paul P., xxx-xx-xxxx
Hansmann, Gloria J., xxx-xx-xxxx
Haraburda, Scott S., xxx-xx-xxxx
Haraway, Deborah R., xxx-xx-xxxx
Harber, Dennis P., xxx-xx-xxxx
Harden, Susanne M., xxx-xx-xxxx
Hardin, Larae M., xxx-xx-xxxx
Hardinge, James C., xxx-xx-xxxx
Hardy, Charles K., xxx-xx-xxxx
Hargreaves, Kellie, xxx-xx-xxxx
Harkness, Jimmy W., xxx-xx-xxxx
Harlan, Douglas G., xxx-xx-xxxx
Harlston, Sterling, xxx-xx-xxxx
Harnois, Timothy L., xxx-xx-xxxx
Harper, Michael A., xxx-xx-xxxx
Harper, Rickey J., xxx-xx-xxxx
Harper, Robert A., xxx-xx-xxxx
Harris, Charles E., xxx-xx-xxxx
Harris, Chauncey, xxx-xx-xxxx
Harris, Christopher, xxx-xx-xxxx
Harris, Harlan D., xxx-xx-xxxx
Harris, Merri B., xxx-xx-xxxx
Harris, Rebecca I., xxx-xx-xxxx
Harris, Robert E., xxx-xx-xxxx
Harris, Stewart L., xxx-xx-xxxx
Harrison, Tamara L., xxx-xx-xxxx
Harrison, Thomas H., xxx-xx-xxxx
Harrington, Gregory, xxx-xx-xxxx
Harsh, George R., xxx-xx-xxxx
Hartley, Robert J., xxx-xx-xxxx
Hartsock, Daniel L., xxx-xx-xxxx
Harvey, Christopher, xxx-xx-xxxx
Harvey, Steven D., xxx-xx-xxxx
Harwart, Paul, xxx-xx-xxxx
Hatchett, Monte J., xxx-xx-xxxx
Hathcock, William F., xxx-xx-xxxx
Havard, Marvin E., xxx-xx-xxxx
Hawkins, Bobby R., xxx-xx-xxxx
Hayden, Jane E., xxx-xx-xxxx
Hayden, Michael A., xxx-xx-xxxx
Hayes, Bernard M., xxx-xx-xxxx
Hayes, Edwin B., xxx-xx-xxxx
Hayes, William F., xxx-xx-xxxx
Hayhurst, Mark D., xxx-xx-xxxx
Heanue, Thomas E., xxx-xx-xxxx
Heath, Clarence B., xxx-xx-xxxx
Hefty, Michael J., xxx-xx-xxxx
Hegna, Thomas D., xxx-xx-xxxx
Heib, George D., xxx-xx-xxxx
Hein, Robert F., xxx-xx-xxxx
Heins, John C., Jr., xxx-xx-xxxx
Hellenga, Gary A., xxx-xx-xxxx
Helman, John C., xxx-xx-xxxx
Helmeyer, Karen A., xxx-xx-xxxx
Helton, Perry, xxx-xx-xxxx
Henry, Samuel L., xxx-xx-xxxx
Henry, William J., xxx-xx-xxxx
Hensel, Randy A., xxx-xx-xxxx
Herczeg, Stephen J., xxx-xx-xxxx
Herd, Walter M., xxx-xx-xxxx
Herdes, Gregory A., xxx-xx-xxxx
Hermans, Terence J., xxx-xx-xxxx
Hernandez, Juan L., xxx-xx-xxxx
Herring, Howard F., xxx-xx-xxxx
Herron, Georgia L., xxx-xx-xxxx
Hess, Timothy G., xxx-xx-xxxx
Hesser, Elaine M., xxx-xx-xxxx
Hetrick, Gary L., xxx-xx-xxxx
Hickman, William B., xxx-xx-xxxx
Hicks, Bobbie A., xxx-xx-xxxx
Hicks, Melvin W., xxx-xx-xxxx
Higgins, Scott Y., xxx-xx-xxxx
Hildebrand, John B., xxx-xx-xxxx
Hilkert, David E., xxx-xx-xxxx
Hill, James C., xxx-xx-xxxx
Hill, Jason D., xxx-xx-xxxx
Hilliard, C., xxx-xx-xxxx
Hines, Carla D., xxx-xx-xxxx
Hirata, Jay T., xxx-xx-xxxx
Hite, Thomas R., Jr., xxx-xx-xxxx
Hitt, Gina A., xxx-xx-xxxx
Hnizdor, Randal L., xxx-xx-xxxx
Hobbs, Arthur M., xxx-xx-xxxx
Hobby, Michael F., xxx-xx-xxxx
Hodge, David, xxx-xx-xxxx
Hodges, Norell P., xxx-xx-xxxx
Hoefer, Andreas, xxx-xx-xxxx
Hoff, Barbara H., xxx-xx-xxxx
Hoffman, William J., xxx-xx-xxxx
Hofland, David R., xxx-xx-xxxx
Hogan, Michael J., xxx-xx-xxxx
Holachek, Jeffrey S., xxx-xx-xxxx
Holben, Gary J., xxx-xx-xxxx
Holbrook, John G., xxx-xx-xxxx
Holm, Peter D., xxx-xx-xxxx
Holmes, Annette A., xxx-xx-xxxx
Holmes, R. A., Jr., xxx-xx-xxxx
Holstlaw, Mark A., xxx-xx-xxxx
Holtrop, John K., xxx-xx-xxxx
Holtzman, John A., xxx-xx-xxxx
Honore, JR C., xxx-xx-xxxx
Hooker, Scott M., xxx-xx-xxxx
Hope, Michael G., xxx-xx-xxxx
Hopely, Marie D., xxx-xx-xxxx
Hopkins, Kathlyn R., xxx-xx-xxxx
Hopkins, Priscilla, xxx-xx-xxxx
Hopper, Bradley T., xxx-xx-xxxx
Horan, Timothy F., xxx-xx-xxxx
Horwitz, Charles M., xxx-xx-xxxx
Hosch, Linda L., xxx-xx-xxxx
Hosler, David R., Jr., xxx-xx-xxxx
Hosler, Steven B., xxx-xx-xxxx
Howard, Reginald W., xxx-xx-xxxx
Howell, Richard L., xxx-xx-xxxx
Hoxie, Michael G., xxx-xx-xxxx
Hoyer, James A., xxx-xx-xxxx
Hrabanek, Jeffry D., xxx-xx-xxxx
Hudak, Craig M., xxx-xx-xxxx
Huddleston, Michael, xxx-xx-xxxx
Hudson, Benjamin L., xxx-xx-xxxx
Huggins, William F., xxx-xx-xxxx
Hughes, Christopher, xxx-xx-xxxx
Hughes, Paul R., xxx-xx-xxxx
Hume, Charles C., xxx-xx-xxxx
Humphrey, Friedbert, xxx-xx-xxxx
Humphreys, Thomas C., xxx-xx-xxxx
Hunt, Corey D., xxx-xx-xxxx
Hunt, Marcus L., xxx-xx-xxxx
Hunt, Margaret E., xxx-xx-xxxx
Hunter, Virginia C., xxx-xx-xxxx
Hurd, Catherine A., xxx-xx-xxxx
Hustava, Stephen M., xxx-xx-xxxx
Hutchinson, David J., xxx-xx-xxxx
Huyler, Duncan D., xxx-xx-xxxx
Hyres, David S., xxx-xx-xxxx
Iddins, Jeffrey B., xxx-xx-xxxx
Ikstrum, Andris M., xxx-xx-xxxx
Ingram, Jeffrey D., xxx-xx-xxxx
Innis, David, F., xxx-xx-xxxx
Ippolito, Frank P., xxx-xx-xxxx
Irace, Diane L., xxx-xx-xxxx
Irizarry, Eric M., xxx-xx-xxxx
Isbell, Valerie S., xxx-xx-xxxx
Ivory, Glenn E., xxx-xx-xxxx
Izard, William J., xxx-xx-xxxx
Jack, Douglas L., xxx-xx-xxxx
Jackson, Gail P., xxx-xx-xxxx
Jackson, John D., II, xxx-xx-xxxx
Jackson, Steven A., xxx-xx-xxxx
Jacoby, Jennifer J., xxx-xx-xxxx
Jakielski, Philip D., xxx-xx-xxxx
James, Christian M., xxx-xx-xxxx
Janas, Catherine T., xxx-xx-xxxx
Janowiak, Luke S., xxx-xx-xxxx
Jaworski, Andreas O., xxx-xx-xxxx
Jean, Janet W., xxx-xx-xxxx
Jenks, John P., xxx-xx-xxxx
Jennings, Theodore, xxx-xx-xxxx
Jensen, Garrett P., xxx-xx-xxxx
Jinishian, Robert L., xxx-xx-xxxx
Joel, Kenneth W., Jr., xxx-xx-xxxx
Johansen, Beth A., xxx-xx-xxxx
Johnson, Billy R., xxx-xx-xxxx
Johnson, Brad E., xxx-xx-xxxx
Johnson, C L., xxx-xx-xxxx
Johnson, Clarence E., xxx-xx-xxxx
Johnson, Daniel W., xxx-xx-xxxx
Johnson, Douglas L., xxx-xx-xxxx
Johnson, Holli J., xxx-xx-xxxx
Johnson, James R., xxx-xx-xxxx
Johnson, Janet L., xxx-xx-xxxx
Johnson, Jimmy L., xxx-xx-xxxx
Johnson, Lewis K., Jr., xxx-xx-xxxx
Johnson, Lisa D., xxx-xx-xxxx
Johnson, Norman E., xxx-xx-xxxx
Johnson, Raymond C., xxx-xx-xxxx
Johnson, Remi S., xxx-xx-xxxx
Johnson, Rivers J., xxx-xx-xxxx
Johnson, Robert A., xxx-xx-xxxx
Johnson, Stephen G., xxx-xx-xxxx
Johnson, Ty D., xxx-xx-xxxx
Jones, Alan L., xxx-xx-xxxx
Jones, David T., xxx-xx-xxxx
Jones, Edward H., xxx-xx-xxxx
Jones, Eric M., xxx-xx-xxxx
Jones, Eugene H., Jr., xxx-xx-xxxx
Jones, Gladys D., xxx-xx-xxxx
Jones, Gregory E., xxx-xx-xxxx
Jones, John I., xxx-xx-xxxx
Jones, Lawrence P., xxx-xx-xxxx
Jones, Levarn xxx-xx-xxxx
Jones, Pete D., xxx-xx-xxxx
Jones, Sylvester, xxx-xx-xxxx
Jones, William S., xxx-xx-xxxx
Jorgenson, Dale N., xxx-xx-xxxx
Joyner, Byron D., xxx-xx-xxxx
Judson, Matthew A., xxx-xx-xxxx
Judy, Edward E., xxx-xx-xxxx
Jurgens, David E., xxx-xx-xxxx
Kabisch, David E., xxx-xx-xxxx
Kaeser, Donald L., xxx-xx-xxxx
Kahley, Kevin R., xxx-xx-xxxx
Kahue, Bryan, xxx-xx-xxxx
Kahue, Philip, xxx-xx-xxxx
Kallerson, John L., xxx-xx-xxxx
Kaminar, John I., xxx-xx-xxxx
Kaneaster, Rodney L., xxx-xx-xxxx
Kaplan, Joseph J., xxx-xx-xxxx
Karaffa, Steven N., xxx-xx-xxxx
Karkoski, Kevin T., xxx-xx-xxxx
Karns, Philip H., xxx-xx-xxxx
Karr, Gregory A., xxx-xx-xxxx
Karr, Michael J., xxx-xx-xxxx
Karr, Todd D., xxx-xx-xxxx
Kaste, Michael S., xxx-xx-xxxx
Kaziewicz, Suzanne, xxx-xx-xxxx
Keable, Edward T., xxx-xx-xxxx

Keeler, Ronald C., xxx-xx-xxxx
Kell, Marc A., xxx-xx-xxxx
Keller, Lonwood A., xxx-xx-xxxx
Keller, Nancy M., xxx-xx-xxxx
Keller, Scott W., xxx-xx-xxxx
Kelly, William T., xxx-xx-xxxx
Kelsey, Daniel G., xxx-xx-xxxx
Kemp, Mark W., xxx-xx-xxxx
Kendell, Robert S., xxx-xx-xxxx
Kendrick, Newton P., xxx-xx-xxxx
Kennedy, Brian J., xxx-xx-xxxx
Kenney, Gerald P., Jr., xxx-xx-xxxx
Kent, Margaret E., xxx-xx-xxxx
Kentopp, Timothy C., xxx-xx-xxxx
Kepler, Kevin M., xxx-xx-xxxx
Kerans, Timothy A., xxx-xx-xxxx
Kercado, Alberto, xxx-xx-xxxx
Kerness, Barry A., xxx-xx-xxxx
Kersey, Michael G., xxx-xx-xxxx
Keszler, Patrick E., xxx-xx-xxxx
Ketterer, Robert M., xxx-xx-xxxx
Kidner, Cristofer D., xxx-xx-xxxx
Kidwell, Judy D., xxx-xx-xxxx
Kiernan, Joseph III, xxx-xx-xxxx
Kimpson, Milton G., xxx-xx-xxxx
King, Charles C., xxx-xx-xxxx
King, Daniel L., xxx-xx-xxxx
King, Harry B., III, xxx-xx-xxxx
King, Mark D., xxx-xx-xxxx
King, Paula M., xxx-xx-xxxx
Kipi, Jeffery T., xxx-xx-xxxx
Kirkland, Benjamin, xxx-xx-xxxx
Kirkland, Crayton L., xxx-xx-xxxx
Kirnes, Andre C., xxx-xx-xxxx
Kitson, Bridget F., xxx-xx-xxxx
Kitt, Sandra R., xxx-xx-xxxx
Klein, William F., xxx-xx-xxxx
Klippstein, Thomas, xxx-xx-xxxx
Knapp, Richard T., xxx-xx-xxxx
Knight, David M., xxx-xx-xxxx
Knipper, James J., xxx-xx-xxxx
Knisley, Anthony R., xxx-xx-xxxx
Knope, Kenneth W., xxx-xx-xxxx
Knott, Thomas P., xxx-xx-xxxx
Koehler, Steven M., xxx-xx-xxxx
Koehne, Kathleen L., xxx-xx-xxxx
Koetting, C. R., xxx-xx-xxxx
Kohanski, Phillip, xxx-xx-xxxx
Koivisto, John M., Jr., xxx-xx-xxxx
Kokernak, John F., Jr., xxx-xx-xxxx
Konecsni, Robert J., xxx-xx-xxxx
Koon, Gerald V., xxx-xx-xxxx
Kowalewski, Linda L., xxx-xx-xxxx
Kowalski, Brian K., xxx-xx-xxxx
Kozlik, Michael E., xxx-xx-xxxx
Kozlovsky, P. M., xxx-xx-xxxx
Kraak, Scott A., xxx-xx-xxxx
Kraemer, Michael J., xxx-xx-xxxx
Kramer, Michael J., xxx-xx-xxxx
Krause, Kurt A., xxx-xx-xxxx
Kreis, Clarence G., xxx-xx-xxxx
Kreps, Bart M., xxx-xx-xxxx
Krieg, William R., xxx-xx-xxxx
Kroening, Paul W., xxx-xx-xxxx
Kropp, Manfred, xxx-xx-xxxx
Krupa, Joseph L., xxx-xx-xxxx
Krzeminski, S L., xxx-xx-xxxx
Kuhler, Stephen K., xxx-xx-xxxx
Kurg, Gabrielle J., xxx-xx-xxxx
Kurvach, Russell A., xxx-xx-xxxx
Lachance Daniel D., xxx-xx-xxxx
Lackey, James E., xxx-xx-xxxx
Laclair, Lisa D., xxx-xx-xxxx
Ladra, Christopher, xxx-xx-xxxx
Lagutchik, Michael, xxx-xx-xxxx
Laird, Randall W., xxx-xx-xxxx
Lamanna, Catherine, xxx-xx-xxxx
Lambrecht, Patricia, xxx-xx-xxxx
Lambusta, John J., xxx-xx-xxxx
Lancaster, Jackie M., xxx-xx-xxxx
Landis, Dean C., xxx-xx-xxxx
Lane, Robert D., xxx-xx-xxxx
Lane, Ronald J., xxx-xx-xxxx
Laneve, Ronald S., xxx-xx-xxxx
Lang, Scott D., xxx-xx-xxxx
Langley, John S., xxx-xx-xxxx
Lanza, Mario A., xxx-xx-xxxx
Lapointe, Paul R., xxx-xx-xxxx
Larese, William S., xxx-xx-xxxx
Larimore, Vann H., xxx-xx-xxxx
Lariviere, Edward P., xxx-xx-xxxx
Lascana, Manuel, xxx-xx-xxxx
Laskley, Frank, Jr., xxx-xx-xxxx
Lassiter, Kathleen, xxx-xx-xxxx
Latham, Michael W., xxx-xx-xxxx
Law, Thomas M., xxx-xx-xxxx
Lazzell, Mary F., xxx-xx-xxxx
Lemaire, Richard, xxx-xx-xxxx
Leahy, Edward K., xxx-xx-xxxx
Leakey, Brian C., xxx-xx-xxxx
Leaming, Charles R., xxx-xx-xxxx
Leander, Allison K., xxx-xx-xxxx
Leap, Peter G., xxx-xx-xxxx
Leapheart, Joy A., xxx-xx-xxxx
Lear, Tracy L., xxx-xx-xxxx
Leben, Richard L., xxx-xx-xxxx
Lechowich, R A., xxx-xx-xxxx
Lecompte, Tom A., xxx-xx-xxxx
Ledoux, Michael H., xxx-xx-xxxx
Lee, Anthony D., xxx-xx-xxxx
Lee, Jerrette, xxx-xx-xxxx
Lee, Joseph A., Jr., xxx-xx-xxxx
Leech, Terry L., xxx-xx-xxxx
Legamaro, Michael J., xxx-xx-xxxx
Legere, Paul L., xxx-xx-xxxx
Legg, Fleming M., xxx-xx-xxxx
Lehardy, Louis M., xxx-xx-xxxx
Lemon, Willie L., xxx-xx-xxxx
Lentz, Michael, J., xxx-xx-xxxx
Leppiaho, Cathy E., xxx-xx-xxxx
Leslie, Barry B., xxx-xx-xxxx
Lessley, Douglas W., xxx-xx-xxxx
Lett, Donald R., xxx-xx-xxxx
Leuschner, Edward F., xxx-xx-xxxx
Lewis, Brian K., xxx-xx-xxxx
Lewis, Bruce D., xxx-xx-xxxx
Lewis, Harold D., xxx-xx-xxxx
Lewis, Marshall W., xxx-xx-xxxx
Lewis, Michelle, xxx-xx-xxxx
Leyting, John W., xxx-xx-xxxx
Libbey, Michael A., xxx-xx-xxxx
Lieb, Jeffrey C., xxx-xx-xxxx
Lieske, Stephen P., xxx-xx-xxxx
Ligotti, Thomas G., xxx-xx-xxxx
Lin, James, xxx-xx-xxxx
Linder, James B., III, xxx-xx-xxxx
Linton, William T., xxx-xx-xxxx
Lipka, Daniel, xxx-xx-xxxx
Lissabet, Ernest F., xxx-xx-xxxx
Little, Andre K., xxx-xx-xxxx
Lloyd, David L., xxx-xx-xxxx
Loefstedt, Paul C., xxx-xx-xxxx
Loftis, Darlene E., xxx-xx-xxxx
Logan, Deborah L., xxx-xx-xxxx
Logan, Kevin P., xxx-xx-xxxx
Logue, Lawrence C., xxx-xx-xxxx
Lombardi, Gino J., xxx-xx-xxxx
Lombardi, Paul J., xxx-xx-xxxx
Lombardo, Joseph L., xxx-xx-xxxx
Lomtevas, Peter C., xxx-xx-xxxx
Long, Christopher R., xxx-xx-xxxx
Long, Fred W., Jr., xxx-xx-xxxx
Long, Kevin W., xxx-xx-xxxx
Long, Paul D., xxx-xx-xxxx
Long, Thomas C., xxx-xx-xxxx
Longua, John T., xxx-xx-xxxx
Lopez, Orlando, xxx-xx-xxxx
Lott, Robert P., Jr., xxx-xx-xxxx
Louie, Dennis Y., xxx-xx-xxxx
Loveless, Robert C., xxx-xx-xxxx
Lowery, John M., xxx-xx-xxxx
Loyd, William A., xxx-xx-xxxx
Lubenec, Serge, xxx-xx-xxxx
Lubkeman, Mark, D., xxx-xx-xxxx
Lucas, Robert B., xxx-xx-xxxx
Lucherini, Monte J., xxx-xx-xxxx
Luebke, Stephen L., xxx-xx-xxxx
Luminiello, Joseph, xxx-xx-xxxx
Lunday, Michael W., xxx-xx-xxxx
Lundgren, Kenneth S., xxx-xx-xxxx
Lutz, Kevin D., xxx-xx-xxxx
Lynch, Robin D., xxx-xx-xxxx
Lyon, Edward V., Jr., xxx-xx-xxxx
Lyon, Steven M., xxx-xx-xxxx
Lyons, Stephen R., xxx-xx-xxxx
Lys, Rose M., xxx-xx-xxxx
Macdonald, William, xxx-xx-xxxx
Macgregor, Robert L., xxx-xx-xxxx
Makin, Patrick H., xxx-xx-xxxx
Macleod, Glenn A., xxx-xx-xxxx
Madden, Michael D., xxx-xx-xxxx
Mahaffee, Gerald W., xxx-xx-xxxx
Mahan, Robin E., xxx-xx-xxxx
Mahanna, Cory W., xxx-xx-xxxx
Maher, John F., II, xxx-xx-xxxx
Maher, Mark J., xxx-xx-xxxx
Mahoney, Daniel P., xxx-xx-xxxx
Maida, Gregory S., xxx-xx-xxxx
Major, Gary A., xxx-xx-xxxx
Malagari, Anthony R., xxx-xx-xxxx
Malecha, Allen L., xxx-xx-xxxx
Mallard, Steven L., xxx-xx-xxxx
Mallery, Jay S., xxx-xx-xxxx
Mallgren, Raymond C., xxx-xx-xxxx
Manganello, R. A., xxx-xx-xxxx
Mangus, Nicholas M., xxx-xx-xxxx
Mangus, Patrick F., xxx-xx-xxxx
Mannarino, John M., xxx-xx-xxxx
Marchini, Lawrence, xxx-xx-xxxx
Marcinkowski, Robert, xxx-xx-xxxx
Marietta, John W., xxx-xx-xxxx
Marino, Thomas R., Jr., xxx-xx-xxxx
Markey, Timothy M., xxx-xx-xxxx
Marler, Diane M., xxx-xx-xxxx
Marsh, Terrence, xxx-xx-xxxx
Marshall, Charles H., xxx-xx-xxxx
Marshall, Charles W., xxx-xx-xxxx
Marshall, Kevin R., xxx-xx-xxxx
Martel, Leslie C., xxx-xx-xxxx
Marthaler, David W., xxx-xx-xxxx
Martin, Ernest R., Jr., xxx-xx-xxxx
Martin, Jay L., xxx-xx-xxxx
Martin, Russell C., xxx-xx-xxxx
Martinez, Javier O., xxx-xx-xxxx
Martinez, Linda L., xxx-xx-xxxx
Martinez, Roland, xxx-xx-xxxx
Mascoll, Jeffrey M., xxx-xx-xxxx
Mason, Reginald P., xxx-xx-xxxx
Massaroni, Robert J., xxx-xx-xxxx
Masterson, John H., xxx-xx-xxxx
Mastrovito, Frank V., xxx-xx-xxxx
Mathis, Kevin C., xxx-xx-xxxx
Matthews, Barbara, xxx-xx-xxxx
Matties, James P., Jr., xxx-xx-xxxx
Mauldin, Mark A., xxx-xx-xxxx
Mavracick, Michael, xxx-xx-xxxx
Maxwell, Blair A., xxx-xx-xxxx
May, Jack A., xxx-xx-xxxx
Mayer, John R., xxx-xx-xxxx
McFarlane, Scott, xxx-xx-xxxx
McAdams, James M., xxx-xx-xxxx
McAdams, Thomas J., xxx-xx-xxxx
McAnderson, Edgar L., xxx-xx-xxxx
McCall, Jack H., xxx-xx-xxxx
McCall, Sherman A., xxx-xx-xxxx
McCall, William, xxx-xx-xxxx
McCans, Mark C., xxx-xx-xxxx
McCants, Rodney X., xxx-xx-xxxx
McCarn, Albert J., Jr., xxx-xx-xxxx
McCarroll, Billy D., xxx-xx-xxxx
McCarthy, Joseph W., xxx-xx-xxxx
McCartin, James R., xxx-xx-xxxx
McCauley, Leah R., xxx-xx-xxxx
McCausland, C., xxx-xx-xxxx
McClearn, John K., xxx-xx-xxxx
McCollum, Thomas D., xxx-xx-xxxx
McComiskey, Thomas, xxx-xx-xxxx
McConville, Gene W., xxx-xx-xxxx
McCormack, Michael, xxx-xx-xxxx
McCormick, Luke N., xxx-xx-xxxx
McDaniel, Robert C., xxx-xx-xxxx
McDaniel, Victor L., xxx-xx-xxxx

McDonald, Randal L., xxx-xx-xxxx
McDonald, Walter, xxx-xx-xxxx
McElroy, David M., xxx-xx-xxxx
McFarland, Billy E., xxx-xx-xxxx
McFarland, Robert B., xxx-xx-xxxx
McGee, James F., xxx-xx-xxxx
McGee, Tracy S., xxx-xx-xxxx
McGill, Duncan E., xxx-xx-xxxx
McGinley, Brian C., xxx-xx-xxxx
McGlory, Printice W., xxx-xx-xxxx
McGowan, Thomas P., xxx-xx-xxxx
McGrath, C., xxx-xx-xxxx
McGrath, Kevin M., xxx-xx-xxxx
McGuire, Patricia L., xxx-xx-xxxx
McIlrath, Joseph F., xxx-xx-xxxx
McKay, Douglas K., xxx-xx-xxxx
McKean, William J., xxx-xx-xxxx
McKee, Eric B., xxx-xx-xxxx
McKenzie, Adela A., xxx-xx-xxxx
McKnight, Mark E., xxx-xx-xxxx
McLaughlin, James W., xxx-xx-xxxx
McLean, Daniel S., xxx-xx-xxxx
McLinn, Kevin P., xxx-xx-xxxx
McManigal, Mark A., xxx-xx-xxxx
McManus, Fowler R., xxx-xx-xxxx
McMullen, Jeffrey S., xxx-xx-xxxx
McNeely, Hugh R., xxx-xx-xxxx
McNeice, Georgia J., xxx-xx-xxxx
McNeil, Kevin D., xxx-xx-xxxx
McPeak, Gary L., xxx-xx-xxxx
McPhail, David L., xxx-xx-xxxx
Medvedeff, David J., xxx-xx-xxxx
Megofna, Anthony J., xxx-xx-xxxx
Meier, Michael W., xxx-xx-xxxx
Meisel, Michael J., xxx-xx-xxxx
Mejia, Evelyn, xxx-xx-xxxx
Melanson, Mark A., xxx-xx-xxxx
Melendez, Mark E., xxx-xx-xxxx
Melvin, Keith C., xxx-xx-xxxx
Mendoza, Michael M., xxx-xx-xxxx
Mero, Lydia Q., xxx-xx-xxxx
Meredith, Ben P., xxx-xx-xxxx
Merrick, Matt R., xxx-xx-xxxx
Merritt, Craig M., xxx-xx-xxxx
Mersol, Joseph M., xxx-xx-xxxx
Meshell, Raymond E., xxx-xx-xxxx
Messmer, Steven D., xxx-xx-xxxx
Metzger, Mark A., xxx-xx-xxxx
Michles, Marcus J., xxx-xx-xxxx
Middleton, Art D., xxx-xx-xxxx
Mierzejewski, B. J., xxx-xx-xxxx
Mihalov, Joellen, xxx-xx-xxxx
Milani, William G., xxx-xx-xxxx
Miles, Marion L., xxx-xx-xxxx
Miller, Avril G., xxx-xx-xxxx
Miller, Bruce D., xxx-xx-xxxx
Miller, Carrie M., xxx-xx-xxxx
Miller, Daniel R., xxx-xx-xxxx
Miller, Donald E., xxx-xx-xxxx
Miller, Earl E., xxx-xx-xxxx
Miller, Kurt W., xxx-xx-xxxx
Miller, Randall J., xxx-xx-xxxx
Mills, Arthur R., xxx-xx-xxxx
Mills, James B., xxx-xx-xxxx
Mincey, Terri S., xxx-xx-xxxx
Mishoe, Michael P., xxx-xx-xxxx
Mitchell, Chris A., xxx-xx-xxxx
Mize, Ted A., xxx-xx-xxxx
Mobley, Nathan, III, xxx-xx-xxxx
Mock, Randal L., xxx-xx-xxxx
Mock, Robert K., xxx-xx-xxxx
Moffett, Anne M., xxx-xx-xxxx
Moline, Michael J., xxx-xx-xxxx
Molinelli, David L., xxx-xx-xxxx
Moller, James H., xxx-xx-xxxx
Moller, Richard J., xxx-xx-xxxx
Moller, William H., xxx-xx-xxxx
Molson, George E., xxx-xx-xxxx
Moncrief, Gayle E., xxx-xx-xxxx
Monell, Derek J., xxx-xx-xxxx
Monger, Karl P., xxx-xx-xxxx
Moniz, Christine A., xxx-xx-xxxx
Monohon, Paul J., Jr., xxx-xx-xxxx
Monroe, Christopher, xxx-xx-xxxx
Montagno, Rafael C., xxx-xx-xxxx
Montesinos, Carlos, xxx-xx-xxxx
Montgomery, Michael, xxx-xx-xxxx
Mooneyham, Paul A., xxx-xx-xxxx
Moore, Bruce, xxx-xx-xxxx
Moore, David E., xxx-xx-xxxx
Moore, Synthia L., xxx-xx-xxxx
Moore, Tyrone D., xxx-xx-xxxx
Moore, William J., xxx-xx-xxxx
Moorer, Terry, xxx-xx-xxxx
Mora, Javier, xxx-xx-xxxx
Moraghan, Kevin P., xxx-xx-xxxx
Morales, Angel A., xxx-xx-xxxx
Morata, Dennis W., xxx-xx-xxxx
Morgan, Barry L., xxx-xx-xxxx
Morgan, Ralph E., xxx-xx-xxxx
Morris, George S., xxx-xx-xxxx
Morris, Jon P., xxx-xx-xxxx
Morris, Kenneth W., xxx-xx-xxxx
Morris, Lance E., xxx-xx-xxxx
Morris, Richard A., xxx-xx-xxxx
Morris, Shirley M., xxx-xx-xxxx
Morris, Thomas E., xxx-xx-xxxx
Morrison, Michael B., xxx-xx-xxxx
Mosiman, William P., xxx-xx-xxxx
Mosley, Cynthia A., xxx-xx-xxxx
Mosley, Robbie L., xxx-xx-xxxx
Motley, John R., xxx-xx-xxxx
Mowery, Jeffrey L., xxx-xx-xxxx
Moye, Malcolm L., xxx-xx-xxxx
Moyler, Victor K., xxx-xx-xxxx
Mueller, Heinz G., xxx-xx-xxxx
Mueller, Marie L., xxx-xx-xxxx
Muilman, John K., xxx-xx-xxxx
Mulholland, Edward, xxx-xx-xxxx
Mullen, Michael R., xxx-xx-xxxx
Munger, Michael G., xxx-xx-xxxx
Murfee, Michael W., xxx-xx-xxxx
Murphy, Christopher, xxx-xx-xxxx
Murphy, Connie J., xxx-xx-xxxx
Murphy, Michael C., xxx-xx-xxxx
Murphy, Paul D., xxx-xx-xxxx
Murphy, Samuel A., xxx-xx-xxxx
Murray, Andrew J., Jr., xxx-xx-xxxx
Murray, Raymond B., xxx-xx-xxxx
Muscarelli, Nora C., xxx-xx-xxxx
Myers, Mark A., xxx-xx-xxxx
Myrick, Paul R., xxx-xx-xxxx
Naething, Robert R., xxx-xx-xxxx
Nagy, Alfred A., III, xxx-xx-xxxx
Nakajo, Iris M., xxx-xx-xxxx
Nannie, Barry B., xxx-xx-xxxx
Nechanicky, Jeff A., xxx-xx-xxxx
Neeland, William V., xxx-xx-xxxx
Neier, Bryce D., xxx-xx-xxxx
Nelligan, Donald J., xxx-xx-xxxx
Nelms, Albert L., xxx-xx-xxxx
Nelson, James G., Jr., xxx-xx-xxxx
Nelson, Michael T., xxx-xx-xxxx
Nelson, Paul A., xxx-xx-xxxx
Nelson, Rickey C., xxx-xx-xxxx
Nelson, Robert A., xxx-xx-xxxx
Netardus, Gregory M., xxx-xx-xxxx
Neubauer, Peter O., xxx-xx-xxxx
Newby, Philip L., xxx-xx-xxxx
Newcomb, Thomas W., xxx-xx-xxxx
Newman, Suzanne L., xxx-xx-xxxx
Newsome, Jeffrey D., xxx-xx-xxxx
Newsome, Leon P. V., xxx-xx-xxxx
Nichols, David C., xxx-xx-xxxx
Nichols, Michael W., xxx-xx-xxxx
Nichols, Richard B., xxx-xx-xxxx
Niederhofer, C. M., xxx-xx-xxxx
Niederkorn, Frank A., xxx-xx-xxxx
Niedringhaus, W., xxx-xx-xxxx
Nigro, Theodore J., xxx-xx-xxxx
Niland, Gerald N., xxx-xx-xxxx
Niumatalolo, James, xxx-xx-xxxx
Nivens, Bobby G., xxx-xx-xxxx
Nixon, David L., xxx-xx-xxxx
Noel, John D., xxx-xx-xxxx
Norcom, Henry C., Jr., xxx-xx-xxxx
Norton, Timothy A., xxx-xx-xxxx
Nortz, James A., xxx-xx-xxxx
Notaroberto, Tina G., xxx-xx-xxxx
Nuno, Roberto A., xxx-xx-xxxx
Ohara, Janet, xxx-xx-xxxx
Oakes, Marsha M., xxx-xx-xxxx
Obertubbesing, Ken, xxx-xx-xxxx
Obrien, Randall W., xxx-xx-xxxx
Oconnell, Timothy P., xxx-xx-xxxx
Oconnor, Sheila F., xxx-xx-xxxx
Odland, David A., xxx-xx-xxxx
Odom, Marcus D., xxx-xx-xxxx
Oedekoven, Isora C., xxx-xx-xxxx
Oeser, Jeffrey R., xxx-xx-xxxx
Offutt, Mark A., xxx-xx-xxxx
Okada, David S., xxx-xx-xxxx
Olczak, John S., xxx-xx-xxxx
Oliver, Dean R., xxx-xx-xxxx
Oliver, James R., xxx-xx-xxxx
Oliveri, Laurie L., xxx-xx-xxxx
Olney, David M., xxx-xx-xxxx
Olsen, Daniel E., xxx-xx-xxxx
Olson, Dennis M., Jr., xxx-xx-xxxx
Oneill, Brian C., xxx-xx-xxxx
Opolski, Joseph P., xxx-xx-xxxx
Ornoski, Alan J., xxx-xx-xxxx
Ortiz, Carlos, xxx-xx-xxxx
Ortiz, Pete V., Jr., xxx-xx-xxxx
Ortiz, Robert G., xxx-xx-xxxx
Ortner, Blake C., xxx-xx-xxxx
Osborne, Charles R., xxx-xx-xxxx
Oskey, David L., xxx-xx-xxxx
Otis, Phillip W., xxx-xx-xxxx
Ouellett, Laure R., xxx-xx-xxxx
Owen, Charles R., III, xxx-xx-xxxx
Owens, Bryan R., xxx-xx-xxxx
Owens, John P., xxx-xx-xxxx
Owens, Kelvin B., xxx-xx-xxxx
Oxer, Van T., xxx-xx-xxxx
Pabon, James A., xxx-xx-xxxx
Padilla, Ana C., xxx-xx-xxxx
Pagan, Edgar, xxx-xx-xxxx
Page, Bradley D., xxx-xx-xxxx
Page, Phillip G., xxx-xx-xxxx
Palekas, Edmund J., xxx-xx-xxxx
Palmer, David A., xxx-xx-xxxx
Palmer, Steven W., xxx-xx-xxxx
Panetta, Dominick J., xxx-xx-xxxx
Pang, John K., xxx-xx-xxxx
Parker, James M., xxx-xx-xxxx
Parker, Marilyn T., xxx-xx-xxxx
Parks, Wayne A., xxx-xx-xxxx
Parsek, Leonard S., xxx-xx-xxxx
Parsley, Greta L., xxx-xx-xxxx
Parsley, Howard C., xxx-xx-xxxx
Paskvan, Anthony J., xxx-xx-xxxx
Pastor, John P., xxx-xx-xxxx
Patterson, Martin J., xxx-xx-xxxx
Patterson, Michael, xxx-xx-xxxx
Patterson, Randolph, xxx-xx-xxxx
Patterson, William, xxx-xx-xxxx
Patton, David O., xxx-xx-xxxx
Patyk, Gregory L., xxx-xx-xxxx
Pauley, Randall A., xxx-xx-xxxx
Pauroso, Margaret M., xxx-xx-xxxx
Payne, Carl D., xxx-xx-xxxx
Payne, Garland L., xxx-xx-xxxx
Payne, Kenneth D., xxx-xx-xxxx
Peay, William G., xxx-xx-xxxx
Pecot, Charles M., xxx-xx-xxxx
Pedigo, Nancy A., xxx-xx-xxxx
Pelczynski, Anthony, xxx-xx-xxxx
Pellaton, Linda M., xxx-xx-xxxx
Peloza, Steven B., xxx-xx-xxxx
Pemberton, Robert T., xxx-xx-xxxx
Pence, Todd A., xxx-xx-xxxx
Pennanen, Kevin P., xxx-xx-xxxx
Penner, Jerome, III, xxx-xx-xxxx
Perez, Gonzalez J., xxx-xx-xxxx
Perez, Jaime A., Jr., xxx-xx-xxxx
Perez, Michael J., xxx-xx-xxxx
Perez, Wilton I., xxx-xx-xxxx
Perrin, David N., xxx-xx-xxxx
Perry, Denise A., xxx-xx-xxxx
Perry, Nancy A., xxx-xx-xxxx
Perry, Patricia A., xxx-xx-xxxx

Persun, Hal W., xxx-xx-xxxx
Peterson, Herman F., xxx-xx-xxxx
Peterson, J. T., xxx-xx-xxxx
Peterson, Robert A., xxx-xx-xxxx
Petrea, James B., III, xxx-xx-xxxx
Pfleger, Stephen J., xxx-xx-xxxx
Phares, David W., xxx-xx-xxxx
Philbin, Paul J., xxx-xx-xxxx
Phillips, Bobby J., xxx-xx-xxxx
Phillips, Michael L., xxx-xx-xxxx
Pickens, Patton K., xxx-xx-xxxx
Pierce, James C., xxx-xx-xxxx
Pierce, Marlyn R., xxx-xx-xxxx
Pietra, Peter A., xxx-xx-xxxx
Pikula, Gaylord S., xxx-xx-xxxx
Pilcher, Marshall R., xxx-xx-xxxx
Pinero, Fernando E., xxx-xx-xxxx
Pini, Maria J., xxx-xx-xxxx
Pinkston, Bobby R., xxx-xx-xxxx
Pirozzi, Thomas L., xxx-xx-xxxx
Pitts, Edward A., xxx-xx-xxxx
Plotner, Jeffrey N., xxx-xx-xxxx
Plummer, Comer, xxx-xx-xxxx
Polender, Westley J., xxx-xx-xxxx
Polhill, Thomas E., xxx-xx-xxxx
Polosky, Mary E., xxx-xx-xxxx
Pope, Kenneth R., xxx-xx-xxxx
Porasky, Colette S., xxx-xx-xxxx
Porter, Scott A., xxx-xx-xxxx
Porterfield, Janet, xxx-xx-xxxx
Postill, Nancy M., xxx-xx-xxxx
Postma, Bruce A., xxx-xx-xxxx
Potosnak, Thomas B., xxx-xx-xxxx
Potter, Kent B., xxx-xx-xxxx
Powell, Barry C., xxx-xx-xxxx
Powell, Carolyn E., xxx-xx-xxxx
Powell, John W., xxx-xx-xxxx
Powell, Katherine E., xxx-xx-xxxx
Powers, Timothy D., xxx-xx-xxxx
Pratt, Ernest E., Jr., xxx-xx-xxxx
Pratt, John M., xxx-xx-xxxx
Prezzy, Nathaniel, xxx-xx-xxxx
Price, Mary K., xxx-xx-xxxx
Price, Michael E., xxx-xx-xxxx
Priest, Craig S., xxx-xx-xxxx
Pringle, Vallerie J., xxx-xx-xxxx
Proano, Laura A., xxx-xx-xxxx
Proulx, Gary J., xxx-xx-xxxx
Provancha, Cheri A., xxx-xx-xxxx
Pruden, Mark M., xxx-xx-xxxx
Pugliese, Philip T., xxx-xx-xxxx
Pummill, Danny G., xxx-xx-xxxx
Purefoy, James D., xxx-xx-xxxx
Purvis, Cheryl K., xxx-xx-xxxx
Purvis, Tony W., xxx-xx-xxxx
Puryear, Scott B., xxx-xx-xxxx
Pyfrom, Juan A., xxx-xx-xxxx
Quigley, Thomas T., xxx-xx-xxxx
Quinlivan, John D., xxx-xx-xxxx
Quinn, John T., xxx-xx-xxxx
Quinn, Matthew T., xxx-xx-xxxx
Quinones, Carlos, xxx-xx-xxxx
Quon, Malcolm Y., xxx-xx-xxxx
Racioppe, Thomas W., xxx-xx-xxxx
Raczak, Ronald G., xxx-xx-xxxx
Ramsgard, Michael C., xxx-xx-xxxx
Rasmussen, Jay M., xxx-xx-xxxx
Rawlings, David L., xxx-xx-xxxx
Rawlins, David C., xxx-xx-xxxx
Raymond, Joseph W., xxx-xx-xxxx
Raymond, Mary L., xxx-xx-xxxx
Rea, Burt R., xxx-xx-xxxx
Rebman, Victoria E., xxx-xx-xxxx
Rediker, Patrick M., xxx-xx-xxxx
Redman, Bobby K., xxx-xx-xxxx
Redmond, Robert F., xxx-xx-xxxx
Reece, Kevin D., xxx-xx-xxxx
Reed, Berry S., xxx-xx-xxxx
Reed, James M., xxx-xx-xxxx
Reed, Justina, xxx-xx-xxxx
Reed, Michael W., xxx-xx-xxxx
Reed, Quinton E., xxx-xx-xxxx
Reed, Robert J., xxx-xx-xxxx
Reeder, Thomas A., xxx-xx-xxxx
Reichert, Ralph R., xxx-xx-xxxx
Reid, Daniel E., xxx-xx-xxxx
Reilly, Dennis L., xxx-xx-xxxx
Reilly, Steven M., xxx-xx-xxxx
Reinert, Patrick J., xxx-xx-xxxx
Reister, Robert C., xxx-xx-xxxx
Renz, Evan M., xxx-xx-xxxx
Repine, Jay T., Jr., xxx-xx-xxxx
Rhatican, Thomas M., xxx-xx-xxxx
Rhodes, Eric R., xxx-xx-xxxx
Rice, David D., xxx-xx-xxxx
Rice, Deborah C., xxx-xx-xxxx
Rice, Howard A., xxx-xx-xxxx
Richards, Arthur E., xxx-xx-xxxx
Richards, Kevin E., xxx-xx-xxxx
Richardson, Janet M., xxx-xx-xxxx
Richardson, Jonatha, xxx-xx-xxxx
Richardson, Mark A., xxx-xx-xxxx
Richfield, Robert F., xxx-xx-xxxx
Richmond, William B., xxx-xx-xxxx
Rideaux, Gerard, xxx-xx-xxxx
Rider, Helen, xxx-xx-xxxx
Ridlon, David P., xxx-xx-xxxx
Riegel, Jack F., xxx-xx-xxxx
Riley, Andrew G., xxx-xx-xxxx
Riley, Jack C., xxx-xx-xxxx
Riley, John P., xxx-xx-xxxx
Rinier, James W., xxx-xx-xxxx
Riseley, James E., xxx-xx-xxxx
Risley, Rees R., xxx-xx-xxxx
Ritenour, Libby J., xxx-xx-xxxx
Rivera, Andres, xxx-xx-xxxx
Rivera, Grisele, xxx-xx-xxxx
Rivera, Rafael A., xxx-xx-xxxx
Rivera, Ricardo M., xxx-xx-xxxx
Rivette, Paul M., xxx-xx-xxxx
Roberts, Bryan T., xxx-xx-xxxx
Roberts, Ronald L., xxx-xx-xxxx
Robertson, James M., xxx-xx-xxxx
Rodas, Salvador Y., xxx-xx-xxxx
Rodriguez, Ruben J., xxx-xx-xxxx
Roetzler, Carol A., xxx-xx-xxxx
Rogers, Stephen A., xxx-xx-xxxx
Romeo, David A., xxx-xx-xxxx
Rondorf, Paul W., xxx-xx-xxxx
Rooney, Edward P., xxx-xx-xxxx
Roque, Luis, xxx-xx-xxxx
Rosario, Roberto, xxx-xx-xxxx
Rose, Ehrich D., xxx-xx-xxxx
Rosler, John M., xxx-xx-xxxx
Rosser, Deborah L., xxx-xx-xxxx
Roszkowiak, John P., xxx-xx-xxxx
Rothe, Peter H., xxx-xx-xxxx
Rotti, Michael P., xxx-xx-xxxx
Rouse, Jay F., xxx-xx-xxxx
Rowbotham, Linda L., xxx-xx-xxxx
Rowe, Robert D., xxx-xx-xxxx
Rozal, George, xxx-xx-xxxx
Rubsamen, Rollins S., xxx-xx-xxxx
Ruiz, Arturo M., xxx-xx-xxxx
Rupinen, Arthur S., xxx-xx-xxxx
Rushing, Tammy S., xxx-xx-xxxx
Russell, Carla S., xxx-xx-xxxx
Russell, Gina L., xxx-xx-xxxx
Russell, Hilton C., xxx-xx-xxxx
Russell, John S., xxx-xx-xxxx
Russell, Matthew H., xxx-xx-xxxx
Russell, William W., xxx-xx-xxxx
Rutherford, Scott D., xxx-xx-xxxx
Rutter, Scott E., xxx-xx-xxxx
Rutters, Thomas R., xxx-xx-xxxx
Ruymann, John A., xxx-xx-xxxx
Ryan, Kevin D., xxx-xx-xxxx
Rzeszotarski, Peter, xxx-xx-xxxx
Sabasteanski, Rober, xxx-xx-xxxx
Sabb, Anthony, xxx-xx-xxxx
Sage, David G., xxx-xx-xxxx
Saint, Daniel K., xxx-xx-xxxx
Salerno, John J., xxx-xx-xxxx
Sallas, Monica L., xxx-xx-xxxx
Salmela, Clay R., xxx-xx-xxxx
Salmon, Ray L., xxx-xx-xxxx
Samonte, Ferdinand, xxx-xx-xxxx
Samuel, Wesley D., xxx-xx-xxxx
Sanders, Jody S., xxx-xx-xxxx
Sandoval, Mark D., xxx-xx-xxxx
Sands, John M., xxx-xx-xxxx
Santos, Julio Jr., xxx-xx-xxxx
Sapinoso, John M., xxx-xx-xxxx
Sargent, Eric S., xxx-xx-xxxx
Sarlo, Christopher, xxx-xx-xxxx
Sawyer, David A., xxx-xx-xxxx
Sawyer, Mickel A., xxx-xx-xxxx
Sawyers, Milton L., xxx-xx-xxxx
Saylor, John B., xxx-xx-xxxx
Schaefer, Henry R., xxx-xx-xxxx
Scharff, Michael M., xxx-xx-xxxx
Scheets, Linda D., xxx-xx-xxxx
Scheid, John D., xxx-xx-xxxx
Scherman, Francis J., xxx-xx-xxxx
Schleifer, John M., xxx-xx-xxxx
Schmidt, Kurt F., xxx-xx-xxxx
Schmidt, Michael P., xxx-xx-xxxx
Schmidt, Raymond E., xxx-xx-xxxx
Schneck, William C., xxx-xx-xxxx
Schoenhoff, Peter A., xxx-xx-xxxx
Schulte, John G., xxx-xx-xxxx
Schultheis, Robert, xxx-xx-xxxx
Schultice, William, xxx-xx-xxxx
Schunicht, Shannon, xxx-xx-xxxx
Schwein, Richard D., xxx-xx-xxxx
Schweitzer, J., xxx-xx-xxxx
Schwoppe, Kurt E., xxx-xx-xxxx
Scott, Mark O., xxx-xx-xxxx
Scott, Trent A., xxx-xx-xxxx
Scruggs, John I., xxx-xx-xxxx
Scully, Bradley L., xxx-xx-xxxx
Seagrave, Mark, xxx-xx-xxxx
Sears, George A., xxx-xx-xxxx
Seely, Michael G., xxx-xx-xxxx
Seid, Gregory T., xxx-xx-xxxx
Seidl, Michael K., xxx-xx-xxxx
Selk, Robin M., xxx-xx-xxxx
Senecal, Karl M., xxx-xx-xxxx
Sepulvado, Walter J., xxx-xx-xxxx
Sewall, Robert D., xxx-xx-xxxx
Seward, Andrew B., xxx-xx-xxxx
Sewell, Sharon T., xxx-xx-xxxx
Sewell, Thomas B., xxx-xx-xxxx
Sexton, Charles E., xxx-xx-xxxx
Shacklett, James R., xxx-xx-xxxx
Shadix, Alan R., xxx-xx-xxxx
Shafer, Larry J., xxx-xx-xxxx
Shaffar, James R., xxx-xx-xxxx
Shamblin, Darryl T., xxx-xx-xxxx
Sharon, Partick J., xxx-xx-xxxx
Sharp, Jerry D., Jr., xxx-xx-xxxx
Shaul, Peter T., xxx-xx-xxxx
Shaw, Fred N., Jr., xxx-xx-xxxx
Shea, Patricia O., xxx-xx-xxxx
Shearer, Timothy A., xxx-xx-xxxx
Sheehy, Mark E., xxx-xx-xxxx
Sheehy, Patrick F., xxx-xx-xxxx
Shekmer, David S., xxx-xx-xxxx
Shelby, James W., xxx-xx-xxxx
Shepherd, Michael D., xxx-xx-xxxx
Sherman, Francis V., xxx-xx-xxxx
Sherrouse, Cynthia, xxx-xx-xxxx
Shields, Alan K., xxx-xx-xxxx
Shifrin, Scott E., xxx-xx-xxxx
Shimanek, Steven A., xxx-xx-xxxx
Shires, David H., xxx-xx-xxxx
Shirley, Randall R., xxx-xx-xxxx
Shisler, Allen E., xxx-xx-xxxx
Shouey, John M., xxx-xx-xxxx
Shoun, Peter J., xxx-xx-xxxx
Shumake, David S., xxx-xx-xxxx
Shumway, Russell M., xxx-xx-xxxx
Shutt, James S., xxx-xx-xxxx
Shyti, Daniel A., xxx-xx-xxxx
Sieback, Ronald K., xxx-xx-xxxx
Sieck, Brian S., xxx-xx-xxxx
Sieder, John J., xxx-xx-xxxx
Silhol, Michael L., xxx-xx-xxxx
Siltman, Frank J., xxx-xx-xxxx
Simmons, Albert G., xxx-xx-xxxx
Simmons, Bobby J., Jr., xxx-xx-xxxx
Simmons, Robert M., xxx-xx-xxxx

Simmons, Verdelle L., xxx-xx-xxxx
Simpson, Elijah, xxx-xx-xxxx
Simpson, Lon, Jr., xxx-xx-xxxx
Sims, Wesley N., Jr., xxx-xx-xxxx
Sines, Stephen S., xxx-xx-xxxx
Singleton, James G., xxx-xx-xxxx
Sinis, Spyrithoula, xxx-xx-xxxx
Sinkler, Robert A., xxx-xx-xxxx
Sizemore, David R., xxx-xx-xxxx
Skelly, Marilyn R., xxx-xx-xxxx
Skroski, Mitchell, xxx-xx-xxxx
Slaathaug, Maryjo B., xxx-xx-xxxx
Sliepka, Louis M., xxx-xx-xxxx
Sliney, Thomas M., xxx-xx-xxxx
Sloop, Joseph C., xxx-xx-xxxx
Small, Leroy D., xxx-xx-xxxx
Smart, Cheryl L., xxx-xx-xxxx
Smith, Beverly L., xxx-xx-xxxx
Smith, Bobby L., xxx-xx-xxxx
Smith, Brian C., xxx-xx-xxxx
Smith, David A., xxx-xx-xxxx
Smith, Dennis W., xxx-xx-xxxx
Smith, Frank J., xxx-xx-xxxx
Smith, Jacqueline, xxx-xx-xxxx
Smith, Jay A., Jr., xxx-xx-xxxx
Smith, Kristian C., xxx-xx-xxxx
Smith, Pamela, xxx-xx-xxxx
Smith, Perry R., xxx-xx-xxxx
Smith, Philip M., xxx-xx-xxxx
Smith, Reid E., xxx-xx-xxxx
Smith, Rodney, xxx-xx-xxxx
Smith, Timothy L., xxx-xx-xxxx
Smith, Tracey, xxx-xx-xxxx
Smolinski, Darrin, xxx-xx-xxxx
Snell, Michael V., xxx-xx-xxxx
Snipes, Russell G., xxx-xx-xxxx
Snyder, Stephen D., xxx-xx-xxxx
Sobus, John R., xxx-xx-xxxx
Sorensen, David A., xxx-xx-xxxx
Sorensen, Scott A., xxx-xx-xxxx
Sorenson, Nils C., xxx-xx-xxxx
Sorrels, Lori D., xxx-xx-xxxx
South, Edward L., xxx-xx-xxxx
Southerland, Floyd, xxx-xx-xxxx
Souza, Mark K., xxx-xx-xxxx
Spada, Lynn M., xxx-xx-xxxx
Spafford, John C., xxx-xx-xxxx
Sparks, Daniel C., xxx-xx-xxxx
Sparks, James M., xxx-xx-xxxx
Spear, Ronald L., xxx-xx-xxxx
Spearman, Norville, xxx-xx-xxxx
Speciale, Samuel L., xxx-xx-xxxx
Speliopoulos, N., xxx-xx-xxxx
Spencer, Valerie E., xxx-xx-xxxx
Sperrandio, Valerie, xxx-xx-xxxx
Spinder, Samuel H., xxx-xx-xxxx
Spoo, Robert E., xxx-xx-xxxx
Sprayberry, Billy F., xxx-xx-xxxx
Sprengle, Danny J., xxx-xx-xxxx
Sprowls, Thomas E., xxx-xx-xxxx
Squire, Andrew E., xxx-xx-xxxx
Stadler, Karl M., xxx-xx-xxxx
Stagnitta, Glen C., xxx-xx-xxxx
Starcher, Byron C., xxx-xx-xxxx
Stauffer, Robin J., xxx-xx-xxxx
Stearns, Kenneth M., xxx-xx-xxxx
Stefaney, John E., Jr., xxx-xx-xxxx
Steinmeyer, David S., xxx-xx-xxxx
Stephan, Linda M., xxx-xx-xxxx
Stephan, Randall T., xxx-xx-xxxx
Stephens, Mark E., xxx-xx-xxxx
Stetser, Robert E., xxx-xx-xxxx
Stewart, Justice S., xxx-xx-xxxx
Stiehm, Walter L., xxx-xx-xxxx
Stiene, Joseph F., xxx-xx-xxxx
Stiggle, Leslie, xxx-xx-xxxx
Stiles, Thomas L., xxx-xx-xxxx
Stith, Walter M., xxx-xx-xxxx
Stjean, Albert C., xxx-xx-xxxx
Stockhausen, R C., xxx-xx-xxxx
Stoddard, Gregory A., xxx-xx-xxxx
Stoecker, Stephen J., xxx-xx-xxxx
Stokes, George M., xxx-xx-xxxx
Stolarski, Jane E., xxx-xx-xxxx
Storey, John P., xxx-xx-xxxx
Stott, Edward M., xxx-xx-xxxx
Stovicek, Bart E., xxx-xx-xxxx
Stratton, Anthony W., xxx-xx-xxxx
Strickland, John D., xxx-xx-xxxx
Struble, Alan R., xxx-xx-xxxx
Stubblebine, Stuart, xxx-xx-xxxx
Stucki, Scott F., xxx-xx-xxxx
Stukey, Linda L., xxx-xx-xxxx
Sturgess, Keith A., xxx-xx-xxxx
Sturgis, Thomas L., xxx-xx-xxxx
Suarez, David, Jr., xxx-xx-xxxx
Suggs, Patrick C., xxx-xx-xxxx
Summers, Brian, xxx-xx-xxxx
Summers, Francis L., xxx-xx-xxxx
Summers, Timothy F., xxx-xx-xxxx
Sumrell, James K., xxx-xx-xxxx
Sundborg, Michael J., xxx-xx-xxxx
Suttlehan, Linda, xxx-xx-xxxx
Swanner, Jerry M., xxx-xx-xxxx
Swanson, Elizabeth, xxx-xx-xxxx
Swayne, Dominic D., xxx-xx-xxxx
Swears, Jeffrey W., xxx-xx-xxxx
Sweeny, John L., xxx-xx-xxxx
Swenson, Paul R., xxx-xx-xxxx
Swope, Frederick W., xxx-xx-xxxx
Sythoff, Faukner E., xxx-xx-xxxx
Szempruch, Robert J., xxx-xx-xxxx
Taddeo, Christian D., xxx-xx-xxxx
Tagalicod, William, xxx-xx-xxxx
Tait, Jeffrey H., xxx-xx-xxxx
Takatori, Sherman K., xxx-xx-xxxx
Tanaka, Terry R., xxx-xx-xxxx
Tanner, James H., xxx-xx-xxxx
Tatarinow, George, xxx-xx-xxxx
Tatem, Timothy P., xxx-xx-xxxx
Taylor, Amy M., xxx-xx-xxxx
Taylor, Cynthia T., xxx-xx-xxxx
Taylor, Dean A., xxx-xx-xxxx
Taylor, Delbert D., xxx-xx-xxxx
Taylor, Don D., xxx-xx-xxxx
Taylor, Fred P., xxx-xx-xxxx
Taylor, Jack A., xxx-xx-xxxx
Taylor, Johnethan C., xxx-xx-xxxx
Taylor, Kathy L., xxx-xx-xxxx
Taylor, Monica G., xxx-xx-xxxx
Teeter, Earl J., xxx-xx-xxxx
Tenorio, Marie H., xxx-xx-xxxx
Terrio, James D., xxx-xx-xxxx
Terry, Daisy Y., xxx-xx-xxxx
Thibault, Lisa M., xxx-xx-xxxx
Thoma, Brian L., xxx-xx-xxxx
Thomas, Brian W., xxx-xx-xxxx
Thomas, Charles C., xxx-xx-xxxx
Thomas, David L., xxx-xx-xxxx
Thomas, Jeffery K., xxx-xx-xxxx
Thomas, Keith A., xxx-xx-xxxx
Thomas, Margaret P., xxx-xx-xxxx
Thomas, Marvin, xxx-xx-xxxx
Thomas, Willie G., Jr., xxx-xx-xxxx
Thome, Joseph E., Jr., xxx-xx-xxxx
Thompson, Cassandra, xxx-xx-xxxx
Thompson, Cole D., xxx-xx-xxxx
Thompson, Frederick, xxx-xx-xxxx
Thompson, Keith A., xxx-xx-xxxx
Thompson, Melvin L., xxx-xx-xxxx
Thompson, Phillip A., xxx-xx-xxxx
Thompson, Randolph, xxx-xx-xxxx
Thropp, Christopher, xxx-xx-xxxx
Thulke, Eloise C., xxx-xx-xxxx
Tibbetts, Julie A., xxx-xx-xxxx
Tillinghast, N. A., xxx-xx-xxxx
Timmens, Eric R., xxx-xx-xxxx
Timmons, Max E., Jr., xxx-xx-xxxx
Tippett, David A., xxx-xx-xxxx
Tipton, Franklin J., xxx-xx-xxxx
Tipton, Robert A., xxx-xx-xxxx
Todd, Michael S., xxx-xx-xxxx
Toliver, Gerald M., xxx-xx-xxxx
Tong, Syrilyn A., xxx-xx-xxxx
Towery, Bobby A., Jr., xxx-xx-xxxx
Towle, Sharon K., xxx-xx-xxxx
Townes, Richard C., xxx-xx-xxxx
Townsend, Ellsworth, xxx-xx-xxxx
Townson, Steven R., xxx-xx-xxxx
Trammell, Charles L., xxx-xx-xxxx
Trang, Jeffrey A., xxx-xx-xxxx
Trawick, David L., xxx-xx-xxxx
Trevillian, JO A., xxx-xx-xxxx
Trouve, Christopher, xxx-xx-xxxx
Trow, Alan V., xxx-xx-xxxx
Truesdell, J., xxx-xx-xxxx
Trumbull, Debra A., xxx-xx-xxxx
Trumbull, Harry E., xxx-xx-xxxx
Trumpler, William C., xxx-xx-xxxx
Tsapralis, Anthony, xxx-xx-xxxx
Tubell, Wallace J., xxx-xx-xxxx
Tuggy, Michael L., xxx-xx-xxxx
Tung, Lein H., xxx-xx-xxxx
Tunstall, Edward P., xxx-xx-xxxx
Turner, Floyd C., Jr., xxx-xx-xxxx
Turner, Jeffrey A., xxx-xx-xxxx
Turner, Mark P., xxx-xx-xxxx
Turner, Wendell H., xxx-xx-xxxx
Turregano, Clemson, xxx-xx-xxxx
Twenhafel, Randall, xxx-xx-xxxx
Tyler, Bruce J., xxx-xx-xxxx
Tyler, Stephen B., xxx-xx-xxxx
Tyndall, Richard D., xxx-xx-xxxx
Ufford, Richard J., xxx-xx-xxxx
Ulsh, Cynthia A., xxx-xx-xxxx
Unwin, Jason B., xxx-xx-xxxx
Upshaw, Thomas M., xxx-xx-xxxx
Upton, Gregory B., xxx-xx-xxxx
Vaglia, Laura S., xxx-xx-xxxx
Vallandingham, K., xxx-xx-xxxx
Valleau, Carol A., xxx-xx-xxxx
Valles, Raymond, xxx-xx-xxxx
Vallech, Gregory S., xxx-xx-xxxx
Vance, Randall J., xxx-xx-xxxx
Vandam, Natalie A., xxx-xx-xxxx
Vandeweghe, George, xxx-xx-xxxx
Vanfechtmann, Thoma, xxx-xx-xxxx
Vanscyoc, Douglas, xxx-xx-xxxx
Varljen, Mark L., xxx-xx-xxxx
Vaught, Brian K., xxx-xx-xxxx
Veibell, Scott K., xxx-xx-xxxx
Vela, Charlie C., xxx-xx-xxxx
Velazquez, Teodoro, xxx-xx-xxxx
Veres, Daniel J., xxx-xx-xxxx
Vergara, Miguel, III, xxx-xx-xxxx
Veschi, John P., xxx-xx-xxxx
Vetters, Kurt M., xxx-xx-xxxx
Vignali, Joseph J., xxx-xx-xxxx
Villarreal, Irene G., xxx-xx-xxxx
Vinals, Carlos, xxx-xx-xxxx
Vincent, David A., xxx-xx-xxxx
Vinett, John A., xxx-xx-xxxx
Vital, Mark A., xxx-xx-xxxx
Vitali, Lora A., xxx-xx-xxxx
Vitullo, Roland E., xxx-xx-xxxx
Vlahos, Pete S., xxx-xx-xxxx
Voeltz, Shari M., xxx-xx-xxxx
Vogel, Beverly K., xxx-xx-xxxx
Vogl, Michael J., xxx-xx-xxxx
Vogus, Diana L., xxx-xx-xxxx
Volesky, Gary J., xxx-xx-xxxx
Volz, Richard E., Jr., xxx-xx-xxxx
Vomhof, Patricia A., xxx-xx-xxxx
Vongrey, Michael L., xxx-xx-xxxx
Vonjess, Peter A., xxx-xx-xxxx
Wackerhagen, Daniel, xxx-xx-xxxx
Waddell, James A., xxx-xx-xxxx
Waddell, Kenton L., xxx-xx-xxxx
Waggoner, Cynthia A., xxx-xx-xxxx
Wagner, Karen J., xxx-xx-xxxx
Wait, Robert T., xxx-xx-xxxx
Walker, James A., Jr., xxx-xx-xxxx
Walker, Peter S., xxx-xx-xxxx
Walker, Shawn A., xxx-xx-xxxx
Wallace, Malcolm K., xxx-xx-xxxx
Wallace, Mark R., xxx-xx-xxxx
Wallen, Thomas E., xxx-xx-xxxx
Waltemeyer, Robert, xxx-xx-xxxx
Walton, Andrew D., xxx-xx-xxxx
Waltz, Alan M., xxx-xx-xxxx
Waltz, David B., xxx-xx-xxxx
Wapelhorst, James J., xxx-xx-xxxx

Ward, James F., xxx-xx-xxxx
Ward, Leland D., xxx-xx-xxxx
Ward, Scott D., xxx-xx-xxxx
Warman, Paul K., xxx-xx-xxxx
Warren, Lloyd, xxx-xx-xxxx
Warshawsky, C., xxx-xx-xxxx
Washington, Birchel, xxx-xx-xxxx
Washington, Michael, xxx-xx-xxxx
Waters, Mark L., xxx-xx-xxxx
Watkins, Dwight D., xxx-xx-xxxx
Watkins, Nancy E., xxx-xx-xxxx
Watson, Alvin A., xxx-xx-xxxx
Watson, John M., xxx-xx-xxxx
Watson, Robert A., xxx-xx-xxxx
Watson, Robert E., xxx-xx-xxxx
Watt, Gregory A., xxx-xx-xxxx
Weathersbee, Timothy, xxx-xx-xxxx
Weaver, James C., xxx-xx-xxxx
Weaver, Michael E., xxx-xx-xxxx
Weaver, Robert L., xxx-xx-xxxx
Weaver, Vince C., Jr., xxx-xx-xxxx
Webb, Christopher R., xxx-xx-xxxx
Webb, Grant A., xxx-xx-xxxx
Webber, James Q., III, xxx-xx-xxxx
Weber, Jeffrey A., xxx-xx-xxxx
Weeks, Joel D., xxx-xx-xxxx
Weihs, Joseph K., xxx-xx-xxxx
Weilacher, Lorin J., xxx-xx-xxxx
Welch, Mary E., xxx-xx-xxxx
Wells, Alvin R., xxx-xx-xxxx
Wells, Joe M., xxx-xx-xxxx
Wells, Ronald M., xxx-xx-xxxx
Welsch, Paul D., xxx-xx-xxxx
Welsh, Patrick C., xxx-xx-xxxx
Westfall, Mark D., xxx-xx-xxxx
Whaley, Robert C., xxx-xx-xxxx
Wharton, Brian T., xxx-xx-xxxx
Wheatley, Kevin L., xxx-xx-xxxx
Wheeler, Valerie D., xxx-xx-xxxx
Whitaker, Terry E., xxx-xx-xxxx
White, Clayton M., xxx-xx-xxxx
White, Deborah E., xxx-xx-xxxx
White, Denise M., xxx-xx-xxxx
White, James Jr., xxx-xx-xxxx
White, Susan K., xxx-xx-xxxx
Whitehead, Teresa L., xxx-xx-xxxx
Whiteside, Lee J., xxx-xx-xxxx
Whitt, Rodney N., xxx-xx-xxxx
Whitten, Paul D., xxx-xx-xxxx
Wiborg, Gordon L., Jr., xxx-xx-xxxx
Wick, Mary A., xxx-xx-xxxx
Wiggins, Perry L., xxx-xx-xxxx
Wightman, Anita L., xxx-xx-xxxx
Wilk, Carl A., Jr., xxx-xx-xxxx
Wilkins, Mark R., xxx-xx-xxxx
Williams, Alvin K., xxx-xx-xxxx
Williams, Carl E., xxx-xx-xxxx
Williams, Curtis B., xxx-xx-xxxx
Williams, Darrell K., xxx-xx-xxxx
Williams, David E., xxx-xx-xxxx
Williams, Edward M., xxx-xx-xxxx
Williams, Harry, xxx-xx-xxxx
Williams, Walter, IV, xxx-xx-xxxx
Williams, James E., xxx-xx-xxxx
Williams, James T., xxx-xx-xxxx
Williams, Janet C., xxx-xx-xxxx
Williams, Jeffrey S., xxx-xx-xxxx
Williams, Jonathan, xxx-xx-xxxx
Williams, Josh, III, xxx-xx-xxxx
Williams, Michael S., xxx-xx-xxxx
Williams, Willie, Jr., xxx-xx-xxxx
Wilson, James H., Jr., xxx-xx-xxxx
Wilson, John M., xxx-xx-xxxx
Wilson, Martin C., xxx-xx-xxxx
Wilson, Martin J., xxx-xx-xxxx
Wilson, Robert L., xxx-xx-xxxx
Wilson, William B., xxx-xx-xxxx
Winston, Douglas R., xxx-xx-xxxx
Winters, Eric E., xxx-xx-xxxx
Wirt, Marla M., xxx-xx-xxxx
Wisniewski, Luis K., xxx-xx-xxxx
Withers, Sandra F., xxx-xx-xxxx
Witkowski, Daniel J., xxx-xx-xxxx
Wittges, Charles E., xxx-xx-xxxx
Witzig, Kris, L., xxx-xx-xxxx
Woempner, Mark S., xxx-xx-xxxx
Wofford, Joel, xxx-xx-xxxx
Wofford, Milton R., xxx-xx-xxxx
Wolf, Joal E., xxx-xx-xxxx
Wolford, Kerry L., xxx-xx-xxxx
Wonacott, James A., xxx-xx-xxxx
Wong, Jeffrey S., xxx-xx-xxxx
Wood, Jeffery G., xxx-xx-xxxx
Wood, Mark A., xxx-xx-xxxx
Woodard, John W., xxx-xx-xxxx
Woodruff, William J., xxx-xx-xxxx
Woods, Ronald A., xxx-xx-xxxx
Woods, Stuart B., xxx-xx-xxxx
Wright, Earnestine, xxx-xx-xxxx
Wright, John M., xxx-xx-xxxx
Wrobel, Scott E., xxx-xx-xxxx
Wyche, Larry D., xxx-xx-xxxx
Wylly, Wesley L., xxx-xx-xxxx
Wynn, Bruce, xxx-xx-xxxx
Wynn, Deryl W., xxx-xx-xxxx
Wynn, Michael A., xxx-xx-xxxx
Yacovini, Philip M., xxx-xx-xxxx
Yager, John K., xxx-xx-xxxx
Yantis, Timothy R., xxx-xx-xxxx
Yates, Rickey F., xxx-xx-xxxx
York, Michael J., xxx-xx-xxxx
Young, Bradford M., xxx-xx-xxxx
Young, Carl C., xxx-xx-xxxx
Young, Dennis O., xxx-xx-xxxx
Young, James M., xxx-xx-xxxx
Young, James V., Jr., xxx-xx-xxxx
Young, Mark A., xxx-xx-xxxx
Youngner, Larry D., xxx-xx-xxxx
Yurcaba, John, III, xxx-xx-xxxx
Yvon, Joann, xxx-xx-xxxx
Zambetti, Vincent A., xxx-xx-xxxx
Zebrowski, Robert, xxx-xx-xxxx
Zebrowski, Robert G., xxx-xx-xxxx
Zellers, Thomas C., xxx-xx-xxxx
Zetterberg, Jon E., xxx-xx-xxxx
Ziegler, Derick B., xxx-xx-xxxx
Zimmerman, George W., xxx-xx-xxxx
Zimmerman, Matthew, xxx-xx-xxxx
Zinger, Marcus B., xxx-xx-xxxx
Zyznomyrsky, John B., xxx-xx-xxxx

IN THE ARMY

The following-named officers for reappointment in the Regular Army of the United States from the Temporary Disability Retired List, under the provisions of title 10, United States Code, section 1211:

To be lieutenant colonel

Cain, Carolyn H., xxx-xx-xxxx

To be major

Taylor, Clifton J., Jr., xxx-xx-xxxx

The following-named officers for reappointment in the Regular Army of the United States, in their active duty grades, under the provisions of title 10, United States Code:

To be lieutenant colonel

Ahrens, Roger W., xxx-xx-xxxx
Anderson, Charles A., xxx-xx-xxxx
Arnett, Truman R., xxx-xx-xxxx
Childs, James R., xxx-xx-xxxx
Christy, Michael B., xxx-xx-xxxx
Deramus, Billy R., xxx-xx-xxxx
Guthrie, Jerry L., xxx-xx-xxxx
Horton, Donald R., xxx-xx-xxxx
Jones, Lafayette Jr., xxx-xx-xxxx
Myers, Raymond G., xxx-xx-xxxx
Robertson, William I., xxx-xx-xxxx
Taylor, Peter R., xxx-xx-xxxx
Thompson, Richard E., xxx-xx-xxxx
Ward, Thomas, xxx-xx-xxxx
West, Byron F., Jr., xxx-xx-xxxx
Zimmerman, James E., xxx-xx-xxxx

To be major

Adams, Christopher, xxx-xx-xxxx
Adams, Gerald L., xxx-xx-xxxx
Adams, Rodney, xxx-xx-xxxx
Aiken, James D., xxx-xx-xxxx
Alf, Frederic W., Jr., xxx-xx-xxxx
Anton, John J., xxx-xx-xxxx
Bailey, Wayne T., xxx-xx-xxxx
Beck, James R., xxx-xx-xxxx
Blake, John C., xxx-xx-xxxx
Breland, Andrew F., Jr., xxx-xx-xxxx
Bowra, Kenneth R., xxx-xx-xxxx
Cantolupo, Louis P., xxx-xx-xxxx
Caruso, John J., xxx-xx-xxxx
Casto, Perry C., xxx-xx-xxxx
Clark, Michael B., xxx-xx-xxxx
Cole, Robert, xxx-xx-xxxx
Davis, Donald A., xxx-xx-xxxx
Davis, Rudy P., xxx-xx-xxxx
Dennis, Frances A., xxx-xx-xxxx
Duque, George M., xxx-xx-xxxx
Edwards, Jerry L., xxx-xx-xxxx
Emig, John T., xxx-xx-xxxx
Frament, Eugene P., xxx-xx-xxxx
Fredo, John W., xxx-xx-xxxx
Funanich, Richard S., xxx-xx-xxxx
Funk, Ellsworth D., xxx-xx-xxxx
Goodwin, Dawson S., xxx-xx-xxxx
Hafner, William J., xxx-xx-xxxx
Herod, Herbert, xxx-xx-xxxx
Hill, Charles H., III, xxx-xx-xxxx
Huckabee, Robert H., xxx-xx-xxxx
Jones, Paul R., xxx-xx-xxxx
Kendig, Loren D., xxx-xx-xxxx
King, Wayne E., xxx-xx-xxxx
Lanzoni, Lynn E., xxx-xx-xxxx
Leopoldus, Nicholas, xxx-xx-xxxx
Long, Bruce B., xxx-xx-xxxx
Marker, Jon W., xxx-xx-xxxx
Morton, Harry C., xxx-xx-xxxx
Newsome, Charles, xxx-xx-xxxx
Pankey, Kenneth D., xxx-xx-xxxx
Plunkett, Stephen A., xxx-xx-xxxx
Pratt, John B., III, xxx-xx-xxxx
Rae, Jeffrey M., xxx-xx-xxxx
Reichert, Thomas L., xxx-xx-xxxx
Reischer, Benjamin, xxx-xx-xxxx
Rogers, Warren A., xxx-xx-xxxx
Rouse, Delmar L., xxx-xx-xxxx
Ryan, Lawrence M., xxx-xx-xxxx
Sauer, John G., xxx-xx-xxxx
Saul, Arthur D., xxx-xx-xxxx
Seay, Joe D., xxx-xx-xxxx
Sharp, Robert A., xxx-xx-xxxx
Sharp, Samuel R., xxx-xx-xxxx
Sommerville, Roger L., xxx-xx-xxxx
Smallwood, Frank S., xxx-xx-xxxx
Taylor, Windley B., xxx-xx-xxxx
Thrasher, Horance L., xxx-xx-xxxx
Throgmorton, Fred J., xxx-xx-xxxx
Vanderzwalm, Richard L., xxx-xx-xxxx
Wallace, Hugh S., xxx-xx-xxxx
Zapert, Valentine J., xxx-xx-xxxx

CHAPLAIN'S CORPS

To be lieutenant colonel

Benzing, Ronald W., xxx-xx-xxxx
Cowan, Emory G., Jr., xxx-xx-xxxx
McGown, Geoggrey H., xxx-xx-xxxx
Mills, Harold L., xxx-xx-xxxx
Smidt, Francis R., xxx-xx-xxxx

To be major

Cassibry, Phillip J., xxx-xx-xxxx
Chapman, Floyd C., xxx-xx-xxxx
Cowan, Dale N., xxx-xx-xxxx
Czaruk, Nicholas A., xxx-xx-xxxx
Dean, Jasper J., xxx-xx-xxxx
Demma, Gregory J., xxx-xx-xxxx
Doggett, Donald B., xxx-xx-xxxx
Freeman, Eum D. N., xxx-xx-xxxx
Giles, David A., xxx-xx-xxxx
Gilley, Kenneth J., xxx-xx-xxxx
Harrison, Robert D., xxx-xx-xxxx
Haworth, Lawrence E., xxx-xx-xxxx
Kusevich, Nicholas J., xxx-xx-xxxx
McGown, Andrew D., xxx-xx-xxxx
Mize, Jerry L., xxx-xx-xxxx

Moran, Geoffrey H., xxx-xx-xxxx
Pejakovich, George, xxx-xx-xxxx
Russell, Charles N., xxx-xx-xxxx
Scott, Richard A., xxx-xx-xxxx
Staab, J. Thomas, xxx-xx-xxxx
Taylor, Donald, xxx-xx-xxxx
Wilkinson, James R., xxx-xx-xxxx

MEDICAL CROPS

To be lieutenant colonel

Albaugh, Jeffrey S., xxx-xx-xxxx
Alexander, Mark V., xxx-xx-xxxx
Batson, Pascal G., III, xxx-xx-xxxx
Board, Robert J., xxx-xx-xxxx
Brammer, Robert E., xxx-xx-xxxx
Brennan, Michael W., xxx-xx-xxxx
Brown, James E., xxx-xx-xxxx
Brown, John H., xxx-xx-xxxx
Bunkersoler, Antonio L., xxx-xx-xxxx
Calvert, William E., xxx-xx-xxxx
Cheatham, Wayman W., xxx-xx-xxxx
Cho, Moo H., xxx-xx-xxxx
Clary, Richard M., xxx-xx-xxxx
Coger, William A., xxx-xx-xxxx
Craig, William E., xxx-xx-xxxx
Damore, Stuart, xxx-xx-xxxx
Deal, Terry D., xxx-xx-xxxx
Deal, Virgil T., xxx-xx-xxxx
Decastro, Susan R., xxx-xx-xxxx
Deutsch, Anthony J., xxx-xx-xxxx
Durant, William P., xxx-xx-xxxx
Faucher, Paul G., xxx-xx-xxxx
Freeman, Sharon D., xxx-xx-xxxx
Golden, Barbara J., xxx-xx-xxxx
Hector, Richard E., xxx-xx-xxxx
Jirka, John H., xxx-xx-xxxx
Keisler, David S., Jr., xxx-xx-xxxx
Koerper, Conrad E., III, xxx-xx-xxxx
Lesueur, Leo M., xxx-xx-xxxx
Lewis, Sterling F., xxx-xx-xxxx
Lord, Jonathan G., xxx-xx-xxxx
Maddox, John L., Jr., xxx-xx-xxxx
Marinelli, Phillip V., xxx-xx-xxxx
McNeill, Kevin M., xxx-xx-xxxx
Mician, Miloslava, xxx-xx-xxxx
Moffitt, Donald R., xxx-xx-xxxx
Newman, Forest P., III, xxx-xx-xxxx
O'Connor, Dennis M., xxx-xx-xxxx
Olson, David W., xxx-xx-xxxx
Piskun, Mary A., xxx-xx-xxxx
Plowman, Kent M., xxx-xx-xxxx
Reuben, Leedell, xxx-xx-xxxx
Roberts, David A., xxx-xx-xxxx
Ronquillo, Aida P., xxx-xx-xxxx
Schultz, Terry K., xxx-xx-xxxx
Shade, Ronnie D., xxx-xx-xxxx
Shropshire, Lowry C., xxx-xx-xxxx
Sprague, Thomas H., xxx-xx-xxxx
Terebelo, Howard R., xxx-xx-xxxx
Thompson, Albert M., Jr., xxx-xx-xxxx
Toon, Robert D., xxx-xx-xxxx
Vaughan, George M., xxx-xx-xxxx
Via, Charles S., xxx-xx-xxxx
Watson, Thomas D., xxx-xx-xxxx
Welton, Richard C., xxx-xx-xxxx
West, Walter C., Jr., xxx-xx-xxxx
Wickham, Lawrence K., xxx-xx-xxxx
Wiesmann, William P., xxx-xx-xxxx
Wilson, Frank P., Jr., xxx-xx-xxxx
Wright, Alvin J., xxx-xx-xxxx
Yurt, Roger W., xxx-xx-xxxx
Zachariah, Elizabeth K., xxx-xx-xxxx

DENTAL CORPS

To be lieutenant colonel

Christensen, Loren C., xxx-xx-xxxx
Gangemi, Joseph A., xxx-xx-xxxx
Kordulak, John L., xxx-xx-xxxx
Wilson, James T., Jr., xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be lieutenant colonel

Bertsch, Marvin L., xxx-xx-xxxx
Burney, James R., xxx-xx-xxxx
Eisenberg, George H., xxx-xx-xxxx
Finical, William D., xxx-xx-xxxx
Fitzgerald, David M., xxx-xx-xxxx
Hueter, Harvey H., xxx-xx-xxxx
Ketterling, Lyle L., xxx-xx-xxxx
Langan, John J., xxx-xx-xxxx
Locke, John L., xxx-xx-xxxx
Moa, James A., xxx-xx-xxxx
Straus, Milo A., xxx-xx-xxxx
Turner, Jeff R., xxx-xx-xxxx

ARMY MEDICAL SPECIALIST CORPS

To be lieutenant colonel

Bridenstine, Mary W., xxx-xx-xxxx
Dewton, Ruth E., xxx-xx-xxxx

ARMY NURSE CORPS

To be lieutenant colonel

Anthony, Jerry L., xxx-xx-xxxx
Asuncion, Erlinda D., xxx-xx-xxxx
Bohner, David C., xxx-xx-xxxx
Lay, Hal R., xxx-xx-xxxx
Sims, Billie D., xxx-xx-xxxx

IN THE NAVY

The following-named commanders of the various staff corps of the Navy for promotion to the permanent grade of captain, pursuant to title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

MEDICAL CORPS

To be captain

Beringer, Everett Duane
Bonta, Bedford Withers
Engelman, David Ream
Flynn, Patrick William
Hain, Robert Elliot
Howell, Guyton G., Jr.
Hunter, William Legrand
Jackman, William M.
Kesselman, Alexander L.
Khoury, Kale Charles, Jr.
Kovalcik, Paul Jerome
Leffingwell, Donald O.
Manjerovic, Richard M.
McCracken, Linton E., Jr.
Noll, John Brockway
Sands, John P., Jr.
Shivertaker, Lawrence W.
Staiger, James Leroy

SUPPLY CORPS

To be captain

Baldwin, Seth Weaver, II
Bartel, Joseph Richard
Cangalosi, Davis Stewart
Cook, Kendall Raymond
Correll, Charles David
Crocker, William Guy
Dahm, Eugene Emile
Gee, Charles Daniel
Groves, William Dennis
Hickman, Donald Eugene
Hogan, Brian Thomas
Kaufman, James David
Lutz, Gerald Gilbert
Mastrandrea, Gary Allen
Mitchell, John Wayne
Monroe, James Leslie Dukes
Natole, Robert Lester
Nichols, Clifford John
Paine, John Spaulding
Parsons, Donald Sargent, Jr.
Shannon, William Northrop
Shields, Edward Joseph
Smith, Richard Michael
Stone, Charles Welborn, Jr.
Thomas, Gary Lee

CHAPLAIN CORPS

To be captain

Atwood, Theodore Oertel, Jr.
Collins, John Milton, III
Coughlin, Conall R.
Grubbs, Roy Dale
Harris, Donald Bell
Kuhn, Thomas Walter
McCoy, Charles Joseph
Mellett, Robert Coleman
Moffitt, Robert George
O'Neil, Michael Peter
Read, Gordon Amos
Richards, Gerald Thomas
Riley, Robert Joseph
Sawyer, James Douglas
Winnenberg, John Oscar

CIVIL ENGINEER CORPS

To be captain

Andrews, Richard Earl
Crane, Thomas Clemson
Edmiston, Robert Clair
Everett, Ernest James
Gallen, John James, Jr.
Harris, William Frank
Heine, Richard Frederick, Jr.
Leap, Joseph Brian
O'Connell, Brian John
Pearson, Rufus Judson, III
Rumbold, William Walter, Jr.
Shaw, Arthur Robinson
Sheaffer, Donald Ralph
Stewart, Allen Jack
Stewart, Stephen Edgar

JUDGE ADVOCATE GENERAL'S CORPS

To be captain

Bohaboy, Howard Douglas
Brown, Michael A.
Cohen, William David
Coyle, Robert Emery
Dalton, William Harvey
Davey, James A.
Edington, Donald Edwin
Erickson, John F.
Garvin, Ron Howard
Gerszewski, Melfred T.
Gordon, John Edward
Gormley, Patricia Murphy
Keating, Timothy Dayton
Landen, Walter James
Manning, Edward Francis
McLeran, Robert Harold
Sanftner, Thomas Richard
Sinor, Morris L.
Turner, Patrick Charles
Weigle, Gerald Franklin

DENTAL CORPS

To be captain

Anderson, William Hart
Athey, Cullen Lamar, Jr.
Bate, William Santford
Bauman, John Calvin
Bryant, Frederic S.
Cannon, Richard Leon
Carson, Robert Edward
Heilman, Mark E. J., IV
Jucovics, Robert Lewis
Klemme, Louis Walter
Lynch, Vincent M.
Maddox, James Arthur
McIntire, William O.
Melendez, Rodrigo C.
Neilans, Lionel Charles
Olson, Robert James
Poirrier, Maxime James
Robertello, Francis J.
Schloyer, Dean David
Stuart, William W., Jr.
Sugg, Thomas H.
Troutman, Gary Wood
Vanbelois, Harvard John
Walter, Robert George

MEDICAL SERVICE CORPS

To be captain

Bates, James Francis
Beuchler, Lamarr George
Bienkowski, Faustyn Joseph

Biersner, Robert John
Briand, Frederick Francis
Coan, Richard Manning
Curran, Patrick Michael
Denison, Neslund Edward
Ferris, William Anthony
Gooch, Roy Lee
Horan, Daniel John, Jr.
Kehoe, John Joseph, Jr.
Ozment, Bob Lee
Payton, Richard Alan
Self, William Lee
Shaughnessy, Mary Kay
Smith, Lamar Richard
Stant, George Marcellous, Jr.
Uddin, David E.
Wesolowski, Carl Anthony

NURSE CORPS

To be captain

Ancelard, Madeline Mary
Arnold, Mary Ann
Cote, Clarence William
Cox, Rosemary Geraghty
Dunn, Glenda Gale
Glass, Joan B.
Lee, Elaine Elizabeth
Loughney, Juel Ann Margaret
McKown, Frances Carroll
Muszynski, Elizabeth F.
Odom, Helen A.
Ridenhour, Barbara Ann
Sheehan, Lona Wallace
Simler, Monica
Speckmann, Elissa Mary Ann
Tolar, Sara Campbell

IN THE NAVY

The following-named Naval Academy Midshipmen to be appointed permanent ensign in the Line or staff corps of the U.S. Navy, subject to qualification therefor as provided by law:

Abitante, George
Acton, David W.
Alcala, Robert W.
Alevizos, Mark J.
Alexander, C. D.
Alexander, Paul M.
Allinger, Pamela
Amy, John V., Jr.
Anderson, Charles
Anderson, Darren
Anderson, George
Anderson, Jerry R.
Andreano, James M.
Antonio, Brian K.
Armstrong, J. H.
Arnold, Michael J.
Aronson, Robert A.
Astleford, M. S.
Aviles, Dionel M.

Baehr, Joseph S.
Baer, Scott F.
Bai, Ari Mikel
Bailey, Thomas W.
Baldocchi, Robert
Baldwin, Edward D.
Ball, Daniel J.
Ballister, C.
Baniewicz, C.
Barbour, Mark S.
Barclift, Michael
Barhite, Robert W.
Barland, David E.
Barnhurst, D. F.
Bartee, Lacy H., Jr.
Bartholomew, D. J.
Bartkowski, M. S.
Bartlett, Russell
Bastle, Anthony R.
Battle, John C.
Batzler, Timothy
Beatty, James C.
Beatty, Keith N.
Becker, Edward N.
Becker, Paul B.
Bedell, Kevin F.
Beekman, Randy M.
Beemer, David A.
Belcher, Brian K.
Bell, Barbara A.
Bell, Scott W.
Belton, Mark J.
Benner, James J.
Bennett, Tony A.
Benson, Jeffrey L.
Bergen, Joseph M.
Berman, Bernice
Bevilacqua, C.
Bevington, Dennis
Bianchi, Robert T.
Bingham, Roger P.
Biow, Christopher
Bissenas, William
Black, Randal D.
Blackwell, J.
Blake, James A.
Blasik, Michael J.
Board, Terry Lee
Boddiford, Joseph
Boehle, Michael D.
Bogdan, David S.
Boggs, Richard A.
Boice, Kenneth C.
Bolan, Linda M.
Bond, Thomas H.
Bondura, Stephen
Bonnett, Timothy
Boorujy, James R.
Borowicz, Eric J.
Bors, James M.
Bostock, Todd W.
Bouffaro, Peter J.
Boussom, Todd S.
Bowers, Michael S.
Bowling, Carolyn
Bowman, Aaron L.
Boyenga, Jerome I.
Boyle, Jeffrey P.
Boyle, Lawrence M.
Boyne, Paul A.
Brandquist, G. R.
Brannon, Troy E.
Braswell, Daniel
Breen, Michael J.
Bresnahan, C. E.
Breuil, Robert S.
Brooks, David A.
Brooks, Robert S.
Brown, Catherine
Brown, Marion C.
Brown, Michael W.
Brunetti, Gregory
Bryla, Lawrence A.
Brzostek, James F.
Buck, Sean S.
Bumbaca, Leonard
Burt, Steven E.
Burt, Terry M.
Bush, Christopher
Butler, C. L.
Butler, John C.
Butts, Whitmore S.
Byman, Michael W.
Byrne, Robert J.

Cahill, Patrick D.
Callaghan, Trace
Calle, Febi O.
Campbell, Robert
Canby, Carol Lynn
Canny, John T.
Carey, Timothy F.
Carlson, Mark R.
Carr, Dennis M.
Carr, Kyle D.
Carrigan, Timothy
Carroll, Stephen
Cart, Mitchell E.
Casey, Timothy F.
Cassity, Andrew L.
Cerasuolo, John F.
Cerezo, Gregory E.
Chapleski, Robert
Chastanet, Robert
Clague, Daniel G.
Claps, Michael S.
Clark, Jeffery J.
Clark, Peter B.
Clause, Donald W.
Clyborne, Robert
Coles, James R.
Collins, Brian J.
Colon, C. S.
Comerford, L. W.
Conrad, William D.
Convento, Reynold
Cooney, Joseph M.
Corcoran, Brian J.
Corcoran, Thomas
Corolla, Robert
Corwin, Pamela A.
Costello, Brian T.
Coughlin, John M.
Covelli, Javier M.
Cowden, Lee A.
Coyan, Michael T.
Creed, Joseph D.
Criger, Thomas R.
Crigger, Robert A.
Croce, John D.
Crockett, Jerry M.
Crompton, Thomas
Crosby, Michael A.
Crowers, Richard
Crozier, Wilbur V.
Cullison, David C.
Culpepper, Steven
Cunningham, T. W.
Currer, Jeffrey S.
Cusack, William E.

Daane, Jane F.
Dabbs, Robert L.
Dacey, Thomas
Daitch, William B.
Dalley, Gary M.
Dalpini, Thomas B.
Dammeier, Bruce F.
Davidson, Neal W.
Davis, John B.
Davis, Mark E.
Davis, Todd C.
Deangelis, S. P.
Dee, James M.
Delrosario, R. C.
Deltoro, Carlos
Deluca, Thomas R.
Depp, James E.
Dibler, Lindsay A.
Diorio, David R.
Disher, Eric S.
Ditzler, Brent A.
Dixon, Daniel N.
Dober, David M.
Doerry, Norbert H.
Dolyniuk, Cheryl
Donegan, Brian T.
Donner, Michael L.
Dorman, Harry P.
Dowd, Mark David
Doyle, James W.
Drake, James F.
Drehoff, Donald G.
Dumlad, Marcial B.
Dunleavy, Brian P.
Dunn, Archibald S.
Duran, Jimmy
Dyson, Eric C.

Eberhardt, Jean M.
Ebert, Joseph G.
Eddy, Michael J.
Edgerly, John C.
Edwards, Evan B.
Edwards, Thomas M.
Eguchi, David S.
Eissler, F. A.
Elder, Richard L.
Ellard, George W.
Ellis, Patrick E.
Ellsworth, Dirk D.
Emerson, Donald F.
Emery, James M.
Enriquez, Kenneth
Espe, Benedict D.
Esper, Gerald A.
Evans, Daniel J.

Fairchild, Ralph
Faller, Craig S.
Fanta, Peter J.
Farrell, John M.
Favara, Bernard W.
Feege, Edward H.
Feely, Matthew S.
Fernan, Paul T.
Ferris, George M.
Festa, Robert M.
Fielder, Stephen
Fields, Robert J.
Filippone, N. A.
Fischer, Stephen
Fisher, David A.
Fisher, Jere Dale
Fitzpatrick, K. C.
Flaskerud, Brent
Flatley, James H.
Fletcher, Brian N.
Flores, James J.
Forney, Daniel P.
Forney, Fredric D.
Fox, David M.
Frakes, Ted W.
Frantz, Frazier W.
Freeman, Ronald V.
Freitag, William
Frye, Jeffrey Lee
Fuchs, Randall L.
Fuhrmann, David J.
Furtner, Ann M.

Gabriszeski, S. D.
Gahn, Brian T.
Galinis, William
Gallagher, C.
Gallagher, Mark A.
Gallo, Frank M.
Gallop, Anthony R.
Galluzzo, Claude
Gambrill, Robert
Gamerdinger, P. M.
Garcia, George T.
Garrova, James F.
Gaston, Darryl K.
Gaul, Mary C.
Giannotti, L. M.
Gibson, Alan C.
Giessner, John B.
Gilbeau, Robert J.
Giles, Roy W.
Gill, Lawrence L.
Gillespie, Jeremy
Girrier, Robert P.
Goehrig, Angela J.
Gordon, Jeffrey D.
Gorenflo, Mark L.
Gori, John Victor
Gott, William A.
Grace, Alan W.
Graham, Robert G.
Grant, William H.
Greenberg, David
Greer, Richard B.
Griffith, Andrew
Groff, David J.
Gross, Randall B.
Gross, Robert L.
Gubenski, Matthew
Gubosh, Michael J.
Guest, Richard P.
Guiliano, James F.
Guseman, Roger P.
Gwilliam, David J.

Haberstick, R.
Hagerott, Mark R.
Haines, Gordon P.
Hale, Kevin T.
Hall, Gregory A.
Hall, Jeffrey D.
Hall, William C.
Halpin, Edward D.
Hamilton, Matthew
Hancock, Kyle F.
Hans, Richard F.
Hapeman, Michael
Hardesty, Binh D.
Harding, Jon C.
Harding, Joseph C.
Harkcom, Eric R.
Harrigan, Thomas
Harrington, G. R.
Harris, Robert F.
Hart, James Brian
Hart, William J.
Hartman, Richard
Haskins, Robert N.
Hauer, Kristian D.
Hauge, Todd Allen
Hayes, Richard J.
Hayes, Richard R.
Haynes, Paul A.
Hayward, Lester R.
Healey, Timothy F.
Heavner, Jeffery
Heiken, Donald L.
Heim, Paul K., II
Heimerl, K.
Hellstern, Mark J.
Henderson, Floyd
Hendricks, James
Henkel, C. J.
Henkel, Paul G.
Hennelly, Robert
Herb, Raymond L.
Herrmann, Stephen
Herzog, Robert B.
Hester, Gina L.
Hicks, David M.
Hicks, Warren T.
Hinderliter, D. C.
Hinkley, Brian E.
Hintze, Douglas E.
Hobson, Gary T.
Hoch, John E., III
Hodgson, Thomas H.
Hoffmann, Raymond
Hoffner, Yo S.
Hokaj, Ignatius T.
Holcomb, Donald A.
Honeker, Kenneth
Honors, Owen Paul
Hooper, Brian V.
Hopgood, Mark R.
Horgan, Daniel K.
Houfek, John R.
Houser, Jonathan
Hubeli, Steven S.
Hudson, James W. L.
Huffman, Michael
Huggins, Jeff A.
Hughes, John R.
Hults, John R.
Hundley, Herbert
Hunt, Peter Paul
Hunter, James F.
Husa, Craig S.

Ikeda, Kenneth M.
Ingalls, Kerry D.
Isabelli, Michael
Ishikawa, Tomoko

Jackson, Stephen
Jacobi, Brian T.
James, Kenneth A.
Jenkins, Dwight
Jentoft, Richard
Jewell, Timothy A.
Jockel, Joseph A.
Johannesen, John

Johnson, Joseph L.
Johnson, Steven W.
Johnston, Mark K.
Jones, C. D.
Jones, Eugene W.
Jones, Francis B.
Jones, Kevin Lee
Jordan, Ronald P.

Kalb, James A.
Kalfas, Thomas J.
Kamay, Randall H.
Kammerer, Kurt J.
Kanakis, Mark R.
Kaniut, Eric G.
Karson, David S.
Keating, Michael
Keith, Harry H.
Kelley, David F.
Kendus, Michael P.
Kenney, John H., Jr.
Kessler, Gene E.
Kiddoo, Bruce E.
Kiergan, C.
Killmeyer, C. L.
King, Joseph F., Jr.
Kirkley, Earle L.
Kiser, Colin L.
Klorig, Michael D.
Knudsen, John B.
Koeller, James L.
Kohrs, Michael G.
Koivu, Bruce A.
Koye, Susan Marie
Kramer, Samuel G.
Krechel, Michael
Krepps, John A.
Kubiniec, Michael
Kuhlmann, D. H.
Kulick, Brian
Kuzma, James M.

Labrador, Mar F.
Lafreniere, M. P.
Lago, Roberto
Lakins, Darryl D.
Landrum, Charles
Lantz, Ryan E.
Laroche, Brian L.
Larsen, Scott G.
Larson, Brian T.
Lastar, Frederic
Laufer, James E.
Laverentz, Scott
Lavoie, Mark A.
Leary, John J., III
Lee, Carl M. M.
Leland, James M.
Lenz, Alan Walter
Lester, Edward J.
Lester, Gregory A.
Lett, Jefferson J.
Levins, Kenneth C.
Lewia, Stephen D.
Lewis, William P.
Linton, David A.
Liston, William P.
Llarena, Juan P.
Loferski, Andrew
Lombardo, Timothy
Looke, Thomas D.
Lovering, John L.
Loyola, Benito, Jr.
Luffy, Timothy S.
Lui, Kevin Mark
Lukenbill, F. C.
Lyon, Wesley W.

Mackay, Leo S., Jr.
Macyko, Andrew T.
Mahan, Michael L.
Mahony, Timothy P.
Mahosky, Paul R.
Mahr, Randolph L.
Makovitch, Victor
Malloy, Craig B.
Manibo, Peter J. C.
Manzelli, Marc A.
Marana, John L., Jr.
Maraqui, Andre
Marin, Brian John
Marr, Stephen G.
Marshall, Paul G.
Martin, Fred W.
Mathers, Albert J.
Matthews, Timothy
Mattingly, W. F.
Maynard, Timothy
McAllister, L. J.
McAneney, Vincent
McCall, Dennis C.
McCarthy, Gary D.
McCarthy, Kevin J.
McClusky, Kenneth
McCollum, Luke M.
McCool, Patrick M.
McCool, William C.
McCormick, John T.
McCormick, Stuart
McCoy, Angelo A.
McCrary, Alison S.
McDavid, Charles
McGee, Brian E.
McGill, Jeremy J.
McGovern, James J.
McGuire, David R.
McHugh, James M.
McHugh, William T.
McKavitt, Thomas
McKee, Andrew M.
McKenna, Philip J.
McKenney, Peter J.
McKeon, James B.
McKibben, Barrett
McMahon, Martin G.
McNamara, Eric A.
McPherson, John L.
McQuade, Joseph G.
Menninger, Paul A.
Menz, Keith Brian
Mercado, V. G.
Miksch, George D.
Miller, Gregory H.
Miller, Joey Alan
Miller, Scott D.
Mills, Sam M.
Miranda, Enrique
Mitchell, Troy M.
Modly, Thomas B.
Molano, Walter T.
Molkenbuhr, M. S.
Moller, Gordon
Molloy, Lawrence
Molthen, Daniel J.
Montgomery, J. W.
Montross, C.
Moore, Richard A.
Moran, Brandt S.
Morgan, Charles B.
Morneau, Frank A.
Morrison, Peter E.
Moss, Eric B.
Mountford, W. E.
Mueller, Craig A.
Mullen, John T.
Mulligan, James D.
Mulvaney, Karen E.
Mundt, Michael R.

Munns, Thomas M.
Murphy, Bradley T.
Murphy, Michael J.
Murphy, Stephen J.
Murphy, Thomas J.
Murray, Gregory D.
Murray, William H.
Musico, Rowena N.
Mysinger, William

Nagle, Daniel J.
Nail, James Alan
Nameroff, David J.
Nangle, Joseph P.
Needham, Donald M.
Needleman, M. J.
Neff, Mark D.
Nelson, John W.
Nestor, Duane E.
Newell, John B.
Newmeyer, Kevin P.
Nicholas, Thomas
Nicholson, W. Mark
Nielsen, John E.
Nobles, Don Wayne
Nolan, Joseph F.
Nordel, Stephen D.

O'Brien, Charles F.
O'Connor, Lawrence
O'Connor, Sean E.
Oda, Steven C.
O'Gram, Donald T.
O'Hara, Daniel M.
O'Levnik, Stephen
Olson, Gregory P.
Olson, Mark Jarl
Omberg, William F.
Oravec, Michael J.
Ostrom, Brian S.
Outing, Donald A.
Owen, Dale W.
Owens, Kathleen M.
Oxx, William A., IV

Page, Bradley A.
Page, Robert D.
Paisley, Rick A.
Pandya, Jay T.
Papadakis, Robert
Papp, Robert G.
Parra, Amado M.
Parton, Kem L.
Pasch, James Roy
Pass, Douglas A.
Pearl, Mark Alan
Pearson, David T.
Pellette, Denise
Peterson, John T.
Petrone, Linda A.
Phaneuf, David J.
Philbrook, M. R.
Piroumian, Robert
Podolak, Katie A.
Polk, John R.
Pollak, Stephen J.
Pollard, Allen V.
Posey, Brian W.
Powell, Albert E.
Powell, Walter A.
Preble, Terence G.
Price, Michael S.
Pritchard, Paul S.
Protacio, Patrick
Puccetti, Perry A.
Purvis, Joseph S.
Pyle, Loyd E., Jr.
Pyne, Edward C.

Quartiere, Mark A.
Quinlan, Michael

Radi, Daivd A.
Radice, Mark R.
Rafter, Michael H.
Rahme, Edwin V., Jr.
Raimondo, Philip
Raines, Clinton
Ramicone, Perry J.
Ramirez, Fred B.
Ramsey, William B.
Ratliff, C.,
Ray, Charles, III
Ray, Michael H.
Raynolds, Jackson
Readen, Alton F.
Rebhorn, Timothy
Recca, Stephen P.
Redman, Michael S.
Reed, Michael R.
Reeves, Gary R.
Reichel, Richard
Reilly, John J.
Reintjes, Eric E.
Reis, Donald P.
Ressel, Frederick
Reuter, Erik John
Rexrode, Timothy
Rice, Christopher
Ricketts, James B.
Rivas, Gerald A.
Rivera, Carlos I.
Rivera, Richard C.
Rixey, Joseph W.
Roach, Patrick S.
Roane, Elmer W., Jr.
Roberts, Derek G.
Robinson, Ronald
Rockswold, Paul D.
Rodgers, Anthony
Rodgers, Michael
Rodriguez, R. J.
Rohrback, Mark D.
Rose, James J.
Ross, Alan N.
Rossano, Graham W.
Roth, Douglas M.
Rowland, John K.
Rubin, David P.
Rubin, Josh Lee
Ruggiero, L. E.
Rusch, Greg S.
Rusnak, Richard J.
Russ, Mark James
Russell, Robert M.
Ryan, William P.
Ryoholm, Derek P.
Ryon, Walter G.

Saba, David W.
Salvato, Michael
Santos, Geraldine
Sauer, Alan R.
Sauer, Robert C.
Savage, Philip G.
Savery, Steven A.
Sawyer, Phillip G.
Sawyer, Thomas A.
Sax, Ernest Ward
Scales, Breton H.
Schaefer, Mark G.
Schendell, Earl A.
Schiavetta, Nancy
Schonenberg, Lee
Schoonmaker, Mark
Schoppy, Joseph G.
Schroeder, Daniel
Schulz, William J.
Scruggs, John T.
Sedlack, Thomas R.
Segura, John T.
Siebert, Timothy
Seitz, Bruce John
Sellers, Douglas
Sen, Cameron A.
Shaffer, Frank P.
Shankland, Paul D.
Shatynski, S. J.
Sheehan, John C.
Sheppard, Brian D.
Sherrard, James L.
Shindelar, T. V.
Shippee, Michael
Shipper, Louis C.
Siegrist, Paul W.
Silva, Michael F.
Silver, Alan D.
Simmons, Michael
Simpliciano, S. C.
Sink, Carl J., Jr.
Sink, Carol G.
Sitarski, Charles
Skehan, Andrew G.
Skidmore, Mark L.
Small, Andrew G.
Smith, Alan B.
Smith, Angela M.
Smith, David A.
Smith, Dixon R.
Smith, Gordon A.
Smith, Gregg K.
Smith, Harry B.
Smith, Henry C.
Smith, Larry D.
Smith, Michael E.
Smith, Timothy T.
Smith, Wallace D.
Smith, William H.
Smola, Susan M.
Snell, Christian
Snyder, David A.
Snyder, David E.
Snyder, John Carl
Snyder, Thomas P.
Soares, Paul A.
Soderstrom, Grant
Solar, Edward A.
South, Jerry C.
Spafford, Kenneth
Spriesterbach, T.
Spruill, Joseph L.
Stacia, William C.
Stagliano, John A.
Stanton, Michael
Stapleton, M. G.
Steeves, Scott A.
Stenstrom, G.
Stephenson, John
Stevens, Ward E.
Stitt, Peter L.
St John, Richard W.
Stone, Mark Lyle
Streit, John D.
Struble, Danny H.
Stuart, Thomas D.
Stuber, John Eric
Sullivan, Edward
Sundt, Scott M.

Taher, Aaron M.
Takesuye, Edward
Talbert, Keven B.
Tammen, Matthew T.
Tanski, Alexander
Tarquinio, Thomas
Taylor, Barton W.
Thames, Tyrone M.
Theberge, Marc W.
Thomas, Lynn Anne
Thomas, Timothy C.
Thompson, Mary J.
Thompson, Mike A.
Thompson, Mike P.
Thomspon, Nancy S.
Thomson, Timothy
Thoresen, Stephen
Tillman, Harry L.
Tisdale, Vance S.
Tofalo, Joseph E.
Tolbert, Robert W.
Torres, Ruben T.
Traglia, Louis J.
Trainor, Stephen
Twomey, Thomas R.
Tyree, William D.

Valaik, Daniel J.
Vangunten, Todd A.
Vaughan, TY C.
Vazquez, Alan A.
Vegel, Anton, Jr.
Vermillion, M. R.
Vernet, Frank G.
Vicini, Edward
Villanueva, V. G.
Vindich, Trace B.
Voigt, Bradley D.
Voigtsberger, C.
Vonier, Lawrence
Voor, Ruth A.
Vormbrocke, M. J.
Vujica, Paul B.

Wagner, Carl F.
Walborn, Geoffrey
Walker, Craig A.
Walker, Floyd K.
Wallace, Michael
Wallington, J. T.
Walter, Dale T.
Walter, George J.
Ward, Jane A.
Watson, Brian S.
Watson, Mark T.
Watt, Frank M., III
Waugh, David W.
Waye, Reginald B.
Weaver, David E.
Weaver, Jeffrey A.
Webb, Peter Kent
Weber, Carl D.
Webster, Darwin L.
Wehman, Richard P.
Wehner, Bruce D.
Weiner, Dana S.
Weinert, William
Weir, Wayne Keith
Welch, Virginia E.
Welling, Blake D.
Wells, Gregory L.
Wetterskog, Kevin
Wheeler, Edward S.
Whelan, Richard T.
Whitesides, James
Wickerson, S. F.
Wilcox, Jeffrey P.
Wilding, Anthony

Wilkins, William
Wilkinson, W. P.
Williams, Craig B.
Williams, Kim E.
Williams, Leo W.
Williams, Ralph B.
Williams, Yolanda
Williston, W. C.
Wilson, Joe David
Wilson, Kenneth W.
Wilson, Kevin J.
Wiltenmuth, John
Wirsching, Steven
Wise, Robert F.
Wood, James A. E.
Wood, James D.
Wood, John R.
Wood, Randolph L.
Woodford, Richard
Woodruff, Glenn R.
Woods, Mark W.
Woods, Robert B.
Woodson, Ross D.
Worley, Michael N.
Wright, James J.

Yang, Nancy Sue
Yates, James L.
Yeatman, Dennis F.
Yoder, David John
Yotz, James Eric
Young, Lee Steven
Young, Steven
Youngblood, C. S.
Yuen, Jonathan A.
Yustak, Lisa Ann

Zahm, Lance Leon
Zap, Marjorie
Zapata, Ricardo A.
Zingler, Gregory
Zumbar, Kevin S.
Zuschlag, G. R.

IN THE NAVY

The following-named Naval Reserve Officers Training Corps candidates to be appointed permanent ensign in the line or staff corps of the U.S. Navy, subject to qualification therefor as provided by Law:

Best, Clyde A., Jr.
Camera, Joseph V.
Carey, Joseph C.
Castle, William T., Jr.
Hendricks, Nelson P.
Neiger, William H.
Powell, John R.
Shattuck, Michael J.
Tower, William W.
Wiles, Mark W.

The following-named Naval Reserve officers for permanent appointment in the line or staff corps of the U.S. Navy in the permanent grade of ensign, subject to qualification therefor as provided by law:

Adams, Thomas C., Jr.
Alcock, Robert W., III
Anderson, Stephen P.
Bill, Brian J.
Carr, Bruce A.
Corbley, John R.
Corning, Michael F.
Cowie, Debra L.
Davenport, Peter R.
Dumas, Richard A.
Dyke, Carolyn M.
Easley, Charles A.
Eddings, John W.
Emerson, Robert M.
Ewanciw, Elizabeth A.
Fariel, Peter T.
Gantenbein, Terry K.
Gilliam, Sterling G.
Hicks, James R., Jr.
Hinson, Eric P.
Hunter, Mark R.
Koleck, Vincent F.
Kurtzke, Michael J.
Lemon, Bryce M.
Leu, David L.
Mather, Christopher J.
Mayo, William E., Jr.
Shannon, James F.
Wahler, Christopher C.
Wallach, Carol P.
Wiggins, James H., Jr.
Wilber, Thomas E.
Wilcox, Roxann M.
Williamson, Laurel E.
Winegar, William D.
Wolters, Thomas J.

Chief Warrant Officer, W–3 Charles R. Ethridge, U.S. Navy, retired, to be reappointed a temporary chief warrant officer, W–3 from the Temporary Disability Retired List, subject to qualification therefor as provided by law.

Capt. Latimer T. Albert, U.S. Navy officer, to be appointed a permanent captain in the Medical Corps in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law.

Pierre E. Slightam, medical college graduate, to be appointed a permanent commander in the Medical Corps in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law.

Commander Dennis L. Johnson, U.S. Navy officer, to be appointed a permanent commander in the Medical Corps in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law.

IN THE NAVY

The following-named enlisted candidates to be appointed permanent ensign in the Medical Service Corps of the U.S. Navy, subject to qualification therefor as provided by law:

Austin, Michelle R.
Baker, Michael J.
Breier, Timothy S., Sr.
Bryant, Robert A.
Carpio, Lillian T.
Cavins, Martin J.
Crook, Peter A.
Davis, Joseph P.
Demars, Richard A.
Dubose, Patricia F.
Fox, William C.
Glaser, Robert E.
Greenia, Robert G., Jr.
Griffitts, Steven L.
Heasley, Alfred R.
Holloway, Terry J.
Jahnke, James F., Jr.
Killian, Randall W.
Koppenhaver, Randall E.
Lefferts, Ronald
Leighan, Wayne D.
Long, Cheryl L.
Lott, Michael W.
Lucas, Ted M.
Luka, Ronald D.
Magnusson, Kevin L.
Mahar, Mark A.
Mann, Christopher J.
Mayes, Matthew S.
McCoy, Elizabeth R.
McPherson, Dennis R.
Moore, Harry J.
Morrison, John R.
Mulvanny, Robert J.
Nelson, William E.
Nemecek, John M. J., Jr.
Pollock, Leslie A.
Porter, Dwight D.
Putt, David G., Sr.
Rebholz, Gary L.
Ruprecht, Alan J., Jr.
Salvador, Eduardo M.
Sanford, Vernon R.
Saunders, Jerome M.
Tone, Michael A.
Turner, Bradford L.
Walker, Frank A., Jr.
Wedgewood, Deborah M.
Wells, Polly A.
Wood, Edward J.

IN THE MARINE CORPS

The following-named officer of the Marine Corps for permanent appointment to the grade of major, under provisions of title 10, United States Code, section 628, subject to qualifications therefor as provided by law:

Smith, William H., 3353

IN THE MARINE CORPS

The following-named officers of the Marine Corps Reserve for Transfer into the Regular Marine Corps under the provisions of title 10, United States Code, sections 531 and 555.

Major

Stevens, Mark, xxx-xx-xxxx

Captain

Dewitt, John D., Jr., xxx-xx-xxxx
Eckhoff, George H., xxx-xx-xxxx
Erwin, James A., xxx-xx-xxxx
Ferrara, Kenneth A., xxx-xx-xxxx
Gibbs, Donald R., xxx-xx-xxxx
Harper, Robert H., xxx-xx-xxxx
Harveson, Lauren C., xxx-xx-xxxx
Heinle, Dennis R., xxx-xx-xxxx
Horne, Ronald O., xxx-xx-xxxx
Ingles, Ralph W., xxx-xx-xxxx
Jackson, James A., xxx-xx-xxxx
Kusnir, Stephen M., xxx-xx-xxxx
Kyle, John A., xxx-xx-xxxx
Lane, Robert R., xxx-xx-xxxx
Lang, Donald D., xxx-xx-xxxx
Long, William W., xxx-xx-xxxx
McAdams, John M., xxx-xx-xxxx
Mitchell, Steven A., xxx-xx-xxxx
Nelson, Philip A., xxx-xx-xxxx
Pheasant, Gary R., xxx-xx-xxxx
Rapert, Ray M., xxx-xx-xxxx
Read, Ralph K., xxx-xx-xxxx
Renner, Renee L., xxx-xx-xxxx
Schuster, Daniel J., xxx-xx-xxxx
Vandyke, Randal B., xxx-xx-xxxx
Welch, Daniel M., xxx-xx-xxxx
Welk, Allen J., xxx-xx-xxxx
Wilhelm, Mark L., xxx-xx-xxxx
Yates, Robert E., xxx-xx-xxxx

Lieutenant

Abblitt, Robert J., xxx-xx-xxxx
Albrecht, Kurt, xxx-xx-xxxx
Alexander, Clarence S., Jr., xxx-xx-xxxx
Almquist, Martin S., xxx-xx-xxxx
Bamberger, Mark H., xxx-xx-xxxx
Barnhill, James T., Jr., xxx-xx-xxxx
Barton, Tony C., xxx-xx-xxxx
Beck, Edward J., xxx-xx-xxxx
Benjamin, Robert D., xxx-xx-xxxx
Bennetts, Russell C., xxx-xx-xxxx
Beveridge, Robert L., xxx-xx-xxxx
Blackman, John E., xxx-xx-xxxx
Bohrer, Carson F., xxx-xx-xxxx
Boley, Eugene L., xxx-xx-xxxx
Booth, William F., xxx-xx-xxxx
Breneman, Michael D., xxx-xx-xxxx
Callaway, James E., xxx-xx-xxxx
Campbell, Scott T., xxx-xx-xxxx
Carter, Gary L., xxx-xx-xxxx
Cerny, Kerry A., xxx-xx-xxxx
Chambers, Gregory K., xxx-xx-xxxx
Christ, Timothy D., xxx-xx-xxxx
Clark, Michael J., xxx-xx-xxxx
Colin, Devel H., xxx-xx-xxxx
Comer, Dosie O., xxx-xx-xxxx
Corbett, Gregory V., xxx-xx-xxxx
Couch, Scott V., xxx-xx-xxxx
Crouse, Ken R., xxx-xx-xxxx
Dagostino, Ronald L., xxx-xx-xxxx
Davis, David W., xxx-xx-xxxx
Dean, Michael J., xxx-xx-xxxx
Depete, Joseph G., xxx-xx-xxxx
Dinda, Paul, xxx-xx-xxxx
Dixon, James G., Jr., xxx-xx-xxxx
Donahoe, William W., Jr., xxx-xx-xxxx
Dukeshier, Mark S., xxx-xx-xxxx
Dunn, Sharon F., xxx-xx-xxxx
Ebenstein, Jeffrey L., xxx-xx-xxxx
Estridge, David W., xxx-xx-xxxx
Flatlie, Donald R., xxx-xx-xxxx
Flick, Paul L., xxx-xx-xxxx
Frank, Donald T., xxx-xx-xxxx
Franklin, Steven L., xxx-xx-xxxx
Frye, James A., xxx-xx-xxxx
Fuelberth, Bruce A., xxx-xx-xxxx
Fuzessery, David A., xxx-xx-xxxx
Gander, Mark E., xxx-xx-xxxx
Gaylord, John M., xxx-xx-xxxx
Geary, Donald P., xxx-xx-xxxx
Gillespie, William G., xxx-xx-xxxx
Gillis, Paul F., xxx-xx-xxxx
Gister, Lauren S., xxx-xx-xxxx
Graham, Dana E., xxx-xx-xxxx
Gunn, Steve E., xxx-xx-xxxx
Haake, Patrick L., xxx-xx-xxxx
Hager, Jack J., xxx-xx-xxxx
Haldeman, James K., xxx-xx-xxxx
Hamlin, Douglas J., xxx-xx-xxxx
Hamm, Walter B., xxx-xx-xxxx
Hammer, Timothy G., xxx-xx-xxxx
Hard, Donald J., xxx-xx-xxxx
Harris, Stephen G., xxx-xx-xxxx
Harrison, Richard J., xxx-xx-xxxx
Harvey, John J., xxx-xx-xxxx
Henry, Geoffrey L., xxx-xx-xxxx
Herrick, Brian M., xxx-xx-xxxx
Hettinger, William D., xxx-xx-xxxx
Hocking, Chad W., xxx-xx-xxxx
Hodges, Adele E., xxx-xx-xxxx
Hofstetter, Melinda, xxx-xx-xxxx
Holt, Eric C., xxx-xx-xxxx
Howell, Jerry D., xxx-xx-xxxx
Joseph, Raymond B., xxx-xx-xxxx
Keane, Pamela G., xxx-xx-xxxx
Keinath, Christopher A., xxx-xx-xxxx
Kelly, Keith R., xxx-xx-xxxx
Kennedy, Michael R., xxx-xx-xxxx
Kenny, Timothy F., xxx-xx-xxxx
Kettler, Mark A., xxx-xx-xxxx
King, Douglas M., xxx-xx-xxxx
King, Matthew H., xxx-xx-xxxx

Kinison, Steven R., xxx-xx-xxxx
Klotz, James M., xxx-xx-xxxx
Kuehn, David W., xxx-xx-xxxx
Kurek, John C., II, xxx-xx-xxxx
Kuzniewski, Matthew J., xxx-xx-xxxx
Laird, Richard W., xxx-xx-xxxx
Lami, Gerardo E., xxx-xx-xxxx
Larsen, David W., xxx-xx-xxxx
Lashlee, Scott R., xxx-xx-xxxx
Lee, Thomas H., xxx-xx-xxxx
Leitheiser, William J., Jr., xxx-xx-xxxx
Lesher, Steven M., xxx-xx-xxxx
Lopez, John P., xxx-xx-xxxx
Lorenz, Larry M., xxx-xx-xxxx
Lund, Daniel J., xxx-xx-xxxx
Malone, Jean T., xxx-xx-xxxx
Martin, Gregory P., xxx-xx-xxxx
Marvin, Dean H., xxx-xx-xxxx
Mason, Thomas A., xxx-xx-xxxx
Mausich, Jerry L., xxx-xx-xxxx
McAllister, Channing C., Jr., xxx-xx-xxxx
McCann, James K., xxx-xx-xxxx
McDaniel, Edward H., xxx-xx-xxxx
McDermott, Kevin B., xxx-xx-xxxx
McGraw, Paul D., xxx-xx-xxxx
McKenny, Jerry R., xxx-xx-xxxx
McVay, Craig M., xxx-xx-xxxx
Milburn, George F., III, xxx-xx-xxxx
Miller, George M., xxx-xx-xxxx
Mitchell, James G., II, xxx-xx-xxxx
Monck, Sandra I., xxx-xx-xxxx
Monroe, Dale R., xxx-xx-xxxx
Monroe, Mark E., xxx-xx-xxxx
Montanez, Francisco C., xxx-xx-xxxx
Moore, Timothy E., xxx-xx-xxxx
Morehead, Clifton D., xxx-xx-xxxx
Morrison, Archibald., VI, xxx-xx-xxxx
Moseley, Charles T., xxx-xx-xxxx
Murphy, Mark S., xxx-xx-xxxx
Murphy, Micheal A., xxx-xx-xxxx
Myers, Gordon F., xxx-xx-xxxx
Naylor, Michael G., xxx-xx-xxxx
Niles, Michael F., xxx-xx-xxxx
O'Donnell, Andrew W., Jr., xxx-xx-xxxx
O'Hara, Michael B., Jr., xxx-xx-xxxx
Pearson, Charles J., III, xxx-xx-xxxx
Petrino, David E., xxx-xx-xxxx
Pierrie, Robert J., xxx-xx-xxxx
Pynes, Michael P., xxx-xx-xxxx
Raabe, Patricia A., xxx-xx-xxxx
Ranowsky, George F., II, xxx-xx-xxxx
Ratliff, Michael E., xxx-xx-xxxx
Ray, Dennis W., xxx-xx-xxxx
Rettick, John J., xxx-xx-xxxx
Reynolds, Lee E., Jr., xxx-xx-xxxx
Rheiner, Thomas A., xxx-xx-xxxx
Riehl, James A., xxx-xx-xxxx
Roberts, Donald F., xxx-xx-xxxx
Ryan, Daniel P., xxx-xx-xxxx
Ryan, Leonard M., xxx-xx-xxxx
Sampsel, John D., xxx-xx-xxxx
Sanchez, George F., xxx-xx-xxxx
Sanders, Alan D., xxx-xx-xxxx
Sanford, Fred H., xxx-xx-xxxx
Sasser, Jeffrey S., xxx-xx-xxxx
Sempf, Mark C., xxx-xx-xxxx
Shearburn, James P., xxx-xx-xxxx
Simmons, Shaila E., xxx-xx-xxxx
Sing, Sidney S., xxx-xx-xxxx
Skagen, Dane H., xxx-xx-xxxx
Smith, Richard E., xxx-xx-xxxx
Smith, Robert L., xxx-xx-xxxx
Snow, Christopher P., xxx-xx-xxxx
Spencer, Jon B., xxx-xx-xxxx
Splan, Victor F., xxx-xx-xxxx
Spragg, Robert J., xxx-xx-xxxx
Stawicki, Lawrence P., xxx-xx-xxxx
Steele, Gordon R., xxx-xx-xxxx
Stephens, Michael K., xxx-xx-xxxx
Straight, Bobby G., xxx-xx-xxxx
Strotman, Andrew D., xxx-xx-xxxx
Summers, James R., xxx-xx-xxxx
Tepera, Gary S., xxx-xx-xxxx
Thompson, Keith B., xxx-xx-xxxx
Townsley, David S., xxx-xx-xxxx
Triplett, Mark H., xxx-xx-xxxx
Tye, Raymond C., xxx-xx-xxxx
Vann, Harry S., xxx-xx-xxxx
Vogel, Jeffrey S., xxx-xx-xxxx
Walsh, Jeremiah J., xxx-xx-xxxx
Ward, Edward M., xxx-xx-xxxx
Wasley, James T., xxx-xx-xxxx
Watson, James A., xxx-xx-xxxx
Wessner, David H., xxx-xx-xxxx
White, Michael G., xxx-xx-xxxx
Whitehouse, Bruce A., II, xxx-xx-xxxx
Wiest, Gary D., xxx-xx-xxxx
Wilson, Timothy B., xxx-xx-xxxx
Wood, Deborah J., xxx-xx-xxxx
Wright, Clayton T., xxx-xx-xxxx
Wyllie, Clifford D., xxx-xx-xxxx
Young, Henry H., Jr., xxx-xx-xxxx
Zeswitz, Steven R., xxx-xx-xxxx
Zimmerman, William A., xxx-xx-xxxx

HOUSE OF REPRESENTATIVES—*Tuesday, April 12, 1983*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We thank You, O God, for people who accept responsibility for their lives and use their talents and abilities by being of service to others. We are conscious of the death of PHILLIP BURTON and we mourn his passing from this place that he loved and in which he served. Bless, O God, the efforts he made to faithfully serve his people and his desires to bring justice to those in need. May Your spirit of love and understanding be with his family and may Your benediction of grace and peace be with us all. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Saunders, one of his secretaries.

APPOINTMENT AS MEMBERS OF FUNERAL COMMITTEE FOR THE LATE HONORABLE PHILLIP BURTON

The SPEAKER. Pursuant to House Resolution 157, the Chair appoints as members of the Funeral Committee of the late PHILLIP BURTON, the following Members on the part of the House:

Mr. EDWARDS of California;
Mr. O'NEILL of Massachusetts;
Mr. WRIGHT of Texas;
Mr. FOLEY of Washington;
Mr. HAWKINS of California;
Mr. ROYBAL of California;
Mr. ANDERSON of California;
Mr. DELLUMS of California;
Mr. BROWN of California;
Mr. MOORHEAD of California;
Mr. STARK of California;
Mr. LAGOMARSINO of California;
Mr. MILLER of California;
Mr. MINETA of California;
Mr. PATTERSON of California;
Mr. WAXMAN of California;
Mr. BADHAM of California;
Mr. BEILENSON of California;
Mr. PANETTA of California;
Mr. COELHO of California;
Mr. DANNEMEYER of California;
Mr. DIXON of California;
Mr. FAZIO of California;
Mr. LEWIS of California;
Mr. LUNGREN of California;
Mr. MATSUI of California;
Mr. PASHAYAN of California;
Mr. SHUMWAY of California;
Mr. THOMAS of California;
Mr. CHAPPIE of California;
Mr. DREIER of California;
Mr. DYMALLY of California;
Ms. FIEDLER of California;
Mr. HUNTER of California;
Mr. LANTOS of California;
Mr. LOWERY of California;
Mr. MARTINEZ of California;
Mr. BATES of California;
Mr. BERMAN of California;
Mr. BOSCO of California;
Mrs. BOXER of California;
Mr. LEHMAN of California;
Mr. LEVINE of California;
Mr. MCCANDLESS of California;
Mr. PACKARD of California;
Mr. TORRES of California;
Mr. ZSCHAU of California;
Mr. BROOKS of Texas;
Mr. ROSTENKOWSKI of Illinois;
Mr. UDALL of Arizona;
Mr. PICKLE of Texas;
Mr. ERLENBORN of Illinois;
Mr. FORD of Michigan;
Mr. ALEXANDER of Arkansas;
Mr. CLAY of Missouri;
Mr. OBEY of Wisconsin;
Mr. SEIBERLING of Ohio;
Mr. JONES of Oklahoma;
Mr. ROSE of North Carolina;
Mrs. COLLINS of Illinois;
Mr. OTTINGER of New York;
Mr. DOWNEY of New York;
Mr. FORD of Tennessee;
Mr. HARKIN of Iowa;
Mr. MCHUGH of New York;
Mr. SOLARZ of New York;
Mr. WEAVER of Oregon;
Mr. AKAKA of Hawaii;
Mr. BONIOR of Michigan;
Mr. DICKS of Washington;
Mr. MURPHY of Pennsylvania;
Mr. VENTO of Minnesota;
Mr. WALGREN of Pennsylvania;
Mr. WEISS of New York;
Mr. GARCIA of New York;
Mr. CHENEY of Wyoming;
Mr. GRAY of Pennsylvania;
Mr. HANCE of Texas;
Mr. LOWRY of Washington;
Mr. SENSENBRENNER of Wisconsin;
Mr. SHANNON of Massachusetts;
Mr. DYSON of Maryland;
Mr. FOGLIETTA of Pennsylvania;
Mrs. KENNELLY of Connecticut;
Mr. CARR of Michigan;
Mr. KOSTMAYER of Pennsylvania;
Mr. MCCLOSKEY of Indiana;
Mr. MCNULTY of Arizona;
Mr. MOODY of Wisconsin;
Mr. MRAZEK of New York;
Mr. REID of Nevada;
Mr. WON PAT of Guam;
Mr. CORRADA of Puerto Rico; and
Mr. DE LUGO of the Virgin Islands.

OPPOSITION TO USE OF WISCONSIN AS NUCLEAR WASTE STORAGE SITE

(Mr. MOODY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOODY. Mr. Speaker, last week, the citizens of my State of Wisconsin voted to oppose the use of Wisconsin as a nuclear waste storage site. They voted by an overwhelming majority against using Wisconsin for nuclear storage—618,000 to 78,000 in this important test of public opinion.

It is tempting to label such a referendum meaningless because any State which uses nuclear energy must clearly bear some responsibility for its storage. But such a vote is not meaningless because the public consciousness about radioactive storage is much higher today in Wisconsin than it was when our present nuclear powerplants were first licensed and commissioned. I suspect this is true in other States as well.

I think the Wisconsin referendum signals and confirms this growing public awareness of the long-term hazards of radioactive waste storage.

In my view, once the public widely understands and accepts the obligation to store nuclear waste as a price of using nuclear power, the public will become increasingly opposed to the construction of additional nuclear powerplants.

It is important to recognize this growing public feeling because it is now time to carefully reconsider the appropriate mix between nuclear fossil, and solar energy in our Nation's future. If other States replicate Wisconsin's referendum, as they probably will; it will be a strong and clear signal that this country sould increase its emphasis: One, on coal energy, of which there is a vast supply, and two, on solar energy, of which there is an endless supply and for which the technology has become increasingly economical and feasible.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.
● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

A MORE RESPONSIBLE TANDEM TRUCK POLICY IS NEEDED

(Mr. RATCHFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RATCHFORD. Mr. Speaker, the evidence supports the fear that tandem trailer trucks are much more dangerous than single trailers. Yet last week, tandems were permitted to operate on all interstate highways and more than half the Nation's primary routes.

I think it was wrong to open up these roads to tandems, and I know that many States are already following Connecticut's lead in keeping them off of roads they think are unsuitable for tandem traffic.

Today, Congresswoman BARBARA KENNELLY and I are introducing a bill to delay the section of the gas tax bill relating to tandems, require a study of the effects of tandems on our Nation's roads, and set up a system for exempting those roads from requiring tandems.

I urge my colleagues to join us in this effort to develop a more responsible tandem truck policy.

FIRST RACETRACK, THEN DENSE PACK, NOW PARKING LOT

(Mr. DOWNEY of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOWNEY of New York. Mr. Speaker, we have heard of the racetrack ICBM basing system. We have heard of the Dense Pack. Now the Scowcroft Commission has given us the latest installment, which I hereby christen the "Parking Lot."

"Parking Lot" first emerged 2 weeks ago when the Chairman of the Joint Chiefs said we should build MX even if we have to deploy it in the Pentagon parking lot. In other words, survivability no longer matters, so we put MX in silos.

The Commission's MX recommendation rises to a new low in the history of strategic thought.

First, we are asked to tax and spend, tax and spend, for a vulnerable weapon that can only be used in a first strike—except we say we will never strike first. So we are being asked to tax and spend for a weapon we cannot ever use, and the world knows we cannot ever use.

Second, we are asked to buy MX to strengthen our bargaining power, except we say right up front we are not going to bargain it away. So MX is not only a weapon we cannot fire, it is a bargaining chip that cannot bargain. Brilliant.

I do not mean to condemn the commission's work across the board. Hard mobile Midgetman is an interesting idea. It is new technology, doing things nobody has ever done before. It might work or it might not. It might be affordable, or it might not. As a solution to ICBM vulnerability, it is not nearly as good as the freeze, which will work for sure and does not cost anything. But until we get a freeze, hard mobile Midgetman is an interesting idea and we should look at it.

The freeze is the best solution. Hard mobile Midgetman is second best. But the best thing we can do with "Parking Lot" is to put it out of its misery.

BIRTH OF A GRANDDAUGHTER

(Mr. HIGHTOWER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HIGHTOWER. Mr. Speaker, I would like to announce to my colleagues in the House the addition of another in a long line of beautiful, talented, and intelligent women in my family. Our first grandchild, Lindley Thornburg, was born on Friday, April 8, at Fairfax Hospital. Both the baby and her mother, our daughter Ann, are doing fine.

Our daughter, Ann Thornburg, works here in the Capitol, and I am sure she will begin to introduce Lindley to political life in the very near future. As the grandfather, though, I wanted to be able to tell the young lady that she was formally announced to the Members of the House at the earliest possible moment.

I look forward to making you personally acquainted with her in the near future. The Democratic majority in the country has been increased by one.

WASHINGTON POST TRIBUTE TO THE LATE HONORABLE PHILLIP BURTON

(Mr. COELHO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.

Mr. COELHO. Mr. Speaker, I wish to call to the attention of my colleagues an editorial which appeared in the Washington Post this morning which briefly chronicles the vision and gusto that PHIL BURTON brought to this House.

In writing of PHIL's accomplishments and as a good friend, Michael Barone captures the essence of PHIL BURTON and what many of us strive to achieve in public service.

I would like to stress the last sentence of that editorial which, more than any other, is testament to the credit PHIL BURTON brought to his family, friends, constituents, State, and Nation—and I quote—"You may or may not agree with what he did, but you have to agree he made a difference."

A SON'S "THANK YOU" TO HIS MOTHER AND FATHER

(Mr. FEIGHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FEIGHAN. Mr. Speaker, today's floor session is a special one for me.

I am honored today by the presence in the Capitol of two very special people: My mother and father.

The opportunities in life to express gratitude to our parents are too rare.

The opportunities to express that gratitude adequately simply do not exist.

And the opportunities to say "thanks" in a public forum, particularly one as distinguished as this, are singular.

It is only now, after a few short years of stumbling through the art of parenting myself, that I have begun to understand and appreciate the exceptional dedication, example, guidance, and support of my own mother and father.

So, with the indulgence of my colleagues, I take this minute to say, however inadequately, however briefly, "Thank you, Mom and Dad."

□ 1215

FARMERS HOME ADMINISTRATION CUTOFF OF 1983 OPERATING LOANS MEANS IMMINENT DISASTER

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, the farmers of 17 States received a shock last week when, without warning, they were told by the Farmers Home Administration that operating loans for 1983 would be cut off.

In Arkansas, this meant that something like $12 million in loan applications would go unfunded. We are talking about more than hardship here, Mr. Speaker; we are talking about an imminent disaster. And the abruptness of the Farmers Home Administration announcement is one of the puzzling aspects of this dilemma, especially since Under Secretary Frank Naylor, Jr., gave no indication of the pending crisis when I and others questioned him in congressional hearings last month.

In fact, he was glib in assuring the members of the committee that everything was going well for the Farmers Home Administration.

I have often questioned the will of the Department of Agriculture under this administration, which is entrusted with the task to help farmers. It may be that the Farmers Home Administration has both a competence and a compassion problem. But I still have

hopes that the Farmers Home Administration will offer a positive solution to this problem that they themselves, in large part, have caused.

KING HUSSEIN'S DECISION

(Mr. LEVINE of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVINE of California. Mr. Speaker, the decision by King Hussein of Jordan not to join in the Middle East peace talks proves again that the radicals in the Arab world are still calling the shots on Arab policy with respect to the recognition and acceptance of the State of Israel.

While the failure of King Hussein to join the talks can only bring sadness to those who sincerely want peace in the Middle East, this outcome was predictable. All of President Reagan's efforts to curry Hussein's favor and to reward Jordanian and Saudi rejection of Camp David have again been undermined by the irresolute King. There is one fact that should by now be clear, even to the Reagan administration: Progress toward peace will occur only by letting the parties to the Middle East conflict themselves sit down and work out the principles of agreement, rather than imposing the plans of outside interests.

Recently the United States has disregarded the interests and concerns of our friend, Israel. It is time to restore the full spirit of cooperation between our two countries.

The Camp David accords remain the only credible platform which is acceptable for a solution to the problem of the Palestinian Arabs residing in the West Bank. All parties concerned should return to those accords as the guiding beam to light the way toward peace in the Middle East.

FIRST INTERSTATE BANK OF HAWAII

(Mr. AKAKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AKAKA. Mr. Speaker, a bold new step in banking was taken yesterday, April 11, when American Security Bank in Hawaii became First Interstate Bank of Hawaii thus, making the first interstate system the largest franchise bank in history.

Franchise banking is an exciting and innovative response to the challenge of banking in the 1980's and beyond. This new form of banking will provide conveniences to both the retail banking customer and the corporate banking customer with banking needs and corresponding services extending well beyond limited geographical areas. It is no secret that the volatility of the world economy over the past 5 years has sent shock waves through many industries, notably the banking industry. Some banks have not survived the initial economic upheaval; others are barely surviving. There are also some banks who have viewed changes in the economy as a challenge to be met. These are the institutions that will succeed. These are the banks that will grow and prosper. Franchise banking is one creative corporate strategy that provides the flexibility necessary to meet the challenge of today's world economy.

I am delighted that the first interstate system has established a franchise with a well-respected local bank in Hawaii, American Security Bank. I have no doubt that the innovative corporate policy of this franchise banking system will meet the challenges confronting banking both today and tomorrow.

LEGISLATION INTRODUCED TO ADDRESS DOUBLE BOTTON TRUCK CONTROVERSY

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KENNELLY. Mr. Speaker, today Congressman BILL RATCHFORD and I are introducing legislation that would significantly restore to the States the balance of power on the double bottom truck controversy. Last week, the Federal Highway Administration disregarded the advice of many of the Nation's Governors and opened up thousands of miles of highways which are potentially unsafe for tandem trailer traffic. This has rightly caused an uproar among the States, not least of all my own Connecticut.

The controversy is not likely to subside. Now that the Federal Highway Administration has highhandedly determined what highways can "safely accommodate the 'western double,' " it is next required by law to grant these trucks "reasonable access" to local roads, where the damage and safety hazard would be even more severe. At this point, we all wonder how reasonable "reasonable access" will be.

Our legislation would delay the implementation of the Federal law on twin trailers until we have an objective study on their safety in areas of the country where they have not yet been permitted. It would also not allow tandem trailers on any primaries or any highway constructed without Federal funds unless the the Governor and the Secretary of Transportation mutually agreed on the route involved. Furthermore, it establishes a legal mechanism by which unsafe interstates can be exempt from tandem trailer traffic.

I believe this is sensible legislation and urge my colleague's support for finding a solution to the tandem trailer controversy.

THE JACK SWIGERT SPACE CENTER

(Mr. SCHAEFER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHAEFER. Mr. Speaker, I am pleased to cosponsor H.R. 2433 to name the Air Force Consolidated Space Operation Center in Colorado Springs, Colo., as the Jack Swigert Space Center.

Jack Swigert was a national hero. Best known as an astronaut and for his election to the U.S. Congress, Jack has had a long list of accomplishments and an exceptional record of service to this Nation.

I deeply regret that Jack was never able to take the office to which he was elected.

I am honored with the responsibility of following through with his ideals and goals for America and proud to represent the residents of the Sixth District who voted to send Jack to Washington.

While Jack will never be forgotten and will live on in our memories, I think it is appropriate that the Consolidated Space Operation Center be named the Jack Swigert Space Center.

THE NUCLEAR WEAPONS FREEZE

(Mr. HUNTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNTER. Mr. Speaker, as we listen to cries for peace and the need for a freeze of nuclear weapons, we must remember that this Nation must speak to our allies as well as our adversaries with a single voice. If this House passes a resolution mandating a nuclear freeze, we will bear the responsibility of tying our negotiators' hands behind their backs even while we ask them to secure an equitable arms-reduction agreement. We must not send conflicting signals to either the Soviets or our NATO allies. After having undone the mistakes of previous administrations, we have finally begun to regain the trust of our allies. Another flip-flop in our defense policies could do untold damage to the Alliance's unity. As the leader of the free world, our resolution must be firm. A freeze declaration would undermine these efforts and leave NATO without a credible bargaining position.

THE NUCLEAR FREEZE RESOLUTION

(Mr. McCOLLUM asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. McCOLLUM. Mr. Speaker, there are those who advocate an immediate nuclear freeze now and an arms-reduction discussion later. If we really want to achieve arms limitation and reduction of nuclear arms, we will oppose that resolution tomorrow, because it simply cannot work on the face of it.

As an old trial lawyer, I know that you are going to make the last step instead of the first step toward arms reduction if you vote for the freeze which the Soviets want. What we would be doing is giving away our bargaining position. The Soviets want that freeze. They do not want the cruise missiles, they do not want the Pershings in Europe. They want to devote a greater percentage of their GNP to other arms than nuclear because they are ahead of us.

When you have a $100,000 lawsuit—that is the value of it, in your opinion—as a trial lawyer, you ask $500,000 for it. When they have a $20,000 offer on the table, you do not accept $20,000 just because it is there. You look for your $100,000. We are getting nothing in return if we vote for an immediate nuclear freeze.

I urge a "No" vote, in the name of arms limitation and reduction.

THE NUCLEAR FREEZE RESOLUTION

(Mr. SILJANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SILJANDER. Mr. Speaker, while the world is threatened by nuclear holocaust, Members of Congress play politics with the lives of every man, woman, and child on Earth.

The nuclear freeze resolution as written calls for our representatives in Geneva to negotiate an immediate freeze and then, if possible negotiate reductions later. The purpose of my amendment is to give equal priority to both a negotiated freeze and negotiated immediate reductions of nuclear weapons from their current frightening levels.

Twelve times during the debate on the first Siljander amendment the sponsors of the bill said they favored allowing for reductions first if they could be accomplished, and yet they opposed my amendment to allow for just this.

The and/or reduction language broadens the base of House Joint Resolution 13 to include all grassroots Americans who favor an end to the arms-race amendment. It is also the only language that will enable a resolution giving priority to a freeze and/or reduction to pass the Senate.

My amendment, which I will introduce again tomorrow is the only way to pass the resolution in the Senate and the House and keep the momentum going to end the nuclear-arms race.

As President Kennedy said: "The weapons of war must be abolished before they abolish us." A simple freeze without reductions merely maintains the status quo. It does not abolish the threat of nuclear weapons.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 100

Mr. KINDNESS. Mr. Speaker, I ask unanimous consent that the name of our colleague, the gentleman from Massachusetts (Mr. CONTE), be removed as a cosponsor of House Joint Resolution 100, the school prayer amendment; and I assure my colleagues that we are adding 25 more cosponsors to offset that.

The SPEAKER pro tempore (Mr. LEVINE of California). Is there objection to the request of the gentleman from Ohio?

There was no objection.

NATURAL GAS COMPETITION ACT OF 1983

(Mr. RITTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RITTER. Mr. Speaker, today, I am introducing the Natural Gas Competition Act of 1983, and my colleague in the Senate, Mr. BRADLEY of New Jersey, is introducing the identical bill in the Senate.

This bill is designed to spur competition within the interstate natural gas pipeline. And competition in this segment of the natural gas industry can only have the effect of reducing consumer costs.

In summary our bill:

Requires an interstate pipeline to transport gas at the request of another party unless the interstate pipeline can prove to FERC that it does not have the available capacity to do so; and

Provides protection for local utilities to reduce the risk of loss load and provides them preferential access to gas sold directly by suppliers.

We have all heard stories about how local natural gas producers are having their cheaper gas shut in, while pipelines continue to constrain our local utilities to the purchase of extremely expensive deepdrilled gas or liquified gas. Under this legislation, our local distribution companies would not be held hostage solely to the purchasing practices of the pipelines. They could directly purchase certain gas from producers, and pipelines would be obligated to transport it. It can only bring gas prices down, since no utility would go out and purchase natural gas from a producer at a price above what it is currently paying the pipeline.

I urge all of my colleagues to give their consideration to this bill.

CAMPAIGN FINANCING

(Mr. BOEHLERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Speaker, the way we pay for campaigns is making a mockery of our political process.

Increasingly, our elections are not so much a race for votes as they are a race for money. And they are largely a race for big money—money supplied by special-interest groups.

As a result, the general public feels—and not without reason—that it has been frozen out of the political process. Our elections, which are supposed to be the foundation for public support of the Government, are fast becoming instead a cause for public disillusionment and dismay.

We see the unfortunate results all the time—in the declining voter turnouts, and in the seemingly endless succession of polls and publications showing a decline in public confidence and trust in the Government. Our form of government cannot long continue without public interest and support.

The way we pay for campaigns not only affects the way Congress is elected; it affects what Congress can accomplish after it is elected.

Special-interest PAC's give money for one reason—to have influence, to have entree into congressional offices. Whether having more and more Congressmen in thrall to special-interest groups has affected congressional decisions is an open question. However, there is no question that PAC spending creates a tremendous potential for abuse and has placed a cloud of suspicion over Congress.

We can reverse this dangerous trend. We must limit campaign spending and PAC contributions, and we must create incentives for candidates to concentrate once again on the individual voter. We must take these steps now to restore public confidence.

To accomplish this, I have cosponsored the Obey-Leach campaign reform bill, and I urge all of you to support it. All our other actions will be mere empty gestures if Congress represents—or is viewed as representing—interests rather than individuals.

1984 BUDGET OF THE DISTRICT OF COLUMBIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 98-44)

The SPEAKER pro tempore laid before the House the following message from the President of the United

States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed.

(For message, see proceeding of the Senate of today, Tuesday, April 12, 1983.)

PRINTING OF DOCUMENT ENTITLED "GIVE YOURSELF CREDIT (GUIDE TO CONSUMER CREDIT LAWS)"

Mr. GAYDOS. Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 83) authorizing the printing as a House document of the report entitled "Give Yourself Credit (Guide to Consumer Credit Laws)," and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 83

Resolved, That the revised edition of the report of the Subcommittee on Consumer Affairs and Coinage of the Committee on Banking, Finance and Urban Affairs entitled "Give Yourself Credit (Guide to Consumer Credit Laws)" shall be printed as a House document.

SEC. 2. In addition to the usual number, there shall be printed 2,000 copies of such document for the use of the Subcommittee on Consumer Affairs and Coinage of the Committee on Banking, Finance and Urban Affairs.

Mr. GAYDOS. Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. GAYDOS) is recognized for 1 hour.

Mr. GAYDOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 83 authorizes the printing as a House document of the report entitled "Give Yourself Credit (Guide to Consumer Credit Laws)." The resolution, also, provides for the printing of 2,000 additional copies for the use of the Subcommittee on Consumer Affairs and Coinage, whose staff prepared the document.

This booklet is designed to make consumers aware of their rights under the various Federal consumer credit laws. It is written in a simple manner and presents typical situations faced by the average consumer. The publication contains information on consumer rights regarding applications for credit cards and loans, the use of credit, the resolution of billing disputes, the use of electronic fund transfers, such as automated teller machines and bill-paying services, and debt-collection practices. It, also, contains a chapter devoted exclusively to consumer deposit accounts, with practical information on opening and using checking and savings accounts, as well as information on IRA and Keogh accounts. It is the second edition of the publication and its first revision since 1977.

The Government Printing Office has estimated that the cost of this printing will be as follows:

1,500 copies of the usual number	$12,155.50
2,000 additional copies	1,166.88
Total	13,322.38

● Mr. ANNUNZIO. Mr. Speaker, this resolution provides for the printing of an updated version of Give Yourself Credit, a consumer's guide to Federal credit laws. The Subcommittee on Consumer Affairs and Coinage first published Give Yourself Credit in 1977. The response was overwhelmingly positive.

Since that time, changes have been made to many of our consumer credit protection laws and more such laws have been enacted. The purpose of this new booklet is to give the consumer the best possible information concerning a consumer's rights and responsibilities in credit transactions.

A problem with many of our consumer protection laws is that the average American is unaware of their provisions. Give Yourself Credit attempts to help the consumer understand what these laws say and does so in an easy to follow question and answer format. These laws include the Truth in Lending Act; Fair Credit Billing Act; Fair Credit Reporting Act; Consumer Leasing Act; Equal Credit Opportunity Act; Electronic Fund Transfer Act; and Fair Debt Collection Practices Act. The guide also contains chapters on credit in general, credit cards, checking and savings accounts, and the special credit needs of previously married individuals.

I truly believe that the publication of Give Yourself Credit will meet a need among many of today's consumers. Especially now, when hard economic times dictate that every credit transaction must be entered into knowing all the facts, Give Yourself Credit is particularly useful.

This is a thorough booklet, it will help many individuals understand basic workings behind the credit system, it answers most every question a consumer may encounter in a financial transaction, and I ask that approval be given to the resolution to provide for its publication.●

Mr. GAYDOS. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING OF COMMITTEE PRINT ENTITLED "OLDER AMERICANS ACT: A STAFF SUMMARY"

Mr. GAYDOS. Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 98) authorizing the printing as a House document of the committee print entitled "Older Americans Act: A Staff Summary," and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 98

Resolved, That the revised edition of the committee print of the Subcommittee on Human Services of the Select Committee on Aging entitled "Older Americans Act: A Staff Summary" shall be printed as a House document.

SEC. 2. In addition to the usual number, there shall be printed two thousand two hundred copies of such document for the use of the Select Committee on Aging.

Mr. GAYDOS. Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. GAYDOS) is recognized for 1 hour.

Mr. GAYDOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 98 authorizes the printing as a House document of the committee print entitled "Older Americans Act: A Staff Summary." The resolution also provides for the printing of two thousand two hundred (2,200) additional copies for the use of the Select Committee on Aging.

This publication is revised and printed every 3 years after the reauthorization of the Older Americans Act. The current edition was prepared by the staff of the Subcommittee on Human Services of the Select Committee on Aging. House Resolution 98 authorizes the reprinting of the revised edition of November 1982, the most recent revision. The committee's allotment of this most recent edition—2,242 copies—was exhausted within 1 month due to an unprecedented demand for this publication by the aging network. This network, which is primarily responsible for providing services to senior citizens served by the Older Americans Act, consists of approximately 700 area agencies on aging and 56 State units on aging. Additionally, the committee has received numerous requests from State and local government units for copies of this report.

The Government Printing Office has estimated that the cost of this printing will be, as follows:

1,500 copies of the usual number.	$2,369.87
2,200 additional copies	1,185.14
Total	3,555.01

Mrs. MARTIN of Illinois. Mr. Speaker, will the gentleman yield?

Mr. GAYDOS. I yield to the gentlewoman from Illinois.

Mrs. MARTIN of Illinois. Mr. Speaker, the minority, as with the last resolution, not only has no objection to the distinguished gentleman's resolution but indeed shows its support for this very necessary and useful printing that is being done.

Mr. GAYDOS. I thank my colleague for her remarks.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GAYDOS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the two resolutions just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

SENSE-OF-CONGRESS RESOLUTION ON RELEASE OF ANATOLY SHCHARANSKY

Mr. YATRON. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged from further consideration of the resolution (H. Res. 67) expressing the sense of the House of Representatives that the Soviet Government should immediately release Anatoly Shcharansky and allow him to emigrate, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. BROOMFIELD. Mr. Speaker, reserving the right to object, I shall not object, I but I do so to permit the gentleman from Pennsylvania (Mr. YATRON) to explain the resolution.

Mr. YATRON. Mr. Speaker, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from Pennsylvania.

Mr. YATRON. I thank the gentleman for yielding.

Mr. Speaker, House Resolution 67 expresses the sense of the House that the Soviet Government should abide by their international commitment in the field of human rights and immediately release Anatoly Shcharansky and allow him to emigrate. The Foreign Affairs Committee reported the resolution favorably this morning with an amendment.

Mr. Speaker, Anatoly Shcharansky is not only a victim of repression and persecution, but a symbol of courage and compassion, a true modern-day hero.

Anatoly Shcharansky did not start out to become a hero. As is all too often the case in the Soviet Union, he was thrust into that role by the callousness and oppression of Soviet officialdom. As a Soviet Jew with an awakening need to live as a Jew, he applied to emigrate to Israel in 1973 and was refused. While Soviet authorities refused to allow him to leave, they also prohibited him from working as a computer specialist. Married in 1974, the young refusenik—as Jews denied visas call themselves—was separated from his wife Avital the day after their marriage when she was allowed to leave for Israel. They have not seen each other since.

In the fall of 1975, Shcharansky, who had become increasingly active in defense of human rights, became the spokesmen for the Jewish emigration movement. Later, in the spring of 1976, he joined with other human rights activists to form the first Helsinki monitoring group in Moscow to encourage Soviet compliance with the human rights provisions of the 1975 Helsinki accords. He became a champion for those whose rights had been abridged and spoke out for those who could not. A friend of Shcharansky's once said that his crime was that he spoke the truth and he spoke it in fluent English.

For that crime, he has paid a horrible price. Arrested in 1977 and held incommunicado for 16 months, Shcharansky was sentenced to 13 years of prison and labor camp for treason and anti-Soviet agitation and propaganda. Repeatedly, he has been confined in special punishment cells and subjected to extremely cruel punishment. Most recently, he was prohibited from having contact with any member of his family or the outside world for over a year. Driven by this isolation to desperation, Shcharansky undertook a hunger strike in September of last year. After nearly 4 months of fasting, he was finally allowed to exchange letters with his mother and, in January, he ended his strike.

This resolution—which our distinguished colleague Representative OTTINGER initiated and which has 207 cosponsors—sends an important message to the Soviet leadership. That message is that flagrant abuses of human rights such as the brutual mistreatment of Anatoly Shcharansky will not be ignored by the Congress of the United States. This resolution also sends a message to Anatoly Shcharansky and the many other champions of human rights suffering in the Soviet Union and around the world. And that message is that we cannot—and will not—forget you. I commend Representative OTTINGER for sponsoring this resolution and I urge House passage.

Mr. BROOMFIELD. Mr. Speaker, further reserving the right to object, I do so to permit the chairman of the Committee on Foreign Affairs to speak.

Mr. ZABLOCKI. Mr. Speaker, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Speaker, I rise in support of House Resolution 67, as amended. The committee considered the resolution this morning and adopted it, as amended, by unanimous voice vote.

I would like to commend the sponsors of the resolution—the Honorable RICHARD OTTINGER, the Honorable SIDNEY YATES, the Honorable ROBERT MRAZEK, the Honorable JIM LEACH, the Honorable SILVIO CONTE, and the Honorable CLAUDINE SCHNEIDER. Cosponsors of the resolution now number 219.

Also I would like to commend the chairman of the Subcommittee on Human Rights and International Organizations, the Honorable GUS YATRON from Pennsylvania, for his expeditious consideration of the resolution. His statement on this important resolution fully explains its significance. Mr. Shcharansky is no stranger to this Chamber. A symbol of the plight of the Soviet Jewish refusenik community, Mr. Shcharansky's despicable treatment by the Soviet authorities only serves to exemplify that government's utter disregard of its obligations under various international human rights instruments, including, most importantly perhaps, the Final Act of Security and Cooperation in Europe. I urge the adoption of House Resolution 67, as amended, by this Chamber today.

During the committee's consideration of the resolution, the Cochairman of the U.S. Commission on Security and Cooperation, the Honorable DANTE B. FASCELL, offered several amendments to the text of the resolution.

I commend the gentleman from Florida for these perfecting amendments. They are particularly timely because the review meeting of the Conference on Security and Cooperation reconvenes next week in Madrid. The U.S. delegation to this review meeting has persisted in urging the Soviet Union to improve its implementation of the human rights principles of the Final Act. These amendments urge the U.S. delegation in Madrid to seek balanced and substantive results. In particular, they urge the Soviet Union to demonstrate improved implementation of the Final Act by releas-

ing Mr. Shcharansky and some 500 other imprisoned Helsinki monitors.

This resolution is timely and important. I therefore recommend its immediate adoption.

Mr. BROOMFIELD. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Iowa (Mr. LEACH).

Mr. LEACH of Iowa. Mr. Speaker, I rise in support of House Resolution 67, a resolution calling on the Soviet Union to release Anatoly Shcharansky and to permit him to emigrate. The resolution also calls on the President and the Secretary of State to express, in the strongest terms, the opposition of the United States to the continued imprisonment of Mr. Shcharansky.

This resolution was approved this morning by the House Foreign Affairs Committee with an amendment calling on the U.S. delegation to the Madrid meeting of the CSCE to seek substantive results from the meeting, including indications of improved implementation of the Helsinki Final Act's provisions, such as the release of Shcharansky and other imprisoned Helsinki monitors. The amendment also calls on all countries which are signatories to the Helsinki Final Act to abide by their international commitments in the field of human rights.

Mr. Speaker, the minority strongly supports this resolution, which has been cosponsored by more than 170 Members of this body, as well as the amendment which was adopted by the committee this morning, which I have just described.

I might add that this legislation is similar to legislation which the House passed during the last Congress. At that time, the State Department wrote a letter to the Foreign Affairs Committee stating that:

> Mr. Shcharansky's persecution by Soviet authorities has been a matter of particular and abiding concern to the United States Government * * * the United States Government has spoken out numerous times against Mr. Shcharansky's arrest and conviction, both publicly and through diplomatic channels.

Mr. Speaker, I urge the unanimous adoption of House Resolution 67, as amended, as an expression of the support of the Congress and the American people, whom we represent, for those who courageously defend the cause of human rights in the Soviet Union.

Mr. BROOMFIELD. Mr. Speaker, further reserving the right to object, I eagerly support House Resolution 67, calling upon the Soviet Government to immediately release Anatoly Shcharansky and allow him to emigrate.

As all of my colleagues know, Mr. Shcharansky is a notable computer scientist who has been active as a leader of the Moscow Jewish community for many years. He has been harassed since applying to emigrate to Israel. Unfortunately, he was denied permission to leave the U.S.S.R. and was later arrested on falsified charges of "treason" and "anti-Soviet agitation."

Since his 1979 sentence to 13 years in prison, Mr. Shcharansky has been frequently subjected to harsh prison treatment including solitary confinement, inadequate food, and poor health care. A few months ago, he began a hunger strike to protest repeated confiscation of his mail and the denial of other privileges.

This brave act almost cost him his life. A few months later, his health rapidly worsened. His desperate decision was obviously based upon the willful and blatant abuse of Mr. Shcharansky's human rights by prison authorities.

This man, who is enduring the loneliness of a bleak Soviet prison, has committed no crime in the Soviet Union. Yet, he was unjustly harassed by Soviet authorities and later imprisoned. He merely wanted to leave the U.S.S.R. and practice his faith as a free man in Israel, his spiritual homeland. Rather than letting him go, the Soviets have done everything possible to make his life and his aging mother's life truly miserable. He has not seen his wife since the day after their wedding. Mr. Shcharansky has done nothing wrong to warrant such barbaric treatment.

The Soviet action against Mr. Shcharansky is contrary to the Soviet Government's obligations under the Helsinki Final Act, the Universal Declaration of Human Rights, and the United Nations Covenant on Civil and Political Rights.

It is vitally important that our Government protest the plight of Mr. Shcharansky to the world and that this sad message be carried directly to the leaders of the Soviet Union. They are the ones who are perpetrating this crime against an innocent human being. For these reasons, I strongly endorse this resolution.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 67

Whereas Anatoly Shcharansky, an eminent Soviet computer scientist, has been a leader of the Moscow Jewish community since 1973 when he first applied for and was denied permission to emigrate to Israel; and

Whereas the Government of the Soviet Union has engaged in a systematic campaign of harassment and intimidation against Anatoly Shcharansky, culminating in his arrest in March 1977 on trumped-up charges of treason; and

Whereas in July 1978, after sixteen months of being detained incommunicado, Anatoly Shcharansky was tried and sentenced to thirteen years of imprisonment; and

Whereas since his conviction Anatoly Shcharansky has been subject to extremely harsh prison treatment, including isolation, severe cold, and inadequate food, sleep, and health care, resulting in a deterioration of his health; and

Whereas on September 26, 1982, Anatoly Shcharansky began a hunger strike to protest the severe prison conditions which have further harmed his health; and

Whereas Anatoly Shcharansky symbolizes the plight of many other Soviet Jews whose level of emigration is at its lowest point in a decade and who are increasingly harassed by Soviet authorities; and

Whereas by its treatment of Anatoly Shcharansky and others, the Soviet Union is violating its international obligations, including its obligations under the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Helsinki Final Act of the Conference on Security and Cooperation in Europe: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the Government of the Union of Soviet Socialist Republics should immediately release Anatoly Shcharansky from prison and allow him to emigrate; and

(2) the President and the Secretary of State should, at every suitable opportunity and in the strongest terms, express to the Government of the Union of Soviet Socialist Republics the opposition of the United States to the imprisonment of Anatoly Shcharansky.

SEC. 2. The Clerk of the House of Representatives shall transmit a copy of this resolution to the President with the request that the President transmit such copy to the Ambassador of the Soviet Union to the United States.

AMENDMENTS OFFERED BY MR. YATRON

Mr. YATRON. Mr. Speaker, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. YATRON: Page 3, line 3, strike out the period and insert in lieu thereof "and other Helsinki Monitors; and".

Page 3, after line 3, insert the following:

(3) all countries which are signatories to the Helsinki Final Act, including the Government of the Union of Soviet Socialist Republics, should abide by their international commitments in the field of human rights, including complying fully with all provisions of the Helsinki Final Act; and

(4) the United States delegation to the Madrid Meeting of the Conference on Security and Cooperation in Europe should seek a balanced and substantive result from the Madrid Meeting which should include indications of improved implementation of the Helsinki Final Act's provisions, such as the release of Anatoly Shcharansky and other imprisoned Helsinki Monitors, as well as other steps toward compliance with obligations under the Final Act.

Page 3, beginning in line 6, strike out "such copy to the Ambassador of the Soviet Union to the United States" and insert in lieu thereof "copies of this resolution to the Ambassador of the Soviet Union to the United States and to the Ambassadors of the other 33 nations which are signatories to the Helsinki Final Act".

Amendments to the preamble of the resolution:

Page 1, immediately before the semicolon at the end of the first paragraph of the preamble, insert "and is a founding member of the Moscow Helsinki Monitoring Group".

Page 2, at the end of the last paragraph of the preamble, strike out ": Now, therefore, be it" and insert in lieu thereof "; and"; and after the last paragraph of the preamble, insert the following new paragraphs:

Whereas 50 other members of the Helsinki Monitoring Groups in Moscow, the Ukraine, Lithuania, Georgia, and Armenia are currently imprisoned or in internal exile and, since the beginning of the Madrid Meeting of the Conference on Security and Cooperation in Europe which reviews compliance with the Helsinki Final Act, at least 500 human rights activists have been arrested in the Soviet Union; and

Whereas the Madrid Meeting resumes its deliberations on April 19, 1983: Now, therefore, be it

Mr. YATRON. Mr. Speaker, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. YATRON) is recognized for 1 hour.

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

Mr. YATRON. I yield to the distinguished gentleman from Florida.

Mr. FASCELL. I thank the gentleman for yielding. Also I express my appreciation to him, as chairman of the Subcommittee on Human Rights and International Organizations as well as the ranking minority member and others, who have brought this resolution to the floor at this particular time.

The timing is important because of the fact that the Madrid conference on the review of the implementation of the Helsinki accords once again reconvenes. As the original sponsor of this bill knows, the gentleman from New York (Mr. OTTINGER) and many others who are interested in the fate of Mr. Shcharansky and others of the Helsinki monitors, and other activists in the Soviet Union, the position of the U.S. delegation at the Helsinki meeting has been to ask for good faith action by the U.S.S.R. as evidence that they are living up to commitments as a signatory country under the Helsinki accords. The U.S. delegation is taking this position particularly in light of the Soviet Union's very harsh action in the invasion of Afghanistan; the events in Poland; and the fact that they have carefully imprisoned 500 of the activists in the Soviet Union, including Anatoly Shcharansky and the Helsinki monitoring group. All of these people have been abused because they asked their government to live up to the commitments that were undertaken in the Helsinki accords.

What the pending amendment does is to make it clear that we are talking not only about Anatoly Shcharansky but also the others who courageously have put their life on the line to express their feelings that their government should live up to the commitments that were entered into under the Helsinki accords. Furthermore to place the support of the Congress of the United States behind the excellent efforts that are being made by our own Ambassador, head of the delegation at Madrid, Max Kampelman, to say to the Soviets that words are not enough. We are asking for a demonstration of good faith by action. The release of Anatoly Shcharansky; the release of the Helsinki monitors, and the release of those other persons who have been jailed and harassed and otherwise mistreated by the Soviet Union.

So I would urge my colleagues to adopt the amendment and the resolution as a very necessary corroboration of U.S. foreign policy.

Mr. YATRON. Mr. Speaker, at this time I would like to yield to the chief sponsor of this resolution, the gentleman from New York (Mr. OTTINGER).

Mr. OTTINGER. I thank the gentleman for yielding.

Mr. Speaker, I want to thank my colleague from Pennsylvania and the other members of the Committee on Foreign Affairs for taking such quick action on this resolution, and particularly to see that it is passed prior to the April 19 negotiations on the Helsinki accords. This fast action, I think, will be very meaningful, indeed, in achieving its objectives.

As the author of House Resolution 67, I strongly urge my colleagues to support this bill, to demand the Soviet Government release Anatoly Shcharansky and abide by the principles of the Helsinki accords. The fact that this bill has received expeditious treatment by the House Committee on Foreign Affairs, as well as the cosponsorship of 219 Members as of this date, speaks to the urgency of this matter.

Mr. Speaker, I would also like to thank the five original cosponsors who have joined me on this bill, the gentlewoman from Rhode Island (Mrs. SCHNEIDER), the gentleman from Iowa (Mr. LEACH), the gentleman from New York (Mr. MRAZEK), the gentleman from Illinois (Mr. YATES), and the gentleman from Massachusetts (Mr. CONTE).

Among the most despicable violations of human rights in the world has been the systematic victimization by the Soviet Union of its Jewish citizens, denying them the right to practice their religion, denying them the right to emigrate, and persecuting those who seek to emigrate with loss of jobs and systematic harassment.

□ 1245

With respect to those who try to redress these discriminations within the Soviet Union, their fate has been jail terms that often involve, as in the case of Anatoly Shcharansky, brutal mistreatment and torture.

Anatoly Shcharansky has been at the heart of the Soviet Jewry movement since 1973 when he was declined permission to emigrate. He has symbolized the countless Soviet Jews who wish only to live in accordance with their traditions.

The rate of Soviet Jewish emigration is at painfully low levels. Through the first 3 months of this year, only 307 Jews left the Soviet Union. Compare this to the same period in 1979, the peak year for Soviet Jewish emigration, when nearly 12,000 Jews emigrated during the same period.

Anatoly Shcharansky has been among the hardest hit by this assault. His 6-year prison ordeal has subjected him to the most brutal conditions, including long terms of isolation, subjection to severe cold, and inadequate health care. He has been hospitalized, including a month in 1979, after spending 185 days in a labor camp punishment cell. The last time he was permitted visitors, in January 1982, his mother and brother were horrified at his physical condition. Despite his perilous state of health, Shcharansky went on a hunger strike in September 1982 to protest these conditions. It was not until January 1983, when he was very near death, that we received independent confirmation that his hunger strike was over.

Soviet treatment of Anatoly Shcharansky clearly violates its obligations under international law and makes a mockery of its commitment to the Helsinki accords. On April 19, negotiations on these accords will reconvene in Madrid. The plight of Anatoly Shcharansky as well as 50 other members of the Soviet-Helsinki monitoring group who are currently imprisoned must be a focal point of these talks.

Mr. Speaker, House passage of House Resolution 67 is vital to send the Soviet delegation to these talks the message of the firm resolve of Congress that Anatoly Shcharansky and the other prisoners of conscience in the U.S.S.R. must be released from prison and allowed to emigrate and the brutal treatment of Soviet Jews must be ended. I urge passage of this resolution and again thank the committee for its expeditious consideration.

Mr. YATRON. Mr. Speaker, I want to thank the gentleman from New York (Mr. OTTINGER) for his leadership on this very important issue.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. YATRON. I yield to my good friend, the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of this measure, House Resolution 67, and

commend the gentleman from Florida (Mr. FASCELL), the distinguished chairman of our Joint Commission on Security and Cooperation in Europe, the gentleman from Pennsylvania the chairman of our Foreign Affairs Subcommittee on Human Rights (Mr. YATRON), and our distinguished ranking minority member, the gentleman from Michigan (Mr. BROOMFIELD), for bringing this measure to the floor at this appropriate time as our delegation prepares to renew its consideration at Madrid at the Commission on Security and Cooperation in Europe.

The human rights considerations are extremely important issues which we must, at every opportunity, keep before the Congress, before our Nation, and before the world. This resolution comes before this body at an appropriate time as the Holocaust victims from throughout our Nation gather together here in Washington reminding us of the deprivation of human rights and the cruelties they suffered at the hands of the Nazis some 40 years ago.

We cannot do enough to remind our Nation and the world that there are still thousands of people behind the Iron Curtain who are being deprived of basic human rights this very day.

Mr. Speaker, I strongly support House Resolution 67, which declares that it is the sense of the House of Representatives that the Soviet Government release Anatoly Shcharansky, and allow him to emigrate and which, as amended, includes all the other beleaguered members of the Helsinki Monitoring Group who are still under the thumb of Soviet domination, individuals whose efforts deserve inclusion in this bill.

Anatoly Shcharansky's vigil has served as a beacon to the free world; he has resisted all efforts to dehumanize him, all attempts to strip him of his Jewish identity and his love for the Jewish people and the State of Israel. It is incumbent upon us, as Members of the House, to make known his courage and that of the other 3 million Soviet Jews still languishing behind the Iron Curtain. They have all suffered deprivation and humiliation which we in the West refuse to tolerate—it is this important message that House Resolution 67 declares.

As both a sponsor of this measure and the special order on Anatoly's behalf which we held in this Chamber just a few days ago, I am extremely pleased that this bill has been given such prompt consideration by the House. Since the Madrid Conference will soon be resuming its deliberations, it is important that our negotiators have this resolution before them when they next meet the Soviets. This resolution demonstrates and underscores our deep concern and displeasure with the treatment being meted out to the many innocent political prisoners like Anatoly. Accordingly, I urge my colleagues to support House Resolution 67, as amended, and I request its immediate adoption.

Mr. CONTE. Mr. Speaker, I rise in support of House Resolution 67, expressing the sense of the House that Anatoly Shcharansky should be released immediately from prison and allowed to emigrate. As an original sponsor, I commend the Committee on Foreign Affairs for its swift consideration of this resolution. It is a crucial time for the Congress to express support for Shcharansky and his fellow emigrants in their struggle for freedom.

The plight of Shcharansky is familiar to many in this House. Since his arrest on trumped-up charges in 1977, he has been mistreated by his Soviet captors, exposed to severe cold, and denied adequate food, sleep, and health care. Sentenced to at least 13 years in prison, Shcharansky cannot freely leave the Soviet Union and join his wife in Israel. His life has been threatened, and his liberty has been denied.

Shcharansky is not alone in his struggle for freedom. Through his courage and determination not to surrender his basic human rights, he has come to symbolize the plight of thousands of Russian Jews and others who are persecuted by Soviet authorities. Several reports estimate that nearly 400,000 Jews have shown interest in emigrating from the Soviet Union. Despite this apparent desire, only 2,600 Jews were allowed to emigrate in 1982. This number is a dramatic decrease from the 1979 high of 51,000 emigrants. Clearly, the Soviet Government has not complied with open international agreements guaranteeing these rights. I support the committee's amendment that expands the scope of the resolution to include the entire Soviet Jewry.

This issue, more than many, is truly bipartisan. Every American enjoying the freedoms of this country, whether Democrat or Republican, should appreciate the struggle of this man. Shcharansky and the other refuseniks are not just being denied American guarantees or Soviet privileges, they are being denied basic human rights—inalienable rights that belong to all men and women.

Public pressure in the United States and in the international community, through resolutions such as House Resolution 67, is important and effective. Through the efforts of many Members of this House, Soviet Jews have been allowed to emigrate. We have been successful in the past, and I hope that our efforts will make a difference in the lives of these people. A united congressional voice will be heard in Moscow.

I urge my colleagues to favorably consider this important resolution.

Mr. YATRON. Mr. Speaker, I have no further requests for time, and I move the previous question.

The SPEAKER pro tempore. Without objection, the previous question is ordered, and, without objection, the amendments to the text and the preamble of the resolution are agreed to.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The resolution, as amended, was agreed to.

The SPEAKER pro tempore. By unanimous consent of the gentleman from Pennsylvania (Mr. YATRON) and without objection, the title of the resolution is amended so as to read as follows:

Resolution expressing the sense of the House of Representatives that the Soviet Government should abide by its international commitments in the field of human rights and immediately release Anatoly Shcharansky and allow him to emigrate.

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YATRON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection

APPOINTMENT OF CONFEREES ON S. 273, MINORITY SMALL BUSINESS PILOT PROCUREMENT ACT OF 1983

Mr. MITCHELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 273) to amend section 8(a)(1) of the Small Business Act, with House amendments thereto, insist on the House amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland? The Chair hears none, and, without objection, appoints the following conferees: Messrs. MITCHELL, SMITH of Iowa, ADDABBO, LAFALCE, WYDEN, ECKART, SAVAGE, LUKEN, MCDADE, CONTE, BROOMFIELD, and WILLIAMS of Ohio.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the

yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall vote, if postponed, will be taken today after debate has been concluded on all motions to suspend the rules.

EDUCATION CONSOLIDATION AND IMPROVEMENT ACT TECHNICAL AMENDMENTS

Mr. PERKINS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1035), to make certain technical amendments to improve implementation of the Education Consolidation and Improvement Act of 1981, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1035

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

STATE PROGRAM DESIGN

SECTION 1. Section 555(b) of the Education Consolidation and Improvement Act of 1981 (Public Law 97-35) (hereafter in this Act referred to as "the Act") is amended to read as follows:

"(b) PROGRAM DESIGN.—State agency programs shall be designed to serve migratory children of migratory agricultural workers or of migratory fishermen, handicapped children, and neglected and delinquent children (as described in subparts 1, 2, and 3, respectively, of part B of title I of the Elementary and Secondary Education Act of 1965) in accordance with section 554(a)(2) and the other applicable requirements of this chapter. The Secretary shall continue to use the definition of 'currently migratory child' which was in effect on June 30, 1982, in regulations prescribed under subpart 1 of part B of title I of the Elementary and Secondary Education Act of 1965.".

APPLICATIONS

SEC. 2. (a) Section 556(b) of the Act is amended by inserting "or" at the end of paragraph (1)(A) and by striking out "or" at the end of paragraph (1)(B) and by striking out paragraph (1)(C).

(b) Section 556 of the Act is amended by adding at the end thereof the following:

"(c) EXEMPTION FROM TARGETING.—The requirements of subsection (b)(1) shall not apply in the case of a local educational agency with a total enrollment of less than one thousand children, but this subsection shall not be construed to exempt such an agency from the requirement to serve those children who have the greatest need for special assistance.".

FLEXIBILITY TO CONTINUE TITLE I-TYPE EXPENDITURES

SEC. 3. Section 556 of the Act is further amended by adding at the end thereof the following new subsection:

"(d) LOCAL EDUCATIONAL AGENCY DISCRETION.—Notwithstanding subsection (b)(1) of this section, a local educational agency shall have discretion to make educational decisions which are consistent with achieving the purposes of this chapter as set forth in this subsection, as follows:

"(1) A local educational agency may designate any school attendance area in which at least 25 per centum of the children are from low-income families as an eligible school attendance area.

"(2) A local educational agency may, with the approval of the State educational agency, designate as eligible (and serve) school attendance areas with substantially higher numbers or percentages of educationally deprived children before school attendance areas with higher concentrations of children from low-income families, but this provision shall not permit the provision of services to more school attendance areas than could otherwise be served. A State educational agency shall approve such a proposal only if the State educational agency finds that the proposal will not substantially impair the delivery of compensatory education services to educationally deprived children from low-income families in project areas served by the local educational agency.

"(3) Funds received under this chapter may be used for educationally deprived children who are in a school which is not located in an eligible school attendance area when the proportion of children from low-income families in average daily attendance in such school is substantially equal to the proportion of such children in an eligible school attendance area of such agency.

"(4) If an eligible school attendance area or eligible school was so designated in accordance with subsection (b)(1)(A) in either of two preceding fiscal years, it may continue to be so designated for a single additional fiscal year even though it does not qualify in accordance with subsection (b)(1)(A).

"(5) With approval of the State educational agency, eligible school attendance areas or eligible schools which have higher proportions of children from low-income families may be skipped if they are receiving, from non-Federal funds, services of the same nature and scope as would otherwise be provided under this chapter, but (A) the number of children attending private elementary and secondary schools who receive services under this chapter shall be determined without regard to non-Federal compensatory education funds which serve eligible children in public elementary and secondary schools, and (B) children attending private elementary and secondary schools who receive assistance under this chapter shall be identified in accordance with this section and without regard to skipping public school attendance areas or schools under this paragraph.

"(6) A child who, in any previous year, was identified as being in greatest need of assistance, and who continues to be educationally deprived, but who is no longer identified as being in greatest need of assistance, may participate in a program or project assisted under this title for the current year.

"(7) Educationally deprived children who begin participation in a program or project assisted under this chapter who, in the same school year, are transferred to a school attendance area or a school not receiving funds under this chapter, may continue to participate in a program or project funded under this chapter for the remainder of such year.

"(8) The Secretary shall issue regulations permitting local educational agencies to skip educationally deprived children in greatest need of assistance in providing services under this subtitle if such children are receiving, from non-Federal sources, services of the same nature and scope as would otherwise be provided under this subtitle.

"(9) In the case of any school serving an attendance area that is eligible to receive services under this chapter and in which not less than 75 per centum of the children are from low-income families, funds received under this chapter may be used for a project designed to upgrade the entire educational program in that school in the same manner and only to the same extent as permitted under section 133(b) of the Elementary and Secondary Education Act of 1965 (but without regard to paragraph (4) of such section).

"(10) Public school personnel paid entirely by funds made available under this chapter may be assigned limited, rotating, supervisory duties which are assigned to similarly situated personnel who are not paid with such funds, and such duties need not be limited to classroom instruction or to the benefit of children participating in programs or projects funded under this chapter. Such duties may not exceed the same proportion of total time as is the case with similarly situated personnel at the same school site, or 10 per centum of the total time, whichever is less."

PARENTAL INVOLVEMENT

SEC. 4. Section 556 of the Act is further amended by adding at the end thereof the following new subsection:

"(e) PARENTAL INVOLVEMENT.—For the purpose of complying with the assurances given pursuant to subsection (b)(3) with respect to consultation with parents of participating children, (1) a local educational agency shall convene annually a public meeting, to which all parents of eligible students shall be invited, to explain to parents the programs and activities provided with funds made available under this chapter, and (2) if parents desire further activities, the local educational agency may, upon request, provide reasonable support for such activities.".

AREAS FOR SERVICES TO PRIVATE SCHOOL CHILDREN

SEC. 5. Section 557(a) of the Act is amended by inserting "(1)," immediately after "556(b)".

APPLICATION OF NON-SUPPLANTING RULE TO STATES

SEC. 6. Section 558(b) of the Act is amended—

(1) by inserting "State educational agency or other State agency in operating its State level programs or a" before "local educational agency" in the first sentence; and

(2) by striking out "a local educational agency shall not be required" in the second sentence and inserting in lieu thereof "no State educational agency, other State agency, or local educational agency shall be required".

EXCLUSIONS OF SPECIAL PROGRAM FUNDS

SEC. 7. Section 558(d) of the Act is amended—

(1) by striking out "if such programs are consistent with the purposes of this chapter" and inserting in lieu thereof "including compensatory education for educationally deprived children (which meets the requirements of section 131(c) of the Elementary and Secondary Education Act of 1965)"; and

(2) by adding at the end thereof the following new sentence: "For the purpose of determining compliance with the requirements of subsection (c), a local educational agency may exclude State and local funds expended for—

"(1) bilingual education programs for children of limited English proficiency,

"(2) special education programs for handicapped children or children with specific learning disabilities, and

"(3) certain State phase-in programs as described in section 131(d) of the Elementary and Secondary Education Act of 1965.".

OVERLAP IN COUNTY BOUNDARIES

SEC. 8. Section 558(e) of the Act is amended by striking out "In any State" and inserting in lieu thereof "Notwithstanding section 111(a)(3)(C) of the Elementary and Secondary Education Act of 1965, in any State".

RESTRICTION OF EXPENDITURES TO MEETING EDUCATIONAL NEEDS

SEC. 9. (a) Section 561(b) of the Act is amended by inserting before the period at the end thereof the following: "and because they are the most likely to be able to design programs to meet the educational needs of the students in their own districts".

(b) Section 564(a) of the Act is amended—

(1) by striking out "and" at the end of paragraphs (5) and (6);

(2) by redesignating paragraph (7) as paragraph (8); and

(3) by inserting after paragraph (6) the following new paragraph:

"(7) provides assurance that, apart from technical and advisory assistance and monitoring compliance with this chapter, the State educational agency has exercised and will exercise no influence in the decision-making processes of local educational agencies as to the expenditures made pursuant to its application under section 566; and".

(c) Section 566(c) of the Act is amended by adding at the end thereof the following: "In exercising such discretion, it shall be the responsibility of each local educational agency to ensure that each expenditure of funds under this chapter is for the purpose of meeting the educational needs within the schools of that local educational agency.".

PHASE-OUT AND TRANSITION EXPENSES

SEC. 10. Section 562(c) of the Act is amended by adding at the end thereof the following: "Until September 30, 1983, such funds may also be used to assist in phasing out programs described in section 561(a) and in promoting an orderly transition to operations under this chapter.".

STATE ALLOTMENTS

SEC. 11. The first sentence of section 563(a) is amended by striking out "not to exceed".

AUDIT REQUIREMENT FOR SMALL LOCAL EDUCATIONAL AGENCIES

SEC. 12. Section 564 of the Act is amended by adding at the end thereof the following new subsection:

"(c) Notwithstanding section 1745 of this Act, local educational agencies receiving less than an average $5,000 each year under this chapter need not be audited more frequently than once every five years.".

REQUIREMENT FOR STATE CERTIFICATION OF LOCAL EDUCATIONAL AGENCY APPLICATIONS

SEC. 13. Section 566(a) of the Act is amended by striking out everything preceding paragraph (1) and inserting in lieu thereof the following:

"SEC. 566. (a) A local educational agency may receive its allocation of funds under this chapter for any year for which its application to the State educational agency has been certified to meet the requirements of this subsection. The State educational agency shall certify any such application if such application—".

SCHOOL LEVEL PROGRAMS

SEC. 14. Section 573(a) of the Act is amended by striking out "chapter" in the first sentence and inserting in lieu thereof "subchapter".

STATE RULEMAKING

SEC. 15. Section 591 of the Act is amended by adding at the end thereof the following new subsection:

"(d) Nothing in this subtitle shall be interpreted (1) to authorize State regulations, issued pursuant to procedures as established by State law, applicable to local educational agency programs or projects funded under this subtitle, except as related to State audit and financial responsibilities, or (2) to encourage, preempt, or prohibit regulations issued pursuant to State law which are not in conflict with the provisions of this subtitle. The imposition of any State rule or policy relating to the administration and operation of programs funded by this subtitle (including those based on State interpretation of any Federal law, regulation, or guideline) shall be identified as a State imposed requirement.".

WITHHOLDING OF PAYMENTS

SEC. 16. Section 592(a) of the Act is amended—

(1) by striking out "on the record" in the first sentence; and

(2) by adding at the end thereof the following new sentence: "A transcript or recording shall be made of any hearing conducted under this subsection and shall be available for inspection by any person.".

JUDICIAL REVIEW

SEC. 17. Section 593(b) of the Act is amended by inserting "and a local educational agency" after "A State educational agency".

APPLICATION OF GENERAL EDUCATION PROVISIONS ACT

SEC. 18. (a) Section 596 of the Act is amended to read as follows:

"APPLICATION OF OTHER LAWS

"SEC. 596. (a) Except as otherwise specifically provided by this section, the General Education Provisions Act shall apply to the programs authorized by this subtitle.

"(b) The following provisions of the General Education Provisions Act shall be superseded by the specified provisions of this subtitle with respect to the programs authorized by this subtitle:

"(1) Section 408(a)(1) of the General Education Provisions Act is superseded by section 591(a) of this subtitle.

"(2) Section 426(a) of such Act is superseded by section 591(b) of this subtitle.

"(3) Section 430 of such Act is superseded by sections 556(b) and 564(b) of this subtitle.

"(4) Section 431A of such Act is superseded by section 558(a) of this subtitle.

"(5) Section 453 of such Act is superseded by section 592 of this subtitle.

"(6) Section 455 of such Act is superseded by section 593 of this subtitle with respect to judicial review of withholding of payments.

"(c) Sections 434, 435, and 436 of the General Education Provisions Act, except to the extent that such sections relate to fiscal control and fund accounting procedures, shall not apply to the programs authorized by this subtitle and shall not be construed to authorize the Secretary to require any reports or take any actions not specifically authorized by this subtitle.".

(b) Section 406A(a) of the General Education Provisions Act as added by the Education Amendments of 1974 (relating to responsibility of States to furnish information) is amended—

(1) by striking out paragraphs (3) and (4);

(2) by inserting "and" at the end of paragraph (2); and

(3) by redesignating paragraph (5) as paragraph (3).

CONFORMING AND TECHNICAL AMENDMENTS TO TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 19. (a) Title I of the Elementary and Secondary Education Act of 1965 is amended—

(1) in section 142(a)—

(A) by striking out "subpart 3 of part A, other than sections 122, 123, and 126(d) thereof" in paragraph (3) and inserting in lieu thereof "section 556 (other than subsection (b)(1)) and section 558 (other than subsection (c)) of the Education Consolidation and Improvement Act of 1981"; and

(B) by striking out "parent advisory councils established in accordance with regulations of the Commissioner (consistent with the requirements of section 125(a))" in paragraph (4) and inserting in lieu thereof "parents and teachers of children participating in such programs and projects"; and

(2) in sections 147 and 152(a), by striking out "subpart 3 of part A, other than sections 122, 123, 125, 126(d), and 126(e) thereof" and inserting in lieu thereof "section 556 (other than subsection (b)(1)) and section 558 (other than subsection (c)) of the Education Consolidation and Improvement Act of 1981".

(b) The amendments made by subsection (a) shall apply only with respect to funds for use under the Education Consolidation and Improvement Act of 1981.

CONFORMING AMENDMENT

SEC. 20. Section 565(a) of the Act is amended by striking out "nonpublic" and inserting in lieu thereof "private, nonprofit".

EXTENSION OF AUTHORIZATION FOR TITLE VII OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 21. Section 528 of the Omnibus Education Reconciliation Act of 1981 is amended—

(1) by striking out "and" at the end of paragraph (13);

(2) by striking out the period at the end of paragraph (14) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(15) title VII of the Elementary and Secondary Education Act of 1965.".

IMPACT AID

SEC. 22. (a) Section 505(a)(1) of the Omnibus Education Reconciliation Act of 1981 is amended by striking out "section 2" the second place it appears and inserting in lieu thereof "section 7".

(b) Section 3(d)(2)(E) of the Act of September 30, 1950 (Public Law 874, 81st Congress) is amended—

(1) by inserting "or 1984" after "fiscal year 1983" in clause (ii); and

(2) by striking out "1984" in clause (iii) and inserting in lieu thereof "1985".

(c) Section 5(c) of such Act is amended by adding at the end thereof the following: "If any legislation enacted after March 31, 1983, affects the determination of amounts of payments made on the basis of entitlements established under section 2, 3, and 4 by placing any additional restriction on payments based on the concentration of children counted under subsection (a) or (b) of section 3 in the schools of local educational agency, such restriction shall be applied, in the case of any State (other than a territory or possession of the United States) within which there is only one local educational

agency, by treating each administrative school district within such State as a local educational agency (solely for the purpose of computing the amount of such payments). Treating such an administrative school district as a local educational agency under the preceding sentence shall not result, during fiscal year 1984, 1985, or 1986, in an increase of more than 10 per centum in the amount of funds paid to such State above the amount paid to such State in the preceding fiscal year.".

NATIONAL CENTER FOR EDUCATION STATISTICS

SEC. 23. (a) Section 515(b) of the Omnibus Education Reconciliation Act of 1981 is amended by inserting "(g)(2)" after "section 406".

(b) The National Center for Education Statistics shall not terminate the study of the condition of education for Hispanic Americans unless specifically required or authorized to do so by law.

EFFECTIVE DATE

SEC. 24. (a) Except as provided in subsection (b), the amendments made by this Act to the Education Consolidation and Improvement Act of 1981 and title I of the Elementary and Secondary Education Act of 1965 shall be effective July 1, 1983.

(b) With respect to the period beginning July 1, 1982, and ending June 30, 1983, no recipient of funds under the Education Consolidation and Improvement Act of 1981 shall be held to have expended such funds in violation of the requirements of such Act if such funds are expended either in accordance with such Act as in effect prior to the date of enactment of this Act or in accordance with such Act as amended by this Act.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Kentucky (Mr. PERKINS) will be recognized for 20 minutes and the gentleman from Pennsylvania (Mr. GOODLING) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, H.R. 1035 makes technical and clarifying amendments to chapters 1 and 2 of the Education Consolidation and Improvement Act and to other education provisions of the Omnibus Budget Reconciliation Act of 1981.

Chapter 1 is the large Federal elementary and secondary education program for disadvantaged children, the former title I program of the Elementary and Secondary Education Act. Chapter 2 is the education block grant to the States.

We need this bill to eliminate confusion at the local level. Without these clarifications, the activities of States and school districts could later be questioned by Federal auditors, due to ambiguities in the law.

The Education Consolidation and Improvement Act was enacted as part of the 1981 Reconciliation Act. The circumstances under which this bill was passed, as a substitute on the House floor without hearings or committee consideration, worked against technical perfection.

H.R. 1035 would clean up technical problems, oversights, and ambiguities in this act. This bill is very similar to legislation that was passed by both Houses last year, but was pocket-vetoed by the President. We have removed the two provisions to which the administration most strongly objected.

An important provision of the bill extends the category B payments under the impact aid law through fiscal year 1984. These payments to school districts for children whose parents either live or work on Federal property were inadvertently eliminated at the end of fiscal year 1983, due to a drafting error.

In brief, the bill—

Repeals a provision which could have led to compensatory education funds being so dispersed as to be ineffective;

Relieves the smallest school districts of strict school targeting provisions in the compensatory education program and of biennial audits in the block grant program;

Restores to school districts the discretion they enjoyed under the title I program regarding schoolwide projects, noninstructional duties of personnel, and designating all areas as eligible when there is at least 25 percent poverty;

Clarifies the limited audit and fiscal role of the States in cetifying local school districts' applications for block grant funds; and

Prevents the Department of Education from limiting the eligibility for the migrant education program by changing the definition of migratory child in the regulations.

I would like to commend our ranking minority member, Congressman BILL GOODLING, for initiating this legislation. I think he has put together a good package that will help school districts better understand the Education Consolidation and Improvement Act and that we can all support.

Mr. Speaker, this legislation was voted unanimously for the Education and Labor Committee. I urge my colleagues to join with us and pass H.R. 1035.

H.R. 1035 TECHNICAL AMENDMENTS

The Education Consolidation and Improvement Act technical amendments contain the following provisions:

(1) A one-year extension of impact aid "B" payments;

(2) A one-year extension of the Bilingual Education Act;

(3) Relief for small school districts from the provisions in the Chapter 1/Title I program for targeting schools and from the Chapter 2 block grant for two-year audits;

(4) A requirement that school districts hold an annual meeting to inform parents about the Chapter 1/Title I program and a provision that the Secretary of Education may require further parental participation in that program;

(5) A requirement that the existing definition for "currently migratory children" must continue to be used in the Chapter 1 migrant education program;

(6) A new requirement that Hawaii's statewide school system be broken down into local administrative units for purposes of computing impact aid payments when minimum numerical requirements are enacted for receipt of such payments;

(7) Various provisions restoring flexibility to local school districts in choosing schools and children for the Chapter 1/Title I program; and

(8) Elimination of various confusing and erroneous sections included by Gramm-Latta II in the Omnibus Budget Reconciliation Act of 1981.

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as my chairman has indicated, we have prepared a package of technical amendments which are designed to clarify and correct certain ambiguities, unintended results, and drafting errors in the Education Consolidation and Improvement Act of 1981.

As the chairman indicated, we put this together rather rapidly, with quite a bit of it done right on the floor, and, therefore, when the drafting took place, there were errors and our school districts are waiting for us to correct these errors and ambiguities. We tried to do it last year. Unfortunately, it was at the end of the session, and even though it passed practically unanimously in both the House and Senate, the President saw fit to veto that legislation. Now again we have pressed forward in the preparation in the package of technical amendments.

We have had a cooperative effort by our staffs, majority and minority, along with the Senate staffs and a broad cross section of interested parties, and we have now what I think is a perfected version of the original bill, H.R. 7336. The major differences that appear in this version from last year's are, first of all, the addition of the impact aid provision, which I will talk about later, since people are getting totally false information, unfortunately, from OMB. As the Members may be aware, in the hectic period during the consideration of the Budget Reconciliation Act, a legislative drafting error in the impact aid legislation went undetected and became law. This mistake unintentionally subverted the clear understanding of the House and Senate conferees, which was that impact aid "B" payments would continue through fiscal year 1984. My amendment would correct this error.

Consequently, I have reintroduced this package of technical amendments, as I have said, which passed last year.

In order not to provoke confrontation again with the administration, we decided that we could eliminate the expansion of the legislation veto provi-

sion of the bill and eliminate the Indian trust language without limiting in any way congressional prerogatives in these areas.

An identical bill—I repeat, an identical bill to this bill—has been introduced in the Senate. Our goal has been to develop a bipartisan consensus to resolve some of the problems which have been identified in ECIA.

At this opportunity I wish to commend the chairman of our committee, the gentleman from Kentucky (Mr. PERKINS) for his willingness to schedule prompt hearings and his desire to act on technical amendments which achieve a consensus among the members of the committee and the education community at large.

I would like now to address one issue which really troubles me greatly. In fact, it burns me deeply. That is that at 5 o'clock on Friday afternoon, after all the time that we have spent and all the months that we have worked on these amendments, we got an indication from OMB that the administration is strongly opposed to H.R. 1035 based on one major issue and one minor issue.

□ 1300

I first of all would like to address these two points directly and tell you why I feel OMB is totally wrong and why they are misguided and have been misleading the President and giving him bad advice.

First, the administration states:

H.R. 1035 contains one seriously objectionable provision, an extension of the authorization for payment to "B" children under the impact aid program through fiscal year 1984, contrary to the provision of the 1981 Reconciliation Act phasing out payments for "B" children by the end of 1983.

If only in OMB they would take a little time to read what it is they are talking about before they make those kinds of statements, for had they read from the conference report, they would have definitely seen that it said specifically 1984, not 1983, and that there would be no more payments beginning with 1985.

I guess what really burns me is that, I have been a leader in trying to eliminate some "B" payments. In fact, the only reason probably that it ever got into this whole consideration during reconciliation perhaps, and I do not want to pat myself too much on the back, was through my efforts and, therefore, the only way we could bring it about in conference was to make sure that all the conferees agreed, and it was not easy to try to get that agreement. In fact, it was Senator TOWER on the Senate side who was the leader in opposing the elimination of the "B" payments, and even though he was not a conferee, we had to make sure that he approved it, because he had so many other chips to deal with and, therefore, it really galls me that the leader of trying to eliminate "B" payments, the person who brought it about, is now being challenged at the zero hour, or the 12th hour, by the administration.

So I hope you will take time to read the reprint that we have available from this conference, which specifically says what the conferees intended and that is that there would be no payments beginning with 1985 and thereafter. That means that there would be payments in 1984 and all the school districts are counting on them and expecting them.

Then let me very quickly turn to their other objection. On the other minor point, OMB mentions that overly broad definition of a migratory child contained in H.R. 1035 is one of their objections. Again, we made very sure that their representative appearing before the committee understood specifically that it was two Republican Members of the Senate who insisted that that language be in the bill just the way we have it in that particular bill.

I agree with them, because if you look at the folly of it all, you will notice if you are a child of parents who are harvesting oranges in Florida at the end of a school term and then you come to Pennsylvania to harvest apples at the beginning of the next term, you are no longer eligible. You are no longer eligible for migratory education as defined by the administration. I do not understand that.

I cannot understand how you would punish children simply because their parents are employed for so many months in one State and then another State and then another State and another State; so if they ended up their employment in May or June in Florida and school has let out, then they are not considered for migratory education because they are then harvesting apples in a different school district, but not until the start of the next school year. There is something wrong with that thinking.

You got a threatening note that when passed, and I have no question that it will be again passed, OMB would recommend a veto to the administration. There can be no pocket veto this time and I will assure you that on these two particular issues, I will carry the fight to every Member of the House and insist also that they listen to the majority on the Senate side who agree with what we are doing here today.

Mr. GEKAS. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I am happy to yield to my colleague across the river from Pennsylvania.

Mr. GEKAS. I thank the gentleman. I appreciate the gentleman yielding.

Does the gentleman then assert that passage of the legislation in its present form, as the gentleman has proposed, really reconfirms the gentleman's efforts to phase out the impact program?

Mr. GOODLING. No question, part B of that program is exactly what it does and it keeps with the commitment we had as conferees and the only way we were able to get that phase out into place at all.

Mr. GEKAS. Stating it another way, this legislation does not add another penny of appropriations to that program?

Mr. GOODLING. Not one penny, nor does the whole package.

Mr. GEKAS. I thank the gentleman for yielding and will support his proposition.

Mr. GOODLING. Mr. Speaker, at this time may I first of all have a colloquy with my chairman.

Mr. PERKINS. Go ahead.

Mr. GOODLING. Mr. Speaker, I know the answer to this, but I want to make sure that it appears in the RECORD so there is no question by some others who have questioned it.

Mr. PERKINS. Yes, sir.

Mr. GOODLING. Chairman PERKINS, I have one question regarding an amendment which you sponsored in committee dealing with school systems which have a high level of poverty throughout all of their school attendance areas. Is your amendment designed to give those local school districts more flexibility in serving the disadvantaged children in a particular district, by allowing them to designate any school with 25 percent or more low-income children as eligible for chapter 1? In other words no children can be discriminated against under this provision.

Mr. PERKINS. The gentleman from Pennsylvania is absolutely correct. As the gentleman knows, the language in H.R. 1035, without my amendment would have caused many poor, rural districts great problems. With the shift from the 1970 to the 1980 census in the chapter 1 formula, many school districts in the Southern States and other areas of the country will lose money. They, therefore, would not have been able to use the 25-percent option as it was written in the original bill, because they would not have been able to maintain the same level of chapter 1 expenditures in every school. My amendment would merely give school administrators the flexibility to serve all schools in those districts which have a 25-percent poverty rate in all their schools. My only concern and purpose is to provide the flexibility so that no poor children are denied services in school districts which have such high concentrations of poverty throughout their attendance areas.

Mr. GOODLING. Mr. Speaker, I thank the gentleman.

Mr. PERKINS. Mr. Speaker, I yield such time as he may consume to the gentleman from Puerto Rico (Mr. CORRADA).

Mr. CORRADA. Mr. Speaker, I rise in support of H.R. 1035, the Education Consolidation and Improvement Act Amendments.

As many of my colleagues are aware, the Budget Reconciliation Act of 1981 consolidated 28 categorical education programs into a State block grant, now known as the Education Consolidation and Improvement Act. Due to the swiftness with which this action was taken, several technical incongruities inadvertently were included in that legislation, and it is to rectify these problems and certain oversights that H.R. 1035 was introduced.

In addition to clarifying congressional intent that the General Education Provisions Act does apply to programs under ECIA, H.R. 1035 also clearly extends the Bilingual Education Act through fiscal year 1984. This treatment is consistent with that of other programs whose authority was to expire prior to 1984 but on which a budget authority ceiling was placed.

Mr. Speaker, H.R. 1035 is very similar to a bill passed by Congress last year and pocket-vetoed by President Reagan. In reintroducing his bill, Mr. GOODLING removed two of the three provisions cited as contributing to the veto. I would urge my colleagues to vote for this improved version of technical amendments, which will give badly-needed clarification to schools which participate in the education block grant programs.

I commend the chairman of our committee for moving ahead in this matter.

Mr. PERKINS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Hawaii (Mr. AKAKA).

Mr. AKAKA. Mr. Speaker, I rise in support of the bill H.R. 1035, the Education Consolidation and Improvement Act Amendments, and urge my colleagues to vote for the adoption of this bill.

The changes proposed by this bill are technical changes. H.R. 1035 seeks to amend current law to clarify congressional intent by removing ambiguities and making certain corrections in the implementation of various elementary and secondary education programs. The Education and Labor Committee reported H.R. 1035 by unanimous vote, and I will vote enthusiatically for the passage of this bill.

Of special concern in this bill is section 22 which amends the Omnibus Education Reconciliation Act to include language designed to allow Impact Aid eligible states with single statewide school districts equitable treatment under the program's funding allocation formula. Essentially, H.R. 1035 proposes that the formula for the allocation of Impact Aid assistance to States with statewide school districts take into account the structure and composition of a State's regional administrative divisions. This will permit easy identification of States having administrative educational divisions with high concentrations of federally-connected students. By treating each unit as a "local educational agency," this legislation will grant States with single school districts their fair share of impact aid relief. Clearly, this is the intent of Congress.

This proposal would definitely help to resolve some of the problems faced by the State of Hawaii. The public school system in my State operates under a single unified school district. The statewide district is, however, divided into seven administrative units, each varying in the number of federally-connected students. Without the technical changes proposed by H.R. 1035, the allocation formula for impact aid would not distinguish between Hawaii's statewide unified school district and States which have several regional educational agencies.

Since its inception in 1950, the impact aid program has helped the State of Hawaii to cover the enormous cost of providing regular instruction to federally-connected students. Impact aid compensates the State for the burden imposed upon its public school system as a result of Hawaii's population of approximately 36,000 category A and category B students enrolled in the State's 221 elementary and secondary schools. Officials of Hawaii's educational agencies are especially concerned with this problem given this administration's efforts to reduce impact aid contributions to States. In effect, cutbacks will force Hawaii to absorb a substantial tax revenue loss and service burden associated with the heavy Federal activity in its jurisdiction.

Hawaii's taxpayers have an inherent right to a quality education system. Indeed, it is the Hawaii taxpayer who pays for the operation of this sytem. Imposing the educational support costs for thousands of federally connected children on our school system without providing adequate impact aid funding places an inequitable burden upon Hawaii, and deprives the State's taxpayers, parents, and students of a high quality and affordable public education system.

Hawaii has willingly recognized its responsibility of educating federally connected children residing in the State. It is only fair that this Congress restate the Federal Government's commitment to assist Hawaii in this effort.

I urge my colleagues to vote for the adoption of H.R. 1035. The technical changes called for in this bill are sorely needed to resolve the ambiguities and errors in our current education statutes.

Mr. GOODLING. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Nebraska (Mr. DAUB).

Mr. DAUB. Mr. Speaker, I would like to thank my distinguished colleague from Pennsylvania, the ranking member, for the hard work that he has always brought to bear on this issue of impact aid program and, indeed, to thank the chairman of the committee for his consideration as he referred to a minute ago, his long involvement in some of the aspects of this bill today, which by number is H.R. 1035, and I do, indeed, rise to support it. It does make certain technical and other corrections that are known as the Education Consolidation and Improvement Act. It is a bill that does rectify a problem that, indeed, is confusing if you look at the conference report, for it says on the one hand that impact aid shall be a 3-year program and then, indeed, says that in fact there is no money for the third year. In essence, this will resolve the problem.

The portion of the bill today that I want to talk about will extend the authorization for payments to the so-called "B" students through fiscal year 1984, when the rest of the impact aid program would face reauthorization. This was the intention of the House and Senate conferees when they considered the legislation, and now we find that unintentionally they included the authorization for the "B" student only through fiscal year 1983. This will allow consideration of the program as a whole for reauthorization.

The issue of impact aid funding has been a continuous battle during my first 2 years in Congress and a great deal of my energy has been expended to insure that adequate and acceptable levels of funding were given to this program.

For those of us who represent districts which have a large number of students, military family dependents in our public schools, that face threats of school closings, the charging of tuition to military families, redrawing school boundaries or equally drastic measures are the kinds of not uncommon problems that will be faced by many other districts not only this year, but next year when the question of reauthorization of impact aid to include so called "B" aid. It is the issue of the student whose family or military adult works on base, but lives off base, and their child then qualifies for an in lieu of tax payment less than the "A" student, whose adult lives and works on base.

There is absolutely no justification for significant curtailment of payments to those school districts which suffer a substantial tax loss due to the presence or nearness of a large military installation. The "A" and "B" type of aid that we have now is essentially an in lieu of tax payment.

Of course, the military installation is exempt from paying local taxes—those taxes which principally fund the operating budgets of the adjacent local public school districts; but those school districts adjacent to these military installations are indeed significantly affected. The military families living off base do not pay and many are not positioned to pay sufficient amounts into the local tax base, and yet the local school districts are responsible for educating those children. Therefore, it is a clear Federal responsibility to compensate these school districts for the influx of children due to the nearness of a military base.

The SPEAKER pro tempore. The time of the gentleman from Nebraska has expired.

Mr. PERKINS. Mr. Speaker, I yield an additional minute to the gentleman.

□ 1315

Mr. DAUB. I thank the chairman for the additional time.

It is crucial that the impact aid provisions contained in the technical amendments to the Education Consolidation and Improvements Act pass to provide for authorization of "B" students through the end of fiscal year 1984. It is important that the Federal Government continue in its responsibility for funding equalization to insure that the adjacent public school districts can provide quality education for children of military personnel.

I do indeed appreciate this opportunity to support the bill and yield back the additional time.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Speaker, I rise in strong support of H.R. 1035 and trust that the Congress will act promptly to approve the Education Consolidation and Improvement Act amendments which provide the needed clarity in the law governing education block grants. I commend the leadership of the distinguished chairman of the committee, the distinguished gentleman from Pennsylvania (Congressman GOODLING), sponsor of H.R. 1035 and the ranking Republican on the Subcommittee on Elementary, Secondary, and Vocational Education.

I wish to call particular attention to section 9, adopted upon my recommendation by the committee. Section 9 clarifies that there shall be no undue influence by the States on local education agencies in the expenditure of their block grant funds. This restriction is implicit in the present statute, but was not explicitly stated in the law.

Recent allegations with respect to questionable practices in the State of New Jersey prompted a closer examination of the law. Indeed, ambiguities do exist. The allegations in newspaper articles against officials of the New Jersey Department of Education indicated that local school districts were used as "conduits" to fund projects of interest to the State, using Federal dollars—under titles III and IV-C of the Elementary and Secondary Education Act—that were intended by Congress to go to the local school districts.

Both titles III and IV-C, which have since been consolidated into the block grant, required that moneys designated for State-initiated projects be awarded on a competitive basis to local school districts. Although the State could consider the statewide value of the programs in determining which projects to fund, the projects were to originate with the local school districts and meet their individual needs. It is alleged that, in New Jersey, the ideas for many of the projects actually originated at the State level, in conjunction with consultants who would ultimately receive the funds to run the projects. However, to comply with the law, the funds were first to be awarded to local school districts who would then pass the money through, as a conduit, to the consultants. The projects funded in this fashion rarely, if ever, met local needs and were not awarded on a competitive basis. There is reason to question whether these title III and IV-C grants were used to pay the salaries of State employees. The committee is currently investigating these allegations and has scheduled a hearing in New Jersey on April 15, 1983.

Because of the flexibility inherent in the block grant program, it is possible that such conduit funding could occur despite the clear intent of having local school districts use block grant funds to meet their own educational needs. The absence of any specific prohibition in the current law against conduit arrangements increases the likelihood of such abuses. Consequently, section 9 of H.R. 1035 requires that local school districts use block grant funds to meet the educational needs within their own jurisdiction. It also requires that, in its application to the Federal Government, the State include assurances that, "apart from technical and advisory assistance and monitoring compliance with this chapter, the State educational agency has exercised and will exercise no influence in the decisionmaking processes of local educational agencies" in determining how to spend their block grant funds.

This does not prevent the States from working with the local educational agencies to advise or suggest ways of meeting their educational needs. It does prohibit a State from substituting its own judgment for that of the local education agency as to the needs of the latter or applying pressure on the locals to fund projects in which there is little or no local interest. The paperwork involved under this provision is minimal, a simple statement included in the application.

While statutory language alone will not eliminate the possibility of abuse, these technical changes will remove any ambiguity under the present statute and provide necessary guidance to state and local education agencies. The technical changes should also provide guidance to the Department of Education which has ultimate responsibility for administration. Nor do these changes preclude the adoption of auditing procedures by the Department of Education.

I urge my colleagues to vote for this bill.

The SPEAKER pro tempore. The time of the gentlewoman from New Jersey has expired.

Mr. PERKINS. Mr. Speaker, I yield the gentlewoman a couple more minutes.

Will the gentlewoman yield to me?

Mrs. ROUKEMA. I yield to the chairman.

Mr. PERKINS. First let me compliment the gentlewoman from New Jersey for her looking into the allegations that the authorities in New Jersey had wrongfully spent money. I want to commend the gentlewoman for this undertaking and want to further state I have cooperated with the gentlewoman all the way to conducting hearings.

We are going to look into this entire situation. None of us want any Federal moneys squandered in this country. We have had a few instances of that brought to our attention in the past and we have always tried to correct the situation or get it in the hands of the Justice Department some way or other.

I just want to say that the gentlewoman from New Jersey will have the full cooperation of the committee insofar as these allegations are concerned, just as I have always cooperated when any type of corruption has been brought to my attention in the past in any area over which I have had jurisdiction.

Mrs. ROUKEMA. I thank the chairman. The chairman of the committee has been more than cooperative in setting up the hearings which will commence this Friday in New Jersey.

There are no criminal allegations of wrongdoing that are going to be examined at the hearings but it is, as the chairman indicated, incumbent upon us to be certain that in these amendments, technical amendments here, we will make it certain that there is no

ambiguity in the law as to the real intention of Congress.

In conclusion, this kind of abuse would implicitly be in violation of chapter 2 of the law as it now reads. But it is necessary to include specific prohibitions.

I would like to point out in conclusion that there is nothing in this amendment that would preclude the ordinary obligatory auditing procedures for the Department of Education from being continued as regular auditing procedures and program review procedures.

I urge support of the amendment.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. PARRIS).

Mr. PARRIS. Mr. Speaker, I wish to express my support for H.R. 1035, the Education Consolidation and Improvement Act amendments. A drafting error in the 1981 Omnibus Reconciliation Act caused the unintended termination by fiscal year 1984 of funding for the education of schoolchildren whose parents live or work on Federal property, the category "B" children. Consequently, the administration's proposed budget for fiscal year 1984 does not include funding for category "B" children as part of impact aid to localities.

Elimination of category "B" students would clearly result in an unfair burden on hundreds of jurisdictions throughout the country which do not have a complete property tax base because of the location of Federal facilities within their borders. For example, in 1981 the school board of one of the jurisdictions in my district sent tuition letters to the parents of impacted children attending the public schools of that jurisdiction. The school board also informed the Defense Department that it held DOD accountable for 50 percent of the cost of the school system's impacted children. These actions prompted DOD to provide the money for 50.3 percent of the costs of educating the schoolchildren. I submit that this incident demonstrates that we need to retain category "B" funding in fiscal year 1984, as the Education and Consolidation and Improvement Act amendments provide, in order to prevent its recurrence nationwide.

School systems across the Nation have already borne substantial reductions in impact aid. One system in my district sustained a 40-percent reduction in impact aid last school year and faces another 40-percent reduction below that in the fiscal year 1984 administration budget proposal. Another system would be more drastically affected, as eliminating category "B" would end that system's impact aid program entirely, after it has already borne reductions in impact approaching $1 million below some recent years. These reductions, followed by the elimination of category "B" and combined with new eligibility requirements for receiving impact aid for the education of schoolchildren whose parents live and work on Federal property will cause great hardships for hundreds of jurisdictions. The elimination of category "B" will also result in wide and unfair disparities in aid between school districts which have lost comparable portions of their tax bases because of Federal installations.

I believe that the fiscal year 1984 budget should and must contain funding for at least 50 percent of the cost of educating federally impacted schoolchildren, both category "A" and category "B." The first step toward this goal of equity between school systems and fair compensation for educating children whose parents live or work on Federal property can be taken by supporting H.R. 1035. I urge my colleagues to join me in support of this bill; the Congressional Budget Office has indicated that there will be no increased costs to the Federal Government because of its enactment.

● Mr. HEFTEL of Hawaii. Mr. Speaker, I rise in support of H.R. 1035, the Education Consolidation and Improvement Act amendments. In particular, I am supportive of the impact aid provisions of this legislation.

Impact aid has been an essential source of education funding in federally affected areas, and I am pleased that the Education and Labor Committee has included a provision extending payments for "B" students through fiscal year 1984 as Congress intended. Additionally, H.R. 1035 includes a provision which would permit Hawaii to receive its fair share of impact aid moneys by taking into account the large percentage of impact aid students in the Central Oahu Administrative School District.

Current and proposed funding formulas provide additional impact aid funding to super "A" school districts—those with 20 percent or more students in the impact aid "A" category. Under these formulas, Hawaii could be limited to 50 percent of its entitlement for the program.

Since Hawaii is comprised of a statewide school district, the State's total percentage of "A" students, 10.3 percent, is used in the impact aid calculation. The formula does not take into account the percentage of impact aid students in each of the State's seven administrative school districts.

These formulas discriminate against Hawaii. In particular, the Central Oahu District which has 11,532 "A" students, comprising 36.4 percent of the student population in that district, loses out on a deserved share of funding. Despite this large percentage, current and proposed impact aid formulas treat Hawaii as one school district, and the Central Oahu District does not qualify for additional funding.

H.R. 1035 treats Hawaii's administrative school districts as though they were local educational agencies for purposes of impact aid funding. As a consequence, we would receive our full share of impact aid.

H.R. 1035 would permit additional impact aid funding up to a 10-percent increase over the previous year's funding to assure that Hawaii does not receive a large windfall which may jeopardize funding for other districts. This provision is not expected to result in a significant increase in funding, we are looking at an increase in the neighborhood of $1 million. What is significant, however, is that Hawaii will be protected in the future against changes in the impact aid formula which shift additional funding toward the super "A" districts.

Hawaii's single school district system was established to provide the best possible and most equitable education for our island children. Hawaii is also unique because the State does not provide funding for education from real estate taxes, but rather from general revenues. This system assures equitable levels of education throughout the State, and avoids disparities in education levels.

As a result of this system, a child in the economically depressed Central Oahu District benefits from the same level of funding, $2,908 per pupil, as a student in another, wealthier area in the State. This level is indeed significant when compared with the nationwide average per pupil cost of $2,671.

I do not feel that Hawaii should be penalized for having such a school district system. H.R. 1035 assures that Hawaii can continue to provide equal education to our island students without making significant changes in our State's education system. The additional funding resulting from this legislation is particularly important at a time when Hawaii is facing large State budget deficits. It is imperative that we receive our fair share of Federal education support.

In closing, I urge my colleagues to support H.R. 1035. This legislation is noncontroversial and, with reference to the impact aid provisions affecting Hawaii, H.R. 1035 assures that the State of Hawaii is treated equitably and receives its fair share of impact aid funds.●

● Mr. SISISKY. Mr. Speaker, when the Education Consolidation and Improvement Act of 1981 was passed as part of the Omnibus Budget Act of 1981, a drafting error led to an unexpected and very serious problem. Impact aid type "B" payments were to be terminated at the end of fiscal year 1983. Impact aid in this category provides funds to educate children whose

parents either live or work on Federal property. These payments are made directly to the school districts which educate these children and are designed to make up for local tax revenues lost as a result of the presence of Federal property.

The bill we consider here today will correct that drafting error and restore type "B" impact aid payments through fiscal year 1984. For many school districts in the Fourth Congressional District, the loss of these payments would represent a serious drain on already strained educational funds. I am proud to support this bill and to rectify an error which subverted the true intention of the Congress.

Local school districts do a commendable job educating all of our youth, including those children whose parents happen to work or live on a Federal or military installation. The Federal Government recognizes that Federal assistance is needed to help pay for the education of students whose parents work for or live on federal property and as a result do not pay local property taxes. The need continues and I commend my colleagues for correcting this error.●

● Mr. HOYER. Mr. Speaker, I am pleased to rise in support of H.R. 1035, the Education Consolidation and Improvement Act technical amendments. These technical amendments will correct errors included in the Omnibus Budget Reconciliation Act of 1981. In addition, they will clarify portions of the act to assist the Education Department in the implementation thereof.

Two of the amendments offered in this legislation will have significant impact on the operation of the State and local education agencies of Maryland. The first of these amendments relates to the migrant education program and the second relates to the provision of impact aid. In 1981, the Education Department commissioned a report which concluded that migrant children in America are the most academically disadvantaged of all groups qualifying for compensatory education. Today, migrant children are enrolled at the lowest rate of any group of American children. Notwithstanding these facts, the administration proposed a regulation which would have amended the eligibility requirements for the migrant education programs that children prove that their regular school year was "interrupted" by an agricultural or fishing related move, and the "qualifying worker" must be able to show that his or her primary employment over the prior 12 months was in the agriculture or fishing industry.

Mr. Speaker, the implementation of these proposed regulatory changes in the State of Maryland would result in a 75 percent reduction in the number of students age 5 to 17 served in the summer migrant education program. Out of the 1,042 students enrolled during the 1981-82 school year, only 253 would be eligible for services. Services for preschool children would be eliminated, services for secondary school students would be eliminated, and funds available for training the increasing numbers of Haitian and Mexican migrant students in English as a second language would be eliminated or significantly reduced according to the status report on chapter I: "Programs for Migrant Children in Maryland by the Migrant Education Branch, Division of Compensatory, Urban and Supplementary Programs."

I commend the distinguished chairman of the Education and Labor Committee for responding to these proposals through these technical amendments in such a manner that will allow us to continue to serve these "truly needy" students.

The second significant technical amendment corrects an error in the transcription of the clear understanding of the House and Senate conferees that payments for "B" category students would continue through the 1984 fiscal year. During the past school year these category "B" payments provided $9.323 million to the counties in Maryland in which the children of parents who either live or work on Federal property receive public education.

Anne Arundel County, Montgomery County, and Prince Georges County received nearly 50 percent of those funds. Because of a drafting error, most of us believed that these payments would be eliminated after the 1983 fiscal year instead of the agreed upon 1984 termination. With the discovery of this error, the State of Maryland can look forward to assistance in educating these young people.

Again, Mr. Speaker, I commend the chairman of the Education and Labor Committee for his scrutiny of these matters and support the enactment of these technical amendments without reservation.●

● Mr. ANDERSON. Mr. Speaker, I commend the initiative of our colleague, the Honorable WILLIAM GOODLING, as well as the efforts of our colleagues on the Committee on Education and Labor, and rise in support of H.R. 1035, the Education Consolidation and Improvement Act Technical Amendments of 1983.

H.R. 1035 makes needed revisions to the Education Consolidation and Improvement Act, which was passed during the 97th Congress as part of the Omnibus Reconciliation Act of 1981. Specifically, this corrective legislation embraces the clear intent of the House-Senate conferees to its parent bill, who sought to extend the authorization for impact-aid category B payments through fiscal year 1984. These payments are made to local school districts to supplement the costs of educating children in the public schools whose parents either live or work on Federal property. Without passage of H.R. 1035, authority for category B payments will expire at the conclusion of the current fiscal year. Mr. Speaker, I trust our colleagues shall not renege congressional intentions by permitting this vital program to prematurely expire.

Created with the enactment of Public Law 81-874, the School Assistance in Federally Affected Areas Act, impact aid serves local school districts whose tax base is reduced when the Federal Government acquires title to locally zoned properties which otherwise would provide tax revenues to the local government. These revenues are needed to support locally provided services, chief among them being public schools. Because local taxation of the Federal Government is deemed an unconstitutional intrusion on the operations and viability of that branch, Federal acquisitions of property create financial and planning difficulties for local school districts.

In my district, category B schoolchildren are, for the most part, served by one of the three school districts: the Long Beach Unified School District, the Los Angeles Unified School District, or the ABC Unified School District. In the Long Beach Unified School District, more than 3,500 students have qualified as category B students during the 1982-83 school year. Of the 28 schools in my district which are part of the Los Angeles Unified School District, all but 1 educate category B students. A significant number of the ABC Unified School District's students also qualify as category B's.

Mr. Speaker, two other school districts also serve my constituents, although none of their students qualify as either category A or category B students. These two school districts are the Paramount Unified School District and the Bellflower Unified School District; both provide excellent educational programs for the residents of my district.

During the current fiscal year, slightly more than $58 million has been appropriated for the category B program. And even though funding for the category A program has been held at rather constant levels, budgeting for category B payments has been sharply abated and, if the administration were allowed to prevail here, would receive zero funding for fiscal year 1984.

I am a cosponsor of H.R. 1035 because I believe the Congress must steadfastly support the impact-aid category B program. However, passage of H.R. 1035 is not in itself sufficient to assure the continuity of the impact-aid program. Subsequent legislation that will extend the authorizations of both the A and B categories beyond fiscal

year 1984 also needs to be passed during the 98th Congress.●

Mr. GOODLING. Mr. Speaker, I yield back the balance of my time.

Mr. PERKINS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. PERKINS) that the House suspend the rules and pass the bill, H.R. 1035, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

KODIAK NATIONAL WILDLIFE REFUGE IN ALASKA

Mr. SEIBERLING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1071) for the acquisition by the United States by exchange of certain native owned lands or interest in lands in Alaska, as amended.

The Clerk read as follows:

H.R. 1071

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act is enacted to facilitate the achievement of the purposes expressed in section 101 of the Alaska National Interest Lands Conservation Act (Public Law 96-487; 16 U.S.C. 3101 et seq.).

SEC. 2. (a) In the event that Koniag, Incorporated, Regional Native Corporation ("Koniag") files with the Regional Director of the Fish and Wildlife Service, Anchorage, Alaska, one or more lists designating surface estate it owns or to which it is entitled pursuant to the Alaska Native Claims Settlement Act, as amended, situated within the exterior boundaries of the Kodiak National Wildlife Refuge ("Refuge") which Koniag is willing to convey to the United States pursuant to this Act, then the Secretary of the Interior ("the Secretary"), not later than one hundred and eighty days after Koniag files each such list, shall select therefrom surface estate aggregating at least 80 per cenum of the acreage theeof and shall notify Koniag of such selection.

(b) Upon determination pursuant to section 4 of this Act of the value of the surface estate selected by the Secretary, Koniag shall convey the selected surface estate to the United States by quitclaim deed or deeds. Upon Koniag's conveyance to the United States, the Secretary shall issue to Koniag certificates of value ("certificates") in exchange therefor.

SEC. 3. Certificates issued under this Act may be tendered, and shall be accepted, as payment, in whole or part, of bonuses of other cash payments, or deposits, in competitive lease sales conducted under the Outer Continental Shelf Lands Act, as amended (43 U.S.C 1331, et seq.), and of rentals and cash royalties on leases heretofore or hereafter issued under that Act, unitl their total face value is thereby exhausted by payments under a successful bid or bids and by rental and royalty payments. The face value of certificates issued hereunder shall equal the value of the surface estate conveyed in exchange for their issuance, Receipt by Koniag of a certificate shall constitute receipt of an interest in land for purposes of section 21(c) of the Alaska Native Claims Settlement Act, as amended, and the face value of the certificate shall constitute its "fair value" for purposes of that section, Certificates issued under this Act shall be assignable in whole or part, but no assignment shall be recognized by the Secretary until written notice thereof is filed with him by the assignor and assignees. Certificates may be tendered only by an entity qualified to bid and hold leases under the Outer Continental Shelf Lands Act.

SEC. 4. The Secretary and Koniag shall attempt, through negotiations, to reach agreement on the value of the surface estate which Koniag is to convey. In the event Koniag and the Secretary are unable to agree on such value within one year after each date on which the Secretary notifies Koniag of his selections (or at any such time prior thereto mutually agreed upon by the Secretary and Koniag) the determination of value shall be promptly submitted to binding arbitration in accordance with the rules of the American Arbitration Association. In the event selections are made by the Secretary from more than one list filed by Koniag under section 2, by mutual agreement of the Secretary and Koniag there may be a single submittal to binding arbitration, such submittal to be made not later than one year after the date on which the Secretary notifies Koniag of his selections from the list last filed by Koniag. Each member of the Board of Arbitrators shall be selected through utilization of the procedures of the American Arbitration Association: *Provided*, That such Board shall consist of three arbitrators, unless the Secretary and Koniag mutually agree to a lesser number. The decision of the Board of Arbitrators shall be final and conclusive. At any time prior to the announcement of a decision by the Board of Arbitrators, the Secretary and Koniag may mutually agree on value. In determining value of interests to be conveyed to the United States under this Act, primary consideration shall be given to their value for Refuge purposes.

SEC. 5. Conveyances under this Act shall not affect subsistence uses of Koniag members and their families. A statement to that effect shall be included in all conveyances made pursuant to this Act and shall constitute a covenant running with the land. Nothing in this Act shall be construed to deprive Koniag members and their families of the subsistence rights provided for in title VIII of the Alaska National Interest Lands Conservation Act. By agreement with the Secretary, Koniag may retain interests in the nature of easements or rights-of-way in, on, or across any surface estate conveyed to the United States under this Act. Any interests reserved under this section shall be exercised in accordance with such reasonable regulations as the Secretary may prescribe.

SEC. 6. In addition to the surface estate selected by the Secretary under section 2 of this Act, Koniag and the Secretary may from time to time agreee that there shall be conveyed to the United States under and in accordance with this Act interests in lands or entitlements thereto owned by Koniag in the vicinity of the exterior boundaries of the Refuge. In each such case section 4 shall govern the determination of value and the negotiating period for the determination of value shall be the one year period after Koniag and the Secretary have agreed upon the interests to be conveyed.

SEC. 7. Lands or interests acquired by the United States under this Act shall become part of the Kodiak National Wildlife Refuge.

The SPEAKER pro tempore. Is a second demanded?

Mr. YOUNG of Alaska. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. SEIBERLING) will be recognized for 20 minutes and the gentleman from Alaska (Mr. YOUNG) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1071 would provide for the acquisition by the United States of the surface estate in certain lands within the Kodiak National Wildlife Refuge in Alaska.

The United States already owns the subsurface estate in the lands affected by the bill. Under current law the surface estate in these lands, however, has been or will be transferred to Koniag, Inc., a Native corporation whose shareholders are the natives of the Kodiak region pursuant to the terms of the Alaska Native Claims Settlement Act of 1971.

The lands covered by the bill include valuable habitat for the Kodiak brown bear and the other species of wildlife found within the Kodiak refuge. The U.S. Fish and Wildlife Service would very much like to reacquire the surface estate in these lands so it can be managed for refuge purposes and the bill would make that possible.

However, Mr. Speaker, it is important to note that nothing in the bill compels the Native corporation to transfer any of its lands to the United States against its will.

Instead the bill allows Koniag, Inc., to determine which if any of its lands it wishes to offer to sell to the United States. Once the Native corporation does decide that it wishes to sell some or all of its holdings within the refuge boundaries the bill requires the Secretary of the Interior to acquire at least 80 percent of the Native holdings so offered.

Of course, he could decide to acquire them 100 percent.

Ordinarily, completion of such a purchase by the United States would be dependent upon the availability of appropriated funds to pay for the lands being acquired, or by this exchange of other Federal lands or interests in land, such as minerals. Under H.R. 1071, however, the Native corporation is to be compensated not in cash or by the exchange of interests in land but through the issuance of assignable certificates of value which can be tendered and accepted in lease sales for Outer Continental Shelf oil and gas leases.

As is readily apparent, the end result is not very different from the usual pattern of land acquisition. This could, of course, be exchanged for other Federal land, including Outer Continental Shelf oil lands. But here, instead, it would be exchanged for the right to acquire, to bid on Outer Continental Shelf oil lease sales and be a credit against the bidding moneys.

The assignability of the certificates makes them more easily salable than land itself and thus allows Koniag the flexibility to exercise its best business judgment so as to maximize the benefits to its shareholders.

Once such certificates are issued it will be up to the officers and directors of the corporation to make the best use of them they can in the interest of the Koniag shareholders and nothing in this bill imposes on the corporation any new restrictions on their actions toward that end.

The bill also includes provisions which establish a method for valuation of any holdings that come under the acquisition provisions, first through negotiations between the Department of the Interior and the Native corporation and, in the event of a deadlock in those negotiations, through arbitration under the procedures of the American Arbitration Association.

This is very similar to the procedures that were established under other bills approved by the Congress and now in law. The most recent one was the bill that was passed in the lameduck session of the last Congress dealing with the Cranberry Wilderness in West Virginia under which the exchange of coal owned by a private corporation, the CSX Corp. underneath that wilderness is made possible in return for other Federal coal leases on other Federal land in other parts of the country.

As in the case there, of course, the corporation does not have to exchange its coal, but we assume that it will want to do so since otherwise it cannot develop the coal in that wilderness area.

Mr. Speaker, H.R. 1071 is a limited but important measure. It is essentially the same as a bill which passed the House unanimously near the end of the last Congress but which was not acted upon by the other body.

I am happy that we have been able to bring it before the House again without delay, so that the other body will have ample opportunity to complete action without unnecessary delay.

I urge all Members to vote for its passage and reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 1071, which seeks to expand the range of options available to the Koniag Regional Corp., in negotiating a settlement with the U.S. Government for prized bear habitat on Kodiak Island, Alaska. This is the same bill that passed the House in September of last year, but came too late for the Senate to consider the legislation.

H.R. 1071 seeks to round out the Kodiak National Wildlife Refuge, known also as the "Kodiak Bear Refuge." In this area, the largest carnivore on the North American Continent—the Kodiak brown bear, makes his home. The refuge was established in the 1940's, because of its outstanding habitat for this magnificent beast. Later, when Congress decided to settle its long-standing claims with the Alaska Natives, the Natives in the area of the refuge were left with the refuge lands as the only ones available to choose to settle their claims. In choosing these lands, they became the largest inholder in the refuge, and perhaps in the entire wildlife refuge system. The U.S. Fish and Wildlife Service would like these lands back. Koniag Regional Corp. would like to divest themselves of these lands for other lands or options, consistent with the exchange authority within the Alaska Lands Act. This legislation simply widens their options for doing so, by offering them the option of receiving bidding chits on offshore lease sales. The Interior Department would grant Koniag a certain value of these bidding chits, which could be used only for bidding on the OCS. In return, the Department would receive assurance that these lands would be protected for bear habitat, and not developed for purposes of resorts or housing developments.

As you know, I am not one who rejects man's participation in what we call the environment. I happen to believe that man's needs can be met at the same time we seek to protect the environment, and that we need not knee-jerk whenever projects required to meet man's needs are proposed. That is why I support this legislation—because there are no resource conflicts—no oil, no gas, no minerals, no timber, and no agricultural lands. This land is best suited, in the view of everyone, to providing habitat for the Kodiak brown bear. Further, the Natives who had no option but to choose those lands deserve to gain some economic self-sufficiency, to bring them into the 21st century in the spirit of Indian self-determination. This legislation is good legislation—good for the Natives, good for the bear, good for the environment, good for the Treasury in the long run, and it deserves your support.

DECREASE OF REVENUES

As to the second concern—a decrease of revenues, at most the impact is indirect rather than occasioned by a direct Federal expenditure. OCS revenues must by law be deposited into the land and water conservation fund. The purpose of that fund is, among other things, to provide money for the acquisition by the Federal Government of inholdings in national wildlife refuges. The use of bidding certificates accomplishes the result that would otherwise require an appropriation out of OCS revenues deposited in the land and water conservation fund.

□ 1330

Mr. Chairman, there has been much said about the decrease of revenues to the budget. I submit to you that there is no decrease in revenues. In fact, the most impact is indirect rather than that occasioned by direct Federal expenditures. The OCS revenues must be by law be deposited in the land and water conservation fund. The purpose of that fund established by this Congress is among other things to provide money for the acquisition of Federal Government of inholdings in national wildlife refuges. The use of bidding certificates accomplishes the result that would otherwise require an appropriation out of OCS revenues deposited in the land and water conservation fund. I urge this body to consider the justice in this legislation. In 1971 we passed the legislation creating the Alaska Native land claims settlement. In doing so, we guaranteed the corporation a certain amount of land and a certain amount of dollars but because the land is inside the refuge and if we are to stand for and protect that refuge as the Congress recognized its obligation to the corporation then we will certainly support this legislation that gives them the option of participating in the offshore development, working with the Department of Interior, working with frankly this Congress that made an obligation and a commitment to them. I reserve the balance of my time.

GENERAL LEAVE

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this bill, and to include ex-

traneous material relating to the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

● Mr. BREAUX. Mr. Speaker, I rise in support of H.R. 1071. Because of this legislation's impact both on units of the National Wildlife Refuge System and the Outer Continental Shelf Lands Act, it was quite appropriately referred to the Merchant Marine and Fisheries Committee for consideration after it was reported by the Interior Committee. We have examined the legislation carefully and find that it will indeed benefit both the Kodiak refuge and the Koniag Natives. For this reason, we have taken no formal committee action on the legislation.

The 300,000 acres of land on Kodiak are essential to the integrity of the refuge. Without a solution to this problem, there exists a dilemma in that we either lose some of the most valuable habitat for the Kodiak brown bear or the Koniag Native Corp. loses the right to develop lands essential to their livelihood. I want to commend the Interior Committee and the gentleman from Alaska for developing a unique method to resolve this dilemma.

We did have one concern with the legislation. Under the legislation, the process of conveyance is initiated by the Koniag natives, who file lists of areas situated within the national wildlife refuge which they are willing to convey. The Secretary is then obligated to accept not less than 80 percent of the acreage included on the list. With the reluctance of this administration to acquire additional lands, such a provision may be necessary. We were concerned that the Fish and Wildlife Service be able to acquire the most valuable bear habitat and that such habitat be part of the natives' offer. However, we have been assured by the chairman of the Interior Committee and the gentleman from Alaska that there is already substantial agreement between the Fish and Wildlife Service biologists in Alaska and the natives regarding the lands to be conveyed and that these lands do include the prime bear habitat held by the natives. With these assurances, we are pleased to support this legislation and urge our colleagues to do likewise.●

Mr. SEIBERLING. Mr. Speaker, I yield 5 minutes to the gentleman from Oklahoma (Mr. JONES).

Mr. JONES of Oklahoma. Mr. Speaker, I rise to oppose the H.R. 1071 Kodiak Wildlife Refuge bill. I would note that the administration also opposes this legislation. Perhaps we are opposed for different reasons. My opposition does not go to the merits of the bill. As a matter of fact, the merits of the bill I support. But the issue here is a budget issue, it is an issue of backdoor Federal spending which I think should be stopped before it is launched. If we do not allow any amendments as is the case under this particular procedure, we will be establishing a novel and potentially large loophole of backdoor spending that could have enormously negative effects on the Federal budget. The first broad-scale assault to circumvent the appropriations processes took place several years ago and that was the development of entitlements. We have seen entitlements grow over the past decade to the point that now they occupy 45 percent of the Federal budget. The funding mechanism provided in this bill could open the door to new large backdoor spending that could further undermine our efforts to get deficits under control. Now here essentially is the problem: Heretofore if the Koniag Regional Corp. wished to sell the Interior Department certain land within the Kodiak National Wildlife Range, such a sale would be subject to Interior having the funds that had been appropriated by Congress for that purpose. Under this new procedure, this bill, the congressional appropriations process could be bypassed in the following way: Koniag, a private corporation, could approach the Interior Department with an offer to sell some of the land. Interior would have to buy, under this bill, at least 80 percent of what was offered. Interior could only quarrel about the price of the land. If no mutual price could be agreed upon within a year, the dispute would then be submitted to binding arbitration and Interior would have to pay the amount established through that arbitration.

Now, since this bill does not authorize the appropriation of any funds, Interior would pay for the land by issuing vouchers that could be used as cash by the oil companies to pay their royalty obligations or cash bonus obligations incurred in future OCS lease auctions. Now naturally the vouchers could be sold by the Koniag Corp., the Native corporation, to oil companies for cash and because they could be used by the oil companies to meet those cash obligations, Federal offsetting receipts would be reduced by that amount.

Now the budget resolution which the House passed recently contains $59.6 billion in the category called offsetting receipts. Now these are obligations or receipts owed to the Federal Government from such things as royalty payments for drilling or mining on Federal land, or from lease sales from the Outer Continental Shelf type receipts. Now the procedure outlined in this bill for backdoor spending seems to effectively get around the disciplines of the Budget Act and we actually have no present procedural way to stop this.

But if other bills adopt the same kind of procedure, in order to get around the Appropriations Committee, or to get around the disciplines of the Budget Act, I can see that the $59 billion in offsetting receipts could evaporate very quickly and our total Federal deficit could grow even more. What makes this bill an even worse precedent is that it grants this backdoor spending authority to a private group rather than an executive agency. So, at a minimum we should amend this bill to provide that Interior could only buy land offered to it to the extent that funds for this purpose were appropriated by Congress.

However, under suspension of the rules no amendments are in order and therefore I ask my colleagues to defeat this bill so that amendments could be adopted to prevent a new loophole in the budget process and to prohibit this creative new approach to backdoor Federal spending.

Mr. SEIBERLING. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore (Mr. ROSE). The gentleman from Ohio has 9 minutes remaining.

Mr. SEIBERLING. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I appreciate the zealousness with which the chairman of the Budget Committee guards against backdoor spending and I agree with him completely that we must guard against it.

But, I think his concerns about this bill are misplaced. This is not a bill which provides for backdoor spending or entitlements. This is a bill which is similar to many bills which involve the exchange of interests in land owned by private parties for interest in land owned by the Federal Government. That is all this is.

It would have been a very simple matter to provide in this bill that instead of exchanging the Native land for certificates that give the corporation credits against bidding on offshore oil, we simply would provide conveyance to the Native corporation of Federal offshore oil lands.

The only trouble with that is that the Native corporation is not in a position to develop Federal offshore oil lands and so they said, instead, they would like to have the rights to get credits against bidding for Federal oil leases, when and if there are any such leases further offered in the future, which may be next year, maybe 100 years from now.

So, I do not think that this is a backdoor spending operation. It is purely a way to make a land exchange or the exchange of interests in land feasible for this particular corporation without costing the Government anything more than it would have cost if it exchanged the oil lands themselves.

Mr. JONES of Oklahoma. If it were a swap of a piece of land for a piece of land of equal value, it obviously would have no budget impact.

□ 1340

But according to section——

Mr. SEIBERLING. Oh, yes, it might very well have a budget impact.

Mr. JONES of Oklahoma. No; it would not be included in any category of the budget in terms of receipts.

Mr. SEIBERLING. Under the gentleman's committees' rule.

Mr. JONES of Oklahoma. Under anybody's, under the administration's or anybody's.

But under section 3, it is not only future leases that they are bidding on but you allow an oil company to reduce the amount of its rentals and cash and royalties on leases heretofore or hereafter given, which means that an oil company could purchase this certificate from a private corporation, this voucher, from a private corporation, and then reduce its payments by that amount on existing royalties that they were due to pay to the Federal Government, and that would have a budget impact of that amount.

Mr. SEIBERLING. Well, that is absolutely right. And if instead of giving the Koniag Corp. the certificates, we gave them the oil lands themselves so that the Federal Government could no longer develop them, why that also would reduce the revenues. So I do not really see much difference between the two.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the chairman of the subcommittee is absolutely correct. If we had probably approached this in the way that we should have, we would have been giving the Federal lands offshore to the corporation.

I would like to go back to the history of this whole program. First, it was this body that created the private corporation of Koniag. It was this body that said you would have so many acres of land, it was this body that said you have so many dollars, and it is this body that said you shall have the economic base so that you can bring your corporation, your people into the 21st century.

Now we hear from the budget chairman all of a sudden that already voted for the bill last session, say this is coming in the back door, that we ought to appropriate the money. We ought to go back on our word. And he keeps forgetting to tell you that because of the chits that will be issued, we, this Congress, and the U.S. Government, and the wildlife of this Nation is receiving lands in return, that we would have to appropriate the money under his formula to buy.

The gentleman and I know we have not appropriated moneys to buy these lands in holdings. The budget will not stand for it, it is not there.

What we are attempting to do in this legislation is to make sure that our obligations are fulfilled with the most simple way giving an opportunity to Koniag to achieve their goal and yet allowing this Congress and the United States to acquire those lands in that very pristine bear habitat area.

I think it is important we recognize that his body has obligations to previous laws passed and we as Members of Congress have obligations to make sure that one committee, one committee does not start deciding how we are to run this Nation.

I think it is imperative that we understand what we are doing here today. This is not backdoor spending. This is fulfilling an obligation the most simple way, with the least pain and we are not taking money from the Treasury. That is what we are going to vote on here in a few minutes.

Mr. JONES of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Oklahoma.

Mr. JONES of Oklahoma. I thank the gentleman for yielding.

Mr. Speaker, first of all, I appreciate the gentleman's interest in this and I would say that this is not the Budget Committee's position. We have not had a meeting of the Budget Committee to take this position. This is one Member's position, who is trying to sound an alarm that I wish had been sounded 10 or 15 years ago when the growth of entitlements occurred. This is a very new procedure that is ingeniously drawn and I have to commend the gentleman or whomever drew this for the way it was drawn.

All I am saying is what is wrong with keeping whatever word we have to this private corporation that was created out of the Alaska lands bill by doing it up front through the appropriations process?

If I had my way we would stop backdoor spending in other areas. The mere fact that we do it in other areas is no reason why we should expand the process.

Mr. YOUNG of Alaska. If I may reclaim my time, I still insist it is not back-door spending. I would say that if I could see anywhere in the budget where there would be vast amounts of money to fulfill our obligation, our contract to Koniag, the gentleman might have a case.

But it is important to recognize that if we do not pass this legislation in my mind the corporation will be in dire economic straits, but more than that because they are they could do terrible damage, terrible damage to truthfully one of the last areas that has no conflict with man other than the possibility they would have to build lodges, which they have a right to do and sell land, which they have a right to do, and to build highrises, which they have a right to do. In the meantime, the last area where we have the vintage largest, biggest, and a whole lot meaner than I am, brown bear, a place where he can live and reside as he should.

So I am asking this body which I serve in to recognize that obligation not only to the corporation, which we created, but an obligation to the species which is now declared totally endangered, a cousin of in the Lower 48, because of man's activities. This is our chance to do what is right for a group of people that have justice on their side and do right for a species which has been maligned and misused in previous years.

I urge the passage of this legislation.

Mr. SEIBERLING. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I have no quarrel with the motives of the gentleman from Oklahoma. I agree with him completely that we should not have back-door spending. But if every time an authorizing committee comes in with what is essentially an exchange of Federal interest in lands for private interest in land, if everytime we do that the Budget Committee's chairman is going to come in and say: "No, we should appropriate cash," it seems to me we are defeating the whole purpose of the Budget Act which is to control the spending of the Federal Government. This is an effort to simply exchange Federal interests for interests of this native corporation.

It is not an effort to do an end run on the budget or the Appropriations Committee, but I will say this, if the position taken by the gentleman from Oklahoma prevails, then we have allowed the budget process to interfere in authorizing committees' actions way beyond anything that was conceived by those of us, and I am one, who voted for it in the first place.

Mr. JONES of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from Oklahoma.

Mr. JONES of Oklahoma. I thank the gentleman for yielding.

Does the gentleman think that we could pass legislation that would exchange this land in Alaska for land in the Outer Continental Shelf for oil drilling?

Mr. SEIBERLING. I do not know. We have not attempted to do that, but I suspect that if it made sense we could.

Mr. JONES of Oklahoma. I suspect that this body would look very suspiciously on that kind of a land exchange and all I am pointing out, we are doing it a little more surreptitiously through the oil company payments and I just do not think that is the right way to approach it.

Mr. SEIBERLING. Well, I do not think there is anything surreptitious about it. Frankly having passed this bill in the last Congress by unanimous consent, I was astonished to learn only today that the gentleman even had an objection. And if we had known that, we might have had some discussions and alleviated his concern.

But at this stage, I would say he is awfully late in the game to be raising this kind of an objection.

● Mr. FRENZEL. Mr. Speaker, I concur in the judgment of the Budget Committee chairman, the distinguished gentleman from Oklahoma (Mr. JONES). This bill is well motivated and serves a good purpose, but it should receive an appropriation.

The manner of handling this bill makes an end run on the budget process. It is back-door spending, pure and simple.

I realize that the proper procedure, getting an appropriation, will take a little longer. I am sorry the committee feels inconvenienced, but it should follow the proper procedure.

I shall vote against the bill.●

Mr. YOUNG of Alaska. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SEIBERLING. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. SEIBERLING) that the House suspend the rules and pass the bill, H.R. 1071, as amended.

The question was taken.

Mr. JONES of Oklahoma. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 366, nays 18, answered "present" 1, not voting 48, as follows:

[Roll No. 48]

YEAS—366

Ackerman	Bereuter	Broyhill
Addabbo	Berman	Bryant
Akaka	Bethune	Burton (IN)
Albosta	Bevill	Byron
Anderson	Biaggi	Campbell
Andrews (NC)	Bilirakis	Carney
Andrews (TX)	Bliley	Carper
Anthony	Boehlert	Carr
Applegate	Boggs	Chandler
Archer	Boland	Chappie
Aspin	Bonker	Cheney
AuCoin	Borski	Clarke
Badham	Bosco	Clay
Barnard	Boucher	Clinger
Barnes	Boxer	Coats
Bartlett	Breaux	Coelho
Bateman	Britt	Coleman (MO)
Bates	Brooks	Coleman (TX)
Bedell	Broomfield	Conte
Beilenson	Brown (CA)	Cooper
Bennett	Brown (CO)	Corcoran
Coughlin	Kasich	Porter
Courter	Kazen	Price
Coyne	Kemp	Pritchard
Craig	Kennelly	Pursell
Crane, Daniel	Kildee	Quillen
Crane, Philip	Kindness	Rahall
Crockett	Kogovsek	Rangel
D'Amours	Kolter	Ratchford
Daniel	Kostmayer	Regula
Dannemeyer	Kramer	Richardson
Daub	LaFalce	Ridge
Davis	Lagomarsino	Rinaldo
de la Garza	Lantos	Ritter
Dellums	Latta	Roberts
Derrick	Leach	Robinson
DeWine	Lehman (CA)	Roe
Dickinson	Lehman (FL)	Roemer
Dicks	Lent	Rogers
Dingell	Levin	Rose
Dixon	Levine	Roth
Dorgan	Levitas	Roukema
Dowdy	Lewis (CA)	Rowland
Downey	Lewis (FL)	Roybal
Dreier	Livingston	Russo
Duncan	Loeffler	Sabo
Durbin	Long (LA)	Sawyer
Dwyer	Long (MD)	Schaefer
Dyson	Lott	Scheuer
Early	Lowery (CA)	Schneider
Eckart	Lowry (WA)	Schroeder
Edgar	Lujan	Schulze
Edwards (AL)	Luken	Schumer
Edwards (CA)	Lundine	Seiberling
Emerson	Lungren	Sensenbrenner
Erdreich	Mack	Shannon
Erlenborn	Madigan	Sharp
Evans (IA)	Markey	Shaw
Evans (IL)	Marlenee	Shelby
Fascell	Marriott	Shumway
Fazio	Martin (IL)	Shuster
Feighan	Martin (NC)	Sikorski
Fiedler	Martin (NY)	Siljander
Fields	Matsui	Simon
Flippo	Mavroules	Sisisky
Florio	McCain	Skeen
Foglietta	McCandless	Skelton
Foley	McCollum	Smith (FL)
Ford (MI)	McCurdy	Smith (IA)
Forsythe	McDade	Smith (NE)
Fowler	McEwen	Smith (NJ)
Frank	McGrath	Smith, Denny
Frost	McHugh	Smith, Robert
Fuqua	McKernan	Snowe
Gaydos	McKinney	Snyder
Gejdenson	McNulty	Solarz
Gekas	Mica	Solomon
Gephardt	Michel	Spence
Gilman	Mikulski	Spratt
Glickman	Miller (CA)	St Germain
Goodling	Miller (OH)	Staggers
Gore	Mineta	Stangeland
Gradison	Minish	Stark
Green	Mitchell	Stenholm
Gregg	Moakley	Stokes
Guarini	Molinari	Stratton
Gunderson	Mollohan	Studds
Hall (OH)	Montgomery	Sundquist
Hall, Ralph	Moody	Swift
Hall, Sam	Moore	Synar
Hamilton	Moorhead	Tauke
Hammerschmidt	Morrison (CT)	Tauzin
Hance	Morrison (WA)	Taylor
Hansen (ID)	Mrazek	Thomas (CA)
Hansen (UT)	Myers	Thomas (GA)
Harkin	Natcher	Torres
Harrison	Nelson	Torricelli
Hatcher	Nichols	Towns
Hawkins	Nielson	Traxler
Heftel	Nowak	Udall
Hightower	O'Brien	Valentine
Hiler	Oakar	Vandergriff
Hillis	Oberstar	Vento
Holt	Obey	Volkmer
Hopkins	Olin	Vucanovich
Howard	Ottinger	Walgren
Hoyer	Oxley	Walker
Hubbard	Packard	Watkins
Hunter	Parris	Waxman
Hutto	Patman	Weaver
Hyde	Patterson	Weber
Ireland	Pease	Weiss
Jacobs	Penny	Wheat
Jeffords	Pepper	Whitehurst
Jenkins	Perkins	Whitley
Johnson	Petri	Whittaker
Kaptur	Pickle	Williams (OH)
Winn	Wright	Young (AK)
Wise	Wyden	Young (FL)
Wolf	Wylie	Young (MO)
Wolpe	Yates	Zablocki
Wortley	Yatron	Zschau

NAYS—18

Conable	Hefner	Panetta
Donnelly	Hertel	Paul
Ferraro	Jones (OK)	Ray
Frenzel	Leath	Rudd
Gramm	McDonald	Stump
Hartnett	Murtha	Whitten

ANSWERED "PRESENT"—1

Gonzalez

NOT VOTING—48

Alexander	Gingrich	Murphy
Annunzio	Gray	Neal
Boner	Hall (IN)	Ortiz
Bonior	Horton	Owens
Chappell	Huckaby	Pashayan
Collins	Hughes	Reid
Conyers	Jones (NC)	Rodino
Daschle	Jones (TN)	Rostenkowski
Dymally	Kastenmeier	Savage
Edwards (OK)	Leland	Slattery
English	Lipinski	Tallon
Fish	Lloyd	Vander Jagt
Ford (TN)	MacKay	Washington
Franklin	Martinez	Williams (MT)
Garcia	Mazzoli	Wilson
Gibbons	McCloskey	Wirth

□ 1400

Mr. CONABLE and Mr. HERTEL of Michigan changed their votes from "yea" to "nay."

Mr. YATES changed his vote from "nay" to "yea."

Mr. GONZALEZ changed his vote from "yea" to "present."

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1410

PERMISSION FOR COMMITTEE ON SCIENCE AND TECHNOLOGY TO HAVE UNTIL MIDNIGHT, FRIDAY, APRIL 15, 1983 TO FILE REPORT ON H.R. 2065, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION

Mr. FUQUA. Mr. Speaker, I ask unanimous consent that the Committee on Science and Technology may have until midnight, Friday, April 15, 1983, to file a report to accompany the bill (H.R. 2065) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

The SPEAKER pro tempore (Mr. FLIPPO). Is there objection to the request of the gentleman from Florida?

There was no objection.

CALIFORNIA WILDERNESS ACT OF 1983

Mr. BEILENSON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 154 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 154

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1437) entitled the "California Wilderness Act of 1983", and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interior and Insular Affairs now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and each section of said substitute shall be considered as having been read. it shall be in order to consider an amendment to said substitute printed in the Congressional Record of March 24, 1983 by, and if offered by, Representative Burton of California, and all points of order against said amendment for failure to comply with the provisions of clause 7 of rule XVI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. BEILENSON. Mr. Speaker, I intend to make an unanimous-consent request which will have the effect of amending the rule. This request would delete the language on page 2, line 11 which requires the amendment printed in the CONGRESSIONAL RECORD of March 24, 1983, by Representative BURTON to be offered solely by Mr. BURTON. Otherwise, Mr. Speaker, the amendment could not be offered. For my colleagues information, I will make the unanimous-consent request on behalf of the committee on rules and I do so after consultation with the members of the committee on both sides of the aisle.

Mr. Speaker, I ask unanimous consent that on page 2, line 11 of House Resolution 154 the words ", and if offered by," be stricken.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The resolution is modified.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Mississippi (Mr. LOTT), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 154 is the rule providing for the consideration of H.R. 1437, the California Wilderness Act of 1983. House Resolution 154, as reported by the Rules Committee, is an open rule and provides for 1 hour of general debate to be divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs.

Following general debate, the bill will be considered for amendment under the 5-minute rule. The committee amendment in the nature of a substitute is made in order as original text for amendment purposes and, as with all open rules, any germane amendment may be offered. The resolution, however, also allows for the consideration of an amendment printed in the CONGRESSIONAL RECORD of March 24 by Mr. BURTON of California and waives points of order against its consideration under clause 7 of rule XVI, the germaneness rule. At the conclusion of the bill's consideration, a motion to recommit with or without instructions will be in order.

H.R. 1437, the California Wilderness Act of 1983, would add 58 areas of national forest lands in the State of California, totaling approximately 2,332,000 acres, to the national wilderness preservation system. Another 72,000 acres would be slated for further wilderness evaluation, 16,938 acres of national forest and other land would be added to the national park system, and some 1,418,230 acres of national park land would be designated as national park wilderness.

An additional purpose of the legislation is to resolve the uncertainty which has arisen in the wake of the second roadless area review and evaluation. RARE-II was implemented in 1979 as a study of the suitability of some 15 million acres nationwide for designation as wilderness. The Ninth Circuit Court of Appeals upheld the decision of a California district court against Bergland, in which it was decided that the final RARE-II environmental statement for California was invalid. According to the court's decision, no further action could be taken until another environmental statement was prepared. The consequences of that decision has been to delay both the designation of appropriate areas as wilderness and the release of remaining land for multiple-use purposes such as logging and mining. H.R. 1437, as reported from the Committee on Interior and Insular Affairs, would resolve part of the dilemma by immediately designating 2.3 million of the affected acres as wilderness. Mr. BURTON's amendment which may now be offered by Mr. UDALL or any other Member of the House would release for multiple-use purpose California RARE-II land not specified in the bill. The language in this amendment was included in a bill similar to H.R. 1437, which passed the House in July 1981, but which was not considered in the Senate.

Mr. Speaker, consideration of this bill will provide us with an opportunity to finally resolve the uncertainties which have resulted from the RARE-II process in California.

Mr. Speaker, I would also note that this bill may serve very well as a tribute to our late great colleague, Mr. PHILLIP BURTON.

I urge my colleagues to adopt House Resolution 154 so that we may proceed to consideration of H.R. 1437.

□ 1420

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to take this opportunity to join my colleagues in sorrow at the untimely death of Congressman PHILLIP BURTON of California and wish to extend my deepest sympathy to his family. PHILLIP BURTON fought long and hard for what he believed in, regardless of the personal cost. Although we were on opposite sides of the aisle, one must acknowledge that he approached most issues with a dedication that will be hard to equal.

Mr. Speaker, House Resolution 154 provides for consideration of H.R. 1437, the California Wilderness Act of 1983. The resolution provides for an open rule with 1 hour of general debate, which should give all Members the opportunity to work their will on this legislation.

After general debate, the bill is open to amendment under the 5-minute rule. Two amendments have been made in order. The first is an amendment in the nature of a substitute recommended by the Interior Committee, which shall be considered as an original bill for the purpose of amendment. Also in order is an amendment printed in the CONGRESSIONAL RECORD of March 24, 1983, by Mr. BURTON of California. In accordance with the unanimous consent request made on behalf of the Rules Committee, the amendment may be offered by any Member of the House. The rule waives clause 7 of rule 16, which is the germaneness rule, for this amendment only. The rule provides for no other motion except for one motion to recommit with or without instructions.

I will not oppose this rule, but again I feel that I must stress that I do oppose the way in which this bill was considered in the Interior Committee. The views and concerns of some members of the California delegation,

whose districts are affected, have been ignored. The committee again appears to be insensitive to those who have a vested interest in the area.

I also cannot help but feel that taking so much timber land out of production will have an adverse impact on employment in the State. The administration has predicted the loss of some 1,600 to 1,800 jobs in California. The administration is also opposed to the bill due to the fact that it would result in a reduction of some $20 to $25 million annually in gross timber receipts to the Federal Government. Now is not the time to cut a source of revenue that has never involved a sacrifice by the American taxpayer.

Mr. Speaker, California already has much wilderness. I see no reason to double it.

Mr. Speaker, I yield back the balance of my time.

Mr. BEILENSON. Mr. Speaker, I have no requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution, as modified, was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 154 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1437.

The Chair designates the gentlewoman from Connecticut (Mrs. KENNELLY) as Chairman of the Committee of the Whole and requests the gentleman from Oklahoma (Mr. SYNAR) to assume the chair temporarily.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1437) entitled the "California Wilderness Act of 1983," with Mr. SYNAR (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Arizona (Mr. UDALL) will be recognized for 30 minutes and the gentleman from Alaska (Mr. YOUNG) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Arizona (Mr. UDALL).

Mr. UDALL. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I regret very much that I have this position as floor manager today. I regret it very deeply, because as has been said earlier, the gentleman from California (Mr. PHILLIP BURTON) was the author of this bill in this Congress and when it passed the House in the last Congress. He carried on a whole set of negotiations in his State to get basic and almost final complete settlement on the many issues that are involved.

Mr. Chairman, I strongly support H.R. 1437, the California Wilderness Act of 1983. This is our third time around on this bill, and I hope that the reasonable compromises contained in the legislation will finally be enacted into law.

Congressman SEIBERLING's statement will go into many of the details and describe some of the compromises worked out in this legislation, so I will not do so. However, I do believe this bill represents a remarkable degree of consensus on some very difficult issues, and I believe this is largely due to the tireless efforts of, Mr. PHILLIP BURTON.

As the ranking Californian on the House Committee on Interior and Insular Affairs, PHIL took the lead in getting the various members of the California delegation, particularly those in whose districts some these lands are situated, to look at this bill in detail and to work out compromise solutions, which, while not completely satisfying everyone in every respect, I believe go about as far as we can go in legislation toward reaching a consensus.

For those who may not have had the privilege of working closely with our colleague, PHILLIP BURTON, on a complex and important legislative proposal, I would add that, in his mastery of detail, his ingenuity at finding constructive solutions to knotty conflicts, his knowledge of the many and varied interests in his home State, his sense of balance, his legislative expertise and, above all, his unflagging dedication to the public good, he was one of the truly great public servants of our time.

While this bill is the result of the combined efforts of many, many people, to the extent it bears the stamp of any one person, that person is PHILLIP BURTON.

This bill represents his vision and dedication to the cause of land conservation and I am committed to seeing that it passes the House and is enacted into law.

As chairman of the committee, it has been my task in the past several years to work with Subcommittee Chairman SEIBERLING and others to attempt to sort out the fate of some 62 million acres of national forest roadless lands in the United States which were reviewed for wilderness designation under the Forest Service's RARE II program. Nowhere has this task been more urgent than in California where a growing population is leading to greater and greater demands to preserve wildlands in their natural state.

A resolution of the California RARE II issue is made urgent by a U.S. district court decision in State of California against Berglund which declared the RARE II process to be legally insufficient to support wilderness decisions on almost 1 million acres of roadless lands in California and which placed an injunction on any development in those 1 million acres. In short, if there is no RARE II wilderness legislation enacted for California, over three-fourths of the national forest roadless land in the State, or some 4.7 million acres will continue to remain in a wilderness limbo, where development is constrained either by court order or existing law and administrative policy. Included in these constraints would be a freeze on lands which have an annual estimated timber harvest of 115 million board feet and which would be freed for possible harvest if H.R. 1437 is enacted. Mineral development, potential ski sites, several hydroelectric projects and transmission lines, and off-road vehicle use on popular routes would also either be blocked or remain under a cloud of uncertainty if no bill is enacted. And the next Congress would be forced back to the reconsideration of widely divergent proposals for wilderness additions ranging from 1.3 to 5.1 million acres of national forest lands.

Important as the issues of ending uncertainty and opening lands for commodity production and development may be, Mr. Chairman, I should stress the positive conservation benefits of H.R. 1437. Enactment of this legislation will go a very long way toward completing the National Wilderness Preservation System in California and protecting the State's remaining scenic and natural gems. Not only will the wilderness designations of H.R. 1437 preserve outstanding opportunities for primitive recreation and scenic diversity, but perhaps more importantly, it will provide significant long-term economic and other benefits by protecting critical salmon and steelhead fisheries, insuring continued high quality waterflows and supplies, and preserving a diverse undisturbed gene pool of wildlife and plant species.

The wilderness proposals cover widely diverse areas and ecosystems ranging from the second largest unprotected national forest roadless area in the lower 48 States, to the world famous Mount Shasta and the biologically unique Russian Peak roadless area, to the desert ecosystems of southern California. Notable features protected in various areas include critical bighorn sheep habitat in the mountains surrounding the Los Angeles basin; all or portions of streams containing the remaining summer steelhead runs in the State; the Nation's highest desert mountains; the world's largest Joshua tree; two of the most spectacular river canyons in the Sierra; native golden, Paiute, and San Gorgonio trout habitat; major segments of the Pacific Crest Trail; a por-

tion of the range of the California condor; some of the richest and most genetically diverse conifer forests in the world; several sites of critical religious and cultural significance to Native Americans; and numerous undeveloped lands in close proximity to Los Angeles and San Diego.

In summary, I believe this bill represents a true compromise between the interests of wise land conservation and the need to develop certain lands for commodity uses. I urge its approval.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Chairman, once again I find myself rising in strong opposition to a wilderness bill coming out of the Interior Committee. This time it is the California wilderness bill, and I am sorry that I must object to its passage.

I am not opposed to wilderness, if the Member of this body that represents an area wants it in his district. But this is once again an assault on the single-member representation that this body is supposed to uphold. In this case, very few Members who have large acreage and therefore, jobs, at stake, support this bill. Those who do support it are generally those from other areas, where people are not affected by massive land withdrawals and the unemployment that such withdrawals cause. This is a battle of lifestyles—those in the city made comfortable by the extractive industries and their fruits, waging war against those very people from districts that make their life comfortable, and further, it is a battle fought by a gallant few against the power of the Federal Government in the so-called national interest. It is wrong.

Part of the reasons these bills continue to sweep through the Congress is because most of us are unaffected by the vote we take at a given moment on a wilderness question. We do each State as a separate bill—unlike any other legislation this body passes. Instead of balancing the needs for employment and natural resources, this body takes cheap votes—"It's not my district, so I'll get a cheap evnironmental vote." I have heard it on the floor. Well, Mr. Chairman, it is not that easy. This Congress, if you are from Virginia, Vermont, Pennsylvania, North Carolina, Tennessee, Florida, Alabama, Mississippi, Michigan, Arkansas, Colorado, Missouri, Arizona, or Washington, you may very well find yourself in the same position as some of these Members from California, because each of these States is targeted for wilderness legislation. You may support wilderness—I do not know. But I want you to understand that the chickens come home to roost, and until you stand up and take a vote for those Members who represent a certain district's wishes, you had better not expect them to stand up for you. Just ask BOB SMITH or DENNY SMITH from Oregon how it feels. Just ask BILL EMERSON from Missouri how it feels. Just ask BOB DAVIS, of Michigan, how it will feel when all the people in the lower peninsula want to make wilderness out of his lands in the upper peninsula. Just ask me—I have got 56 million acres of nonproductive lands where very few will ever visit due to the cost of doing so. Then ask yourself if you support this body's supposed support of the wishes of the affected Member. I hope the Members listen and listen well today. It is about time we stop importing unemployment into the districts of our colleagues against their wishes. I would like to include two letters of opposition to this legislation at this time:

DEL NORTE FISHERMEN'S
MARKETING ASSOCIATION,
Crescent City, Calif.

The Del Norte Fisherman's Marketing Ass'n. which represents the salmon fisherman of Del Norte County are opposed to all wilderness areas where salmon spawning streams exist, we are in favor of multiple use lands for the following reasons.

The salmon fisherman of California have taxed themselves through the Salmon Stamp Program to raise money to fund programs such as Hatchboxes, Rearing Ponds, Fish Ladders, and Stream Restoration. These monies are to be used to restore the salmon runs to somewhere near what they were in past years.

Years ago California had nearly 6000 miles of spawning streams which produced very healthy salmon runs. Over the years federal dams, poor logging practices, and natures severe winters have depleted these important spawning streams to just a few hundred miles. Through new laws on logging and the continued support of the logging companys the stream damage from logging is over. There is nothing we can do about the federal dams and we can't stop natures severe winters.

Through the monies from the salmon stamp program, The Dept. of Fish and Game, and the Bosco Bill there are programs being started to repair the damage done to these spawning streams in the past. The restoration of these streams is the most important factor in rebuilding the salmon runs in California.

The salmon fishing industry is one of the most valuable fisheries in the State of California and it must be protected. In Crescent City alone in the last five years there has been 3,550,897 pounds of salmon landed by commercial salmon fisherman. The money that is generated by these landings is very important to Del Norte County and the State of California.

The salmon fishing industry of Del Norte County is in favor of multiple use land because that is the only way our rebuilding programs can continue. We must have access to all the lands that have spawning streams in order to remove log jams, build wider dams, and replace spawning gravels of the right size that is needed for salmon to spawn. In a wilderness area there are no roads allowed and therefore none of this stream work can be done. In a multiple use area we can get the equipment we need in and out to do repair work that is needed every year. This work must be done year after year as nature has a way of doing stream damage each winter.

The salmon fisherman of California, the Cal. Dept. of Fish and Game, and other user groups are dedicated to the rebuilding of as much of the 6,000 miles of spawning streams as is possible. The rebuilding of these streams is the one thing that will bring back the salmon population as we once knew it.

Wilderness Areas in nothern California where all California salmon are spawned is a major factor in stopping the rebuilding of the major spawning grounds of California.

RICHARD C. COOP,
Manager, Del Norte
Fisherman's Marketing Ass'n.

UNITED BROTHERHOOD OF
CARPENTERS AND JOINERS OF AMERICA,
Washington, D.C., March 7, 1983.

Hon. DON YOUNG,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN YOUNG: On behalf of the lumber and sawmill workers who are members of the United Brotherhood of Carpenters and Joiners of America which consists of 800,000 members, I want to commend you for your statements as a member of the Interior and Insular Affairs Committee at the hearing March 5, 1983 on H.R. 1437 entitled the "California Wilderness Act of 1983."

Your remarks were very well put, especially on the effect the wilderness bill will have on jobs.

With unemployment running 30, 40 and 50% in the timber industry we sure do not need more timber locked up in perpetuity.

We can be a nation of environmentalists only if our citizens have jobs and incomes to support wise conservation. If you suffer economically to the point where you can no longer hunt, fish, hike, or even travel to the forests and streams, then your burning desire to conserve is going to dim quickly, and understandably so. And this is where we are today.

We are against H.R. 1437 in its present form if it takes one single job out of existence.

Sincerely yours,
CHARLES E. NICHOLS,
General Treasurer and
Director of Legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. UDALL. Mr. Chairman, I yield such time as he may require to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, I rise in strong support of H.R. 1437.

This is PHIL BURTON'S bill. This is the third Congress in which it has been taken up in the House. The two previous times it passed virtually without any dissent at all. It seems to me that this bill, above any other, exemplifies the commitment that PHILLIP BURTON had to preserving our natural heritage, our heritage of wildlife and wild lands, and in particular the heritage of the State of California, which he loved.

□ 1430

We had a hearing out in California in 1979 which PHIL attended and at that hearing we had representatives of the northern California fishing indus-

try. I will never forget what one of the witnesses told us. She said:

One hundred years ago there were 6,000 miles of salmon spawning streams in California's Central Valley and today there are 300 miles left, the balance having been wiped out as far as fishery resource is concerned by dams, by development that caused pollution, and by the kind of siltation of the spawning streams that is caused by roads and logging in areas that should never be logged.

So PHIL BURTON took that really to heart. I know how many times he said to me that if we can save some of these areas we have done things that as legislators will endure for a very long time because the people will get behind the protection that Congress has afforded, and we will have done something that will last far beyond any of us and far beyond most of the other legislation that we enact.

I know how deeply PHIL felt about this. It strikes me that PHIL worked out a reasonable balance between the 5.1 million acres of wilderness supported by conservationists and the 1.2 million acres endorsed by the administration and the timber industry.

Virtually every major problem area was discussed at great length and compromise is worked out in most of them.

Specifically let me refer to a few. The only major mining conflict that was brought to our attention in over 4 years of hearings, field inspections, and other discussions on the bill was resolved by the bill's release of the North Fork Smith roadless areas for possible cobalt, nickel, and chrome development.

At this point when we go back into the House I will ask unanimous consent to include in the RECORD letters of support for the bill from the California Nickel Corp. and United Technologies Corp., which makes the engines for many of our jet fighter planes and has a real interest in cobalt, which is one of the minerals in this potential area that we excluded from the bill.

With the exception of Sheep Mountain, every single potential ski development site, including the controversial Giddy Giddy Gulch area on Mount Shasta, has been resolved to the satisfaction of skiing groups or individual ski area operators. I will also ask unanimous consent when we get back in the House to submit a letter in support of the bill from the American Ski Federation.

All major proposed water projects have been excluded from wilderness. This includes the Spicers Meadow expansion, the Dinkey Creek project, and the Granite-Jackass project. Off-the-road vehicle interests were negotiated within and many of their favorite areas were excluded from the wilderness, including the Dusey Jeep Trail, the longest in the State.

In committee we excluded additional lands at the request of motorcyclists and other off-road vehicle users.

We included numerous important anadromous fish spawning streams in wilderness at the specific request of commercial and sport fishing organizations, and I will also ask later that letters of support from the Pacific Coast Federation of Fishermen's Associations, the Humboldt Fishermen's Marketing Association, and the California Trout, Inc., be included in the RECORD.

Important Native American religious areas such as Mount Shasta, Blue Creek, Eightmile Creek, the Trinity Alps and the Orleans Mountain Planning Area are included in the bill at the specific request of Indian tribes. I wil also ask to put in the RECORD a telegram from the Hoopa Valley Tribe on this point.

Lastly, of course, many of the wilderness proposals stem from a desire to preserve prime primitive recreation areas in their natural state. I would call Members' attention to the photographs in the Speaker's lobby which are prints from some of the many I took in the course of several field inspections to the areas.

I particularly would call their attention not only to some of the scenically beautiful areas but to some of those that show the devastation wrought to steep slopes which is the typical characteristic of many of these mountainous areas in northern California where logging and logging roads on these granitic soils and steep slopes have produced tremendous amounts of erosion.

There are just two or three samples out in the lobby. I could multiply that manyfold, having flown and walked over much of this area.

The fact is that logging in many of these mountainous area is a one-crop harvest which will never occur again in many, many generations. Once that happens the soil erodes and the salmon spawning streams silt up and you have lost the future timber harvests that you might have thought would regenerate and, of course, you have lost that fishery resource. That is why the fishing industry as a whole strongly supports this bill.

I would like to make a few additional observations about timber.

First, despite the fact that some of the wilderness proposals of H.R. 1437 contain significant volumes of standing timber, overall the bill would reduce annual programed timber harvest in the State by only 2.3 percent. This is because roughly 54 percent of the State's annual timber harvest comes from State and private lands which are completely unaffected by wilderness designation, and because the vast majority of national forest commercial timber lands are untouched by the bill. In this regard I note that whereas the bill puts some 56 million board feet of annual programed harvest in wilderness above the Forest Services RARE II proposals, it releases roughly 82 million board feet from further wilderness study and from the court imposed injunction on development. The bill will thus have immediate positive impacts on timber supplies and jobs.

Second, much of the timber that is included in wilderness or wilderness study overlaps with areas of extremely unstable soils, and critical fish spawning habitat. For this reason, virtually every one of these areas has been recommended for wilderness by the California Department of Fish and Game. As I mentioned earlier, the fishermen are also gravely concerned, and I would like to read a few lines from the letter we received from the Pacific Coast Federation of Fishermen's Associations, the largest fishing organization on the west coast:

We support this legislation as it allows for the protection and future well-being of one of our largest industries in Northern California; a commercial troll salmon fishery.

Most of the areas in Northern California proposed under wilderness designation are characterized as "high risk" areas where in some cases the Forest Service has classified these as "special zones", where the chance for damage from land movement, slides, and erosion are extremely high.

Anadromous salmonids require unrestricted access to and from spawning grounds, suitable gravels for reproducing and rearing. Good water quality, suitable temperature regimes, food availability are also mandatory. Alteration of their habitat can substantially decrease reproductive rates, as well as a change in temperature or increased siltation.

It has already been well documented that road construction and timber harvesting near or within watersheds have led to accelerated sedimentation, alteration of available spawning habitat and modification of stream temperatures. The fact that as little as one or two mass soil movements or increased debris related to road construction or timber harvesting in various watersheds, could potentially destroy an anadromous fishery for years.

Third, most of the unemployment in the timber industry arises from the current lack of demand for lumber products or to past overcutting on private lands. Forest Service studies in both California and Oregon indicate that national forests cannot possibly make up the deficit in timber supply that is resulting from such overcutting.

Fourth, economic factors such as mill automation and the closing of obsolete mills have resulted in additional job losses that are of real significance. These job losses have nothing to do with wilderness. For example, in Humboldt County alone, the number of jobs lost to automation in recent years has averaged 163 jobs each year—far more jobs than could be produced by logging all the remaining roadless areas in the county.

Fifth, I believe many of the lands proposed for wilderness or wilderness study in H.R. 1437 have such marginal quality timber that they could not be harvested without net subsidies and a loss to the U.S. Treasury after all the costs such as road construction, timber sale preparation, and reforestation are considered. Many will likely be, or should be, classified as unsuitable for timber harvest under section 6(k) of the National Forest Management Act. On April 6, 1983, study prepared by the timber expert at the Congressional Research Service confirms this belief and suggests taxpayer dollars might better be spent on timber harvest and reforestation on the lower elevation lands which lie outside the wilderness proposals of H.R. 1437.

So I believe the timber and jobs arguments are very misleading, and that few, if any, timber jobs will be lost as a result of H.R. 1437. If the lands involved in the bill were truly top timber prospects they would have been logged long ago and would not remain roadless and undeveloped today.

Although there is an approximate 1 million acreage difference between the wilderness proposals of this bill and those of the Reagan administration, roughly 80 percent of this difference is relatively noncontroversial in the sense that it is either supported by the Member in whose district the lands are located, has little or no timber, or is supported by local county government.

Despite these facts the administration still opposes every single acre that exceeds their recommendations and has steadfastly refused any compromise.

Their intransigence is illustrated by the fact that even though the State of California won a now-famous lawsuit to block development on 1 million acres of roadless land, the administration refuses to endorse wilderness for a single acre thereof. Their idea of compromise with the State's lawsuit is 1 million acres for development, zero for wilderness.

H.R. 1437 would place approximately 40 percent in wilderness or wilderness study and release 60 percent for development, a far more realistic compromise.

Incidentally, the lands released are largely the lower elevation, better quality timberlands.

So, as you consider this bill today, I hope you will appreciate the hundreds and perhaps thousands of hours of Member and staff time that have gone into this bill. Remember that it is virtually the same measure that Mr. BURTON himself authored and that passed the House twice before.

I urge that the bill be passed so that we can get it over to the other body for consideration and I pledge to work with the Members, particularly those whose districts are affected, to make sure that we have accommodated, as far as humanly possible, any reasonable problems that may arise.

In conclusion, I would simply like to read a letter dated February 25 which I received from the mayor of San Francisco, the Honorable Dianne Feinstein, written before the untimely demise of the author of this bill. She states:

OFFICE OF THE MAYOR,
San Francisco, February 25, 1983.

Hon. JOHN SEIBERLING,
Chairman, House Public Lands Subcommittee, Washington, D.C.

DEAR REPRESENTATIVE SEIBERLING: California's mountain parks and forests provide San Francisco with water and with electrical power. Just as importantly, our city looks to the mountains for their wilderness, and the enduring recreational and aesthetic resource it provides. Since the time of John Muir, the path from San Francisco to the mountains has drawn San Franciscans and visitors from across the country and around the world, in ever-growing numbers.

A proper balance of recreational lands, resource protection, and resource utilization must be maintained if California is to continue as a leader, culturally and economically, in our country. I believe the decisions worked out by Representative Phillip Burton's bill, H.R. 1437, the successor to H.R. 856 and H.R. 859, strike such a balance.

I wish to convey to you and to the members of the subcommittee my support for this legislation and urge its adoption by the Congress.

Sincerely yours,

DIANNE FEINSTEIN,
Mayor.

□ 1440

Madam Chairman, I certainly join in that fine expression of support for this legislation and urge all of you to join me in supporting it. I thank the distinguished chairman of the committee for yielding me this time.

Mr. Speaker, I am including with my remarks the following materials:

CALIFORNIA NICKEL CORP.,
PALOS VERDES ESTATES, CALIF.,
March 21, 1983.

Hon. PHILLIP BURTON,
House of Representatives,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN BURTON: I was pleased to note that you were successful in having H.R. 1437 moved out of Committee. This bill is of particular importance to us as it permits the use of some 15 percent of the cobalt bearing laterite reserves on Gasquet Mountain. The use of this reserve in our Gasquet Mountain Project is critical to the economic and operating viability of the proposed project.

As you are perhaps aware, the project will have at least two important and beneficial impacts: First, it will provide an estimated 540 direct, full time jobs in the terribly depressed Del Norte County area of Northwestern California, where unemployment is currently 27 percent; and, second, it will provide a significant domestic source of strategic metals for the United States.

If there is any way we can be of help in supporting your efforts, please let us know.

Sincerely,

WILLIAM E. HOSKEN.

[Del Norte Triplicate, Crescent City, Calif., Mar. 26, 1983]

JOBLESS RATE CUT OF SIX POINTS SEEN WITH CAL NIK PLAN

On Thursday, the state Employment Development Department reported that February's unemployment rate in Del Norte County soared to 25.6 percent, an 11-month high.

Combined with January's jobless rate of 23.3 percent, unemployment in the county this year is running at a seasonal average of 24.5 percent.

In 1982, unemployment in Del Norte averaged 23.2 percent, the highest rate since the methodology used to compute the figures was introduced by the EDD in 1974.

Although California Nickel Corporation's proposed mining project on Gasquet Mountain may not be a panacea for the county's employment problems, the company estimates that its proposal will lower the jobless rate by at least 6.3 percent.

A second scenario compiled by the Del Norte County Planning Department and the U.S. Forest Service said the jobless rate could drop by as much as 9.3 percent.

However, the county and Forest Service warned that "no forecast or projections of economic or social behavior can be made with absolute confidence.

"There are too many external forces that can affect or influence the timing, magnitude and direction of changes and individual behavior," the statement said.

According to the draft environmental impact statement (EIS) for the project, the company claims that project construction under its preferred alternative would result in the short-term (two years) creation of 1,560 to 1,950 jobs.

Of this total, the number of direct and indirect jobs which would be created in Del Norte is put at between 1,200 and 1,500 direct jobs and from 300 to 375 indirect jobs.

"This represents an increase of 27.7 percent to 34.6 percent in Del Norte County's wage and salary employment over the benchmark level," the EIS said. "The unemployment rate of Del Norte County is projected to decrease an estimated 6.3 to 9.3 percentage points during peak project construction."

Project construction would extend over a two-year period, according to the EIS.

Under Cal Nickel's proposed alternative, total direct employment would be staggered, beginning with 100 employees the first month and reaching a peak of 1,200 employees the 18th month.

Total indirect employment, the EIS said, would generate 30 jobs in the trades and services section of the local economy and peak in the 18th month with 360 jobs.

Once the construction phase of the project is completed, Cal Nickel expects to employ 540 workers to operate the plant.

A joint declaration by the Del Norte County Planning Department and the Forest Service made it clear that what needs to be done so far as the project is concerned can be done with local resources.

"To the extent that existing local manpower and services are underutilized," the statement said, "the bulk of the project's requirements for additional labor, goods and services can be provided from local resources without the need to bring in outside supplies.

"The fewer new people attracted to the local area the less likely there will be pressure on the local community's resources and cultural characteristics," the report said.

WASHINGTON, D.C.,
March 22, 1983.

Hon. MELVIN PRICE,
Chairman, House Committee on Armed Services, Rayburn House Office Building, Washington, D.C.:

The United States' front-line F-15 and F-16 fighters are powered by Pratt and Whitney's F100 engine which requires over 900 pounds of input weight cobalt. Our Nation currently depends on foreign sources for 91 percent of its cobalt supply thus exposing this country to the dangers of foreign supply interruption. One way to reduce this risk is to encourage domestic production of cobalt.

The House Interior and Insular Affairs Committee recently approved H.R. 1437, the California Wilderness bill which permits the development of a cobalt rich area located in the Gasquet section of northern California. Pratt and Whitney applauds the committee's action and supports this decision to allow development of this strategic and critical material. I urge you to support this important measure which could come to the House floor as early as the week of March 21.

ROBERT J. CARLSON,
Executive Vice President, Power United Technologies Corp.

AMERICAN SKI FEDERATION,
Washington, D.C.

Hon. JOHN SEIBERLING,
Chairman, Subcommittee on Public Lands and National Parks, House Office Building Annex 1, Washington, D.C.

DEAR REPRESENTATIVE SEIBERLING: The American Ski Federation commends the U.S. House of Representatives Subcommittee on Public Lands and National Parks for scheduling a hearing on H.R. 1437, the California Wilderness Act of 1983. We appreciate the opportunity to submit a statement in support of California wilderness legislation.

The American Ski Federation is the umbrella organization that represents the entire ski industry, including ski area operators and ski equipment and apparel manufacturers. The ski industry gratefully acknowledges the sensitivity of the Public Lands Subcommittee to the needs of the ski industry in California. The wilderness boundaries established in H.R. 1437 are acceptable to the ski industry with the exception of the Mt. Baldy wilderness boundaries.

The American Ski Federation supported similar California wilderness legislation in the 97th Congress, H.R. 4083. This proposal precluded the opportunity for additional skiing on Mt. Baldy. In the months following passage of H.R. 4083, the ski industry conducted an additional review of the wilderness designations in that bill. With an evergrowing skier population, especially in California, it is important to keep land available on Mt. Baldy for future use as part of the present ski area.

The American Ski Federation, speaking for the ski industry reiterates its support of H.R. 1437, but requests that the legislation be modified to allow expansion of the ski area at Mt. Baldy.

We thank the subcommittee for scheduling a hearing on this important California wilderness legislation that will settle difficulties for the ski industry caused by uncertainty of wilderness designations in the State of California.

Sincerely,

JOSEPH T. PRENDERGAST,
President.

HUMBOLDT FISHERMANS MARKETING ASSOCIATION,
Eureka, Calif., March 17, 1983.

Hon. JOHN SEIBERLING,
Chairman, Public Lands Subcommittee, House Office Building, Washington, D.C.:

I support H.R. 1437 by Congressman Burton. It is necesary that anadromous fish producing watersheds be conserved. The long-term fish production of much of these areas exceeds the short-term benefits of timber harvest. Particular inclusion of Blue Creek and Eight Mile Watershed is important in light of their steep slopes geology.

Sincerely,

KEVIN COLLINS,
HSMA President.

PACIFIC COAST FEDERATION OF FISHERMEN'S ASSOCIATIONS, INC.,
Sausalito, Calif., March 18, 1983.

Re comments on the proposed legislation, H.R. 1437.

Mr. ANDY WEISSNER,
House Office Building
Washington, D.C.

DEAR MR. WEISSNER: The Pacific Coast Federation of Fisherman's Associations (PCFFA) represents 21 commercial fishermens organizations in California and Oregon. Fishermen belonging to our member associations are engaged in numerous ocean fisheries, including the troll salmon fishery.

We welcome this opportunity to submit our comments and concerns regarding H.R. 1437 which proposes to designate certain areas of national forest land into wilderness designation. We support this legislation as it allows for the protection and future wellbeing of one of our largest industries in Northern California; a commercial troll salmon fishery.

Most of the areas in Northern california proposed under wilderness designation are characterized as "high risk" areas where in some cases the Forest Service has classified these as "special zones," where the chance for damage from land movement, slides, and erosion are extremely high.

Anadromous salmonids require unrestricted access to and from spawning grounds, suitable gravels for reproducing and rearing. Good water quality, suitable temperature regimes, food availability are also mandatory. Alteration of their habitat can substantially decrease reproductive rates, as well as a change in temperature or increased siltation.

It has already been well documented that road construction and timber harvesting near or within watersheds have led to accelerated sedimentation, alteration of available spawning habitat and modification of stream temperatures. The fact that as little as one or two mass soil movements or increased debris related to road construction or timber harvesting in various watersheds, could potentially destroy an anadromous fishery for years.

The decision by Judge Ingram to remove the federally designated Wild and Scenic River status for our Northcoast Rivers threatens the future well-being of anadromous resources. Prior to designation of Wild and Scenic status, many of our streams were severely damaged by the lack of adequate protection; however, under the protection of Wild River status, many of our rivers began to see a slow recovery in fishery utilization and habitat utilization.

In the absence of this river protection, we are faced with intense competition for water from water developers and the tremendous increase in small hydroelectric projects.

Acid rain is another consideration. According to a March 8, 1983 article in the Times Standard, the operation of the Cal-Nickel Mine in Gasquet, California will produce 706 tons of sulphur-dioxide and 1993 tons of nitrous-oxide per year. The intensity of the effects to our resources due to acid rain have a direct correlation to humidity. Gasquet, with one of the highest recorded rainfalls in the U.S. has the potential for severe damage to our fisheries.

The issue of timber employment is a very sensitive issue, not only politically, but as evidenced from the disastrous effect timber layoffs have had to Northern California's economy as a result of the high interest policies of the Federal Reserve during the Carter-Reagan Administrations. Increased automation, past overcutting and a variable and sluggish market have continued to impact the employment outlook of the timber industry. Employment within the timber industry has declined steadily since the 1960's and it is not anticipated that it will attain pre-1960's level in the near future.

We have the following comments for specific areas that have been designated in H.R. 1437 for wilderness:

Blue Creek—is one of the largest and most important anadromous tributaries to the Klamath River system. With its substantial and excellent habitat for Chinook (king) salmon and coho (silver) salmon and steelhead trout, Blue Creek is the largest producer of anadromous fish below the Trinity River confluence and is considered the largest producer of steelhead in the entire river system.

Mill Creek—70 percent of the remaining spring Chinook run in the Sacramento River, utilize Mill Creek. Development of small hydroelectric projects threatens this remaining run of spring Chinook salmon.

Eight Mile Creek—considered a "high risk" area due to the steepness and instability of the hillside. Logging in this area could potentially lead to serious damage of the watersheds available for salmon spawning and rearing habitat.

Yolla Bolly, Middle Eel River—We hesitate to lend our support for wilderness designation in this area because the surrounding land in the Eel River watershed are in private ownership. However, development of these lands could substantially impact the salmon resources within Yolla Bolly area. For this reason, we support wilderness designation.

In regards to the other areas not mentioned, we must recognize the value (economic potential to the state) of the resident anadromous fisheries utilizing these rivers and creeks and protect those watersheds that provide the essential spawning and rearing habitat.

Individual member associations have gone on record as opposing this bill, however for the long term future good of our salmon resource, we find we have no choice but to support wilderness designation. We do this with great hesitation. We are sympathetic to the plight of the forest products industry; we do know that some timber companies are ready, willing and able to work for the protection and restoration of our salmon resource. However, given the nature of the areas under consideration, the lack of federal Wild and Scenic Protections, present attempts to weaken that state and federal forest practices, we feel we must support H.R. 1437.

If you wish to discuss this further, or have any questions or comments, please call.

Sincerely,

STEPHANIE THORNTON,
Deputy-Director.

HOOPA, CALIF.,
April 8, 1983.

Hon. JOHN SEIBERLING,
House Office Building,
Washington, D.C.

The following is a copy of mailgram sent to the Honorable Douglas Bosco on April 8, 1983:

As the duly authorized and federally recognized governing body of the Hoope Valley Indian Tribe, the Hoopa Valley Business Council is empowered by its constitution and by-laws to negotiate with the Federal Government on behalf of the tribe.

We wish to inform you of our strong support of the California wilderness bill, H.R. 1437 and its companion Senate bill, S. 5. However, it is imperative that the following additions be made to H.R. 1437. All of the Orleans Mountains RARE II areas, A, B, C, 5079, the Forest Service designated Redcap Wilderness Study Area and most importantly, the Trinity Summit Area. At the Trinity Summit Area Brett and Grogan Holes must be included along with a corridor extending to Tishtang Point and to the reservation and then to the south to include Bell Swamp, the grand Canyon of Horse Linto Creeks and the Grizzly Camp Area.

The council has supported wilderness designation for all of these areas in the past as our original and sacred lands are in these areas. In 1980, at the congressional hearings on wilderness held in Weaverville, California, the chairman of the Hoopa Valley Business council presented a statement strongly supporting wilderness for these areas, in particular and northern California in general. We strongly urge you to support our sacred concerns for these areas and see that they and other Indian spiritual areas in other adjacent roadless areas be designated as wilderness.

L. C. RICHLESS,
Chairperson, Hoopa Valley
Business Council.

Mr. YOUNG of Alaska. Madam Chairman, I yield 8 minutes to the gentleman from California (Mr. SHUMWAY).

Mr. SHUMWAY. Madam Chairman, we are back in an exercise that has been repeated here in the House of Representatives almost every 2 years during the short period of time I have been here and for a longer period during which other Members have been privileged to serve in this body. This bill and this particular exercise has been hosted by our colleage, PHIL BURTON, and I join today in those tributes which have been expressed to him. He was a friend and I do respect him very much and look forward to the opportunity later this afternoon in joining in a special order to pay respect to him.

The bill that we have before us today grew out of the roadless area review and evaluation which was launched in 1979; a recommendation which has been adopted by the Forest Service after extensive study and at the dictate of Congress by the way, and a recommendation which did have the endorsement of the Carter administration and which now enjoys in large part the endorsement of the Reagan administration.

My objection to the bill before us today is not based upon any kind of built-in animosity toward wilderness areas but it simply lies in the fact that the bill as introduced by Congressman BURTON goes far beyond the Forest Service recommendations, far beyond what I think, therefore, is necessary and what is good for us to consider in this Congress.

In past efforts here in the House we have adopted California wilderness bills. But in each case because they have gone far beyond the recommendations upon which they were based, we found that the progress of those bills was stymied in the Senate and they did not gain the necessary consensus to eventually work their way through Congress.

The bill before us this year goes beyond the bill which we had before us last year by adding almost a quarter of a million acres. Therefore, it seems to me, colleagues of the House, that we simply compound the problem and we diminish the chances for resolving this particular issue once and for all. My effort is not to torpedo the wilderness proposal but simply to scale back to a more reasonable percentage the number of acres and the amount of land which has been earmarked for wilderness.

In contrast to assertions made by my colleague from Ohio, there is no adamant opposition, there is no across-the-board opposition on this side of the aisle nor on the part of the administration, but simply a genuine concern about the excessive and sweeping effect of this bill. As I see it and as I saw it when it was first introduced, this bill is an extravagant approach. There has been no effort here to balance the needs of wilderness on the one hand and the economy and multiple uses on the other hand.

My district contains almost 30 percent of the area which is proposed for wilderness under this particular bill and I hasten to tell you that this bill would have a very adverse effect upon my district.

First, it would have an effect upon the timber industry which would not be a positive effect. Second, it would have a very adverse effect upon mineral development. We are talking here about scarce minerals which are vital to the defense industry, such as manganese, chromite, and tungsten. Third, it would have an effect on closing certain jeep trails, those access routes that have been available for motorized recreational vehicle enthusiasts for many, many years.

Fourth, it would hamper the Forest Service, in a congressional-given responsibility, to exercise water resource management. Fifth, it would certainly adversely affect the ski potential for many of the areas in my district. Let me talk a little about a couple of these points.

No. 1, on the loss of jobs, in my part of California and indeed most parts of California affected by this legislation the major employer is the timber industry. For some years those mills have been shut down for various reasons. Many of them now are in the posture of reopening, expressing optimism about new demand for their products and the chances of increasing employment throughout the cities and towns of northern California.

Depending on who you talk to there could be as many as 500 to 1,200 jobs directly lost by this bill or as many as 1,000 to 2,500 service-related jobs which could be lost if this bill does become law.

Now, these figures may be very small on the national perspective, but as far as northern California is concerned, they are big and have a very substantial impact. Let me give you one example. Up in Siskiyou County is a community called Happy Camp. There is one mill in that town, owned by the Southwest Forest Industries Association. They just recently announced plans to expand, and the source of their expansion is nearby Dillon Creek, earmarked by this bill for wilderness; having potential of 6 million board feet. The mill operators have said if this bill becomes law they will scrap their plans for expansion and thereby destroy the potential of jobs for 60 mill operators and 40 loggers.

It seems to me, Madam Chairman, that saying this bills serves the need of jobs creation in California, is like saying this bill feeds a piece of candy to someone who is dying of malnutrition. He may enjoy the taste for a minute or two but the long-range problem remains just as critical.

Let me say a word about Forest Service responsibilities for water resource management. We gave them that responsibility in 1976 under the National Forest Management Act. Eighty percent of California's water originates in national forest land.

By making this land wilderness we are restricting the Forest Service in its ability, and we are hampering it in the exercise of its responsibility.

The Forest Service tells me, for example, they would like to manage vegetation so as to minimize water withdrawal, to allow more water through drainage; to do this they need necessarily allow timber cutting in select areas and require minimum ground cover to protect soils in other areas. Also they need to increase the snow pack by snow fencing, all of which would be made wrong and outlawed by a wilderness designation.

It seems to me that in many areas of my district the bill goes too far. Another area, for example, is Granite Chief. Inclusion of the northern section of this particular area has been opposed by the North Fork Association, a private conservation group, on the ground that they can better manage that wilderness as they have in the past than the Forest Service now offers to do.

There can be no doubt about the fact that the 1964 Wilderness Act had very plausible objectives. But Madam Chairman, they were not intended to be vehicles for wholesale designations. They should be confined to those areas which have unique features. The Forest Service has studied the areas, made extensive reviews and reports for us. To the extent that the Burton bill largely doubles their recommendations and even goes beyond last year's bill, it seems to me that we are misusing the guidelines of the 1964 Wilderness Act.

Mr. YOUNG of Alaska. Madam Chairman, will the gentleman yield?

Mr. SHUMWAY. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. I want to compliment the gentleman, Mr. SHUMWAY, in the well for his fine outstanding work on this issue. I would also like at this time to ask him, is he not going to offer a substitute that has been embraced by, yes, the previous administration and this administration, that is basically what was recommended to the Congress. Is this true?

Mr. SHUMWAY. That is true. I appreciate the gentleman asking that question. I will offer that substitute which was the basis of the Forest Service recommendation and was the recommendation of the past two administrations.

Mr. YOUNG of Alaska. Is it correct when you made the statement, the Forest Service with the addition of these wilderness areas will preclude them from managing the area for wildlife habitat?

Mr. SHUMWAY. Yes.

Mr. YOUNG of Alaska. Water enhancement programs, for fire control, for insect control and in fact really what the action of this bill with the additional acres, because the acres were recommended no real study has gone into, we will be taking away that which we are attempting to save, that is the areas of California that have some potential attraction to the people that live in the cities? But really we are doing a disservice to the management of the lands which is encompassed in this bill, is that true?

□ 1450

Mr. SHUMWAY. That is true. The gentleman is exactly correct, and I appreciate his asking that question.

Mr. UDALL. Madam Chairman, I yield 5 minutes to the gentleman from California (Mr. LEHMAN).

Mr. LEHMAN of California. Madam Chairman, I rise in support of the California RARE II wilderness bill with pride and sorrow—pride to have worked with the author, PHIL BURTON, to develop wilderness legislation for our home State, California—and sorrow, to stand in support of this bill without PHIL alongside leading us to do better together what we cannot do nearly so well alone. Above all things, PHIL BURTON was a doer, a compromiser, a pragmatist in the best American political tradition. PHIL's goals were of the highest—whether to save food stamps for today's elderly or to protect our parks for tomorrow's children.

But it cannot be said that PHILLIP BURTON was content to dream of what might be, he concerned himself with tangible accomplishments such as the bill before us today. PHIL could not, would not wait for perfect legislative products. He realized, when many of us did not, that so long as human beings work in the U.S. Congress, it is fruitless to wait for utopia. PHIL was impatient—impatient to do everything in his considerable power to do today what more timid souls would put off until tomorrow.

It is in that spirit that I urge my colleagues to consider H.R. 1437, so carefully crafted by PHIL BURTON and the Committee on Interior and Insular Affairs. He indeed did not achieve perfection, but he did achieve a fair and an equitable compromise hammered out not just in this Congress, but in the 97th and 96th before that.

On one hand, H.R. 1437 adds 2.3 million acres of new wilderness to the forest system of the United States. On the other hand, this bill releases in excess of 100 million board feet of potential timber yield. In my own district, which encompasses about 20 percent of the entire wilderness proposal before us, this California wilderness bill designates critical additions to the John Muir Wilderness and affords wilderness protection to two of the finest remaning roadless areas in the State of California. Two major water projects are excluded, three downhill ski areas left out, and lower elevation lands containing the best timber-growing potential are removed from wilderness designation or study. The compromises reached in my district are typical of those agreements reached all over the State. On balance, H.R. 1437 looks very similar to California wilderness legislation which passed the House overwhelmingly in the 96th and 97th Congresses.

What are the alternatives if we do not enact this legislation? At this moment, the answer is there are no real alternatives unless we consider years of litigation an alternative—unless we consider a total reconsideration of wilderness areas nationwide, as proposed by the Secretary of Agriculture, as an alternative.

I understand that my colleague on the other side of the aisle may offer an amendment in the nature of a substitute which is essentially the U.S. Forest Service's previous recommendation. The first point to be made here is that the official administration position totally ignores the State of California's position which states in a lawsuit that the original Forest Service recommendations, now favored by the administration, are totally inadequate. Second, the difference in terms of timber production between administration preferred acreage and H.R. 1437 is only about 1 percent. Under Secretary Crowell has himself ordered the entire Forest Service proposal redone under a new RARE III.

I suggest to my colleagues that the sensible course of action is to go forward with the legislative product we have in hand. H.R. 1437 accommodates a wide variety of multiple-use interests—interests which I support and share. My California district encompasses urban centers, national parks, forests, and rich agricultural lands of the Central Valley of California. For loggers, for grazers, for miners, for fishermen, and hunters, multiple-use land management is a solid tradition on our western lands.

A balanced approach between resource development and resource protection is necessary and H.R. 1437 has achieved that delicate balance. There are some areas, which because of their pristine beauty, must be set aside so that future generations of Americans can enjoy and appreciate them. Such is the case with the California wilderness. The 2.3 million acres we proposed for wilderness status today will be there if and when they are truly needed for our national economy or security. But in the final analysis, our unique California wilderness should be a resource of last, not first resort for development.

Madam Chairman and fellow colleagues, I urge passage of PHILLIP BURTON'S California wilderness bill. We cannot say what he might have said on this occasion, but we can do what he would have done and what is right to do. We vote "aye" on H.R. 1437.

I thank Chairman UDALL for yielding me this time.

Mr. YOUNG of Alaska. Madam Chairman, will the gentleman yield?

Mr. LEHMAN of California. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. I thank the gentleman for yielding.

The recommendation which the gentleman speaks of, was that this administration or the previous administration?

Mr. LEHMAN of California. That was the previous administration and the only administration to make a

statement on this in a lawsuit that was sustained in Federal court.

Mr. YOUNG of Alaska. Was it Dr. Cutler, was he the Department's head of agriculture at that time?

Mr. LEHMAN of California. No.

Mr. YOUNG of Alaska. It was not Dr. Cutler?

Mr. LEHMAN of California. No.

Mr. YOUNG of Alaska. I thank the gentleman.

Madam Chairman, I yield 2 minutes to the gentleman from California (Mr. McCANDLESS).

Mr. McCANDLESS. Madam Chairman, I have been placed in the difficult position of opposing the California Wilderness Act in its present form.

The millions of acres this bill proposes for wilderness designation—over 2.3 million of forest land more than 1.4 million parkland—is double what the administration and the Forest Service have recommended. With 2.7 million acres already in the wilderness designation in California, this bill is unacceptable.

In my own district in California, the addition to the Santa Rosa Wilderness provides us with an idea of the areas involved. Additional study must be done for further planning to determine the best use.

At least three groups are interested in the future designation of this area: First, an area adjoining the Santa Rosa Wilderness is under study by the BLM as a potential part of the California Desert conservation area; second, the nature conservancy has an option to buy, from private owners, additional acreage for a bighorn habitat within the proposed wilderness; and third, the California Department of Fish Game has acquired 24,500 acres of checkerboard lands within the proposed area.

Additional study must be done for further planning to determine the best use of this land.

This body recently labored over a jobs bill, which was successful. Here, however, we have a bill that would sacrifice as many as 1,600 to 1,800 jobs in the mining and timber industries.

I could support a reasonable bill, one that would limit the acreage and include additional study, rather than establish a blanket wilderness designation.

Mr. UDALL. Madam Chairman, I yield such time as he may consume to the gentleman from California (Mr. EDWARDS).

Mr. EDWARDS of California. Madam Chairman, I rise in support of the legislation.

Madam Chairman, I rise in support of H.R. 1437, the California Wilderness Act. Our consideration of this legislation today heightens our feeling of loss at the death of our good friend, PHILLIP BURTON. How simply inconceivable that PHIL is not here with us today to employ those remarkable powers of persuasion that were uniquely his in insuring passage of this measure.

Yet, despite the sorrow we feel, it is fitting we act today to pass this legislation as a tribute to PHIL, a man who did more than perhaps any Member of this body to perserve and protest our wilderness areas.

The California Wilderness Act is one of the last pieces of legislation PHIL sponsored. Typically, it is a fine, well-crafted measure. H.R. 1437 designates 2.3 million acres in 58 areas of national forest land in California as national forest wilderness. Some 72,000 acres would be targeted for further wilderness study, almost 17,000 acres of national forest and other land would be added to the national park system, and about 1.4 million acres of existing national park land would be classified as national park wilderness.

The bill also removes the court-imposed injunction on 580,000 acres of national forest roadless lands and frees these lands for other uses. Moreover, H.R. 1437 will halt the recently announced reevaluation of all roadless lands in California—RARE III—thereby avoiding additional costs to taxpayers of $2 to $3.5 million and delays of 6 to 24 months or longer in the implementation of national forest land-use plans.

This comprise legislation is the product of 4 years of work by PHIL, by the California delegation, and by the Interior Committee. Through careful selection of areas, every effort has been made to settle resource conflicts and to settle the many issues surrounding the California RARE II controversy.

I am saddened that PHIL BURTON is not with us today. His heart and integrity were behind this bill. With his dedication to our environment in mind, I urge you to support the California Wilderness Act, and to defeat all weakening amendments.

Mr. UDALL. Madam Chairman, I yield 2 minutes to the gentleman from California (Mr. Bosco).

Mr. BOSCO. Madam Chairman, I rise in opposition to the bill. H.R. 1437 would designate a total of 592,000 acres of wilderness in California's First Congressional District, which I represent.

Many of these areas are not in dispute; others are highly controversial in my district, and the proposals have caused deep divisions among the people of the north coast.

The local economy has long been dependent on the region's natural resources, and there is serious concern about the impacts of removing this much land from the national forests' timber harvest base, particularly at a time when unemployment continues to be more than double the national average in many areas.

The last time Congress took it upon itself to make major decisions about land use on the north coast—with the 1978 expansion of Redwood National Park—thousands of local residents lost their jobs, and the promised economic benefits of increased tourism have been slow to materialize. It is no wonder, then, that many on the north coast are skeptical of congressional attempts to preserve additional lands through this wilderness bill.

Yet there are also many people who sincerely believe that the wilderness designations included in H.R. 1437 are necessary to protect the long-term health of our fisheries and recreation industries, which, along with timber, form the foundations of the north coast's economy.

Past poor logging and mining practices, coupled with Federal water project dams and diversions, have taken a serious toll on salmon and steelhead habitat, and wilderness designations are viewed by some as the best way to insure the protection of valuable spawning and rearing areas in the last of our unroaded watersheds.

It is important to keep in mind, however, that wilderness classification is only one of the land-use designations available for protection of resource values in these areas, and other, less restrictive designations do not imply uncontrolled logging and destruction of fisheries. In some cases, the wilderness designation is clearly appropriate. In other areas, however, particularly those where intensive timber management is already ruled out under the National Forest Management Act, less restrictive designations offer a similar level of protection while allowing expanded recreational access, fire management, fisheries habitat restoration, reforestation, and other activities. For example, during the last 5 years, we in the north coast have undertaken a bold, innovative effort to restore salmon and steelhead habitat areas. Many of our rivers and streams need extensive maintenance and repair work to clear debris and log jams, restore gravel beds for spawning, create cold pools for fish habitat, and provide necessary shade canopy. Over 700 miles of habitat have already been restored, largely due to cooperation between local commercial and sports fishermen, Indians, the forest products industry, and an outstanding effort from the young people in the California Conservation Corps. In that much of this work requires access to remote areas and the use of motorized equipment, it is my fear that wilderness designation could actually impair, rather than assist, the restoration of our fisheries.

In addition to these considerations, we also need to consider the broader implications of our land allocations on employment, local government reve-

nues, wildlife habitat, timber supply and demand, recreation, water quality, and other needs.

In my district, where the effects of the recession are likely to linger long after the rest of the country begins to see the benefits of economic recovery, jobs have to be our top priority. I do not believe we have to sacrifice the quality of our environment to provide and protect jobs, but striking a balance between these concerns is not an easy task in this case.

One county in my district, Trinity County, came up with its own wilderness recommendations after long and difficult negotiations, and the Trinity County Board of Supervisors has consistently reaffirmed its support for that position. The Trinity County recommendations account for a large portion of the acreage in my district that is included in this bill, and I support those provisions.

No such local consensus exists, however, regarding several other areas in my district, most notably the bill's additions to the Siskiyou Wilderness proposed by the administration. These may very well be the most controversial areas in the bill. I believe it may be possible to produce an agreement in those areas that reflects the concerns raised by local governments, environmental groups, the forest products industry, fishermen, and others, and I have spent considerable time this year consulting with those groups in an effort to establish grounds for productive negotiations. Our work is far from finished, however, I am optimistic that we can offer a proposal that would resolve the controversy in a reasonable manner. No one should underestimate the endless hours of negotiation and hard work expended on this bill by our late colleague, PHILLIP BURTON. Indeed, we must all be grateful for his concern for our environment.

Mr. BURTON was well aware of these problems, and had graciously agreed to try to accommodate whatever solution we were able to come up with in my district. I continue to believe such an agreement is possible, and we will continue our work toward that end. Nonetheless, I cannot support the bill in its present form, and I will be voting against it with the hope we can successfully resolve the remaining controversies in the near future.

□ 1500

Mr. YOUNG of Alaska. Madam Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from California (Mr. Bosco) has expired.

Mr. YOUNG of Alaska. Madam Chairman, I yield 1 minute to the gentleman from California (Mr. Bosco).

Mr. BOSCO. Madam Chairman, I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Madam Chairman, I would like to commend the gentleman in the well for his statement, again restating the fact that 600,000 acres, is that not true, in the gentleman's district is in this bill?

Mr. BOSCO. Yes. And I might say that all 600,000 acres of it are not contested, as has been pointed out earlier. Much of that area would be very appropriate for wilderness.

Mr. YOUNG of Alaska. The gentleman's comment on what can and cannot be done in the utilization of tools to manage the timber is well taken, and I think it should be recognized that the substitute that the gentleman from California (Mr. SHUMWAY) will offer is one I believe that the gentleman probably could support because it takes into consideration those areas that are noncontested and allows them to become wilderness.

Again, I want to compliment the gentleman for his statement in bringing this to the floor.

Mr. BOSCO. I thank the gentleman.

Madam Chairman, I do not think the whole argument must be put in terms of timber harvest versus wilderness, because there are many uses of that land that would be precluded by wilderness that I think would be beneficial to the public.

Mr. YOUNG of Alaska. Madam Chairman, I yield 5 minutes to the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. I thank the gentleman from Alaska for yielding.

Madam Chairman, I had not planned to speak in general debate today on this measure; but, then, at the end of the weekend we were all shocked by hearing of the sudden death of our friend and colleague, PHILLIP BURTON of San Francisco. I had the privilege of getting to know PHILLIP BURTON extremely well during the years I served in the California Legislature. It was my questionable privilege to represent the Republican Party in the legislature in a thing called reapportionment. And suddenly it came to our attention that there was a fellow from San Francisco who knew more about drawing lines in our State than any computer ever dreamed of. PHIL arrived at our doorstep over 10 years ago, and for a period of about 2 months literally spent every evening with us, hour after hour, discussing politics, public affairs, and specifically the art of drawing lines. An incredible human being who knew more about every Member's district, whether he was a Member of the Senate or the assembly or the Congress, than the individual Member knew—PHIL had a phenomenal capacity for work, and when committed to a cause, he was unrelenting in its purpose.

Ofttimes in the House I am disturbed by the intensity of partisan politics around here. PHIL BURTON, while partisan, much more was a Member of Congress who was concerned about issues, and when he cut out a subject area to work on, you can bet your life he was going to make a change.

Well, in line drawing, his expertise was not limited to reapportionment. Shortly upon arriving here, I learned about a thing called RARE II, and PHIL BURTON was in the midst of deciding just how much of our State and other States we could afford to pass on to the public realm. And he was serious about it.

Today we were going to have, I thought, one of the most fantastic debates that we might have had in the short time that I have been here—because he loved a battle. And some of us were relishing the thought of joining that battle. I must say that PHIL is probably looking down with great disappointment that we were not able to engage those horns that would create a clamor around this place like we have not seen for some time.

The Chairman, the gentleman from Ohio (Mr. SEIBERLING), indicated that this bill was virtually 80 percent of that which Mr. BURTON had brought before us last year and that most of the Members whose districts were affected were satisfied with the measure. I must say, Madam Chairman, that indeed the bill is 80 percent, or probably more, of that which Mr. BURTON had presented before. But I would suggest that the bill is far from satisfactory to the Members whose districts are affected. I would hope that we will be able on the Senate side to work the sort of compromise we would have been able to work with Mr. BURTON, for, as you know, he was a master at that process of compromise.

But to illustrate the point, my district includes a little county called Inyo County. It is probably larger than most of your districts. It only involves 12,500-plus square miles. That county is 98.5 percent in the public realm. And all this bill does is to suggest that that is not enough—that we ought to transfer another 110,000 acres into additional public control. And the land affected in no way, shape or form reflects classic wilderness territory. It is tabletop land. Most of the geology is made up of stone and granite and volcanic ash that you could not hike through if you wanted to. But it is included in the bill because there are a few people within some of those organizations that like the Government to direct all of our lives, who want to connect two wilderness areas. And the way they accomplish their goal is to spend over $1 million of the taxpayers' money to buy these nonwilderness acres. Land that presently is of high recreation use that many, many people enjoy week in and week out. Experts attest to the

fact that this land is in no way wilderness. Nonetheless, it is in the bill. And I was never consulted. But, on the other hand, I am a relatively new Member, so why should my district be consulted?

Mr. SEIBERLING. Madam Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Of course I intend to work with the Members as this bill works its way through the Senate and conference, and if the gentleman is familiar with my handling of legislation, I do it a little differently than Mr. BURTON, but my objective is the same—to try to reach something that the Members can live with.

I would point out to the gentleman that this bill does not provide for buying any land. We are only dealing with land that is already in Federal ownership.

With respect to Inyo County, we found that the land that they were complaining about is being put in wilderness is actually 40 miles north of the wilderness area provided for by this bill. So I do not think they quite understand what we were doing.

Mr. LEWIS of California. In response to the chairman, I think, perhaps, because Mr. BURTON was concentrating on this bill so, there is a need for staff to do some additional homework, for there is private land that would have to be purchased that is in my district that is in this bill.

Another example: There is an existing ski resort located in my district that is in the bill. I presume that is not public land, since private parties are paying the taxes upon it.

The real point is this: We are not going to be able to have the debate today we were going to have. I was looking forward with some delight to the debate, knowing that we would go down the tubes here because people walk on the floor and knee jerk, throw away a vote for wilderness when it does not affect their State or their district.

I will never forget the time that the gentleman from Alaska stood in the well with tears rolling down his face, begging the membership to recognize that it was his district that was being affected during the Alaska lands debate. That the people who know Alaska are his peope. That the people who truly love the wilderness that is Alaska are his constituents. That the citizens who want to preserve the environment of that vast region are his citizens. But who would listen? The majority around here come to the floor and cast a vote for the self-annointed environmental lobbies—so long as it affects someone else's district.

Mr. UDALL. Madam Chairman, I yield 2 minutes to the gentleman from California (Mr. FAZIO).

Mr. FAZIO. I thank the Chairman for yielding. It is always a great pleasure to follow to the podium my colleague, the gentleman from California (Mr. LEWIS), who spoke so eloquently about his appreciation for the talent of the late PHILLIP BURTON, and I think also adds a great deal to the process itself by the very nature in which he has discussed the problem as it relates to his own district. It is in this bipartisan spirit that I remain ultimately optimistic about the eventual outcome of this issue.

I want everyone to understand that I in no way demean the concerns about jobs that my colleagues have, particularly Mr. CHAPPIE, Mr. SHUMWAY, Mr. Bosco, who opposed this measure, and, I understand, Mr. PASHAYAN as well. But I think it is important that we understand the process we have traditionally gone through on legislation of this type. We must conduct our further negotiations in the Senate. And I am here today, therefore to strongly urge that we move this not perfect but very sound and essential legislation along to the other body.

I regret, as we all do, that the former chairman of this subcommittee, the late PHILLIP BURTON, cannot provide the ultimate compromise that he would have so certainly reached. But I know that others can take his place in this particular context, and I know they will find ways to further perfect this legislation in the months ahead.

There is no need to adopt fundamental amendments and no need to hold back on the passage of this bill at this time. If anything, I think we all ought to feel an even greater urgency to move it to the Senate, to work with our Senators to resolve the few remaining impediments that do remain as we make this bill something that every Member of our delegation can strongly support.

□ 1510

I had the opportunity to work out a specific problem with former Congressmen Johnson and Clausen, the problem of Snow Mountain. It now is an issue that needs to be addressed by Mr. CHAPPIE and Mr. Bosco. I think that issue has been permanently resolved. It is typical of the way in which we can in a bipartisan fashion work together to iron out differences.

That process will continue. It will be possible to work with our new Senator WILSON and with Senator CRANSTON to make certain that this bill fulfills the goals that we all have, and I urge strongly a rejection of amendments and support for final passage of it at this time.

Because this is a good bill which has profited greatly from extensive discussion and analysis. While it may not yet be perfect, it has reached a form in which the Members of this House can support it.

In an area formerly in my district known as Snow Mountain, we were able to work with the drafters of this bill several years ago to strike a fair balance between landowners, the resource interests, and others to architect boundaries that will provide about 37,000 acres of pure wilderness within a 2-hour drive of major northern California population centers.

Very recently it has been brought to my attention that some potential trans-Sierra powerline routes may find their direction more difficult as a result of some wilderness boundaries in the bill. I have full confidence that the legitimacy of this problem can be analyzed fully as the bill is developed in the Senate and in conference, and I have no hesitancy in recommending this measure to my colleagues. Its passage is a fitting tribute to our late colleague PHIL BURTON and it has broad support in our State as the Sacramento Bee editorial makes clear.

[From the Sacramento Bee, Mar. 24, 1983]

ANOTHER CHANCE FOR WILDERNESS

Twice before, California's congressional representatives have been in near-total agreement, as have most of the interested groups within the state, about how the still-untouched federal lands in California should be treated in the future. Yet twice, the bill that would codify this agreement into federal law has been passed overwhelmingly in the House and then tabled in the Senate. The Reagan administration opposed it, and because former Sen. S. I. Hayakawa also opposed it, the Senate Republican leadership was able to declare that the California delegation was split and therefore no action on the bill was possible. This year, because Hayakawa has been replaced by California's new Republican Sen. Pete Wilson, there is finally a chance to act.

The bill, authored by Rep. Phil Burton, would give permanent wilderness protection to 2.2 million acres of the 6.5 million acres of national forest in California that are still roadless and in pristine condition and have not yet been allocated to either preservation or development. (Another 2.1 million acres of California's national forests are already in the wilderness protection system.) The Burton bill would free the rest of the still-wild lands—about 4.3 million acres—for timbering, the building of logging roads and other uses, either immediately or, in some cases, after further study.

The numbers were hammered out in congressional hearings that dealt, parcel by parcel, with each territory and its local community and industries. If Burton and his colleagues have not fully satisfied the timber companies, they have not, by a long shot, caved in to the environmentalists either. And while the Reagan administration wants far more development permitted in the national forests, the bill meets important administration needs, too.

It would, for instance, lift a court injunction against development of certain forest lands in California that was imposed because the U.S. Forest Service had not adequately studied them. The Burton bill would put some of those lands into the protected wilderness system, but free about

two-thirds for development. The bill also would explicitly prohibit legal challenges to the administration's development efforts in many other California areas—something the administration has been worried about ever since it lost the last lawsuit. In addition, the bill adopts, in total, the Reagan administration's recommendations for wilderness designations within the national parks in California, which are administered separately from the national forests.

Sen. Wilson should not have any problem in principle with such a sensible and well-supported resolution of a battle that has been dragging on for years. Moreover, Rep. Burton and the dozens of California cosponsors of his bill have said they are willing to make further compromises in the details of the agreement to win Wilson's support. The prognosis is more promising than it ever has been.

But all sides had better act soon. Because of the California court decision enjoining development of certain wild lands, the Reagan administration recently decided that all past Forest Service recommendations about the disposal of these lands are now up for grabs again. And the administration has threatened that, while it is coming up with new recommendations, it will allow development in any forest area where Congress or the courts haven't specifically prohibited it. This includes over 1 million acres in California that the Forest Service itself had originally recommended for wilderness preservation and had been protecting until now.

This ploy was designed by the administration to scare the Californians in Congress into adopting the Reagan wilderness package. But with a better plan of their own already hammered out, the Californians, fortunately, have an alternative. The sooner they adopt it, the less of California's last remaining wilderness will be lost irretrievably to the encroachments of industry.

Mr. UDALL. Madam Chairman, I yield 1 minute to the gentleman from California, (Mr. PANETTA).

Mr. PANETTA. Madam Chairman, I, too, urge support for the passage of H.R. 1437, legislation that has been adopted by the 96th and 97th Congresses.

It does, indeed, protect some of the more important areas of the State: Yosemite, Sequoia, Kings Canyon, Mill Creek, areas in my district as well such as Ventana that are important to protect for the State and the Nation.

Also, it seeks to settle the controversy over RARE II. I understand that there can always be better compromises, and I understand that many of these issues are controversial. I am sensitive to that. But we cannot constantly study and restudy these issues at additional cost, and we are talking about $2 million to $4 million if you want to continue to study this issue. We cannot continue to delay this issue over and over and over again. I think it has to be resolved now. It is a good basis for bargaining. Obviously, there will be compromises made on the Senate side. I think we ought to be sensitive to that process and allow the process to work its will.

This is also, I think, a tribute to the work of PHIL BURTON. It is a reflection of his careful work on such legislation. I think it is important to pass this, not only because of the good it does for California but because it is a living memorial to the work and dedication of a man whose goal was protecting our resources.

Mr. YOUNG of Alaska. Madam Chairman, I yield 3 minutes to the gentleman from California (Mr. PASHAYAN).

Mr. PASHAYAN. I thank the gentleman for yielding this time to me.

Madam Chairman, I should like to join in the remarks made by my colleague, the gentleman from California (Mr. LEWIS).

In my short time here, I had the opportunity to become acquainted with and then to become friends with the Honorable PHILIP BURTON. I regret his most untimely passing. I also looked forward to engaging in what would have been a very sharp and yet meaningful exchange on the issue of this California wilderness bill.

It is interesting to note that under the Carter administration, if I have my figures right, the Forest Service recommended that 1.2 million acres be submitted. Their White House brought that up to 1.3 million, and I think this bill contemplates an amount considerably more than that, about 1 million acres more.

So I would have to be one who should stand to oppose the bill. Our late friend, Mr. BURTON, was aware of that. We had discussions. Our lines of communications, as they always were, were open on this particular bill, and I was looking forward to engaging in some very interesting and pointed debate on various aspects of the bill.

I know the House is going to pass this bill without any particular delay. In many ways it is the last tribute to this master of politics and procedure who has been taken from us in an untimely fashion, and yet I urge all the Members to take into consideration that there are some Members whose districts were particularly affected by this bill in a manner that was not inuring necessarily to the benefit of the people who live in those districts, and also to take that into consideration as these proceedings go on.

I shall have more to say on the bill at a later time.

Mr. UDALL. Madam Chairman, I yield 2 minutes to the gentleman from California (Mr. BATES).

Mr. BATES. I thank the gentleman for yielding his time to me.

Madam Chairman, I wish to speak in support of the California Wilderness Act, H.R. 1437.

This is the first time that I have spoken since the death of Congressman PHIL BURTON, and I think he was one of the great environmentalists that this country has ever produced. This act is one of many of his efforts, and I hope it will be enacted.

Madam Chairman, I think the mistakes of the development projects that have occurred in this country are too numerous to mention, but the land and the resources that have been permanently lost can never be retrieved. I think a conservative approach is warranted. No bill is perfect, but if we must err, we should err on the side of the public interest to set aside this land. For to lose this opportunity by not setting aside and designating these areas as wilderness, I think, would be an irretrievable loss. I urge its support.

Madam Chairman, I think one key compromise to note, for those who are interested in pushing the development side of the issue is that the enactment of this legislation will resolve the RARE II issue in California and let the court injunction which currently prohibits 580,000 acres of land from being dealt with and planned, and allow the national forest planning efforts to go forward.

So I urge its enactment today.

Mr. YOUNG of Alaska. Madam Chairman, how much time do I have left?

The CHAIRMAN. The gentleman from Alaska (Mr. YOUNG) has 9 minutes remaining.

Mr. YOUNG of Alaska. Madam Chairman, I yield myself 4 minutes.

I want to get back to the thesis, Madam Chairman, that there are Members in this body who are affected by this legislation. There was a gentleman who mentioned that we could not study this any longer; it cost a considerable amount of money.

But the facts are, we are not listening to the studies. We are not listening to the experts. We are not listening to the people who really understand the issue. We are listening to the special interests. As long as it is outside your district, it is easy to do.

The previous speaker, I do not think he has any wilderness other than the San Diego Zoo, and I think it is terribly wrong for him to speak about someone's district that has 700,000 acres in it.

Again, most people and those special interest groups are disregarding that man can still become involved in Earth services and maintain its environmental quality. We have made some mistakes. That I will admit. But by passing wilderness legislation we preclude man's activity to improve upon nature's efforts. We cannot have fish rehabilitation. We cannot fight the beetles and the forest fires. We cannot really take care of the land as we should be charged with because we are the only species that can do so.

Yes, there are some areas that should be wilderness. But the legislation that we are dealing with today is beyond anyone else's recommendation and the experts included, from liberal administration to conservative admin-

istration. But more than that, I am urging the listening Members of this body to vote for the substitute that will be offered by the gentleman from California (Mr. SHUMWAY). If it is defeated, so be it. But that is the true measure of listening to the experts, not Mr. SHUMWAY. This was done by those people who we employed at a great cost in money to make the recommendations. Support Mr. SHUMWAY's bill. We will still have millions of acres in the California wilderness area. We will still recognize those pristine, unique areas that will still allow those areas outside that should be better managed by man to be left outside.

Let us vote that way. And it will be, yes, a tribute to the deceased colleague, because last year basically that is what that bill was.

□ 1520

But this year it goes far beyond what anyone thought it would be. We met for negotiation purposes. Now we are going to send a bill over to the Senate and say, "let the Senate work it out."

With all due respect to my good chairman, the gentleman from Ohio (Mr. SEIBERLING), who does an excellent job, I would feel a lot better if I was confident that the Senators from California would be willing to work it down and work out a compromise in the middle. I am not sure but what they will buy what the gentleman from Ohio is going to offer. That is not fair to Mr. SHUMWAY, Mr. CHAPPIE, Mr. PASHAYAN, and other Members from California who have districts affected. The Senators represent the State, but these Members represent those districts, and we have to keep reminding ourselves that this should be a body of a representative form of government and not necessarily the national good as long as we are in Congress. That is what is important here. It is their districts, and we should be listening to them.

The gentleman from California (Mr. LEWIS) has made this comment before about the battle of the Alaska amendment. I could possibly understand that a little bit because Alaska in its own right is unique. There is only one Congressman from Alaska, there are 375 million acres of land there, we are 5,480 miles away, and there was a national interest by the President of the United States in it at that time. But I think in this case, when we have a multiple-Representative State such as California, those districts which are affected should be listened to.

Madam Chairman, that is what the bill of the gentleman from California (Mr. SHUMWAY) does. I do not think any Member who has land in the area objects to that bill, but they do object to the bill that we have before us right now.

Madam Chairman, I reserve the balance of my time.

Mr. UDALL. Madam Chairman, may I inquire, how much time do I have remaining?

The CHAIRMAN. The gentleman from Arizona (Mr. UDALL) has 3 minutes remaining.

Mr. UDALL. Madam Chairman, we only have one speaker left, and I yield the remaining time on our side to the gentleman from Oregon (Mr. WEAVER).

Mr. WEAVER. Madam Chairman, I thank my fine chairman, the gentleman from Arizona (Mr. UDALL), for yielding me this time.

This bill is the final legislative testament to one of the greatest careers in this Congress, that of the gentleman from California (Mr. PHILLIP BURTON), who was responsible for, I am sure, as much fine legislation, always in the public interest, as any Member who has ever served here.

This bill takes nothing away. The lands, the trees, the minerals, and the rivers will all still be there. What this bill does is say that we leave as nature gave it to us certain amounts of land so that nature itself can produce the things that nature has always produced.

Nature fights beetles best. It is when man comes into the picture that you have problems. As the California director of the department of fish and game said, north coast counting stations over the past three decades have shown declines of 66 percent in steelhead, declines of 65 percent in silver salmon, and declines of 64 percent in king salmon. That is what happens when we have development, and when we leave these lands in nature, we not only learn about what we are doing to the other lands but we allow nature to heal some of these wounds.

On the Trinity River, I have seen gravel up to the very bottoms of the bridges, making it impossible, of course, for the salmon to spawn. I have had to vote for money in the Committee on Interior and Insular Affairs to build dams, not for water in the Trinity River area but for dirt to keep the dirt from washing down and filling in the rivers where the timber has been logged off on steep slopes.

The chairman of the Subcommittee on Public Lands and I flew 3 days in helicopters over the Trinity and northern California forests, and what we saw was vast areas where the private lands had been denuded to the point where they were deserts. Then we saw the great national forests, the Trinities, the Siskyous, and others, and we saw key spawning streams still capable of spawning fish, and key areas that are essential to Nature's balance. These are the few areas we want to preserve in this bill.

What does it amount to in these northern California forests? It amounts to 4 or 5 percent of the timber, and that is all. We get as a reward the saving of streams and the preserving of certain areas that will remain secure in the balance of Nature, a balance PHIL BURTON may not have observed himself but did so much to protect for others.

● Mr. MATSUI. Madam Chairman, I rise in strong support of H.R. 1437, the California Wilderness Act of 1983. As the guiding spirit behind the conservation movement in the United States, I cannot think of a more fitting tribute to the late PHIL BURTON than the approval of this legislative proposal before us today.

H.R. 1347 will designate specific lands within California-based national forests as federally protected wilderness areas. In total, over 2.3 million acres in 58 national forest areas would qualify as wilderness and another 72,000 acres will be protected for further wilderness study. The enactment of this legislation would grant finality to the RARE II process for my State.

I supported nearly identical legislation in the 96th and 97th Congresses, as it represented an appropriate method by which to protect California's irreplaceable wilderness lands. With the adoption of Chairman SEIBERLING's amendment this afternoon, which frees specific lands from further wilderness study until the mid-1990's, H.R. 1437 will protect this Nation's dwindling wilderness resources while permitting reasonable multiple use of nonenvironmentally sensitive areas.

In conclusion, I would urge my colleagues to support H.R. 1437 with no weakening amendments. This measure represents a necessary step in our continuous commitment to preserve vital wilderness areas for ourselves and future generations of Americans.●

● Mr. BROWN of California. Madam Chairman, I rise today to add my support to H.R. 1437, the California Wilderness Act, authored by my greatly respected and distinguished colleague from California, the late PHIL BURTON. I have long been a supporter of our wilderness system, and applaud this addition to permanently preserved lands in California, for the benefit and enjoyment of generations to come.

This bill, which succeeds similar bills introduced in the 97th Congress and the 96th Congress, is the product of 4 years of debate and negotiation. The California delegation and the Interior Committee have studied each portion of the bill individually, making every effort possible to resolve any resource conflicts.

H.R. 1437 sets aside 2.2 million California acres for permanent wilderness protection. It benefits many species of California wildlife, through the preservation of several vital and sensitive habitats. Yet, it also frees up lands previously restricted by the California

court injunction and eliminates lands from further wilderness study, allowing them to be used for timber harvesting.

After 4 years of careful consideration and thoughtful compromise, I hope that the dedicated work of my colleague will not be wasted. H.R. 1437 is a thorough, reasonable piece of legislation and I give my wholehearted support to its passage.●

● Mr. MINETA. Madam Chairman, I rise to support the California wilderness bill.

As we all know, and will discuss later today, this bill is largely the work of one man, PHIL BURTON. It is a testimony to his determination and dedication to preserving and protecting our natural resources. This bill will be one of many monuments to him.

But it is important to remember that this legislation stands proudly on its own merits. Those areas to be designated as wilderness are entirely worthy and deserving of that status. Just as importantly, those areas released from further study will be available for appropriate careful resource management.

California and the Nation needs this legislation. We cannot afford nor do we need the time or the money to restudy these areas once again. Let us act now, let us act to protect these areas for all of the people of California and the Nation. Let us once again make plain our commitment and dedication to continuing our role as the wise and careful steward of our land, our water and our air.

I urge the adoption of this bill.

Thank you.●

● Mr. LEVINE of California. Madam Chairman, I rise in sorrow and in deep admiration for our late colleague Congressman PHIL BURTON. PHIL was not only a good friend, but an effective and committed legislator. PHIL served as an inspiration to me as someone who was deeply committed to protecting our precious environment.

With great respect for PHIL, and as a cosponsor of the bill, I express my strong support for PHIL's last legislative project—one which was dear to his heart—H.R. 1437, the California's Wilderness Act. This bill would preserve some of California's most beautiful areas.

This body has expressed strong support for this bill in the past, as it has passed the House on two previous occassions. In contrast to previous attempts, there is promise for passage in the Senate this session.

I represent 50 miles of California's most gorgeous coastline. My constitutents have a deep appreciation for the environment and cherish the opportunity to visit wilderness areas. H.R. 1437 designates several wilderness areas surrounding the Los Angeles area including, Fish Canyon, Dick Smith, Sheep Mountain, San Jacinto, Cucamonga, and Granite Peak. The bill also includes areas throughout the rest of California such as the acreage in Yosemite National Park, which are some of the most beautiful places I have visited in the world.

The passage of the California Wilderness Act today would be a fine and appropriate tribute to our colleague Congressman PHIL BURTON. I urge my colleagues to vote in favor of H.R. 1437 so that in the future we, as well as future generations, can enjoy some of the most precious areas in the country.●

● Mr. PATTERSON. Madam Chairman, I rise in strong support of H.R. 1437, the California Wilderness Act of 1983, and I commend the chairman of the Subcommittee of Public Lands and National Parks for his diligence in pursuing the passage of this legislation. This proposal has been under consideration for a number of years and very similar legislation has been overwhelmingly passed by this Chamber during the 96th and 97th Congresses.

H.R. 1437 establishes a number of desired new wilderness areas, defines logical boundaries for several existing wildernesses, makes other lands available for appropriate development, and provides for future decision on certain controversial areas where additional facts are needed before a final decision can be made. This legislation is a balanced bill and represents the efforts of many Members of the California congressional delegation, who under the devoted leadership of our colleague PHIL BURTON, worked together to forge a compromise out of many diverse interests and philosophical views regarding national wilderness areas. We could not offer a more fitting memorial to PHIL BURTON than to expeditiously consider and pass the California wilderness bill without amendment.

As our Nation's largest State, California has many unique natural resources and wildlife that require and warrant protection. Many species of animals are dependent upon old-growth forests for their existence. Despite the fact that there currently is a shortage of such lands that are privately owned we cannot, with a good conscience, trust the future of these species to landowners who have no understanding of the needs of the indigent wildlife or any incentive for preserving their habitat. The most blatant example of such a travesty has been the repeated destruction of prime salmon and steelhead habitats through inappropriate or poorly planned development of the surrounding forests. Other areas included in the bill provide some of the last habitat for a variety of species absolutely dependent upon wilderness, including the endangered California condor, the Sierran big horn sheep, and the southern wolverine.

Try as one might, it is a difficult task to place economic values on the intangible qualities of wilderness. For the urban dwellers of my own district in Orange County, the knowledge that the San Mateo Canyon Wilderness is within an hour's drive offers peace of mind in the bustle of daily living. Even if one were not inclined to visit the area, which is accessible by public transportation, there is comfort in knowing that not all of the land is covered with highways, homes, and hamburger stands—in knowing that our children's children will share in the treasures of this great land.

Madam Chairman, the bill we have before us is the product of years of study, debate and successful negotiation. Twice the House has favorably passed similar legislation. I urge my colleagues to do the same today. H.R. 1437 should be passed as presented by the Interior Committee so that we move closer toward resolving the wilderness isssue in California.●

Mr. UDALL. Madam Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. YOUNG of Alaska. Madam Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Interior and Insular Affairs now printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule. Each section of said substitute shall be considered as having been read. It shall be in order to consider an amendment to said substitute printed in the CONGRESSIONAL RECORD of March 24, 1983, by Representative BURTON of California.

The Clerk will designate section 1.

Mr. UDALL. Madam Chairman, I ask unanimous consent that the bill be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The text of the bill, H.R. 1437, is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "California Wilderness Act of 1983".

DESIGNATION OF WILDERNESS

SEC. 2. (a) In furtherance of the purposes of the Wilderness Act, the following lands, as generally depicted on maps, appropriately referenced, dated July 1980 (except as otherwise dated) are hereby designated as wilderness, and therefore, as components of the National Wilderness Preservation System—

(1) certain lands in the Inyo National Forest, California, which comprise approximately forty-nine thousand nine hundred acres, as generally depicted on a map enti-

tled "Boundary Peak Wilderness—Proposed", and which shall be known as the Boundary Peak Wilderness;

(2) certain lands in the Cleveland National Forest, California, which comprise approximately five thousand nine hundred acres, as generally depicted on a map entitled "Caliente Wilderness Proposal" dated July 1980, and which shall be known as the Caliente Wilderness;

(3) certain lands in the Eldorado National Forest, California, which comprise approximately fourteen thousand acres, as generally depicted on a map entitled "Caples Creek Wilderness—Proposed", dated November 1980, and which shall be known as the Caples Creek Wilderness;

(4) certain lands in the Lassen National Forest, California, which comprise approximately one thousand eight hundred acres, as generally depicted on a map entitled "Caribou Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the Caribou Wilderness as designated by Public Law 88-577;

(5) certain lands in the Stanislaus and Toiyabe National Forests, California, which comprise approximately one hundred ninety thousand acres, as generally depicted on a map entitled "Carson-Iceberg Wilderness—Proposed", and which shall be known as the Carson-Iceberg Wilderness: *Provided, however,* That the designation of the Carson-Iceberg Wilderness shall not preclude continued motorized access to those previously existing facilities which are directly related to permitted livestock grazing activities in the Wolf Creek Drainage on the Toiyabe National Forest in the same manner and degree in which such access was occurring as of the date of enactment of this Act;

(6) certain lands in the Shasta Trinity National Forest, California, which comprise approximately seven thousand three hundred acres, as generally depicted on a map entitled "Castle Crags Wilderness—Proposed", and which shall be known as the Castle Crags Wilderness;

(7) certain lands in the Shasta Trinity National Forest, California, which comprise approximately eight thousand two hundred acres, as generally depicted on a map entitled "Chancelulla Wilderness—Proposed", and which shall be known as Chancelulla Wilderness;

(8) certain lands in the Lassen National Forest, California, which comprise approximately fifteen thousand five hundred acres, as generally depicted on a map entitled "Cinder Buttes Wilderness—Proposed", and which shall be known as the Cinder Buttes Wilderness;

(9) certain lands in the Angeles National Forest, California, which comprise approximately four thousand four hundred acres, as generally depicted on a map entitled "Cucamonga Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the Cucamonga Wilderness as designated by Public Law 88-577;

(10) certain lands in the Inyo National Forest, California, which comprise approximately seven thousand six hundred acres, as generally depicted on a map entitled "Deep Wells Wilderness—Proposed", and which shall be known as the Deep Wells Wilderness;

(11) certain lands in the Los Padres National Forest, which comprise approximately sixty-seven thousand acres, as generally depicted on a map entitled "Dick Smith Wilderness—Proposed", dated October, 1979, and which shall be known as Dick Smith Wilderness: *Provided,* That the Act of March 21, 1968 (82 Stat. 51), which established the San Rafael Wilderness is hereby amended to transfer four hundred and thirty acres of the San Rafael Wilderness to the Dick Smith Wilderness and establish a line one hundred feet north of the centerline of the Buckhorn Fire Road as the southeasterly boundary of the San Rafael Wilderness, as depicted on a map entitled "Dick Smith Wilderness—Proposed", and wherever said Buckhorn Fire Road passes between the San Rafael and Dick Smith Wildernesses and elsewhere at the discretion of the Forest Service, it shall be closed to all motorized vehicles except those used by the Forest Service for administrative purposes;

(12) certain lands in the Sierra National Forest, California, which comprise approximately thirty thousand acres, as generally depicted on a map entitled "Dinkey Lakes Wilderness—Proposed", and which shall be known as the Dinkey Lakes Wilderness: *Provided,* That within the Dinkey Lakes Wilderness the Secretary of Agriculture shall permit nonmotorized dispersed recreation to continue at a level not less than the level of use which occurred during calendar year 1979;

(13) certain lands in the Sequoia National Forest, California, which comprise approximately thirty-two thousand acres, as generally depicted on a map entitled "Domeland Wilderness Additions—Proposed", dated March 1983, and which are hereby incorporated in, and which shall be deemed to be part of the Domeland Wilderness as designated by Public Law 88-577;

(14) certain lands in the Stanislaus National Forest, California, which comprise approximately six thousand one hundred acres, as generally depicted on a map entitled "Emigrant Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the Emigrant Wilderness as designated by Public Law 93-632;

(15) certain lands in the Inyo National Forest, California, which comprise approximately forty-six thousand four hundred acres, as generally depicted on a map entitled "Excelsior Wilderness—Proposed", and which shall be known as the Excelsior Wilderness;

(16) certain lands in the Angeles National Forest, California, which comprise approximately thirty-two thousand nine hundred acres, as generally depicted on a map entitled "Fish Canyon Wilderness—Proposed", and which shall be known as the Fish Canyon Wilderness;

(17) certain lands in the Tahoe National Forest, California, which comprise approximately thirty-four thousand two hundred acres, as generally depicted on a map entitled "Granite Chief Wilderness—Proposed", dated February 1983, and which shall be known as the Granite Chief Wilderness;

(18) certain lands in the San Bernardino National Forest, California, which comprise approximately ten thousand six hundred acres, as generally depicted on a map entitled "Granite Peak Wilderness—Proposed", and which shall be known as the Granite Peak Wilderness;

(19) certain lands in the Cleveland National Forest, California, which comprise approximately eight thousand acres, as generally depicted on a map entitled "Hauser Wilderness Proposal", dated July 1980, and which shall be known as the Hauser Wilderness;

(20) certain lands in Toiyabe National Forest, California, which comprise approximately forty-nine thousand two hundred acres, as generally depicted on a map entitled "Hoover Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the Hoover Wilderness as designated by Public Law 88-577;

(21) certain lands in and adjacent to the Lassen National Forest, California, which comprise approximately forty-one thousand eight hundred and forty acres as shown on a map entitled "Ishi Wilderness—Proposed", and which shall be known as the Ishi Wilderness;

(22) certain lands in the Inyo National Forest, California, which comprise approximately nine thousand acres, as generally depicted on a map entitled "John Muir Wilderness Additions, Inyo National Forest—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the John Muir Wilderness as designated by Public Law 88-577;

(23) certain lands in the Sierra National Forest, California, which comprise approximately eighty-one thousand acres, as generally depicted on a map entitled "John Muir Wilderness Additions, Sierra National Forest—Proposed", dated February 1983, and which are hereby incorporated in, and which shall be deemed to be a part of the John Muir Wilderness as designated by Public Law 88-577: *Provided,* That the Secretary of Agriculture is authorized to modify the boundaries of the John Muir Wilderness Additions and the Dinkey Lakes Wilderness as designated by this Act in the event he determines that portions of the existing primitive road between the two wilderness areas should be relocated for environmental protection or other reasons. Any relocated wilderness boundary shall be placed no more than three hundred feet from the centerline of any new primitive roadway and shall become effective upon publication of a notice of such relocation in the Federal Register;

(24) certain lands in the Lassen National Forest, California, which comprise approximately three thousand nine hundred acres, as generally depicted on a map entitled "Lassen Volcanic Wilderness Additions—Proposed", and which are hereby incorporated in, and shall be deemed to be a part of the Lassen Volcanic Wilderness as designated by Public Law 92-510;

(25) certain lands in the Klamath National Forest, California, which comprise approximately thirty-eight thousand acres, as generally depicted on a map entitled "Marble Mountain Wilderness Additions—Proposed", and which are hereby incorporated in, and shall be deemed to be a part of the Marble Mountain Wilderness as designated by Public Law 88-577;

(26) certain lands in the Sierra and Inyo National Forest, California, which comprise approximately nine thousand acres, as generally depicted on a map entitled "Minarets Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the Minarets Wilderness as designated by Public Law 88-577;

(27) certain lands in the Eldorado, Stanislaus, and Toiyabe National Forests, California, which comprise approximately sixty thousand acres, as generally depicted on a map entitled "Mokelumne Wilderness Additions—Proposed", dated November 1980, and which are hereby incorporated in, and which shall be deemed to be a part of the

Mokelumne Wilderness as designated by Public Law 88-577;

(28) certain lands in the Sierra and Sequoia National Forests, California, which comprise approximately fifty-five thousand acres, as generally depicted on a map entitled "Monarch Wilderness—Proposed", dated February 1983, and which shall be known as the Monarch Wilderness;

(29) certain lands in the Shasta Trinity National Forest, California, which comprise approximately thirty-seven thousand acres, as generally depicted on a map entitled "Mt. Shasta Wilderness—Proposed", and which shall be known as Mt. Shasta Wilderness;

(30) certain lands in the Six Rivers National Forest, California, which comprise approximately eight thousand one hundred acres, as generally depicted on a map entitled "North Fork Wilderness—Proposed", and which shall be known as the North Fork Wilderness;

(31) certain lands in the Shasta Trinity National Forest, California, which comprise approximately twenty-eight thousand acres, as generally depicted on a map entitled "Pattison Wilderness—Proposed", and which shall be known as the Pattison Wilderness;

(32) certain lands in the Cleveland National Forest, California, which comprise approximately thirteen thousand one hundred acres, as generally depicted on a map entitled "Pine Creek Wilderness—Proposed", and which shall be known as the Pine Creek Wilderness;

(33) certain lands in the San Bernardino National Forest, California, which comprise approximately seventeen thousand acres, as generally depicted on a map entitled "Pyramid Peak Wilderness—Proposed", and which shall be known as the Pyramid Peak Wilderness;

(34) certain lands in the Klamath and Rogue River National Forests, California, which comprise approximately thirty-one thousand acres, as generally depicted on a map entitled "Red Buttes Wilderness—Proposed", dated March 1983, and which shall be known as the Red Buttes Wilderness;

(35) certain lands in the Klamath National Forest, California, which comprise approximately twelve thousand acres, as generally depicted on a map entitled "Russian Peak Wilderness—Proposed", and which shall be known as the Russian Peak Wilderness;

(36) certain lands in the San Bernardino National Forest, California, which comprise approximately twenty-one thousand five hundred acres, as generally depicted on a map entitled "San Gorgonio Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the San Gorgonio Wilderness as designated by Public Law 88-577;

(37) certain lands in the San Bernardino National Forest, California, which comprise approximately ten thousand nine hundred acres, as generally depicted on a map entitled "San Jacinto Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the San Jacinto Wilderness as designated by Public Law 88-577: *Provided, however,* That the Secretary of Agriculture may pursuant to an application filed prior to January 1, 1983, grant a right-of-way for, and authorize construction of, a transmission line or lines within the area depicted as "potential powerline corridor" on the map entitled "San Jacinto Wilderness Additions—Proposed": *Provided further,* That if a power transmission line is constructed within such corridor, the corridor shall cease to be a part of the San Jacinto Wilderness and the Secretary of Agriculture shall publish notice thereof in the Federal Register;

(38) certain lands in the Sierra and Inyo National Forests and the Devils Postpile National Monument, California, which comprise approximately one hundred and ten thousand acres, as generally depicted on a map entitled "San Joaquin Wilderness—Proposed", and which shall be known as San Joaquin Wilderness: *Provided, however,* That nothing in this Act shall be construed to prejudice, alter, or affect in any way, any rights or claims of right to the diversion and use of waters from the North Fork of the San Joaquin River, or in any way to interfere with the construction, maintenance, repair, or operation of the Jackass-Chiquito hydroelectric power project (or the Granite Creek-Jackass alternative project) as proposed by the Upper San Joaquin River Water and Power Authority: *Provided further,* That the designation of the San Joaquin Wilderness shall not preclude continued motorized access to those previously existing facilities which are directly related to permitted livestock grazing activities nor operation and maintenance of the existing cabin located in the vicinity of the Heitz Meadow Guard Station within the San Joaquin Wilderness, in the same manner and degree in which such access and operation and maintenance of such cabin were occurring as of the date of enactment of this Act;

(39) certain lands in the Cleveland National Forest, California, which comprise approximately thirty-nine thousand five hundred and forty acres, as generally depicted on a map entitled "San Mateo Canyon Wilderness—Proposed", and which shall be known as the San Mateo Canyon Wilderness;

(40) certain lands in the Los Padres National Forest, California, which comprise approximately two thousand acres, as generally depicted on a map entitled "San Rafael Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the San Rafael Wilderness as designated by Public Law 90-271;

(41) certain lands in the San Bernardino National Forest, California, which comprise approximately twenty thousand one hundred and sixty acres, as generally depicted on a map entitled "Santa Rosa Wilderness—Proposed", and which shall be known as the Santa Rosa Wilderness;

(42) certain lands in and adjacent to the Sequoia National Forest, California, which comprise approximately forty-eight thousand acres, as generally depicted on a map entitled "Scodies Wilderness—Proposed", and which shall be known as the Scodies Wilderness;

(43) certain lands in the Angeles and San Bernardino National Forests, California, which comprise approximately forty-four thousand six hundred acres, as generally depicted on a map entitled "Sheep Mountain Wilderness—Proposed", and which shall be known as Sheep Mountain Wilderness;

(44) certain lands in the Cleveland National Forest, California, which comprise approximately five thousand two hundred acres, as generally depicted on a map entitled "Sill Hill Wilderness Proposal", dated July 1980, and which shall be known as the Sill Hill Wilderness;

(45) certain lands in the Six Rivers, Klamath, and Siskiyou National Forests, California, which comprise approximately one hundred and ninety-one thousand acres, as generally depicted on a map entitled "Siskiyou Wilderness—Proposed", dated February 1983, and which shall be known as the Siskiyou Wilderness;

(46) certain lands in the Mendocino National Forest, California, which comprise approximately thirty-seven thousand acres, as generally depicted on a map entitled "Snow Mountain Wilderness—Proposed", and which shall be known as Snow Mountain Wilderness;

(47) certain lands in the Sequoia and Inyo National Forests, California, which comprise approximately seventy-seven thousand acres, as generally depicted on a map entitled "South Sierra Wilderness—Proposed", and which shall be known as the South Sierra Wilderness;

(48) certain lands in the Modoc National Forest, California, which comprise approximately one thousand nine hundred and forty acres, as generally depicted on a map entitled "South Warner Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the South Warner Wilderness as designated by Public Law 88-577;

(49) certain lands in the Lassen National Forest, California, which comprise approximately seven thousand acres, as generally depicted on a map entitled "Thousand Lakes Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the Thousand Lakes Wilderness as designated by Public Law 88-577;

(50) certain lands in and adjacent to the Lassen National Forest, California, which comprise approximately twenty-two thousand acres, as generally depicted on a map entitled "Timbered Crater Wilderness—Proposed", and which shall be known as the Timbered Crater Wilderness;

(51) certain lands in and adjacent to the Klamath, Shasta Trinity and Six Rivers National Forests, California, which comprise approximately five hundred thousand acres, as generally depicted on a map entitled "Trinity Alps Wilderness—Proposed", and which shall be known as the Trinity Alps Wilderness;

(52) certain lands in the Los Padres National Forest, California, which comprise approximately two thousand seven hundred and fifty acres, as generally depicted on a map entitled "Ventana Wilderness Addition—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the Ventana Wilderness as designated by Public Laws 91-58 and 95-237; and

(53) certain lands in and adjacent to the Six Rivers and Mendocino National Forests, California, which comprise approximately forty-six thousand acres, as generally depicted on a map entitled "Yolla-Bolly Middle Eel Additions—Proposed", dated March 1983, and which are hereby incorporated in, and which shall be deemed to be a part of the Yolla-Bolly Middle Eel Wilderness as designated by Public Law 88-577;

(54) certain lands in and adjacent to the Los Padres National Forest, California, which comprise approximately twenty thousand acres, as generally depicted on a map entitled "Machesna Mountain Wilderness—Proposed", dated March 1983, and which shall be known as the Machesna Mountain Wilderness;

(55) certain lands in the Plumas National Forest, California, which comprise approximately twenty-one thousand acres, as generally depicted on a map entitled "Bucks Lake

Wilderness—Proposed", dated March 1983, and which shall be known as the Bucks Lake Wilderness;

(56) certain lands in the Eldorado and Toiyabe National Forests and in the Lake Tahoe Basin Management Unit, California, which comprise approximately twenty thousand acres, as generally depicted on a map entitled "Echo-Carson Wilderness—Proposed", dated February 1983, and which shall be known as the Echo-Carson Wilderness;

(57) certain lands in the Lassen National Forest, California, which comprise approximately nine thousand eight hundred acres, as generally depicted on a map entitled "Mill Creek Wilderness—Proposed", dated February 1983, and which shall be known as the Mill Creek Wilderness.

(58) Certain lands in the Sequoia National Forest, which comprise approximately ten thousand five hundred acres, as generally depicted on a map entitled "Jennie Lakes Wilderness—Proposed", dated March 1983, and which shall be known as the Jennie Lakes Wilderness.

(b) The previous classifications of the High Sierra Primitive Area, Emigrant Basin Primitive Area, and the Salmon-Trinity Alps Primitive Area are hereby abolished.

MONACHE WILDERNESS STUDY AREA

SEC. 3. (a) In furtherance of the purposes of the Wilderness Act, the following lands shall be reviewed by the Secretary of Agriculture as to their suitability for preservation as wilderness. The Secretary shall submit his report and findings to the President, and the President shall submit his recommendation to the United States House of Representatives and the United States Senate no later than three years from the date of enactment of this Act:

(1) certain lands in the Sequoia National Forest, California, which comprise approximately forty-two thousand acres, as generally depicted on a map entitled "Monache Wilderness Study Area", dated July 1980, and which shall be known as the Monache Wilderness Study Area.

(b) Subject to valid existing rights, the wilderness study area designated by this section shall, until Congress determines otherwise, be administered by the Secretary of Agriculture so as to maintain its presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System: *Provided,* That within the Monache Wilderness Study Area the level of use existing during the year ending June 30, 1980, shall be permitted to continue.

ADMINISTRATION OF WILDERNESS AREAS

SEC. 4. (a) Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary concerned in accordance with the provisions of the Wilderness Act: *Provided,* That any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

(b) Within the National Forest wilderness areas designated by this Act—

(1) as provided in subsection 4(d)(4)(2) of the Wilderness Act, the grazing of livestock, where established prior to the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations, policies and practices as the Secretary deems necessary, as long as such regulations, policies and practices fully conform with and implement the intent of Congress regarding grazing in such areas as such intent is expressed in the Wilderness Act and this Act;

(2) as provided in subsection 4(d)(1) of the Wilderness Act, the Secretary concerned may take such measures as are necessary in the control of fire, insects, and diseases, subject to such conditions as he deems desirable; and

(3) as provided in section 4(b) of the Wilderness Act, the Secretary concerned shall administer such areas so as to preserve their wilderness character and to devote them to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use.

(c) Within sixty days of the date of enactment of this Act, the Secretary of Agriculture shall enter into negotiations to acquire by exchange or otherwise (on a willing-buyer-willing-seller basis and at the landowner's option) all or part of any privately owned lands within the Trinity Alps, Granite Chief, Castle Crags, and Mount Shasta Wilderness areas as designated by this Act. Such acquisition shall to the maximum extent practicable, be completed within three years after the date of enactment of this Act. Market and exchange values shall be determined without reference to any restrictions on access or use which arise out of designation as a wilderness area.

FILING OF MAPS AND DESCRIPTIONS

SEC. 5. As soon as practicable after enactment of this Act, a map and a legal description on each wilderness area shall be filed with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the House of Representatives, and each such map and description shall have the same force and effect as if included in this Act: *Provided,* That correction of clerical and typographical errors in each such legal description and map may be made. Each such map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

ADDITIONS TO NATIONAL PARK SYSTEM

SEC. 6. (a) The following lands are hereby added to the national park system:

(1) certain lands in the Sierra National Forest, California, which comprise approximately seven thousand acres, as generally depicted on a map entitled "Mt. Raymond Addition, Yosemite National Park—Proposed", dated July 1980, and which are hereby incorporated in, and which shall be deemed to be a part of Yosemite National Park;

(2) certain lands in the Sequoia National Forest, California, which comprise approximately one thousand five hundred acres, as generally depicted on a map entitled "Jennie Lakes Additions, Kings Canyon National Park—Proposed", dated March 1983, and which are hereby incorporated in, and which shall be deemed a part of Kings Canyon National Park;

(3) certain lands in the Stanislaus National Forest, California, which comprise approximately eight thousand acres, as generally depicted on a map entitled "North Mountain Addition, Yosemite National Park—Proposed", dated March 1983, and which are hereby incorporated in, and which shall be deemed to be a part of Yosemite National Park;

(4) certain lands which comprise approximately 185 acres, as generally depicted on a map entitled "McCauley Ranch Addition, Yosemite National Park", dated December 1982 and numbered 80,021, and which are hereby incorporated in, and which shall be deemed to be part of Yosemite National Park.

(b) Upon enactment of this Act, the Secretary of Agriculture shall transfer the lands described in subsection (a) of this section, without consideration, to the administrative jurisdiction of the Secretary of the Interior for administration as part of the national park system. The boundaries of the national forests and national parks shall be adjusted accordingly. The areas added to the national park system by this section shall be administered in accordance with the provisions of law generally applicable to units of the national park system.

(c) The Secretary of the Interior shall study the lands added to the national park system by subsection (a) of this section for possible designation as national park wilderness, and shall report to the Congress his recommendations as to the suitability or nonsuitability of the designation of such lands as wilderness by not later than three years after the effective date of this Act.

(d) The Secretary of Agriculture is authorized and directed to transfer to the jurisdiction of the Secretary of the Interior for administration as a part of Yosemite National Park, two hundred and fifty-three acres of the Stanislaus National Forest at Crocker Ridge, identified as all that land lying easterly of a line beginning at the existing park boundary and running three hundred feet west of and parallel to the center line of the park road designated as State Highway 120, also known as the New Big Oak Flat Road, within section 34, township 1 south, range 19 east, and within sections 4, 9, and 10, township 2 south, range 19 east, Mount Diablo base and meridian. The boundary of Yosemite National Park and the Stanislaus National Forest shall be adjusted accordingly.

(e) The Secretary of the Interior is authorized and directed to transfer to the jurisdiction of the Secretary of Agriculture one hundred and sixty acres within the boundary of the Sierra National Forest identified as the northwest quarter of section 16, township 5 south, range 22 east, Mount Diablo base meridian, subject to the right of the Secretary of the Interior to the use of the water thereon for park purposes, including the right of access to facilities necessary for the transportation of water to the park.

NATIONAL PARK WILDERNESS

SEC. 7. The following lands are hereby designated as wilderness in accordance with section 3(c) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132(c)) and shall be administered by the Secretary of the Interior in accordance with the applicable provisions of the Wilderness Act:

(1) Yosemite National Park Wilderness, comprising approximately six hundred and seventy-seven thousand six hundred acres, and potential wilderness additions comprising approximately three thousand five hundred and fifty acres, as generally depicted on a map entitled "Wilderness Plan, Yosemite National Park, California", numbered 104-20, 003-E dated July 1980, and shall be known as the Yosemite Wilderness;

(2) Sequoia and Kings Canyon National Parks Wilderness, comprising approximately seven hundred and thirty-six thousand nine hundred and eighty acres; and potential wilderness additions comprising approximately one hundred acres, as generally depicted on a map entitled "Wilderness Plan—Sequoia-Kings Canyon National

Parks—California", numbered 102-20, 003-E and dated July 1980, and shall be known as the Sequoia-Kings Canyon Wilderness.

MAP AND DESCRIPTION

SEC. 8. A map and description of the boundaries of the areas designated in section 7 of this Act shall be on file and available for public inspection in the Office of the Director of the National Park Service, Department of the Interior, and in the Office of the Superintendent of each area designated in section 7. As soon as practicable after this Act takes effect, maps of the wilderness areas and descriptions of their boundaries shall be filed with the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, and such maps and description shall have the same force and effect as if included in this Act: *Provided*, That correction of clerical and typographical errors in such maps and descriptions may be made.

CESSATION OF CERTAIN USES

SEC. 9. Any lands (in section 7 of this Act) which represent potential wilderness additions upon publication in the Federal Register of a notice by the Secretary of the Interior that all uses thereon prohibited by the Wilderness Act have ceased, shall thereby be designated wilderness. Lands designated as potential wilderness additions shall be managed by the Secretary insofar as practicable as wilderness until such time as said lands are designated as wilderness.

ADMINISTRATION

SEC. 10. The areas designated by section 7 of this Act as wilderness shall be administered by the Secretary of the Interior in accordance with the applicable provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act, and where appropriate, any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

SIX RIVERS PLANNING AREAS

SEC. 11. (a) The following planning areas shall be reviewed by the Secretary of Agriculture as to their suitability or nonsuitability for preservation as wilderness. The Secretary shall submit his report and findings to the President, and the President shall submit his recommendations to the United States House of Representatives and the United States Senate no later than three years from the date of enactment of this Act:

(1) certain lands in the Six Rivers National Forest, California, which comprise approximately thirty thousand acres, as generally depicted on a map entitled "Orleans Mountain Planning Area", dated July 1980: *Provided*, That within the area shown on such map as the "Ski Study Area" the Secretary shall conduct a special study as to the suitability or nonsuitability of the area for location of an alpine ski facility. In conducting such ski study the Secretary shall consider the need for an alpine ski facility in the region, climatological factors, the feasibility and location of possible road access to any ski facility and the impact of ski development on other multiple uses.

(b) Subject to valid existing rights, the planning areas designated by this section shall, until Congress determines otherwise, be administered by the Secretary of Agriculture so as to maintain their presently existing wilderness character.

(c) Until Congress determines otherwise, timber volumes within the planning areas designated by this section shall be included in the base used to determine potential yield for the national forest concerned.

(d) Notwithstanding any existing or future administrative designation or recommendation, mineral prospecting, exploration, development, or mining of cobalt and associated minerals undertaken under the United States mining laws within the North Fork Smith roadless area (RARE II, 5-707, Six Rivers National Forest, California) shall be subject to only such Federal laws and regulations as are generally applicable to national forest lands designated as nonwilderness.

SEVERABILITY

SEC. 12. If any provision of this Act or the application thereof is held invalid, the remainder of the Act and the application thereof shall not be affected thereby.

AMENDMENT OFFERED BY MR. SEIBERLING

Mr. SEIBERLING. Madam Chairman, I offer an amendment. This is the amendment printed at page H-1811 of the CONGRESSIONAL RECORD by Mr. BURTON of California.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SEIBERLING: On page 30, after line 15, add the following new section:

WILDERNESS REVIEW CONCERNS

SEC. 13. (a) The Congress finds that—

(1) the Department of Agriculture has completed the second roadless area review and evaluation program (RARE II);

(2) the Congress had made its own review and examination of national forest roadless areas in California and of the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II Final Environmental Statement (dated January 1979) with respect to national forest lands in States other than California, such statement shall not be subject to judicial review with respect to National Forest System lands in the State of California;

(2) upon enactment of this Act, the injunction issued by the United States District Court for the Eastern District of California in *State of California* v. *Bergland* (483 F. Supp. 465 (1980)) shall no longer be by force;

(3) with respect to the National Forest lands in the State of California which were reviewed by the Department of Agriculture in the second roadless area review and evaluation (RARE II), except those lands remaining in further planning upon enactment of this Act, that review and evaluation shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by the National Forest Management Act 1976 (Public Law 94-588) to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revision of the initial plans and in no case prior to the date established by law for completion of the initial planning cycle;

(4) areas reviewed in such Final Environmental Statement and not designated as wilderness by this Act or remaining in further planning upon enactment of this Act need not be managed for the purposes of protecting their suitability for wilderness designation pending revision of the initial plans;

(5) unless expressly authorized by Congress, the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of national forest system lands in the State of California for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

Mr. SEIBERLING (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SEIBERLING. Madam Chairman, this is the standard release and sufficiency amendment that is commonly known as the California release and sufficiency amendment because it was first worked out in the 96th Congress with respect to the California RARE II wilderness issue. It was worked out in a meeting with the then ranking minority member of the Subcommittee on Public Lands of the House and myself present, as well as representatives from the National Forest Products Association, the Sierra Club, the Wilderness Society, the Chief of the Forest Service, and the ranking Democratic Member in whose district many of these lands were located, Mr. Bizz Johnson, along with the ranking Republican member of the Committee on Interior and Insular Affairs, Mr. DON CLAUSEN.

The amendment has been accepted by the Congress and included in almost every single wilderness bill that has passed into law, since the RARE II proposals were first made.

Basically, it does two things. It says that the injunction that was issued by the U.S. district court, since upheld by the circuit court of appeals, with respect to national forest lands in California in the case of the State of California against Bergland will no longer be in force, and, therefore, it opens up the lands which were covered by that injunction to nonwilderness use. And it says that with respect to national forest lands that are not included in wilderness in this bill, or remaining in further planning, they shall no longer be required to be managed to preserve their wilderness character until the next review as mandated by the National Forest Management Act takes place.

Basically, those are the provisions of the amendment, Madam Chairman, and at this time I yield to the distinguished chairman of the Committee

on Agriculture for any comments he cares to make.

Mr. DE LA GARZA. Madam Chairman, I thank the gentleman for yielding, and I rise, first, to show my appreciation to the gentleman for continuing with the amendment that was offered by the gentleman from California, Mr. BURTON, and, second, to say that the Committee on Agriculture, which has either joint or sequential jurisdiction—depending on how bills are written—with the Committee on Interior and Insular Affairs, has always been able to work out the jurisdictional differences.

We have done that, first, to see that the public is protected, and, second, that the wishes of the Committee on Jurisdiction are carried out. We always like to insist on cooperation, and I hope that we will continue having this type of cooperation so that release language would be incorporated into these types of bills in order that we may have that necessary protection.

□ 1530

Mr. SEIBERLING. I assure the gentleman that that is my intention.

Mr. DE LA GARZA. I join the gentleman in support of the amendment and in support of the legislation. As has been mentioned here before, I think that this would be a tribute to a great legislator, a great parliamentarian, and one who has worked diligently in his own way, as all of us are prone to admit, but dedicated, nonetheless, to preserve for posterity and for future generations some of the pristine lands that we as a nation share as our patrimony.

I would join with the gentleman in dedicating our effort to PHIL BURTON, who worked so diligently on this legislation.

I thank the gentleman for yielding.

Mr. SEIBERLING. I thank the distinguished gentleman from Texas.

Madam Chairman, I yield back the balance of my time on this amendment.

Mr. YOUNG of Alaska. Madam Chairman, we have no objection to the amendment and will accept the amendment on this side.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. SEIBERLING).

The amendment was agreed to.

The CHAIRMAN. Are there any other amendments?

AMENDMENTS OFFERED BY MR. SHUMWAY

Mr. SHUMWAY. Madam Chairman, I offer amendments and ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. SHUMWAY: On page 16, line 17, delete "one hundred and ninety-one" and insert "one hundred and sixty-one";

On page 10, line 7, delete "thirty-eight thousand" and insert "seven thousand six hundred".

On page 10, line 22, delete "sixty thousand" and insert "six hundred and forty".

Mr. SHUMWAY (during the reading). Madam Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SHUMWAY. Madam Chairman, I have put these two amendments en bloc before the House because they both arise in the same national forest, that is, Klamath National Forest in Siskiyou County.

The first one, dealing with Dillon Creek, consists of some 30,000 acres of roadless land; likewise, the second one dealing with Wooley Creek is similarly 30,000 acres.

With reference to Dillon Creek, this particular area is estimated to produce something like 6 million board feet per year of timber. It therefore represents a very important timber resource of the lumber mills of Happy Camp, for Medford, Oreg., for Arcadia and Yreka, Calif.

Shutting off this potential supply of timber will really aggravate an already very tight timber-supply situation and simply help to perpetuate the high priced Government timber sale contracts that we have given our attention to in the past.

Contrary to the position taken by those who advocate wilderness, multiple-use management of an area like this is possible while still maintaining very sensitive stream habitats. I am satisfied that the Forest Service has given a great deal of thought to this particular combination. They have advanced a plan under the National Forest Management Act whereby they can provide the necessary protection now, whereas they were not able to do so in the past. Given the advanced state of roadbuilding technology and the increased awareness of the sensitivity of the environment, I believe that we could have the kind of multiple uses consisting of timber management, timber harvesting, and still preserve some of the natural scenic values in this area.

I am hopeful that we allow a plan like this to take effect and to demonstrate what it can do. As I understand from reading that plan, simply with reference to Dillon Creek, it would classify about 16 percent of the area, mostly in watershed zones, as extremely unstable and, therefore, unsuited for timber management. It would classify 60 percent of the area for timber management and the rest of the area for nontimber resources, which would mean recreation, preservation of important cultural, botanical, and visual values.

If Dillon Creek is designated wilderness, the Forest Service would be prohibited from making stream habitat improvements which they estimate would increase anadromous fish in the stream by 11,000 to 15,000 pounds. It is for this reason that the Del Norte Fisherman's Association has opposed wilderness designation for Dillon Creek.

With reference to Wooley Creek, we have a similar situation. Here the area is estimated to produce something over 9 million board feet per year and it is because of this important statistic that the Department of Agriculture has made the decision to recommend against wilderness designation, even though it was part of RARE II.

As in the case of Dillon Creek, mitigation measures can and could be required to protect sensitive stream habitats. For example, if declared to be nonwilderness, the Klamath National Forest would classify about 15 percent of the area as extremely unstable and again, therefore, unsuited for timber production. Only about 11,000 acres, far less than half, would be managed for timber. The rest would be managed for undeveloped recreation and again for the preservation of cultural, botanical, and visual values.

Madam Chairman, it seems to me that we have come to the point where we should allow this kind of forest management to demonstrate what it can do. I am satisfied that it would allow areas like this to be used both for those values which are important to the proponents of this bill, as well as those multiple uses which many of us believe the public is entitled to enjoy.

It is for this reason, Madam Chairman, that I urge this amendment and ask all the Members present to support it.

Mr. SEIBERLING. Madam Chairman, I rise in opposition to the amendment.

Madam Chairman, Dillon Creek is one of but two remaining streams in the Klamath River system which is totally unbisected by roads and which has relatively little roading in its entire watershed. This makes it extremely valuable for scientific research.

Beyond that, Dillon Creek has been recommended for retention in its undeveloped natural state, that is, wilderness, by the California Department of Fish and Game and here is what they said in their recommendation:

Logging and associated road construction would also result in unacceptable damage to important fisheries resources in the Dillon Creek drainage due to increased erosion and siltation. Present wildlife and recreation values would be greatly reduced, particularly by roads constructed in the crest zone. Adverse effects on fish, wildlife and existing

ecological systems cannot be reversed after the damage is done.

If you want to see it with your own eyes, just go out in the Speaker's lobby and look at those photographs of what has happened to some of these steep slope areas in northern California in this very region that have been logged and see what the logging roads and the clear cuts have done to those fishing spawning areas.

This was one of the real concerns of Don Clausen, former ranking Republican on the Interior Committee, when we went through this area with him several years ago.

Among the fish and wildlife values present in Dillon Creek are spring run steelhead trout, 1 of less than 10 such runs remaining in the State. The 6½ million board feet of annual potential timber yield in Dillon Creek represents only 2.3 percent of the total potential yield of the Klamath National Forest. This volume could easily be recaptured by more intensive forestry elsewhere in the forest where fish and wildlife resources are less critical and where problems of steep slopes and soil stability are less severe.

The Dillon Creek area protected by this bill has already been compromised to exclude lower elevation lands with heavy commercial timber. Further compromise is not possible without invading the sensitive watershed of Dillon Creek itself. If the Dillon Creek compromise is to be reexamined, then the nonwilderness portion which represents 8½ million board feet of highly productive timberland should also be reexamined.

Now, going to Wooley Creek, Wooley Creek really should not be in dispute at all. It was recommended for protection in its natural state by Governor Reagan in 1973 and for wilderness by the Forest Service in RARE II.

Wilderness designation was also supported by the Siskiyou County Board of Supervisors in RARE II and by the timber industry in previous versions of the California wilderness bill.

The only reason Wooley Creek is in dispute today is because of an arbitrary decision made in Washington, D.C., to delete this area from wilderness recommendation status.

The Forest Service touts Wooley Creek as being one of the cleanest and clearest streams in the State and it is the only tributary of the Klamath and Salmon Rivers which supports both spring run king salmon and summer steelhead trout.

Fish counts conducted annually by the California Department of Fish and Game indicate that Wooley Creek is the most important summer steelhead drainage remaining in the Klamath River system. Although there is some commercial timber in the area, a 1981 research paper by the Forest Service rated the area's overall erosion hazard as extreme. Previous attempts at roadbuilding in the vicinity have resulted in serious erosion problems and the one nearby road had to be closed due to landslides.

□ 1540

The Wooley Creek addition to the Marble Mountain Wilderness was part of a compromise in which approximately 10.2 million board feet of annual potential yield currently under court injunction and sought for wilderness by environmental groups is to be made available for timber harvest. If this compromise is to be reopened the injunction release areas should also be reexamined.

Wooley Creek is one of the top priorities of the fishing groups such as the Pacific Coast Federation of Fishermen's Associations and the California Trout Inc.

I will read a letter that I just received today from Richard H. May, president of California Trout. He states:

CALIFORNIA TROUT,
April 8, 1983.

The CHAIRMAN,
Subcommittee on Public Lands and National Parks, House Office Building, Washington, D.C.

SIR: To protect the remnant dwindling numbers of the magnificent Summer Steelhead remaining in California it is absolutely imperative that Wooley Creek be included for wilderness protection under legislation now pending before your subcommittee as requested by Congressman Phil Burton.

Mr. Burton realizes there are no tools, other than wilderness, available to protect the critical habitat of this unique fish.

Thank you for considering this important amendment.

Sincerely,

RICHARD H. MAY,
President.

The CHAIRMAN. The question is on the amendments offered by the gentleman from California (Mr. SHUMWAY).

The amendments were rejected.

AMENDMENTS OFFERED BY MR. CRAIG

Mr. CRAIG. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CRAIG: Add a new section and number accordingly.

DILLON CREEK

SEC. . (a) Certain lands in the Klamath National Forest, California, which comprise approximately thirty thousand acres, as generally depicted on a map entitled "Dillon Creek Further Planning Area", dated July 1980, shall be considered for all uses, including wilderness, during the preparation of a forest plan for the Klamath National Forest pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended.

(b) Pending completion of the plan, development activities such as timber harvest, road construction, and other activities that may reduce wilderness potential of the land will be prohibited. Activities permitted by prior rights, existing law, and other established uses may continue pending final disposition of the area. Although no harvesting of timber will be allowed other than for emergency reasons, standing timber on commercial forest land in the area will be used to determine allowable sale quantity.

(c) Recommendations for the Dillon Creek Further Planning Area shall be submitted to the Congress and, unless the Congress enacts legislation to the contrary within one hundred and eighty calendar days while Congress is in session, the Dillon Creek Area shall be designated for the use recommended and managed accordingly, beginning January 1, 1986.

Mr. CRAIG (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Idaho?

There was no objection.

Mr. CRAIG. Madam Chairman, the amendment I have put before you is what I believe to be a compromise to at least that portion of the amendment offered by my colleague from California (Mr. SHUMWAY) dealing with Dillon Creek. My amendment would place Dillon Creek in further planning status.

This is an amendment that is not new to this body. Last year in the California wilderness legislation that was before the 97th Congress this compromise was finally agreed upon by our deceased colleague, Mr. BURTON. It is also a compromise that is in the Senate bill No. 5 which is Senator CRANSTON'S California wilderness package. It takes into consideration some of the concerns that are expressed by the chairman of the Public Lands Subcommittee, the gentleman from Ohio (Mr. SEIBERLING), and that are expressed by my colleague from California (Mr. SHUMWAY) as it relates to that delicate balance that all of us are concerned about in the Dillon Creek area, that balance being one in which we must express our concern about the fisheries and the maintenance of those fisheries while at the same time recognizing that there can be nearly 6 million board feet annual timber harvest coming from that area under a planned management approach that the Forest Service has instituted. The Forest Service believes their management plan will render that watershed and, therefore, that fishery in a safe position to allow for the propagation of fish.

I am not going to go any further into this. I think the problems were adequately discussed by both sides a minute ago as it relates to the amendment that preceded this.

This would merely take Dillon Creek, place it into a further planning status, which would allow them for this Congress and only the Congress to decide by 1986 under what status this particular acreage would be placed.

The amendment, therefore, the new section that I have offered, is exactly the wording that was in last year's California wilderness legislation and I would urge the committee to adopt it.

Mr. SEIBERLING. Madam Chairman, I move to strike the requisite number of words.

I would like to accommodate the gentleman and accept this amendment but the fact that this was in the previous bill and that the gentleman from California (Mr. BURTON) changed that and put this area in wilderness makes me feel that there must have been some information that came to his attention that caused him to change his position. I am aware of the critical steelhead trout habitat, and perhaps that influenced his decision.

Since we have not had an opportunity to explore the ramifications of this I feel that this is not the time for me to accept the amendment.

Let me assure the gentleman that since it is this way in the Senate bill, and since probably it will stay that way, there are going to have to be compromises and adjustments, and I am going to work with the people on both sides of the aisle and at the other end of the Capitol to work out a bill that is going to be an accommodation, as far as is humanly possible. And, what is more, is going to be signed by President Reagan.

I feel it would be better if we not try to adopt this amendment at this time because Dillon Creek is an extremely important fishery resource and I would be reluctant to agree to reducing the area to wilderness study without having more information than I have at the present time, and without consulting with the fishermen and the experts at the California Department of Fish and Game.

Mr. CRAIG. Madam Chairman, will the gentleman yield?

Mr. SEIBERLING. I am happy to yield.

Mr. CRAIG. I appreciate the gentleman's comments and concern to work out the necessary compromises that I think this bill cries out for. I think we all can agree that the master legislative craftsman that our colleague PHIL BURTON was speaks out very loudly in H.R. 1437.

In fact, this was, if you will, the base ground from which to work to bring about that compromise.

I know in conversation with him last week we discussed this area and he recognized some of the difficulties that would be brought by his legislation.

I appreciate my chairman saying that he will work with all parties involved.

One of the concerns I have had that is not only echoed in this particular piece of wilderness legislation but I think has been echoed by my colleague from northern California, Congressman Bosco, and a good many others, is that in the process of fashioning wilderness legislation as we are all going to be involved in here in the coming months that we take into consideration in a most important and honorable way the concerns of those individual Congressmen as to the effect it might have on their districts.

I think that, at least I hope in your comments, Mr. Chairman, that you are recognizing the importance of bringing about some of those kinds of considerations in fashioning the final product to wilderness legislation not only for California but for a good many other States that will be involved in this process.

Mr. SEIBERLING. That has to be the case. I put great weight on the advice that we get from the Congressman that represents the area. Sometimes they take a harder line on matters where I might be inclined to be more accommodating, but I will try to do as objective a job as I can.

I toyed with the question of whether to suggest that we defer taking up this bill today but the last words of PHILLIP BURTON to me last Thursday were "By all means, I want you to go ahead with this bill next Tuesday." At the time he was feeling ill. Although it was not the illness that apparently finally led to his demise, I felt that after reviewing the situation that this is what he would want us to do.

Nevertheless, there are some loose ends to be closed. There is additional information to be absorbed and discussions to be had and I think that as far as possible, except for very minor changes, we ought to try to keep this bill intact and then work on it in conference as I pledge to do.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho (Mr. CRAIG).

The amendment was rejected.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: On page 30, after line 15, add the following new section:

SEC. 13. The Secretary of Agriculture may, upon application by the State of California, waive any provision of this Act which can be shown to result in a significant increase in unemployment.

□ 1550

Mr. WALKER. Madam Chairman, I am going to speak today from the Democratic side of the well. My friend, John Rousselot, when he was a Member used to say, "When you are going to talk to the Republicans, you ought to talk on the Republican side, and when you are going to talk to the Democrats you ought to talk on the Democratic side."

So, for a little bit, I am going to talk to the Democrats because this has become known as the "Phil Burton Memorial Bill" on the floor. But I submit PHIL BURTON was not only an environmentalist, he was extremely concerned about the jobs issue as well, about labor.

This amendment I am bringing before you today speaks to that question that arises between the no-growth philosophy and the jobs issue.

I am speaking to many of those on the Democratic side of the aisle today because when this same amendment was up on the Oregon wilderness bill the Republicans voted for a similar amendment, while the Democrats voted against it.

I want to say to my Democratic colleagues on this issue, "To some extent, gentleman and ladies you are being set up. The last time you voted on this amendment you were told it was the superfluous Walker amendment that really had nothing to do with the details of the bill."

But, this really is a question of priorities. We really are talking here about where you set your priorities.

One columnist, a national columnist, taking a look at the vote cast on the Oregon wilderness bill said it comes down to a choice. It came down to a choice between trees and jobs and the Democrats chose trees.

Now, both of those happen to be important. But the question that you have to begin to consider is: Which is the most important? Which in your mind is the most important thing that you have to consider as you consider these kinds of bills?

That is the dilemma that I am portraying a little bit with my cartoons here today. I am saying that that is the choice between the two, trees or the job ladder; I am saying that it is in fact a dilemma for most people as to which direction they are going to go, which direction the committee asks you to go and that the final result will be if you follow the committee that what you will do is take the axe to jobs and not to trees.

Well, you are being set up, my friends, by your leadership that is asking you to choose this kind of no-growth, antijob philosophy over a provision which is distinctly job oriented.

After the debate was over on this amendment in the Oregon wilderness bill, one committee member told the press that this issue, that the jobs question that we addressed, was frivolous and mischievious. He went on further to say and I quote, "The jobs issue is so damned phony." Well, I ask you is that what you really believe? That attempts to save jobs are frivolous and mischievious, that the issue is a phony? I will tell you this, the affected labor unions do not think it is a phony and they do not think it is mischievous or frivolous. In fact, I have a letter from the United Brotherhood of Carpenters and Joiners, AFL-CIO,

that addresses me on this amendment saying:

DEAR CONGRESSMAN WALKER: On behalf of 800,000 members of the United Brotherhood of Carpenters and Joiners of America, we wish to express our strong support for your job creation amendment to H.R. 1437.

Labor thinks this is a basic fundamental issue that must be addressed. The rank and file of the Democratic Party as well as the Republican Party thinks that this is a basic issue as well.

Just the other day in Massachusetts there was a vote, all of the various Presidential contenders were paraded before delegates to a Massachusetts convention. Second in their selection process they chose jobs over any of them. It was interesting because it did not say ignore this when it comes to trees, do not consider jobs when you are talking about trees; it said jobs were important to them. I am saying in the amendment I am offering right now jobs are important. I know that the proponents of this measure claim they are going to create jobs with what they are doing. I say that is fine. Then there is absolutely no harm in passing the amendment that I am proposing because let me again tell you what that language says. That language says the Secretary of Agriculture may upon application by the State of California waive any provision of this act which can be shown to result in a significant increase in unemployment.

In other words, if the proponents of the bill are right and if in fact jobs are going to be created my provisions would never come into play.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. WALKER was allowed to proceed for 3 additional minutes.)

Mr. WALKER. This provision would never come into play if in fact jobs are created.

However, if as some people who oppose this bill contend, jobs are lost, then I think we deserve to have this kind of protection in the language. The Department of Agriculture estimates that there will be 500 to 900 direct job losses and 1,000 more indirect jobs losses as a result of this legislation. The United Brotherhood of Carpenters and Joiners estimates that 5,683 jobs will be lost as a result of approving this legislation. Now it seems to me that we ought to be concerned about those kinds of possibilities, we ought to be speaking to them in some kind of language in this measure. Is it phony? Is it frivolous to want to offer some kind of protection against those kinds of potential problems? We are talking about a question of priorities. Where are your priorities going to lie? Are trees more important to you in the order of things that you perceive than people working and people producing? That is the issue addressed in this amendment.

I will say flatly, trees are important, but far more important are jobs. Let me close with a poem, a little poem I present with apologies to Joyce Kilmer. I think I shall never see a thing as lovely as a tree, but if it is me you are going to rob, take the tree and not my job.

Mr. UDALL. I move to strike the last word. I rise in opposition to the amendment.

Let me tell you what this incredible amendment says. I have never seen anything like it. It says the Secretary of Agriculture may, and this is 5 years from now or 10 years from now I suppose, may upon application by the State of California waive any provisions of this act which can be shown to result in a significant increase in unemployment.

You are giving to one member of the Cabinet the power to override an act of Congress. You are not telling him what proceedings he has to have, what findings he has to make; it is unconstitutionally vague if it is nothing else. But there is a fallacy here reflected in the arguments of my friend for his amendment. The fallacy is that we have to choose, that somehow we are either going to have national parks and wilderness and no jobs or we are going to have jobs and no national parks.

A couple of weeks ago I read in the paper an interesting poll they took up in Connecticut of Republican middle management people in a major corporation. By a vote of something like 80 percent to 5 percent, these people were agreed that we keep our parks and wilderness areas even if it costs a little bit in the loss of jobs. I do not think there is any showing here that jobs are going to be damaged any more than they have been damaged in any other wilderness bill. I think we ought to reject this amendment. I think it is not only vague, but I think it is simply bad policy to proceed as the amendment suggests. Surely we can have 2, 3, or 4 percent of our land in America in wilderness; that is about what we are talking about when we finally finish up the system. Surely we can see that our people get jobs and not desecrate the wilderness areas and the national parks. I strongly urge opposition to the amendment.

Mr. PASHAYAN. Madam Chairman, I move to strike the requisite number of words.

I should like to make the observation that in his letter to the gentleman from Pennsylvania (Mr. NICHOLS) representing the Carpenters and Joiners Union was not speaking for middle management, he was speaking for blue collar workers in asking that the gentleman from Pennsylvania's amendment be accepted.

Mr. WALKER. Madam Chairman, will the gentleman yield?

Mr. PASHAYAN. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding. I think we also ought to quote from a letter sent to Mr. YOUNG when the union announced its opposition to this bill in which it says quite clearly: "We can be a nation of environmentalists only if our citizens have jobs and incomes to support wise conservation."

□ 1600

That is the point here. The blue collar workers understand that conservation is important in the scheme of things, but only in the context that people have jobs and are working at the whole business of making this country great.

Mr. PASHAYAN. Well, there may in fact be a good number of middle management Republican employees in Connecticut, but there are quite a few blue collar workers unemployed in California because there is not enough timber available to do the various things that are done with timber.

Mr. SEIBERLING. Madam Chairman, I rise in opposition to the amendment.

I do not suppose there was any Member of this House who was more dedicated to the cause of organized labor and the working man than PHILLIP BURTON. And this is an attack on his bill.

I will yield to no one in the degree of my support by and for organized labor. But I do not think we should make decisions on the basis of cartoons. I think we ought to look at a few facts.

Despite having worked out these agreements with most of the interest groups, Mr. BURTON having worked them out, we are still hearing this kind of argument. And I might say that I understand why the gentleman from Pennsylvania is offering this. He tried it on the Oregon wilderness bill and he lost. But he got a couple of more votes than the next best amendment did, and so it has whetted his appetite.

But let me just make a few observations. First of all, despite the fact that some of the wilderness proposals in this bill contain significant volumes of standing timber, overall the bill would reduce the annual programed, timber harvest in the State by 2.3 percent. This is because roughly 54 percent of the State's annual timber harvest comes from State and private lands which are completely unaffected, of course, by wilderness designation and because the vast majority of national forest land in the State are untouched by the bill.

In this regard I note that the bill puts some 56 million board feet of

annual programed harvest in wilderness beyond the administration's RARE II proposals, but it releases 82 billion board feet from further wilderness study from the court imposed injunction on development.

Thus it will have an immediate positive impact on timber supply.

Now, second, I would like to point out that it is not the lack of timber supply that is causing unemployment in the timber industry, that is largely caused by the current lack of demand for timber products or, in the case of California, it is also caused by past overcutting on private lands.

Forest Service studies in both California and Oregon indicate that national forests cannot possibly make up the deficit in timber supply that is resulting from such overcutting.

Furthermore, such economic factors as mill automation and the closing of obsolete mills have resulted in additional job losses that are of real significance. These job losses have nothing to do with wilderness. For example, in Humboldt County alone, the number of jobs lost to automation in recent years has averaged 163 jobs each year. Far more than could be produced by logging all the remaining roadless areas in the county.

And fifth, I believe that many of the lands proposed for wilderness or wilderness study in this bill, have such marginal quality timber that they could not be harvested without net subsidies and loss to the Treasury after all costs, such as road construction, timber sale preparation and reforestation are considered.

Many will likely be or should be classified as unsuitable for timber harvest under section 6K of the National Forest Management Act.

An April 1983 study prepared by a timber expert at the Congressional Research Service confirms this belief and suggests the taxpayer dollars might be better spent on timber harvest and reforestation on the lower elevation lands which lie outside the wilderness proposal.

And finally, I would also like to point out that the fishing industry, which through its major associations in northern California completely supports this bill, also has jobs at stake. And the reason they support this bill is because further logging on the steep slopes and unstable soil simply results in wiping out most of the remaining fishery resources.

So not only will few timber jobs be lost by this bill, if any, but we are also protecting the fishing industry jobs that will be preserved by keeping these lands in wilderness.

Mr. DENNY SMITH. Madam Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from Oregon.

Mr. DENNY SMITH. I thank the gentleman for yielding.

It just seems like we keep talking about more wilderness is not less jobs, in fact it is more wilderness is more jobs and of course the gentleman is saying that because we are going to let the poor taxpayer or the poor Californian or Oregonian who relies on his income from the forest products area go from this trap that you have him in, you are going to have more.

There are not going to be more jobs created by creating more land locked up only for the hikers and for the nonmotorized uses. I think that the one thing about RARE I and RARE II which really needs to be kept in mind, the things that seems important to me, at least RARE I and RARE II had some kind of sanity involved.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. SEIBERLING) has expired.

(At the request of DENNY SMITH and by unanimous consent, Mr. SEIBERLING was allowed to proceed for 2 additional minutes.)

Mr. DENNY SMITH. If the gentleman will yield further, there was a criteria through which we put certain areas and certain lands in certain areas into the national wilderness system or recommendation therefor.

And when you get to a situation where just like in Oregon and Oregon wilderness bill we have gone far beyond that RARE II recommendation, I think it is too much.

Why are these other acres being created?

Mr. SEIBERLING. Well, I would just like to recover my time and say to the gentleman that I already pointed out that this bill releases from court injunction and other restrictions more programed timber harvest than it ties up above and beyond the Reagan proposal. So this is not only making more timber available, but it is also protecting existing jobs in the fishing and recreation industries. And between the two it is a projobs bill.

The problem with the timber industry jobs in northern California, as well as in the gentleman's own State, is not lack of supply, but lack of demand.

Mr. DENNY SMITH. I will grant the gentleman that. But the thing is we are not going to improve the situation by locking more and more up. We are not taking any land out of wilderness designation with this bill.

Mr. SEIBERLING. This bill releases land from being locked up by court order.

Mr. DENNY SMITH. It releases it from the shadow under which it is, but it does not take any area out of wilderness designation at present that is in wilderness designation, right?

Mr. SEIBERLING. It releases some further planning areas and it also releases tremendous acreage that is locked up by virtue of a court order, which will stay locked up unless we do something like this legislation.

Mr. DENNY SMITH. I do not view this as something that should be done in the haste with which it is being done, nor did I enjoy the Oregon situation.

Mr. YOUNG of Alaska. Madam Chairman, I rise in support of the amendment.

Madam Chairman, although the chairman of the full committee has cast aspersion at the amendment, I think it very clearly says the Secretary of Agriculture may upon application by the State of California waive any provision to this act which can be shown to result in a significant increase of unemployment. And if we are really talking about that there will not be any effect upon jobs and the fact that the creation of wilderness creates jobs, I do not see why you object to the amendment.

You did this in the Oregon wilderness bill. I proposed the bill and it was ruled out of order, the same bill that our deceased colleague was supporting in the Redwoods bill and if we are not losing jobs in the action of creating wilderness, then what is the objection to it?

Now it is also ironic to me when I hear the chairman say they had a review or a poll taken in Connecticut and they are willing to pay a little more for more wilderness and parks, then let them create Connecticut into a park.

Let us take these east coast States and make them into parks, into wilderness areas. Let us take them out of the role that they have right now. Let us take and give them the opportunity of losing their jobs. And I also have heard this comment, Madam Chairman, "Well, it is only 1,500 people. It is only a few. What difference does it make? After all in the national interest we can kiss those people goodby, we do not really have to listen to their interests." And yet they have kids to feed, and shoes to put on their feet, college educations to work for, food to put on the table.

And if you think this is just one bill, let me go through.

We have passed the Oregon wilderness bill. Where are you, Oregon? We have passed the Oregon wilderness bill.

We are working on the California bill today. Virginia is going to be next, my friends. Then Vermont, oh yes, and Vermont is going to have just a small bit, a very tiny bit. Then Pennsylvania, yes, Pennsylvania. I do not see Ohio here. Florida, oh, Florida is going to be on the wilderness area, too.

Then Alabama, Mississippi, Michigan, Missouri, Colorado, yes, and Arizona, we have wilderness areas in Arizona.

California is what we are already talking about. And the State of Washington. Then we have Wyoming and

Montana and I can go right on down the line.

□ 1610

My friends, bit by bit there is a group taking away our ability to provide the necessary resources to this Nation to make sure we have a sound economic base under the guise of the environment.

Now, I want to say, in all due respect to my deceased colleagues and those who are still present, this bill goes too far. Members on my side of the aisle and, yes, on your side of the aisle do support some wilderness areas. But a hodgepodge recommendation by special interest environmental groups, 57 different groups, is the wrong way to do business when it affects individual areas and districts represented by these people.

I am confident in my own mind that the next time we are going to have one of these other—first, by the way, this is the first time I have had somebody from that side of the aisle directly affected, and I want to complement the gentleman, too, on this one time speaking out against this. It has become a partisan issue, and it should not be. We are depriving this Nation of the resources that are needed.

I hear my good friend, the gentleman from Ohio, say, "Well, there is still 95 percent of it available." But I challenge anyone to show me if there is a higher use in these areas. And watch this in California. You will either have a mineral, or energy, or a timber, or a hydropower, or a fiber site, not just wilderness.

This is not by accident. This is by premeditated planned effort to take lands away from man's management. If we wish to do correctly today, let us follow the substitute that is going to be offered. Let us adopt this amendment offered by the gentleman from Pennsylvania (Mr. WALKER) so that jobs are protected.

I am glad to report that I believe the unions are beginning to wake up to something, that the environmental groups are not their friends. They have been hand in hand for the last 10 years. Maybe they are going to start going back to the drawing board and say, "Listen, my people are out of work because our lands are being taken out of productivity."

I am happy to report that maybe these debates are finally getting through to that guy down there drinking Iron City beer, and he is wondering why he is out of work.

The solution, to some people, is to create more Government jobs. But that is not what made this country great. This country was made great by the utilization of our timber, and iron, and coal, and water, and our food supply. That is what made it great. And where we have made mistakes, we can rectify that. We can improve upon those mistakes. We can make sure they do not happen again. But to take lands out of production, to make man out of management, is basically wrong.

I have listened to this discussion all day long. I said I would not debate the bill, and I have not, but this amendment is the right amendment if we are to protect those jobs of those people who need it. After we adopt that amendment, we should accept Mr. SHUMWAY's substitute to the bill.

Mr. WEAVER. Madam Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Madam Chairman, I simply want to say that there will be no jobs lost by this legislation. That is absurd. There is a very small amount of timber being taken out. Jobs will be gained, of course, by the enhancement of the fishing industry and many other related issues. Therefore, that part of the amendment is of no concern. The problem with this amendment is that it grants the legislative authority to the Secretary of Agriculture. It takes out of the Congress hands the very thing that Congress is supposed to do and grants it to a member of the executive branch. That is the most dangerous kind of legislation we could possibly have, and the amendment should be defeated.

Mr. PASHAYAN. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I should just like to mention—and I do not want to elongate the debate—I believe the amendment says that, upon the application of the State of California, the Secretary of Agriculture may, at his discretion, remove the provisions.

It seems to me that the Legislature of the State of California is just as involved as the Secretary of Agriculture, and I should just like to point that out. I think it is a significant distinction that the gentleman failed to make.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. WALKER).

The question was taken; and on a division (demanded by Mr. WALKER) there were—ayes 15, noes 10.

RECORDED VOTE

Mr. UDALL. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 121, noes 272, not voting 40, as follows:

[Roll No. 49]

AYES—121

Archer	Carney	Crane, Philip
Bartlett	Chappie	Daniel
Bateman	Cheney	Dannemeyer
Bilirakis	Clinger	Daub
Bliley	Coats	Davis
Broomfield	Corcoran	DeWine
Burton (IN)	Craig	Dreier
Campbell	Crane, Daniel	Edwards (OK)
Emerson	Lowery (CA)	Rogers
Erlenborn	Lujan	Rudd
Evans (IA)	Lungren	Schaefer
Fields	Mack	Shaw
Forsythe	Madigan	Shelby
Gaydos	Marlenee	Shumway
Gekas	Marriott	Shuster
Gingrich	Martin (IL)	Siljander
Goodling	Martin (NC)	Skeen
Gramm	Martin (NY)	Smith (NE)
Gregg	McCain	Smith, Denny
Hall, Ralph	McCandless	Smith, Robert
Hall, Sam	McCollum	Snyder
Hammerschmidt	McDade	Solomon
Hansen (ID)	McDonald	Spence
Hansen (UT)	McEwen	Stangeland
Hartnett	McGrath	Stenholm
Hiler	Miller (OH)	Stump
Hillis	Molinari	Sundquist
Hopkins	Montgomery	Tauke
Hunter	Moore	Taylor
Johnson	Moorhead	Thomas (CA)
Kasich	Morrison (WA)	Vucanovich
Kemp	Myers	Walker
Kolter	Nielson	Whitehurst
Kramer	Oxley	Whittaker
Latta	Packard	Winn
Leath	Pashayan	Wolf
Lewis (CA)	Paul	Wortley
Lewis (FL)	Quillen	Young (AK)
Livingston	Regula	Young (FL)
Loeffler	Ritter	
Lott	Robinson	

NOES—272

Ackerman	Dixon	Hyde
Akaka	Donnelly	Ireland
Albosta	Dorgan	Jacobs
Alexander	Dowdy	Jeffords
Anderson	Downey	Jenkins
Andrews (NC)	Duncan	Jones (OK)
Andrews (TX)	Durbin	Kaptur
Anthony	Dwyer	Kastenmeier
Applegate	Dymally	Kazen
Aspin	Dyson	Kennelly
Badham	Early	Kildee
Barnard	Eckart	Kogovsek
Barnes	Edgar	Kostmayer
Bates	Edwards (AL)	LaFalce
Bedell	Edwards (CA)	Lagomarsino
Beilenson	English	Lantos
Bennett	Erdreich	Leach
Bereuter	Evans (IL)	Lehman (CA)
Berman	Fascell	Lehman (FL)
Bethune	Fazio	Lent
Bevill	Feighan	Levin
Biaggi	Ferraro	Levine
Boehlert	Fiedler	Levitas
Boggs	Flippo	Long (LA)
Boland	Foglietta	Long (MD)
Boner	Foley	Lowry (WA)
Bonker	Ford (MI)	Luken
Borski	Fowler	Lundine
Bosco	Frank	MacKay
Boucher	Frenzel	Markey
Boxer	Frost	Martinez
Britt	Fuqua	Matsui
Brooks	Garcia	Mavroules
Brown (CA)	Gejdenson	McCloskey
Brown (CO)	Gephardt	McCurdy
Bryant	Gilman	McHugh
Byron	Glickman	McKernan
Carper	Gonzalez	McNulty
Carr	Gore	Mica
Chandler	Gradison	Michel
Chappell	Green	Mikulski
Clarke	Guarini	Miller (CA)
Coelho	Gunderson	Mineta
Coleman (MO)	Hall (OH)	Minish
Coleman (TX)	Hamilton	Mitchell
Conable	Hance	Moakley
Conte	Harkin	Moody
Cooper	Harrison	Morrison (CT)
Coughlin	Hatcher	Mrazek
Courter	Hawkins	Murtha
Coyne	Hefner	Natcher
Crockett	Heftel	Nelson
D'Amours	Hertel	Nichols
Daschle	Hightower	O'Brien
de la Garza	Holt	Oakar
Dellums	Howard	Oberstar
Derrick	Hoyer	Obey
Dickinson	Hubbard	Olin
Dicks	Huckaby	Ortiz
Dingell	Hughes	Panetta

Parris	Sawyer	Torres
Patman	Scheuer	Torricelli
Patterson	Schneider	Towns
Pease	Schroeder	Traxler
Penny	Schumer	Udall
Pepper	Seiberling	Valentine
Perkins	Sensenbrenner	Vander Jagt
Petri	Shannon	Vandergriff
Pickle	Sharp	Vento
Porter	Sikorski	Volkmer
Price	Simon	Walgren
Pritchard	Sisisky	Watkins
Pursell	Skelton	Waxman
Rahall	Slattery	Weaver
Rangel	Smith (FL)	Weber
Ratchford	Smith (IA)	Weiss
Ray	Smith (NJ)	Wheat
Reid	Snowe	Whitley
Richardson	Solarz	Whitten
Ridge	Spratt	Williams (OH)
Rinaldo	St Germain	Wise
Roberts	Staggers	Wolpe
Roe	Stark	Wright
Roemer	Stokes	Wyden
Rose	Stratton	Wylie
Roth	Studds	Yates
Roukema	Swift	Yatron
Rowland	Synar	Young (MO)
Roybal	Tallon	Zablocki
Russo	Tauzin	Zschau
Sabo	Thomas (GA)	

NOT VOTING—40

Addabbo	Gray	Neal
Annunzio	Hall (IN)	Nowak
AuCoin	Horton	Ottinger
Bonior	Hutto	Owens
Breaux	Jones (NC)	Rodino
Broyhill	Jones (TN)	Rostenkowski
Clay	Kindness	Savage
Collins	Leland	Schulze
Conyers	Lipinski	Washington
Fish	Lloyd	Williams (MT)
Florio	Mazzoli	Wilson
Ford (TN)	McKinney	Wirth
Franklin	Mollohan	
Gibbons	Murphy	

□ 1630

The Clerk announced the following pairs:

On this vote:

Mr. Kindness for, with Mr. Addabbo against.

Mr. Broyhill for, with Mr. Annunzio against.

Mr. Franklin for, with Mrs. Collins against.

Mr. Schulze for, with Mr. Rodino against.

Mr. LENT, Mrs. ROUKEMA, and Mr. SENSENBRENNER changed their votes from "aye" to "no."

Mr. KOLTER changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MR. PASHAYAN

Mr. PASHAYAN. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PASHAYAN: On pages 20 and 21, strike section 3 in its entirety and renumber following sections accordingly.

Mr. PASHAYAN. Madam Chairman, the area that my amendment deletes from consideration of the bill is an area that was not designated as wilderness in the Forest Service RARE II recommendation under President Carter.

The Sierra Club earlier this month proposed by a map to delete at least 9,000 of these acres in the Monache Meadows itself.

The entire area contains about 4 million board feet of timber and would support the mills to the east of the site and westward as well. There are some 35 miles of improved and designated motorcyle and four-wheel drives which accommodates about 13,000 to 15,000 visitor-days annually.

Madam Chairman, you can see that this area is related to the creation of jobs, jobs that are very much needed. I do not know about some of the other areas, but I can speak most emphatically that jobs very much are at stake with this particular amendment and I invite the support of the committee on this amendment.

Mr. SEIBERLING. Madam Chairman, I rise in opposition to the amendment.

Madam Chairman, the Monache wilderness study area was part of the compromise engineered by Congressman THOMAS and the Sierra Club. In exchange for the wilderness study of the 42,000 acre Monache area, which is the subject of this amendment, the 59,700-acre Rincon roadless area with an estimated 3 million board feet of annual potential yield is to be released by this bill from the California lawsuit.

□ 1640

Since RARE II the Forest Service has reviewed its timber estimates for the Rincon area and now estimates it contains over four times as much potential yield, 11.9 million board feet. This means that the compromise freed up four times as much timber as we thought, a fact that should reinforce its wisdom and reinforce our opposition to this amendment.

The compromise on the Monache study area also included language which can be found on page 21 of the bill to insure that existing levels of off-road vehicles would not be curtailed or limited during the study period. The area includes one of the largest meadow areas in the southern Sierra and a lovely mix of ridges, forested land, and meadows, which makes it particularly popular for family-oriented primitive recreation.

In addition, the sensitive south fork of the Kern River, with its critical native golden trout habitat, flows through the middle of the study area. Logging or other development could seriously jeopardize this resource.

Even though the study area contains some commercial timber, the Forest Service gave the area a "development opportunity rating" of only 2 on a scale of zero to 15. A rating of 5 represents the break-even point at which a dollar spent by the Government will return a dollar to the Treasury. Any timber harvested in the study area would likely be at a net cost to the taxpayer.

So, Madam Chairman, for all those reasons I oppose this amendment and hope it will be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. PASHAYAN).

The question was taken; and on a division (demanded by Mr. SEIBERLING) there were—ayes 45, noes 55.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. PASHAYAN

Mr. PASHAYAN. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PASHAYAN: On page 20, strike lines 14 through 25, and on page 21 strike lines 1 through 12 and insert in lieu thereof the following:

MONACHE PLANNING AREA

SEC. 3. (a) The following planning area shall be reviewed by the Secretary of Agriculture as to its suitability or nonsuitability for preservation as wilderness. The Secretary shall submit his report and findings to the President, and the President shall submit his recommendations to the United States House of Representatives and the United States Senate no later than three years from the date of enactment of this Act:

(1) certain lands in the Sequoia National Forest, California, which comprise approximately forty-two thousand acres, as generally depicted on a map entitled "Monache Planning Area", dated July 1980, and which shall be known as the Monache Planning Area.

(b) Subject to valid existing rights, the planning area designated by this section shall, until Congress determines otherwise, be administered by the Secretary of Agriculture so as to maintain its presently existing wilderness character: Provided, That within the Monache Planning Area the level of use existing during the year ending June 30, 1980, shall be permitted to continue.

(c) Until Congress determines otherwise, timber volumes within the planning area designated by this section shall be included in the base used to determine potential yield for the national forest concerned.

Mr. PASHAYAN (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. PASHAYAN. Madam Chairman, this is a followup amendment, since the first one was defeated. It is a technical amendment involving the Monache area, changing it from wilderness study to a planning area.

I believe the chairman of the committee will support this amendment.

Mr. SEIBERLING. Madam Chairman, will the gentleman yield?

Mr. PASHAYAN. I should be glad to yield.

Mr. SEIBERLING. I have no objection to the amendment, Madam Chairman.

Mr. PASHAYAN. I appreciate the chairman's support.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. PASHAYAN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SHUMWAY

Mr. SHUMWAY. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SHUMWAY: On page 10, line 22, delete "sixty thousand" and insert "six hundred and forty".

Mr. SHUMWAY (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SHUMWAY. Madam Chairman, I think we can dispose of this amendment in short order. This amendment deals with the area of the bill entitled "Mokelumne Wilderness."

There are some 60,000 acres proposed to be added to the north, east, and west sides of the existing Mokelumne Wilderness in three national forests.

Madam Chairman, if we go back to the 1964 Wilderness Act we see there that the standards that need to be met to justify wilderness areas are "untrammeled by man," and also that the "imprint of man's work is substantially unnoticeable."

In this case, Madam Chairman, in the case of these Mokelumne Wilderness additions, there would be a ban on the use by recreational vehicles of two of the most popular jeep trails in the region. One trail is located in the eastern additions to the wilderness located between Blue Lakes to the north and Highway 4 to the south and is the second most used road in the entire El Dorado National Forest.

This trail has a long history of ORV use and does not qualify as wilderness by the terms of the 1964 act which I just read.

The other trail impacted by these designations, Madam Chairman, is located between the old Plasse Trading Post site and Beebe Lake.

This trail has a long history of use going back to the wagoneers of the 1800's who used this trail to cross the Sierras. In fact, I am advised that the old wagonwheel ruts can still be found in the hard granite rocks.

People that have viewed that trail for many years find it especially difficult to now see it embraced within a wilderness area which has by its very definition areas untrammeled by man and where the imprint of man is unnoticeable.

For these reasons, Madam Chairman, it seems to me that the Mokelumne Wilderness addition should be stricken from the bill and I therefore urge this amendment.

Mr. SEIBERLING. Madam Chairman, I must oppose this amendment.

I would point out that the gentleman from California (Mr. SHUMWAY) himself accepted this provision of the bill in the last two Congresses, so I am not quite sure I understand why he is now trying to eliminate it.

Let me just say this: The 60,000 acres of proposed additions to the Mokelumne Wilderness contains 16 lakes that are named and numerous other smaller lakes and ponds. Primitive recreation use is among the highest of any RARE II roadless areas in California and can probably be attributed to the fact that it is near the Tahoe Basin and has easy accessibility and outstanding scenic values.

It has some 75 miles of hiking trails, including a stretch of the Pacific Crest Trail, and is one of the most popular cross-country skiing areas in the Sierra Nevada.

The expanded wilderness will incorporate a great variety of ecosystems running from the lands around 10,000-foot Raymond Peak to the lush lower elevation lands north of the Salt Springs Reservoir.

It also includes major segments of the watersheds which provide the principal water supply for over 1 million residents of the East Bay municipal utility district. For that reason alone it is extremely important to protect the quality of that water and we do so by adding it to the wilderness area.

For that reason I must oppose the amendment at this time.

Mr. LUJAN. Madam Chairman, I rise to strike the requisite number of words and rise in support of the amendment.

Madam Chairman, I rise in support of the amendment because I think the gentleman is trying to correct what is inherent in the entire bill. It is in excess of what we started to do.

We all support a certain amount of wilderness area. As a matter of fact, this entire bill is about twice the amount that has been recommended by both the Carter administration and the Reagan administration. It is double the amount that anyone other than the sponsors of the bill thought ought to be in it.

I think the entire bill is in excess and this amendment simply reflects that excessive amount of land that was put into wilderness areas that should not have been.

This is just but one small piece of what should not be in here.

□ 1650

There is no question at all that both what the amendment seeks to correct and the entire bill is an excess that we will look back and wonder why we ever enacted such legislation. So, we might be able to correct it just a little bit by adopting the gentleman's amendment.

Mr. LEWIS of California. Madam Chairman, I move to strike the requisite number of words.

I wonder if I could call upon my colleague from California (Mr. SHUMWAY), for a colloquy? Mr. SHUMWAY, the chairman has indicated that in terms of this 60,000 acres that this amendment addresses itself to that the gentleman agreed to including that acreage in the bill that was passed off the floor on two previous occasions. Is that accurate? I yield to the gentleman.

Mr. SHUMWAY. I thank the gentleman for yielding. No; that is really not an accurate description. What happened in the last 2 years of course was far different from what is happening here today. We did have extensive consultations with Mr. BURTON; there were particular compromises and concessions made in the bill. When Mr. BURTON brought his bill to the floor it was on suspension. I think many of us addressed the bill at that point saying we were not entirely happy with it. One of the areas of unhappiness that I had was this very provision in the bill. But nevertheless because I had obtained other concessions from Mr. BURTON I did not make opposition to the bill on suspension calendar and the bill passed but not with my total support.

Mr. LEWIS of California. The chairman has spent many, many hours on this measure. His staff has as well. I note there are 693,000 acres in this bill that are in your district. Were you consulted during this legislative session regarding your views from that staff as the committee worked?

Mr. SHUMWAY. If the gentleman will yield once again.

Mr. LEWIS of California. I yield to the gentleman.

Mr. SHUMWAY. I thank the gentleman for yielding.

I was not consulted prior to the introduction of this bill. We have talked here, at least we heard from the other side references to reasonable compromise that this bill supposedly represents.

In my case the bill was introduced without any prior discussion, any prior consultation, without any prior effort for the kind of reasonable compromise to occur whatsoever.

Mr. LEWIS of California. I thank my colleague for that response. Madam Chairman, I raise the question simply because it occurred to me that the same sort of treatment might have been received by my colleague, Mr. SHUMWAY, that my office received. Now admittedly I am a relatively new Member, I do not serve on the committee. I only have 110,000 acres in this bill. And I was not consulted either. But I can understand that since the

bill involves a couple of million acres. But it seems to me we ought to be very careful when we are dealing with territory that is in individual Members' districts. There is not a person on this floor, Democrat or Republican, alike, who would like to see public policy made affecting their terrritory without the courtesy of personal consultation and negotiation before the bill is introduced and certainly before being brought to the floor. I thank the chairwoman for the time. I yield back the balance of my time.

Mr. UDALL. I move to strike the requisite number of words and I yield to the gentleman from Ohio.

Mr. SEIBERLING. I would like to ask the gentleman from California (Mr. SHUMWAY), how much time he spent talking to Mr. BURTON about this bill before the Interior Committee took it up in markup session? I understand it was several hours. Is that correct.

Mr. UDALL. Madam Chairman, I yield to the gentleman.

Mr. SHUMWAY. Prior to the markup by the Interior Committee I spent perhaps 2 hours in Mr. BURTON'S office one evening discussing this bill; that is correct.

Mr. UDALL. I yield to the gentleman from Ohio.

Mr. SEIBERLING. So there were extensive discussions before we brought the bill out of committee.

Mr. UDALL. I yield to the gentleman.

Mr. SHUMWAY. I point out prior to that time the bill had been introduced and during that meeting there was no kind of concession whatsoever forthcoming. Consequently from my vantage point there was no reasonable compromise ever struck either in committee or directly with Mr. BURTON.

Mr. UDALL. I yield to the gentleman from Ohio.

Mr. SEIBERLING. We are dealing with a bill that was brought out of committee not the bill as introduced. An effort has been made here to give the impression there were no consultations at all between the gentleman and Mr. BURTON when the fact is that before this bill came out of committee or before it even came out of subcommittee, there were a couple of hours of consultations. They did not apparently produce something to the liking of the gentleman from California, but the fact is there were consultations and I think that the effort to create the opposite impression was most unfortunate.

Mr. SHUMWAY. Would the gentleman yield?

Mr. UDALL I would be happy to yield.

Mr. SHUMWAY. I thank the chairman. One of the problems I had with the bill is that less than 30 days transpired from the time it was introduced by Mr. BURTON to the time that it was reported out of committee. Certainly you may say in response to that this bill was a rehash of what we did in prior years. No doubt much of it is.

Still, insofar as my district is concerned, there are almost a quarter of a million new acres in this bill that were not in last year's bill, over which I had no opportunity for discussion with Mr. BURTON prior to its introduction and essentially really had not the kind of time to have impact from my district that might be helpful to the committee while the committee was considering the bill.

Mr. SEIBERLING. I ask the gentleman further, is it not true that between the time the bill was introduced and the time it came out of committee that the committee dropped the 50,000-acre Royal Gorge Wilderness in his district?

Mr. SHUMWAY. That is no doubt true, but that particular revision was made by the committee not at any request of mine. It became very apparent in that case that there was a great deal of private ownership involved, it would be very unworkable for the Forest Service to acquire that particular area, so it was dropped, but not as a concession to me.

Mr. SEIBERLING. Whether it was a concession or not, the fact remains changes were made in the area and the fact that there were no consultations before the committee bill—before the bill was introduced, is not the main point; the fact is changes were made between the time it was introduced and the time it came out of committee.

Mr. LEWIS of California. Madam Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from California.

Mr. LEWIS of California. I thank the gentleman for yielding. I would like to simply restate my own concern and the reason for asking the question. Mr. SHUMWAY has explained his circumstance. I realize there are only 110,000 acres involved and I understand there are only 110,000 acres in my own district. I can clearly state to you that before the bill was introduced or after it was introduced, we were never consulted. And I have the impression that a large number of Members so affected had similar difficulty in communicating. I am sure the staff was busy. But I think the point we need to make here is in the future when we are considering changes of this nature that affect individual Members' districts, it seems to me only common courtesy, certainly each of us would want to be consulted about our district. It is a matter of procedure and probably common congressional courtesy. I thank the gentleman for yielding.

Mr. UDALL. Madam Chairman, I cannot quarrel with the gentleman. I think Members ought to be consulted on matters affecting their districts. We have tried to do that.

With a bill as big as this in the Nation's biggest State it is kind of difficult to satisfy everyone. But if we failed here we apologize.

Mr. SEIBERLING. Would the chairman yield to me again?

Mr. UDALL. I yield to the gentleman.

Mr. SEIBERLING. I would like to point out that two-thirds of the Members of the California delegation are supporting this bill. I would also like to point out that this Congressman, as chairman, relied on our distinguished and departed colleague PHILLIP BURTON who knows more about the State of California than I ever will, to work with the Members of the delegation and try to work out the details of this bill.

□ 1700

This is the product of his labors. Now that he is gone, the gentleman from Arizona (Mr. UDALL) and I will try to take over and carry on that work and the chairman has just assured the gentleman, and I personally assure the gentleman, that we will work with every single Member on that side, as well as on this side of the aisle. All I am trying to do is to set the record straight, because it started out as a colloquy implying there had been no consultations with the gentleman from California (Mr. SHUMWAY) and we have now brought out the fact that there were.

Mr. YOUNG of Alaska. Madam Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. I thank the gentleman for yielding.

I want to clarify one thing. Did the gentleman say that California is the largest State in the Union?

Mr. UDALL. I was thinking numbers of people.

Mr. YOUNG of Alaska. I appreciate that because it had me a little worried when I looked around and these Texans were really upset. Alaska is the largest State in the Union.

Mr. PASHAYAN. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I should like to engage in a colloquy with the chairman of th subcommittee and I should like to make a statement here.

When the Congress established the Golden Trout Wilderness in California, many of these conflicts existed between the various uses. They exist today.

I am most troubled by the Chief of the Forest Service's February 24, 1983, decision regarding the Golden Trout Wilderness interim management plan in that it does not recognize the historical significance of Painter's Cabin

which is built of native rock and wood and is nearly 70 years old.

An existing special-use permit will terminate on December 31, 1985. What concerns me, Madam Chairman, and many of my constituents is that without the maintenance and absent positive direction from the Forest Service, this unique structure might be lost, even put to the torch by the Forest Service.

I worked with the gentleman in developing the 1980 amendments to the Historic Preservation Act and have called to the Forest Service's attention its role in preserving "historic properties which are owned or controlled by such agency."

Yet the Golden Trout Wilderness interim management plan recommends:

Painter's Camp will continue on tenure and the improvements will be removed when the permit terminates.

I should appreciate the gentleman's comments and observations, not only as it relates to this particular cabin, but as it relates to the bill before us.

Mr. SEIBERLING. Madam Chairman, will the gentleman yield?

Mr. PASHAYAN. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Well, I certainly agree with the comments the gentleman has made. I think this cabin should be protected. I think the Forest Service should protect it whether it is in wilderness or nonwilderness. And I feel that, by putting it in wilderness and making clear in the record that we intend it to be protected, we will actually enhance the prospect that that will be taken care of.

Mr. PASHAYAN. I should like to ask the chairman's position, would it be the chairman's position that the historical review of the agency's property be the first priority? This is, as I understand, in the National Historic Preservation Act.

Mr. SEIBERLING. Well, it is one of the priorities that is required of each land management agency and I agree that it is in accordance with the National Historic Preservation Act.

Mr. PASHAYAN. A third and last question. Where we have these kinds of conflicts, would it not be more prudent for Congress to recognize them in the legislation itself? We have tried to do this in the bill before us today.

Mr. SEIBERLING. I agree with the gentleman and I think with the record we have just made that that will also help that.

Mr. WEAVER. Madam Chairman, will the gentleman yield?

Mr. PASHAYAN. I yield to the gentleman from Oregon.

Mr. WEAVER. I thank the gentleman for yielding.

I want to tell the gentleman that he has raised a very important point here. I have time and time again seen the Forest Service act childishly, petulantly, in situations like this, destroying cabins that have a real useful existence in such areas, or old and ancient privies. These are childish and petulant acts and I can assure the gentleman that as chairman of the Forest Management Committee I will do everything I can to prevent them from tearing them out.

Mr. PASHAYAN. I must confess to my friend from Oregon that this particular gentleman is more concerned in cabins than privies. However, I should like to say that I appreciate the gentleman's supporting remarks.

And also to add that not only is this particular cabin rustic, but it is used as a campsite each year for disadvantaged children from the Oakland Bay area. And it is put to good social use in that regard.

I appreciate the support of the gentleman from Oregon and the support of the subcommittee chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. SHUMWAY).

The amendment was rejected.

AMENDMENT OFFERED BY MR. SHUMWAY

Mr. SHUMWAY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SHUMWAY: Strike sections 1 through 12 and insert the following:

That this Act may be cited as the "California Wilderness Act of 1983".

DESIGNATION OF WILDERNESS

SEC. 2. (a) In furtherance of the purposes of the Wilderness Act, the following lands, as generally depicted on maps, appropriately referenced, dated July 1980 (except as otherwise dated) are hereby designated as wilderness, and therefore, as components of the National Wilderness Preservation System—

(1) certain lands in the Lassen National Forest, California, which comprise approximately one thousand eight hundred acres, as generally depicted on a map entitled "Caribou Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the Caribou Wilderness as designated by Public Law 88-577;

(2) certain lands in the Stanislaus and Toiyabe National Forests, California, which comprise approximately one hundred eighty-two thousand acres, as generally depicted on a map entitled "Carson-Iceberg Wilderness—Proposed, dated March 1983", and which shall be known as the Carson-Iceberg Wilderness: *Provided, however,* That the designation of the Carson-Iceberg Wilderness shall not preclude continued motorized access to those previously existing facilities which are directly related to permitted liverstock grazing activities in the Wolf Creek Drainage on the Toiyabe National Forest in the same manner and degrees in which such access was occurring as of the date of enactment of this Act;

(3) certain lands in the Shasta Trinity National Forest, California, which comprise approximately seven thousand three hundred acres, as generally depicted on a map entitled "Castle Crags Wilderness—Proposed", and which shall be known as the Castle Crags Wilderness;

(4) certain lands in the Lassen National Forest, California, which comprise approximately fifteen thousand five hundred acres, as generally depicted on a map entitled "Cinder Buttes Wilderness—Proposed", and which shall be known as the Cinder Buttes Wilderness;

(5) certain lands in the Angeles National Forest, California, which comprise approximately four thousand four hundred acres, as generally depicted on a map entitled "Cucamonga Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the Cucamonga Wilderness as designated by Public Law 88-577;

(6) certain lands in the Inyo National Forest, California, which comprise approximately seven thousand six hundred acres, as generally depicted on a map entitled "Deep Wells Wilderness—Proposed", and which shall be known as the Deep Wells Wilderness;

(7) certain lands in the Los Padres National Forest, which comprise approximately sixty-seven thousand acres, as generally depicted on a map entitled "Dick Smith Wilderness—Proposed", dated October, 1979, and which shall be known as Dick Smith Wilderness: *Provided,* That the Act of March 21, 1968 (82 Stat. 51), which established the San Rafael Wilderness is hereby amended to transfer four hundred and thirty acres of the San Rafael Wilderness to the Dick Smith Wilderness and establish a line one hundred feet north of the centerline of the Buckhorn Fire Road as the southeasterly boundary of the San Rafael Wilderness, as depicted on a map entitled "Dick Smith Wilderness—Proposed", and wherever said Buckhorn Fire Road passes between the San Rafael and Dick Smith Wildernesses and elsewhere at the discretion of the Forest Service, it shall be closed to all motorized vehicles except those used by the Forest Service for administrative purposes;

(8) certain lands in the Stanislaus National Forest, California, which comprise approximately six thousand one hundred acres, as generally depicted on a map entitled "Emigrant Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the Emigrant Wilderness as designated by Public Law 93-632;

(9) certain lands in the Inyo National Forest, California, which comprise approximately forty-six thousand four hundred acres, as generally depicted on a map entitled "Excelsior Wilderness—Proposed", and which shall be known as the Excelsior Wilderness;

(10) certain lands in the Angeles National Forest, California, which comprise approximately thirty-two thousand nine hundred acres, as generally depicted on a map entitled "Fish Canyon Wilderness—Proposed", and which shall be known as the Fish Canyon Wilderness;

(11) certain lands in the San Bernardino National Forest, California, which comprise approximately ten thousand six hundred acres, as generally depicted on a map entitled "Granite Peak Wilderness—Proposed", and which shall be known as the Granite Peak Wilderness;

(12) certain lands in Toiyabe National Forest, California, which comprise approximately forty-nine thousand two hundred acres, as generally depicted on a map entitled "Hoover Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part

of the Hoover Wilderness as designated by Public Law 88-577;

(13) certain lands in and adjacent to the Lassen National Forest, California, which comprise approximately forty-one thousand six hundred acres as shown on a map entitled "Ishi Wilderness—Proposed", and which shall be known as the Ishi Wilderness;

(14) certain lands in the Inyo and Sierra National Forests, California, which comprise approximately one hundred twenty thousands acres, as generally depicted on a map entitled "John Muir Wilderness Additions, Inyo National Forest—Proposed", and which are hereby incorporated in, and which shall be deemded to be a part of the John Muir Wilderness as designated by Public Law 88-577;

(15) certain lands in the Lassen National Forest, California, which comprise approximately three thousand nine hundred acres, as generally depicted on a map entitled "Lassen Volcanic Wilderness Additions—Proposed", and which are hereby incorporated in, and shall be deemed to be a part of the Lassen Volcanic Wilderness as designated by Public Law 92-510;

(16) certain lands in the Klamath National Forest, California, which comprise approximately seven thousand six hundred acres, as generally depicted on a map entitled "Marble Mountain Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the Marble Mountain Wilderness as designated by Public Law 88-577;

(17) certain lands in the Sierra and Inyo National Forest, California, which comprise approximately forty-eight thousand five hundred acres, as generally depicted on a map entitled "Minarets Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemded to be a part of the Minarets Wilderness as designated by Public Law 88-577;

(18) certain lands in the Eldorado, National Forests, California, which comprise approximately six hundred and forty acres, as generally depicted on a map entitled "Mokelumne Wilderness Additions—Proposed", dated November 1980, and which are hereby incorporated in, and which shall be deemed to be a part of the Mokelumne Wilderness as designated by Public Law 88-577;

(19) certain lands in the Shasta Trinity National Forest, California, which comprise approximately twenty-six thousand two hundred acres, as generally depicted on a map entitled "Mt. Shasta Wilderness—Proposed", and which shall be known as Mt. Shasta Wilderness;

(20) certain lands in the Cleveland National Forest, California, which comprise approximately thirteen thousand one hundred acres, as generally depicted on a map entitled "Pine Creek Wilderness—Proposed", and which shall be know as the Pine Creek Wilderness;

(21) certain lands in the San Bernardino National Forest, California, which comprise approximately ten thousand two hundred acres, as generally depicted on a map entitled "Pyramid Peak Wilderness—Proposed", and which shall be known as the Pyramid Peak Wilderness;

(22) certain lands in the San Bernardino National Forest, California, which comprise approximately twenty-one thousand five hundred acres, as generally depicted on a map entitled "San Gorgonio Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the San Gorgonio Wilderness as designated by Public Law 88-577;

(23) certain lands in the San Bernardino National Forest, California, which comprise approximately ten thousand nine hundred acres, as generally depicted on a map entitled "San Jacinto Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the San Jacinto Wilderness as designated by Public Law 88-577: *Provided, however,* That the Secretary of Agriculture may pursuant to an application filed prior to January 1, 1983, grant a right-of-way for, and authorize construction of, a transmission line or lines within the area depicted as "potential powerline corridor" on the map entitled "San Jacinto Wilderness Additions—Proposed"; *Provided further,* That if a power transmission line is constructed within such corridor, the corridor shall cease to be a part of the San Jacinto Wilderness and the Secretary of Agriculture shall publish notice thereof in the Federal Register;

(24) certain lands in the Los Padres National Forest, California, which comprise approximately two thousand acres, as generally depicted on a map entitled "San Rafael Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the San Rafael Wilderness as designated by Public Law 90-271;

(25) certain lands in the Angeles and San Bernardino National Forests, California, which comprise approximately thirty thousand one hundred acres, as generally depicted on a map entitled "Sheep Mountain Wilderness—Proposed", and which shall be known as Sheep Mountain Wilderness;

(26) certain lands in the Six Rivers, Klamath, and Siskiyou National Forests, California, which comprise approximately one hundred thousand acres, as generally depicted on a map entitled "Siskiyou Wilderness—Proposed", dated March 1983, and which shall be known as the Siskiyou Wilderness;

(27) certain lands in the Mendocino National Forest, California, which comprise approximately twenty-five thousand acres, as generally depicted on a map entitled "Snow Mountain Wilderness—Proposed", and which shall be known as Snow Mountain Wilderness;

(28) certain lands in the Modoc National Forest, California, which comprise approximately one thousand nine hundred and forty acres, as generally depicted on a map entitled "South Warner Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the South Warner Wilderness as designated by Public Law 88-577;

(29) certain lands in the Lassen National Forest, California, which comprise approximately seven thousand acres, as generally depicted on a map entitled "Thousand Lakes Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the Thousand Lakes Wilderness as designated by Public Law 88-577;

(30) certain lands in and adjacent to the Lassen National Forest, California, which comprise approximately four thousand four hundred acres, as generally depicted on a map entitled "Timbered Crater Wilderness—Proposed", and which shall be known as the Timbered Crater Wilderness;

(31) certain lands in and adjacent to the Klamath, Shasta Trinity and Six Rivers National Forests, California, which comprise approximately two hundred and ninety-five thousand acres, as generally depicted on a map entitled "Trinity Alps Wilderness—Proposed", and which shall be known as the Trinity Alps Wilderness;

(32) certain lands in the Los Padres National Forest, California, which comprise approximately two thousand seven hundred and fifty acres, as generally depicted on a map entitled "Ventana Wilderness Addition—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the Ventana Wilderness as designated by Public Laws 91-58 and 95-237; and

(33) certain lands in and adjacent to the Six Rivers National Forest, California, which comprise approximately one hundred acres, as generally depicted on a map entitled "Yolla-Bolly Middle Eel Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the Yolla-Bolly Middle Eel Wilderness as designated by Public Law 88-577;

(34) certain lands in and adjacent to the Los Padres National Forest, California, which comprise approximately twenty thousand acres, as generally depicted on a map entitled "Machesna Mountain Wilderness—Proposed", dated March 1983, and which shall be known as the Machesna Mountain Wilderness;

(35) certain lands in and adjacent to the Sequoia National Forest, California, which comprise approximately forty-eight thousand acres, as generally depicted on a map entitled "Scodies Wilderness—Proposed", and which shall be known as the Scodies Wilderness;

(36) certain lands in the Sequoia National Forest, which comprise approximately ten thousand five hundred acres, as generally depicted on a map entitled "Jennie Lakes Wilderness—Proposed", dated March 1983, and which shall be known as the Jennie Lakes Wilderness.

(b) The previous classifications of the High Sierra Primitive Area, Emigrant Basin Primitive Area, and the Salmon-Trinity Alps Primitive Area are hereby abolished.

SEC. 3. (a) Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary concerned in accordance with the provisions of the Wilderness Act: Provided, That any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

(b) Within the National Forest wilderness areas designated by this Act—

(1) as provided in subsection 4(d)(4)(2) of the Wilderness Act, the grazing of livestock, where established prior to the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations, policies and practices as the Secretary deems necessary, as long as such regulations, policies and practices fully conform with and implement the intent of Congress regarding grazing in such areas as such intent is expressed in the Wilderness Act and this Act;

(2) as provided in subsection 4(d)(1) of the Wilderness Act, the Secretary concerned may take such measures as are necessary in the control of fire, insects, and diseases, subject to such conditions as he deems desirable; and

(3) as provided in section 4(b) of the Wilderness Act, the Secretary concerned shall administer such areas so as to preserve their wilderness character and to devote them to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use.

(c) Within sixty days of the date of enactment of this Act, the Secretary of Agriculture shall enter into negotiations to acquire by exchange or otherwise (on a willing-buyer-willing-seller basis and at the landowner's option) all or part of any privately owned lands within the Trinity Alps, Castle Crags, and Mount Shasta Wilderness areas as designated by this act. Such acquisition shall to the maximum extent practicable, be completed within three years after the date of enactment of this Act. Market and exchange values shall be determined without reference to any restrictions on access or use which arise out of designation as a wilderness area.

FILING OF MAPS AND DESCRIPTIONS

SEC. 4. As soon as practicable after enactment of this Act, a map and a legal description on each wilderness area shall be filed with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the House of Representatives, and each such map and description shall have the same force and effect as if included in this Act: *Provided*, That correction of clerical and typographical errors in each such legal description and map may be made. Each such map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

ADDITIONS TO NATIONAL PARK SYSTEM

SEC. 5. (a) The following lands are hereby added to the national park system:

(1) certain lands in the Sequoia National Forest, California, which comprise approximately one thousand five hundred acres, as generally depicted on a map entitled "Jennie Lakes Additions, Kings Canyon National Park—Proposed", dated March 1983, and which are hereby incorporated in, and which shall be deemed a part of Kings Canyon National Park;

(b) Upon enactment of this Act, the Secretary of Agriculture shall transfer the lands described in subsection (a) of this section, without consideration, to the administrative jurisdiction of the Secretary of the Interior for administration as part of the national park system.

(c) The Secretary of the Interior shall study the lands added to the national park system by subsection (a) of this section for possible designation as national park wilderness, and shall report to the Congress his recommendations as to the suitability or nonsuitability of the designation of such lands as wilderness by not later than three years after the effective date of this Act.

(d) The Secretary of Agriculture is authorized and directed to transfer to the jurisdiction of the Secretary of the Interior for administration as a part of Yosemite National Park, two hundred and fifty-three acres of the Stanislaus National Forest at Crocker Ridge, identified as all that land lying easterly of a line beginning at the existing park boundary and running three hundred feet west of and parallel to the center line of the park road designated as State Highway 120, also known as the New Big Oak Flat Road, within section 34, township 1 south, range 19 east, and within sections 4, 9, and 10, township 2 south, range 19 east, Mount Diablo base and meridian.

(e) The Secretary of the Interior is authorized and directed to transfer to the jurisdiction of the Secretary of Agriculture one hundred and sixty acres within the boundary of the Sierra National Forest identified as the northwest quarter of section 16, township 5 south, range 22 east, Mount Diablo base meridian, subject to the right of the Secretary of the Interior to the use of the water thereon for park purposes, including the right of access to facilities necessary for the transportation of water to the park.

NATIONAL PARK WILDERNESS

SEC. 6. The following lands are hereby designated as wilderness in accordance with section 3(c) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132(c)) and shall be administered by the Secretary of the Interior in accordance with the applicable provisions of the Wilderness Act:

(1) Yosemite National Park Wilderness, comprising approximately six hundred and seventy-seven thousand six hundred acres, and potential wilderness additions comprising approximately three thousand five hundred and fifty acres, as generally depicted on a map entitled "Wilderness Plan, Yosemite National Park, California" numbered 104-20, 003-3 dated July 1980, and shall be known as the Yosemite Wilderness;

(2) Sequoia and King Canyon National Parks Wilderness, comprising approximately seven hundred and thirty-six thousand nine hundred and eigthty acres; and potential wilderness additions comprising approximately one hundred acres, as generally depicted on a map entitled "Wilderness Plan—Sequoia-Kings Canyon National Parks—California", numbered 102-20, 003-E and dated July 1980, and shall be known as the Sequoia-Kings Canyon Wilderness.

MAP AND DESCRIPTION

SEC. 7. A map and description of the boundaries of the areas designated in section 7 of this Act shall be on file and available for public inspection in the Office of the Director of the National Park Service, Department of the Interior, and in the Office of the Superintendent of each area designated in section 7. As soon as practicable after this Act takes effect, maps of the wilderness areas and descriptions of their boundaries shall be filed with the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, and such maps and description shall have the same force and effect as if included in this Act: *Provided*, That correction of clerical and typographical errors in such maps and descriptions may be made.

CESSATION OF CERTAIN USES

SEC. 8. Any lands (in section 7 of this Act) which represent potential wilderness additions upon publication in the Federal Register of a notice by the Secretary of the Interior that all uses thereon prohibited by the Wilderness Act have ceased, shall thereby be designated wilderness. Lands designated as potential wilderness additions shall be managed by the Secretary insofar as practicable as wilderness until such time as said lands are designated as wilderness.

ADMINISTRATION

SEC. 9. The areas designated by section 7 of this Act as wilderness shall be administered by the Secretary of the Interior in accordance with the applicable provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act, and where appropriate, any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

Notwithstanding any existing or future administrative designation or recommendation, mineral prospecting, exploration, development, or mining of cobalt and associated minerals undertaken under the United States mining laws within the North Fork Smith roadless area (RARE II 5-707, Six Rivers National Forest, California) shall be subject to only such Federal laws and regulations as are generally * * *.

SEVERABILITY

Sec. 10. If any provision of this Act or the application thereof is held invalid, the remainder of the Act and the application thereof shall not be affected thereby.

Mr. SHUMWAY (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlemen from California?

There was no objection.

Mr. SHUMWAY. Madam Chairman, there has been a great deal said here this afternoon about who supports this bill and who does not, who was consulted, and who was not.

Let me just point out in that regard a couple of numbers that I think are very important for all of us to reflect upon.

The bill as it was brought to the House today had 37 cosponsors and of those 37 cosponsors, only 1 of them had any proposed wilderness land in his district.

California now has 45 congressional districts. This bill affects 15 of those 45 congressional districts, one-third of the total. And from those 15 congressional districts only one Member of Congress chose to be a cosponsor of this bill.

Likewise, the bill does not enjoy full support from the State of California. It may have support from other areas and from Members who live in cities and not impacted by it, but let me just give my colleagues a few names of groups who have registered opposition to it in the short time that they have had to consider it since it was introduced:

The California Senate Select Committee on Forest Land Issues.

The California Assembly Rural Caucus.

The California Chamber of Commerce.

The Brotherhood of Carpenters and Joiners.

Lumber Production and Industrial Workers.

The California Farm Bureau Federation.

The State grange.

The Association of Four-Wheel Drive Clubs.

The California Off-the-Road Vehicle Association.

The California Cattlemen's Association.

The California Mining Association.

The California Forest Protective Association.

The Western Oil and Gas Association.

The Western Timber Association.

The Regional Council of Rural Counties, which contains representatives of 9 of the 12 counties that I represent.

The county boards of supervisors in Tulare, Del Norte, Modoc and Plumas Counties.

The Audubon Society Chapter in Fresno.

The Del Norte Fishermen's Association.

It seems to me that with that kind of opposition which has been generated in a short period of time, there is good reason to see that this bill is not the right direction to go.

And it is for that reason that I have offered this substitute. Because it goes beyond in a very small way the Forest Service position, I am calling it the Republican substitute. It is an answer that I believe brings some degree of balance and sensibility to this entire issue.

The Forest Service position was recommending that 1.2 million acres be included in wilderness designation.

The Republican substitute, which I am now offering, increases that total by about 78,000 acres and it does this by bringing in the areas which have been referred to here in the debate, the Machesna Mountain, Scodies and Jennie Lakes wildernesses, from either nonconsideration or further planning into wilderness designation.

Let me just point out briefly what this does.

The Burton bill before us today provides for 58 wilderness areas in California. The substitute that I am urging Congress to adopt calls for 36 such areas.

The Burton bill takes about 2.38 million acres in wilderness. My substitute says 1.3 million, just half of the total.

The Burton bill provides for planning and study areas in the future, 70,000 acres; my proposal, zero. That clears up that particular issue.

As far as long-range timber yield is concerned, the Burton bill would have us lose about 176 million board feet; my substitute would have us lose only 60 million board feet.

And finally in terms of job impact—we have had a great deal of discussion about that here this afternoon.

The Burton bill is going to call for job loss, direct jobs, of some 1,200 positions; my substitute would affect only 400 such positions.

Madam Chairman, this particular recommendation is the result of lengthy consideration and review as it was mandated by Congress. It was the response of the Forest Service to that mandate. It has been essentially endorsed by the Carter administration and now by the Reagan administration. And I offer it in response to those who might claim on this side of the aisle that there is no desire on the part of Republican Members for any wilderness at all.

Indeed, that is not true. And I hope to evidence that fact by offering the substitute. It strikes a reasonable balance. It is the way that many of us in California would like to go. And for that reason, I seriously urge it upon the Members of the House.

□ 1710

Mr. SEIBERLING. Madam Chairman, I rise in opposition to this amendment. I think this is probably the last amendment.

Madam Chairman, this is essentially the administration proposal. Instead of 1.2 million acres, it is 1.278, which, compared to the totals that this bill is dealing with, is practically no change at all. It would emasculate the bill by cutting the proposed wilderness acreage in half, and in so doing it would throw out most of the compromises reached in the Burton bill and delete protection for all or portions of such critical areas as the Trinity Alps, the Siskiyous, Granite Chief, which the committee, incidentally, voted to retain in this bill by a vote of 41 to 0, the Russian Peak area, one of the most important biological areas in the bill, the San Joaquin and San Mateo Canyons, and numberous other areas.

Of the various wilderness proposals before the committee since 1979, which range from a high of 5.1 million acres to a low of 1.2 million acres, this proposal represents the low end of the spectrum. It totally ignores the State of California's lawsuit in which the State won an injunction forcing wilderness reconsideration of over 1 million acres of land.

The Reagan administration's idea of compromise on the injunction areas was zero for wilderness, 100 percent for development. That is no compromise at all. This proposal totally ignores the input of Trinity County and the other consensus wilderness proposals negotiated between Mr. BURTON, the environmentalists, the industry, and other Members of Congress.

This proposal would have especially harsh impacts on the commercial fishing industry. Of the fishing industry's top priorities, including Blue Creek, Eight-Mile Creek, Dillon Creek and Wooley Creek, Big Butte-Shinbone, Mill Creek and additions to the Trinity Alps, not a single area is included in the proposal.

Part of the compromise contained in the Burton bill was to release certain further planning wilderness study lands from the ongoing wilderness study process. I will not bother to catalog all of them. But these compromises are discarded by this amendment. Wilderness studies will again delay the projects or timber harvests. This proposal rejects these compromises. The proposal does not resolve the California RARE II issue. It only invites further litigation, and immerses California's national forests in the RARE III study process which the administration recently announced.

We do not need more study, Madam Chairman. We need the compromise resolution which the Burton bill represents, and for that reason I urge all of the Members to vote against this substitute for the Burton bill.

Mr. CHAPPIE. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I would like to voice my support for the substitute legislation offered by my colleague, Mr. SHUMWAY.

For over 18 years now, Congress has struggled with the responsibility of establishing an equitable and permanent solution to the question of national forest management. It is high time the polarized groups involved in the debate do all in their power to bring an end to this costly bureaucratic headache to guarantee that RARE II does not become an even more unmanageable political monster in the form of RARE III during the next Congress.

H.R. 1437, which would designate wilderness areas in the State of California roughly equivalent to the size of the State of Maryland, will only serve to further impact the depressed economic conditions of my district. These people in my area simply cannot afford a bill which will drastically reduce logging and sawmilling jobs in timber towns already reeling from unemployment rates as high as 37 percent. Further, I would like to know how my colleagues and I in northern California are supposed to justify the adoption of legislation which will ultimately reduce meaningful jobs while Congress is frantically trying to pass measures to stimulate employment.

It is also important to note that it is not just loggers and related industries which will suffer from the ramifications of this legislation. In addition to providing needed Federal revenues, Federal timber receipts provide sizable funds to local governments and schools. Regardless of our differing approaches to the protection of the environment, I think it is safe to say that everyone here firmly believes in strong local governments and quality public education. These same institutions, battered by the effects of proposition 13 and a depleted State treasury, will be hard pressed to survive the effects of a reduction of up to $20 million in timber receipts.

In conclusion, I encourage my colleagues to support the substitute legislation which follows the recommendations of the U.S. Forest Service. This

legislation will serve the people of California by insuring important jobs, aiding local governments and schools, and providing an expanded State wilderness system for future generations.

Mr. LUJAN. Madam Chairman, will the gentleman yield?

Mr. CHAPPIE. I yield to the gentleman from New Mexico.

Mr. LUJAN. I think the gentleman has made an excellent statement in suggesting that we follow the Forest Service recommendations. Because we have not followed the Forest Service recommendations, we have taken their recommendations and enlarged on them to such an extent that I would be willing to tell the gentleman at this point that, because of that, this bill will never become law.

If we follow the gentleman's suggestion that we keep in tune with the recommendation of the Forest Service, we would probably have a wilderness bill from California. But as it is now, I do not think it will ever see the light of day because of the excesses in it.

Mr. CHAPPIE. I thank the gentleman for his comments.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. SHUMWAY).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SHUMWAY. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 136, noes 257, not voting 40, as follows:

[Roll No. 50]

AYES—136

Anthony	Goodling	Martin (NY)
Archer	Gramm	McCain
Badham	Gregg	McCandless
Barnard	Gunderson	McCollum
Bartlett	Hall, Ralph	McDonald
Bateman	Hall, Sam	McEwen
Bilirakis	Hammerschmidt	McGrath
Bliley	Hansen (ID)	Michel
Broomfield	Hansen (UT)	Miller (OH)
Burton (IN)	Hartnett	Molinari
Campbell	Hightower	Montgomery
Carney	Hiler	Moore
Chandler	Hillis	Moorhead
Chappie	Holt	Morrison (WA)
Cheney	Hopkins	Myers
Coats	Hunter	Nielson
Conable	Hyde	O'Brien
Corcoran	Jenkins	Oxley
Craig	Kasich	Packard
Crane, Daniel	Kemp	Parris
Crane, Philip	Kramer	Pashayan
Daniel	Lagomarsino	Paul
Dannemeyer	Latta	Pickle
Daub	Leath	Pritchard
Davis	Lent	Quillen
Dickinson	Lewis (CA)	Regula
Dreier	Lewis (FL)	Ridge
Duncan	Livingston	Ritter
Edwards (AL)	Loeffler	Roberts
Emerson	Lott	Robinson
Erlenborn	Lowery (CA)	Rogers
Fiedler	Lujan	Rudd
Fields	Lungren	Sawyer
Forsythe	Mack	Schaefer
Frenzel	Marlenee	Shaw
Gekas	Marriott	Shelby
Gingrich	Martin (NC)	Shumway
Shuster	Stangeland	Whitehurst
Siljander	Stenholm	Whittaker
Skeen	Stump	Winn
Smith (NE)	Sundquist	Wolf
Smith, Denny	Taylor	Wortley
Smith, Robert	Thomas (CA)	Young (AK)
Snyder	Vander Jagt	Young (FL)
Solomon	Vucanovich	
Spence	Walker	

NOES—257

Ackerman	Frost	Panetta
Akaka	Fuqua	Patman
Albosta	Garcia	Patterson
Alexander	Gaydos	Pease
Anderson	Gejdenson	Penny
Andrews (NC)	Gephardt	Pepper
Andrews (TX)	Gilman	Perkins
Applegate	Glickman	Petri
Aspin	Gonzalez	Porter
AuCoin	Gore	Price
Barnes	Gradison	Pursell
Bates	Green	Rahall
Bedell	Guarini	Rangel
Beilenson	Hall (OH)	Ratchford
Bennett	Hamilton	Ray
Bereuter	Hance	Reid
Berman	Harkin	Richardson
Bethune	Harrison	Rinaldo
Bevill	Hatcher	Roe
Biaggi	Hawkins	Roemer
Boehlert	Hefner	Rose
Boggs	Heftel	Roth
Boland	Hertel	Roukema
Boner	Howard	Rowland
Bonker	Hoyer	Roybal
Borski	Hubbard	Russo
Bosco	Huckaby	Sabo
Boucher	Hughes	Scheuer
Boxer	Ireland	Schneider
Britt	Jacobs	Schroeder
Brooks	Johnson	Schumer
Brown (CA)	Jones (OK)	Seiberling
Brown (CO)	Kaptur	Sensenbrenner
Bryant	Kastenmeier	Shannon
Byron	Kazen	Sharp
Carper	Kennelly	Sikorski
Carr	Kildee	Simon
Chappell	Kogovsek	Sisisky
Clarke	Kolter	Skelton
Clinger	Kostmayer	Slattery
Coelho	LaFalce	Smith (FL)
Coleman (MO)	Lantos	Smith (IA)
Coleman (TX)	Leach	Smith (NJ)
Conte	Lehman (CA)	Snowe
Cooper	Levin	Solarz
Coughlin	Levine	Spratt
Courter	Levitas	St Germain
Coyne	Long (LA)	Staggers
Crockett	Long (MD)	Stark
D'Amours	Lowry (WA)	Stokes
Daschle	Luken	Stratton
de la Garza	Lundine	Studds
Dellums	MacKay	Swift
Derrick	Madigan	Synar
DeWine	Markey	Tallon
Dicks	Martin (IL)	Tauke
Dingell	Martinez	Tauzin
Dixon	Matsui	Thomas (GA)
Donnelly	Mavroules	Torres
Dorgan	McCloskey	Torricelli
Dowdy	McCurdy	Towns
Downey	McDade	Traxler
Durbin	McHugh	Udall
Dwyer	McKernan	Valentine
Dymally	McNulty	Vandergriff
Dyson	Mica	Vento
Early	Mikulski	Walgren
Eckart	Miller (CA)	Watkins
Edgar	Mineta	Waxman
Edwards (CA)	Minish	Weaver
Edwards (OK)	Mitchell	Weber
English	Moakley	Weiss
Erdreich	Moody	Wheat
Evans (IA)	Morrison (CT)	Whitley
Evans (IL)	Mrazek	Whitten
Fascell	Murphy	Wise
Fazio	Murtha	Wolpe
Feighan	Natcher	Wright
Ferraro	Nelson	Wyden
Flippo	Nichols	Wylie
Florio	Nowak	Yates
Foglietta	Oakar	Yatron
Foley	Oberstar	Young (MO)
Ford (MI)	Obey	Zablocki
Fowler	Olin	Zschau
Frank	Ortiz	

NOT VOTING—40

Addabbo	Horton	Ottinger
Annunzio	Hutto	Owens
Bonior	Jeffords	Rodino
Breaux	Jones (NC)	Rostenkowski
Broyhill	Jones (TN)	Savage
Clay	Kindness	Schulze
Collins	Lehman (FL)	Volkmer
Conyers	Leland	Washington
Fish	Lipinski	Williams (MT)
Ford (TN)	Lloyd	Williams (OH)
Franklin	Mazzoli	Wilson
Gibbons	McKinney	Wirth
Gray	Mollohan	
Hall (IN)	Neal	

□ 1730

Mr. AUCOIN and Mr. GARCIA changed their votes from "aye" to "no."

Mr. DAVIS changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. LEWIS OF CALIFORNIA

Mr. LEWIS of California. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LEWIS of California: On page 17, strike line 3 through 8 and renumber the following subparagraphs accordingly.

Mr. LEWIS of California. Madam Chairman, the amendment I have before you, which I do not intend to offer or take to a vote, is an amendment that would strike some 77,000 acres from my district, which combined with the amendment of the gentleman from California (Mr. SHUMWAY), the Monache amendment, took care of over 100,000 acres of territory that is strictly not wilderness territory, which was arbitrarily put into this bill.

Madam Chairman, I have presented the amendment temporarily simply to have an opportunity to place in the RECORD a resolution from the board of supervisors of Inyo County.

Madam Chairman, if we can move right along, we can get to the Traxler celebration. I do not intend to speak extensively on this amendment, but I would like to take the opportunity to bring to the attention of the chairman, the subcommittee chairman, the resolution from the board of supervisors of Inyo County unanimously opposing that proposition that would put this territory in the bill.

The chairman has indicated a willingness to cooperate with us in seeking out amendments to accommodate the Members from California who were working closely with our departed colleague, Congressman PHILLIP BURTON.

I anticipate that we will go forward with that work on the Senate side.

RESOLUTION 83-21

Whereas, the national forests are of great importance and benefit to all the people of the United States; and

Whereas, these benefits take many forms including timber production, recreation, water shed and mineral deposits; and

Whereas, the counties of the United States share in the receipts from national forest lands for the improvement of roads and support of schools; and

Whereas, local communities are economically dependent on production of natural resources from national forests; and

Whereas, certain lands are being considered to be removed from production by the RARE II proposals; and

Whereas, as a result of the lawsuit initiated by the State of California; Burton HR 1437 has been introduced into the House of Representatives and U.S. Senate; and

Whereas, the planning process used by Forest Service planning established by Congress is in the Forest and Rangeland Renewable Resources Planning Act of 1974 (RPA and the National Forest Management Act of 1976 (NFMA); and

Whereas, the Forest Service shall be formulating a planning program based upon three levels of planning: National, Regional and Forest; and

Whereas, these plans will be based upon resulting selected issues and concerns and inventory of forest resources:

Now, therefore be it resolved by the Inyo County Board of Supervisors as follows:

1. That we urgently request the Honorable Members of the House of Representatives and U.S. Senate not to adopt nor in any way authorize the implementation in total, or in any part, the U.S. Forest Service RARE II recommendations for wilderness areas nor any of the introduced House or Senate Bills, including the Burton Bill HR 1437, unless and until the adoption of National, Regional and Forest Plans.

2. That we will coordinate with the U.S. Forest Service in the fomulation process of the National, Regional and Forest Plans, where natural resources including timber, minerals, geothermal, livestock range, recreational values, wilderness, scenic values, critical and endangered animal and plant species and other environmental and ecological resources and values will be inventoried.

3. That we are of the opinion that an Environmental Impact Statement of RARE II is not adequate under the provisions of N.E.P.A. unless it is based upon an inventory of ecological, environmental and natural resources.

4. That all lands designated "Further Planning" on the January 1979 Final Environmental Statement of RARE II State of California be designated as multiple use.

5. We support the designation of lands designated "Non-Wilderness" on the January 1979 Final Environmental Statement for RARE II State of California.

6. We urge Congress to give the industries affected by the RARE II process some relief until the matter is resolved.

Be it further resolved that copies of this resolution be sent to Congressman Lewis, Senator Pete Wilson, Chairman of the Subcommittee on Public Lands and National Parks, Chairman of the Interior and Insular Affairs Committee of the House of Representatives and to the Chairman of the U.S. Senate committee of Energy and Natural Resources.

Mr. SEIBERLING. Madam Chairman, will the gentleman yield?

Mr. LEWIS of California. I would be happy to yield to the gentleman from Ohio.

Mr. SEIBERLING. Well, I certainly will work with the gentleman. I have not had a chance to study the effect of this amendment. I am familiar with the territory in question, having hiked it myself, and I will sit down and we will see what we can do when we get to the Senate side and in conference.

Mr. LEWIS of California. I thank the chairman.

Madam Chairman, I withdraw the amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. SEIBERLING

Mr. SEIBERLING. Madam Chairman, I offer a technical amendment.

The Clerk read as follows:

Amendment offered by Mr. SEIBERLING: On page 3, line 16, add "dated April 1983," after the comma.

On page 10, line 22, change "sixty thousand" to "fifty-nine thousand five hundred" and on line 24, change "November 1980" to "April 1983".

Mr. SEIBERLING. Madam Chairman, this amendment makes a minor boundary adjustment in the boundary of the proposed Carson-Iceberg Wilderness and deletes approximately 500 acres from the proposed additions to the Mokelumne Wilderness in order to allow for possible upgrading and a slight rerouting of Highway 4 in the event a higher standard road is necessary at some time in the future to access the proposed Pacific Valley ski site.

Mr. YOUNG of Alaska. Madam Chairman, will the gentleman yield?

Mr. SEIBERLING. Yes, I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Madam Chairman, this side has no objection to the amendment and will accept the amendment.

Mr. CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. SEIBERLING).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments? If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

□ 1740

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mrs. KENNELLY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1437) entitled the "California Wilderness Act of 1938," pursuant to House Resolution 154, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. LUJAN

Mr. LUJAN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. LUJAN. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. LUJAN moves to recommit the bill, H.R. 1437, to the Committee on Interior and Insular Affairs.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. UDALL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 297, nays 96, not voting 40, as follows:

[Roll No. 51]

YEAS—297

Ackerman	Bryant	Durbin
Akaka	Byron	Dwyer
Albosta	Carper	Dymally
Alexander	Carr	Dyson
Anderson	Chappell	Early
Andrews (NC)	Clarke	Eckart
Andrews (TX)	Clinger	Edgar
Applegate	Coats	Edwards (AL)
Aspin	Coelho	Edwards (CA)
AuCoin	Coleman (MO)	Edwards (OK)
Barnard	Coleman (TX)	English
Barnes	Conte	Erdreich
Bates	Cooper	Erlenborn
Bedell	Coughlin	Evans (IA)
Beilenson	Courter	Evans (IL)
Bennett	Coyne	Fascell
Bereuter	Crockett	Fazio
Berman	D'Amours	Feighan
Bethune	Daschle	Ferraro
Bevill	Daub	Fiedler
Biaggi	de la Garza	Flippo
Boehlert	Dellums	Florio
Boggs	Derrick	Foglietta
Boner	DeWine	Foley
Bonker	Dicks	Ford (MI)
Borski	Dingell	Frank
Boucher	Dixon	Frost
Boxer	Donnelly	Fuqua
Britt	Dorgan	Garcia
Brooks	Dowdy	Gaydos
Brown (CA)	Downey	Gejdenson
Brown (CO)	Duncan	Gephardt

Gilman	Martinez	Sabo
Gingrich	Matsui	Sawyer
Glickman	Mavroules	Scheuer
Gonzalez	McCloskey	Schneider
Goodling	McCollum	Schroeder
Gore	McCurdy	Schumer
Gradison	McDade	Seiberling
Green	McEwen	Sensenbrenner
Gregg	McGrath	Shannon
Guarini	McHugh	Sharp
Gunderson	McKernan	Shaw
Hall (OH)	McKinney	Sikorski
Hamilton	McNulty	Simon
Hance	Mica	Sisisky
Harkin	Michel	Skelton
Harrison	Mikulski	Slattery
Hatcher	Miller (CA)	Smith (FL)
Hawkins	Mineta	Smith (IA)
Hefner	Minish	Smith (NE)
Heftel	Mitchell	Smith (NJ)
Hertel	Moakley	Snowe
Hightower	Moody	Solarz
Hopkins	Moore	Spratt
Howard	Morrison (CT)	St Germain
Hoyer	Mrazek	Staggers
Hubbard	Murphy	Stark
Huckaby	Murtha	Stratton
Hughes	Natcher	Studds
Hunter	Nelson	Swift
Hyde	Nichols	Synar
Ireland	Nowak	Tallon
Jacobs	O'Brien	Tauke
Jeffords	Oakar	Tauzin
Jenkins	Oberstar	Thomas (GA)
Johnson	Obey	Torres
Jones (OK)	Olin	Torricelli
Kaptur	Ortiz	Towns
Kastenmeier	Panetta	Traxler
Kazen	Patterson	Udall
Kennelly	Pease	Valentine
Kildee	Penny	Vander Jagt
Kogovsek	Pepper	Vandergriff
Kolter	Perkins	Vento
Kostmayer	Petri	Walgren
LaFalce	Pickle	Watkins
Lagomarsino	Porter	Waxman
Lantos	Price	Weaver
Leach	Pursell	Weber
Lehman (CA)	Rahall	Weiss
Lehman (FL)	Rangel	Wheat
Leland	Ratchford	Whitley
Lent	Ray	Whittaker
Levin	Regula	Whitten
Levine	Reid	Williams (OH)
Levitas	Richardson	Winn
Lewis (FL)	Ridge	Wise
Livingston	Rinaldo	Wolf
Long (LA)	Roberts	Wolpe
Lowery (CA)	Roe	Wright
Lowry (WA)	Roemer	Wyden
Luken	Rogers	Wylie
Lundine	Rose	Yates
Mack	Roth	Yatron
MacKay	Roukema	Young (FL)
Madigan	Rowland	Young (MO)
Markey	Roybal	Zablocki
Martin (IL)	Russo	Zschau

NAYS—96

Anthony	Fields	Martin (NC)
Archer	Forsythe	Martin (NY)
Badham	Frenzel	McCain
Bartlett	Gekas	McCandless
Bateman	Gramm	McDonald
Bilirakis	Hall, Ralph	Miller (OH)
Bliley	Hall, Sam	Molinari
Bosco	Hammerschmidt	Montgomery
Broomfield	Hansen (ID)	Moorhead
Burton (IN)	Hansen (UT)	Morrison (WA)
Campbell	Hartnett	Myers
Carney	Hiler	Nielson
Chandler	Hillis	Oxley
Chappie	Holt	Packard
Cheney	Kasich	Parris
Conable	Kemp	Pashayan
Corcoran	Kramer	Patman
Craig	Latta	Paul
Crane, Daniel	Leath	Quillen
Crane, Philip	Lewis (CA)	Ritter
Daniel	Loeffler	Robinson
Dannemeyer	Lott	Rudd
Davis	Lujan	Schaefer
Dickinson	Lungren	Shelby
Dreier	Marlenee	Shumway
Emerson	Marriott	Shuster
Siljander	Spence	Thomas (CA)
Skeen	Stangeland	Vucanovich
Smith, Denny	Stenholm	Walker
Smith, Robert	Stump	Whitehurst
Snyder	Sundquist	Wortley
Solomon	Taylor	Young (AK)

NOT VOTING—40

Addabbo	Gray	Owens
Annunzio	Hall (IN)	Pritchard
Boland	Horton	Rodino
Bonior	Hutto	Rostenkowski
Breaux	Jones (NC)	Savage
Broyhill	Jones (TN)	Schulze
Clay	Kindness	Stokes
Collins	Lipinski	Volkmer
Conyers	Lloyd	Washington
Fish	Long (MD)	Williams (MT)
Ford (TN)	Mazzoli	Wilson
Fowler	Mollohan	Wirth
Franklin	Neal	
Gibbons	Ottinger	

□ 1750

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SEIBERLING. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material, on the bill just passed.

The SPEAKER pro tempore (Mrs. BOXER). Is there objection to the request of the gentleman from Ohio?

There was no objection.

PERSONAL EXPLANATION

Mr. BOLAND. Madam Speaker, on today's passage of H.R. 1437, the California Wilderness Act of 1983, I was detained on business elsewhere in the Capitol and failed to record my vote. Had I been present I would have voted "aye."

PERSONAL EXPLANATION

Mr. FOWLER. Madam Speaker, on H.R. 1437, the California Wilderness Act of 1983, I was unavoidably detained on public business and missed the vote. Had I been present I would have voted in the affirmative.

PERMISSION FOR COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO HAVE UNTIL 5 P.M. FRIDAY, APRIL 15, 1983, TO FILE REPORT ON H.R. 1010, COAL SLURRY PIPELINE ACT

Mr. SEIBERLING. Madam Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs may have until 5 p.m. Friday, April 15, 1983, to file a report on H.R. 1010, the Coal Slurry Pipeline Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

□ 1800

JEWISH HERITAGE WEEK

Mr. GARCIA. Madam Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 80) to authorize and request the President to issue a proclamation designating April 17 through April 24, 1983, as "Jewish Heritage Week," and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. COURTER. Madam Speaker, reserving the right to object and I do not object, I rise in support of House Joint Resolution 80, designating the week of April 17-24, 1983, as "Jewish Heritage Week."

For the Jewish community the month of April is most significant. The Jewish calendar contains such major events as Passover, the anniversary of the Warsaw ghetto uprising, Israeli Independence Day, and others.

As Americans we can be proud of the diverse culture we all share in our country today. The cultural heritage all Americans have experienced resulted from the rich ideals by people of many races and religions. I feel it is good not only to recognize the events which occur in the month of April, but also to bring them to the attention of the young men and women of our great Nation. Throughout our Nation's history, the Jewish community has contributed to every facet of American life.

By celebrating Jewish Heritage Week we are encouraging the exploration and appreciation of the culture, history, and tradition of the Jewish community, especially as they relate to the history and philosophy of our own country.

It is therefore fitting and appropriate that the week of April 17-24, 1983, be designated as "Jewish Heritage Week." The Jewish people as all Americans, cherish their tradition and culture which reaches back to the dawn of civilization. I urge my colleagues to approve this resolution and recognize publicly the major role the Jewish people have played in contributing to our American heritage.

Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 80

Whereas the Congress recognizes that an understanding of the heritage of all Ameri-

can ethnic groups contributes to the unity of our country; and

Whereas intergroup understanding can be further fostered through an appreciation of the culture, history, and traditions of the Jewish community and the contributions of Jews to our country and society; and

Whereas the months of March, April, and May contain events of major significance in the Jewish calendar—Passover, the anniversary of the Warsaw Ghetto Uprising, Israeli Independence Day, Solidarity Sunday for Soviet Jewry, and Jerusalem Day: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating April 17 through April 24, 1983, as "Jewish Heritage Week" and calling upon the people of the United States, State and local government agencies, and interested organizations to observe that week with appropriate ceremonies, activities, and programs.

Mr. GARCIA. Madam Speaker, House Joint Resolution 80 designates April 17-24, 1983, as "Jewish Heritage Week." The Congress recognizes that an understanding of the heritage of all American ethnic groups contributes to the unity of our country. Intergroup understanding can be further fostered through an appreciation of the culture, history, and traditions of the Jewish community and the contributions of Jews to our country and society.

● Mr. ADDABBO. Madam Speaker, I urge my colleague to demonstrate their support for House Joint Resolution 80, which calls upon the President to proclaim the week of April 17 to be "Jewish Heritage Week." I thank my many cosponsors who have already indicated their support for this attempt to bolster intergroup understanding.

Jewish Heritage Week heightens our awareness and appreciation of Jewish history and culture and notes the innumerable contributions those of Jewish heritage have made to our society and country.

The celebration of Jewish Heritage Week falls at a particularly appropriate time. The holiday of Passover was recently observed. Thousands are visiting Washington for the Holocaust remembrance. April also marks the anniversary of the Warsaw ghetto uprising. Israeli Independence Day, and Solidarity Sunday for Soviet Jewry fall shortly thereafter.

Jewish Heritage Week is observed with a series of educational events which help us explore the universal significance of these days. It is my hope that national acknowledgment of this week will spark local groups to sponsor programs to reflect upon the plight of Jews all over the world, examine the significance of events which are crucial to the Jewish community and to understand how our past influences our future.

Jewish Heritage Week broadens our awareness of people who are being denied freedoms which we take for granted, shows us the courage we must demonstrate to keep the past from repeating itself and the moral strength that men must exhibit to better understand each other.

America is a nation of immigrants. Understanding the similarities between our various heritages unifies us. If we examine what the Jews have endured to survive, and the struggles they have made to maintain the culture and traditions, we will all benefit from the story of their extreme perseverance and devotion to their faith. The Jews' story inspires and instills us with hope.

The American Gathering of Holocaust Survivors, being held in Washington this week, illustrates this point. These Americans have endured horrors beyond our imagination. Yet, they retain their religious conviction and their will to live. Today, these people contribute greatly to our moral and intellectual wealth. They have taken upon themselves an enormous responsibility to educate us about their past, to remind us of the overwhelming presence of evil so that we may learn from their pain and be protected from enduring this tragedy again.

By joining with those who care enough to remember we contribute to the cause of human freedom and human rights. Let us continue to promote objectives which support the hopes and aspirations of mankind.●

● Mr. GILMAN. Madam Speaker, I rise in strong support of Jewish Heritage Week, so designated in House Joint Resoultion 80 as April 17-24, 1983. It is of great importance that this measure be passed, as it is during the month of April that there are so many significant days relating to the Jewish culture.

The yearly feast of Passover, celebrating the liberation of Jews from slavery in Egypt to their ultimate deliverance to the Holy Land is one of the most important events celebrated. It is time for spiritual renewal, as Jews throughout the world proclaim with one voice—"Next Year in Jerusalem."

There are other momentous occasions during this period, including the 40th anniversary of the Warsaw ghetto uprising, in which brave men and women fought off their Nazi oppressors for days upon days, engraving their courageous deeds and determination in that sad chapter of world history. With only primitive means to defend themselves, living in the sewers of Warsaw, these valiant fighters embodied the spirit of freedom, battling to their last breath, to the last man.

We have welcomed to our Nation's Capital this week the American Gathering of Jewish Holocaust Surviviors—a monumental gathering of 15,000 men and women recalling their tortured past, and reminding us with their presence here that we must maintain a constant vigil against bigotry, predudice, and discrimination.

And during this week, these important events lead to still others. Israeli Independence Day, a joyous occasion, commemorates world recognition of Israel's right to exist, and its establishment as a national homeland for every Jew. Solidarity Sunday, which is also commemorated during this period, reminds us of our deep abiding respect for human rights and our support for the freedom of Soviet Jewry.

Madam Speaker, Jewish Heritage Week declares these events worthy of our consideration, and of national recognition.●

● Mr. COURTER. Madam Speaker, I rise in support of Senate Joint Resolution 49, a resolution to designate the week April 10-16, 1983, as "a week of rememberance for the 40th anniversary of the Warsaw ghetto uprising."

The history of World War II is filled with stories of courage. However, that of the Polish Jews who courageously rebelled against their Nazi oppressors in my mind stands out as one story of a people's fight for not only their honor but for their freedom and dignity.

The struggle of these valiant Jewish fighters, perhaps one of the most moving stories to come out of World War II, should remain an inspiration to us all. The right to freely practice one's religion and the right to freely emigrate are granted to all Americans but denied to so many, including Soviet Jews. So in commemorating the Warsaw ghetto uprising, we remember that we Americans must continue to work on behalf of all who are oppressed or imprisoned. By their strength and faith, the Jews of the Warsaw ghetto have become, in my opinion, symbols for their time and for ours.

Therefore, I urge my colleagues today, 40 years after the Warsaw ghetto uprising, that we prove we are truly willing to dedicate ourselves to the prevention of another holocaust by passing this joint resolution.●

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL MENTAL HEALTH WEEK

Mr. GARCIA. Madam Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 52) to authorize and requests the President to designate the week of April 10, 1983, through April 16, 1983, as "National Mental Health Week," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. COURTER. Madam Speaker, reserving the right to object, I rise in support of Senate Joint Resolution 52 which authorizes and requests the President to designate the week of April 10, 1983, through April 16, 1983, as "National Mental Health Week."

It is unfortunate that in today's society mental illness continues to be feared and misunderstood in our Nation. What most Americans do not understand is that mental illness is a very treatable disorder. Treatment and research are spread among a wide group of professionals including psychiatrists, psychologists, social workers, nurses, physical and occupational therapists, and health counselors. These dedicated professionals, through their collective research and efforts have allowed millions of Americans to return to meaningful and productive lives.

I feel that it is our duty and obligation to bring to the attention of the American people the misconceptions of mental illness and to also recognize the outstanding accomplishments of the dedicated professionals who strive through research and treatment to combat mental disorders in our society.

Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 52

Whereas the cost of excessive stress and mental disorders to our Nation is estimated to be $65,000,000,000 annually;

Whereas in one out of every three American families there is a member with some type of mental illness and 20 per centum of our population is in need of some form of mental health treatment at any one time;

Whereas more than 25 per centum of all elderly persons mistakenly judged to be senile have a treatable mental disorder, and 80 per centum of all diseases are psychosomatic or stress related and accouint for a large majority of all hospital admissions;

Whereas persons with mental illness have been shown to be excessive users of unnecessary medical and surgical services, and mental health treatment provides an effective cost-containment tool by reducing these more costly and unnecessary services;

Whereas mental illness is a treatable disability, with nearly two-thirds of all mentally ill patients showing significant signs of improvement or recovery after treatment; and

Whereas it is fitting that the support and treatment provided the mentally disabled by family members, volunteers, and qualified health professionals be recognized, encouraged, and honored: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the week of April 10, 1983, through April 16, 1983, as "National Mental Health Week", and calling upon the people of the United States to observe the week with appropriate programs, ceremonies, and activities.

Mr. GARCIA. Madam Speaker, Senate Joint Resolution 52 designates the week of April 10 to April 16 as "National Mental Health Week." In one out of every three American families, there is a member with some type of mental illness and 20 percent of our population is in need of some form of mental health treatment at any one time. Mental illness is a treatable disability, with nearly two-thirds of all mentally ill patients showing significant signs of improvement or recovery after treatment. It is fitting that the support and treatment provided the mentally disabled by family members, volunteers, and qualified health professionals be recognized, encouraged, and honored.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL PHYSICAL FITNESS AND SPORTS MONTH

Mr. GARCIA. Madam Speaker, I ask unanimous consent that the Post Office and Civil Service Committee be discharged from further consideration of the Senate joint resolution (S.J. Res. 53) to authorize and request the President to designate the month of May 1983 as "National Physical Fitness and Sports Month," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. COURTER. Madam Speaker, reserving the right to object, and I do not object, I would like to let the Members of the minority know that we have no objection to the resolution. It is a valuable resolution, making May 1983 "National Physical Fitness and Sports Month."

Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 53

Whereas one of every two adults in our country is a regular participant in exercise and sports;

Whereas the number of physically active men and women has doubled in ten years and continues to grow rapidly;

Whereas today we recognize that physical activity is an important part of daily life for people of both sexes and of all ages;

Whereas physical activity is vital to good health and is a rich source of pleasure and personal satisfaction;

Whereas our physical fitness and sports programs are one of the primary means by which we strengthen our bodies and refresh our spirits; and

Whereas it is essential that we make fitness and sports programs increasingly available so that all of our citizens will be able to experience the joys and benefits they offer: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the month of May 1983 as "National Physical Fitness and Sports Month", and to call upon Federal, State, and local government agencies, and the people of the United States to observe the month with appropriate programs, ceremonies, and activities.

Mr. GARCIA. Madam Speaker, the number of physically active men and women has doubled in 10 years and continues to grow rapidly. Today we recognize that physical activity is an important part of daily life for people of both sexes and of all ages. Physical activity is vital to good health and is a rich source of pleasure and personal satisfaction. It is essential that we make fitness and sports programs increasingly available so that all of our citizens will be able to experience the joys and benefits they offer.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GARCIA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the joint resolutions just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 850

Mr. BROWN of California. Madam Speaker, I ask unanimous consent to remove my name from cosponsorship of H.R. 850, the National Health Care Reform Act of 1983.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

LEGISLATION PROVIDING FUNDS FOR VICTIMS OF CRIME

(Mr. RUSSO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUSSO. Mr. Speaker, National Victim Rights Week, April 17-23, deserves more than rhetoric bemoaning the plight of the forgotten participants in our criminal justice system. It calls for more than our sympathetic words of support for those most abused by the system. Words come easy, and victims have heard plenty of those. What must come now is action. Crime victims deserve our empathy, respect, and tangible assistance.

Today I am reintroducing legislation that will—with no new appropriations or taxes required—provide funds for victims of crime compensation program. The bill would amend the Internal Revenue Code to provide for the transfer of the revenues generated by the existing 10 percent handgun excise tax from the Pittman-Robertson Fund, which is now used for hunter and wildlife management programs, to a trust fund for victims of crime.

I am pleased that since my original introduction of this bill last year, it has received such favorable attention and support. The Association of Attorneys General adopted a supporting resolution at their annual meeting last July. The Washington Post recently endorsed it editorially and just 3 months ago the President's Task Force on Victims of Crime in its final report recommended a compensation program funded in part by the handgun excise tax. The report states that there is little if any relationship between handguns and hunting or wildlife activity but that there is a substantial relationship between handguns and the commission of violent crime. It goes on to suggest that Congress reevaluate its priorities with regard to the use of the Pittman-Robertson funds. I agree.

Pittman-Robertson was established in the late 1930's and was funded until 1971 by excise taxes on rifles, shotguns, and ammunition. In that year, handguns and archery equipment were added. The 75-25 matching grant program with the States, funds, mainly, four areas of activity: Buying wildlife habitat lands, managing existing wildlife habitat, building and maintaining target shooting ranges, and hunter safety training courses. In 1982 $110 million was collected under this program with more than $30 million coming from the handgun tax.

I have no quarrel with the existence of the Pittman-Robertson Fund and many of the programs it supports. However, I do not feel that given the economic difficulties we are now experiencing, with severe reductions being implemented throughout the budget, that one of the Federal Government's concerns need be the construction, operation, and maintenance of public target ranges, for example, and States may now use up to 75 percent of their funds for the ranges as well as hunter safety training programs. Nor do I think that burning U.S. forest lands to provide habitat for elk to the tune of $50,000 is a priority item. I believe that we should leave the bulk of the funds for Pittman-Robertson programs in place, which amounts to some 75 percent of the current funding level, but that we should transfer the revenue raised from the tax on handguns to serve a more significant need—providing compensation for the victims of crime.

Every 24 seconds a person in the United States is a victim of a violent crime. More than 350,000 victims of rape, robbery, and aggravated assault suffer gunshot wounds. It is hard to overestimate the fear of crime in America or calculate the real costs in terms of physical and emotional suffering. And the sad fact is that, after the crime, the citizen may be victimized further by our criminal justice system. Our treatment of victims is often a mockery of justice. We make no meaningful provision for their time, their protection, or their compensation, despite the fact that the success of our criminal justice system depends on the willing and patient participation of those victimized. We ask these citizens to endure the inconvenience and the further disruption of their lives that a lengthy investigation and trial inevitably entails and leave them alone to bear the cost and trauma of the crime itself.

It is not surprising that many individuals choose not to actively participate in the effort to apprehend those who have victimized them. Thus, contained in a compensation program would be a requirement that victims assist the relevant law enforcement agencies in their attempt to arrest the criminal. In reality, then, we would be strengthening our criminal justice system as well as helping the victim by establishing a victim compensation program.

In recent years, Congress has moved closer to establishing a Federal program to compensate victims of crime, the kind of program that is already on the books in most of the world's industrialized countries and that 30 States have already established. A major hurdle has been the issue of cost and funding and this is the problem my bill addresses.

The $30 million from the handgun tax represents more than the amount needed for the program. The Congressional Budget Office estimate for the victims compensation legislation that has been recommended by the full House Judiciary Committee in the past concluded that the Federal cost of such a program in the first 2 years would be $16 million and $22 million respectively. I would also like to point out that this would not become a runaway entitlement program since any legislation passed spelling out the specifics of a compensation program would require that the Congress authorize and appropriate a fixed sum of moneys, with appropriate ceilings.

This legislation, then, responds to an urgent, national problem—violent crime in America and the tens of thousands of Americans who are victimized by such crimes each year. The need is there, the money is there. It is critically important that we finally provide a measure of justice and financial help to America's crime victims.

AMENDMENTS TO NATURAL GAS POLICY ACT

(Mr. SLATTERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SLATTERY. Madam Speaker, since my election to Congress, I have studied natural gas policy in an effort to develop a legislative solution that would do two things: protect consumers from sharp price increases while encouraging the further development of adequate supplies. Today, I am joining my colleague Mr. COATS to introduce legislation which I believe can meet both goals.

The bill would protect consumers because it continues price controls on old gas. Proposals to lift controls from old gas should be opposed because they would create abrupt price increases for many residential consumers.

The legislation would also modify take-or-pay contracts by allowing both parties to market out of the contracts, and limit the amount of "take" requirements to 50 percent. These changes in take-or-pay contracts would help reduce the price that many consumers are currently paying. Consumers would be further protected by the bill's repeal of "automatic pass-through" provisions which allow pipelines to pass on higher costs. The Federal Energy Regulatory Commission would be required under the bill to develop prudent standards before higher costs could be passed along.

The bill also provides that gas discovered after passage of the act would be decontrolled, and that new gas subject to take-or-pay contracts since 1978 would be decontrolled upon renegotiation of the contract.

At this time, I wish to insert in the RECORD a section-by-section analysis of this legislation and a side-by-side comparison of my bill and the other major pieces of reform legislation dealing with natural gas.

HIGHLIGHTS OF THE NATURAL GAS POLICY ACT REFORM AMENDMENTS OF 1983

OVERVIEW

Provides immediate price relief for gas consumers by: (1) creating a market-out authority in contracts governing currently deregulated gas and other relatively expensive sources of natural gas; and (2) reducing pipeline take-or-pay obligations to 50% of deliverability for a period of three years.

Present a major "fly up" of wellhead prices in 1985 by banning "favored nation" escalator provisions in current and future gas purchase contracts.

Provides additional future protection for gas consumers by expanding pipeline accountability through a new "prudence" standard for review of pipeline gas purchase practices. Also mandates FERC review of existing pipeline rate design.

Repeals artificial restrictions on natural gas marketing: i.e., incremental pricing and the energy use restrictions of the Fuel Use Act. This gives local gas companies a chance to pursue reducing gas utility bills by spreading fixed system costs over a broader base of volumes sold.

Requires the Secretary of Energy to report to Congress—within 120 days—on possible measures to make imported gas contracts more responsive to domestic gas markets.

Takes a balanced approach by focusing on gas contract problems and pipeline accountability while avoiding the extremes of either: (1) reimposing price controls on natural gas; or (2) mandating decontrol of old interestate gas.

HIGHLIGHTS OF SPECIFIC PROVISIONS

Market-out authority (Section 202(b)) can be exercised once per contract by either the purchaser or the producer during a period of one year from the date of enactment. This authority applies only to: (1) currently deregulated gas; (2) most of the gas slated for future decontrol under the NGPA; and (3) certain gas sources which are permanently controlled at high price ceilings (including new offshore gas from old leases and tight sands gas). If market-out authority is exercised, the purchaser has a right of first refusal and pipeline purchasers have an obligation to transport "marketed out" gas on behalf of any new purchaser.

Take-or-pay requirements (Section 202(b)) are reduced to 50 percent of deliverability during a three-year period which begins immediately after enactment. Casinghead natural gas (i.e., gas produced in conjunction with oil) is automatically excluded from this policy—as is stripper well gas. In addition, FERC can restore the original take-or-pay requirements (in whole or in part) where this is necessary to prevent drainage, reservoir damage, and/or severe and irreparable financial injury. FERC is also authorized to adjust distributor minimum bill requirements, as well as pipeline-to-pipeline minimum bill requirements, in order to take into account the reduced "takes" under contracts between pipelines and producers.

"Favored nation" provisions (Section 202(b)) are banned in both current and future gas purchase contracts. These provisions—which permit gas contracts to automatically "track" the highest prices paid under other gas contracts—are inherently anti-competitive and account for the vast majority of the anticipated post-decontrol "fly up" of wellhead prices in 1985. In addition, producers, are barred from charging for gas which is never taken. The bill stops short of a ban on all indefinite escalator clauses because: (1) "favored nation" clauses constitute the bulk of the escalator clause problem; and (2) denying gas producers any automatic price adjustments over the life of a gas contract would generate pressure for very high fixed price contracts, or for contracts of very short duration, or both.

Pipeline accountability (Section 203) is assured by two new policies. First, the current NGPA standards for FERC review of pipeline passthrough are largely replaced by a new "prudence" standard which blocks passthrough of costs resulting from imprudent pipeline gas purchase practices. While this new standard does not indirectly re-establish price controls at the wellhead, it does require the FERC to set forth clear guidelines to assure prudent pipeline purchase practices in the future. Second, the FERC is directed to review current pipeline rate design—and, where appropriate, to revise it for individual pipelines—in order to ensure that interstate pipeline rates are sensitive to end use market, supply and demand conditions.

Artificial restrictions on gas demand are removed through repeal of the energy use restrictions in the Fuel Use Act (Sections 401 and 402) and repeal of incremental pricing (Section 403). These policies restrict the gas industry's opportunities to pursue lower gas utility bills by spreading fixed system costs over a larger base of volumes sold. In the case of Fuel Use Act, the new power plant ban is retained but a new exemption is created for the "select use" of gas in conjunction with coal, for purposes of environmental compliance.

"New new" gas is decontrolled immediately (Section 204). As an incentive for renegotiation, gas from certain sources is decontrolled where renegotiation occurs and the parties agree to decontrol. In addition, the NGPA authority to reimpose price controls is repealed (Section 205).

Natural gas imports (Section 301) are addressed by directing the Secretary of Energy, in consultation with the Secretary of State, to review current prices and terms in contracts governing the importation of natural gas. The Secretary is directed to report to Congress—within 120 days—on what actions (if any) are necessary to alter gas import policy in light of the foreign policy, foreign trade, gas supply security and consumer protection objectives of the United States.

SECTION-BY-SECTION ANALYSIS OF THE NATURAL GAS POLICY ACT REFORM AMENDMENTS OF 1983

Section 101 sets forth findings of Congress. These findings include recognition of the vital role played by natural gas in the stream of interstate commerce; a conclusion that, despite the current existence of a natural gas surplus, natural gas prices are continuing to rise because wellhead prices (and other gas contract provisions) are not sufficiently responsive to market forces; and a further conclusion that legislative action is urgently needed to protect gas consumers by restoring the integrity of market forces.

Section 102 sets forth the purposes of the Natural Gas Policy Act Reform Amendments of 1983 (hereafter "NGPA Reform Amendments"). These purposes include the establishment of mechanisms for an orderly transition to deregulation of wellhead prices (within the general framework of the present NGPA decontrol schedule); the strengthening of pipeline accountability standards for future gas purchase contracts; the correction of certain gas purchase contract provisions which, by inhibiting the free flow of market signals between gas consumers and gas producers, are subjecting gas consumers to unnecessary price increases; the establishment of market-out authority, in certain gas purchase contracts, that will permit price adjustments in response to current market conditions; the accomplishment of the above-stated objectives in a manner which assures gas supply security for both interstate and intrastate gas markets; and the exercise of Congressional authority to regulate commerce in the public interest.

Section 201 adds four new statutory definitions to the end of NGPA Section 2.

A "favored nation provision" is defined as a gas purchase contract provision which sets the wellhead price by "tracking" prices paid under another gas purchase contract or under a specified number of other gas purchase contracts. (New NGPA Section 2(38)). Such contract provisions, which are banned under Section 202(b) of the NGPA Reform Amendments, generally "track" the highest prices paid for gas in a given producing area: a practice which, in addition to being inherently anti-competitive, insulates numerous gas purchase contracts from the market forces reflected in average field prices.

"Market-out authority" is defined as the authority of a party, in its sole discretion, to elect to terminate a gas purchase contract with respect to all—or any portion—of the gas volumes governed by the contract. (New NGPA Section 2(39)). Section 202(b) of the NGPA Reform Amendments establishes such market-out authority, subject to certain conditions, in the case of contracts governing certain relatively expensive NGPA categories of natural gas. It is intended that this new market-out authority would be an addition to—not a substitute for—market-out provisions that are already contained in certain existing gas purchase contracts.

"Take-or-pay requirements" are defined as gas purchase contract provisions which obligate the purchaser to take delivery of natural gas, or to pay for natural gas not taken. (New NGPA Section 2(40)). This definition, which is needed to guide implementation of the take-or-pay obligation reductions in Section 202(b) of the NGPA Reform Amendments, applies whether the take-or-pay obligation is based on deliverability or otherwise.

"Deliverability" is defined as whatever definition of "deliverability" is specifically set forth in a given gas purchase contract. (New NGPA Section 2(44)). Where the contract does not provide a definition of deliverability (or does not base take-or-pay obligations upon deliverability), the definition of deliverability shall be determined through a reasonable interpretation of the language of the contract or—if this is not possible—deliverability shall be determined by testing the affected well(s) in accordance with appropriate State or Federal well testing procedures.

Section 202(a) amends Section 311(a) of the NGPA. The amendment provides that, in the case of certain interstate pipeline transportation arrangements under NGPA Section 311(a), the FERC shall establish an incentive rate. (This incentive rate is designed to encourage voluntary interstate pipeline participation in such arrangements.) The incentive rate must be established by the FERC within 90 days of the date of enactment. Any resulting pipeline revenues must be flowed back to the pipeline's local distribution company customers to the extent that they exceed the sum of

the incentive component and those pipeline costs which would not have been incurred in the absence of the transportation agreement.

In the case of intrastate pipeline transactions under NGPA Section 311(a), no incentive rate is specified. This is a deliberate attempt to leave the FERC with the Flexibility to take the special circumstances of the intrastate market into account. However, since the text of NGPA Section 311(a) already provides that the FERC's rates for Section 311(b) transportation by intrastate pipelines must be comparable to the rates for Section 311(a) transportation by interstate pipelines, the result of the FERC's deliberations should be comparable compensation for both sets of pipelines.

Section 202(b) creates a new Section 316 of the NGPA. This new NGPA Section 316 embodies several decisive measures to resolve market distortions caused by the provisions of numerous existing gas purchase contracts.

"Favored nation" provisions, as defined in the new NGPA Section 2(38), are banned in all existing and future gas purchase contracts.

"Favored nation" provisions, as defined in the new NGPA Section 2(38), are banned in all existing and future gas purchase contracts. (New NGPA Section 316(a)).

Currently, many observers anticipate that—as a result of the operation of indefinite escalator clauses—NGPA decontrol will trigger a substantial surge in average wellhead prices in 1985. The vast majority of this anticipated price surge, however, is attributable to "favored nation" provisions; thus, the single action of banning such contract clauses will prevent a major "fly up" of wellhead prices in 1985. in addition, those indefinite escalator clauses which are not banned by the new NGPA Section 316(a) can be reached through use of the market-out authority provided in new NGPA Section 316(c) and resulting renegotiations or new contracts.

It might be asked why "favored nation" provisions are banned permanently—when a ban limited to existing contracts would be sufficient to prevent a large "fly up" of wellhead prices in 1985. The answer is that such provisions are inherently anti-competitive and, by "tracking" the highest prices paid in a given producing area, greatly insulate producers from the market forces reflected in more typical field prices. Such clauses simply have no place in the competitive wellhead market toward which the gas industry is attempting to move.

Conversely, it might be asked why—if "favored nation" provisions should be permanently banned—all indefinite escalator clauses should not be permanently banned. Apart from the previously mentioned evidence that a broader ban is not needed to prevent a major "fly up" of wellhead prices in 1985, there is another reason why the NGPA Reform Amendments does not ban all indefinite escalator clauses. That is, if the industry is to continue to have gas purchase contracts of relatively long duration—which, in light of the supply security needs of gas consumers, is a practice that serves the public interest—then producers need the assurance that they will have some automatic price adjustments over the life of such long-term contracts. If all such automatic price adjustments are prohibited by law, then pressures will build for contracts of much shorter duration, or contracts with very high fixed prices, or both. The NGPA Reform Amendments avoids such adverse developments by limiting its ban to a type of escalator clause which ties gas prices to a clearly unreasonable index factor—i.e., the highest prices paid in a given producing area—while preserving needed flexibility for the contracting parties to agree to automatic price adjustments based on more reasonable factors. However, the effect of such alternative escalator clauses would be limited strictly to the contracting parties and the contract involved, and would have no effect on any third parties or their contracts.

A ban is imposed on contract provisions which operate to prevent adequate makeup of gas volumes which are paid for but not taken. (New NGPA Section 316(b)). This provision is designed to deal with those contracts which fail to provide a sufficiently long makeup period for untaken gas volumes. By rendering unenforceable any contractual barriers to adequate makeup of untaken gas volumes, this provision would end those absolutely unacceptable situations in which gas consumers make payments (through their gas utility bills) for gas volumes which are never taken. The provision would effectively operate to extend makeup periods, beyond the maximum time frame established in the contract, where such an extension of the makeup period is necessary to assure full delivery of gas volumes for which payment has previously been made. Where makeup in kind is not feasible (due, for example, to depletion of a well or field), makeup in cash—or, if agreed upon by the parties, in mutually acceptable cash equivalent—is permitted.

New NGPA Section 316(c) vests a market-out authority—as defined in new NGPA Section 2(39)—in both parties to gas purchase contracts governing certain specified NGPA categories of natural gas. (Contractual barriers to the exercise of this market-out authority would be rendered unenforceable.) This market-out authority does not displace any existing market-out provisions that may already be present in some of the affected contracts.

Exercise of market-out authority, pursuant to the new NGPA Section 316(c), is subject to certain explicit conditions.

1. The market-out authority extends only to existing contracts governing certain specified NGPA categories of natural gas. (New NGPA Section 316(c)(11). These categories are: a) currently decontrolled gas (primarily deep gas under NGPA Section 107); b) gas scheduled for future decontrol under the NGPA (except old intrastate gas under NGPA Section 105); and c) certain gas which is permanently price-controlled at a relatively high price level (i.e., NGPA Section 102(d) new gas from old offshore leases; plus tight sands gas and other gas which receives a special incentive price ceiling under NGPA Section 107(c)(5)).

The basic intent of this policy is to limit the market-out authority to those contracts which are causing current problems for gas consumers: i.e., contracts for gas which is—or, following decontrol, is likely to be—priced above the level that the market would otherwise set for it during a time of gas surplus. Old intrastate gas (under NGPA Section 105) has been excluded due to legal uncertainties regarding which specific volumes of old intrastate gas will actually be decontrolled in 1985.

The new NGPA Section 316(c)(1) also provides that, where the same contract governs more than one NGPA gas category, the contract will—for purposes of implementing this subsection—be treated as separate contracts for each of the gas categories involved.

2. Any market-out authority exercised under the new NGPA Section 316(c) may be exercised only once per contract—and, in addition, may be exercised only during a one-year period which begins on the date of enactment of the NGPA Reform Amendments. (New NGPA Section 316(c)(1)). This condition was set because a permanent market-out authority would create contracts which were interruptible at any time: in effect, day-to-day contracts. Such a development would create deleterious uncertainty for producers and purchasers alike. In addition, it would probably increase gas utility bills, since (under short-term or day-to-day contracts) pipelines would have to pay higher financing charges for hookups to new gas sources (where they could obtain financing at all) in order to compensate for the higher risk of wasted investment due to disruption of the contract.

3. "Warranty contracts" (as defined in the new NGPA Section 316(c)(2)) would be excluded from the market-out authority. This exclusion is based on a determination that such contarcts—by providing an absolute guarantee of secure gas supplies at an agreed upon price—clearly serve the public interest.

4. The terminating party must give at least 45 days of notice prior to contract dissolution. (New NGPA Section 316(c)(3)). This notice must be in writing.

5. If—following the exercise of market-out authority pursuant to this subsection—the seller finds an alternative purchaser, the seller must offer to the original purchaser a right of first refusal. (New NGPA Section 316(c)(4)). this right of first refusal, which must be exercised within 30 days, would give the original purchaser the right to retain the "marketed out" gas by matching the alternative purchaser on price and agreeing to other terms which are comparable to those offered by the alternative purchaser.

6. If an original purchaser declines a right of first refusal for "marketed out" gas, the original purchaser would have both the right and the obligation to transport such "marketed out" gas. (New NGPA Section 316(c)(5)). This transportation obligation would be subject to several conditions, however—including stipulations that the purchaser could not be forced to build new facilities, that the purchaser's ability to serve its other customers would not be impaired, that the original purchaser's obligation would extend only to the remaining duration of the original contract, and that no connecting pipelines or distributors could be compelled to share the transportation obligation.

In addition, in the case of transportation by interstate pipelines, the FERC would be empowered to terminate a transportation arrangement for "marketed out" gas if the FERC determines—upon its own motion or the motion if any affected interested person (including any distributor served by the original purchaser)—that the arrangement would bypass or disrupt the exising regulated transmission and distribution system in a manner which is ultimately detrimental to existing system customers, would violate the applicable statutory conditions, or would be otherwise contrary to the public interest. In order to provide local distribution companies and other directly affected parties a full opportunity to seek termination motions when they consider such action appropriate, the new NGPA Section 316(c)(5)(iv) provides for Federal Register notice of all pending interstate pipeline transportation arrangements for "marketed out" gas—but,

in order to promote a climate of regulatory certainty for parties to such transportation arrangements, the same statutory provision also provides that any motion for termination of a transportation arrangement must be filed within 30 days of the date that notice is published in the Federal Register.

7. The new NGPA Section 316(c)(6) addresses the rates for transportation of "marketed out" gas. For interstate pipelines, the transportation rate would be: a) that agreed upon between the parties; or b) the incentive rate established by the FERC, under the new NGPA Section 311(a)(1)(c), for certain interstate pipeline transportation agreements. For intrastate pipelines, the rate would be: a) that agreed upon between the parties; or b) if applicable, whatever incentive rate or other rate may be established by the appropriate State regulatory authority.

Take-or-pay requirements are addressed in a new NGPA Section 316(d). During a 3-year period which begins on the date of enactment of the NGPA Reform Amendments, existing contract provisions would be rendered unenforceable to the extent that they would prevent purchasers from reducing take-or-pay requirements to 50% of deliverability (as deliverability is defined in the new NGPA Section 2(41)). Casinghead natural gas (i.e., gas produced in conjunction with oil)—as well as NGPA Section 108 stripper well gas—would be excluded from the new policy; where a contract governs both Section 108 gas and one or more other NGPA pricing categories, the contract would be treated as two separate contracts for purposes of this subsection.

In addition, the FERC would be authorized to waive the policy (in whole or in part) to the extent it determines that such action is necessary to prevent drainage, reservoir damage and/or severe and irreparable financial injury. Also, to the extent that the new policy reduces the volumes of gas taken by an interstate pipeline, the FERC would be directed to make downward adjustments in "take" obligations under both pipeline-to-pipeline and pipeline-to-distributor contracts.

It is anticipated that the new NGPA Section 316(d) would permit pipelines to alter their mix of gas supplies in a manner which reduces average gas acquisition costs and thereby provides relatively immediate price relief for gas consumers.

Existing contract provisions would, under new NGPA Section 316(e), be rendered unenforceable to the extent that they would preclude (or terminate the contract in the event of) actions taken pursuant to the new NGPA Section 316. This provision assures that existing contract provisions will not operate to frustrate the ban on "favored nation" provisions; the ban on blockage of adequate makeup for gas volumes which are paid for but not taken; the new market-out authority; or the 3-year reduction of take-or-pay requirements to 50% of deliverability.

Section 203(a) amends NGPA Section 601(c) in order to establish a new "prudence" standard for passthrough of gas acquisition costs by interstate pipelines. Under the present version of NGPA Section 601(c), interstate pipelines can automatically pass on to gas consumers any gas acquisition costs which are not attributable to "fraud, abuse or similar grounds". The meaning of "abuse" is the subject of great uncertainty, but it is widely (although not universally) agreed that this "fraud and abuse" standard permits the FERC to block passthrough only when misrepresentation or illicit activity is involved. Section 203(a)—operating in conjunction with Section 203(b)—replaces the apparently narrow, somewhat unclear "abuse" portion of the current standard (which lacks a legal history that pipelines can use for guidance) with a more definite standard of pipeline accountability based on prudence, "fraud and similar grounds".

The "prudence" standard would enable the FERC to review—and, where appropriate, correct—those interstate pipeline gas purchase practices which are not tinged with misrepresentation (or other illicit activity) but which do fall clearly beyond the bounds of responsible business behavior. The "prudence" standard is not intended to grant the FERC authority for indirect reimposition of price controls at the wellhead; in fact, the new NGPA Section 316(c)(3)—by barring the FERC from considering costs of gas production in its formulation and application of a "prudence" standard—specifically puts the Commission on notice that a return to wellhead price controls, based on the Natural Gas Act or any other standard, is not intended. Rather, the "prudence" standard is designed to protect gas consumers when and if interstate pipelines violate "common sense" in their gas purchase practices.

Such protection for gas consumers is not fully assured by present law.

Under the new NGPA Section 316(c)(3), the FERC would be directed to act expeditiously in setting forth specific aspects of the new "prudence" standard. Within 120 days of the date of enactment of the NGPA Reform Amendments, the FERC would be required to issue a rule to establish explicit components of the "prudence" standard. This rule "shall prescribe standards sufficiently specific to permit interstate pipelines to make reasonable judgments as to the applicability of such standards to their individual gas purchase practices." It is the intent of this provision that interstate pipelines should be given clear notice of what "the rules of the game" are—and should then be held accountable for any deviations from these rules that cannot be effectively defended during the FERC's review process. (As noted earlier, however, the "rules of the game" may not include standards which effectively reimpose wellhead price controls.)

The "prudence" standard would apply to gas purchase practices involving all gas purchase contracts—whether entered into before, on, or after the date of enactment of the NGPA Reform Amendments. However, the type of application would vary on the basis of whether or not a gas purchase contract predates issuance of the "prudence" standard rule required by the new NGPA Section 316(c)(3).

In the case of gas purchase practices involving contracts entered into on or before the date on which the "rules of the game" are made explicit in the FERC's "prudence" standard rule, the new NGPA Section 316(c)(5) provides that any corrective actions by the FERC would be prospective. That is, effective on the date that a pipeline's gas purchase practice is found imprudent by the FERC, the pipeline would be required to "cease and desist" from making any further payments on the basis of the "imprudent" practice; contract provisions which would otherwise operate to prevent pipeline compliance with this directive would be rendered unenforceable.

In the case of gas purchase practices involving contracts entered into (or renegotiated) after the date on which the FERC's "prudence" standard rule is issued, the interstate pipeline could be denied passthrough of amounts already paid—that is, could be forced to absorb from its own funds the costs incurred—if a gas purchase practice is found to be "imprudent" in light of the explicit components of the "prudence" standard rule.

The basis for this bifurcated application of the "prudence" standard is the view that interstate pipelines should receive different treatment once they have been put on clear notice of explicit parameters of behavior, beyond which they must justify their actions before the FERC.

Section 203(a) also creates a new NGPA Section 316(d). This provision directs the FERC to formulate, as expeditiously as practical, a general Statement of Policy which sets forth rate design principles aimed at ensuring that interstate pipeline rates "are sensitive to end use market, supply and demand conditions". These general rate design principles would then be applied to individual pipelines—to the extent that the FERC determines appropriate—in ratemaking proceedings under Section 5 of the Natural Gas Act. It is intended that the FERC should apply these principles flexibly and should carefully consider both the long-term and short-term outlook for gas supply, gas demand and burner tip markets on individual pipeline systems.

Section 202(b) deletes the word "abuse" from the current pipeline passthrough standard in NGPA Section 601(c). This replaces the "abuse" standard with the "prudence" standard—while leaving intact the FERC's present NGPA Section 601(c) authority to block passthrough on the basis of fraud or similar illicit activity.

Section 204(a) amends NGPA Section 121 in order to create a supplement to the otherwise applicable timing and scope of NGPA decontrol.

In the case of contracts governing gas in those categories which are subject to the market-out authority (in new NGPA Section 316(c)), immediate decontrol will occur when and if the contract is either renegotiated or amended by the original parties after the date of enactment. (New NGPA Section 121(f)). However, decontrol would occur only if the terms of the renegotiated or amended contract expressly so provide. This provision is intended to provide an incentive for speedy renegotiation of existing gas purchase contracts.

If—following the exercise of market-out authority under the new NGPA Section 316(c)—a new contract is entered into, immediate decontrol is also provided if the terms of the new contract expressly provide for such decontrol.

In addition, the new NGPA Section 121(g) provides for immediate deregulation of gas which is from post-enactment wells, and is subject to a post-enactment contract, and is from a field or well that was not committed or dedicated to interstate commerce on or before April 20, 1977.

Section 204(b) makes a conforming change.

Section 205 repeals NGPA Section 122, which contains the current authority to reimpose price controls following NGPA decontrol in 1985. As a conforming change, NGPA section 123 (requiring a pre-decontrol study by DOE) and NGPA Section 507 (setting forth procedures for reimposing price controls) are also repealed.

Section 301 directs the Secretary of Energy, in consultation with the Secretary of State, to study the appropriateness of

current Federal policies governing imports which affect the supply of natural gas within the United States. Within 120 days of the date of enactment of the NGPA Reform Amendments, the Secretary shall report to Congress regarding such actions (if any) are necessary to assure that current import contracts are—or continue to be—consistent with the public interest. The Secretary is specifically directed to take into account, in the formulation of any recommendations for action, both the findings and purposes of the NGPA Reform Amendments and such long-term considerations as the foreign trade objectives of the United States, foreign policy objectives of the United States, and future gas supply needs of the United States. It is intended that, in preparing his report to Congress, the Secretary should take a balanced approach which weighs all of the sometimes conflicting interests that are affected by import policy.

Section 401 repeals most of the energy use restrictions currently embodied in the Powerplant and Industrial Fuel Use Act of 1978 (FUA). Specifically, the automatic FUA ban on use of either gas or oil by large new industrial facilities is repealed—as is DOE's current discretionary FUA authority to ban gas or oil use by certain large existing industrial facilities.

The automatic FUA ban on gas or oil use by large new powerplants is retained; however, FUA Section 212(d) is amended to establish a new exemption (based on administratively steamlined petitioner certification) for the "select use" of gas in large new powerplants. It is expected that this provision will actually increase the size of the electric utility market for coal—by permitting the use of just enough natural gas, in conjunction with use of coal as a primary energy source, to achieve environmental compliance by offsetting some or all of the emissions that would otherwise be associated with direct coal combustion.

Section 401 also preserves the legal ability of electric utilities to "volunteer" for mandatory FUA orders to convert existing powerplants to coal. However, no owner of an existing powerplant could be issued a FUA prohibition order if it did not specifically request issuance of such an order.

Section 402 makes a series of conforming changes to the FUA.

Section 403 repeals the incremental pricing program mandated by Title II of the NGPA. Certain conforming changes are also made.

Section 501 is a severability clause.

Subject	Administration bill	Existing law	H.R. 1752	H.R. 2154	Reform bill
I. WELLHEAD PRICING					
A. Deregulation:					
1. Natural Gas Sold Under New or Amended Contracts.	Natural gas sold under new or amended contracts is not subject to price regulation. [Section 121(a)].	Natural gas sold under new or amended contracts is subject to the applicable NGPA pricing provision.	Does not permit natural gas sold under a new or amended contract to be decontrolled.	Does not permit natural gas sold under a new or amended contract to be decontrolled.	Effective on the date of enactment natural gas subject to any contract for the first sale of natural gas which qualifies for Section 102, 103 (which was not dedicated to interstate commerce on April 20, 1977] 107 which is renegotiated or amended by the original parties after the date or enactment is not subject to price regulation if the terms of such renegotiated or amended contract expressly so provide. [Section 204(a)].
2. Natural Gas Sold Under Existing Contracts.	Natural gas sold under existing contracts is deregulated upon the earlier of: the abrogation of the contract. [pursuant to Section 316]; or on January 1, 1986. [Section 121(d)]	Natural gas sold under existing contracts is subject to the applicable NGPA pricing provision.	.....	.....	Effective on the date of enactment natural gas subject to a new contract for the first sale of natural gas entered into with the original purchaser or with an unaffiliated alternative purchaser as the result of the exercise of the contract termination authority under Section 316(c) is not subject to price regulation if the terms of the contract expressly so provide. [Section 204(a)].
3. New Natural Gas (From Wells Drilled On Or After 2/19/77).	New natural gas is deregulated upon the earlier of: the execution of a new contract covering it. [Section 121(a)]; the amendment of an existing contract covering it. [Section 121(a)]; or on January 1, 1985. [Section 121(c)]	New natural gas is deregulated on January 1, 1985. [NGPA § 121(a)] (Except for § 103 gas which was dedicated to interstate commerce on April 20, 1977 or which is produced from a well less than 5,000 feet deep. [NGPA § 121(a)(2) (A) and (B)] Gas which was not dedicated to interstate commerce on April 20, 1977 and is produced from a well less than 5,000 feet deep is deregulated on July 1, 1987. [NGPA § 121(c)]).	Does not change existing law with respect to the deregulation of natural gas.	Delays decontrol for two years for those categories of natural gas now scheduled to be decontrolled on January 1, 1985 and July 1, 1987.	Deregulates on the date of enactment natural gas which: 1. is produced from wells spudded on or after the date of enactment; 2. is subject to a contract entered into on or after the date of enactment; and 3. was not dedicated to interstate commerce on April 20, 1977. [Section 204(a)].
4. Old Natural Gas (From Wells Drilled before February 19, 1977).	Old natural gas is deregulated upon the earlier of. the execution of a new contract covering it. [Section 121(a)]; the amendment of an existing contract covering it. [Section 121(a)]; the abrogation of the contract covering it. [Section 316]; or on January 1, 1986. [Section 121(d)]DDOld natural gas remains subject to NGPA maximum lawful ceiling prices indefinitely	Does not change existing law.....	Does not change existing law.....	Does not change existing law.....	
5. High Cost Natural Gas.....	High cost natural gas is deregulated upon the earlier of: the execution of a new contract covering it. [Section 121(a)]; the amendment of an existing contract covering it. [Section 121(a)]; the abrogation of the contract covering it. [Section 316]; or on January 1, 1986. [Section 121(d)]	High cost gas produced from wells more than 15,000 feet deep, gas produced from Devonian shale, coal seams and geopressured brine is currently deregulated. Other high cost gas is not eligible for deregulation as Section 107(c)(5) gas.	Does not change exising law.....	Revokes deregulation of § 107(c)(1)–(4) gas by establishing a maximum lawful price for § 107(c)(1)–(4) gas at 150 percent of the § 103 price. [§ 202].	Does not change existing law.
B. Ceiling Prices:					
1. Applicability.....	Non-high cost natural gas which has not been deregulated is subject to a ceiling price which is the lower of the applicable NGPA price or the cap price. [Section 111(a)]. Non-tight sands high cost gas which has not been deregulated is subject to a ceiling price which is the higher of the contract price on the date of enactment or the cap price. [Section 121(b)].	Natural gas which is not deregulated is subject to the maximum lawful ceiling prices established by the NGPA.	Does not change existing law with respect to the applicability of ceiling prices.	Natural gas which is not deregulated is subject to the maximum lawful prices established by the NGPA as amended by H.R. 2154. Establishes a maximum lawful price for § 107(c)(1)–(4) gas at 150 percent of the § 103 price. [§ 202].	Does not change existing law.

Subject	Administration bill	Existing law	H.R. 1752	H.R. 2154	Reform bill
	Tight sands gas which has not been deregulated is subject to a ceiling price which is the regulated price in effect on the date of enactment. [Section 111(b)].			Permits the FERC to establish a rate for § 107(c)(5) gas necessary to provide reasonable incentives for its production but limits the price allowed to no higher than 150 percent of the § 103 price. [§ 202].	
	Does not change existing law.	FERC has no authority to establish higher prices for new gas.	Does not change existing law.	Permits the FERC to establish a cost based rate for production from wells spudded on or after 1/1/82 which is higher than the otherwise applicable maximum lawful price but which is not higher than the applicable NGPA price on the date surface drilling of the well in question commenced as escalated pursuant to the provisions of H.R. 2154. [§ 203].	Does not change existing law.
2. Escalation	Ceiling prices escalate with the lower of: the applicable NGPA price escalation. [Section 111(a)]; or the volume weighted average price estimated to be paid for gas under new and renegotiated contracts. [Section 111(c)]	The maximum lawful ceiling price for new gas and stripper well gas escalates with inflation plus 4 percent. All other maximum lawful prices escalate with inflation.	NGPA prices cease to escalate with inflation. The maximum lawful ceiling prices for new gas and stripper well gas increase at 4 percent. [Section 202].	NGPA prices (as reduced by H.R. 2154) are escalated at the lower of—: 75 percent of the quarterly percent change in the GNP implicit price deflator; or the percent change in the energy index. [§ 201]	Does not change existing law.
C. Price Escalator Clauses	There is no limitation on the operation of price escalator clauses on deregulated natural gas. [Section 318(a)].	There is no limitation on the operation of price escalator clauses on deregulated natural gas except for intrastate gas selling for more than $1 after January 1, 1985.	Indefinite price escalator clauses are declared null and void. [Section 316(a)].	Delcares indefinite price escalator clauses to be against public policy and unenforceable. [§ 103].	Declares "favored nation" contract provisions to be against public policy and unenforceable. [Section 316(a)]
	Price escalators may take gas which is subject to NGPA prices above the applicable NGPA price to the cap price. [Section 318(a)].	Price escalators in intrastate contracts are allowed to operate to increse prices up to the NGPA new gas price. [NGPA § 105(b)]. Prices paid for high cost gas may not be taken into account in applying price escalator clauses to any first sale of any natural gas other than high-cost natural gas. [NGPA § 313].			
	Area rate clauses are permitted to operate up to the higher of the applicable NGPA price or the cap price. [Section 318(d)].	"Area rate" clauses are permitted to operate up to the applicable NGPA price.	Limits the operation of "area rate" clauses by requiring that the contract language expressly and specifically authorize prices established by Congress before NGPA prices may be received pursuant to an area rate clause. [Section 202].	Does not change existing law.	Does not change existing law.
D. Price Limitations	The legislation establishes a price cap which is a volume weighted average price calculated monthly by the FERC for the preceding second, third and fourth months based on estimates of the prices to be paid and the volumes to be delivered during the first three months under a new or renegotiated contract. [Section 111(c)]. The price cap applies between 4 months after the date of enactment and 12/31/85 to: gas which is subject to "area rate" and other contract price escalator clauses and which is subject to NGPA price controls; gas which is subject to NGPA price controls. [§ 111(a)] (except § 107(c)(5) gas which is limited to the price in effect on the date of enactment) [§ 111(b)]; gas which has been deregulated pursuant to the NGPA (§ 107(c) (1)–(4) gas receives the higher of the cap or contract price on the date of enactment). [§ 121(b)(2)]. The price cap applies between 1/1/85 and 12/31/85 to, gas freed from NGPA price controls by the NGPA on 1/1/85. [§ 121(c)(2)]; The price cap does not apply to: gas subject to a new or amended contract (including gas subject to contracts termination)	Natural gas which is not deregulated is subject to the maximum lawful ceiling prices established by the NGPA	Natural gas which is not deregulated is subject to the maximum lawful ceiling prices established by the NGPA as modified by S. 689. NGPA prices cease to escalate with inflation. The maximum lawful ceiling prices for new gas and stripper well gas increase at 4 percent. [Section 202]. The FERC is required to reduce ceiling prices by the value of any consideration of any kind which the purchaser provides to the seller, including the value to the seller of any free or below value transportation of liquids or liquefiable hydrocarbons. [Section 202].	NGPA price ceilings for all categories of natural gas except § 107 are rolled back to January 1982 levels for the month beginning on the effective date of the legislation. [§ 201]. Repeals Section 104(b)(2), 106(c) and 109(b)(2) of the NGPA. This eliminates the Commission's authority to increase certain NGPA prices. [§ 204]. Eliminates the FERC's authority to add new categories of gas to Section 107(c)(5) after March 1, 1983. [§ 202].	Does not change existing law.
E. Standby Price Control Authority	Eliminates established procedures for the President or the Congress to reimpose price controls. [Section 203].	Establishes procedures for the reimposition of price controls for 18 months by the President or the Congress. [NGPA §§ 122, 123 and 507].	Does not change existing law.	Does not change existing law.	Eliminates established procedures for the President or the Congress to reimpose price controls. [Section 205].

Subject	Administration bill	Existing law	H.R. 1752	H.R. 2154	Reform bill
II. PRODUCER REGULATION					
A. Obligation to Continue to Sell to Pipeline.	Federal law that requires the producer to continue to deliver gas to the existing interstate pipeline purchaser is eliminated: for gas subject to a new or amended contract. [Section 601(a)(1)(B)(iv)] for gas that was subject to a contract that expired, lapsed, terminated by its own terms or was terminated pursuant to Section 316. [Section 601(a)(1)(B)(v)] by January 1, 1985 for all gas. [Section 601(a)(1)(B)]	All interstate gas except NGPA §§ 102(c), 103 and 107(c)(1)–(4) gas is subject to the abandonment provisions of the Natural Gas Act which require that the producer obtain FERC approval before it ceases selling gas to an interstate pipeline. [NGPA § 7(b); NGPA § 601(a)(1)(B)].	Does not change existing law.	Does not change existing law.	Does not change existing law.
	Eliminates federal law that provides a right of first refusal to the former purchasing interstate pipeline after its gas purchase contract has expired. [Section 302].	A right of first refusal applies to NGPA §§ 102(c), 103 and 107(c)(1)–(4) gas. Upon the expiration of any gas contract applicable to such gas, the former purchasing interstate pipeline has a right of first refusal of the first offer to sell which has been substantially accepted by another person. [NGPA § 315(b)].	Does not change existing law.	Does not change existing law.	Does not change existing law.
B. Obligation to Obtain FERC Authority Before Selling to an Interstate Pipeline.	Producers are not required to obtain FERC authorization to sell gas in interstate commerce: for gas subject to a new or amended contract. [§ 601(a)(1)(B)(iv)] for gas that was subject to a contract that expired, lapsed, terminated by its own terms or was terminated pursuant to Section 316. [§ 601(a)(1)(B)(v)] on or after January 1, 1985 for all gas. [§ 601(a)(1)(B)]	Producers must submit gas sales contract and obtain FERC authorization to sell gas in interstate commerce upon terms acceptable to the FERC for gas which was dedicated to interstate commerce on November 8, 1978 and which is not NGPA §§ 102, 103 or 107(c)(1)–(4) gas.	Does not change existing law.	Does not change existing law.	Does not change existing law.
III. PRODUCER—PIPELINE CONTRACTS					
A. Abrogation	Either party to a contract for the first sale of natural gas which was in effect on the date of enactment is authorized to terminate any such contract on January 1, 1985. [Section 316].	No provision in present law which permits the abrogation of existing natural gas contracts.	Does not change existing law.	Pipelines may terminate upon 90 days notice any natural gas contract provided that: (1) the pipeline must reduce its highest cost gas first; (2) the pipeline must reduce deliveries of equally priced gas from affiliates prior to reducing non-affiliate gas; and (3) producers marketed out have the right to sell gas back to the pipeline at an equivalent price offered by any other producer prior to the pipeline entering into another contract for additional volumes from that other producer.	For a period of one year from the date of enactment, either party is authorized following a minimum of 45 days notice to terminate any gas purchase contract (other than warranty contracts) applicable to the first sale of Section 102, 103 (which was not dedicated to interstate commerce on April 20, 1977), 107 gas. For purposes of this provision, any contract which is applicable to two or more categories of natural gas is treated as separate contracts for each such category. Such authority may be exercised only once with respect to each contract as to which termination authority is granted, and to the extent that such termination authority is exercised the contract is declared against public policy and unenforceable. [Section 316(c)] If such contract termination authority is exercised, the seller may, following the expiration of the notice period: 1. obtain an unaffiliated alternative purchaser; 2. negotiate a new or amended contract with the original purchaser. For natural gas which is subject to the Natural Gas Act, however, such natural gas may not be sold to an alternative purchaser unless abandonment approval is obtained from the FERC. [Section 316(c)(3)] If the seller obtains an unaffiliated alternative purchaser for the natural gas volumes affected, the seller must offer to the original purchaser a right of first refusal at the same price and under reasonably comparable terms which the seller has negotiated with such alternative purchaser. [Section 316(c)(4)] An original pipeline purchaser which declines a right of first refusal has the right and the obligation to transport the natural gas to which a termination authority is exercised on a best efforts basis by means of existing facilities provided that such transportation obligation: 1. does not impair the original purchaser's ability to render service to its customers; and 2. extends only to the facilities of the original purchaser and does not require transportation through the facilities of any other pipeline or local distribution company; and 3. obligates the original purchaser only for the remaining duration of the original contract. [Section 316(c)(5)]

Subject	Administration bill	Existing law	H.R. 1752	H.R. 2154	Reform bill
					In addition, the FERC may terminate an interstate pipeline transportation arrangement for "market-out" gas—on its own motion or that of any affected interested person (including an affected distributor)—if the FERC determines that the arrangement would bypass or disrupt the existing regulated transmission and distribution system in a manner that is ultimately detrimental to existing system customers, would violate the statutory conditions, or would be otherwise contrary to the public interest. However, any termination motions must be filed within 30 days of Federal Register notice. [Section 316(c)(5)(iv)]
B. Take-Or-Pay	For gas sales contracts in effect on the date of enactment which have not been amended and require the purchaser to take or pay for more than 70 percent of available deliverability, the purchaser is given the right to refuse deliveries which exceed 70 percent of deliverability without incurring any obligation to pay for the volumes not taken. When this occurs, the seller is given the right to terminate the contract with respect to the volumes of gas not taken and the refusing purchaser must provide transportation for such gas. A purchaser may not exercise its right to refuse gas to the extent that delivery is required to prevent drainage and protect correlative rights [Section 315].	No provision in present law which permits take-or-pay requirements to be reduced.	Take-or-pay provisions in all contracts for the first sale of natural gas in effect on the date of enactment are deemed by operation of law to be limited to 50 percent. [Section 316(c)].	With respect to contracts covering §§102, 103, 107 and 108 gas, declares take-or-pay clauses in excess of 50 percent of the maximum annual volume the pipeline has contracted to take or which do not contain a make-up period of at least one year to be against public policy and unenforceable for three years from the date of enactment. [§101].	For a period of three years from the date of enactment, contract terms applicable to the first sale of natural gas (other than casinghead gas or NGPA §108 gas) are declared against public policy and unenforceable to the extent that they impose upon the purhaser take-or-pay requirements in excess of 50 percent of deliverability. For purposes of this provision, any contract which is applicable to two or more categories of natural gas is treated as separate contracts for each such category. [Section 316(d)] The FERC is authorized to act by order to provide prospective relief by restoring the enforceability (in whole or in part) or take-or-pay requirements to the extent necessary to prevent drainage, reservoir damage and/or severe and irreparable financial injury. [Section 316(d)] Effective on the date of enactment, in the case of any contract for the first sale of natural gas, any obligation to pay for gas volumes not taken is declared against public policy and unenforceable to the extent that such obligation fails to adequately provide for: 1) makeup of all gas volumes that are paid for but not taken; and 2) if makeup does not occur, refunds of all amounts paid for gas volumes which are not taken. [Section 316(b)] Any provision of any contract for the first sale of natural gas is declared against public policy and unenforceable to the extent that such provisions is contrary to the take-or-pay section or would preclude (or terminate such contract in the event of) actions taken under authority of or in compliance with the take-or-pay section. [Section 316(e)]
C. Contract Term	Eliminates the FERC's authority to establish contract duration. [Section 302].	The FERC is authorized to specify the minimum duration of new gas contracts, which: may not exceed the shorter of 15 years or the life of the reservoir; or may not be less than 15 years or the life of the reservoir for certain offshore gas. [NGPA §315]	Does not change existing law.	Does not change existing law.	Does not change existing law.
D. Price Changes	Does not change existing law.	No provision in present law which permits either party to a gas contract to require the other party to accept a different price.	All contracts for the sale of §§102(c), 103 (which was not committed to interstate commerce on April 20, 1977) and §107(c)(1)–(4) gas are deemed by operation of law to include a provision which permits either party in its sole discretion on 30 days notice to require the other party to accept a price different from the prevailing contract price as the contract price. The exercise of a market out provision authorizes the seller to seek an alternative purchaser. The purchaser retains a right of first refusal but if this is declined it must provide transportation on a best efforts basis. [Section 316(b)].	The pipeline may initiate renegotiation efforts for contracts for the first sale of natural gas. If renegotiation of any contract is unsuccessful, the pipeline may refuse to take delivery of gas under such contract without incurring any obligation to pay for the undelivered gas. Certain restrictions apply to the order in which the pipeline may refuse gas: the highest priced gas must be refused first; affiliate production must be refused before lower priced supplies; higher priced gas under new contracts cannot be taken. The producer may sell its refused gas to another buyer but the refusing pipeline has a right of first refusal to such gas. If refused gas is sold to another buyer the refusing pipeline must provide transportation for such gas if the requirements of Section 319 are met. [§102].	Does not change existing law.

Subject	Administration bill	Existing law	H.R. 1752	H.R. 2154	Reform bill
IV. PIPELINE REGULATION AND PASS THROUGH OF PRICE INCREASES					
A. Purchase Gas Costs	Between the date of enactment and December 31, 1985, interstate pipeline pass through of purchased gas cost increases which exceed the rate of inflation may not occur until after a FERC determination has been made that such increases in excess of the rate of inflation are just, reasonable and prudently incurred. [Section 603].	Except to the extent that the FERC determines that an amount paid by an interstate pipeline was "excessive due to fraud, abuse or similar grounds," guarantees that interstate pipelines may pass through costs of natural gas purchases if the price of the purchased natural gas does not exceed the applicable ceiling price levels established under the NGPA or there is no applicable maximum lawful price. [NGPA § 601(c)].	Notwithstanding any other provision of law, Sections 4 and 5 of the Natural Gas Act are expressly made applicable to natural gas companies regulated under such Act. This would require that a "prudence" standard be applied to interstate pipeline purchasing practices. [Section 204].	Interstate pipelines may pass through the cost of natural gas purchases which do not violate maximum lawful ceiling prices except to the extent that the FERC determines that the interstate pipeline failed to adopt and follow practices to minimize purchase prices or the amount paid was excessive due to fraud, abuse or similar grounds. [§ 104].	Elimates "abuse" as a reason to deny the pass through by interstate pipelines of purchased gas costs. [Section 203(b)] Requires that the FERC establish by rule within 120 days of the date of enactment standards of prudence applicable to pipeline gas purchase practices. Such standards must be sufficiently specific to permit interstate pipelines to make reasonable judgments as to the applicability of such standards to their individual gas purchase practices and such standards may not be based on the costs of producing natural gas. The FERC may deny any interstate pipeline recovery of any amount paid with respect to any purchase of natural gas under a contract with which is entered into or renegotiated after the effective date of the prudence rule to the extent that the FERC determines that such purchase violates the standards established by the prudence rule and that such violation results in excessive amounts paid for natural gas. The FERC is authorized to examine the natural gas purchase practices of any interstate pipeline to determine whether such practices violate the prudence rule standards. If, after opportunity for hearing, the FERC determines on the record that such practices violate the prudence rule standards, the FERC may order the pipeline to cease and desist from such practices and prospectively disallow any amounts paid in violation of the prudence rule standards. To the extent that the gas purchase practices which violate the prudence rule standards are required by contract terms and conditions, such terms and conditions are declared against public policy and unenforceable. [Section 203(a)]
	An interstate pipeline may not recover any costs associated with its own natural gas production or purchases from an affiliate to the extent that the percentage of deliverability associated with such production or purchases exceeded the percentage of deliverability to which the pipeline had exercised contemporaneously a contractual right to reduce its takes of less expensive gas. [Section 603].	If the pipeline purchased gas from an affiliate, in order to receive guaranteed pass through the price paid must met the requirements above and, in addition, may not exceed "the amount paid in comparable first sales between persons not affiliated with the interstate pipeline." [NGPA §601(b)].	Affiliate purchases must meet the affiliated entities test of the NGPA and the prudence test of the NGA.	Affiliate purchases must meet the affiliated entities test of the NGPA.	Affiliate purchases must meet the affiliated entities test of the NGPA.
B. Refunds	Does not change existing law.	Refunds on any collections made by pipeline companies in excess of rates approved by final order of the FERC must be made at the prevailing prime interest rate.	Refunds on any collections made by pipeline companies in excess of rates approved by final order of the FERC must be made at an interest rate no less than 3 percentage points above the prevailing prime interest rate. [Section 204].	Does not change existing law.	Does not change existing law.
C. Minimum Bill	Does not change existing law.	No provision in current law requiring a FERC study of minimum bill and related provisions in interstate pipeline tariffs. The FERC is authorized under Sections 4 and 5 of the Natural Gas Act to adjust pipeline rates and practices.	Requires that the FERC undertake and complete within one year of the date of enactment a study of minimum bill and related provisions in interstate pipeline tariffs. The FERC is authorized to require the revision of minimum bill and related provisions in interstate pipeline tariffs. [Section 204].	Declares pipeline minimum bill requirements in excess of 50 percent of the maximum annual volume the purchaser has contracted to take or which do not permit the purchaser to take delivery of the natural gas involved subsequent to the date of payment to be against public policy and unenforceable. [§ 105].	To the extent that the application of the limitations on take-or-pay requirements results in a reduction in the volumes taken by any interstate pipeline, the FERC must make appropriate downward adjustments pertaining to minimum bill requirements between interstate pipelines or between interstate pipeline and local distribution companies. [Section 316(d)(3)]
D. Rate Design	Does not change existing law.	The FERC has broad discretion to implement interstate pipeline rate designs.	Does not change existing law.	Requires that the FERC undertake and complete within one year of the date of enactment a rulemaking proceeding to issue standards for interstate pipeline tariffs which shall be designed to assure that prices paid by interstate pipelines for natural gas are sensitive to end-use market conditions and that end-use market signals are effectively transmitted to pipelines and producers. [§ 107].	The FERC is directed to issue as expeditiously as practical a general statement of policy respecting rate design principles which ensure that interstate pipeline rates are sensitive to end use market, supply and demand conditions. [Section 601(d)]
V. TRANSPORTATION AUTHORITY					
A. Interstate Pipelines	The FERC may, by rule or order, authorize interstate pipelines to transport natural gas on behalf of any person. [Section 401(a)].	The FERC may, by rule or order, authorize interstate pipelines to transport natural gas on behalf of. any intrastate pipeline; and any local distribution company. [NGPA § 311(a)(1)].	Regulatory authorities may not establish a rate for transportation less than 5 cents per MMBtu plus the cost of such transportation. All revenues received by the interstate pipeline in excess of 5 cents per MMBtu must be credited back to the pipeline's customers. [Section 203].	Does not change existing law.	Interstate pipeline transportation rate for gas transported on behalf of an interstate pipeline or local distribution company is set at the interstate pipeline's cost of service plus an incentive component prescribed by the FERC by rule or order within 90 days of the date of enactment. Revenues in excess of this level are to be credited back to the pipeline's local distribution company customers. [Section 202(a)]

Subject	Administration bill	Existing law	H.R. 1752	H.R. 2154	Reform bill
B. Intrastate Pipelines	The FERC may, by rule or order, authorize intrastate pipelines to transport natural gas on behalf of any person. [Section 401(a)].	The FERC may, by rule or order, authorize intrastate pipelines to transport natural gas on behalf of: any interstate pipeline; and any local distribution company served by an interstate pipeline. [NGPA § 311(a)(2)].	Does not change existing law.	Does not change existing law.	Does not change existing law.
C. Contract Carrier	Upon application by a producer or purchaser of natural gas, the FERC is required to order interstate pipelines to carry gas on behalf of such producers or purchasers of natural gas upon such terms and subject to such condtions as it considers just and reasonable if the FERC finds. the pipeline has available capacity; no undue burden will be placed on the pipeline; no construction of new facilities is required; and such order would not impair the ability of the pipeline to render adequate service to its existing customers. [Section 317(a)]. As consideration for such transportation service the pipeline may receive either. the cost of such transportation plus 5 cents per MMBtu; or the rate established by rule by the FERC. [Section 317(b)].	No provision in present law which requires the FERC to order interstate pipelines to carry gas for others.	An interstate pipeline that declines right of first refusal under H.R. 1752, shall transport the gas on a best efforts basis.	Upon application by an unaffiliated producer or any purchaser the FERC is required to order any interstate pipeline to carry gas on behalf of such producer or puchaser of natural gas if the FERC finds. the pipeline has available capacity; no undue burden will be placed on the pipelines; no construction of new facilities is required; and such order would not impair the ability of the pipeline to render adequate service to its then existing customers or later acquired customers to be served on a non-interruptible basis. The pipeline receives just and reasonable consideration for such transportation service. [§ 106].	Establishes an incentive rate to encourage voluntary interstate pipeline transportation (under NGPA Section 311(a)) on behalf of intrastate pipelines and local distribution companies, (Section 202 (a)). Such rates would be broadly "tracked" in FERC standards for intrastate pipeline transportation of interstate gas under NGPA Section 311(a).
VI. SALES AUTHORITY					
A. Who may sell	The FERC may, by rule or order, authorize any pipeline or local distribution company to sell natural gas to any other pipeline or local distribution company. [Section 401(b)].	The FERC may, by rule or order, authorize any intrastate pipeline to sell natural gas to— any interstate pipeline; any local distribution company served by any interstate pipeline. [NGPA § 311(b)(1)] Sales of natural gas for resale in interstate commerce require FERC authorization. [NGA § 7(c)].	Does not change existing law.	Does not change existing law.	Does not change existing law.
B. Price	Sales by intrastate pipelines or local distribution companies must be made at "fair and equitable" prices. [Section 401(b)(2)(A)].	Same-See NGPA § 311(b)	Does not change existing law.	Does not change existing law.	Does not change existing law.
	Sales by interstate pipelines must be made at "just and reasonable" prices. [Section 401(b)(2)(D)].	Off-system sales by interstate pipelines are made at prices established by the FERC.	Does not change existing law.	Does not change existing law.	Does not change existing law.
VII. ASSIGNMENT AUTHORITY					
	The FERC may, by rule or order, authorize a pipeline or local distribution company to assign surplus natural gas to any other pipeline or local distribution company. [Section 401(c)].	The FERC may, by rule or order, authorize any intrastate pipeline to assign surplus natural gas to any interstate pipeline or local distribution company. [NGPA § 312].	Does not change existing law.	Does not change existing law.	Does not change existing law.
VIII. ACCESS TO INTERSTATE GAS					
	Exempts intrastate pipelines and local distribution companies from the Federal regulation which would otherwise apply as a result of the purchase by such pipelines or companies of gas acquired—. in a first sale— which is not subject to FERC jurisdiction under the Natural Gas Act. which is produced on the Outer Continental Shelf. which is transported pursuant to an order issued pursuant to Section 317. in a sale or assignment under Sections 302(a), 311(b), or 312(a); or in a sale for resale by a Hinshaw pipeline. Exempts any transportation or sale of such gas in interstate commerce from Federal regulation which would otherwise attach thereto to the extent that such gas remains in the state of purchase. (Section 601(d)).	Any intrastate pipeline or local distribution company may gain access to interstate gas by subjecting itself to the same Federal regulatory requirements under which pipelines engaging in the interstate transmission and sale for resale of natural gas operate.	Does not change existing law.	Exempts interstate pipelines and local distribution companies from the regulation that would otherwise apply as the result of the purchase by such pipelines or companies of gas transported by an interstate pipeline pursuant to the contract carrier authorization of Section 106. Exempts any transportation or sale of such gas in interstate commerce from Federal regulation which would otherwise attach thereto to the extent that such gas remains in the state of purchase. [§ 106].	Does not change existing law.
MISCELLANEOUS PROVISIONS					
A. Natural Gas Imports	Does not change existing law.	FERC and/or ERA authorization required to import natural gas. [NCA § 3].	Does not change existing law.	Prohibits natural gas imports other than from Canada or Mexico priced in excess of 150 percent of the Section 103 price. [§ 206].	Requires that the Secretary of Energy submit a report to Congress within 120 days of the date of enactment regarding such actions (if any) as he determines to be necessary or appropriate to ensure that the contractual terms and other requirements pertaining to natural gas imports are, or continue to be, consistent with the public interest.
B. Non-Discrimination	The FERC may not condition or deny any authorization for the sale or transportation of natural gas on the basis of whether the gas is consumed in the interstate market or the intrastate market. [Section 402(c)].	No provision in present law which limits the FERC's ability to consider relevant markets.	Does not change existing law.	Pipelines may not discriminate against producers except on the basis of price. [§ 102].	Does not change existing law.

Subject	Administration bill	Existing law	H.R. 1752	H.R. 2154	Reform bill
C. Filing of Contracts	Eliminates the FERC's authority to require that gas contracts be filed at the FERC. [Section 302(a)].	The FERC is authorized to require that gas contracts be filed at the FERC. [NGPA § 315(c)].	All gas contracts must be filed with the FERC and made available by the FERC to the public. [Section 316(e)].	Requires the purchaser to file gas purchase contracts with the FERC. [§ 100].	Does not change existing law.
D. Incremental Pricing	Eliminates incremental pricing requirements. [Section 503].	The FERC is required to implement incremental pricing. [NGPA Title II].	Does not change existing law.	Does not change existing law.	Eliminates incremental pricing requirements. [Section 303]
E. Fuel Use Act	Eliminates restrictions placed on the use of natural gas. [Section 501].	Restricts the use of natural gas. [Powerplant and Industrial Fuel Use Act].	Does not change existing law.	Does not change existing law.	Retains new powerplant ban, with "select use" exemption. [§ 401].
F. BTU Measurement	Does not change existing law.	No provision in existing law prescribing the method of BTU measurement.	Prescribes the "saturated" or "wet" basis for the Btu measurement.	Does not change existing law.	Does not change existing law.
G. Production-Related Costs	Does not change existing law.	The FERC may, by rule or order, authorize a first seller of natural gas to increase its price above the applicable maximum lawful ceiling price to recover production-related costs. [NGPA § 110].	Production-related costs are included in ceiling prices. The FERC, however, may provide an allowance or adjustment to the ceiling price which will permit the seller to earn a just and reasonable return. [Section 202].	Producers are not permitted to recover production related costs in addition to the maximum lawful price except to the extent that such additional recovery is necessary to permit the producer to earn a just and reasonable return. [§ 205].	Does not change existing law.
H. Authority to Reduce HGPA Prices	Does not change existing law.	The FERC is without authority to reduce maximum lawful ceiling prices.	The FERC is required to reduce ceiling prices by the value of any consideration of any kind which the purchaser provides to the seller, including the value to the seller of any free or below value transportation of liquids or liquefiable hydrocarbons. [Section 202].	Does not change existing law.	Does not change existing law.
I. Right to Contest Contracts	Does not change existing law.	No provision in present law which eliminates restrictions on the purchaser to contest matters contained in contracts for the first sale of natural gas.	Any provision of any contract for the first sale of natural gas which restricts the right of the purchaser to contest the rights and obligations of the parties thereto is declared null and void. [Section 316(d)].	Does not change existing law.	Does not change existing law.
J. FERC Authority to Interpret Contracts.	Does not change existing law.	With respect to gas contracts covering gas that remains subject to FERC jurisdiction, the FERC has ancillary jurisdiction to interpret the contract. With respect to contracts covering gas that once was but is no longer within the FERC's NGA jurisdiction, the FERC can no longer interpret these contracts. State or federal courts interpret these contracts. With respect to contracts covering gas awaiting a determination that it is no longer subject to FERC jurisdiction, FERC's authority to interpret these contracts continues until the eligibility determination is completed and becomes final. When the gas is determined to qualify for removal from NGA jurisdiction, FERC then loses its jurisdiction to make contractual interpretation determinations. Existing intrastate contracts are beyond FERC's NGA contract interpretation jurisdiction.	With respect to contracts for the first sale of natural gas, the FERC is granted jurisdiction to resolve any matter concerning the rights and obligations of the parties or any other matters involving the interpretation of contract language. Local distribution companies affected by such contracts are granted standing to petition the FERC with respect to such contracts. [Section 316(g)].	Does not change existing law.	Does not change existing law.

□ 1230

NATURAL GAS PRICING REFORM LEGISLATION

(Mr. COATS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COATS. Madam Speaker, I am very pleased today to join the gentleman from Kansas (Mr. SLATTERY) in sponsoring natural-gas-pricing-reform legislation, which I believe succeeds in putting together the constructive parts of many of the bills that have been before us on this issue.

As my colleagues are well aware, American homeowners and business people who use natural gas are caught up in a natural-gas-pricing cyclone: Prices are spiraling steadily upward, and the law which governs natural prices, the Natural Gas Policy Act of 1978, makes it virtually impossible for the consumer to tell his gas company when he has had enough.

The legislation we are introducing today, the Natural Gas Policy Act Reform Amendments, does not attempt a wholesale restructuring of the natural gas industry. Instead, this bill provides reforms in the existing law so consumers can send a message back through the pipeline that they are indeed not willing to accept the inequities and unfairness of the present law.

I urge my colleagues on both sides of the aisle to carefully examine this legislation and we urge their support.

A TRIBUTE TO THE LATE HONORABLE PHILLIP BURTON

The SPEAKER pro tempore. (Mrs. BOXER). Under a previous order of the House, the gentleman from California (Mr. EDWARDS) is recognized for 60 minutes.

Mr. EDWARDS of California. Madam Speaker, with the death of our dear friend and colleague, PHILLIP BURTON, an historical era has ended. In the words of a member of his staff:

The Burton legacy in national legislation will be remembered as long as the Redwoods stand, and as long as free men and women unite in solidarity against the darker forces that threaten their peace and freedom.

Those of us in the California Democratic delegation, who depended on PHIL for so much, have lost a man who is simply irreplaceable to us. He was our hero and our champion.

Those of us in this Chamber are by no means alone in our loss. The poor and the elderly mourn the death of one of their most effective advocates in the Congress. Working men and women have lost their best friend. Countless measures to enhance the social welfare bear PHIL's imprint.

Those who love our environment mourn the passing of a dedicated protector of our wilderness areas. Passage earlier today of the California Wilderness Act bears witness both to PHIL's commitment to preservation of the environment and to his legislative talents.

Many qualities have been ascribed to PHIL over the years, not all of them favorable. He has been called gruff and irreverent, sentimental and idealistic, cunning, brilliant, abrasive, charming. In fact, he was all of these. He was a man of deep emotion and drive, and he aroused deep emotions in those with whom he came in contact.

PHIL had his fans and his detractors. But even those who disagreed with his positions or his actions, respected PHIL for his unstinting dedication to the principles of social justice in which he believed. The power that PHIL sought was never power for himself, but rather power for those who have no voice—the impoverished, the ill, senior citizens.

Only a partial list of the political and legislative legacy PHIL leaves behind leaves one in awe:

Passage of legislation to expand black lung benefits for coal miners.

Legislation to improve the minimum wage.

Legislation to enhance welfare benefits for the aged and the disabled.

The measure which established a cost-of-living escalator for social security recipients.

The abolition of the House UnAmerican Activities Committee.

Representation in Congress for the American territories—Guam, American Samoa, Puerto Rico, and the Virgin Islands.

Creation of the Golden Gate national recreation area.

Legislation to double in size the Redwoods National Park.

Passage of measures to protect our wilderness from the Point Reyes national seashore in California to urban parks in New York.

The list goes on and on and on.

PHIL's death leaves a great void in the House and for our Nation.

It is a void not easily filled, perhaps impossible to fill.

I, personally, will miss his friendship, his clear insight, and wise counsel, his gruff exterior that masked the proverbial heart of gold. My condolences go to his beloved wife, Sala, daughter, Joy, his brothers, John and Robert, and to his many friends and relatives who loved him.

Mr. BROWN of California. Madam Speaker, will the gentleman yield?

□ 1810

Mr. EDWARDS of California. I yield to the gentleman from California.

Mr. BROWN of California. I thank the gentleman for yielding.

Madam Speaker, I take this time to say a few words about my own personal relationship with PHIL BURTON and my high regard for him.

One is moved to think deeply about what binds people together at a time like this. I have known and worked closely with PHIL for more than 25 years. We are not particularly similar in personality. I sometimes found it difficult to get along with him. But I respected those qualities which have just been so eloquently described by our distinguished colleague, the gentleman from California (Mr. EDWARDS).

One thing that always impressed me about PHIL was his capacity to carry friendship. He valued his friends and he cared for his friends, and he made that clear in many different ways. I think one of the reasons for his admitted political power and acumen was the fact that he actually cared about people as individuals, and in caring about them, he took the trouble to understand them, to get to know them, and to know their problems, and to do everything he could to help them, sometimes whether they asked him or not.

I can recall, for example, that, while I was in a particularly tough election one time, when it was not clear that I was going to be elected—it was a time when I was out of the Congress and seeking to return—PHIL BURTON must have called me three or four times on election eve to make sure I was doing satisfactorily. I was behind all that time, but he said:

Don't worry. I know where the votes are coming from, and you will come out all right in the end.

He called me last at 2 o'clock in the morning. My wife had already gone home. She could not stand listening to the late returns. But PHIL was listening, and he was making sure that I knew that he cared about the outcome of that election.

I suspect that I was not the only one. I suspect that there was people all over the United States who PHIL knew about, thought that their election was significant, maybe had done something to help them and wanted to make sure that they knew that he was thinking about them.

That is the sort of thing that binds people to another person in friendship, even though you may find times when you have difficulty tolerating them otherwise. You can forgive a lot under those circumstances. And I doubt very seriously if I will ever encounter another politician, maybe another human being, who so sincerely cared about other individuals as individuals. And I want to acknowledge that about PHIL and to express my very deep regret that he is no longer with us, and express my deep sorrow and sympathy to his wife and family. I do not know what more to say. He was an irreplaceable person.

Mr. EDWARDS of California. I thank the gentleman for his remarks.

Mr. SMITH of Iowa. Madam Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Iowa (Mr. SMITH), the dean of the Iowa delegation.

Mr. SMITH of Iowa. I thank the gentleman for yielding.

Madam Chairman, I want to say that my wife and I were both saddened and shocked, really, to hear the news about PHIL BURTON. I had known him for over 30 years. We had been active in the Young Democratic Clubs of America together, where he was an organizer and a power, and it was no surprise to me, when he came to the Congress of the United States, to find out that he began organizing here just as he had done there. He was a person who was an organizer and loved organization for the power that it could bring to do other things that he wanted to do, not just for the sake of organization. He loved politics as an art of government, and he was one of those who served on the committee that brought about almost all of the congressional reforms that we have had in the 25 years that I have been here. He was one of the leaders in that movement. He was one who tried very hard during those days to understand the problems of others. And while we were trying to accomplish some objective, he would look for a way to accommodate temporarily others with their problems so that they could adjust to the new circumstances brought about by the reorganization or the reform rules that were being adopted.

And I want to say one other thing: He was one of those—and there are too many who are not this way—who had the guts to vote the way he believed, even if he thought his constituents would not understand. I have seen him do it. He was willing to vote that way and then to go and explain to his constituents, if he needed to, why that was the way that he should vote. His word was good. If he gave you his word, that was the end of it, and that was the way it was back when we were active in the Young Democrats together, and that is the way it was here in the Congress. However he said he would go, that is the way he went, and you could rely on it. Everybody knew that.

So Bea and I extend our greatest sympathy to his wife, Sala, and to his family, and I regret that we are here today to commemorate his service.

Mr. EDWARDS of California. I thank the gentleman from Iowa for his remarks.

Mr. DELLUMS. Madam Speaker, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from California.

Mr. DELLUMS. I thank my colleague for yielding.

Madam Speaker, PHIL BURTON, my dear friend and trusted colleague on so many matters, is now dead. Tragically, only with his passing will people in the media and across the country come to realize what a truly colossus he was on the legislative landscape of this Congress.

From the moment he was first elected to Congress from San Francisco in 1964, PHIL was an outspoken, unyielding opponent of our Government's criminal involvement in Indochina. In the years since, he was unstinting in his opposition to the nuclear arms race and U.S. covert operations around the world, from Angola to El Salvador.

In the realm of domestic legislation, he was one of the most effective champions in enhancing the environment and preserving the natural wonders of this country he so loved on the land, sea, and in the air.

He was in the forefront of every major struggle for the expansion of human dignity and equal opportunity in this society for the past two decades in and out of the Congress.

PHIL BURTON was truly a political leader in the best and most constructive sense of that term. My deepest po-

litical regret is that PHIL did not live long enough to achieve the position for which he was so eminently qualified, the Speaker of the U.S. House of Representatives.

My most profound personal regret is that PHIL's wife, Sala, his family and his friends who loved and admired him will no longer be able to share in his ready wit, his unique intelligence, his real compassion for and deep dedication to the cause of the poor and the powerless in our society and around the world.

I would further say to my colleague in the well and Members of the House that Washington, D.C., is a place where we have many colleagues and acquaintances but very few friends. PHIL BURTON was my friend. I respected PHIL BURTON, admired PHIL BURTON, and I came to love PHIL BURTON.

□ 1820

He was a decent and powerful human being. He will be missed by this gentleman, by my wife, and by my family. He took a stand in relationship to my career that was very difficult to take, but he did it because we both shared a vision of this Nation.

It is very difficult to articulately describe one's feelings. Death is a very powerful and potent thing.

I thank my colleague for yielding. As long as this gentleman is alive, PHIL BURTON's hopes and dreams and aspirations will live.

Mr. EDWARDS of California. I thank the gentleman.

Mr. MILLER of California. Madam Speaker, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from California.

Mr. MILLER of California. I thank the gentleman for yielding.

Madam Speaker, I rise for the purpose of honoring the memory of an extraordinary man, an exemplary public servant, and a tenacious man of courage and commitment—our late colleague, and my dear friend, PHILLIP BURTON of San Francisco.

PHIL's favorite expression, as we all will recall, was "Be happy in your work." PHIL was not just happy in his work—he reveled in it. PHIL brought to this House, to the Congress, and to the entire notion of public service an unsurpassed devotion to the people of San Francisco, and the people of this Nation.

It is altogether fitting that we honor PHIL BURTON today, on the anniversary of the passing of President Franklin D. Roosevelt. Not since F. D. R., I believe it is accurate and appropriate to say, has one man achieved more on behalf of the poor, minorities, the elderly, working people or the preservation of our environment than PHILLIP BURTON.

No wonder PHIL was "happy in his work."

PHIL saw the anguish and pain of tens of thousands of disabled miners and their survivors, and he wrote the landmark black lung compensation law which has provided income support and medical benefits to a half million people, and he wrote the Coal Mine Health and Safety Act to prevent new generations of coal miners from suffering disability and death.

And PHIL recognized the hazards to millions of American working men and women, and wrote the Occupational Safety and Health Act to protect them from injuries and diseases on the job.

PHIL saw the plight of millions of elderly, blind, and disabled citizens, and he wrote the supplemental security income law which guarantees decent incomes to over 4 million of our citizens.

Millions of service employees, blue-collar Federal employees, and agricultural workers who were without protections were brought under the Federal minimum wage law because of PHIL's legislation.

The incomes of millions of low-paid workers have been increased because of his efforts to raise the minimum wage and assure those Americans, and their families, a secure standard of living.

PHIL recognized the need to preserve our environment for future generations of Americans. As the chairman of the National Parks Subcommittee, PHIL worked his unique legislative magic in winning enactment of the Omnibus Parks Act of 1978, which tripled the size of the National Trails System, nearly doubled the size of the Wild and Scenic Rivers System, and more than doubled the wilderness acreage in the national park system.

Other key environmental legislation like the Alaska lands bill and the boundary waters canoe area was enacted in large part because of PHIL's legislative skills.

PHIL had served in the House for a decade when I arrived with the freshman class of 1974. Yet PHIL was a leader in the key issues which inspired most of us in that new class of House Members: Opposition to the continuation of the war in Vietnam, and a desire for fundamental procedural reforms in the operations of the House to allow a more democratic system in which all Members—newly elected and veteran—could fully participate. Because of the leadership of PHIL BURTON against prevailing public opinion and against the traditions of the Congress, an unknown number of lives were saved in Southeast Asia, and every new Member of this body will enjoy the right to full participation in the making of public policy.

Throughout this Congress and the Nation, there are many thousands of people who know what PHIL did for them, and they will never forget him. But the true measure of his greatness is how many millions of people his life's work benefited who never knew it, and perhaps who never even heard of him.

The many products of his legislative career will stand forever as permanent monuments to his life's work: Creation of the Golden Gate National Recreation Area; expansion of the Redwood National Park and protection of Lake Tahoe; establishment of the Channel Islands National Park, the Santa Monica Mountains National Recreation Area, and the Mineral King Area; and extension of the Point Reyes National Seashore and the granting of wilderness protection to the Farallon Islands.

And let us not forget that PHIL BURTON's efforts were responsible for granting the fundamental constitutional protection of representation in this House to residents of Guam, the Virgin Islands, and American Samoa.

But for me, the deepest memories of PHILLIP BURTON are not laws, or parks, or national monuments. They are memories of his consummate skills as a negotiator, a conciliator, an organizer. PHIL worked with every person and with every ideological point of view to make the legislative process work for the people and the country he cared so deeply about.

He never stepped back. He never accepted defeat. He never gave up, and he never abandoned his principles or his commitment. He was blunt, yes, even overbearing. But he was honest and straightforward to friends and adversaries alike.

And when each of us looks back at the years we have spent in this body and in public life, if we can claim half the accomplishments, benefited a quarter of the people, and improved the quality of life in this Nation a tenth as much as PHIL BURTON did, then we will all have reason to be very proud of our achievements, and to be "happy in our work."

I will never be as happy in my work again as I have been during the 8 years that I have shared a seat in the Congress with PHIL BURTON.

He was a colleague of mine for just 8 years. But our friendship has lasted my entire lifetime. And the excitement and the pleasure of those two relationships will remain with me, and inspire me, throughout the rest of my service in this House, and throughout my life.

Mr. EDWARDS of California. I thank the gentleman.

Mr. SHUMWAY. Madam Speaker, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from California.

Mr. SHUMWAY. I thank the gentleman for yielding.

Madam Speaker, I appreciate having this opportunity to pay tribute to our departed friend and colleague, PHIL

BURTON, and to extend my most sincere condolences to his family.

As no one needs to be told, PHIL and I were virtually diametrically opposed in outlook, from our political philosophy to our respective lifestyles. Nonetheless, I considered him to be a friend, I admired him as a man, and I respected him as a legislator. I sincerely believe that those sentiments were reciprocated.

PHIL BURTON was an extremely intellectual man, as well as an effective and clever lawmaker. In those capacities, he was very much a teacher to me, and the lessons he had to offer were well worth learning. His imposing appearance may have intimidated some, until they realized that underneath was a man who craved, earned, and deserved a reputation for being true to his word. He had the memory of an elephant, and he would never forget a bargain struck or a promise given, no matter how long a period of time or what circumstances intervened. He proved the soundness of his word to me in previous RARE II discussions, and even in the reapportionment plan drawn for California 2 years ago.

PHIL'S ability to negotiate never faltered, no matter what the situation. He utilized his many skills and abilities judiciously and effectively, and he was an individual of incredible resilience.

Finally, I have always appreciated PHIL'S devotion to his wife, and the high regard in which he held her.

Those of us who have been privileged to know and work with PHIL here in the House can truly appreciate how legislators such as he make the system work. He believed very strongly in every action he took and he insured that his position was always clearly known. I am confident that he provided sound and accurate representation to his district, and that he has left a mark upon this House that will not be forgotten. It was with sincere regret that I learned of his passing away.

Mr. EDWARDS of California. I thank the gentleman.

Madam Speaker, I yield to the distinguished majority leader.

Mr. WRIGHT. I thank the gentleman for yielding.

One of the great giants of our time has passed from among us. PHIL BURTON was a giant of a man who tended to dominate whatever stage he strode across. Everything he did was bigger than life size. He lived and worked and fought and played with an intensity at which others could but marvel.

PHIL BURTON did nothing halfway. He felt deeply, believed passionately, argued heatedly, and worked persistently for justice as he perceived it.

□ 1830

In the end, he simply worked himself out before his time; but many are the beneficiaries of his life and deeds. Generations from now Americans will enjoy public parks and beaches and unspoiled forests and open spaces because PHIL BURTON saw to it that they should.

He leaves a void in his passing. All of us who knew him mourn his loss and extend to his loved ones our most heartfelt condolences.

Mr. EDWARDS of California. I thank the majority leader.

Mr. MINETA. Madam Speaker, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from California.

Mr. MINETA. Madam Speaker, times change and people come and go. Some are deeply remembered, while others pass quietly. No one will ever say PHIL BURTON passed through these Halls quietly.

Those of us who knew PHIL personally will long remember his intensity, his passion, and his energy. Those who in later years will only know of him from books will see most clearly his long record of legislative accomplishment. And then there will be those who have never heard of our friend, but whose lives are richer because of his efforts.

PHIL was a man of two neighborhoods: The streets of San Francisco that he knew so well, and the Halls of this building. In each place he was a giant. I am not sure which is harder to imagine—San Francisco without PHIL BURTON, or this House without PHIL BURTON.

For those of us who love this House, PHIL'S loss leaves a vacancy of enormous proportions. PHIL understood the legislative process as few people ever will. PHIL made things happen. PHIL led the way. The House of Representatives will be different without PHIL.

In the sometimes rough and tumble world we inhabit here, PHIL was an artist, a master craftsman. He was never predictable, never at ease if he was not making things happen.

We must not lose sight of the fact that PHIL used these tools, used his gifts and his energy and his passion for the right causes. PHIL was a classic liberal. He cared for the poor, the old, the minorities. He believed that this Government exists not to build "Star Wars"-style weapons, not to increase the privileges of the rich, nor to sell off our public lands. For PHIL, we are here to care for the sick, to protect the dignity of seniors, to serve as stewards of our land and water, to fight for justice with compassion and dedication and ceaseless energy.

With PHIL gone, the people of this Nation have lost not only a friend, but they have lost a protector and a crusader. That this loss has come many, many years too soon makes it all the more tragic.

There will be many monuments to PHIL BURTON: The parks he created, the laws protecting working people, the programs he defended. But let his most important and enduring monument be our commitment to the principles he embodied. Let us rededicate ourselves to these goals, let us never waver in our determination to carry on with his work.

And as PHIL would say, "You can bet your sweet bippy"; that PHIL'S most lasting monument will be the health and well being of the people of this Nation, and our continuing efforts to maintain, protect, and enhance their lives and their welfare.

So May and I wish to express our deepest sympathies and condolences to Sala; daughter, Joy; brothers, John and Robert Burton and thank them for having shared PHIL and his talents with all of us.

Mr. EDWARDS of California. Madam Speaker, I yield to the assistant majority leader, the whip, the gentleman from Washington (Mr. FOLEY).

Mr. FOLEY. Madam Speaker, I, like so many of us, was saddened beyond expression by the events of recent days in which we all stand shocked by the sudden and tragic death of PHIL BURTON. Those of us who have been his close friends in the House over the years, those of us who have been colleagues who knew him only by his enormous achievements and his energy, so marvelously set out by all the speakers who have preceded me, cannot yet quite believe that he will not be among us, that he will not be in the cloak room, that he will not be in the Halls, that he will not be grabbing Members to talk to them about the latest and most serious concerns that he always devoted himself to with such intensity and effectiveness.

It has been said many times that PHIL was a master of the legislative process. Those words are easy to say, but truthfully, I think those of us who have known him have seldom know anyone in any legislative body who had the capacity to bring together the intensity of commitment, the knowledge of the subject matter, the burning desire to achieve results and a capacity to work with Members of his own belief and philosophy and party and to work with others of a totally different background of feeling and appreciation, when he was convinced that together a real record of achievement and success might be attained.

PHIL devoted himself to the reform of this House, to the protection of those who needed it most in our country, to the preservation of our natural resources, to the dignity of senior citizens and the working men and women of this Nation and many other causes; but he devoted himself with such a clear focus and with such intensity that he has, as few Members could

possibly have, a record of specific achievements.

I might say that there are Members of the House who give enormous service over the years by making judgments, by working painstakingly on the efforts of others to give their vote and their commitment; but in a particular way, if one sat down and said what did PHIL BURTON achieve, it would not be difficult for anyone who has served with him to name issue after issue, victory after victory in behalf of protecting the natural environment, protecting the interests of people, protecting the rights of the individual, everyone within the United States and those in areas off seas, who have reason to be grateful to PHIL.

Many, as has been said, will forget his name. This is a place of transient fame and recognition; but there will be monuments to PHIL, as has been said before, not so much physical monuments of granite and stone, but monuments of achievement for the benefit of all of the people of this Nation that will be truly enduring.

This is a better Congress and this is a better country because of PHIL BURTON's service, and that is a monument and a memorial and an epitaph that any of us could be proud to have.

Mr. EDWARDS of California. I thank the gentleman.

Mr. STARK. Madam Speaker, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from California (Mr. STARK).

Mr. STARK. Madam Speaker, we stand here today in the shadow of a man who dedicated 20 years to Congress and a lifetime to humankind.

Yes, PHIL BURTON was the consumate political pro, a rough-hewn bear of a man with an instinct for being on the right side of a horse swap. His remarkable ability to knit together a patchwork of legislative commitments was legendary, and it won him accolades from some and criticism from others.

But most importantly, PHIL BURTON's dogged determination and sometimes complicated political stratagems gave a "voice" to a constituency that too often is merely a whisper in these legislative Halls. When that abrasive and loud voice of PHIL's boomed, it spoke for the poor, it spoke for the aged, it spoke for the disabled, it spoke for labor, and it spoke for a land unperverted by the ravages of greed.

During his 20 years in Congress, the whisper that grew to a crescendo through PHIL BURTON was heard in the Coal Mine Health and Safety Act that PHIL helped enact; it was heard in the 1978 legislation that extended and increased the minimum wage; it was heard in the Supplemental Security Income Act that PHIL authored; it was heard through PHIL's legislation establishing black lung compensation provisions for coal miners; it was heard throughout this Nation in legislation tripling the size of national park trails, protecting wild and scenic rivers and guaranteeing that this and future generations can take pride in an unspoiled wilderness.

I want to add my condolences and sympathy to PHIL's wife, Sala, and his brothers, Bob and John, his mother and his many, many friends.

It is true that PHIL was my friend and my colleague and he was, indeed, consumed by the political process, literally and figuratively, but not out of greed, not out of selfishness. He did not die a wealthy man and it was not his lot to devote time outside of Congress to ingratiate himself either financially or in a broader community than those who are gathered here today.

Despite a coarse exterior and a rather intimidating presence, he did not take on tireless and often tedious tasks, punctuated by late night hours and tireless sessions, just to gratify his own ego or build his self-worth. He was a man who task by task and bill by bill selflessly added to the sum of the overall good.

□ 1840

I remember a conversation I once had with PHIL during his campaign or previous to his campaign when he ran for majority leader. It was heated and spirited. Those of you who have been in those types of arguments with PHIL BURTON know that I am perhaps gilding the lily on that conversation. But it ended up, I suppose, by my screaming at PHIL that his only problem was that he did not know how to tell people he loved them.

From then on, and I think Sala agreed with me, but PHIL did not quite understand at that late hour, but from then on whenever I would see PHIL, and the more crowded the room and the more crowded the street he was shouting across, he would scream across the room and he would say, "Fortney, I love you."

I used to think that was sort of out of character for this kind of a hard-boiled tough guy to yell that he loved me, but in retrospect it was not really odd for him to say he loved someone, because in his own way he shouted that love every day to the poor and the aged and the workers, all of those whispers that he said I love you to through really a legislative voice that will ring in these Halls for a long, long time.

We will miss PHIL. We will miss his style. I hope that that commanding voice for those interests never does shrink to a whisper.

PHIL, I am a little peeved. PHIL owed me a phone call. He was to explain some things that I was to get done in SSI, particularly as it dealt with California but as it would have dealt with all of the people receiving supplemental security income. I am peeved because I was not told what to do next.

Now I am happy in my work, PHIL, and I know I am in my mother's arms. I hope that it is the memory of you that will tell me, and I am sure it is, what to do next.

Mr. EDWARDS of California. I now yield to the distinguished Speaker.

Mr. O'NEILL. Madam Speaker, it is impossible for me to express my sense of loss upon the death of PHIL BURTON; PHIL, whom we all knew so well; rough, tough, gruff, articulate. You knew where he stood on all issues. You knew when he was in your company that there was a fighter for the rights of people and a leader at the same time.

The void left by this giant of a legislator affects not only his party and the House as an institution but the most dramatic loss will be realized by those for whom he fought every day of his life, the poor and the unfortunate, the unemployed, the aged, the sick and the disabled.

PHIL and I agreed so much in philosophy. It would be untrue to say that PHIL and I were the closest of friends until after a strange thing in his life had happened. After he had been defeated for the majority leader, PHIL and I became extremely close.

What a man's man he was, losing a fight which meant everything in the world to him by one vote. I never saw a person take a defeat so gracefully.

I think after that he was even a better man, if it was humanly possible. He came to me in the quiet of the office from being an adviser to being a friend. After that defeat I would say that there was no closer individual in the House to me than PHIL.

I will miss his guidance and I will miss his friendship.

PHIL BURTON, as we all know, was a brilliant tactician. This quality, coupled with his absolute dedication to the programs and policies on behalf of labor and on behalf of the environment, to name but two, made for extraordinary legislative achievements.

PHIL had a heart of gold. His capacity for caring and compassion were unequaled.

He was a strange man. As compassionate as he was, he hated to let anybody know how soft his feelings really were.

Milly and I, since my wife has moved to Washington, became closer to the Burtons, particularly through a friendship that Milly and Sala made along the line. I think perhaps that drew PHIL and I closer together.

He was talented, able, and it will be hard to fill his shoes.

So my wife Milly joins me and we extend to his beloved wife and partner, Sala, our deepest respect and love at this time of her sorrow.

Mr. EDWARDS of California. I thank the Speaker.

Mrs. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentlewoman from Louisiana.

Mrs. BOGGS. I thank the gentleman for yielding.

When you speak of love and speak of PHIL BURTON, I found him a very lovable person and certainly he never had any trouble telling me that he loved me. He showed his affection and his devotion to me in so many ways, and we had a very lovely relationship through many years when he and Hale, my husband, had a grudgingly affectionate relationship. Though they could yell at each other, they really indeed respected and enjoyed each other and were able to accomplish many things together.

I think particularly of the time when they had the delicate negotiations in the Platform Committee of the 1963 Convention. I think a bond of friendship and of respect was so welded together then that it never really was torn apart again, even though at times they may have pretended it was.

I am going to miss PHIL BURTON and his leadership, his interests, his enormous energy that could activate this House into actions that perhaps nobody else was able to put together and to energize.

I cannot mention PHIL and his work without mentioning in the same breath his partner, Sala, because she made it possible for him to give all of his attention and his enormous energy to the tasks that he loved so well, the reform of this House and all of the great legislative achievements and goals that he indeed did attain and that have been enumerated here.

The people of this Nation are so much more able to enjoy the benefits of our Government and the benefits of the beauty of our natural resources because Sala gave PHIL to us so completely.

So I extend my feelings of sorrow and of condolence to Sala and to Joy and especially to John whom all of us are feeling a very close relationship with today. I would like to say as a grandmother that my heart goes out to his grandchildren whom he loved so dearly.

Mr. EDWARDS of California. I thank the gentlewoman.

Ms. OAKAR. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentlewoman from Ohio.

Ms. OAKAR. I thank the gentleman for yielding.

I also share in the grief that a really living legacy has passed on. Now it is up to us to continue what his legacy was all about.

I do not think there are very many people in history who have directly and intimately affected so many millions of others as PHILLIP BURTON has and will since his legacy is still alive.

Many of us have already mentioned his contributions to our wonderful country and its people.

I would like to talk about him just briefly with respect to his love not only for his own State—although he was a native Ohioan and born in Cincinnati—and his country, but indeed, the global community.

□ 1850

PHIL BURTON was the leader of our country's delegation to the North Atlantic Assembly. And as one of the delegates that PHIL had asked to join him along with others, I was always amazed at his absolute scholarship about not only Western Europe but indeed the entire world. I think most of us tended to think of him as domestically oriented in his vision. But he was so well respected by so many leaders throughout the world that I was so proud of him as the leader of our delegation. And I valued the fact that he felt that it was very important to put America's best foot forward. He wanted a cross section of delegates. He wanted to show that indeed minorities and women participated in the legislative processes and that is why he asked some of us to join him.

I also wanted to briefly say that I not only had great love for PHIL, but I have great love for Sala. I know that she, next to PHIL, perhaps, was one of the most knowledgeable people on various issues that I have ever known. It may be inappropriate but I am going to say it anyway: I hope Sala runs for his seat. She would make an excellent Representative and no one, certainly, shared PHIL's vision as well and as beautifully as Sala did.

I want to extend to her also my deepest sympathy. They were indeed loving partners and they spoke so often of their daughter Joy and their grandchildren that I feel as if I know them also. And a special place in my heart tonight goes out to his very, very fine brother John, whom we miss also as a Member of Congress.

So, I just hope that all of us understand the responsibility we have now that PHIL is not here any longer; we have the responsibility to continue the magnificent legacy that he had for us. We still have some work to do in terms of progress on so many issues that were close to him. I thank the gentleman for yielding.

Mr. EDWARDS of California. I thank the gentlewoman.

Mr. PANETTA. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from California.

Mr. PANETTA. Thank you, DON.

A few months ago I had the personal tragedy of losing my father. And at the time when you lose someone close it makes you realize your own mortality even more. A few days ago we all lost a friend and virtually a father to the California delegation. Again I was struck by how mortal we are and how short the timeframe is that we live on this Earth, the time to make a contribution to our fellow human beings.

We will hear a great deal today and in days to come about all that PHIL did; his accomplishments, good work, unique style, his energy. But there is only one thing that really mattered, there really is only one thing: And that is the fact that he cared.

On a personal basis he cared for his fellow Members.

His every concern, his every thought was often for his colleagues, their districts; indeed PHIL I think knew some of our districts better than many of us did. He scolded those when he thought we were wrong; he praised us when he thought we were right. Yes, his manner was abrupt, but what you saw was what you got. There was not anything hidden in his mannerisms or in his statements. He often would say to me, "If I am shouting at you, it means I love you." And no one could shout the way PHIL could.

On a public basis he also cared and he brought that care to his work. He hated those that did not care. I think that was the one thing you could see in PHIL. If you did not care for what you were doing, that is what aggravated him more than anything else. He wanted you to care.

Being a Congressman was to him not just a title, not just a position; it was a name that gave you the ability to do things, to accomplish things. And accomplish he did. Whether it was parks, recreation, tremendous landmark legislation for poor, the blind, the disabled, the downtrodden; in every sense he was a warrior who cared.

With his death, to some extent, comes the end of an era in this institution. This institution has had large pervasive personalities who have been a part of it for a long time. Yet with PHIL's death I think comes the end of that kind of era.

So, to his wife and to his family and his brother John, my wife and I extend our deepest sympathies. And I would just say this, it was a comment said to me when my father died: The person may be gone, but the relationship never ends. And his memory of caring will forever be our guide to the future.

Mr. EDWARDS of California. I thank the gentleman from California.

Mr. COELHO. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from California.

Mr. COELHO. I thank the gentleman.

PHIL BURTON was a big man in many ways. We have heard here today about many of his accomplishments. I knew PHIL from a different perspective, in that PHIL felt so strongly about friendship, he felt so strongly about making sure that those people that he loved and cared for knew it and he was willing to go out of his way to do those things to be helpful and of assistance.

In my short time as a Member, and in some troubling times that I have had, he was willing to come forth and provide guidance and support when others did not know or care. His compassion for others not only for our colleagues, but his compassion for the poor and his compassion for people who could not defend themselves, is the thing that brought about his untimely death.

He was so committed to righting so many wrongs that he did not really care about taking care of his personal being.

This is the type of thing that made PHIL BURTON the character and the person that he was.

So many things have been said about him and so many things will be written about him; but as I said earlier today, Michael Barone's column in the Washington Post this morning—I would hope that all of our colleagues would read it—probably said it better than anybody. I know that Michael was a close friend of PHIL's. He concluded his column by saying something that all of us in public office would like to have said about us at some point. And I would like to read it here and conclude my remarks with it: "You may or may not agree with what he did but you have to agree he made a difference." And he did.

[From the Washington Post, Apr. 12, 1983]

PHILLIP BURTON, 1926-1983

(By Michael Barone)

He seemed larger than life, in the literal sense: he had huge shoulders, a huge head and, most important, a huge voice. Phil Burton will probably be remembered by many of his colleagues in the House bellowing with rage, furious that others were not following his lead, pushing a bill or an amendment or a resolution through by something that looked like brute physical force. Others will remember him as the architect of the partisan redistricting plans which on three occasions he got the California legislature to pass.

But he was more than a brawler: he was one of the most productive national legislators of his generation. His achievements include: the 1978 national parks bill, which created or expanded 34 parks, 12 wilderness areas, eight scenic rivers and four national trails; the Supplementary Security Income program, which augments the income of 4 million aged, blind and disabled people; the black-lung compensation program for miners; making strikers eligible for food stamps; increasing the minimum wage from $2.30 to $3.35.

Inside the House, Burton engineered the abolition of the Un-American Activities Committee and the institution of the practice whereby the Democratic Caucus elects all committee chairman by secret ballot. He was not the only person who worked to produce these results, but without him most—perhaps all—would not have happened.

He did all these things against the odds, and without much publicity. When he came to Congress in 1965, he was on the farthest left wing of the House; he opposed the war in Vietnam even then. But he was also a skilled vote-counter, an instinctive builder of unlikely alliances and a master of legislative detail.

He was not much known to the world outside Washington and his district in San Francisco; his hot style did not come across well on the cool medium of television. He had a taste for accomplishing things by surreptitious means, and sometimes—as on redistricting—he gloated too much over his cleverness for his own good.

Three things stand out from his record. First, he cared about poor people, and millions of them today are receiving aid because of his efforts. He concentrated less on symbolic efforts than on channeling very large sums of money to those he considered in need. Second, he succeeded legislatively because, in a town where so many people read one-page briefing papers before going into crucial meetings, he took the trouble to learn the details. He liked to boast that he knew more about welfare policy and national parks and California redistricting than anybody else, and he probably did. Finally, despite adversity, even after losing the House majority leadership by one vote in 1976, he never quit working or fighting for what he believed in.

You may or may not agree with what he did, but you have to agee he made a difference.

□ 1900

Mr. FAZIO. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from California.

Mr. FAZIO. Mr. Speaker, when PHIL would complete the process of forging a decision in the delegation he would say, "Now we are going to go in there and do it Quaker style."

And it seems like we are sitting around here like the Society of Friends of PHIL BURTON speaking out when we feel the need, doing it Quaker style.

There are a lot of things on the list of accomplishments of PHIL BURTON. The redwoods, Tahoe National Parks, and general black lung, SSI food stamps, but they all seem so trite and in retrospect so small in comparison to the size of the man involved, because he really transcended the issues.

He was a work-a-day legislator. He knew how to get things done. He was not a pontificator, not an intellectualizer like so many of his political philosophy are criticized for being.

He was not a floor man. He was a man who sat in his office and used the telephone like a musical instrument. And he could accomplish more in an afternoon than people who had spent a lifetime working on the same issue.

For many of us who were among the younger generation of California Congressmen he was a protective father trying, despite the objections that we all had on a regular basis, to provide some discipline to the kids, to try to bring order out of the chaos that we all kind of liked to create. In the popular song that we hear so often today, we all felt his thundering velvet hand.

I think he believed he could somehow mold us all, to protect us, to send us on our separate ways to wherever he felt it appropriate for us all to seek our fortunes. And he often did it despite our efforts to frustrate him.

In reapportionment, for example, he was so often spending his time attempting to argue logic to people who did not ever understand their own self-interest. And he did it tirelessly and with great effect.

He was a truly historic figure in the House, leaving an impact through programs on many people across the land, in fact, across the world. But I think perhaps more importantly, he left a mark on a legislative process that will outlive him as it will outlive us all. He made this place a more democratic House, with a small "d." He in fact made certain that the phrase, "Here the people govern," could find renewal in our times.

We were all fortunate to have loved or been befriended by or known or just observed this whirlwind of a man, who gave so much of himself to his country and to all the world.

And so I can only conclude by saying I was fortunate to have known him, to have served with him, to have observed and hopefully learned a little from him and I would like to simply offer my condolences to Sala and to John and to the rest of his family.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, the tragic news of PHIL BURTON's death has touched us all very deeply. It was a shock to hear of his passing, and this Nation truly mourns a man who did so much for so many.

PHIL BURTON was elected to this body in 1964, and became deeply involved in many areas of legislation of benefit to the American people. His untiring efforts on behalf of the many necessary environmental concerns of this Nation must have given him much pleasure when, in 1978, legislation he engineered culminated in the creation of over 100 parks around the country.

PHIL's contribution on his assigned committees showed us his compassion and caring. He assisted in the passage of legislation on the Education and Labor Committee which raised the minimum wage, and in improving the benefits for the elderly and the disabled. His work on the Interior and Insular Affairs Committee is legendary, and on many environmental matters, I looked to him for guidance. While we

differed both politically and philosophically, it was in these areas where I felt close to him and those issues on which he labored so long and hard.

His respected leadership role in these efforts led PHIL to take the chairmanship of the Labor-Management Relations Subcommittee in 1981. Having done so much on the Interior Committee as a subcommittee chairman, his switch to this subcommittee meant that his work to improve labor conditions was certain to achieve the same heights as his efforts on behalf of environmental legislation.

Not long ago, PHIL and I attended a labor meeting at which local officials from my district were in attendance. PHIL's keen mind was quick to recall a vote I had cast in favor of a labor reform bill he had worked on, and was only one indication where his unusual gift for detail only added to his reputation.

I join many of my colleagues in expressing our condolences to his wife, Sala, his family, and his brother, our former colleague, John Burton. I hope it is of some consolation that others share in their grief.

Mr. PATTERSON. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from California.

Mr. PATTERSON. Mr. Speaker, the first time I met PHIL BURTON was in April of 1974 and I was a candidate for Congress. I came back here to visit and seek advice; and, of course, I dropped in to see PHIL BURTON.

He gave me that advice. He was a little rough and gruff, and asked why I wanted the job. And sometimes now I guess I wonder. But he gave me good advice and I followed that advice.

A couple of months later I became the Democratic nominee in June. And a few days after the election I got a letter in the mail. The letter was from PHIL BURTON, congratulating me on my nomination, and it had a political contribution in it and I gratefully received that contribution.

And then a few more months went by and in November, on election night, in the midst of my celebration of victory, somebody pulled me to the side and said, "You have got a telephone call." And that telephone call was from Congressman PHIL BURTON.

Well, he did that for more than JERRY PATTERSON. He did that for a lot of other Members whom I see around this room, and others who are not here. And that is what made PHIL BURTON really special. He will be missed more than I think any other single Member of Congress would be missed were he or she absent. And that is because he was uniquely able to combine desire to do the right thing with the ability to get it done. No one was more committed to conservation of the environment on the one hand and yet jobs and the poor on the other hand.

He managed to put together legislation that saved jobs and saved the environment, all at the same time.

PHIL BURTON's leadership came not from being in the leadership, but from his ability to lead. It did not come from seniority, it came from working harder than most of the rest of us ever worked. It came from a very brilliant mind, able to comprehend complex details of legislation and what it affected, and whom it affected.

PHIL's complete fascination with the political process with legislators like all of us and his knowledge of our districts even enabled him to forge working minorities on issues and bills that most of us would have simply written off. He was bright, he cared, he got the job done. And there is a great big hole in the House of Representatives that cannot be filled by anyone else.

GENERAL LEAVE

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order, the life, character, and public service of the late Honorable PHILLIP BURTON.

The SPEAKER pro tempore (Mr. MINETA). Is there objection to the request of the gentleman from California?

There was no objection.

A TRIBUTE TO THE LATE HONORABLE PHILLIP BURTON

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. BOXER) is recognized for 60 minutes.

Mrs. BOXER. Mr. Speaker, the family of PHILLIP BURTON has suffered a terrible loss with his premature passing.

To his wife and total partner, Sala Burton, and her family I send my deepest sympathies.

To his mother and brother, Bob, who has such pride in his great achievements, I send my deepest sympathies.

To his brother, John, who was his closest colleague and friend, I send my deepest sympathies.

And to San Francisco, which he represented with a passionate love, and to this body in which he served with such distinction, I send my deepest sympathies.

But it does not stop there. The loss of PHILLIP BURTON will be felt not just by those who knew him but by those many Americans who have benefited from his work.

PHILLIP BURTON was dedicated to improving the lives of all Americans. In 1966, as a Member of this body, he wrote legislation extending the minimum wage to 6.5 million previously uncovered workers; in 1974 he led the fight for the Supplemental Security Income Act, guaranteeing income maintenance to 4 million aged, blind, and disabled Americans.

In 1978, he managed legislation extending the minimum wage and increasing it from $2.30 to $3.35.

Many times PHILLIP BURTON did his work without any publicity and sometimes he took on issues which went beyond his district but concerned the health and safety of the working person. Such a case occurred in 1969 when PHILLIP BURTON argued for including black lung compensation provisions in the Coal Safety Act. CARL PERKINS, then Chair of the Education and Labor Committee, said at that time:

> Mr. Burton has no coal in his congressional district. Yet he has worked day and night and I say day and night because he called me at midnight to clarify and resolve the issues.

That bill meant much to the health and safety of coal miners and their families throughout America and will have lasting effects.

When PHILLIP BURTON took on the environment as an issue, the environment never had such a protector. As a spokesman for Friends of the Earth said: "The Earth has lost one of its greatest champions." In 1978 our former colleague managed the most sweeping piece of environmental legislation to pass Congress—tripling the size of the National Trails System, almost doubling the size of the Wild and Scenic Rivers System, and more than doubling wilderness acreage. We have felt his spirit in this Chamber today as we voted for his California wilderness bill. The Golden Gate National Recreation Area, 35,000 acres from the beaches of San Francisco, 50 miles to Point Reyes in Marin is his lasting accomplishment. The GGNRA is really Phillip Burton Park.

What made this man so powerful, so awsome, what made him such a giant? Not his wealth—because he shunned wealth: not the trappings of power, because he shunned those also: not his physical presence, although his physical presence was imposing. What made PHILLIP BURTON so powerful, so awesome was his total and complete dedication to the public interest. No one could divert him from that. The inner strength of his conviction, combined with his keen intelligence and technical skill made him a tower of strength.

And that, my colleagues, is something we must learn from the life and times of PHILLIP BURTON. I will dearly miss the privilege of serving with my friend and colleague PHILLIP BURTON; I will dearly miss the privilege of representing the city he loved so well, side by side with PHILLIP BURTON. I will

dearly miss getting a telephone call any time night or day from PHILLIP BURTON asking: How is it going kid, or stay happy in your work kid.

But I commit myself to carry on his passion to preserve and protect the environment; his passion to protect the vulnerable people in our society who need our help; his passion to keep the procedures of this House open and fair; his passion for peace. PHILLIP BURTON's contributions will be felt and remembered as long as there is an America.

□ 1910

Mr. DYMALLY. Mr. Speaker, will the gentlewoman yield?

Mrs. BOXER. I yield to the gentleman from California.

Mr. DYMALLY. Mr. Speaker, I had the unique privilege of serving with PHILLIP BURTON in the California Assembly. In fact, he convinced the Speaker of the Assembly, Jesse Unruh, to put me on the Social Welfare Committee, and during that service on that committee, PHIL would say: "This bill is good for Mervyn. Dymally votes aye." And so enraged I was that I stopped going to the committee meetings. Speaker Unruh called me and said: "I understand you have quit the committee." I said: "Yes. What is the purpose of serving on the committee when the chairman continues to vote for you?" He said: "I think you better go back, because he is continuing to vote for you." So, needless to say, I went back.

I want to reminisce about my pleasant experience with PHIL because it brings a sense of personal chuckle to me. On that committee he sent out AB 15 with five lines. It went over to the Senate, which was sort of a conservative body then, and came back to the assembly for concurrence with 79 pages. And welfare has not been the same in California since. The beneficiaries were the poor, mothers who were heads of families, children, senior citizens. In fact, PHIL thought it was demeaning to call these children needy children. He changed the term to "aid to families with dependent children."

In 1961, the black community waged a campaign called Two-Four, two black Congressmen and four members of the assembly. In those days Los Angeles County only had one Senator. PHIL championed that cause, and out of that cause came the district which is now represented by Congressman GUS HAWKINS.

In 1971, on reapportionment, I happened to have the privilege of sharing the Senate Committee on Reapportionment, and PHIL championed again the creation of a district which was represented subsequently by Yvonne Burke and now by JULIAN DIXON. And during the course of that hectic reapportionment, 5 minutes before the adjournment, as PHIL was wont to do, he came to me with a conference report, and he said: "I have got 2 votes." And I said: "PHIL, I have got 3, and I am not signing." PHIL had the last word on my refusal to sign the conference report because, as Congressman WAXMAN would tell you, he did not speak to me for the duration of the special session, and the bill passed without a word to me.

PHIL in 1981 was criticized across the State for what some termed a partisan reapportionment. But what was not reported accurately was the fact that PHIL dedicated himself and committed the delegation to producing districts for Hispanic candidates to run. Out of that, we have two safe Hispanic districts in Los Angeles County, but he also preserved the three black districts.

I recall in 1967 there was a special reapportionment to adjust some lines in Congress, and I was in New York at the Metropolitan Applied Research Institute. PHIL ordered me back to California. When I landed in the Senate, the President pro tem told me the meeting was adjourned. And I was outraged. I called PHIL and I screamed, and I said: "Furthermore, I left my coat on the plane." In the next 2 or 3 days I received a check from PHIL BURTON. My wife said: "Are you going to take that check?" I said: "You are right. I am madder than hell with him." And so I still have that coat today, and I shall keep that coat in memory of PHIL BURTON.

PHIL never lied to his colleagues. He was a champion of minorities, women, senior citizens, the poor working men and women. His wife, Sala, was his partner. To them I share my very deep sympathy, to his daughter, Joy, and to my friends John Burton and Bob. I think we will all miss PHIL. Words cannot adequately express my very deep sympathy for his family.

Mr. BROOKS. Mr. Speaker, will the gentlewoman yield?

Mrs. BOXER. I yield to the gentleman from Texas.

Mr. BROOKS. Mr. Speaker, PHIL BURTON's untimely death leaves all of us who knew him and worked with him with a sense of deep sadness, and it takes from the House one of its most imposing figures. PHIL was an intense man, because he cared deeply about the important issues that our National Government has dealt with over the past two decades. He was a fighter for social justice, for programs to meet the needs of our disadvantaged citizens, for legislation to preserve our environment, and for the protection of our Nation's working men and women. As a leader of the Democratic Study Group, he was a key force in shaping that organization as a leading source of research and information for Members of the House.

PHIL also played an important role in efforts to strengthen our ties with our allies in Western Europe. It was my pleasure to work with him closely in his position as leader of the House of Representatives delegation to the North Atlantic Assembly, when he served as head of the assembly's political committee, and more recently when he served as a member of the U.S. Standing Committee of the North Atlantic Assembly.

Above all else, Mr. Speaker, PHIL BURTON loved the profession of politics and the building of coalitions of support behind an issue. Whether he was shepherding a national parks bill through the House, offering his assistance in California redistricting matters, or campaigning on the streets of San Francisco, PHIL BURTON pursued his goals with enthusiasm, vigor, and skill. I was proud to have PHIL as a colleague and call him my friend, and I will miss him. To his beloved wife, Sala, his daughter, Joy and her husband, his two grandchildren, and his brother, our former colleague John Burton, I extend my deepest sympathy.

□ 1920

Mr. LANTOS. Mr. Speaker, will the gentlewoman yield?

Mrs. BOXER. I yield to the gentleman from California.

Mr. LANTOS. I thank the gentlewoman for yielding.

Mr. Speaker, colleagues, PHIL was my neighbor and he was my friend. He was a virtuoso and he was a pussycat. He was a virtuoso who played this House with a degree of technical brilliance that dazzled the most accomplished veterans of the congressional process.

But he was a gentle, warm, sensitive, lovable, tender, marvelous human being. He had a narrow spectrum of interests. He only had three: This planet, its people, and peace.

What he has done to preserve and protect the magnificence of our environment only future generations will understand.

His compassion for people was legendary. PHIL never had time for the powerful and the mighty, but he was always available to those who were in trouble, who needed him, who had to have this giant of a man as their champion and their protector.

My wife, Annette, and I have had a very special privilege of knowing Sala and PHIL as a team. I would like to say a word about that team.

I do not think in the history of this body, there has ever been a more effective partnership for compassionate and caring government than Sala and PHIL BURTON. Annette and I have watched PHIL's pride in Sala, PHIL's caring for Sala, PHIL's concern for this woman who was so much a part of him.

To PHIL's family, and particularly to Sala, Annette and I want to say that we love you, that we want you here with us because PHIL's work must be carried on.

Mr. MATSUI. Mr. Speaker, will the gentlewoman yield?

Mrs. BOXER. I yield to the gentleman from California.

Mr. MATSUI. I thank the gentlewoman for yielding.

Mr. Speaker, it is difficult for all of us here today to really define PHIL BURTON. I have known him for about 6 years, and frankly, I have been thinking while these other speakers were talking about PHIL, about how I could describe PHIL BURTON.

To tell you the truth, I really cannot describe him this evening, and I do not think any of the speakers can adequately describe PHIL BURTON.

I was talking to a Texas colleague of mine this morning and we were talking about how tragic it was that PHIL had passed away on Saturday night. I said, "You know, I still can't get over the fact that PHIL BURTON has died because he seemed to me to be indestructible."

My Texas colleague said, "You know, that is right. PHIL BURTON's death took me about the same way that Lyndon Johnson took me. I looked at the person as being indestructible and actually larger than life."

I suppose that is why it is very difficult for us today to really capture the personality and character of PHIL BURTON, and that is because, in fact, he was larger than life.

All of us have anecdotes about how PHIL touched us. Some moments were sad and other moments were happy; sometimes you loved PHIL and sometimes you hated PHIL. But above all, we felt that PHIL had compassion. PHIL had compassion for all of us, for this institution, and for all the people of this country that he served.

PETE STARK a little earlier talked about PHIL BURTON contacting him or telephoning him about 1 month ago because he had a problem with the supplemental security benefits. California was under the Federal rules allowed to cut out about $78 million to the aged, the blind, and the disabled. In our Public Assistance Subcommittee, we were about to take that action.

PHIL called PETE STARK and I up one evening about 6 o'clock and, as you all know, it was in February, and to go to PHIL BURTON's office in February at night was very difficult to do because when you go in there, it is freezing. PHIL usually had his shoes off, and by that time PHIL was ranting and raving about the tragedies of the day.

But PETE and I did go in PHIL's office that evening, and PHIL did, in fact, rant and rave. The temperature was down to about 50 degrees, and PHIL was telling us how important it was to protect the poor, the blind, and the disabled, those who would have been cut out if we would have passed the amendment under the SSI proposal.

Well, a few days later PETE and I did come up with a solution. Basically, it would have, and what it did do, was to require the State to, in fact, pick up that $78 million and, in fact, the blind, the aged, and the disabled would receive additional benefits.

After the vote, PETE and I went to PHIL and we said, "PHIL, we got it; we won it." And it was really due to PHIL BURTON's help. He was the one who put the formula together. He was the one who called BILL THOMAS and others and really put this proposal together for us. PHIL said, "That is good. We can screw the new Governor of California. We will teach those Republicans what to do."

That was really PHIL BURTON. PHIL BURTON was the kind of person who really had a deep commitment to people and to things that were good. Tonight, I do not know how we are really going to do without PHIL BURTON. I keep seeing him, and many of us have talked about this today, during the lameduck session when he tried to get something through for San Francisco Bay and how he thought he had unanimous consent. He cut a deal with all the Republicans, and he was on the floor and Floyd Fithian, who was leaving the House, objected, and how PHIL ran over there.

You know, when PHIL ran, his legs moved but the body from the waist up did not move. So it looked like he was just sailing across the room. He dropped his glasses off, and he grabbed Floyd around the collar. We were all sitting back there at 2 o'clock in the morning laughing at the energy that this individual had, and the ability that he had to be involved in all different things.

But PHIL BURTON really did not die. He will live with us as long as this body and as long as the men and women in this body believe in justice and righteousness and peace. So we will miss his presence, but his legacy will go on. And we will not miss that because he taught the GEORGE MILLERS, the HENRY WAXMANS, the VIC FAZIOS and TONY COELHOS and all of us what is right and wrong in the short time that we had to work with him.

I want to express my condolences to Sala, and Johnny in particular, and to the Burton family. We will miss PHIL, but he will remain with us as long as this institution survives.

□ 1930

Mr. WEISS. Mr. Speaker, will the gentleman yield?

Mrs. BOXER. I yield to the gentleman from New York.

Mr. WEISS. Mr. Speaker, I rise to express my profound sense of loss upon the death of PHILLIP BURTON.

In the course of our lives, we occasionally encounter people whose existence seem larger than life itself, impenetrable by the mortal force which act upon us every day. From the moment I first met PHIL BURTON, I knew that he was one of those special "larger than life" individuals. Perhaps that is what makes his sudden death so shocking and distressing.

I first met PHIL BURTON in 1972 on the back of a flatbed truck in New York. He had come in to help campaign for my friend and predecessor, and his close friend and colleague in the House, the late Representative William F. Ryan. I cherished his friendship from then on and enjoyed the benefit of his guidance.

Before I came to Congress in 1977, I had known of PHIL BURTON as a leader of the liberal causes in which I had long believed. As the courageous leader of a successful fight to abolish the House Un-American Affairs Committee, he established a reputation among legislators as one who not only spoke out against what was wrong, but was able to do something about it. As one of the few Members of Congress bold enough to oppose the Vietnam war publicly as early as 1965, he built a reputation as a skilled analyst who did not accept conditions simply as they appeared or as others wanted him to believe.

In succeeding years, through the sixties and seventies, no Member of this body accomplished more for poor Americans. His list of legislative accomplishments reflects the totality in which he dedicated himself to the causes of the needy:

He was a leader in formulating the Coal Mine Health and Safety Act; he authored the Supplemental Security Income (SSI) Act; he led battles to keep the minimum wage at humane levels; he authored legislation to compensate miners who suffered from black lung disease; he authored legislation to provide overtime protection to blue-collar workers who were not previously covered. The list of his achievements is a very long one. In all, his legislative initiatives made life better for countless millions of aged, disabled, low-income, and working people. The SSI program along aided over 4 million Americans when it was enacted. Through such programs PHIL BURTON's legacy outlives him, and will likely outlast all of us as well.

When PHIL BURTON turned his attention to the environment, as Chair of the Subcommittee on National Parks in the 95th and 96th Congresses, he forged another trail of legislative successes which can be described as heroic. Under his leadership, the subcommittee reported out the Omni-

bus Parks Act of 1978 which tripled the size of our National Trails System, doubled the size of our Wild and Scenic Rivers System and doubled the wilderness acreage in our National Parks System. He stewarded passage of the Alaska lands bill that protected over 100 million acres of land; he introduced legislation to fund the renovation of urban parks and recreation areas; he helped shape the Historic Preservation Act into what it is today; and, he led the fight to limit mining activities in scenic wilderness areas.

But, even this long list of legislative successes did not exhaust PHIL BURTON's relentless drive to improve the human condition. His years of legislative engagement taught him that the system under which our body operates failed to provide the most open and responsive representation possible. He provided much of the leadership to change it.

In his pursuit of affecting reform in our committee system, he demonstrated a mastery of procedural issues such as had rarely been witnessed previously. Perhaps even more impressive than his achievements was his strength of character. After losing a hard-fought contest in 1976 to become majority leader by one slim vote, PHIL BURTON continued to attack issues with undiminished resolve as if the loss had never occurred.

I was fortunate to sit with PHIL BURTON on the Education and Labor Committee until this year. His achievements on the committee were monumental yet he sought no personal accolades. He sought only to provide those who most needed help with the support they needed to survive and succeed in our complex and challenging society. He was a master of detail and he made a tremendous difference.

With the passing of PHILLIP BURTON, I have lost a friend and a true inspiration. To his wife Sala, his daughter Joy, to his brother John and to all of the Burton family I extend my love. They, and everyone who mourns the death of this great man and leader, can find some peace and solace in the knowledge that the achievements of PHILLIP BURTON are truly larger than life. He will be sorely missed by the entire Nation.

Mr. LEVINE of California. Mr. Speaker, will the gentlewoman yield?

Mrs. BOXER. I yield to the gentleman from California.

Mr. LEVINE of California. Mr. Speaker, I rise on this solemn occasion to join my colleagues in paying tribute to PHIL BURTON, one of the finest public servants ever to serve in the House of Representatives.

The concerns to which PHIL dedicated himself read like a laundry list of any group of people in need of his help. Those who will miss his booming voice and gruff manner in this Chamber include environmentalists, coal miners, and other laborers, gays, the poor, the elderly, the sick, the disabled, and others who found themselves a champion in PHIL, often when no one else was willing to speak on their behalf.

PHIL BURTON never shied away from a tough fight. In fact, he seemed to relish them. I suspect that the toughest fights were those he enjoyed the most. He seemed always to be able to rise to the occasion and was at his best whenever the situation demanded.

At a time when many people in public life have chosen to forget about the poor, the elderly, the disabled, and the disenfranchised, PHIL BURTON remained committed to serving the needs of those who needed his assistance the most. His commitment and his mastery of the legislative process remained total, and though deals he might make, he refused to compromise on principle.

Even though he found himself last year in a major battle for his congressional seat, he refused to knuckle under to those who told him either to moderate his views or to moderate his language.

Rather than forget the people and the issues which elected him to office, his dedication to serving the people of his district and the people of California caused him to continue to expand his interests and his involvement and never to diminish his tenacity.

It is because of his efforts that there is now a national park in the Santa Monica Mountains. It is because of his efforts that miners who suffer from black lung disease today receive decent benefits if they are struck by that crippling disease. It is because of his efforts that the elderly were assured of a cost-of-living escalator in social security benefits. These are only a microcosm of PHIL BURTON's efforts.

I want to join my colleagues who have already spoken in expressing sadness and condolences to PHIL's family and especially his wife Sala, and his daughter Joy. His death is almost impossible to believe and it will be a staggering loss to us all.

I keep thinking I see PHIL in the Chamber. When I realize that I do not, I remember how we lost one of the finest legislators who will ever serve in this House.

Mr. CARR. Mr. Speaker, will the gentlewoman yield?

Mrs. BOXER. I yield to the gentleman from Michigan.

Mr. CARR. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, PHIL BURTON's death is a great loss to me personally, as I am sure it is to many of my colleagues.

Every new Member of Congress seeks our senior Members who can serve as mentors and models as one learns the ropes here in Washington. PHIL BURTON was such a friend to me. He taught me a great deal about how to get things done in the Congress, and continued to serve as an example for me throughout the next few years. He taught me respect for this institution, and when I needed guidance, PHIL BURTON was there.

It goes without saying that PHIL's death is a loss for the average hard-working American, for those who believe deeply in environmental protection, for the elderly, and all others who often feel powerless in the face of the bureaucracy and the giant wheels of Government. Those causes will be weaker without PHIL BURTON's sympathetic voice on their behalf, but they will live on after him. His friendship and the example he set, however, cannot be replaced and will be deeply missed.

Mr. Speaker, as we honor PHIL BURTON, my hope is that we will all strive to live up to his example as we carry on the work he began.

Mr. BERMAN. Mr. Speaker, will the gentlewoman yield?

Mrs. BOXER. I yield to the gentleman from California.

Mr. BERMAN. Mr. Speaker, I thank the gentlewoman from California for yielding.

Others have spoken eloquently tonight about PHIL BURTON's legacy to the country and to the Congress. I would like to touch on what he has meant to me—and I say this without hyperbole, he has had as profound an effect on my own political values as anyone I have ever met.

PHIL BURTON's commitment to the progressive political philosophy was heartfelt, enduring, intense and all-consuming. He embraced the causes of peace, civil rights, elimination of poverty, environmental protection, civil liberties and the rights of working people—and excuse the expression—income redistribution, with a passion rarely seen in elected officials.

His work in the legislative process, both here and as a California State assemblyman, was determined totally by these goals; and as everyone who knew him could attest, the legislative process was his life.

He was not the only progressive Congressman. He was not the only Member of this body to care about issues, to demonstrate compassion, to speak out in support of controversial positions, to embrace the politically unembraceable; but where he left the rest of us behind was in his devotion to the advancement of the progressive political agenda in the legislative process. He was not content with a good vote or a moving speech. He mastered every detail of his legislative program, every technicality, every ramification. Knowing full well that good speeches and noble intentions count very little toward legislative victories, he buttonholed colleagues, orchestrated interest groups, struck deals and overwhelmed

others with his knowledge, his passion and his personality.

He blended his idealistic commitment with a willingness to utilize an arsenal of productive legislative tactics to achieve monumental accomplishments where the rest of us would have failed. In the process he offended some and made political enemies; but the poor, the oppressed, the infirm and future generations of Americans are far better off because of his work. About how many of the rest of us can the same be said?

He was not one who ignored the individual in his relentless pursuit of the abstract. On countless occasions I personally observed him put aside a legislative or a political task to help someone in need of assistance. I have been a personal beneficiary of his concern and his love. He was my teacher, both by example and by design.

To his bride, Sala, and to John and to Robert, Sala, of course was a participant and a partner is his accomplishments and a confidant and a consoler during and after his infrequent defeats, my very deepest sympathies.

As some of us who knew him well and wonder how he mustered up the energy to produce even a fraction of what he produced, now that is gone, I imagine we could just sort of see him leaning over and instructing us to be operational.

I just find it ironic and sad that in the excitement of being elected to this wonderful institution, that the first chance I have to address the body on any subject is on the passing of a man who I had hoped to spend years working with and learning from.

Mr. WAXMAN. Mr. Speaker, will the gentlewoman yield?

Mrs. BOXER. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Speaker, the sudden loss of PHIL BURTON is a terrible shock. A vigorous, dedicated, and important force in the Nation's life has been taken from us, taken from the people of California, whom he served so well, and from the House of Representatives, which he loved so dearly. This is a loss to this Nation and I must say, it is a great personal loss to me. I considered him one of my closest friends and mentors.

I first met PHIL when I was a young Democrat at UCLA and I decided to become active in the Democratic Party. PHIL and Sala were both involved; John Burton, HOWARD BERMAN, MERV DYMALLY, so many other figures in California politics were there at that time.

PHIL developed over the years not only a goal that we all tried to achieve in terms of public service, but he led the way. Many of us are here because of him. In a very literal sense because of the district that he drew or the way he urged us to campaign, but also because he showed us that being elected was an important way to serve our lives, to be of public service.

Words are an inadequate tribute to PHIL, for his was larger than life. He brought a passion to the practice of politics that is rarely matched, a passion that drove him relentlessly to pursue the causes that were a part of his life: the labor movement, civil rights, the Vietnam antiwar struggle, environmentalism, and political reform. In each he was a leader who never abandoned principle, a general who could never accept defeat and he was victorious so very often.

□ 1940

What PHIL understood so well, and what marked his genius, was his ability to exercise power on behalf of his broad and unshakable ideals. It was never enough for PHIL to simply embrace a just and worthy cause; his faith had to be transformed into achievements.

PHIL cherished most the ability to put together a wall-to-wall coalition that was unstoppable. This is how he put together legislation on behalf of the poor, the dispossessed, and the defenseless.

PHIL has become a legend in his own time. He was a legislative giant. He was the leader of the California delegation. He understood that politics could not be divorced from the legislative process. He never saw it as something that was distasteful, or peripheral to the idea of getting legislation passed and achieving public policy goals. He had the political savvy of the best of the old bosses, yet on the issues he cared most about, the environment, the cause for the elderly, the poor and the disabled, an end to discrimination on the basis of race, religion, or sexual orientation, he could run circles around academic experts and think-tank specialists. And he combined this with an integrity and personal honesty unmatched by anyone in any profession.

PHIL's legacy will shape our lives for decades to come. He was responsible for so much legislation in so many crucial areas. PHIL was a pillar of American liberalism. I was honored to be his friend, companion, ally and colleague.

He was a giant among us and we are diminished by his passing.

All of us grieve his passing and tender our heartfelt sympathy to Sala, his wife, who shared with him both the victories and losses of his distinguished career, and to their daughter, Joy, and to PHIL's brothers, John and Bob.

I listened to the reminiscences of MERV DYMALLY which triggered in my mind the events that we had shared over the years. There were so many reapportionments we had in California and, of course, PHIL was involved in all of them.

I was the reapportionment chairman in the State assembly in 1971 and one of the first things my daughter learned to say was that PHIL BURTON was on the phone.

He developed a language that many of us will speak to each other, and it will spark in us a memory of how he enriched all of us: "to be operational," "to be happy in your work," "you are in your mother's arms," "you bet your bippy on that."

I am sure as we think about him we can develop a whole catalog of color that he added to the English language.

We will all miss him here in this institution and I will very much miss him. Janet and I spent many hours with PHIL and Sala and cherished and valued the friendship that we have had.

Mr. ZSCHAU. Mr. Speaker, will the gentlewoman yield?

Mrs. BOXER. I yield to the gentleman from California.

Mr. ZSCHAU. Mr. Speaker, recently I received a short handwritten note from a constituent. It closed with the request, "and don't forget the little guy."

Our colleague PHIL BURTON, whom we remember here today, never forgot the little guy. He was the voice for those who felt they had no voice.

During his years of service in this body, PHIL BURTON accumulated power and earned the respect of his colleagues. But he continued to be concerned with those who were powerless and those who in many cases lost their self-respect.

PHIL BURTON and his work will long be remembered by the little guys of this country. They will remember him because he never forgot them.

I thank the gentlewoman for yielding.

Mr. TORRES. Mr. Speaker, with the gentlewoman yield?

Mrs. BOXER. I yield to my colleague, the gentleman from California.

Mr. TORRES. Mr. Speaker, I have never spoken in the well of the House before. This is Congressman ESTEBAN TORRES' maiden congressional speech. I am both saddened and honored. I am saddened, deeply saddened by the death of my friend, PHIL BURTON. I am honored, highly honored that I can use this first opportunity to address the House to pay homage to a legislator whose accomplishments are legend.

Certainly I will echo what many of my colleagues have said here today. I can remember when I first met PHIL BURTON. It was back in the days as a young Democrat as well, and my first Democratic Convention in San Francisco back in the mid-1950's. And in my career as an autoworker and later as an autoworker representative, I can remember the kind of work we did together in formulating and of working

for common legislation in the State Assembly.

I remember him best for his unequaled commitment to the working people of this country. He was a master legislator who used his innumerable skills to help people.

PHILLIP BURTON battled to increase the minimum wage. He struggled to open up the food stamp program for the hungry. He succeeded in enacting the black lung compensation program for miners. He brought the aged, the disabled within the ranks of those eligible for welfare. He helped establish a cost of living escalator for social security recipients.

There are and will continue to be lasting memorials. He was an appropriate advocate for labor issues because he himself epitomized the hard worker.

I cannot imagine a more productive and active legislator than PHIL BURTON was. His keen insights, his talents and his personal zest quickly established PHIL BURTON as one of the most respected Members of Congress in this generation.

PHIL BURTON'S commitment to excellence, his courage, his vision, his ambition for other people are all qualities we need to respect and to emulate. He did not merely voice support for greater representation of women and minorities in Congress and in the California Legislature, he led the battles.

He is probably more responsible than any other single person for the changes that have made this House of Representatives an open and responsive body today.

I mourn his loss as a friend and as a teacher. I remember what he used to call me. He used to call me Jefe, a Spanish word for boss.

Can you imagine PHIL BURTON calling me boss? But that is the way he was.

My wife, Arcy, and I offer his wife, Sala, and his daughter Joy, and his family, our deepest sympathies and condolences.

Mr. WEAVER. Mr. Speaker, will the gentlewoman yield?

Mrs. BOXER. I yield to the gentleman from Oregon.

Mr. WEAVER. Mr. Speaker, I rise to the memory of PHIL BURTON, a dear friend and a man who influenced me greatly.

In all his legislative combats, the majesty of his abilities to bring issues to a focus and resolve them, in his intelligence, toughness, his aggressiveness, the characteristics which was most fundamental was his compassion, his crying out for humanity and the Earth. He cried for those who suffered. He was what I admire most, a liberal who was realistic, a compassionate man who in the hard world of politics got things done.

Mr. ROSE. Mr. Speaker, will the gentlewoman yield?

Mrs. BOXER. I yield to the gentleman from North Carolina.

Mr. ROSE. Mr. Speaker, this experience of sitting here and listening first to the California delegation and then other close and dear friends of PHIL BURTON is an experience that I will long remember. What occurs to me in all of this is that there has been left us a bigness that we really do not understand.

If you will examine the diversity of the lives that this man touched, I think we can begin to figure out what it is that we have lost.

Some of us come here and nurture shallow interests that protect us in our districts and at home and often we battle among ourselves not realizing that there is a much bigger picture and a bigger game at stake in this place.

I am not sure that our Founding Fathers ever anticipated a man like PHILLIP BURTON. I am not sure that we will ever see his kind of greatness in this place again.

It is fitting he should be buried in a park. He certainly had the bigness of all outdoors.

As a southerner, you can imagine how I explained to North Carolina that I was for PHIL BURTON for majority leader. I will tell you about that some time.

I can remember him frequently saying we should have a couple of omnibus bills around here once or twice a year maybe where we rolled everybody together and got everybody on board for one or two big bills.

□ 1950

I believe that, as somebody earlier said, PHIL will never be replaced. The closest thing we have got to replace PHIL is Sala. Those of us that know him and know her, know how much this man loved his wife and how much he cherished her and how strong a partner and friend she was for him.

In closing, I have heard a lot of great PHIL BURTON one liners here tonight and I am sure that right at this very moment PHIL is meeting with St. Peter and they are working on the little "d" St. Peter democrat study group but we will learn more about that as he reveals it to us.

But a few one liners from PHIL in closing: All politics is local. You are a big boy. It is on the level. It ain't on the level. And just do what is right.

We are going to love this man as long as there is breath in our body and we should search our souls to find ways to learn from this greatness that has been among us.

Mr. BATES. Mr. Speaker, will the gentlewoman yield?

Mrs. BOXER. I yield to the gentleman from California.

Mr. BATES. Congressman PHIL BURTON was an incredible legislator, leader, and defender of just causes.

His spirited and principled defense of the interests of the powerless of America will long be remembered. He befriended my wife, Marilyn, and I. He advised and counseled me and I know we will all miss him and I will miss him very much. He was such a unique individual who left his mark wherever he went. I am proud to have served with him and I offer my condolences and sympathy to his wife and family.

Mr. LEHMAN of California. Mr. Speaker, will the gentlewoman yield?

Mrs. BOXER. I yield to the gentleman from California.

Mr. LEHMAN of California. I thank my colleague for providing me this moment to say a few words about the man who I believe will go down as the single most effective Congressman the State of California has yet produced. A man I had the pleasure of knowing as a personal friend and loved very much.

There are three things about PHIL that you noticed immediately; the size of his character, the quality of his mind, and the dimensions of his heart.

PHIL projected himself totally into every issue he became involved with. He never simply entered a room like the rest of us; he invaded it. It was impossible to ignore him or go around him. You had to face him, and you had better know your stuff.

PHIL'S integrity was always beyond question. It was not an integrity developed based on any logical analysis of how one ought to live. Rather, it sprang from deep within his gut, from the very core of his being.

Much has been said and much more will be said as the legend of PHIL BURTON grows about PHIL'S unique style. The best measure I believe is in the results. PHIL was a man in a hurry. He did not waste time. He did not mince words. And he did not have time for those who did.

He had a greater capacity to absorb facts than anyone I have ever met. He insisted on precision, exactness, and thorough analysis. The legacy is remarkable. He rewrote rules of this House, he brought justice to people living in our territories, he rebuilt our National Park System, and he revamped our Nation's labor laws. He did this at great personal expense, by throwing himself totally into solving those problems. He always sought to help the powerless who needed help the most. He loved to tackle the toughest issues, take the biggest risks, and play for the highest stakes. He absorbed his work and his work absorbed him until they were indistinguishable.

In the end he paid the ultimate price for his passion but none of us doubt that PHIL would have done it any other way.

PHIL BURTON like the giant redwoods he saved, like the breathtaking coastline he preserved will remain for a

long, long time as an important part of our landscape.

I am proud to have been his friend and especially grateful to have served with him in this institution even for this brief time.

PHIL, I know you are happy in your work.

Mr. LEWIS of California. Mr. Speaker, will the gentlewoman yield?

Mrs. BOXER. I yield to the gentleman from California.

Mr. LEWIS of California. I thank the gentlewoman for yielding and for taking this time to pay respect to our mutual friend and colleague, PHIL BURTON.

I could not help today but, on the floor as the wilderness bill was before us, talking about the fact that wherever PHIL is looking down upon us from, that he was probably disappointed because he loved the battle on the floor. There was to be some controversies; there were some differences. And if there was a person in this business who loved to get into the middle of that kind of struggle—the clatter of the shields and the armor—that was a piece of that which he cared most about in this process.

In 1957, it was my privilege to be involved in some public affairs work in San Francisco for a couple of years. But that year I went to a park in the center of the city and there, for the first time in my life, saw PHIL and Sala. At this particular gathering, it was not PHIL speaking, but, rather, Sala. And the issue and the underlying philosophy involved in that meeting was a bit different than a lot of us would think of as standard today, because for years and years and years PHIL and Sala were way, way ahead of the crowd in terms of the kinds of policy change and progress that this country needed to strive for.

Many years later, after I went to the State legislature, PHIL here in Congress, I had the questionable privilege of being the Republican point man on reapportionment. And suddenly I had the opportunity to get to know PHIL firsthand. State Senator Bob Beverly and I were then assemblymen together and roomed together. PHIL suddenly began to appear on our doorstep every evening, I mean for 3 months every evening. He would share ice cream sodas with you, eat all the food you had in the house, he talked politics talked about public affairs, talked about people, needless to say talked about lines. He knew more about reapportionment; he knew more about every person's district, assemblyman, State senator, Congressman, than that individual knew about their own district. Literally he would call you on statistics about your own district off the top and say, "You had better check that again."

A walking computer who carried out that area of tough political responsibility like nobody else before him and I would guess nobody else after him.

More importantly, over the years we have had a chance to become friends as we have done some tough battle. PHIL BURTON is an inspiration to anybody who cares about this process. It is not good enough to be elected to Congress and come and sit in the committee room and hope that the tough issues will go away. You need to cut out your areas of expertise, do some homework, and one step at a time effect the process.

PHIL knew that by instinct, probably by the time he was 3 years old. He was about changing our system; he was fighting every step of the way for the poor, for those who are deprived in our society. He would stand back for no one if it meant the possibility of change in our system.

You have got to respect PHIL BURTON for his profession; he was a pro, absolutely no question—that few of us have met an individual in politics or public affairs who is more committed to not only bringing about change but insisting that the process be responsive and operate well.

□ 2000

Those of you who from time to time have been in discussions that talk about the fact that PHIL could be impatient, could be irascible, he absolutely could not stand incompetence, but all of that was because he expected people to work at our job.

I must tell you that from this Republican's view, there has not been a Member of this House who has in the past made a greater contribution from our State. I am not certain there ever will be one. I consider PHIL and Sala to be friends. I was shocked at his passing, but as I thought about it today, he was smiling at us for the rather incompetent way that we handled this process without him and his presence on the floor.

Bless you for this message.

Mr. RICHARDSON. Mr. Speaker, will the gentlewoman yield?

Mrs. BOXER. I yield to the gentleman from New Mexico.

Mr. RICHARDSON. Mr. Speaker, like all of my colleagues, I was deeply saddened and shocked to learn on Sunday of the death of Congressman PHILLIP BURTON. Although I had the privilege of serving with PHIL BURTON for only a few months, I watched for many years as he gave our Nation unfaltering public service.

PHIL BURTON combined his superior political skills in the best manner possible. In this body, he was oftentimes aggressive, but he was aggressive for causes of compassion, justice, beauty, and health. He was a partisan Democrat, but his guiding light on issues of national policy was always, first and foremost, the public interest.

Mr. Speaker, our environment has lost one of its strongest and most tireless defenders. The poor, the elderly, blacks, Hispanics, Asian Americans, and the labor movement have all lost a champion. But the biggest loser, Mr. Speaker, is America, which has lost one of its finest public servants.

I realize my speech is brief. But there is no need for me to eulogize at length the achievements of this man. My words pale in the face of his accomplishments. I only hope I and the other freshmen Members of this body can help carry on the causes for which PHIL BURTON fought.

To PHIL BURTON's widow and family I send my deepest sympathies. I know they grieve at the magnitude of their unexpected loss. I am certain my colleagues join me in saying that our prayers are with them today and in the weeks ahead.

Mr. SEIBERLING. Mr. Speaker, will the gentlewoman yield?

Mrs. BOXER. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Speaker, it was a wonderful privilege for me today to be with MO UDALL in charge of getting PHIL BURTON's California wilderness bill through the House for the third time. I felt some trepidation because I did not have the skill of the great legislative master, PHIL BURTON. But his spirit carried it through and carried it through very well.

We have heard such eloquent statements here that it would be very difficult to add to them, and yet we are all grasping to get somehow a feel of this man who even in life seemed bigger than life, who was a man of such tremendous interests and such tremendous commitments, so many commitments that it is almost impossible, thinking of him afterward to begin to grasp what PHIL did and what he stood for.

If there is one thing that epitomizes it in my mind it is a line from Gray's "Elegy Written in a Country Churchyard": PHIL refused to shut the gates of mercy on mankind. It did not matter whether it was the people of Bikini who were the victims of the atomic testing who were small in number and helpless. I sat with PHIL where he came up with all kinds of ingenious ways to see that these people received the kind of justice and recompense and restitution that was their due.

Or it might be the poor in California. I remember being in PHIL's San Francisco office some years back and he showed me a bill that he helped pass when he was in the State legislature and he said, "You know what that bill is going to cost the people of California this year—$1 billion." But, he said, "because of that bill, nobody is going to starve in California." Obvi-

ously he felt a very deep satisfaction over that blow for the underprivileged.

When I first became a member of the House Interior Committee, PHIL found out somehow that I was interested in creating a park in an area that was near my community. He came over to me and said, "You want to get your park bill passed? Here is the way to do it." And he told me how to do it. And in due course, it passed the committee. And eventually it passed the Senate. Shortly after it passed the Senate, I ran into PHIL at the White House at President Ford's Christmas party. He said, "Say, how is your park bill getting along?"

And I said, "Well, it passed the Senate, but I don't know whether the President is going to sign it. The Interior Department opposes it." He said, "Come with me." And he dragged me through that tuxedo-clad crowd over to Rogers Morton, our now deceased former colleague who was then Secretary of the Interior. PHIL went right up to the Secretary and said, "Now, Rog, why don't you give John his park?" And then he nudged me to get me to give Secretary Morton the arguments for the bill.

At the time, I thought PHIL was simply trying to help a colleague. But as time went on, I became astounded at the depth of PHIL's commitment to protecting our natural heritage. PHIL was not a backpacker; he did not like to go out and rough it. Far from it. Often I wondered what the wellspring of his commitment was. Perhaps I can explain it by telling a story that someone told me about my grandfather when he was a very old man, in his nineties. He had given some land years before for a small park for my hometown. And whenever he was out for a ride—he could not do much walking in his old age—he always wanted to drive through that park. And one day the nurse who was with him said, "Mr. Seiberling, I understand you gave this land. It must be very valuable today. Don't you miss the dividends you could have earned?" And he said, "See that family picnicking over there? You see those children playing? Those are my dividends."

There are literally millions of people today who are enjoying the dividends that PHIL BURTON, in his labors for humanity, produced. I think the number of lives that he personally touched, in and out of Congress, are absolutely uncountable, and yet you and I know that they are there.

And I think it is a happy circumstance that his wife and his brother, John, were both committed to and shared the same goals he had and I look forward to the many days of sharing with them a furture relationship and I know my other colleagues do.

It is not the number of years a person lives that matter. It is what he accomplishes in those years. By that measure, PHILLIP BURTON outlived us all.

Mrs. BOXER. Mr. Speaker, I just want to say what a special privilege it has been for me to share this moment with my colleagues and to help lead this special order with the gentleman from California (Mr. EDWARDS) and the gentleman from California (Mr. COELHO).

A TRIBUTE TO THE LATE HONORABLE PHILLIP BURTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. COELHO) is recognized for 60 minutes.

Mr. COELHO. Mr. Speaker, I would like to comment before I recognize any of my colleagues about the unusualness of what we are doing here. We are now in our third hour of tributes to a great gentleman.

In the 19 years that I have been around this great House, I have never seen this type of display for one of our departed brothers. I have checked and this is one of the longest that the House has ever had for one of our colleagues. I think it is very fitting that it be for our colleague, PHIL BURTON.

Mr. Speaker, I yield to the gentleman from Wisconsin (Mr. OBEY).

□ 2010

Mr. OBEY. Mr. Speaker, the first thing I would say is that I think that if PHIL BURTON were here, he would want things to be lightened up a little bit. I very much enjoyed a prior remark made by someone earlier on the floor talking about the bill which passed today. And he said, "You know, you can bet that if PHIL BURTON had known he was going to die, he would have had a whole lot more in that bill." I think that is absolutely true.

When I think of PHIL, there is not any one thing that stands out except Sala, I guess, because he was literally involved in so many things. When I first came here he was involved passionately in civil liberties issues, the old HUAC Committee, the Vietnam war, he was involved, as everybody said today, in the environments, in parks, worker health, congressional reform, SSI, medicaid reapportionment.

I performed the same duty for the Democrats in Wisconsin in the last 2 reapportionment cycles that PHIL performed for the California Democrats, and yet, so help me God, PHIL would come to me during each of those Wisconsin reapportionments, and he would know almost as much about what we were doing in Wisconsin as he knew about what he was doing in California. He would ask me what I was doing for BOB KASTENMEIER and what we were doing about Grant County and what we were doing about cities in Wisconsin that I did not know anybody had ever heard of. Yet he had. I realized afterward that part of that was because he had lived part of his life in Milwaukee. He had grown up there along with Ab Mikva and PETE STARK.

I guess I would have to say that PHIL BURTON was probably the most complicated man I have ever known in my life. I told GEORGE MILLER here earlier that I think PHIL would probably gag if he heard sugary eulogies tonight. He would say, "Lay it all on the table, baby." And one last time he would want it, warts and all.

My relationship with PHIL I think was a lot like he was; it was up and it was down, depending upon what we were dealing with at the time.

I think of him, I guess, in association with BOB KASTENMEIER. The first Member of the House I ever met, outside of the Wisconsin delegation, before I was elected was PHIL BURTON. I went over with BOB to the old rotunda, now the Democratic Club. I was in here in January 1969, desperately looking for money. I was running in a special election on April Fool's Day in 1969. And PHIL was there with BOB, and PHIL was showing the same solicitous concern for candidates for the House that he became legendary for later on in his career. He told me places where he thought I could get money, and after I was elected and appointed to the Appropriations Committee, he literally knew the age, the life expectancy, and the career interests and how long Members intended to stay here for almost every single person on every single subcommittee on the Appropriations Committee. He told me which subcommittees I ought to get on if I wanted to be a subcommittee chairman before I was 108. It was an incredible performance.

I guess I also remember him very much at the New Year's Eve parties that BOB KASTENMEIER would have every year. He would have people like DON EDWARDS, MO UDALL and BOB ECKHARDT there, and we would solve all of the problems of the session at every New Year's Eve party. He would get mad at somebody before the night was over but patch it up in about 20 minutes. They were always good times.

I loved working with him in the DSG on congressional reform because, first of all, we cared about the same issues, and we wanted about the same thing. You could always get to the bottom of it with PHIL because you knew in about 8 seconds that he would see what the power imperatives and the power relationships were in those issues, and all of the other issues would sort of be cast aside. He had an instinct for power and an understanding of the power relationships in this House that I think was truly uncanny.

I was talking to a person who was a new appointment to the Steering Committee this time, and she was telling me, "My God, it is uncanny. PHIL BURTON can tell you what is going to happen on the Steering Committee four and five steps ahead of time." And she said, "You know, if we had three other liberals in this place who understood that, we would be in great shape."

He was a marvelous person to have as an ally. He would drive you absolutely crazy if you were not on his side.

I remember standing at this very mike in the Democratic Caucus back in the early 1970's, pushing for a reform in the caucus rules, and I remember PHIL getting up and making a point of order against my amendment on the grounds that it would screw up a deal that he had just put together. And Bob Eckhardt stood up and he said, "Mr. Chairman, I have heard some unique points of order lodged in my life, but I have never heard a point of order lodged on the grounds that it would screw something up." And PHIL grudgingly admitted that perhaps that was correct, and he withdrew the point of order.

I did not vote for PHIL for majority leader. He knew that he was my second choice after Dick Bolling. He did not like it, but he understood it. And I had a number of strong disagreements with him throughout my service here. But it is just an incredible loss that he is gone. He could alternately delight you and drive you up the wall. But the fact is that his saving grace was, as many people have indicated earlier, his passion. He did care; he did believe; he did fight. And the things he fought for and the people he fought for were the things and the people who needed fighting for. He just bled politically; he bled emotionally; and he just gave it his all for as long as he had it in him.

I think he knew why he was here, he knew where he wanted to go, he knew what he wanted to get done. He was a great practitioner of that slogan which I have heard many times, "Either lead or follow or get the hell out of the way." PHIL understood that, and that is the way he acted.

The hardest thing for me to imagine is that that incredible energy of his is gone. You just have to think that it is around somewhere still, organizing. You just have to believe that, because it is probably true. This place has lost in the last few years a lot of fighters. It has lost people like Mikva and McCloskey and Bolling and Meads and Eckhardt and Moss Rosenthal, and now PHIL BURTON. Some have left voluntarily, some have retired and some have, unfortunately, left through death, as did PHIL.

I think this place, because of the loss of people like that, has become in many ways and this party has become in many ways a more cautious place, it has become a more tentative place. We are going to miss many times people like PHIL who would stick their necks out and do some of the things that so many others did not want to do because you would make somebody mad.

We are going to have a lot of fights when we wish that he were here. And I guess all I would say, in closing, is that it is kind of funny, because when somebody dies, we almost always focus on the fact of that person's death. In PHIL's case, because he died younger than he should have, I guess we understandably focus on the fact that he died so young. But the important thing about PHIL was not that he died so young. The important thing about him was that he lived and he worked and he did it all with abandon, he did it with relish, he did it full bore, he did it all out, and he just loved what he was doing. That is the only way you can do anything effectively in politics. You just have to love what you are doing, because if you do not, there are so few other rewards in this business that you just eat yourself up. I think that love and that relish made his public career, in the end, if anything, larger than the man, and that I think is the most important thing that you can say about any public official.

□ 2020

Mr. BOSCO. Mr. Speaker, will the gentleman yield?

Mr. COELHO. I yield to the gentleman from California.

Mr. BOSCO. I thank the gentleman for yielding.

Mr. Speaker, I had the privilege to work with and know PHIL BURTON for only about 6 years. Almost all of that time was in the California Legislature. Most people here in Congress do not realize this, but PHIL always had a variety of measures pending before the legislature, even while he was serving here in the Congress. In fact, it was always difficult for me to know how he could find the time to manage both institutions at the same time.

I think quite honestly I can say that most of the time I knew PHIL I was afraid of him, but I can truthfully say that he never asked me to do anything that would personally or politically hurt me. He was always extremely loyal to his friends, impeccable in his honesty, and represented people who otherwise may very well have been disenfranchised in our system.

His wife, Sala, as we all know, was a major part of his success and a part of his fiber. All of us look forward to working with her because she will carry on in his tradition. He is a friend that we will miss very much. The State of California and this country has lost a great friend and we wish his family well and sympathize with them during this time of grief.

Mr. LEVITAS. Mr. Speaker, will the gentleman yield?

Mr. COELHO. I yield to the gentleman from Georgia.

Mr. LEVITAS. I thank the gentleman for yielding.

Mr. Speaker, sitting in the Chamber and listening to Member after Member rise to pay tribute and share recollections about PHIL BURTON is a very strange experience, I know, for all of us, because if there was ever anyone that was so full of life and energy, that was a human dynamo of intellectual and emotional power, it was PHIL BURTON.

To stand here tonight and think about PHIL BURTON, it is as if I could almost see him coming through the rear doors of the Chamber now, at this late hour, in a rumpled suit, collar askew, leaning forward in a half-slouch, marching down to commend JOHN SEIBERLING on his handling of the bill that was passed today that was PHIL's, and then saying, "JOHN, we should have done something else. I just thought of it. When we get to conference we will work it out there."

The other thing that I thought about tonight, as I have heard Member after Member speak about PHIL, and the gentleman from California (Mr. COELHO) make reference to it a moment ago, about the unusual nature of these proceedings, the number of Members who had stayed to participate, the length of time, is that if you were to ask people 3 days ago, "Was PHIL BURTON a popular person in the House?" most people would have said no. Controversial, pugnacious, always abrasive. Even when he was working with you, it was as if he was on the other side as far as his combativeness was concerned.

So why is that this individual, this rough, tough individual has, on the moment of his death, brought out such intense feeling and admiration that is being expressed, and so much affection?

I think it is because everyone who knew PHIL BURTON knew for sure that what you saw and what you heard and what you experienced was PHIL BURTON. There was no pretense. There was no effort to try to temporize either with his principles or with those things which he was committed to. He had the true sense of integrity, of being what he was, and having the ability to accomplish so many things.

I was about to say that PHIL BURTON feared no one. I hesitate to say that, because I think he did fear Sala. He not only loved her and doted on her as no one could possibly dote on a person they were married to any more. No matter who it was, if Sala said, "PHIL," PHIL stopped what he was doing and came right away to Sala. It was a beautiful relationship that they shared.

I remember when Sala had injured herself. I think she had broken her arm or sprained an arm, and PHIL had to lead our delegation to the North Atlantic Assembly. He would not stay there 1 minute longer than was absolutely necessary, and came rushing back because he did not want to leave Sala by herself.

PHIL BURTON is someone who is truly irreplaceable. He has left his mark not only on this institution, but he has left his mark on America. He had one of the most incredible intuitive senses of justice I have ever seen in anyone, intuitive, instinctive. Whether it was civil liberties, whether it was civil rights, whether it was social rights, PHIL BURTON's instincts drove him to a position that stoop up and spoke out when others feared to do so.

He had an almost passionate, I think it was passionate, drive to see social justice in our society, to eradicate poverty, to see that the working person in this Nation had a fair chance and an opportunity.

We have heard so much about his commitment to the environment and conservation. If anybody ever asks, "Where will PHIL BURTON's monuments be?" They will be all across America, as you look around the national parks, the Redwoods, parks in Ohio, parks in Georgia. I will never forget when PHIL came to me during my first term and knew of my interest in the Chattahoochee River National Park, and as he had done with others, said, "This is important; not just to you, but it is important to all, and this is how you go about doing it." But his monuments will live for centuries in that contribution.

He was a genius, as we have already acknowledged, in politics. To PHIL, politics was a high calling. It was the ability to translate ideals into reality. He could form coalitions that no other person would even conceive of. I remember watching PHIL BURTON pass the Agriculture Authorization Act one year. The coalition he had to put together was to get the conservative, rural areas of this Nation to form a coalition with those in urban centers on food stamps, the subsidy farm programs, tobacco, and grains, to come together and work with people who represented urban areas who needed and wanted the food stamp program extended. When you saw the vote go up there, it would absolutely boggle your mind to realize the coalition that PHIL BURTON had formed.

His instinctive sense of justice made him one of the leading supporters of the State of Israel in its early days and down through its current difficulties. I want to tell my colleagues, I was in Congress maybe 5 years before I realized that PHIL BURTON was not Jewish. I thought PHIL BURTON was Jewish, because he almost had a passionate Zionist love of the State of Israel. I know in part that was due to his wife, Sala, who survived the Holocausts of Europe. But I remember one day in Munich, Germany, when we were at the North Atlantic Assembly meeting and a resolution was being offered on the occasion of the death of President Sadat and there were those there who were trying to turn it into an issue that would pit person against person. PHIL BURTON, with tears in his eyes, appealed to that multitude to do justice, and they did.

□ 2030

Finally, Mr. Speaker, PHIL BURTON was a passionate believer in democracy and the fact that institutions in our democracy are what make this system work. That is why he believed so much in this House and its processes.

The night I got elected for the first time to Congress, I think maybe the second or third call that I got that evening was from somebody named PHIL BURTON, who had known more about my campaign than I did and he said to me that night, "You are going to Congress because it is a good place to be if you want to make a difference," and PHIL BURTON made an indelible difference.

There is no doubt in my mind at this moment as we speak here, and I say this with a degree of sadess for my Republican colleagues, that PHIL is already drawing the district lines in heaven and hell and forging a coalition between those two bodies that will serve for eternity.

Mr. COELHO. I am glad that he is on my side.

Mr. WON PAT. Mr. Speaker, will the gentleman yield?

Mr. COELHO. Mr. Speaker, I yield to the gentleman from Guam,

Mr. WON PAT. Mr. Speaker, on Sunday, April 10, 1983, the residents of the territories and I lost one of our best friends in Congress, Representative PHILLIP BURTON of California.

Words cannot describe the immense shock I felt when word had been conveyed to me that Congressman BURTON died quite suddenly in a San Francisco hospital. It is hard to comprehend that this man, who had such an extraordinary amount of energy and vitality, is silent. Death has stolen from our midst a man whose talents and love of life and justice brought him to the pinnacle of political power. For years to come, the name of PHILLIP BURTON will always be mentioned as a man who possessed one of the most effective understandings on how this legislative body truly functioned.

I personally feel his loss with great grief. For the past 15 years, PHILLIP BURTON stood out as a beacon of strength in the Congress for Guam and the other territories. As the chairman of the Subcommittee on Insular Affairs, PHIL championed numerous bills of interest to the territories. More than anyone in memory, Congressman PHILLIP BURTON stands out as a man whose unyielding love of justice and the principles of democracy led him to pursue a policy of fairness toward his fellow Americans in the territories by the Federal Government.

This passion he felt for justice led him to be in the forefront of the successful drive to create congressional representation for Guam, the Virgin Islands, and American Samoa. He worked ceaselessly with me to persuade Congress to enact the historic Guam Land Claims Act and other legislation in behalf of the people of Guam. And, over the years, other territories have been equally as fortunate to have the backing of PHIL BURTON. He knew that these islands could never share in the American dream without the financial and political support they needed and he committed his endless energies, talents, and consummate political skills toward this goal.

PHIL kept his door open to anyone from the territories. His interest in our well-being never ceased nor did his determination to make us first-class citizens of this Nation.

Some may not understand why a man such as PHIL BURTON would work far into the night for causes that have no direct concern to his constituency. While it is true that his district in San Francisco does have many minorities that would not explain the sincere concern he felt for those of us who come from the islands. The answer perhaps is best understood from a line he once said: "You know, it is important that all of us do the best we can to make this world a better place to live."

That is the essence of PHIL BURTON and it is a philosophy by which he lived. PHIL cared because it was his nature to care. And more importantly, he had the tenacity and the courage to stick by his feelings even when those feelings went contrary to what others thought was appropriate. PHIL never cared much about appearances; rather, he cared about results. And we who live in the territories will benefit from the results brought about by this complex and wonderful man for many years to come.

His loss will be felt by thousands of people across this great country. I join my fellow residents of the territories in saying a fond goodbye to PHIL BURTON and in offering a prayer for his beloved wife, Sala, and his daughter, Joy. While he may be gone from our midst, he shall never be gone from our hearts and our minds. Thank you.

Mr. AUCOIN. My Speaker, will the gentleman yield?

Mr. COELHO. I yield to the gentleman from Oregon.

Mr. AUCOIN. Mr. Speaker, I thank the gentleman for yielding and I want

to join my colleagues in expressing my heartfelt sympathy and understanding to Sala tonight and to my good friend, John, who through PHIL I came to know. I guess with Sala and with John, and particularly with PHIL, I really feel a sense of family.

I told my colleagues on Monday when I came back to Washington from a flight from my district in Oregon that it was an amazing coincidence that I had in my briefcase the latest issue of the magazine Wilderness, published by the Wilderness Society, and in that magazine article, that edition, was an article from the National Parks and the Public Lands in the country written by our departed friend, PHIL BURTON. I read it with pleasure. The passion was there in his words in print as they were in his verbal expressions on the floor and, more importantly, in the cloakrooms. I relished it.

I reflected on my friend and remembered that just shortly before leaving on that trip, I saw PHIL and spoke to him about the Oregon wilderness bill which he helped counsel me on. As in the case of other colleagues who spoke before me tonight, he told me how to pass it, and we did pass it. PHIL knew.

As I was reading the article, I also reflected on the other causes that he fought and he had. He had so many of them.

I reflected on the fact that he was such a power broker and how good it was that in such a liberal, in such a person who cared so much for little people and the powerless, that we had somebody who knew how to put together power and how to wield power, how to use power and knew how to make power produce results.

I do not think there are any power brokers in the time I have studied Congress or watched it that were more effective than PHIL BURTON. He was the genius that my colleagues indicated tonight. It was just that he put it to such great uses that refreshed me and I think that is one of the reasons people are here tonight.

This man was my friend and I do feel an enormous sense of loss. He took me under his wing, as he did others in my class, the Watergate class of 1974. I got the same call the night of my election. I was lectured as to what Congress could be and should be.

□ 2040

I remember learning then about the value of loyalty, learning them from him about knowing your subject and knowing it twice as well as your adversaries, and PHIL certainly did that.

I learned from him that night in that phone call about what organization meant and how that translated into power which could be put to good ends.

This guy had the heart of a lion, he really did, the heart of a lion. As I have thought about it and fought about issues that he fought for with me, and some that he fought against me, I can even now hear the sound, and I can see the fury of the man when he became engaged, got organized, and turned it on.

The sound and the fury was there on every one of the fights I fought. The sound and the fury of PHIL BURTON was there before us and was at work in the committee reforms of 1975 that GEORGE MILLER talked about.

The sound and the fury was there of PHIL BURTON in the public lands monuments JOHN SEIBERLING described tonight.

The sound and the fury of PHIL BURTON was there as efforts to improve and give greater voice to the peoples of the trust territories that Mr. WON PAT talked about tonight.

The sound and the fury was there of campaign reform that DAVE OBEY worked with him on.

The sound and the fury behind civil liberties and health care and reapportionment was there.

I guess the thing that I am so amazed about is what kind of a mind this was, such an incredible mind. I literally do not know how a human mind could possibly be packed with as much information, as many ideas. The store of information was just absolutely incredible and the inventiveness and the innovation that was a part of the mix, I just do not think there will be anything to compare with it for years and years to come.

He literally did know twice as much as any of his adversaries on any of the issues that he faced. He literally knew twice as much about my district when I first ran as I did.

I can remember that he took me under his wing when I first ran in a district that never had elected a Democrat and told me how to win and I did because I followed his advice. And then I remember a few years later after a couple of relatively easy races going to PHIL and explaining I had a tough race. I see colleagues here on the floor who come from districts like mine, and I know he gave them the same kind of help.

But I came back to PHIL I think it was about 6 years later and we had agreed on the phone that we would meet on the floor during the next vote and that I was going to tell him about the problem that I saw in my next election race.

Before I could even open my mouth he began to recall the complexities of my congressional district. He remembered.

He had legislation in the California Legislature that he was promoting. He knew his district and he was able to remember and deal with reapportionment as well in Wisconsin, as DAVE OBEY said.

I simply do not know how a mind like that came to be or how it will ever be duplicated.

The other thing PHIL BURTON means to me is an example, I guess, of the kind of politics I would like this body to, and particularly Members on my side of the aisle, to avoid and instead try to emulate. PHIL BURTON was not the kind of politician who thought politics was the pretty speech. PHIL BURTON was not the kind of politician whose intellectual interests in an issue snapped off when the television lights snapped off.

PHIL BURTON's work and interest was there from the beginning through the glory moments, but always there through the very end of any goal or issue or cause that he picked up.

I think I read in the paper today that he was the antithesis of the politician who walks into a committee room with an issue at stake, takes from the staff a one-page briefing memo, studies it intensely, says the requisite lines, gets the issue behind him, and then goes on and quickly forgets, only to move again when he gets another one-page issue brief stuck in his hand by staff.

That was not PHIL BURTON, and if we can just reflect on this man's career and now his loss, and each of us realize in a very deep way what kind of politician he was and the kind of politics that he practiced, the kind I have just described, this place will be so infinitely better.

I think as we have gone through this long evening, perhaps an unparalleled evening as each of us have taken the well to pay tribute to our friend, I really hope as we have attempted to try to bind up some of the emotional wounds we feel at a time like this that we can reflect on the kind of politics that PHIL BURTON practiced, the depth of the intellectual interest, the length of his commitment and maybe bring some of that into our own work on the important fights that we have before us.

Mr. SEIBERLING. Would the gentleman yield?

Mr. AUCOIN. I will be very pleased to yield.

Mr. SEIBERLING. I think the gentleman has made a very perceptive and a very fine statement and I just thought I would add a little footnote if I might on one point.

I used to constantly marvel at the incredible brilliance of the way that PHIL BURTON could use the machinery of this legislative body. But even more amazing about every so often I would think despite all of the miraculous things he would do I would say to myself, "This guy is on the level." And that was the even more amazing fact, that despite the fact that he knew how to wield all of the levers of power, he was always on the level with his

colleagues and with the public interests and that is the true miracle of this miraculous man.

Mr. AuCOIN. I appreciate my colleague's comments and I could not agree more.

PHIL BURTON in sum was an absolute colossus. He truly was. And I know he would be laughing if he heard me say this because he really didn't savor the limelight. He liked the results and he liked to be able to sit back in the quietude of his office or wherever else it was he reflected and perhaps it was the cloakroom, and savor the results rather than the limelight.

But he was a colossus and a master of the bold stroke and he lived a congressional life and I think a personal life that, again, I think is an example and one that I hope that perhaps can stay with me in the rest of the time I am here. That example really comes down to the statement that is a fairly famous one that says the following: "He who dares wins." That is the kind of man PHIL BURTON was, the kind of legislator he was, and I appreciate very much my colleague from California making available this time so that PHIL's colleagues can express their feelings about him, and maybe we can take out of this some lessons that will make all of us better legislators.

I appreciate the gentleman's time.

Mr. COELHO. I thank the gentleman from Oregon.

Mr. McHUGH. Mr. Speaker, will the gentleman yield?

Mr. COELHO. I yield to the gentleman from New York.

Mr. McHUGH. Mr. Speaker, I want to join with all of PHIL BURTON's friends and colleagues in expressing admiration for his commitment and record, and in extending condolences to PHIL's loving wife, Sala, and to his entire family.

I would especially like to pay tribute to PHIL BURTON for his accomplishments as chairman of the Democratic Study Group, a position that I am presently honored to hold.

As others have said, millions of Americans owe a debt of gratitude to PHIL BURTON. Coal miners and factory workers, the poor and the elderly, the sick and the disabled, and the millions who enjoy our national parks and wilderness areas have all benefited—and will continue to benefit for generations to come—from his boundless energy and relentless drive and commitment.

But there is another group which owes PHIL a real debt of gratitude. I am referring to Members of this body, particularly those of us who were elected, as I was, in 1974 and since. We are primary beneficiaries of the reforms that PHIL BURTON and the Democratic Study Group pushed through the House during the late sixties and early seventies—reforms that democratized House procedures and that allowed junior Members to have a full voice and play truly meaningful roles in the legislative process.

It is difficult to imaging today that prior to enactment of these reforms, junior and even the middle level Members had little impact on legislation either in committee or on the floor, other than to place their stamp of approval on the decisions of the all powerful and virtually untouchable committee chairmen and their senior allies who dictated the contents of legislation.

Today, power and decisionmaking are dispersed. Revival of the long-dormant Democratic Caucus, election of committee chairmen, creation of caucuses within committees, new committee procedures, and recording of votes on amendments on the House floor have curbed the power of committee chairmen and opened the door for even freshmen to participate in congressional decisionmaking. Today, Members—not the seniority system—decide who will chair House committees, and all Members, rather than only the chairman and his allies, determine policy and the content of legislation.

Obviously, PHIL did not bring this dramatic transformation about single-handedly. Others also played major roles in the reform movement—current Members such as TOM FOLEY, DAVE OBEY, BILL FORD, SAM GIBBONS, DON EDWARDS, MO UDALL, NEAL SMITH, JOHN SEIBERLING and not least of all Speaker O'NEILL, and former colleagues such as Jim O'Hara, Don Fraser, Ab Mikva, Jack Bingham, Frank Thompson, Bob Eckhardt, John Culver, the late Ben Rosenthal, and John Blatnik.

But PHIL was a leader of the reform effort throughout his service in the House, and the greatest breakthrough in reform came during his chairmanship of DSG. During that period, from early 1971 to early 1973, most of the major and most far-reaching reforms were adopted. Included were:

The automatic secret ballot vote on committee chairmen at the start of each Congress, which made chairmen accountable for the first time to the rank and file Members who gave them their power. Previously, the seniority system alone dictated who would chair House committees and chairmen were accountable to no one.

Guarantee of at least one major committee assignment for all Democratic Members including freshmen.

Establishment of a bidding process whereby all Democratic members of a committee are given an equal opportunity to bid for subcommittee vacancies. Previously the full committee chairman had sole appointive power over subcommittee assignments, a power which they used to reward their friends and punish Members they did not like.

Establishment of a similar bidding process for subcommittee chairmen plus the requirement that they be approved by secret ballot vote of the Democratic members of the committee. Previously committee chairmen appointed whomever they wished.

Creation of Democratic caucuses on each House committee with authority over party ratios on subcommittees, subcommittee budgets, and so forth.

Rules setting forth the powers and duties of subcommittees and subcommittee chairman with respect to holding hearings, handling legislation, and so forth. Previously the committee chairman had sole control over all such matters.

Establishment of a new Steering and Policy Committee which was subsequently given authority to recommend Member's committee assignments as it does today.

Restriction on closed rules to allow the caucus an opportunity to determine whether a particular amendment should be made in order.

An effective rule to require open committee meetings.

Use of the caucus for the first time in decades to instruct the Democratic members of a committee with respect to legislation in committee.

Adoption of a party policy which subsequently resulted in enactment of the legislation which terminated U.S. military involvement in Vietnam and Indochina in August 1973.

As I mentioned, the foregoing is merely a list of what was accomplished during the 2 years PHIL BURTON was chairman of the Democratic Study Group. He also played a key role in numerous other reforms adopted both before and after his chairmanship of DSG, both as a member of the DSG Executive Committee and as a member and chairman of the Caucus Committee on Organization, Study and Review, and as chairman of the Democratic Caucus itself.

But there can be no question that the reforms which PHIL helped to achieve fundamentally altered the power structure and the legislative process, with the result that the House today is far more responsive to and more representative of the American people.

PHIL BURTON had, as someone else once noted, "a rare combination of idealism and political savvy—an incredible knowledge of what makes Congress work—a rare insight into what motivates Members and—an insatiable appetite for work."

Both DSG and the House shall be poorer for his absence.

□ 2050

Mr. COELHO. Mr. Speaker, I thank the gentleman from New York.

Mr. JENKINS. Mr. Speaker, will the gentleman yield?

Mr. COELHO. I yield to the gentleman from Georgia (Mr. JENKINS).

Mr. JENKINS. Mr. Speaker, with the death of PHIL BURTON, an overwhelming presence departed this House. It was a twofold presence, both physical and political. The sheer size of the man oftentimes created the illusion of a larger-than-life presence. PHIL BURTON was a big man whose appearance faithfully depicted the essence of the human being. He was a man who spoke with authority, who commanded attention, who demanded respect for his ideas. PHIL BURTON was a powerful man.

This colleague was also knowledgeable as well as expert in the use of power. He could only be termed a liberal in philosophy, but he had that elusive ability to get along with both liberals and conservatives. He understood the legislative process and was adept in his participation in it. Recognizing that good legislation—and in fact in most cases, any legislation—is the result of compromise, this California Congressman was an able and skillful lawmaker. He was pragmatic, and he was effective.

A former member once told me that PHIL BURTON tried to prevail upon him to pursue a leadership position in the House with argument that "you are a conservative, on the other side from me on most issues, but I can depend on what you say. I trust you. I will support you."

Politically, PHIL BURTON had few equals. He practiced the art, bringing to politics a persevering, persuasive, and sometimes abrasive personality and, in turn, extracting from it every possible advantage. He never allowed a defeat in one area to deter him; he simply took another course, forging ahead to, if not the same success, one of equivalent worth.

PHIL BURTON had priorities. He had goals. His contributions to the conservation and preservation of our environment and its resources are legion. He believed in the reality of access to a national park for everyone in our country and worked constantly toward that end. He was in the vangard of those espousing the needs and supporting the development of potential of our American dependencies, including American Samoa, the Virgin Islands, and Guam.

And to those who, as Herbert Humphrey sensitively described, "live in the shadows of our society"—the poor, the aged, the infirm, the disadvantaged minorities—PHIL BURTON was all his life dedicated. And to implement this dedication, he would as quickly use an arm twist as a honeyed-tongue supplication to achieve the ends he desired.

PHIL BURTON was a man with good traits and with characteristics which some would term unattractive. But he was indeed a presence to be reckoned with—most times to his advantage, and consequently to the advantage of worthwhile causes. He was a positive force. This fellow Member was a man who lived his life with bold strokes, who sought to meet many human needs through any means available to him. He was decisive, he was arrogant, he was practical, he was innovative, he was vital, and he was irritating in every sense of the word. He fought hard and won many battles, and what will be remembered about PHIL BURTON is that these battles were worth winning.

We disagreed often, but I liked PHIL BURTON. I will miss him.

Mr. DE LUGO. Mr. Speaker, will the gentleman yield?

Mr. COELHO. I yield to the gentleman from the Virgin Islands.

Mr. DE LUGO. Mr. Speaker, I never thought I would stand before this body to mourn the passing of my friend, PHILLIP BURTON. The vitality of the man, and his energy, seemed to even charge the air when he entered a room. He drew attention like a magnetic force. The brilliance of his mind, and his quick and total grasp of issues was spellbinding. If he seemed driven in his intensity, it would seem now, in retrospect, that maybe he surmised he had but limited time to accomplish all that he had set out to do.

PHIL's efforts touched the lives of practically every family in some way or another throughout the Nation and its territories, and that he did accomplish so much is a credit not only to the man, but to his wonderful wife, Sala, who gave him the inner strength he drew on. My deepest sympathies go out to Sala and to all PHIL's family.

We have heard our colleagues here today extol PHIL for what he accomplished and for what he achieved for others in so many areas. I would like to speak on one particular area: PHIL BURTON and the territories of the United States.

Not everyone is aware of how much time and talent PHIL devoted to the insular possessions. Some who did were surprised that anyone would give so much to an issue so far removed from a home district or national headlines. Beneath that powerful and sometimes gruff exterior was the deepest, most consistent, and most sincere concern for the poor, the disadvantaged, the elderly, the minorities—all the underrepresented and the unrepresented.

When I first met PHILLIP BURTON over 15 years ago, that is exactly what the U.S. Virgin Islands were—unrepresented. We had no delegate to Congress. The American citizens in the U.S. Virgin Islands were not only excluded from voting in Presidential elections, we could not even elect our own Governor. I was elected to an at-large position and came to Washington in 1968, basically as a lobbyist, an unseated representative of the interests of the people. Within the space of a few short years, the American citizens of the U.S. Virgin Islands soon had the right to vote for their own Governor, and a delegate seated in the House of Representatives.

PHIL with his brilliant command of the legislative process was the principal architect of those changes, and of many, many more. I was proud to have been that first delegate in the Congress, and prouder still to have known and worked with this great man for so many years.

PHIL abhored inequity in any form. He had a clear perception of the territories, and an insight into their historical future that the territories dared not have, and that the United States seemed unwilling to have.

He saw those distant insular areas without representation, without full political rights, with little support for their fragile isolated economies—the discards of a shrinking world which had diluted their former value as strategic outposts.

He saw, too, the people of those island, their warmth, their rich cultural histories, and their unstudied ability to live race with race, and class with class, in a harmony that our Nation has not yet achieved.

He saw that the territories needed much from the Nation whose flag they proudly bear. They needed full rights, better schools and hospitals, economic stability, and above all, full opportunities and the self-confidence to utilize them.

He saw those islands struggling with the responsibilities of compliance with the laws of a system in which they had no voice and with which they were economically unprepared to cope. In one of his last statements on the floor of this House in speaking on my amendment to the Caribbean Basin Initiative he said:

> Once again, we see the insular areas of the United States—paying an improper price for what is deemed by others to be in the higher national policy interests.

More than any person before, he recognized, and articulated, the inherent responsibilities of the United States to the people of the possessions this Nation chose to acquire, whether through cash or war. And he knew that in honoring those responsibilities, in giving those people the right to full participation, to self-esteem, to self-confidence, the United States had much to gain.

Two centuries ago, this Nation, itself then a possession, embarked on the greatest experiment in history with the founding of the democractic Republic of the United States. PHIL was ever conscious that it is an experiment, and he saw that only by being honorable, and open, and courageous enough to learn, even from its smallest

and furthest-flung possessions, would the United States succeed.

He died believing in that, and I would urge my colleagues, not to let his knowledge die with him.

Mr. Speaker, the people of the Virgin Islands loved PHILLIP BURTON and some of those who worked closest with him over the years have forwarded to me statement's expressing their feelings at this sad moment. I submit these statements for inclusion in the RECORD of these proceedings.

STATEMENT OF GOV. JUAN LUIS, U.S. VIRGIN ISLANDS

I was shocked and saddened to learn of the sudden and untimely death of Congressman Phillip Burton.

Congressman Burton was a stalwart, longtime friend of the Virgin Islands and he was highly regarded for his vast experience, wisdom and sound judgement. His death is a serious loss to the Virgin Islands and the other United States territories.

Mr. Burton fought many battles in Congress on behalf of the Virgin Islands and authored many valuable pieces of legislation to provide federal assistance to the people of this territory. He was also a true champion of our efforts toward greater self-determination.

A frequent visitor to the Virgin Islands, Congressman Burton was always interested to learn of ways in which he could be of assistance to residents, and his advice, counsel and hard work to provide substantial improvements for our people will leave an indelible mark in the history of these islands.

I have today sent a cablegram to Mr. Burton's widow expressing profound sorrow and heartfelt condolences on behalf of the government and people of the Virgin Islands.

PHILLIP BURTON—FRIEND AND CHAMPION

(By Earle B. Ottley)

To many Virgin Islanders who are familiar with the incomparable contributions of Phillip Burton to the people of the Virgin Islands, his sudden and stunning death leaves us with the same empty feeling we get when we lose a dear member of our family.

Phillip Burton was an extraordinary man. He was blunt, impatient, hard-driving, unhypocritical, protective of the underdog, and especially supportive of the working man, minorities and underprivileged everywhere.

From the very first day he stepped foot in the Virgin Islands and became aware of the social, economic and political problems that plagued his fellow Americans in this part of the world, he thrust himself into the forefront of the struggle to remove the shackles of second-class citizenship and give our people a better life.

His continuous, inspiring fight in the interest of the Virgin Islands was completely devoid of personal considerations. He championed our causes because he loved the people of the Virgin Islands, and was convinced that it was the decent thing to do. That his advocacy of Virgin Islands issues required him to expend considerable energy and time was immaterial to him. He was as devoted and concerned as if Virgin Islanders were as part of his constituency as the residents of San Francisco.

He utilized his overpowering political strength, his oratorical artistry and his fearsome parliamentary legerdemain to bludgeon or coax crucial programs for these islands, or to push through amendments to our Organic Act to bring us closer to the American dream of first-class citizenship.

He never sought credit or praise for his good deeds. In fact, he rejected any suggestion of recognition. He was a "big" man, big in stature, big in heart.

Phillip Burton is gone, but he will live forever in our minds. On several occasions over the years he angrily rejected suggestions that public facilities be named in his honor. He considered such gestures as patently "colonialistic". We do not need memorials erected in his honor to keep him in our hearts.

His service to the people of the Virgin Islands will not be debased by any suggestion that he would profit in the slightest way from performing his duty as he saw it.

He spent more time, expended more energy, made more important and lasting contributions to the people of the Virgin Islands than any other member of Congress, from any State of the Union, in the history of our nation. And he never sought, nor would he accept, any credit for his good works.

This man was in a class by himself!

We hope that God will give his good and devoted wife, Sala, the strength and courage to carry on.

To the people of the Virgin Islands, Phillip Burton was a great man. He was a great representative of the State of California whose voters elected him to Congress for a score of years. The people of the Virgin Islands would have given him an even more thunderous display of appreciation if we had the opportunity to vote for him.

We mourn the passing of a good friend and stalwart champion, of an American patriot who had a great impact on the lives of millions of his fellow Americans, and a leader whose considerable potential for further service to the nation remains unfulfilled.

We mourn a friend and a champion. His death will not diminish the love and respect all Virgin Islanders have for him.

STATEMENT ON THE DEATH OF REPRESENTATIVE PHILLIP BURTON

(By Elmo D. Roebuck, President, Virgin Islands Legislature)

On behalf of the Legislature of the Virgin Islands, I wish to express our profound shock at the untimely death of Representative Phillip Burton. His passing leaves a void which can never be filled.

For many years Phil Burton led the fight to improve the welfare of the people of all the territories of the United States, including the Virgin Islands. As just one example, he was instrumental in obtaining the passage of legislation providing the people of the Virgin Islands with modern medical facilities on the islands of St. Thomas, St. Croix, and St. John. He secured funds to enhance our educational programs, to improve our roads and for a host of other vital needs. Most important of all, he was always in the forefront of the fight to bring more self-government for the people of the Virgin Islands, always within the framework of the United States Constitution.

We also want to express to his family our grief at their loss. We know them well, for Phillip Burton was no stranger to these shores. We share their sorrow, and offer our condolences.

STATEMENT OF GOV. RALPH M. PAIEWONSKY, ON THE PASSING OF CONGRESSMAN PHILLIP BURTON

I am shocked and saddened by the untimely death of our dear friend Phillip Burton and would like to join with his Congressional colleagues and friends in expressing my sentiments as we mourn the loss of a wonderful man.

I met Phil Burton when he first entered Congress 19 years ago, and we have been good friends ever since that time.

As former Governor of the Virgin Islands 1961–1969, I had the privilege to appear before the House Committee on Insular Affairs on matters affecting our Islands, and found him to be understanding, cooperative and helpful. We share a common liberal philosophy seeking a greater degree of autonomy for the people of the U.S. Territories. As a result of Phil's dedication, ability and with his help the Virgin Islands obtained for the people many benefits including but not limited to the people's right to elect their own Governor and to be represented in Congress by a Delegate and also financial aid.

Phil was a champion in Congress for the underprivileged and for the advancement of Political and Human Rights for the people of all U.S. Territories. He is considered here in the Virgin Islands as our best friend in the Congress and his passing is a great loss to the Virgin Islands and to other U.S. Territories. He was a frequent visitor to the Virgin Islands and was always interested to learn first hand from the people and Virgin Islands elected officials our problems and to be of assistance. He will long be remembered for the service he has rendered to his Country and to its Territories, and for the many acts of goodness he did for all the people.

To his wife Sala and family we extend our heartfelt condolences—and may the Lord sustain all who mourn this great man and comfort them in their grief and sorrow.

□ 2100

Mr. CORRADA. Mr. Speaker, will the gentleman yield?

Mr. COELHO. I yield to the gentleman from Puerto Rico.

Mr. CORRADA. Mr. Speaker, I am shocked and saddened by the untimely death of PHILLIP BURTON, a good personal friend and highly respected colleague. PHIL was a great public servant. His commitment to the poor, the elderly, the handicapped, and the less-advantaged in our society was strong and unwavering. His excellent achievements in support of the most needy in our society will stand for many years to come. His dedication to preserving our environment was extraordinary. Among his many accomplishments there are some that I personally know were of great pride to him: the preservation and protection of the Redwood National Park in his own State of California, the establishment of the Golden Gate National Park, and the enactment of the Omnibus Parks Act of 1978. That law created the largest number of national parks ever established at one time, a total of 14 new parks.

In addition, PHIL became known for his deep interest in the insular areas of the United States and his appreciation of the problems faced by their inhabitants. As Resident Commissioner from Puerto Rico, I can vouch for the many times when his help and assistance were invaluable.

I remember many instances when his aid was particularly important. His support was a key factor in the extension to Puerto Rico of the food stamp program in 1971 when my predecessor, Hon. Jorge Córdova-Díaz moved toward that goal. Since I came to Congress in 1977, PHIL was always ready to lend a hand. In 1979, the Congress passed House Concurrent Resolution 165 recognizing Puerto Rico's right to self-determination. In 1980, we approved Public Law 95-205, which recognized Puerto Rico's jurisdiction over its submerged lands out to a distance of 10.35 miles; and last year's omnibus territories bill, Public Law 96-357 allowed Puerto Rico and the EPA to work out an agreement for a loan to help Puerto Rico pay its share of the construction costs for completing five sewage treatment plants.

His willingness to help Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific as a defender of our interests and concerns earned him the admiration and gratitude of the people of those areas. Politically he did not stand to gain much by helping the people of the U.S. insular areas. His interest was based on his profound commitment to the principles of justice, fairness, and democracy. In PHIL BURTON, we, the delegates of the U.S. territories had a great ally, a wise adviser, and a true friend. We will always miss him. His death is an irreparable loss not only to his district in San Francisco and his beloved State of California, but to the Nation as a whole.

My wife Beatriz joins me in sending our deepest sympathy to Sala, their daughter Joy, his brother John, and all the family. Our thoughts and prayers are with them at this sad time.

□ 2110

TRIBUTE TO THE LATE HONORABLE PHILLIP BURTON

The SPEAKER pro tempore (Mr. COELHO). Under a previous order of the House, the gentleman from California (Mr. MINETA) is recognized for 60 minutes.

Mr. MINETA. Mr. Speaker, I yield to the gentleman from Texas (Mr. COLEMAN).

Mr. COLEMAN of Texas. I thank the gentleman for yielding.

Mr. Speaker, as a freshman from Texas, it may seem strange to some that I would ask for a minute to speak about Congressman PHIL BURTON, a wily veteran from the State of California. But to most of you who knew PHIL better than I, I believe you will understand. I knew him only 3 months. Our conversations were really never very long and occurred far too infrequently. But what conversations.

He became to me everything that I think everyone who has spoken before me talked about and probably mentioned most often tonight; that was that he became to them what he became to me in that short period of time: A friend.

He gave me more advice about Congress than anyone else, about how it works, about its rules, its history, its traditions, but, more importantly, I think, than anything, its politics.

One other thing that he stressed to me and that I found perhaps the thing that I should say tonight about PHIL was that he cared about the people in this House. What he told me was, "Oh, there will be Members, both Democrats and Republicans, who will really anger you and even make you wonder why it is that they serve here. But most important," he said, "you will always find something good about every last one of your colleagues."

Well, that is the reason that I asked for the time from the gentleman from California tonight to stand in this well—because I found not just something good about PHIL BURTON, I found a very lot good with PHIL BURTON.

Mr. MINETA. I thank our colleague the gentleman from Texas for his remarks.

Mr. AKAKA. Mr. Speaker, will the gentleman yield?

Mr. MINETA. I yield to our fine colleague, the gentleman from Hawaii.

Mr. AKAKA. I thank the gentleman from California for yielding to me and for giving the Members of this House an opportunity to pay tribute to our friend.

Mr. Speaker, my colleague PHIL BURTON was a man admired and respected for his vision, his achievements and his qualities. He made a difference in my life. He was, in the classic of the word, a hero * * * grand and noble * * * and large and powerful and potent. For nearly 30 years, PHIL served a cause other than his own * * * a cause which, through his commitment and dedication, he then made his own. For nearly 30 years, Congressman PHILLIP BURTON has wielded his power on behalf of workers, the underprivileged and the poor. For the last 30 years, PHIL BURTON has used his tactical brillance and legislative genius to give the unrepresented and underrepresented a political voice, and the opportunity to use it.

As long as I have known him, PHIL has been a champion of the interests of the peoples of the Pacific and the island communities in which they live. There was no man in this body more willing and able to help the Pacific peoples in their desire to preserve their values and better the quality of their lives. PHIL's commitment to the communities of the Pacific will be deeply missed by all of us.

Perhaps the best way to say what PHIL meant to me is to use his own description of himself. PHIL once said this about his battles in politics:

> I'll never fail to fight for social, racial or economic justice as long as I can draw a breath.

As long as I have known him, PHIL has not failed to do just that.

I will miss my good friend PHIL—a friend who was taken in an untimely fashion from his service to this body and to the people of his district and out Nation. We, all of us, will miss him, for there are none who can ever replace him.

I join my colleagues in mourning the passage of a man who had no equal in service to our Nation. May God rest his soul.

PHIL and Sala enjoyed the people and islands of Hawaii and visited us when he could arrange it. In the spirit of Hawaii, my wife, Millie and I convey our aloha to Sala and the Burton family.

Mr. MINETA. Mr. Speaker, I yield to the very distinguished gentleman from Texas (Mr. DE LA GARZA), the chairman of the Committee on Agriculture.

Mr. DE LA GARZA. I thank the gentleman from California for allowing me these few moments to join my colleagues who have preceded me this evening in building this sculpture which we do of PHIL BURTON the man, the legislator, the friend.

I guess I can repeat many of the personal things that have been said throughout the day. In the longer period of time sequence, I received a phone call the night of my first election in 1964. And PHIL was doing it the night of the last election.

What I want to mention as we add our little grains of sand to this that was PHIL BURTON is something that has been mentioned very briefly by my colleague from Georgia (Mr. LEVITAS), and that is PHIL BURTON's participation with me and my predecessors in agriculture. Few would know that an urban Member from a district in San Francisco would be so involved in caring for rural America, for the farmer as well as the farm worker. Mr. LEVITAS mentioned the coalition that helped pass a bill. Well, he helped pass a lot of agricultural bills. It was an alliance that was best not mentioned. Here I do it now because PHIL BURTON will no longer be with us. But from the very beginning, as we initiated the process of working legislative-wise agricultural legislation, this expert parliamentarian-legislator came to us. "I

want to work as you draft the legislation so that I can help you."

We never went to him. He always came to us as a Member, as a subcommittee chairman and, later, as a chairman of the committee. It was always Mr. BURTON coming, "I want to help. Let me give you an idea of what our problem is, let me give you an idea of what it is you need to correct. Give me the tools, and I will give you the vote," said this craftsman of parliamentary procedure.

So I think that it befits me, as chairman of the Committee on Agriculture, to publicly thank PHIL BURTON for what he did for rural America that he wanted no praise for, that he wanted no mention of, that he wanted nothing except that he cared for the worker as well as for the producer. And he worked the floor and he worked the doors and he worked before and after the session more, possibly, than some of the members of out committee; and sometimes he kind of got ahead of we who were working with the legislation.

So I guess the farmers of America never knew, but now I speak for them that they got good legislation within the art of the possible because here was a craftsman who worked always within the art of the possible, not bouncing against walls and not going after things that were unachievable, but working within the art of the possible: What could he do to help?

□ 2120

In my early years, when a junior Member did not approach a senior Member, I remember that I needed some urgent help for migrant workers in a labor bill. It was PHIL BURTON who went with me to Mr. O'Hara, the subcommittee chairman, to draft the wording of how the migrants could be protected in that specific bit of legislation.

So it is endless, the things he did for those who worked in rural America, the migrants, but also for the producer, for the rancher, the dairy legislation, the wheat, corn, cotton, sugar, rice, all of these things that you would not imagine a Member from San Francisco working for, not in a provincial way, but for all of us.

So I join my colleagues with the same love and admiration and respect that all of us had for PHIL BURTON. I join in the sympathy to his wife, his daughter, to my dear friend, his brother, John, who worked with me.

I think that possibly the thing that he will be most remembered for is his work with the great lands of our country, with the forests, and with the wilderness and with the rivers. That will be his monument.

I would like to thank him and remember him for what he did for agriculture, but I think that possibly the poet Markham said it before, many, many years ago, of another giant. He said it of Lincoln, but I would like to borrow it tonight for PHIL BURTON, and I quote Markham:

He held his place—
Held the long purpose like a growing tree—
Held on through blame and faltered not at praise.
And when he fell in whirlwind,
He went down as when a lordly cedar, green
With boughs, goes down with a great shout upon
The Hills and leaves a lonesome place against the sky.

That was PHIL BURTON.

Mr. MINETA. I thank our colleague, the gentleman from Texas.

Mr. LOWRY of Washington. Mr. Speaker, will the gentleman yield?

Mr. MINETA. I yield to the gentleman from Washington.

Mr. LOWRY of Washington. I thank the gentleman from California for yielding, and thank the gentleman again, and his three other colleagues from the State of California, for now placing us into the fourth hour of very sincerely meant tributes and commemorations and memories to what has been said many times, one of the greatest Members ever to serve in this House.

Mr. Speaker, I have had the opportunity to listen to those tributes all day, except for a couple of times I had to leave the floor because I was choking up. I appreciate, as do some others, some people who talked about the real PHIL BURTON in some light that allowed us to liven this back up a little bit, to be able to progress through this.

I used to get tapped by PHIL about once a week to go over to his office about 6 or 6:30 at night while he worked on making this place run the way he wanted to make it run. During that period of time, he would have at least three staff people busy out in his outer office simply handling the phones when PHIL BURTON was doing his work. There would be Members of this House and Members of the other body, and frankly, I enjoyed much more hearing the way he talked to Members of the other body, and perhaps a few other people around this country, all on these different lines as PHIL BURTON was picking up and setting down those lines, and he was conducting the business, I would not really say in the way of a colloquy, but it was not here on the floor that PHIL BURTON gave those great speeches. It was in the confines that were somewhere between 2 feet and 6 inches apart, and it seemed to work very effectively.

I only voted opposite PHIL BURTON one time on organizational things in this Houe, and there are various people I see sitting around this room who might remember that gigantic organizational fight on which PHIL was on one side and the leadership was on the other side within the Democratic Caucus in 1980.

I was interested in a high-ranking appointment out of steering and policy, so I sat there and said, "Well, I am going to weigh my best interests," and so I voted with the leadership and against PHIL. Boy, that was a mistake, I will tell you right now, and if I had it to do over, I would have voted with PHIL, because when it was all said and done, the person that that vote meant the most to was PHIL BURTON, and the only thing I really got out of that, having made that smart decision to vote with the leadership against PHIL on an organizational thing was a couple months reprieve from going over to his office at 6 or 6:30 at night, which perhaps is good for me.

We can all tell stories and stories, and people here have served much longer and had the honor to know PHIL BURTON much longer than I have. I have had the honor to know him for 5 years.

When HENRY WAXMAN was saying that it was the first words that his young child had learned, or some of the first words, was that: "PHIL BURTON is on the phone," my wife, Mary, in Seattle, had talked to PHIL BURTON for, I would guess, 20 to 30 hours before I had ever talked to him once in my life. In 1978, when I was running for a seat in this House against an incumbent, PHIL BURTON was the only Member back here that knew that I could win that race. He was the only one who really worked on making sure that the opportunity for another young Democrat existed to be able to come back here and serve.

I do not treasure PHIL BURTON because he gave me that opportunity, like he gave many other people. I treasure PHIL BURTON because he fought for the poor. On the things that really count, on the things—I am going to have to back off here a minute—on the things for those who had no other representation, as has been said over, and over, and over today, PHIL BURTON, that is what he fought for. That is why it chokes us up to think about PHIL BURTON being gone. That is why we have lost one of the most important Members we could ever have. For those of us, and there are many people that I can lay eyes on here within this room now that agree with this, that think that we are in a time when the rich are getting richer and the poor are getting poorer, and those of us who think that is not what this Government should be doing, we have, in the loss of PHIL BURTON, lost our greatest ally. We are going to have to commit ourselves to picking up that slack.

As he said in one of those famous comments in the newspaper in the midst of this very tough reelection campaign he just went through, he would never go for this "——

Reaganomics," and none of the rest of us should either.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield to me?

Mr. MINETA. I am glad to yield to my friend, the gentleman from Ohio.

Mr. SEIBERLING. I thank the gentleman for yielding.

Mr. Speaker, sitting here through these wonderful statements, one gets rather stimulated in thinking about our departed brother. I liked particularly the poem that the gentleman from Texas (Mr. DE LA GARZA) read from.

Another facet of PHIL's personality, though, reminds me of the poem by Dylan Thomas called, "There Was a Savior," which I guess is supposed to be a description of Christ, but there is a wonderful line in there ending the poem in which he refers to this person as having the soft, unclenched, armless, silk, and rough love that breaks all rocks.

PHIL BURTON was that kind of a person. He was rough and yet inside he had that kind of love that could break all rocks, legislative or otherwise, and some of the remarks just made by the gentleman from Washington called that line to mind.

□ 2130

Mr. BEDELL. Mr. Speaker, will the gentleman yield?

Mr. MINETA. I yield to our distinguished colleague, the gentleman from Iowa.

Mr. BEDELL. I thank my friend, the gentleman from California, for yielding.

It takes me back, as I am sure it takes the gentleman back, to the time that he and I came to Congress together in that great class of the 94th Congress and we were a pretty green bunch. The person that advised us more than anybody else and was probably our godfather, if we had one, was PHIL BURTON.

We have had many eulogies here this evening as we come to a close tonight of the many great accomplishments of our good friend, PHIL BURTON. And it is true, there is a lot of important legislation that PHIL is responsible for and his honors are most extensive; but I have always claimed that the most important thing that any of us do in the lives we live here on this Earth are the examples we set for others and the example PHIL has set for so many of us is, first of all, an example of commitment. I know of nobody in the Congress who took his job more seriously and was more committed to do what he felt was right than was our friend, PHIL BURTON.

The second example that he set for us was the example of caring. My colleague from Texas said how he cared for the Members of Congress. That is right; but let me tell you, he cared for a lot more than just the Members of Congress. He even cared for more than just the citizens of this continental United States, as he showed the unique care for the citizens of the Pacific Trust Territories and for whoever was downtrodden or for the common people, PHIL was there to care for them.

So I am grateful and thankful for the opportunity that I have had to be exposed to the example that was set for the rest of us by PHIL BURTON.

My colleague, the gentleman from Washington, just mentioned the fact that we live in a society where the rich get richer and the poor get poorer, and that was not the type of society that PHIL BURTON believed in; but I can tell you this, that all of us are richer in our lives because of the opportunity that we had to get to know our good friend, PHIL BURTON.

Mr. MINETA. I thank my colleague, the gentleman from Iowa.

Mr. Speaker, I do wish to thank all of our colleagues for their thoughts and expressions on the passing of our great colleague, the gentleman from California (Mr. BURTON).

We each in our own way will be missing his great talents here in the House.

We send Sala, their daughter, Joy, and PHIL's brothers, John and Robert, our deepest condolences and expressions of sympathy.

● Mr. LAGOMARSINO. Mr. Speaker, if it is true that the measure of a person is what he leaves behind, then the legacy of PHIL BURTON is an impressive one indeed.

PHIL was a man who left his mark: On his district, on the State, on the institution in which he served for almost 20 years. There was never any question about what PHIL stood for. He was not a man who minced his words or even frequently held his tongue. He was a Democrat, a strong supporter of labor, and a believer in an active role for government. And although we frequently differed in our opinions, there was never any question as to the sincerity of his beliefs.

PHIL was a consummate politician; he knew where the votes lay and how to get them. But he also knew the smallest details of the legislation he handled and the parliamentary context in which it would be considered. His legerdemain was based as much on hard work as on his negotiating skills. If there was a fault in his armory of skills it was that he sometimes tried too hard.

PHIL's passing will leave a large gap. Whatever task he applied himself to, it was bound to be with the full force of his knowledge, his skills, and his powerful personality. He was as formidable an ally as a foe. The people of California will long be in his debt for his role in the creation of the Channel Islands National Park and the Santa Monica Mountains National Recreation Area, to name but two efforts to which he lent a hand when it mattered. Indeed, PHIL was something of a natural force himself, and it comes as a shock to realize that he was mortal after all. PHIL inspired, indeed encouraged, an almost legendary view of himself; he knew that such a view would be useful in realizing his goals. Now that he is gone, the legend will remain, embodied in the many works in which he played a part.

To his wife, Sala, his daughter, mother, and other survivors, our deepest sympathy. His was indeed a memorable presence.●

● Mr. SOLARZ. Mr. Speaker, it is no accident that the House worked on two bills today crafted by our late colleague, Congressman PHIL BURTON, just 2 days after his tragic death. For, if one thing characterized his career, it was his intense interest in writing legislation for the enduring benefit of his constituents and the Nation.

For our Nation's hungry, the food stamp program is his legacy.

For our Nation's poor, the supplemental security income program is the legacy.

For those of us who wanted a part of America set aside—for recreation or just for the natural beauty of the wilderness—literally dozens of national parks and wilderness areas is his legacy.

For the disenfranchised citizens of the territories of the United States, delegate representation in this Congress is his legacy.

A list of achievements like this would be sufficient for most Members of this body. The incredible thing PHIL BURTON is that this represents only a partial statement of his accomplishments during his distinguished career here.

Beyond his legislative abilities, PHIL devoted a great deal of his time to building the Democratic Party and making this institution more democratic. It meant a great deal to me, for example, that the moment the polls had closed in my first congressional primary in New York in 1974, that PHIL BURTON called to wish me well. And as a freshman Member of this Congress, I was pleased to work with him, and the other Members of the "Class of '74," in writing new rules for the House which opened new opportunities for the younger Members to become subcommittee chairmen and to play a greater role in the conduct of business in the House.

Of course, PHIL's passing is a terrible blow to those of us who were touched by his work, his unparalleled activism on behalf of the liberal agenda, and for his tireless efforts for our party.

For PHIL's brother, our former colleague John Burton, for his wife Sala and daughter Joy, we can only send

our thoughts and prayers at this immensely difficult time.

In PHIL's honor, I would like to insert in the RECORD at this point a poem by W. H. Auden, "Law Like Love."

We will miss him terribly.

The poem follows:

LAW LIKE LOVE

Law, say the gardeners, is the sun,
Law is the one
All gardeners obey
To-morrow, yesterday, to-day.

Law is the wisdom of the old
The impotent grandfather shrilly scold;
The grandchildren put out a treble tongue,
Law is the senses of the young.

Law, says the priest with a priestly look,
Expounding to an unpriestly people,
Law is the words in my priestly book,
Law is my pulpit and my steeple.

Law, says the judge as he looks down his nose,
Speaking clearly and most severely,
Law is as I've told you before,

Law is as you know I suppose,
Law is but let me explain it once more,
Law is The Law.

Yet law-abiding scholars write:
Law is neither wrong nor right,
Law is only crimes
Punished by places and by times,
Law is the clothes men wear
Anytime, anywhere,
Law is Good-morning and Good-night.

Others say, Law is our Fate;
Others say, Law is our State;
Others say, others say
Law is no more
Law has gone away.

And always the loud angry crowd
Very angry and very loud
Law is We,
And always the soft idiot softly Me.

If we, dear, know we know no more
Than they about the law,
If I no more than you
Know what we should and should not do
Except that all agree
Gladly or miserably
That the law is
And that all know this,
If therefore thinking it absurd
To identify Law with some other word,
Unlike so many men
I cannot say Law is again,
No more than they can we suppress
The universal wish to guess
Or slip out of our own position
Into an unconcerned condition.

Although I can at least confine
Your vanity and mine
To stating timidly
A timid similarity,
We shall boast anyway:
Like love I say.

Like love we don't know where or why
Like love we can't compel or fly
Like love we often weep
Like love we seldom keep.

—W. H. AUDEN.●

● Mr. ACKERMAN. Mr. Speaker, with a sense of deep regret and respect, I appreciate the opportunity to be able to pay tribute to the late Honorable PHIL BURTON.

Just over a month ago I was sworn into office as the Representative of the Seventh District of New York. Recognizing me as a new Member, PHIL BURTON came up to me the first day I was on the floor and offered his congratulations and assistance.

I did not have the honor of serving with him for long, yet, I am well aware of his outstanding legislative record.

As soon as he came to Congress in 1965, as a man of great vision and integrity, he was one of the first Members to oppose the war in Vietnam.

His tenure was distinguished by his successful efforts to provide for our most vulnerable citizens and marshal through wilderness and parks legislation. Many people may not recognize his name, yet across the country we benefit from his dedicated work on behalf of the needy and his concern for the preservation of our environment.

Although it is with great sadness that we honor this man, it can still be said that "the sun never sets on the BURTON empire."

My heartfelt sympathy and sincerest condolences go out to his family.●

● Mr. BEVILL. Mr. Speaker, the Congress has lost one of the most vibrant and caring Members ever to have served in the U.S. House of Representatives, PHIL BURTON.

PHIL instilled life, hope and feeling into the legislative process. His causes were not always the most popular, but his belief in his causes and dedication to his principles made personal popularity unimportant to him.

His strong convictions and deep compassion for his fellow man blended with his unparalleled legislative prowess to earn PHIL BURTON a reputation for success in getting his programs enacted into law.

PHIL gave himself fully to serving his constituents. He remained outspoken and took bold stands, for which they held him in the highest respect, returning him to office with resounding election victories.

Personally, I will miss PHIL and I offer my deepest sympathies to his wife, Sala, and his family. But I also offer my condolences to the people of PHIL BURTON's district, because they lost one of the finest Representatives in Congress.●

● Mr. DREIER. Mr. Speaker, I rise to pay tribute to my California colleague, PHIL BURTON. He was unquestionably one of the most influential Members of this House and will be missed by Members from both sides of the aisle.

PHIL BURTON's legislative record is legendary. He was the consummate legislator. His mastery of the legislative process and the details of the legislation before his committees was extraordinary. He was a tireless dealmaker and an effective and energetic organizer.

But PHIL BURTON will best be remembered for the strength of his character. As we all know, his commitment to his ideals was passionate and unfailing. But while I usually found myself in disagreement with his position on various issues, I never once doubted his sincerity or dedication.

I extend my condolences to his wife, Sala, his daughter Joy, and his two grandchildren.●

● Mr. ANDERSON. Mr. Speaker, I commend my colleagues from California (Mr. EDWARDS and Mrs. BOXER) for arranging this time today to pay our respects to our departed friend from the "city by the bay," the Honorable PHILLIP BURTON.

As you may know, I have known PHIL since our days in the California State Legislature and, over the years, he advanced many great causes. Of particular importance was his work in the area of protecting our environment from exploitation and promoting the preservation of our national park system.

As many of us know, in 1978, PHIL successfully guided through this Chamber the National Parks and Recreation Act. This landmark legislation continues to be the largest national parks bill in our Nation's history. Among other things, it created or enlarged 12 wilderness areas, 8 scenic rivers, 34 parks and 4 national trails. It stands as an excellent example of PHIL's legislative fortitude and the keen ability to get things done.

I would like to pass along my deepest sympathy to his wife of many years, Sala. Sala was not only a devoted wife to PHIL but she, on her own, became actively involved in many causes for the advancement of social and economic justice. It is easy for me to recall her fine work in California in behalf of Young Democrats. But, it should never be forgotten that she was devoted solely and totally to PHIL.

Mr. Speaker, I know you and my colleagues join my wife, Lee, and me in sending sincere condolences to PHIL's wife, Sala, and their daughter, Joy. His service to all Americans will always be remembered.●

● Mr. NATCHER. Mr. Speaker, it was with profound sorrow that I learned of the passing of my friend, PHILLIP BURTON. Mr. BURTON's service in the House of Representatives will continue to be one of the bright spots in our country's legislative history. He was a good Member of the House and was known to be one of the best committee members in the House of Representatives. While serving in Congress, he was always interested in and fought for legislation pertaining to the poor, the elderly, and for education of our children. He was a man of courage and he was recognized as one of the able Members in the House of Representatives. His service to his people was during an unusual period in the history of our country. During his tenure as a Member of Congress, he was always willing to listen and this is a trait pos-

sessed by few people and one that is almost sacred.

His forward looking attitude and determination to give great service gives all of us an inspiration to work harder in our years upon this Earth for worthy causes. His name will be known for all time to come at home and in the far corners of the Earth for his monumental works in behalf of representative government, which is the source and the protector of all human liberties in all nations where freedom prevails.

Mr. Speaker, I extend my deepest sympathy to his lovely wife and to the members of his family.●

● Mr. ZABLOCKI. Mr. Speaker, the tragic death of PHIL BURTON has removed from this House one of its most outstanding Members, a man who has made a significant mark and who would have accomplished much, much more had he not been struck down prematurely.

Probably the most consistent theme in PHIL's many legislative accomplishments was his dedication to less privileged people of our society. He was always seeking to improve the lot of the poor, of minorities, of the common working people.

He also was dedicated to the preservation and improvement of the physical environment of our Nation. He was a devoted supporter of America's parks and our public lands and wilderness.

Those of us who were privileged to serve with him in the House of Representatives know also what a master he was of our parliamentary and political system. He knew how to get things done.

We will miss PHIL,BURTON. I extend my deepest condolences to his wife Sala and daughter Joy.●

● Mr. WHITTEN. Mr. Speaker, the untimely passing of our friend PHIL BURTON, of California, leaves a void in the House of Representatives. PHIL was an able Member, and active Member, who dealt effectively with national problems, but never lost sight of the people of his district or State. Few, if any, Members knew the rules of the House or how to use them better than PHIL BURTON. His word was good, his voice strong, and his work effective.

I served with PHIL during his entire service here and not only will the Congress miss him, but his State delegation, too, for he was in the forefront where California, with our largest delegation, could always count on PHIL whether it was personal, committee assignment, or legislation affecting this great State, which has been likened to a miniature United States, with its varied regions, problems, people, and interests.

I shall miss PHIL, for many times his willingness to help and his courage made the difference in passing essential legislation.

I join with my colleagues in expressing regret and sorrow at PHIL's untimely death.

To his family, we extend our deepest sympathy.●

● Mr. RODINO. Mr. Speaker, the death of our colleague PHIL BURTON leaves a void in this body that is not likely to be filled for some time. We will miss his passion, his wisdom, and his vision. PHIL was truly the conscience of the Congress, and his passing is a loss to us all.

It is not only his colleagues in the Congress who will sorely miss PHIL BURTON. There are many nameless Americans who will remember PHIL, and who owe him a great deal. The recipients of black lung benefits, whose cause he championed; the disabled and elderly who could always count on PHIL's aggressive support; the millions of Americans who visit the Nation's parks and wilderness areas every year—all of them will remember PHIL BURTON.

His commitment to social justice was matched only by his effectiveness. PHIL's ability to translate ideals into action was remarkable. He was an outspoken advocate on behalf of the less fortunate members of our society, a courageous crusader for environmental protection, and a powerful legislator who fought for the rights of the powerless.

The record that he leaves behind will give PHIL a place in history as well as a sort of immortality. His legacy to the Congress is what he achieved for others. One can honestly say of PHIL BURTON what I consider to be the highest tribute a public servant can be paid—he leaves this world a better place than he found it.●

● Mr. LEHMAN of Florida. Mr. Speaker, when I learned that PHIL BURTON had died, I felt shock and sudden grief at this great loss. I wondered if anyone could ever take the place of PHIL BURTON in this Congress.

He had all the right issues and all the right instincts. He worked with total commitment, with a zeal that brought to mind the image of a man with "fire in his belly."

There are others in Congress who are right on the issues, who are loyal Democrats and good, solid Americans. We have other hard workers, but there is no one left who can combine all these qualities with the fervor of a PHIL BURTON in his commitment to our best causes.

Among PHIL's many achievements was the opening up of the Democratic Caucus. He was also a leader in the fight to halt American involvement in the Vietnam war. He devoted his boundless energy to serving the needs of humanity, particularly the needs of those who are poor and without political power. He managed to encompass both toughness and tenderness in his concern for these people.

Mr. Speaker, I shall miss PHIL BURTON, and the Congress will be a lesser place without him.●

● Mr. QUILLEN. Mr. Speaker, I am saddened by our loss of PHIL BURTON. Since his election to the Congress in a special election in 1964, Congressman BURTON has played a large role here and has had a major influence on the House of Representatives and the Nation. He was intelligent, he was tough, he worked hard for what he believed in, and he did an outstanding job fighting for what he thought was right and representing the people of San Francisco in the House.

Congressman BURTON had a reputation as a fighter and it was well deserved. When he decided on a course of action he was fully committed. He was a great leader in many battles over the years and was an effective spokesman for his side of the debate.

PHIL and I often disagreed on important matters of public policy and many were the times we were on opposite sides of the issue. There were many times we stood together,) too, and always Congressman BURTON was a formidable and persuasive Member of this body who battled hard for his position.

The people of his district have lost a great Representative and this House has lost one of its leaders.

I want to extend my deep sympathy to PHIL's wife, Sala, and to all the members of the bereaved family.●

● Mr. PERKINS. Mr. Speaker, PHILLIP BURTON came to the well of the House on February 18, 1964, and took his oath as a Member of the 88th Congress.

It did not take long for seasoned House-watchers to discover that they had a comer in their midst. And they were right.

PHIL took to the House like a duck to water. He found a home here. He gloried in the strategy and in the organizing and maneuvering that attend great legislative events. He had a natural instinct for locating the fulcrum of power. And he learned to position himself there to the advantage of those things in which he was interested.

Even as a freshman Member, PHIL BURTON learned the highways and byways of Congress better than many do in a decade. He knew where the bases were, and he was tireless in getting to them first. He was a master of rules and procedure, and he knew how to use that knowledge effectively.

"Ask PHIL" soon became the automatic reflex to those engaged in the plotting of strategy.

PHIL and I served together on the Committee on Education and Labor for more than 19 years. I knew him to be a tremendously resourceful and ef-

fective ally, just as others were unfortunate enough to know him as a formidable and relentless foe.

Not everyone would call PHIL a man of the people. But I think he was assuredly a man for the people.

His constituency extended far beyond his San Francisco district. It included all those Americans who are old and sick and poor; all those who are the victims of injustice; all those who are denied the full rights of a citizen; and those who lack the power to help themselves.

It was for them that he wielded the substantial power he acquired as a Member of this House. And it is they who are the beneficiaries of his service here.

He could be like a cyclone—full of thunder and bluster and turbulent tossing about. And he could be like a spring day, full of charm and warmth and heady sunshine.

By a combination of the two, he established himself as a presence in the House and he was able to accomplish much during his time here.

Early in his career, he described himself as a "Fighting Liberal." He was a fighter—let no man doubt that. But the battles were not for himself, but for that vision of America which he carried in his head.

Now his battle is over, the thunder and the bluster stilled. But the cause remains, and those of us who believe in the things he believed in must carry on the work, knowing that somewhere beyond the bounds of time and place the restless spirit of PHILLIP BURTON is urging us on.●

● Mr. BOLAND. Mr. Speaker, I was shocked and saddened to learn of the death of PHIL BURTON. The loss suffered by his family and by the people of California is one which is shared by the Members of this House and the people of our country.

I had the privilege of serving in the House for all of PHIL BURTON's congressional career. I knew him to be a man of tremendous energy who was able to direct that energy toward a variety of legislative pursuits with a skill that has rarely been matched in this institution. He was a forceful and effective advocate for the interests of those without the ability or the means to represent themselves. His tireless labor on their behalf was a result of his commitment to the promotion of social justice. The legislative record he leaves is a tribute to the strength of that commitment and to the ways in which government can act for the benefit of all its citizens.

PHIL BURTON's absence will be felt in the House of Representatives. His ability, his intelligence, and his capacity for productive work will not be easily replaced. Those qualities won him the respect of his colleagues and they are the attributes for which he will be remembered.

I want to express my sympathies to PHIL's wife and all the members of the Burton family.●

● Mr. JONES of North Carolina. Mr. Speaker, along with his family I was extremely saddened to learn of the untimely death of one of my dearest friends in the U.S. Congress, PHIL BURTON. Being from North Carolina and of course, he being from the great State of California, we had little or nothing in common as far as it relates to legislation. Yet, on the other hand, it was amazing the number of times that we voted alike. Representing the tobacco interests, I was always extremely grateful whenever the tobacco program was threatened through proposed legislation, that he would rise to his feet on the House floor and defend the tobacco program as being an asset to the farmers of the South, and in so doing, helped us to secure enough votes to preserve the program in its present form. For this, I will always be grateful.

But beyond that, my greatest loss is that of personal friendship, of light conversation in the cloakroom as well as serious conversation concerning legislation. I am sure that his loss is a severe blow to the State of California to say nothing of the other 49 States; but on a more personal note, I shall miss him more than words can express.

And to his family and those who must carry on in his place, I offer my condolences and sympathies and join with them in a feeling of sorrow and loss.●

● Mr. JONES of Oklahoma. Mr. Speaker, the proudest tribute to our late colleague, PHIL BURTON, is that whether you agreed or disagreed with his position on an issue, you always respected his legislative skills. He was a most dedicated public servant whose actions will be a permanent part of the history of the House of Representatives.

PHIL BURTON loved politics. He never tired of it. He constantly practiced it. I remember during my first term in Congress, I was returning with the Armed Services Committee from a trip to the Middle East. Our last stop was in Madrid on the way home to the United States. A reception was given and PHIL BURTON was there as part of another congressional delegation. PHIL took me aside and spent the whole evening talking about politics and procedures in the House of Representatives. He truly loved this institution.

PHIL BURTON also loved the combat and competition of politics. Putting coalitions together to advance his own issues or to make the legislative process in general work consumed him.

Although PHIL and I were rarely on the same side of an issue, I always respected his skill and genuine commitment to public service. He will be missed as a positive force in the debate in the House. To his most capable and supporting wife, Sala, our family extends our sincere sympathies.●

● Mr. BIAGGI. Mr. Speaker, a sense of shock and disbelief looms over this House with the sudden death of our brother and friend PHIL BURTON. How does one react when a person of such stature—such presences—such life and vitality is abruptly taken from us? We react predictably with deep sorrow and grief—with a sense of profound loss. Yet we must also act with a sense of gratitude in having the distinct and unique pleasure of having known this magnificent man.

My association with PHIL BURTON was an especially rewarding one. We served together for the past 14 years on the House Education and Labor Committee. PHIL was in many ways my mentor in terms of being a leader and friend of organized labor and the workingman. PHIL did not merely associate with causes—he plunged into crusades on behalf of fundamental issues on behalf of the working men and women of this Nation. His name was associated with some of the landmark bills of this generation, ranging from minimum wage to pension reform to occupational health and safety. PHIL gave of himself in the fullest sense of the word when he was allied with you. The same could be said when he was an adversary. You always knew where PHIL BURTON stood and why.

PHIL BURTON was a giant in both the literal and figurative sense. He commanded attention which then once he acquired he converted into respect. In the 19 years he served the people of California and the Nation—he became a legend in this body and his contributions to this House—to its legislative processes to the betterment of life for millions in this Nation—will endure for years to come.

PHIL BURTON was a liberal without any reservations. Yet for PHIL BURTON liberalism was not simply an ideology—it was a commitment. It was based on striving to rectify abuses and injustices wherever they existed. It was based on an attitude that government does have a responsibility to help those of its citizens who are disadvantaged. More importantly, it was based on an old fashioned desire to produce for the good of people.

I would be less than candid—and would do less than justice to PHIL's memory were I not to admit to having one major regret, a regret which continually plagues me. On the one occasion when PHIL called upon me—I did not respond when I should have. Others in this body will list the many accomplishments of PHIL BURTON. I choose to instead pay tribute to the man we knew and respected. A man who was sought out by his colleagues—a man who provided sound counsel to his colleagues. A man who

could charm, cajole, even coerce. A man of compassion and competence. A man who represented the very best of what we are supposed to be in this House. PHIL BURTON is a man who left us far too soon but left us with things we will never forget. To his widow Sala I express my deep and sincere condolences and offer the solace that PHIL was a man who will be remembered for years to come by those of us who had the honor to know him.●

● Mr. VENTO. Mr. Speaker, the death of our colleague, Congressman PHILLIP BURTON, is a great loss which will be felt by many Americans.

Throughout his career, PHIL has had a most significant impact on the development of national policy and on the workings of this House.

For many younger Members, PHIL was a wise counselor. An experienced source of the congressional process, PHIL did not hesitate sharing his wisdom with others. His guidance has been and will continue to be an invaluable assistance for many of us and for Congress. We will all miss that guidance and PHIL's unique abilities to achieve legislative goals.

The many Americans who benefited from his commitment and hard work will most miss PHILLIP BURTON's presence in Congress. A staunch defender of the downtrodden, PHIL tirelessly worked hours on end to insure that the poor, minorities, and working men and women had a voice in Congress. Whether it be food stamps, labor, or the environment, PHIL BURTON spoke out and acted for what was right. He sought policies that were balanced, that met our needs today and considered the needs of future generations.

We all have memories of PHIL in action, whether it was his evening legislative caucuses or his ability to pass the same legislation over and over until the Senate agreed. I personally was fortunate to work closely with PHIL on the Interior Committee, the DSG Executive Committee and on legislation vital to Minnesota, the Boundary Waters Canoe Area Wilderness Act. As chairman of the Interior Parks Committee, PHIL was in large part responsible for the adoption of this important legislation. The protection of the BWCA from logging, mining and overuse and its continued high level of visitor participation is a lasting testament of the legislative handiwork created by Congressman BURTON.

As a young, new Member, I learned many things by working with PHIL BURTON on the BWCA. The most lasting lesson was the value of hard work. As Congressman BURTON often said, "We may not have as much money or as many resources, but we will win because we work harder and are totally committed to our goals."

Mr. Speaker, PHILLIP BURTON was a rare individual. His skills, his commitment and hard work certainly made PHILLIP BURTON stand out in this body. We always expected so much of PHIL BURTON, no doubt too much, for indeed his success as a national policymaker, as a leader and champion of the underprivileged extracted a heavy price. PHIL BURTON, however, performed his tasks with a joy, with a dedication focused on the achievement, the good that flowed to the American people rather than his personal sacrifice so evident to all of us who were honored to know him.

Mr. Speaker, my sincere sympathy to Sala Burton, PHILLIP's devoted spouse and strong ally, and his family, friends, and constituents. I share your sorrow. But more importantly, we all share and benefit from the good example and works of our friend and colleague, PHIL BURTON.

At this time, I would like to bring to my colleagues' attention the thoughts of a leading Minnesota environmentalist as just one example of the spirit and humanity and dedication engendered by the contributions of Congressman PHILLIP BURTON.

A NOTE OF APPRECIATION IN MEMORY OF U.S. REPRESENTATIVE PHILLIP BURTON

The people of the United States have lost a great champion with the passing of Rep. Phillip Burton of California. The entire nation, and especially the citizens of my state of Minnesota owe a special tribute to Phillip Burton's memory for his role as Chairman of the Subcommittee on National Parks and Insular Affairs in passing the 1978 Boundary Waters Canoe Area Wilderness Act (Public Law 95-495). This Act was a giant step forward in the 70-year effort to protect our nation's only lakeland canoe country wilderness from logging, road-building, mining and incompatible forms of mechanized recreational use.

I know from many hours of work directly with Phil Burton and his staff how crucial his role was in perfecting this legislation and in achieving its final enactment. The Boundary Waters bill was only one of several such vital laws that Phil was working on in 1977 and 1978 while I was in Washington and in frequent contact with him. One evening while working with several of us on the details of the Boundary Waters bill Phil said to us . . . "you know, this business of protecting unspoiled places is kind of like a religion to me . . . we really only have about 10 years left to save places like this . . . and I am going to do all that I can to see that it happens before it is too late." He often expressed a similar commitment to solving the economic and social problems of the poor, the under-privileged and the ordinary working people of America.

Phil Burton was one of those unusual politicians who understood his own effectiveness as a legislator and who knew just how he wanted to use that potential to promote the best interests of our nation. He knew his fellow legislators and the workings of the House like few others of his time, and he applied his masterful political skills to help move the nation's agenda in the right direction. His untimely death is a loss to us all in terms of potential future accomplishments that now can never be realized.

I know that I speak for thousands of others across our country in delivering this final note of appreciation for Phil Burton's role in protecting the magnificent Wilderness of Minnesota's Canoe Country. Its shining lakes, with their fleets of islands fading into the sunset, its rushing streams that still whisper the voices of Indians and Voyageurs of long ago, its rugged pine-clad ridges that still echo the cry of the loon and far-away howl of the timber wolf, its virgin forests that solace present-day canoeists seeking refuge from our harried industrial world—all these will be there for future generations to appreciate because Phil Burton and his colleagues cared enough to give this precious area the legal protection it so desperately needed. We have not forgotten, Phil! Your memory lives on in our hearts. And your monuments are the parks and wildlands of America!

In loving memory,

MIRON L. HEINSELMAN,
Former Chairman, Friends of the Boundary Waters Wilderness, St. Paul, Minn.●

● Mr. DYSON. Mr. Speaker, it is a great loss that so many of us in Congress, in the Fifth Congressional District of California, and across this Nation feel, learning that our friend, PHILLIP BURTON, has departed this physical world. In the event of the death of such a great, outstanding and honorable man as PHIL BURTON, we are naturally left with emotions of sadness. Mourning his untimely death is, of course, befitting. Yet, in conjunction with mourning the loss of such a dynamic and inspiring man, we take great comfort and reassurance in reflecting upon the remarkable achievements of our friend.

Reflecting upon this one man's life, and now his death, six words come to mind. "Finis coronat opus"—the end crowns the work—are the first three. PHIL BURTON's death is the consummation of all his remarkable lifetime accomplishments. Such accomplishments are aplenty, and shall long be remembered by so many.

The son of a doctor, PHIL BURTON was born June 1, 1926, in Cincinnati, Ohio. Before World War II he moved to California. After a military career in the Navy during World War II, and the Air Force during the Korean war, as well as putting himself though law school at night, he entered politics by making his first campaign bid for the California Assembly, although unsuccessfully, at the age of 28. He never stopped campaigning in his 56 years of life. In 1956 he began the first term of the 8-year assemblyman career. He was elected to the U.S. House of Representatives in 1963. Since then, he faithfully served his fifth district constituency for nearly two decades.

With a reputation of brilliance, passion, and achievement, PHIL BURTON was sometimes dubbed "the San Francisco version of Lyndon B. Johnson." He was a legislator whose foresight and leadership qualities came naturally and in reserves of abundancy. Not only was he gifted with the political skills of getting things accomplished, he legislated with such brilliance and

dexterity that without him, landmark legislation would have been left undone.

It was not exclusively leadership which marked PHIL BURTON as an outstanding and dynamic legislator. Yes, leadership was his forte. Yet, equally instrumental was his keen desire to learn. Avoiding routine, he thrived on and relished new challenges. He openly embraced new opportunities of involvement for his benefit, those of his constituents, and countless others. Even after the political setback of losing a bid for House majority leader in 1976 by one vote, he rebounded with new energy and vigor by entering upon one of his most productive legislative crusades, the culmination of which became the largest single parks bill in the history of the United States. Events in his life such as these, demonstrate his readiness to embark upon new initiatives and ventures, as well as his resolve through effective leadership to assure achievement in these initiatives. It is this remarkable ability to blend and balance effective leadership and a commitment to continued learning that so clearly characterized PHIL BURTON.

"No one knows what he can do till he tries" is a much mentioned maxim over thousands of years old. Together, his quest for mastery and his capacity for leadership allowed PHIL BURTON the opportunity to fully appreciate what he could do. On virtually all matters he undertook, he did not refrain from trying his fullest—whenever, wherever, however, and with whomever possible. His efforts were not in vain either. It was because of his consistent efforts on numerous occassions, that he was able to produce significant achievements. An illustrative case in point would be the successful reforms in the House committee and subcommittee system he managed as chairman of the Democratic Caucus in 1975 and 1976.

PHIL BURTON was a remarkable man, successful in the roles of husband, father, lawyer, assemblyman, legislator, and representative to hundreds of thousands of constitutents. In each and every one of these capacities—individually and in concert—he excelled and received the love, respect, and admiration he so deservedly achieved. Yet, it is likely his most memorable achievement will be the knowledge that this man masterfully accomplished so much of what he indeed set out to do. His life's work was one crowned with perpetual learning, effective leadership, and lasting accomplishments. Finis coronat opus. In reminiscence, we will forever remember the extraordinary life and achievements of PHIL BURTON. The last three words: "Requiescat in pace". Rest in peace.●

● Mr. HAWKINS. Mr. Speaker, San Francisco, Calif., and the Nation suffered a grievous loss on Sunday with the passing of Congressman PHIL BURTON. A long time colleague of mine in the California Legislature and here in Congress, PHIL held high the banner of service to the needy, the underprivileged and the underrepresented. He was gruff and loud but no one in this House cared more deeply about the people he served. PHIL's work on behalf of social, racial and economic justice will serve as a glowing legacy to the people of this Nation.

His efforts in favor of environmental protection, nutritional assistance, protections for working men and women and a secure retirement for the Nation's elderly have made him a paragon of Government compassion and concern. The people of San Francisco honored him with resounding support in all of his election runs. The State of California is eternally in his debt for his preservation of our wilderness areas, and the men and women of this country who work for a living owe much in the way of health, safety and wage protection to PHIL's dedication.

PHIL and I traveled many roads together in our common pursuit of equal rights and social justice. None was more selfless and noble than in the early 1960's when we joined hands with civil rights workers in long night meetings in the Mississippi Delta to help voter registration drives. This was typical of PHIL BURTON: his personal deeds and commitments were way ahead of general acceptance of those basic principles for which he fought. Today we honor him in words. Let our greatest honor to PHIL BURTON be a redoubled effort to insure justice for all, the cause to which this great man dedicated his life, and literally gave himself.●

● Mr. MINISH. Mr. Speaker, with the passing of the Honorable PHIL BURTON of California, America has lost a remarkable legislator, and I have lost a friend. PHIL worked hard serving his country through the causes he believes in. His concern for the downtrodden and the elderly and his commitment to the protection of our environment come to mind as hallmarks of his service in the House. He was an honorable colleague, astute and vigorous in the pursuit of the goals he had for our country, loyal to his friends, and dedicated to his constituents. I will genuinely miss this strong, able, and witty colleague.

PHIL BURTON's family deserves our deepest sympathy, particularly his wife and daughter, and his brother John, who also served with us until last year. They can take consolation, however, in the many accomplishments of this good man.●

● Mr. ADDABBO. Mr. Speaker, along with other Members of the House I was shocked to learn yesterday about the death of the Honorable PHILLIP BURTON who died suddenly Sunday in his beloved San Francisco.

The passing of this vivid personality from the political scene will leave a void in this House not easily filled. PHIL BURTON made his presence known wherever he happened to be and he was tireless in fighting for the causes that he believed in. In the 19 years he and I served together in this body, we became good friends who tended to support the same causes through the years and I cherished his friendship as well as his political astuteness.

And there was no one who served in this House during the years I have been here, who was more of a natural politician than was PHIL. He thrived on the political process and he would have rathered put coalitions together then become a rich man. He was a tenacious and bitter enemy as well as a supportive and dogged seeker of votes. While other men slept, PHIL BURTON was preparing an assault on behalf of his causes, and they were always good liberal causes like the disadvantaged, the poor, the minorities and the other have nots of our land. He was one of the strongest advocates for our environment and National Park System.

Whether you were with him or against him, you always knew where PHIL BURTON stood. He spoke his mind to those who would listen and that candidness probably lost him the one prize he valued most in this House, a leadership post. As you recall, he lost the election for majority leader 7 years ago, by a single vote and that loss attributed primarily to his aggressiveness. That may or may not have been the reason but it was that aggressiveness that made PHIL BURTON the brilliant political tactician that he was. PHIL BURTON exploded upon the political scene in California in the 1950's and he performed brilliantly on the local, State and national scene from that point on. At his death, PHIL BURTON was the acknowledged political power figure in California and the acknowledged leader of that diverse congressional delegation.

PHIL BURTON is going to be remembered for his political abilities and the causes he pushed so well during two decades in the House of Representatives. But there was another side to PHIL that few people outside of his colleagues ever had a chance to see. He was a devoted family man and his wife, Sala, and his daughter, Joy, were the foundation so necessary for him. His brother, John, who until last year served in this Congress with him, was PHIL BURTON's pride and joy. Some would say that PHIL took more pleasure in John's successes than he did in his own. He was also a great practical joker in his earlier years and he loved to get together with some of his colleagues after the day's session for the

camaraderie. He could also be very gentle as only big and burly men can be gentle.

I mourn his passing both professionally and personally, a feeling I am sure I share with all of my colleagues. My sympathies go to his wife and his family.●

● Mr. GAYDOS. Mr. Speaker, the commentators say that PHIL BURTON's design for the congressional reapportionment of California has had great impact on this body, but his death will change us in ways that will be more far reaching.

While PHIL BURTON sat, every coal miner in Pennsylvania and West Virginia, and Kentucky had two Members of the House working for his interests—his own and Mr. BURTON;

Every man who earned his bread by the sweat of his brow had two—his own, and Mr. BURTON's.

And every family with a young person to educate and limited resources has two—his own, and Mr. BURTON.

Wherever you see people struggling to make a better life, you could almost count on finding the hand of Mr. BURTON at work trying to give them a lift.

I am sure that tears were shed and throats went tight in the coalfields of Appalachia, just as they did here, on hearing word of his death. His leadership and dedication in the cause of a good coal mine safety act and black lung compensation earned him respect in these regions. Thousands of miners and miners' widows and the children of miners were delivered long overdue benefits because of his drive and compassion.

Although he never mined coal and had no coal miners in his district, his understanding of their plight made him one of the most revered Members of Congress in the mining regions.

I met Mr. BURTON when I was appointed to the Education and Labor Committee in 1968 as a new Congressman, and he was immediately helpful to my as a new Member.

A few months later I gained a deeper respect when we worked together in passing the Coal Mine Safety Act. This respect grew as we worked on matters such as black lung compensation, ERISA, basic educational opportunity grants and the things that were meant to help people make a better life.

His first test was whether a proposal was good for a majority of the people, and, if it was, then it had a tireless supporter.

Mr. BURTON truly was the citizen's Congressman, and every citizen of the United States who has been working to build a better place in life has lost a Representative.●

● Mr. ROE. Mr. Speaker, I rise today with great sadness in my heart to mourn the loss of our colleague and my personal good friend PHIL BURTON.

I am literally stunned by the news of PHIL's sudden and completely unexpected death. If there was anyone among us who was known for his vigor and love of life, it was PHIL BURTON.

The people of the Sixth District of California, as well as all Americans, have lost a great leader and devoted public servant in PHIL BURTON.

His life was devoted to meeting the needs of the people of our great Nation. But he was especially the champion of the poor, the elderly, and the disabled.

In his leadership role on the Education and Labor Committee, PHIL BURTON worked diligently to insure the passage of landmark legislation that would extend black lung benefits, raise the minimum wage and welfare benefits for the aged and disabled and establish a cost of living escalator for social security recipients.

Just prior to his untimely death, PHIL was locked in a battle to prevent the enactment of a reduced minimum wage for teenagers. He had warned that any such attempt, which he viewed as a violation of the civil rights of poor young blacks, would be met by his demand for an increase in the basic minimum wage itself.

In his role as chairman of the Labor-Management Relations Subcommittee, PHIL BURTON was the national leader in efforts to insure that the pension rights of all Americans would be protected.

A giant step in that direction was his successful effort in securing passage of legislation to strengthen the Pension Benefit Guarantee Corporation, guaranteeing that benefits earned by workers would be there when they retired.

PHIL BURTON was also one of the greatest environmentalists this Nation has ever known. As the ranking Democrat on the Interior and Insular Affairs Committee, he secured passage of a massive parks bill authorizing $1.2 billion for more than 100 parks and preservation projects in 44 States. It was the largest single parks bill in U.S. history.

Congressman PHIL BURTON was many things to many people. He was never one to sit quietly on the sidelines. If there was an issue he felt deeply about, PHIL dived into it with all guns blazing.

His dedication and compassion will be sorely missed as we tackle the tough issues that will come before this body.

I am proud to have called him my friend.●

● Mr. CHAPPELL. Mr. Speaker, PHILLIP BURTON's sudden passing left many of us numb. It brings to us, at times such as this, the fact that we are truly a family of legislators and that a member of our family is gone. While we deal every day in the polemical exercise of political philosophies, the bond that exists between each of us is one which is very real indeed.

PHIL BURTON's presence was one which filled his colleagues with awareness. He was a special breed, a man among men. Although we did not always agree politically, PHIL BURTON was a man who stood tall in the strength of his convictions and maintained the courage of his beliefs.

As I look out my window and see the flags at half-mast atop the Capitol, I feel a deep sense of loss; an awareness that I have known a very unique individual. My heart goes out to his family, his friends, and all who considered PHIL BURTON a close associate.

May God grant him peace. Well done, good and faithful servant.●

● Mr. BENNETT. Mr. Speaker, all of us in Congress experienced a great shock in learning of the death of our able and beloved colleague PHIL BURTON. He was one of the real leaders in Congress, courageous, persistent, able and respected. This country is the better for his many achievements, particularly in the field of national parks, wildlife and wilderness preservation. But his able hand and persuasion is to be found in widely diverse legislation. We will all certainly greatly miss him.●

● Mr. FEIGHAN. Mr. Speaker, I want to join my colleagues today in paying tribute to PHILLIP BURTON—a great legislator and a truly outstanding man of our time.

In his 22 years in politics, PHIL BURTON championed a myriad of liberal causes. Among his better known accomplishments are the National Parks bill which provided "national parks for everyone" by creating and expanding 34 parks, 12 wilderness areas, 8 rivers, and 4 national trails; the supplemental security income program which today provides aid to more than 4 million blind and disabled individuals; the black lung compensation program; legislation to make striking miners eligible for food stamps; and legislation increasing the minimum wage from $2.30 to $3.35 per hour. PHIL BURTON also achieved national recognition for his role in the abolition of the House Un-American Activities Committee and his strong opposition to the Vietman war.

As a freshman Member of Congress, I did not have the privilege of the same longstanding personal and professional relationship with PHIL BURTON as have some of my colleagues. Nevertheless, I recognized and admired him as a distinctive, courageous, outspoken and forceful presence on the floor of the House, as well as a man whose extraordinary political savvy, talent for creating powerful political alliances, and personality made him an imposing force both as an ally and as a foe.

Most of us remember him most recently as having turned his attention to efforts to help defeat the Reagan administration's plan to change key labor laws and as a consistent champion of those most in need—the poor, the elderly, minorities and the disabled. He once said himself that "I'll never fail to fight for social, racial and economic justice as long as I can draw a breath".

PHIL BURTON was a man who lived to see his vision translated into positive, concrete action. He was proud of the fact that despite defeats he never gave up fighting and working for the causes he believed in.

PHILLIP BURTON's death is a tragedy. With his passing, the Congress and the country has lost not only an outstanding and effective legislator, but a legislator who had the courage and ability to look beyond his own political self-interest to do what he believed was right, and to help create a better life for all our citizens and especially those most in need. This House, and this country has lost a truly great man.●

● Ms. FERRARO. Mr. Speaker, PHIL BURTON was a powerful, influential, stubborn, principled, aggressive, combative personality. His commitment to his ideals left little room for compromise, and even less for entering popularity contests, but I thought he was absolutely terrific. He was an extremely effective legislator, with a list of accomplishments rarely matched. Those who are better off today—whose lives are better today—because of PHIL BURTON's efforts include coal miners suffering from black lung, working people threatened by occupational hazards, and millions of economically disadvantaged Americans who receive Federal welfare benefits. And of course, our magnificent system of national parks and wilderness areas would not exist in its current form were it not for his work.

PHIL was able to accomplish all this and more because of a special talent for building coalitions. What he could do better than almost anybody else was show Members that they had an interest in backing a proposal when that interest was not apparent. He got the job done, and he made things better, which is what we are all trying to do here. I will miss him, and the House and the Nation will miss his ability. My deepest sympathies and my prayers are with his wife Sala, and to all the members of his family.●

● Mr. GOODLING. Mr. Speaker, as a fellow member of the House Education and Labor Committee, PHIL always had strong convictions and opinions, backed up by some very serious research.

One of the finest qualities a human can possess is that of always being true to your word, and PHIL exemplified this trait.

The Congress has lost a very important Member.●

● Mrs. ROUKEMA. Mr. Speaker, I join my colleagues today in lamenting the loss of Representative PHIL BURTON, who has left a lasting imprint upon this institution and the laws of this country.

For the past 2 months, I have served as the ranking minority member on the Subcommittee on Labor-Management Relations, which PHIL chaired. While we did not see eye to eye on a number of issues, I quickly discovered that he was greatly interested in maintaining a good working relationship between the majority and the minority. He has maintained a particularly strong record of bipartisanship in the complex and delicate area of pension law reform. This is an area that is in desperate need of attention by the 98th Congress and his leadership in obtaining solutions to the difficult problems in the pension laws will be sorely missed.

The versatility of the man and the breadth of the areas in which he has left an impact will long be remembered: The environment, foreign policy, the park system, the American territorial system, programs for the poor and disadvantaged, and all aspects of American labor law. I had looked forward to drawing upon and learning from his solid expertise in this last category and I will always regret that my association with him in this area was so unfortunately brief.●

● Mr. LUJAN. Mr. Speaker, no Member of this body who encountered PHIL BURTON was indifferent to him. That in itself is a tremendous legacy for a man to leave. The passing of PHIL BURTON is significant, because he was a significant individual. Both those who agreed with him and those who disagreed with him, felt his mark on most of the major legislative battles in this House for a long period of time.

Although throughout my service in this House I was more often than not on the other side from PHIL during most of these battles, I had to admire his ability, intellect, and genuine concern for the causes which he championed.

He understood his constituency, he understood this House and how it operates, and he understood his philosophy. He was as articulate and capable in promoting his beliefs as any Member who ever served. The space left by his passing will not be filled.

Having served with him for nearly 15 years on the Interior and Insular Affairs Committee, I am but one of every member of that committee who can attest to the fact that in the art of politics, PHIL BURTON was a master artist. There is monumental legislation in the law books today that would not be there but for the ability of PHIL BURTON.

The finality of death sets aside differences and emphasizes agreement. We can all agree that PHIL was a colorful and influencial leader of this House of Representatives. He performed his job well. We will be aware of his absence. We will miss his presence.●

● Mrs. SCHROEDER. Mr. Speaker, when I first ran for Congress in 1972, I did not have enormous backing from the party officials. The local polls indicated I was wasting my time running, and that my candidacy was divisive. Even after I won the Democratic primary, there was no great rush to my side. It was a rather small bandwagon.

I had an equally difficult time with the national Democrats and the groups that traditionally support Democratic candidates. The one exception was PHIL BURTON.

PHIL came out to Denver for me and gave my campaign a real boost. His affection for the poor and the disadvantaged extended to candidates. He believed in me and that was enough.

In 1972, I was the only Democrat to defeat a Republican incumbent, and PHIL BURTON was a part of that victory.●

● Mr. SUNIA. Mr. Speaker, I rise today with great difficulty to speak to the memory of a great man and a dear friend. Governor Peter Tali Coleman of American Samoa has asked that I convey to Sala and his daughter Joy, and to you sir, and the Members of this House the deep sorrow of the people of American Samoa at the passing of PHIL BURTON. American Samoa has never known a greater friend in Congress. Indeed, PHIL BURTON served the territories as well as he did his own constituents in San Francisco. And like everything else he did—he gave it his all.

Sala told me yesterday that I was one of the last persons to meet at length with PHIL. The purpose of that meeting was to consider ways to help the territory in its current fiscal difficulties. Let me report to you briefly what PHIL told me—words I can never forget:

> Fofo, your Governor is a Republican, you are a Democrat. I hope you will not be tempted to make political gains out of the Governor's difficulties. Your job is to help your people—and help the Governor find ways to solve the problem. If you do otherwise, you may make brief gains, but in the long run, you will not be able to live with yourself.

And in the presence of his wife Sala and an assistant, Jeff Farrow, he proceeded to lay out a grand plan to bring the territory out of its present fiscal dilemma, and to take a steady course for the future.

PHIL BURTON came to American Samoa once—but the benefits of his many actions on our behalf will live in the island for all times. As you know, Mr. Speaker, PHIL was the author of

the legislation which created the very seat I occupy today. He was a prime mover of the efforts to elect our Governor and we do have an elected Governor today. Year in and year out, he was the target of territorial requests for assistance. To record each of those actions would add pages to this RECORD.

How do you lament a great man? In the culture of the Samoan people, that is the responsibility of the orators who are the keepers of tradition. They would say that the clouds have passed and a spear has left a warrior's hand: nobles return to the heavens and realms are left behind.

May I close with a short true story on PHIL. After sponsoring the legislation which created American Samoa's seat in Congress, PHIL encouraged and supported the candidacy of a young Samoan lawyer who was then working for him in his Subcommittee on National Parks and Insular Affairs. With PHIL's reputation in the territories, and the kind of adversary PHIL always was, you can appreciate my task in getting here.

As I was saying my farewells before coming to Washington, my father gave me the only advice he has given me during my entire political career. He asked me to look up this man named PHIL BURTON, and to try to make friends with him.

I did not need to do that, for the first person who called to congratulate and offer his help was none other than PHIL BURTON. What a man. What a mind. What a loss.

Robert Louis Stevenson who lies buried in Samoa must have loved the islands the way PHIL did. And may I close with those immortal words of the lover of the islands and its people:

Here he lies where he longs to be,
Home is the sailor, home from the sea,
And the hunter home from the hills.●

● Mr. BONKER. Mr. Speaker, PHIL BURTON made this Nation a better place in which to live. He truly was a representative of the people, not the rich and powerful, but those with needs.

Long a friend of labor, PHIL succeeded in raising the minimum wage, increasing social security benefits, and countless other improvements in our standard of living.

As chairman of the Parks Subcommittee during the 95th and 96th Congresses, PHIL's achievements are unsurpassed. He championed the cause of Redwoods National Park, and brought to this country more than 30 other national parks during his tenure.

Dale Crane, who worked closely with PHIL as staff for the Interior Committee and was a close friend, said of him that "his commitment matched his idealism. He never lost sight of trying to do the right thing."

This body has known few men of the likes of PHIL BURTON. He will be sorely missed. As we consider measures to protect our environment in the future, that will be the time to remember PHIL and the commitment he gave to his colleagues and country.●

● Mr. MONTGOMERY. Mr. Speaker, I want to join with my colleagues in paying tribute today to the late PHILLIP BURTON of California.

Though PHIL's political philosophy differed from my own, I can say that I had a great respect for him. If PHIL BURTON told you he was going to do something pertaining to a legislative matter, you could depend on his word. That is something you could always count on.

There is no doubt that PHIL BURTON was a strong leader and he was an effective Representative for his constituents in San Francisco.

He will surely be missed by his colleagues here in the 98th Congress.●

● Mr. FAUNTROY. Mr. Speaker, I join in this special order to honor our late colleague, Congressman PHIL BURTON of California, who passed away last Sunday.

Future freshman Members of Congress will unfortunately be denied the charming and helpful privilege that many in my generation had of being welcomed to this body by PHIL BURTON in the unique and helpful way he was in the habit of doing. Among the many things that PHIL BURTON would do was to call new Members to assist them in the transition to new and awesome public responsibilities.

The cause of liberalism has lost a valiant champion who provided liberal leadership. PHIL BURTON would not retreat, however beleaguered the title he wore became. PHIL BURTON stood tall when others shrank.

The cause of the disinherited, whether blacks in our society generally, residents of the District of Columbia in particular, or others struggling for their human rights—women and Hispanics, and others—has lost an effective and consistent advocate. PHIL BURTON knew the loneliness of the long-distance runner.●

● Ms. FIEDLER. Mr. Speaker, it is always hard for us when one of our colleagues passes away. And, it is harder still when the colleague is one who made such a mark on this body.

PHIL BURTON was such a man. This House and its processes were his life. And, he breathed that life into many of the laws we have today.

While our political philosophies differed, no one of any persuasion could say that PHIL BURTON did not love our country and tried to make it better.

His entire public career—spanning nearly 30 years—was spent trying to help people in the way that fit his philosophy and his style.

His loss will be felt by our State and our Nation for many years to come. His wife Sala and the rest of his family will feel that loss even more keenly than we will. But, she and we will know that the causes for which he dedicated his life will bear his mark for many years to come.●

● Mr. HEFTEL of Hawaii. Mr. Speaker, it is dfificult to summarize in a few sentences the impact that PHIL BURTON had on my life. I respected and admired PHIL. He was a source of inspiration and guidance to me.

PHIL BURTON was one of the great legislators of our time. His contributions to the Nation will remain indelibly in our policies and in our hearts. I feel fortunate to have worked with and learned from this distinguished friend.

PHIL was a strong and committed partner to my State of Hawaii and to the Pacific Basin. His leadership and compassion won him the respect of Pacific islanders. His accomplishments touched the lives of the people of the Pacific for which we will always be grateful.

PHIL's talents as a legislator were unsurpassed. He was a legend in his own time. always more concerned about others than himself, PHIL never thought twice about putting himself in jeopardy to assist a colleague. It is rare that a selfless, committed legislator like PHIL BURTON comes along. We will miss him.●

● Mr. PEASE. Mr. Speaker, I rise to pay tribute to our late colleague, PHILLIP BURTON of California. Like my colleagues, I was saddened and shocked by the news of his death. Surely, his passing removes from the Congress one of the most effective Members of this body. In his dedication to the causes in which he believed, in his relentless determination to accomplish his goals, in his mastery of legislative skills, in his understanding and application of the art of compromise, PHIL BURTON had no peer here in the U.S. House of Representatives.

The electoral process—the necessity each has of running for and being elected to office each 2 years—inevitably tends to temper and moderate our views and certainly our public utterances. One of PHIL BURTON's great strengths was that he never lost his capacity for outrage, for anger. He held extremely strong views on many subjects, and while he believed very much in compromise as a way of achieving legislative goals, he never compromised his basic positions on the issues. He was a fighter, and he fought up until the very end for the causes in which he so firmly believed. When PHIL BURTON was on your side, you could not have a more effective ally. When he was not on your side, you knew you were in for the fight of your life, for his opposition came from the heart, and his feelings were matched with great intellect and drive.

Mr. Speaker, the work of the House of Representatives will obviously go on. No person is indispensable. But, without question, with the death of PHIL BURTON, the House has lost one of its truly remarkable Members.●

● Mr. ALEXANDER. Mr. Speaker, I rise to join our colleagues in paying tribute to our late colleague, PHILLIP BURTON of California.

In the conversations of our colleagues and in the news media reports about his untimely death, one of the words always used to describe his service to the people of California and the Nation is "reformer." This is an apt description.

It is one that I learned to associate with PHILLIP BURTON during my first term in this House. During that period, he was a leader in the movement which brought about the passage of the Legislative Reorganization Act of 1970, the first congressional reform measure to be passed since 1946.

Members of Congress who were new at that time and who have been sent from their States to join us since 1970 have benefited from the changes brought about by that act. But, perhaps even more important were the changes in congressional operation that have occurred to give people throughout the Nation better access to information about how Congress does its work.

PHILLIP BURTON was a man who had the courage to pursue his goals in the face of long odds. He was a strongly committed member who preferred to continue to work toward achieving his aims to resting on his achievements.

For a Congress to be able to serve the best interests of our Nation we need to have among our membership the consensusmakers, the reformers, and the conservators. PHILLIP BURTON was a reformer. His leadership and dedication will be missed in this House and Congress.●

● Mr. MOAKLEY. Mr. Speaker, I was saddened to learn Sunday of the untimely death of my colleague and friend, PHIL BURTON. PHIL was an outstanding craftsman of the legislative process who effectively fought to promote the beliefs which he held dear. While others remained complacent, PHIL moved mountains and moved them in such a way that the effects will be felt for generations to come.

Not only did PHIL have a profound impact on the politics of San Francisco and California, but his astute political craftsmanship had a major impact on the rest of the Nation as well, including my own district. PHIL was instrumental in gaining passage of the Boston African American National Historic Site, which designated within the historic American city of Boston a historical area which was used by the underground railroad to assist escaped slaves. This site honors the history and accomplishments of black Americans and the abolition movement in Boston.

PHIL also championed the rights of the blind and handicapped, the poor and unfortunate, the sick and infirmed. He authored the first national industrial disease-related workers' compensation program, the Supplemental Security Income Act (SSI) and the Omnibus Parks Act of 1978. With the Omnibus Parks Act he was accused of establishing "park barrel", but in reality served his Nation and its people by mastering a plan which tripled the size of the National Trails Systems, almost doubled the size of the Wild and Scenic Rivers System and doubled the wilderness acreage in the National Parks System.

During his tenure in the House PHIL BURTON attempted not only to master the legislative process but make that process more democratic and accessible. He ran for majority leader in 1976 and came within one vote of accomplishing that elusive goal. I liked PHIL BURTON and had the highest admiration for him both as an individual and as a public servant.

I offer my condolences to his wife Sala, daughter Joy and brother John. I know that they will take great comfort in knowing that despite his premature death, he has left a legacy which will live on for generations to come.●

● Mr. YATRON. Mr. Speaker, I join with my colleagues today to pay tribute to a man who bore the mark of greatness; a man who helped us to arrive at a better understanding of what we can become. I know that we were all deeply saddened to learn of the untimely death of our friend and colleague, the Honorable PHILLIP BURTON.

Even as we mourn his death, we are grateful that he was among us. This Chamber, our Nation, and our people were enriched by his presence. An undaunted champion of the disadvantaged he will long be remembered for his dedication to making a better life for all our citizens. Another area where PHIL BURTON concentrated his exceptional talents was the environment. Millions of Americans who enjoy our national parks, have PHIL BURTON to thank for his tireless efforts to preserve our Nation's heritage of beauty and grandeur.

It is impossible to do justice to the accomplishments of this truly great American, He dedicated his public life to preserving the rights of the people he served in the Congress, and the American people, he loved so dearly. I sincerely enjoyed my years working with him and learning from him, and I consider it a deep pesonal privilege to have known him.

I wish to extend my deepest sympathies to his wife, Sala, his daughter Joy, and his brother, our distinguished former colleague, the Honorable John L. Burton.●

● Mr. ANNUNZIO. I am honored to join my colleague from California, the Honorable DON EDWARDS, in tribute to the Honorable PHILLIP BURTON.

Congressman PHIL BURTON served the House of Representatives and the Nation with dedication and distinction, and his death is a sad loss. During the 18 years that he served as Congressman for the Sixth District of California, he compiled a legislative record on behalf of our citizens that will be remembered with respect and gratitude. PHIL was my friend all of these years, and I was privileged to be elected to the House a few months after he was elected.

PHIL BURTON was a consistent champion of civil rights and civil liberties, and he was among the first in the House of Representatives to publicly oppose the Vietnam war. He fought with compassion for the powerless who could not help themselves.

PHIL was a veteran of World War II and the Korean conflict, and began his career of public service with his election as the youngest member of the California State Assembly in 1956. He was elected to the 88th Congress in a special election on February 18, 1964, and was reelected to each Congress since that time.

During the 92d Congress, Congressman BURTON served as chairman of the Democratic Study Group, during the 94th Congress as chairman of the House Democratic Caucus, in the 96th Congress he served as the chairman of the House Democratic Caucus Committee on Organization, Study, and Review. During the years 1977–81 he served as chairman of the House of Representatives delegation to the North Atlantic Assembly, and from 1978 to 1981, as chairman of the assembly's political committee.

As chairman of the Subcommittee on Labor-Managment Relations of the House Education and Labor Committee, PHIL was in the forefront of economic and social justice and protection of the disabled and the elderly. His outstanding dedication to high standards was an inspiration to his friends and fellow citizens.

As chairman of the Subcommittee on National Parks and Insular Affairs of the House Interior and Insular Affairs Committee, Congressman BURTON successfully achieved passage of legislation to strengthen and vastly expand our Nation's National Park System, and indeed, these successful efforts have made our land a stronger and better country.

PHIL was a dedicated and devoted American, and a Congressman of outstanding ability, deep compassion, and courage in total dedication to high standards. He will be sorely missed in the House of Representatives.

Mrs. Annunzio and I extend our deepest sympathy to his wife, Sala, his daughter, Joy, and his brother, John.●

● Mr. YATES. Mr. Speaker, I am deeply saddened by the tragic loss of PHIL BURTON. The news, when it came on Sunday, was a shock to everyone, and I can only say, as one who knew him well, that the Nation has lost a remarkable legislator and a fine human being. The sadness that so many of us feel is made all the more vivid by the fact that the times cry out for his talent, strength, and humanity.

A person of considerable physical size and immense intellect, PHILLIP BURTON was a man of action. He had a gift for the legislative process and the ways of the House which enabled him to accomplish much. In my 30-year tenure here, I count PHIL BURTON as one of the few individuals who knew exactly what he wanted to do and how to do it from the first day he appeared in the House. His interests were, of course, rational and humane government, the promotion of human dignity, and the protection of the environment. He translated those interests into programs and policies that are helping millions of Americans who never knew him.

But we in this House knew him and he will not be soon forgotten. I will remember him as a compassionate man who loved public life and who worked very hard, perhaps too hard, for the people of California and this country. Addie joins me in expressing our heartfelt sympathy to Sala and their daughter, Joy, as well as to John and all the Burton family.●

● Mr. FORD of Tennessee. Mr. Speaker, I join my colleagues today in paying tribute to Congressman PHILLIP BURTON, a man who will be long remembered in this Chamber, both for his outstanding service on behalf of the people of this country, and for his uncommon political style.

Congressman BURTON served the people of California's Fifth District since 1964. However, his efforts in this Congress extended far beyond the interests of his district. A champion of the poor, the elderly, and the environment, Congressman PHILLIP BURTON was a key figure in the passage of major legislation to expand and improve Government involvement in these areas.

Congressman BURTON treated his duties with a rare intensity. As an acknowledged expert on the political process and its strategies of success, he used his knowledge to command power and respect among his colleagues. He sought and used these advantages not for himself, however, but for the advancement of those causes that he worked so diligently to promote. The preservation of our environment, the safety of our workers, and the protection of our poor and elderly were all issues Congressman PHILLIP BURTON cared about.

Congressman BURTON was a fervent advocate of liberalism, even during the difficult times when a liberal was not an easy thing to be. He was among the first and most vigorous of the opponents of the Vietnam war, in a time when there were few who questioned its purpose. He was a staunch supporter of the civil rights movement and the advancement of minorities.

It was obvious to us all that Congressman BURTON cared a great deal about these issues. But he did more than just care; he acted. Congressman BURTON's legislative record is truly outstanding. He authored supplemental security income, which expanded health care to the elderly, the blind, and the disabled. He worked to extend the minumum wage to 65 million workers who were not previously covered. He was a key figure in correcting mine safety abuses, and giving assistance to the victims of black lung disease.

In the area of environmental issues, Congressman BURTON's work is unparalleled. He was responsible for the Omnibus Parks Act of 1978, a comprehensive piece of legislation which added hundreds of thousands of acres to our protected lands. It doubled the wilderness acreage in our national park system and tripled the size of our National Trails System. He was also a key figure in the passage of the Alaska lands bill which protected 100 million acres of land.

Congressman BURTON's legislative achievements and political intensity will be long remembered by his colleagues. His absence from this Chamber, and from the political battles to come will be sorely felt.

The most appropriate way we can honor Congressman BURTON though, is not with eulogies or words of praise, but by carrying on his work—his work on behalf of the environment, the elderly, the workers, and the poor. There can be no greater tribute to this man who had, and will continue to have, such a positive and active influence on all of our lives.

Congressman PHILLIP BURTON was a great man, a great warrior, a great legislator, and a great humanitarian. In a world where we often measure success in terms of financial gains, Congressman BURTON will stand tall as a giant among men. He was richly committed to the multitudes and the less fortunate.

Jesus Christ taught us that the way to Heaven and salvation was through the commitment we show, not to ourselves, but to mankind. Congressman PHILLIP BURTON epitomized that philosophy, and I am sure that our Saviour has reserved a very special place for this very special man.●

● Mr. GUARINI. Mr. Speaker, I join our colleagues in expressing my sorrow over the passing of a remarkable Congressman and a great man, the Honorable PHILLIP BURTON. I shall miss him and his high sense of conscience and duty to America's less fortunate; we have lost a champion who will be difficult to replace.

We all work knowing that Congress is a many-faceted institution, with Members' interests covering a gamut of issues. It is often difficult to build coalitions to get the right thing done, no matter how noble the cause. And yet, PHIL BURTON had the talent to bring people together when action was necessary to right wrongs, provide relief to the destitute, or protect the precious natural beauty of our great Nation.

No one came to a meeting better prepared than PHIL BURTON. His eye for detail and his remarkable memory complemented an appetite for hard work that was truly phenomenal. With a characteristic brashness, PHIL was justified in saying he knew more about public assistance policy or our national park system than anyone else. He knew the facts and had an intimate familiarity with these diverse issues, to an extent which would normally take the talents of 10 technicians.

PHIL BURTON was widely known as an aggressive legislator who did not shy from explicitly expressing his views. But there was much more to this man. My executive director, Nancy Drake, had the privilege of working for PHIL BURTON for many years. She attests to another side, ever present but often hidden, to this giant of a man. He was a man who doted on children, especially his two grandchildren, Julian and Laura Temes, the children of his daughter Joy. He experienced no greater pleasure nor delight than their presence—and if you should doubt this, then you should have seen him glow as they wrapped their arms around his neck.

PHIL BURTON had a way, a certain rapport with children. They immediately took to him. To me this is a tall measure of a man, particularly this man, PHILLIP BURTON.

The memorial services for PHIL are to be held at the Golden Gate National Recreation Area, which is so appropriate because he spent so much of his time and energy on the legislation which established this beautiful and peaceful area. I want to express my heartfelt condolences to PHIL's wife, Sala Burton, who is as remarkable a woman as I have ever met. Sala was in every sense a partner of PHIL's, working side by side with him as a leader for peace, in the movement for equal rights for women and minorities, and for social and economic justice for all of our people. Those of us who know Sala Burton know that she will do all in her power to carry on PHIL's work. I

applaud her, I extend my deepest sympathies to her, and my prayers are with her in the difficult days that are ahead. We shall all miss PHIL BURTON greatly.●

● Mr. FUQUA. Mr. Speaker, it was with great sorrow that I learned of the death of our colleague PHIL BURTON. PHIL was first elected to Congress less than 2 years after my own election and I feel he brought great distinction to the House of Representatives.

PHIL, from the very first, gained the reputation as a hardworking individual who was dedicated to the things he believed in. His record of accomplishments in the fields of labor law and the environment will stand for many years as a tribute to his tireless efforts.

Even though PHIL and I disagreed from time to time, I came to recognize and respect his point of view. PHIL BURTON was a man of his word. Whatever he said he was going to do, he did. You cannot help but have deep respect for such a person.

My wife, Nancy, joins me in expressing our sympathy to his wife, Sala, and the rest of his family. PHIL BURTON will be sorely missed in this Chamber.●

● Mr. KILDEE. Mr. Speaker, it was with profound sadness that I learned of the sudden passing of my dear friend and colleague, the Honorable PHIL BURTON of California.

A Member of the U.S. House of Representatives since 1965, PHIL served the people of his district and the interests of Americans everywhere with courage, conviction, and excellence.

He was my friend and my adviser. He was a man who had not only a great mind but also a great heart. People were his concern. There are two reasons for entering politics: To serve self, which is the wrong reason, and to serve others. PHIL BURTON clearly entered politics to serve others. By his great efforts, he directly improved the lives of the people of this country, and he enriched and ennobled the vocation of politics. We shall all miss his leadership.●

● Mr. DIXON. Mr. Speaker, PHILLIP BURTON was, without a doubt, one of the most compassionate and caring individuals to serve in this body. His concern for the plight of the poor, the handicapped, the elderly, and minorities in this Nation serves as an inspiration to us all and will be sorely missed.

PHIL's concern for social justice and equality extended far beyond words. He believed in action and was not afraid to fight for causes in which he believed. Through his legislative skill and dedication, he was able to enact legislation creating the supplemental security income program which augmented incomes of more than 4 million needy Americans, and establish the black lung compensation program to assist miners and their families. These are but two of his many notable accomplishments in areas affecting the disadvantaged. Through his hard work, PHIL became one of this body's most respected experts on social welfare; he provided Congress with compassionate leadership in achieving the goal of social and economic equality.

Social welfare was not his only concern, however. He was also one of the most effective legislators for environmental causes. Outdoor lovers throughout the country are enjoying the fruits of his efforts in over 100 national parks which he was instrumental in creating.

In addition to being remembered for his compassion and accomplishments in so many areas, PHIL will also be remembered for his true grit and willingness to enter a fray when he believed in a cause, no matter how unpopular. Such courage was evident in his early and outspoken opposition to the war in Vietnam, and continuation of the House Un-American Activities Committee. These unpopular stands have certainly been borne out with the passage of time.

We miss PHIL, but are heartened by the knowledge that his contributions will not be forgotten.●

● Mr. DONNELLY. Mr. Speaker, I am pleased that a special order of the House has been convened today so that we may express our deep sorrow at the death of one of the true champions of this body, the Honorable PHIL BURTON. It has indeed been a great privilege to serve with PHIL, and know him as a friend. Since his election to Congress in 1964, PHIL BURTON has been a strong voice for the dispossessed and disenfranchised elements in our society. That voice will be sorely missed. His efforts on the House Committee on Education and Labor and the Committee on Interior and Insular Affairs have brought about landmark legislation from which our country and its citizens will benefit for many years to come.

I feel great sadness at PHIL's untimely death, and my sympathy goes out to his wife, Sala, his daughter, Joy, and his brother, John.●

● Mr. STOKES. Mr. Speaker, few men have made the impact upon this body that PHIL BURTON made. I am very proud to have known this giant of a man. When I came to Congress in 1969, I met him for the first time. He and my brother, Carl, had known one another and had been friends for a long time. Carl told me to stick close to PHIL and that I would learn a lot about politics. He was right. PHIL was one of the best teachers I have ever had. He was one of the brightest and ablest men in this Congress.

His keen, analytical legal mind was an asset to him as he crafted much major legislation and reform. His legislative record will be a monument to his legislative skills. I think I learned the most from him when I served on the House Education and Labor Committee with him when I first came to Congress.

This was when I also first met his greatest asset, his wife, Sala. She and PHIL made a great pair and were a real team. They had many wonderful years together and all of us who enjoyed so many great occasions with both of them have many fond memories of those times.

Mr. Speaker, PHIL's special talents were expended in this body on behalf of an institution he loved and cherished. He was a fighter for causes and was a real liberal who never faltered from the course. His voting record was a monument to liberalism. Mr. Speaker, men and women who serve in this body leave their own mark on it in some way. PHIL BURTON left a special mark which will never be duplicated. All of us who knew him are the beneficiary of having known and touched this special life. He became a legend in his own time. His brother John and his wife Sala will forever have the deep sympathy and condolences of all of us who were privileged to touch this legend.●

● Mr. FORD of Michigan. Mr. Speaker, I join with every Member of the Congress in mourning the loss of PHIL BURTON, a dedicated and effective legislator who cared deeply about his country and who spent his entire adult life in service to it. PHIL BURTON's presence in this Chamber was always keenly felt, and his intelligence, concern, and powerful drive will be missed by Democrats and Republicans alike.

PHIL's legislative accomplishments are wide-ranging, but they share certain important themes. He worked in the interest of the politically weak, the disadvantaged, and the forgotten—never against their interest. And he worked on behalf of all Americans to protect them from powerful special interests who sought to take public lands for their own use and benefit, to destroy our vanishing wilderness areas, and despoil our Nation's most precious resources, its air, lakes, and rivers.

PHIL's constituency was the poor, for whom he sought minimum wage protection and helped win it; his constituency was coal miners and other working men and women for whom he sought and helped win health and safety legislation and workers' compensation; his constituency was the blind and disabled, for whom he sought and helped win special assistance under the Supplemental Security Income Act.

PHIL had a special interest in a forgotten group of Americans who live in Guam, the Virgin Islands, and American Samoa. He championed their causes, he helped win them Federal education and health assistance, and

most important, he helped win them representation in the House of Representatives to assure that their concerns are never again forgotten by our Government.

PHIL's greatest achievement, however, was not in behalf of any separate constituency; his successful defense of our natural environment, his stewardship of our precious natural resources, was a victory for every American. During PHIL's tenure as chairman of the Subcommittee on National Parks, the Congress made tremendous strides in defense of the environment. With his vigorous leadership, Congress tripled the National Trails System, doubled the wilderness acreage in the national park system and nearly doubled the size of the Wild and Scenic Rivers System.

With MO UDALL and others, PHIL helped pass the Alaska lands bill; he introduced and shepherded through to passage a bill expanding and protecting the Boundary Waters Canoe Area; and he won increased authorizations for additional acquisitions for the national park system.

Californians owe a special debt of gratitude to PHIL BURTON. He was a national leader, but he never neglected his home State or his own constituents. The list of national parks, recreation areas, trails and historic sites he helped create or expand in California, including the Golden Gate National Recreation Area, Redwood National Park, and Point Reyes Seashore, is more than impressive: it is truly monumental.

PHIL BURTON was a dynamo. He worked tirelessly and demanded a great deal from all who worked with him and for him. Those of us who have known him throughout his career in Congress know that his energy, his legislative skills, and his deeply felt ideals will not be duplicated and will be sorely missed. ●

● Mr. MRAZEK. Mr. Speaker, all among us who count social, racial, and economic justice as the most prized traditions of this country have lost a champion with the death of PHIL BURTON.

His sudden passing on Sunday took a self-described "fighting liberal" from the American political scene. It also removed a unique character from the stage of U.S. politics, as well as a bit of the soul from this body.

My 3 short months of service here did not give me the opportunity to know PHIL BURTON as many of my colleagues know him. But his reputation for compassion and his unflagging demand for social equity carried far beyond these halls. Observers far beyond the hills of San Francisco knew of his razor-edged political acumen and his mastery of the art of compromise. And his use of these talents was well known by his primary constituency—the disadvantaged whose lives he sought to improve through a caring heart and an activist government.

There was another side of PHIL BURTON that his colleagues knew well. Those who found themselves on the opposite side of a particular issue knew this facet of his personality all too well, I am sure. His style bore no resemblance to subtlety. He did not suffer fools lightly. That was PHIL BURTON's way, and he did not apologize for it. Yet few have played the game we practice in this body with greater success, or for the greater common good.

It was this PHIL BURTON which came to the fore when, as he put it, he made his "contribution to modern art," his redistricting plan for the State of California. My colleagues on the other side of the aisle likely were less than enthralled by his creation. But there is a difference between using power and abusing it, and PHIL BURTON knew that distinction.

His accomplishments in liberal causes were legion. Whether in protecting the environment, expanding our priceless system of national parks, or leading the fight for the interests of labor and the aged and the disabled, PHIL BURTON left his mark here. The James Watts of this country may come and go, but the spirit of conservation and environmental integrity embodied by PHIL BURTON happily remains constant among Americans with foresight and an appreciation for our responsibility to future generations.

Mr. Speaker, I regret that fate did not allow me more opportunity to know PHIL BURTON and to enlist in his compaigns against poverty and discrimination and injustice, wherever they might be found. But these battles will go on and PHIL's spirit will lead them.●

● Mr. HUGHES. Mr. Speaker, it is with a deep sense of sadness and loss that I join my colleagues in paying a final tribute to our respected colleague, PHIL BURTON.

All of us who had the opportunity to work with PHIL will always remember it as a true learning experience in efficient and effective lawmaking. He was one of the body's most knowledgeable legislators, both on the procedure of the House and the substance of the issues he debated. This knowledge, combined with a level of energy and intensity that few could match, gave him an exceptional talent for getting things done—one that will be sorely missed by those who love the many worthy causes he championed.

PHIL had a deep dedication to the preservation of our Nation's land—its mountains, rivers, and coasts—and a great sense of the importance of maintaining wilderness areas for future generations. As a member of the Committee on Interior and Insular Affairs, he was instrumental in the passage of legislation which established new national parks from one end of the country to the other. As chairman of the Subcommittee on Labor-Management Relations, he was an aggressive an uncompromising advocate of working Americans.

I am proud to have had the opportunity to serve with PHIL, and wish to extend my sincere condolences to his family.●

● Mr. ROYBAL. Mr. Speaker, it is with a heavy heart that I rise to pay tribute to PHIL BURTON, one of the closest friends I have ever had either in or out of politics.

PHIL and I had known each other since 1954, when we campaigned together for State office. With the exception of the first year, I have served my entire congressional term alongside him. We supported many of the same causes, and we worked for many of the same objectives. We shared an excellent working relationship, but beyond that we were close, personal friends. We also shared a lot of good times and laughter. When I remember PHIL, I will remember all these aspects of our relationship.

I can unequivocally state that PHIL BURTON's commitment to this work and his special constituency—the poor, the disabled, the underprivileged, the elderly, anyone who had not gotten a fair shake and, of course, the environment—was strong and sincere. He never really got sufficient recognition for his legislative achievements, but then again, PHIL did not do these things for recognition. He did not fight tooth and nail for popularity—he fought for what was right.

To understand the special nature of PHIL BURTON, however, you also had to understand and appreciate his commitment and loyalty to his friends. In these fast-paced, self-centered times, loyalty is a quality as precious as gems and in this business especially, sometimes just as rare. But PHIL would go to the wall for his friends, just as we would for him. You could take PHIL as he was—no tricks and no pretentions.

There is no question about it—if PHIL BURTON had not served in the U.S. Congress, millions of people in this country would be significantly worse off than they are today. Our system of parks would not be so magnificent, nor our commitment to preserving our environment so strong. PHIL's presence in this body was strongly felt, and we are all better off for having known him.

I share in the grief of the BURTON family. PHIL left his mark on all of us, and I will miss him very much.●

● Mr. ERLENBORN. Mr. Speaker, a Washington Post columnist this morning wrote about a few of PHIL BURTON's achievements and the various ways he will be remembered by his colleagues in this body, the people he

represented, and others whose lives he touched. I think PHIL would have been pleased with Michael Barone's column, especially the closing paragraph, which I quote: "You may or may not agree with what he did, but you have to agree he made a difference."

PHIL BURTON made a difference in this House. He worked diligently to master the legislative and political processes, and master them he did. Then he used those skills to attain the goals he sought. I do not believe a greater tribute can be made to a human being than to note that he so mastered his skills that he made a difference and gave life to his principles.

I hope this knowledge brings comfort to his wife and daughter to whom I extend my heartfelt sympathy.●

● Mr. BARNES. Mr. Speaker, PHIL BURTON was one of the great Members of this body, and his death last Sunday at the age of 55 was a tragic loss to all of us and to our country. PHIL BURTON combined tremendous energy, passionate concern for the underprivileged, outrage against inequality and discrimination in any form, and a masterful expertise in how to get things done. He has been called the most effective Member of Congress, and he worked for a constituency which stretched far beyond the San Francisco district he served so well for almost 19 years.

Our hearts go out to PHIL's family, including his devoted wife, Sala, who shared his dreams and his work, and his brother, John Burton, our former colleague who retired just a few months ago.

It is a fitting memorial to PHIL BURTON that our first major action since his death was passage of the California wilderness bill earlier today, a measure with which PHIL was closely identified as the greatest champion of environmental protection in Congress. He leaves a legacy of beauty for all of us and our descendants.●

● Mr. GLICKMAN. Mr. Speaker, PHILLIP BURTON was perhaps the first Member of Congress I met in 1976 after I was elected to this body. Even before I came to the House, he counseled me on many occasions on matters relating not only to my campaign, but also on orienting myself to the job after the election. During his race for majority leader in December 1976, I spent many hours with him and learned quickly of his political skill and capability in this institution.

Among his other attributes, PHIL BURTON was a masterful politician and a genius at knowing what things I should and should not do as a freshman Congressman. He repeatedly would advise me on both the substantive as well as political ramifications of the many issues and votes I would face both in my committees and on the House floor. Rarely was his advice wrong.

PHIL BURTON's legacies are legion. He, probably more than any other sitting Member, helped to reform and democratize the House. His leadership on labor and environmental issues produced some outstanding public policy for America. Yes, sometimes he was tough and abrasive, but PHIL BURTON's style was no barrier to his desires to deliver a better America for future generations.

My wife, Rhoda, and I extend our deepest sympathies to his wife, Sala, with the hope that she knows that PHIL left a legacy to this institution and to our country which can never be replaced.●

● Mr. OBERSTAR. Mr. Speaker, the death of PHIL BURTON is a loss to the cause of progressive politics. For two decades, PHIL BURTON with his tremendous energy, determination, and ability has been an architect of progressive legislation and of reform within the House.

PHIL BURTON became as much a part of the institution as any single Member. PHIL BURTON was an unapologetic, proud champion of liberal causes. PHIL was not neo-anything; he was the real thing. He was a master legislative strategist, field marshal, and occasionally avenging angel. He was first and foremost a Democrat—a Liberal Democrat, and proud of it.

He was actively and passionately involved in promoting legislation in the areas of worker rights, environmental protection, political reform, and education. His crusade for a sane foreign and defense policies extended back to his opposition to the Vietnam war and forward to his opposition to U.S. military involvement in El Salvador.

PHIL BURTON and I shared many political ideals, and joined in a number of common causes. We had our differences, and we had one major difference which stretched through an entire Congress. I think PHIL, who all of us knew could be extremely direct, would not have wanted me to omit from this tribute a reference to a major policy disagreement which influenced the course of our relationship. PHIL and I were at loggerheads for nearly 2 years over a wilderness bill affecting my district. He thought I was wrong; I thought—and still think—he was wrong. Nevertheless, I came away with a deep respect for appreciation of PHIL BURTON the legislator and PHIL BURTON the politician.

We later joined forces on many other Democratic issues.

PHIL BURTON was unique in the force of his personality, the workings of his mind, his keen understanding of politics. The House is a better place for having had PHIL BURTON as a Member. His death means one less original mind at work in his Chamber. We are all the poorer for it.

His wife, Sala, and his entire family can draw tremendous comfort from his legislative legacy and the reputation he leaves. I offer to them an expression of deepest sympathy and my prayers for them and for PHIL.●

● Mr. HOWARD. Mr. Speaker, the news of PHIL BURTON's untimely death came as a great shock to me. I, like most of our colleagues, had grown to regard him as an indestructible voice in the House for the underprivileged, the elderly, and minority groups.

As one who served on the Committee on Interior, I had the opportunity of witnessing PHIL BURTON's monumental efforts to expand and enhance the national park system. Generations yet unborn will be forever in his debt for his legislation that will preserve some of our finest wildernesses for posterity. PHIL BURTON was a formidable opponent but he believed to the depth of his being that the proper role of Government was to assist those who need help and to safeguard the natural resources of our country from those who would exploit them.

This House and the Nation has lost an effective, powerful force. My wife and I extend our deepest sympathy to his wife, Sala, and his family.●

● Mr. KASTENMEIER. Mr. Speaker, it is impossible to find the words to adequately express my feeling about the untimely passing of PHIL BURTON. I am truly heartsick at having lost one of the closest friends I will ever have in this world.

I shall leave it to others today to detail his many and impressive legislative and political accomplishments, for he was truly a national leader.

My association with PHIL BURTON was almost entirely personal. We had heard of each other even before he came to the Congress in February 1964 and we quickly became dear and close friends.

PHIL and I spent more time outside of these Halls and offices together than we spent sharing legislative and political business. I think I can safely say that I knew him from literally every aspect because of that personal time spent together.

Our families were very close and he was like an uncle to my three sons as they were growing up. For those who think of PHIL BURTON as a hardnosed, sometimes abrasive politician, I can tell you of the other side of him. He was an extremely generous person, one of the most loyal individuals to friends and his convictions I have ever met.

We all had the opportunity to see his compassion as he fought unrelentingly for the black lung law; for welfare reform; for SSI. His constituency was the poor, the disadvantaged, minorities, the downtrodden. And, he will also certainly be remembered as one of the most committed individuals

to peace these Halls have ever witnessed.

I feel a deep sense of personal loss. I shall miss his booming voice decrying the indignities of the injustices of the world. But, much more than that, I shall miss his valued friendship.

My wife, Dorothy, and I extend our heartfelt sympathies to his wife, Sala.●

● Mr. BADHAM. Mr. Speaker, I wish to pay tribute to the memory of PHIL BURTON. Although PHIL and I probably never agreed on a single political issue; we did learn a certain respect for one another over the more than 20 years during which time we were friends, opponents, colleagues in both the State and Federal legislatures. Again I say we probably never agreed on any political issue, but I admired PHIL BURTON as an excellent practitioner of his art—the art of politics; politics played hard ball; politics played 25 hours per day; politics played for keeps. At this, PHIL BURTON was a master. I counted PHIL among my friends and I must say that in the years of conflict and disagreement, neither of us was ever less than totally honest with the other. Whether in disagreement, or agreement, this is the essence of the give-and-take arena of pure politics. The system has lost a competent player.●

● Mr. PHILIP M. CRANE. Mr. Speaker, whenever PHIL BURTON and I voted together on an issue, we figured one of us was wrong. There were not too many times when PHIL and I found ourselves on the same side, but I respected PHIL as a person albeit we were usually adversaries.

PHIL was a man of deep conviction who was willing to fight fiercely for his beliefs. Yet as strongly as PHIL could fight on an issue, he was always a gentleman and he retained a redeeming sense of humor.

I will miss PHIL BURTON in this body. His ideological colleagues have lost one of their most energetic and talented leaders, and we have all lost a friend, regardless of ideological or political persuasion.

My condolences go to Sala, his brother, John, and all relatives and friends of PHIL BURTON.●

● Mr. CLARKE. Mr. Speaker, PHIL BURTON was a unique person—brilliant, forceful, and dedicated to the causes in which be believed. He was a true champion of the Nation's public land and the conservation of their resources for the use and enjoyment of the American people.

PHIL leaves a legacy of devotion to the welfare of men and women who often could not speak for themselves but who benefited from his fearless and tireless work on their behalf. Congress and the American people mourn the loss of this brave man.●

● Mr. EDWARDS of California. Mr. Speaker, of the many eloquent statements that have been made paying tribute to our colleague PHILLIP BURTON, the words of William H. Anderson, Budget Office of the House Committee on Interior and Insular Affairs seemed to me to be particularly moving.

The following is Mr. Anderson's statement:

A Great Patriot has passed. A great American has become a part of our history. An era has ended. Phil Burton is dead.

His proteges remain and remember.

Phil had many—almost all were chosen by him—although some chose him. Phil shared others with the electorate of this Great Nation, and never let them forget it. Once you were Phil's, you were expected to stay Phil's. It was the mark of political manhood for those who broke his hold, only to become more captive as colleagues. There are many of us on the Hill today who feel—well, yes, orphaned.

The great political Godfather filled a space that no one else can, nor would the truth be known, want to fill. Not since the likes of Lyndon have we seen such a one as he.

Phil had an inner circle too, but it had suffered distress and demise in recent years. And, somehow, no matter how much they wanted not to, their successors had to share the circle with the ghosts of power passed.

But Phil was never one to be incapacitated by the losses. Oh, he counted and recounted the votes all right. And sometimes to his own disadvantage. But in his prime he had no peer. The measure of the man came later, when it was not his day, and he counted votes for the sake of the common man and the national weal. The Burton legacy in national legislation will be remembered as long as the Redwoods stand, and as long as free men and women unite in solidarity against the darker forces that threaten their peace and freedom.

It will be strange not to hear that booming voice that announced the Burton presence to one and all. Watching Phil perform was worth the price of admission, and kept this House in the Big Leagues.

Not for Phil the trahison des clercs. God help you if you tried to outsmart him with fancy legal tricks; he invented them. What are we to do without the Master Draftsman?

St. Peter, I hope you're ready for Uncle Phil as he goes through his Golden Gate to get to yours. A word to the wise. Don't grant him unanimous consent for anything.●

● Mr. BORSKI. Mr. Speaker, I rise to pay tribute to our departed colleague, PHILLIP BURTON of California.

Although I served with him for only a few short months, I admire PHIL BURTON's record of accomplishment. It is a model for those of use who are new to the Congress and national service. PHIL cared very deeply about people and he was able to translate that concern into a solid, active legislative career here in the House.

When one looks at PHIL BURTON's record, it becomes apparent that he fought the causes of those who often do not have a strong voice in Congress, those who are not able to lobby for themselves: the poor, the elderly, and the working people of this country. From black lung legislation, to supplemental security income, to increased minimum wage, PHIL helped those most in need. He also left a legacy of commitment to creating and preserving national parks and wilderness areas from coast to coast. You can see his hand in the millions of acres of land across this country that have been saved for future generations.

PHIL BURTON was a remarkable leader, a caring and compassionate man who never stopped fighting for what he believed in. This House and this country will miss him, but we were indeed fortunate to have had the benefit of his service.●

● Mr. MARKEY. Mr. Speaker, the death of Representative PHIL BURTON represents a great loss to both this House and to our Nation. It was with tremendous sorrow that I learned of our colleagues' death on Sunday night. PHIL's work in the House, as chairman of the Democratic Policy and Steering Committee, as chairman of the Education and Labor Subcommittee on Labor-Management Relations, and as a distinguished member of the Interior and Insular Affairs Committee gave him his reputation as a champion of the poor, defender of workers' rights and protector of the environment. When I first came to Washington in November 1976, PHIL was one of the first persons with whom I met. Over the past 6 years, through my work with him on the Interior Committee, I came to know him as one of the body's most capable politicians. The causes PHIL supported and worked for were as diverse as the district in San Francisco which he represented. He promoted the interests of the elderly, minorities, handicapped, environmentalists and labor. Yesterday, this House passed the California Wilderness Act. I think that this is a fitting tribute to our colleague who worked so hard for the causes of environmentalism. I would like to extend my sympathy to all of PHIL's family and friends. A great colleague is gone and this body will certainly miss him.●

● Mr. KRAMER. Mr. Speaker, I would like to join my colleagues in speaking on behalf of a great leader who has left our ranks, Congressman PHIL BURTON. PHIL BURTON was a man who used everything in his power to fight for principles he held dear. We often were on opposite sides of the issues, but I admired his tenacity, strength of will, and sense of purpose.

Despite our differences of opinion, PHIL BURTON was one man who appreciated a good debate and could remain friendly even in the face of conflict. I remember on several occasions when, after a good heated discussion, he would say, "I don't agree with you, but I respect your arguments."

PHIL BURTON was a mover and shaker here in Washington, in Congress, and in the Democratic Party. He also was a mover and shaker in Cali-

fornia. When all of us here in Congress face the daily frustrations of accomplishing our goals, we should take a moment to reflect on this man's ability to get things done. He understood how Congress works, and I know we will miss his leadership.

Above all else, while PHIL BURTON was unquestionably partisan, he was unquestionably fair. Congress will suffer from the loss of PHIL BURTON. And with this loss, I hope we on both sides of the aisle, while we may disagree, will remain fair.●

● Mr. PASHAYAN. Mr. Speaker, PHILLIP BURTON lived with an intensity and a fury of the sun itself. Garrulous, rambunctious, emotional, cunning, brilliant, forthright, he strode in large strides across the stage of politics.

An unabashed liberal Democrat, a champion of the underdog, he pursued the social solutions relentlessly. Countless pages of the United States Code are filled with his solutions to the issues most to his concern: welfare, the environment, and labor. These he pursued relentlessly. His political method was simple: prepare thoroughly, think ahead, and act accordingly.

But perhaps even more he loved politics for its own sake. He once described to me that politics was like a bat flying in a cave, constantly sending and receiving signals, groping now here and then there, groping until a way was found. If politics is an art, no artist painted with a more deft touch.

He loved the irony of politics. Ardent liberal though he was, he loved nothing more than to sit—to sit in his office, late afternoon into evening, with the ever-present vodka and cigarettes—with Republican Members of the conservative stripe, hours on end, discussing, arguing, bellowing, laughing, portraying, planning, working things out. How often in the Interior Committee, where we both served, would he present bills or amendments that had been worked out the night before? We cannot count them all.

It may fairly be said that his passionate and extravagant living contributed to his untimely demise. He was consumed by the flames of his own brilliance.

His last grand political gesture was the California reapportionment. It drew cries of outrage, and, shall we say, it rewrote the Marquis of Queensbury Rules. But no one could deny the hand of the master himself.

He lived life as he loved it. In the end, but not even PHILLIP BURTON could reapportion Fate and Death.

We shall miss him.●

● Mr. EARLY. Mr. Speaker, I was deeply saddened to learn yesterday morning of the sudden, unexpected, and premature death on Sunday of my good friend and colleague from California, Congressman PHIL BURTON. It is said he made a very rare admission to a friend last Thursday of feeling quite ill but in view of weekend commitments in California he characteristically attempted to shake it off. If he had sought prompt medical examination and treatment it is possible he might still be with us. Perhaps there is a lesson there for each of us. In his 19 years of outstanding service here PHIL BURTON taught many lessons to a lot of people in and around the Congress.

He will be missed here. His district people and the Nation have suffered a real loss. He was a knowledgeable and effective national legislator. He was recognized as an exceptionally skillful and resourceful parliamentarian. He was an admitted leader in the House. He was a force to be reckoned with and with whom reasonable accommodation was advisable whenever the concerns of his home people or his personal convictions and principles were involved. He concentrated his tremendous talents on the cooperative achievement of the wholesome objectives of his district communities and for the comforting resolution of the personal and family problems his constituents had with government agencies.

He appeared to be a man of inexhaustible energy and perpetual activity. His energy and activities were exercised for the fullest development of the lives of the distressed many, not the privileged few. He was a very strong believer in the duty of the Government to provide expanding opportunities for all Americans of whatever race or creed to obtain a better education, a better job, and a better surrounding for themselves and their children. "Improving the quality of life" for the less fortunate was not a catchy phrase for PHIL BURTON; it was his political action mission.

Among his associates he had definite likes and dislikes and made little effort to conceal his feelings. Nevertheless he was universally respected. Those who had close personal relationships with him deeply admired and praised him for his forthright honesty, his rigid fulfillment of his given word, his compassion for the truly helpless and needy, his enthusiastic defiance of powerful interests within and without the Congress, his unswerving loyalty in friendship and his intense concern for the progress of his country.

PHIL BURTON was an extraordinary personality. He seemed always to be in a hurry, occasionally brusque and at times very impatient with himself and others. Like most of us he had his full share of critics. However, I believe that his record as a private person and a public legislator will show that he always tended toward the side of the angels. I earnestly hope that the angels will remain at his side throughout eternity. I extend my deepest sympathy to his gracious wife and daughter in their great sorrow.●

● Mr. RAHALL. Mr. Speaker, like everyone in this body, I was shocked to hear the news of the untimely death of our colleague, PHIL BURTON. Indeed, how could someone with so much life no longer be among us.

We all have our stories about PHIL BURTON, and having served with him on the Interior and Insular Affairs Committee, I had the opportunity to see him during some of his best times.

I will always be most appreciative to PHIL for the help he was to me during my first term, when he supported my efforts to have the New River Gorge Area of my district designated a national river. I think this, like many of his other efforts to maintain the natural beauty of this great land of ours, will be a legacy to him and his career.

But we all know that PHIL BURTON did much more. He did not only protect forests and rivers, he fought to protect and save the lives of working men and women—especially our Nation's coal miners in their long and difficult struggle to receive decent black lung benefits. On their behalf, I say, "Thank you, PHIL BURTON for helping all working Americans secure a safe and healthy environment."

And then there was PHIL's deep concern for Americans fighting in Vietnam. Those of us who were not Members of Congress during that time only hear the stories of how PHIL BURTON took courageous stands on an issue that was not very popular. He did not oppose American action in Vietnam when it was the vogue thing to do; he fought against the war when many considered such a position as the "un-American" thing to do.

But, PHIL did not hold back. He never held back. That is how he lived his life, and that is how his life ended. He was on the move, doing things that he knew were right—taking the right stands for the right reasons.

He will not be soon forgotten. He should not be. He was a fine man, a good Congressman, and a true American—full of freedom and life.●

● Mr. DOWDY of Mississippi. Mr. Speaker, I would like to add my words of tribute to our late colleague and my friend, PHIL BURTON.

When I left my hometown of McComb, Miss., to come to Washington only 2 days after our special congressional election, I knew that I would need some guidance on the intricate workings of Congress. Although PHIL BURTON had an extremely demanding schedule because of his heavy involvement in so many areas, he generously took the time to offer me his advice, support, and friendship. I will always remember his kindness to me both during those early days after my arrival and in the many months that followed.

I feel fortunate to have had the benefit of his vast knowledge and experience. My association with PHIL BURTON taught me a valuable lesson about the good things that representative government can accomplish for the people of this country.

PHIL BURTON will be remembered for the issues he championed—better conditions for working people, hope for those born into poverty, and a healthier and more beautiful environment for all of us.

The House of Representatives has lost an outstanding leader. Many of us have lost a loyal friend as well.

I join my colleagues in sending our deepest sympathy to his wife, Sala, their children, and his brother, John. I hope they will take comfort in knowing that PHIL's life meant so much to so many people.●

● Mr. MITCHELL. Mr. Speaker, the life of PHILLIP BURTON was highlighted and characterized by a fierce commitment to civil rights, civil liberties, and environmentally healthy surroundings throughout the Nation. Representative BURTON championed the causes of the underprivileged and turned his discontent with injustices into constructive achievements throughout his career as a legislator.

PHILLIP BURTON stood in this House many times and initiated and fought so that we might enact such essentials as: minimum wage extensions; black lung compensation provisions; and reforms to insure that the House of Representatives remains an open, responsive institution. I have been proud to support his leadership as he authored and/or sponsored such initiatives as, the Supplemental Security Income Act, and legislation to authorize moneys to renovate existing park and recreation facilities in urban areas.

With PHIL BURTON in the House of Representatives, we could always count on a valid concern about adequate representation in the national park system for diverse ethnic and minority groups. Moreover, we could look to Congressman BURTON to take a leadership role in insuring such additions as: The Martin Luther King, Jr. National Historical Park and Preservation Site in Georgia, and the Maggie Lena Walker National Historic Site in Virginia. My own efforts to secure a commemorative medallion in honor of Ms. Walker—the first black female bank president—were greatly enhanced due to the existence of the aforementioned historic site.

PHILLIP BURTON stood as a giant among those who fight to secure a clean, healthy environment for our Nation. His numerous achievements in this area have been rewarded many times by such distinguished groups as, the Sierra Club, the American Rivers Conservation Council, and the National Wildlife Federation.

In June of 1978, Congressman BURTON was awarded the "Outstanding Political Service Award" in recognition of his highly significant contribution to the effectiveness of black Members of Congress. This award was presented by the National Convention of Black Publishers in Cleveland, Ohio. The award was a confirmation of PHIL BURTON's continued willingness to support and provide leadership in many legislative areas which impact the unique problems of the black community. For this work, I will be eternally grateful.

All of us who worked with Congressman BURTON are strengthened by the memories of his unwavering dedication to justice and a better country for all citizens. He will be sorely missed.●

● Mr. MAZZOLI. Mr. Speaker, it is with regret that I pay tribute to our late an outstanding colleague, PHIL BURTON. PHIL's untimely passing was a moment of sadness for us all.

PHIL and I were associates—for my first 4 years in the House—on the Education and Labor Committee. More recently, we were colleagues on the Steering and Policy Committee.

I have always known PHIL to be an indefatigable politician and an enthusiastic consensus seeker. His influence and widespread contributions to the House attest to the hard work and dedication with which he served his constituency and this Nation.

PHIL will be missed by all who knew him. I extend my condolences to his wife Sala and to his daugher Joy.●

● Mr. GARCIA. Mr. Speaker, PHIL BURTON is dead and even as we remember him his dominating presence is felt. Congress was changed by PHIL. He opened it up for minorities and others whose politics were not part of the mainstrean.

He was a powerful man politically and physically, with a gruff, often intimidating style. But he was decent, fair minded, and a friend to the poor. He was also sensitive, and at times, a proverbial pussycat.

PHIL understood Congress and used it to its fullest advantage. He engineered legislation that aided the poor and labor. He was a faithful protector of our national parks and the Democratic Party. He made certain that our natural wilderness lands were preserved, as well as establishing new parks in urban and rural areas.

His redistricting plans for California were bold and imaginative. The Democratic Party in that State was strengthened because of his efforts. His defeat in the race for majority leader in 1976 did not slow him down. He continued to legislate and work within the Democratic Caucus. As chairman of the Congressional Hispanic Caucus, I am particularly aware of the work he did for minorities and the poor, and American dependencies such as Puerto Rico and the U.S. Virgin Islands. We will feel his absence most profoundly.

It is difficult to try and describe the impact the death of a respected colleague and friend without somehow diminishing their accomplishments, their life. So it is with PHIL BURTON. The list of his accomplishments is extensive, but it is only a small indication of what he did, of what he was. He meant a great deal to this body, and we will not be the same without him.

I mourn with his wife, friend, confident, and adviser Sala. Perhaps only she really understands just how great a man PHIL was. She too is a tough woman, and I am sure she will carry on with dignity and strength. But my heart goes out to her, and to all of us, for whether we know it or not, we will all miss PHIL BURTON.

I hope that PHIL will draw me a good district up there, like the one I have now, full of Hispanics, blacks, and elderly Jewish couples. Then we can begin our work together again.●

● Mr. CLAY. Mr. Speaker, the untimely death of one of this body's most brilliant and accomplished legislators has filled me with a profound sense of sorrow. The late Congressman BURTON was a distinguished leader of boundless spirit, tireless energy, and deepest dedication to the humanitarian principles so basic to our democracy.

PHILLIP BURTON left us without warning; but he left us a legacy of legislative and political achievements which will continue to influence our future for many years. Congressman BURTON's deep attachment to his work will long be remembered by those who knew him. I deeply value having had the privilege to work closely with PHILLIP BURTON. He was a distinguished statesman whose love for the land and the hard working people of our great Nation are a matter of record. Congressman PHILLIP BURTON's countless contributions to our society cannot be overestimated; he has shaped and directed the history of this Nation.

I am honored to pay tribute to my dear friend and colleague, PHILLIP BURTON.●

● Mr. BRYANT. Mr. Speaker, although I had known Congressman PHILLIP BURTON for only a matter of a few months, I quickly discovered that this giant of a man was both a potent adversary and an awesomely faithful friend. His political genius served well the noblest and most altruistic ideals of our Nation and its people. PHIL BURTON had the courage to oppose the powerful in the abuse of power and the compassion and commitment to support justice and fair treatment for all regardless of the popularity of the cause.

Politics is filled with puffery and exaggeration, but PHIL BURTON was straightforward and to the point. He kept his commitments and expected the same of others. In his last campaign, PHIL BURTON said, "You can bet your bibby that I'll never fail to fight for social, racial, and economic justice as long as I can draw a breath."

In PHIL BURTON's death we have lost a powerful advocate of what is rght. I have lost friend just as our friendship was being firmly established, but one from whom, in just a matter of weeks, I learned a great deal.

I will personally miss PHIL BURTON, and my heart goes out to his family and loved ones and those who were privileged to know him better than I. His absence from the Congress means more than a temporarily vacant seat. It is the loss of a powerful voice and a powerful conscience for us all.●

● Mr. BEREUTER. Mr. Speaker, as the days and weeks pass, we will begin to understand more fully the already apparent loss sustained by this body and this Nation upon the passing of our distinguished colleague, Congressman PHILIP BURTON.

A preeminent and effective conservationist, he championed a wide array of causes. During his 4 years as chairman of the Subcommittee on National Parks and Insular Affairs, he produced a monumental volume of parks legislation. The centerpiece of that effort was the omnibus National Parks and Recreation Act of 1978, the largest single piece of parks legislation ever enacted by the Congress. It addressed needs which had languished from inattention for decades.

PHIL had a great ability to see the big picture, to look ahead to anticipate future problems, to develop solutions to those problems and to prevail in meeting his objectives for enacting those solutions. He made milestone accomplishments in the field of parks conservation and the preveservation of our outdoor environment. Few people can begin to mention all of the projects that he fathered.

One of PHIL's most important legacies, one for which he has not been given sufficient credit, was the investigation of a nationwide survey of the condition of our national park system. That survey, a joint project of BURTON and another colleague, the late Representative Keith Sebelius of Kansas, produced the May 1980 "State of the Parks Report," which detailed major threats to the integrity of most units of our national park systems.

That report now serves as the basis of a current legislative effort to enact parks protection legislation. I am pleased to have the had the opportunity to work closely with other members in carrying forward this vital effort. Had it not been for the early perception of this problem by Congressmen BURTON and Sebelius, we would not have made significant progress in our efforts to halt the serious decline in the protection of our parks resources. For this reason we cannot underestimate the importance of their leadership and foresight.

Representative BURTON was also primarily responsible for the passage of legislation greatly strengthening protection for the Boundary Waters Canoe Area Wilderness in Minnesota and the Redwood National Park in his native State of California. Of course, one of his greatest prides and joys was the creation of the Golden Gate National Recreational Area in and around his home of San Francisco.

He made his mark in many other areas as well; his forceful leadership in the presrvation of wilderness areas and wild and scenic rivers as well as his tireless work for the establishment of scenic trails, and youth hostels benefited not just his own State, but the entire Nation. Most of what PHIL BURTON did for the benefit of the American people did rarely receive even the smallest headline, but yet he pursued his goals with a dedication few could match.

Our colleague used his legislative skill and his mastery of the political process to benefit all Americans. As a result of his work, generations after us will be able to enjoy the rich natural heritage which is America. With his passing, conservation has lost one of its very ablest and strongest allies and leaders.

Although most of Congressman BURTON's legislative achievements are well known, his personal accomplishments and attributes deserve equal renown and praise. PHIL BURTON was indeed a formidable adversary and a master politician, but he was also a valued friend and adviser.

I met PHIL BURTON during my first few days as a Member of this body when I was appointed on the National Parks Subcommittee which he chaired. As a freshman member of the minority party, I doubted the extent to which I would be allowed to participate effectively in the subcommittee's work. But those doubts vanished after I got to know PHIL BURTON.

During the next 2 years, I had the unprecedented opportunity to work closely with the chairman of a wide variety of projects. Many of my fondest memories of my early days in Congress will be of the hours that I spent with him, working together on wild and scenic rivers bills, youth hostel programs, creation of the Martin Luther King National Historic Site and Preservation District and the Frederick Law Olmstead National Historic Site and many other park measures. I will not forget his encouragement, support, patience, and advice.

You always knew where PHIL BURTON stood on an issue. He could always be counted on when he promised his support. His attention to the needs of the young, inexperienced Members of this body was an indication of his leadership ability and his sensitivity to the needs of others. He worked best and most respected those who also shared and acted upon strong convictions on an issue—even if those views were opposite his own. His loyalty to his friends was absolute.

He will be missed greatly by those of us fortunate to work with him and to benefit from his friendship, and guidance. Moreover, many future generations of outdoors loving Americans will be forever in his debt. I join my colleagues in mourning his passing and in expressing my deepest sympathy to his family.●

● Mr. FASCELL. Mr. Speaker, I join our colleagues on this sad occasion to pay tribute to PHILIP BURTON.

Many able and dedicated Members have served in the Congress, but there have been few Members with the drive and persistance and dedication that characterized PHIL. To PHIL the choices were clear. The issues were black and white, never gray. He saw the needs—of the old, the disadvantaged, the sick—and set about meeting them.

As many have noted, he was a master of the legislative art, and a leader in every sense of the words. His style was direct and effective. And the disadvantaged were the winners.

PHIL was a steward of our natural resources, although he probably never thought of it quite that way. He realized the fragile nature of our resources, and set about with determinatin and that protection. The entire Nation, indeed the world, is indebted to PHIL BURTON for his efforts on the Interior and Insular Affairs Committee.

Mr. Speaker, the Congress needs what we often refer to as a "mover and shaker." PHIL was such a man. The issues were clear, the means within his grasp and very often the results affirmative. We will miss his sense of direction and his strong leadership.

I join in expressing my sympathy to his wife, Sala, and their family.●

● Mr. OTTINGER. Mr. Speaker, I rise today to pay tribute to our distinguished colleague from California, PHIL BURTON.

The passing away of PHIL BURTON is a tragic loss to me and his many other friends, on and off the Hill, who knew and loved him for what he was; an uncompromising American leader with high ideals.

As a congressional leader on liberal issues since 1964, PHIL BURTON was valued by supporters, dreaded by opponents, and respected by all his peers. More importantly, however, he will be missed by the countless millions of poor, disabled and discriminat-

ed-against Americans who have benefited from his numerous legislative crusades. Above all his many accomplishments, PHIL BURTON will be remembered as a man who spoke for those who could not speak providing a politcal voice for the otherwise voiceless.

The life of PHIL BURTON was marked by many highlight that deserve recollection and mention.

As a veteran of both World War II and the Korean war, he was admitted to pratice before the U.S. Supreme Court in 1952. In 1956, he began his legislative career as a member of California's State Assembly and continued this career when elected a Member of Congress in 1964. From this point on, PHIL became a spokesman for the underprivileged, and a nationally recognized leader in environmental protection and labor law.

PHIL took our responsibility to this great land seriously and led many fights to promote the protection of America's natural beauty and splendor. Under the influence of his undaunted advocacy for environmental protection, the size of the Wild and Scenic Rivers System nearly doubled while the wilderness acreage in the National Park System more than doubled and the size of the National Trails System more than tripled.

Among his many other legislative triumphs, PHIL can be credited with many statutory provisions designed to help the American worker.

Here are only a few examples: PHIL was an important proponent of the Coal Mine Health and Safety Act of 1970 and the author of its provisions that established a black lung compensational disease-related workers' compensation program, and as of this date, more than one half millon workers have directly benefited from this Act.

As further examples of his concern, 6.5 million workers were extended minimum wage protection in 1966 by legislation that he drafted. In fact, more previously unprotected American workers were extended minumum wage and overtime rights by PHIL'S legislation than by the legislative work of any other Member in our Nation's history.

PHIL BURTON was a friend and a legislator who won millions of workers an improvement in wage and benefit protection so that all American children could be well provided for and have the opportunity to pursue a higher education. His legislative efforts have also provided environmental protections that benefit present-day Americans just as they will benefit generations of Americans not yet born. PHIL was, in short, a man who left an indelible mark on our Nation.●

The SPEAKER pro tempore (Mr. COELHO). The Chair would like to point out to the gentleman from California and the others from California who took the time to recognize Mr. BURTON, that 3 hours and 25 minutes was consumed. In the memory of this occupant of the chair, that is the most that has been consumed for the eulogy of a Member. I just wanted to recognize that point.

THE NATURAL GAS COMPETITION ACT OF 1983

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylania (Mr. RITTER) is recognized for 10 minutes.

● Mr. RITTER. Mr. Speaker, today I am introducing with Senator BILL BRADLEY the Natural Gas Competition Act of 1983. This legislation is designed to be compatible with all of the comprehensive natural gas proposals pending in Congress. The Natural Gas Competition Act of 1983 is designed to spur competition within the interstate natural gas pipeline industry, competition which can only have the affect of reducing consumer costs for natural gas.

In the past few months, the natural gas debate has tended to center on the issue of whether producer prices should be frozen or decontrolled. However, even if we decontrol producer prices, we cannot have effective competition within the industry unless we introduce competition into the transportation end of the natural gas industry.

In the natural gas industry, we have three key players: producers, pipelines, and consumers. We have competition at the producing end, with thousands of producers scattered around the country. At the other end are the consumers, most of whom are natural gas utilities. Natural gas utilities are natural monopolies regulated by State utility commissions, and will continue to be so in the foreseeable future. In the middle are the pipelines, which connect producers with consumers.

Over the years, encouraged by Federal regulations, court decisions, and commercial practices, pipelines have gained monopsony powers over the purchase of natural gas and monopoly powers over the transportation of gas for sale to local distrubution companies and industry. For years it was felt by many that such power by the pipelines would provide them with the bargaining power needed to negotiate lower prices with producers for natural gas. And it was felt the consumer would be the beneficiary of these lower prices. However, in the last 2 years this has not proven to be the case. Many consumers currently are being forced to pay prices higher than those that would be charged in a market free of wellhead pricing regulations. The monopoly power of the pipeline over the sale of gas to local distribution companies combined with the pipeline's monopsony power over the purchase of gas from producers has, in fact, prevented the system from reacting to market forces. Instead of declining natural gas prices in the face of a surplus supply, we have had rapidly escalating prices. Let's examine why this is.

Certain pipelines have not always purchased the lowest priced gas available to it. For example, Columbia Pipeline has purchased gas from its own producer subsidiary at prices way above what the market would bear. And to insure that this gas will always be taken, Columbia will write a take-or-pay contract for such gas. The result is that during periods of low demand and high surplus, Columbia, as has been the case this past winter, shuts out its cheaper priced gas from small producers and sells to its local distribution company its own high-priced gas. Other pipelines have simply been careless and purchased large quantities of deep-drilled, high-cost gas, even when there is no market for this gas. The NGPA of 1978 presumed that natural gas was in short supply and pipelines were encouraged to buy this gas at almost any price.

Under Federal regulations, pipelines are not held accountable for their purchases, no matter how inefficient and costly they may be, because pipelines are able to pass all their costs through to consumers. Consumers are hurt, because they are forced to pay for the pipeline's mistakes or outright greed, and many producers who have low-priced gas are hurt because often they are the first to be shut out of the pipeline during periods when we have a surplus of natural gas available. In Ohio and Pennsylvania, many natural gas producers with low-priced gas are being shut out of the pipeline while expensive deep-drilled gas from Oklahoma, Louisiana, Mexico, and Canada is brought into the region.

An illustration of this is Columbia Gas, which supplies more than 90 percent of the gas in my congressional district. Recently, Columbia held a press conference to announce that they would cut back on their gas costs. To the extent that this action lowers my constituents' rates, I applaud this. But it makes me wonder whether this was just so much public relations, rather than consumer protection, for two reasons: One, Columbia is essentially acknowledging that they have been allowed to overcharge for natural gas for some time, and two, Columbia is still willing to pay $6.36 per million cubic feet for deep-drilled gas, more than twice the price of what a free market at the wellhead would bear.

Columbia, essentially, created an artificial market for overpriced gas. My consumers are forced to buy this overpriced gas through the exercise of Columbia's monopoly power. Even

though we have reams and reams of regulations over pipelines, in my judgment, only healthy and vigorous competition can aid the consumer. We can have no free market of natural gas that will benefit consumers until gas can flow freely through the pipelines.

The solution to the lack of competition in the pipeline is to spur competition within the pipeline so that industry and local distribution companies are able to purchase their gas supplies directly from suppliers, other than the pipeline serving their respective areas.

It was with this in mind that last year Congressman BUD BROWN and I introduced H.R. 7122, which allowed producers with excess gas supply who were being shut out of the pipeline to sell their natural gas directly to end users, while obligating the pipeline to transport the gas. Since then, a limited contract carriage provision similar to that in H.R. 7122 has been incorporated in the administration's comprehensive natural gas proposal and in other comprehensive natural gas proposals.

The movement of the administration and others in support of limited contract carriage is welcomed. However, if we are to truly break the constraints placed on consumers, industry, and local distribution companies alike, contract carriage must become common practice, not the exception to the rule.

Contract carriage, simply stated, allows producers and other natural gas suppliers to sell directly to local distribution companies and industry whenever capacity is available within a pipeline. And the pipelines are reimbursed for the transportation costs.

The Natural Gas Competition Act of 1983 seeks to make contract carriage common practice, rather than the exception to the rule. In summary, the bill:

Requires an interstate pipeline to transport gas at the request of another party unless the interstate pipeline can prove to FERC that it does not have the available capacity to do so.

Provides an incentives allowance of up to 5 cents/mcf for interstate pipelines to transport natural gas under the contract carriage provisions.

Provides protection for high-priority uses, such as residential and agricultural customers, in the event that capacity constraints or demand conditions require natural gas curtailments.

Provides protection for local distribution companies—local gas utilities—to reduce the risk of load loss by granting them the right of first refusal to certain gas suppliers.

Provides local gas distribution companies preferential access to gas by removing price controls from gas transported by a contract carrier for a local distribution company. For example, if a producer can identify a local gas utility, willing to buy some of his old cheaper gas, the two parties can both benefit: the producer gets out of price controls and the local distribution company gets gas below its normal acquisition price.

The result will be that natural gas consumers will be given the opportunity to seek out the lowest priced gas available, insuring that consumers do not get stuck paying for the careless purchasing practices of the pipelines. Under contract carriage, local distribution companies would have the choice of sticking with the deals they have now or finding cheaper sources of gas. Prices would be forced down since the prices local distribution companies now have would be highest market price and it would be uneconomical for them to purchase gas on their own at higher prices.

Because contract carriage would encourage lower prices, local distribution companies would be able to offer some of the savings to large industries, who in the past 2 years have been switching at record levels to boiler fuel from natural gas. With industry returning to natural gas use, the average fixed cost per mcf, which the pipelines must charge consumers and other industrial users, and the fixed costs per mcf within the local distribution network would decrease. This is a double windfall for consumers in that their gas costs are lowered at the producing end and their fixed costs per unit for the transportation and distribution of natural gas decrease.

We need competition in the pipeline in order to have a natural gas market that responds to market demands. Only by breaking the monopoly power pipelines have over local utilities and their monopsony power over producers can we have such a market. The Natural Gas Competition Act of 1983 achieves this. And the consumer will certainly reap the benefits. I intend to offer this provision in the Energy and Commerce Committee, and I understand Mr. BRADLEY will offer it in the Senate Energy Committee. I urge my colleagues to seriously consider and cosponsor this legislation.

I submit the bill and the section-by-section analysis of it for printing at this point in the RECORD:

H.R. 2499

A bill to amend the Natural Gas Policy Act of 1978 to improve competition in the natural gas market by providing that interstate pipelines transport natural gas by contract carriage

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Natural Gas Competition Act of 1983".

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that—

(1) a national market for natural gas is necessary to promote lower natural gas prices and reliable supplies;

(2) a national market for natural gas does not now exist;

(3) transportation of natural gas by interstate pipelines is an essential element in establishing a national market for natural gas.

(b) The purposes of this Act are to—

(1) promote development of a national market for natural gas;

(2) provide lower natural gas prices to consumers by providing competitive alternatives to purchases from interstate pipelines; and

(3) provide an economic incentive to interstate pipelines to transport natural gas for other owners of natural gas.

CONTRACT CARRIER REQUIREMENT

SEC. 3. (a) Title III of the Natural Gas Policy Act of 1978 is amended by adding at the end thereof the following new section:

"SEC. 316. CONTRACT CARRIERS.

"(a) GENERAL RULE.—If—

"(1) a seller or a purchaser of natural gas requests an interstate pipeline to transport natural gas,

"(2) such request is received by such interstate pipeline and filed with the Commission more than 90 days before the date such natural gas is requested to be transported, and

"(3) such pipeline has available capacity,

such interstate pipeline shall transport such natural gas. The Commission shall implement this section by rule or order.

"(b) AVAILABLE CAPACITY.—

"(1) REBUTTABLE PRESUMPTION.—An interstate pipeline shall be presumed to have available capacity unless the Commission has received notice protesting transportation under subsection (a) and the Commission determines under regulations prescribed by the Commission, within the 90-day period described in subsection (a)(2), that such pipeline's total capacity is to be used at all times to fulfill the then current requirements of its existing customers.

"(2) DEFINITIONS.—For purposes of this subsection—

"(A) TOTAL CAPACITY.—The term 'total capacity' means capacity, consistent with accepted engineering principles, to deliver a given volume of natural gas to a given location through all means, including but not limited to, direct haul, discharge from storage, increased compression, flow reversal or transportation by displacement.

"(B) CURRENT REQUIREMENTS OF EXISTING CUSTOMERS.—The term 'current requirements of existing customers' means the volume of natural gas actually delivered to all customers of a pipeline rather than any amounts which may be specified in contracts.

"(3) PARTIAL CAPACITY.—If the Commission finds that an interstate pipeline has available capacity to transport only a portion of the natural gas requested to be transported under subsection (a), the Commission shall require such interstate pipeline to transport such natural gas to the extent of such available capacity, upon the request of the purchaser of such natural gas.

"(c) INTERIM AUTHORIZATION.—The Commission may, by rule or order, establish conditions under which contract carriage shall be authorized prior to the expiration of the 90-day period.

"(d) PROTECTION FOR HIGH-PRIORITY USERS.—Whenever an interstate pipeline does not have sufficient available capacity to satisfy both transportation obligations that it has undertaken pursuant to this section and pursuant to other transmission and sales obligations, such interstate pipeline

shall curtail transportation and sales of natural gas in a manner which shall be prescribed by the Commission by regulation which shall give priority to essential agricultural uses and high-priority users as defined in section 401(f) and to essential industrial process or feedstock uses as defined in section 402(d)(1), pursuant to regulations which shall be issued by the Secretary of Energy within 90 days after the date of the enactment of the Natural Gas Competition Act of 1983.

"(e) CONTRACT CARRIAGE COMPENSATION.—

"(1) INCENTIVE ALLOWANCE.—Any interstate pipeline which voluntarily agrees to transport natural gas shall be permitted to impose an incentive allowance of up to $.05 per million Btu's (in excess of the just and reasonable rate for such transportation as established by the Commission) unless the Commission determines by rule or order that some other amount is appropriate as an incentive in the public interest. The Commission shall not require any portion of such incentive allowance to be credited and flowed back to customers of such interstate pipeline.

"(2) REQUIRED CONTRACT CARRIAGE COMPENSATION ALLOWANCE.—Any interstate pipeline which protests the transportation of natural gas under this section and which is ordered to transport such natural gas by rule or order of the Commission shall impose a contract carriage compensation allowance of $.05 per million Btu's (in excess of the just and reasonable rate for such transportation as established by the Commission) which shall be credited and flowed back to customers of such interstate pipeline in accordance with regulations prescribed by the Commission.

"(3) TRANSPORTATION BY MULTIPLE PIPELINES.—If transportation of natural gas is provided under this section by more than 1 interstate pipeline, the allowance per million Btu's (in excess of the just and reasonable rate for such transportation as established by the Commission) determined under this subsection shall be the total allowance allowed for the transaction. Such amount shall be allocated by contract among all interstate pipelines providing such transportation for a particular transaction unless the Commission determines that a different allocation is in the public interest.

"(4) CONSUMER PROTECTION RATE DESIGNS.—Within 90 days after the date of the enactment of the Natural Gas Competition Act of 1983, the Commission shall promulgate regulations which require that the just and reasonable rates for the tranportation of natural gas under this section include an equitable percentage of the fixed costs of the tranpsorting interstate pipeline in order to protect all classes of natural gas customers of interstate pipelines, but particularly residential and commercial customers.

"(f) CONSTRUCTION OF NEW FACILITIES.—

"(1) CONSTRUCTION BY PIPELINE.—Upon request of a local distribution company requesting transportation of natural gas under subsection (a), the Commission may order an interstate pipeline which does not have available capacity to construct or extend facilities or purchase and install compressors, with reimbursement to such pipeline for its actual net costs.

"(2) CONSTRUCTION BY LOCAL DISTRIBUTION COMPANY.—The local distribution company requesting transportation of natural gas under subsection (a) may construct or extend facilities or purchase and install compressors for the transportation of natural gas under this section.

"(g) MINIMUM COMMODITY BILL REQUIREMENT.—

"(1) GENERAL RULE.—In the case of a contract for the purchase of natural gas which has a minimum commodity bill requirement with any interstate pipeline, if natural gas under such contract is not taken because natural gas is to be purchased and is to be transported under this section by such pipeline or any other pipeline, such minimum commodity bill requirement shall be reduced by the volume of natural gas so purchased and transported.

"(2) MINIMUM COMMODITY BILL REQUIREMENT DEFINED.—For purposes of this subsection, the term 'minimum commodity bill requirement' means any contract or tariff requirement of payment for the minimum quantity of natural gas contracted for if the purchaser fails to take delivery.

"(h) RIGHT OF FIRST REFUSAL AVAILABLE TO LOCAL DISTRIBUTION COMPANIES.—

"(1) GENERAL RULE.—Whenever any interstate pipeline reduces its take of natural gas from any producer, or from another interstate pipeline, to a level below 60 percent of the contract volume for daily deliverability through the exercise of—

"(A) a contract right to market-out,

"(B) the claim of "force majeure", or

"(C) a right granted by Act of Congress to breach a contractual obligation,

such natural gas may not be sold to any other person until the expiration of a period of 30 days during which time each local distribution company served by such interstate pipeline shall be entitled a right of first refusal to acquire, or to transfer a pro rata share of such production. The Commission shall prescribe regulations to implement this provision within 90 days after the date of the enactment of the Natural Gas Competition Act of 1983.

"(2) TRANSFERABILITY OF RIGHT OF FIRST REFUSAL.—Any local distribution company which does not exercise its right of first refusal to acquire a pro rata share of such available production may transfer such right of first refusal to any other person and may charge, to the extent authorized by the appropriate State regulatory body, a fee not to exceed $.01 per million Btu's. Disposition of such fee shall be pursuant to regulations prescribed by the appropriate State regulatory body.

"(i) PROTECTION OF STATE REGULATORY JURISDICTION.—Nothing in this section shall be construed as imposing any obligations to transport natural gas upon any local distribution company or any intrastate natural gas pipeline.".

(b) The table of contents for such Act is amended by inserting after the item relating to section 315 the following new item:

"Sec. 316. Contract carriers.".

EXPANSION OF SUPPLY OF NATURAL GAS AVAILABLE FOR PURCHASE BY LOCAL DISTRIBUTION COMPANY AND TRANSPORTATION BY CONTRACT CARRIER

SEC. 4. Section 121 of the Natural Gas Policy Act of 1978 (relating to elimination of price controls for certain natural gas sales) is amended by adding at the end thereof the following new subsection:

"(f) PURCHASES BY LOCAL DISTRIBUTION COMPANY.—At the option of the local distribution company, the provisions of subtitle A respecting the maximum lawful price for the first sale of natural gas shall not apply to natural gas transported under section 316 by a contract carrier and purchased by a local distribution company.".

EFFECTIVE DATE

SEC. 5. The amendments made by this Act shall apply to the transportation of natural gas under section 316 of the Natural Gas Policy Act of 1978, pursuant to requests made more than 120 days after the date of the enactment of this Act, and to prices for first sales of natural gas transported under such section.

SECTION-BY-SECTION ANALYSIS OF NATURAL GAS COMPETITION ACT OF 1983

Section 1 states that the Act may be cited as the "Natural Gas Competition Act of 1983."

Section 2 sets forth Congressional findings based upon testimony presented to Congress in hearings over the past year, information submitted to Congressional Committees by gas producers, pipeline companies, utilities and consumers, and studies issued by governmental bodies and private parties, and sets forth the purposes of the bill which are based upon the findings.

Section 3 would add a new Section 316 to Title III of the Natural Gas Policy Act of 1978 ("NGPA").

Section 316(a) would establish a new general rule which would require interstate natural gas pipelines to transport natural gas upon request by either a seller or purchaser, (1) if such a request is received by an interstate pipeline and filed with the Federal Energy Regulatory Commission ("FERC") at least 90 days before the date transportation is requested to begin, and (2) the pipeline has available capacity.

Section 316(b) would create a rebuttable presumption that an interstate pipeline has available capacity unless the FERC received notice of a protest to the proposed transporation and the FERC determined within that same 90-day period that the pipeline's total capacity is to be used to at all times to fulfill the then current requirements of existing customers. For purposes of this section, "total capacity" is defined to mean capacity to transport natural gas that can be made available under pipeline operating practices, including withdrawals from storage, increased compression and transportation by displacement. Also, "current requirements of existing customers" is defined to mean the volume of natural gas actually delivered to all customers of a pipeline rather than any amounts which may be specified in contracts. If the Commission finds that only partial capacity, rather than the requested total capacity, is available the Commission shall require the interstate pipeline to transport natural gas to the extent of such available partial capacity.

Section 316(c) would permit the Commission to establish by rule or order conditions under which contract carriage shall be authorized on an interim basis prior to expiration of the 90-day period.

Section 316(d) would provide procedures for curtailments when an interstate pipeline does not have sufficient available capacity to meet its transportation and sales obligations. In the case of necessary capacity curtailments, the pipeline shall follow regulations issued by the FERC which would provide a priority for high-priority users, agricultural users and essential industrial process and feedstock users as set forth in Title IV of the NGPA. In other words, curtailment due to physical capacity constraints depends upon the priority classification of the user of the natural gas and not upon the type of carriage transporting the gas involved.

Section 316(e) would provide an incentive allowance of $.05 per MBtu in excess of the just and reasonable rate for transportation (as established by the FERC). Subsection 1 would prohibit the FERC from requiring that any portion of the incentive allowance be credited or flowed back to customers of the interstate pipeline. The incentive is an inducement to the pipeline's management and shareholders; they should be able to keep the incentive. The FERC is provided with authority to establish an appropriate incentive allowance other than the initially-specified $.05 per MBtu.

Subsection 2 would provide that if an interstate pipeline protests a request to transport natural gas and the FERC subsequently orders such transportation, the pipeline would not be permitted to retain the incentive allowance but instead this amount would be credited and flowed back to the customers of the interstate pipeline.

Subsection 3 would provide that if natural gas transportation under this section is provided by more than one pipeline, the incentive allowance will be allocated among all pipelines providing transportation unless the FERC determines a different allocation is necessary in the public interest.

Subsection 4 would require that the FERC promulgate regulations specifying the just and reasonable rates for transportation of natural gas under Section 316. These rates shall include an equitable percentage of fixed costs in order to protect all classes of natural gas customers, and particularly residential and commercial customers. This is a critically important consumer safeguard designed to ensure that the total fixed costs of interstate pipelines are properly allocated by the FERC.

Section 316(f) would provide that the FERC may order an interstate pipeline that does not have available capacity to construct or extend its facilities upon request of a local distribution company requesting transportation of natural gas. The interstate pipeline would be reimbursed for the actual net costs of construction. In the alternative, the local distribution company requesting transportation may construct or extend facilities in order to accomplish the transportation.

Section 316(g) would provide that the minimum commodity bill requirement (take-or-pay amounts) owed by a local distribution company shall be reduced by the volume of natural gas purchased or transported to a local distribution company under Section 316. This general rule would apply to minimum bill requirements set forth in interstate natural gas pipeline contracts or FERC tariffs.

Section 316(h) would provide that whenever an interstate pipeline reduces its takes from a natural gas producer or from another interstate pipeline to a level below 60% of contract volume for daily deliverability, the available production may not be sold to any other person until the expiration of a 30-day period during which local distribution companies served by the interstate pipeline shall be entitled to a right of first refusal to acquire a *pro rata* share of such production under regulations prescribed by the FERC. A local distribution company which does not exercise its right of first refusal may transfer such right (to the extent permitted by the appropriate state regulatory body) for a fee up to $.01 per MBtu. In other words, local distribution companies get the "first call" on these gas supplies and are enabled to act as brokers to other distribution companies or other end-users.

Section 316(i) makes clear that Section 316 shall not be construed as opposing any obligations to transport natural gas upon any local distribution company or any intrastate natural gas pipeline.

Section 5 would amend Section 121 of the NGPA by adding a new Subsection (f), which would provide that, at the option of the local distribution company purchasing natural gas and having it transported under Section 316, the transported natural gas would not be subject to well-head price controls under Title I of the NGPA. It is a fundamentally logical point that no local distribution company would buy natural gas directly unless it could save its consumers money and reduce its takes of natural gas tendered to it by pipeline suppliers; therefore the traditional well-head price controls on these transactions are not appropriate or necessary.

Section 6 provides that the terms of this Act shall apply to the transportation of natural gas pursuant to requests made 120 days after enactment.●

CONGRATULATIONS TO COACH VALVANO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

● Mr. JONES of North Carolina. Mr. Speaker, nothing stirs the American imagination and interest more than does major championship sporting events. This is particularly true of the very competitive national intercollegiate basketball elimination series which involves 52 major colleges and universities. As the only North Carolina State University graduate in the U.S. Congress, it is, of course, with a great deal of pride that I point out that on the night of April 4, 1983, most of the Nation saw a much underrated team rise to superior heights to defeat a most worthy opponent, the University of Houston, in what must be considered one of the most exciting finishes in recent years.

And so, Mr. Speaker, as a North Carolina State alumnus, it is my pleasure to extend my personal congratulations and appreciation to Coach Valvano as well as the many outstanding players which contributed to this unprecedented victory, among whom are: Thurl Bailey, Sidney Lowe, and Dereck Whittenburg. I mention these three because they have concluded their collegiate career. This in no way belittles the contribution made by Cozell McQueen, Terry Gannon, and Lorenzo Charles, as well as the rest of the State team.

Mr. Speaker, I am confident that all of Congress as well as the Nation, join me in extending congratulations to the North Carolina State Wolfpack for winning the 1983 National Basketball Championship.●

INCOME TAX WITHHOLDING FOR AGRICULTURAL EMPLOYEES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. PANETTA) is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, I am today introducing legislation to require income tax withholding for agricultural employees. I believe this reform would benefit both workers and the Federal Government without causing undue inconvenience or cost for employers.

Under current law, most employees have a proportional amount of their paychecks withheld in order to assist them in paying their income tax. This permits the Government to make use of the tax they owe, and it enables the individual employee to avoid a large, and possibly unmanageable, payment to the Internal Revenue Service every April. This method of tax collection has worked efficiently and has benefited employees, employers, and the Government for several decades.

Agricultural employees were originally exempted from withholding for good reason. The migratory nature of their work, along with the scattered and very low pay they received, made withholding unnecessary and inefficient. It also posed an additional paperwork burden for employers. Thus, it made little sense to go through the process of withholding for individuals who, most likely, would not owe taxes at the end of the year.

Today, however, this situation has changed significantly. The rapid rate of inflation and increased wages have pushed farm employees into higher tax brackets. They now face the reality of owing the Government, a potentially substantial amount that must be paid at one time, by April 15. If they are to avoid this tremendous financial burden, the Federal Government will have to treat agricultural employees like other workers and have income withheld from their paychecks throughout the year.

Withholding for agricultural employees would provide important benefits for the Nation as well. The more difficult it is for people to pay their taxes, the less likely it is that they will comply with the law. Unfortunately, statistics compiled by the Treasury Department and the General Accounting Office indicate that over one-third of all agricultural workers do not file tax returns at all. The Treasury estimates that $1.3 billion of income goes unreported by farm employees annually.

Given these figures, it is not surprising that the Joint Committee on Taxation estimates that my legisation would increase revenues by nearly $400 million over a 5-year period. With our efforts currently concentrated on

reducing budget deficits, we cannot simply throw away this legitimate revenue.

Citing these facts, Mr. Speaker, the General Accounting Office, in a 1975 report entitled "Mandatory Tax Withholding Recommended for Agricultural Employees," specifically urged the Congress, for the sake of both employees and the Federal Government, to extend the benefits of withholding to agricultural workers.

My bill is designed to affect only those farm employees for whom the FICA tax is already withheld by their employers. Thus, it would not impose an unreasonable paperwork burden on farmers, since they would not have to initiate withholding for any worker for whom they were not already withholding income. This is the approach recommended by GAO. The support that has been given to this bill by the United Fresh Fruit & Vegetable Association, as well as the Monterey County Farm Bureau in my own area, indicates that farmers recognize the need for withholding for their employees. Certainly, it would be a top priority of mine that the Government avoid creating an excessive paperwork load for employers in the implementation of this legislation.

I believe this bill is a sound, practical approach to a significant problem, and I would strongly urge my colleagues to join me in supporting it. Following is the text of the bill:

H.R. 2492

A bill to amend the Internal Revenue Code of 1954 to provide that agricultural labor shall be subject to withholding for income tax purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraph (2) of section 3401(a) of the Internal Revenue Code of 1954 (defining wages for purposes of income tax withholding) is amended to read as follows:

"(2)(A) in any medium other than cash for agricultural labor; or

"(B) in cash for agricultural labor unless (i) the cash remuneration paid in the calendar year by the employer to the employee for such labor is $150 or more, or (ii) the employee performs agricultural labor for the employer on 20 days or more during such year for cash remuneration computed on a time basis; or".

(b) Section 3401 of such Code is amended by adding at the end thereof the following new subsection:

"(g) AGRICULTURAL LABOR.—For purposes of subsection (a)(2), the term 'agricultural labor' has the meaning given such term by section 3121(g)."

(c) The amendments made by this Act shall apply to remuneration paid on or after January 1, 1984.●

URGENT NEED TO INCREASE PUBLIC FUNDING IN VITAL RESEARCH AREAS OF AGRICULTURE

The Speaker pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. WEAVER) is recognized for 5 minutes.

● Mr. WEAVER. Mr. Speaker, without doubt, agricultural research is the cornerstone of American farm productivity. We have made tremendous progress in the last 30 years in our ability to produce food and fiber. But the rapid technological advances of the past quarter century have ushered in a new era—an era of industrial farming in which short-term yield increases often take precedence over long-term sustainability.

The USDA's publicly funded research programs fostered many of the productivity improvements, and they clearly have an important role in helping farmers in the future. In 1950, 90 percent of all agricultural research was publicly funded; today, it has dropped to 45 percent. The reason for this dramatic shift is, of course, that the private sector has a commercial interest in performing certain types of agricultural research: They have a product to sell. For example, the chemical industry spent $450 million on pesticide and herbicide research in 1981 alone—more than was spent by the entire Agricultural Research Service at USDA.

The need for public funding of research that does not promote specific commercial products is well recognized. The National Agricultural Research and Extension Users' Advisory Board says that "Government must continue to play its vital role—particularly with regard to those areas of research that lack ready commercial application, but which nonetheless serve a long-term public interest in protecting our health and environment and in preserving our resource base for future generation."

Orville Bentley, USDA's new Assistant Secretary for Science and Education echoes this view:

Today's high technology has radically changed the world of science, making it practical to perform basic research and *noncommercial* development work. (Emphasis added.)

Despite these recommendations, however, the USDA budget proposals do not reflect identified research needs.

I believe there is an urgent need to increase public funding of these vital research areas. I also believe that Congress sees this need, and will look closely both at the USDA research budget, and at legislation to authorize new and improved research into specific areas that lack commercial application.

LEGISLATION TO APPLY DUTY-FREE TREATMENT TO CERTAIN EXPORTED ARTICLES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Louisiana (Mrs. BOGGS) is recognized for 5 minutes.

● Mrs. BOGGS. Mr. Speaker, today I have introduced legislation to apply duty-free treatment to certain articles exported for purposes of rendering geophysical or contracting services in connection with the exploration, extraction, or development of natural resources abroad and subsequently returned to the United States.

Recently I became aware of a problem faced by domestic companies engaged in worldwide service operations in support of offshore petroleum exploration and development. In a number of instances, these companies have purchased foreign-manufactured equipment with unique operating and performance characteristics. This equipment is used in both domestic operations and in foreign operations by these American companies.

American companies owning and operating the equipment are expected to comply with existing tariffs on imported goods and must pay duty due on this foreign-manufactured equipment. However, under current law as interpreted by the U.S. Customs Service and the courts, each time the equipment in question is returned to the United States after conclusion of a job abroad, the company that owns and operates the equipment is liable for import duty—notwithstanding that duty was paid upon the first importation of the equipment into the United States.

It seems to me and to others who have contacted me regarding this matter that the multiple imposition of duty is not only inequitable, but also, and more importantly, impedes the ability of American companies to be competitive in the provision of services abroad with companies based in England, France, Germany, and other countries. As a result of the imposition of multiple duty on its electronic equipment, one company that is located in the district I represent and that provides precision positioning navigation services in support of exploration and development of offshore petroleum resources is penalized in attempting to compete with foreign-based firms in the amount of $10,000 to $12,000 per job—the amount of duty it must pay for each reentry of its equipment.

Customs law, as set forth in the Tariff Act of 1930, does not provide a general exemption from the assessment of duty on commodities which previously were imported into the United States and for which duty was paid. The act specifically provides that the dutiable status on an article is not affected by the fact of prior entry and payment of duty; however, duty-free reentry status is afforded to certain narrowly defined categories of commodities such as personal effects and

certain specified classes of commodities utilized temporarily abroad.

The purpose of H.R. 2471 is to allow duty-free reentry of foreign-manufactured articles being returned to the United States after having been exported for use temporarily abroad in conjunction with rendition of geophysical or contracting services in connection with the exploration for or extraction of or development of natural resources provided first, that the duty previously has been paid upon importation of the equipment, and second, that the equipment is imported into the United States by the party who caused its exportation. Accordingly, this legislation would only serve to relieve parties of multiple application of duty, not the initial payment of duty, and thus would facilitate the international service operations such as are provided by a number of companies on the Louisiana-Texas Gulf Coast. This proposal is consistent with other provisions of the Tariff Act which allow duty-free reentry of goods temporarily exported.

I submit the text of H.R. 2471 for reprinting in full.

H.R. 2471

Be it enacted by the Senate and House of Representative of the United States of America in Congress assembled, That part 1 of schedule 8 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting immediately before item 802.30 the following new item:

"802.50	Rendition of geophysical or contracting services in connection with the exploration for, or the extraction or development of, natural resources.	Free	Free".

SEC. 2. The amendment made by the first section of this Act shall apply with respect to articles exported from the United States on or after the date of the enactment of this Act.●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MACKAY) is recognized for 5 minutes.

● Mr. MACKAY. Mr. Speaker, earlier this afternoon, I was enroute to the Capitol and arrived just after the vote was concluded on suspending the rules and passing H.R. 1071, the Kodiak National Wildlife Refuge bill.

Had I been present, I would have voted "no" on this measure. I concur with the comments of the gentleman from Oklahoma (Mr. JONES) that this legislation contains a massive loophole which circumvents both the budget and appropriations processes of the Congress.

Had it been possible to consider and adopt amendments which could have eliminated this serious problem, I would have been able to support what otherwise is a good piece of legislation. I am reluctant to oppose wilderness legislation, because I feel it is important—but no more important than our responsibility to be careful with the expenditure of public funds.

Mr. Speaker, I appreciate having this opportunity to make my position on this legislation known for the RECORD.●

TOXIC VICTIMS COMPENSATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. LAFALCE) is recognized for 10 minutes.

● Mr. LaFALCE. Mr. Speaker, today I am reintroducing the Toxic Victims Compensation Act.

I am taking this action so that I can make one small but highly significant change in a bill I introduced before the Easter recess to establish a new, nonexclusive Federal cause of action and an administrative compensation scheme for toxic victims.

The bill I am introducing today establishes a 3-year statute of limitations for judicial and administrative proceedings starting on the date the physical injury, illness, or property damage and the cause of the physical injury, illness, or property damage were first known to exist or should have reasonably been known to exist.

This formulation recognizes not only the difficulty of recognizing the injury, which in the case of environmentally induced disease may take as long as 20 or 30 years to develop, but also the causal connection between the injury and exposure to a hazardous substance. It is also consistent with the recommendation of the Superfund 301(e) study group.

Mr. Speaker, I believe this change is essential if we are to provide full access to the judicial system for toxic victims.

I have prepared a section-by-section review of the Toxic Victims Compensation Act which I am submitting for printing in the RECORD at this point:

TOXIC VICTIMS COMPENSATION ACT—SECTION-BY-SECTION REVIEW

Title 1: Establishes a new nonexclusive federal cause of action for victims of hazardous substances.

Establishes a three year statute of limitations for any such action starting on the date the injury, illness, or damage and the cause thereof were first known or should reasonably have been known to exist.

Establishes three conditions—the "requisite nexus"—that a plaintiff must demonstrate to establish a rebuttable presumption that his or her illness, injury, or damage is attributable to exposure to a hazardous substance:

Evidence of exposure to a hazardous substance;

Evidence that exposure is likely to cause injury, illness, or damage; and

Evidence that the plaintiff's exposure was sufficient to cause the injury, illness, or damage.

Establishes that the following persons shall be liable for damages resulting from the release of hazardous substances:

The owner or operator of a vessel or facility from which a release takes place;

Any past owners or operators;

Any transporters who transport hazardous substances to a facility of their choice from which a release takes place; and

Any third party who arranges for the transportation or disposal of hazardous substances at a facility from which a release takes place.

Limits the conditions under which there shall be no liability for any defendant to:

An act of God; an act of war; an act or omission of a third party provided that the defendant can also establish that (1) he exercised due care with respect to the hazardous substance, and (2) he took reasonable precautions against the foreseeable acts of a third party and the consequences that could reasonably result from these acts.

Authorizes the trier of fact to find the defendant liable for punitive damages if the defendant demonstrated a wanton disregard for public safety.

Actions under this title may be maintained in any court of competent jurisdiction in any State or district court of the United States.

Title 2: Authorizes the Agency for Toxic Substances and Disease Registry to conduct studies and investigations to determine if a release of a hazardous substance has occurred, whether or not the release has created the potential for injury, illness, or damage, and what is the probable extent of the injury, illness, or damage, and prepare Hazardous Substance Release Studies. Any person affected by a final determination of the agency may obtain judicial review in any district court of the United States.

Title 3: Authorizes the establishment of the Toxic Victims Compensation Board (TVCB) as an independent office within the Department of Health and Human Services (HHS).

Establishes the right of any person to file a claim with the board certification as a victim of a hazardous substance release.

Establishes that the board shall certify as a victim any claim and if it determines that the release of a hazardous substance caused physical injury, illness, or loss of any real or personal property.

Authorizes the board to require medical tests or examinations and rely on any conclusions reached by the Agency for Toxic Substances and Disease Registry pursuant to Title 2., if the claimant demonstrates that he meets those conditions established by the agency.

Any claimant certified as a victim by the board shall be entitled to benefits not exceeding $50,000.

Subrogates the board to the rights of a victim for the full amount of the benefit paid under this title. Established that the board shall have a lien, in the amount of any benefit paid out, whenever a victim recovers moneys from any person as a result of such person's liability under Title 1.

Authorizes the board to take any action to protect or enforce any subrogation or lien under this section including intervening as a third party in subsequent litigation. The board may maintain an action of its own as subrogee against liable parties if a victim declines to pursue such action.

Title 4: Establishes the Toxic Victims Compensation Fund (TVCF) for the payment of benefits awarded by the TVCB pursuant to Title 3.

Authorizes transfers from the Hazardous Response Trust Fund to pay the benefits

awarded by the TVCB to the extent that an unobligated balance exists in the fund.

Establishes that any moneys obtained by the TVCB as a result of any subrogation or lien shall be deposited in the TVCF.

Authorizes the Secretary of the Treasury to make loans to the Toxic Victims Compensation Fund that may be necessary to pay awards pursuant to Title 3.●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. NELSON) is recognized for 5 minutes.

● Mr. NELSON of Florida. Mr. Speaker, due to official business at the end of the 97th Congress, I missed several votes. If I had been present to vote, I would have voted "yes" on agreeing to approve the Journal, rollcall vote 433; "yes" on rollcall vote 486, H.R. 3809, nuclear waste policy; "yes" on rollcall vote 487, H.R. 7093, reduce rate of certain taxes paid to the Virgin Islands, and "yes" on rollcall vote 488, H.R. 6211, agreeing to a conference report on Surface Transportation Act.●

THE NUCLEAR FREEZE RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ZABLOCKI), is recognized for 5 minutes.

● Mr. ZABLOCKI. Mr. Speaker, in connection with the resumption of floor consideration tomorrow on House Joint Resolution 13, the nuclear freeze resolution, I am pleased to share with my colleagues the views of five respected former Government officials who strongly support the resolution: George Ball, former Under Secretary of State; William Colby, former Director of the Central Intelligence Agency; Clard Clifford, former Secretary of Defense; W. Averell Harriman, former Governor of New York and Under Secretary of State; and Paul C. Warnke, former Arms Control and Disarmament Agency Director and Chief SALT Negotiator.

WASHINGTON, D.C., *April 12, 1983.*

Hon. CLEMENT ZABLOCKI,
Chairman, Committee on Foreign Affairs, U.S. House of Representatives.

DEAR MR. CHAIRMAN: We are writing to express our support for H.J. Res. 13, the bilateral nuclear weapons freeze and reductions resolution in the House of Representatives. We strongly urge members of Congress to approve this resolution, and oppose any efforts to dilute and distort it.

We support reductions in the number of nuclear weapons; that is why we support the nuclear weapons freeze. A mutual and verifiable freeze offers the best hope of halting the nuclear arms race and providing a framework for initiating the complex process of reducing the nuclear arsenals of both superpowers. With a freeze in place, real reductions can be achieved, rather than reductions in some areas that are tacitly used to ratify a re-direction of the arms race to higher levels of danger and instability.

We would strongly oppose any arms control agreement that depended on U.S. trust of Soviet compliance. But our experience in nuclear arms control makes us confident that a nuclear weapons freeze can be verified—in fact, we believe that a freeze may actually be more verifiable than other arms control agreements, including the President's own START proposal. In any event, we agree with the intent of the pending freeze resolution that anything which cannot be verified will not be frozen.

In sum, we believe that America's national security will be enhanced by a nuclear weapons freeze. A bilateral freeze is the most effective way to stop the further development of dangerous and destabilizing new nuclear weapon systems, and to reduce the risk of nuclear war.

Respectfully,

George Ball, Former Under Secretary of State; William Colby, Former Director of the Central Intelligence Agency; Clark Clifford, Former Secretary of Defense; W. Averell Harriman, Former Governor of New York and Under Secretary of State; Paul C. Warnke, Former Arms Control and Disarmament Agency Director and Chief SALT Negotiator.●

SELLING AMERICA IN THE WORLD

(Mr. SIMON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. SIMON. Mr. Speaker, Ambassador Richard N. Gardner served our country from 1977 to 1981 as Ambassador to Italy. He is now a professor in law and international organization at Columbia University.

Recently in the New York Times he pointed out the deficiency of our approach to other countries.

It is a thought-provoking article that Members of the House and Senate should read.

It calls for a fundamental shift in attitude and policy, and I urge the Members of the House and Senate as well as their staffs to read the article. The article follows:

SELLING AMERICA IN THE MARKETPLACE OF IDEAS

(By Richard N. Gardner)

Alarmed by Soviet leader Yuri Andropov's peace offensive in Europe, President Reagan recently established a Cabinet-level group under the chairmanship of the national security adviser William P. Clark to "coordinate . . . national security public affairs matters of Presidential interest." He also called home our Ambassador to Ireland, Peter H. Dailey, his 1980 campaign advertising manager, to help firm up European support for the deployment of the Pershing 2 and cruise missiles.

"The President is not known as the Great Communicator for nothing," an unnamed State Department official was quoted as saying. "He is recognizing that public diplomacy plays a large part in the world."

Having spent four years on the front lines of European diplomacy as Ambassador to Italy, I read these items with mixed emotions. I felt a twinge of hope that our long years of neglect of "public diplomacy" might finally be coming to an end. I also felt concern, which has not been diminished by recent events in Washington, that the White House and the Washington bureaucracy are looking for a quick advertising fix for the current foreign policy "crisis," and have no comprehensive long-term vision of "public diplomacy" as a vital element in American foreign policy.

In these last decades of the 20th century, "public diplomacy" ought to be conceived as a nation's efforts to project its values, purposes, interests and policies to the people of other countries and to understand, in return, their values, purposes, interests and policies. It is more than just "selling" the official policy of the moment through the daily mass media, important as that element is. "Public diplomacy" has to do with assuring an effectively functioning "intellectual connection" between one's own and foreign countries.

The British, the French, the Germans and the Japanese have long understood "public diplomacy" in this broad sense and have applied resources and intelligence to programs of information, education and culture to assure the vitality of the "intellectual connection" between themselves and other societies. The United States has not. As long as this remains the case, we will lack the ability both to shape a foreign policy that takes account of the real world and to influence foreign countries in ways that are consistent with our long-term interests.

We will continue to bemoan the fact that people overseas are poorly informed about the nature of our society and our foreign policy—that so many students, workers and intellectuals in Europe, Japan and the developing countries are convinced that both the Soviet Union and the United States represent threats to their interests—and that American embassies and the American intelligence community are frequently taken by surprise by foreign developments (the collapse of the Shah's regime being only one dramatic example).

This is the real "window of vulnerability" about which we should be concerned—for it contributes to the progressive political isolation of the United States.

In fiscal year 1983, our country is spending $209 billion for national defense. In this same fiscal year, the operating budget for the United States Information Agency is about $588 million—or about 0.25 percent of our military spending. Of that amount, less than $100 million will be available for educational and cultural exchange programs. In real dollar terms, these programs are now operating at two-thirds of 1965 levels.

The Fulbright program for the exchange of scholars and students that supported the exchange of about 7,600 people in 1965 is now down to 5,000. The number of foreign leaders coming to our country each year for short visits under the International Visitor program is down to about 1,700 from a high of more than 2,400 in 1966. The book publishing program of the U.S.I.A. for foreign translation of American books has been gradually reduced since the 1960's from $10 million to $500,000 a year. The number of U.S.I.A. libraries and reading rooms overseas has been reduced from 254 in 1963 to today's 132; annual attendance at those libraries is down from 28 million in 1958 to 3.5 million.

We are thus deliberately destroying some of our principal vehicles for influencing future generations of leaders in allied, neutral and adversary nations. We are denying our foreign policy one of our greatest sources of strength as a nation—our system

of higher education and our rich pluralistic culture. We have also shamefully neglected the education of our young people in foreign languages and foreign area studies. All this seems to me the height of folly.

The consequences of this continuing neglect of "public diplomacy" in its proper sense—of our failure to give adequate support to the "intellectual connection" in our foreign policy—were painfully evident to me during my years in Rome. Here are a few representative items in an ambassadorial mosaic:

Item: In the early weeks of my tenure as Ambassador, I asked to see an Italian translation of "The Federalist," perhaps our most representative book of American political philosophy. I was told, with some embarrassment, by the embassy's cultural section that the Italian edition had been out of print for many years. I then asked for a list of Italian editions of Marx, Lenin, Stalin and other representative writers in the Soviet pantheon. The cultural office found well over 100. I also learned, through my teen-age daughter, that her best friend, an Italian girl studying for her university exam in American history, could not find anywhere in Rome an inexpensive paperback history of the United States in Italian—except for works by Italian Communists and American revisionist historians.

Item: During my last year as Ambassador, a major assignment for the embassy was to work with the Italian leadership on the deployment of the cruise missiles in Italy as part of NATO's program of theater nuclear force modernization. It was not an easy decision for Italy to make in the face of opposition by the Communist Party, representing 30 percent of the electorate.

Two Italians played a key role in Italy's courageous decision to take the missiles—the Prime Minister Francesco Cossiga, a Christian Democrat, and a Socialist leader, Lelio Lagorio, who later became Minister of Defense. Each had come to the United States on the International Visitor program—the small but significant enterprise that brings to this country for brief visits young leaders in the fields of politics, labor, journalism, education and the arts. Both told me their visits had been important in changing their hitherto skeptical attitudes toward our country.

The cost of their visits at the time was about $2,000 each, but who can put a value on the contribution that those visits may have made to Western security? Yet the International Visitor program, which once brought 200 Italians to our country each year, was down to 30 when I arrived in Italy. We used Washington's fear of Communist entry into the Italian Government to get it up to 50; as the Communist threat receded, the number slid to 30 once again. It is a measure of the shortsightedness of our Government that this program, which has a alumni of at least 35 foreign heads of state and prime ministers, has to fight every year just to stay alive, much less be funded at an adequate level.

Item: During my first year as Ambassador, I learned that we had spent tens of millions of dollars since World War II on our educational and cultural programs in Italy, but we (and the Italians) had so neglected the teaching of English that fewer than one Italian in 20 can now speak English with a reasonable degree of fluency. Both Italy and the United States share a heavy responsibility for this sad state of affairs, which continues to be an obstacle to understanding between the two countries as well as to Italy's full participation in an alliance system in which English is the basic language of communication.

After much table pounding in Washington, I was able to get a small sum of money, supplementing additional funds in Italy's own budget, to train Italian teachers of English—and, vice versa, to increase aid to our rapidly growing but inadequately staffed Italian language programs in American schools. But the level of American effort in this area is still pitifully small—as is the support given by both the Italian and American Governments to the teaching of American history, literature and contemporary civilization in Italian schools and universities.

Item: When my wife and I arrived in Rome, we naturally asked to see the embassy guest lists. Whom an ambassador invites to receptions, dinners and cultural events not only does much to determine his capacity to understand and influence the leadership of a foreign country, it also shapes the leadership's perception of him and the Administration he represents.

So we were surprised to find that key editors, journalists, trade union leaders, scholars, artists and writers had been notable by their absence from embassy functions. From the cultural world, for example, the Ambassador's residence had not seen Federico Fellini or Linda Wertmuller, Giacomo Manzu or Renato Guttuso, Leonardo Sciascia or Alberto Moravia. They had not been invited, we were told, because they were "left wing." And, of course, they were: They were Socialists and radicals and some were even Communists. But they were also prime movers in the world of ideas—artists, writers, film makers, who helped shape Italy's values.

These and other figures from the intellectual and artistic world, including, of course, missing moderate and conservative personalities, were quickly added to our guest lists. It turned out that some of the "leftists" could be good friends of the United States, given half a chance.

Item: During most of my service as Ambassador, there was no one in our embassy, including our large information and cultural section, who knew anything about the history of ideas in Italy or who even cared to find out. This was damaging our embassy's effectivness politically as well as culturally, since the contemporary clash of political ideas in Italy cannot be understood except in historical context.

One day, I asked a cultural affairs officer to perform a service for himself and other members of our embassy by preparing a memorandum on some of the great thinkers whose ideas have shaped contemporary Italy—Giuseppe Mazzini, intellectual father of the Risorgimento; Antonio Gramsci, the patron saint of Italian Communism; Filippo Turati, the Democratic Socialist; Luigi Sturzo, founder of modern Christian Democracy, and Benedetto Croce, the liberal philosopher. But the cultural affairs officer told me I had made an unreasonable request: neither he nor anyone on his staff could prepare such a memo. Not only that, but writing memos about the ideas that had shaped modern Italy was not part of his job description. In despair, I accepted a compromise: In place of the memo we circulated photocopies of the relevant entries in the Encyclopedia of the Social Sciences.

Item: On the eve of my departure for Rome, I asked the Council on Foreign Relations to assemble members of that small band of American scholars who make a profession of studying contemporary Italy. Inevitably, the dominant question of the meeting was the Italian Communist Party, which then seemed on the threshold of power. I expressed misgivings about what Communist entry into an Italian Government might mean for the Western alliance and cited the stridently anti-American tone of the Communist and pro-Communist press.

A young Harvard professor, then much in vogue as the American interpreter of "Eurocommunism," interjected: "You don't understand: The Italian Communist Party is not anti-American." Several years later, I gave him a fat collection of clippings from the Italian Communist press, a veritable treasure of anti-American calumnies, including insinuations that the United States was behind the Red Brigades and the murder of Aldo Moro. It moved him not at all, for the principal influence on his thinking was what party leaders had been telling him in the United States, not what the party was actually saying and doing in Italy. (Eventually I concluded that our academic community has only three or four people who really qualify as experts on contemporary Italy. I know of none in the United States Government.)

These pieces of an ambassadorial mosaic illustrate some deficiencies in our "intellectual connection" with the rest of the world. What is to be done? I shall venture some specific remedies in a moment, but first it may be useful to consider some basic ideas of which any reform program should take account.

I begin by recalling the advice I received from the Italian journalist Luigi Barzini when I began my service in Rome. "The most important thing you can do," he said, "is to radiate American ideals." Not such bad advice for an ambassador. But, of course, an ambassador can do this effectively only if our foreign policy itself also "radiates American ideals."

If we give the impression to the world that we do not know the difference between dictatorships and democracies, if we give uncritical support to "authoritarian" regimes in the name of anti-Communism, if we seem to lack a genuine commitment to arms control, if we appear indifferent to critical world issues like poverty, hunger and environmental degradation, and if we break with our bipartisan tradition of American leadership in the quest for a rule of law among nations, we cannot expect enthusiastic support from thoughtful people in other countries.

We seem to have forgotten the obvious truth that you don't defend national security with arms alone. The Soviet SS-20 missile is a threat to European security, but just as great a threat is the slow and steady erosion of common values and interests that is the foundation of the Atlantic alliance. More than a quick-fix advertising campaign will be necessary to meet this challenge.

Our overseas educational and cultural programs will not be successful if they are little more than exercises in anti-Soviet propaganda. Charles Z. Wick, the head of U.S.I.A., told a Congressional committee: "We are refuting the massive Soviet campaign of disinformation and misinformation about us and our intentions in the world. . . . We must recognize, however, that this agency is a critical component of our national security apparatus, and that we are waging a war of ideas with our adversaries."

This seems to me a very incomplete description of what the U.S.I.A. should be doing—yet it has become the dominant

theme in the Reagan Administration. Doubts about the U.S.I.A.'s excessively strident and narrowly ideological approach are behind the skepticism that both Democratic and Republican members of Congress are now expressing about "Project Democracy"—the Reagan Administration's still undefined initiative to promote democratic values and institutions around the world. If our cultural and educational programs are conceived as in the service of a "war" or "crusade" against our adversaries, if they seem to reflect only the limited views of a particular United States Administration on the meaning of the democratic experience, they will be distorted from their proper purposes—"radiating American values" to the world and building the "intellectual connection" with foreign societies.

Obviously there is a crucial role for the informational arm of the United States Government—including the combating of Soviet disinformation—and the current strengthening of the Voice of America is long overdue. But there is another function to be performed, separate from this tactical, day-to-day, foreign-policy-related role: It is the function of educational and cultural relations, which is now, sadly, increasingly subordinated to the propagandistic and political.

Consider what is happening to one of the most valuable programs we have in the educational and cultural field—the "American Participants" program, which sends American scholars and professional people abroad for short periods to give lectures and meet with foreign counterparts. In previous Administrations, Republican and Democratic, there was never a partisan loyalty test applied to the lecturers chosen to go abroad under those programs. One of the great strengths of the "American Participants" program was that it reflected our pluralistic society with a diversity of American views. But today someone under consideration to participate in this program is asked if he is prepared to support the foreign policy of the Reagan Administration. As the word gets around that we are running a propaganda agency for current policy, the credibility and effectiveness of the program in foreign countries will be fatally compromised.

So much for the philosophy of what we should be trying to do. Now for some proposals about how to do it. If we are really concerned to remedy our flawed "intellectual connection" with foreign societies, here are four areas where changes will be required:

First and foremost, we need a top-to-bottom improvement in the quality of the people who represent us overseas. Americans have fallen into the habit of thinking that ambassadors and embassies have become irrelevant luxuries, obsolete frills in an age of instant communications. We make the mistake of thinking that if a sound foreign policy decision is approved at the State Department or the White House, it does not much matter how it is carried out in the field. This is a dangerous illusion indulged in by no other major country.

Ambassadors today need to perform multiple roles. They should be the "eyes and ears" of the President and Secretary of State; advocates of our country's foreign policy in the upper reaches of the host government; resourceful negotiators in bilateral or multilateral diplomacy. They should also "radiate American values" as intellectual, educational and cultural emissaries, communicating what our country stands for to key interest groups and intellectual leaders as well as to the public at large. To this end the Congress provided in the Foreign Service Act of 1980 that "ambassadors should possess knowledge of the language and of the history, culture, economic and political institutions of the country to which they are accredited."

That was a good law. The trouble is, it isn't being applied. The issue here is not one of "career" versus "political" appointees. The issue is the professional and personal qualities that a particular appointee brings to service in the country of his assignment, including knowledge of the language.

Would anyone consider a foreign ambassador in Washington to be qualified who could not read The Washington Post or The New York Times, could not understand what was being said on the evening news, could not talk on delicate matters without an interpreter to Congressmen, columnists or leading officials of the country? And suppose he neither knew English nor had any previous knowledge of our country—and indeed, had no diplomatic experience at all?

No less serious is the situation below the ambassadorial level, where the job of making the "intellectual connection" falls mainly to the Foreign Service and the career service of the United States Information Agency. Both services, of course, still contain some highly qualified people. But there has been an alarming exodus of senior career officers opting for early retirement in both the State Department and the U.S.I.A. in exasperation with less than competitive salaries and the filling of jobs with unqualified political appointees.

The new recruits are of uneven quality, and this should not surprise us. A young person entering either of these career services today begins at a salary of about $20,000 a year, while our best law and business-school graduates begin at more than $40,000. Unless we give urgent consideration to improving the financial and professional rewards of Foreign Service and U.S.I.A. career-service employees, their quality will continue to decline—and with it the quality of our intellectual connection as well as our general diplomacy.

We have tried a variety of institutional arrangements for the conduct of international educational and cultural programs since their beginnings in 1938. Five years ago, the Carter Administration eliminated the State Department's Bureau of Educational and Cultural Affairs, merging its functions with informational activities in a single agency, the International Communication Agency (now renamed the United States Information Agency). The merger, as many predicted at the time, was a serious mistake. The U.S.I.A.'s short-term informational functions have tended (more than ever in this Administration) to dominate and distort the educational and cultural programs.

The time has come to separate these functions again. One possibility is to move educational and cultural affairs back into the Department of State, but this will work only if the Secretary of State is prepared to appoint a non-political personality of superior quality from the private sector to the re-created post of Assistant Secretary for Educational and Cultural Affairs, with the necessary independence to assure the integrity of these essential programs. If this cannot be done, we should consider a second option—setting up a hybrid public-private foundation, as the former Assistant Secretary of State for Educational and Cultural Affairs Charles Frankel once proposed, supported by both Government and private funds to carry out the educational and cultural exchange programs.

Changes in the Washington organization would need to be matched by changes overseas. Our cultural affairs officers now work under the authority of a counselor for public affairs (the head of the U.S.I.A. in embassies abroad), whose main responsibility is informational support of our day-to-day foreign policy requirements. In other words, the embassies reflect the same subordination of the cultural and educational programs that currently characterizes the Washington headquarters.

To change this, we should create a separate and upgraded counselor for cultural affairs, who would report directly to the ambassador. We could then attract distinguished people from our universities and centers of culture to take two- to three-year appointments as cultural counselors, at least in key countries such as Italy.

Without significantly increasing financial resources, no reforms in the personnel system or organizational setting will remedy our flawed "intellectual connection." Unfortunately, the present Administration has so far accorded relatively low priority to the educational and cultural dimension of public diplomacy in its budgetary decisions.

In 1981, when President Reagan proposed a 12 percent across-the-board spending cut by Federal agencies, the Director of the U.S.I.A. decided to apply the cut almost entirely to the educational and cultural programs. This would have meant a 60 percent reduction in the Fulbright and International Visitor programs. The Fulbright program would have ended in 61 countries, mainly in the third world, where the Soviet Union already offers more than seven times as many fellowships as the United States. Fortunately, there was such a protest from the Congress, from the academic world and from the press that the U.S.I.A. was forced to reverse its decision. The Reagan Administration then asked and received a level of funding for fiscal 1983 which, after inflation, is marginally higher than it was for 1982 and previous years.

An amendment sponsored by Senator Claiborne Pell, Democrat of Rhode Island, and passed by the last Congress calls on the U.S.I.A. to double its exchange programs. I believe we should go still further. We should quadruple the Fulbright, International Visitor, and book and library programs in stages over the next several years. The annual cost would be equal to that of four F-15 aircraft or one-quarter of a Trident submarine. We can afford both a strong defense and a fully funded public diplomacy. What will it avail us to have the most modern weapons if we wind up with no friends and allies?

During my four years in Italy I came to be preoccupied not only by the decline in our overseas cultural and educational programs, but also by the shocking neglect of our nation's domestic programs in foreign languages and foreign studies. Of the more than 1,000 positions in the State Department identified as requiring foreign language ability, only two-thirds are now adequately filled. In an excellent polemic on this subject, "The Tongue-Tied American," Representative Paul Simon, Democrat of Illinois, recounts a telling detail: At our American Embassy in Teheran in 1978, the year the Shah was overthrown, only six of the 60 Foreign Service officers were even minimally proficient in Farsi, the language of the country.

How well are we preparing our young people for the world of today—not to mention the world of the 21st century in which they will be reaching the peak of their professional careers? Only 5 percent of the Americans graduating from college can function adequately in a language other than their mother tongue. Only 1 percent of our private and public elementary schools offer any foreign language at all—and often that language is taught by people with little enthusiasm or expertise. Yet we all know that languages are best learned very early, preferably beginning when students are in the third or fourth grade.

Four years ago, the President's Commission on Foreign Language and International Studies, headed by the educator James A. Perkins, described our nation's incapacity in languages and foreign studies as "scandalous." That report was presented to President Carter and quickly forgotten. The Reagan Administration has shown little interest in the problem. Indeed, in its budget for fiscal year 1984, it has proposed to eliminate all funding for foreign language and foreign studies in Title VI of the Higher Education Act.

In the face of such indifference, it is now up to Congress and to academic, business and professional groups around the country to ask that language requirements be re-established in our major universities and that language and foreign studies be given greater priority.

Finally, and perhaps most important, we should start teaching languages in the third or fourth grade of our public and private schools. Some local educational systems are finally moving to do this. But our Federal Government must take responsibility for financing a national effort in a matter that is so fundamental to the security of our nation and the welfare of our people. That is the central message of the National Council on foreign Language and international Studies, a group of private citizens established as a result of the Perkins report, which is mobilizing support for the report's recommendations in the Congress and the private sector.

Lyndon Johnson was not a popular President with the American intellectual community. Yet, of all our Presidents, it was he who best defined our national agenda in public diplomacy in a speech at the Smithsonian Institution in 1965:

"We know today that . . . ideas, not armaments, will shape our lasting prospects for peace; that the conduct of our foreign policy will advance no faster than the curriculum of our classrooms, and that the knowledge of our citizens is the treasure which grows only when it is shared.

"That is why I have directed a special task force within my Administration to recommend a broad and long-range plan of worldwide educational endeavor.

"First, to assist the education effort of the developing nations and the developing regions.

"Second, to help our schools and universities to increase their knowledge of the world and the people who inhabit it.

"Third, to advance the exchange of students and teachers who travel and work outside their native lands.

"Fourth, to increase the free flow of books and ideas and art, of works of science and imagination.

"And fifth, to assemble meetings of men and women from every discipline and every culture to ponder the common problems of mankind."

The principal drafter of President Johnson's speech 18 years ago was that pioneer in enlightened public diplomacy, Charles Frankel. How long must we wait until another President, aided by someone like Charles Frankel, will speak again in that way, summoning us to our responsibilities as a nation?●

INTRODUCTION OF AN INTERSTATE COMPACT FOR MISSOURI RIVER BASIN STATES

(Mr. YOUNG of Missouri asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. YOUNG of Missouri. Mr. Speaker, I am today introducing legislation similar to a bill I introduced in the 97th Congress which calls for the States of the Missouri River Basin to enter into and negotiate an interstate compact for the fair and equitable allocation of water of the Missouri River and its tributaries.

Mr. Speaker, I have modified the legislation in order to satisfy the concerns that have been expressed by some of the upstream States of the basin. The original bill I introduced in the 97th Congress contained a provision which required that any allocation of water made by a compact shall not cause deterioration in the water quality of any State in the basin, or shall not reduce the navigational capacity of the Missouri River. I have deleted that provision from this version of the bill. I am confident that these concerns will be addressed whenever serious negotiations are underway by the States to allocate the water of the Missouri River.

There is absolutely no question that future proposals for the diversion of Missouri River water will continue to plague the States in the basin. Many of these diversion plans will inevitably impact on water quality and the navigational carrying capacity of the river. Any substantial diversion of Missouri River water, such as millions of acre-feet, would drastically affect water transportation and vessel safety. Water transportation would either cease or become less efficient when water levels for navigation are decreased. Accident rates, and the potential for serious economic and enivonmental harm, is increased during periods of low flow. The basic point is that any major diversion would seriously affect navigation, drinking water supply, industrial use, and commercial fishing activities.

Mr. Speaker, as the Congress and the American people have become increasingly aware, water is the most critical long-range problem facing the Nation. The inevitable shortage of clean, usable water poses a potentially more severe problem than the energy crisis. However, we have all come to know, that America's water problems are not new. The water crisis has been quietly building for many years. With recent droughts in the Northest and West, and surface groundwaters becoming increasingly polluted, the people of America must realize that our most vital natural resources can no longer be taken for granted.

As a member of the committee having related jurisdiction over water resources, the evidence presented to our committee suggests that signs of the impending crisis are everywhere. During the last few years, many of the Western States were experiencing drought conditions so severe that farmers were comparing it to the Dust Bowl period of the 1930's. The Northeastern States have seen serious water shortages due to the contamination of surface and ground water resources. It is estimated that in less than 20 years, every region of the country will confront severe water shortages unless we as a Nation recognize that we cannot continue to waste and pollute our most precious, life-giving commodity—water. As with any major natural resource, the hundreds if not thousands of local water problems across the country are building into an enormous national crisis.

The challenge now before the American people, to insure adequate water supplies, will have a profound effect on America's future growth. As every farmer knows, water means the difference between feast or famine. Irrigation for the Nation's farmers has almost tripled in the last 30 years. The water used for irrigation of our crops consumes more than 80 percent of all the water used in the Nation. In most cases, farmers in the West are pumping water from underground sources faster than nature can replace it. To a large extent, this is due to the substantial Federal subsidies for western water which causes artificially low prices and thus, they have no incentive to conserve this vital resource. Nearly 90 percent of the water in the West is used for irrigation, thus, competing against the growth of our cities and towns to use the water for drinking supplies, manufacturing and the production of critical energy resources.

It is due to these various problems with our water supplies that I have introduced a comprehensive interstate compact bill which I believe can resolve these questions equitably.

Mr. Speaker, a strong argument can be made for the formation of an interstate compact among the States of the Missouri River basin. The first interstate water compacts predated the Constitution itself, originating under the Articles of Confederation. The earliest compacts were interstate agreements dealing with boundary problems, navigation and fishing rights. Recognizing the value of these interstate agreements, our Founding Fathers specifically created a "com-

pact clause" in article I of the U.S. Constitution.

As large numbers of the population moved westward in search of economic and social opportunities, problems moved with them. When the number of people in an area increased to the point that water resources became in short supply relative to the demand, agreements were negotiated under which the water resources could be equitably divided among the sovereign States eventually developed into interstate river compacts.

Today, there are 20 major interstate river compacts in the United States that allocate water between and among the States.

Legislation which I have introduced today is patterned after the recommendation suggested 30 years ago by the Missouri Basin Survey Commission, and endorsed by Presidents Truman and Eisenhower.

The purpose of my legislation is to facilitate the industrial and agricultural development of the Missouri basin through a unified intergovernmental program for the management, conservation, storage, utilization, and development of the land and water resources of the basin. The compact would establish a Missouri River Interstate Compact Commission of the U.S. Government and the participating States to integrate the programs and operations of State and Federal agencies and to eliminate the causes of present and future controversies by securing Federal-State and interstate coordination.

The Missouri River Interstate Compact Commission would be composed of one member from each of the 10 States designated or appointed by the Governor with the advice and consent of each State senate and one member appointed by the President of the United States. The Commission would have the authority to develop comprehensive policies to effectuate integrated operation in the release, storage, or diversion of the waters of the Missouri basin.

If the Commission found that the operations of a governmental agency or private development having a substantial effect on interstate relations in the use of the waters of the Missouri River would conflict with a negotiated plan of integrated operation, it might make or adopt such recommendations and policies as necessary for action. The Commission would promote and aid the coordination of the activities of Federal and State water or other related natural resource planning agencies in the development and management of the resources.

It would make and negotiate integrated plans for the conservation and development and utilization of the water resources and submit the same to the member governments and the Congress. The Interstate Commission would evaluate and analyze and assess all proposals as to insure the control of future pollution and the abatement of existing pollution in the waters of the Missouri River basin. Since water pollution constitutes a grave menace to the health, welfare, and recreational facilities of the people living in the downstream States and could occasion great economic loss within the region, the protection of the water resources from pollution can best be accomplished through the cooperation of the States in an interstate compact.

Mr. Speaker, as I have stated before, States with a common problem, have established planning and coordination by interstate compact. In my own State, the Bi-State Development Agency was set up by Missouri and Illinois in 1949 for the Greater St. Louis area to deal with problems of sewage disposal, drainage, coordination of water supplies, highways, and other regional problems.

The Missouri River is an interstate stream and the rights and interests of all basin States to their equitable share of those waters must be respected. My legislation would promote and foster coordinated planning and decisionmaking while resolving interstate water conflicts.

In 1973, the National Water Commission recommended the interstate compact approach for dealing with regional water problems rather than through federally directed and dominated programs or by actions of the courts. Their recommendation specifically states:

> The Federal interstate compact is recommended as the preferred institutional arrangement for water resources planning and management in multistate regions.

The Federal-interstate compact has been used successfully in the Delaware River Basin, the Upper and Lower Colorado River Basins, as well as one of the Missouri's main tributaries, the Yellowstone River. Other avenues exist to resolve interstate disputes such as congressional apportionment of the river or the apportionment of the river by the U.S. Supreme Court. However, these mechanisms would appear to be more devisive. Certainly, a direct attack on a single water user will produce no lasting resolution and may even serve to prejudice the legitimate claims that an adjoining State may have to its fair share of this vast river system in the future.

Already, Missouri, Iowa, and Nebraska are extremely concerned about proposals to divert Missouri River water to the State of New Mexico and the high plains to replace water being drained from the Ogallala Aquifer. These States have already entered into litigation to prohibit the diversion of Missouri River water for a proposed energy project which would help free America from dependence on foreign oil.

On July 2, 1982, the U.S. Supreme Court issued its decision on Sporase against Nebraska. The opinion is consistent with its prior decisons recognizing the States' primary role in regulating water use and reaffirms the power of the Congress to delegate to the States its commerce clause powers. Under the commerce clause, Congress was granted the authority to regulate commerce among the several States. It is generally held that any State law or regulation which unreasonably burdens and interferes with interstate commerce is unconstitutional. Under the decision of the Court, water is not substantially different from oil or gas insofar as the export of the product is concerned. Water rights are freely marketed. The water itself is bought and sold as a commodity in every municipal water system for municipal and industrial use. Water is clearly an article of commerce and can be exported in a pipeline from State to State, either as a product for sale, or as a medium for the transportation of other products in solution. As an article of commerce, water is unquestionably subject to Federal regulation and control. This is no different than instrumentalities that facilitate the movement of items in interstate commerce, such as highways, communication systems, navigable waterways, and interstate natural gas pipelines. All of these are subject to Federal control and regulation.

The Federal Government is a participant, in a sense, in all compacts since they require congressional consent. The Federal Government participated in the negotiation leading up to all of the western water compacts. The United States has not signed as a party to any of these compacts. While the Constitution does not expressly mention agreements between the United States and a State, the Federal Government has made such agreements in the past and their validity has received judicial recognition when a function or power of the United States was furthered.

The mechanics of the compact approach are simple. Congressional consent in advance to interstate compact negotiations is traditional. By it no irrevocable step is taken, since the draft of the negotiations is subject to final ratification. All that is needed to give the impetus that might produce truly comprehensive, optimum development of water and land resources through the joint efforts of the Federal Government and the States is the enactment of the bill I have introduced today.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. LLOYD (at the request of Mr. WRIGHT), for April 12 and April 13, on account of illness.

Mr. WIRTH (at the request of Mr. WRIGHT), for today, on account of official committee business.

Mr. HORTON (at request of Mr. MICHEL), for today and the balance of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. COELHO, for 60 minutes today, immediately following the special order of Mrs. BOXER.

Mr. MINETA, for 60 minutes today, immediately following the special order of Mr. COELHO.

(The following Members (at the request of Mr. NIELSON of Utah) to revise and extend their remarks and include extraneous material:)

Mr. BATEMAN, for 5 minutes, on April 13, 1983.

Mr. RITTER, for 10 minutes, today.

(The following Members (at the request of Mr. SWIFT) to revise and extend their remarks and include extraneous material:)

Mr. JONES of North Carolina, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. WEAVER, for 5 minutes, today.

Mrs. BOGGS, for 5 minutes, today.

Mr. MACKAY, for 5 minutes, today.

Mr. LAFALCE, for 10 minutes, today.

Mr. NELSON of Florida, for 5 minutes, today.

Mrs. OAKAR, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. CONTE, on House Resolution 67, in the House today.

Mr. SIMON, and to include extraneous matter notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,449.

Mr. SLATTERY, and to include extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $4,830.

(The following Members (at the request of Mr. NIELSON of Utah) and to include extraneous matter:)

Mr. O'BRIEN.
Mr. WINN.
Mr. CLINGER.
Mr. YOUNG of Alaska.
Mr. MICHEL in 10 instances.
Mr. FORSYTHE.
Mr. SHUMWAY.
Mr. WOLF.
Mr. PORTER.
Mr. LIVINGSTON.
Mr. CRAIG.
Mr. ROTH in two instances.
Mrs. JOHNSON in two instances.
Mr. DANNEMEYER.
Mr. RINALDO.
Mrs. SMITH of Nebraska.
Mr. GOODLING.
Mr. WEBER.
Mr. BOEHLERT.
Mr. YOUNG of Florida in 10 instances.
Mr. PASHAYAN.
Mr. MARTIN of North Carolina in two instances.
Mr. HYDE.

(The following Members (at the request of Mr. SWIFT) and to include extraneous matter:)

Mr. RICHARDSON in three instances.
Mr. TRAXLER.
Mr. GAYDOS.
Mr. ANTHONY.
Mr. PANETTA.
Mr. WON PAT.
Mr. OTTINGER in five instances.
Mr. SIKORSKI.
Mr. SKELTON.
Mr. MILLER of California.
Mrs. SCHROEDER in two instances.
Mr. HAMILTON.
Mr. THOMAS of Georgia.
Mr. EDGAR.
Mr. EVANS of Illinois in 10 instances.
Mr. BOLAND.
Mr. MATSUI.
Mr. SIMON in five instances.
Mr. VOLKMER.
Mr. DELLUMS.
Mr. HUBBARD.
Mr. KOLTER.
Mr. CORRADA.
Mr. MCDONALD in five instances.
Mr. BERMAN in two instances.
Mr. LUNDINE.
Mr. ROSE.
Mr. ZABLOCKI.
Mr. DASCHLE in five instances.
Mr. VENTO.
Mr. BEILENSON.
Mr. GEJDENSON.
Mr. MOLLOHAN.
Mr. PEPPER.
Mr. DE LA GARZA in 10 instances.
Ms. KAPTUR.
Mr. SCHEUER.
Mr. HOYER.
Mr. APPLEGATE.
Mr. SHELBY.
Mr. DONNELLY in two instances.
Mr. LEVITAS.
Mr. WAXMAN.
Mr. COELHO.
Mr. OBEY.
Mr. CHAPPELL.
Mr. BARNES.
Mr. FASCELL.
Mr. DYSON.
Mr. WEISS.

BILL PRESENTED TO THE PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 1900. An act to assure the solvency of the social security trust funds, to reform the medicare reimbursement of hospitals, to extend the Federal supplemental compensation program, and for other purposes.

ADJOURNMENT

Mr. MINETA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 35 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, April 13, 1983, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

874. A letter from the Assistant Secretary (Management and Administration), Department of Energy, transmitting a report on a violation of the Anti-Deficiency Act, pursuant to section 3679(i)(2) of the Revised Statutes, as amended; to the Committee on Appropriations.

875. A letter from the Assistant Secretary (Management and Administration), Department of Energy, transmitting a report of a violation of the Anti-Deficiency Act, pursuant to section 3679(i)(2) of the Revised Statutes, as amended; to the Committee on Appropriations.

876. A letter from the Assistant Secretary (Management and Administration), Department of Energy, transmitting a report on a violation of the Anti-Deficiency Act, pursuant to section 3679(i)(2) of the Revised Statutes, as amended; to the Committee on Appropriations.

877. A letter from the Assistant Secretary (Management and Administration), Department of Energy, transmitting a report on a violation of the Anti-Deficiency Act, pursuant to section 3679(i)(2) of the Revised Statutes, as amended; to the Committee on Appropriations.

878. A letter from the Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics), transmitting a report on the adequacy of pay and allowances of the Armed Forces, pursuant to 37 U.S.C. 1008(a); to the Committee on Armed Services.

879. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend section 709 of title 32, United States Code, to eliminate the requirement that notice of termination be given 30 days in advance to National Guard technicians who serve under temporary appointments; are serving in their trial/probationary period; or who voluntarily cease to be National Guard members; to the Committee on Armed Services.

880. A letter from the Secretary of Housing and Urban Development, transmitting a report on the changing financial environ-

ment and the FHA's role in 1- to 4-family housing, pursuant to section 336(e) of the Housing and Community Development Act of 1980; to the Committee on Banking, Finance and Urban Affairs.

881. A letter from the Secretary of Housing and Urban Development, transmitting a report on housing counseling, pursuant to a request of the Senate Committee on Appropriations in connection to Public Law 97-272; to the Committee on Banking, Finance and Urban Affairs.

882. A letter from the Director, Office of Government Relations, Washington Metropolitan Area Transit Authority, transmitting the Authority's audit covering fiscal year 1982, pursuant to section 70(a) of the WMATA Compact; to the Committee on the District of Columbia.

883. A letter from the Secretary of Education, transmitting proposed final regulations on student assistance general provisions, pursuant to section 431(d) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

884. A letter from the Chief Executive Officer, National Commission on Student Financial Assistance, transmitting a copy of the study of the special allowance formula program of the guaranteed student loan and of the satisfactory academic progress standards for Federal-aid recipients, pursuant to provisions of Public Law 96-374; to the Committee on Education and Labor.

885. A letter from the Director, Office of Legislative Affairs, U.S. International Development Cooperation Agency, transmitting a list of new contracts having a total estimated cost or price in excess of $100,000 which the Agency entered into without competitive selection procedures during the period October 1, 1981, to September 30, 1982, pursuant to section 634(a) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

886. A letter from the Secretary of Transportation, transmitting a report on the Commission's activities under the Freedom of Information Act during calendar year 1982, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

887. A letter from the Deputy Inspector General, Department of Labor, transmitting report of the Department's Inspector General regarding a computer match of beneficiaries of State unemployment insurance and Health and Human Services and Veterans' Administration payroll records, pursuant to Public Law 95-452; to the Committee on Government Operations.

888. A letter from the Chairman, U.S. International Trade Commission, transmitting a report on the Commission's activities under the Freedon of Information Act during calendar year 1982, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

889. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting notice of proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

890. A letter from the Secretary of the Interior, transmitting the annual report for fiscal year 1982 on administration of the Helium Act, pursuant to section 16 of the act; to the Committee on Interior and Insular Affairs.

891. A letter from the Secretary of the Interior, transmitting notice of the leasing systems to be used in the oil and gas lease sale in the Central Gulf of Mexico, to be held on May 25, 1983, pursuant to section 8(a)(8) of the Outer Continental Shelf Lands Act, as amended; to the Committee on Interior and Insular Affairs.

892. A letter from the Director, Department of the Interior (Minerals Management Service), transmitting notice of the proposed refund of $152,032.33 in excess royalty payments to Chevron U.S.A. Inc., Texoma Production Co., Phillips Petroleum Co., Shell Oil Co., and Union Oil Co. of California, pursuant to section 10(b) of the Outer Continental Lands Act of 1953, as amended; to the Committee on Interior and Insular Affairs.

893. A letter from the Director, Administrative Office of the United States Courts, transmitting a draft of proposed legislation to amend section 3006A of title 18, United States Code, to improve the delivery of legal services in the criminal justice system to those persons financially unable to obtain adequate representation, and for other purposes; to the Committee on the Judiciary.

894. A letter from the Secretary, the Foundation of the Federal Bar Association, transmitting the audit report of the Foundation for the fiscal year ending September 30, 1982, pursuant to section 3 of Public Law 88-504; to the Committee on the Judiciary.

895. A letter from the Administrator, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting the ocean thermal energy conversion report for fiscal year 1982, pursuant to section 405 of Public Law 96-320; to the Committee on Merchant Marine and Fisheries.

896. A letter from the Regional Director, Fish and Wildlife Service, Department of Interior, transmitting, a 1982 annual progress report on the New England Atlantic salmon program; to the Committee on Merchant Marine and Fisheries.

897. A letter from the Assistant Secretary of Energy (Conservation and Renewable Energy), transmitting notice of a delay on the fiscal year 1983 annual revision of the ocean thermal energy conversion program management plan, pursuant to section 3(d) of Public Law 96-310; to the Committee on Science and Technology.

898. A letter from the Comptroller General of the United States, transmitting a report on analysis of DOD's claimed budgetary savings through management reforms, (LRD-83-61, April 4, 1983); jointly, to the Committees on Government Operations, Armed Services, and Appropriations.

899. A letter from the Administrator, Veterans' Administration, transmitting a report on cases in which equitable relief from administration error was granted, pursuant to 38 U.S.C. 210(c)(3)(B); to the Committee on Veterans' Affairs.

900. A letter from the Assistant Secretary (Civil Rights), Department of Education, transmitting the 1981 and 1982 annual report summarizing the compliance and enforcement activities of the Office for Civil Rights, pursuant to section 203(b)(1) of public Law 96-88; Jointly, to the Committees on Education and Labor and the Judiciary.

901. A letter from the Comptroller General of the United States, transmitting a report on the examination of the National Consumer Cooperative Bank's financial statements for fiscal year ended September 30, 1981, and the quarter ended December 31, 1981 (GAO/AFMD-83-45); April 7, 1983); jointly, to the Committees on Government Operations and Banking, Finance and Urban Affairs.

902. A letter from the Comptroller General of the United States, transmitting a report on the review of the U.S. Synthetic Fuels Corporation's financial statements for the fiscal year ended September 30, 1982 (GAO/AFMD-83-52; April 12, 1983); jointly, to the Committees on Government Operations; Banking, Finance and Urban Affairs; and Energy and Commerce.

903. A letter from the Secretary of Energy, transmitting a status report on the comprehensive management plan for nuclear safety research, development, and demonstration, pursuant to section 8 of Public Law 96-567; Jointly, to the Committees on Science and Technology, Energy and Commerce, and Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 10. A bill to amend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965; with an amendment (Rept. No. 98-52, Pt. I). Ordered to be printed.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 1878. A bill to improve the international ocean commerce transportation system of the United States; with amendments; referred to the Committee on the Judiciary for a period ending not later than July 1, 1983, for consideration of such provisions of the bill and amendments as fall within that committee's jurisdiction under clause 1(m), rule X (Report No. 98-53, Pt. I). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MILLER of California (for himself, Mr. FORD of Michigan, Mr. ROYBAL, Mr. FRANK, Mr. MARTINEZ, Mr. KILDEE, Mr. OWENS, Mr. CORRADA, Mrs. SCHROEDER, Mr. HARRISON, and Mr. CLAY):

H.R. 2466. A bill to amend the Immigration and Nationality Act with respect to admission of nonimmigrant workers to the United States for temporary employment, and for other purposes; jointly, to the Committees on the Judiciary and Education and Labor.

By Mr. BARNES:

H.R. 2467. A bill to amend the Export Administration Act of 1979 to restrict the export of goods which have been found to be hazardous to the public health; to the Committee on Foreign Affairs.

By Mr. BEREUTER:

H.R. 2468. A bill to amend the Internal Revenue Code of 1954 to provide that a

spouse having less than $250 of compensation shall not be disqualified from having a spousal individual retirement account; to the Committee on Ways and Means.

By Mr. BETHUNE (for himself and Mrs. ROUKEMA):

H.R. 2469. A bill to prohibit the production of lethal binary chemical munitions by the United States and to call on the President to continue and intensify recently begun efforts in the Committee on Disarmament with the governments of the Soviet Union and other countries to achieve an agreement establishing a mutual and verifiable ban on the production and stockpiling of such munitions; jointly, to the Committees on Armed Services and Foreign Affairs.

By Mr. RUSSO (for himself, Mr. DOWNEY of New York, Mr. BIAGGI, and Mr. SCHEUER):

H.R. 2470. A bill to amend the Internal Revenue Code of 1954 to provide that the excise tax on handguns will be transferred to a trust fund to be used for purposes of providing compensation to victims of crime, and for other purposes; jointly, to the Committees on the Judiciary and Ways and Means.

By Mrs. BOGGS:

H.R. 2471. A bill to apply duty-free treatment with respect to articles exported for purposes of rendering certain geophysical or contracting services abroad and returned; to the Committee on Ways and Means.

By Mr. COATS:

H.R. 2472. A bill to amend the Internal Revenue Code of 1954 to provide for the establishment of, and the deduction of contributions to, housing savings accounts; to the Committee on Ways and Means.

By Mr. CRAIG (for himself, Mr. HANSEN of Idaho, Mr. YOUNG of Alaska, Mr. PAUL, Mr. FOLEY, and Mr. MORRISON of Washington):

H.R. 2473. A bill to provide for the disposal of silver from the national defense stockpile through the issuance of silver coins; jointly, to the Committees on Banking, Finance and Urban Affairs and Armed Services.

By Mr. DELLUMS (for himself, Mr. EDWARDS of California, Mr. MINETA, and Mr. STARK):

H.R. 2474. A bill to amend the Wild and Scenic Rivers Act by designating a segment of the Tuolumne River in California as a component of the National Wild and Scenic Rivers System; to the Committee on Interior and Insular Affairs.

By Mr. DUNCAN (for himself, Mr. MCKINNEY, and Mr. JEFFORDS):

H.R. 2475. A bill to amend the Internal Revenue Code of 1954 to provide for the establishment and taxation of education savings accounts; to the Committee on Ways and Means.

By Mr. DUNCAN (for himself, Mr. BONER of Tennessee, and Mr. SKELTON):

H.R. 2476. A bill to provide that no gain shall be recognized for purposes of the Internal Revenue Code of 1954 from any net gift made before March 4, 1981; to the Committee on Ways and Means.

By Mr. FLIPPO (for himself, Mr. ERDREICH, Mr. NICHOLS, Mr. SHELBY, Mr. DICKINSON, and Mr. EDWARDS of Alabama):

H.R. 2477. A bill entitled: "The Sipsey Wilderness Additions Act of 1983"; jointly, to the Committees on Agriculture and Interior and Insular Affairs.

By Mr. FLORIO (for himself and Mr. DINGELL):

H.R. 2478. A bill to amend the Solid Waste Disposal Act to authorize appropriations for the fiscal years 1984 through 1986, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SAM B. HALL, JR.:

H.R. 2479. A bill to amend the act of March 3, 1969, incorporating the Masonic Mutual Relief Association of the District of Columbia, now known as Acacia Mutual Life Insurance Co.; to the Committee on the Judiciary.

By MR. HEFTEL of Hawaii:

H.R. 2480. A bill to amend the Internal Revenue Code of 1954 to allow a credit against tax for contributions and payments to sheltered workshops; to the Committee on Ways and Means.

By Mr. HUGHES:

H.R. 2481. A bill to amend the Internal Revenue Code of 1954 to allow certain individuals who have attained age 65 or who are disabled a refundable tax credit for property taxes paid by them on their principal residences or for a certain portion of the rent they pay on their principal residences; to the Committee on Ways and Means.

By Mr. LAFALCE:

H.R. 2482. A bill to provide for liability and compensation for personal injury, illness, and economic loss resulting from releases of hazardous substances into the environment; jointly, to the Committees on Energy and Commerce, Education and Labor, and the Judiciary.

H.R. 2483. A bill to amend the Defense Production Act of 1950 to establish programs to improve education in science, mathematics, engineering, and foreign language to meet national security requirements; jointly, to the Committees on Banking, Finance and Urban Affairs; Education and Labor; and Science and Technology.

By Mrs. LLOYD:

H.R. 2484. A bill to designate the air traffic control tower at Lovell Field as the "Harry Porter Tower"; to the Committee on Public Works and Transportation.

By Mr. MCKINNEY:

H.R. 2485. A bill providing for the resolution of the current rail labor dispute in Connecticut and New York, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MATSUI (for himself, Mr. JENKINS, Mr. HEFTEL of Hawaii, Mr. ANTHONY, and Mr. FLIPPO):

H.R. 2486. A bill to amend the Internal Revenue Code of 1954 to provide certain physicians' and surgeons' mutual protection associations with tax-exempt status for certain purposes, and for other purposes; to the Committee on Ways and Means.

By Mr. MILLER of Ohio:

H.R. 2487. A bill to amend provisions of Public Law 97-51 which provide for the permanent appropriation of funds for pay for Members of Congress; to the Committee on Appropriations.

By Mr. MITCHELL:

H.R. 2488. A bill to set aside certain surplus vessels for use in the provision of health and other humanitarian services in developing countries; to the Committee on Merchant Marine and Fisheries.

By Mr. OBERSTAR (for himself and Mrs. SCHNEIDER):

H.R. 2489. A bill to amend the Energy Security Act to extend the financing authority of the Synthetic Fuels Corporation to include projects for district heating and cooling and for municipal waste energy recovery, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

By Mr. OBEY (for himself, Mr. LEACH of Iowa, Mr. GLICKMAN, Mr. GILMAN, Mr. UDALL, Mr. RINALDO, Mr. LOWRY of Washington, Mr. KILDEE, Mr. PEASE, Mr. STARK, Mr. KASTENMEIER, Mr. SABO, Mr. FAZIO, Mr. MCKINNEY, Mrs. BOXER, Mr. SIMON, Mr. BROWN of California, Mr. AKAKA, Mr. LEVIN of Michigan, Mr. MOODY, Mr. BEILENSON, Mr. MOAKLEY, Mr. EDGAR, Mr. D'AMOURS, Mr. EDWARDS of California, Mr. MINETA, Mr. PANETTA, Mr. WOLPE, Mr. BOEHLERT, Mr. MURPHY, Mr. DONNELLY, Mr. CONYERS, Mr. ST GERMAIN, Mr. RATCHFORD, Mr. WILLIAMS of Montana, Mr. DELLUMS, Mr. FASCELL, Mr. SHANNON, Mr. BARNES, Mr. WAXMAN, Mr. MCHUGH, Mr. YATES, Mr. MATSUI, Mr. BEDELL, Mr. MILLER of California, Mr. PENNY, Mr. BONIOR of Michigan, Mr. PATTERSON, Mr. HOWARD, Mr. LEVINE of California, Mr. CLARK, Mr. FRANK, Mr. PEPPER, Ms. FERRARO, Ms. KAPTUR, Mr. OBERSTAR, Ms. MIKULSKI, Mr. MORRISON of Connecticut, Mr. SEIBERLING, Mr. HOYER, Mr. NOWAK, Mr. HEFTEL of Hawaii, Mr. BOUCHER, Mr. WIRTH, Mrs. KENNELLY, Mr. VENTO, Mr. MCNULTY, Mr. DOWNEY of New York, Mr. OTTINGER, Mr. PETRI, Mr. FOGLIETTA, and Mr. FORD of Michigan):

H.R. 2490. A bill to amend the Federal Election Campaign Act of 1971 to provide for financing of general election campaigns for the House of Representatives, to limit contributions by nonparty multicandidate political committees in election campaigns for the House of Representatives, and for other purposes; jointly, to the Committees on House Administration and Energy and Commerce.

By Mr. OTTINGER:

H.R. 2491. A bill to establish in the Federal Government a global foresight capability with respect to natural resources, the environment, and population; to establish a national population policy; to establish an interagency council on global resources, environment, and population, and for other purposes; jointly, to the Committees on Government Operations and Post Office and Civil Service.

By Mr. PANETTA (for himself and Mr. COELHO):

H.R. 2492. A bill to amend the Internal Revenue Code of 1954 to provide that agricultural labor shall be subject to withholding for income tax purposes; to the Committee on Ways and Means.

By Mr. PARRIS:

H.R. 2493. A bill to provide that the changes in the civil service system proposed by the Office of Personnel Management in certain regulations published in the Federal Register on March 30, 1983, may not be implemented except by appropriate congressional action; to the Committee on Post Office and Civil Service.

By Mr. PEASE:

H.R. 2494. A bill to amend the Internal Revenue Code of 1954 with respect to the excise tax on bows and arrows; to the Committee on Ways and Means.

By Mr. PEPPER (for himself, Mr. WAXMAN, Mr. MADIGAN, Mr. RINALDO, Mr. REGULA, Mr. FORD of Tennessee, Ms. OAKAR, Mr. RATCHFORD, Mr. DERRICK, Mr. WYDEN, Mr. VENTO, Mr. HERTEL of Michigan, Mr. BORSKI, Mr. TAUKE, Mr. WORTLEY, Mr. DAUB, Mr. ROBERTS, Mr. COURTER, Mr.

RIDGE, Mr. MCCAIN, Mr. BILIRAKIS, and Mr. CRAIG):

H.R. 2495. A bill to provide for establishment of a bipartisan commission to study and make recommendations concerning changes in the medicare program to assure its short-term and long-term financial solvency and the appropriateness of its benefit structure; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. PRICE (for himself and Mr. DICKINSON) (by request):

H.R. 2496. A bill to authorize appropriations for the Department of Energy for national security programs for fiscal year 1984, and for other purposes; to the Committee on Armed Services.

By Mr. RATCHFORD (for himself and Mrs. KENNELLY):

H.R. 2497. A bill to delay implementation of the requirement that States allow tandem trailer trucks on interstate highways and designated primary highways, to establish procedures for exempting certain of those highways from that requirement, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. RICHARDSON:

H.R. 2498. A bill to establish a Congressional Advisory Commission on Boxing; to the Committee on Energy and Commerce.

By Mr. RITTER:

H.R. 2499. A bill to amend the Natural Gas Policy Act of 1978 to improve competition in the natural gas market by providing that interstate pipelines transport natural gas by contract carriage; to the Committee on Energy and Commerce.

By Mr. ROTH (for himself and Mr. BONKER) (by request):

H.R. 2500. A bill to amend and reauthorize the Export Administration Act of 1979; to the Committee on Foreign Affairs.

By Mr. RUSSO:

H.R. 2501. A bill to delay Treasury regulations on the debt-equity issue; to the Committee on Ways and Means.

H.R. 2502. A bill to suspend for the 3-year period beginning on October 30, 1983, the duty on canned corned beef; to the Committee on Ways and Means.

By Mrs. SCHNEIDER (for herself and Mr. WYDEN):

H.R. 2503. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to generate additional revenues for the Superfund and to provide for certain additional forms of assistance respecting releases of hazardous substances, to amend the Internal Revenue Code of 1954 to impose (in lieu of the tax on chemical feedstocks) an additional tax on hazardous wastes, and for other purposes; jointly, to the Committees on Energy and Commerce, Public Works and Transportation, and Ways and Means.

By Mr. SCHULZE:

H.R. 2504. A bill to amend the Internal Revenue Code of 1954 to provide that gross income does not include interest on obligations issued by certain educational organizations; to the Committee on Ways and Means.

By Mr. SHELBY (by request):

H.R. 2505. A bill to amend title 38, United States Code, to permit substitution of a veteran's housing loan entitlement when the veteran-transferee is not an immediate transferee; to the Committee on Veterans' Affairs.

H.R. 2506. A bill to amend title 38, United States Code, to provide for a 5-year extension to permit States to apply for Federal aid in establishing, expanding, or improving State veterans' cemeteries; to the Committee on Veterans' Affairs.

By Mr. SKELTON:

H.R. 2507. A bill relating to the transfer of civil land remote sensing space satellite systems, meteorological satellite systems, and oceanographic satellite systems to the privae sector; to the Committee on Science and Technology.

By Mr. SLATTERY (for himself and Mr. COATS):

H.R. 2508. A bill to provide a comprehensive reform of Federal laws relating to the pricing and marketing of natural gas; to the Committee on Energy and Commerce.

By Mrs. SMITH of Nebraska:

H.R. 2509. A bill to amend the Saccharin Study and Labeling Act; to the Committee on Energy and Commerce.

By Mr. UDALL:

H.R. 2510. A bill to authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954 and section 305 of the Energy Reorganization Act of 1974 and for other purposes; to the Committee on Interior and Insular Affaris.

By Mr. UDALL (by request):

H.R. 2511. A bill to improve the nuclear licensing and regulatory process, to amend the Atomic Energy Act of 1954, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

H.R. 2512. A bill to amend the Atomic Energy Act of 1954, as amended, to improve the nuclear powerplant siting and licensing process, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

By Mr. WALGREN (for himself, Mr. FUQUA, Mr. BROWN of California, Mr. DYMALLY, Mr. TORRICELLI, Mr. REID, and Mr. BOEHLERT):

H.R. 2513. A bill to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal year 1984, and for other purposes; to the Committee on Science and Technology.

H.R. 2514. A bill to enhance the transfer of technical information to industry, business, and the general public by amending the act of September 9, 1950 (15 U.S.C. 1151 et seq.), to establish a technical information clearinghouse fund, and for other purposes; jointly, to the Committees on Science and Technology and Energy and Commerce.

By Mr. YATRON:

H.R. 2515. A bill to amend the Federal Mine Safety and Health Act of 1977 to provide that such act shall not apply to persons engaged in the processing or disposal of waste materials recovered from certain dredging operations; to the Committee on Education and Labor.

By Mr. YOUNG of Missouri (for himself, Mr. SKELTON, Mr. BEREUTER, Mr. GEPHARDT, Mr. COLEMAN of Missouri, Mr. VOLKMER, and Mr. EMERSON):

H.R. 2516. A bill granting the consent of Congress to the negotiation of an interstate compact relating to allocation of the waters of the Missouri River basin; to the Committee on Interior and Insular Affairs.

By Mr. ZABLOCKI (for himself and Mr. BROOMFIELD) (by request):

H.R. 2517. A bill to increase food donations to needy persons outside the United States; to the Committee on Foreign Affairs.

By Mr. DELLUMS (for himself, Mrs. COLLINS, Mr. CONYERS, Mr. CROCKETT, Mr. MITCHELL, Mr. DYMALLY, Mr. FAUNTROY, Mr. SAVAGE, Mr. EDGAR, and Mr. WASHINGTON):

H.J. Res. 232. Joint resolution entitled: "Self Determination for Puerto Rico"; to the Committee on Interior and Insular Affairs.

By Mr. GOODLING:

H.J. Res. 233. Joint resolution to grant posthumously full rights of citizenship to William Penn and to Hannah Callowhill Penn; to the Committee on the Judiciary.

By Mr. MOLINARI (for himself and Mr. COURTER):

H.J. Res. 234. Joint resolution designating the week beginning May 1, 1983, as "National Children's Liver Disease Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. SOLARZ (for himself, Mr. FRANK, Mr. GLICKMAN, Mr. BERMAN, Mr. SMITH of Florida, Mr. LANTOS, Mr. LEHMAN of Florida, and Mr. GEJDENSON):

H. Con. Res. 107. Concurrent resolution expressing the grave concern of the Congress regarding the plight of Ethiopian Jews; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

67. By the SPEAKER: Memorial of the General Assembly of the State of Virginia, relative to Fuller Road at Quantico, Va.; to the Committee on Armed Services.

68. Also, memorial of the General Assembly of the State of Virginia, relative to Federal Reserve System; to the Committee on Banking, Finance and Urban Affairs.

69. Also, memorial of the General Assembly of the State of Virginia, relative to Lorton Reformatory; to the Committee on the District of Columbia.

70. Also, memorial of the General Assembly of the State of Virginia, relative to U.S. Government land; to the Committee on Education and Labor.

71. Also, memorial of the Legislature of the State of Utah, relative to U.S. land acquisition; to the Committee on Interior and Insular Affairs.

72. Also, memorial of the General Assembly of the State of Virginia, relative to exposure of military personnel to atomic radiation; to the Committee on Veterans' Affairs.

73. Also, memorial of the General Assembly of the State of Virginia, relative to the Mortgage Subsidy Bond Tax Act of 1980; to the Committee on Ways and Means.

74. Also, memorial of the General Assembly of the State of Virginia, relative to drugs; jointly, to the Committees on Foreign Affairs and the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DIXON:

H.R. 2518. A bill for the relief of Samuel C. Willett; to the Committee on the Judiciary.

By Mr. MITCHELL:

H.R. 2519. A bill for the relief of Audrey O. Lewis and Emerson B. Vereen; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions:

H.R. 113: Mrs. LLOYD.

H.R. 116: Mr. CONYERS.

H.R. 183: Mr. WILSON.

H.R. 225: Mr. BONER of Tennessee, Mr. WHITLEY, Mr. FISH, Mr. ROE, Mr. ROSE, and Mr. BARNES.

H.R. 408: Mr. STANGELAND, Mr. RATCHFORD, Mr. WORTLEY, Mr. ACKERMAN, and Mr. MATSUI.

H.R. 500: Mr. ACKERMAN.

H.R. 622: Mr. OWENS.

H.R. 624: Mr. EDWARDS of Oklahoma, Mr. MARTINEZ, and Mr. RUSSO.

H.R. 659: Mr. PATTERSON.

H.R. 679: Mr. LUJAN, Mr. GILMAN, Mr. HARTNETT, Mr. BENNETT, Mr. WORTLEY, Mr. SUNIA, Mr. ROE, Mr. LEATH of Texas, Mr. BEVILL, Mr. LAGOMARSINO, and Mr. CLINGER.

H.R. 786: Mr. ROWLAND, and Mr. DREIER of California.

H.R. 865: Mr. HERTEL of Michigan and Mr. GRAY.

H.R. 866: Mr. HERTEL of Michigan, Mr. GRAY, and Mr. DAVIS.

H.R. 867: Mr. HERTEL of Michigan, Mr. GRAY, and Mr. DAVIS.

H.R. 868: Mr. HERTEL of Michigan, Mr. GRAY, and Mr. DAVIS.

H.R. 869: Mr. HERTEL of Michigan, Mr. GRAY, and Mr. DAVIS.

H.R. 870: Mr. HERTEL of Michigan, Mr. GRAY, and Mr. DAVIS.

H.R. 871: Mr. HERTEL of Michigan, Mr. GRAY, and Mr. DAVIS.

H.R. 872: Mr. HERTEL of Michigan, Mr. GRAY, Mr. BARNES, and Mr. DAVIS.

H.R. 881: Mr. WILLIAMS of Montana, Mr. BARNES, Mr. ROSE, Mr. EVANS of Illinois, Mr. FRANK, Mr. GONZALEZ, Mr. ACKERMAN, Mr. PATTERSON, Mr. LANTOS, Mr. STOKES, Mr. MARKEY, Mr. VANDERGRIFF, Mr. MARTINEZ, Mr. OBERSTAR, Ms. OAKAR, Mr. DE LUGO, Mr. ORTIZ, Mr. VENTO, Mr. WOLPE, Mr. SMITH of Florida, Mr. RICHARDSON, Mr. HATCHER, Mr. BONIOR of Michigan, Mr. LEACH of Iowa, Mr. HERTEL of Michigan, Mr. MURPHY, Mr. LEVINE of California, Mr. WEAVER, Mr. DWYER of New Jersey, Ms. KAPTUR, Ms. MIKULSKI, Mr. NOWAK, Mrs. SCHNEIDER, Mr. KOSTMAYER, Mr. HOWARD, Mr. ECKART, Mr. KOLTER, and Mr. BROWN of Colorado.

H.R. 965: Mr. HERTEL of Michigan and Mr. FEIGHAN.

H.R. 1015: Mr. SIMON.

H.R. 1016: Mr. SIMON.

H.R. 1025: Mr. TORRICELLI, Mr. WASHINGTON, Mr. RIDGE, Mr. SABO, Mr. GOODLING, and Ms. FERRARO.

H.R. 1026: Mr. TORRICELLI, Mr. WASHINGTON, Mr. ANDERSON, Ms. FERRARO, and Mrs. BOXER.

H.R. 1054: Mrs. BOXER, Mr. LEVINE of California, Mr. LAGOMARSINO, and Mr. MATSUI.

H.R. 1093: Mr. SNYDER and Mr. HARKIN.

H.R. 1147: Mr. MURPHY.

H.R. 1200: Mr. MINETA, Mrs. SCHNEIDER, Mr. CHAPPIE, Mr. FAZIO, Mr. WEAVER, Mr. LOWRY of Washington, Mr. CARPER, and Mr. CLINGER.

H.R. 1217: Mr. ROBERTS and Mr. VANDER JAGT.

H.R. 1219: Mr. LIPINSKI.

H.R. 1222: Mr. CONYERS.

H.R. 1249: Ms. FERRARO, Mr. BEDELL, Mr. EVANS of Illinois, Mr. GEJDENSON, Mr. FORD of Tennessee, Mr. MINISH, Mr. JACOBS, and Mr. D'AMOURS.

H.R. 1254: Mr. PENNY.

H.R. 1340: Mr. FISH, Mr. TOWNS, and Ms. FERRARO.

H.R. 1398: Mr. MARKEY and Mr. DIXON.

H.R. 1436: Mr. BOSCO.

H.R. 1444: Mr. GILMAN.

H.R. 1494: Mr. AKAKA, Mr. ORTIZ, Mr. SHELBY, Mr. SKELTON, Mr. WOLF, Mr. HUTTO, Mr. WHITEHURST, and Mr. ST GERMAIN.

H.R. 1517: Mr. WHITLEY, Mr. BENNETT, Mr. FAZIO, Mr. SOLOMON, and Mr. MATSUI.

H.R. 1527: Mr. PATTERSON.

H.R. 1601: Mr. EDWARDS OF Oklahoma, Mr. KINDNESS, Mr. DASCHLE, Mr. FROST, Mr. PATMAN, Mr. SUNIA, Mr. GARCIA, Mr. RAHALL, and Mr. PENNY.

H.R. 1604: Mr. ROBERT F. SMITH.

H.R. 1617: Mr. CHANDLER, Mr. EDGAR, Mr. GREGG, Mr. HYDE, Mr. LEVITAS, Mr. MRAZEK, Mr. OWENS, Mr. RAHALL, Mr. SMITH of Florida, Mr. SUNIA, and Mr. YATRON.

H.R. 1645: Mr. ROE.

H.R. 1666: Mr. SMITH of New Jersey.

H.R. 1668: Mr. SHANNON, Mr. MOAKLEY, Mrs. HOLT, Mr. EDWARDS of Alabama, Mr. SENSENBRENNER, Mr. EMERSON, Mr. HANCE, Mrs. LLOYD, Mr. ORTIZ, Mr. BEDELL, and Mr. FRANK.

H.R. 1676: Mr. CARNEY, Mr. RALPH M. HALL, Mr. MARRIOTT, and Mr. MCCOLLUM.

H.R. 1691: Mr. CLINGER.

H.R. 1693: Ms. FERRARO, Mr. MORRISON of Connecticut, Mr. HARKIN, Mr. SIMON, Mr. MINETA, and Mr. LOWRY of Washington.

H.R. 1720: Mr. EDWARDS of California, Mr. FORD of Tennessee, Mr. MARTINEZ, Mr. MINETA, Mr. TORRES, and Mr. WEAVER.

H.R. 1777: Mr. BATES.

H.R. 1815: Mr. LANTOS and Mr. GIBBONS.

H.R. 1880: Mr. KOSTMAYER, Mr. PORTER, and Mr. RATCHFORD.

H.R. 1903: Mr. PATTERSON, Mr. ROE, Mr. MORRISON of Connecticut, Mr. OWENS, Mr. SCHEUER, Mr. OBERSTAR, Mr. MOAKLEY, Mr. LANTOS, Mr. TORRICELLI, Mr. EDWARDS of California, Mr. NEAL, Mr. GOODLING, and Mr. EDGAR.

H.R. 1918: Mr. ROTH and Mr. ANTHONY.

H.R. 1942: Mr. ROSE, Mr. FAZIO, and Mr. MORRISON of Connecticut.

H.R. 1955: Mr. ACKERMAN, Mr. BEVILL, Mr. BROWN of California, Mr. CHENEY, Mr. FUQUA, Mr. GEKAS, Mr. GOODLING, Mr. HILER, Mr. JENKINS, Mr. KAZEN, Mr. MORRISON of Washington, Mr. NIELSON of Utah, Ms. OAKAR, Mr. PASHAYAN, Mr. RAHALL, Mr. RIDGE, Mr. SISISKY, Mr. WILLIAMS of Montana, Mr. WILLIAMS of Ohio, Mr. ZSCHAU, and Mr. BETHUNE.

H.R. 1961: Mr. PATMAN, Mr. MCKERNAN, Mr. KRAMER, Mr. COYNE, Mrs. SCHROEDER, Mr. LUKEN, Mr. BOSCO, Mr. BONKER, Mr. CONYERS, Mr. MOLLOHAN, Mr. COLEMAN of Texas, Mr. WHEAT, Mr. STANGELAND, Mr. ACKERMAN, Mr. LUNDINE, Mr. WORTLEY, Mr. SHELBY, Mr. OBEY, Mr. ZABLOCKI, Mr. GINGRICH, and Mr. ENGLISH.

H.R. 1967: Mr. BLILEY.

H.R. 2023: Mr. MITCHELL, Mr. O'BRIEN, Mr. DAVIS, Mr. CROCKETT, Mr. CORCORAN, Mr. TAUKE, Mr. MCCOLLUM, Mr. GINGRICH, Mr. WILSON, Mr. STENHOLM, and Mr. CLINGER.

H.R. 2027: Mr. CHENEY, Mr. EMERSON, Mr. OLIN, Mr. WEBER, Mr. HARKIN, Mr. TAYLOR, Mr. RICHARDSON, and Mr. DASCHLE.

H.R. 2033: Mr. LOWRY of Washington.

H.R. 2053: Mr. PEPPER.

H.R. 2073: Mr. THOMAS of California.

H.R. 2074: Mr. DEWINE.

H.R. 2088: Mr. MILLER of California.

H.R. 2090: Mr. WASHINGTON, Mr. SMITH of New Jersey, Mr. RICHARDSON, Mr. KASTENMEIER, Mr. STOKES, Mr. LEACH of Iowa, Mr. DE LUGO, Mr. LUNDINE, Mr. MCKERNAN, Mr. MOODY, Mr. BOEHLERT, and Mr. PENNY.

H.R. 2106: Mr. ADDABBO, Mr. CHANDLER, Mr. EDWARDS of Oklahoma, Mr. FORSYTHE, Mr. FRENZEL, Mr. HANCE, Mr. MITCHELL, Mr. MRAZEK, Mr. OXLEY, Mr. STOKES, and Mr. VANDERGRIFF.

H.R. 2116: Mr. SOLARZ, Mr. GEJDENSON, Mr. FOGLIETTA, Mr. MINETA, Mrs. SNOWE, Mr. OBERSTAR, and Mr. GOODLING.

H.R. 2118: Mr. CLINGER, Mr. MORRISON of Washington, and Mr. LAGOMARSINO.

H.R. 2124: Mr. MICHEL, Mr. RINALDO, Mr. SUNDQUIST, Mr. LIVINGSTON, Mr. KOGOVSEK, Mr. MURPHY, Mr. NICHOLS, Mr. BENNETT, Mr. HILER, Mr. YOUNG of Missouri, Mr. DASCHLE, Mr. LOWERY of California, Mrs. BYRON, Mr. LOTT, Mr. SAWYER, Mr. COATS, and Mr. SIMON.

H.R. 2144; Mr. HAWKINS, Mr. CLAY, Mr. OWENS, Mr. RANGEL, Mr. STOKES, Mr. MITCHELL, Mr. FORD of Tennessee, Mr. DIXON, Mr. SAVAGE, Mr. WHEAT, Mr. FAUNTROY, Mrs. HALL of Indiana, Mr. WASHINGTON, Mr. WEISS, Mr. BONER of Tennessee, Mr. CORRADA, Mr. RATCHFORD, Mr. SOLARZ, and Mr. HARRISON.

H.R. 2145: Mr. EVANS of Iowa, Mr. MATSUI, Mr. OBERSTAR, Mr. SABO, Mr. WOLPE, Mr. OTTINGER, Mr. MITCHELL, Mr. FAUNTROY, Mr. DWYER, of New Jersey, Mrs. SNOWE, Mr. PEASE, Mr. CROCKETT, Mr. MRAZEK, Mr. ECKART, Mr. TOWNS, Mr. LUNDINE, Mr. MARKEY, Mr. VENTO, Mr. CLINGER, and Mr. FORSYTHE.

H.R. 2191: Mr. LELAND, Mr. HOWARD, Mr. KINDNESS, Mr. DWYER of New Jersey, Mr. SMITH of Florida, Mr. SAWYER, Mr. JEFFORDS, Mr. SABO, Mr. LANTOS, Mr. MCGRATH, Mr. MRAZEK, Mr. LEHMAN of Florida, Mr. GINGRICH, Mr. ROSE, Mr. ROE, Mr. BIAGGI, Mr. WEISS, Mr. GARCIA, Mr. VENTO, Mr. WON PAT, Mr. WORTLEY, Mr. HERTEL of Michigan, Mr. MINETA, Mrs. MARTIN of Illinois, Mr. FORSYTHE, Mr. BEREUTER, and Mr. KOGOVSEK.

H.R. 2193: Mr. ROEMER, Mr. ANTHONY, Mr. CORRADA, and Mr. BROWN of California.

H.R. 2207: Mr. BROWN of California, Mr. DYMALLY, Mr. MOODY, Mr. WEAVER, and Mr. WILLIAMS of Montana.

H.R. 2236: Mr. O'BRIEN.

H.R. 2243: Mr. LEVIN of Michigan.

H.R. 2262: Mr. ANTHONY, Mr. BLILEY, Mr. HORTON, Mr. ROTH, Mr. WILSON, and Mr. WYDEN.

H.R. 2271: Mr. ROSE, Mr. ROE, Mr. FROST, Mr. MURPHY, Mr. ALBOSTA, Mr. HANCE, Mr. PORTER, Mr. NIELSON of Utah, and Mr. ENGLISH.

H.R. 2373: Mr. DASCHLE, Mr. SIMON, Mr. BARNES, Mr. DYSON, Mr. JACOBS, and Mr. GINGRICH.

H.R. 2410: Mr. PORTER.

H.R. 2411: Ms. OAKAR, Mrs. KENNELLY, Ms. FERRARO, Ms. MIKULSKI, Mrs. COLLINS, Mr. BIAGGI, and Mr. PORTER.

H.R. 2420: Mr. HUTTO, Mr. HAMMERSCHMIDT, Mr. RUDD, Mr. MCHUGH, Mr. ENGLISH, Mr. DANNEMEYER, Mr. PASHAYAN, Mr. FIELDS, Mr. MORRISON of Washington, Mr. ANTHONY, Mr. CLINGER, and Mr. TRAXLER.

H.J. Res. 29: Mr. SABO, Mr. EDGAR, Mr. MOORE, Mr. MCCOLLUM, Mr. ARCHER, and Ms. MIKULSKI.

H.J. Res. 47: Mr. ROBERT F. SMITH.

H.J. Res. 113: Mr. SUNIA, Mr. RALPH M. HALL, Mr. DANNEMEYER, Mr. OXLEY, and Mr. ROEMER.

H.J. Res. 120: Mr. ROYBAL and Mr. TOWNS.

H.J. Res. 141: Mr. FRANK, Mr. LAFALCE, Mr. BONIOR of Michigan, Mr. HOWARD, Mr. WEISS, Mr. WOLPE, Mr. MCNULTY, Mr. EDGAR, Mr. CORRADA, Mr. HERTEL of Michigan, Mr. MITCHELL, and Mr. JACOBS.

H.J. Res. 153: Mr. OXLEY, Mr. ANTHONY, Mr. CONTE, and Mr. JENKINS.

H.J. Res. 154: Mr. ADDABBO, Mr. DOWDY of Mississippi, Mr. FRENZEL, Mr. HAMILTON, Mr. LOWRY of Washington, Mr. OBERSTAR, and Mr. SABO.

H.J. Res. 184: Mr. WORTLEY, Mr. STANGELAND, Ms. FERRARO, Mr. KOGOVSEK, Mr. STENHOLM, Mr. LEWIS of Florida, Mr. MATSUI, Mr. BLILEY, Mr. MONTGOMERY, Mr. RATCHFORD, Mr. SCHEUER, Mr. FROST, Mr. SOLOMON, Mr. MINETA, Mr. YOUNG of Alaska, Mr. LEATH of Texas, Mr. SKEEN, Mr. BOUCHER, Mr. HARTNETT, Mr. PATMAN, Mr. LOWERY of California, Mr. CHAPPELL, Mr. GEKAS, and Mr. HUTTO.

H.J. Res. 190: Mr. GUNDERSON, Mr. REID, Mr. HATCHER, Mr. WAXMAN, Mr. SKELTON, Mr. NICHOLS, Mr. FAUNTROY, Mr. DWYER of New Jersey, Mr. BOLAND, Mrs. HOLT, Mr. LAGOMARSINO, Mr. ROEMER, Mr. WINN, Mr. BROWN of California, Mr. ERDREICH, Mr. MINETA, Mr. DUNCAN, Mr. BOEHLERT, Mr. GOODLING, Mr. WHITEHURST, Mr. SMITH of Florida, Mr. CORCORAN, Mr. KASICH, Mr. LEWIS of California, and Mr. DE LA GARZA.

H.J. Res. 210: Mr. ORTIZ, Mr. ST GERMAIN, Mr. FORSYTHE, Mr. GILMAN, Mr. CARPER, Mr. DURBIN, Mrs. BOGGS, Mr. LANTOS, Mr. BOEHLERT, Mr. BREAUX, Mr. FLORIO, Mr. OLIN, and Mr. NEAL.

H.J. Res. 218: Mr. YATRON.

H.J. Res. 220: Mr. RATCHFORD, Mr. EDWARDS of California, Mr. MAVROULES, Mr. WAXMAN, Mr. SIMON, Mr. GUARINI, Mr. SMITH of Florida, Mr. FOLEY, Mr. HORTON, Mr. WILLIAMS of Ohio, Mr. WEISS, Mr. WINN, Mr. DIXON, Mr. OWENS, Mr. SKEEN, Mr. ANNUNZIO, Mr. BOLAND, Mr. RODINO, Mr. BARNARD, Mr. YOUNG of Alaska, Mr. PRITCHARD, Mr. DOWNEY of New York, Mr. WEAVER, Mr. FLORIO, Mr. HUTTO, Mr. WON PAT, Mr. MOORE, Mr. D'AMOURS, Mrs. SCHNEIDER, Mr. FRENZEL, Mr. LEVIN of Michigan, Mr. GRADISON, Mr. BONER of Tennessee, Mr. NEAL, Mr. JACOBS, Mr. PEPPER, Mr. GEJDENSON, Mr. STANGELAND, Mr. DUNCAN, Mr. PERKINS, Mr. ERDREICH, Mr. DONNELLY, Mr. WALGREN, Mr. BROYHILL, Mr. MAZZOLI, Mr. BROWN of California, Mr. MOAKLEY, Mr. MOORHEAD, Mr. GUNDERSON, Mr. LENT, Mr. FOGLIETTA, Mr. WIRTH, Mr. MORRISON of Connecticut, Mr. ROBERTS, Mr. FISH, Mr. ROE, Mr. CONTE, Mr. FAZIO, Mr. HANSEN of Utah, Mr. VENTO, Mr. GREEN, and Mr. YATRON.

H.J. Res. 225: Mr. DWYER of New Jersey.

H.J. Res. 228: Mr. THOMAS of Georgia, Mr. DASCHLE, Mr. EVANS of Iowa, Mr. JEFFORDS, Mr. DICKS, Mr. EVANS of Illinois, and Mr. MORRISON of Washington.

H. Con. Res. 14: Mr. FAZIO.

H. Con. Res. 56: Mr. HUGHES, Mr. KINDNESS, Mr. STANGELAND, Mr. WINN, Mr. BEDELL, and Mr. JEFFORDS.

H. Con. Res. 60: Mr. ROE.

H. Con. Res. 84: Mr. GILMAN.

H. Con. Res. 98: Mr. LAGOMARSINO.

H. Con. Res. 106: Mr. EMERSON and Mr. PACKARD.

H. Res. 67: Mr. HERTEL of Michigan, Mr. CONYERS, Mr. MCCURDY, Mr. SHAW, Mr. DENNY SMITH, Mr. LEVITAS, Mr. WASHINGTON, Mr. BROWN of Colorado, Mr. MOODY, Mr. RODINO, Mr. ROEMER, Mr. CHANDLER, Mr. WHITEHURST, Mr. TAUZIN, and Mr. BRITT.

H. Res. 120: Mr. LUJAN, Mr. NIELSON of Utah, Mr. VANDER JAGT, Mr. HUCKABY, Mr. JENKINS, Mr. CORCORAN, and Mrs. BYRON.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

70. By the SPEAKER: Petition of Central Conference of American Rabbis, New York, N.Y., relative to unemployment; to the Committee on Education and Labor.

71. Also, petition of Central Conference of American Rabbis, New York, N.Y., relative to Ethiopian Jewry; to the Committee on Foreign Affairs.

72. Also, petition of Central Conference of American Rabbis, New York, N.Y., relative to nuclear arms control; to the Committee on Foreign Affairs.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 555: Mr. MORRISON of Washington.
H.R. 850: Mr. BROWN of California.
H.J. Res. 100: Mr. CONTE.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H. J. RES. 13

By Mr. BEREUTER:

(Amendment in the Nature of a Substitute offered by Mr. BROOMFILED of Michigan)

—On page 2, line 3, strike out "That—" and insert in lieu thereof "That (a) the Congress—".

Strike out "the Congress" after "(1)".

On page 3, line 13, strike out "; and be it further" at the end of paragraph (5) and insert in lieu thereof a period.

On page 3, line 13, insert after paragraph (5) the following:

(b)(1) The Congress—

(A) recognizes that arms control negotiations will require conscientious effort over a reasonable period;

(B) believes that interim restraints are needed to prevent the possible expansion of nuclear forces during such negotiations; and

(C) concludes that such modernization as may take place in the strategic forces of the United States and the Union of Soviet Socialists Republics should be regulated in the interest of more far-reaching arms control measures.

(2) The Congress declares that—

(A) strategic stability is essential to the security and well-being of the United States and of the Union of Soviet Socialists Republics;

(B) force survivability is indispensable to stability at the strategic nuclear level;

(C) strategic stability requires the periodic replacement of vulnerable strategic nuclear weapons with more survivable weapon systems;

(D) both the Government of the United States and the Government of the Union of Soviet Socialist Republics have pledged themselves to seek major reductions in strategic nuclear forces;

(E) the goal of strategic stability thus requires a balanced blend of force modernization and force reduction by both the Government of the United States and the Government of the Union of Soviet Socialist Republics;

(F) that goal could be served by a mutual guaranteed build-down of nuclear forces, under which the Government of the United States and the Government of the Union of Soviet Socialist Republics would each eliminate from its operational forces two nuclear warheads for each newly deployed nuclear warhead;

(G) the principle of a guaranteed build-down is compatible with other proposals to reduce nuclear forces already advanced by the Government of the United States and the Government of the Union of Soviet Socialist Republics; and

(H) the principle of a guaranteed build-down could be inauguarated immediately and remain in effect as a step toward achievement of such equal and lower levels of forces as may be agreed to by the two Governments.

(3) It is, therefore, the sense of the Congress that the President should propose to the Government of the Union of Soviet Socialist Republics, in the context of the relevant negotiations, immediate adherence by the Government of the United States and the Government of the Union of Soviet Socialist Republics to the principle of a guaranteed strategic build-down of nuclear forces, subject to agreed procedures of verification and compliance; and be it further

By Mr. BLILEY:

—Page 4, at the end of line 22, insert the following new sentence: "As used in this resolution, the term 'delivery systems' does not include submarines.".

By Mr. PHILIP M. CRANE:

—On page 2, strike the "whereas" clause beginning at the bottom and insert in lieu thereof:

"WHEREAS the increasing nuclear weapons stockpile of the Soviet Union, and the declining nuclear weapons stockpile of the United States have not strengthened international peace and security, but in fact enhance the prospect for mutual destruction;".

—On page 3, immediately before the colon at the end of the preamble, insert "; and" and the following:

"WHEREAS the United States possesses nuclear weapons to preserve world peace and to defend freedom, while the Soviet Union possesses nuclear weapons for a fundamentally different purpose".

—On page 5, after line 23 insert a new section:

SEC. 3. Negotiations with the objective of a nuclear freeze may not commence until the President has certified to the Congress that the Soviet Union is complying with all existing strategic arms agreements to which it is a signatory.

By Mr. HUNTER:

—Beginning on page 2, strike out the third paragraph of the preamble (as amended by the committee amendment) and insert in lieu thereof the following:

"WHEREAS the total number and megatonnage of United States nuclear weapons has declined significantly in the last two decades while the Soviet Union has significantly increased its nuclear stockpiles, which has not strengthened international peace and security but in fact enhances the prospect for mutual destruction;".

—Page 4, at the end of line 22, insert the following new sentence: "For purposes of this resolution, delivery systems do not include submarines.".

—Page 5, after line 23, insert the following new section:

SEC. 3. Any freeze agreement negotiated pursuant to this resolution should not pre-

vent the United States from such research on and development and testing of nuclear weapons as may be necessary to improve their safe handling and to reduce the chances of accidental or unauthorized detonation of a nuclear weapon.

—Page 5, after line 23, insert the following new section:

SEC. 3. Any freeze agreement negotiated pursuant to this resolution should not prevent the United States from modernizing our strategic systems when such modernization is necessary to protect the lives of the United States personnel operating those systems.

—Page 5, after line 23, insert the following new section:

SEC. 3. Any freeze agreement negotiated pursuant to this resolution should not prevent the United States from maintaining a strategic deterrent force capable of surviving a surprise attack by the Soviet Union.

By Mr. MARTIN of North Carolina:

—Page 5, after line 23, insert the following: "With the sense of respect and national unity, the Congress commends President Ronald Reagan for his proposals to reduce land-based intercontinental missiles to levels lower than either the U.S.A. or the U.S.S.R. now has, and similarly to reduce intermediate-range missiles to decrease the threat poised against our N.A.T.O. allies; and urges him to make every effort to achieve those objectives.".

—Page 5, after line 23, insert the following: "In the absence of a bilateral agreement, nothing in this resolution is meant to deprive the President of the Unites States of bargaining chips that he wishes to deploy to induce the Soviet Union to negotiate seriously.".

—On page 5, after line 23, insert the following new section:

By Mr. COURTER:

SEC. 5. Nothing in this joint resolultion shall be construed—

(1) to prevent, during any negotiations pursuant to this resolution, or

(2) to require that, in any negotiations pursuant to this resolution, the United States agree to a provision which would prevent,

such modernization and deployment of United States new or improved dual capable delivery systems as the United States may determine is required to maintain the capability of the United States defense posture.

By Mr. STRATTON:

—At the end of the joint resolution, add a new section as follows:

SEC. 3. Until such time as the final instrument embodying the objectives set forth in Section 1 has been fully ratified by both the Soviet Union and the Unites States, nothing in this joint resolution shall be construed to prevent whatever modernization and deployment of United States weapons may be required to maintain the credibility of the United States nuclear deterrent.

—At the end of the resolution, add the following new section:

SEC. . Consistent with Public Law 88-186, as amended, no action shall be taken under this Act that will obligate the United States to disarm or to reduce or to limit the armed forces or armaments of the United States, except pursuant to the treaty making power of the President under the Constitution or unless authorized by further affirmative legislation by the Congress of the United States.

—At the end of the joint resolution, add a new section as follows:

SEC. 3. Until such time as the final instrument embodying the objectives set forth in Section 1 has been fully ratified by both the Soviet Union and and the United States, nothing in this joint resolution shall be construed to prevent whatever modernization and deployment of United States weapons may be required to maintain the credibilility of the United States nuclear deterrent.

—At the end of the resolution, add the following new section:

SEC. . VERIFICATION OF ARMS CONTROL AGREEMENTS.

(a) Consistent with Public Law 87-297, as amended, nothing in this Act shall be construed to require the President to negotiate any international arms control agreement is the President certifies to the Congress that each element of such agreement cannot be adequately verified.

(b) For the purposes of this section, the President shall assume that measures of concealment would be employed and that standard practices could be altered so as to impede verification.

(c) For the purposes of this section, the elements to be verified shall include, but not be limited to, whether the Soviet Union may or may not, be testing, producing, or deploying nuclear warheads, missiles, or other delivery systems. The term 'other delivery systems' shall be construed to mean any aircraft, surface ship, submarine, ballistic missile, cruise missile, artillery tube or space system designed for the delivery of nuclear weapons or which could be modified for the purpose of delivering nuclear weapons.

(d) Nothing in this section shall be construed as requiring the disclosure of sensitive national security or intelligence sources or methods or persons employed in the verification of compliance with an arms control agreement.

EXTENSIONS OF REMARKS

A CALL TO CONSCIENCE

HON. ROBERT H. MICHEL
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. MICHEL. Mr. Speaker, I am honored to be able to take part in the 1983 Congressional Call to Conscience Vigil for Soviet Jewry. On Sunday, April 10, 1983, I had the privilege of addressing members and friends of the Congregation Agudas Schim of Peoria, Ill., on the occasion of the 40th anniversary of the Warsaw Ghetto Uprising of Jews against the Nazis. As my contribution to the vigil, I would like to take this opportunity to place in the RECORD remarks I made at Congregation Agudas Achim:

Rabbi Tuchman, Members of Agudas Achim and friends.

Let me at the very outset thank you for your invitation to participate in this most solemn observance.

Those of our generation it seems to me, have a special obligation to pass along to those who follow us, the experiences we have known, particularly when we have been eye witnesses to history ourselves.

It occurs to me that tonight we have the best of the future and the past.

On the one hand we have the sight and sound of the young folks from the Hebrew School and your Congregation representing the future.

And we meet amidst a Congregation which is over 90 years old. That is tradition—the richness of the past.

The future and the past—hope and memory—they combine here tonight.

I would ask you to return with me for a few moments to another part of the past 40 years ago.

Exactly forty years ago this month in early April of 1943, Jewish leaders of the Warsaw ghetto sent out a desperate radio appeal for help. "Storm heaven and earth" they cried, trying to alert the world to the annihilation confronting them.

At exactly 6:00 a.m. April 19, 1943, two thousand heavily armed SS troops entered the Central ghetto with tanks and rapid-fire burp guns.

By 5:00 in the afternoon of that day, the Nazis had withdrawn, after suffering 200 casualities from Jewish resistance.

But the Nazis returned, in full force.

After five days of incredibly brutal attacks, the Jewish resistance still stood firm. It's leaders then sent a message to all the Poles of Warsaw:

"A battle is being waged here for your freedom as well as ours."

By this time, the SS contingent numbered five thousand against a handful of Jewish freedom-fighters. Still the resistance went on.

But by May 10 "the Warsaw ghetto had become one huge cemetery."

The Jewish resistance fighters remind us by their example that only those willing to defend their freedom with their lives can truly be said to be free.

What happened in the Warsaw ghetto was only a part of a larger event one so horrifiying in its consequences that we need only mention its name—the Holocaust.

Volumes have been written about Holocaust anything I could say tonight about the calculated genocide against six million innocent human beings would be known to all of us.

I think it would be more useful to look at the Holocaust not so much as an historical event but as an actual presence in our own lives.

The holocaust is a living reminder to Jews and non-Jews of the need to think and act so that the words "Never Again" have true and lasting meaning.

Anywhere that totalitarianism flourishes the Holocaust—in various forms—is a possibility.

We have been reminded of this recently by the example of a man named Marek Edelman.

He is the last surviving leader of the Warsaw Ghetto up-rising.

He now lives in the Polish city of Lodz. He was recently asked by the Communist regime in Poland to join an official committee to commemorate the heroic up-rising.

This is how Edelman replied:

"Forty years ago we did not fight merely to survive—we fought for life, dignity and freedom. To celebrate our anniversary here, where enslavement and humiliation are now the lot of the whole society, where words and gestures have become nothing but lies would betray the spirit of our struggle."

"It would mean participating in something entirely to the contrary," Edelman went on. "It would be a cynical act of contempts. I shall not be a party to this, nor can I condone the participation of others, regardless of where they come from, whatever their credentials."

"The true memory of the victims and heroes of the eternal human striving for truth and freedom," he concluded, "will be preserved in the silence of graves and of hearts—far from the manipulative ceremonies."

I fully understand that there are differing views among Jews and non-Jews as to how best to address the facts Marek Edelman referred to.

But I do think it is worth pointing out that this hero has linked the past and the present in a way that should speak to all of us.

Every civilized human being knows—or should know—the diabolical anti-Semitism and genocidal character of National Socialism under Hitler.

But how many know what Dr. Julius Margólin, a Zionist leader who survived seven years in the Soviet Gulag has said: "An entire generation of Zionists has died in Soviet camps, prisons and exile." and he also said: "Since they came into being, the Soviet camps have swallowed more people, have exacted more victims than any other camps. . ."

I recently came across a statement about the Nazi concentration camps and the Soviet labor camps. The writer had been a victim of Soviet tyranny. But he had many friends and relatives who were victims of the Nazi camps.

The writer's major point is this, and I quote him:

"Himmler's camps were camps of immediate or one-time extermination (Soviet) camps are, on the whole slow-death camps."

The man who wrote those words knew from personal and family experience what he was talking about for it was Menachem Begin, Prime Minister of Israel.

I know Mr. Begin would agree with the words of another expert on totalitarianism, Bertram Wolfe. Wolfe once wrote about the connection between the internal repression of a totalitarian state and its foreign policy. He put it this way:

". . . The essence of totalitarianism is its two-fold war—an unending war on its own people to remake them in the image of its blueprint for the spirit of man; and on the rest of the world to conquer it for the inevitable and infallible system. Indeed the two wars are inseparably interlinked: a regime which gives its own people no peace will give the world no peace either."

The notorious psychiatric wards, the strict-regime penal camps, the internal exiles, the humiliations, the deliberate cruelties practiced against Jews and others in the Soviet Union today are not simply isolated instances of inhumanity. They are a logical aspect of the doctrines of Marxism-Leninism.

Anyone who believes in God and in freedom cannot be tolerated by totalitarianism of any kind.

That is why the survival of Israel is important in ways that go beyond the usual geopolitical arguments.

It reminds us that if we wish to keep our freedom, we have to believe in something greater than ourselves.

I think history will record that the greatest contribution made by Israel in the last thirty or more years is to be an example to other nations who might have grown weary about defending freedom.

We never can grow weary of that fight.

Sometimes we in America get so sophisticated, so far removed from evident danger, so smug in our self-satisfied enjoyment of freedom, that we forget that freedom has a price.

Israel has taught us that for many years. In its commitment to its own self-interest, it shows us that we can help others only if we ourselves have the will, the strength, and the freedom to first help ourselves.

A few weeks ago I met with a delegation of high-level Soviet officials. They came to see me about nuclear arms reductions. I won't bore you with the details except to say that when the meeting was over, I handed an envelope to one of them. The letter inside that envelope was addressed to Yuri Andropov and signed by me.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

It concerned a Russian Jewish family named Volvosky. I'm not going to read it to you in its entirety. But I do want you to know part of what I said to the leader of the Soviet Union on behalf of one Jewish family:

"YURI V. ANDROPOV,
"General Secretary of the Communist Party,
"The Kremlin, Moscow, USSR.

DEAR MR. SECRETARY: I want to take this opportunity to share with you my concern for the Volvovsky family, particularly involving their desire to emigrate from USSR.

". . . One family's desire to emigrate can technically be claimed to be the concern of the nation in question. Yet in a larger sense, the Volvovsky family, with their desire simply to live their own lives in their own way, in peace, according to their values, in the place they choose, transcends national boundaries.

". . . In requesting that the Volvovsky family—and others in a similar situation—be given the chance to emigrate, I speak not only for my constituents or myself, but, in a sense, for all Americans."

That is what I wrote to the former head of the KGB.

I don't know whether I will receive an answer to that letter.

But I know I am glad I sent it.

A few days later I came across a headline in the newspaper: "SOVIETS URGE FRONT TO FIGHT ZIONISM".

The Kremlin has put forth a front group of Soviet citizens for the purpose of "fighting Zionism."

"Fighting Zionism" is the Communist code-word for persecuting Jews.

When I read those headlines I thought to myself:

I wonder if the Volvovskys are reading a similar headline in Gorki where they have been forced to live?

How different it is for us!

We can read the headline and shake our heads and become angry.

But when the Volvovskys and others like them read a similar headline in the state-controlled press, they must shiver in terror.

I could go on. There is so much more to say.

But allow me, if you will, to conclude right here.

I want to leave you with the Volvovsky family's plight in your minds and hearts.

They are just one family.

But they symbolize everything I want to say—everything about human rights and freedom, about our duty to work so that neither quick extermination nor slow-death threatens human beings, anywhere.

Forty years ago tonight, as a young soldier, I was preparing myself for what would be the invasion of Europe in June of 1944.

Of course, in 1943 I didn't know when the invasion would come. None of us did. But we knew that it would come.

We eventually freed Europe—but we were too late for six million Jews and for millions and millions of others, all victims of totalitarianism.

There is no way we can go back and save those millions. But each of us in our own way can ask the question:

Am I doing all I can—right now—to protect freedom, to defend the cause of the innocent, to preserve and protect the liberties we enjoy. Not only for ourselves, but for all those who would seek the same.

Am I doing all I can to give meaning in our time to the words "never again?"

Each of us must answer this question in his own heart. There, after all, is the place where we must speak the truth to ourselves.

I would hope therefore that on this solemn occasion with this service we will always remember and never forget what it was that brought us together tonight.●

LEGISLATION TO ESTABLISH POPULATION POLICY

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. OTTINGER. Mr. Speaker, I am introducing legislation today that—without added cost to the taxpayer—enables the Government to address the overwhelming impact that population growth and change have on our national economy, our programs and policies, and on our resources and environment. Sentator MARK HATFIELD is introducing an identical bill in the Senate.

This legislation provides the Federal Government with the capacity to more accurately forecast and effectively respond to short- and long-term trends in the relationship between population, resources, and the environment, both at home and abroad. To fulfill these aims it establishes an interagency council comprised of representatives from existing Federal agencies and Cabinet-level departments to project short- and long-term national and global trends on population, the environment, and the availability of natural resources. This council, by directing, monitoring, and coordinating ongoing assessments of these relationships, will enable the Federal Government and its agencies and departments to tailor its policies and programs to suit shifting demographic patterns. Finally, it declares a goal of population stabilization by voluntary means.

In 1974, the United States joined 137 other countries in endorsing the United Nations' World Population Plan of Action, a formal agreement calling for each nation to develop its own population policy. Sixty-six nations have adopted a population policy. As we prepare for the 1984 World Population Conference in Mexico, the United States continues to encourage other nations to tackle this vital issue, and yet we still have neglected to do so ourselves.

Ignoring population growth and change will not stop them from reshaping our lives. Only conscious efforts at every level of Government to understand them and plan ahead will make a difference. This legislation meets our national responsibility.

I urge my colleagues to support this legislation.

The text of my bill follows:

H.R. 2491

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Global Resources, Environment, and Population Act of 1983".

DEFINITIONS

SEC. 2. For the purposes of this Act, the term—

(1) "agency" shall have the same meaning provided in section 551(1) of title 5, United States Code;

(2) "Chairman" means the Chairman of the Council on Global Resources, the Environment, and Population established by section 7 of this Act;

(3) "Council" means the Council on Global Resources, the Environment, and Population established by section 7 of this Act;

(4) "global population stabilization" means the stage in the change in world population when the number of human births approximately equals the number of human deaths;

(5) "long term", when used with respect to trends or impacts means a period of twenty or more years;

(6) "national population stabilization" means the stage in the change in national population when the sum of the number of human births and the number of individuals immigrating approximately equals the sum of the number of human deaths and the number of individuals emigrating;

(7) "person" shall have the same meaning provided in section 551(2) of title 5, United States Code;

(8) "population characteristics" means the number of individuals in the population, and the fertility, mortality, immigration, emigration, internal migration, age structure, and geographic distribution of the population, and the health, education, employment, income, and natural resources needs of the population; and

(9) "short term", when used with respect to trends or impacts, means a period of less than twenty years.

FINDINGS AND POLICY

SEC. 3. (a) The Congress finds and declares that—

(1) population growth directly affects the availability of natural resources, the environment, economic development, and national security;

(2) continued unplanned changes in population characteristics affect the ability of the Nation—

(A) to fulfill the needs of the people for education, training, jobs, health care, housing, and transportation;

(B) to maintain adequate energy supplies;

(C) to conserve natural resources;

(D) to produce food and agricultural products;

(E) to protect the environment;

(F) to provide income maintenance for retired and disabled individuals, and

(G) to control Government expenditures;

(3) there are economic, social, governmental, and environmental advantages to the attainment of national population stabilization in the United States;

(4) the Federal Government has the responsibility for coordinating planning for changes in population characteristics;

(5) the Federal Government is presently unable effectively to derive internally consistent projections of long-term national and global trends in population characteristics, the availability of natural resources, and environmental change, to analyze the effects of such trends on Federal policies and programs, and to consider such trends in planning and modifying Federal policies and programs appropriately; and

(6) the Federal Government must improve its capability—

(A) to coordinate research and analysis with respect to, and prepare projections of, national and global trends in population characteristics, the availability of natural resources, and environmental change, and

(B) to assess the impact of such trends on the national security and the economic well-being of the people of the United States.

(b) It is the public policy of the United States that—

(1) the Federal Government use all practicable means, including financial and technical assistance, to establish and maintain conditions which (A) promote the achievement, at the earliest possible time, of national population stabilization in the United States at a level which is consistent with the maintenance of a high standard of living and conservation of natural resources and the environment, and (B) do not cause major social or economic dislocations in the national population;

(2) the Federal Government cooperate with State and local governments and other persons to promote national population stabilization in the United States;

(3) the Federal Government encourage the nations of the world to achieve national population stabilization and a balance between population characteristics, the use of natural resources, and environmental change; and

(4) the Federal Government develop and maintain the capability—

(A) to coordinate research and analysis with respect to, and to prepare projections of, national and global trends in population characteristics, the availability of natural resources, and environmental change,

(B) to assess the impact of such trends on the Nation, and

(C) to coordinate national planning and decisionmaking based on such projections.

PURPOSES

SEC. 4. The purposes of this Act are—

(1) to provide for coordinated national planning for changes in national population characteristics;

(2) to facilitate the attainment of a balance, both nationally and, through cooperation with other nations, globally, between population characteristics, the use of natural resources, and environmental change;

(3) to encourage national population stabilization and to encourage voluntary family planning in accordance with the World Population Plan of Action adopted in Bucharest in 1974 by the United States and 136 other nations, which provides in part that "all couples and individuals have the basic right to decide freely and responsibly the number and spacing of their children and to have the information, education and means to do so; the responsibility of couples and individuals in the exercise of this right takes into account the needs of their living and future children, and their responsibilities towards the community";

(4) to assure that, in the interpretation and administration of Federal laws, regulations, and policies, and the planning and administration of the programs of the Federal government, the goal of national population stabilization and projections on national and global trends in population characteristics will be considered;

(5) to establish an interagency council to improve the capability of the Federal Government to provide the President, the agencies, and the Congress with accurate, timely, and internally consistent projections of short-term and long-term national and global trends in population characteristics, the availability of natural resources, and environmental change; and

(6) to assure coordination of the activities of all agencies which assess the effects of the national and global trends referred to in clause (5) on the national security and the economic well-being of the people of the United States, and on Federal, State, and local policies and programs relating to education, employment, housing, agriculture, commerce, energy, the environment, transportation, communications, and services to senior citizens.

INTERPRETATION AND ADMINISTRATION OF POLICIES, REGULATIONS, AND PUBLIC LAWS; AGENCY ACTION

SEC. 5. The Congress authorizes and directs that, to the fullest extent possible—

(1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act; and

(2) All agencies of the Federal Government shall—

(A) use reliable demographic research in planning and decisionmaking which affect national and global population characteristics, the impact of national and global population characteristics on the availability of natural resources, the environment, the security of the United States, and the attainment of national and global population stabilization;

(B) identify and develop, in consultation with the Council on Global Resources, the Environment, and Population established by section 7 of this Act, methods and procedures which will insure that national and global population characteristics and the promotion of national and global population stabilization will be considered, along with environmental, economic, natural resources, and technical considerations, in planning and decisionmaking in such agenices; and

(c) make available to State and local governments and to other persons such advice and information as may be useful for planning for changes in population characteristics and national population stabilization in the United States.

POLICY REVIEW

SEC. 6. The head of each agency shall review the statutory authority, administrative regulations, and policies and procedures of the agency for the purpose of determining whether there are any deficiencies or inconsistencies which limit or prevent compliance with the purposes, policies, and provisions of this Act. The head of each agency shall, within one year after the enactment of this Act, take such action as the head of the agency considers necessary to eliminate any such deficiencies or inconsistencies and recommend to the President such administrative actions and to the Congress such legislative actions as the head of the agency considers necessary to eliminate any such deficiencies or inconsistencies.

COUNCIL ON GLOBAL RESOURCES, THE ENVIRONMENT, AND POPULATION

SEC. 7. (a) There is established a Council on Global Resources, the Environment, and Population. The Council shall be composed of the Secretaries of Agriculture, Commerce, Defense, Energy, Health and Human Services, the Interior, State, and Transportation, the Attorney General, the Director of the Office of Management and Budget, the Director of Central Intelligence, the Chairman of the Council on Environmental Quality, the Administrator of the Environmental Protection Agency, the Director of the United States International Development Cooperation Agency, the Director of the National Science Foundation, the Assistant to the President for National Security Affairs, the Director of the Office of Policy Development of the Executive Office of the President, the Director of the Office of Science and Technology Policy of the Executive Office of the President, and the United States Trade Representative, or their designees.

(b) The Chairman of the Council on Environmental Quality shall be Chairman of the Council. The Council shall elect a Vice Chairman from among its members. In the absence or disability of the Chairman, the Vice Chairman shall act as Chairman.

(c) The Chairman shall preside at all meetings of the Council. At least seven members of the Council shall constitute a quorum. Each member of the Council, including the Chairman, shall have one vote. Decisions of the Council shall be determined by a majority vote of the members present.

FUNCTIONS OF THE COUNCIL

SEC. 8. (a) The Council shall—

(1) assist and advise the President in the preparation of the national population change and planning report required by section 10 of this Act;

(2)(A) coordinate population research by agencies and compile information on the current and foreseeable trends in United States and global population characteristics and on the conditions causing such trends;

(B) analyze and interpret such information to determine the probability that such trends and conditions will limit the achievement of the policies set forth in this Act; and

(C) compile and submit to the President and Congress such studies as the Council considers appropriate to promote the achievement and implementation of the purposes of this Act and policies of this Act;

(3) review the laws, regulations, programs, and activities of the Federal Government to determine the extent to which such laws, regulations, programs, and activities limit or promote the achievement and implementation of the purposes and policies of this Act, and make recommendations to the President for such administrative actions and the Congress for such legislative actions as the Council considers necessary to eliminate any provisions of such laws or regulations or to modify any such programs or activities which limit the achievement or implementation of the purposes and policies of this Act;

(4) develop and recommend to the President and the Congress a national population policy, including a national policy on immigration, which will faciliitate planning for changes in population characteristics and promote national population stabilization in the United States;

(5) conduct investigations, surveys, and research, and prepare studies and analyses relating to national population characteristics and the impact of the population characteristics on the availability of natural resources, the environment, and achievement of national population stabilization;

(6) prepare and revise projections and analyses of short-term and long-term global trends in population characteristics, availability of natural resources, and environmental change, including the impact of such trends on the Nation, and report such projections and analyses to the President at least every two years;

(7) develop and recommend to the President policies and programs which will encourage global population stabilization at a level which is consistent with the highest possible standard of living and does not deplete the natural resources of the world or degrade the global environment; and

(8) make such recommendations with respect to matters of policy and legislation as the President or the Congress may request.

(b) In carrying out its functions under this Act, the Council shall consult with appropriate officials and representatives of State and local governments, and other persons, including persons interested in population, science, industry, health, education, agriculture, labor, conservation, social welfare, and international affairs, to obtain information, opinions, and advice without compensation or reimbursement.

ADMINISTRATIVE PROVISIONS

SEC. 9. (a) The Chairman is responsible for the executive and administrative operation of the Council in carrying out the provisions of this Act. The Chairman is authorized—

(1) to use, pursuant to appropriate agreements, the services, equipment, personnel, and facilities of other agencies and of State, local, and private instrumentalities, without reimbursement therefor;

(2) to enter into agreements with the heads of such other agencies and the heads of any State, local, and private instrumentalities as may be appropriate; and

(3) to request such information, data, and reports from any agency or person as the Council may require to carry out the purposes and provisions of this Act.

(b) The head of each agency represented on the Council shall promptly furnish necessary services, equipment, personnel, and facilities to the Council.

(c) The head of each agency shall, to the extent permitted by law, provide the Council with information of the agency requested by the Council, including suggestions, estimates, and statistics.

(d) The expenses of the Council shall be paid out of appropriations available for the payment of the administrative expenses of the Executive Office of the President.

ANNUAL REPORT

SEC. 10. Within one year after the date of enactment of this Act, and annually thereafter, the President shall prepare and transmit to the Congress a national population change and planning report which shall include—

(1) the current and foreseeable trends in national and global population characteristics;

(2) an evaluation of the adequacy of available natural resources for fulfilling the human and economic requirements of the United States and the world based on such current and foreseeable trends;

(3) an evaluation of the short-term and long-term impact which national and global trends in population characteristics, availability of natural resources, and environmental change will have on the economy and national security of the United States;

(4) a review of the effects of the laws, regulations, programs, and activities of the Federal Government and State and local governments and of the activities of other persons on population characteristics, the attainment of national and global population stabilization, and planning for such change and stabilization; and

(5) such recommendations for legislative actions as the President considers necessary to carry out the purposes and policies of this Act.●

OPPOSE MOVE TO DISBAND THE VA

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. FLORIO. Mr. Speaker, our Nation's veterans were recently dismayed to learn that a task force of a Presidential advisory group recommended that the Veterans' Administration be eliminated and its responsibilities transferred to other Government departments.

The Presidential panel, created to report to Dave Stockman on how to further reduce Government programs, initially recommended to disband the VA and divide its programs among the Departments of Social Security, Housing and Urban Development, Education, Defense, and private corporations.

I am pleased that the Presidential panel has withdrawn this recommendation after criticism from the Congress and veteran organizations. Like so many other ill-conceived administration proposals, the elimination of the VA may reduce Government costs in the short term, only to increase Government inefficiency and expenditures later on. The VA has provided our veterans with one-stop, priority service for a range of programs intended to ease a serviceman's transition from military to civilian life. The Presidential panel recommendation to disband the VA comes at a time when the need for VA services are expanding. Five million veterans are celebrating their 65th birthday every year. The VA's hospital and medical programs are experiencing increasing demands. Vietnam veterans continue to look toward the VA for employment and training assistance, GI bill benefits, and for understanding and help in addressing health problems associated with service in Southeast Asia.

Mr. Speaker, I urge my colleagues to join me in maintaining our commitments to America's veterans, and oppose any measure to weaken or destroy the Veterans' Administration service network. At this time I would like to submit the following articles from the Washington Post.

[From the Washington Post, March 24, 1983]

COST TASK FORCE URGING ELIMINATION OF VA

(By Pete Earley)

A task force of the President's Private Sector Survey on Cost Control has recommended that "serious consideration" be given to eliminating the Veterans Administration and transferring its functions to other agencies, according to a six-page "working draft report" obtained this week by a subcommittee of the House Veterans' Affairs Committee.

The report, addressed to J. Peter Grace, head of the advisory panel and chairman of W.R. Grace & Co., said the government, "particularly in the absence of future wars," could divide all of the VA's programs except its hospitals among the Departments of Defense, Education, Housing and Urban Development and the Social Security Administration.

The nation's two largest veterans' groups immediately criticized the report, which was made public by Rep. Douglas Applegate (D-Ohio), chairman of the subcommittee on veterans' compensation, pension and insurance.

Meanwhile, Murray Sanders, a spokesman for the advisory panel, played down the significance of the report, calling it "an early draft paper." Anyone drawing conclusions from it might be making "assumptions that are not valid," Sanders said, "because it may well be heavily adjusted on route" to the executive committee of the panel.

VA Administrator Harry N. Walters also tried to quiet the fears of veterans' groups by saying "A draft report from a voluntary group is no basis for speculating that serious consideration would be given to eliminating the VA."

President Reagan created the Grace committee last June as part of a pledge to bring businesslike management to the federal government. It includes 150 executives from some of the nation's largest corporations and financial institutions. The committee, in turn, supervises the activities of more than a thousand private businessmen in "task forces" assigned to look into the activities of specific agencies.

Democratic members of Congress said the draft report on the Veterans Administration proved that the private-sector committee has overstepped its role as a management efficency advisor and is delving into policy matters.

The VA report was written by William C. Douce of Phillips Petroleum Co., Hans W. Wanders of Wachovia Bank and Trust Co. and William L. Wearly of Ingersoll-Rand Co.

The report's authors suggested that the Defense Department take over the VA's compensation program, that the Social Security Administration take over its pension and burial programs, that HUD take over its loan guarantees and that the Education Department take over all VA education programs. Responsibility for the VA's insurance programs, budgeted at $6.7 billion in fiscal year 1983, should be turned over to private firms, they said.

The report said, "In line with the general theme of the president and the commission, we started conceptually with the premise that the VA could be disbanded."

But the authors said they had not tried to determine if such a breakup was feasible or advisable.

The VA's extensive hospital network is being examined by a separate task force. Its report has not been made public, but a copy was obtained by Rep. Robert W. Edgar (D-Penn.), who chairs a Veterans' subcommittee on VA hospitals.

A spokesman for Edgar said that report recommends consolidating the VA's 172 hospitals, where possible, with Defense Department hospitals. When that is not possible, they could be turned over to communities.

"The decision was made in 1930, when Herbert Hoover was in the White House, that veterans' programs should be pulled together so . . . veterans could receive one-stop service," said Robert Lyngh of the American Legion. "I can't see offhand why anyone would want to transfer the VA pro-

grams to already bloated agencies such as DOD and Social Security."

Among the task force's other recommendations were a reduction in the VA's field staff and using private debt collectors to recoup bad debts.

The Grace committee will hold six public meetings, beginning April 15, to consider reports from its various task forces before making a final recommendation to Reagan, Sanders said. He said leaks of draft reports were undermining the process.

COST CONTROL SURVEY DECIDES TO SPARE VA

A presidential panel studying ways to streamline the federal government said yesterday that it will not ask President Reagan to dismantle the Veterans Administration despite a preliminary study that recommended "serious consideration" be given to eliminating the agency.

Felix E. Larkin, a member of the President's Private Sector Survey on Cost Control, said one of the panel's 36 task forces recommended "several months ago" that the VA be dismantled and its functions transferred to other agencies. Larkin said yesterday that suggestion was rejected after the panel decided it was "beyond the scope"of its mandate.

Larkin's comments did not satisfy Democratic National Chairman Charles T. Manatt, who called on Reagan to repudiate the presidential panel. "The pattern is all too familiar," said Manatt. "A task force comes up with some zany idea and at first the Reagan administration falls all over itself denying paternity. Unhappily, however, the idea usually blossoms into a full-blown disaster. . . ."

A copy of the task force report was released this week by Rep. Douglas Applegate (D-Ohio), chairman of a House Veterans' Affairs subcommittee. Several Democrats immediately criticized the panel, and the nation's two largest veterans' groups said they were outraged by its suggestion.

"This entire misunderstanding is another example of the unfortunate consequences of leaking preliminary staff studies," said Larkin, who criticized Applegate for releasing the report.●

GUAM SALUTES POW-MIA'S ON APRIL 9, 1983

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. WON PAT. Mr. Speaker, by a special joint resolution, this Congress recently designated April 9, 1983, as National POW-MIA Recognition Day. I am pleased that President Reagan joined with the Congress in signing Proclamation 5031 which also designates April 9, 1983, as a special day to commemorate the suffering and sacrifices made for this Nation by a very unique group of military men and women.

As one of the cosponsors of the joint resolution which sets aside April 9 as a day to remember our POW's and MIA's, I join my colleagues here in the Congress and the President in saluting those men and women who gave so much to their country that we and others may remain free of tyranny.

The special plight of POW's and MIA's has drawn national attention in recent years because of the Vietnam war and the hard work of the National League of Families. Those who have been left behind are justly concerned about the fate of their loved ones who are missing in the Vietnam conflict. They have repeatedly urged the Pentagon and the Congress to do all we can to make certain that no American fighting boys have been left behind to suffer at the hands of the enemy which would violate their rights as prisoners of war. Whether or not there remain any living or dead Americans in the hands of Communist authorities in Southeast Asia I cannot say. I certainly pray this is not the case and fully support any action by this Government to seek the immediate release of Americans from Southeast Asia.

To this end, I was proud to have twice visited Vietnam and Laos with congressional delegations intent on finding and bringing home the remains of American servicemen. I can all too well remember the sadness when a delegation, headed by my good friend, Congressman SONNY MONTGOMERY, chairman of the Veterans' Affairs Committee, stood in Laos nearly 6 years ago with over a dozen boxes containing the remains of our fighting men. That was a sad day, but also a happy one, since it was our pleasure at long last to bring these boys back to their families and loved ones here in America. I stand ready and willing to again travel to any nation to help persuade their leaders to send our boys home.

Let me add that we here are not the only ones to remember those who did not come home from the last war. I was pleased to read recently in the Pacific Daily News, that a major gathering of officials and former military personnel will gather on Guam on April 9 to observe their own ceremonies marking this occasion. Leading the way are members of a number of veterans' organizations on Guam including the American Legion, Veterans of Foreign Wars, the Fleet Reserve Association, the Army Retirees Association, the Air Force Retirees Association, the Philippine Scouts, the Wake Island Survivors, and the Chamorro Military Society. I deeply regret that congressional duties require me to be here in Washington rather than on Guam to join with this distinguished gathering. But I will be attending another ceremony on April 9 at the Pentagon with the Secretary of Defense and other Federal officials at which we will join with countless other Americans in remembering those who often made the ultimate sacrifice to their fellow country men and women in a time of war.

It is especially appropriate that the American people of Guam join in honoring National POW-MIA Recognition Day. Our island is the only American community which has known first-hand the horrors of war in this century. We suffered 3 long and terrible years under the occupation of the Japanese and in a very real sense the entire island of Guam, this speaker included, were prisoners of war. Despite the countless horrors my people suffered during that time and in the successful reinvasion of the island in 1944 by American forces, I am proud that we have a record of complete and total devotion to the principles of American democracy. No other American community can boast of such a record of patriotism under fire and I believe that it is entirely appropriate that the people of Guam also be saluted for their actions in World War II on April 9, 1983. Included in that group is a unique group of Guamanians who were part of American forces captured by the Japanese on Wake Island In 1941. They did not return home until after the war was over—those who were lucky enough to live through their experiences.

We owe a very special debt to all POW-MIA's on April 9. I am pleased to have this opportunity to add my voice to that of other Members of Congress in recognizing that we can never forget those who are missing or those who have done so much and their families.

At this point I request that the Pacific Daily News article of March 29 be inserted in the RECORD.

GUAM TO HONOR POW'S, MIA'S

(By Youngsoo Chang)

Local Veterans' Administration officials hope to sue the April 9 observance of National POW-MIA Recognition Day to locate former prisoners of war living here and advise them of the special benefits available to them.

The major benefits of POW's are medical care, including inpatient and outpatient treatment, as well as money compensation for veterans, according to Alan Sinclair, Guam's VA officer.

About 117 of the island's 120 estimated POW's are Guamanians, and the majority of them are World War II veterans, Sinclair said yesterday.

"We are not aware of any MIA's from Guam," he said.

Although POW's from World War II and the Vietnam War have been contacted, Sinclair said, he could not locate any veterans imprisoned during the Korean conflict.

The only organization of POWs here is the Wake Island Survivors, consisting of 35 surviving members among the 46 Guamanians who were captured at the time of the Japanese attack on the island during World War II.

They were later relocated to Japan and held there, Sinclair said.

He said he was impressed with the support from island leaders in what will be the first observance on Guam of the POW-MIA Recognition Day, which has been com-

memorated in other parts of the United States since 1981.

"It's a moment we should all take and set aside for these special people due to the special sacrifice they made for American people," Sinclair said.

In the 10:30 a.m. ceremony April 9 at Skinner's Plaza, Gov. Ricardo J. Bordallo and POWs from World War II and the Vietnam War will speak.

Sinclair said the date is also significant—it marks the occasion when the largest group of Americans fell into the hands of enemies, when the Japanese attacked and captured them in the Philippines in 1942.

The POW-MIA Recognition Day committee wishes to send out invitations to all POWs on the island.

Those POWs are urged to contact either Sinclair at 472-7433 or the governor's special assistant for veterans' affair, John Benavente, at 472-6002.

Preparing for the ceremony are the American Legion, Veterans of Foreign Wars, Fleet Reserve Association, Army Retirees Association, Air Force Retirees Association, Philippine Scouts, Wake Island Survivors and the Chamorro Military Society.●

WHAT ARE AMERICAN CHILDREN LEARNING ABOUT THE FREEZE?

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. MICHEL. Mr. Speaker, if I told you that the Moral Majority and a politically active group of teachers dominated by extreme conservatives had developed a nuclear arms curriculum unit to be used in junior high school classes, what would you say? Or, more to the point, what would our liberal colleagues say?

You and I know there would be weeping and gnashing of teeth, cries of horror, and a call for an investigation. Conservative political activists dictating a war and peace curriculum in our schools? Horrors. But no such cry is heard when the National Education Association (NEA) and a group calling itself the Union of Concerned Scientists—presumably scientists who disagree with their freeze stance are "unconcerned"—both of whom are leaders in the nuclear freeze movement, are behind a "new curriculum unit on nuclear war designed for junior high schools around the country."

Mr. Speaker, this is ideological brainwashing, pure and simple. If conservatively oriented political pressure groups did the same thing there would be an uproar in the House and in the media. But all we hear is the sound of silence. I guess to liberal activists, all propaganda is equal but some propaganda is more equal than others.

At this point I wish to insert in the RECORD, "Curriculum Addresses Fear of Atom War" from the New York Times, March 29, 1983, and an editorial "Political Teaching" from the Washington Post, April 5, 1983.

CURRICULUM ADDRESSES FEAR OF ATOM WAR

(By Gene I. Maeroff)

For many youngsters, the possibility of never reaching adulthood because of an all-engulfing nuclear war is a frightening prospect, much on their minds but seldom mentioned in school.

"Recent studies demonstrate that the nuclear arms race and the experience of living with the threat of imminent annihilation have had a significantly adverse impact on the emotional lives of young people," said Dr. John E. Mack, professor of psychiatry at Harvard Medical School.

Dr. Mack's words appear in the foreword of a new curriculum unit on nuclear war designed for use in junior high schools around the country. The unit acknowledges the fears of adolescents and tries to provide some relief by emphasizing not the horrors of nuclear war, but the choices that might avert it. It is meant to reassure youngsters by leading them to recognize that war is not inevitable and that they are not powerless in affecting the future.

What remains to be seen, however, is whether educators and parents see the unit as a balanced treatment or as propaganda intended to win the young for the cause of nuclear disarmament.

Behind the unit's development are two organizations, the Union of Concerned Scientists and the National Education Association, both of which have taken firm stands in favor of a freeze on nuclear weapons.

The scientists' group, based in Cambridge, Mass., is an advocacy organization that concentrates its attention on the impact of nuclear technology. The education association, based in Washington, is a professional organization and union that represents 1.7 million teachers.

"People may be suspicious of this curriculum unit and that is a big problem," said Robert McClure, program manager of teacher education for the National Education Association. "But we tried to make sure that the program was well balanced."

But the curriculum unit could turn out to be highly controversial, coming as it does when Reagan Administration has portrayed advocates of a nuclear freeze as working against the national interest.

CONSERVATIVE OBJECTIONS

Human Events, a national conservative weekly published in Washington, has denounced the curriculum and impugned the intentions of the sponsors. Cliff Kincaid, an associate editor of Human Events, said "It seemed designed to create a new generation of antinuclear activists."

Mr. Kincaid charged that among the dozens of resources cited in the curriculum guide for further study, "not one could be regarded as solidly prodefense and almost are intricately bound up with the peace movement."

Some of the 47 members of the National Education Association who tried out the curriculum in classrooms in 34 states last fall concede that the unit may be tilted toward an antinuclear position, but they feel it can be used in a balanced way.

"There is no question about it, the curriculum unit is biased for a nuclear freeze," said Bruce Felderstein, a social studies teacher in the Brighton Central Public Schools, outside Rochester. "But what's wrong with telling kids that nuclear war is wrong?" Mr. Felderstein asked. "It is not like bringing in subversive ideas."

ADVANCE NOTICE TO PARENTS

John Furgione, a teacher in the Vineland Public Schools in southern New Jersey, sent a letter to parents before he used the unit. He told parents about the curriculum, invited them to watch it being taught and offered to let children go to another class during the lessons if their parents objected to the content.

There were no such objections, and some families made a point of following up the lessons in class with discussions at home, Mr. Furgione said.

The 10-part curriculum, which is to be covered in two to four weeks, deals with the dangers posed by nuclear warfare, examines some specific nuclear weapons, and discusses the nature of conflict resolution. Woven through the curriculum is the proposition that the United States and the Soviet Union can and should try to resolve their differences peacefully.

Much of the teaching is done through games and role-playing. For example, in a lesson entitled "Reducing the Risk," students split into two teams representing the United States and the Soviet Union. The teacher leads the class in discussing factors that apparently prevent the two countries from agreeing on mutually beneficial security policies. The lesson builds on what the students have already learned about the advantages of communication and cooperation.

For purposes of the lesson, it is the year 2030 and vast oil deposits have been discovered on 10 islands in the Bering Straits, islands to which neither country had previously pressed territorial claims. The two teams announce their intentions by putting forward chips that say "seize" or "cooperate" and, island by island, learn the consequences of their choices.

COOPERATION WINS OUT

The rules of the game reward cooperation, while bellicose conduct produces a situation that triggers mock nuclear war in which both sides lose everything.

In another lesson, called "What Is Necessary for Security?" students examine the impact of military spending on the budget.

They are given 20 tokens and must distribute them among various tax-supported programs. They figure out and write on the blackboard the percentage of tokens they have allocated to each category.

Then the teacher writes on the board, next to the percentages allocated by the students, the real percentages devoted to each area by the real Federal budget.

"The lesson was an eye-opener for them," said Robert Hiscox, who teaches in the Newington Public Schools in suburban Hartford. In most cases, the students gave far less to the military than the Federal budget provides, and far more to such areas as education and health care.

The lesson may be somewhat misleading, however, in that the curriculum guide lists "police, firefighters and public schools" among the categories supported by the Federal Government. Actually, spending for police and firefighters is almost entirely local, and the public schools get 92 percent of their money from state and local revenues.

Nevertheless, some teachers who have tested the curriculum unit believe it is both fair and an important educational contribution.

"I don't think you can find a curriculum that doesn't reflect a viewpoint," said Mr. Furgione. "But we should expect the people

teaching to deal with broad issues and not just their viewpoints."

POLITICAL TEACHING

One of the functions of the National Education Association, a professional organization and union of 1.7 million educators, is to prepare materials for classroom use by teachers. In the past, these have been on the order of manuals on how to improve the teaching of arithmetic, or the motivation of students. Within the last year, however, NEA materials on more controversial subjects have been developed. These include a proposed curriculum on the Ku Klux Klan, one on extremism in American life and another on nuclear disarmament. The materials on the dangers of atomic war were prepared with the assistance of the Union of Concerned Scientists, for use in junior high schools. Because both the NEA and the UCS have been leaders in the movement for a nuclear freeze, questions have been raised as to whether the proposed curriculum is biased.

Last fall, the materials were tested by 47 teachers across the country. One has stated that because nuclear war is wrong, the materials are justifiably biased in favor of nuclear freeze. But it is exactly this kind of leap of reasoning that should concern parents. Some changes in the program were made after the trial period and perhaps in response to a critical article in Human Events magazine. There is now, for example, a section on the alternatives President Truman faced when he decided to drop the first atomic bomb. This factual statement is in a unit concentrating on the devastation wrought by America's action, including frightening accounts of survivors who were themselves junior-high-school age in 1945.

The materials stressed the cost to the American economy of the arms buildup—though no information is given on Soviet expenditures for weapons—but the figures are questionable. The children are told, for example, and the information is reinforced by a test question, that we devote more of our budget to military programs than to social programs. In fact, a cursory glance at the pie chart in the front of the budget document shows that while defense gets 29 percent of the federal dollar, benefit payments to individuals account for 42 percent, and grants to states that include welfare and Medicaid payments are another 11 percent. In comparing the relative strength of American and Soviet nuclear forces, the materials show us far ahead of the Russians. The matter is surely debatable, but arguments to the contrary are buried in a reprinted article in the appendix.

At the conclusion of the course, children are urged to write to their elected representatives about nuclear war, to ascertain and publish the location of defense plants, research and development facilities and military bases in their area (why?) and to collect signatures to place a referendum question on the ballot concerning nuclear policy.

This is not teaching in any normally accepted—or for that matter, acceptable—sense. It is political indoctrination.●

THE NEED FOR A CONGRESSIONALLY MANDATED BIPARTISAN COMMISSION ON MEDICARE

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. PEPPER. Mr. Speaker, in 1965, with the enactment of medicare and medicaid, Congress established a covenant with the American people—access to quality health care shall not be limited by wealth or age.

Though there is little doubt the poor and elderly have greatly benefited from these essential programs, expenditures have now reached the level that some suggest we must break that covenant and shift the burden of caring. Total health care expenditures in this country have increased by 500 percent since medicare was enacted. Per capita expenditures have increased from $211 in 1965 to $1,067 in 1980. The Government's share of health costs has risen from 26 percent to 42 percent with total health outlays under medicare and medicaid exceeding $80 billion in 1982.

As a result of these increasing costs, the Congressional Budget Office now estimates the medicare trust fund will be depleted within 4 years. Current projections are that there will be a $7.6 billion deficit in 1987 unles the program is fundamentally restructured.

The administration response to date has been to propose a series of short-term savings from medicare. The majority of the proposed $1.9 billion in savings for fiscal year 1984—about 56 percent would come from increased beneficiary cost sharing. As much of a third of the rest would indirectly be passed on to beneficiaries.

At the same time, we know medicare covers less than half of the total health expenditures of the elderly. In 1981, total per capita health expenditures for the elderly were $3,140. Medicare's share was $1,427. More than half of the physicians participating in medicare do not accept assignment and, accordingly, medicare's share of physician's fees is decreasing—from 56 percent in 1978 to 54 percent in 1981. Overall, seniors now pay proportionately as much of their per capita income for health care as they did in 1965 when medicare was enacted.

Clearly, something must be done. The legislation we are introducing today is an affirmative response to the critical problems which confront medicare. We are calling for a congressionally mandated bipartisan Commission on medicare. The Commission's mandate is twofold: First, to make recommendations to resolve the short and long-term financial problems facing medicare; and second, to provide for adequate and cost-effective benefits. The Commission will begin its work on October 1, 1983, and cease to exist on June 1, 1984, upon submission of its report with recommendations to the President and the Congress. The Commission will be composed of 18 Members, as follows: 6 Members of Congress appointed by the Speaker of the House—3 Democrats and 3 Republicans; 6 Members of the Senate appointed by the President pro tempore—3 Democrats and 3 Republicans; and 6 Members appointed by the President—3 Democrats and 3 Republicans.

Joining me in sponsoring this legislation are: Hon. HENRY WAXMAN, chairman of the House Energy and Commerce Subcommittee on Health and the Environment; Hon. EDWARD MADIGAN, ranking minority member of the Energy and Commerce Subcommittee on Health and the Environment; Hon. MATTHEW RINALDO, ranking minority member of the Select Committee on Aging; Hon. RALPH REGULA, ranking minority member of the Aging Subcommittee on Health and Long-Term Care; and the following members of the Aging Subcommittee on Health and Long-Term Care:

Hon. HAROLD FORD, Hon. MARY ROSE OAKAR, Hon. WILLIAM RATCHFORD, Hon. BUTLER DERRICK, Hon. RON WYDEN, Hon. BRUCE VENTO, Hon. DENNIS HERTEL, Hon. ROBERT BORSKI, Hon. THOMAS TAUKE, Hon. GEORGE WORTLEY, Hon. HAL DAUB, Hon. PAT ROBERTS, Hon. THOMAS RIDGE, Hon. JOHN MCCAIN, Hon. MICHAEL BILIRAKAS, Hon. JIM COURTER, and Hon. LARRY CRAIG.●

CONGRESSIONAL WALKAMERICA

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. OTTINGER. Mr. Speaker, I am pleased to commend my 215 colleagues who will be joining Arnold Palmer today at 12 noon, on the lawn across from the House steps in Congressional WalkAmerica, the kickoff for the March of Dimes national walkathon, WalkAmerica.

The March of Dimes, whose national headquarters is located in my congressional district in White Plains, N.Y., is dedicated to fighting America's No. 1 child health problem—birth defects—which affect 250,000 babies annually.

The following Members of Congress have signed up for tomorrow's event:

CONGRESSIONAL WALKAMERICA ACCEPTANCES THROUGH

ALABAMA

Sen. Jeremiah Denton (R)

Rep. William L. Dickinson (R-Montgomery/S.E. Ala.)

Rep. Jack Edwards (R-Mobile)

ALASKA

Sen. Frank H. Murkowski (R)
Sen. Ted Stevens (R)

ARIZONA

Rep. Eldon Rudd (R-Phoenix suburbs/Scottsdale)
Rep. Morris K. Udall (D-Tucson)

ARKANSAS

Rep. John Paul Hammerschmidt (R-Harrison area, Boone County)

CALIFORNIA

Rep. Jim Bates (D-San Diego) San Diego-Imperial
Rep. Tom Lantos (D-San Francisco suburbs) Bay Area
Rep. Glenn M. Anderson (D-Long Beach)
Rep. Duncan Hunter (R-San Diego)
Rep. Norman Y. Mineta (D-San Jose)
Rep. Edward R. Roybal (D-Los Angeles)
Rep. William M. Thomas (R-Bakersfield)
Rep. George Miller (D-Contra Costa County, sub. San Francisco)
Rep. Douglas H. Bosco (D-Chico/Northeast corner of California)
Rep. Vic Fazio (D-Sacramento, Northern California)
Rep. Bobbi Fiedler (R-Los Angeles, San Fernando Valley)
Rep. Daniel E. Lungren (R-Long Beach)
Rep. Don Edwards (D-San Jose)
Rep. Leon E. Panetta (D-Salinas, Monterey)
Rep. William E. Dannemeyer (R-Orange County)
Rep. Alfred A. McCandless (R-Riverside)
Rep. Bill Lowery (R-San Diego)
Rep. Robert E. Badham (R-Orange County)
Rep. Matthew G. Martinez (D-L.A.)
Rep. Carlos J. Moorhead (R-Glendale-L.A.)
Rep. Gene Chappie (R-Northern Ca.)
Rep. Jerry Lewis (R-Southern Ca.)
Rep. Barbara Boxer (D-San Francisco)
Rep. Ron Packard (R-San Diego Co.)

COLORADO

Rep. Patricia Schroeder (D-Denver)
Rep. Kenneth B. Kramer (R-Denver suburbs/Colorado Springs)
Rep. Timothy E. Wirth (D-Boulder, suburban Denver)

CONNECTICUT

Sen. Lowell P. Weicker, Jr. (R)
Rep. Nancy L. Johnson (R-New Britain)
Rep. William R. Ratchford (D-Danbury)
Rep. Sam Gejdenson (D-Eastern Conn.)
Rep. Bruce A. Morrison (D-New Haven)

DELAWARE

Sen. William V. Roth, Jr. (R)

FLORIDA

Sen. Paula Hawkins (R)
Rep. Michael Bilirakis (R-Palm Harbor)
Rep. Bill Nelson (D-Melbourne)
Rep. E. Clay Shaw (R-Ft. Lauderdale)
Rep. Don Fuqua (D-Tallahassee/Gainesville)
Rep. Charles E. Bennett (D-Jacksonville)
Rep. Earl Hutto (D-Pensacola)
Rep. Larry Smith (D-Hollywood)
Rep. C. W. Bill Young (R-St. Petersburg)
Rep. Bill Chappell, Jr. (D-Daytona Beach Shores)
Rep. Connie Mack (R-Sarasota; Ft. Myers)

GEORGIA

Sen. Sam Nunn (D)
Sen. Mack Mattingly (R)
Rep. Wyche Fowler, Jr. (D-Atlanta)
Rep. Richard Ray (D-Columbus, GA)
Rep. Lindsay Thomas (D-Savannah)

HAWAII

Sen. Spark M. Matsunaga (D)
Sen. Daniel K. Inouye (D)

ILLINOIS

Sen. Charles H. Percy (R)
Rep. John Edward Porter (R-Evanston)
Rep. George M. O'Brien (R-Joliet)
Rep. Lynn Martin (R-Rockford)
Rep. Sidney R. Yates (D-Chicago)
Rep. Richard J. Durbin (D-Springfield)
Rep. Marty Russo (D-Chicago)
Rep. William O. Lipinski (D-Chicago)
Rep. Dan Rostenkowski (D-Chicago)
Rep. Daniel B. Crane (R-Danville)

INDIANA

Sen. Richard G. Lugar (R)
Rep. Dan Coats (R-Ft. Wayne)
Rep. Philip R. Sharp (D-Muncie)
Rep. Dan Burton (R-Indianapolis)
Rep. Elwood Hillis (R-Kokomo)

IOWA

Rep. Thomas J. Tauke (R-Dubuque)
Rep. Berkley Bedell (D-Sioux City, Fort Dodge, N.W. Iowa)
Rep. Cooper Evans (R-North Central Iowa)

KANSAS

Sen. Robert Dole (R)
Rep. Pat Roberts (R-Dodge City)
Rep. Larry Winn, Jr. (R-Lawrence, sub. Kansas City)
Rep. Bob Whittaker (R-Emporia)
Rep. Dan Glickman (D-Wichita)

KENTUCKY

Rep. Larry J. Hopkins (R-Lexington, Frankfort)

LOUISIANA

Sen. J. Bennett Johnston (D)
Rep. Lindy Boggs (Mrs. Hale) (D-New Orleans
Rep. W. J. Tauzin (D-Houma)

MAINE

Sen. William S. Cohen (R)
Rep. Olympia J. Snowe (R-Augusta)

MARYLAND

Sen. Charles McC. Mathias, Jr. (R)
Rep. Steny H. Hoyer (D-Prince Georges County, suburban DC)
Rep. Marjorie S. Holt (R-Annapolis and Baltimore sub.)
Rep. Michael D. Barnes (D-Montgomery County, suburban DC)
Rep. Beverly Byron (D-Western Maryland/Frederick/Howard County)

MASSACHUSETTS

Sen. Edward M. Kennedy (D)
Rep. Barney Frank (D-Sub. Boston/Newton-Brookline)
Rep. Thomas P. O'Neill, Jr. (D-Cambridge, Boston)
Rep. Silvio O. Conte (R-Western Massachusetts)

MICHIGAN

Rep. David E. Bonior (D-McComb County, sub. Detroit)
Rep. Mark D. Siljander (R-Benton Harbor, Southern Michigan)
Rep. Robert W. Davis (R-Marquette, Upper Peninsula)
Rep. William S. Broomfield (R-Oakland County, Detroit suburbs)
Rep. Sander M. Levin (D-Detroit)

MINNESOTA

Sen. Rudy Boschwitz (R)
Rep. Bruce F. Vento (D-St. Paul)
Rep. Gerry Sikorski (D)

MISSISSIPPI

Rep. G. V. (Sonny) Montgomery (D-Meridian)
Rep. Wayne Dowdy (D-Jackson/Vicksburg/Natchez)
Rep. Webb Franklin (R-Greenwood)
Rep. Trent Lott (R-South Central; Gulf Coast)

MISSOURI

Rep. Ike Skelton (D-Independence)
Rep. Bill Emerson (R-Cape Girardeau/S.E. Missouri)

MONTANA

Sen. Max Baucus (D)
Rep. Ron Marlenee (R-Eastern Montana)

NEW JERSEY

Rep. Robert G. Torricelli (D-Bergen County, suburban NY)
Rep. Matthew J. Rinaldo (R-Hudson County/Suburban New York)
Rep. William J. Hughes (D-Atlantic City)
Rep. Bernard J. Dwyer (D-Edison)

NEW MEXICO

Rep. Manuel Lujan, Jr. (R-Albuquerque)
Rep. Bill Richardson (D-Santa Fe)

NEW YORK

Sen. Alfonse M. D'Amato (R)
Rep. Robert Garcia (D-Bronx)
Rep. George C. Wortley (R-Syracuse)
Rep. David O'B. Martin (R-Adirondack Region)
Rep. Frank Horton (R-Rochester)
Rep. Henry J. Nowak (D-Buffalo)
Rep. Raymond J. McGrath (R-Long Island)
Rep. Robert J. Mrazek (D-Long Island)
Rep. Charles B. Rangel (D-Manhattan)
Rep. John J. LaFalce (D-Buffalo)
Rep. Geraldine A. Ferraro (D-Queens)
Rep. Charles E. Schumer (D-Brooklyn)
Rep. Bill Green (R-Manhattan)
Rep. Ted Weiss (D-Manhattan)
Rep. Norman F. Lent (R-Long Island)
Rep. Guy V. Molinari (R-Staten Island)
Rep. Major R. Owens (D-Brooklyn, NY)
Rep. Stanley N. Lundine (D-Jamestown)
Rep. Gerald B. H. Solomon (R-Glens Falls)
Rep. Richard L. Ottinger (D-New Rochelle)
Rep. Joseph Addabbo (D-Queens)
Rep. Sherwood L. Boehlert (R-Utica)

NORTH CAROLINA

Sen. Jesse Helms (R)
Sen. John P. East (R)
Rep. W. G. Hefner (D-Central N.C.)
Rep. Stephen L. Neal (D-Winston Salem)
Rep. Tim Valentine (D-Raleigh)

NORTH DAKOTA

Sen. Quentin N. Burdick (D)

OHIO

Rep. Louis Stokes (D-Cleveland)
Rep. Michael G. Oxley (R-Findlay)
Rep. Edward F. Feighan (D-Cleveland)
Rep. Chalmers P. Wylie (R-Columbus)
Rep. John R. Kasich (R-Central Ohio)

OKLAHOMA

Sen. Don Nickles (R)
Rep. James R. Jones (D-Tulsa)
Rep. Glenn English (D-Cordell)
Rep. Dave McCurdy (D-Norman)

PENNSYLVANIA

Sen. Arlen Specter (R)
Sen. John Heinz (R)
Rep. Gus Yatron (D-Reading)
Rep. William F. Clinger, Jr. (R-Warren)
Rep. Bob Edgar (D-Delaware County, sub. Philadelphia)
Rep. Austin J. Murphy (D-Monongahela, Greater Pittsburgh)
Rep. Robert A. Borski (D-Philadelphia)
Rep. William J. Coyne (D-Pittsburgh)

Rep. John P. Murtha (D-Johnstown)
Rep. Don Ritter (R-Eastern/Bethlehem/Allentown)
Rep. William F. Goodling (R-York)

RHODE ISLAND

Rep. Claudine Schneider (R-Providence)

SOUTH CAROLINA

Rep. Carroll Campbell (R-Greenville)
Rep. Butler Derrick (D-Johnston)

SOUTH DAKOTA

Sen. James S. Abdnor (R)
Rep. Thomas A. Daschle (D-entire state)

TENNESSEE

Sen. Howard H. Baker, Jr. (R)
Rep. Don Sundquist (R-Memphis)
Rep. John J. Duncan (R-Knoxville)
Rep. William Hill Boner (D-Nashville)

TEXAS

Sen. Lloyd Bentsen (D)
Rep. Jack Fields (R-Houston)
Rep. John Bryant (D-Dallas)
Rep. Steve Bartlett (D-Dallas)
Rep. Abraham Kazen, Jr. (D-Laredo)
Rep. Martin Frost (D-Dallas/Ft. Worth)
Rep. James C. Wright, Jr. (D-Ft. Worth)
Rep. Michael A. Andrews (D-Houston)
Rep. Ralph M. Hall (D-Rockwall)
Rep. Kent Hance (D-Lubbock/Midland)
Rep. Jack Hightower (D-Amarillo, Wichita Falls)
Rep. Kika de la Garza (D-Mission)
Rep. Tom J. Vandergriff (D-Dallas/Ft. Worth)
Rep. Mickey Leland (D-Kokomo)
Rep. Solomon P. Ortiz (D-Corpus Christi)
Rep. Charles W. Stenholm (D-Abilene)

UTAH

Sen. Jake Garn (R)
Rep. Howard C. Nielson (R-Provo)
Rep. James V. Hansen (R-Farmington)

VERMONT

Sen. Robert T. Stafford (R)

VIRGINIA

Sen. John W. Warner (R)
Rep. G. William Whitehurst (R-Norfolk)
Rep. Stan Parris (R-Fairfax County, sub. D.C.)
Rep. J. Kenneth Robinson (R-Winchester)
Rep. Herbert H. Bateman (R-Newport News)

WASHINGTON

Sen. Slade Gorton (R)
Sen. Henry M. Jackson (D)
Rep. Mike Lowry (D-Suburban Seattle)
Rep. Norman D. Dicks (D-Tacoma)
Rep. Ron Chandler (R-Redmond)

WEST VIRGINIA

Sen. Jennings Randolph (D)
Rep. Harley O. Staggers, Jr. (D-Morgantown)
Rep. Nick Joe Rahall, II (D-Beckley)

WISCONSIN

Sen. William Proxmire (D)
Rep. Toby Roth (R-Green Bay)
Rep. F. James Sensenbrenner, Jr. (R-Milwaukee sub.)
Rep. Clement J. Zablocki (D-Milwaukee)

WYOMING

Rep. Dick Cheney (R-whole state)

TERRITORY OF GUAM

Rep. Antonio B. Won Pat (D-At-Large)●

POORER, HUNGRIER

HON. GERRY SIKORSKI

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. SIKORSKI. Mr. Speaker, I wish to bring to the attention of the Members of the House the following New York Times editorial from April 10, 1983. This well-written piece points out the seriousness and urgency of the problem of hunger in America.

[From the New York Times, Apr. 10, 1983]

POORER, HUNGRIER

In April 1979, a team of touring physicians who in 1967 had found widespread hunger in the nation's backwoods and urban slums announced that federal feeding programs had eliminated most of the gross malnutrition in America. What would they find today on a similar tour of the country, four years later?

Item: Last month, the mayor of Cleveland asked that food in Government warehouses be turned over to the city's 105,700 unemployed. Farmers in Grand Forks, N.D., promised to send 55,000 pounds of macaroni to the city. Churches and charities have opened more than two dozen new soup kitchens.

Item: Testifying before a Senate committee, Missouri's Senator John Danforth said the other day that one-third of St. Louis's elderly needed supplemental nutritional assistance.

Item: Larry Brown, a Harvard health specialist, told the same panel of the findings of doctors at Boston City Hospital. They studied 400 children under age 5 for evidence of poor nutrition; three times the number expected were at the bottom of their growth charts.

Item: Last year some 3.2 million children and 2,700 schools left the nation's school lunch program. Most of the schools can't afford to participate under new Reagan Administration rules. More than a third of the children are from poor families and have depended on school lunches for as much as half their daily nutrition.

Item: In Seattle, over 14 months, the waiting list has tripled for the WIC (women-infants-children) program that provides baby formula, diet supplements and checkups for poor pregnant and nursing women and children. Nationwide, 9 million needy women and children are eligible for the program, but the Reagan Administration budget provides enough money for only a quarter of them.

Item: In parts of Detroit, 33 out of 100 children don't live till their first birthday; in the Avalon Park section of Chicago, the rate is 55 out of 100. Nationally, about two-thirds of infant deaths are associated with low birth weight, strongly suggesting a relationship to parental poverty.

Item: This week the Census Bureau reported that in 1981 the number of poor Americans was 31.8 million, an increase of 2.2 million in a year and the highest figure since 1965.

Meanwhile, the Reagan Administration plans to hold funds for WIC at $1.1 billion, with no corrective for inflation, which means that another hundred thousand women and children will have to be cut from the program.

The Administration wants to trim another billion, almost 10 percent, out of food stamps. And it would like to chop spending for the school breakfast, summer food and child-care food programs by more than 25 percent.

Presidents Johnson, Nixon, Ford and Carter could take rightful pride in the findings of the team of physicians studying hunger in 1979. Given what's happening to the hungry in America, this Administration has cause only for shame.●

REMEMBER THE EAST BERLIN WALL?

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. MICHEL. Mr. Speaker, in the rush of events we sometimes forget fundamental principles. For example: Why are we spending so much on defense? The answer to that question is complicated and difficult, but there is a short, easily understandable way of answering it. We are spending billions on defense because we want to remain free. If that seems too simple an explanation, I suggest we all read the recent adventure of two brave men who know what it is to lose freedom and took enormous risks to regain it.

At this point I wish to insert in the RECORD, "Two Soar Over Berlin Wall in High-Wire Cliffhanger Feat," a United Press International story that appeared in newspapers the week of April 3, 1983.

TWO SOAR OVER BERLIN WALL IN HIGH-WIRE CLIFFHANGER FEAT

WEST BERLIN.—Two East Berlin residents used a bow and arrow to shoot a line across the Berlin Wall, then glided to the West on a pulley 35 feet above the ground while guards were not looking, a West Berlin newspaper and police officials said Tuesday.

The nighttime escape, one of the most ingenious in the 22 years since Communist authorities built the wall across this divided city, took place last Thursday, the sources said. An account of the escape appeared in the newspaper Berliner Zeitung.

One of the escapers, a heating engineer identified only as Michael B., 23, said he and a 24-year-old electrician friend conceived the plan on New Year's Eve.

The two men said they chose a five-story tenement in the Treptow section of East Berlin overlooking the wall. After carrying their equipment to the house Wednesday afternoon and then waiting for 15 hours, they fastened a thin, 90-yard-long cable to the house's chimney.

Michael said he fired a fishing line, attached to a steel arrow, from the attic window beyond the wall and over the roof of a West Berlin house to a waiting friend. The cable was tied to the fishing line, and the friend pulled the cable across and secured it to his car.

His friend glided the 30 yards over the barbed wire and the wall and onto the roof of the house opposite, Michael said, and he followed.●

500,000 FOREIGN WORKERS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. MILLER of California. Mr. Speaker, today I and other Members are introducing a bill to amend the temporary worker provisions of the Immigration and Nationality Act in order to safeguard the legal rights of U.S. workers and foreign laborers.

This bill is identical to the amendments I introduced during the Education and Labor Committee's markup of the Simpson-Mazzoli immigration reform bill during the closing days of the 97th Congress. The Education and Labor Committee overwhelmingly adopted those amendments and sent them to the full House for consideration, although no final action was taken on that legislation in the 97th Congress.

We are renewing our effort this year because of continuing efforts to reform our immigration and refugee policies, and because of serious problems with the enforcement of the Immigration Act which were revealed during my subcommittee's recent oversight hearing in Florida. The Simpson-Mazzoli proposal, as reintroduced this year, again includes significant changes in the current temporary foreign guestworker H-2 program that are of concern to many of my colleagues and myself.

The H-2 program arose out of the bracero program during World War II. When the labor market tightened during the war, our Government entered into an agreement with Mexico in 1942 to provide needed labor as a war-time emergency measure.

Under the bracero program: Only male workers were admitted, generally without their families; they were admitted temporarily; the work was hard and unattractive; there were only minimal government controls on wages and working conditions; and if the aliens displeased their employers, they could be deported.

Unlike many special war-time programs, the bracero program continued after the war, especially for crops which domestic workers would not plant nor harvest because of poor working conditions and low wages. Because of the bracero program's ready supply of cheap, exploitable foreign labor, growers were not inclined to improve those conditions. By 1959, more than 430,000 braceros were being used in this Nation. But by 1961, the program was in trouble in Congress. As a war-time emergency measure, it had to be reauthorized every 2 years. Reauthorization in the face of growing public outrage over the exploitation of those workers was becoming increasingly difficult, and finally, in 1964, the bracero program was terminated.

The H-2 program, that already existed at that time, thus became the only vehicle for use of nonimmigration, alien agricultural labor in the country. But, the H-2 program was subject to much closer Federal control and scrutiny than the bracero program especially with regard to the displacement of American workers. As a result, the H-2 program was kept considerably smaller, and was mostly used as intended—for the temporary importation of a relatively small number of foreign workers to perform jobs for which there were no American takers.

Under the current H-2 program, the Secretary of Labor has long issued comprehensive regulations to insure that foreign agricultural guestworkers do not adversely affect the wages and working conditions of the American workers. The Simpson-Mazzoli bill, as originally introduced in the 97th Congress, incorporated those regulations that cover the labor certification procedure. They specify the measures to be undertaken by the Government and employers to safeguard the job rights of American workers—such as the length of time that must be spent searching for American workers, and the procedures under which alien and domestic workers will be employed.

The original Simpson-Mazzoli bill failed, however, to adopt a second, and very important portion of current regulations—those dealing with labor standards. These standards, which have been developed over the past 20 years, are designed to establish minimum levels of benefits that agricultural employers must provide for alien and domestic workers. These current regulations insure that the workers are provided adequate housing, workers' compensation, transportation, the Federal minimum wage and a guarantee that the workers will be employed for at least three-quarters of the contract period.

As introduced in the 97th Congress, therefore, the Simpson-Mazzoli bill maintained existing labor certification regulations while dropping existing labor standards that were to be replaced by new standards to be set by the Attorney General, the Department of Labor and the Department of Agriculture.

But, as the bill made its way through the Committee on the Judiciary, and as it was reintroduced in this Congress, the certification regulations were amended in a number of respects—all of which, if enacted into law, would make it easier for the employer to turn away domestic workers in favor of agricultural H-2 workers. My bill returns the language concerning the certification process to that of the current regulations, and maintains existing labor standards for agricultural workers. Those regulations are understood by all parties and have met the test of time in protecting the national interest, the job rights of domestic workers and the rights and interests of temporary, foreign H-2 guestworkers.

Specifically, the major provisions of the bill we are introducing today:

Retain the existing statutory basis for the H-2 worker program, allowing temporary workers to be brought into the United States only if "unemployed persons capable of performing such service or labor cannot be found in this country." This provision would insure that the Department of Labor and the Attorney General consider the effect of the importation of temporary workers in light of the overall unemployment rate;

Restrict the stay of foreign H-2 workers to 8 months unless the Secretary of Labor has recognized that longer periods may be necessary for certain jobs;

Retain the foundation of the existing labor standards for agricultural workers and provide that workers may not be brought into this country unless those standards are met;

Retain the role of the Department of Labor with regard to the certification of foreign workers and the promulgation of regulations. It also insures that the determination of need for foreign workers by the Department of Labor be performed prior to the entrance of any foreign agricultural workers;

Retain existing tests for determining if domestic workers are available for employment. Congress has always intended that employers should hire domestic workers in preference over foreign workers. The retention of existing tests will demonstrate that this intent has not changed;

Insure that the H-2 program will not expand beyond the Goverment's ability to enforce it. The record of enforcement by the Department of Labor has in the past been far from adequate. In 1981, for example, of the 887 employers who were certified to obtain agricultural workers, only 11 (or 1.2 percent) had field visits by either State or Federal inspectors. Of the employers who were investigated in 1980 and 1981, 54 and 47 percent, respectively, were found to have violated either the statute or the regulations. Given such a record of nonenforcement and law violations, a 20,000-person program cannot be allowed to expand to a 500,000-person program;

Follow the recommendation of the Select Commission on Immigration and Refugee Policy that Congress "remove the current economic disincentives to hiring U.S. workers by requiring, for example, employers to pay FICA and unemployment insurance for H-2 workers;"

Retain current INS regulations which prohibit the Secretary of Labor from certifying temporary workers if a strike or labor dispute is in progress where an alien worker is to be employed;

Provide sanctions for employers who violate the terms or conditions of a labor certification;

Retain existing periods for submitting an application for foreign workers and for recruiting and accepting domestic workers; and

Provide for a private right of action in district court for any person aggrieved by a violation of the act.

The Judiciary Committee is currently considering the Simpson-Mazzoli bill. It is my hope that many of the differences between the present version of the bill, as it affects the H-2 program, and the bill which I am introducing can be resolved satisfactorily before both bills reach the floor. In addition, the minority members of the Education and Labor Committee last year committed themselves to the protection of the domestic and foreign worker under that program, and I intend to work with them as well.

Concern over the potential expansion of the guestworker program is not limited to the cosponsors of this bill. The AFL-CIO endorsed my amendments in the 97th Congress, saying that the Simpson-Mazzoli proposal:

. . . Must, if it is to have this organization's support, contain language that guarantees containment of the present H-2 program to no more than its present scope. To that end the AFL-CIO urges your support for the House Education and Labor Committee H-2 amendments to the Immigration Reform and Control Act of 1982 to prevent job displacement and depression of wage and working standards for workers in the U.S.

The federation affirmed its support in recent testimony to both the Senate and the House Immigration Subcommittees and in its recent Bal Harbour statement.

Mr. Speaker, I will close by including in the RECORD a copy of a recent editorial from the Washington Post. The Post, a long-time supporter of the Simpson-Mazzoli immigration reform concept, urges the Congress to resolve the issue of the guestworkers in a way that is equitable to the domestic worker, the alien worker and the employer. That is what I urge as well. And that is what my bill is designed to do.

[From The Washington Post, Apr. 7, 1983]

500,000 FOREIGN WORKERS?

In a letter published on this page last Sunday, Rep. George Miller (D-Calif.) predicted that passage of the Simpson-Mazzoli bill would result in the temporary admission of a half-million agricultural workers who would take jobs from Americans. His figure is really just a worst-case guess—no one knows with certainty what the real numbers might be—but the problem he raises is a real one.

U.S. immigration laws now allow the temporary admission of workers to perform jobs for which Americans are not available. These are not permanent immigrant visas but limited passes to work for a specific time in a specified job. They are called H2 visas and are most widely used to bring in agricultural workers at harvest time. Labor Department regulations make it very difficult to obtain these visas. Employers must certify that they have tried to recruit workers nationwide, that no Americans are available to fill the positions, that housing will be provided for the workers and fair labor standards will be observed. Between 20,000 and 30,000 H2 visas are issued each year, primarily for workers in the eastern states, where they are needed seasonally to pick fruit and cut cane.

Growers in the West do not use the H2 visa program extensively because there is such a large pool of illegal immigrants available to fill agricultural jobs. If the immigration reform legislation now pending in Congress becomes law and sanctions are imposed on those who hire undocumented workers, western growers will have to use the H2 program, and they would like to ease some of the requirements now imposed by the Labor Department. They are willing, for example, to search for American workers in their own region, but believe it is unduly burdensome to have to look throughout the country. They want to be able to bring in foreign workers if they can't find Americans who are not only available, but "able, willing and qualified" for the job. They want to be able to offer housing allowances if they can't supply housing.

Labor organizations want to preserve all the current requirements for the H2 visa, add a few new ones and enact the protective regulations into law. Without such a change, they believe that a flood of cheap temporary labor will take jobs from Americans. The western growers, on the other hand, are certain that tough bureaucratic requirements will leave them without workers at harvest time or will result in skyrocketing food prices. Both sides have legitimate concerns.

The H2 visa program is only a small part of the comprehensive immigration reform package this country so badly needs. Yet stalemate on the question could sink the whole bill. House and Senate subcommittees meeting this week have the difficult but urgent task of reassuring all parties and hammering out an acceptable compromise.

H.R. 2466

A bill to amend the Immigration and Nationality Act with respect to admission of nonimmigrant workers to the United States for temporary employment, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) Paragraph (15)(H) of section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by inserting "(a) in agricultural labor or services included within the provisions of section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or section 3121(g) of the Internal Revenue Code of 1954, or (b) in any other labor or services" after "temporary services or labor".

(b) Section 214 of such Act (8 U.S.C. 1184) is amended—

(1) by adding at the end of subsection (a) the following new sentences:

"An alien may not be admitted to the United States as a nonimmigrant—

"(1) under section 101(a)(15)(H)(ii) for an aggregate period longer than eight months in any calendar year, except in the case of agricultural labor or services which the Secretary of Labor, as of January 1, 1983, recognized require a longer period;

"(2) under section 101(a)(15)(H)(ii)(a) unless the conditions described in subsection (c)(2)(B) have been met with respect to the employment of the alien; or

"(3) under section 101(a)(15)(H)(ii) if the alien was admitted to the United States as such a nonimmigrant within the previous five-year period and the alien during that period violated a term or condition of such previous admission.

The Attorney General shall provide for such endorsement of entry and exit documents of nonimmigrants described in section 101(a)(15)(H)(ii) as may be necessary to carry out this section.",

(2) by inserting "(i)" after "(C)" in subsection (c), and

(3) by adding at the end of subsection (c)(1), as so redesignated, the following:

"For purposes of this paragraph the term 'appropriate agencies of Government' means the Department of Labor.

"(2)(A)(i) A petition to import an alien as a nonimmigrant under section 101(a)(15)(H)(ii) may not be approved by the Attorney General unless the petitioner has applied to the Secretary of Labor for a certification that—

"(I) there are not sufficient qualified workers available in the United States to perform the labor or services involved in the petition, and

"(II) the employment of the alien in such labor or services will not adversely affect the wages and working conditions of workers in the United States similarly employed, and such certification has been issued.

"(ii) After the Attorney General has approved petitions in a fiscal year for a number of nonimmigrant workers classified under section 101(a)(15)(H)(ii) equal to the number of such workers for whom petitions were approved in fiscal year 1982, the Attorney General may not approve any additional such petitions for such workers in the fiscal year unless the Secretary of Labor has certified in writing to the Attorney General and to the Congress that there are sufficient funds and personnel available to adequately enforce the provisions of this subsection.

"(iii) The Secretary of Labor shall require by regulation, as a condition of issuing the certification, the payment of a fee to recover the reasonable costs of processing applications for certification. Such fees and all penalties collected pursuant to this subsection shall be applied toward reimbursement of the costs of processing applications for certifications under this subsection, of making determinations of violations of this subsection, and of assessing and collecting such penalties.

"(B) The Secretary of Labor shall ensure that the following conditions are met with respect to employment of a nonimmigrant worker under section 101(a)(15)(H)(ii)(a) and eligible individuals in the job opportunity for which a certification under subparagraph (A) is sought:

"(i) The employer will provide adequate and safe housing without charge to the worker.

"(ii) If the employment is not covered by State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease aris-

ing out of and in the course of the worker's employment which will provide benefits at least equal to those provided under the State workers' compensation law for comparable employment.

"(iii) The employer will provide, without cost to the worker, or reimburse the worker for the cost of all tools, supplies, and equipment required for the worker to perform the duties assigned.

"(iv) The employer will provide three meals a day or, where under prevailing practice or long-standing arrangement at the establishment workers prepare their meals, will furnish free, convenient, and safe cooking and kitchen facilities. Where the employer provides such meals, the job offer must state the reasonable cost to the worker of such meals.

"(v)(I) The employer will provide or pay for transportation and daily subsistence (consistent with clause (iv)) from the place from which the worker, without intervening employment, will come to work for the employer, to the place of employment.

"(II) The employer will provide safe and adequate transportation between the worker's living quarter and the employer's work site without cost to the worker.

"(vi) The employer guarantees to offer the worker employment for at least three-fourths of the workdays of the total period during which the work contract and all extensions thereof are in effect.

"(vii) The employer will keep accurate and adequate records with respect to the worker's earnings.

"(viii) The employer will furnish to the worker at or before each payday written statements including information on the worker's wages and deductions taken from wages.

"(ix)(I) The employer must pay a wage rate which will not adversely affect the wages and working conditions of similarly employed eligible individuals.

"(II) The employer must not discriminate in the wage rate paid between United States and foreign workers who are engaged in the same tasks.

"(III) If the worker will be paid on a piece rate basis, the piece rate will be designed to produce average hourly earnings at least equal to the wage rate described in subclause (I) and will be based on a schedule, established and periodically published by the Secretary of Labor, containing the normal hourly piece rate of production of an average United States worker employed in the field of production of agricultural labor or services concerned.

"(x) The employer must provide for payment of wages not less frequently than biweekly or at such more frequent intervals as may be the prevailing practice in the employment area.

"(xi) If the cost of such transportation and subsistence described in clause (v)(I) is deducted from the wages of a worker, the worker shall be reimbursed the amount so deducted upon the worker's completion of 50 percent of the worker's contract period.

"(xii) The employer must provide the worker with a copy of the work contract between the employer and the employee, which contract shall contain all of the information pertaining to the requirements set forth in regulations issued under this paragraph.

In addition, the Secretary of Labor shall ensure that the employer shall pay each nonimmigrant worker under section 101(a)(15)(H)(ii)(a), at the end of the contract period, an additional amount equal to the amount of taxes that the employer would have paid under the Federal Insurance Contributions Act and under the Federal Unemployment Tax Act with respect to the employment of that worker if such employment were included in the definition of employment for purposes of the imposition of such taxes.

"(C)(i) The Secretary of Labor may not issue a certification under subparagraph (A) if a strike or other labor dispute involving a work stoppage or layoff of employees is in progress in the occupation and at the place the alien is to be employed. If, after such a certification is issued and during the period of the certification, such a strike or other labor dispute occurs, the certification shall be automatically suspended while such strike or labor dispute is in progress.

"(ii) The Secretary of Labor may not issue a certification under subparagraph (A) with respect to an employer if the Secretary of Labor has determined, after notice and opportunity for a hearing, that the employer has not complied with the terms of a labor certification, or, if the Secretary has assessed a civil penalty for failure to comply with such a term, that the employer has failed to pay the penalty. No employer may be denied certification under this clause for more than three years for any violation described in such clause.

"(3)(A) In the case of an application for a labor certification for a nonimmigrant described in section 101(a)(15)(H)(II)(a)—

"(i) the Secretary of Labor shall require that the application be filed at least 80 days before the first date the employer requires the labor or services of the alien;

"(ii) the employer shall be notified in writing promptly after the date of filing if the applications does not meet the standards (other than that described in paragraph (2)(A)(i)(I)) for approval and if it does not, such notice shall include the reasons therefor and permit the employer an opportunity to resubmit promptly a modified application for approval; and

"(iii) the Secretary of Labor shall make, not later than 20 days before the date such labor or services are first required to be performed, the certification described in paragraph (2)(A)(i) if the employer has complied with criteria for certification, including criteria for a recruitment period of at least 60 days for eligible individuals as prescribed by the Secretary, and if the employer does not actually have, or has not been provided with referrals of, qualified eligible individuals who have indicated their availability to perform such labor or services on the terms and conditions of a job offer which meets the requirements of the Secretary, except that the terms of such a labor certification remain effective only if the employer continues to accept for employment, until 50 percent of the period of the work contract for which the certification was issued has elapsed, qualified eligible individuals who apply or are referred to the employer.

The failure to provide timely notice under clause (ii) does not preclude denial of an application based on a standard described in that clause.

"(B) A petition to import an alien as an nonimmigrant described in section 101(a)(15)(H)(ii)(a), and an application for a labor certification with respect to such an alien, may be filed by an association representing agricultural producers which use agricultural labor or services. The filing of such a petition or application on a member's or user's behalf does not relieve the member or user of any liability under this subsection.

"(C)(i) The Secretary of Labor shall provide for an expedited procedure for the review of a denial of certification under paragraph (2)(A)(i).

"(ii) The Secretary of Labor shall expeditiously, but in no case later than 72 hours after the time a new determination is requested, make a new determination on the request for certification in the case of importing a nonimmigrant described in section 101(a)(15)(H)(ii)(a) if qualified eligible individuals are not actually available at the time such labor or services are required and a certification was denied in whole or in part because of the availability of qualified eligible individuals. If the employer asserts that any eligible individuals who have been referred are not qualified or available, the burden of proof is on the employer to establish that the individuals referred are not actually available or are not qualified because of employment-related reasons as shown by their job performance. In determining whether or not an individual referred is qualified, the individual's initial level of proficiency or productivity shall not be a basis for establishing that the individual is not qualified.

"(D) For purposes of this paragraph, the term 'eligible individual' means, with respect to employment, an individual who is (i) a citizen of the United States, (ii) an alien lawfully admitted for permanent residence, or (iii) an alien who is authorized to be so employed by this Act or by the Attorney General.

"(4) The Secretary of Labor, in consultation with the Attorney General, shall annually report to the Congress on the certifications provided under this subsection, the impact of aliens admitted pursaunt to such certifications on labor conditions in the United States, and on compliance of employers and nonimmigrants with the terms and conditions of such nonimmigrants' admission to the United States.

"(5) There are authorized to be appropriated for each fiscal year, beginning with fiscal year 1984, $10,000,000 for the purposes (A) of recruiting domestic workers for temporary labor and services which might otherwise be performed by nonimmigrants described in section 101(a)(15)(H)(ii), and (B) of monitoring terms and conditions under which such nonimmigrants (and domestic workers employed by the same employers) are employed in the United States. The Secretary of Labor is authorized to take such actions, including imposing appropriate penalties and seeking appropriate injunctive relief and specific performance of contractual obligations, as may be necessary to assure employer compliance with terms and conditions of employment under this subsection.

"(6) There are authorized to be appropriated for each fiscal year, beginning with fiscal year 1984, such sums as may be necessary for the purpose of enabling the Secretary of Labor to make determinations and certifications under this subsection and under section 212(a)(14).

"(7) Any person aggrieved by a violation of this section or any regulation under this section with respect to aliens classified as nonimmigrant workers under section 101(a)(15)(H)(ii) may file suit in any district court of the United States having jurisdiction of the parties, without respect to the amount in controversy and without regard to the citizenship of the parties and without

regard to exhaustion of any alternative administrative remedies.".

SEC. 2. (a) The amendments made by this Act apply to petitions and applications filed under section 214(c) of the Immigration and Nationality Act on or after the first day of the fourth month beginning after the date of the enactment of this Act (hereinafter in this Act referred to as the "effective date").

(b) The Secretary of Labor, in consultation with the Attorney General, shall issue regulations implementing the amendments made by this Act. Notwithstanding any other provision of law, final regulations implementing the amendments made by this Act shall first be issued, on an interim or other basis, not later than the effective date.

SEC. 3. The Secretary of Labor, in consultation with the Attorney General, shall report to the Congress not later than 18 months after the effective date on recommendations for improvements in the temporary alien worker program amended by this Act, including recommendations—

(1) improving the timeliness of decisions regarding admission of temporary foreign workers under the program,

(2) removing any current economic disincentives to hiring United States citizens or permanent resident aliens where temporary foreign workers have been requested, and

(3) improving the cooperation among government agencies, employers, employer associations, workers, unions, and other worker associations to end the dependence of any industry on a constant supply of temporary foreign workers.

SEC. 4. It is the sense of Congress that the President should establish an advisory commission which shall consult with the Government of Mexico and advise the Attorney General regarding the operation of the alien temporary worker program established under section 214(c) of the Immigration and Nationality Act.●

SUPPORT FOR AMERICAN SPECIALTY STEEL

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. KOLTER. Mr. Speaker, last Tuesday I had the opportunity of testifying before the U.S. International Trade Commission at hearings to recommend a remedy to the damage caused to the specialty steel industry by illegal foreign trade practices.

I am proud to share my remarks to the ITC Commissioners with my colleagues. I would also encourage the Congress to closely monitor this important trade issue.

STATEMENT OF U.S. REPRESENTATIVE JOSEPH P. KOLTER ON BEHALF OF THE SPECIALTY STEEL INDUSTRY OF THE UNITED STATES

Distinguished Chairman and Commissioners, I am Joseph P. Kolter, and I represent the Fourth Congressional District of Pennsylvania in the U.S. House of Representatives. My district is populated by people whose livelihood depends upon the health and viability of the specialty steel industry.

Before continuing, I want to make it clear that I understand that this entire case is unique in that it represents the first time Section 201 and Section 301 investigations have been linked together. Several days ago this Commission concluded that four major product lines within the industry had been injured. Today the Commission will hear remedy proposals from a number of qualified witnesses with experience in the economic and legal aspects of this case. I am here to express my support for the remedies that will be advanced by this embattled industry. Secondly, I appear as the advocate for the families in my district who are suffering at the hands of foreign governments that have chosen to violate established trade laws.

The specialty industry will shortly offer several proposals for relief. Most significant is the industry's call for quantitative import restrictions for the maximum period permitted by law. Such restrictions, if enforced, should sufficiently reduce the volume of imports as to provide market stability and instill the necessary confidence the industry requires to maintain its acknowledged high rate of investing in capital equipment, research, and development.

Having been an accountant before entering the public sector, I appreciate the difficulties involved in planning a company's future. A capital and technology intensive industry such as specialty steel requires at least five years for meaningful and effective plans to be formulated and executed. Thus, for any import relief program to provide concrete results, it must be extended over the full five year period.

Let me add that several years ago this Commission recommended in the previous "escape clause" case that a five year import restraint period was necessary to facilitate implementation of an effective relief program. During the three year import relief period that was subsequently granted by the President, this industry made a serious effort to improve its competitiveness. Modern and cost-effective equipment was installed at plants across the nation.

I would like to cite just one example. During that three year window of opportunity, Armco decided to install a second continuous caster at its Butler, PA works, located in my district. The fact that import relief had been granted surely played a role in that multi-million dollar decision. Even in the face of increased imports the company is wrapping up another modernization project at the Butler Works this year.

Based on what this industry has accomplished during the previous import relief period and bearing in mind that the industry is the world leader in technology and cost-efficiency, I am confident that the industry will not grow complacent for five years. But, rather this industry will actively and aggressively solidify and maintain its position of world leadership.

I would be remiss if I failed to focus your attention on the human hardships that accompany this industry's problems. Just as specialty steel companies have little control over damage caused by illegal imports, the families of specialty steel workers have virtually no control over their future when their principal means of support is laid-off.

Unemployment must be experienced to be understood. Often those of us elected, or appointed to serve the nation here in Washington have the tendency to quantify things without living up to the fact that people are behind each and everyone of those statistics. A pink slip is not an end, it is a beginning. It is the key to a Pandora's Box that often contains severe financial hardship, loss of health insurance, child abuse, spouse mistreatment, and mortgage foreclosures, to name a few. If a family survives intact, it rarely emerges unscathed. The psychological damage lasts a lifetime on young and old alike. I relate this not to sound sensationalistic, but because I have seen it.

An often overlooked example of how illegal imports have caused damage may be seen when a plant closes in a community where specialty steel is the major employer. The Crucible Mill in Midland, Pa., once employed nearly 5,000 people until it went silent last year. Imagine the difficulties local officials must face in delivering basic municipal services. Also, consider the hardships faced by small businesses. This constitutes indirect, but equally painful damage.

Before you ask, let me tell you why I have talked about damage at a remedy hearing. A few months ago Jones and Laughlin Steel purchased the Crucible Mill. Only 200 or so workers will be rehired, but if this Commission so recommends, the five year import restriction on imports could spur J&L into rehiring more workers and expanding operations in Midland. This would mean that at least a few of the families in the surrounding area could once again resume more normal lives. Also, the town itself would not have to worry so much about finding revenue to balance its budget.

In conclusion, I applaud the fact that this Commission, with one exception in one product area, spoke with one voice in ruling that this industry has sustained damage. I am also impressed with the unanimity with which the parties concerned have spoken on this issue. The President, the U.S. Trade Representative, the International Trade Commission, the specialty steel industry, the communities and the United Steel Workers of America have agreed that this technologically advanced and efficient industry has suffered injury.

Earlier, when I spoke of unemployment, I mentioned Pandora's Box. The one positive element in that mythological vessel was Hope. This Commission holds the legitimate capability of offering Hope to the industry, the workers, and the communities.

I urge the members of this Commission to adopt the industry's remedies and to incorporate them into an emphatic statement to the President, calling upon him to make the industry's remedies, his remedies.

Thank you for this opportunity to join the specialty steel industry and its workers in this appeal.●

AMERICAN JEWISH CONGRESS NEW YORK METROPOLITAN COUNCIL ENDORSES HOUSE RESOLUTION 67, CONCERNING ANATOLY SHCHARANSKY

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. OTTINGER. Mr. Speaker, I am including in today's RECORD a resolution which was unanimously adopted by the American Jewish Congress New York Metropolitan Council endorsing House Resolution 67, a bill I introduced concerning Anatoly Shcharansky.

House Resolution 67 calls on the Soviet Government to release Anatoly Shcharansky from prison and allow

him to emigrate to Israel. It also urges the President and the Secretary of State to raise Shcharansky's treatment with Soviet officials at every suitable opportunity and in the strongest of terms. Two hundred and seven Members of Congress have cosponsored House Resolution 67 at this time.

I am privileged to have this important resolution supported by the New York Metropolitan Council of the American Jewish Congress, and I wish to thank its president, Hon. Jeffry H. Gallet, and the entire membership for their efforts.

I commend the resolution adopted by the American Jewish Congress to the attention of my colleagues:

H. RES. 67

Whereas Anatoly Shcharansky is a leader in the Soviet Jewish Community; and

Whereas the Soviet authorities have undertaken a campaign of harassment and intimidation against Anatoly Shcharansky including imprisonment; and

Whereas the health of Anatoly Shcharansky continues to deteriorate; and

Whereas Anatoly Shcharansky represents the struggle of the Soviet Jewry movement: Now therefore, be it

Resolved, That the New York Metropolitan Council of the American Jewish Congress supports and calls upon the United States House of Representatives to pass House Resolution 67. This resolution urges the President and the Secretary of State to undertake at every opportunity and in the strongest terms possible the opposition of the United States to the imprisonment of Anatoly Shcharansky.●

SENIORITY IMPORTANT FOR BOTH LABOR AND MANAGEMENT

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. SIMON. Mr. Speaker, as unemployment has spread throughout so many of this Nation's basic industries working men and women are increasingly alarmed by those who would dilute their seniority rights. In my district, for example, this issue has come to a head in contract negotiations between the Inverness Mining Co. and district III of the International Association of Machinists. I am told that current negotiations are snagged on a clause which would end an employee's seniority rights after a 12-month layoff. Strictly from a management viewpoint, I can understand the company's first-glance desire because it gives them a much stronger voice in who is hired, but it does not represent sound policy, even for management, in the long run, in my opinion. I say that as a former businessman with some practical experience. Our friends in Japan can provide lessons for the United States in developing a joint management-labor sense of responsibility for production and progress, but for that to develop there has to be a two-way street.

The Inverness problem is complicated by the fact that they mine fluorspar, an industry already plagued by import threats—and the House has twice come close to devastating this industry and helping South Africa and Mexico. I headed the fight to save the domestic fluorspar industry, to save Inverness and the few others who produce fluorspar in this country. I am pleased to have done that, but I would urge these industries, that I have helped to recognize their responsibilities to employees who have worked many years for them. Because imported fluorspar has wreaked havoc on domestic production, many of Inverness' employees have reached or will soon reach the 12-month cutoff.

Mr. Speaker, it is time to restate and reaffirm some of the basic reasons the principle of seniority developed in the relations between labor and management.

The fight to establish this principle in collectively bargained contracts is almost as old as the labor movement itself. From the beginning the fight for seniority has been a fight for fairness in employment. It has been an effort to stop management from playing favorites, from discriminating in layoffs, recalls, promotions, and transfers for reasons having nothing to do with job performance. Seniority means neither the foreman, nor the superintendent, nor anyone else can arbitrarily bump a worker to make way for a favorite niece or nephew. It means 40- or 50-year-old workers cannot be displaced by stronger youngsters after years of faithful service.

Seniority converts length of service into a property right. This right begins to vest on the day of hire and becomes more valuable with each passing day. In one sense seniority is the dividend workers receive when they invest their labor. Seniority erases any differences based on race, color, religion, sex, or national origin. Whether workers are white males or black females, the longer they are on the job the more their seniority is worth. In another sense seniority is the bottom line of trade unionism. It is the one right upon which all other negotiated rights depend. Many workers regard their seniority as second in value only to their union membership. And most agree no substitute would be acceptable.

Mr. Speaker, an employer who demands a right to terminate seniority after a certain period of layoff is obviously demanding a right to hire new employees to take the place of the old. Such discrimination against workers with seniority on the job should be discouraged just as surely as other forms of discrimination.●

KOESTLER AND MACLEAN: TWO OPPOSING VISIONS

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. MICHEL. Mr. Speaker, within a few weeks of each other, "two of this century's most famous Communists" (as the Wall Street Journal called them) died. Arthur Koestler, famous for his novel Darkness At Noon and Donald Maclean, infamous for being a traitor to his country along with his old chums Kim Philby and Guy Burgess, took two different roads after their initial attraction to communism in the 1930's. Koestler became one of communism's most articulate and persuasive critics; Maclean helped the Soviet Union as an agent for many years while he was working as a British civil servant.

Those who have taken issue with President Reagan's recent speech referring to communism as "evil" should either learn about or recall the truths that Koestler wrote about and the tragedies that Maclean and others like him helped to bring about.

At this point I wish to insert in the RECORD, "Koestler and Maclean" an editorial from the Wall Street Journal, March 30, 1983.

[From the Wall Street Journal, Mar. 30, 1983]

KOESTLER AND MACLEAN

Before they become too settled in their respective resting places, we think it would be appropriate to consider the lives of two of this century's most famous Communists—Arthur Koestler and Donald Maclean. Both men died recently, one in London, the other in Moscow. Koestler was a writer. Maclean was a traitor.

Karl Marx has been dead for 100 years, but Marxism itself has turned out to be the 20th century's longest running political tragedy, with political activists somewhere always eager to stage a revival. Koestler and Maclean were two of the actors.

Arthur Koestler, born in Hungary in 1905, joined the German Communist Party in 1932. Seven years later, after the Spanish Civil War and a visit to the Soviet Union, Koestler left the Communist Party. In 1941, with the publication of "Darkness at Noon," his novel describing the Soviet Union's betrayal of its people, Koestler became perhaps the world's most famous anti-Communist. In that book he wrote: "How our voices boomed with righteous indignation, denouncing flaws in the procedure of justice in our comfortable democracies; and how silent we were when our comrades, without trial or conviction, were liquidated in the Socialist sixth of the earth."

Donald Maclean would have been entering Cambridge University in England about the time Koestler was joining Germany's Communists. Maclean's parents were Sir Donald and Lady Gwendolen. His father had been a

British cabinet minister. Maclean's friends at Cambridge included two other well-bred young Englishmen—Kim Philby and Guy Burgess. All three joined the Communist Party while at Cambridge, and all three spend most of their lives betraying the people of Britain and the Western democracies into the hands of the Soviet Union. When Maclean died earlier this month. Izvestia described him as a man who had served the "lofty ideals of social progress and humanism, peace and international cooperation" and "a man of great moral qualities." As employees of the British government, often in the U.S. Maclean, Burgess and Philby passed information to the Russians regarding World War II, atomic weapons and the Korean War.

With the stories of Koestler and Maclean brought together in the news by the coincidence of death, it is likely that few people in the West would have much difficulty deciding which man's life was misdirected. But though all may agree that Koestler was the better man, one is obligated to say the jury is still out on which left the more enduring legacy. That is to say, the jury is still out on Marxism.

No matter how many individuals, economies, religions, ethnic groups or nations it has betrayed this century into repression, poverty or death, the jury is always out, deliberating over Marxism. If it betrayed the people of Russia, then perhaps it would work in China, and if not there, perhaps in Cuba. It is given a chance in the fields of Vietnam, and failing there it is transplanted to the villages of Latin America. There was great hope that Zimbabwe, led by an academically trained Marxist, would not fall prey to the same disturbing tendencies that hampered the rehabilitation of the kulaks or Tibet's Buddhists. Marxism, or even socialism, we are told by its adherents, is at bottom a benevolent theory of social organization. The world would be better off under it, if only . . . .

If only what? We would have thought that in "Darkness at Noon" Koestler had adequately explained its instinct for social repression: "Humanitarian weakness and liberal democracy . . . are suicide for a revolution." Let's turn that around: If you come to power through revolution, if you come to power by living outside for years with bugs and mud and death, you don't commit suicide by letting something so easy as an election remove you from office. You don't hold elections. And if you are remaking society from the ground up, you bring everything under your direct control.

Arthur Koestler said about as much as anyone needs to know about the depredations of Marxist governance. But Marxism goes on and on, the 20th century's grandest illusion. Theologians think it looks a lot like the Gospel of Jesus. Congressmen think it looks like a Boston precinct captain, just a guy whose politics are a little different than yours; so let's talk. Political columnists think that if a nice man like Robert Mugabe or Salvador Allende is in charge of it, it deserves a chance.

Lionel Trilling, an undeluded English professor, once described the melancholy faith of the many smart people in Arthur Koestler's "comfortable democracies" who are endlessly willing to believe that the next Marxist will be the good Marxist. "If only the things that people said were good were really good" Trilling wrote; "if only the things that are pretty good were entirely good; if only politics were not a matter of power. . . ."

In his later years, the years of Vietnam, Cambodia, Nicaragua, Afghanistan and El Salvador, Koestler refused to publicly discuss politics. That's understandable. Had you written so much about the smallness of Marxist ideals and then seen some of the West's best minds continue to accord Marxism respect as a serious idea, you might not want to talk about it either.●

BANKING BAILOUT

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. SHUMWAY. Mr. Speaker, one of the most important—and most complex and misunderstood—issues now facing Congress is the administration's request that the U.S. contribution to the International Monetary Fund (IMF) be substantially increased.

The House Banking Committee, on which I serve, has recently held several days of intensive hearings on the IMF in general, the arguments for and against a U.S. quota increase, and the foreign lending practices of large U.S. commercial banks. The International Trade Subcommittee, on which I also serve, has just embarked upon a further series of hearings on H.R. 1907, legislation specifically authorizing the quota increase.

I share the concern of many of my constituents that, at this time of severe economic problems and budgetary pressures, a "bail-out" of U.S. banks that may have made unsound and excessive loans may be being contemplated. I am concerned that the $8.4 billion requested for the IMF, and the General Arrangments to Borrow, may be spent better at home.

At the same time, I recognize the importance of international trade to our domestic economy, and am appreciative of the role the IMF has played in assisting foreign nations which are now important U.S. export markets. I am also aware of the significance of the IMF in maintaining the stability of the entire international financial system during the current global recession.

I have therefore not yet reached a final position on the IMF quota increase. I remain somewhat skeptical, however, and believe that the burden of proof rests with proponents of the quota increase who must show that it is, in fact, in our national interest. I commend to the attention of my colleagues two recent Wall Street Journal editorials which provocatively discuss this important issue.

BANKING BAILOUT

What's being called the crisis in international lending is a sticky wicket, all right. There's the immediate problem of what to do with debtor countries who are broke, the creditor banks who are stuck and the IMF which needs more money to bail out both. Beyond that, there's the problem of how to make sure we don't get caught with this sticky wicket again.

The facts of the case are plain enough. Over the past decade, the developing nations borrowed a lot of money. They are now finding it difficult to repay that money. Hence, they wish to borrow some more money—from the IMF and from the same banks they are currently finding it difficult to pay. The banks, naturally, would like to be paid back; they want the IMF to bail them out. And almost everybody—aligned and nonaligned alike—worries that a liquidity crisis will be created if any one player pulls out of the money merry-go-round; they want the credit to keep circulating. Otherwise, they argue, even worthwhile projects may not get financed, and the real economy will stumble.

Well, the facts may be straightforward but judgments on them are not. To wit: just who is to blame?

The banks claim they're innocent. They argue that their loan decisions were sound given inflationary government policies and needs to recycle the petrodollar overhang. They say they were only doing what the world demanded of them: finding investment opportunities for the big pot of manufactured dollars. They claim, too, that they were under political pressure to motor the overhang into developing countries.

Congress and people holding high political office now and during the decade of the overhang disagree. They claim they're innocent of ballooning the petrodollar problem with drafts of inflation. They claim that the whole problem is that the banks were motivated by greed so great that they ignored prudent lending practices.

Regulators, who have the responsibility for disciplining banks into prudent practices, take an ambiguous stance. They blame-but-don't-blame banks and blame-but-don't-blame the regulations themselves. But in practice, the regulators have provided the de facto 100% federal deposit insurance which underwrites, if not encourages, bad banking practices. They have defended the policy of non-disclosure which shields the particulars of bank balance sheets from public judgment. And they have been unable to forecast the certain dangers arising from certain bank balance sheets.

And let's not, although it's often done, forget the accountants. There's an undeniable coziness between the accountants and their bank clients. A coziness which, given the self-policing responsibility of the accounting profession, results in certain dubious practices. For example, there's the practice of carrying troubled loans as assets at book value; of showing the interest from old loans as income even though new loans were required so that old loan interest payments could be made; and of allowing the fees charged for making those new loans to appear as immediate earnings.

Knowledgeable observers blame everybody.

The knowledgeable observers are right. All of these players conspired to bring forth the current problem. Unfortunately, the unpleasant question of who should pay for the mess cannot be decided on grounds of culpability. That is, payment cannot be apporptioned according to blame.

The IMF bailout solution affixes payment on two groups that are not at all to blame—taxpayers, who are ultimately stuck with responsibility for the IMF funds, and private borrowers, who have to endure higher interest rates from the borrowing necessary to ante-up the IMF increase. Moreover, there

is probably no way of making three batches of culprits—politicians, regulators and accountants—pay any direct penalty.

On the other hand, solutions which go beyond an IMF bailout could levy some penalties on the banks. Some of those solutions could be quite direct. Congress is talking about more regulatory constraints and possible earnings losses through enforced increases in loan loss reserves or mandating increases in charge-offs. This is another way of saying that bank stockholders and consumers of bank services would also be whammied.

It's a shame, for sure, but the costs for correcting this sticky wicket will have to be spread around. They should be spread around carefully. The worst solution would be a bailout which just generates another burst of inflation. Second worst would be a bailout which doesn't address the bad incentives embedded in the present banking structure. These kinds of "solutions" would only set the grounds for another ain't-that-a-shame-but rescue effort down the road.

BAILOUT BANKING

The crisis in international lending is sobering, to be sure. But it also offers a delicious opportunity to put banking practices on a sounder basis. The banks need Congress to OK the bailout billions for the IMF. And Congress seems willing to propose some polite blackmail: In return for that bailout the banks must pay a penalty. Fair enough. Unfortunately, Congress could miss this mouthwatering opportunity by levying the wrong penalty.

That is, Congress is talking about increasing regulatory constraints on the banks even though such regulations have already failed. Specifically, the Heinz-Proxmire bill would give the Fed three new powers. The Fed could both raise loan loss reserve requirements for loans in troubled countries and limit loans to countries the Fed determines are troubled. It also asks the Fed to require banks receiving more than $1 million in rescheduling fees to spread these fees over the life of the loan instead of the current practice of showing them as an immediate addition to income.

This solution renders some punishment on the banks, sure. However, it would create some new problems.

First, judgments about which countries are troubled are difficult to make and are open to political interference and interpretation. Second, requirements and limits—no matter how judiciously arrived at—are arbitrary. They don't permit distinctions either among lenders or among borrowers. After all, there is presumably a difference between a bank with a large, risk-free portfolio and a small, highroller, just as there is, presumably, a difference between a fully collateralized project for resource development and a flimsy undertaking to build hilltop villas for bureaucrats.

For their part, the banks prefer the bailout without the blackmail. They argue, with some justice, that more regulations would make matters worse and that the U.S. recovery, along with the expected world recovery, will transform debtor countries into good risks once again. They are, however, on weaker ground with assurances they've learned their lesson.

And how do the regulators feel? Federal Reserve chief Volcker is treating the potential increase in power cautiously. In testimony before the committee containing both Sens. Heinz and Proxmire, Mr. Volcker warned against "overreaction." He said something ought to be done beyond an IMF bailout but what, well, that was still under consideration.

The only head-on attack comes from William Isaac, the head of the FDIC. For starters, Mr. Isaac argues that solutions lie in less regulation and more market discipline.

First, says Mr. Isaac, the government ought to stop insuring big depositors 100% against the consequences of bad banking. Second, banks ought to publicly disclose their loans on a country-by-country basis, whether or not there are any perceived troubles. These two suggestions would make it necessary for investors to differentiate among banks and would give those investors the information with which to do so.

Mr. Isaac is right. And in the same spirit, we offer a suggestion: The bailout via the IMF should be approved only if banks recognize their troubled loans as troubled loans. That is, banks with nonperforming loans should be required to commensurately reserve against them or start writing them down and stop showing them as assets at book value.

Banks would rather treat nonperforming loans with optimism, of course. Optimism avoids a loss in earnings from increasing loan loss reserves or from taking additional write-downs. IRS rules encourage this optimism by limiting tax deductibility of such reserves.

Ah, but here's the beauty of our suggestion. Banks not wishing to increase reserves or chargeoffs would sell their troubled loans. Buyers might include other banks who wish to diversify their own troubled loan portfolios with a little horse-trading. Buyers might even be found among investors with different risk profiles or return assessments.

After all, there is a price at which most loans will have buyers. So selling these loans would affix a true value price to them, conceivably higher in some cases than the bank's own write-down levels. Moreover, the difference between the face value of the loan and its market price could be written off for tax purposes.

If the market price rebounds to the credit of bank balance sheets—fine. But if not, the banks should keep their trouble on the expense side. Outrageous? No. Banks ought not to be allowed to show nonperforming loans as assets at book value. Nor should they feel constrained by "bad press" from seeking firmer ground.

Whatever the details of any remedy—and something beyond a simple IMF bailout is necessary—the direction of such a solution is clear. Current regulations are inadequate and more restraints would exacerbate the immediate crisis while doing nothing to prevent future ones. Remedies must come from a fresh market breeze which blows away some of the regulation and protection. The opportunity is, um, ripe.●

NEED FOR FEDERAL BOXING REGULATION

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. RICHARDSON. Mr. Speaker, I am introducing today a bill entitled the "Congressional Advisory Commission on Boxing Act." This legislation is the product of hearings which the Subcommittee on Commerce, Transportation, and Tourism, on which I serve, has conducted over the last 2 months concerning boxing safety.

At these hearings, we heard testimony from a broad range of witnesses involved in professional boxing. We heard from boxers, from referees, from the media, from State athletic commissioners, and from national and international organizations involved in sanctioning professional boxing events.

These witnesses testified overwhelmingly in favor of the approach taken in this legislation. As the title of the bill indicates, this is an advisory, not a regulatory commission. Its purpose, therefore, is to study and to make recommendations to Congress concerning the nature of Federal legislation that would be appropriate to address the problems we have identified in professional boxing.

The legislation also reflects the concern of many that the Commission be representative of those interests involved in professional boxing but not be held captive to such interests. As a result, the legislation provides that 5 of the 10-member Commission shall be individuals who are not involved in the presentation or regulation of professional boxing events.

Finally, the legislation requires the Commission to develop recommendations concerning only those issues which were identified as being important during the hearings. These issues include: Licensing requirements, including proficiency and training standards for boxers, promoters, referees, judges, ringside physicians, and other ring officials; health and medical requirements, including prefight and postfight testing and examination by physicians specializing in cardiological, neurological, and ophthalmological treatment for professional boxers; and the reporting to a national authority of information on the health and medical condition and background of boxers for use in establishing and maintaining an accurate and current account of a classification and ranking of professional boxers.

Mr. Speaker, our subcommittee heard example after example of cases in which boxers who were disqualified from fighting in a particular State continued fighting in other States either because of less stringent regulations or because complete and accurate information was not available to those responsible for regulating boxing. The legislation I am introducing would address this problem in two important ways. First, it would establish minimum uniform health and medical standards that would be applicable to all States. Second, it would establish a national authority whose responsibility it would be to maintain up-to-date, accurate information on

the medical and ring records of all professional boxers fighting in the United States.

The lack of uniform standards and the absence of comprehensive data on boxers, in my opinion, have been major causes of boxing injuries and mismatched fights in recent years. Another important factor has been the growth in boxing's popularity.

Nationally, boxing has become either the third or fourth most popular sport in our country, depending on whose survey you look at. In my own State of New Mexico, boxing is an immensely popular amateur sport, particularly among Hispanic youth. Competition is very intense at the local level and New Mexico has produced its fair share of amateur champions and professional fighters as well.

Mr. Speaker, this legislation is urgently needed. We must establish a commission and allow the best minds in the profession to sit down together with adequate resources and hammer out a series of recommendations for the Congress to consider and, hopefully, adopt into law. We cannot continue under the fragmented and dangerously ineffective State regulation scheme under which the boxing profession presently operates.

The subcommittee's hearing record is ample evidence of this need for change. However, should my colleagues need additional proof, I commend to them "too many punches, too little concern," an excellent article by Robert H. Boyle and Wilmer Ames, appearing in the April 11, 1983, issue of Sports Illustrated. This article is a chilling discussion of the extensive brain damage professional heavyweight fighters have received in the ring.

I welcome the opportunity to discuss this legislation with my colleagues. Should you need further information or wish to cosponsor, please do not hesitate to contact me or David Springer of my staff at 5-6190.●

SMALL NEWSPAPERS IN AMERICA

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. EVANS of Illinois. Mr. Speaker, freedom of speech is a basic right which many of us as Americans take for granted. We do not often realize what a vital role newspapers—in all shapes and sizes—play as the most essential protector of this right.

Thomas C. Z. Terry, editor of the Geneseo Republic and the Cambridge Chronicle, illustrate the importance of the smalltown weekly newspaper in his article "The Thriving Weeklies: Diary of a Small-Town Editor" which appeared in the April edition of the Washington Journalism Review. He points out that newspapers serve to encourage individual identity by documenting the major events along the path of his or her existence. Birth, marriage, and death are the milestones of life and the landmark of good local journalism.

The weekly newspaper not only documents the life of an individual, it also preserves the history of our country by recording the life of a town and helping to foster and preserve the traditions in which we take pride. This alone makes the work of Mr. Terry and many like him worthwhile.

I commend this article to our colleagues and add my congratulations to Mr. Terry and his fine newspaper staff for the years of worthwhile service they have provided to our community.

The article follows:

[From the Washington Journalism Review, April 1983]

NEWSPAPERS 1983—THE THRIVING WEEKLIES: DIARY OF A SMALL-TOWN EDITOR

(By Thomas C. Z. Terry)

My family owns two weekly newspapers, the Geneseo (Illinois) Republic, which has a circulation of 3,450 and is 127 years old (and Henry County's oldest newspaper), and the Cambridge (Illinois) Chronicle, which has a circulation of 1,450 and celebrates its 125th anniversary this year. That is two and a half centuries of combined experience and demonstrates, if nothing else, the tenacity of weekly newspapers.

James H. Terry, my father, was the editor of the Republic for 37 years. He is still the publisher. I have been the editor since 1975.

Geneseo and Cambridge are a 45-minute drive from the Mississippi River and Rock Island (of the Rock Island Line and Blues Brothers fame). President Reagan was born in nearby Tampico and played high school football against Geneseo. President Lincoln chased Chief Black Hawk north of town and debated Stephen Douglas south of town at Galesburg. Ten years ago, Esquire magazine picked Geneseo as one of the Ten Happiest Places in America. The town is most happy when its high school football team is winning, as it has been nearly 90 percent of the time for a quarter-century. Assistant Secretary of State Greg Newell is from Geneseo. So is Bob Adams, assistant Washington bureau chief of the St. Louis Post-Dispatch. Mamie Eisenhower always stopped to eat at "The Circus" in Geneseo on her way to her hometown, Boone, Iowa.

Most Americans' contact with The Press (on weeklies, we still call it the press, not the media, and we still say we live in a town, not a market) comes through their weekly or biweekly paper, whether it is in a small town or a suburb. We catalog the deaths, weddings, births, arrests, meetings—all the things that are important to a community. A weekly newspaper helps create and give an identity to a community. Just ask anyone in a small town that does not have one.

A small-town weekly is the place for reporting on county fairs, deer corpses, divorces, large fish and musk melons the size of basketballs. It is the place for photos of sweaty Little Leaguers after they have played a no-hitter and of three-month-old wedding stories the dailies will not print. It is the place for stories about Frank and Sarah visiting their children in Wyoming, cookie and bake sales, Edna going back to the Mayo Clinic for more treatment. It is the place where dogs wet the floor and babies wet the counter.

We were once threatened with a libel suit when we reported a local woman was charged with drunk driving in another town; hassled by an out-of-town police chief after an uncomplimentary editorial and called all sorts of vile things by a group that wanted to save a crumbling hulk of a grade school that the school board wanted to tear down. We supported the board's action editorially. My father was once grabbed by an angry reader; the man was on his back a few seconds later. You do not do that to a former collegiate wrestler. We have had customers spit "chawin" tobacco on the floor and critics demand "equal time," as if we were TV. Aside from the IRS, required "voluntary" labor statistics and an annual statement of ownership, the government does not bother us much.

We have printed a bogus letter to the editor signed by "Howard Beal" (the demented character in "Network"); a story about a couple who went to Chicago for the weekend (it turned out they weren't married) and almost published an obituary of a man who had not died. We have been guilty of wrong scores and wrong spelling. Too much wrong. But the relevancy of weekly newspapers is constantly confirmed as subscriptions to our papers are consistently renewed (a fourth of our readers live out-of-county) and as they always sell out on the newsstands.

If the county board has troubles, or if the school district demotes an administrator, we report it because that is a newspaper's job. But it is more painful for us, because we know the principals involved. They are our friends and neighbors; their children grew up with our children.

Knowing your subject and being known by him is an added burden to the small-town editor, one that can blunt frank coverage. I am more accessible than most editors, not just because I answer my phone calls, or because my desk is smack-dab in the middle of the office (there is no separate newsroom), but because people in town know me. "Hey, you can leave Eddie's name out of the Police Blotter, Tom. . . ." My first cousin has appeared in the blotter, so has one of our employees and the son of one of my dad's closest friends.

On a small-town weekly, finances and reporting are more closely linked. Editors on a weekly might hype a store's grand opening because it means more ad linage, and there is the temptation to play down an "occurrence" involving a major advertiser. News stories inform the ordinary citizen, but he is only paying 35 cents, so the advertiser may have greater leverage.

It takes a strong-minded editor to damn the torpedoes without considering the impact on advertising. A Minnesota weekly received considerable publicity a few years back for exposing corruption at a local factory. Circulation continued strong, but ad revenues plummeted, and the two former metro-daily reporters who ran the weekly came face to face with small-town-weekly financial reality.

When a Colorado weekly broke the news about alleged illegal deals involving a Cabinet secretary, the national press came in, but local advertisers took a hike out.

We have a combined staff on both our papers of 21 full- and part-time employees headed by my mother, Bettie, a University

of Chicago philosophy grad, and my dad. They are co-publishers.

The Republic has had three news editors in the past 35 years. For the past two years, Marilyn Woelke, a former high school English teacher, has been at the news desk. Three years earlier, my sister, Jane, now studying in a United Church of Christ seminary, was news editor. Before that, Helen Foote handled news editing for 30 years, although she had no formal journalism training. What Helen had was that most important asset of a small-town editor—knowledge of names: who people are, how to spell their names right even if their own relatives cannot. Helen knew the detailed relationships of practically everyone in town. She knew who was married to whom (invaluable, as the phone directory does not give the names of married women). A weekly newspaper is made up of names—names in honor rolls, meetings, births, deaths and box scores.

My father graduated from the University of Iowa Journalism School in 1929, after a career as a U. of I. wrestler, Daily Iowan night editor and instigator of the burning of the homecoming corn monument. For months after graduation, the country was in the Great Depression. On his first job at the weekly Morrison (Illinois) Sentinel, wages were cut from $25 to $18. He did not buy his first car, a '29 Chevy, until 1931.

Even today, reporters will not get rich on weekly newspapers. While entry level reporters for the daily newspapers in our area earn $12,000 to $13,000 a year, weekly reporters are receiving thousands less. If it is money you want, become a pressman.

A college education does not mean a reporter on a weekly gets a higher salary. It means the weekly publisher thinks he will be hiring a better qualified employee. Being a reporter means answering the phone, waiting on customers, soliciting ads and talking to grumpy people at night after you have just fallen asleep.

"Reporting" means writing up church notes and meetings of the Mothers of World War II (never use War Mothers in a headline, even though it fits better). Reporting means deciphering illegible handwriting on 4-H club news (almost nobody types), translating abbreviations on baketball score sheets, figuring out the difference between a fall and a pin in wrestling (they are essentially the same) and trying to figure out what the bride's mother wore from a wedding form sheet stained with punch.

People are what make editing a small-town newspaper such a rich experience—the readers who want to renew their "prescriptions"; and farmers who slide their checks across the counter to be filled out and signed (be careful not to sign your own name) and the people who call up to find out when the band concerts begin, the time of the paper drive or the date of Pearl Harbor ("It was in 1941, really? You're sure?").

Our employees add to the richness. An elderly reader came in to ask why her paper had stopped coming and was told by a secretary, "I'm sorry, but your card is in the dead file." To which the reader replied: "Oh, no. That's my brother." Once our bookkeeper was talking to a widow about an error in her husband's obit: "I'll get this right if it's the last thing I do," she sighed.

We have had our share of scoops. And although scoops to a small-town newspaper are few and only important locally, we still cherish them.

We broke the story when Illinois Northern Utilities pulled out of Geneseo after a protracted, bitter battle with the city-owned Municipal Utilities. We beat our competition, the daily newspapers in Rock Island, Moline and Davenport, when the longtime hospital administrator retired, when the two funeral homes in town merged and when city council members decided to repeal the farm implement tax.

President Reagan's hometown newspaper, the Tampico Tornado, which started publishing again a couple of years ago and combined with the Prophetstown Echo, scooped the whole country with a letter from the president's mother mentioning Reagan's heart condition. The White House denied the story. Weeklies do not often get to tweak the nose of the White House. Sometimes our congressmen, state legislators and candidates for all sorts of offices stop in to introduce themselves. Many of them even pay their advertising bills, Ed Clarke, the Libertarian candidate for president, dropped by Jimmy Carter did not. Neither did Reagan.

I would wager that small-town editors receive more anonymous criticisms by phone and mail per capita than bigger papers. We are a "known" target. And we don't receive much public praise. I don't see many Pulitzer Prizes being awarded weekly newspapers. A California weekly won one a few years ago, and the attention that got shows how rare recognition is for weeklies.

The Illinois Press Association sponsors annual awards and we were fortunate that my stories in the Geneseo Republic on the school board strike won firsts for Best News Story and Best School Board Coverage in 1982. The Republic has also won lesser prizes for photography and local editorials over the past several years.

You have to make concessions in a small town. There is no symbiotic relationship between The Press and the newsmaker in which the latter needs the reporter as much as the reverse.

If the primary subject of a news story wants to read the article (for example, a feature on his life or his new business) before deadline, I will let him. It is not prior restraint or censorship. It is neighborly. He has to come to the Republic at a certain time and read it at my convenience. More often than not, he will not show up. The mere offer is often enough to dispel worries about accuracy.

It is harder to maintain strict, inviolable journalistic principles in a small town. That makes adhering to them under extradordinary circumstances all the more remarkable, more remarkable than when a reporter for a big city daily risks prison to protect a source. He has the New York Times or Chicago Tribune behind him. Small-town editors only have their wives (weeklies are still mostly a male world), family and possibly a few readers. Jail is a cold and unattractive prospect if you are not a cause celebre and if your cell is not warmed by the klieg lights of television.

I have declined to name sources on a couple of occasions. Once a customer ran a series of clever classified ads that the police thought might be a code for a drug ring or a stolen auto ring. I assured them the ads were harmless. But they really wanted to talk to the author.

My only First Amendment fight is whether my high school photographer will be barred from basketball games after passing nude photos around a classroom. (He will not be). I like the First Amendment and Freedom of the Press; they meant I could keep our thermostat at 75 degrees during the energy crunch, despite what the government requested me to do, and keep our secretaries happy.

Our labor relations are more prosaic than those of the big dailies: "I have to get off ten minutes early to borrow money for a car"; "I broke my neighbor's jaw yesterday. The police might stop in" or I'm on flood watch tonight. I might be late in the morning." Ours are personal, not personnel, problems, problems handled between friends. Usually.

Denny, a Linotype operator, kicked his machine in anger one day after it broke and stalked out the door. We never saw him again. Two years later, he used us as a job reference. Another printer, who claimed to know Katharine Graham of the Washington Post, was fired because we didn't like his work. Before he left, he smeared printer's ink under everything black in the place. We had dirty hands for six months.

A foreman once leapt over a table and nearly strangled to death another printer who got on his nerves (he got on everyone's nerves). We fired the foreman; the other man quit two weeks later. A pressman used to throw 75-pound mail sacks at me during summer vacation because "you're the boss' kid and I'm here to teach ya the three ways to do it: the right way, the wrong way and my way." He is now pouring cement.

Printers are increasingly hard to find as Linotypes disappear and computer typesetting replaces highly skilled workers with easily trainable ones. When we hired a new printer a couple of years ago, we advertised in three states and got one reply. We moved him here. He bought a house and settled in. Within a month, we could tell he wasn't going to work out but we kept him on because we felt responsible for uprooting him. After he had been here a year, he asked for a pay raise and Dad told him, "We just don't think you've earned it." Generally, those people who don't deserve raises are the ones who have to ask for one. The man gave us two week's notice.

We once hired a reporter, fresh out of college with a minor in journalism, only to find out that he could not type. We now put typing ability on our employment applications.

There are 800 daily, biweekly, weekly and monthly newspapers in Illinois. In the past two years, only the papers of the weekly Addison Leader group in suburban Chicago went out of business. A weekly was started in the past year in Murphysboro in southern Illinois. The community press is stable; closings are unusual.

A continuing, though not accelerating, trend among weeklies is group ownership—not precisely chains in the national sense. Spiraling production costs have forced owners to combine printing facilities with other publishers at a central plant. When one publisher retires, dies or burns out, the operator of the central plant is in a good position to buy the paper. As the group enlarges, it actively seeks other small newspapers to acquire. A press for a paper our size now costs $250,000, so it is impossible to start a new paper unless you already have one. There are no Reverend Moons on the weekly scene. The only feasible, profitable alternative is to combine under one owner or at one printing plant.

The 800 Illinois newspapers are owned by 400 firms, ranging from two-paper owners like us to 50-newspaper combines to hundreds of individually owned newspapers. Most consolidations are geographically close

to their flagship paper, not strung out across the state or into other states.

The federal inheritance tax reform bill has helped the family newspaper business as well as the family farm. When the owner dies, the newspaper now does not have to be sold. The complaint about homogenized, watereddown editorial voices now leveled at large daily chains will not, we hope, be leveled anytime soon at weekly newspapers.

There has been much regret within the press over the closing of metropolitan dailies like the Washington Star and the Philadelphia Bulletin. But those newspaper failures have helped our weeklies. They have caused the newsprint shortage to disappear. In fact, there is a glut of newsprint, so the price is now stable. One newsprint company even announced a $50 per metric ton rollback recently. There has also been much worry that certain cities, like Chicago, could become one-newspaper towns, a worry I consider ludicrous. There are 200 newspaper in Cook County. The kind and size of newspapers may change, but the newspaper industry will not disappear—particularly on the weekly level. Weeklies can focus their coverage and be responsive to changing local situations. Major dailies cannot.

Newpapers are fighting a challenge from free-distribution "shoppers" and direct-mail catalogs as well as by TV and radio, but we have joined the challenge. Our Republic publishes The Shopper, a free-circulation publication my dad started in 1938 amid a chorus of derisive laughter from other weekly owners in Illinois. They are not laughing anymore. They are worried. Weeklies tend to attract the more affluent, better informed reader that appeals to advertisers. In our case, the greatest chunk of our advertising goes into The Shopper (the ad rate is $369.60 a broad sheet page), which we distribute to 11,700 homes in our area. In effect, it subsidizes the Republic and Chronicle, although they carry some ads and legal notices.

The revolution in newspaper technology arrived at the weeklies and trickled up. Some dailies are just now converting to offset and phototypesetting, which some weeklies have had for decades. We bought our Goss Community press (four units, 16-page capacity at 10,000 issues an hour) in 1965, the first offset press in western Illinois. Our phototypesetting machines were installed in 1971.

A small newspaper like ours can convert easiler and less expensively to a new system. We did not have to convert all at once, and our labor force did not oppose the change. There is no padding on our payroll; a weekly's slim profit margin would not allow it. And we have a mix of old and new technology. If the old is still doing the job, we keep it.

We still use typewriters, manual typewriters. You have to order them from West Germany and wait half a year for them to come. We retired our old, 4x5 Speed Graphic camera only a few years ago. We do not have computer typsetting, and pagination may never reach the Republic and the Chronicle. Those systems are expensive, and people they would replace on a weekly can do the same thing cheaper. Computers for subscription lists and billings are just beginning to make a dent in the weekly press.

We still have one temperamental Linotype, which we use for funeral cards and postals because it is still more economical to set them in hot metal.

The Chronicle has a 1,450 circulation in Cambridge, a town of roughly 2,000 inhabitants, and represents a higher percentage readership than the Republic's 3,450 readers in Geneseo, a town of 6,000.

Geneseo is covered by the Rock Island, Moline and Davenport dailies with twice as many reporters as we have, and by three TV stations from those cities. Cambridge is not (although two of the dailies have one-woman staffs there). Cambridge residents want what those big dailies are not providing—news of their town—and to them the Chronicle is the only game in town.

Despite the tiny size of the Republic and Chronicle, we are considered competition by the daily Rock Island, Moline and Davenport newspapers. One referred to us only as "a Cambridge newspaper" after we broke a story on Hmong tribesmen moving to our town. I have noticed that the L.A. Times is always quoted by its name.

One of the Illinois dailies scooped my dad on the news of his engagement, ignoring a release date set by my grandmother. Once, an Illinois TV station asked our Chronicle editor to phone him with "anything of interest" that happened in Cambridge and promised to give us the reciprocal courtesy. Sure.

I am a small-town newspaperman. It's a good word, newspaperman—or newspaperwoman—and it's a pity it is not used much anymore. Journalist is not really what I am. It seems a bit pretentious. I am a newspaperman. I work at an old green metal desk with a glass top in a room with paneling used on railroad cars 60 years ago. The floors are wood, concrete and linoleum and there is the smell and feel of ink everywhere. Weekly newspapers survive because there is an unfailing pleasure in seeing your name, your child's name, your photograph or your child's photograph in print, to look at again, to clip and save.●

THE FIRST AMERICAN GATHERING OF JEWISH HOLOCAUST SURVIVORS

HON. CHARLES ROSE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. ROSE. Mr. Speaker, I am honored to participate in the special order commemorating the first Gathering of the American Jewish Holocaust Survivors, held from April 11-14 in Washington, D.C.

On April 19, 1983, we will celebrate the 40th anniversary of the Warsaw ghetto uprising. This event, recognized this week by the Gathering of the Jewish Holocaust Survivors, marked a day in history on which the indomitable human spirit prevailed. The resistance movement illustrated perseverance and courage in the face of heinous atrocities. This event underscored the importance not only of human life, but also of human liberty.

The lessons we learn from the Jewish Holocaust survivors are many. We learn the necessity of great faith during life's darkest hours. We learn of the power of endurance, survival, and eventual triumph in the face of seemingly insurmountable obstacles. Finally, we learn that there is no place in our world for apathy, for we will never, never let this deep scar on human history happen again.

I commend all who have come to Washington this week for their unabating efforts in reminding all of us of the fragility of our life and liberty, and renewing our vigor in the pursuit of life and liberty for all around the world.●